PRESENT: Chairman, John Carroll (arrived at 1:35 p.m.) Members: Honey Minuse, Robin Pelensky, Jose Prieto and Alternate Member #1, Richard Cahoy  Also Present: Principal Planner, Cheri Fitzgerald; Planning and Development Director, Jason Jeffries, City Attorney, John Turner and Deputy City Clerk, Sherri Philo

Excused Absence: Steven Lauer

Mrs. Minuse called today’s meeting to order at 1:00 p.m.

The Deputy City Clerk noted that the Board would need to appoint a Temporary Chairman in the absence of the Chairman and Vice Chairman.

Mr. Cahoy made a motion to appoint Mrs. Honey Minuse as their Temporary Chairman. Mr. Prieto seconded the motion and it passed unanimously.

I. PRELIMINARY MATTERS

A) Agenda Additions and/or Deletions

None

II. APPROVAL OF MINUTES

A) Regular Meeting – June 20, 2019

Mr. Cahoy made a motion to approve the minutes of the June 20, 2019 Planning and Zoning Board minutes. Mr. Prieto seconded the motion and it passed unanimously.

III. PUBLIC COMMENT

None

IV. PUBLIC HEARING

[Quasi-judicial]

A) An Ordinance of the City of Vero Beach, Florida, Amending the Official Zoning Map by Changing the Zoning District Designation from ALI-1, Airport Light Industrial – 1 to ALI-A1, Airport Light Industrial – A1, for Property Located at the Northeast Corner of 43rd Avenue and Airport West Drive, Containing 2.61 Acres More or Less; Providing for an Effective Date (#Z19-000009-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 this hearing en masse.
Mr. Jason Jeffries, Planning and Development Director, briefly went over staff’s report with the Board members accompanied by a Power Point presentation (both attached to the original minutes). Based on the analysis and findings in staff’s report, the staff recommends that the Planning and Zoning Board recommend approval by the City Council of the draft Ordinance amending the Zoning Map designation from ALI-1 to ALI-A1 (plus/minus 2.61 acres) for the subject property.

*Please note that Mr. John Carroll arrived at today’s meeting during Mr. Jeffries’ presentation (1:35 p.m.).

The Chairman opened and closed the public hearing at 1:44 p.m., with no one wishing to be heard.

Mrs. Minuse said what she did not see addressed was the Federal Aviation Administration (FAA) being involved in situations with expansions close to the runways.

Mr. Jeffries explained that is more of a site plan issue and they will discuss it under the next item on today’s agenda. He noted that the FAA is definitely involved when it comes to review of projects at the Airport.

Mr. Cahoy asked what is located to the east. He asked is it another hangar.

Mr. Jeffries said directly to the east is Corporate Air and they are looking to expand to the west onto this property. He explained that Corporate Air approached the City to lease the property, but the zoning did not allow their expansion so the City is facilitating that by applying for this zoning map change.

Mr. Prieto made a motion to grant the application. Mrs. Pelensky seconded the motion and it passed 5-0 with Mr. Cahoy voting yes, Mr. Carroll yes, Mrs. Pelensky yes, Mr. Prieto yes and Mrs. Minuse yes.

[Quasi-judicial]

B) Site Plan Application Submitted by MBV Engineering, Inc., for the Construction of Two 11,872 Square Feet Storage Hangars Located at 3450 Airport West Drive (#SP19-000004)

The Chairman read Site Plan application #SP29-000004 submitted by MBV Engineering, Inc., by title only.

There were no ex parte communications reported.

The Deputy City Clerk swore in all witnesses present for this hearing en masse.

Mr. Jeffries briefly went over staff’s report with the Board members accompanied by a Power Point presentation (both attached to the original minutes). Based on staff’s 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 conditions listed in staff’s report.

Mrs. Minuse asked will the tarmac that was put in when it was supposed to be an aircraft
hangar have to be removed.

Mr. Jeffries answered no. He reported that the Board approved an aircraft hangar in 2015, but they didn’t construct it. Instead, they did a minor site plan amendment for a tarmac rather than a hangar, which staff approved.

Mr. Ryan McLean, of MBV Engineering Inc., applicant, welcomed any questions of the Board.

The Chairman opened and closed the public hearing at 2:01 p.m., with no one wishing to be heard.

Mr. Carroll made a motion to approve Site Plan Application #SP19-000004 with the conditions listed by staff. Mr. Prieto seconded the motion and it passed 5-0 with Mr, Cahoy voting yes, Mr. Carroll yes, Mrs. Pelensky yes, Mr. Prieto yes and Mrs. Minuse yes.

[Legislative]
C) An Ordinance of the City of Vero Beach, Florida, Requested by Elizabeth and Matilde Sorensen, Amending the Comprehensive Plan Future Land Use Map by Changing the Future Land Use Designation from RL, Residential Low (Up to 6 Units/Acre) to RM, Residential Medium (Up to 10 Units/Acre) for Property Located at 705 Azalea Lane, Containing 0.27 Acres More or Less, Providing for an Effective Date (#C19-000002-FLUM-MAP)

The Chairman read the Ordinance by title only.

Mrs. Cheri Fitzgerald, Principal Planner, briefly went over staff’s report accompanied by a Power Point presentation with the Board members (both attached to the original minutes). She noted that this Ordinance does go along with the next item on today’s agenda. Based on the analysis and findings, staff recommends that the Planning and Zoning Board recommend approval for submission to the City Council of the Ordinance amending the Future Land Use Map designation for the subject property (plus/minus 0.27 acres) from RL, Residential Low to RM, Residential Medium.

Mrs. Minuse asked is this the time to ask what the permitted uses are under the RM Zoning or would they discuss that under the site plan.

Mrs. Fitzgerald said that would be under the next item on today’s agenda. She explained that this is for the Future Land Use and the Comprehensive Plan and the Future Land Use does give a table that outlines zoning districts that are compatible with each land use category. She said that criteria is included in staff’s report. She said Professional Office Institutional (POI) is a compatible zoning district and that is the next item on today’s agenda. She noted that this item and the following item are somewhat tied together.

Mrs. Minuse said that she noticed in one (1) of the letters the Board received today that there were rumors about what is going to happen and she wanted to clarify when the Board could discuss that.

Mr. Carroll said they are not going to be able to access this property from A1A so they will
end up with additional traffic on Azalea Lane. He said the only way to get out from Azalea Lane or Bougainvillea Lane during season is to go to Cardinal Drive and go to Beachland Boulevard or to Flamevine Lane. He said this is something the Board needs to consider.

Mr. Cahoy questioned, wouldn’t that be a zoning issue.

Mr. Carroll said as soon as they change the designation to more density they are going to have applicants. He just thinks this is something the Board needs to consider.

Mr. Cahoy said RM is residential.

Mrs. Fitzgerald said it is Residential Medium.

Mrs. Minuse said there are other uses besides residential.

Mrs. Fitzgerald said compatible zoning would be POI and several other zoning districts. She noted that the next item on today’s agenda is to consider the change to POI.

Mr. Prieto asked is it feasible to build an office on .27 acres.

Mr. Jeffries answered no.

Mr. Cahoy said if these two (2) issues weren’t tied together and the Board was only asked to address the land use change, they would not be privy to the other information at this point. He questioned how they would treat this if that were the case. He said that is the issue.

Mr. Barry Siegel, Attorney representing the applicant, said there is a traffic analysis in their application that the traffic study was completed and the use would have minimum impact. If it came down to an issue of accessing A1A or accessing the property, that would be something that the site plan review would address. He said there is going to be almost no traffic impact, especially given the size of this property. He felt the important thing to focus on is what staff has done. He said the reality is that this property is going to celebrate its 60th birthday and a lot has changed around it. It cannot affectively be used as a residence. He said the exhaust from vehicles waiting at the traffic light on A1A and Beachland Boulevard travels onto this property and it cannot be used as a residential property, especially one consistent with what they think of on central beach. For that reason, it makes sense to let this property have a better use. He said it can be done in a manner where it doesn’t affect other properties in any negative manner. He asked the Board to follow staff’s recommendations.

Mr. Joe Schulke, of Schulke, Bittle, and Stoddard, said they did prepare a quick traffic analysis for the land use application and the zoning application and in those two (2) scenarios they assumed Multi-Family as an increase versus Single-Family and they could only get two (2) units on the property based on the density so they could see there would not be much traffic generation. He said as an office, the general rule of thumb is to assume 10,000 square feet per acre, which equates to 2,700 square feet and he felt they would be lucky to get 2,000 square feet because they would have to have parking, landscape buffers, etc. He said that he did use 2,700 square feet for his analysis and the increase in average daily trips would be 22 and the increase in peak hour trips would be two (2). His opinion is that they are dealing with a dilapidated single-family home. He questioned who in their right mind would invest money to put a nice home on that corner where it is. So, what they are looking at is are they
going to be stuck with this home forever or can they do something that will increase taxes for
the City, provide more parking, if required, and have a better development plan for the City.

Mr. Carroll said that’s all well and good, but as a person who owns property on central beach
and as a Board member, they have to look at what is currently on Azalea Lane and there is a
very nice house on two (2) lots that is about midblock. He said that he could see this whole
area going “brown” (Residential High), which is fine if that is what the City wants; to start
eliminating Single Family Residential in that area east of A1A.

Mr. Siegel said that they noticed there were some letters placed on the dais for the Board
members. He asked that he reserve a few minutes to respond (letters attached to the original
minutes).

At this time, Mr. Carroll read the letters into the record.

Mr. Prieto asked where are the addresses of the people who submitted the letters in relation
to this property.

Mr. Jeffries said one appears to be one (1) house in from Eagle Drive so it is to the east of
this site.

Mrs. Minuse said they are all within the same block.

The Chairman opened the public hearing at 2:34 p.m.

Mr. Michael Calvit said that he has an office at 650 and 652 Azalea Lane, which is on the
other side of A1A. He said that he is all for progress, but once the camel gets his nose under
the tent all bets are off because now they have set a precedent. He said central beach is
charming and people live there. He is very familiar with the traffic on Azalea Lane and if
they rezone or increase the density on this property they are going to increase traffic. He said
about 15 people come into his office parking lot every day. He said that his office is zoned
POI and if the Board does this they are going to have a lot more traffic than what was
suggested today. He cautioned the Board that they have to balance progress with the reason
people live here.

Mr. Reagan Turner said that he lives across the street from this site and is concerned about
anything that could lower his property value. He said that he just purchased his home a year
ago and is against anything that could lower the value of his property.

Mr. Bill Baird said that he is present representing his cousin who lives on Azalea Lane. His
cousin is totally against this because of property values and because of traffic. Mr. Baird said
it is a narrow street to begin with and if there is more traffic than there is now it is going to
be unsafe. He said there is a lot of pedestrian traffic that occurs there and he felt that having
any more traffic there would be detrimental.

Mr. Warren Dill, Attorney representing Ms. Kathleen Mconvey (spelling may be incorrect),
who owns the home immediately next to this site on the east side. He said that he can see
this project gives the Board pause by the questions they are asking and the things they are
looking into, as this project should. He said that his client is opposed to both applications.
He understands that the Board has to vote on them separately, but they need to consider them
together because one cannot go without the other. Therefore, his conversation is blended.

5 07/18/19 P&Z
He is going to talk about the land use and about the zoning at one time because there is no other way to review these applications. He said they cannot consider them in a vacuum. He explained once they grant the Comprehensive Plan amendment they are stuck with the other. He said Azalea Lane is a very cute residential street. He said that he drove around this property a few times before coming to today’s meeting and he was impressed with the residential character of it. He said there are children who live there and play on that street. Staff is doing their job and they wrote an excellent staff report to support both applications. But, he is concerned that what the Board is seeing is staff’s vision for this area in the future and this application fits nicely within that vision. Staff discusses transition and having commercial on Beachland Boulevard, a parking lot 200 feet away across the street to the west of A1A, and a very low key office building further south on the west side. He said they are in transition because of the items that he just stated and he disagrees with that. He said that he considers the area to be Azalea Lane and not A1A or Beachland Boulevard. The people who live on Azalea have very little to do with the inconveniences on Beachland Boulevard. He said their properties do back up if they are on the north side of Azalea, but those properties are heavily landscaped and if you drive their street their backyard uses are heavily landscaped and the uses on Beachland Boulevard are not noisy uses. All the parking is in the front of those buildings and the bank has underground parking. He said they cannot look at this area as this broad concept that is being ushered down that road. The area is the road they are discussing, Azalea Lane. It is not Azalea freeway, but Azalea Lane. What he found interesting in staff’s report was that staff would not support this application on the south side of Azalea Lane. Staff will support it on the north, but they will not support it on the south. He would submit that the south side of Azalea Lane is just as prone to be changed as staff states the north side is. He believes that what staff would like to do would be to draw a line down the center of Azalea Lane and everything on the north would be zoned RM, but just on the other side of the street it is not proposed to be RM. He said so what do you do. You move the offensive commercial uses off of Beachland Boulevard and put them in the front yard of the people on the south side of Azalea Lane and they will have to look at them and there is no way to buffer it unless they heavily landscape their front yards from these commercial uses. He said if this goes with the RM zoning on the north side, POI is a permitted zoning district. Once they approve the RM Zoning they are going to approve POI or the City Attorney is going to be busy. He said a couple uses in POI is business and professional offices, banks, places of worship, daycare centers, cosmetology salons and barber shops, nursing homes, adult congregate living, health and fitness clubs, etc. They are in the City’s zoning permitted uses within the POI. He said Azalea Lane is a narrow two-way road and is a local street. He said commercial creep; this application is just the first. There will be more commercial applications to go to the RM classification and then to POI. As stated earlier, once the camel gets his nose under the tent you can’t tell the people immediately next door to the east that it is okay for their neighbor, but not for them. He said that he represents a homeowner of the home immediately to the east of this site and there is another very nice home immediately to that and immediately to the east of that property are three (3) vacant lots that has a for sale sign on them. He questioned what do they think is going to be told to the buyers. They are going to be shown a zoning map and a land use map with RM and POI zoning. He said POI zoning is not compatible with Azalea Lane. If the Board read everything in their backup information they would have seen that Mr. Siegel represented the applicant and put forth an excellent application. He said that Mr. Siegel was concerned about one (1) issue, which was spot zoning and so he addressed it. Mr. Dill said that a lot of Courts in Florida have looked into spot zoning and he is going to read to the Board a few things that the Courts have said about spot zoning. He read, “Spot zoning is the name given to the piecemeal rezoning of small parcels of land to a greater density or use leading to disharmony within the surrounding area.” He questioned does that sound like...
what they are discussing today. He continued to read, “Spot zoning is usually thought of as giving preferential treatment to one (1) parcel at the expense of zoning scheme as a whole. The term is generally applied to the rezoning of only one (1) or fewer lots.” He said today they are talking about one (1) lot and to him it looks like spot zoning. He questioned what is Azalea Lane going to be, POI or single-family. He said it is not going to support both in the long run. The Board’s decision is to determine what they think would be best. He said a Comprehensive Plan is a broad based document that when you go through it you can always find something to support your argument, but there is always something in there against your argument, which it needs to be. He read the goal of the City’s Comprehensive Plan, “Vero Beach is quality of life, individual identity, and small town character typically by low rise and low density scale development will be maintained and continued in the following manner…” He said then they have seven (7) items, which he read item two (2), “In the following manner that respects the community character and quality of life of the community…” He said they are talking about the character of Azalea Lane and the quality of life of the people that live on that street. He continued to read, “and that maintains and enhances the City’s distinct overall low density, residential character, and diversity of residential neighborhoods.” To him, that is not supportive of what they are hearing today. He said there are three (3) things in the Comprehensive Plan; they have goals, objectives, and policies. He said as you go down the list they get more specific. He read under Objective One (1) for future land use it states, “The City should manage future development and redevelopment to maintain and enhance the unique small town character of the community and provide for an efficient distribution and compatible pattern of land use.” He said these uses are not compatible. He read Policy 1.4, Residential Low (RL), noting that is what the property has now, “Residential Low shall be applied to areas that are suitable for detached low density single family dwelling units on lots based on existing development patterns.” He noted that this property is currently what the property is now, RL. He said it also has Residential Medium (RM), which that states, “RM land use designation shall be applied to areas of the City that are suitable for single family, duplex, and multi-family residential uses with moderate densities that are in a transition between single family detached and more intensive uses.” He said they are not in a transition on Azalea Lane.

Mr. Turner thanked Mr. Dill and asked him to wrap up his presentation noting that the Board has other matters to consider.

Mr. Dill said there are five (5) things the Board has to find in order for an application to be approved that is stated in Policy 1.17. He read, item d), “Compatibility with surrounding areas in the terms of existing land use composition.” He said staff has a vision of Azalea Lane that he doesn’t think the residents have. He said his client does not want this and the future of his client and the future of the residents of Azalea Lane is in the Board’s hands.

Mrs. Jennifer Kudla said every house on the block has been represented here.

Mrs. Pelensky asked how many lots are vacant.

Mrs. Kudla said on the north side there is the property in question and then there are two (2) homes and then there are three (3) vacant lots. She said they are beautiful nice lots and when they purchased their home they heard that there would be single family homes built there, which is when they decided to purchase their home.

Ms. Kathy Johnston said that she lives on Bougainville Lane and agrees with everything that has been said. She said that Azalea Lane is a nice residential street and this is not acceptable.
She said that she walks on A1A and there are a lot of homes on the corner that front A1A. She asked are all those properties subject to becoming POI. She said this is not a good idea and that she is against this.

The Chairman closed the public hearing at 3:00 p.m., with no one else wishing to be heard.

Mr. Siegel said his clients appreciate what was said today. He said that they heard the list of things that could be done, such as a congregate adult facility, and with this size of this property these things would not be allowed. He said change is always tough and difficult, but in this case the circumstances do merit this small minor change on this end of the block where it is basically an extension of A1A. He said staff has looked at the Code and they are the ones who are experienced and have the knowledge to understand, appreciate, and apply the Code and what the factors are that should be looked at. He encouraged the Board to follow what staff is advising them.

Mrs. Minuse said with the next item on the agenda they have backup material that says that they stated a 10-foot wide easement along the east side of the property will be acquired as part of future redevelopment of the site. This is why she was interested in what was directly east of the property and it is a private residence. She feels this is important for her to take into consideration. She said it is affecting her thinking and she is not sure that it should be considered as far as the Future Land Use Map is concerned.

Mr. Turner explained that with this type of a proceeding the Board is not held to the same standard as they are in a quasi-judicial proceedings. He said the standard in the Legislative proceeding, such as this one, is a fairly debatable standard. He said there are reasonable arguments are both sides, is there reasonable evidence in the record to support their decision, how they want to view that record and the evidence. He said the Board’s decision is expected not to be arbitrary or capricious. It must be based upon the record. If they see that in the record that would either assist them in making a reasonable decision then they are entitled to consider that. If it is not reasonable, if it is not something that has been considered or presented in the circumstances surrounding these proceedings then no, they should not. He thinks under this circumstance it has been presented and is going to be part of the package, then yes, that is something they could use as a decision or a basis in making their recommendation.

Mr. Carroll believed that the compatibility issue stands out where he thinks this application should be denied. He said when talking about compatibility in a neighborhood, you have to look at the neighborhood. He said once they approve this then there will be compatibility, but right now they are talking about a neighborhood that is fully single family residential across the street, up and down the street, and immediately adjacent. He said this is not compatible. He said once they start this it is going to go “south.”

Mrs. Pelensky said that she sees this as a residential street. She said that she has a little background in planning and ideally if you are a property owner and looking for a way to make some money down the road then this entire street north and south would be a great transition area. But, if she owned a lot on that street right now she would not want to be a part of that transition. She would say no to this.

Mr. Cahoy said his problem is twofold. He said whatever they do with this lot will affect what the seller and/or buyer of those three (3) vacant lots will have to consider, which he sees as a threat. Also in looking at the zoning map, this is just the beginning of changing A1A
Mr. Prieto said it was stated earlier that if the Board approves the RM-10 then they would have to go to POI.

Mr. Jeffries said that he doesn’t know if they necessarily have to go with POI, but it does belong in the relationship with RM. He noted that there is other criteria they have to look at so that is not an absolute, it is just that it is compatible. He pointed out that staff has not made any statement that Residential High is compatible or justified for this piece of property. He said this is Residential Medium that is justified as a transitional use of this property. He wanted to clarify that staff does not have a “vision.” He said there is a Vision Plan that was adopted by the City and their role as staff is to provide the Board the professional analysis in terms of the request for the Board to consider. He said nowhere is it justified for the “creep” of high intensity uses going through the neighborhood. It is in the Vision Plan to protect the neighborhoods. He said this has been done on the block immediately to the north.

Mrs. Minuse said that she is very impressed that the neighbors have come out and have spoken to the fact that they want to continue the quiet enjoyment of their homes. She said this matters a lot. She said it bothers her that there is an easement that would be provided at some point in the future for the development of this site. She said that she is having a lot of difficulty with this.

Mr. Carroll made a motion that the Board disagrees with staff’s recommendation because of the compatibility issue extending across a 200-foot right-of-way that the compatibility is single family residential adjacent and across the street and the commercial buffer on the north so he would motion that the Board denies the application (to recommend denial to the City Council). Mrs. Pelensky seconded the motion and it passed 5-0 with Mr. Cahoy voting yes, Mr. Carroll yes, Mrs. Pelensky yes, Mr. Prieto yes and Mrs. Minuse yes.

The Board took a ten-minute break at 3:19 p.m. and Mrs. Pelensky excused herself from the meeting.

The meeting reconvened at 3:29 p.m.

Mrs. Minuse asked because this relates to the item they just heard, would they continue with this hearing or table it.

Mr. Jeffries said the request of the applicant is to table this item until the City Council hears the future land use matter.

Mr. Siegel agreed.
Mr. Jeffries reported that the future land use item would be going before the City Council for first reading on August 20, 2019 and the public hearing would be on September 3, 2019.

E) An Ordinance of the City of Vero Beach, Florida, Amending Chapter 60 (Appendix. Definitions) of the Land Development Regulations to Revise or Add the Definitions of Amusement Game or Machine, Commercial Amusement, Simulated Gambling Establishment, Simulated Gaming Device, Vending Machine and Video Arcades; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date (#Z19-000010-TXT)

The Chairman read the Ordinance by title only.

Mr. Jeffries briefly went over staff’s report accompanied by a Power Point presentation (both attached to the original minutes). Staff recommends the Planning and Zoning Board approve the Ordinance for transmittal to the City Council for favorable consideration.

The Chairman opened and closed the public hearing at 3:44 p.m., with no one wishing to be heard.

Mr. Cahoy made a motion that Chapter 60 be amended relating to the definitions for commercial amusements, video arcades and simulated gaming establishments. Mr. Carroll seconded the motion and it passed 4-0 with Mr. Cahoy voting yes, Mr. Carroll yes, Mr. Prieto yes and Mrs. Minuse yes.

F) An Ordinance of the City of Vero Beach, Florida, Amending Chapter 60, Section 60.06 (Only Specified Uses Allowed; Interpretation) of the Land Development Regulations; Updating the Reference Materials for Land Use Interpretation; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date (Z19-000011-TXT)

The Chairman read the Ordinance by title only.

Mr. Jeffries briefly went over staff’s report accompanied by a Power Point presentation (both attached to the original minutes). Staff recommends Planning and Zoning Board approval of the Ordinance for transmittal to the City Council for favorable consideration.

The Chairman opened and closed the public hearing at 3:49 p.m., with no one wishing to be heard.

Mr. Cahoy made a motion to approve the Ordinance amending Chapter 60, Section 60.06 as specified. Mr. Prieto seconded the motion and it passed 4-0 with Mr. Cahoy voting yes, Mr. Carroll yes, Mr. Prieto yes and Mrs. Minuse yes.

V. DISCUSSION OF REVISIONS TO THE SIGN CODE

Mr. Jeffries said that not much has changed on the revisions to the Sign Code since their last meeting. He said their next step is for staff to allow Mr. Turner the opportunity to review the information and then staff will bring it back before the Board.
VI. PLANNING DEPARTMENT MATTERS

Mr. Jeffries reported that the Board will be holding both scheduled meetings in August, which will be August 1, 2019 and August 15, 2019.

VII. BOARD MEMBERS’ MATTERS

None

VIII. ADJOURNMENT

Today’s meeting adjourned at 4:08 p.m.

/sp