

**PLANNING AND ZONING BOARD MINUTES
THURSDAY, SEPTEMBER 16, 2021 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Vice Chairman, Robin Pelensky; Members: Jeb Bittner, Theodore Perry, Alternate Member #1, Richard Cahoy and Alternate Member #2, Elliese Shaghnessy **Also Present:** Planning and Development Director, Jason Jeffries; Cheri Fitzgerald, Principal Planner; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

Excused Absences: Steven Lauer and Jose Prieto

Today's meeting was called to order at 1:34 p.m.

I. PRELIMINARY MATTERS

A. Agenda Additions and/or Deletions

None

II. APPROVAL OF MINUTES

A. Regular Meeting – August 5, 2021

Mr. Bittner made a motion to approve the minutes of the August 5, 2021 Planning and Zoning Board meeting. Mr. Perry seconded the motion and it passed unanimously.

III. PUBLIC COMMENT

None

IV. PUBLIC HEARINGS

[Quasi-Judicial]

- A. An Ordinance of the City Council of the City of Vero Beach, Florida, Amending the Official Zoning Map by Changing the Zoning District Designation of Property from RM-8, Medium Density Multiple-Family Residential to RM-10, Medium-High Density Multiple-Family Residential 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.

There were no ex parte communications reported.

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

The Vice Chairman asked if there were any exhibits to be presented.

Mr. Jason Jeffries, Planning and Development Director, reported that there are some exhibits in staff's Power Point presentation, as well as two (2) letters of support that he provided the Board members (attached to the original minutes).

Ms. Cheri Fitzgerald, went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes). Staff recommends that the Planning and Zoning Board recommends approval of the Zoning Map amendment from RM-8, Medium Density Multiple-Family Residential to RM-10, Medium-High Density Multiple-Family Residential District.

Mr. Bruce Barkett, Attorney representing the Applicant, said this property is located on an arterial roadway and is in a perfect location for high quality multi-family residential. The property abuts similar land uses in the north and south. He felt that this meets all the criteria in the City's Comprehensive Plan and the Land Use Codes. He asked that the Board supports staff's recommendation.

Mr. Bittner asked has the applicant done a concept plan.

Mr. Barkett answered yes. He said the plan shows eight (8) units per acre. He noted as stated in staff's report, the zoning is appropriate for 10-units per acre. However, the big reason for this application is because they need a little more Floor Area Ratio (FAR).

Mr. Bittner asked will there be any filling of the wetlands as part of their concept plan.

Mr. Kevin Robertson, of Kimley-Horn and Associates, who has been sworn in, reported that they would be preserving about 60% of the wetlands and filling the small portion along Indian River Boulevard.

At this time, Mr. Jeffries read into the record a letter of support from Mr. Joseph Schlitt, Broker Associate Kelly Williams VB and Vice President of the Florida Realtors and Mr. Keith Kite, of Kite Properties, LLC (attached to the original minutes).

The Vice Chairman opened and closed the public hearing at 1: 52 p.m., with no one wishing to be heard.

Mr. Cahoy asked how are they assured or protected that the number of units and square footage would not change.

Mr. Jeffries explained that what they are reviewing is if it is compatible with the land use patterns, which it is because there are commercial properties to the west and multi-family development to the north and south.

Mr. Cahoy said the Board previously approved this as an RM-8 project.

Mr. Jeffries explained that as part of the annexation the property owner at the time requested similar zoning that they had in the County. However, that doesn't prevent them from making adjustments as long as it complies with the City's Comprehensive Plan.

Mr. Cahoy asked if he is correct that there is no assurance that the square footage or the number of units would not be changed in future plans.

Mr. Jeffries said theoretically they could, but it was very unlikely.

Mr. Bittner said they are talking today about getting increased FAR and not long ago there was another goal to increase FAR. He questioned if they should be doing this as projects

come in or was this something that should be done as part of a Comprehensive Plan change to the FAR rules. He then referred to staff's report where it stated, "a slight increase to the FAR." He said a 33% increase is not slight. It was also stated in staff's report, "a slight increase in density." He said 20% is not slight. What got him the most confused was is there a change in the surrounding land uses and what is being defined in the applicant's and staff's supported comments was that the change that this project is proposing is the change because there is RM-8 zoning to the north and south. He said so this project becomes the outlier not driven by something north, south, east, or west of it.

Mr. Jeffries explained that changing the zoning from RM-8 to RM-10 is very slight from a land use and a zoning perspective.

Mr. Bittner said if this is approved by the Board and by the City Council, would that give the owner of the property to the south an automatic ability to make a change.

Mr. Jeffries explained that all zoning change requests are taken individually.

Mr. Bittner felt that the Board needed to look at FAR at some point.

Mr. Bittner made a motion that the Board grants the request by PAC Land Development to rezone 23.65 acres from RM-8, Medium Density Multiple-Family Residential to RM-10, Medium-High Density Multiple-Family Residential, located at the southeast corner of Indian River Boulevard and 41st Street based on substantial competent evidence. Mr. Perry seconded the motion and it passed 5-0 with Ms. Shaghnessy voting yes, Mr. Cahoy yes, Mr. Bittner yes, Mr. Perry yes, and Mrs. Pelensky yes.

V. PLANNING DEPARTMENT MATTERS

Mr. Jeffries stated that every year the Board submits an annual report to the City Council and they could put into their proposed work plan that they would like to review the FAR.

Mr. Jeffries gave a brief update on the Three Corners project.

VI. BOARD MEMBERS' MATTERS

None

VII. ADJOURNMENT

Today's meeting adjourned at 2:26 p.m.

/sp