

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2023-04

Held on Wednesday, April 5, 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. Donald Boerema 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:	Jeffrey McLeod	Present
MEMBER:	Randall Olszewski	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	David Karaffa (School Board Appointee)	Absent (Excused)

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. Uma Sarmistha, Senior Planner; Ms. Carol Gerundo, Planning Specialist; Ms. Chandra Powell, Recording Secretary; Mr. John Pearson, Acting Building Official; Mr. Rodney Edwards, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2023-03; March 1, 2023.

Motion to approve the minutes as presented.

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

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

ANNOUNCEMENTS:

1. 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.
2. New board member, Mr. Jeffrey McLeod, was welcomed to the board.

Ms. Jordan announced that New Business, Item 2, Case FS23-00001 - L3Harris-Leo - Andrew Dugan, L3Harris Technologies, Inc. (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.), would be heard at this time.

2. **FS23-00001 - L3Harris-Leo - Andrew Dugan, L3Harris Technologies, Inc. (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Final Plat to allow for a proposed 2-lot subdivision for a manufacturing and industrial development called L3Harris-Leo. A portion of Tract F, Port Malabar Industrial Park Subdivision, Section 23, Township 28, Range 37, Brevard County, Florida, containing approximately 117.73 acres. Located at the southeast corner of Palm Bay Road NE and Troutman Boulevard NE**

Mr. Anderson presented the staff report for Case FS23-00001. Case FS23-00001 met the minimum requirements of a Final Plat request, subject to the staff comments, and was recommended by staff for approval.

Mr. Jake Wise, P.E. Construction Engineering Group, LLC (civil engineer for the project and representative for the applicant) introduced the project team for the development as Mr. Troy Davidson, L3Harris Technologies, Inc. (facilities senior manager and project manager) and Mr. Jeff Phillips, The Austin Company (project architect and project manager). He stated that the subject request would create a 4.6-acre lot and a 3.8-acre lot for a total of three lots at the existing L3Harris campus. The two created lots were for separate projects with separate stand-alone utilities,

and the 92,000 square foot and 84,000 square foot facilities planned for the sites would bring in new jobs.

Mr. Olszewski asked about the projected construction completion date, and how the existing tax abatement for the property would interact with the subject proposal. Mr. Wise stated that October/November of 2024 was the projected completion date for the project. Mr. Davidson commented that based on existing tax credits, additional tax abatements for the proposal could be applied for. Mr. Edwards confirmed that the two new lots would need to apply for their own tax abatements, and the existing tax abatement on the main property would be reassessed.

Mr. Jason Lambert, L3Harris Technologies, Inc. (vice president of operations for Space & Airborne Systems) explained how the subject request would carve out two new sites for a space business and a separate intelligence and cyber security business. Lease agreements for the facilities would be entered into.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke against the request. He stated that L3Harris was fantastic for the City, but he was opposed to tax abatements. He wanted to know if the criteria for the tax abatement would still be met, the percentage being written off at the expense of citizens, and if the project would continue if tax abatements were not granted.

In response to comments from the audience, Mr. Wise stated that he would be prepared to address the tax abatement matter at the City Council hearing. The subject request was only for a final plat approval.

The floor was closed for public comments.

Mr. Weinberg stated that tax abatements was not within the purview of the board. The requested expansion proposal would be good for the City.

Motion to submit Case FS23-00001 to City Council for approval.

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

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

City Council will hear Case FS23-00001 on April 20, 2023.

The board resumed consideration of items in the order shown on the agenda.

OLD/UNFINISHED BUSINESS:

1. **T23-00002 (formerly T-12-2023) - REQUEST TO CONTINUE TO 05/03 P&Z - 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 T23-00002. A motion was required to continue the case.

Motion to continue Case T23-00002 to the May 3, 2023 Planning and Zoning Board Meeting.

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

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

City Council will hear Case T23-00002 on May 18, 2023.

2. ****Z23-00002 (formerly Z-18-2023) - Adelon - Sam Wolkowicki, Babcock & Malabar, LLC (Shubman Desai, E.I., Bowman Consulting Group, Ltd. / Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law / Alberto Krygier, Adelon Capital, Reps.) - A Zoning amendment 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 11.668 acres. Located in the vicinity south of Malabar Road SE, east of Interchange-95, and west of Babcock Street SE

Ms. Uma Sarmistha presented the staff report for Case Z23-00002. Case Z23-00002 met the minimum requirements of a Rezoning request and was recommended for approval by staff.

Mr. Olszewski wanted to know what was planned for the land.

Ms. Jennifer Cockcroft, Esq., Lacey Lyons Rezanka Attorneys At Law (representative for the applicant) introduced Mr. Shubman Desai, E.I., Bowman Consulting Group, Ltd. (civil engineer for the project and representative for the applicant).

Mr. Desai remarked on how the subject site had a split zoning. The subject request would permit consistent zoning throughout the site. The request was one of three that would allow for approximately 200,000 square feet of warehouse and office space use, and a portion of the property would remain commercial.

Mr. Warner wanted to know the size of the remaining commercial land. Mr. Desai indicated the 2.2 acres of commercial land that would remain. The project would also help with the area's failed drainage system.

Mr. Olszewski asked where the primary access to the site would be located. Mr. Desai stated that a fully detailed site plan had not been prepared at this stage, but multiple access would be requested off Babcock Street SE, Malabar Road SE, and Interstate Court SE. A traffic study would be done and adhered to.

Mr. Warner wanted to know what specific uses were planned for the site. Mr. Desai stated that specific uses had not been finalized for the proposed 200,000 square-foot flex commercial warehouse space.

Mr. McLeod asked if the development would still occur without the zoning change. Mr. Desai stated that the project would unlikely move forward without the rezoning.

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 commented that the subject site was a perfect location for more intensive commercial uses.

Motion to submit Case Z23-00002 to City Council for approval.

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

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

City Council will hear Case Z23-00002 on April 20, 2023.

3. **CP23-00002 (formerly CP-5-2023) - Adelon - Sam Wolkowicki, Babcock & Malabar, LLC (Shubman Desai, E.I., Bowman Consulting Group, Ltd. / Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law / Alberto Krygier, Adelon Capital, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use and Commercial Use to Commercial Use. Tract G.2 of Port Malabar Unit 57, Section 4, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located in the vicinity south of Malabar Road SE, east of Interstate-95, and west of Babcock Street SE**

Ms. Uma Sarmistha presented the staff report for Case CP23-00002. Case CP23-00002 met the minimum requirements of a small-scale Comprehensive Plan amendment and was recommended for approval by staff.

Mr. Olszewski asked if the subject site's purpose was to be utilized to enhance the stormwater system for the future commercial development. Ms. Sarmistha confirmed that this was correct.

Ms. Jennifer Cockcroft, Esq., Lacey Lyons Rezanka Attorneys At Law (representative for the applicant) and Mr. Shubman Desai, E.I., Bowman Consulting Group, Ltd. (civil engineer for the project and representative for the applicant) were present to represent the 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 CP23-00002 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Boerema.

Motion carried with members voting as follows:

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

City Council will hear Case CP23-00002 on April 20, 2023.

NEW BUSINESS:

1. ****CPZ23-00001 - Adelon - Sam Wolkowicki, Babcock & Malabar, LLC (Shubman Desai, E.I., Bowman Consulting Group, Ltd. / Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law / Alberto Krygier, Adelon Capital, Reps.) - A Zoning amendment from an LI, Light Industrial and Warehousing District and a CC, Community Commercial District to a GC, General Commercial District. A portion of Tract G.2 of Port Malabar Unit 57, Section 4, Township 29, Range 37, Brevard County, Florida, containing approximately 6.459 acres. Located in the vicinity south of Malabar Road SE, east of Interstate-95, and west of Babcock Street SE**

Ms. Uma Sarmistha presented the staff report for Case CPZ23-00001. Case CPZ23-00001 met the minimum requirements of a rezoning request and was recommended for approval by staff.

Ms. Jennifer Cockcroft, Esq., Lacey Lyons Rezanka Attorneys At Law (representative for the applicant) and Mr. Shubman Desai, E.I., Bowman Consulting Group, Ltd. (civil engineer for the project and representative for the applicant) were present to represent the request.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He was pleased with the multiple commercial aspect of the project and with the

stormwater retention to occur with the land. He asked about the specific uses planned for the site.

Mr. Jeff Martin, Geis Development (project partner with Adelon Capital) stated that the flexible, multi-tenant project would be market driven to accommodate smaller, typical service-oriented businesses such as contractors and cabinet shops. Two to four businesses could locate within each of the four proposed stand-alone buildings.

The floor was closed for public comments.

Mr. Warner commented that the project appeared to be more in line with a commercial condo as opposed to a strip mall. Mr. Desai stated that this was correct and submitted to the board a concept rendering of the project.

Mr. Warner wanted to ensure the project would not become a future derelict strip mall.

Motion to submit Case CPZ23-00001 to City Council for approval.

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

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

City Council will hear Case CPZ23-00001 on April 20, 2023.

2. **FS23-00001 - L3Harris-Leo - Andrew Dugan, L3Harris Technologies, Inc. (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Final Plat to allow for a proposed 2-lot subdivision for a manufacturing and industrial development called L3Harris-Leo. A portion of Tract F, Port Malabar Industrial Park Subdivision, Section 23, Township 28, Range 37, Brevard County, Florida, containing approximately 117.73 acres. Located at the southeast corner of Palm Bay Road NE and Troutman Boulevard NE**

Case FS23-00001 was discussed following Announcements.

3. ****FD23-00001 – Jupiter Bay - Gregory Sachs, Sachs Capital Group, LP and Gerald Lakin, Identical Investments, LLC (Bruce Moia, P.E. and David Bassford, P.E., MBV Engineering, Inc., Reps.) - A Final Development Plan to allow a proposed PUD for a 236-unit development of mixed uses to be called Jupiter Bay PUD. Tract K of Port Malabar Unit 10, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 24.69 acres. Located at the northwest corner of Jupiter Boulevard SE and Brevard Avenue SE**

Ms. Uma Sarmistha presented the staff report for Case FD23-00001. Case FD23-00001 was in alignment with the Comprehensive Plan, met the minimum requirements for a Final Development Plan request, and was recommended for approval by staff with conditions.

Mr. Good inquired about the final density of the subject proposal being approved by the board and City Council during the preliminary review. Ms. Sarmistha and Ms. Bernard indicated that this was correct.

Mr. Olszewski noted that the property location was summarized as the southwest corner of Jupiter Boulevard SE and Brevard Avenue SE, whereas the site location was actually at the northwest corner. He asked if the property had already been converted to a mixed-use, or would the designation automatically be applied based on the new Comprehensive Plan changes. Mr. Anderson explained that the mixed-use land use designation had been applied last year through a Comprehensive Plan amendment, and that the proposed Final Development Plan for the PUD was the only zoning designation plausible for mixed uses.

Mr. Boerema inquired how the concerns he voiced last year regarding school pick-up and a possible turn lane had been addressed.

Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant) stated that there had been no changes to the development proposal since its preliminary approval. The requested turn lane that would help with traffic back-up at the school was shown on the submitted plan. The School Board was not in favor of additional parking but was in favor of elongating the right turn lane for stacking.

Mr. Olszewski wanted clarification regarding projected completion dates as various traffic improvement dates had been indicated, including 2027. Mr. Moia stated that an updated traffic study would likely be required by the City prior to construction approval and any deficiencies, needed improvements, and proportionate fair share agreement payments would be addressed. The development schedule would be updated accordingly, but he did not believe construction would begin by the end of the year.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke regarding the request. He stated that the property was still shown as Rural Residential on the zoning map, which he fully supported. He commented on how Jupiter Boulevard was a busy street in proximity to the school, so vehicles should not be allowed to park along the road and right-of-way when construction of the development occurred. He appreciated the amount of dedicated green space included in the project.

Mr. Anderson explained that the property's Rural Residential map designation was because the preliminary development plan approval was a tentative zoning change. The map designation would be updated when the final development plan was approved.

Mr. Robert Stise (resident at Windbrook Drive SE) spoke regarding the request. He remarked that by his calculations, the subject site would have approximately 1,368 vehicles that would impact the area. He said that consequences should be considered.

The floor was closed for public comments.

Motion to submit Case FD23-00001 to City Council for approval.

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

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

City Council will hear Case FD23-00001 on April 20, 2023.

4. **PS23-00001 – Jupiter Bay - Gregory Sachs, Sachs Capital Group, LP and Gerald Lakin, Identical Investments, LLC (Bruce Moia, P.E. and David Bassford, P.E., MBV Engineering, Inc., Reps.) - A Preliminary Subdivision Plat to allow for a proposed 236-unit development of mixed uses to be called Jupiter Bay PUD. Tract K of Port Malabar Unit 10, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 24.69 acres. Located at the northwest corner of Jupiter Boulevard SE and Brevard Avenue SE**

Ms. Uma Sarmistha presented the staff report for Case PS23-00001. Case PS23-00001 was in alignment with the Comprehensive Plan, met the minimum requirements for a Preliminary Subdivision Plan request, and was recommended for approval by staff with conditions.

Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant) stated that the property was located at the northwest corner of Jupiter Boulevard SE and Brevard Avenue SE. The subject request was for preliminary plat approval.

Mr. Olszewski noted that the townhomes on the property would be individually owned. He questioned whether the owners would be allowed to rent the units. Mr. Moia stated that the units were not proposed for rental.

Mr. Warner inquired whether traffic would still traverse from the back end of the property. Mr. Moia explained that the emergency back egress requested by City Council was still part of the proposal.

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 PS23-00001 to City Council for approval, subject to the conditions contained in the staff report.

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

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

City Council will hear Case PS23-00001 on April 20, 2023.

The meeting resumed following a two-minute recess.

5. **T23-00003 – Self-Storage Units - City of Palm Bay (Growth Management Department – Requested by Councilman Kenny Johnson) – A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.088, Special Requirements and Conditions; Section 185.045 LI – Light Industrial and Warehousing District; Section 185.046 HI – Heavy Industrial District; and Section 185.054, GC – General Commercial District; to amend the locations, requirements, and conditions for self-storage facilities**

Mr. Anderson presented the staff report for Case T23-00003. Case T23-00003 met the minimum criteria for a Textual Amendment and was recommended for approval by staff.

Mr. Olszewski asked if the subject proposal would restrict self-storage facilities to industrial areas. Mr. Anderson stated that the subject amendment expanded self-storage uses as a permitted use in the industrial areas, and constrained self-storage uses by conditional use within the General Commercial zoning district.

The floor was opened for public comments.

Mr. Henry Morin (resident of Palm Bay) spoke in favor of the request. He commended staff on the proposed amendment. He was pleased that a self-storage facility in a CC, Community Commercial District was required to be recessed a certain distance off the main road. Main corridor frontages should be preserved for prime commercial development.

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

Motion to submit Case T23-00003 to City Council for approval.

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

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

City Council will hear Case T23-00003 on April 6, 2023.

6. **T23-00001 - Building Code - City of Palm Bay (Growth Management) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.005, to eliminate conflict within the City of Palm Bay Code of Ordinance**

Mr. White presented the staff report for Case T23-00001. Case T23-00001 met the minimum criteria for a Textual Amendment and was recommended for approval by staff.

Mr. Olszewski asked for a practical example of where a conflict existed and caused friction in processes.

Mr. John Pearson, Acting Building Official, explained the overall Florida Building Code, its various volumes, and administrative and enforcement articles. As permitted, the Building Officials Association of Florida's recommendations to the Florida Building Code were utilized by the City for best practices. The proposed textual amendment would allow the first chapter of the Florida Building Code, Building volume to be amended and the ability for specific volumes to reference that code.

Mr. Olszewski asked for clarification that City instructional materials would now refer applicants to Palm Bay published materials referencing the Florida Building Code. Mr. Pearson clarified that each adopted building code would be listed and referenced back to the Florida Building Code, Building volume as some code volumes would no longer reference exclusive chapter and exhibit language. The proposed change clarified where to go for each of the codes.

Ms. Jordan remarked that it appeared as though there would be more administrative changes instead of coming back for textual corrections. Mr. Pearson explained that

the textual amendment to the actual code was to point everyone in the right direction of what the Building Code entailed, and the amendment also clarified when the Building volume or the Residential volume was being referenced.

Mr. Warner asked if the change would be across the board and not just to the individual codes. Mr. Pearson explained that the amendment eliminated Chapter 1, Administration within each of the individual codes; the individual codes would now be listed with references back to the Building Code for administrative and enforcement aspects.

Motion to submit Case T23-00001 to City Council for approval.

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

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

City Council will hear Case T23-00001 on April 20, 2023.

OTHER BUSINESS:

1. Selection of Board Member to serve on Community Development Advisory Board

Ms. Bernard explained that a Planning and Zoning Board member was required to serve on the Community Development Advisory Board. The position was previously filled by a former board member, Ms. Khalilah Maragh.

Ms. Bernard explained the purpose and function of the Community Development Advisory Board.

Nominations and availability were discussed among the board.

By consensus, Mr. Robert Good was selected to fill the Planning and Zoning Board position on the Community Development Advisory Board.

ADJOURNMENT:

The meeting was adjourned at approximately 7:27 p.m.

Leeta Jordan, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

****Quasi-Judicial Proceeding**