

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
SPECIAL MEETING 2022-10

Held on Tuesday, September 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. Philip Weinberg 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	Present
NON-VOTING MEMBER:	David Karaffa	Absent
	(School Board Appointee)	

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. Uma Sarmistha, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ANNOUNCEMENTS:

1. Ms. Jordan informed the board that the Special Planning and Zoning Board meeting tentatively scheduled for September 29, 2022, had been canceled. The temporary moratorium item was placed on the present agenda.

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.

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**

Mr. Anderson presented the staff report for Case FD-16-2022. Case FD-16-2022 met the minimum requirements for a Final Development Plan application.

Ms. Maragh asked if the technical comments had been reviewed with the developer. Mr. Anderson indicated that the applicant was aware of the new and previous technical comments.

Mr. Olszewski inquired whether the subject submittal was the final phase of the project.

Mr. Jake Wise, P.E., Construction Engineering Group, LLC (representative for the applicant) explained how the Chaparral development had been decades in the making, and that Phases IV and V were the last phases of the overall master project. The density in the subject phases had been reduced by changing townhomes to single-family homes. Several traffic and development improvements had occurred during earlier phases with neighborhood input. All staff comments would be addressed on final construction plans.

Ms. Maragh asked about the townhomes to be eliminated. Mr. Wise confirmed that the townhomes planned for the southern portion of the site would now be single-family homes.

Mr. Olszewski wanted to know the total unit count of Phases I through III. Mr. Wise noted that there were 155 units in Phases I through III and 522 units in Phases IV and V for a total of 677 single-family residential units for the entire development.

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 FD-16-2022 to City Council for approval of a Final Development Plan to allow a proposed PUD for a 522-lot residential development called Chaparral Phase IV and V.

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

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

2. ****PD-32-2022 - Lipscomb Street PUD - Paul Daly and Don Ballew (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 228-unit residential townhome development called Lipscomb Street PUD. Tracts 6 and 5 of Palm Bay Colony Section 3 and Tracts 4 and 3 of Palm Bay Colony Section 2, all in Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 24.56 acres. Located east of and adjacent to Lipscomb Street NE, in the vicinity west of Mango Street NE**

Mr. Anderson presented the staff report for Case PD-32-2022. Case PD-32-2022 met the minimum requirements of a Planned Unit Development rezoning amendment request, subject to the staff comments.

Ms. Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law (representative for the request), was present on behalf of Pulte Group. She provided the board with a

copy of the preliminary development plan for the project and remarked on how the undeveloped properties were originally planned for the Palm Bay Colony Mobile Home Park. The four drainage tracts east of the properties were not part of the request but would be maintained by the project's townhome homeowner's association. The well-thought-out townhome development would include lakes, open space, a lower density of 9.28 units per acre, and pedestrian connectivity. She noted that a Citizen Participation Plan meeting was held, and there were no major comments from area residents. A traffic methodology was provided, and school capacity was not considered an issue.

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

Ms. Sarah Marie Lee (resident of Palm Bay Colony) spoke against the request. She commented on how the proposed development was personal aesthetically, financially, and physically to the multi-generational families and seasonal residents in the mobile home park. The added density would have an effect on area noise, wildlife, traffic, utilities, and public services. Crime was a concern and there was already a problem with emergency response times. She indicated suggestions by her husband to slow traffic by making Silktree Lane and Huckleberry Lane one-way streets exiting west and placing stop signs at each end of Ersoff Boulevard NE. Two locations for egress were desired as well as gates for emergency traffic.

Ms. Susan Fletcher (resident of Palm Bay Colony) spoke against the request. She was concerned about traffic and drainage. Vehicles currently cut through the mobile home park and there was flooding during heavy rains.

Mr. Jim Price (resident of Palm Bay Colony) spoke against the request. He was concerned about the traffic pattern. Royal Palm Drive NE was not a large street to handle 500 more vehicles and there was already speeding through the area.

In response to the comments from the audience, Ms. Rezanka noted that in terms of density, the subject request was an RM-10 project on an RM-10 site. The PUD was needed to allow the townhomes. Palm Bay Colony would be buffered by a 50-foot drainage canal, foliage, a fence between the canal and subdivision, and an additional 15-foot subdivision buffer. The lakes on the site would handle onsite

drainage and any road deficiencies or improvements would be addressed with staff during the final development plan submittal.

The floor was closed for public comments.

Mr. Weinberg commented that the development was a well-designed PUD that could already be developed at ten units per acre.

Motion to submit Case PD-32-2022 to City Council for approval of a Preliminary Development Plan to allow a proposed PUD for a 228-unit residential townhome development called Lipscomb Street PUD.

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

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

3. **CP-29-2022 - Cypress Bay West - Benjamin Jefferies, Cypress Bay Farms, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from R1:2.5 (Brevard County) and Single-Family Residential Use to Commercial Use. A portion of Tax Parcels 500 and 501, Section 3, Township 30, Range 37 along with portions of Lots 12 through 22, Cape Kennedy Groves Unit 9, Section 10, Township 30, Range 37, Brevard County, Florida, containing approximately 6.49 acres. Located in the vicinity of the northeast and southeast corners of Babcock Street and St. Johns Heritage Parkway SE**

Ms. Tania Ramos presented the staff report for Case CP-29-2022. Case CP-29-2022 met the minimum requirements of a Comprehensive Plan Future Land Use amendment request.

Mr. Olszewski inquired whether part of the property was located within unincorporated Brevard County. Ms. Ramos stated that the site was within the City limits, but a City land use designation had not been assigned.

Mr. Jake Wise, P.E., Construction Engineering Group, LLC (representative for the applicant) presented a rendering to further clarify the request. One of the properties

with a stormwater pond was under an agreement with the City that if the pond was relocated in the future, the existing location would be developed commercially. He confirmed that the properties were within the City but had not been assigned a City land use designation. The City had once considered the properties for utilities, and police and fire stations until another site was selected. The subject request would meet City Council's push for more commercial land.

Mr. Olszewski wanted to know what was planned for the commercial sites, and if the area would be similar to the Bayside Lakes Drive/Cogan Drive intersection. He was not in favor of more self-storage facilities. Mr. Wise indicated the location that was planned for a Publix grocery store and stated that with the proposed and existing residential developments in the area, the subject outparcels were being sought for medical uses, retail, and charter and public schools. The anticipation was for better architecture, more interests, different parcel sizes, and a variety of uses. There was a high demand for self-storage facilities, but there was no end user or self-storage use established at this time.

Ms. Maragh suggested that some type of entertainment aspect be considered. She asked where the utility infrastructure and police and fire stations would now be located, and whether office parks for small businesses would be provided. She wanted to know the existing amount of commercial acreage in the development. Mr. Wise indicated where the utility tanks and police and fire stations would be located east of the site, just north of the Emerald Lakes Development. He remarked on how Emerald Lakes would provide ample entertainment, and that the high-quality restaurants and other commercial uses planned for the subject site would be a complement to the entertainment. The proposed office parks would support small businesses and medical uses. There was currently 91 acres of commercial land in the overall development.

Mr. Warner was pleased that the developer had listened to the board and the City to bring commercial to the City.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He was pleased to see residential land converted to commercial land. However, he was concerned with any relocation of the retention pond since the pond was set up as part of the St. Johns Heritage Parkway infrastructure.

Mr. Chris Garrod (resident at Foggy Mist Road SE) spoke in favor of the request. He was glad about the Publix and other small businesses coming into the area, but the widening of Babcock Street was needed for the additional traffic.

In response to the comments from the audience, Mr. Wise indicated how the possible relocation of the small retention pond would not be an issue because of the huge lakes and interconnected stormwater ponds in place, which were also designed to accommodate the eventual six-laning of the St. Johns Heritage Parkway and additional right-of-way for Babcock Street. He noted the other road and traffic projects that would improve the Parkway and Babcock Street intersection and connections. Mr. Anderson added that the widening of Babcock Street was projected for completion in 2023.

The floor was closed for public comments.

Motion to submit Case CP-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, Maragh, Olszewski, Warner.

4. **T-39-2022 - Mobile Food Vending - City of Palm Bay (Growth Management Department - Requested by City Council) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.138, to ensure compliance with current Florida statutes for mobile food vending**

Mr. Anderson presented the staff report for Case T-39-2022. Case T-39-2022 met the minimum requirements for a textual amendment aligning with current State Statute.

Mr. Olszewski asked if the proposed amendment would allow food truck owners to park their trucks in their residential driveways. Recreational boats were allowed to park in residential driveways temporarily, so a mobile vending entrepreneur should be allowed to do so as their vehicles would be away for the most part. Mr. Anderson stated that a mobile vendor vehicle could park at a residence within a gated side yard or the rear portion of the yard that was not visible. He explained that recreational vehicles must also adhere to the side and rear yard parking requirements for residences to avoid creating neighborhood eyesores or nuisances. Ms. Bernard added that revisions to the parking code were being considered to clarify where vehicles may park.

Ms. Maragh wanted to know if the sale of fruit and other items would now be allowed. Mr. Anderson explained that mobile vendors could be licensed and regulated locally, whereas mobile food dispensing vendors were State licensed with local input on where they could operate in a municipality. The mobile vending language would now permit offsite services like mobile car detailing and dog grooming.

Mr. Warner remarked on staff's comment that the amendment would allow for alternative business models to compete in a consistently changing economy. Mr. Anderson stated that many of the vendors would now qualify for the City to enact a local business tax, and the City would be gaining a more diversified economy. Mr. Warner noted that certain businesses could now be regulated and held accountable.

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-39-2022 to City Council for approval.

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

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

NEW BUSINESS:

1. ****Z-44-2022 - Allegra of Palm Bay - Mimis Mitropoulos, ACIS Investment Group, LLC (Represented by Bruce Moia, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorney at Law / Jeremy Mears, Brownstone Group) - A Zoning change from an RM-10, Single-, Two-, Multiple-Family Residential District to an RM-15, Single-, Two-, Multiple-Family Residential District. Tax Parcel 502, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 17.44 acres. Located between and adjacent to Malabar Road NE and Biddle Street NE**

Mr. White presented the staff report for Case Z-44-2022. Case Z-44-2022 met the minimum requirements of a Rezoning request.

Mr. Olszewski asked about the staff findings. Mr. White stated that an analysis of the case met the minimum requirements to bring the case forward.

Mr. Olszewski commented on the familiarity of the property. Ms. Bernard stated that the site had previously been before the board and was approved for a different product.

Ms. Maragh questioned the applicant's statement of rising construction costs for justification of the subject request.

Mr. White indicated the southern portion of the property adjacent to Malabar Road that would remain commercial.

Ms. Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law (representative for the request) was present for the developer, the Brownstone Group. She submitted renderings for the revised project and confirmed that an RM-10 development called Artesia with cottage-style apartments was approved by City Council in May. However, due to an increase in construction costs, the project was no longer feasible for the developer. She noted that after several meetings, Ms. Elizabeth Gilbert, the adjacent property owner in the middle of the development seemed more accepting. The subject proposal was now for an RM-15 designation to allow the construction of a three-story, single- and two-bedroom apartment complex of 261 units called

Allegra with a lower rental rate. A subsequent conditional use had been submitted to permit a 35-foot building height and would also allow for greater setbacks. As requested by residents at the Citizen Participation Plan (CPP) meeting, more trees would be maintained on the northern border. There would be greater setbacks, landscape and natural buffers, and a proposed 8-foot-high fence subject to a future variance. School capacity was available, and there was no change in the traffic review.

Mr. Olszewski was concerned about the 261 apartments and stairwells being of wood construction.

Mr. Jeremy Mears, Brownstone Group (representative for the request) stated that the concrete stairwells would be framed by wood as typical. He explained how construction costs could be offset by rent, but it would be unfordable for Palm Bay. The project would not happen without the rezoning and conditional use. He would have preferred to develop the original product but had to build to the current market. Based on the two CPP meetings held for the site, the previous two-story building had been pushed further back from visibility.

Mr. Olszewski reiterated his concern with fire safety. The original proposal was presented as low-key cottages, whereas the current request was for three-story wooden buildings and staircases for 261 units. Fire station 1 might not have the appropriate ladder apparatus to service the complex. Mr. Mears stated that fire safety codes had changed over the years. All units would be fire sprinklered, patios and stairwells used less combustible material, and City code allowed wood-frame construction.

Ms. Maragh asked if it was less expensive to build with wood than concrete, and she questioned whether the three-story buildings would be consistent with the surrounding area. Mr. Mears confirmed that a wood-frame was less in cost than cement block, but all windstorm standards would still need to be met. He explained that a two-story development would require an expansion that would push the project closer to the adjacent residents. As currently proposed, the trees and landscape would buffer the neighborhood view of the three-story buildings.

Mr. Warner inquired whether reducing the unit count for the initial cottage proposal had been considered. Mr. Mears stated that an increase in units was needed to offset the cashflow for affordability.

Mr. Anderson remarked that Fire Stations 1 and 7 would have ladder trucks. Mr. Olszewski asked for verification as the Capital Investment Plan for fire stations did not indicate a ladder truck at Fire Station 7.

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

Mr. Nick Meyer-Arendt (resident at Biddle Street NE) spoke against the request. He said that Ms. Gilbert was also opposed to the adjacent three-story proposal. He explained that the subject site was rezoned from an RS-2, Single-Family Residential designation in May. However, the area was still a single-family residential neighborhood, and single-family homes were preferable to an 8-foot-high fence and apartments. The cottages that were originally approved were a better fit than three-story cheap apartments with low-income renters. The proposal was not an improvement, and a variance for a future 8-foot-high fence was necessary.

Mr. Robert Stise (resident at Windbrook Street SE) spoke against the request. The police and fire response times, and the need for additional resources were recently expressed by those departments. Overextended services in the community were a danger to residents on the third floor of wooden buildings.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke against the request. He stated that if the applicant could not make their initial proposal work, the project failed. The temporary moratorium was needed to halt the constant rezonings, and developers should build to the zonings in place.

Ms. Bernard verified with the City Manager that a ladder truck was being reassigned to Fire Station 7. Mr. Olszewski noted that Fire Station 7 was further away from the development.

Mr. Will Tarbet (resident at Ridgemont Circle SE) stated that he represented Life Care Centers of Palm Bay and Life Care Centers of America. He wanted to know

what was planned for Villanueva Street NE as it was currently maintained by the life care center.

Ms. Pat Dalpra (resident at Georges Avenue NE) spoke against the request. She stated that the water problems in northeast Palm Bay with odor, saltwater in wells, and low pressure should be fixed before allowing 200 additional homes. The traffic would also impact Port Malabar Elementary School, Fallon Boulevard NE, and Babcock Street NE.

In response to the comments from the audience, Ms. Rezanka stated that the development would be set well back from the neighbor that was opposed to the request, and the buffer for the initial project was increased. Villanueva Street was a joint access that would be four-laned. She remarked on how the original approval was a change from four different zoning categories to the RM-10 designation. The RM-15 designation was not needed at that time. The site, however, was in the middle of RM-15 properties. She stated that the project would provide attainable housing for professionals. The wood construction would be safe and to code, and fire truck apparatus was not a zoning requirement.

The floor was closed for public comments.

Mr. Weinberg stated that he would not have had a problem approving the original cottage proposal with an RM-15 designation. However, he could not support the subject request for three-story complexes, and the RM-15 designation would not make the project viable for the developer without the height increase.

Motion to submit Case Z-44-2022 to City Council for denial.

Motion by Mr. Weinberg, seconded by Ms. Maragh.

Mr. Olszewski commented that there would be wood multiple-family structures in Palm Bay; however, the concern was specifically for the extreme service deficit within the particular area that made the level of service for the proposed project incompatible with the subject parcel of land.

Ms. Maragh applauded the developer for working with the community, but she could not support the incompatibility of the subject request.

A vote was called on the motion to submit Case Z-44-2022 to City Council for denial.

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

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

2. ****CU-47-2022 - Allegra of Palm Bay - Mimis Mitropoulos, ACIS Investment Group, LLC (Represented by Bruce Moia, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorney at Law / Jeremy Mears, Brownstone Group) - A Conditional Use to grant relief to the 25-foot maximum building height requirement in a proposed RM-15, Single-,Two-, Multiple-Family Residential District by allowing buildings to be constructed 39 feet in height, in accordance with Section 185.037(D)(4) of the Palm Bay Code of Ordinances. Tax Parcel 502, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 17.44 acres. Located between and adjacent to Malabar Road NE and Biddle Street NE**

Based on the board's denial of Case Z-44-2022, Case CU-47-2022 was considered moot.

Motion to submit Case CU-47-2022 to City Council for denial.

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

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

3. ****FD-46-2022 - St. Johns Preserve-Tract A - Mike Evans, St. Johns Preserve Investment Group, LLC (BSE Consultants, Inc., Rep.) - A Final Development Plan to allow a proposed PMU for a 176-unit residential townhome development called St. Johns Preserve-Tract A. Tract A, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida,**

containing approximately 19.12 acres. Located north of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW

Mr. White presented the staff report for Case FD-46-2022. Case FD-46-2022 was in alignment with the Comprehensive Plan, Parkway Mixed Use, and the project met the minimum criteria of a Parkway Mixed Use Rezoning request, subject to the staff comments contained in the staff report.

Ms. Ana Saunders, P.E., BSE Consultants, Inc. (representative for the applicant) explained that Tract A was the multiple-family component of the St. Johns Preserve Development. The traffic study, turn lane, and off-site improvements that were approved for the project in 2019 included the 304 units originally slated for the subject tract. The duplex proposal approved for the site in 2021 had not gained any interest, so the current proposal was for townhomes with a mixture of four, six, and eight-plex units for 176 units. The road layout was identical with no access to the St. Johns Heritage Parkway or Malabar Road, and the stormwater and sanitary sewer components were also the same.

Mr. Olszewski wanted to know the number of single-family homes within Phases I through IV, and he asked if the project had any access to Heritage High School. Ms. Saunders indicated that Phases I through IV was comprised of approximately 600 units. All vehicular traffic would go through St. Johns Preserve, but Phase I did have an internal pedestrian access to the high school, and there was also an emergency bus access for the high school.

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

Mr. Weinberg commented that the development was a good project and the density was reasonable.

Motion to submit Case FD-46-2022 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, Warner.

4. **CP-32-2022 - River's Edge - Michael Jones, Florida Institute of Technology, Inc. (Represented by Ross Abramson, Woodfield Acquisitions, LLC / Bruce Moia, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorney at Law) - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Bayfront Mixed Use. Part of Lots 6 and 10, Hopsons Subdivision, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 6.92 acres. Located west of and adjacent to Dixie Highway NE, in the vicinity north of Malabar Road NE, specifically at 4400 Dixie Highway NE**

Mr. White presented the staff report for Case CP-32-2022. Case CP-32-2022 met the minimum requirements of a Comprehensive Plan Future Land Use Map amendment request.

Ms. Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law (representative for the request), was present on behalf of the developer, Woodfield Acquisitions, LLC. She provided the board with a rendering of the River's Edge proposal. She described how there would be 5,000 square feet of commercial use on the northeast side of the property, and 131 high-end concrete-block apartments with five and six levels, and swimming pool and patio amenities. There was not a full site plan at this time, but there would be setbacks 60 feet west and 100 feet south to buffer the Palm Bay Estates Mobile Home Park Cooperative. She stated that a Citizen Participation Plan (CPP) meeting was held, and the concerns from the residents regarding buffering, landscape, and fencing would be addressed by the developer as much as possible.

Ms. Maragh asked if the buffering was discussed during the CPP meeting. Mr. Ross Abramson, Woodfield Acquisitions, LLC (representative for the request) stated that the plan was discussed at the CPP meeting, and he would work with the neighbors regarding their concerns with the south buffer.

Mr. Warner asked for further details about the project, and if the building on the property would be removed. Mr. Abramson stated that the proposal was for a luxury apartment building with a coastal modern design. Retail use would overlook the marina area as an attractive amenity to the community. The project was a second

phase of the former Winn-Dixie site across the street that would be developed at the same time. He said that the vacant building on the subject property would be removed.

Ms. Maragh wanted to know if anything had been done in terms of the environmental impact on the river. Mr. Abramson stated that the stormwater management system would be upgraded to capture and treat the onsite rainwater, and likely increase the size of the existing retention pond.

Mr. Warner asked if there was an updated traffic study. Mr. Abramson indicated that there was not a traffic study at this time.

Mr. Olszewski asked if the intent was to have a boardwalk for the project or would there be a dock for water access. Mr. Abramson stated that the plan was to activate the waterway with a boardwalk and docking for boats, but it would depend on what City code and the St. Johns River Water Management District (SJRWMD) would allow. Mr. Olszewski suggested a strengthened seawall. He was opposed to having water access from the site and advocated a partnership with Palm Bay Marina to lessen the disturbance and impact on the area.

The floor was opened for public comments

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He stated that the BMU designation included some commercial with the residential use. There was approximately a 75-foot drop from the road elevation to the water's edge that would make water retention on the site difficult. He noted that there might be a couple of docks already on the property.

Mr. Brad Kenyon (Palm Bay Marina) spoke in favor of the request. He stated that the development would be a nice addition to Palm Bay.

Mr. Rusty Melle (resident at S. Wickham Road, West Melbourne) spoke in favor of the request. He stated that it was nice to finally see the development that was occurring to bring synergy into the Bayfront Community Redevelopment Agency (BCRA) area.

Ms. Kim Fitch (resident of Palm Bay Estates Mobile Home Park Co-op) spoke against the request. She was concerned about vehicle headlights and noise from pool parties affecting her and the elderly in her community. She believed the subject site would have a vacancy problem in the future as no one would be able to afford the luxury apartments. The project would hurt the current residents, wildlife, and manatees.

Ms. Lynn Grimes (resident of Palm Bay Estates Mobile Home Park Co-op) spoke against the request. She provided the board with photographs of the area. She remarked on how the project would destroy the beauty of the area, the 100-year-old oak trees, dolphins and manatees in the canal, and the wildlife and their feeding ground. Her 60-year-old mobile home park did not deserve to be destroyed by the six-story development. She said that The SJRWMD would no longer allow seawalls or walkways for the area.

Ms. Elizabeth Lee (resident of Palm Bay Estates Mobile Home Park Co-op) spoke against the request. She provided the board with photographs of the area. She purchased her property because of the privacy and green space. The project would be approximately 500 feet from her living room. The oak trees, horn owls, and blue heron on the subject property should be protected. The canal was full of marine life that would also be impacted by the large rocks the developers would need to put in.

Ms. Donna Zipoli (resident of Palm Bay Estates Mobile Home Park Co-op) spoke against the request. She stated her concern about the additional traffic and the poor water pressure in the area. The proximity of the development would affect the mobile home park's property values. Additional sediment in Turkey Creek and pollution were also a concern. She said that there were other apartments being constructed in the vicinity, and a six-story building was not consistent with the present area.

Mr. John Bertaux (resident of Palm Bay Estates Mobile Home Park Co-op) spoke against the request. He stated that the subject location was special ecologically as the pond to the Turkey Creek canal allowed freshwater alongside saltwater. Trees and wildlife thrived in the area; families of manatees ate grass at the water's edge. There were herons, ospreys, tortoises, porpoises, and other marine life that would be affected by the development and a loss to Palm Bay. The canal was way too

narrow to accommodate a dock or boardwalk. Thirty-two proposed apartments per five floors and parking was too much.

In response to the comments from the audience, Ms. Rezanka reminded the board that there was not a site plan at this time. The BMU, Bayfront Mixed Use setbacks were much larger than the existing HC, Highway Commercial District currently allowed. The proposed redevelopment project was providing useful and necessary apartments. She noted that the project had been reduced to 131 units. Issues regarding noise and lights were development standards and site plan issues to be addressed by City code and enforced by the Code Compliance Division. Any options to build along the river, canal, or bay had not been determined yet, but whatever natural resources allowed by SJRWMD and City code for access to occur could currently be done under the existing HC zoning district. The HC district could also allow for 40-foot-high apartment or hotel complexes with lesser setbacks to the water's edge. The site needed to be redeveloped and environmental issues would be addressed during site plan review.

The floor was closed for public comments.

Mr. Good wanted to know about the 20-percent of commercial use planned for the project and when it would be developed. Mr. Abramson confirmed that 20-percent of the project would be commercial, and that a cafe, sandwich shop, or restaurant was desired. The commercial area would be on the ground floor of the apartment building, so construction would occur at the same time as the housing.

Ms. Maragh stated that there should be a happy medium between protecting the environment and development. She asked what was being done to protect the area and if the Sustainability Board was involved. Mr. White explained that environmental issues would be addressed during the construction phase that would include City and State reviews, and possible mitigation regarding trees, wildlife, and protected species. The subject request was for entitlement and not based on the rendering. Ms. Bernard added that she had not interacted with the Sustainability Board, but all submittals were reviewed during the site plan review process to ensure projects were in accordance with all codes and ordinances, and that all departments were held accountable.

Mr. Weinberg stated that he understood the concerns of the neighboring mobile home park, but the subject site was part of the Bayfront Redevelopment area and in need of redevelopment. A large commercial project with less setbacks could currently be built on the site. The BMU apartment proposal, however, would be the highest and best use of valuable waterfront property.

Motion to submit Case CP-32-2022 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.

Nay: Maragh, Warner.

5. ****CPZ-32-2022 - River's Edge - Michael Jones, Florida Institute of Technology, Inc. (Represented by Ross Abramson, Woodfield Acquisitions, LLC / Bruce Moia, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorney at Law) - A Zoning amendment from an HC, Highway Commercial District to a BMU, Bayfront Mixed Use District. Part of Lots 6 and 10, Hopsons Subdivision, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 6.92 acres. Located west of and adjacent to Dixie Highway NE, in the vicinity north of Malabar Road NE, specifically at 4400 Dixie Highway NE**

Mr. White presented the staff report for Case CPZ-32-2022. Case CPZ-32-2022 met the minimum requirements of a Zoning amendment request.

Ms. Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law (representative for the request), was present on behalf of the developer, Woodfield Acquisitions, LLC. She stated that she had nothing further to add than what was discussed during the land use request. The mixed-use proposal would be a good use of the site allowing for 31 apartment units with 20-percent commercial use.

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

Mr. Olszewski stated that he viewed the redevelopment of the subject site as a benefit to the area since the property's development could bring awareness and advocacy to area wildlife and to the conditions of the Indian River Lagoon and Turkey Creek as a course to correction. Ms. Maragh recognized the sentiment; however, she stated that a balance was needed, and developers should be making a better effort of presenting more details regarding how their projects would ensure area preservation. Developers should be challenged to build in Palm Bay with the environment in mind. Mr. Warner concurred and added that the subject proposal appeared to be a beautiful development, but his concern was that there was no traffic study and the project's impact. A delay would have been preferred to allow the concerns from the neighborhood residents to be worked out.

Motion to submit Case CPZ-32-2022 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.

Nay: Maragh, Warner.

6. **CP-33-2022 - Henry Morin - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Residential Use. Lot 17, Block 207, Port Malabar Unit 7, Section 31, Township 28, Range 37, Brevard County, Florida, containing approximately .23 acres. Located east of and adjacent to Browning Avenue NE, in the Page 2 of 4 Special Meeting 2022-10 vicinity north of Malabar Road NE**

Ms. Ramos presented the staff report for Case CP-33-2022. Case CP-33-2022 met the minimum requirements of a Comprehensive Plan Future Land Use Map amendment request.

Mr. Henry Morin (applicant) explained that the RC district was created in 2002 when Malabar Road was four laned. The RC district was administratively applied to allow restricted commercial uses on a stretch of the road. He indicated how he was able to sell and intended to sell the RC properties he owned to bring commercial

businesses into the area. He explained that the subject request was needed because of the two homes in front of the subject lot, which also separated the property from Malabar Road. Returning the lot to its original residential designation would not have any negative impact to the City or neighbors.

Mr. Olszewski inquired about the two lots the applicant owned east of Bruster's Ice Cream shop that was being use for their parking overflow. He asked if the ice cream shop could purchase the subject lot to relieve their traffic problem. Mr. Morin stated that the ice cream shop had declined to purchase the subject lot.

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 since the decision was made to make the area commercial, the subject lot should remain commercial. There were already residents in the area deeply impacted by the commercial use, so another residential lot should not be created next to commercial property.

In response to the comments from the audience, Mr. Morin stated that several workshops were held with the property owners in the area when the RC district was created. The homeowner adjacent to the ice cream shop had purchased their home after the ice cream shop was built.

The floor was closed for public comments.

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

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

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

Nay: Good.

7. ****CPZ-33-2022 - Henry Morin - A Zoning amendment from an RC, Restricted Commercial District to an RS-2, Single-Family Residential District. Lot 17,**

Block 207, Port Malabar Unit 7, Section 31, Township 28, Range 37, Brevard County, Florida, containing approximately .23 acres. Located east of and adjacent to Browning Avenue NE, in the vicinity north of Malabar Road NE

Ms. Ramos presented the staff report for Case CPZ-33-2022. Case CPZ-32-2022 met the minimum requirements of a Zoning amendment request.

Mr. Henry Morin (applicant) was present.

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

Mr. Weinberg stated that Bruster's Ice Cream shop had the opportunity to purchase the lot but had not.

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

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

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

Nay: Good.

Ms. Bernard took the opportunity to introduce Ms. Uma Sarmistha, the newest planner on staff.

8. **CP-34-2022 - John Morin and Shirley T. Morin (Henry Morin, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Single-Family Residential Use. Lots 12 and 17, Block 204, Port Malabar Unit 7, Section 31, Township 28, Range 37, Brevard County, Florida, containing approximately .46 acres. Located between and adjacent to Deauville Avenue NE and Battersea Avenue NE, in the vicinity north of Malabar Road NE**

Ms. Sarmistha presented the staff report for Case CP-34-2022. Case CP-34-2022 met the minimum requirements of a Comprehensive Plan Future Land Use Map amendment request.

Mr. Olszewski inquired whether the two lots were married. Ms. Sarmistha stated that the properties were two separate lots that were adjacent.

Mr. Warner wanted to know if the two properties had been administratively changed from residential to commercial at the applicant's request. He did not want there to be a future request to convert back to commercial. Ms. Bernard commented that it was the applicant's right to make a request as long as the limits of the code were being met. Mr. Anderson added that once the properties were rezoned to residential, the probability of converting the lots back to commercial was low due to their depth into the local roads. RC properties must abut arterial or collector roads.

Ms. Bernard noted that the Economic Development Division was also exploring the idea of doing a corridor study of the area.

Ms. Maragh asked if there were homes in front of the lots.

Mr. Henry Morin (representative for the applicant) explained how the RC zoning district had been an experiment by the City to bring commercial use along Malabar Road. The boundary lines for the district were created by the City to be fairly even, but four homes currently separated the two vacant lots from Malabar Road. Removing the two lots from the RC district would not harm the area.

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

Mr. Weinberg reiterated how the two lots did not have access to Malabar Road as they were separated by four homes to the south.

Motion to submit Case CP-34-2022 to City Council for approval.

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

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

Nay: Good.

9. ****CPZ-34-2022 - John Morin and Shirley T. Morin - A Zoning amendment from an RC, Restricted Commercial District to an RS-2, Single-Family Residential District. Lots 12 and 17, Block 204, Port Malabar Unit 7, Section 31, Township 28, Range 37, Brevard County, Florida, containing approximately .46 acres. Located between and adjacent to Deauville Avenue NE and Battersea Avenue NE, in the vicinity north of Malabar Road NE**

Ms. Sarmistha presented the staff report for Case CPZ-34-2022. Case CPZ-34-2022 met the minimum requirements of a Zoning amendment request.

Mr. Henry Morin (representative for the applicant) was present to answer any questions.

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

Motion to submit Case CPZ-34-2022 to City Council for approval.

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

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

Nay: Good.

Mr. Good stated that the constant rezoning of a property takes away from the congruity of the neighborhood.

10. **CP-31-2022 - The Grove at Palm Bay - Benjamin Jefferies, Waterstone Holdings, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Multiple-Family Residential Use. A Portion of Tax Parcels 1, 4, and 5, Section 4, Township 30, Range 37, Brevard County, Florida,**

containing approximately 38.3 acres. Located at the northwest corner of Babcock Street and Davis Lane, in the vicinity west of St. Johns Heritage Parkway SE

Ms. Ramos presented the staff report for Case CP-31-2022. Case CP-31-2022 met the minimum requirements of a Comprehensive Plan Future Land Use Map amendment request.

Mr. Jake Wise, P.E., Construction Engineering Group, LLC (representative for the applicant) introduced the development team for the request. A PowerPoint presentation was used to synopsise the proposed land use amendment and preliminary development plan requests. He gave the history of the area and explained how the deep commercial lots of the past were no longer viable. The subject project would be called The Grove at Palm Bay and would provide 612 market rate apartments to transition between the east commercial and west single-family residential areas. Large stormwater ponds and placing the buildings at the interior of the site would provide buffering. The walkable community would bring in commercial uses, significantly reduce traffic, and provide amenities and green space. He said that 148 of the units would be age restricted. Comments at the Citizen Participation Plan (CPP) meeting were regarding the desire for restaurants and medical uses.

Mr. Vishal Gupta, Kimaya, LLC (team developer for the project) described the various projects in Central Florida his family-owned company had developed. He was excited to be developing in Palm Bay.

Mr. Jim McKnight (team developer for the project) stated that the intent was to build a successful, sustainable community. The original plan had changed because of the economy, Covid-19, ecommerce, and an increasing hybrid workforce. The need for retail and office space had decreased, and there was now an excess commercial supply. The proposed, market-rate multiple-family development would be a transitional buffer for the single-family area and would bring sustainable commercial into the area based on its proximity to Waterstone, Bayside Lakes, and the Emerald Lakes developments.

Mr. Wise stated that the change would decrease traffic trips by 97-percent. Mr. McKnight remarked on the \$11 million that would be generated by all impact fees, and that an analysis by Fishkind Litigation Services supported the multiple-family designation, and the units should be absorbed by 2027. The multiple-family development would also generate \$70 million in taxes over 25 years, whereas the commercial would generate about \$18 million.

Mr. Olszewski wanted to know what was planned for the reduced commercial area. Mr. Wise stated that the placement of restaurants at the front of the commercial lots would provide walkability for the residents. Big box stores on deep commercial lots were not feasible for a neighborhood, and they would likely choose Emerald Lakes for more visibility.

Mr. Olszewski asked if an assisted living facility was planned in addition to the 55-plus age-restricted facility, and he inquired whether the project would use solar panels. Mr. Wise indicated the commercial triangular shaped tract planned for an assisted living facility. Residents in the 55-plus units could ultimately move to the north facility. Mr. McKnight stated that solar panels were not planned for the project. He stated that there were no commercial tenants locked in yet, but there was interest from restaurants and a charter school based on the subject request. He foresaw nail and hair salons, dry cleaners, and a variety of other businesses.

Ms. Maragh stated that she understood the project and the commercial aspect and applauded the creativity of including the 55-plus age community. The younger adults would also benefit from the walkability.

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

Mr. Philip Corcoran (resident at Windbrook Drive SE) spoke against the request. He inquired into the recreation for the development and the provisions for police and fire services. Traffic would also be a problem. He commented on how Bayside Lakes had multiple-family property that had sat vacant for at least 14 years.

Mr. Robert Stise (resident at Windbrook Drive SE) spoke against the request. Traffic would be a huge issue as there had been five traffic fatalities outside Bayside Lakes

in the last five years. He said that recent college graduates would not be able to afford market-rate apartments. Employers were also asking employees to return to offices. Emergency service response times were a concern as well as the impact on roads, schools, and healthcare. A pause was needed to reassess how development was affecting Palm Bay.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke against the request. He stated that the applicant was making a comparison of the project's commercial land with the available commercial land in the Emerald Lakes development, but Emerald Lakes might fail and then there would be no commercial development. The available commercial land in the Bayside Lakes development was repeatedly being rezoned, so a comparison should not be made to that development. Waterstone Holdings was designed as a single-family project when the need for apartments was known, so there should not have been a need to give up commercial land.

In response to the public comments, Mr. Wise stated that internal recreation had been provided, and there was recreation throughout the entire development. He indicated the location of where proposed fire and police stations and water tanks were proposed. He stated how the 2017 traffic study was constantly updated for each project, and the multiple-family traffic would be 97-percent less than for commercial traffic. He reiterated internal connectivity and the traffic signal, corridor, and intersection improvements planned for the area. Apartments were not done in the past, but the flexibility to change with current times was a benefit, and 120 acres of commercial land would remain. He commented that Bayside Lakes had commercial land that was still undeveloped, which was why the rezonings occurred.

The floor was closed for public comments.

Mr. Weinberg remarked that the development would be a good project since it would be a transitional buffer, and there was commercial remaining. Residents were needed to bring commercial business and generate the impact fees and taxes for police and fire services.

Motion to submit Case CP-31-2022 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, Warner.

11. ****PD-37-2022 - The Grove at Palm Bay - Benjamin Jefferies, Waterstone Holdings, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Preliminary Development Plan to allow a proposed PUD for a 760-unit multiple-family residential development called The Grove at Palm Bay. A Portion of Tax Parcels 1, 4, and 5, Section 4, Township 30, Range 37, Brevard County, Florida, containing approximately 38.3 acres. Located at the northwest corner of Babcock Street and Davis Lane, in the vicinity west of St. Johns Heritage Parkway SE**

Ms. Ramos presented the staff report for Case PD-37-2022. Case PD-37-2022 met the minimum requirements of a Planned Unit Development Rezoning amendment request, subject to the staff comments.

Mr. Jake Wise, P.E., Construction Engineering Group, LLC (representative for the applicant) asked that the previous testimony for the land use request be entered into the record for the subject request.

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

Motion to submit Case PD-37-2022 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, Warner.

OTHER BUSINESS:

1. **Temporary Moratorium - City of Palm Bay (Growth Management Department) – A request to establish a temporary city-wide moratorium on new applications for single-family residential and multiple-family residential future land use**

amendments and rezonings in order to adopt updates to the Comprehensive Plan and Land Development Regulations

Ms. Jordan recused herself from the subject request as she owned property that could be affected by the moratorium. Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers was submitted into the record.

Vice Chairperson Weinberg resumed the meeting following a five-minute recess.

Mr. Anderson presented the staff report for the Temporary Moratorium. The Temporary Moratorium met the basic requirements of a Moratorium request. As a correction, he stated that the deadline for the proposal was September 1, 2022 and would not include Preliminary Subdivisions.

Mr. Olszewski inquired whether Case CP-31-2022 would have been affected by the moratorium. Mr. Anderson stated that the case would have been impeded by the moratorium as it was a change from commercial to residential. A reverse request from residential to commercial would not be affected. Only requests for single-family residential or multiple-family residential uses would be impeded. Ms. Maragh asked for clarification since Case CP-31-2022 had an assisted-living component in the commercial. Mr. Anderson explained that the land use request would have been delayed, but not the overall preliminary development plan submittal.

Mr. Weinberg wanted to know when the moratorium request would go before City Council. Mr. Anderson stated that the request would be heard by City Council on September 15, 2022.

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

Mr. Jake Wise, P.E., Construction Engineering Group, LLC (representative for the applicant) informed the board of a pre-application meeting that was held for a project called Crown Square which had an infill segment affected by the moratorium. The infill segment would be a request for multiple-family development. The site was currently owned by a church and would be taxed commercially once it was on the tax roll for the development. The commercial phase of the development would be

driven by the apartments planned for the multiple-family segment. His suggestion was that the deadline for the moratorium include projects that had been submitted for pre-application.

Mr. Weinberg asked how much the six-month moratorium would set back the Crown Square project. Mr. Wise stated that the project would be set back six months and he was concerned about possible extensions to the moratorium. He reiterated that the multiple-family phase was driving the commercial for a successful commercial development.

Mr. Rusty Melle (resident at S. Wickham Road, West Melbourne) stated that 1031 hedge fund monies had timeframe caps which could mean that developers and investors would have to go elsewhere to build.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in support of the moratorium. Pausing development would allow the Comprehensive Plan to be updated.

Mr. Robert Stise (resident at Windbrook Drive SE) spoke in support of the moratorium. He was under the impression that the moratorium was for developments 50 acres and higher. He commented that there were plenty of other developers that could come to Palm Bay, and that development had to be done responsibly for the betterment of the residents. Police and Fire were over extended, but impact fees should not be the sole way of raising funds.

Mr. Daniel Corcoran (resident at Windbrook Drive SE) spoke in support of the moratorium. He had participated in the Comprehensive Plan workshop and was hopeful that all the ideas brought forward had an opportunity to be worked through. He questioned why the moratorium was restricted to single-family and multiple-family development.

Ms. Pat Dalpra (resident at Georges Avenue NE) spoke in favor of the moratorium. Slowing down the growth would give the City time to figure out what was going on with the water situation in Palm Bay. She was under the impression that Deputy Mayor Johnson wanted the moratorium to include all rezoning requests.

In response to the comments from the audience, Mr. Anderson stated that the moratorium was initiated by Deputy Mayor Johnson. An update to the Comprehensive Plan was required every seven years and parts of the Plan had not been updated since 2000. The intent was to make sure the Plan conformed with State statute and envisioned a community we could foresee for the future. He stated that a size requirement was not part of the moratorium request. Approximately 97 percent of the community was residential at this time, so the proposed restriction was geared toward residential development. Homes helped to build the commercial; however, creating a more diversified work, play, live atmosphere would attract more industrial and commercial opportunities into the City. He described how the moratorium was a planning measure that would allow studies and review of levels of services to be addressed for the updating of the Comprehensive Plan, the guiding force for the community for the next 20 years with seven-year updates. Moving forward without the moratorium would allow projects that only fit the older codes to sneak in.

Ms. Maragh asked about the six-month timeframe. Mr. Warner questioned if the timeframe could be extended if necessary. Mr. Anderson stated that six months would allow time to accomplish two transportation studies of the northwest and southeast quadrants to coincide with the Plan adoption in early March. An extension of the timeframe would have to be revisited through a public hearing process.

Mr. Olszewski wanted to clarify that the intent was to keep projects from sneaking in prior to the Plan update as opposed to prior to enactment of the moratorium. Mr. Anderson explained that both were desired. The moratorium would be retroactive to September 1, 2022, so that developers could not quickly push through more projects to avoid the deadline. The moratorium was written in a manner that was best for the City's initiatives currently, and that a mixed-use project more attuned to a broader mix of uses might have entitlements that could allow those projects to proceed.

Mr. Olszewski calculated the six-month moratorium to run through the end of February. Mr. Anderson indicated that this was correct.

The floor was closed for public comments.

Mr. Weinberg stated his support of the moratorium with a specific deadline.

Mr. Olszewski expounded on the benefits of having an updated Comprehensive Plan and the moratorium to allow the update to be done with purpose toward a flourishing and thriving City.

Motion to submit the proposed Moratorium to the City Council for approval effective September 1, 2022 through February 28, 2023.

Motion by Mr. Olszewski, seconded by Mr. Warner.

Motion carried with members voting as follows:

Aye: Weinberg, Boerema, Good, Maragh, Olszewski, Warner

Abstained: Jordan.

City Council will hear the request on September 15, 2022.

2. Ms. Jordan reminded the board of a Planning Officials Training Workshop, at Fellsmere City Hall, on September 21, 2022.

ADJOURNMENT:

The meeting was adjourned at approximately 11:11 p.m.

Leeta Jordan, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

****Quasi-Judicial Proceeding**

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>JORDAN, Leela Sue</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Planning & Zoning</i>	
MAILING ADDRESS <i>2141 Madden Ave SW</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>PALEM Bay</i>	COUNTY <i>Brevard</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>9/6/22</i>		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Leeta Jordan, hereby disclose that on Sept 6, 20 22:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

temporary Moratorium - have property for sale that would be affected.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

Sept 6 / 2022

Signature

Leeta Jordan

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.