

CITY OF PALM BAY, FLORIDA

**PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING NO. 2011-12**

Held on Wednesday, December 7, 2011, 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.

Chairman Bob Williams called the meeting to order at approximately 6:30 p.m.

Mr. Ray Myers led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRMAN:	Bob Williams	Present
VICE CHAIRMAN:	Nancy Domonousky	Present (Late)
MEMBER:	Samuel Artley	Present
MEMBER:	Adam Hill	Present
MEMBER:	Raymond Myers	Present
MEMBER:	William Pezzillo	Present
MEMBER:	Marty Piatkowski	Present
MEMBER:	Mike Smith	Present
MEMBER:	Donald Theroux	Present
APPOINTEE:	Joyce Norman	Absent

Mr. Mike Smith was welcomed as the newest member of the board.

CITY STAFF: Present were Mr. David Watkins, Growth Management Director; Ms. Chandra Powell, Growth Management Recording Secretary; Mr. Nicholas Tsamoutales, City Attorney Emeritus.

CITY ATTORNEY PRESENTATION:

The City Attorney presentation was rescheduled to the January 4, 2012 Planning and Zoning Board meeting.

Ms. Domonousky arrived at this time and was present for the remainder of the meeting.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2011-11. Motion by Mr. Pezzillo, seconded by Mr. Piatkowski to approve the minutes as presented. The motion carried with members voting unanimously.

SCHOOL COORDINATION BUSINESS:

There was no School Coordination Business.

ANNOUNCEMENTS:

1. Case V-12-2011, Peter Riesett, was continued to the January 4, 2012 Planning and Zoning Board meeting. No board action was required to continue the request.
2. Mr. Williams 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 City Council.

OLD BUSINESS:

1. V-12-2011** – PETER RIESETT

Case V-12-2011 was discussed under Announcements, Item 1.

2. CP-2-2011 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

At staff's request the board consented to move Case CP-2-2011 to New Business, Item 3.

NEW BUSINESS:

1. CP-3-2011 – HT LAND TRUST, LLC (JIM TSIOGAS)

Mr. Watkins presented the staff report for Case CP-3-2011. The applicant had requested a Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Commercial Use. Staff recommended Case CP-3-2011 for approval as a small scale amendment with conditions.

Mr. Hill questioned why the site was originally designated Recreation and Open Space Use, and he was concerned about the land's proximity to the residential neighborhood on Albedo Avenue SE. Mr. Watkins explained that the property was initially designated as a drainage tract. The Recreation and Open Space Use was assigned to the property as the City had no category for drainage sites. Staff conditions were also placed on the request to protect the residential neighborhood. Commercial access would not be permitted through the residential streets and the remaining west portion of the site would be left Recreation and Open Space Use.

Mr. Hill asked about future plans for the property. Mr. Watkins remarked on the possibility of a storage facility at the site since the business could have front access and rear units. The triangular parcel located northeast of the site could also be acquired for larger setbacks and more development. Bufferage at the property, however, was a future issue for conditional use review.

Mr. Williams inquired about the retention pond in the area and whether there were restrictions on the types of structures allowed to build near the gas line that crossed the property. Mr. Watkins indicated the outparcel at the front of the site for retention. He said that the City would permit paved parking above the gas line area if approved by the gas transmission company.

Mr. Pezzillo spoke against permitting potential traffic from the property to use the Home Depot site as a shortcut. Mr. Watkins noted that the driveway at the rear of Home Depot currently connected the site to San Filippo Drive SE, and he explained that modification to the Home Depot property or the subject site would require conditional use approval since both properties were over three acres in size.

Mr. Myers noted that there was approximately 30 feet between the land and the closest residential property. Mr. Watkins commented that with more than 30 feet of distance, 25-foot building setbacks, and the required buffer between commercial and residential properties, approximately 100-feet or more of separation would exist between the subject site and the residential neighborhood.

Mr. Theroux asked whether the residential streets in the vicinity had water and sewer. Mr. Watkins confirmed that the nearest residential area had water and sewer and that major lines were also in place for the commercial properties in the vicinity.

Mr. Hill inquired whether there would be any collaboration with Brevard Community College on landscaping as had occurred in the past with adjacent businesses. Mr. Watkins stated that staff would work with the applicant to further previous landscape efforts in the area.

Mr. Mark Stopa, attorney with HT Land Trust LLC (applicant), was in agreement with staff's presentation. He commented that the shape of the site would be conducive to a storage facility and the possibility of combining the property with the north triangular site would also make sense. He said that the applicant had tried to take the west residents into account by retaining a large buffer zone. There were no plans for the property at this time.

Mr. Hill wanted to ensure that the site's effect on the residential quality of life would be fully considered during the development process. Mr. Stopa responded that the residential concerns were discussed at the Citizen Participation Plan meeting, and the submitted request appeared to be the fairest and most conservative option.

Mr. Williams commented that the small size of the property would limit the construction allowed at the site. Mr. Piatkowski noted in comparison how the current zoning and land use could permit up to ten residential units per acre.

Mr. Pezzillo asked if wetlands were on the section of the site under consideration. Mr. Stopa indicated that the wetlands were in the retention area east of the residential homes on Albedo Avenue and west of the subject property. The applicant had no intentions of disturbing the wetland area.

Mr. Williams reiterated that any development of the site would have to come back before the board and City Council for conditional use approval. Mr. Watkins stated that this was correct and that specific design comments would be addressed at that time. Mr. Stopa advised the board that there were no present plans for the property and clarified that he had no knowledge of any proposal to purchase the north adjacent site.

Mr. Daniel D'Amore (resident at Douglas Street SE) had concerns regarding the request. He did not want the cul-de-sac at the end of Douglas Street to be turned into a road or for the undeveloped portion of the subject property to come back in the future for commercial development. Additional commercial land would crowd the residential area. Mr. Watkins responded that the subject request did not include the cul-de-sac, and a condition upon the approval was that no new roads could be constructed. Any deviation to the site plan would come back before the board and City Council.

Mr. Watkins stressed staff's position of retaining a buffer along the residential area and how the gas pipeline easement provided a natural demarcation.

Ms. JoAnne D'Amore (resident at Douglas Street SE) was concerned about the impact the subject site would have on San Filippo Drive and on the fire station in the area. The board and staff explained that traffic and all other design issues would be addressed when the required conditional use was applied for.

Ms. Domonousky wanted to know how the existing Development of Regional Impact (DRI) would affect the land use change. She asked about placing conditions on the request. Mr. Watkins stated that the subject site fell well within the amount of commercial square footage designated for the overall DRI area. He commented on the conditions staff had proposed for the request. However, no conditions could be placed on the excluded section of land.

Mr. Pezzillo was interested in preventing traffic between the subject site and the Home Depot. Mr. Watkins explained that staff did not address commercial to commercial connections and that private access agreements were actually encouraged. The subject commercial property was prohibited residential access, so other commercial properties could not use the site to connect into the residential neighborhood.

Mr. Piatkowski inquired about there being no known endangered species at the property. Mr. Watkins stated that an analysis of endangered plants and animals had been done for the entire DRI and no endangered species were identified for the subject site.

There were no letters in the file.

Motion by Mr. Piatkowski, seconded by Mr. Myers to submit Case CP-3-2011 to City Council for approval of a small scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Commercial Use subject to the conditions of the staff report. The motion carried with members voting unanimously.

2. CPZ-3-2011** – HT LAND TRUST, LLC (JIM TSIOGAS)

Mr. Watkins presented the staff report for Case CPZ-3-2011. The applicant had requested a zoning amendment from an RM-10, Single-, Two- and Multi-Family Residential District to a CC, Community Commercial District. Case CPZ-3-2011 appeared to be consistent with the Commercial Use Future Land Use category.

Board members declared that they had no ex parte communications regarding Case CPZ-3-2011.

Mr. Mark Stopa, attorney with HT Land Trust LLC (applicant), was present.

The discussion under Case CP-3-2011 also pertained to the subject request.

There were no comments from the audience and there were no letters in the file.

Motion by Mr. Pezzillo, seconded by Mr. Artley to submit Case CPZ-3-2011 to City Council for approval of a zoning amendment from an RM-10, Single-, Two- and Multi-Family Residential District to a CC, Community Commercial District. The motion carried with members voting unanimously.

3. CP-2-2011 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Watkins presented the staff report for Case CP-2-2011. The applicant had requested an amendment to the Palm Bay Comprehensive Plan Capital Improvements Element in order to provide an annual update to the Capital Improvements Schedule pursuant to Chapter 163, Florida Statutes. Staff recommended adoption of Case CP-2-2011.

Mr. Watkins stated that every year the Comprehensive Plan Capital Improvements Schedule was updated to include finalized data from the local and state governments and agencies that provided project funding for development-related improvements.

The projects of interest discussed by the board included the Babcock Street Widening-Malabar Road to Palm Bay Road; the Troutman Boulevard/Clearmont Street Realignment and Harris Corporation Campus; and the South Brevard Trail.

There were no comments from the audience and there were no letters in the file.

Motion by Mr. Pezzillo, seconded by Mr. Myers to submit Case CP-2-2011 to City Council for approval of an amendment to the Palm Bay Comprehensive Plan Capital Improvements Element in order to provide an annual update to the Capital Improvements Schedule pursuant to Chapter 163, Florida Statutes. The motion carried with members voting unanimously.

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OTHER BUSINESS:

Well wishes for a wonderful Christmas were expressed.

ADJOURNMENT:

The meeting was adjourned at approximately 7:33 p.m.

Bob Williams, CHAIRMAN

Attest:

Chandra Powell, SECRETARY

**Quasi-judicial proceedings.