

**CITY PLANNING AND ZONING BOARD MINUTES
THURSDAY, AUGUST 15, 2019 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Chairman, John Carroll; Vice Chairman, Steven Lauer; Members: Robin Pelensky, Jose Prieto and Alternate Member #1, Richard Cahoy **Also Present:** Planning and Development Director, Jason Jeffries; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

Excused Absence: Honey Minuse

I. PRELIMINARY MATTERS

A) Agenda Additions and/or Deletions

None

II. APPROVAL OF MINUTES

A) Regular Meeting – July 18, 2019

B) Regular Meeting – August 1, 2019

Mrs. Pelensky made a motion to approve the minutes of the July 18, 2019 and the August 1, 2019 Planning and Zoning Board meetings. Mr. Prieto seconded the motion and it passed unanimously.

III. PUBLIC COMMENT

None

IV. PUBLIC HEARING

[Legislative]

A) An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations to Amend Chapter 62, Article III, Commercial Districts, Section 62.45 to Add Animal Boarding as an Accessory use to a Permitted Veterinary Services in the C-1 Zoning District; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date (#Z19-000014-TXT)

The Chairman read the Ordinance by title only.

Mr. Jason Jeffries, Planning and Development Director, briefly went over staff's report accompanied by a Power Point presentation with the Board members (both attached to the original minutes). Staff recommends the Planning and Zoning Board approves the draft Ordinance for transmittal to the City Council for favorable consideration. The applicant is present to answer any questions of the Board.

Mrs. Pelensky referred to the statement "*No nighttime operations.*" She questioned if there should be a time listed.

Mr. Lauer asked what does that mean. He asked does it mean that there is no overnight boarding.

Mr. Jeffries explained that there would be overnight boarding, but they would not be accepting animals during this time.

Mr. Lauer said no nighttime activities to him means that there would not be anybody there at night.

Mr. Jeffries suggested that they hear from the applicant.

Mr. Lauer asked why are they limiting this to the U.S.1 corridor. He asked is that where the applicant's property is located. He asked is there a reason why they are not expanding this beyond U.S.1.

Mr. Jeffries said that he did some research in other communities and it is very common for communities to keep the animal boarding use in either the industrial use zoning districts or in the more intense commercial districts. He said the idea was that it would be acceptable with the character of the U.S.1 corridor.

Mr. Cahoy asked how do they define animal.

Mr. Jeffries said they did not define animal, but it could be revised if the Board wants to limit it to dogs and cats.

Mr. Lauer referred to page two (2), Animal boarding, item f) *No nighttime operation, except for emergencies only*. He said that he does not know what nighttime operations means. To him that would mean boarding, which he was sure was not the intention.

Mr. Todd Howard, of MPV Engineering, said that he worked with Mr. Jeffries and the City Attorney to develop the proposed language. He said a lot of animal boarding occurs outside, but that is not what this is. He said they would be boarding the animals inside.

Dr. Mike Geraghty, Applicant, said that he has been a Veterinarian for 23 years. He thought the language in the text amendment was also to be protective so that someone couldn't come in and build a boarding facility. He said with regards to the "no after hours," what they were trying to get at was that there would not be any boarding related services occurring after hours. He said no animal would be walked outside the building at any point after 9:00 p.m. He said the clinic that he built in Port St. Lucie is a full service day practice with a 24-hour emergency clinic that also has a boarding facility inside. He said if a veterinary clinic is going to provide full service then someone should be there overnight watching the animals. When he designed the clinic in Port St. Lucie, he wanted to have a full service day practice with a 24-hour emergency clinic so that they would have doctors and technicians in the building 24-hours a day. When they designed the business plan they added a large scale boarding facility. He said the clinic in Port St. Lucie also has luxury boarding suites. They do not have the old concrete runs and cages. He said what they are trying to have in Vero Beach is a veterinary clinic with an emergency clinic inside that also provides boarding. He noted that they would have after hour emergencies. He said the boarding facility would be closed at 9:00 p.m. He said they have not had any complaints at their Port St. Lucie boarding facility. He said no animals go outside unattended. They have a wall around their facility and all dogs are walked on a leash inside that area. He said it is not the type of place where there are cages and runs outside. He said they have indoor runs and any animal that leaves the building is leashed and are inside their yard.

Mr. Lauer said that he would in favor of defining nighttime by a set hour. He would also like to see "animal" defined as something smaller than a cow or a horse and maybe have a weight limit.

Mr. Jeffries did not know if they want to specify dogs and cats.

Mrs. Pelensky said they could put in the Ordinance “no outside nighttime operation.”

Mr. Jeffries said they could add the verbiage “such as animal exercising and receiving of animals.” He said they could put in the hours of no outside operation from 10:00 p.m. to 6:00 a.m.

Mr. Lauer asked Dr. Geraghty what his hours are in Port St. Lucie.

Dr. Geraghty said the animals first go out at 7:00 a.m. and they close at 9:00 p.m.

Mr. Cahoy said that he was not comfortable in that whatever the Board does for Dr. Geraghty, they would be doing for potential future applicants with the same request. He said there are other zoned areas within the City limits that permit boarding. He did not think the Board could focus on the location Dr. Geraghty is hoping to develop. He said there is residential to be considered. He said it states that the structures would be sound proof, but there is a proposed outdoor exercise and/or walking area included. He said while Dr. Geraghty has not had a complaint in Port St. Lucie, that doesn't mean that there won't be an issue here.

Dr. Geraghty said that he didn't select the site on U.S. 1 to build a boarding facility. The site on U.S.1 was selected very carefully to build a large veterinary clinic with an emergency clinic in it. He said that most emergency clinics are not inside a full service day practice. Most emergency clinics are just that, emergency clinics. He said the emergency clinics rely on the General Practitioners in the area to send them cases. He explained that the Department of Business and Professional Regulations requires that all veterinary offices have a telephone number so when they are closed they there is a telephone number for people to call that will provide emergency services. With that in mind if you are going to build an emergency clinic inside a full service day practice a lot of the General Practitioners in the area will not want to send them their emergencies because the people might not want to go back to them. He said that is a glitch in his business model and the only way to get past that is to put the emergency clinic and the practice in an area of high traffic volume and high visibility, such as on U.S.1. That is the reason they chose this site. He said the goal is to build a large scale very nice veterinary clinic that provides 24-hour emergency services, as well as boarding.

Mr. Carroll questioned the definition of an animal.

Mr. Lauer felt that animal needed to be defined as dogs and cats not to exceed a certain weight, such as 50 pounds.

Dr. Geraghty said that would rule out about 30% of the animals. He said most German Shepherds weigh about 80 to 90 pounds.

Mr. Lauer said that he would like to limit the size of the dogs because he has seen dogs that look like small horses.

Dr. Geraghty said boarding for their benefit would be dogs and cats without a size limit. He said if they were going to have a size limit, it would have to be about 250 pounds. He said Great Danes weigh 160 to 180 pounds and they don't create any more problems than Chihuahua or a Jack Russell Terrier in that they certainly bark a lot less.

Mr. Prieto didn't think a weight limit would work. He asked is there such a thing as “household”

versus “farm” animals.

Mr. Jeffries said they could use the term “domestic” animals. He said they can put in the condition that boarding should only be allowed for small domestic animals, such as dogs and cats.

Mr. Cahoy noted that what the Board does as far as the definition applies to future applicants and future situations and there are small domestic animals that are not dogs and cats.

Mr. Cahoy referred to page three (3), Animal boarding, item d), where it states in part, “*shall be fully enclosed...*” He said this doesn’t address any outdoor activity at all.

Mr. Jeffries explained that is where the animals are received and the actual boarding and treatment has to be inside. He said the exercise areas are not specifically mentioned so they could be outdoors.

Dr. Geraghty said their current facility has both an inside exercise area and an outside exercise area. He noted that the outside exercise area is really where the animals are walked. He thought the biggest concern is where the animals are housed, which he felt should clearly be defined so that no one could leave dogs outside in kennels or runs because that is when they would make noise and disturb people.

Mrs. Pelensky said this text amendment is about boarding and nothing else. It is not about the outside use of the property.

Mr. Jeffries said that is correct.

Mr. Carroll asked Mr. Jeffries if he has a good definition of “domestic” animals.

Mr. Jeffries referred to the Planner’s Dictionary stating that a community in California has the definition, “*any animal customarily kept by humans for companionship including, but not limited to dogs, cats, birds, rabbits, hamsters, and turtles.*” He said they could add to the Ordinance that the boarding would only be for domestic animals and add that definition.

Mr. Carroll asked where would that statement be added.

Mr. Jeffries said it would be added under Animal Boarding as item g), which would state, “*animal boarding to be limited to domestic animals.*”

Mr. Carroll asked do they have a consensus of the Board that nighttime would be defined as 10:00 p.m. to 6:00 a.m. The Board members agreed.

Mr. Carroll referred to item f) “*No nighttime operation, except for emergencies only.*” He felt they should strike from the statement “*except for emergencies only*” so it would just state “*No nighttime operation.*”

Mr. Cahoy asked if he is correct that under the existing regulations the permitted veterinary service includes emergency services.

Mr. Jeffries answered yes.

Mr. Cahoy said this is not in any way to be confused with that.

Mr. Jeffries said this is just to allow animal boarding as an accessory use to veterinary service.

The Chairman opened and closed the public hearing at 2:31 p.m., with no one wishing to be heard.

Mr. Lauer made a motion that the Board approves the proposed amendment to the Code to allow animal boarding as an accessory use with the exception that they would define animals as being domestic animals and that they would also prohibit outside activities between 10:00 p.m. and 6:00 a.m. Mr. Prieto seconded the motion.

Mr. Carroll added to modify item f) to just state “no nighttime outdoor operations.”

Mr. Lauer thought that he put in the hours of 10:00 p.m. to 6:00 a.m. instead of “nighttime.”

Mr. Lauer said between certain hours as opposed to nighttime.

Mr. Jeffries asked did the motion include adding item g) for animal boarding be limited to domestic animals.

Mr. Lauer answered yes. He clarified that the two (2) modifications to the proposed Ordinance would be to define animals as domestic animals and define nighttime as 10:00 p.m. to 6:00 a.m. and that would be related to outdoor activities.

The motion passed 4-1 with Mr. Cahoy voting no, Mr. Prieto yes, Mrs. Pelensky yes, Mr. Lauer yes, and Mr. Carroll yes.

V. PLANNING DEPARTMENT MATTERS

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

VI. BOARD MEMBERS’ MATTERS

None

VII. ADJOURNMENT

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

/sp