

**PLANNING AND ZONING BOARD MINUTES  
THURSDAY, NOVEMBER 21, 2019 – 1:30 P.M.  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

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

**Excused Absence:** John Carroll

**I. PRELIMINARY MATTERS**

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

None

**II. APPROVAL OF MINUTES**

**A) Regular Meeting – October 17, 2019**

**Mrs. Minuse made a motion to approve the minutes of the October 17, 2019 Planning and Zoning Board meeting. Mr. Prieto seconded the motion and it passed unanimously.**

**III. PUBLIC COMMENT**

None

**IV. PUBLIC HEARING**

**{Quasi-Judicial}**

**A) Affordable Housing Development Application submitted by McLaughlin Properties, LLC for the construction of 20 dwelling unit multi-family residential development with five (5) affordable housing dwelling units located at 1055 Royal Palm Boulevard (AH19-000001)**

The Vice Chairman read Affordable Housing Development Application #AF19-000001 submitted by McLaughlin Properties, LLC, 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. 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). Staff finds that the application is compliant with affordable housing development standards and based on the findings outlined in the staff report, staff recommends approval of the affordable housing development application and plan for this site.

Mr. Todd Smith, Project Engineer, reported that this is the first project to come before the Board to utilize the Affordable Housing Ordinance. He said there is a provision in the Ordinance that allows for a reduction in parking, which they are not proposing. He said they would be providing two (2) parking spaces per unit.

The Vice Chairman opened the public hearing at 1:52 p.m.

Dr. Arthur J. Story said that he had been sworn in. He said that he owns a Dental Office at 1140 Royal Palm Boulevard and has owned the property since 1983. He asked why were they going to put in 20 units when the Code only allows 17 units.

Mr. Jeffries said there are currently 20 units on the site.

Dr. Story said there are 20 units currently, but that is past zoning.

Mr. Jeffries said the City now has an Ordinance that allows someone to rebuild the same number of units as long as the Planning and Zoning Board approves the Affordable Housing plan.

Dr. Story questioned why do they want to increase the density in this area.

Mr. Jeffries said this is not increasing the density because they currently have 20 units on the property.

Dr. Story said but they are going over what the new zoning regulations are, which is 17 units.

Mr. Jeffries explained that it would be a disincentive to improve sites if they didn't allow people to rebuild their structures to what they currently have.

Dr. Story said they are going to tear down the whole structure and build a new structure with 20 units of which only five (5) would be affordable housing. He asked what is going to happen to the other 15 groups who are currently living there.

Mr. John Turner, City Attorney, asked Dr. Story if he had any questions on the application itself or any other issues rather than the general concepts.

Dr. Story answered no.

Ms. Judy Blankenship said that she has been sworn in. She reported that she is the President of the Royal Park Condominium Association, which is located immediately to the south of this property. She said that she lives on the second floor and what concerns her is that she overlooks this property. Currently she has the view of beautiful trees and asked if this new building goes in, what is going to break her view. She said they have 38 units in her building, which has three (3) floors so the second and third floor would be looking into the back of this proposed building. She felt that parking could be a serious issue and parking on the street will not work at all. She said they need to look at the existing neighbors and how everything is going to be addressed. She said they have a total of 92 units, with 38 units on the north and 27 units on the east and west so there are a lot of people. She said they have a very respectable community and a desirable piece of property and they would like to keep it that way. She said that they would appreciate the consideration of their neighbors.

Mrs. Sandy McLaughlin stated that her and her husband are partners in McLaughlin Properties and are the applicants. She reported that there are 95 Palm Trees on the site and they are going to keep as many of them as they can. She said that she did try to reach out to the Condominium Association because they do want to work with them. She asked Ms. Blankenship for her contact information so they can discuss this. She reported that there currently are a little over 20 people living on the property and there are probably six (6) cars parked there. She explained that the reason she is only designating five (5) units as affordable housing is because of the reporting requirements. It is her commitment to maintain all of the 20 units as affordable housing units for as long as she owns the property. She reported that the interior of all the units would be the same. There will be 20 very nice affordable housing units at a rate of income that her tenants can afford. She noted that the rate her tenants are currently paying will not increase, which means they will not be displaced in any way.

Mr. Dallas Freeman said that he is a resident of Royal Palm Condominiums. The Vice Chairman asked Mr. Freeman if he has been sworn in. Mr. Freeman testified that he was.

Mr. Freeman said that he has been a resident of the condominium for 20 years. He said currently they restrict the number of people permitted in their units. He asked how that would play into the proposed project.

Mr. Jeffries said there are requirements in the City's Code. However, because of the nature of this project there might be an opportunity to have something in the agreement with the City.

The Chairman closed the public hearing at 2:10 p.m., with no one else wishing to be heard.

Mrs. McLaughlin said that she runs a very tight ship and anyone living there has to be on the lease and she allows only one (1) person per bed and two (2) if they are married.

Mr. Lauer asked how many bedrooms are in the units.

Mrs. McLaughlin answered one (1) bedroom for the most part.

Mr. Lauer asked are they all one (1) bedroom units.

Mrs. McLaughlin answered yes.

Mr. Jeffries asked was the question how many bedrooms do they have currently or what is being proposed.

Mr. Lauer said what is being proposed.

Mr. Jeffries clarified that what is being proposed is two (2) bedrooms per unit.

Mrs. Pelensky questioned how they could put the number of people allowed per unit into the agreement.

Mr. Jeffries said the Board can make that as part of their recommendation to the City Council. He said staff will make sure that is built into the agreement before they bring it before the City Council.

**Mrs. Pelensky made a motion that the Board puts into the agreement that they have a certain amount, whatever the amount is that they agree on ...**

Mr. John Turner, City Attorney, asked do they have a number in mind.

Mr. Lauer suggested that they not exceed four (4) people per unit.

Mr. Jeffries recommended that they allow one (1) person per bedroom unless it is a married couple.

Mr. Lauer questioned restricting it to a married couple. If they say not to exceed four (4) people per unit, then that would be the maximum allowed.

**Mrs. Pelensky made a motion that staff includes in the agreement with the City that requires a maximum of four (4) people living in a unit ...**

Mr. Lauer explained that the Board needs a motion to approve or not approve the application subject to an agreement.

Mr. Turner explained that there is a request that the application would include a cap of four (4) people per unit as a recommendation. He said the Board could move to approve the application as presented with the amendment to the application as to restricting the number of individuals

per unit and that is supported by substantial competent evidence, it should be a finding made by the Board.

**Mrs. Pelensky made that motion (that the Board approves Affordable Housing Development Application #AH19-000003 submitted by McLaughlin Properties, LLC, with the added language in their agreement with the City that there is a cap of four (4) people per unit). Mr. Prieto seconded the motion and it passed 5-0 with Mr. Cahoy voting yes, Mrs. Pelensky yes, Mrs. Minuse yes, Mr. Prieto yes, and Mr. Lauer yes.**

**{Quasi-Judicial}**

**B) Site Plan Application submitted by McLaughlin Properties, LLC for the construction of a two-story multi-family residential building (20 units) located at 1055 Royal Palm Boulevard (SP19-000003)**

The Chairman read Site Plan Application #SP19-000003 submitted by McLaughlin Properties, LLC by title only.

There were no ex parte communication reported.

Mr. Turner noted that this is a separate proceeding so anyone who is going to testify or make a statement need to be under oath.

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

Mr. Jeffries briefly went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes). Based on the findings outlined in the staff report, staff recommends approval of the site plan subject to the conditions listed.

Mr. Bittner referred to the proposed parking of two (2) spaces per unit. He asked if there would be any additional spaces for guest parking.

Mr. Jeffries said the Code only requires two (2) parking spaces per unit.

Mr. Bittner said if they are approving up to four (4) people per unit and providing two (2) parking spaces per unit with no guest parking, it might lead up to overflow parking.

Mr. Jeffries explained that they are now dealing with the Site Plan Application so the question would be if they are meeting the City standards, so built into that ratio is the provision of people living in that unit and guest parking and the Code requires two (2) spaces per unit.

Mr. Lauer said 40 parking spaces is a lot.

Mrs. Minuse asked isn't there also a provision in the Code regarding affordable housing and nearby transportation.

Mr. Jeffries answered yes.

Mrs. Pelensky said the plan shows on the south property line, six (6) clusters of Palm Trees, which is great, but the elevation drawing shows a lot more than six (6). Therefore, that is not an accurate depiction of what the people in the condominium will be looking at.

Mrs. Pelensky asked why is the building being set so far back.

Mr. Jeffries said that would be a question for the applicant.

Mr. Todd Smith, Project Engineer, said the building is being set back on the property because they knew they were going to have the main access to the property on Ponce De Leon and there are distance requirements from the intersection to the entrance, so it would either push the parking all the way to the back of the property or push the building all the way to the front along Royal Palm Boulevard. They also looked at where they could save the most trees. He said under their design consideration, it would save the most trees by putting the stormwater on the front of the property and putting the building towards the back of the property. He stated that they would have 79 Palm Trees, there are eight (8) existing canopy trees on the site and they would be planting an additional 20 more large canopy trees, and about 400 shrubs. He said they are not taking the parking reduction that is allowed by the Affordable Housing Code and will be providing 40 parking spaces. He noted that typically most multi-family units are allowed two (2) vehicles per unit on the entire complex. It usually averages to about 1.5 per unit. He reported that the stormwater will be a big improvement to the site in that their stormwater area will be a dry sodded system at 18-inches deep.

Mr. Cahoy asked is there any type of privacy fencing on the rear of the property to accommodate the close vicinity of the multi-family behind them.

Mr. Smith said a fence is not being proposed.

Mr. Cahoy said the privacy issue and the accommodation was raised earlier in today's meeting, which is why he is raising that question; to have some type of fencing to accommodate the people to the rear of the property.

Ms. Gayle Lafferty, Senior Planner, said the adjacent property has an existing six (6) foot privacy fence, which is located on the property line.

Mr. Cahoy asked Mrs. McLaughlin if they would be predesignating parking numbers to the parking spaces. He said guest parking was raised earlier and if the parking spaces were numbered, that would not accommodate a guest parking issue.

Mrs. McLaughlin answered no. She said they currently have 40-50 people living there and there are six (6) cars so she doesn't see parking being an issue. If it becomes an issue, they can address it when it happens and if they need to designate parking for each unit, they can do that.

Mr. Cahoy said that would help him make a decision if there was some type of an agreement relative to designation.

Mr. Jeffries noted that they are reviewing the site plan so they have to follow the site plan requirements and there is no such requirement of the City to require numbering of parking spaces.

Mr. Cahoy questioned the fence issue that was raised.

Ms. McLaughlin said the Condominium Association has a fence on their side of the property and she has a fence on her side of the property. She said the fences are essentially back-to-back. She said her fence is a little bit older and it is her intent to take it down. She said that she doesn't see a need to have both fences and the Condominium's fence is much nicer.

The Chairman opened and closed the public hearing at 2:46 p.m., with no one else wishing to be heard.

Mrs. McLaughlin said they have made every effort to accommodate what is good for the City with regard to parking, the egress/ingress, and aesthetics. She asked the Board to approve the project.

Mr. Prieto said that he lives on Royal Palm Boulevard and is totally in favor of having something like this versus what is currently there. He felt this is an improvement and a great idea that they applied for the credits for affordable housing.

Mr. Lauer said this is a vast improvement over what is currently there.

**Mr. Prieto made a motion to approve Site Plan Application #SP19-000003 as submitted. Mrs. Minuse seconded the motion and it passed 5-0 with Mr. Cahoy voting yes, Mrs. Pelensky yes, Mrs. Minuse yes, Mr. Prieto yes, and Mr. Lauer yes.**

## **V. PLANNING DEPARTMENT MATTERS**

Mr. Jeffries briefly went over the Planning Department's portion of the Power Point presentation with the Board members. He referred to the slide showing the site [SpeakupVeroBeach.com](http://SpeakupVeroBeach.com) relating to the concept plans for the Power Plant and Water and Sewer Plant properties (the Three Corners) and encouraged the Board members to visit the website, but not to participate in the discussions. He explained that there is a way for people to register on the website and throw out their ideas for the property. However, he would not encourage the Board members to participate because of the Sunshine law.

Mr. Cahoy asked Mr. Jeffries if he is saying that the Board members can't draw any information from that site.

Mr. Turner said it is their participation on the website, which might lend to problems, but they can go on the website.

Mr. Jeffries said if the Board members have ideas they might be able to discuss them as an agenda item and he would make sure their ideas get into the process. He said that he does want them as a Board to be engaged in this process.

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

Dr. Arthur Story said the building next to his office has been condemned for almost two (2) years. He questioned why the City hasn't done anything about it.

Mr. Jeffries said staff is working with the property owner and there are people who are interested in buying it, which might resolve this issue.

## **VII. ADJOURNMENT**

Today's meeting adjourned at 3:14 p.m.

/sp