

**PLANNING AND ZONING BOARD MINUTES  
THURSDAY, FEBRUARY 6, 2020 - 1:30 PM  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT:** Chairman, Steven Lauer; Vice Chairman, Honey Minuse; Members: John Carroll, Robin Pelensky, and Alternate Member #2, Joe Bittner **Also Present:** Planning and Development Director, Jason Jeffries; Principal Planner, Cheri Fitzgerald; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

**Excused Absence:** Richard Cahoy

**Unexcused Absence:** Jose Prieto

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 – November 21, 2019**

**Mrs. Minuse made a motion to approve the minutes of the November 21, 2019 Planning and Zoning Board meeting. Mrs. Pelensky seconded the motion.**

At the request of Mr. John Turner, City Attorney, the Deputy City Clerk performed the roll call.

**The motion passed unanimously.**

**B. Regular Meeting – December 5, 2019**

**Mrs. Minuse made a motion to approve the minutes of the December 5, 2019 Planning and Zoning Board meeting. Mrs. Pelensky seconded the motion and it passed unanimously.**

**C. Workshop Meeting – January 29, 2020**

**Mrs. Minuse made a motion to approve the minutes of the January 29, 2020 Planning and Zoning Board workshop meeting. Mrs. Pelensky seconded the motion and it passed unanimously.**

**III. PUBLIC COMMENT**

None

**IV. PUBLIC HEARING**

**[Quasi-judicial]**

**A. An Ordinance of the City Council of the City of Vero Beach, Florida,  
Amending the Official Zoning Map by Changing the Zoning District**

**Designation of Property from MXD, Mixed Use, to C-1, Highway Oriented Commercial, for the Property Located in the 800 Block of 18<sup>th</sup> Place and 19<sup>th</sup> Street, in the Palm Addition of Vero Beach, Florida Subdivision, Including the West 25 Feet of Lot 5 and Lots 6, 7, 8 and the East 25 Feet of Lot 9 and Lots 16, 17, 18, and 19, Containing 1.31 Acres More or Less; Providing for an Effective Date (#Z19-000016-MAP)**

The Chairman read the Ordinance by title only.

There were no ex parte communications reported.

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

The Chairman announced that all diagrams, photographs and other exhibits referred to in the testimony in which they would like the Board to consider must be marked for identification and kept by the City Clerk.

Mr. Jason Jeffries, Planning and Development Director, handed out to the Board a letter that his office received regarding this item (letter on file in the City Clerk's office).

Mr. Turner asked Mr. Jeffries to state for the record the date of the letter and who the letter was from.

Mr. Jeffries reported that the letter is addressed to the Office of the Planning and Development Director, it is dated January 29, 2020, and it is from Holloway Homes, LLC.

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). Based on the analysis and findings, staff recommends that the Planning and Zoning Board recommends approval for submission to the City Council of the Ordinance amending the Zoning District Map from MXD, Mixed Use to C-1, Highway Oriented Commercial.

Mr. Todd Howder, of MBG Engineering, reported that the Board saw this before when they did the text amendment. He stated that this is the second step of the three (3) step process. He said they are not requesting that the entire property be rezoned; just a portion of the property that abuts the existing C-1, Commercial area, which fronts US1. He then handed out to the Board a rendering of the proposed project (attached to the original minutes).

Mr. Jeffries reminded the Board that this is an application for a rezoning. The site plan will be coming before the Board at a later date.

The Chairman opened the public hearing at 1:53 p.m.

Ms. Ann Michaels, of Champion Home Health Care, said they own the property across from this site. She asked what would be located behind the building on the property that is up for rezoning.

Mr. Howder said they would have a dry pond with a grassed area and landscaped buffers.

Dr. Michael Geraghty, Applicant, said there would be grass and trees behind the building. There is no plan to put anything west of the building of any significance.

Ms. Michaels said they do have a homeless situation in that area and asked if there were any plans for security.

Dr. Geraghty said there would be some type of fence or wall in the area.

The Chairman closed the public hearing at 1:57 p.m., with no one else wishing to be heard.

**Mr. Carroll made a motion to approve. Mrs. Minuse seconded the motion.**

**Mr. Lauer added to the motion, based on competent substantial evidence presented. Mr. Carroll and Mrs. Minuse agreed to the amendment to the motion. The amended motion passed 5-0 with Mr. Bittner voting yes, Mrs. Pelensky yes, Mr. Carroll yes, Mrs. Minuse yes and Mr. Lauer yes.**

**[Quasi-judicial]**

- B. An Ordinance of the City of Vero Beach, Florida, Amending the Official Zoning Map to Correct the Zoning District Designation from R-1A, Single-Family Residential District to RM-10, Multiple-Family Residential District, for Properties Located at 905, 909, 911 Pirate Cove Lane and 1505 Coral Avenue, Lots 7 – 10, Block 7, The Ocean Corporation Subdivision, Providing for an Effective Date (#Z20-000001-MAP)**

The Chairman read the Ordinance by title only.

Mr. Lauer asked where is this property located.

Mr. Jeffries said that he would get into that when he gives his presentation.

Mr. Lauer reported that he spoke with Mr. Casalino while walking into today's meeting.

There were no other ex parte communications reported.

Mr. Jeffries said before they get into the formal quasi-judicial hearing, he wanted to point out that the next five (5) items on today's agenda are procedural items that were initiated by staff. The first item regarding Pirate Cove is a result of a map error and the only way for it to be corrected is to go back through the formal process. He explained that they are not changing the zoning; they are just correcting the map, which he will go over during the actual hearing. The other items involve Charles Park and the Somerset Subdivision. He said these properties were annexed into the City in 2003 and while staff was doing some record keeping, they discovered that they did not have Ordinances. They were annexed and they did have the FLUM approved by the State, but they did not find any record of an Ordinance or action taken to approve the zoning. The final item is regarding Charles Park, which is currently zoned as Residential and it should have Park zoning. He explained that these items are really just housekeeping items, but they do have to formally go through the public hearing process.

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

The Chairman announced that all diagrams, photographs and other exhibits referred to in the testimony in which they would like the Board to consider must be marked for identification

and kept by the City Clerk.

Mr. Jeffries briefly went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes). The staff recommends approval of the zoning map amendment to correct the zoning map designations from R-1A, Single-Family Residential to RM-10, Multi-Family Residential.

The Chairman opened the public hearing at 2:10 p.m.

Mr. Greg Casalino, of Pirate Cove Lane, said that he is in favor of this action. He said in looking at the current map you would think that he owns a legal non-conforming use so this change is important.

The Chairman closed the public hearing at 2:11 p.m., with no one else wishing to be heard.

**Mr. Carroll made a motion to approve based on competent substantial evidence. Mrs. Pelensky seconded the motion and it passed 5-0 with Mr. Bittner voting yes, Mrs. Pelensky yes, Mr. Carroll yes, Mrs. Minuse yes and Mr. Lauer 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 Property from Indian River County Designation RS-3, Single-Family Residential District to City of Vero Beach Designation R-1A, Single-Family Residential District, for the Property Consisting of all of Somerset Subdivision, as Recorded in Plat Book 15, Page 25, of the Public Records of Indian River County and Annexed into the City in 2003, Containing 3.57 Acres More or Less; Providing for an Effective Date (#Z20-000002-MAP)**

The Chairman read the Ordinance by title only.

There were no ex parte communications reported.

The Deputy City Clerk swore in staff.

The Chairman announced that all diagrams, photographs and other exhibits referred to in the testimony in which they would like the Board to consider must be marked for identification and kept by the City Clerk.

Mr. Jason Jeffries, Planning and Development Director, briefly went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes). Staff recommends approval of the zoning map amendment to adopt the zoning map designation of R-1A, Single Family Residential for the Somerset Subdivision.

The Chairman opened and closed the public hearing at 2:24 pm., with no one wishing to be heard.

**Mrs. Minuse made a motion to approve staff's recommendation based on competent substantial evidence. Mrs. Pelensky seconded the motion and it passed 5-0 with Mr. Bittner voting yes, Mrs. Pelensky yes, Mr. Carroll yes, Mrs. Minuse yes and Mr. Lauer**

yes.

[Quasi-judicial]

- D. An Ordinance of the City of Vero Beach, Florida, Amending the Official Zoning Map by Changing the Zoning District Designation of Annexed Property from Indian River County Designation RS-6, Single-Family Residential, to City of Vero Beach Designation P-2, Parks, for Property Owned by the City of Vero Beach, Annexed into the City in 2003, and Maintained as Charles Park, Containing 3.83 Acres More or Less; Providing for an Effective Date (#Z20-000003-MAP)**

The Chairman read the Ordinance by title only.

There were no ex parte communications reported.

The Deputy City Clerk swore in staff.

The Chairman announced that all diagrams, photographs and other exhibits referred to in the testimony in which they would like the Board to consider must be marked for identification and kept by the City Clerk.

Mr. Jeffries briefly went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes). Staff recommends that the Planning and Zoning Board recommends to the City Council the zoning map amendment to adopt the City of Vero Beach zoning map designation of P-2, Parks District, for these sites.

The Chairman opened the public hearing at 2:32 p.m.

The Deputy City Clerk swore in Mr. James Lamachia.

Mr. James Lamachia said that he owns the parcel of land adjacent to Charles Park. He asked how does this affect the property north of 15<sup>th</sup> Street.

Mr. Jeffries said it should not have any affect at all.

Mr. Lamachia said the Park has been a great asset to his family and to the rest of the neighborhood.

The Chairman closed the public hearing at 2:34 p.m., with no one else wishing to be heard.

**Mrs. Minuse made a motion to accept staff's recommendation based on competent substantial evidence. Mrs. Pelensky seconded the motion and it passed 5-0 with Mr. Bittner voting yes, Mrs. Pelensky yes, Mr. Carroll yes, Mrs. Minuse yes and Mr. Lauer yes.**

[Quasi-judicial]

- E. An Ordinance of the City of Vero Beach, Florida, Amending the Official Zoning Map by Changing the Zoning District Designation of Property from R-1 and R-1A, Single-Family Residential, to P-2, Parks, for Property Owned by the City of Vero Beach and Maintained as Charles**

**Park, Containing 10.61 Acres More or Less; Providing for an Effective Date (#Z20-000004-MAP)**

The Chairman read the Ordinance by title only.

There were no ex parte communications reported.

The Deputy City Clerk swore in staff.

The Chairman announced that all diagrams, photographs and other exhibits referred to in the testimony in which they would like the Board to consider must be marked for identification and kept by the City Clerk.

Mr. Jeffries briefly went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes). Staff recommends approval of the zoning map amendment from R-1 and R-1A, Single-Family Residential to P-2, Parks.

The Chairman opened and closed the public hearing at 2:43 p.m., with no one wishing to speak.

**Mrs. Minuse made a motion to approve staff's recommendation based on competent substantial evidence. Mrs. Pelensky seconded the motion and it passed 5-0 with Mr. Bittner voting yes, Mrs. Pelensky yes, Mr. Carroll yes, Mrs. Minuse yes, and Mr. Lauer yes.**

**V. PLANNING DEPARTMENT MATTERS**

Mr. Jeffries reported that the Board will have their regular meeting on February 20, 2020 in the City Hall, Council Chambers, and at the conclusion of that meeting they will adjourn and reconvene at the Power Plant for a tour of the site. He then gave a brief update on the Three Corners. He reported that this Friday they will stop the ability to post ideas for the property on the website (SpeakUpVeroBeach.com). He noted that people will still be able to make comments on the website, but they will not be taking any more ideas.

Mrs. Minuse asked if they would park at the Power Plant when they go to take the tour.

Mrs. Pelensky asked when will DPZ be submitting their final summary.

Mr. Jeffries said the target date for it to go before the City Council is their first meeting in May.

Mrs. Minuse asked if the Board would be seeing it in April.

Mr. Jeffries answered yes.

Mr. Jeffries reported that the Board will be discussing the Art Village zoning at their February 20, 2020 meeting.

**VI. BOARD MEMBERS' MATTERS**

Mrs. Pelensky reported that she was appointed to the Citizens Oversight Committee, but she is unable to attend the meeting in April as she will be out of the Country.

Mr. Bittner volunteered to serve in her absence.

The Board members agreed that Mr. Bittner would be their representative on the citizens Oversight Committee.

**VII. ADJOURNMENT**

Today's meeting adjourned at 3:05 p.m.

/sp