

**PLANNING AND ZONING BOARD MINUTES  
THURSDAY, JULY 7, 2016 - 1:30 PM  
COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA**

**PRESENT:** Chairman, Lawrence Lauffer; Vice Chairman, Honey Minuse; Member, Linda Hillman, Alternate Member #1, Richard Cahoy and Alternate Member #2, Ken Daige **Also Present:** Planning and Development Director, Tim McGarry; Planner, Gayle Lafferty; Project Manager, Cheri Fitzgerald; Assistant City Attorney, Peggy Lyon and Deputy City Clerk, Sherri Philo

**Excused Absences:** Don Croteau and Norman Wells

**I. PRELIMINARY MATTERS**

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

Ms. Sherri Philo, Deputy City Clerk, pulled item IV-C - Variance Application #V16-000004 from today's agenda.

Mr. Tim McGarry, Planning and Development Director, explained that staff would be discussing with the Board how staff would like to approach this after they discuss the site plan (Item IV - B on today's agenda).

**II. APPROVAL OF MINUTES**

**B. Regular Meeting – April 21, 2016**

**Mrs. Minuse made a motion to approve the minutes of the April 21, 2016 Planning and Zoning Board meeting. Mrs. Hillman seconded the motion and it passed unanimously.**

**III. PUBLIC COMMENT**

None

**IV. PUBLIC HEARING**

[Quasi-Judicial]

**A. Site Plan Application Submitted by ABC Liquor, Inc., to Construct a Two-Story 13,982 Square Foot Retail Building and Reconfigure Parking Located at 600 21<sup>st</sup> Street (#SP16-000002).**

The Chairman read Site Plan Application #SP16-000002 for the property located at 600 21<sup>st</sup> Street by title only.

Mrs. Minuse noted for the record that she is very familiar with this area. She reported that she did attend the neighborhood meeting, but did not speak. She noted that there were no other Board members present for the meeting.

There was no other ex parte communication reported.

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

Ms. Gayle Laferty, Planner, went over staff's report with the Board members (attached to the original minutes). Based on the analysis and findings, staff finds that the proposed site plan application meets the provisions for site plan approval and recommends approval of the site plan subject to the conditions listed in staff's report.

Mr. Russ Galbraith, Civil Engineer, reported that he was present for today's hearing representing the applicant. He said that they agree with staff's recommendations and conditions.

Mr. Cahoy questioned the ingress/egress plan. He asked what affect it would have on the rest of the shopping center, particularly with the bank.

Mr. Galbraith said there are no proposed changes to the existing driveways of the Miracle Mile Plaza. He reported that the development would be along the side of the bank and would not change the bank's isles or their drive-thru.

Mr. Cahoy asked if what he was saying is that it won't discourage people to exit through the bank's parking lot.

Mr. Galbraith said it would not affect the driveway from the bank to 6<sup>th</sup> Avenue.

Mr. Cahoy said then they can expect traffic going through the bank's parking lot as it does today.

Mr. Galbraith said that is correct. It would not change the circulation pattern of the bank or the exit onto 6<sup>th</sup> Avenue.

Mr. Daige asked what will be the overall height of the building from the crown of the road to the top of the building.

Ms. Lafferty answered 32 feet. She noted that the total height they are allowed is 50 feet.

The Chairman opened and closed the public hearing at 1:50 p.m., with no one wishing to speak.

**Mrs. Minuse made a motion that the Planning and Zoning Board approves Site Plan Application #SP16-000002 as recommended by staff. Mrs. Hillman seconded the motion and it passed 5-0 with Mr. Daige voting yes, Mr. Cahoy yes, Mrs. Hillman yes, Mrs. Minuse yes and Mr. Lauffer yes.**

[Quasi-Judicial]

**B. Site Plan Application Submitted by Mills Short & Associates to Construct a 12,255 Square Foot Storage Facility for the Indian River Rowing Club Located at 310 Acacia Road (#MA16-000007).**

\*Please note that this discussion took place throughout staff's presentation.

The Chairman read Site Plan Application #MA16-000007 for the property located at 310 Acacia Road by title only.

Mr. Lauffer said that he has been following along with this project and is in support of it.

There was no other ex parte communication reported.

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

Mrs. Cheri Fitzgerald, Project Manager, went over staff's report with the Board members (attached to the original minutes). She showed on the screen an aerial view of where the storage facility would be located (attached to the original minutes).

Mr. Daige asked is this the area that the Indian River Rowing Club is leasing.

Mr. McGarry explained that the leasehold is larger than the area where the storage facility would be located.

Mrs. Peggy Lyon, Assistant City Attorney, showed the Commission members a sketch of the leased property description of the Indian River Rowing Club (attached to the original minutes).

Mrs. Fitzgerald said based on the analysis and findings, staff finds that the proposed site plan application, exclusive of the proposed height of the chain-link fence, meets the provisions for site plan approval and recommends approval of the site plan to the City Council subject to the conditions listed in staff's report. She said item four (4) of staff's findings and recommendations addresses the maximum height of the fence (variance application pulled from today's agenda) and staff is replacing the verbiage of item four (4) to the following, *the applicant will revise the site plan subject to City Council authorization of the fence height*. She explained that the City Council would be reviewing the fence height at their meeting on Tuesday, July 12, 2016 at the request of staff as to changing the Code.

Mr. McGarry explained that staff is asking the Board to adopt the site plan as proposed with a four-foot fence with the understanding that they are going to request the City Council to change the Code in the P2 zoning to allow more flexibility. He said that currently they could not approve the variance because it would not meet the requirements of a variance.

Mrs. Minuse questioned that they would be filling in some wetlands, but there is no mitigation was required.

Mr. McGarry did not think they had much value.

Mr. Lauffer said then wetlands have value if it is on private property, but has no value on public property. He asked if he was accurate that there were two (2) standards.

Mr. McGarry suggested that they wait and speak to the applicant about it. He did not think they had functional value.

Mr. Daige asked how many storage containers would be located on the site.

Mrs. Fitzgerald answered one.

Mr. Daige asked would they have to come back for approval if they wanted to add more storage containers.

Mrs. Fitzgerald answered yes. She noted that because it is part of their lease, they would need City Council approval.

Mr. Daige said if he understands it correctly they are allowed to have a six-foot high fence on three sides of the site because the Code allows it.

Mrs. Fitzgerald said that is correct.

Mr. Daige asked what is the length of the fence.

Mrs. Fitzgerald showed on the map where the proposed fence would be located.

Mr. Lauffer asked would there be one gate.

Mrs. Fitzgerald said there would be three gates. She showed the area where a six-foot fence is allowed. She said the area parallel to the street can only have a chain link fence as high as four-feet.

Mr. Daige said they would be requesting a Code change in order to have a six-foot fence in that area so the fence would be the same height all the way around their site.

Mrs. Fitzgerald said that is correct.

Mr. Daige asked is there anything in the Code regarding placing signage on the fence, such as no trespassing.

Mrs. Fitzgerald said that she was not aware of anything in the Code, but there could be something in their lease agreement.

Mrs. Lyon read from the Code *“the dock lease area portion of the premises as depicted in Exhibit B shall be open to the public without charge when not in use by the tenant.”* She did not see anything regarding the storage area.

Mr. Daige said then if they want to put up signs they have that right.

Mr. McGarry noted that the City Council would have to be okay with it and it would have to meet the City’s Code.

Mrs. Minuse asked would there be a provision for waste disposal on the site.

Mrs. Fitzgerald answered no.

Mr. Cahoy asked why not. He said this is going to be an active site with lots of people.

Mrs. Lyon read from the lease, *“licensee may install signs on the premises subject to written approval by the City and in conformance with the City Sign Ordinance and all other applicable Codes, Ordinances, laws, and regulations.”* The lease also states that if a storm is coming they have to remove all personal property and tie everything down. There is also a general maintenance and repairs provision that they have to keep it in good repair, safe, clean, secure, sanitary, and in presentable condition. She felt that this provision covers trash on the site.

Mr. Daige said if trash is on the site it is a concern of the Board and they could make a recommendation to the City Council.

Mr. Lauffer noted that if they are not taking care of the property the City has the right as the landlord to enforce the cleanup of the property. Also, if they are using the facility you would think they would take care of it.

Mr. Cahoy asked why wasn't there a provision made for this. He said there are only two (2) or three (3) trash receptacles on the entire Park site, which would not be adequate.

Mrs. Minuse felt that the site plan was coming together nicely. She did have a concern with the road they would be crossing. She asked is there any way they could ensure safe crossing.

Mr. McGarry thought there was a crosswalk as well as signage to slow traffic. He didn't think there was much traffic on that road.

Mr. Cahoy asked how can they rationalize having two (2) parking places for the entire site.

Mr. McGarry said it is for outdoor recreation and the size of the site only requires two (2) parking spaces.

Mr. Cahoy said the reason that he brought this up was because there is a parking issue at the Dog Park.

Mr. Daige said the City Council approved the lease and are very well aware of what is going on at the Park. He said from what he could see this site plan is in compliance. He felt that the trash issue should be forwarded to the City Council for them to look at.

Mrs. Lyon read from the lease under Environmental Restrictions, *"Tenants shall be solely responsible at its own expense for regular removal and disposal of all refuse, garbage, debris, trash, and other discarded materials and shall not allow an accumulation thereof on in/or adjacent to the premises."*

Mr. Wesley Mills, of Mills, Short, and Associates, reported that the entrance into the site is not a crushed stone entrance, but a paver system that allows sod to grow through it, which makes it more heavy duty than regular sod. He reported that there would be trash containers in the storage area behind the landscaping hedge so it would be screened.

Mr. Cahoy said the trash receptacles are not shown on the plan.

Mr. Mills said they are not shown on the plan, but they could add them to it.

Mr. Cahoy said that he would like them shown on the plan.

Mr. Daige asked how many trash cans do they currently have on site.

Mr. Mills answered one.

Mr. Daige asked would the garbage people enter the access gate to empty the trash and bring it to the truck.

Mr. Todd Young, President of the Indian River Rowing Club, said there will be one small trash can, which they would take care of themselves and one recycle bin, which will be on the regular recycling schedule to be picked up.

Mr. Daige asked would they be allowing the people who belong to the Club to park on site.

Mr. Young said there would not be enough room for anyone to park inside the fence.

Mr. Mills said their initial plan did include speed bumps. However, staff felt that signage and stripping was a better way of calming traffic.

Mr. Daige asked would the Rowing Club be paying for the signage and stripping.

Mr. Mills answered yes.

Mrs. Hillman asked would any trees be removed.

Mr. Mills said they would be removing several Palm Trees and they have accounted for mitigation. They prepared the site plan in a way to work around the existing Oak Trees so none of them would need to be removed.

Mr. Daige asked how much time would it be before they move into the next phase.

Mr. Mills said the second phase is currently under design. He said they did have an onsite meeting with St. John's Water Management District (SJWMD) to look at the wetlands and SJWMD determined no mitigation was required. However, the City Engineering Department found some old records that showed some portion of the roadway drains into that swale. But, at a later date the City tied pipes into the catch basin in order to discharge into the Lagoon. He said it no longer functions as retention. Their plan right now does account for mitigation of those wetlands.

Mr. Daige asked what do they think the amount of car traffic would be.

Mr. Gary Marra, Director of Rowing, said their largest traffic flow is from their youth team, which generally consists of a peak of 10-minutes where parents drop off their children. The only ones who tend to stick around are the upper classmen, which is a small portion of their group. He reported that early in the mornings they have three (3) or four (4) adults who park their cars and row.

Mr. Daige said then there wouldn't be very many cars parking in the area.

Mr. Marra said parking would be minimal.

Mr. Daige asked what type of lighting fixtures would they be using.

Mr. Mills said they would be the typical overhead security lighting. He said they have not selected the model, but they would be similar to the roadway lighting that is currently on site.

The Chairman opened and closed the public hearing at 2:47 p.m., with no one wishing to be heard.

Mrs. Minuse felt that their concerns were addressed in the lease.

**Mrs. Minuse made a motion to approve the site plan application. Mrs. Hillman seconded the motion and it passed 5-0 with Mr. Daige voting yes, Mr. Cahoy yes, Mrs. Hillman yes, Mrs. Minuse yes and Mr. Lauffer yes.**

[Quasi-Judicial]

**C. Variance Application Submitted by Mills Short & Associates to Allow a Six Foot Chain Link Fence for the Indian River Rowing Club Located at 310 Acacia Road (#V16-000004).**

This item was pulled from today's agenda.

Mr. McGarry reported that staff feels the Code needs to provide some flexibility in the P-2 District. He asked the Board members for a recommendation to the City Council to direct staff to make some provisions in the Code.

Mr. Lauffer felt this was very appropriate.

Mrs. Hillman agreed.

Mr. McGarry noted that if approved the draft Ordinance would come before the Board for their review prior to going before the City Council.

Mr. Daige said that he read through staff's analysis on why they weren't recommending approval of the variance.

Mr. McGarry explained that staff recommended denying the variance based on the criteria to approve variances. It was not that staff was against the six-foot fence.

**Mrs. Minuse made a motion that the Board recommends allowing flexibility in the height of fences in the P-2 zoning area. Mrs. Hillman seconded the motion.**

Mr. Daige said that he did not have a problem with allowing flexibility. He said they need to think about if they want six-foot fences in a Park setting. It was "flexibility" that he was in agreement with.

Mr. McGarry noted that there would be standards that would have to be followed.

Mrs. Minuse said it would be "not to exceed" six-feet.

**The motion passed unanimously.**

**Mrs. Minuse made a motion to amend the original motion to include "not to exceed six-feet." Mrs. Hillman seconded the amended motion and it passed unanimously.**

**V. PLANNING DEPARTMENT MATTERS**

Mr. McGarry reported that at their next meeting they would be starting their workshops on the Comprehensive Plan. He gave the Board members an outline on what they would be working on (attached to the original minutes). He reported that unlike the last Comprehensive Plan, they would be dividing it into two (2) different documents. One (1) document would be the technical document, which will be the data and analysis. This document would not need to be adopted by Ordinance and would be something that could be revised. The other document would be the policy document that has the goals, objectives, and policies, and would require an Ordinance. He reported that once they complete the workshop meetings staff would bring back before the Board the final Comprehensive Plan for approval.

Mr. Daige asked Mr. McGarry if he needed more help to complete this in the time frame that he was

given.

Mr. McGarry said that he has a Consultant that is currently assisting him with this. He reported that he would be asking the City Council for an additional staff person as their work has been increasing a lot with the recession ending.

Mr. Daige said that the Planning and Development Department definitely needs additional help. There are things that have to be done and an extra staff person would help.

**Mr. Daige made a motion that the Board recommends to the City Council that they seriously look at adding an additional staff person in the Planning and Development Department. Mrs. Minuse seconded the motion.**

Mr. Daige felt that the City Council needs to hear from the Board that Mr. McGarry does need additional help in his department and it would behoove them to approve the extra staff position for the good of the City. Mrs. Hillman agreed.

**The Deputy City Clerk performed the roll call on the motion and it passed 4-1 with Mr. Daige voting yes, Mr. Cahoy yes, Mrs. Hillman yes, Mrs. Minuse yes, and Mr. Lauffer no.**

## **VI. BOARD MEMBERS' MATTERS**

Mr. Cahoy said it would have been helpful if the Board had a copy of the lease between the City of Vero Beach and the Indian River Rowing Club for today's hearing.

Mr. McGarry agreed. He noted that some of the points brought up during the hearing could have already been answered.

Mrs. Hillman asked has the City received any complaints about the dust coming from the construction at the end of Royal Palm Pointe.

Mr. McGarry said that he hasn't received any.

Mrs. Hillman said that she was in the area a few weeks ago and there was a huge machine brushing the entire area throwing dust everywhere.

Mr. Daige requested a copy of Chapter 4 – *Housing Element* of the Comprehensive Plan.

Mr. McGarry said that he would send him a copy once it is ready.

Mr. Daige requested a copy of the current Chapter.

## **VII. ADJOURNMENT**

Today's meeting adjourned at 3:25 p.m.

/sp