

**PLANNING AND ZONING BOARD MINUTES
THURSDAY, JULY 23, 2020 - 1:30 PM
COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA**

PRESENT: Vice Chairman, Honey Minuse; Members: Robin Pelensky, Richard Cahoy and Jeb Bittner **Also Present:** Planning and Development Director, Jason Jeffries; Principal Planner, Cheri Fitzgerald; City Attorney, John Turner and Records Retention Specialist, Heather McCarty

Excused Absences: Steven Lauer and Jose Prieto

Unexcused Absences: John Carroll

The Vice Chairman called the meeting to order at 1:30 p.m.

I. PRELIMINARY MATTERS

A) Agenda Additions and/or Deletions

None

II. APPROVAL OF MINUTES

A) Regular Meeting – July 9, 2020

Mrs. Pelensky made a motion to approve the minutes of the June 18, 2020 Planning and Zoning Board meeting. Mr. Bittner 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; Requested by Schwerin Asset Advisors, LLC to Annex Property Located at the Southeast Corner of Indian River Boulevard and 41st Street, Containing 23.65 Acres More or Less, Pursuant to the Voluntary Annexation Provisions of Section 171.044 Florida Statutes; Providing for an Effective Date.**

The Vice Chairman read the Ordinance by title only.

Mrs. Cheri Fitzgerald, Principal Planner, went over staff's report accompanied by a Power Point presentation (attached to original minutes). The staff recommends that the Planning and Zoning Board recommend approval for submission to the City Council approval of the voluntary annexation application.

Mr. Cahoy questioned why the fees were waived. Mr. Jeffries answered that it is the City's policy to encourage voluntary annexation and fees are waived as an incentive.

Mr. Johnathon Barkett, with Collins Brown Barkett Chartered, said he was here representing the Applicant and to support the recommendation and answer any questions.

Mr. Bittner asked if it is similar zoning between the City and the County. Mr. Jeffries answered yes, and they would get into that with the next items.

Mrs. Pelensky made a motion to accept staff's recommendation for the voluntary annexation. Mr. Bittner seconded the motion and it passed 4-0 with Mr. Bittner voting yes, Mr. Cahoy yes, Mrs. Pelensky yes, and Mrs. Minuse yes.

[Legislative]

B. An Ordinance of the City of Vero Beach, Florida Amending the Comprehensive Plan Future Land Use Map by Changing the Future Land Use Designation of Annexed Property from Indian River County Designation M-1, Medium-Density Residential-1 to City of Vero Beach Designation RM Residential Medium, for the Property Located at the Southeast Corner of Indian River Boulevard and 41st Street, Containing 23.65 Acres More or Less; Providing for an Effective Date.

The Vice Chairman read the Ordinance by title only.

Mrs. Fitzgerald went over staff's report accompanied by a Power Point presentation (attached to original minutes). The staff recommends that the Planning and Zoning Board recommend approval for submission to City Council of the Ordinance amending the future land use map (FLUM) designation from M-1, (County) to RM (City).

Mr. Bittner asked about the analysis of traffic for the 89 units. He said the difference between County and City zoning is up to 10 units per acre and this is 23 Acres, which is 230 units. Mrs. Fitzgerald answered that is true, but the actual zoning designation requested is the same, which is eight (8) units per acre. She said they would be getting into more detail on that.

Mrs. Minuse asked if it was correct that they are not permitting recreational public facilities, like they would if it remained in the County. Mrs. Fitzgerald said that is correct.

Mr. Jeffries said that is getting more into the zoning and they are talking land use. He explained when they say supportive community services, they are talking about properties within these areas designated with this land use could have schools and churches, for example.

Mrs. Pelensky asked what the criteria is for large scale. Mrs. Fitzgerald answered it is 10 acres or more.

Mr. Cahoy asked who provided the traffic study. Mrs. Fitzgerald answered the applicant did and they hired Kimley Horn. She said that staff reviewed it and concurred.

Mr. Bittner commented that the traffic impacts were to northbound Indian River Boulevard only in the report. Mr. Jeffries explained at this level of review, they are looking at level of service, so the question is, is there the capacity on the roadway and their study said there is capacity. At this type of review, they are looking at if there is capacity on the adjacent roadway. The functional traffic issues come in to play with the site plan. He said the traffic report was just to determine if this is impacting the level of service on the roadway.

Mrs. Pelensky made a motion that they accept staff's recommendation. Mrs. Minuse seconded the motion and it passed 4-0 with Mr. Bittner voting yes, Mr. Cahoy yes, Mrs. Pelensky yes, and Mrs. Minuse yes.

[Quasi-judicial]

- C. An Ordinance of the City of Vero Beach, Florida, Amending the Official Zoning Map by Changing the Zoning District Designation of Annexed Property from Indian River County Designations RM-8, Multiple-Family Residential and RS-1, Single-Family Residential Districts to City of Vero Beach Designation RM-8, Medium Multiple-Family Residential District, for the Property Located at the Southeast Corner of Indian River Boulevard and 41st Street, Containing 23.65 Acres More or Less; Providing for an Effective Date.**

There were no ex parte communications reported.

The Records Retention Specialist swore in staff and all witnesses present for this hearing en masse.

The Vice Chairman asked that any exhibits that have not been distributed be given to staff.

Mrs. Fitzgerald went over staff's report accompanied by a Power Point presentation (attached to original minutes). Staff recommends the Planning and Zoning Board recommend approval for submission to City Council of the Ordinance amending the Zoning District Map from RM-8 and RS-1 (County) to RM-8 (City).

The Vice Chairman opened and closed the public hearing at 2:11 p.m., with no one wishing to be heard.

Mrs. Pelensky made a motion to accept staff's recommendation based on competent and substantial evidence. Mr. Bittner seconded the motion it passed 4-0 with Mr. Bittner voting yes, Mr. Cahoy yes, Mrs. Pelensky yes, and Mrs. Minuse yes.

Mr. Jeffries noted that the hearing on the zoning won't occur until they have adopted the future land use.

[Legislative]

- D. An Ordinance of the City of Vero Beach, Florida, Amending Chapter 60 (Appendix. Definitions) of the Land Development Regulations to Add a Definition of Room or Room Unit for Purpose of Calculating Room Density for Hotels or Congregate Living Facilities; Providing for Codification; Providing for Conflict and Severability; and Providing for**

an Effective Date.

The Vice Chairman read the Ordinance by title only.

Mr. Jason Jeffries, Planning and Development Director, went over staff's report accompanied by a Power Point presentation (attached to original minutes). Staff recommends the Board approval of the draft Ordinance for transmittal to the City Council for favorable consideration.

Mr. Bittner asked about impact fees and if the unit would be counted as one (1) or (2) units. Mr. Jeffries said that is separate and that is the County. Mr. Bittner asked if the City was going to be giving up any fee income. Mr. Jeffries answered no, because they don't get that fee income, the County does.

Mr. Bittner asked if the density could be calculated differently so they get more net density on a given acre. Mr. Jeffries answered no, because the density calculation is the same; it's just a matter of how you define the room. He said the language was taken from the Planner's Dictionary. He said this provides more certainty because it now codifies it with that definition. He talked about some changes in the hotel industry and that he thinks they are going to start seeing more suite hotels. He added that this definition can also be used with assisted living facilities.

Mrs. Minuse read from page 2 of 3 of the draft Ordinance, "For purpose of measurement, where a room suite with a single exterior door contains two or more rooms, each two sleeping rooms shall be counted as a single room unit." She asked if they should make it "each two or more sleeping rooms" or if they want to limit it. Mr. Jeffries said that is up to them, but he feels "two sleeping rooms" is a reasonable application. He said a suite with a living area and two separate bedrooms is more like a condo, which are full residential units and are calculated differently.

Mrs. Pelensky commented it comes down to density because if you have a two (2) bedroom suite, that is high density. She feels they should keep it two (2).

Mr. Jeffries explained that if the density only allows 30 rooms but they build it with these three (3) unit rooms that would be a lot of people in one (1) unit. He said that is the reason they calculate hotel rooms by density. He said Vero Beach has a policy to try to keep Vero Beach low density. He said his intention is to keep it a little more constrained.

Mrs. Pelensky asked if parking is per room. Mr. Jeffries answered yes, per room.

Mr. Cahoy referred to Section 2 – Definitions. He said he finds the word "kitchenette" pretty suggestive in the sense that without being a complete cooking facility, a kitchenette can be expanded to accomplish the same thing by virtue of adding various appliances. He would like to see that word excluded.

Mr. Jeffries said they need to define "kitchenette" and "cooking facilities" in their Code because it comes up with accessory dwellings. He explained that staff internally has an interpretation that a full kitchen is with 220 service, meaning there can be an oven or a stove.

Mr. Cahoy said they could have a convection microwave oven, a hotplate, and a lot of various appliances to turn it in to a cooking facility without it meeting the definition. He commented that

they want this to be a hotel, not an apartment. Mr. Jeffries said that is true because then it becomes a dwelling unit.

Mr. Jeffries said the Webster definition of “kitchenette” is “a small kitchen or alcove containing cooking facilities.”

Mr. Bittner gave the Wikipedia definition, which was “a small cooking area, which usually has a refrigerator and a microwave, but may have other appliances. In some motel or hotel rooms, small apartments, college dormitories, or office buildings, a kitchenette consists of a small refrigerator, a microwave oven, and sometimes a sink.”

Mr. Jeffries agreed it is a kitchen without a full stove. He added that typically a mini-bar or a wet bar implies really just to a sink and maybe a small refrigerator.

Mr. Cahoy asked what the objection was to taking out the word “kitchenette.” Mr. Jeffries explained that going down the line, he doesn’t want to get in to an instance where an assisted living facility or hotel is coming in that wants a small kitchen in the room, without an oven, and they end up where there’s interpretation by staff or the Board that tells them no because it doesn’t fit the definition of a wet-bar or a mini bar.

Mr. Cahoy asked if what they do today is going to affect more than the hotels.

Mr. Jeffries said this definition only deals with the calculation of density for hotels and assisted living facilities.

Mr. Bittner asked if the Fire Code or the Building Code calls out, specifically with ovens and cooking facilities in a multi-family hotel. Mr. Jeffries answered yes, that whatever is being put in would have to meet their Code. This is for the purpose of the zoning and how they calculate the rooms.

Mr. Bittner made a motion to accept the wording as proposed, given that it came out of the Planner’s Dictionary. Mrs. Pelensky seconded the motion.

Mr. Joseph Schulke, Consulting Engineer with Schulke, Bittle and Stoddard, said he was here representing the applicant today and did not have anything further to add. He thinks the City did a fine job in assisting in putting together the application and they agree with the findings and with the recommendations. He said this makes it more concrete so that developers can go to the Code and be sure how this is going to be interpreted.

Mr. Cahoy said he would like for the Planning Department to look at the issue of more definition for “cooking facility” and for “kitchenette” but not delay the approval of this. He agrees to it in principal as it applies to assisted living facilities, but he does not agree with it in principle as it applies to a hotel. He said moving this forward, subject to their further review relative to the definition process, he would approve it.

Mr. Jeffries said he would follow up and look at those definitions and bring the Board back some proposed definitions.

Mrs. Minuse brought up a concern with assisted living facilities and this allowing them to do something that might not be safe on their own. She asked if congregate facilities take into account sober homes. Mr. Jeffries answered no, that those are different. He said per the State, they have to treat those as residential units. He added that the Code needs updated on many areas, including those.

The motion passed 4-0 with Mr. Bittner voting yes, Mr. Cahoy yes, Mrs. Pelensky yes, and Mrs. Minuse yes.

V. PLANNING DEPARTMENT MATTERS

Mr. Jeffries gave an update on the Three (3) Corners project. He explained that the Consultant is going to be presenting a different proposal that reflects the impacts on Covid-19. He is going to be presenting his new scenario to the Steering Committee soon. Then whatever they recommend, he will bring back to this Board for their recommendation.

Mrs. Minuse asked if it is still a goal to get this on the November ballot. Mr. Jeffries answered yes.

Mrs. Minuse asked if there was any ideas on what he was going to change.

Mr. Jeffries felt that the Consultant is now looking for less density and relooking at the plan to make it not be so compact. He said City Council wanted to take a look at his new idea so they will see what he comes back with. He said they will possibly have a Special Call meeting in regards to it. He reported that there will not be a meeting August 6, 2020. He will possibly be bringing site plans and text amendments to the August 20, 2020 meeting. They might need to have a meeting on August 13, 2020 because they need to meet after the Steering Committee but before the City Council meeting on August 18, 2020. He noted that the Steering Committee could possibly look at the new proposal and recommend sticking to the original plan and then they won't need to meet.

VI. BOARD MEMBERS' MATTERS

Mr. Bittner reported that he will not be present for the August 20, 2020 meeting, or be available for a Special Call meeting on August 13, 2020.

VII. ADJOURNMENT

Today's meeting adjourned at 2:57 p.m.

/hm