

**PLANNING AND ZONING BOARD MINUTES  
THURSDAY, FEBRUARY 21, 2019 - 1:30 PM  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT:** Chairman, Lawrence Lauffer; Vice Chairman, John Carroll; Members: Honey Minuse, Steven Lauer and Alternate Member #1, Richard Cahoy **Also Present:** Planning and Development Director, Jason Jeffries; Interim City Attorney, Kira Honse and Deputy City Clerk, Sherri Philo

**Excused Absences:** Ken Daige and Robin Pelensky

**I. PRELIMINARY MATTERS**

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

None

**II. APPROVAL OF MINUTES**

**A) Regular Meeting – January 24, 2019**

**Mr. Cahoy made a motion to approve the minutes of the January 24, 2019 Planning and Zoning Board meeting. Mrs. Minuse seconded the motion and it passed unanimously.**

**III. PUBLIC COMMENT**

Mrs. Susan Grandpierre, member of the Cultural Council Cultural Arts Leadership Team and former Chair of the Cultural Council, said the Leadership Team has been working on the Edgewood neighborhood with the support from the City. The goal of the Cultural Arts Village is to preserve Edgewood's historical character and to make it possible for artists and other creative professionals to live, work, and sell out of their homes thereby creating an attractive environment to live, visit, and cherish. She said they recently completed an architectural survey of the neighborhood and identified the architectural underpinnings that give Edgewood the character and charm that they hope to preserve. Because the Downtown Arts District is next door it is their hope that what occurs downtown supports their neighbors. She said the Cultural Arts Village Team was very supportive of the City's Comprehensive Plan update that passed last year, which pays special attention to the importance of neighborhoods and the desire to maintain their integrity and health. She said the Comprehensive Plan addressed land uses and specified much of what can occur with regard to building in the Downtown District. She questioned what attention is being paid to what buildings look like. She said new construction is always welcome, but questioned why the City's process doesn't include something that looks at making new buildings harmonious with what is already there. She asked what are the steps to make some type of aesthetic or architectural review of new buildings part of the construction process. She asked what can they do together to preserve Vero Beach's continued attractiveness.

Mr. Lauer said that he supports this, but the Board does not have the ability to implement what she is looking for. He said that would have to go before the City Council.

Dr. Louis Roke (spelling may be incorrect) said it is inconvenient to hold a meeting like this where people have to take off work in order to attend. He said they should have held this meeting at a more appropriate time and they probably would have received more feedback. He said this is an issue that involves property that he owns on 14<sup>th</sup> Avenue and he had to cancel appointments in order to attend.

He said it a major inconvenience to hold a meeting at this time for someone who works. He said that he has owned his property for over 15 years and looks forward to the Downtown being revitalized. He does have an issue with a four (4) story building being built and how that will impact him.

Ms. Kira Honse, Interim City Attorney, clarified that at this point public comments are generic. She said Dr. Roke has not been sworn in so it does not rise to the level of evidence. She explained to Dr. Roke that the project will be reviewed under a quasi judicial hearing. Any public who wishes to speak on this project will need to be sworn in and it has to be applicable to the Land Development Code regulations that exist now, not what they would like them to be in the future. She explained that he can proceed with his comments, but they would not be weighed on the decision the Board makes today. If he would like for them to, then he needs to wait until they get to the public hearing.

Dr. Roke said that he hopes in the future that these meetings would be held at a more appropriate time so the people who work can attend.

The Chairman closed public comment at 1:40 p.m., with no one else wishing to be heard.

#### **IV. PUBLIC HEARING**

##### **[Quasi-judicial]**

##### **A) Site Plan Application Submitted by Vero Beach Custom Homes, Inc. for the Construction of an 18,000 Square Feet, Four-story Mixed Use/Commercial and Residential Building Located at 1797 14<sup>th</sup> Avenue (#SP18-000008).**

The Chairman read Site Plan Application #SP18-000008 submitted by Vero Beach Custom Homes, Inc., by title only.

There were no any ex parte communications reported.

The Deputy City Clerk swore in staff and all witnesses present for today's hearing en masse.

Mr. Jason Jeffries, Planning and Development Director, gave a Power Point presentation on the project (attached to the original minutes). He explained that this is a quasi judicial hearing and staff has reviewed this project based on the review process of Section 64.08, the criteria established for site plan review of Section 64.10, and the criteria in the Downtown Zoning District of Chapter 62, Article X, of the Code of Ordinances. It is his understanding that there might be some issues that are outside of the Code and he would defer those matters to after the quasi judicial hearing when they get to Planning Department Matters on today's agenda. For the purpose of this quasi judicial hearing they are only to review the project based on the criteria of the Zoning Code. He reported there were some written comments from individuals of the community placed on the dais for the Board members (on file in the City Clerk's office) and he has had some conversations with people who are concerned about the design of the building. He reminded the Board members that in terms of the site plan review process, the site plan criteria, and the criteria in the Downtown Zoning District, there are no architectural standards for this Zoning District. He said even though they have been provided with the architectural elevations for this project, there are no review standards to which they can review it. Staff finds that the proposed site plan application meets the provisions for site plan approval and recommends approval of the site plan subject to the conditions listed in staff's report (attached to the original minutes).

Mr. Lauffer said because the Board members did not receive the written communications until today they are going to take a few minutes to read them. He reported that there are extra copies for

anyone in the audience who wishes to review them.

Mr. Lauer asked what is the policy reason for the reduction in the parking requirements in the Downtown area.

Mr. Jason said it is his understanding that they were done in the 1990's to incentivize development Downtown. He said now the Downtown is experiencing revitalization and as development is occurring this might be the time where they will want to start looking at ratcheting those allowances back.

Mr. Lauer asked where does the southern boundary of the Downtown area end.

Mr. Jason said this project is located in the south end of the Zoning District.

Mr. Carroll referred to the parking spaces. He said that he is shocked that someone can do this. He said they have nine (9) spaces on site excluding the handicap space and the Code requires at least 12 spaces for the residents. He said this begs the question of where these people are going to park. He said there is nowhere to park long term. He said it is crazy that they continue to approve properties and developments that meet the City's regulations and then just continue down the same "worm hole." He said that is just baffling to him. Allowing the developer to use offsite parking to meet the requirements is even more ludicrous. He said if they would at least put 17 spaces on site there would be places for people to park who are going there to shop or for the people who live there. He thinks when they get to the Planning Department Matters the Board needs to take some action and wake up the City Council on how bad the zoning regulations are.

Mr. Lauffer said when he moved here in the late 1990's there were parking spaces everywhere, which is not the case now. He said the City's regulations in this case are not properly designed in that the residential usage should accommodate more parking spaces. He said with this project, they have actually underutilized this site in general. He said there could be more density than what they are using.

Mr. Carroll said they could elevate the project and use the first floor for parking. He noted that they don't have to use the entire first floor for parking.

Mr. Cahoy asked Mr. Jeffries to address the tenant mix as to how that affects the parking and permitting process.

Mr. Jeffries explained that the calculations were based on six (6) residential units, which are 12 parking spaces. The non-residential usage is calculated by the square footage of office versus the retail space.

Mr. Lauffer said the overall project is what the Vision Team wanted; commercial on the first floor with residential and offices above. He said in that way they are in compliance. He said that occurred when times were different and they didn't anticipate that they were going to need parking.

Mr. Cahoy asked is there a historic district.

Mr. Jeffries answered no. He reported that there was a survey of historic properties that was done in 1990 that identified historic buildings. Most of those buildings mentioned on 14<sup>th</sup> Avenue are located north of 19<sup>th</sup> Street. There has not been a detailed historic study done for the Downtown area in terms of qualifying as a historic district.

Mr. Cahoy referred to the ingress/egress point. He said that street is the entrance to the school and there is a lot of traffic, buses, student, and pedestrian issues and yet the parking lot is accessible from that street.

Mr. Jeffries noted that the Public Works Department has reviewed this and did not make any comments that there were any concerns.

Mr. Cahoy said it may be compliant with the Code, but he is really disappointed that they did not have a neighborhood meeting. He felt there was something wrong with the fact that with this area is partially residential and there was no neighborhood meeting held to get their input.

Mr. Carroll asked Mr. Jeffries for the City reference that allows the individuals in the Downtown District to use off-sight parking as part of their parking requirements.

Mr. Jeffries said there are really two (2) references, but the one that is most directly affecting this is in the Downtown Zoning District is located in Code Section 62.310. He noted that even the parking regulations Citywide have allowances for on-street parking. The only place where it is exempted is the Ocean Drive Overlay District.

Mr. Wesley Mills, of Mills, Short and Associates, who is representing the applicant and is the Engineer of record for this project, recommended to the Board if they are looking at changing the parking requirements in the Downtown District that they look back on past projects that have recently been constructed. He said there are numerous projects that are a huge improvement to the Downtown area. All the projects that his firm has been involved with have taken advantage of the Downtown parking regulations. They just have not made it before the Board for approval because of thresholds they did not trigger. He said there are new restaurants, catering facilities, etc., that have taken advantage of the parking exemptions. He said this project is not unique as far as parking. He said they planned this entrance because they felt they were too close to the intersection. With regard to drainage and the curbing, they worked with the Public Works Department throughout this project. He reported that there are some drainage issues within this area and the City recently completed some projects to help. This project, along with their parking, enhances the drainage. He is hearing and has read some of the letters where people do not like the architecture of the building. He noted that although the architecture is not 100% at this point, the property owner wanted some kind of assurance that they were going to get site plan approval before refining the architectural drawings. He said that he didn't see anything specific that he could speak to the property owner to try to incorporate. It was mostly that they didn't like the building, it is a tall building, etc., and he didn't think there was much they could do to accommodate that. However, if there are suggestions he would be happy to pass them on to the property owner and if they can incorporate those suggestions into the overall aesthetics of the building they will make every effort to do that.

Mrs. Minuse said that she read the letters they received today and they are very concerned about the architecture, which was her immediate concern when she went through this. She said the City did a Vision Plan and one of the things they looked at was compatibility of buildings within neighborhoods. They also looked at transitions into neighborhoods. She said there is nothing here that suggests compatibility with the district in front of it. One thing they look at in this City is looking to be good neighbors. She felt that anyone who wants to come into an area for residential and for business would want to be good neighbors.

Mr. Mills agreed. He said they do want to be good neighbors. They did not hold a public meeting because they looked at this project as a commercial project rather than a residential subdivision where

they would normally have neighborhood meetings. He said that he would be happy to meet with the neighbors to get their suggestions on the architectural side. He noted that at this point it would be difficult to incorporate any site changes, but he would be happy to listen to see if there is anything they could do aesthetically.

Mr. Lauffer said a property owner's long term affects are like most businesses where they want to prosper and want the area around them to prosper. But, when you build a building that is not in sync with what is around them they limit that possibility. His personal recommendation to the property owner is that they look back to see what is going to be best for the community. He asked why not cooperate and get involved in that kind of a process instead of starting something different that is not going to fit. He suggested that the property owner be as compatible with that as possible. He said as far as the parking situation, the Board is going to have to be more proactive in getting some of this changed in the future. He said so far he does not have any reason to not approve this project. But, if he had his druthers he would not vote in favor of it.

Mr. Cahoy said there was a previous project that came before the Board that was being developed in a tight setting like this and the Board requested the developer's cooperation to use screening and to water the site during construction in order to control the dust. He asked Mr. Mills if they would consider this.

Mr. Mills said the Department of Environment Protection (DEP) has very strict rules about pollution prevention. There are specifics that you cannot let dust leave the site. He said if there is dust they would be required to water. He said that they are required to put up silk fencing and to have a stone construction entrance so there is no tracking from the trucks going onto the road.

Mr. Cahoy said that he is suggesting something more than silk screening because of the school.

Mr. Mills said that he can discuss this with the property owner, but he cannot make that decision today.

Mr. Carroll referred to Code Section 62.310 that Mr. Jeffries referenced earlier with regard to the parking regulations. He read from Code Section 62.310 (d), "*New nonresidential construction or redevelopment that increase floor area is exempt from providing parking for the first 30 spaces that would be required by Chapter 63 of this title.*" He said this states new nonresidential, but this project is mixed use, business, and residential so this exemption should not apply to this project.

Mr. Jeffries explained how they calculated the parking requirements for this project.

Mr. Carroll said that he just doesn't know where people are going to park.

Mr. Mills said they have three (3) or four (4) restaurants in the Downtown area that they probably would never have had if this Code did not exist in its form. He said most of the restaurants that draw people to Downtown have used the parking reduction. He said this Board just didn't see it because it happened at staff level.

Mr. Carroll said the parking ratios have always been too high in most cases so a reduction of 50% may be realistic, but just to give a 30 space reduction no matter what parking they are suppose to have is ludicrous.

Ms. Honse didn't think anybody disagrees that they need to look at parking. But, the issue before the Board today is an application that has been submitted under the current regulations.

Mr. Lauer said is that there is new construction almost directly across the street from this project that looks a lot like this project so this is not the first departure from the architectural standards, if there are any, in the Downtown area. He said what they are encountering with the letters they received is not necessarily that it is a large structure with no parking, but that it is a large structure that is out of character with some parts of the Downtown area. The best he could suggest to the property owner would be to make the building look more in character with the buildings across the street.

Mr. Mills said it was the property owner's understanding that there are no architectural requirements so it wasn't a basis of decision for site plan approval. He said the architecture is not necessarily 100% at this point because the property owner wanted to make sure the site plan was possible first. Mr. Mills did not think they were far enough along where the aesthetics of the building can't change and he will discuss this with the property owner. He said the building footprint and the improvements on site are more challenging to change at this point.

Mrs. Minuse asked can the Board consider architecture separate from the site plan.

Ms. Honse answered no. She explained that there are no architectural requirements.

Mrs. Minuse asked can they approve the site plan with the caveat that the architectural review come back before them.

Ms. Honse answered no. She explained that there is no architectural review for them to come back for.

Mrs. Minuse questioned how can they address this.

Ms. Honse said once they get to Planning Department Matters they can discuss what they have learned from this project and what they need to do to proceed going forward.

The Chairman opened the public hearing at 2:56 p.m.

Mrs. Linda Hillman wanted to bring up Mr. Cahoy's concerns, which are her concerns, the school. She said the school is an a.m. and p.m. every day scheduled event and this project is right on the corner of the school and on a main street that is very narrow. She said children are crossing this street, there are school buses, crossing guards, and there is a stop sign. This is a very dangerous situation that this Board is going to have to consider. She said there is traffic in the Downtown area and there are parking issues. She knows there is a part of an Ordinance where the Board can refuse this plan if it does endanger people or a neighborhood. She said they need to think about the school and the danger to the children.

Dr. Louis Roke said his property is about two (2) or three (3) houses away from this property. He has owned this property for 15 years and has looked forward to the Downtown being revitalized. He is for progress, but does have some issues with this project. He said if they start building right up to the sidewalk it is going to end up looking like a wall along 14<sup>th</sup> Avenue. He said that he is for progress, but also fears for the impact on his property. He said that he will ultimately be forced to sell and then the next person will want to repeat the same thing and sooner or later they are going to have a wall of buildings on both sides of 14<sup>th</sup> Avenue with no pedestrian traffic.

Mrs. Barbara Hoffman, Executive Director of the Cultural Council and the Leadership Chair of the Vero Beach Cultural Arts Village, said they have been working a long time on preserving

neighborhoods. She knows that the site plan before the Board is in sync with the Code and she is very happy that Mr. Mills offered to meet with some of the people in the Downtown area. She said that she and the Committee members would be more than happy to meet with Mr. Mills and the property owner to discuss the architecture design of the building to see if they can come up with something that would be more compatible with what they are all trying to accomplish.

The Chairman closed the public hearing at 3:08 p.m., with no one else wishing to be heard.

Mr. Mills said that he will speak with the property owner and with Mrs. Hoffman to see if there is anything they can do on the architecture of the building.

Mr. Lauer asked is the applicant the owner of the property.

Mr. Mills answered yes.

Mrs. Minuse asked Mr. Mills if he felt the applicant would be amenable to the Board tabling this item to be brought back before them after he speaks with him.

Mr. Mills answered no. He explained that they don't know what they would change the architecture to. He said they don't want to delay this because by the time it gets back before this Board and receives all the approvals needed it could end up being another six (6) months.

Mrs. Minuse asked what if they gave a time certain.

Mr. Mills said that he doesn't know what the architecture has to do with this project.

Mrs. Minuse said compatibility with their neighbors.

Mr. Jeffries said compatibility is not a standard. The project meets the setbacks and the height requirements.

Mrs. Minuse said if they approve the setbacks, then any architectural change they make would have to stay within that frame.

Mr. Jeffries said that is correct.

Mr. Mills said that he would meet with the property owner and they will do what they can, but he is not in a position to table this because of items that are not in the Code as a requirement.

Mr. Jeffries reminded the Board that when reviewing a site they are reviewing that sites impact on traffic, not the adjacent site (referring to the school).

Mr. Lauer said that he feels a little better about this project because he knows the property owner. He said that the property owner is a resident of Vero Beach and has an office on 14<sup>th</sup> Avenue. He said the property owner is the type of person who is going to be concerned about the impact on the community and if he listens to this hearing he thinks the property owner will do something. He said that he is not thrilled about the way it looks right now, but it is located on the very edge of the Downtown District. Although this is a large building, they are complying with all the rules. He said this is something the Board has to approve, but they just have to hope that the property owner will do something to satisfy his neighbors.

Mr. Cahoy said it didn't help that they did not have a neighborhood meeting and appreciates Mr. Mills offer to have a neighborhood meeting that focuses on the architecture. He said that he is not at all satisfied with the safety issues at the intersection of 18<sup>th</sup> Street and 14<sup>th</sup> Avenue relative to the school, but having said that he has to rely on the analysis and to the fact that the issue has been reviewed by the City and by the Fire Department. He said that he cannot not vote for this project.

Mr. Lauffer felt the project is compatible with what the Vision Team wanted. He believes they should go back and look at the parking regulations.

Mr. Cahoy suggested that the public make their opinions known to the City Council.

**Mr. Lauffer made a motion to grant the application, that the Board finds that the facts presented and reviewed are complete substantial evidence to grant the application with the conditions listed in staff's report (that the Board recommends approval of the site plan subject to the conditions listed in staff's report for Site Plan Application #SP18-000008 submitted by Vero Beach Custom Hones, Inc.). Mr. Carroll seconded the motion and it passed 4-1 with Mr. Cahoy voting yes, Mr. Lauer yes, Mrs. Minuse yes, Mr. Carroll no, and Mr. Lauffer yes.**

## **V. PLANNING DEPARTMENT MATTERS**

Mr. Jeffries briefly went over the Planning Department's portion of the Power Point presentation with the Board members (attached to the original minutes).

Mr. Carroll asked if they can make a motion to make a recommendation to the City Council that they immediately eliminate the automatic 30-space reduction and take it on a case by case basis.

Ms. Honse explained that the process is that the Board could ask staff to draft an Ordinance that would remove that 30% for an immediate temporary solution of the parking issue. That Ordinance would then have to go before the City Council to be approved.

Mr. Jeffries said staff will look at the allowances in the Downtown Zoning District and bring a draft Ordinance back before the Board.

Mr. Jeffries said there was a lot of talk during today's hearing about architectural standards. He said that he could work with the Chairman of the Architectural Review Commission regarding establishing architectural standards if that is something the Board would like him to do.

Mr. Carroll felt it was a good idea to start working on something.

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

None

## **VII. ADJOURNMENT**

Today's meeting adjourned at 3:48 p.m.

/sp