

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2023-02

Held on Wednesday, February 1, 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. Donald Boerema 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:	Randall Olszewski	Present
MEMBER:	Rainer Warner	Present
MEMBER:	VACANT	
NON-VOTING MEMBER:	David Karaffa (School Board Appointee)	Present

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; 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; Mr. Rodney Edwards, Assistant City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2023-01; January 4, 2023.

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, Warner.

ANNOUNCEMENTS:

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. ****CU-1-2023 - WITHDRAWN - Automotive Gas/Fuel Sales - Gary Smigiel, Ascot Palm Bay Holdings, LLC (Pursuit Development, LLC, Rep.)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**

Case CU-1-2023 had been withdrawn by the applicant (Gary Smigiel, Ascot Palm Bay Holdings, LLC - Pursuit Development, LLC, Rep.).

Board action was not required to withdraw the case.

NEW BUSINESS:

1. **CP-40-2022 - Ashton Park - David Logan, MLCI Investments, Ltd.; Brevard 270, LLC; MLCI Realty II, LLC, MLCI Realty, Ltd. / David Lee, David Lee, LLC / Harvey Oyer, Brevard Property Holdings, LLC / Tiffany Dismukes Floyd / Murray Daniel Logan, L&L Collections, LLC / Candice Mayr and Jeffrey Lee, Trustees of the William H. Lee Revocable Trust (Jake Wise, P.E. Construction Engineering Group, LLC, Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from RES 1 (Brevard County) and Micco Park Village Use to Mixed Use. Tax Parcels 750 and 751 of Section 8, Township 30, Range 38; Tax Parcel 750 of Section 13, Township 30, Range 37; Tax Parcels**

1 and 2 of Section 17, Township 30, Range 38; Tax Parcels 1 through 4 of Section 19, Township 30, Range 38; Tax Parcels 750 and 751 of Section 18, Township 30, Range 38; Lots 4.01 and 4.02 of AA Berrys, Section 1, Township 30G, Range 38; and Block 2 of S B Carter Survey of George Fleming Grant, Section 2, Township 30G, Range 38, Brevard County, Florida, containing approximately 1,435.36 acres. Located north, south, east, and west of Micco Road, in the vicinity south of Dottie Drive

Mr. Anderson presented the staff report for Case CP-40-2022. Case CP-40-2022 met the minimum requirements for a large-scale Comprehensive Plan Future Land Use Map amendment request, subject to the condition that a development agreement shall be approved by the City of Palm Bay.

Mr. Jake Wise, P.E. Construction Engineering Group, LLC (civil engineer for the project and representative for the applicant) introduced the developer for the project, Mr. James Dicks, president and CEO of DIX Development. Mr. Dicks informed the board of his years of experience in developing in Florida, and he looked forward to being in Palm Bay a long while.

Mr. Wise stated how he had worked on the subject project for 15 years. He indicated how the site was mostly surrounded by preservation land, and that 300 acres north of Micco Road had recently been annexed into the City as part of the planned master development. The project would include the extension of the St. Johns Heritage Parkway, a 40-acre downtown district, and an extension of utilities into the area. The development's Community Development District would maintain all facilities. The project would have interconnectivity, 30 acres for a school site, over 90 acres for open green space and recreation, a mix of public and private parks throughout, and land for police and fire stations near the western entrance. He remarked on the commercial land planned along Micco Road, and how the downtown area would consist of commercial and industrial flex use. The project was long term, so a wide variety of residential housing would be offered for flexibility based on the market.

Mr. Weinberg asked about the buildout date anticipated for the project. He commented on how the St. Johns Heritage Parkway and Interstate-95 Highway would keep the traffic from routing through the local roads. Mr. Wise stated that the proposed development would be market driven, and approximately 10 to 15 years for build out. The surrounding developments were also in coordination regarding the Parkway and its funding.

Mr. Good inquired about similar project in Florida that were done by the developer. Mr. Dicks stated that the subject proposal was modeled after the Winter Springs Town Center in the Orland area.

Mr. Warner asked if the development would include acre-plus sized single-family lots. He wanted to know if the self-contained downtown district would be open to the rest of Palm Bay. Mr. Wise stated that large single-family lots were not planned at this time but could be considered in the future based on the market. The downtown area would be open to the public with access from the Parkway. He described the internal and external road enhancements, connectivity, and sidewalks planned for the development.

Mr. Olszewski wanted to know about the accommodations that would allow pedestrians to get from the northern corner corridor and across Micco Road to reach the downtown district, and if the traffic on Waco Road would be slowed to accommodate the additional pedestrians. He asked when the development would commence. Mr. Wise indicated an east-west regional trail for pedestrians to safely reach the downtown area. Intersections with safe pedestrian crossing would be located at the main points, and consideration of the development as a golf-cart community was possible. He said that Micco Road was a Brevard County Road that the City might assume and would likely reduce the speed. Development would commence by year end.

Mr. Olszewski inquired about the Micco Village Ordinance and how it related to the subject request. Mr. Wise explained that the project was changing from

the Micco Village District to a Mixed Use as the Micco Village District was no longer marketable.

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 against the request. He stated that 18 years was too long to work on a project. He said that the Comprehensive Plan Future Land Use Element should be passed by City Council before any land use change was considered, especially since Comprehensive Plan associated Ordinance 2010-62 had a direct impact on the subject request. The proposed development included land and discussions omitted from the submittal. He wanted assurance that the St. Johns Heritage Parkway extension would be completed at developer expense and prior to the subject development being built. The project should not become an island at the end of Micco Road. He appreciated the land that the developer planned to dedicate for a future school and for police and fire stations but suggested that their funding the construction would alleviate a great expense for the City.

Mr. Robert Stise (resident at Windbrook Drive SE) spoke against the request. He remarked on how unresolved discussions and unkept promises by developers, such as road expansions, would impact the City, and that 15 years was a long time to oversee and endure construction.

Ms. Barbara Shreve (resident at Shreve Lane, Micco) spoke against the request. She did not want the development to become another “Compound” area of empty lots where people had gotten hurt and killed. She was concerned that in 15 years, future Palm Bay residents would end up funding the police and fire stations and remaining utilities. She commented that only six percent of the 1,400 acres of green space would remain green space. Traffic would be a problem if the Parkway was not extended, and that the Emerald Lakes development was already a downtown proposal.

In response to comments from the audience, Mr. Dicks explained that the St. Johns Heritage Parkway would be built regardless of the subject development. It was because of the project that he would be involved with development, cost, agreements, and studies regarding the Parkway. Fifteen years would involve the building of more than just a neighborhood. There would be 3,000 homes, apartment buildings, a 40-acre downtown area, and impact fees would be used to fund a school and the fire and police stations. He stated that the area would not be another “Compound” in Palm Bay since there would be a Community Development District to handle infrastructure and fund utilities. He explained that any road and traffic improvements would be dictated by several agencies, and he was experienced with golf-cart communities.

Mr. Wise reminded the board that master planned communities like Bayside Lakes and Viera were developed across decades. It had taken over a decade to work out the details that would extend utilities and create a triparty agreement between area developers for funding the Parkway. He said that the project would not move forward without the Parkway and utilities, and the subject request was at the infancy stage of a long-term proposal.

Mr. Olszewski asked for clarification regarding the Micco Park Village area. Mr. Anderson explained that the Micco Park Village land use was a special planning area that would soon be designated Mixed Use in the proposed Future Land Use Element. More entitlements would be at the zoning level for easier regulation, and a development agreement was a condition of the subject request to solve previous agreement issues. The subject proposal would also repeal the existing Micco Park Village ordinance.

The floor was closed for public comments.

Mr. Weinberg commented that the subject proposal was more reminiscent of Viera than any other development in the City.

Motion to submit Case CP-40-2022 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, Olszewski, Warner.

City Council will hear Case CP-40-2022 on February 2, 2023.

2. **T-16-2023 - Accessory Dwelling Unit - City of Palm Bay, Florida (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006, to amend the definition for Accessory Dwelling Unit**

Mr. Anderson presented the staff report for Case T-16-2023. Case T-16-2023 met the minimum criteria for a textual amendment request.

Mr. Olszewski wanted to know what led to the proposed amendment. Ms. Bernard stated that it was brought to staff's attention that an accessory dwelling unit had the same impact fees than of a single-family home. Mr. Olszewski inquired whether accessory dwelling units could now be erected without impact fee charges. Mr. Anderson explained that the subject proposal was to allow accessory dwelling units to be built on single-family lots and charged the same impact fee than of a mobile home, which was a lesser fee.

Mr. Warner asked if the accessory dwellings would be limited to certain areas. He commented on mothers-in-law and adult children residing in the units. Mr. Anderson stated that accessory dwellings were currently allowed in single-family residential zoning districts, which was not being changed. The intent was to help accessory dwelling units come to fruition to diversify the housing stock. No other regulations besides the associated impact fee was being amended; however, accessory dwelling units would be readdressed by staff in the near future.

Ms. Jordan noted that dwelling units were limited to 800 square feet regardless of lot size, and she wanted to know the impact of lowering the impact fees. Mr. Anderson stated that the square footage of accessory dwelling units and lot sizes would be revisited in the future, and he explained that the accessory dwelling unit's impact was substantially less than the impact of a single-family home. The mobile home impact fee was more acceptable, whereas the single-family impact fee appeared to be an overcharge.

Mr. Boerema commented on how property size regulated the size of an accessory dwelling unit because of setbacks. Mr. Anderson reiterated that code adjustments would be done to address larger properties that could accommodate larger accessory dwellings.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) wanted to know whether accessory structures on a property would be included in the overall lot calculations to permit an accessory dwelling unit.

In response to the comments from the audience, Mr. Anderson clarified that accessory structures, such as barns and tool sheds, were a different category and were calculated separately from accessory dwelling units.

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

Motion to submit Case T-16-2023 to City Council for approval.

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

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

3. CP-3-2023 - Comprehensive Plan Future Land Use Element – City of Palm Bay (Growth Management Department) A comprehensive textual amendment to provisions of the City of Palm Bay Comprehensive Plan Future Land Use (FLU) Element for adoption

Ms. Bernard stated that staff was excited about the new Comprehensive Plan Future Land Use Element, and she introduced the consultant for the City, Mr. Chris Dougherty, Inspire Placemaking Collective. Mr. Dougherty, project manager, stated that the Future Land Use Element was the culmination of the Visioning Process that began in 2020 and 2021. He gave a PowerPoint presentation on the timeline and scope of the Comprehensive Plan Elements, public engagement, and amendments to the Future Land Use Element and Maps. Evaluation and Appraisal Review based amendments had also been done to address statutory changes that had been neglected. Adoption of the Future Land Element should occur in April.

Mr. Olszewski inquired about the change in the 2040 Vision year to 2045. Mr. Dougherty stated that the Vision year was changed to 2045 to align with the Transportation Planning Organization's Long-Range Transportation Plan.

The floor was open for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) questioned whether the board had reviewed Ordinance 2010-62 that the subject amendment would repeal. Ordinance 2010-62 regarding the Micco Village District included language for the Micco Preserve and sustainability that should be carried forward. He questioned how an upcoming Micco Road project would supersede the subject amendment. There did not appear to be any interest in the Micco Village District during the Visioning process, but it had now become the main focus of the City.

Mr. Philip Corchoran (resident at Windbrook Drive SE) stated that the \$2,000.00 large-scale land use application fee should be raised to \$25,000.00

to avoid half-baked proposals. He also suggested that any changes to the new Comprehensive Plan should require a super-majority vote by the Planning and Zoning Board and by City Council.

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

Motion to submit Case CP-3-2023 to City Council for approval and adoption.

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

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

OTHER BUSINESS:

1. Ms. Bernard announced that Ms. Khalilah Maragh had resigned from the Planning and Zoning Board.

ADJOURNMENT:

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

Leeta Jordan, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding