
ROCKLEDGE PLANNING COMMISSION MEETING MINUTES

Tuesday, August 3, 2021 ♦ 6:00 p.m.

1. CALL TO ORDER / ROLL CALL

The Rockledge Planning Commission met in regular session on Tuesday, August 3, 2021, at 6:00 p.m. in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

PRESENT:	Bob Theilacker (Chair)	Commissioner
	Kevin Jarvis (Vice Chair)	Commissioner
	Karen Kuta	Commissioner
	Janet Monaco	Commissioner
	Matthew Whalen	Commissioner
ABSENT:	Adam Copenhaver	Commissioner (<i>Excused</i>)
	Ashley Lanier	Commissioner (<i>Unexcused</i>)
	Michelle Doyle	Commissioner (<i>Unexcused</i>)
STAFF PRESENT:	Dr. Brenda Fettrow	City Manager
	John Cooper	Planning Director
	Trina Gilliam	Senior City Planner
	Joseph E. Miniclier	City Attorney
	Jennifer M. LeVasseur	Recording Secretary

With a quorum present, the meeting was called to order by Chairman Bob Theilacker.

2. PLEDGE OF ALLEGIANCE

- A salute was given to the flag and the Pledge of Allegiance was repeated in unison.

3. APPROVAL OF MINUTES & ATTENDANCE RECORD

- Meeting of July 6, 2021

Commissioner Jarvis moved to approve the minutes and attendance record of the regular meeting on July 6, 2021; seconded by Commissioner Kuta. The motion carried unanimously.

4. PUBLIC HEARINGS

- A. Special Exception (SE-21-03) – Orange Ave – Bonsai Space LLC

Planning Director Cooper introduced Special Exception application SE-21-03 for 9 Orange Avenue and explained that the applicant, Bonsai Space

LLC/Nicholas Boardman, is seeking approval for the special exception use of hotels, motels or bungalow courts containing a minimum of eight (8) rental units in the C1 – Neighborhood Retail Commercial District. The applicant has indicated that the intent of his request for exception is to remodel the current structure by converting the space into ten (10) individual spaces/rooms for motel use. Planning Director Cooper provided a brief overview of the Special Exception process from application to final order and offered a staff analysis of the application.

The Commission discussed parking requirements as they relate to a pre-existing nonconforming lot of record. Additionally, concern was raised as to the lack of onsite parking availability, which is a requirement per the Land Development Regulations.

Planning Director Cooper clarified that the area in question is not designated as a Historical District by City of Rockledge Code, even though it is designated as such through other entities, including the State of Florida.

City Attorney Miniclier stated that the property is currently a pre-existing nonconforming lot of record, and the City would need to evaluate the impact that the business and building would have on the surrounding area, which would include an evaluation of parking, traffic, etc.

The Commission discussed potential ramifications for vehicles who park in front of residences around the property. Planning Director Cooper reiterated that the Commission could recommend parking restrictions as a condition for approval.

At 6:40 p.m., Chairman Theilacker opened the meeting to the public.

Terrie Kroger, 1049 Rockledge Drive #506B, noted that the proposed business is a 24/7 operation, and the neighborhood is not the same. Parking is a concern of the Indian River Condominium Club Association. Ms. Kroger relayed concerns from the Association regarding parking and traffic.

Sherry Ervin, 1025 Rockledge Drive #506A, explained that a ten-room motel would not fit the density requirements set forth and is not consistent with the goals, objectives and policies of the Comprehensive Plan.

Carole Pope, 715 Rockledge Drive, challenged the assertion that the proposed business would not have to meet all established requirements due to the building's pre-existing nonconforming status, as the applicant is proposing to use the building for a purpose not already within the zoning regulations. Ms. Pope urged the Commission to deny the application.

Nick Wynne, 20 Valencia Road, expressed dismay with the lack of presentation materials to demonstrate the applicant's plans for the building. Additional materials, such as plans and traffic studies would make for a more informed decision.

Planning Director Cooper clarified that at this current stage, the property use is being evaluated, and the building construction plans would be assessed further along in the process. Additionally, regulations pertaining to commercial vehicles were summarized.

Ellie Kiesling, 1025 Rockledge Drive #113, requested that the Commission preserve the historical and recreational nature of the area. She explained that a motel would bring strangers into the neighborhood, which would alter the dynamic of the neighborhood.

Wendell Wilky Ripoll, Jr., 17 Orange Avenue, echoed comments regarding the continuously operating nature of a motel, as well as concerns about the dangers of increased traffic.

Darby Miller, 134 Plover Lane, reported that a recent social media poll resulted in 90 oppositional responses and requested that the Commission deny the application.

Rick Sanders, 1600 Woodland Drive #4104, relayed his support in using the building for something that fits within the nature and plan of the neighborhood.

Jacqueline Gonzalez, 22 N. Fernwood Drive, echoed comments provided by prior speakers and pointed out several flaws within the application. She noted that the Code as written does not support the proposed Special Exception and asserted that parking is an issue. Ms. Gonzalez encouraged the Commission to deny the application.

Cyril A. Morrow, 42 Orange Avenue, reported that parking issues on Orange Avenue have previously been addressed, and the current 3-hour parking limits on the street would inhibit the motel from providing parking during all hours. Mr. Morrow echoed remarks regarding the historical and residential nature of the neighborhood, as well as potential parking issues.

Tom Norwood, 1025 Rockledge Drive #501A, expressed his belief that the proposed motel would be more appropriate for a higher density zoning district and encouraged the Commission to consider the neighborhood by denying the application.

Kelsey Webb, 1000 Pelican Lane, noted that the applicant intends to renovate a building that has been empty since 2005 while preserving the historical nature of the area.

Mitch Gubnitsky, 13 Burlington Avenue, explained that establishing certain types of businesses would open the door for additional types of

establishments to enter into the area that may not fit the nature of the area. He noted that the current businesses in the area offer services that require short-term parking and better suit the neighborhood; conversely, a motel would bring in strangers and would also increase the parking requirements. Further, parking issues would not be dealt with in a timely fashion due to cars parking during non-business hours.

Planning Director Cooper clarified that Special Exceptions do not change the zoning, and under the current regulations, the Special Exception approval is relative to the owner. The application and vetting process would be conducted again with each new owner/applicant. Further, Planning Director Cooper reiterated that compatibility and harmony must be assessed. He reiterated that the term of "hotel/motel" is per Land Development Regulations and doesn't necessarily capture the proposed use.

Nicholas Boardman (applicant), 26 Park Avenue, explained that the intent of the Special Exception application is to establish a boutique inn for the community as well as for traveling workers, such as nurses, aerospace employees, etc. Mr. Boardman clarified that due care would be given when vetting tenants. The overall design of the building would conserve as many of the historical features of the building as possible.

Planning Director Cooper reported that there are three-hour parking signs on Orange Avenue that apply during daytime hours.

City Attorney Miniclier confirmed with board members that no outside research or ex-parte communications were conducted in response to the application.

There being no further public comment, Chairman Theilacker closed the public hearing.

Commissioner Jarvis moved to recommend denial of the Special Exception (SE-21-03) for 9 Orange Avenue to the Board of Adjustment due to lack of compatibility and intent with the District; seconded by Commissioner Kuta due to the transient nature of the business. The motion passed with a vote of four (4) ayes (Theilacker, Jarvis, Monaco, and Kuta) and one (1) nay (Whalen).

ITEM 4B TAKEN OUT OF ORDER AND HEARD BEFORE ITEM 4A

- B. Comprehensive Plan Amendment (CPA-21-05) – Creation of Property Rights Element in Accordance with Florida Statute 163.3177(6)(i)

Planning Director Cooper informed the Commission that recently enacted legislation now requires all local governments to amend their comprehensive plans by adopting a property rights element. Inclusion of the property rights element is intended to protect private property rights

and to ensure that local decision-making authorities legally consider individual rights.

At 6:02 p.m., Chairman Theilacker opened the meeting to the public.

There being no public comment, Chairman Theilacker closed the public hearing.

Commissioner Kuta moved to recommend approval of the Comprehensive Plan Amendment (CPA-21-05) and to forward the recommendation to City Council; seconded by Commissioner Monaco. The motion passed by unanimous vote.

5. SITE PLANS

- None

6. UNFINISHED BUSINESS

- None

7. NEW BUSINESS

- None

8. ADJOURN

There being no further business to come before the Commission, Chairman Theilacker declared the meeting to be adjourned at 7:55 p.m.

Submitted by:

Jennifer M. LeVasseur
Recording Secretary

Approved by:

Bob Theilacker
Chairman