

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2023-10

Held on Wednesday, October 4, 2023, 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.

Vice Chairperson Philip Weinberg called the meeting to order at approximately 6:00 p.m. Chairperson Leeta Jordan was present but unable to chair the meeting.

Mr. Rainer Warner led the Pledge of Allegiance to the Flag.

ROLL CALL:

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|---------------------------|---|---------|
| CHAIRPERSON: | Leeta Jordan | Present |
| VICE CHAIRPERSON: | Philip Weinberg | Present |
| MEMBER: | Donald Boerema | Present |
| MEMBER: | Robert Good | Present |
| MEMBER: | Jeffrey McLeod | Present |
| MEMBER: | Randall Olszewski | Present |
| MEMBER: | Rainer Warner | Present |
| NON-VOTING MEMBER: | David Karaffa (School Board Appointee) | Absent |

CITY STAFF: Present were Ms. Lisa Frazier, AICP, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Ms. Alexandra Bernard, Principal Planner; Mr. Stephen White, Senior Planner; Ms. Tania Ramos, Senior Planner; Ms. Kimberly Haigler, GIS Planner; Ms. Chandra Powell, Recording Secretary; Mr. Michael Rodriguez, Chief Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2023-09; September 5, 2023.

Motion to approve the minutes as presented.

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

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

ANNOUNCEMENTS:

1. Mr. Weinberg addressed the audience on the meeting procedures and explained that the Planning and Zoning Board/Local Planning Agency consists of volunteers who act as an advisory board to the City Council.
2. Mr. Weinberg announced the request to continue Old Business Item 2, Case CU23-00003, to the November 1, 2023 Planning and Zoning Board meeting. Board action was required to continue the case.

Motion to continue Case CU23-00003 to the November 1, 2023 Planning and Zoning Board meeting.

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

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

City Council will hear Case CU23-00003 on November 14, 2023.

3. Ms. Lisa Frazier was introduced as the new Growth Management Director, and she shared her qualifications.

OLD/UNFINISHED BUSINESS:

1. ****V23-00006 – River’s Edge – Florida Institute of Technology, Robert King, President (David Bassford, P.E., MBV Engineering, Inc., Rep.) – A Variance to allow three proposed parking garage buildings to encroach 20 feet into the 20-foot front-yard setback for accessory structures, as established by Section 185.058(F)(8)(e) of the Palm Bay Code of Ordinances. A portion of Lots 6 and**

10, Hopson’s 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 of Anglers Drive NE, specifically at 4400 Dixie Highway NE

Ms. Ramos presented the staff report for Case V23-00006. Staff recommended Case V23-00006 for denial based on the facts presented, as required under Section 169.009 of the City of Palm Bay Code of Ordinances.

Mr. Olszewski asked for further clarification as to why the request did not meet the requirements for a variance. Ms. Ramos stated that the applicant had not shown that there was a hardship or a uniqueness about the property to prohibit the use of the site or the ability to meet code requirements. The request appeared to be a want as there was plenty of room to place the garages elsewhere on the site and meet code.

Mr. Olszewski and Mr. McLeod were appreciative of staff’s thoroughness in addressing the reason for the staff recommendation of denial.

Ms. Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law (representative for Woodland Acquisitions LLC), submitted a handout to the board to support and clarify the need for the variance. Her client, Mr. Ross Abramson, Woodland Acquisitions LLC (under contract to purchase the subject property) was present along with Mr. David Bassford, P.E., MBV Engineering, Inc. (engineer of record and representative for the applicant). Ms. Rezanka indicated a concept rendering of the subject site that included the requested garages and explained how the concept plan for the multiple-family and commercial development that went before City Council on October 6, 2022 for the mixed-use zoning designation had also included the proposed garages. The garages were also on the plan reviewed by staff during the December 2022 Pre-Application meeting. The features that should be considered unique to the property were the retaining walls, the rear canal and huge slope, numerous exceptional specimen trees, and the Florida Power & Light easement. She explained how the parking garages were designed to save the large trees, and how the engineer had mistakenly been under the impression that the parking garages were primary structures. Ironically, the applicant could have planned the six-story primary building with a zero-foot setback instead of locating the garages along the road. She noted

that staff did not have the supporting handouts when the staff report was created, and the primary building might need to be moved forward to accommodate the garages if the variance was not permitted. The swimming pool had been shifted toward the marina to appease area residents.

Mr. Olszewski commented that providing the supporting documents at the time of submittal would have been helpful, and he questioned how the proposed placement of the garages would save the trees. Ms. Rezanka indicated on her landscape handout the trees that would have to be removed if the variance was not permitted.

Mr. McLeod asked about the error that occurred with the primary and accessory designation. Ms. Rezanka explained that the error was not found during the Pre-Application meeting, and the garages would have been considered primary structures if attached to the building.

The floor was opened for public comments.

Ms. Lynn Grimes (resident at Indian River Drive NE) spoke against the request. She stated that the plan for the development that was shown at the Citizen Participation Plan meeting did not include the parking garages. The project would destroy the large oak trees, wildlife sanctuaries, and manatees.

Mr. Weinberg remarked that the project was already approved, and only the variance was under consideration at this time.

Ms. Kim Fitch (resident at Indian River Drive NE) spoke against the request. Although the project appeared to be a done deal, she did not want intercoastal property to be given up for apartments.

Ms. Frazier clarified that the site plan had yet to be approved for the project. Mr. Anderson added that a rezoning was granted for the site.

Ms. Elizabeth Lee (resident at Indian River Drive NE) spoke against the request. She questioned why Florida Institute of Technology was asking for the variance and not the developer. She commented on how the building planned for the site was too big so that parking could not be placed around the structure. Cement parking

garages along Dixie Highway would block the breeze and view of the water. Correspondence she had previously submitted against the request was in the file.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke against the request. The garages were not on the original conceptual plan used for the rezoning. He questioned why the City would allow commercial structures to have a zero-foot setback, which also took away any future possibility of expanding Dixie Highway. Staff had indicated the reasons why the variance should be denied, and the relationship between the City and Florida Technology should not come into play.

Mr. Brad Kenyan (owner of property at Dixie Highway NE) spoke against the request. He stated that the setbacks were there for a reason. Dixie Highway could also be widened in the future, and developing at the setback could be dangerous.

Ms. Angela Garrison (resident at Turkey Creek Drive NE) spoke against the request. The subject proposal was not the same plan presented at the Citizen Participation Plan meeting, and the applicant had also specified at the Citizen Participation Plan meeting that there would be no variances. Removing trees from within the angel oak hammock affected all trees in the hammock as well as the environment, wildlife, and the mangroves that protected the soil.

In response to the comments from the audience, Ms. Rezanka explained that the concept plan with the garages was presented to City Council on October 6, 2022. The hammock of oak trees along the road, which was part of the unique criteria for the request, would be removed if the variance was not granted. She felt it was ironic that the primary building could be placed within the zero-foot setback, but the accessory garages could not.

The floor was closed for public comments, and the correspondence against the request was in the file.

Mr. McLeod questioned how the staff recommendation of denial had occurred before receiving the supporting documents that were just presented. Ms. Frazier stated that the supporting documents were received by staff a couple of days prior in response to her request for further information to support the hardship the applicant had indicated. The contention was that the plan previously presented to the City Council

was conceptual and did not match the plan that was being submitted for the variance. She indicated that the garages could be placed elsewhere on the property, and that the site plan for the project was still under review. She noted that the applicant could request a continuance.

Mr. Weinberg reiterated that a concept plan was not an approved site plan, and that the City Council's approval of the zoning change was not an approval of the concept plan.

Mr. Olszewski remarked that regardless of the variance, the oak trees could not be removed from the site without staff approval. Ms. Frazier indicated that this was correct.

Mr. Olszewski asked about the applicant's assertion that the 64-foot-high primary building could be built along Dixie Highway with a zero-foot setback. Mr. Anderson confirmed that this was correct and explained that the Urban Mixed-Use District was to promote a downtown feeling with primary and principal uses along the Dixie Highway corridor to attract pedestrian traffic. Accessory structures were required to sit 20 feet back.

Motion to submit Case V23-00006 to City Council for denial based upon the premise that the applicant had not proven their hardship per requirements of the City code.

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

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

City Council will hear Case V23-00006 on October 5, 2023.

Mr. Weinberg announced for the benefit of the audience that Case FD23-00008, Bramblewood Townhomes, was not on the agenda and would be re-noticed once the meeting dates were set.

- **CU23-00003 – REQUEST TO CONTINUE TO 11/01 P&Z - Emerson Plaza - Sunrise Plaza Enterprise, Inc., Nazim Ali, President, (Richard Franzblau, Esq., Rep.) - A Conditional Use to allow retail automotive gas/fuel sales in an NC,**

Neighborhood Commercial District, in accordance with Section 185.042(D)(1) of the Palm Bay Code of Ordinances. A portion of Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 3 acres. Located at the southwest corner of Glencove Avenue NW and Emerson Drive NW

Continuance of Case CU23-00003 was discussed under Announcements, Item 2.

NEW BUSINESS:

1. ****FS23-00005 – Cypress Bay Commercial Center Phase 1 - CHM Palm Bay LLC, Miles E. Cullom, Jr., president (Jason Kendall, CPWG Engineering, Inc. Rep.) - A Final Plat to allow for a proposed 8-lot commercial subdivision to be known as Cypress Bay Commercial Center Phase 1. Tax Parcels 503 and 504, Section 03, Township 30, Range 37, Brevard County, Florida, containing approximately 24.49 acres. Located at the northeast corner of the intersection at St. Johns Heritage Parkway SE and Babcock Street**

Mr. White presented the staff report for Case FS23-00005. Staff recommended Case FS23-00005 for approval.

Mr. Jason Kendall (representative for the applicant) stated that the development and site plan for the property had been approved, and the project was currently under construction. The subject request was for the plat approval.

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 by Mr. Good to submit Case FS23-00005 to City Council for approval.

Mr. Anderson reminded the board of the right-of-way contingency regarding the acceptance of Capital Drive SE.

Motion amended by Mr. Good, seconded by Mr. Olszewski to submit Case FS23-00005 to City Council for approval contingent upon the acceptance of Capital Drive SE as a right-of-way by the City of Palm Bay.

Mr. Olszewski wanted to know more about the Capital Drive contingency. Mr. White explained that the code required any platted lots to have frontage and access from a public right-of-way minus the easement. Capital Drive was currently owned by the developer to the north and was scheduled for City Council acceptance prior to the final plat.

Mr. Olszewski commented on the City becoming fiscally responsible for maintaining Capital Drive and the bridge to the area. Mr. Anderson stated that a maintenance bond was associated with the process. Mr. White indicated the sections of road under consideration for dedication to the City. Mr. Rodriguez clarified that a platted tract was actually being dedicated to the City for public right-of-way contingent upon an access agreement with the homeowner's association to maintain the median, the plantings on the median, and the irrigation. The City would maintain the asphalt and paving of the road subject to the homeowner's association obligations. Mr. White noted that the bridge was outside the scope of the subject request.

A vote was called on the motion to submit Case FS23-00005 to City Council for approval contingent upon the acceptance of Capital Drive SE as a right-of-way by the City of Palm Bay.

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

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

City Council will hear Case FS23-00005 on October 5, 2023.

- **CU23-00007 – Palm Bay Life Storage - Ascot Palm Bay Holdings, LLC, Gary Smigiel (Chris Pontello, P.E., BGE, Inc., Rep.) - A Conditional Use to allow a self-storage facility in a CC, Community Commercial District, in accordance with Section 185.043(D)(9) of the Palm Bay Code of Ordinances. Tax Parcel 507, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 3.57 acres. Located south of and adjacent to Emerson Drive NW, in the vicinity east of St. Johns Heritage Parkway**

Ms. Ramos presented the staff report for Case CU23-00007. Staff recommended Case CU23-00007 for approval.

Mr. Olszewski asked about the height restriction proposed for the storage buildings. Ms. Ramos stated that the proposed facilities would have to meet conditional use requirements as well as the special requirements for self-storage facilities. Mr. Anderson indicated that the height restriction would be 70 feet maximum with two tiers. Mr. Olszewski wanted to confirm that there were no plans for an additional floor. Ms. Ramos and Mr. Anderson indicated that this was correct.

Mr. Chris Pontello (engineer and representative for the applicant) stated that all applicable sections of the code would be adhered to.

Mr. Olszewski wanted to know if the applicant had done similar projects in the City. Mr. Pontello stated that he was a resident of the City and a former Palm Bay Planning and Zoning Board member. He had done quite a lot of development in Palm Bay but no storage facilities. The proposed facility would be a two-story building under 70-feet in height with interior storage only and no hazardous materials.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He asked for the elevators to be placed near the landing zones and entrances for convenience, and he believed the four-foot door widths would be too small to maneuver furniture.

In response to the comments from the audience, Mr. Pontello stated that he would discuss the door widths with the applicant for consideration when drafting the building plans, and the elevators would likely be near the entrances.

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

Mr. Olszewski commented that he was not comfortable with the amount of commercial space in the area and he did not feel the subject proposal was compatible.

Mr. McLeod asked the developer to consider the door widths and the elevator locations to assist the aging community.

Mr. Weinberg remarked that because of the residential growth in the surrounding area, the subject location seemed to be a perfect place for the storage facility.

Motion to submit Case CU23-00007 to City Council for denial based on the lack of compatibility with the area.

Motion by Mr. Olszewski. The motion failed for the lack of a second.

Motion to submit Case CU23-00007 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, McLeod, Warner.

Nay: Olszewski.

3. ****CU23-00013 - Palm Coast Mini-Storage - Dan-Nico Properties, LLC, Brian Herbert (Jake Wise, P.E., Construction Engineering Group, Inc., Rep.) - A Conditional Use to allow a proposed self-storage facility in a GC, General Commercial District, in accordance with Section 185.054(D)(9) of the Palm Bay Code of Ordinances. Lots 23 through 25, Block 1990, Port Malabar Unit 40, Section 03, Township 29, Range 37, Brevard County, Florida, containing approximately 2.03 acres. Located west of and adjacent to Martin Road SE, in the vicinity east of Babcock Street SE**

Ms. Ramos presented the staff report for Case CU23-00013. Staff recommended Case CU23-00013 for approval.

Mr. Jake Wise, P.E., Construction Engineering Group, Inc. (civil engineer for the project and representative for the applicant), stated that the self-storage facility would be located on a local road within an older industrial subdivision and visible from Interstate-95 and Babcock Street SE. Architectural enhancements and modifications to the site design were done to be compatible with conditional use

criteria. He described the self-storage facility as a quiet and low traffic generating use that would have ground-floor retail and would be set back from the roadway. The A-class building would have a Florida Vernacular style and decorative features. He stated that each conditional use criteria had been met by the project.

Mr. Olszewski inquired whether the retail space in the facility would offer items that supported self-storage, or would the area be leased to an entirely different business. He wanted to know if there were plans to erect a three-story building. Mr. Wise stated that the retail space would be related to the self-storage business.

Mr. Brian Herbert, Dan-Nico Properties, LLC (architect of record and applicant), stated that the proposed four-story facility would be at the 40-foot maximum height requirement. He noted that a shipping and receiving facility for small parcels would also be leased from the facility.

Mr. Warner asked if there was a difference between mini-storage and self-storage. Mr. Wise stated that they were the same.

Mr. Good asked if the proposed storage would be outside or interior. Mr. Wise stated that there would be no outside storage.

The floor was opened for public comments.

Ms. Virginia Foley (owner of property at Atlantic Ridge Lane, Grant) spoke against the request. She stated that she owned four relatively new buildings in the vicinity, and the proposed four-story storage facility and leasing activity would be out of character for the area. Traffic off Convair Street SE onto Babcock Street was already a problem that the project would increase. She wanted a traffic study prepared.

Mr. Donald Foley (builder and owner of property at Atlantic Ridge Lane, Grant) spoke against the request. He owned four single-story industrial warehouses in the area and believed a four-story building with 40 units would create a tremendous traffic problem. He recommended a postponement so that issues could be addressed. The proposed plan was different from what was presented at the Citizen Participation Plan meeting; the outside storage that was now shown on the plan was not an allowed use; the required landscape plan had not been provided, nor was the traffic

study that was promised during the Citizen Participation Plan meeting. He did not believe the commercial shipping proposal was a permitted use for the self-storage facility, and fire access on the west and south sides of the four-story building should be discussed with the Fire Department. There were other plan requirements that needed to be addressed.

In response to the comments from the audience, Mr. Wise stated that the industrial area was platted years ago and agreed that the new modern buildings in the area were attractive. He stated that self-storage was the lowest traffic generator for the site. He assured the board that only allowable uses and building heights were being considered, and the site had the same zoning designation as surrounding properties. Landscaping was identified on the submitted exhibit; however, the conditional use was a first step in the site plan review process that would include more details. He explained that an updated and improved site plan was prepared after the Citizen Participation Plan meeting to incorporate staff comments. There would be no outside storage, a traffic trip generation report had been done, and outside loading would be provided.

Mr. Olzsewski asked if the intersection of Babcock Street and Convair Street SE would be the most conducive access point to the property, and if consideration was given to the residential component of the area. Mr. Wise confirmed that the site would likely be accessed off Convair Street, and he was aware that the traffic and mix of commercial, industrial, and residential uses in the area would increase.

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

Mr. Weinberg commented that storage units generated very little traffic compared to any potential industrial development.

Motion to submit Case CU23-00013 to City Council for approval.

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

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

4. ****PS23-00008 – Lipscomb Street Townhomes - Paul Daly and Don Ballew (reps. Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law / Aaron Struckmeyer, Pulte Home Company, LLC / Chris Ossa, P.E. and Kinan Husainy, P.E., Kimley Horn & Associates, Inc.) - A Preliminary Subdivision Plan to allow for a proposed 202-unit townhome development to be known as Lipscomb Street Townhomes. 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**

Ms. Haigler presented the staff report for Case PS23-00008. Staff recommended Case PS23-00008 for approval.

Mr. Chris Ossa, P.E., Kimley Horn & Associates, Inc. (engineer of record and representative for the applicant), stated that the project had gone through the preliminary development plan and the final development plan process, and there had not been any significant changes since the approvals. The project was currently under final construction plan review. He had no objections to the staff recommendations.

Mr. Olszewski wanted to know what further steps were required before development could commence, and he wanted to be sure no substantial changes were anticipated. Mr. Ossa stated that the final plat was the next stage of development and no substantial changes were anticipated. The design of the southern tract would also improve the drainage in the area.

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

Mr. Weinberg noted that the board had seen the project numerous times, and the developer had made concessions and improvements.

Motion to submit Case PS23-00008 to City Council for approval.

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

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

5. **T23-00018 - Right of Way Parameters - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 179: Streets and Other Rights-Of-Way to incorporate a new Section 179.016 on conditions governing applications and procedures and renumbering Sections 179.016 through 179.022**

Ms. Bernard presented the staff report for Case T23-00018. Staff recommended Case T23-00018 for approval.

Mr. Olszewski asked if the main intent of the amendment was to affect parameters for the vacating of right-of-way process to occur within two years and establish accountability. Ms. Bernard stated that this was correct; the amendment would memorialize the guidelines.

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 T23-00018 to City Council for approval.

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

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

6. **T23-00024 - WITHDRAWN - Change of 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 185.006 to define ‘Change of Use’ and ‘Change of Occupancy’; and to establish Section 185.019, Change of Use, to add new language to the Land Development Code related to change of use or occupancy within an existing site**

Case T23-00024 was withdrawn by the applicant (City of Palm Bay, Growth Management Department). Board action was not required to withdraw the case.

7. T23-00026 - Small Event Space - 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 185.006 to define 'Small Event Space'; and to amend Section 185.042(B), Neighborhood Commercial District, Principal Uses and Structures, to add a new use to the zoning district, Small Event Space

Mr. Anderson presented the staff report for Case T23-00026. Staff recommended Case T23-00026 for approval.

Mr. McLeod asked if the proposed regulations would apply to existing non-profits that had permission to serve alcohol. Mr. Anderson stated that non-profits were already addressed under specific uses in the zoning districts, so they were not affected by the subject amendment.

Mr. Olszewski questioned the number of people that could fit within 5,000 square feet. He wanted to know who issued special event permits, and if the conditional use to serve alcohol would be for the venue or the specific event. Mr. Anderson commented that a number of areas would not be able to accommodate the 5,000 square foot requirement because of parking codes. The Parks and Recreation Department issued the special event permit with reviews from other departments. He stated that a conditional use to permit alcohol would apply to the land and any user allowed at the site.

Mr. Olszewski asked how the ordinance met the long-term Parks and Recreation goal to promote and improve City rental facilities. He questioned whether the ordinance would create competition. Mr. Anderson stated that any City-owned parcel in an NC district could be rented as a small event space and generate funds. There had been a significant interest for this particular type of use in the City, so the market would be conducive to sustaining the proposal.

Mr. Olszewski inquired whether a request to operate a small event space outside an NC district would be by variance. Mr. Anderson indicated that a viable site would have to be designated or rezoned to an NC district.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) asked if the new use would be allowed within vacant storefront units.

In response to the comments from the audience, Mr. Anderson stated that the subject use would be permitted in vacant storefront units within the NC districts. The use was an infill type of use.

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

Mr. McLeod asked if the event properties would be required to have insurance. Mr. Anderson stated that there was not a land-based requirement to regulate insurance; however, coverage would likely be with the commercial association or private insurance in general.

Mr. Warner wanted to confirm that the use would not apply to any request over 5,000 square feet. Mr. Anderson stated that this was correct.

Motion to submit Case T23-00026 to City Council for approval.

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

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

OTHER BUSINESS:

There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 7:52 p.m.

Philip Weinberg, VICE CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding