

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/  
LOCAL PLANNING AGENCY  
REGULAR MEETING 2023-07

Held on Wednesday, July 5, 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. Robert Good 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	Present
<b>MEMBER:</b>	Robert Good	Present
<b>MEMBER:</b>	Jeffrey McLeod	Present
<b>MEMBER:</b>	Randall Olszewski	Present
<b>MEMBER:</b>	Rainer Warner	Present
<b>NON-VOTING MEMBER:</b>	David Karaffa (School Board Appointee)	Absent

**CITY STAFF:** Present were Ms. Suzanne Sherman, City Manager; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Ms. Alexandra Bernard, Principal Planner; Mr. Stephen White, Senior Planner; Ms. Tania Ramos, Senior Planner; Ms. Kimberly Haigler, GIS Planner; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Deputy City Attorney.

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2023-06; June 7, 2023.

Motion to approve the minutes as presented.

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

**Aye:** Jordan, Weinberg, Boerema, Good, McLeod, 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.

**NEW BUSINESS:**

1. **\*\*CU23-00008 - REQUEST TO CONTINUE TO 08/02 P&Z -Car Wash - Royal Wash PSL, LLC (Chelsea Anderson, Esq., Mangrove Title & Legal, PLCC, Rep.) - A Conditional Use to allow a retail Car Wash in a GC-General Commercial District, in accordance with Section 185.054(D)(9) of the Palm Bay Code of Ordinances. Lots 1 through 6, Block 2211, Port Malabar Unit 38, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately 1.15 acres. Specifically located at 1300 Malabar Road SE**

Ms. Jordan announced the request to continue Case CU23-00008 to the August 2, 2023 Planning and Zoning Board Meeting. Board action was required to continue the case.

Motion to continue Case CU23-00008 to the August 2, 2023 Planning and Zoning Board Meeting.

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

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

City Council will hear Case CU23-00008 on August 17, 2023.

2. **CP23-00007 - Future Land Use Lot 2 - Jennifer E. Torres - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Utilities to Low**

**Density Residential. Tract K, Port Malabar Unit 20, Section 02, Township 29, Range 36, Brevard County, Florida, containing approximately 1.01 acres. Located on the south side of Warrington Road SW, in the vicinity of Jupiter Boulevard SW**

Ms. Ramos presented the staff report for Case CP23-00007. Staff recommended Case CP23-00007 for approval.

Ms. Marlynn Simmons (representative for the applicant) stated that the applicant had purchased the two subject properties a couple of years ago and was now planning to build a home. She noted that the surrounding area was single-family residential, and the subject request was needed to change the existing utilities designation to residential.

Mr. Warner asked if there would be a lot split, or would a single home be built on the properties. Ms. Simmons stated that a lot split was underway so that the applicant could deed one of the two lots to her brother. A separate home would be constructed on each lot.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) stated his opposition to the loss of utility land that might be needed in the future, but he did appreciate the plan to build a home on each of the properties for estate-like lots.

The floor was closed for public comments.

Motion to submit Case CP23-00007 to City Council for approval.

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

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

3. **FS23-00004 - Timbers at Everlands Phase 1B - DRP FL 6, LLC, Brian Clauson (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - Final Plat approval to allow**

**for a proposed 41-lot single-family residential subdivision called Timbers at Everlands Phase 1B. A replat of a portion of Tract FD.1 together with Tract FD.2, all in Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 10.47 acres. Located at the northeast corner of St. Johns Heritage Parkway NW and Pace Drive NW**

Ms. Bernard presented the staff report for Case FS23-00004. Staff recommended Case FS23-00004 for approval.

Ms. Ana Saunders, P.E., BSE Consultants, Inc. (representative for the applicant), stated that the subject plat was part of the overall Timbers at Everlands PUD that was approved last year. Future phases would be coming before the board. The subject plat would have access off Pace Boulevard NW, and future phases would include access off St. Johns Heritage Parkway NW and Emerson Drive NW.

Mr. Warner asked the applicant to elaborate on the phases. Ms. Saunders explained that proposed Phase 1B was 41 lots of the overall 840-unit development. Phases 1A, 1B, and 1C were subphases of Phase 1. Phases 1C and 2 would be submitted to the board within the next couple of months. She explained that the development was under construction and that the final plat approval would allow lots to be sold.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) questioned how the proposed connection to access the St. Johns Heritage Parkway would impact the widening of the Parkway.

The floor was closed for public comments.

Motion to submit Case FS23-00004 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, McLeod, Olszewski, Warner.

City Council will hear Case FS23-00004 on July 20, 2023.

4. **CP23-00003 - Gaynor - MP Developers, Inc. (James Boothroyd, Weichert Realtors Hallmark Properties, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Utilities to Low Density Residential. Tract L, Port Malabar Unit 32, Section 13, Township 29, Range 36, Brevard County, Florida, containing approximately 1.33 acres. Located east of and adjacent to Gaynor Drive SW, in the vicinity north of Four Winds Street SW**

Ms. Bernard presented the staff report for Case CP23-00003. Staff recommended Case CP23-00003 for approval.

Mr. Warner wanted to know what other uses the utility site could be used for. Ms. Bernard explained that the original developer had designated the property as a utility site. The property was sold, and a new owner wanted to construct a home.

Mr. James Boothroyd, Weichert Realtors Hallmark Properties (representative for the applicant), confirmed that the new buyer wanted to build a home on the site for his future retirement. Mr. Warner indicated that he was not in favor of permitting four to five homes on the property. Mr. Boothroyd noted the quarter-acre lots that comprised the street and the neighborhood.

Ms. Jordan asked for the number of homes the subject request would allow. Ms. Bernard stated that the 1.33 acres was permitted a maximum density of five lots as Low Density Residential property.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) stated that he was opposed to losing a utility site and a loss of estate-type living if the maximum five homes were allowed to pack the site. His comments also pertained to companion Case CPZ23-00002.

The floor was closed for public comments.

Motion to submit Case CP23-00003 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, McLeod, Olszewski.

**Nay:** Warner.

City Council will hear Case CP23-00003 on July 6, 2023.

5. **\*\*CPZ23-00002 - Gaynor - MP Developers, Inc. (James Boothroyd, Weichert Realtors Hallmark Properties, Rep.) - A Zoning Amendment from an IU, Institutional Use District to an RS-2, Single Family Residential District. Tract L, Port Malabar Unit 32, Section 13, Township 29, Range, 36, Brevard County, Florida, containing approximately 1.33 acres. Located east of and adjacent to Gaynor Drive SW, in the vicinity north of Four Winds Street SW**

Ms. Bernard presented the staff report for Case CPZ23-00002. Staff recommended Case CPZ23-00002 for approval.

Mr. Warner remarked that any intentions to limit the subject site to a single-family home should be clearly stated.

Mr. James Boothroyd, Weichert Realtors Hallmark Properties (representative for the applicant) explained that the subject site would be a retirement property for the buyer who also wanted the option to maximize on the investment in the future with more than one home.

Mr. Anderson advised the board that a lesser density could be considered.

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 CPZ23-00002 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, McLeod, Olszewski.

**Nay:** Warner.

City Council will hear Case CPZ23-00002 on July 6, 2023.

6. **CP23-00013 - 4180 Minton Road - Bruce Coffman, Affordable Trailer Service & Supply, Inc. (Jeff Kuhn, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from CC, Community Commercial (Brevard County) to Commercial. Lot 2.01, Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 2.11 acres. Located west of and adjacent to Minton Road, in the vicinity of Palm Bay Road NE**

Ms. Bernard presented the staff report for Case CP23-00013. Staff recommended Case CP23-00013 for approval.

Mr. Cole Oliver, West Malabar Properties, LLC (representative for the request) stated that the annexation, land use, and zoning requests for the subject property were virtually one project with the north adjacent annexation, land use, and zoning proposal at the corner of Hield Road NW and Minton Road NW. The purpose of the subject requests was to connect to Palm Bay utilities under a commercial zoning that would move forward the adjacent Starbucks project planned for the north annexation. He said that the neighborhood justifiably had traffic concerns. Property would be given to Brevard County to realign the traffic light at the Hield Road and Minton Road intersection for future improvement, and he understood that development could not occur until the intersection was brought up to a sustainable level.

Mr. McLeod wanted to know who was responsible for Minton Road, and how the annexation would address the traffic concerns. Mr. Oliver believed Hield Road and Minton Road were under Brevard County's jurisdiction, and that a traffic study to show that the proposed project would not exacerbate the traffic situation would be required during site plan review. He remarked how intersection improvements would then be required to keep concurrency.

Mr. Weinberg inquired whether a similar request was brought before Brevard County. Mr. Cole indicated that a similar request was not submitted to Brevard County since the County did not have water and sewer available for the property.

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 in favor of the request. He stated that he was in favor of annexing the property into the City as it was already a commercial site with a business that would bring its tax dollars into Palm Bay. He commented that the site's association with the north property was not mentioned in the staff report.

Mr. John Zimak (resident at Studley Drive NW) spoke against the request. He stated that the subject request was being used to permit the north project, which was the problem site for traffic, safety, and diminished property values for Hield Road property owners.

Mr. Ronald Thompson (resident at Hield Road NW) spoke against the request. He was opposed to the traffic and congestion the rezoning would cause. He referenced a letter from the Brevard County Engineer that stated how any detriment to the Palm Bay Road and Minton Road intersection also affected Hield Road.

Mr. Mike Kingery (resident at Hield Road NW) spoke against the request. He stated how the adjacent municipalities had intended the subject area to be professional commercial land. Residents had fought for 20 years to keep the subject site from annexing into Palm Bay.

Mr. Jared Cooper (contracted to purchase property at Hield Road NW) spoke against the request. The proposed request was to allow other changes to occur in the area. He was concerned about the proposed access onto Hield Road and the amount of traffic Starbucks would generate.

Mr. John Connolly (resident at Hield Road NW) spoke against the request. He commented on changes Brevard County had planned for Hield Road due to the traffic. The long dead-end road with side streets would be difficult to exit. The traffic



light timing was too long, the new multiple-family development behind the Publix had increased area traffic, and Minton Road backed up in both directions during morning and evening hours. He was opposed to allowing any access off Hield Road.

Mr. Don Williams (resident at Hield Road NW) spoke against the request. He stated how it could take three cycles of the traffic light to exit onto Minton Road. Backed up traffic in both directions also made it difficult to turn onto Minton Road. He was opposed to any access off Hield Road.

Mr. Steve Gray (resident at Hield Road NW) spoke against the request. He had witnessed several accidents on Minton Road, and the proposal would cause a traffic nightmare and risk lives.

Ms. Cynthia Kennard (resident at Pinetree Lane NW) spoke against the request. She commented on the illegal U-turns that occurred in the area. Traffic would worsen with the proposal and delayed emergency services would be the result.

Mr. Michael Bramlett (resident at Hield Road) spoke against the request. Since Starbucks would be located adjacent to his property, he would be impacted by the traffic, air pollution, lights, and noise from the drive-through ordering system. The proposal was not fair to the residential neighborhood.

Mr. Miguel Camacho (owner of property on Hield Road NW) spoke against the request. He had traffic concerns. He commented on how the subject request was only so the north property could be considered. He was opposed to the entire proposal.

Mr. James Sondej (resident at Hield Road NW) spoke against the request. His property would be adjacent to the future project. He felt that the proposal was incompatible with the existing area, and the site was supposed to be residential professional. Starbucks would impact the area with headlights and traffic, and an access off Hield Road would cause problems.

Mr. Michael Howell (resident at Hield Road NW) spoke against the request. He stated that the subject request was a cascade for development to the north. The

requested designation was a higher commercial level that would impact the existing area with more paved parking and businesses.

Mr. James Bermel (resident at Powell Road NW) spoke against the request. The existing traffic congestion and U-turns would become worse with a Starbucks. The wildlife in the area would also be affected. He stated that the request was a domino to allow the north proposal.

In response to comments from the audience, Mr. Oliver stated that traffic was a legitimate concern, and that noise, lights, and paving would be to code.

Mr. McLeod asked if an ingress/egress was proposed off Hield Road NW. Mr. Oliver clarified that the subject property was not on Hield Road. Conceptually, the north adjacent property would reduce the three existing driveways on Hield Road to one connection point, and the four existing driveways on Minton Road would be reduced to two connections.

The floor was closed for public comments.

Mr. Olszewski wanted to know what the subject site would be used for, and if utilities and stormwater retention would be included on the site. Ms. Bernard stated that the current business on the property would not change. Mr. Oliver confirmed that there were no plans to change the existing building or stormwater. However, the current septic system would be connected to the Palm Bay sewer treatment system. The north property would have its own stormwater system.

Motion to submit Case CP23-00013 to City Council for approval.

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

**Aye:** Jordan, Weinberg, Boerema, Olszewski.

**Nay:** Good, McLeod, Warner.

City Council will hear Case CP23-00013 on July 20, 2023.

7. **\*\*CPZ23-00007 - 4180 Minton Road - Bruce Coffman, Affordable Trailer Service & Supply, Inc. (Jeff Kuhn, Rep.) - A Zoning Amendment from BU-1, General Retail Commercial (Brevard County) to a CC, Community Commercial District. Lot 2.01, Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 2.11 acres. Located west of and adjacent to Minton Road, in the vicinity of Palm Bay Road NE**

Ms. Bernard presented the staff report for Case CPZ23-00007. Staff recommended Case CPZ23-00007 for approval.

Mr. Warner questioned why the annexation into the City was necessary for utilities since a St. Johns River Management permit was required regardless of the municipality. Ms. Bernard explained that Palm Bay could provide water and sewer to the site.

Mr. Olszewski remarked on how the property could remain under Brevard County's jurisdiction but pay for City water and sewer service at a higher rate. Mr. Anderson stated that typically a utility agreement was established once a property was annexed into the City.

Mr. Warner inquired about the Starbucks that was the cause of traffic concerns. Mr. Anderson advised the board that the Starbucks was part of a different case and would have to be discussed with that case.

Mr. Cole Oliver, West Malabar Properties, LLC (representative for the request) was present.

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

Mr. Ronald Thompson (resident at Hield Road NW) spoke against the request. He stated that the subject site was developed in the 1960s with no onsite retention. Stormwater would be needed if additional structures were constructed under the new zoning. He felt that the property should be annexed with a lower commercial classification to lessen the impact on traffic.

Mr. Matthew Lane (resident at Anlow Road) spoke against the request. He wanted to know how the annexation would affect the wildlife on the site. He was also concerned with how any land clearing in the future might cause flooding onto his property.

Mr. John Zimak (resident at Studley Drive NW) spoke against the request. He stated that there were two lots north of the subject site and south of the Starbucks property that were never discussed. He commented that there was no stipulation to ensure the existing business on the property would remain the same.

Mr. Andreas Lekas (resident at Willard Road NW) spoke against the request. He commented on how the applicant had operated their business at the site without issue, and since there were no plans to change the business, the rezoning was not necessary.

Mr. Mike Kingery (resident at Hield Road NW) spoke against the request. He indicated how the subject site was being used to bring the north property into the City. Residents had fought against the north annexation for over 20 years, and this was how they were getting around the opposition.

Mr. Kevin Ward (resident at Andlow Road) stated that he resided in unincorporated Brevard County and received City utilities. It was possible for the applicant to remain in the County and receive City utilities.

Mr. Jared Cooper (contracted to purchase property at Hield Road NW) spoke against the request. He felt that the north property should be discussed with the subject request as they were interconnected. The request was a set-up for future changes that would negatively impact existing residents.

In response to the comments from the audience, Mr. Oliver stated that if the site did not have a retention pond, modern-day treatment standards would have to be met if the site was ever improved. He stated that the requested CC zoning district was equivalent to the Brevard County BU-1 zoning designation.

The floor was closed for public comments.

Motion to submit Case CPZ23-00007 to City Council for approval.

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

**Aye:** Jordan, Weinberg, Boerema, McLeod, Olszewski.

**Nay:** Good, Warner.

City Council will hear Case CPZ23-00007 on July 20, 2023.

8. **CP23-00010 - West Malabar Properties (Hield Road) - Cole Oliver, West Malabar Properties, LLC - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from RES 2 Residential 2 (Brevard County) to Commercial. Lots 1, 1.02, and 2 of Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 4.58 acres. Located west of adjacent to Minton Road, in the vicinity of Palm Bay Road NE**

Ms. Bernard presented the staff report for Case CP23-00010. Staff recommended Case CP23-00010 for approval.

Mr. Olszewski commented how there would be two separate annexations, land use, and rezoning requests at the July 20 City Council meeting. Ms. Barnard stated that this was correct.

Mr. Cole Oliver, West Malabar Properties, LLC (applicant) was present to answer questions.

Mr. Olszewski asked if the four properties would be combined into a single tax parcel. Mr. Oliver indicated that this was correct; however, there could be several platted commercial lots. City standards and identified traffic study requirements would be met.

The floor was opened for public comments, and there were six items of correspondence in the file in opposition to the request.

Ms. Sarah Lee (resident at Orange Drive) spoke against the request. She stated how difficult it was to exit onto Minton Road, and she had witnessed 14 illegal U-turns in a half hour with no police officers in the area. New apartments behind Publix had worsened the situation. It took her daughter 45 minutes to drive two miles down Minton Road. The proposed location was not a good place for a Starbucks.

Ms. Dana Smith (resident at Willard Road NW) spoke against the request. She wanted the small, quaint community to be left as it was with the deer, horse riders, and peacocks. She was concerned about Starbucks or another retail center bringing an undesirable element into the neighborhood. She questioned why the applicant was also the representative for the south adjacent property if the site had no connection.

Mr. Steve Gray (resident at Hield Road NW) spoke against the request. He stated that Starbucks would be a risk for a large amount of accidents. The majority of the residents were opposed to the proposal for the subject site and for the south adjacent property.

Mr. Sam Roig (resident at Hield Road) spoke against the request. He believed the applicant was trying to slip something through by annexing out of Brevard County and into Palm Bay. Area residents had beautiful homes and paid high taxes to live in a nice neighborhood with ranches and horses. The proposal was a monstrosity that would increase the traffic congestion and make it more difficult to exit the area. The traffic was even worse during the school season.

Ms. Debbie Boutin (resident at Hield Road NW) spoke against the request. She stated that the residents on Hield Road loved their homes, property, and the community, but businesses had been allowed into the neighborhood over the years. She remarked on the tanker trucks that entered the neighborhood and a motorcycle fatality that had occurred at the intersection of Hield Road and Minton Road.

Ms. Sandra Reed (resident at Emmaus Road NW) spoke against the request. She explained how past area residents had paid large assessments to have Hield Road paved so that emergency vehicles could safely access the neighborhood, but the Brevard County side of the road did not have a shoulder. She was concerned about

the Starbucks generating a large volume of traffic that could potentially impact emergency access into the neighborhood.

Ms. Michele Bermel (resident at Powell Road NW) spoke against the request. She stated that the illegal U-turns that occurred at Minton Road could be a revenue source for the City. She commented on the peacocks, indigo snakes, woodpeckers, and scrub jays in the area. Semi-trucks trucks were already a problem in the neighborhood. She suggested an access through the plaza behind Long Doggers as an access point instead of Hield Road.

Ms. Christine Stevens (resident at Willard Road NW) spoke against the request. She and her boyfriend had cashed in their life savings to move into their dream home. The small business on the south property did not need City water and sewer. Traffic was already an issue for the area, and she did not want the monstrosity that was being proposed to change the neighborhood and impact emergency access.

Ms. Michele Smith (resident at Hield Road NW) spoke against the request. She stated that timely access by emergency services would be significantly impacted by the proposal. The intersection was the only access into the community of over 250 homes, and seconds mattered during medical emergencies. There were no fire hydrants in the area so traffic any delay of the tanker trucks could be a catastrophic loss of property and life.

Mr. Harry Bermudez (resident at Bay Mare Lane NW) spoke against the request. Hield Road was in a residential neighborhood, so an alternative access point from Minton Road or through the Walgreen's property should be considered. Palm Bay Road and Minton Road traffic would exacerbate traffic issues, so the residential area should be kept separate from the commercial areas.

Mr. Ronald Thompson (resident at Hield Road NW) spoke against the request. He stated that the Transportation Element of the Comprehensive Plan was not being met as the needs of the residents were not being served. The neighborhood was being unduly penalized by traffic that serviced all of Palm Bay, Melbourne, and Interstate 95. He noted that there was no room for the required sidewalks.

Mr. Reed Evans (resident at Willard Road NW) spoke against the request. He described Hield Road as a two-lane road that let out into a four-lane road facing a school, the Publix shopping center, and the new apartment complex. The proposal for Starbucks and additional commercial buildings would shut down Hield Road. He noted that the three driveways planned for Starbucks were former driveways for residential homes. The proposal would cause more fatalities at the intersection.

Mr. Juan Delgado (resident at Willard Road NW) spoke against the request. He stated that as a former marine who worked emergencies, every second counted. He did his research to move into an area that was not overly populated. Safety continued to be a concern and he did not want road rage to occur because of traffic.

Mr. John Zimak (resident at Studley Drive NW) spoke against the request. He stated that consideration was not given to ingress/egress concerns for the property. He submitted photographs to the board to show traffic problems in the area. Delivery vehicles at the site would be an issue for area residents, and the entire proposal was unsuitable for the area.

Mr. John Connolly (resident at Hield Road NW) spoke against the request. He stated that the board should have been provided a plan for the project to make a good judgement about the proposal.

Mr. Michael Bramlett (resident at Hield Road) spoke against the request. He stated that the plan for the project was displayed at the Citizen Participation Plan meeting. He did not feel that changing the quietness of the area was fair.

Mr. Bill Battin (resident at Ocean Spray Street SW) stated that Starbucks was discussed at the Citizen Participation Plan meeting but was not included in any of the staff material. He stated that he supported commercial development since taxes were boosted so homeowners paid less. Traffic issues would be addressed at a later stage.

Mr. Robert Paduano (resident at Masters Road NW) spoke against the request. He indicated how he worked in a community health center. Congested traffic would make him 20 minutes late and affect his appointments and patients for the rest of the day.



Mr. Jared Cooper (contracted to purchase Hield Road NW property) spoke against the request. He stated that the three proposed commercial driveways would generate more traffic than the two existing residential driveways. A Starbucks could bring 50 to 100 cars into the area per hour. The proposed change from residential to commercial did not fit with the design of the area.

Mr. James Bermel (resident at Powell Road NW) spoke against the request. He commented on how vehicles attempting to turn around in the neighborhood had ended up in the ditches on the sides of the road. The problem would worsen with the project.

Mr. Michael Howell (resident at Hield Road NW) spoke against the request. He commented on how the applicant had a plan for the area but had not provided for discussion. Starbucks was known to have a line of vehicles backed up, and the traffic, safety, and quality of life were concerns that needed to be addressed. The project should be stopped now. He stated that the Hield Road area was a gem that could be lost.

In response to comments from the audience, Mr. Oliver stated that he was not opposed to providing sidewalks on Hield Road. A conceptual plan had been provided to the City and was shared at the Citizen Participation Plan meeting. He explained that Starbucks had submitted a letter of intent, but a lease could not be signed until approvals were in place.

The floor was closed for public comments.

Mr. Olszewski stated that a commercial use would be the best use of the subject site.

Motion by Mr. Olszewski to submit Case CP23-00010 to City Council for approval.

Ms. Jordan inquired whether a condition could be included that there would be no access off Hield Road. Mr. Anderson stated that the restriction could be placed on the zoning request. Mr. McLeod concurred that the condition would solve some of the issues and would be safer.

Motion to submit Case CP23-00010 to City Council for approval.

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

**Aye:** Jordan, Weinberg, Boerema, Olszewski.

**Nay:** Good, McLeod, Warner.

City Council will hear Case CP23-00010 on July 20, 2023.

9. **\*\*CPZ23-00006 - West Malabar Properties (Hield Road) - Cole Oliver, West Malabar Properties, LLC - A Zoning Amendment from RP, Residential Professional and AU, Agricultural Residential (Brevard County) to a CC, Community Commercial District. Lots 1, 1.02, and 2 of Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 4.58 acres. Located west of adjacent to Minton Road, in the vicinity of Palm Bay Road NE**

Ms. Bernard presented the staff report for Case CPZ23-00006. Staff recommended Case CPZ23-00006 for approval.

Mr. Cole Oliver, West Malabar Properties, LLC (applicant) was present.

Mr. Olszewski asked how the applicant felt about a condition to remove the ingress/egress from Hield Road NW. Mr. Oliver stated that functionally, the condition might cause the potential tenant to go elsewhere as they would prefer to have two main one-directional access points on Minton Road NW and one alternate two-way access off Hield Road to distribute the traffic on the site.

The floor was opened for public comments, and there were six items of correspondence in the file in opposition to the request.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He stated that annexing commercial property into the City would be a benefit to the tax base, and he supported the condition to restrict access off Hield Road.

Ms. Dana Smith (resident at Willard Road NW) spoke against the request. She questioned how the board could support a proposal that the majority of residents was against. She remarked how revenue could be gained by enforcing the ongoing traffic violations that impacted the neighborhood.

Ms. Michele Smith (resident at Hield Road NW) spoke against the request. She described how the proposal would cause traffic to bottleneck down Minton Road and at Hield Road. She asked the board to consider removing from the plan the residential agricultural lot that faced Hield Road.

Mr. Sam Roig (resident at Hield Road) spoke against the request. He remarked on how placing an access less than a thousand feet from a major intersection was unsafe. He was the tow truck driver for three fatalities that had occurred on Hield Road. The subject proposal would add to the problem.

Ms. Anna Paduano (resident at Masters Road NW) spoke against the request. She felt that any access off Minton Road was inadvisable based on the traffic that currently backed up on Minton Road during rush hour.

Mr. Juan Delgado (resident at Willard Road NW) spoke against the request. He supported a condition to eliminate the access off Hield Road. He commented on how traffic from the project would cause him to arrive late to work at the space center.

Mr. William Stevens (resident at Willard Road NW) spoke against the request. He stated how his school bus arrived an hour late at school every day because of traffic, and the proposal would worsen the situation. He saw car crashes at Hield Road and was afraid of what was going to happen in the future.

Mr. James Zimak (resident at Studley Drive NW) spoke against the request. He supported the removal of the Hield Road access; however, the applicant's description of a right-in and right-out driveway for Hield Road assumed that only the residents in the area would be using the access. He submitted to the board an example of cross traffic lanes that could be another access solution for the site. He noted that the existing driveways were narrow and not to code. One of the accesses was a dirt driveway and the other two were collapsing.

Mr. Jared Cooper (contracted to purchase property at Hield Road) spoke against the request. He stated that the elimination of Hield Road as an access point was a good compromise.

Mr. Kris Peeples (resident at Henley Road NW) spoke against the request. He stated that even with the removal of the Hield Road access, traffic from the project would still be a problem.

Mr. Michael Howell (resident at Hield Road NW) spoke against the request. He stated that it was shortsighted to change property from residential to commercial and suggested a professional commercial designation as a better option. He believed the applicant planned to level up to a higher commercial classification. Hield Road did not need to lose any more trees, green space, or habitat. He recommended the removal of the Hield Road access.

Ms. Linda Lundstedt (resident at Hield Road) spoke against the request. She stated her opposition to any access onto Hield Road.

Mr. Michael Williams (resident at Hield Road NW) spoke against the request. He stated that the project was not prepared for the existing traffic. Minton Road should be widened to fix the problem before allowing more businesses that would worsen the problem.

Ms. Tracy Powshok (resident at Anlow Road) spoke against the request. She indicated on the diagram from the Citizen Participation Plan meeting how the project included more than Starbucks, which meant that even more traffic would be generated. She noted that the plan did not show any road widening and there was no room to widen Hield Road or the dangerous intersection.

Ms. Christine Stevens (resident at Willard Road NW) spoke against the request. She suggested that the project route the traffic for the site through the Walgreens property where there was already a main intersection.

Mr. Anderson informed the board that the concept plan provided for the Citizen Participation Plan meeting had not been submitted in conjunction with the subject

application and had not been reviewed by staff. The board's recommendation must be based on the entitlements associated with the zoning district request at hand.

In response to the comments from the audience, Mr. Oliver clarified that the Minton Road driveway would be a full right-in/right-out access. A concession was made to provide land for Brevard County to widen and install new mast post lighting, and he had agreed to install sidewalks for the project. He explained that Walgreens was private property that could not be accessed as a secondary route without a cross access agreement.

The floor was closed for public comments.

Mr. Olszewski commented that the proposed commercial project would bring an improvement to the subject intersection, but an ingress/egress on Hield Road would not benefit the situation. The property would also be held to the City's review standards for future traffic plans.

Mr. Weinberg stated that he served on the advisory board for the Space Coast Transportation Planning Organization and he could not foresee any recommendation that would support an access off Hield Road.

Motion to submit Case CPZ23-00006 to City Council for approval subject to the condition that no ingress/egress be allowed on Hield Road NW.

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

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

City Council will hear Case CPZ23-00006 on July 20, 2023.

10. **T23-00006 - Accessory Structure - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.118, Accessory Structures, to amend and update standards for accessory structures**

Mr. White presented the staff report for Case T23-00006. Staff recommended Case T23-00006 for approval.

Mr. Olszewski wanted to know the direct benefit to a citizen desiring to build an accessory structure. Mr. White stated that contradictions in multiple areas had been addressed and a setback table was added as a convenience. He commented on how administrative variances would be eliminated for Rural Residential properties in excess of two acres if there was land to accommodate.

The floor was opened and closed for public comments; there were no comments from the audience.

Motion to submit Case T23-00006 to City Council for approval.

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

**Aye:** Jordan, Weinberg, Boerema, Good, McLeod, Olszewski, Warner

11. **T23-00009 - Minor Site Plans - City of Palm Bay (Growth Management Department - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.018, Site Plans, to amend the site plan review process and establish different levels of plan review**

Ms. Ramos presented the staff report for Case T23-00009. Staff recommended Case T23-00009 for approval.

The floor was opened and closed for public comments; there were no comments from the audience.

Motion to submit Case T23-00009 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, McLeod, Olszewski, Warner.

12. **T23-000016 - Outdoor Dining - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to establish Section 185.139, Outdoor Dining, to incorporate standards for outdoor dining**

Ms. Bernard presented the staff report for Case T23-00016. Staff recommended Case T23-00016 for approval.

Mr. Weinberg asked if the subject ordinance affected food trucks. Ms. Bernard stated that the subject amendment did not affect food trucks. The proposal was for restaurants that were permanent in nature.

Mr. Olszewski inquired whether there were currently restaurants with outdoor dining in the City and would those establishments be grandfathered in. Ms. Bernard confirmed that the few restaurants in the City with outdoor dining would be grandfathered in.

Mr. Bill Battin (resident at Ocean Spray Street SW) stated how the outdoor dining areas that were grandfathered in could have safety issues that might need to be addressed. Any emergency outdoor dining implemented during Covid should be terminated and made to reapply.

The floor was closed for public comments.

Mr. McLeod asked if there was a mechanism to review safety issues for any existing outdoor dining facilities. Ms. Bernard stated that the amendment only addressed new establishments; however, annual restaurant inspections were performed by the Fire Department.

Ms. Jordan inquired whether a permit was required for outdoor dining in the past. Ms. Bernard stated that previous outdoor dining was done as part of an approved site plan. The subject proposal provided parameters for outdoor dining within existing plazas.

Motion to submit Case T23-00016 to City Council for approval.

Mr. Weinberg stated that any outdoor dining that created a hazard would be a violation for the Code Compliance Division to address.

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

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

**OTHER BUSINESS:**

There was no other business discussed.

**ADJOURNMENT:**

The meeting was adjourned at approximately 9:30 p.m.

---

Leeta Jordan, CHAIRPERSON

Attest:

---

Chandra Powell, SECRETARY

\*\*Quasi-Judicial Proceeding