

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2020-07

Held on Wednesday, June 3, 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.

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

ROLL CALL:

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

CITY STAFF: Present were Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Ms. Traci Hildreth, Public Works Accountant; Mr. James Stokes, Board Attorney.

ADOPTION OF MINUTES:

1. Special Planning and Zoning Board/Local Planning Agency Meeting 2020-06; May 20, 2020. Mr. Hill noted that the Pledge of Allegiance should reflect on page 1 that it was performed by Ms. Leeta Jordan, and he noted that Case T-7-2020 should reflect on page 9 that his vote was in favor of the case. Motion by Mr. Hill, seconded by Ms. Jordan 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.
2. Mr. Weinberg announced that Item 1 under New Business, Case PS-2-2020 (Rook at Palm Bay), was continued to the July 1, 2020 Planning and Zoning Board meeting to meet Citizen Participation Plan (CPP) requirements. Board action was not required to continue the case.
3. Mr. Weinberg announced that staff had requested Item 2 under New Business, Case V-12-2020 (Rook at Palm Bay), for a continuance to the July 1, 2020 Planning and Zoning Board meeting as the item was the companion to Case PS-2-2020. Board action was required to continue the case.

Motion by Ms. Jordan, seconded by Ms. Maragh to continue Case V-12-2020 to the July 1, 2020 Planning and Zoning Board meeting. The motion carried with members voting unanimously.

OLD BUSINESS:

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

Mr. Balter presented the staff report for Case CP-6-2020. The applicant had requested a small-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use. Staff recommended Case CP-6-2020 for approval, subject to the staff comments and the condition that access to the lots be restricted to Malabar Road NE and Emerson Drive NE.

Mr. Hill asked if the subject properties currently had access to Malabar Road. Mr. Balter explained that the parcels did not presently access Malabar Road. However, a bank was planned for the subject properties with access onto Malabar Road and Emerson Drive by leveling the adjacent buildings on the west properties. There would be no access onto Goldcoast Road.

Mr. Tony Masone (representative for the request) confirmed that a bank was intended for the subject site and the west adjacent parcels. The south Emerson Drive entrance would remain, and an additional entrance would be constructed on Malabar Road. There would be no access onto Goldcoast Road.

Mr. Felix asked about the potential bank for the site. Mr. Masone did not disclose the intended bank.

Mr. Boerema inquired whether the parcels to the west were in the applicant's ownership. Mr. Masone stated that the west adjacent properties were under contract for the project.

Mr. Weinberg wanted to know how the adjacent homes to the north would be buffered. Mr. Masone explained that the existing wall that abutted the residential lots would be extended to the east.

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. Hill to submit Case CP-6-2020 to City Council for approval of a small-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use. Staff recommended Case CP-6-2020 for approval, subject to the staff comments and the condition that access to the lots be restricted to Malabar Road NE and Emerson Drive NE. The motion carried with members voting unanimously.

Case CP-6-2020 will be heard by City Council on June 18, 2020.

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

Mr. Balter presented the staff report for Case CPZ-6-2020. The applicant had requested a zoning amendment from an RS-2, Single Family Residential District to an RC, Restricted Commercial District. Staff recommended Case CPZ-6-2020 for approval, subject to the staff comments.

Mr. Tony Masone (representative for the request) was present.

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 Mr. Hill, seconded by Ms. Maragh to submit Case CPZ-6-2020 to City Council for approval of a zoning amendment from an RS-2, Single Family Residential District to an RC, Restricted Commercial District, subject to the staff comments. The motion carried with members voting unanimously.

Case CPZ-6-2020 will be heard by City Council on June 18, 2020.

NEW BUSINESS:

1. **♣PS-2-2020 – ROOK AT PALM BAY (JAKE WISE, P.E., REP.)
(CONTINUED)**

Case PS-2-2020 was discussed under Announcements, Item 2.

2. **♣V-12-2020 – ROOK AT PALM BAY (JAKE WISE, P.E., REP.)
(REQUEST TO CONTINUE)**

Case V-12-2020 was discussed under Announcements, Item 3.

Item 4 under New Business was considered by the board at this time.

4. **🔧T-14-2020 – CITY OF PALM BAY (PUBLIC WORKS DEPARTMENT)**

Mr. Weinberg informed the board that the subject amendment had nothing to do with setting stormwater fees or with determining how the fees would be charged.

Ms. Hildreth synopsisized the staff report. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Section 174.087 Findings and Determinations, replaced in its entirety, Section 174.088 Definitions replaced in its entirety, Section 174.090 Powers and Duties of the Utility replaced in its entirety, Section 174.091 Required Levels of Rates for Stormwater Charges revised as

noted, Section 174.092 Stormwater Charges revised as noted, Section 174.093 Billing and Payment of Stormwater Utility Fees revised as noted, Section 174.094 Utility Fee Credits, Appeals and Section 174.096 Program Responsibility revised as noted. Staff recommended Case T-14-2020 for approval, based on the analysis contained in the staff report.

Ms. Hildreth explained that the proposed amendment would enable the transition of stormwater charges from tax bills to utility bills in fiscal year 2021 utilizing the Utilities Department for billing and collection services.

Ms. Jordan inquired whether those without lots or who did not receive utility bills would be subject to the proposed fees. Ms. Hildreth stated that a separate annual bill would be sent to the property owners without utility bills.

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. Jordan, seconded by Mr. Hill to submit Case T-14-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Section 174.087 Findings and Determinations, replaced in its entirety, Section 174.088 Definitions replaced in its entirety, Section 174.090 Powers and Duties of the Utility replaced in its entirety, Section 174.091 Required Levels of Rates for Stormwater Charges revised as noted, Section 174.092 Stormwater Charges revised as noted, Section 174.093 Billing and Payment of Stormwater Utility Fees revised as noted, Section 174.094 Utility Fee Credits, Appeals and Section 174.096 Program Responsibility revised as noted, based on the analysis contained in the staff report. The motion carried with members voting unanimously.

Case T-14-2020 will be heard by City Council on June 4, 2020.

The board resumed the consideration of items in the order shown on the agenda.

3. T-13-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Balter presented the staff report for Case T-13-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Section 184.15, Issuance of a Building Permit. The purpose of the amendment was to remove the requirement for recordation of the subdivision plat prior to issuance of building permits for model homes and developer owner/builder homes. Staff recommended Case T-13-2020 for approval, based on the analysis contained in the staff report.

Ms. Maragh questioned how other cities in Brevard County handled permitting for model homes. Mr. Balter stated that other cities allowed for “early starts” by not requiring model home applicants to record plats. The plats permitted the developers to sell land; however, Palm Bay required developers to certify that model home properties would remain in the developer’s ownership.

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. Hill to submit Case T-13-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Section 184.15, Issuance of a Building Permit. The purpose of the amendment was to remove the requirement for recordation of the subdivision plat prior to issuance of building permits for model homes and developer owner/builder homes, 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 7:23 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

♣ Quasi-Judicial Proceeding.

☞ Indicates item was considered out of sequence.