

**PLANNING AND ZONING BOARD MINUTES  
THURSDAY, SEPTEMBER 19, 2019 - 1:30 PM  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT:** Chairman, John Carroll; Vice Chairman, Steven Lauer; Member, Robin Pelensky 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 Absences:** Honey Minuse and Jose Prieto

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 – September 5, 2019**

**Mr. Lauer made a motion to approve the minutes of the September 5, 2019 Planning and Zoning Board meeting. Mr. Cahoy 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, Relating to the Implementation of Affordable Housing Incentives, Creating Chapter 79, Development Incentives, Article I, Affordable Housing Incentives; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date (#Z19-000015-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 (attached to the original minutes). The staff recommends Planning and Zoning Board approval of the draft Ordinance for transmittal to the City Council for favorable consideration.

The Chairman opened the public hearing at 1:51 p.m.

Mr. Bruce Barkett, Attorney, reported that he is representing Mrs. McLaughlin, who would like to develop the property. He referred to sections of the Florida Statutes, which he has provided to the Board (attached to the original minutes). He read into the record Section 420.6015, Legislative

findings, item (1), “Decent, safe, and sanitary housing for persons of very low income, low income, and moderate income are a critical need in the state” and item (2), “new and rehabilitated housing must be provided at a cost affordable to such persons in order to alleviate this critical need.” He then read in part item (6), “Special programs are needed to stimulate private enterprise to build and rehabilitate housing ...” and item (7), “Public-private partnerships are an essential means of bringing together resources...” He said this is followed up in Chapter 163. He read into the record Section 163.3177 (f), “The provision of adequate sites for future housing, including affordable workforce housing... housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities ... with supporting infrastructure and public facilities.” He said the City has already adopted a Comprehensive Plan that adopts the principles required by the State so today’s hearing is really not to discuss the wisdom of the Ordinance and whether they should or should not do this because that has already been decided. The State says that it has to be done and the City already adopted the policy to do it. Unfortunately, Comprehensive Plans are not self-implementing. They are only implemented through Ordinances. He said that Mr. Jeffries did a remarkable job of pulling together this Ordinance. He studied it very carefully and supports the Ordinance as written. He said that he thinks another part of this should be that the Board takes it a step further and instructs Mr. Jeffries to start working on Phase II. He explained that the City has several properties in Vero Beach that could use rehabilitation that are not going to be rehabilitated because under the current zoning if they had, for example, 20 units in a building and wanted to rehabilitate it they would only be permitted to put in 15 or 16 units. He would suggest that they prepare a grandfathering Ordinance that allows rehabilitation of older properties at least to the density they are at now. He said this would encourage people to rehabilitate and rebuild buildings, which would make the City more attractive and increase the tax base. He encouraged the Board to adopt this Ordinance as presented and instruct Mr. Jeffries to begin to work on Phase II for a grandfathering provision for existing densities.

Mrs. Sandra McLaughlin said she and her husband live in Kentucky and will be retiring here in Vero Beach. She said they have a home here that is under construction and they own a home here. As an investment to the community, they purchased property on Royal Palm Boulevard. She said that they own 20 apartments on Royal Palm Boulevard and are already providing affordable housing, however the apartments are old, dilapidated, and unsustainable so she wanted to demolish them and build 20 new apartments. She said that she hired an architect and an engineering firm, but when she brought it to Mr. Jeffries she was told that could not happen; that she could have 17 apartments, not 20. It was then her intent to get a grandfathering clause. She said that she would build under affordable housing and encouraged Mr. Jeffries to allow grandfathering because there are buildings in the City that are boarded up and abandoned and she spoke with a gentleman the other day who owns property on Royal Palm Boulevard who would like to do this. She said the City would get greener, cleaner, smarter, and prettier buildings. She said that she would be happy to go with a grandfathering clause or go under affordable housing. She would do it either way. She said that she would like to show the Board the housing that she is proposing. The architect and the engineers are finished with the plans and she is ready to build. She has a rendering of what the building would look like and if the Board would allow her to, she would like to show it to them so they can see what they are talking about.

Mr. Turner said her presentation and input is accepted and under consideration by the Board. Her presentation on what she plans to develop may be better off served during the application process. He explained that they are here for consideration of the Ordinance only.

The Chairman closed the public hearing at 2:03 p.m., with no one else wishing to be heard.

Mr. Lauer referred to page two (2) of staff’s report. He said it states, “The State of Florida

*encourages that each municipality include local housing incentive strategies that include local regulatory reform or incentive...*” and then it goes down to state, *“may include any of the following strategies.”* He said the only thing that he can see under F.S. 163.3177 (f) that even remotely mirrors any of the bullet points listed is in subparagraph (3), which states in part *“streamline the permitting process...”* He asked Mr. Jeffries what does “encourages” mean and how did it encourage him to make these changes to the Code.

Mr. Jeffries explained that the State Statute states that the cities are to have a housing element.

Mr. Lauer said the City already has a housing element.

Mr. Jeffries said that is correct.

Mr. Lauer said but they are here today to discuss changing impact fees, changing densities, reducing parking requirements, etc. He said they are talking about all types of things that he doesn't see in the Statute. He said that Mr. Barkett stated that they are required to do this, but he doesn't see that the State of Florida says to do anything but adopt the affordable housing standards. He asked is the City required to change the standards.

Mr. Jeffries explained that they are required to have a housing element that reduces the barriers to affordable housing. He said it is established planning and development practice to provide density bonuses, such as reducing the setback or development standards, the amount of parking required, etc. He said the logic with the parking is if people can't afford housing, they probably can't afford two (2) cars per unit. Therefore, you have to look at those barriers to provide affordable housing and then you have strategies to reduce those barriers. He said it is not that the State is dictating it; it is that the cities need to provide affordable housing. He said they just had someone come before them who wants to provide affordable housing and wants to improve the condition. She is willing to build new housing to current standards, but needs to at least build what she currently has.

Mr. Carroll recognized that Mr. Barkett was in the audience wanting to speak, but noted that they have closed public comments.

Mr. Turner said they have moved on to discussion and questions by the Board members.

Mr. Lauer said that he is not in favor of the Ordinance as it stands. He thinks that it goes beyond what the State requires the City to do and he doesn't like the idea of changing the Codes to reduce parking and density.

Mr. Turner explained that the housing element that is part of Chapter 163 doesn't require local governments to build affordable housing, but it encourages local governments to create an environment for affordable housing that would facilitate that development. Then as you go further under the Housing Element Requirements of the Community Planning Act, that includes that every local government have adequate sites for affordable housing and provide for housing of current and future anticipated populations, including special needs populations. It doesn't impact Home Rule powers that we have and enjoy to zone, rezone, and impose regulations as long as they are not in conflict with State law. He felt this was the overall approach the Board should take in dealing with the proposed Ordinance. He said there are partial requirements, but the City still maintains some authority.

Mr. Lauer said that he thinks there are a lot of areas in the City that provides housing for low-income people. He said that he doesn't have a problem with the suggestion of being able to rebuild to the

same density someone had previously, but he doesn't like the idea of going into some other area and changing the nature of the neighborhood. He said that he doesn't feel like the mandate of the State of Florida is as strong as what is being presented.

A gentleman from the audience questioned the statement of "changing the nature of the neighborhood."

Mr. Carroll noted that public comment has been closed.

Mrs. Pelensky asked what is in the proposed Ordinance that would protect communities.

Mr. Jeffries said separation requirements and they have the criteria that they have to look at compatibility.

Mr. Turner said if the Board desires they can reopen and consider additional comments if that is a consideration they want to discuss and hear.

Mr. Carroll said that he appreciates that, but he thinks the Board members do not understand specifically what they are voting on. He explained that they are basically voting on the Ordinance, which are the last pages of the packet. The rest is information only. He felt that the development incentives seemed to be the issue. He noted that they cannot increase the density that they already have.

Mr. Cahoy said that he has a problem with the parking.

Mrs. Pelensky said that she thinks it is time for the City to do this. She explained that the low-income housing that is available currently is at a very low standard. She thinks this is something they need to do.

Mr. Carroll asked Mr. Cahoy if there was anything regarding the parking that he would like to see.

Mr. Jeffries noted that if someone is barely affording a house it is unlikely that they are going to have multiple cars or even own a car. He felt that reducing it to one (1) parking space is reasonable in this case.

Mr. Carroll said one (1) of the biggest problems you have with higher density development is service parking. He requested that they have one (1) parking space per residential unit plus service/guest parking.

Mr. Lauer noted that only 25% of the units in this new development have to be affordable housing so 75% are not and they are reducing the parking requirements potentially for 75 % of the residents.

Mr. Jeffries explained that as the Board looks at development plans, the reduced parking would only be for the affordable housing units and not for all the units. He said the incentives are not an entitlement. The Ordinance states the following incentives are available, but that doesn't mean they must provide them.

Mr. Lauer said he doesn't see that. He said it states affordable housing development, not affordable housing units. It also states one (1) parking space per residential unit, the same with the residential lot size (referring to page seven (7), item (c) of the proposed Ordinance).

Mr. Jeffries said they would add the words “affordable housing” to the end of the statement so it would read, *“Upon demonstration that the affordable housing development is located within walking distance to public transit line, the affordable housing development may request a reduction of required parking to one parking space per affordable housing residential unit”* to make it more clear.

Mr. Lauer referred to the definitions in Section 79.02 stating that the word “dwelling” in the definition “affordable housing dwelling unit” is not used consistently throughout the Ordinance.

Mr. Jeffries said that staff would look through it again to be sure the wording is consistent throughout.

Mr. Carroll said the suggested changes were to page seven (7), line item 31, where it would state one (1) parking space per affordable residential unit plus service/guest parking and the other is to have consistency with the definitions.

**Mrs. Pelensky made a motion that the Board accepts this Ordinance brought before them today with the modifications made on page seven (7), Section 79.09 (c), adding service and guest parking and consistency in the definitions.**

**Mr. Turner asked is the motion their recommendation for approval to the City Council.**

**Mrs. Pelensky said yes, that is her motion. Mr. Cahoy seconded the motion and it passed 3-1 with Mr. Cahoy voting yes, Mrs. Pelensky yes, Mr. Lauer no, and Mr. Carroll yes.**

Mr. Barkett thanked the Board for their careful consideration. He thinks what happened is exactly what should happen. They are supposed to examine the Ordinance and decide what they like what is in it and what is not. What was frustrating was that some of the Board’s concerns were brought up after he was allowed to speak and he could have addressed them, but they wouldn’t let him address them. He suggested that if the Board is going to have concerns, it would be fair to let the people hear what they are and give them the opportunity to respond.

## **V. PLANNING DEPARTMENT MATTERS**

Mr. Jeffries 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 2:58 p.m.

/sp

