

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-07

Held on Wednesday, June 1, 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.

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

Mr. Robert Good 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:	Khalilah Maragh	Present
MEMBER:	Randall Olszewski	Present
MEMBER:	Rainer Warner	Absent (Excused)
NON-VOTING MEMBER:	David Karaffa	Absent (Excused)
	(School Board Appointee)	

Mr. Rainer'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; Mr. Erich Messenger, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-05; May 4, 2022.

Motion to approve the minutes as presented.

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

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

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.

OLD/UNFINISHED BUSINESS:

1. ****FD-16-2022 - 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 522-lot 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 160.51 acres. Located in the vicinity south of Malabar Road SW, west of Brentwood Lakes Subdivision and Melbourne-Tillman Water Control District Canal 9R**

Ms. Jordan announced that there was a request to continue Case FD-16-2022.

Motion to continue Case FD-16-2022 to the July 6, 2022 Planning and Zoning Board meeting.

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

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

City Council will hear Case FD-16-2022 on August 4, 2022.

2. **CP-16-2022 - 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, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Single-Family Residential Use to Mixed Use. Tax Parcel 752, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately .83 acres. Located in the vicinity north of Jupiter Boulevard SE and west of Brevard Avenue SE**

Mr. Anderson presented the staff report for Case CP-16-2022. The applicant was requesting the Mixed Use designation. Staff recommended Case CP-16-2022 for approval.

Mr. Bruce Moia, P.E., MBV Engineering (representative for the applicant) stated that the subject site was a landlocked parcel surrounded by the Jupiter Bay development. The developer for Jupiter Bay had acquired the property, and the amendment would make the site consistent with the rest of the development.

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 combining the site with the Jupiter Bay development made sense, but he wanted to know if the addition would require the development's resubmittal to the board.

In response to the comments from the audience, Mr. Moia confirmed that the subject amendment constituted a major change to the approved development, and a new Preliminary Development Plan would be presented following the subject request.

The floor was closed for public comments.

Motion to submit Case CP-16-2022 to City Council for approval.

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

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

City Council will hear Case CP-16-2022 on June 16, 2022.

3. ****PD-15-2022 - 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**

Mr. Anderson presented the staff report for Case PD-15-2022. Staff recommended Case PD-15-2022 for approval, subject to the staff comments.

Mr. Boerema recalled the discussion during a previous review of the request to extend the proposed turn lane from Jupiter Boulevard SE to Brevard Avenue SE.

Ms. Kim Rezanka, Lacey Lyon Rezanka Attorneys at Law (representative for the applicant) stated that the subject request for Jupiter Bay was the same proposal the board and City Council had previously approved except for the addition of .83 acres and the 60 condominium units on Jupiter Boulevard with commercial buildings on top. She stated that the individually owned, four-story condominiums would be part of a condominium association, and based on a meeting with the Assistant Superintendent for Facilities for the Brevard County School Board, she confirmed the development's commitment to extend the turn lane 1500 feet from Brevard Avenue to Turner Elementary School. Additional turn lane improvements required by the traffic study would also be done by the developer with input from the City Traffic Engineer, and there would be some traffic signal modifications to assist with the traffic flow. She noted that there were no concerns from the four residents who had attended the Citizen Participation Plan (CPP) meeting, and the emergency access at the northeast corner of the development would be in place as requested during the original Jupiter Bay review.

Ms. Maragh asked if the applicant was in agreement with staff comments. Ms. Rezanka stated that there were no issues with the staff comments.

Mr. Boerema asked if the community had an issue regarding the four-story condominiums being an eyesore within the residential neighborhood. Ms. Rezanka stated that no comments had been voiced about the condominiums during the CPP meeting. She said that the condos would face the school yard and would be an attractive mixed use with an urban feel.

Mr. Good asked about the extended 1500-foot turn lane. Ms. Rezanka explained that the proposed 1500-foot turn lane would extend west along Jupiter Boulevard from Brevard Avenue to the Turner Elementary School.

Mr. Olszewski stated how he already had concerns regarding the traffic for the approved project and now an additional 60 condominiums were being requested. Conservatively, 60 more vehicles would be concentrated in the area of the planned commercial. He questioned when a traffic signal would be installed. Ms. Rezanka stated that according to the traffic study, a traffic signal was not warranted at this time. However, the City Traffic Engineer would weigh in on the matter. She explained that the condominiums would generate approximately 240 traffic trips per day, which was less than the traffic trips that could be generated by townhomes or single-family homes. The recent traffic study also took into consideration the increased length of the turn lane.

Mr. Olszewski questioned why the two-story buildings would face the Brevard Avenue residents instead of being placed in the interior of the development. Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant) stated that during the first CPP meeting, residents on the east side of Brevard Avenue were concerned that the two-story buildings would have a view into their front yards. However, all the townhomes would be two-stories high, so a six-foot high opaque barrier was agreed upon along the property line to eliminate foot traffic. He explained how a methodology report determined road segments for the traffic study. The traffic study warranted a 185-foot west turn lane. The developer, however, would be providing a 750-foot west turn lane.

Ms. Maragh remarked that the City Traffic Engineer would fine tune the traffic study to make sure additional requirements were not warranted. Mr. Moia stated that this was correct as the traffic conditions could change before final design.

Mr. Good asked if a clubhouse was planned for the subject site. Mr. Moia stated that there would be a clubhouse and swimming pool amenities on the property for the residents. The former clubhouse would not likely be used.

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 PD-15-2022 to City Council for approval, subject to the staff comments and conditions, and the addition of an extended turn lane from Brevard Boulevard SE to the Turner Elementary School.

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

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

City Council will hear Case PD-15-2022 on June 16, 2022.

4. **CP-14-2022 - 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 Multiple-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**

Mr. Anderson presented the staff report for Case CP-14-2022. Staff recommended Case CP-14-2022 for approval.

Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant) reminded the board that the subject case had been continued during the previous board meeting so that the request could be revised to Multiple-Family Residential Use. The project for the exiting industrial land use had never occurred, and the

subject proposal was for a large project that would extend Garvey Road SW as well as water and sewer to the site. The development would offer a mix of small, medium, and large sized single-family home lots; townhomes; and apartments. He stated that commercial uses were not proposed, but there would be recreational tracts, open space, and amenities for the residents. The City Traffic Engineer would determine at what point the developer would be required to extend Garvey Road from J. A. Bombardier Boulevard SW to Malabar Road SW. There were no environmental issues, and all retention, density, and open space requirements would be met. He noted that a letter in favor of the request was in the file from a neighbor.

Ms. Maragh commented on how the applicant had a unique opportunity to go above and beyond to create a stand-up project, and the City's Sustainability Plan should be considered. Mr. Moia stated that most of the perimeter trees and a large stand of buffer trees on the west side would remain. He said that recreational areas and 34 percent instead of 25 percent of open space would be provided.

Mr. Good was concerned about the limited amount of industrial property currently in the City, and he inquired whether Bombardier Corporation had any issues with the residential development. The corporation used Bombardier Lake to test products, and the noise and lights, especially during evening hours, could be a problem for future residents. Mr. Moia noted that there were currently undeveloped residential lots in the area, and Bombardier had not commented on the proposal. Most of the development to abut the lake would be apartments and stormwater ponds, a fraction of the smaller single-family homes would front the lake, and there would be a 100-foot buffer along the entire west tract. Mr. Good noted that many of the undeveloped lots and parcels in the vicinity were owned by Bombardier Corporation and were likely serving as a buffer. Mr. Moia commented that the corporation was visible, so any residential purchase would be done with full knowledge.

Mr. Olszewski inquired whether the project would be premium, luxury condominiums or affordable housing type condominiums. He questioned where the residents would go for their commercial commerce and indicated how including commercial uses in the proposal would benefit existing and proposed developments. Mr. Moia stated that the subject proposal was for a mix of market rate and upscale condominiums, townhomes, single-family homes, and apartments. There were commercial nodes

within the nearby Bayside Lakes development. He said that the project would be self-sustained regarding stormwater retention and recreation and open space. The density was less than what was currently in place, and rooftops would likely bring commercial development to the area. Mr. Olszewski noted that there were no additional locations in the vicinity for commercial nodes. Ms. Maragh agreed that commercial uses should be integrated into residential developments for practicality. Mr. Moia remarked that the subject area of the City was on the rural urban fringe and was not planned for connectivity.

The floor was opened for public comments, and there was one item of correspondence in the file in favor of the request.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke against the request. He commented on how the developer had changed the property from agricultural to residential in 2005, industrial in 2009, high-end industrial in 2010, and was now planning to change the site back to residential. He stated that the City's 2040 Vision Plan indicated the property as industrial. He advised that as one of the last industrial sites in the City, the land should not be changed again until the Comprehensive Plan update was completed. He noted that the wetlands indicated on the property in 2010 were not mentioned by the subject request.

In response to the comments from the audience, Mr. Moia stated that the requested mix of residential uses, at less than five units per acre, were compatible with the residential land uses to the east and south. He explained that the property had undergone several land use changes in the past to meet the market demands of the time. However, at the present time, a variety in housing was badly needed in Palm Bay.

The floor was closed for public comments.

Mr. Weinberg stated that his main concern with the proposal was traffic and the numerous complaints regarding Garvey Road. However, residential development connected to water and sewer would be preferable to an industrial development on an environmentally sensitive site due to the surrounding canals to the north, east, and west.

Motion to submit Case CP-14-2022 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.

Nay: Good, Olszewski.

5. ****PD-14-2022 - 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 mixed 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**

Mr. Anderson presented the staff report for Case PD-14-2022. Staff recommended Case PD-14-2022 for approval, subject to the staff comments.

Ms. Maragh asked about the staff comments, and she remarked on the applicant's previous statement during the land use review that the proposed development would provide 34 percent more open space than required. Mr. Anderson indicated the staff comments in the staff report that included technical comments. He clarified that staff needed the open space to be specified and delineated in certain areas on the plan

Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant) stated that the proposed PUD was created with purpose by including open space and buffer tracts. He remarked on how the Garvey Road SW connection from Bombardier Boulevard SW to Malabar Road SW would be funded by the project. The proposed changes might even attract commercial into the area. He stated that the density and layout for the project were compatible with the surrounding area, and that the site would now be environmentally improved by internally capturing and treating water runoff before being discharged to meet Melbourne Tillman Water Control District standards. Water and sewer would be brought into the area; there would be internal

pedestrian circulation for amenities; and buffers would be around the perimeter and the west industrial area.

Mr. Boerema asked about the four-laning of Garvey Road and land availability for the widening. Mr. Moia stated that the four-laning of Garvey Road would be at the developer's expense, but it was not warranted at this time. Forty feet of property frontage had been dedicated for the right-of-way.

The floor was opened for public comments, and there was one item of correspondence in the file in favor of the request.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke against the request. He questioned how the proposal could be allowed when the developer was unknown. He wanted a back entrance onto Madden Road SW for emergencies, and the south entrance realigned to keep vehicle lights from shining into his windows. He inquired whether the development would be responsible for constructing the south section of Garvey Road beyond the property, and the bridge connection to Bombardier Road. He wanted Garvey Road on the north side of the build to be constructed first, and a northbound entrance lane added to the project. He questioned whether there were any tax abatement proposals since the 40-foot right-of-way donated years ago under the industrial designation should not be considered. He was pleased that the primary drainage outflow would be to Canal 12 but wanted to know if the development would be built in stages and all roads and interior infrastructure completed before occupancy. He inquired into how the coquina mine would be handled since the townhomes would be built where the mine had been located. Low density was a benefit of the proposal.

Mr. Rusty Melle, ITG Realty, LLC (real estate agent for the applicant) spoke in favor of the request. He stated that the proposed mix of residential uses was devised after attending the Vision 2040 workshops that indicated a need in the City for a variety of home types.

In response to the comments from the audience, Mr. Moia reconfirmed that the extension of Garvey Road from the north side of the canal to Bombardier Road was a warranted improvement that would be funded by the developer. He reminded the board that the subject request was preliminary, and more details would be provided

on the final submittal. Realigning the south entrance would be investigated; the outfall discharge would be determined by the Melbourne Tillman Water Control District; the bridge across the canal would be built by the development; and the project would be completed in phases with the first phase from the north. Soil tests had not been done, but any issues regarding coquina or mining mounts would be addressed. The lakes would be located where the digging had occurred, and the small pockets of wetlands were low quality prairie that would likely be mitigated. He would consult with the applicant to consider whether to include an emergency access on Madden Road if desired by City Council.

Ms. Maragh asked for clarification on whether the 40-feet of right-of-way had been donated to widen Garvey Road. Mr. Moia stated that the 40-feet of dedicated right-of-way was indicated on the survey, but a title policy would be prepared. He confirmed that land was committed for the widening.

Mr. Anderson stated that the 40-foot right-of-way was a condition of the approval. Staff required an updated legal description to clarify that the 40-feet of right-of-way was not in the acreage for the subject development.

The floor was closed for public comments.

Motion to submit Case PD-14-2022 to City Council for approval, subject to the staff comments and conditions contained in the staff report, and the dedication of 40 feet of right-of-way for the extension of Garvey Road SW.

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

Aye: Jordan, Weinberg, Boerema, Maragh.

Nay: Good, Olszewski.

Mr. Good complimented the proposed project, but he could not support the development's location next to an industrial test facility.

NEW BUSINESS:

1. **CP-26-2022 - 3 Forks - Anthony Masone, Manager, Parkside Commons Center, LLC / West 80 Acres, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from RES-1, Residential 1 Unit Per Acre (Brevard County) to Regional Activity Center Use - Lots 1 through 8 and Lot 15 of Cisna Park, along with Tax Parcel 250, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 124.33 acres. Located south of and adjacent to Malabar Road SW, in the vicinity east of St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8**

Ms. Bernard presented the staff report for Case CP-26-2022. Staff recommended Case CP-26-2022 for approval.

Mr. Jake Wise, P.E., Construction Engineering Group, LLC (representative for the applicant) explained that the proposed request was to designate the land use for the subject site, which was presently under consideration for annexation into the City. Because of the Malabar Road frontage and the future frontage on the St. Johns Heritage Parkway extension, a development was planned with a mix of uses. Four commercial lots and a high-end RV park for later RV models would front Malabar Road. The subdivision entrance would line up with the regional park entrance. The single-family area of 376 lots would have a mix of lot sizes, and the 288 apartment units with an access onto the parkway extension would face west to enjoy the sunset. The apartments and RV park would have separate amenities, and all homeowners and renters would be able to walk to the commercial parcels. He noted a popular restaurant chain in Brevard County was an interested anchor for one of the commercial parcels. There were six public schools within a mile of the site, and the applicant was working with a potential charter school to locate in the area. He said that the project had been modified to complement and not compete with other developments in the vicinity. He was in agreement with the staff conditions and would work with staff on the technical comments during the site plan process.

Mr. Olszewski remarked on the camp area that was planned for the regional park as it could be impacted by the RV use. He suggested an over or under pass in the future to allow pedestrians from the subject site to safely access the regional park. Mr. Wise stated that a possible conflict between the RV park and campground was discussed with staff, and the two uses were found not to be in competition but would complement each other. The plan to align the driveways between the two properties was in preparation for a traffic signal that would likely be warranted in the future and would enable safe passage across Malabar Road. A traffic signal was already planned for the parkway and Malabar Road intersection.

Mr. Olszewski asked about the west structures on the property. Mr. Wise stated that the market-rate apartments would have a vehicular connection to the parkway and a pedestrian connectivity to the commercial parcels. A stormwater pond would be a buffer between the apartments and single-family homes.

Ms. Maragh inquired about the technical comments that were in question, and she asked about other anchors for the commercial parcels. Mr. Wise indicated that the comments regarding arsenic and the cross sections for every 100 feet appeared to be in error and would be addressed with staff. There were no additional anchors for the commercial sites.

Mr. Olszewski remarked how the fire stations were actually over three miles away from the property. There was a huge need for fire and public safety in the western bounds of the City. Ms. Maragh added that police coverage should also be indicated for projects. Ms. Bernard explained that law enforcement and fire coverage were based on population counts. Mr. Weinberg noted that developments also paid police and fire impact fees.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. The annexation of the subject site made sense because of its location.

Mr. Scott Virgin (resident at Malabar Lakes West) spoke against the request. There were several new developments being proposed for the area, but existing traffic was already a problem, and the school traffic caused substantial delays. An additional

1200 vehicles and RVs would impact the area, and the number of traffic signals being installed in the vicinity would hinder traffic flow. He commented on the displaced wildlife and the number of trees being removed.

Ms. Brenda Chrieki (resident at Malabar Lakes West) spoke against the request. She stated that she was an officer for Malabar Lakes West, a 44-home development with one ingress/egress. She commented on how Palm Bay was becoming a concrete jungle, and that attention should be paid to current residents. Too much development was being approved before widening Malabar Road, and the St. Johns Heritage Parkway was a two-lane road that would also be bombarded with traffic. She suggested halting further development until Malabar Road was widened, and that consideration should also be given to widening the parkway. She was concerned about the view from her subdivision being destroyed with the removal of trees up to the canal.

In response to the comments from the audience, Mr. Wise corrected that the development would be 3.8 miles from the police and fire stations and 4 miles from the area schools. He stated that the trees along the canal on the Melbourne Tillman Water Control District property could not be removed by the development. He described how the project was designed to locate the single-family homes next to Malabar Lakes West. He noted how the Police and Fire Departments were part of the site plan review process and that impact fees were also paid by developments to help facilitate roadway improvements, police and fire stations, utilities, schools, and parks. The proposed development projected \$7,728,107.44 of revenue for the City, and the project had actually been delayed to allow for its annexation into Palm Bay. He said that the plans to four-lane Malabar Road were already underway. In addition to the traffic signals for the subject site, traffic signals were being installed east of Malabar Lakes West by two other developments.

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

Motion to submit Case CP-26-2022 to City Council for approval.

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

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

Mr. Boerema asked if Malabar Lakes West was within Palm Bay. Ms. Bernard stated that the subdivision was located in unincorporated Brevard County.

2. ****PD-26-2022 - 3 Forks - Anthony Masone, Manager, Parkside Commons Center, LLC / West 80 Acres, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Preliminary Development Plan to allow for a proposed RAC, Regional Activity Center called 3 Forks - Lots 1 through 8 and Lot 15 of Cisna Park, along with Tax Parcel 250, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 124.33 acres. Located south of and adjacent to Malabar Road SW, in the vicinity east of St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8**

Ms. Bernard presented the staff report for Case PD-26-2022. Staff recommended Case PD-26-2022 for approval subject to the staff comments.

Mr. Jake Wise, P.E., Construction Engineering Group, LLC (representative for the applicant) stated that his testimony presented during Case CP-26-2022 was the same for the subject request.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) inquired whether the proposed RV parking areas would have hazmat pump outs, and water and electrical hookups as long-term stays could be an issue for RV parking. He commented on how restricting the RV park to later models would be discriminatory. He questioned the project's proposed connection onto St. Johns Heritage Parkway NW since he did not believe the exact location of the parkway south of Malabar Road was known at this time. Access to the parkway would also have to cross the Melbourne-Tillman canal.

Ms. Brenda Chrieki (resident at Malabar Lakes West) spoke against the request. She stated that the traffic on Malabar Road would be much greater than on Garvey Road, which the board had dissention regarding another development. The subject

area was impacted by traffic from the school, regional park, and new developments. Something needed to be done about Malabar Road before further developments were allowed. It took her a half hour to get to the board meeting because of traffic.

In response to the comments from the audience, Mr. Wise stated that every RV site would have separate sanitary sewer pump out, water, electrical, and cable. He explained that the requirement for later RV models was the industry standard for RV parks. The City was acquiring right-of-way for the parkway, and a section of the parkway would be built by and for the development. The improvement would potentially steer the proposed apartment traffic trips onto the parkway instead of Malabar Road. He said that the parkway was designed for future four-laning, but it was not warranted when built. If the plans for the parkway did not work out, expansion of the single-family homes with an emergency access would occur. He remarked on how the mix of residential uses would meet the City's need for a variety of housing. He confirmed that meetings with Melbourne Tillman were taking place to discuss proper engineering for the project to cross the canal.

Mr. Boerema inquired as to where the parkway would be extended. Mr. Wise indicated the development's proposal for the parkway extension and utilities, which would be a benefit to new development in the future.

Ms. Maragh asked about the number of units planned for the site. Mr. Wise stated that there would be 376 single-family homes and 288 apartment units.

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

Mr. Weinberg commented that he would rather see the development in Palm Bay than in Brevard County. The project was a mix of residential and commercial development, a high-end RV park, and walkable. The project would also generate a large amount of revenue for the City in impact fees.

Motion to submit Case PD-26-2022 to City Council for approval, subject to the staff comments.

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

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

3. ****Z-22-2022 - Timothy and Pamela Davis / Thomas and Vera O'Brien (Timothy Davis and Mike Selig, Reps.) - A Zoning change from an RC, Restricted Commercial District to a CC, Community Commercial District - Tax Parcels 750 and 757, Section 35, Township 28, Range 36, Brevard County, Florida, containing approximately 4.21 acres. Located north of Malabar Road NW, in the vicinity east of Greenbrier Avenue NW**

Mr. Anderson presented the staff report for Case Z-22-2022. Staff recommended Case Z-22-2022 for approval.

Mr. Olszewski asked if the subject lots were over individual culverts that had to be accessed across the canal.

Mr. Timothy Davis (applicant) stated that the subject site, with Malabar Road frontage, was rezoned from residential to an RC district in 2001 to him to operate his business. The subject rezoning was now needed to for Slug-A-Bug to purchase the property for a pest control business.

Mr. Mike Selig, Selig Realtors (representative for the applicant) explained that Slug-A-Bug had desired a location in Palm Bay with an existing building; however, the RC district specifically prohibited pest control. At staff's recommendation, the applicants were submitting a Rezoning application to change the site to a CC, Community Commercial District; a Textual Amendment application to allow pest control in the CC district by conditional use; and a Conditional Use application to permit the pest control use at the site.

Mr. Steve Lum, Slug-A-Bug, Inc. (prospective purchaser of the property) explained that pest control had advanced over the last 20 to 30 years and there was no longer a need to relegate the business to industrial sites.

Mr. Weinberg asked about the existing building on the property, and he wanted to know about the storage of hazardous chemicals on the site. Mr. Davis stated that the 1200 square-foot building was an office building. Mr. Lum added that the building would be used as a satellite office for his Melbourne business. Six to eight routes would be run from the property, but the primary need was to park company and employee vehicles. The property would remain fenced. He explained that the products used by the business had the lowest label rate for toxicity. The business was governed by the Department of Agriculture and Consumer Services, and he was not aware of any violations in 40 years.

Ms. Maragh wanted to know why the RC district did not currently allow for pest control. Mr. Anderson stated that the use fell under a broader use called building services, which dealt with outright prohibited uses in the RC district. The forthcoming textual amendment application was to allow pest control specifically by conditional use in the RC district and not all building services. The zoning change would also attract more commercial activity into an area that needed infill development.

Mr. Olszewski inquired about the uses that were permitted in an RC district. Mr. Davis stated that he had operated an electrical contracting business on the property, and that the RC district allowed for professional offices such as engineering and construction type offices. Mr. Anderson added that the RC district was created to be a downgrade and buffer between more ruralized uses and the urbanized areas of increased intensity and density. RC district uses included professional and general offices, and personal services like dry cleaning, beauty shops, and barber shops.

Mr. Melig commented that most of the pest control businesses in the City were smaller businesses operating out of their homes.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He noted that the zoning change was for two parcels, but the conditional use application that was submitted was for one parcel. He wanted to know what was planned for the second parcel.

In response to the comments from the audience, Mr. Anderson stated that there were no current plans for the second parcel. Rezoning both parcels assisted with the transition of the area and would prevent spot zoning.

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

Ms. Maragh welcomed Slug-A-Bug to Palm Bay.

Motion to submit Case Z-22-2022 to City Council for approval.

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

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

4. **T-23-2022 - Pest Control - Timothy and Pamela Davis - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code Section 185.043(D), to allow pest control services by conditional use in the CC, Community Commercial District**

Mr. Anderson presented the staff report for Case T-23-2022. Staff recommended Case T-23-2022 for approval.

Mr. Timothy Davis (applicant) was present.

Mr. Olszewski commented that the textual amendment would require each request for a pest control business in an RC district to come before the board and City Council for approval. Mr. Anderson stated that this was correct, and that the board and City Council would also be able to place conditions on each pest control request.

Ms. Maragh asked if there were any typical conditions recommended for the pest control use. Mr. Anderson stated that staff had no recommended conditions for the textual amendment, but the board could consider general conditions, such as distances from residential properties, that could be applied to all subsequent pest control requests. Ms. Maragh was concerned with overlooking an important condition. A future request might come from a business that was not as up to

standards as Slug-A-Bug. Mr. Anderson stated that any conditions would be placed on the specific conditional use 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 T-23-2022 to City Council for approval.

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

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

5. ****CU-24-2022 - Pest Control - Timothy and Pamela Davis - A Conditional Use to allow for proposed pest control services in a CC, Community Commercial District - Tax Parcel 757, Section 35, Township 28, Range 36, Brevard County, Florida, containing approximately 2.05 acres. Located north of Malabar Road NW, in the vicinity east of Greenbrier Avenue NW, specifically at 695 Malabar Road NW**

Mr. Anderson presented the staff report for Case CU-24-2022. Staff recommended Case CU-24-2022 for approval, subject to the staff comments contained in the staff report, with the condition that any proposed or future site improvements required a full site plan to ensure compliance with current code regulations.

Ms. Jordan indicated that previous comments from Cases Z-22-2022 and T-23-2022 were on the record for the subject request.

Mr. Timothy Davis (applicant) was present.

Mr. Mike Selig, Selig Realtors (representative for the applicant) stated that the neighbors on both sides of the subject site attended the Citizen Participation Plan (CPP) meeting. An inquiry at the meeting regarding the rezoning of one the abutting properties was referred to staff, and a chemical concern was addressed by Mr. Steve Lum with Slug-A-Bug, Inc. (prospective purchaser of the property).

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

Ms. Maragh wanted to ensure that the applicant was in agreeance with the staff condition. Mr. Steve Lum stated that he was aware of the condition and would comply.

Motion to submit Case CU-24-2022 to City Council for approval, subject to the staff comments contained in the staff report, with the condition that any proposed or future site improvements required a full site plan to ensure compliance with current code regulations.

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

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

6. **T-25-2022 - Infill PUD - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.060, to allow for Infill Planned Unit Developments**

Ms. Jordan announced that there was a request to continue Case T-25-2022.

The continuance would allow for readvertisement of the case.

Motion to continue Case T-25-2022 to the July 6, 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, Good, Maragh, Olszewski.

City Council will hear Case T-25-2022 on August 4, 2022.

7. T-27-2022 - Administrative Variances and Inclusionary Housing - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Zoning Code, Section 169.009 Variances, to modify language for administrative variances and establish language for voluntary inclusionary housing

Mr. Anderson presented the staff report for Case T-27-2022. Staff recommended Case T-27-2022 for approval.

Mr. Olszewski asked if the intent of the amendment was to allow the Growth Management Department to grant variances administratively so that the requests did not have to go before City Council when below a certain threshold. Mr. Anderson stated that this was correct; however, the stated parameters were already in place. The proposed amendment added language to how administrative requests would be analyzed and processed.

Mr. Olszewski inquired whether staff was currently leveraging the ability to grant variances below the 20-percent threshold. Administrative variances would make the City easier to do business with and lighten the load on City Council meetings. He asked if the 20-percent threshold should be higher. Mr. Anderson stated that administrative variance requests were not a frequent occurrence at this time, but the amendment would lighten the load regarding fence variances. He said that the 20-percent threshold was a reasonable limitation on staff powers, and any reoccurrences above the threshold might require a code change.

Ms. Jordan asked staff to elaborate on voluntary inclusionary housing. She wanted to know if the initiative would affect every development, and what were the specific incentives that would be granted. Mr. Anderson explained that the amendment was the whole of what was being proposed as the voluntary inclusionary housing policy. The language was relatively ambiguous so that the City had the ability to maneuver into better positions when making agreements. Additional conditions could potentially reduce the City's flexibility and ability to maximize on more unique properties. He stated that inclusionary housing was an option for developers.

Ms. Bernard stated that the types of incentives that would be offered for voluntary inclusionary housing could include reduced parking or a one-foot setback. The

incentives were already allowed but would now be utilized as a benefit for voluntary inclusionary housing.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) commented on the subject request. He remarked on the different variances up to 20 percent of requirement that staff could alleviate administratively, and the applicants would no longer have to wait hours in an audience for a simple variance to be heard. His concern was that the process would occur outside the public eye. He remarked on how voluntary inclusionary housing would offer developers incentives to include affordable housing in projects by relieving water impact fees, development fees, and other unknown incentives. His concern was that developers could receive several administrative variances up to 20 percent as their incentive. He commented on how the City did not currently have an inclusionary housing ordinance, so he questioned the City housing fund where the contributions in lieu of providing affordable housing was to be deposited. He suggested a continuance of the inclusionary housing amendment to allow for further review as builders would take advantage of administrative variances instead of contributing funds.

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

Ms. Maragh commented that she understood that the inclusionary housing language was somewhat vague to allow City staff the ability to negotiate; however, other cities had similar verbiage with more details regarding the types of incentives offered.

Ms. Jordan stated that she could not support the textual amendment due to the vagueness of the inclusionary housing proposal, and there was no inclusionary housing ordinance in place.

Mr. Anderson confirmed that the City did not have an inclusionary housing ordinance. The amendment at this point was to give the City the ability to engage in negotiations. This was the first step to allow for inclusionary housing and making the verbiage less restrictive permitted more flexibility. He stated that restrictions could be added at staff level.

Mr. Weinberg wanted to know who would have the right to approve or deny the requests for inclusionary housing. Mr. Anderson stated that the City Manager's Office through the Community Economic Development Department would make the decisions regarding the requests. Ms. Maragh was concerned about some of the developments appearing to receive more than others. She suggested a list of incentives that could be negotiated.

Ms. Jordan was in favor of a continuance for the inclusionary housing portion of the amendment.

Mr. Anderson advised the board on their options regarding the amendment.

Mr. Olszewski was also in favor of continuing the inclusionary housing portion of the amendment to allow staff to provide further information, and to establish that the accepted negotiations would still go before City Council.

Mr. Weinberg concurred that the inclusionary housing language and process was too vague and should be continued for further review.

Motion to submit Case T-27-2022 to City Council for approval with the removal of any references to Section (H) Voluntary Inclusionary Housing.

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

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

OTHER BUSINESS:

1. There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 9:33 p.m.

Leeta Jordan, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding