

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/  
LOCAL PLANNING AGENCY  
REGULAR MEETING 2022-12

Held on Wednesday, November 2, 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.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

Ms. Khalilah Maragh led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

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

**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 2022-11; October 5, 2022.

Motion to approve the minutes as presented.

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

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

#### **ANNOUNCEMENTS:**

1. Ms. Jordan 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.

#### **OLD/UNFINISHED BUSINESS:**

1. **T-52-2022 - 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 update language for applicability**

Ms. Sarmistha presented the staff report for Case T-52-2022. Case T-52-2022 met the minimum requirements for a Textual Amendment request.

The applicant was not present.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) commented on how the subject amendment permitted business to be conducted at model home sites without taxes being collected until building occupancy. If business was being conducted from a residence, the City should have the benefit of collecting.

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

Motion to submit Case T-52-2022 to City Council for approval.

Mr. Weinberg commented that builders paid taxes on vacant, undeveloped land and had business tax receipts to operate. The properties would also be taxed as single-family homes when sold.

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

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

2. **CP-37-2022 - REQUEST TO CONTINUE TO 12/07 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**

Ms. Jordan announced a request to continue Case CP-37-2022.

Motion to continue Case CP-37-2022 to the December 7, 2022 Planning and Zoning Board Meeting.

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

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

City Council will hear Case CP-37-2022 on January 5, 2023.

## **NEW BUSINESS:**

1. **\*\*V-48-2022 - Richard Miranda and Margarita Miranda - A Variance to allow the cumulative size of existing and proposed accessory structures to exceed the principal structure's living area by 2,060 square feet, granting relief from the requirements established by Section 185.118(C) of the Palm Bay Code of Ordinances. Tax Parcel 323, Section 27, Township 28, Range 37, Brevard County, Florida, containing approximately 4.08 acres. Located south of and adjacent to Hardin Lane NE, in the vicinity north of Market Circle NE, specifically at 1802 Hardin Lane NE**

Ms. Ramos presented the staff report for Case V-48-2022. 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. Richard Miranda (applicant) stated that the variance would allow him to build a hobby woodshop on his property. However, because of the large size of his property, he had not realized there would be a problem having the pump house, an old dog kennel he used for storage, in addition to his 1,800 square-foot home on the site.

Mr. Warner asked if the woodworking was strictly a hobby. Mr. Miranda indicated that this was correct.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He stated that this was an example of a rural residential property owner wanting to have a rural residential lifestyle, which was the landowner's right.

The floor was closed for public comments.

Motion to submit Case V-48-2022 to City Council for approval.

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

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

2. **\*\*Z-58-2022 - REQUEST TO CONTINUE TO 12/07 P&Z - Lipscomb Street Canals - Paul Daly and Don Ballew (Chris Ossa, P.E., Kimley-Horn and Kinan Husainy, P.E., KimleyHorn & Associates / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law, Reps.) - A Zoning change from an HC, Highway Commercial District to an RMH, Residential Mobile Home District. Tract F, Palm Bay Colony Replat of Portions of Sections 1, 2, 3, Page 1 of 3 Regular Meeting 2022-12 4, Section 5, Township 29, Range 37, Brevard County, Florida, containing approximately 2.87 acres. Located north and south of Ersoff Boulevard NE, in the vicinity east of Lipscomb Street NE**

Ms. Jordan announced a request to continue Case Z-58-2022.

Motion to continue Case Z-58-2022 to the December 7, 2022 Planning and Zoning Board Meeting.

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

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

City Council will hear Case Z-58-2022 on January 5, 2023.

3. **\*\*Z-59-2022 - Heritage Corner - Gary Smigiel, Ascot Palm Bay Holdings, LLC (Ana Saunders, BSE Consultants, Inc.) - A Zoning change from AU, Agricultural (Brevard County) to a CC, Community Commercial District. Tax Parcel 500, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 13.96 acres. Located north of and adjacent to Emerson Drive NW, in the vicinity east of St. Johns Heritage Parkway NW**

Mr. White presented the staff report for Case Z-59-2022. Case Z-59-2022 met the minimum requirements for a Zoning request.

Ms. Maragh asked if the type of business planned for the site was known. Mr. White stated that he was not aware of a potential business as the request was just a rezoning.

Mr. Warner wanted to know if there were any restrictions on what would be allowed at the property. Mr. White stated that restrictions and uses would be based on the Land Development Code for the CC, Community Commercial District.

Ms. Ana Saunders, P.E., BSE Consultants, Inc. (representative for the applicant) stated that the board had recommended the subject site for approval a few months ago as the multiple-family component of a larger commercial development. City Council was not in favor of the multiple-family component, so the subject request was to make the site consistent with the surrounding commercial acres.

Mr. Olszewski asked for a few examples of the type of businesses planned for the site. Ms. Saunders explained that there were currently no potential tenants, but the CC district permitted lower intensity uses such as doctor offices; banks; and storage facilities by conditional use.

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

Ms. Ruth Kaufhold (resident at Douglas Street SE) spoke against the request. She stated that a lot more details was needed regarding the tenant and type of business. Unusual and excessive rezoning and building should not be considered without more information. She did not want the site cleared and left vacant if the market dropped.

In response to comments from the audience, Ms. Saunders reminded the board that the property already had a commercial land use designation. A zoning category consistent with the land use designation was required to move forward. The rezoning was a preliminary step in the process, and a site plan submittal would have to be reviewed by staff prior to any clearing. A conditional use type of request would come before the board.

The floor was closed for public comments.

Mr. Weinberg stated that the request would add more commercial property to an area where there was extensive residential growth. Ms. Maragh concurred. The City was starved for commercial use and low-intensity community commercial was welcome.

Motion to submit Case Z-59-2022 to City Council for approval.

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

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

4. **\*\*FD-60-2022 - Everlands Phase II (NE Quad) - Brian Clauson, DRP FL 6, LLC (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - A Final Development Plan to allow a proposed PUD for a total of 398 residential units called Everlands Phase II (NE Quad). Tax Parcel 252 and a Portion of Tax Parcel 1, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 143.73 acres. west of and adjacent to St. Johns Heritage parkway NW, in the vicinity north of Emerson Drive NW**

Ms. Sarmistha presented the staff report for Case FD-60-2022. Case FD-60-2022, 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 board had previously reviewed the preliminary development plan for the project, and the subject final development plan was the next step in the development process. The proposed development would be less than three units per acre and would include a clubhouse facility with a swimming pool, a common mail area, wetlands throughout, and walking trails and sidewalks with benches. An updated traffic study would be provided; however, the current study had indicated the need for a southbound turn lane from St. Johns Heritage Parkway and a westbound right-turn lane from Emerson Drive.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) requested that the project's updated traffic study coincide with the levels of service in the new Comprehensive Plan that would be completed in December.

The floor was closed for public comments.

Mr. Weinberg noted that the request was for the final development plan.

Motion to submit Case FD-60-2022 to City Council for approval.

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

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

5. **\*\*CU-61-2022 - Private School - Sherilyn Fletcher, President, Life Changer's Outreach Regiment, Inc. - A Conditional Use to allow a proposed private school in an RS-2, Single-Family Residential District, in accordance with Section 185.034(D) (1) of the Palm Bay Code of Ordinances. Tract E, Port Malabar Unit 4, Section 25, Township 28, Range 37, Brevard County, Florida, containing approximately 3 acres. Located at the southeast corner of Port Malabar Boulevard NE and Bianca Drive NE, specifically at 2100 Port Malabar Boulevard NE**

Ms. Ramos presented the staff report for Case CU-61-2022. Case CU-61-2022, met the minimum requirements for approval of a Conditional Use request, subject to the staff comments contained in the staff report.

Ms. Maragh asked if the proposed zoning would be compatible with the surrounding community. Ms. Ramos indicated that the property was adjacent to both Community Commercial and Residential land. The subject site had been church property for many years with a residential zoning designation. The applicant would be taking over the property for a new private school, which required a conditional use in an RS-2, Single-Family Residential District.

Ms. Sherilyn Fletcher, President, Life Changer's Outreach Regiment, Inc. (applicant) stated that the site already had a building with 11 classrooms, so no additional construction was required. She stated that she had operated a school since 2015 and felt it would be great to relocate to an area where after school use would also benefit the community.

Ms. Maragh asked about the grade levels and number of students allowed for the school. Ms. Fletcher stated that the school levels would be kindergarten through 12th grade. The past school capacity for the site was 128 students, but the Fire Department would be providing the capacity the new school would be able to accommodate.



Mr. Warner inquired whether the applicant currently owned the building on the property, and if there were additional plans for the site. Ms. Fletcher confirmed that Life Changer's Outreach Regiment, Inc. owned the two buildings on the property and would be operating the school and a church from the buildings.

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

Motion to submit Case CU-61-2022 to City Council for approval, subject to the staff comments contained in the staff report.

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

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

6. **\*\*CU-62-2022 - VMW Express - Sohrab Bagheri, Manager, MMB Global Investments, LLC (Kelly Hyvonen, AICP, Land Development Strategies, LLC) - A Conditional Use to allow for a proposed small-scale freight handling and transportation use in accordance with Section 185.087 of the Palm Bay Code of Ordinances. Tax Parcel 256, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 1.02 acres. Located in the vicinity of the southwest corner of Doreatha Fields Avenue NE and Northview Street NE, specifically at 2090 Northview Street NE**

Ms. Sarmistha presented the staff report for Case CU-62-2022. Case CU-62-2022 met the minimum requirements of a Conditional Use request, subject to the staff comments contained in the staff report.

Mr. Olszewski inquired whether the applicant was currently operating on the site and wanted to grow their business or was the applicant a newcomer.

Ms. Kelly Hyvonen, AICP, Land Development Strategies, LLC (representative for the applicant) stated that the applicant for the request was the new owner of the subject site and was seeking to operate a small-scale freight handling and transportation terminal business within Palm Bay. The owner worked for DHL

Express but would be operating a smaller operation at the subject site. A single 16-foot truckload of packages would be accepted per day, unloaded into the warehouse, and sorted for 10 to 15 smaller vans and vehicles to make deliveries. She indicated how the property owner was cleaning up the site and planned to paint and install some landscaping. A canopy for the loading area might also be installed in the future. There would be 12 employees, and the company would handle packages between 25 pounds to 60 pounds, but mostly letter-sized packages. All warehousing and office uses would occur indoors with no outside storage. A Citizen Participation Plan (CPP) meeting was held, and at the request of the property owner to the south and west of the site, shrubs would be installed along the east property line, and outgoing deliveries would only occur between the hours of 6:30 a.m. and 9:00 p.m.

Mr. Olszewski wanted to know when the business would officially begin operating; correspondence in the file from the Powell Subdivision Neighborhood Watch indicated a daily presence of DHL vans parked on Northview Street. Ms. Hyvonon stated that the proposed business would start once the conditional use was approved. She explained that the applicant had been onsite for clean-up improvements and removal of several dumpsters from the property when contacted by the Code Compliance Division regarding vehicles being parked in the right-of-way, so there would be no parking in the right-of-way moving forward. Mr. Olszewski wanted clarification on whether the DHL drivers had been at the site for deliveries or assisting with the clean-up.

Mr. Ryan Baublitz, MMB Global Investments, LLC (representative for the proposed business) confirmed that the subject site had previously been in a transitional stage with dumpster removals and in readying the property for the start date. Mr. Olszewski asked if the company was currently in operation. He wanted further confirmation regarding the single small 16-foot trailer truck per day, and he inquired how the individual vans would be fueled. Mr. Baublitz stated that the company was not currently in operation at the property. He explained that a single 16-foot box truck per day would be able to handle thousands of the small packages and parcels the facility would process, and the vans would be fueled offsite at gas stations.

The floor was opened and closed for public comments; there was one correspondence item in the file in opposition to the request.

Mr. Weinberg commented that the subject proposal was a cleaner use than the previous use of the site.

Motion to submit Case CU-62-2022 to City Council for approval.

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

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

7. **CP-39-2022 - Crown Square II - Centerpointe Church, Inc. (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A small scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use and Single-Family Residential Use to Multiple-Family Residential Use. A portion of Tract B.1 of Port Malabar Unit 9 along with Tax Parcels 10 and 11, Section 5, Township 29, Range 37, Brevard County, Florida, containing approximately 13.5 acres. Located at the northeast corner of Mirage Avenue SE and Emerald Road SE**

Ms. Ramos presented the staff report for Case CP-39-2022. Case CP-39-2022, met the minimum requirements for a Comprehensive Plan Future Land Use Map amendment request.

Mr. Warner inquired whether the subject request was able to be heard based on the City's temporary moratorium. Ms. Ramos stated that the subject request was submitted prior to the moratorium.

A PowerPoint presentation regarding the subject proposal was given by a team for the applicant.

Mr. Michael Berliner, Waypoint Residential (sponsor of the application) stated that Waypoint Residential had been working on the project in partnership with Centerpointe Church and was excited about providing a development that would be a great fit for the neighborhood and Palm Bay. A Citizen Participation Plan (CPP) meeting was held, and he hoped that the comments and reservations expressed at the CPP meeting had since been addressed. He stated that Waypoint Residential

was involved with the first phase of Crown Square to the north and had a long-term investment within the Palm Bay and Melbourne area.

Mr. Jake Wise, P.E., Construction Engineering Group, LLC (civil engineer for the project and representative for the applicant) described the subject request as an infill project with an existing police and fire presence. The untaxed church property was zoned single-family residential and had sat vacant since 1962. Potential commercial occupants were excited about a multiple-family development within walking distance to support the commercial development planned for the area. The site would be a transitional step-down in density and would provide green preservation space and oversized stormwater ponds to alleviate some of the existing neighborhood drainage problems. The apartments would be gated at Emerald Road SE to keep the majority of the apartment traffic headed north to Malabar Road, and the driveway would be located as far west as possible to minimize traffic and speeders. The applicant was willing to work with staff to slow down existing traffic for the safety of present and future area residents. He remarked on how the three-story apartments would be set in the center of the site with amenities located as far away as possible from the single-family areas, and the perimeter of the site would be fenced. The project met the criteria for the future land use amendment and for a rezoning.

Mr. Jim McKnight (project planner for the development) recommended that based the surrounding commercial, the multiple family to the north, and the institutional use and church to the west, the character of the subject area had changed over the years. The requested 15 units per acre would be a step down from the 20 units per acre to the north, and steps had been taken to buffer the single-family areas to the east and south. He stated that the development was part of a mixed-use project transitioning between the higher density multiple-family and commercial to the north. Services were less impacted by a multiple-family development without City roadways and utilities to be maintained. He stressed how the project was an infill and not urban sprawl.

Ms. Susan Hall (landscape architect for the development) described how the site's eastern and southern property lines would be buffered by an opaque six-foot high perimeter fence, a 25-foot planting area would be extended into the site near the parking area, and the buildings would be set back 100 feet from the property line.

The east perimeter had an existing stand of native vegetation with pine and oak trees up to 40 feet in height that would be filled in where necessary to completely block the development's visibility. The south property line had a stand of scattered pine trees to be filled in with various plantings and pine and live oak trees up to 24 feet in height.

Mr. Berliner stated that an economic impact study was done for the project, and over the long term, the project would generate \$18.4 million dollars of additional net fiscal impact to the community.

Mr. Olszewski questioned why Malabar Road could not be the sole access for the project, which would eliminate the second access from having interaction with the south neighborhood. Mr. Wise explained that two access points were required for the project, and only one access onto Malabar Road was permitted. The project was designed for the majority of the apartment traffic to travel north through Phase I of the development to access Malabar Road and minimize the impact on the south neighborhood. Mr. Olszewski was still concerned about the south neighborhood. He described the current difficulty in making southbound left turns and interacting with Emerson Drive north of Jupiter Boulevard. He suggested a traffic signal for Copley Street SE to alleviate traffic backups as well as the south access to be designated as an emergency-only access. Mr. Wise believed that drivers would avoid Copley Street by utilizing Malabar Road; however, the required traffic study would determine whether signalization was warranted.

Mr. Anderson confirmed that the development's second access could be an emergency access. He clarified; however, that multiple-family traffic was prohibited by the Comprehensive Plan from traveling over a low-density road. The subject area was designated as low density, so all apartment traffic would have to use the north access. Staff would request the condition on the zoning request.

Mr. Wise stated that he was unaware of the issue with the second access.

Mr. Boerema stated that he had voiced traffic concerns regarding Malabar Road during Phase I and now the subject phase would travel through Phase I to also access Malabar Road. The burden would be on the development, so he would support the request with the restricted access. He inquired whether Phase II was

always a possibility. Mr. Wise stated that the project was originally planned and approved as a single phase before Waypoint Residential became involved.

The floor was opened for public comments, and there were two correspondence items in opposition to the request in the file.

Mr. Tom Walker, lead pastor of CentrepoinTE Church, Inc. (applicant) spoke in favor of the request. He stated that the church served and cared about the community and neighborhood. After being approached by Waypoint Residential and reviewing the proposal for high-end apartments, he and others felt encouraged about the development and had been working with the builder for two years. The site could have been acquired by a builder wanting to put in low-end housing. He understood the neighborhood's frustration since many of the neighbors had benefited from the wooded acres; however, it was always the church's intention to develop or sell the site to fund a new church sanctuary. The decision to sell the property was made by the congregation.

Mr. Juan Cearra (resident at Abernathy Circle SE) spoke in favor of the request. The church owned the property for 23 years and had not been able to do anything with it. Many events were held at the church and parking was a nightmare, so the land sale would grow the church to better impact the community.

Mr. Jason Johnson (resident at Roxbury Court NE) spoke in favor of the request. He stated that change was never easy, especially with the trees involved. However, the change would bring growth to Palm Bay.

Mr. Mike Jaffe (resident at Mina Avenue NE) spoke in favor of the request. He stated that the land sale would be a taxable increase for Palm Bay which had not been captured in the last 20 years. Homelessness in the City was rampant and keeping the land vacant could draw the homeless.

Mr. Terry Gibbs (resident at Douglas Street SE) spoke against the request. He stated that he did not move into the area to have all the trees removed, and the animals would have no place to live.

Ms. Laura Roberts (resident at Douglas Street SE) spoke against the request. The gate planned at Emerald Road SE was not wanted, and it would affect the school children at the Douglas Street and Coply Street bus stops since there were no sidewalks. She remarked on how she maneuvered through the neighborhood to avoid Malabar Road and traffic lights, and others would do the same to avoid Malabar Road. An additional 300 units did not appear to be a step down, and flooding was an ongoing neighborhood issue that should be addressed.

Ms. Ruth Kaufhold (resident at Douglas Street SE) spoke against the request. She commented on how Phase II was not mentioned as an addition during the first review of the development, and only the entrance off Coply Street was shown on the submitted plans. The 384 cars expected to come in and out of the development was not acceptable. Current traffic was awful in the neighborhood with recent construction and would be a worse safety concern for children walking to and from the bus stop at Emerson Drive. Development in the City should cease as there was not adequate police and fire coverage.

Mr. Greg Bo (resident at Emerald Road SE) spoke against the request. He stated that Whispering Pines was a small and quiet community that would be destroyed by the subject proposal. Piling people on top of each other would increase crime. Church parking could be located on the land instead of the proposed lower-end apartments.

Mr. Steve Leachman (resident at Douglas Street SE) spoke against the request. He stated that the additional traffic from the development would endanger the school children dropped off at the Douglas Street and Emerson Drive bus stop. The roads in the area were also narrow. Three new homes were built in neighborhood, and apartments would not add to property values.

Mr. Edward Dorgeloh (resident at Douglas Street SE) spoke against the request. He stated that the flooding in his neighborhood would have nowhere to drain with more parking and asphalt, and that the ditches were constantly clogged. He suggested running a road through the church property where the former foodbank was located or utilizing the temporary Phase I road to avoid the use of Emerald Road. School



children would be affected by the traffic since there were no sidewalks or streetlights. Single-family development should be considered for the site.

Mr. Todd Hare (resident at Emerald Road SE) spoke against the request. He stated that he recently paid off his home. The apartment complex would bring noise, lights, and disturbances to affect his quality of life. He would not mind more single-family homes but did not want three-story units looking into his porch and backyard area. He believed his property value was going to decline.

Ms. Heidi Jones (resident at Emerson Drive NE) spoke against the request. She stated that there was already back-to-back traffic on Emerson Drive because of the Pineapple Grove Charter School. She commented on how apartment renters were transient, but the affected neighborhood residents paid mortgages.

Mr. Brian Humphries (resident at Emerald Road NE) spoke against the request. He built his home abutting the church properties in 2017 expecting the church to eventually expand onto the sites. He remarked on how he currently took the side streets to avoid the traffic light on Emerson Drive and the traffic backup from the south and west. Other residents would do the same.

Ms. Mishani Winnett (resident at Emerald Road SE) spoke against the request. She stated that there was already light pollution through the trees from Phase I as well noise pollution and displaced wildlife entering the community. A 25-foot buffer would not be significant. She commented that regardless of whether the project was considered an infill or urban sprawl, every square foot did not need to be developed. The church had the right to sell the land, but the current single-family residential designation made the most sense. She stated that apartments were being considered as a diversified living option, but it was not cheaper to live in an apartment, and most people moved to Palm Bay for the residential ambiance and to escape the highly concentrated apartment areas.

Mr. Joe Kaufhold (resident at Douglas Street SE) spoke against the request. He stated that the site would have 30 units if left the way it was and about six times more residents if the rezoning was allowed to occur.



Mr. Mark Lepeska (resident at Douglas Street SE) spoke against the request. He stated that Douglas Street would be used as a turnaround for traffic. He said that the drainage elevations in the area were off, and that the neighborhood was in danger from the Phase I overflow. The entire area needed to be re-engineered.

Ms. Heather Humphries (resident at Emerald Road SE) spoke against the request. She was concerned about the safety of the children in the area and the potential for accidents with the additional traffic.

The floor was closed for public comments.

In response to the comments from the audience, Mr. Wise stated that the team presentation was based on comments received at the CPP meeting to be a good neighbor, and that safety, traffic, bus stops, and buffering were concerns that had to be addressed to make the project successful. He explained that more trees were removed from Phase I since it had a higher density. The subject phase was less intense and much more green space and tree preservation would be provided. There would be a 75-foot buffer area to the east and a minimum 25-foot buffer to the south. School children from the development would also use the bus stops, so anything that would improve the situation would be done. Drainage issues would be addressed by a mix of preservation, stormwater treatment, tree preservation, and wet and dry retention. No water would be allowed to drain to the east or southeast. The access points were important to the area residents and to the success of the project. The charter school that was mentioned was a different type of use with different traffic patterns. He said that the subject site was designated as single-family residential and had remained undeveloped for years. A single-family development would not have the same buffers, backyards would be to the property line, Emerald Road would be the sole access, and there would be less stormwater retention. A photometric plan would be provided.

Based on the additional new items and the access criteria that was disclosed, Mr. Wise requested that Cases CP-39-2022 and CPZ-39-2022 be continued to the December Planning and Zoning Board meeting to allow the opportunity to address the additional neighborhood concerns and the new information that was received.

Motion to continue Case CP-39-2022 to the December 7, 2022 Planning and Zoning Board Meeting.

Motion by Mr. Weinberg,

Mr. Wise asked if the board had additional questions for consideration.

Mr. Boerema inquired if it would be possible to have a bus stop within the development to alleviate safety concerns. Mr. Wise stated that the School Board did not typically send school buses through apartment complexes, but he could look into bus stop safety and access.

Mr. Olszewski commented that allowing a bus stop within the complex would mean the development was open to pedestrian traffic. He was opposed to non-residents having vehicular and pedestrian access into the gated development.

Mr. Edwards advised the board that a second was needed to move the motion, and for the discussion to pertain to the land use request.

The motion was to continue Case CP-39-2022 to the December 7, 2022 Planning and Zoning Board Meeting.

Motion by Mr. Weinberg, seconded by Ms. Maragh.

Mr. Olszewski wanted to know why the continuance was justifiable since the project could move forward with a board recommendation and restrictions, and the applicant would still have time to shore up their plans prior to the City Council meeting. Ms. Bernard stated that the continuance was the request that was put before the board.

Mr. Edwards advised the board that the applicant had indicated why the continuance was being requested and there was a motion and second on the request.

A vote was called on the motion to continue Case CP-39-2022 to the December 7, 2022 Planning and Zoning Board Meeting.

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

**Aye:** Jordan, Weinberg, Boerema, Good, Maragh, Warner.

**Nay:** Olszewski.

8. **\*\*CPZ-39-2022 - Crown Square II - Centerpointe Church, Inc. (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Zoning amendment from an RS2, Single-Family Residential District and an RR, Rural Residential District to an RM-15, Single-, Two-, Multiple-Family Residential District. A portion of Tract B.1 of Port Malabar Unit 9 along with Tax Parcels 10 and 11, Section 5, Township 29, Range 37, Brevard County, Florida, containing approximately 13.5 acres. Located at the northeast corner of Mirage Avenue SE and Emerald Road SE**

Based on the continuance of Case CP-39-2022, Ms. Jordan called for a motion to continue companion Case CPZ-39-2022.

Motion to continue Case CPZ-39-2022 to the December 7, 2022 Planning and Zoning Board Meeting.

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

**Aye:** Jordan, Weinberg, Boerema, Good, Maragh, Warner.

**Nay:** Olszewski.

9. **T-65-2022 - WITHDRAWN - BMU District - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.058(G), to ensure construction of commercial and residential structures occur simultaneously**

Case T-65-2022 was withdrawn by the applicant (City of Palm Bay - Growth Management Department).

Board action was not required to withdraw the case.

**OTHER BUSINESS:**

1. Ms. Bernard reminded the board that the final Comprehensive Plan Workshop was scheduled for 6:00 p.m., November 10, 2022, in the City Hall Council Chambers.

**ADJOURNMENT:**

The meeting was adjourned at approximately 8:24 p.m.

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Leeta Jordan, CHAIRPERSON

Attest:

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Chandra Powell, SECRETARY

\*\*Quasi-Judicial Proceeding