

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-13

Held on Wednesday, December 7, 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.

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

ROLL CALL:

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

The absences of Ms. Maragh, Mr. Warner, and Mr. Karaffa were excused.

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; Ms. Patricia Smith, City Attorney; Ms. Suzanne Sherman, City Manager.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-12; November 2, 2022.

Motion to approve the minutes as presented.

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

Aye: Jordan, Weinberg, Boerema, Good, Olszewski.

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. **CP-37-2022 - REQUEST TO CONTINUE TO 01/04 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 the request to continue Case CP-37-2022.

Motion to continue Case CP-37-2022 to the January 4, 2023 Planning and Zoning Board Meeting.

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

Aye: Jordan, Weinberg, Boerema, Good, Olszewski.

City Council will hear Case CP-37-2022 on February 2, 2023.

2. ****Z-58-2022 - Lipscomb Street Canals - Paul Daly and Don Ballew (Chris Ossa, P.E., Kimley-Horn and Kinan Husainy, P.E., Kimley-Horn & 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

Mr. Anderson presented the staff report for Case Z-58-2022. Case Z-58-2022 met the minimum requirements for a Rezoning request.

Mr. Olszewski inquired whether the subject canals would be filled in and built upon, and if the development to the north would drain into the canals. Mr. Anderson stated that the canals would not be built upon and would continue their present purpose of supporting the drainage from the Palm Bay Colony Mobile Home Park. The rezoning would keep the City's Geographic Information Systems (GIS) program from analyzing the properties as viable commercial land. He indicated that the narrow width of the properties would not permit any type of development to occur onsite. He clarified that the future Lipscomb Street PUD project was to the west and would not drain into the canals.

Ms. Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law (representative for the applicant) stated that her client, Pulte Homes, had purchased the properties west of the site to be developed as Lipscomb Street PUD without the knowledge that the subject drainage tracts were part of the purchase. Palm Bay Colony did not want the drainage tracts; however, the tracts supported Palm Bay Colony but would not support the Lipscomb Street PUD project. The subject request would make the zoning and future land use for the site compatible, and the rezoning application was at the request of the City.

Mr. Olszewski questioned whether Pulte Homes would be maintaining the canals. Ms. Rezanka stated that she did not know who should be maintaining the canals, but as the owner of the tracts, Pulte Homes would ultimately be responsible.

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 to submit Case Z-58-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, Olszewski.

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

3. **CP-39-2022 – WITHDRAWN - 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**

Case CP-39-2022 was withdrawn by the applicant (Centerpointe Church, Inc. - Jake Wise, P.E., Construction Engineering Group, LLC, Rep.).

Board action was not required to withdraw the case.

4. ****CPZ-39-2022 - WITHDRAWN - 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**

Case CPZ-39-2022 was withdrawn by the applicant (Centerpointe Church, Inc. - Jake Wise, P.E., Construction Engineering Group, LLC, Rep.).

Board action was not required to withdraw the case.

OTHER BUSINESS:

1. Presentation by City Attorney - Discussion on Exactions

Palm Bay City Attorney Patricia Smith informed the board of her credentials that substantiated her expertise in the area of exactions, and the board was given a handout regarding exactions. She explained how the Planning and Zoning Board was a statutory board that provided expert opinions to the City Council. Board considerations, however, had to be proper to be relied upon as competent and substantial evidence. She used case studies to outline how the board could not place unreasonable, arbitrary, and capricious burdens and conditions on developers. Exactions must be proportional to the impacts of the proposed development.

Ms. Smith responded to board questions and comments and explained that landowners had the ability to use their property so long as development was consistent with the Comprehensive Plan and followed development regulations.

2. Presentation by City Manager - Transportation improvements and public safety expansions

Palm Bay City Manager Suzanne Sherman gave the board an overview of City legacy issues and needs pertaining to traffic, roadway classifications, street widenings, and public safety services. Tremendous growth had led to tremendous needs. She explained how new developments paid their fair share for improvements, but existing area issues were still the responsibility of the City. The City was currently utilizing impact fees, state funding through other agencies, land negotiations for roads, development agreements, the future construction of fire stations, and additional police and fire staff to progress. Timely updates to the Comprehensive Plan; Police, Fire, and Parks Impact Fees; and the Transportation Impact Fees would put the City in a better place.

Ms. Sherman responded to board questions and comments, and City Attorney Patricia Smith asserted that the board could not make developers resolve prior area deficiencies. The board could approve projects at maximum levels and with conditions so that studies could later determine development impacts proportionately based on City ordinances.

ADJOURNMENT:

The meeting was adjourned at approximately 7:11 p.m.

Leeta Jordan, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

****Quasi-Judicial Proceeding**