AGENDA
REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD
THURSDAY, JANUARY 24, 2019, AT 1:30 PM
COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA

I. PRELIMINARY MATTERS

Agenda Additions and/or Deletions

II. APPROVAL OF MINUTES

A. Regular Meeting – December 20, 2018
B. Regular Meeting – January 10, 2019

III. PUBLIC COMMENT

IV. DISCUSSION OF ANNUAL REPORT

V. PLANNING DEPARTMENT MATTERS

VI. BOARD MEMBERS’ MATTERS

VII. ADJOURNMENT

ANY PERSON AGGRIEVED BY A DECISION OF THE PLANNING AND ZONING BOARD RELATIVE TO SITE PLAN APPROVAL MAY WITHIN TEN DAYS AND IN ACCORDANCE WITH SECTION 64.08@ FILE AN APPEAL WITH THE PLANNING DIRECTOR OF THE CITY OF VERO BEACH. ANYONE WHO MAY WISH TO APPEAL ANY DECISION THAT MAY BE MADE AT THIS HEARING WOULD NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL WILL BE BASED.

ANYONE IN NEED OF SPECIAL ACCOMMODATIONS FOR THIS MEETING MAY CONTACT THE CITY’S AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR AT 978-4920 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING.

PUBLIC INVITED TO ATTEND
CITY PLANNING AND ZONING BOARD MINUTES
THURSDAY, DECEMBER 20, 2018 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

PRESENT: Chairman, Lawrence Lauffer; Vice Chairman, John Carroll; Members: Steven Lauer, Honey Minuse, Robin Pelensky, and Alternate Member #1, Richard Cahoy. Also Present: Planning and Development Director, Jason Jeffries; Assistant City Attorney, Kira Honse and Deputy City Clerk, Sherri Philo

Excused Absence: Ken Daige

I. PRELIMINARY MATTERS

A. Agenda Additions and/or Deletions

Mr. Jason Jeffries, Planning and Development Director, reported that item IV-B) is listed on the agenda as a Quasi-Judicial hearing, but it is a Legislative Hearing.

II. APPROVAL OF MINUTES

A. Regular Meeting – November 1, 2018

Mr. Carroll made a motion to approve the minutes of the November 1, 2018 Planning and Zoning Board meeting. Mrs. Minuse seconded the motion and it passed unanimously.

III. PUBLIC COMMENT

None

IV. PUBLIC HEARINGS

[Quasi-judicial]

A. Site Plan Application Submitted by Vero Beach Rowing for the Construction of a Two-story, 14,734 Square Feet Office/Training/Storage Building Located at 310 Acacia Road (#SP18-000005).

The Chairman read Site Plan Application #SP18-000005 submitted by Vero Beach Rowing by title only.

There were no ex parte communications reported by the Board.

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

Mr. Jeffries reported that he prepared a Power Point presentation for the items on today’s agenda (attached to the original minutes). He briefly went over pages one (1) through six (6) of the presentation with the Board members. Staff recommends approval of the site plan for Vero Beach Rowing Club with the following conditions: no water runoff during construction and inspections, tree removal application compliance, building height certification, FEMA elevation certificate and final as-built survey. He noted that there are calculations on the site plan regarding impervious improvements and because it states impervious staff took it as impervious pavement.
Mrs. Pelensky asked are they impervious pavers.

Mrs. Minuse noted that Attachment “A” states that the off-street parking facilities will be constructed as permeable pavers.

Mr. Jeffries said there is a discrepancy between Attachment “A” and the site plan.

Mr. Chris Ryan, Treasurer and member of the Board of Directors for Vero Beach Rowing, gave a brief presentation on the Vero Beach Rowing Mission Statement, near-term plans for community program expansion, lease history and requirements, funding, and why rowing is good in Vero (attached to the original minutes). Also included in the presentation were renderings of the proposed new rowing docks and boathouse.

Mr. Carroll asked if they would be dismantling their temporary facility once the new facility is completed.

Mr. Ryan said the temporary area will become their visitor’s area.

Mr. Lauffer asked how much access would the public have to the facility. He asked if the second floor will be open to the public.

Mr. Ryan said the second floor will have to be secured in that there are a lot of children in the program, there will be locker rooms, restrooms, etc. He said there will be a lot of valuable boats on the first floor so they really don’t want people wandering around through the boathouse.

Mr. Lauffer said people could use the docking facilities and they could walk around the facility, but it is really not open to the public. He asked if he is correct that most of the area will be secured from the general public.

Mr. Ryan said their parking will be available to the public.

Mr. Lauffer said that he was not suggesting that they leave it open for the public. He is just trying to clarify what is available to the public.

Mr. Ryan said from a security and safety standpoint they have to be thinking about how to protect the children that are under their care and how to protect the assets. He said anyone can get involved and they have various ways for people to try things for free.

Ms. Kira Honse, Assistant City Attorney, said that is more of a question in dealing with the lease agreement between the City and Vero Beach Rowing. This is strictly the site plan and whether it meets the zoning code.

Mrs. Pelensky asked how the parking is calculated.

Mr. Wesley Mills, of Mills, Short, and Associates, referred to the question about impervious surface areas and permeable pavers. He said the actual parking surface is a permeable paver and as far as drainage and those calculations, it is a pervious surface area. He said that is where they are seeing two (2) different numbers. He reported that as far as the parking calculations, Phase I of the project has already been permitted and approved. He said the parking today is under Phase II of the project so there are two (2) different sets of calculations for parking.
Mr. Lauffer asked will the utilities be underground.

Mr. Mills answered yes.

Mrs. Pelensky asked is there a stormwater pond behind the building and will it be a retention pond.

Mr. Mills said there are two (2) different storage systems for this project. There is the existing swale that they are reshaping to go back to the capacity that was originally permitted in the 1980’s, which is the pond up front. The other ponds will be elevated and will be dry.

Mr. Cahoy asked how the stormwater drainage system functions. He asked does it flow into a stormwater system of the City. He asked what part of that water flows into the river.

Mr. Mills said there are two (2) different drainage systems. One (1) is the reconfiguration of the existing swale so the road system that drains into that swale will be contained within one (1) dry pond. He noted that all this does go through St. John’s Water Management District (SJWMD). The other is a separate system, which is a dry retention system that contains a certain volume of water and then slowly releases it into the Lagoon. He reported that all the permitting has special requirements by SJWMD because of the proximity to the Lagoon. He said SJWMD dictates the amount of storage volume they must hold in that proximity to the Lagoon, in addition they have to meet the City’s requirements.

Mr. Cahoy asked will they be removing any Oak Trees.

Mr. Mills said they would be removing a few Oak Trees, which they will mitigate. He noted that their whole design was driven around saving as many existing Oak Trees and Palm Trees as possible.

The Chairman opened the public hearing at 2:19 p.m.

Mr. Bob Snyder, Chairman of the Marine Commission, said the Commission has been receiving reports from Vero Beach Rowing at their quarterly meetings for several years. He said the Marine Commission fully supports this project. He then gave the Board members a copy of a letter that he sent to the City Council on behalf of the Marine Commission dated November 25, 2018 (attached to the original minutes).

The Chairman closed the public hearing at 2:21 p.m., with no one else wishing to be heard.

Mr. Lauer said that he has heard a number of presentations from Vero Beach Rowing. He said the fact that they raised the money for this facility and the City is not going to be required to fund or maintain it, and because of the positive impact it is going to have on this community, he feels the Board needs to approve it.

Mr. Lauffer agreed.

Mrs. Minuse made a motion that the Board recommends staff’s findings to include the seven (7) recommendations listed in staff’s report. Mr. Lauer seconded the motion and it passed 5-0 with Mr. Lauer voting yes, Mrs. Pelensky yes, Mrs. Minuse yes, Mr. Carroll yes, and Mr. Lauffer yes.

[Quasi-judicial]
B. An Ordinance of the City of Vero Beach, Florida, Amending the Comprehensive Plan Future Land Use Map by Changing the Land Use Designation of Annexed Land from Indian River County Designation M-1, Medium-Density Residential-1, to City of Vero Beach Designation RM, Residential Medium for the Property Located at 3780 Indian River Boulevard; Providing for an Effective Date.

*Please note that this is a Legislative Hearing and not a Quasi-Judicial Hearing as listed.

Ms. Honse explained that items 4-B) and 4-C) are related. One (1) is the Future Land Use Map change to the Comprehensive Plan and the other is the zoning designation for this property that was annexed into the City. Currently the property is still is under the County land use and zoning and this will bring it into the City’s land use and zoning.

The Chairman read the Ordinance by title only.

Mr. Jeffries briefly went over pages seven (7) through ten of the Power Point presentation with the Board members (attached to the original minutes). Based on the analysis and findings listed in staff’s report, staff recommends that the Planning and Zoning Board approve of the draft Ordinance for submission to the City Council.

Mrs. Minuse asked how much of the acreage does the wetlands entail.

Mr. Jeffries explained that when doing amendments they don’t get into that calculation. That is dealt with during the site plan process.

Mr. Lauffer asked is the conservation land north of this property in perpetuity. He asked if there are any expectations of that land being developed.

Mr. Jeffries said that property is owned by the Indian River Land Trust so he didn’t think it would ever be developed. He felt this was a perfect land use for this property. He noted that one (1) criterion under the annexation is that they have to apply land uses that are consistent with the land use that it was under when it was County land, which was also Residential Medium so this will be the same land use designation.

Mrs. Pelensky asked is the Residential Medium of eight (8) to an acre most likely apartments.

Mr. Jeffries answered yes. He explained that when dealing with Residential Medium the highest and best use of the land would potentially be an apartment complex.

Mr. Bruce Barkett, Attorney for the applicant, said that he is present today to answer questions of the Board.

Mrs. Minuse said this property is basically surrounded by conservation land.

Mr. Jeffries said even though the conservation land is directly to the north, there is a piece of vacant land owned by the County that could be developed as Medium Residential so to do any type of lower land use on this property it would not be compatible.

The Chairman opened and closed the public hearing at 2:41 p.m., with no one wishing to be heard.
Mr. Carroll made a motion for Planning and Zoning Board approval for submission to the City Council the draft Ordinance amending the Future Land Use Map designation for the subject property from RM-8 to RM-8 and the draft Ordinance amending the zoning map designation from M1 to RM.

Ms. Honse explained that the zoning map would be done separately.

Mr. Lauffer asked for a second to the motion without the zoning.

Mr. Lauer seconded the motion and it passed 5-0 with Mr. Lauer voting yes, Mrs. Pelensky yes, Mrs. Minuse yes, Mr. Carroll yes, and Mr. Lauffer 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 Annexed Land from Indian River County Designation RM-8, Multiple-Family Residential, to City of Vero Beach Designation RM-8, Residential Multifamily Medium Density, for the Property Located at 3780 Indian River Boulevard; Providing for an Effective Date.

The Chairman read the Ordinance by title only.

There were no other ex parte communications reported by the Board.

The Deputy City Clerk swore in staff present for today's hearing.

Mr. Jeffries briefly went over pages 10 through 14 of the Power Point presentation with the Board members (attached to the original minutes). Staff recommends Planning and Zoning Board approval for submission to the City Council the draft Ordinance amending the Zoning Map from Indian River County Designation RM-8 to City of Vero Beach Designation RM-8.

Mr. Bruce Barkett, Attorney for the applicant, said that he is present today to answer questions of the Board.

The Chairman opened and closed the public hearing at 2:52 p.m., with no one wishing to be heard.

Mrs. Minuse made a motion to accept staff's recommendation to refer this to the City Council. Mrs. Pelensky seconded and it passed 5-0 with Mr. Lauer voting yes, Mrs. Pelensky yes, Mrs. Minuse yes, Mr. Carroll yes, and Mr. Lauffer yes.

[Legislative]
D. An Ordinance of the City of Vero Beach, Florida, Relating to the Tree Replacement Fund; Amending Title VII, Land Development, Chapter 72, Landscaping and Tree Protection, Section 72.43(i)(1) of the Code of the City of Vero Beach; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date.

The Chairman read the Ordinance by title only.
Mr. Jeffries explained that the Tree and Beautification Commission made a recommendation for a certain change and staff analyzed it and is recommending different language.

Mr. Lauffer noted that there is no one present today from the Tree and Beautification Commission.

Mrs. Minuse asked is the Commission aware of the changes.

Mr. Jeffries said that he did not know if the changes were communicated back to the Commission. He said there were a few things that occurred in the City in the absence of a Planning and Development Director and this is one (1) of them. He felt if he had been with the City at the time and knew the Commission was looking at some amendments he would have advised the Commission before it had gotten to this point.

Mr. Jeffries briefly went over pages 15 through 17 of the Power Point presentation with the Board members (attached to the original minutes). Staff recommends Planning and Zoning Board approval of the draft Ordinance for transmittal to the City council for favorable consideration.

Mrs. Pelensky questioned the Tree Replacement Fund being used for maintenance of trees and palms on public property and rights-of-way within the City.

The Board briefly discussed how the Tree Replacement Funds are being used.

Mr. Lauffer said that he would like the Commission to be successful and wished they had a representative present for today’s hearing.

Mrs. Pelensky felt the people who pay into this Fund expect it to be used to only replace trees.

Mr. Lauer felt this was a poorly worded Ordinance. He explained that Section 72.43(i)(1) starts out with talking about an alternative means for mitigating the removal of specimen trees, protected trees, and protected palms and then when you get to the second part of it where it discussed how the funds can be used the specimen trees, protected trees, and protected palms are not there. Therefore, the Fund could be used for any type of trees.

Mrs. Pelensky said that is not how the Landscape Code reads. She said they would have to read the whole Code to understand it.

Mr. Lauer said it doesn’t state that the funds have to be used for maintenance of specimen trees, protected trees, or protected palms. He said it could be used for any trees or palms on public property.

Ms. Honse disagreed. She explained that the opening sentence of that paragraph talks about the types of trees so since it was delineated previously they would carry that delineation on to the rest of the paragraph.

Mr. Cahoy referred to staff’s report under Section 72.43(i)(1) – Tree Replacement Fund; Alternative Mitigation where it states, “such funds may be used to purchase vacant property ...” He said that he didn’t think that provision should be there.

Mr. Lauer noted that it states “vacant property for the preservation of existing trees or palms of significant public interest...” He said it is not vacant property.
Mr. Cahoy understood that, but it is the City purchasing property and it seemed to him that should be excluded from the Tree Ordinance.

Mrs. Pelensky felt the language was there because there are a few vacant lots in the City that have large heritage trees or soon to be a heritage tree.

Mr. Cahoy felt that should be outside the realm of this Ordinance.

Mr. Jeffries said it doesn’t mean they are going to do this, but it provides the availability that the Mitigation Fund could be used if needed.

Mr. Lauer felt that a member of the Tree and Beautification Commission should be present and would move to table this discussion.

The Chairman opened and closed the public hearing at 3:18 p.m., with no one wishing to be heard.

Ms. Honse asked that they continue the public hearing to a date certain rather than to table it because if it is tabled they would have to re-advertise.

Mr. Lauer made a motion that the Board continues this issue until the Tree and Beautification Commission has the opportunity to appear and provide the Board with information they need to properly evaluate this change in the Ordinance.

Ms. Honse suggested that they continue the hearing to their next scheduled meeting.

Mr. Lauer agreed that they continue this hearing to their next scheduled meeting. Mrs. Pelensky seconded the motion and it passed 5-0 with Mr. Lauer voting yes, Mrs. Pelensky yes, Mrs. Minuse yes, Mr. Carroll yes, and Mr. Laufer yes.

Mr. Cahoy asked Mr. Jeffries to look at the language to tighten it up a little bit and have it presented at the same time.

V. PLANNING DEPARTMENT MATTERS

A. Discussion of Changing January Planning and Zoning Board Meeting Dates

Mr. Jeffries said that he would like to reschedule the January 3, 2019 Planning and Zoning Board meeting to January 10, 2019 and reschedule the January 17, 2019 Planning and Zoning Board meeting to January 24, 2019.

The Board members agreed.

Mr. Lauer reported that he would not be available to meet on January 24, 2019 as he will be out of town.

VI. BOARD MEMBERS’ MATTERS

None

VII. ADJOURNMENT
Today’s meeting adjourned at 3:29 p.m.

/sp
I. PRELIMINARY MATTERS

A. Agenda Additions and/or Deletions

None

II. PUBLIC COMMENT

Mr. Tim Adams, of the Indian River Mosquito Control District, said they currently have trails to access the proposed property for the tower in order to control mosquito breeding. He wanted to be sure that they can maintain access to the property during construction in order to control the mosquito population.

Mr. Lauffer said that item is on today’s agenda as a quasi-judicial hearing.

Ms. Kira Honse, Assistant City Attorney, explained that he is allowed to speak at this time, but would be better off speaking during the quasi-judicial portion of today’s meeting.

*Please note that a Power Point presentation for the items on today’s agenda was distributed to the Board members prior to today’s meeting being called to order (attached to the original minutes).

III. PUBLIC HEARINGS

[Quasi-judicial]

A. Site Plan Application Submitted by Crown Castle USA for the Construction of a 195 Foot Monopole Wireless Communication Tower Located Between 17th Street and 18th Street West of Indian River Boulevard (#SP18-000007)

The Chairman read Site Plan Application #SP18-000007 submitted by Crown Castle USA by title only.

The Chairman asked the Board members if they had any ex parte communication.

Ms. Honse noted that disclosure of both communication and site visits would need to be reported as ex parte.

Mr. Lauffer reported that he drives by this property regularly.
Mr. Cahoy and Mrs. Minuse reported that they pass by this property frequently.

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

Ms. Gayle Lafferty, Principal Planner, briefly went over pages one (1) through eight (8) of the Power Point presentation with the Board members. Staff recommends approval of the site plan and conditional use subject to conditions listed in staff’s report.

Mrs. Minuse said they are proposing three (3) wireless communication services. She asked is that the way it is now.

Ms. Lafferty said the Code requires at least three (3) and that is what they are going to provide. She thinks they currently have one (1), but there is space for two (2) more.

Mrs. Minuse said the map included in their backup material shows a proposed future carrier lease area on a future platform (backup information attached to the original minutes). She asked is that for one (1) tower. She asked does another tower have to be built for leasing purposes.

Mr. Jason Jeffries, Planning and Development Director, said that would be a question for the applicant.

Mr. Daige said that he heard the word “towers” and asked how many towers are they approving.

Mr. Jeffries answered one (1).

Mr. Daige asked can they put more on this site.

Ms. Lafferty did not think there is room for more than one (1) tower. She said the site will have one (1) tower with the ability to have three (3) providers.

Mr. Lauffer asked is there is a timeframe for the tower coming down and the other tower going up.

Ms. Honse said they could make a condition that once the new tower is built they have to remove the old tower.

Mrs. Minuse said that is something they should consider in moving this forward.

Mr. Lauffer asked is the picture provided in their backup information an accurate depiction of what the top apparatus of the tower is going to look like.

Ms. Lafferty said it is her understanding that is what they are reviewing and approving.

Mr. Lauffer said he is having a hard time getting a true perspective of what the top of the tower is going to look like and how prevalent it is going to be.

Ms. Lafferty said the new tower is proposed at 195 feet and current tower is 208 feet.

Mr. Daige asked what is the diameter of the bottom of the tower.

Ms. Lafferty said that is not a criteria that staff reviews. She said that would be a good question for the applicant.
Mr. Daige asked what is the distance from the base of the tower to any residential units.

Ms. Lafferty answered 179 feet to the property that is zoned for multi-family development.

Mr. Daige said that is not his question. He wanted to know how far it is from the base of the tower to a residential unit.

Ms. Lafferty nodded that she does not have that information.

Ms Katie Cole, of the Law Firm of Hill Ward Henderson, said that she is present today representing the applicant, Crown Castle USA. She said this is a request for a conditional use and site plan approval for a replacement tower. She reported that about two and a half to three (3) years ago the City informed Crown Castle USA that not only was their lease expiring, but the City had expedited the demolition of the Power Plant. She reported that the current tower services the entire barrier island and all of downtown Vero Beach. She said the tower is also the link to 911 for those service areas. In working with City staff, they identified a handful of City owned parcels for a tower, but unfortunately because of restrictions in the City Charter and zoning conditions, the municipal properties were not available. Crown Castle USA then looked for other properties that might be available within the same geographic area that could accommodate a tower. She said in working with the City, they identified this parcel of land, which is in the POI Zoning District. She said the Planning and Zoning Board heard a Code amendment to allow a conditional use for towers up to 200 feet in the POI Zoning District, which was adopted by the City Council. She said they hosted a neighborhood meeting in March and she received one (1) telephone call in advance of that meeting to answer some questions. She confirmed that the application and all exhibits are entered into the record and accepted as competent substantial evidence to support the application. She also confirmed that they concur with staff's analysis and the evidence presented in staff's report. She reported that this is a five (5) acre parcel of land that has split zoning of RM-10 and POI. The portion of the parcel that is being leased by Crown Castle USA consists of about .2 acres. The site is located in the center of the five (5) acre site. She reported that the base of the tower is approximately 165 feet from the western property line, which is the closes residential property line and 50 feet to the north is zoned RM-10. She reported that there are currently two (2) towers on the Power Plant, which is the T-Mobile Guide Tower and the Monopole that Crown Castle USA owns. They expect both T-Mobile and Sprint to co-locate on the proposed new tower so there will be two (2) towers being replaced with one (1) tower. She reported that the tower will be constructed to cover a total of four (4) carrier, but they are proposing three (3) carriers. The existing tower antenna is exactly the same as what would be put on the new tower. She reported that there will be a fence around the compound, as well as a landscape buffer. She explained that the only area that will be cleared would be the .2 acres of land together with the access road. The rest of the five (5) acre site will remain in its naturally vegetated state so there will be a significant amount of vegetation with the tower in the middle. She said there are platforms shown on the site plan, which two (2) are shown in solid and two (2) in dash lines. Each carrier requires their own equipment platform so this site plan shows the two (2) platforms for the two (2) carriers that have applied to be on the tower. But, in the event a third or fourth carrier is added there is room for two (2) more platforms. She said with regard to the height, the reason they are proposing a tower at a height of 190-feet is because that is how the carriers get their reach, so the tower at a height of 190 feet allows for almost duplicate coverage as they currently have with the tower at the Power Plant.

Mr. Lauffer asked does the top of the tower where the instrumentation is located lean out over the property.
Ms. Cole said it is contained within the .2 acres.

Mr. Lauffer questioned the fall zone of 46 feet.

Ms. Cole explained that the towers are engineered with breakpoint technology so if there were a tower failure the tower would break at the 46 foot mark.

The Chairman opened the public hearing at 2:09 p.m.

Mr. Phil Watts said that he lives on 18th Street, which is very close to this property. He said it was stated that the area would be clear cut around the pole.

Mr. Lauffer explained that the .2 acres that they will be putting the tower would be clear cut. The rest of the site would remain as it is.

Mr. Watts said the reason he asked this question is if it would be a fire hazard if there was a tower fire.

Mr. Jeffries said that would be reviewed as part of the building permit process.

Mr. Watts asked are there printed radiation patterns that he can look at.

Ms. Cole said there is not any printed radiation patterns. She explained that the Federal Statute prohibits local governments from considering any type of radiation patterns in its zoning decisions with respect to towers. She noted that it is within the FCC Guidelines.

Ms. Honse noted that these questions are addressing issues that are not part of the criteria that is in the County’s Ordinance for land development. She asked the Board members to take that as part of their consideration towards competent substantial evidence.

Mr. Watts said another question he has is with regard to noise pollution. He asked if there will be a generator on site that would be operating either fully or partially that would create a problem for his quiet neighborhood.

Ms. Cole said the carriers have not proposed generators that they know of yet. She said they will see when they come in for their building permit, but any generators would be within the kilowatt allowance in the City’s Code.

The Chairman closed the public hearing at 2:15 p.m., with no one else wishing to be heard.

Mrs. Minuse referred to the issue of the Mosquito Control District.

Ms. Cole said that they will work with them.

Mr. Tim Adams, of the Mosquito Control District, said they just need to maintain access to the site.

Mr. Lauffer suggested that the Board put that in their motion.

Ms. Honse asked Mr. Adams if he has the authority from the property owner to have the trails through the property.
Mr. Tim Adams answered no. He thought it was a grandfathered type of thing in that they have been treating the area for years.

Ms. Honse said that she would be concerned about putting that condition in because the property owner may not have authorized this.

Mr. Tim Adams thought they were covered under Chapter 388 of the State Statute, which allows them to have access to any place that is nuisance based and a potential danger to the public.

Mr. Lauffer said that agreement is really between the property owner and Mosquito Control.

Ms. Honse said that is correct.

Ms. Cole appreciated the Board’s consideration. She said the competent substantial evidence has been submitted into the record and is in support of this application and goes through both the site plan criteria, as well as the conditional use criteria. She said there has not been any opposing evidence presented to the Board that it does not meet the criteria of the City’s Code. She said they greatly appreciate the Board’s consideration and approval of the project.

Mrs. Minuse made a motion to accept staff’s recommendation (that the Board recommends approval of the site plan and conditional use subject to the conditions listed in staff’s report for Site Plan Application #SP18-000007 submitted by Crown Castle USA). Mr. Lauer seconded the motion and it passed 5-0 with Mr. Daige voting yes, Mr. Cahoy yes, Mr. Lauer yes, Mrs. Minuse yes, and Mr. Lauffer yes.

[Legislative]

B. An Ordinance of the City of Vero Beach, Florida, Relating to the Tree Replacement Fund; Amending Title VII, Land Development, Chapter 72, Landscaping and Tree Protection, Section 72.43(i)(1) of the Code of the City of Vero Beach; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date.

This item was tabled from the December 20, 2018, meeting.

The Chairman read the proposed Ordinance by title only. He noted that this item was tabled from the December 20, 2018, Planning and Zoning Board meeting.

Mr. Jeffries reported that he included in their backup information for all of Section 72.43 of the Code (attached to the original minutes). He then briefly went over the Power Point presentation for this Ordinance. Staff recommendations approval of the revised text amendment as presented in the proposed Ordinance.

Mr. Lauffer asked if he is correct that removing invasive vegetation was always part of the Ordinance and staff is recommending that it be taken out.

Mr. Jeffries answered no. He explained that the Tree and Beautification Commission requested in their initial motion to remove that language and staff’s recommendation is to leave it in. He explained that staff’s justification for this is because of the Comprehensive Plan and staying consistent with the adopted policies in the Comprehensive Plan.

Mrs. Marilyn Black Dussault, Vice Chairman of the Tree and Beautification Commission, explained
that when someone wants to develop a property and there are trees they want to take down they can either replant the trees on the property or they can pay money (mitigate). The Tree and Beautification Commission is looking to have an alternative to that, which is if there is a tree that can be saved rather than the developer paying into the Mitigation Fund, the developer could remove the tree and put it in a place where the Tree and Beautification can maintain and irrigate the tree and perhaps offer the tree to someone who could use it. She explained that the Tree and Beautification Commission is trying to not kill trees for money.

Ms. Honse said in order to do that they would have to make other revisions to the Code because they would have to be able to give the developer or property owner that option. If that is the Tree and Beautification’s intent, that is not what was conveyed in the Ordinance as approved by the Tree and Beautification Commission.

Mrs. Dussault said that was their starting point. She said they had to make sure that the first step was to understand what it was that the Commission wanted to do. She said it seemed logical that this would be the first place since the Planning and Development Department deals with their Mitigation Fund.

Ms. Honse said she understands that, but rather than piecemeal changing the mitigation section they should probably consider if they do want to give this third option to developers of saving a tree and giving it to the City to plant temporarily until they can give it to someone else, that should be incorporated along with these changes. She said they should do all the changes at one time to this particular section.

Mr. Daige said that is not in this proposed Ordinance.

Ms. Honse said that is correct. She said that was not conveyed to the Planning and Development staff or to herself that was the intent of what the Tree and Beautification Commission was actually trying to do.

Mrs. Dussault felt if they went back and looked at the minutes of the Tree and Beautification Commission meetings where they discussed this at length they would see that was always the intent. She said they were advised that this was the best way to go.

Mr. Daige asked Mrs. Dussault if she read the Ordinance that is before the Board today.

Mrs. Dussault answered yes.

Mr. Daige asked if she wants to see it go through as it sits before them.

Mrs. Dussault said absolutely because it essentially embodies exactly what they are talking about.

Mr. Daige wanted to make sure that this is along the lines of what the Tree and Beautification Commission is looking for.

Mr. Lauer said one (1) of the questions the Board had at their last meeting was why the provision regarding removal of invasive plants was stricken from the Ordinance.

Mrs. Dussault said the removal of invasive plants as she understands was added in April of this past year with respect to the Tree Mitigation Fund. If it can’t be removed then so be it. It is just that it is very expensive to remove invasive plants, especially Pepper Trees and it is her concern that the
amount in the Fund would be used up completely by any large scale removal.

Mr. Lauer asked Mrs. Dussault if she knows why that provision was added.

Mrs. Dussault answered no.

Mr. Jeffries noted that the last amendment to this Section of the Land Development Code was in 2013. He thinks that Mrs. Dussault is referring to the change to the Comprehensive Plan that was done in April. He said that he would have to do more research on this.

Mrs. Dussault said the reasoning behind this was that in researching the cost associated with removing invasive plants, the Commission’s concern was that the Fund would be gone and they would not be able to maintain what they need to maintain in order for the City to remain a Tree City USA, which the City has been for 37 years.

The Chairman opened and closed the public hearing at 2:41 p.m., with no one else wishing to be heard.

Ms. Honse said if there is intent to do additional changes to this particular Section and the Tree and Beautification Commission would like to have a third option for developers then she would recommend that the Board tables this in order to allow staff to bring back language that incorporates that option.

Mrs. Minuse questioned don’t they already have something to that effect in the Code. She referred to Section 72.43, (1)(3), which states in part, “Any costs associated with the relocation shall be entirely borne by the applicant…”

Ms. Honse thought in this case they were trying to allow some of the cost to go to the City, but otherwise yes it does.

Mrs. Dussault said that is not true. She said the Fund is City money so what the Tree and Beautification Commission is trying to do is to say to the developer rather than pay money into the Fund that they move the tree to another place. She said there is no City money involved.

Mr. Jeffries questioned at the developer’s cost.

Mrs. Dussault answered yes. She said as she understands it there is a relocation provision already in the Code that allows a developer to make that choice. All the Tree and Beautification Commission is saying is that they want to be able to have the tree placed somewhere else so they can irrigate it before they offer it to someone else. They want to keep the tree alive. She said they are not talking about a Live Oak Tree that is 100 years old. They are talking about specimen trees that people discard because they are smaller. She said the Commission could have a program offering those trees to someone else. She said the cost is borne by the developer the same way the cost would be borne by the developer to kill the tree and give the City the mitigation fee.

Mr. Daige said to understand this, when a site is being developed and trees need to be removed the Tree and Beautification Commission would need a holding area for these trees and the City would need to provide the holding area.

Mr. Lauer asked if he was a developer and is going to remove a tree and put it at another location that is a cost to him and the job would be completed. If he has to go back
and pick up the tree to be placed at another location then that is double his cost and as a developer he would say that he is not going to do that. If someone else is going to pick up the tree once he put it on the site then no problem.

Ms. Honse said that she does not entirely understand what Mrs. Dussault is requesting so she thinks they can proceed with this Ordinance as it is. She said they would probably need to have more discussion as to the questions about how to better implement Code Section 72.43 (l). She noted that this is City money and ultimately the City Council determines how the money is expended.

Mr. Lauffer said that he does not have a problem with what the Commission is requesting.

Mr. Daige suggested that the Board move forward with the Ordinance in front of them.

Mr. Cahoy felt that Code Section 72.43 (l) (3) speaks to the issue.

Mr. Lauer said Code Section 72.43 (l) (3) is not an alternative to the Mitigation Fund. It is something that the developer is allowed to do. It doesn’t state that this would be an alternative, but gives that possibility. In other words they might still have to pay into the Mitigation Fund and are just giving the tree to the City.

Mr. Jeffries said there is another part of the Code that is pertinent in that aspect, which is Section 72.43 (a), which states in part “Mitigation is not required for the removal of any trees and palms successfully relocated on site or off site in accordance with subsection (l) below.” He explained this means that if the developer bares the cost to relocate the tree then they don’t pay into the Mitigation Fund.

Mr. Lauer thanked Mr. Jeffries for pointing that out.

Mr. Daige made a motion that the Board approves the Ordinance before them relating to the Tree Replacement Fund. Mr. Lauer seconded the motion and it passed 5-0 with Mr. Daige voting yes, Mr. Cahoy yes, Mr. Lauer yes, Mrs. Minuse yes, and Mr. Lauffer yes.

IV. PLANNING DEPARTMENT MATTERS

Mr. Jeffries reported that they will be discussing the work plan for the year at their next meeting.

V. BOARD MEMBERS’ MATTERS

None

VI. ADJOURNMENT

Today’s meeting adjourned at 2:52 p.m.

/sp
TO: Chairman Lawrence Lauffer and Planning and Zoning Board Members

FROM: Jason H. Jeffries, AICP
Director of Planning and Development

DATE: January 16, 2019

SUBJECT: Action on Planning and Zoning Board’s 2018 Annual Report to the City Council

Attached is a draft 2018 Annual Report as required by the City Code for submittal to the City Council at the end of the year. The draft has been approved by the Chairman for consideration by the Planning and Zoning Board.

At its January 24, 2019, regularly scheduled meeting, the Board is requested to review the attached draft and make any revisions and additions it believes appropriate. In the attached draft, a recommended work program is proposed based on the following policy in the City’s Comprehensive Plan. During the discussion at the meeting, the Board is requested to prioritize the proposed improvements to the LDC listed in the Policy 3.6 of the Comprehensive Plan.

Policy 3.6: The City through its Planning and Zoning Board should conduct a multi-year comprehensive evaluation and updating of its existing Land Development Regulations and prepare appropriate amendments to address needed improvements to the current regulations and changes need to implement the policies and strategies of this element. This comprehensive evaluation and updating may consider, but not be necessarily limited to the following, which are not listed in any priority order:

(a) Reduce the number of zoning districts that are either redundant or no longer relevant (e.g., Hospital-Institutional District or Residential, Congregate Living and Limited Office District) or consolidation of districts where a majority of uses are duplicated;

(b) Prepare purpose statements for all zoning districts to clearly establish the legislative intent for the uses allowed in each district;

(c) Consolidate city-wide regulations for accessory structures and setback modifications into one chapter or article similar to what was enacted for off street parking and loading regulations;

(d) Incorporate a matrix graphic that allows users to view and compare allowable uses and development standards for all zoning districts in one location in the code supplemented by illustrative graphics;

(e) Prepare specific procedures and process for TDRs;
(f) Review and revise conditional use criteria and standards to improve their clarity and to ensure the proposed conditional use is compatible or in harmony with the immediate neighborhood, protects public health and safety, and is appropriate for the specific location proposed;

(g) Review and revise the City's sign regulations to bring the regulations in compliance with recent U.S. Supreme Court decisions and case law;

(h) Review and revise regulations governing non-conforming uses and buildings to eliminate ambiguities and lack of clarity in the existing language and to ensure these regulations are consistent with policies of the Comprehensive Plan to encourage infill and redevelopment while providing some flexibility for "benign" nonconformities;

(i) Review and revise definitions, especially use definitions, to eliminate vagueness, inconsistencies, and omissions;

(j) Revise City's stormwater regulations to incorporate wetlands policies of the Conservation Element;

(k) Review and revise regulations to address "sober houses" and other drug rehabilitation residences and facilities;

(l) Review and revise regulations for the Mixed Use zoning district to address issues and deficiencies raised in the technical document to the Comprehensive Plan;

(m) Amend the zoning regulations to implement mixed use and infill and redevelopment strategies of this element; and

(n) Complete the effort to codify the Land Development Regulations as has been previously accomplished for Part II of the City's Code of Ordinances.

It should be noted that the section regarding “Recommendations to City Council” has been left blank. If the Board believes that it needs to make specific recommendations to City Council, such recommendations would be added or if no recommendations are to be made, this section will be deleted.

Upon making any revisions or additions to the draft report, the Planning and Zoning Board will need to take action to approve the report to be submitted to the City Council.

JHJ/tf

Attachment
MEMORANDUM

TO: Mayor Harry Howle and City Councilmembers

FROM: Lawrence Lauffer, Chairman Planning and Zoning Board

DATE: January 24, 2019

SUBJECT: 2018 Annual Report of the Planning and Zoning Board

On behalf of the Planning and Zoning Board, I am pleased to present this annual report to the City Council, which was unanimously approved by the Board on January 25, 2019.

Major Milestones

Over the past year, the Board in conjunction with the Planning and Development staff has accomplished the following:

• Approved major site plans for the following:

1. Site Plan Application Submitted by MBV Engineering, Inc. for the Redevelopment of an Existing 3,035 Square Foot Structure from a 3-unit Residential Building to a Professional Office along with Associated Landscaping and Parking Improvements Located at 615 Azalea Lane

2. Site Plan Application Submitted by Mills, Short & Associates, LLC, for the Construction of 27 Multiple-Family Duplex Units and 1 Single Family Residence (55 Dwelling Units) Located at 1205 and 1245 11th Avenue

3. Site Plan Application Submitted by Michael Schlitt Construction for the Construction of a 29-unit Multiple-Family Residential Development Located at 401 18th Street

4. Site Plan Application Submitted by JP Aviation Investments, LLC for the Construction of a Two 11,520 Square Feet Conventional Hangars Located at 2665 and 2675 Airport North Drive

5. Site Plan Application Submitted by Vero Beach Rowing for the Construction of a Two-story, 14,734 Square Feet Office/Training/Storage Building Located at 310 Acacia Road
Approved the following subdivision applications:

1. Minor Subdivision Application Submitted by Michael Zorc for the Subdivision of Land into 5 Lots Located at the Southwest Corner of 18th Street and 27th Avenue

2. Preliminary Plat Application Submitted by Mills, Short & Associates, LLC, for a Proposed 55 Lot Subdivision Located at 1205 and 1245 11th Avenue

Recommended for City Council approval the following amendments to the Land Development Regulations:

1. An Ordinance to Amend Chapter 60, Appendix, Definitions and Permitted Uses in the C-1A Zoning District for microbreweries

2. An Ordinance of the City of Vero Beach, Florida, Amending Chapter 60, General Provisions, of the Land Development Regulations, By Creating New Section 60.17 for maximum occupancy limits for residential dwellings

3. An Ordinance of the City of Vero Beach, Florida, Amending Chapter 60, Appendix, Definitions. C-1 (Highway Commercial), M (Industrial), H (Hospital and Institutional), and GU (Government Use) Zoning Districts and Chapter 63, Off-Street Parking and Loading Requirements of the Land Development Regulations

Recommended for City Council the following Future Land Use and Zoning Map amendments:

1. An Ordinance of the City of Vero Beach, Florida, Amending the Comprehensive Plan Future Land Use Map by Changing the Land Use Designation of Annexed Land from Indian River County Designation M-1, Medium-Density Residential-1, to City of Vero Beach Designation RM, Residential Medium for the Property Located at 3780 Indian River Boulevard.

2. An Ordinance of the City of Vero Beach, Florida, Amending the Official Zoning Map by Changing the Zoning District Designation of Annexed Land from Indian River County Designation RM-8, Multiple-Family Residential, to City of Vero Beach Designation RM-8, Residential Multifamily Medium Density, for the Property Located at 3780 Indian River Boulevard.
Focus of Efforts in 2019

The following are the proposed major planning activities for the PZB in general order of priority:

- Work with the Cultural Council of Indian River County to implement a special purpose zoning district for the Vero Beach Cultural Arts Village centered on the Edgewood Subdivision based on policies in the Land Use Element Objective 12 of the City’s Comprehensive Plan.

- Preparation of matrix graphic that allows users to view and compare allowable uses and development standards for all zoning districts.

- Review and revise regulations to address "sober houses" and other drug rehabilitation residences and facilities.

- Preparation of several limited scope amendments to the Land Development Regulations to address various issues related to land use definitions, allowable uses by zoning district, inconsistency in standards, lack of clarity in text, and updating out-of-date provisions. Proposed limited scope amendments:
  - Clarify the Development Review and Approval Process
  - Add Temporary Use criteria and standards section to the LDC
  - Clarify standards for Platted-Over Subdivisions
  - Revise Residential Zoning District standards to incorporate general neighborhood strategies from Land Use Element Objective 13 of the City’s Comprehensive Plan
  - Revise standards for transitional zoning districts adjacent to residential zoning district to incorporate general neighborhood strategies from Land Use Element Objective 13 of the City’s Comprehensive Plan
  - Clarify review criteria for development within the Airport Protection Overlay Zone

Recommendations to City Council

JHJ/tf

cc: Planning and Zoning Board
    James R. O’Connor, City Manager
    Jason H. Jeffries, Planning Director
Relief Canal in conjunction with transportation alternatives for connecting with 37th Street and providing access to vacant properties to the north of the neighborhood.

Objective 12. Vero Beach Cultural Arts Village

The City shall support the creation of a “Vero Beach Cultural Arts Village” centered on the Edgewood Subdivision that builds upon the historic residential character of that neighborhood, produces a viable residential and limited commercial neighborhood with complementary creative environments for living, working, selling, dining, and entertainment, and results in a destination for the gathering and interaction of diverse groups of residents and visitors.

Policies:

12.1 The City should support the creation of the Vero Beach Cultural Arts Village ("Village") by providing staff assistance in the implementation of the recommendations of the Cultural Arts Village Report consistent with the constraints on the City's financial and staffing resources and project priorities.

12.2 The City should prepare amendments to its Land Development Regulations and Zoning Map to create a special purpose district for the Village with input from the appropriate representatives of the Cultural Council of Indian River County's (Cultural Council) Leadership Team. In preparing the draft ordinances, the following guidelines should be considered:

(a) The boundaries of the special purpose zoning district shall generally follow those identified in the Cultural Arts Village Report, dated March 3, 2016, excluding any properties zoned Downtown (DTW).

(b) For purposes of this special purpose zoning district, the term "arts" shall apply to all forms of creative and imaginative expression, such as, but not limited to the fine arts, music, creative writing and poetry, music, film, and the performing arts.

(c) The allowable uses to be considered for the special purpose district may include, but are not necessarily limited to the following:

- Single family, duplex, and multi-family dwellings including multiple dwellings on one site.
- Parks, including amenities facilities associated with parks, except for active sports and recreation fields or facilities.
- Art studios, offices, and display areas or galleries either separately or in combination with the artist's home with specific limitations on the amount of floor area occupied by the non-residential functions.
• Bed and breakfast lodging establishments with limitations on the number of rooms available for occupancy and a requirement that the manager or owner live on site.

• Limited retail uses related or directly involved with the arts, such as book stores, art galleries, and graphic arts supply stores, with limitations on the amount of floor area.

• Cafes and restaurants with limitations on the amount of floor area with the possible exclusion of establishments that derive more than 50 percent of their revenue from the sale of alcoholic beverages.

• Limited personal service uses related or directly involved with the arts, such as art, music and dance studios, with limitations on the amount of floor area.

(d) Existing lawfully established uses in the RM 10/12 or POI zoning districts that would no longer be allowable in the new special purpose district should be considered for special vesting provisions, if warranted.

(e) Limitations on the number of stories to be allowed in the district regulations consistent with the specific design and site standards of (g) below should be considered.

(f) All uses that are to be allowed either by right or by conditional use should be specifically identified to the maximum extent practicable to eliminate problems in administering the regulations of the special purpose district.

(g) Specific design standards and guidelines to be applied to new development or substantial improvements to existing development should be included in the regulations for the special purpose district, including requirements for design approval by the City’s Architectural Review Commission or other designated body, as part of the development permitting approval process.

12.3 The City should work with the Cultural Council’s Leadership Team and any successor organization representing the Cultural Arts Village in implementing the recommendations of the Cultural Arts Village Report.

Objective 13. General Neighborhood Principles and Strategies

The City should endeavor to reinforce Vero Beach as a “community of neighborhoods” through strategies that promote neighborhood conservation/preservation and neighborhood revitalization and stabilization.
Policies:

13.1 Pursuant to the requirements of Policy 3.6 of this element, the City should consider on a neighborhood-by-neighborhood basis the need, desirability, and level of support for enacting specific neighborhood conservation, preservation, revitalization, and stabilization strategies that would involve the enactment of specific regulations for that neighborhood such as, but not limited to an overlay district, historic district, or other special purpose district that only affects properties within that specific neighborhood.

13.2 Any infill and redevelopment incentives or regulations to be considered for application in the City’s multi-family zoned residential districts or mixed residential districts should provide for a variety of housing types in scale and architectural styles by allowing development of small lots, clustering of dwelling units, accessory housing, apartments, townhouses, and bungalow courts consistent with specific site and building design guidelines consistent with the existing community character. These incentives should be structured to bring benefits to the community and neighborhood as a whole, not just to builders and newcomers.

13.3 The City should consider amendments to the Land Development Regulations to create provisions for planned residential group projects providing incentives with specific design standards for infill and redevelopment in residential neighborhoods. Such projects could be approved through a conditional use process and would modify and/or allow for waivers from underlying development standards to facilitate residential infill development.

13.4 Any redevelopment and infill strategies to be implemented in the City’s older, established residential neighborhoods should consider measures to protect and enhance the City’s historic structures in those neighborhoods.

13.5 In the City’s older, established residential neighborhoods, the City should preserve the historic gridiron pattern and connectivity of existing streets and alleyways by denying property-owner initiated petitions for abandonment of public right-of-way or license applications for permanent private use of public right-of-way unless the City Council deems that the right-of-way is no longer needed and that its abandonment will not adversely impact the connectivity of existing streets or alleyways.

13.6 Neighborhood, homeowners, and civic and business associations may request to be identified and recognized as a neighborhood contact organization for a specific neighborhood upon written request to the City. As a neighborhood contact organization, the organization shall be notified by the City Planning and Development Department prior to any public hearing for proposed future land use and zoning changes, amendments to comprehensive plan policies, major site plans and project architectural review, and conditional uses that may affect the neighborhood. Any neighborhood contact organization should be willing to assist the City staff in coordinating any City planning, code enforcement, community policing, and other public programs in the neighborhood and act as the liaison between the neighborhood and City staff.
13.7 In conjunction with the recognized neighborhood contact organization, property owners, residents, and businesses, the City should promote the stabilization and enhancement of the neighborhood through the following actions consistent with the constraints on the City’s financial and staff resources:

(a) Provide Police Department support for a Neighborhood Watch Program and increased community policing in the neighborhood in response to the needs of residents and businesses;

(b) Support neighborhood efforts to improve traffic and pedestrian safety through the City’s traffic calming program;

(c) Work to identify, and prioritize needed public infrastructure improvements such as additional street and alley lighting, drainage facilities, sidewalks, and road improvements with input from recognized neighborhood association and other stakeholders for consideration by the City Council in the annual budget process.

(d) Identify appropriate federal and state grants programs to secure financial assistance for construction of infrastructure improvements identified in the City’s Five-Year Capital Program;

(e) Support efforts to establish neighborhood identification signs at gateway entrances and specialized neighborhood street signage with the historical street names to help better create a sense of place and neighborhood identification;

(f) Support efforts to stabilize and improve the overall appearance of the neighborhood through comprehensive code enforcement of zoning, housing, and property maintenance regulations and through the active participation of property owners and residents with City code enforcement and solid waste personnel in comprehensive cleanup programs;

(g) Provide outreach support by the City’s professional staff to property owners, residents, and businesses in addressing planning, historic preservation, code enforcement, police, and public service issues that affect the neighborhood; and

(h) Work with the Indian River County MPO, the GoLine transit service and neighborhood contact organization to coordinate the location of bus stops and routes in the neighborhood.

13.8 The City should promote and encourage through its Historic Preservation Commission the preservation of individual historic homes and neighborhoods pursuant to Objective 5 and supporting policies of this element.