



AGENDA

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Regular Meeting 2021-09

August 4, 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 2021-07; June 2, 2021**

ANNOUNCEMENTS:

OLD/UNFINISHED BUSINESS:

1. **CP-8-2021 - WITHDRAWN - Las Palmas PUD - Anthony Ware, DSG LLC and Gregory Solis, Gus & Sons LLC (Bruce Moia, P.E. and Richard Fadil, Reps.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Single-Family Residential Use. Tax Parcel 2 and a portion of Tax Parcel 3, Section 18, Township 29, Range 37, Brevard County, Florida, containing approximately 12.90 acres. (In the vicinity between Ruffin Circle SE and Buffing Circle SE)**
2. ****PD-20-2021 - WITHDRAWN - Las Palmas PUD - Anthony Ware, DSG LLC and Gregory Solis, Gus & Sons LLC (Bruce Moia, P.E. and Richard Fadil, Reps.) - A Preliminary Development Plan to allow for a 47-lot single-family development called Las Palmas PUD. Tax Parcel 2 and a portion of Tax Parcel 3, Section 18, Township 29, Range 37, Brevard County, Florida, containing approximately 12.90 acres. (In the vicinity between Ruffin Circle SE and Buffing Circle SE)**
3. **T-23-2021 - Finished Floor Elevations - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Section 174.073 Single-Family Residential Construction, to modify the provisions and criteria for finished floor elevations**
4. ****V-25-2021 - James and Nola Musgrove - A variance to grant a proposed detached metal garage relief from the requirement that no accessory structure shall exceed the size of the principal structure's living area, and to increase the maximum allowable size of the metal structure from 300 square feet to 1,200 square feet in an RS-2, Single-Family Residential District, as established by Section 185.118(C) and (G) of the Palm Bay Code of Ordinances. Lots 4 and 30, Block 1906, Port Malabar Unit 26, Section 34,**

Township 28, Range 36, Brevard County, Florida, containing approximately .46 acres. (Between High Road NW and Hilliard Road NW, specifically at 278 High Road NW)

5. ****V-27-2021 - Thomas A. and Michelle M. Capritta – A variance to allow a proposed garage addition and concrete slab to encroach 6 feet into the 25-foot front yard setback as established by Section 185.033(F)(7)(a) of the Palm Bay Code of Ordinances. Lot 41, Block C, Turkey Creek Subdivision, Section 26, Township 28, Range 37, Brevard County, Florida, containing approximately .41 acres. (South of and adjacent to Mandarin Drive NE, in the vicinity east of Clearmont Street NE, specifically at 921 Mandarin Drive NE)**
6. ****CU-26-2021 - Christian Development Center (Christopher Adams) - A conditional use to amend an existing ordinance in order to allow a proposed private school to operate from church facilities in an RR, Rural Residential District. Tax Parcel 510, Section 19, Township 28, Range 37, Brevard County, Florida, containing approximately 3.00 acres. (West of and adjacent to Nail Street NE, in the vicinity north of Emerson Drive NE, specifically at 343 Nail Street NE)**
7. **CP-9-2021 - RESCHEDULED TO P&Z DATE TBD - Medley at Everlands - Greg Pettibon, Lennar Homes LLC (Scott Glaubitz, P.E., P.L.S., Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single-Family Residential Use. Part of Tax Parcel 1, Section 21, Township 28, Range 36 and Part of Tax Parcel 3, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 96.66 acres. (Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW)**
8. ****PD-21-2021 - RESCHEDULED TO P&Z DATE TBD - Medley at Everlands - Greg Pettibon, Lennar Homes LLC (Scott Glaubitz, P.E., P.L.S., Rep.) - A Preliminary Development Plan for a PUD to allow a development with a mixture of townhomes and single-family lots called Medley at Everlands. Part of Tax Parcel 1, Section 21, Township 28, Range 36 and Part of Tax Parcel 3, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 96.66 acres. (Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW)**
9. **CP-10-2021 - RESCHEDULED TO P&Z DATE TBD - FP&L IBIS Solar Energy Center - Michael Sole, Florida Power & Light (Jake Wise, P.E., Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Agricultural (Brevard County), R1:2.5 (Brevard County), and Centerlane Use (City) to Utilities Use. Tax Parcel 250 of Section 29, Township 30, Range 37, Tax Parcels 1 and 3 of Section 30, Township 30, Range 37, and Tax Parcel 1 of Section 31, Township 30, Range 37, Brevard County, Florida, containing approximately 3,266.49 acres. (Two miles east of Babcock Street, in the vicinity north of the Indian River County line)**
10. ****CPZ-10-2021 - RESCHEDULED TO P&Z DATE TBD - FP&L IBIS Solar Energy Center - Michael Sole, Florida Power & Light (Jake Wise, P.E., Rep.) - A zoning amendment from General Use (Brevard County) to a GU, General Use Holding District. Tax Parcel 250 of Section 29, Township 30, Range 37, Tax Parcels 1 and 3 of Section 30, Township 30, Range 37, and Tax Parcel 1 of Section 31, Township 30, Range 37, Brevard County, Florida, containing approximately 3,266.49 acres. (Two miles east of Babcock Street, in the vicinity north of the Indian River County line)**
11. **CP-11-2021 - RESCHEDULED TO P&Z DATE TBD - Eastshore - Andrew Steel, NSD Palm Bay IV, LLC (Ana Saunders, P.E. and Miguel Reynaldos, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Industrial Use to Bayfront Mixed Use. Tax Parcels 250 and 254, Section 14, Township 28, Range 37,**

Brevard County, Florida, containing approximately 7.11 acres. (Northwest corner of Robert J. Conlan Boulevard NE and Commerce Park Drive NE)

12. ****CPZ-11-2021 - RESCHEDULED TO P&Z DATE TBD - Eastshore - Andrew Steel, NSD Palm Bay IV, LLC (Ana Saunders, P.E. and Miguel Reynaldos, Reps.) - A zoning amendment from an LI, Light Industrial and Warehousing District to a BMU, Bayfront Mixed Use District. Tax Parcels 250 and 254, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 7.11 acres. (Northwest corner of Robert J. Conlan Boulevard NE and Commerce Park Drive NE)**
13. **T-28-2021 - GC Indoor Recreation - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.054, to modify provisions within the GC, General Commercial District to allow for indoor recreation**

NEW BUSINESS:

1. ****V-29-2021 - Barbara Gamerl (James Gamerl, Rep.) - A variance to allow a proposed steel building to encroach 8 feet into the 25-foot side corner setback as established by Section 185.034(F)(7)(c) of the Palm Bay Code of Ordinances. Lot 14, Block 2470, Port Malabar Unit 48, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately .31 acres. (Northwest corner of Vater Avenue NW and Krefeld Road NW, specifically at 1301 Vater Avenue NW)**
2. ****FD-30-2021 - Cypress Bay West Phase II - Benjamin E. Jefferies, Waterstone Holdings, LLC and Waterstone Farms, LLC / Chris Tyree, Forestar (USA) Real Estate Group (Jake Wise, P.E. and Rochelle W. Lawandales, FAICP, Reps.) - A Final Development Plan to allow a proposed PUD for a 570-unit residential development called Cypress Bay West Phase II. Part of Tax Parcels 500, 5, and 1 of Section 4, Township 30, Range 37, and Part of Tract 750 of San Sebastian Farms, Section 5, Township 30, Range 37, Brevard County, Florida, containing approximately 185.74 acres (West of and adjacent to Babcock Street, in the vicinity south of Mara Loma Boulevard SE)**
3. **CP-12-2021 - City of Palm Bay (Growth Management Department) - Property Rights Element - An amendment to the Palm Bay Comprehensive Plan to create the Property Rights Element**

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.

If you use assistive technology (such as a Braille reader, a screen reader, or TTY) and the format of any material on this website or documents contained therein interferes with your ability to access information, please contact us. To enable us to respond in a manner most helpful to you, please indicate the nature of your accessibility problem, the preferred format in which to receive the material, the web address of the requested material, and your contact information. Users who need accessibility assistance can also contact us by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.

****Quasi-Judicial Proceeding.**



MEMORANDUM

DATE: August 4, 2021

SUBJECT: Adoption of Minutes - Regular Meeting 2021-07; June 2, 2021

ATTACHMENTS:

Description

- ▣ **P&Z/LPA Minutes - Regular Meeting 2021-07; June 2, 2021**

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2021-07

Held on Wednesday, June 2, 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. James Boothroyd 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	Present
	(School Board Appointee)	

CITY STAFF: Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; 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 2021-06 May 5, 2021.**

Motion to approve the minutes as presented.

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

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh, 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.
2. Mr. Weinberg announced that both cases for Anthony Ware, DSG LLC and Gregory Solis, Gus & Sons LLC under New Business, Item 2, CP-8-2021, and Item 3, PD-20-2021, were continued to the July 7, 2021 Planning and Zoning Board meeting. Board action was not required to continue the cases.

City Council will hear Cases CP-8-2021 and PD-20-2021 on July 15, 2021.

3. Mr. Weinberg announced that there was a request to continue Item 6 under New Business, Case T-23-2021, City of Palm Bay - Growth Management Department, to the July 7, 2021 Planning and Zoning Board meeting. Board action would be required to continue the case.

OLD/UNFINISHED BUSINESS:

1. ****V-9-2021 - Rene Derosin - 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 approximately .31 acres. (Southwest corner of Haverford Lane NE and Holiday Park Boulevard NE, specifically at 200 Haverford Lane NE)**

Mr. Taylor presented the staff report for Case V-9-2021. 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. Rene Derosin (applicant) stated that the 8-foot variance was needed to build his patio.

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

Motion to submit Case V-9-2021 to City Council for approval.

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

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh, Warner.

2. ****CU-18-2021 - Palm Bay Marina – Kenyon Palm Bay, LLC (Brad Kenyon) - A conditional use to allow proposed retail automotive fuel sales in an HC, Highway Commercial District. Tax Parcel 11.04, Hopsons Subdivision, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 1.76 acres. (West of and adjacent to Dixie Highway NE, in the vicinity between Pospisil Avenue NE and Deer Run Drive NE, specifically at 4350 Dixie Highway NE)**

Mr. Taylor presented the staff report for Case CU-18-2021. Staff recommended Case CU-18-2021 for approval, subject to the conditions contained in the staff report.

Ms. Maragh wanted to know how staff planned to address the proposal's environmental impact. Mr. Taylor stated that staff wanted the code provisions waived that would require the proposed tank to be located below ground since an underground fuel tank immediately adjacent to Turkey Creek would not be desired. Ms. Maragh asked about safety precautions for the proposed aboveground tank. Mr. Taylor remarked on the leak-detection system and double-walled tank precautions that were recommended by staff as safeguards. Additional safety measures were also being proposed by the applicant.

Mr. Boothroyd questioned the 8:30 a.m. to 5:00 p.m. fuel tank hours since boaters traditionally preferred to start earlier. Mr. Taylor explained that the hours were based on the marina's current hours of operation to ensure that marina staff would be

present; however, the board could recommend earlier hours if there was a way to ensure that public welfare would not be detrimentally affected.

Mr. Weinberg noted that the installation of bollards around the tank would address the staff concern regarding the potential of vehicles colliding into the tank. Mr. Taylor indicated that this was correct.

Mr. Joshua Ghiz with JSR Fueling Technologies, LLC (representative for the applicant) stated that he was the contractor who would be installing the tank.

Ms. Maragh asked about safety procedures to prevent fuel leakage. Mr. Ghiz explained that the tank and piping would be registered with the state and undergo monthly inspections. The marina staff would also be able to inspect the aboveground tank daily, and absorbent pads would be used to avoid any hose drips.

Mr. Boerema asked if there would be an attendant to operate the fuel pump. Mr. Ghiz confirmed that the marina was required to have a trained attendant for the pump.

Mr. Boothroyd wanted to be sure that the tank would be safely distanced from any trucks. Mr. Ghiz assured the board that this was correct, and that the double-walled tank would also have a six-foot concrete encasement and bollards as a further precaution.

Ms. Maragh asked if earlier hours of operation were possible, and she wanted to know if the applicant was in agreement with all staff recommendations. Mr. Ghiz stated that earlier pump hours would be possible if the attendant was present. He confirmed that the applicant had agreed with all staff recommendations.

Mr. Weinberg asked staff to confirm that the tank hours could be restricted to the normal hours of operation of the business. Mr. Taylor confirmed that this would be allowed if an attendant was present and if there was additional lighting for safety.

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

Mr. Warner questioned whether there were any precautions in place to keep someone from tampering with the tank during the hours the marina would be closed for business. Ms. Jordan asked if the hose and tank had a locking mechanism. Mr. Ghiz stated that there was a locking mechanism for the hose and tank, and the ports for the tank were also locked.

Motion to submit Case CU-18-2021 to City Council for approval, subject to the staff conditions, with the exception that the tank hours of operation be during the normal business hours for the marina and additional lighting be provided for safety if necessary.

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

Motion amended to submit Case CU-18-2021 to City Council for approval, subject to the staff conditions, with the exception that the tank hours of operation be during normal business hours for the marina, additional lighting be provided if necessary for safety, and that the aboveground fuel tank be exempted from the requirement of Section 185.044(D)(2)(d).

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

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

Nay: Maragh.

3. **T-19-2021 - Golf Carts - Paul Paluzzi, Emerald Investment Holdings, LLC (Jake Wise, P.E., Rep.) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 179: Streets and Other Rights-of-Way, Right-of-Way and Easement Use, to establish provisions for Golf Cart communities.**

Mr. Bradley presented the staff report for Case T-19-2021. Staff recommended Case T-19-2021 for approval. Any development that seeks to be considered a Golf Cart Community must obtain approval from the City Engineer and City Council.

Ms. Maragh questioned how the golf cart ordinance would address violations, such as not wearing a seat belt or having too many riders in a cart. Mr. Bradley stated that golf carts did not require seat belts and that the state statutes that governed golf carts were different from those that governed neighborhood electric vehicles (NEVs). He explained how violations, such as passenger capacity, would be subject to the Police Department if on public right-of-way and by the property and homeowner associations when on private streets.

Mr. Boothroyd noted that the proposed ordinance did not specify a minimum age for minors to operate the golf carts. The state statutes allowed minors to drive golf carts at age 14. Mr. Bradley stated that the proposed ordinance deferred to state statutes in many instances but was requiring adults to accompany golf cart drivers that were minors. Mr. Boothroyd stated that the ordinance should be more specific since anyone under age 18 was considered a minor, while licensed 16-year-olds were allowed to operate motor vehicles. A specific age would eliminate any interpretation or disparity in how enforcement occurred. Mr. Weinberg remarked that a proviso could be added for minors to be licensed drivers. Ms. Cockcroft advised the board that Section 179.111(A)(7) could be modified to indicate that the operation of golf carts was prohibited by minors, unless accompanied by an adult or a licensed driver.

Mr. Jake Wise, P.E. with Construction Engineering Group (representative for the applicant) stated that he was the civil engineer for the overall Emerald Lakes project. The proposed ordinance had been in the making for years to allow communities to apply to become golf cart communities, and the proposal was in line with Florida Department of Transportation guidelines. He stated his agreement with the recommended modification to address minors, indicated how the ordinance prohibited the transporting of more passengers than the manufacturer intended, and noted that seatbelts were not referenced by the ordinance.

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

Motion to submit Case T-19-2021 to City Council for approval.

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

Motion amended to submit Case T-19-2021 to City Council for approval with the modification that operation of golf carts will be prohibited by minors, unless accompanied by an adult or a licensed driver.

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

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh, Warner.

NEW BUSINESS:

1. ****V-22-2021 – Hector L. Rivera (Jesus Quintero, Rep.) - A variance to allow a proposed aluminum screen room enclosure to encroach 3 feet into the 25-foot rear building setback as established by Section 185.034(F)(7)(d) of the Palm Bay Code of Ordinances. Lot 4, Block 418, Port Malabar Unit 11, Section 8, Township 29, Range 37, Brevard County, Florida, containing approximately .23 acres. (South of and adjacent to Mustang Street NE, in the vicinity west of Charcoal Avenue SE, specifically at 1056 Mustang Street SE)**

Mr. Taylor presented the staff report for Case V-22-2021. 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. Jesus Quintero (representative for the applicant) stated that he was a contractor and would be building the porch. The subject request was for the minimum footage needed to build the aluminum structure and roof.

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

Motion to submit Case V-22-2021 to City Council for approval.

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

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh, Warner.

2. **CP-8-2021 - CONTINUED TO 07/07/2021 P&Z - Las Palmas PUD - Anthony Ware, DSG LLC and Gregory Solis, Gus & Sons LLC (Bruce Moia, P.E. and Richard Fadil, Reps.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Single-Family Residential Use. Tax Parcel 2, Section 18, Township 29, Range 37, Brevard County, Florida, containing approximately 12.90 acres. (In the vicinity between Ruffin Circle SE and Buffing Circle SE)**

Case CP-8-2021 was discussed under Announcements, Item 2.

3. ****PD-20-2021 - CONTINUED TO 07/07/2021 P&Z - Las Palmas PUD - Anthony Ware, DSG LLC and Gregory Solis, Gus & Sons LLC (Bruce Moia, P.E. and Richard Fadil, Reps.) - Preliminary Development Plan to allow for a 47-lot single-family development called Las Palmas PUD. Tax Parcel 2, Section 18, Township 29, Range 37, Brevard County, Florida, containing approximately 12.90 acres. (In the vicinity between Ruffin Circle SE and Buffing Circle SE)**

Case PD-20-2021 was discussed under Announcements, Item 2.

4. **CP-6-2021 - Benjamin E. Jefferies, Waterstone Farms, LLC (Rochelle Lawandales, FAICP and Jake Wise, P.E., Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Single-Family Residential Use to Multiple Family Residential Use. A portion of Tax Parcel 500, Section 4, Township 30, Range 37, Brevard County, Florida, containing approximately 9.51 acres. (In the vicinity south of Mara Loma Boulevard SE and north of Davis Lane)**

Mr. Murphy presented the staff report for Case CP-6-2021. Staff recommended Case CP-6-2021 for approval.

Ms. Rochelle Lawandales, FAICP, with Waterstone Development Company, LLC (representative for the applicant) stated that the applicant was trying to create a new, diverse community with a variety of housing types. The site would be part of Cypress Bay West Phase II.

Mr. Warner asked if the proposed townhomes would be market driven. Ms. Lawandales confirmed that this was correct.

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

Motion to submit Case CP-6-2021 to City Council for approval.

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

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh, Warner.

The public hearing was reopened to allow for missed public comments.

Mr. Kevyn Brazee (resident at Plume Way SE) wanted assurance that the request for the multiple-family land use was not so apartments could be constructed on the site, and he was concerned about an increase in traffic. Mr. Weinberg remarked that a traffic impact study would be done prior to any development.

Mr. Richard Prentice (resident at Dittmer Circle SE) stated that he was a new resident of Palm Bay, which already seemed to be a diversified community. He was under the impression that the subject site would be developed with single-family homes simpatico to the surrounding area. He was concerned about the residents in the area being required to pay for the upkeep of Mara Loma Boulevard, and he believed multi-family housing would cheapen the entire area.

In response to public comments, Ms. Lawandales stated that quality, market-driven townhomes were planned for the property, and that pods of land within the overall development had been set aside for townhomes over the course of several years. She stated that an additional traffic study would be provided for Cypress Bay West Phase II and explained that Mara Loma Boulevard was a public street owned and

maintained by the City. However, additional access points would be created to the subject site.

Mr. Jake Wise, P.E. with Construction Engineering Group (representative for the applicant) stated that he was the civil engineer for the project. He reiterated how the proposal was part of an overall development, and that an application submittal for a final development plan would be required, which would include a Citizen Participation Plan (CPP) meeting.

The floor was re-closed for public comments.

Motion to submit Case CP-6-2021 to City Council for approval.

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

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh, Warner.

5. ****FS-2-2021 - Northshore at Palm Bay - Andrew R. Steel, NSD Partners (Miguel Reynaldos and Henry A. Kilburn, PSM, Reps.) - Final Plat to allow a proposed 7-lot mixed-use subdivision called Northshore at Palm Bay. Tract 1.01 of Valentine Estate Subdivision and Tax Parcel 5, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 24.60 acres. (Southwest corner of Robert J. Conlan Boulevard and the Florida East Coast Railway)**

Mr. Murphy presented the staff report for Case FS-2-2021. Staff recommended Case FS-2-2021 for approval, subject to the successful completion of the administrative subdivision plat review/approval process.

Mr. Boothroyd asked if the proposed request was to allow commercial use of the subject property where the five smaller lots could potentially be sold for another apartment complex in the future. Mr. Murphy stated that the intent of the request was to create an apartment complex on the large tract and for the remaining five lots to be developed for commercial use. He explained that a balance of uses for the entire

24.60 acres was required by the BMU, Bayfront Mixed Use District, so overturning the proposed commercial designation for the five smaller lots would be difficult.

Mr. Miguel Reynaldos with Northshore Development LLC (representative for the applicant) stated that the applicant was ready to move forward with the project, and that all staff comments had been accepted and already addressed.

Mr. Andrew Steel (applicant) assured the board that the lots would be placed under different entities, developed and leased, but would not be sold.

Mr. Warner inquired whether the subject site was part of what was prematurely being called “downtown” Palm Bay. Mr. Murphy stated that the subject area had not been targeted or established by staff as a “downtown” area. Northshore Development, however, was developing both sides of Robert J. Conlan Boulevard and along Commerce Park Drive NE to create a diversified community.

Motion to submit Case FS-2-2021 to City Council for approval, subject to all staff recommendations, and the successful completion of the administrative subdivision plat review/approval process.

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

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh, Warner.

6. **T-23-2021 - REQUEST TO CONTINUE TO 07/07/2021 P&Z - Finished Floor Elevations - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Section 174.073 Single-Family Residential Construction, to modify the provisions and criteria for finished floor elevations.**

Mr. Weinberg announced that as requested by staff, board action was needed to continue Case T-23-2021, City of Palm Bay (Growth Management Department), to the July 7, 2021 Planning and Zoning Board meeting.

Motion to continue Case T-23-2021 to the July 7, 2021 Planning and Zoning Board meeting.

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

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Maragh, Warner.

OTHER BUSINESS:

There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 8:24 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

****Quasi-Judicial Proceeding**



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Patrick J. Murphy, Assistant Growth Management Director

DATE: August 4, 2021

SUBJECT: CP-8-2021 - WITHDRAWN - Las Palmas PUD - Anthony Ware, DSG LLC and Gregory Solis, Gus & Sons LLC (Bruce Moia, P.E. and Richard Fadil, Reps.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Single-Family Residential Use. Tax Parcel 2 and a portion of Tax Parcel 3, Section 18, Township 29, Range 37, Brevard County, Florida, containing approximately 12.90 acres. (In the vicinity between Ruffin Circle SE and Buffing Circle SE)

Case CP-8-2021 has been withdrawn by the applicant (Anthony Ware, DSG LLC and Gregory Solis, Gus & Sons LLC - Bruce Moia, P.E. and Richard Fadil, Reps.). Board action is not required to withdraw the case.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Patrick J. Murphy, Assistant Growth Management Director

DATE: August 4, 2021

SUBJECT: **PD-20-2021 - WITHDRAWN - Las Palmas PUD - Anthony Ware, DSG LLC and Gregory Solis, Gus & Sons LLC (Bruce Moia, P.E. and Richard Fadil, Reps.) - A Preliminary Development Plan to allow for a 47-lot single-family development called Las Palmas PUD. Tax Parcel 2 and a portion of Tax Parcel 3, Section 18, Township 29, Range 37, Brevard County, Florida, containing approximately 12.90 acres. (In the vicinity between Ruffin Circle SE and Buffing Circle SE)

Case PD-20-2021 has been withdrawn by the applicant (Anthony Ware, DSG LLC and Gregory Solis, Gus & Sons LLC - Bruce Moia, P.E. and Richard Fadil, Reps.). Board action is not required to withdraw the case.

**Quasi-Judicial Proceeding.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Patrick J. Murphy, Assistant Growth Management Director

DATE: August 4, 2021

SUBJECT: T-23-2021 - Finished Floor Elevations - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Section 174.073 Single-Family Residential Construction, to modify the provisions and criteria for finished floor elevations

ATTACHMENTS:

Description

- ▣ Case T-23-2021 - Staff Report
- ▣ Case T-23-2021 - Application



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-23-2021

PLANNING & ZONING BOARD HEARING DATE

August 4, 2021

PROPERTY OWNER & APPLICANT

City of Palm Bay, Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

Modification to Section 174.073 – Single-Family Residential Construction to change how Finished Floor Elevations are established and to create a means whereby the City Engineer may modify the drainage and finished floor requirements. Further to provide a mechanism for the City Engineer's administrative decision to be appealed to the City Council.

Existing Zoning

Not Applicable

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

APPLICABILITY

Not Applicable

**COMPREHENSIVE PLAN
COMPATIBILITY**

Not Specifically Addressed

BACKGROUND:

Textual amendments to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174 Floodplain and Stormwater Management, Section 174.073 Single-Family Residential Construction to change how Finished Floor Elevations are established and to create a means whereby the City Engineer may modify the drainage and finished floor requirements. Further to provide a mechanism for the City Engineer's administrative decision to be appealed to the City Council.

Over the past year, there have been several cases involving the construction of new single-family homes that have required variance applications to Section 174.073 to be heard by the Planning & Zoning Board and City Council, or administrative variances to be reviewed by the Growth Management Director and Building Official. These cases have triggered the need for this amendment which will establish a maximum finished floor elevation for single-family houses, that are connected to city sewer, of two feet above the crown of the road. This maximum limit will allow reviewers in the Public Works Department to have better control and limits on finished floor elevations.

Additional changes will allow the City Engineer to modify the drainage and grading standards as appropriate, using sound engineering practices rather than having the Growth Management Director or the City Council grant variances without using engineering criteria. A further change recognizes that the Board of Adjustment no longer exists and that any appeals of administrative decisions must go to the City Council for disposition, as a Quasi-Judicial action.

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

ANALYSIS:

The following subsections of Section 174.073 are proposed to be modified: (A) Drainage Requirements for Single-Family Residential Construction – Item 1 and Item 3, (C) Residential Drainage Permit – Items 1 (a) and (b), and (E) Appeals.

Section 174.073 (A) (1) is being modified to clarify the definition of finished floor by eliminating the word "lowest"; also, a clarification is being added to tie the finished floor to an existing dwelling that is "adjacent to the side of the proposed dwelling."

Section 174.073 (A) (3) is also clarifying the definition of finished floor. Further this section is being modified to establish the maximum height for the finished floor of new single-family houses of two feet above the crown of the road that abuts the subject property when the property is connected to city sewer. This will avoid circumstances from previous applications where the finished floor in certain cases was 5 or 6 feet above the adjacent roadway which triggered a variance for the next house built on that street and possible flooding concerns.

Section 174.073 (C) (1) (a) and (b) are also being modified to clarify the definition of finished floor.

Section 174.073 (E) has been completely rewritten to grant the City Engineer the authority to modify the standards in Sections 174.073 (A) and (B). The current wording gave that authority to the Board of Adjustment which no longer exists. This section will also now provide the City Engineer with the authority to grant relief using engineering standards. Further, since the City Engineer's decision is an administrative action, a provision has been added that allows the property owner, or an adjacent property owner, the right to appeal the administrative decision to the City Council for a Quasi-Judicial review. This is similar to the administrative appeals that the City Council can hear from decisions of the Growth Management Director which can be found in Section 169.006.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendment as written.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 174: FLOODPLAIN AND STORMWATER MANAGEMENT

§ 174.073 SINGLE-FAMILY RESIDENTIAL CONSTRUCTION.

(A) *Drainage requirements for single family residential construction.* All single-family residential development shall meet the following requirements:

(1) The ~~lowest~~ finished floor elevation of the proposed dwelling may not be above the ~~lowest~~ finished floor elevation of any existing dwelling >>that is adjacent to the side of the proposed dwelling<< by more than one (1) foot for each four (4) feet of setback from the common property line.

(2) Side slopes on any area within the lot cannot exceed one (1) foot vertical for each four (4) feet horizontal.

(3) In areas with municipal sanitary sewer service, the maximum height of the ~~lowest~~ finished floor elevation of a proposed dwelling cannot exceed one (1) foot above the ~~highest~~ finished floor elevation of any ~~side-adjacent~~ existing dwelling >>that is adjacent to the side of the proposed dwelling. The maximum finished floor elevation may also not be more than two (2) feet above the crown of the road that the subject property abuts.<< Where no municipal sanitary sewer service exists, the maximum height of the ~~lowest~~ finished floor elevation of a proposed dwelling cannot exceed six (6) inches above the finished floor elevation ~~as required~~ >>established<< by the septic tank permit.

(4) The development of the proposed dwelling shall not adversely impact the historical drainage or surrounding properties and/or structures of the block in which the proposed dwelling is to be located. The developer of the proposed dwelling unit must accommodate historical drainage by redirecting it to a legal positive outfall.

(5) The drainage from the development of the proposed dwelling must be directed to a legal positive outfall, without adversely impacting any adjacent properties.

(6) To facilitate the above requirements alternate measures other than fill material may be utilized, including but not limited to, stem walls, extended footers, pilings, pumped on-site sewage systems with elevated drain fields, yard piping and inlets, or other approved methods.

(B) *Adjacent drainage conveyance facilities.* Where the proposed dwelling lot is adjacent to an existing drainage conveyance ditch or drainage infrastructure, the property owner will be required to maintain a maximum side slope of three (3) feet horizontal to one (1) foot vertical from the centerline of the facility to the lowest finished floor elevation, with a five (5) foot wide buffer zone adjacent to the dwelling structure at the lowest finished floor elevation.

Any modifications to the drainage facility required to meet this section will be at the property owner's expense.

Should the applicant propose modifications to the drainage facility to accommodate the proposed dwelling structure, the applicant shall be required to maintain sufficient capacity in the drainage facility.

(C) *Residential drainage permit.*

(1) All proposed single-family residential building permit applications must be accompanied by a residential drainage permit application. The application must include:

- (a) The ~~lowest~~ finished floor elevation of the proposed dwelling unit;
- (b) The ~~lowest~~ finished floor elevation of any adjacent dwelling unit;
- (c) Existing and proposed topographic survey data sufficient to determine historical and proposed drainage patterns;
- (d) The location and elevation of the septic tank drain field (if applicable) with ties to the property lines;
- (e) The location, elevation and cross- sections (minimum twenty-five (25) foot intervals) of any adjacent drainage conveyance facility;
- (f) Any other information as may be deemed necessary by the Public Works Director, or designee, to determine compliance with divisions (A) and (B) above, including certification by a professional engineer, licensed in the state of Florida, as to the design of any drainage system components;
- (g) A notarized statement by the property owner acknowledging responsibility to maintain the lot drainage system and holding the city and the permit holder harmless from any liability regarding the lot drainage system is to be provided on forms approved by the City Attorney. The city will record this document;
- (h) Permit fee as established by resolution pursuant to § [169.004](#).

(2) The fees as set forth in this section shall be increased by four percent (4%) (rounded to the nearest dollar) each fiscal year. Should any decrease in such fees be warranted in any given year, they shall also be decreased annually by that percentage that accurately reflects the reduction of permits requested and the specific and ascertainable resulting reduction in funds needed to pay the City of Palm Bay costs to manage all services and time needed to issue and monitor the permits required by this section.

(3) Residential drainage permits expire in ninety (90) days, unless associated with an active building permit, in which case the residential drainage permit expires concurrently with the building permit. One or more extensions of time for periods of not more than 90 days each may be allowed by the Public Works Director or designee for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

(4) Any additional engineering, surveying and/or inspection services provided by the city will be charged to the applicant as established by resolution pursuant to § [169.004](#).

(5) The Chief Building Official shall withhold issuance of the certificate of occupancy until compliance with this ordinance has been determined. An as-built boundary and topographic survey, prepared and sealed by a professional land surveyor and mapper, licensed in the state of Florida, with sufficient vertical elevations to establish finished floor elevations, slopes and drainage patterns shall be submitted and approved prior to the issuance of the certificate of occupancy.

(6) The inspection and issuance of a certificate of occupancy shall not be construed as a warranty of the drainage system. After issuance of a certificate of occupancy, it shall be the responsibility of the property owner to maintain the drainage system. The property owner will be liable for the costs incurred by the city of Palm Bay to correct any deficiency in the drainage system. Modification of the drainage system after issuance of the certificate of occupancy is not permitted without a new residential drainage permit.

(7) Any person(s), firm, business entity, or corporation that damages property located on, under, across or along a right-of-way or easement or any city road or other city improvement shall be required to either restore the damaged property to its condition prior to the damage or shall pay to the city the sum of money determined by the Public Works Department to be necessary to restore the damaged area to its condition prior to the damage. Any such restoration shall meet all construction and engineering standards of the city. Additionally, any permittee who has previously failed to restore the damage(s) as required by this subchapter shall not be issued further permits from the city until such damage is either restored and accepted by the Public Works Department, or the entire cost plus overhead, of restoration incurred by the city to make such restorations has been paid in full by the permittee. In the event discrepancies arise as to the responsibility for damage, the burden of proof shall be on the permittee.

(8) A performance bond or other financial surety, acceptable to the City Attorney, may be provided to ensure compliance with this section.

(9) Such surety will be in the amount 110% of the value of the proposed work and accompanied by a non-refundable processing fee as established by resolution pursuant to § [169.004](#). Upon satisfactory completion of the improvement in accordance with the permit requirements and/or repair of any damage to city facilities, as determined by the Public Works Director, said surety shall be released.

(D) *Erosion sediment control.*

(1) No grading, cutting or filling shall be commenced until erosion and sedimentation control structures have been installed;

(2) Land which has been cleared for development and upon which construction has not commenced shall be protected from erosion by appropriate techniques designed to revegetate the area.

(3) Sediment shall be retained on the site of the development;

(4) Erosion and sedimentation facilities shall receive regular maintenance to ensure that they will continue to function properly.

(E) *Appeals.* A property owner may pursue an administrative appeal of the application of the criteria defined in divisions (A) and (B) above to the >>City Engineer.<< ~~Board of Adjustments.~~ >>The City Engineer may override the application of the above criteria due extenuating circumstances that would result in an undue hardship upon the applicant. The City Engineer must provide in writing the relief approved and retain the approval and all records associated thereto within the master permit file of the dwelling. No relief may be given that would result in an unsafe design. Adjacent property owners shall be notified in writing by the City Engineer at least fourteen (14) days prior to a decision which grants relief to this section. Should the property owner or an adjacent property owner(s) object to the decision of the City Engineer, they may appeal the decision to City Council within 30 days by filing a notice of appeal with the City Clerk, specifying the grounds therefore.

Upon receipt of an appeal of the administrative decision by the City Engineer, all records constituting the basis of the administrative decision shall be given to the City Clerk within twenty (20) days. The City Council shall hear the appeal at a regularly scheduled or at a special City Council meeting within sixty (60) days of the notice of appeal to City Council. Notice shall be given at least fifteen (15) days in advance of the public hearing to the property owner and any adjacent property owners. At the hearing, the property owner or adjacent objector(s) shall have a right to be heard.<< ~~Adjacent property owners shall be provided with a minimum of fourteen (14) days written notice of the hearing.~~



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:

Section 174.073(A), (C), and (E)

PROPOSED LANGUAGE (attach addendum if necessary):

See attached.

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

Changes are needed to this section of the code as there is no maximum fill height. Also, recently there have been a number of parcels where variances have been needed based upon existing conditions or development requirements. This change will allow the City Engineer rather than Growth Management to review these cases based upon engineering criteria.

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. 04. 26 09:23:51 -04' 00' Date 04/26/2021

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**



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Grayson Taylor, Planner

DATE: August 4, 2021

SUBJECT: **V-25-2021 - James and Nola Musgrove - A variance to grant a proposed detached metal garage relief from the requirement that no accessory structure shall exceed the size of the principal structure's living area, and to increase the maximum allowable size of the metal structure from 300 square feet to 1,200 square feet in an RS-2, Single-Family Residential District, as established by Section 185.118(C) and (G) of the Palm Bay Code of Ordinances. Lots 4 and 30, Block 1906, Port Malabar Unit 26, Section 34, Township 28, Range 36, Brevard County, Florida, containing approximately .46 acres. (Between High Road NW and Hilliard Road NW, specifically at 278 High Road NW)

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ☐ Case V-25-2021 - Staff Report
- ☐ Case V-25-2021 - Map Surveys
- ☐ Case V-25-2021 - Application
- ☐ Case V-25-2021 - Correspondence



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-25-2021

PLANNING & ZONING BOARD HEARING DATE

August 4, 2021

PROPERTY OWNER & APPLICANT

James Musgrove, Nola Musgrove

PROPERTY LOCATION/ADDRESS

Lots 4 and 30, Block 1906, Port Malabar Unit 26, Section 34, Township 28, Range 36, Brevard County, Florida. Specifically, 278 High Road NW, 32907.

SUMMARY OF REQUEST

A variance to allow a proposed detached accessory structure to exceed the square footage of the principal structure; and to exceed the maximum metal building requirement from 300 sf to 1200 sf, as established by Section 185.118(C) and 185.118(G) 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

0.46 acres

SURROUNDING ZONING & USE OF LAND

North

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

East

RS-2, Single-Family Residential, High Road NW

South

RS-2, Single-Family Residential, Single-Family Homes

West

RS-2, Single-Family Residential, Hilliard Road NW

BACKGROUND:

The property consists of two standard General Development Corporation lots, back-to-back. The property has a width of 80', and a depth of 250'. The property was purchased by the current applicants/owners in 2019. The applicants are now seeking relief from the Code of Ordinances to place a 30' x 40' metal garage on the rear of the property facing Hilliard Road NW, to be used for storage.

Note: 185.118(G) states *"metal accessory structures over three hundred (300) square feet or over twelve (12) feet in height are prohibited in ... RS-2 (Single-Family Residential District), ... unless the structure is designed to simulate non-metal construction, is treated with a textured coating on all four sides, or is painted to match the color scheme of the primary residence."* After the variance advertisements were completed, the applicant provided in writing that the metal building would be painted to match the color scheme of his home, which means the applicant no longer needs a variance from 185.118(G).

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."*

The applicants state, "Our home is 1,317 sq ft under roof and 997 sq ft under air. Per code, we are not able to build an accessory structure larger than what is under air in the main house, which would allow us 996 sq ft. The single car garage attached to the house is 220 sq ft, which is also the only location for the washer dryer hook up, AC unit, and water heater. This does not leave a large amount of room for the actual purpose of the garage."

The proposed garage is approximately 204 square feet larger than what is allowed by code.

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

There are no special conditions and circumstances identified in Item 1, and the applicants' desire for an accessory garage are the result of their actions.

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 an accessory structure smaller than the home. This would allow for an accessory structure (or multiple structures) of 996 square feet. A typical garage associated with a single-family home is 400 square feet.

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

There is no variance necessary. The desired accessory structure is 204 square feet larger than what is allowed by code.

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 their proposed garage, as the same development standards apply to other properties in this community. The proposed structure does not appear to create any health or safety hazards to adjacent properties.

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.

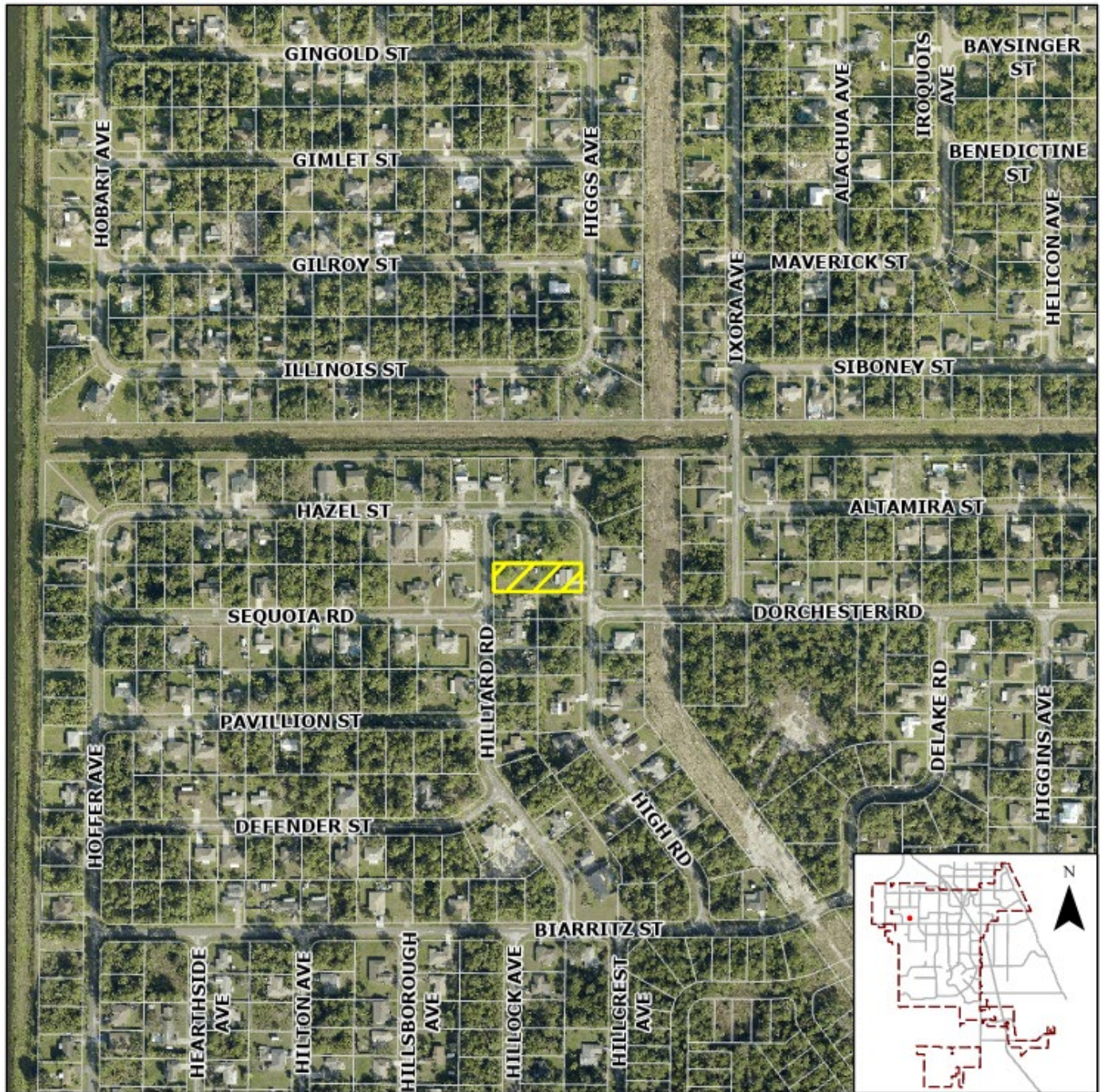
Note: As a condition for approval for this variance, the proposed structure must meet the requirements of 185.118(G), where the garage exterior simulates non-metal construction, is treated with a textured coating on all four sides, or is painted to match the color scheme of the primary residence.

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.



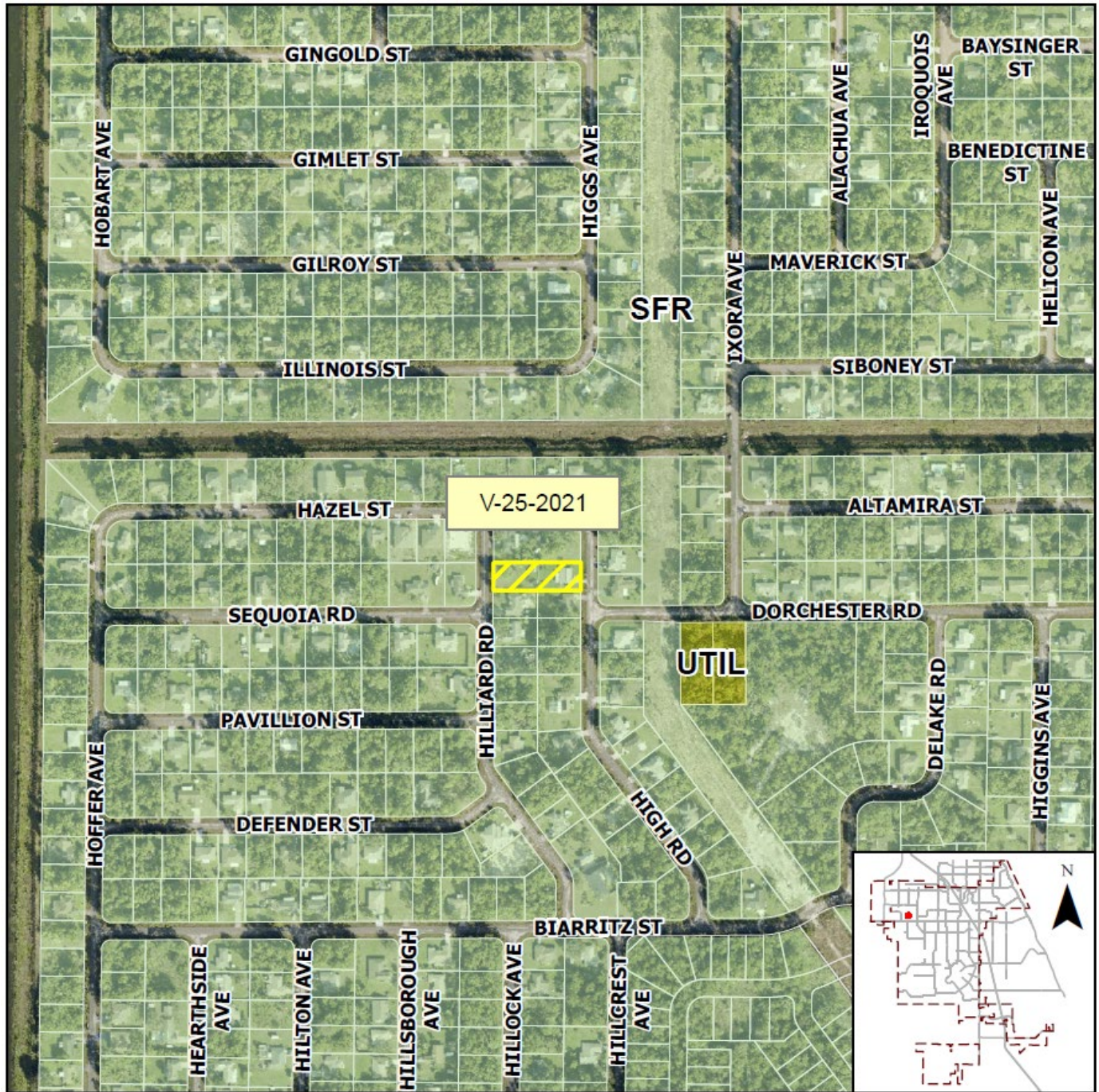
AERIAL LOCATION MAP CASE: V-25-2021

Subject Property

Between High Road NW and Hilliard Road NW, specifically at 278 High Road NW



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-25-2021

Subject Property

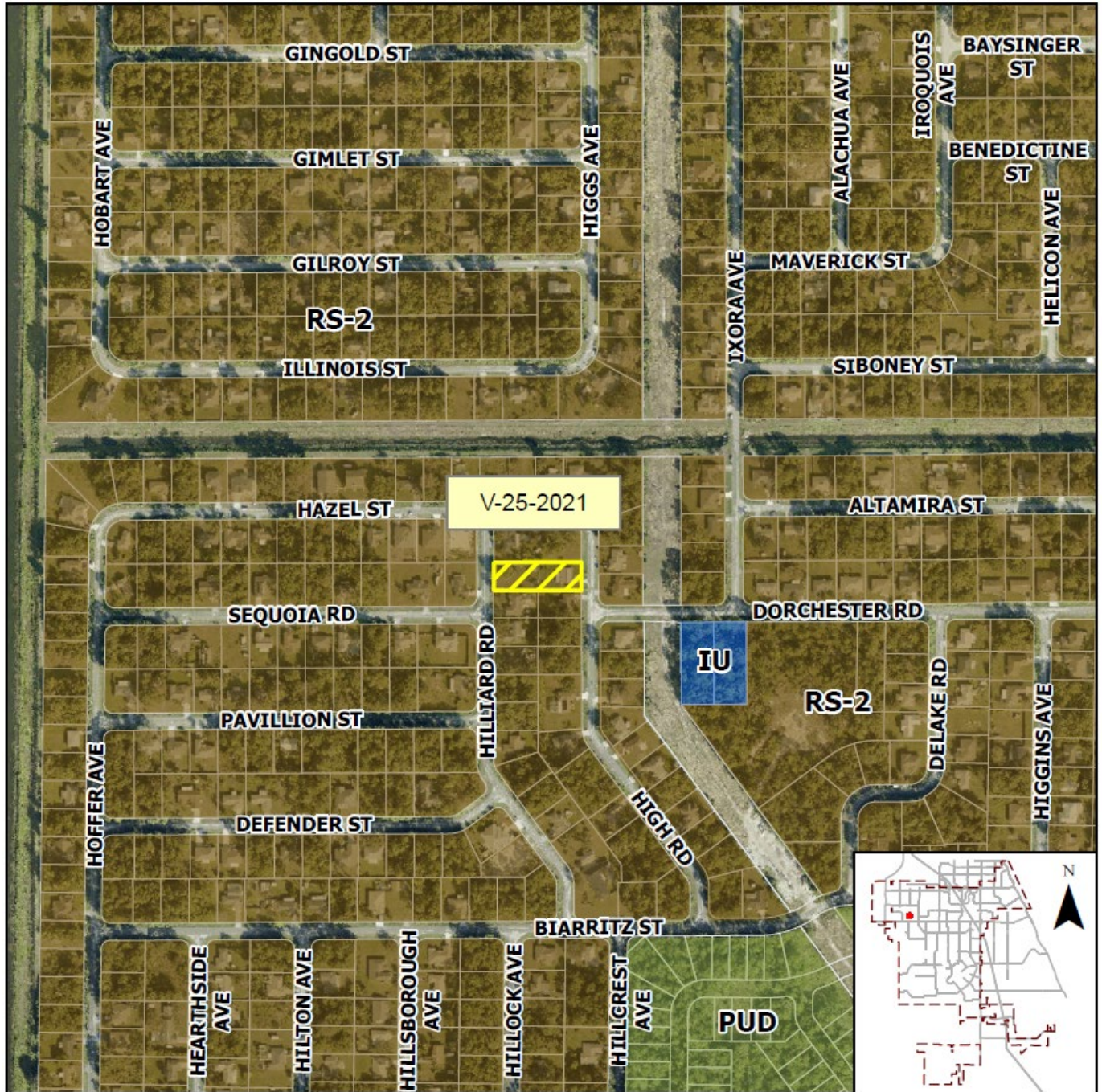
Between High Road NW and Hilliard Road NW, specifically at 278 High Road NW

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

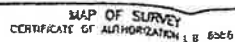
CASE: V-25-2021

Subject Property

Between High Road NW and Hilliard Road NW, specifically at 278 High Road NW

Current Zoning Classification

RS-2 – Single-Family Residential District



James Harold Musgrove
Everett Financial Inc. dba Supreme Lending
Bay National Title Company
First American Title Insurance Company

THIS SURVEY DOES NOT REFLECT OR CONSTITUTE OPINION
OF ANY COMPANY OR PERSON EXCEPT THE SURVEYOR, WHO
WILL SIGN WITHOUT THE SIGNATURE AND THE EXHIBIT, ROLLS, SEAL, OF A FLORIDA LICENSED SURVEYOR AND NOTARY.

[illegible]

SURVEYOR'S NOTES:

- [illegible]

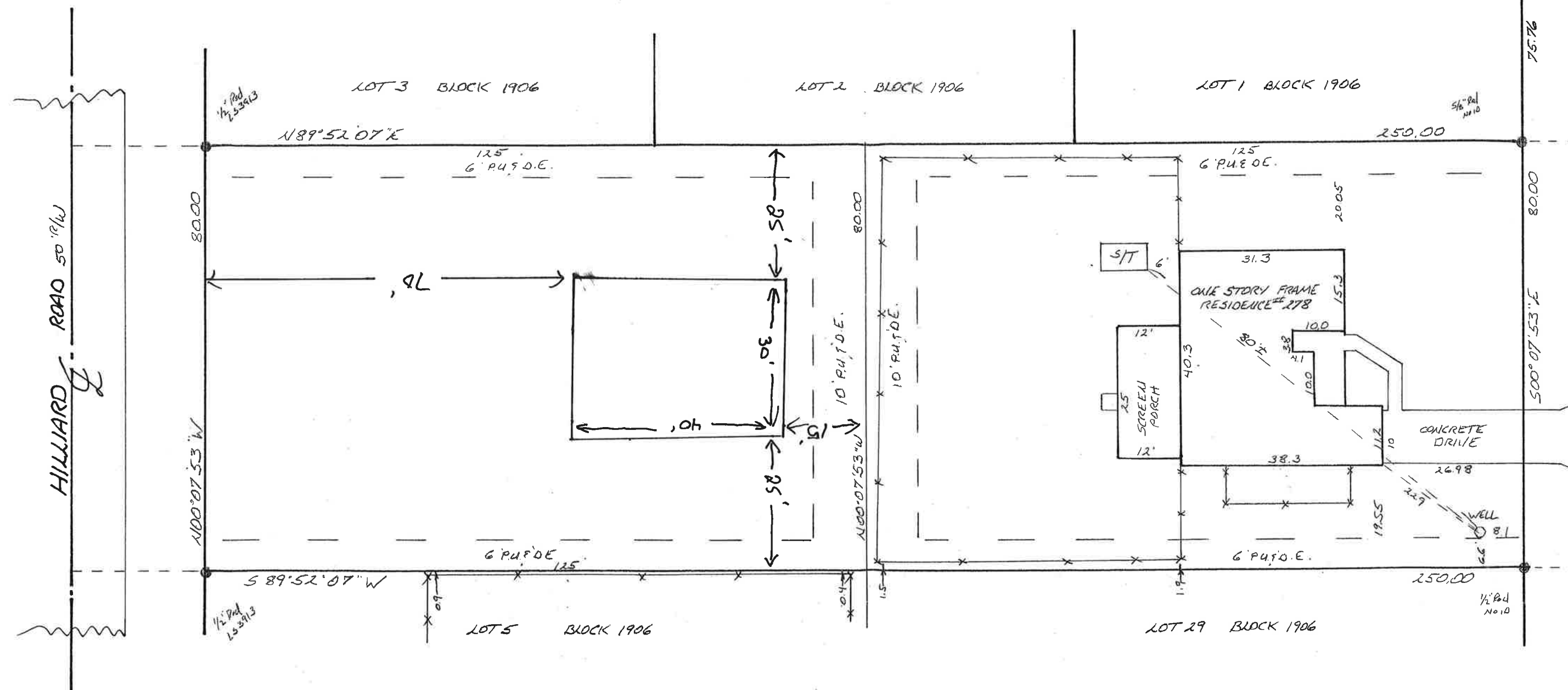
TIME - DATE		DATE - TIME		DATE - TIME		DATE - TIME	
TYPE	SURVEY DATE	JOB NUMBER	CX	BN			
NO. 100000	5-11-2014	14-1783					
NO. 100000		SCALE: 1:500					
NO. 100000		SCALE: 1:500					
NO. 100000		SCALE: 1:500					

PRECISION
LAND SURVEYING, INC.

NAME: () 20-4000
 DOB: () 20-4000
 S-SN: F.A. 804, 8000

2004 MOBILE COURT
 MULTIPLE: 11/10/04, 11/11/04

MAP OF SURVEY
CERTIFICATE OF AUTHORIZATION L.B. 6586





LAND DEVELOPMENT DIVISION

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

Landdevelopment@palmabayflorida.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 28-36-34-FB-1906-4

TAX ACCOUNT NUMBER 2812766

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

Port Malabar Unit 26 Lots 4 & 30 Blk 1906

STREET ADDRESS OF PROPERTY COVERED BY APPLICATION:

278 High Rd NW Palm Bay FL 32907

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): .46

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 3 OF 4**

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 _____

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 James Musgrove Nola Musgrove Date 5-25-2021
Printed Name James Musgrove Nola Musgrove
Full Address 278 High Rd NW Palm Bay FL 32907
Telephone 321 302 3342 Email jamesmusgrove1@gmail.com

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

To whom it may concern,

Our names are James and Nola Musgrove. We are writing this letter in hopes of being approved for a variance to build a metal detached garage on our back empty ¼ acre lot.

Our home is 1,317 sq ft, under roof and 997 sq ft, under air. Per code, we are not able to build an accessory structure larger than what is under air in the main house, which would allow us 996 sq ft. The single car garage attached to the house is 220 sq ft, which is also the only location for the wash dryer hook up, AC unit and water heater. This does not leave a large amount of room for the actual purpose of the garage. We are able to get a car into the garage, but once in, you cannot open the doors. All other homes around us, have a double driveway and two car garages.

We are wanting to build a detached garage on the empty back lot that will be able to accommodate two boats, two vehicles and a small amount for storage. This will allow shelter for everything in the event of a hurricane.

The square footage we are looking at would be 1,200 sq ft meaning we are requesting a variance for 204 sq ft. This will keep us under the square footage of the main property under roof.

We have spoken with immediate neighbors behind and beside where the building would sit and they are all in support of the square footage we are requesting.

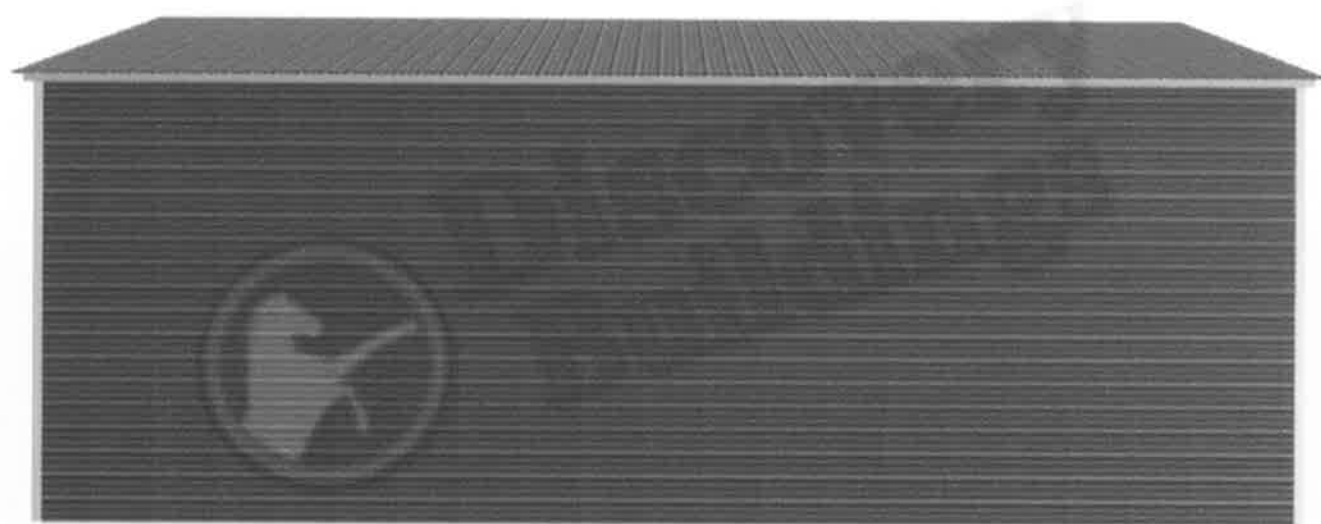
Please consider our request as we are very hopeful to provide storage and shelter for all of our belongings.

Thank you,

James Musgrove
Nola Musgrove 5/25/2021

James and Nola Musgrove





CORRESPONDENCE

SAMUEL AND LEILA LOMAZZO

5410 NW CROMEY STREET

PORT ST. LUCIE, FL 34986

June 21, 2021

City of Palm Bay Planning and Zoning Board City Council
c/o Land Development Division
City of Palm Bay
120 Malabar Road SE
Palm Bay, Florida 32907

REFERENCE CASE: V-25-2021 (James and Nola Musgrove)

I writing to express my strong opposition to the proposed variance of 1,200 square feet detached metal garage on the property of Lots 4 and 30, Block 1906, Port Malabar Unit 26, Section 34, Township 28, Range 36, Brevard County, Florida, containing approximately, .46 acres. (Between High Road NW and Hilliard Road NW, specifically at 278 High Road NW); that James and Nola Musgrove are requesting to build/add to the above-mentioned property.

This building will not only look out of place in the community but potentially lower property value for the existing home/landowners. This type of building/structure is for commercial property or in a rural location and is not appropriate for this single-family community. What the Musgrove's are asking is that we change this community from a single-family residential community to that of commercial community which will only fit their needs which will cause a hardship for other home/landers owners. Only God knows what is going to come along with this oversize garage. If this structure is allowed to take place in and of itself will be detrimental to our area/community and property value. The metal garage will be huge! Unacceptable in a single-family community.

I urge you the board members to disapprove the proposed variance. I know my opinion is shared by the community members who cannot attend the meeting, write letters, or emails.

Thank you for your continued service and support of our communities and let us work Palm Bay beautiful.

Respectfully Submitted,

Samuel Lomazzo

Leila Lomazzo



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Grayson Taylor, Planner

DATE: August 4, 2021

SUBJECT: **V-27-2021 - Thomas A. and Michelle M. Capritta – A variance to allow a proposed garage addition and concrete slab to encroach 6 feet into the 25-foot front yard setback as established by Section 185.033(F)(7)(a) of the Palm Bay Code of Ordinances. Lot 41, Block C, Turkey Creek Subdivision, Section 26, Township 28, Range 37, Brevard County, Florida, containing approximately .41 acres. (South of and adjacent to Mandarin Drive NE, in the vicinity east of Clearmont Street NE, specifically at 921 Mandarin Drive NE)

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ☐ Case V-27-2021 - Staff Report
- ☐ Case V-27-2021 - Map Surveys
- ☐ Case V-27-2021 - Application
- ☐ Case V-27-2021 - Correspondence



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-27-2021

PLANNING & ZONING BOARD HEARING DATE

August 4, 2021

PROPERTY OWNER & APPLICANT

Thomas Capritta, Michele Capritta

PROPERTY LOCATION/ADDRESS

Lot 41, Block C, Turkey Creek Subdivision, Section 26,
Township 28, Range 37, Brevard County, Florida,
specifically, 921 Mandarin Drive NE

SUMMARY OF REQUEST

A variance to allow a proposed garage addition to encroach 6' into the 25' front building setback, as established by Section 185.034(F)(7)(a) 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

0.41 acres

SURROUNDING ZONING & USE OF LAND**North**

RS-2, Single-Family Residential, Mandarin Drive NE

East

RS-2, Single-Family Residential, Vacant Land

South

Turkey Creek

West

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

BACKGROUND:

The property consists of one lot, with a width of 78.67', and a depth of 220'. The property has been owned by the applicants since 1994. The applicant now seeks to construct a garage addition for a third stall on the front of the home, with a driveway addition from the existing concrete leading into the new stall.

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."*

The applicants have stated they would "like to have a third stall garage for classic car storage. [It] will blend with the existing home and match perfectly." As the home already has an attached two-car garage, the desired addition is in excess of what is standard in the community and is to be used solely for extra vehicle storage. Additional concrete is proposed to widen the on-site driveway to access the garage. No special conditions or circumstances exist for the land, structure, or building involved.

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

There are no special conditions and circumstances identified, and the need of a variance is a result of the actions of the applicant.

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 only allow for a garage addition of 6', which is not enough for an additional vehicle.

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 12' feet into the 25-foot front 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. The encroachment, however, does not appear to create any health or safety hazards to adjacent properties.

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.

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.

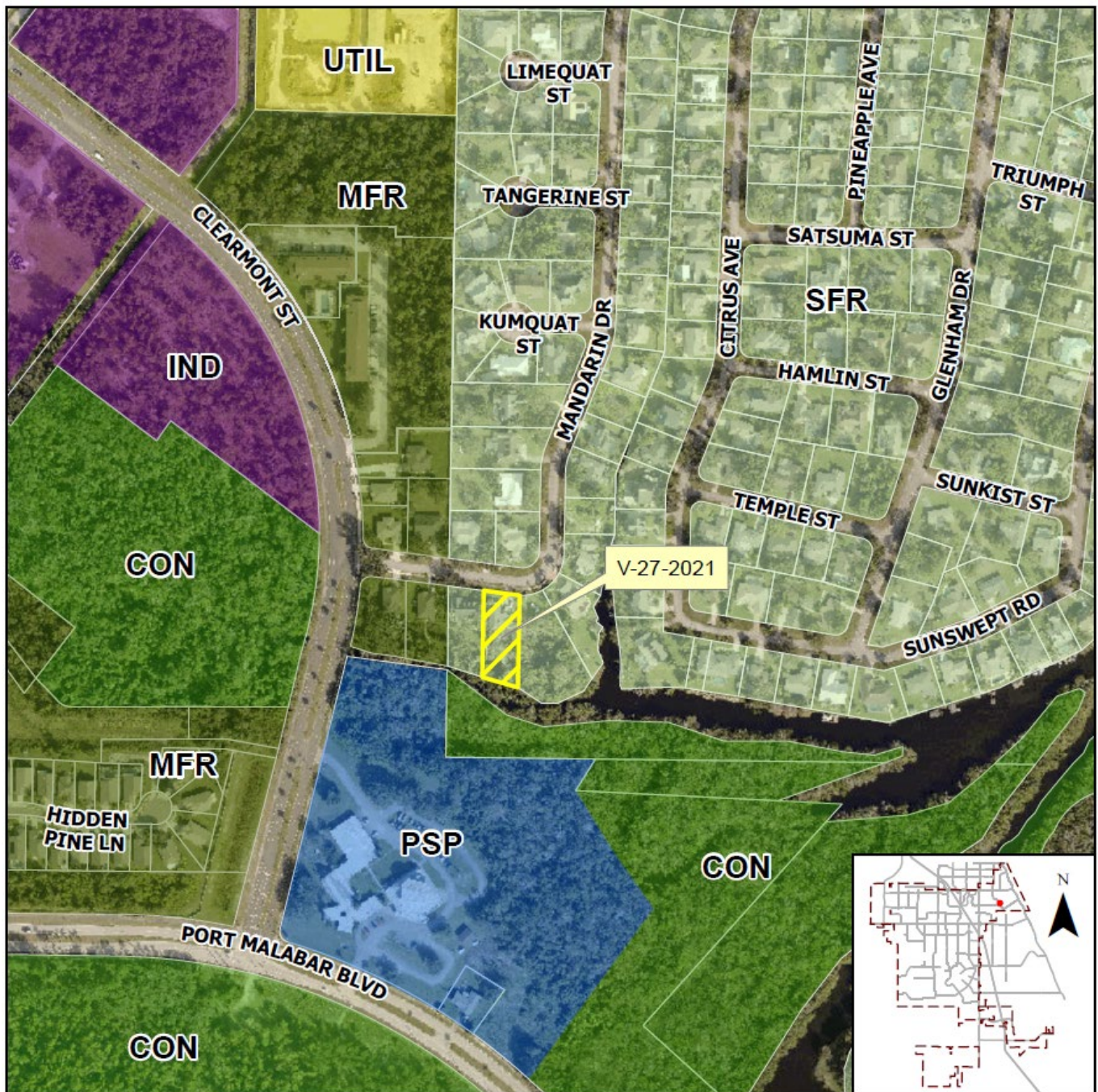


AERIAL LOCATION MAP CASE: V-27-2021

Subject Property

South of and adjacent to Mandarin Drive NE, in the vicinity east of Clearmont Street NE, specifically at 921 Mandarin Drive NE

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-27-2021

Subject Property

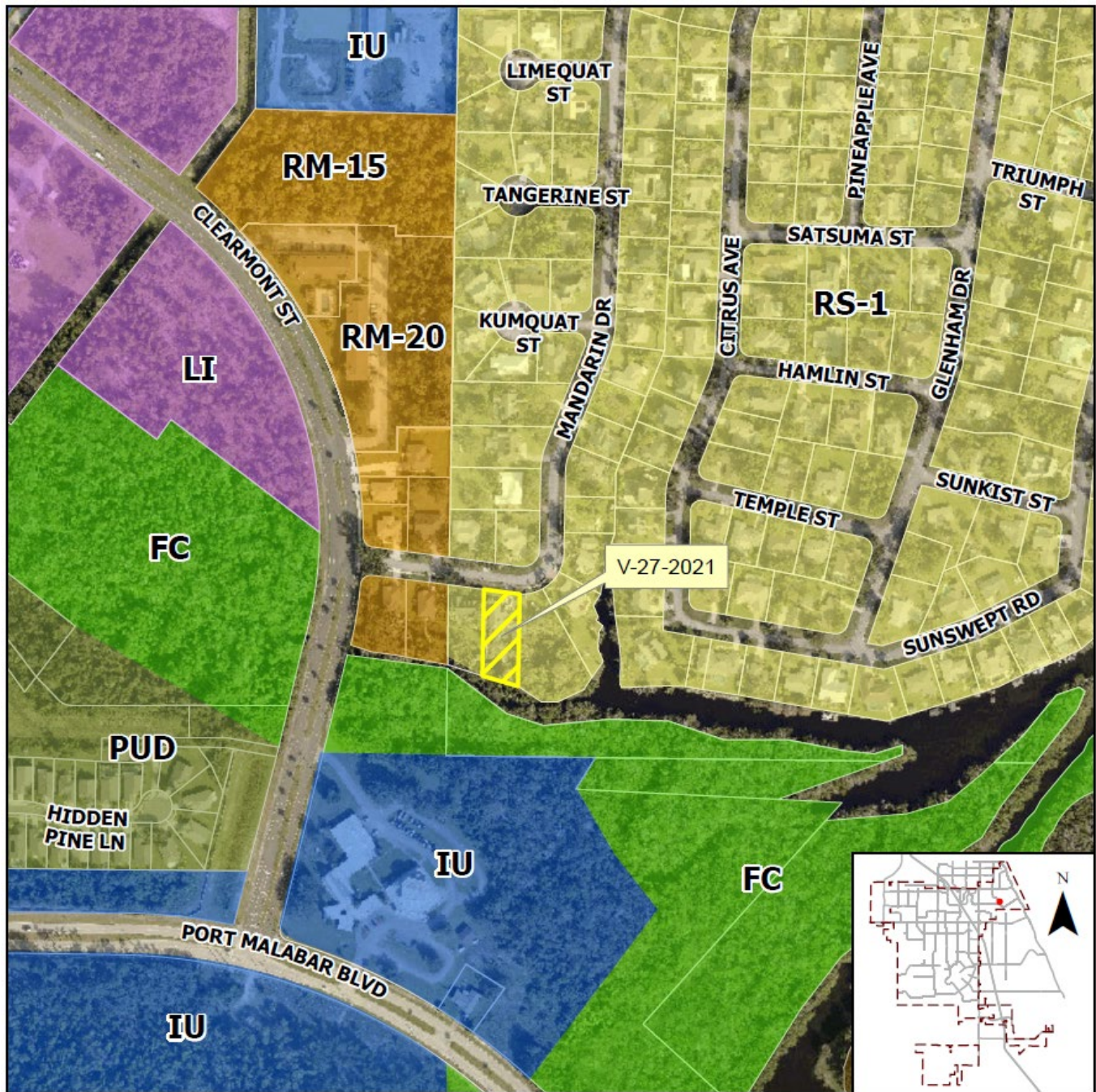
South of and adjacent to Mandarin Drive NE, in the vicinity east of Clearmont Street NE, specifically at 921 Mandarin Drive NE

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-27-2021

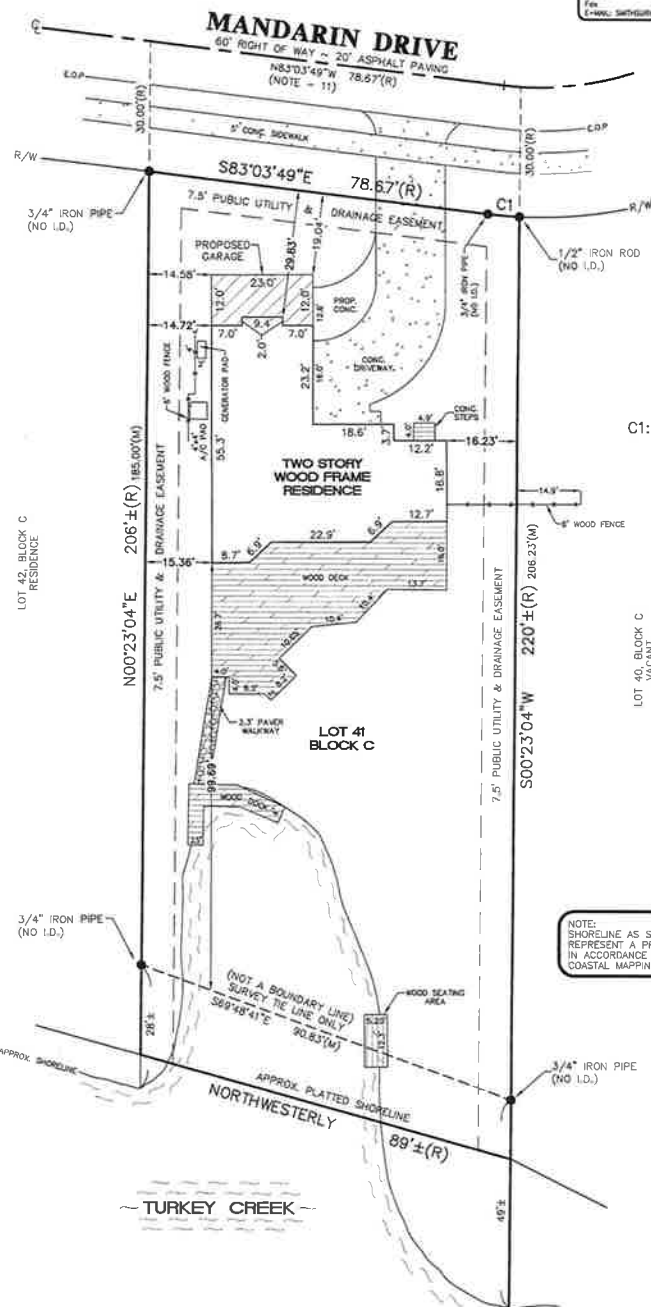
Subject Property

South of and adjacent to Mandarin Drive NE, in the vicinity east of Clearmont Street NE, specifically at 921 Mandarin Drive NE

Current Zoning Classification

RS-1 – Single-Family Residential District

MAP OF SURVEY
CERTIFICATE OF AUTHORIZATION L.B. 7428



CURVE DATA:
C1: R=100.00' D=4°11'59" A=7.33'



SCALE IN FEET
1 INCH = 20 FEET



VICINITY MAP
SCALE: NOT-TO-SCALE

PROPERTY ADDRESS: 921 MANDARINE DRIVE NE
PALM BAY, FLORIDA 32905

ACCORDING TO MAP NO. 12009CD0513 G, DATED MARCH 17, 2014, THIS PROPERTY LIES IN FLOOD ZONES "X" AND "AE", WITH A BASE FLOOD ELEVATION OF 9.0 FEET N.A.V.D. 1988.

CERTIFIED TO: THOMAS CAPRITTA; MICHELE CAPRITTA

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP
©COPYRIGHT 2021 SMITH & ASSOCIATES SURVEYING AND MAPPING
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SE-
A FLORIDA LICENSED SURVEYOR AND MAPPER.

SURVEYORS' NOTES:

- [illegible]

LEGEND

- [illegible]

LOT 41, BLOCK C,

AS RECORDED IN PLAT BOOK 25, PAGE 111, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

TYPE	SURVEY DATE	JOB NUMBER	CK. #

BOUNDARY SURVEY/PLOT PLAN
DRAWN BY: A. TEJADA

SCALE: 1" = 20'

SHANNON D. K. TESSER

PROFESSIONAL SURVEYOR & MAPPER IN RESPONSIBLE CHARGE
KEVIN A. SMITH - FLORIDA CERTIFICATE NO. 44653



Dan...
Broward County Property Appraiser



All BCPAO maps and/or map applications are maintained for assessment and illustrative purposes only and do not represent surveys, plats, or any other legal documents. They are for assessment and illustrative purposes only and do not necessarily reflect real-world conditions. Due to the nature of the data used, they may not represent precise location, shape, and/or legal boundaries. Only a Florida Licensed Surveyor can provide such information.

Map created March 26, 2011. (Map data from Google Earth)



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 28 372 606 C 41

TAX ACCOUNT NUMBER 2835089

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

Lot 41, Block C, Turkey Creek, as recorded in plat book 25 Pgs 111 + 112, Brevard County, FL

STREET ADDRESS OF PROPERTY COVERED BY APPLICATION:

921 Mandarin Dr NE

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): .41

EXISTING ZONING CLASSIFICATION OF PROPERTY (ex.: RS-2, CC, etc.) RS-1

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:

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):

Extend ≈ 3 ft at one end and ≈ 6 ft at east end.
into property right of way for 23 ft wide. To
extend garage 12 feet.

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

185.033(F)(7)(a) - 64

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.

- a) Like to have a third stall garage for classic car storage.
- c) Third garage will blend with existing home & match perfectly.
- e) No special privileges
- f) Home blends perfectly with the neighborhood and will not be obtrusive.

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 _____

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 Thomas A. Capritta / Michele M. Capritta Date 7/10/21

Printed Name Thomas A. Capritta / Michele M. Capritta

Full Address 921 Mandarin Dr NE, Palm Bay, FL 32905

Telephone 321-537-8968 Email tcapritta@gmail.com

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

Hi Michele

I am applying for a variance to extend the front of my house about 6 feet. I need your approval. I also think a 6 foot variance towards the road would be to your advantage if some one needed to apply for one later on. so I'm going to take a picture of the survey and Michele will bring it to the office. Is that ok?

Thanks so much,
Tom and Michele Capritta

I Approve Variance Request

MARK URBAN
941 MANDARIN

4-30-2021



Owner of the east side lot.

CORRESPONDENCE



Turkey Creek Homeowners Association

P.O. Box 060762 Palm Bay, Florida 32906-0762

May 5, 2021

To Tom Capritta
From TCCTHA Board

Mr. Capritta,

Your variance request of
6 feet within the front

building setback has

been approved by unanimous
vote of the Board members

Henry Mann
President

78.67'(R)

20 ASPHALT PAVING

30.00'(K)

5' CONC. SIDEWALK

S83°03'49"E

78.67' (R)

30.00'(R)

7.5' PUBLIC UTILITY

DRAINAGE EASEMENT

PROPOSED
GARAGE

14.58'

~~23.0'~~

29.83'

PROP.
CONC.

3/4" IRON PIPE
(NO I.D.)

14.72'

7.0'

20.

7

23.2'

CONC.
DRIVEWA

CONC.
STEPS

18.6

4.

12.2'

-16.23-

**TWO STORY
WOOD FRAME
RESIDENCE**

00

12.7'

WOOD DECK

 $220' \pm (R) \quad 206.23'(M)$ $206' \pm (R)_{185.00'(M)}$

0°23'04"E

PUBLIC UTILITY & DRAINAGE EASEMENT

AINAGE EASEMENT

13.7

Henry M...

GE EASEMENT



Turkey Creek Homeowners Association

P.O. Box 060762 Palm Bay, Florida 32906-0762

May 5, 2021

To Laurence Bradley
Re Variance Request

Mr. Bradley,

The HOA Board of Directors
has approved the Capritta
variance request as shown
on the attached sketch,
highlighted in orange.

Henry Morin
Henry Morin
President

12-555
make front

N83°03'49"W 78.67'(R)
(NOTE - 11)

20' ASPHALT PAVING

30.00'(R)

30.00'(R)

S83°03'49"E

78.67'(R)

7.5' PUBLIC UTILITY

& DRAINAGE EASEMENT

C1

PROPOSED GARAGE

14.58'

23.0'

29.83'

14.72'

7.0'

9.4'

7.0'

2.0'

PROP. CONC.

CONC. DRIVEWAY

3/4" IRON PIPE
(NO I.D.)

6' WOOD FENCE

GENERATOR PAD

4'x4' A/C PAD

55.3'

CONC. STEPS

18.6'

3.7'

4.0'

12.2'

16.23'

TWO STORY
WOOD FRAME
RESIDENCE

18.8'

10°23'04"E 206'±(R) 185.00'(M)

PUBLIC UTILITY & DRAINAGE EASEMENT

15.36'

8.7'

6.9'

22.9'

6.9'

12.7'

WOOD DECK

16.0'

13.7'

10.4'

10.4'

10.65'

26.7'

DRAINAGE EASEMENT

220'±(R) 206.23'(M)

14.9'

6'



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Grayson Taylor, Planner

DATE: August 4, 2021

SUBJECT: **CU-26-2021 - Christian Development Center (Christopher Adams) - A conditional use to amend an existing ordinance in order to allow a proposed private school to operate from church facilities in an RR, Rural Residential District. Tax Parcel 510, Section 19, Township 28, Range 37, Brevard County, Florida, containing approximately 3.00 acres. (West of and adjacent to Nail Street NE, in the vicinity north of Emerson Drive NE, specifically at 343 Nail Street NE)

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ▣ Case CU-26-2021 - Staff Report
- ▣ Case CU-26-2021 - Map of Boundary Survey
- ▣ Case CU-26-2021 - Application



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

CU-26-2021

PLANNING & ZONING BOARD HEARING DATE

August 4, 2021

PROPERTY OWNER & APPLICANT

Christian Development Center, Inc.
(Represented by Pastor Chris Adams and
Abigail Adams)

PROPERTY LOCATION/ADDRESS

Southern 3 acres of ½ of Lot 11, Florida Indian River
Land Co. Subdivision, Section 19, Township 28, Range
37, specifically 343 Nail Street NE, 32907

SUMMARY OF REQUEST

Conditional Use Approval for a Private School in the RR, Rural
Residential Zoning District

Existing Zoning

RR, Rural Residential

Existing Land Use

Single-Family Residential Use

Site Improvements

Church

Site Acreage

3.0 acres

SURROUNDING ZONING & USE OF LAND**North**

RR, Rural Residential, Vacant Land

East

SRE, Suburban Residential Estate; Nail Street NE and Single-
Family Homes

South

RS-2, Single Family Residential, Vacant (City-owned) Land

West

SRE, Suburban Residential Estate, Single-Family Homes

COMPREHENSIVE PLAN**COMPATIBILITY**

Yes

BACKGROUND:

The subject property, known as Christian Life Church, has been in operation since 1991. The site was then zoned Residential-Agricultural and required Conditional Use approval for a church in this zoning district. Christian Development Center was approved via Ordinance 89-22 (extended via Ordinance 90-30) with the following conditions:

- The conditional use shall be in accordance with the site plan which is by reference incorporated herein as Exhibit "A" (see attached site plan);
- Approval shall be obtained from the City Council for the creation of a right-of-way;
- A natural vegetation border that will grow to six (6) feet in height shall be provided along the northern, western, and eastern boundaries of the above-described property.

Exhibit A required the church to extend Nail Street NE to Emerson Drive NE, which the church completed. Aerial imagery shows an existing tree canopy along all property lines.

The applicant, Christian Development Center A Church of the Nazarene, Inc. is requesting conditional use approval for a private school to operate out of its existing facilities, as required by Section 185.031(D)(7) and 185.088(E) of the Palm Bay Code of Ordinances. The applicants include the pastor of the church and the future principal of the school.

ANALYSIS:

The applicants are seeking to operate a private school, titled Christian Learning Academy – Palm Bay, out of the existing church facilities, specifically utilizing the main sanctuary and several classrooms. They estimate around 30 children will attend, with operating hours of 8:00 a.m. to 2:30 p.m., Monday through Friday.

CODE REQUIREMENTS:

To be granted conditional use approval, requests are evaluated upon items (A) through (I) of the General Requirements and Conditions of Section 185.087 of the Code of Ordinances. A review of these items is as follows:

Item (A): Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.

The site can be accessed by automobile via Nail Street NE. A loop drive aisle allows for dropping off of potential students without having to turn around in the parking lot or stop on Nail Street. Entry and exit signs already exist at both ends of the driveway. There is no sidewalk leading to the church along Nail Street, nor anywhere in Port Malabar Unit 21, the neighboring subdivision. The nearest pedestrian infrastructure is the sidewalk on the north

side of Emerson Drive NE. Staff recommends that a sidewalk be provided from Emerson Drive alongside the west side of Nail Street to the driveway at Christian Life Church, to improve pedestrian safety.

Item (B): Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.

Adequate off-street parking has been approved via Site Plan approval. The proposed use of a school without construction of new facilities would not create any need for additional parking.

Item (C): Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

Christian Life Church is connected to the City's water distribution and sewer collection systems, and has electric through Florida Power and Light.

Item (D): Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.

The church was determined to be compatible with adjoining properties via conditional use in 1989. One of the conditions at the time was to provide a natural vegetation border along the north, east, and west side of the properties. There appear to be enough trees on site for the church to still be in compliance with this requirement.

Item (E): Signs, if any, and proposed exterior lighting will be so designed and arranged to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.

No additional photometric or sign plans have been submitted for permitting or with this application. The applicants have stated there is an existing entry sign at the northern driveway access by the parking lot, and an exit sign by the southern access.

Item (F): Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

The yards and open space requirements of the Zoning Code have been met.

Item (G): The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity.

The existing driveway loop appears to serve as an appropriate location for dropping off and picking up students. As the loop can accommodate several vehicles for stacking, it does not appear that additional improvements are required at this time. Should the school wish to

expand in the future, further improvements to account for more vehicles may be required, as well as another conditional use review and approval.

Item (H): The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.

Both a church and a school are permitted via conditional use in the Rural Residential zoning district. Schools and churches are both neighborhood-based institutions, and are compatible with the surrounding residential properties.

Section 185.088(E) further stipulates that a conditional use for a public or private school may be granted when the proposed site is located on a collector or arterial roadway, the minimum setbacks shall be 20 feet from all property lines or the minimum setbacks of the district, whichever is greater, and the minimum size of the site shall be one (1) acre. As a condition of Ordinance 89-22, Christian Life Church was required to construct the extension of Nail Street NE out to Emerson Drive NE. This provides direct access to a major collector roadway, which Staff determines to satisfy the first requirement. As the site is 3 acres in size, and meets the setback requirements of the Rural Residential zoning district, all requirements of 185.088(E) have been met.

Item (I): Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, a reasonable time limit within which the action for which special approval is requested shall be begun or completed, or both.

The Board and Council have the authority and right to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings.

Additional Staff Comments:

The Public Works Department has recommended that sidewalks with ADA accessibility be included alongside Nail Street NE to Emerson Drive NE, as well as a crosswalk across Nail Street NE at the Emerson Drive NE intersection.

STAFF CONCLUSION:

Motion to approve CU-26-2021, subject to the following condition(s):

- The construction of an ADA-accessible sidewalk, prior to issuance of a Business Tax Receipt for the school, adjacent to the west side of Nail Street NE, extending from the sidewalk at Emerson Drive NE to the nearest existing driveway at Christian Life Church.

ORDINANCE NO. 89-22

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY, BY PERMITTING A CONDITIONAL USE TO ALLOW THE CONSTRUCTION OF A CHURCH IN R-A (RESIDENTIAL, AGRICULTURAL DISTRICT) ZONING; WHICH PROPERTY IS LOCATED NORTH OF EMERSON DRIVE, WEST OF NAIL STREET AND EAST OF PROSPECT CIRCLE, AND LEGALLY DESCRIBED HEREIN; PROVIDING STIPULATIONS FOR THE CONDITIONAL USE; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Christian Development Center has applied for a conditional use of the herein described property, and

WHEREAS, the City Council of the City of Palm Bay has determined that such conditional use will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, that:

SECTION 1. The Zoning Ordinance of the City of Palm Bay is hereby amended to provide for the conditional use of property zoned R-A (Residential, Agricultural District) to allow the construction of a church, which said property is described as follows:

The east one half of Lot 11, Florida Indian River Land Company Subdivision of Section 19, Township 28S, Range 37E, according to the plat as recorded in Plat Book 1, Page 164, of the Public Records of Brevard County, Florida less and except the following described parcel: Commence at the SW corner of the NW quarter of Section 19, Township 28S, Range 37E, Brevard County, Florida, thence run South 89°25'20" East a distance of 1675.14 feet, for the point of beginning; thence run South 00°36'46" West a distance of 131.52 feet; thence run South 89°25'20" East a distance of 334.91 feet; thence run North 00°38'10" East a distance of 132.20 feet; thence run North 89°25'20" West a distance of 334.96 feet to the point of beginning.

SECTION 2. The conditional use is granted subject to the applicant complying with the following stipulations:

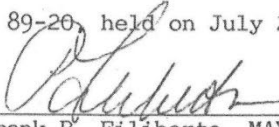
- 1) The conditional use shall be in accordance with the site plan which is by reference incorporated herein as Exhibit "A";
- 2) Approval shall be obtained from the City Council for the creation of a right-of-way;
- 3) A natural vegetation border that will grow to six (6) feet in height shall be provided along the northern, western, and eastern boundaries of the above described property.

SECTION 3. The conditional use shall be commenced within twelve (12) months from the enactment date of this ordinance. Commencement shall be the issuance of a building permit which must remain active or the conditional use shall terminate and the use of the premises shall revert to its previous use classification of R-A.

SECTION 4. The City zoning map be changed to reflect this amendment.


SECTION 5. This Ordinance shall become effective immediately upon its enactment.

Read in title only at Meeting Number 89-19, held on July 6, 1989;
and read in title only at Meeting Number 89-20, held on July 20, 1989.



Frank P. Filiberto, MAYOR

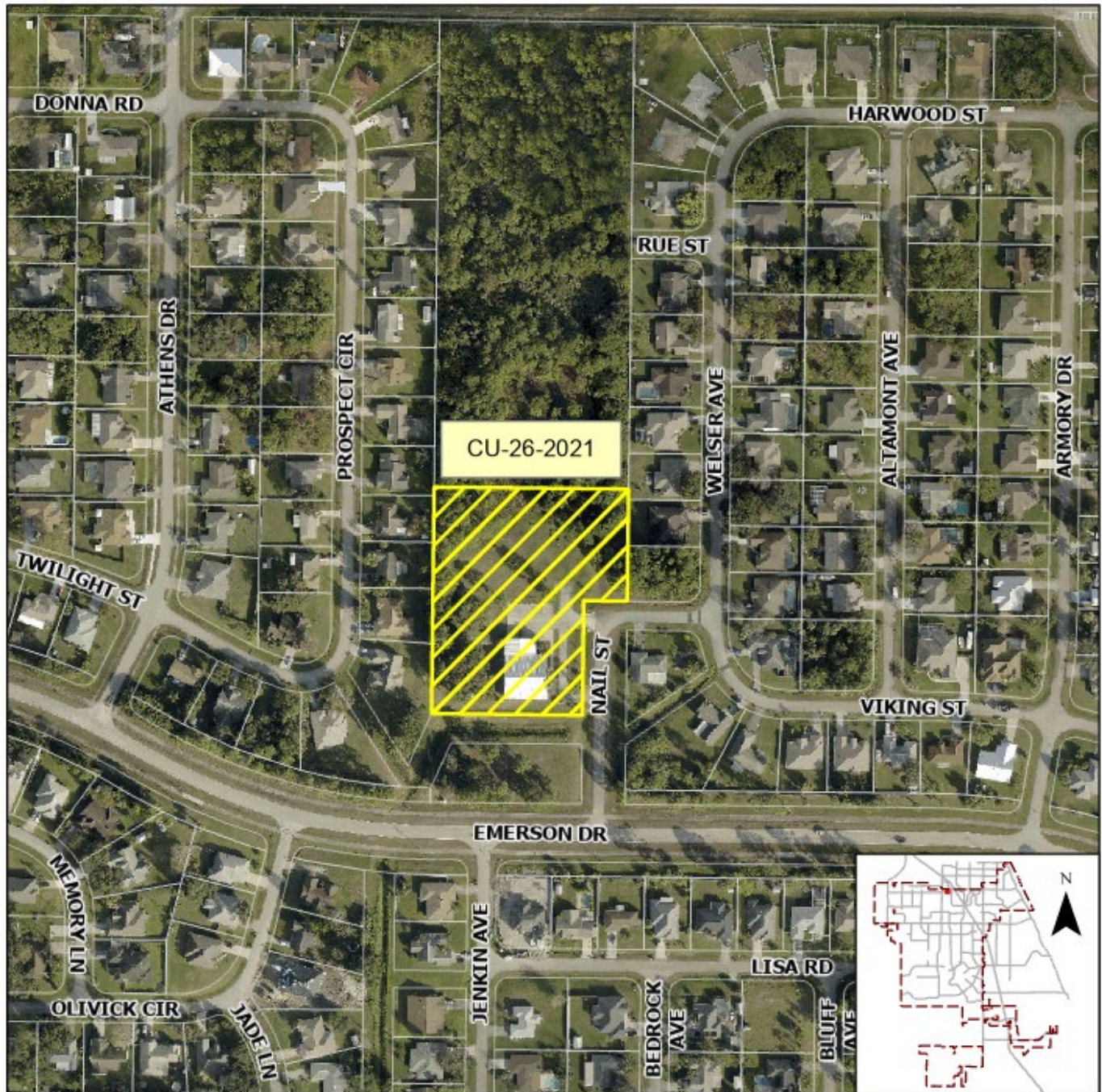
ATTEST:



Alice Passmore, CITY CLERK

Case No. CU-13-89

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

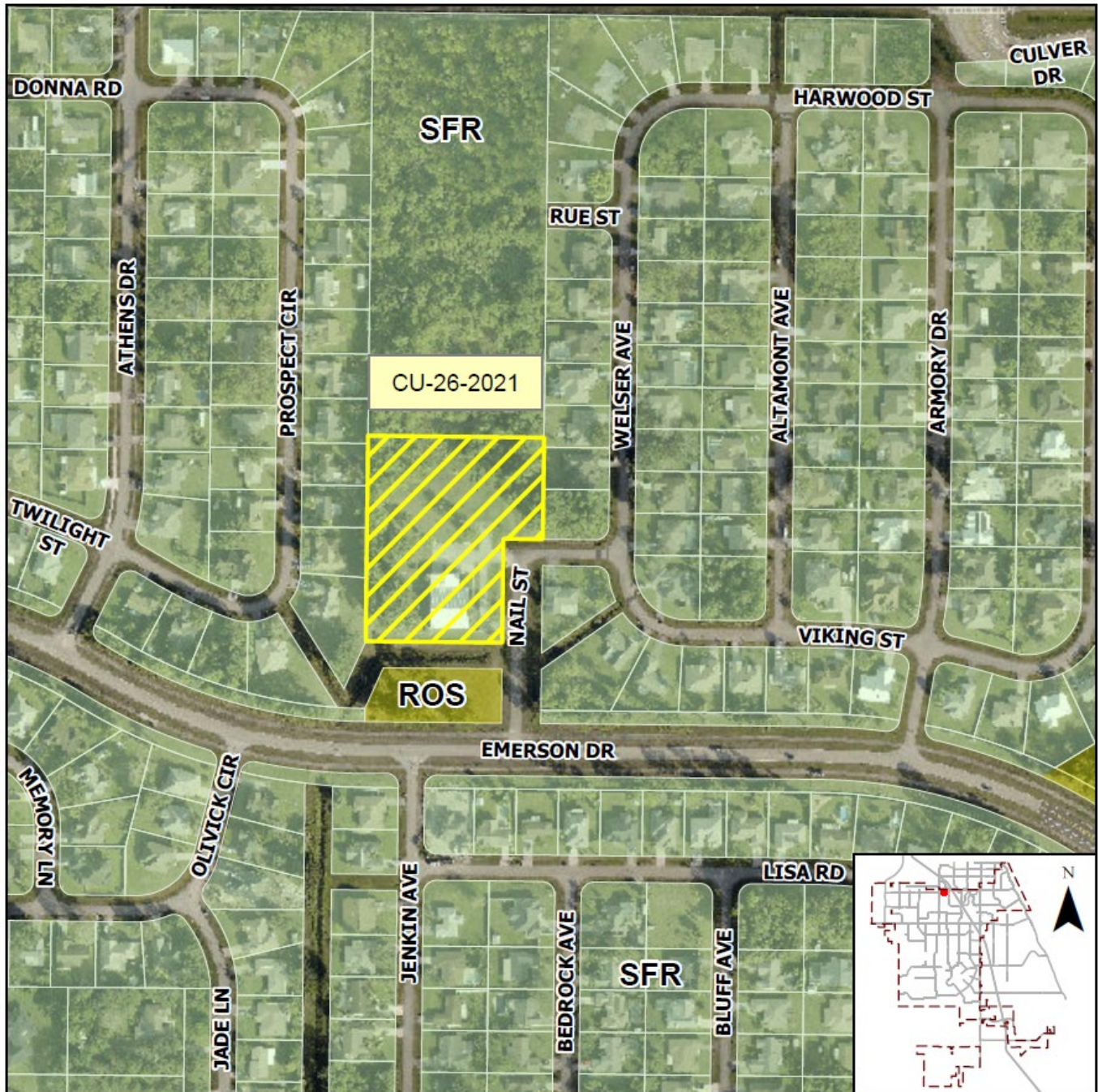


AERIAL LOCATION MAP CASE: CU-26-2021

Subject Property

West of and adjacent to Nail Street NE, in the vicinity north of Emerson Drive NE, specifically at 343 Nail Street NE

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



FUTURE LAND USE MAP

CASE: CU-26-2021

Subject Property

West of and adjacent to Nail Street NE, in the vicinity north of Emerson Drive NE, specifically at 343 Nail Street NE

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

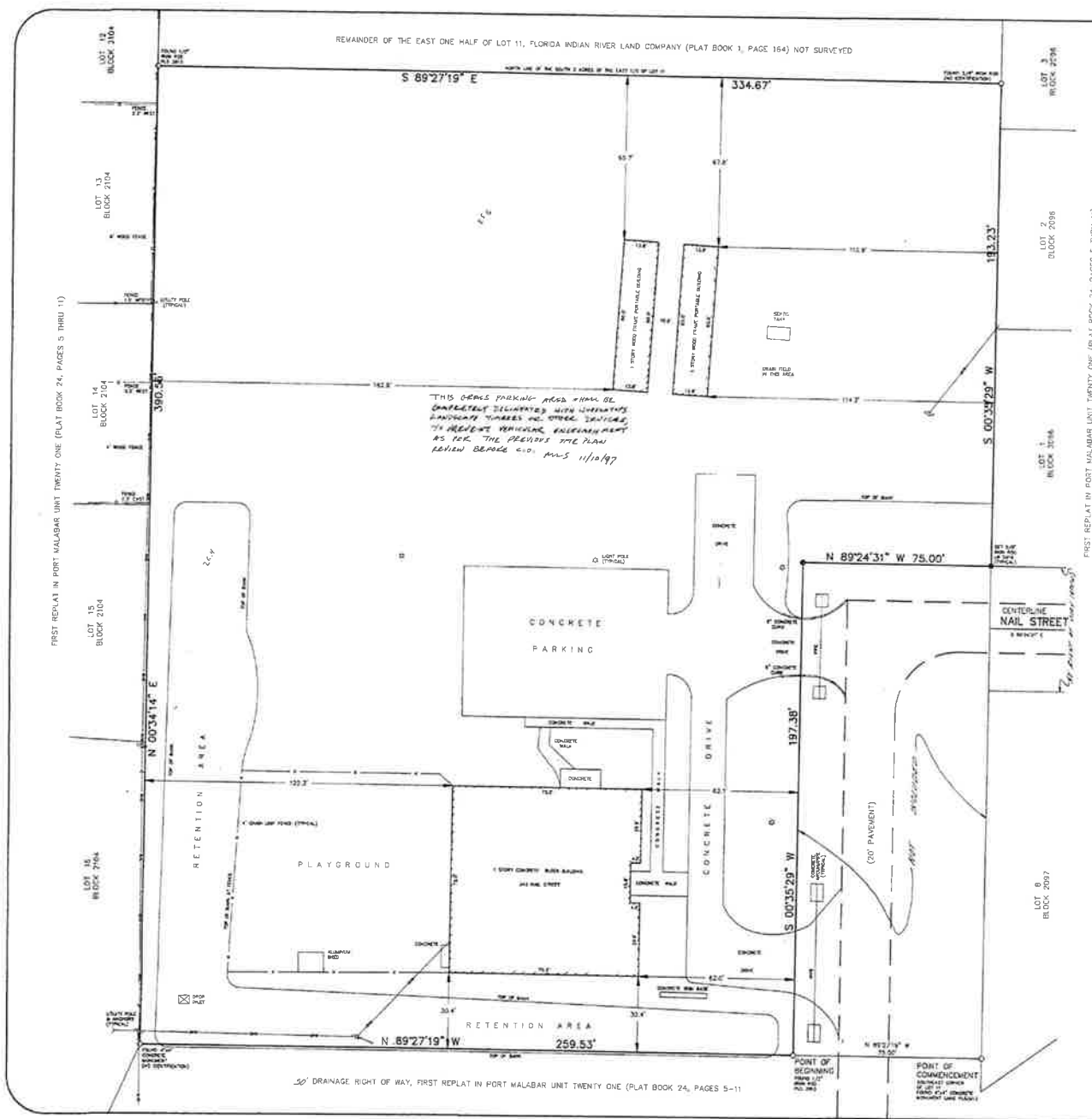
CASE: CU-26-2021

Subject Property

West of and adjacent to Nail Street NE, in the vicinity north of Emerson Drive NE, specifically at 343 Nail Street NE

Current Zoning Classification

RR – Rural Residential District





LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

CONDITIONAL USE 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(S):

28-37-19-00-510

TAX ACCOUNT NUMBER(S):

2829445

54U0 - PALM BAY

PROPERTY ADDRESS:

343 NAIL STREET NE PALM BAY FL 32907

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

3

ZONING CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.):

RR-Rural Residential

CONDITIONAL USE SOUGHT:

Christian School would like to rent and operate out of our church facilities.

CITY OF PALM BAY, FLORIDA
CONDITIONAL USE APPLICATION
PAGE 2 OF 4

BE ADVISED: All Conditional Use applications/projects are evaluated based on the following items located in Section 185.087 of the Code of Ordinances:

1. Proposed building and structures.
2. Proposed parking areas, vehicular and pedestrian circulation;
3. Proposed driveways and roadways near the site;
4. Conceptual stormwater management system; and
5. The provisions for potable water, sewer, and fire protection.

A SITE SKETCH TO SCALE MUST BE PROVIDED OF THE FOLLOWING:

- (A) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
- (B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.
- (C) Adequate and properly located utilities that are available or may be reasonably provided to serve the proposed development.
- (D) Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.
- (E) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.
- (F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.
- (G) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity.
- (H) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, reasonable time limit within which the action for which special approval is requested shall be begun or completed, or both.

CITY OF PALM BAY, FLORIDA
CONDITIONAL USE APPLICATION
PAGE 3 OF 4

ADDITIONAL CONDITIONS MUST BE MET AND INCORPORATED INTO THE SITE SKETCH FOR THE SPECIFIC CONDITIONAL USE. Additional criteria is listed in [Section 185.088](#) and available from staff (check all that apply):

- ☐ **Church** [Sec. 185.088(A)]
- ☐ **Club or Lodge** [Sec. 185.088(B)]
- ☐ **Commercial Dog Kennel** [Sec. 185.088(C)]
- ☐ **Planned Industrial Development** (industrially zoned site over 5 acres) [Sec. 185.088(D)]
- ☒ **Public or Private School** [Sec. 185.088(E)]
- ☐ **Self-Storage Facility** [Sec. 185.088(F)]
- ☐ **Communication Tower and Facilities** [Sec. 185.088(G)]
- ☐ **Dance Club** [Sec. 185.088(H)]
- ☐ **Security Dwelling Unit** [Sec. 185.088(I)]
- ☐ **Wedding Venue** [Sec. 185.088(J)]
- ☐ **Event Hall** [Sec. 185.088(K)]

CITY OF PALM BAY, FLORIDA
CONDITIONAL USE APPLICATION
PAGE 4 OF 4

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

- ☒ *\$650.00 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.)
- ☒ Site Sketch (See page 2 for requirements). **Also provide the site sketch on Memory Drive.**
- ☐ Citizen Participation Plan. Refer to [Section 169.005](#) of the Land Development Code for guidelines.
- ☐ Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guidelines. Staff will provide a sign template.
- ☐ **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 _____

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 conditional use application and that the facts stated in it are true.

Owner Signature Christopher Adams Date 5-6-21
Printed Name Christopher Adams
Full Address 834 Glendale Avenue NW Palm Bay, Florida 32907
Telephone 208-519-1385 Email pastorchrisadams@gmail.com

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

Christian Development Center (Christian Life Church)

Conditional Use Application

Our church is filling out a conditional use application, to give access to a private Christian school who wants to rent our facilities.

Size of School-

The school will have around 30 Kids

Hours of Operation-

8:00-2:30 Monday-Friday

Areas of Use-

The School will be using the main sanctuary as well as two or three of the classrooms.

Room for Expansion-

We have plenty of room for growth as the school expands in numbers. We have a 5,000 square foot building with multiple classrooms and a big sanctuary, a covered Patio/Porch with lighting, and 3 acres that can be utilized as well.

Ingress/Egress and Lighting-

The church has a big parking lot as well as a wrap around driveway that will provide for proper entry and exit from the facility. We also have proper signs already on our property that say Entry and Exit when coming into the parking lot. This should keep any excess traffic on Nail Street and Emerson to a minimum. For any night events or times where it gets darker, we have a well lit parking lot.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Christopher Balter, Senior Planner

DATE: August 4, 2021

SUBJECT: CP-9-2021 - RESCHEDULED TO P&Z DATE TBD - Medley at Everlands - Greg Pettibon, Lennar Homes LLC (Scott Glaubitz, P.E., P.L.S., Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single-Family Residential Use. Part of Tax Parcel 1, Section 21, Township 28, Range 36 and Part of Tax Parcel 3, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 96.66 acres. (Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW)

Subject to Florida House Bill 59, Case CP-9-2021 (Greg Pettibon, Lennar Homes LLC - Scott Glaubitz, P.E., P.L.S., Rep.) is rescheduled to a Planning and Zoning Board date to be determined. Board action is not required to reschedule the case.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Christopher Balter, Senior Planner

DATE: August 4, 2021

SUBJECT: **PD-21-2021 - RESCHEDULED TO P&Z DATE TBD - Medley at Everlands - Greg Pettibon, Lennar Homes LLC (Scott Glaubitz, P.E., P.L.S., Rep.) - A Preliminary Development Plan for a PUD to allow a development with a mixture of townhomes and single-family lots called Medley at Everlands. Part of Tax Parcel 1, Section 21, Township 28, Range 36 and Part of Tax Parcel 3, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 96.66 acres. (Northeast corner of Pace Drive NW and St. Johns Heritage Parkway NW)

Subject to Florida House Bill 59, Case PD-21-2021 (Greg Pettibon, Lennar Homes LLC - Scott Glaubitz, P.E., P.L.S., Rep.), as the companion case to CP-9-2021, is rescheduled to a Planning and Zoning Board date to be determined. Board action is not required to reschedule the case.

**Quasi-Judicial Proceeding.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Patrick J. Murphy, Assistant Growth Management Director

DATE: August 4, 2021

SUBJECT: CP-10-2021 - RESCHEDULED TO P&Z DATE TBD - FP&L IBIS Solar Energy Center - Michael Sole, Florida Power & Light (Jake Wise, P.E., Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Agricultural (Brevard County), R1:2.5 (Brevard County), and Centerlane Use (City) to Utilities Use. Tax Parcel 250 of Section 29, Township 30, Range 37, Tax Parcels 1 and 3 of Section 30, Township 30, Range 37, and Tax Parcel 1 of Section 31, Township 30, Range 37, Brevard County, Florida, containing approximately 3,266.49 acres. (Two miles east of Babcock Street, in the vicinity north of the Indian River County line)

Subject to Florida House Bill 59, Case CP-10-2021 (Michael Sole, Florida Power & Light - Jake Wise, P.E., Rep.) is rescheduled to a Planning and Zoning Board date to be determined. Board action is not required to reschedule the case.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Patrick J. Murphy, Assistant Growth Management Director

DATE: August 4, 2021

SUBJECT: **CPZ-10-2021 - RESCHEDULED TO P&Z DATE TBD - FP&L IBIS Solar Energy Center - Michael Sole, Florida Power & Light (Jake Wise, P.E., Rep.) - A zoning amendment from General Use (Brevard County) to a GU, General Use Holding District. Tax Parcel 250 of Section 29, Township 30, Range 37, Tax Parcels 1 and 3 of Section 30, Township 30, Range 37, and Tax Parcel 1 of Section 31, Township 30, Range 37, Brevard County, Florida, containing approximately 3,266.49 acres. (Two miles east of Babcock Street, in the vicinity north of the Indian River County line)

Subject to Florida House Bill 59, Case CPZ-10-2021 (Michael Sole, Florida Power & Light - Jake Wise, P.E., Rep.), as the companion case to CP-10-2021, is rescheduled to a Planning and Zoning Board date to be determined. Board action is not required to reschedule the case.

**Quasi-Judicial Proceeding.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Christopher Balter, Senior Planner

DATE: August 4, 2021

SUBJECT: CP-11-2021 - RESCHEDULED TO P&Z DATE TBD - Eastshore - Andrew Steel, NSD Palm Bay IV, LLC (Ana Saunders, P.E. and Miguel Reynaldos, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Industrial Use to Bayfront Mixed Use. Tax Parcels 250 and 254, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 7.11 acres. (Northwest corner of Robert J. Conlan Boulevard NE and Commerce Park Drive NE)

Subject to Florida House Bill 59, Case CP-11-2021 (Andrew Steel, NSD Palm Bay IV, LLC - Ana Saunders, P.E. and Miguel Reynaldos, Reps.) is rescheduled to a Planning and Zoning Board date to be determined. Board action is not required to reschedule the case.

ATTACHMENTS:
Description



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Christopher Balter, Senior Planner

DATE: August 4, 2021

SUBJECT: **CPZ-11-2021 - RESCHEDULED TO P&Z DATE TBD - Eastshore - Andrew Steel, NSD Palm Bay IV, LLC (Ana Saunders, P.E. and Miguel Reynaldos, Reps.) - A zoning amendment from an LI, Light Industrial and Warehousing District to a BMU, Bayfront Mixed Use District. Tax Parcels 250 and 254, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 7.11 acres. (Northwest corner of Robert J. Conlan Boulevard NE and Commerce Park Drive NE)

Subject to Florida House Bill 59, Case CPZ-11-2021 (Andrew Steel, NSD Palm Bay IV, LLC - Ana Saunders, P.E. and Miguel Reynaldos, Reps.), as the companion case to CP-11-2021, is rescheduled to a Planning and Zoning Board date to be determined. Board action is not required to reschedule the case.

**Quasi-Judicial Proceeding.

ATTACHMENTS:
Description



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Patrick J. Murphy, Assistant Growth Management Director

DATE: August 4, 2021

SUBJECT: T-28-2021 - GC Indoor Recreation - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.054, to modify provisions within the GC, General Commercial District to allow for indoor recreation

ATTACHMENTS:

Description

- ▣ Case T-28-2021 - Staff Report
- ▣ Case T-28-2021 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Laurence Bradley, AICP, Growth Management Director

CASE NUMBER

T-28-2021

PLANNING & ZONING BOARD HEARING DATE

August 4, 2021

PROPERTY OWNER & APPLICANT

City of Palm Bay, Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

Modification to Principal Uses to include Indoor Commercial Recreation to the list of permitted uses and to add Conditional Uses, Indoor Commercial Recreation over 5,000 square feet in multi-tenant buildings.

Existing Zoning

Not Applicable

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

APPLICABILITY

Not Applicable

COMPREHENSIVE PLAN**COMPATIBILITY**

Not Specifically Addressed

BACKGROUND:

Textual amendments to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185 Zoning Code, Section 185.054 General Commercial (GC District); to include Indoor Commercial Recreation (ICR) to the list of permitted uses and to add Conditional Uses, ICRs over 5,000 square feet on multi-tenant buildings.

Recently, there have been several local businesses which have requested to operate indoor recreational uses such as gyms, workout classes and physical training in the General Commercial zoning district. Some of these users are waiting for this amendment before they can receive a Business Tax Receipt (BTR) or Building Permits to occupy spaces that they have already leased.

The GC Zone was first established in January 2004 pursuant to Ordinance #2004-01. The intent of the zone is:

“Intent. The purpose of the General Commercial District shall be to locate and establish areas within the city which are uniquely suited for heavy commercial development. Such areas are to be developed in an intensive manner and are designed to provide opportunities for small businesses of a variety of types. The uses and development standards included in the district are intended to provide additional opportunities for businesses to locate within the city by providing a mix of service, warehousing, commercial, wholesaling, storage, and similar businesses and uses.”

Since 2004 several uses have been added as permitted uses including: State licensed tattoo parlors and drinking establishments. Also, several conditional uses have been added to the zone including: security dwelling units, canine day care and related services, dancing in eating and drinking establishments, churches, and event halls. In total there have been twelve amendments to the GC zoning district since January 2004, but not all of these have changed the allowable uses.

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

ANALYSIS:

The proposed amendment will allow Indoor Commercial Recreational (ICR) uses in the GC Zone as permitted uses. However, if the ICR is located in a multi-tenanted building in must be 5,000 square feet or less. If the ICR is to be over 5,000 SF and is located in a multi-tenanted building it can only be approved through a Conditional Use application. The reason for the Conditional Use requirement in multi-tenanted buildings is because many of the GC-Zoned lots are small and do not have much parking. ICRs often create a greater parking demand

especially if group classes are proposed. Further, many of the existing GC lots have uses which have a lower parking requirement such as storage uses, contractor uses, construction yards and repair facilities and thus were developed with fewer parking spaces.

There are other uses in the GC zoning district which create more in-and-out traffic and parking demand such as personal services, schools, day-care centers, eating establishments and retail sales. Thus, adding ICRs to this list does not appear to a major deviation from some of the other permitted uses in the district.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendment as written.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

185.054 GC – GENERAL COMMERCIAL DISTRICT.

(B) *Principal uses and structures.* The following uses and structures are permitted:

>>(30) Indoor commercial recreation (excluding dance clubs). In buildings with multiple tenants, indoor commercial recreational uses may occupy up to five thousand (5,000) square feet of gross floor area.<<

(D) Conditional uses.

>>(8) Indoor commercial recreation; occupying more than five thousand (5,000) square feet of gross floor area in buildings with multiple tenants.<<



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:

185.054

PROPOSED LANGUAGE (attach addendum if necessary):

See attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

This change is being proposed to allow additional types of businesses (Indoor Recreation) to be allowed in the General Commercial (GC) Zone as this use is allowed in other commercial zones. The size limitations proposed are to recognize the fact that most GC properties are smaller sized lots and often have limited parking.


**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  **Date** June 3, 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**



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Christopher Balter, Senior Planner

DATE: August 4, 2021

SUBJECT: **V-29-2021 - Barbara Gamerl (James Gamerl, Rep.) - A variance to allow a proposed steel building to encroach 8 feet into the 25-foot side corner setback as established by Section 185.034(F)(7)(c) of the Palm Bay Code of Ordinances. Lot 14, Block 2470, Port Malabar Unit 48, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately .31 acres. (Northwest corner of Vater Avenue NW and Krefeld Road NW, specifically at 1301 Vater Avenue NW)

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ▣ Case V-29-2021 - Staff Report
- ▣ Case V-29-2021 - Survey
- ▣ Case V-29-2021 - Application



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

V-29-2021

PLANNING & ZONING BOARD HEARING DATE

August 4, 2021

PROPERTY OWNER & APPLICANT

Barbara Gamerl

PROPERTY LOCATION/ADDRESS

Lot 14, Block 2470, Port Malabar Unit 48, Section 24,
Township 28, Range 36, Brevard County, Florida,
specifically, 1301 Vater Ave NW

SUMMARY OF REQUEST

A variance to allow a proposed garage to encroach 8' into the 25' side corner building setback, as established by Section 185.033(F)(7)(c) of the Palm Bay Code of Ordinances.

Existing Zoning

RS-1, Single-Family Residential District

Existing Land Use

Single-Family Residential Use

Site Improvements

Single-Family Home

Site Acreage

0.31 acres

SURROUNDING ZONING & USE OF LAND

North

RS-1, Single-Family Residential, Single-Family Home

East

Krefeld Road NW

South

Vater Avenue NW

West

RS-1, Single-Family Residential, Vacant Land

BACKGROUND:

The property consists of one lot, with a width of 108.22', and a depth of 125.00'. The property has been owned by the applicants since 1982. The applicant now seeks to construct a garage for their RV on the northeast side of the property.

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."*

The applicants have stated they would "like to have an RV garage." As the home already has an attached two-car garage, the desired addition is in excess of what is standard in the community and is to be used solely for extra vehicle storage. The structure could be placed adjacent to the east side of the home and meet the applicable setbacks. Thus, it appears no special conditions or circumstances exist for the land, structure, or building involved.

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

The conditions and circumstances identified, in this application and the need of a variance is a result of the actions of the applicant.

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 only allow for a garage that would be 9' wide, which is not enough for an RV.

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 8' feet into the 25-foot side corner 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. The encroachment, however, does not appear to create any health or safety hazards to adjacent properties.

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.

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-29-2021

Subject Property

Northwest corner of Vater Avenue NW and Krefeld Road NW, specifically at 1301 Vater Avenue NW

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-29-2021

Subject Property

Northwest corner of Vater Avenue NW and Krefeld Road NW, specifically at 1301 Vater Avenue NW

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

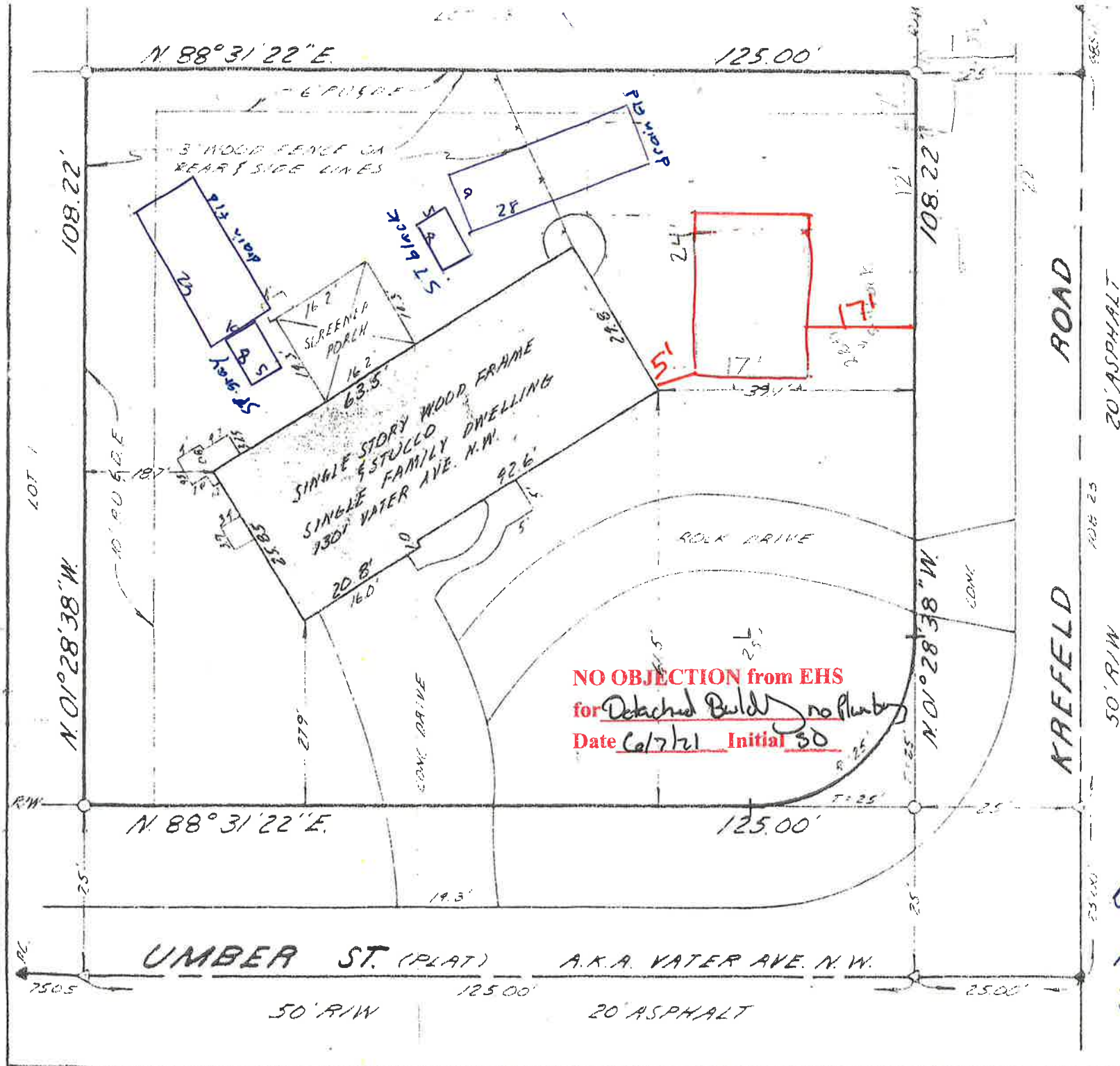
CASE: V-29-2021

Subject Property

Northwest corner of Vater Avenue NW and Krefeld Road NW, specifically at 1301 Vater Avenue NW

Current Zoning Classification

RS-1 – Single-Family Residential District



Done
ASAP
Septic
6/7/2021

NOTE:
THIS PROPERTY IS IN FEDERAL FLOOD
ZONE "C". FINISHED FLOOR ELEVATION
IS NOT A CONSIDERATION FOR FLOOD
INSURANCE.

BOUNDARY SURVEY AND IMPROVEMENT LOCATION

- Legend:
- = iron marker found
 - = iron marker set
 - = concrete mon. fnd.
 - = concrete mon. set
 - ▲ = nail & disk found
 - △ = nail & disk set

DESCRIPTION:

LOT 14, BLOCK 2470, PORT MALABAR UNIT QRTY EIGHT, AS
RECORDED IN PLAT BOOK 22, PAGES 81 THRU 97, OF THE PUBLIC
RECORDS OF BREVARD COUNTY, FLORIDA.

SCALE 1"=20'	DRAWN BY JMB	CLIENT NO. 010-218
<p>REVISIONS</p> <p>A</p> <p>B</p> <p>C</p>		
<p>CERTIFICATION</p> <p>I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND FURTHER THAT IT MEETS THE MINIMUM REQUIREMENTS UNDER CHAPTER 214, § 6 OF THE FLORIDA STATUTES.</p>		
<p>DATE FEB 12 1986</p> <p>Willa M. Mott</p> <p>FLA. CERT. NO. 3353</p>		
<p>PREPARED FOR: Eugene J. Gamert, Barbara E. Gamert H/W, Stockton, Whalley, Devin Co. & State Title & Guaranty Co., Inc. of Brevard</p>		
<p>WILLIAM MOTT LAND SURVEYING INC.</p> <p>SPACE OFFICE CENTER SUITE 1, 1137 SO. PATRICK RD.</p> <p>SATTELITE BEACH FLA 32917 PH 773-112</p>		



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 28-36-24-K2-2470-14

TAX ACCOUNT NUMBER 2806453

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

Port Malabar Unit 48, Lot 14, Blk 2470

STREET ADDRESS OF PROPERTY COVERED BY APPLICATION:

1301 Vater Ave NW, Palm Bay, FL 32907

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 0.31 acres

EXISTING ZONING CLASSIFICATION OF PROPERTY (ex.: RS-2, CC, etc.) 0110 Single Family

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:

NA

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):

This request is for an 8-foot allowance on the 25-foot setback requirement for structures.

Steel building will be 17' x 24' x 12' high.

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

Section 185.034(F)(7)(c), 25-foot setback requirement

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.
- (a) The house is situated on a corner lot and placed at an angle to Vater Ave and Krefeld Road. This angled placement shrinks the usable property space when accounting for setbacks, property lines, and septic tank drain fields.
- (b) The placement of the house on the property was done in 1982 when applicant's parent had the house built.
- (c) As noted in para (a) above, the usable space is very limited and does not allow for any new structure to be built without encroaching on the setbacks, property lines, and/or septic tank drain fields.
- (d) Applicant intends to build a steel structure to house a small recreational vehicle (RV). The minimum size structure needed is 17 feet by 24 feet.
- (e) If granted, the variance will not confer any special privileges to applicant. There are similar structures erected on properties all over Palm Bay.
- (f) If granted, the variance will allow the applicant to pour a concrete slab and erect a steel building to house a small RV. The structure will blend in with the neighborhood and not be detrimental to the surrounding area.

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 _____

**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 Barbara E. Gamert **Date** 7/12/2021

Printed Name James Gamert

Full Address 1301 Vater Ave NW Palm Bay FL 32907

Telephone 402-415-9136

Email j_gamert@yahoo.com

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

July 12, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Port Malabar Unit 48, Lot 14, Blk 2470

I, Owner Name: Barbara Gamerl

Address: 1301 Vater Ave NW

Telephone: 321 327 5055

Email: barbara.gamerl@gmail.com

hereby authorize:

Representative: James Gamerl

Address: 1301 Vater Ave NW Palm Bay, FL 32907

Telephone: 4024159136

Email: j_gamerl@yahoo.com

to represent the request(s) for:

variance application

Barbara E Gamerl
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

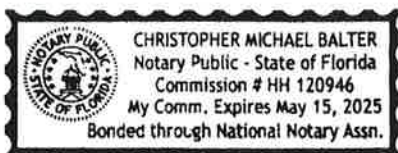
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 12 day of July, 2021 by

Barbara E Gamerl, property owner.

Christopher Balter, Notary Public

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

FLPL G564-065-36-752-0





MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Christopher Balter, Senior Planner

DATE: August 4, 2021

SUBJECT: **FD-30-2021 - Cypress Bay West Phase II - Benjamin E. Jefferies, Waterstone Holdings, LLC and Waterstone Farms, LLC / Chris Tyree, Forestar (USA) Real Estate Group (Jake Wise, P.E. and Rochelle W. Lawandales, FAICP, Reps.) - A Final Development Plan to allow a proposed PUD for a 570-unit residential development called Cypress Bay West Phase II. Part of Tax Parcels 500, 5, and 1 of Section 4, Township 30, Range 37, and Part of Tract 750 of San Sebastian Farms, Section 5, Township 30, Range 37, Brevard County, Florida, containing approximately 185.74 acres (West of and adjacent to Babcock Street, in the vicinity south of Mara Loma Boulevard SE)

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ☐ Case FD-30-2021 - Staff Report
- ☐ Case FD-30-2021 - Final Development Plan
- ☐ Case FD-30-2021 - Plat
- ☐ Case FD-30-2021 - Application
- ☐ Case FD-30-2021 - Narrative



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

FD-30-2021

PLANNING & ZONING BOARD HEARING DATE

August 4, 2021

PROPERTY OWNER & APPLICANT

Waterstone Farms, LLC, Forestar Real Estate Group, Waterstone Holdings, LLC (Jake Wise Representing)

PROPERTY LOCATION/ADDRESS

A portion of Tax Parcels 500, 5, and 1, Section 4, Township 30, Range 37, and Part of Tract 750 of San Sebastian Farms, Section 5, Township 30, Range 37 Brevard County, Florida

SUMMARY OF REQUEST

Final Planned Unit Development approval for a 570-unit residential subdivision to be known as Cypress Bay West Phase 2 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

185.747 acres

SURROUNDING ZONING & USE OF LAND

North

PUD; Cypress Bay West Phase I, The Courtyards at Waterstone; Single-Family Homes

East

PUD; The Courtyards Waterstone PUD; Single-Family Homes; and Undeveloped Lands

South

Davis Lane; City Limit

West

PUD; Waterstone at Palm Bay; Undeveloped Lands

COMPREHENSIVE PLAN COMPATIBILITY

A planned unit development is compliant with both future land use designations of the subject properties. The proposed density is 3.07 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 categories.

BACKGROUND:

The subject property is located south of Mara Loma Boulevard SE and west of Babcock Street SE. Specifically, a portion of Tax Parcels 500, 5, and 1, Section 4, Township 30, Range 37, and Part of Tract 750 of San Sebastian Farms, Section 5, Township 30, Range 37 Brevard County, Florida. This Final PUD request includes approximately 185.747 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 (aka 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 encumbered remaining units without this current application being counted are as follows: 1,548 units on the west side of Babcock Street and 362 units on the east side of Babcock Street.

ANALYSIS:

The applicant is requesting Final Development Plan (FDP) approval for a Planned Unit Development (PUD), to construct a single-family and multiple-family residential subdivision called Cypress Bay West Phase II PUD. The planned unit development is a concept that 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 446-unit single-family development and 124 townhome development that will be constructed in multiple phases. Per the FDP, average lots within the residential development are 50' x 125'. The proposed minimum size home is 1,600 square feet, and the minimum size townhome is 1500 square feet. The development will consist of gated entrances with two amenity centers, each with its own pool, playground, passive recreation areas, stormwater management ponds, and private roadways. The master amenity center will include an oversized pool and slide, with a fitness center and picnic/play areas. Mara Loma Bouvard will be built and extended to a new roadway called Journey Drive which will be connected to Babcock Street SE.

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:

- Fully engineered construction drawings.
- A Subdivision Plat meeting Ch.177 of Florida State Statute requirements and a title opinion.
- The technical comments generated by the Development Review Staff (attached) shall be observed and incorporated into the engineered construction drawings.
- Mara Loma Boulevard right-of-way dedication shall not be accepted by the City of Palm Bay for operation and maintenance until and unless the Developer requests acceptance through the process promulgated in Chapter 182 of the City of Palm Bay's Code of Ordinances. Upon commencement of said process, staff will determine if acceptance of the Mara Loma Boulevard Extension would provide a public benefit and that current City of Palm Bay construction standards are met.

STAFF RECOMMENDATION:

Case FD-30-2021 is recommended for approval, subject to the staff comments contained in this report.

TECHNICAL COMMENTS

CASE FD-30-2021 – Cypress Bay West Phase II PUD

PUBLIC WORKS (Natalie Shaber, Engineer II):

1. Note 7 - Until discussion between the Developer and the City confirms responsibility of maintenance of all utilities and roadway improvements, note 7 on the plat is subject to amendment.
2. Note 11 - Please modify the language to read as follows "Please note that easements on the "D" and "L" tracts and any easements that provide connectivity such as lot line pipe shall be dedicated to the 'City' for emergency access to stormwater utilities.
3. Title opinion or property information report is required for staff review.
4. Proportionate traffic fair share improvements at failing intersections and segments on Babcock.
5. Traffic study for development required to be submitted; The study should include the commercial out parcel at the highest use. mitigate impacts within 2-mile radius. Turn lane and signal warrants may also be required at entrance and at new and existing intersections.
6. Drainage easement granted to the City of Palm Bay for emergency access to the final outfall. Maintenance or outfall pipe replacement based on the condition of the outfall may be necessary.
7. Right of way and Driveway permit applicable for development improvements.
8. Extend Parkway right of way/ improvements along southwest to west subdivision development termination.
9. Journey Dr. improvements shall be privately maintained until publicly accepted for maintenance per CH. 182.
10. Inspection fees and 2-yr maintenance bond per City requirements applicable.
11. CDD/HOA Cross access, drainage, and utility maintenance agreement required. Easements shall encompass a flat unobstructed area large enough for heavy equipment operation if necessary.
12. All roadway improvements and driveways shall be per City PW manual requirements; turn lane dimensions shall be per traffic study requirements. All D/W radii shall be minimum 35ft.
13. Include Utility chase pipes under roadways for future development.
14. Include in master drainage plan the maximum allowable % impervious proposed for commercial out parcel on the plans.

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):

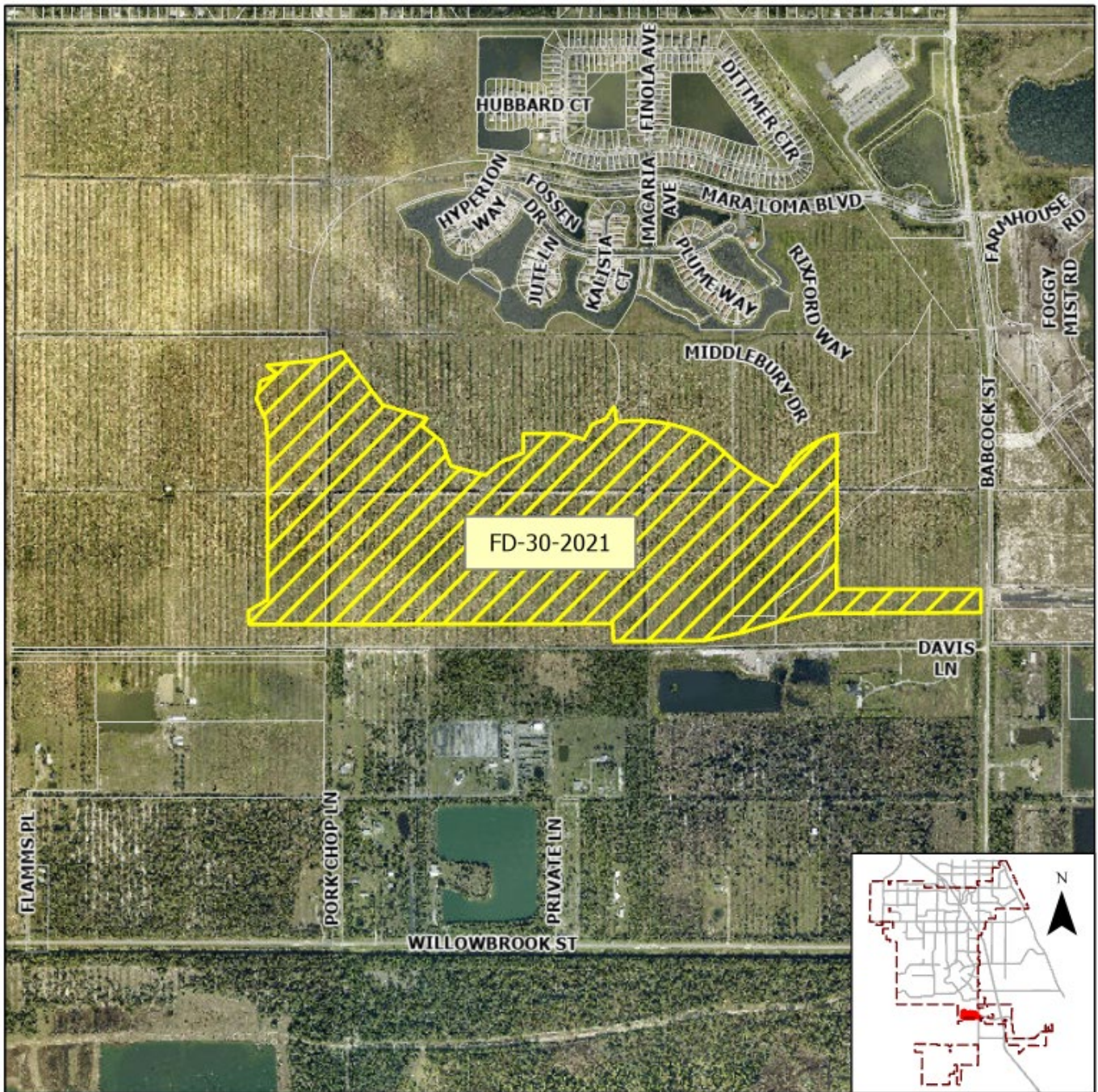
1. The maximum distance to a fire hydrant from the closest point on the building shall not exceed 600 ft. (183 m).
2. The maximum distance between fire hydrants shall not exceed 800 ft. (244 m).
3. All motorized gates shall include a Siren Operated Switch and Knox Key Switch backup.

BUILDING (James Williams, Certified Floodplain Manager):

1. Multiple lots are in the Unnumbered Floodzone A. A FEMA CLOMR must be obtained before construction to obtain a FEMA approved Base Flood Elevation to be used on floodplain permits for the affected lots. On completion of construction an approved FEMA LOMR will be required to remove affected structures from the Special Flood Hazard Area and the need to carry flood insurance to get a federally insured mortgage.



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

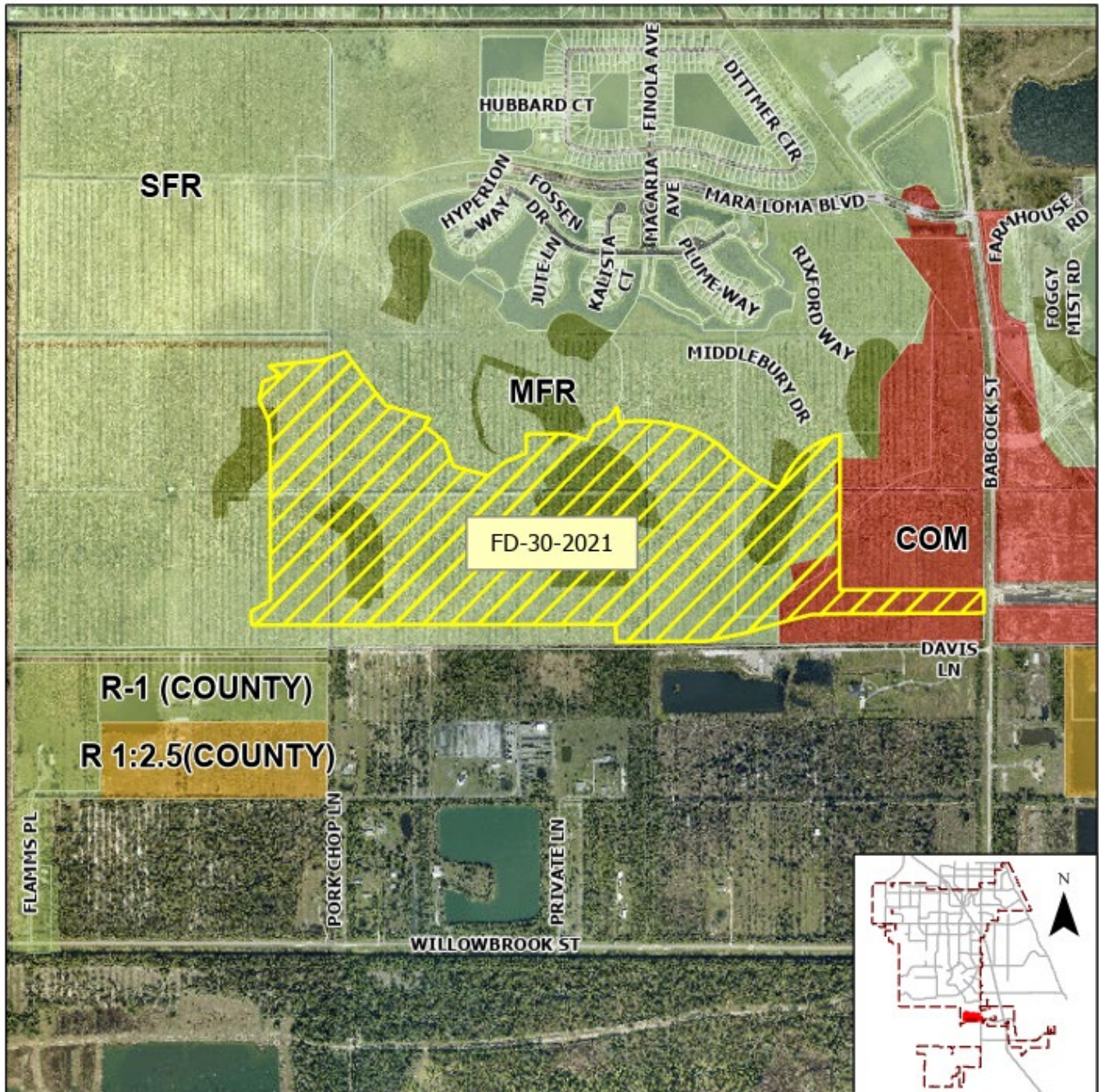


AERIAL LOCATION MAP CASE: FD-30-2021

Subject Property

West of and adjacent to Babcock Street, 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-30-2021

Subject Property

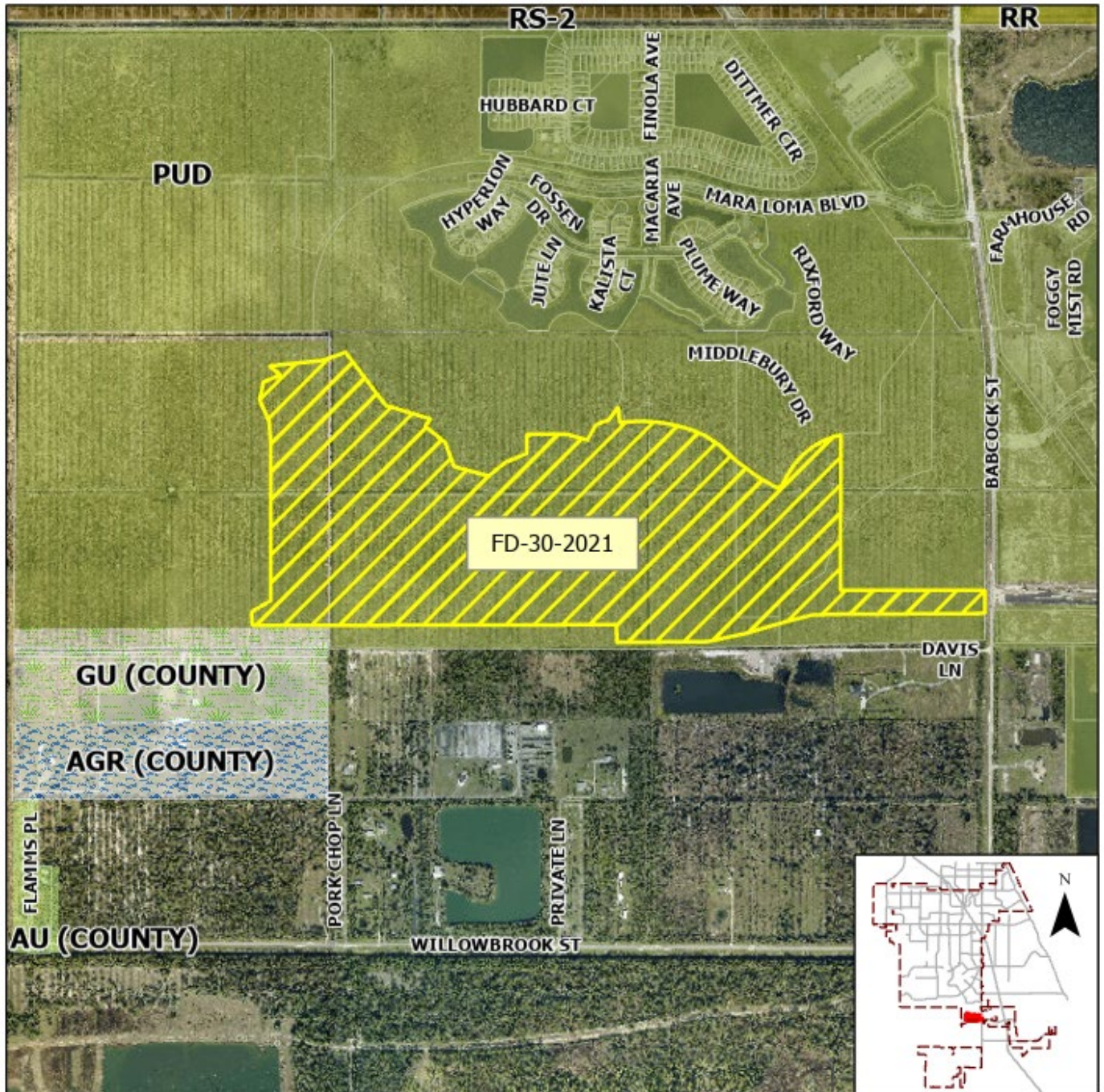
West of and adjacent to Babcock Street, in the vicinity south of Mara Loma Boulevard SE

Future Land Use Classification

SFR, MFR, COM – Single Family Residential Use, Multi-Family Residential Use, Commercial Use



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



ZONING MAP

CASE: FD-30-2021

Subject Property

West of and adjacent to Babcock Street, in the vicinity south of Mara Loma Boulevard SE

Current Zoning Classification

PUD – Planned Unit Development

CYPRESS BAY WEST - PHASE II

FINAL DEVELOPMENT PLAN

PALM BAY, FL

DATE:

JUNE 30, 2021

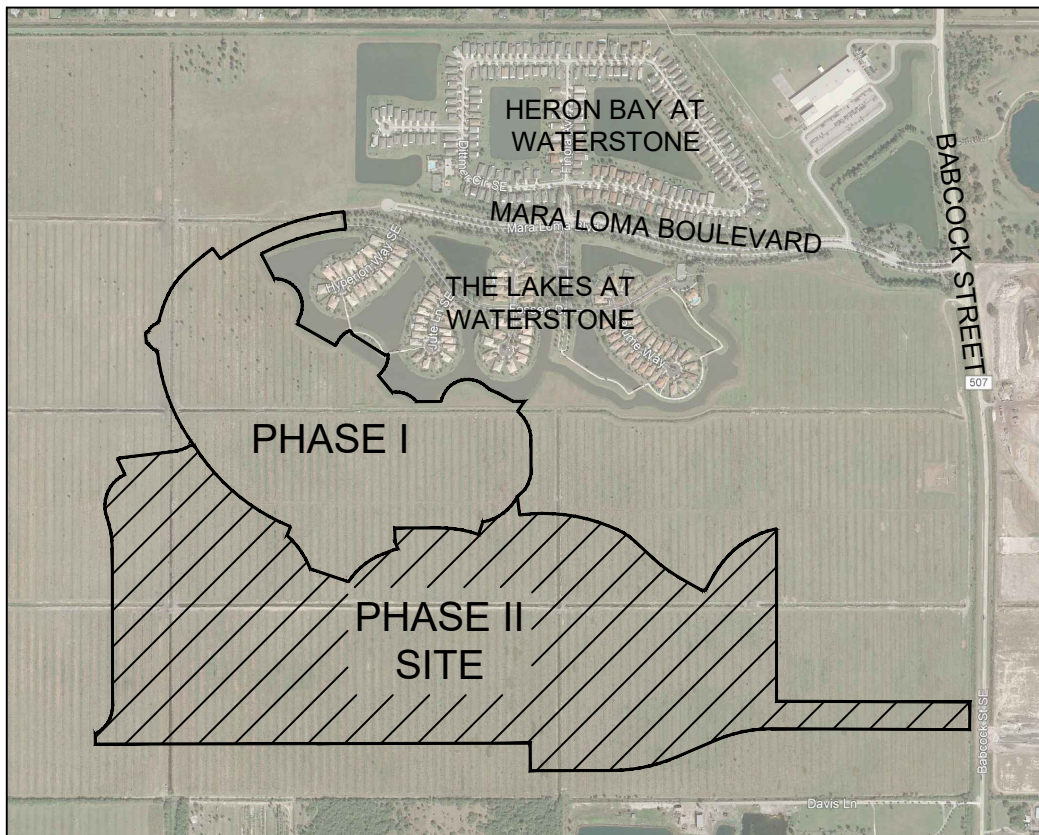
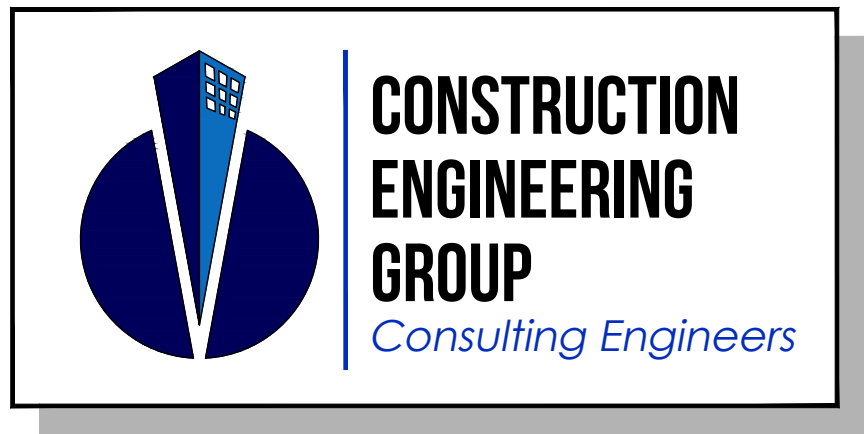
PREPARED FOR:

FORESTAR (USA) REAL ESTATE GROUP INC.

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF SECTIONS 3 AND 4, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, AND A PORTION OF LOT 33, LOT 34, LOT 63 AND LOT 64 OF SAN-SEBASTIAN FARMS, SECTION 5, TOWNSHIP 30 SOUTH, RANGE 37 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 77, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 4; THENCE RUN N 01° 11' 38" W ALONG THE EAST LINE OF SAID SECTION 4 FOR A DISTANCE OF 7.46 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 4; THENCE RUN N 89° 52' 37" E FOR A DISTANCE OF 129.17 FEET TO THE WEST RIGHT OF WAY LINE OF BABCOCK STREET (A 100 FOOT WIDE RIGHT OF WAY); THENCE RUN N 00° 45' 16" E ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 291.62 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE RUN N 89° 42' 39" W FOR A DISTANCE OF 1214.31 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 1000.00 FEET, AND WHOSE CHORD BEARS S 78° 39' 00" W FOR A DISTANCE OF 403.49 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23° 16' 41", FOR A DISTANCE OF 406.28 FEET TO A POINT OF TANGENCY; THENCE RUN S 67° 00' 40" W FOR A DISTANCE OF 328.03 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 1200.00 FEET, AND WHOSE CHORD BEARS S 78° 26' 39" W FOR A DISTANCE OF 475.74 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 22° 51' 58", FOR A DISTANCE OF 478.91 FEET TO A POINT OF TANGENCY, ALSO BEING THE SOUTH LINE OF PARCEL B, AS DESCRIBED IN OFFICIAL RECORDS BOOK 3480, PAGE 665, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN S 89° 52' 38" W ALONG THE SOUTH LINE OF SAID PARCEL B FOR A DISTANCE OF 588.09 FEET; THENCE RUN N 00° 07' 22" W FOR A DISTANCE OF 200.00 FEET; THENCE RUN S 89° 52' 38" W FOR A DISTANCE OF 3155.67 FEET; THENCE RUN N 00° 07' 22" W FOR A DISTANCE OF 74.96 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 225.00 FEET AND WHOSE CHORD BEARS N 31° 44' 37" E FOR A DISTANCE OF 237.57 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 63° 43' 57", FOR A DISTANCE OF 250.28 FEET TO A POINT OF TANGENCY; THENCE RUN N 00° 07' 22" W FOR A DISTANCE OF 1143.70 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 675.00 FEET, AND WHOSE CHORD BEARS N 09° 50' 34" W FOR A DISTANCE OF 227.92 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19° 26' 23", FOR A DISTANCE OF 229.02 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 250.00 FEET AND WHOSE CHORD BEARS N 22° 47' 04" E FOR A DISTANCE OF 336.81 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 84° 41' 39", FOR A DISTANCE OF 369.55 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE RUN N 24° 52' 07" W FOR A DISTANCE OF 125.00 FEET; THENCE RUN N 65° 07' 53" E FOR A DISTANCE OF 20.65 FEET; THENCE RUN N 83° 26' 35" E FOR A DISTANCE OF 377.34 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 325.00 FEET, AND WHOSE CHORD BEARS N 71° 43' 01" E FOR A DISTANCE OF 132.10 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23° 27' 08", FOR A DISTANCE OF 133.03 FEET TO A POINT OF TANGENCY; THENCE RUN N 59° 59' 27" E FOR A DISTANCE OF 45.84 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE NORTHEAST, HAVING A RADIUS OF 1475.00 FEET, AND WHOSE CHORD BEARS S 49° 38' 51" E FOR A DISTANCE OF 920.48 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36° 21' 47", FOR A DISTANCE OF 936.12 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE RUN S 22° 10' 15" W FOR A DISTANCE OF 80.18 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 675.00 FEET, AND WHOSE CHORD BEARS S 34° 36' 29" E FOR A DISTANCE OF 295.95 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 25° 19' 37", FOR A DISTANCE OF 298.38 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 225.00 FEET, AND WHOSE CHORD BEARS S 73° 08' 02" E FOR A DISTANCE OF 15.62 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 03° 58' 38", FOR A DISTANCE OF 15.62 FEET TO A POINT OF TANGENCY; THENCE RUN S 71° 08' 43" E FOR A DISTANCE OF 277.37 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 575.00 FEET, AND WHOSE CHORD BEARS N 44° 10' 21" E FOR A DISTANCE OF 203.57 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 20° 23' 31", FOR A DISTANCE OF 204.65 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 450.00 FEET, AND WHOSE CHORD BEARS N 62° 19' 26" E FOR A DISTANCE OF 124.56 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15° 54' 40", FOR A DISTANCE OF 124.97 FEET TO A POINT OF TANGENCY; THENCE RUN N 70° 16' 46" E FOR A DISTANCE OF 73.63 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 425.00 FEET, AND WHOSE CHORD BEARS N 72° 51' 44" E FOR A DISTANCE OF 38.30 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 05° 09' 55", FOR A DISTANCE OF 38.31 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE RUN N 18° 00' 32" W FOR A DISTANCE OF 66.63 FEET; THENCE RUN N 00° 07' 22" W FOR A DISTANCE OF 75.00 FEET; THENCE RUN N 89° 52' 38" E FOR A DISTANCE OF 320.27 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 875.00 FEET, AND WHOSE CHORD BEARS S 80° 41' 08" E FOR A DISTANCE OF 286.94 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18° 52' 29", FOR A DISTANCE OF 288.25 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE RUN N 18° 45' 07" E FOR A DISTANCE OF 107.87 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 350.00 FEET, AND WHOSE CHORD BEARS N 55° 46' 05" E FOR A DISTANCE OF 289.13 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 48° 47' 30", FOR A DISTANCE OF 298.05 FEET TO A POINT OF TANGENCY; THENCE RUN N 31° 22' 20" E FOR A DISTANCE OF 23.26 FEET; THENCE RUN S 06° 50' 39" E FOR A DISTANCE OF 133.29 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 1280.00 FEET, AND WHOSE CHORD BEARS S 81° 26' 45" E FOR A DISTANCE OF 720.14 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 32° 40' 34", FOR A DISTANCE OF 729.99 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 480.00 FEET, AND WHOSE CHORD BEARS S 55° 58' 25" E FOR A DISTANCE OF 152.40 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18° 16' 06", FOR A DISTANCE OF 153.04 FEET TO A POINT OF TANGENCY; THENCE RUN S 46° 50' 22" E FOR A DISTANCE OF 174.47 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHEAST, HAVING A RADIUS OF 1000.00 FEET, AND WHOSE CHORD BEARS S 53° 30' 50" E FOR A DISTANCE OF 232.46 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13° 20' 57", FOR A DISTANCE OF 232.99 FEET TO A POINT OF TANGENCY; THENCE RUN S 60° 11' 18" E FOR A DISTANCE OF 191.82 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 25.00 FEET, AND WHOSE CHORD BEARS N 74° 48' 42" E FOR A DISTANCE OF 35.36 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90° 00' 00", FOR A DISTANCE OF 39.27 FEET TO A POINT OF TANGENCY; THENCE RUN N 29° 48' 42" E FOR A DISTANCE OF 126.82 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 680.00 FEET, AND WHOSE CHORD BEARS N 53° 54' 19" E FOR A DISTANCE OF 555.19 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 48° 11' 15", FOR A DISTANCE OF 571.90 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE RUN S 00° 01' 02" W FOR A DISTANCE OF 1252.63 FEET; THENCE RUN S 89° 42' 39" E FOR A DISTANCE OF 1181.14 FEET; THENCE S 00° 45' 16" W A DISTANCE OF 200.01 FEET TO THE POINT OF BEGINNING; CONTAINING 185.747 ACRES, MORE OR LESS.



LOCATION MAP
NTS

PROJECT DATA:

GENERAL STATEMENT: THIS PROJECT IS A 570 UNIT RESIDENTIAL PHASED 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 OFF OF THE EXISTING MARA LOMA BOULEVARD, SOUTH OF CYPRESS BAY WEST PHASE 1 AND COURTYARDS. THESE UNITS ARE CONTAINED WITHIN ±185.75 ACRES AND ARE A MIX OF 446 TOTAL SINGLE FAMILY LOTS AND 124 TOWNHOME UNITS. APPROXIMATELY 431 LOTS ARE AVERAGE 50' WIDTH X 125' AND 15 ARE AVERAGE 50' WIDTH X 120'.		
DEVELOPER: FORESTAR (USA) REAL ESTATE GROUP 1064 GREENWOOD BLVD, SUITE 200 LAKE MARY, FL 32746 TEL: (407) 832-3164	CIVIL ENGINEER/APPLICANT: JAKE T. WISE, P.E. 2651 EAU GALLE BLVD, SUITE A MELBOURNE, FLORIDA 32935 TEL: (321) 610-1760 E-MAIL: JWISE@CEGENGINEERING.COM	
SURVEYOR: HORIZON SURVEYORS OF CENTRAL FLORIDA, INC. 390 POINCIANA DRIVE MELBOURNE, FL 32935 TEL: (321) 254-8133 EMAIL: BOB@HORIZONSURVEYORS.COM	LOCATION: SECTION: 04 TOWNSHIP: 30 RANGE: 37E PARCEL ID (ALL OR PORTIONS OF THE FOLLOWING: 30-37-04-00-500 30-37-04-00-5 30-37-04-00-1 30-37-05-HF-750 TAX ACCOUNT: 3000216 3000215 3011111 3000219	
SETBACKS FRONT: 25 FT SIDE: 5 FT REAR: 20 FT SIDE CORNER: 15 FT	PROPOSED: 25 FT 5 FT 20 FT 15 FT	LOT COUNT: LOTS 1-55 AND 71-446: AVERAGE 50' WIDTH X 125'=431 LOTS LOTS 56-70: AVERAGE 50' WIDTH X 120'=15 LOTS LOTS 447-477: TOWNHOUSE UNITS=124
MAXIMUM BUILDING HEIGHT: 2 STORY: 25 FT MINIMUM WIDTHS: SIDEWALKS: 5 FT RIGHT-OF-WAY WIDTH: 50 FT		
CALCULATED STORMWATER BASIN COVERAGE:		
IMPERVIOUS:	SF	ACRE PERCENT
RESIDENTIAL (60%):	2,206,546	50.66 27
ROADWAYS/SIDEWALKS:	932,381	21.40 12
RECREATIONAL AREA:	195,392	4.49 2
TOTAL IMPERVIOUS:	3,334,318	76.55 41
PERVIOUS:	3,359,783	77.13 42
POND:	1,397,114	32.07 17
TOTAL:	8,091,215	185.75 100
OPEN SPACE REQUIREMENTS:		
OVERALL AREA (185.75 ACRES):		
COMBINED ON-SITE PONDS (PORTIONS OF D-1 AND D-5):	23.92 AC	
OPEN SPACE:	18.11 AC	
RECREATION AREA:	5.62 AC	
PROVIDED:	47.65 AC	
REQUIRED:	46.44 AC	

REVISION

DATE

REV

2651 Eau Gallie Blvd, Suite A
Melbourne, FL 32935
Tel: 321.253.1221
www.cegeengineering.com
COA #000897

CONSTRUCTION
ENGINEERING
GROUP
Consulting Engineers

CYPRESS BAY WEST
PHASE II

FORESTAR (USA) REAL ESTATE GROUP
MARA LOMA BOULEVARD, PALM BAY, FLORIDA

DRAWING TITLE

FINAL DEVELOPMENT PLAN

DATE

6/30/21

SCALE

NTS

PROJ. NO. :

210120

DESIGNED BY:

AJC

DRAWN BY:

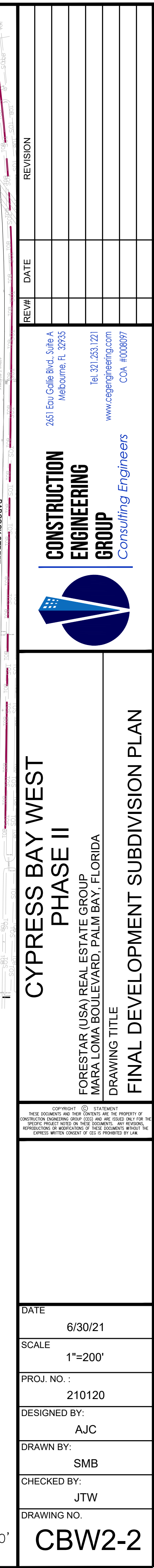
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CHECKED BY:





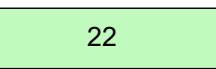
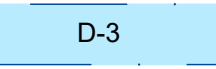

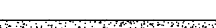



JTW

DRAWING NO.

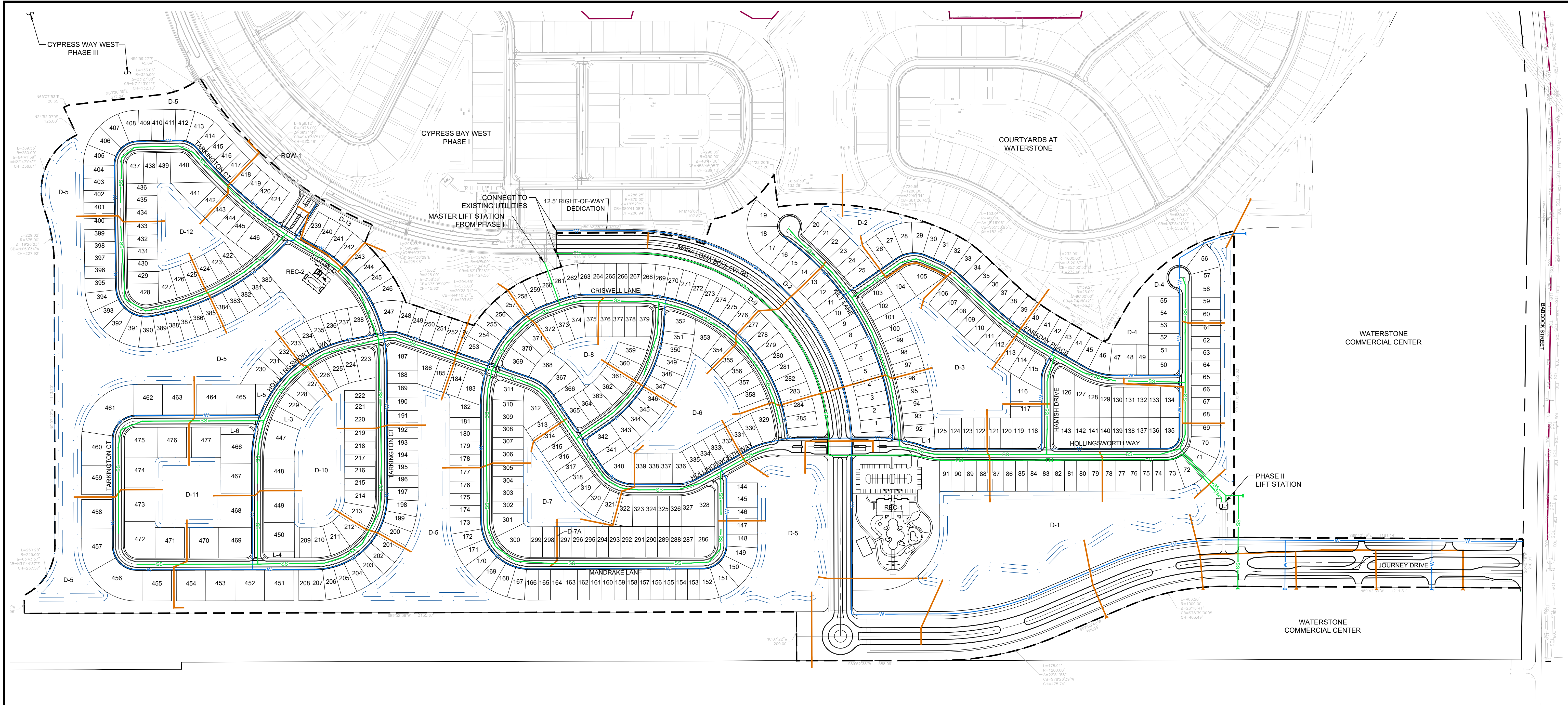
CBW2-1



LEGEND:

PROJECT BOUNDARY	
POND CONTOURS	
STORM PIPE	
RECREATION, LANDSCAPING AND OPEN SPACE	
SINGLE FAMILY LOTS	
STORMWATER TREATMENT POND	
ROADWAY	
CONCRETE SIDEWALK	
WATER MAIN	
SANITARY SEWER LINE	
FORCE MAIN	





FINAL DEVELOPMENT UTILITY PLAN
1"=150'

LEGEND:

PROJECT BOUNDARY	---
POND CONTOURS	- - - -
STORM PIPE	---
WATER MAIN	-W-
SANITARY SEWER LINE	-SS-
FORCE MAIN	-FM-



CYPRESS BAY WEST PHASE II FORESTAR (USA) REAL ESTATE GROUP MARLA LOMA BOULEVARD, PALM BAY, FLORIDA DRAWING TITLE FINAL DEVELOPMENT UTILITY PLAN		 CONSTRUCTION ENGINEERING GROUP Consulting Engineers 261 Egu Calle Blvd, Suite A Melbourne, FL 32935 Tel: 321.231.1211 www.cegroupinc.com COA #008897		REVISION DATE REV#
DATE 6/30/21		DATE REV#		
SCALE 1"=150'		SCALE REV#		
PROJ. NO. : 210120		PROJ. NO. : REV#		
DESIGNED BY: AJC		DESIGNED BY: REV#		
DRAWN BY: SMB		DRAWN BY: REV#		
CHECKED BY: JTW		CHECKED BY: REV#		
DRAWING NO. CBW2-3		DRAWING NO. REV#		

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 2

HEREBY DEDICATES SAID LANDS AND PLAT FOR THE USES AND PURPOSES THEREIN EXPRESSED AND DEDICATES ALL PUBLIC UTILITY EASEMENTS AS DESCRIBED HEREON TO THE CITY OF PALM BAY FOR THE PERPETUAL USE OF THE PUBLIC; AND DEDICATES AND CONVEYS TO THE CITY OF PALM S JOURNEY DRIVE, ALSO SHOWN AS TRACT "RW-1", S MARA LOMA BOULEVARD, ALSO SHOWN HEREON AS TRACT "RW-2", AND TRACT "ROW-1", AND HEREBY FURTHER DEDICATES TO THE CITY OF PALM BAY A PERPETUAL EASEMENT OVER AND ACROSS THE RIGHTS OF WAY OF ALL STREETS AND ROADS SHOWN HEREON FOR INGRESS AND EGRESS FOR PUBLIC SERVICE AND EMERGENCY VEHICLES. NO OTHER EASEMENTS ARE HEREBY DEDICATED OR GRANTED TO THE PUBLIC, IT BEING THE INTENTION OF THE UNDERSIGNED THAT OTHER EASEMENTS AND COMMON AREAS SHOWN HEREON BE PRIVATELY OWNED AND MAINTAINED THAT THE PUBLIC AND THE CITY OF PALM BAY 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: FORSTAR (USA) REAL ESTATE GROUP INC.
CHRIS TYREE A DELAWARE CORPORATION
PRESIDENT 1064 GREENWOOD BLVD
LAKE MARY, FL 32746

Witness 1: Witness 2:

Print: Print:

STATE OF FLORIDA COUNTY OF BREVARD

THIS IS TO CERTIFY, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF _ PHYSICAL PRESENCE OR _ ONLINE NOTARIZATION, THIS DAY OF _ 2021 BY CHRIS TYREE OF FORSTAR (USA) REAL ESTATE GROUP INC., A DELAWARE CORPORATION, ON BEHALF OF THE CORPORATION. HE/SHE 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 APRIL 30, 2021 HE COMPLETED THE BOUNDARY SURVEY OF THE LANDS AS SHOWN ON THE FOREGOING PLAT; THAT THE BOUNDARY LINES OF THE PLATTERED 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 177.091(9), F.S., WILL BE SET UNDER THE GUARANTEES POSTED WITH THE CITY OF PALM BAY COMMISSIONERS FOR THE REQUIRED IMPROVEMENTS; AND, FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AS AMENDED.

DATE: JUNE 23, 2021

ROBERT R. DOERRER, JR., P.L.S. NO. 3982
HORIZON SURVEYORS OF CENTRAL FLORIDA, INC.
390 POKIANA DRIVE, MELBOURNE, FLORIDA 32935
CERTIFICATE OF AUTHORIZATION LB 6360

CERTIFICATE OF REVIEWING SURVEYOR

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

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

CERTIFICATE OF APPROVAL
BY MUNICIPALITY

ATTEST: THIS IS TO CERTIFY, THAT ON _____
THE APPROVED THE FOREGOING PLAT.

MAYOR

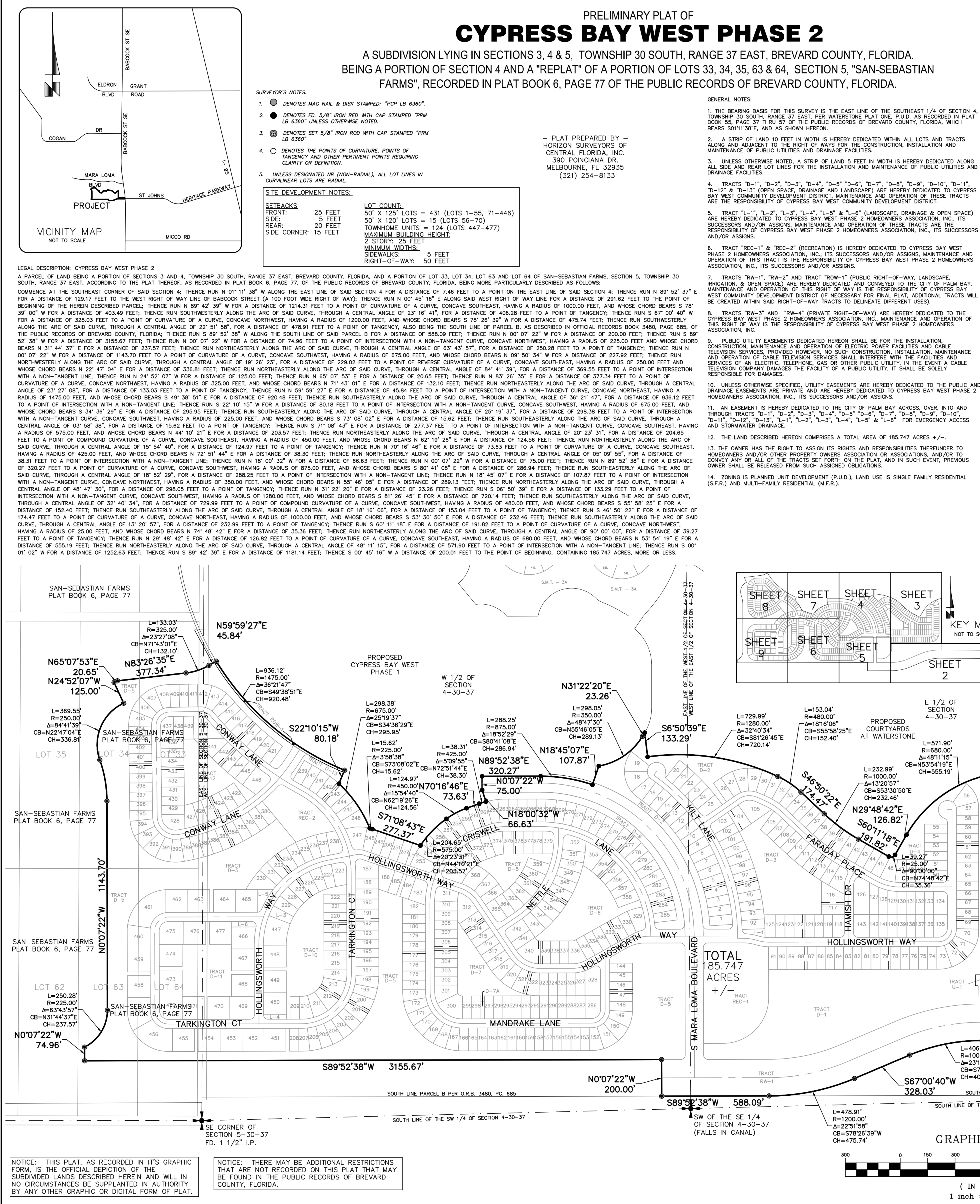
CITY CLERK

CERTIFICATE OF CLERK

I 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

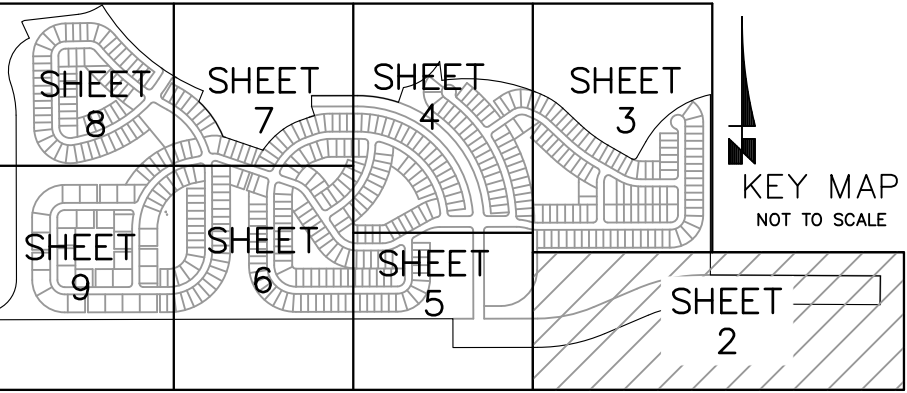


— PLAT PREPARED BY —
HORIZON SURVEYORS OF
CENTRAL FLORIDA, INC.
390 POINCIANA DR.
MELBOURNE, FL 32935
(321) 254-8133

PRELIMINARY PLAT OF
CYPRESS BAY WEST PHASE 2

A SUBDIVISION LYING IN SECTIONS 3, 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 33, 34, 35, 63 & 64, SECTION 5, "SAN-SEBASTIAN FARMS", RECORDED IN PLAT BOOK 6, PAGE 77 OF
THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PLAT BOOK — PAGE —
SHEET 2 OF 9
SECTIONS 4 & 5, 30 SOUTH, RNG 37 EAST



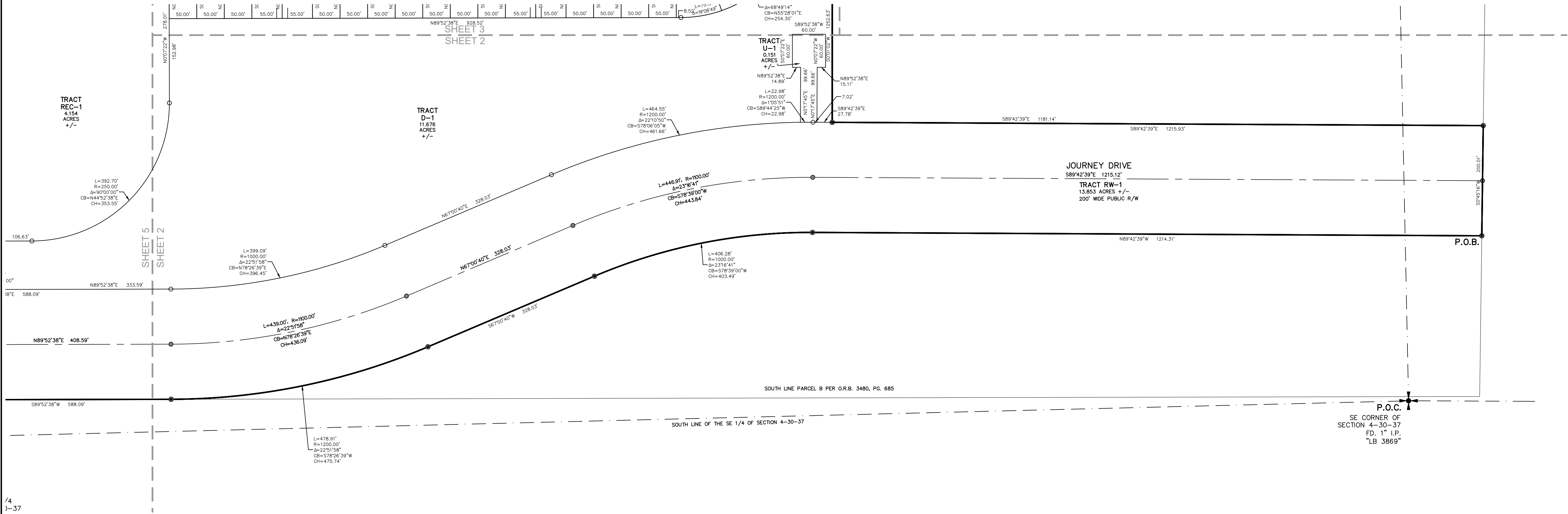
LEGEND OF ABBREVIATIONS

BRG	=	BEARING
C	=	CURVE DESIGNATION
CH	=	CHORD
C.M.	=	CONCRETE MONUMENT
D	=	DELTA (CENTRAL ANGLE)
E.O.A.	=	E.O.A.
ESMT	=	EASEMENT
FD.	=	FOUND
FPL	=	FLORIDA POWER & LIGHT COMPANY
I.R.	=	IRON ROD
L	=	LENGTH OF ARC
L.B.	=	LICENSED BUSINESS
NAD	=	NORTH AMERICAN DATUM
NAVJ	=	NORTH AMERICAN VERTICAL DATUM
NOVD	=	NORTH AMERICAN VERTICAL DATUM
N/D	=	NAIL & DISK
NR	=	NON RADIAL
NTC	=	NON TANGENT CURVE
NTL	=	NON TANGENT LINE
O.R.B.	=	OFFICIAL RECORDS BOOK
PC	=	POINT OF CURVATURE
POP	=	PERMANENT CONTROL POINT
PID	=	PERMINT IDENTIFIER
PG.	=	PAGE
PI	=	POINT OF INTERSECTION
P.O.B.	=	POINT OF BEGINNING
P.O.C.	=	POINT OF COMMENCEMENT
PROP.	=	PROPOSED
PRC	=	POINT OF REVERSE CURVATURE
PR.D.E.	=	PRIVATE DRAINAGE EASEMENT
PRM	=	PERMANENT REFERENCE MONUMENT
PT	=	POINT OF TANGENCY
P.U.E.	=	PUBLIC UTILITY
P.U. & D.E.	=	PUBLIC UTILITY & DRAINAGE EASEMENT
R	=	RADIUS
RNG	=	RANGE
R/W	=	RIGHT OF WAY
SSMH	=	SANITARY SEWER MANHOLE
TWP.	=	TOWNSHIP

SURVEYOR'S NOTES:

1. ● DENOTES MAG NAIL & DISK STAMPED: "PCP LB 6360".
2. ● DENOTES FD. 5/8" IRON RED WITH CAP STAMPED "PRM LB 6360" UNLESS OTHERWISE NOTED.
3. ● DENOTES SET 5/8" IRON ROD WITH CAP STAMPED "PRM LB 6360".
4. ○ DENOTES THE POINTS OF CURVATURE, POINTS OF TANGENCY AND OTHER PERTINENT POINTS REQUIRING CLARITY OR DEFINITION.
5. UNLESS DESIGNATED NR (NON-RADIAL), ALL LOT LINES IN CURVILINEAR LOTS ARE RADIAL.

GRAPHIC SCALE



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

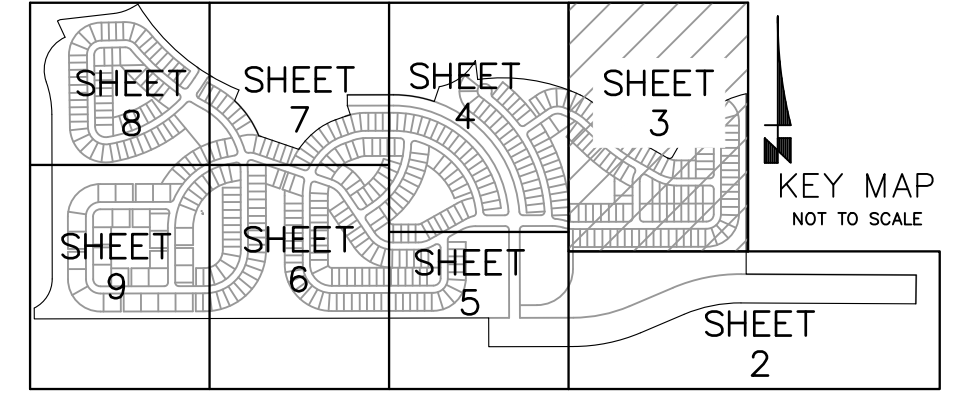
NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF PLAT.

— PLAT PREPARED BY —
HORIZON SURVEYORS OF
CENTRAL FLORIDA, INC.
390 POINCIANA DR.
MELBOURNE, FL 32935
(321) 254-8133

PRELIMINARY PLAT OF
CYPRESS BAY WEST PHASE 2

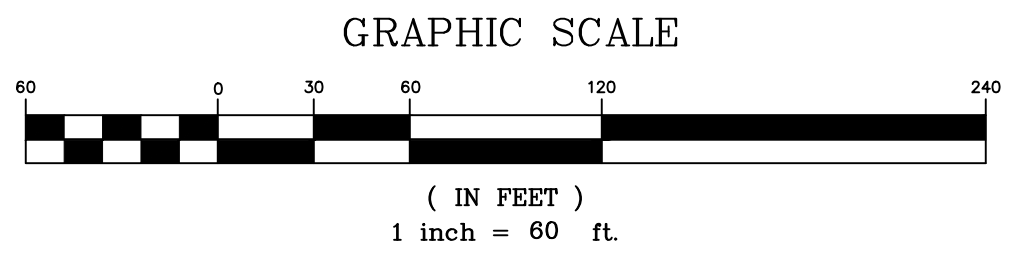
A SUBDIVISION LYING IN SECTIONS 3, 4 & 5, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.
BEING A PORTION OF SECTION 4 AND A "REPLAT" OF A PORTION OF LOTS 33, 34, 35, 63 & 64, SECTION 5, "SAN-SEBASTIAN FARMS", RECORDED IN PLAT BOOK 6, PAGE 77 OF
THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PLAT BOOK — PAGE —
SHEET 3 OF 9
SECTIONS 4 & 5, 30 SOUTH, RNG 37 EAST



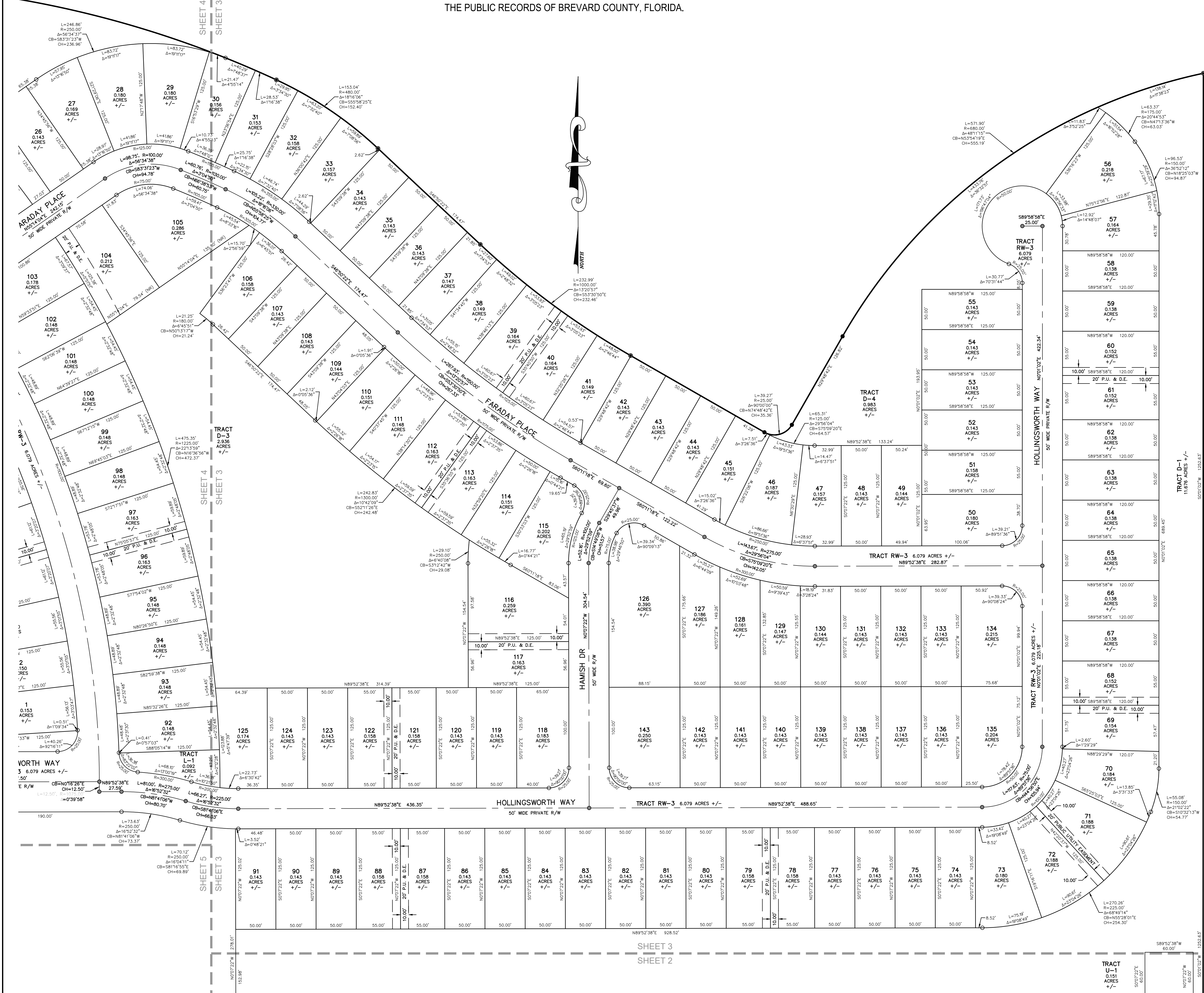
LEGEND OF ABBREVIATIONS	
BRG	= BEARING
C	= CURVE DESIGNATION
CH	= CHORD
C.M.	= CONCRETE MONUMENT
D	= DELTA (CENTRAL ANGLE)
E.O.A.	= EASEMENT
ESMT	= FOUND
FD	= FLORIDA POWER & LIGHT COMPANY
FPL	= IRON ROD
I.R.	= LENGTH OF ARC
LB	= LICENSED BUSINESS
NAD	= NORTH AMERICAN DATUM
NAVD	= NORTH AMERICAN VERTICAL DATUM
NGVD	= NORTH AMERICAN VERTICAL DATUM
NAIL & DISK	= NON TANGENT LINE
NR	= NON RADIAL
NTC	= NON TANGENT CURVE
NTL	= NON TANGENT LINE
O.R.B.	= OFFICIAL RECORDS BOOK
PC	= POINT OF CURVATURE
PCP	= PERMANENT CONTROL POINT
PID	= PERMANENT IDENTIFIER
PI	= POINT OF INTERSECTION
P.O.B.	= POINT OF BEGINNING
P.O.C.	= POINT OF COMMENCEMENT
PROP.	= PROPOSED
PRC	= POINT OF REVERSE CURVATURE
PR.D.E.	= PRIVATE DRAINAGE EASEMENT
PRM	= PERMANENT REFERENCE MONUMENT
PT	= POINT OF TANGENCY
P.U. & D.E.	= PUBLIC UTILITY & DRAINAGE EASEMENT
R	= RADIUS
RNG	= RANGE
R/W	= RIGHT OF WAY
SMH	= SANITARY SEWER MANHOLE
TWP	= TOWNSHIP

- SURVEYOR'S NOTES:
- DENOTES MAG NAIL & DISK STAMPED: "POP LB 6360".
 - DENOTES FD, 5/8" IRON RED WITH CAP STAMPED "PRM LB 6360" UNLESS OTHERWISE NOTED.
 - ⊙ DENOTES SET 5/8" IRON ROD WITH CAP STAMPED "PRM LB 6360".
 - DENOTES THE POINTS OF CURVATURE, POINTS OF TANGENCY AND OTHER PERTINENT POINTS REQUIRING CLARITY OR DEFINITION.
 - UNLESS DESIGNATED NR (NON-RADIAL), ALL LOT LINES IN CURVILINEAR LOTS ARE RADIAL.



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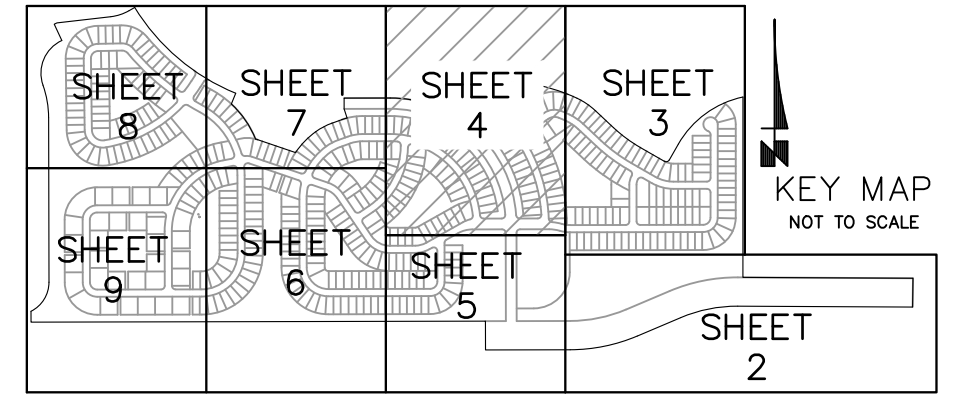


— PLAT PREPARED BY —
HORIZON SURVEYORS OF
CENTRAL FLORIDA, INC.
390 POINCIANA DR.
MELBOURNE, FL 32935
(321) 254-8133

PRELIMINARY PLAT OF
CYPRESS BAY WEST PHASE 2

A SUBDIVISION LYING IN SECTIONS 3, 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 33, 34, 35, 63 & 64, SECTION 5, "SAN-SEBASTIAN FARMS", RECORDED IN PLAT BOOK 6, PAGE 77 OF
THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PLAT BOOK — PAGE —
SHEET 4 OF 9
SECTIONS 4 & 5, 30 SOUTH, RNG 37 EAST



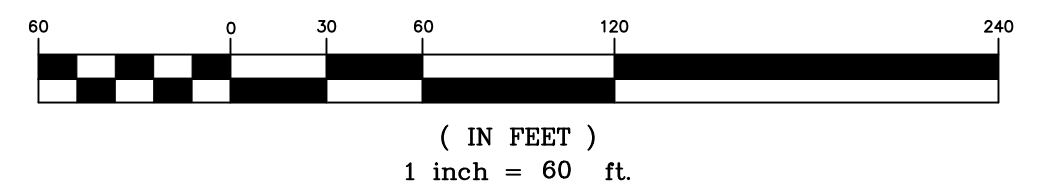
LEGEND OF ABBREVIATIONS

BRG	=	BEARING
C	=	CURVE DESIGNATION
CH	=	CHORD
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E.O.A.	=	DELTA (CENTRAL ANGLE)
ESMT	=	EASEMENT
FD	=	FLORIDA POWER & LIGHT COMPANY
FPL	=	FOUND
I.R.	=	IRON ROD
L.B.	=	LENGTH OF ARC
LB	=	LICENSED BUSINESS
NAD	=	NORTH AMERICAN DATUM
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PRD.E.	=	PRIVATE DRAINAGE EASEMENT
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PT	=	POINT OF TANGENCY
P.U.E.	=	PUBLIC UTILITY
P.U. & D.E.	=	PUBLIC UTILITY & DRAINAGE EASEMENT
R	=	RADIUS
RNG	=	RANGE
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SURVEYOR'S NOTES:

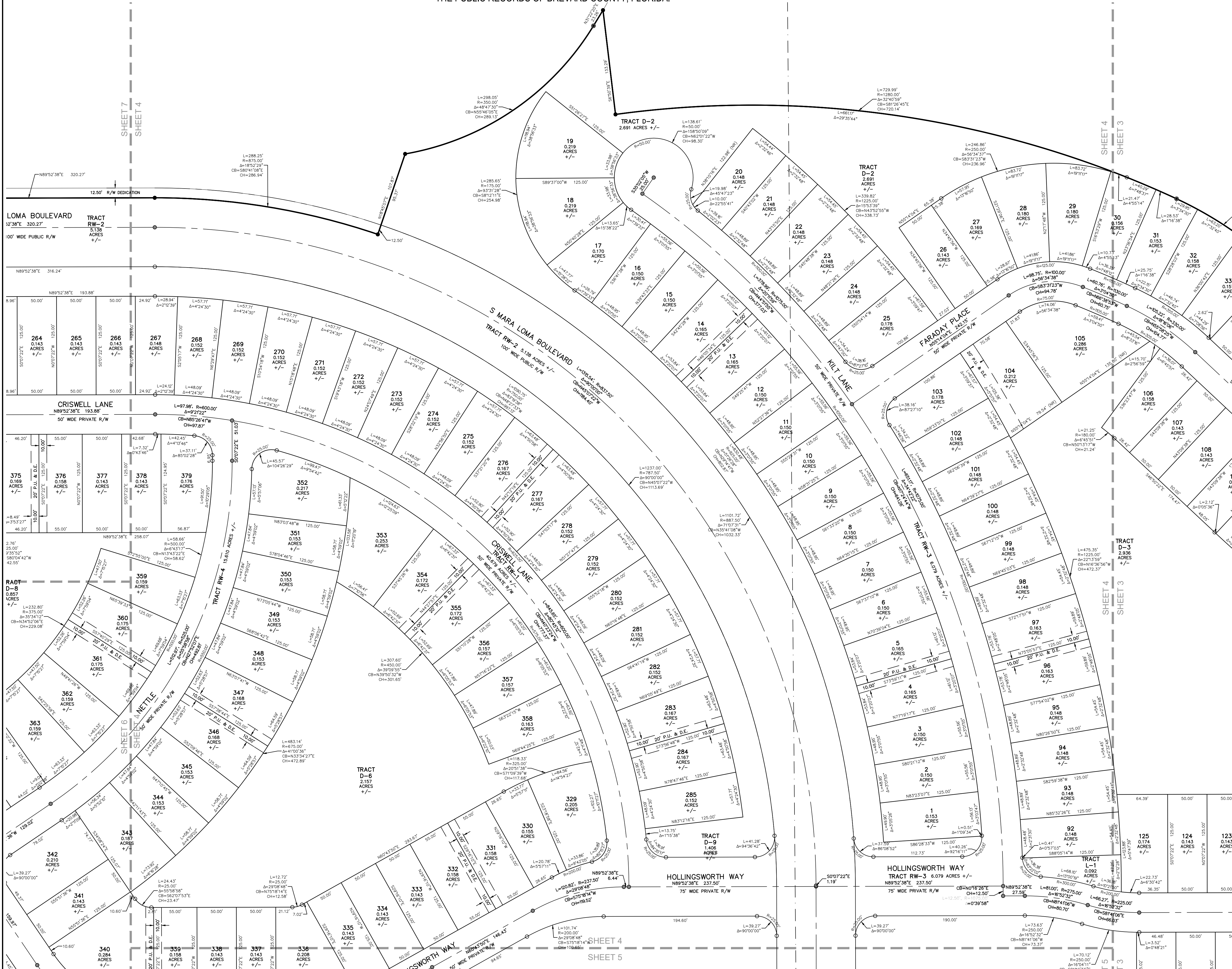
- DENOTES MAG NAIL & DISK STAMPED: "PCP LB 6360".
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- ⊙ DENOTES SET 5/8" IRON ROD WITH CAP STAMPED "PRM LB 6360".
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GRAPHIC SCALE



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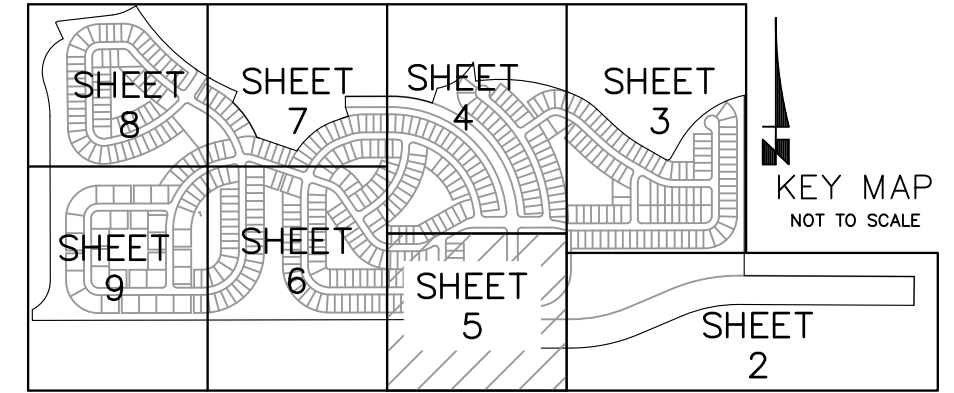


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PRELIMINARY PLAT OF
CYPRESS BAY WEST PHASE 2

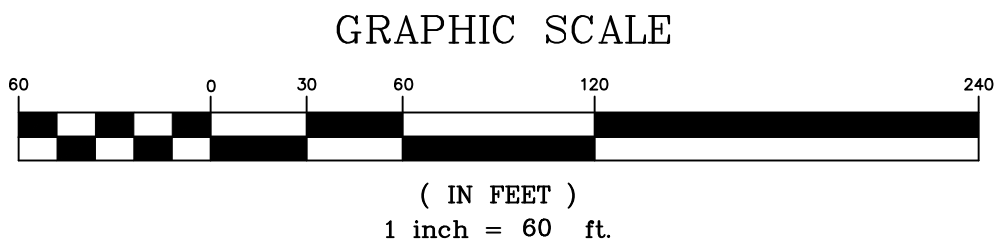
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PLAT BOOK — PAGE —
SHEET 5 OF 9
SECTIONS 4 & 5, 30 SOUTH, RNG 37 EAST



LEGEND OF ABBREVIATIONS	
BRG	BEARING
C	CURVE DESIGNATION
CH	CHORD
CM	CONCRETE MONUMENT
Δ	DELTA (CENTRAL ANGLE)
E.O.A.	E.O.A.
ESMT	EASEMENT
FD	FOUND
FPL	FLORIDA POWER & LIGHT COMPANY
IR	IRON ROD
L	LENGTH OF ARC
LB	LICENSED BUSINESS
NAVD	NORTH AMERICAN DATUM
NOVD	NORTH AMERICAN VERTICAL DATUM
N/D	NORTH AMERICAN VERTICAL DATUM
N/D	NAIL & DISK
NR	NON RADIAL
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O.R.B.	OFFICIAL RECORDS BOOK
PC	POINT OF CURVATURE
PCP	PERMANENT CONTROL POINT
PID	PERMANENT IDENTIFIER
PG	PAGE
PI	POINT OF INTERSECTION
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
PROP.	PROPOSED
PRC	POINT OF REVERSE CURVATURE
PR.D.E.	PRIVATE DRAINAGE EASEMENT
PRM	PERMANENT REFERENCE MONUMENT
PT	POINT OF TANGENCY
P.U.E.	PUBLIC UTILITY
P.U. & D.E.	PUBLIC UTILITY & DRAINAGE EASEMENT
R	RADIUS
RNG	RANGE
R/W	RIGHT OF WAY
SSMH	SANITARY SEWER MANHOLE
TWP	TOWNSHIP

- SURVEYOR'S NOTES:
1. ● DENOTES MAG NAIL & DISK STAMPED: "TOP LB 6360".
 2. ● DENOTES FD 5/8" IRON ROD WITH CAP STAMPED "PRM LB 6360" UNLESS OTHERWISE NOTED.
 3. ● DENOTES SET 5/8" IRON ROD WITH CAP STAMPED "PRM LB 6360".
 4. ○ DENOTES THE POINTS OF CURVATURE, POINTS OF TANGENCY AND OTHER PERTINENT POINTS REQUIRING CLARITY OR DEFINITION.
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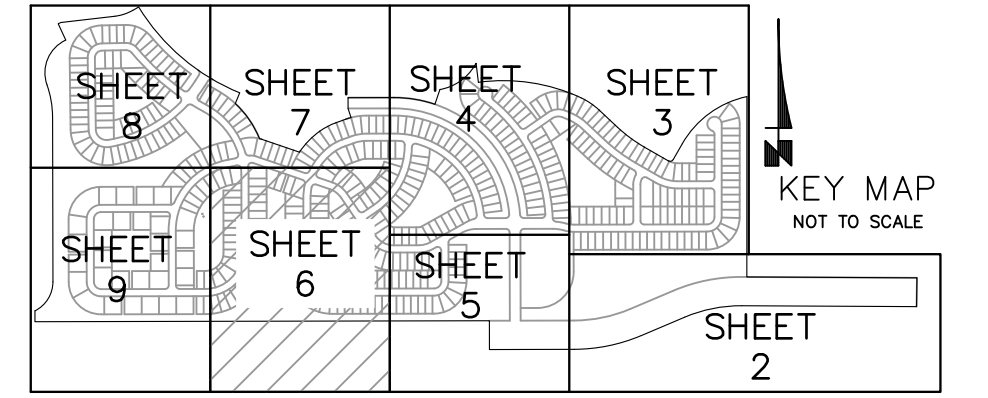
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PLAT BOOK — PAGE —
SHEET 6 OF 9
SECTIONS 4 & 5, 30 SOUTH, RNG 37 EAST



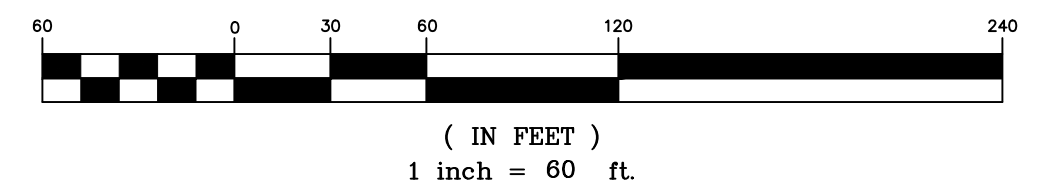
LEGEND OF ABBREVIATIONS

- BRG = BEARING
- C = CURVE DESIGNATION
- CH = CHORD
- C.M. = CONCRETE MONUMENT
- D = DELTA (CENTRAL ANGLE)
- E.O.A. = EASEMENT
- EMT = FOUND
- F.L. = FLORIDA POWER & LIGHT COMPANY
- I.R. = IRON ROD
- L = LENGTH OF ARC
- LB = LICENSED BUSINESS
- NAD = NORTH AMERICAN DATUM
- NAVD = NORTH AMERICAN DATUM
- NGVD = NORTH AMERICAN VERTICAL DATUM
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- RNG = RANGE
- R/W = RIGHT OF WAY
- SSMH = SANITARY SEWER MANHOLE
- TWP = TOWNSHIP

SURVEYOR'S NOTES:

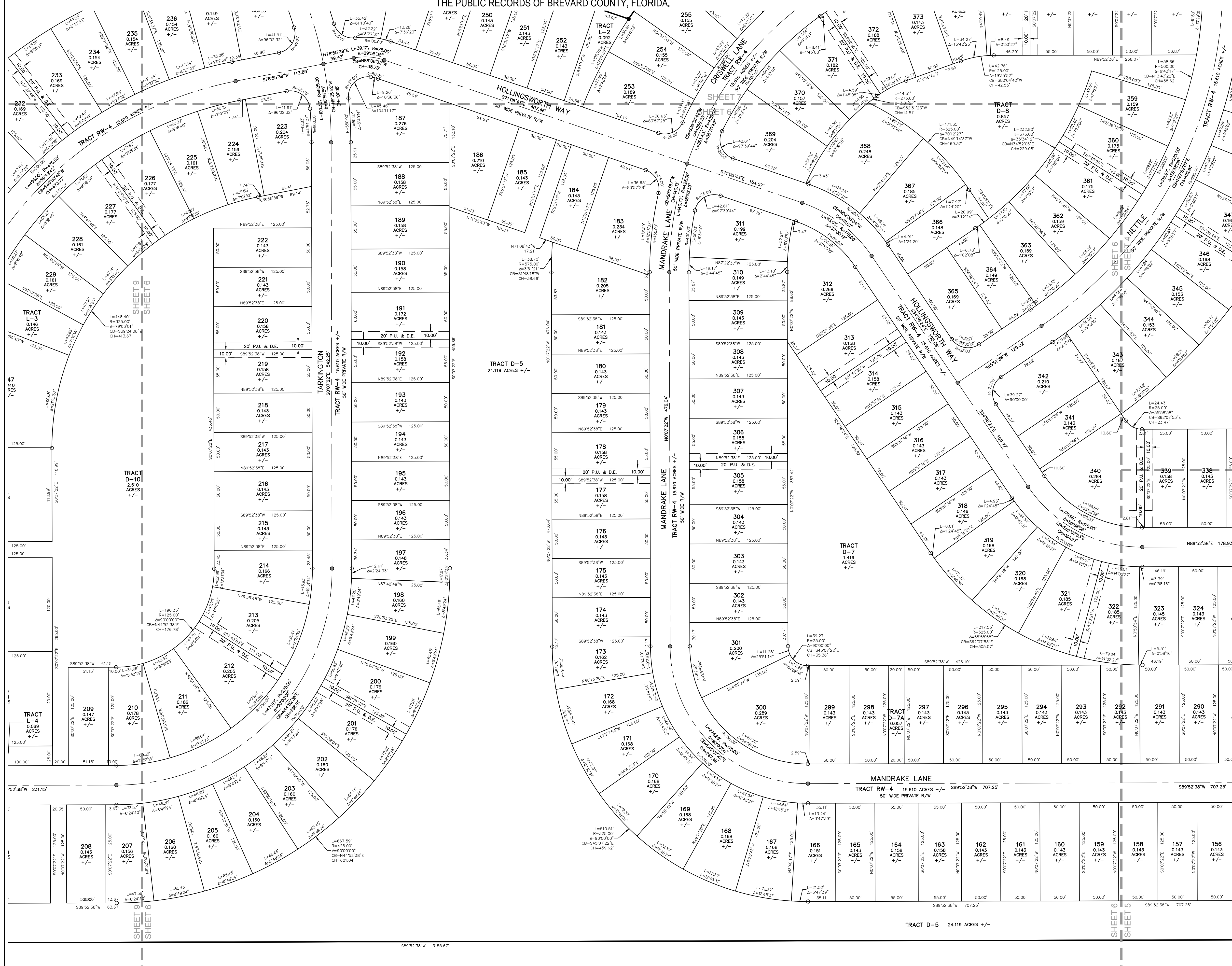
- DENOTES MAG NAIL & DISK STAMPED: "PCP LB 6360".
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GRAPHIC SCALE



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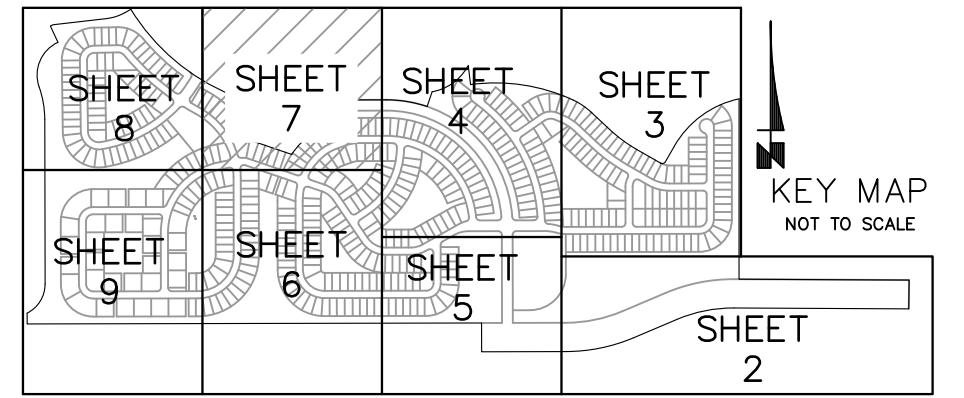


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PRELIMINARY PLAT OF
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A SUBDIVISION LYING IN SECTIONS 3, 4 & 5, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.
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PLAT BOOK — PAGE —
SHEET 7 OF 9
SECTIONS 4 & 5, 30 SOUTH, RNG 37 EAST



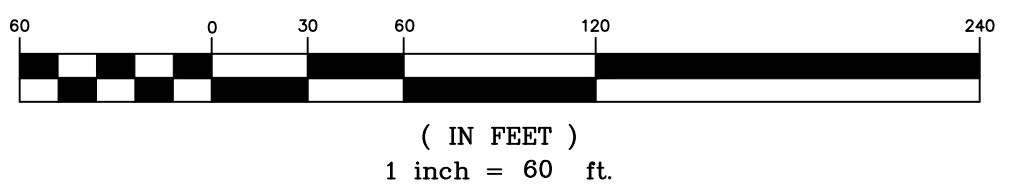
LEGEND OF ABBREVIATIONS

BRG	=	BEARING
C	=	CURVE DESIGNATION
CH	=	CHORD
C.M.	=	CONCRETE MONUMENT
D	=	DELTA (CENTRAL ANGLE)
E.O.A.	=	E.O.A.
ESMT	=	EASEMENT
FD.	=	FOUND
FPL	=	FLORIDA POWER & LIGHT COMPANY
I.R.	=	IRON ROD
LB	=	LENGTH OF ARC
NAD	=	NORTH AMERICAN DATUM
NAVD	=	NORTH AMERICAN VERTICAL DATUM
N/D	=	NAIL & DISK
NR	=	NON RADIAL
NTC	=	NON TANGENT CURVE
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PRC	=	POINT OF REVERSE CURVATURE
PR.D.E.	=	PRIVATE DRAINAGE EASEMENT
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PT	=	POINT OF TANGENCY
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R	=	RADIUS
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SURVEYOR'S NOTES:

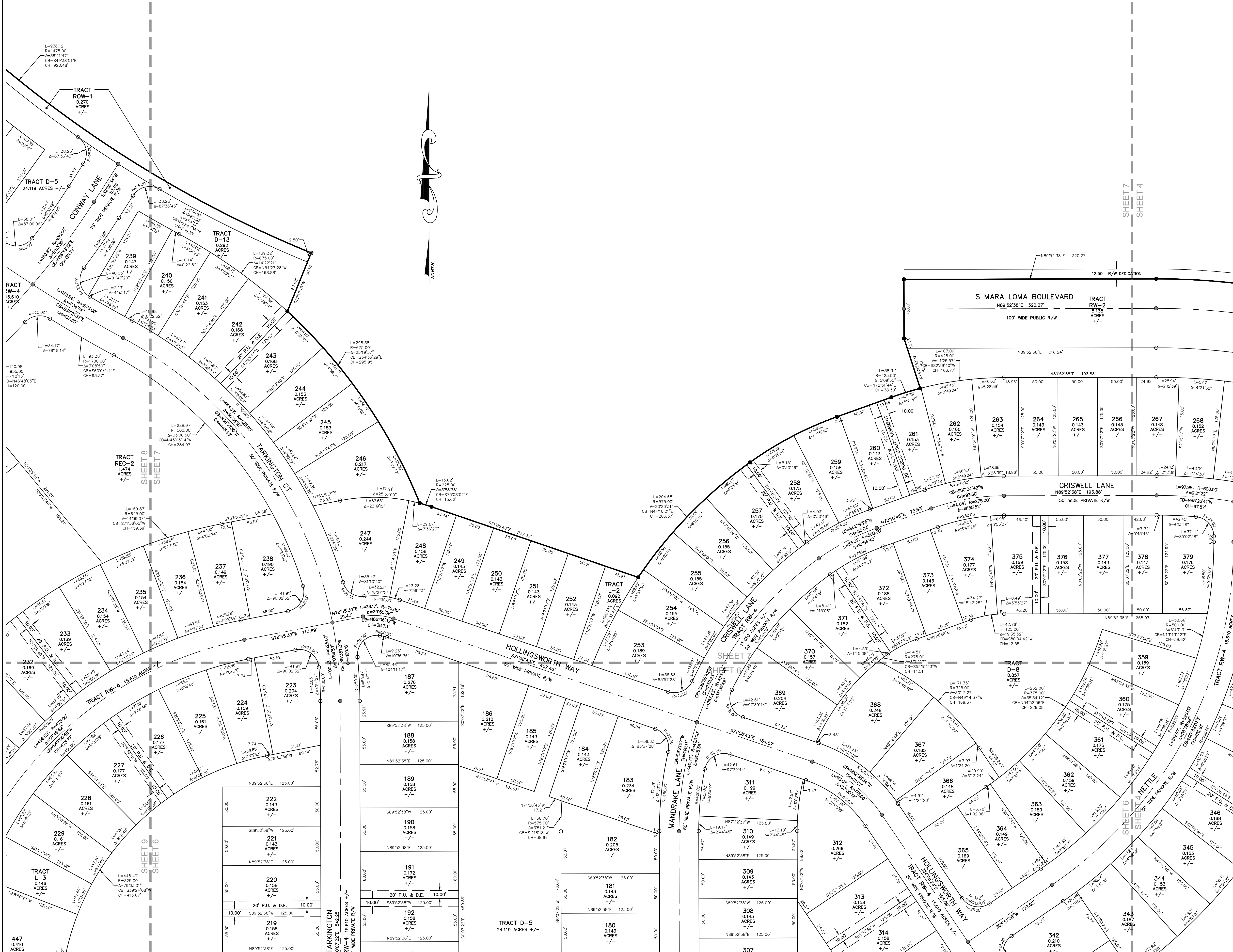
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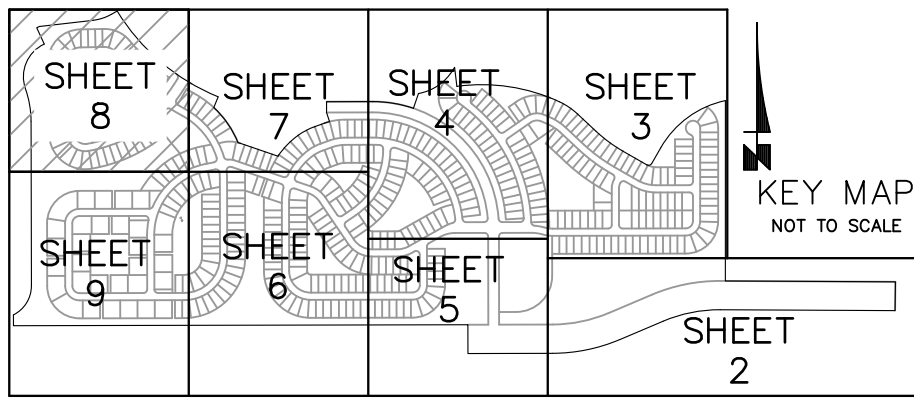


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MELBOURNE, FL 32935
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PRELIMINARY PLAT OF
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PLAT BOOK — PAGE —
SHEET 8 OF 9
SECTIONS 4 & 5, 30 SOUTH, RNG 37 EAST



LEGEND OF ABBREVIATIONS

- | | | |
|-------------|---|------------------------------------|
| BRG | = | BEARING |
| C | = | CURVE DESIGNATION |
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| ESMT | = | EASEMENT |
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| PR.D.E. | = | PRIVATE DRAINAGE EASEMENT |
| PRM | = | PERMANENT REFERENCE MONUMENT |
| P.T. | = | POINT OF TANGENCY |
| P.U. | = | PUBLIC UTILITY |
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| R | = | RADIUS |
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SURVEYOR'S NOTES:

1. ● DENOTES MAG NAIL & DISK STAMPED: "PCP LB 6360".
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GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

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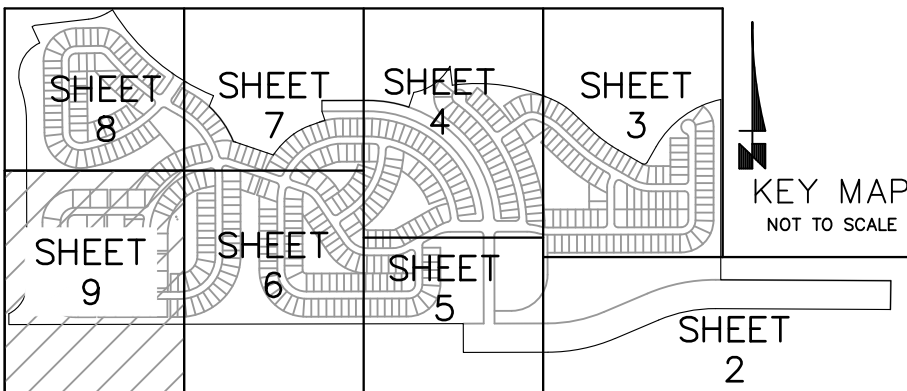
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PLAT BOOK PAGE
SHEET 9 OF 9
SECTIONS 4 & 5, 30 SOUTH, RNG 37 EAST



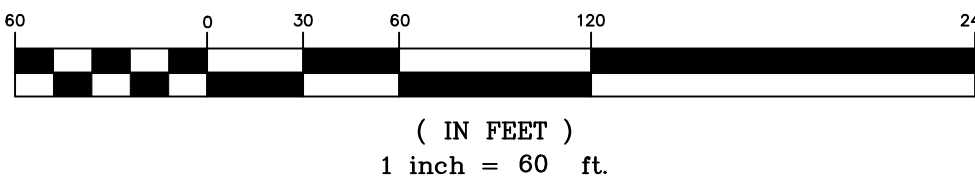
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SURVEYOR'S NOTES:

- DENOTES MAG NAIL & DISK STAMPED: "PCP LB 6.360".
- DENOTES FD, 5/8" IRON RED WITH CAP STAMPED "PRM LB 6.360" UNLESS OTHERWISE NOTED.
- ⊙ DENOTES SET 5/8" IRON ROD WITH CAP STAMPED "PRM LB 6.360"
- DENOTES THE POINTS OF CURVATURE, POINTS OF TANGENCY AND OTHER PERTINENT POINTS REQUIRING CLARITY OR DEFINITION.
- UNLESS DESIGNATED NR (NON-RADIAL), ALL LOT LINES IN CURVILINEAR LOTS ARE RADIAL.

GRAPHIC SCALE



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



LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

FINAL DEVELOPMENT PLAN 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.

APPLICATION AMENDMENT 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 Phase II

PARCEL ID(S):

30-37-04-00-500; 30-37-04-00-5; 30-37-04-00-1

TAX ACCOUNT NUMBER(S):

3000216; 301111; 3000215;

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):

See Attached

CITY OF PALM BAY, FLORIDA
FINAL DEVELOPMENT PLAN APPLICATION
PAGE 2 OF 4

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

+/- 185.66

TOTAL LOTS PROPOSED (list by use):

570

DEVELOPER See attached listing

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

Horizon Surveyors of Central Florida, Inc

Full Address

390 Poinicana Drive; Melbourne, FL 32935

Telephone

321-254-8133

Email

bob@horizonsurveyors.com

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.

CITY OF PALM BAY, FLORIDA
FINAL DEVELOPMENT PLAN APPLICATION
PAGE 3 OF 4

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 aforementioned Final Development Plan Criteria for Submittal).
- ☐ Boundary Survey.
- ☐ Site Sketch to scale with legal descriptions of properties covered by this application.
- ☐ 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. 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). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.
- ☐ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines. Staff will provide a sign template.
- ☐ **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 Jake Wise, PE- Construction Engineering Group, LLC

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.

CITY OF PALM BAY, FLORIDA
FINAL DEVELOPMENT PLAN APPLICATION
PAGE 4 OF 4

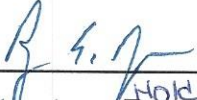
UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FINAL DEVELOPMENT PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Owner Signature	<u>B.E. Jefferies</u>	Date	<u>6/1/01</u>
Printed Name	<u>Waterstone Holdings, LLC - Benjamin E. Jefferies, Managing Member</u>		
Full Address	<u>2040 Florida A1A #207; Indian Harbour Beach, FL 32937</u>		
Telephone	<u>321-425-3878</u>	Email	<u>ben@waterstonefla.com</u>

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

CITY OF PALM BAY, FLORIDA
FINAL DEVELOPMENT PLAN APPLICATION
PAGE 4 OF 4

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.

Owner Signature	<u></u>	Date	<u>6/1/01</u>
Printed Name	<u>Waterstone Farms, LLC- Benjamin E. Jefferies, Managing Member</u>		
Full Address	<u>2040 Florida A1A #207; Indian Harbour Beach, FL 32937</u>		
Telephone	<u>321-425-3878</u>	Email	<u>ben@waterstonefla.com</u>

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

**CITY OF PALM BAY, FLORIDA
FINAL DEVELOPMENT PLAN APPLICATION
PAGE 4 OF 4**

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.

Owner Signature  **Date** 6-22-21
Printed Name Forestar (USA) Real Estate Group- Chris Tyree as Division Present
Full Address 1064 Greenwood Blvd; Suite 200; Lake Mary, FL 32746
Telephone 407-832- 3164 **Email** christytyree@forestar.com

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

Ownership Listing

<u>Tax Account/ Parcel ID</u>	<u>Company Name</u>	<u>Address</u>	<u>Phone Number</u>	<u>Email</u>
3000216/ 30-37-04-00-500	Waterstone Farms, LLC	2040 Florida A1A #207; Indian Harbour Beach, FL 32937	321-425-3878	ben@waterstonefla.com
	Forestar (USA) Real Estate Group	1064 Greenwood Blvd; Suite 200; Lake Mary, FL 32746	407-832-3164	christyree@forestar.com
3011111/ 30-37-04-00-5	Waterstone Holdings, LLC	2040 Florida A1A #207; Indian Harbour Beach, FL 32937	321-425-3878	ben@waterstonefla.com
	Forestar (USA) Real Estate Group	1064 Greenwood Blvd; Suite 200; Lake Mary, FL 32746	407-832-3164	christyree@forestar.com
3000215/ 30-37-04-00-1	Waterstone Holdings, LLC	2040 Florida A1A #207; Indian Harbour Beach, FL 32937	321-425-3878	ben@waterstonefla.com
	Forestar (USA) Real Estate Group	1064 Greenwood Blvd; Suite 200; Lake Mary, FL 32746	407-832-3164	christyree@forestar.com

June 22, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

30-37-04-00-500

I, Owner Name: Waterstone Farms, LLC- Benjamin E. Jefferies as Managing Member

Address: 2040 Florida A1A #207, Indian Harbour Beach, FL, 32937

Telephone: 321-425-3878

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:

Final Development Plan Application and any/all related submittals

B. E. Jefferies
(Property Owner Signature)

STATE OF Florida

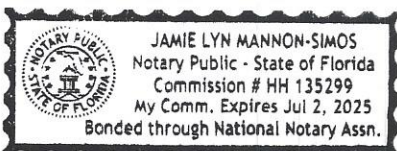
COUNTY OF Brevard

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

Benjamin Jefferies, property owner.

Jamie Mannon-Simos
Jamie Mannon-Simos, Notary Public

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



June 22, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

30-37-04-00-500

I, Owner Name: Waterstone Farms, LLC- Benjamin E. Jefferies as Managing Member

Address: 2040 Florida A1A #207, Indian Harbour Beach, FL, 32937

Telephone: 321-425-3878

Email: Ben@waterstonefla.com

hereby authorize:

Representative: Rochelle W. Lawandales, FAICP

Address: 335 Sherwood Ave, Satellite Beach, FL 32937

Telephone: 321-223-4664

Email: rochelle.lawandales@gmail.com

to represent the request(s) for:

Final Development Plan Application and any/all related submittals

B. E. Jefferies

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

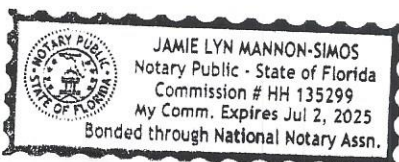
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22 day of June, 20 21 by

Benjamin Jefferies, property owner.

Jamie Mannon-Simos

Jamie Mannon-Simos, Notary Public

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



June 22, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

30-37-04-00-5 & 30-37-04-00-1

I, Owner Name: Waterstone Holdings, LLC- Benjamin E. Jefferies as Managing Member

Address: 2040 Florida A1A #207, Indian Harbour Beach, FL, 32937

Telephone: 321-425-3878

Email: Ben@waterstonefla.com

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Final Development Plan Application and any/all related submittals

Benjamin E. Jefferies
(Property Owner Signature)

STATE OF Florida

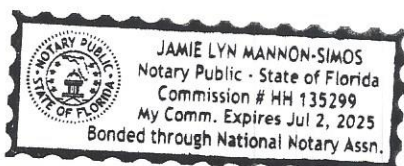
COUNTY OF Brevard

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June 22, 20 21

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Telephone: 321-425-3878

Email: Ben@waterstonefla.com

hereby authorize:

Representative: Rochelle W. Lawandales, FAICP

Address: 335 Sherwood Ave, Satellite Beach, FL 32937

Telephone: 321-223-4664

Email: rochelle.lawandales@gmail.com

to represent the request(s) for:

Final Development Plan Application and any/all related submittals

B. E. Jefferies

(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 June, 20 21 by

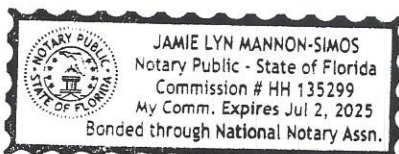
Benjamin Jefferies

, property owner.

Jamie Mannon Simos

Jamie Mannon Simos Notary Public

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



_____, 20____

Re: Letter of Authorization

As the property owner of the site legally described as:

30-37-04-00-500, 30-37-04-00-5 & 30-37-04-00-1

I, Owner Name: Forestar (USA) Real Estate Group- Chris Tyree as Division President

Address: 1064 Greenwood Blvd; Suite 200; Lake Mary, FL 32746

Telephone: 407-832-3164

Email: christytyree@forestar.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 Application and any/all related submittals

Chris Tyree

(Property Owner Signature)

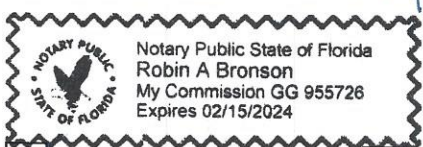
STATE OF Florida

COUNTY OF Brevard Seminole

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22nd day of June, 2021 by

Chris Tyree

, property owner.



RBronson
RBronson

, Notary Public

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

_____, 20____

Re: Letter of Authorization

As the property owner of the site legally described as:

30-37-04-00-500, 30-37-04-00-5 & 30-37-04-00-1

I, Owner Name: Forestar (USA) Real Estate Group- Chris Tyree as Division President

Address: 1064 Greenwood Blvd; Suite 200; Lake Mary, FL 32746

Telephone: 407-832-3164

Email: christyree@forestar.com

hereby authorize:

Representative: Rochelle W. Lawandales, FAICP

Address: 335 Sherwood Ave, Satellite Beach, FL 32937

Telephone: 321-223-4664

Email: rochelle.lawandales@gmail.com

to represent the request(s) for:

Final Development Plan Application and any/all related submittals

Chris Tyree

(Property Owner Signature)

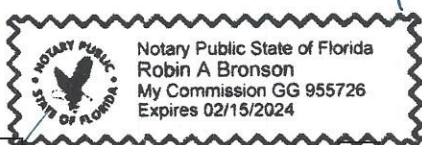
STATE OF Florida

COUNTY OF Brevard Seminole

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22nd day of June, 2021 by

Chris Tyree

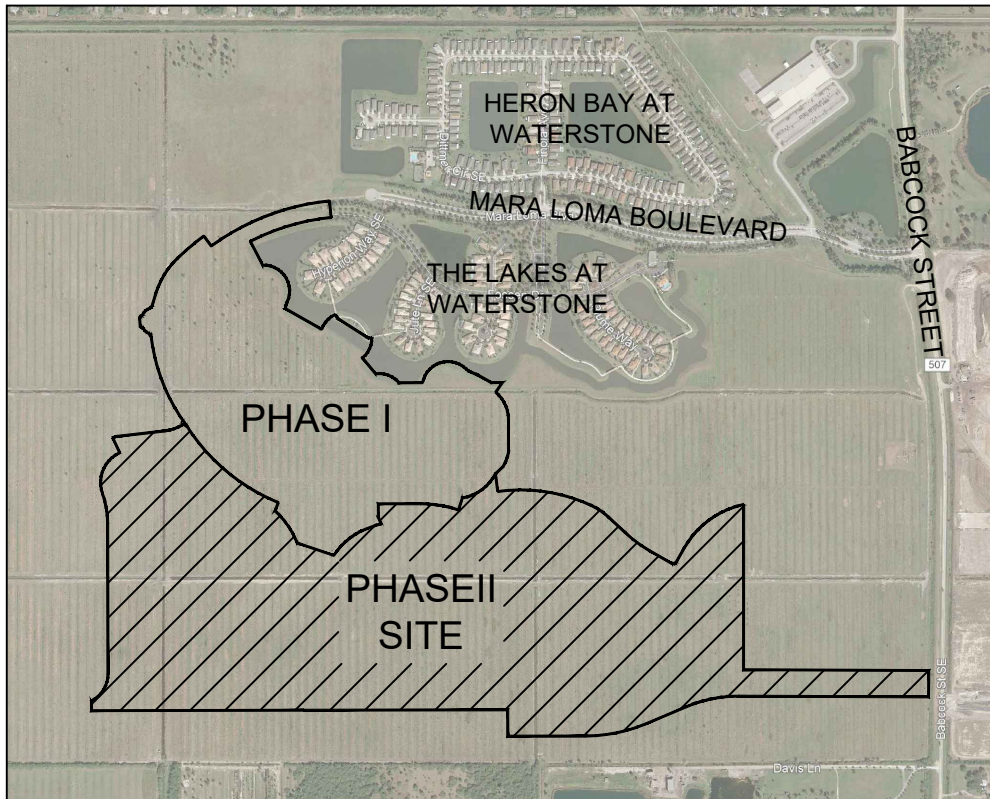
, property owner.



R Bronson
R Bronson

, Notary Public

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



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 #0008097

CYPRESS BAY WEST PHASE II PALM BAY, FL LOCATION MAP

DATE	5/26/21
COUNTY BREVARD	APPROVED BY JTW
SCALE NTS	THIS SHEET FIG. 1

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF SECTIONS 3 AND 4, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, AND A PORTION OF LOT 33, LOT 34, LOT 63 AND LOT 64 OF SAN-SEBASTIAN FARMS, SECTION 5, TOWNSHIP 30 SOUTH, RANGE 37 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 77, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 4; THENCE RUN N 01° 11' 38" W ALONG THE EAST LINE OF SAID SECTION 4 FOR A DISTANCE OF 7.46 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 4; THENCE RUN N 89° 52' 37" E FOR A DISTANCE OF 129.17 FEET TO THE WEST RIGHT OF WAY LINE OF BABCOCK STREET (A 100 FOOT WIDE RIGHT OF WAY); THENCE RUN N 00° 45' 16" E ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 291.62 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE RUN N 89° 42' 39" W FOR A DISTANCE OF 1214.31 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 1000.00 FEET, AND WHOSE CHORD BEARS S 78° 39' 00" W FOR A DISTANCE OF 403.49 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23° 16' 41", FOR A DISTANCE OF 406.28 FEET TO A POINT OF TANGENCY; THENCE RUN S 67° 00' 40" W FOR A DISTANCE OF 328.03 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 1200.00 FEET, AND WHOSE CHORD BEARS S 78° 26' 39" W FOR A DISTANCE OF 475.74 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 22° 51' 58", FOR A DISTANCE OF 478.91 FEET TO A POINT OF TANGENCY, ALSO BEING THE SOUTH LINE OF PARCEL B, AS DESCRIBED IN OFFICIAL RECORDS BOOK 3480, PAGE 685, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN S 89° 52' 38" W ALONG THE SOUTH LINE OF SAID PARCEL B FOR A DISTANCE OF 588.09 FEET; THENCE RUN N 00° 07' 22" W FOR A DISTANCE OF 200.00 FEET; THENCE RUN S 89° 52' 38" W FOR A DISTANCE OF 3155.67 FEET; THENCE RUN N 00° 07' 22" W FOR A DISTANCE OF 74.96 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 225.00 FEET AND WHOSE CHORD BEARS N 31° 44' 37" E FOR A DISTANCE OF 237.57 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 63° 43' 57", FOR A DISTANCE OF 250.28 FEET TO A POINT OF TANGENCY; THENCE RUN N 00° 07' 22" W FOR A DISTANCE OF 1143.70 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 675.00 FEET, AND WHOSE CHORD BEARS N 09° 50' 34" W FOR A DISTANCE OF 227.92 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19° 26' 23", FOR A DISTANCE OF 229.02 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 250.00 FEET AND WHOSE CHORD BEARS N 22° 47' 04" E FOR A DISTANCE OF 336.81 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 84° 41' 39", FOR A DISTANCE OF 369.55 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE RUN N 24° 52' 07" W FOR A DISTANCE OF 125.00 FEET; THENCE RUN N 65° 07' 53" E FOR A DISTANCE OF 20.65 FEET; THENCE RUN N 83° 26' 35" E FOR A DISTANCE OF 377.34 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 325.00 FEET, AND WHOSE CHORD BEARS N 71° 43' 01" E FOR A DISTANCE OF 132.10 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23° 27' 08", FOR A DISTANCE OF 133.03 FEET TO A POINT OF TANGENCY; THENCE RUN N 59° 59' 27" E FOR A DISTANCE OF 45.84 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE NORTHEAST, HAVING A RADIUS OF 1475.00 FEET, AND WHOSE CHORD BEARS S 49° 38' 51" E FOR A DISTANCE OF 920.48 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36° 21' 47", FOR A DISTANCE OF 936.12 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE RUN S 22° 10' 15" W FOR A DISTANCE OF 80.18 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 675.00 FEET, AND WHOSE CHORD BEARS S 34° 36' 29" E FOR A DISTANCE OF 295.95 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 25° 19' 37", FOR A DISTANCE OF 298.38 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 225.00 FEET, AND WHOSE CHORD BEARS S 73° 08' 02" E FOR A DISTANCE OF 15.62 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 03° 58' 38", FOR A DISTANCE OF 15.62 FEET TO A POINT OF TANGENCY; THENCE RUN S 71° 08' 43" E FOR A DISTANCE OF 277.37 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 575.00 FEET, AND WHOSE CHORD BEARS N 44° 10' 21" E FOR A DISTANCE OF 203.57 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 20° 23' 31", FOR A DISTANCE OF 204.65 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 450.00 FEET, AND WHOSE CHORD BEARS N 62° 19' 26" E FOR A DISTANCE OF 124.56 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15° 54' 40", FOR A DISTANCE OF 124.97 FEET TO A POINT OF TANGENCY; THENCE RUN N 70° 16' 46" E FOR A DISTANCE OF 73.63 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 425.00 FEET, AND WHOSE CHORD BEARS N 71° 25' 40" E FOR A DISTANCE OF 17.04 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 02° 17' 48", FOR A DISTANCE OF 17.04 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE RUN N 00° 07' 22" W FOR A DISTANCE OF 156.73 FEET; THENCE RUN N 89° 52' 38" E FOR A DISTANCE OF 320.27 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 887.50 FEET, AND WHOSE CHORD BEARS S 80° 41' 08" E FOR A DISTANCE OF 291.04 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18° 52' 29", FOR A DISTANCE OF 292.36 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE RUN N 18° 45' 07" E FOR A DISTANCE OF 95.37 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 350.00 FEET, AND WHOSE CHORD BEARS N 55° 46' 05" E FOR A DISTANCE OF 289.13 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 48° 47' 30", FOR A DISTANCE OF 298.05 FEET TO A POINT OF TANGENCY; THENCE RUN N 31° 22' 20" E FOR A DISTANCE OF 23.26 FEET; THENCE RUN S 06° 50' 39" E FOR A DISTANCE OF 133.29 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 1280.00 FEET, AND WHOSE CHORD BEARS S 81° 26' 45" E FOR A DISTANCE OF 720.14 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 32° 40' 34", FOR A DISTANCE OF 729.99 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 480.00 FEET, AND WHOSE CHORD BEARS S 55° 58' 25" E FOR A DISTANCE OF 152.40 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18° 16' 06", FOR A DISTANCE OF 153.04 FEET TO A POINT OF TANGENCY; THENCE RUN S 46° 50' 22" E FOR A DISTANCE OF 174.47 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHEAST, HAVING A RADIUS OF 1000.00 FEET, AND WHOSE CHORD BEARS S 53° 30' 50" E FOR A DISTANCE OF 232.46 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13° 20' 57", FOR A DISTANCE OF 232.99 FEET TO A POINT OF TANGENCY; THENCE RUN S 60° 11' 18" E FOR A DISTANCE OF 191.82 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 25.00 FEET, AND WHOSE CHORD BEARS N 74° 48' 42" E FOR A DISTANCE OF 35.36 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90° 00' 00", FOR A DISTANCE OF 39.27 FEET TO A POINT OF TANGENCY; THENCE RUN N 29° 48' 42" E FOR A DISTANCE OF 126.82 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 680.00 FEET, AND WHOSE CHORD BEARS N 53° 54' 19" E FOR A DISTANCE OF 555.19 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 48° 11' 15", FOR A DISTANCE OF 571.90 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE RUN S 00° 01' 02" W FOR A DISTANCE OF 1252.63 FEET; THENCE RUN S 89° 42' 39" E FOR A DISTANCE OF 1181.14 FEET; THENCE S 00° 45' 16" W A DISTANCE OF 200.01 FEET TO THE POINT OF BEGINNING; CONTAINING 185.939 ACRES, MORE OR LESS.

 <div>CONSTRUCTION ENGINEERING GROUP <i>Consulting Engineers</i></div> <div><small>2651 Eau Gallie Blvd., Suite A Melbourne, FL 32935 Tel. 321.253.1221 www.ceengineering.com COA #0008097</small></div>	<div>CYPRESS BAY WEST PHASE II PALM BAY, FL</div> <div>LEGAL DESCRIPTION</div>		DATE 5/26/21
	COUNTY BREVARD	APPROVED BY JTW	
	SCALE NTS	THIS SHEET FIG. 2	

**CYPRESS BAY WEST Phase 2
Final Development Plan Application
Compliance and Justification Narrative Report**

**Prepared by:
Rochelle W. Lawandales, FAICP
Waterstone Development Company, LLC
for
Forestar (USA) Real Estate Group Inc., Waterstone
Farms, LLC and Waterstone Holdings, LLC
Co-Applicants**

June 30, 2021

CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

PROJECT: CYPRESS BAY WEST PHASE 2

Cypress Bay West Phase 2 is a 570 unit residential 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 off of the existing Mara Loma Boulevard, south of Cypress Bay West Phase 1 and Courtyards. These units are contained within 185.6 acres +/- and are a mix of 446 total single family lots and 124 townhome units. Approximately 431 lots are on average 50' X 125' and 15 are an average 50' X 120' in depth. Map A shows the project location.

PROPERTY OWNER: Waterstone Farms, LLC; Waterstone Holdings, LLC; Forestar (USA) Real Estate Group, Inc.

PROPERTY IDENTIFICATION #:

All or portions of the following properties are contained within the project:

- 30-37-04-00-500
- 30-37-04-00-5
- 30-37-04-00-1
- 30-37-05-HF-750

CO-APPLICANTS: Forestar (USA) Real Estate Group, Inc., Waterstone Farms, LLC and Waterstone Holdings, LLC Co-Applicants

EXISTING ZONING: Planned Unit Development

FUTURE LAND USE: Predominately Single Family Residential land use with some Multi-family residential land use for the Townhomes and a small area of commercial land use that is used for a stormwater pond and roadway. No changes are needed to the Future Land Use Map as it applies to this project. The proposed residential uses are for single family and townhome products.

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 2", which is a portion of the prior approved Waterstone Master development plan located south of Cypress Bay West 1, Courtyards, and the Lakes of Waterstone.

This document serves as the Compliance and Justification narrative for the Cypress Bay West Phase 2 Final Development Plan (FDP) application. 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.

CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

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. Table 1 below shows the current entitlements.

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 2.

This new application petitions the City for approval of a Final Development Plan for Cypress Bay West Phase 2, a 570 total unit 186+/- acre single family subdivision, including 124 townhomes. Construction would begin after approval of a 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.

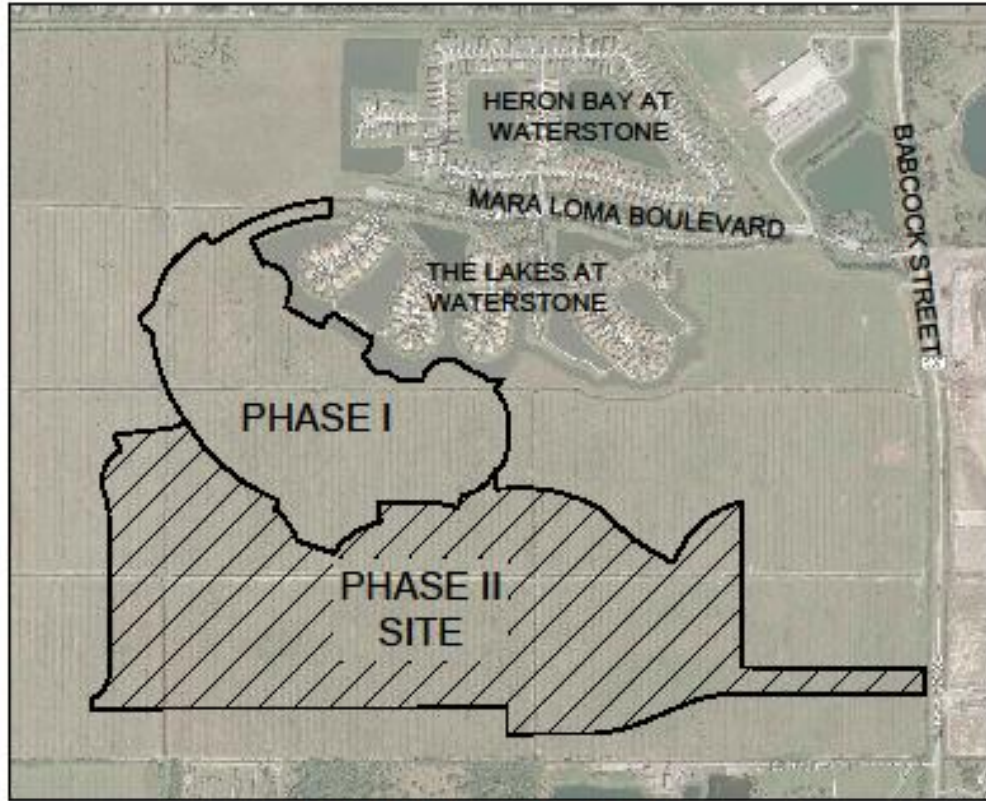
CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

Table 1
Current Residential Entitlements as of May, 2021

WATERSTONE AND CYPRESS BAY a/o May, 2021 CBW 2					
ORIGINAL APPROVALS		WESTSIDE*	DEVELOPMENTS	TOTAL 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		1895	1058
		Additions	Reductions		
Modifications required for City failure to process small scale amendments by Divosta:					
Less 41 acreage as multifamily @ 10 units per acre			-417		
Plus 41 acres single family @1.5 units/ac		60			
Revised Total as of 2017:		1955	-417	1538	1058
2018-2021 STARTING TOTALS:		1538			1058
		ADDITIONS	REDUCTIONS		
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	-201	
Waterstone Small Scale Amendments from SF to MF totalling 16.487 @ 10 units/ac	(CP-6-7-8 2018 approved by Ordinances 2018-20, 21, 22)	165		165	
Transfer of 300 to West Side per Original approval and David Watkins letter		300		300	-300
Gardens at Waterstone Phase 1	Resolution 2020-58 December 3, 2020/Ordinance 2021-02 Adopted January 21, 2021		-154	-154	
Cypress Bay West Phase 1	Ordinance 2021-27 May 21, 2021		-229	-229	
Cypress Bay West FLUM Amendment for Townhomes 9.5 acres at 10 units/ac	Pending Hearings June/July 2021	95		95	
Cypress Bay West Phase 2	Current submittal		-566	-566	
Sub-total:		2098	-1150	948	362
GRAND TOTAL UNIT COUNTS AS OF MAY 2021:				948	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					

CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

MAP A
LOCATION MAP

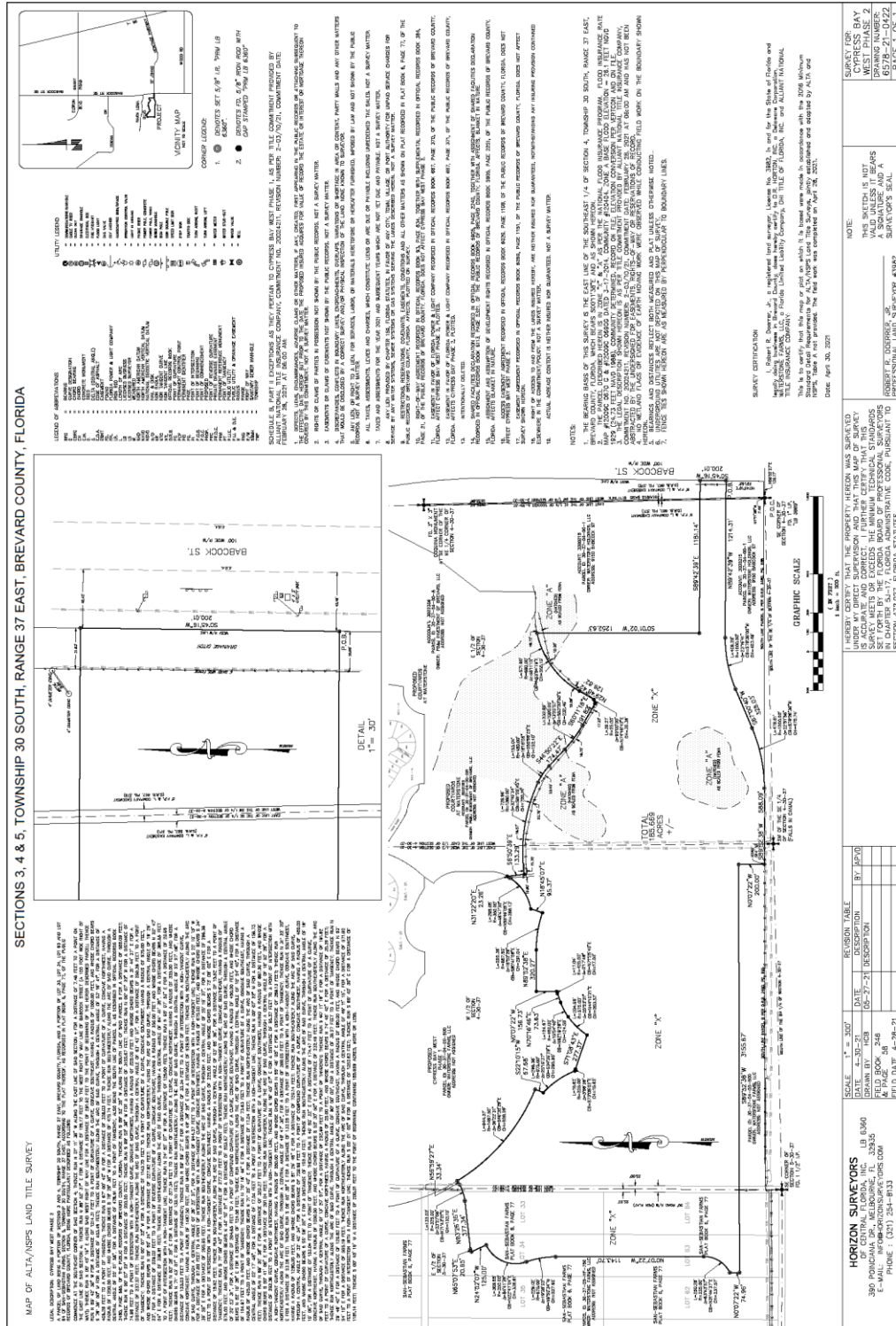


LOCATION MAP

NTS

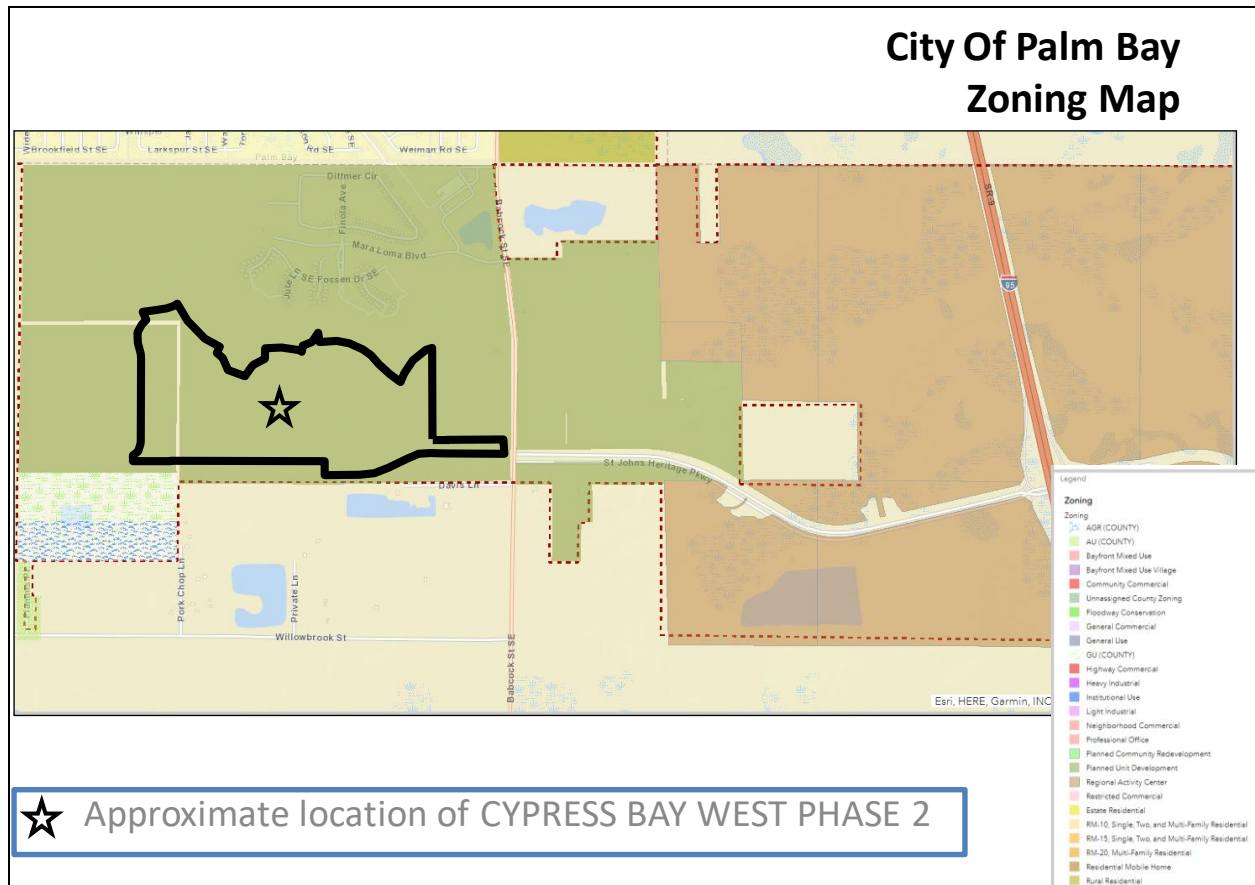


MAP B
BOUNDARY SKETCH AND LEGAL
(See large Survey submitted in FDP application packet)



CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

MAP C
CITY ZONING MAP



HISTORY OF WATERSTONE

During the period from 2006 to 2010, Pulte Homes and their subsidiary, DiVosta Homes, completed a wide variety of permits, agency approvals, traffic and engineering studies, environmental studies, comprehensive land use and zoning approvals for Waterstone. Pulte constructed a .6 mile long connector roadway off of Babcock Street called Mara Loma Boulevard, obtained County and City traffic concurrency for 900 units and provided for lands for an elementary school. Regional water and sewer mains were extended from just north of Valkaria Road to the western terminus of Mara Loma Boulevard. 296 Single family homes were constructed in the communities of Heron Bay and The Lakes at Waterstone. The Brevard County School Board constructed Sunrise Elementary School. Pulte Homes left the City of Palm Bay as a result of the financial crash in 2008. Pulte closed out Heron Bay and The Lakes at Waterstone communities by the end of 2010. The remaining PUD property was acquired by the applicants.

As required by the original land use approvals, Waterstone provides a mix of uses with the Waterstone Commercial Center with its significant frontage on the west side of Babcock Street. It will contain 133 acres, more or less, broken into lots and tracts sufficient in size for a variety of retail, office and related commercial uses to support the region. FDOT has completed the I-95 Interchange and the City has completed construction of the St. Johns Heritage Parkway (SJHP) from Babcock Street east to I-95.

CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

Numerous commercial developers and commercial project owners are ready to come into the City of 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(Heron Bay and Lakes of Waterstone) is under the ownership of Waterstone Farms, LLC, and Waterstone Holdings, LLC; Forestar; and PB&J, LLC. Actions by the owners, predominately Waterstone Farms and Waterstone Holdings, over the last 10 years have included, but are not limited to the following:

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.
11. Obtained Final Development Plan approval for Cypress Bay West Phase 1, May, 2021.
12. Obtained approval for a Future Land Use Map amendment on July, 2021 to convert 7 acres +/- from single family to multi-family residential to allow for townhomes within the CBW 2 project under the City's Comprehensive Plan.

CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

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

Final Development Plan/Preliminary 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 Preliminary Development Plan, approved by Council in January, 2018 void and maintaining the 2005 adopted plan. This proposed Final Development Plan will modify that original adopted plan for the specific area shown in the legal description for Cypress Bay West Phase 2.

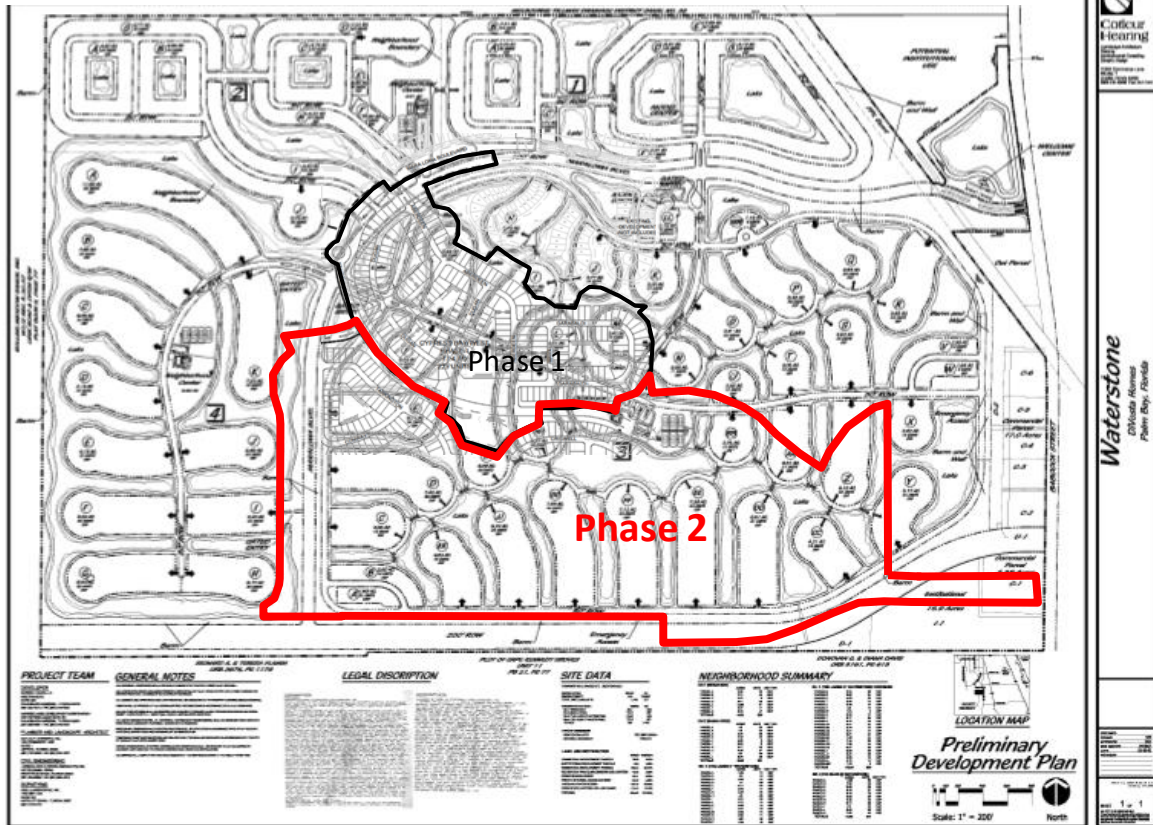
Map D shows the new proposed Cypress Bay West Phase 2 overlaid on the existing approved Waterstone Final Development Plan.

CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

MAP D

**ORIGINAL FINAL DEVELOPMENT PLAN FOR WATERSTONE AT PALM BAY WITH APPROXIMATE
LOCATION OF CYPRESS BAY WEST PHASE 2**

Proposed Cypress Bay West Phases 1 and 2 on 2005 adopted Development Plan



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

FINAL DEVELOPMENT PLAN (Map E) for 'CYPRESS BAY WEST PHASE 2'

Cypress Bay West Phase 2 is a 570 total lot subdivision, containing 431- 50' X 125' lots, 15- 50' X 120' lots and 124 Townhomes. Forestar intends to extend the existing public road called Mara Loma Boulevard through the project to terminate at Journey Drive. Journey Drive is an east-west roadway that becomes the 4th section of the "T" intersection of Babcock Street and the newly constructed SJHP which heads east to connect to I-95. There are a series of subdivision pods that will have connector roadways onto Mara Loma. There are utilities available to service the development.

The following discussion relates specifically to this proposed subdivision and application. Map E shows the proposed Cypress Bay West Phase 2 Final Development Plan. This is a graphic representation only, and the Final Development Plan large set, submitted by CEG, Inc., Engineers of Record for the project, stands as the official set for consideration by the City. I have reviewed those plans and the preliminary plat for conformance to the code and compliance with the Comprehensive Plan and City Land Development Code and this document provides findings of fact supporting their compliance.

CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

The project data table shown on the Final Development Plan submitted by CEG, Inc., and as 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 and including information that is required to be shown on a final development plans per Chapter 185.066 (B)2.

Table 2
Project Data Summary

PROJECT DATA:

GENERAL STATEMENT:

THIS PROJECT IS A 570 UNIT RESIDENTIAL PHASED SUBDMISION WITH SUPPORTING INFRASTRUCTURE AND SITE IMPROVEMENTS INCLUDING VEHICULAR ACCESS, SIDEWALKS, PEDESTRIAN/EXERCISE TRAILS, A FUTURE AMENITY CENTER, LANDSCAPING, UTILITIES AND STORMWATER TO BE LOCATED OFF OF THE EXISTING MARA LOMA BOULEVARD, SOUTH OF CYPRESS BAY WEST PHASE 1 AND COURTYARDS. THESE UNITS ARE CONTAINED WITHIN ±185.75 ACRES AND ARE A MIX OF 446 TOTAL SINGLE FAMILY LOTS AND 124 TOWNHOME UNITS. APPROXIMATELY 431 LOTS ARE AVERAGE 50'X125' AND 15 ARE AVERAGE 50'X120'.

DEVELOPER:

FORESTAR (USA) REAL ESTATE GROUP
1064 GREENWOOD BLVD, SUITE 200
LAKE MARY, FL 32746
TEL: (407) 832-3164

CIVIL ENGINEER/APPLICANT:

JAKE T. WISE, P.E.
2651 EAU GALIE BLVD, SUITE A
MELBOURNE, FLORIDA 32935
TEL: (321) 610-1760
E-MAIL: JWIS@CEENGINEERING.COM

SURVEYOR:

HORIZON SURVEYORS OF CENTRAL
FLORIDA, INC.
390 POINCIANA DRIVE
MELBOURNE, FL 32935
TEL: (321) 254-8133
EMAIL: BOB@HORIZONSURVEYORS.COM

LOCATION:

SECTION: D4
TOWNSHIP: 30
RANGE: 37E
PARCEL ID {ALL OR PORTIONS OF THE FOLLOWING:
30-37-04-00-500
30-37-04-00-5
30-37-04-00-1
30-37-05-HF-750
TAX ACCOUNT: 3000216
3000215
3011111
3000219

SETBACKS

FRONT: 25 FT
SIDE: 5 FT
REAR: 20 FT
SIDE CORNER: 15 FT

PROPOSED:

LOT COUNT:

AVERAGE 50'X125'=431 LOTS (LOTS 1-55 AND 71-446)
AVERAGE 50'X120'=15 LOTS (LOTS 56-70)
TOWNHOUSE UNITS=124 (LOTS 447-477)

MAXIMUM BUILDING HEIGHT:

2 STORY: 25 FT

MINIMUM WIDTHS:

SIDEWALKS: 5 FT
RIGHT-OF-WAY WIDTH: 50 FT

CALCULATED STORMWATER BASIN COVERAGE:

IMPERVIOUS:	SF	ACRE	PERCENT
RESIDENTIAL (60%):	2,206,546	50.66	27
ROADWAYS/SIDEWALKS:	932,381	21.40	12
RECREATIONAL AREA:	195,392	4.49	2
TOTAL IMPERVIOUS:	3,334,318	76.55	41
PERVIOUS:	3,359,783	77.13	42
POND:	1,397,114	32.07	17
TOTAL:	8,091,215	185.75	100

OPEN SPACE REQUIREMENTS:

OVERALL AREA (185.75 ACRES):

COMBINED ON-SITE PONDS (PORTIONS OF D-1 AND D-5):	23.82 AC
OPEN SPACE:	18.11 AC
RECREATION AREA:	5.62 AC
PROVIDED:	47.65 AC
REQUIRED:	46.44 AC

CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

DEVELOPMENT PHASING

As it currently stands, the project is proposed to begin developing, upon receipt of all required permits, around June 2022 starting with site development, infrastructure, stormwater, recreation, open space, and land development support systems. This will be followed by 'vertical' development items, including homes and recreational amenities/community facilities.

DEVELOPMENT SCHEDULE

The project will commence upon receipt of construction plan approval in June 2022. It will take an estimated 5 years to build out with an anticipated take down of 111 units per year.

CONSISTENCY WITH THE COMPREHENSIVE PLAN and FUTURE LAND USE MAP

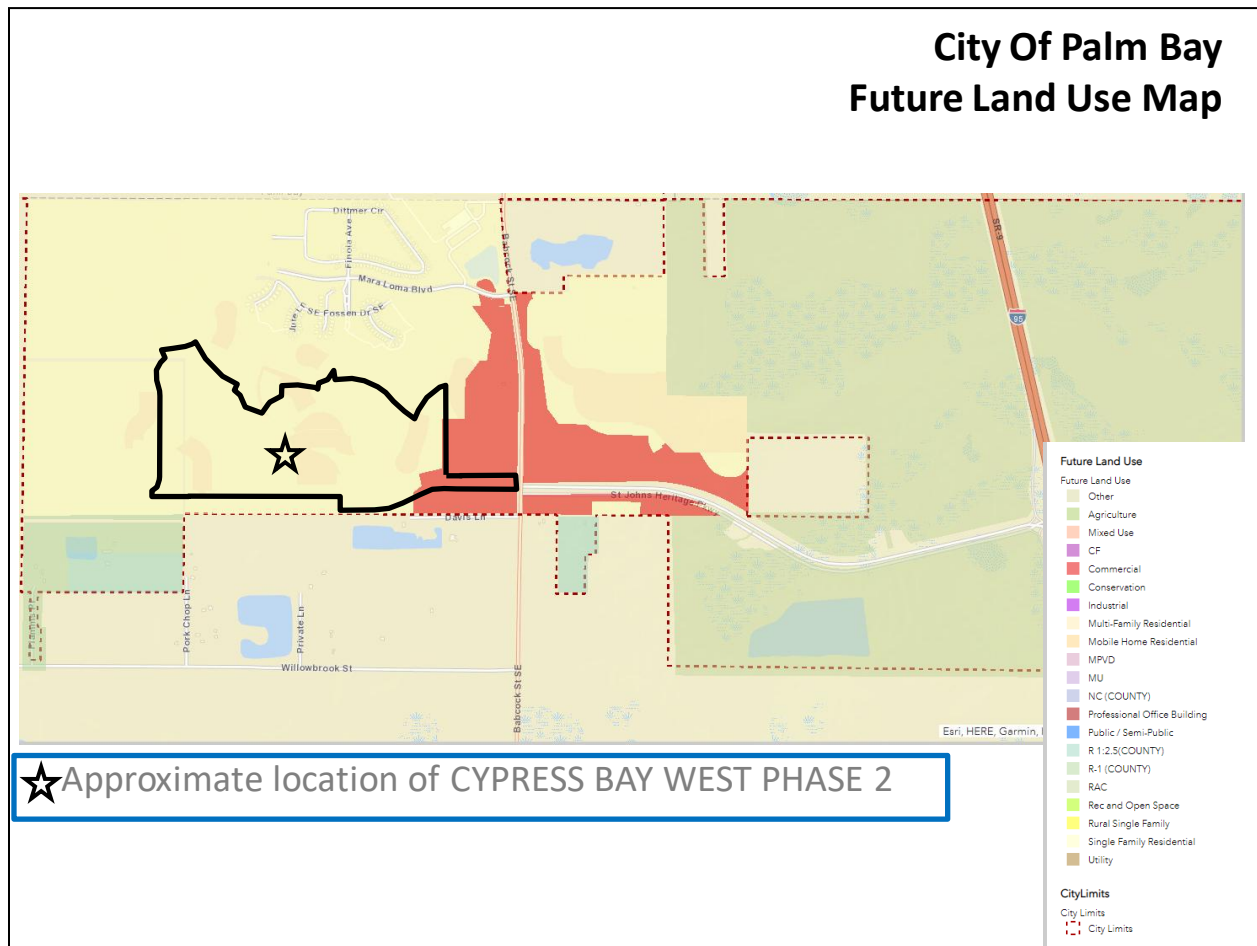
Based upon my knowledge of the City's Comprehensive Plan and its contents, Cypress Bay West Phase 2 Final Development Plan is consistent with the Goals, Objectives and Policies of the Comprehensive Plan and the Future Land Use Map. The City received a compliance determination for the initial approved land uses and subsequent land use 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. Cypress Bay West Phase 2 is a single-family subdivision, with single family and townhomes, including ancillary infrastructure, stormwater management, open space and recreational amenities. There is an area of the Future Land Use Map that indicates a stormwater pond and roadway in lands designated for commercial uses. Stormwater or lands devoted to infrastructure can be done in any category. Therefore, the project site and the proposed uses of townhomes 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 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

MAP F
FUTURE LAND USE MAP FROM CITY WEBSITE



CYPRESS BAY WEST PHASE 2
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.

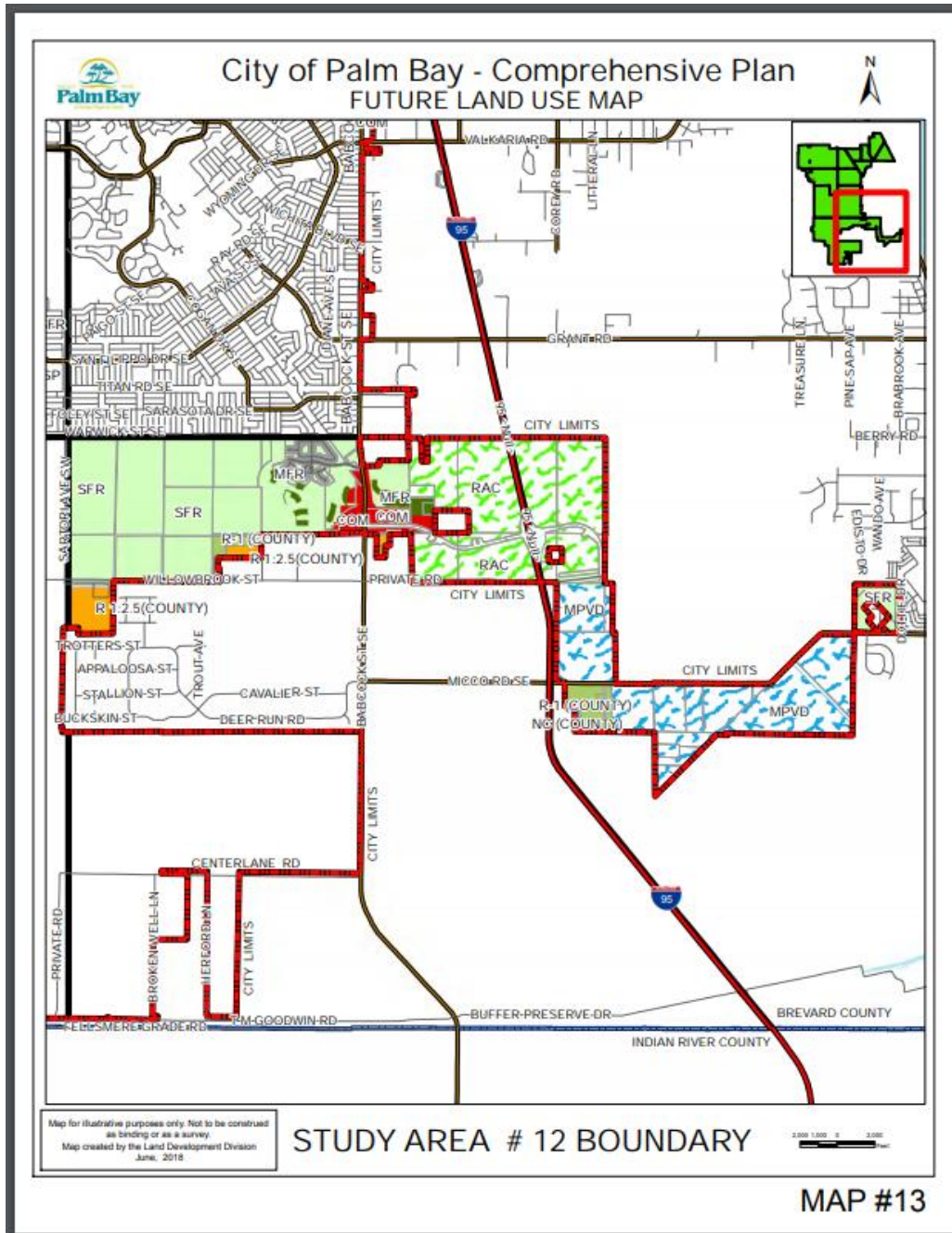


Figure 1: Future Land Use Map taken from the City's Comprehensive Plan on the City of Palm Bay Website, April, 2019

CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

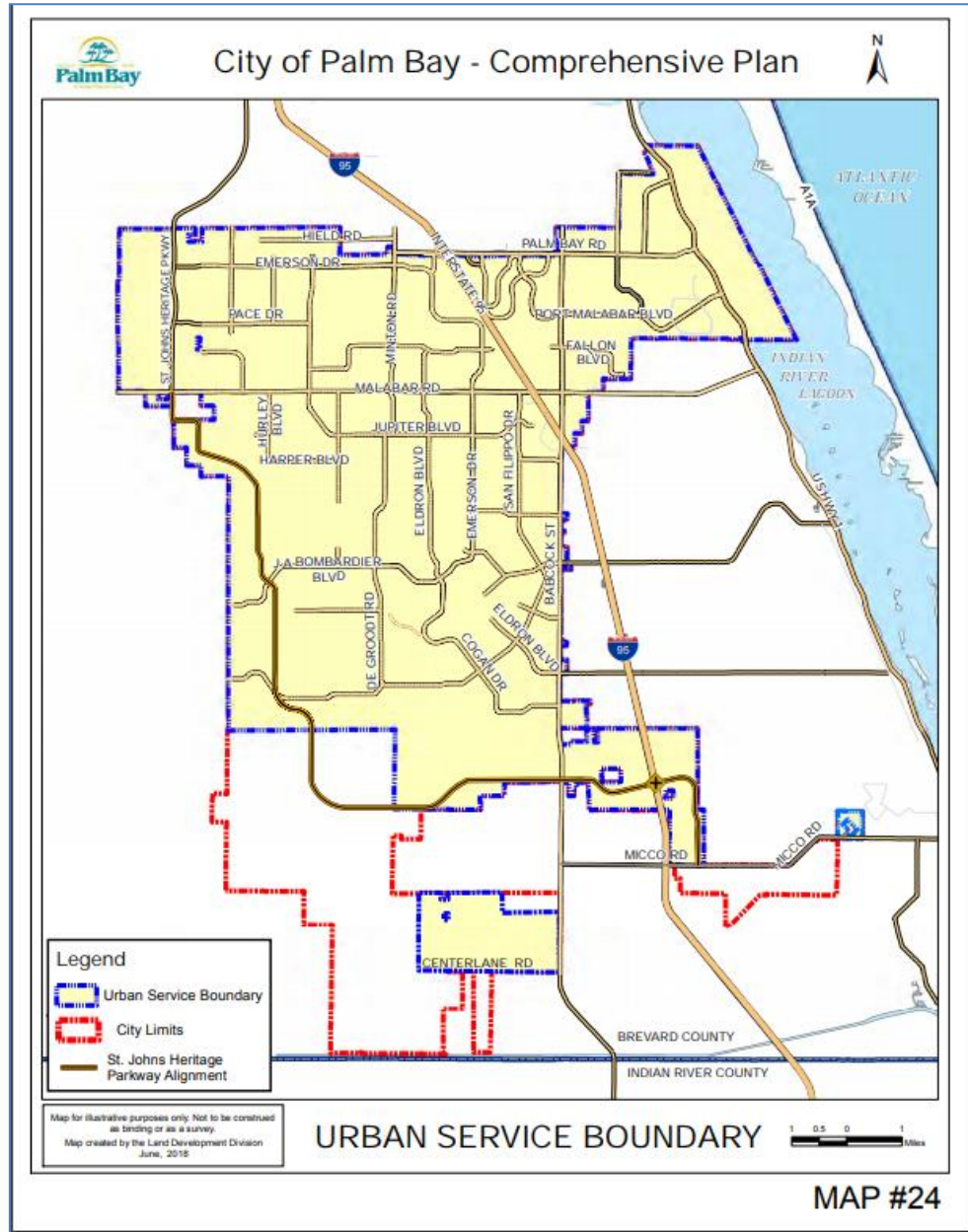


Figure 2 Urban Services Boundary Map adopted by the City in the EAR, October 2017; as shown on the City of Palm Bay website, April, 2019.

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 2
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 and residents of Waterstone, and a Neighborhood meeting was held for the Cypress Bay West Phase 1 Preliminary Development Plan phase of the project. A citizen's participation plan for holding a community meeting for this phase is submitted with the application package. Labels for notifying everyone within 500' are provided to the City for mailing the courtesy notice.

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 the City water and wastewater. A master lift station plan has been approved by the City along with master water distribution system. A proposed utility plan is included in the Final Development Plan documents. Utilities are planned to be extended into the development from Mara Loma Boulevard. The City has long planned for an expansion to its wastewater plant, which is underway, and has made expansions to the water plant.

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 either the residential homeowner's association or CDD as shown on the plat, and shall be permitted through the St. Johns River Water Management District(SJRWMD). During the construction plan review phase, plans will be submitted to show how the project will meet all pre and post development stormwater management as required by the various agencies and the City to obtain all required permits. There is a conceptual SJRWMD permit currently in place for all of the residential areas.

ENVIRONMENTAL CONDITIONS

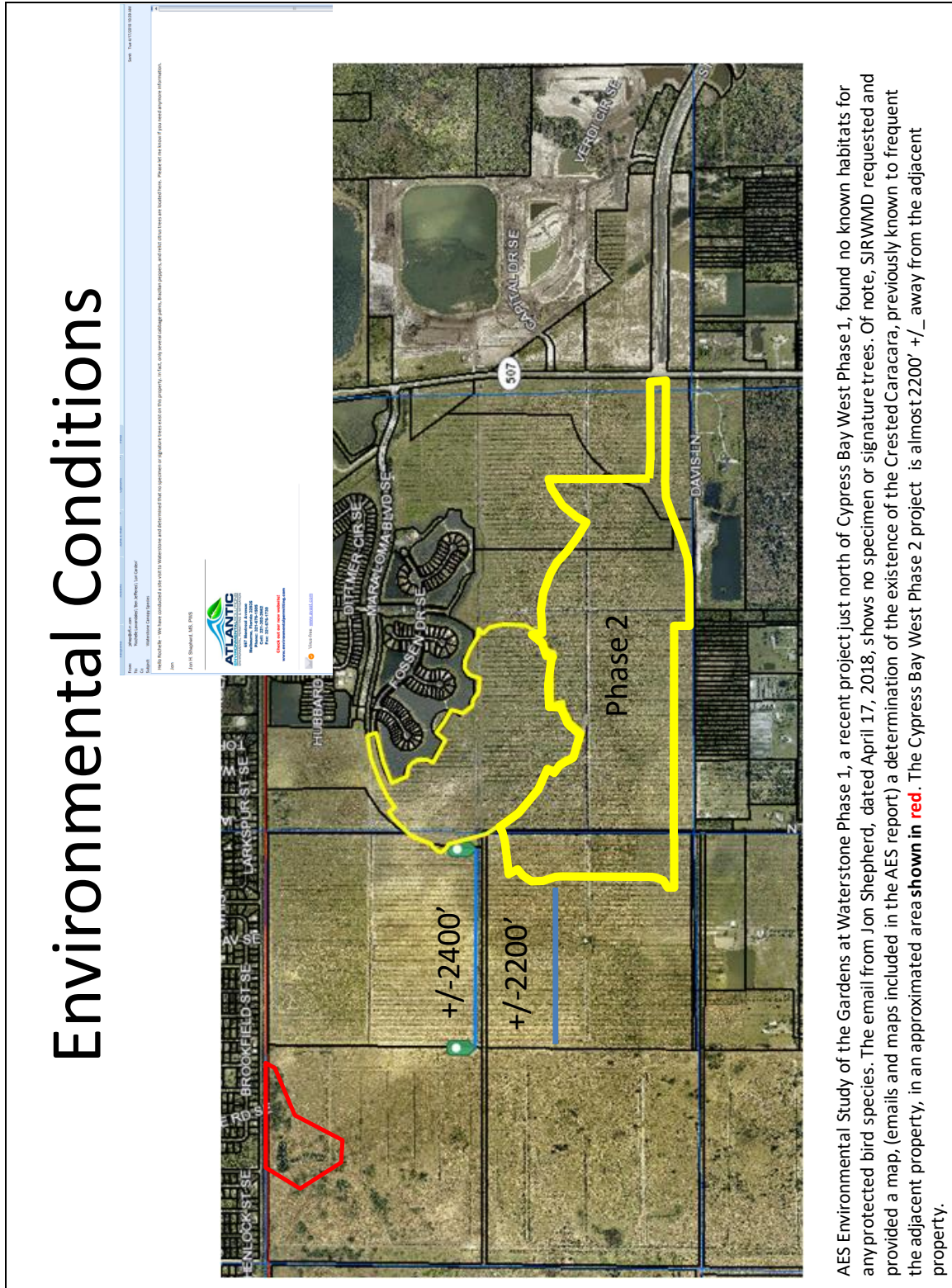
As a former grove, there are no environmental issues, no trees, no habitat or endangered species, no wetlands, or other known environmental issues on the proposed subdivision's lands. The property was originally a citrus grove. It was later converted into the existing cattle pasture. The proposed project 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-1, 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, almost 2400' away, owned by others. The AES report demonstrates that there are no specimen or signature trees on the property. Map G-2, Tree Aerial, uses the same aerial to document there are no trees, flora, or fauna in the subject property.

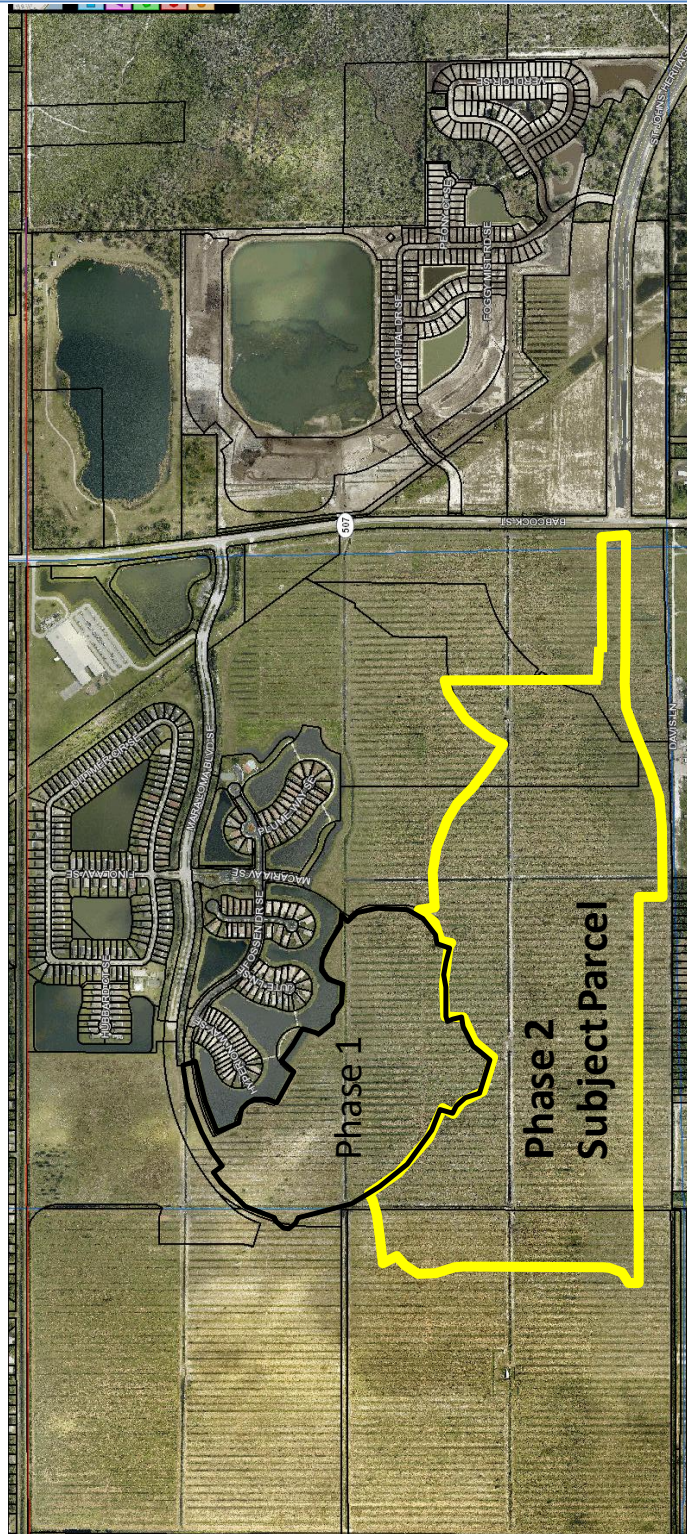
Map G-1
Environmental Conditions



AES Environmental Study of the Gardens at Waterstone Phase 1, a recent project just north of Cypress Bay West Phase 1, 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 2 project is almost 2200' +/- away from the adjacent property.

Map G-2
Tree Aerial

Aerial Photo-Tree Locations CYPRESS BAY WEST PHASE 2



As seen in the graphic, there are no trees, flora, or fauna on the subject parcel.
Approximate location of project. Not to Scale. Graphic Exhibit only.

CYPRESS BAY WEST PHASE 2 FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

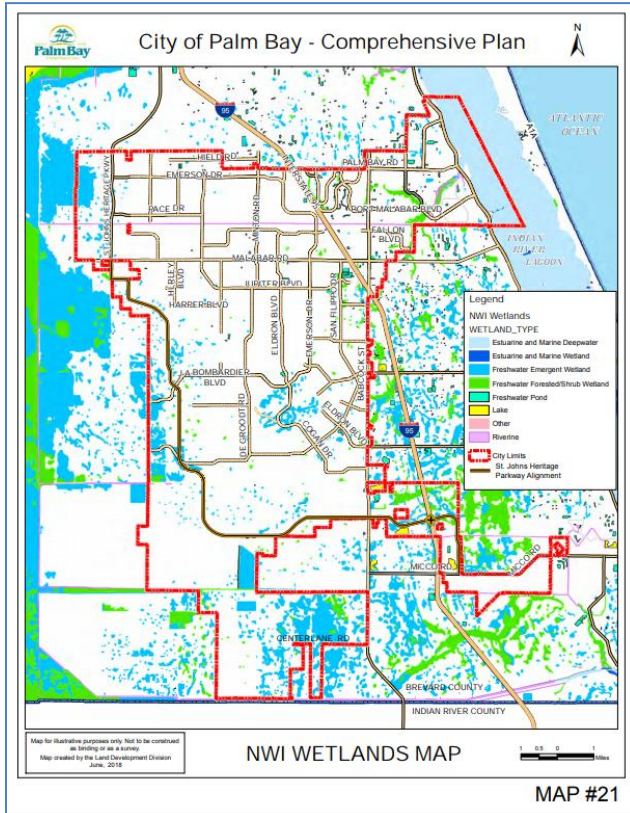


Figure 3 Comprehensive Plan Wetlands Map, dated June, 2018, taken from the City of Palm Bay's website, April, 2019

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 that 403 available, Gardens at Waterstone Phase 1 used 154, and Cypress Bay West Phase 1 will use 229 units, leaving 20 units of the original 900. Table 3 provides a quick summary.

Recognizing that all the original approved trips have been used, the developers of Cypress Bay West Phase 2 will be making application for traffic concurrency to the City and County and to that end, they have been in several meetings negotiating a Development Agreement to define capacity and system improvements that will be made to serve the development and community.

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.

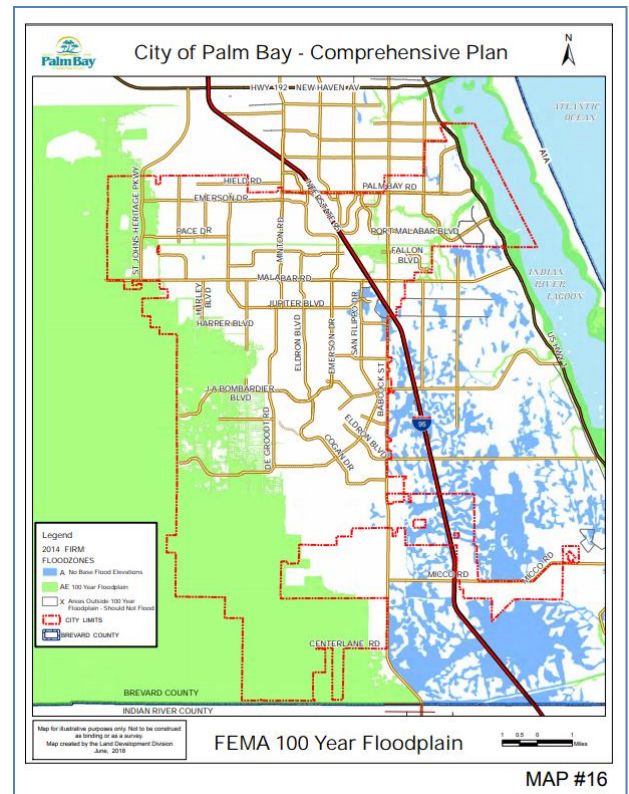


Figure 4 Comprehensive Plan FEMA 100 Year Floodplain Map,

Table 3	
Concurrency Table	
Traffic Concurrency	
Original	900
Heron Bay/Lakes	-296
Courtyards	-201
Gardens 1	-154
CBW1	-229
Remaining before CBW 2	20
CBW2	-570
Current trip units*	-550

CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

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. Forestar will extend Mara Loma Boulevard past the intersection of their Cypress Bay West Phase 1 subdivision on Aberdeen Drive and construct a traffic circle for site branding and traffic calming.

From there, for Cypress Bay West Phase 2, Mara Loma 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. As with Cypress Bay West Phase 1, all internal subdivision streets within the Cypress Bay West Phase 2 project are to be private and amenities will be maintained by the Cypress Bay West 2 Homeowners Association, Inc.

Mara Loma, as a 2 lane collector, has capacity to serve the proposed and all future subdivisions. The existing section of Mara Loma has been dedicated to the City. Journey is anticipated to be the western entry for the remaining section of the St. Johns Heritage Parkway that will traverse the western sections of the City northward to Malabar Road. As such, Journey Drive will be a 4 lane divided arterial with a median until the first bi-directional opening, then is intended to be reduced to 2 lanes, with a divided median. All medians will be landscaped and irrigated.

There is an Alternative Corridor Evaluation Report (ACER) under study by the County to determine potential viable corridor routes for the western Parkway extension. If the future roadway fails to proceed to PD & E or is not ultimately constructed, Journey will still serve as a large collector for the 2000 homes being built in the Waterstone and Cypress Bay West lands west of Babcock and capture trips that would take Babcock Street to get to regional commercial areas from both inside and outside the Cypress Bay projects.

While Mara Loma and Journey are intended to be dedicated for public use/ownership to the City of Palm Bay, a Community Development District (CDD) will be formed to maintain the Mara Loma extension from the proposed traffic circle south to Journey Drive and a portion of Journey Drive, depending on the outcome of the ACER study and the future Parkway. If for any reason the developer fails to obtain City approval for a CDD, the Cypress Bay West Homeowner's Association will maintain these roadways.

The developer intends to allow golf carts to be used for internal transportation. This will also serve to reduce the trip count and be part of the internal capture for the commercial centers along Babcock.

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 as recent as 2017. 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 (LTG) regarding the Waterstone projects' concurrency is on file with the City. More recently, LTG conducted a Signal Warrant Analysis and is in the design phase to create the signal for the intersection of Babcock Street and Mara Loma. The developers of the Gardens at Waterstone portion of the project will be responsible for obtaining approvals from the City

CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

and County for that signal. It will enhance the operations of the internal roadway and community functioning.

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 2 will have a large recreational amenity center at the entry Mara Loma and Journey Drive on approximately 5 acres. Visible to the traveler headed west from the Babcock Street intersection, this area will be a signature feature for the entire residential community and may include such elements as a Club House, pool, fitness center, walking trails, picnic and play areas, along with open gathering spaces for the Cypress Bay West communities. Additionally, a few neighborhood parks, open space areas, walking trails, golf cart and bike paths, or other passive recreation areas will dot the residential landscape. These will be all under the control of the Cypress Bay West Phase 2 Homeowners Association, Inc.

The recreation areas will be used by all homes in all of the Cypress Bay West community's development (Phase 1, 2, and 3). Part of the recreation area, (20 acres) was approved as part of Phase 1.

Approximately 47 acres are dedicated to open space and recreation, including retention areas. While an example of an amenity center is shown on the Final Development Plan, the concepts for the amenity center are still under development and are subject to change under the developer's sole discretion.

At present, two schematic designs provide examples of what the 2 non-residential structures included in Cypress Bay West 2 may look like. A separate document showing schematics of the non-residential structures is attached with the application as required by the City. They are shown here for reference.

The image displays three architectural drawings of the Harmony West Amenity Center, a proposed 10,000 sq. ft. building. The drawings include a front elevation, a rear elevation, and a set of exterior elevations. The front elevation shows a symmetrical design with a central entrance, two large windows on either side, and a small tower-like structure on the roof. The rear elevation shows a long, low profile with multiple windows and a central entrance. The exterior elevations show the building's facade with various materials and textures. The drawings are annotated with numerous details and dimensions, including window sizes, door types, and material specifications. The drawings are labeled with '1' for front elevation, '2' for rear elevation, and '3' for exterior elevations. The drawings are dated 10/1/2014 and are the property of Conin Associates, Inc.

1 FRONT ELEVATION
1/8" = 1'-0"

2 REAR ELEVATION
1/8" = 1'-0"

3 EXTERIOR ELEVATIONS

Harmony West AMENITY CENTER
Orange County, FL

CONIN ASSOCIATES
1000 N. W. 10th Ave., Suite 100
Fort Lauderdale, FL 33304
Tel: 954.575.1111
Fax: 954.575.1112
www.conin.com

DATE REVISION
10/1/2014

DESIGN BY
CONIN ASSOCIATES, INC.

PROJECT NO.
10000

PROJECT NAME
HARMONY WEST AMENITY CENTER

PROJECT ADDRESS
10000 W. 10th Ave., Suite 100
Fort Lauderdale, FL 33304

PROJECT TYPE
REAR ELEVATION

PROJECT DATE
10/1/2014

PROJECT STATUS
PENDING

PROJECT DESCRIPTION
10,000 sq. ft. amenity center

PROJECT LOCATION
10000 W. 10th Ave., Suite 100
Fort Lauderdale, FL 33304

PROJECT OWNER
HARMONY WEST AMENITY CENTER

PROJECT ARCHITECT
CONIN ASSOCIATES, INC.

PROJECT ENGINEER
CONIN ASSOCIATES, INC.

PROJECT LANDSCAPE ARCHITECT
CONIN ASSOCIATES, INC.

PROJECT INTERIOR ARCHITECT
CONIN ASSOCIATES, INC.

PROJECT MECHANICAL ENGINEER
CONIN ASSOCIATES, INC.

PROJECT ELECTRICAL ENGINEER
CONIN ASSOCIATES, INC.

PROJECT PLUMBING ENGINEER
CONIN ASSOCIATES, INC.

PROJECT FIRE ENGINEER
CONIN ASSOCIATES, INC.

PROJECT STRUCTURAL ENGINEER
CONIN ASSOCIATES, INC.

PROJECT CIVIL ENGINEER
CONIN ASSOCIATES, INC.

PROJECT ENVIRONMENTAL ENGINEER
CONIN ASSOCIATES, INC.

PROJECT HISTORIC PRESERVATION
CONIN ASSOCIATES, INC.

PROJECT ACCESSIBILITY
CONIN ASSOCIATES, INC.

PROJECT ENERGY EFFICIENCY
CONIN ASSOCIATES, INC.

PROJECT SUSTAINABILITY
CONIN ASSOCIATES, INC.

PROJECT WELLNESS
CONIN ASSOCIATES, INC.

PROJECT COMMUNITY ENGAGEMENT
CONIN ASSOCIATES, INC.

PROJECT CULTURAL HERITAGE
CONIN ASSOCIATES, INC.

PROJECT ECONOMIC DEVELOPMENT
CONIN ASSOCIATES, INC.

PROJECT SOCIAL EQUITY
CONIN ASSOCIATES, INC.

PROJECT ENVIRONMENTAL JUSTICE
CONIN ASSOCIATES, INC.

PROJECT RACIAL JUSTICE
CONIN ASSOCIATES, INC.

PROJECT GENDER EQUITY
CONIN ASSOCIATES, INC.

PROJECT LINGUISTIC ACCESS
CONIN ASSOCIATES, INC.

PROJECT DISABILITY RIGHTS
CONIN ASSOCIATES, INC.

PROJECT SEXUAL ORIENTATION
CONIN ASSOCIATES, INC.

PROJECT GENDER IDENTITY
CONIN ASSOCIATES, INC.

PROJECT TRANSGENDER RIGHTS
CONIN ASSOCIATES, INC.

PROJECT INTERSEX RIGHTS
CONIN ASSOCIATES, INC.

PROJECT HIV/AIDS
CONIN ASSOCIATES, INC.

PROJECT SUBSTANCE USE
CONIN ASSOCIATES, INC.

PROJECT MENTAL HEALTH
CONIN ASSOCIATES, INC.

PROJECT PHYSICAL HEALTH
CONIN ASSOCIATES, INC.

PROJECT CHRONIC DISEASE
CONIN ASSOCIATES, INC.

PROJECT ACUTE DISEASE
CONIN ASSOCIATES, INC.

PROJECT INJURY
CONIN ASSOCIATES, INC.

PROJECT DEATH
CONIN ASSOCIATES, INC.

PROJECT QUALITY OF LIFE
CONIN ASSOCIATES, INC.

PROJECT WELL-BEING
CONIN ASSOCIATES, INC.

PROJECT RESILIENCE
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PROJECT ADAPTABILITY
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PROJECT DREAMS
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PROJECT HOPE
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PROJECT FAITH
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PROJECT COMPASSION
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PROJECT WORSE
CONIN ASSOCIATES, INC.

PROJECT NO WORSE

June 24, 2021

FRONT ELEVATION
TEXTURED FINISH

RIGHT ELEVATION
TEXTURED FINISH

REAR ELEVATION
TEXTURED FINISH

LEFT ELEVATION
TEXTURED FINISH

STUCCO DETAIL
SCALE: 1/4" = 1'-0"

DETAILS:

- ROOF: SHINGLE ROOF
- WALLS: STUCCO (TYP)
- STONE VENEER (TYP)
- WINDOWS: 1'-0" x 1'-0" (TYP)
- DOORS: 3'-0" x 7'-0" (TYP)
- ROOF PITCH: 12/12
- EAVE: 1'-0" (TYP)
- FINISH FLOOR: 1'-0" (TYP)

DEVELOPMENT STANDARDS AND GOVERNANCE

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 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. The County may be involved in permitting driveway, signal, or roadway connections to Babcock Street.

CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

Therefore, the original and currently planned overall PUD has been creatively designed to assure a diverse mix of uses, including: residential units and styles throughout the internal areas of the development 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 2 will further refine the draft Deed restrictions during construction plan permitting 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.

Land development will be controlled via Deed Restrictions, a draft of which is submitted with this application for Final Development Plan approval with ownership and maintenance of public and private tracts shown on the preliminary plat by either the Cypress Bay West Homeowner's Association or a Community Development District. The developer intends that a Homeowner's Association would be responsible for ownership and maintenance of all tracts dedicated on the final plat as recreation, open space, landscape, and private rights-of-way. A Community Development District (CDD) will be established and provide for maintenance of all tracts on the plat designated for drainage, open space and landscape ("D"), and the publicly dedicated rights-of-way. In the event a CDD is not formed, the HOA will be responsible for all ownership and maintenance of tracts as shown on the preliminary plat that would have been under the governance of the CDD.

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 446 single family homes on lots that are on average 50' X 125' (15 of these are 50' X 120' deep) lots, and 124 Townhome units on 31 lots, along with ancillary recreation, utilities, and infrastructure.

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)

Minimum Single Family Square Footage: 1600 sf

Townhomes:

Minimum Yard Requirements (setbacks):

20' between buildings 10' side yards

Front Yard:	25 feet
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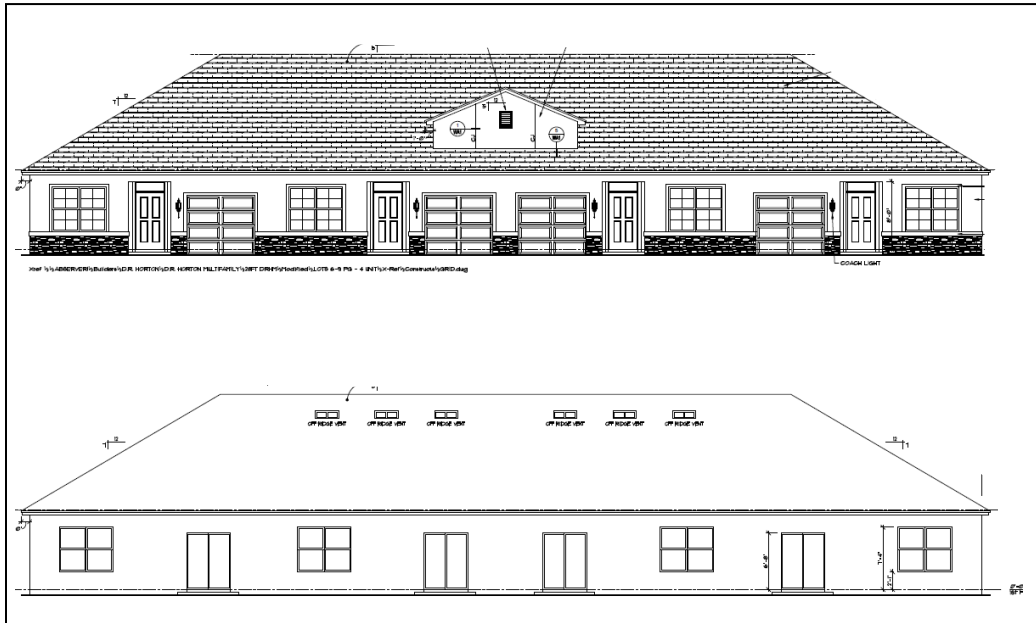
CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

Rear Yard: 20 feet
Side yard: 10 feet between buildings
Side Corner: 15 feet

Max height for structures in multi-family areas: 3 stories

Minimum Townhome Square Footage: 1500 sf

Elevation Example(subject to change, depending on prototype to be used):



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) and Gardens 1(154) are under construction. Cypress Bay West Phase 1 is undergoing construction plan review and Cypress Bay West Phase 2 is the subject of this application. Although different owners, all of these projects are similar in style, price, and lot sizes.

Homes on the Cypress Bay West Phase 2 will be a minimum of 1600 square feet. 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 Preserve (2018) to the east; the Gardens and Courtyards projects approved in 2019 and 2020. With almost 1000 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 2 will be comparable to and compatible with the remaining subdivisions with the planned development in size, scale, character, intensity, and design as well.

CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

COMFORMANCE WITH LAND DEVELOPMENT CODE (REVIEW CRITERIA)

All of the lands in Waterstone are zoned Planned Unit Development based upon the final development plans and construction of Heron Bay and Lakes of Waterstone. Pursuant to discussions with the staff, because there was already a preliminary plan approved and the zoning established, future phases of the overall project, including this proposed project, Cypress Bay West Phase 2, are eligible to simply submit for Final Development Plan approval.

This document and narrative demonstrates how the Cypress Bay West Phase 2 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 is justified under the City's Land Development Code.

The Cypress Bay West Phase 2 PUD submittal includes all the required documents and exhibits requested under the code.

To reiterate, the justification gives evidence and testimony for the Planning and Zoning Board and City Council to make findings of fact that the project deserves approval based upon the review criteria 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 2 is part of an approved project and plan that was given Planned Unit Development Zoning in 2005. The project is south 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 to the City. The Cypress Bay Preserve project's 396 homes located across Babcock Street, was approved in 2019, contains the same type of amenities and design features in varying corporate products. 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.

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

CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

original planned development, Cypress Bay West Phase 2 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 2 will meet all required agency permitting processes and procedures and create no off-site drainage issues. A master conceptual stormwater permit has been issued by the St. John's River Water Management District. Final environmental local and 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 2 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 2 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, general open space, and landscaped areas. Cypress Bay West Phase 1 has 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. Cypress Bay West Phase 2 will build upon those amenities, via location of a large community center which may include a community pool, playgrounds, gathering spaces, event lawns, tot lots, passive areas, walking trails and similar pocket parks. A Homeowners Owner's Association, Inc.' (HOA) will be responsible for operation and maintenance of the recreational 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/developer to serve the existing Cypress Bay West community will serve this project. The Cypress Bay West project will have a Community Development District (CDD) Deed restrictions, a Homeowner's Association, 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

CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

County. Brevard County is conducting a PDE for widening of the roadway. The new interchange and Parkway is open. The County is studying alternative corridor location for the extension of the SJHP westward around to Malabar road from Babcock Street. 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 2 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 2 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 2 development.

CONCLUSION

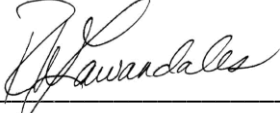
Several supporting documents are included in the Appendices and as part of the application. Exhibits required by the applications are under separate cover submitted by the Project Engineer of Record, Construction Engineering Group, Inc., Jake Wise, PD. Based upon my review of the documents, in my opinion, as a Fellow of the American Institute of Certified Planners, with 42 years of professional planning practice in the state of Florida, the proposed Cypress Bay West Phase 2 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.

CYPRESS BAY WEST PHASE 2
FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

This narrative report, to supplement the FDP application, is intended to serve as substantial competent evidence and testimony in all public hearings or proceedings related to the Cypress Bay West Phase 2 project.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Lawandales", written over a horizontal line.

Rochelle W. Lawandales, FAICP
Waterstone Development Company, LLC

MAPS AND FIGURES

MAPS

MAP A:	CYPRESS BAY WEST PHASE 2 LOCATION MAP
MAP B:	BOUNDARY SKETCH AND LEGAL
MAP C:	CITY ZONING MAP
MAP D:	ORIGINAL FINAL DEVELOPMENT PLAN FOR WATERSTONE AT PALM BAY WITH APPROXIMATE LOCATION OF CYPRESS BAY WEST PHASE 2
MAP E:	CYPRESS BAY WEST PHASE 2 FINAL DEVELOPMENT PLAN
MAP F:	CITY FUTURE LAND USE MAP
MAP G1:	ENVIRONMENTAL CONDITIONS
MAP G2:	TREE SURVEY AERIAL

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	Comprehensive Plan Wetlands Map, dated June, 2018, taken from the City of Palm Bay's website, April, 2019
FIGURE 4	Comprehensive Plan FEMA 100 Year Floodplain Map, taken from the City of Palm Bay's website, April, 2019
FIGURE 5	FORESTAR Primary Amenity Center
FIGURE 6	FORESTAR Secondary Amenity Center

APPENDICES, included and by reference:

- 1. APPROVED FINAL DEVELOPMENT PLAN 2005 ESTABLISHING ZONING**
- 2. RESUME OF ROCHELLE W. LAWANDALES, FAICP**
- 3. FULL SET OF CYPRESS BAY WEST PHASE 2 FINAL DEVELOPMENT PLAN, DATED June 1, 2001 REFERENCE**
- 4. FULL SET OF THE PRELIMINARY PLAT, HORIZON SURVEYORS, DATED June 1, 2021 BY REFERENCE**
- 5. LASSITER TRANSPORTATION GROUP, AUGUST 2017 TRAFFIC STUDY AND TRAFFIC SIGNAL WARRANT STUDY FOR BABCOCK STREET AND MARA LOMA BY REFERENCE**

Resulted in PUD Zoning
Shown on City's GIS today

2. RESUME OF ROCHELLE W. LAWANDALES, FAICP

EDUCATION

- Graduate Degree:** MASTER OF CITY AND REGIONAL PLANNING
CLEMSON UNIVERSITY, CLEMSON, S.C. 1979
- Bachelor of Arts:** SOCIOLOGY/PSYCHOLOGY
CLEMSON UNIVERSITY, CLEMSON, S.C. 1977
- Other Studies:** ALLIANCE FRANÇAISE, PARIS, FRANCE (1976)
- Certifications:** American Institute of Certified Planners
- Honors:** Inducted into the College of Fellows by the American Planning Association/American Institute of Certified Planners, 2018

EXPERIENCE

Private Consultation Service: Lawandales Planning Affiliates, Inc.,(LPA), owned by Rochelle W. Lawandales, AICP, has been serving communities and individuals with planning services since 1989, including, but not limited to:

- Local governments including, Palm Bay, Palm Shores, Melbourne Beach, Malabar, Melbourne, Fellsmere, Cocoa Beach, Satellite Beach, New Smyrna Beach, Tampa, Savannah, Georgia, South Daytona, Rockledge, Cocoa, Port Orange
- National and Local developers, including, but not limited to: American Tower Systems, a subsidiary of CBS, Inc.(site selection for telecommunication towers across Florida), Lennar Homes(zoning, land development), Mercedes Homes(zoning/land development approvals), Heritage Properties, St. Mary's Catholic Community Church(zoning/conditional use), Mattress Barn(comp plan and zoning), Boozer Properties, Plymel Realty, Charlie Boyd (zoning), FBC of Brevard(zoning), Richard Stottler d/b/a Cape Kennedy Shores, Inc., Ben Jefferies d/b/a Bayside Lakes Development Corporation, Waterstone Development Company, LLC; Mike Erdman, d/b/a as KEW, Inc., Roy Pence, Coy Clark, Centex Homes (zoning/land development), among others.
- Many noted Land Use/Real Estate Lawyers, individuals or developers who have needed expert planning services for development reviews and approvals, eminent domain, or expert witness testimony for quasi-judicial or legislative hearings. Ms. Lawandales has been certified as an expert witness in local government hearings, Circuit and District Courts in Florida, and Chapter 120 Administrative hearings.

Comprehensive and Neighborhood Planning experience includes:

- West Melbourne, Malabar, and Cocoa Comprehensive Plans
- Amendments for Melbourne Beach, Brevard County, Fellsmere, Palm Shores, South Daytona, Indian Harbor Beach, Cocoa, Palm Bay
- South Daytona Evaluation and Appraisal Report
- Neighborhood Strategic Plan for the City of Melbourne's North CDBG Target Area "Booker T. Washington Neighborhood
- Former City of Fellsmere Consulting Planner, Comprehensive Plan 2003 completion and several large scale Updates

Redevelopment, Urban Design and Historic Preservation experience includes:

- City of Titusville: Land Development Codes and Urban Design Manual with Kimley-Horn and Associates
- City of Port Orange: TDM/TSM Strategic Plan with Kimley-Horn and Associates

- City of Rockledge: Community Redevelopment Area consulting Director, 2003-2010; CRA Plan Update 2009; Redevelopment Mixed Use District-Comprehensive Plan amendment, Land Development Code amendment, and Design Manual; Barton Boulevard Streetscape design;
- City of Fellsmere: Mixed-Use District Code and Urban Design/Streetscape Concepts; Findings of Necessity and established district with the Community Redevelopment Area Plan, 2005; City Hall Master Plan; Preparing Design Manual and Streetscape Plan for downtown;
- City of Palm Bay: Bayfront Redevelopment Area projects; Waterstreet Development Master Plan, Waterstreet Strategic Funding Plan, with Brad Smith Associates; Award winning Powell Subdivision Visioning, streetscape design; Palm Bay Road streetscape; Indian River Scenic By-ways establishment and Corridor Management Plan; Design Manual/Pattern Book for urban design in CRA district
- City of Cocoa: Redevelopment Area Streetscape/Urban Design Project; Heart of Cocoa, Delannoy Avenue, and Whitley Bay; in association with Baskerville-Donovan, Inc.
- City of Melbourne: Booker T. Washington Neighborhood Strategic Plan. Redevelopment, Urban Design and Streetscape concepts; *Eau Gallie Urban Infill and Community Redevelopment Plan, Streetscape, and Urban Design Concepts; CRA Expansion-Blight Study. This project won the 2003 National APA Community Initiative Award*; Blight Study for Downtown Melbourne Area Expansion; Downtown Blight Study and Evaluation/Audit of the CRA Redevelopment Plan; Babcock Street Blight Study and first Community Redevelopment Plan, with HDR, Inc and Brad Smith Associates.
- Town of Melbourne Beach: Ocean Avenue Redevelopment, Streetscape and Design Guidelines; Ocean Avenue Traffic Light, Pavers, Colors, and Lighting Design; TEA-21 Enhancement Project Design/Streetscape Elements; Melbourne Beach Municipal Complex with Rood and Zwick, Architects in Association and Brad Smith Associates;
- City of South Daytona: Assisted in creation of redevelopment district, Redevelopment Plan and Urban Design Concepts
- City of Indian Harbor Beach: Mixed Use District Code and Urban Design/Streetscape Concepts
- City of Satellite Beach: Blight Study, creation of redevelopment district, Community Redevelopment Plan and Urban design recommendation
- Town of Palm Shores: Community Redevelopment Blight Study and Urban Design recommendations
- Harris Corporation Master Plan-a micro-"urban design" project, with Brad Smith Associates
- Cocoa Beach Redevelopment Area-SR 520 Urban Design/Beautification Project, with Brad Smith Associates
- Blight Study, Redevelopment Plan, Comprehensive Plan amendment and Land Development Code amendments for the Merritt Island Redevelopment Agency area expansion
- Conceptual redevelopment plan for the Max Brewer Causeway, part of the Titusville Redevelopment Area
- Conceptual Master Plan, Sandpoint Park, Honeycutt and Associates, part of Titusville Redevelopment Area

Historic Preservation and Main Street

- Eau Gallie Arts District (EGAD) Economic Restructuring Plan, 2012
- Henegar Center for the Arts, Building Feasibility Study for use of 1920's High School, 2008
- Melbourne Main Street Strategic Plan
- Hamilton County Main Street Historic District Survey and Recommendations, Hamilton County, Florida
- Established an Historic District for the downtown area in Cocoa (Cocoa Village) and wrote Preservation and Development Guidelines
- Secured funding, assisted in the planning and supervised the \$500,000 rehabilitation of the E.P. Porcher House, a National Register Property in Cocoa
- Drafted a Model Historic Preservation Ordinance for graduate school

Public Participation Workshop Facilitation and Visioning Processes

South Daytona, Melbourne, Melbourne Beach, Fellsmere, Zion Christian Church, Florida Air Academy, Eau Gallie, Satellite Beach, Cocoa, Palm Shores, Indian River Scenic Highway Coalition, Cocoa Beach, Rockledge,

ROCHELLE W. LAWANDALES, FAICP

Palm Bay, Melbourne Main Street, Interstate Business Park, Le Centre, Savannah, Tampa Downtown Development Authority; New Smyrna Beach Redevelopment Agency

Land Development Regulations include:

Complete Land Development Regulations for West Melbourne, Malabar, South Daytona, Fellsmere and Cocoa; and updates or changes to LDR's for Titusville(Form Based Code), Rockledge, Palm Shores, Fellsmere, Melbourne, Cocoa, Melbourne Beach, Indian Harbor Beach, and Satellite Beach. Performance Standards Zoning Code for Cocoa Redevelopment Agency, with Frielich-Leitner, Esq. Architectural and Site Design Guidelines; Recreation Impact Fee Ordinances; Performance Standards Zoning Codes; Historic Preservation Districts and Historic Preservation Land Development Code; Downtown Redevelopment Codes; Mixed-Use District Codes

Grants experience:

Successes have included Historic Preservation, Florida Communities Trust, FRDAP, FIND, FCMP, Brownfields, Enterprise Zones/Foreign Trade zone designations, for a variety of programs, services and facilities; and overall obtaining over \$5M for a variety of local or county public improvements.

Recreation projects:

Recreation master planning services have included Wabasso Causeway Park and Round Island Park with Brad Smith Associates for Indian River County; Melbourne Community Park Location and Design Study, Front Street Park, Sherwood Park and Carver Park for the City of Melbourne; City of Fellsmere Senior League, Little League Community Parks, and Grant Ave. Neighborhood Park; Waterstreet Redevelopment Plan with several Park Components for the City of Palm Bay; Westbrook Community Park for Lennar Homes; Indian River Lagoon Scenic Highway Program; Ryckman and Loggerhead Parks for the Town of Melbourne Beach; Palm Shores Shoreside Park; Sandpoint Park and Max Brewer Causeway, (Brevard County) with Honeycutt and Associates, Inc.

Public Service:

Ms. Lawandales' first 10 years of practice were spent serving the public sector:

- West Melbourne, Florida: Planning Director, 1979-1980
- Melbourne, Florida: Special Projects and Grants Administrator, 1980-1983
- Cocoa, Florida: Redevelopment Director 1986; Community Improvement Administrator, 1986-1989.

Other Employment

Since 2011, Ms. Lawandales has continued to serve as a sole proprietor planning consultant to the public and private sectors to provide expert testimony, planning consultation, code changes, and sustainability programs for various clients. In 2014, she was hired as the Professional Planner for Waterstone Development Company, LLC in Melbourne, FL.

Miscellaneous talents and experience:

- Designing, Implementing, and Directing the We Care Program for the Brevard County Medical Society, Brevard County Health Unit, and area Hospitals, which brought private medical care to the indigent of Brevard County
- Counseling for troubled youth and their families as a caseworker for Devereux Outpatient Services
- Principal for religious schools for 4 years/teacher for 13
- Adjunct Professor, Planning and Urban Design, University of Central Florida, Fall, 2004
- Coldwater Creek, Retail Sales Associate, Part time, 2005-present

Prior Affiliations:

- Florida Redevelopment Association, President, 2009-2010; Legislative Policy Committee; Board member 2006-2011; Treasurer, 2007-2008
- Florida Chapter American Planning Association: Legislative Policy Committee (almost 20 years and currently)
- American Institute of Certified Planners/American Planning Association (current)
- Florida League of Cities: Legislative Policy Committee

ROCHELLE W. LAWANDALES, FAICP

- Florida Chambers, Six Pillars Committee
- Florida League of Cities: Keys to the Cities Task Force, 2010
- Brevard Tomorrow

Previous Community Service:

- Past Chair(13 years) and Member (16 years), Satellite Beach Planning and Zoning Board
- Past Chair (4 years), Satellite Beach Community Redevelopment Agency Advisory Board,
- Past service on Melbourne's Planning and Zoning Board and Architectural Review Board
- Junior League of South Brevard, Various Executive Board, Board positions and member 19 years
- Former Chair, State Public Affairs Committee for the Junior Leagues of Florida; established the Growth Management Task Force
- Former Committee Member, Land Use and Growth Management Subcommittee, Brevard Tomorrow, Tourist Development Council Signage Committee; Landscape and Tree Preservation Ordinance, Brevard County
- Leadership Brevard 1994 Graduate



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Patrick J. Murphy, Assistant Growth Management Director

DATE: August 4, 2021

SUBJECT: CP-12-2021 - City of Palm Bay (Growth Management Department) - Property Rights Element - An amendment to the Palm Bay Comprehensive Plan to create the Property Rights Element

ATTACHMENTS:

Description

- ☐ Case CP-12-2021 - Staff Report
- ☐ Case CP-12-2021 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

CP-12-2021

PLANNING & ZONING BOARD HEARING DATE

August 4, 2021

PROPERTY OWNER & APPLICANT

City of Palm Bay, Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

The City is creating a new Comprehensive Plan Element, per the recent adoption of HB 59, called the "Property Rights Element".

Existing Zoning N/A

Existing Land Use N/A

Site Improvements N/A

Site Acreage N/A

SURROUNDING ZONING & USE OF LAND

North N/A

East N/A

South N/A

West N/A

BACKGROUND:

The comprehensive plan, also known as a general plan or a master plan, is a document designed to guide the future actions of a community. It presents a vision for the future, with long-range goals and objectives for all activities that affect the local government. The first Palm Bay Comprehensive Plan was adopted in 1981 (Ord 81-19) and was developed in compliance with Chapter 163 Florida Statutes. The elements that establish policy, were adopted via Ordinance 88-28. This Plan was then substantially revised with the current Comprehensive Plan, in 2001, via Ordinance 2001-66.

The City has made several changes and updates to this Plan over the years, mostly through the Evaluation and Approval Report (EAR) process. The City is currently embarking on another overhaul of the Comprehensive Plan to serve as a guide for effectively meeting the needs of the citizens of the City through growth management, and adoption of public policies for development items such as transportation, utilities, land use, recreation, and housing.

ANALYSIS:

This summer, the State of Florida amended the Community Planning Act to require every city and county *“to include in its comprehensive plan a property rights element.”* Florida Statutes Section 163.3177(6)(i)1. (2021). The amendment was effectuated via House Bill 59, signed into Law by the Governor, and became effective on July 1, 2021.

The bill requires a local government to adopt a property rights element by the earlier of its adoption of its next proposed plan amendment initiated after July 1st, or the next scheduled EAR Report. As the requirements of this bill would affect the City’s ability to amend its comprehensive plan, we have elected to adopt the new element now. Therefore, the city has put forth the attached language to be included in our Comprehensive Plan as “Element L”, the Property Rights Element. The amendment includes the basic text from the adopted House Bill, in conformance with what is now state law.

STAFF RECOMMENDATION:

Motion to approve Case CP-12-2021, and to transmit the request to the Department of Economic Opportunity for review, pursuant to Chapter 163, Florida Statutes.

PALM BAY COMPREHENSIVE PLAN

PROPOSED AMENDMENT

L. PROPERTY RIGHTS ELEMENT

GOAL

In accordance with the legislative intent expressed in ss. 163.3161(10) and 187.101(3), that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision-making.

OBJECTIVE:

The city will respect judicially acknowledged and constitutionally protected private property rights. To ensure these rights are protected, the following policies are established:

POLICY 1:

The right of a property owner to physically possess and control his or her interests in the property, easements, leases, or mineral rights.

POLICY 2:

The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinance.

POLICY 3:

The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

POLICY 4:

The right of a property owner to dispose of his or her property through sale or gift.



LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmabayflorida.org

**COMPREHENSIVE PLAN OR FUTURE LAND USE MAP 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. **Large Scale Amendments will require 60 days of review prior to a scheduled Planning and Zoning Board meeting.** 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 AMENDMENT TYPE:

☐

Small Scale (50 acres or Less)

☒

Text Amendment (Comp. Plan)

☐

Large Scale (More than 50 acres)

PARCEL ID(S):

N/A

TAX ACCOUNT NUMBER(S):

N/A

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):

N/A

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

N/A

**CITY OF PALM BAY, FLORIDA
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION
PAGE 2 OF 3**

LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.):

A new Comprehensive Plan element and associated language is being established.

LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE (attach additional sheets if necessary):

See attached.

PRESENT USE OF PROPERTY:

N/A

STRUCTURES LOCATED ON THE PROPERTY: N/A

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: N/A

JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary):

Florida House Bill 59 requires a Property Rights Element to be established within the Comprehensive Plan.

SPECIFIC USE INTENDED FOR PROPERTY:

N/A

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

☐

*Application Fee. Make Check payable to "City of Palm Bay."

☐

\$1,200.00 - Small Scale (50 acres or Less)

☐

\$2,000.00 - Large Scale (More than 50 acres)

☐

\$2,000.00 - Text Amendment (Comp. Plan)

CITY OF PALM BAY, FLORIDA

COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

PAGE 3 OF 3

- ☐ Legal description of the subject property with a sketch of the legal. **Also provide the site sketch on Memory Drive.**
- ☐ 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.)
- ☐ School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.
- ☐ Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guideline. Staff will provide a sign template.
- ☐ **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 _____

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 COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Owner Signature Patrick J. Murphy **Date** 07/20/2021

Printed Name Patrick J. Murphy, Assistant Growth Management Director

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

Telephone (321) 733-3042 **Email** patrick.murphy@palmbayflorida.org

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