

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
SPECIAL MEETING NO. 2019-04

Held on Monday, March 18, 2019, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Mr. Rainer Warner led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present
MEMBER:	Leeta Jordan	Present
MEMBER:	Nancy Domonousky	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Rainer Warner	Present
MEMBER:	Vacant	
MEMBER:	Vacant	
MEMBER:	Donny Felix (School Board Appointee)	Present

CITY STAFF: Present were Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. James Stokes, Board Attorney.

Other Business, Item No. 1, Amendment to the Planning and Zoning Board By-Laws, was discussed at this time.

1. AMENDMENT TO THE PLANNING AND ZONING BOARD BY-LAWS

The board had no comments regarding the proposed amendment to the Planning and Zoning Board By-Laws.

Motion by Ms. Domonousky, seconded by Ms. Maragh to submit to City Council approval of the proposed amendment to the Planning and Zoning Board By-Laws, Title IV, Officers, to clarify appointment and succession of the Chairperson and Vice Chairperson. The motion carried with members voting unanimously.

The board resumed consideration of items in the order that was set by the agenda.

ELECTION OF VICE CHAIRPERSON:

1. Motion by Ms. Maragh, seconded by Mr. Warner to elect Ms. Leeta Jordan as Vice Chairperson of the Planning and Zoning Board. The motion carried with members voting unanimously.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2019-02; February 6, 2019.

Mr. Weinberg synopsisized Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers that was submitted for Case CU-2-2019 for the abstention by Mr. Wendall Stroderd.

Staff noted that for Case CU-2-2019, the fifth paragraph on page 3 should reflect that Mr. Stroderd had disclosed that the company he owned did business with Southeast Petroleum Distributors, and he recused himself from voting on the request. Motion by Ms. Jordan, seconded by Ms. Maragh to approve the minutes as corrected. The motion carried with members voting unanimously.

ANNOUNCEMENTS:

1. Mr. Weinberg addressed the audience on the meeting procedures and explained that the Planning and Zoning Board/Local Planning Agency consists of volunteers who act as an advisory board to City Council.

NEW BUSINESS:

1. CP-2-2019 - VACATION FINANCE LLC (WILLIAM E. ROCKER)

Mr. Murphy presented the staff report for Case CP-2-2019. The applicant had requested a large scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use. Staff recommended Case CP-2-2019 for approval with conditions and for transmittal to the Florida Department of Economic Opportunity for review, pursuant to Chapter 163, Florida Statutes.

Ms. Domonousky inquired whether the proposed change would permit automotive services and repair shops at the site. Mr. Murphy indicated that automotive repair shops would be allowed; however, automotive body shops would require conditional use approval.

Mr. Warner asked about future plans to four-lane Malabar Road and if the developer for the subject site would be involved with the road widening. Mr. Murphy explained that the City was working on acquiring additional right-of-way to four-lane that section of Malabar Road, and funding for the improvement was not available. The applicant would have to comply with roadway improvements that a required traffic study for the site would determine based on buildout. Staff anticipated modifications such as a dedicated left-turn lane.

Ms. Maragh questioned whether the board should place a condition on the project to require right-of-way for the Malabar Road widening. Mr. Murphy stated that the Public Works Department would request the right-of-way when the property was submitted for development, and a transportation impact fee agreement would be implemented toward acquiring the right-of-way improvement.

Ms. Domonousky inquired whether the proposed 100-foot buffer could be increased. Mr. Murphy noted that the applicant had agreed to the 100-foot buffer along the southern residential property line beyond the six-foot high, opaque wall or fence requirement.

Mr. John Porter with Osceola Engineering, Inc. (representative for the applicant) stated that the 25-foot rear setback had been increased to a 100-foot natural buffer of undisturbed land to protect the view and provide space for the existing abutting residents. A six-foot high perimeter fence would still be installed.

Ms. Maragh asked if there had been a meeting about the proposal with the area residents. Mr. Porter remarked that a meeting had been held with the residents for the original residential subdivision proposal before the market had dropped. Concerns from that meeting were addressed in the subject proposal regarding the view of the site.

Mr. Warner asked for further elaboration of the proposal. Mr. Porter explained that there was not a market for the type of residential subdivision originally planned for the site. A market analysis within a five-mile radius had determined that more commercial development was needed.

The floor was opened for public comments.

Mr. William Batten (resident at Ocean Spray Street SW) spoke in favor of the request. The change from residential use to commercial use would balance the recent land use change for a commercial property on Robert J. Conlan Boulevard NE to residential. He wanted the developer to verbally commit to providing land for the future road widening, and he was pleased about the 100-foot natural buffer.

Ms. Brenda Chrieki (treasurer of Malabar West Subdivision Phases I and II) spoke against the request. The change would disrupt the community's quiet and safe way of life, decrease property and home values, and impact the privacy and abundant wildlife in the neighborhood. The applicant had not met with the residents for the commercial request. She commented on how commercial development of the site would irresponsibly increase traffic problems on Malabar Road since the widening would not occur within the foreseeable future. One property owner's dream should not outweigh the dreams of the current residents when commercial uses could be reached with less than a ten-minute drive down the St. Johns Heritage Parkway.

The floor was closed for public comments.

Motion by Ms. Jordan, seconded by Ms. Domonousky to submit Case CP-2-2019 to City Council for approval of a large scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use for transmittal to the Florida Department of Economic Opportunity for review, pursuant to Chapter 163, Florida Statutes.

Ms. Domonousky suggested that the conditions by staff and additional language for the 100-foot buffer should be included in the motion.

Motion amended by Ms. Jordan, seconded by Ms. Domonousky to submit Case CP-2-2019 to City Council for approval of a large scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use for transmittal to the Florida Department of Economic Opportunity for review, pursuant to Chapter 163, Florida Statutes, with the conditions that 1) Access to the site shall be from Malabar Road SW only; 2) There shall be a 100-foot deep preservation buffer along the southern property line of the subject property for which no development shall take place in order to preserve the existing vegetation; and 3) There shall be 25-foot wide preservation buffers along the east and west sides of the subject property. The motion carried with members voting unanimously.

There was one correspondence of opposition to the request in the file.

2. ♣CPZ-2-2019 - VACATION FINANCE LLC (WILLIAM E. ROCKER)

Mr. Murphy presented the staff report for Case CPZ-2-2019. The applicant had requested a zoning amendment from an RS-1, Single Family Residential District to a CC, Community Commercial District. Staff recommended Case CPZ-2-2019 for approval to be consistent and compatible with the Future Land Use designation of Case CP-2-2019.

Ms. Domonousky asked about the applicant's plans for the subject site. Mr. John Porter with Osceola Engineering, Inc. (representative for the applicant) stated that future plans for the site would be market driven, and that the change in the land use and a rezoning would set the property up for marketing.

The floor was opened for public comments.

Mr. William Batten (resident at Ocean Spray Street SW) spoke in favor of the request. As he commented during the review of the companion land use application, the proposed change from residential use to commercial use would balance the recent land use change for a commercial site on Robert J. Conlan Boulevard NE to residential. He noted that Malabar Road was an arterial roadway where residential-type activity would be inappropriate.

Mr. Scott Virgin (president of Malabar Lakes West Subdivision Phase II) spoke against the request. He stated that the community would rather drive to commercial sites instead of being buried in commercial development. The area was already impacted by traffic from Heritage High School, Fred Poppe Regional Park, and the St. Johns Heritage Parkway where more commercial development would occur.

The floor was closed for public comments, and there was one correspondence in opposition of the request in the file.

Motion by Mr. Warner, seconded by Ms. Domonousky to submit Case CPZ-2-2019 to City Council for approval of a zoning amendment from an RS-1, Single Family Residential District to a CC, Community Commercial District to be consistent and compatible with the Future Land Use designation of Case CP-2-2019. The motion carried with members voting unanimously.

3. CP-3-2019 – WALTER G. AND EUGENIA C. CAMPBELL, TRUSTEES

Mr. Murphy presented the staff report for Case CP-3-2019. The applicant had requested a small scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. Staff recommended Case CP-3-2019 for approval with a condition.

Ms. Maragh asked if the subject property was under contract with the City. Mr. Murphy stated that the site was privately owned by the applicants.

Ms. Eugenia Campbell (applicant) explained that she and her husband wanted to subdivide the property into two lots and build a home on each lot to accommodate them and their children.

Ms. Maragh inquired whether the applicants would go on record to confirm that the site would be restricted to two homes. Ms. Campbell confirmed that only two homes would be built on the property.

The floor was opened for public comments.

Mr. Eugene Adler (resident at Ravel Road SE) spoke against the request. He was concerned that government subsidized housing was planned for the property, which would devalue the existing properties in the area.

The floor was closed for public comments.

Motion by Ms. Maragh, seconded by Ms. Jordan to submit Case CP-3-2019 to City Council for approval of a small scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use, with the condition that a maximum of two (2) single-family lots may be created from the subject property. The motion carried with members voting unanimously.

Mr. Weinberg stated that the site was privately owned by the applicant and would be restricted to two single-family homes.

OTHER BUSINESS:

1. AMENDMENT TO THE PLANNING AND ZONING BOARD BY-LAWS

The Amendment to the Planning and Zoning Board By-Laws was discussed prior to the Election of Vice Chairperson.

ADJOURNMENT:

The meeting was adjourned at approximately 7:46 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

♣Quasi-Judicial Proceeding.

✚Indicates item was considered out of sequence.