

PLANNING AND ZONING BOARD MINUTRS
THURSDAY, OCTOBER 20, 2022 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

PRESENT: Chairman, Jeb Bittner; Members: Theodore Perry, Robin Pelensky and Jeff Stassi
Also Present: Planning and Development Director, Jason Jeffries; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

Excused Absences: Jose Prieto and Elliese Shaughnessy

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 18, 2022

Mr. Stassi made a motion to approve the minutes of the August 18, 2022 Planning and Zoning Board meeting. Mr. Perry seconded the motion and it passed unanimously.

III. PUBLIC COMMENT

None

IV. DISCUSSIONS

Mr. Jason Jeffries, Planning Director, reported the Chairman of the Tree and Beautification Commission requested a joint workshop meeting with the Planning and Zoning Board regarding the proposed Landscaping Ordinance and the proposed Tree and Palm Protection Ordinance. He noted that they have all been working on these Ordinances for over two (2) years. He then went over the timeline listed in staff's report with the Board members (on file in the City Clerk's office). He said if they were to hold a workshop meeting, it would not be for the approval of the Ordinances so they would have to start the formal process after that meeting as described under Chapter 65 of the Code. He said staff has already sent out the public notice that these Ordinances would be heard by the Planning and Zoning Board on November 3, 2022.

Mr. Perry felt that they were at the finish line and it seemed like they were ready to make these changes at their November meeting.

Mrs. Pelensky questioned haven't they already heard from the Commission.

Mr. Bittner answered yes. He said they started working on these over two (2) year ago and staff has done a champion job of incorporating as much as possible from the deliberations of the different parties.

Mr. Bittner made a motion that the Board deny the request. Mr. Perry seconded the motion and it passed unanimously.

A. Proposed Landscaping Ordinance

Mr. Jeffries gave a brief overview of the proposed Landscaping Ordinance accompanied by a Power Point presentation (attached to the original minutes). He referred to page 17, line 11, of the proposed Ordinance. He reported that the first sentence, “*Shrubs shall be a minimum of two feet high at the time of planting*” would be deleted because there could be different types of shrubs within a landscaped area.

Mrs. Pelensky referred to page 17, line 2, where it states that all plant material shall satisfy the requirements of Florida grade number 1. She said the Board previously discussed that in some cases when putting in a Florida native tree, it is almost better not to have a Florida grade number 1.

Mr. Jeffries said that he would add the word “or” and include an additional resource. He noted that the Planning Director would have the authority to waive a technical requirement.

Mr. Bittner said they would take public comments for items IV-A) and IV-B) after item IV-B) is heard.

B. Proposed Tree and Palm Protection Ordinance

Mr. Jeffries gave a brief overview of the proposed Tree and Palm Protection Ordinance accompanied by a Power Point presentation (attached to the original minutes).

Mrs. Pelensky questioned the chart showing the minimum penalties located on page 20 of the proposed Ordinance.

Mr. Jeffries said the chart shows the minimum fees. If someone was to cut down a large tree without a permit they would have a penalty, plus double mitigation fees.

Mrs. Pelensky questioned if they needed it. She did not feel good about having the dollar amount.

Mr. Jeffries said that he would look at this again and possibly get rid of the chart all together and just clarify that it would be double mitigation.

The Chairman opened public comments for items IV-A) and IV-B) at 1:54 p.m.

Dr. Richard Baker, President of the Pelican Island Audubon Society, complimented City staff and the City Council for replacing all the grass around City Hall. He said they didn’t plant all native plants, but it was a great start. He said that he would like the Ordinance changed to allow for 10 to 20% sod in people’s yards rather than 50%. He said the sod is ruining the environment with all the fertilizer and pesticides that are used. He would like to see a limit to new turf grass, which requires a lot of watering during the drought periods. He would encourage 80% of native plants, which does not require a lot of watering. He felt that they should also eliminate cypress mulch because it is not good for the environment. He said they could use pine bark or pine straw.

Mr. Jeffries reported that the maximum lawn grass in a landscaped area is 25%.

Mrs. Linda Moore echoed Dr. Baker. She said that she also likes what was done around City Hall.

She said that she is in the process of getting rid of all her grass. She asked if there was a way to incentivize new construction to have zero grass yards with native plants. She said just recommending that people do it a certain way was probably not going to be as effective as if there was some kind of incentive.

Mrs. Katherine Booth said it was good to hear about the changes that are being made that are really going to help protect and restore the Lagoon. She referred to the section of the Ordinance regarding swales. She said it specifically states sod and she questioned if they could also include planting native plants. She said the only historic tree noted in the Ordinance is the Southern Live Oak Tree and she would like that Laurel Oak Trees be included as a historic tree. She said it states in the Ordinance that a permit is not required to remove Palm Trees of 12-feet or greater in height.

Mr. Jeffries said a permit is required.

Mr. Bittner asked Mrs. Booth to provide Mr. Jeffries with a list of items that she would like clarified rather than going through them one at a time during today's discussion.

C. Lagoon and Beach Protection

Mr. Jeffries gave a brief overview of the proposed Ordinance on Lagoon and Beach protection accompanied by a Power Point presentation (attached to the original minutes).

Mrs. Pelensky said some of her clients do not want sod in their swales, especially those whose property is on a dune.

Mr. Matt Mitts, Public Works Director, said from a technical perspective whatever makes a swale function staff can review. He said that he did not know about the language that is in the proposed Ordinance, but it is something they could look at if it is a concern of the Board.

Mr. Jeffries said that he would also look at the language. He noted that the standards for the swales defers to the stormwater rules.

Mr. Mitts explained that the swale needs to be stabilized by something. It is meant to be a conveyance for stormwater flood protection. He said this is something that staff could look into.

Mrs. Danessa Chambers, Assistant City Engineer, reported that stormwater has two (2) components, flood protection and water quality. Swales are conveyances to give flood protection to make sure that everything is getting to the drainage systems and not running on site.

The Chairman opened public comments at 2:20 p.m.

Mrs. Linda Moore asked if the 10-foot buffer zone is just for new construction and not for people who currently have grass going down to the Lagoon.

Mr. Jeffries answered generally. However, if someone was improving their property, such as putting in an addition that would trigger a site plan and they would have to come into compliance.

D. Permitted Uses in Commercial Districts

This item was not discussed.

E. Right-of-Way Parking in Residential Districts

Mr. Mitts reported that he was bringing this item before the Board today because they were having issues on parking and plantings in the right-of-way and he would like the Board's feedback on whether or not he was on target. He then gave a Power Point presentation on On-Street Parking and Planting in the Right-of-Way for Residential Districts (attached to the original minutes).

Mrs. Pelensky referred to the slide, Proposed Solution – French Drain Permeable Parking. She said they are proposing 57 stone gravel. She said that she could see someone wanting stabilized grass, pervious pavers, etc.

Mr. Mitts explained that the issue with that is if the City does work in the future he could not guarantee that they could replace the pavers, etc.

Mr. Stassi asked wouldn't it be a problem keeping the rock out of the streets or sidewalks.

Mr. Mitts said that is the reason why he was specifying 57 stone. He explained that they are big, heavy angular pieces of rock that interlock into each other.

Mr. Bittner felt that this was a bad idea. He said this would act as a captive barrier with weeds and grass growing in it. He felt aesthetically this would look like a mishmash with one place having rock and another not having rock. Also, if they went to an alternative they would have several different systems along a street. He said that he doesn't have anything against using native plants in the right-of-way. He said that he likes the current system that there is no parking in the right-of-way.

Mr. Mitts said that he was looking for direction from the Board. He said that he could leave this alone or take the Board's comments and bring it back.

Mr. Bittner said that he was not against native plants being placed in the right-of-way. If they want to plant something in the right-of-way that doesn't take much irrigation or fertilizer he was all for it. He noted that whatever they plant would have to be traffic barring because people are going to pull up on it.

The Chairman opened public comments at 2:47 p.m.

Dr. Baker said that Frog Fruit was a great ground cover. He felt that using native plants would be much better than using rocks.

V. PLANNING DEPARTMENT MATTERS

None

VI. BOARD MEMBERS' MATTERS

None

VII. ADJOURNMENT

Today's meeting adjourned at 2:51 p.m.

/sp