

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2025-01

Held on Wednesday, January 08, 2025, 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.

Chair Randall Olszewski called the meeting to order at approximately 6:00 p.m.

Mr. Robert Good led the Pledge of Allegiance to the Flag.

ROLL CALL:

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

The absence of Mr. McLeod was excused.

CITY STAFF: Present were Ms. Lisa Frazier, AICP, Growth Management Director; Ms. Deborah Flynn, Senior Planner; Ms. Christina Hall, Planner; Mr. Michael Hussion, Engineer I; Ms. Chandra Powell, Recording Secretary; Mr. Michael Rodriguez, Chief Deputy City Attorney

ADOPTION OF MINUTES:

1. Regular Meeting 2024-12; December 4, 2024

Motion by Mr. Karaffa, **Seconded** by Mr. Warner to approve the minutes as presented.

Result: Carried 5 to 0

Aye: Olszewski, Good, Jordan, Karaffa, Warner

Nay: None

Abstain: None

ANNOUNCEMENTS:

1. Mr. Olszewski 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. Mr. Rodriguez asked the board to disclose any ex parte communications regarding the quasi-judicial cases on the agenda. No ex parte communications were disclosed by the board.
3. Ms. Frazier introduced Mr. Michael Hussion, Ms. Deborah Flynn, and Ms. Christina Hall as the most recent planning staff additions to the Land Development Division.

NEW BUSINESS:

1. **CP24-00012 - EYP Holdings Business Park – EYP Holdings, Inc., Eyal Pasternak, President (Kelly Delmonico, AICP, Land Development Strategies, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from COM, Commercial to IND, Industrial. Lots 7, 8, and 9 of Block 1 together with a Portion of Tract D, Port Malabar Industrial Park Subdivision, Section 23, Township 28, Range 37, Brevard County, Florida, containing approximately 2.14 acres. Located at the northeast corner of Clearmont Street NE and Franklin Drive NE**

Ms. Flynn presented the staff report for Case CP24-00012. Staff recommended Case CP24-00012 for approval.

Ms. Kelly Delmonico, AICP, Land Development Strategies (representative for the applicant), stated that the applicant had recently purchased the subject site from Brevard County and was seeking to match the designations of the industrial properties to the west, south, and north. An administrative site plan would be submitted to request flex warehousing and industrial type uses with small offices in each unit. The space would mostly be open warehousing with roll up doors, and units could be retrofitted in compatibility with the zoning district to accommodate contractors, fabrication, and assembly in support of industrial surrounding

businesses. She stated that there were no attendees at the Citizen Participation Plan meeting.

Mr. Good inquired whether the proposed building could be built under the existing commercial designation. Ms. Delmonico explained that the desired industrial uses were not allowed under the existing CC, Community Commercial zoning district.

Mr. Warner questioned whether the commercial site had been changed in the past from light industrial. Ms. Delmonico stated that the site was originally platted as part of an intended industrial park subdivision but was changed at some point to commercial.

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. He indicated support of the land use change as a boost to the City's commercial tax base; however, the City had just undergone a two-year process to update the Comprehensive Plan.

The floor was closed for public comments.

Mr. Warner commented on how the amount of light industrial land had been lessened with the update to the Comprehensive Plan. He typically supported commercial property, but the subject request gave light industrial land back to the City.

Motion by Mr. Karaffa, **Seconded** by Ms. Jordan to submit Case CP24-00012 to the City Council for approval.

Result: Carried 5 to 0

Aye: Olszewski, Good, Jordan, Karaffa, Warner

Nay: None

Abstain: None

2. ****CPZ24-00008 – EYP Holdings Business Park - EYP Holdings, Inc., Eyal Pasternak, President (Kelly Delmonico, AICP, Land Development Strategies, Rep.) - A Zoning Amendment from a CC, Community Commercial District to an LI, Light Industrial and Warehousing District. Lots 7, 8, and 9 of Block 1 together with a Portion of Tract D, Port Malabar Industrial Park Subdivision,**

Section 23, Township 28, Range 37, Brevard County, Florida, containing approximately 2.14 acres. Located at the northeast corner of Clearmont Street NE and Franklin Drive NE

Ms. Flynn presented the staff report for Case CPZ24-00008. Staff recommended Case CPZ24-00008 for approval.

Mr. Karaffa inquired whether conditions could be placed on the zoning request. Mr. Rodriguez explained that the board should review and discuss the subject request based on zoning criteria. Conditions should be considered when an actual project was submitted for development. Ms. Frazier explained the administrative site plan review process for the project, and remarked on how conditions were not typically necessary for the subject type of request where adjacent sites had the same zoning.

Mr. Olszewski asked about the uses permitted in the requested Light Industrial and Warehousing District. Ms. Frazier indicated allowable uses, and she described how businesses were permitted to have front offices with rear warehousing.

Mr. Warner referenced Thor Avenue SE and Enterprise Avenue SE as an example of the type of light industrial and warehousing area that was being proposed.

Ms. Kelly Delmonico, AICP, Land Development Strategies (representative for the applicant), stated that the intent of the subject request was to allow for electronic assembly and fabrication focusing on high tech industry in support of surrounding industrial uses. She stated that flex warehousing was designed for production with limited visits.

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 the request. However, he stated that it would be hard to deny a project in the future if the authorized zoning criteria was met. A small project might become much larger. He supported the subject request as it would still be a commercial type use.

The floor was closed for public comments.

Motion by Ms. Jordan, **Seconded** by Mr. Good to submit Case CPZ24-00008 to the City Council for approval.

Result: Carried 5 to 0

Aye: Olszewski, Good, Jordan, Karaffa, Warner

Nay: None

Abstain: None

3. **T24-00005 - Text Amendment Phase 2 A - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code to correct errors within Chapter 172: Development Review Procedures, Section 172.010, Table 172-1; and Chapter 173: Zoning, Section 173.021, Tables 173-2 and 173-3**

Ms. Frazier presented the staff report for Case T24-00005. Staff recommended Case T24-00005 for approval.

The board discussed Citizen Participation Plan (CPP) meetings. Mr. Warner suggested that certain circumstances like major plan changes should require applicants to hold additional CPP meetings. Mr. Karaffa stated that a change in project ownership should also prompt a new CPP meeting to ensure awareness and to avoid conflicts regarding prior owner concessions.

Ms. Frazier explained that the staff update to the CPP requirement only clarified which applications needed to hold a CPP meeting. She explained that when a project's design plan remained the same under a new owner, there was currently no requirement for another CPP meeting to be held. Staff would need to figure out the parameters that would trigger additional CPP meetings.

Mr. Warner commented that additional CPP meetings would prepare residents when projects were being modified so that some concerns and contention could be alleviated prior to the board hearings. Mr. Karaffa recommended that a change in project ownership and a project's expiration be factored into the parameters. Mr. Good remarked on how the owners of accepted projects who wanted to sell or take on a partner would be impacted by the additional requirement. Ms. Frazier stated that consideration in preparing criteria could be given to projects that were invalid after five years; major plan changes already required re-application; and staff would need to assess the new owner suggestion.

Mr. Olszewski remarked that once cases passed legislative obligations, residents and the board had to trust that staff would properly execute requirements. He commented on how the rights of the project owners should not be infringed upon.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) wanted to know if the proposed amendment was due to any affected party, and he wanted to know what constituted major and minor plan changes. Ms. Frazier responded that the Land Development Code delineated what constituted major and minor changes for approved plans. She noted that in utilizing the new Land Development Code over the last few months, the needed corrections identified included a scrivener's error that had affected a gym application and created nonconformity of a few indoor recreation facilities.

The floor was closed for public comments.

Motion by Mr. Good, **Seconded** by Mr. Karaffa to submit Case T24-00005 to the City Council for approval.

Result: Carried 5 to 0

Aye: Olszewski, Good, Jordan, Karaffa, Warner

Nay: None

Abstain: None

OTHER BUSINESS:

1. Year-End Growth Management Report

Ms. Frazier shared with the board the activity and accomplishments of the Growth Management Department in 2024.

The board expressed appreciation of staff's achievements and for the information provided.

ADJOURNMENT:

The meeting was adjourned at approximately 6:59 p.m.

Randall Olszewski, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding