

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2024-09

Held on Wednesday, September 04, 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, City Hall, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Vice Chair Robert Good called the meeting to order at approximately 6:00 p.m.

Ms. Leeta Jordan led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIR:	Randall Olszewski	Absent (Excused)
VICE CHAIR:	Robert Good	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Michael Jaffe	Present
MEMBER:	Leeta Jordan	Present
MEMBER:	Jeffrey McLeod	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	VACANT (School Board Appointee)	Present

CITY STAFF: Present were Ms. Lisa Frazier, AICP, Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. Michael Rodriguez, Chief Deputy City Attorney

Mr. Olszewski's absence was excused.

ANNOUNCEMENTS:

1. Mr. Good 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. Frazier announced that the items under Old/Unfinished Business would not be Considered by the board. Items 2 and 3, Cases PS23-00009 and PS23-00011 (Palm Bay Pointe East and West) had been withdrawn by the applicant, and Item

1, Case CU24-00001 (Kasik Event Hall) was cancelled. Board action was not required to withdraw or to cancel the cases.

OLD/UNFINISHED BUSINESS:

1. ****CU24-00001 – CANCELLED – Kasika Event Hall – 3085 Jupiter LLC (Kasik Heritage Corp., Rep.) - A Conditional Use request to allow for proposed alcohol service at an eating establishment in accordance with Section 185.042(D)(6) of the Palm Bay Code of Ordinances. Tract L, Port Malabar Unit 10, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 2.44 acres. Located northwest of and adjacent to the intersection of Jupiter Boulevard SE and Eldron Boulevard SE, specifically at 3085 Jupiter Boulevard SE, Units 10 and 11**

Case CU24-00001 was discussed under Announcements, Item 2.

2. ****PS23-00009 - WITHDRAWN - Palm Bay Pointe East - Suresh Gupta, Kimaya, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Preliminary Subdivision Plan to allow for a proposed 14-lot 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**

Case PS23-00009 was discussed under Announcements, Item 2.

3. ****PS23-00011 - WITHDRAWN - Palm Bay Pointe West - Vishaal Gupta, Kimaya, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Preliminary Subdivision Plan to allow for a mixed-use subdivision containing 668 multiple-family residential units and 16 commercial parcels 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. Johns Heritage Parkway SE**

Case PS23-00011 was discussed under Announcements, Item 2.

NEW BUSINESS:

1. ****Z24-00003 – WITHDRAWN – Rezoning from RC to NC Citywide (Ordinance 2024-2024-44) - City of Palm Bay, Brevard County, Florida, amending the Zoning Ordinance of the City of Palm Bay by changing the zoning of all RC (Restricted Commercial) zoning district properties within the city limits to NC (neighborhood commercial district); providing for a change of the Zoning Map; providing for an effective date**

Ms. Frazier explained that Case Z24-00003 had been withdrawn by staff because of some public consternation regarding the RC district in staff's citywide efforts to consolidate permitted uses. She assured the board that all proposed consolidations would match or increase entitlements. No board action was required to withdraw the case.

2. ****Z24-00004 – REQUEST TO CONTINUE TO 10/02 P&Z – Rezoning from RM-10 to RM-15 Citywide (Ordinance 2024-45) - City of Palm Bay, Brevard County, Florida, amending the Zoning Ordinance of the City of Palm Bay by changing the zoning of all RM-10 (Single-, Two-, Multiple-Family Residential) zoning district properties to RM-15 (Single-, Two-, Multiple-Family Residential District); providing for a change of the Zoning Map; providing for an effective date**

Ms. Frazier requested a continuance of Case Z24-00004 to the October 2, 2024 Planning and Zoning Board Meeting. At the request of City Management, a continuance would allow for a re-mailing of public notices above the minimum requirements. A continuance would also allow the case to be heard with other citywide zoning consolidation proposals. Mr. Rodriguez added that the initial public notice mailing had met Florida Statute requirements permitted for large land masses. The City, however, was allowed to go beyond the minimum requirement and do a direct mailing to each property owner as desired.

Board action was required to continue the case.

Motion by Ms. Jordan, **Seconded** by Mr. McLeod to continue Case Z24-00004 to the October 2, 2024 Planning and Zoning Board Meeting.

Result: Carried 6 to 0

Aye: Good, Boerema, Jaffe, Jordan, McLeod, Warner

Nay: None

Abstain: None

Case Z24-00004 will be heard by the City Council on October 17, 2024.

3. ****Z24-00005 – Rezoning from SF-1 to RS-1 Citywide (Ordinance 2024-46) - City of Palm Bay, Brevard County, Florida, amending the Zoning Ordinance of the City of Palm Bay by changing the zoning of all SF-1 (Single-Family Residential) zoning district properties to RS-1 (Single-Family Residential District); providing for a change of the Zoning Map; providing for an effective date**

Mr. Rodriguez asked the board to disclose any ex parte communications regarding quasi-judicial Case Z24-00005. No ex parte communications were disclosed.

Ms. Frazier presented the staff report for Case Z24-00005. Staff recommended Case Z24-00005 for approval.

Mr. Warner wanted to know how the large residential properties that could potentially annex into the City were being handled. Ms. Frazier stated that properties outside City boundaries were subject to the municipalities in which they were located. The City was notified and given an opportunity to provide input but had no jurisdiction over the developments.

Ms. Frazier remarked on how surrounding municipalities were researched in preparing the Land Development Code update.

Mr. Jaffe noted that the SF-1 property under consideration was approximately 6,000 square feet in size whereas 8,000 square feet was the minimum code requirement. He asked if the lot would need a variance to develop, and he wanted to know why common open space was required for a private residential lot. Ms. Frazier stated that the Comprehensive Plan required all residential properties to adhere to 20-percent open space, which was to circumvent lots from becoming impervious. She stated that the existing SF-1 property was considered a nonconforming lot and would not need a variance.

Mr. Good and Mr. McLeod thanked staff for the comparison zoning table.

Mr. McLeod noticed that the rear 25-foot setback would become a 20-foot setback for the subject site. Ms. Frazier stated that the landowner would gain 5 feet.

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. Changing the only SF-1 designated property in the City would clear up the Land Development Code, and the individual property owner could still build.

The floor was closed for public comments.

Motion by Ms. Jordan, **Seconded** by Mr. Warner to submit Case Z24-00005 to City Council for approval.

Result: Carried 6 to 0

Aye: Good, Boerema, Jaffe, Jordan, McLeod, Warner

Nay: None

Abstain: None

Case Z24-00005 will be heard by City Council on September 19, 2024.

OTHER BUSINESS:

1. The board allowed comments from the audience.

Ms. Susan Connolly (resident at Dixie Highway NE) felt that the board and the City Council approved land use and rezoning requests despite the review criteria and citizen participation. She wanted to ensure that the board had fully reviewed all the Land Development Code updates. Mr. Good stated that the City took public comments seriously by informing the board of all public input. Mr. McLeod added that the board had the benefit of legal counsel to ensure requirements were being met. In some cases, individuals who believed they were being encroached upon were led by emotion instead of evidence.

Ms. Patricia Clarke (resident at Hobart Avenue NW) was concerned about the multiple-family developments that were being permitted in the single-family residential neighborhoods. Her suggestion was to slow down development to allow infrastructure and emergency services to catch up.

ADJOURNMENT:

The meeting was adjourned at approximately 6:35 p.m.

Robert Good, VICE CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding