

**PLANNING AND ZONING BOARD MINUTES  
THURSDAY, OCTOBER 15, 2020 - 1:30 PM  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT:** Chairman, Steven Lauer; Vice Chairman, Honey Minuse; Members: Jeb Bittner, Robin Pelensky, Alternate Member #1, Richard Cahoy and Alternate Member #2, Elliese Shaghnessy **Also Present:** Senior Planner, Gayle Lafferty; Planning and Development Director, Jason Jeffries; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

**Excused Absence:** Jose Prieto

**I. PRELIMINARY MATTERS**

**A) Agenda Additions and/or Deletions**

None

**II. APPROVAL OF MINUTES**

**A) Regular Meeting – September 17, 2020**

**Mrs. Minuse made a motion to approve the minutes of the September 17, 2020 Planning and Zoning Board meeting. Mrs. Pelensky seconded the motion and it passed unanimously.**

**III. PUBLIC COMMENT**

None

**IV. PUBLIC HEARING**

**[Quasi-judicial]**

**A) Site Plan Application Submitted by Alan Schommer for the Construction of a 13,312 Square Foot Commercial Building Located at 2746 US Highway 1 (#SP20-000006)**

The Chairman read Site Plan Application #SP-000006 submitted by Alan Schommer 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.

Mr. Lauer reported that all diagrams, photographs, and other exhibits referred to during the testimony that they would like the Board to consider must be marked for identification and kept by the City Clerk.

Ms. Gayle Lafferty, Senior Planner, went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes). The staff finds the site plan application meets the provisions for site plan approval as outlined in the staff report.

Mr. Lauer asked were there any traffic studies done.

Ms. Lafferty answered no. She reported that it was below the threshold.

Mr. Lauer asked will the egress/ingress be directly on US Highway 1 or will it be off one (1) of the side streets.

Ms. Lafferty said it is going to be on both. She said there will be two (2) entrances; one (1) on US Highway 1 and one (1) on 28<sup>th</sup> Street.

Mrs. Pelensky asked will it be a right turn only on US Highway 1.

Mr. Jason Jeffries, Planning and Development Director, suggested that if the Board has specific questions about the traffic that they ask the applicant. He noted that US Highway 1 is a State road and they would have to get a permit through the Florida Department of Transportation (FDOT) for access to that road. He reported that the City Engineering Department has reviewed it for any impacts on 28th Street.

Ms. Lafferty reported that this has been reviewed by all the different departments in the City.

Mrs. Minuse said all the maps show that the site overlaps the Park.

Mr. Jeffries reported that this property is not in the Park, but adjacent to it.

Mrs. Minuse asked will there be landscape buffering to make that separation.

Ms. Lafferty reported that currently there is a six (6) foot fence on the Park property and there will be landscaping.

Mrs. Minuse questioned and it would be completely closed off.

Ms. Lafferty said that is correct.

Mrs. Minuse questioned and there would not be any water runoff going onto that property.

Ms. Lafferty said the Public Work's Department reviewed this and it meets their drainage requirements.

Mr. Cahoy referred to Attachment A, under *Project Description*. He said it mentions modifications to drive aisle. He asked what modifications.

Ms. Lafferty said there is a building to the north that will also be using the driveway and they are going to take the old pavement out and putting in a new driveway. She reported that they gave the building to the north a facelift to make an improvement to the appearance of the site.

Mr. Cahoy asked what is the black area on the site plan.

Ms. Lafferty said that is a new impervious area. She explained that they will have four (4) parallel parking spaces at the north end and there were several invasive exotic Brazilian Pepper Trees on the east side that have been removed and that area will also be paved.

Mrs. Pelensky asked where is the stormwater being held.

Ms. Lafferty explained that the dark dashed line on the site plan shows that the water on the new proposed building will drain to the east and the other side will also drain to the east.

Mrs. Pelensky said this has a significantly higher elevation than the ballfield. She did not want to see the ballfield get inundated with water.

Ms. Lafferty showed the site plan on the screen and explained that the water drains along the eastern property line.

Mrs. Minuse asked do they know if there have been any issues with drainage going down into the ballfield.

Mr. Jeffries said not that he is aware of.

Mr. Todd Smith, Engineer, who has been sworn in, explained that the drainage is a dry retention area and it goes down the east property line around the southern side of the new building. He noted that it has been permitted by the Florida Department of Transportation (FDOT), which requires a 100-year storm, which exceeds the City's 25-year storm requirements. He explained that the dark areas on the site plan is the new pavement and the small areas on the west side of the new building are paved areas that will be cut out for interior landscape islands. The modification to the drive isle is listed in that it is pavement that is being added to the preset drive isle width. In addition, the existing drive aisle and parking areas, will be resurfaced.

Mr. Lauer asked where is the ingress and egress to the site.

Mr. Smith said there are two (2) existing drive isles that currently access the site; one (1) on 28<sup>th</sup> Street on the eastern side and the drive isle that is almost to the center of the location on US Highway 1.

Mr. Cahoy said that he is concerned about the traffic north approaching the canal. He is surprised that there is not a right turn only redesign for that US Highway 1 west exit since they will be increasing traffic in and out of this site by its development.

Mr. Alan Schommer, Property Owner, who has been sworn in, stated when this building was the Tire Kingdom they had heavy traffic retail and more recently there was a retail store with offices that had intense uses. He said in contractor trades they get a mix that is normally showrooms, warehousing, and very little offices so the impact will actually be less, even though they are adding more space. They anticipate that they would have half or less trips in and out than previously. He reported that their contractor has a mix of uses with the most intense probably being a carpet and tile store, so they will be leasing to tenants that do not have high traffic or high parking needs. They are going after the wholesale trades market and not something that will generate a lot of traffic. Also, the way the drive aisles will be set up is that they will be posted one-way so traffic going into the existing building will all have to exit on 28<sup>th</sup> Street. He felt that two-thirds of the traffic would be backdoor traffic with people making deliveries.

Mr. Cahoy said all traffic could exit onto 28<sup>th</sup> Street through the redesigned access point.

Mr. Schommer said that is correct. He felt that if US Highway 1 was busy, he would expect that most people instead of waiting would exit another way.

Mr. Cahoy said that stop sign on 28<sup>th</sup> Street and US Highway 1 could accommodate a left turn south. He said that he is concerned about the increased traffic over time, not just with this single development, as well as the danger to the north where the canal is located. He said exiting onto US Highway 1 south anywhere along that stretch is a very dangerous maneuver. He felt from a safety standpoint that it wouldn't impact this project at all if that US Highway 1 existing west exit was a right turn only.

Mr. Schommer said in speaking with FDOT, they do not require it most places because they figure that most people ignore it anyway.

Mr. Bittner agreed with Mr. Cahoy that the right in and right out causes more of a hazard where people make the right turn and then try to make a U-turn. He said traffic engineers currently are avoiding that situation for that reason.

Mrs. Minuse said her concern with the entire traffic issue is if people find it difficult to get out onto US Highway 1, they will take 28<sup>th</sup> Street and go through the residential area and then get onto 26<sup>th</sup> Street to get onto US Highway 1.

Mr. Schommer noted that 26<sup>th</sup> Street is a controlled intersection that has stop lights. He said it is a long block where people would be driving four (4) blocks to make one (1) turn.

Mr. Bittner questioned they are changing the existing drainage pattern positively by directing what is currently leaving this site and directing it south.

Mr. Schommer said that is correct. He noted that the Director of the ballfield was very excited about them stopping the flooding of the field.

The Chairman opened and closed the public hearing at 2:04 p.m., with no one wishing to be heard.

Mr. Jeffries said staff sees this as a very good investment on US Highway 1 and are very pleased to see this application, especially having someone invest in property on north US Highway 1. He hoped that this would spur additional investment by the private sector. He said this has gone through all review by staff, on transportation, drainage, etc., and staff recommends approval.

Mrs. Minuse said that she is pleased with everything that has been presented.

Mr. Cahoy said that he doesn't find any reason to not approve this, but he does want to go on record his displeasure about the US Highway 1 west entry/exit not being modified to a right turn only, irrespective of what the FDOT had to say.

Mr. Lauer agreed with Mr. Cahoy. He thinks that it is going to be dangerous to make a left hand turn at that location. He said he projected immediate use of the building doesn't restrict what could happen in the future with the building. He said 30<sup>th</sup> Street is a right turn and he has not ever seen anyone turn right and make a U-turn, but he has seen people try to turn left and almost lose their lives because of the bridge across the canal they cannot see the traffic

that is coming.

**Mrs. Minuse made a motion that the Board accepts staff's recommendation based on competent and substantial evidence. Mrs. Pelensky seconded the motion and it passed 4-1 with Mr. Cahoy voting yes, Mrs. Pelensky yes, Mr. Bittner yes, Mrs. Minuse yes, and Mr. Lauer no.**

## **V. PLANNING DEPARTMENT MATTERS**

Mr. Jason Jeffries, Planning and Development Director, reported that their next meeting will be held November 5, 2020.

He then gave an update on the Three Corners and the Cultural Arts Village.

A brief discussion took place regarding the Three Corners.

## **VI. BOARD MEMBERS' MATTERS**

Mr. Bittner asked is US Highway 1, A1A, and Route 60 the only three (3) roads that are FDOT controlled.

Mr. Jeffries reported that the bridges are also FDOT controlled.

Mr. Bittner said even if there are more, he will call these the major ones for discussion. He said when an access permit is applied for, the FDOT sends notice to the neighbors. He asked does the City also receive notice.

Mr. Jeffries said that he would have to check into that.

Mr. Bittner said his point is, could that information be shared with the Board. He asked is it legal to impose a right in/right out on a State road. He asked can the City require something that the FDOT does not require.

Mr. Turner said off the top of his head, he would say no. He said that FDOT would say this person is entitled to this permit for this road based on FDOT requirements.

Mr. Bittner said it would be ideal to provide feedback during the comment period with FDOT.

Mr. Jeffries said that is done at the staff level.

Mrs. Minuse asked for an update on Azalea Lane.

Mr. Turner reported that the Azalea Lane project might be coming back before the Board. He said the Circuit Court Judge granted the motion for Summary Judgement that was filed by the couple who owns a home on Azalea Lane and claimed in a separate lawsuit that the notice that was published advertising the City Council meeting and their consideration of the Ordinance on September 17<sup>th</sup> was defective. The Judge agreed and directed that the Ordinance adopting the Future Land Use Map amendment application is void. The matter now is that the application has been denied and if the applicant is interested in pursuing it further they are going to have to come back to the City and request is again.

Mrs. Minuse asked does the Board have the responsibility under the Sunshine Law / quasi-judicial to not discuss this.

Mr. Turner said that he would rather use his discretion and advise the City Council on their options in an Executive Session.

## **VII. ADJOURNMENT**

Today's meeting adjourned at 2:44 p.m.

/sp