

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/  
LOCAL PLANNING AGENCY  
REGULAR MEETING 2023-01

Held on Wednesday, January 4, 2023, 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. Philip Weinberg 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	Absent (Excused)
<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 (School Board Appointee)	Absent (Excused)

The absences of Mr. Boerema and Mr. Karaffa were excused.

**CITY STAFF:** Present were Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Ms. Tania Ramos, Senior Planner; Ms. Uma Sarmistha, Senior Planner; Ms. Carol Gerundo, Planning Specialist; Ms. Chandra Powell, Recording Secretary.

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-13; December 7, 2022.

Motion to approve the minutes as presented.

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

**Aye:** Jordan, Weinberg, 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. **CP-37-2022 - WITHDRAWN - Mixed Use - City of Palm Bay (Growth Management Department) - A Comprehensive Plan Textual Amendment to the FLU-1.1I language in the Future Land Use Element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**

Case CP-37-2022 had been withdrawn by the applicant (City of Palm Bay - Growth Management Department).

Board action was not required to withdraw the case.

**NEW BUSINESS:**

The board proceeded at this time to hear Case T-7-2023, Item 2 under New Business.

2. **T-7-2023 - Citizen Participation Plan – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Land Development Code, Section 169.005, to amend Citizen Participation Plans**

Mr. Anderson presented the staff report for Case T-7-2023. Staff recommended Case T-7-2023 for approval.

Ms. Jordan wanted to know the difference between a non-exempt and an exempt development plan pertaining to applicability. Mr. Anderson explained that an exempt development plan was a development amendment small scale enough that the plan would not need to go before the board or City Council. A non-exempt development plan, however, would need to go before the board and City Council and would need to meet the Citizen Participation Plan (CPP) requirement. Examples of a non-exempt development would be an established Planned Unit Development like Bayside Lakes that still had undeveloped parcels; a development that never had a CPP; or a development where the CPP was held years ago but the project had changed.

Mr. Good asked whether the 500-foot radius requirement for notifications to be sent to affected property owners would remain in effect. Mr. Anderson indicated that this was correct.

Ms. Maragh remarked on how the board would have the opportunity to review the comments of those who attended the CPP meetings, and she wanted to know about the format for live-streamed CPP meetings. Mr. Anderson noted that the CPP reports would be provided with the staff reports, and he explained that live-streamed CPP meetings were only an option at this time since certain areas of the City were not live-stream capable or equipped with microphones.

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 T-7-2023 to City Council for approval.

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

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

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

1. **\*\*CU-1-2023 - REQUEST TO CONTINUE TO 02/01 P&Z - Automotive Gas/Fuel Sales - Gary Smigiel, Ascot Palm Bay Holdings, LLC (Pursuit Development, LLC, Rep.) – A Conditional Use to allow retail automotive gas/fuel sales in a**

**CC, Community Commercial District, in accordance with Section 185.043(D)(3) of the Palm Bay Code of Ordinances. A Portion of Tax Parcel 501, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 2.00 acres. Located at the northeast corner of Emerson Drive NW and St. Johns Heritage Parkway NW**

Ms. Jordan announced the request to continue Case CU-1-2023 to the February 1, 2023 Planning and Zoning Board meeting. Board action was required to continue the case.

Motion to continue Case CU-1-2023 to the February 1, 2023 Planning and Zoning Board meeting.

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

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

City Council will hear Case CU-1-2023 on March 2, 2023.

2. **T-7-2023 - Citizen Participation Plan – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Land Development Code, Section 169.005, to amend Citizen Participation Plans**

Case T-7-2023 was discussed under New Business, prior to Item 1.

#### **OTHER BUSINESS:**

1. Ms. Jordan suggested that board members absent from the December Planning and Zoning Board meeting take time to access the recorded presentations by the City Attorney and City Manager.

#### **ADJOURNMENT:**

The meeting was adjourned at approximately 6:10 p.m.

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Leeta Jordan, CHAIRPERSON

Attest:

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Chandra Powell, SECRETARY

\*\*Quasi-Judicial Proceeding