

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**