

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/m
LOCAL PLANNING AGENCY
REGULAR MEETING 2020-13

Held on Wednesday, November 4, 2020, 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.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Mr. Richard Hill led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present
VICE CHAIRPERSON:	Leeta Jordan	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Donny Felix	Present
MEMBER:	Richard Hill	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	David Karaffa	Present
	(School Board Appointee)	

CITY STAFF: Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-12; October 7, 2020. Motion by Ms. Maragh, seconded by Mr. Felix to approve the minutes as presented. The motion carried with members voting unanimously.

3. ****CU-30-2020 – DSG, LLC AND GUS & SON, LLC (JAKE WISE, P.E., REP.)**

Mr. Murphy presented the staff report for Case CU-30-2020. The applicant had requested a conditional use to allow an assisted living facility called Hampton Manor of Palm Bay in an IU, Institutional Use District. The board had to determine if the request met the criteria of Section 185.087 of the Palm Bay Code of Ordinances. If approved, staff recommended conditions on the request.

Mr. Jake Wise, P.E. of Construction Engineering Group, Inc. (civil engineer for the project and representative for the applicant) explained that the current zoning and land use for the subject property allowed for an assisted living facility by conditional use. The 60-unit, single-family development previously approved for the 20-acre site would have generated more traffic and required the wooded property to be clear cut. The proposal to construct a 94-unit assisted living facility on the southern 7.6 acres of the site would have a much lower impact. The site was designed to be a good neighbor and to retain as much buffering as possible. Tree preservation was a concern discussed at the Citizen Participation Plan (CPP) meeting. Trees and buffering would serve as protection between the facility and the adjacent neighborhood. He explained that most residents of the facility would be under memory care and unable to drive, so traffic would be minimal. He described how the proposed building location would be distanced from current single-family homes and well buffered by existing preservation and the increased setbacks. The layout of the dry stormwater retention system, small wet pond, and 8-foot high fence would save trees. Onsite drainage would not impact the neighborhood, and a photometric study for lighting would be provided to ensure zero-foot candles. The project's extension of utilities to the site for water and wastewater would benefit the community. He stated that he was in agreement with the staff conditions.

Mr. Warner asked about the projects previously approved for the site and if including the emergency access lane as a condition of the project would be a problem. Mr. Wise explained how the subject proposal would replace the previous proposals. He clarified that an emergency access lane would only be required if there was a future addition to the subject request.

Mr. Hill asked whether any mitigation was planned for the removal of the large specimen trees. Mr. Wise confirmed that the large specimen trees would be mitigated and commented on how most of the large oak trees were on the north end of the property.

Ms. Maragh inquired whether the fence would be extended north to the project entrance as requested by staff. Mr. Wise confirmed that this was correct.

The floor was opened for public comments.

Ms. Nancy Glover (resident at Ruffin Circle SE) spoke against the request. She wanted to know what was planned for the north section of the property, and if the proposed fence would be erected around the entire site or just the subject development. Mr. Murphy stated that the remaining balance of the site would be left undisturbed or would be required to come back before the board and City Council with a development plan for that portion of the site.

Ms. Lisa Behuniak (resident at Buffing Circle SE) spoke against the request. She was concerned with how the wildlife on the subject site would be addressed. There had been sightings of tortoises, white-tailed and red-tailed hawks, and a Florida panther.

Mr. John Cayford (resident at Buffing Circle SE) spoke against the request. He wanted the land to be persevered for future generations. He stated how he had picked up garbage and maintained the trails on the property for 27 years, and that there were 200-year-old oak trees on the site. He believed the City would be better served by preservation and conservation of the land as a natural extension of Oakwood Park to the north.

Mr. William Roberts (resident at Operetta Avenue SE) spoke against the request. He did not want a two-story facility to abut his backyard.

Ms. Pamela Frazer (resident at Ruffin Circle SE) spoke against the request. She was concerned about her property value.

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

In response to comments from the audience, Mr. Wise indicated the portion of the site that was currently under review and reiterated that the balance of the property would remain undisturbed. He agreed to extend the 8-foot high fence to Pilgrim Lane SE. An environmental study was done for protected species, and the gopher tortoises on the site would be relocated per State guidelines. The City was unable to accommodate the balance of the subject site for a preservation addition to Oakwood Park. He clarified that the facility would be a beautifully maintained 25-foot high, single-story building. The developer had constructed immaculate assisted living facilities that typically increased surrounding property values.

Mr. Boerema inquired whether east to west fencing would be erected on the north side of the property. He was concerned about the residents of the facility becoming lost in the wooded area. Mr. Wise indicated the proposed placement of the fencing and noted that each resident of the facility would be individually monitored.

Motion by Mr. Boerema, seconded by Mr. Hill to submit Case CU-30-2020 to City Council for approval of a conditional use to allow an assisted living facility called Hampton Manor of Palm Bay in an IU, Institutional Use District, subject to staff conditions. The motion carried with members voting unanimously.

4. ****CU-31-2020 – WJJ LAND HOLDINGS, LLC (JACOB BYNUM)**

Mr. Murphy presented the staff report for Case CU-31-2020. The applicant had requested a conditional use to allow for proposed automotive fuel dispensary in an LI, Light Industrial and Warehousing District. The board had to determine if the request met the criteria of Section 185.087 of the Palm Bay Code of Ordinances.

Mr. Jacob Bynum (applicant) stated that a concrete pumping business was proposed for the site, and that the requested automotive fuel dispensary would be double walled with a cinderblock wall as a third containment.

Mr. Warner inquired whether the tank could be removed in the future if the business was to shut down. Mr. Bynum stated that the aboveground tank could be removed.