

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2021-04

Held on Wednesday, March 3, 2021, 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:	James Boothroyd	Present
MEMBER:	Richard Hill	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	David Karaffa	Absent
	(School Board Appointee)	

CITY STAFF: Present were Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Mr. Grayson Taylor, Planner; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-03; February 3, 2021.

Motion to approve the minutes as presented.

Motion by Mr. Boerema, seconded by Ms. Maragh. The motion carried with members voting as follows:

Ayes: Mr. Weinberg, Ms. Jordan, Mr. Boerema, Mr. Boothroyd, Mr. Hill, Ms. Maragh, Mr. Warner.

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.

OLD/UNFINISHED BUSINESS:

2. ****CU-5-2021 – FAR Research, Inc. (AVID Group, LLC and Akerman, LLP, Reps.) (WITHDRAWN) - A conditional use to allow proposed storage of liquified petroleum products; chemicals and similar products in an HI, Heavy Industrial District. Tax Parcel 14, Section 14, Township 28, Range 37, Brevard County, Florida, containing .46 acres, more or less. (Located south of and adjacent to Rowena Drive NE, in the vicinity north of Robert J. Conlan Boulevard NE, and east of the Florida East Coast Railway)**

Mr. Weinberg announced that Case CU-5-2021 had been withdrawn by the applicant. No board action was required to withdraw the case.

3. **CP-1-2021 - Jupiter Bay - Sachs Capital Group, LP (Bruce Moia, P.E. and David Bassford, P.E., Reps.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Multiple-Family Residential Use and Commercial Use. Tax Parcels 750 and 751, along with Tract K of Port Malabar Unit 10, Section 6, Township 29, Range 37, Brevard County, Florida, containing 23.862 acres, more or less. (Located at the northwest corner of Jupiter Boulevard SE and Brevard Avenue SE)**

Mr. Balter presented the staff report for Case CP-1-2021. Staff recommended Case CP-1-2021 for approval, based on the conditions within the staff report.

Mr. Bassford, P.E. with MBV Engineering, Inc. (representative for the applicant) stated that staff had done a great job in presenting the request.

The floor was opened for public comments.

Ms. Robin Fox (resident at Jupiter Boulevard SE) spoke against the request. She was concerned that the applicant had changed their initial tiny home proposal to townhomes since the requested multiple-family designation also allowed for apartments that would not be conducive to the neighborhood. More traffic with Jupiter Boulevard as the sole access could not be sustained by the area, and sub-leased townhomes with a backyard view into the adjacent school playground was an additional concern. Current residents of the neighborhood would have the undesirable view of townhome parking lots, which would lower property values. She commented on the overcrowded schools; how single-family homes should be developed in the single-family area; and how there was currently retail vacancies within proximity.

In response to the public comments, Mr. Bassford assured the board that impacts to the school and to the neighborhood would be shouldered by the development as indicated in the staff report. He confirmed that townhomes were proposed for the site.

Ms. Maragh asked if a Citizen Participation Plan (CPP) meeting had been held. Mr. Bassford stated that a CPP meeting was not required.

The floor was closed for public comments and there was one correspondence item against the request in the file.

Mr. Warner questioned the best use of the property in relation to Comprehensive Plan FLU-3. He asked about the type of commercial retail planned for the site to better understand its impact on the community since there was existing unoccupied retail space within the vicinity. Mr. Bassford stated that the type of retail was unknown at present; however, the residential portion of the site would be developed prior to the commercial area.

Mr. Warner inquired whether the applicant could agree to a condition to restrict the site to townhomes. Mr. Bassford stated that the matter would have to be discussed with the applicant.

Mr. Weinberg noted that the companion zoning request would restrict the site to 10 units per acre, and that the applicant would still have to respond to any traffic study, environmental studies, and school concurrency issues. Townhomes were lacking in Palm Bay but were a reasonable, affordable, and diverse alternative to single-family homes.

Motion to approve Case CP-1-2021 as presented, based on the conditions within the staff report.

Motion by Mr. Hill, seconded by Ms. Jordan.

Ms. Maragh concurred that diversity in housing was needed in the City, and that the market would dictate the development of the commercial section.

The motion carried with members voting as follows:

Ayes: Mr. Weinberg, Ms. Jordan, Mr. Boerema, Mr. Boothroyd, Mr. Hill, Ms. Maragh, Mr. Warner.

NEW BUSINESS:

1. ****CPZ-1-2021 - Jupiter Bay - Sachs Capital Group, LP (Bruce Moia, P.E. and David Bassford, P.E., Reps.) - A zoning amendment from an RR, Rural Residential District to an RM-10, Single-, Two-, Multiple-Family Residential District and an NC, Neighborhood Commercial District. Tax Parcels 750 and 751, along with Tract K of Port Malabar Unit 10, Section 6, Township 29, Range 37, Brevard County, Florida, containing 23.862 acres, more or less. (Located at the northwest corner of Jupiter Boulevard SE and Brevard Avenue SE)**

Mr. Balter presented the staff report for Case CPZ-1-2021. Staff recommended Case CPZ-1-2021 for approval, based on the analysis contained within the staff report.

Mr. Weinberg noted that Mr. Bassford, P.E. with MBV Engineering, Inc. (representative for the applicant) was not present, and that Mr. Bassford's comments for Case CP-1-2021 should be included with the subject request.

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

Motion to approve Case CPZ-1-2021 as presented, based on the analysis contained within the staff report.

Motion by Mr. Hill, seconded by Ms. Maragh. The motion carried with members voting as follows:

Ayes: Mr. Weinberg, Ms. Jordan, Mr. Boerema, Mr. Boothroyd, Mr. Hill, Ms. Maragh, Mr. Warner.

2. ****V-7-2021 - Richard J. Defay (Cool Pools of Brevard, Rep.) - A variance to allow a proposed swimming pool and screen room enclosure to encroach 6 feet into the 10-foot rear accessory structure setback as established by Section 185.118(D) of the Palm Bay Code of Ordinances. Lots 33 and 34, Block 1842, Port Malabar Unit 39, Section 34, Township 28, Range 36, Brevard County, Florida, containing .48 acres, more or less. (Located at the northwest corner of De Leon Court NW and Holcomb Street NW, specifically at 526 De Leon Court NW)**

Mr. Taylor presented the staff report for Case V-7-2021. The board had to 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 commented on whether a precedent had been set by the two existing homes abutting Tract C that had not required variances to install swimming pools. Mr. Taylor indicated the location of the two existing swimming pools and how the homes on the properties were smaller in size.

Mr. Richard Defay (applicant) explained that the homebuilder had left space for a swimming pool at the back of the property, but the area was not large enough with the screen room. The rear of the property abutted a 30-foot utility easement that would remain undeveloped.

Mr. Weinberg commented on the large size of the home. He questioned whether a unity of title had been done for the applicant's two lots, and if consideration was given to placing the pool on the second lot. Mr. Defay indicated that the size of the 2,700 square-foot home was the reason the variance was needed. A unity of title had been done to combine his two lots, but there was never a plan to place the pool on the second lot.

Mr. Warner wanted to know if utility poles in the rear easement could still be accessed if the variance was granted. Mr. Defay explained that his home was at the end of the block, so the single utility pole at the corner of his property would remain accessible.

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

Motion to approve Case V-7-2021 as presented, based on the staff report.

Motion by Mr. Boerema, seconded by Ms. Maragh. The motion carried with members voting as follows:

Ayes: Mr. Weinberg, Ms. Jordan, Mr. Boerema, Mr. Boothroyd, Mr. Hill, Ms. Maragh, Mr. Warner.

OTHER BUSINESS:

There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 7:34 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding