

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2023-09

Held on Tuesday, September 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. Randall Olszewski led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Leeta Jordan	Present
VICE CHAIRPERSON:	Philip Weinberg	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Robert Good	Absent (Excused)
MEMBER:	Jeffrey McLeod	Present
MEMBER:	Randall Olszewski	Present
MEMBER:	Rainer Warner	Absent (Excused)
NON-VOTING MEMBER:	David Karaffa	Absent
	(School Board Appointee)	

The absences were excused for Mr. Good and Mr. Warner.

CITY STAFF: Present were 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. Michael Rodriguez, Chief Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2023-08; August 2, 2023.

Motion to approve the minutes as presented.

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

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

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.
2. Ms. Jordan announced the request to continue New Business Item 1, Case CU23-00003, to the October 4, 2023 Planning and Zoning Board meeting. Board action was required to continue the case.

Motion to continue Case CU23-00003 to the October 4, 2023 Planning and Zoning Board meeting.

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

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

City Council will hear Case CU23-00003 on October 19, 2023.

3. Ms. Jordan announced that New Business Item 3, Case V23-00006, was continued to the October 4, 2023 Planning and Zoning Board meeting. No board action was required to continue the case.

OLD/UNFINISHED BUSINESS:

1. **CP23-00014 - Eldron Storage - KEW, LLC, Michael Erdman (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential and Commercial to Commercial. Tract I-3, Bayside Lakes Commercial Center**

Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, in the vicinity north of the intersection of Eldron Boulevard SE and Bayside Lakes Boulevard SE

Ms. Haigler presented the staff report for Case CP23-00014. Staff recommended Case CP23-00014 for approval.

Mr. Olszewski wanted to confirm that the subject site was properly advertised as west of Eldron Boulevard SE as the location in the staff report was described as east of Eldron Boulevard SE. Ms. Haigler indicated that the location was properly advertised.

Ms. Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law (representative for the applicant), provided the board with a conceptual plan for the subject site. She explained that a property split had been done for the overall site, and the subject request was only for the west 3.94 acres adjacent to the Devonwood Court SE cul-de-sac. A self-storage facility was the intended use of the property and would consist of six single-story buildings, an office, covered boat and RV storage, and mini-storage units. More details would be provided during a future Final Development Plan submittal. She stated how the area residents at the Citizen Participation Plan meeting had preferred the storage proposal than having 37 potential homes on the overall 7.5-acre site. Eldron Boulevard SE would be the only property access.

Mr. Weinberg inquired about the number of units planned for the facility and if the RV storage would have exterior access. Ms. Rezanka indicated that there were 205 individual storage units and 146 covered RV and boat units proposed. The facility would be interior access only, and the covered RV and boat storage would be placed in the middle of the site to block visibility.

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

Mr. Walter Krenisky (resident at Brightwater Drive SE) spoke against the request. He provided the board with photographs to show how the beautiful view from his

property would be affected by the removal of trees, and he was concerned about parking lot lighting.

Mr. Chris Baptist (resident at Devonwood Court SE) spoke against the request. He stated that the project could significantly block the nice view that the area residents had paid for. He did not want the tree line along the property edge to be torn apart, and he recommended a barrier between the commercial development and residential yards.

In response to the comments from the audience, Ms. Rezanka stated that the residential area would be buffered by approximately 86 feet, preserved trees, and landscaping. More project details would be provided during a future Final Development Plan submittal.

The floor was closed for public comments.

Motion by Mr. Weinberg to submit Case CP23-00014 to City Council for approval.

Mr. Weinberg noted that more clearing would have been necessary if the site was developed for single-family homes. Storage facilities produced very little traffic and would not be disruptive to the neighborhood.

A vote was called on the motion to submit Case CP23-00014 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.

NEW BUSINESS:

1. ****CU23-00003 – Emerson Plaza - Sunrise Plaza Enterprise, Inc., Nazim Ali, President, (Richard Franzblau, Esq., Rep.) - A Conditional Use to allow retail automotive gas/fuel sales in an NC, Neighborhood Commercial District, in accordance with Section 185.042(D)(1) of the Palm Bay Code of Ordinances. A portion of Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36,**

Brevard County, Florida, containing approximately 3 acres. Located at the southwest corner of Glencove Avenue NW and Emerson Drive NW

Continuance of Case CU23-00003 was discussed under Announcements, Item 2.

2. ****FD23-00007 - Chaparral Amenity Center - Chaparral Properties LLC, John Ryan (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) – A Final Development Plan to allow development of an Amenity Center for the Chaparral Planned Unit Development. A portion of Tax Parcel 750, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 6.66 acres. Located south of and adjacent to Abilene Drive SW, in the vicinity south of Malabar Road SW**

Mr. White presented the staff report for Case FD23-00007. Staff recommended Case FD23-00007 for approval.

Mr. Joseph Nagy, P.E., Construction Engineering Group, LLC (civil engineer and representative for the project) stated that the proposed amenity center would be for the overall 246-acre Chaparral development, and construction of the amenity center would occur with Phases IV and V.

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

Mr. Spencer Campbell (resident at Diablo Circle SW) inquired about liability fees being transferred to the residents.

The floor was closed for public comments.

Motion by Mr. Weinberg to submit Case FD23-00007 to City Council for approval.

Mr. Weinberg noted that amenity fees were typically paid through the homeowners' association.

A vote was called on the Motion to submit Case FD23-00007 to City Council for approval.

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

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

3. ****V23-00006 – CONTINUED TO 10/04 P&Z - River's Edge Mixed Use – Florida Institute of Technology, Robert King, President (David Bassford, P.E., MBV Engineering, Inc., Rep.) – A Variance to allow three proposed parking garage buildings to encroach 20 feet into the 20-foot front-yard setback for accessory structures, as established by Section 185.058(F)(8)(e) of the Palm Bay Code of Ordinances. A portion of Lots 6 and 10, Hopson's Subdivision, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 6.92 acres. Located west of and adjacent to Dixie Highway NE, in the vicinity of Anglers Drive NE, specifically at 4400 Dixie Highway NE**

Continuance of Case V23-00006 was discussed under Announcements, Item 3.

4. ****FS23-00007 – Timbers at Everlands Phase 1C - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) A Final Plat to allow for a proposed 77-lot single-family residential subdivision called Timbers at Everlands Phase 1C. A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 21.25 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW**

Ms. Bernard presented the staff report for Case FS23-00007. Staff recommended Case FS23-00007 for approval.

Ms. Ana Saunders, P.E., BSE Consultants, Inc. (representative for the applicant), stated that the subject request was an additional phase of the Timbers at Everlands development. Phases 1A and 1B were already recorded.

Mr. Olszewski wanted to know the age restriction for residents in the development, the number of lots that would be age restricted, and if the project was part of the development to the west. Ms. Saunders stated that the entire 840-lot development would be age restricted. There was no hardline on the age requirement, but the age

restriction for the community would likely be 55-plus. She explained that the project was separate from the west development.

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

Mr. James Flynn (resident at Early Drive NW) spoke against the request. He stated that St. Johns Heritage Parkway was like a parking lot in the mornings, especially with the high school traffic. He wanted to know how the additional traffic would be addressed.

Ms. Susan Connolly (resident at Dixie Highway NE) commented on the large phases that were allowed to occur for developments. She was pleased, however, that the subject development would be required to have City sewer.

In response to the comments from the audience, Ms. Saunders detailed the levels of approvals and requirements the project had met over time through the various development stages, and how the development was actively under construction. A traffic study that assessed the entire development area had been done and a proportionate fair share agreement was being finalized with the City Attorney. Some offsite related improvements included turn lanes along St. Johns Heritage Parkway NW at the main entrance and minor widening and turn lane improvements along Emerson Drive NW. She noted that the age-restricted community would have no additional impact on schools.

The floor was closed for public comments.

Mr. Olszewski stated how the project had already been approved and theoretically added to the City's traffic load. Although the impact of adding more traffic onto the St. Johns Heritage Parkway and the lack of fire services in the area continued to be a concern, the subject request was simply to plat the specific development phase.

Motion to submit Case FS23-00007 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.

5. ****FS23-00008 – Timbers at Everlands Phase 2 - DRP FL 6, LLC, Brian Clauson, Authorized Manager (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) A Final Plat to allow for a proposed 196-lot single-family and multiple-family residential subdivision called Timbers at Everlands Phase 2. A replat of a portion of Tract FD1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 107.05 acres. Located east of St. Johns Heritage Parkway NW and north of Pace Drive NW**

Ms. Bernard presented the staff report for Case FS23-00008. Staff recommended Case FS23-00008 for approval.

Mr. McLeod inquired about the completion dates for future Phases 3 and 4 of the development, and he wanted to know if the development included improvements to the St. Johns Heritage Parkway outside of providing turn lanes.

Ms. Ana Saunders, P.E., BSE Consultants, Inc. (representative for the applicant) stated that the construction timeline to complete the development in Phases 3 and 4 would likely occur in 2025, and the development had no additional improvements planned for the Parkway outside of adding turn lanes. A traffic analysis that encompassed the entire development had been reviewed by the City Engineer and had undergone multiple iterations before approval, which had locked in the allocated needs the particular project was required to meet.

The floor was opened for public comments.

Mr. James Flynn (resident at Early Drive NW) spoke against the request. He remarked on the massive amount of traffic that occurred each day at the intersection of St. Johns Heritage Parkway and Malabar Road when the high school let out. A traffic light was needed at the intersection, and the City should plan to have infrastructure in place before allowing projects to occur.

In response to the comments from the audience, Ms. Saunders stated that the development began over 20 years ago before the St. Johns Heritage Parkway was planned. Efforts on behalf of the development included a 200-foot right-of-way

donation to the Parkway. She explained that the Parkway would eventually be six-laned, and the City was pursuing other funding and improvement methods, including a traffic signal at the Malabar Road intersection.

The floor was closed for public comments.

Mr. Weinberg commented that the Space Coast Transportation Planning Organization was working on funding for widening the Parkway.

Motion to submit Case FS23-00008 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.

6. **T23-00023 – Fences and Walls - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.113, Types of Fences and Walls Permitted and Section 170.119, Fence and Wall Maintenance, to provide clear language on fence materials and maintenance**

Mr. White presented the staff report for Case TS23-00023. Staff recommended Case T23-00023 for approval.

Mr. Olszewski wanted staff to relay the need for quarterly or some other re-occurring pick-up day to dispose of fencing waste material.

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 T23-00023 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.

OTHER BUSINESS:

There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 6:44 p.m.

Leeta Jordan, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding