

1. Regular Meeting Minutes 2025-03; March 5, 2025

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2025-03

Held on Wednesday, March 05, 2025, 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, City Hall, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Rainer Warner called the meeting to order at approximately 6:00 p.m.

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

ROLL CALL:

MEMBER:	David Karaffa	Present
MEMBER:	Rainer Warner	Present
MEMBER:	Peter Filiberto	Present
MEMBER:	Patric McNally	Present
MEMBER:	VACANT	
MEMBER:	VACANT	
NON-VOTING MEMBER:	VACANT (School Board Appointee)	

CITY STAFF: Present were Ms. Lisa Frazier, AICP, Growth Management Director; Ms. Althea Jefferson, Assistant Growth Management Director; Ms. Tania Ramos, Principal Planner; Ms. Kimberly Haigler, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Michael Rodriguez, Chief Deputy City Attorney

ADOPTION OF MINUTES:

1. **Regular Meeting 2025-02; February 5, 2025**

Motion by Mr. Karaffa, **Seconded** by Mr. Filiberto to approve the minutes as presented.

Result: Carried 5 to 0

Aye: Karaffa, Warner, Filiberto, McNally

Nay: None

Abstain: None

ELECTION:

1. Election of Planning and Zoning Board Chair and Vice Chair.

Motion by Mr. Warner, **Seconded** by Mr. McNally to elect Mr. David Karaffa as Chair of the Planning and Zoning Board.

Result: Carried 4 to 0

Aye: Karaffa, Warner, Filiberto, McNally

Nay: None

Abstain: None

Mr. Karaffa nominated Mr. Rainer Warner for Vice Chair of the Planning and Zoning Board.

At Mr. McNally's request, Mr. Warner shared his years of experience and service on the Planning and Zoning Board, as well as other boards, and entrepreneurship within Palm Bay.

Motion by Mr. Karaffa, **Seconded** by Mr. McNally to elect Mr. Rainer Warner as Vice Chair of the Planning and Zoning Board.

Result: Carried 4 to 0

Aye: Karaffa, Warner, Filiberto, McNally

Nay: None

Abstain: None

2. Member Appointment to the Community Development Advisory Board.

Mr. Warner suggested that this item be continued to April so that interested board members could attend the next Community Development Advisory Board (CDAB) meeting to gain a better understanding of the CDAB. Planning and Zoning Board seats might also be filled so that new board members could be included in the selection. Mr. Filiberto commented that the City Council's lack in filling the Planning and Zoning Board vacancies should not delay the board's selection to the CDAB.

Mr. McNally was in favor of the continuance and stated his desire to attend the CDAB meeting for a better understanding of that board.

Mr. Karaffa inquired about the function of the CDAB. Ms. Frazier explained how the CDAB was involved in the housing programs offered by the Community and Economic Development Department through federal grant funds. Mr. Filiberto was concerned about the delay a continuance could cause with the grants. Ms. Frazier stated that staff had indicated the proposed continuance would not affect the CDAB quorum.

Motion by Mr. Warner, **Seconded** by Mr. McNally that the selection of a board member to serve on the Community Development Advisory Board be continued to the April 2, 2025 Planning and Zoning Board meeting so that interested board members could attend the March 19, 2025 Community Development Advisory Board meeting.

Result: Carried 3 to 1

Aye: Karaffa, Warner, McNally

Nay: Filiberto

Abstain: None

ANNOUNCEMENTS:

1. Mr. Karaffa 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. Rodriguez asked the board to disclose any ex parte communications regarding the quasi-judicial cases on the agenda. No ex parte communications were disclosed by the board.
3. Ms. Frazier welcomed Mr. Filiberto and Mr. McNally to the Planning and Zoning Board and introduced the planning staff to the new members. Staff was always available to assist the board.
4. Ms. Frazier announced that the Growth Management and the Board Attorney presentations would be given at the April 2, 2025 Planning and Zoning Board meeting. Mr. Warner was interested in hearing more about the Vision Plan for Palm

Bay; Land Development Code updates; and how board meetings should be conducted.

OLD/UNFINISHED BUSINESS:

1. ****CU25-00002 - Brevard Nursing Academy - Treeland Property Owner, LLC, Eric M. Levitt, Manager (Kelly Delmonico, Land Development Strategies, Rep.) - A Conditional Use to allow a proposed educational institution in an LI, Light Industrial and Warehousing District, in accordance with Section 173.021 of the Palm Bay Code of Ordinances. Lot 5, Block 3042, Port Malabar Unit 56, Section 9, Township 29, Range 37, Brevard County, Florida, containing approximately 3.7 acres. Located south of and adjacent to Treeland Boulevard SE, specifically at 1470 Treeland Boulevard SE**

Ms. Ramos presented the staff report for Case CU25-00002. Staff recommended Case CU25-00002 for approval.

Ms. Kelly Delmonico, Land Development Strategies (representative for the applicant), described how Brevard Nursing Academy was established as a nursing trade school on Robert J. Conlan Boulevard NE in 2017-2018 with 30 students. The 6,000 square foot school currently had 80 students. The new owner's intention was to relocate the school to the subject site on Treeland Boulevard SE, add four additional trade programs, and change the name of the school to Coastal Technical Institute. The new site allowed for 400 students and a 35,000 square foot facility.

Mr. McNally inquired about the length and types of programs. Ms. Delmonico described current and future programs being offered.

Mr. Karaffa asked if the existing building would need to be modified for the school. Ms. Delmonico stated that the building was under contract to purchase and that interior modifications would be done for classroom and office spaces.

Mr. Warner asked if any type of barrier or fence would be installed for safety. Ms. Delmonico remarked that no barrier would be installed. The students were adults that would drive to the site, and there would be 110 parking spaces.

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. Filiberto noted that there were no problems with traffic, public safety, utilities, or applicability to schools.

Motion by Mr. Filiberto, **Seconded** by Mr. Warner to submit Case CU25-00002 to the City Council for approval.

Result: Carried 4 to 0

Aye: Karaffa, Warner, Filiberto, McNally

Nay: None

Abstain: None

Case CU25-00002 will be heard by the City Council on March 6, 2025.

NEW BUSINESS:

1. ****V24-00007 – Evan and Amanda L. Werner - A Variance to allow a proposed carport to encroach 25 feet into the 25-foot side corner setback in an RS-2, Single-Family Residential District by granting relief from the requirement that no accessory structure shall be erected within five feet of any building on the same lot, as established by Section 174.002(A)(5) of the Palm Bay Code of Ordinances. Lot 19, Block 46, Port Malabar Unit 2, Section 25, Township 28, Range 37, Brevard County, Florida; containing approximately .25 acres. Located at the southeast corner of Jackson Avenue NE and Abeto Street NE, specifically at 3202 Jackson Avenue NE**

Ms. Jefferson presented the staff report for Case V24-00007. Staff recommended Case V24-00007 for denial.

Mr. Filiberto asked if the proposed carport structure would be over a ditch or cause an access problem for utility services like Florida Power and Light. Ms. Jefferson stated that the easement at the rear of the property would be uninterrupted, and there was no ditch on the site.

Mr. Warner commented on the large size of the proposed carport. Mr. McNally asked if the location of the carport on the corner would cause a traffic issue. Ms. Jefferson stated that an existing fence would shield the street view of the carport.

Mr. Evan Werner (applicant) gave a PowerPoint presentation to clarify his variance request. The carport would be located behind an existing fence; the rear Florida Power and Light easement would not be affected; and all other utilities were on the outside of the property. He explained that the carport was needed to protect his boat from the weather and further deterioration. He was willing to meet any suggestion that would permit the variance, and the carport would be aesthetically pleasing. He commented on the different types of coverings he had tried and had failed in protecting his boat.

Mr. Filiberto questioned the intended use of the enclosed room that was part of the carport. Mr. Werner stated that the room would be used solely for storage.

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 suggested that the applicant access the subject site from the opposite street and place the shed in the rear yard to alleviate any problems. He was opposed to the high amount of recent variance requests.

In response to the public comments, Mr. Werner stated that the Public Works Department would not allow the site to be accessed from Abeto Street NE, and placing the carport in the rear yard would impede the Florida Power and Light easement.

Mr. Warner suggested a smaller carport for the property. Mr. Filiberto inquired about the base of the structure as he was concerned about runoff. Mr. Werner explained that he needed the width of the carport, which was the issue. The carport would sit on a four-inch poured, 20-foot by 50-foot concrete slab, and provisions to handle runoff had been addressed with staff during the Pre-Application meeting.

Mr. McNally asked for the applicant to clarify that the access to the carport would be from Jackson Avenue NE, and he wanted to know how much higher than the fence

line the carport would be. Mr. Werner confirmed that the carport would be accessed from Jackson Avenue. The carport would be four feet higher than the six-foot high fence.

The floor was closed for public comments.

Mr. Filiberto commented that he understood the concerns regarding the utilities and drainage area, but the carport location would not be an impact, and the carport would also be fenced in.

Motion by Mr. Filiberto, **Seconded** by Mr. McNally to submit Case V24-00007 to the City Council for approval.

Mr. McNally suggested a condition for the carport to blend in with the color of the home. He noted that the structure would not affect any utilities or cause runoff, and that the property was already fenced.

Ms. Jefferson stated that the code already required the carport to match the home.

Mr. Warner stated that reducing the width of the carport would still be a solution. Ms. Jefferson and Mr. Rodriguez explained that reducing the width of the carport to accommodate the boat would lessen the degree of the variance but would not altogether eliminate the need for a variance.

A vote was called on the **Motion** by Mr. Filiberto, **Seconded** by Mr. McNally to submit Case V24-00007 to the City Council for approval.

Result: Carried 3 to 1

Aye: Karaffa, Filiberto, McNally

Nay: Warner

Abstain: None

2. **CP24-00011 - Foundation Park Recycling Center - Foundation Park Future Investments, LLC (Bruce Moia, P.E., MBV Engineering, Inc., Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from LDR, Low Density Residential to IND, Industrial. Tax Parcel 24, Section 9, Township 29, Range 37, Brevard County, Florida, containing approximately 15.4 acres.**

Located south of Foundation Park Boulevard SE, in the vicinity west of Babcock Street SE

Ms. Haigler presented the staff report for Case CP24-00011. Staff recommended Case CP24-00011 for approval.

Mr. Karaffa asked about the land located adjacent to the delineated wetlands. Ms. Haigler stated that the area was also wetland preservation but was yet to be determined by the St. Johns River Water Management District.

Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant), remarked on the three cases that were being brought before the board. The 36 acres of land was entirely owned by the applicant, but the north 21 acres had an industrial land use designation, and the south 15 acres was residential. He stated that the applicant would operate his business solely on the industrially zoned land. The proposed land use change was necessary since all infrastructure to support the facility had to be the same zoning. Only the stormwater management tract, wetland conservation and preservation enhancement, and tree preservation would be located on the single-family residential land. As agreed during the Citizen Participation Plan Meeting, a 1,000-foot natural buffer would be provided for the south residential properties.

Mr. Filiberto asked if any of the wetlands would be touched. Mr. Moia stated that the north wetlands would be impacted, but the southern wetlands would remain untouched.

Mr. McNally wanted to know how Babcock Street would be impacted by the trucking and transporting of materials at the proposed facility, and if there would be any smells emitted to impact local residents. Mr. Moia stated that the facility's existing location in the Town of Malabar had very few vehicles. He commented that the smell of wood would occur; however, the facility would be regulated by the Florida Department of Environmental Protection (FDEP).

Mr. Warner inquired about onsite burning, and the steps to keep the site clean of debris. Mr. Moia stated that the applicant used equipment to consistently keep the site clean. The loads that arrived at the property were compiled, mulched, and

shipped immediately. The operation eliminated the need for onsite burning by the larger developments.

Mr. Filiberto asked about impact fees for the project. Ms. Frazier stated that impact fees would be calculated when the facility moved forward and a traffic study was done.

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

Mr. Vernon Densler (resident at Deerfield Street SE) spoke against the request. He gave a PowerPoint presentation to indicate how the proposed facility would be a danger by impacting forested wetlands, causing runoff into the St. Johns River Water Management District, contaminating wells, spreading debris during storms, creating noise with the chipper and shredding machinery, and dust. He believed the facility had operated for a time without permit, and the applicant was also cited by FDEP for not reporting what he believed was a spontaneous fire at their current location. Two fires had occurred at their current site. He was concerned that a fire at the subject location would destroy forest, wildlife, and homes. He stated that rezoning the property would open the area to other industrial uses if the subject business failed to occur.

Mr. Vitali Brinzow (resident at Oakfield Avenue SE) spoke against the request. He submitted studies to the board on how green recycling was a dirty business. He indicated a similar facility on Sarno Road in Melbourne as an example of a dirty recycling center. Machinery would operate eight hours a day and create diesel exhaust, smog, and serious noise levels. Unregulated wood could come in from anywhere. Stored mulch could breed bacteria or lead to spontaneous combustion, and fuels were mixed with mulch for the burns. He stated that the industrial business should be located miles away from homes for health reasons.

Ms. Rachel Densler (resident at Deerfield Street SE) spoke against the request. She stated that she was concerned for her health, the breathing of smoke, well-water contamination, and potential fires. Family pets would also be impacted.

Ms. Maryanne Goodine (resident at Oakfield Avenue SE) spoke against the request. She remarked on how children and teachers at the three schools in the vicinity would

be impacted by breathing in airborne dust and debris during recess. She did not believe the delivered loads would be sorted for untreated material, and she would not be able to enjoy her yard because of noise and debris.

Mr. Bill Battin (resident at Ocean Spray Street SW) had five issues regarding the request. He was opposed to a change to the Comprehensive Plan; mulch had an odor; unwanted material would be difficult to monitor if the facility was public; mulch going to local power plants was questionable; and there should be safeguards against runoff into the wetlands.

Ms. Ella Austin (resident at Oakfield Avenue SE) spoke against the request. She stated that she was concerned that she would not be able to sell the five acres of land she owned in the vicinity because of the smell and odor the proposed facility would cause. She was concerned about her health, well water, and fires.

The floor was closed for public comments.

In response to comments from the audience, Mr. Moia stated that the proposed plan took the residents into consideration with the 1,000-foot buffer. He submitted to the board copies of the fire reports from the Town of Malabar and from the City of Palm Bay to show that the fires mentioned were not by spontaneous combustion. The new location would have fire hydrants, and piles would be separated to allow the fire department access throughout the site. He submitted to the board a copy of a positive FDEP inspection that had occurred unannounced earlier that day. He reiterated that there would be water hydrants; a 1,000-foot buffer with up to 40-foot-tall trees; and a 200-foot-wide wet pond.

Mr. Michael Cram, Foundation Park Future Investments, LLC (applicant) explained that he began leasing his current location in 2022, but a similar type of facility was present at the site for many years prior to his operation. He believed the fire that occurred at his Malabar site was arson and not spontaneous combustion since fresh green trees did not catch fire. His efforts in maintaining the site were praised by the Fire Department, and he had also aided Palm Bay in hurricane clean up. He stated that his business would continue to utilize Babcock Street, but the new location was centralized with a traffic signal, and there would be less trucks on the streets to impact the schools or damage the roads. His current location had not received any complaints from the nearby school. He explained that his operation was completely

different from the Sarno Road facility that handled trash. A decibel meter had also shown that the traffic on Babcock Street was louder than his equipment from 1,000 feet away. His business only handled green waste and 99 percent of the material was from Melbourne and Palm Bay. The proposed facility would be open to the public for landscapers and tree services. He explained that the mulch he sold went to those who bagged the mulch for sale at Home Depot.

Mr. McNally asked if the subject location would have a direct access onto Babcock Street. Ms. Haigler indicated that this was correct.

Mr. Karaffa reminded the board that the subject case was regarding the land use change.

Mr. Warner questioned whether staff had seen the presentations and handouts submitted at the meeting. Ms. Frazier stated that staff had not seen the items beforehand.

Mr. Karaffa inquired whether a fire had occurred at the subject site. Ms. Haigler stated that there had not been a fire at the subject location, which was currently vacant.

Mr. McNally stated that he worked near the mulching operation on Sarno Road and there was lots of dust and debris from that facility.

Motion by Mr. McNally, **Seconded** by Mr. Karaffa to submit Case CP24-00011 to the City Council for denial.

Mr. Warner wanted clarification on what was currently happening at the subject site. Ms. Haigler stated that nothing had occurred at the subject site. All activity had occurred at the applicant's existing operation located in the Town of Malabar, at the end of Convair Street NE.

A vote was called on the **Motion** by Mr. McNally, **Seconded** by Mr. Karaffa to submit Case CP24-00011 to the City Council for denial.

Result: Failed 2 to 2

Aye: Karaffa, McNally

Nay: Warner, Filiberto

Abstain: None

Mr. Filiberto noted that there would be no pressure treated wood or construction material processed at the subject site. He commented that the mulch operation on Sarno Road was near capacity and other locations were being considered. He believed there was a critical need for the proposed facility, but with conditions.

Motion by Mr. Filiberto, **Seconded** by Mr. Warner to submit Case CP24-00011 to the City Council for approval.

Mr. Karaffa commented on the amount of time that had gone into the Comprehensive Plan, and that the property owner had purchased the property knowing the zoning and limitations.

Mr. McNally stated that he did not disagree with the need for the subject operation, but he did disagree with the proposed location. A site further away from residential would be preferable. He remarked that if the land use was changed without the rezoning, the residents would lose a certain set of control of their area. Mr. Filiberto commented that it would be difficult to build under the current residential zoning designation due to the wetlands. Ms. Haigler added that the site had remained undeveloped since 1961.

Mr. Warner commented that the land use change to industrial would not be a significant change as the City had a need for industrial land. The applicant's zoning and conditional use cases would be of larger concern.

A vote was called on the **Motion** by Mr. Filiberto, **Seconded** by Mr. Warner to submit Case CP24-00011 to the City Council for approval.

Result: Failed 2 to 2

Aye: Warner, Filiberto

Nay: Karaffa, McNally

Abstain: None

Case CP24-00011 proceeds to the City Council without a board recommendation.

Mr. Rodriguez advised the board to hear Cases CPZ24-00007 and CU24-00008 for the sake of efficiency. Comments under Case CP24-00011 would be part of the record for both cases. Mr. Cram agreed with moving forward.

3. ****CPZ24-00007 - Foundation Park Recycling Center - Foundation Park Future Investments, LLC (Bruce Moia, P.E., MBV Engineering, Inc., Rep.) - A Zoning Amendment from an RS-2, Single Family Residential District to an LI, Light Industrial and Warehousing District. Tax Parcel 24, Section 9, Township 29, Range 37, Brevard County, Florida, containing approximately 15.4 acres. Located south of Foundation Park Boulevard SE, in the vicinity west of Babcock Street SE**

Ms. Haigler presented the staff report for Case CPZ24-00007. Staff recommended Case CPZ24-00007 for approval.

Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant), stated that the matter was discussed under Case CP24-00011.

Mr. Karaffa asked that comments under Case CP24-0001 be included with Case CPZ24-00007.

The floor was opened for public comments. Items of correspondence submitted for Case CPZ24-00007 would be included in the record.

Mr. Vernon Densler (resident at Deerfield Street SE) spoke against the request. He noted that there was a large portion of the subject site that was not wetlands where homes could be built if the site remained residential. He stated that rezoning to industrial would destroy the property values of the abutting residential homes.

The floor was closed for public comments.

In response to the public comments, Mr. Michael Cram, Foundation Park Future Investments, LLC (applicant) stated that a wetland delineation had been done for the site. He explained that there was no access to the property for residential development. Locating an industrial use on the property and giving the wetlands to the St. Johns River Water Management District eliminated any wetland issues, and the abutting residential homes would have their privacy and distance. Building on

the remaining uplands would be extremely difficult because of the lack of access and cost.

Mr. Warner asked for clarification regarding the Industrial designation and the Light Industrial and Warehousing designation. Ms. Haigler clarified that the land use was Industrial, and that the zoning was Light Industrial and Warehousing.

Motion by Mr. Filiberto, **Seconded** by Mr. Warner to submit Case CPZ24-00007 to the City Council for approval.

Result: Failed 2 to 2

Aye: Warner, Filiberto

Nay: Karaffa, McNally

Abstain: None

4. ****CU24-00008 - Foundation Park Recycling Center - Foundation Park Future Investments, LLC (Bruce Moia, P.E., MBV Engineering, Inc., Rep.) - A Conditional Use to allow for a proposed Green Recycle Facility in accordance with Section 174.048 of the Palm Bay Code of Ordinances. Tax Parcel 24, Section 9, Township 29, Range 37, Brevard County, Florida, containing approximately 36 acres. Located south of and adjacent to Foundation Park Boulevard SE, in the vicinity west of Babcock Street SE**

Ms. Haigler presented the staff report for Case CU24-00008. Staff recommended Case CU24-00008 for approval.

Mr. Filiberto inquired whether the applicant had agreed to the staff conditions. Ms. Haigler stated that the conditions for the conceptual plan would have to be met along with other requirements, including the noise ordinance.

Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant), stated that in addition to complying with code requirements, the applicant was willing to preserve the southernmost wetland acres as indicated on the submitted plan for stormwater management; wetland preservation and enhancement; tree preservation and mitigation; and other related activities for drainage and environmental issues. The applicant was also willing to incorporate cleaning the streets or utilizing other

debris prevention devices for Foundation Park Boulevard SE. The applicant would consider any other conditions that would make the project palatable to the board.

Mr. Filiberto wanted to include a condition that there would be no burning on the property; no construction material that included pressurized treated wood; and that street sweeping would occur. Mr. Moia agreed to the conditions.

Mr. Warner questioned how the site would be kept clean of debris. Mr. Moia explained the daily operation of the facility that moved the materials along appropriately to lessen debris and maintained fire standards.

Mr. Filiberto asked about the screening that typically surrounded construction sites as an option against debris. He also wanted to know about security at the site because of previous arson concerns. Mr. Moia believed the landscape buffer would better serve the site than a screen. Mr. Michael Cram (applicant) added that instead of a wind screen, he would be willing to install a seven-foot-tall berm around the entire property to diminish dust and noise. The site would have security cameras and water hydrants, but there were no other precautions against arson.

Mr. Moia reminded the board that there would be an eight-foot-high perimeter fence with large, vegetated buffers.

The floor was opened for public comments. Items of correspondence and comments submitted for Case CPZ24-00007 would be included in the record.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. His support was contingent upon all the conditions mentioned taking place. He wanted to be sure the preserved wetlands remained natural and would not include a retention pond. He was opposed to a perimeter berm since it would mean the removal of trees.

Ms. Maryanne Goodine (resident at Oakfield Avenue SE) spoke against the request. She wanted to know who would be screening the truckloads of debris brought to the site and how the unacceptable material would be disposed of. She wanted to know how much more would the production increase at the subject site in comparison to the current location. The increase could impact the traffic on Babcock Street and on Malabar Road.

Mr. Vernon Densler (resident at Deerfield Street SE) spoke against the request. He suggested that a condition be required of the applicant to follow the Florida Department of Environmental Protection's best practices guideline for recycling yard waste trash.

Mr. Vitali Brinzow (resident at Oakfield Avenue SE) spoke against the request. He stated that the proposed tree trash recycling center was not a good fit for Palm Bay.

The floor was closed for public comments.

In response to the public comments, Mr. Moia stated that a thorough traffic analysis of the entire area would be done to determine the radius of impact that would warrant traffic improvements. He said that all FDEP requirements would also be complied with.

Mr. Michael Cram, Foundation Park Future Investments, LLC (applicant) explained that all materials delivered to the site would be dumped into an excavator and an operator would sort through the piles. Unwanted materials would be placed in a dumpster. Anyone who abused the rules of the yard would not be allowed to return. He stated that the materials at his facility was not trash. Logs from the site were turned into lumber and used to build homes. He remarked on how his new location would have the option of using Babcock Street or San Filippo Drive SE to significantly help with traffic.

Motion by Mr. Filiberto, **Seconded** by Mr. Warner to submit Case CU24-00008 to the City Council for approval with the conditions that there be no burning; no construction material accepted, including pressure treated wood; that daily street sweeping is to occur near Foundation Park Boulevard SE; and that the 12-acre site be deemed a conservation area.

Result: Carried 3 to 1

Aye: Karaffa, Warner, Filiberto

Nay: McNally

Abstain: None

OTHER BUSINESS:

1. There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 8:38 p.m.

David Karaffa, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding