

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2024-01

Held on Wednesday, January 3, 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. Rainer Warner 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:	Randall Olszewski	Present
MEMBER:	Rainer Warner	Present
MEMBER:	Jeff McLeod	Present
NON-VOTING MEMBER:	David Karaffa (School Board Appointee)	Absent

CITY STAFF: Present were Ms. Lisa Frazier, AICP, Growth Management Director; Ms. Tania Ramos, Principal Planner; Ms. Kimberly Haigler, Senior Planner; Ms. Carol Gerundo, Recording Secretary; Mr. Michael Rodriguez, Chief Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2023-12; December 6, 2023.

Motion to approve the minutes as presented.

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

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

ANNOUNCEMENTS:

1. Ms. Jordan announced Planning and Zoning Board meeting procedures under New Business, Item 1.
2. Ms. Jordan announced the request to continue Case CU23-00017, Valkaria Gas Convenience, would not be heard at the meeting. Notices would be sent with the new meeting date. No board action was required to continue the case.
3. Ms. Jordan announced the request to continue New Business Item 3, Case CP23-00020, to the February 7, 2024, Planning and Zoning Board meeting. Board action was required to continue the case.

Motion to continue Case CP23-00020 to the February 7, 2024, Planning and Zoning Board Meeting.

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

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

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

4. Ms. Jordan announced the request to continue New Business Item 4, Case PD23-00008, to the February 7, 2024, Planning and Zoning Board meeting. Board action was required to continue the case.

Motion to continue Case PD23-00008 to the February 7, 2024, Planning and Zoning Board Meeting.

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

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

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

5. Ms. Jordan announced the request to continue New Business Item 5, Case PD23-00005, to the February 7, 2024, Planning and Zoning Board meeting. Board action was required to continue the case.

Motion to continue Case PD23-00005 to the February 7, 2024, Planning and Zoning Board Meeting.

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

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

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

6. Ms. Jordan announced the request to continue New Business Item 6, Case FD23-00012, to the February 7, 2024, Planning and Zoning Board meeting. Board action was required to continue the case.

Motion to continue Case FD23-00012 to the February 7, 2023, Planning and Zoning Board Meeting.

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

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

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

7. Ms. Jordan announced the request to continue New Business Item 7, Case CP23-00012, to the February 7, 2024, Planning and Zoning Board meeting. Board action was required to continue the case.

Motion to continue Case CP23-00012 to the February 7, 2023, Planning and Zoning Board Meeting.

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

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

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

8. Ms. Jordan announced the request to continue New Business Item 8, Case PD23-00007, to the February 7, 2024, Planning and Zoning Board meeting. Board action was required to continue the case.

Motion to continue Case PD23-00007 to the February 7, 2024, Planning and Zoning Board Meeting.

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

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

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

9. Ms. Jordan announced the request to continue New Business Item 9, Case FD23-00010, to the February 7, 2024, Planning and Zoning Board meeting. Board action was required to continue the case.

Motion to continue Case FD23-00010 to the February 7, 2024, Planning and Zoning Board Meeting.

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

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

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

NEW BUSINESS:

- 1. **FD23-00008 - Bramblewood Townhomes - JWH Holdings, LLC, Chaoyi Wang, President (Kimley-Horn & Associates, Inc. / Rainer Richter, Innovative Nationwide Builders, Inc., Reps.) - A Final Development Plan for a proposed PUD to allow for a 126-unit townhome subdivision to be known as Bramblewood Townhomes. Tract I-6, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 20.02 acres. Located east of and adjacent to Bramblewood Circle SE, south of Bayside Lakes Boulevard SE**

Ms. Ramos presented the staff report for Case FD23-00008. Case FD23-00008 was in alignment with the Comprehensive Plan, met the minimum criteria for a Final Development Plan request, and was recommended by staff for approval.

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.

The board resumed consideration of items in the order that was set by the agenda.

Mr. Olszewski requested clarification on the current future land use, zoning, and potential densities for the request. Ms. Ramos clarified that the current future land use designation was high density residential, permitting up to 20 units per acre. Additionally, she mentioned that the current zoning was planned unit development.

Mr. Warner inquired whether the property had changed ownership. Ms. Ramos indicated that the property had changed ownership since 2006.

Mr. Good referred to a previous community meeting held during the initial approval of the final development plan. He asked whether a new meeting had been arranged with the community to discuss the changes and gather feedback on the subject request. Staff replied that a new Citizen Participation meeting was held.

Mr. Kiel Causby, P.E., Kimley-Horn & Associates, Inc. (representative for the applicant), noted that the current land use designation was high density residential,

permitting up to 20 units per acre, whereas the subject request proposed 6.3 units per acre. Following input from the community and homeowners association, modifications to the plan were made, and included the substitution of a pedestrian park for the initially proposed dog park, enhanced stormwater pond with a dock, and architectural and signage adjustments. Mr. Causby pointed out that Mr. Jonathan Bell, Senior Vice President, INB Homes, and Mr. Alex Memering, P.E., Kimley-Horn (Traffic Engineer) were also present to answer questions.

Mr. McLeod inquired about plans for sufficient parking given the increased number of units. Mr. Causby explained that the driveways were 16 feet long, with some longer, and noted that an additional 9 spaces were allocated to the recreation area. Mr. Causby clarified that parking was also available in garages and driveways and mentioned that parking provisions met the city's requirements. Mr. McLeod remarked on the trend of adult children returning to live with their parents, noting the multiple cars in driveways across Palm Bay.

Mr. Olszewski inquired about a letter submitted by INB Homes included in the board packet among other citizen letters. The letter highlighted concerns about the financial viability of 92 units, elaborating on how the proposed request underwent changes when considering 126 units. In the letter, it was conveyed that 92 units might be viable with a voucher, and the concept of affordable housing was mentioned. Mr. Olszewski sought clarification on whether the process was ever pursued, and if not, the rationale behind referencing the term "affordable housing".

Mr. Jonathan Bell, Senior Vice President, INB Homes, stated that upon reviewing the property, three options were considered due to its existing land use, and future land use designation that allowed for 20 units per acre on the slightly over 20-acre property. He mentioned the potential to build up to 400 apartments. The first option was to explore the feasibility of the existing approval of 92 units, which seemed like a straightforward approach for a quick commencement. Mr. Bell noted that the sellers' asking price for the property made it difficult to align the numbers effectively. The second option was evaluating the financial feasibility at 92 units, by applying INB Homes' experience with low-income housing projects, including 4% tax credit deals and 9% bond deals. The underwriting proved viable, but it wasn't optimal for the property's location. The third option considered was to increase the townhomes

to 126 units and transform them into luxury townhomes for sale with a dedicated homeowners association. It was believed that this option would best complement the neighborhood.

Mr. Olszewski wanted to further understand why the original concept of 92 luxury townhomes was not feasible in today's real estate market.

Mr. Bell stated that the financial analysis suggested a potential loss of \$2 million dollars in attempting to develop the 92 luxury townhomes. Despite efforts through analysis, various approaches in the spreadsheet, the endeavor to make 92 units financially viable proved challenging. The simplicity of working with the already approved 92 units was sought, yet practical feasibility remained elusive due to financial considerations and constraints.

Mr. Olszewski remarked that he had reservations about the casual use and inclusion of the term "affordable housing" in the letter, deeming it inappropriate. Mr. Bell acknowledged the reservations and clarified that there was no intention behind the use of the term "affordable housing".

Mr. Bell mentioned that the architectural changes, signage modifications, landscaping plans, elevation adjustments, roof pitch alterations, and modifications to the entrance signage were submitted to and approved by the Bayside Lakes Commercial Homeowners Association.

The floor was opened for public comments, and there were 11 items of correspondence in the file in opposition to the request as well as correspondence from the applicant's representative in response to residents' concerns and accommodations.

Ms. Jordan announced that a PowerPoint Presentation would be given by the Bayside Lakes Community.

Mr. Mario Zinna (resident at Thornwood Drive SE) spoke against the request. Mr. Zinna by way of the Bayside Lakes Community PowerPoint presentation, informed the board that residents of the Bayside Lakes Community were in attendance to voice concerns and objections to the proposed development, Bramblewood

Townhomes. Five critical components of City Code 185.005 that had a direct impact on the proposed townhome development were highlighted.

Mr. Peter Mullings (resident at Breckenridge Circle SE) spoke against the request. Mr. Mullings, by way of the Bayside Lakes Community PowerPoint presentation, stated that the higher number of townhomes would lead to increased population and traffic, potentially leading to congestion and safety hazards in the single-entry and single-exit community. He emphasized the importance of City Management pursuing controlled growth.

Mr. John Magee (resident at Thornwood Drive SE) spoke against the request. Mr. Magee, by way of the Bayside Lakes Community PowerPoint presentation, expressed concern that increasing the number of townhomes from the original 92 to 126 would lead to overcrowding and strain community resources and public spaces. It was noted that the community pool, clubhouse, parking and other facilities were already shared by the 16 communities within Bayside Lakes.

Mr. Gary Halfhide (resident at Thornwood Drive SE) spoke against the request. Mr. Halfhide, by way of the Bayside Lakes Community PowerPoint presentation, raised concerns about inconsistent architecture and design in the proposed townhomes, highlighting a misalignment with the existing aesthetic of the community. He stated that the proposed development would disrupt the community character and potentially impact property values in Bayside Lakes. Mr. Halfhide asserted that based on the City of Palm Bay's Code 185.005, the requested increase in units and building designs must not be approved.

Mr. Roy Nyquist (resident at Devlin Court SE) spoke against the request. He expressed concerns about traffic impacts and school capacity. Additionally, he sought information on the price point of the proposed townhomes.

Mr. Paul Galbreath (resident at Lingen Avenue, NW) commented on school capacity determinations for incoming developments, noting that all reference overflow capacity. He inquired whether these determinations considered the broader perspective, and expressed concern that given the various competing projects, there may not be enough room.

Mr. Chris Garrod (resident at Foggy Mist Road, SE) spoke against the request. He raised concerns about parking in the proposed development of 126 townhome units, highlighting the presence of only one-car garages and nine overflow parking spaces.

Ms. Anne Davis (resident at Ridgemont Circle, SE) expressed concerns about the increase in density, reduction in lot size, potential for decline in property values, and inquired whether the city conducted a traffic study. She urged the board to consider a strategic goal and evaluate all projects comprehensively, considering the significance of those who had established the area as their homestead.

Mr. Bruce Plourde (resident at Ridgemont Circle SE) suggested that comments about congestion on Bramblewood Circle could have been addressed by having an entrance to the new community off Bayside Lakes Boulevard instead of Bramblewood. He acknowledged potential restrictions on having two entrances in proximity, and suggested that if such restrictions existed, a waiver be considered.

Ms. Jeanine Nolan (resident at Breckenridge Circle SE) raised concerns about school capacity and children being bused, emphasizing the need to address accommodation challenges and safety concerns for children accessing communities by bus. Ms. Nolan also inquired about the opportunity for an additional entrance.

Ms. Ann Jevne (resident at Morning Cove Circle SE) spoke against the request. She voiced concerns regarding school capacity, traffic, and the safety of children. Ms. Jevne expressed a preference for the development to remain at 92 townhomes.

Mr. Richard Graves (resident at Gardendale Circle SE) spoke against the request. He voiced concerns about parking in the proposed development of 126 townhome units, highlighting the presence of only one-car garages and nine overflow parking spaces.

Mr. Bill Battin (resident at Ocean Spray Street, SW) pointed out that the original plan was approved for 92 units and suggested that maintaining that density would be a straightforward option. He noted that parking regulations could be implemented by the homeowners association and urged for a broader perspective to be taken, considering not only the immediate impact but also the total development area in terms of traffic and school capacity studies. He emphasized that the community's

purpose should prioritize residents' enjoyment rather than solely focusing on the developer's profit.

Mr. Charles Zotto (resident at Windbrook Drive SE) spoke against the request. He expressed concerns about traffic congestion in the Bramblewood Circle area.

Ms. Pat Dalpra (resident at Georges Street, NE) spoke against the request. She expressed her frustration with driving in backed-up traffic throughout the city every day. She emphasized the need to consider the whole picture, looking beyond the impact on one neighborhood.

In response to the comments from the audience, Mr. Causby, P.E., Kimley-Horn & Associates, Inc. (representative for the applicant), stated that regarding parking, there were 9 excess spaces, bringing the total to 261 provided parking spaces. He mentioned that the number of spaces exceeded the amount required by city code. He addressed school capacity concerns and indicated that while adjacent schools lacked capacity, there were 3 schools within a 10-mile radius of the site that had available capacity. He remarked that pricing of the townhomes was expected to be in the mid \$300,000 range and noted that the units were larger than what was initially approved.

In response to the traffic comments from the audience, Mr. Alex Memering, P.E. Kimley-Horn & Associates, Inc. (traffic engineer for the project), clarified that a traffic study was conducted following the guidelines of the City of Palm Bay with input from the city received before the study was conducted. The traffic study examined the impact of the proposed 126 multi-family units. The study area included an assessment of Bayside Lakes Boulevard, the intersection of Bayside Lakes Boulevard and Bramblewood Circle, as well as Cogan Drive and Bayside Lakes Boulevard. He emphasized that both intersections were operating at an acceptable level of service and no deficiencies identified based upon project traffic.

Mr. Causby concluded by stating that the request was consistent with the Land Development Code and Comprehensive Plan. He pointed out that the plot of land could accommodate a higher density per code and remarked that the request was increasing by 2 units per acre.

The floor was closed for public comments.

Mr. Weinberg stated that the property was zoned Planned Unit Development 18 years ago and emphasized that the world had changed. He stated that the proposed 126 units were reviewed by both the traffic engineer and the city's traffic engineer for completeness and accuracy. Additionally, he pointed out the property was zoned for high-density residential, which allowed for the construction of 400 apartments.

Motion to submit Case FD23-00008 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Olszewski.

Mr. Boerma inquired about the possibility of access to an adjacent road, Osmosis Drive, and whether it would connect to the development in the future. Staff responded that Osmosis Drive would not go through due to a conservation easement.

Mr. Olszewski commented on significant changes occurring in various directions in Palm Bay and emphasized developments in the southern region. He noted that significant development was on the horizon, including the Saint John's Heritage Parkway in the southern part of the city and remarked that this would likely involve more road projects, with some already in progress. He noted that the prevailing consensus appeared to be concerns about the land undergoing development. Mr. Olszewski stated that he seconded the motion and expressed support for it, noting that development was inevitable.

Mr. Good expressed understanding that residents were not opposed to the original 92 units; however, he noted that the additional number of units would not align with the characteristics of Bayside and was substantial for the area.

Mr. McLeod asked the board to consider the residents' parking and safety concerns and emphasized that they were reasonable.

Mr. Warner considered the compatibility of the surrounding area and highlighted the development that had occurred over the last 18 years. He emphasized that the

original project was approved for 92 townhomes and expressed his inability to support the increase to 126 townhomes.

A vote was called for the motion to submit Case FD23-00008 to City Council for approval.

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

Aye: Jordan, Weinberg, Olszewski

Nay: Boerema, Good, Warner, McLeod.

City Council will hear Case FD23-00008 on January 18, 2024.

2. ****FS23-00011 - Lipscomb Street Townhomes - Paul Daly and Don Ballew (reps. Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law / Aaron Struckmeyer, Pulte Home Company, LLC / Chris Ossa, P.E. and Kinan Husainy, P.E., Kimley Horn & Associates, Inc.) - A Final Subdivision Plat to allow for a proposed 202-unit townhome development to be known as Lipscomb Street Townhomes. Tracts 6 and 5 of Palm Bay Colony Section 3 and Tracts 4 and 3 of Palm Bay Colony Section 2, all in Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 24.56 acres. Located east of and adjacent to Lipscomb Street NE, in the vicinity west of Robert J. Conlan Boulevard NE**

Ms. Haigler presented the Staff Report for Case FS23-00011. Staff recommended Case FS23-00011 for approval.

Mr. Chris Ossa, P.E., Kimley-Horn and Associates, Inc. (representative for the applicant), stated that the subject request was for the final plat approval for the Lipscomb Street Townhomes project. The request had previously received approval of a preliminary development plan and plat. It was noted that the project had not changed in significance since it was presented to the board. Mr. Ossa confirmed that the subject request was in the final stages of approval with city staff, engineering, public works, and all other necessary agencies.

Mr. Olszewski inquired about the density in the development of townhomes. It was noted that the density of the townhomes was 8.2 units, or so.

The floor was opened for public comments.

Ms. Susan Blair (resident at Thayer Lane, Melbourne) stated that she was not opposed to the construction of townhomes but voiced concerns about the potential traffic impacts on Lipscomb Street. She inquired about measures being taken to alleviate the already long wait times for residents in the area to exit their neighborhoods.

Mr. Guy Guillemette (resident at Mango Street, NE) voiced concerns about a small pond adjacent to his property. He expressed hope that it had been addressed as protected land. He mentioned the presence of numerous turtles and fish at the location and noted that over the past 13 years, there had been little to no care given to trim branches and trees.

Ms. Allison Stroud (resident at Handy Oak Circle, West Palm Beach) wanted to know how Mango Street, where she owned property, would be affected by the development of the project.

Mr. Peter Mullings (resident at Breckenridge Circle SE) expressed concerns about whether the City of Palm Bay considered the broader perspective, including aspects such as police, fire, and infrastructure, when evaluating requests for development.

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

In response to the comments from the audience, Ms. Maya Storm, Pulte Homes, stated that a proportionate fair share of impact fees would be paid upfront. This included funds for widening Lipscomb Street to a four-lane divided road and Palm Bay Road. She emphasized that the developer was working closely with the city's traffic team on the project. Additionally, she mentioned that as part of the developer's traffic study, specific turn lanes and widening directly into the development would be included. She stated that Mango Street would not be impacted by the project, and

the entire plot to the south would remain a stormwater pond, owned by the developer and maintained by the homeowners association.

Mr. Michael Rodriguez, Chief Deputy City Attorney, reminded the board that the subject request was for review of the final subdivision plat and clarified that the scope of the review was to ensure that the plat was consistent with the requirements of Florida Statutes, Chapter 177.

Motion to submit Case FS23-00011 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, Olszewski, Warner, McLeod.

City Council will hear Case FS23-00011 on January 18, 2024.

3. **CP23-00020 - REQUEST TO CONTINUE TO 02/07 P&Z - 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**

Continuance of Case CP23-00020 was discussed under Announcements, Item 2.

4. ****PD23-00008 - REQUEST TO CONTINUE TO 02/07 P&Z - 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

Continuance of Case PD23-00008 was discussed under Announcements, Item 3.

5. ****PD23-00005 - REQUEST TO CONTINUE TO 02/07 P&Z - 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**

Continuance of Case PD23-00005 was discussed under Announcements, Item 4.

6. ****FD23-00012 - REQUEST TO CONTINUE TO 02/07 P&Z - 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**

Continuance of Case FD23-00012 was discussed under Announcements, Item 5.

7. **CP23-00012 - REQUEST TO CONTINUE TO 02/07 P&Z - 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 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 at the northwest corner of Babcock Street SE and St. Johns Heritage Parkway SE**

Continuance of Case CP23-00012 was discussed under Announcements, Item 6.

8. ****PD23-00007 - REQUEST TO CONTINUE TO 02/07 P&Z - 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**

Continuance of Case PD23-00007 was discussed under Announcements, Item 7.

9. ****FD23-00010 - REQUEST TO CONTINUE TO 02/07 P&Z - 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**

Continuance of Case FD23-00010 was discussed under Announcements, Item 8.

10. **T23-00030 – Fitness Centers Permitted Use - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.042, 185.043, 185.044, 185.045, and 185.054 to permit fitness centers and other indoor and outdoor health, recreational, and similar facilities for exercise, sports, and other physical activities within the Neighborhood Commercial (NC), Community Commercial (CC), Highway Commercial (HC), Light Industrial (LI), and General Commercial (GC) zoning districts**

Ms. Frazier presented the staff report for Case T23-00030. Staff recommended Case T23-00030 for approval.

Mr. Weinberg asked if fitness centers under 5,000 square feet still needed a conditional use under Code 185.042. Ms. Frazier confirmed that fitness centers under 5,000 square feet required a conditional use. She noted that fitness centers located in highway commercial, light industrial, or general commercial districts would not require a conditional use.

Mr. Good inquired about the reason for the change in the code. Ms. Frazier stated that staff became aware of some fitness centers operating in areas where they should be allowed, yet they were not according to code.

Mr. Olszewski asked if the issue arose because of the fully digital process for business tax receipts. Ms. Frazier clarified that determining whether a business was in the proper zoning district was a standard procedure. She mentioned that applications undergo review by the Building, Economic Development and Growth Management departments.

Mr. Olszewski asked if a member of the Planning and Zoning Board or City Council, who was directly affected by the subject matter, would need to recuse themselves from both discussion and voting. Mr. Rodriguez, Chief Deputy City Attorney, clarified that according to state statute, a board member would only need to recuse themselves from voting if they directly derived economic gain from the decision.

Mr. Warner inquired whether freestanding fitness centers would be encompassed within the subject request. Ms. Frazier confirmed that freestanding fitness centers were included in the subject request.

Mr. McLeod sought clarification on the potential benefits that the City of Palm Bay would gain from the suggested changes. Ms. Frazier explained that when businesses inquire about their use for either a business tax receipt or zoning, staff reviews the city code to ensure compatibility with language, definitions, and existing use. If gaps or deficiencies were identified, efforts would be made to address them and provide a clearer definition for the use.

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 T23-00030 to City Council for approval.

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

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

City Council will hear Case T23-00030 on January 18, 2024.

OTHER BUSINESS:

Mr. Olszewski was concerned that there had not been a School Board representative in attendance for several Planning and Zoning Board meetings.

Motion by Mr. Olszewski to request staff ensure compliance with Planning and Zoning Board By-laws by acquiring a new School Board representative, seconded by Mr. Boerema. Motion carried with members voting as follows:

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

ADJOURNMENT:

The meeting was adjourned at approximately 7:48 p.m.

Leeta Jordan, CHAIRPERSON

Attest:

Carol Gerundo, SECRETARY

City of Palm Bay
Planning and Zoning Board/
Local Planning Agency
Regular Meeting 2024-01
Minutes – January 3, 2024
Page 19 of 19

**Quasi-Judicial Proceeding