

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/  
LOCAL PLANNING AGENCY  
REGULAR MEETING 2022-08

Held on Wednesday, July 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.

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

Mr. Donald Boerema led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

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

The absences were excused for Ms. Maragh and Mr. Rainer.

**CITY STAFF:** Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Tania Ramos, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Erich Messenger, Deputy City Attorney; Natalie Shaber, Engineer II.

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-07; June 1, 2022.

Motion to approve the minutes as presented.

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

**Aye:** Jordan, Weinberg, Boerema, Good, 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 a request to continue Case FD-16-2022.

Mr. Olszewski commented on the number of continuations the case had already been granted. Ms. Bernard stated that the applicant was required to provide architectural renderings.

Mr. Jake Wise, P.E., Construction Engineering Group, LLC (representative for the applicant) explained the delays for the continuations and noted that the renderings were now prepared and available for the August Planning and Zoning Board meeting.

Motion to continue Case FD-16-2022 to the August 3, 2022 Planning and Zoning Board meeting.

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

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

City Council will hear Case FD-16-2022 on September 1, 2022.

Ms. Bernard took the opportunity to introduce to the board Mr. Stephen White and Ms. Tania Ramos, new planning staff in the Land Development Division.

2. **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) remarked that there had been lengthy discussion regarding the request during the board's initial review of the case, and he gave a PowerPoint presentation of the proposal. The site was being annexed into the City to be developed as a walkable community that included an extension of the St. Johns Heritage Parkway, four commercial lots, a high-end RV park, apartments, and single-family homes. Traffic was the biggest concern discussed at the Citizen Participation Plan (CPP) meeting; however, a Project Development and Environment (PD&E) study for the design elements, funding, and four-laning of Malabar Road was currently under review by the City. The St. Johns Heritage Parkway to the north was also permitted

for six lanes. He noted that there was a 130-foot Melbourne Tillman Water Control District right-of-way canal to buffer the Malabar Lakes West development, and the south property owner's access along the canal would not be impacted. The subject proposal was designed to be compatible with the surrounding developments and regional park.

Mr. Weinberg and Mr. Olszewski questioned why the case was back before the board, and Mr. Karaffa wanted to know the proposed unit count. Mr. Wise stated that there would be 376 single-family lots, a maximum 288 apartment units, and the RV park would be short-term rentals. Mr. Anderson commented on a discrepancy in the legal advertisement for the preliminary development plan, and that a code amendment for preliminary development plans was being considered to rectify the issue.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He stated that if the property remained in unincorporated Brevard County, zero dollars would be generated for the City of Palm Bay, but Palm Bay resources would still be utilized. He was concerned that approving the proposal would remove one of three possible routes for the St. Johns Heritage Parkway.

In response to the comments from the audience, Mr. Wise stated that Brevard County had been supportive of the project, but the development seemed right for Palm Bay. He explained that the study with the potential extensions for the parkway would need to be reassessed as it was prepared before the subject application. The development's projected revenue would be \$7,728,107.44 for the City, and a restaurant was already planned for the far west commercial lot.

The floor was closed for public comments.

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

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

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

3. **\*\*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**

Mr. Anderson stated that there was a request to continue Case PD-26-2022.

Mr. Jake Wise, P.E., Construction Engineering Group, LLC (representative for the applicant) requested a continuance of Case PD-26-2022 to allow staff to submit a textual amendment regarding preliminary development plans.

Mr. Anderson confirmed that a code amendment would be drafted regarding preliminary development plans, and that the subject case would subsequently follow the amendment.

Motion to continue Case PD-26-2022 to the August 3, 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, Olszewski.

City Council will hear Case PD-26-2022 on August 18, 2022.

4. **T-25-2022 - WITHDRAWN - 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 and 185.065, to allow for Infill Planned Unit Developments**

Case T-25-2022 was discussed under New Business, following Item 6.

5. **CP-21-2022 - De Groodt PUD - Michael H. Erdman, Kew, LLC (Chris Ossa, P.E. and Kinan Husainy, P.E., Kimley-Horn & Associates / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Rural Single-Family Use and Commercial Use to Commercial Use and Single-Family Residential Use - Tax Parcel 750, Section 24, Township 29, Range 36, Brevard County, Florida, containing approximately 43.55 acres. Located east of and adjacent to De Groodt Road SW, in the vicinity west of Brandy Creek Circle SE**

Mr. Anderson presented the staff report for Case CP-21-2022. Staff recommended Case CP-21-2022 for approval. The case was previously approved by the board and City Council and was being reheard to rectify that the actual request was to change the subject site from Rural Single-Family Use and Commercial Use to Commercial Use and Single-Family Residential Use.

Mr. Olszewski asked about the recent City Council approval.

Ms. Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law (representative for the request), was present on behalf of Pulte Group. She confirmed that the subject request and companion zoning case had received final City Council approval but were being reheard because of the legal advertisement. She reminded the board that there had been some opposition because of traffic, but the proposed 119-unit development would include an extension of Osmosis Drive SW that would relieve some of the traffic.

Mr. Olszewski inquired whether the previous board and City Council approvals were rendered moot. Mr. Anderson indicated that this was correct.

Mr. Weinberg asked for the record if there was any difference in the previously approved project and the current proposal. Ms. Rezanka stated that there was absolutely no differences in the project. A traffic methodology had been done and

meetings with staff had occurred regarding Osmosis Drive. She appreciated staff's transparency in making the correction.

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

Ms. Leslie Aspinwall (resident at Brandy Creek Circle SE) spoke against the request. She asked if the property would be an R-1 or R-2 designation. She had concerns regarding the overgrowth of the area, traffic, and stormwater.

In response to the comments from the audience, Ms. Rezanka indicated the requested PUD designation that allowed for the proposed residential development as well as the one-acre commercial outparcel.

The floor was closed for public comments.

Motion to submit Case CP-21-2022 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, Olszewski.

City Council will hear Case CP-21-2022 on July 21, 2022.

6. **\*\*PD-21-2022 - De Groodt PUD - Michael H. Erdman, Kew, LLC (Chris Ossa, P.E. and Kinan Husainy, P.E., Kimley-Horn & Associates / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law, Reps.) - A Preliminary Development Plan to allow a proposed PUD for a 119-lot single-family residential development with supporting commercial called De Groodt PUD - Tax Parcel 750, Section 24, Township 29, Range 36, Brevard County, Florida, containing approximately 43.55 acres. Located east of and adjacent to De Groodt Road SW, in the vicinity west of Brandy Creek Circle SE**

Mr. Anderson presented the staff report for Case PD-21-2022. The applicant was requesting the Mixed Use designation. Staff recommended Case PD-21-2022 for

approval. The case was previously approved by the board and City Council and was being reheard to justify an issue with the companion land use application.

Ms. Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law (representative for the request), was present on behalf of Pulte Group. She stated that the board had previously reviewed the conceptual plan for the development. The project would include a number of water features, fencing, a homeowner regulated association, and the design and construction of the Osmosis Drive SW extension. She stated her agreement with the staff conditions, a future development agreement, and a traffic warrant study for a traffic signal at De Groodt Road SW and Osmosis Drive SW.

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

Ms. Susan Connolly (resident at Dixie Highway NE) wanted to know what was meant by the term supporting commercial.

In response to the comments from the audience, Ms. Rezanka explained that the supporting commercial was a one-acre parcel. There was no buyer or proposed use for the commercial parcel at this time, but the commercial use would be compatible.

The floor was closed for public comments.

Motion to submit Case PD-21-2022 to City Council for approval.

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

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

City Council will hear Case PD-21-2022 on July 21, 2022.

Case T-25-2022, New Business Item 4, was discussed at this time.

4. **T-25-2022 - WITHDRAWN - 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 and 185.065, to allow for Infill Planned Unit Development**

Ms. Bernard announced that the continuance for Case T-25-2022 was overlooked. Mr. Weinberg noted that withdrawals did not require board action. Mr. Olszewski asked Mr. Messenger to advise the board. Mr. Messenger surmised that board action was not required to continue Case T-25-2022.

The board resumed consideration of items in the order that was set by the agenda.

**NEW BUSINESS:**

1. **\*\*V-28-2022 - WITHDRAWN - Artesia Palm Bay - Mimis Mitropoulos, ACIS Investment Group, LLC (Bruce Moia, P.E., MBV Engineering, Inc. / Jeremy Mears, Brownstone Group, Reps.) - A Variance to allow a proposed 8-foot-high privacy fence within an HC, Highway Commercial District and an RM-10, Single-, Two-, Multiple-Family Residential District by granting relief from the 6-foot-high wall or fence requirements established by Section 185.036(B)(3)(b) of the City of Palm Bay Code of Ordinances - Tax Parcel 502, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 18.42 acres. Located between and adjacent to Malabar Road NE and Biddle Street NE**

Case V-28-2022 was withdrawn by the applicant. Board action was not required to withdraw the case.

2. **CP-25-2022 – Crown Villas at Palm Bay - Francis R. Bourne and Anna B. Bourne (James Trauger, Trauger Consulting Engineers, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Single-Family Residential Use to MultipleFamily Residential Use - Tax Parcel 762, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 17.41 acres. Located west of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE**

Mr. White presented the staff report for Case CP-25-2022. Staff recommended Case CP-25-2022 for approval.

Mr. Jack Spira, Spira Beadle & McGarrell PA Law Firm (representative for Crown Holdings Group), stated that Trauger Consulting Engineers also represented Crown Holdings Group. He said that the 17.41-acre property was located behind the Health First Medical Center and would consist of 126 duplex type units, which was less than 7.5 units per acre. The development allowed a diversity of housing options, and Health First was excited that the utilities for the project could assist with the medical center's water capacity issues and provide rental units within close proximity for their staff.

Mr. James Trauger, Trauger Consulting Engineers (representative for the applicant) stated that he was the civil engineer for the project. He gave a PowerPoint presentation describing the proposed residential community as a fully gated, modern Class A rental product with single-story and two-story buildings. The two-story buildings would be located within the interior of the site, and the amenities would include a resort style swimming pool, club house, and cabanas. The existing residential areas would be buffered from the development by a six-foot-high opaque perimeter fence, an oversized wet retention pond, and a Melbourne-Tillman canal right-of-way. A stormwater harvesting system would keep the water onsite to promote low impact design, and a traffic study methodology was being prepared.

Mr. Olszewski was pleased with the concept of the proposed development but not at the subject location. Peacocks lived in the wooded area, speeding was already a problem on Fallon Boulevard NE, and the capacity that the development would bring into the quiet, dead-end street was incomprehensible. The project was welcome in the City, but the proposed location was less than ideal and incompatible. He remarked on how the Health First employees that would reside at the subject site would still have to drive ten to fifteen minutes to work, so there was no connectivity between the two properties. He questioned how the project could be considered compatible for the specific site.

Mr. Trauger stated that City staff had indicated that there was capacity on Fallon Boulevard, a traffic study would also address staff concerns regarding signal timing at Babcock Street, and the speeding on Fallon Boulevard was more of an enforcement issue. He said that traffic trips and capacity issues would be addressed as the project progressed.

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

Mr. Robert Busch (resident at Butler Avenue NE) spoke against the request. He commented on his tight-knit neighborhood. The main concern was with the number of vehicles that entered the area by mistake and used Butler Avenue to make their way back out. Speeders were already a danger in the area. He was concerned about where the animals on the subject site would go, and light pollution that would now glare into existing homes. He asked the board to prohibit the development's traffic from going down Ladner Road NE or require speed bumps to be installed on Butler Avenue and Ladner Road.

Ms. Mary Logue (resident at Ladner Road NE) spoke against the request. Ladner Road had only seven homes located where Fallon Road ended. The proposed development would bring constant traffic into the area, impact the peacocks and gopher tortoises, and cause glaring lights to shine into the neighborhood yards, swimming pools, and homes. She said that the development would affect her livelihood, and the project should be accessed off Malabar Road and not Ladner Road or Fallon Boulevard.

Ms. Teresa Keck (resident at Butler Avenue NE) spoke against the request. She stated how the subject site caused her property to flood during hurricanes. Since the flooding began when the medical center was built, she was concerned about the development's retention pond that was planned near her backyard. The quiet, peaceful neighborhood and habitat would be impacted by more traffic since Ladner Road was the only way into the area.

Mr. Deacon Canela (resident at Ladner Road NE) spoke against the request. His biggest concern was the flooding that occurred at the intersection of Fallon Boulevard and Ladner Road during hurricanes and a possible road collapse because of excess traffic. He worried about the flooding, so he parked his vehicle on Fallon Boulevard. He commented on speeders and vehicles that ran the stop sign at the corner of Butler Avenue and Ladner Road.

Ms. Patricia Dalpra (resident at Georges Avenue NE) spoke against the request. She commented on how the lot elevations in the area had changed over the years

so that flooding had become an issue, and the proposed development would add to the problem. She felt that the City should stop rezoning properties haphazardly and focus on the City as a whole. The northeast section of Palm Bay needed revitalizing, and adding more homes and buildings would increase crime, traffic, flooding, and water and sewer problems. There was not enough police and fire to service the single-accessed area. She stated that less homes and more good businesses, and revitalized parks and community centers, were needed in the City.

Mr. Stephen Llewellyn (resident at Kent Street NE) spoke against the request. He said that the rental development of well over 100 units would drastically change the flavor of the neighborhood. The renters would have to drive through his neighborhood to reach the back end of the neighborhood. The renters would not be long-term residents that were invested in the community, and the foot traffic along the canal near his home would be a safety issue with his children. The rental development would change the traditional character of the neighborhood, which would lower home values and lead the neighborhood into a decline.

Mr. Nathaniel Levy (resident at Butler Avenue NE) inquired if water and sewer would be extended into the area and other utilities upgraded so that the existing residents could benefit.

Ms. Leslie Wolfeld (resident at Georges Avenue NE) spoke against the request. She asked if the development would have a private wastewater collection system, and if there were plans to upgrade the utilities and infrastructure in the existing 60-year-old neighborhood. She inquired whether there was any coordination with the Brevard County School system regarding capacity. The proposed development was not the best or safest proposal for the neighborhood.

Mr. Mike Manuel (resident at Butler Avenue NE) spoke against the request. His concerns about the development were regarding traffic, nature, and property values. He did not believe the Babcock Street traffic signal timing could be fixed, and many accidents occurred at the light. Speeders and an increase in traffic would be a safety issue for his autistic son. He questioned where the various wildlife would go if the subject site was developed.

Mr. Paul Rosman (resident at Fallon Boulevard NE) spoke against the request. He enjoyed walking with his dogs in his nice and quiet neighborhood. The development would bring construction trucks into the area that would tear up the roads. Widening Fallon Boulevard in the future to accommodate the development would leave no place to walk or bike. Ladner Road had no room to be widened. He was opposed to the development because of noise, congestion, safety, and infrastructure.

In response to the comments from the audience, Mr. Spira stated that traffic appeared to be an existing problem that enforcement could help alleviate. A traffic study would also be provided by the applicant. Light pollution would have to meet code requirements for spillover, speed bumps could be a condition by the board or City Council, and code requirements for onsite retention would need to be met. Crime was also an enforcement issue. He stated that \$2,200 a month was not a low rental. The property would be a stepdown zoning district between the adjacent Institutional and single-family residential zoning districts. Home values would not decline as the property value would be consistent with surrounding properties. He indicated how sewer would be extended to the site, and the water line system would be looped to correct the water problem at Health First. School capacity would be determined by the Brevard County School Board. He noted that a maximum of 85 homes were currently allowed to be built on the property. The subject request would provide a mix of residential uses in the area, which was consistent with the Comprehensive Plan.

Mr. Josh Black, Lassiter Transportation Group (representative for the request) stated that he was part of the development team. He informed the board that the project would yield approximately 61 new morning trips and 74 evening trips, which was slightly less than what 85 single-family homes would generate.

The floor was closed for public comments.

Mr. Weinberg remarked that many of the concerns would be addressed by the traffic study, photometric ordinance, and onsite drainage requirements.

Motion to submit Case CP-25-2022 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.

**Nay:** Olszewski.

3. **\*\*CPZ-25-2022 – Crown Villas at Palm Bay - Francis R. Bourne and Anna B. Bourne (James Trauger, Trauger Consulting Engineers, Rep.) - A Zoning amendment from an RS-2, Single Family Residential District to an RM-10, Single-, Two-, Multiple-Family Residential District - Tax Parcel 762, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 17.41 acres. Located west of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE**

Mr. White presented the staff report for Case CPZ-25-2022. Staff recommended Case CPZ-25-2022 for approval.

Mr. Jack Spira, Spira Beadle & McGarrell PA Law Firm (representative for the request), stated that the subject proposal would permit a multiple-family residential development with an overall density of 7.41 units per acre.

Mr. Olszewski wanted to know how utilities would be extended to the project. Mr. James Trauger, Trauger Consulting Engineers (representative for the applicant) explained that an eight-inch water main would be extended to the subject site from Fallon Boulevard NE and Ladner Road NE. Discussions were underway with Health First Medical Center to loop the water main into the public water system at Medplex Parkway NE. There was also discussion to tie the project into the medical center's private sewer system. Another option for the development would be a public lift station with a long force main along the Melbourne-Tillman canal right-of-way for connection into the public sewer at Babcock Street. Mr. Olszewski asked if the force main for the sewer would be located in the canal. Mr. Trauger clarified that a buried force main would be run parallel to the canal.

Mr. Olszewski inquired if there was feasible access to the site that would not include Ladner Avenue NE. Mr. Trauger explained that any other access would be on private

property, and that a public right-of-way access was required. Mr. Olszewski suggested that the Health First site be considered for shared access. Mr. Trauger stated that this would be possible, but it was private property and there were wetlands and environmental studies that would need to be done. Mr. Olszewski was concerned with how the construction of the proposed development would impact the surrounding neighborhood. Mr. Trauger stated that the Melbourne-Tillman Water Control District had given permission to use their right-of-way for construction access.

Mr. Weinberg asked about the distance that would need to be requested along the Melbourne-Tillman canal for construction access. Mr. Trauger stated that a half mile of access would likely be requested; and potentially, the development would already be running a sewer force main along the canal easement.

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

Mr. Robert Busch (resident at Butler Avenue NE) spoke against the request. He stated that Ladner Road was small and only permitted one car to pass through at a given time. The proposed development would put tons of traffic into a bottleneck, and the traffic problem in the area should not be placed solely on law enforcement.

Mr. Deacon Canela (resident at Ladner Road NE) spoke against the request. His home was located near the Melbourne-Tillman canal, so he and his family would have to deal with constant noise from construction trucks. He stated that he wanted to retire at his property in peace but would move from Palm Bay if good, hearty single-family home neighborhoods could be rezoned for anybody with cash.

Ms. Teresa Keck (resident at Butler Avenue NE) spoke against the request. She stated that the renderings of the development looked like low-income housing. She asked the board to require a different way to access the property.

In response to the comments from the audience, Mr. Spira commented that the subject request was for the rezoning, and he understood that there were issues and improvements that would need to be resolved moving forward.



The floor was closed for public comments.

Motion to submit Case CPZ-25-2022 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.

**Nay:** Olszewski.

4. **CP-27-2022 – Adelon Bayfront - Carlos Rajlin, Bayfront Blossom, LLC (Bruce Moia, P.E., MBV Engineering, Inc. / Alberto Krygier, Adelon Corporation, Reps.) and the City Page 2 of 4 Regular Meeting 2022-08 of Palm Bay (Growth Management Department) - A small-scale Comprehensive Plan Future Land Use Map amendment from Bayfront Mixed Use Village to Bayfront Mixed Use - All of Block 5 along with Lots 1 through 12, Lots 18 through 21, and Out Lot H, Block 6, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 8.941 acres. Located North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE**

Mr. White presented the staff report for Case CP-27-2022. Staff recommended Case CP-27-2022 for approval.

Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant) stated that the applicant was under contract for land on the east and west sides of Orange Blossom Trail NE and planned to combine the sites for a mixed use of residential and commercial development. The subject request was the first step in the process.

The floor was opened for public comments.

Mr. Dale Steele (owner of property at Water Drive NE) wanted to know the difference between the BMU and BMUV zoning districts. He wanted assurance that his artesian well property rights would not be impacted by the proposed development.

In response to the comments from the audience, Mr. Moia clarified that Mr. Steele's property was located on the east side of Orange Blossom Trail, south of the property



previously rezoned to BMU. The proposed upscale, mixed-use development would comply with the updated BMU regulations and exceed the minimum commercial component of the BMU district.

Mr. Olszewski asked for further details regarding the plans for the property and if those plans involved abandoning a portion of Water Drive or Orange Blossom Trail. Mr. Moia stated that the development would be heavy in commercial use with a possible hotel, some multiple-family residential, and some retail. He explained that an unimproved portion of Kinney Avenue NE, west of Orange Blossom Trail, would be abandoned, and a portion of Kinney Avenue, east of Orange Blossom Trail, had already been vacated.

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

Motion to submit Case CP-27-2022 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, Olszewski.

5. **\*\*CPZ-27-2022 - Adelon Bayfront - Carlos Rajlin, Bayfront Blossom, LLC (Bruce Moia, P.E., MBV Engineering, Inc. / Alberto Krygier, Adelon Corporation, Reps.) and the City of Palm Bay (Growth Management Department) - A Zoning amendment from a BMUV, Bayfront Mixed Use Village District to a BMU, Bayfront Mixed Use District - All of Block 5 along with Lots 1 through 12, Lots 18 through 21, and Out Lot H, Block 6, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 8.941 acres. Located North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE**

Mr. White presented the staff report for Case CPZ-27-2022. Staff recommended Case CPZ-27-2022 for approval.

Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant) stated that the subject request was the companion zoning case to the land use request the board had approved. He clarified that the pond shown on the site exhibit did not belong to the applicant and was not part of the proposal.

Mr. Weinberg asked for assurance that the subject request would not affect Mr. Dale Steele's artesian well property rights. Mr. Moia confirmed that any legal rights Mr. Steele had would be accepted and would not be impacted by the development.

Mr. Olszewski wanted to make certain that the request was correct as the description was missing from the agenda. Mr. Anderson reiterated the proposal and stated that he would verify that the request had been properly advertised before submitting to City Council.

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

Mr. Dale Steele (owner of property at Water Drive NE) remarked on the plans to possibly fill in the retention pond on the subject site. There was an existing brook that flowed through the retention pond, onto his property, and then into the Indian River that was under the jurisdiction of the St. Johns River Water Management District.

In response to the comments from the audience, Mr. Moia explained how the retention pond was created to treat untreated water and would remain completely intact. Any work being done south of the pond would be dealt with through the Public Works Department to ensure that any runoff was not impeded.

Mr. Olszewski asked for clarification that the development did not own and would not touch the pond. Mr. Moia confirmed that the pond was City owned, and that the stormwater from the development would not interact with the pond.

Ms. Bernard requested a five-minute recess to verify that the case was properly advertised.

The meeting resumed following a five-minute recess.

Mr. Weinberg stated that he was pleased with the revitalization that was occurring in the Bayfront District.

Motion to submit Case CPZ-27-2022 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, Olszewski.

6. **T-29-2022 – BMU Conditional Use - 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 185.058(D)(4), to eliminate the requirement for a Conditional Use to allow permitted uses on a parcel of ten (10) or more acres of area in the BMU, Bayfront Mixed Use District**

Mr. Anderson presented the staff report for Case T-29-2022. Staff recommended Case T-29-2022 for approval.

Mr. Olszewski questioned why the proposed amendment was needed and how the existing conditional use requirement was a hinderance. Mr. Anderson explained that ten acres or less was a physical constraint for horizontal mixtures of uses. The proposed change would allow for fluidity in terms of developers having the option of horizontal or vertical projects, and it would create a more transitional phase in density and intensity throughout the BMU district. He stated that the conditional use requirement could be seen as an obstacle by many developers, and it elongated the development process in certain circumstances. Conditions could be addressed at the administrative site plan level with prevailing circumstances brought before the board and City Council. Ms. Bernard added that according to the City Attorney, having a BMU zoning district and then a condition of ten acres or more was moot as it could not be allowed and a condition. The amendment would clear up the conflict.

Mr. Olszewski asked for clarification on how the textual amendment would change the process for a permitted business. He wanted to comprehend the direct benefit of the amendment. Mr. Anderson explained that a permitted use would no longer require board or City Council review. Its purpose was to make sure that entitlements

were not being restrained. The amendment would allow for a mixture of uses and create walkability over a larger scale of area rather than having to traverse through each small-scale submittal. Ms. Bernard added that the matter had arose three times in the last seven months. The change would allow for some great redevelopment to occur in the Bayfront area.

The floor was opened and closed for public comments.

Ms. Patricia Dalpra (resident at Georges Avenue NE) spoke against the request. She questioned why every vacant space in the area had to be developed, and it appeared as though the builders had the upper hand.

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

Mr. Olszewski asked the board for their view of the request. Mr. Weinberg commented that the amendment would permit an allowed use to occur without the additional step of a conditional use that was not considered necessary. Ms. Jordan concurred.

Motion to submit Case T-29-2022 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, Olszewski.

**7. T-30-2022 – Citizen Participation Plan - City of Palm Bay (Growth Management Department – Requested by Deputy Mayor Kenny Johnson) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Zoning Code, Section 169.005(B)(1), to modify the applicability requirements for Citizen Participation Plans to include Comprehensive Plan Future Land Use Map and Zoning Map amendments**

Mr. Anderson presented the staff report for Case T-30-2022. The proposal was at the request of Deputy Mayor Kenny Johnson. Staff recommended Case T-30-2022 for approval.

Mr. Olszewski surmised that the proposed amendment would now require Citizen Participation Plan (CPP) meetings to occur before applicants could come forth with Comprehensive Plan Amendment applications that would now include the summaries of their CPP meetings, and that all properties touching the 500-foot radius of the sites would need to be invited to the CPP meetings. Mr. Anderson indicated that this was correct, but CPP meetings must occur before Comprehensive Plan and Zoning Amendment applications were found to be sufficient for staff review. He expounded on the proposal and stated that the same integrity would be maintained for processing developments, conditional uses, Comprehensive Plan Amendments, and rezonings. Mr. Olszewski remarked that he was fully in support of the amendment.

Ms. Jordan asked for clarification on the CPP meetings occurring before applications were submitted to staff. Mr. Anderson stated that CPP meetings must occur before applications were found sufficient for review. Applications would not be deemed sufficient for review or proceed to a public hearing until the CPP was completed and reported to staff. The change would keep CPP meetings from being held too close to the public hearings for residents and for staff.

Mr. Karaffa wanted to know what a CPP meeting was. Mr. Anderson explained that a CPP was an outlined method for the citizens in an area that were most likely affected by a development to attend a meeting held by the developer to explain the project. Citizens could voice their opinions and fears so that the developer could attempt to mitigate any unwanted risks. Mr. Karaffa remarked on the timing of projects and the sufficiency in information that would be provided for CPP meetings. Mr. Anderson stated that the level of details provided for requests were based on what levels of analysis and reviews were under consideration as some details were required at later stages and some projects might not be developed for years. He said that this ensured that current information was being captured, and that the plans presented at the CPP meetings would be at the earliest stage so that citizen opinions could be heard.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) inquired whether the 500-foot radius mailing was measured from the center or from the border of the properties to determine who received the meeting notices.

Ms. Susan Connolly (resident at Dixie Highway NE) wanted clarification that the CPP meeting would now occur earlier in the process and would include all applications that come before the board.

In response to the comments from the audience, Ms. Bernard restated the CPP process and that all applications would require a CPP meeting. She explained that standard 500-foot radius packages were prepared by Brevard County for a fee.

The floor was closed for public comments.

Motion to submit Case T-30-2022 to City Council for approval.

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

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

8. **T-33-2022 - Voluntary Low Impact Development - City of Palm Bay (Growth Management Department – Requested by Deputy Mayor Kenny Johnson) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, Section 174.068(AA) Design Standards, and repealing Sections 169.010 through 169.015 in its entirety, to modify guidelines for voluntary low impact development**

Mr. Anderson presented the staff report for Case T-33-2022. Staff recommended Case T-33-2022 for approval.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) questioned why the subject proposal was written as a voluntary system that developers could opt out of. The

language should be written as a requirement if the ordinance was considered necessary.

In response to the comments from the audience, Ms. Shaber stated that she was a big proponent of Low Impact Development (LID); however, LID was not a statutory requirement at this time. Implementation of some of the best practices would also be more difficult for some developers and engineers. State regulations were currently in place that addressed stormwater management requirements, but environmental needs were not being met. By introducing, encouraging, workshopping, educating, and providing incentives, a natural change would hopefully occur voluntarily. She commented that if the state made LID mandatory, the City would have an introductory in place.

Ms. Jordan asked if the City had a LID manual as it was referenced in the textual amendment. Ms. Shaber stated that a manual was being drafted. The manual and the proposed amendment would be approved concurrently by City Council.

The floor was closed for public comments.

Motion to submit Case T-33-2022 to City Council for approval.

Mr. Weinberg stated that LID was good for the City, and that the manual would hopefully standardize the proposal.

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

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

#### **OTHER BUSINESS:**

1. There was no other business discussed.

#### **ADJOURNMENT:**

The meeting was adjourned at approximately 8:49 p.m.

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Leeta Jordan, CHAIRPERSON

Attest:

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Chandra Powell, SECRETARY

\*\*Quasi-Judicial Proceeding