

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2023-03

Held on Wednesday, March 1, 2023, 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.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

Mr. Ranier Warner led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Leeta Jordan	Present
VICE CHAIRPERSON:	Philip Weinberg	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Robert Good	Present
MEMBER:	Randall Olszewski	Present
MEMBER:	Rainer Warner	Present
MEMBER:	VACANT	
NON-VOTING MEMBER:	David Karaffa	Present
	(School Board Appointee)	

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner, Ms. Tania Ramos, Senior Planner; Ms. Uma Sarmistha, Senior Planner; Ms. Carol Gerundo, Planning Specialist; Mr. Rodney Edwards, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2023-02; February 1, 2023.

Motion to approve the minutes as presented.

Motion by Mr. Weinberg, seconded by Mr. Warner. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

ANNOUNCEMENTS:

Ms. Jordan 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.

NEW BUSINESS:

- 1. **CU-3-2023 - U-Haul Self-Storage - M. David Moallem (Erick Garcia-Salas, Contineo Group and Cal Conner, U-Haul Co. of Eastern FL, Reps.) - A Conditional Use to allow a proposed self-storage facility in a CC, Community Commercial District, in accordance with Section 185.088 of the Palm Bay Code of Ordinances. Tax Parcel 528, Section 22, Township 28, Range 37, Brevard County, Florida, containing approximately 4.9 acres. Located north of and adjacent to Hunter Avenue NE, in the vicinity east of Babcock Street**

Mr. White presented the staff report for Case CU-3-2023. Case CU-3-2023 met the minimum requirements for a Conditional Use request subject to the staff comments contained in the staff report, which are required to be addressed during Site Plan review. Mr. White noted that one of the conditions, the Cross Access Easement Agreement, was turned in to staff after the agenda was uploaded. The agreement was recorded by the Clerk of Court.

Mr. Warner asked if the project was an extension of the current business. Mr. White stated that it was a separate business with the same owners.

Mr. Erick Garcia-Salas, P.E., The Contineo Group, Atlanta, Georgia (representative for the applicant), gave an overview of the conditional use request. Mr. Garcia-Salas indicated that the subject property, an empty island lot located behind Publix, would only have access through the U-Haul portion of the property into the U-Haul area. The primary use for the property was for U-Boxes, where persons would be able to

store belongings, and it would not be open to the public. Mr. Garcia-Salas noted that it would be open for U-Haul employees, although further into the property there would be a component for drive-up self-storage. The property was in a secluded area, and did not front residential areas, with no future connections to Publix.

Mr. Boerema asked if there would be street entrances or exits to the east. Mr. Garcia-Salas indicated that there would be no street entrances or exits to the east and reiterated that the only access would be through the U-Haul portion.

Mr. Boerema inquired about the residential properties to the south. Mr. Garcia-Salas stated that the residential area to the south would be buffered by a stormwater retention pond.

Mr. Olszewski wanted to know if most of the square footage would be used by the U-Haul employees for moving the U-Boxes, and if customers would not be involved with the keeping of the U-Boxes. Mr. Garcia-Salas indicated that the U-Boxes would be in the north portion of the building and would be used by the employees, not the customers.

Mr. Olszewski asked if the self-storage component of the project was going to be like the current self-storage in the U-Haul parking lot. Mr. Garcia-Salas stated that self-storage would be drive-up, like the current self-storage.

Mr. Olszewski wanted to know how the project would be affected by the current Publix project. Mr. Garcia-Salas stated there would be no effect on the purpose and overall look. Mr. Garcia-Salas described the screening, the location and access agreement of the project.

Mr. Boerema asked where the entrance to the project would be. Mr. Garcia-Salas stated that the entrance would be at the north end of the property.

Mr. Boerema wanted to know if there were any meetings with Publix. Mr. Garcia-Salas explained that U-Haul representatives met with the property owners and noted that everyone was aware and in full support of the project.

There were no public comments, and there was no correspondence in the file.

Motion to approve Case CU-3-2023 subject to the conditions in the Staff Report.

Motion by Mr. Weinberg, seconded by Mr. Olszewski. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

- 2. CP-2-2023 - Micco Park Village - Brian Lulfs, Managing Member of Peat Holdings, LLC (Jake Wise, P.E., Construction Engineering Group, LLC) - A large-scale Comprehensive Plan Future Land Use Map amendment from Micco Park Village Use to Parkway Flex Use. Tax Parcels 500 and 751 of Section 12, Township 30, Range 37 along with Tax Parcel 2 of Section 13, Township 30, Range, 37, Brevard County, Florida, containing approximately 353.47 acres. Located north of and adjacent to Micco Road SE in the vicinity east of Interstate 95 Highway**

Mr. Anderson presented the staff report for Case CP-2-2023. Case CP-2-2023 met the minimum criteria for a large-scale Comprehensive Plan Future Land Use Map Amendment request.

Mr. Good inquired if the plan for the area was a higher density zoning. Mr. Anderson stated that the Micco Park Village District already had entitlements through the adoption of the Comprehensive Plan. He noted that if you were to look at the adopted current plan versus what had been proposed you would notice that Micco Park Village had not changed in any way. If the applicant wanted to change the entitlements, they would have to come forward and make an application.

Mr. Warner wanted to know how this project changed from the original Micco Park Village District in the newly adopted Comprehensive Plan. Mr. Anderson stated that the area was going to be significantly less intense and less dense.

Mr. Karaffa wanted to know if there would be a school inside the project. Mr. Anderson explained that there had not been any discussions for a school site for the project and mentioned that the School Concurrency Application indicated that they were greenlighted for the next phase. He mentioned that it would be unlikely that the

subject project would require a school site because of the proximity to the previous Micco Village District project that included a school site.

Mr. Olszewski wanted to know if there was any other project that existed in the City that was designated Parkway Flex District. Mr. Anderson stated that there was, and that it was located in the northwestern portion of the City near the St. Johns Heritage Parkway Extension area. Mr. Olszewski wanted to know how long the Parkway Flex Use existed. Mr. Anderson noted that it has existed since 2016.

Mr. Jake Wise, P.E. Construction Engineering Group, LLC (civil engineer for the project and representative for the applicant) introduced the developer for the project, Mr. James Giolda, Chief Development Officer, Lotis Group. Mr. Giolda informed the board of he and his partners years of experience in developing in Florida, and he looked forward to being in Palm Bay.

Mr. Olszewski asked when Lotis Group got involved in the project. Mr. Giolda explained that the property was owned by an investment partner for about 5 or 6 years. Mr. Olszewski wanted to know how dependent the project was on Emerald Lakes occurring. Mr. Giolda explained that it was not 100 percent dependent on Emerald Lakes and that the primary reason was the Emerald Lakes property to the north already had public right-of-way dedicated to the City which would allow legal access to extend the I-95 through the subject property for additional right-of-way dedication. Mr. Olszewski asked if Mr. Giolda was personally aware of how the existing St. John's Heritage Parkway had got there. Mr. Giolda explained that he was aware of the history.

Mr. Wise showed slides of the Master Plan of Micco Park Village District and gave details of the project. He noted that the eight criteria that staff mentioned in the staff report for a Land Use approval were met. A Citizen Participation Plan (CPP) meeting was held and there were no attendees. Mr. Wise stated that the proposed land use would require 40 square feet of commercial land for every residential unit. He noted that the project was proposing 80,000 square feet of commercial. Mr. Wise mentioned that there were two lakes that encompassed almost 75 acres of the property and would total 100 acres of the project with the Parkway. The master plan reshaped the area and included pedestrian interconnectivity and recreational

amenities. Mr. Wise noted that Brevard County Environmental Endangered Lands (EELS), that would be preserved in perpetuity, abuts the property to both the east and west.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. Mr. Battin stated that he was speaking in favor of the project because of the previous approval of the Micco Park Village to the east. He noted that without approval of the subject request, Micco Park Village would fail. Mr. Battin stated that the City would fail on the St. Johns Heritage Parkway unless there was some kind of agreement between the developers that were involved. Mr. Battin wanted to know how the pedestrians were supposed to get across the St. Johns Heritage Parkway since it was supposed to be a walkable community. Mr. Battin appreciated the fact that the developer had gone into neighborhoods where equestrian communities were a high priority. He hoped that the project would succeed.

Mr. Wise responded to Mr. Battin's questions. He stated that they understood that it would be developer dollars driving the extension of the Parkway and utilities.

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

Motion by Mr. Weinberg, seconded by Mr. Warner to approve Case CP-2-2023.

Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

- 3. CP-5-2023 - Adelon - Sam Wolkowick, Babcock & Malabar, LLC (Shubman Desai, E.I., Bowman Consulting Group, Ltd. / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys at Law / Alberto Krygier, Adelon Capital, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Residential Open Space Use to Commercial Use**

Ms. Jordan announced the request to continue Case CP-5-2023.

Motion to continue Case CP-5-2023 to the April 5, 2023, Planning and Zoning Board Meeting.

Motion by Mr. Weinberg, seconded by Mr. Warner.

Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

4. ****Z-18-2023 - Adelon - Sam Wolkowick, Babcock & Malabar, LLC (Shubman Desai, E.I., Bowman Consulting Group, Ltd. / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys at Law / Alberto Krygier, Adelon Capital, Reps.) - A zoning change from a CC, Community Commercial District to a GC, General Commercial District - A portion of Tax Parcel 1.1, Section 4, Township 29, Range 37, Brevard County, Florida, containing approximately 8.93 acres. Located in the vicinity, south of Malabar Road SE, east of Interstate-95 Highway, and west of Babcock Street SE**

Ms. Jordan announced the request to continue Case Z-18-2023.

Motion to continue Case Z-18-2023 to the April 5, 2023, Planning and Zoning Board Meeting.

Motion by Mr. Weinberg, seconded by Mr. Warner.

Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

5. **T-12-2023 - Crown of Road for Single-Family Residential Construction - City of Palm Bay (Public Works Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Section 174.073, to clarify residential elevations for single-family residential construction**

Ms. Jordan announced the request to continue Case T-12-2023.

Motion to continue Case T-12-2023 to the April 5, 2023, Planning and Zoning Board Meeting.

Motion by Mr. Weinberg, seconded by Mr. Warner.

Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

6. CP-6-2023 - Comprehensive Plan Elements (Remaining) - City of Palm Bay (Growth Management Department) - Adoption of updates to the City of Palm Bay Comprehensive Plan Transportation, Recreation and Open Space, Housing, Conservation, Intergovernmental Coordination, Coastal Management, Capital Improvements, Infrastructure, and Private Property Rights Elements

Ms. Bernard stated that at last month's Planning and Zoning Board Meeting, the Comprehensive Plan Future Land Use Element was presented and noted that staff worked with the consultant for the City to prepare the remaining elements. Ms. Bernard introduced, Mr. Chris Dougherty, Inspire Placemaking Collective, to present the remaining elements. Mr. Dougherty, project manager, stated that the Palm Bay 2045 Comprehensive Plan was the culmination of the Visioning Process that began in 2020 and 2021. He gave a PowerPoint presentation on the timeline and scope of the remaining Comprehensive Plan Elements, public engagement, and amendments to the Future Land Use Element and Maps. Evaluation and Appraisal Review based amendments had also been done to address statutory changes that had been neglected. Adoption of the remaining elements, Transportation, Housing, Coastal Management, Infrastructure, Recreation & Open Space, Conservation, Intergovernmental Coordination, Capital Improvements and Private Property Rights should occur in April.

Mr. Olszewski inquired about the change in the 2045 Vision year to 2050 on the cover page of the attachment to the agenda item, Comprehensive Plan Elements (Remaining). Mr. Dougherty confirmed that the Vision year was 2045 to align with the Transportation Planning Organization's Long-Range Transportation Plan and noted that the cover page would be corrected.

Mr. Olszewski wanted to know what the next action item would be after implementation of the Comprehensive Plan. Ms. Bernard stated that the next part in the process was to review the Land Development Regulations. Mr. Dougherty mentioned that as part of the visioning process there was discussion with staff about creating a score card on the City's website that showed progress in terms of implementation.

Mr. Good commented that there appeared to be very little planned for commercial. Mr. Dougherty explained that the biggest change in the Future Land Use Element, discussed last month, was a shift to more mixed-use development. He stated that the shift in that direction was because the model that the community was developed was extremely suburban to a point where there was not enough infrastructure in the ground to support a lot of the suburban development. Mr. Dougherty stated that there was a need to focus on densities and intensities where there was infrastructure. Mr. Anderson stated that there were a few different things going on in terms of trying to draw more commercial land in such as changes in future land use categories and orientation towards mixed use. The primary change would be from Multi-family to Neighborhood Center which would allow for commercial entitlements on multi-family land and expand that type of entitlement nature to create more of an infill density and intensity of mixture of uses.

Mr. Weinberg remarked that once the Comprehensive Plan was reviewed by the State and returned to the City, typically it would be returned with comments and sometimes changes were requested. He wanted to know if it would come back to the Planning and Zoning Board if changes were requested. Mr. Dougherty explained that unless the changes were substantial, he did not anticipate that there would be that much intervention at the State level. Mr. Dougherty mentioned that he suspected there may be comments about the water supply. Mr. Weinberg wanted to know where comments could be accessed. Mr. Anderson indicated that comments would be made available.

Mr. Olszewski wanted to know how a Comprehensive Plan could be created for land that had no reasonable forecast of getting water delivered to it. Mr. Dougherty explained that a Consumptive Use Permit would be needed and indicated that there were techniques to help offset the strain on just pulling from the aquifer. He noted

that every city was required to update their water supply plan eighteen (18) months after the Regional Plan.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) remarked that the map in the plan showed the entire city as the recharge area. He wanted to know how there could be landmasses, roads, pavement and no water, and still be called recharge. Mr. Dougherty stated that the GIS mapping was data from the Water Management District policy and was not the best layer in terms of data. A new model would need to be done to get the different recharge areas and the District was not maintaining that level of information anymore. Mr. Dougherty noted that it would still need to be looked at as part of statutory requirements. Mr. Battin wanted clarification on Future Land Use and Zoning. He asked which one had priority since current zoning was not being changed. Mr. Dougherty stated that related to the Land Use Element, presented last month, changes were made to Future Land Use. He stated that Zoning would prevail for right now. Zoning districts with new Land Use categories would need to be addressed in the next phase.

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

Motion to submit Case CP-6-2023 to City Council for approval and adoption.

Motion by Mr. Weinberg, seconded by Mr. Olszewski. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Olszewski, Warner.

ADJOURNMENT:

The meeting was adjourned at approximately 7:32 p.m.

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~~Leeta Jordan, CHAIRPERSON~~

Attest:

Carol Gerundo, SECRETARY

**Quasi-Judicial Proceeding