

1. Adoption of Minutes - Regular Meeting 2024-06; June 5, 2024



MEMORANDUM

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DATE: July 16, 2024

RE: Regular Meeting 2024-06; June 5, 2024

ATTACHMENTS:

1. P&Z/LPA Minutes – Regular Meeting 2024-06; June 5, 2024

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2024-06

Held on Wednesday, June 05, 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.

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

Member Donald Boerema led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIR:	Randall Olszewski	Present
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. Althea Jefferson, AICP, Assistant 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. **Adoption of Minutes - Regular Meeting 2024-05; May 1, 2024**

Motion by Mr. Boerema, **Seconded** by Mr. Good to approve the minutes as presented.

Result: Carried 7 to 0

Aye: Olszewski, Good, Boerema, Jaffe, Jordan, McLeod, 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. Olszewski presented Mr. McLeod with a recognition pin to honor his first year of service on the Planning and Zoning Board.
3. Mr. Rodriguez asked the board to disclose any ex parte communications regarding the six matters on the agenda. There were no ex parte communications disclosed.
4. Ms. Frazier polled the board on the possibility of rescheduling the July 3, 2024 Planning and Zoning Board meeting to July 16 or July 23 due to the Fourth of July holiday and because of July 3 applicants who were not prepared to be heard. Staff also wanted the August board meeting to focus primarily on the Land Development Code overhaul.

The board indicated their date preferences and Mr. Jaffe and others questioned the probability of cases being ready for the rescheduled meeting.

Based on the circumstances, Mr. Olszewski preferred to cancel the July board meeting. He voiced his displeasure regarding the June board meeting being held when City Council did not hold meetings in June.

The board weighed cancelling instead of rescheduling the July meeting. Ms. Frazier remarked that there was one applicant prepared to be heard in July.

A majority of the board supported proceeding with a meeting in July in fairness to the applicant who was prepared to be heard.

Motion by Ms. Jordan, **Seconded** by Mr. Good to change the July 3, 2024 Planning and Zoning Board meeting to July 16, 2024.

Result: Carried 6 to 1

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

Nay: Jaffe

Abstain: None

NEW BUSINESS:

1. ****V24-00003 - Odyssey Preparatory Academy – Grapefruit League Land Group LLC, Gerard O’Halloran (Jake Wise, P.E., Construction Engineering Group, Rep.) - A Variance to allow a proposed parking area to encroach 9.5 feet into the 25-foot rear parking setback, as established by Section 185.042(F)(7)(d) of the Palm Bay Code of Ordinances. Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 9.18 acres. Located south of and adjacent to Emerson Drive NW, in the vicinity west of Glencove Avenue NW**

Ms. Jefferson announced the applicant’s request to continue Case V24-00003 to the July 16, 2024 Planning and Zoning Board Meeting.

Motion by Mr. McLeod, **Seconded** by Mr. Boerema to continue Case V24-00003 to the July 16, 2024 Planning and Zoning Board Meeting.

Result: Carried 7 to 0

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

Nay: None

Abstain: None

Case V24-00003 will be heard by the City Council on July 18, 2024.

2. ****V24-00004 - Odyssey Preparatory Academy – Grapefruit League Land Group LLC, Gerard O’Halloran (Jake Wise, P.E., Construction Engineering Group, Rep.) - A Variance request to allow a proposed 30-foot-high structure to exceed the 25-foot maximum height requirement by 5 feet, as established by Section 185.042(F)(6) of the Palm Bay Code of Ordinances. Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 9.18 acres. Located south of and adjacent to Emerson Drive NW, in the vicinity west of Glencove Avenue NW**

Ms. Jefferson announced the applicant’s request to continue Case V24-00004 to the July 16, 2024 Planning and Zoning Board meeting.

Motion by Mr. Good, **Seconded** by Mr. McLeod to continue Case V24-00004 to the July 16, 2024 Planning and Zoning Board Meeting.

Result: Carried 7 to 0

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

Nay: None

Abstain: None

Case V24-00004 will be heard by the City Council on July 18, 2024.

3. ****Z23-00015 - Cogan Road Self-Storage – Kathleen Jones Trustee; RRLS LLC; RTLD LLC; PSP of Brevard LLC (Jake Wise, P.E., Construction Engineering Group, Rep.) - A Zoning Change from a GU, General Use Holding District to a CC, Community Commercial District. Tax Parcel 754, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 3 acres. Located west of and adjacent to Cogan Drive SE, north of and adjacent to Melbourne-Tillman Water Control District Canal 42**

Ms. Haigler presented the staff report for Case Z23-00015. Staff recommended Case Z23-00015 for approval.

Mr. Boerema commented on how the board had voted last month for a temporary moratorium on self-storage facilities. Ms. Frazier informed the board that the City Council had not considered the moratorium request.

Mr. Jake Wise, P.E., Construction Engineering Group (representative for the applicant) stated that the subject commercial site had remained vacant for decades. The self-storage proposal also included a conditional use request. The property was carved out of Brevard County and had a 17-acre wetland buffer separation from the nearest Bayside Lakes residence to the west and close to 900 feet of separation from residences to the east with Cogan Drive SE. He stated that there were no attendees at the Citizen Participation Plan Meeting and described the self-storage use as a low-traffic generator and an amenity for the surrounding neighborhood. The applicant was also requesting an administrative reduction in the parking requirement because of the installation of two oversized loading zones. He stated that traffic trip data and the location of the solid waste container would be reviewed during the site plan approval process. He assured the board that the storage facility would appear as an attractive office building without roll-up doors and with enhanced landscaping and tree preservation areas. The building would be set in the middle of the site, and the building height would be half the 70-foot height allowance.

Mr. Adam Sauers, Stein Investment Group (investor for the project), stated that Stein Investment Group was a third-generation real estate company that owned and operated several self-storage facilities. The proposed facility would be constructed of high-quality materials with long-term integrity and development in mind. The clean self-storage would be a low-traffic generator and a community amenity to assist area residents with their excess.

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

Ms. Pat Garagozlo, a managing member of PSP of Brevard LLC (applicant), stated that the site was family-owned for over 20 years, and that the self-storage request was the first proposal that the owners felt would be in the best interest of the community.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. The subject proposal would utilize land without increasing the population to place a demand on infrastructure and would now become a business tax revenue that created tax dollars at a business rate. He commented that the need for self-storage facilities was due to homes and apartments being built without garages and onsite storage.

Mr. John Magee (resident at Thornwood Drive SE) spoke against the request. He stated that the project would have a direct impact on the Bayside Lakes community as the Cogan Drive area had issues with traffic and flooding. Removal of the green land would also affect wildlife and the pedestrians who enjoyed walking along the area. He commented on the storage facilities currently on both sides of Bayside Lakes Boulevard and the latest facility planned at Eldron Boulevard SE. He stated that the need for self-storage facilities because of residential growth suggested that a building moratorium was needed until critical issues like emergency services, traffic, and utilities could be addressed. He believed the City and developer would profit from the proposed project with no benefit to the residents.

In response to the comments from the audience, Mr. Wise described the strict stormwater management system designed for the property that would also improve some of the drainage issues in the area. He reiterated how self-storage met a need and was not a destination use to create traffic. The low amount of traffic also made the storage use pedestrian safe. Mr. Sauer added that even with the existing self-storage businesses in the area, studies indicated that there was still capacity for additional storage.

The floor was closed for public comments.

Mr. Warner wanted to know the number of floors planned for the building, and if there was an exit strategy that would allow another use to occupy the site in the future. Mr. Sauer stated that the building would be three stories high, and since the building was purpose built, a future occupant would likely be another self-storage facility.

Mr. Good remarked on how the property appeared to be uniquely situated for the self-storage use whereas retail would not be a good fit.

Motion by Mr. Good, **Seconded** by Mr. McLeod to submit Case Z23-00015 to City Council for approval.

Mr. Warner was conflicted about the self-storage moratorium that had not passed and the self-storage projects that were now under consideration with nothing to discount the requests. Mr. Olszewski remarked on how the board could only address the subject proposal and was not permitted to entertain a moratorium that the City Council had not approved. Mr. Boerema commented that he had voted for the moratorium but now recognized that business owners and residents had a need for self-storage facilities.

A vote was called on the **Motion** by Mr. Good, **Seconded** by Mr. McLeod to submit Case Z23-00015 to City Council for approval.

Result: Carried 7 to 0

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

Nay: None

Abstain: None

Case Z3-00015 will be heard by the City Council on July 18, 2024.

4. ****CU23-00019 - Cogan Road Self-Storage – Kathleen Jones Trustee; RRLS LLC; RTLD LLC; PSP of Brevard LLC (Jake Wise, P.E., Construction Engineering Group, Rep.) - A Conditional Use to allow for a proposed self-storage facility in accordance with Section 185.043(D)(9) of the Palm Bay Code of Ordinances. Tax Parcel 754, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 3 acres. Located west of and adjacent to Cogan Drive SE, north of and adjacent to Melbourne-Tillman Water Control District Canal 42**

Ms. Haigler presented the staff report for Case CU23-00019. Staff recommended Case CU23-00019 for approval.

Mr. Jake Wise, P.E., Construction Engineering Group (representative for the applicant), stated that a Citizen Participation Plan meeting was held and there were no attendees. Self-storage was a low-traffic generator, and the developer would work closely with staff during the site plan approval process. He described how the project would have attractive architecture, oversized loading zones, and included preservation and enhanced landscaping with large setbacks and buffers. Self-storage was the best allowable use for the property, and the site would hook into City utilities.

Mr. Olszewski wanted to be sure that the building height would not exceed three stories, and he asked about the traffic flow to the property. Mr. Wise assured the board that the self-storage facility would remain three stories or less, and that he was working with the Public Works Department regarding design improvements for traffic flow access to the site.

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 by Mr. Good, **Seconded** by Ms. Jordan to submit Case CU23-00019 to City Council for approval.

Result: Carried 7 to 0

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

Nay: None

Abstain: None

Case CU23-00019 will be heard by the City Council on July 18, 2024.

5. ****PS24-00002 - Palm Bay StorNow – Palm Bay StorNow, LLC, Paul Nevins (Scott M. Glaubitz, P.E., BSE Consultants, Inc., Rep.) - A Preliminary Subdivision Plan to allow for a proposed 2-lot commercial subdivision to be known as Palm Bay StorNow. Tax Parcel 750, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 9.75 acres. Located north of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW**

Ms. Ramos presented the staff report for Case PS24-00002. Staff recommended Case PS24-00002 for approval.

Mr. Warner inquired whether the subject site was part of property that was annexed into the City. Ms. Ramos stated that the property was not part of an annexation and already had an approved site plan for a self-storage facility. The intent of the request was to split the large parcel through the platting process.

Mr. Ken Ludwa, P.E., BSE Consultants, Inc. (representative for the applicant), confirmed that a conditional use and site plan were previously approved to construct the self-storage facility. The full site was not needed for the self-storage project, so the remaining section of land would be sold. He was not privy to what use was planned for the divided portion of land. He informed the board that .58 acres of the property had been dedicated for future expansion and widening of Malabar Road.

Mr. Olszewski asked about the nature of the proposed storage facility, and if the applicant planned to expand onto the subdivided tract. Mr. Ludwa remarked on how indoor self-storage was planned for the site, and that the applicant had a potential buyer for the subdivided portion of land.

Mr. Good asked if there were renderings of the proposed building. Mr. Ludwa stated that renderings had been provided during the conditional use and site plan reviews. He said that the facility was designed to look like an office building, and the main building would be three stories with one-story buildings around the outside.

Mr. Olszewski asked for clarification regarding the dividing property line. Mr. Ludwa indicated the western portion of the site as the storage facility parcel. The smaller southeast corner was the remainder of the land, and the square middle tract was for the common lift-station.

Mr. Warner wanted to confirm that the subdivided parcel would remain commercial. Mr. Ludwa confirmed that this was correct.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) inquired whether the subdivided properties would have a shared entrance or common access from Malabar Road, and since 75 percent of the land was being used for stormwater, he questioned whether there would be enough land left to accommodate stormwater for the remaining tract.

In response to the comments from the audience, Mr. Ludwa explained that the stormwater pond on the main tract was designed to serve both sites. The properties would utilize utility connections, the lift station, and a shared single access off Malabar Road.

The floor was closed for public comments.

Mr. Good remarked on how the subject area was becoming more residentially congested and would need self-storage facilities. The use was also a minimal traffic generator.

Motion by Mr. Good, **Seconded** by Ms. Jordan to submit Case PS24-00002 to City Council for approval.

Result: Carried 7 to 0

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

Nay: None

Abstain: None

Case PS24-00002 will be heard by the City Council on July 18, 2024.

6. ****FS24-00003 - Palm Bay StorNow – Palm Bay StorNow, LLC, Paul Nevins (Scott M. Glaubitz, P.E., BSE Consultants, Inc., Rep.) - A Final Plat to allow for a proposed 2-lot commercial subdivision to be known as Palm Bay StorNow. Tax Parcel 750, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 9.75 acres. Located north of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW**

Ms. Ramos presented the staff report for Case FS24-00003. Staff recommended Case FS24-00003 for approval.

Mr. Ken Ludwa, P.E., BSE Consultants, Inc. (representative for the applicant), was present to answer questions.

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 by Ms. Jordan, **Seconded** by Mr. Jaffe to submit Case FS24-00003 to City Council for approval.

Result: Carried 7 to 0

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

Nay: None

Abstain: None

Case FS24-00003 will be heard by the City Council on July 18, 2024.

OTHER BUSINESS:

1. Mr. Olszewski restated his displeasure regarding a June Planning and Zoning Board meeting being held when the City Council did not hold regular meetings in June. The flow of business was being impacted. He asked the board to consider amending the board by-laws next year to eliminate June Planning and Zoning Board meetings.

ADJOURNMENT:

The meeting was adjourned at approximately 7:16 p.m.

Randall Olszewski, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding