

**PLANNING AND ZONING BOARD MINUTES
THURSDAY, OCTOBER 17, 2019 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Chairman, John Carroll; Vice Chairman, Steven Lauer; Members: Robin Pelensky, Honey Minuse, Jose Prieto and also Alternate Member #2, 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 Absence: Richard Cahoy

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 19, 2019

Mr. Lauer made a motion to approve the minutes of the September 19, 2019 Planning and Zoning Board meeting. Mr. Prieto 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 Amending the Text of the Land Use Element of the Vero Beach Comprehensive Plan by Adding Policies Regarding Transitional Future Land Use Designations Located Adjacent to the Beachland Boulevard Corridor to be Limited One Block or More North or South of Beachland Boulevard; Providing for Conflict and Severability; Providing for an Effective Date

The Chairman read the Ordinance by title only.

Mr. Jason Jeffries, Planning and Development Director, began going over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes).

Mrs. Cheri Fitzgerald, Principal Planner, continued the presentation, going over staff's analysis on the Comprehensive Plan text amendments. Staff recommends that the Planning and Zoning Board recommend approval for submission to City Council the proposed Ordinance amending

the text of the Land Use Element of the Comprehensive Plan by adding policies regarding transitional Future Land Use designations to the north and south of the Beachland Boulevard Corridor.

Mrs. Minuse referred to the language “one (1) block or more north or south.” She expressed concern over “or more” because it is not specific.

Mr. Jeffries said that language is only in the memo. He referred them to page 1 of the policy itself. Mrs. Fitzgerald said the language of the proposed policy is “one (1) block north or south of Beachland Boulevard.”

Mr. Lauer questioned what is the purpose of this text amendment and what are they trying to accomplish.

Mr. Jeffries said there were concerns raised that the City could receive land use amendment requests for residential medium or other commercial uses to extend down the A1A corridor. He said absent a policy like this, they just have the policy for those land uses, which say they are appropriate adjacent to arterial roads, which is what A1A is. He explained this puts parameters in so that if somebody comes in and they recommend denial of any type of land use amendment that is one (1) block north of Acacia Road or south of Azalea Lane, it would be clearly stated in the policy why the City could deny that type of land use amendment.

Mrs. Pelensky read from the proposed Policy 1.31 that staff finds the proposed policy is consistent and attempts to achieve the objective. She questioned how this helps to maintain and enhance the unique, small town character of the community. Mr. Jeffries explained that if there is ever a request to change the land use to increase the density north or south on an arterial road, such as A1A, the City would be justified in denying that request because it is stated in the policy those areas are to be maintained as residential low.

Mrs. Fitzgerald said the key is the language “only appropriate” in the proposed Policy 1.31.

Mrs. Minuse said looking at this, she was reminded acutely of when the Azalea property came before them and the massive turnout in the audience that said that this was wrong for their neighborhood. She said that every involved homeowner was there at the meeting. She asked if these people have been consulted, or if there was a neighborhood meeting or a community forum.

Mr. Jeffries said this is the public hearing for it. Mrs. Minuse asked where was it advertised.

Mr. Jeffries said it was advertised in the Press Journal. Mrs. Minuse asked if they were also required to do any posting. Mr. Jeffries said it was also posted on the website. Mr. Carroll pointed out that there are also signs on the property.

Mrs. Minuse asked if people were notified about the change in the land use. Mr. Jeffries said this is not changing the land use of their property. This is putting policies in place and responding to the resident’s request who were concerned about encroachment of commercial uses going north or south on A1A. This now puts a policy in their Comprehensive Plan that states that the City will not consider any land use change that would increase the density or allow commercial development the block north or south of Beachland. So when the City denies such a request, they have a policy in their Comprehensive Plan that states it and gives them justification for denying it.

Mr. Jeffries explained that Residential Medium (RM) allows densities up to 10 units per acre versus Residential Low (RL), which allows up to six (6) units per acre. RM also allows for limited placement of office. Mrs. Pelensky clarified that RM does allow offices. She said the concern of the community was the office use and the increased traffic. She said the current owners living in RL don't want that and this doesn't satisfy them at all.

Mr. Carroll said to satisfy them, they would have to take out the provision changing the zoning and leave the zoning RL as it is. Mrs. Pelensky asked about the process. Mrs. Fitzgerald explained the process of how this would make it to the City Council and the State expedited review process.

Mrs. Pelensky asked if there were two (2) public hearings. Mr. Jeffries said there are three (3).

Mrs. Minuse said there were a lot of voices that came out before when they heard this and not seeing them today concerns her. Mr. Carroll added that the Acacia Road residents don't even know they are going to be affected by this.

Mr. Jeffries said this says that any request to extend it further north would not be allowed.

Mr. Carroll said it looks like the area behind the commercial on Beachland on Acacia Road is all residential, except for the one corner where Norther Trust has their parking lot. Mr. Jeffries said they could recommend that it not extend any further beyond what is the Beachland Corridor boundary.

Mr. Lauer said he thought the issue was rezoning. Mr. Jeffries said the zoning hearing is coming up later.

The Chairman opened the public hearing at 1:54 p.m.

Mr. Johnathon Rhodeback, an attorney with Dill, Evans & Rhodeback, said he represents various homeowners in the City, several of which who live on Azalea Lane. He handed out a packet with materials he wanted to discuss (on file in the City Clerk's office). He said in the packet is a petition, which concerns what sparked everything that is being discussed today, specifically 705 Azalea Lane. The owners of 705 Azalea Lane made a request to change the future land use map from residential low (RL) to residential medium (RM) land use designation. The RM designation was shot down by the Board before it went to City Council where they ultimately approved it 3-2, however it is not effective yet. He referred to the handout on Florida Statute 163.3187, which concerns small-scale amendments to a Comprehensive Plan, which do not become effective until 30 days after they're enacted, or after the challenge has been completed. He said the application in their packet indicates that this future land use map is currently being challenged and that means the future land use map as it exists today for this property is still RL. He said what is being asked of them today is to make various changes to their Comprehensive Plan, various changes to their Land Development Regulations and also rezone this property even though the future land use map will not be resolved for at least 30 days. The request he has for them today is that they table all three (3) matters because it is premature. If they don't and it is ultimately enacted by City Council, they are going to create conflicts within their Comprehensive Plan because their future land use map, if the challenge is successful, is going to say RL, but they would have Comprehensive Plan text amendments that are going to talk about RM being appropriate for that area. He stated that it is just too soon and rushed. He pointed out that staff acknowledged this request was accelerated. This is a quarter acre lot. He said he could assure

them that there is very broad sweeping implications associated with it. He does not believe those were considered fully due to the short time frame in which everybody is operating.

Mr. Rhodeback referred to staff's report and read from the proposed Policy 1.31, "*The Residential Medium (RM) designation is only appropriate one block north or south of Beachland Boulevard.*" He commented that this is what happens when you're rushed. He said that his firm represents the City of Fellsmere and the Town of Orchid and whenever you change your Comprehensive Plan, there are workshops and consultants brought in sometimes. He knows staff is trying to limit RM near the Beachland Boulevard corridor to not spread any further in that particular area of town, but that is not what this says. That would already create issues within their own Comprehensive Plan because there are RM's throughout the City. The other proposed Policy 9.6 says, "*any transitional use between the Beachland Boulevard Corridor and the adjacent neighborhoods north shall be limited as set forth in Policy 1.31.*" He showed the future land use map as it exists today on the doc cam (on file in the City Clerk's office) and pointed out the subject property and surrounding zone designations. He said the yellow area south of Acacia Road and north of Azalea Lane, the appropriate transitional use now would be RM, because that is what the Comprehensive Plan text amendments say. Also, the brown area, which is RH, would have to be changed to RM because the proposed text amendments say that RM is the appropriate transitional use between the commercial land use designation of the Beachland Boulevard corridor and the residential neighborhoods. So by adopting this, they are creating a nonconforming land use designation for all to the west of A1A to Mockingbird. He asked if they are changing all the RL to RM because of what was an expressed concern of this Board and City Council that they don't want commercial creep into the residential neighborhoods surrounding the Beachland Boulevard corridor. With these proposals today, they are giving free range to change all the yellow area of RL to RM and, if they are allowed to change it to RM, they are allowed to zone it POI, which is exactly what they were trying to prevent in the first place and what City Council requested these changes to prevent. He showed Policy 1.23 from the Land Use Element on the doc cam (on file in the City Clerk's office). He said at the end of the day, what this is trying to accomplish is to get this particular area RM so it can be rezoned POI. He said the objectives conflict with each other. He read section 1.23. He explained that the POI zoning district was never intended to be next to RL. He said this is what happens when a process is rushed and it was all done without workshops or an outside consultant. He thinks they are moving too quickly and if these are approved, they are going to have conflicting language in their Comprehensive Plan. He said that is a big problem under the Community Planning Act, which is codified in Chapter 63.3177, which he showed on the doc cam and read from. By adopting these today or going forward with them without further consideration and without tabling them, they are going to create conflict within their own Comprehensive Plan. He asked that they table all of the items.

Mr. Lauer asked if the petition challenging the Comprehensive Plan amendments under Florida Community Planning Act has been filed. Mr. Rhodeback answered yes, it was filed Monday afternoon.

Councilwoman Laura Moss thanked them for their advice when they voted 5-0 because she took it and she was one (1) of the Councilmembers who voted against the land use change. She clarified that she is here today speaking only for herself. She said it does say in the Ordinance title "*one block or more.*" She does not think this text amendment accurately reflects what happened at the City Council meeting because they were considering a single site, a single

address, a single house, a single piece of property. They were not talking about that entire block. But this text amendment is referring to one (1) block or more north or south. She said it is becoming a much larger issue than it was. She said even though she voted against it, it was a single site. She said this appears to be incorrect in that it is not accurately reflecting what occurred with City Council.

Mrs. Lamarre Notargiacomo said that she was here on behalf of her friend, Mrs. Phyllis Frey, to express her sentiments because she does live in the Central Beach area and in the area that will be affected by the change in zoning. She read Mrs. Frey's comment, which were "*we do not want zoning changes that invite commercial creep into residential neighborhoods. Our Comprehensive Plan supports low density zoning that protects the character and charm of residential single-family homes. A change to POI allows offices, banks, elder care facilities and other commercial uses. These are incompatible land uses for a residential neighborhood.*" She said sitting here as an observer herself it seems like the problem is with the language in the Comprehensive Plan. She questioned why they couldn't just simplify it and protect their residential neighborhoods. She said nobody seems to understand what it really means. She said it opens the door to misinformation and fear mongering. She pointed out that the City is the hub of the County and what happens in the City affects those in the County. She said it seems the sentiment of City Council right now is to increase the density everywhere and it seems to be the sense of the Planning and Zoning to protect their quality of life and keep low residential uses low.

Mrs. Nancy Cook said that she owns a piece of property on Azalea Lane and several other properties in Central Beach. She does not have any aversion to a well-landscaped buffered parking lot at all. She doesn't think there is any instance where it has devalued any property. She used the example of the Northern Trust parking lot on the opposite side of Beachland, which is beautifully maintained and is quiet. She thinks the aversion to a parking lot is unsubstantiated because it doesn't detract from a residential neighborhood. She said it is on A1A, which is a high traffic road. She suggested maybe that is the best use of that single piece of property. Also, it could maybe add to the tax base if it produces more income by being converted.

Mr. David McNab said he was here in September when the parking lot issue came up. His observation is they've gone from considering one (1) particular lot in September to now considering an entire block between Eagle Road and Mockingbird along the Beachland Boulevard corridor. He does not own any property on Azalea Lane or Acacia Road, but it seems to him that it doesn't seem fair to those people who live on those streets to allow the streets that they live on to be categorized in a different way into residential medium instead of residential low. If they would have bought property one (1) street further north or further south, they would not be involved in this. People that live on those streets if this goes through are going to constantly be on guard against some sort of creep or change in the use of property that is on those streets. He was in support of this being tabled. In September, one of Mr. Rhodeback's partner made a presentation to City Council that walked them through everything they were being asked to do and suggested to them that they were being asked to do something that they could not do and that was not legal. There were no questions asked of the City Attorney if he agreed or disagreed with that and why. He referred to Mr. Rhodeback's presentation and the petition that was filed and he does not see anyone here asking the City Attorney present what is going to happen if they do this, or if they are going to make anything worse. He said it seems to

him that there needs to be a lot more attention given to the implications of doing this than it is possible to give it in an afternoon. He is in support of tabling this application.

Mr. Michael Calvit said he owns property on Azalea Lane west of A1A and he is confused. He thought the idea was that this one (1) applicant was trying to get a parking lot on their property to benefit the bank, which they also own. He asked what is this all about changing the Comprehensive Plan to limit the corridor and amending the zoning code to POI Professional Office Space. He said that goes beyond that one (1) property and is now affecting him on the other side of A1A. He thought Mr. Jeffries said they wanted to put some hard teeth into the Comprehensive Plan so there wouldn't be any creep, but this doesn't seem like it is doing that. He doesn't see how this one (1) applicant should change the whole plan that affects him and his development rights on his land.

Mr. Barry Segal said he was here previously on behalf of the Sorenson's. He is speaking today as a local resident/business owner on Cardinal Drive. He thinks it is almost a travesty what he is seeing happen here today. He said they are only talking about the first of two (2) provisions, but he thinks that they have to look at the intent of both of them. He said it is not a one (1) or more, but a one (1) block north or one (1) block south. The next provision they are going to get into is talking about the development of these residential properties into POI zonings on arterial roadways. He thinks that it was thoughtfully crafted and is actually enacting some of these restrictions on the creep up Azalea Lane. They are talking about things happening on arterial roads, like A1A and Beachland. He said what he is confused with is that he thinks what Planning has put before them is further protections and further restrictions that the City Council had asked for and things that other residents asked for. He thinks there was a lot of work put in to this by the Planning Department staff and he thinks they are being maligned here with some misunderstanding about the intent and the purpose and what can be achieved if these provisions are enacted. He reiterated that his comments were not said on behalf of his client. He said has read these to be excellent restrictions to enact those protections.

A resident of Dahlia Lane (name not given) said she lives at the beach and she doesn't want to live across from a parking lot. She said the Sorenson's have done a lot for the City. She doesn't understand why they want to do a parking lot there when there is plenty of parking at the bank. She added that it does open this up to other people putting commercial around that area.

Mr. Rey Neville said that this property was bought in 2012 and nothing materially has changed since. He said when someone purchases a piece of property, they know the full situation. He doesn't understand why they would come here to them if they made a bad bet.

Mr. Joseph Spader said he has friends that live on Azalea Lane and he probably lived on Azalea Lane longer than anyone here has. He sold his home after living there over 20 years. He said it is a very peaceful and unique street and it is the only street so far untouched by any commercial development. Over the years a lot of the land has been purchased in the hopes that someday the rules would change and there would be townhouses put up like they are on Bougainvillea Lane. He said he has known Mrs. Sorenson since the day he moved to town and he does like her, but he must regrettably speak against her in this situation. He thinks it would affect the next-door neighbor and it would have affected him if he had not sold his house and was still sitting on his porch. He thinks it would make the traffic flow too fast.

Mr. Christopher Drake (spelling may be incorrect) said he lives in the Central Beach area. He said he thinks what they are looking at is a preserved neighborhood community with people

saying they have lived in the area forever. He said he came from New York and worked in the Hamptons, which was careful with what was or wasn't reasonable and what was encroaching into people's communities. He explained this has a reverse airport affect. He thinks by changing the zoning or influencing the community by removing it from strictly Beachland Boulevard, now it is actually encroaching back on to Azalea Lane. He thinks if it is not stopped or preserved now, it is going to continue on and escalate. He referred to all of the building out west on SR60, which is out of the City, but it just keeps coming. He said when you look at Indian River County, it is a beautiful County with residential and open space. When people travel here, they are spending their time in the City of Vero Beach and at the beaches. He said they need to be careful and not overbuild it. They should protect the people who live here, protect the tax base, and make sure it is not over done. He agreed with Mr. Rhodeback's concept of taking a step back and weighing all the opinions and all the decisions and hearing from the homeowners before any decision is made. He agreed they should table this.

Mr. Bill Barrett said he has a cousin who lives on Azalea Lane who told him he moved here "because this town has balance." He said everything works and they have to keep that balance up. If they start changing it like this, it will teeter.

At 2:30 p.m., the Chairman closed the public hearing, with no one else wishing to be heard.

Mrs. Minuse said that the next item under discussion will be permitted uses and she can understand a lot of the comments being made because their visioning here has always been to transition into one (1) use to another. Looking at the single family residential uses, if they start going in to this POI, permitted uses are day-care services, nursing homes and adult congregate living facilities, public and private facilities, health and fitness clubs, etc... and she can understand the concern about having this come as an adjacent use to their properties in their neighborhood. She said right now they are facing a difficult problem with parking on the beach and if they start opening these roads now to more dense or intense use, they might find people skirting neighborhoods to accommodate their parking needs. She said yes, they want to provide adequate parking on site when you permit these things, but commercial creep and spot zoning is very concerning. She asked Mr. Turner where this all fits in now that there is an administrative action against the City. She asked if they can adequately deal with this, or should they table it.

Mr. Turner said he did not think that there was anything that would prohibit them from proceeding with it at this time. The problem he has is that there is a 38-page petition filed with the Department of Administrative Hearings and the hearing would usually be within three (3) to four (4) months of when the petition is filed. He said it is not a simple petition. He received it late yesterday and he has not had an opportunity to study and analyze it, but he has discussed it briefly with their Planning Director. He said he is not in a good position at this point to make a recommendation. He doesn't see anything off the top of his head that would prohibit them from proceeding because if the administrative law judge finds that the actions taken were in violation of the State Statute, then it would be reversed and the matter would come back. There are a lot of issues involved in it. He said Mr. Jeffries is telling them that the text amendment is to address problems that were raised with the Council as to issues involving potential creep or commercial invasion in the areas so that it could perhaps limit and give more control of a specified area. He thinks that is what they were trying to do. He reiterated that he could not give them a recommendation now.

Mrs. Minuse asked if they would be hiring an outside consultant who has expertise in this area. Mr. Turner said he thinks that their staff has quite a bit of expertise.

Mr. Jeffries said their Planning Department has three certified planners on staff that have many years of expertise. He said that is why they pay for three (3) professional planners on staff so they can address these types of issues. He added that he can see some things coming up with the Comprehensive Plan that they will see staff dealing with. He said if they need to have more discussions of the text because it is not clearly articulating what they are trying to achieve with it, they can. He explained what happened in terms of the request that came before them a few months ago is that they had to rely on their policies and the application of that amendment based on what was said in that policy itself. This policy puts more specifics about how it can apply in and around the Beachland area. He read from the text. He said he doesn't know how they can think this is going to restrict the City's ability to have residential medium somewhere else in the City. He said this policy is directly related to those land uses around the Beachland corridor.

Mrs. Minuse asked if they could consider this an overlay. Mr. Jeffries answered no, that it is just a policy. He explained the residents concern that he and Council heard was that they felt by the approval of the land use, that this creep would continue down A1A either north or south. If those requests were to come in, now they would have a policy in the document that says no, those areas are to be maintained residential. He said that is what they were trying to address.

Mrs. Pelensky referred to the future land use map and the property on the north side of Azalea Lane on the corner of A1A. She asked if this land use text amendment would also affect all of the south side of Acacia Road to the west of A1A and the east side of A1A and the entire north side of Azalea Lane. She referred to the areas in brown that are already residential high. She asked how would this text amendment address that designation that they already have.

Mr. Jeffries said he understands that concern and they could add some language that it is already existing. He feels because of other policies in the land use plan that talk about not infringing on anyone's existing private property rights, he doesn't think this policy as it's written affects what is already designated. He said this deals with when they get future amendment requests and how they process it. Mrs. Pelensky asked if it does affect those who live on the south side of Acacia Road. Mr. Jeffries answered yes. Mrs. Pelensky said because it affects those property owners, it also affects the people on the north side so they are talking about a lot.

Mr. Jeffries said if they want to limit it further, they could put in language tying it more directly to A1A so it doesn't have implications down the block for future designations. Mrs. Pelensky asked if then they would only be talking about three (3) pieces of property. Mr. Jeffries said that is correct. He added that if they wanted to limit it further to A1A, that would be a reasonable recommendation.

Mr. Carroll thinks that one of the big problems they have here is the far-reaching effect it could have in his neighborhood, which is Central Beach. He was really glad he was able to be here today. He said he would love to have a motion to table it.

Mr. Lauer said he is concerned about some of what Mr. Rhodeback brought up, essentially having some conflicts in the Comprehensive Plan as a result of passing this text amendment and then having the Administrative Court come back and set aside what was done he thinks foolishly by City Council. He said he appreciates all the comments here and the people that are from this neighborhood. He said it is a special residential neighborhood and this is a really bad precedent.

Mr. Lauer made a motion to table this text amendment and if it is to be brought before their Planning and Zoning Board again, he requests that all of the residents that are affected by this text amendment, mainly those people in the Beachland corridor between Azalea Lane and Acacia Road and Ocean Drive and Azalea Lane, A1A to Eagle Road be given written notice of this meeting as opposed to the publication.

Mrs. Pelensky asked to add to the motion. She said they have had a lot of discussion about these two (2) streets, but they also mention properties that abut A1A, so she thinks this could creep into a further discussion of changing all of the homes along A1A, because that seems to be where this all started in the first place. She said she thinks that people need to be notified that they are having this conversation.

Mr. Lauer amended his motion by saying all of the property owners whose properties are affected be given written notice as opposed to just being noticed in their Press Journal and being posted at the property. Mrs. Minuse seconded the motion and it passed 5-0 with Mr. Prieto voting yes, Mrs. Pelensky yes, Mrs. Minuse yes, Mr. Lauer yes, and Mr. Carroll yes.

Mr. Turner asked if that motion just applied to item IV-A). Mr. Carroll answered yes.

Mr. Jeffries questioned when it was tabled until so that staff would know when they expect this to come back. Mr. Turner said that he would advise the Chairman and staff as to the procedure for recalling.

[Legislative]

B. An Ordinance of the City of Vero Beach, Florida, Amending Chapter 62 (Nonresidential Districts), Article II (POI Professional, Office, Institutional District) of the Land Development Regulations to Revise Development Standards for the POI District; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date

The Chairman read the Ordinance by title only.

Mr. Lauer made a motion to table this discussion. Mrs. Minuse seconded the motion.

Mr. Prieto said he thinks at some point they need to deal with this.

Mrs. Pelensky said she thinks they should have a discussion after the motion is seconded.

Mr. Turner said they need to vote on the motion that has been seconded and is now up for vote. He said he did not hear a second for discussion. He said if the maker wants to revise to allow discussion, that would be appropriate.

Mr. Lauer and Mrs. Minuse said no. Mrs. Pelensky asked if they were saying no to a discussion.

Mr. Turner said the motion on the floor is to table without discussion.

The motion passed 3-2 with Mr. Prieto voting no, Mrs. Pelensky no, Mrs. Minuse yes, Mr. Lauer yes, and Mr. Carroll yes.

Mr. Turner said again he would advise the Chairman and staff as to the recalling the matter.

[Quasi-Judicial]

C. An Ordinance of the City of Vero Beach, Florida, Requested by Elizabeth and Matilde Sorensen, Amending the Official Zoning Map by Changing the Zoning District Designation from R-1, Single-Family Residential District to POI, Professional, Office and Institutional District for Property Located at 705 Azalea Lane, Containing 0.27 Acres, More or Less, Providing for an Effective Date (#Z19-000003-MAP)

The Chairman read the Ordinance by title only.

Mr. Turner said since this is a quasi-judicial hearing, he asked if there is a motion to table this, that it be clear that upon recall, if it is to be recalled, that no witnesses have been sworn, but a full hearing will be conducted at that time and that witnesses will be sworn and the evidence will be heard and they will go through the normal quasi-judicial process for this particular property.

Mr. Lauer made that his motion. Mrs. Minuse seconded the motion and it passed 3-2 with Mr. Prieto voting no, Mrs. Pelensky no, Mrs. Minuse yes, Mr. Lauer yes, and Mr. Carroll yes.

V. PLANNING DEPARTMENT MATTERS

None

VI. BOARD MEMBERS' MATTERS

Mrs. Pelensky said they need to thank staff. She said this has been a difficult and a lengthy process and she wanted them to know that she appreciates the work they put into it and the professionalism.

Mrs. Minuse seconded that. She said what concerns her greatly is the people participating in the process and yes, they are asking that they are noticed on this, but they used to hold a lot of visioning meetings and she thinks maybe the neighbors need to understand what is involved in the process and have them participate. There are a lot of uses in there and maybe they could be amended so the neighbors could be happy.

Mr. Jeffries said they could look at doing a neighborhood meeting at some point. He said he feels that this Board expected something to happen before staff brought it back to them.

Mr. Carroll said he would love a community meeting at Beachland and to get all the stakeholders involved.

Mrs. Minuse said instead of asking them to come here, they should go to them. Mr. Carroll suggested they do it at Beachland or at the Riverhouse.

Mr. Jeffries clarified that they are wanting to have a workshop of the Planning Board somewhere in that neighborhood. He said he would look into that.

Mr. Prieto asked if a variance could be granted to allow them to tear the house down and make a parking lot out of it. Mr. Jeffries answered no. He said that one of the neighboring properties asked if the City could grant a special exception, but their Code does not do special exception uses. He added as Planning Director, he would not propose that to this Board.

Mr. Lauer asked about shared parking. He said he drove down Azalea Lane this morning and they have two (2) humongous parking lots that are way underutilized. At Wachovia and Wells Fargo, there were five (5) cars. He said the Beachland Financial Center was at least half-empty. He asked why there couldn't be some kind of shared parking and asked Mr. Jeffries if that is something that is a possible.

Mr. Jeffries said that is the process the City Council is going through right now with the parking study for Ocean Drive. They will be looking at some parking code changes with the Land Development Code once they complete the study and get some recommendations from Kimley Horn.

Mr. Lauer said it was obvious that they are trying to change the use of that property from office to something that requires more parking because they met all the parking codes when it was built. He asked why don't they put the cards on the table so they know what's going on.

Mr. Prieto said these days there are a lot more cubicles and a lot more people working per square foot of office than before. He said he has a hard time knowing the parking situation in the City as a whole. He said he has driven by the house and it is a ratty looking house and he thinks a nicely landscaped parking lot, if that is the end result, would not hurt the values on the rest of the street.

Mr. Jeffries said if they had the amendment on the POI text amendment, that was going to address a lot of those concerns about what can be developed on a property adjacent to a residential use. Plus with what he had in those text amendments, he thinks would have solved some of the problems they are seeing in other parts of the town where there is POI also. He said it has been very contentious and that zoning district has had a long and checkered history. There have been some issues because it is a transitional zoning district that is on an arterial road but it is adjacent to single family residential neighborhoods.

Mr. Carroll pointed out that the property on the northeast corner of Bougainvillea Lane and A1A sold a couple months ago for upwards of \$600,000. He said this is not a distressed area and if you maintain or update a house, you can make it valuable.

Mrs. Minuse asked since they have tabled these items, could it go to City Council before it comes back to them. Mr. Turner answered he did not think that would be appropriate.

VII. ADJOURNMENT

Today's meeting adjourned at 3:01 p.m.

/hm