

**CITY OF PALM BAY, FLORIDA**  
**PLANNING AND ZONING BOARD/**  
**LOCAL PLANNING AGENCY**  
**SPECIAL MEETING 2020-06**

Held on Wednesday, May 20, 2020, 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.

Correction: Mr. Richard Hill led the Pledge of Allegiance to the Flag.

See

Regular  
Meeting

2020-07  
06-03-20

**ROLL CALL:**

<b>CHAIRPERSON:</b>	Philip Weinberg	Present
<b>VICE CHAIRPERSON:</b>	Leeta Jordan	Present
<b>MEMBER:</b>	Donald Boerema	Present
<b>MEMBER:</b>	Donny Felix	Absent
<b>MEMBER:</b>	Richard Hill	Present
<b>MEMBER:</b>	Khalilah Maragh	Present
<b>MEMBER:</b>	Rainer Warner	Present
<b>NON-VOTING MEMBER:</b>	Vacant (School Board Appointee)	

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

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-03; March 4, 2020. Motion by Ms. Maragh, seconded by Mr. Hill to approve the minutes as presented. 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.
2. Mr. Murphy announced that Cases CP-6-2020 and CPZ-6-2020 (Masone Properties and Development – Tony Masone, Rep.) were continued to the June 3, 2020 Planning and Zoning Board meeting as the applicant had not met the Public Hearing Notices requirement. Board action was not required to continue the cases.
3. Mr. Murphy announced that the applicant for Case FD-10-2020 (Chaparral Properties, LLC – Jake Wise, PE, Rep.) was continued to the July 1, 2020 Planning and Zoning Board meeting to permit further revisions. Board action was required to continue the case.

Motion by Ms. Jordan, seconded by Mr. Boerema to continue Case FD-10-2020 to the July 1, 2020 Planning and Zoning Board meeting. The motion carried with members voting unanimously.

## **NEW BUSINESS:**

### **1. CP-5-2020 – BRANDON AND CARISSA STRANZ**

Mr. Balter presented the staff report for Case CP-5-2020. 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-5-2020 for approval, subject to the staff comments.

Mr. Brandon Stranz (applicant) stated that he planned to build a single-family home on the subject property.

Ms. Maragh asked about the mitigation of wetlands. Mr. Stranz stated that based on an environmental study, no wetlands would be affected by the proposal.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Motion by Ms. Maragh, seconded by Mr. Boerema to submit Case CP-5-2020 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. The motion carried with members voting unanimously.

2. **CP-6-2020 – MASONE PROPERTIES AND DEVELOPMENT**  
**(TONY MASONE, REP.)**  
**(CONTINUED)**

Case CP-6-2020 was discussed under Announcements, Item 2.

3. **♣CPZ-6-2020 – MASONE PROPERTIES AND DEVELOPMENT**  
**(TONY MASONE, REP.)**  
**(CONTINUED)**

Case CPZ-6-2020 was discussed under Announcements, Item 2.

4. **♣V-9-2020 – THOMAS GEORGE MARSHALL**

Mr. Balter presented the staff report for Case V-9-2020. The applicant had requested a variance to allow a proposed detached workshop relief from the requirement that no accessory structure shall exceed the size of the principal structure's living area, as established by Section 185.118(C) of the Palm Bay Code of Ordinances. The board must determine, based on the facts presented, the degree of minimal relief, if any, to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Mr. Thomas George Marshall (applicant) stated that he wanted to build a workshop on the subject lot that he owned adjacent to his residence.

Mr. Warner asked if the two lots were married and if the properties would be fenced in. Mr. Marshall agreed to marry his two lots and would fence in the properties if the board recommended.

Mr. Boerema questioned whether another driveway off Jupiter Boulevard NW would be created for the structure. Mr. Marshall stated that an additional driveway would be constructed if required.

Mr. Weinberg wanted to know what the proposed structure would be used for. Mr. Marshall replied that he would be able to park his motor home and autos within the structure.

The floor was opened and closed for public comments; there were no comments from the audience. There was one correspondence in the file in opposition to the request.

Motion by Ms. Jordan, seconded by Mr. Hill to submit Case V-9-2020 to City Council for approval of a variance to allow a proposed detached workshop relief from the requirement that no accessory structure shall exceed the size of the principal structure's living area, as established by Section 185.118(C) of the Palm Bay Code of Ordinances.

Mr. Weinberg stated that he was not in favor of the request due to the extremely large size of the proposed workshop. Allowing the variance would grant a special privilege for a structure that would not be in harmony with the existing area. Ms. Maragh concurred that granting an excess of 692 square feet for a proposed workshop would be a special privilege.

A vote was called on the motion by Ms. Jordan, seconded by Mr. Hill to submit Case V-9-2020 to City Council for approval of a variance to allow a proposed detached workshop relief from the requirement that no accessory structure shall exceed the size of the principal structure's living area, as established by Section 185.118(C) of the Palm Bay Code of Ordinances. The motion failed with members voting as follows:

Mr. Weinberg	Nay
Ms. Jordan	Aye
Mr. Boerema	Nay
Mr. Hill	Aye
Ms. Maragh	Nay
Mr. Warner	Nay

5. **♣FD-10-2020 – CHAPARRAL SUBDIVISION PHASE II (JAKE WISE, PE, REP.)  
(REQUEST TO CONTINUE)**

Case FD-10-2020 was discussed under Announcements, Item 3.

6. **♣V-11-2020 – STEAMBOAT LANDING, LLC (CURTIS J. MCKINNEY, REP.)**

Mr. Murphy presented the staff report for Case V-11-2020. The applicant had requested a variance to allow relief from Section 185.053(F)(12) and Chapter 178 (Appendix A) of the Code of Ordinances, to permit a proposed sign to exceed the maximum allowable height by ten feet and maximum sign area by 35 square feet. The board must determine, based on the facts presented, the degree of minimal relief, if any, to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Mr. Boerema questioned whether the proposed sign would impede the visibility of oncoming traffic for vehicles exiting the subject site onto Kirkland Road NE. Mr. Murphy indicated how most vehicles were below the sign's 5-foot, 11-inch height clearance.

Mr. Warner was concerned about the sign being installed prior to all phases of the project being developed. Mr. Murphy explained that the slats for the sign would be inserted as each phase was built, and Phase I was ready for construction.

Mr. Curtis McKinney (representative for the applicant) explained that the project was being built in phases based on the lender's desire to fund by each phase. He confirmed that placards would be added to the sign during each phase of development, with the first phase of construction occurring in June. The overall project would consist of an assisted living facility, memory care facility, restaurant, pharmacy, boat dock slips, and would generate approximately 50 permanent jobs. He said that traffic flow had been taken into consideration, and that lowering the height of the sign would mean the removal of "Steamboat Landing" from the structure.

Ms. Maragh wanted to know what the applicant would do if the variance was denied. Mr. McKinney stated that without the variance, he would erect seven signs on the site for the individual businesses instead of the single subject sign.

Mr. Warner remarked that as a former board member of the Bayfront Community Redevelopment Agency, he commended the efforts for the proposed development and sign. He wanted to see a well-developed area.

Mr. Hill stated that he was in favor of the proposed sign and that denying the request would cause sign pollution.

Mr. Balter explained the historical significance for Palm Bay in having “Steamboat Landing” on the proposed sign. The waterfront parcel owned by the applicant (Phase III of the overall development) was the site of a former steamboat landing where people and goods were ferried between the mainland and barrier island before the causeways were built.

Mr. Weinberg indicated that he would support the request if there were no additional signs for the entire project permitted adjacent to Dixie Highway NE.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Motion by Ms. Maragh, seconded by Mr. Warner to submit Case V-11-2020 to City Council for approval of a variance to allow relief from Section 185.053(F)(12) and Chapter 178 (Appendix A) of the Code of Ordinances, to permit a proposed sign to exceed the maximum allowable height by ten feet and maximum sign area by 35 square feet, with the condition that the development would not be permitted additional pole signs on Dixie Highway NE. The motion carried with members voting unanimously.

## **7. T-7-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)**

Mr. Murphy presented the staff report for Case T-7-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 70: General Provisions, Section 70.04; Title IX, General Regulations, Chapter 93: Real Property Nuisances, Section 93.044; Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 and Section 185.123. The purpose of this amendment was to update provisions for the parking of vehicles in residential areas and to revise definitions within the applicable sections of the referenced codes. Staff recommended Case T-7-2020 for approval.

Mr. Warner asked if the purpose of the proposed amendment was to address commercial vehicles. Mr. Murphy explained that the subject amendment removed commercial wording from sections of the code so that the amended language would now regulate all vehicles in residential areas. Two sections of the code were combined for better clarification.

Mr. Boerema commented that recreational vehicles were not part of the proposed amendments. Mr. Murphy stated that the definition of recreational vehicles had been revised.

Mr. Boerema stated that notice of the changes should be publicized to give others an opportunity to review the proposal. Requirements to screen vehicles parked in the side and rear yards with six-foot high fencing and in the side yards on improved surfaces would be costly to some residents. Mr. Warner added that it was a concern when recreational vehicles and properties with large amounts of vehicles became an eyesore, and that the public needed to be informed of the new requirements.

Mr. Weinberg stated that the improved surfaces restriction for parking vehicles in side yards should be eliminated since the same restriction was not applied to recreational vehicles that caused greater damage.

Ms. Maragh was supportive of the future City Council workshop for properly reviewing the proposed amendment. She said that the 24-hour limitation on parking recreational vehicles in front of a home should be extended since more than a day might be needed to load a recreational vehicle for travel.

Mr. Warner was in favor of combining the parking requirements into one section of the code. The amendment, however, should have come to the board after the Council workshop had occurred. Mr. Weinberg noted that City Council wanted input from the board prior to the workshop.

The floor was opened for public comments.

Mr. Brandon Stranz (owner of property in Palm Bay) commented on the subject request. He said that the City wanted recreational vehicles removed from residential yards, but the board had denied his variance request (Case V-9-2020) for a structure that would have housed his vehicles. He lived in Palm Bay because there were less restrictions.

The floor was closed for public comments, and there was no correspondence in the file.

Motion by Ms. Maragh, seconded by Mr. Boerema to submit Case T-7-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 70: General Provisions, Section 70.04; Title IX, General Regulations, Chapter 93: Real Property Nuisances, Section 93.044; Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 and Section 185.123, subject to the condition that the restriction to park vehicles on improved surfaces in side yards be eliminated. The motion carried with members voting as follows:

Correction:  
See  
Regular  
Meeting  
2020-07  
06-03-20

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Hill	Nay
Ms. Maragh	Aye
Mr. Warner	Aye

Case T-7-2020 will be heard by City Council on July 16, 2020. A date for the workshop was not announced.

**8. T-8-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)**

Mr. Murphy presented the staff report for Case T-8-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.136, 185.137, and 185.138. The purpose of the amendment was to exempt multi-family development of less than 5 units from the additional zoning provisions currently provided in the applicable districts. Staff recommended Case T-8-2020 for approval, based on the



analysis contained in the staff report.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Mr. Weinberg stated his support of the request since it did not make sense to place so much restrictions on the smaller multiple-family developments.

Motion by Ms. Maragh, seconded by Mr. Boerema to submit Case T-8-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.136, 185.137, and 185.138, to exempt multi-family development of less than 5 units from the additional zoning provisions currently provided in the applicable districts, based on

the analysis contained in the staff report. The motion carried with members voting unanimously.

**OTHER BUSINESS:**

There was no other business discussed.

**ADJOURNMENT:**

The meeting was adjourned at approximately 8:25 p.m.

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Philip Weinberg, CHAIRPERSON

Attest:

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Chandra Powell, SECRETARY

♣Quasi-Judicial Proceeding.