

**PLANNING AND ZONING BOARD MINUTES  
THURSDAY, JULY 20, 2023 - 1:30 PM  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT:** Chairman, Jeb Bittner; **Members:** Timothy Velde, Jason Ground, Alternate Member, Elliese Shaughnessy and Alternate Member, Jake McCrae **Also Present:** Planning Director, Jason Jeffries; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

**Excused Absences:** Jose Prieto and Robyn Pelensky

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 – June 15, 2023**

**Mr. Velde made a motion to approve the minutes of the June 15, 2023 Planning and Zoning Board meeting. Mr. Ground seconded the motion and it passed unanimously.**

**III. PUBLIC COMMENT**

None

**IV. DISCUSSIONS**

**A. Building Height Measurement Rules**

Mr. Jason Jeffries, Planning Director, went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes). He reported that there has been different inquiries over the last few years and there have been recent discussions occurring related to the height measurement rules. He referred to the letter received from Indigo Vero LLC requesting rooftop recreation uses in the C1-A Zoning District (attached to the original minutes). He reported that the Vero Beach Museum of Art was in the process of developing a master plan for their facility, which involved the complete redevelopment of the Museum and they are looking at the ability to use design flood elevation so they could better protect the contents of the facility. He reported that the height limits in the zoning districts were controlled by Section 5.06 of the City Charter, which requires a vote of the citizens. He reported that Section 60.15 of the Code provides the current rules for measuring height as to the starting point. He stated that the draft Ordinance includes moving Section 60.15 into a new more consolidated article related to all the rules of measurement in the Code. Another issue that has come up over the years was the architectural embellishment, which allows for rooftop patios, pools, etc. He said there is an impression that the City does not allow rooftop amenities, which is not how he interprets the Code. He said if someone wanted to have a rooftop restaurant or patio in downtown if the building is a one (1) or two (2) stories they could have a rooftop habitable space because it would still be below the 50-foot height limit. He said the Code is very clear they could not have any habitable space above the 50-foot height limit. He reported that representatives of Indigo Vero LLC and the Museum of Art were at

today's meeting to present the changes in the Code that they are requesting.

Mr. Brady Roberts, Director of the Vero Beach Museum of Art, stated that the Museum has been growing steadily over the years. They typically get about 70,000 visitors in a one (1) year period. Earlier this year they had 40,000 visitors attend their Art Deco Automobile Exhibition in a three (3) month period. They are increasingly in a position where they don't have enough event space and are turning people away. He said they also do not have enough seats for people who want to attend their lectures and they don't have enough space for their growing exhibitions and collections. Therefore, about three (3) years ago they started working on a Master Plan to expand the Museum and about a year ago they hired Allied Works Architecture, Inc., who are specialists in Art Museums and other public spaces. The first thing they did was put together an engineering team to assess the current building conditions. The good news was that the most recent addition to the Museum was very solid and in good condition. The bad news was that the first building and the addition that was added in 1999 were in poor condition. To renovate them would be an extensive process and they would still have the problem that they were too low to take the Museum out of the storm surge zone. The recommendation of Allied Works was for them to build at a higher elevation to take the galleries and the public spaces out of the flood zone.

Mr. Gabe Smith, of Allied Works, said they were not seeking any modification to the height rule. He said the language that was presented aligns itself with the Florida Building Code (FBC) language. The City's language was slightly different from the FBC language, which was already adopted under the American Society of Civil Engineering (ASCE) 24 methodology. He said this methodology was widely adopted as a standard of practice. He said it was more precise in the way it treats different buildings. It classifies different buildings based on assembly, public investment, etc. Because this is a Museum it falls into the Class 3 classification. The City's Code states that you have to design to a certain level as defined by FEMA plus a foot and a half. The ASCE Class 3 allows them to design to that standard or the design flood elevation. He said this language is already in the FBC so if they adopt that language they would be in keeping with the broader State language. He said they would be taking the Museum out of harms way of a storm surge in the middle of a Category 4 storm. Their strong recommendation was that they elevate the building an additional seven (7) feet. He explained that it currently sits at about three and a half feet off grade and they want to take it up another seven (7) feet so that the total elevation from grade would be about 13-feet. He said the target elevation for the finished floor was 13.3 feet. He said the Museum currently sits right on the road with fences around it and it feels like it was removed from the Park. He said one (1) of the efforts was to try to create more of a Park feel to the front of the building in order to increase the connection with the Park.

Mr. Bittner asked how many other Class 3 structures existed in the City.

Mr. Jeffries said what is proposed was only to limit it to public assembly uses in a flood zone. The only place that he knew where they have this issue was at Riverside Park so this would apply to the Museum and Riverside Theatre. He said the other location would be the Three Corners property. He said in the draft text it refers to only what they define as institutional uses and public assembly uses.

Mr. Bittner asked Mr. Jeffries what he was asking of the Board.

Mr. Jeffries asked the Board members if they had any concerns with adding this provision in the height measurements.

Mr. Bittner said as long as it is defined to a limited amount of structures.

Mr. Jeffries said it would be limited to institutional public assembly uses.

The Board members agreed to proceed with this as proposed.

Mr. Barry Segal, Attorney representing Indigo Vero LLC, said this project was already permitted and under construction. He said they would not have to change very much if this type of provision was allowed by Ordinance. They were not looking at making any drastic changes to what has already been approved. It was really a matter of how the use was allowed in the embellishment area. He said some of the perks associated with this was that they would take some uses off the grass and stop interfering with pervious surfaces by taking uses and putting them out of sight by putting them on the rooftop. He said some perspective clients from Indigo Vero have inquired about it and it is something that people enjoy. He said their example would just be in the C1-A) Zoning District. It would not be widespread throughout the community. He said this would be very interesting downtown and a lot of businesses would benefit from it. He felt that this was a very exciting opportunity for the City to allow this use.

Mr. Bittner asked did the inquiries from potential residents have anything to do with the marketing material that shows the embellishment areas as livable space with decks, etc.

Mr. Segal answered no.

Mr. Bittner asked was the rooftop marketed as living space.

Mr. Segal answered no because it was not an allowable use.

Mr. Bittner asked if it was ever marketed.

Mr. Segal said not that he was aware of.

Mr. Yane Zana, Developer, reported that when they first presented the project they were promoting a rooftop deck on the Ocean View Villa. Following their meeting in order to get site plan approval they agreed that there would not be any amenities placed on the rooftop decks other than mechanical access. What they were asking was if they could use the stairs to gain access to the rooftop area. He showed on the screen a sketch of the building that has been approved. He said the current amendment being proposed would only allow people to gain access through the stair tower. He noted that the building height would not change. It would just allow someone to make use of the area for a pool or a spa.

Mr. Bittner said the rooftop was marketed as usable space on their website.

Mr. Zana said when people inquire about it when he is writing a contract he makes it very clear that there was no rooftop access for recreational facilities. He noted that this change would not interfere with the height of the building. It would only change the access for the use of the area.

Mr. Bittner said that he was all for having commercial uses have rooftop amenities and bars. The question for him, especially in this instance of it being beachfront, was environmental issues. He said that if they could define these areas for commercial uses limited to restaurants, clubs, and bars. He said that he was not amenable for residential zones.

## **B. Permitted Uses In Commercial Districts**

Mr. Jeffries briefly went over staff's report accompanied by a Power Point presentation on the proposed Ordinance on permitted uses in Commercial Districts with the Board members (attached to

the original minutes).

**V. PLANNING DEPARTMENT MATTERS**

None

**VI. BOARD MEMBERS' MATTERS**

None

**VII. ADJOURNMENT**

Today's meeting adjourned at 2:35 p.m.

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