

**PLANNING AND ZONING BOARD MINUTES
THURSDAY, NOVEMBER 4, 2021 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Chairman, Steven Lauer; Vice Chairman, Robin Pelensky; Members: Jeb Bittner, Jose Prieto, Theodore Perry and Alternate Member #2, Elliese Shaghnessy **Also Present:** Planning and Development Director, Jason Jeffries; Senior Planner, Gayle Lafferty; Principal Planner, Cheri Fitzgerald; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

Excused Absence: Richard Cahoy

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 – October 7, 2021

Mr. Prieto made a motion to approve the minutes of the October 7, 2021 Planning and Zoning Board meeting. Mr. Perry seconded the motion and it passed unanimously.

III. PUBLIC COMMENT

None

IV. PUBLIC HEARINGS

[Quasi-Judicial]

A. Site Plan Application Submitted by Schulke, Bittle & Stoddard, LLC for the Construction of Fifteen Townhomes and One Six-Unit Condominium Located at 805 45th Place East (#SP21-000002)

The Chairman read Site Plan Application #SP21-000002 submitted by Schulke, Bittle, and Stoddard, LLC by title only.

There were no ex parte communications reported.

The Chairman noted that all diagrams, photographs and other exhibits referred to during testimony for the Board to consider must be marked for identification and kept by the City Clerk.

Mr. Jason Jeffries, Planning and Development Director, said in terms of exhibits, he handed out to the Board members a copy of the landscape plan, which was not included in their backup material (marked as Exhibit A, attached to the original minutes).

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

Mr. Jeffries and Ms. Gayle Lafferty, Senior Planner, went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes). Staff finds that the site plan application meets the provisions for site plan approval and recommends approval as outlined in the staff report.

Mr. Bittner assumed that the stairs shown on the lower left hand corner of the top elevation on the floor plans leads to the roof of the building.

Mr. Yane Zana, of Indigo Vero LLC, who has been sworn in, said the stairs would be the access to the rooftop. He stated that there would be a generator and two (2) air-conditioning units, which is shown on the roof plan.

Mr. Bittner explained that the reason he questioned this was because it seemed that there was a lot of real estate to give up just for access to the air-conditioning units. He felt that it would be tempting for someone to put a lounge chair up there.

Mr. Zana said it is not meant to be habitable.

Mr. Jeffries explained that if the Board chooses, they could put a condition on the development order.

Mr. Bittner said that it looks tempting to him so he felt that they should put in a condition that it is not habitable space and that it is purely for mechanical equipment.

The Chairman opened and closed the public hearing at 1:56 p.m., with no one wishing to be heard.

Mr. Jeffries stated that most of the conditions listed in their staff report are standard construction conditions. However, they still have an outstanding issue where they need to revise their site plan to show a 20' easement for City utilities. He asked that the Board makes this part of their motion.

Mr. Bittner made a motion for approval of the applicant's presentation including the conditions of staff and an additional condition that the roof space be clearly marked as mechanical access only and not for habitable personal use or storage in the development order based on competent substantial evidence and that the development order would not be put in place until correction of the site plan to show a 20' utility easement. Mr. Prieto seconded the motion and it passed 5-0 with Mr. Perry voting yes, Mr. Prieto yes, Mr. Bittner yes, Mrs. Pelensky yes and Mr. Lauer yes.

[Legislative]

- B. An Ordinance of the City of Vero Beach, Florida Amending the Text of Chapter 1, Overview of Policy Document; Chapter 2, Land Use Element, Goal, Objectives, and Policies; and Adding Chapter 11, Property Rights Element, Goal, Objectives, and Policies; Providing for Conflict and Severability; Providing for an Effective Date (#C21-000002-CLP-TXT).**

The Chairman read the Ordinance by title only.

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 that the Board recommends approval of the Ordinance to the City Council.

The Chairman opened and closed the public hearing at 2:08 p.m., with no one wishing to be heard.

Mr. Prieto made a motion to approve the Ordinance amending the text of Chapter 1, Overview of Policy Document; Chapter 2, Land Use Element, Goal, Objectives, and Policies; and adding Chapter 11, Property Rights Element, Goal, Objectives, and Policies; providing for an effective date. Mr. Perry seconded the motion and it passed 5-0 with Mr. Perry voting yes, Mr. Prieto yes, Mr. Bittner yes, Mrs. Pelensky yes and Mr. Lauer yes.

[Legislative]

- C. An Ordinance of the City of Vero Beach, Florida Amending the Text of Chapter 2, Land Use Element, Goal, Objectives, and Policies; Adding to Policy 1.18, Table 2-2, the Cultural Arts Village Zoning District; Providing for Conflict and Severability; Providing for an Effective Date (#C21-000001-CLP-TXT).**

The Chairman 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 that the Board recommends approval of the Ordinance to the City Council.

The Chairman opened and closed the public hearing at 2:12 p.m., with no one wishing to be heard.

Mrs. Pelensky made a motion to approve the Ordinance to amend the Text of the Comprehensive Plan, Land Use Element, Policy 1.18, Table 2-2, to add the Cultural Arts Village Zoning District. Mr. Prieto seconded the motion and it passed 5-0 with Mr. Perry voting yes, Mr. Prieto yes, Mr. Bittner yes, Mrs. Pelensky yes and Mr. Lauer yes.

[Legislative]

- D. An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by Restructuring and Amending Chapter 71 to Revise Chapter Heading to be Entitled "Development Standards"; Deleting Existing Article II, Construction and Article III, Street Names and House Numbering; Amending Article I, in General Relating to American Disabilities Act, Definitions and Encroachments; Creating a New Chapter 71, Article II, Mobility and Access; Providing for Codification; Providing for Conflict and Severability; Providing for Correction of Scrivener's Errors; and Providing for an Effective Date (#Z21-000014-TXT)**

The Chairman read the Ordinance by title only.

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

The Chairman opened and closed the public hearing at 2:28 p.m., with no one wishing to be heard.

Mr. Perry made a motion to approve the Ordinance amending the Land Development Regulations by restructuring and amending Chapter 71 to revise Chapter Heading to be entitled "Development Standards"; deleting existing Article II, Construction and Article III, Street Names and House Numbering; amending Article I, in general relating to American Disabilities Act, Definitions and Encroachments; creating a new Chapter 71, Article II,

Mobility and Access. Mr. Prieto seconded the motion and it passed 5-0 with Mr. Perry voting yes, Mr. Prieto yes, Mr. Bittner yes, Mrs. Pelensky yes and Mr. Lauer yes.

V. PLANNING DEPARTMENT MATTERS

Mr. Jeffries reported that their next meeting would be held on Thursday, November 18, 2021, at 1:30 p.m.

VI. BOARD MEMBERS' MATTERS

None

VII. ADJOURNMENT

Today's meeting adjourned at 2:34 p.m.

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