

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/  
LOCAL PLANNING AGENCY  
REGULAR MEETING 2022-04

Held on Wednesday, April 6, 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.

Ms. Leeta Jordan called the meeting to order at approximately 7:00 p.m.

Mr. Philip Weinberg led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

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

Mr. Olszewski's absence was excused.

**CITY STAFF:** Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney; Mr. Erich Messenger, Deputy City Attorney.

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-03; March 2, 2022.

Motion to approve the minutes as presented.

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

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

#### **ANNOUNCEMENTS:**

1. Ms. Jordan announced for the benefit of the audience that the Majors Golf Course property was not an agenda item.
2. 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.
3. Mr. Anderson indicated the five cases that would be heard on the agenda.

#### **OLD/UNFINISHED BUSINESS:**

1. **\*\*CU-9-2022 - Summit Shah, Sunshine Petro, Inc. (Carmine Ferraro, Crossover Commercial Group, Inc., Rep.) - A Conditional Use to allow retail automotive gasoline/fuel sales for a proposed fuel station, with a convenience store and drive-through, in a CC, Community Commercial District, in accordance with Section 185.043(D)(3) of the Palm Bay Code of Ordinances. Tax Parcel 603, Section 15, Township 29, Range 37, Brevard County, Florida, containing approximately 1.5 acres. Located at the northeast corner of Babcock Street SE and Valkaria Road**

Mr. Anderson presented the staff report for Case CU-9-2022. Staff recommended Case CU-9-2022 for approval, subject to the staff comments contained in the staff report.

Ms. Maragh inquired whether there were any staff conditions on the request. Mr. Anderson stated that the standard requirements of Section 185.087 as indicated in the staff report must be met by the conditional use.

Mr. Carmine Ferraro, Crossover Commercial Group, Inc. (representative for the applicant) stated that the board had approved the subject request in the past; however, the site plan was being revised with a new developer.

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

Motion to submit Case CU-9-2022 to City Council for approval, subject to the staff comments contained in the staff report.

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

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

## **NEW BUSINESS:**

1. **\*\*V-12-2022 - CONTINUED to 05/04 P&Z - Francisco J. Feliciano - A Variance to allow a proposed screened lanai to encroach 8 feet into the 20-foot rear setback, as established in the Declaration of Covenants, Conditions and Restrictions for Amberwood at Bayside Lakes PUD. Lot 108, Amberwood at Bayside Lakes, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately .16 acres. Located north of and adjacent to Dillard Drive SE, specifically at 711 Dillard Drive SE**

Case V-12-2022 was continued to the May 4, 2022 Planning and Zoning Board Meeting to meet Public Notification requirements. Board action was not required to continue the case.

Case V-12-2022 would be heard by the City Council on June 2, 2022.

2. **CP-9-2022 - Richard Pribell - A small-scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use and Conservation Use to Rural Single-Family Use. Tax Parcels 756 and 753, Section 26, Township 28, Range 37, Brevard County, Florida, containing approximately 9.66 acres.**

**Located north of and adjacent to Port Malabar Boulevard NE, in the vicinity east of Clearmont Street NE**

Mr. Anderson presented the staff report for Case CP-9-2022. He corrected that the gopher tortoises on the site were being mitigated, and multiple-family units were not planned for the project. Staff recommended Case CP-9-2022 for approval.

Ms. Maragh asked about the two existing land uses on the property. Mr. Anderson stated that approximately 33 percent of the site was Public/Semi-Public Use and the remainder of the property was Conservation Use. The applicant was proposing the RR, Rural Residential zoning district that had a less intensive nature than most single-family zoning designations.

Mr. Boerema asked whether the Conservation area would consist of one-acre home sites. Mr. Anderson indicated that this was correct.

Mr. Richard Pribell (applicant) stated that the subject conservation land was not an easement, but was a zoning designation titled FC, Floodway Conservation. He submitted a handout to the board regarding his request. A kayak club was interested in launching from the site, and he was considering future conditional uses and textual amendments that would allow for a bed and breakfast, horseback riding, and a wedding venue on the property. The attractive site would be a destination point and a landmark for the City. He explained that the requested RR district would allow him to develop as a resident instead of commercially. A dock was possible for the site, but the Florida Department of Environmental Protection (FDEP), St. Johns River Water Management District (SJRWD), and the US Army Corp of Engineers (USACE) would not allow the wetlands or the conservation easement on the property to be built upon. He described how he had removed invasive Brazilian pepper trees from the site.

Ms. Maragh asked if the applicant resided on the property. She wanted to know the planned number of units and if there would be any mitigation of the wetlands. Mr. Pribell stated that he was remodeling the existing home on the site for his residence. He wanted to build two additional homes on the property and use one as a bed and breakfast. He would work with FDEP for a dock and a living seawall to prevent erosion.

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

Ms. Rosita Cotton (resident at Sadnet Circle NE) wanted the applicant's proposal approved as a binding development plan. She asked where the additional home and the bed and breakfast would be placed, and she wanted to be sure the wetlands and conservation land would be untouched.

Mr. Michael Felicien (resident at San Filippo Drive SE) spoke in favor of the request. He stated that the subject site was a junky eyesore until the applicant purchased and improved the property.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke against the request. He stated that the uses desired by the applicant were allowed under the current Public/Semi-Public zoning district and converting to RR could potentially permit 9.6 homes on the site. The conservation designation was assigned to protect the land and should not become a private business for the owner.

Ms. Karen Ludeman (resident at Sunswept Road NE) spoke against the request. She remarked on how several homes in the area had issues with flooding, that more than Brazilian pepper trees had been cleared by the applicant, and residents could now hear the traffic. She was concerned that the applicant had gotten away with clearing City land, and she inquired about environmental studies being done for the wildlife and sea life. The land proposed for the boat launch was already eroding, and there was plenty of boat launches in the area but not enough protected conservation land.

Ms. Tamara Reis (resident at Sunswept Road NE) spoke against the request. She said that the subject area was a jewel in Palm Bay. She stated that the applicant had cleared land all the way to the Turkey Creek, and not just the Brazilian pepper trees. The future plans for the property were too vague, and she was concerned about horse droppings flowing into the creek. The applicant was a developer from out of the area who should not have been permitted to clear land with no allowances for wildlife. She felt that conservation land should not be rezoned to permit other uses, and she had not observed any prior filth or litter in the area.

Mr. Greg Clifford (resident at Sunswept Road NE) spoke against the request. He asked that the board not leave the protection of the conservation area and the Turkey Creek up to outside agencies. More requests would follow from the applicant to allow a potential ten-bedroom bed and breakfast with parking and additional amenities. The board should maintain control and protect the unique area.

Ms. Mary Loschiavo (resident at Citrus Avenue NE) spoke against the request. She stated that the subject area was a fragile environmental area, and that there was a kayak launch across the street.

Mr. Oli Johnson (resident at Ruffner Road in Melbourne) spoke against the request. He stated that he was a former park ranger for the Turkey Creek Sanctuary. The subject area was considered a flood conservation district to protect against flooding, conserve important natural resources for ecological purposes, and provide enjoyment to residents. There were also several kayak launches in the area. He said that the applicant had cleared way beyond the subject site and that maple trees and coastal willows had been removed.

Mr. David Montgomery (resident at Knecht Road NE) spoke against the request. He stated that the applicant may have had good intentions, but willows, maples, and live oak trees had been removed with the pepper trees. He suggested that the applicant return with a binding development plan for Parcel 763 or a list of proposed uses for Parcel 756. The subject proposal to combine both lots, however, included wetlands and should be denied.

Ms. Sharla Bauer (resident at Vance Circle NE) spoke against the request. She noted that there had been a manatee death in the creek last year, so any development should adhere to strict landscape guidelines. The land clearing that had occurred was not just the pepper trees, and erosion during recent rains had become an issue since mangroves were not planted with the clearing. Enough boat launches were in the area, and gopher tortoises could be seen on a regular basis crossing between the Turkey Creek Sanctuary and the subject site. The land clearing should have been done with chain saws and not the heavy machinery that destroyed tortoise burrows.

Ms. Lisa Richardson (resident at Vance Circle NE) spoke against the request. She was worried about the environment and noise.

In response to comments from the audience, Mr. Pribell stated that he was a permanent resident of Palm Bay. His intention was to build a single home on the property and not a high-density development for money. He clarified that a kayak group had voiced an interest in an additional launch site. He said that a stop order had been placed on his land clearing by the City until the Florida Department of Environmental Protection had determined that a suitable root system was in place, and a turbidity barrier and silt fence had been installed along the shoreline. He explained how the Fish and Wildlife Service had marked the gopher tortoise burrows on the property so that heavy equipment could be utilized 25 feet from the markings. The executive director and environmentalist for the Lagoon House had also visited the site and approved of the removal of the invasive species. Under the supervision of the SJRWMD, certain clearing had occurred into the Turkey Creek and the shoreline of City property. He remarked that a dock and seawall could be installed under the current zoning, but only if built with an allowed use such as a group home, church, or commercial site. Besides the dock, the protected wetlands could not be built upon. He commented that the subject site had been unkempt with decades of debris from a homeless issue. He noted that a stipulation placed on the property in 1985 to allow the land to continue as a drainage and recreational use for 20 years had expired. The property was not intended to remain a conservation site, and his conditional uses were for future consideration. He stated that he was in compliance with all environmental agencies.

Ms. Maragh wanted clarification on the number of homes proposed for the site. Mr. Pribell stated that he would be limited to building two homes of the site.

The floor was closed for public comments.

Mr. Boerema asked if the applicant had permission to clear City property. Ms. Bernard explained that the Public Works Department had intervened and worked with the applicant and the FDEP.

Ms. Maragh asked for confirmation that homes could not be built on the property without a rezoning. Ms. Bernard confirmed that homes could not be built under the current land use.

Mr. Weinberg stated that most of the uses desired by the applicant were allowed under the current zoning district by conditional use. He was usually pro development; however, the subject site was unique and conservation property was important to the City and to the health and safety of the Turkey Creek.

Motion to submit Case CP-9-2022 to City Council for denial.

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

**Aye:** Weinberg, Boerema, Maragh.

**Nay:** Jordan.

3. **\*\*CPZ-9-2022 - Richard Pribell - A Zoning Amendment from an IU, Institutional Use District and an FC, Floodway Conservation District to an RR, Rural Residential District. Tax Parcels 756 and 753, Section 26, Township 28, Range 37, Brevard County, Florida, containing approximately 9.66 acres. Located north of and adjacent to Port Malabar Boulevard NE, in the vicinity east of Clearmont Street NE**

Mr. Anderson presented the staff report for Case CPZ-9-2022. Staff recommended Case CPZ-9-2022 for approval.

Mr. Weinberg commented that the subject zoning request could not be approved since the board had denied the case for the companion land use. Ms. Cockcroft stated that this was correct; however, the case was noticed as a public hearing.

Ms. Jordan announced that all comments under Case CP-9-2022 would also pertain to Case CPZ-9-2022.



Ms. Maragh asked if the City had any environmental reports regarding the request. Mr. Anderson explained that the environmental studies would have been required at the next phase of review.

Mr. Richard Pribell (applicant) implored the board to reconsider their position and grant the request so that he could build two homes on the site. He commented on the higher density uses that could currently be built on the property without conditional use approval and reminded the board that except for a possible dock, the wetlands could not be built upon.

The floor was opened for public comments.

Ms. Tamara Reis (resident at Sunswept Road NE) spoke against the request. She stated that the developer should not threaten the residents with more intense uses. The community protest against the change was to safeguard Palm Bay so that the next generation could grow up with green areas and kayaking.

The floor was closed for public comments.

Motion to submit Case CPZ-9-2022 to City Council for denial.

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

**Aye:** Weinberg, Boerema, Maragh.

**Nay:** Jordan.

4. **CP-14-2022 - REQUEST TO CONTINUE TO 05/04 P&Z - Osprey Landing - Scott M. True, Manager, PF Naples, LLC (Bruce Moia, P.E., MBV Engineering, Inc., Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Industrial Use to Single-Family Residential Use. Tax Parcels 1 and 2, Section 14, Township 29, Range 36, Brevard County, Florida, containing approximately 191 acres. Located at the southwest corner of Garvey Road SW and Melbourne-Tillman Water Control District Drainage Canal 16**

A continuance to the May 4, 2022 Planning and Zoning Board Meeting was requested for Case CP-14-2022 to allow the applicant more time to provide further information. Board action was required to continue the case.

Motion to continue Case CP-14-2022 to the May 4, 2022 Planning and Zoning Board meeting.

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

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

City Council will hear the request on June 2, 2022.

5. **\*\*PD-14-2022 - REQUEST TO CONTINUE TO 05/04 P&Z - Osprey Landing - Scott M. True, Manager, PF Naples, LLC (Bruce Moia, P.E., MBV Engineering, Inc., Rep.) - A Preliminary Development Plan to allow a proposed PUD for an 850-lot residential development called Osprey Landing. Tax Parcels 1 and 2, Section 14, Township 29, Range 36, Brevard County, Florida, containing approximately 191 acres. Located at the southwest corner of Garvey Road SW and Melbourne-Tillman Water Control District Drainage Canal 16**

A continuance to the May 4, 2022 Planning and Zoning Board Meeting was requested for Case PD-14-2022 to allow the applicant more time to provide further information. Board action was required to continue the case.

Motion to continue Case PD-14-2022 to the May 4, 2022 Planning and Zoning Board meeting.

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

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

City Council will hear the request on June 2, 2022.

6. **\*\*PD-15-2022 - REQUEST TO CONTINUE TO 05/04 P&Z - Jupiter Bay - Gregory Sachs, Sachs Capital Group, LP and Gerald Lakin, Identical Investments, LLC (Represented by Bruce Moia, P.E. and David Bassford, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorneys at Law) - A Preliminary Development Plan to allow a proposed PUD for a 236-unit mixed use development called Jupiter Bay. Tax Parcels 750, 751, and 752 along with Tract K of Port Malabar Unit 10, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 24.69 acres. Located at the southwest corner of Jupiter Boulevard SE and Brevard Avenue SE**

A continuance to the May 4, 2022 Planning and Zoning Board Meeting was requested for Case PD-15-2022 to allow the applicant more time to provide further information. Board action was required to continue the case.

Motion to continue Case PD-15-2022 to the May 4, 2022 Planning and Zoning Board meeting.

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

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

City Council will hear the request on June 2, 2022.

7. **\*\*FD-16-2022 - REQUEST TO CONTINUE TO 05/04 P&Z - Chaparral Phase IV and V - John Ryan, Chaparral Properties, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Final Development Plan to allow a proposed PUD for a 255-lot single-family residential development called Chaparral Phase IV and V. Tract ST-2 and Tax Parcels 1, 751, 752, and 753 of Section 4, Township 29, Range 36 along with Tax Parcels 3 and 4 of Section 9, Township 29, Range 36, Brevard County, Florida, containing approximately 136.70 acres. Located in the vicinity south of Malabar Road SW, west of Brentwood Lakes Subdivision and Melbourne-Tillman Water Control District Canal 9R**

A continuance to the May 4, 2022 Planning and Zoning Board Meeting was requested for Case FD-16-2022 to allow the applicant more time to provide further information. Board action was required to continue the case.

Motion to continue Case FD-16-2022 to the May 4, 2022 Planning and Zoning Board meeting.

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

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

City Council will hear the request on June 2, 2022.

8. **CP-15-2022 - Artesia Palm Bay - Mimis Mitropoulos, ACIS Investment Group, LLC (Represented by Bruce Moia, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorneys at Law / Jeremy Mears, Brownstone Group) - A small-scale Comprehensive Plan Future Land Use Map amendment from Multiple-Family Residential Use, Professional Office Use, and Single-Family Residential Use to Commercial Use and Multiple-Family Residential Use. Tax Parcels 502, 513, 501.1, and 500, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 18.44 acres. Located between and adjacent to Malabar Road NE and Biddle Street NE**

Mr. Anderson presented the staff report for Case CP-15-2022. Staff recommended Case CP-15-2022 for approval.

Ms. Kim Rezanka, attorney with Lacey Lyon Rezanka Attorneys at Law (representative for the applicant), stated that she represented Brownstone Group, the developer for the project, and submitted an aerial rendering and architectural concept plan of the subject proposal. She described how the cottage-style apartment development would offer individual detached types of homes with some duplexes. There would be 117 residential units on 17.44 acres and commercial uses on the 1.0-acre portion of land along Malabar Road. The full amenity, market-grade development would offer one-, two-, and three-bedroom unit apartments. The extensive amenities included a clubhouse, swimming pool, fitness center, grill and

picnic area, walking trails, pickleball, putting green, a pet park, event lawn, green space, covered parking, and storage. The residential units would have private backyards and entries, three to four walls of windows, smart-home packages, granite countertops, energy efficient lighting, wood-style flooring, ceiling fans, and ceramic tiles. The amendment would streamline the mesh of land uses, and the project's frontage on Biddle Street would allow for the larger 25-foot setbacks. She said that the road and 25-foot setbacks would act as a buffer, and the proposed 6.7 units per acre would be below density.

Ms. Maragh asked if all the subject units would be fee-simple duplexes. Ms. Rezanka explained that there would be 78 duplexes and 41 cottage-style apartments. The multiple-family project would be one development.

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

Mr. Carlyle Pettey (resident at Brandt Avenue NE) asked if there would be access to the development from Malabar Road and from Biddle Street. Biddle Street could not handle additional traffic, and he was opposed to any Section 8 housing.

Ms. Jacqueline Patane (resident at Biddle Street NE) spoke against the request. She was concerned about the project's impact on foliage, the trees, and the variety of wildlife that occupied the site. The barrier of trees on the property had provided the neighborhood with privacy. She said that there would also be a safety issue with the traffic loop for the elementary school, and accidents had occurred with pedestrians crossing Malabar Road to Biddle Street with no traffic signal. The subject land was a serene site in the neighborhood. She was concerned about Section 8 housing and wanted to know the price ranges and minimal rental terms for the apartments.

Ms. Susan Carter (resident at Harvey Avenue NE) spoke against the request. She stated that there were no sidewalks in the neighborhood, children played in the streets, and the road was thin. Adding a large amount of people into the area would not be safe. The traffic to the school already had an impact on the neighborhood.

Mr. John Manoli (resident at Harvey Avenue NE) spoke against the request. He was concerned about infrastructure, traffic, and the neighborhood children cutting

through the development as a shortcut to the school. The elementary school was already crowded. He wanted to know if the type of development being proposed was known for bringing crime into an area.

Ms. Erica Meadors (resident at Harvey Road NE) spoke against the request. She stated how the various wildlife and the overcrowded elementary school would be negatively impacted by the proposed development. There were no playgrounds or sidewalks in the area, which was not safe. Sexual predators residing in the development was also a concern. She remarked on the amount of vacant retail space and apartments that already existed in the City.

Ms. Bridgette Foley (resident at Biddle Street NE) spoke against the request. She purchased her home with the understanding that the subject site was a preserve, so she was now considering a move, and the City would be losing a young professional. She said that her view to the wooded property would now be of a parking lot, and she described the abundance of wildlife she had seen on the subject site. Noise from the Palm Bay Hospital was no longer blocked by the wooded area because of the land clearing that had occurred, and a train whistle in the distance could also be heard. Beauty mattered and was needed in the neighborhoods to keep good residents.

Ms. Samantha Hoszowski (resident at Biddle Street NE) spoke against the request. She moved into her home a year ago because of the peaceful neighborhood but would now consider another move because of the development. She had a one-year-old child and was concerned about traffic.

Mr. Drew Meekins (resident at Biddle Street NE) spoke against the request. Traffic was an ongoing issue in the neighborhood. His mailbox had to be replaced twice in a week because of traffic, and he had experienced traffic delays on Babcock Street traveling east from Malabar Road.

Ms. Adrienne Meyer-Arendt (resident at Biddle Street NE) spoke against the request. She stated that she had a five-month-old child and was not comfortable raising a family with the proposed infrastructure and traffic coming into the area, and there were currently no sidewalks for children. The deprivation of trees would harm the ecosystem and the endangered species on the subject property. Trees supplied

natural beauty and filtered pollutants for better air quality. Removing the 18 acres of trees would not be beneficial to the City, and the proposed development should occur elsewhere.

Ms. Elizabeth Gilbert (resident at Biddle Street NE) spoke against the request. She stated that she understood housing needs, but she was opposed to any multiple-family development on Biddle Street. Apartments were going up everywhere, and locations were available on Malabar Road that would not impact residential neighborhoods. The infrastructure at Biddle Street, Dwyer Street NE, Malabar Road and Babcock Street could not handle a project in such close proximity. She noted how the development surrounded her property where she had resided in the area for 50 years and wanted to retire in peace.

Mr. Daniel Corcoran (resident at Windbrook Drive SE) spoke against the request. He stated that he was concerned about the traffic at Babcock Street and Malabar Road. He was also concerned about the pace and types of development that was occurring in Palm Bay. Duplexes and cottage-type apartments would not be compatible with the adjoining single-family neighborhood.

Ms. Pamela Brookhart (resident at Biddle Street NE) spoke against the request. She stated that she had purchased her home because of the neighborhood and would be moving if the wooded area was allowed to be cleared. Clearing the trees would take away from the neighborhood's friendliness and sense of community.

Ms. Vicki Mays (resident at Brandt Avenue NE) spoke against the request. She stated that new development was needed in the City, but the subject development was not needed in the proposed neighborhood. Average homes in the area were 1,500 square feet in size whereas the units in the proposed apartments would range from 600 square feet to 1,000 square feet. Activities at the clubhouse and swimming pool would also spill out onto Biddle Street.

Ms. Jane Jackson (resident at Knollwood Road NE) spoke against the request. She stated that she was not anti-development, but a multiple-family use did not belong in the subject area. A compromise would be to build single-family homes with a barrier of trees.

In response to the comments from the audience, Ms. Rezanka stated that more than half the subject site already had a multiple-family land use and zoning designation. The property also consisted of single-family and office professional designations, so the proposed development was not a complete change or unknown to those who purchased in the area. The 6.7 units per acre density would be much less than the 15 units per acre that could currently be built on the multiple-family land. The duplexes and cottages were not apartment buildings. The dwellings would be market rate apartments at \$2 a square foot that would bring in young professionals. The amenities would be near Malabar Road with an acre remaining for commercial development. She stressed that there would be no access onto Biddle Street. There would be a six-foot high privacy fence, so children could not cut through to Biddle Street. The school concurrency provided indicated that there would be plenty of space for students, and the submitted traffic study indicated that traffic levels of service would not decrease. The site was never a preserve and had always been private property. She said that some trees would be saved, and the upper-end housing would not lower property values. Any noise from the development would be addressed by code and development standards.

Mr. Jeremy Mears, development partner, Brownstone Group (representative for the applicant) stated that the proposed development was a new product for Florida and more expensive than a typical high-density apartment development. The lower density project would be better for the neighborhood. He stated that felony and background checks would be done, and he assured the board that the development would attract young professionals and families who desired the feel of a house and yard. The six-foot high privacy fence would be a buffer along the back and sides of the property with a 25-foot setback next to the housing development to the north.

Ms. Maragh wanted to know where the green space was located, and she suggested a meeting between the applicant and area residents to consider increasing the green space for Biddle Street. Mr. Mears noted that the land near the golf course would remain natural as well as near the retention areas. He described how there would be approximately 35 feet to 40 feet of distance between the rear of a home and Biddle Street.

The floor was closed for public comments.



Mr. Weinberg commented that the subject site could currently be built at a higher density. The subject proposal appeared to be a better option.

Motion to submit Case CP-15-2022 to City Council for approval.

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

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

9. **\*\*CPZ-15-2022 - Artesia Palm Bay - Mimis Mitropoulos, ACIS Investment Group, LLC (Represented by Bruce Moia, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorneys at Law / Jeremy Mears, Brownstone Group) – A Zoning Amendment from an RM-15, Single-, Two-, Multiple-Family Residential District; an OP, Office Professional District; and an RS-2, Single-Family Residential District to an HC, Highway Commercial District and an RM-10, Single-, Two-, Multiple-Family Residential District. Tax Parcels 502, 513, 501.1, and 500, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 18.44 acres. Located between and adjacent to Malabar Road NE and Biddle Street NE**

Mr. Anderson presented the staff report for Case CPZ-15-2022. Staff recommended Case CPZ-15-2022 for approval.

Ms. Maragh questioned why a Citizen Participation Plan (CPP) meeting was not held. Ms. Bernard explained that CPP meetings were not required for land use and rezoning requests.

Ms. Kim Rezanka, attorney with Lacey Lyon Rezanka Attorneys at Law (representative for the applicant), stated that she represented Brownstone Group, the developer for the project. The project would have a privacy fence, Biddle Street would not be accessed, there was school and traffic concurrency, and the proposed 6.7 units per acre would be a lower density than currently allowed at the property. The market rate apartments would be duplexes and cottage-style homes geared toward young professionals. She stated that performance standards and the tree

ordinance would be met, and that the amenities for the development would be on Malabar Road.

Ms. Maragh asked about a tree survey. Ms. Rezanka confirmed that a tree survey would be done.

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

Ms. Elizabeth Gilbert (resident at Biddle Street NE) spoke against the request. She stated that her property was adjacent to the northeast corner of the development, and that there was only a 10-foot setback to her property line. Her property value would decline.

Mr. Philip Corcovan (resident at Windbrook Drive NE) spoke against the request. He wanted to know what the traffic study had entailed to allow the development to occur.

The floor was closed for public comments.

In response to the comments from the audience, Ms. Rezanka stated that she and the developer, Mr. Jeremy Mears, Brownstone Group, would be in contact with Ms. Gilbert during the site plan review process to lessen the impact on her property. The proposed development was an appropriate use of the site, and any traffic issues would be resolved during the site plan process.

Motion to submit Case CPZ-15-2022 to City Council for approval.

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

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

## **OTHER BUSINESS:**

1. Ms. Cockcroft informed the board that she would be leaving employment with the City and had enjoyed serving as the board attorney. She introduced Mr. Erich Messenger, Deputy City Attorney, and gave some final advisements to the board.

**ADJOURNMENT:**

The meeting was adjourned at approximately 9:41 p.m.

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Leeta Jordan, CHAIRPERSON

Attest:

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Chandra Powell, SECRETARY

\*\*Quasi-Judicial Proceeding