



AGENDA

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Regular Meeting 2021-05

April 7, 2021 - 7:00 PM

City Hall Council Chambers - 120 Malabar Road SE

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ADOPTION OF MINUTES:

1. Adoption of Minutes - Regular Meeting 2021-04; March 3, 2021

ANNOUNCEMENTS:

NEW BUSINESS:

1. **V-9-2021 - Rene Derosin - CONTINUED TO 5/5/2021 P&Z - A variance to allow a proposed screen enclosure with a solid roof to encroach 8 feet into the 25-foot rear yard setback as established by Section 185.034(F)(7)(d) of the Palm Bay Code of Ordinances. Lot 8, Block 298, Port Malabar Unit 8, Section 32, Township 28, Range 37, Brevard County, Florida, containing .31 acres, more or less. (Southwest corner of Haverford Lane NE and Holiday Park Boulevard NE, specifically at 200 Haverford Lane NE)
2. **V-10-2021 - Mary B. Vargas (Douglas C. Michels, Rep.) - A variance to allow a proposed screen room enclosure to encroach 6 feet and an existing swimming pool to encroach 8 feet into the 8-foot side accessory structure setback as established by Section 185.118(A)(4) of the Palm Bay Code of Ordinances. Lots 7 and 12, Block 1224, Port Malabar Unit 24, Section 32, Township 29, Range 37, Brevard County, FL containing .47 acres, more or less. (East of and adjacent to Telesca Road SE and west of and adjacent to Cogan Drive SE, specifically at 3107 Telesca Road SE)
3. **FD-11-2021 - Cypress Bay West Phase I - Waterstone Farms, LLC (Brian Davidson and Jake Wise, P.E., Reps.) - Final Development Plan to allow for a 229-lot single-family development called Cypress Bay West Phase I PUD. Part of Tax Parcel 500, Section 4, Township 30, Range 37, Brevard County, Florida, containing 77.52 acres, more or less. (In the vicinity south of Mara Loma Boulevard SE)
4. **FD-12-2021 - Chaparral Phase III - Chaparral Properties, LLC (Jake Wise, P.E., Rep.) - Final Development Plan to allow for a 165-lot single-family development called Chaparral Phase III PUD. Part of Tax Parcel 1, Section 4, Township 29, Range 36, Brevard County, Florida, containing 68.82 acres, more or less. (South of Malabar Road SW and west of

Brentwood Lakes Subdivision)

5. **PD-13-2021 - Richmond Cove - Joseph Cleo/Josiah King, Inc./RFK Residential Development Properties, LLC (Richard Fadil and Bruce Moia, P.E., Reps.) - Preliminary Development Plan to allow for a 149-lot single-family development called Richmond Cove PUD. Tracts C and C.02 of Port Malabar Unit 32 with Tax Parcel 251, Section 13, Township 29, Range 36, Brevard County, Florida, containing 60.22 acres, more or less. (West of and adjacent to Gaynor Drive SW, in the vicinity north of Ocean Spray Street SW)
6. T-14-2021 - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, to establish provisions for Wayfinding Signs and to modify the language for Wall Signs

OTHER BUSINESS:

ADJOURNMENT:

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Any aggrieved or adversely affected person desiring to become a party in the quasi-judicial proceeding shall provide written notice to the city clerk which notice shall, at a minimum, set forth the aggrieved or affected person's name, address, and telephone number, indicate how the aggrieved or affected person qualifies as an aggrieved or affected person and indicate whether the aggrieved or affected person is in favor of or opposed to the requested quasi-judicial action. The required notice must be received by the clerk no later than five (5) business days at the close of business, which is 5 p.m., before the hearing. (Section 59.03, Palm Bay Code of Ordinances)

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Land Development Division at (321) 733-3042 or Florida Relay System at 711.

**Quasi-Judicial Proceeding.



MEMORANDUM

DATE: April 7, 2021

SUBJECT: Adoption of Minutes - Regular Meeting 2021-04; March 3, 2021

ATTACHMENTS:

Description

- ▣ **P&Z/LPA Minutes - Regular Meeting 2021-04; March 3, 2021**

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2021-04

Held on Wednesday, March 3, 2021, 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.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Mr. Richard Hill led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present
VICE CHAIRPERSON:	Leeta Jordan	Present
MEMBER:	Donald Boerema	Present
MEMBER:	James Boothroyd	Present
MEMBER:	Richard Hill	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	David Karaffa	Absent
	(School Board Appointee)	

CITY STAFF: Present were Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Mr. Grayson Taylor, Planner; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-03; February 3, 2021.

Motion to approve the minutes as presented.

Motion by Mr. Boerema, seconded by Ms. Maragh. The motion carried with members voting as follows:

Ayes: Mr. Weinberg, Ms. Jordan, Mr. Boerema, Mr. Boothroyd, Mr. Hill, Ms. Maragh, Mr. 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 City Council.

OLD/UNFINISHED BUSINESS:

2. ****CU-5-2021 – FAR Research, Inc. (AVID Group, LLC and Akerman, LLP, Reps.) (WITHDRAWN) - A conditional use to allow proposed storage of liquified petroleum products; chemicals and similar products in an HI, Heavy Industrial District. Tax Parcel 14, Section 14, Township 28, Range 37, Brevard County, Florida, containing .46 acres, more or less. (Located south of and adjacent to Rowena Drive NE, in the vicinity north of Robert J. Conlan Boulevard NE, and east of the Florida East Coast Railway)**

Mr. Weinberg announced that Case CU-5-2021 had been withdrawn by the applicant. No board action was required to withdraw the case.

3. **CP-1-2021 - Jupiter Bay - Sachs Capital Group, LP (Bruce Moia, P.E. and David Bassford, P.E., Reps.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Multiple-Family Residential Use and Commercial Use. Tax Parcels 750 and 751, along with Tract K of Port Malabar Unit 10, Section 6, Township 29, Range 37, Brevard County, Florida, containing 23.862 acres, more or less. (Located at the northwest corner of Jupiter Boulevard SE and Brevard Avenue SE)**

Mr. Balter presented the staff report for Case CP-1-2021. Staff recommended Case CP-1-2021 for approval, based on the conditions within the staff report.

Mr. Bassford, P.E. with MBV Engineering, Inc. (representative for the applicant) stated that staff had done a great job in presenting the request.

The floor was opened for public comments.

Ms. Robin Fox (resident at Jupiter Boulevard SE) spoke against the request. She was concerned that the applicant had changed their initial tiny home proposal to townhomes since the requested multiple-family designation also allowed for apartments that would not be conducive to the neighborhood. More traffic with Jupiter Boulevard as the sole access could not be sustained by the area, and sub-leased townhomes with a backyard view into the adjacent school playground was an additional concern. Current residents of the neighborhood would have the undesirable view of townhome parking lots, which would lower property values. She commented on the overcrowded schools; how single-family homes should be developed in the single-family area; and how there was currently retail vacancies within proximity.

In response to the public comments, Mr. Bassford assured the board that impacts to the school and to the neighborhood would be shouldered by the development as indicated in the staff report. He confirmed that townhomes were proposed for the site.

Ms. Maragh asked if a Citizen Participation Plan (CPP) meeting had been held. Mr. Bassford stated that a CPP meeting was not required.

The floor was closed for public comments and there was one correspondence item against the request in the file.

Mr. Warner questioned the best use of the property in relation to Comprehensive Plan FLU-3. He asked about the type of commercial retail planned for the site to better understand its impact on the community since there was existing unoccupied retail space within the vicinity. Mr. Bassford stated that the type of retail was unknown at present; however, the residential portion of the site would be developed prior to the commercial area.

Mr. Warner inquired whether the applicant could agree to a condition to restrict the site to townhomes. Mr. Bassford stated that the matter would have to be discussed with the applicant.

Mr. Weinberg noted that the companion zoning request would restrict the site to 10 units per acre, and that the applicant would still have to respond to any traffic study, environmental studies, and school concurrency issues. Townhomes were lacking in Palm Bay but were a reasonable, affordable, and diverse alternative to single-family homes.

Motion to approve Case CP-1-2021 as presented, based on the conditions within the staff report.

Motion by Mr. Hill, seconded by Ms. Jordan.

Ms. Maragh concurred that diversity in housing was needed in the City, and that the market would dictate the development of the commercial section.

The motion carried with members voting as follows:

Ayes: Mr. Weinberg, Ms. Jordan, Mr. Boerema, Mr. Boothroyd, Mr. Hill, Ms. Maragh, Mr. Warner.

NEW BUSINESS:

1. ****CPZ-1-2021 - Jupiter Bay - Sachs Capital Group, LP (Bruce Moia, P.E. and David Bassford, P.E., Reps.) - A zoning amendment from an RR, Rural Residential District to an RM-10, Single-, Two-, Multiple-Family Residential District and an NC, Neighborhood Commercial District. Tax Parcels 750 and 751, along with Tract K of Port Malabar Unit 10, Section 6, Township 29, Range 37, Brevard County, Florida, containing 23.862 acres, more or less. (Located at the northwest corner of Jupiter Boulevard SE and Brevard Avenue SE)**

Mr. Balter presented the staff report for Case CPZ-1-2021. Staff recommended Case CPZ-1-2021 for approval, based on the analysis contained within the staff report.

Mr. Weinberg noted that Mr. Bassford, P.E. with MBV Engineering, Inc. (representative for the applicant) was not present, and that Mr. Bassford's comments for Case CP-1-2021 should be included with the subject request.

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

Motion to approve Case CPZ-1-2021 as presented, based on the analysis contained within the staff report.

Motion by Mr. Hill, seconded by Ms. Maragh. The motion carried with members voting as follows:

Ayes: Mr. Weinberg, Ms. Jordan, Mr. Boerema, Mr. Boothroyd, Mr. Hill, Ms. Maragh, Mr. Warner.

2. ****V-7-2021 - Richard J. Defay (Cool Pools of Brevard, Rep.) - A variance to allow a proposed swimming pool and screen room enclosure to encroach 6 feet into the 10-foot rear accessory structure setback as established by Section 185.118(D) of the Palm Bay Code of Ordinances. Lots 33 and 34, Block 1842, Port Malabar Unit 39, Section 34, Township 28, Range 36, Brevard County, Florida, containing .48 acres, more or less. (Located at the northwest corner of De Leon Court NW and Holcomb Street NW, specifically at 526 De Leon Court NW)**

Mr. Taylor presented the staff report for Case V-7-2021. The board had to determine, based on the facts presented, the degree of minimal relief, if any, to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Mr. Boerema commented on whether a precedent had been set by the two existing homes abutting Tract C that had not required variances to install swimming pools. Mr. Taylor indicated the location of the two existing swimming pools and how the homes on the properties were smaller in size.

Mr. Richard Defay (applicant) explained that the homebuilder had left space for a swimming pool at the back of the property, but the area was not large enough with the screen room. The rear of the property abutted a 30-foot utility easement that would remain undeveloped.

Mr. Weinberg commented on the large size of the home. He questioned whether a unity of title had been done for the applicant's two lots, and if consideration was given to placing the pool on the second lot. Mr. Defay indicated that the size of the 2,700 square-foot home was the reason the variance was needed. A unity of title had been done to combine his two lots, but there was never a plan to place the pool on the second lot.

Mr. Warner wanted to know if utility poles in the rear easement could still be accessed if the variance was granted. Mr. Defay explained that his home was at the end of the block, so the single utility pole at the corner of his property would remain accessible.

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

Motion to approve Case V-7-2021 as presented, based on the staff report.

Motion by Mr. Boerema, seconded by Ms. Maragh. The motion carried with members voting as follows:

Ayes: Mr. Weinberg, Ms. Jordan, Mr. Boerema, Mr. Boothroyd, Mr. Hill, Ms. Maragh, Mr. Warner.

OTHER BUSINESS:

There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 7:34 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Grayson Taylor, Planner

DATE: April 7, 2021

SUBJECT: **V-9-2021 - Rene Derosin - CONTINUED TO 5/5/2021 P&Z - A variance to allow a proposed screen enclosure with a solid roof to encroach 8 feet into the 25-foot rear yard setback as established by Section 185.034(F)(7)(d) of the Palm Bay Code of Ordinances. Lot 8, Block 298, Port Malabar Unit 8, Section 32, Township 28, Range 37, Brevard County, Florida, containing .31 acres, more or less. (Southwest corner of Haverford Lane NE and Holiday Park Boulevard NE, specifically at 200 Haverford Lane NE)

Case V-9-2021 (Rene Derosin) has been continued to the May 5, 2021 Planning and Zoning Board meeting to allow the applicant to meet Public Hearing Notices requirements. City Council will hear the request on June 3, 2021. Board action is not required to continue the case.

**Quasi-Judicial Proceeding.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Grayson Taylor, Planner

DATE: April 7, 2021

SUBJECT: **V-10-2021 - Mary B. Vargas (Douglas C. Michels, Rep.) - A variance to allow a proposed screen room enclosure to encroach 6 feet and an existing swimming pool to encroach 8 feet into the 8-foot side accessory structure setback as established by Section 185.118(A)(4) of the Palm Bay Code of Ordinances. Lots 7 and 12, Block 1224, Port Malabar Unit 24, Section 32, Township 29, Range 37, Brevard County, FL containing .47 acres, more or less. (East of and adjacent to Telesca Road SE and west of and adjacent to Cogan Drive SE, specifically at 3107 Telesca Road SE)

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

▣ Case V-10-2021



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

landdevelopmentweb@palmabayflorida.org

Prepared by

Grayson Taylor, Planner

CASE NUMBER

V-10-2021

PLANNING & ZONING BOARD HEARING DATE

April 7, 2021

PROPERTY OWNER & APPLICANT

Mary Vargas, Represented by
Douglas C. Michels

PROPERTY LOCATION/ADDRESS

Lots 7 and 12, Block 1224, Port Malabar Unit 24,
Section 34, Township 28, Range 36, Brevard County,
Florida, specifically at 3107 Telesca Road SE

SUMMARY OF REQUEST

A variance to allow an existing swimming pool and proposed screen enclosure to encroach 6' into the 8' side building setback, as established by Section 185.034(F)(7)(c) of the Palm Bay Code of Ordinances.

Existing Zoning

RS-2, Single-Family Residential District

Existing Land Use

Single-Family Residential Use

Site Improvements

Single-Family Home

Site Acreage

0.47 acres, more or less

SURROUNDING ZONING & USE OF LAND**North**

RS-2, Single-Family Residential, Vacant Land & Single-Family Home

East

RS-2, Single-Family Residential, Single-Family Home

South

RS-2, Single-Family Residential, Vacant Land & Single-Family Home

West

RS-2, Single-Family Residential, Single-Family Home

BACKGROUND:

The property consists of two standard General Development Corporation lots, now combined. The lot containing the home has a width of 80', and the overall property has a depth of 250'. The subject property was constructed and received a Certificate of Occupancy in 2005. The property also received a permit for a swimming pool in 2005 via permit 05-13465. The applicant purchased the property in 2016 and has now applied for a screen enclosure via permit 21-600.

ANALYSIS:

Variances from the terms of the Land Development Code may be granted when special conditions exist that would result in unnecessary hardship if the provisions of the Land Development Code were enforced. However, a variance may not be granted when the public health and safety would be compromised as a result of the variance. An application must demonstrate that items 1 through 7 of Section 169.009 of the Code of Ordinances have been met. A review of these items is as follows:

Item 1 - *"Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings or structures in the same land use category, zoning district, or situation."*

Douglas Michels of Michels Screening, Inc., the representative for the applicant, states, "The homeowner just bought the house. Mary Vargas has a beautiful backyard with a pool and would like to have a screen enclosure around it." The applicant did in fact buy the property after the pool was installed. It appears the pool was permitted, installed, and inspected without noticing the setback encroachment. Now current owner and applicant has applied for a permit for a screen enclosure around the existing swimming pool. Though it was not identified before, this pool and screen enclosure must now comply with zoning code. The Board and Council may consider the existing permitted swimming pool as a special condition or circumstance.

Item 2 - *"The special conditions and circumstances identified in Item 1 above are not the result of the actions of the applicant."*

The existing swimming pool encroaching into the 8' side building setback may be considered a special condition or circumstance as construction of the home and pool was commenced by a previous owner. A pool enclosure is a customary structure accessory to swimming pools, especially in the state of Florida.

Item 3 - *"Literal interpretation and enforcement of the Land Development Code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same land use category, zoning district or situation under the terms of the Land Development Code, and would work unnecessary and undue hardship on the applicant."*

Literal interpretation and enforcement of the Land Development Code would require the applicant to build within the applicable setbacks. Building within the required setbacks would not allow for the proposed screen enclosure in the desired location.

Item 4 - *"The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building, or structure."*

A maximum of 6 feet into the 8-foot side interior building setback would be needed to meet the applicant's request.

Item 5 - *"Granting of the variance request will not confer on the applicant any special privilege that is denied by the development code to other lands, buildings or structures in the same land use category, zoning district or situation."*

Granting of the variance would confer upon the applicant a special privilege for the setback relief, as the same development standards apply to other properties in this community. However, building within the required setbacks would require the property owner to place the screen along the edge of the water, and render the south portion of the pool deck unusable. The Board and Council should consider what is reasonable.

Item 6 - *"The granting of the variance will be in harmony with the general intent and purpose of this code and will not be injurious to the surrounding properties or detrimental to the public welfare."*

Staff has not identified any detrimental effect to public welfare.

Item 7 - *"The variance represents a reasonable disposition of a claim brought under the Bert J. Harris Private Property Rights Protection Act, chapter 95-181, Laws of Florida, that a development order of the city has reasonably burdened the applicant's property, based on the recommendations of the special master appointed in accordance with the act, or the order of a court as described in the act."*

Staff has not received a claim made upon this property, with respect to the "Bert J. Harris Act," or any development order, as indicated above. Therefore, Item 7 is not applicable to the variance request.

Be Advised: The owner must also apply for a vacate of easement for the 6' Public Utility & Drainage Easement where the existing swimming pool is located. The vacate of easement must be issued prior to the screen enclosure being permitted.

STAFF RECOMMENDATION:

The Planning and Zoning Board must determine, based on the facts presented, to what degree, if any, of minimal relief, is required to meet the needs of the variance being requested, as required under Section 169.009 of the City of Palm Bay Code of Ordinances and make recommendations to City Council for a final review. Under 59.05(A)(14) of the City of Palm Bay Code of Ordinances, "The quasi-judicial body shall direct the clerk or [city] attorney acting as the body's legal counsel to prepare the necessary and appropriate written order in accordance with the purpose of the hearing and findings of the quasi-judicial body. Pursuant to Florida Statutes, in the event relief is denied to the applicant, the specific provision of statute or code that was deficient shall be stated for record."

Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.

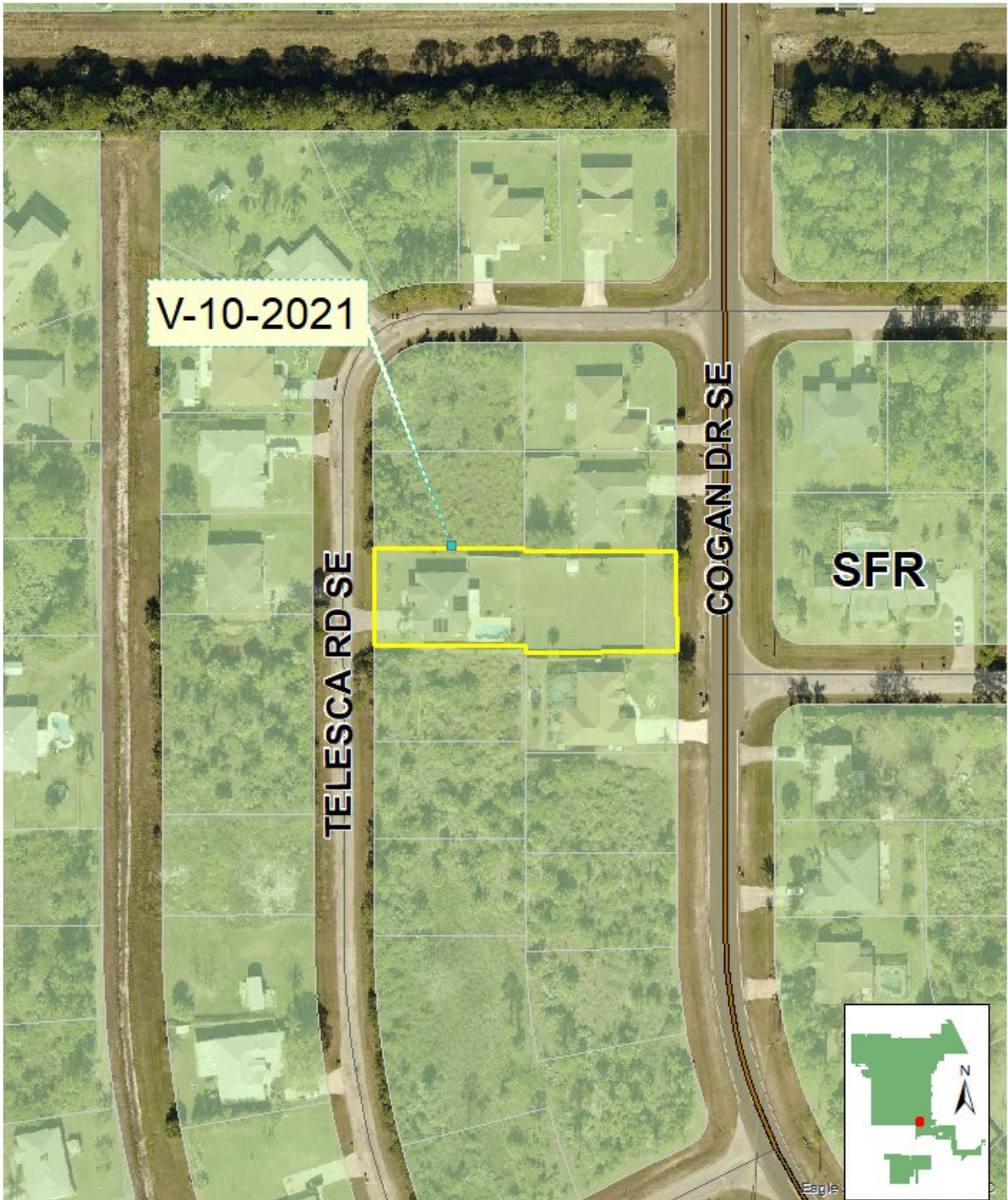


AERIAL LOCATION MAP CASE V-10-2021

Subject Property

Lot 7 and Lot 12 of Block 1224, Port Malabar Unit 24, specifically at 3107 Telesca Road SE

Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



FUTURE LAND USE MAP CASE V-10-2021

Subject Property

Lot 7 and Lot 12 of Block 1224, Port Malabar Unit 24, specifically at 3107 Telesca Road SE

Future Land Use Classification

SFR - Single Family Residential Use



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



ZONING MAP CASE V-10-2021

Subject Property

Lot 7 and Lot 12 of Block 1224, Port Malabar Unit 24, specifically at 3107 Telesca Road SE

Current Zoning Classification

RS-2, Single Family Residential District

LEGAL DESCRIPTION:
LOT 7 AND LOT 12, BLOCK 1224, PORT MALABAR UNIT TWENTY FOUR,
ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGE 29
THROUGH 41, INCLUSIVE, IN THE PUBLIC RECORDS OF BREVARD COUNTY,
FLORIDA.

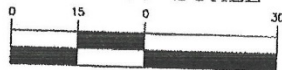
MAP OF SURVEY

SURVEY NOTES

1. THE INTENDED PURPOSE OF THIS SURVEY IS FOR BOUNDARY INFORMATION AND IMPROVEMENTS ONLY, AS SHOWN HEREON.
2. THE UNDERSIGNED SURVEYOR HAS NOT BEEN PROVIDED A CURRENT TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY. IT IS POSSIBLE THAT THERE ARE DOCUMENTS OF RECORD, UNRECORDED DEEDS, EASEMENTS OR OTHER INSTRUMENTS THAT COULD AFFECT THE BOUNDARIES TO THE SUBJECT PROPERTY.
3. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
4. THIS SURVEY MEETS OR EXCEEDS THE MINIMAL HORIZONTAL CONTROL ACCURACY OF 1:7500 FOR A SUBURBAN SURVEY.
5. MEASUREMENTS SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF.
6. DIMENSIONS TAKEN ARE AT THE EXPOSED AREAS OF IMPROVEMENTS, UNDERGROUND FOOTERS, FOUNDATIONS, UTILITIES OR OTHER SUBSURFACE STRUCTURES ARE NOT LOCATED FOR THE PURPOSE OF THIS SURVEY.
7. BEARINGS ARE REFERENCED TO THE EAST RIGHT OF WAY LINE OF TELESKA ROAD, AS BEING N.00°13'08"W, PER PLAT.
8. GAGE INDUSTRIES, INC., RESERVES THE RIGHT TO UTILIZE ANY AND ALL INFORMATION OBTAINED IN THE PREPARATION OF THIS SURVEY INCLUDING THIS MAP OF LAND SURVEY, FOR ANY OTHER PURPOSES.
9. THIS SURVEY MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE PERMISSION OF GAGE INDUSTRIES, INC.
10. THIS DRAWING IS NOT VALID UNLESS BEARING AN ORIGINAL SIGNATURE AND EMBOSSED LAND SURVEYOR'S SEAL.
11. SUBJECT RESIDENCE LIES WITHIN FLOOD ZONE 'X', AS PER FIRM MAP NUMBER 12009C0670G DATED 03/17/2014. THIS LOCATION IS BASED UPON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. FINAL LOCATION AND FLOOD DETERMINATION REST SAID AGENCY. THIS SURVEYOR ASSUMES NO RESPONSIBILITY FOR SAID LOCATION AND DETERMINATION.



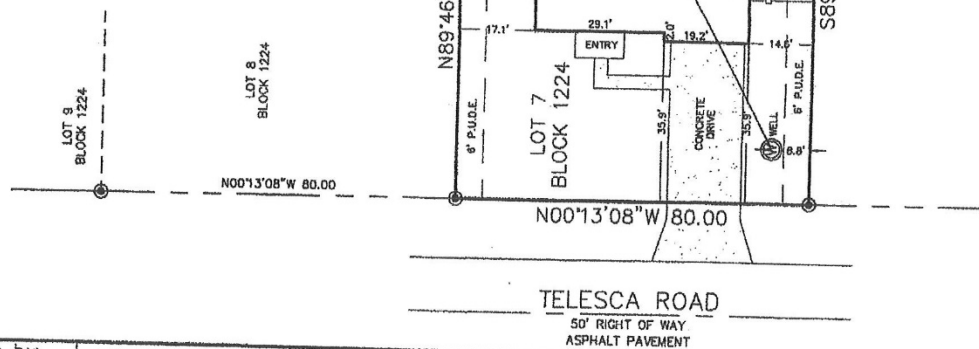
GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

LEGEND:

- Set Iron Rod & Cap
LB 8507
- Iron Rod & Cap
NO ID. (Unless otherwise shown)
- ⊕ Power Pole
- ⊙ Well
- P.U.D.E. Public Utility and Drainage Easement
- ▭ Denotes Concrete



Drawn by:
SEK

Scale:
1" = 30'

Date:
9/1/16

FB/PG
SEE FILE

Project #
160269B

DATE
9/22/2016

GAGE

INDUSTRIES, INC.
Professional Land Surveyors
and Mappers
965 Arabella Lane,
Cocoa FL 32927
(321) 607-6389
GISURVEYING@GMAIL.COM
Licensed Business No. 8507

REVISIONS

ADD LOT 12

BOUNDARY SURVEY

Certified to: MARY B. VARGAS
FBC MORTGAGE, LLC
PRESTIGE TITLE OF BREVARD
STEWART TITLE GUARANTY COMPANY

I hereby certify that the survey shown hereon is true and correct based on actual measurements taken in the field. This survey meets Standards of Practice as set forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

R. D. Kiser
Professional Surveyor & Mapper No. 6104
State of Florida



LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopment@palmbayflorida.org

VARIANCE APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

PARCEL ID 29-37-32-GV-1224-7

TAX ACCOUNT NUMBER 2950168

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

STREET ADDRESS OF PROPERTY COVERED BY APPLICATION:

3107 Telesca Rd SE Palm Bay FL 32909

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 0.47

EXISTING ZONING CLASSIFICATION OF PROPERTY (ex.: RS-2, CC, etc.) RS-2

ARE THERE ANY STRUCTURES ON THE PROPERTY NOW? ☒ YES ☐ NO

HAS A VARIANCE APPLICATION PREVIOUSLY BEEN FILED FOR THIS PROPERTY? ☐ YES ☒ NO

IF SO, STATE THE NATURE OF THE PREVIOUS APPLICATION, WHETHER THE REQUEST WAS APPROVED OR DENIED, AND DATE OF ACTION:

CITY OF PALM BAY, FLORIDA
VARIANCE APPLICATION
PAGE 2 OF 4

DESCRIBE THE EXTENT OF THE VARIANCE REQUESTED AND THE INTENDED USE OF THE PROPERTY IF THE VARIANCE IS GRANTED (SPECIFY NUMBER OF INCHES/FEET ENCROACHING INTO SPECIFIC REQUIRED YARD SETBACK OR HEIGHT RESTRICTIONS):

To Allow A screen Enclosure to Encroach 8' 3" in to The required 8' Side Accessory Structure setback

CITE THE APPLICABLE SECTION(S) OF THE ZONING ORDINANCE AND ITS REQUIREMENT FROM WHICH VARIANCE IS REQUESTED (ex.: 185.034(f)(7)):

185.118 (4) (4)

GIVE WRITTEN EXPLANATION(S) DEMONSTRATING HOW THE VARIANCE MEETS THE FOLLOWING CONDITIONS PER SECTION 169.009:

- (a) That special conditions and circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same land use category, zoning district, or situation.
- (b) That special conditions and circumstances referred to above do not result from the actions of the applicant.
- (c) That literal interpretation and enforcement of the development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same land use category, zoning district, or situation under the terms of the development code, and would work unnecessary and undue hardship on the applicant.
- (d) That if granted, the variance is the minimum variance necessary to make possible the reasonable use of the land, building or structure.
- (e) That granting the variance requested will not confer on the applicant any special privilege that is denied by the development code to other lands, buildings, or structures in the same land use category, zoning district, or situation.
- (f) That granting the requested variance will be in harmony with the general intent and purpose of this code and will not be injurious to the surrounding properties or detrimental to the public welfare.

The Homeowner just Bought The House Mary Vargas Has A Beautiful Back yard with A pool and would like To have A screen Enclosure Around it. So They Will Be able to Enjoy it. With out all The Bugs Here in FL you can't Enjoy A pool With out A screen Around it

EVIDENCE MUST BE PROVIDED TO CONSIDER VARIANCES BASED ON THE FOLLOWING CLAIMS:

- ☐ **BERT J. HARRIS PRIVATE PROPERTY RIGHTS PROTECTION ACT**, Chapter 95-181, Laws of Florida. Provide a copy of one of the following:
- ☐ Special master appointed in accordance with the act.
 - ☐ Court order as described in the act.
- ☐ **AMERICANS WITH DISABILITIES ACT**. Cite the section of the act from which the variance request will provide relief: _____

THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:

- ☐ *\$350.00 Application Fee. Make Check payable to "City of Palm Bay."
- ☐ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☐ A site plan drawn to scale which shows all property and yard dimensions, its structures (if any) and the variance desired, including abutting highway or road boundaries. The site plan shall also be provided on Memory Drive.
- ☐ Site plan data may be shown on a copy of the survey and must also be provided on Memory Drive.
- ☐ A survey prepared by a registered surveyor showing all property lines and structures. The survey shall also be provided on Memory Drive.
- ☐ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guideline.
- ☐ Where the property owner is not the representative for the request, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative

Douglas C. Michels

**CITY OF PALM BAY, FLORIDA.
VARIANCE APPLICATION
PAGE 4 OF 4**

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing Variance application and that the facts stated in it are true.

Owner Signature

Mary B. Vargas
Mary B. Vargas



Date

2-28-21

Printed Name

MARY B. VARGAS

Full Address

3107 Telesca Blvd SE Palm Bay FL 32909

Telephone

787-983-0303

Email

Maryvargas@hotmail.com

***NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

MV
~~2-18~~ 03-15, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

3107 Telesca Rd SE, Palm bay FL 32909

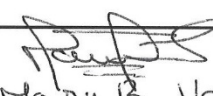
I, Owner Name: Mary Vargas
Address: 3107 Telesca Rd SE, palm bay FL 32909
Telephone: 787-983-0303
Email: maryvargas@hotmail.com

hereby authorize:

Representative: Douglas C. Michels
Address: 4165 Orange Dr Mel FL 32904
Telephone: 321-208-5650
Email: michelscreening@gmail.com

to represent the request(s) for:

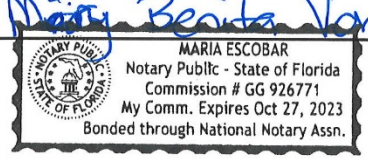
A VARIANCE

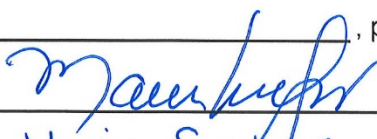

Mary B. Vargas
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 15 day of March, 20 21 by Mary Berita Vargas, property owner.




Maria Escobar, Notary Public

☐ Personally Known or ☒ Produced the Following Type of Identification:

Drivers License



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Christopher Balter, Senior Planner

DATE: April 7, 2021

SUBJECT: **FD-11-2021 - Cypress Bay West Phase I - Waterstone Farms, LLC (Brian Davidson and Jake Wise, P.E., Reps.) - Final Development Plan to allow for a 229-lot single-family development called Cypress Bay West Phase I PUD. Part of Tax Parcel 500, Section 4, Township 30, Range 37, Brevard County, Florida, containing 77.52 acres, more or less. (In the vicinity south of Mara Loma Boulevard SE)

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

▣ Case FD-11-2021



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

landdevelopmentweb@palmabayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

FD-11-2021

PLANNING & ZONING BOARD HEARING DATE

April 7, 2021

PROPERTY OWNER & APPLICANT

Benjamin E. Jefferies- Waterstone Farms, LLC (Jake Wise Representing)

PROPERTY LOCATION/ADDRESS

A portion of Tax Parcel 500, Section 4, Township 30, Range 37, Brevard County, Florida

SUMMARY OF REQUEST

Final Planned Unit Development approval for a 229-unit residential subdivision to be known as Cypress Bay West Phase 1 PUD.

Existing Zoning

PUD, Planned Unit Development

Existing Land Use

Single-Family Residential Use and Multiple-Family Residential Use

Site Improvements

Vacant Unimproved Land (Former Orange Groves)

Site Acreage

77.52 acres, more or less

SURROUNDING ZONING & USE OF LAND

North

PUD; Gardens at Waterstone and The Lakes PUD; Single-Family Homes

East

PUD; The Courtyards and The Lakes at Waterstone PUD; Single-Family Homes

South

PUD; Waterstone at Palm Bay; Undeveloped Land

West

PUD; Waterstone at Palm Bay; Undeveloped Land

COMPREHENSIVE PLAN COMPATIBILITY

The future land use designations of the subject property are Single-Family Residential Use and Multiple Family Residential Use. The development of a single-family planned unit development is compliant with both designations. The proposed density is 2.95 units per acre, which is below the maximum density defined in the City's Comprehensive Plan for Single-Family Residential Use up to (5 units per acre) and well below the 10 units per acre by the Multiple Family Residential Future Land Use Land Amendments.

BACKGROUND:

The subject property is located south of Mara Loma Boulevard SE, and west of Babcock Street SE. Specifically a portion of Tax Parcel 500, Section 4, Township 30, Range 37, of Brevard County Florida. This Final PUD request includes approximately 77.52 acres of land.

In 2004 the subject property was annexed into the City via Ordinance 2004-35 totaling 1,167 acres. The original Future Land Use amendment designated all the lands as Single-Family Residential Use via Ordinance 2004-52, which stated that 1,800 units could be placed on the lands of Waterstone or Cypress Bay Preserve. Site specific conditions were placed on the amendment via Ordinance 2004-48. Between 2005 and 2018, a series of 37 future land use map amendments were made bringing the total units entitled to 2,596.

The total entitlements encumbered remaining units are as follows: 1,648 units on the west side of Babcock Street, and 362 units on the east side of Babcock Street. On February 18th case PD-3-2021 (Resolution 2021-12) received approval from City Council for Preliminary Development Plan approval to be known as Cypress Bay West Phase 1 PUD. The Developer has submitted the Final Development Plan that matches the Preliminary Development Plan now with its final name of Willows of Cypress Bay West.

ANALYSIS:

The applicant is requesting Final Development Plan (FDP) approval for a Planned Unit Development (PUD), to construct a single-family residential subdivision called Cypress Bay West Phase 1 PUD. The planned unit development is a concept which encourages and permits variation in residential developments by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage, setbacks, and open space, from those elements required in any singular zoning classification found in the city's Zoning Code.

Specifically, the FDP proposes a 229-unit single-family development that will be constructed in one phase. Per the FDP, typical lots within the residential development are 50' x 125'. The minimum size home and setbacks will need to be identified in the Declaration of Covenants and Restrictions as well as the construction drawings. The development will consist of a gated entrance with an amenities center, pool, playground, passive recreation areas, stormwater management ponds, and private roadways.

CONDITIONS:

In order to receive FDP approval, the proposal must meet the requirements of Section 185.067 of the City of Palm Bay's Code of Ordinances. Upon review, the request appears to conform with the applicable requirements of this section. The following items shall be addressed upon submission of the administrative construction plans:

- A. Fully engineered construction drawings.
- B. A Subdivision Plat meeting Ch. 177 of Florida State Statute requirements and a title opinion.
- C. The right-of-way width of Mara Loma Boulevard will need to be 100'.
- D. The road name of "Mara Loma Boulevard" will need to be consistent all the way through. Staff will not support the name "Mara Loma Extension Boulevard."
- E. The technical comments generated by the Development Review Staff (attached) shall be observed and incorporated into the engineered construction drawings.

STAFF RECOMMENDATION:

Case FD-11-2021 is recommended for approval, subject to the staff comments contained in this report.

TECHNICAL COMMENTS

CASE FD-11-2021 – Cypress Bay West Phase I PUD

BREVARD COUNTY (Jeffrey Ball, Planning and Zoning Manager):

Brevard County has no comments.

PUBILC WORKS (Natalie Shaber, Engineer II):

1. Approval in writing from Brevard County accepting the existing 2017 Traffic Impact Study dated within the last 12 months is required.
2. Please conduct a signal warrant analysis at the intersection of the Gardens at Waterstone, and Cypress Bay West (Aberdeen Dr).
3. Crosswalks shall be provided across Mar Loma between the entrance to The Gardens and CB West.
4. Sidewalk shall be provided on both sides of Mar Loma connecting to the existing sidewalk and to the onsite sidewalks.
5. All external agency permits will be provided to the City prior to scheduling a pre-sitework meeting per subsection 174.071 City Code of Ordinances.
6. Design, and performance specifications of Ch. 174 City's Code of Ordinances shall be met.
7. The stormwater management system is interconnected with the Gardens, Courtyards, and a R/W ponds D4 and D5 (future phase CB West). All easements and agreements between the respective Developer/HOA's and the City (if applicable) shall be drafted, executed, and recorded prior to Certificate of Completion. A developer agreement regarding landscaping maintenance in the right-of-way is also required.
8. Mar Loma Ext. shall be reviewed per Chapter 182 City's Code of Ordinances prior to acceptance by the City.
9. All right-of-way specifications per Ch 179 shall be adhered to as well as the design, performance, materials, utility location, inspection and testing specifications as outlined in the City's Public Works Manual for collector roadways.
10. Topographical surveys of the existing condition shall include contours as well as spot elevations.
11. The plans shall include cross-sections at all property boundaries.

12. Ensure that the Florida Building Code and FL Statute regarding ADA compliance of new facilities that serve the public are met.
13. Right-of-way and Commercial driveway permit applications and fees are required for the Aberdeen Dr. entrance.
14. Utilities within the Mar Loma R/W shall conform to the Utility Zones detail in the Public Works Manual.

UTILITIES (Christopher Little, Utilities Director):

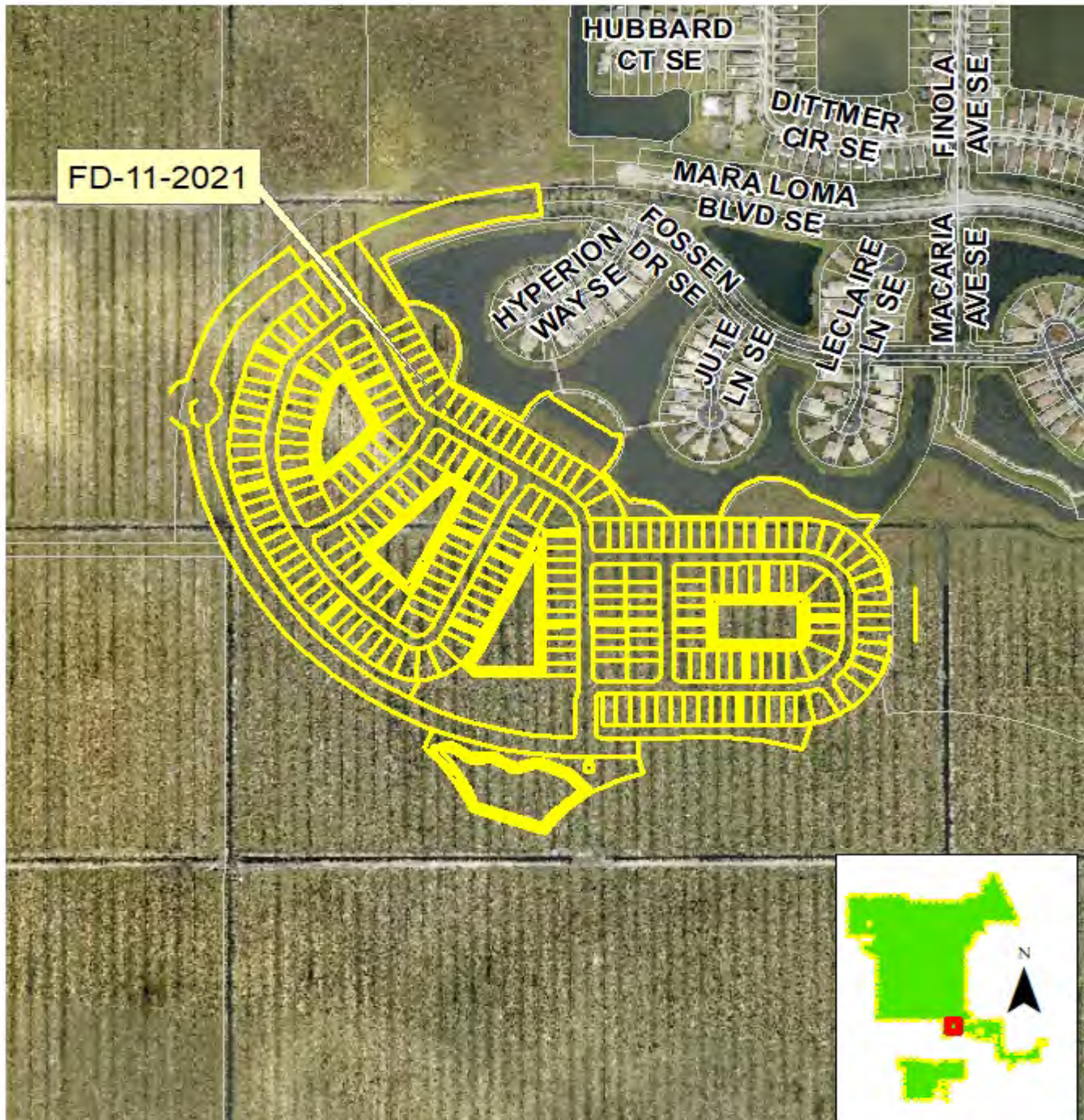
1. The applicant/owner, at their expense, will be required to design, permit, install, inspect, and test water & sewer systems of adequate size to accommodate the development and to connect to the City's water and sewer system [Section 200.11(d)(1) - On-site Facilities]. Currently, the nearest point of connection to the mainline water distribution system is a 16" PVC pipe on the west end of Mara Loma Boulevard. The nearest point of connection to the mainline wastewater collection system force main is a 10" PVC pipe on the west end of Mara Loma Boulevard.
2. The applicant/owner will be responsible for the property's hydraulic share for the new utilities. Oversizing of utilities at the request of the Utilities Department will be subject to a refunding agreement or refundable advance [Section 200.11(D) &(E)]. The City of Palm Bay's 2017 Wastewater Master Plan & 2017 Water Master Plan, both of which are available upon request, identify proposed mainline extensions with the current piping size requirements.
3. A City of Palm Bay "Utility Agreement" shall be executed between the Property Owner and the City. All Utility impact/connection charges noted in the "Utility Agreement" must be paid as outlined in the terms and conditions of the Utility Agreement. All fees are subject to change annually on October 1. The Property Owner shall submit a certified copy of the property deed as verification of ownership as part of the Utility Agreement.
4. All Utility construction, materials, and testing shall be in accordance with the latest revision of the Palm Bay Utilities Department Policies, Procedures, and Standards Handbook and the Standard Detail Drawings.
5. Prior to any construction, all required FDEP Permit applications for the Water and Sanitary Sewer Construction shall be processed through and copies of the Permits filed with the Utilities Department.

FIRE (Mark Whorton, Fire Consultant):

1. The maximum distance to a fire hydrant from the closest point on the building shall not exceed 600 ft. (183 m).

2. The maximum distance between fire hydrants shall not exceed 800 ft. (244 m).
3. All motorized gates shall include a Siren Operated Switch and Knox Key Switch backup.
4. All manual gates shall have a Knox Padlock.

Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.

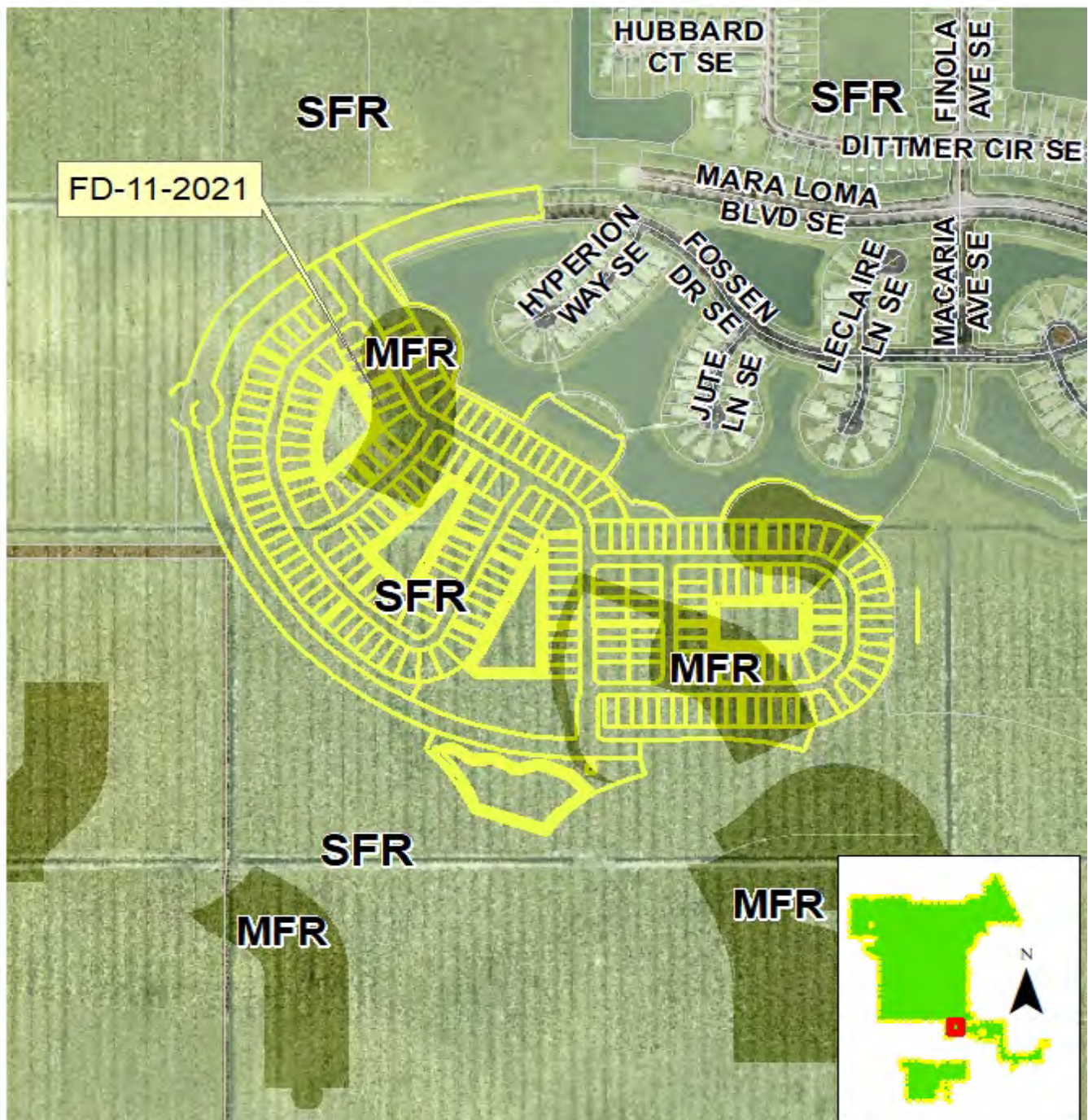


AERIAL LOCATION MAP CASE FD-11-2021

Subject Property

In the vicinity south of Mara Loma Boulevard SE.

Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



FUTURE LAND USE MAP

CASE FD-11-2021

Subject Property

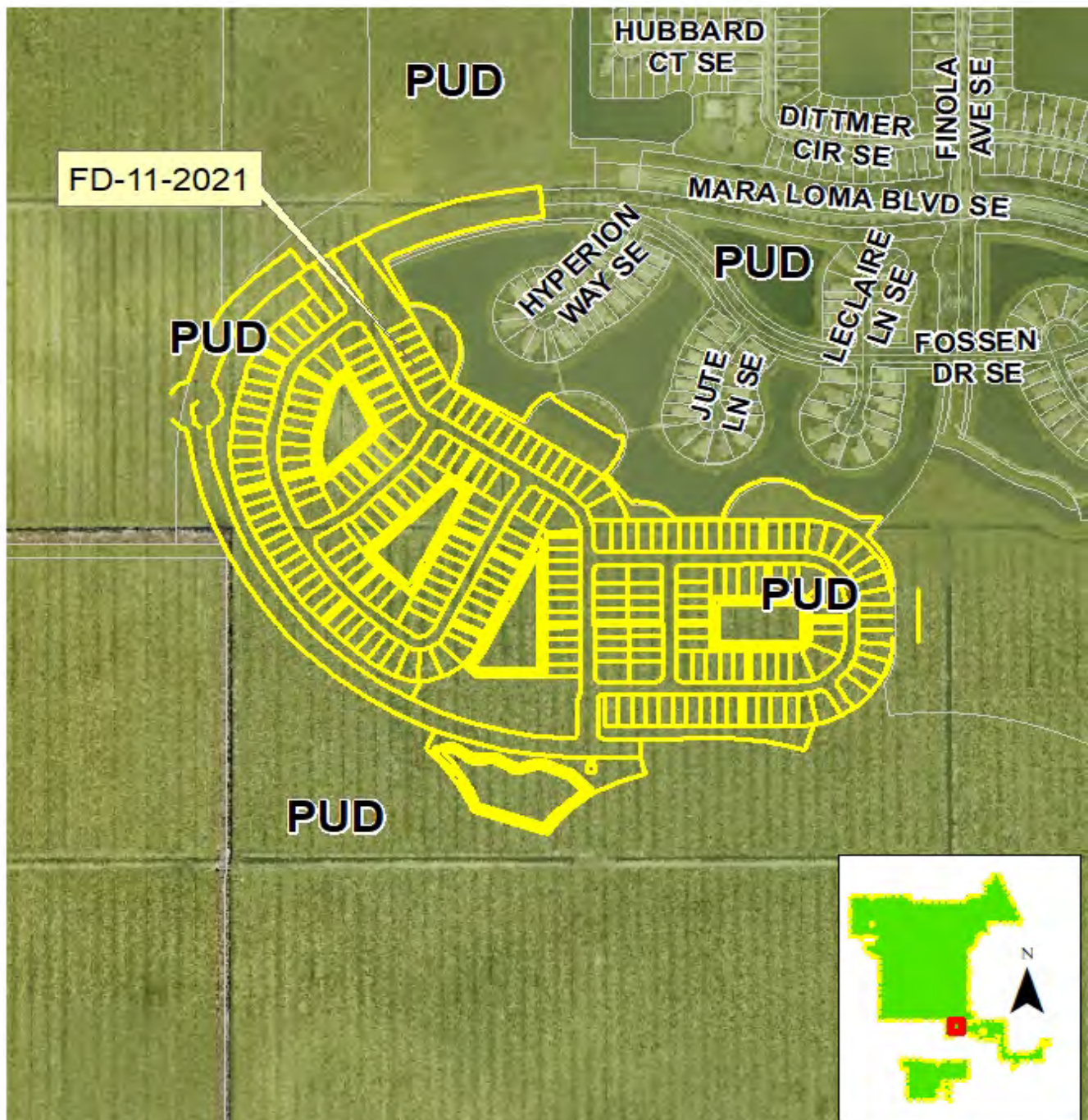
In the vicinity south of Mara Loma Boulevard SE.

Future Land Use Classification

SFR – Single Family Residential Use and MFR – Multiple-Family Residential Use



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



ZONING MAP

CASE FD-11-2021

Subject Property

In the vicinity south of Mara Loma Boulevard SE.

Current Zoning Classification

PUD – Planned Unit Development District



LOCATION MAP

NTS



**CONSTRUCTION
ENGINEERING
GROUP**
Consulting Engineers

2651 Eau Gallie Blvd., Suite A
Melbourne, FL 32935

Tel: 321.253.1221
www.ceengineering.com
COA #0006097

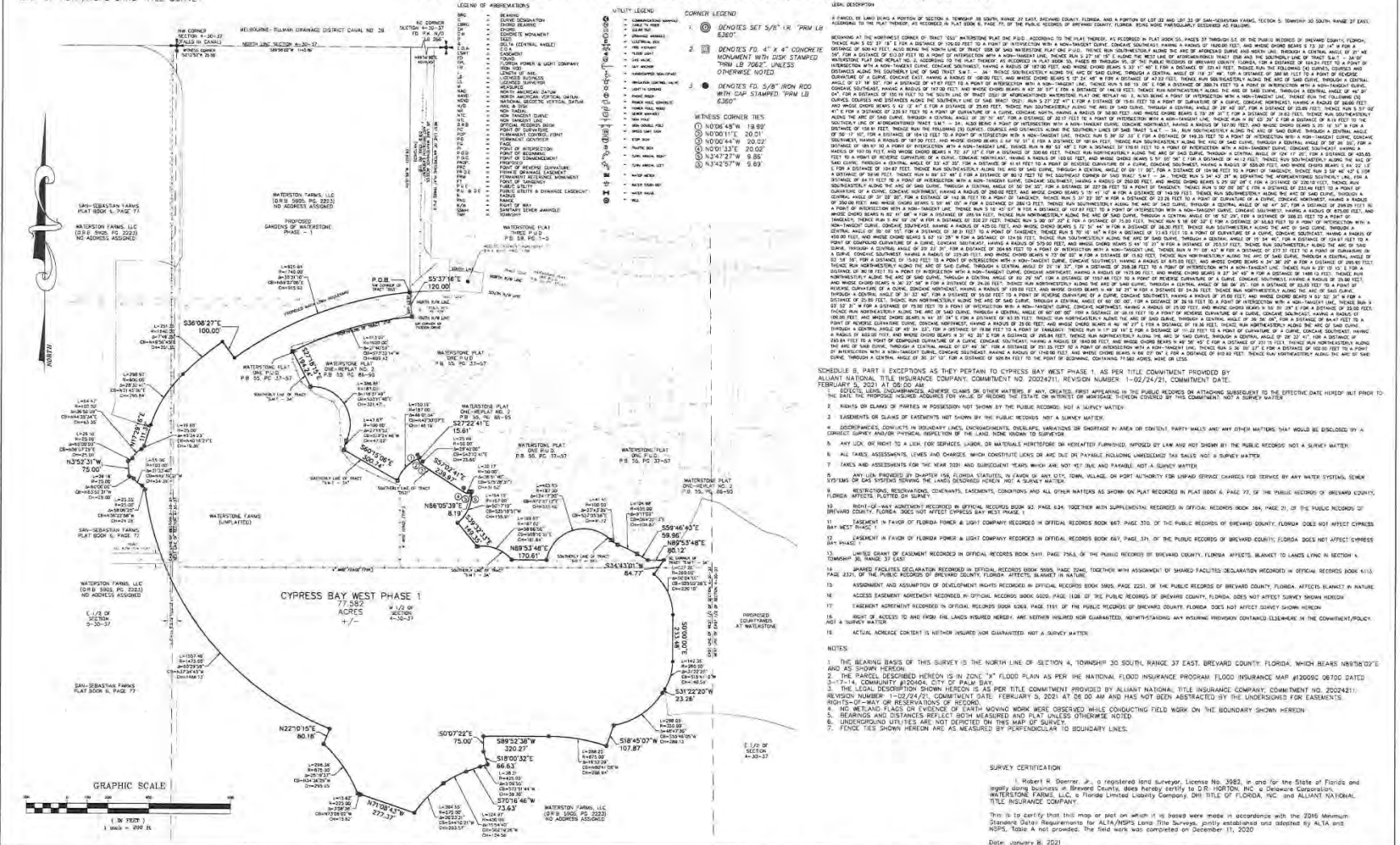
CYPRESS BAY WEST

PALM BAY, FL
LOCATION MAP

DATE	11/30/20
COUNTY	BREVARD
APPROVED BY	JTW
SCALE	NTS
THIS SHEET	FIG. 1

MAP OF ALTA/NPS LAND TITLE SURVEY

SECTIONS 4 & 5, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA




<p>HORIZON SURVEYORS OF CENTRAL FLORIDA, INC. 390 PONDICIA DR., MELBOURNE, FL 32935 E-MAIL: info@horizonsurveyors.com PHONE: (321) 254-8133</p>	<p>SCALE 1" = 200' DATE 1-08-21 DRAWN BY HCB FIELD BOOK 244 FIELD DATE 12-10-20</p>	<p>REVISION TABLE</p> <table> <tr> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>APVD</th> </tr> <tr> <td>2-24-21</td> <td>REV DESCRIPTION & NEW COMMITMENT</td> <td></td> <td></td> </tr> </table>	DATE	DESCRIPTION	BY	APVD	2-24-21	REV DESCRIPTION & NEW COMMITMENT			<p>I HEREBY CERTIFY THAT THE PROPERTY HEREON WAS SURVEYED UNDER MY DIRECT SUPERVISION AND THAT THIS MAP OF SURVEY IS ACCURATE AND CORRECT. I FURTHER CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER 47C.007, FLORIDA STATUTES.</p> <p>DATE: January 6, 2021</p> <p>NOTE: THIS SKETCH IS NOT VALID UNLESS IT BEARS A SIGNATURE AND A SURVEYOR'S SEAL.</p> <p>SURVEYOR: ROBERT R. COERBER, JR. PROFESSIONAL LAND SURVEYOR #3982</p> <p>SURVEY FOR: CYPRESS BAY WEST PHASE 1 DRAWING NUMBER: 6578-20-1130 PAGE 1 OF 1</p>
DATE	DESCRIPTION	BY	APVD								
2-24-21	REV DESCRIPTION & NEW COMMITMENT										

PREPARED FOR:
DR HORTON, LLC

[illegible][illegible]

The logo for CONSISTENT ENGINEERING GROUP is shown, featuring a stylized blue and white circular emblem with a building-like shape inside. To the right of the emblem, the text "CONSISTENT ENGINEERING GROUP" is written in a bold, sans-serif font, with "Consistent" in a smaller font below it.

Below the logo is a map of the project location. The map shows a coastal area with a hatched region labeled "SITE". To the right of the site, there is a label "PERCH SITE" and another label "HARDY TOWN". Below the map, the text "LOCATION" is written in a bold, sans-serif font, followed by "N75" in a smaller font.

LOCATION MAP 

GENERAL STATEMENT
THE PROPOSED PROJECT CONSISTS OF INFRASTRUCTURE AND SITE IMPROVEMENTS TO ACCOMMODATE A 228 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION INCLUDING: 1) ACCESS, SIDEWALKS, STORMWATER, PEDESTRIAN/EXERCISE TRAILS, AMENITY CENTER, LANDSCAPING, WATER, SEWER AND STORMWATER SYSTEMS. IT PROPOSES TO EXTEND MARIA LOUISE BOULEVARD AND CITY UTILITIES AS PART OF THE WATERSTONE MASTER PLAN.

DEVELOPER:
DR HORTON, LLC
1430 CULVER DR NE
PALM BEACH, FL 32907
TEL: (321) 953-3105

SUBVYOR:
HORIZON SURVEYORS OF CENTRAL
FLORIDA, INC
350 PONCINAWA DRIVE
MELBOURNE, FL 32935
TEL: (321) 254-8133
3290400000@HORIZONSURVEYORS.COM

DATE ENGINEERING AGENT
GARY T. WISS, P.E.
2651 EAU GALLE BLVD, SUITE A
MELBOURNE, FLORIDA 32935
TEL: (321) 610-1760
E-MAIL: JTWISS@ENGINEERING.CO

LOCATION:
SECTION 04
TOWNSHIP 30
RANGE 37E
PARCEL ID: 36-37-04-00-500
TAX ACCOUNT: 3600916

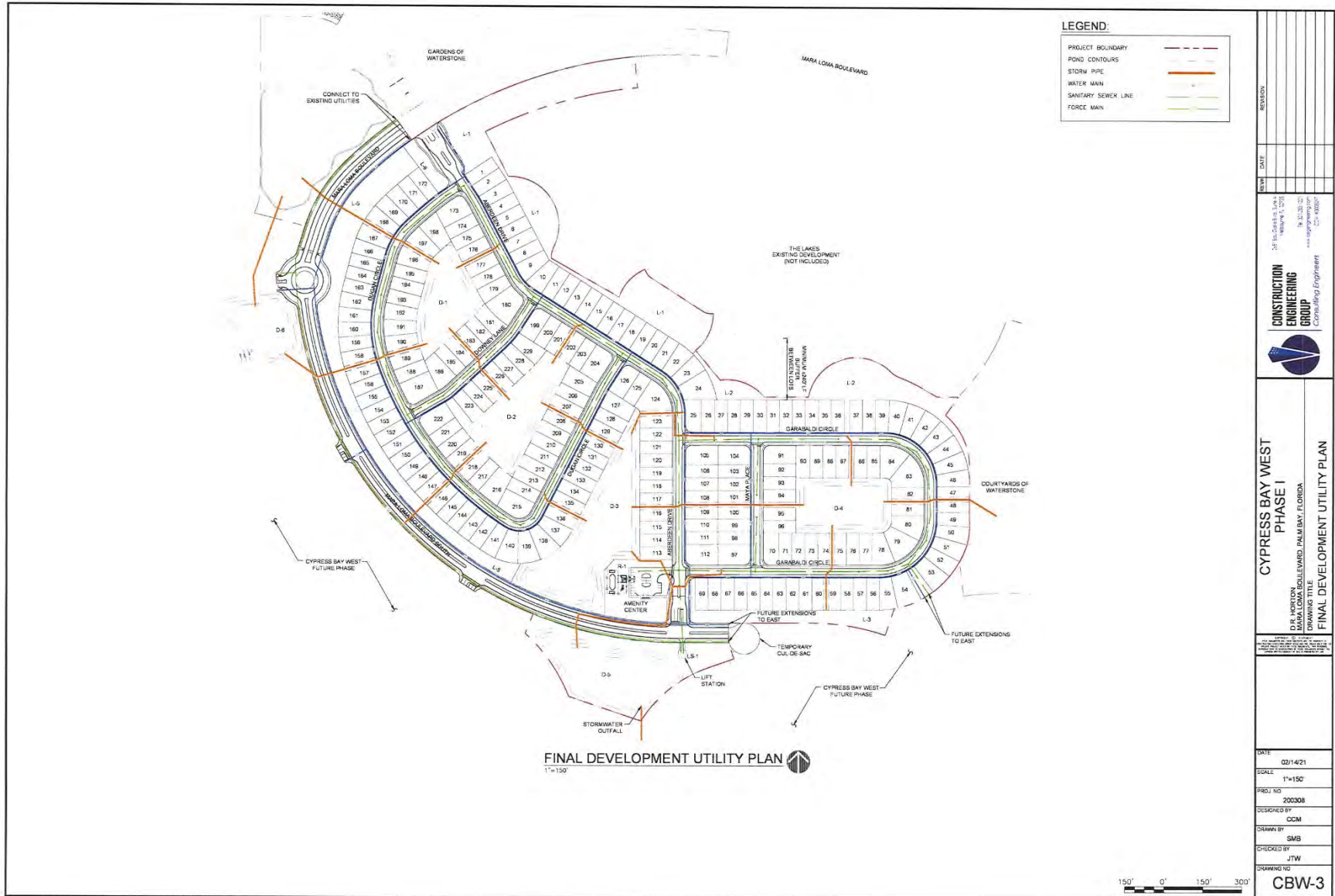
SETBACKS	PROPOSED	LOT COVER
FRONT	25 FT	50'x125' LOTS = 229
SIDE	5 FT	MAXIMUM BUILDING HEIGHT
REAR	20 FT	2 STORY 25 FT
SIDE CORNER	15 FT	MINIMUM WIDTHS
		SIDEWALKS: 5 FT

CALCULATED STORMWATER BASIN COVERAGE			
IMPERVIOUS	SIZE	ACRES	PERCENT
RESIDENTIAL (60%)	961,948	22.08	29
ROADWAYS/SIDEWALKS	499,723	11.47	15
RECREATIONAL AREA	74,035	1.70	2
TOTAL IMPERVIOUS	1,535,706	35.26	46
PERVIOUS	1,405,674	32.27	41
POND	431,820	9.91	13
TOTAL:	3,373,200	77.44	100

OPEN SPACE REQUIREMENTS	
OVERALL AREA (77.43 ACRES):	
COMBINED ON-SITE PONDS (D-3 AND D-5)	7.04 AC
OPEN SPACE	12.11 AC
RECREATION AREA	1.33 AC
PROVIDED	19.53 AC
REQUIRED	19.38 AC

[illegible]





A SUBDIVISION LYING IN SECTIONS 4 & 5, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.
BEING A PORTION OF SECTION 4 AND A "REPLAT" OF A PORTION OF LOTS 32 & 33, SECTION 5, "SAN-SEBASTIAN FARMS"
RECORDED IN PLAT BOOK 6, PAGE 77 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

© 2003 Blackwell Publishing Ltd *Journal of Internal Medicine* 253: 105–112

A PORION OF LAND BEING A PORTION OF SECTION 30, TOWNSHIP 30 SOUTH, RANGE 27 EAST, BREVARD COUNTY, FLORIDA, AND A PORTION OF LOT 24 AND LOT 25 OF BARR-NEWMAN FARM, SECTION 5, TOWNSHIP 30 SOUTH, RANGE 27 EAST, ACCORDING TO THE PLAT THEREOF, AS REQUIRED IN PLAT BOOK 8, PAGE 7 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF PLAT.

NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF DAVENPORT COUNTY, FLORIDA.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THE LIMITED LIABILITY COMPANY NAMED BELOW, BEING THE OWNER IN FEE SIMPLE OF THE LANDS DESCRIBED IN:

CYPRESS BAY WEST - PHASE 1

HCREY DEDICATES SAID LANDS AND PLAT FOR THE USES AND PURPOSES THEREON EXPRESSED AND DEDICATES ALL PUBLIC UTILITY EASEMENTS AS DESCRIBED HEREON TO THE CITY OF PALM BEACH FOR THE PERPETUAL USE AND ENJOYMENT OF THE CITY OF PALM BEACH. THE CITY OF PALM BEACH, WARA LOMA BOULEVARD (PUBLIC RIGHT OF WAY) SHOWN ON TRACT 127-11-1 AND HCREY FURTHER DEDICATES TO THE CITY OF PALM BEACH A PERPETUAL EASEMENT OVER AND ACROSS THE RIGHTS OF WAY OF ALL PRIVATE STREETS AND ROADS SHOWN HEREIN (WHICH PRIVATE RIGHTS OF WAY WERE DESCRIBED HEREON AS TRACT 127-11-1) FOR INGRESS AND EGRESS TO AND FROM THE SAID TRACT 127-11-1. OTHER EASEMENTS ARE HEREBY DEDICATED OR GRANTED TO THE PUBLIC. IT BEING THE INTENTION OF THE UNDERSIGNED THAT OTHER EASEMENTS AND COMMON AREAS SHOWN HEREIN BE PRIVATELY OWNED AND MAINTAINED AND THAT THE PUBLIC AND THE CITY OF PALM BEACH HAVE NO RIGHT OR INTEREST THEREIN.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS CAUSED THESE PRESENTS
TO BE EXECUTED ON THE DATE SET FORTH BELOW

BY: _____ X000000000X0000XX
J0000X00000X 1234 STREET
AS AUTHORIZED REPRESENTATIVE MELBOURNE, FLORIDA 329XX
AND MANAGER PHONE #: (321) 123-1234

Witness 1: _____ Witness 2: _____

Print: _____ Print: _____

STATE OF FLORIDA COUNTY OF BREVARD

THIS IS TO CERTIFY THAT THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS
DAY OF _____ 2021 BY XXXXXXXXXX, AS AUTHORIZED
REPRESENTATIVE AND MANAGER OF XXXXXXXXXXXXXXX, A FLORIDA LIMITED LIABILITY
COMPANY, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED
_____ AS IDENTIFICATION.

Notary Public _____

My Commission Expires: _____

CERTIFICATE OF PLATTING SURVEYOR
KNOWN ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED BEING A

LICENSED AND REGISTERED LAND SURVEYOR AND MAPPER, DOES HEREBY CERTIFY THAT ON 06/08/2020, 2021 HE COMPLETED THE BOUNDARY SURVEY OF THE PLATTED PARCEL AND DEDICATED THE BOUNDARY LINES OF THE PLATTED PARCEL ARE TRUE AND CORRECT REPRESENTATION OF SUCH LINES IN ACCORDANCE WITH SAID BOUNDARY SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT PERMANENT REFERENCE MONUMENTS (P.R.M.'S), PERMANENT CONTROL POINTS (P.C.P.'S), AND MONUMENTS ACCORDING TO SECTION 17.09P(1), F.S., HAVE BEEN PLACED AS REQUIRED BY LAW; AND, FURTHER, THAT THE SURVEY COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 122, F.S., AND THE RULES, AMENDMENTS,

DATED: MARCH 10, 2021

ROBERT R. DERRER, JR., P.L.S. NO. 3982
HORIZON SURVEYORS OF CENTRAL FLORIDA, INC.

CERTIFICATE OF REVIEWING SURVEYOR

I HEREBY CERTIFY, THAT I HAVE REVIEWED THE FOREGOING PLAN AND FIND THAT IT IS IN CONFORMITY WITH CHAPTER 177, PART 1, FLORIDA STATUTES.

DATE: _____

JOSEPH N. HALE, LS 6366
REVIEWING SURVEYOR FOR THE CITY OF PALM BAY

CERTIFICATE OF APPROVAL
BY MUNICIPALITY

ATTEST:
THIS IS TO CERTIFY, THAT ON _____

APPROVED THE FOREGOING PLAY.

CITY CLERK _____

CERTIFICATE OF CLERK

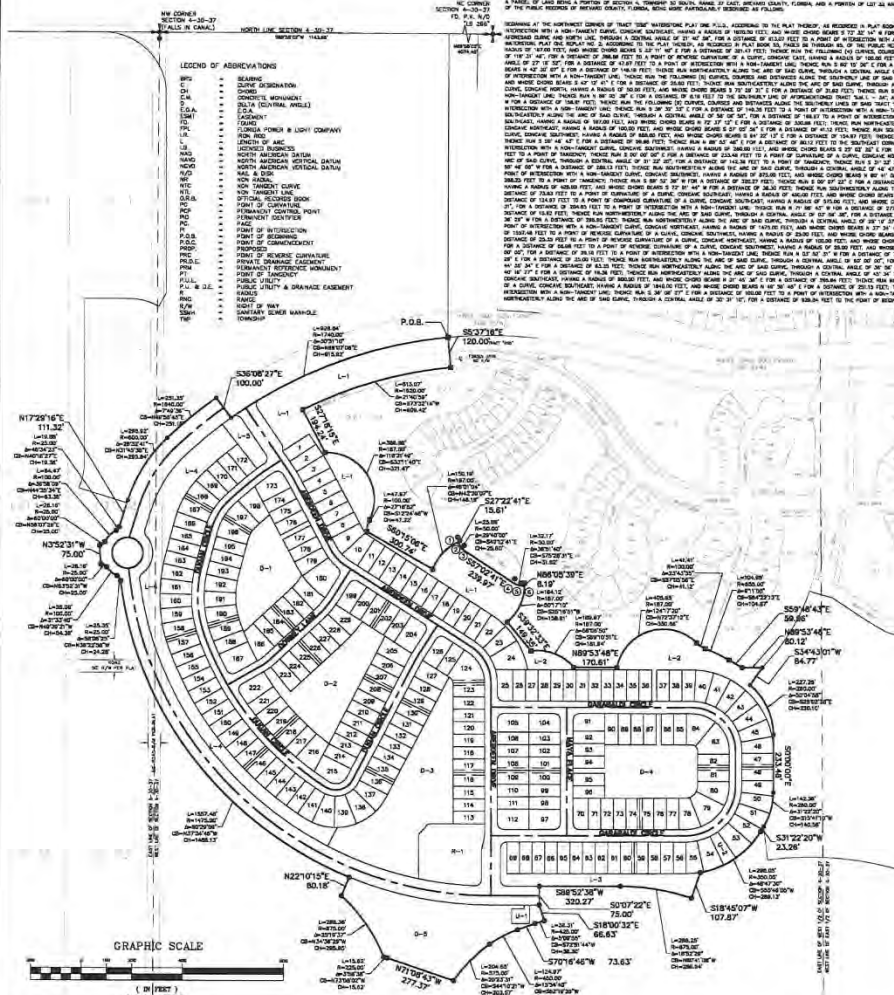
HEREBY CERTIFY, THAT I HAVE EXAMINED THE FOREGOING PLAT AND FIND THAT IT COMPLIES, IN FORM, WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES AND WAS FILED FOR RECORD ON

AT

FILE # _____

CLERK OF CIRCUIT COURT
IN AND FOR BREVARD COUNTY, FLORIDA

--	--



PRELIMINARY PLAT OF
CYPRESS BAY WEST - PHASE 1

A SUBDIVISION LYING IN SECTIONS 4 & 5, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.
 BEING A PORTION OF SECTION 4 AND A "REPLAT" OF A PORTION OF LOTS 32 & 33, SECTION 5, "SAN-SEBASTIAN FARMS",
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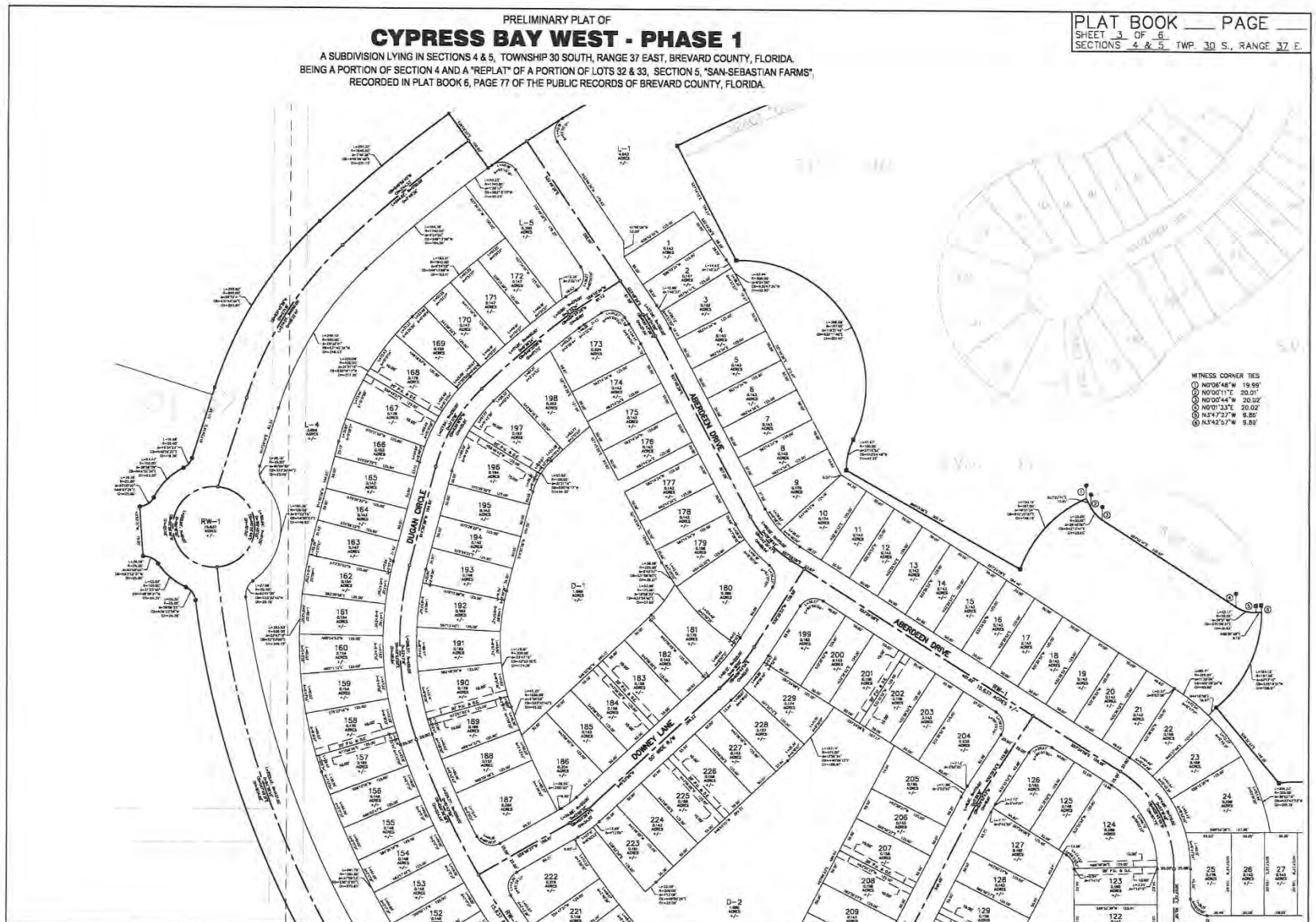
PLAT BOOK PAGE
 SHEET 2 OF 6
 SECTIONS 4 & 5 TWP. 30 S., RANGE 37 E.



PRELIMINARY PLAT OF
CYPRESS BAY WEST - PHASE 1

A SUBDIVISION LYING IN SECTIONS 4 & 5, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.
 BEING A PORTION OF SECTION 4 AND A "REPLAT" OF A PORTION OF LOTS 32 & 33, SECTION 5, "SAN-SEBASTIAN FARMS",
 RECORDED IN PLAT BOOK 6, PAGE 77 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PLAT BOOK PAGE
 SHEET 3 OF 6
 SECTIONS 4 & 5 TWP. 30 S., RANGE 37 E.



PRELIMINARY PLAT OF
CYPRESS BAY WEST - PHASE 1

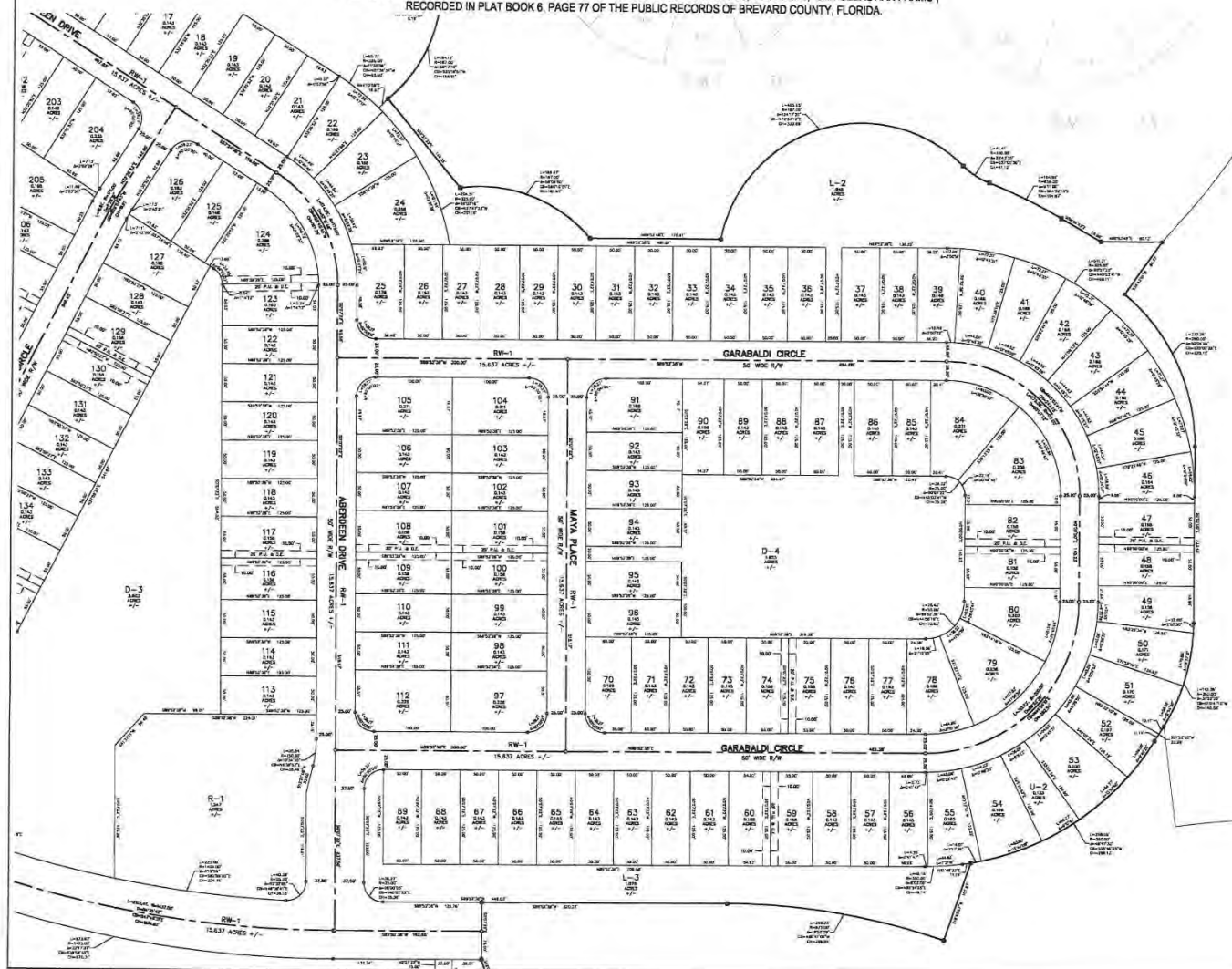
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**CYPRESS BAY WEST Phase 1
Final Development Plan Application
Compliance and Justification Narrative Report**

**Prepared by:
Rochelle W. Lawandales, FAICP
Waterstone Development Company, LLC**

February 25, 2021

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

PROJECT: CYPRESS BAY WEST PHASE 1 AT WATERSTONE

Cypress Bay West Phase 1 is a 229 lot single family subdivision with supporting infrastructure and site improvements including vehicular access, sidewalks, pedestrian/exercise trails, a future amenity center, landscaping, utilities, and stormwater to be located at the west end of the existing Mara Loma Boulevard contained within 77.4 acres +/- . All lots are 50' by 125' in size. Map A shows the project location.

PROPERTY OWNER: Waterstone Farms, LLC

APPLICANT: DR HORTON and Waterstone Farms, LLC

EXISTING ZONING: Planned Unit Development

FUTURE LAND USE: Predominately Single Family Residential land use with some Multi-family residential acreage. The proposed use is for all single family residences, which are allowed under the City's Multi-family category.

REQUEST:

The applicants seek approval for a Final Development Plan in an existing PUD district zoning for a project to be called "Cypress Bay West Phase 1 at Waterstone", which is a portion of the prior approved Waterstone Master development plan located west of the Lakes of Waterstone.

This document provides the Compliance and Justification narrative for the Cypress Bay West Phase 1 Final Development Plan (FDP) application. While not required for the FDP, the applicants submit this as competent substantial evidence to support findings of facts for the Planning and Zoning Board and City Council to make in approving the application.

EXECUTIVE SUMMARY

Property owned by Wheeler Farms was annexed into the City in 2004 via Ordinance 2004-35 totaling 1167 acres. The original Future Land Use amendment designating all the lands single family residential was accomplished in 2004 via Ordinance 2004-52 and 1800 residential units could be placed on either Waterstone (west of Babcock Street) or the original acres owned by Wheeler on lands currently known as Cypress Bay Preserve (east of Babcock Street). Site specific conditions were placed on the amendment in Ordinance 2004-48, in Policy FU 8.3 (G), adopted the same date as Ordinance 2004-52. Between 2005 and 2018, a series of 37 future land use map amendments have been made bringing the total units entitled for construction to be over 2,500. The Table 1 below shows the current entitlements.

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

Table 1
Current Residential Entitlements

WATERSTONE AND CYPRESS BAY			
ORIGINAL APPROVALS		WESTSIDE*	EASTSIDE*
As of October 2014 David Watkins' letter		2191	1058**
Less platted (Heron Bay and Lakes)		-296	
Total as of October 2014 David Watkins' letter		1895	1058
Number adjustments required for City failure to process small scale amendments by Divosta:			
		-417	
Less 41 acreage as multifamily @ 10 units per acre			
Plus 41 acres single family @1.5 units/ac		60	
Revised Total as of 2017		1538	1058
2018 and 2019 MODIFICATIONS			
Cypress Bay Farms Residential PUD	(FD 18-2018/ Ord 2019-02 APPROVED JANUARY, 2019)		-396
Courtyards PD	(FD-19-2019/Ord 2019-69 APPROVED JANUARY 2, 2020)	-201	
Waterstone Small Scale Amendments from SF to MF totalling 16.487 acres @ 10 units/ac	(CP-6-7-8-2018 approved by Ordinances 2018-20, 21, 22)	165	
Transfer of 300 to West Side per Original approval and David Watkins letter		300	-300
GRAND TOTAL ALL UNITS AS OF JUNE, 2020		1802	362
*WESTSIDE refers to the area on the west side of Babcock Street known as Waterstone (including Waterstone Farms, LLC and Waterstone Holdings, LLC)			
*EASTSIDE refers to the lands on the east side of Babcock Street referred to Cypress Bay owned by Cypress Bay Farms, LLC			
**300 original units were able to go to west side.			

The Project underwent an ownership change and Pulte (Divosta Division) brought forth a Final Development Plan for the 1167 acres and obtained Final Development Plan approval and PUD zoning in 2005 (See Map C) and began to permit, develop and complete several phases, including Heron Bay and the Lakes of Waterstone, which included 296 units, an elementary school site, and recreational amenities which are built and sold out today. The approval also included concurrency for 900 units, water and sewer, and other infrastructure. Map D shows the original development plan, and the area now proposed for the Cypress Bay West Phase 1.

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

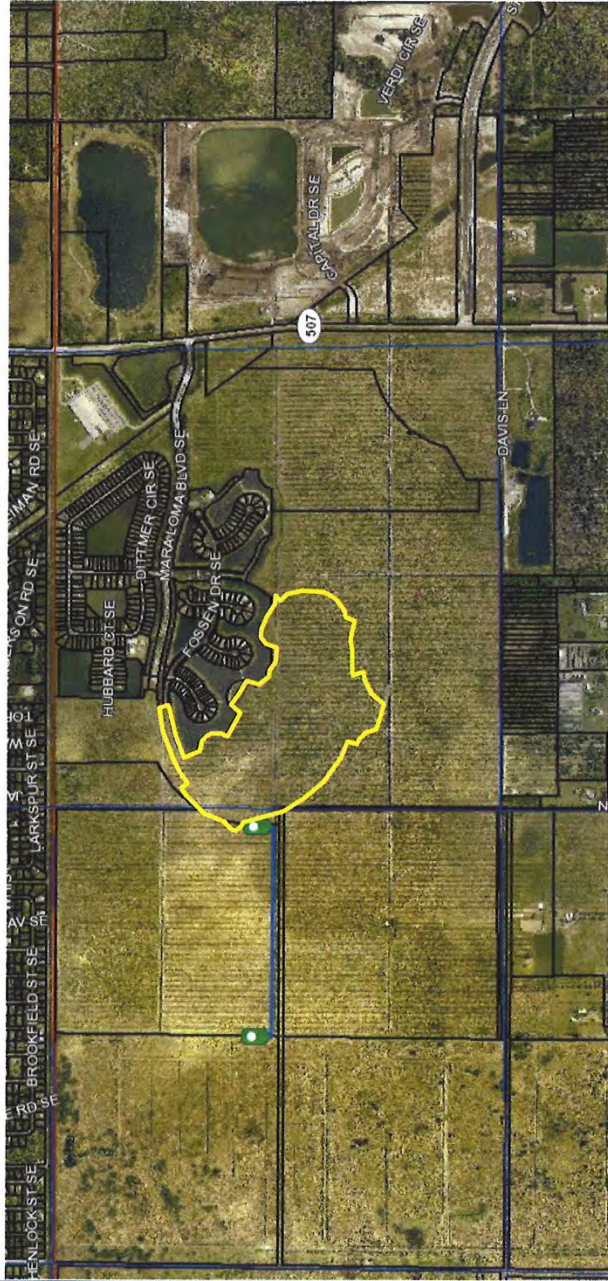
Recent projects will include the Gardens at Waterstone Phase 1, 154 single family units, and this current application for 229 units at Cypress Bay West Phase 1.

Total unit count as of November, 2020:	1802 units
Less Gardens at Waterstone Phase 1:	154 units (44 acres)
Less Cypress Bay West Phase 1:	<u>229 units (77 acres)</u>
New Unit entitlement:	1648 units

This new application petitions the City for approval of a Final Development Plan for Cypress Bay West Phase 1, a 229 lot 78+/- acre single family subdivision. Construction would begin after approval of a Final Development Plan, Plat and construction plans and the developer obtaining all permits. Map E shows the design, layout, vehicular and pedestrian circulation, open space, utilities, and stormwater system to meet the code requirements. Full sets of plans are submitted under separate cover by the project engineer, CEG, Inc.

MAP A
LOCATION MAP

Aerial Photo-Location Map
CYPRESS BAY WEST PHASE 1



Approximate location of project. Not to Scale. Graphic Exhibit only.

Measure Distance



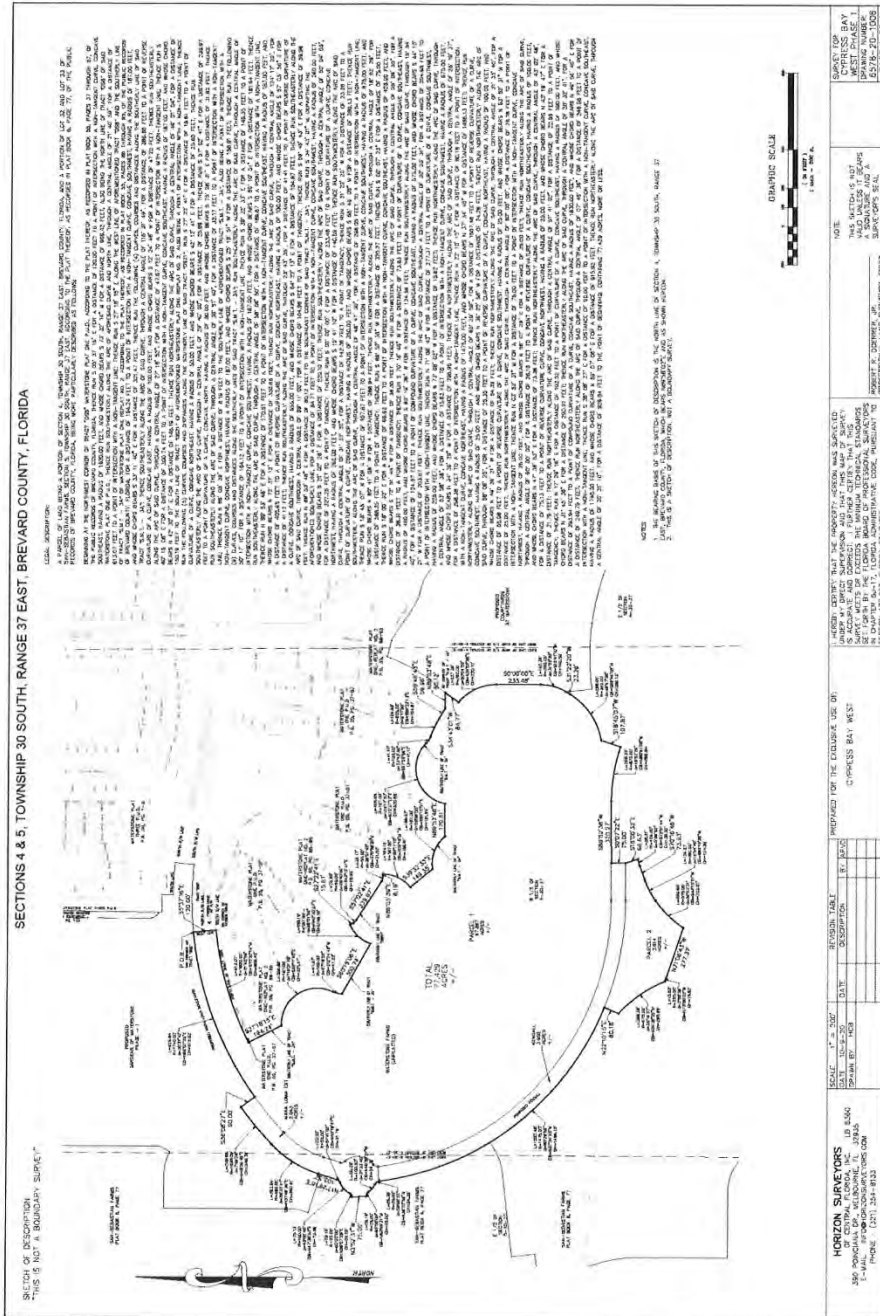
2,402.9 Feet

Feet



Click two or more points on map to draw a line. Double-click last point to end line.

MAP B
BOUNDARY SKETCH AND LEGAL



CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

Palm Bay, and with the roadway network now available and more residential units being planned and constructed, the demand for and support of commercial ventures will rise.

A three mile water and sewer main running along Babcock Street from Valkaria Road south to Mara Loma Boulevard was installed completely at the developer's expense for the Waterstone project. In addition, when Mara Loma Boulevard was extended west from Babcock Street approximately 2,600 feet, large force mains, water mains, and three sewer lift stations were installed. All totaled, over \$10 million has been spent over the course of time on infrastructure improvements, including Mara Loma Blvd., 3 lift stations and utilities, permits, traffic/planning/environmental studies, stormwater management, environmental mitigation, and dedication of Rights-of-Way for the Parkway, among other items for the Waterstone project. The City has made commitments to assure future capacity through wastewater plant expansions.

Additionally, over the last 3 years, numerous meetings regarding the Waterstone/Cypress Bay master plans, transportation and infrastructure requirements and improvements, utility needs and extensions, have been held not only with Palm Bay officials and staff, but also with Brevard County, FDOT, Florida Power and Light, environmental regulatory agencies, and others to assure not only the highest quality product, but one that also will be a signature project for the City of Palm Bay.

The remaining land outside of the first phases developed by Pulte Homes is under the ownership of Waterstone Farms, LLC, and Waterstone Holdings, LLC. These companies have been working diligently over the last 10 years and have:

1. Obtained environmental permits from the Army Corps of Engineers and conceptual SJRWMD for the proposed residential areas of Waterstone;
2. Submitted traffic studies to the City and County for the developments planned for Waterstone;
3. Performed a signal warrant study for the Babcock/St. Johns Heritage Parkway (SJHP) intersection; and submitted requests for County permits for driveways and an access management plan for Babcock Street;
4. Obtained Final SJRWMD permits for the Waterstone Commercial Center;
5. Obtained Final PUD approval for Waterstone (lands west of Babcock) in January, 2018;
6. Obtained Conceptual SJRWMD permits for 803 acres under a master stormwater system (on file with SJRWMD);
7. Obtained Final PUD approval for a 283 lot subdivision called the Gardens Phase 1 at Waterstone on June 7, 2018;
8. Obtained Final SJRWMD permit for 101 acres, covering the Gardens Phase 1 at Waterstone, for a the stormwater system to serve the subdivision;
9. Obtained Final PUD approval for 201 lot subdivision called 'Courtyards at Waterstone' in January, 2020. That project is under construction.
10. Obtained Final Development Plan approval for Gardens Phase 1 at Waterstone' in December, 2020.

On January 18, 2018, Waterstone Holdings, LLC, Waterstone Farms, LLC and DR Horton, as co applicants, obtained approval of a revised Final Development Plan amending the 2005 Master Plan for the 763 +/- acres of undeveloped property on the west side of Babcock Street for a 1770 unit residential development. This approval included the Waterstone Commercial Center containing 133 acres fronting Babcock Street and Waterstone at Palm Bay consisting of 604 acres west of the commercial center,

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

south and west of The Lakes at Waterstone and Heron Bay communities for a series of residential subdivisions.

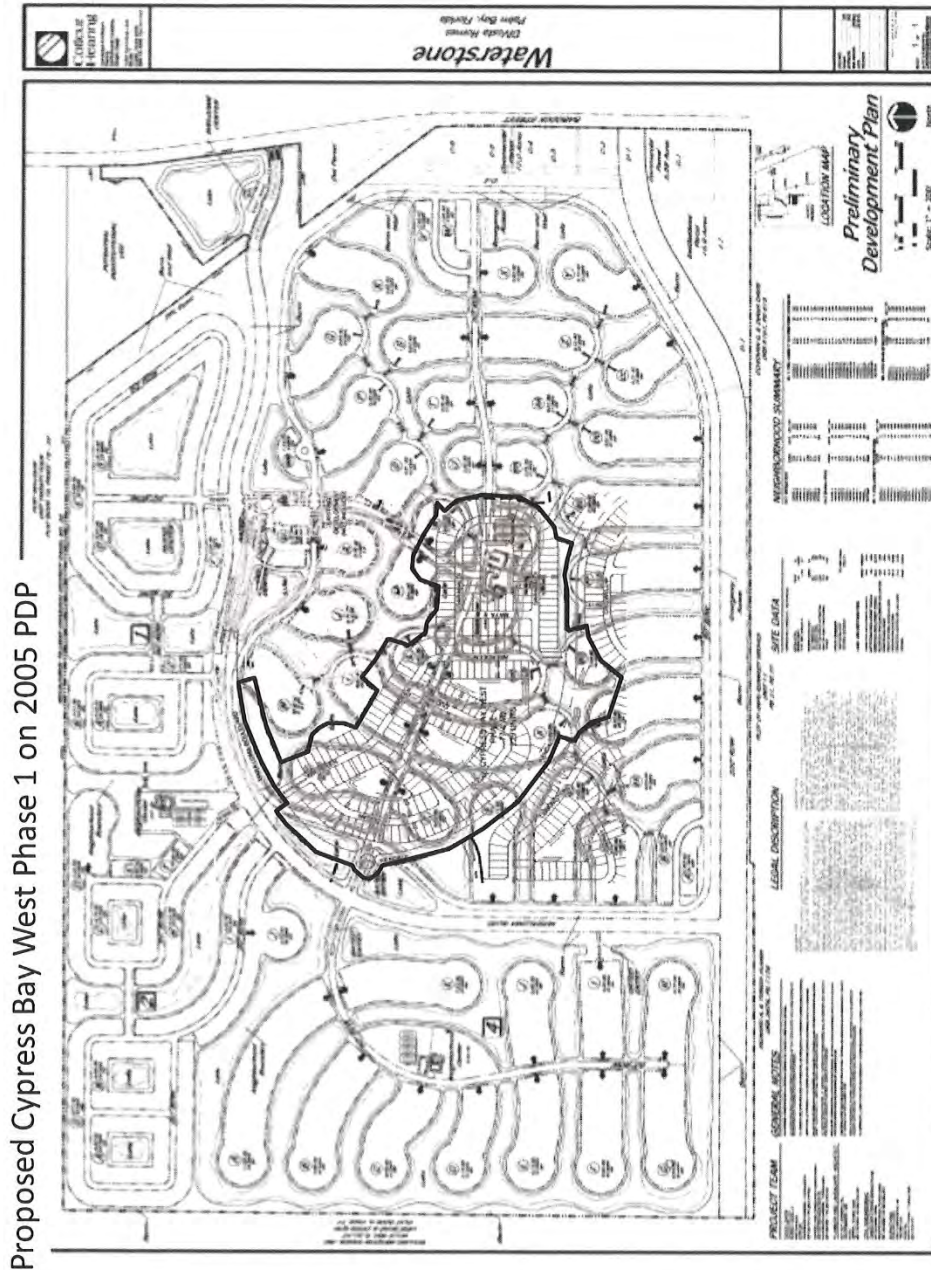
Final Development Plan/Final Plat approval was granted by City Council action on June 7, 2018 for the 'Gardens Phase 1 at Waterstone', a phase of Waterstone in the northwest segment. That project was not adopted properly by the City and became void, rendering the 2018 revised Final Development Plan void and maintaining the 2005 adopted plan.

Map D shows the new proposed Cypress Bay West Phase 1 at Waterstone overlaid on the existing approved Waterstone Final Development Plan.

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

MAP D

ORIGINAL FINAL DEVELOPMENT PLAN FOR WATERSTONE AT PALM BAY WITH APPROXIMATE
LOCATION OF CYPRESS BAY WEST PHASE 1



*Approximate location. Not to scale. Graphic exhibit only.

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

FINAL DEVELOPMENT PLAN (Map E) for 'CYPRESS BAY WEST PHASE 1 OF WATERSTONE'

Cypress Bay West Phase 1 is a 229 lot subdivision, containing all 50' X 125' lots. The project will use a new access point to be created off an extended Mara Loma Boulevard onto a new private road to be called Aberdeen Drive. There are utilities available to service the development and Waterstone retains County traffic concurrency for 249 remaining units to be used by this project.

The following discussion relates specifically to this proposed subdivision and application. Map E shows the proposed Cypress Bay West Phase 1 Final Development Plan. The project data table, Table 2, identifies the number and type of lots, percentages for categorical site areas and improvements, and open space, showing our compliance with the codes for information to be included on a final development plan and open space requirements.

**Table 2
PROJECT DATA TAKEN FROM MAP E**

PROJECT DATA:

GENERAL STATEMENT:
 THE PROPOSED PROJECT CONSISTS OF INFRASTRUCTURE AND SITE IMPROVEMENTS TO ACCOMMODATE A 229 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION INCLUDING VEHICULAR ACCESS, SIDEWALKS, PEDESTRIAN/EXERCISE TRAILS, A FUTURE AMENITY CENTER, LANDSCAPING, WATER, SEWER AND STORMWATER SYSTEMS. IT PROPOSES TO EXTEND MARA LOMA BOULEVARD TO A NEW ROUND-ABOUT AND THEN BECOME KENDALL CIRCLE.

DEVELOPER:
 DR HORTON, LLC.
 1430 CULVER DR NE
 PALM BAY, FL 32907
 TEL: (321) 953-3105

CIVIL ENGINEER/APPLICANT:
 JAKE T. WISE, P.E.
 2651 EAU GALLIE BLVD, SUITE A
 MELBOURNE, FLORIDA 32935
 TEL: (321) 610-1760
 E-MAIL: JWISE@CEENGINEERING.COM

SURVEYOR:
 AAL LAND SURVEYING SERVICES, INC.
 3970 MINTON ROAD
 WEST MELBOURNE, FL 32904
 TEL: (321) 788-8110

LOCATION:
 SECTION: 04
 TOWNSHIP: 30
 RANGE: 37E
 PARCEL ID: 30-37-04-00-500
 TAX ACCOUNT: 3000216

SETBACKS	PROPOSED:	LOT COUNT:
FRONT:	25 FT	50'x125' LOTS = 229
SIDE:	5 FT	MAXIMUM BUILDING HEIGHT:
REAR:	20 FT	2 STORY: 25 FT
SIDE CORNER:	15 FT	MINIMUM WIDTHS:
		SIDEWALKS: 5 FT
		RIGHT-OF-WAY WIDTH: 50 FT

CALCULATED STORMWATER BASIN COVERAGE:

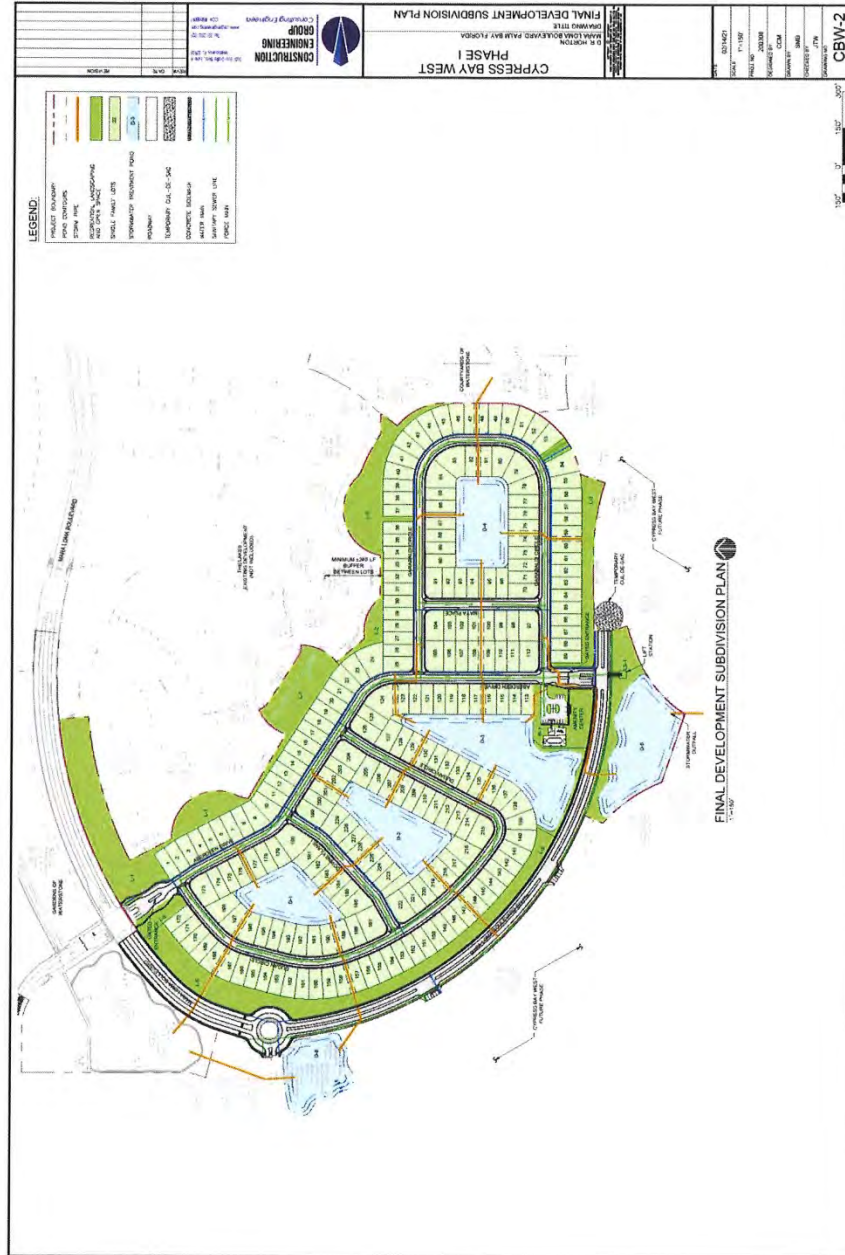
IMPERVIOUS:	SF	ACRE	PERCENT
RESIDENTIAL (60%):	967,490	22.21	29
ROADWAYS/SIDEWALKS:	523,903	12.03	15
RECREATIONAL AREA:	71,003	1.63	2
TOTAL IMPERVIOUS:	1,562,396	35.87	46
PERVIOUS:	1,477,335	33.91	44
POND:	337,199	7.74	10
TOTAL:	3,376,930	77.52	100

OPEN SPACE REQUIREMENTS:
OVERALL AREA (77.43 ACRES):

COMBINED ON-SITE PONDS (D-3 AND D-5):	4.79 AC
OPEN SPACE:	12.03
RECREATION AREA:	2.71 AC
PROVIDED:	19.53 AC
REQUIRED:	19.36 AC

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

MAP E
PROPOSED FINAL DEVELOPMENT PLAN FOR CYPRESS BAY WEST PHASE 1 SUBDIVISION



CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

DEVELOPMENT PHASING

As it currently stands, the project is one phase.

DEVELOPMENT SCHEDULE

The project will commence upon receipt of construction plan approval in 2021. It will take an estimated 3-4 years to build out with an anticipated take down of 90 to 115 units per year.

CONSISTENCY WITH THE COMPREHENSIVE PLAN and FUTURE LAND USE MAP

Based upon my knowledge of the City's Comprehensive Plan and its contents, Cypress Bay West Phase 1 Final Development Plan is consistent with the Goals, Objectives and Policies of the Comprehensive Plan and the Future Land Use Map. The City received a compliance determination for the initial approved land uses and subsequent amendments on the property. Those documents are on public record with the City and State Department of Economic Opportunity.

LAND USE

Map F, from the City's GIS system, shows a mix of Single Family and Multi-family Residential land uses within the project area. Single family uses are allowed within multi-family land use categories, making no future land use map changes necessary. Cypress Bay West Phase 1 is a single-family subdivision, including ancillary infrastructure, stormwater management, open space and recreational amenities. Stormwater or lands devoted to infrastructure can be done in any category. Therefore, the project site and single family uses are in conformance with the City's Comprehensive Plan, Future Land Use Map and Existing Zoning Map

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

Figure 1 below also shows the land uses within the City's Study Area Boundary taken from the Comprehensive Plan in the City's website. Figure 2 shows the project is contained within the urban service boundary.

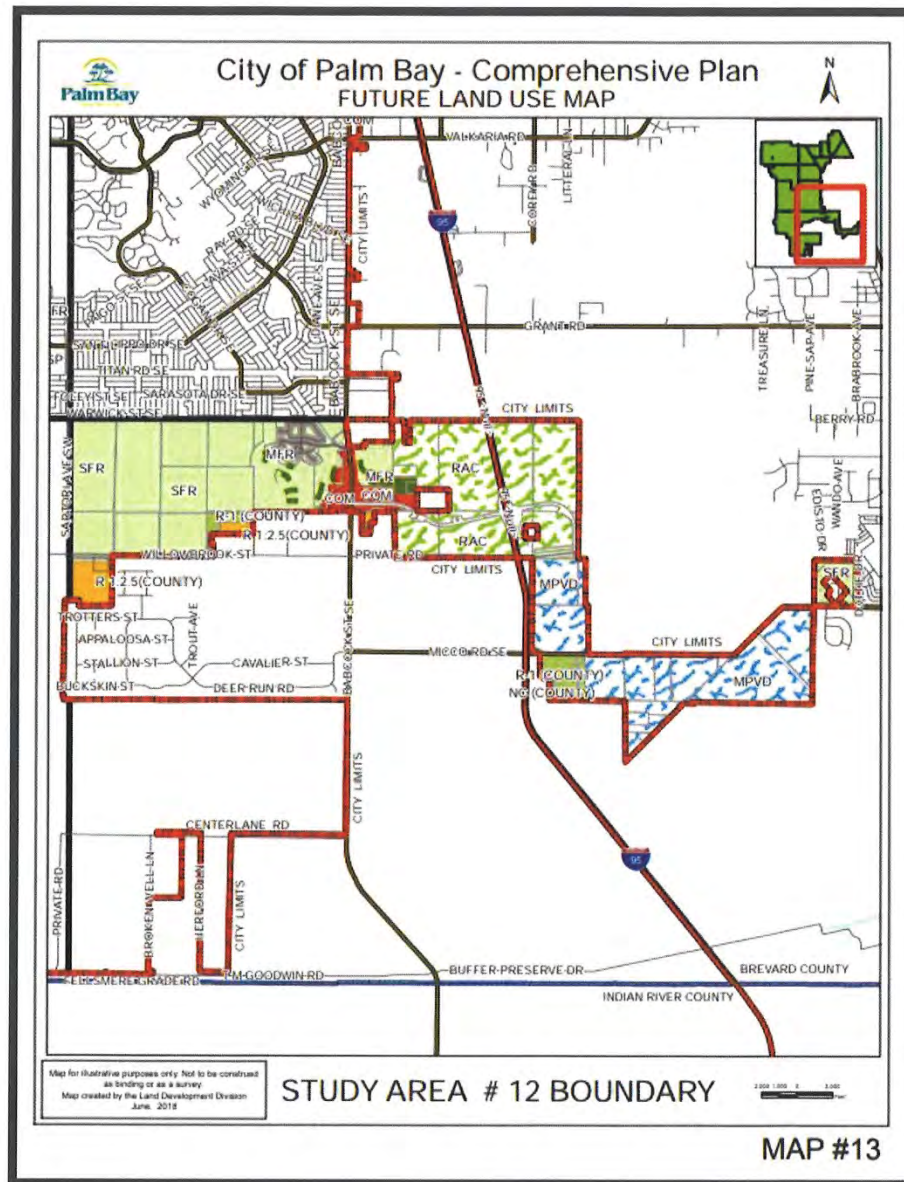


Figure 1: Future Land Use Map taken from the City's Comprehensive Plan on the City of Palm Bay Website, April, 2019

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

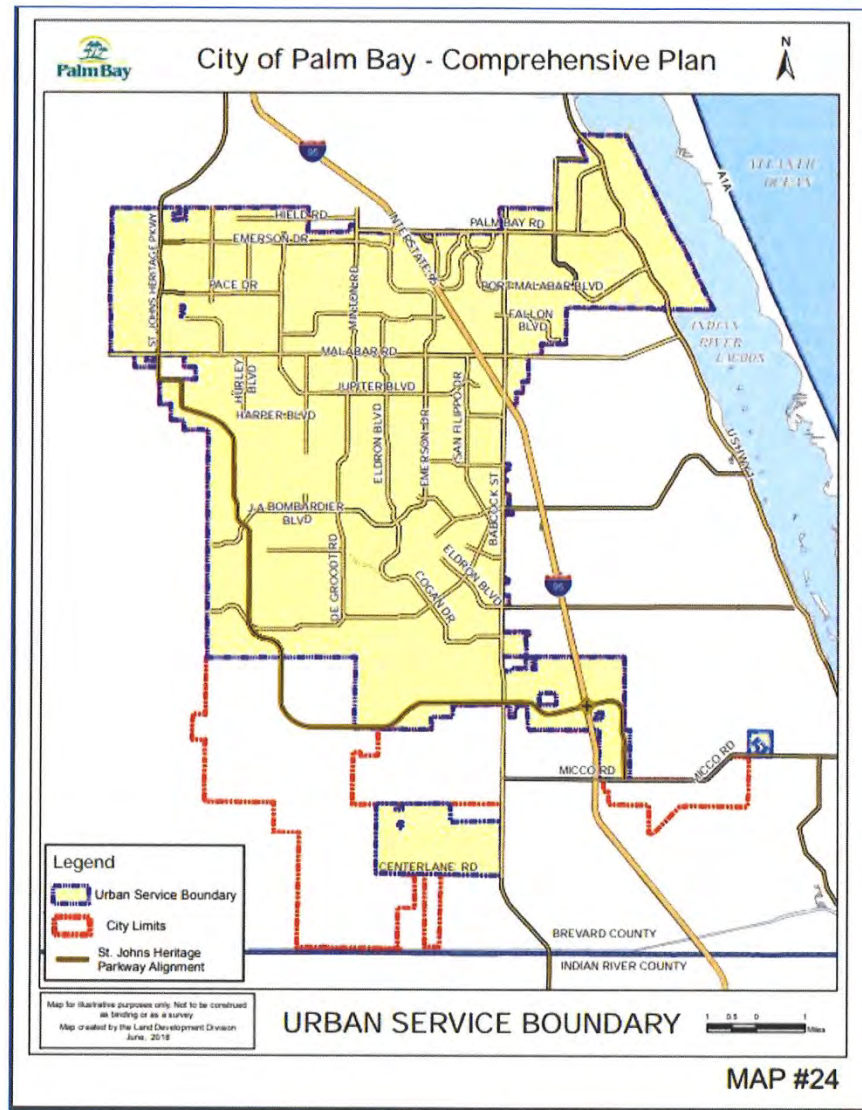


Figure 2 Urban Services Boundary Map adopted by the City in the EAR, October 2017; as shown on the City of Palm Bay website, April, 2019.

The following Objectives or Policies are implemented via this proposed development plan:

- OBJECTIVE FLU-1.3 Land Development Regulations shall provide for planned unit developments, planned commercial developments, planned industrial developments, planned residential developments, and mixed-use developments.

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

- POLICIES FLU-1.3A The City shall continue to implement Land Development Regulations for Planned Unit Developments.
- OBJECTIVE FLU-1.4 Establish an Urban Service Area to control urban sprawl.
 - POLICIES FLU-1.4A The Urban Service Area maps shall be adopted for the ten-year time frame of the Comprehensive Plan as depicted in the adopted Urban Service Boundary Map.
- OBJECTIVE FLU-2.1 By 2001, adopt land development regulations which create a full range of types and styles, including planned unit developments, multi-family housing, ranges of single family densities, and mixed use with residential/nonresidential consistent with the needs of all age groups, incomes and lifestyles.
 - POLICIES FLU-2.1A The Zoning Code shall be amended to provide for a variety of types and densities of residential development in conformance with this Element and the Future Land Use Map.
 - POLICIES FLU-2.1B Continue to utilize Planned Unit Development (PUD) techniques to protect environmentally sensitive areas, protect amenities, and mitigate flood hazards.
- OBJECTIVE FLU-2.2 Residential development which can be served by public and community services meeting all LOS standards.
 - POLICIES FLU-2.2A Base residential development decisions on the adopted LOS standards for community facilities and services, the Future Land Use Map, and the policies of the Comprehensive Plan.
 - (Original Wheeler) FLU-8.3G The following special conditions shall be applicable to Case No. CP-12-2003 adopted by City Council as Ordinance No. 2004-52.
 1. Maximum residential density is capped at 1,800 residential units. **(THIS HAS INCREASED OVER TIME DUE TO 37 LAND USE AMENDMENTS)**
 2. A future school site be designated on the property at a suitable location and of suitable size as determined by negotiation between the developer and the Brevard County School Board. **(SCHOOL SITE CONSTRUCTED-SUNRISE ELEMENTARY)**
 3. The developer is required to identify and apply for the necessary Future Land Use Map amendment to provide commercial and public/semipublic uses necessary to service the proposed development within 5 years or prior to development of 600 units, whichever occurs first. **(133+/- ACRES HAVE BEEN DESIGNATED FOR COMMERCIAL LAND USE)**

CITIZEN PARTICIPATION/COUNTY COORDINATION

Several meetings have been held with the existing HOA's of Waterstone, and a Neighborhood meeting was held for the Cypress Bay West Phase 1 Preliminary Development Plan phase of the project. Minutes were provided to the City. Labels for notifying everyone within 500' are provided to the City for mailing the courtesy notice.

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

JOINT PLANNING AGREEMENT

The City's Growth Management staff regularly distributes the required courtesy copies of documents to the County planning staff pursuant to a 2016 Joint Planning Agreement.

UTILITIES

The development will connect to City water and wastewater. One additional lift station is proposed to be extended into the development from Mara Loma Boulevard to provide utility services. The City has long planned for an expansion to its wastewater plant and has made expansions to the water plant. The City recently approved the staff to proceed with planning/design/permitting of the expansion.

STORMWATER/DRAINAGE

The project will be required to meet all environmental resource and consumptive use permitting requirements in order to be constructed. All retention areas shall be owned and maintained by the residential homeowners association and shall be permitted through the Water Management District. During the construction plan phase, the project will be designed to meet all pre and post development stormwater management as currently by the various agencies and the City by obtaining all required permits.

ENVIRONMENTAL CONDITIONS

A former grove, there are no environmental issues, no trees, no habitat or endangered species, no wetlands, or other known environmental issues on the proposed subdivision's lands. The property was originally a citrus grove. It was later converted into the existing cattle pasture. The proposed project is designed to and will be consistent with the following Goals, Objectives and Policies of the City's Comprehensive Plan.

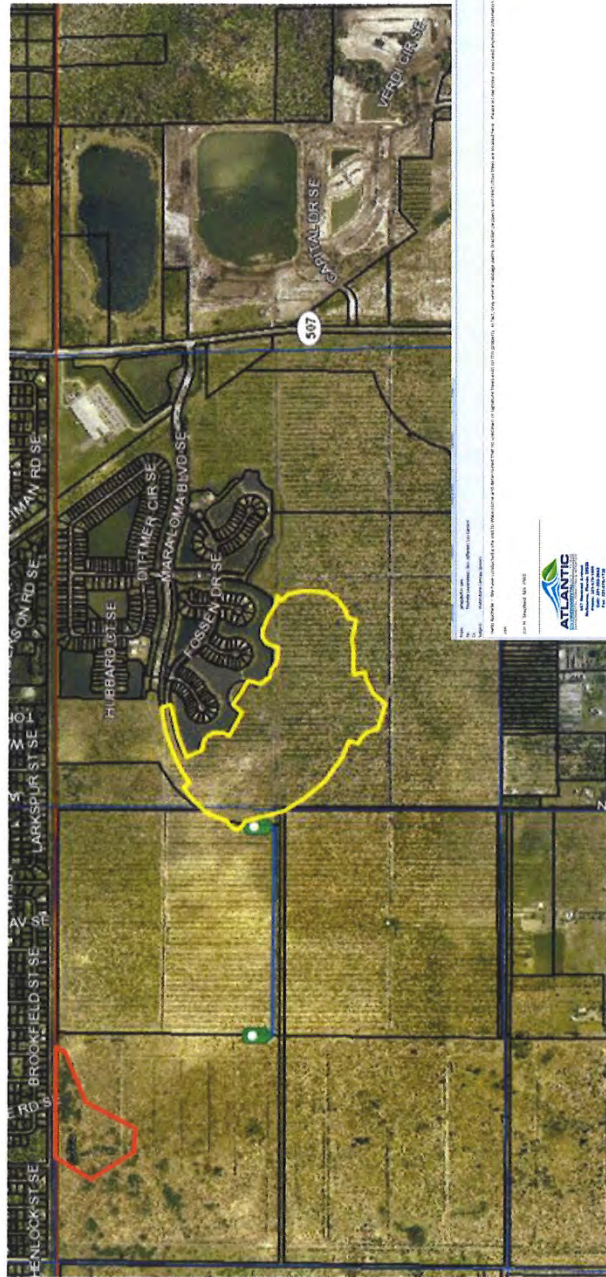
GOAL FLU-6 Wise and efficient use of the City's natural resources.

- OBJECTIVE FLU-6.1 An intensity and distribution of land use and development which minimizes the impact on the natural environment.
 - POLICIES FLU-6.1A Land use decisions shall be based upon the support capability of the natural environment as determined by conformance to the Floodplain Management Ordinance, the Stormwater Management and Conservation Ordinance, the Trees and Shrubbery Ordinance, and the Zoning Ordinance.

Map G, Environmental Conditions, shows via a recent aerial, the cleared land and current conditions of this project. A recent report provided by AES conducted for another Waterstone project states the possible existence, as determined by SJRWMD, of a Crested Caracara on adjacent property, over 2500' away, owned by others. The AES report demonstrates that there are no specimen or signature trees on the property.

Map G
Environmental Conditions

Environmental Conditions



AES Environmental Study of the Gardens at Waterstone Phase 1, a recent project in the vicinity, found no known habitats for any protected bird species. The email from Jon Shepherd, dated April 17, 2018, shows no specimen or signature trees. Of note, SJRWMD requested and provided a map, (emails and maps included in the AES report) a determination of the existence of the Crested Caracara, previously known to frequent the adjacent property, in an approximated area **shown in red**. The Cypress Bay West Phase 1 project (**shown in yellow**) is 2400' +/- away from the adjacent property.

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

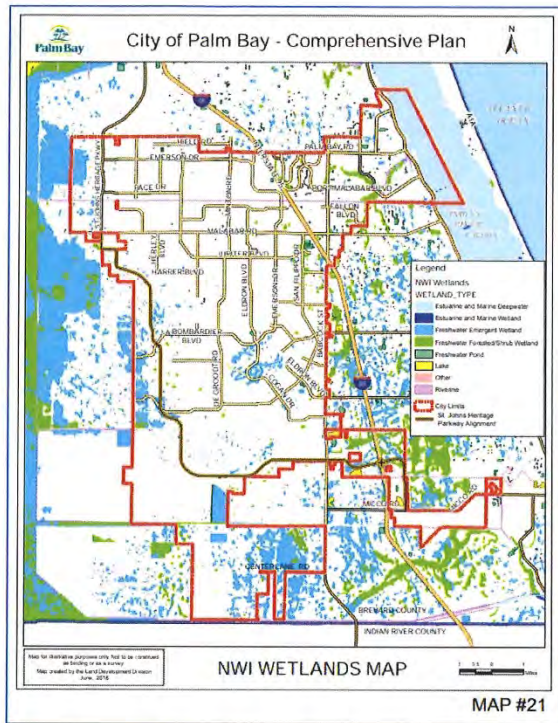


Figure 3 Comprehensive Plan Wetlands Map, dated June, 2018, taken from the City of Palm Bay's website, April, 2019

TRANSPORTATION CONCURRENCY AND MOBILITY

In 2005, traffic concurrency was approved by the City and County for 900 residential units, Sunrise Elementary School, and the current intersection of Mara Loma and Babcock St. Of those approved 900 units, 296 units have been used for Heron Bay and the Lakes of Waterstone. Courtyards at Waterstone used 201 units. From the 403 available, Gardens at Waterstone Phase 1 will use 154, and Cypress Bay West Phase 1 will use 229 units, leaving 20 units of the original 900. Street names have been approved by the Brevard County Address assignment office and are on file with the City's Planning Department.

The PD application requires a vehicular circulation plan, which is shown as part of the development plan. Owners of another nearby project called the Gardens at Waterstone Phase 1, PB & J Investments, LLC, are extending Mara Loma Boulevard from the current pavement west to go west of and past their proposed subdivision at Granger Circle. DR Horton will extend Mara Loma Boulevard past the intersection of their new subdivision on Aberdeen Drive. Aberdeen Drive will be a gated entry. Mara Loma Blvd is intended to stop at a new traffic circle west of Aberdeen Drive. It will continue with a new name: **Mara Loma Boulevard South**. Mara Loma Boulevard South will be brought south and east to connect with another new roadway entrance off the Babcock Street Intersection at the St. Johns Heritage Parkway to be called Journey Boulevard.

Figures 4 and 5 are taken from the City's Comprehensive Plan as found on the City's website. If the project is found to contain any wetlands, species or habitat, or be in a Flood Zone, the owner will comply with the various Fish and Wildlife, SJRWMD, FEMA or other agency requirements and obtain requisite permits.



Figure 4 Comprehensive Plan FEMA 100 Year Floodplain Map,

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

All streets within the Cypress Bay West Phase 1 project are to be private and amenities will be maintained by the Cypress Bay West 1 Homeowners Association, Inc. Mara Loma, as a 2 lane collector, has capacity and meets concurrency requirements to serve the new subdivision. The existing section of Mara Loma has been dedicated to the City. It has not yet been determined by the Developer whether the extension of the existing Mara Loma roadway will be dedicated to the City.

Traffic studies by Lassiter Transportation Group have been submitted by the owner to the City and County for Waterstone for all projects since 2006 and beyond. Those studies are on record with the Growth Management Department of the City of Palm Bay and Brevard County Public Works. A memorandum from Lassiter Transportation Group regarding the Waterstone project's concurrency is on file with the City. More recently, LTG conducted a Signal Warrant Analysis for the intersection of Babcock Street and Mara Loma which was submitted to the City and County for review and comment. Comments from the County are still pending.

SCHOOL CONCURRENCY

The owners worked with the School Board on land for an elementary school, and Sunrise Elementary is now open and serving the public. There are no other schools to be provided by Waterstone as a result of the proposed project. School Capacity and Concurrency applications have been completed by the applicant for this submittal. The City is responsible for submitting the application and required Local Determination form to the School Board.

OPEN SPACE/RECREATION/AMENITIES

Cypress Bay West Phase 1 will have a neighborhood park, passive recreation areas, all under control of the Cypress Bay West Phase 1 Homeowners Association, Inc. The recreation areas will be used by all homes in the Cypress Bay West Phase 1, and the future phases 2, and 3. However, part of the recreation area is being approved as part of Phase 1. Approximately 20 acres are dedicated to open space and recreation, including retention areas.

DEVELOPMENT STANDARDS AND GOVERNANCE

Section 185.061 (A) The planned unit development is a concept which encourages and permits variation in residential developments by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage, setbacks, open space, and other Land Development Regulations and open space from than required in any one (1) residential land use classification under the zoning regulations of the city. The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types as well as commercial uses designed to serve the inhabitants of the planned unit development. It is recognized that only through ingenuity, imagination and flexibility can residential developments be produced which are in keeping with the intent of this subchapter, while departing from the strict application of conventional use and dimension requirements of other zoning districts and subdivision regulations." (Source: City Code, American Legal Publishing)

The project's zoning of Planned Unit Development gives the owner the ability to establish and restrict the allowable uses within the project and set the development standards. This will be done through Declaration of Covenants, Bylaws and Articles of Incorporation for the Homeowners Association provided in the Final Development Plan application package submittal. There will also be areas that are dedicated to the public and governed by either a regulatory agency or local government (streets and

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

utilities). Subdivisions will be governed by the City and Chapter 177 Florida Statutes. Building permits and construction plan approval will be required by the City.

Therefore, this entire PUD has been creatively designed to assure a diverse mix of residential units and styles with non-residential, institutional, and commercial uses located along the Babcock frontage under separate ownership that serve the community and region. The Cypress Bay West Phase 1 will provide Deed restrictions with during construction plan permitting o provide for specific uses, development standards, architectural and site design features, required landscaping/ lighting/ signage/ materials, architectural review boards, maintenance, and the like. The project has been designed to be consistent with the Comprehensive Plan and Land Development Codes, and compatible with the surrounding area.

The following is a general overview of the proposed uses, as well as dimensional information.

GENERAL RESIDENTIAL USES

The proposed project is a subdivision within a planned unit development zoning district consisting solely of 229 single family homes on 50' X 125' (on average) lots, ancillary recreation, utilities, and infrastructure. Residential uses will be controlled by the Deed Restrictions which are submitted with this application for Final Development Plan approval. A Homeowner's Association will provide for maintenance.

Single Family Minimum Yard requirements (Setbacks):

All single family:

Front Yard:	25 feet
Rear Yard:	20 feet
Side yard:	5 feet
Side Corner:	15 feet
Pool Setback:	5 feet

Single Family Height: 2 stories (25 feet)

COMPATIBILITY WITH SURROUNDING AREA

The project is being placed on former groves and is a phase of a Master Planned community approved and started in 2005. Heron Bay and the Lakes of Waterstone are 2 subdivisions that have been constructed containing 296 units. Courtyards at Waterstone (201 units) is under construction. Gardens at Waterstone Phase 1 received Final Development Plan approval in December 2020, with construction anticipated to start by the 2nd quarter 2021, depending on permitting. Although different owners, all of these projects are similar in style, price, and lot sizes.

Homes on the Cypress Bay West Phase 1 50' lots will be 1600 square feet minimum. This project will be compatible in style, type, value, and amenities with its surrounding area, including the large scale planned Regional Activity Center 'Emerald Lakes; (approved in 2011 and 2016) and Cypress Bay PUD (2018) to the east. With over 1600 units remaining to be developed in the Waterstone project, the developers will not build any product that will destroy the future potential of various planned subdivisions. Therefore, the Cypress Bay West Phase 1 will be comparable to and compatible with the

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

remaining subdivisions with the planned development in size, scale, character, intensity, and design as well.

COMFORMANCE WITH LAND DEVELOPMENT CODE (REVIEW CRITERIA)

All of the lands in Waterstone are zoned Planned Unit Development. The applications submitted for the Cypress Bay West Phase 1 project received approval of the Preliminary Development Plan, which modifies the approved 2005 Master Development Plan. This submission seeks to obtain *approval of a Final Development Plan for the specific area of the Cypress Bay West Phase 1.*

This document and narrative demonstrates how the Cypress Bay West Phase 1 project is consistent with the Comprehensive Plan, compliant with Land Development Code, and meets the review criteria in Chapter 185.066 of the City's Code, warranting approval. Since the project is zoned Planned Unit Development Zoning, a rezoning is not required.

FINAL DEVELOPMENT PLAN COMFORMANCE WITH LAND DEVELOPMENT CODE (REVIEW CRITERIA)

This justification narrative is part of the documents submitted with the Final Planned Unit Development application materials and is provided as expert testimony for the record that the project is consistent with the Comprehensive Plan, compliant with Land Development Code, and that the project justified under the City's Land Development Code. The Planning and Zoning Board found that the project as proposed under the preliminary development plan met the review criteria in Chapter 185.066 of the City's Code, warranting approval.

The Cypress Bay West Phase 1 PUD submittal includes all the required documents and exhibits requested under the code and required as a condition of approval of the Preliminary Development Plan.

To reiterate, the justification provided and found to be favorable by the Planning and Zoning Board and City Council during the preliminary review phase were as follows:

(a) Degree of departure of proposed planned unit development from surrounding residential areas in terms of character and density.

JUSTIFICATION: Cypress Bay West Phase 1 is part of an approved project and plan that was given Planned Unit Development Zoning in 2005. The project is west of the built subdivisions of Heron Bay and southwest of the Lakes of Waterstone, which were begun by Pulte/Divosta around 2006. Completed with 296 homes and an elementary school, utilities are permitted, sized and installed to serve the entire planned development in lines run from Valkaria Road to Mara Loma Blvd, and 2600' feet of Mara Loma Blvd is constructed and dedicated. The Cypress Bay Preserve project, located across Babcock Street, was approved in 2019 and is owned by the same developers and contains the same type of amenities and design features. Therefore, there is complete compatibility with the existing surrounding developments.

Land use entitlements exist on 1200+/- acres straddling both sides of south Babcock Street. The proposed project is one of several large scale developments stimulated and supported by the new I-95 interchange and Parkway. Therefore, there is little departure from the current or proposed residential areas by the proposed project, which is in complete conformance with the character, density, and intensity of development approved by the State and City for this area.

(b) Compatibility within the planned unit development and relationship with surrounding neighborhoods.

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

JUSTIFICATION: Projects on adjacent lands have received City and/or State approval for similar mixed use, large scale developments with commensurate land use and zoning. As an extension of the original planned development, Cypress Bay West Phase 1 is compatible in size, scale, character, intensity, and design with both built subdivisions and future planned subdivisions.

(c) Prevention of erosion and degrading of surrounding area.

JUSTIFICATION: Cypress Bay West Phase 1 will meet all required agency permitting processes and procedures and create no off-site drainage issues. Final St. John's River Water Management District, FDEP, or other state agency Permits are required and will be filed with the City .

(d) Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the Final development plan.

JUSTIFICATION: The original Waterstone Development provided land for an elementary school, Sunrise Elementary, which is open and serving the public. There are no other schools to be provided by Waterstone. Cypress Bay West Phase 1 will have on site recreation amenities for use by its residents. All utilities will be planned for and installed by the developer(s), approved by the City, served by the City and permitted by the required Agencies. All required environmental permits will be obtained through the respective agencies. Currently, *ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT PERMIT # 96251-22* gives conceptual approval to the master planned drainage system for the Cypress Bay West Phase 1 and surrounding 600 acres +/- . That permit is on public record and filed with the City.

(e) The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.

JUSTIFICATION: The overall Waterstone and Cypress Bay West project's residential areas will ultimately provide approximately 180 acres +/- of recreational and open space amenities in both active and passive recreational areas. The Cypress Bay West Phase 1 will have its own smaller localized recreation areas that may include such elements as tot-lots and other active or passive play amenities, and may contain fountains, gazebos, and trails. A 'Cypress Bay West Phase 1 Homeowners Owner's Association, Inc.' (HOA) will be responsible for operation and maintenance of the amenities within the residential areas.

(f) The feasibility and compatibility of the development plan to function as an independent development.

JUSTIFICATION: Each neighborhood within the Cypress Bay West projects will function on its own. Utilities provided by the owner to serve the existing Cypress Bay West community will serve this project. The Cypress Bay West Phase 1 will have deed restrictions, HOA, articles of incorporation and by-laws, permits, and a recorded plat.

(g) The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development.

JUSTIFICATION: Numerous Traffic Studies by Lassiter Transportation Group analyzing the roadway impacts and what improvements are necessary have been submitted over the years and are on file with the City and County. A recent traffic signal warrant study was submitted to the City and Brevard County. It is still under County review and no comments have been received to date. Brevard County

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

is conducting a PDE for widening of the roadway. The new interchange and Parkway is open. There is adequate roadways to support the project.

(h) The availability and adequacy of water and sewer service to support the proposed planned unit development.

JUSTIFICATION: Cypress Bay West Phase 1 will utilize the lines provided for the existing Waterstone Communities and tie into the City's water and wastewater system. The City has begun the long planned expansion to its wastewater plant and has made expansions to the water plant. The City will be the provider of the requisite services. The owner's engineer, CEG, working in concert with the City's Utilities department, has been advised that there is capacity available to serve this project.

(i) The benefits within the proposed development and to the general public to justify the requested departure from standard land use requirements inherent in a planned unit development classification.

JUSTIFICATION: Unlike using singular zoning districts and subdivision practices, Cypress Bay West Phase 1 is planned to be a quality, integrated, creative development similar in style and value to the existing Waterstone, Cypress Bay Preserve and Bayside Lakes Subdivisions. Landscaped roads, themed signage, entry features, underground utilities, and deed restrictions will dictate and govern the uses, standards, character and quality of the development. In most cases, the requirements will be stricter than the City code. Because it's within the PUD district, there is greater control and quality than in a single development zone.

(j) The conformity and compatibility of the planned unit development within any adopted development plan of the city.

JUSTIFICATION: This project is in compliance with the Comprehensive Plan of the City.

(k) The conformity and compatibility of the proposed common open space, primary residential and secondary nonresidential uses within the proposed planned unit development.

JUSTIFICATION: This project includes active and passive recreational uses for common enjoyment by the residents. There are no commercial uses within the proposed Cypress Bay West Phase 1 development.

CONCLUSION

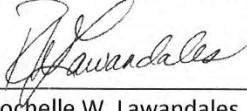
Several supporting documents are included in the Appendices and as part of the application. Exhibits required by the applications are under separate cover. Based upon my review of the documents, in my opinion, as a Fellow of the American Institute of Certified Planners, with 40 years of professional planning practice in the state of Florida, the proposed Cypress Bay West Phase 1 Final Development Plan is:

- consistent with the Planned Unit Development Zoning Classification currently on the property,
- consistent with the Comprehensive Plan,
- compliant with the City's land development code, and ,
- compatible with the surrounding community.

This narrative report, required by the application, is intended to serve as substantial competent evidence and testimony in all public hearings or proceedings related to the Cypress Bay West Phase 1.

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

Respectfully submitted,



Rochelle W. Lawandales, FAICP
Waterstone Development Company, LLC

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

MAPS AND FIGURES

MAPS

- MAP A: CYPRESS BAY WEST PHASE 1 LOCATION MAP**
MAP B: BOUNDARY SURVEY
MAP C: CITY ZONING MAP
**MAP D: ORIGINAL FINAL DEVELOPMENT PLAN FOR WATERSTONE AT PALM BAY
WITH APPROXIMATE LOCATION OF CYPRESS BAY WEST PHASE 1**
MAP E: CYPRESS BAY WEST PHASE 1 FINAL DEVELOPMENT PLAN
MAP F: CITY FUTURE LAND USE MAP
MAP G: ENVIRONMENTAL CONDITIONS

FIGURES

- FIGURE 1** Future Land Use Map taken from the City's Comprehensive Plan on the City of Palm Bay Website, April, 2019
FIGURE 2 Urban Services Boundary Map adopted by the City in the EAR, October 2017; as shown on the City of Palm Bay website, April, 2019.
FIGURE 3 SJRWMD Permit covering the proposed 44 acre project
FIGURE 4 Comprehensive Plan Wetlands Map, dated June, 2018, taken from the City of Palm Bay's website, April, 2019
FIGURE 5 Comprehensive Plan FEMA 100 Year Floodplain Map, taken from the City of Palm Bay's website, April, 2019

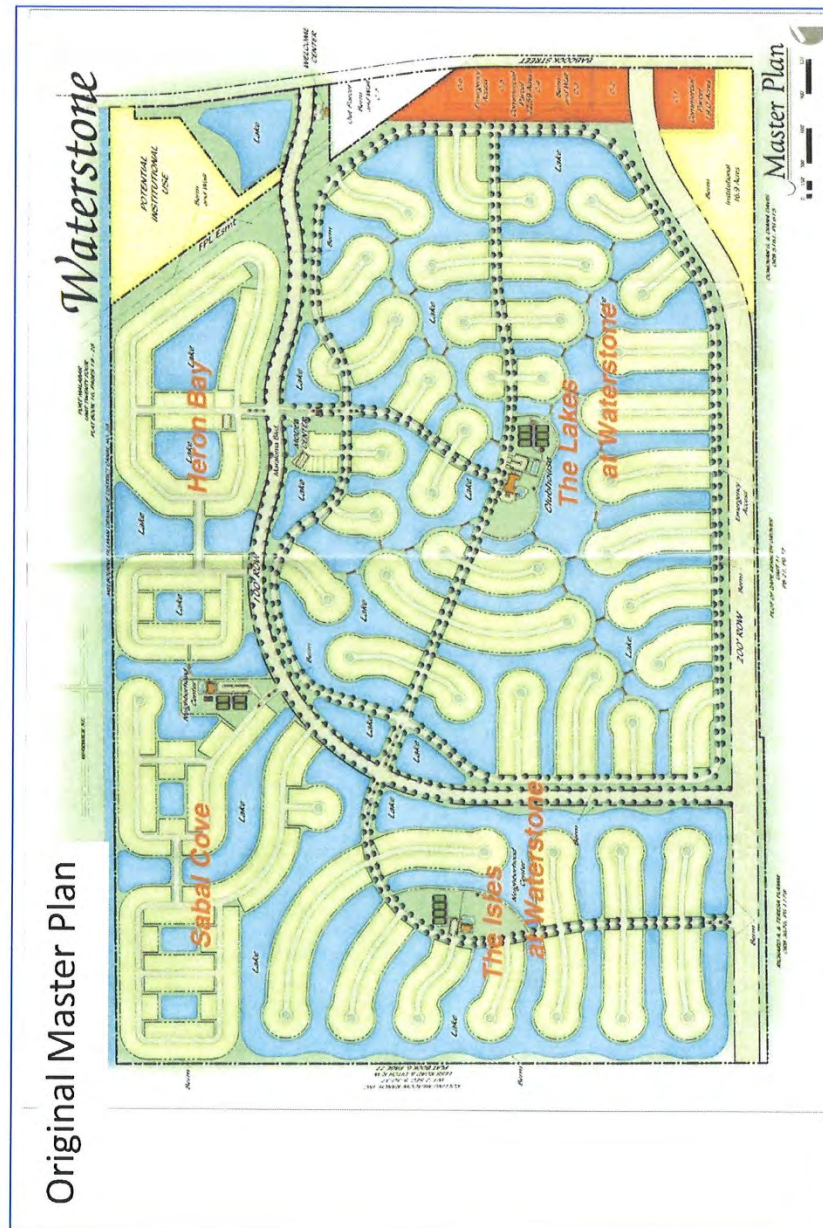
APPENDICES, included and by reference:

- 1. APPROVED FINAL DEVELOPMENT PLAN 2005 ESTABLISHING ZONING**
- 2. CYPRESS BAY WEST PHASE 1 FINAL DEVELOPMENT PLAN, DATED 2-14-21**
- 3. CONCURRENCY DETERMINATION INFORMATION(on file with Preliminary Development Plan application)**
- 4. RESUME OF ROCHELLE W. LAWANDALES, FAICP (on file with Preliminary Development Plan application)**

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

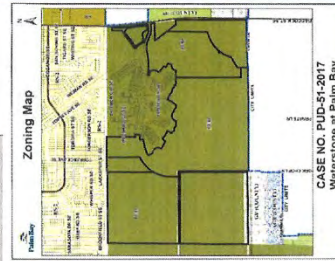
APPENDICES

1. APPROVED ORIGINAL MASTER PLAN

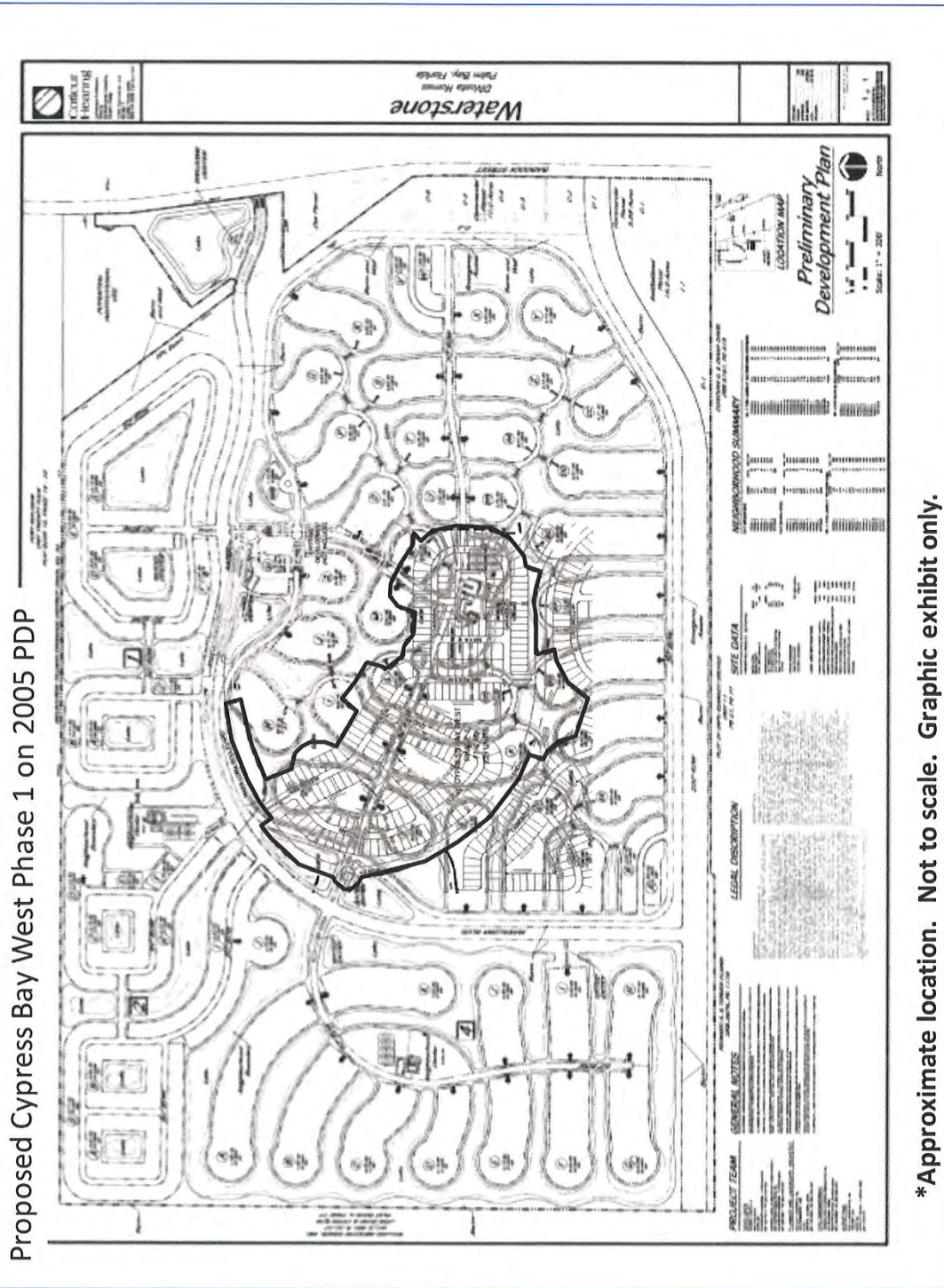


May 15, 2005 FINAL PUD Approval

Resulted in PUD Zoning
Shown on City's GIS today



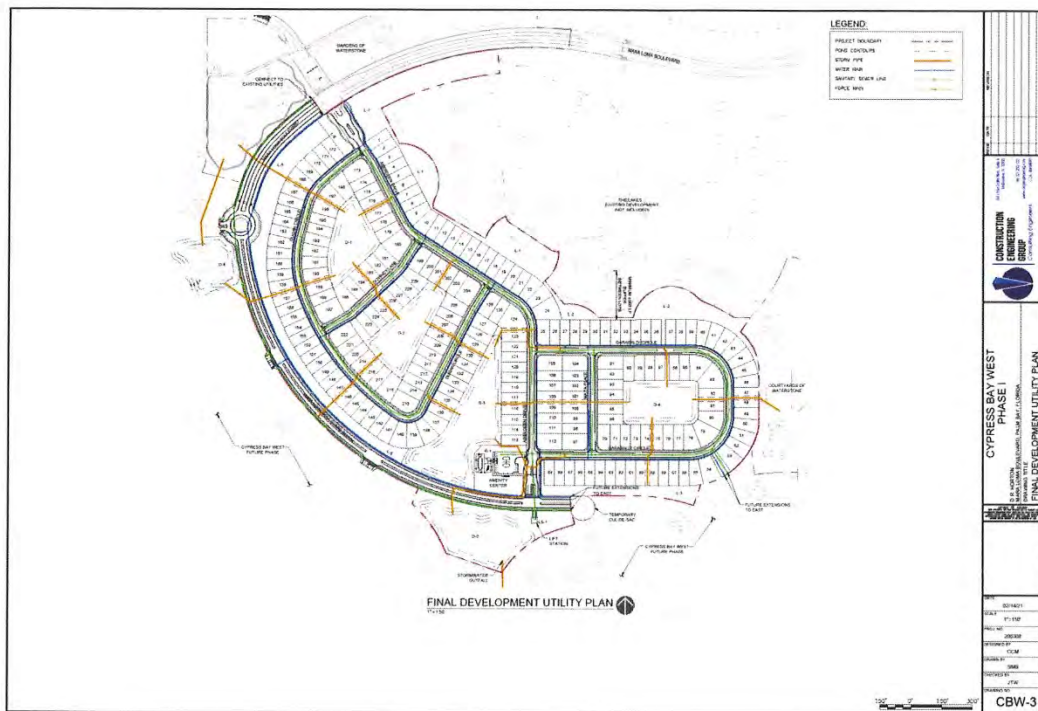
CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE



*Approximate location. Not to scale. Graphic exhibit only.

[illegible]

CYPRESS BAY WEST PHASE 1
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE



Page 3



Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopmentweb@palmabayflorida.org

FINAL DEVELOPMENT PLAN APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, Monday through Friday, during division office hours, to be processed for consideration by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

APPLICATION TYPE:

☒ **PUD**

Planned Unit Development
(Section 185.067)

☐ **PMU**

Parkway Mixed Use District
(Final Design Plan)
(Section 185.057(C))

☐ **PCRD**

Planned Community
Redevelopment District
(Section 185.055(L))

☐ **RAC**

Regional Activity Center District
(Section 185.056(C))

PROPOSED DEVELOPMENT NAME Cypress Bay West

PARCEL ID 30-37-04-00-500

TAX ACCOUNT NO. 3000216

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

See attached

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): +/- 77.52 acres

TOTAL LOTS PROPOSED (list by use): 229 single family homes

DEVELOPER See ownership attachment

Full Address _____

Telephone _____

Email _____

ENGINEER Jake Wise, PE- Construction Engineering Group, LLC

Full Address 2651 W Eau Gallie Blvd; Suite A; Melbourne, FL 32935

Telephone 321-610-1760

Email jwise@cegengineering.com

SURVEYOR Robert Doerrer- Horizon Surveyors of Central Florida, Inc

Full Address 390 Poinciana Drive; Melbourne, FL 32935

Telephone 321-254-8133

Email bob@horizonsurveyors.com

CITY OF PALM BAY, FLORIDA
FINAL DEVELOPMENT PLAN APPLICATION
PAGE 2 OF 2

FINAL DEVELOPMENT PLAN CRITERIA FOR SUBMITTAL:

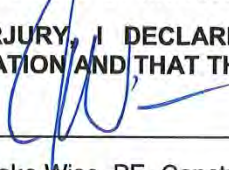
- 1) TWO (2) COPIES OF THE FINAL DEVELOPMENT PLAN AND SUPPORTING DOCUMENTATION SHALL BE ATTACHED TO THE APPLICATION. THE FINAL PLAN AND SUPPORTING DOCUMENTATION MUST ALSO BE PROVIDED ON MEMORY DRIVE.
- 2) LAYOUT OF THE DEVELOPMENT PLAN SHALL BE IN PLAT FORM THAT MEETS THE REQUIREMENTS OF FLORIDA STATUTE CHAPTER 177.
- 3) THE FINAL DEVELOPMENT PLAN SHALL CONTAIN THE INFORMATION REQUIRED PER THE CITY OF PALM BAY LAND DEVELOPMENT CODE SECTION FOR A PUD, PMU, PCRD, OR RAC. **ADDITIONAL CONDITIONS MUST BE MET AND INCORPORATED INTO THE SITE PLAN FOR THE SPECIFIC TYPE OF DEVELOPMENT REQUESTED (PUD, PMU, PCRD, RAC).** THE ADDITIONAL CRITERIA IS LISTED IN THE CODE OF ORDINANCES AND AVAILABLE FROM STAFF.

THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS FINAL DEVELOPMENT PLAN APPLICATION:

- ☒ *A \$1,500.00 application fee shall accompany the Final Development Plan application for the purposes of administration. Make check payable to "City of Palm Bay."
- ☒ Final Development Plan (see above Final Development Plan Criteria for Submittal).
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)
- Previously Provided Citizen Participation Plan. Required when a preliminary development plan application was not submitted. Refer to Section 169.005 of the Land Development Code for guidelines.
- ☒ School Board of Brevard County School Impact Analysis Application (if applicable).
- ☒ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.
- ☒ **Where property is not owned by the applicant, a letter** must be attached giving the notarized consent of the owner to the applicant to apply for the final development plan.

I, THE UNDERSIGNED UNDERSTAND THAT THIS FINAL DEVELOPMENT PLAN APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FINAL DEVELOPMENT PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant  Date 2-25-21

Printed Name of Applicant Jake Wise, PE- Construction Engineering Group, LLC

Full Address 2651 W Eau Gallie Blvd; Suite A; Melbourne, FL 32935

Telephone 321-610-1760 Email Jwise@cegengineering.com

*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY

Re: Letter of Authorization

As the property owner of the site legally described as:

30-37-04-00-500 & ~~30-37-05-HF-750~~

I, Owner Name: Benjamin Jefferies- Waterstone Farms, LLC

Address: 235 West Drive; Melbourne, FL 32904

Telephone: 321-757-5600

Email: Ben@waterstonefla.com

hereby authorize:

Representative: Jake Wise, PE- Construction Engineering Group, LLC

Address: 2651 W Eau Gallie Blvd, Suite A; Melbourne, FL 32935

Telephone: 321-610-1760

Email: Jwise@cegengineering.com

to represent the request(s) for:

FDP, site plan and all associated applications

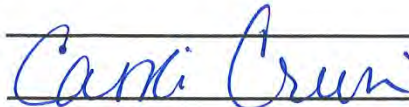

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22 day of February, 20 21 by

Ben Jeffries, property owner


Notary Public



☒ Personally Known or ☐ Produced the Following Type of Identification:

March 16, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

30-37-04-00-500

I, Owner Name: Benjamin Jefferies- Waterstone Farms, LLC

Address: 235 West Drive; Melbourne, FL 32904

Telephone: 321-425-3878

Email: Ben@waterstonefla.com

hereby authorize:

Representative: Brian Davidson- D.R. Horton, Inc

Address: 1430 Culver Drive NE; Palm Bay, FL 32907

Telephone: 321-508-3405

Email: bwdavidson@drhorton.com

to represent the request(s) for:

Final Development Plan Application

(Property Owner Signature)

STATE OF Florida

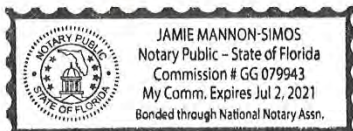
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16th day of March, 2021 by

Benjamin Jefferies, property owner.

Jamie Mannon-Simos, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:





MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Patrick J. Murphy, Assistant Growth Management Director

DATE: April 7, 2021

SUBJECT: **FD-12-2021 - Chaparral Phase III - Chaparral Properties, LLC (Jake Wise, P.E., Rep.) - Final Development Plan to allow for a 165-lot single-family development called Chaparral Phase III PUD. Part of Tax Parcel 1, Section 4, Township 29, Range 36, Brevard County, Florida, containing 68.82 acres, more or less. (South of Malabar Road SW and west of Brentwood Lakes Subdivision)

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

▣ Case FD-12-2021



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

landdevelopmentweb@palmabayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

FD-12-2021

PLANNING & ZONING BOARD HEARING DATE

April 7, 2021

PROPERTY OWNER & APPLICANT

Chaparral Properties, LLC.
Represented by Jake Wise, P.E. of CEG
Engineering Group, LLC.

PROPERTY LOCATION/ADDRESS

The project will be located south of and adjacent to
Malabar Road SW, and west of and adjacent to the
Brentwood Lakes PUD

SUMMARY OF REQUEST

Final Planned Unit Development approval for a 165-lot single-family residential subdivision to be known as Chaparral Phase 3.

Existing Zoning

PUD, Planned Unit Development

Existing Land Use

Undeveloped Land

Site Improvements

None; Cleared Land

Site Acreage

68.82 acres, more or less

SURROUNDING ZONING & USE OF LAND

North

PUD, Planned Unit Development (Chaparral Phases 1 & 2)

East

PUD, Planned Unit Development; Brentwood Lakes PUD

South

PUD, Planned Unit Development; Undeveloped Land

West

SR, Suburban Residential (Brevard County); Malabar Lakes West

COMPREHENSIVE PLAN COMPATIBILITY

Yes: The Future Land Use designation of the subject property is Single-Family Residential (SFR) Use (Ord. 2006-93). This request is for the development of single-family homes.

BACKGROUND:

The project will be located south of and adjacent to Malabar Road SE, and west of and adjacent to the Brentwood Lakes PUD. Specifically, the property is a portion of Tax Parcel 1, Section 4, Township 29, Range 36, Brevard County, Florida. This phase of development includes approximately 68.82 acres of land.

Back in 2005 the subject property was part of a larger project (250 acres) that was granted Preliminary PUD approval, with conditions, to consist of 730 residential units (PUD-13-2005). The applicant also requested an amendment of the Comprehensive Plan Future Land Use Map to assign the designation of Single-Family Residential Use. The land use request was approved via Ordinance No. 2006-93. The future land use approval has no expiration date.

On October 3, 2017 City Council approved the Final PUD for Chaparral Phase One (Ordinance 2017-63), which included 82 single-family lots. The approval applied PUD zoning to the north 28.75 acres of the overall property and included a mix of 40' and 50' wide lots.

On October 15, 2020 City Council granted Preliminary Planned Development approval and Tentative PUD Zoning for the overall Chaparral PUD project (Resolution 2020-53). The overall project proposes 677 residential units (602 single-family and 75 townhomes). The total acreage of the full project covers 204 acres. The 602 single-family lots are a combination of 40' and 50' wide lots. A future land use amendment will be needed for the townhomes.

Also, on October 15, 2020, City Council approved the Final PUD for Chaparral Phase Two (Ordinance 2020-70), which included 27 single-family lots (40' wide) on 13.24 acres. The final development plan approval constitutes a PUD rezoning, enacted by Ordinance. The final development plan is binding upon the land contained within the plan [185.067(B)].

The current request is for the next phase of development, to be called Chaparral Phase 3. It will consist of 165 single-family lots/units (107 – 40' wide lots and 58 – 50' wide lots). The applicant for this request is Chaparral Properties, LLC. They are represented by their Civil Engineer, Mr. Jake Wise P.E. of CEG Engineering Group, LLC.

ANALYSIS:

Chaparral PUD will eventually contain multiple "PODs" or phases of development, within an overall PUD. Vehicular access to the subdivision(s) will be from Malabar Road only, with the new entrance to align with Wisteria Avenue NW. Phase 1 has been designed to stand on its own and is currently under construction. Right-of-way dedication for the widening of Malabar Road was accounted for in the Phase 1 design.

Phase 2 will be an extension of phase one by continuing Diablo Circle SW and connecting it to Abilene Drive SW, which is the main road that will run north-south thru the overall project.

The 27 lots will be constructed on either side of this southern extension of Diablo Circle SW. Sanitary sewer is gravity-fed to an existing lift station in Phase 1 (Tract LS-1), which was designed to provide service for the Phase 2 lots. Public water will be provided to each lot and looped back into the Phase 1 water lines within Abilene Drive SW.

An additional lift station is being added to the project, adjacent to Abilene Drive, just west of the temporary cul-de-sac shown on Sheet CHP-3 of the Phase 3 FDP. The applicant's design will extend the main road (Abilene Drive) further south into the future phases of the overall development. The cul-de-sac has been shown simply as a "fail-safe". Interconnected wet detention ponds will serve as stormwater treatment for all three (3) phases, with an overflow structure that discharges to Melbourne-Tillman Canal No. 9. The stormwater treatment system design for this phase is consistent with the previously permitted (by the City and St. Johns) and partially constructed master system for the overall project.

The internal road network, which in addition to Abilene Drive SW consists of Stampede Circle and Desert Rose Court, will be designed to meet city construction standards. However, the roads (built within a 50' private right-of-way) will be dedicated to and maintained by the Chaparral Homeowner's Association (Plat Note #6). Construction drawings for this project are currently under administrative review.

The Chaparral of Palm Bay Community Development District (CDD) was approved by City Council on February 7, 2019 (Ordinance 2019-08). The CDD will deliver the community development services and facilities to the overall project area. No City funds will be used to provide the basic infrastructure needed to support the development.

Section 185.065 of the City's Code of Ordinances requires a Planned Unit Development to permanently set aside and designate on the site plan recreational and/or open space for use by residents of the PUD. Such useable space shall in the form of active or passive recreation areas. Common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complimentary structures for the benefit and enjoyment of the residents of the PUD.

The overall Preliminary PUD subdivision plan (PD-24-2020) provided a breakdown showing that the minimum set aside of 25% of the acreage of the PUD had been met by a series of pocket parks, a linear trail, a master amenity area, and a portion of the stormwater ponds. In the General Statement of that plan was the following: "*The Master Amenity is proposed to begin construction after issuance of the 269th residential certificate of occupancy and completed within 18 months of commencement*". This would include the build-out of Phase 3.

However, it shall be noted that no specific development of this master amenity was shown or provided then, or even with this Phase 3 FDP submittal. To-date, only a small "tot lot" is proposed at the end of Diablo Circle, for all 3 phases of the project. In reviewing a PUD request

the degree of departure of the proposed project from the surrounding residential areas in terms of character and density shall be evaluated (Section 185.065). For example, the Chaparral PUD will consist of predominantly 40' wide and 50' wide lots, which are considered small lots. The development "trade-off" for a community of small lots is typically the provision of active recreation areas or amenities that cannot be accommodated on the small lots themselves. Staff believes that the spirit and intent of this Section has not been met. Therefore, the specific recreational amenity will need to be submitted and reviewed as a future, FDP request, either a stand-alone submittal, or as part of the next phase of development.

The City of Palm Bay's Intergovernmental Coordination Element (ICE-1.1A) establishes coordination between the City and appropriate jurisdictions regarding development approvals. The subject property will access a section of Malabar Road that is within the jurisdictional ownership and maintenance responsibilities of Brevard County. Thus, the overall PUD request (PD-24-2020) was forwarded to this agency. Review comments from the County were:

"The results of the traffic study submitted by the Applicant recommend signalization at the intersection of Malabar Road at the St. Johns Heritage Parkway, and at the intersection of Malabar Road with the entrance to the Chaparral PUD/project. These signals are recommended to be installed at the completion of the "Phase 1" improvements, to meet the Level of Service (LOS) criteria. Due to the proximity of the recently installed traffic signal at the entrance to the Brentwood Lakes PUD, and the two (2) additional traffic signals identified in this study, it is further recommended that signal coordination and a communication network shall be made a part of this development".

The City's Traffic Engineer has reviewed the traffic study and concurs with the County's assessment regarding the need for the two (2) traffic signals, and that the City and County will work together on signal timing. It shall be noted that "Phase 1" is identified in the Traffic Study to be the initial 275 single-family residential units. Phase 1-3 include a total number of lots that represent the "Phase 1" discussed in this study. Thus, a traffic signal and the WB left-turn lane identified in the conclusion of this study (pg. 26), would be required before any development beyond these 3 phases could begin.

However, that study was written in February of 2019. There have been additional projects approved within the area/scope of this project and more trips have been added to Malabar Road, since the study was completed over 2 years ago. Thus, the City is requesting an updated traffic study to account for these additional projects and to factor-in the current traffic count data. While it is anticipated that a traffic signal will still be required at the intersection of Abilene Drive and Malabar Road, the timing for installation of this signal and the length of the west-bound, left-turn lane into Chaparral, shall be re-examined.

Submitted as a required exhibit for an FDP is the preliminary subdivision plat. The legal description for the lands contained within the plat total only 43.27 acres, while the FDP covers

68.82 acres. It appears that the 25.55-acre difference is the exclusion of the large off-site pond (noted as Pond "I" in the drainage report) and that the ponds in the SE and SW corner of the plat (Tracts ST-7 & ST-6, respectively) are much larger on the FDP than on the plat. These lands shall be incorporated into the subdivision plat, noted as drainage tracts, and dedicated accordingly. Tract LD-5, noted in the Tract Area table on Sheet 1 of 4, is not provided on any of the sheets contained in the plat. This shall be shown or removed from the above table. The Opinion of Title was not included with the FDP submittal – nor was the Declaration of Covenants, Conditions, and Restrictions. The Declaration must be submitted with the construction plans (Administrative Review) and contain the development standards by which the construction of homes will be reviewed i.e., minimum home size, setbacks, etc.

Lastly, technical staff review comments are attached to this report.

CONDITIONS:

In order to receive Final Planned Unit Development approval, the proposal must meet the requirements of Section 185.067 of the City of Palm Bay's Code of Ordinances. Upon review, it appears that the request is in conformance with the applicable requirements of this section, subject to the following items being addressed prior to approval of the construction plans and recordation of the plat:

- A. The boundary and title opinion shall be approved by the City Surveyor.
- B. Deed restrictions shall be submitted for city staff review/approval.
- C. All applicable outside agency permits must be obtained (St. Johns, Melbourne-Tillman, Florida Department of Environmental Protection, Brevard County, etc.).
- D. A Concurrency Determination letter from the School Board of Brevard County.
- E. The Master Amenity, with full design plans and specifications, shall be submitted before or with the Phase 4 Preliminary Development Plan application.

STAFF RECOMMENDATION:

Case FD-12-2021 is recommended for approval, subject to the staff comments contained in this report.

TECHNICAL COMMENTS

CASE FD-12-2021 – Chaparral Phase III

BREVARD COUNTY (Jeffrey Ball, Planning and Zoning Manager):

Brevard County has no comments.

PUBLIC WORKS (Natalie Shaber, Engineer II):

Survey

1. No comments until Boundary and Plat are provided.

Engineering

1. Updated Traffic Impact Study required for this phase.
2. The onsite conservation easement dedicated to the SJRWMD shall be protected during construction from erosion and sedimentation. Please include on the SWPPP.
3. FL Building Code and FI Statutes shall be complied with regard to ADA requirements for new facilities that serve the public.
4. All external agency permits shall be provided to the City prior to scheduling a pre-sitework meeting.
5. Design, and performance specifications of Ch. 174 City's Code of Ordinances shall be met.
6. All right-of-way specifications per Ch 179 shall be adhered to as well as the design, performance, materials, utility location, inspection and testing specifications as outlined in the City's Public Works Manual for collector roadways.
7. Topographical surveys of the existing condition shall include contours as well as spot elevations.
8. The plans shall include cross-sections at all property boundaries.
9. The Malabar Rd r/w improvements shall be approved by Brevard County prior to Certificate of Completion.
10. Until dedicated to and accepted by Brevard County the sidewalk on Malabar Rd west of the entrance shall remain the maintenance responsibility of the HOA.

UTILITIES (Christopher Little, Utilities Director):

1. The applicant/owner, at their expense, will be required to design, permit, install, inspect and test water & sewer systems of adequate size to accommodate the development and to connect to the City's water and sewer system [Section 200.11(d)(1) - On-site Facilities]. At this time the nearest point of connection to the mainline water distribution system is a 20" PVC pipe on the North side of Malabar Road. The nearest point of connection to the mainline wastewater collection system force main is a 16" PVC pipe on the South side of Malabar Road.
2. The applicant/owner will be responsible for the property's hydraulic share for the new utilities. Oversizing of utilities at the request of the Utilities Department will be subject to a refunding agreement or refundable advance [Section 200.11(D) &(E)]. The City of Palm Bay's 2017 Wastewater Master Plan & 2017 Water Master Plan, both of which are available upon request, identify proposed mainline extensions with the current piping size requirements.
3. A City of Palm Bay "Utility Agreement" shall be executed between the Property Owner and the City. All Utility impact/connection charges noted in the "Utility Agreement" must be paid as outlined in the terms and conditions of the Utility Agreement. All fees are subject to change annually on October 1. The Property Owner shall submit a certified copy of the property deed as verification of ownership as part of the Utility Agreement.
4. All Utility construction, materials, and testing shall be in accordance with the latest revision of the Palm Bay Utilities Department Policies, Procedures, and Standards Handbook and the Standard Detail Drawings.
5. Prior to any construction, all required FDEP Permit applications for the Water and Sanitary Sewer Construction shall be processed through and copies of the Permits filed with the Utilities Department.

FIRE (Mark Whorton, Fire Consultant):

Fire Department has no comments.

BUILDING (James Williams, Flood Plain Administrator):

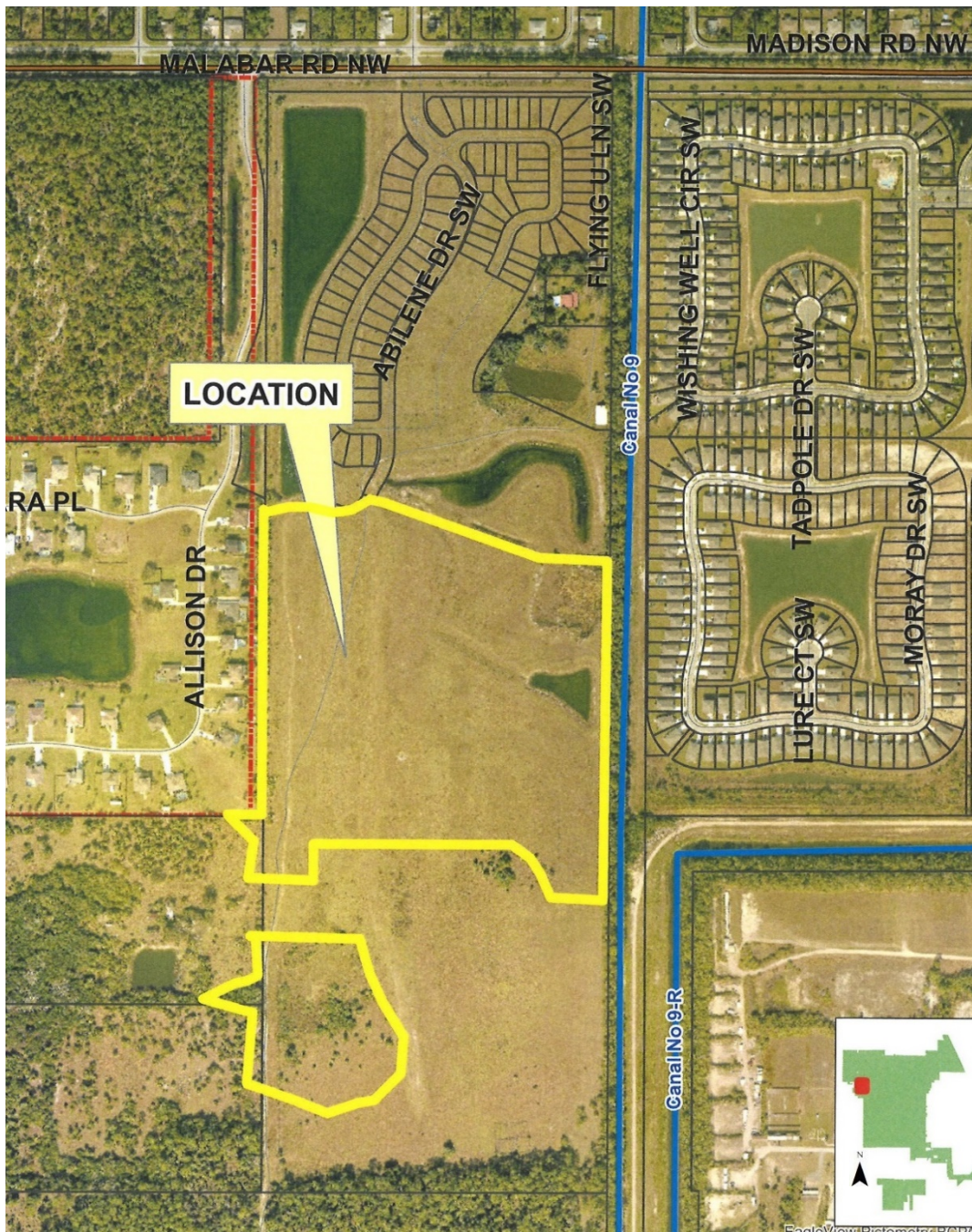
The project is in FEMA Floodzone AE and X and will need an approved Conditional Letter of Map Amendment (CLOMA) before any buildings are constructed. For the final CO an approved Letter of Map Revision (LOMR) removing the entire project from the Special Flood Hazard Area is required.

Per the City's Floodplain Ordinance, any structure built within a Special Flood Hazard Area (SFHA) will require a Floodplain Permit at time of construction. An approved CLOMR does not exempt the requirement for a Floodplain Permit in the SFHA. The Building Official will not issue any building permits without a Floodplain Permit.

If you get the approved Subdivision LOMR before any buildings permits are applied for, you don't need to apply for individual Floodplain permits for each structure.



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.

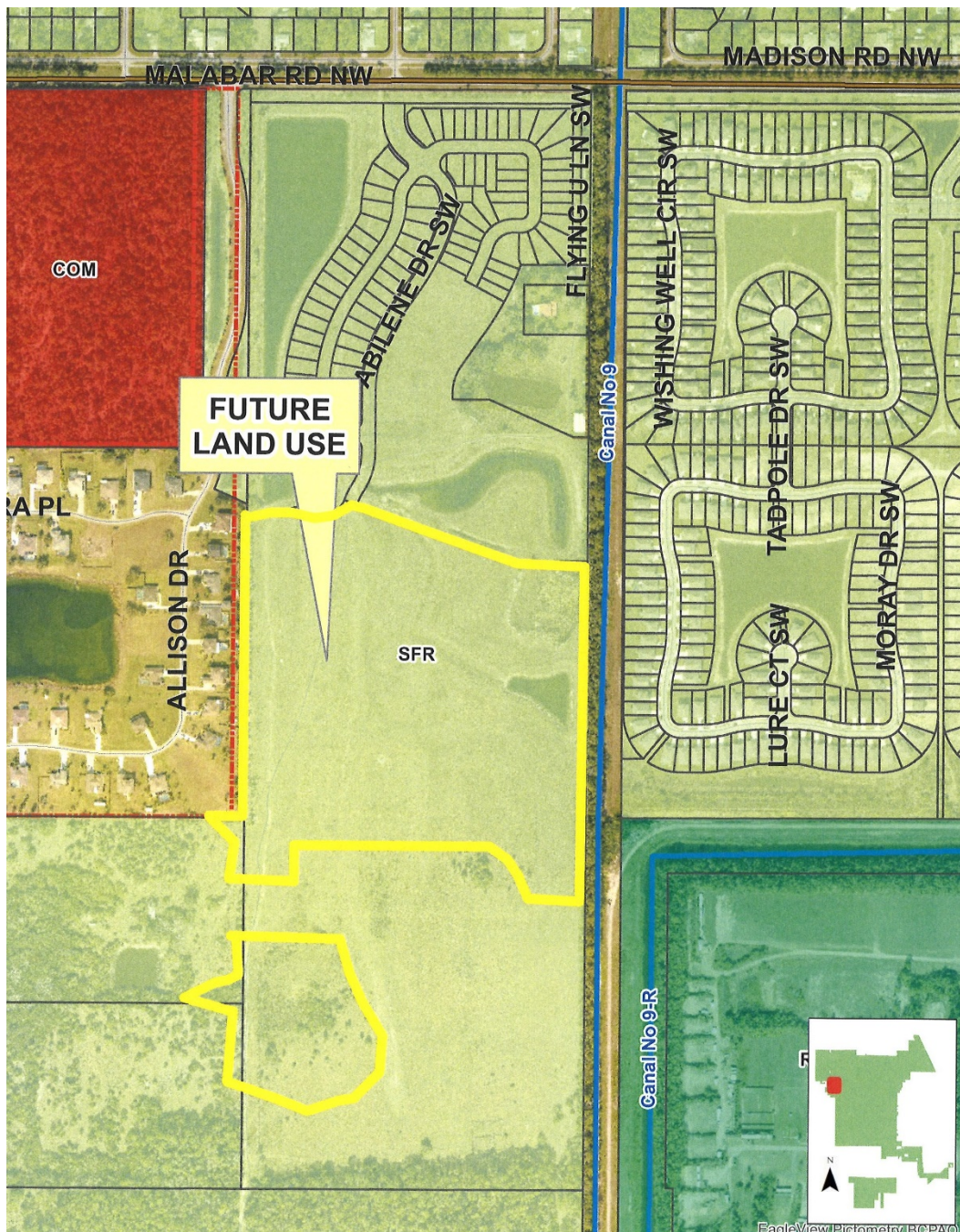


AERIAL LOCATION MAP CASE FD-12-2021

Subject Property

South of Malabar Road SW and west of Brentwood Lakes Subdivision

Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



FUTURE LAND USE MAP CASE FD-12-2021

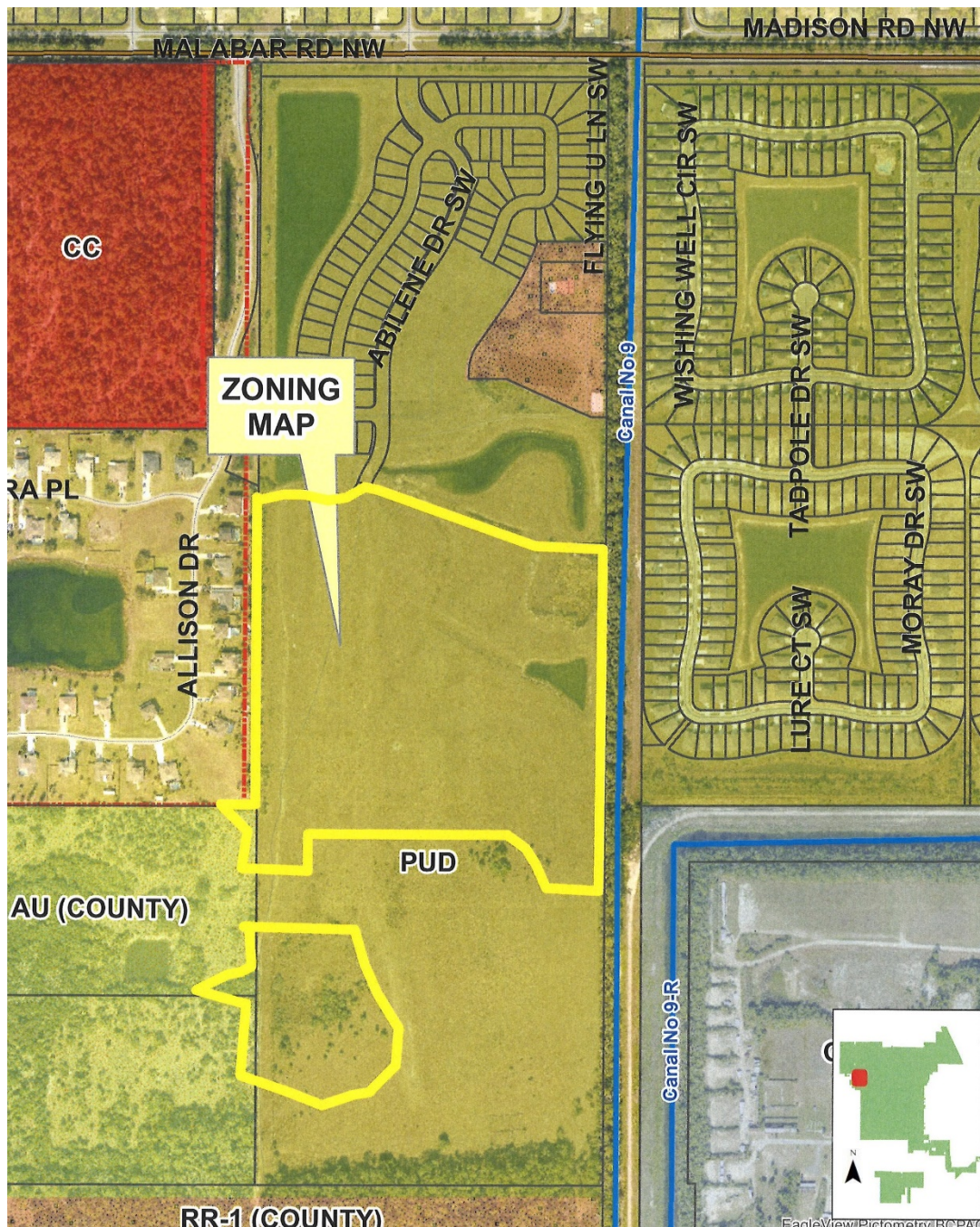
Subject Property

South of Malabar Road SW and west of Brentwood Lakes Subdivision

Future Land Use Classification

SFR – Single Family Residential Use

Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



ZONING MAP

CASE FD-12-2021

Subject Property

South of Malabar Road SW and west of Brentwood Lakes Subdivision

Current Zoning Classification

PUD – Planned Unit Development

CHAPARRAL PHASE III FINAL DEVELOPMENT PLAN

PALM BAY, FL

DATE:
JANUARY 14, 2021

PREPARED FOR:
CHAPARRAL PROPERTIES, LLC.

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 29 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 4, AND RUN SOUTH 00°00'32" EAST ALONG THE EAST LINE OF SAID SECTION 4, A DISTANCE OF 1917.09 FEET; THENCE SOUTH 89°58'07" WEST, A DISTANCE OF 45.50 FEET TO THE POINT OF BEGINNING OF THE HEREBY DESCRIBED PARCEL; THENCE SOUTH 00°00'32" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF THE MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO. 9, A DISTANCE OF 775.08 FEET; THENCE SOUTH 00°01'17" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 498.29 FEET; THENCE NORTH 89°58'43" WEST, A DISTANCE OF 386.69 FEET; THENCE SOUTH 89°47'06" WEST, A DISTANCE OF 856.63 FEET; THENCE NORTH 00°00'48" EAST ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 4, A DISTANCE OF 484.43 FEET TO THE SOUTH LINE OF MALABAR LAKES WEST SUBDIVISION PHASE TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 37, PAGE 37, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 89°45'53" EAST ALONG SAID SOUTH LINE OF MALABAR LAKES WEST PHASE TWO, A DISTANCE OF 0.63 FEET; THENCE NORTH 00°01'04" EAST ALONG THE EAST LINE OF SAID MALABAR LAKES WEST PHASE TWO, A DISTANCE OF 683.74 FEET; THENCE SOUTH 89°58'23" WEST ALONG THE NORTH LINE OF MALABAR LAKES WEST, A DISTANCE OF 0.59 FEET TO THE SOUTHEAST CORNER OF MALABAR LAKES WEST SUBDIVISION PHASE 1A, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 43, PAGE 23, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 00°01'37" WEST ALONG THE EAST LINE OF SAID MALABAR LAKES WEST PHASE 1A, A DISTANCE OF 406.31 FEET TO THE SOUTHWEST CORNER OF CHAPARRAL P.U.D. PHASE ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 68, PAGE 87, OF THE SAID PUBLIC RECORDS THEREOF; THENCE RUN ALONG THE SOUTH LINE OF SAID CHAPARRAL P.U.D. PHASE ONE FOR THE FOLLOWING FIVE (5) CALLS NORTH 78°53'02" EAST, A DISTANCE OF 201.90 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 40.60 FEET, A CENTRAL ANGLE OF 30°36'21"; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 21.37 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 72°30'38" EAST, A DISTANCE OF 58.99 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 66.00 FEET, A CENTRAL ANGLE OF 88°14'04"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 102.41 FEET TO A POINT; THENCE SOUTH 71°24'42" EAST, A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST LINE OF CHAPARRAL P.U.D. PHASE TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 68, PAGE 87, OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY; THENCE RUN ALONG THE SOUTH LINE OF SAID CHAPARRAL P.U.D. PHASE TWO FOR THE FOLLOWING SIX (6) CALLS: THENCE SOUTH 18°35'18" WEST, A DISTANCE OF 9.50 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 105.00 FEET, A CENTRAL ANGLE OF 43°50'08"; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 80.33 FEET TO A POINT; THENCE SOUTH 79°41'00" EAST, A DISTANCE OF 638.42 FEET; THENCE SOUTH 87°05'43" EAST, A DISTANCE OF 98.45 FEET; THENCE SOUTH 55°04'44" EAST, A DISTANCE OF 90.64 FEET; THENCE SOUTH 23°58'50" EAST, A DISTANCE OF 81.30 FEET; THENCE NORTH 89°59'28" EAST, A DISTANCE OF 28.00 FEET TO THE POINT OF BEGINNING, CONTAINING 43.27 ACRES MORE OR LESS.



LOCATION MAP
NTS

PROJECT DATA:

GENERAL STATEMENT:
THE PROPOSED COMMUNITY CONSISTS OF THE CONSTRUCTION OF PHASE III OF CHAPARRAL SUBDIVISION RESIDENTIAL COMMUNITY IN PALM BAY, FLORIDA. THIS PHASE INCLUDES 165 SINGLE FAMILY LOTS JUST SOUTH OF PHASES I AND II. INTERCONNECTED WET DETENTION PONDS WILL SERVE AS STORMWATER TREATMENT FOR THIS PHASE WITH AN OVERTFLOW STRUCTURE THAT DISCHARGES TO MELBOURNE TILLMAN CANAL NO. 9. THE STORMWATER TREATMENT SYSTEM DESIGN FOR THIS PHASE IS CONSISTENT WITH PREVIOUSLY PERMITTED MASTER SYSTEM FOR OVERALL PROPERTY.

THE PROPOSED PUBLIC SEWER SYSTEM IS GRAVITY FED TO A LIFT STATION THAT PUMPS VIA A FORCE MAIN AND CONNECTS TO THE MAIN IN MALABAR ROAD RIGHT-OF-WAY. THE PUBLIC WATER MAIN SHALL BE LOOPED THROUGH PHASE III AND STUBBED TO THE SOUTH FOR FUTURE PHASES TO CONNECT.

OWNER:
CHAPARRAL PROPERTIES, LLC
2350 N. ROCKY POINT DR., SUITE 1050
TAMPA, FL 33607
TEL: (813) 286-8078
E-MAIL: MANSIONING@FLORIDA.COM

CIVIL ENGINEER:
CONSTRUCTION ENGINEERING GROUP, LLC
JANE T. WISE, P.E.
2601 EAU CALLEE BLVD., SUITE A
MELBOURNE, FL 32935
TEL: (321) 810-1750
E-MAIL: JMW@CEENGINEERING.COM

SURVEYOR:
AK LAND SURVEYING SERVICES, INC.
3970 MANTON ROAD
WEST MELBOURNE, FL 32904
TEL: (321) 768-8110

ADDRESS:
TOWNSHIP: 29
RANGE: 38
SECTION: 04
TAX ACCOUNT NUMBER: 2903859

RETRACTS:
FRONT: 25 FT
SIDE: 9 FT
REAR: 20 FT
SIDE CORNER: 15 FT

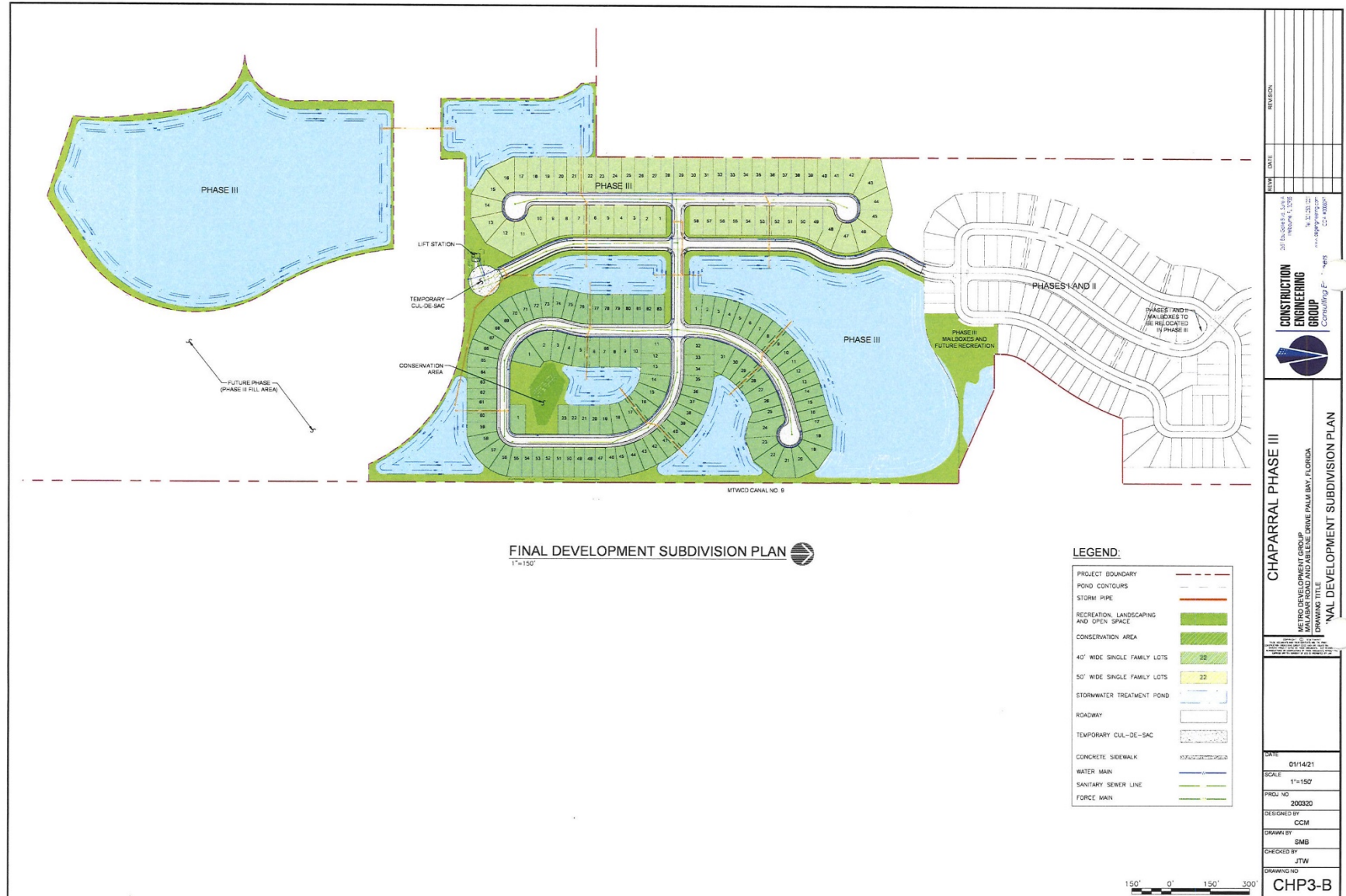
UNIMPROVED LOT COUNT:
40+113 LOTS = 197
30+115 LOTS = 38

MAXIMUM BUILDING HEIGHT:
2 STORY: 25 FT

CALCULATED STORMWATER BASIN COVERAGE			
	AC	ACRE	PERCENT
EXIST. IMPERVIOUS (LOTS)	979,005	22.48	33
IMPERVIOUS (ASPHALT/CONCRETE)	262,325	6.02	9
TOTAL IMPERVIOUS	1,241,330	28.50	42
PONDS AT INFL.	1,350,550	31.00	45
PERVIOUS	405,758	9.32	14
TOTAL GROSS AREA:	2,997,636	68.82	100

OPEN SPACE REQUIREMENTS	
OVERALL AREA (66.82 ACRES)	
COMBINED ON-SITE PONDS	12.90 AC
RECREATION AREA	1.34 AC
OPEN SPACE	3.98 AC
PROVIDED	18.22 AC
REQUIRED	17.21 AC

DATE	01/14/21
SCALE	NTS
PROJ. NO.	200320
DESIGNED BY	CCM
DRAWN BY	SMB
CHECKED BY	JTW
DRAWING NO.	CHP3-A





LOCATION MAP

NTS

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 4, AND RUN SOUTH 00°00'32" EAST ALONG THE EAST LINE OF SAID SECTION 4, A DISTANCE OF 1917.09 FEET; THENCE SOUTH 89°59'28" WEST, A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 00°00'32" EAST ALONG THE WEST RIGHT OF WAY LINE OF THE MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO. 9, A DISTANCE OF 775.08 FEET; THENCE SOUTH 00°01'17" WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 496.29 FEET; THENCE NORTH 89°58'43" WEST, A DISTANCE OF 399.69 FEET; THENCE SOUTH 89°47'06" WEST, A DISTANCE OF 855.63 FEET; THENCE NORTH 00°00'49" EAST ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 4, A DISTANCE OF 494.43 FEET TO THE SOUTH LINE OF MALABAR LAKES WEST SUBDIVISION PHASE TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 57, PAGE 37, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 89°45'53" EAST ALONG SAID SOUTH LINE OF MALABAR LAKES WEST PHASE TWO, A DISTANCE OF 0.63 FEET; THENCE NORTH 00°01'04" EAST ALONG THE EAST LINE OF SAID MALABAR LAKES WEST PHASE TWO, A DISTANCE OF 683.74 FEET; THENCE SOUTH 89°58'23" WEST ALONG THE NORTH LINE OF MALABAR LAKES WEST, A DISTANCE OF 0.59 FEET TO THE SOUTHEAST CORNER OF MALABAR LAKES WEST SUBDIVISION PHASE 1A, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 43, PAGE 23, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 00°01'37" WEST ALONG THE EAST LINE OF SAID MALABAR LAKES WEST PHASE 1A, A DISTANCE OF 406.31 FEET TO THE SOUTHWEST CORNER OF CHAPARRAL P.U.D. PHASE ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 68, PAGE 87, OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY; THENCE RUN ALONG THE SOUTH LINE OF SAID CHAPARRAL P.U.D. PHASE ONE FOR THE FOLLOWING FIVE (5) CALLS: NORTH 76°53'02" EAST, A DISTANCE OF 201.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 40.00 FEET, A CENTRAL ANGLE OF 30°36'21", THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 21.37 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 72°30'38" EAST, A DISTANCE OF 59.95 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 66.00 FEET, A CENTRAL ANGLE OF 88°54'04", THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 102.41 FEET TO A POINT; THENCE SOUTH 71°24'42" EAST, A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST LINE OF CHAPARRAL P.U.D. PHASE TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK _____, PAGE _____, OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY; THENCE RUN ALONG THE SOUTH LINE OF SAID CHAPARRAL P.U.D. PHASE TWO FOR THE FOLLOWING SIX (6) CALLS: THENCE SOUTH 18°35'18" WEST, A DISTANCE OF 5.50 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 105.00 FEET, A CENTRAL ANGLE OF 43°50'08", THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 80.33 FEET TO A POINT; THENCE SOUTH 76°41'00" EAST, A DISTANCE OF 638.42 FEET; THENCE SOUTH 87°05'43" EAST, A DISTANCE OF 98.45 FEET; THENCE SOUTH 55°04'44" EAST, A DISTANCE OF 92.64 FEET; THENCE SOUTH 23°58'55" EAST, A DISTANCE OF 81.30 FEET; THENCE NORTH 89°59'28" EAST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 43.27 ACRES MORE OR LESS.

 <div>CONSTRUCTION ENGINEERING GROUP</div> <div>consulting engineers</div>	2651 w. eau gallie blvd., suite a melbourne, fl 32935 tel. 321.253.1221 fax. 321.253.3123 www.ceengineering.com license #0008097	CHAPARRAL PH. 3 MALABAR ROAD PALM BAY, FL		DATE 3-06-20	
	LOCATION MAP			COUNTY BREVARD	APPROVED BY WISE
				SCALE NTS	THIS SHEET FIG-1



PRELIMINARY PLAT FOR CHAPARRAL P.U.D. PHASE THREE

LYING IN SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST,
CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

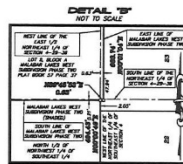
COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 4, AND RUN SOUTH 00°00'32" EAST ALONG THE EAST LINE OF SAID SECTION 4, A DISTANCE OF 1912.09 FEET; THENCE SOUTH 89°29'28" WEST, A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 00°00'32" EAST ALONG THE WEST RIGHT OF WAY LINE OF THE MELBOURNE TILMAN DRAINAGE DISTRICT CANAL, NO. 9, A DISTANCE OF 775.08 FEET; THENCE SOUTH 00°01'17" WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 496.29 FEET; THENCE NORTH 89°58'43" WEST, A DISTANCE OF 398.69 FEET; THENCE SOUTH 89°47'08" WEST, A DISTANCE OF 855.63 FEET; THENCE NORTH 00°02'49" EAST ALONG THE WEST LINE OF THE TRACT, AS RECORDED IN PLAT BOOK 57, PAGE 27, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 89°55'51" EAST ALONG SAID SOUTH LINE OF MALABAR LAKES WEST PHASE TWO, A DISTANCE OF 0.61 FEET; THENCE NORTH 00°01'04" EAST ALONG THE EAST LINE OF SAID MALABAR LAKES WEST PHASE TWO, A DISTANCE OF 683.74 FEET; THENCE SOUTH 89°58'51" WEST ALONG THE NORTH LINE OF MALABAR LAKES WEST, A DISTANCE OF 6.58 FEET TO THE SOUTHEAST CORNER OF MALABAR LAKES WEST SUBDIVISION PHASE 1A, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 43, PAGE 23, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 00°01'37" WEST ALONG THE EAST LINE OF SAID MALABAR LAKES WEST PHASE 1A, A DISTANCE OF 486.31 FEET TO THE SOUTHWEST CORNER OF CHAPARRAL P.U.D. PHASE ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 65, PAGE 87, OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 00°01'37" WEST ALONG THE EAST LINE OF SAID CHAPARRAL P.U.D. PHASE ONE, A DISTANCE OF 20.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 40.00 FEET, A CENTRAL ANGLE OF 30°26'31", NORTH 78°53'00" EAST, A DISTANCE OF 21.37 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 72°30'38" EAST, A DISTANCE OF 58.85 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 66.00 FEET, A CENTRAL ANGLE OF 88°54'04", THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 102.41 FEET TO A POINT; THENCE SOUTH 73°34'04" EAST, A DISTANCE OF 56.00 FEET TO A POINT ON THE WEST LINE OF CHAPARRAL P.U.D. PHASE TWO ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 65, PAGE 87, OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN ALONG THE SOUTH LINE OF SAID CHAPARRAL P.U.D. PHASE TWO FOR THE FOLLOWING SIX (6) CALLS: THENCE SOUTH 18°50'18" WEST, A DISTANCE OF 5.50 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 105.00 FEET, A CENTRAL ANGLE OF 43°50'08", THENCE SOUTHWEST ALONG THE ARC A DISTANCE OF 80.33 FEET TO A POINT; THENCE SOUTH 76°11'00" EAST, A DISTANCE OF 638.62 FEET; THENCE SOUTH 87°52'41" EAST, A DISTANCE OF 36.45 FEET; THENCE SOUTH 50°24'44" EAST, A DISTANCE OF 93.64 FEET; THENCE SOUTH 23°56'55" EAST, A DISTANCE OF 81.30 FEET; THENCE NORTH 89°58'28" EAST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING, CONTAINING 43.77 ACRES MORE OR LESS.

GENERAL NOTES:

- THE BOUNDARIES SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF SOUTH 00°01'32" EAST FOR THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.
- ALL PRIVATE UTILITY EASEMENTS AND PRIVATE DRAINAGE EASEMENTS CREATED BY THIS PLAT ARE FOR THE USE AND BENEFIT OF AND BY CHAPARRAL HOMEOWNERS ASSOCIATION, INC.
- AN EASEMENT 5 FEET IN WIDTH IS DESIGNATED ADJACENT TO AND CONTIGUOUS WITH ALL SAID LOT LINES FOR THE PURPOSE OF PROVIDING FOR INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND PRIVATE DRAINAGE, UNLESS OTHERWISE SHOWN.
- AN EASEMENT 12 FEET IN WIDTH IS DESIGNATED ALONG ALL LOT AND TRACTS CREATED BY THIS PLAT ADJACENT TO ROAD TRACT RD-1 FOR THE PURPOSE OF PROVIDING PRIVATE DRAINAGE, INSTALLATION AND MAINTENANCE OF PRIVATE AND PUBLIC UTILITIES.
- SURVEY MONUMENTS WITHIN THE SUBDIVISION SHALL BE SET IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 177.061 (7-9). ALL LOT CORNERS WILL BE SET WITH A 1/2" IRON ROD AND CAP OF NAIL AND SOAK STAMPED "TOWNSHIP PLS 5383" WHERE POSSIBLE BEFORE THE TRANSFER OF ANY LOTS.
- TRACTS RD-1 SHALL BE FOR THE PURPOSE OF PRIVATE ROAD RIGHT-OF-WAY WITH AN EASEMENT FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF PRIVATE DRAINAGE, PUBLIC AND PRIVATE UTILITIES AND SHALL BE MAINTAINED BY CHAPARRAL HOMEOWNERS ASSOCIATION, INC. A PERPETUAL NON-EXCLUSIVE PUBLIC HIGHWAY AND EGRESS EASEMENT IS HEREBY RESERVED OVER AND UNDER TRACT RD-1, WHICH HEREON FOR THE CITY OF PALM BAY, ALL GOVERNMENT AGENCIES, ALL PUBLIC AND PRIVATE UTILITY COMPANIES, AND EMERGENCY VEHICLES.
- TRACTS ST-106, ST-107, ST-108, ST-109, ST-110, ST-111, ST-112, ST-113, ST-114, ST-115, ST-116, ST-117, ST-118, ST-119, ST-120, ST-121, ST-122, ST-123, ST-124, ST-125, ST-126, ST-127, ST-128, ST-129, ST-130, ST-131, ST-132, ST-133, ST-134, ST-135, ST-136, ST-137, ST-138, ST-139, ST-140, ST-141, ST-142, ST-143, ST-144, ST-145, ST-146, ST-147, ST-148, ST-149, ST-150, ST-151, ST-152, ST-153, ST-154, ST-155, ST-156, ST-157, ST-158, ST-159, ST-160, ST-161, ST-162, ST-163, ST-164, ST-165, ST-166, ST-167, ST-168, ST-169, ST-170, ST-171, ST-172, ST-173, ST-174, ST-175, ST-176, ST-177, ST-178, ST-179, ST-180, ST-181, ST-182, ST-183, ST-184, ST-185, ST-186, ST-187, ST-188, ST-189, ST-190, ST-191, ST-192, ST-193, ST-194, ST-195, ST-196, ST-197, ST-198, ST-199, ST-200, ST-201, ST-202, ST-203, ST-204, ST-205, ST-206, ST-207, ST-208, ST-209, ST-210, ST-211, ST-212, ST-213, ST-214, ST-215, ST-216, ST-217, ST-218, ST-219, ST-220, ST-221, ST-222, ST-223, ST-224, ST-225, ST-226, ST-227, ST-228, ST-229, 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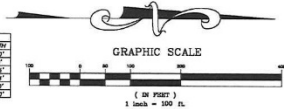
LYING IN SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA AAL LAND SURVEYING SERVICES, INC.
3920 MINTON ROAD

PLAT BOOK _____ PAGE _____
SHEET 2 OF 4
SECTION 4 TOWNSHIP. 29 S., RANGE 36 E.

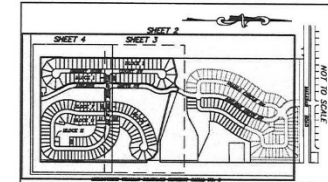


NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

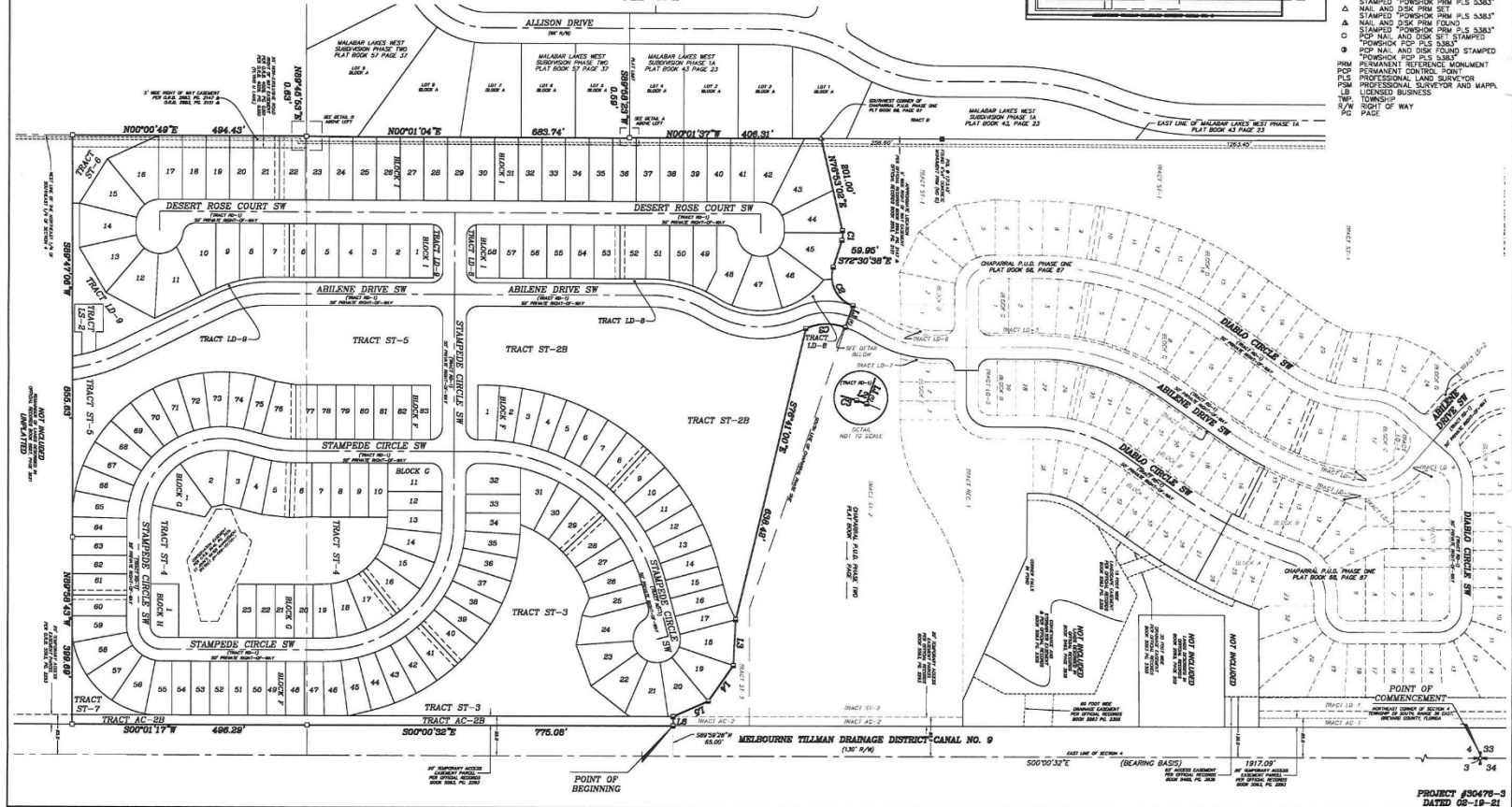
LINE TABLE		
LINE	BEARING	LENGTH
1 (100)	S 77° 24' 42" E	56.00'
1.2	S 18° 25' 18" W	5.50'
1.3	S 87° 05' 42" E	98.65'
1.4	S 55° 04' 44" E	92.64'
1.5	S 82° 38' 33" E	81.30'
1.6	N 88° 38' 28" E	30.00'



CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	40.00'	30°36'21"	21.37'	21.11'	S 87°36'48" E
C2	66.00'	86°54'04"	102.41'	82.44'	N 87°02'00" E
C3	105.00'	63°30'00"	80.32'	78.79'	S 87°19'48" E



- LEGEND**
- NAD NORTH AMERICAN DATUM
O.R.B. OFFICIAL RECORDS BOOK
E(B) ELEVATION
C CURVE DELTA
r= CURVE RADIUS
L= CURVE LENGTH
CRD CURVE BEARING
DIST DISTANCE
(NR) NON-RADIAL
RAD RADIAL
LNCD LINCED BUSINESS
MON MONUMENT
F FOUND STAMPING AS NOTED
3/8" IRON ROD PIM SET
P 3/8" IRON ROD PIM FOUND
Δ NAIL AND DISK PIM SET
Δ NAIL AND DISK PIM FOUND
Δ NAIL AND DISK PIM SET & STAMPED
PO PIP
POP POP NAIL AND DISK FOUND STOPPED
POW POWDER PIM SET
R REMOVED MONUMENT
PC PERMANENT CONTROL POINT
PS PLASMA SURVIVOR
PRO PROFESSIONAL SURVEYOR AND MAPPL.
UN UNDESIRED BUSINESS
TOW TOWNSHIP
T/E TYPE OF WAY
P/P PAGE



LYING IN SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

SHEET 3 OF 4
SECTION 4 TOWNSHIP. 29 S., RANGE 36 E.

(IN FEET)
1 inch = 50 ft.

CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARS
C1	40.00'	30°36'21"	21.37'	21.11'	S 87°48'48" E
C2	58.00'	88°34'04"	102.41'	92.44'	N 53°02'20" E
C3	105.00'	43°50'08"	80.33'	78.33'	S 07°19'48" E

NAD NORTH AMERICAN DATUM
O.R.B. OFFICIAL RECORDS BOOK
(R.L.) RADIUS
D= CURVE DELTA
R= RADIUS
L= CURVE LENGTH
CB= CROSS BEARING
DIST= DISTANCE
(N) NON-NADIAL
RAD RADIUS
LIC LICENSED BUSINESS

4"x4" CONCRETE MONUMENT FOR TOWNSHIP AS NOTED

5/6" IRON ROD PRIM SET STAMPED "TOWNSHOK PRIM PLS 5383"

5/8" IRON ROD FOUND STAMPED "TOWNSHOK PRIM PLS 5383"

NADIAL DISK PRIM SET STAMPED "TOWNSHOK PRIM PLS 5383"

DISK PRIM SET STAMPED "TOWNSHOK PRIM PLS 5383"

"TOWNSHOK PRIM PLS 5383"

PCF NAIL AND DISK FOUND STAMPED "TOWNSHOK PRIM PLS 5383"

PRM PERMANENT REFERENCE MONUMENT

PLB PROFESSIONAL LAND SURVEYOR

PLS PROFESSIONAL LAND SURVEYOR

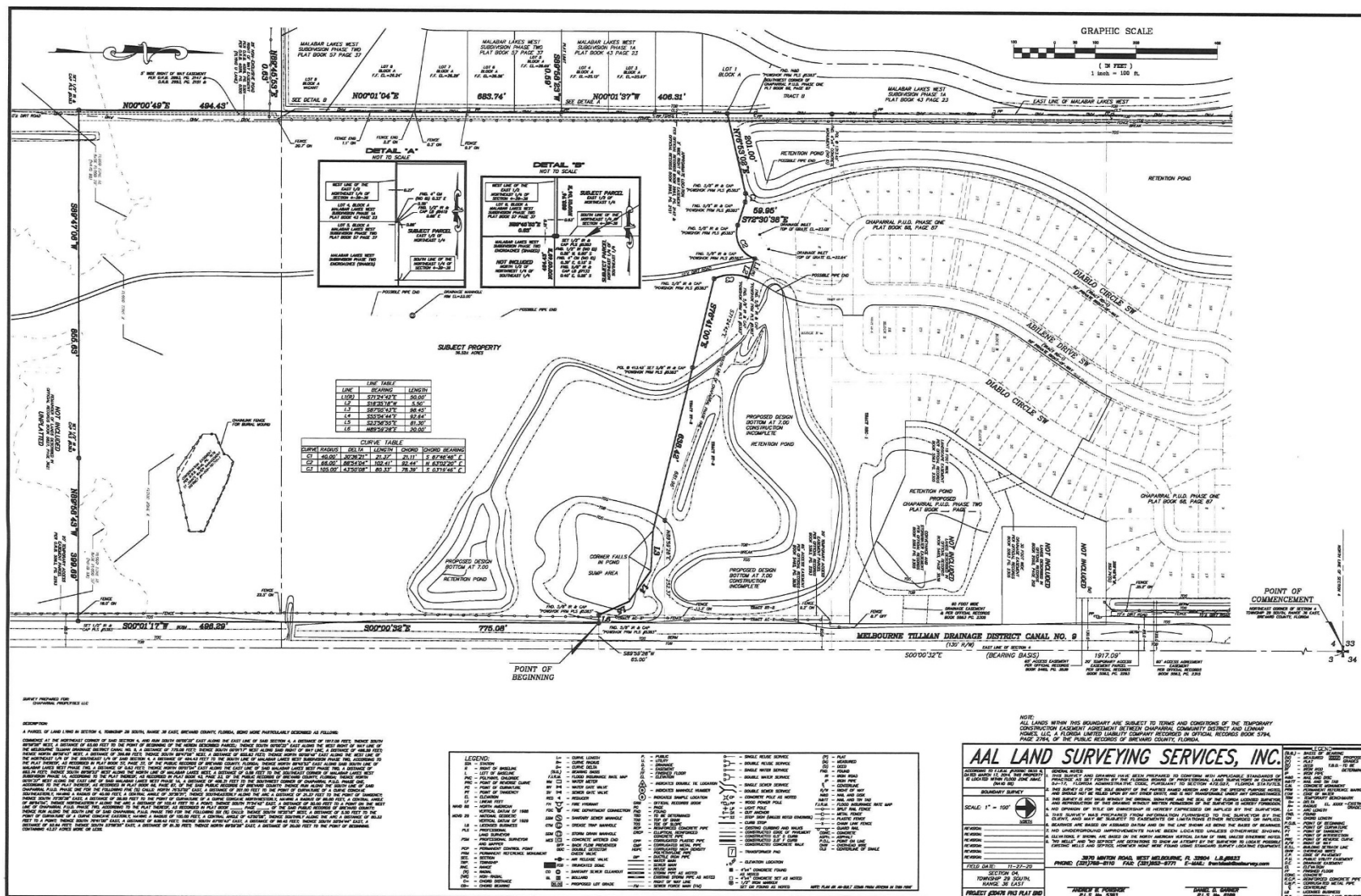
P.S. PROFESSIONAL SURVEYOR AND MAPPER

TWP TOWNSHIP

R/W RIGHT OF WAY

PG PAGE

PROJECT #30478-3
DATED 02-19-21





Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopmentweb@palmbayflorida.org

FINAL DEVELOPMENT PLAN APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, Monday through Friday, during division office hours, to be processed for consideration by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

APPLICATION TYPE:

☒ **PUD**

Planned Unit Development
(Section 185.067)

☐ **PMU**

Parkway Mixed Use District
(Final Design Plan)
(Section 185.057(C))

☐ **PCRD**

Planned Community
Redevelopment District
(Section 185.055(L))

☐ **RAC**

Regional Activity Center District
(Section 185.056(C))

PROPOSED DEVELOPMENT NAME Chaparral Subdivision- Phase III

PARCEL ID 29-36-04-00-1

TAX ACCOUNT NO. 2903859

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

See attached

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): +/- 68.82

TOTAL LOTS PROPOSED (list by use): 165 Single Family Residential

DEVELOPER Chaparral Properties, LLC

Full Address 2502 N Rocky Point Drive; Suite 1050; Tampa, FL 33607

Telephone 813-288-8078 Email marc@metrodbg.com

ENGINEER Jake Wise, PE- Construction Engineering Group, LLC

Full Address 2651 W Eau Gallie Blvd; Suite A; Melbourne, FL 32935

Telephone 321-610-1760 Email jwise@cegengineering.com

SURVEYOR AAL Land Surveying Services, Inc

Full Address 3970 Minton Road; West Melbourne, FL 32904

Telephone 321-768-8110 Email aal@aalsurvey.com

CITY OF PALM BAY, FLORIDA
FINAL DEVELOPMENT PLAN APPLICATION
PAGE 2 OF 2

FINAL DEVELOPMENT PLAN CRITERIA FOR SUBMITTAL:

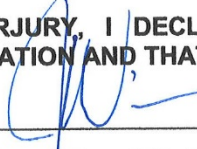
- 1) TWO (2) COPIES OF THE FINAL DEVELOPMENT PLAN AND SUPPORTING DOCUMENTATION SHALL BE ATTACHED TO THE APPLICATION. THE FINAL PLAN AND SUPPORTING DOCUMENTATION MUST ALSO BE PROVIDED ON MEMORY DRIVE.
- 2) LAYOUT OF THE DEVELOPMENT PLAN SHALL BE IN PLAT FORM THAT MEETS THE REQUIREMENTS OF FLORIDA STATUTE CHAPTER 177.
- 3) THE FINAL DEVELOPMENT PLAN SHALL CONTAIN THE INFORMATION REQUIRED PER THE CITY OF PALM BAY LAND DEVELOPMENT CODE SECTION FOR A PUD, PMU, PCRD, OR RAC. **ADDITIONAL CONDITIONS MUST BE MET AND INCORPORATED INTO THE SITE PLAN FOR THE SPECIFIC TYPE OF DEVELOPMENT REQUESTED (PUD, PMU, PCRD, RAC).** THE ADDITIONAL CRITERIA IS LISTED IN THE CODE OF ORDINANCES AND AVAILABLE FROM STAFF.

THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS FINAL DEVELOPMENT PLAN APPLICATION:

- X *A \$1,500.00 application fee shall accompany the Final Development Plan application for the purposes of administration. Make check payable to "City of Palm Bay."
- X Final Development Plan (see above Final Development Plan Criteria for Submittal).
- X List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)
- X Citizen Participation Plan. Required when a preliminary development plan application was not submitted. Refer to [Section 169.005](#) of the Land Development Code for guidelines.
- X School Board of Brevard County [School Impact Analysis Application](#) (if applicable).
- X Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guidelines.
- X **Where property is not owned by the applicant**, a [letter](#) must be attached giving the notarized consent of the owner to the applicant to apply for the final development plan.

I, THE UNDERSIGNED UNDERSTAND THAT THIS FINAL DEVELOPMENT PLAN APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FINAL DEVELOPMENT PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant  Date 2-19-21

Printed Name of Applicant Jake Wise, PE- Construction Engineering Group, LLC

Full Address 2651 W Eau Gallie Blvd; Suite A; Melbourne, FL 32935

Telephone 321-610-1760 Email jwise@cegengineering.com

*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY

_____, 20____

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID 29-36-04-00-1

I, Owner Name: Chaparral Properties, LLC

Address: 2502 N Rocky Point Drive; Suite 1050; Tampa, FL 33607

Telephone: 813-288-8078

Email: marc@metrodg.com

hereby authorize:

Representative: Jake Wise, PE- Construction Engineering Group, LLC

Address: 2651 W Eau Gallie Blvd; Suite A; Melbourne, FL 32935

Telephone: 321-610-1760

Email: jwise@cegengineering.com

to represent the request(s) for:

Final Development Plan along with any and all submittals

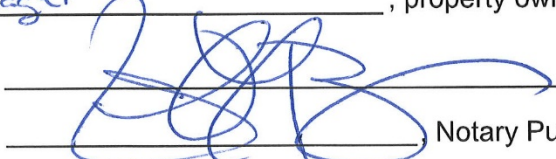
 1/21/21
(Property Owner Signature)
John Ryan, Manager

STATE OF FL

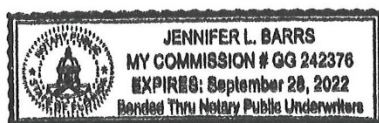
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 21 day of January, 2021 by

John Ryan, Manager, property owner.

 Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:





MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Christopher Balter, Senior Planner

DATE: April 7, 2021

SUBJECT: **PD-13-2021 - Richmond Cove - Joseph Cleo/Josiah King, Inc./RFK Residential Development Properties, LLC (Richard Fadil and Bruce Moia, P.E., Reps.) - Preliminary Development Plan to allow for a 149-lot single-family development called Richmond Cove PUD. Tracts C and C.02 of Port Malabar Unit 32 with Tax Parcel 251, Section 13, Township 29, Range 36, Brevard County, Florida, containing 60.22 acres, more or less. (West of and adjacent to Gaynor Drive SW, in the vicinity north of Ocean Spray Street SW)

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

☐ Case PD-13-2021



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

landdevelopmentweb@palmabayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

PD-13-2021

PLANNING & ZONING BOARD HEARING DATE

April 7, 2021

PROPERTY OWNER & APPLICANT

Joseph Cleo / Josiah King, Inc. / RFK
Residential Development Properties, LLC
(Richard Fadil and Bruce Moia, P.E.,
Representing)

PROPERTY LOCATION/ADDRESS

Tracts C and C.02 of Port Malabar Unit 32 and Tax
Parcel 251, Section 13, Township 29, Range 36,
Brevard County, Florida

SUMMARY OF REQUEST

Preliminary Planned Unit Development approval for a 149-unit
residential subdivision to be known as Richmond Cove PUD.

Existing Zoning

RR, Rural Residential

Existing Land Use

RR, Rural Residential

Site Improvements

Vacant Unimproved Land

Site Acreage

60.22 acres, more or less

SURROUNDING ZONING & USE OF LAND

North

Melbourne-Tillman Canal No. 16

East

RS-2 Single-Family Residential; Single-Family Homes and Gaynor
Drive SW

South

RR, Rural Residential, and RS-2 Single-Family Residential; Single-
Family Homes

West

Melbourne-Tilman Canal No. 13

COMPREHENSIVE PLAN COMPATIBILITY

The future land use designations of the subject property are Single-
Family Residential Use. The development of a single-family planned
unit development is compliant. The proposed density is 2.47 units
per acre, which is below the maximum density defined in the City's
Comprehensive Plan for Single-Family Residential Use (up to 5
units per acre.)

BACKGROUND:

The subject properties are located west of and adjacent to Gaynor Drive SW, and in the vicinity north of Ocean Spray Street SW. Specifically Tracts C and C.02 of Port Malabar Unit 32 and Tax Parcel 251, Section 13, Township 29, Range 36, of Brevard County Florida. This Preliminary PUD request includes approximately 60.22 acres of land.

Tract C and C.02 are part of Port Malabar Unit 32 and have been platted since 1962. Tax Parcel 251 was excluded from this plat. The subject properties have primarily been used for agricultural purposes and have been vacant since their conception. A portion of Tract C was split off in 2016 so that a single-family home could be built upon it.

ANALYSIS:

The applicant is requesting Preliminary Development Plan (PDP) approval for a Planned Unit Development (PUD), to construct a single-family residential subdivision called Richmond Cove PUD. The planned unit development is a concept which encourages and permits variation in residential developments by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage, setbacks and open space, from those elements required in any singular zoning classification found in the City's Zoning Code.

Specifically, the PDP proposes a 149-unit single-family development that will be constructed in one phase. Per the PDP, typical lots within the residential development are 50' x 120'. The minimum size home will be 1200 square feet. The development will consist of three entrances with amenities: neighborhood dog park, passive recreation areas, stormwater management ponds, and a basketball court.

CONDITIONS:

In order to receive Preliminary Planned Unit Development approval, the proposal must meet the requirements of Section 185.066 of the City of Palm Bay's Code of Ordinances. Upon review, it appears that the request is in conformance with the applicable requirements of this section, subject to the following items being submitted with a Final PUD application:

- A. A preliminary subdivision plat and a boundary & title opinion.
- B. Deed restrictions establishing development standards.
- C. An amenity center with a pool.
- D. A School Capacity Determination Letter from Brevard County Schools.
- E. The technical comments generated by the Development Review Staff (attached) shall be observed and incorporated into the FDP, and construction drawings.

STAFF RECOMMENDATION:

Case PD-13-2021 is recommended for approval, subject to the staff comments contained in this report.

TECHNICAL COMMENTS

CASE PD-13-2021 – Richmond Cove PUD

PUBILC WORKS:

(Joe Hale, City Surveyor)

1. Please identify in legend or label the red dashed lines on sheet EX-1 of 4 of the Exhibits.
2. On topo & Boundary plans please show all drainage activities in the Southwest corner of the proposed development. There is an existing ditch along the South side of the tract as well as drainage entering the ditch from the South where Ocean Spray ends.
3. Please identify if street right of ways will be public or private.
4. The 30' road Dedication along Gaynor should be labeled with the ORB and PG.
5. Please provide an Easement along City of Palm Bay Swale along Tract B4.5 and Tract B4.4 for maintenance.
6. With part of Gaynor right of way, south of Ocean Spray, less than 70' ROW width please provide detail on extension of waterline in this area.

(Natalie Shaber, Engineer II)

1. AM and PM peak trips generated exceed 100 trips. A traffic impact study will be required.
2. The entire site is located in the 100-yr floodplain and 500-yr floodplain, and the northern parcel is identified as 'functional wetlands'. An environmental assessment for species habitats and a current wetland delineation shall be conducted by an independent registered environmental consultant and verified by the FFWCC and SJRWMD.
3. All external agency permits shall be provided prior to construction, including but not limited to MTWCD, SJRWMD, FFWCC.
4. Topographic survey including contours and multiple cross-sections surrounding the existing single-family residence and along the project boundary are required.
5. Wet Detention and a NRFS is recommended for this site.
6. Current geotechnical data within the dry retention areas supporting recovery of the water quality treatment volume if dry retention is utilized.
7. Sidewalks are required within the subdivision on both sides of the street and along Gaynor Dr. connecting to the sidewalk at the subdivision.

8. Utility connections are required to be made by directional bore as Gaynor has recently been paved.

9. All requirements of Ch. 174 of the City's Code of Ordinances shall be met for floodplain and stormwater management, including but not limited to the post-development peak discharge rate from the site shall not exceed the pre-development discharge rate for the 10-year/24-hr and 25-yr/24-hour design storms.

10. R/W and commercial driveway permits, and fees shall be submitted.

11. Any roadways or tracts proposed for dedication to the City for operation and maintenance shall adhere to Ch 182 of the City's Code of Ordinances.

UTILITIES (Christopher Little, Utilities Director):

1. The applicant/owner, at their expense, will be required to design, permit, install, inspect, and test water & sewer systems of adequate size to accommodate the development and to connect to the City's water & sewer system. [Section 200.11(D)(1) - On-Site Facilities].

2. The applicant/owner may be required to extend and/or loop service from the existing water and sewer connection points Section 200.11(D)(2) -Off-Site Facilities].

3. The applicant/owner will be responsible for the property's hydraulic share for the utilities. Oversizing of utilities at the request of the Utilities Department will be subject to a refunding agreement or refundable advance [Section 200.1(D) & (E)]. The City of Palm Bay's 2017 Wastewater Master Plan & 2017 Water Master Plan, both of which are available upon request, identify proposed mainline extensions with the City's current pipe sizing requirements.

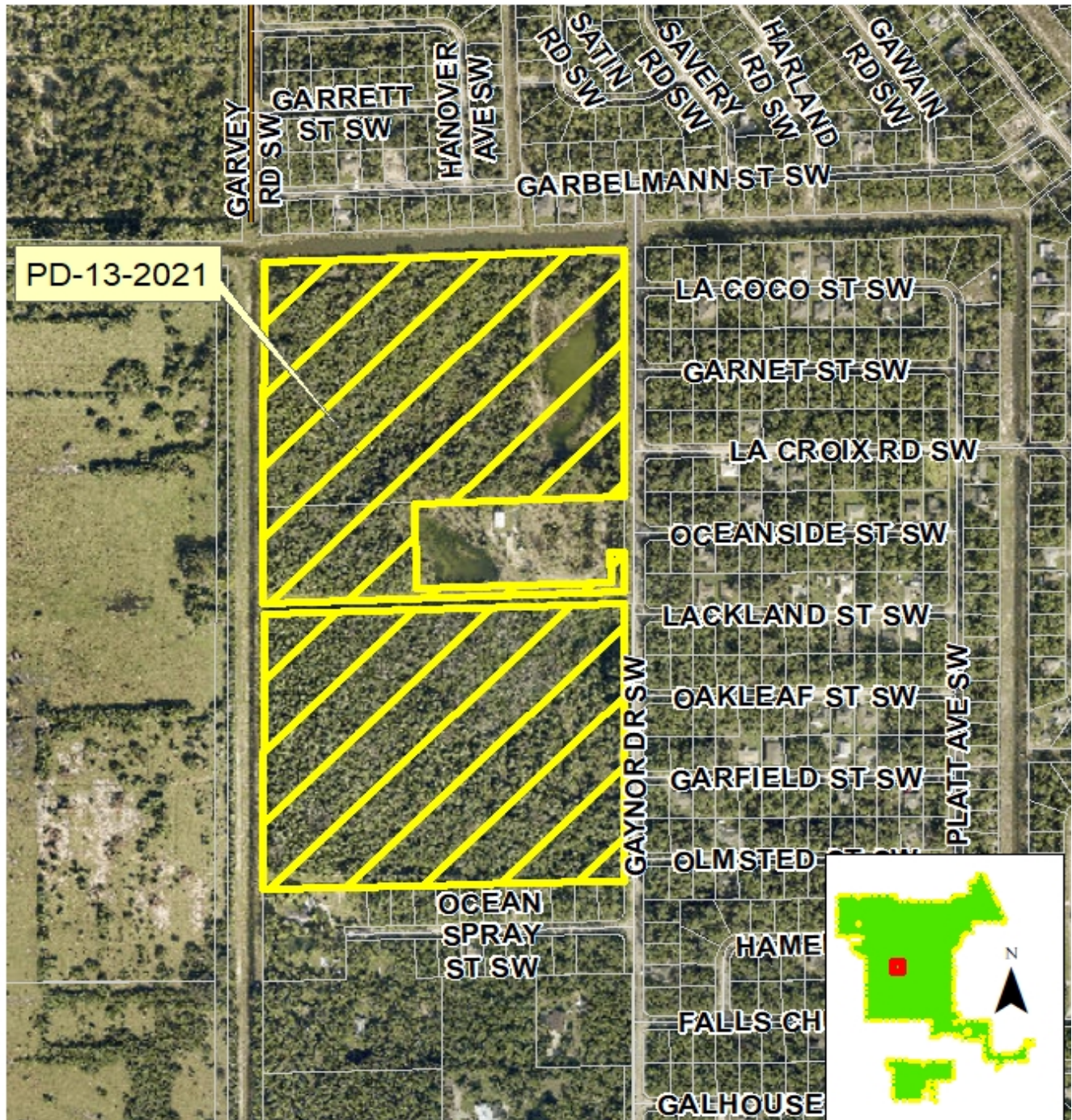
4. A City of Palm Bay "Utility Agreement" shall be executed between the Property Owner and the City. All Utility impact/connection charges noted in the "Utility Agreement" must be paid as outlined in the terms and conditions of the Utility Agreement. All fees are subject to change annually on October 1. The Property Owner shall submit a certified copy of the property deed as verification of ownership as part of the Utility Agreement.

5. All utility construction, materials, and testing shall be in accordance with the latest revision of the Palm Bay Utility Department Policies, Procedures and Standards Handbook and the Standard Detail Drawings. Prior to any construction, all required FDEP Permit applications for the Water and Sanitary Sewer Construction shall be processed through and copied of the Permits filled with the Utilities Department.

BUILDING (James Williams, Flood Plain Administrator):

1. The project is in floodzone AE and X and will need an approved Conditional Letter of Map Amendment (CLOMA) before any buildings are constructed. For the final CO, an approved Letter of Map Revision (LOMR) removing the entire project from the Special Flood Hazard Area is required.
2. Per the City's Floodplain Ordinance, any structure built within a Special Flood Hazard Area (SFHA) will require a Floodplain Permit at time of construction. An approved CLOMR does not exempt the requirement for a Floodplain Permit in the SFHA. The Building Official will not issue any building permits without a Floodplain Permit.
3. If an approved Subdivision LOMR is granted before any building permits are applied for, individual Floodplain permits for each structure will not need to be applied for.

Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.

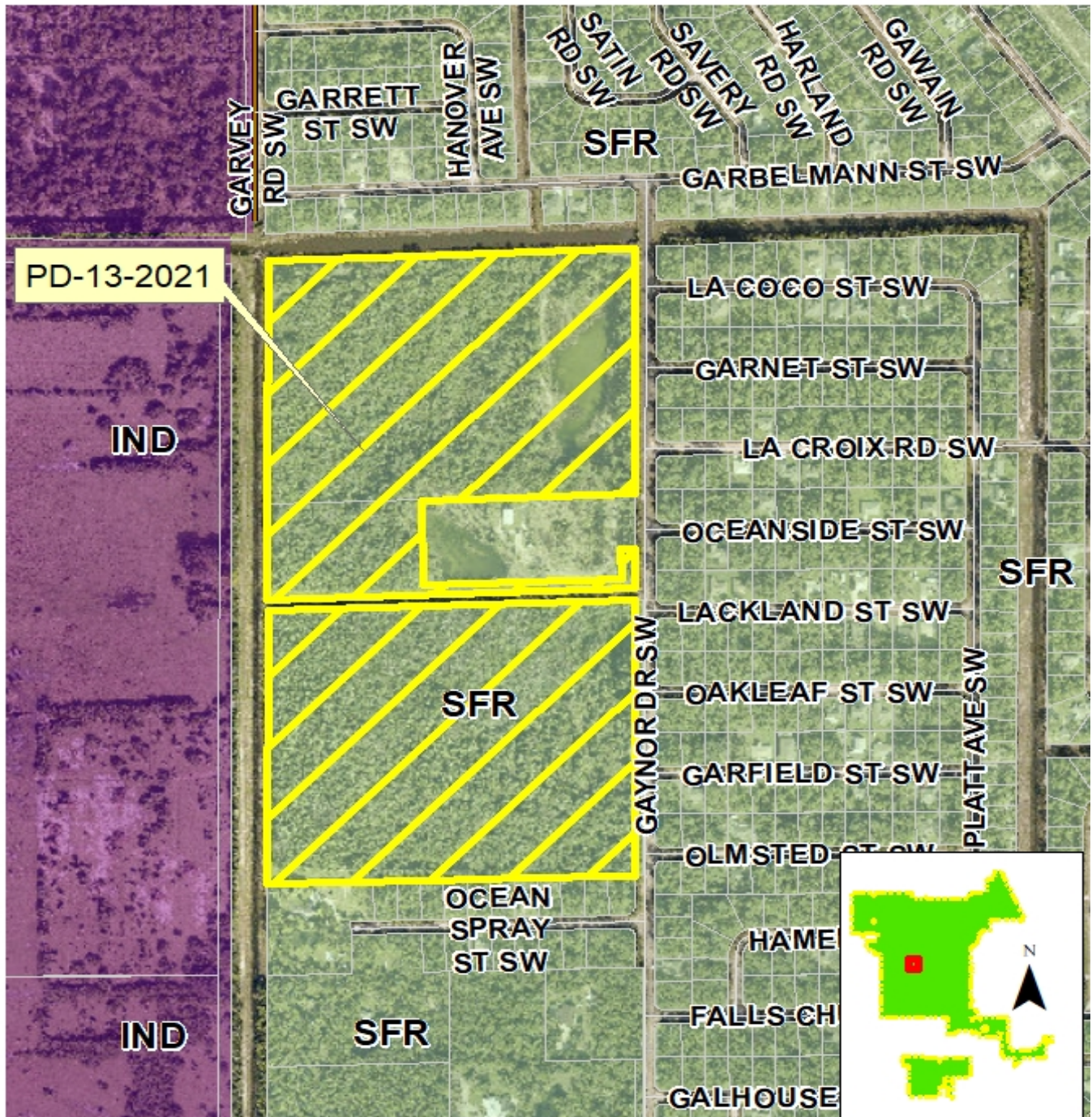


AERIAL LOCATION MAP CASE PD-13-2021

Subject Property

West of and adjacent to Gaynor Drive SW, in the vicinity north of Ocean Spray Street SW

Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



FUTURE LAND USE MAP

CASE PD-13-2021

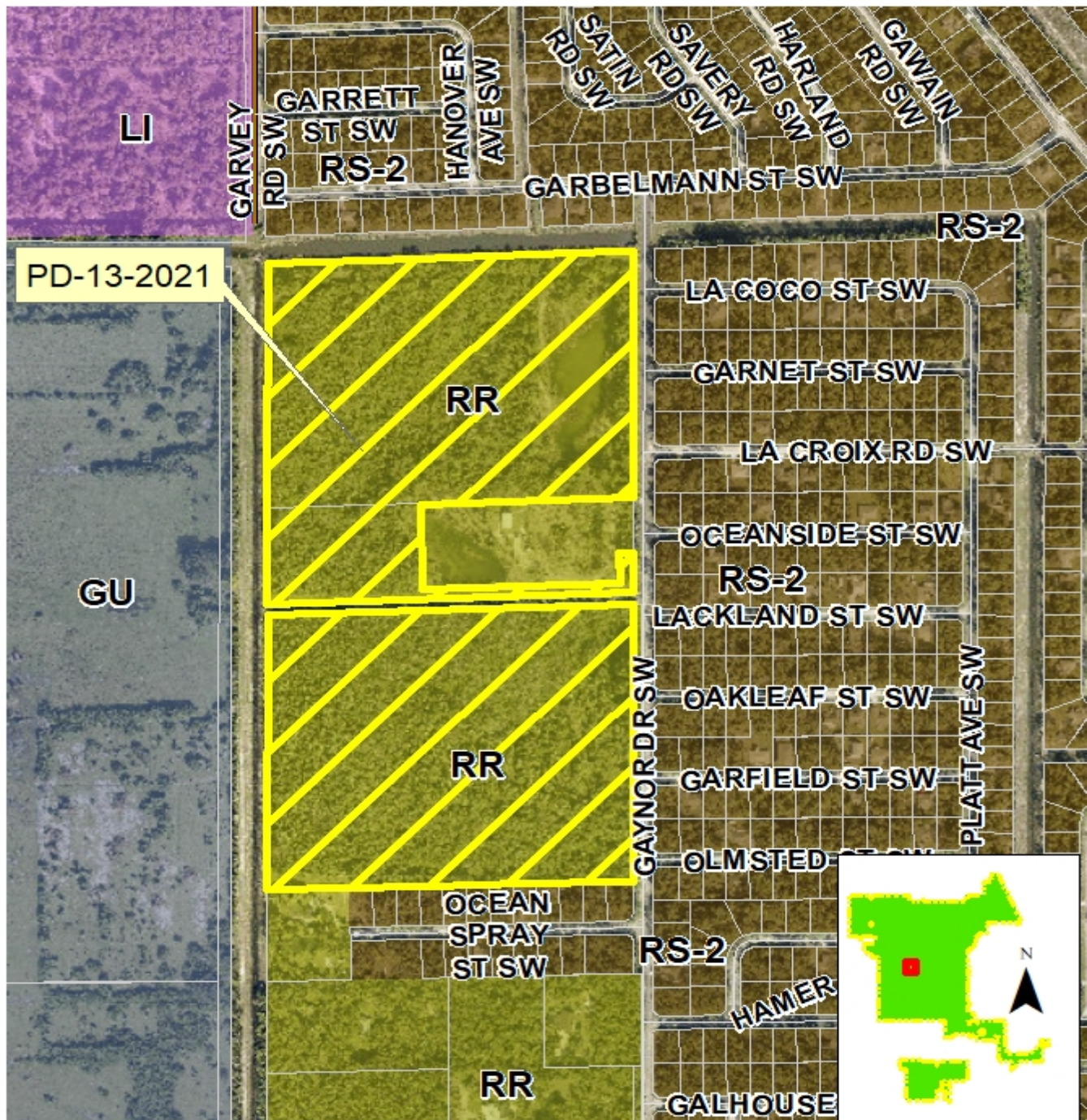
Subject Property

West of and adjacent to Gaynor Drive SW, in the vicinity north of Ocean Spray Street SW

Future Land Use Classification

SFR – Single Family Residential Use

Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



ZONING MAP

CASE PD-13-2021

Subject Property

West of and adjacent to Gaynor Drive SW, in the vicinity north of Ocean Spray Street SW

Current Zoning Classification

RR – Rural Residential District

TRACT	LAND USE	AREA (AC.)	PERCENT (%)
-	TOTAL PARCELS	62.22	100%
-	PARCEL LOTS	21.48	34.52%
-	RIGHT-OF-WAY	5.59	8.98%
A1	WETLAND AREA	10.35	17.12%
A2	WETLAND AREA - BENT RETENTION	5.62	9.20%
A3	STORMWATER AREA - DRY RETENTION	9.06	15.06%
B4	OPEN SPACE, PERMITTER AREAS	0.71	1.14%
B5	RECREATION, GOLF PARK, & OPEN SPACE	0.76	1.58%
C6	SANITARY SEWER ILT STATION	0.17	0.28%
	TOTAL	62.22	100%

GENERAL STATEMENT

SITE INFORMATION	
NAME	ROCKWOLD COVE PUD (SINGLE PROJECT)
ADDRESS	GAYNOR DRIVE PALM BAY, FLORIDA 32908
SECTION	PALM BAY
FILE ID	29-36-13-06-251 (SOUTH) 29-36-13-KK-C 62 (MIDDLE) 29-36-13-KK-C (NORTH)
PLANNING ZONING	RURAL RESIDENTIAL
PROPOSED ZONING	PUD
PRELIMINARY LAND USE	SINGLE FAMILY RESIDENTIAL SINGLE FAMILY RESIDENTIAL

PLANNED UNIT DEVELOPMENT STANDARDS		
AREA	2.923 290 SF	60.22 ACRES
DEVELOPMENT SIZE	REQUIRED 5 ACRES MIN	PROVIDED 60.22 ACRES
DENSITY	5 UNITS / ACRE	47.41 UNITS/AC
NUMBER OF LOTS		149 HOMESITES
DEPTH		50'
WIDTH		120'
AREA		6,000 SQM
OPEN SPACE	25% = 15.06 AC	43.89% = 26.41 AC
1 SETBACK	0	20'
2 SETBACK	0	15'
3 SETBACK	5' (0' BETWEEN BLDG)	5'
4 SETBACK	0	15'
AREA PER UNIT	800 SF / MIN	1,200 MIN
SPACES PER UNIT	2 SPACES PER UNIT	2 SPACES PER UNIT

AREA TABULATIONS			
EL AREA	2,627,205 SF	60.22 ACRES	100%
PANES	333,782 SF	7.66 ACRES	12.7%
S	490,689 SF	10.35 ACRES	17.2%
W	243,720 SF	5.60 ACRES	9.2%
W/MASTER	638,306 SF	14.65 ACRES	24.3%
ALTERNATIVE	125,223 SF	2.87 ACRES	4.8%
RETE SIDEWALKS	96,907 SF	1.36 ACRES	2.6%
SITES @ 145 UNITS	372,500 SF	8.56 ACRES	14.2%
TRACTION TRACT	7,361 SF	0.17 ACRES	0.3%
PERVIOUS	1,822,940 SF	41.85 ACRES	69.9%
IMPERVIOUS	804,391 SF	18.37 ACRES	30.3%

1. NO BUILDING PARKING LOTS OR OTHER STRUCTURES MAY BE LOCATED WITHIN THE PERIMETER SERVICE AREA. HOWEVER, SWIMMING POOLS AND POOL DECKS MAY BE PERMITTED SUBJECT TO THE NORMAL, RESIDENTIAL DEVELOPMENT REQUIREMENTS.
2. ALL UTILITIES, INCLUDING BUT NOT LIMITED TO TELEPHONE, CABLE, TELEVISION CABLE AND ELECTRICAL, STORMWATER, BE INSTALLED UNDERGROUND. THE MINIMUM REQUIREMENTS FOR SUEDS OR ROADS, SUEDS OR ROADS, SEWER FACILITIES, UTILITIES AND CROSSLAND SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE CITY OF PALM BEACH SUBDIVISION DEVELOPMENT.
3. SUBDIVISION SIGNS SHALL BE IN ACCORDANCE WITH CHAPTER 178 OF THE LAND DEVELOPMENT REGULATIONS.
4. WALLS AND FENCES SHALL MEET ALL THE REQUIREMENTS OF CHAPTER 178 OF THE LAND DEVELOPMENT REGULATIONS.
5. PARKING SHALL MEET ALL THE REQUIREMENTS OF CHAPTER 180 OF THE LAND DEVELOPMENT REGULATIONS.
6. LANDSCAPING SHALL MEET ALL THE REQUIREMENTS OF CHAPTER 180 OF THE LAND DEVELOPMENT REGULATIONS.

ENVIRONMENTAL IMPACT AREA TABULATIONS			
EXISTING LOW QUALITY WETLAND	422.14 SF	0.95 ACRES	
WETLANDS TO BE IMPROVED	369,963 SF	8.48 ACRES	
WETLAND AREA IMPROVED	422,634 SF	9.71 ACRES	
WETLAND IMPACT PERCENTAGE	12.5%		
EXISTING MEDIUM WETLAND	78,015 SF	1.79 ACRES	
WETLAND AREA TO BE IMPROVED/CREATED	81,116 SF	1.88 ACRES	
WETLAND AREA IMPROVED	20,900 SF	0.48 ACRES	
WETLAND IMPACT PERCENTAGE	20.6%		
TOTAL WETLANDS POST-DEVELOPMENT	451,969 SF	10.30 ACRES	

LI ZONING
LIGHT INDUSTRIAL AND WAREHOUSING

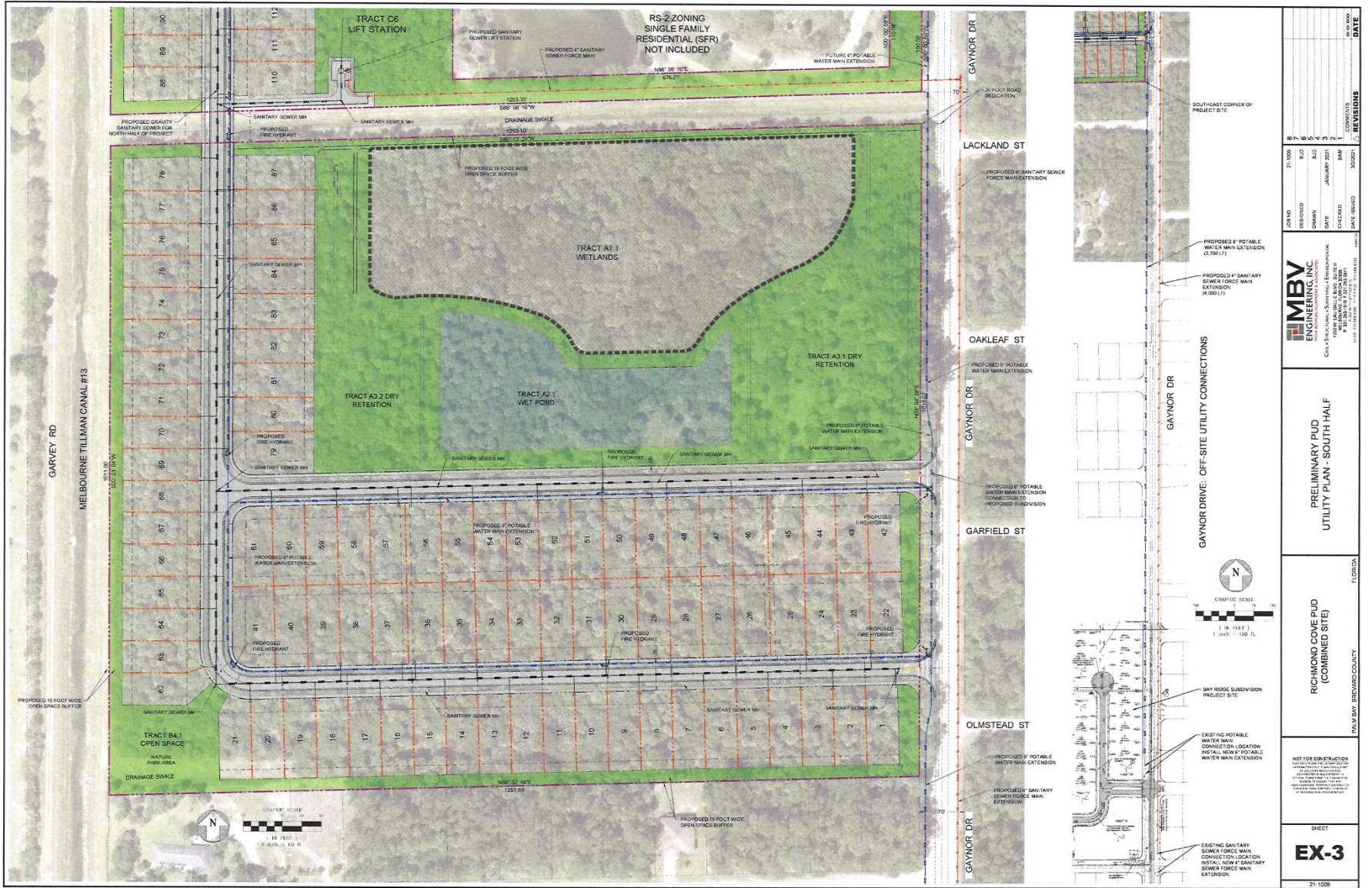
GARVEY RD

MELBOURNE TILLMAN CANAL #13



POST-Development Impervious Land Use Calculations			
Area Description	Square Feet	Acreage	% of Total
On-Site Impervious Areas			
HOME SITES	372,300	8.56	14%
ROADWAYS	125,223	2.87	5%
SIDEWALKS	58,907	1.35	2%
WET RETENTION POND	245,735	5.60	9%
Subtotal Impervious	802,165	18.37	31%
On-Site Pervious Areas			
OPEN SPACE	1,422,817	32.68	54%
HOME SITE OPEN AREAS	422,198	9.70	16%
Subtotal Pervious	1,844,945	41.86	69%
Total On-Site Area	2,623,295	60.22	100%
Total Contributing Areas			
Total Project Site	60.22	100%	
Total Project Impervious Areas	18.37	31%	
Total Project Pervious Areas	41.86	69%	

 MBV ENGINEERING INC. <small>FLORIDA REGISTERED PROFESSIONAL ENGINEERING FIRM</small> 1000 S. GULF BLVD., SUITE 100 MIAMI, FL 33130 (305) 371-1111		PREPARED BY: J. B. BROWN CHECKED BY: J. B. BROWN DATE: JANUARY 2017 SCALE: AS SHOWN SHEET: 21-1009
PERMITS/PLANS STORMWATER PLAN		PROJECT NO.: 21-1009 PROJECT NAME: RICHMOND COVE PUD (COMBINED SITE) LOCATION: PALM BEACH COUNTY, FLORIDA DATE ISSUED: 3/30/2017
RICHMOND COVE PUD (COMBINED SITE)		SHEET EX-2 21-1009 CONCEPTUAL



REVISIONS		DATE
1	21-1098	7/1/2021
2	21-1098	7/1/2021
3	21-1098	7/1/2021
4	21-1098	7/1/2021
5	21-1098	7/1/2021
6	21-1098	7/1/2021
7	21-1098	7/1/2021
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9	21-1098	7/1/2021
10	21-1098	7/1/2021
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111	21-1098	7/1/2021
112	21-1098	7/1/2021





March 1, 2021

Ms. Chandra Powell
City of Palm Bay, Land Development Department
120 Malabar Road, S.E.
Palm Bay FL, 32909

Via Hand Delivery

RE: Richmond Cove - PUD
Parcel ID: 29-36-13-KK-*-C
29-36-13-KK-*-C.02
29-36-13-00-251
MBV Project #: 21-1009

Dear Ms. Powell :

Please allow this letter to serve as a narrative for the planned unit development that MBV Engineering is initiating at this time. The proposed development is approximately 60.22 acres that is currently zoned RR (Rural Residential) with a land use of single-family residential. It has historically been utilized as a grove and pasture land and over time has become defunct. The project is also proposing a zoning change from the existing RS-1 to PUD. The layout is proposed of Standard 50 foot wide by 120-foot-deep lots. The project will consist of 149 Single Family Lots. It is located three quarters of a mile north on Gaynor Road SE off Bayside Lakes Boulevard SE. The project borders the Melbourne Tillman Water Management District Canal #13 to the west and Canal #16 to the north. The project will protect and restore approximately 10.35 acres of wetlands as well be providing stormwater facilities along with open space tracts in an attempt to preserve as many of the pristine trees that are existing. Active recreational areas are also planned for the development.

MBV will initiate the Citizen's Participation Plan / Report for review when the meeting location and date have not been established at this time but we will update the city this week with the final details.

Contacts for the project are as follows:

Owner/Developer:

Holiday Builders
Chris McCurdy

1835 20th Street
Vero Beach, FL 32960
772.569.0035
Fax: 772.778.3617

1250 W. Eau Gallie Blvd., Suite H
Melbourne, FL 32935
321.253.1510
Fax: 321.253.0911

806 Delaware Avenue
Ft. Pierce, FL 34950
772.468.9055
Fax: 772.778.3617

901 Martin Downs Blvd., Suite 203
Palm City, FL 34990
772.426.9959
Fax: 772.778.3617



Ms. Chandra Powell
The Reserve at Country Club Lakes Estates
MBV # 19-1025

2293 W. Eau Gallie, Blvd.
(321) 610-5233
CMcCurdy@holidaybuilders.com

EOR: MBV Engineering Inc.
Bruce Moia, P.E.
321-253-1510
BruceM@mbveng.com

Sincerely,

Bruce Moia, P.E., President
MBV Engineering, Inc.

TRAFFIC IMPACT STATEMENT

For

RICHMOND COVE PUD

149 SINGLE FAMILY HOMESITES

City of Palm Bay,
Brevard County, Florida

March 2021

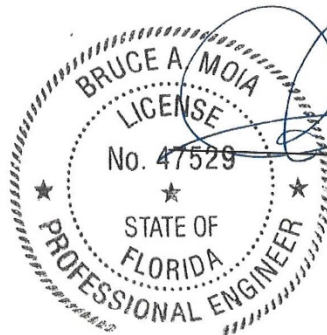
PREPARED BY:



CIVIL ■ STRUCTURAL ■ SURVEYING ■ ENVIRONMENTAL

1250 W. Eau Gallie Blvd., Unit L
Melbourne, Florida 32935
321.253.1510 ■ Fax: 321.253.0911
www.mbveng.com

CERTIFICATE OF AUTHORIZATION NUMBER: 3728
ENGINEERS PROJECT #: 15-1690



3/1/21
Bruce A. Moia,
P.E.
FL PE #47529

I. INTRODUCTION

The purpose of this report is to provide the City of Palm Bay Land Development with a Traffic Impact Statement, which address the anticipated impacts associated with the proposed Development. The report will address the traffic volumes associated with the project and will include link assignments for the new trips generated. This Traffic Statement addresses only the future traffic impact of the proposed additions.

II. PROPOSED TRIP GENERATION

Based on the City of Palm Bay Land Development Regulations, and ITE Trip Generation, Tenth Edition, a summary of the net average trips (ADT) and PM Peak Hour Trips are as follows:

<u>Use</u>	<u>ADT Total</u>	<u>Peak Hour Trips</u>		
		<u>Total</u>	<u>In</u>	<u>Out</u>
SF Detached Residential (210)	9.44 trips/ 149 units = 1407 trips	*PM* (One Hour Between 4 and 6:pm) (Peak Hour of Adjacent Street Traffic) 0.99 trips/Unit = 149 trips	94 (63%)	55 (37%)

The peak hour trips and the In/Out distribution rates were based on the ITE Trip Generation, Tenth Edition, 210. Based on the distribution, the proposed trips do not exceed the capacity of any segment in the City's Traffic System.

Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 190

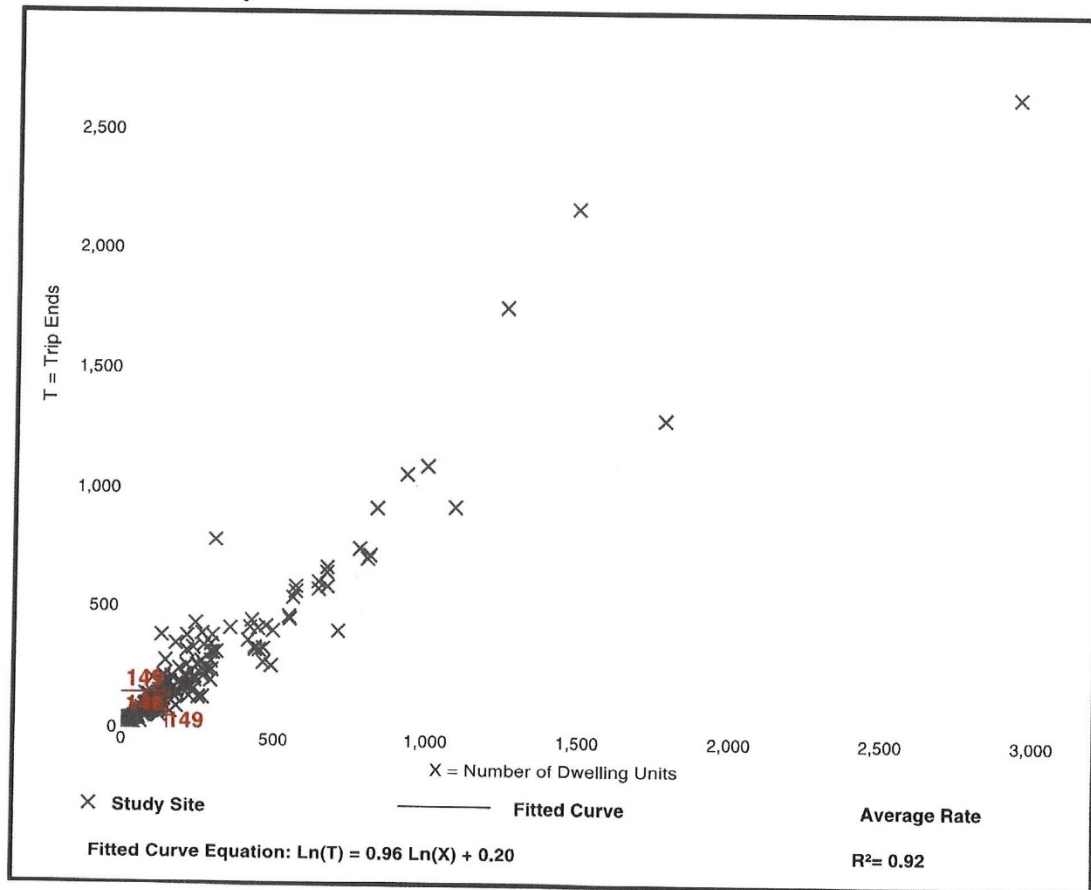
Avg. Num. of Dwelling Units: 242

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.99	0.44 - 2.98	0.31

Data Plot and Equation



Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers



Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopmentweb@palmabayflorida.org

PRELIMINARY DEVELOPMENT PLAN APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, Monday through Friday, during division office hours, to be processed for consideration by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

APPLICATION TYPE:



PUD

Planned Unit Development
(Section 185.060)



PMU

Parkway Mixed Use District
(Preliminary Design Plan)
(Section 185.057)



PCRD

Planned Community
Redevelopment District
(Section 185.055)



RAC

Regional Activity Center District
(Preliminary Concept Plan)
(Section 185.056)

PROPOSED DEVELOPMENT NAME Richmond Cove

PARCEL ID 29-36-13-KK-*-C, 29-36-13-KK-*-C.02, 29-36-13-00-251

TAX ACCOUNT NO. 2906947, 3012804, 2908382

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

2906947 - Port Malabar Unit 32 Tract C Exc ORB 7107 PG 818 & ORB 7377 PG 1599

3012804 - Port Malabar Unit 32 Part of Tract C as Desc in ORB 7377 PG 1599

2908382 - N 3/4 of SW 1/4 of NW 1/4 Exc ORB 8803 PG 606 & Canal R/W

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 60.22

TOTAL LOTS PROPOSED (list by use): 149

DEVELOPER Holiday Builders

Full Address 2293 W. Eau Gallie Blvd, Melbourne, FL 32935

Telephone 321-610-5168

Email broth@holidaybuilders.com

ENGINEER MBV Engineering, Inc.

Full Address 1250 W. Eau Gallie Blvd, Suite H, Melbourne, FL 32935

Telephone 321-253-1510

Email brucem@mbveng.com

SURVEYOR _____

Full Address _____

Telephone _____

Email _____

**CITY OF PALM BAY, FLORIDA
PRELIMINARY DEVELOPMENT PLAN APPLICATION
PAGE 2 OF 3**

PRELIMINARY PLAN CRITERIA FOR SUBMITTAL:

TWO (2) COPIES OF THE FOLLOWING EXHIBITS SHALL BE ATTACHED TO THE PRELIMINARY APPLICATION. THE EXHIBITS SHALL ALSO BE PROVIDED ON MEMORY DRIVE.

- A) Vicinity map clearly outlining subject property and showing the relationship between the site and its surrounding area including adjacent streets and thoroughfares.
- B) Preliminary Development Plan that shall contain maps, drawings and narrative, as appropriate, providing the following information:
 - 1) A general plan for the use of all lands within the proposed development. Such plans shall indicate the general location of residential areas (including maximum density and unit types), open space, parks, passive or scenic areas, and nonresidential areas (including maximum building square footage or other intensity maximums).
 - 2) Proposed name or title of project, the name of the engineer, architect, and developer.
 - 3) North arrow, scale (1 inch = 200 feet or larger), date and legal description of the proposed site.
 - 4) Boundaries of tract shown with bearings, distances, closures, and bulkhead liner. All existing easements, section lines, and all existing streets and physical features in and adjoining the project, and the existing zoning.
 - 5) Proposed parks, school sites, or other public or private open space.
 - 6) Off-street parking, loading areas, driveways and access points.
 - 7) Site data including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary residential and secondary non-residential uses, and the total number of dwelling units, the maximum height of all structures, the minimum setbacks of all structures (and parking areas) and the total area of pervious and impervious surfaces.
 - 8) Delineation of phased development, if applicable.
 - 9) Proposed means of drainage for the site.
- C) A plan of vehicular and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, the capacity of the system and major access points to the external and internal thoroughfare network.
- D) Schematic drawing of the elevation and architectural construction of the proposed primary and secondary nonresidential structures.
- E) A Traffic Study meeting generally accepted engineering practices examining the impact of the proposed development on the surrounding roadway network. (If applicable)
- F) Narrative describing in detail how the proposed Preliminary Development Plan meets the requirements of the Land Development Code and the Palm Bay Comprehensive Plan.

ADDITIONAL CONDITIONS MUST BE MET AND INCORPORATED INTO THE SITE PLAN FOR THE SPECIFIC TYPE OF DEVELOPMENT REQUESTED (PUD, PMU, PCRD, RAC). The additional criteria are listed in the Code of Ordinances and available from staff.

CITY OF PALM BAY, FLORIDA
PRELIMINARY DEVELOPMENT PLAN APPLICATION
PAGE 3 OF 3

THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS PRELIMINARY DEVELOPMENT PLAN APPLICATION:

- _____ *A \$1,000.00 application fee shall accompany the Development Plan application for the purposes of administration. Make check payable to "City of Palm Bay."
- _____ Vicinity Map (see Item A).
- _____ Preliminary Development Plan (see Item B).
- _____ Vehicular and Pedestrian Circulation Plan (see Item C).
- _____ Schematic Drawing (see Item D).
- _____ Traffic Study (see Item E).
- _____ Narrative (see Item F).
- _____ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)
- _____ Citizen Participation Plan. Refer to Section 169.005 of the Land Development Code for guidelines.
- _____ School Board of Brevard County School Impact Analysis Application (if applicable).
- _____ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.
- _____ **Where property is not owned by the applicant**, a letter must be attached giving the notarized consent of the owner to the applicant to apply for the preliminary development plan.

I, THE UNDERSIGNED UNDERSTAND THAT THIS PRELIMINARY DEVELOPMENT PLAN APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING PRELIMINARY DEVELOPMENT PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant R Fadi Date 3-1-21

Printed Name of Applicant Richard Fadi - Holiday Builders, Inc.

Full Address 2293 W. Eau Gallie Blvd, Melbourne, FL 32935

Telephone 321-610-5168 Email broth@holidaybuilders.com

*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY

February 24, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID 29-36-13-KK-*-C.02 PORT MALABAR UNIT 32 PART OF TRACT C AS DESC IN ORB 7377 PG 1599

I, Owner Name: Joseph Cleo

Address: 163 Haines SW Rd Palm Bay FL 32908

Telephone:

Email:

hereby authorize:

Representative: Richard Fadil, Holiday Builders, Inc.

Address: 2293 W. Eau Gallie Blvd, Melbourne, FL 32935

Telephone: 321-610-5168

Email: broth@holidaybuilders.com

to represent the request(s) for:

Preliminary PUD

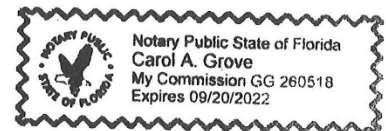
(Property Owner Signature)

STATE OF

Florida

COUNTY OF

Brevard



The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 1 day of March, 2021 by Joseph Cleo, property owner.

Carol Grove
Carol Grove

, Notary Public

☐ Personally Known or ☒ Produced the Following Type of Identification:

Drivers License

February 24, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID 29-36-13-KK-*-C.02 PORT MALABAR UNIT 32 PART OF TRACT C AS DESC IN ORB 7377 PG 1599

I, Owner Name: Joseph Cleo

Address: 163 Haines SW Rd Palm Bay FL 32908

Telephone:

Email:

hereby authorize:

Representative: Bruce Moia, P.E., MBV Engineering

Address: 1250 W. Eau Gallie Blvd, Suite H, Melbourne, FL 32935

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Preliminary PUD

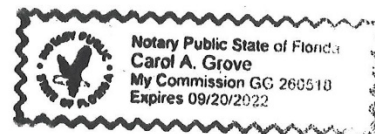
(Property Owner Signature)

STATE OF

Florida

COUNTY OF

Brevard



The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 1 day of March, 2021 by Joseph Cleo, property owner.

Carol Grove
Carol Grove, Notary Public

☐ Personally Known or ☒ Produced the Following Type of Identification:

Drivers License

February 24, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID 29-36-13-00-251 N 3/4 of SW 1/4 EXC ORB 8803 PG 606 & CANAL R/W

I, Owner Name: Clifford Roger Freeman- RFK Residential Development Properties, LLC

Address: 5505 Manatee Point Drive, New Port Richey, FL 34652

Telephone:

Email: broth@holidaybulders.com

hereby authorize:

Representative: Bruce Moia, MBV Engineering, Inc.

Address: 1250 W. Eau Gallie Blvd, Suite H, Melbourne, FL 32935

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

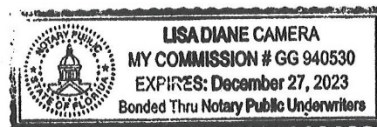
Preliminary PUD



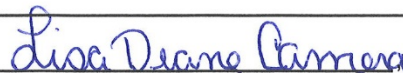
(Property Owner Signature)

STATE OF Florida

COUNTY OF Pasco



The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 26th day of FEB, 2021 by _____, property owner.

 Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

February 24, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID 29-36-13-00-251 N 3/4 of SW 1/4 EXC ORB 8803 PG 606 & CANAL R/W

I, Owner Name: Clifford Roger Freeman - RFK Residential Development Properties, LLC

Address: 5505 Manatee Point Drive, New Port Richey, FL 34652

Telephone:

Email: broth@holidaybuilders.com

hereby authorize:

Representative: Richard Fadil, Holiday Builders, Inc.

Address: 2293 W. Eau Gallie Blvd, Melbourne, FL 32935

Telephone: 321-610-5168

Email: broth@holidaybuilders.com

to represent the request(s) for:

Preliminary PUD



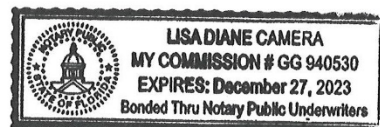
(Property Owner Signature)

STATE OF

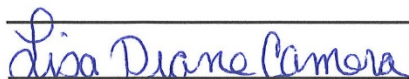
FLORIDA

COUNTY OF

PASCO



The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 26th day of FEB, 2021 by _____, property owner.



Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

February 24, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID 29-36-13-KK-*-C Port Malabar Unit 32 Tract C Exc ORB 7101 PG 818 & ORB 7377 PG 1599

I, Owner Name: Sam Aurilio - Josiah King Inc.

Address: 208 Fern Street, 808, West Palm Beach, FL 33401

Telephone: 561-627-5300

Email: nationaladvocate@gmail.com

hereby authorize:

Representative: Bruce Moia, MBV Engineering, Inc.

Address: 1250 W. Eau Gallie Blvd, Suite H, Melbourne, FL 32935

Telephone: 321-253-1510

Email: brucem@mbveng.com

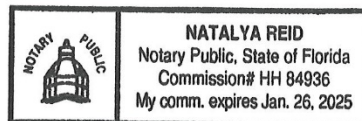
to represent the request(s) for:

Preliminary PUD

Sam Aurilio
(Property Owner Signature)

STATE OF Florida

COUNTY OF Palm Beach



The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 26 day of Feb., 2021 by Sam Aurilio - Josiah King Inc.

, property owner.

Natalya Reid
Natalya Reid, Notary Public

☐ Personally Known or ☒ Produced the Following Type of Identification:

FL DL

February 24, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID 29-36-13-KK-*-C Port Malabar Unit 32 Tract C Exc ORB 7101 PG 818 & ORB 7377 PG 1599

I, Owner Name: Samuel C. Aurilio - Josiah King Inc.

Address: 208 Fern Street, 808, West Palm Beach, FL 33401

Telephone: 561-627-5300

Email: nationaladvocate@gmail.com

hereby authorize:

Representative: Richard Fadil - Holiday Builders, Inc.

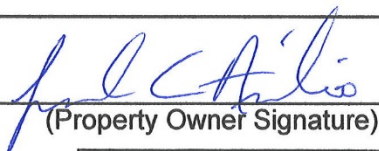
Address: 2293 W. Eau Gallie Blvd., Melbourne, FL 32935

Telephone: 321-610-5168

Email: broth@holidaybuilders.com

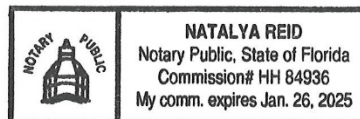
to represent the request(s) for:

Preliminary PUD

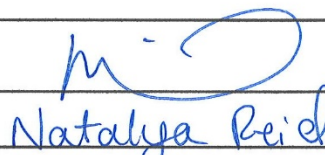

(Property Owner Signature)

STATE OF Florida

COUNTY OF Palm Beach



The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 26 day of Feb, 2021 by Samuel C. Aurilio - Josiah King Inc., property owner.


Natalya Reid, Notary Public

☐ Personally Known or ☒ Produced the Following Type of Identification:

FL DL



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Laurence Bradley, AICP, Growth Management Director

DATE: April 7, 2021

SUBJECT: T-14-2021 - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, to establish provisions for Wayfinding Signs and to modify the language for Wall Signs

ATTACHMENTS:

Description

📎 Case T-14-2021



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

landdevelopmentweb@palmabayflorida.org

Prepared by

Laurence Bradley, AICP, Growth Management Director

CASE NUMBER

T-14-2021

PLANNING & ZONING BOARD HEARING DATE

April 7, 2021

PROPERTY OWNER & APPLICANT

City of Palm Bay, Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

Amend Chapter 178: Sign Code, to modify the definition of wall sign to allow them to be located five (5) feet above the predominant roof line; add a new definition for Wayfinding Sign; modify definition of Wall to include windows and doors in the area calculation; modify Appendix A (Commercial Districts) and Appendix B (Industrial Districts) to modify Wall Signs and add Wayfinding Signs.

Existing Zoning

Not Applicable

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

APPLICABILITY

Citywide

COMPREHENSIVE PLAN COMPATIBILITY

Not Specifically Addressed

BACKGROUND:

Textual amendments to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs to modify the definition of wall sign to allow them to project five (5) feet above predominant roof line; to add a new definition for Wayfinding Sign; to modify the definition of Wall to include windows and doors in the area calculation; to modify Appendix A (Commercial Districts); to modify Wall Signs and add Wayfinding Signs; to modify Appendix B (Industrial Districts); to modify Wall Signs and add Wayfinding Signs.

The Growth Management Department prepared this textual amendment in response to a workshop held by City Council on February 11, 2021 regarding incentives and inducements for development within the City. At the workshop, there was discussion of several businesses within the City that do not have frontage on arterial or major collector streets, which have requested signage that would assist drivers to find their establishments. Further, staff is also seeking to amend regulations regarding wall signs at the request of several businesses within the City.

The rationale for this amendment is to make it easier for the public to find and locate businesses not located on main roads. This is seen as an incentive to commercial businesses within the City. Further changes to the Wall sign regulations will simplify and make more consistent the regulations regarding Wall signs.

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~strikethrough~~ format.

ANALYSIS:

Section 178.08 is the definitions section of the Sign Regulations. In total, three (3) definitions are proposed to be changed.

The first proposed change is to modify the definition of Wall Sign. This proposed change will permit Wall Signs to be located up to five (5) feet above the predominant roof line.

The second change is the addition of a new definition to create a new type of sign: a Wayfinding Sign. (See attached examples). The Wayfinding Sign would allow establishments not located on an Arterial or Major Collector road (see attached list) to place a Wayfinding sign on private property located on the Arterial or Major Collector, with written permission of the property owner, provided that the sign will be located within ½ mile (2,640 feet) of the establishment's property. Co-location of establishments on Wayfinding Signs shall be encouraged.

The third definitional change is the definition of Wall. This change would simply include doors and windows rather than exclude them from wall area thus, making it easier for businesses, contractors, and staff to calculate the area. This creates a slight increase in the size of Wall Signs as doors and windows are now included in the wall area calculations.

This proposed amendment makes two (2) identical changes to Appendix A (Signs in Commercial Zoning Districts) and Appendix B (Signs in Industrial Zoning Districts) which are summarized below.

The first change modifies the tables regarding Wall Signs. Specifically, the number of Wall Signs is eliminated in favor a simple maximum of 10% of the wall area per wall, for all the wall signs. Further, the table is modified to allow Wall Signs to be located up to five (5) above the predominant roofline for a building façade with multiple heights or roof lines.

The second series of changes to the tables is the addition of new provisions for Wayfinding Signs. This change requires Wayfinding Signs to be located on Arterial or Major Collectors roads no less than 1,500 apart. However, one (1) sign is allowed on opposite sides of the road which do not have to be 1,500 apart. The Wayfinding Signs shall be a maximum of 36 sq. ft., a maximum of 10 feet in height and have a setback of 10 feet from the property lines of the parcel the sign is located upon. These standards are consistent with the freestanding sign standards for other Commercial and Industrial signs

STAFF RECOMMENDATION:

Staff recommends approval of the proposed changes as written to incentivize businesses within the City, make them easier to find and locate, and to simplify regulations for Wall signs.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 178: SIGNS

§ 178.08 DEFINITIONS.

SIGN.

(2) **SIGNS** include the following defined classes of signs:

(a) **PERMANENT SIGNS.** Signs made of durable material and fixed to a building, supporting structure, or the ground in such a manner as to be immobile without the use of extraordinary means, such as disassembly. The following types of signs shall be permanent signs:

(xiii) **WALL SIGN.** A sign which is attached to or erected against the wall of a building with its face in a parallel plane to the plane of the building façade or wall. This definition shall include the painting of a sign on a wall surface. For a building façade with multiple heights or roof lines, the wall sign shall not project ~~>>~~more than five (5) feet ~~<<~~ above the parapet ~~unless it is affixed to, or painted upon,~~ ~~>>~~of~~<<~~ a roof line that is more than 50% of the length of the building façade. Any wall sign contrary to this requirement shall be considered a roof sign.

~~>>~~(xiv) **WAYFINDING SIGN.** A sign that provides information regarding the location of nearby establishments that do not have frontage on an Arterial or Major Collector street. Wayfinding signs must be located on private property with written permission of the property owner and may not be erected in any public right-of-way. More than one entity may co-locate on a Wayfinding sign. The property for an establishment using a Wayfinding sign shall be located within 2,640 feet (1/2 mile) of said sign.~~<<~~

WALL. The surface of the exterior of a principal building exposed to the public view within a single plane, ~~exclusive~~ ~~>>~~inclusive~~<<~~ of windows and/or doors.

Appendix A: Schedule of Signs in Commercial Zoning Districts

SCHEDULE OF SIGNS IN COMMERCIAL ZONING DISTRICTS						
Sign Type	District(s)	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination
Wall	All	1 per street frontage >>Unlimited<<	Max 10% of Wall Area >>for the cumulative total of wall signs per wall<<	Not Above Average Roofline >>Max 5 feet above the predominant roofline<<	On the Principal Building	External
>>Wayfinding<<	>>All<<	>>1 per 1,500 linear ft. on the same side of the roadway<<	>>36 sq. ft.<<	>>10 ft.<<	>>10 feet from the property line of a parcel which has frontage on an Arterial or Major Collector street<<	>>None<<

Appendix B: Schedule of Signs in Industrial Zoning Districts

SCHEDULE OF SIGNS IN INDUSTRIAL ZONING DISTRICTS						
Sign Type	District(s)	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination
Wall	All	1 per street frontage frontage >>Unlimited<<	Max 10% of Wall Area >>for the cumulative total of wall signs per wall<<	Not Above Average Roofline >>Max 5 feet above the predominant roofline<<	On the Principal Building	External
>>Wayfinding<<	>>All<<	>>1 per 1,500 linear ft. on the same side of the roadway<<	>>36 sq. ft.<<	>>10 ft.<<	>>10 feet from the property line of a parcel which has frontage on an Arterial or Major Collector street<<	>>None<<

CITY OF PALM BAY ROAD CLASSIFICATIONS

(See Comprehensive Plan...Future Transportation Map Series #1A & 1B)

Arterial Roadways

- 1) Babcock Street
- 2) Dixie Highway
- 3) Interstate 95
- 4) Malabar Road
- 5) Minton Road
- 6) Palm Bay Road
- 7) St. Johns Heritage Parkway
(both segments)

Minor Collector Roadways

- 1) Bass Pro Drive
- 2) Bianca Drive
- 3) Cogan Drive
- 4) Community College Parkway
- 5) Daytona Drive
- 6) Emerson Drive (Minton Rd to SJHP &
from Malabar Rd to Bayside Lakes Blvd)
- 7) Fallon Boulevard
- 8) Foundation Park Boulevard
- 9) Garvey Road
- 10) Harper Boulevard
- 11) Hield Road
- 12) Hurley Boulevard
- 13) Krassner Road
- 14) Lamplighter Road
- 15) Mariposa Drive
- 16) Pace Drive
- 17) Riviera Drive
- 18) Walden Boulevard
- 19) Wichita Boulevard
- 20) Wyoming Drive

Major Collector Roadways

- 1) Americana Boulevard
- 2) Bayside Lakes Boulevard
- 3) Clearmont Street
- 4) Culver Drive
- 5) De Groodt Road
- 6) Eldron Boulevard
- 7) Emerson Drive (Minton Rd to Malabar Rd)
- 8) J. A. Bombardier Boulevard
- 9) Jupiter Boulevard
- 10) Lipscomb Street
- 11) *Osmosis Drive* (De Groodt to Sapodilla)
- 12) Port Malabar Boulevard
- 13) Robert J. Conlan Boulevard
- 14) San Filippo Drive
- 15) St. Andre Boulevard
- 16) Waco Boulevard

Osmosis Drive: The segment of Osmosis within the Bayside Lakes Community is a Local Street.

Land Development Division: February, 2013







LAND DEVELOPMENT DIVISION
120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopment@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

178.08, 178 Appendix A & 178 Appendix B

PROPOSED LANGUAGE (attach addendum if necessary):

See attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

Proposed changes to to add Wayfinding signs to help the traveling public locate local businesses. Also changes to Wall Signs to make it easier for businesses to comply with the sign regulations.

CITY OF PALM BAY, FLORIDA
CODE TEXTUAL AMENDMENT APPLICATION
PAGE 2 OF 2

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

☐ ***\$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."**

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing code textual amendment application and that the facts stated in it are true.

Signature of Applicant Laurence Bradley Digitally signed by Laurence Bradley
Date: 2021.03.22 08:12:57 -04'00' Date March 18, 2021

Printed Name of Applicant Laurence Bradley, AICP, Growth Management Director

Full Address 120 Malabar Road SE, Palm Bay, FL 32907

Telephone (321) 733-3042 Email laurence.bradley@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ Email _____

***NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**