

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2023-05

Held on Wednesday, May 3, 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.

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

Mr. Jeffrey McLeod 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	Absent	(Excused)
MEMBER:	Jeffrey McLeod	Present	
MEMBER:	Randall Olszewski	Absent	(Excused)
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa	Absent	
	(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. Carol Gerundo, Planning Specialist; Ms. Chandra Powell, Recording Secretary; Mr. Hector Franco, Engineer III; Mr. Rodney Edwards, Deputy City Attorney.

The absences were excused for Ms. Jordan, Mr. Good, and Mr. Olszewski.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2023-04; April 5, 2023.

Motion to approve the minutes as presented.

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

Aye: Weinberg, Boerema, McLeod, 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.

OLD/UNFINISHED BUSINESS:

1. **T23-00002 (formerly T-12-2023) - Crown of Road for Single-Family Residential Construction - City of Palm Bay (Public Works Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Section 174.073, to clarify residential elevations for single-family residential construction**

Mr. White presented the staff report for Case T23-00002. Case T23-00002 met the minimum criteria for a textual amendment and was recommended by staff for approval.

Mr. Franco was present to answer questions.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) remarked on how it was the differing height placement of septic tanks on neighboring lots that contributed to elevation problems and was not necessarily the crown of roads as stated in the subject proposal. He questioned how uniform floor elevations could be accomplished for an entire street without knowing the height of septic tanks.

In response to comments from the audience, Mr. Franco explained that if homes were not nearby, the ordinance allowed the flexibility of a one-foot height variant in

floor elevations for homes on septic that converted to sewer. There was a three-foot maximum floor elevation when homes were not nearby. Florida Health Department permits specified the septic tank heights.

Mr. Boerema inquired whether the proposed ordinance would address the horrible appearance of blocks of homes in neighborhoods with different elevations above the crown of the road that were on septic.

Mr. Anderson explained that a clause was included in the proposed amendment where the height of a new lot must be within two feet in conjunction with existing and vacant development.

Mr. Boerema had questions regarding drainage slopes, easements, and setbacks. Mr. Anderson indicated that the proposed amendment did not pertain to those issues.

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

Motion to submit Case T23-00002 to City Council for approval.

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

Aye: Weinberg, Boerema, McLeod, Warner.

Case T23-00002 will be heard by the City Council on May 18, 2023

NEW BUSINESS:

1. ****Z23-00003 - Anthony and Marsha Joan Rosaci - A Zoning change from an RR, Rural Residential District to an RS-2, Single-Family Residential District. Block 755, Section 35, Township 28, Range 35, Brevard County, Florida, containing approximately 1.13 acres. Located south of and adjacent to Castanada Street NW, in the vicinity south of Catalonia Avenue NW**

Ms. Ramos presented the staff report for Case Z23-00003. Case Z23-00003 was in alignment with the Comprehensive Plan, met the minimum criteria for a rezoning request subject to the staff comments contained in the staff report, and was recommended by staff for approval.

Mr. Anthony Rosaci (applicant) was present to answer questions.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke against the request. He remarked on how only three percent of properties in the City were zoned rural residential, but there were plenty of single-family residential properties. The subject site had no north easement, which would cause problems in the future. He questioned how the layout of the site would be able to accommodate four homes, individual road access, and the City easement.

In response to the comments from the audience, Mr. Rosaci stated that he wanted to divide the property to build at least two homes on the site because he did not want to live on a small lot. He was not aware of an easement problem.

Mr. Boerema asked about four homes being considered for the property. Mr. Rosaci stated that he wanted to build an additional home for his daughter, but there was not a set lot number at this time. Mr. Anderson clarified that the mention of four potential lots in the staff report was based on the future land use. A future subdivision plan must come before the board and City Council, and development needs and requirements would be identified in the process. Mr. Franco added that based on a two-lot split, perimeter drainage easements and possibly a utility easement for the parent tract would be retained. This would be done at the construction plan level.

Mr. Boerema surmised how two potential homes on the property would not necessarily require an access road. Mr. Anderson confirmed that this was correct based on frontage and zoning requirements being met.

Mr. Weinberg asked about the north easement that was mentioned. Mr. Franco stated that the easement would be impact fee credible. Mr. Anderson explained that

during the construction plan process the development would pay impact fees and the City would receive the easement.

Mr. Warner asked if the site would be a subdivision. Mr. Anderson reminded the board that the subject request was solely for a rezoning at this time. A subdivision request or a simple lot split would occur in the future. Mr. Warner inquired about an ordinance that prohibited lots below two acres from being subdivided. Mr. Anderson explained how lot size and density determined whether lots could be subdivided.

Mr. Weinberg noted that three platted quarter-acre lots were located west of the site. Mr. Anderson stated that lot splits likely occurred through Brevard County to create the three non-conforming lots, and that the City would soon be establishing a process to monitor lot-splits.

Mr. Warner questioned the possibility of a flag lot being created on the property. Mr. Anderson reminded the board that flag lots were allowed; however, the subject request was just to rezone the property.

Mr. McLeod wanted to confirm that the north easement would be addressed. Mr. Anderson confirmed that the easement would be addressed by staff during the construction plan review process.

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

Motion to submit Case Z23-00003 to City Council for denial.

Motion by Mr. Boerema, seconded by Mr. Warner.

Mr. Boerema stated that the property should remain rural residential based on the surrounding lots. Mr. Warner concurred and stated that more concrete details would have been helpful as there was a possibility of a larger subdivision that would not fit with the area.

A vote was called on the motion to submit Case Z23-00003 to City Council for denial.

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

Aye: Weinberg, Boerema, Warner.

Nay: McLeod.

Case Z23-00003 will be heard by the City Council on May 18, 2023.

2. ****CU23-00004 – Palm Bay Storage - Palm Bay Storage, LLC (Josh Nichols, LEED AP, Schmidt Nichols Landscape Architecture and Urban Planning, Rep.) - A Conditional Use to allow for a self-storage facility in a CC, Community Commercial District. Block 752, Section 36, Township 28, Range 36, Brevard County, Florida, containing approximately 6.09 acres. Specifically located at 6240 Minton Road NW**

Mr. White presented the staff report for Case CU23-00004. Case CU23-00004 met the minimum criteria for approval of a Conditional Use subject to the staff comments contained in the staff report and the conditions for self-storage facilities outlined in Section 185.088(F) of the Land Development Code, which were required to be addressed during Site Plan review. Staff recommended Case CU23-00004 for approval.

Mr. White corrected that the subject request would allow for 1,101 units for 148,464 square feet between seven single-story buildings and one three-story building. The proposed request amended Resolution 2022-16 due to a substantial deviation from the approved plan.

Mr. Josh Nichols, LEED AP, Schmidt Nichols Landscape Architecture and Urban Planning (representative for the applicant) gave a PowerPoint overview of the subject request. He stated that the applicant was in agreement with staff's recommendation and conditions of approval. A self-storage facility was previously approved for the site, but the applicant now owned the property and wanted to do a reconfiguration for a higher-end product. A companion plat application would be brought before the board in the future.

Mr. Boerema inquired whether the three-story buildings fronting Minton Road would be set back from the road. Mr. Nichols stated that the three-story building would be set back 37 feet from Minton Road with landscape buffering. Building heights would be less than the 70-foot height that was allowed.

Mr. Weinberg asked if access to the three-story building would be from the west side and interior. Mr. Nichols said that a covered loading area would be accessed from both the west and north sides with customer parking outside the gates at the front entrance for security. He confirmed that the three-story building would have interior access.

Mr. Boerema wanted to be sure there would not be any back access through the side streets. Mr. Nichols assured the board that there would be one point of access from Minton Road.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in support of the subject site allowing commercial use in the same footprint and providing revenue for the City. He wanted clarification on preventing access to the site during school drop-off and pick-up hours.

In response to the comments from the audience, Mr. Nichols stated that access to the site was not from the same school driveway. Morning traffic trips were also as low as four trips per hour for the self-storage use. There would be no impact or conflict with the school's driveway.

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

Motion to submit Case CU23-00004 to City Council for approval subject to the staff comments.

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

Aye: Weinberg, Boerema, McLeod, Warner.

Case CU23-00004 will be heard by the City Council on May 18, 2023.

3. ****CU23-00006 – Dollar General - David Moallem Trust / Siroos Pirzadeh and Mahnaz Pirzadeh (Concept Development Inc., Rep.) - A Conditional Use to allow for Dollar General/Retail Store with a gross floor area over 5,000 square feet in a NC, Neighborhood Commercial District. Block F, Section 36, Township 29, Range 36, Brevard County, Florida, containing approximately 5.32 acres. Specifically located west side of the intersection of De Groot Road SW and St. Andre Boulevard SW**

Mr. White presented the staff report for Case CU23-00006. Case CU23-00006 met the minimum criteria for approval of a Conditional Use request subject to the staff comments contained in the staff report, which were required to be addressed during Site Plan review. Staff recommended Case CU23-00006 for approval.

Mr. Jack Spira, Esq., Spira Beadle & McGarrell PA (attorney for Concept Development Inc.) stated that the Neighborhood Commercial District allowed for commercial traffic for neighborhood stores. A Citizen Participation Plan meeting was held with only one resident in attendance. He stated that the applicant had agreed to comply with City code requirements.

Ms. Holly Irish, Vice President, Vector Civil Engineering (representative for Concept Development Inc.) stated that the conditional use was to allow an increase in building square footage, and that all other Neighborhood Commercial zoning criteria and site plan design would be met. She noted that a water main extension would be installed from Felton Street SW to the site.

Mr. Boerema asked about access to the site. Mr. Weinberg asked if there would be access from De Groot Road SW. Ms. Irish stated that the property would only be accessed from St. Andre Boulevard SW.

The floor was opened for public comments.

Ms. Jennifer Larsen (resident at Lagrange Street SW) spoke against the request. She stated that the St. Andre Boulevard intersection was already dangerous and hard to access due to the curve in the road. The increase in traffic would harm the

children that played outdoors, and pollution would affect the gardens and chickens in the area. The project's impact on well water was also a concern. She wanted to know if residents would be forced to hook up to the water main being brought into the area. She noted that there were already three Dollar General Stores within a five-mile radius. The neighborhood residents would prefer to keep the quiet and semi-country like area.

Mr. Bill Battin (resident at Ocean Spray Street SW) questioned whether commercial development was required to have a force main along with water. There was not a force main within proximity.

Ms. Denorah Vanover (resident at Farley Street SW) spoke against the request. She said that there were too many Dollar Stores within a five-minute drive.

In response to the comments from the audience, Ms. Irish explained that the water line would be installed by the project but owned and maintained by the City. The City determined whether residents would have to hook into the water line. She was not aware of any requirement for a force main and water main combination. Dollar General sought where to develop. She noted that based on the prepared traffic study, the level of service for the St. Andre Boulevard intersection would not decrease, turn lanes were not warranted, and the retail store would not have a noticeable impact on levels of service. The proposed sidewalks would accommodate pedestrians. She reminded the board that the proposed use was allowed by right in the Neighborhood Commercial district, and it was the square footage that required the conditional use.

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

Mr. Warner commented on how it was ultimately Dollar General's decision on where they chose to locate their stores based on permitted zoning districts. He noted how another Dollar General on a curved road had caused traffic to slow down in the neighborhood.

Mr. McLeod remarked on how the traffic study should have been submitted for the board to review. Ms. Irish stated that the traffic study was not typically required until the site plan review stage.

Mr. Boerema asked if the City had considered installing turning lanes at the intersection. Mr. Anderson stated that if turn lanes were warranted it would be at the applicant's expense and addressed at the site plan review stage. Mr. Weinberg reminded the board and the public that the site was already commercially zoned, and regardless of personal opinions, the applicant had a valid request that met the conditional use criteria.

Mr. Boerema asked if the residents of the area would have to switch to City water. Mr. Weinberg stated that there was no ordinance that required residents to switch to City water.

Motion to submit Case CU23-00006 to City Council for approval subject to staff comments.

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

Aye: Weinberg, Boerema, McLeod, Warner.

Case CU23-00006 will be heard by the City Council on May 18, 2023.

4. ****FD23-00004 (formerly FD-63-2022) - Gardens at Waterstone Phase III - KB Homes Orlando, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Final Development Plan approval of a PUD to allow 199-lot single-family residential development called Gardens at Waterstone Phase III. Subdivision HF, Section 5, Township 30, Range 37, Brevard County, Florida, containing approximately 47.92 acres. Generally located north and west of Mara Loma Boulevard SE and west of Barringer Drive SE**

Mr. White presented the staff report for Case FD23-00004. Case FD23-00004 was in alignment with the Comprehensive Plan, met the minimum criteria for a Final Development Plan request, and was recommended by staff for approval.

Mr. Jake Wise, P.E. Construction Engineering Group, LLC (civil engineer for the project and representative for the applicant) submitted a handout to the board regarding the request. He described the 1,200-acre master plan consisting of Waterstone and Cypress Bay East that was previously approved by the board and City Council in different phases. The subject request for Gardens at Waterstone Phase III would add 199, 40-foot-wide lots in addition to 50-foot wide and 60-foot-wide lots. He said that no area residents attended the Citizen Participation Plan meeting.

Mr. Bill Battin (resident at Ocean Spray Street SW) stated that he was happy with the concept and phases of the development; however, he believed the developer should be responsible for funding the entire construction of the St. Johns Heritage Parkway located on the southside of the development. He asked for some type of commitment from the developer to address the project's impact on the St. Johns Heritage Parkway to the south on the west side of Babcock Street. He noted that the impact fees generated for the Parkway on the east side could not be used on the west side.

In response to comments from the audience, Mr. Wise indicated how the extension of the St. Johns Heritage Parkway was the responsibility of the Cypress Bay West Phase II development that was currently under construction. Mara Loma Boulevard was also being looped into the Parkway to remove some burden off Babcock Street, and there were additional traffic enhancements occurring in the area.

Mr. Boerema mentioned the need to eventually connect the St. Johns Heritage Parkway segments. Mr. Weinberg noted that the Alternate Corridor Evaluation for the west side of the Parkway had just been completed and the selection and construction of the segment was years away.

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

Motion to submit Case FD23-00004 to City Council for approval.

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

Aye: Weinberg, Boerema, McLeod, Warner.

Case FD23-00004 will be heard by the City Council on May 18, 2023.

5. ****PD23-00002 (formerly PD-20-2023) - Lipscomb Street PUD - Paul Daly and Don Ballew (reps. Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law / Aaron Struckmeyer, Pulte Home Company, LLC / Chris Ossa, P.E. and Kinan Husainy, P.E., Kimley Horn & Associates, Inc.) - A Preliminary Development Plan approval to allow a proposed PUD for a 202-lot townhome development called Lipscomb Street PUD. Tracts 6 and 5 of Palm Bay Colony Section 3 and Tracts 4 and 3 of Palm Bay Colony Section 2, all in Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 24.56 acres. Located east of Lipscomb Street NE, and in the vicinity north and west of Robert J. Conlan Boulevard NE**

Mr. Anderson presented the staff report for Case PD23-00002. Case PD23-00002 met the minimum requirements of a Planned Unit Development Rezoning amendment request subject to the conditions and staff comments contained in the staff report. Staff recommended Case PD23-00002 for approval.

Mr. Chris Ossa, P.E., Kimley Horn & Associates, Inc. (representative for the applicant) stated that the project was back before the board due to engineering revisions to the proposal.

The floor was opened for public comments.

Mr. Donald Neilan (resident of Palm Bay Colony Mobile Home Park) spoke against the request. He stated that the project did not address the flooding problems in the area. Flooding occurred without there being a hurricane or tropical storm.

Mr. George Heiter (resident of Palm Bay Colony Mobile Home Park) spoke in favor of the request He wanted to know if the adjacent stormwater canals would remain since Palm Bay Colony drained into the canals.

In response to the comments from the audience, Mr. Ossa stated that Pulte Home Company had contracted with a surface water engineering consultant to determine flood conditions in the area. The stormwater canals were in disrepair but would be corrected and maintained by the Pulte Homes Homeowners Association. He commented on how the new drainage design for the project would improve the drainage in the area.

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

Motion to submit Case PD23-00002 to City Council for approval, subject to conditions and staff comments.

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

Aye: Weinberg, Boerema, McLeod, Warner.

Case PD23-00002 will be heard by the City Council on May 18, 2023.

6. ****FD23-00002 - Lipscomb Street PUD - Paul Daly and Don Ballew (reps. Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law / Aaron Struckmeyer, Pulte Home Company, LLC / Chris Ossa, P.E. and Kinan Husainy, P.E., Kimley Horn & Associates, Inc.) - A Final Development Plan approval to allow a proposed PUD for a 202-lot townhome development called Lipscomb Street PUD. Tracts 6 and 5 of Palm Bay Colony Section 3 and Tracts 4 and 3 of Palm Bay Colony Section 2, all in Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 24.56 acres. Located east of Lipscomb Street NE, and in the vicinity north and west of Robert J. Conlan Boulevard NE**

Mr. Anderson presented the staff report for Case FD23-00002. Case FD23-00002 was in alignment with the Comprehensive Plan, met the minimum criteria for a Final Development Plan request, and was recommended by staff for approval with conditions.

Mr. Anderson noted that the overall drainage plan was required.

Mr. Chris Ossa, P.E., Kimley Horn & Associates, Inc. (representative for the applicant) stated that the reduction of units in the project and the revised layout were an improvement for the area.

The floor was opened for public comments.

Ms. Delores Davie (resident of Palm Bay Colony Mobile Home Park) wanted to know who would be maintaining the adjacent canals. Mr. Weinberg explained that Pulte Homes LLC owned the canals and their homeowners association would be responsible for the maintenance. The development would also improve the drainage problems in Palm Bay Colony.

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

Motion to submit Case FD23-00002 to City Council for approval.

Motion by Mr. Boerema, seconded by Mr. Warner.

Motion amended to submit Case FD23-00002 to City Council for approval subject to staff comments.

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

Aye: Weinberg, Boerema, McLeod, Warner.

Case FD23-00002 will be heard by the City Council on May 18, 2023.

7. ****FD23-00005 (formerly FD-67-2022) - Bayside Lakes Commercial Center - Jeffrey S. Hillmann, Bayside Holdings #3370, LLC / Robert E. Escher and Ruth A. Escher (Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law / Roger W. Strcula, P.E., Upham, Inc., Reps.) - A Final Development Plan to allow a proposed PUD for a 3-lot commercial development called Bayside Lakes Commercial Center. Tracts A, B, and C, Subdivision UK, Section 20, Township 29, Range 37, Brevard County, Florida, containing approximately 2.96 acres. Located north of Bayside Lakes Boulevard SE and east of Eldron Boulevard SE**

Mr. Anderson presented the staff report for Case FD23-00005. Case FD23-00005 was in alignment with the Comprehensive Plan, met the minimum criteria for a Final Development Plan request, and was recommended by staff for approval.

Mr. Roger W. Strcula, P.E., Upham, Inc. (engineer for the project and representative for the applicant) stated that the three commercially platted tracts had existing driveways off Bayside Lakes Boulevard SE with internal connections for vehicular and pedestrian access. Starbucks, Advanced Auto Shop, and ModWash were planned for the tracts. He stated that he concurred with staff comments.

Ms. Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law (representative for the applicant) provided the board with a handout of the site proposal. She noted that two developers for the project, Mr. John Riley and Mr. Jack Zuckerman, were present along with Mr. Jim Treadwell with ModWash.

The floor was opened for public comments.

Mr. Daniel Corcoran (resident at Windbrook Drive SE) commented on how traffic calculations might indicate that everything was fine, but in a practical sense Starbucks would increase traffic and the project was dangerously on the curve of a road.

In response to the comments from the audience, Ms. Rezanka indicated the large amount of stacking space for the Starbucks and the queue around the drive-through. The cross access between the three tracts would also alleviate traffic, and there

would be an access to each of the tracts. She noted that a traffic study had indicated that the project would not decrease the levels of service.

Mr. Warner wanted to know about the unique car wash operation. Mr. Jim Treadwell stated that he was the senior development project manager with ModWash. He described the state-of-the-art car wash that would be aesthetically friendly, landscaped, and environmentally efficient. Queuing had been carefully designed to enter into the pay stations to eliminate stacking. The site would use 40-percent less water, reclaimed tanks, and water and oil separators. He said that the site would be well lit and would include camera and motion detection security features.

Mr. Boerema commented that the queuing would keep traffic onsite. Mr. Treadwell indicated that this was correct.

Mr. McLeod asked if there would be employees at the site. Mr. Treadwell stated that there would be two employees and a manager at the facility.

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

Motion to submit Case FD23-00005 to City Council for approval.

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

Aye: Weinberg, Boerema, McLeod, Warner.

Case FD23-00005 will be heard by the City Council on May 18, 2023.

8. ****FD23-00006 (formerly FD-10-2023) - Tire Service Center Palm Bay - Andromeda Holdings Ltd. Partnership (Kyle Morel, P.E., Bohler Engineering FL, LLC , Rep.) - A Final Development Plan to allow a proposed PUD for development of a tire service center. Block 15.1, Bayside Lakes Commercial Center Phase 2, Section 20, Township 29, Range 37, Brevard County, Florida, containing approximately 1.08 acres. Located north of and adjacent to Bayside Lakes Boulevard SE, in the vicinity west of Eldron Boulevard SE**

Ms. Ramos presented the staff report for Case FD23-00006. Case FD23-00006 met the minimum criteria for a Final Development Plan request subject to the staff comments contained in the staff report. Staff recommended Case FD23-00006 for approval.

Ms. Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law (representative for the applicant) noted that two developers for the project, Mr. John Riley and Mr. Jack Zuckerman, were present along with Mr. Kyle Morel, P.E., with Bohler Engineering FL, LLC. She explained that the subject site was part of an overall 2,500-acre PUD. Mavis Tire Center was proposed for the property with access off Bayside Lakes Boulevard SW and an internal connection to adjacent commercial development. The traffic trips were vested so a traffic study would not be provided.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) stated that the internal access to the adjacent commercial property was not shown on the submitted plan. He wanted to know if Bayside Lakes Boulevard would be the primary access to the site or the internal connection from the adjacent commercial properties.

Mr. Daniel Corcoran (resident at Windbrook Drive SE) stated that the citizens of the Bayside Lakes community were concerned about the noise that would come from the tire center. He was able to hear the children at Pineapple Grove Academy that was farther away.

In response to the comments from the audience, Ms. Rezanka stated that the primary access for the site would be off Bayside Lakes Boulevard and that the internal connection to the commercial properties was shown on the plan. She said that noise was a performance standard that would have to be monitored and addressed at a different stage. The facility would have roll-down doors, and the applicant had operated other tire centers near residential districts.

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

Mr. Warner asked if a Citizen Participation Plan meeting had been required. Ms. Rezanka stated that a Citizen Participation Plan meeting was held during the preliminary development plan stage.

Motion to submit Case FD23-00006 to City Council for approval.

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

Aye: Weinberg, Boerema, McLeod, Warner.

Case FD23-00006 will be heard by the City Council on May 18, 2023

9. **T23-00005 - Development Agreement - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances to establish Section 183.40 to add language on Development Agreements**

Mr. Anderson presented the staff report for Case T23-00005. Case T23-00005 met the minimum criteria for a Textual Amendment request and was recommended by staff for approval.

Mr. McLeod inquired whether the City currently had the ability to engage in development agreements. Mr. Anderson confirmed that the City currently engaged in development agreements based on Florida Statutes. The subject amendment would establish City provisions and procedures to process agreements.

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

Motion to submit Case T23-00005 to City Council for approval.

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

Aye: Weinberg, Boerema, McLeod, Warner.

Case T23-00005 will be heard by the City Council on May 18, 2023.

OTHER BUSINESS:

Mr. McLeod recognized Mr. Bill Battin for his pursuit in making the City better.

ADJOURNMENT:

The meeting was adjourned at approximately 7:58 p.m.

Phillip Weinberg, VICE CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding