

**CITY OF PALM BAY, FLORIDA**  
**PLANNING AND ZONING BOARD/**  
**LOCAL PLANNING AGENCY**  
**REGULAR MEETING 2021-14**

Held on Wednesday, December 1, 2021, 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.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

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

**ROLL CALL:**

<b>CHAIRPERSON:</b>	Philip Weinberg	Present
<b>VICE CHAIRPERSON:</b>	Leeta Jordan	Present
<b>MEMBER:</b>	Donald Boerema	Present
<b>MEMBER:</b>	James Boothroyd	Present
<b>MEMBER:</b>	Richard Hill	Present
<b>MEMBER:</b>	Khalilah Maragh	Present
<b>MEMBER:</b>	Rainer Warner	Absent (Excused)
<b>NON-VOTING MEMBER:</b>	David Karaffa	Absent
	(School Board Appointee)	

Mr. Warner's absence was excused.

**CITY STAFF:** Present were Mr. Patrick Murphy, Acting Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

**ADOPTION OF MINUTES:**

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-12 November 3, 2021.**

Motion to approve the minutes as presented.

Motion by Mr. Boothroyd, seconded by Mr. Hill. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh.

2. **Special Planning and Zoning Board/Local Planning Agency Meeting 2021-13 November 15, 2021.**

Motion to approve the minutes as presented.

Motion by Ms. Maragh, seconded by Mr. Boothroyd. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh.

**ANNOUNCEMENTS:**

1. Mr. Weinberg 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 City Council.

**OLD/UNFINISHED BUSINESS:**

1. **CP-11-2021 - Eastshore - Andrew Steel, NSD Palm Bay IV, LLC (Ana Saunders, P.E. and Miguel Reynaldos, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Industrial Use to Bayfront Mixed Use. Tax Parcels 250 and 254, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 7.11 acres. Located at the northwest corner of Robert J. Conlan Boulevard NE and Commerce Park Drive NE**

Mr. Balter presented the staff report for Case CP-11-2021. Staff recommended Case CP-11-2021 for approval.

Ms. Jordan inquired whether a moratorium on development was in effect for the Robert J. Conlan Boulevard corridor, and if there were any new guidelines for the area. Mr. Balter stated that the moratorium expired two years ago, and there were

recent updates to the BMU, Bayfront Mixed Use and BMUV, Bayfront Mixed Use Village zoning districts.

The floor was opened and closed for public comments.

Mr. Miguel Reynaldos with Northshore Development, LLC (representative for the applicant) was present to answer questions.

Mr. Bill Battin (resident at Ocean Spray Street SW) commented on how commercial and industrial lands were put in place to generate tax revenue to offset the single-family residences. The proposed change to BMU should include some commercial uses with the loss of the industrial use.

In response to public comments, Mr. Reynaldos stated that BMU regulations would be followed to include a mix of commercial and residential uses, and a site plan would be submitted for staff to review.

Mr. Weinberg asked if the type of commercial development was known at this time. Mr. Reynaldos said that studies would be prepared to make sure the project was properly done for the site.

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

Motion to submit Case CP-11-2021 to City Council for approval.

Motion by Ms. Jordan, seconded by Mr. Boerema.

Ms. Maragh wanted assurance that the commercial development would not be hindered by the need for residential rooftops. Mr. Boerema wanted to know if there was a percentage for the commercial and residential development. Mr. Reynaldos stated that it was his full intention to properly process the development. Ecological and environmental studies, stormwater, traffic, and utilities were factors that would determine densities.

Mr. Balter noted that the land use had an overall density requirement of 85 percent.

A vote was called on the motion to submit Case CP-11-2021 to City Council for approval.

Motion by Ms. Jordan, seconded by Mr. Boerema. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh.

Case CP-11-2021 would be heard by the City Council on December 16, 2021.

2. **\*\*CPZ-11-2021 - Eastshore - Andrew Steel, NSD Palm Bay IV, LLC (Ana Saunders, P.E. and Miguel Reynaldos, Reps.) - A zoning amendment from an LI, Light Industrial and Warehousing District to a BMU, Bayfront Mixed Use District. Tax Parcels 250 and 254, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 7.11 acres. Northwest corner of Robert J. Conlan Boulevard NE and Commerce Park Drive NE**

Mr. Balter presented the staff report for Case CPZ-11-2021. Staff recommended Case CPZ-11-2021 for approval.

Mr. Miguel Reynaldos with Northshore Development, LLC (representative for the applicant) stated that the requested BMU zoning district mandated 85 percent of the development as residential.

Mr. Balter clarified that the BMU zoning district required a 20-percent minimum amount of commercial development.

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 to submit Case CPZ-11-2021 to City Council for approval.

Motion by Mr. Boerema, seconded by Mr. Boothroyd. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh.

Case CPZ-11-2021 would be heard by the City Council on December 16, 2021.

**NEW BUSINESS:**

1. **\*\*V-51-2021 - Michael and Jeanne Cullen - A Variance to allow a proposed swimming pool and deck to encroach 7 feet into the 10-foot rear accessory structure setback, as established by Section 185.118(A)(4) of the Palm Bay Code of Ordinances. Lot 4, Monterey Cove at Bayside Lakes, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately .17 acres. North of and adjacent to Gardendale Circle SE, in the vicinity east of Bramblewood Drive SE, specifically at 331 Gardendale Circle SE**

Mr. Balter presented the staff report for Case V-51-2021. The board had to determine, based on the facts presented, the degree of minimal relief, if any, to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Ms. Jeanne Cullen (applicant) stated that the close proximity between her home and the proposed swimming pool was not suitably safe for her visually impaired grandchild and wheelchair-bound grandfather.

Ms. Maragh asked if the swimming pool would be gated. Ms. Cullen stated that she planned to have a screen enclosed pool with a gate.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Mr. Weinberg noted that the variance was approved by the Monterey Cove at Bayside Lakes Homeowner's Association.

Motion to submit Case V-51-2021 to City Council for approval.

Motion by Mr. Hill, seconded by Ms. Maragh. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh.

**2. T-52-2021 - Michael Piazzola (Barbara Davis, Rep.) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.045(B), to create provisions within the LI, Light Industrial and Warehousing District to allow for dog training clubs and similar uses**

Mr. Murphy presented the staff report for Case T-52-2021. Staff recommended Case T-52-2021 for approval.

Ms. Maragh asked if the amendment was for dogs to be trained during the day and sent home in the evenings. She wanted to know why the LI district was being proposed. Mr. Murphy stated that the general purpose of the amendment was to allow agility training for small dogs and their trainers for competitions. The LI district could accommodate the large warehouse structures that were needed for the enclosed and controlled activity.

Ms. Jordan questioned why the proposed use was not listed under veterinary hospitals and clinics for the LI district. Mr. Murphy explained that the proposal was specifically for dog training and was unrelated to the medical facilities.

Mr. Michael Piazzola (applicant) stated that warehouse environments were needed for their open spaces. Ms. Deborah Piazzola, his wife, added that their not-for-profit obedience training business had grown, and a new facility was needed to accommodate their growth.

Mr. Boerema asked if the applicant was currently occupying their new location. Mr. Piazzola confirmed that they were in their new building, which could accommodate their needs if the textual amendment was approved. Mr. Boerema noted that there was a fenced, adjacent side lot. Mr. and Ms. Piazzola commented that the side lot would be used by the business, but all training would occur indoors and there would be no boarding at the site.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) questioned why the dog training use could not be placed under the same category as livestock, which allowed for

boarding. Out-of-town clients might need the boarding services for their dogs. He was opposed to the loss in taxes from permitting a 501(C) organization to locate on commercial property.

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

In response to public comments, Mr. Murphy explained that the applicants would continue to have the same tax-exempt status that they held at their previous Palm Bay location. Their relocation to an LI district was to have a larger building.

Motion to submit Case T-52-2021 to City Council for approval.

Motion by Mr. Boothroyd, seconded by Mr. Hill. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh.

3. **\*\*CU-53-2021 - Scott Macfarlane - A Conditional Use to allow a proposed security dwelling unit in a GC, General Commercial District. Lot 14, Block 1985, Port Malabar Unit 40, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately .56 acres. East of and adjacent to Thor Avenue SE, in the vicinity south of Agora Circle SE, specifically at 261 Thor Avenue SE**

Mr. Murphy presented the staff report for Case CU-53-2021. Staff recommended Case CU-53-2021 for approval, subject to the special requirements and conditions listed in the staff report.

Mr. Scott Macfarlane (applicant) stated that he wanted the security dwelling unit at his upholstery and restoration business to secure customer vehicles and boats that were kept on his outdoor premises.

Mr. Weinberg wanted to know who would be living in the unit. Mr. Macfarlane stated that he would be living in the unit.

Ms. Maragh asked if the applicant had agreed to meet staff conditions. Mr. Macfarlane stated his agreement with the staff conditions.

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 to submit Case CU-53-2021 to City Council for approval, subject to the special requirements and conditions listed in the staff report.

Motion by Mr. Boerema, seconded by Ms. Maragh. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh.

4. **CP-19-2021 - Steffany and Victor Lopez - A small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. Part of Tract A, Port Malabar Unit 12, Section 7, Township 29, Range 37, Brevard County, Florida, containing approximately 1.46 acres. South of and adjacent to Arabia Road SE, in the vicinity west of Cleaves Street SE**

Mr. Murphy presented the staff report for Case CP-19-2021. Staff recommended Case CP-19-2021 for approval.

Ms. Maragh inquired whether the subject property was under contract with the City. Mr. Murphy explained that the subject site was privately owned by the applicant and not a City surplus site.

Ms. Steffany Lopez (applicant) stated that she and her husband had purchased the property approximately a year ago with the belief that a single-family home could be built on the site.

Ms. Maragh asked if the applicant would be selling the property. Ms. Lopez stated that she was unsure at this time but would likely build on half the site and sell the remainder. The initial plan was to build two homes for the family with her mother residing in the second home.

The floor was opened for public comments.

Ms. Sharon Lopez (resident at Arabia Road SE) spoke against the request. She said that Arabia Road was a narrow, winding road with visibility issues at night and no lighting.

Ms. Mary Ann Haenel (resident at Driftwood Avenue SE) spoke against the request. She was concerned about the displacement of wildlife in the area due to recent construction. Park area was needed for the wildlife to survive.

Mr. Terry Haenel (resident at Driftwood Avenue SE) spoke against the request. He commented that the subject proposal was the third attempt to change the property. Park sites should be unavailable for other development, and there was plenty of land in the area to build homes.

Ms. Jacqueline Toure (resident at Arabia Road SE) spoke against the request. She stated that the applicant wanted to rezone a recreational area without a purpose for the site. The infrastructure in the area was not up to par for more housing, and the park site should remain undeveloped.

The floor was closed for public comments, and the correspondence in the file was from Ms. Sharon Lopez in opposition to the request.

Mr. Weinberg clarified for the audience that the subject request was not a rezoning; the property currently had an RS-2, Single Family Residential District zoning designation. Mr. Murphy further explained how the subject site was created by General Development Corporation as a pocket park but was zoned RS-2 with a Recreation and Open Space land use. The site, however, could not be developed residentially without a residential land use designation. He commented on how two homes on 1.46 acres was extremely low in density and would have little impact on the surrounding area.

Motion to submit Case CP-19-2021 to City Council for approval.

Motion by Mr. Boothroyd, seconded by Mr. Hill. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh.

5. **CP-20-2021 - Bibi and Gurudeo Chand - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Multiple-Family Residential Use. Tract A, Port Malabar Unit 39, Section 34, Township 28, Range 36, Brevard County, Florida, containing approximately 6.52 acres. East of and adjacent to Krassner Drive NW, in the vicinity north of Hayworth Circle NW**

Mr. Balter presented the staff report for Case CP-20-2021. Should the board approve Case CP-20-2021, staff recommended a 15-unit per acre cap as a condition of the approval.

Mr. Boerema questioned why a small 6.52-acre property was permitted 15 units per acre. Mr. Balter explained that 15 units per acre was a maximum consistent with the surrounding area and the companion zoning request.

Ms. Maragh remarked on how the applicant had been unable to sell the commercial property in 18 years, and she asked if the City had done a valuation to determine whether the site was feasible for commercial development. Mr. Balter stated his opinion that the subject site would not be viable for commercial development based on the amount of commercial units that would be needed to offset the cost of running City water and sewer to the site. Developers would also be unlikely to consider a commercial location on a dead-end road with little traffic.

Ms. Bibi Chand (applicant) was present to answer questions.

The floor was opened for public comments.

Mr. Richard Defay (resident at De Leon Court NW) spoke against the request. He was concerned about the possibility of apartments or townhomes on the site. Traffic was a problem during school hours since Krassner Drive was the only access to reach Malabar Road; large turtles lived on the property; and there was no water and sewer in the area for the development. He believed that Krassner Drive needed to be widened to handle more homes.

Mr. James Kratzer (resident at Redbud Circle NW) spoke against the request. He was concerned that the land use change would allow apartments on the site in the future. Extending water and sewer to the property could legally force an undue burden of requiring existing homes with failed septic systems to connect into the lines. The multiple-family development could also lower the property values of the single-family neighborhood.

Mr. Charles Byers (resident at Dixon Road NW) spoke against the request. He remarked on how an existing utility/drainage corridor along the back of Krassner Drive would be blocked by the proposed development; neighborhood homes would be impacted by lighting pollution; and there were endangered turtles on the site. He commented on how a traffic signal on Krassner Drive might be necessary to support a multiple-family project. Possible drainage onto his property from a paved parking lot at the proposed development was also a concern.

Mr. Christian Iezzi (resident at Redbud Circle NW) spoke against the request. He stated that the subject area was an ecological site. He was concerned about tearing up new roads to install sewer lines; the privacy from multi-story units overlooking the existing neighborhood homes; and congestion. He stated that the City should work with the property owners to make the site a saleable commercial property.

Ms. Danielle Cooper (resident at Redbud Circle NW) spoke against the request. She stated that the property was on a sharp corner that could result in accidents. The loss of privacy and the impact on the existing morning traffic were concerns. The applicant should work with City staff for a better project.

Mr. Daniel Young and Ms. Ginny Young (residents at Gisinger Street NW) spoke against the request. There were already multiple-family homes on Malabar Road, so there was not a need for additional multiple-family development in the area.

In response to public comments, Ms. Chand stated that it was not her intention to construct a three or four-story development to disrupt the community, and there were townhomes that had the appearance of single-family homes. She noted that there would likely be less than 97 units on the site due to roads and other infrastructure. Mr. Gurudeo Chand (applicant) reiterated that the property was marketed unsuccessfully for commercial use for 18 years, and although 97 units were allowed,

it was not necessarily desired. Ms. Chand added that a commercial development would be more disruptive to the community.

Ms. Jordan asked if the applicant had considered a single-family development. Mr. Chand indicated that he was open to considering a single-family development. Any development, however, would impact the wildlife on the site.

Ms. Maragh asked if the applicant was trying to sell the property as a multi-family site. Ms. Chand stated that this was correct. Mr. Chand said that any buyer would have to meet all development requirements.

Mr. Balter informed the board that a change in the property use from commercial to multiple-family residential would be a “down use” that would generate less traffic. Any type of development would require water and sewer connections to the site, and the maximum 97 units would be lessened to meet stormwater retention, St. Johns River Water Management District regulations, parking, and infrastructure requirements.

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

Motion to submit Case CP-20-2021 to City Council for approval.

Motion by Mr. Boothroyd, seconded by Mr. Boerema.

Ms. Maragh commented that a future traffic study would also need to be done for the site, and that the multiple-family development could not occur if the requirements could not be met. Mr. Balter indicated that this was correct.

Mr. Hill noted that the motion should include the cap of 15 units per acre. Mr. Boothroyd concurred.

Ms. Maragh remarked on the benefit of a future traffic study, but she was still concerned about a multiple-family development specifically at the subject site. Mr. Weinberg agreed that 97 homes would be too much of an impact on the subject neighborhood in particular. He believed that a single-family development would be a better fit for the area.

Mr. Boothroyd commented that the mix of multiple-family developments with single-family homes was not unusual and could be seen throughout the City and Brevard County. Ms. Maragh stated her support of diverse housing; however, she felt that the subject street was not conducive to multiple-family development.

Mr. Boerema commented on how the property owners should have the ability to develop their site, but there, unfortunately, had been no commercial interest in the property. Mr. Weinberg and Ms. Maragh noted that a lesser residential use, such as single-family homes, could be considered for the site.

Motion amended to submit Case CP-20-2021 to City Council for approval, subject to the staff condition that the maximum density shall be capped at 15 units per acre.

Motion by Mr. Boothroyd, seconded by Mr. Boerema. Motion failed with members voting as follows:

**Aye:** Boerema, Boothroyd.

**Nay:** Weinberg, Jordan, Hill, Maragh.

6. **\*\*CPZ-20-2021 - Bibi and Gurudeo Chand - A Zoning amendment from an NC, Neighborhood Commercial District to an RM-15, Single-, Two-, Multiple-Family Residential District. Tract A, Port Malabar Unit 39, Section 34, Township 28, Range 36, Brevard County, Florida, containing approximately 6.52 acres. East of and adjacent to Krassner Drive NW, in the vicinity north of Hayworth Circle NW**

The board had denied Case CP-20-2021, the companion land use proposal to the subject request.

Ms. Bibi Chand and Mr. Gurudeo Chand (applicants) stated that they had been unable to sell the subject site under the current commercial designation but continued to pay taxes. Based on the denial of Case CP-20-2021, they wanted to know their best option for the property. Mr. Weinberg stated that the applicants should meet with staff to discuss their options.

The floor was opened for public comments.

Mr. James Kratzer (resident at Redbud Circle NW) stated that he would not oppose a resubmittal of the subject property for single-family residential homes.

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

Motion to deny Case CPZ-20-2021.

Motion by Ms. Jordan, seconded by Mr. Hill. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Hill, Maragh.

**Nay:** Boerema, Boothroyd.

7. **\*\*Z-54-2021 - Alfred and M. Agarie - A Zoning change from an HC, Highway Commercial District to a BMUV, Bayfront Mixed Use Village District. Tract 11, Hopsons Subdivision, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately .34 acres. East of and adjacent to Dixie Highway NE, and west of and adjacent to Ridge Road NE, specifically at 4371 Dixie Highway NE**

Mr. Murphy informed the board that the applicant was not in attendance. It was the board's prerogative to hear or continue the case.

At the advisement of Ms. Cockcroft, the floor was opened for public comments. There were no comments from the audience and there was no correspondence in the file. The floor was closed for public comments.

Motion to continue Case Z-54-2021 to the January 5, 2022 Planning and Zoning Board meeting.

Motion by Mr. Boerema, seconded by Mr. Hill. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh.

**8. T-55-2021 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.134, to modify provisions of the architectural ordinance**

Mr. Balter presented the staff report for Case T-55-2021. Staff recommended Case T-55-2021 for approval.

Mr. Boothroyd asked for clarification on whether the proposed amendment would remove the Florida vernacular architectural style from the code. Mr. Balter explained that the Bayfront architectural style was being removed from the code, and the process to gain relief from architectural requirements were being simplified. Relief would now be sought from the Growth Management Director instead of the City Council. However, architectural decisions by the Growth Management Director could be challenged before the City Council.

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 to submit Case T-55-2021 to City Council for approval.

Motion by Mr. Hill, seconded by Ms. Jordan. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh.

**OTHER BUSINESS:**

Well wishes were expressed for Christmas and the New Year.

**ADJOURNMENT:**

The meeting was adjourned at approximately 8:41 p.m.

---

Philip Weinberg, CHAIRPERSON

Attest:

---

Chandra Powell, SECRETARY

\*\*Quasi-Judicial Proceeding