

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-02

Held on Wednesday, February 2, 2022, 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:

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

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Ms. Joan Junkala, Deputy City Manager; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-01; January 5, 2022.

Motion to approve the minutes as presented.

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

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

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 the City Council.

The board agreed to hear Other Business, Item 1, Presentation of draft Vision Plan 2040 at this time.

OTHER BUSINESS:

1. **Presentation of draft Vision Plan 2040 by S&ME, Chris Dougherty.**

Mr. Chris Dougherty with S&ME gave an overview of the draft 2040 Vision Plan by summarizing the findings of the public engagement process. The process began with cleaning up the Comprehensive Plan to address state statutes. He explained that the visioning was understanding what the public wanted in the future update of the Comprehensive Plan, and the draft vision proposal was a culmination of public and shareholder input. Palm Bay's major issues were found to be the lack of a core area, in diverse and affordable housing opportunities, parks and access to the parks, advancing equity, and in economic sustainability. A vision brochure and plan map had been created to share the vision. Following City Council adoption of the Visioning Plan, steps would commence to update the Comprehensive Plan.

Ms. Maragh remarked that community concerns had been captured, but she wanted to know how a "premier community" was being defined. Mr. Dougherty defined a premier community as a place where you were proud to be from, provided opportunities for its residents, and had a sense of place and identity.

Mr. Boothroyd asked for the consultant's definition of equity, and he questioned how the City was not being equitable. Mr. Dougherty stated that equity meant providing opportunities for everyone in Palm Bay. He indicated an incident that had occurred

where an incompatible use was allowed to locate in an African American single-family residential neighborhood, and the neighborhood did not have a voice in the matter. Palm Bay was a diverse community and all residents should be considered when making policy or changing land uses. Mr. Boothroyd commented that equity and equality were not the same. Equality meant that neighborhoods would be treated the same, equity meant that neighborhoods of different make ups would have to have the same outcome. He suggested that the advancing equity wording be changed to advancing equality.

Ms. Maragh stated that she agreed with the word equity, so that services such as access to parks and transportation were equal regardless of the neighborhood.

Mr. Weinberg asked for the vision website address. Ms. Junkala provided the vision website as www.palmbayflorida.org/vision2040.

The draft Vision Plan 2040 will be presented to the City Council on March 3, 2022.

The board resumed consideration of items in the order set by the agenda.

OLD/UNFINISHED BUSINESS:

1. **CP-3-2022 - M. David Moallem, Emiland Corporation - A small-scale Comprehensive Plan Future Land Use Map amendment from Multiple-Family Residential Use to Commercial Use. Lots 8 and 9, Block 1991, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately 1.02 acres. Located east of and adjacent to Martin Road SE, west of and adjacent to Thor Avenue NE**

Ms. Bernard presented Case CP-3-2022. Staff recommended Case CP-3-2022 for approval.

Mr. M. David Moallem, Emiland Corporation (applicant), stated that the subject site was adjacent to commercial land to the west and south. The abutting area was administratively changed years ago to Commercial Use, but the two subject lots were overlooked. There was a buyer for the properties.

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 CP-3-2022 to City Council for approval.

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

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

Case CP-3-2022 would be heard by the City Council on February 17, 2022.

2. ****CPZ-3-2022 - M. David Moallem, Emiland Corporation - A Zoning amendment from an RM-20, Multiple-Family Residential District to a GC, General Commercial District. Lots 8 and 9, Block 1991, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately 1.02 acres. Located east of and adjacent to Martin Road SE, west of and adjacent to Thor Avenue NE**

Ms. Bernard presented Case CPZ-3-2022. Staff recommended Case CPZ-3-2022 for approval.

Mr. M. David Moallem, Emiland Corporation (applicant), stated that the subject properties were surrounded by commercial land, and the zoning amendment would make the properties uniform with the surrounding land.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He stated that he was glad to see residential land in a commercial district placed into a commercial stance to increase tax revenues for the City.

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

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

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

Case CPZ-3-2022 will be heard by the City Council on February 17, 2022.

NEW BUSINESS:

1. ****V-5-2022 - Daniel Dilozenzo - A Variance to allow a proposed garage to encroach 6 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 9, Block 2363, Port Malabar Unit 45, Section 29, Township 28, Range 37, Brevard County, Florida, containing approximately .46 acres. Located west of and adjacent to Vega Court NE, in the vicinity west of Nevada Drive NE, specifically at 751 Vega Court NE**

Ms. Bernard presented Case V-5-2022. 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.

Mr. Daniel Dilozenzo (applicant) stated that he needed the requested six feet to build a garage. The property was an odd shape on a cul-de-sac, and the proposed variance would allow him to optimize the site and build a structure that was visually appealing.

Ms. Jordan asked if another variance would be needed for a driveway access to the structure. Mr. Dilozenzo indicated that no other variance would be needed as the access to the structure would be from along the fence line and directly to the street.

Mr. Boerema asked if the access would be paved. Mr. Dilozenzo remarked that crushed millings would be used for the access.

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 V-5-2022 to City Council for approval.

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

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

2. ****CU-6-2022 - Malabar Storage – Willard Palmer (BSE Consultants, Inc., Rep.) - A Conditional Use to allow a proposed self-storage facility in a CC, Community Commercial District. 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 SW, in the vicinity west of St. Johns Heritage Parkway NW**

Ms. Bernard presented Case CU-6-2022. Staff recommended Case CU-6-2022 for approval, subject to the staff comments contained in the staff report.

Ms. Ana Saunders, P.E. with BSE Consultants, Inc. (representative for the applicant) stated that the subject site was recently before the board for land use and rezoning amendments. The current request was to allow a self-storage facility on the property. The self-contained facility would have the appearance of a commercial building and would serve the surrounding population. Self-storage was a low-impact use, compatible with the neighboring developments and properties as it would not produce a large amount of traffic or noise to interrupt daily lives. Ms. Saunders provided the board with diagrams of similar self-storage facilities in Florida.

Mr. Joe Ciaravino (developer for the project) stated that his company had over forty years of experience in constructing self-storage facilities throughout the state. The proposed structure would be a high-class, three-story building that would have the appearance of an office building. Security would include cameras, keypads, and gates. The use was quiet, produced minimal traffic, and would generate significant tax revenue. He said that the self-storage facility was needed as the nearest storage facility was over four miles away.

Mr. Weinberg asked if the main building would be accessed internally and the four surrounding buildings externally accessed. Mr. Ciaravino indicated that this was correct.

Mr. Boothroyd questioned whether business activities would be allowed at the site, and Mr. Weinberg asked about potential RV storage. Mr. Ciaravino stated that businesses and RV storage would be prohibited uses.

The floor was opened and closed for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) inquired about the portion of land designated as a future development area.

In response to the comment from the audience, Ms. Saunders stated that the designated future development area was included in the subject request to allow for additional self-storage buildings in the future.

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

Motion to submit Case CU-6-2022 to City Council for approval.

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

Mr. Weinberg noted that the reference to a proposed carwash should be removed from the staff report. Ms. Bernard agreed.

Ms. Maragh noted that the motion should include staff comments.

Motion amended to submit Case CU-6-2022 to City Council for approval, subject to the staff comments contained in the staff report.

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

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

3. **CP-7-2022 - M. David Moallem - A small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. Tract C, Port Malabar Unit 28, Section 33, Township 28, Range 37, Brevard County, Florida, containing approximately 1.86 acres.**

Located north of and adjacent to Lara Street NE, in the vicinity east of Roman Avenue NE

Ms. Bernard presented Case CP-7-2022. Staff recommended Case CP-7-2022 for approval.

Ms. Maragh asked if the subject site was City-owned property. Ms. Bernard stated that the property was owned by the applicant.

Mr. M. David Moallem (applicant) explained that the subject site and the surrounding properties were zoned RS-2, Single Family Residential. The land use for the subject site, however, was Recreation and Open Space Use. He had owned the property for many years, and the City did not want the land for a small park. He said that the proposed land use change would make the site consistent with the adjacent properties and would allow him to place a maximum of two homes on the site.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) stated that he was in favor of an individual being able to develop their land, but he questioned how it was determined that the change would have a negative impact on parks as the northeast quadrant had the most parks in the City.

Mr. Zack Little (resident at Veldo Avenue NE) spoke against the request. He wanted the private property to remain open park land. He commented on how the site could be used as a dog park or for open trails. The wildlife in the area would be impacted by the proposed amendment.

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

In case of a change in ownership, Mr. Warner wanted to ensure the limit of two homes on the property.

Motion to submit Case CP-7-2022 to City Council for approval.

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

Motion amended to submit Case CP-7-2022 to City Council for approval, subject to a condition that the site was limited to a maximum of two single-family homes.

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

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

4. ****FD-7-2022 - Cypress Bay Commercial Center - Ben Jefferies, Cypress Bay Farms, LLC (Rochelle W. Lawandales, FAICP; Michael E. Stalzer, P.E. and Jason Kendall, CPWG; Budd Cullom, Cullom Properties, Inc., Reps.) - A Final Development Plan to allow a proposed PUD for an 8-lot commercial development called Cypress Bay Commercial Center. Tax Parcel 251 and Part of Tax Parcel 500, Section 3, Township 30, Range 37, Brevard County, Florida, containing approximately 28.49 acres. Located east of and adjacent to Babcock Street SE, in the vicinity north of Davis Lane SE**

Ms. Bernard presented Case FD-7-2022. Staff recommended Case FD-7-2022 for approval, subject to the staff comments contained in the staff report.

Mr. William Hanks with CWH Real Estate Services, Inc. indicated the presence of local land planner Rochelle Lawandales, FAICP and civil engineer Jason Kendall of CPWG (representatives for the applicant).

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) commented that the project's three proposed access points off Babcock Street SE seemed excessive. He suggested limiting the number of driveways off Babcock Street and having one main access on Capital Drive NE.

In response to comments from the audience. Mr. Kendall stated that the traffic engineer for the project had evaluated all access points planned for the site, and that all City and Florida Department of Transportation specifications would be met. An access off St. Johns Heritage Parkway NW was also being negotiated with staff.

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

Ms. Bernard informed the board that according to the City traffic engineer, a traffic signal warranty study had determined that the subject proposal would not trigger the need for a traffic signal at the Babcock Street and Capital Drive intersection.

Motion to submit Case FD-7-2022 to City Council for approval, subject to the staff comments contained in the staff report.

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

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

5. **CP-6-2022 - Palm Bay Number 3 - Robert Kittleson, Kit Investment of Florida / Carlos Gonzalez, Riverview Holdings Group, LLC / Eric Henry, Engineer Realty, LLC / Patrick and Kathleen Svoboda (Chad Riddle, WGI, Inc., Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use and Multiple-Family Residential Use to Bayfront Mixed Use Village. Tract C, Port Malabar Unit 1, Section 25, Township 28, Range 37 along with Tax Parcels 503, 505, 507, and 544 of Section 30, Township 28, Range 38, Brevard County, Florida, containing approximately 12.4 acres. West of and adjacent to Dixie Highway NE, in the vicinity south of Vignoles Avenue NE**

Ms. Bernard presented Case CP-6-2022. Staff recommended Case CP-6-2022 for approval.

Mr. Chad Riddle with WGI, Inc. (representative for the applicant) informed the board that the actual request was for a BMU, Bayfront Mixed Use District and not the BMUV, Bayfront Mixed Use Village District.

The floor was opened for public comments.

Mr. James Ritter (resident at Anglers Drive NE and owner of property at Vignoles Avenue NE) stated that Vignoles Avenue was a dead-end street. He wanted to know

what would be built at the subject site and if Vignoles Avenue would be used to access the property.

In response to the comments from the audience, Mr. Riddle stated that land use and zoning amendments were being requested, and a proposed development plan was still in flux. However, he was willing to work with Mr. Ritter on the design concept for the site.

Ms. Sandra Ward (resident at Bacon Street NE) spoke against the request. Although the subject site had sat vacant for 40 years, the neighborhood would be unable to handle additional traffic. She wanted Vignoles Avenue to remain a dead-end street and Dixie Highway NE to be the only access for the subject site.

Mr. Riddle assured the board that the subject property would only be accessed from Dixie Highway. He was willing to include Ms. Ward when designing the concept plan for the site.

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

Motion to submit Case CP-6-2022 to City Council for BMU approval.

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

Ms. Maragh stated that the applicant's willingness to work with the neighborhood was refreshing. Mr. Warner agreed and asked about the concept plan for the site. Mr. Riddle explained that the product and mix of commercial use were still being worked out.

Ms. Jordan questioned the consideration of BMU for the subject site instead of the presented BMUV land use designation. Ms. Bernard indicated that the applicant had mentioned BMU in their submitted justification for the request.

A vote was called on the motion to submit Case CP-6-2022 to City Council for BMU approval.

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

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

6. ****CPZ-6-2022 - Palm Bay Number 3 - Robert Kittleson, Kit Investment of Florida / Carlos Gonzalez, Riverview Holdings Group, LLC / Eric Henry, Engineer Realty, LLC / Patrick and Kathleen Svoboda (Chad Riddle, WGI, Inc., Rep.) - A Zoning amendment from an HC, Highway Commercial District and an RM-10, Single-, Two-, Multiple-Family Residential District to a BMUV, Bayfront Mixed Use Village District. Tract C, Port Malabar Unit 1, Section 25, Township 28, Range 37 along with Tax Parcels 503, 505, 507, and 544 of Section 30, Township 28, Range 38, Brevard County, Florida, containing approximately 12.4 acres. West of and adjacent to Dixie Highway NE, in the vicinity south of Vignoles Avenue NE**

Ms. Bernard presented Case CPZ-6-2022. Staff recommended Case CPZ-6-2022 for approval.

Mr. Chad Riddle with WGI, Inc. (representative for the applicant) informed the board that the actual request was for a BMU, Bayfront Mixed Use District and not a BMUV, Bayfront Mixed Use Village District. He said that the future development of the site would meet the City's vision for the area.

The floor was opened for public comments.

Mr. James Ritter (resident at Anglers Drive NE and owner of property at Vignoles Avenue NE) commented on the need for a concept plan to determine the mix of commercial, residential, and retail uses. He questioned the consideration of a BMU zoning designation for the site instead of the noted BMUV designation.

Mr. Bill Battin (resident at Ocean Spray Street SW) wanted to know the minimum percentage of commercial use required with the consideration of BMU instead of the presented BMUV.

In response to the comments from the audience, Mr. Riddle stated that BMU required 20 percent of the first floor of the primary use for commercial development. The actual mix of commercial and residential uses planned for the site was presently unknown, but he would involve Mr. Ritter with the design of the concept plan.

Mr. Weinberg noted that the 20 percent commercial use requirement for BMU was recently established by the City Council and was a desirable outcome to bring development to the Bayfront area.

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

Motion to submit Case CPZ-6-2022 to City Council for approval.

Mr. Warner noted the applicant's desire to change the request to BMU instead of BMUV.

Motion amended to submit Case CPZ-6-2022 to City Council for BMU approval.

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

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

7. **CP-8-2022 - Palm Vista Everland "Triangle" - Pace Drive Holdings, LLC, authorized manager Gregory Pettibon, Lennar Homes (Kimberly Rezanka, Esq., Lacy Lyons Rezanka, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Agricultural (Brevard County) to Single Family Residential Use. Tax Parcel 500, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately .21 acres. Located in the vicinity east of St. Johns Heritage Parkway NW and north of Melbourne-Tillman Water Control District Canal C-1**

Ms. Bernard presented Case CP-8-2022. Staff recommended Case CP-8-2022 for approval.

Ms. Maragh asked about the number of units proposed for the site. Ms. Bernard explained that the subject request was to clean up a previously platted development.

Ms. Kimberly Rezanka, Esq. of law firm Lacy Lyons Rezanka (representative for the applicant) stated that the subject site received PUD approval in 2019; however, it was recently discovered that the overall annexation in 2003 had omitted the subject property. The property contained common elements and a portion of two lots within the overall 162-lot development known as Palm Vista Everland. The Future Land Use Map and Zoning Map were being corrected.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) commented on how the legal description error could hinder three lots.

Motion to submit Case CP-8-2022 to City Council for approval.

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

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

8. ****CPZ-8-2022 - Palm Vista Everland "Triangle" - Pace Drive Holdings, LLC, authorized manager Gregory Pettibon, Lennar Homes (Kimberly Rezanka, Esq., Lacy Lyons Rezanka, Rep.) - A Zoning amendment from General Use (Brevard County) to a PUD, Planned Unit Development. Tax Parcel 500, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately .21 acres. Located in the vicinity east of St. Johns Heritage Parkway NW and north of Melbourne-Tillman Water Control District Canal C-1**

Ms. Bernard presented Case CPZ-8-2022. Staff recommended Case CPZ-8-2022 for approval.

Ms. Kimberly Rezanka, Esq. of law firm Lacy Lyons Rezanka (representative for the applicant) was present to represent the request. Her comments under Case CP-8-2022 also pertained to the subject request.

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-8-2022 to City Council for approval.

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

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

Mr. Weinberg remarked that the annexation of the subject site would also be reconsidered by the City Council.

OTHER BUSINESS:

1. **Presentation of draft Vision Plan 2040 by S&ME, Chris Dougherty.**

Presentation of the draft Vision Plan 2040 occurred following Announcements.

2. Mr. Weinberg reminded the board that Planning and Zoning Board terms would expire on February 28, 2022 and thanked the board members for their service.

ADJOURNMENT:

The meeting was adjourned at approximately 8:18 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

****Quasi-Judicial Proceeding**