

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2024-02

Held on Wednesday, February 7, 2024, 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. Donald Boerema 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	Present
MEMBER:	Jeffrey McLeod	Present
MEMBER:	Randall Olszewski	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	VACANT (School Board Appointee)	

CITY STAFF: Present were Ms. Lisa Frazier, AICP, Growth Management Director; Ms. Tania Ramos, Principal Planner; Ms. Kimberly Haigler, Senior 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 2024-01; January 3, 2024.

Motion to approve the minutes as presented.

Motion by Mr. Weinberg, seconded by Mr. Warner. 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.
2. Ms. Jordan announced that Case CU23-00017, Valkaria/Babcock Street Gas Station, was not scheduled to be heard and notices would be resent with new meeting dates.
3. Ms. Frazier informed the board that Ms. Karen Black, AICP, Manager-Facilities Planning and Intergovernmental Coordination with Brevard Public Schools, was present to address any case questions related to public schools.

OLD/UNFINISHED BUSINESS:

1. **CP23-00020 - Palm Bay Suites & Residences - James Garbarsky, Palm Bay Development Group, LLC (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law / James P. McKnight, Reps.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial to Neighborhood Center. Tracts 1 and 8 of Palm Bay Colony Section 4 and Tracts 1 and 2 of Palm Bay Colony Section 1, all in Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 26.5 acres. Located west of and adjacent to Robert J. Conlan Boulevard NE**

Ms. Frazier presented the staff report for Case CP23-00020. Staff recommended Case CP23-00020 for denial based on the analysis provided.

Mr. Boerema questioned staff's recommendation of denial since the subject site was already commercial and located across from industrial land. Ms. Frazier explained that the applicant's intent to change the land use to Neighborhood Commercial and develop as multiple-family was inconsistent with the Comprehensive Plan.

Mr. McLeod remarked on how the hotel proposal was allowed under the current commercial designation. Ms. Frazier stated that the hotel was an appropriate use under the current and requested land use designations.

Mr. James Garbarsky, Palm Bay Development Group, LLC (applicant), gave a PowerPoint overview describing the longevity and residential real estate experience of ECIPSA Group, the managing company for the development.

Ms. Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law (representative for the applicant), provided the board with handouts of the proposed Preliminary Development Plan, Factors of Analysis Response, and Renesas Electronics America Business Corridor information as she continued with the PowerPoint presentation for the request. She informed the board that the former Growth Management Director had suggested Neighborhood Commercial as the appropriate land use for the proposed mixed-use development. She stated that the area was not a high-intensity industrial area. Low-density development surrounded the site, and the multiple-family use next to single-family would be more consistent and an appropriate step down in zoning between industrial, commercial, and the roadways. The protected 3.3 acres of wetlands on the west barrier of the parcels would act as a large natural buffer between the single-family residential area and the mixed-use project. The hotel would offer a 4,500 square-foot conference room, a 1,700 square-foot restaurant, and the capability of hosting events with over 500 people. The three proposed residential areas would have shared walkways and amenities. She stated that traffic calming devices would be put in place to alleviate existing residential concerns regarding traffic that cut through their roads. The hotel and apartments would generate approximately \$792,500 annually in tax revenue as well as impact fees. She reiterated the Factors of Analysis and how the project would provide adequate housing that was reasonably accessible to employment. She remarked on how staff's position that there was enough residential land use was from the data and not policy, objective, or a goal of the Comprehensive Plan since the need for a variety of housing opportunities was stated within the Comprehensive Plan. The project was in compliance, and the site was not within the Renesas Business Corridor.

Mr. Warner wanted to know what was considered adequate housing by the project. Ms. Rezanka explained that the housing was intended to be market rate with lower-rate housing set aside for first responders and policemen.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the hotel; however, there would not be enough parking spaces to accommodate events as the number of parking spaces and hotel rooms were the same.

Mr. Kevin Ryan (resident at Seagrape Street NE and member of the Palm Bay Colony Homeowners Association) stated that traffic was the main concern for the elderly mobile home park community. The mobile home park was constantly cut through by Lipscomb Street NE traffic to reach Robert J. Conlan Boulevard NE, and traffic control was needed. He said that the proposed four-story apartment buildings seemed excessive to the mobile home park residents and would look over into their backyards.

In response to the comments from the audience, Ms. Rezanka indicated the parking lot, fencing, wetlands, and berm that would buffer Palm Bay Colony from the apartment complex. The hotel was even further east. Traffic was anticipated along Robert J. Conlan Boulevard; however, the project had committed to installing signage or some other item to deter traffic from entering the mobile home park. She stated that over 40 residents had attended the Citizen Participation Plan meeting and were happy for the most part with the proposal.

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

Mr. Weinberg commented that the hotel use was allowed under the site's current land use and zoning district; the separation between the apartment buildings and Palm Bay Colony was extensive; and the nearest apartment building would have a north-south orientation that would block the view into the mobile home park. Robert J. Conlan Boulevard would be the obvious traffic route for the development. He stated that the land was vacant for years and would now be a good transition between the industrial area to the east and Palm Bay Colony.

Motion to submit Case CP23-00020 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. McLeod.

Mr. Good noted that during the workshops held for the Comprehensive Plan, residents had expressed concern about the loss of commercial land to multiple-family. He was opposed to the request.

Mr. McLeod concurred with Mr. Weinberg and was in support of the request.

Mr. Warner indicated that he was for the hotel. However, he had a problem with adequate housing at market rate later becoming housing that was no longer affordable to residents. He supported staff's recommendation of denial.

Mr. Boerema remarked on the need to take care of the present so that there would not be a need to make changes in the future. He was opposed to the request.

Mr. Olszewski commented on how he was against the Aqua apartments that was planned in the area with a commercial stipulation that had not been fulfilled. Residential at the subject site was not the best fit for continuing to grow a commercial presence. Kirby Circle NE was one of the only industrial areas in the City, and there had been safety concerns about the proximity to residential. He was opposed to the request.

A vote was called on the motion by Mr. Weinberg, seconded by Mr. McLeod to submit Case CP23-00020 to City Council for approval. Motion failed with members voting as follows:

Aye: Weinberg, McLeod.

Nay: Jordan, Boerema, Good, Olszewski, Warner.

Motion to submit Case CP23-00020 to City Council for denial.

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

Aye: Jordan, Boerema, Good, Olszewski, Warner.

Nay: Weinberg, McLeod.

Mr. Weinberg commented that the commercial land for the Aqua apartments and the subject site had both remained vacant for years because there was no interest in the properties.

City Council will hear Case CP23-00020 on March 7, 2024.

2. ****PD23-00008 - Palm Bay Suites & Residences - James Garbarsky, Palm Bay Development Group, LLC (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law / James P. McKnight, Reps.) - A Preliminary Development Plan for a proposed PUD to allow for a mixed-use subdivision containing a 100-room hotel and 294 multi-family units to be known as Palm Bay Suites & Residences. Tracts 1 and 8 of Palm Bay Colony Section 4 and Tracts 1 and 2 of Palm Bay Colony Section 1, all in Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 26.5 acres. Located west of and adjacent to Robert J. Conlan Boulevard NE**

Case PD23-00008 was considered a moot denial based on the denial of companion Case CP23-00020.

City Council will hear Case PD23-00008 on March 7, 2024.

3. ****PD23-00005 - Palm Bay Pointe West - Vishaal Gupta, Kimaya, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Preliminary Development Plan for a proposed PUD to allow for a commercial and multi-family subdivision to be known as Palm Bay Pointe West. Tax Parcels 1, 500, 4, 750, 751, and 5, along with Tracts SM-2 and OS1 of Waterstone Plat One P.U.D., all in Sections 3 and 4, Township 30, Range 37, Brevard County, Florida, containing approximately 84.75 acres. Located west of and adjacent to Babcock Street SE, north and south of St. John's Heritage Parkway**

Ms. Haigler presented the staff report for Case PD23-00005. Staff recommended Case PD23-00005 for approval subject to the staff comments contained in the staff report.

Mr. Jake Wise, P.E., Construction Engineering Group, LLC (civil engineer and representative for the applicant), stated that his presentation also encompassed Cases CP23-00012, FD23-00012, PD23-00007, and FD23-00010. He gave an electronic presentation to support the request for both Palm Bay Pointe East and West. The residential portion of the project had been before the board in the past and was currently under construction. The subject development was primarily commercial with a small multiple-family component. There was no longer a trend for big box stores; however, Kimaya LLC was very successful in developing high-end, attractive market rate apartments. The proposed apartments would also be a walkable, live, work, and play community to support the commercial. The Publix under construction in the area was supportive of the project. He indicated the development's 159 acres of commercial land that was needed for the multiple-family component to be successful. At City Council's direction, the frontage along the north side of St. Johns Heritage Parkway was transitioning from part of the apartment project and to commercial development. Traffic would be reduced by 96 percent with the change to the less intense and greener project.

Mr. James McKnight (land planner for the applicant) continued with the electronic presentation and described how the subject proposal was a logical step down in zoning to create a transitional buffer between the single-family residential area to the west and commercial to the east. The project met the need for additional residential units and would be in excess commercially to the east Emerald Lakes development. The occupancy rate in Palm Bay for multiple-family communities was above 95 percent, which validated the need for additional housing options such as the mixed-use proposal to jump start additional commercial development.

Ms. Susan Hall (landscape architect for the applicant) continued with the electronic presentation that detailed the enhanced landscaping proposed for the development. The landscaping went above and beyond to become good neighbors to the west residents by laying the groundwork for a long-term and effective landscape buffer by incorporating neighborhood concerns. There would be a minimum of 178 trees

between 14 feet to 18 feet high planted on a 4-foot-high berm. In addition to the 6-foot high opaque fence, there would be a diverse and dense buffer of a variety of trees and bamboo planted for privacy.

Mr. Jeremy Gorovitz (commercial developer for the project) continued with the electronic presentation by giving a brief overview of the development's three-year progression. The project was meant to serve the neighborhood and was a culmination of feedback between staff, City Council, homeowners, engineers, architects, and other development professionals to bring commercial into the area. The project had been compared to other master planned developments in Palm Bay and a commissioned study by Fishkind Economic & Fiscal Services had determined that based on the current economic environment, the amount of commercial land developed in the area could not be absorbed. The neighboring Emerald Lakes and Ashton Park developments had premier locations off the Interstate, whereas the subject location would require a walkable component. The project represented well over a quarter of \$1 billion investment in Palm Bay that included the design and funding of underground water and sewer lines, relocation of electrical lines below ground, and water and sewer line extensions down St. Johns Heritage Parkway to Emerald Lakes and Ashton Park. He concluded with how commercial development followed residential rooftops.

Mr. Warner asked how the development was creating jobs for residents. Mr. Gorovitz stated that healthcare workers were being targeted for a medical community, and there would be opportunities for restaurant, retail, hotel, and conference space workers.

Mr. Olszewski questioned how much of the shared information was dependent upon the Emerald Lakes and Ashton Park developments. He wanted to ensure that there was expandability in commercial uses if the neighboring projects did not occur. Mr. Gorovitz assured the board that the subject proposal was an independent project that would function separate from the neighboring developments in infrastructure and tenancy. It was his responsibility to bring tenants to the subject site. Big box stores might eventually be enticed to the area, but the property was over a mile from the interstate where big box stores were typically located.

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

Mr. Christopher Garrod (resident at Foggy Mist Road SE) spoke against the request. He stated that no one had mentioned the east residential area that would be impacted by the development. He had no problem with the commercial aspect of the project; however, apartments would bring too much density to the small area. Commercial uses focused upon a quarter mile radius was not capturing all homes in the area.

Mr. Robert Cook (resident at Middlebury Drive SE) spoke against the request. He was concerned about the traffic on Babcock Street and how the nearest fire station was four miles away without the appropriate fire truck. The morning school traffic was already a problem for the area, he was opposed to increasing a 100 square-foot building to 230 square feet. He wanted a forest of trees planted as his view would be blocked by a 50-foot-high building. He stated that there should be compromise to allow the City to receive its millions and infrastructure without creating an eyesore.

Ms. Stacy Roy (resident at Middlebury Drive SE) spoke against the request. She wanted a good transition between the back of the commercial building and existing residential homes, and four-story buildings seemed excessive. She wanted to know what would be done to protect the Courtyards at Waterstone as a gated community.

Mr. John Magee (resident at Thornwood Drive SE) stated how thousands of homes were continually being built in the vicinity with no commercial businesses, so outside traffic crowded into Bayside Lakes for services. A need for emergency services should also be taken into account for the proposed development.

Mr. Tim Thompson (resident at Foggy Mist Road SE) inquired if there were plans for fire and police stations that were desperately needed in the area. School capacity would also be increased, and school bus delays were already a problem.

Mr. Bill Battin (resident at Ocean Spray Street SW) commented that there was an agreement between the City and Brevard County to use generated impact fees in the area over a period of time for the establishment of St. Johns Heritage Parkway

at the Interchange. He stated that the City did not have to be developed overnight. Land that could eventually be developed commercially should not be lost.

In response to the comments from the audience, Mr. Wise stated that he had met with the president of the homeowners association and residents on both sides of Babcock Street for the past 15 years, and that two Citizen Participation Plan meetings had been held for the subject request. The landscape buffer, as presented, would be above and beyond requirements with a forested look, and trees would possibly be planted and maintained around the existing pond for The Courtyards at Waterstone. He stated that meetings with the City had been ongoing for five years regarding a combined fire and police station and a utility tank site for the City and region. Traffic at Mara Loma Boulevard SE and Babcock Street SE was a problem and a traffic signal would soon be installed. The design of the project as a walkable community to live, work, and play would also reduce traffic. He indicated the location in the development where a charter school was planned, and an additional site that was under discussion with the Brevard County School Board.

Mr. Gorovitz commented on how a commercial development on the acreage would have been an eyesore with trash collection and loading docks.

The floor was closed for public comments.

Mr. Warner questioned what limited the multiple-family use to just 27 acres in the development. Mr. Wise explained that the City Council had denied the prior application that included more multiple-family. The commercial area was increased by 11.5 acres and the apartment area was reduced to the 27-acre site. He believed the multiple-family development would be the catalyst to make the commercial successful. He said that potential commercial tenants were excited about the apartments.

Ms. Frazier informed the board that Old/Unfinished Business Item 5, Case CP23-00012, must be considered prior to board action being taken on Cases PD23-00005 and FD23-00012, Items 3 and 4 under Old/Unfinished Business. Case CP23-00012 was heard at this time.

5. **CP23-00012 - Palm Bay Pointe West - Vishaal Gupta, Kimaya, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial, Low Density Residential, and High Density Residential to Neighborhood Center. Tax Parcels 751 and 1 of Sections 3 and 4, Township 30, Range 37, Brevard County, Florida, containing approximately 28 acres. Located in the vicinity of the northwest corner of Babcock Street SE and St. Johns Heritage Parkway SE**

Ms. Haigler presented the staff report for Case CP23-00012. Staff recommended Case CP23-00012 for approval.

Mr. Jake Wise, P.E., Construction Engineering Group (representative for the applicant), asked that the presentation given under Case PD23-00005 be made part of the subject record. Ms. Jordan stated that the comments and presentation under Case PD23-00005 would be added to the subject case.

The floor was opened and closed for public comments; there were no additional comments from the audience, and there was one item of correspondence against the request in the file.

Motion to submit Case CP23-00012 to City Council for denial.

Motion by Mr. Good. Motion failed for lack of a second.

Mr. Weinberg commented that the City Council was against changing any commercial property; however, there was a struggle to find companies willing to develop commercially. The land use amendment would allow for a mixture of uses, maintain the commercial along Babcock Street, and transition from all the single-family housing to a booming area.

Motion to submit Case CP23-00012 to City Council for approval.

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

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

Nay: Good, Warner.

City Council will hear Case CP23-00012 on March 7, 2024.

The order of business as shown on the agenda resumed with Old/Unfinished Business Item 3, PD23-00005.

3. ****PD23-00005 - Palm Bay Pointe West - Vishaal Gupta, Kimaya, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Preliminary Development Plan for a proposed PUD to allow for a commercial and multi-family subdivision to be known as Palm Bay Pointe West. Tax Parcels 1, 500, 4, 750, 751, and 5, along with Tracts SM-2 and OS1 of Waterstone Plat One P.U.D., all in Sections 3 and 4, Township 30, Range 37, Brevard County, Florida, containing approximately 84.75 acres. Located west of and adjacent to Babcock Street SE, north and south of St. John's Heritage Parkway**

Discussion of Case PD23-00005 commenced following Item 2 under Old/Unfinished Business and resumed at this time.

Motion to submit Case PD23-00005 to City Council for approval.

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

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

Nay: Good, Warner.

City Council will hear Case PD23-00005 on March 7, 2024.

4. ****FD23-00012 - Palm Bay Pointe West - Vishaal Gupta, Kimaya, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Final Development Plan for a proposed PUD to allow for a commercial and multi-family subdivision to be known as Palm Bay Pointe West. Tax Parcels 1, 500, 4, 750, 751, and 5, along with Tracts SM-2 and OS1 of Waterstone Plat One P.U.D., all in Sections 3 and 4, Township 30, Range 37, Brevard County, Florida, containing approximately 84.75 acres. Located west of and adjacent to Babcock Street SE, north and south of St. John's Heritage Parkway**

Ms. Kimberly Haigler prepared Case FD23-00012. Staff recommended Case FD23-00012 for approval subject to the staff comments contained in the staff report.

Mr. Olszewski asked if the preliminary and final development plans were the same. Ms. Frazier stated that this was correct.

Mr. Jake Wise, P.E., Construction Engineering Group (representative for the applicant), asked that the presentation given under Case PD23-00005 be made part of the subject record. Ms. Jordan stated that the comments and presentation under Case PD23-00005 would be added to the subject case.

The floor was opened for public comments.

Mr. Christopher Garrod (resident at Foggy Mist Road SE) wanted to know what was planned for Babcock Street SE due to the large number of homes and commercial development planned for the area.

In response to the comment from the audience, Mr. Weinberg stated that he was chairman of the Citizens Advisory Committee of the Space Coast Transportation Planning Organization and that a Preliminary Development & Environmental Study had been completed to widen Babcock Street; however, the funding and different widening alternatives had not been finalized and it would be a long process. Mr. Wise added that there was an ongoing City project for intersection improvements at Babcock Street and St. Johns Heritage Parkway. An updated traffic study was also being prepared for the development.

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

Motion to submit Case FD23-00012 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.

Nay: Good, Warner.

City Council will hear Case FD23-00012 on March 7, 2024.

5. **CP23-00012 - Palm Bay Pointe West - Vishaal Gupta, Kimaya, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial, Low Density Residential, and High Density Residential to Neighborhood Center. Tax Parcels 751 and 1 of Sections 3 and 4, Township 30, Range 37, Brevard County, Florida, containing approximately 28 acres. Located in the vicinity of the northwest corner of Babcock Street SE and St. Johns Heritage Parkway SE**

Case CP23-00012 was discussed under Old/Unfinished Business prior to board action being taken on Cases PD23-00005 and FD23-00012, Items 3 and 4 under Old/Unfinished Business.

6. ****PD23-00007 - Palm Bay Pointe East - Vishaal Gupta, Kimaya, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Preliminary Development Plan for a proposed PUD to allow for a commercial subdivision to be known as Palm Bay Pointe East. Portions of Lots 12 through 21, Cape Kennedy Groves Unit 9, Section 10, Township 30, Range 37 along with portions of Tracts 500, 501, and 752, Section 3, Township 30, Range 37, Brevard County, Florida, containing approximately 42.95 acres. Located east of and adjacent to Babcock Street SE, north and south of St. Johns Heritage Parkway SE**

Ms. Ramos presented the staff report for Case PD23-00007. Staff recommended Case PD23-00007 for approval.

Mr. Jake Wise, P.E., Construction Engineering Group (representative for the applicant), asked that the presentation given under Case PD23-00005 be made part of the subject record. He stated that the subject site would remain fully commercial.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. The development would rightly keep commercial at the intersection. He wanted to know if there was any potential tenants for the commercial properties.

In response to the comments from the audience, Mr. Jeremy Gorovitz (commercial developer for the project) stated that there had been contact with groups that had expressed mild interest in the project and he would follow up.

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

Mr. Weinberg stated that the 43 commercial acres was in a great location and should please City Council.

Motion to submit Case PD23-00007 to City Council for approval.

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

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

City Council will hear Case PD23-00007 on March 7, 2024.

7. ****FD23-00010 - Palm Bay Pointe East - Vishaal Gupta, Kimaya, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Final Development Plan for a proposed PUD to allow for a commercial subdivision to be known as Palm Bay Pointe East. Portions of Lots 12 through 21, Cape Kennedy Groves Unit 9, Section 10, Township 30, Range 37 along with portions of Tracts 500, 501,**

and 752, Section 3, Township 30, Range 37, Brevard County, Florida, containing approximately 42.95 acres. Located east of and adjacent to Babcock Street SE, north and south of St. Johns Heritage Parkway SE

Ms. Ramos presented the staff report for Case FD23-00010. Staff recommended Case FD23-00010 for approval.

Mr. Jake Wise, P.E., Construction Engineering Group (representative for the applicant), asked that the presentation given under Case PD23-00005 be made part of the subject record.

Mr. Warner asked if the subject development would be fully commercial. Mr. Wise indicated that this was correct.

The floor was opened and closed for public comments; there were no comments from the audience, and there were two items of correspondence in the file in opposition to the request.

Motion to submit Case FD23-00010 to City Council for approval.

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

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

City Council will hear Case FD23-00010 on March 7, 2024.

The meeting resumed after a five-minute recess.

NEW BUSINESS:

1. ****FS23-00013 - Timbers at Everlands Phase 3 - DRP FL 6, LLC, Brian Clauson (BSE Consultants, Inc., Rep.) - A Final Subdivision Plat to allow for a proposed 210-lot single-family residential subdivision to be called Timbers at Everlands Phase 3. A Portion of Tract FD.1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately**

63.48 acres. Located in the vicinity east of St. Johns Heritage Parkway NW, north of and adjacent to Pace Drive NW

Ms. Haigler presented the staff report for Case FS23-00013. Staff recommended Case FS23-00013 for approval, subject to the staff comments contained in the staff report.

Mr. Good remarked that there had been no change since the PUD approval in 2022. Ms. Haigler stated that this was correct.

Ms. Ana Saunders, P.E., BSE Consultants, Inc. (representative for the applicant), reiterated that there was no change to the project since the PUD final development plan approval. She noted that Phase 3 was the southeast quadrant located along Pace Drive NW, and that the stormwater infrastructure was currently in place. She was in agreement with all staff recommendations and planned to submit the bond for the project to the City on Friday.

Mr. Olszewski asked if the entire site was an age-restricted community. Ms. Saunders confirmed that all four phases of the 840-lot development was an age-restricted, 55-plus community.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) inquired whether there would be mail kiosks or individual mailboxes for the community.

In response to the comment from the audience, Ms. Saunders stated that a centralized mail system would be located at the amenity center under Phase 2.

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

Mr. Weinberg commented that the project was essentially the same as the preliminary subdivision approved a couple of years ago.

Motion to submit Case FS23-00013 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.

2. ****FS23-00014 - Timbers at Everlands Phase 4 - DRP FL 6, LLC, Brian Clauson (BSE Consultants, Inc., Rep.) - A Final Subdivision Plat to allow for a proposed residential subdivision with 96 duplex units and 154 townhome units to be called Timbers at Everlands Phase 4. A Portion of Tract FD.1, Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 58.91 acres. Located east of and adjacent to St. Johns Heritage Parkway NW, in the vicinity south of Emerson Drive NW**

Ms. Haigler presented the staff report for Case FS23-00014. Staff recommended Case FS23-00014 for approval, subject to the staff comments contained in the staff report.

Ms. Ana Saunders, P.E., BSE Consultants, Inc. (representative for the applicant), stated that Phase 4 was the final phase of the development for the age-restricted community. The subject development was located at the north end of the community, south of Emerson Drive NW and was the multiple-family component of the development with a combination of villas, four-plex units, and six-plex units. She hoped to submit the bond for the project prior to the City Council hearing.

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

Motion to submit Case FS23-00014 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. **T24-00001 - Accessory Uses and Structures – 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, for modifications to address applicable changes to the code**

Ms. Frazier presented the staff report for Case T24-00001. Staff recommended Case T24-00001 for approval.

Mr. Good asked whether existing structures were grandfathered in. Ms. Frazier confirmed that metal structures existing prior to the code change were grandfathered in.

Mr. Olszewski wanted to know the intent of the added 10-foot setback language. He had a problem with variances that would allow swimming pools within 6-feet of a property line, but sheds had to remain within 10 feet. Mr. Rodriguez explained that the 10-foot setback language would allow a shed to sit farther back in a rear yard than the primary home. Each variance request was considered on a case-by-case basis and had to meet issuance standards for variances. Ms. Frazier added that a hardship must be identified for variances, and vacating of an easement might also be necessary.

Mr. Olszewski disclosed that he was contacted by a citizen concerned that the amendment was restricting the use of the subject structures. He asked if the amendment would restrict the allowance of a mother-in-law suite or a business office in the structures. Mr. Rodriguez stated that mother-in-law suites were handled in the code under accessory dwelling units. The office use might be allowed by interpretation of state statute, but it would structurally need to meet the subject setbacks. He explained that the Land Development Code requirements must still meet be met by accessory structures.

Ms. Jordan disclosed that she received an email regarding the subject case.

The floor was opened for public comments.

Mr. Roy Young (resident at Jupiter Boulevard NW) spoke in favor of the request. He had a permit waiting on the outcome of the subject amendment that would allow him to have a 1,200 square-foot garage. He noted that the code currently restricted metal accessory structures to 300 square feet, so he was without a garage and the space to park or work on vehicles.

Mr. Bill Battin (resident at Ocean Spray Street SW) commented on how an accessory structure could not be placed on adjacent lots that were not married, and that rural residential areas allowed larger sized structures.

Mr. Warner asked if the size of land was a consideration for the structures. Ms. Frazier stated that metal structures would be allowed in all residential zoning districts as long as the setbacks could be met.

Mr. Boerema inquired whether lots had to be married to allow an accessory structure. He asked about Mr. Young's delayed permit and if the amendment would help his situation. Ms. Frazier stated that applicants were asked to join lots, and the lots could be split in future if necessary. Mr. Young was denied a permit because his metal structure was larger than currently allowed by code. The proposed amendment would reimplement prior code requirements for the metal structures and allow Mr. Young to proceed with his accessory structure.

Motion to submit Case T24-00001 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

OTHER BUSINESS:

1. There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 8:57 p.m.

Leeta Jordan, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding