

**PLANNING AND ZONING BOARD MINUTES
THURSDAY, APRIL 18, 2019 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Vice Chairman, John Carroll; Members: Honey Minuse, Steve Lauer, Jose Prieto, and Alternate Member #2, Ken Daige **Also Present:** Planning and Development Director, Jason Jeffries; Principal Planner, Cheri Fitzgerald; Temporary Attorney, Karen Emerson (excused herself at 1:43 p.m.); Interim City Attorney, Kira Honse (arrived at 1:43 p.m.) and Deputy City Clerk, Sherri Philo

Excused Absence: Robin Pelensky

Unexcused Absence: Richard Cahoy

I. PRELIMINARY MATTERS

A) Agenda Additions and/or Deletions

None

II. ELECTION OF OFFICERS

A. Chairman

Mrs. Minuse nominated Mr. John Carroll for Chairman of the Planning and Zoning Board. There were no other nominations. Mr. John Carroll was unanimously appointed Chairman of the Planning and Zoning Board.

B. Vice Chairman

Mr. Daige nominated Mrs. Honey Minuse for Vice Chairman of the Planning and Zoning Board.

Mr. Carroll nominated Mr. Steven Lauer for Vice Chairman of the Planning and Zoning Board.

There were no other nominations.

The nomination for Mrs. Honey Minuse for Vice Chairman of the Planning and Zoning Board failed 3-2 with Mr. Daige voting yes, Mr. Prieto no, Mrs. Minuse yes, Mr. Lauer no, and Mr. Carroll no.

The nomination for Mr. Steven Lauer for Vice Chairman of the Planning and Zoning Board passed 3-2 with Mr. Daige voting no, Mr. Prieto yes, Mrs. Minuse no, Mr. Lauer yes, and Mr. Carroll yes.

III. APPROVAL OF MINUTES

A. Regular Meeting – March 21, 2019

Mr. Lauer made a motion to approve the minutes of the March 21, 2019 Planning and Zoning Board meeting. Mr. Daige seconded the motion and it passed unanimously.

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

[Legislative]

- A. **An Ordinance of the City Council of the City of Vero Beach, Florida; Requested by RDP 12, LLC to Annex Property Located at 1550 US Highway #1 in Tropical Park Subdivision, Containing 0.47 Acres More or Less, Pursuant to the Voluntary Annexation Provisions of Section 171.044 Florida Statutes; Providing for an Effective Date.**

The Chairman read the Ordinance by title only.

Mrs. Cheri Fitzgerald, Principal Planner, reported that the City received a voluntary annexation application request for the property located at 1550 US Highway #1. She said because items V-A) and V-B) are legislative, staff will make their presentation on both items together. Item V-C) is quasi-judicial so they will treat this item differently. She further explained that staff would need a separate Board action on each item.

[Legislative]

- B. **An Ordinance of the City Council of the City of Vero Beach, Florida Amending the Comprehensive Plan Future Land Use Map by Changing the Future Land Use Designation of Annexed Land From Indian River County Designation C/I, Commercial/Industrial to City of Vero Beach Designation C, Commercial for the Property Located at 1550 US Highway # 1, Containing 0.47 Acres More or Less; Providing for an Effective Date.**

*Please note that items V-A) and V-B) were discussed together.

Mrs. Fitzgerald briefly went over staff's report on items V-A) and V-B) with the Board members accompanied by a Power Point presentation (both attached to the original minutes). Staff recommends that the Planning and Zoning Board recommend approval of the Voluntary Annexation Report and recommend to the City Council to move forward to annex the property and approve the proposed Ordinance. Staff also recommends that based on the analysis and findings that the Board recommends approval for submission to the City Council of the Ordinance amending the Future Land Use Map designation for the subject property containing 0.47 acres from C/1, Commercial/Industrial to C, Commercial.

Mr. Tod Mowery, of Redtail Design Group, said they are excited about this project and appreciate staff's assistance. He is present today to answer any questions of the Board.

The Chairman opened and closed the public hearing on items V-A) and V-B) at 1:47 p.m., with no one wishing to be heard.

Item V-A):

Mrs. Minuse made a motion that the Board accepts staff's recommendation on the voluntary annexation in accordance with Section 171.044 Florida Statutes for 0.47

acres. Mr. Prieto seconded the motion and it passed 5-0 with Mr. Daige voting yes, Mr. Prieto yes, Mrs. Minuse yes, Mr. Lauer yes, and Mr. Carroll yes.

Item V-B)

Mrs. Minuse made a motion that the Board accepts staff's recommendation to amend the Comprehensive Plan Future Land Use Map by changing the Future Land Use Designation of annexed land from Indian River County Designation C/I, Commercial/Industrial to City of Vero Beach Designation C, Commercial for the property located at 1550 US Highway #1. Mr. Daige seconded the motion and it passed unanimously.

[Quasi-judicial]

- C. **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 Annexed Land from Indian River County Designation CG, General Commercial to City of Vero Beach Designation C-1, Highway Oriented Commercial, for the Property Located at 1550 US Highway #1, Containing 0.47 Acres More or Less; Providing for an Effective Date.**

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.

Mrs. Fitzgerald continued with the Power Point presentation and briefly went over staff's report with the Board members (attached to the original minutes). Staff recommends that the Board recommends approval of the C-1 Zoning District of the parcel.

Mr. Tod Mowery said one (1) question that often comes up is about spot zoning, which because of the continuity and the contiguous property to the west this is property that is clearly not spot zoning. Also within the County's zoning they have commercial properties surrounding this site. They are comfortable with staff's recommendation and look forward to the Board's recommendation to the City Council.

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

Mrs. Minuse made a motion for the Ordinance of the City Council 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 CG, General Commercial to City of Vero beach Designation C-1, Highway Oriented Commercial, for the property located at 1550 US Highway #1, containing 0.47 acres more or less, providing for an Effective Date. Mr. Daige seconded the motion and it passed 5-0 with Mr. Daige voting yes, Mr. Prieto yes, Mrs. Minuse yes, Mr. Lauer yes, and Mr. Carroll yes.

[Legislative]

- D. **An Ordinance of the City of Vero Beach, Florida Amending Chapter 62, Article VII, Airport Master Plan Land Use Zones, Section 62.105 Security Fences Exempting the Airport Security Fences; Amending**

Chapter 68, Airport Zoning Relating to Construction and Obstructions to Flight Navigation in the Airport Protection Overlay Zone; and Amending Chapter 72, Article IV, Tree and Palm Protection, Section 72.41 Permit Required; Exemptions, Exempting Removal for Airport Security Fence Clear Zone; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date.

The Chairman read the Ordinance by title only.

Mr. Jason Jeffries, Planning and Development Director, continued with the Power Point presentation and briefly went over staff's report with the Commission members (attached to the original minutes). Staff recommends approval.

*Please note that questions and discussion took place throughout the presentation.

Mrs. Minuse referred to the slide, *Airport Security Fence*. She asked if there are different types of security fences.

Mr. Eric Menger, Airport Director, reported that there are regulations of the Federal Aviation Administration (FAA) and now that they have the airline there are also requirements of the Transportation Security Administration (TSA). He reported that the current regulation is an eight (8) foot fence with three (3) strands of barbed wire on top and two (2) feet of wildlife exclusion fence into the ground.

Mr. Daige asked do they (FAA or TSA) help with the funding.

Mr. Menger answered no. He reported that they do have a State grant to assist them in some of the improvements.

The Chairman opened and closed the public hearing at 2:26 p.m., with no one wishing to be heard.

Mrs. Minuse made motion that the Board accepts staff's recommendation on the Ordinance of the City of Vero Beach amending Chapter 62, Airport Master Plan Land Use Zones, Section 62.105 Security Fences exempting the Airport security fences, amending Chapter 68, the Airport Zoning relating to construction and obstructions to flight navigation in the Airport Protection Overlay Zone, and amending Chapter 72, the Tree and Palm Protection, Section 72.41 where the permit is required, exemptions, exempting removal for Airport Security Fence Clear Zone, providing for Codification, providing for Conflict and Severability, and providing for an Effective Date . Mr. Lauer seconded the motion and it passed unanimously.

[Legislative]

- E. An Ordinance of the City of Vero Beach, Florida, Amending Section 64.12 of Chapter 64, Article I, Development Review Relating to Temporary Use Permit; Creating Chapter 64, Article III, Temporary Uses and Structures; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date.**

The Chairman read the Ordinance by title only.

Mr. Jeffries reported that this is a follow-up from their discussion at their last meeting on this

Ordinance. Staff feels this is ready to proceed through the formal public hearing process and to make a recommendation to the City Council. He then continued with the Power Point presentation. Staff recommends approval of the proposed Ordinance.

*Please note that questions and discussion took place throughout the presentation.

Mr. Daige referred to the slide *Temporary Use Section*. He asked how many garage sales are currently permitted per year.

Mr. Jeffries answered three (3).

Mr. Daige asked what are the hours for a garage sale.

Ms. Honse said it states in the Code, *during normal daylight hours*.

Mr. Jeffries said it states in the Code *a sale cannot be conducted more than three (3) consecutive days*. The way he reads it is that either they can have three (3) consecutive days or they can have three (3) separate ones.

Mr. Daige asked is it clear in the Code with the three (3) separate garage sales.

Mr. Jeffries read from the Code Section 62-142, (a)(1) *“The sale is conducted for no more than three consecutive days, and (a)(2), “The sale is the first, second, or third sale conducted from the residence during the calendar year.”*

Mr. Daige said the reason for his question is there are people in his neighborhood who have continuous garage sales seven (7) days a week and it has been difficult for Code Enforcement to enforce. He felt what Mr. Jeffries just read was a little fuzzy. He said the City of Sebastian was faced with this issue a few years ago and they made it where a permit would have to be pulled in order to have a garage sale, which helped the Code Officers keep track of what was going on. He said what the City of Vero Beach has in the Code is not working.

Ms. Honse noted that portion of the Code is not in the Land Development Code. She felt it would take two (2) Ordinances, one (1) for the regular Code and one (1) for land use.

Mrs. Minuse said an issue she is concerned about is special events. She referred to page six (6) of 12 in staff’s report (attached to the original minutes). She said at the bottom of the top chart has an asterisk that states, *“only permitted on non-residential use property.”*

Mr. Jeffries explained that has to do with a church, for example, that is located within a residential zoning district.

Mr. Daige asked is it possible for staff to look at the garage sale situation.

Mr. Jeffries said the comments made today are on the record so they would need to see what direction the City Council would like to go in.

Mr. Daige asked Mr. Jeffries if he would have any recommendations. He explained that he was looking for his help as the Planning and Development Director in that he has been made aware of the situation and if there was anything that he could put on paper when this goes before the City Council to help them make a decision.

Mr. Lauer said he had brought up an issue at their last meeting regarding dumpsters. He asked is someone required to pull a building permit in order to put a dumpster on their property.

Mr. Jeffries answered yes. He said they would have to have an ongoing permit to have that facility.

Mr. Lauer said the Holiday Inn has had a dumpster on their property continuously, which takes up four (4) parking spaces. He said what they are doing is changing out furniture so he doesn't think they pulled a building permit and yet they still have a dumpster on their property.

Mr. Jeffries said they would be violating this new section of the Code.

Mr. Lauer said then if this Ordinance passes in order for someone to put a dumpster on their property they would have to pull a building permit and they would have to remove the dumpster within 30 days of the time the building permit has closed.

Mr. Jeffries answered yes, once the Certificate of Occupancy is issued. He noted that in addition to obtaining a building permit they would also have to obtain a Temporary Use Permit from the Planning and Development Department of the City.

The Chairman opened and closed the public hearing at 2:50 p.m., with no one wishing to be heard

Mr. Daige asked when this Ordinance passes, will any of the comments he made as to making the section tighter regarding the garage sales be allowed or will the Ordinance move forward as it is now.

Ms. Honse felt that should be addressed in a separate Ordinance in that it doesn't fall under the land use section of the Code or fall under the purview of this Board. She said staff will make sure the City Manager is aware that this is an issue and speak with him about getting direction from the City Council.

Mr. Daige said he was okay with that and he has had some discussions with the Acting City Manager so he is aware of some of the issues.

Mrs. Minuse made a motion that the Board accepts staff's recommendation on the Ordinance of the City of Vero Beach amending Section 64.12 of Chapter 64, Article I, Development Review Relating to Temporary Use Permit, creating Chapter 64, Article III, Temporary Uses and Structures, providing for Codification, providing for Conflict and Severability, and providing for an Effective Date. Mr. Lauer seconded the motion and it passed unanimously.

VI. PLANNING DEPARTMENT MATTERS

Mr. Jeffries briefly went over the Planning Department's portion of the Power Point presentation with the Board members.

Mr. Jeffries reported that their meeting of May 2, 2019 has been cancelled. Their next meeting will be held on Thursday, May 16, 2019, at 1:30 p.m.

VII. BOARD MEMBERS' MATTERS

None

VIII. ADJOURNMENT

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

/sp