

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-11

Held on Wednesday, October 5, 2022, 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.

Vice Chairperson Philip Weinberg called the meeting to order at approximately 6:00 p.m.

Mr. Robert Good led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Leeta Jordan	Absent	(Excused)
VICE CHAIRPERSON:	Philip Weinberg	Present	
MEMBER:	Donald Boerema	Present	
MEMBER:	Robert Good	Present	
MEMBER:	Khalilah Maragh	Present	
MEMBER:	Randall Olszewski	Present	
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa	Absent	(Excused)
	(School Board Appointee)		

The absence was excused for Ms. Jordan.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Tania Ramos, Senior Planner; Ms. Uma Sarmistha, Senior Planner; Ms. Carol Gerundo, Planning Specialist; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-09; August 3, 2022.

Motion to approve the minutes as presented.

Motion by Mr. Olszewski, seconded by Ms. Maragh. Motion carried with members voting as follows:

Aye: Weinberg, Boerema, Good, Maragh, Olszewski, Warner.

2. Special Planning and Zoning Board/Local Planning Agency Meeting 2022-10; September 6, 2022.

Motion to approve the minutes as presented.

Motion by Mr. Olszewski, seconded by Mr. Warner. Motion carried with members voting as follows:

Aye: Weinberg, Boerema, Good, Maragh, Olszewski, 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 the City Council.

NEW BUSINESS:

1. ****CU-45-2022 - Self-Storage Facility - Antonia Hyland Revocable Trust; John B. O'Malley Trust (Andy Kirbach, P.E., Rep.) - A Conditional Use to allow a proposed self-storage facility in an HC, Highway Commercial District in accordance with Section 185.044(D)(6) of the Palm Bay Code of Ordinances. Tax Parcel 326, Section 27, Township 28, Range 37, Brevard County, Florida, containing approximately 2.45 acres. Located east of and adjacent to Babcock Street NE, in the vicinity west of Hardin Lane NE**

Ms. Ramos presented the staff report for Case CU-45-2022. Case CU-45-2022 met the minimum requirements for approval of a conditional use, subject to the staff comments contained in the staff report.

Ms. Kelly Hyvonen, AICP, Land Development Strategies, LLC (planning consultant for the applicant) stated that the subject request was for a three-story, 105,000 square-foot self-storage facility that was compatible with the Comprehensive Plan and met the general requirements and conditions of the staff report. She noted that there were no attendees at the Citizen Participation Plan (CPP) meeting or inquiries about the request.

Mr. Olszewski asked where the stormwater would be located on the site. Mr. Andy Kirbach, P.E., Morgan and Associates Consulting Engineers, Inc. (representative for the applicant) stated that the stormwater would be along the rear property line as an additional buffer for the neighboring properties. The dry retention was on the submitted site plan.

Ms. Maragh asked if there were any special conditions on the request. Mr. Anderson stated that there were no special conditions on the proposal, but the criteria outlined in the staff report would need to be met.

Mr. Warner wanted to know the mix of units being proposed, and if the facility was intended for residents or for trade and industrial use. Mr. Kirbach stated that the unit types were not known at present, but there would be various sizes typical of indoor storage. Ms. Hyvonen added that the storage units would mostly be for residential use. The facility was not warehousing and would be a low-traffic generator.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He described the project as needed commercial on vacant commercial land, a very low generator of commercial traffic, a higher tax base for revenue, and less of a strain on police and fire services.

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

Mr. Warner asked if the building plan provided was the conceptual plan. Mr. Kirbach confirmed that this was correct.

Motion to submit Case CU-45-2022 to City Council for approval.

Motion by Ms. Maragh, seconded by Mr. Warner. Motion carried with members voting as follows:

Aye: Weinberg, Boerema, Good, Maragh, Olszewski, Warner.

2. **CP-30-2022 - Palm Vista Preserve LLC, managing agent Greg Pettibon, Lennar Homes (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Single-Family Residential Use, Commercial Use, Multiple-Family Residential Use, and Residential Open Space Use to Multiple-Family Residential Use. Tax Parcel 1 of Section 20, Township 28, Range 36, Tax Parcel 1 of Section 28, Township 28, Range 36, and Tax Parcel 1 of Section 29, Township 28, Range 36, Brevard County, Florida, containing approximately 1198.1 acres. Located west of and adjacent to St. Johns Heritage Parkway NW, in the vicinity east of Melbourne-Tillman Water Control District Canal 2R**

Mr. Anderson presented the staff report for Case CP-30-2022. Case CP-30-2022 met the minimum requirements for a large-scale Comprehensive Plan Future Land Use Map Amendment request.

Ms. Maragh remarked on how there was no commercial in the subject proposal. Mr. Anderson indicated that this was correct; however, an abutting development had commercial land off the arterial roadway.

Mr. Warner inquired about the history and phases of the project.

Mr. Olszewski commented on the various developments the representative for the applicant was involved with within the geographical area totaling approximately 4,141 residential units. He emphasized the need for a fire station to service the growing area. Mr. Anderson explained that a fire station was not considered during the entitlement stages of the process, and that the current agricultural land use designation on the subject site would not necessitate that type of infrastructure improvement before the subject change occurred.

Ms. Ana Saunders, P.E., BSE Consultants, Inc. (representative for the applicant) gave a background overview of how the project had begun in the early 2000s with several other developments in different ownerships that were envisioned around the idea of the St. Johns Heritage Parkway. A downturn in the economy in the 2000s brought the project to a halt, but also allowed for the development to be recrafted as a showstopper gateway into the City and for utility improvements to occur in the area. She explained that commercial land had not been incorporated into the reimagined development because of the commercial parcels that were just outside the development boundaries. She said that the multiple-family designation allowed for the townhomes.

Mr. Olszewski remarked on the commercial land proposed for the Emerson Drive and St. Johns Heritage Parkway intersection. Ms. Saunders confirmed that there would be commercial development at the intersection under a different property owner.

Mr. Olszewski restated his concern regarding the need for an additional fire station to serve new and existing developments in the area. Fire Station 3 could not adequately support the entire area. His suggestion was for one of the area developers to integrate a fire station into their development, which would also make the area more marketable. The impact fees generated from the 4,141 residential units would not be enough to fund fire station apparatus or a station.

Mr. Weinberg commented that fire station locations, staffing, and equipment were outside the bounds of developers and would need to be considered by City staff.

Mr. Good remarked on the mixture of uses planned for the development and questioned why more community connectivity had not been factored to alleviate traffic and allow residents to walk to stores and their doctors and dentists. Ms. Saunders reiterated that the applicant did not own the commercial parcels; however, there was a cooperative benefit to having commercial parcels nearby. The subject development would extend Emerson Drive NW across St. Johns Heritage Parkway and beyond the commercial parcels and provide some walkability trails to access the commercial area.

Ms. Maragh wanted to know the type of multiple-family development being proposed. Ms. Saunders explained that the development would consist of age 55-plus and non-age targeted communities. The multiple-family component would include duplexes; four, six, and eight townhome type complexes; and a condominium style development.

Mr. Warner was concerned about the safety of residents in the west area of the City being trapped during natural disasters, especially with the additional residents when St. Johns Heritage Parkway was not completed as an outlet. Ms. Saunders explained that St. Johns Heritage Parkway was designated as an emergency evacuation route, and that the subject segment connected Malabar Road to Ellis Road in Melbourne. As growth occurred, parkway expansions would be done based on traffic studies.

Ms. Maragh asked whether the public safety service issues were being addressed regarding future police and fire stations. Mr. Anderson stated that the City was presently updating the goals, objectives, and policies of the Comprehensive Plan, which would allow staff to distinguish in general the most suitable locations for emergency services and contributors. He explained that each development coming into the area had individual entitlements and the right to be processed and analyzed based on their own impacts. Traffic improvements and emergency services were matters addressed at the later and more detailed stages of review.

The floor was opened for public comments.

Mr. Robert Stise (resident at Windbrook Drive SE) spoke against the request. He was concerned about 4,000 homes coming into the area with an eight-minute emergency response time for fire services. He questioned the limited access in and out of the area. Safety should be a priority.

Mr. Bill Battin (resident at Ocean Spray Street SW) stated that adequate turn lanes larger than 100-feet should be considered for the developments coming into the area to keep north and south traffic moving. He also suggested that the upgrade to the St. Johns Heritage Parkway level of service classification under the new Comprehensive Plan be utilized at this time. The upgraded level of service would

make a difference in fair share requirements instead of the bare minimum currently required of the development.

In response to comments from the audience, Ms. Saunders indicated three main access points into the area from Emerson Drive NW, Pace Drive NW, and north of Emerson Drive NW. She stated that a traffic methodology letter had been submitted to the Public Works Department early in the process as traffic was a major concern, and it was more than likely that the Comprehensive Plan level of service revisions would be utilized. A proposed five-mile radius traffic study would focus on the development and the intersections within the radius. She explained that speed limits dictated the turn lane volumes, which would be 240-feet long for the development.

Mr. Weinberg noted that right-of-way provisions were made for St. Johns Heritage Parkway to be widened on both sides in the future. Ms. Saunders added that the parkway was designed to be six-laned and 200 feet of right-of-way had been set aside for that purpose.

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

Ms. Maragh stated that she was not comfortable having over 1,000 acres without public safety. Ms. Bernard reminded the board that the subject request was for the land use and not the future development. She noted, however, that there was a certain methodology and process prior to collecting enough impact fees to fund a new fire or police station and that the systems in place were guided by the State.

Ms. Maragh stated that she liked the multiple-family project, but she wanted to make sure the City was contemplating long term.

Motion to submit Case CP-30-2022 to City Council for denial.

Motion by Mr. Olszewski, seconded by Ms. Maragh. Motion carried with members voting as follows:

Aye: Good, Maragh, Olszewski, Warner.

Nay: Weinberg, Boerema.

Mr. Good commented that he was not comfortable changing the whole development to multiple-family.

Mr. Anderson explained that the multiple-family designation also allowed for single-, two-, and multiple-family residential development. The preliminary development plan associated with the project was a combination of residential uses.

3. ****PD-36-2022 - Palm Vista Everlands-West PUD - Palm Vista Preserve LLC, managing agent Greg Pettibon, Lennar Homes (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - A Preliminary Development Plan approval to allow a proposed mixed residential PUD for a 2,416-unit development called Palm Vista Everlands West. Tax Parcel 1 of Section 20, Township 28, Range 36, Tax Parcel 1 of Section 28, Township 28, Range 36, and Page 1 of 3 Regular Meeting 2022-11 Tax Parcel 1 of Section 29, Township 28, Range 36, Brevard County, Florida, containing approximately 1198.1 acres. Located west of and adjacent to St. Johns Heritage Parkway NW, in the vicinity east of Melbourne-Tillman Water Control District Canal 2R**

Based on the denial of Case CP-30-2022, Case PD-36-2022 would be moot.

Motion to submit Case PD-36-2022 to City Council for denial.

Motion by Mr. Olszewski, seconded by Ms. Maragh. Motion carried with members voting as follows:

Aye: Good, Maragh, Olszewski, Warner.

Nay: Weinberg, Boerema.

4. ****FD-49-2022 - Malabar Springs - James P. Harvey, CRE-KL Malabar Owner LLC (Ana Saunders, BSE Consultants, Inc.) - A Final Development Plan to allow a proposed PUD for an 885-unit residential development called Malabar Springs. Tax Parcels 250, 251, 252, and 500, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 294.7 acres. Located north of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW**

Mr. White presented the staff report for Case FD-49-2022. Case FD-49-2022 was in alignment with the Comprehensive Plan; Malabar Springs PUD and the project met the minimum conditions for a Final Development request.

Ms. Ana Saunders, P.E., BSE Consultants, Inc. (representative for the applicant) stated that the 885-unit development would be a combination of single-family with a multiple-family townhome component. A portion of the southwest corner of the site would be deeded to the Melbourne-Tillman Water Control District for their adjacent use. She concurred with the staff comments and noted that the construction plans for the development were currently in administrative review.

Mr. Olszewski asked about the recreational aspects of the project. Ms. Saunders stated that a 5,000 square foot clubhouse and amenity center would be at the center of the development and likely a swimming pool. There would be a combination of trailway systems with either exercise stations or park benches along the lake vistas and stands of trees. Mr. Olszewski suggested consideration of a park bridge access between the Fred Poppe Regional Park and the St. Johns Heritage Parkway for current and future users. Ms. Saunders remarked that the subject development was at the end of Malabar Road and would not have direct access to the parkway. The site backed up to canals and would have a 50-foot minimum buffer around the perimeter.

Mr. Olszeski asked if Malabar Road had been paved in front of the development. Ms. Saunders stated that Malabar Road would be paved, widened and extended from the school entrance and past the development property line entrance, Utilities would also be extended.

Ms. Maragh asked if the applicant was in agreement with the technical comments. Ms. Saunders confirmed her agreement.

Mr. Warner commented on how the market had not affected the development. Ms. Saunders indicated that the market had changed but costs had been adjusted to make the project work.

The floor was opened for public comments.

Mr. Tom Velie (resident at W. Malabar Road, Unincorporated Brevard County) spoke against the request. He stated that the development would impact him and the high school. He inquired about an emergency access onto the St. Johns Heritage Parkway that had been mentioned at another meeting, and he had calculated the proposed development at five to six homes per acre and not the three homes per acre indicated. Provisions to widen the parkway and Malabar Road should first be in place to handle the additional 1,500 to 1,600 traffic trips and the need for police and fire protection. The high school was already affected by road congestion problems.

In response to comments from the audience, Ms. Saunders reminded the board that the subject site already had the underlying land use designation, and that the applicant had volunteered to cap the property at three units per acre. Lots were a combination of 30 feet, 40 feet, and 50 feet for the townhomes. There was no physical way to make the connection to the St. Johns Heritage Parkway. Malabar Road traffic improvements would be based on traffic studies and a permitting review would be done by Brevard County.

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

Mr. Weinberg reminded the board that the request was for Final Development Plan approval and that the preliminary review had already come before the board.

Motion to submit Case FD-49-2022 to City Council for approval.

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

Aye: Weinberg, Boerema, Good, Maragh, Olszewski, Warner.

5. ****FD-50-2022 - Medley at Everland - Brian Clauson, DRP FL 6, LLC (Ana Saunders, BSE Consultants, Inc.) - A Final Development Plan to allow a proposed PUD for an 840-lot residential development called Medley at Everland. Tax Parcel 3 and Part of Tax Parcel 1, Section 21, Township 28,**

**Range 36, Brevard County, Florida, containing approximately 291.11 acres.
Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW**

Ms. Sarmistha presented the staff report for Case FD-50-2022. Case FD-50-2022, was in alignment with the Comprehensive Plan, Planned Unit Development, and the project met the minimum criteria for a Final Development request, subject to the staff comments contained in the staff report.

Ms. Ana Saunders, P.E., BSE Consultants, Inc. (representative for the applicant) stated that the mass grading for the project was underway, and the construction plans were under administrative review to get the infrastructure component approved.

Mr. Olszewski asked about the recreational aspirations for the project. Ms. Saunders indicated a large recreational tract for a clubhouse and swimming pool area, and a second north building that was planned for pickleball courts. Multiple trails would also run along the canal right-of-way to connect into the sidewalks along the roads and a more substantive concrete path with landscaping, pocket parks, dog parks, and benches would connect with the main clubhouse. Larger wetlands onsite would be preserved and might be used for bird viewing. She noted that there would be a large 50-foot to 60-foot buffer along the edge of the site with tree stands. Mr. Olszewski suggested consideration of a park bridge connection between the development and the Fred Poppe Regional Park. He asked if golf carts would be part of the development. Ms. Saunders stated that the paths in the development were not specifically designed to encourage golf cart use.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. However, turn lanes would be needed to avoid traffic backups at the three access points into the development.

Mr. Robert Stise (resident at Windbrook Drive SE) spoke in favor of the request. Residents liked biking and walking trails and amenities. However, traffic infrastructure, police and fire services, and the future expansion of infrastructure should be addressed.

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

Mr. Weinberg reminded the board that the request was for final development approval.

Mr. Warner recollected the original proposal and commended the applicant on the project.

Motion to submit Case FD-50-2022 to City Council for approval.

Motion by Mr. Warner, seconded by Ms. Maragh. Motion carried with members voting as follows:

Aye: Weinberg, Boerema, Good, Maragh, Olszewski, Warner.

6. **T-51-2022 - Retail Automotive Gas/Fuel Sales - Summit Shah (Carmine Ferraro, Crossover Commercial Group, Rep.) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.042(D)(1), 185.043(D)(3), 185.044(D)(2), and 185.059(D)(1), to allow Retail Automotive Gas/Fuel Sales at further locations**

Mr. White presented the staff report for Case T-51-2022. Case T-51-2022 was recommended for approval.

Mr. Olszewski wanted to know the applicant's purpose for requesting the textual amendment. Mr. White remarked on how the applicant wanted retail automotive gas/fuel sales at signaled intersections in different zoning districts. Mr. Anderson added that the amendment had been vetted by staff and the applicant to ensure applicable standards had been met. The amendment would reduce the distances between gas stations to allow for a more diversified array of use while not impacting the surrounding transportation.

The floor was opened for public comments.

Mr. Carmine Ferraro, Crossover Commercial Group (representative for the applicant) was present to answer questions.

Mr. Olszewski wanted to know what the applicant planned to bring to the community once the amendment was in place. Mr. Ferraro commented that the applicant had an NC, Neighborhood Commercial property at an intersection that would be submitted for a conditional use to allow a gas station with convenience store for a major chain. The applicant owned and operated several gas stations in Brevard County.

Mr. Olszewski suggested consideration to include electrical gas pumps for gas stations in the future.

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

Mr. Weinberg reminded the board that applicants would still require conditional use approval.

Motion to submit Case T-51-2022 to City Council for approval.

Motion by Mr. Good, seconded by Ms. Maragh. Motion carried with members voting as follows:

Aye: Weinberg, Boerema, Good, Maragh, Olszewski, Warner.

7. **T-52-2022 - REQUEST TO CONTINUE TO 11/02 P&Z - Model Homes - Christy Baker, LGI Homes - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.129, to allow builders to use model homes and associated parking for office use and to convert to single-family home sites in compliance with the Zoning Ordinance, provided certain conditions are met**

Mr. Weinberg announced a request to continue Case T-52-2022 to the November 2, 2022 Planning and Zoning Board Meeting. Board action was required to continue the case.

Motion to continue Case T-52-2022 to the November 2, 2022 Planning and Zoning Board Meeting.

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

Aye: Weinberg, Boerema, Good, Maragh, Olszewski, Warner.

Case T-52-2022 was tentatively scheduled to be heard by City Council on December 6, 2022.

8. **CP-37-2022 - REQUEST TO CONTINUE TO 11/02 P&Z - Mixed Use - City of Palm Bay (Growth Management Department) - A Comprehensive Plan Textual Amendment to the FLU-1.1I language in the Future Land Use Element of the City of Palm Bay Comprehensive Plan to ensure consistency with the City Council's intent to promote mixed use development**

Mr. Weinberg announced a request to continue Case CP-37-2022 to the November 2, 2022 Planning and Zoning Board Meeting. Board action was required to continue the case.

Motion to continue Case CP-37-2022 to the November 2, 2022 Planning and Zoning Board Meeting.

Motion by Mr. Good, seconded by Mr. Olszewski. Motion carried with members voting as follows:

Aye: Weinberg, Boerema, Good, Maragh, Olszewski, Warner.

Case CP-37-2022 was tentatively scheduled to be heard by City Council on December 6, 2022.

9. **T-57-2022 – Unimproved Real Property - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title IX, General Regulations, Chapter 93: Real Property Nuisances, Sections 93.02 and 93.04(A)(1), to amend the definition of Unimproved Real Property**

Mr. White presented the staff report for Case T-57-2022. Case T-57-2022 met the minimum criteria for a textual amendment request.

Ms. Maragh asked staff to elaborate on the amendment. Mr. White stated that there was a conflict with the definition of unimproved and improved properties when it pertained to the zoning district. Mr. Anderson explained that currently two zoning districts in the code were listed as unimproved regardless of whether there were improvements on the sites. The amendment would remove the contradiction so that the determination was about whether improvements existed on the property.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He noted that natural buffers would be lost with the redefinition. He was pleased that the RR, Rural Residential District would no longer be classified as unimproved land since he occupied an RR property.

Mr. Daniel Corcoran (resident at Windbrook Drive SE) spoke in favor of the request. The Majors Golf Course had not been mowed since June and redefining the property as an improved site would allow the weed and insect issue to be addressed. Reducing the 24-inch maximum grass height to 12-inches allowed for better maintenance. However, he would prefer that the 15-foot maintained buffer be increased to 100 feet since the golf course was so large.

Mr. Robert Stise (resident at Windbrook Drive SE) commented on the insects and water moccasins on The Majors Golf Course property that could potentially be a problem for the children in the area. He would prefer that the entire golf course was mowed as it was a safety issue.

Mr. Bill Corcoran (resident at Windbrook Drive SE) stated that The Majors Golf Course was becoming run down and he indicated a desire for the entire golf course to be mowed.

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

Mr. Edwards clarified for the board and audience that a site with a building was currently considered an improved property. However, the code also stated that a property zoned GU, General Use Holding, even with a structure, was considered an

unimproved site. The Majors Golf Course, as a GU zoned property, was currently considered an unimproved site, which was treated as vacant land so that only the 15-foot buffer was maintained instead of the entire site. The proposed amendment eliminated the conflict so that the golf course would now be considered improved property and the entire site would have to be maintained.

Motion to submit Case T-57-2022 to City Council for approval.

Motion by Ms. Maragh, seconded by Mr. Good. Motion carried with members voting as follows:

Aye: Weinberg, Boerema, Good, Maragh, Olszewski, Warner.

OTHER BUSINESS:

1. There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 7:41 p.m.

Philip Weinberg, VICE CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

****Quasi-Judicial Proceeding**