

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
SPECIAL MEETING 2021-02

Held on Tuesday, January 19, 2021, in the Tony Rosa Community Center, Rooms A and B, 1502 Port Malabar Road NE, 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. Rainer Warner 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	Absent	(Excused)
MEMBER:	Richard Hill	Present	
MEMBER:	Khalilah Maragh	Present	
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa	Absent	
	(School Board Appointee)		

Mr. Boothroyd's absence was excused.

CITY STAFF: Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant 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 2020-14; December 2, 2020. Mr. Weinberg noted for correction that Mr. Donny Felix was not present at the December meeting. Motion by Ms. Jordan, seconded by Mr. Hill to approve the minutes as amended. The motion carried with members voting unanimously.

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 BUSINESS:

1. ****FS-2-2020 – SABAL PALM SQUARE - 2501 LLC (BRUCE MOIA, P.E., REP.)
(REQUEST TO CONTINUE TO FEBRUARY 3, 2021)**

Mr. Weinberg announced that staff had requested a continuance of Case FS-2-2020 to the February 3, 2021 Planning and Zoning Board meeting.

Motion by Ms. Jordan, seconded by Ms. Maragh to continue Case FS-2-2020 to the February 3, 2021 Planning and Zoning Board meeting. The motion carried with members voting unanimously.

City Council will hear Case FS-2-2020 on March 4, 2021.

2. ****CU-37-2020 – BABCOCK LLC (ROBERT V. SCHWERER, ESQ. AND
HASSAN KAMAL, P.E., REPS.)**

Mr. Bradley presented the staff report for Case CU-37-2020. The applicant had requested an amendment to a previously approved conditional use (Resolution 2019-02) to expand the existing mining excavation of a borrow pit in a GU, General Use Holding District. Staff recommended Case CU-37-2020 for approval with conditions.

Ms. Maragh inquired whether there had been any past issues with the mining operation meeting staff guidelines. Mr. Bradley stated that he was not aware of any issues. A letter was received regarding dewatering; however, the applicant had responded that the St. Johns River Water Management District (SJRWMD) would have cited any dewatering issues for enforcement.

Mr. Robert V. Schwerer, Esq. with Hayskar, Walker, Schwerer, Dundas & McCain, P.A. (representative for the applicant) used diagrams to review the request. He stated that the City and the SJRWMD were reviewing the revised site plan for additional permits, and there would be no mining in the wetland area. He explained that the subject request was less than a 20-acre expansion and a minor modification to Phase I. The northern boundary of the site was approximately 4,025 feet west of the Yates mining pit and an additional 2,020 feet from the nearest residential property line. All legal requirements of the code had been met or exceeded, and no additional truck traffic, excavation area, or external access points would occur. The operation was in full compliance with all City and SJRWMD permits and there had been no violations. A Citizen Participation Plan (CPP) meeting was held, and there was no opposition to the request. He had no objections to the staff conditions.

Ms. Maragh asked for clarification that the expansion was needed because a mine had been exhausted. Mr. Schwerer explained that a portion of the mine had been exhausted, and that the operation was approved to progress in phases to ensure safety. Ms. Maragh wanted to know in terms of environmental impact, what would occur with the section of property no longer in use. Mr. Schwerer explained that the property would still be used to excavate sand and different grades of rock.

The floor was opened and closed for public comments; there were no comments from the audience, and there were two items of correspondence in the file in opposition to the request along with the response from Mr. Schwerer.

Motion by Mr. Hill, seconded by Ms. Maragh to submit Case CU-37-2020 to City Council for approval of an amendment to a previously approved conditional use (Resolution 2019-02) to expand the existing mining excavation of a borrow pit in a GU, General Use Holding District, subject to the staff recommendations contained in the staff report. The motion carried with members voting unanimously.

**3. CP-10-2020 – SKA PROPERTIES, LLC
(DEAN MEAD ATTORNEYS AT LAW, REP.)**

Mr. Murphy presented the staff report for Case CP-10-2020. The applicant had requested a large-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Multiple-Family Residential Use. Staff recommended four conditions for consideration should the board approve Case CP-10-2020 and transmit to the Florida Department of Economic Opportunity, pursuant to Chapter 163, Florida Statutes.

Ms. Laura Young, Board Certified Real Estate Lawyer with Dean Mead Attorneys At Law (representative for the applicant) submitted a PowerPoint presentation regarding the land use and zoning amendment proposals for the subject site. The property was purchased by SKA Properties in 2012 but had been in their family ownership for over 60 years. There were no plans for the site or marketing at present, but the applicant was amendable to the conditions recommended by staff to alleviate the concerns in the area. A Citizen Participation Plan meeting would be held at a later stage once a development plan was conceived. She discussed the site's compatibility with the Comprehensive Plan and the recognized need for multiple-family residential housing in the City. In response to the correspondence submitted against the land use and rezoning requests, she noted that the subject property would be capped at ten units per acre and Glenham Drive NE was considered a medium density collector road that could support the development. She informed the board of the environmental, stormwater, school capacity, traffic impact, and utility pressure and flow test requirements that had been preliminarily met or would need to be addressed during the appropriate stages of review of a future project.

Mr. Warner asked if the applicant would develop a single-family project if the multiple-family request was denied. Ms. Young was not sure.

Mr. Jake Wise, P.E. of Construction Engineering Group, Inc. (civil engineer for the project) reiterated that there was no project or site plan for the property. The proposed request was an early step toward developing the site in a manner diverse from the existing RS-1, Single Family Residential product in the vicinity and throughout Palm Bay. A site plan with the related reviews and requirements would

be accomplished once the land use and zoning requests were in effect. He explained that a single-family subdivision under the existing RS-1 district would clear cut the site without buffers. A multiple-family project at ten units per acre allowed clustering for more land preservation in addition to buffering and landscaping requirements. He noted that the property's main access would be adjacent to commercial, industrial, and park land, and that the utilities in the area would need to be reviewed regardless of the type of development.

The floor was opened for public comments.

Mr. Henry Morin (president of the Turkey Creek Homeowners Association) spoke against the request. He said that nothing had occurred in the single-family residential neighborhood to require a land use change. According to the submitted legal opinion in the file from the attorney retained by the homeowners association, Mr. Jack Kirschenbaum, Esq. with GrayRobinson, P.A., the proposed application could be challenged since the request did not qualify for a land use change due to its incompatibility with the character of the area.

Ms. Maragh inquired whether the homeowners association would find duplexes more acceptable than apartments. Mr. Morin indicated that compatibility meant single-family homes.

Mr. Wentworth Carey (resident at Hamlin Street NE) spoke against the request. He believed a plan should be provided before a change was considered. Utilities, mitigation of trees and endangered species, and drainage run off into the Turkey Creek were concerns that should be known beforehand. He felt that the developer would be profiting at the expense of the neighborhood. He commented on how the traffic survey was inaccurate since it was done while schools were closed during COVID-19. Multi-family development should be located with multi-family development.

Mr. Peter Filiberto (resident at Spring Creek Circle NE) spoke against the request. He stated that the matter was brought to his attention as a member of the Brevard County Planning and Zoning Board, District 3. He remarked on how the proposed request did not appear consistent or compatible with the Turkey Creek Subdivision. Namely, the Aqua Apartments on Robert J. Conlan Boulevard NE was a multiple-

family development that sat vacant; area utilities could be affected; the school service area had no capacity; and there were deficiencies with Glenham Road. He questioned whether there would be sufficient police and fire manpower to service multi-family in the area. The applicant appeared to be offering workarounds.

Ms. Christine Marcelle (resident at Glenham Drive NE) spoke against the request. She stated that her automobile was damaged from traveling the neighborhood roads. She commented on the endangered wildlife on the proposed site and the required environmental phasing. She indicated how there was 75 acres on Robert J. Conlan Boulevard to locate the multiple-family project, and that the subject property would be better suited for a single-family development for seniors.

Ms. Lorie Wacaster (resident at River Drive NE) spoke against the request. She stated that she resided in Highland Terrace where there was already diversity in home sizes and the residents. She did not want the inherent quality of the neighborhood to change.

Ms. Kristy Clinton (resident at Limequat Street NE) spoke against the request. She questioned how a multi-family development could be justified when the project was unknown. Online searches had revealed home purchases in Palm Bay with contingents and 700 apartments available for rental. She believed the subject proposal was for making more money and not to meet a need in Palm Bay. The applicant would be a single taxpayer whereas neighborhood residents had paid taxes for decades.

Mr. Gene Collins (resident at Sunswept Road NE) spoke against the request. He stated that traffic on Glenham Drive was horrendous, and that the traffic study that was done would be inaccurate because of COVID-19. He said that busing school children outside the area would increase traffic problems. The property was purchased as a single-family site and should be developed as such. He commented on how Highland Shores Subdivision was four units per acre, so a multiple-family ten-units per acre project would not be compatible, and more information was needed about SKA Properties.

Ms. Alexa Moia (resident at King Street NE) spoke against the request. She stated that the applicant was speculating instead of providing a proper development plan. Finding a single-family home in the established and in-demand area to purchase was difficult. She remarked on how there was multi-family property throughout the City.

Ms. Kathy Brewer (resident at Lemon Street NE) spoke against the request. She questioned how a multi-family project would impact plans to connect 90 homes on Glenham Drive into the existing force main because of their failing septic systems.

Ms. Gina Bardy (resident at School Drive NE) spoke against the request. She stated that multiple-family use was not compatible with the character of the existing neighborhood. There could be a need for multiple-family in Palm Bay, but not within northeast Palm Bay where several multi-family developments were within five square miles of the subject site. She noted that there were threatened species on the property.

Mr. Adam Radwan (resident at Palmdale Circle NE) spoke against the request. He stated that there was crime in the area, and he believed multi-family renters would bring cause a huge increase in crime. The applicant would make a profit while existing property values dropped undeservedly.

Mr. James Finch (resident at Tangerine Street NE) spoke against the request. He stated that the subject request was incompatible with the unique character of the Turkey Creek Subdivision. The neighborhood could not handle the traffic that would cut through the subdivision to get to Port Malabar Boulevard NE, and Mandarin Drive NE also had traffic issues. He noted Aqua Apartments and the Turkey Creek Villas as multiple-family projects already in the area.

Mr. Zachary Bangos (resident at Palmdale Circle NE) spoke against the request. He stated how he wanted to keep the quiet character of the neighborhood to be a safe place for his children one day. Multi-family would change the area and bring more traffic.

Mr. Jeffrey Dean (resident at Pineapple Avenue NE) spoke against the request. He stated how the neighborhood was great for walking and biking. A multi-family use would exacerbate the traffic issues at the intersection of Glenham Drive and Palm Bay Road NE that needed a traffic signal.

Ms. Nalene Taylor (resident at Lemon Street NE) spoke against the request. She described how Palm Bay Elementary School had to reroute their bus access because of heavy traffic, which was still a problem on Glenham Drive. She was concerned about the utilities, septic tanks, and the City's negligence in taking care of current residents.

Ms. Katie Hazzard (resident at Sunswept Road NE) spoke against the request. She stated that she had previous experience with the developer attempting to place multi-family use in the center of an established single-family neighborhood. She commented on the wildlife that existed on the subject property, how spot zoning was ruining communities, and that her small and friendly neighborhood should be maintained.

Ms. Erin Conway (resident at Mandarin Drive NE) spoke against the request. She stated that she loved her community and neighborhood, but speeders used Mandarin Drive as a cut through between Glenham Drive and Port Malabar Boulevard NE. The traffic was outrageous during school drop off and pick up hours. She wanted the community, which the residents had invested in, to remain safe and quiet.

In response to the public comments, Ms. Young explained that SKA properties were three members of a family from the area and not a large developer. The applicant believed the multi-family proposal would act as a transition between the residential neighborhood and the various uses nearby. The applicant was within their right to make the request. She respectfully disagreed with Mr. Kirschenbaum's legal opinion on compatibility. Her expert land use attorney and staff had determined the proposed land use to be a compatible transition. Development of the property would decrease the existing illegal activity on the site; environmental issues would be addressed by required permits, including subsequent environmental phases. She commented on how Mr. Morin and the Turkey Creek Homeowners Association had sought to purchase the property, but the applicant wanted to market the site for multi-family

use at this time. She remarked how the school capacity shortfall would be an issue for both the single-family or multi-family use; a traffic study would determine if a future project required traffic improvements; the location was situated for diverse and transitional housing; and there was no evidence that a medium density multi-family project would alter the character, property value, or crime rate of a neighborhood. Any multi-family project would need to meet the appropriate codes.

In response to comments from the audience, Mr. Wise stated that the utility connections for the site would have to be addressed for single-family or multi-family development. An extension of water and sewer to the property would also offer the neighborhood the benefit of possible hook up. He commented that a standard RS-1 single-family development would require the site to be clear cut and noted that a multi-family development at 25-feet in height would be vastly different from other multi-family developments in the area. Tree mitigation, stormwater retention, and a future traffic study would still need to occur. He noted that 60 years ago there was no land use assigned to the property when the family originally purchased the site. He informed the board that there would be further public hearings and a neighborhood meeting once a plan was proposed. The current request satisfied all elements of the Comprehensive Plan.

The floor was closed for public comments.

Ms. Maragh questioned whether a new property owner would be bound by conditions placed on the request. Mr. Murphy confirmed that this was correct as the conditions ran with the land.

Mr. Warner stated that in considering all aspects of the proposal and most appropriate use of the land, the request did not appear compatible with the existing neighborhood.

Motion by Mr. Warner, seconded by Mr. Hill to submit Case CP-10-2020 to City Council for denial of a large-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Multiple-Family Residential Use.

Ms. Maragh stated how she believed in diversity in housing; however, she had concerns about the project's environmental impact on the Turkey Creek, traffic, and the lack of a development plan to assuage concerns.

Mr. Weinberg noted that there were 91 items of correspondence in the file in opposition to the request. He stated that compatibility was a concern as the Turkey Creek Subdivision was a unique neighborhood that the proposed request would change.

A vote was called on the motion by Mr. Warner, seconded by Mr. Hill to submit Case CP-10-2020 to City Council for denial of a large-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Multiple-Family Residential Use. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Hill	Aye
Ms. Maragh	Aye
Mr. Warner	Aye

City Council will hear Case CP-10-2020 on January 26, 2021.

The meeting resumed following a five-minute recess.

4. ****CPZ-10-2020 – SKA PROPERTIES, LLC
(DEAN MEAD ATTORNEYS AT LAW, REP.)**

Mr. Weinberg stated that Case CP-10-2020, the companion land use request to Case CPZ-10-2020, had been denied by the board.

Mr. Jake Wise, P.E. of Construction Engineering Group, Inc. (civil engineer for the project) asked that the discussion under Case CP-10-2020 be part of the record for Case CPZ-10-2020.

Motion by Mr. Hill, seconded by Mr. Warner to submit Case CPZ-10-2020 to City Council for denial of a zoning amendment from an RS-1, Single Family Residential District to an RM-10, Single-, Two-, Multiple-Family Residential District. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Hill	Aye
Ms. Maragh	Aye
Mr. Warner	Aye

City Council will hear Case CPZ-10-2020 on January 26, 2021.

NEW BUSINESS:

1. **CP-1-2021 - JUPITER BAY - SACHS CAPITAL GROUP, LP
(BRUCE MOIA, P.E., REP.)
(REQUEST TO CONTINUE TO MARCH 4, 2021)**

Mr. Weinberg announced that the applicant for Case CP-1-2021 had requested a continuance to the March 4, 2021 Planning and Zoning Board meeting. A motion was needed to continue the case.

Motion by Mr. Warner, seconded by Ms. Jordan to continue Case CP-1-2021 to the March 4, 2021 Planning and Zoning Board meeting. The motion carried with members voting unanimously.

2. ****PD-1-2021 - JUPITER BAY - SACHS CAPITAL GROUP, LP
(BRUCE MOIA, P.E., REP.)
(WITHDRAWN)**

Mr. Weinberg announced that Case PD-1-2021 had been withdrawn. Board action was not required to withdraw the case.

**3. CP-2-2021 – THE RESERVE AT COUNTRY CLUB LAKE ESTATES –
PALM BAY GREENS, LLC (DAVID BASSFORD, P.E. AND
BRIAN BUSSEN, REPS.)**

Mr. Murphy presented the staff report for Case CP-2-2021. The applicant had requested a small-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Multiple-Family Residential Use. The board must determine the need and justification for the change, the effect of the change, and the relationship of the proposed amendment to furthering the purposes of the Comprehensive Plan. Staff recommended three conditions should the board approve the case.

Mr. Bruce Moia, P.E., president of MBV Engineering, Inc. (representative for the applicant) stated that a recent Citizen Participation Plan (CPP) meeting was held for the subject proposal, but he was not privy to the discussions and agreements from previous CPP meetings. He noted that there was already multi-family projects in the area, and that the subject proposal would mirror what was already present. A Planned Unit Development (PUD) would allow specimen oak trees to be preserved. Multi-family would abut existing multi-family, the larger lots would be located around the perimeter, smaller lots would be on the interior, and as much open space as possible would be preserved. He stated that he was in agreement with staff recommendations.

Ms. Karen Schrimpf (resident at Island Green Drive NE) spoke against the request. She commented that there were six site plan grievances indicated by the Island Green Village Association Board. The site plan showed the Island Green driveway in error and did not depict the easement access or utility easements as conditions of the proposal. Residents of the area remained concerned about the development, but COVID-19 and the holidays had affected the attendance for the Citizen Participation Plan (CPP) meeting. Basic questions were not answered at the CPP meeting, such as the number of stories proposed and minimum unit size. She remarked how the subject request broke prior agreements. City Council had approved the site for RS-1, Single Family Residential District development in 2015; the southern lot density was increased from 1.9 to 2.7 lots per acre; and 800 square-foot duplexes would be located adjacent to the Bimini Bay and Island Green Villas multi-family communities of 1,600 to 2,200 square foot homes. Flooding was a

challenge in the area, so adjacent residents were concerned that they would be forced to purchase flood insurance because of the density increase. She noted that in 2008, Port Malabar Boulevard NE was determined to be a failed capacity road.

Mr. Russell Wood (resident at Waialae Circle NE) spoke against the request. Mr. Wood explained how he had been a part of the Port Malabar Country Club Community Association that had fought for several years against the residential development of the former golf course. The multi-family proposal, however, was a change to the single-family plan that was agreed upon.

Ms. Doreen Kharman-Wittig (resident at Island Green Drive NE) spoke against the request. She stated that the subject request would cause the floodzone certification to require mandatory flood insurance for new and existing residences. Homes that required flood insurance were less desirable and had lower market value. She wanted the proposed phase of development to be built as originally approved.

Ms. Sue Kiley (resident at Champion Drive NE) spoke against the request. She was concerned about the small size of the lots and the change to multi-family. The request would result in diminished waterway, insufficient water retention, mandatory flood insurance, and would change the character of the established neighborhood. Wildlife on the property was now scarce and there was little green space being provided. She said that the proposal would overtax existing roadways, and details about the type of multi-family project had not been defined. She wanted the single-family approval upheld to preserve the character of the neighborhood.

Mr. Edward Mangini (resident at Eleuthera Drive NE) spoke against the request on behalf of Bimini Bay Homeowners Association Board of Directors. He wanted Bimini Bay to be referred to as duplexes in the staff report. He stated that Bimini Bay did not object to adjacent multi-family use but to smaller 800 square-foot duplexes. The adjacent duplexes should not be smaller than Bimini Bay's minimum 1,323 square-foot duplex. The 25-percent open space requirement should also apply to the multi-family density. He commented on how there was not enough information provided at the CPP meeting, and that the floodzone map provided at the meeting was incorrect. He used a PowerPoint presentation to indicate flooding issues in the area and how the subject proposal would increase drainage problems for Bimini Bay.

Mr. Michael Valley (resident at Eleuthera Drive NE) spoke against the request on behalf of Bimini Bay Homeowners Association Board of Directors. He stated that the initial residential proposal for the former golf course site was denied due to arsenic and drainage issues. The current development was approved in 2015 and included several agreements based on CPP meetings. The negotiated agreements were for the RS-1 zoning classification, lot sizes, minimum 1,800 square-foot homes, and that no two-story homes would be built on the perimeter property lines. The recent CPP meeting for the subject request was lacking. He questioned why the staff report had not mentioned Comprehensive Plan regulations relating to the prevention of land overcrowding, avoidance of undue population, and protection of private property rights affecting surrounding neighborhoods. He asked that if the board was not inclined to deny the subject request, that a 90 day postponement of their recommendation be granted so the applicant could meet to discuss and negotiate in good faith neighborhood concerns with representatives of Bimini Bay, Island Green Villas, and the Port Malabar Country Club Association. He wanted the minimum square footage for the duplexes increased to 1,600 square feet based on the average home sizes in Bimini Bay.

Ms. Marilyn Souza (resident at Eleuthera Drive NE) spoke against the request. She described how the drainage in the area affected her property that was adjacent to the swale. The road for the subject phase would be located where the flooding occurred.

Ms. Wendy Bielanos (resident at Eleuthera Drive NE) spoke against the request. She stated that she did not want the property value of her 2,200 square foot duplex to be affected by 800 square-foot duplexes, and she did not want to incur the additional expense of flood insurance. She was in favor of the 90-day postponement.

Ms. Debbie Neiheiser (resident at Waialae Circle NE) spoke against the request. She stated that she had moved into the area to avoid homes that were too close in proximity. The proposed request would increase density, cause flooding, and decrease property values.

Ms. Mauri Baumann (resident at Fairway Court NE) spoke against the request. She stated that flooding was a concern since the subject proposal included plans to fill in half the retention pond behind her property.

Ms. Cheryl Rittenhouse (resident at Eleuthera Drive NE) spoke against the request. She stated how flooding would be an issue with the proposed project, and she was in favor of the 90-day postponement.

In response to public comments, Mr. Moia stated that Floodzone X was the correct classification for the property. He explained that updates to flood elevations could only be done by the Federal Emergency Management Agency (FEMA) and not by a development. Per State law, the project must maintain its drainage and cause no undue flooding to adjacent properties. He agreed that arrangements for the CPP meeting had been constrained due to COVID-19. He stated that there were no changes planned for the Island Green Villas' driveway or their easements. More project details, such as stormwater sufficiency, would be addressed and modified during the design stage. The proposed duplexes would be upscale and would mirror Bimini Bay in lot and unit size. He explained that the 800 square foot duplex size was a code minimum, and that an acceptable minimum size would be provided to City Council. A new traffic study would be done for reduced trips; the open space at 25-percent density was already depicted for the multi-family area; and there was discussion with staff to improve the drainage on the north side of Bimini Bay with a new swale conveyance system. He agreed to not place two-story, single-family homes on the perimeter of the site.

Mr. Hill inquired whether there would be a weir structure for drainage outfall. Mr. Moia described how the proposed swale conveyance system would handle drainage outfall. The property would store more water and discharge less.

Mr. Murphy reminded the board that the land use request was for a maximum density of 4.96 units per acre on 9.99 acres, which was less than the 5.00 units per acre currently allowed by the single-family land use. The land use change was to permit the multi-family use, but the requested density met the current density requirement.

The floor was closed for public comments, and there were 93 items of correspondence in the file in opposition to the request.

Motion by Ms. Maragh, seconded by Ms. Jordan to submit Case CP-2-2021 to City Council for approval of a small-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Multiple-Family Residential Use, subject to the conditions contained in the staff report. The motion carried with members voting unanimously.

4. ****PD-2-2021 – THE RESERVE AT COUNTRY CLUB LAKE ESTATES –
PALM BAY GREENS, LLC (DAVID BASSFORD, P.E. AND
BRIAN BUSSEN, REPS.)**

Mr. Murphy presented the staff report for Case PD-2-2021. The applicant had requested Preliminary Development Plan approval for a PUD to allow a development with 154 single-family homes and 46 duplex units called The Reserve at Country Club Lake Estates. Staff recommended Case PD-2-2021 for approval, subject to the staff comments contained in the staff report.

Mr. Bruce Moia, P.E., president of MBV Engineering, Inc. (representative for the applicant) remarked on the lower density proposed for the project. He noted that the discussion during Case CP-2-2021 also pertained to the subject request.

Ms. Maragh asked if the applicant was in agreement with staff comments. Mr. Moia confirmed that he was in agreement with staff comments. Ms. Maragh commented on the importance of working with the community to avoid misinformation.

The floor was opened for public comments.

Ms. Laura Buterbaugh (resident at Eleuthera Drive NE) spoke against the request. She questioned how compatibility, unknowns, and other issues similarly applied to Case CP-10-2020, SKA Properties, LLC, were not considerations for denying the subject proposal. She was not convinced of the need for more multi-family development. The drainage problems existing in the area affected her property. She remarked on how promises given to the neighborhood should be kept.

In response to the public comment, Mr. Moia explained that the request by SKA Properties was not the same. SKA Properties did not provide a plan. If approved, the subject proposal would be held to the submitted plan. He explained how the subject request was compatible to the area since multi-family would abut multi-family and single-family would abut single-family.

Mr. Warner commented on keeping the community involved and wished it was possible to grant the 90-day postponement the residents requested to allow them to meet with the applicant. Mr. Moia stated that many of their issues were discussed at the Citizen Participation Plan (CPP) meeting but were not resolved.

The floor was closed for public comments, and there were 93 items of correspondence in the file in opposition to the request.

Motion by Ms. Maragh, seconded by Mr. Hill to submit Case PD-2-2021 to City Council for Preliminary Development Plan approval for a PUD to allow a development with 154 single-family homes and 46 duplex units called The Reserve at Country Club Lake Estates, subject to the staff comments contained in the staff report. The motion carried with members voting unanimously.

5. ****PD-3-2021 – CYPRESS BAY WEST PHASE I - WATERSTONE FARMS, LLC
(JAKE WISE, P.E., REP.)**

Mr. Balter presented the staff report for Case PD-3-2021. The applicant had requested Preliminary Development Plan approval for a PUD to allow a 229 single-family home development called Cypress Bay West Phase I. Staff recommended Case PD-3-2021 for approval, subject to the comments contained in the staff report.

Mr. Jake Wise, P.E. of Construction Engineering Group, Inc. (representative for the applicant) stated that the subject development was part of the Waterstone master project. The subject development featured oversized ponds; an expansion of water and wastewater; and lots at 125 square feet deep. Once a certain number of rooftops were established, a grocer in the area would begin procedures to locate within the development. He commented on the expansive green area that between the site and the homes within The Lakes at Waterstone PUD. He stated that he was in agreement with all staff comments.

The floor was opened and closed for public comments; there were no comments from the audience and there was one item of correspondence opposed to the request in the file.

Motion by Ms. Jordan, seconded by Mr. Hill to submit Case PD-3-2021 to City Council for Preliminary Development Plan approval for a PUD to allow a 229 single-family home development called Cypress Bay West Phase I. Staff recommended Case PD-3-2021 for approval, subject to the comments contained in the staff report. The motion carried with members voting unanimously.

6. **CP-3-2021 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)**

Mr. Bradley presented the staff report for Case CP-3-2021. The applicant, City of Palm Bay, had requested an Evaluation and Appraisal Report (EAR) amendment to the City of Palm Bay Comprehensive Plan Capital Improvements Element, Coastal Management Element, Infrastructure Element, Intergovernmental Coordination Element, and Transportation Element, pursuant to Chapter 163, Florida Statutes. Staff recommended Case CP-3-2021 for approval.

Ms. Maragh inquired whether the purpose of the subject amendment was for Comprehensive Plan compliance. Mr. Bradley confirmed that the amendment would bring the City into compliance by meeting a March 1, 2021 deadline. The majority of the changes were to comply with State statutes, but there were some items that would require action by the City. A full update of the Comprehensive Plan would occur over the next 12 to 18 months.

Ms. Jordan commented on the potential changes to the Comprehensive Plan. Mr. Bradley noted that the board would be reviewing different textual and map amendments, as well as policy changes.

There was no public present in the audience for public comments and there was no correspondence in the file.

Motion by Mr. Hill, seconded by Mr. Boerema to submit Case CP-3-2021 to City Council for approval of an Evaluation and Appraisal Report (EAR) amendment to the City of Palm Bay Comprehensive Plan Capital Improvements Element, Coastal Management Element, Infrastructure Element, Intergovernmental Coordination Element, and Transportation Element, pursuant to Chapter 163, Florida Statutes.

Ms. Maragh asked if there would be workshops to allow more board review and discussion of amendments. Mr. Bradley stated that the board would be given the opportunity for more discussion during the review of major amendments.

A vote was called on the motion by Mr. Hill, seconded by Mr. Boerema to submit Case CP-3-2021 to City Council for approval of an Evaluation and Appraisal Report (EAR) amendment to the City of Palm Bay Comprehensive Plan Capital Improvements Element, Coastal Management Element, Infrastructure Element, Intergovernmental Coordination Element, and Transportation Element, pursuant to Chapter 163, Florida Statutes. The motion carried with members voting unanimously.

OTHER BUSINESS:

There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 10:58 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding