

1. Adoption of Minutes: Special Meeting 2024-20; August 29, 2024.

## CITY OF PALM BAY, FLORIDA

### SPECIAL COUNCIL MEETING 2024-20

Held on Thursday, the 29<sup>th</sup> day of August 2024, at 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 Office of the City Clerk, City Hall, Palm Bay, Florida.

The meeting was called to order at the hour of 6:00 P.M.

#### ROLL CALL:

<b>MAYOR:</b>	Rob Medina	Present
<b>DEPUTY MAYOR:</b>	Donny Felix	Present
<b>COUNCILMEMBER:</b>	Kenny Johnson	Present
<b>COUNCILMEMBER:</b>	Philip Weinberg	Present
<b>COUNCILMEMBER:</b>	Vacant	
<b>CITY MANAGER:</b>	Suzanne Sherman	Present
<b>CITY ATTORNEY:</b>	Patricia Smith	Present
<b>CITY CLERK:</b>	Terese Jones	Present

**CITY STAFF:** Joan Junkala-Brown, Deputy City Manager; Lisa Frazier, Growth Management Director; Michael Rodriguez, Chief Deputy City Attorney.

Mayor Medina asked that Item 1, under Business, be considered prior to Public Hearings.

Motion by Mr. Johnson, seconded by Mr. Weinberg to consider Item 1, under Business, prior to Public Hearings. Motion carried with members voting as follows: Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

#### BUSINESS:

##### 1. Consideration of City Council Flag Program nominee, Tristen Wright. (Mayor Medina) (AGENDA REVISION)

Staff Recommendation: Approve Tristen Wright as a nominee for the City Council Flag Program.

Motion by Mr. Johnson, seconded by Mr. Weinberg, to approve Tristen Wright as a nominee for the City Council Flag Program. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

Council resumed the consideration of items in order as shown on the agenda.

**PUBLIC HEARINGS:**

**1. Ordinance 2024-32, amending the Code of Ordinances, Title XVII, Land Development Code, by repealing the Land Development Code in its entirety (Case T24-00003, City of Palm Bay), first reading. (CONTINUED FROM SCM 08-08-24)**

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Mrs. Junkala-Brown and Patricia Tyjeski, Principal with Inspire Placemaking Collective (City's consultant), presented the request to Council. The presentation was related to Item 2, under Public Hearings.

A resident commented that the public meetings were held during the day when many residents were at work and could not attend. Also, due to so many developments, infrastructure was not addressed in the proposals. Additional workshops were requested so that the public could be more engaged in the discussion and final decision.

Mrs. Junkala-Brown said that two (2) public workshops were held which overlapped into the evening, as well as a virtual meeting that overlapped into the evening hours. Input could also be submitted via email. There was a total of fifty-nine (59) attendees for the workshops and 186 public comments were received from the public and development community.

Ana Saunders, BSE Consultants, asked that Council consider not repealing the Parkway Mixed Use (PMU) zoning. She said there was a requirement for commercial established in that zoning category in addition to the residential component, but the commercial requirement was based on the number of residential units being provided for a particular development, not based on a percentage. She felt developers should not be penalized because their project site was large and requiring percentage-based commercial areas for a large development would create an enormous amount of commercial for a project. Keeping the PMU zoning would allow projects to be more sustainable and last long-term.

Bruce Moia, MBV Engineering, concurred with Ms. Saunders' comments. He also felt that the stakeholders should have been more engaged and able to provide input from the beginning.

Mrs. Junkala-Brown noted that staff was unsure where the commercial percentage in PMU originated, but staff would like to do some research prior to Council modifying the language.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Mr. Weinberg, to approve Ordinance 2024-32.

Mr. Johnson supported the wishes of Council as far as the language for the PMU commercial percentage. Mr. Weinberg agreed but felt language should be included that the percentage could be reduced at Council's discretion upon consideration of the project. Ms. Smith advised that this discussion should be considered under Item 2 and added that staff would have to create some criteria as it could not be completely at Council's discretion. Deputy Mayor Felix understood the legalities of not leaving it up to Council but said it should be based on the location, the project, etc. He felt having a standard number could be problematic. Mayor Medina supported establishing some criteria.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

**2. Ordinance 2024-33, amending the Code of Ordinances, by creating Title XVII, Land Development Code, to provide for the governance and regulation of the City of Palm Bay Land Development Regulations including zoning, accessory uses, subdivision requirements, signs, natural resources, streets, parking, building design, and development review procedures (Case T24-00004, City of Palm Bay), first reading. (CONTINUED FROM SCM 08-08-24)**

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Mrs. Junkala-Brown presented the request to Council. She noted the amendments that would be implemented now and those to be done in Phase 2 of the revisions to the Land Development Code (LDC).

Amendments were as follows and were proposed due to being required to be consistent with the adopted Comprehensive Plan; addressed concerns from developers and engineers; requested by City Management or City Council; and repealed and replaced/moved from the LDC:

<b>CURRENT: TITLE XVII Chapters</b>	<b>PROPOSED AMENDMENTS</b>
Chapter 169: Land Development Code	<b>Repealed entirely</b> , see new Chapter 170, 'General Provisions'

CURRENT: TITLE XVII Chapters	PROPOSED AMENDMENTS
Chapter 170: Construction Codes and Regulations	<p><b>Repealed entirely</b>, sections <b>moved out of LDC</b> to administrative manuals or other Titles within the Palm Bay Code of Ordinances:</p> <p>Title III, Administration, Chapter 33</p> <p>Title VII, Traffic and Vehicles, Chapter 75</p> <p>Title IX, General Regulations, Chapter 102</p> <p>Title X, Impact Fees, Chapter 103</p> <p>Title XX, Utilities Code, Chapter 204</p>
Chapter 171: Fair Share Impact Fees	<p><b>Repealed entirely; moved out of LDC</b> to Title X, Impact Fees, Chapter 103 (Parks, Police, Fire, Transportation, and Water and Wastewater)</p>
Chapter 172: Environmental Regulations	<p><b>Repealed entirely; moved to new</b> Chapter 175, 'Tree Protection, Landscaping, and Buffering'</p>
Chapter 173: Adult Entertainment Code	<p><b>RENUMBERED</b> to Chapter 180: Adult Entertainment</p> <p>Subchapter 'Public Nudity' <b>moved out of LDC</b> to Title IX, General Regulations, Chapter 102</p>
Chapter 174: Floodplain & Stormwater Management	<p><b>Repealed entirely</b>; sections <b>moved out of LDC</b> to Title XX, Utilities Code, Chapter 204, 'Stormwater Management Utility' <b>and to new</b> Chapter 177: Subdivision, Site, and Building Design</p>
Chapter 175: Mining/Excavation Operations	<p><b>Repealed entirely; moved to new</b> LDC chapters:</p> <p>Chapter 171, 'Definitions'</p> <p>Chapter 173, 'Zoning' (<i>use</i>)</p>

CURRENT: TITLE XVII Chapters	PROPOSED AMENDMENTS
	Chapter 174, 'Accessory, Temporary, and Permanent Uses' ( <i>standards</i> )  Chapter 179, 'Natural Resources'
Chapter 176: Fuel Storage Tank Systems	<b>Repealed entirely; moved to new LDC chapters:</b>  Chapter 171, 'Definitions'  Chapter 173, 'Zoning' ( <i>use</i> )  Chapter 174, 'Accessory, Temporary, and Permanent Uses' ( <i>standards</i> )  Chapter 179, 'Natural Resources'

Mr. Weinberg had concerns about the cluster homes. He understood they were a conditional use, but did not support them being in Rural Residential, Residential Estate and Suburban Residential Estate zonings. He said that Council spoke many times about preserving rural residential areas and seeing homes on larger lots. Council concurred.

Ms. Tyjeski explained that the reduction to forty-foot (40') wide lots would not apply to all zoning districts. The language allowed for one-half of what was permitted in that specific zoning district. Mrs. Junkala-Brown confirmed that cluster subdivisions would be permitted as a conditional use in RS-1, RS-2 and RS-3 zoning districts and allow a minimum of forty-foot (40') wide lots in RS-1, RS-2 and RS-3 zoning districts.

Residents made general comments regarding the proposed amendments. Staff responded to same. A resident asked that the [input@pbfl.org](mailto:input@pbfl.org) email remain active for Phase 2 of the amendments to the LDC. Council concurred.

Mr. Johnson asked if educational uses in Neighborhood Commercial zoning would be allowed without Council consideration. Staff confirmed same. Mr. Johnson was not in favor of that proposal. Mrs. Junkala-Brown explained the concern was that schools created traffic congestion within adjacent established neighborhoods. Educational institutions could be limited up to 5,000 square feet, with a conditional use permit required for any square footage above that amount. Mr. Johnson said it was difficult to deny conditional uses as those cases were considered quasi-judicial and if the criteria had been met by the applicant, Council could not deny the request. Ms. Smith said specific

criteria could be implemented for educational uses that was tailored to schools that could address issues such as traffic impacts, so that Council would have a basis for denial. Mr. Weinberg suggested eliminating public or charter schools from Neighborhood Commercial zoning. Council concurred. Mr. Johnson asked how someone would apply to have a school in NC zoning. Ms. Smith said they would have to apply for a land use change that would allow a school, which would allow more flexibility for Council in its decision. Mr. Johnson agreed with Ms. Smith's comments. Council concurred.

Mayor Medina asked staff to address the comments from Ms. Saunders and Mr. Moia regarding the commercial requirements on developments being determined upon the number of residential units as opposed to the gross land area. Staff advised that this could be addressed in Phase 2 and staff would meet with stakeholders during the process.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2024-33, with all directions and recommendations from City Council. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

**BUSINESS:**

**1. Consideration of City Council Flag Program nominee, Tristen Wright. (Mayor Medina) (AGENDA REVISION)**

The item was considered earlier in the meeting prior to Public Hearings.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 8:23 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK