



# **AGENDA**

## **PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY**

Special Meeting 2021-13

November 15, 2021 - 6:00 PM

City Hall Council Chambers, 120 Malabar Road SE

### **CALL TO ORDER:**

### **PLEDGE OF ALLEGIANCE:**

### **ROLL CALL:**

### **ANNOUNCEMENTS:**

### **OLD/UNFINISHED BUSINESS:**

1. **CP-14-2021 - Palm Vista at Everlands Phase II - Greg Pettibon, Lennar Homes, LLC (Scott Glaubitz, P.E., P.L.S. or assignee, BSE Consultants, Inc., Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use and Single-Family Residential Use to Multiple-Family Residential Use and Single-Family Residential Use. Part of Tax Parcel 1 and Tax Parcel 252, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 26.67 acres. In the vicinity east of St. Johns Heritage Parkway NW and north of Emerson Drive NW**
2. **\*\*PD-49-2021 - Palm Vista at Everlands Phase II - Greg Pettibon, Lennar Homes, LLC (Scott Glaubitz, P.E., P.L.S. or assignee, BSE Consultants, Inc., Rep.) - Preliminary Development Plan for a PUD to allow a 638-unit residential development called Palm Vista at Everlands Phase II. Part of Tax Parcel 1 and all of Tax Parcel 252, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 158.69 acres. East of and adjacent to St. Johns Heritage Parkway NW, and north of Emerson Drive NW**

### **NEW BUSINESS:**

1. **\*\*CU-42-2021 - Wal-Mart MFC Warehouse Extension - Wal-Mart Stores East LP (Andrew J. Petersen, Rep.) - Amendment to an existing Conditional Use to allow an automated warehouse facility. Lot 1, Wal-Mart at Palm Bay, Section 5, Township 29, Range 37, Brevard County, Florida, containing approximately 28.97 acres. South of and adjacent to Malabar Road SE, in the vicinity east of Corporate Way SE, specifically at 1040 Malabar Road SE**
2. **\*\*Z-45-2021 - Palm Bay Storage - Roth Freedom 2010 LLC and Linda N. Shah (Nathan Lee, Kimley-Horn, Rep.) - Zoning change from a CC, Community Commercial District to a GC, General Commercial District. Tax Parcel 12, Section 9, Township 29, Range 37,**

Brevard County, Florida, containing approximately 6.28 acres. West of and adjacent to Babcock Street SE, in the vicinity south of Foundation Park Boulevard SE

3. **\*\*CU-46-2021 - Giant Recreation World - Joe McNamara, Recreation World, Inc. (David Tom, P.E, Construction Engineering Group, LLC, Rep.) - Amendment to an existing Conditional Use to allow a proposed RV detail shop and customer delivery building. Part of Tract A, Port Malabar Unit 21 Second Replat, Section 19, Township 28, Range 37, Brevard County, Florida, containing approximately 4.06 acres. East of and adjacent to Culver Drive NE, in the vicinity north and south of Centre Lake Drive NE, specifically at 1355 Culver Drive NE**
4. **\*\*FD-47-2021 - Gardens at Waterstone Phase III - Benjamin E. Jefferies, Waterstone Farms, LLC (Jake Wise, P.E., P. Michael Evans, Rochelle W. Lawandales, FAICP, Reps.) - Final Development Plan to allow a proposed PUD for a 171-unit residential development called Gardens at Waterstone Phase III. Part of Tract 1, San Sebastian Farms, Section 5, Township 30, Range 37, Brevard County, Florida, containing approximately 47.99 acres. In the vicinity west of Mara Loma Boulevard SE and south of Melbourne Tillman Water Control District Canal 38**
5. **CP-13-2021 - Jupiter Bay - Gregory Sachs, Sachs Capital Group, LP and Gerald Lakin, Identical Investments, LLC (Bruce Moia, P.E. and David Bassford, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorneys at Law, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Single-Family Residential Use to Mixed Use. Tax Parcels 750 and 751, along with Tract K of Port Malabar Unit 10, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 23.86 acres. Southwest corner of Jupiter Boulevard SE and Brevard Avenue SE**
6. **\*\*PD-48-2021 - Jupiter Bay - Gregory Sachs, Sachs Capital Group, LP and Gerald Lakin, Identical Investments, LLC (Bruce Moia, P.E. and David Bassford, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorneys at Law, Reps.) - Preliminary Development Plan to allow a proposed PUD for a 179-unit mixed use development called Jupiter Bay. Tax Parcels 750 and 751, along with Tract K of Port Malabar Unit 10, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 23.86 acres. Southwest corner of Jupiter Boulevard SE and Brevard Avenue SE**
7. **CP-17-2021 - The Landings at Bayside - John G. Noonan, Bishop, Signatory Diocese of Orlando (David Bassford, MBV Engineering, Inc. and Chip Bryan, Condev Properties, LLC, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Multiple Family Residential Use. Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21.00 acres. Southwest corner of Cogan Drive SE and Osmosis Drive SE**
8. **\*\*PD-50-2021 - The Landings at Bayside - John G. Noonan, Bishop, Signatory Diocese of Orlando (David Bassford, MBV Engineering, Inc. and Chip Bryan, Condev Properties, LLC, Reps.) - Preliminary Development Plan to allow a proposed PUD for a 123-unit residential development called The Landings at Bayside. Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21.00 acres. Southwest corner of Cogan Drive SE and Osmosis Drive SE**
9. **CP-18-2021 - Malabar Storage - Willard Palmer (Scott M. Glaubitz, P.E., P.L.S. or assignee, BSE Consultants, Inc., Rep.) - A small-scale Comprehensive Plan Future**



**Land Use Map amendment from Parkway Flex Use to Commercial Use. Tax Parcel 750, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 9.75 acres. North of and adjacent to Malabar Road SW, in the vicinity west of St. Johns Heritage Parkway NW**

10. **\*\*CPZ-18-2021 - Malabar Storage - Willard Palmer (Scott M. Glaubitz, P.E., P.L.S. or assignee, BSE Consultants, Inc., Rep.) - Zoning amendment from a PMU, Parkway Mixed Use District to a CC, Community Commercial District. Tax Parcel 750, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 9.75 acres. North of and adjacent to Malabar Road SW, in the vicinity west of St. Johns Heritage Parkway NW**

## **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

**TO:** Planning and Zoning Board Members

**FROM:** Christopher Balter, Senior Planner

**DATE:** November 15, 2021

**SUBJECT:** CP-14-2021 - Palm Vista at Everlands Phase II - Greg Pettibon, Lennar Homes, LLC (Scott Glaubitz, P.E., P.L.S. or assignee, BSE Consultants, Inc., Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use and Single-Family Residential Use to Multiple-Family Residential Use and Single-Family Residential Use. Part of Tax Parcel 1 and Tax Parcel 252, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 26.67 acres. In the vicinity east of St. Johns Heritage Parkway NW and north of Emerson Drive NW

### ATTACHMENTS:

#### Description

- ▣ Case CP-14-2021 - Staff Report
- ▣ Case CP-14-2021 - Application
- ▣ Case CP-14-2021 - Legal-Sketch - North Parcel
- ▣ Case CP-14-2021 - Legal-Sketch - South Parcel



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Christopher Balter, Senior Planner

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#### CASE NUMBER

CP-14-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 3, 2021

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#### PROPERTY OWNER & APPLICANT

Heritage Pkwy East Holdings, LLC AKA  
Lennar Homes, LLC  
(Represented by BSE Consultants, Inc.)

#### PROPERTY LOCATION/ADDRESS

Part of Tax Parcel 1 and Tax Parcel 252, Section 21,  
Township 28, Range 36, Brevard County, Florida

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#### SUMMARY OF REQUEST

The applicant is requesting a small-scale Comprehensive Plan Future Land Use (FLU) Map Amendment to change 26.67 acres of vacant land from ROS, Recreation and Open Space Use and SFR, Single Family Residential Use to MFR, Multiple-Family Residential Use and SFR, Single Family Use for Lennar Homes to develop the property with a mixed unit development.

#### Existing Zoning

AU, Agricultural Use (County Zoning)

#### Existing Land Use

Single-Family Residential Use and Recreation and Open Space Use

#### Site Improvements

Undeveloped Land

#### Site Acreage

26.67 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

AEU, Agricultural Estate Use (Melbourne); Undeveloped Land

##### East

Melbourne-Tillman Canal Number 59

##### South

Emerson Drive NW

##### West

St. Johns Heritage Parkway NW

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**BACKGROUND:**

The subject property is located east of St. Johns Heritage Parkway NW and north of Emerson Drive NW. Specifically a portion of Tax 1 and Tax Parcel 252, Section 21, Township 28, Range 36, of Brevard County Florida. This Comprehensive Plan Future Land Use (FLU) Map request includes approximately 26.67 acres of land.

In 2003 and 2004 the subject property was annexed into the City via 2004-37 totaling 584.65 acres. The Future Land Use Map was amended to include the "Palm Vista" property through Ordinances 2004-54. In addition, two small-scale amendments were adopted through Ordinances 2006-33 and 2006-34 modifying the approval occurring through Ordinance 2004-54 by adding commercial parcels. The ordinances established land use categories on the property for Single Family Residential Use, Commercial Use, Multiple Family Residential Use, and Recreation and Open Space Use. In 2016 site-specific conditions were amended to allow for a maximum of 4,000 residential units which stated that they could be placed on the lands of "Palm Vista." In 2019, FD-28-2019 was approved for a 162-lot subdivision called Palm Vista Everlands, which is currently under construction. The total entitlements encumbered out of 4000 units are as follows: 162 units for Palm Vista Everlands.

**ANALYSIS:**

Per Chapter 183: Comprehensive Plan Regulations; Section 183.01(B), the purpose and intent of the Comprehensive Plan is to encourage the most appropriate use of land and resources to promote the health, safety, and welfare of the community.

**1. FUTURE LAND USE ELEMENT**

The Comprehensive Plan (Plan) FLU Element Goal FLU-1 is to ensure a high-quality, diversified living environment through the efficient distribution of compatible land uses.

The Comprehensive Plan (Plan) FLU Element Goal FLU-2 is to provide for and maintain viable neighborhoods and residential development to meet the existing and future needs of the residents of Palm Bay.

The Comprehensive Plan (Plan) FLU Element Goal FLU-8 is to provide for a diverse and self-sustaining pattern of land uses that supports the present and future population of the City of Palm Bay.

The Comprehensive Plan (Plan) FLU Element Goal FLU-9 is to create large-scale, sustainable mixed-use communities.

The Multiple Family Residential (MFR) Use future land use category allows for a maximum residential density of 20 units per acre (UPA), with a range of 0-20 UPA. Typical uses allowed

include single-family homes, duplexes, multi-family units, congregate living units, recreational uses, and institutional uses such as schools, churches, and utilities.

A companion rezoning request (PD-49-2021) has been applied for and the applicant is requesting the PUD zoning district be applied to the parcel. The provisions of the Preliminary Development Plan submitted will only permit a maximum overall of 4.02 UPA. This would result in no more than 638 units.

## 2. COASTAL MANAGEMENT ELEMENT

The subject property is not located within the Coastal Management Area.

## 3. CONSERVATION ELEMENT

The subject property is not located within any of the Florida scrub-jay polygons identified in the City's Habitat Conservation Plan (HCP). No other protected species are known to inhabit the subject property. Any protected species that would be found on the subject property would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.7B.

**Recreation:** The proposed FLU amendment would increase the demand for recreation services as compared to the existing land use. However, the requested use would not exceed the existing parkland or recreational level of service standards for the planning area. It shall be noted that the Recreation and Open Space Element of the City's Comprehensive Plan sets a LOS Standard of 2 acres per 1,000 residents. The city maintains public ownership of park-designated lands that far exceed this requirement.

## 4. HOUSING ELEMENT

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the City. Instead, it will serve to create additional multi-family housing opportunities needed in Palm Bay.

## 5. INFRASTRUCTURE ELEMENT

The City evaluates present and future water, sewer, drainage, and solid waste and assesses the ability of infrastructure to support development.

**Utilities:** The FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. Public water and sewerage facilities are available at the site. If developed, the owner/developer will be responsible for extending service to the site in accordance with current City regulations.

**Drainage:** If developed, a drainage plan must be prepared in accordance with current regulations and approved by the City, along with appropriate outside agencies, including the St. Johns River Water Management District. Any proposed stormwater management system will be reviewed and approved by the City during the administrative construction plan review process.

## 6. INTERGOVERNMENTAL COORDINATION ELEMENT

**Public Schools:** The proposed FLU amendment to Multiple-Family Use will add housing units. Some impacts to the public-school system area are anticipated; however, considering the adjacent concurrency service areas, there is sufficient capacity.

## 7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community. If developed, a traffic impact analysis will be required to determine any negative impacts on the existing transportation system along with any suggested improvements, which will be taken under consideration during the administrative construction plan review process.

## 8. PROPERTY RIGHTS ELEMENT

The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights.

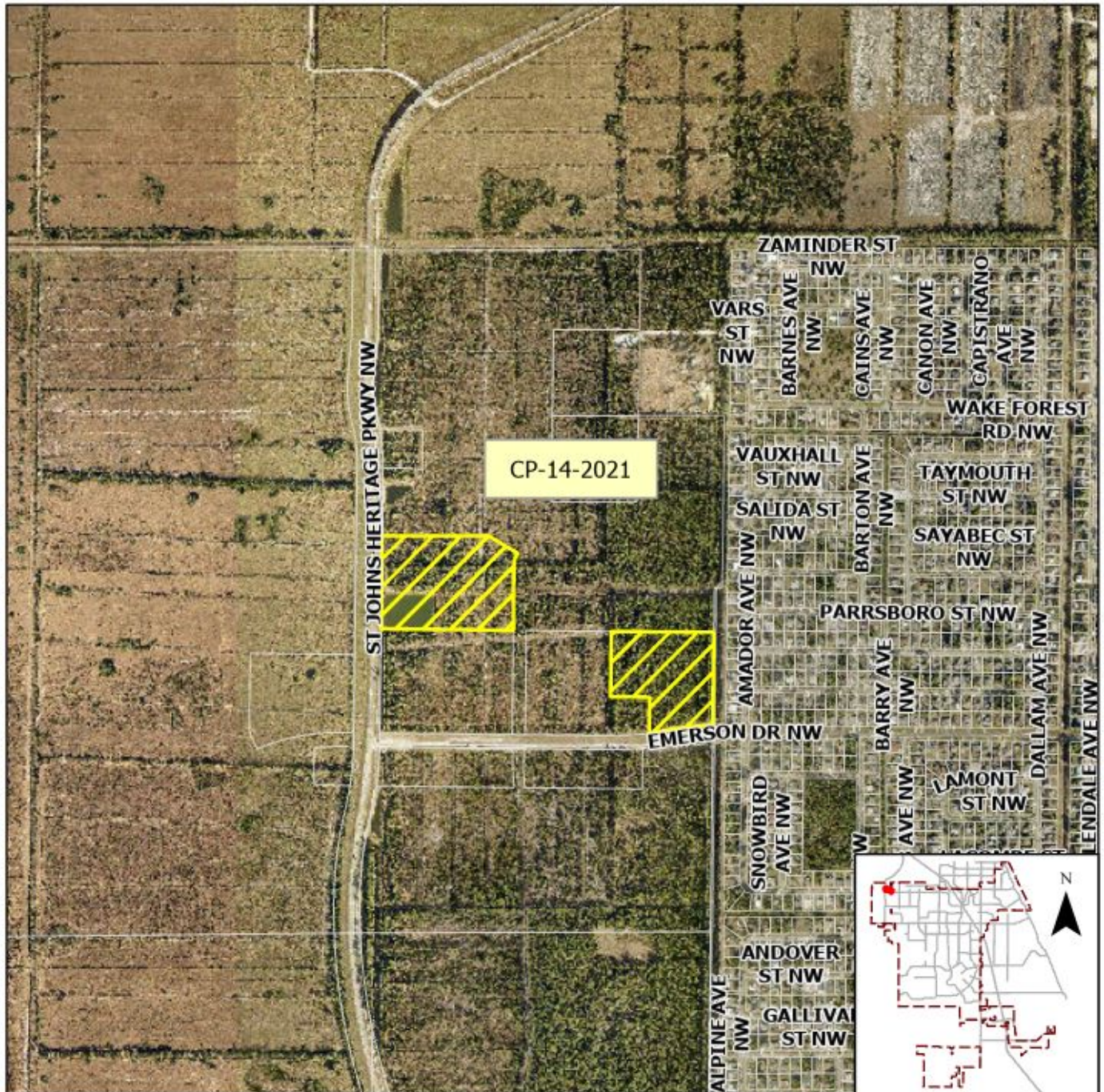
This proposed land use change does not appear to infringe upon the property rights of the applicant.

## **STAFF RECOMMENDATION:**

Case CP-14-2021 is recommended for approval.



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



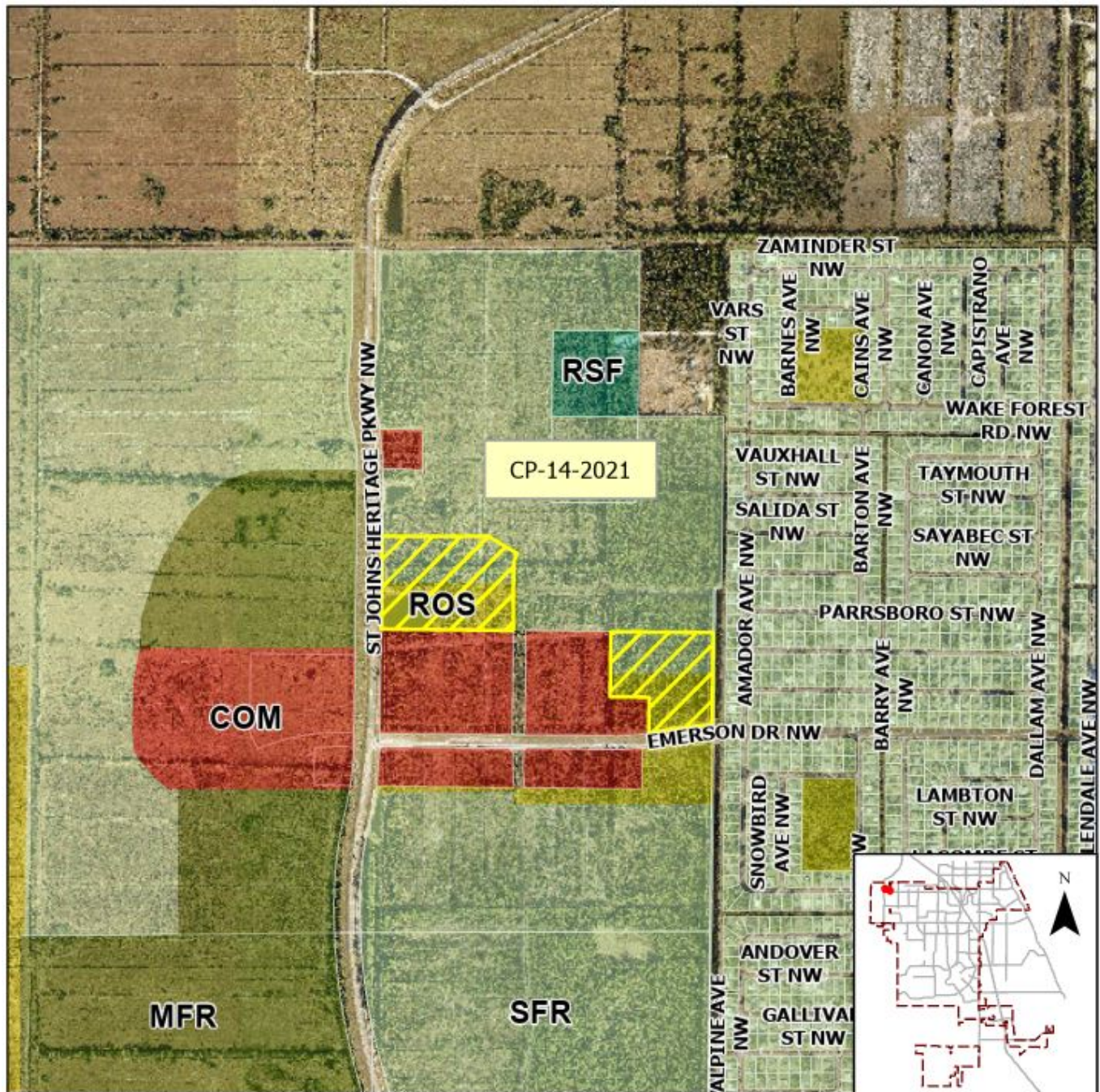
## AERIAL LOCATION MAP CASE: CP-14-2021

### Subject Property

In the vicinity east of St. Johns Heritage Parkway NW and north of Emerson Drive 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: CP-14-2021**

### Subject Property

In the vicinity east of St. Johns Heritage Parkway NW and north of Emerson Drive NW

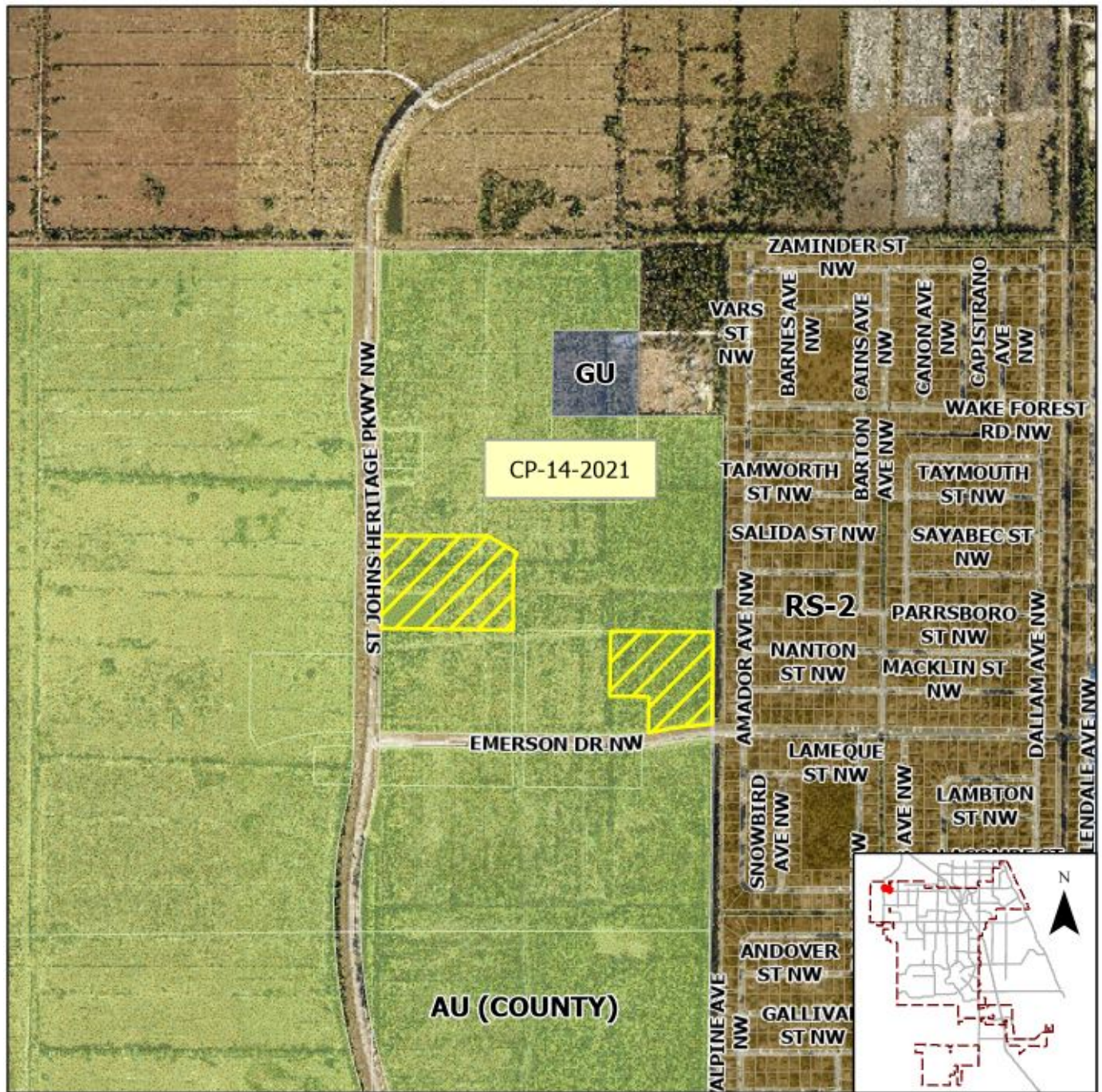
### Future Land Use Classification

ROS, SFR – Residential Open Space Use, 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: CP-14-2021

### Subject Property

In the vicinity east of St. Johns Heritage Parkway NW and north of Emerson Drive NW

### Current Zoning Classification

AU (COUNTY) – Agricultural Residential (COUNTY)



## LAND DEVELOPMENT DIVISION

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

[Landdevelopmentweb@palmbayflorida.org](mailto:Landdevelopmentweb@palmbayflorida.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** (Less than 10 acres)

**Text Amendment** (Comp. Plan)

**Large Scale** (10 acres or more)

### PARCEL ID(S):

### TAX ACCOUNT NUMBER(S):

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

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

**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.):**

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

**PRESENT USE OF PROPERTY:**

**STRUCTURES LOCATED ON THE PROPERTY:**

**REZONING FILED IN CONJUNCTION WITH THIS APPLICATION:**

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

**SPECIFIC USE INTENDED FOR PROPERTY:**

**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** (Less than 10 acres)

**\$2,000.00 - Large Scale** (10 acres or more)

**\$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

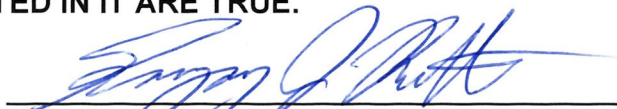
- ☒ Boundary Survey for land use amendments.
- ☒ Sketch with legal descriptions of properties covered by this application for land use amendments.
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the 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** Scott M. Glaubitz, P.E., P.L.S.,(or assigned BSE 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**



**Date**

6-25-21

**Printed Name**

Greg Pettibon, Senior Development Manager, Lennar Homes, LLC

**Full Address**

8895 N. Military Trail Suite 101-B, Palm Beach Gardens, FL 33410

**Telephone**

561-345-6704

**Email**

Greg.Pettibon@Lennar.com

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

June 25, 2021

Re: Letter of Authorization

**As the property owner of the site legally described as:**

Refer to attached legal description.

I, Owner Name: Greg Pettibon, Senior Development Manager, Lennar Homes, LLC

Address: 8895 N. Military Trail Suite 101-B, Palm Beach Gardens, FL 33410

Telephone: 561-345-6704

Email: Greg.Pettibon@Lennar.com

**hereby authorize:** Scott M. Glaubitz, P.E., P.L.S., President (or assigned BSE Representative), B.S.E. Consultants, Inc.

Address: 312 South Harbor City Blvd., Suite 4 Melbourne, FL 32901

Telephone: 321-725-3674

Email: info@bseconsult.com

**to represent the request(s) for:**

NE Quadrant of Everlands

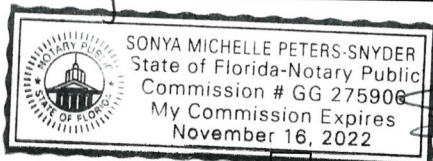
  
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25<sup>th</sup> day of June, 2021 by

Greg Pettibon, property owner.



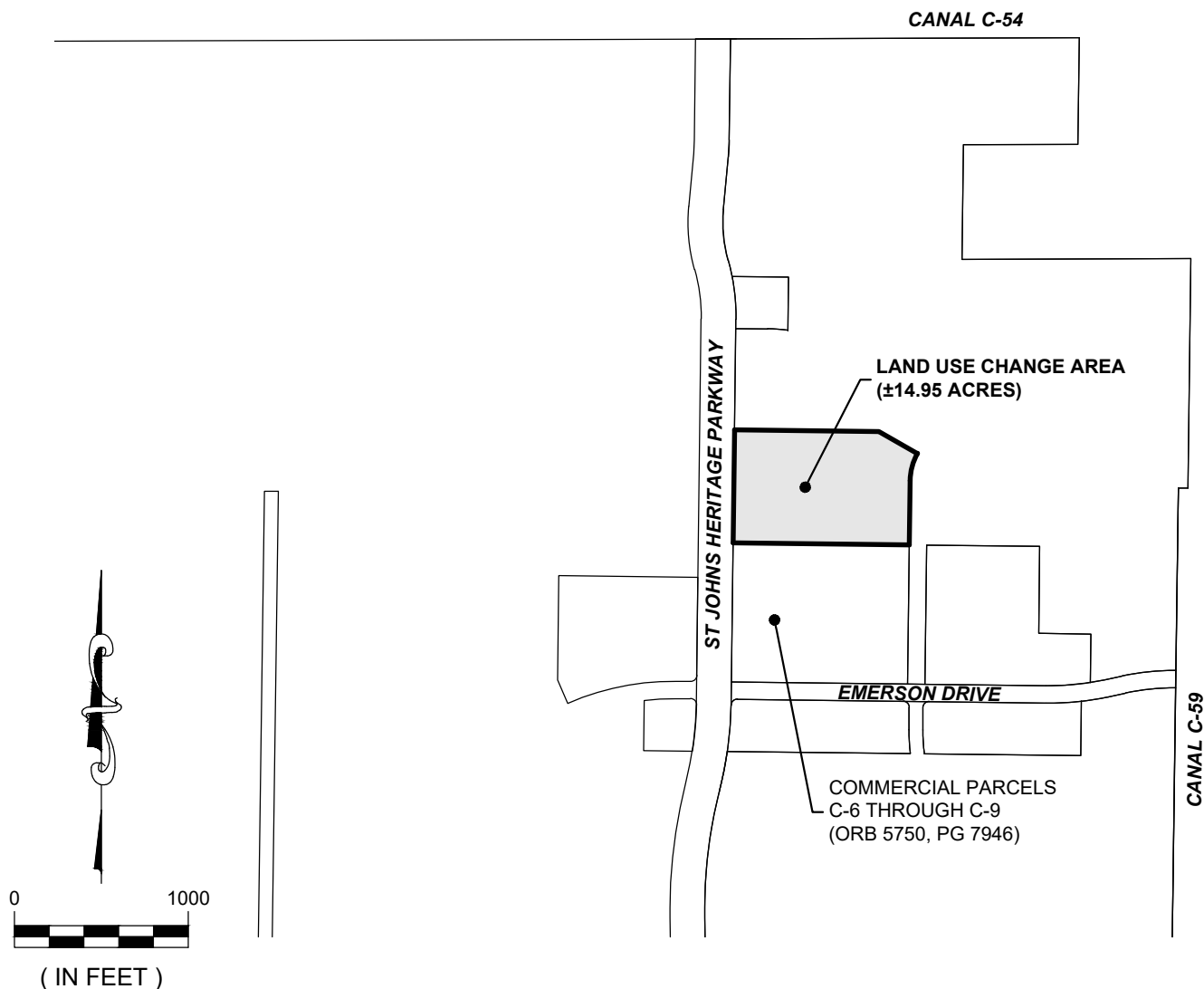
☒ Personally Known or ☐ Produced the Following Type of Identification:

Sonya Michelle Peters-Snyder, Notary Public

## LAND USE CHANGE AREA

PART OF THOSE LANDS LYING NORTH OF EMERSON DRIVE, EAST OF ST JOHNS HERITAGE PARKWAY, SOUTH OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-54, AND WEST OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, LYING AND BEING IN SECTION 21, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF COMMERCIAL PARCELS C-6 THROUGH C-9, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN N89°19'54"W, ALONG THE NORTH LINE OF SAID COMMERCIAL PARCELS C-6 THROUGH C-9 A DISTANCE OF 1013.64 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID ST JOHNS HERITAGE PARKWAY (A 200.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 7491, PAGE 1713, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA); THENCE N00°43'0"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 650.10 FEET; THENCE S89°17'00"E A DISTANCE OF 829.96; THENCE S60°25'16"E A DISTANCE OF 255.47 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 325.00 FEET, A CENTRAL ANGLE OF 28°54'38", A CHORD LENGTH OF 162.25 FEET AND A CHORD BEARING OF S15°07'25"W), A DISTANCE OF 163.99 FEET TO THE END OF SAID CURVE; THENCE S00°40'06"W A DISTANCE OF 368.77 FEET TO THE POINT OF BEGINNING. CONTAINING 14.95 ACRES, MORE OR LESS.



LESLIE E. HOWARD  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA LICENSE NUMBER 5611



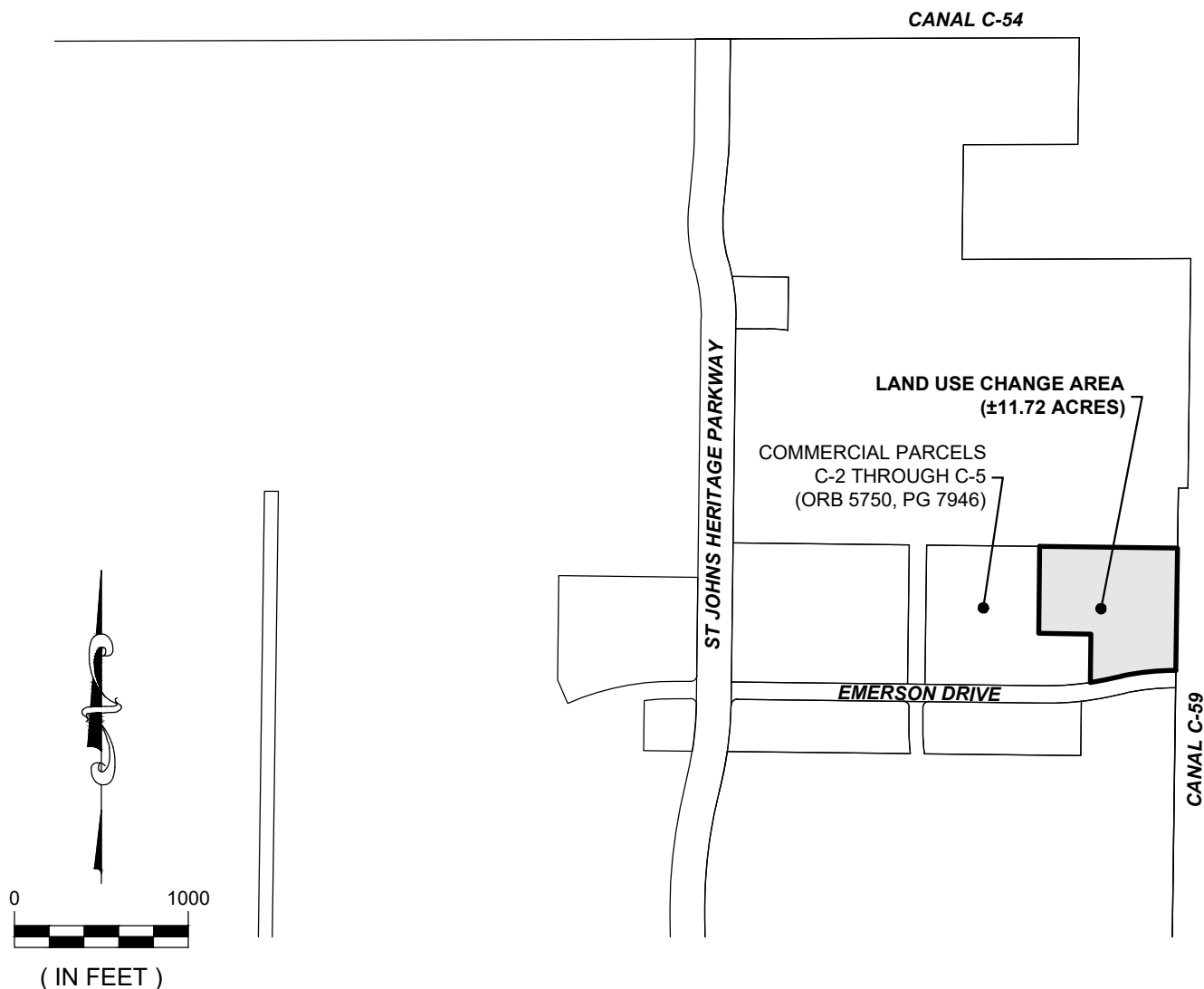
**B.S.E. CONSULTANTS, INC.**  
CONSULTING - ENGINEERING - LAND SURVEYING  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901  
PHONE: (321) 725-3674 FAX: (321) 723-1159  
CERTIFICATE OF BUSINESS AUTHORIZATION: 4905  
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 06/01/2021  
DESIGN/DRAWN: ALS/DRB  
DRAWING# 10860700\_100\_002  
PROJECT# 10860.700  
SHEET 1 OF 1

## LAND USE CHANGE AREA

PART OF THOSE LANDS LYING NORTH OF EMERSON DRIVE, EAST OF ST JOHNS HERITAGE PARKWAY, SOUTH OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-54, AND WEST OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59, LYING AND BEING IN SECTION 21, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID EMERSON DRIVE, (A 100.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 6149, PAGE 2602, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), AND RUN WESTERLY ALONG THE CURVED NORTH RIGHT-OF-WAY LINE OF SAID EMERSON DRIVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1490.00 FEET, A CENTRAL ANGLE OF 12°01'04", A CHORD LENGTH OF 311.95 FEET AND A CHORD BEARING OF S84°06'13"W), A DISTANCE OF 312.53 FEET TO THE END OF SAID CURVE; THENCE S78°05'41"W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 102.96 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1550.00 FEET, A CENTRAL ANGLE OF 03°03'55", A CHORD LENGTH OF 82.91 FEET AND A CHORD BEARING OF S79°37'38"W), A DISTANCE OF 82.92 FEET TO THE SOUTHEAST CORNER OF COMMERCIAL PARCELS C-2 THROUGH C-5, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF SAID COMMERCIAL PARCELS C-2 THROUGH C-5 THE FOLLOWING (3) THREE COURSES AND DISTANCES; 1) N00°40'06"W A DISTANCE OF 278.70 FEET; 2) N89°19'54"W A DISTANCE OF 300.00 FEET; 3) N00°40'06"W A DISTANCE OF 500.00 FEET TO THE NORTHEAST CORNER OF SAID COMMERCIAL PARCELS C-2 THROUGH C-5; THENCE S89°19'54"E A DISTANCE OF 792.85 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL C-59; THENCE S00°45'20"W ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 704.75 FEET TO THE POINT OF BEGINNING. CONTAINING 11.72 ACRES, MORE OR LESS.



### B.S.E. CONSULTANTS, INC.

CONSULTING - ENGINEERING - LAND SURVEYING  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901  
PHONE: (321) 725-3674 FAX: (321) 723-1159  
CERTIFICATE OF BUSINESS AUTHORIZATION: 4905  
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 06/01/2021  
DESIGN/DRAWN: ALS/DRB  
DRAWING# 10860700\_100\_001  
PROJECT# 10860.700  
SHEET 1 OF 1

LESLIE E. HOWARD  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA LICENSE NUMBER 5611





## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Christopher Balter, Senior Planner

**DATE:** November 15, 2021

**SUBJECT:** \*\*PD-49-2021 - Palm Vista at Everlands Phase II - Greg Pettibon, Lennar Homes, LLC (Scott Glaubitz, P.E., P.L.S. or assignee, BSE Consultants, Inc., Rep.) - Preliminary Development Plan for a PUD to allow a 638-unit residential development called Palm Vista at Everlands Phase II. Part of Tax Parcel 1 and all of Tax Parcel 252, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 158.69 acres. East of and adjacent to St. Johns Heritage Parkway NW, and north of Emerson Drive NW

♣Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ▢ Case PD-49-2021 - Staff Report
- ▢ Case PD-49-2021 - Preliminary Development Plan
- ▢ Case PD-49-2021 - Application
- ▢ Case PD-49-2021 - Location Map
- ▢ Case PD-49-2021 - Boundary Survey
- ▢ Case PD-49-2021 - Narrative
- ▢ Case PD-49-2021 - Traffic Statement





# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Christopher Balter, Senior Planner

---

#### CASE NUMBER

PD-49-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 3, 2021

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#### PROPERTY OWNER & APPLICANT

Heritage Pkwy East Holdings, LLC AKA  
Lennar Homes, LLC (Represented by BSE  
Consultants, Inc)

#### PROPERTY LOCATION/ADDRESS

Part of Tax Parcel 1 and Tax Parcel 252, Section 21,  
Township 28, Range 36, Brevard County, Florida

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#### SUMMARY OF REQUEST

Preliminary Development Plan approval for a 638-unit residential subdivision to be known as Palm Vista at Everlands PUD Phase II.

##### Existing Zoning

AU, Agricultural Residential (County Zoning)

##### Existing Land Use

Single-Family Residential and Recreation and Open Space Use

##### Site Improvements

Undeveloped Land

##### Site Acreage

158.69 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

AEU, Agricultural Estate Use (Melbourne); Undeveloped Land

##### East

Melbourne-Tillman Canal Number 59

##### South

Emerson Drive NW

##### West

St. Johns Heritage Parkway NW

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#### COMPREHENSIVE PLAN COMPATIBILITY

Future land use designations of the subject parcels are proposed as a mix of Single-Family Residential Use and Multiple Family Residential Use. A mixed unit development is compliant with Comprehensive Plan goals and policies. The proposed density is 4.02 units per acre, which is below the maximum density defined in the Comprehensive Plan for Single-Family Residential Use up to (5 units per acre and Multiple Family Residential 20 units per acres.)

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**BACKGROUND:**

The subject properties are located east of St. Johns Heritage Parkway NW and north of Emerson Drive NW. Specifically a portion of Tax 1 and Tax Parcel 252, Section 21, Township 28, Range 36, of Brevard County Florida. This Preliminary Planned Unit Development request includes approximately 158.69 acres of land.

**ANALYSIS:**

The applicant is requesting Preliminary Development Plan (PDP) approval for a Planned Unit Development (PUD), to construct a single-family residential subdivision called Palm Vista at Everlands Phase II. 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 PDP proposes 398 single-family residential homes, and 240 multiple-family units, all age-restricted. It is proposed that the development will be constructed in multiple phases. Per the PDP, the lot sizes for the single-family residential parcels will vary from 40', to 50' wide. The development will consist of two entrances; each along the St. John Heritage Parkway NW and Emerson Drive NW. The development will include an active amenity center, passive recreation areas, and stormwater management ponds.

**CONDITIONS:**

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

- A preliminary subdivision plat and a boundary & title opinion.
- Deed restrictions establishing development standards.
- The amenities will need to be shown on the Final Development Plan.
- A School Capacity Determination Letter from Brevard County Schools.
- This project will be required to pay its Proportionate Fair Share costs to off-set the impacts of this development on the surrounding road network.
- The technical comments generated by the Development Review Staff (attached) shall be observed and incorporated into the FDP and construction drawings.

**STAFF RECOMMENDATION:**

Case PD-49-2021 is recommended for approval, subject to the staff comments contained in this report.

## **TECHNICAL COMMENTS**

### **CASE PD-49-2021 – PALM VISTA AT EVERLANDS PHASE II PUD**

#### **PUBILC WORKS (Natalie Shaber, PE, Engineer II):**

##### Engineering Comments:

1. CH 174 City Code of Ordinances and Ch 62-330 F.A.C. design and performance criteria shall be met.
2. PW Staff reserves to the right to make specific comments that may impact the conceptual layout of the project during the administrative site plan approval process.
3. All City Code of Ordinances regarding right-of-way construction shall be met.
4. The subdivision, and all facilities and and amenities shall be private unless the request process per Chapter 182 of the City's Code of Ordinances is followed.
5. A stormwater review fee is required by the second site plan review.
6. On site engineering inspection fees would be required in the amount of 1.5% of the total cost of on site public improvements.
7. Off site engineering inspection fees would be required in the amount of 0.5% of the total cost of on site public improvements.
8. A signed and sealed engineer's opinion of cost for on site and a separate for off site improvements would be required for review and acceptance when the site plan is at 90% completion.
9. More detail would be required on the western entrance from the Parkway as it currently does not appear to meet City geometric standards.

##### Traffic Comments:

- A comprehensive Traffic Impact Study will be required including all surrounding development in construction including the development to the north at the 1-92 and the Parkway intersection.
- A traffic signal warrant study and turn lanes would be required on the SJHP and Emerson Dr.

##### Survey Comments:

A detailed and current boundary and topographic survey and preliminary plat will be required prior to approval of the site plan.

**UTILITIES (Christopher Little, PE, Utilities Director):**

The Utilities Department has no objection to the proposed 649 single family residential and 230 multi family residential units PUD.

Upon development of the site, the following shall apply for connection to the City's water and sewer utilities system:

1. The applicant/owner, at their expense, will be required to design, permit, install, inspect and test water & sewer systems of adequate size to accommodate the development and to connect to the City's water & sewer system. [Section 200.11(D)(1) - On-Site Facilities].
2. The applicant/owner may be required to extend and/or loop service from the existing water and sewer connection points [Section 200.11(D)(2) -Off-Site Facilities].
3. The applicant/owner will be responsible for the property's hydraulic share for the utilities. Oversizing of utilities at the request of the Utilities Department will be subject to a refunding agreement or refundable advance [Section 200.1(D) and (E)]. The City of Palm Bay's 2017 Wastewater Master Plan & 2017 Water Master Plan, both of which are available upon request, identify proposed mainline extensions with the City's current pipe sizing requirements.
4. A City of Palm Bay "Utility Agreement" shall be executed between the Property Owner and the City. All Utility impact/connection charges noted in the "Utility Agreement" must be paid as outlined in the terms and conditions of the Utility Agreement. All fees are subject to change annually on October 1. The Property Owner shall submit a certified copy of the property deed as verification of ownership as part of the Utility Agreement.
5. All utility construction, materials, and testing shall be in accordance with the latest revision of the Palm Bay Utility Department Policies, Procedures and Standards Handbook and the Standard Detail Drawings. Prior to any construction, all required FDEP Permit applications for the Water and Sanitary Sewer Construction shall be processed through and copied of the Permits filled with the Utilities Department.

**BUILDING-FIRE (Michael Bloom, CFPS, Fire Plans Examiner):**

1. Subdivisions shall meet all requirements of the currently adopted Florida Fire Prevention Code (FFPC) 7th edition, Florida Administrative Code (FAC) Florida State Statute (FSS) and City of Palm Bay Ordinances (COPBO).
2. (FFPC 1:18.4.5.1.1) The minimum fire flow and flow duration requirements for one- and two-family dwellings having a fire flow area that does not exceed 5000 ft<sup>2</sup>(464.5 m<sup>2</sup>) shall be 1000 gpm (3785 L/min) for 1 hour.
3. (FFPC 1-18.4.5.2.1) Fire flow and flow duration for one- and two-family dwellings having a fire flow area in excess of 5000 ft.<sup>2</sup> (334.5 m<sup>2</sup>) shall not be less than that specified in Table 18-4.5.1.2.

4. Townhouses shall meet all requirements of (FSS 481.203(16)) or they shall be protected by a fire sprinkler system per FFPC and COPBO.
5. (FFPC 1-18.2.2.2) The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system. All motorized gates shall include a Click to Enter System or a Siren Operated Switch and Knox Key Switch backup. All manual gates shall have a Knox Padlock. Order Knox products at [knoxbox.com](http://knoxbox.com). Indicate the gates shall have a minimum clear width of 14 feet.

**BUILDING-FLOODZONE (James Williams, CFM, Floodplain Coordinator):**

The City will require an approved FEMA Conditional Letter of Map Revision and then an approved Letter of Map Revision (FEMA CLOMR/LOMR) for this project.

These policies are outlined specifically in Ord. 174.005 (C) (2) “require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source” and also 174.005 (C)( 4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

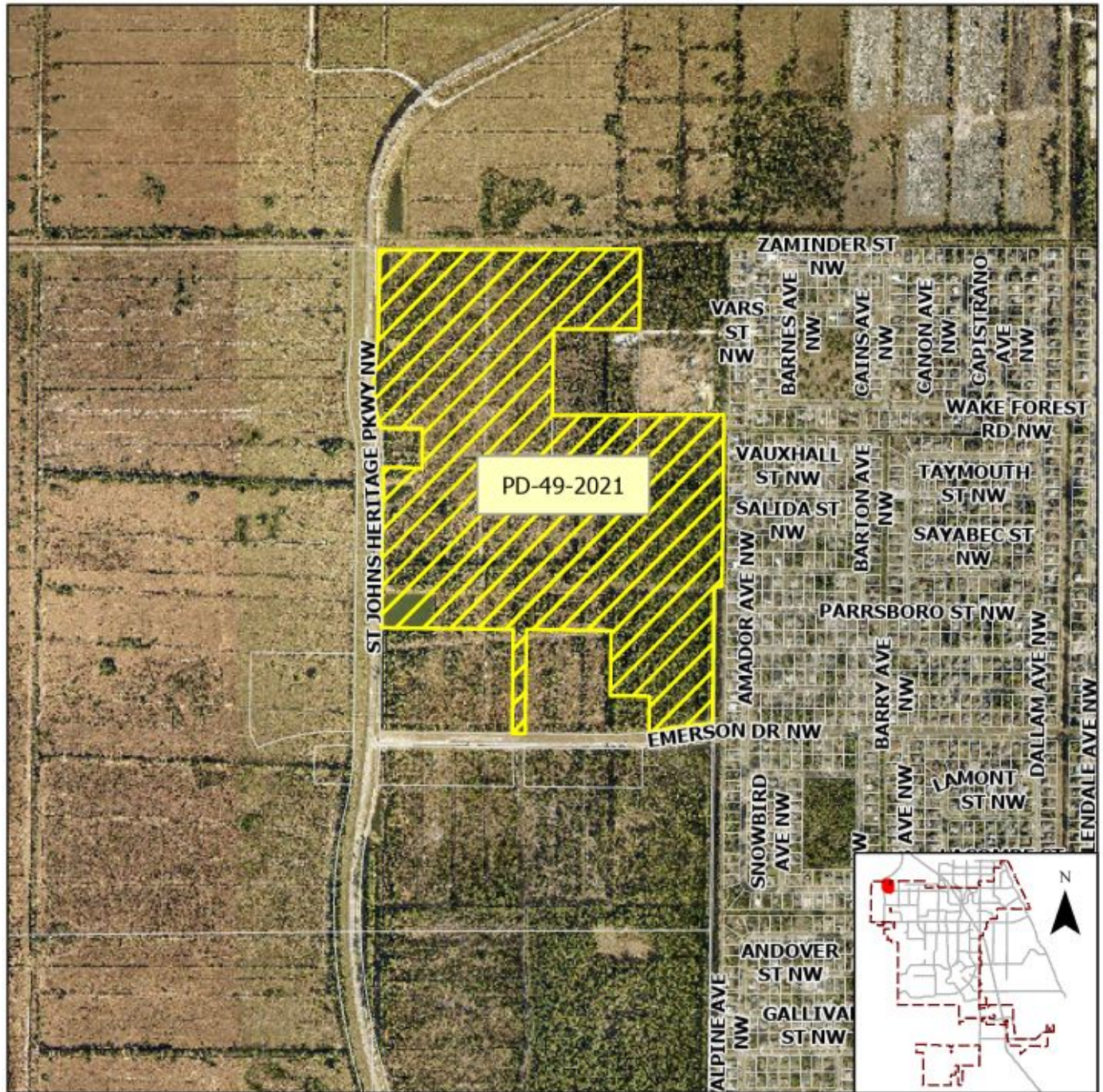
The CLOMR / LOMR process is a two step process. The plans (CLOMR) are submitted to get FEMA’s approval, when the project is complete you submit the as-built information in the LOMR application to remove the project from the Special Flood Hazard Area.

An approved CLOMR does not exempt structures from the regular floodplain permitting process. Until an approved Letter of Map Revision (LOMR) from FEMA is on file, all new structures will be required to get a floodplain permit.

An approved LOMR exempts a potential buyer from the requirement to carry flood insurance to get a federally insured mortgage and qualifies the buyer to purchase a Preferred Risk Flood Insurance Policy if they choose.



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



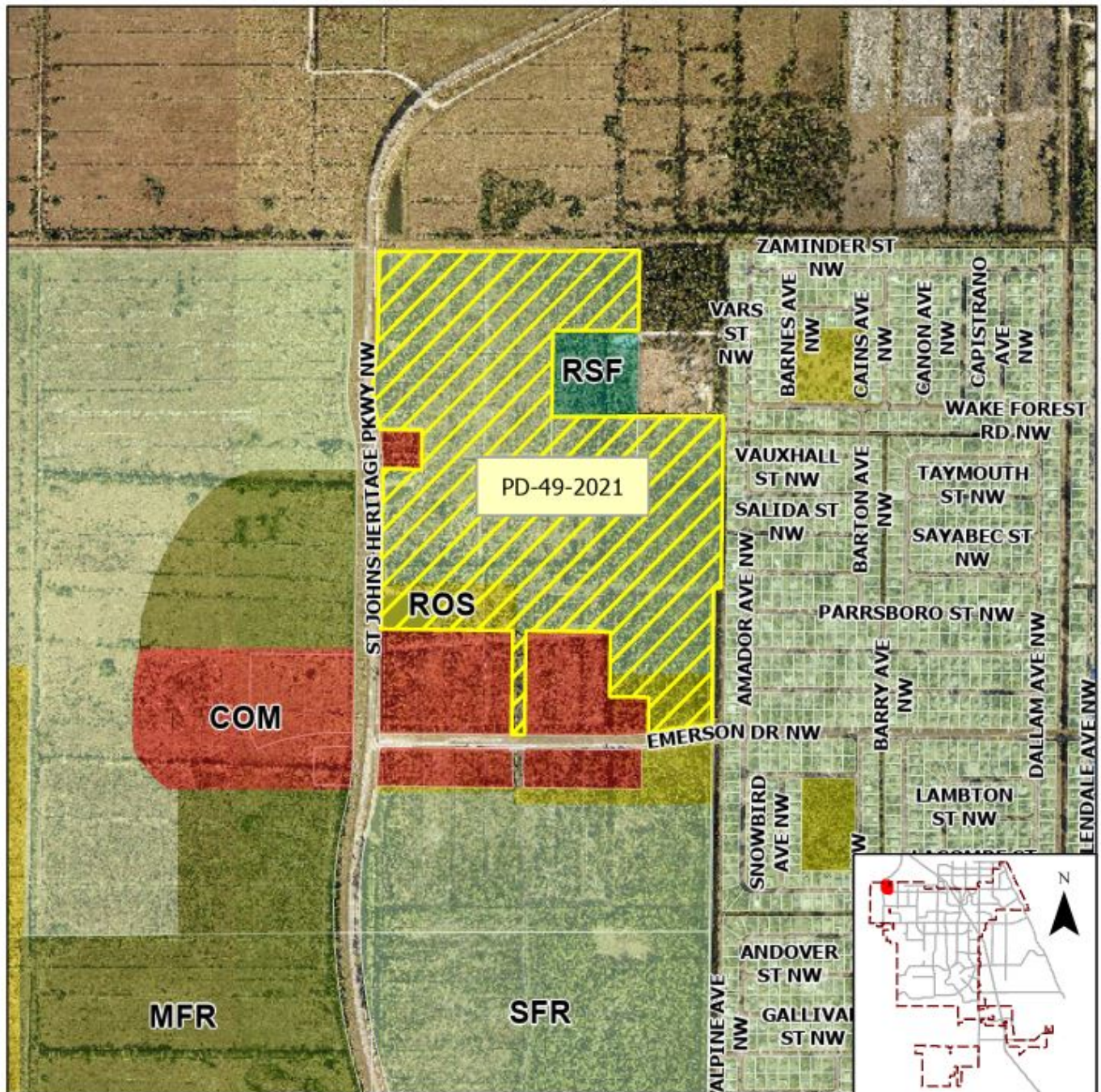
## **AERIAL LOCATION MAP      CASE: PD-49-2021**

### **Subject Property**

East of and adjacent to St. Johns Heritage Parkway NW, and north of Emerson Drive 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: PD-49-2021**

### Subject Property

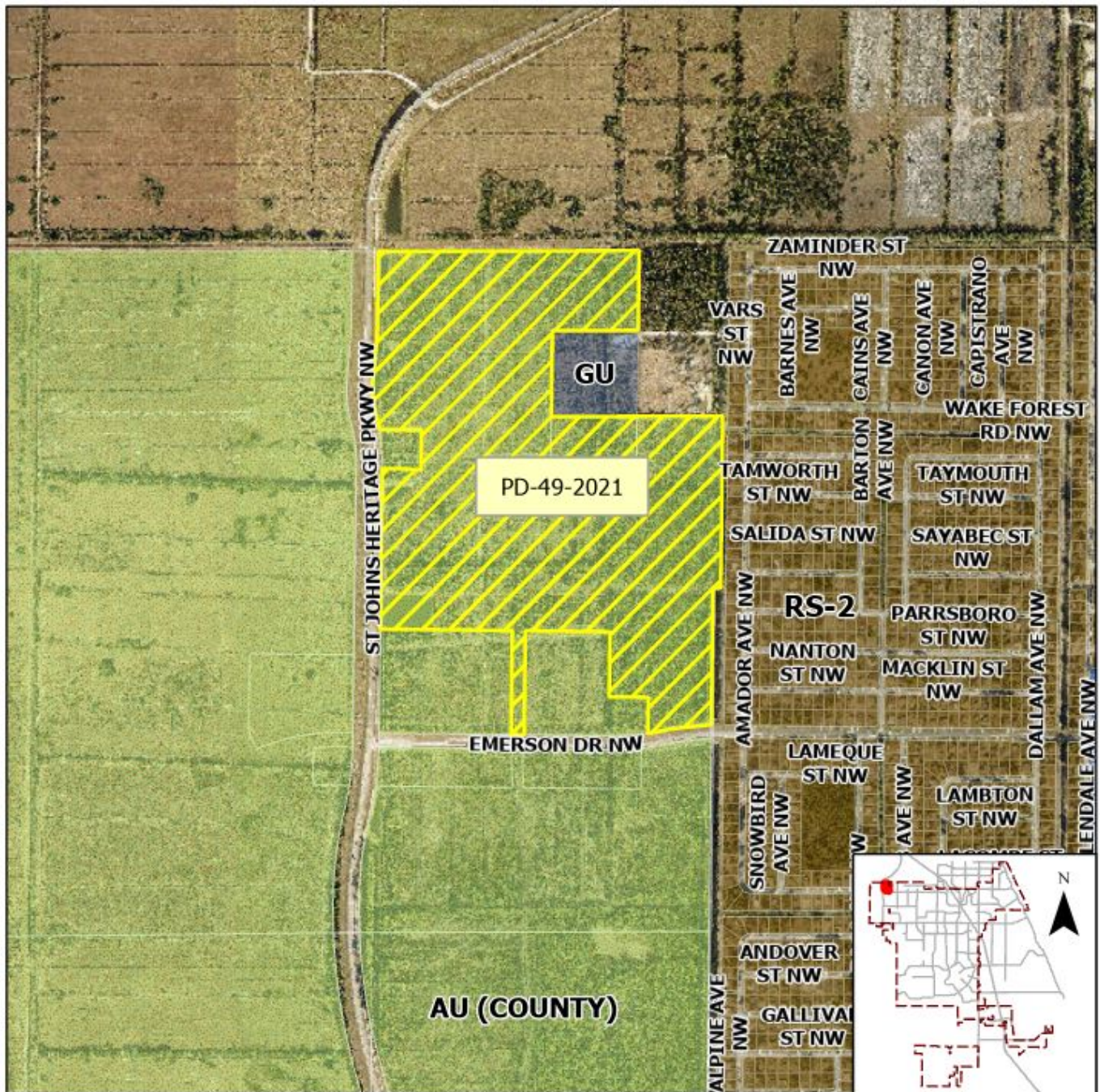
East of and adjacent to St. Johns Heritage Parkway NW, and north of Emerson Drive NW

### Future Land Use Classification

ROS, SFR – Residential Open Space Use, Single Family Residential Use



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



## ZONING MAP

## CASE: PD-49-2021

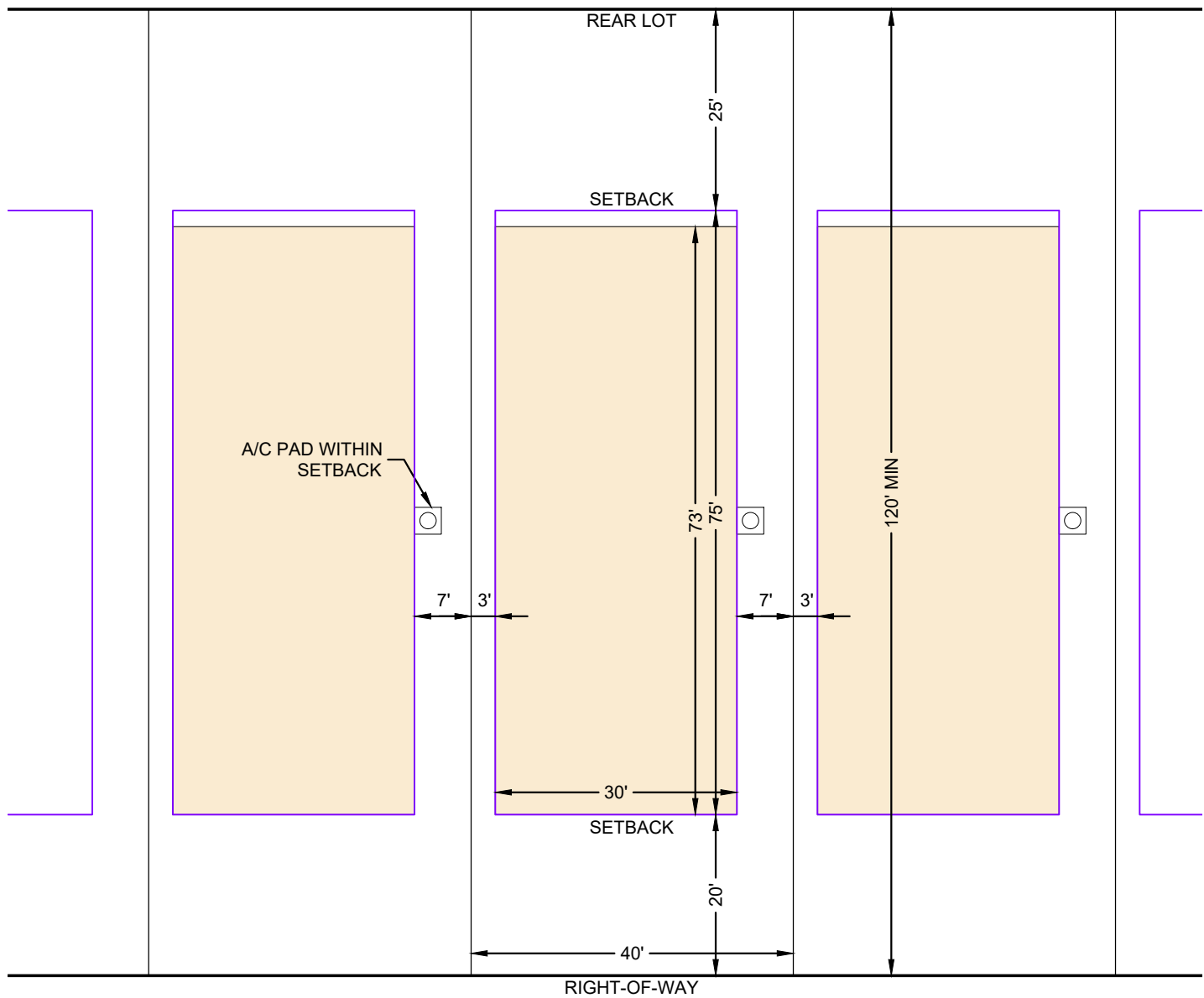
### Subject Property

East of and adjacent to St. Johns Heritage Parkway NW, and north of Emerson Drive NW

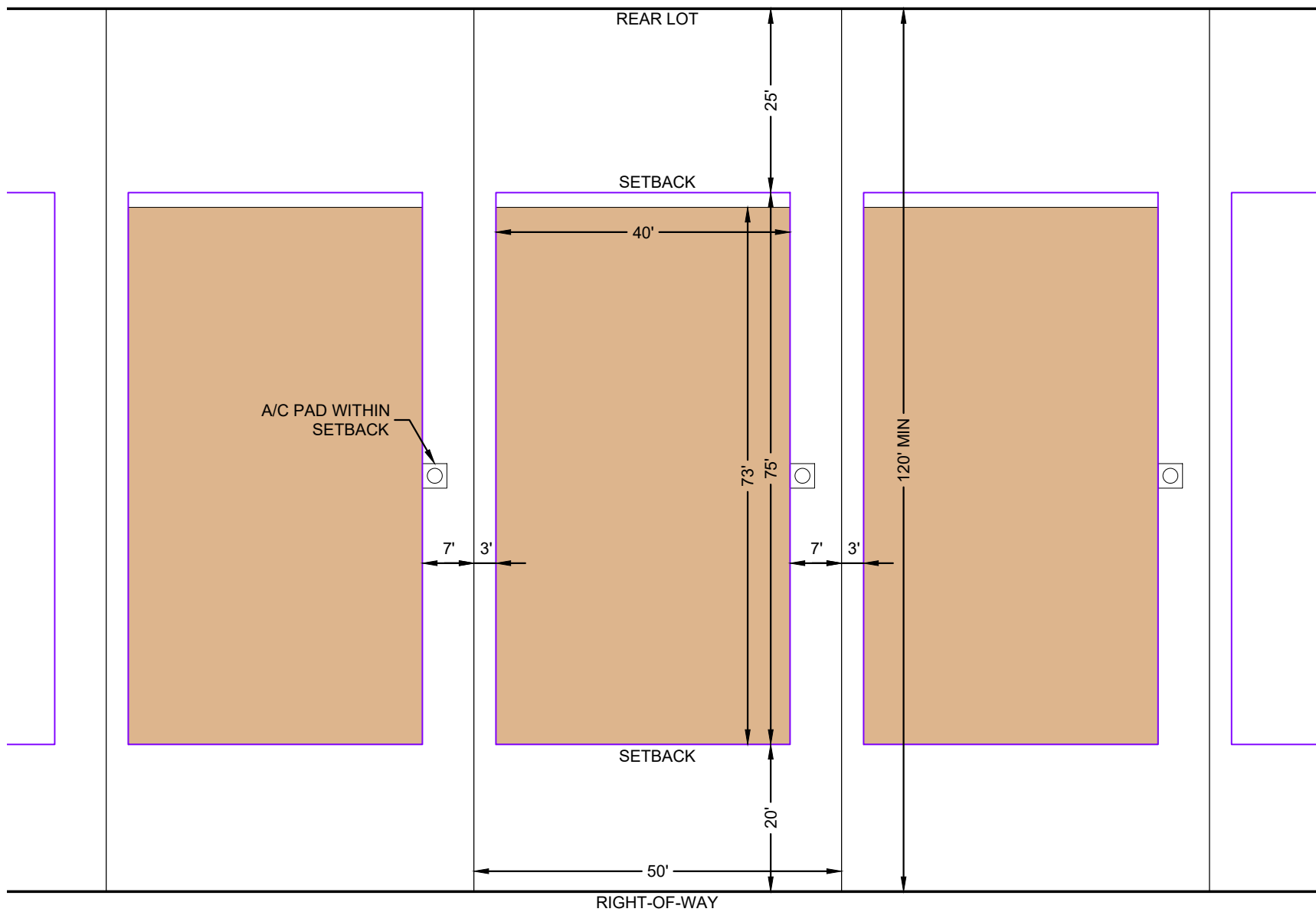
### Current Zoning Classification

AU (COUNTY) – Agricultural Residential (COUNTY)

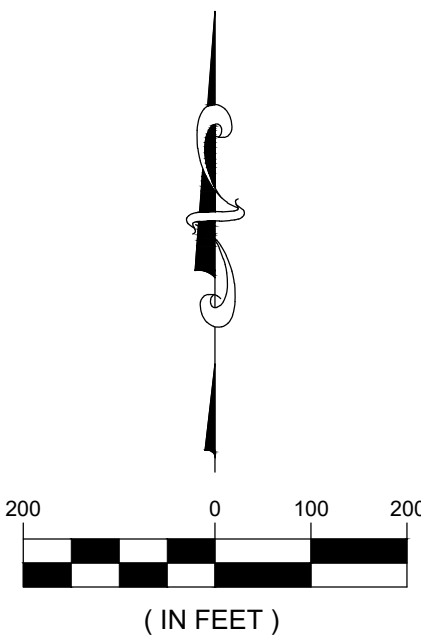
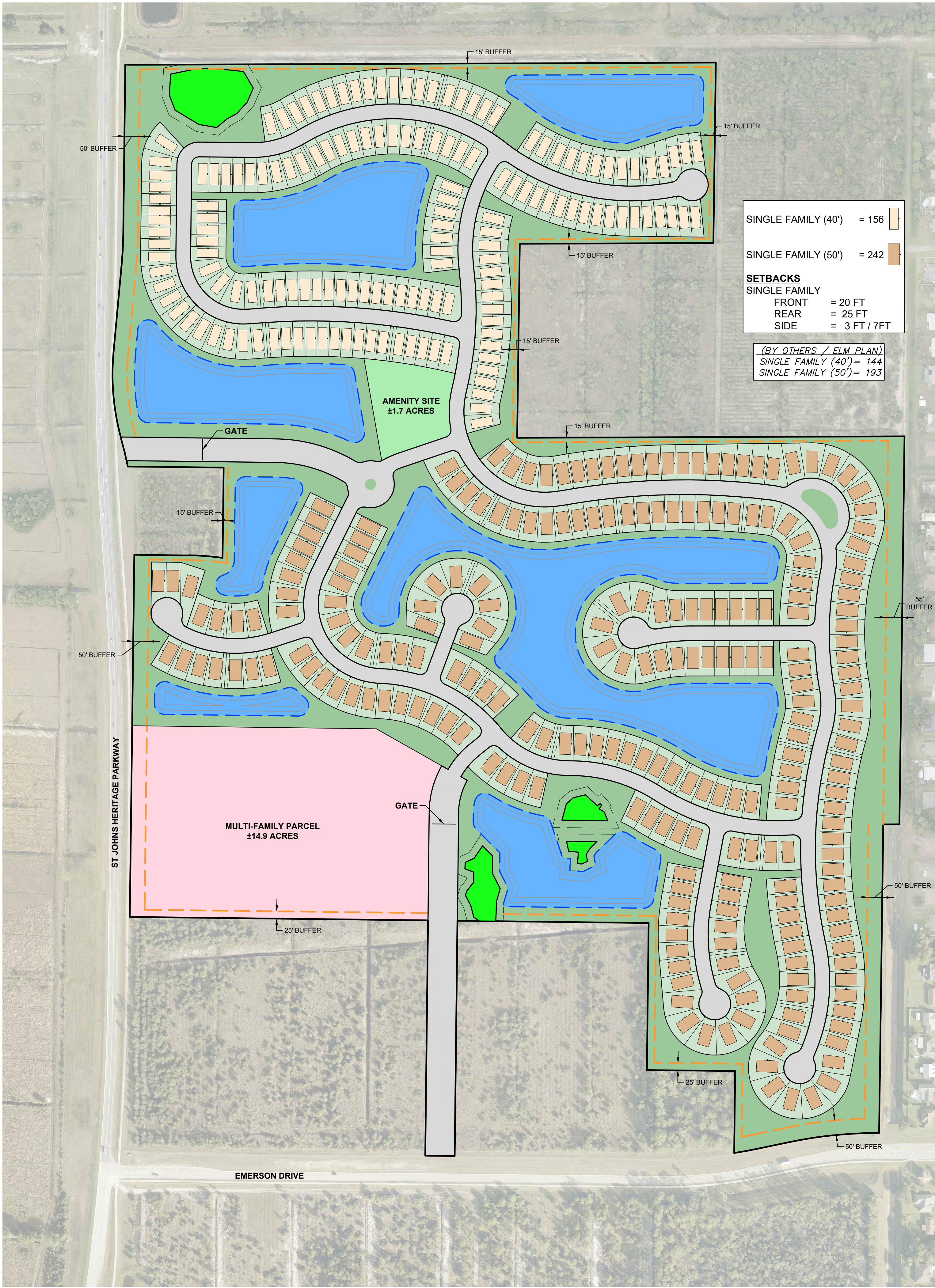




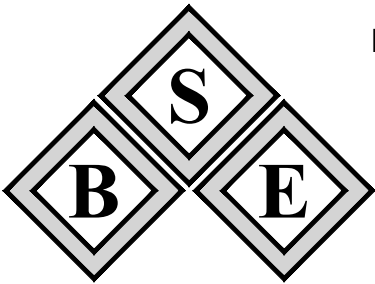
SINGLE FAMILY 40' WIDE LOT DETAIL



SINGLE FAMILY 50' WIDE LOT DETAIL



DESIGN/DRAWN: SMG/DRB	DATE: 03/31/21
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**B.S.E. CONSULTANTS, INC.**  
CONSULTING - ENGINEERING -  
LAND SURVEYING  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4  
MELBOURNE, FLORIDA 32901  
PHONE: (321) 725-3074 FAX: (321) 723-1159  
CERTIFICATE OF PROFESSIONAL ENGINEERS  
BUSINESS AUTHORIZATION: 4992  
CERTIFICATE OF LAND SURVEYING  
BUSINESS AUTHORIZATION: LB0004905

**PALM VISTA (NORTHEAST)**

**CONCEPT PLAN**

SCOTT M. GLAUBITZ, P.E. & P.L.S.  
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.  
STATE OF FLORIDA, No. 41951

PROJECT NO.

10860.700

DRAWING NO.

10860700\_200\_002

SHEET

1 of 1

SYMBOLS SHOWN ARE GRAPHIC IN NATURE; DUE TO SCALE, ALL DESIGN ELEMENTS ARE NOT NECESSARILY SHOWN ON PLAN VIEWS. THE CONTRACTOR SHALL ALSO REFER TO SPECIFICATION AND DETAIL SHEETS AS WELL AS THE COMPLETE PLAN SET.





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

## PRELIMINARY DEVELOPMENT PLAN APPLICATION

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

### APPLICATION TYPE:

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> <b>PUD</b><br>Planned Unit Development<br>( <a href="#">Section 185.060</a> ) | <input type="checkbox"/> <b>PMU</b><br>Parkway Mixed Use District<br>(Preliminary Design Plan)<br>( <a href="#">Section 185.057</a> ) | <input type="checkbox"/> <b>PCRD</b><br>Planned Community<br>Redevelopment District<br>( <a href="#">Section 185.055</a> ) | <input type="checkbox"/> <b>RAC</b><br>Regional Activity Center District<br>(Preliminary Concept Plan)<br>( <a href="#">Section 185.056</a> ) |
|--|---|--|---|

PROPOSED DEVELOPMENT NAME \_\_\_\_\_

PARCEL ID \_\_\_\_\_

TAX ACCOUNT NO. \_\_\_\_\_

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

TOTAL LOTS PROPOSED (list by use): \_\_\_\_\_

DEVELOPER \_\_\_\_\_

Full Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

ENGINEER \_\_\_\_\_

Full Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

SURVEYOR \_\_\_\_\_

Full Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

**PRELIMINARY PLAN CRITERIA FOR SUBMITTAL:**

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

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

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

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

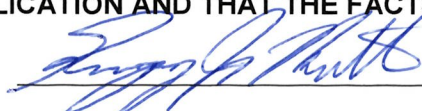
THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS PRELIMINARY DEVELOPMENT PLAN APPLICATION:

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

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

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

Signature of Applicant



Date

6-25-21

Printed Name of Applicant

Greg Pettibon, Senior Development Manager, Lennar Homes, LLC

Full Address

8895 N. Military Trail Suite 101-B, Palm Beach Gardens, FL 33410

Telephone

561-345-6704

Email

Greg.Pettibon@Lennar.com

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

June 25, 2021

Re: Letter of Authorization

**As the property owner of the site legally described as:**

Refer to attached legal description.

I, Owner Name: Greg Pettibon, Senior Development Manager, Lennar Homes, LLC

Address: 8895 N. Military Trail Suite 101-B, Palm Beach Gardens, FL 33410

Telephone: 561-345-6704

Email: Greg.Pettibon@Lennar.com

**hereby authorize:** Scott M. Glaubitz, P.E., P.L.S., President (or assigned BSE Representative), B.S.E. Consultants, Inc.

Address: 312 South Harbor City Blvd., Suite 4 Melbourne, FL 32901

Telephone: 321-725-3674

Email: info@bseconsult.com

**to represent the request(s) for:**

NE Quadrant of Everlands

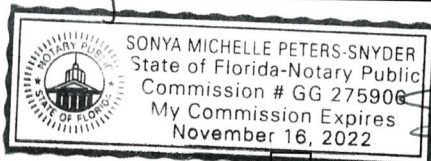
  
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25<sup>th</sup> day of June, 2021 by

Greg Pettibon, property owner.



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

 Notary Public

## DESCRIPTION OF NE QUADRANT OF EVERLANDS

A PARCEL OF LAND IN SECTIONS 20 AND 21, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF EMERSON DRIVE, A 100 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 6149, PAGE 2602, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN WESTERLY, ALONG THE ARC OF THE CURVED NORTH RIGHT-OF-WAY LINE OF SAID EMERSON DRIVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1490.00 FEET, A CENTRAL ANGLE OF  $12^{\circ}01'04''$ , A CHORD LENGTH OF 311.95 FEET AND A CHORD BEARING OF  $S84^{\circ}06'13''W$ ), A DISTANCE OF 312.53 FEET TO THE END OF SAID CURVE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE  $S78^{\circ}05'41''W$  A DISTANCE OF 102.96 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1550.00 FEET, A CENTRAL ANGLE OF  $3^{\circ}03'55''$ , A CHORD LENGTH OF 82.91 FEET AND A CHORD BEARING OF  $S79^{\circ}37'38''W$ ), A DISTANCE OF 82.92 FEET TO THE SOUTHEAST CORNER OF PARCELS C-2 THROUGH C-5, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID COMMERCIAL PARCELS C-2 THROUGH C-5, THE FOLLOWING 5 (FIVE) COURSES AND DISTANCES; 1) THENCE  $N00^{\circ}40'06''E$  A DISTANCE OF 278.70 FEET; 2) THENCE  $N89^{\circ}19'54''W$  A DISTANCE OF 300.00 FEET; 3) THENCE  $N00^{\circ}40'06''E$  A DISTANCE OF 500.00 FEET; 4) THENCE  $N89^{\circ}19'54''W$  A DISTANCE OF 650.00 FEET; THENCE  $S00^{\circ}40'06''W$  A DISTANCE OF 800.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID EMERSON DRIVE; THENCE  $N89^{\circ}19'54''W$ , ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER OF PARCELS C-6 THROUGH C-9, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE  $N00^{\circ}40'06''E$ , ALONG THE BOUNDARY OF SAID PARCELS C-6 THROUGH C-9, A DISTANCE OF 800.00 FEET; THENCE  $N89^{\circ}19'54''W$ , CONTINUING ALONG THE BOUNDARY OF SAID PARCELS C-6 THROUGH C-9, A DISTANCE OF 1013.43 FEET TO THE EAST RIGHT-OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY, A 200 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 7491, PAGE 1713, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE  $N00^{\circ}43'00''E$ , ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1231.32 FEET TO THE SOUTHWEST CORNER OF COMMERCIAL PARCEL C-1, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID COMMERCIAL PARCEL C-1, THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES; 1) THENCE  $S89^{\circ}19'54''E$  A DISTANCE OF 182.34 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; 2) THENCE ALONG THE ARC

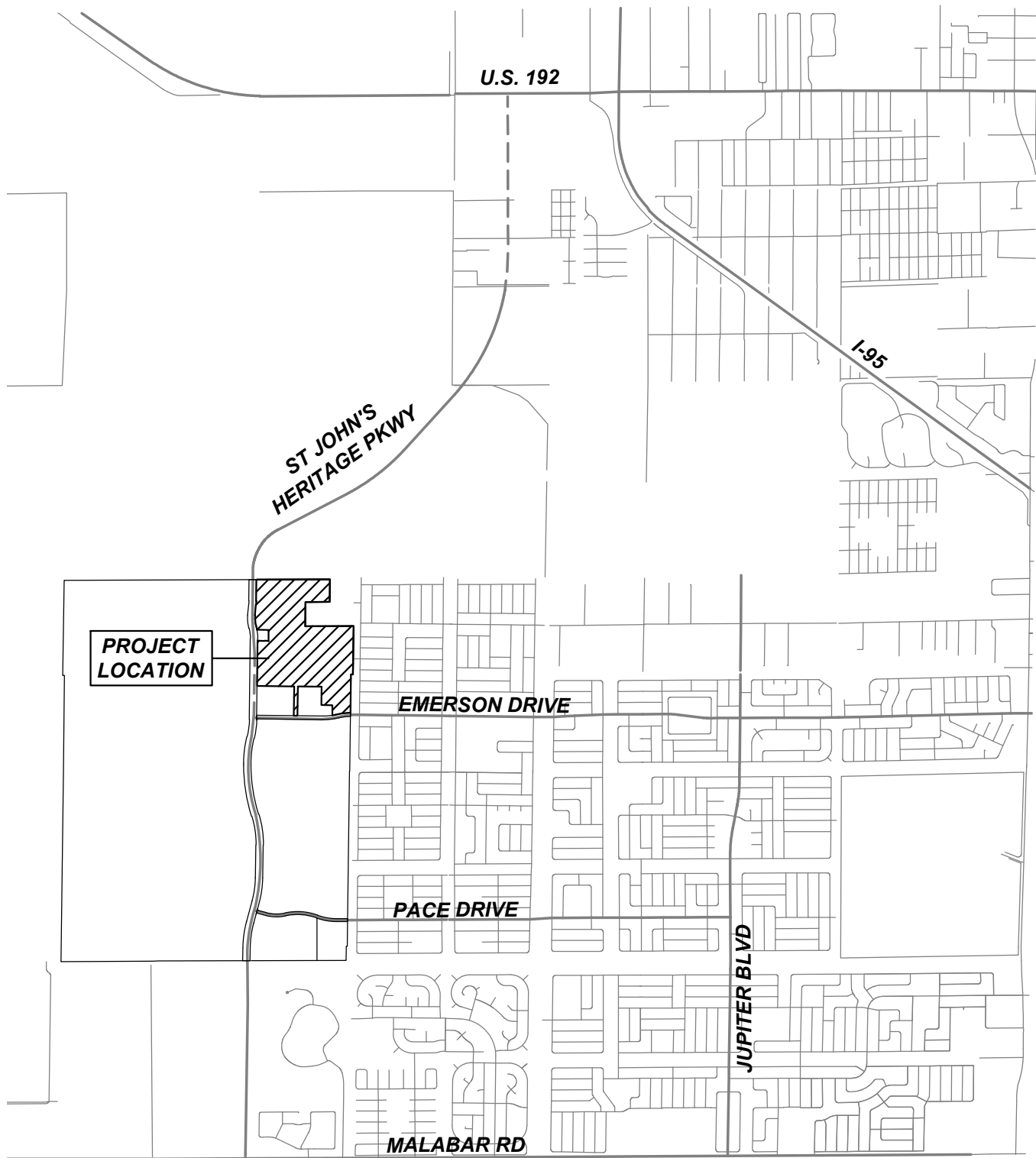


OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 930.00 FEET, A CENTRAL ANGLE OF  $7^{\circ}14'51''$ , A CHORD LENGTH OF 117.56 FEET AND A CHORD BEARING OF  $S85^{\circ}42'28''E$ ), A DISTANCE OF 117.64 TO THE SOUTHEAST CORNER OF SAID COMMERCIAL PARCEL C-1; 3) THENCE  $N00^{\circ}42'13''E$  A DISTANCE OF 307.33 FEET; 4) THENCE  $N89^{\circ}19'54''W$  A DISTANCE OF 325.59 FEET TO A NON-TANGENT INTERSECTION WITH THE CURVED EAST RIGHT-OF-WAY LINE OF SAID ST JOHNS HERITAGE PARKWAY; THENCE NORTHERLY ALONG THE ARC OF SAID CURVED RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 1200.00 FEET, A CENTRAL ANGLE OF  $4^{\circ}35'55''$ , A CHORD LENGTH OF 96.29 AND A CHORD BEARING OF  $N13^{\circ}33'23''W$ ), A DISTANCE OF 96.31 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 800.00 FEET, A CENTRAL ANGLE OF  $21^{\circ}02'56''$ , A CHORD LENGTH OF 292.55 FEET AND A CHORD BEARING OF  $N05^{\circ}12'22''W$ ), A DISTANCE OF 293.90 FEET TO THE END OF SAID CURE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE  $N05^{\circ}19'06''E$  A DISTANCE OF 303.76 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE WEST AND HAVING A RADIUS OF 1200.00 FEET, A CENTRAL ANGLE OF  $4^{\circ}38'01''$ , A CHORD LENGTH OF 97.02 FEET AND A CHORD BEARING OF  $N03^{\circ}00'05''E$ ), A DISTANCE OF 97.04 FEET TO THE END OF SAID CURVE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE  $N00^{\circ}41'05''E$  A DISTANCE OF 582.19 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL FIFTY FOUR; THENCE  $S89^{\circ}37'12''E$ , ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 33.57 FEET TO THE WEST LINE OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE  $N89^{\circ}46'53''E$ , CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1973.79 FEET TO THE WEST LINE OF THE EAST ONE HALF OF THE NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE  $S00^{\circ}46'00''W$  ALONG SAID WEST LINE A DISTANCE OF 613.69 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE  $S89^{\circ}46'47''W$  A DISTANCE OF 658.09 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE  $S00^{\circ}46'54''W$  A DISTANCE OF 659.73 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE  $N89^{\circ}46'40''E$  A DISTANCE OF 1316.53 FEET TO THE SOUTHEAST CORNER OF THE EAST ONE-HALF OF THE NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE  $S00^{\circ}45'06''W$ , ALONG THE EAST LINE OF THE WEST ONE-HALF OF SAID SECTION 21, A DISTANCE OF 1319.35 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 21; THENCE  $S89^{\circ}46'26''W$



ALONG THE NORTH LINE OF SAID SOUTHWEST ONE QUARTER A DISTANCE OF 55.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER FIFTY NINE (A 95 FOOT RIGHT-OF-WAY); THENCE S00°45'06"W ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 1049.35 FEET TO THE POINT OF BEGINNING. CONTAINING 158.69 ACRES, MORE OR LESS.

# EVERLANDS NE QUADRANT LOCATION MAP



## **B.S.E. CONSULTANTS, INC.**

CONSULTING - ENGINEERING - LAND SURVEYING

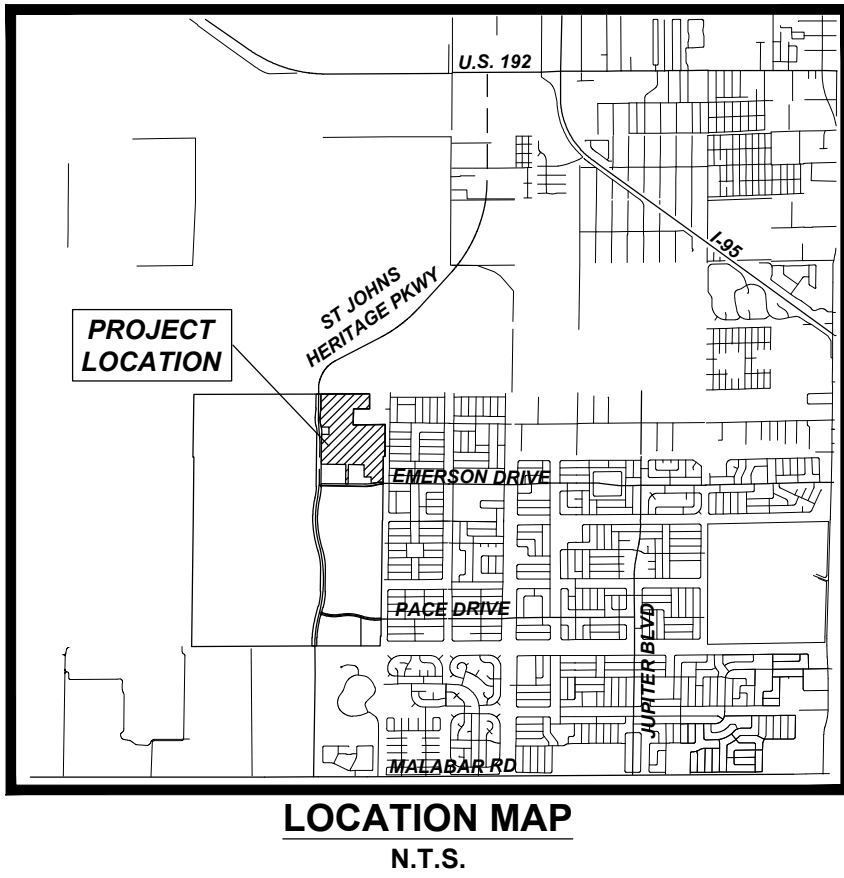
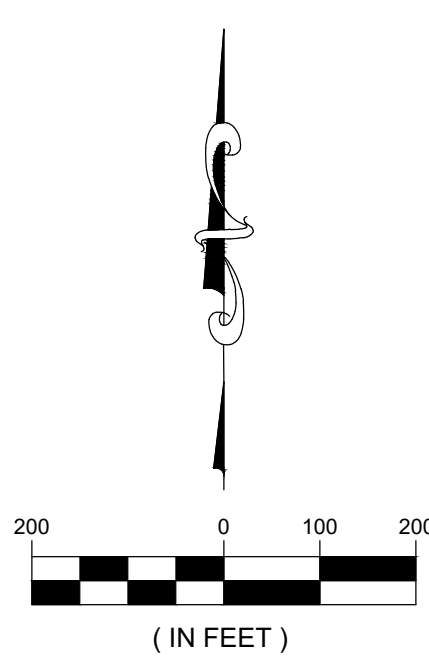
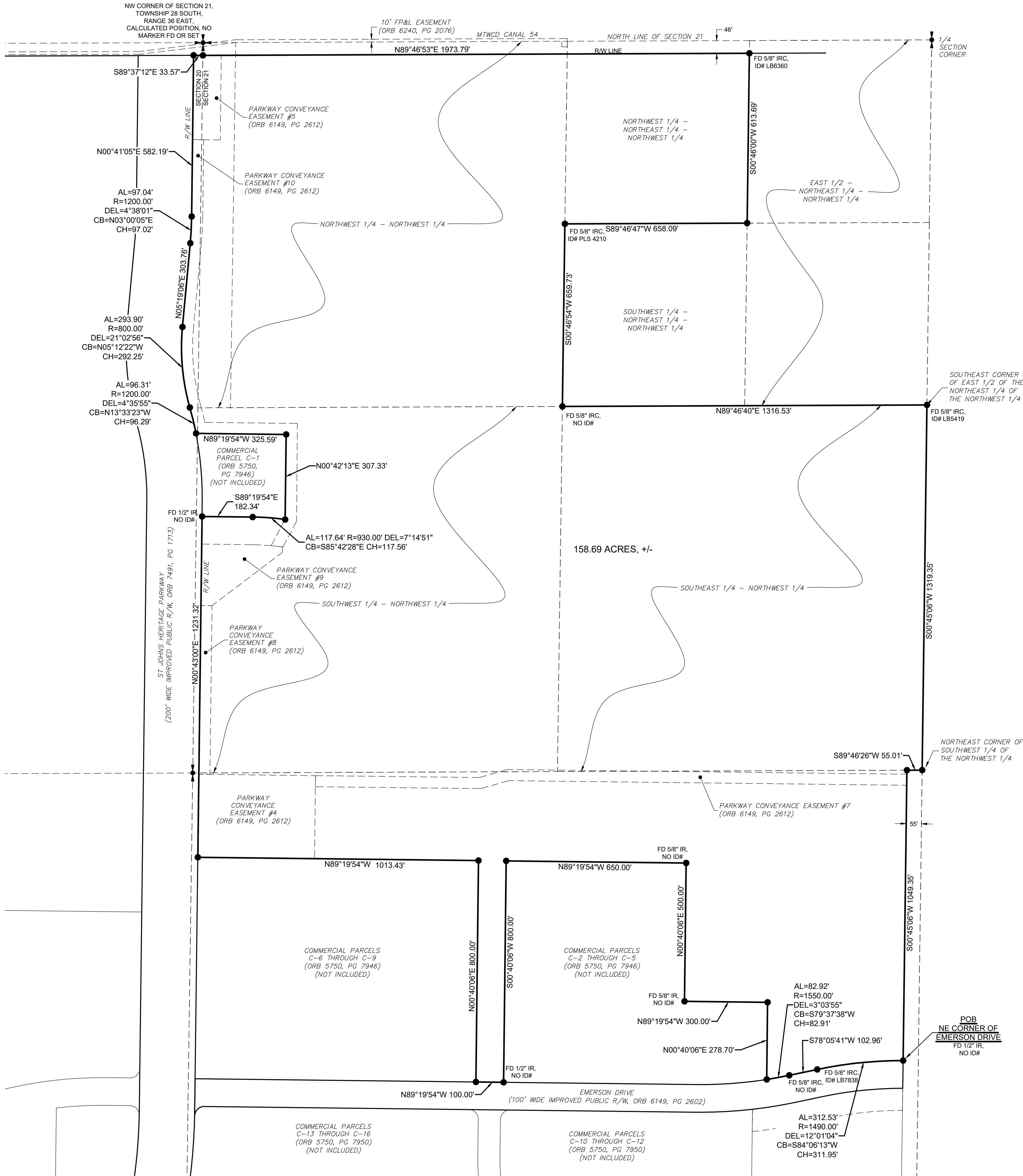
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901

PHONE: (321) 725-3674 FAX: (321) 723-1159

CERTIFICATE OF BUSINESS AUTHORIZATION: 4905

CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 06/02/21  
DESIGN/DRAWN: ALS/DRB  
DRAWING# 10860700\_200\_003  
PROJECT# 10860.700  
SHEET 1 OF 1



**SURVEY NOTES:**

SURVEY OF A PARCEL OF LAND IN SECTIONS 20 AND 21, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

SURVEY FOR BOUNDARY AND DESCRIPTION ONLY.

IMPROVEMENTS AND/OR UTILITIES, WHETHER ABOVEGROUND OR UNDERGROUND, ARE NOT LOCATED OR SHOWN ON THIS SURVEY.

BEARING REFERENCE: ASSUMED BEARING OF N89°46'53\"E ON THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL FIFTY FOUR.

THIS SURVEY IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025.

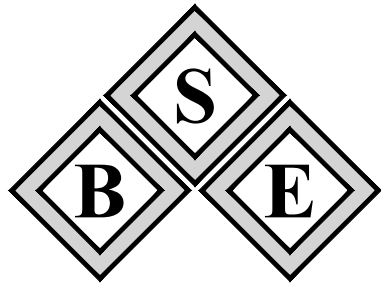
THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

DATE OF LAST FIELD WORK: 06/08/2021

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**B.S.E. CONSULTANTS, INC.**  
CONSULTING - ENGINEERING -  
LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4  
MELBOURNE, FLORIDA 32901  
PHONE: (321) 725-8074 FAX: (321) 723-1159  
CERTIFICATE OF PROFESSIONAL ENGINEERS  
BUSINESS AUTHORIZATION: #305  
CERTIFICATE OF LAND SURVEYING  
BUSINESS AUTHORIZATION: LB000405

SCOTT M. GLAUBITZ  
PROFESSIONAL LAND SURVEYOR  
FLORIDA LICENSE NUMBER 4151

LESLIE E. HOWARD  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA LICENSE NUMBER 5611

**ABBREVIATIONS**

AC	ARC CENTER
AL	ARC LENGTH
AVE	AVENUE
BOLD	BOLD
BM	BENCH MARK
BWC	BOUNDARY OF CURVE
CL	CENTERLINE
CA	CENTRAL ANGLE
CB	CORNER BEARING
CBS	CONCRETE BLOCK STRUCTURE
CH	CHORD LENGTH
CM	CONCRETE MASONRY
CMP	CORRUGATED METAL PIPE
CONC	CONCRETE
COR	CORNER
DEL	DELTA - CENTRAL ANGLE
DEI	DEVELOPMENT OF REGIONAL IMPACT
ELEC	ELECTRIC
ELEV	ELEVATION
EOC	END OF CURVE
EOP	EDGE OF PAVEMENT
EDW	EDGE OF WATER
ERCP	ELLIPTICAL REINFORCED CONCRETE PIPE
ESMT	EASEMENT
FD	FOUND
FTE	FINISHED FLOOR ELEVATION
FW	FREE HIGHWAY
FLAL	FLORIDA POWER AND LIGHT
FT	FEET
HWY	HIGHWAY
ID#	IDENTIFICATION NUMBER
IR	IRON
IR	IRON ROD
IRC	IRON PIPE AND CAP
LB	LICENSED BUSINESS
LWP	LIGHTER WOOD POST
NH	NEIGHBORHOOD IDENTIFICATION
NAD	NAL AND DSK
NAD83	NORTH AMERICAN VERTICAL DATUM 1983
NGVD29	NATIONAL GEODETIC VERTICAL DATUM 1929
NTI	NON-TANGENT INTERSECTION
NEL	NON-TANGENT LINE
NTS	NOT TO SCALE
ONE	ONE-WAY ELECTRIC UTILITY
ORWB	OFFICIAL RECORDS BOOK
PL	PLAT BOOK
PC	POINT OF COMMENCEMENT
PCP	PERMANENT CONTROL POINT
PSB	PARKER-KALEN
PK	PARKER-KALEN
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PP	POWER/UTILITY POLE
PPC	POINT OF REVERSE CURVATURE
PLD	PLANNED UNIT DEVELOPMENT
PVC	POLYVINYL CHLORIDE PIPE
R	RADIUS
ROW	RIGHT-OF-WAY
RCF	REINFORCED CONCRETE PIPE
RI	REINFORCED
ST	STREET
TYP	TYPICAL

FIELD BOOK: ---

PAGE(S): ---

DATE:	06/25/2021
DESIGN/DRAWN:	LEH/DRB

**PROJECT TITLE**

**NORTHEAST  
QUADRANT OF  
EVERLANDS**

**SHEET TITLE**

**BOUNDARY  
SURVEY**

**PROJECT NO.**

10860.700

**DRAWING NO.**

10860700\_100\_003

**SHEET**

**NE QUADRANT OF EVERLANDS  
B.S.E. FILE # 10860.700**

**PROJECT NARRATIVE**

**HISTORY**

Palm Vista, a planned unit development consisting of  $\pm$  291.11 acres was originally approved in 2005 by the City of Palm Bay. It was zoned GU, General Use - Brevard County with a land use designation of agricultural. The City approved Palm Vista for 2,930 units as a PUD with 61.5 acres of commercial and 47 acres of institutional land use.

The project fell victim to the economic downturn of 2006-2008 and did not proceed. In the interim, the St. Johns Heritage Parkway was constructed, the landowner is extending utilities (16" potable water main and 16" sanitary sewer force main to Emerson with a potable water connection to the existing 8" water main just east of Melbourne-Tillman Canal C-59). These utility extensions are scheduled for completion in June/July 2021 currently the utility extensions are complete to Pace Boulevard. A single stand-alone phase of Palm Visa named Everlands is currently under construction east of the Parkway. The water management district wetland jurisdictional and ACOE permitting has been completed east of the Parkway and west of the Parkway this process is  $\pm$  95% complete.

This application is for the NE Quadrant of Everlands, located east of the Parkway and north of Emerson consisting of  $\pm$ 158.69 acres. The project proposed a mixture of single-family lots (40's and 50's) and multi-family units.

**CURRENT**

**Surrounding land use is:**

- North: PRCAC- Platt Ranch
- East: RS-2 Single Family
- South: Commercial
- West: Remaining Palm Vista Land

**Current Traffic Counts Are (2019):**

- St. Johns Heritage parkway North of Emerson: 11,222
- St. Johns Heritage Parkway North of Pace: 7,830
- St. Johns Heritage Parkway North of Malabar: 6,269
- Emerson 1.5 miles east of the site: 12,705



## **PROPOSED DEVELOPMENT**

A portion of Palm Vista lying north of Emerson to the City line is covered by this application. As reference, Palm Vista Overall and including lands west of the Parkway currently consist of 4,000 units. The unit count was increased from 3,000 - 4,000 units under action taken by the City on 6/1/2017. The commercial component, still visible, is not included in this application. The commercial component is under separate ownership.

Unit Types For This Application as Proposed are:

- |                 |                                       |
|-----------------|---------------------------------------|
| • Single family | 398 units - <i>All Age Restricted</i> |
| • Multi-Family  | 240 units - <i>All Age Restricted</i> |
| <b>Total</b>    | <b>638 units</b>                      |

### **Amenities:**

Amenities include: open space and a ±1.7 acre amenity center.

\* Note that the unit mix may vary due to public demand over the life of the project.

**NE QUADRANT OF EVERLANDS**  
**B.S.E. FILE # 10860.700**

**TRAFFIC STATEMENT**

The Palm Vista Medley Everlands total project consists of up to 4,000 residential units including single family townhomes, paired villas, and multi-family townhome units.

Average daily trip generation for this phase is presented below. Peak hour analysis, capture rate, distribution and detailed trip generation to the broader street network will be submitted at development stages of the approval process.

The mix of unit types for this phase is projected as:

± 398 Single Family  
± 240 Multi-Family Units  
***TOTAL 638 Units***

Using typical Institute of Transportation Engineers (ITE) trip generation rates, total daily trips generated for the life of this phase of the project are:

638 Single Family Units  
x 4.3 Trips Per Unit (*age restricted*)  
***2,749 Trips***

At some point of development, traffic improvements will be made to accommodate the growth of this area along with Palm Vista Medley Everlands.



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Christopher Balter, Senior Planner

**DATE:** November 15, 2021

**SUBJECT:** \*\*CU-42-2021 - Wal-Mart MFC Warehouse Extension - Wal-Mart Stores East LP (Andrew J. Petersen, Rep.) - Amendment to an existing Conditional Use to allow an automated warehouse facility. Lot 1, Wal-Mart at Palm Bay, Section 5, Township 29, Range 37, Brevard County, Florida, containing approximately 28.97 acres. South of and adjacent to Malabar Road SE, in the vicinity east of Corporate Way SE, specifically at 1040 Malabar Road SE

♣Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ▣ Case CU-42-2021 - Staff Report
- ▣ Case CU-42-2021 - Concept Plan
- ▣ Case CU-42-2021 - Architectural Elevations
- ▣ Case CU-42-2021 - Narrative
- ▣ Case CU-42-2021 - Application



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmabayflorida.org](mailto:landdevelopmentweb@palmabayflorida.org)

### Prepared by

Christopher Balter, Senior Planner

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#### CASE NUMBER

CU-42-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 15, 2021

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#### PROPERTY OWNER & APPLICANT

Wal-Mart Stores East, L.P. (Represented by Andrew Petersen P.E. of Bowman Consulting)

#### PROPERTY LOCATION/ADDRESS

Lot 1 of the Wal-Mart at Palm Bay subdivision, Section 5, Township 29, Range 37, Brevard County, Florida. Specifically, 1040 Malabar Road SE

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#### SUMMARY OF REQUEST

Amendment to an existing Conditional Use and binding site plan to allow expansion for an automated warehouse in a CC, Community Commercial District.

##### Existing Zoning

CC, Community Commercial District

##### Existing Land Use

Commercial Use

##### Site Improvements

Existing Wal-Mart Store

##### Site Acreage

28.97 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

CC, Community Commercial; Malabar Road SE

##### East

CC, Community Commercial, Home Depot

##### South

RS-1, Single-Family Residential, Single-Family Homes

##### West

CC, Community Commercial, Sonny's BBQ

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#### COMPREHENSIVE PLAN

##### COMPATIBILITY

Yes

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**BACKGROUND:**

The subject property is located south of and adjacent to Malabar Road SE, in the vicinity east of Corporate Way SE. Specifically, Lot 1 of the Wal-Mart at Palm Bay subdivision, Section 5, Township 29, Range 37, of Brevard County Florida. This store expansion includes approximately 1.19 acres of the 29-acre site.

Wal-Mart was approved by City Council on November 6, 2003 (via Resolution No. 2003-61) as a Planned Commercial Development. Approval of the Resolution was contingent upon the site being developed according to a binding site plan. Any substantial modification(s) to the site must go back before the Planning and Zoning Board and City Council, for approval to modify this Resolution.

On December 14, 2014, City Council approved Resolution No. 2014-43 (Case No. CU-23-2014), which was a proposal to construct a stand-alone liquor store in the NW portion of the Wal-Mart parking lot. Although that project was approved by Council, Wal-Mart decided not to build the store and did not achieve site plan approval. Instead, they entered into an agreement with Treasure Coast Restaurants, and a Sonic restaurant drive-thru service was constructed in the same location conditioned upon the original approval of this facility

**ANALYSIS:**

The proposed request is to construct a 27,562 square foot automated warehouse expansion onto the east side of the existing store.

**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 emergencies.

The overall site is currently served by a signalized intersection in the NW portion of the property. There are additional access points on Malabar Road SE and Corporate Way SE. Joint access driveways connect Wal-Mart with Sonny's to the west and Home Depot to the east. All driveways meet the width requirements and no modifications to any have been proposed

**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.

Wal-Mart was applied at a ratio of 1 space per 250 square feet of gross floor area. In February 2020 the parking code was revised for big-box retailers based on current trends. Thus, the existing store at 203,867 square feet plus the expansion of 27,562 square feet equals 231,429 square feet divided by 400 square feet equals a total of 578 required spaces. The site currently has 1,025 spaces. The expansion will result in a net loss of 35 spaces. The result is the provision of 990 spaces, which will far exceed the minimum required by the City's Parking Code.

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

The building will be required to connect to the city's water and sewer system as these services are available to the site. The property is currently serviced by Florida Power and Light. Any additional upgrades will be required to be designed, permitted, installed, and inspected at the developer's cost.

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

The proposed site is bordered to the north by an existing road and surrounded by the Wal-Mart parking area on the north, south, and east. The residential property on the north side of Malabar is separated by a 6-lane roadway, which is divided by a raised median. Residential land to the south is buffered by an existing retention pond, a 15-foot-tall concrete wall, and the existing Wal-Mart Store. Developed commercial properties exist to the east and west of the Wal-Mart property. No additional screening and/or buffering appears warranted.

**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 signs are shown on the drawing and a lighting plan was not provided. It shall be noted that City codes require any lighting to be shielded and/or directed downward to avoid creating a nuisance to adjacent properties. During the administrative site plan review a lighting and photometric plan will be required.

**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.

Staff was unable to determine any concerns with respect to this item, pending review of the vehicular interaction with the adjacent driveway.

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

The “use” is permitted, and the site is surrounded by like commercial intensities, with ample buffering to the south.

**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.

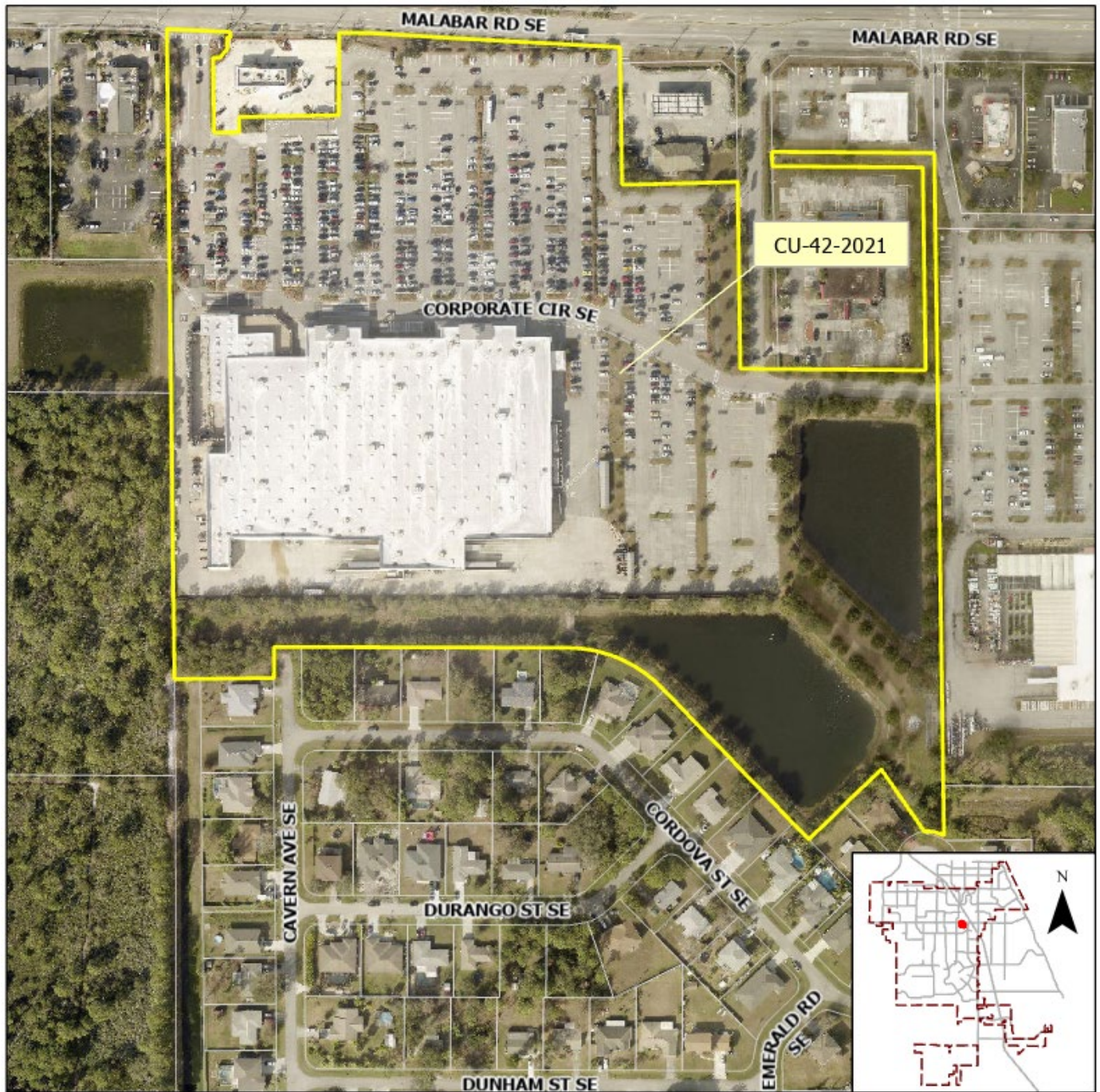
The Board and Council have the authority and right to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings.

**STAFF RECOMMENDATION:**

Case CU-42-2021 is recommended for approval, subject to the staff comments contained in this report.



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



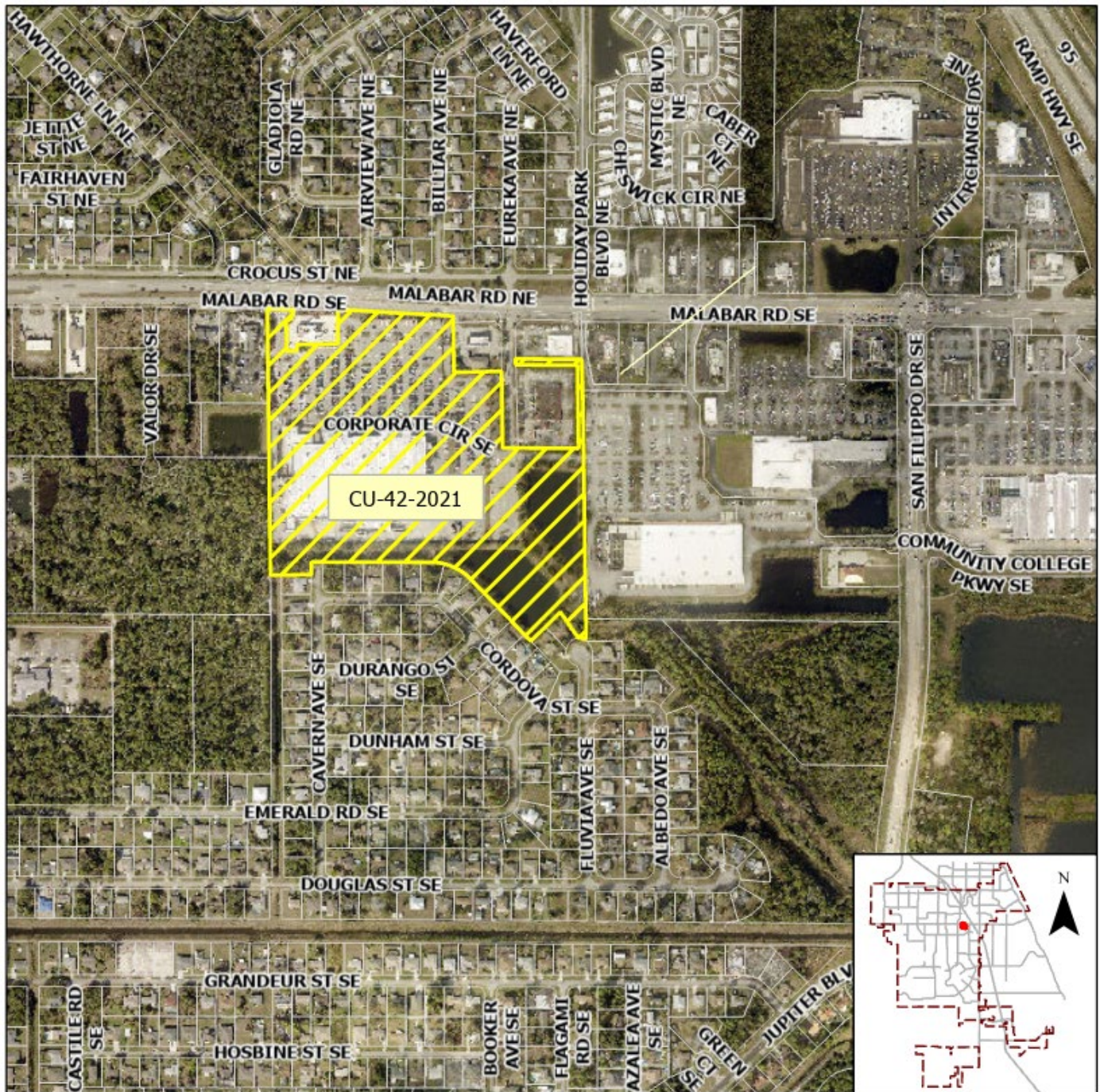
## **SITE LOCATION MAP      CASE: CU-42-2021**

### **Subject Property**

South of and adjacent to Malabar Road SE, in the vicinity east of Corporate Way SE, specifically at 1040 Malabar Road SE



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



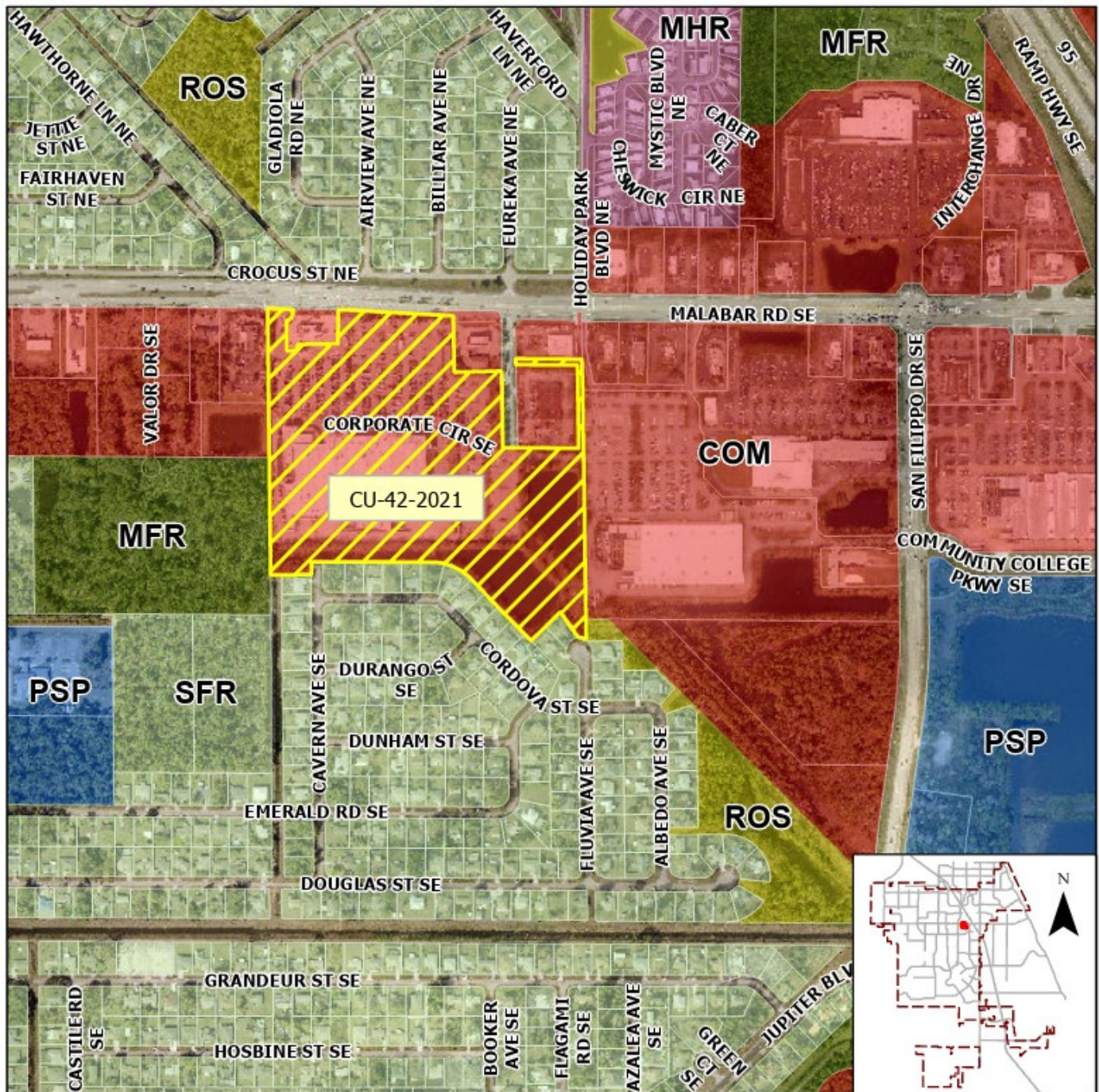
## AERIAL LOCATION MAP CASE: CU-42-2021

### Subject Property

South of and adjacent to Malabar Road SE, in the vicinity east of Corporate Way SE, specifically at 1040 Malabar Road SE



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



## FUTURE LAND USE MAP

**CASE: CU-42-2021**

### Subject Property

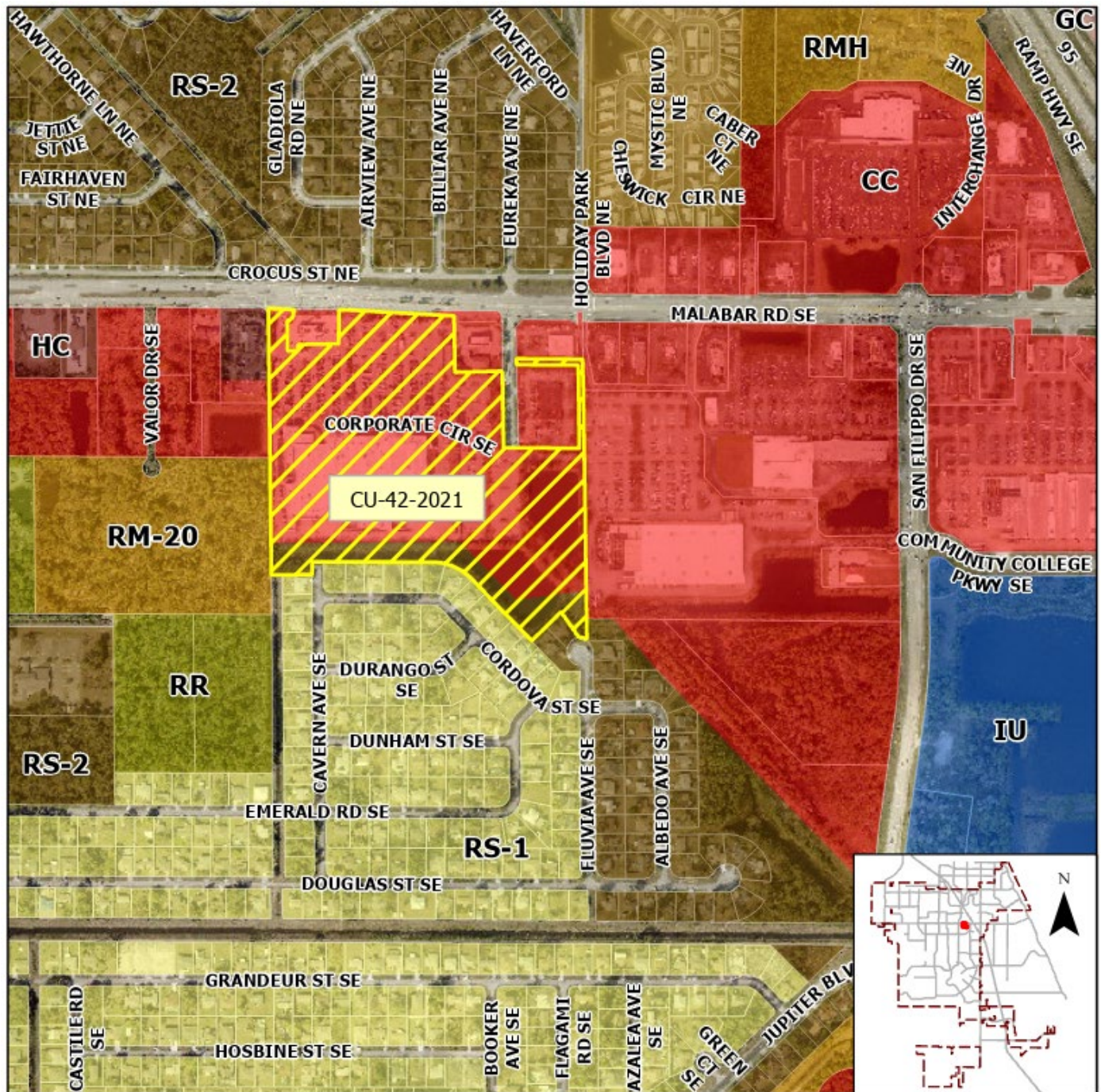
South of and adjacent to Malabar Road SE, in the vicinity east of Corporate Way SE, specifically at 1040 Malabar Road SE

### Future Land Use Classification

COM – Commercial Use



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



## ZONING MAP

## CASE: CU-42-2021

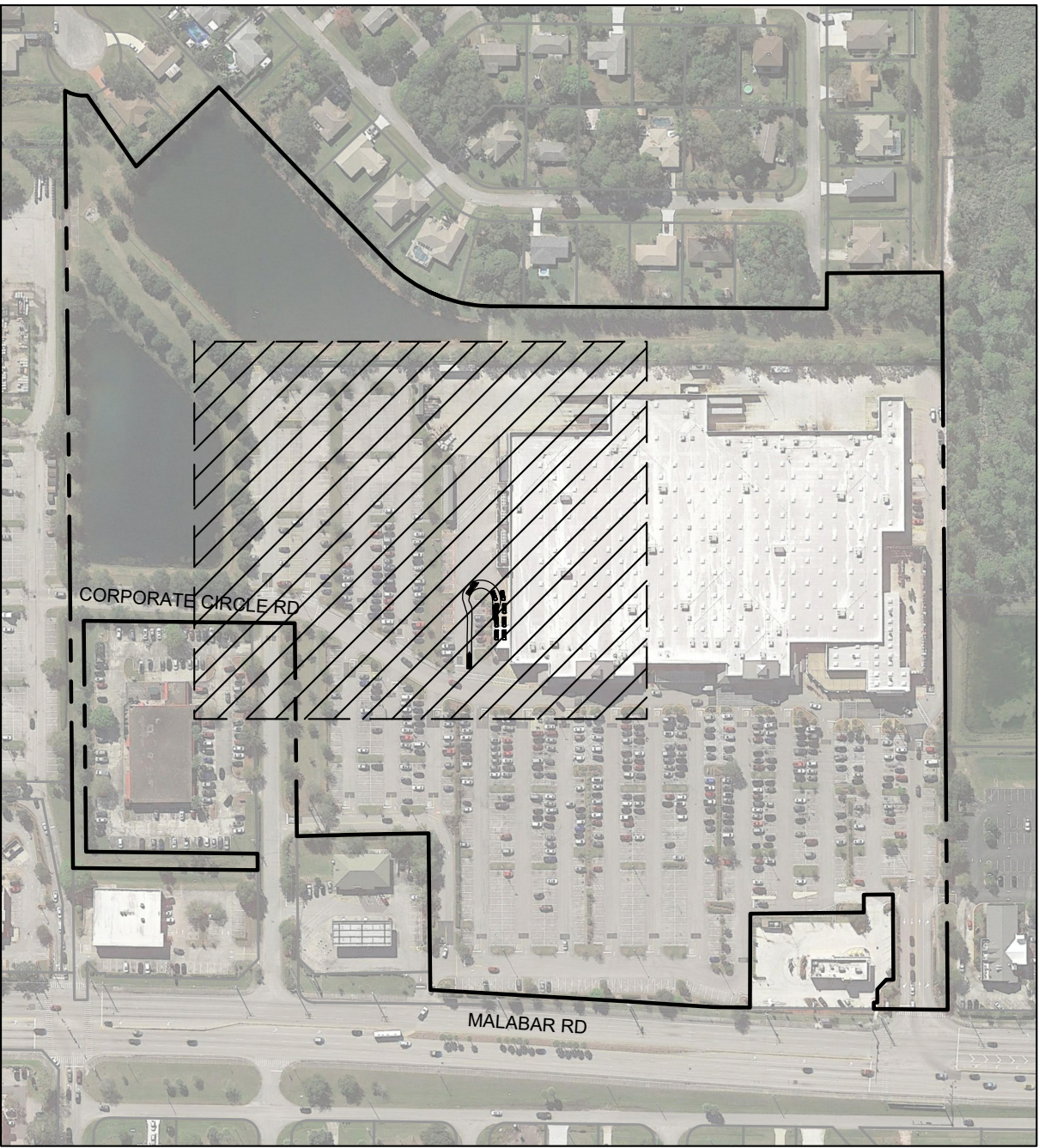
### Subject Property

South of and adjacent to Malabar Road SE, in the vicinity east of Corporate Way SE, specifically at 1040 Malabar Road SE

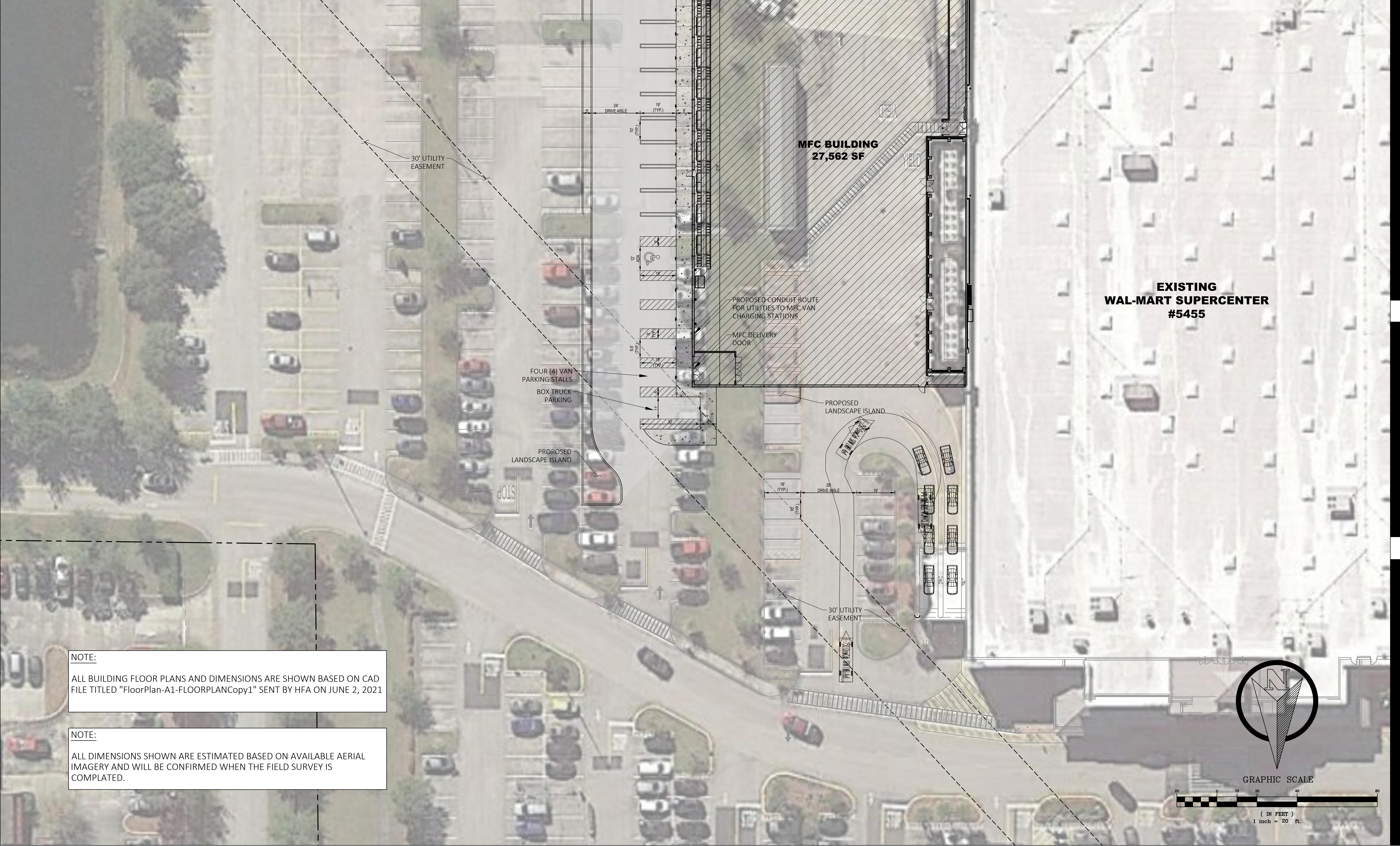
### Current Zoning Classification

CC, RS-2 – Community Commercial District, Single-Family Residential District





KEY MAP  
N.T.S.



NOTE:  
ALL BUILDING FLOOR PLANS AND DIMENSIONS ARE SHOWN BASED ON CAD FILE TITLED "FloorPlan-A1-FLOORPLANCopy1" SENT BY HFA ON JUNE 2, 2021

NOTE:  
ALL DIMENSIONS SHOWN ARE ESTIMATED BASED ON AVAILABLE AERIAL IMAGERY AND WILL BE CONFIRMED WHEN THE FIELD SURVEY IS COMPLETED.

CONCEPTUAL EXHIBIT  
NOT FOR CONSTRUCTION

DESIGN / CODE SUMMARY

EXPANSION SIZE:  
27,562 SF

PORTAL / STALLS:  
12

COMPRESSOR HOUSE:  
(ENTER INFO)

MODULAR PICKUP EXISTING:  
(ENTER INFO)

REDUCTION OF PARKING STALLS:  
59

ENTITLEMENT SUMMARY:  
TBD

DISCLAIMERS

- \* PRELIMINARY DESIGN CONCEPT ONLY
- \* AHJ CODE DETERMINATION NOT COMPLETED AS OF 03/19/2021
- \* CEC HAS NOT REVIEWED AS OF MM/DD/YYYY
- \* WALMART CM PARTNERS HAVE NOT REVIEWED TO VERIFY/APPROVE AS OF XXXXXX
- \* WALMART CM PARTNERS HAVE NOT REVIEWED TO VERIFY/APPROVE AS OF XXXXXX
- \* \*
- \* CEC TO COORDINATE UTILITY LOAD CONFORMANCE LETTER, TBD.

SCOPE TRIP:	MM/DD/YYYY
PROJECTED ENTITLEMENT SUBMITTAL:	MM/DD/YYYY
PROJECTED ENTITLEMENT APPROVAL:	MM/DD/YYYY
PROJECTED PWO:	MM/DD/YYYY
PROJECTED PERMIT APPROVAL:	MM/DD/YYYY
POSSESSION DATE:	MM/DD/YYYY
CONSTRUCTION COMPLETE:	MM/DD/YYYY

Walmart  
MFC EXTERNAL SITE PLAN CONCEPT  
07/06/2021

#5455  
PALM BAY, FL

Bowman  
CONSULTING  
950 NORTH POINT PKWY, SUITE 200  
ALPHARETTA, GA 30005  
678-374-6687  
APETERSEN@BOWMANCONSULTING.COM  
PEF-006755



KEYNOTES	
4.09	SMOOTH FACE CMU

COLOR LEGEND	
P#	COLOR NAME
P3	SW# 6520 "HONEST BLUE"
P5	SAFETY YELLOW OSHA STANDARD
P36	SW# 6989 DIMINO
P65	SW# 6378 "CRISP LINEN"
P78	SW# 2445 "CREAMY WHITE"
P308	SW# 2303 "KISSING GATE"
P310	SW# 6610 "KORAL KICKS"

BUILDING PAINTING RESPONSIBILITY NOTES	
1.	GC TO VERIFY EXISTING PAINT COLOR AREAS TO REVIVE TOUCHUP PAINT ONLY PER AS-BUILT CONDITIONS AS SHOWN WITH "ETR" PAINT TAG.

SHEET NOTES	
1.	PATCH AND REPAIR EXTERIOR WALL SURFACES, DAMAGED OR EXPOSED DUE TO REMOVAL OF BUILDING MOUNTED ITEMS, TO MATCH ADJACENT AS REQUIRED.
2.	REFER TO DETAILS ON SHEET A2.1 FOR SUBSTRATE AND FINISH REQUIREMENTS AT LOCATIONS OF BUILDING MOUNTED SIGNS.
3.	PAINT DOOR HOODS, HOLLOW METAL STEEL DOORS AND FRAMES, GUTTERS AND DOWNSPOUTS, EXPOSED METAL FLASHING, HANDRAILS, AND EXPOSED MISCELLANEOUS STEEL TO MATCH ADJACENT BUILDING COLOR UNO.
4.	PAINT ALL GAS PIPES ON ROOF P5E. PAINT GAS PIPE ALONG SIDE WALL TO GRADE TO MATCH ADJACENT BUILDING COLOR. DO NOT PAINT METER OR VALVES.
5.	PAINT CANOPY STRUCTURAL STEEL AND FLASHING TO MATCH ADJACENT WALL.
6.	PAINT JIB CRANE P36E ON JIB BOOM, P5E ON HANDRAILS.
7.	PAINT SPRINKLER VALVES P21E. DO NOT PAINT OVER SIGHT GLASS OR FIRE ALARM BELL.
8.	PAINT ALL EXTERIOR BOLLARDS P5E.

**HFA**  
*Creative Solutions*  
Meaningful Places

HARRISON FRENCH  
& ASSOCIATES, LTD

1.479.273.7780

1705 S. Walton Blvd., Suite 3  
Bentonville, Arkansas 72712  
www.hfa-ac.com

THIS DRAWING WAS PREPARED FOR THE PROJECT: WALMART PALM BAY, FL. IT IS NOT TO BE USED FOR ANY OTHER PROJECT. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED TO THE DESIGNER. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS DRAWING.

**Walmart**

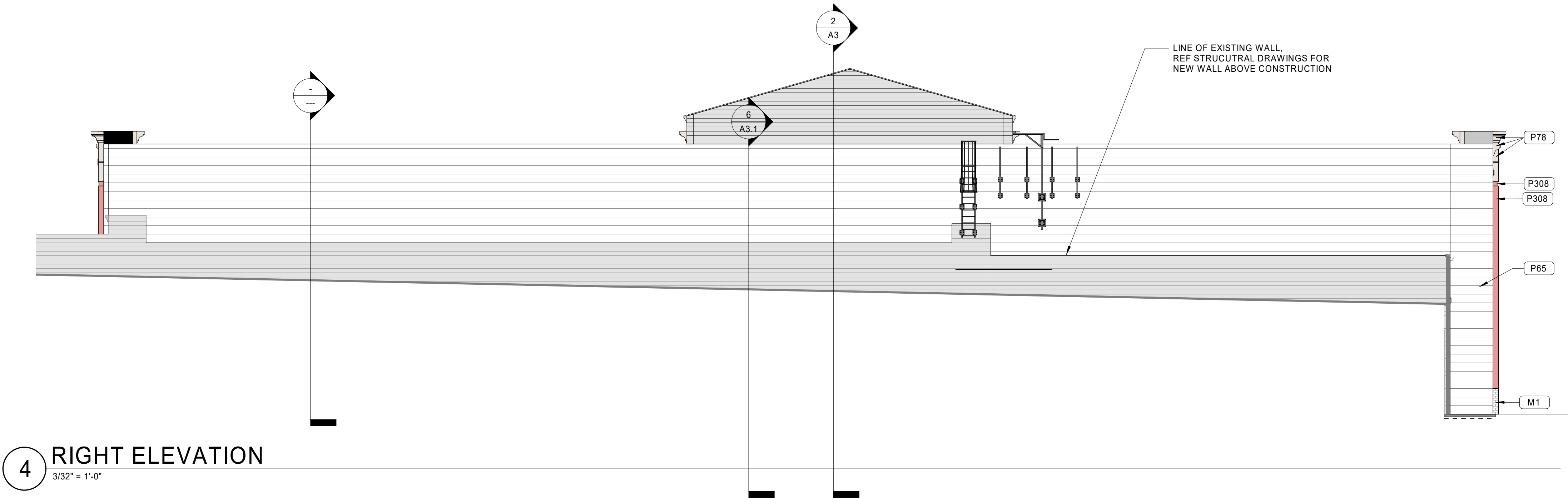
WALMART  
PALM BAY, FL

STORE NO. 5455

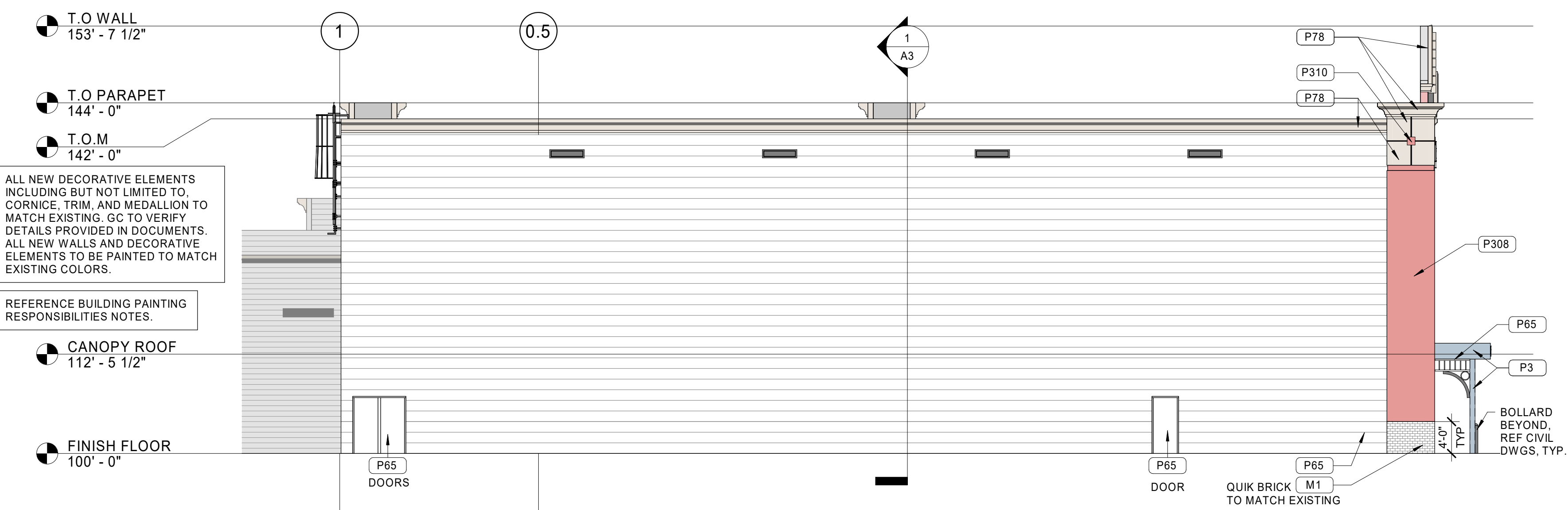
JOB NUMBER 22-22-15455

ISSUE BLOCK	

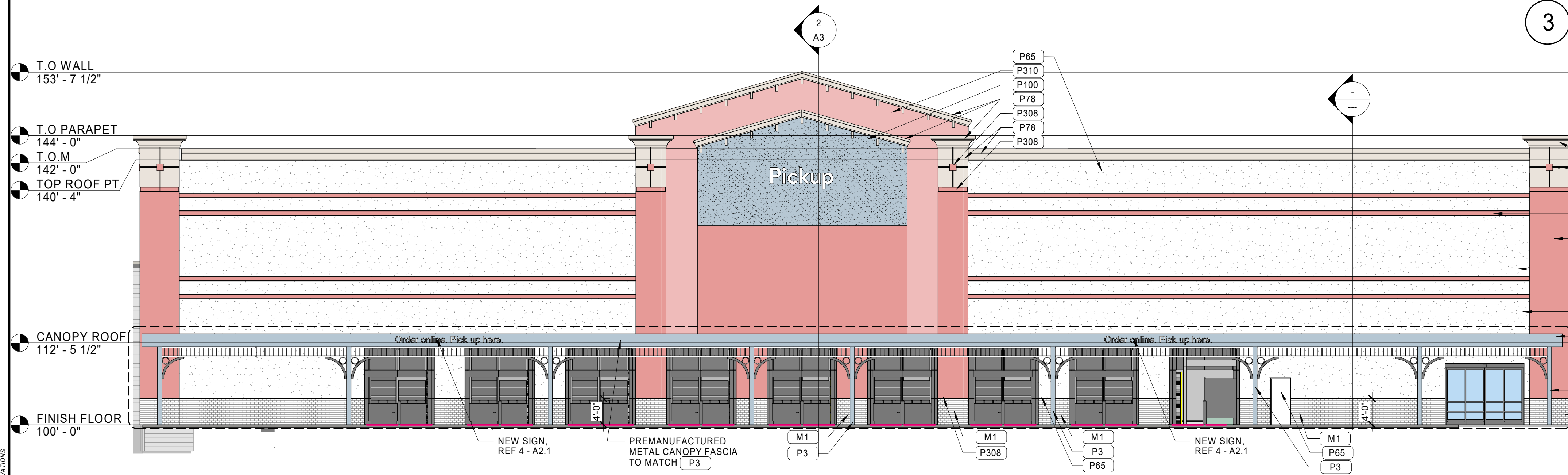
CHECKED BY:	KMH
DRAWN BY:	KJB
DOCUMENT DATE:	04/30/21
PROTO:	195 SC
PROTO CYCLE:	07/30/21



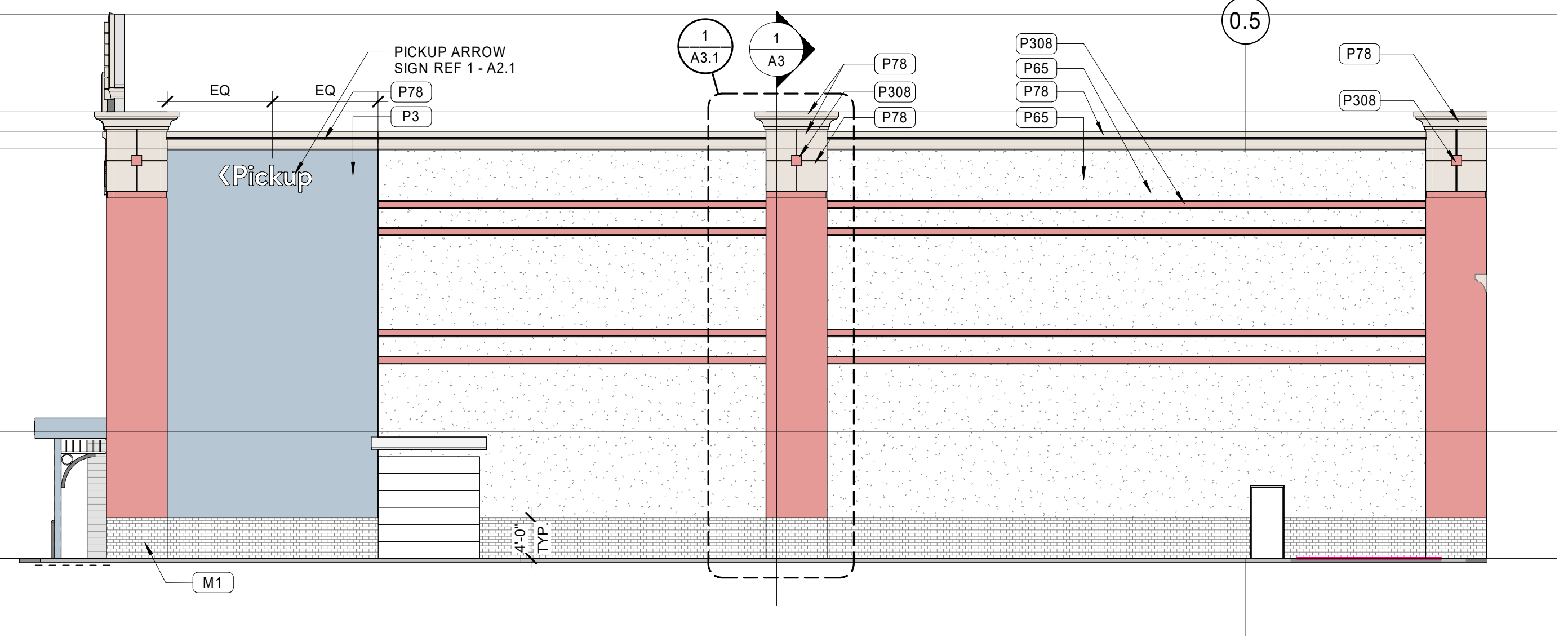
4 RIGHT ELEVATION  
3/32" = 1'-0"



3 REAR ELEVATION  
3/32" = 1'-0"



2 LEFT ELEVATION  
3/32" = 1'-0"



1 FRONT ELEVATION  
3/32" = 1'-0"

NOT FOR CONSTRUCTION

EXTERIOR  
ELEVATIONS

SHEET:  
A2

August 31, 2021

**Project No.:** 010924-01-003

To:  
Mr. Christopher Balter  
Senior Planner  
City of Palm Bay Land Development Division  
120 Malabar Rd. SE  
Palm Bay, Florida 32907

**RE: Walmart Store # 5455 – 120 Malabar Rd. SE**

Bowman Consulting has been contracted by Walmart Stores, Inc. to prepare civil plans and permits for an automated warehouse addition to the existing store. Per the Pre-Application meeting held with the city on 8/10/21, an amendment to the currently approved Conditional Use on the subject property.

As required by Section 185.087 of the city's Land Development Code, in its deliberations concerning the granting of a conditional use, the City Council shall carefully consider the following guidelines and standards. We offer the following responses to these conditions.

## COMMENT 1

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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.

**Response: No changes to the site access are being made with the proposed application. The project site will continue to have adequate vehicle access points from Malabar Rd., and Corporate Circle. Pedestrian access will continue to be provided via sidewalk connection to Malabar Rd.**

## COMMENT 2

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

**Response: Off-street parking is currently provided through much of the site and is adequately screened from the adjacent properties through walls and landscaping. After the building expansion, the site will continue to meet the required parking count.**

## COMMENT 3

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Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.



**Response: Existing utilities currently serving the existing building will continue to serve the building and expansion.**

#### **COMMENT 4**

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Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.

**Response: The site is currently adequately screened from the adjacent properties through walls and landscaping. No changes to the perimeter screening is proposed with this expansion.**

#### **COMMENT 5**

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

**Response: Any proposed signage will be reviewed through a separate sign permit and will meet all applicable requirements in the Land Development Code.**

#### **COMMENT 6**

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Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

**Response: The existing yards and open spaces will continue to meet the open space requirements of the Land Development Code.**

#### **COMMENT 7**

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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 use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.

**Response: This application is for an expansion to the existing big-box retail store to add an automated warehouse. Customers will access the dispense portals from the outside in the existing parking lot on the east side of the building. Only store associates will have access to the warehouse space. No excessive noise, vibration, or fume generation from the proposed expansion is anticipated.**

#### **COMMENT 8**

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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 begin or be completed, or both.

**Response: Comment Noted.**



**LAND DEVELOPMENT DIVISION**

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

[Landdevelopmentweb@palmbayflorida.org](mailto: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):**

29-37-05-01-\*-1

**TAX ACCOUNT NUMBER(S):**

2962863

**PROPERTY ADDRESS:**

1040 MALABAR RD SE, PALM BAY FL 32909

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

28.97

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

CC

**CONDITIONAL USE SOUGHT:**

Amendment to existing Conditional Use approval.



**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** Andrew J. Petersen, Bowman Consulting

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**

X [Signature]

**Date**

9/14/21

**Printed Name**

Walmart Stores East, L.P.

**Full Address**

2608 SE J St, Bentonville, AR 72712

**Telephone**

479-418-6506

**Email**

mark.asplund@walmart.com

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

September 14, 20 21

Re: Letter of Authorization

**As the property owner of the site legally described as:**

Lot 1, Wal-mart at Palm Bay, Plat Book 51, Page 91.

I, Owner Name: Walmart Stores East, L.P.

Address: 2608 SE J St, Bentonville, AR 72712

Telephone:

Email:

**hereby authorize:**

Representative: Andrew Petersen, Bowman Consulting

Address: 4450 W. Eau Gallie Blvd. Suite 144, Melbourne, FL 32934

Telephone: 321-270-8983

Email: apetersen@bowman.com

**to represent the request(s) for:**

Conditional Use and Site Plan / Site Plan Amendment Applications.

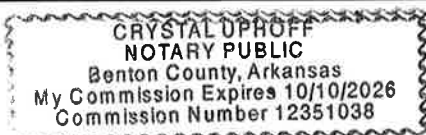
X   
(Property Owner Signature)

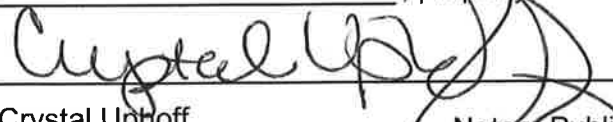
STATE OF Arkansas

COUNTY OF Benton

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14 day of September, 20 21 by

Mark Asplund, property owner.



  
Crystal Uphoff, Notary Public

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





## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Patrick Murphy, Acting Growth Management Director

**DATE:** November 15, 2021

**SUBJECT:** \*\*Z-45-2021 - Palm Bay Storage - Roth Freedom 2010 LLC and Linda N. Shah (Nathan Lee, Kimley-Horn, Rep.) - Zoning change from a CC, Community Commercial District to a GC, General Commercial District. Tax Parcel 12, Section 9, Township 29, Range 37, Brevard County, Florida, containing approximately 6.28 acres. West of and adjacent to Babcock Street SE, in the vicinity south of Foundation Park Boulevard SE

♣Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ▢ Case Z-45-2021 - Staff Report
- ▢ Case Z-45-2021 - Boundary and Topographic Survey
- ▢ Case Z-45-2021 - Application



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Patrick J. Murphy, Acting Growth Management Director

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#### CASE NUMBER

Z-45-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 15, 2021

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#### PROPERTY OWNER & APPLICANT

Roth Freedom 2010, LLC and Linda N. Shah (Represented by Nathan Lee, Kimley-Horn)

#### PROPERTY LOCATION/ADDRESS

Tax Parcel 12, Section 9, Township 29 south, Range 37 east, Brevard County, Florida

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#### SUMMARY OF REQUEST

The applicant is requesting a rezoning of the subject parcel from CC, Community Commercial to GC, General Commercial.

##### Existing Zoning

CC, Community Commercial

##### Existing Land Use

Commercial Use

##### Site Improvements

Former Single-Family Home

##### Site Acreage

6.28 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

RR, Rural Residential; Single-Family Home

##### East

CC, Community Commercial; Babcock Street SE

##### South

RR, Rural Residential; Single-Family Homes

##### West

LI, Light Industrial and Warehousing; Undeveloped Land

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#### COMPREHENSIVE PLAN COMPATIBILITY

The land is designated Commercial Use on the City's Comprehensive Plan Future Land Use Map. The proposed commercial zoning designation is consistent with this land use category.

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**BACKGROUND:**

The subject property is located west of and adjacent to Babcock Street SE, in the vicinity south of Foundation Park Boulevard SE. Specifically, the property is Tax Parcel 12, located in Section 9, Township 29 south, Range 37east, of Brevard County, Florida. The property was rezoned from RR, Rural Residential to CC, Community Commercial in 2007, just before a downturn in the economy. As a result, the property was not commercially developed.

**ANALYSIS:**

The following analysis is per Chapter 185: Zoning Code, Section 185.201(C), which states that all proposed amendments shall be submitted to the Planning and Zoning Board, which shall study such proposals in accordance with items 1 through 4 of Section 185.201(C).

**Item 1 - *The need and justification for the change.***

The applicant states that the justification for change is “for a proposed self-storage facility, which will be restricted by current zoning, Community Commercial. The property is located along Babcock St SE, a corridor that has been transitioning to General Commercial over the years.”

The applicant is correct in that several parcels have already been zoned to General Commercial along this corridor. Three (3) other parcels south of the subject property have General Commercial zoning and Commercial Use as a future land use designation.

Within the Community Commercial zoning district, self-storage facilities are allowed via conditional use, with built-in conditions that must be met. In the GC zoning district, a self-storage facility is permitted “by right”.

**Item 2 - *When pertaining to the rezoning of land, the effect of the change, if any, on the particular property and on surrounding properties.***

The rezoning of this parcel to General Commercial would have minimal changes compared to what is currently allowed under Community Commercial zoning. Any development to occur onsite must be approved via administrative site plan review to ensure that development adheres to the Palm Bay Code of Ordinances and all other applicable regulations.

**Item 3 - *When pertaining to the rezoning of land, the amount of undeveloped land in the general area and in the City having the same classification as that requested.***

Out of the three (3) nearby parcels with General Commercial zoning, only one is vacant land, and it is owned by Brevard County. Additional GC-zoned lands are located a half mile north, in Port Malabar Unit 40 (east side of Babcock Street, north of Interstate 95).



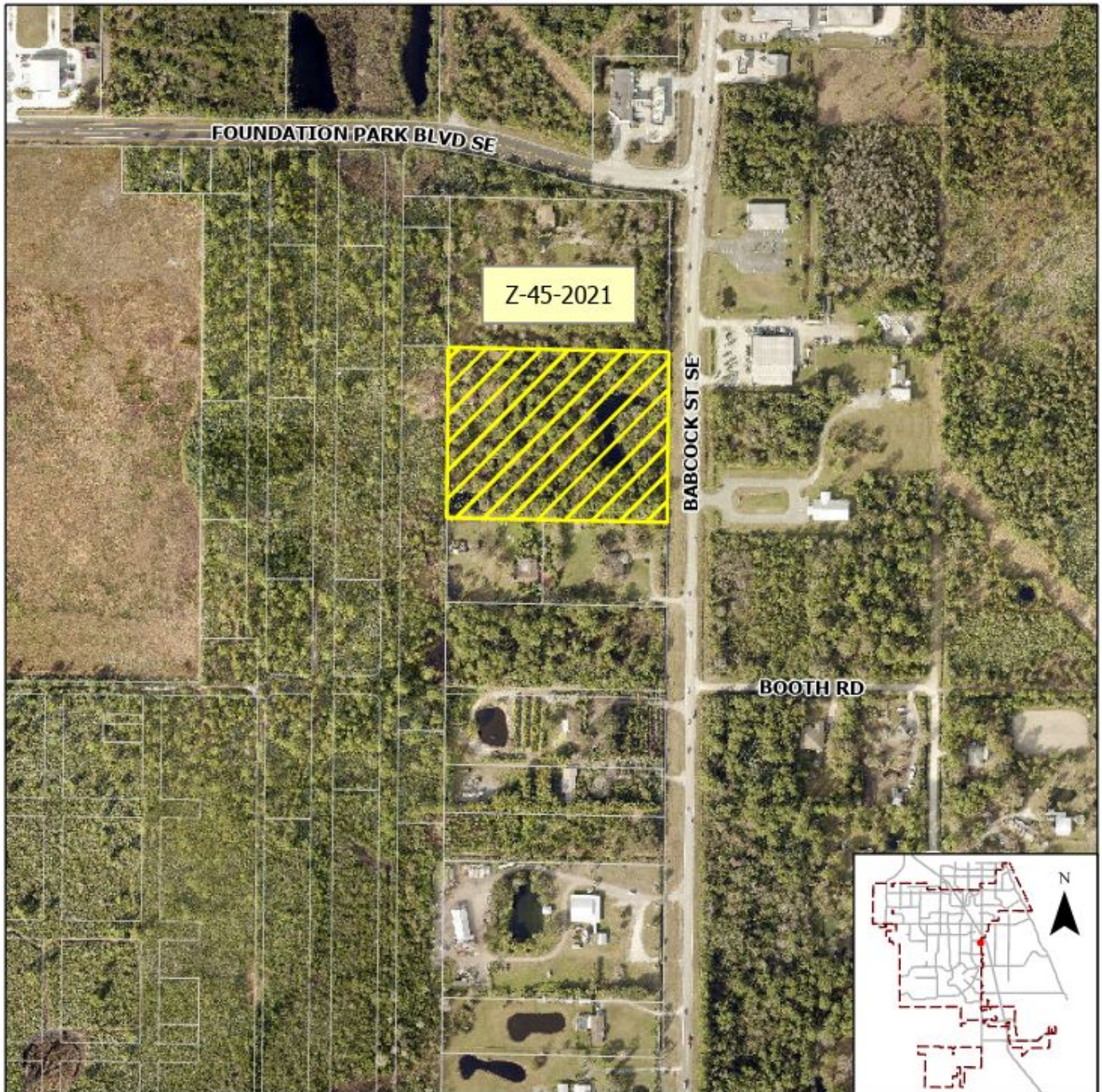
**Item 4** - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).*

The proposed amendment does not impede the purposes of Chapter 185 or the Comprehensive Plan. The proposed zoning district is consistent with the property's future land use designation of commercial use.

**STAFF RECOMMENDATION:**

Case Z-45-2021 is recommended for approval.

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



## **AERIAL LOCATION MAP      CASE: Z-45-2021**

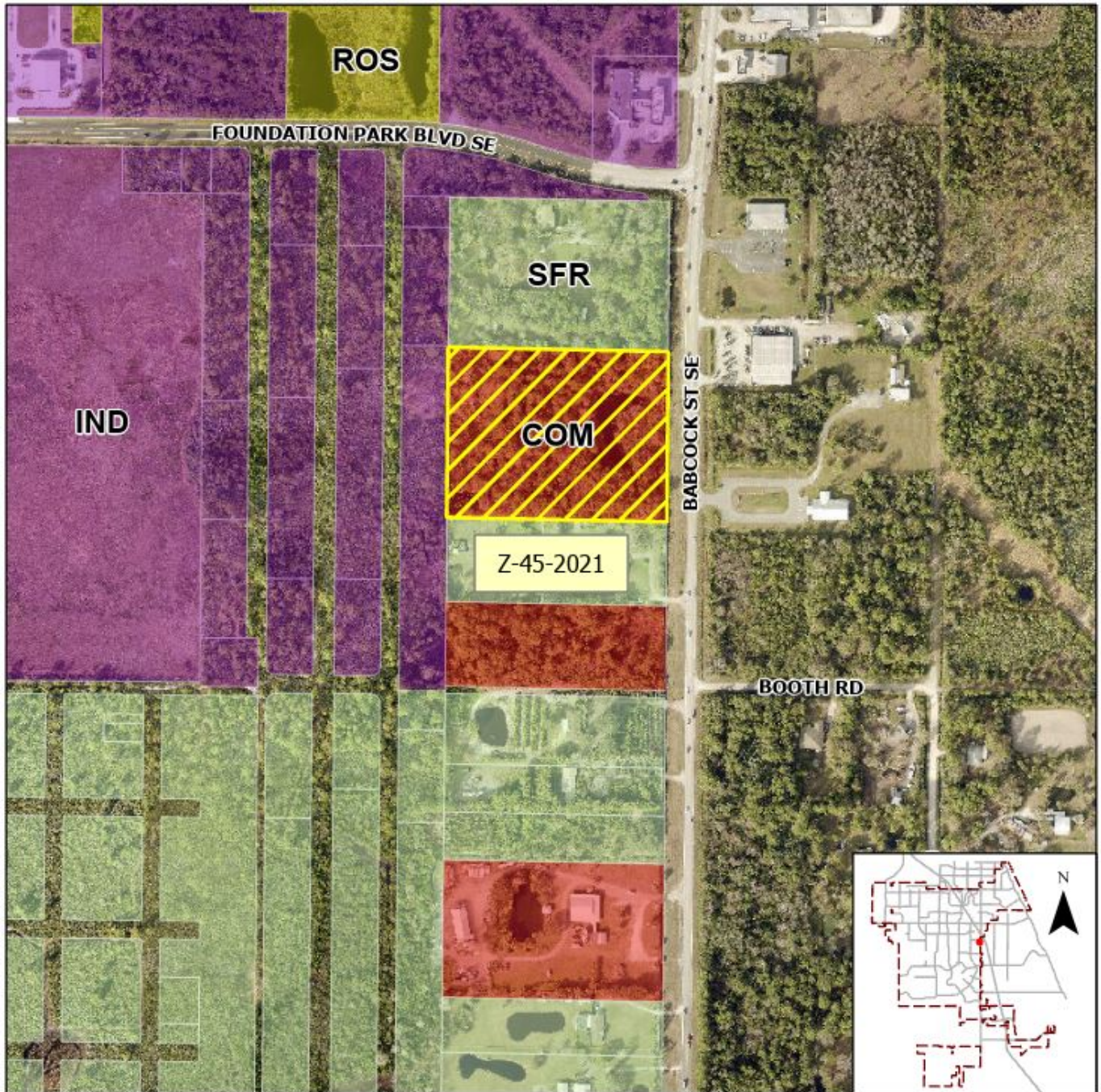
### **Subject Property**

West of and adjacent to Babcock Street SE, in the vicinity south of Foundation Park 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: Z-45-2021**

### Subject Property

West of and adjacent to Babcock Street SE, in the vicinity south of Foundation Park Boulevard SE

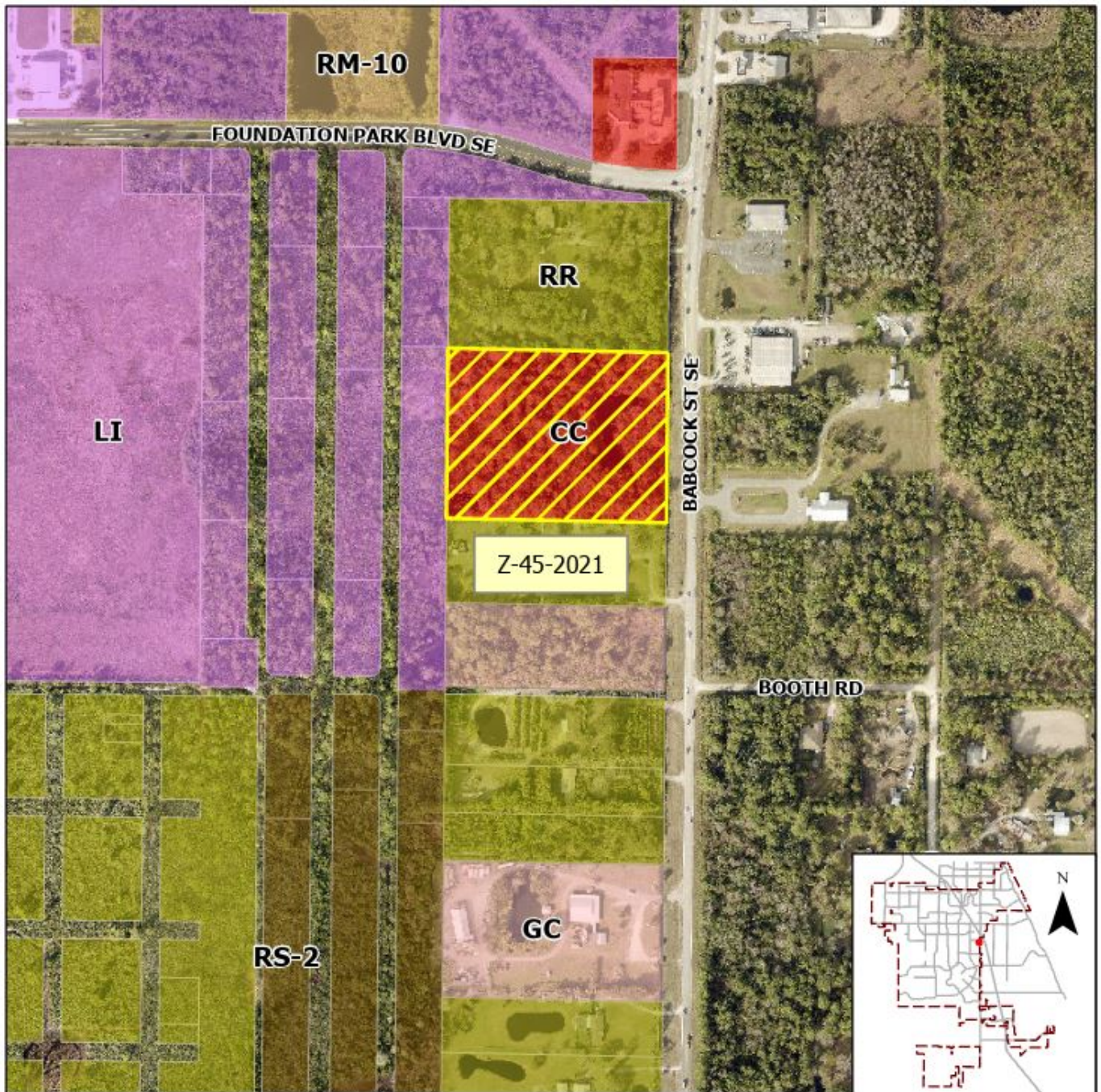
### Future Land Use Classification

COM – Commercial Use District





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



## ZONING MAP

## CASE: Z-45-2021

### Subject Property

West of and adjacent to Babcock Street SE, in the vicinity south of Foundation Park Boulevard SE

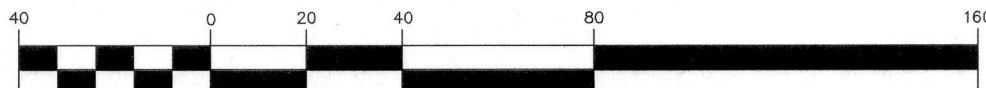
### Current Zoning Classification

CC – Community Commercial Use



# MAP OF BOUNDARY & TOPOGRAPHIC SURVEY

GRAPHIC SCALE



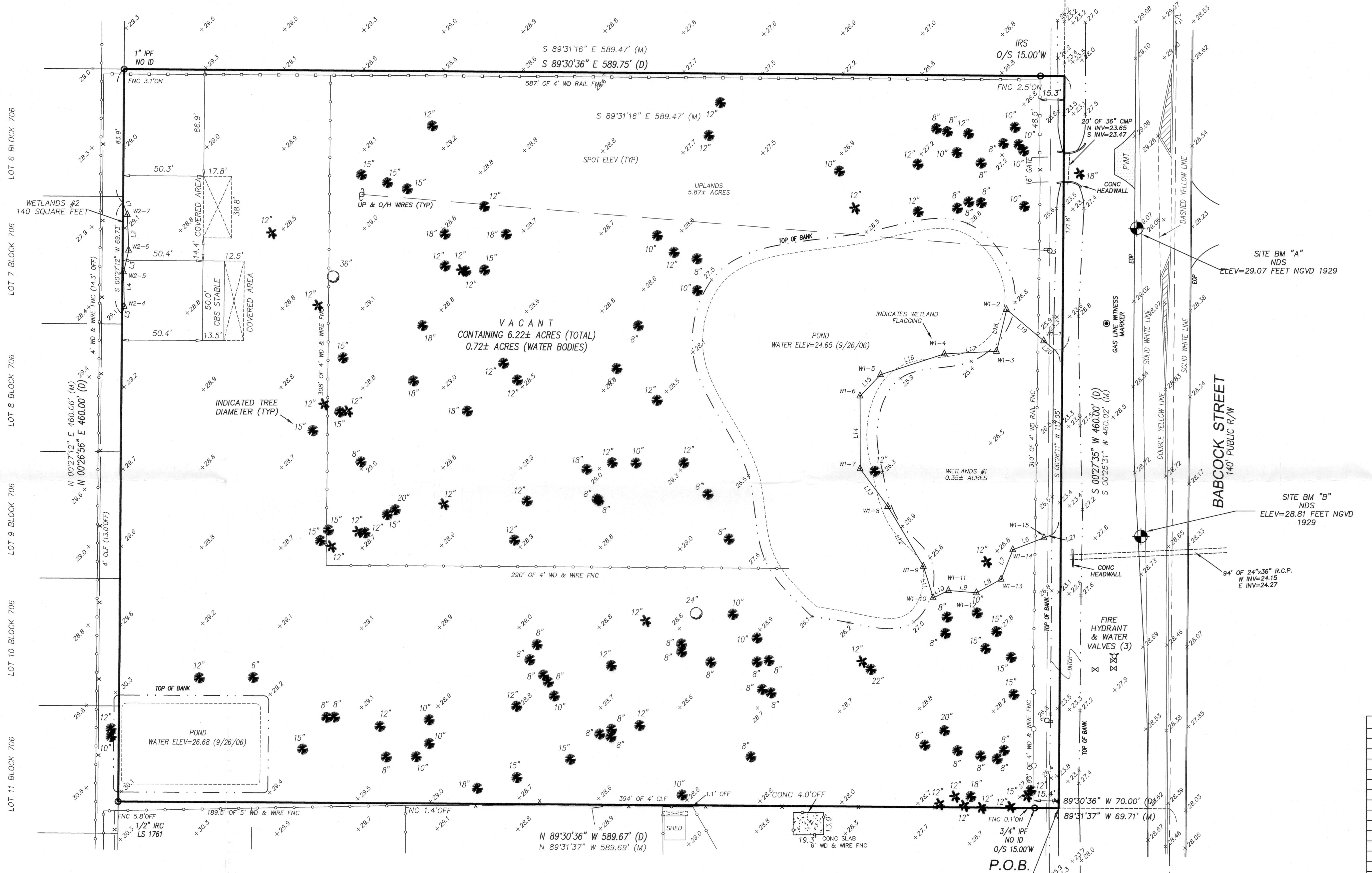
( IN FEET )  
1 inch = 40 ft.

ORB 4211 PAGE 1968  
FF=30.7

APPROXIMATE  
DRAINFIELD LOCATION

PORT CANALAS UNIT FIFTEEN  
PG 15 PAGES 12-19

## TREE LEGEND



ORB 5144 PAGE 2829  
FF=33.2

ORB 4594 PAGE 1028  
FF=32.0

APPROXIMATE  
DRAINFIELD LOCATION

APPROXIMATE  
DRAINFIELD LOCATION

## LEGAL DESCRIPTION: (FURNISHED BY CLIENT)

COMMENCE AT THE EAST 1/4 CORNER OF SECTION 9, TOWNSHIP 29 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, THENCE NORTH 02°35' EAST, ALONG THE EAST LINE OF SAID SECTION 9, A DISTANCE OF 455.0 FEET; THENCE NORTH 89°30'36" WEST A DISTANCE OF 70 FEET TO THE POINT OF BEGINNING, FROM POINT OF BEGINNING RUN NORTH 89°30'36" WEST A DISTANCE OF 589.67 FEET, THENCE NORTH 02°35' EAST A DISTANCE OF 460.0 FEET, THENCE SOUTH 89°30'36" EAST A DISTANCE OF 589.75 FEET TO THE WEST RIGHT-OF-WAY OF BABCOCK STREET, THENCE SOUTH 02°35' WEST ALONG WEST RIGHT-OF-WAY OF BABCOCK STREET A DISTANCE OF 460.0 FEET TO THE POINT OF BEGINNING.

## CERTIFICATION:

I HEREBY CERTIFY: THAT THE ATTACHED SURVEY WAS DONE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

DATE: 1/8/06

MICHAEL J. KANE PROFESSIONAL LAND SURVEYOR AND MAPPER  
STATE OF FLORIDA No. 4029

C

DRAWN BY: MDS/JED

SCALE 1 INCH = 40 FEET

## LEGEND

A = ARC  
A/C = AIR CONDITIONER  
BFE = BASE FLOOD ELEVATION  
BRG = BEARING  
BM = BENCHMARK  
BLK = BLOCK  
BLDG = BUILDING  
(C) = CALCULATED  
CATV = CABLE TELEVISION  
CHD = CHORD  
CBS = CONCRETE BLOCK STRUCTURE  
C/L = CENTERLINE  
CLF = CHAIN LINK FENCE  
CMP = CORRUGATED METAL PIPE  
CONC = CONCRETE  
CMF = CONCRETE MONUMENT FOUND  
COR = CORNER  
(D) = DEED  
DB = DEED BOOK  
DA = DELTA ANGLE  
ESMT = EASEMENT  
ELEC = ELECTRIC  
ENC = ENCROACHMENT  
ELEV = ELEVATION  
EOP = EDGE OF PAVEMENT  
FB = FIELD BOOK  
FF = FINISHED FLOOR  
FNC = FENCE  
FND = FOUND  
FP&L = FLORIDA POWER & LIGHT COMPANY  
GOV'T = GOVERNMENT  
ID = IDENTIFICATION  
INV = INVERT  
IPF = IRON PIPE FOUND  
IRC = IRON ROD & CAP FOUND  
IRF = IRON ROD FOUND  
IRS = 5/8" IRON ROD SET WITH CAP "KANE LB 7179"  
LB = LICENSED BUSINESS NUMBER  
(RLS) or (PLS) REGISTERED OR PROFESSIONAL  
LAND SURVEYOR  
(M) = MEASURED  
No. = NUMBER  
NDF = NAIL & DISK FOUND  
NDS = 1 1/4" NAIL & DISK SET "KANE LB 7179"  
NGVD = NATIONAL GEODETIC VERTICAL DATUM  
O/H = OVERHEAD  
ORB = OFFICIAL RECORDS BOOK  
O/S = OFFSET  
(P) = PLAT  
PB = PLAT BOOK  
PCP = PERMANENT CONTROL POINT  
PC = POINT OF CURVATURE  
PCC = POINT OF COMPOUND CURVATURE  
PI = POINT OF INTERSECTION  
PT = POINT OF TANGENCY  
PRC = POINT OF REVERSE CURVATURE  
PRM = PERMANENT REFERENCE MONUMENT  
POB = POINT OF BEGINNING  
POC = POINT OF COMMENCEMENT  
POL = POINT ON LINE  
PUE = PUBLIC UTILITY EASEMENT  
PUDE = PUBLIC UTILITY & DRAINAGE EASEMENT  
PMT = PAVEMENT  
R = RADIUS  
RCP = REINFORCED CONCRETE PIPE  
REF = REFERENCE  
RNG = RANGE  
R/W = RIGHT OF WAY  
SEC = SECTION  
(SB) = SURVEY BOOK  
TEL = TELEPHONE RISER  
TWP = TOWNSHIP  
TYP = TYPICAL  
UP = UTILITY POLE  
WD = WOOD  
WT-COR = 5/8" IRON ROD SET WITH CAP "WITNESS LB 7179"  
WM = WATER METER  
XCF = CROSS CUT FOUND

## NOTES:

- BEARINGS BASED ON FURNISHED LEGAL DESCRIPTION (SEE SKETCH)
- ELEVATIONS BASED ON 1929 NGVD & 2" NDF AT THE INTERSECTION OF FOUNDATION PARK BOULEVARD AND UNDERHILL AVENUE BEING AT AN ELEV OF 31.05 FEET NGVD 1929 AS PER THE CITY OF PALM BAY PUBLIC WORKS DEPARTMENT.
- FLOOD ZONE "A", MAP NO. 12009C0605E COMMUNITY NO. 120404 NOVEMBER 19, 1997
- HORIZONTAL CLOSURE MEETS OR EXCEEDS THE ACCURACY FOR SUBURBAN LAND AS PER FLORIDA STATUTE 61G17-6.003.
- BEARINGS, DISTANCES OR ANGLES SHOWN ARE THE SAME AS PLAT, DEED OR RECORD UNLESS SHOWN OTHERWISE.
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- THE SURVEYOR HAS NOT LOCATED NOR ATTEMPTED TO LOCATE ANY UNDERGROUND UTILITIES, FOUNDATIONS, OR STRUCTURES OTHER THAN THOSE THAT MAY BE SHOWN HEREON.
- ONLY BOUNDARY CORNER MONUMENTS ARE SHOWN HEREON ARE TO BE USED FOR THE LOCATION AND CONSTRUCTION OF IMPROVEMENTS.
- UNLESS OTHERWISE INDICATED THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE SEARCH OR ATTORNEY'S TITLE OPINION.
- THE SURVEYOR DID NOT HAVE THE BENEFIT OF A UTILITY LOCATION SERVICE AT THE TIME OF THIS SURVEY. ONLY VISUAL INDICATIONS OF SUBTERRANEAN UTILITIES HAVE BEEN LOCATED. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

## CERTIFIED TO:

RAVI SHAH

BOUNDARY	DATE: 2/5/04	JOB No. 16485
TOPOGRAPHIC	DATE: 9/29/06	FB 4-3-27
REVISED	DATE: 10/25/06	9-29-37/TAXPARCEL12
LOCATED WETLANDS	DATE: 12/21/06	

## KANE SURVEYING

FLORIDA LICENSED BUSINESS No. LB 7179  
505 DISTRIBUTION DRIVE  
MELBOURNE, FLORIDA 32904  
(321) 676-0427  
FAX (321) 984-1448

LINE	LENGTH	BEARING
L1	8.02'	S19°52'19"E
L2	22.28'	S02°10'15"E
L3	13.87'	S13°16'11"W
L4	21.66'	S01°10'29"E
L5	4.96'	S16°09'36"W
L6	20.98'	S69°13'50"W
L7	19.93'	S21°41'06"W
L8	17.63'	S61°08'46"W
L9	17.61'	N85°22'18"W
L10	10.60'	S64°39'28"W
L11	20.69'	N171°3'25"W
L12	43.69'	N30°45'21"W
L13	29.76'	N35°47'47"W
L14	45.88'	N02°01'07"E
L15	18.50'	N44°03'46"E
L16	42.04'	N72°06'03"E
L17	32.64'	N87°16'15"E
L18	27.04'	N132°0'59"E
L19	30.59'	S49°50'59"E
L20	8.06'	S49°50'59"E
L21	5.22'	S69°13'50"W





## LAND DEVELOPMENT DIVISION

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

[Landdevelopmentweb@palmbayflorida.org](mailto:Landdevelopmentweb@palmbayflorida.org)

## REZONING 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):

29-37-09-00-12

### TAX ACCOUNT NUMBER(S):

2931099

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

PART OF LOT 17 OF PB 1 PG 165 AS DES IN ORB 1880 PG 1004

### PROPERTY ADDRESS:

unassigned

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

6.28

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

CC

### ZONING CLASSIFICATION DESIRED (ex.: IU, LI, etc.):

GC

**STRUCTURES LOCATED ON THE PROPERTY:**

old shed

**PRESENT USE OF THE PROPERTY:**

vacant

**INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:**

Proposed is a Self Storage facility with Climate controlled and non climate controlled units in accordance with Palm Bay guidelines.

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

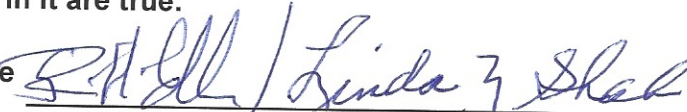
- ☐ \*A \$650.00 application fee. Make Check payable to "City of Palm Bay."
- ☐ A Boundary Survey or Sketch with legal descriptions of properties covered by this application.
- ☐ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, 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.)
- ☐ 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** Nathan Lee, Kimley Horn Civil Engineer

CITY OF PALM BAY, FLORIDA  
REZONING APPLICATION  
PAGE 3 OF 3

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 rezoning application and that the facts stated in it are true.

Owner Signature  / Linda N. Shah Date 10/12/2021  
Printed Name RAVINDRA SHAH / LINDA N. SHAH  
Full Address 501 MALEARD LN 1 INDIAN LANTIC, FL 32903  
Telephone 321-431-1820 Email RAVI3145@BELL SOUTH.NET

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



10/12, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID 29-37-09-00-12, 6.28 acres vacant land  
PART OF LOT 17 OF PB 1 PG 165 AS DES IN ORB 1880 PG 1004

I, Owner Name: ROTH FREEDOM 2010 LLC; NUVIEW IRA INC F/B/O LINDA N SHAH IR

Address: 501 MALLARD LN INDIALANTIC FL 32903

Telephone: 321-431-1820

Email: ravi3145@bellsouth.net

hereby authorize:

Representative: Nathan Lee (Kimley-Horn)

Address: 655 N Franklin Street, Suite 150, Tampa, FL 33602

Telephone: 813-620-1460

Email: nathan.lee@kimley-horn.com

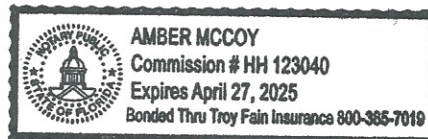
to represent the request(s) for:

Rezoning application

Linda N Shah  
(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<sup>th</sup> day of October, 20 21 by

Ravindra Hiralal Shah, property owner.

Amber McCoy, Notary Public

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

FL Drivers license



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Patrick Murphy, Acting Growth Management Director

**DATE:** November 15, 2021

**SUBJECT:** \*\*CU-46-2021 - Giant Recreation World - Joe McNamara, Recreation World, Inc. (David Tom, P.E, Construction Engineering Group, LLC, Rep.) - Amendment to an existing Conditional Use to allow a proposed RV detail shop and customer delivery building. Part of Tract A, Port Malabar Unit 21 Second Replat, Section 19, Township 28, Range 37, Brevard County, Florida, containing approximately 4.06 acres. East of and adjacent to Culver Drive NE, in the vicinity north and south of Centre Lake Drive NE, specifically at 1355 Culver Drive NE

♣Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ☐ Case CU-46-2021 - Staff Report
- ☐ Case CU-46-2021 - Exhibit
- ☐ Case CU-46-2021 - 3D Views
- ☐ Case CU-46-2021 - Application





# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Patrick J. Murphy, Acting Growth Management Director

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#### CASE NUMBER

CU-46-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 15, 2021

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#### PROPERTY OWNER & APPLICANT

Giant Recreation World

#### PROPERTY LOCATION/ADDRESS

Tract A of the Second Replat in Port Malabar Unit 21,  
Section 19, Township 28 south, Range 37 east, Brevard  
County, Florida. 1355 Culver Drive NE

---

#### SUMMARY OF REQUEST

Conditional Use approval for expansion of a permitted use on a parcel of ten (10) or more acres of area.

##### Existing Zoning

CC, Community Commercial

##### Existing Land Use

Commercial Use

##### Site Improvements

Recreational Vehicle Retail & Service

##### Site Acreage

24.05 acres [expansion is on the southern 4 acres of the site]

---

#### SURROUNDING ZONING & USE OF LAND

##### North

CC, Community Commercial; Medical Offices; I-95 On-Ramp

##### East

CC, Community Commercial; Giant Recreation World Site

##### South

IU, Institutional Use; Palm Bay Senior Center and SRE, Suburban Residential Estate; Single-Family Homes

##### West

CC, Community Commercial; Culver Drive NE

---

#### COMPREHENSIVE PLAN

##### COMPATIBILITY

Yes

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**BACKGROUND:**

The subject property, Giant Recreation World, was constructed in 2016. The property received conditional use approval via Resolution 2012-45, as a planned commercial development, which was later extended in via Resolution 2015-29. The total property consists of 24.05 acres of land, with a retail/service building and a paved outside storage area of inventory vehicles.

The applicants, Giant Recreation World, are requesting conditional use approval for an accessory building for an RV detail and delivery shop to operate at their current property, as required by Section 185.043(D)(1) of the Palm Bay Code of Ordinances.

**ANALYSIS:**

As stated in the background section of this report, the site received approval in 2012. Site improvements, constructed in 2016, consist of a 32,000 square foot retail and service center for recreational vehicles. Roughly half the site (the east half) is used for vehicle display and storage. A large retention pond is in the middle of the property and a 1-acre area in the NW portion of the site remains undeveloped.

The applicants are seeking to add another building on their property, a 23,000 square foot building with bay doors to function as an RV detail, ship, and delivery building. The proposed structure will be built on a 4-acre portion of the existing parcel, which is presently undeveloped.

**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 another emergency.

The site plan shows no new ingress or egress from Culver Drive NE, as it is not necessary. Access to the new building will be internal, from the existing paved areas of the site. The proposed building is not anticipated to create a significant increase in traffic to the site.

**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.

Off-street parking has been proposed along the western boundary of the property, although additional parking is not required with accessory structures. These parking spaces are for employee automobiles, with additional RV parking along the eastern boundary.



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

The existing building is connected to City water and sewer services. However, the proposed accessory building will have no new water and sewer connections provided as there will be no facilities in need of such utility. The applicant has stated that the proposed accessory building will not be open to the public, and employees will have access to restroom facilities in the main building. The site has electricity service via Florida Power & Light.

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

The property received a variance (V-17-2012) to reduce the number of replacement trees on the property from 168 to zero trees, with two conditions. The first condition of the variance included a natural buffer along the southern property line, adjacent to residential land, at a minimum of 30 feet. The second condition included working with staff to plant the required replacement trees on City property. Proposed site improvements will be located adjacent to the Palm Bay Senior Center. The conceptual plan indicates preservation of existing trees in the SE portion of the project area, to help buffer the properties along Gilbert Drive NE.

The proposed accessory building will be visible from Culver Drive NE and should have adequate screening between the road and adjoining properties. As this is an accessory building that will be used by employees only, there does not appear to be a need for visibility from the street. Since the site is adjacent to the Senior Center (Institutional Use zoning), it is not required to meet the 30' vegetative buffer. Therefore, staff recommends a vegetative buffer on the western property line, and a row of canopy trees along the southern property line, adjacent to the Senior Center.

**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. Any additional signs must comply with the commercial sign code, and any proposed lighting plans must show that all lumens fall to zero at the property lines.

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

Due to the size of the property, there appears to be sufficient open space to ensure compatibility with adjoining properties, provided there is adequate screening and buffering.

**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 use of the site, for RV sales and display, is adjacent to Interstate 95. Any additional noise and fume generation appears minimal. The proposed accessory structure is a covered building to detail and prepare RVs for delivery to customers. It will not add any new vehicles to the site. Access will be internal, and no additional driveways are proposed.

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

Giant Recreation World was allowed to develop under the approval of CU-15-2012, within Community Commercial zoning. The proposed structure is adjacent to Institutional Use zoned land and would not be incompatible, provided there is adequate screening and buffering.

**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 is requesting an easement along the south side of the property to aid in the maintenance of the abutting drainage ditch.

The Fire Plans Examiner has stated that the building shall be provided a Fire Sprinkler system.

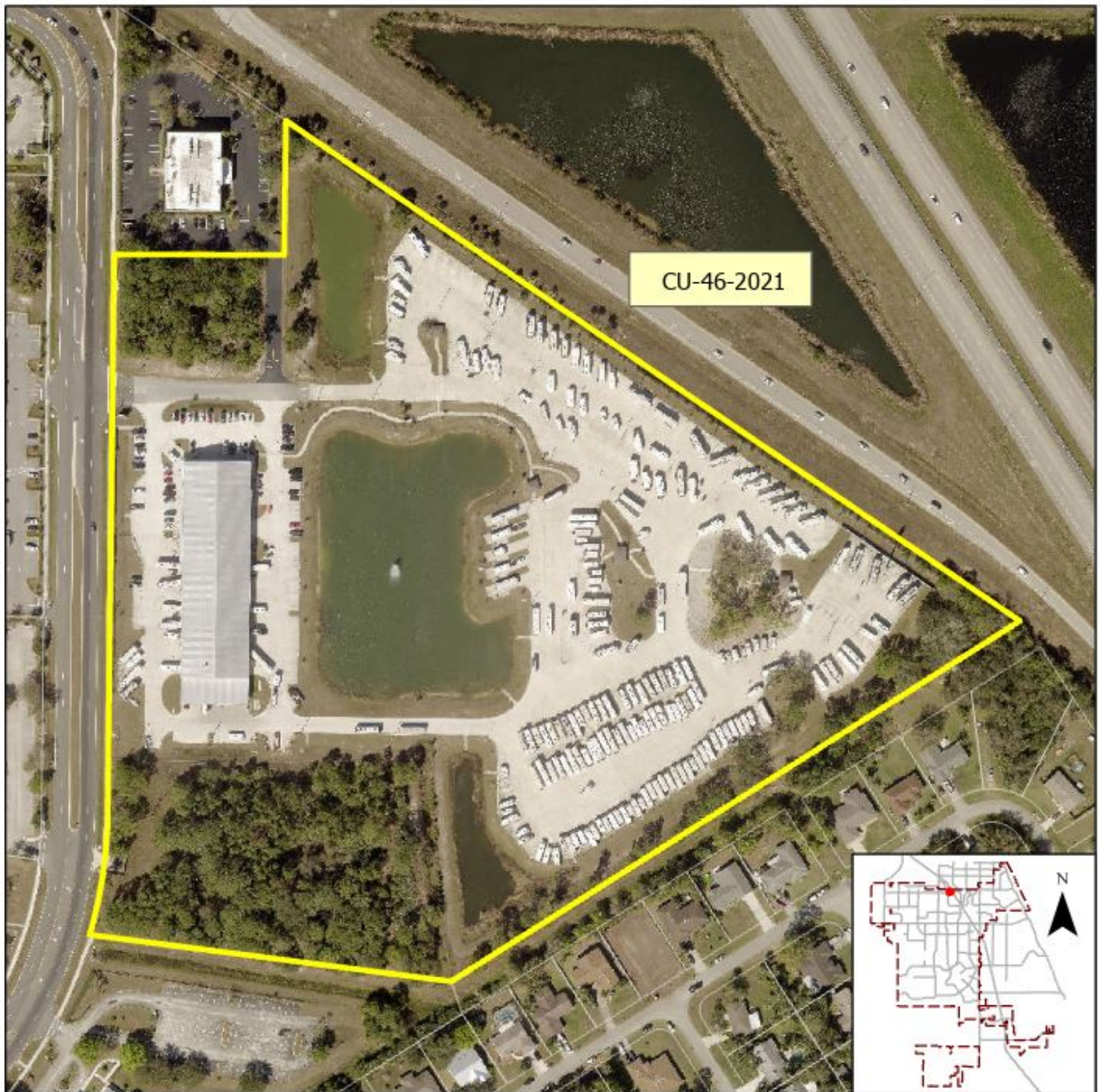
**STAFF RECOMMENDATION:**

Motion to approve CU-46-2021, subject to the following condition(s):

- A vegetative buffer along the western property line, and a row of canopy trees along the southern property line, adjacent to the proposed development.
- The new building shall be fire sprinklered.
- At the time of site plan submittal, the applicant shall work with the City's Engineering Division to establish a drainage easement along the southern property line.
- Preserve the existing trees indicated on the conceptual plan.



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



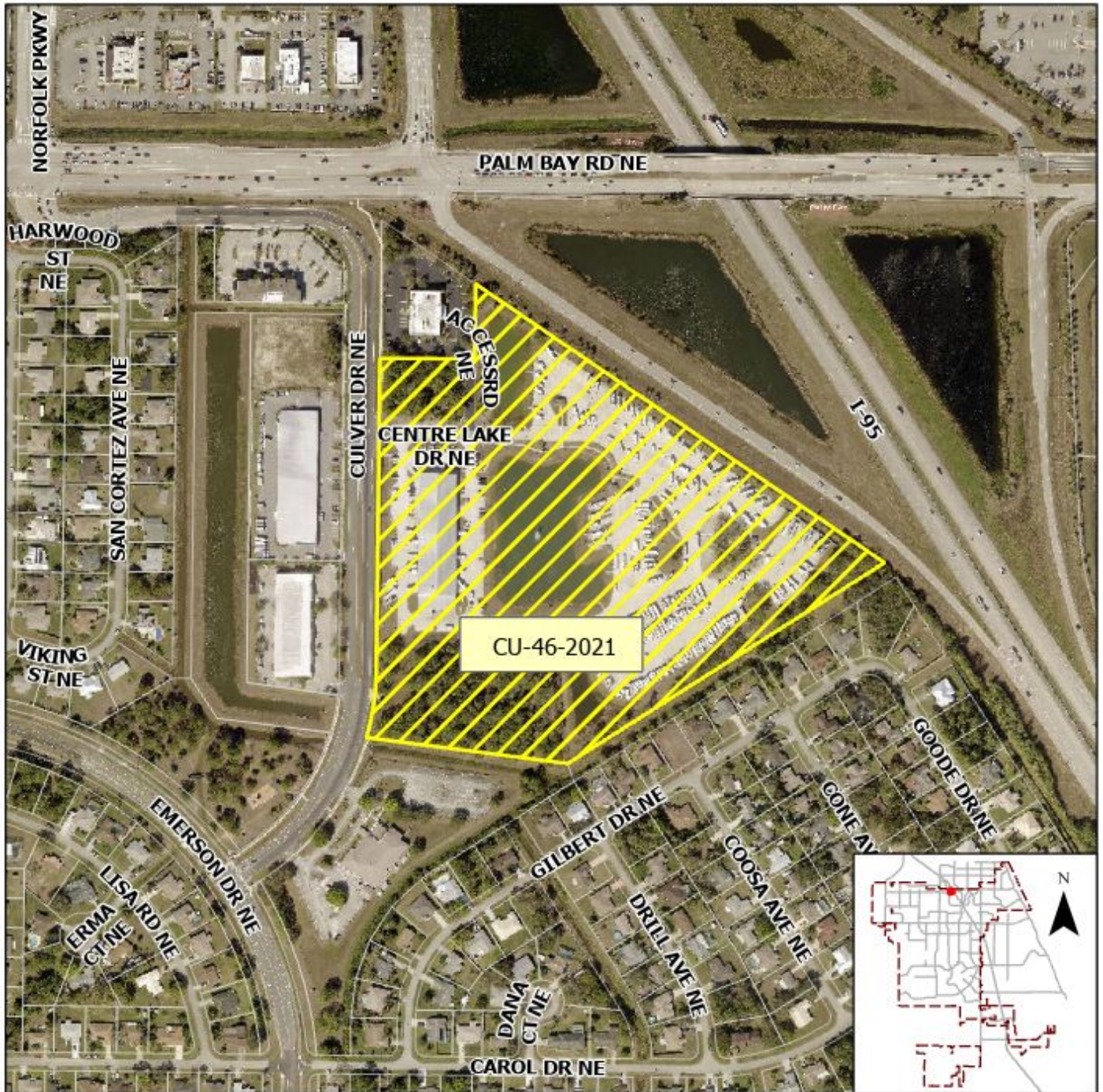
## **SITE LOCATION MAP      CASE: CU-46-2021**

### **Subject Property**

East of and adjacent to Culver Drive NE, in the vicinity north and south of Centre Lake Drive NE, specifically at 1355 Culver Drive NE



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



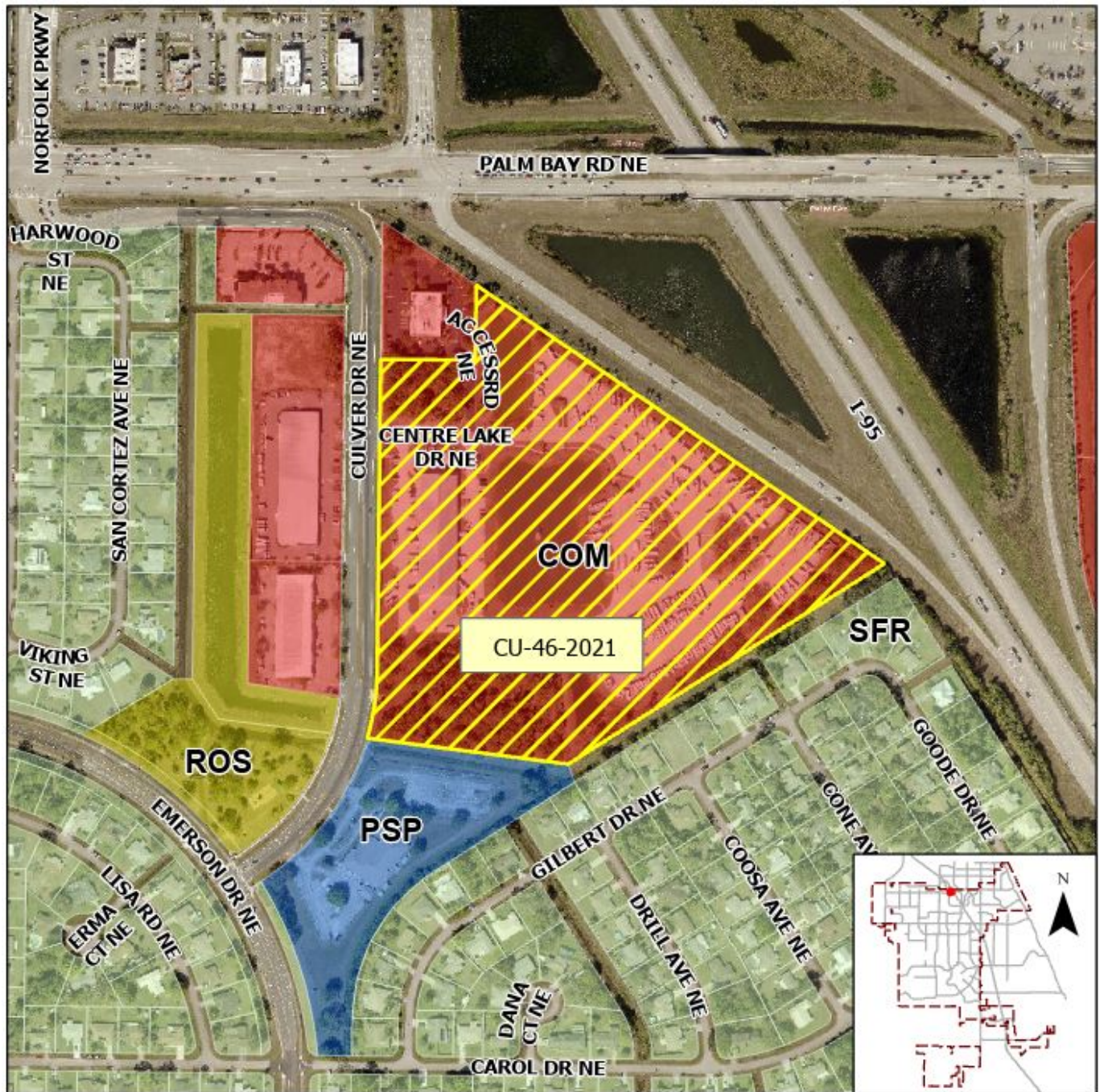
## **AERIAL LOCATION MAP      CASE: CU-46-2021**

### **Subject Property**

East of and adjacent to Culver Drive NE, in the vicinity north and south of Centre Lake Drive NE, specifically at 1355 Culver 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: CU-46-2021**

### Subject Property

East of and adjacent to Culver Drive NE, in the vicinity north and south of Centre Lake Drive NE, specifically at 1355 Culver Drive NE

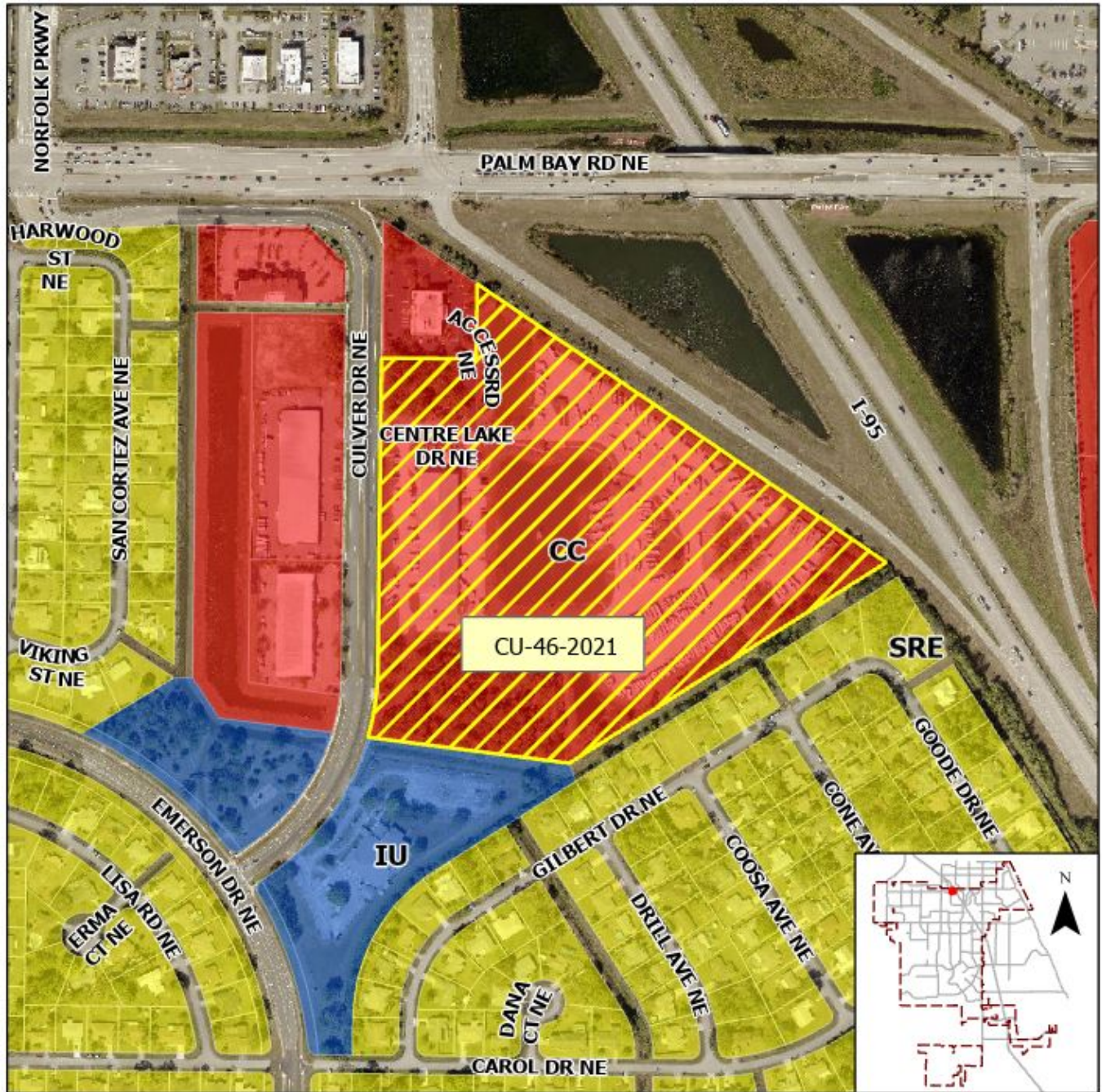
### Future Land Use Classification

COM – Commercial Use





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



## ZONING MAP

## CASE: CU-46-2021

### Subject Property

East of and adjacent to Culver Drive NE, in the vicinity north and south of Centre Lake Drive NE, specifically at 1355 Culver Drive NE

### Current Zoning Classification

CC – Community Commercial District

















## LAND DEVELOPMENT DIVISION

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

[Landdevelopmentweb@palmbayflorida.org](mailto:Landdevelopmentweb@palmbayflorida.org)

## CONDITIONAL USE APPLICATION

This application must be deemed complete and legible, and the original application with original signature(s) 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):

28-37-19-75-A

### TAX ACCOUNT NUMBER(S):

2829449

### PROPERTY ADDRESS:

1355 Culver Drive NE; Palm Bay, FL 32907

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

+/- 4.06

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

CC

### CONDITIONAL USE SOUGHT:

The proposed project consists of a new 23,000 sf RV detail shop and customer delivery building to compliment the existing sales and repair center. New construction will include parking and driveway connections, water service, fire line, wastewater, site lighting, landscaping and irrigation. Existing native trees will be preserved to the greatest extent possible with additional landscape buffering as required by the city.



**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** David M. Tom, 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.

**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

[Signature] C.O.D. Date 9/20/2021

Printed Name

Joe McNamara- Recreation World, Inc

Full Address

13906 West Colonial Drive; Winter Garden, FL 34787

Telephone

321- 242- 6261

Email

joe@grwrv.com

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

Sept. 9, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

BCPA Parcel ID 28-37-19-75-A

I, Owner Name: Joe McNamara- Recreation World, Inc

Address: 13906 West Colonial Drive; Winter Garden, FL 34787

Telephone: 321- 242- 6261

Email: joe@grwrv.com

hereby authorize:

Representative: David M. Tom, PE- Construction Engineering Group, LLC

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

Telephone: 321-610- 1763

Email: jwise@cegengineering.com

to represent the request(s) for:

Conditional Use submittal and any/all associated submittals

[Signature] C.O.O.  
(Property Owner Signature)

STATE OF Florida

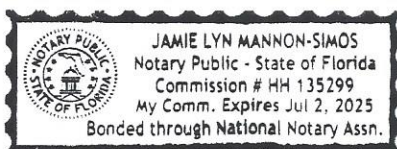
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 9<sup>th</sup> day of Sept, 20 21 by

Joe McNamara, property owner.

[Signature]  
Jamie Mannon-Simos, Notary Public

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







## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Christopher Balter, Senior Planner

**DATE:** November 15, 2021

**SUBJECT:** \*\*FD-47-2021 - Gardens at Waterstone Phase III - Benjamin E. Jefferies, Waterstone Farms, LLC (Jake Wise, P.E., P. Michael Evans, Rochelle W. Lawandales, FAICP, Reps.) - Final Development Plan to allow a proposed PUD for a 171-unit residential development called Gardens at Waterstone Phase III. Part of Tract 1, San Sebastian Farms, Section 5, Township 30, Range 37, Brevard County, Florida, containing approximately 47.99 acres. In the vicinity west of Mara Loma Boulevard SE and south of Melbourne Tillman Water Control District Canal 38

♣Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ▢ Case FD-47-2021 - Staff Report
- ▢ Case FD-47-2021 - Final Development Plan
- ▢ Case FD-47-2021 - Plat
- ▢ Case FD-47-2021 - Application
- ▢ Case FD-47-2021 - Narrative



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Christopher Balter, Senior Planner

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#### CASE NUMBER

FD-47-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 15, 2021

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#### PROPERTY OWNER & APPLICANT

Benjamin E. Jefferies - Waterstone Farms, LLC. Represented by Jake T. Wise P.E. of CEG, P. Michael Evans of PB&J Investments, and Rochelle Lawandales

#### PROPERTY LOCATION/ADDRESS

Part of Tract 1 of San Sebastian Farms, Section 5, Township 30, Range 37, Brevard County, Florida

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#### SUMMARY OF REQUEST

Final Planned Unit Development approval for a 171-unit residential subdivision to be known as Gardens at Waterstone Phase 3 PUD.

##### Existing Zoning

PUD, Planned Unit Development

##### Existing Land Use

Single-Family Residential Use

##### Site Improvements

Vacant Unimproved Land (Former Orange Groves)

##### Site Acreage

47.99 acres

---

#### SURROUNDING ZONING & USE OF LAND

##### North

Melbourne-Tillman Drainage Canal No. 38

##### East

PUD; Gardens at Waterstone Phase 2; Undeveloped Land

##### South

PUD; Proposed Cypress Bay West Phase 3; Undeveloped Land

##### West

PUD; Rolling Meadow Lakes; Undeveloped Land (Brevard County)

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#### COMPREHENSIVE PLAN COMPATIBILITY

The future land use designation of the subject property is Single-Family Residential Use. The development of a single-family planned unit development is compliant with the Single-Family Residential Use future land use designation. The proposed density is 3.56 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).

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**BACKGROUND:**

The subject property is located in the vicinity west of Mara Loma Boulevard SE and south of Melbourne-Tillman Water Control District Canal No. 38. Specifically, a portion of Tract 1 of San Sebastian Farms Subdivision, Section 5, Township 30, Range 37, of Brevard County Florida. This Final PUD request includes approximately 47.99 acres of land.

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

The total encumbered remaining units (received Final Development Plan Approval) without this current application being counted are as follows: 1,866 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 residential subdivision called Gardens at Waterstone Phase III 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, this FDP proposes a 171-unit single-family development that will be constructed in one phase. Per the FDP, average lots within the residential development are 50' x 125'. The proposed minimum sized home is 1,350 square feet. There will be 1 access point off of the newly created Granger Circle, which connects to the newly extended Mara Loma Boulevard. All roads within the subdivision will be private. The Gardens at Waterstone Phase III will have passive recreation areas, and meandering walking trails connecting the subdivision to Mara Loma, and other future sections of the larger community, all under control of the Gardens at Waterstone Homeowners Association, Inc. The recreation areas will be used by all homes in the Gardens at Waterstone Phases 1, 2, and 3. There are 3 neighborhood parks within Gardens Phase 2, totaling 1.8 acres more or less. These will be primarily passive parks, used for multi-purpose playing fields, a dog park, and other outdoor activities. All the residents will have access to the Phase 1 pool and cabana.

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

**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.
- No roads shall 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 any roads would provide a public benefit and that current City of Palm Bay construction standards are met.

**STAFF RECOMMENDATION:**

Case FD-47-2021 is recommended for approval, subject to the staff comments contained in this report.



## **TECHNICAL COMMENTS**

### **CASE FD-47-2021 – GARDENS AT WATERSTONE PHASE 3 PUD**

#### **PUBLIC WORKS (Mehul Parekh, PE, Public Works Director):**

##### **Engineering:**

The intersection of Babcock Street at Mara Loma Boulevard will be constructed/installed by others at the time of build out Cypress Bay West Phase III.

Calculations shall be provided for review of intersections outside the scope of the 2017 traffic study that have been identified by staff as faili

LOS upon build out of Gardens at Waterstone Ph 1,2 and 3 and CB West 1 and 2 or before build out of these subdivisions.

Proportionate fair share calculations shall be provided for all intersection improvements as discussed above that are warranted prior to build out of CBWest 3. These calculations shall be approved by staff prior to Certificate of Completion issuance.

All stormwater management requirements shall be met in accordance with Ch. 373 F.S. and Ch 62-330 F.A.C. as required. Meeting the SWM Ordinance Ch 174.071 would presume State Code and Law and local agency rules are met.

##### **D/W and Right of way utilities:**

1. Drainage easement dedicated to the City of Palm Bay for emergency maintenance but not responsibility to maintain the system. The easement shall be provided to the point of discharge of project.
2. Verify off-site drainage condition at canal connection and update and upgrade for proposed use.

##### **Survey:**

1. All roads to be private. No dedication to the public.
2. Due to the site being part of a large Master Drainage Plan, Cross Development Drainage Agreements will need to be shown on the plat.
3. As stated in Surveyor's Note #11, City will be granted emergency access to Drainage Facilities, if necessary. Additionally, text to the effect that if repairs are done the HOA will be charged.
4. Surveyor's Note #1. Please separate the two statements. They are not related.
5. Please list the exception before the nominal situation. i.e. Unless otherwise noted, all lines are radial.

6. Surveyor's Note #2. Please list the exception before the nominal situation. "Unless otherwise noted, all PRM monuments..."
7. All PRMs, except those landing on impermeable surface are to be 4X4 monuments. Per F.S. Chapter 177. 177.031 (15) (a) "Consist of a metal rod having a minimum length of 18 inches and a minimum cross-section area of material of 0.2 square inches. In certain materials, encasement in concrete is optional for stability of the rod. When used, the concrete shall have a minimum cross-section area of 12.25 square inches and be a minimum of 24 inches long." The City is requiring the optional encasement due to the sandy and loose nature of the soil (sand).
8. Please use the legal names of the Mayor and City Clerk in the Certificate of Approval.
9. \$620 Check will be required prior to final plat review.
10. Further comments to follow at final plat review.

**UTILITIES (Christopher Little, PE, 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 [§ 200.11(d)(1) - On-site Facilities]. At this time the nearest point of connection to the mainline water distribution system is a 16" PVC pipe on the South side of Mara Loma Blvd. The nearest point of connection to the mainline wastewater collection system force main is a 8" PVC pipe on the North side of Mara Loma Blvd Intersection.
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 [§ 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. The City's sanitary sewer system is currently at maximum capacity at this location. Sewer service will be readily available to the development once the following conditions are met.

(1) A sanitary force main extension must be completed from the point of connection to the CITY'S existing 16" force main, located on the east side of Cogan Drive near Paigo Street SE and Canal C-41R, to the Emerald Lakes West Development. The pipe size and alignment will be coordinated with the CITY. The installer of the force main extension is currently unknown. Oversizing obligations and reimbursements, if any, will be coordinated with the installer.

(2) The construction of the 1.0 MGD South Regional Water Reclamation Facility, located at the South Regional Utilities Campus and being constructed at the expense of the CITY, must be substantially complete and accepting raw sewage for treatment. It is anticipated that this date will occur during the 3rd quarter of 2022. Note that the timing for acceptance of raw sewage for treatment is subject to change due to extenuating



circumstances, including but not limited to contractor delays, availability of construction materials, other COVID-related delays, etc.

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

5. All Utility construction, materials, and testing shall be in accordance with the latest revision of the Palm Bay Utilities Department Policies, Procedures, and Standards Handbook and the Standard Detail Drawings.

6. 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.

**BUILDING-FIRE (Michael Bloom, CFPS, Fire Plans Examiner):**

1. Subdivisions shall meet all requirements of the currently adopted Florida Fire Prevention Code (FFPC) 7th edition, Florida Administrative Code (FAC) Florida State Statute (FSS) and City of Palm Bay Ordinances (COPBO).

2. (FFPC 1:18.4.5.1.1) The minimum fire flow and flow duration requirements for one- and two-family dwellings having a fire flow area that does not exceed 5000 ft<sup>2</sup>(464.5 m<sup>2</sup>) shall be 1000 gpm (3785 L/min) for 1 hour.

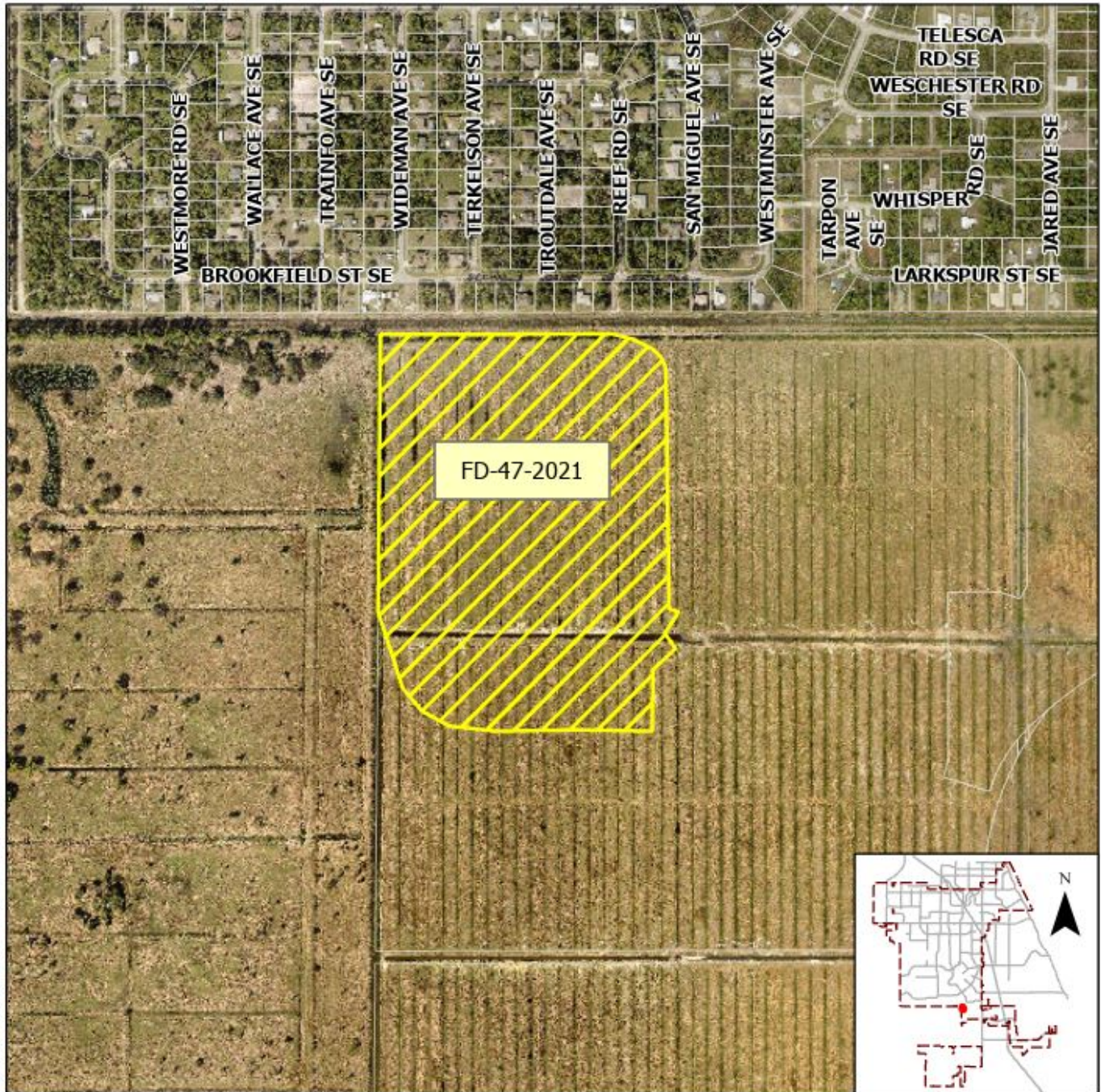
3. (FFPC 1-18.4.5.2.1) Fire flow and flow duration for one- and two-family dwellings having a fire flow area in excess of 5000 ft<sup>2</sup> (334.5 m<sup>2</sup>) shall not be less than that specified in Table 18-4.5.1.2.

**BUILDING-FLOODZONE (James Williams, CFM, Floodplain Coordinator):**

Floodzone X, No FEMA CLOMR/LOMR application required.



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



## AERIAL LOCATION MAP CASE: FD-47-2021

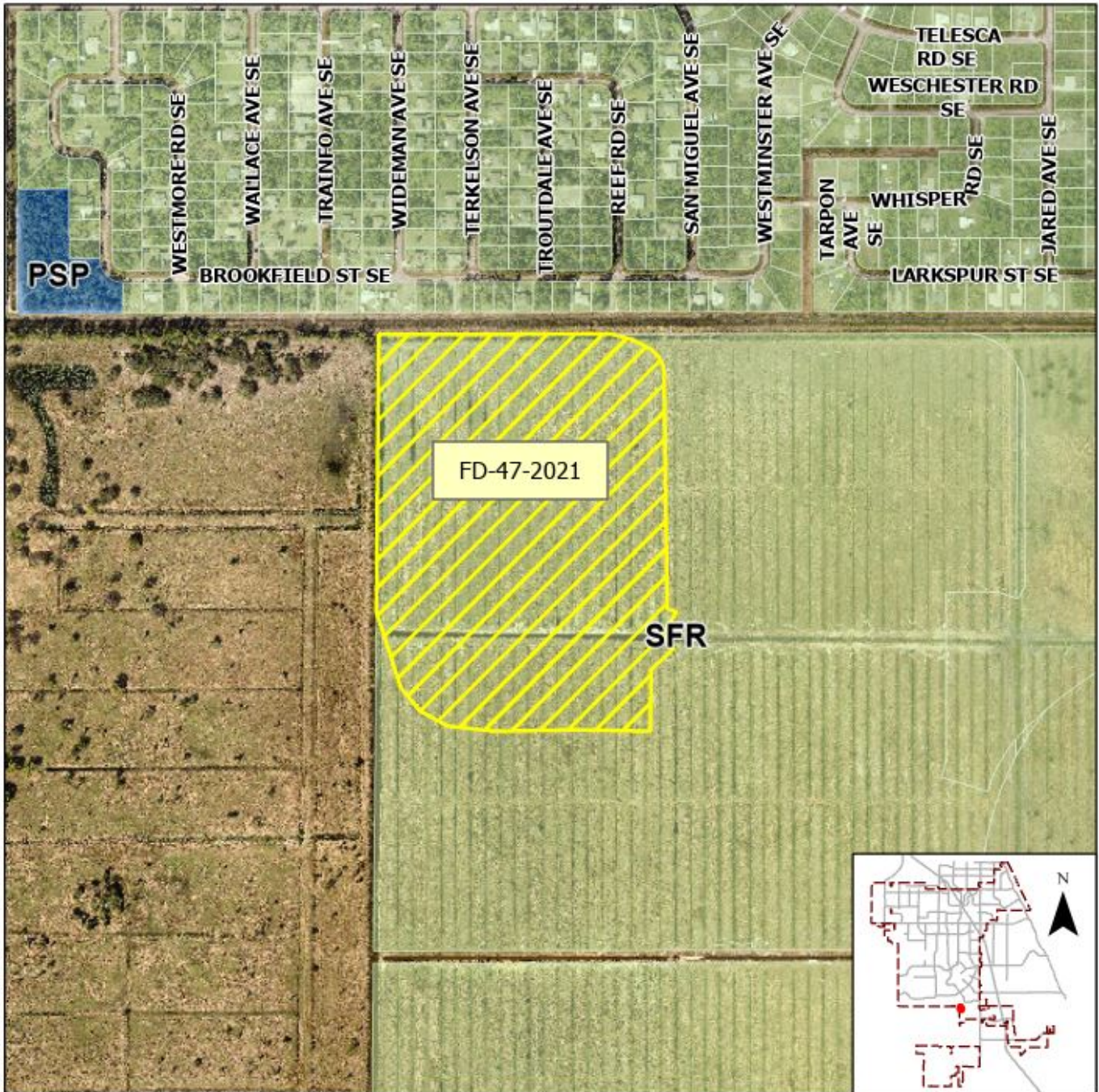
### Subject Property

In the vicinity west of Mara Loma Boulevard SE and south of Melbourne Tillman Water Control District Canal 38





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-47-2021

### Subject Property

In the vicinity west of Mara Loma Boulevard SE and south of Melbourne Tillman Water Control District Canal 38

### Future Land Use Classification

SFR – Single Family Residential Use





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



## ZONING MAP

## CASE: FD-47-2021

### Subject Property

In the vicinity west of Mara Loma Boulevard SE and south of Melbourne Tillman Water Control District Canal 38

### Current Zoning Classification

PUD – Planned Unit Development



# GARDENS AT WATERSTONE PHASE III

## FINAL DEVELOPMENT PLAN

PALM BAY, FL

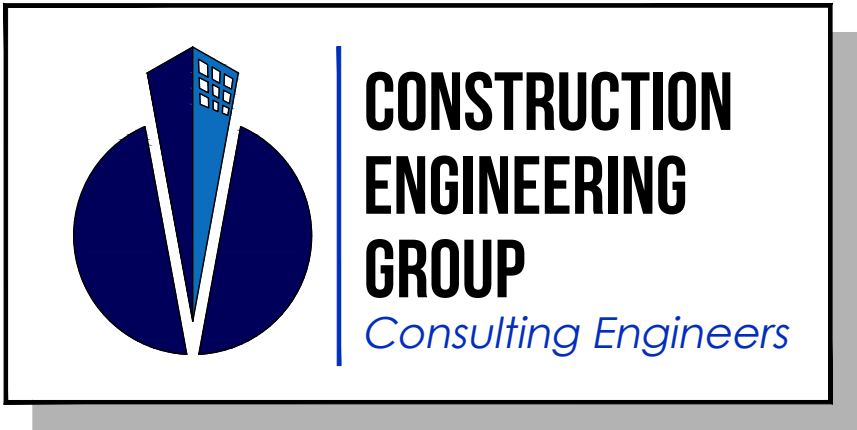
DATE:  
SEPTEMBER 27, 2021

PREPARED FOR:  
PB&J GARDENS INVESTMENT, LLC

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF SECTION 5, TOWNSHIP 30 SOUTH, RANGE 37 EAST, ALL OF LOTS 5, 6, 7 AND A PORTION OF LOTS 4, 8, 9, 25, 26, 27, 28, AND 29 OF SAN SEBASTIAN FARMS, SECTION 5, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 6, PAGE 77 OF PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 5; THENCE RUN N89°52'37"E, ALONG THE NORTH LINE OF SAID SECTION 5, FOR A DISTANCE OF 1,172.67 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWEST, HAVING A RADIUS OF 225.00 FEET AND A CHORD WHICH BEARS S44°49'10"E, FOR A DISTANCE OF 319.88 FEET; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°36'29" FOR A DISTANCE OF 355.81 FEET TO A POINT OF TANGENCY; THENCE RUN S0°29'04"W FOR A DISTANCE OF 886.48 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE CONCAVE SOUTHWEST, HAVING A RADIUS 325.00 FEET AND A CHORD WHICH BEARS S64°54'00"E, FOR A DISTANCE OF 10.36 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE RUN S26°00'48"W FOR A DISTANCE OF 175.00 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE RUN S26°00'48"W FOR A DISTANCE OF 175.00 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 150.00 FEET AND A CHORD WHICH BEARS S57°42'21"E, FOR A DISTANCE OF 32.82 FEET; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°33'43" FOR A DISTANCE OF 32.89 FEET TO A POINT OF TANGENCY; THENCE RUN S51°25'29"E FOR A DISTANCE OF 16.31 FEET; THENCE RUN S38°34'31"W FOR A DISTANCE OF 125.00 FEET; THENCE RUN S01°07'37"E FOR A DISTANCE OF 195.75 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 225.00 FEET AND A CHORD WHICH BEARS N72°27'52"W, FOR A DISTANCE OF 136.50 FEET; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 35°19'02" FOR A DISTANCE OF 138.69 FEET TO A POINT OF TANGENCY; THENCE RUN S89°52'37"W FOR A DISTANCE OF 700.03 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHEAST, HAVING A RADIUS OF 461.28 FEET AND A CHORD WHICH BEARS N56°07'45"W, FOR A DISTANCE OF 515.79 FEET; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 67°59'16" FOR A DISTANCE OF 547.34 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE RUN N13°40'29"W FOR A DISTANCE OF 171.45 FEET; THENCE RUN N00°29'04"E A DISTANCE OF 1100.00 FEET TO THE POINT OF BEGINNING; CONTAINING 47.99 ACRES, MORE OR LESS.



LOCATION MAP  
NTS

PROJECT DATA:

<b>GENERAL STATEMENT:</b> THE PROPOSED PROJECT CONSISTS OF INFRASTRUCTURE AND SITE IMPROVEMENTS TO ACCOMMODATE A 171 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION INCLUDING RECREATION/OPEN SPACE, ROADWAYS, SIDEWALKS, LANDSCAPING, WATER, SEWER AND STORMWATER SYSTEMS.			
<b>DEVELOPER:</b> PB&J GARDENS INVESTMENT, LLC P. MICHAEL EVANS 1698 W. HIBISCUS BLVD. SUITE A MELBOURNE, FL 32901 TEL: (321) 953-3300		<b>CIVIL ENGINEER:</b> JAKE T. WISE, P.E. 2651 EAU GALLIE BLVD, SUITE A MELBOURNE, FLORIDA 32935 TEL: (321) 610-1760 E-MAIL: JWISE@CEENGINEERING.COM	
<b>SURVEYOR:</b> AAL LAND SURVEYING SERVICES, INC. 3970 MINTON ROAD WEST MELBOURNE, FL 32904 TEL: (321) 768-8110		<b>LOCATION:</b> SECTION: 35 TOWNSHIP: 25 RANGE: 36E PARCEL ID: 30-37-05-HF-1 TAX ACCOUNT NUMBER: 3000217	
<b>SETBACKS</b>	<b>PROPOSED:</b>	<b>LOT COUNT:</b> 50'x125' = 171 LOTS	
FRONT:	25 FT	<b>MAXIMUM BUILDING HEIGHT:</b> 2 STORY: 25 FT <b>MINIMUM WIDTHS:</b> SIDEWALKS: 5 FT RIGHT-OF-WAY WIDTH: 50 FT	
SIDE:	5 FT		
REAR:	20 FT		
SIDE CORNER:	15 FT		
<b>CALCULATED STORMWATER BASIN COVERAGE:</b>			
IMPERVIOUS:	<u>SE</u>	<u>ACRE</u>	<u>PERCENT</u>
RESIDENTIAL (60%):	714,475	16.40	34
RIGHT-OF-WAY	204,552	4.70	10
RECREATIONAL AREA:	98,117	2.25	5
TOTAL IMPERVIOUS:	1,017,144	23.35	49
PERVIOUS:	734,458	16.86	35
POND:	338,657	7.77	16
TOTAL:	2,276,560	47.99	100
<b>OPEN SPACE REQUIREMENTS:</b>			
<b>OVERALL AREA (47.99 ACRES):</b>			
ON-SITE PONDS		9.00 AC	(75%)
OPEN SPACE:		1.70 AC	(9%)
RECREATION AREA:		2.81 AC	(14%)
PROVIDED:		13.51 AC	(100%)
REQUIRED (25% OF OVERALL AREAS):		12.00 AC	

REVISION

DATE

REV#

2651 Eau Gallie Blvd, Suite A  
Melbourne, FL 32935  
www.ceengineering.com  
Tel: 321.253.1221  
COA #008697

CONSTRUCTION  
ENGINEERING  
GROUP  
Consulting Engineers

GARDENS AT WATERSTONE  
PHASE III

PB & J GARDENS INVESTMENT, LLC  
MARIA LOMA BOULEVARD, PALM BAY, FLORIDA

DRAWING TITLE

FINAL DEVELOPMENT PLAN

DATE  
9/27/21

SCALE  
NTS

PROJ. NO. :  
210192

DESIGNED BY:  
CCM

DRAWN BY:  
SMB

CHECKED BY:  
JTW

DRAWING NO.  
GW3-1

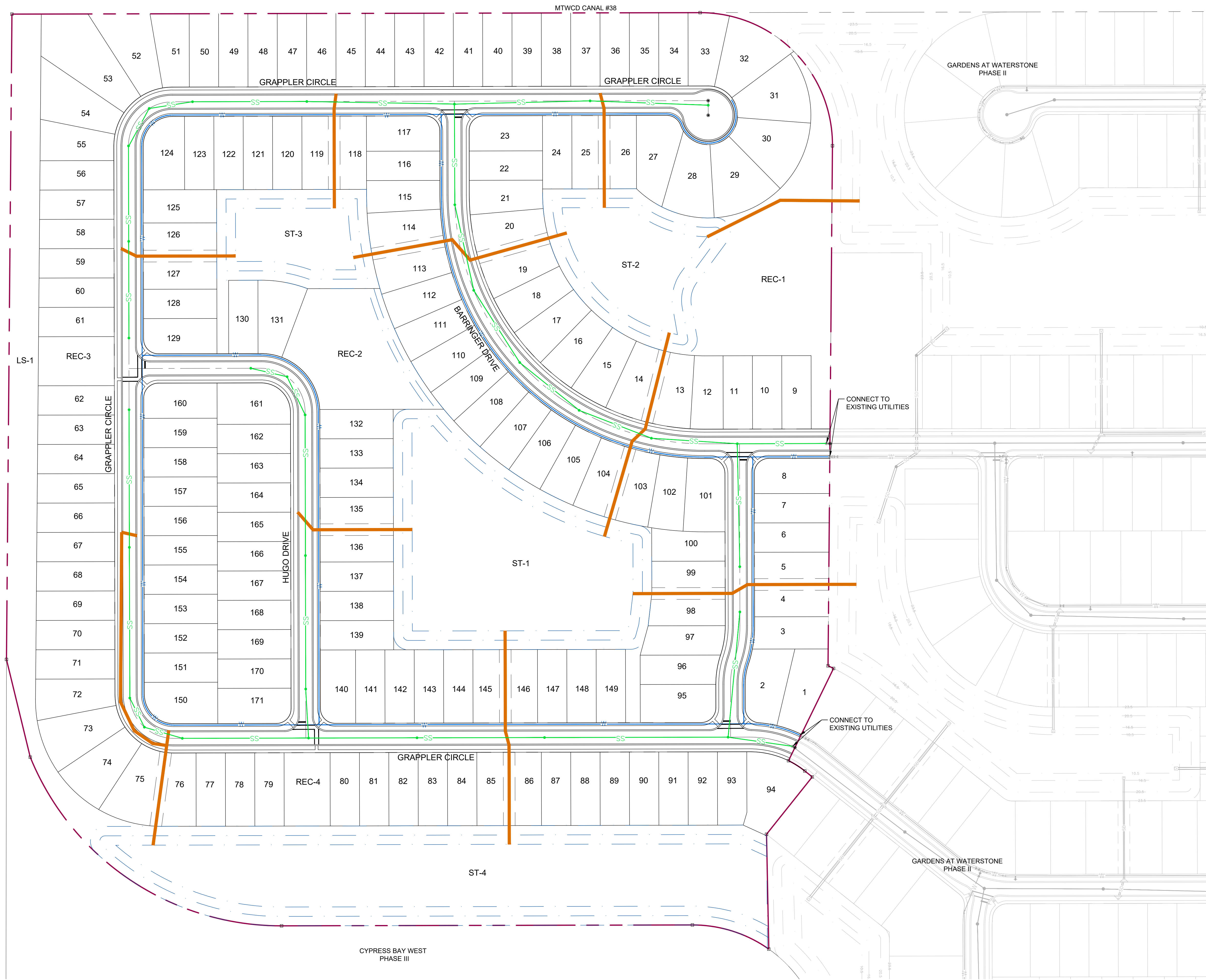




A graphic scale bar with four segments. The first segment is 80 feet long and is divided into four 20-foot sub-segments. The second segment is 0 feet long. The third segment is 80 feet long and is divided into four 20-foot sub-segments. The fourth segment is 160 feet long and is divided into four 40-foot sub-segments.

GVV3-2

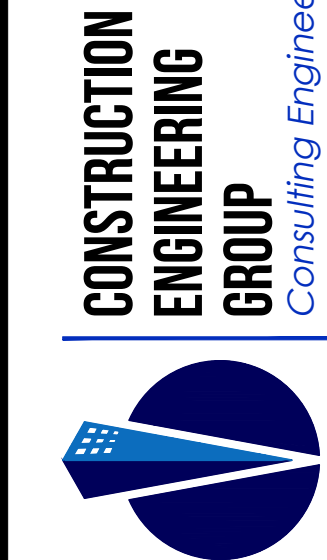




LEGEND:

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

NOTE: LIFT STATION IN PREVIOUS PHASE.



261 E. Gulf Blvd., Suite A  
Melbourne, FL 32935  
www.cegroup.com  
Tel: 321.253.1221  
COA #000697

GARDENS AT WATERSTONE  
PHASE III  
PB & J GARDENS INVESTMENT, LLC  
MARIA LOMA BOULEVARD, PALM BAY, FLORIDA  
DRAWING TITLE  
FINAL DEVELOPMENT UTILITY PLAN

THESE DOCUMENTS ARE THE PROPERTY OF CONSTRUCTION ENGINEERING GROUP, INC. AND ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THESE DOCUMENTS WITHOUT THE WRITTEN CONSENT OF CEG IS PROHIBITED BY LAW.

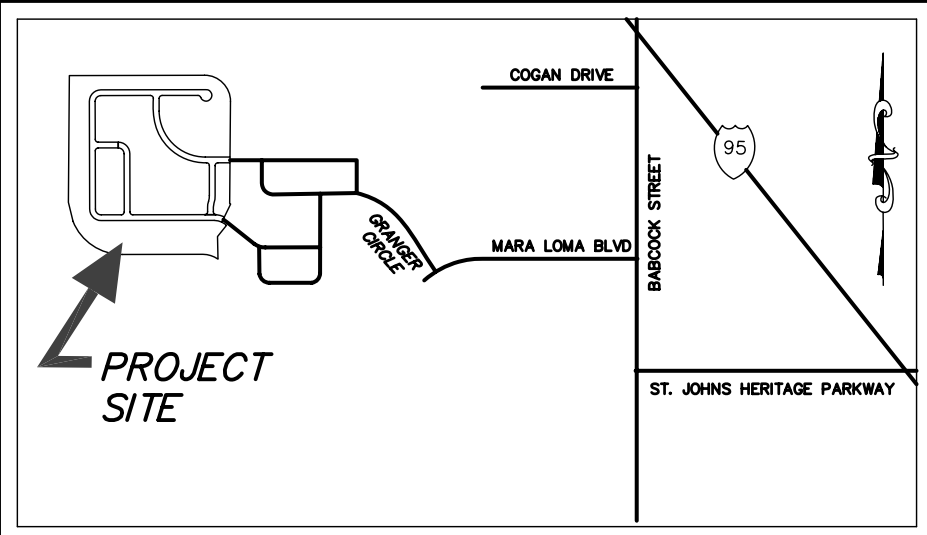
DATE	9/27/21
SCALE	1"=80'
PROJ. NO. :	210192
DESIGNED BY:	CCM
DRAWN BY:	SMB
CHECKED BY:	JTW
DRAWING NO.	GW3-3

FINAL DEVELOPMENT UTILITY PLAN

1"=80'







VICINITY MAP  
NOT TO SCALE

DESCRIPTION: GARDENS OF WATERSTONE PHASE 3

A PARCEL OF LAND BEING A PORTION OF SECTION 5, TOWNSHIP 30 SOUTH, RANGE 37 EAST, ALL OF LOTS 5, 6 AND 7 AND A PORTION OF LOTS 4, 8, 9, 25, 26, 27, 28 AND 29 OF SAN SEBASTIAN FARMS, SECTION 5, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 6, PAGE 77 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 5; THENCE RUN N89°52'37"E, ALONG THE NORTH LINE OF SAID SECTION 5, FOR A DISTANCE OF 1172.67 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWEST, HAVING A RADIUS OF 225.00 FEET AND A CHORD WHICH BEARS S44°49'10"E, FOR A DISTANCE OF 319.88 FEET; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°36'29" FOR A DISTANCE OF 355.81 FEET TO A POINT OF TANGENCY; THENCE RUN S00°29'04"W FOR A DISTANCE OF 886.48 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE CONCAVE SOUTHWEST, HAVING A RADIUS OF 325.00 FEET AND A CHORD WHICH BEARS S64°54'00"E, FOR A DISTANCE OF 10.36 FEET; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 1°49'36" FOR A DISTANCE OF 10.36 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE RUN S26°00'48"W FOR A DISTANCE OF 175.00 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 150.00 FEET AND A CHORD WHICH BEARS S57°42'21"E, FOR A DISTANCE OF 32.82 FEET; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°33'43" FOR A DISTANCE OF 32.89 FEET TO A POINT OF TANGENCY; THENCE RUN S51°25'29"E FOR A DISTANCE OF 16.31 FEET; THENCE RUN S38°34'31"W FOR A DISTANCE OF 125.00 FEET; THENCE RUN S01°07'37"E FOR A DISTANCE OF 195.75 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 225.00 FEET AND A CHORD WHICH BEARS N72°27'52"W, FOR A DISTANCE OF 136.50 FEET; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 35°19'02" FOR A DISTANCE OF 138.69 FEET TO A POINT OF TANGENCY; THENCE RUN S89°52'37"W FOR A DISTANCE OF 700.03 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHEAST, HAVING A RADIUS OF 461.27 FEET AND A CHORD WHICH BEARS N56°07'45"W, FOR A DISTANCE OF 515.79 FEET; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 67°59'16" FOR A DISTANCE OF 547.34 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE RUN N13°40'29"W FOR A DISTANCE OF 171.45 FEET; THENCE N00°29'04"E A DISTANCE OF 1100.00 FEET TO THE POINT OF BEGINNING; CONTAINING 47.99 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

- THE BASIS OF BEARINGS IS THE NORTH LINE OF SECTION 5-30-37 AS BEING N89°52'37"E, ASSUMED. ALL LINES ARE RADIAL UNLESS OTHWISE NOTED.
- ALL FOUND PRM MONUMENTS ARE A 5/8" IRON ROD AND CAP STAMPED "POWSHOK PRM PLS 5383" UNLESS OTHERWISE NOTED. SYMBOL SHOWN AS ⊕.
- ALL SET PCP MONUMENTS ARE A NAIL AND DISK STAMPED "POWSHOK PCP PLS 5383". SYMBOL SHOWN AS ⊙.
- ALL SET LOT CORNERS ARE A 1/2" IRON ROD AND CAP STAMPED "POWSHOK PLS 5383".
- AN EASEMENT 10 FEET IN WIDTH IS HEREBY RESERVED ALONG ALL LOTS AND TRACTS CREATED BY THIS PLAT ADJACENT TO TRACT RD-1 FOR THE CONSTRUCTION, INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND PRIVATE DRAINAGE FACILITIES.
- UNLESS OTHERWISE NOTED, AN EASEMENT 5 FEET IN WIDTH IS HEREBY RESERVED ALONG ALL SIDE AND REAR LOT AND TRACT LINES CREATED BY THIS PLAT (EXCEPT TRACT RD-1) FOR THE CONSTRUCTION, INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND PRIVATE DRAINAGE FACILITIES.
- TRACTS LS-1IS FOR THE PURPOSE OF OPEN SPACE, LANDSCAPING, PRIVATE DRAINAGE, PUBLIC AND PRIVATE UTILITIES AND IS HEREBY DEDICATED TO AND TO BE MAINTAINED BY PB&J GARDENS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS.
- TRACT RD-1 IS FOR THE PURPOSE OF PRIVATE ROADWAY, PRIVATE DRAINAGE, PUBLIC AND PRIVATE UTILITIES AND IS HEREBY DEDICATED TO AND TO BE MAINTAINED BY THE GARDENS AT WATERSTONE HOMEOWNER'S ASSOCIATION, INC.
- TRACTS REC-1, REC-2, REC-3 AND REC-4 ARE FOR THE PURPOSE OF RECREATION, OPEN SPACE, LANDSCAPING, PRIVATE DRAINAGE AND PRIVATE UTILITIES AND ARE HEREBY DEDICATED TO AND TO BE MAINTAINED BY PB&J GARDENS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS.
- TRACTS ST-1, ST-2, ST-3, ST-4 AND ST-5 ARE FOR THE PURPOSE OF OPEN SPACE, LANDSCAPING, PRIVATE DRAINAGE AND PRIVATE UTILITIES AND ARE HEREBY DEDICATED TO AND TO BE MAINTAINED BY PB&J GARDENS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS.
- AN EASEMENT IS HEREBY DEDICATED TO THE CITY OF PALM BAY, ACROSS, OVER, INTO AND THROUGH TRACTS RD-1, LS-1, ST-1, ST-2, ST-3, ST-4 AND ST-5 FOR EMERGENCY ACCESS AND STORMWATER DRAINAGE INSPECTION AND REPAIR.
- THE OWNER PB&J INVESTMENTS OF BREVARD, A FLORIDA LIMITED LIABILITY COMPANY HAS THE RIGHT TO ASSIGN ITS RIGHTS AND RESPONSIBILITIES THEREUNDER TO HOMEOWNERS AND/OR OTHER PROPERTY OWNERS ASSOCIATION OR ASSOCIATIONS, AND/OR TO CONVEY ANY OR ALL OF THE TRACTS SET FORTH ON THE PLAT, AND IN SUCH EVENT, PREVIOUS OWNER SHALL BE RELEASED FROM SUCH ASSIGNED OBLIGATIONS.

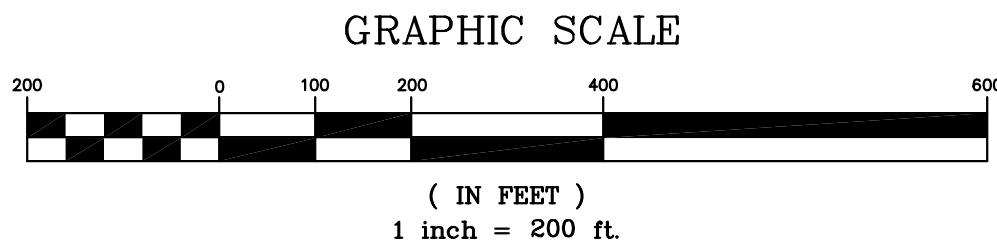
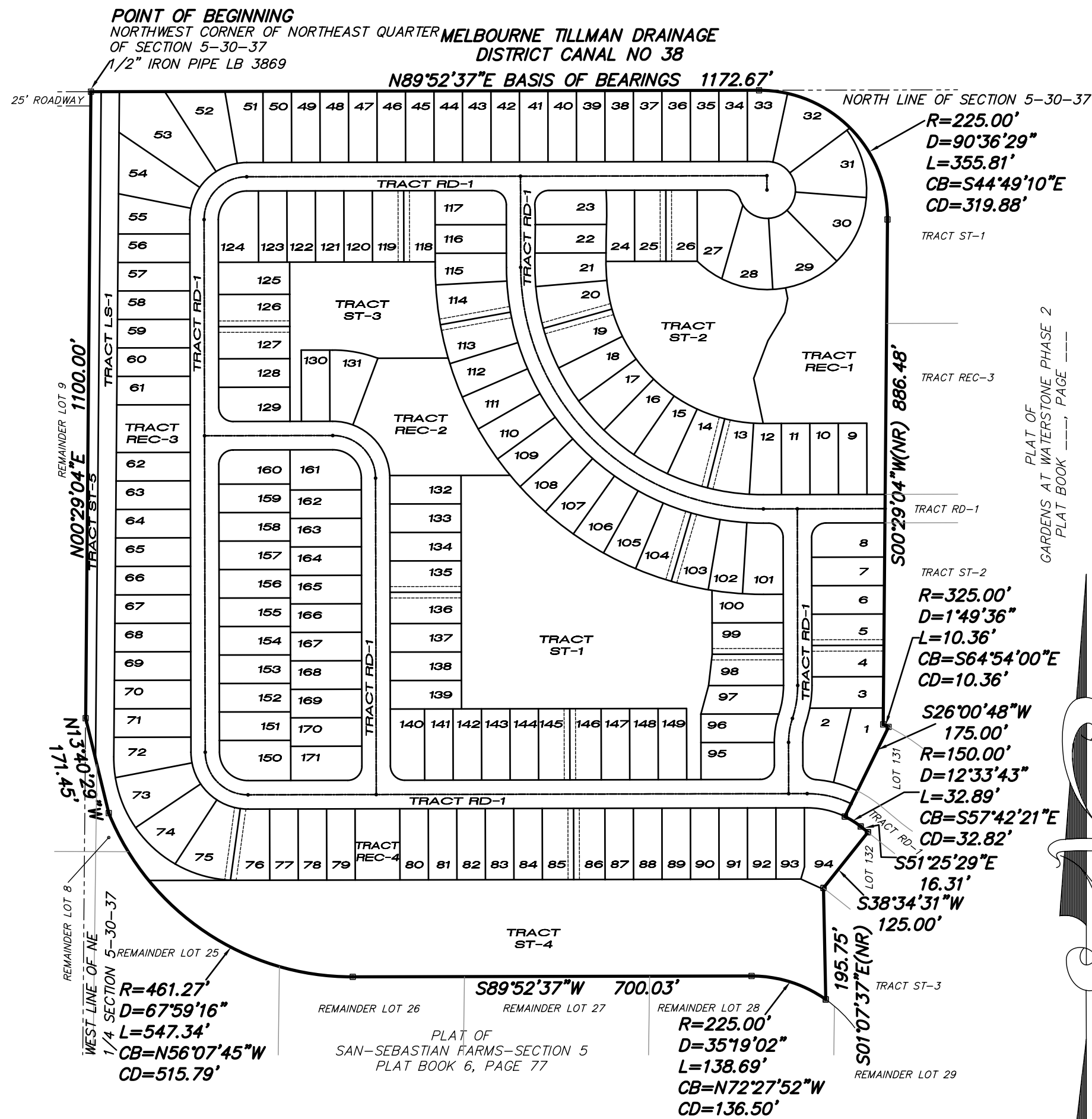
ALL PLATTED PUBLIC UTILITY EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICE; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND/OR OPERATION OF CABLE TELEVISION SERVICE WILL INTERFERE WITH THE FACILITIES AND SERVICES OF THE ELECTRICAL, TELEPHONE, GAS, WATER, OR OTHER PUBLIC UTILITY. IN THE EVENT THAT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.

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

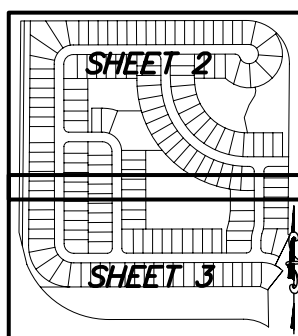
— PLAT PREPARED BY —  
**AAL LAND SURVEYING SERVICES, INC.**  
3970 MINTON ROAD  
WEST MELBOURNE, FLORIDA 32904  
(321) 768-8110

# GARDENS AT WATERSTONE PHASE 3

BEING A REPLAT OF A PORTION OF LOTS 4-9, 25-29  
SECTION 5, SAN-SEBASTIAN FARMS  
AS RECORDED IN PLAT BOOK 6, PAGE 77,  
LYING IN SECTION 5, TOWNSHIP 30 SOUTH, RANGE 37 EAST, CITY OF  
PALM BAY, BREVARD COUNTY, FLORIDA



LEGEND  
⊙ SET PERMANENT CONTROL POINT (PCP)  
⊕ FOUND PERMANENT REFERENCE MONUMENT (PRM)  
R/W RIGHT-OF-WAY  
LS LICENSED SURVEYOR  
PLS PROFESSIONAL LAND SURVEYOR  
LB LICENSED BUSINESS  
D CURVE DELTA  
R CURVE RADIUS  
L CURVE LENGTH  
CB CHORD BEARING  
CD CHORD DISTANCE  
NR NON-RADIAL



PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

SHEET 1 OF 3  
SECTION 5 TWP. 30 S., RANGE 37 E.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That the company named below, being the owner in fee simple of the lands described in

GARDENS AT WATERSTONE PHASE 3

Hereby dedicates said lands and plat for the uses and purposes therein expressed and the public drainage easements and public utility easements as graphically shown and described in the notes to the City of Palm Bay and the perpetual use of the public.

IN WITNESS WHEREOF, the undersigned has caused these presents to be signed and attested to by the officer named below.

BY \_\_\_\_\_ PB&J Gardens Investment, LLC  
P. Michael Evans 1698 W. Hibiscus Boulevard  
As Authorized Representative Suite A,  
and Manager Melbourne, Florida 32901  
(321)-953-3300

Signed and sealed in the presence of: \_\_\_\_\_

(Print name)

(Print name)

STATE OF FLORIDA, COUNTY OF BREVARD

THIS IS TO CERTIFY, that on \_\_\_\_\_, 2021 before me, by means of ☒ physical presence or ☐ online notarization, an officer duly authorized to take acknowledgments in the State and County aforesaid, personally appeared P. Michael Evans, Authorized Representative and Manager of the above named company, to me known to be the individual who executed the foregoing Dedication and severally acknowledged the execution thereof to be their free act and deed as such person authorized.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.

(Print name)  
NOTARY PUBLIC  
County and State aforesaid

My Commission Expires \_\_\_\_\_  
My Commission Number \_\_\_\_\_

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed professional surveyor and mapper, does hereby certify that on August 10, 2021 he completed the boundary survey of the lands shown in the foregoing plat; and that said plat was prepared under his direction and supervision and that said plat complies with all of the survey requirements of Chapter 177, part 1, Florida Statutes, and that said land is located in Brevard County, Florida.

Registration No. 5383

Andrew W. Powshok  
AAL Land Surveying Services, Inc.  
3970 Minton Road  
W. Melbourne, Florida 32904  
Licensed Business  
Certificate of Authorization Number No.6623

CERTIFICATE OF REVIEWING SURVEYOR

FOR CITY OF PALM BAY

I HEREBY CERTIFY, That I have examined the foregoing plat and find that it is in conformity with Chapter 177, part 1, Florida Statutes.

Joseph N. Hale, Professional Surveyor and Mapper Number 6366  
Reviewing Surveyor for the City of Palm Bay

CERTIFICATE OF APPROVAL

BY CITY OF PALM BAY

THIS IS TO CERTIFY That on \_\_\_\_\_ the

\_\_\_\_\_ approved the foregoing plat

ATTEST: \_\_\_\_\_ 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, part 1, Florida Statutes, and was filed for record on \_\_\_\_\_ at \_\_\_\_\_, File No. \_\_\_\_\_

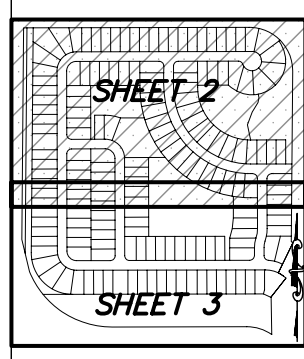
Clerk of the Circuit Court  
in and for Brevard County, Florida.

PROJECT # 45656  
DATED 9/20/2021

TRACT TABLE			
TRACT	AREA	ALL USE PRIVATE	OWNER AND MAINTENANCE RESPONSIBILITY
LS-1	1.07 Ac.	OPEN SPACE/LANDSCAPE/DRAINAGE/UTILITY	PB&J GARDENS HOMEOWNERS ASSOCIATION, INC.
RD-1	6.44 Ac.	PRIVATE R/W/DRAINAGE/UTILITY	THE GARDENS AT WATERSTONE HOMEOWNER'S ASSOCIATION, INC.
REC-1	1.56 Ac.	RECREATION/DRAINAGE/STORMWATER/UTILITY	PB&J GARDENS HOMEOWNERS ASSOCIATION, INC.
REC-2	0.85 Ac.	RECREATION/DRAINAGE/STORMWATER/UTILITY	PB&J GARDENS HOMEOWNERS ASSOCIATION, INC.
REC-3	0.25 Ac.	RECREATION/DRAINAGE/STORMWATER/UTILITY	PB&J GARDENS HOMEOWNERS ASSOCIATION, INC.
REC-4	0.23 Ac.	RECREATION/DRAINAGE/STORMWATER/UTILITY	PB&J GARDENS HOMEOWNERS ASSOCIATION, INC.
ST-1	3.14 Ac.	OPEN SPACE/DRAINAGE/STORMWATER/UTILITY	PB&J GARDENS HOMEOWNERS ASSOCIATION, INC.
ST-2	1.38 Ac.	OPEN SPACE/DRAINAGE/STORMWATER/UTILITY	PB&J GARDENS HOMEOWNERS ASSOCIATION, INC.
ST-3	1.03 Ac.	OPEN SPACE/DRAINAGE/STORMWATER/UTILITY	PB&J GARDENS HOMEOWNERS ASSOCIATION, INC.
ST-4	4.23 Ac.	OPEN SPACE/DRAINAGE/STORMWATER/UTILITY	PB&J GARDENS HOMEOWNERS ASSOCIATION, INC.
ST-5	0.47 Ac.	OPEN SPACE/DRAINAGE/STORMWATER/UTILITY	PB&J GARDENS HOMEOWNERS ASSOCIATION, INC.

THIS TABLE IS FOR GENERAL INFORMATION ONLY! SEE SURVEYOR'S NOTES AND PLAT DEDICATION FOR OFFICIAL INFORMATION!



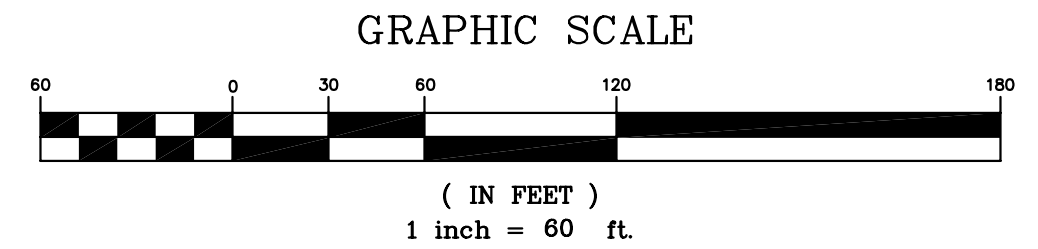


INDEX MAP  
NOT TO SCALE

# GARDENS AT WATERSTONE PHASE 3

BEING A REPLAT OF A PORTION OF LOTS 4-9, 25-29  
SECTION 5, SAN-SEBASTIAN FARMS  
AS RECORDED IN PLAT BOOK 6, PAGE 77,  
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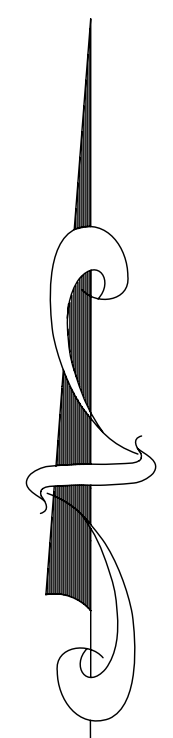
PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
SHEET 2 OF 3  
SECTIONS 5 TWP. 30 S., RANGE 37 E.



MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO 38

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD BEARING	CENTRAL ANGLE
C12	39.27'	25.00'	S44°52'37"W	35.36°
C13	39.27'	25.00'	N45°07'23"W	35.36°
C14	28.98'	450.00'	S88°16'42"E	28.97°
C15	47.38'	450.00'	S83°25'03"E	47.36°
C16	52.12'	450.00'	S77°05'00"E	52.09°
C17	52.12'	450.00'	S70°26'52"E	52.09°
C18	49.02'	450.00'	S64°00'32"E	49.00°
C19	49.02'	450.00'	S57°46'01"E	49.00°
C20	49.02'	450.00'	S51°31'30"E	49.00°
C21	49.02'	450.00'	S45°16'59"E	49.00°
C22	49.02'	450.00'	S39°02'28"E	49.00°
C23	49.02'	450.00'	S32°47'56"E	49.00°
C24	49.02'	450.00'	S26°33'25"E	49.00°
C25	49.02'	450.00'	S20°18'54"E	49.00°
C26	55.03'	450.00'	S13°41'26"E	55.00°
C27	55.03'	450.00'	S06°41'00"E	55.00°
C28	24.01'	450.00'	S01°39'05"E	24.00°
C29	30.68'	575.00'	S01°39'05"E	30.67°
C30	70.32'	575.00'	S06°41'00"E	70.28°
C31	70.32'	575.00'	S13°41'26"E	70.28°
C32	62.64'	575.00'	S20°18'54"E	62.61°
C33	62.64'	575.00'	S26°33'25"E	62.61°
C34	62.64'	575.00'	S32°47'56"E	62.61°
C35	62.64'	575.00'	S39°02'28"E	62.61°
C36	62.64'	575.00'	S45°16'59"E	62.61°
C37	62.64'	575.00'	S51°31'30"E	62.61°
C38	62.64'	575.00'	S57°46'01"E	62.61°
C39	62.64'	575.00'	S64°00'32"E	62.61°
C40	66.59'	575.00'	S70°26'52"E	66.56°
C41	66.59'	575.00'	S77°05'00"E	66.56°
C42	60.54'	575.00'	S83°25'03"E	60.51°
C43	37.02'	575.00'	S88°16'42"E	37.02°
C44	90.77'	575.00'	S85°36'03"E	90.67°
C45	412.00'	575.00'	S60°18'10"E	407.92°
C46	234.31'	575.00'	S22°05'11"E	232.05°
C47	161.13'	575.00'	S08°09'04"E	160.61°
C48	24.58'	400.00'	S88°21'45"E	24.58°
C49	74.62'	400.00'	S81°15'28"E	74.51°
C50	74.62'	400.00'	S70°34'10"E	74.51°
C51	67.84'	400.00'	S60°22'00"E	67.76°
C52	67.84'	400.00'	S50°38'58"E	67.76°
C53	67.84'	400.00'	S40°55'58"E	67.76°
C54	67.84'	400.00'	S31°12'58"E	67.76°
C55	74.62'	400.00'	S21°00'48"E	74.51°
C56	74.62'	400.00'	S10°19'29"E	74.51°
C57	33.91'	400.00'	S02°33'06"E	33.90°
C58	23.31'	275.00'	S02°33'06"E	23.31°
C59	51.30'	275.00'	S10°19'29"E	51.23°
C60	51.30'	275.00'	S21°00'48"E	51.23°
C61	46.64'	275.00'	S31°12'58"E	46.58°
C62	46.64'	275.00'	S40°55'58"E	46.58°
C63	46.64'	275.00'	S50°38'58"E	46.58°
C64	46.64'	275.00'	S60°22'00"E	46.58°
C65	51.30'	275.00'	S70°34'10"E	51.23°
C66	51.30'	275.00'	S81°15'28"E	51.23°
C67	16.90'	275.00'	S88°21'45"E	16.90°
C68	53.10'	175.00'	S54°24'04"E	52.90°
C69	92.38'	175.00'	S78°13'04"E	91.31°
C70	125.67'	175.00'	N66°05'10"E	122.99°
C71	125.67'	175.00'	N24°56'25"E	122.99°
C72	125.67'	175.00'	N16°12'20"W	122.99°
C73	125.67'	175.00'	N61°02'19"W	125.14°
C74	50.48'	225.00'	N83°41'44"W	50.38°
C75	10.65'	50.00'	N84°01'26"W	10.63°
C76	35.91'	50.00'	N57°21'06"W	35.14°
C77	35.91'	50.00'	N16°12'20"W	35.14°
C78	35.91'	50.00'	N24°56'25"E	35.14°
C79	35.91'	50.00'	N66°05'10"E	35.14°
C80	53.24'	50.00'	S82°50'04"E	50.78°
C81	11.11'	50.00'	S25°57'41"E	11.09°
C82	30.77'	25.00'	N54°51'31"W	28.87°
C83	168.30'	175.00'	S73°15'30"E	161.89°
C84	354.21'	175.00'	N21°12'23"E	296.77°
C85	178.52'	225.00'	N22°14'45"W	173.88°
C86	39.27'	25.00'	S44°52'37"W	35.36°
C87	39.27'	25.00'	N45°07'23"W	35.36°
C88	78.54'	50.00'	S44°52'37"W	70.71°
C89	20.04'	100.00'	S05°37'08"W	20.01°
C90	40.06'	100.00'	S22°50'08"W	39.79°
C91	40.14'	100.00'	S45°48'35"W	39.87°
C92	40.14'	100.00'	S68°48'27"W	39.87°
C93	16.70'	100.00'	S85°03'50"W	16.68°
C94	39.27'	25.00'	S45°07'23"E	35.36°
C95	39.27'	25.00'	S44°52'37"W	35.36°
C96	78.54'	50.00'	N45°07'23"W	70.71°
C97	36.14'	100.00'	N79°46'12"W	35.94°
C98	116.44'	100.00'	N36°03'35"W	109.97°
C99	4.50'	100.00'	N01°24'46"W	4.50°
C100	81.31'	225.00'	N79°46'12"W	80.87°
C101	431.97'	275.00'	S45°07'23"E	388.91°

REMANENT LOT 9  
SAN-SEBASTIAN FARMS-SECTION 5  
PLAT BOOK 6, PAGE 77



REMANENT LOT 9  
SAN-SEBASTIAN FARMS-SECTION 5  
PLAT BOOK 6, PAGE 77

- LEGEND
- SET PERMANENT CONTROL POINT (PCP)
  - FOUND PERMANENT REFERENCE MONUMENT (PRM)
  - R/W RIGHT-OF-WAY
  - LS LICENSED SURVEYOR
  - LB LICENSED BUSINESS
  - D CURVE DELTA
  - R CURVE RADIUS
  - L CURVE LENGTH
  - CB CHORD BEARING
  - CD CHORD DISTANCE
  - NR NON-RADIAL

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

- PLAT PREPARED BY -  
AAL LAND SURVEYING SERVICES, INC.  
3870 WILSON ROAD  
WEST MELBOURNE, FLORIDA 32904  
(321) 768-8110


PROJECT # 45656  
DATED 9/20/2021



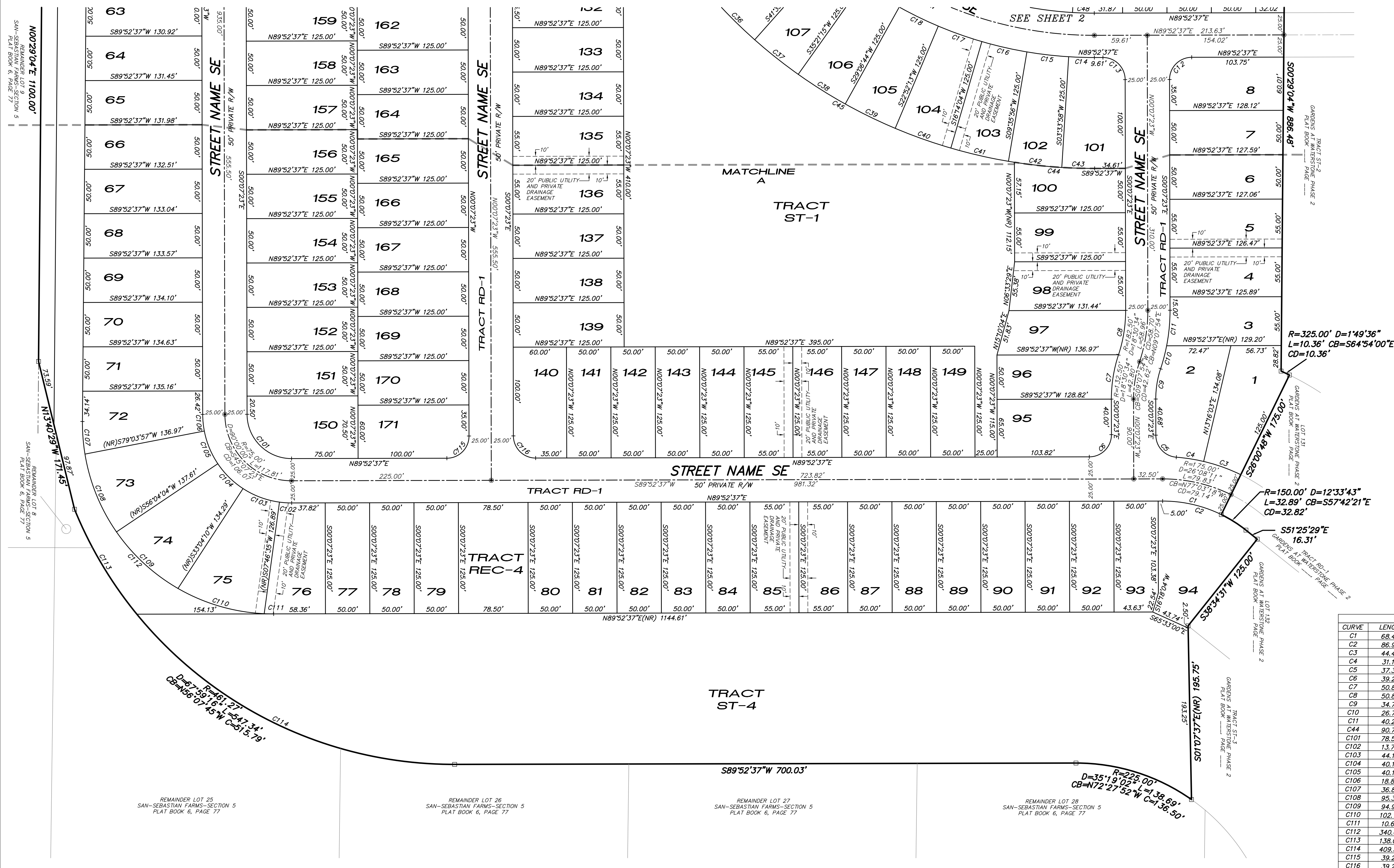
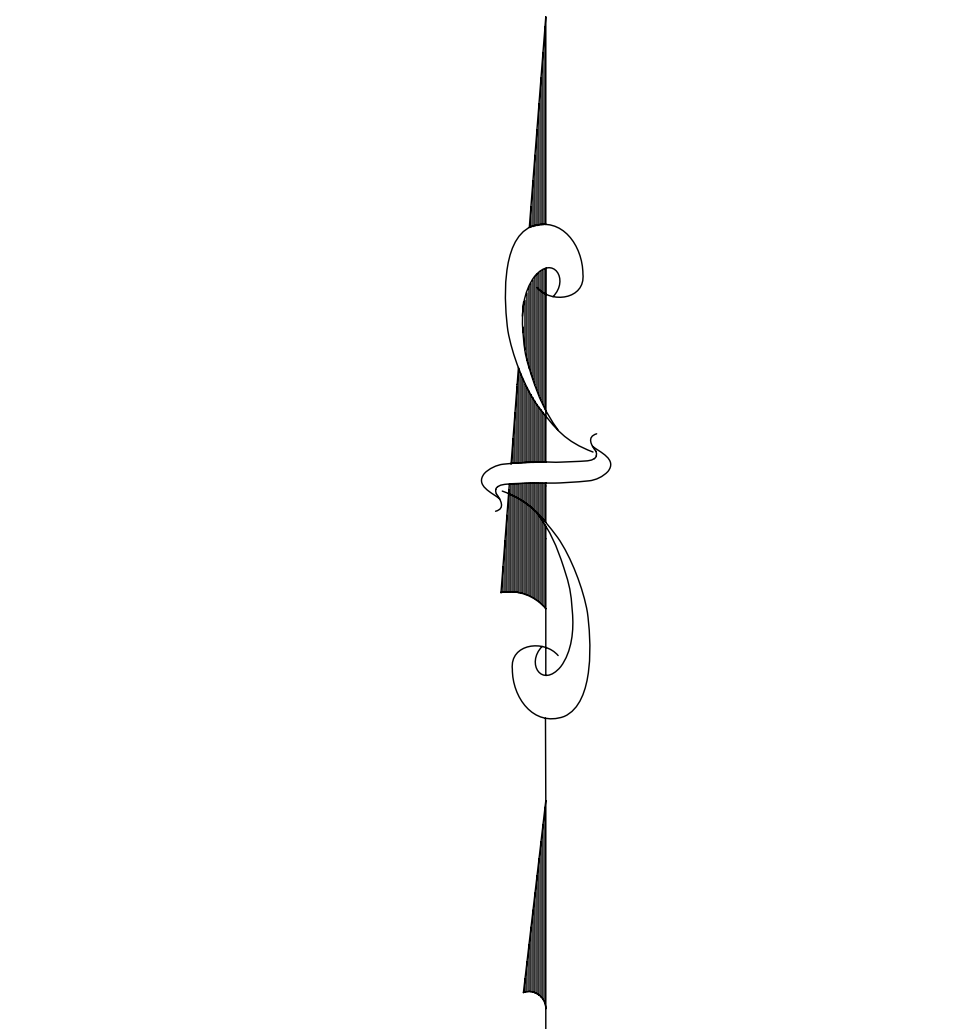
BEING A REPLAT OF A PORTION OF LOTS 4-9, 25-29  
SECTION 5, SAN-SEBASTIAN FARMS  
AS RECORDED IN PLAT BOOK 6, PAGE 77,  
LYING IN SECTION 5, TOWNSHIP 30 SOUTH, RANGE 37 EAST, CITY OF  
PALM BAY, BREVARD COUNTY, FLORIDA

GRAPHIC SCALE

60                      0                      30                      60                      120



( IN FEET )  
1 inch = 60 ft.



CURVE		CURVE TABLE			CHORD	CENTRAL ANGLE
CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD		
C1	68.42'	150.00'	N77°03'18"W	67.83'	26°08'11"	
C2	86.97'	150.00'	N73°30'46"W	85.76'	33°13'15"	
C3	44.49'	200.00'	N02°11'35"W	44.40'	12°44'45"	
C4	31.17'	200.00'	N08°11'52"W	31.14'	8°55'49"	
C5	37.32'	25.00'	S42°53'35"E	33.95'	85°32'23"	
C6	25.927'	150.00'	N45°36'36"E	35.36'	90°00'00"	
C7	50.88'	157.50'	S09°07'54"W	50.66'	18°30'34"	
C8	50.88'	157.50'	N09°07'54"E	50.66'	18°30'34"	
C9	34.73'	107.50'	S09°07'54"W	34.58'	18°30'34"	
C10	26.78'	207.50'	N14°41'20"E	26.76'	7°23'41"	
C11	40.25'	207.50'	N05°26'03"E	40.19'	11°06'52"	
C12	93.77'	975.00'	S85°36'30"E	90.67'	9°02'40"	
C13	50.854'	100.00'	S45°25'33"E	70.71'	90°00'00"	
C100	10.970'	100.00'	S86°10'24"E	13.78'	2°53'58"	
C103	43.14'	100.00'	S69°34'37"E	43.79'	251°73'4"	
C104	40.14'	100.00'	S45°25'33"E	39.87'	22°59'54"	
C105	40.14'	100.00'	S22°26'00"E	39.87'	22°59'53"	
C106	18.87'	100.00'	S05°31'43"E	18.84'	10°48'40"	
C107	36.88'	215.00'	S04°25'45"E	36.83'	9°49'39"	
C108	95.39'	215.00'	S20°25'15"E	94.61'	25°25'14"	
C109	94.90'	215.00'	S44°24'31"E	94.13'	25°17'23"	
C110	102.19'	215.00'	S73°40'09"E	101.23'	27°15'34"	
C111	10.65'	215.00'	S88°42'15"E	10.65'	25°01'17"	
C112	340.00'	215.00'	S44°49'10"E	305.66'	90°36'27"	
C113	138.03'	461.27'	S30°42'28"E	137.51'	17°08'42"	
C114	409.32'	461.27'	S84°40'26"E	396.02'	50°50'34"	
C115	25.927'	150.00'	N45°36'36"E	35.36'	90°00'00"	
C116	39.927'	25.00'	S45°02'23"E	35.36'	90°00'00"	

LEGEND

●	SET PERMANENT CONTROL POINT (PCP)
□	FOUND PERMANENT REFERENCE MONUMENT (PRM)
R/W	RIGHT-OF-WAY
LS	LICENSED SURVEYOR
LB	LICENSED BUSINESS
D	CURVE DELTA
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- PLAT PREPARED BY -  
AAL LAND SURVEYING SERVICES, INC.  
3970 MINTON ROAD  
WEST MELBOURNE, FLORIDA 32904  
(321) 768-8110

PROJECT # 45188  
DATED 7/20/2021





## LAND DEVELOPMENT DIVISION

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

[Landdevelopmentweb@palmbayflorida.org](mailto: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:

Gardens at Waterstone Phase III

#### PARCEL ID(S):

30-37-05-HF-1

#### TAX ACCOUNT NUMBER(S):

3000217

#### 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):

+/- 47.99 acres

TOTAL LOTS PROPOSED (list by use):

171 lots

DEVELOPER P. Michael Evans- PB & J Gardens Investment, LLC

Full Address 1698 W Hibiscus Blvd; Suite A; Melbourne, FL 32901

Telephone 321- 258-7984 Email mike.fmdc@gmail.com

ENGINEER Jake Wise, PE- Construction Engineering Group, LLC

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

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

SURVEYOR AAL Land Surveying Services, Inc

Full Address 3970 Minton Road; West Melbourne, FL 32904

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



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

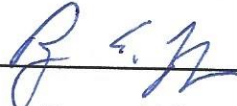
- ☐ \*A \$1,500.00 application fee shall accompany the Final Development Plan application for the purposes of administration. Make Check payable to "City of Palm Bay."
- ☐ Final Development Plan (see aforementioned Final Development Plan Criteria for Submittal).
- ☐ Boundary Survey.
- ☐ Site Sketch to 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.

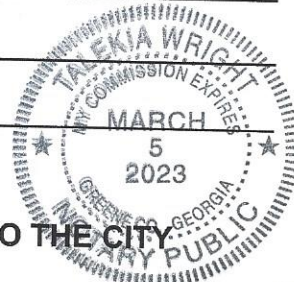
**Name of Representative** Jake Wise, PE- Construction Engineering Group, LLC

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  Date 9/29/21  
Printed Name Waterstone Farms, LLC - Benjamin E. Jefferies as Managing Member  
Full Address 2040 Highway A1A; Suite 207; Indian Harbour Beach, FL 32937  
Telephone 321-258-7984 Email ben@waterstonefla.com



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



September 28

, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

30-37-05-HF-1

I, Owner Name: Waterstone Farms, LLC

Address: 2040 Highway A1A; Suite 207; Indian Harbour Beach, FL 32937

Telephone: 321- 258-7984

Email: ben@waterstonefla.com

hereby authorize:

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

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

Telephone: 321-610-1760

Email: jwise@cegengineering.com

to represent the request(s) for:

FDP and any associated submittals

B. L. Jr.  
(Property Owner Signature)

STATE OF

Georgia

COUNTY OF

Putnam

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 28 day of Sept., 20 21 by

Benjamin E. Jeffries, Managing Member

, property owner.



Kelvin Rhodes

, Notary Public

☐ Personally Known ☒ Produced the Following Type of Identification:

Drivers License

September 28

, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

30-37-05-HF-1

I, Owner Name: Waterstone Farms, LLC

Address: 2040 Highway A1A; Suite 207; Indian Harbour Beach, FL 32937

Telephone: 321-258-7984

Email: ben@waterstonefla.com

hereby authorize:

Representative: P. Michael Evans- PB & J Gardens Investment, LLC

Address: 1698 W Hibiscus Blvd; Suite A; Melbourne, FL 32901

Telephone: 321-953-3300

Email: mike.fmdc@gmail.com

to represent the request(s) for:

FDP and any associated submittals

B. E. M.  
(Property Owner Signature)

STATE OF

Georgia

COUNTY OF

Putnam

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 28 day of Sept., 2021 by

Benjamin E. Jefferies, Managing Member, property owner.



Kelvin Rhodes  
Benjamin E. Jefferies Notary Public

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

Drivers License



September 28

, 20 21

**Re: Letter of Authorization**

**As the property owner of the site legally described as:**

30-37-05-HF-1

**I, Owner Name:** Waterstone Farms, LLC

**Address:** 2040 Highway A1A; Suite 207; Indian Harbour Beach, FL 32937

**Telephone:** 321- 258-7984

**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:**

FDP and any associated submittals

R. L.  
(Property Owner Signature)

STATE OF

Georgia

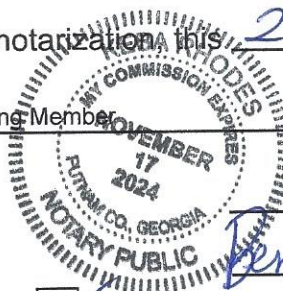
COUNTY OF

Putnam

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 28 day of Sept., 20 21 by

Benjamin E. Jefferies, Managing Member

property owner.



Kuba Rhodes

Benjamin E. Jefferies

, Notary Public

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

Drivers License

**Gardens at Waterstone Phase 3  
Final Development Plan  
Compliance and Justification Report**

**Prepared by:  
Rochelle W. Lawandales, FAICP  
Waterstone Development Company, LLC  
Applicant: PB&J Gardens Investment, LLC  
Owner: Waterstone Farms, LLC**

**September 29, 2021**



**PROJECT: GARDENS AT WATERSTONE**

Gardens 3 is a 171 lot single family subdivision on 48 acres +/- with supporting infrastructure and site improvements including roadways, sidewalks, pedestrian/exercise trails, landscaping, water, sewer and stormwater systems. It includes signalization and other intersection improvements at Babcock Street and Mara Loma Boulevard.

Note: The Developer, PB &J Gardens Investment, LLC and the City have agreed to 2 conditions as part of the prior Gardens at Waterstone Phase 2:

1. The developer shall install the traffic signal and intersection improvements at Babcock Street and Mara Loma Boulevard as part of this project; and,
2. The City shall provide impact fee credits for all costs associated with these improvements. Map A shows the project location.

**PROPERTY OWNER:** Waterstone Farms, LLC, Managing Member, Benjamin E. Jefferies.

**APPLICANT:** PB&J Gardens Investment, LLC

**EXISTING ZONING:** Planned Unit Development

**LAND USE:** Single Family Residential

**REQUEST:**

The applicant seeks approval for a new Final Development Plan in an existing PUD zoning district for a project to be called “Gardens at Waterstone Phase 3”, which is a portion of the prior approved Master development plan located west of Heron Bay.

***EXECUTIVE SUMMARY***

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

PB&J GARDENS INVESTMENT, LLC  
FINAL DEVELOPMENT PLAN NARRATIVE FOR GARDENS AT WATERSTONE PHASE 3

**Table 1**  
**Current Residential Entitlements**

WATERSTONE AND CYPRESS BAY a/o July, 2021							
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 20 units/ac	Completed July, 2021			190		95	
Cypress Bay West Phase 2	Pending Hearings August/September 2021				-566	-566	
Gardens at Waterstone Phase 2	Pending Hearings October/November 2021				-172		
Cypress Bay West Phase 3	Pending Hearings October/November 2021				-544		
Gardens at Waterstone 3	Current Submittal				-171		
Sub-total:				2193	-2037	156	362
GRAND TOTAL UNIT COUNTS AS OF OCTOBER, 2021:						156	362
*WESTSIDE refers to the area on the west side of Babcock Street known as Waterstone (including Waterstone Farms, LLC and Waterstone Holdings, LLC)							
*EASTSIDE refers to the lands on the east side of Babcock Street referred to Cypress Bay owned by Cypress Bay Farms, LLC							
**300 original units were able to go to west side. Total includes 454 multi--family units from CP 7-09							



PB&J GARDENS INVESTMENT, LLC  
FINAL DEVELOPMENT PLAN NARRATIVE FOR GARDENS AT WATERSTONE PHASE 3

---

The Project underwent an ownership change and Pulte (Divosta Division) brought forth a Preliminary Development Plan for the 1167 acres and obtained Final Development Plan approval and PUD zoning in 2005 (See Map B) 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 C shows the original development plan, and the area now proposed for the Gardens.

Waterstone revised the project lay-out in 2017 and submitted a new Preliminary Development Plan for the lands on the west side of Babcock Street to amend the 2005 development plan. The City Council granted Preliminary Development Plan approval on January 18, 2018. Final Development Plan/Preliminary Plat approval was granted by City Council action on June 7, 2018 for the 'Gardens 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 void and maintaining the 2005 adopted plan.

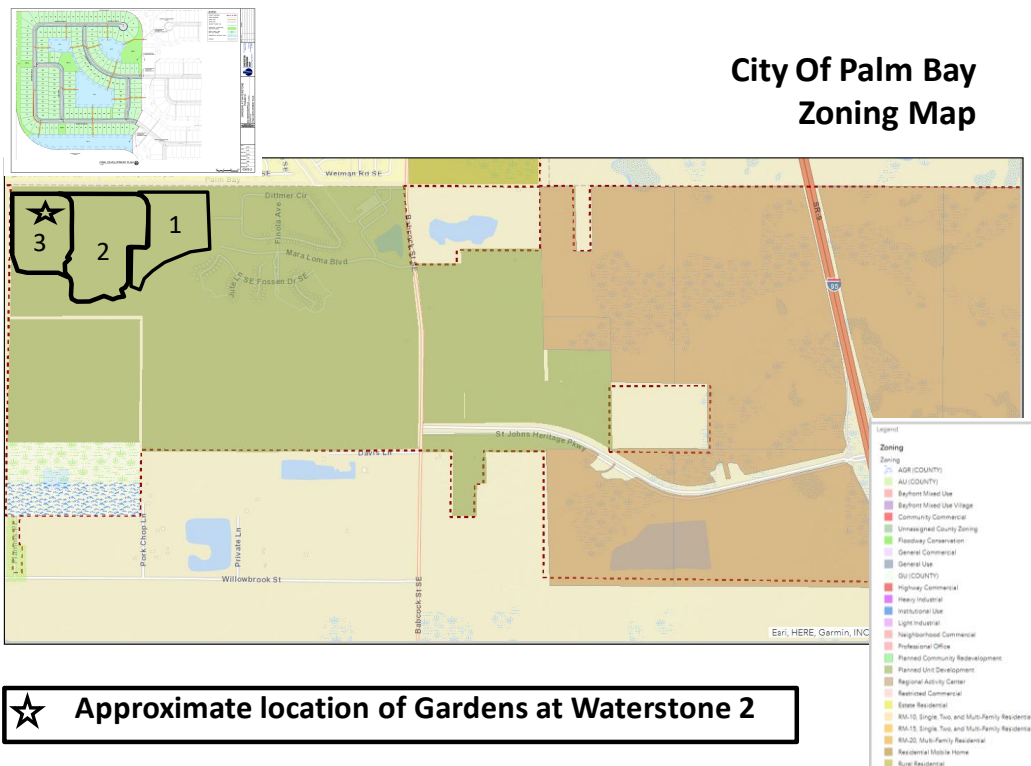
With this new application, the applicant, PB&J, as authorized by the owner, Waterstone Farms, LLC, is petitioning the City for approval of a Final Development Plan for the Gardens Phase 2. Construction would begin after approval of a Final Development Plan, Preliminary Plat and construction plans and the developer obtaining all permits. Map D shows the design, layout, vehicular and pedestrian circulation, open space, utilities, and stormwater system to meet the code requirements.

PB&J GARDENS INVESTMENT, LLC  
FINAL DEVELOPMENT PLAN NARRATIVE FOR GARDENS AT WATERSTONE PHASE 3

MAP A  
LOCATION MAP



MAP B  
CITY ZONING MAP



★ Approximate location of Gardens at Waterstone 2



### ***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. 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;

PB&J GARDENS INVESTMENT, LLC  
FINAL DEVELOPMENT PLAN NARRATIVE FOR GARDENS AT WATERSTONE PHASE 3

---

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.
13. Submitted a request for Final Development Plan approval of a 172 lot single family subdivision on 52.21 acres +/- known as Gardens of Waterstone 2.
14. Submitted a Final Development Plan application for approval of Cypress Bay West 2, for 566 units on 185 acres +/-.
15. Submitted a Final Development Plan application for approval of Cypress Bay West 3, for 544 units on 190 acres.

On January 18, 2018, Waterstone Holdings, LLC, Waterstone Farms, LLC and DR Horton, as co applicants, obtained approval of a revised Preliminary Development Plan amending the 2005 Master Plan for the 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 at Waterstone', a phase of Waterstone in the northwest segment. That project was not



PB&J GARDENS INVESTMENT, LLC  
FINAL DEVELOPMENT PLAN NARRATIVE FOR GARDENS AT WATERSTONE PHASE 3

---

adopted properly by the City and became void, rendering the 2018 revised Preliminary Development Plan void and maintaining the 2005 adopted plan.

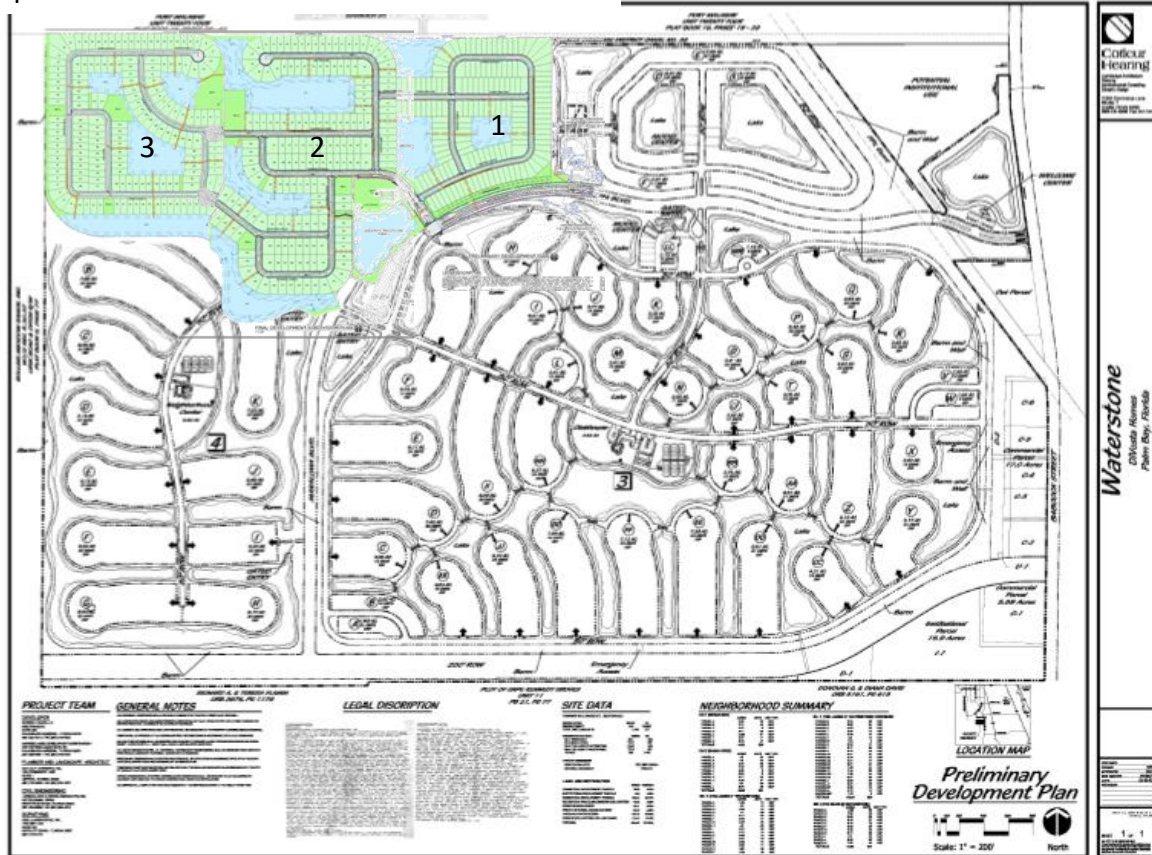
Map C shows the new proposed Gardens at Waterstone overlaid on the existing approved Preliminary Development Plan.

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MAP C

ORIGINAL PRELIMINARY DEVELOPMENT PLAN FOR WATERSTONE AT PALM BAY WITH APPROXIMATE LOCATION OF GARDENS AT WATERSTONE ALL PHASES INCLUDING SUBJECT PROPERTY

Proposed Gardens at Waterstone 3 on 2005 PDP



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

**FINAL DEVELOPMENT PLAN (Map D) for 'GARDENS OF WATERSTONE' 3**

Gardens 3 is a 171 lot subdivision. The project will use a new access point to be created off an extended Mara Loma Boulevard onto a new private road to be called Granger Circle. There are utilities available to service the development. The project will have to apply for concurrency review as all the original concurrency approval of 900 units are allotted.

The following discussion relates specifically to this proposed subdivision and application. Map D-1 shows the proposed Gardens Final development plan and Map D-2 shows the Preliminary Plat. The project data table, Table 2, below identifies the number and type of lots, percentages for categorical site areas and improvements, and open space.



**Table 2**  
**PROJECT DATA**

**PROJECT DATA:**

GENERAL STATEMENT:

THE PROPOSED PROJECT CONSISTS OF INFRASTRUCTURE AND SITE IMPROVEMENTS TO ACCOMMODATE A 171 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION INCLUDING RECREATION/OPEN SPACE, ROADWAYS, SIDEWALKS, LANDSCAPING, WATER, SEWER AND STORMWATER SYSTEMS.

DEVELOPER:

PB&J GARDENS INVESTMENT, LLC  
P. MICHAEL EVANS  
1698 W. HIBISCUS BLVD. SUITE A  
MELBOURNE, FL 32901  
TEL: (321) 953-3300

CIVIL ENGINEER:

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

SURVEYOR:

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

LOCATION:

SECTION: 35  
TOWNSHIP: 25  
RANGE: 36E  
PARCEL ID: 30-37-05-HF-1  
TAX ACCOUNT NUMBER: 3000217

SETBACKS

PROPOSED:

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

LOT COUNT:

50'x125' = 171 LOTS

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 (80%):	714,475	16.40	34
RIGHT-OF-WAY	204,552	4.70	10
RECREATIONAL AREA:	88,117	2.25	5
TOTAL IMPERVIOUS:	1,017,144	23.35	49
PERVIOUS:	734,458	16.86	35
POND:	338,657	7.77	16
TOTAL:	2,276,560	47.99	100

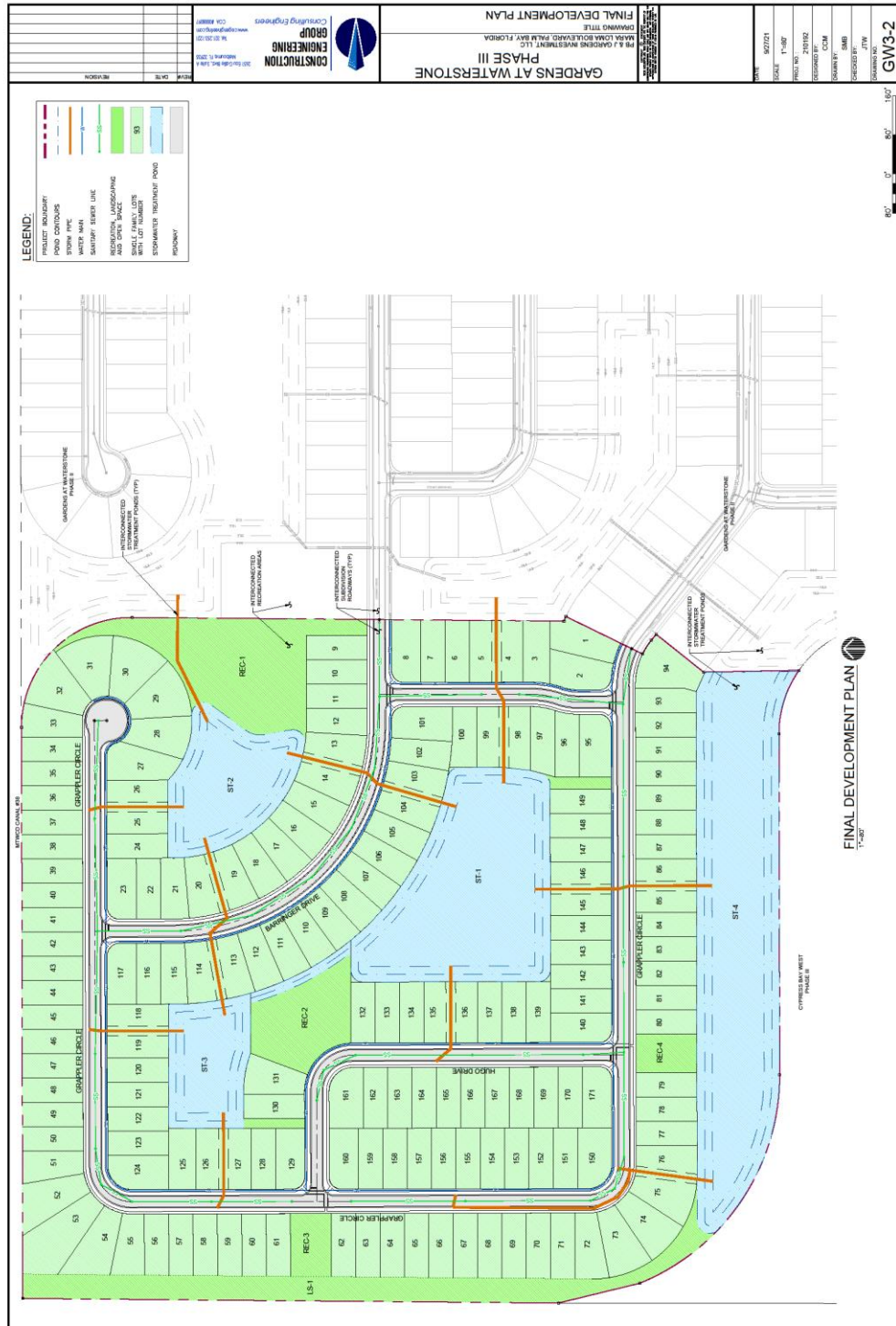
OPEN SPACE REQUIREMENTS:

OVERALL AREA (47.99 ACRES):

ON-SITE PONDS	9.00 AC	(75%)
OPEN SPACE:	1.70 AC	(9%)
RECREATION AREA:	2.81 AC	(14%)
PROVIDED:	13.51 AC	(100%)
REQUIRED (25% OF OVERALL AREAS):	12.00 AC	

Source: Final Development Plan, Construction Engineering Group, September 27, 2021. Note: Maximum building height is changed to 35'.

**MAP D-1**  
**PROPOSED FINAL DEVELOPMENT PLAN FOR GARDENS AT WATERSTONE 3 SUBDIVISION**  
**(Large version provided by CEG to the City under separate Cover)**

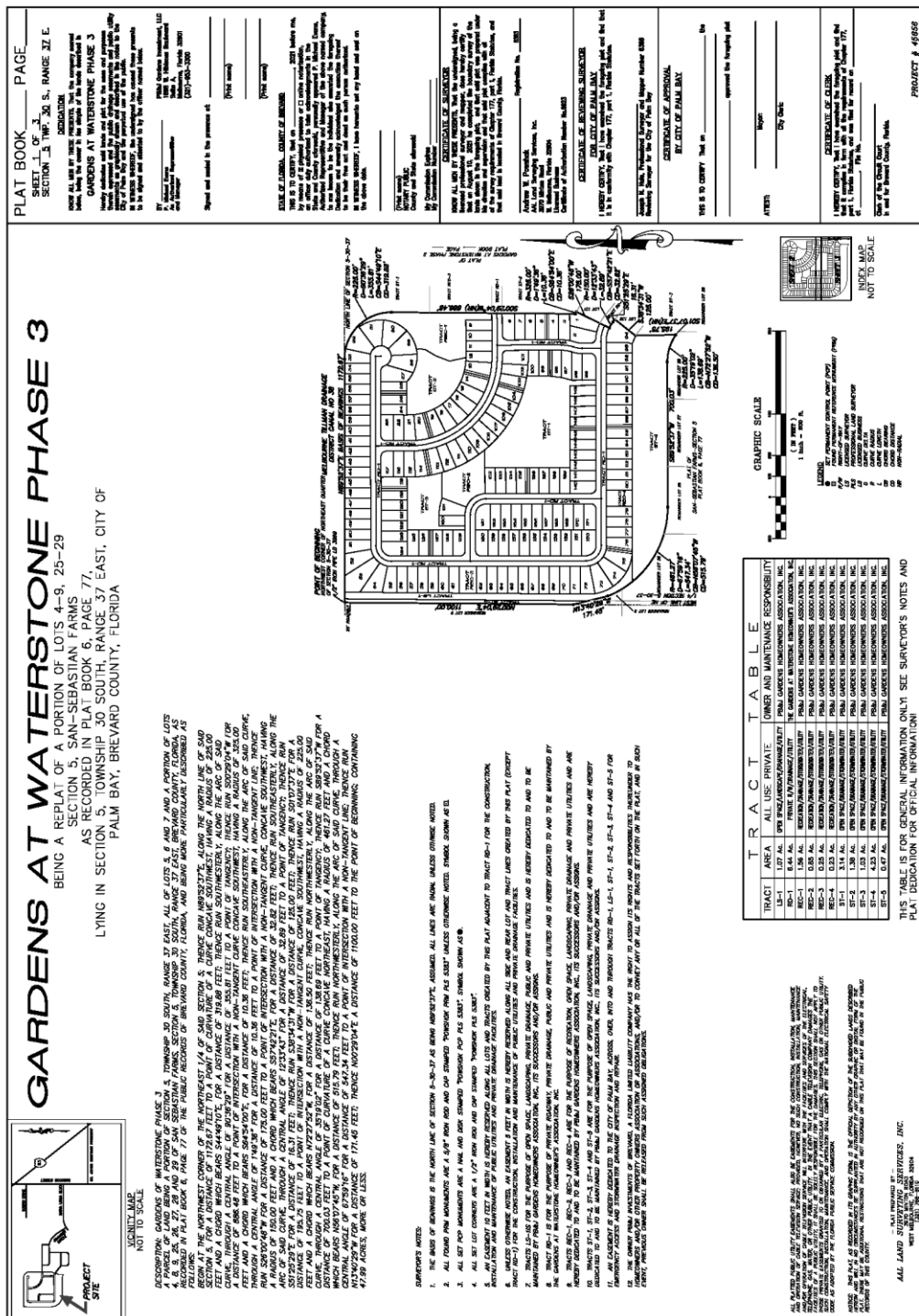




# FINAL DEVELOPMENT PLAN NARRATIVE FOR GARDENS AT WATERSTONE PHASE 3

**MAP D-2 PRELIMINARY PLAT**

**(Large version provided under separate cover by CEG)**



#### **DEVELOPMENT PHASING**

Phase 3 will be built in one phase, building off of the Phase 1 and 2 extension of Mara Loma. Utilities, stormwater, and other needed infrastructure will commence first, followed by home construction.

#### **DEVELOPMENT SCHEDULE**

The project will commence upon receipt of construction plan approval as early as 2nd or 3rd quarter of 2022. Anticipated build out is estimated to be in 1 year, with approximately 18 per month. Primary open space and recreational amenities will be completed in Phase 1, followed by neighborhood 'pocket' passive parks in the Phase 2 and 3 (subject project). There is a planned 2.8 +/- acre neighborhood park in this phase.

#### **CONSISTENCY WITH THE COMPREHENSIVE PLAN and FUTURE LAND USE MAP**

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

#### **LAND USE**

Map E uses the City's GIS system to depict the future land uses for the project which is all Single Family Residential (SFR). Gardens 3 is a single-family subdivision and continuation from Gardens Phase 1 and 2, including ancillary infrastructure, stormwater management, open space and recreational amenities. Stormwater or lands devoted to infrastructure can be done in any category. No land use changes are necessary. The Zoning is Planned Unit Development "PUD" awarded in 2005. Therefore, the project site and single family uses are in conformance with the City's Comprehensive Plan, Future Land Use Map and Existing Zoning Map.



MAP E  
FUTURE LAND USE MAP FROM CITY WEBSITE

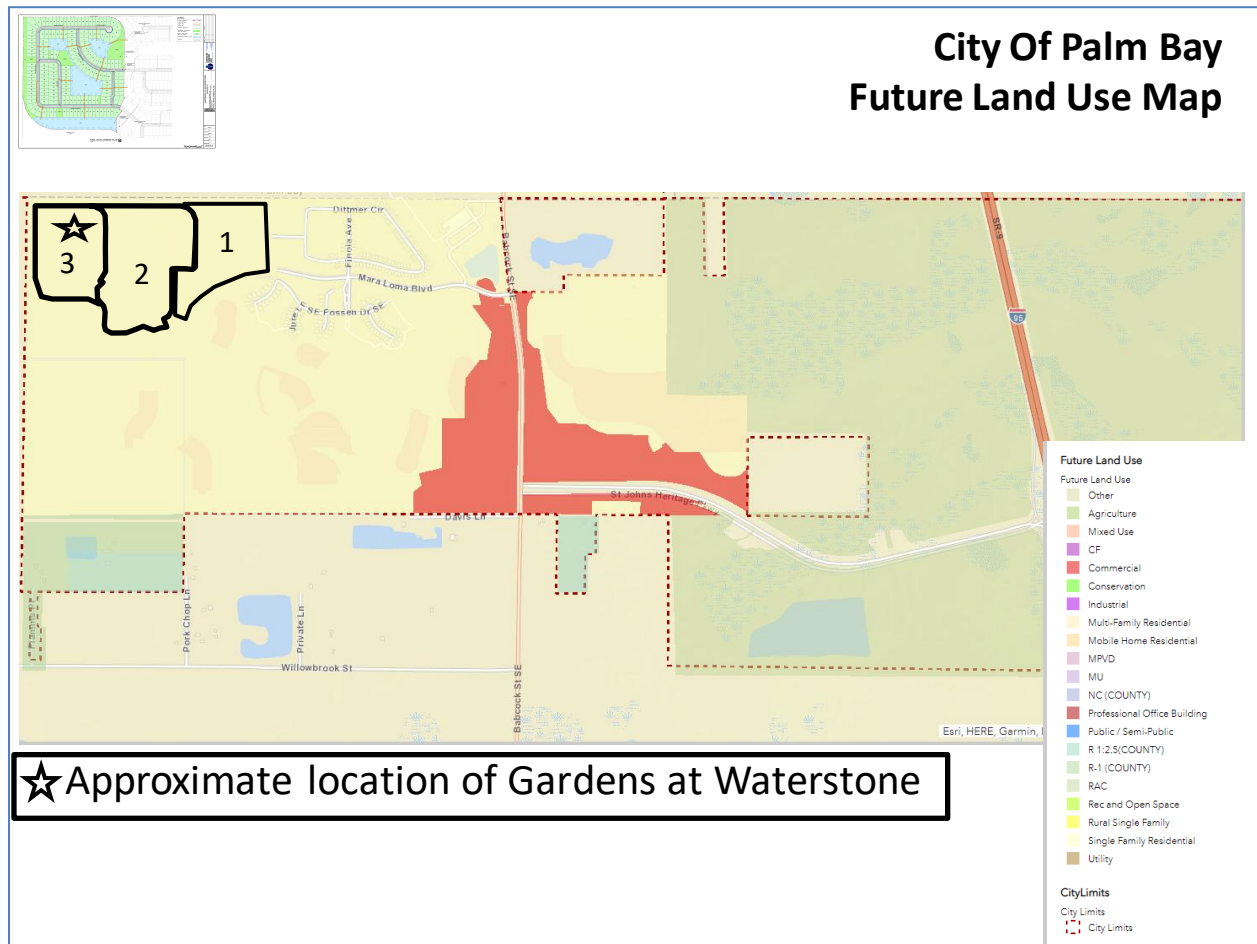


Figure 1 below also shows the land uses within the City's Study Area Boundary taken from the Comprehensive Plan in the City's website. Figure 2 shows the project is contained within the urban service boundary and also shows the historic location of the western St. Johns Heritage Parkway.

PB&J GARDENS INVESTMENT, LLC  
FINAL DEVELOPMENT PLAN NARRATIVE FOR GARDENS AT WATERSTONE PHASE 3

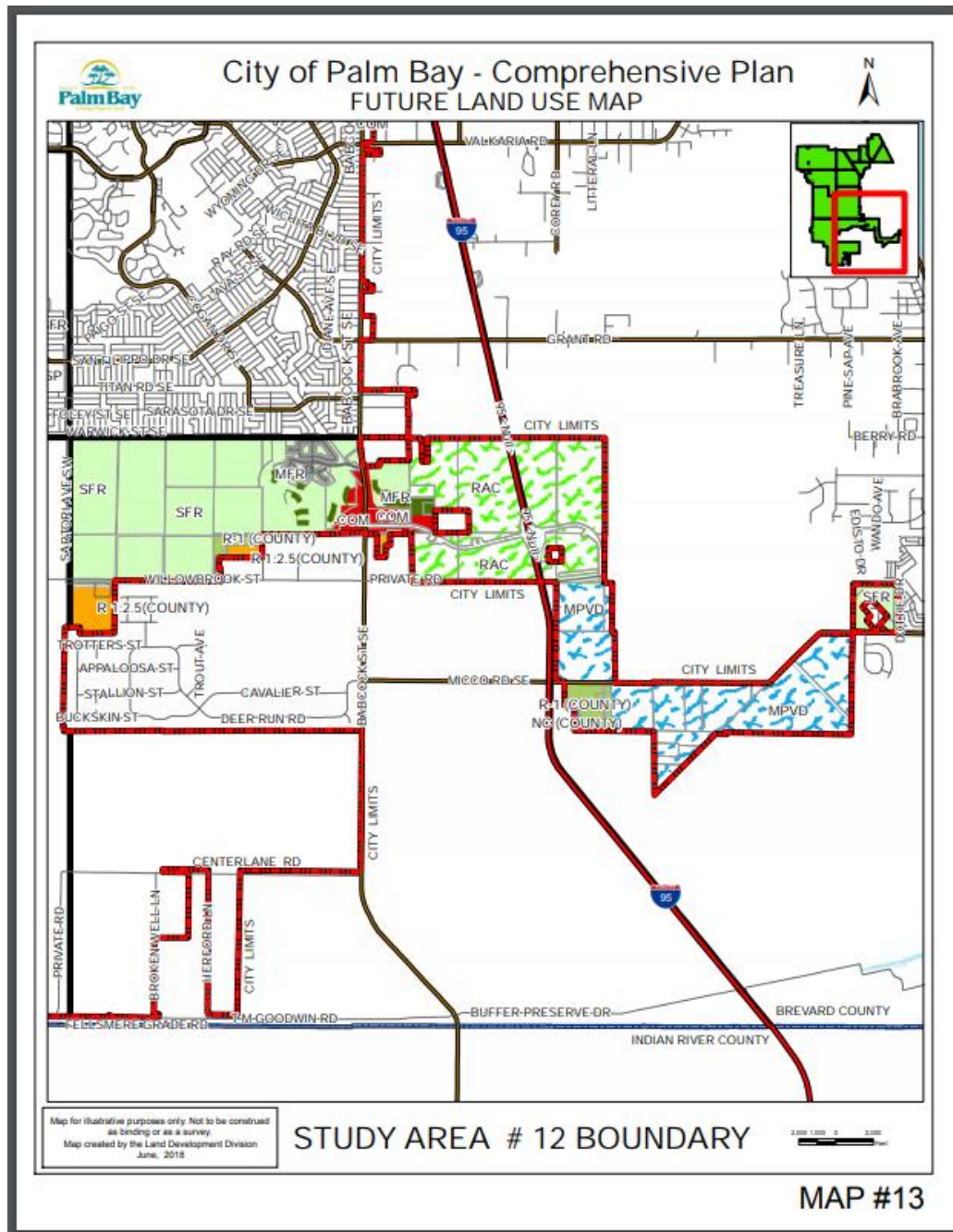


Figure 1: Future Land Use Map taken from the City's Comprehensive Plan on the City of Palm Bay Website, April, 2019



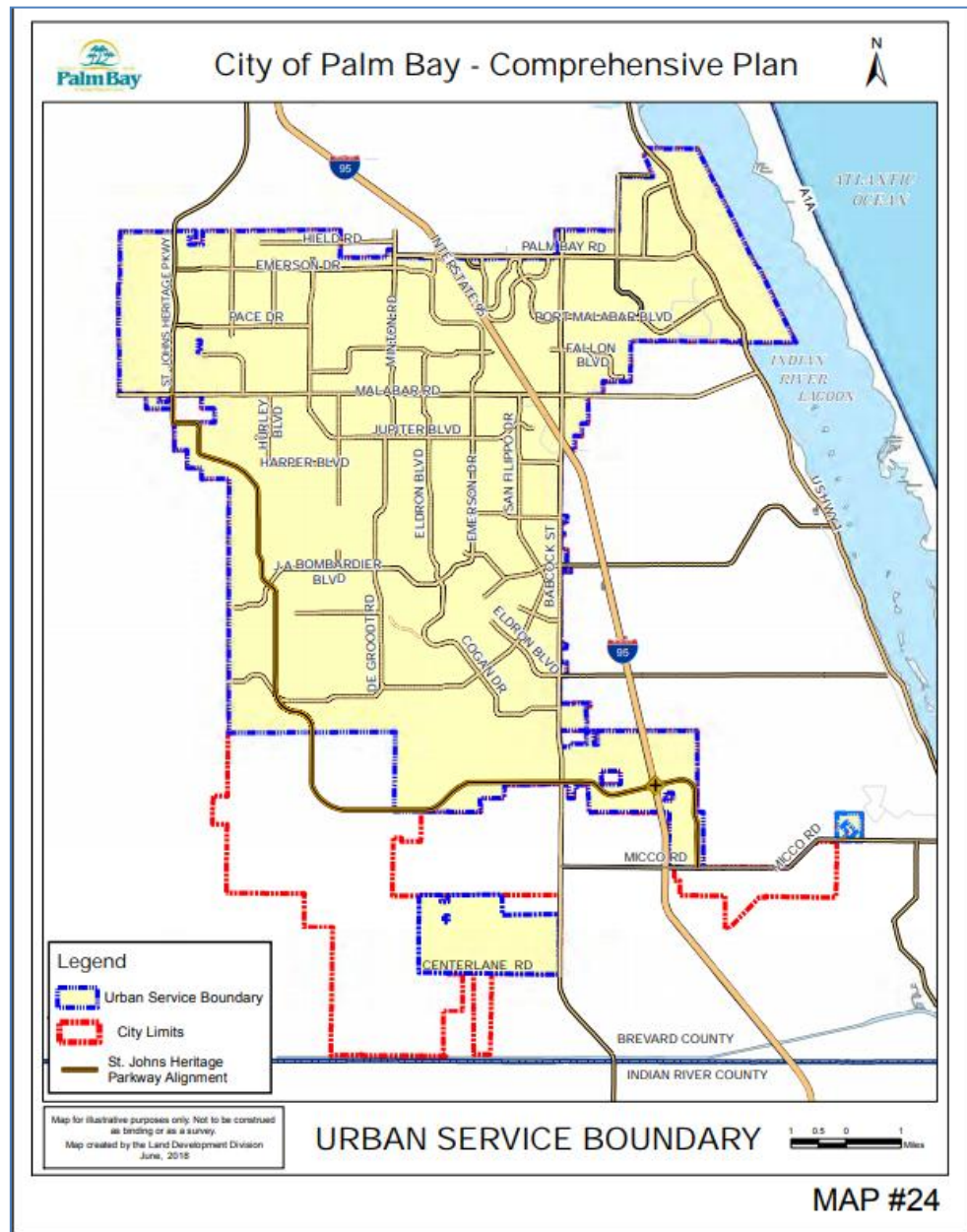


Figure 2 Urban Services Boundary Map adopted by the City in the EAR, October 2017; as shown on the City of Palm Bay website, April, 2019.

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.

- 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

A Citizen Participation Plan is provided with the application for Final Development Plan. 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 City water and wastewater. One additional lift station is proposed to be extended into the development from Mara Loma Boulevard to provide utility services for all the Gardens development. The City has long planned for an expansion to its wastewater plant and has made expansions to the water plant. The City recently approved the staff to proceed with planning/design/permitting of the expansion.

### STORMWATER/DRAINAGE

Permit #96251-24 is shown as Figure 3. It is for a larger area than the 54 acres currently being applied for, which includes all phases of Gardens subdivision. All retention areas shall be owned and maintained by the residential homeowners association and shall be permitted through the Water Management District. The project will be designed to meet all pre and post development stormwater management as currently regulated by the various agencies and the City by obtaining all required permits.

### ENVIRONMENTAL ISSUES

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.


ST. JOHNS RIVER WATER MANAGEMENT DISTRICT	
Post Office Box 1429 Palatka, Florida 32178-1429	
PERMIT NO: 96251-24	DATE ISSUED: April 26, 2018
PROJECT NAME: Waterstone at Palm Bay - Phase I	
A PERMIT AUTHORIZING: Authorization of a Stormwater Management System for Waterstone at Palm Bay - Phase I, a 101.37 - acre project to be constructed and operated as per plans received by the District on April 4, 2018.	
LOCATION: Section(s): 4 Township(s): 30S Range(s): 37E Brevard County	
Receiving Water Body:	
Name	Class
Sottle Canal	III Fresh
ISSUED TO: Waterstone Farms, LLC 235 West Dr Melbourne, FL 32904-1043	
The permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.	
This permit does not convey to the permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.	
This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes.	
PERMIT IS CONDITIONED UPON: See conditions on attached "Exhibit A", dated April 26, 2018	
AUTHORIZED BY: St. Johns River Water Management District Division of Regulatory Services	
	
By: _____ John Julianna Regulatory Coordinator	

Figure 3 SJRWMD Permit covering the proposed 44 acre project

- 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.

An environmental assessment and feasibility study was conducted by Jon Shepherd, Atlantic Environmental Services (AES) for Gardens Phase 1, 2, and 3 and their resulting report is attached to this narrative. In addition, a Caracara assessment was conducted and that report is included as well. Both of the reports noted are included by reference, and are on file with the City.

Their summary and recommendations from the environmental assessment states:

"Atlantic Environmental determined that the Property contains +143.72 acres of uplands, approximately 0.22 acres of SJRWMD wetlands (all contained within Phase III), and +1.86 acre of surface waters (in addition to the acreage of the on-site furrows that are included in the upland acreage above for the purposes of this report). The Property also has the potential to support protected wildlife. These natural resources must be addressed in the development process, through permitting, avoidance, mitigation, or some combination thereof.

As the next step in the development process as it relates to environmental issues, Atlantic Environmental recommends delineating the on-site wetland within Phase III. As development of this phase is not planned for quite some time, this task should be postponed until development of Phase III is imminent. In addition to the above task, Atlantic Environmental recommends conducting formal crested caracara survey on the Property to demonstrate that no caracara is nesting on the Property or within 985 feet of the Property. As you are aware, Atlantic Environmental is scheduled to initiate this survey in January 2021."

Map F-1 shows the location of the .22 acre wetland and overall conditions of the site.

The results of their Cara Cara study states:

"Atlantic Environmental has conducted a formal Crested Caracara survey of The Gardens @ Waterstone Phase I, II, and III project site (as well as visual surveys of surrounding lands) according to the parameters approved by the FWC and FWS guidelines. Our survey identified consistent nesting behavior, sustained nesting, and one successful immature Crested Caracara. The survey data suggests that a small portion of The Gardens @ Waterstone Phase III will occur within an occupied Caracara nesting Primary zone, while the remaining portion of Phase III and

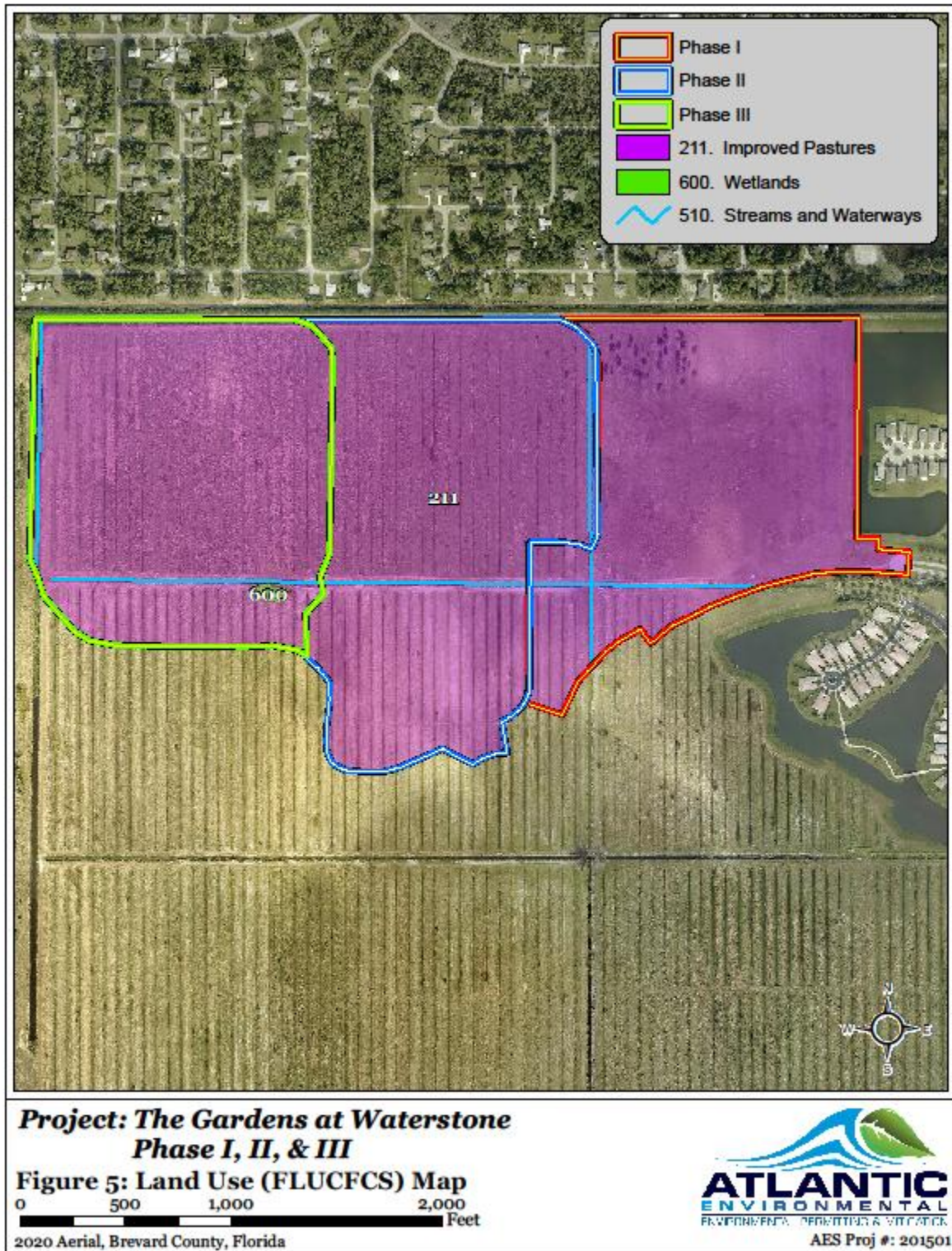


all of Phases I and II are located within the Secondary buffer zone. Crested Caracara activity occurred almost exclusively off-site to the west of Phase III of this project, on lands on the west side of a canal that is owned by others. This survey should be submitted to the regulatory agencies upon submittal of any development plan applications."

Map F-2 shows the location and impact/buffer areas for the Caracara.

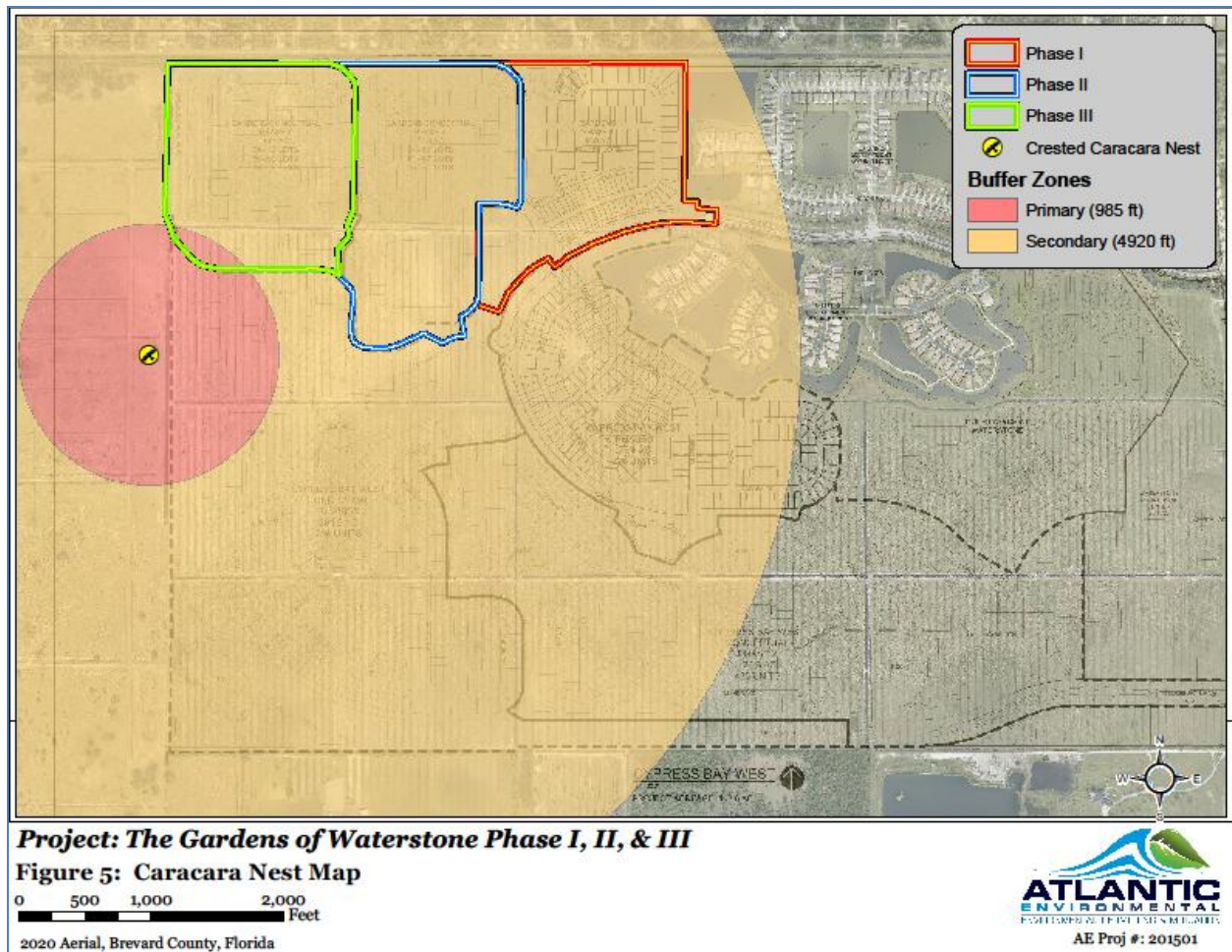
Map F-1

Environmental Assessment Map from AES Report for Gardens at Waterstone





Map F-2  
Caracara Nest Map



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FINAL DEVELOPMENT PLAN NARRATIVE FOR GARDENS AT WATERSTONE PHASE 3

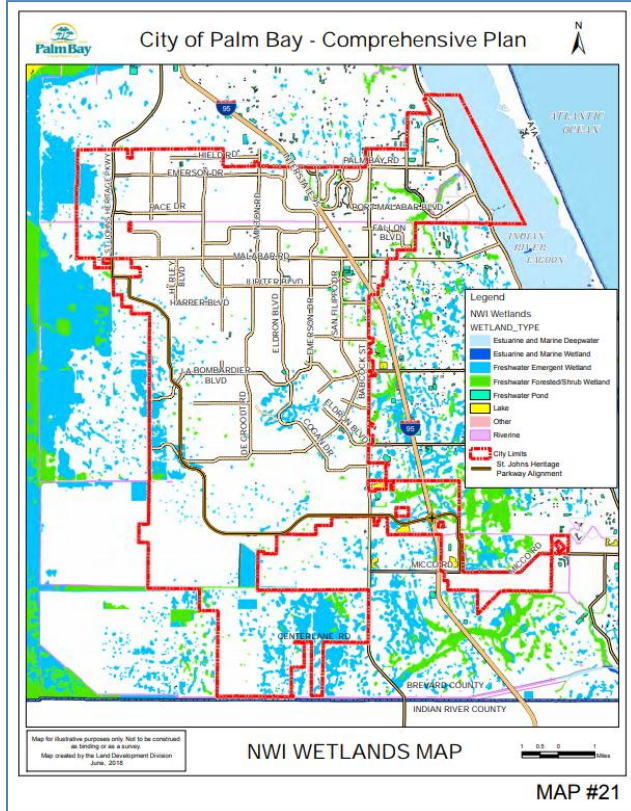


Figure 4 Comprehensive Plan Wetlands Map, dated June, 2018, taken from the City of Palm Bay's website, April, 2019

#### 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.

To meet concurrency requirements, developers have agreed to design and install a traffic signal at Mara Loma and Babcock Street as a condition of approval of their Final Development Plan, based upon a recent warrant analysis done by Lassiter Transportation Group(LTG). The signal is scheduled to be in place prior to the final Certificate of Occupancy of Phase 2.

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. All of Gardens will be served by extending the existing Mara Loma Boulevard to the intersection of the new subdivision on Granger Circle. Mara Loma, as a 2 lane collector, has capacity and meets concurrency requirements to serve the new subdivision. The existing section of Mara Loma has been dedicated to the City and the Mara Loma extension is intended to be dedicated the City. All streets within the project are to be private and amenities will be maintained by the Gardens at Waterstone Homeowners Association, Inc.

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 be in a Flood Zone, the applicant will comply with FEMA requirements and obtain requisite permits.

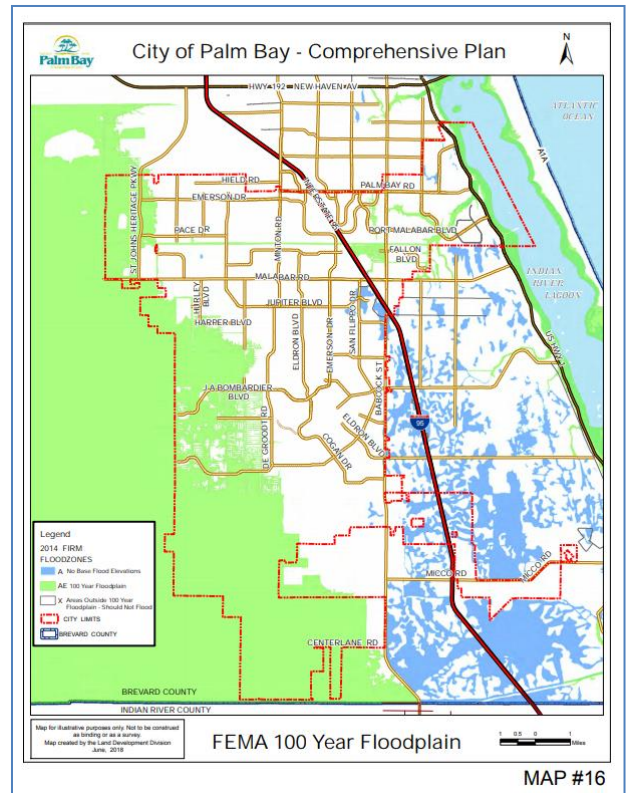


Figure 5 Comprehensive Plan FEMA 100 Year Floodplain Map,



### **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. The City is responsible for submitting the application and required Local Determination form to the School Board.

### **OPEN SPACE/RECREATION/AMENITIES**

Gardens will have a neighborhood park, passive recreation areas, and interconnected meandering walking trails connecting the subdivision to Mara Loma and other future sections of the larger community all under control of the Gardens at Waterstone Homeowners Association, Inc. The recreation areas will be used by all homes in the Gardens at Waterstone Phases 1, 2, and 3. The neighborhood park within Gardens Phase 3 is 2.8 +/- acres, plus other open space, provides over 13 acres of total open space and recreation. The project contains almost 17 acres of pervious area. The park will be primarily passive, used for multi-purpose playing field, a dog park and other outdoor activities. All the residents will be using the Phase 1 pool and Cabana.

### **DEVELOPMENT STANDARDS AND GOVERNANCE**

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

The project’s zoning of Planned Unit Development gives the applicant 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.

Therefore, this entire PUD has been creatively designed to assure a diverse mix of residential units and styles with non-residential and commercial uses that serve the community and region. The Gardens

Deed restrictions will provide for specific uses, development standards, architectural and site design features, required landscaping/lighting/signage/materials, architectural review boards, maintenance, and the like. Draft Covenants are provided in the application package. The project has been designed to be consistent with the Comprehensive Plan and Land Development Codes, and compatible with the surrounding area.

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

#### **GENERAL RESIDENTIAL USES**

The proposed project is a subdivision within a planned unit development zoning district consisting solely of 171 single family homes on 50' (on average) by 125' lots, ancillary recreation, utilities, and infrastructure. Residential uses will be controlled by the Deed Restrictions submitted with the application for final development plan approval. A Homeowner's Association will provide for maintenance.

#### **Single Family Minimum Yard requirements (Setbacks):**

All single family:

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

#### **Single Family Height: 2 stories (35 feet)**

**Minimum Square Footage: Ground floor 1-story: 1,350 sf**

**Ground floor 2-story: 800 sf**

**Overall minimum square footage: 1,350**

#### **COMPATIBILITY WITH SURROUNDING AREA**

The project is being placed on former groves and is a phase of a Master Planned community started in 2005. Heron Bay and the Lakes of Waterstone are 2 subdivisions that have been constructed containing 296 units. Homes on the Gardens lots will range from 1300 square feet minimum with values from \$225,000 to over \$350,000 depending on size and amenity packages. This project will be compatible in style, type, value, and amenities with its surrounding area, including the large scale planned Regional Activity Center Emerald Lakes (approved in 2011 and 2016) and Cypress Bay PUD (2018) to the east. With over 1500 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 Gardens will be comparable to and compatible with the remaining subdivisions with the planned development in size, scale, character, intensity, and design as well.



#### **COMFORMANCE WITH LAND DEVELOPMENT CODE (REVIEW CRITERIA)**

All of the lands in Waterstone are zoned Planned Unit Development. The applications submitted for the Gardens project recognizes the expiration of the Waterstone at Palm Bay preliminary development plan as approved January 2018 and seeks to amend the 2005 Master Development Plan by obtaining approval of a new Final Development Plan for the specific area of the Gardens at Waterstone.

This document and narrative demonstrates how the Gardens 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, therefore, a rezoning is not required.

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

The procedure for approval of the Final PUD is found in the City's Land Development Code section 185.067:

**§ 185.067 PROCEDURE FOR SECURING APPROVAL OF A FINAL DEVELOPMENT PLAN.** The developer shall have one (1) year from the approval of the preliminary development plan for a planned unit development zone in which to file a final development plan application. At the request of the developer, and for good cause shown, the City Council may extend the period required for the filing of the application for a time certain not to exceed one (1) year. The final development plan application may request approval for the entire planned unit development plan or any stage. If approval is not requested for the entire planned unit development, the developer shall have one (1) year from approval of the final development plan application to file another final development plan application for approval of any or all of the remaining stages specified in the preliminary development plan. At the request of the developer, and for good cause shown, the City Council may extend for a time certain not to exceed one (1) year, the period for the filing of the application.

(A) *Required exhibits.* The exhibits identified in § [185.066](#)(B)(2)(a) shall be attached to the final development plan application.

**Response:** The application was determined to be complete by the Growth Management Department.

(1) In addition to the requirements of (A) above, a boundary and topographic map shall be submitted and shall include the location, size and type of all trees (per the standards identified in [Chapter 180](#)).

(2) Development schedule. The development schedule shall contain the following information:

(a) The order of construction of the proposed stages delineated in the development plan.

**Response:** Gardens Phase 3 will be constructed as all one phase starting with the site development and infrastructure.

(b) The proposed date for the beginning of construction of such stages.

**Response:** Gardens Phase 3 is desired to start by the 4th quarter of 2022, but that may not be until the 1st quarter of 2023 depending on permits and City approval.

(c) The proposed date for the completion of construction on such stages.

**Response:** Build out is anticipated to be in 1 year.

(d) The proposed schedule for the construction and improvement of common open space within such stages, including any complementary buildings.

**Response:** Open space will be provided during the site development work.

(3) Deed restrictions. Deed restriction proposals to preserve the character of the common open space as set forth in § [185.064](#). The deed restrictions shall include a prohibition against partition by any residential property owner.

**Response:** Draft Deed restrictions are included with this submittal.

(4) Instruments dedicating all rights-of-way, easements and other public lands shown on the final development plan from all persons having any interest in the land.

**NOTE: THESE ARE SHOWN ON THE PRELIMINARY PLAT ATTACHED TO THIS APPLICATION**

(5) Title opinion. A title opinion from an attorney showing the status of the title to the site encompassed by the final development plan and all liens, encumbrances and defects, if any.

**Response:** The application was determined to be complete.

(B) *Procedure.*

(1) A fee as established by resolution pursuant to § 169.004 shall accompany the final development plan application for the purpose of administration, additionally, engineering, plat filing, necessary copies and travel fees will be incurred.

**Response:** The application included the required fee.

(2) The Planning and Zoning Board shall recommend the approval, approval subject to conditions, or disapproval of the final development plan with the preliminary development plan, **the sufficiency and accurateness of the required exhibits, and the requirements and purposes of this subchapter and any other applicable provision of this code of ordinances and any other regulation of the city.** The Planning and Zoning Board shall recommend the approval, approval subject to change, or denial of the final development plan.



**Response: The Planning and Zoning Board will hear and recommend approval, approval with conditions, or denial of the project after a duly noticed public hearing. Their action will be forwarded to the City Council with the Staff Report.**

A reiteration of the justification statement with the Planning Board Review criteria follows.

**CHAPTER 185.066 PRELIMINARY DEVELOPMENT PLAN PROJECT JUSTIFICATION: COMPLIANCE WITH REVIEW CRITERIA TAKEN FROM THE CITY'S LAND DEVELOPMENT CODE ON AMERICAN LEGAL'S WEB-SITE.**

This applications for Gardens at Waterstone Phase 3 Final PUD submittal included all the required documents and exhibits requested under the code. The Gardens at Waterstone is almost completely the same configuration as it was in 2005 and in 2018 when approved by the City Council.

**185.066 (B) (5) Review criteria.** The decision of the Planning and Zoning Board on the preliminary development plan application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the Planning and Zoning Board shall consider the following facts:

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

**JUSTIFICATION:** Gardens at Waterstone is part of an approved project and plan that was given Planned Unit Development Zoning in 2005. The project is west of the built subdivisions of Heron Bay and 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 running from Valkaria Road to Mara Loma Blvd, and 2600' feet of Mara Loma Blvd is constructed and dedicated. The Courtyards at Waterstone, approved in 2020, will be owned by the same developers and contain the same amenities and design features. Therefore, there is complete compatibility with the existing, approved, and planned future 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 original planned development, Gardens 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:** Gardens will meet all required agency permitting processes and procedures and create no off-site drainage issues. Preliminary St. John's River Water Management District Permits have been received and are on file with the City. The other phases of the project by this and other developers have met all SJRWMD permitting requirements and are under construction.

(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 preliminary development plan.

**JUSTIFICATION:** The original Waterstone Development donated land for an elementary school, Sunrise Elementary, which is open and serving the public. There are no other schools to be provided by Waterstone. Gardens 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 #96251-24 gives conceptual approval to the master planned drainage system for the Gardens multiple phases on 101 acres. That permit is on public record and filed with the City. New permits will be obtained from all required agencies.

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

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

**JUSTIFICATION:** Each neighborhood within the Waterstone project will function on its own. Utilities installed by the owner to serve the existing Waterstone community will serve this project. The Gardens will have its own deed restrictions, HOA/POA, articles of incorporation and by-laws, permits, and 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 Technical Memorandum was prepared for the Courtyards submittal with the 2020 application and is on file with the City. It shows that when the Cypress Bay Residential

project of 400 is complete and the Gardens Phase 1 is complete, a traffic signal warrant study will be needed for the Mara Loma intersection with Babcock Street. In anticipation and advance of that, LTG was hired to conduct a warrant study to validate the need and timing of the signal. It has been approved and is under design and permitting. It is to be constructed prior to the last CO for a house in Phase 2. Brevard County is conducting a PDE for widening of Babcock Street. The new interchange and Parkway are open. There are adequate roadways to support the project.

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

**JUSTIFICATION:** Gardens will utilize the lines provided for the existing Waterstone Communities and tie into the City's water and wastewater system. The City began long range planning in 2012 with its consultants Wade-Trim for the utility needs for the new communities planned for Northwest and Southern Palm Bay. 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/applicant'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, Gardens is planned to be a quality, integrated, creative development similar in style and value to the existing Waterstone and Bayside Lakes Subdivisions. Landscaped roads, themed signage, entry features, underground utilities, specialty lighting, 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 Gardens.

## **CONCLUSION**

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

- **consistent with the Planned Unit Development Zoning Classification currently on the property,**



PB&J GARDENS INVESTMENT, LLC  
FINAL DEVELOPMENT PLAN NARRATIVE FOR GARDENS AT WATERSTONE PHASE 3

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- **consistent with the Comprehensive Plan,**
- **compliant with the City's land development code, and,**
- **compatible with the surrounding community.**

This narrative report, required by the application, is intended to serve as substantial competent evidence and testimony in all public hearings or proceedings related to the Gardens at Waterstone projects.

Respectfully submitted,



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Rochelle W. Lawandales, FAICP  
Waterstone Development Company, LLC

## **MAPS AND FIGURES**

### **MAPS**

<b>MAP A:</b>	<b>GARDENS LOCATION MAP</b>
<b>MAP B:</b>	<b>CITY ZONING MAP</b>
<b>MAP C:</b>	<b>ORIGINAL PRELIMINARY DEVELOPMENT PLAN FOR WATERSTONE AT PALM BAY WITH APPROXIMATE LOCATION OF GARDENS</b>
<b>MAP D-1:</b>	<b>PROPOSED FINAL DEVELOPMENT PLAN</b>
<b>MAP D-2:</b>	<b>PRELIMINARY PLAT</b>
<b>MAP E:</b>	<b>CITY FUTURE LAND USE MAP</b>
<b>MAP F-1:</b>	<b>ENVIRONMENTAL ASSESSMENT MAP</b>
<b>MAP F-2:</b>	<b>CARACARA NEST MAP</b>

### **FIGURES**

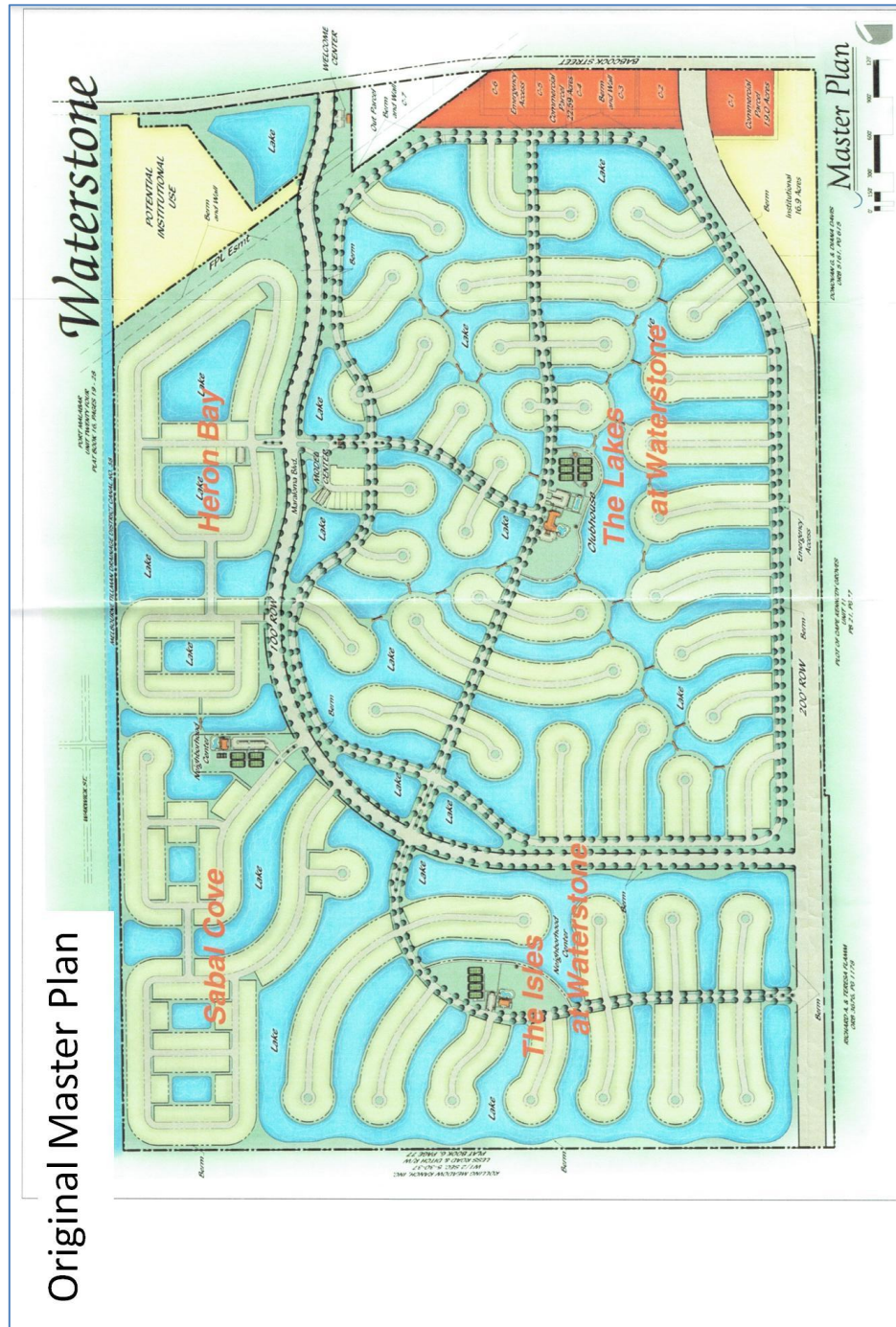
<b>FIGURE 1</b>	<b>Future Land Use Map taken from the City's Comprehensive Plan on the City of Palm Bay Website, April, 2019</b>
<b>FIGURE 2</b>	<b>Urban Services Boundary Map adopted by the City in the EAR, October 2017; as shown on the City of Palm Bay website, April, 2019.</b>
<b>FIGURE 3</b>	<b>SJRWMD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

### **APPENDICES**

- 1. APPROVED PRELIMINARY DEVELOPMENT PLAN 2005 ESTABLISHING ZONING**
- 2. RESUME OF ROCHELLE W. LAWANDALES, FAICP**
- 3. ENVIRONMENTAL ASSESSMENT BY JON SHEPHERD, Atlantic Environmental of Florida, LLC, dated December 13, 2020 by reference, as it's on file with the City.**
- 4. CRESTED CARACARA SURVEY REPORT, BY JON SHEPHERD, Atlantic Environmental of Florida, LLC, dated May 5, 2021, by reference, as it's on file with the City.**

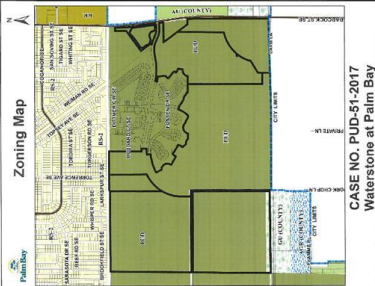
## APPENDICES

### 1. APPROVED ORIGINAL MASTER PLAN



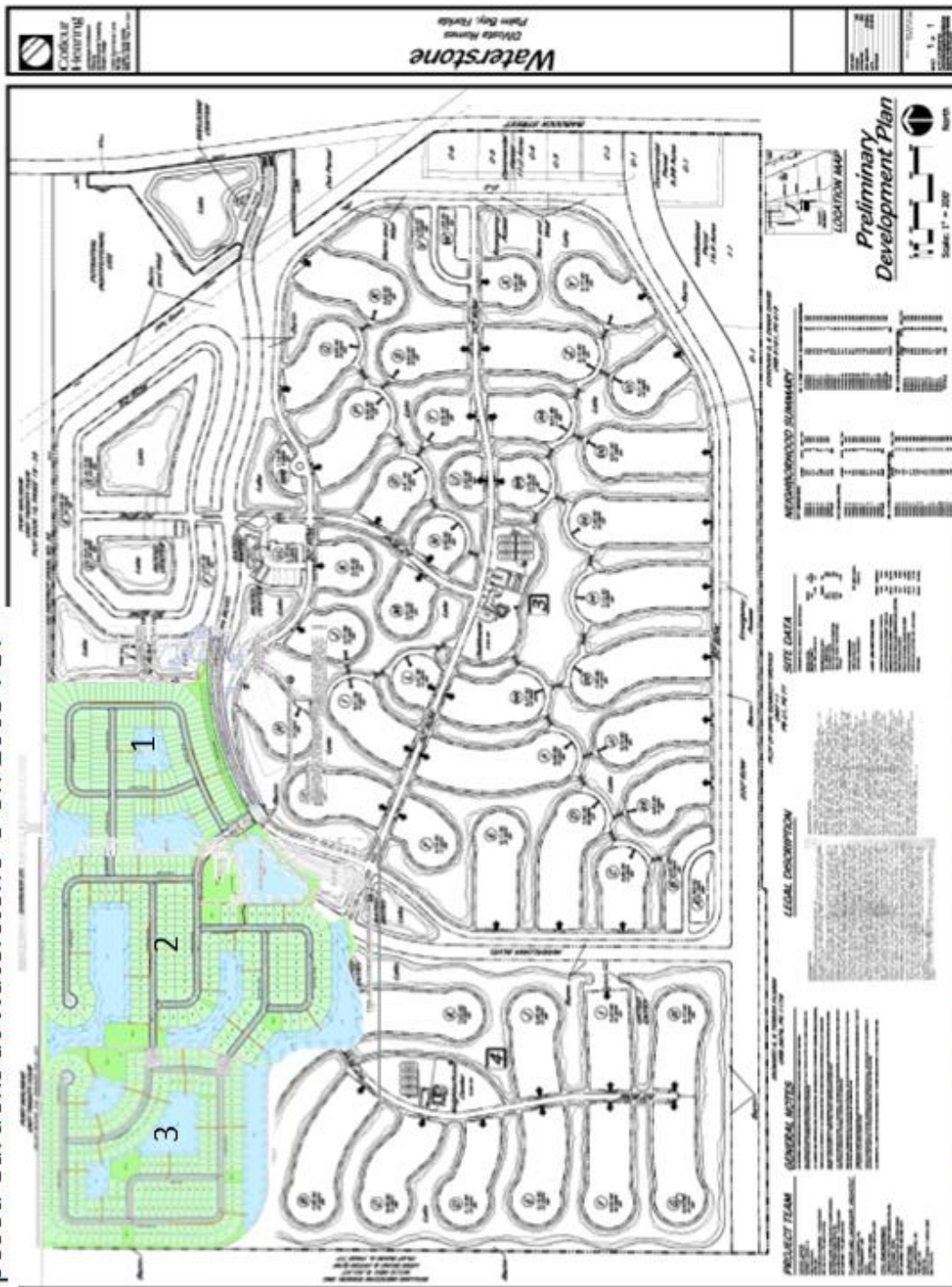


# May 15, 2005 FINAL PUD Approval

<p>May 18, 2005</p> <p>Mr. Ben Jefferson City of Palm Bay 3301 Bayview Lakes Boulevard, SE Palm Bay, FL 32909</p> <p>Dear Mr. Jefferson:</p> <p>This letter is to officially notify you that the City Council of the City of Palm Bay, at its regular meeting on May 17, 2005, approved the final Planned Unit Development application for Waterstone Phase 3.</p> <p>The approval by Council is subject to all staff comments being addressed prior to the recording of the plat.</p> <p>If you should have any questions or desire additional information, please contact Mr. Dave Winkler, Growth Management Director, at 735-3042.</p> <p>Sincerely,</p> <p><i>[Signature]</i> CITY OF PALM BAY Erikson Land Development Division Staff Report City Clerk</p> <p>Case No. PUD-20-2005</p>	<p>DATE: May 4, 2005 CASE: PUD-20-2005</p> <p><b>Palm Bay</b> CITY OF PALM BAY</p> <p><b>LAND DEVELOPMENT DIVISION</b></p> <p><b>STAFF REPORT</b></p> <p><b>APPLICATION</b> PROPOSAL: Planned Unit Development for Waterstone Phase One and Waterstone Commercial Center, Phase One PUD LOCATION: West of and adjacent to Railroad Street SE, south of and adjacent to Mulberry Street West Control Canal No. 18 APPLICANT: DIVONA HOMES, L.P. and Bayville Land Development Corporation</p> <p><b>SITE DATA</b> PRESENT ZONING: AU, Agricultural Use and PUD, Planned Unit Development ACREAGE: 924.93 acres ± DENSITY: Maximum of 2 units per acre (overall)</p> <p><b>ADJACENT ZONING &amp; LAND USE</b> N → B-2, Single Family Residential District, home and vacant land S → AU, Agricultural Use and GC, General Use District, rural W → GC, General Use District, rural Required to be provided</p> <p><b>WATER &amp; SEWER</b> PUD Zone X, outside of 100-year flood zone, Flood Zone A and Flood Zone AE, no flood</p> <p>PAGE 3</p>	<p>CASE NO. PUD-20-2005 May 4, 2005</p> <p>PAGE 2</p> <p><b>BACKGROUND</b></p> <ol style="list-style-type: none"><li>1. Preliminary Planned Unit Development is requested for Waterstone PUD.</li><li>2. The property is located west of and adjacent to Railroad Street SE, south of and adjacent to Mulberry Street West Control Canal No. 18. The parcel contains 924.93 acres.</li><li>3. The current zoning is PUD, Planned Unit Development District and AU, Agricultural Use (Brevard County). Surrounding zoning is as follows: North: B-2, Single Family Residential District East: GC, General Use District and AU, Agricultural Use (Brevard) South: GC, General Use District (Brevard) West: GC, General Use District (Brevard)</li><li>3. The applicant is DIVONA HOMES, L.P. and Bayville Land Development Corporation.</li></ol> <p><b>ANALYSIS</b></p> <ol style="list-style-type: none"><li>1. The proposed development consists of 1,700 total units, with 1,014 single family lots and 686 townhomes. The development is located on a 924.93-acre site and is zoned PUD, Planned Unit Development District and AU, Agricultural Use (Brevard). The site is currently zoned AU, Agricultural Use (Brevard). The site is currently zoned AU, Agricultural Use (Brevard). The site is currently zoned AU, Agricultural Use (Brevard).</li><li>2. The natural stream, drainage and the contour area are to be maintained by the private owner. The applicant is required to provide a drainage plan for the site. The applicant is required to provide a drainage plan for the site. The applicant is required to provide a drainage plan for the site.</li><li>3. In order to receive Preliminary Planned Unit Development approval, the applicant must submit a Preliminary Planned Unit Development application to the City of Palm Bay. The applicant must submit a Preliminary Planned Unit Development application to the City of Palm Bay. The applicant must submit a Preliminary Planned Unit Development application to the City of Palm Bay.</li></ol> <p>A. Additional information is required during final PUD approval for all information requested.</p> <p>B. All units must be located within the site boundary and not on adjacent property.</p> <p>C. Final site plan must be submitted prior to recording.</p> <p>D. Street names must be provided on the final PUD application.</p> <p>E. Title opinion must be provided prior to recording.</p>	<p><b>Zoning Map</b></p>  <p>CASE NO. PUD-21-2017 Waterstone at Palm Bay</p>
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Resulted in PUD Zoning  
Shown on City's GIS today

Proposed Gardens at Waterstone 3 on 2005 PDP



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

### **3. 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 Murphy, Acting Growth Management Director

**DATE:** November 15, 2021

**SUBJECT:** CP-13-2021 - Jupiter Bay - Gregory Sachs, Sachs Capital Group, LP and Gerald Lakin, Identical Investments, LLC (Bruce Moia, P.E. and David Bassford, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorneys at Law, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Single-Family Residential Use to Mixed Use. Tax Parcels 750 and 751, along with Tract K of Port Malabar Unit 10, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 23.86 acres. Southwest corner of Jupiter Boulevard SE and Brevard Avenue SE

### ATTACHMENTS:

#### Description

- ▣ Case CP-13-2021 - Staff Report
- ▣ Case CP-13-2021 - Survey
- ▣ Case CP-13-2021 - Application
- ▣ Case CP-13-2021 - Preliminary Development Plan
- ▣ Case CP-13-2021 - Correspondence



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmabayflorida.org](mailto:landdevelopmentweb@palmabayflorida.org)

### Prepared by

Patrick J. Murphy, Acting Growth Management Director

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#### CASE NUMBER

CP-13-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 15, 2021

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#### PROPERTY OWNER & APPLICANT

Sachs Capital Group, LP (Gregory Sachs, Manager) Represented by Bruce Moia and David Bassford of MBV Engineering, Inc. and Kim Rezanka, Attorney at Law

#### PROPERTY LOCATION/ADDRESS

The property is located at the NW intersection of Jupiter Boulevard SE and Brevard Avenue SE. This property is the former Jo Daddy's Golf Course, at 3255 Jupiter Boulevard SE

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#### SUMMARY OF REQUEST

The applicant is requesting a small-scale Comprehensive Plan Future Land Use (FLU) Map amendment to change 23.86 acres of land from Single Family Residential Use to Multiple Family Residential Use (20.91 acres) and Commercial Use (2.95 acres).

##### Existing Zoning

RR, Rural Residential

##### Existing Land Use

Single Family Residential Use

##### Site Improvements

Vacant, Former Golf Course and Associated Parking Lot

##### Site Acreage

23.86 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

RS-2, Single-Family Residential; Melbourne-Tillman Canal No. 49

##### East

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

##### South

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

##### West

IU, Institutional Use; Jupiter Elementary and Southwest Middle Schools

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**BACKGROUND:**

The property is located at the NW intersection of Jupiter Boulevard SE and Brevard Avenue SE. Specifically, the subject property is Tax Parcel 750, 751, and Tract K, Section 6, Township 29 south, Range 37 east, Brevard County, Florida. This property is a former golf course and associated parking area. The three (3) parcels total approximately 23.86 acres of land.

On April 1, 2021 (at RCM 2021-09) City Council voted to deny the applicant's request to change the future land use designation of the subject property from Single-family Residential Use to Multiple-family Residential Use and Commercial Use. A companion rezoning application from RR, Rural Residential to the RM-10, Single-, Two-, and Multi-Family Residential and NC, Neighborhood Commercial zoning districts, were also reviewed. According to the City Attorney, since the land use amendment was denied, the rezoning application was rendered moot.

The applicant is now requesting a small-scale Comprehensive Plan Future Land Use (FLU) Map amendment to change the above-described property from Single Family Residential Use to the Mixed Use FLU category. A project specific companion rezoning application to the PUD, Planned Unit Development district has also been submitted. The Preliminary Development Plan is provided via Case No. PD-48-2021. The applicant is the Sachs Capital Group, LP.

**ANALYSIS:**

Per Chapter 183: Comprehensive Plan Regulations; Section 183.01(B), the purpose and intent of the Comprehensive Plan is to encourage the most appropriate use of land and resources to promote the health, safety, and welfare of the community.

**1. FUTURE LAND USE ELEMENT**

The Comprehensive Plan (CP) FLU Element Goal FLU-1 is to "Ensure a high quality, diversified living environment through the efficient distribution of compatible land uses."

CP Goal FLU-2 is to "Provide for and maintain viable neighborhoods and residential development to meet the existing and future needs of the residents of Palm Bay."

CP Goal FLU-8 is to "Provide a diverse and self-sustaining pattern of land uses which support the present and future population of the City of Palm Bay."

The applicant provided the following Statement of Justification for Comprehensive Plan Map Amendment, "current land use does not support the proposed development. In order to be consistent with the proposed development, it is necessary to change the land use."

The Mixed Use (MU) future land use category, as written in Section FLU-1.1I, is as follows:

**MIXED USE** – Permits a mix of any combination of land use categories. The designation on the Future Land Use Map of a Mixed-Use category shall require adoption of a specific policy or policies identifying the specific mix of uses allowed, the maximum intensity for all non-residential uses and the maximum density for all residential uses permitted on the land area identified. All policies adopted to implement this category shall be included in the adopted Comprehensive Plan and may only be modified by formal amendment of the Plan. This category shall permit both a horizontal mix of use categories and a vertical mix of land use categories as specifically identified in the adopted policy in the implementing any reclassification. The maximum residential density requested cannot exceed 30 units per acre. The maximum floor area ratio for non-residential uses cannot exceed 2.0. The use mix must include at least one non-residential land use category of either commercial or industrial along with at least one other land use category. Residential uses are not required to be included in a mixed-use request.

The specific mix of uses identified on the application are 176 lots for attached townhomes, and three (3) commercial lots. There are no other development standards proposed or maximum density thresholds indicated. Therefore, the specific policy, if the amendment is approved by City Council, would be a maximum residential development not to exceed 176 townhomes. An increase in this number, or a site plan revision to apartments, would require an amendment to the approving ordinance. For commercial development, the PDP states that each of the three buildings will be 10,000 square feet. Thus, the maximum commercial development for the subject property would be 30,000 square feet. At the time of FDP submittal, the applicant shall provide a Declaration establishing the types of commercial uses.

Adjacent land uses include Melbourne-Tillman Canal No. 49 to the north and Jupiter Boulevard (a major collector roadway) to the south. To the west is Jupiter Elementary and Southwest Middle School. Located to the east, across Brevard Avenue, are single-family homes. Approximately 500' west of the property are 3 sites developed under the NC zoning district.

## 2. CONSERVATION ELEMENT

The environmental character of the city is maintained through conservation, appropriate use, and protection of natural resources. The parcel is not located within any of the Florida scrub jay polygons identified on the City's Habitat Conservation Plan (HCP). No additional listed species are known to inhabit the subject property. However, any listed species identified on the subject parcel would need to be mitigated for, as required by State and Federal regulations, and per Comprehensive Plan Policy CON-1.7B. This will be vetted through the administrative site plan review process.

**Coastal Management:** The property is not located within the Coastal High Hazard Area.

### 3. HOUSING ELEMENT

The proposed Mixed Use FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the city. The amendment will allow the site to be used for additional housing and allow for a type of housing (multi-family) that is needed throughout Palm Bay. The allowance of commercial uses within the MU FLU category has no effect on the housing element.

### 4. INFRASTRUCTURE ELEMENT

The City evaluates present and future water, sewer, drainage, and solid waste, and assesses the ability of infrastructure needed to support development.

**Utilities:** The FLU amendment will not cause level of service (LOS) to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. The Utilities Department has no objection to the amendment and has reserved their comments for the site-specific design proposed in PD-48-2021.

**Drainage:** Any development of the site shall meet all criteria of the City's Stormwater Management Ordinance (Chapter 174) and all criteria of Rule 62-330 of the Florida Administrative Code. Compliance with these provisions will be reviewed and enforced during the administrative site plan review process.

**Solid Waste:** Solid waste collection is provided to the area by Republic Services, Inc. Sufficient capacity exists within the Brevard County landfills to service the property.

### 5. INTERGOVERNMENTAL COORDINATION ELEMENT

**Public Schools:** The applicant received a Capacity Determination (CD-2021-04), for 176 residential units, upon submission of the previous amendment application. The CD letter stated there is sufficient capacity in the adjacent concurrency service areas to accommodate this number of units. Therefore, a new Capacity Determination is not warranted. However, a school capacity determination letter (SCADL) will be required for final adoption of the PUD.

### 6. RECREATION AND OPEN SPACE ELEMENT

The Recreation and Open Space Element addresses the current and future recreational needs of the city. The Mixed Use FLU category does have more of a demand upon the parks & recreational level of service (LOS) standards than Single Family Residential Use as there is a potential increase in residential units. However, this Element sets a LOS Standard of 2 acres per 1,000 residents. The City maintains public ownership of park-designated lands that far exceed this requirement. Therefore, the density increase would have a De minimis effect on the recreation LOS. The allowance of commercial uses within the Mixed Use FLU category has no effect on the recreation and open space element.



## 7. TRANSPORTATION ELEMENT

The objectives of the Transportation Element are to provide a safe, balanced, efficient transportation system that maintains roadway LOS and adequately serves the needs of the community. The adjacent roadway segments must meet a LOS C, per the City's adopted Comprehensive Plan. The latest FDOT 2020 Quality and Level of Service Handbook, with the Generalized Annual Average Daily volume for urbanized areas, will be used for the analysis. Any deficient LOS segments shall require the project to pay their proportionate fair share cost to bring the roadway segment to LOS C, or better. At the time of site development, a traffic impact analysis will be required.

## 8. PROPERTY RIGHTS ELEMENT

The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights. This proposed land use change does not appear to infringe upon the property rights of the applicant.

### **STAFF CONCLUSION:**

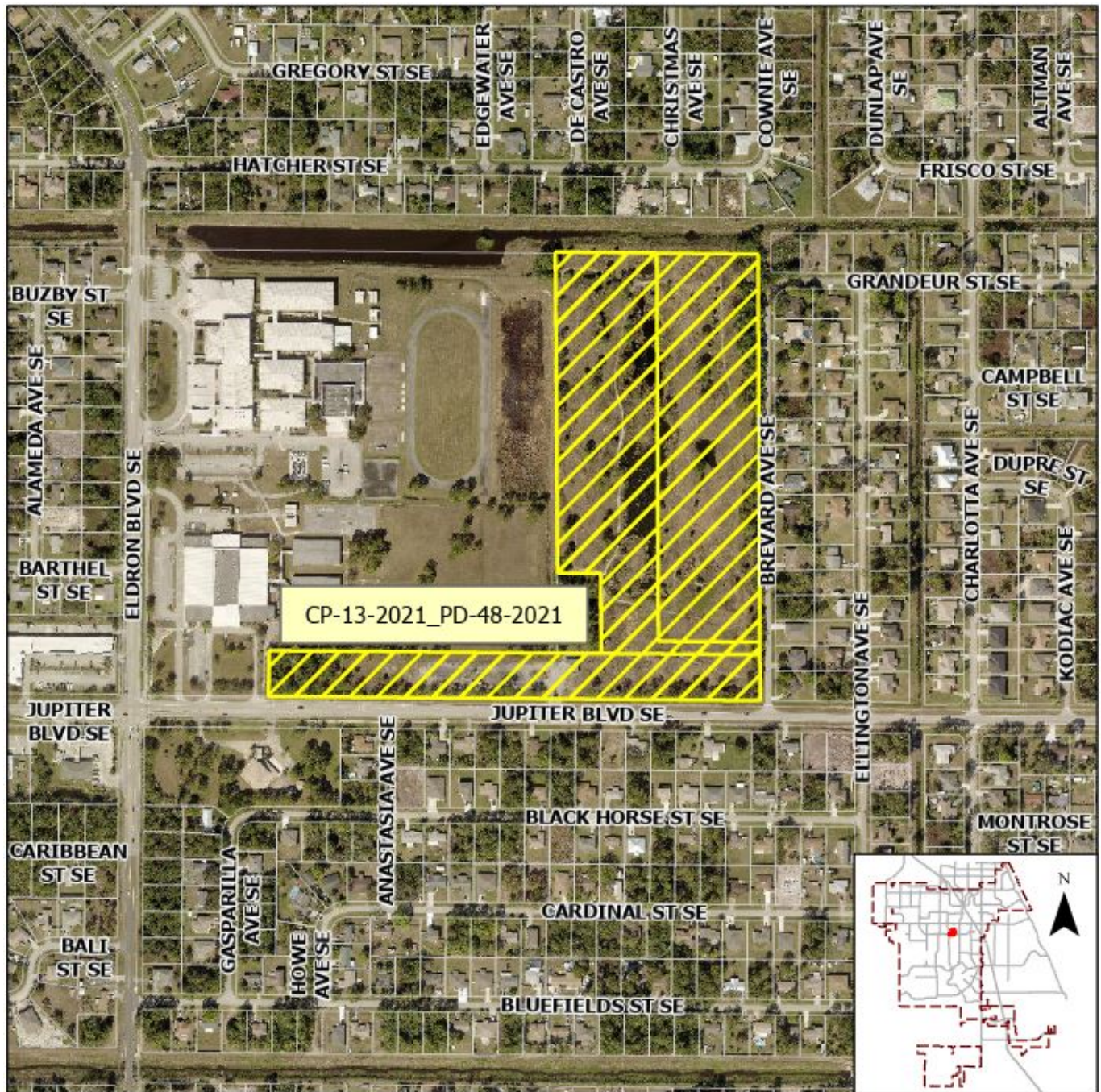
The analysis contained in this report should provide the Planning and Zoning Board and City Council with information to determine the justification for the change and the relationship of the proposed amendment to furthering the purposes of the Comprehensive Plan.

### **Conditions:**

Should the Planning and Zoning Board and City Council approve Case CP-13-2021, staff recommends the following items be conditions of that approval:

- At the time of development plan submittal, the property owner shall submit a traffic impact analysis and Phase One Environmental Study;
- The maximum density shall be 176 residential units;
- The maximum commercial development shall be 30,000 gross square feet;
- At the time of development plan submittal, the property owner shall submit a Declaration of Covenants, Conditions, and Restrictions that identifies the development standards.

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



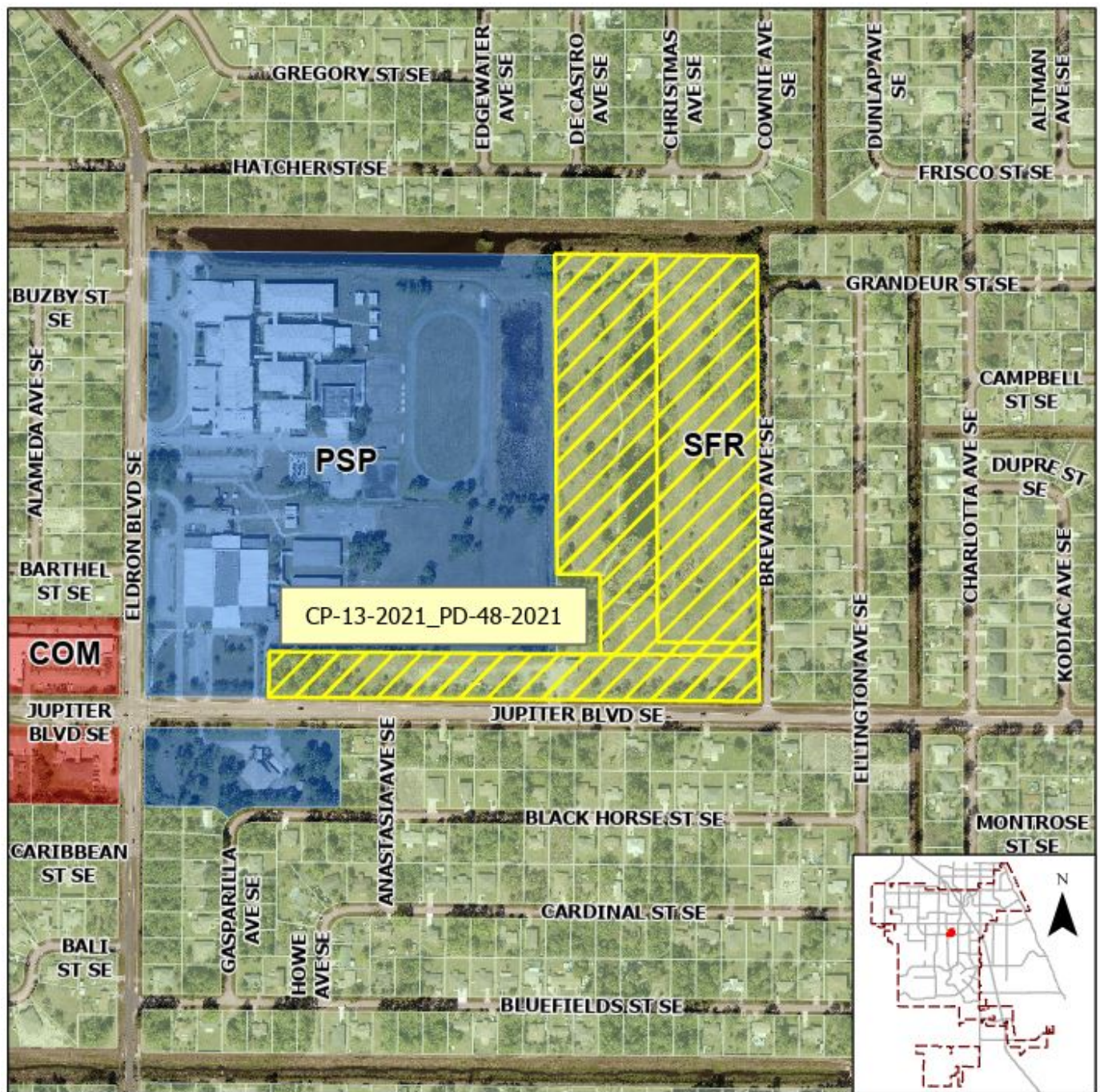
## **AERIAL LOCATION MAP CASE: CP-13-2021 & PD-48-2021**

### **Subject Property**

Southwest corner of Jupiter Boulevard SE and Brevard Avenue 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: CP-13-2021 &amp; PD-48-2021

## Subject Property

Southwest corner of Jupiter Boulevard SE and Brevard Avenue SE

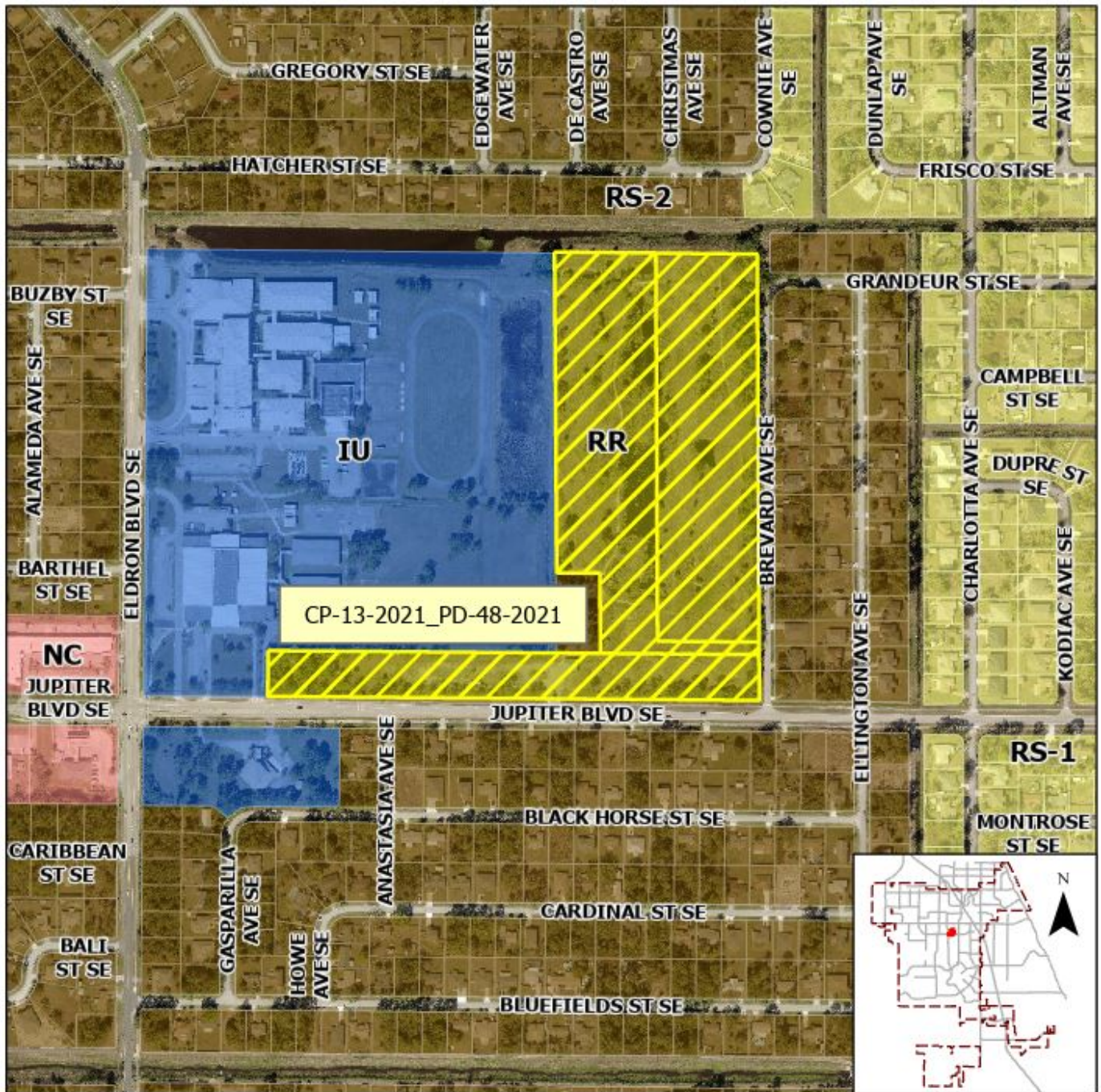
## Future Land Use Classification

**SFR – Single Family Residential Use**





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



## ZONING MAP

## CASE: CP-13-2021 & PD-48-2021


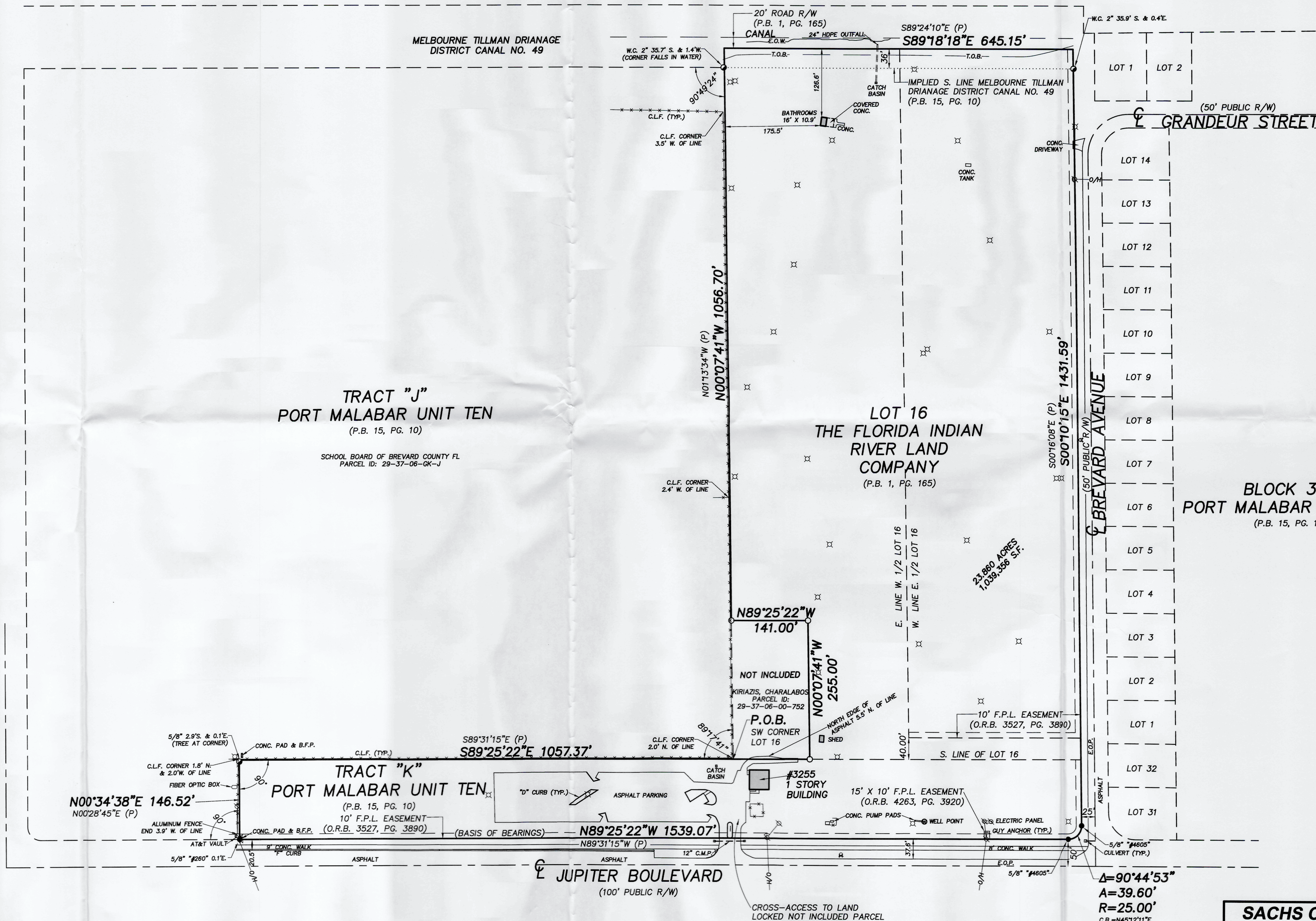
### Subject Property

Southwest corner of Jupiter Boulevard SE and Brevard Avenue SE

### Current Zoning Classification

RR – Rural Residential District





**WALLACE SURVEYING**  
CORP. LICENSED BUSINESS # 458  
5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 • (561) 640-4581

FIELD: B.M.	JOB No.: 19-1600	F.B. MC33 PG. 19
OFFICE: S.W.	DATE: 12/30/19	DWG. No.: 19-1600
C/K'D: C.W.	REF: 19-1600.DWG	SHEET: 2 OF 2





**LAND DEVELOPMENT DIVISION**

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

[Landdevelopmentweb@palmbayflorida.org](mailto:Landdevelopmentweb@palmbayflorida.org)

**COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT  
APPLICATION**

This application must be deemed complete and legible, and the original application with original signature(s) 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):**

29-37-06-00-750, 29-37-06-00-751, 29-37-06-GK-K

**TAX ACCOUNT NUMBER(S):**

2926316, 2926317, 2925050

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

Port Malabar Unit 10, Tract K, Pb 15 Pg 0010 also lot 16 of Florida Indian River Land Company Subdivision per Pb 1 Pg 165.

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

23.86



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.):**

SFR

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

MU

**PRESENT USE OF PROPERTY:**

Vacant (abandoned golf course)

**STRUCTURES LOCATED ON THE PROPERTY:** 1

**REZONING FILED IN CONJUNCTION WITH THIS APPLICATION:** Rezoning to PUD

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

Current Land Use does not support the proposed development. In order to be consistent with the proposed development, it is necessary to change the land use.

**SPECIFIC USE INTENDED FOR PROPERTY:**

Multi Family - 176 lots for attached town-homes (20.91 acres)  
Commercial - 3 lots (2.95 acres)

**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)

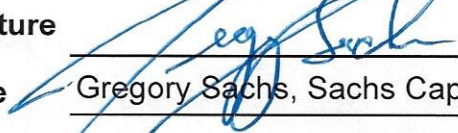
☐ **\$2,000.00 - Text Amendment** (Comp. Plan)

- ☒ 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** Bruce Moia and David Bassford of MBV Engineering, Inc.  
and Kim Rezanka of Lacey, Lyon and Rezanka Attorneys at Law

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**  **Date** 9-15-2021

**Printed Name** Gregory Sachs, Sachs Capital Group LP - Manager

**Full Address** 2132 Deep Water Lane, Suite 232, Naperville IL 60564

**Telephone** 312-543-4440 **Email** gsachs@sachscapitalgroup.com

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




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.)
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**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**  **Date** 10/08/2021  
**Printed Name** Gerald Lakin - Identical Investments, LLC  
**Full Address** 2687 NW 84th Way, Cooper City FL 33024  
**Telephone** 312-543-4440 **Email** geraldlakin@gmail.com

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



June 17, 2021

20 21

Re: Letter of Authorization

**As the property owner of the site legally described as:**

Port Malabar, Unit 10, Tract K, PB 15 Pg 10 also Lot 16 of FL Indian River Land Company  
Subdivision per Pb 1 Pg 165. Parcel ID's 29-37-06-00-750, 29-37-06-00-751, and  
29-37-06-GK-K.

I, Owner Name: Gregory Sachs - Sachs Capital Group, LB

Address: 2132 Deep Water Lane, Suite 232 Naperville, IL 60564

Telephone: 312-543-4440

Email: gsachs@achscapitalgroup.com

**hereby authorize:**

Representative: Bruce Moia and David Bassford, MBV Engineering Inc.

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

Telephone: 321-253-1510

Email: brucem@mbveng.com / davidb@mbveng.com

**to represent the request(s) for:**

Preliminary Development Plan and Comprehensive Plan Amendment

(Property Owner Signature)

STATE OF

Tn

COUNTY OF

Marshall

The foregoing instrument was acknowledged before me by means of ☒ physical  
presence or ☐ online notarization, this 18 day of June, 20 21 by

Gregory Sachs

, property owner.

Jessie L. Spray (Notary)

, Notary Public

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



June 17, 2021

**Re: Letter of Authorization**

**As the property owner of the site legally described as:**

Port Malabar, Unit 10, Tract K, PB 15 Pg 10 also Lot 16 of FL Indian River Land Company  
Sub.per Pb 1 Pg 165. Parcel ID's 29-37-06-00-750, 29-37-06-00-751, 29-37-06-GK-K

I, Owner Name: Gerald M Lakin - Identical Investments LLC

Address: 2687 NW 84th Way, Cooper City, FL 33024

Telephone: 312-543-4440

Email: gsachs@achscapitalgroup.com

**hereby authorize:**

Representative: Bruce Moia and David Bassford - MBV Engineering Inc.

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

Telephone: 321-253-1510

Email: brucem@mbveng.com, davidb@mbveng.com

**to represent the request(s) for:**

Preliminary Development Plan and Comprehensive Plan Amendment

Gerald Lakin

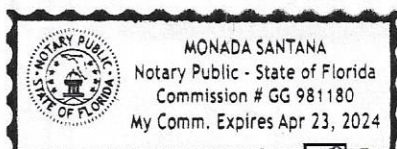
(Property Owner Signature)

STATE OF Florida

COUNTY OF Dade

The foregoing instrument was acknowledged before me by means of ☒ physical  
presence or ☐ online notarization, this 17 day of June, 20 21 by

Gerald Michael Lakin, property owner.



Monada Santana

[Signature]

, Notary Public

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

Florida Driver license



June 17, 2021, 20 21

**Re: Letter of Authorization**

**As the property owner of the site legally described as:**

Port Malabar, Unit 10, Tract K, PB 15 Pg 10 also Lot 16 of FL Indian River Land Company Subdivision per Pb 1 Pg 165. Parcel ID's 29-37-06-00-750, 29-37-06-00-751, and 29-37-06-GK-K.

I, Owner Name: Gregory Sachs - Sachs Capital Group, LB

Address: 2132 Deep Water Lane, Suite 232 Naperville, IL 60564

Telephone: 312-543-4440

Email: gsachs@achscapitalgroup.com

**hereby authorize:**

Representative: Kim Rezanka of Lacey Lyon Rezanka Attorneys at Law

Address: 1290 Rockledge Blvd, Suite 201, Rockledge, FL 32955

Telephone: 321-608-0892

Email: krezanka@LLR.law

**to represent the request(s) for:**

Preliminary Development Plan and Comprehensive Plan Amendment

(Property Owner Signature)

STATE OF Tennessee

COUNTY OF Marshall

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 15 day of September, 20 21 by

Gregory Sachs, property owner.

My commission expires March 1, 2025

Jennifer Spray Notary Public

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



June 17, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Port Malabar, Unit 10, Tract K, PB 15 Pg 10 also Lot 16 of FL Indian River Land Company  
Sub.per Pb 1 Pg 165. Parcel ID's 29-37-06-00-750, 29-37-06-00-751, 29-37-06-GK-K

I, Owner Name: Gerald M Lakin - Identical Investments LLC

Address: 2687 NW 84th Way, Cooper City, FL 33024

Telephone: 312-543-4440

Email: gsachs@achscapitalgroup.com

hereby authorize:

Representative: Kim Rezanka of Lacey Lyon Rezanka Attorneys at Law

Address: 1290 Rockledge Blvd, Suite 201, Rockledge, FL 32955

Telephone: 321-608-0892

Email: krezanka@LLR.law

to represent the request(s) for:

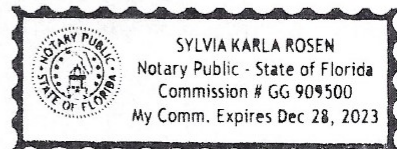
Preliminary Development Plan and Comprehensive Plan Amendment

*Gerald Lakin*

(Property Owner Signature)

STATE OF Florida

COUNTY OF Dade



The foregoing instrument was acknowledged before me by means of ☒ physical  
presence or ☐ online notarization, this 15 day of SEPT, 2021 by  
GERALD MICHAEL LAKIN, property owner.

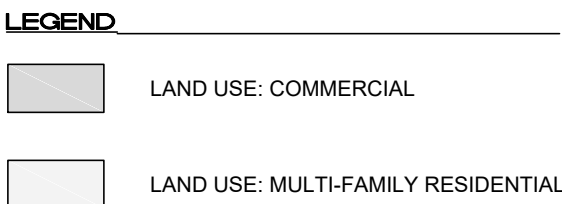
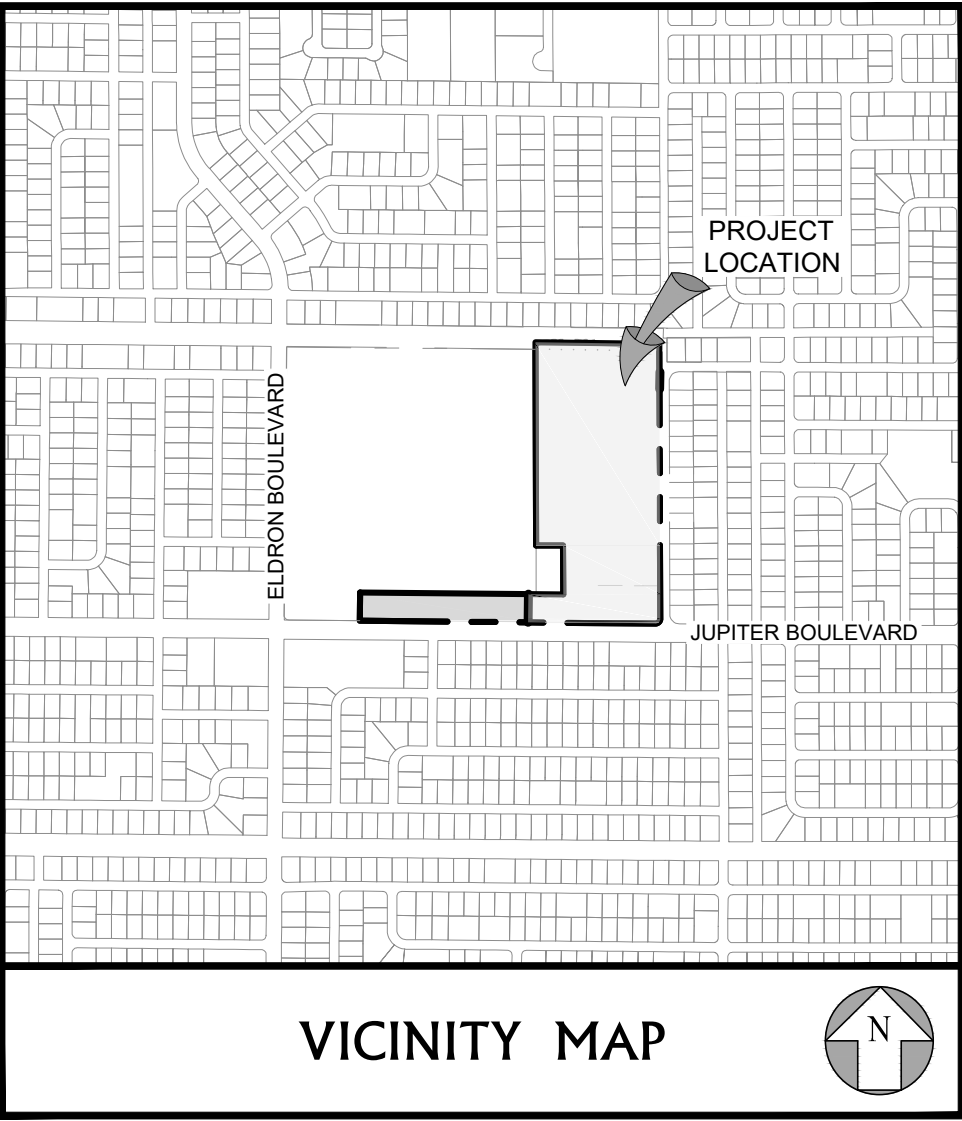
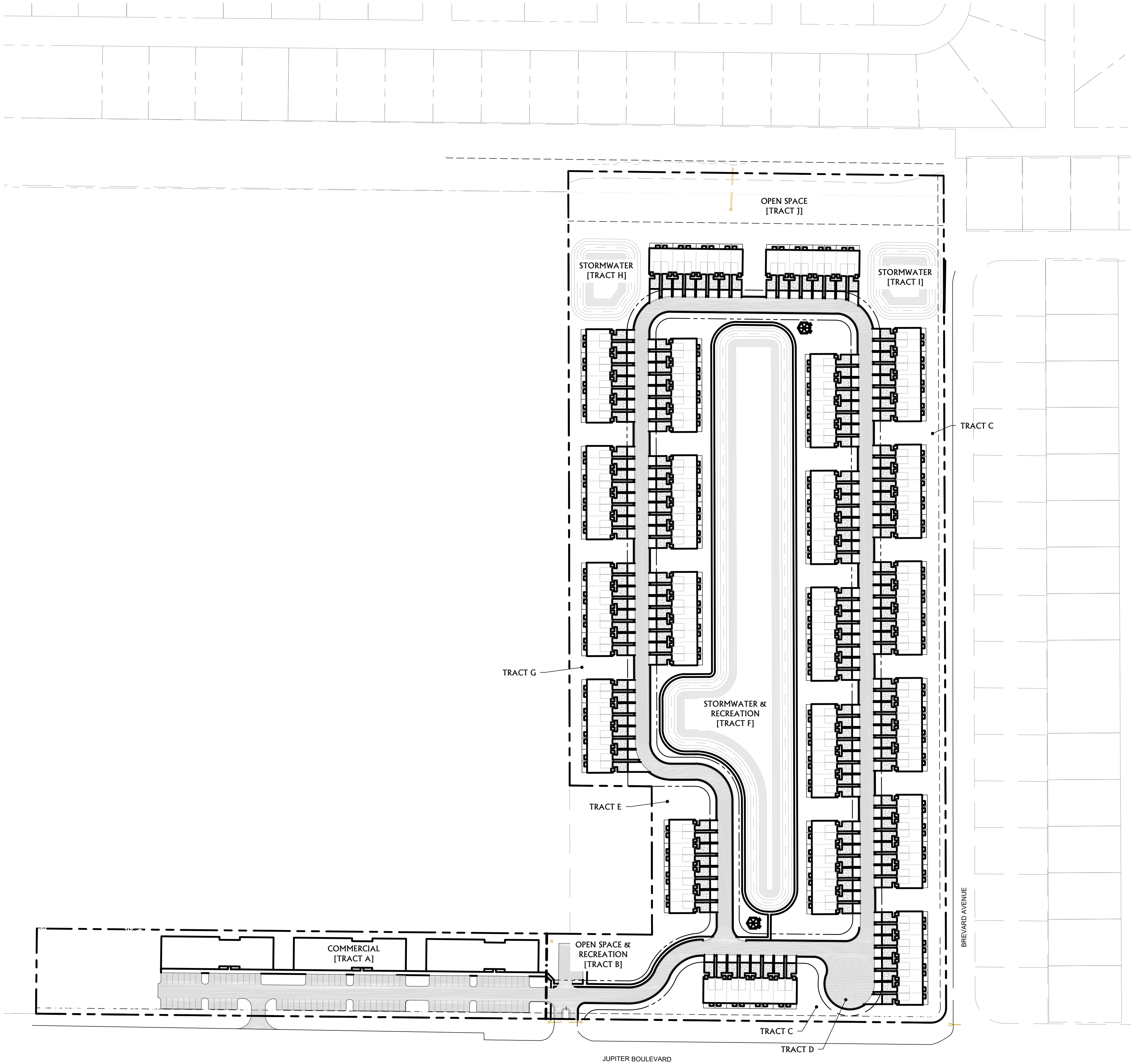
*Sylvia Karla Rosen*

Sylvia Karla Rosen, Notary Public

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

FLDL: L250-293-65-026-0





**LEGAL DESCRIPTION:**

PARCEL 1:  
THE WEST 1/2 OF LOT 16, SECTION 6, TOWNSHIP 29 SOUTH, RANGE 37 EAST, ACCORDING TO THE SUBDIVISION OF SAID SECTION BY THE FLORIDA INDIAN RIVER LAND COMPANY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 165, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LESS AND EXCEPT, BEING A PART OF THE WEST 1/2 OF LOT 16, SECTION 6, TOWNSHIP 29 SOUTH, RANGE 37 EAST, AS RECORDED IN PLAT BOOK 1, PAGE 165, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER THEREOF, THENCE RUN IN AN EASTERLY DIRECTION ALONG THE SOUTHERN BOUNDARY OF SAID PROPERTY A DISTANCE OF 141 FEET, THENCE IN A NORTHERLY DIRECTION PARALLEL TO THE WEST BOUNDARY LINE OF SAID PROPERTY A DISTANCE OF 255 FEET, THENCE WESTERLY ON A PARALLEL TO THE SOUTH BOUNDARY LINE OF SAID PROPERTY A DISTANCE OF 255 FEET TO THE POINT OF BEGINNING AND THE SOUTH 40 FEET OF THE EAST 1/2 OF LOT 16, SECTION 6, TOWNSHIP 29 SOUTH, RANGE 37 EAST, ACCORDING TO THE SUBDIVISION OF SAID SECTION BY THE FLORIDA INDIAN RIVER LAND COMPANY, AS PER PLAT RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, BREVARD COUNTY, FLORIDA IN PLAT BOOK 1, PAGE 165.

ALSO

TRACT 'K' OF PORT MALABAR UNIT TEN, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 10 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

THE EAST 1/2 OF LOT 16, IN SECTION 6, TOWNSHIP 29 SOUTH, RANGE 37 EAST, ACCORDING TO THE SUBDIVISION OF SAID SECTION BY THE FLORIDA INDIAN RIVER LAND COMPANY, AS PER PLAT RECORDED IN THE OFFICE OF THE CLERK OF THE COURT FOR BREVARD COUNTY IN PLAT BOOK 1, PAGE 165, LESS AND EXCEPT THE SOUTH 40 FEET AND, LESS AND EXCEPT MELBOURNE-TILLMAN DRAINAGE DISTRICT CANAL NO. 49.

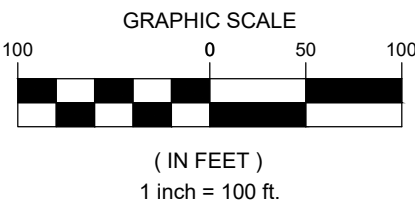
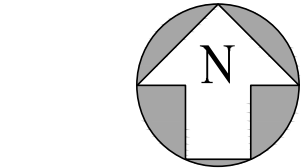
AND

LESS THE WESTERLY 876.49 FEET OF TRACT 'K' AS DESCRIBED ABOVE.

PARCEL 2:  
THE WESTERLY 876.49 FEET OF TRACT 'K' OF PORT MALABAR UNIT TEN, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 10 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

TRACT	USE	TRACT AREA	AREA AT N.W.L.	OPEN SPACE CREDIT	MAINTENANCE RESPONSIBILITY	CONSTRUCTION PHASE
A	COMMERCIAL	2.948	0.00	1.062	COMMERCIAL	2
B	OPEN SPACE & RECREATION	0.406	0.00	0.406	MULTI-FAMILY	1
C	OPEN SPACE	1.105	0.00	1.105	MULTI-FAMILY	1
D	RIGHT-OF-WAY	2.948	0.00	0.00	MULTI-FAMILY	1
E	OPEN SPACE	0.147	0.00	0.147	MULTI-FAMILY	1
F	STORMWATER & RECREATION	4.188	2.289	3.616	MULTI-FAMILY	1
G	OPEN SPACE	0.332	0.00	0.332	MULTI-FAMILY	1
H	STORMWATER & RECREATION	0.427	0.211	0.374	MULTI-FAMILY	1
I	STORMWATER & RECREATION	0.430	0.215	0.375	MULTI-FAMILY	1
J	OPEN SPACE & RECREATION W/ MTWCD EASEMENT	1.685	0.00	1.685	MULTI-FAMILY	1

NOTES:  
1. RESIDENTIAL LOTS MAKE THE REMAINDER OF THE AREA NOT WITHIN TRACTS (9.244 AC.).  
2. TOTAL USABLE COMMON RECREATION & OPEN SPACE REQUIRED IS 5.60 ACRES (25%). OPEN SPACE CREDIT LISTED ABOVE IS CALCULATED AS THE TRACT ACREAGE LESS 25% OF THE ACREAGE OF THE STORMWATER PONDS AND SHALL BE IMPROVED WITH EITHER DOCKS OR PIERS.



**SITE INFORMATION**

**GENERAL STATEMENT**  
THIS PROPOSED PROJECT INVOLVES CONSTRUCTION AND DEVELOPMENT A PLANNED UNIT DEVELOPMENT (PUD) WITH TOWNHOMES AND COMMERCIAL. INFRASTRUCTURE IMPROVEMENTS CONSIST OF DRAINAGE PIPES AND STRUCTURE, PARKING AREA, DRIVE AISLE AND WATER AND SEWER SERVICE. CONSTRUCTION OF THE FACILITIES WILL INVOLVE CLEARING, GRUBBING, FILLING, EXCAVATION, GRADING AND STABILIZATION. POTENTIAL POLLUTION SOURCES INCLUDE SOIL EROSION AND SILTATION, AND DISCHARGES FROM CONSTRUCTION EQUIPMENT (I.E. OIL, GAS).

**APPLICANT/OWNER**  
SACHS CAPITAL GROUP  
2132 DEEP WATER LANE  
SUITE 232, NAPERVILLE, IL 60564  
PHONE: (---) -----

**SITE ADDRESS**  
JUPITER BOULEVARD  
PALM BAY, FLORIDA

**CURRENT FUTURE LAND USE**  
SFR - SINGLE FAMILY RESIDENTIAL

**PROPOSED FUTURE LAND USE**  
MU - MULTI-USE

**TAX PARCEL ID. NUMBER(S)**  
29-37-06-GK-K  
29-37-06-00-751  
29-37-06-00-750

**SITE DATA CALCULATIONS**

TOTAL ACREAGE 23.86 AC.  
TOTAL UNITS 176 UNITS  
DENSITY 8.42 UNITS PER ACRE (15 MAX)  
GROSS FLOOR AREA 30,000 SF  
FLOOR AREA RATIO (BASED ON COMM AREA) 0.233

**BUILDING INFORMATION**  
TOTAL EXISTING BUILDINGS 2 (RETAIL & STORAGE)  
TOTAL PROPOSED BUILDINGS 176 RESIDENTIAL TOWNHOMES  
3 COMMERCIAL RETAIL  
1 CLUBHOUSE  
2,025 SF  
10,000 SF (EACH)

**PARKING INFORMATION**

COMMERCIAL 1 SPACE /300 SF @ 30,000 SF = 100 SPACES  
PROVIDED (COMMERCIAL) = 100 SPACES  
ADA PARKING (REQUIRED) 4  
ADA PARKING (PROVIDED) 4

**FLOOD ZONE**  
THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE 'X' PER F.I.R.M. PANEL No. 12009C 0660 G, DATED MARCH 17, 2014.

**SANITARY SEWER SOURCE**  
CITY OF PALM BAY SANITARY SEWER SYSTEM

**POTABLE WATER SOURCE**  
CITY OF PALM BAY WATER SYSTEM

BUILDING SETBACKS	REQ'D	PROVIDED
FRONT	20'	25.5'
REAR	10'	20.0'
SIDE	5'	10.0'
SIDE INTERIOR	15'	N/A

**PLANNED UNIT DEVELOPMENT NOTES:**

- NO BUILDINGS, PARKING LOTS OR OTHER STRUCTURES MAY BE LOCATED WITHIN THE PERIMETER SETBACK AREA. HOWEVER, SWIMMING POOLS AND POOL DECKS MAY BE PERMITTED SUBJECT TO THE NORMAL RESIDENTIAL SETBACK REQUIREMENTS.
- WITHIN THE PUD, ALL UTILITIES INCLUDING, BUT NOT LIMITED TO, TELEPHONE, TELEVISION CABLE AND ELECTRICAL SYSTEMS SHALL BE INSTALLED UNDERGROUND.
- THE MINIMUM REQUIREMENTS FOR STREETS OR ROADS, SIDEWALKS, SEWER FACILITIES, UTILITIES AND DRAINAGE SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE CITY OF PALM BAY SUBDIVISION REGULATIONS. SUBDIVISION SIGNS SHALL BE IN ACCORDANCE WITH CHAPTER 178 OF THE LAND DEVELOPMENT REGULATIONS.
- WALLS AND FENCES SHALL MEET ALL THE REQUIREMENTS OF CHAPTER 170 OF THE LAND DEVELOPMENT REGULATIONS.
- PARKING SHALL MEET ALL THE REQUIREMENTS OF CHAPTER 185 OF THE LAND DEVELOPMENT REGULATIONS.
- LANDSCAPING SHALL MEET ALL THE REQUIREMENTS OF CHAPTER 180 OF THE LAND DEVELOPMENT REGULATIONS.

**MBV ENGINEERING, INC.**  
PDA BOWLES VILLALBAZ & ASSOCIATES  
Civil • Structural • Surveying • Environmental  
1250 W. EAU GALIE BLVD, SUITE H  
MELBOURNE, FLORIDA 32935  
P: 321-253-1510  
F: 321-253-1511  
ALSO WITH OFFICES IN:  
VERO: 772-998-0035, FT PIERCE: 772-468-8005, PALM CITY: 772-468-9959

PUD OVERALL

Jupiter Bay

NOT FOR CONSTRUCTION  
PLAN SHEETS ARE PRELIMINARY AND FOR INFORMATION ONLY. PLANS SHOULD NOT BE USED AS A BASIS FOR BIDS.  
CONTRACTOR SHOULD ORDER THE OFFICIAL PLANS FROM THE ENGINEER OF RECORD TO ENSURE THAT ANY ACCORDING ARE PROPERLY DISTRIBUTED. PLANS ARE INVALID WITHOUT ENGINEER OF RECORDS SEAL AND SIGNATURE.

SHEET

C-1

20-1013

PRELIMINARY SET

REVISIONS	DATE
1	10/1/2021
2	
3	
4	
5	
6	
7	
8	

JOB NO.	DESIGNED	DRAWN	CHECKED	DATE
20-1013	DWB	DWB	BAM	06-24-2020

COMMENTS	DATE ISSUED
	10/1/2021



# **CASES**

**CP-13-2021 & PD-48-2021**

**CORRESPONDENCE**

## Chandra Powell

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**From:** Angela Burak  
**Sent:** Friday, October 8, 2021 2:46 PM  
**To:** Patrick Murphy; Chandra Powell; Christopher Balter  
**Cc:** Kenny Johnson; Suzanne Sherman; Rosemarie Saavedra  
**Subject:** RE: AGAINST 176 residential town homes at 3255 Jupiter Blvd(Go Daddys Golf Course)

Passing along to Growth/Land Dev as well.



Angela Burak  
Administrative Assistant to City Manager

*Down to Earth And Up To Great Things™*

☎ 321.952.3413 or ext. 3207

[angela.burak@palmbayflorida.org](mailto:angela.burak@palmbayflorida.org)

**From:** Kenny Johnson <Kenny.Johnson@palmbayflorida.org>  
**Sent:** Friday, October 8, 2021 2:38 PM  
**To:** Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Angela Burak <Angela.Burak@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>  
**Subject:** Fwd: AGAINST 176 residential town homes at 3255 Jupiter Blvd(Go Daddys Golf Course)

Sincerely,  
Kenny Johnson  
Palm Bay City Councilman Seat 4  
321-474-0183

---

**From:** [asik@roadrunner.com](mailto:asik@roadrunner.com) <[asik@roadrunner.com](mailto:asik@roadrunner.com)>  
**Sent:** Friday, October 8, 2021 2:36 PM  
**To:** City Council  
**Cc:** 'asik@roadrunner.com'  
**Subject:** AGAINST 176 residential town homes at 3255 Jupiter Blvd(Go Daddys Golf Course)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

TO: Palm Bay City Council  
From  
Raymond Asik Trustee/owner of property 473 Ellington SE, Palm Bay  
Address  
4112 Ford Lane  
Vermilion, OH 44089  
PH: 440-967-7761



CE: 440-759-9628

I am totally against the proposed 176 residential Planned Unit Development on property normally for zoned for about 35 housing units.

Amending zoning laws, rezoning this property then jamming 176 units into a normally residential property at 3255 Jupiter BLVD., 24 acres will drastically lower the the property values of the adjoining property of which one is mine. Having over 5 times the houses, 5 times the traffic, excess sewer and drain water issues is unacceptable.

There has to be much better uses for this property which adds to the neighborhood and increases property values should be the goals of Palm Bay City Council. Do the right thing for the neighborhood. Palm Bay residents and reject the plan by MBV Engineering.

There is an informational meeting on October 12, 6p at Franklin T. DeGroodt Public Library, 6475 Minton Road. Palm Bay run by Bruce Moia President, email is [brucem@mbveng.com](mailto:brucem@mbveng.com)

Thank you,  
Raymond (Ray) Asik

**Raymond J. Asik  
4112 Ford Lane  
Vermilion, OH 44089**

**Oct 25, 2021  
PH: 440-967-77613**

**Subject: Palm Bay Planning and Zoning Board  
Cases: CP-13-2021 and PD-48-2021**

**I am a property owner greatly impacted by the proposed Preliminary Development plan to allow rezoning of Tax Parcels 750 and 751.**

**The address for my property is  
473 Ellington Ave SE Palm Bay, 32909  
Property ID: 29 3705-GK-397-12**

**I am totally against the Cases CP-13-2021 and PD-48-2021 to rezone Tax Parcels 750 and 751 for multiple family residential use and commercial use. Allowing single family residential use is fine with me not the 179 units that is proposed.**

**Doing a major rezoning of these residential properties to mixed use will cause water drainage, extra traffic and safety issues. Placing all of these units next to schools may also cause lots of safety issues for the schools. Extra heavy traffic is not appropriate for a strictly residential area. 50 or so houses can be built without any changes to the zoning laws.**

**To me the Palm Bay Planning, Zoning and City Council have more responsibility to all adjoining and future property owners than allowing this proposal to move forward. Single Family Residential use is what Tax Parcels 750 and 751 is and should continue to be allowed. I hope Palm Bay planners and City will realize approving these proposed major zoning changes is a big negative on the local community.**

**As I stated I AM TOTALLY against this proposal. I cannot attend the meeting but hope my one voice will be heard. I can be contacted at the above address / phone or at my email; [asik@roadrunner.com](mailto:asik@roadrunner.com)**

**Thank You,  
Ray Asik**

**PLEASE KEEP ME INFORMED OF THESE CASES.**







## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Patrick Murphy, Acting Growth Management Director

**DATE:** November 15, 2021

**SUBJECT:** \*\*PD-48-2021 - Jupiter Bay - Gregory Sachs, Sachs Capital Group, LP and Gerald Lakin, Identical Investments, LLC (Bruce Moia, P.E. and David Bassford, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorneys at Law, Reps.) - Preliminary Development Plan to allow a proposed PUD for a 179-unit mixed use development called Jupiter Bay. Tax Parcels 750 and 751, along with Tract K of Port Malabar Unit 10, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 23.86 acres. Southwest corner of Jupiter Boulevard SE and Brevard Avenue SE

♣Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ▢ Case PD-48-2021 - Staff Report
- ▢ Case PD-48-2021 - Preliminary Development Plan
- ▢ Case PD-48-2021 - Application
- ▢ Case PD-48-2021 - Correspondence



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Patrick J. Murphy, Acting Growth Management Director

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#### CASE NUMBER

PD-48-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 15, 2021

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#### PROPERTY OWNER & APPLICANT

Sachs Capital Group, LP (Gregory Sachs, Manager) Represented by Bruce Moia and David Bassford of MBV Engineering, Inc. and Kim Rezanka, Attorney at Law

#### PROPERTY LOCATION/ADDRESS

The property is located at the NW intersection of Jupiter Boulevard SE and Brevard Avenue SE. This property is the former Joe Daddy's Golf Course, at 3255 Jupiter Boulevard SE

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#### SUMMARY OF REQUEST

Preliminary Development Plan (PDP) approval for a 176-unit multi-use development to be called **Jupiter Bay PUD**.

##### Existing Zoning

RR, Rural Residential

##### Existing Land Use

Single Family Residential Use

##### Site Improvements

Vacant, Former Golf Course and Associated Parking Lot

##### Site Acreage

23.86

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#### SURROUNDING ZONING & USE OF LAND

##### North

RS-2, Single-Family Residential; Melbourne-Tillman Canal No. 49

##### East

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

##### South

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

##### West

IU, Institutional Use; Jupiter Elementary and Southwest Middle Schools

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#### COMPREHENSIVE PLAN

##### COMPATIBILITY

Yes, subject to approval of Case No. CP-13-2021



**BACKGROUND:**

The property is located at the NW intersection of Jupiter Boulevard SE and Brevard Avenue SE. Specifically, the subject property is Tax Parcel 750, 751, and Tract K, Section 6, Township 29 south, Range 37 east, Brevard County, Florida. This property is a former golf course and associated parking area. The three (3) parcels total approximately 23.86 acres of land.

On April 1, 2021 (at RCM 2021-09) City Council voted to deny the applicant's request to change the future land use designation of the subject property from Single-family Residential Use to Multiple-family Residential Use and Commercial Use. A companion rezoning application from RR, Rural Residential to the RM-10, Single-, Two-, and Multi-Family Residential and NC, Neighborhood Commercial zoning districts, were also reviewed. According to the City Attorney, since the land use amendment was denied, the rezoning application was rendered moot.

The applicant is currently seeking Preliminary Development Plan (PDP) approval for a Planned Unit Development. The purpose of this request is to allow for the construction of a multi-use development to be called Jupiter Bay PUD. The applicant for this request is Gregory Sachs of the Sachs Capital Group, LP and Gerald Larkin of Identical Investments, LLC. They are being represented by Bruce Moia and David Bassford, of MBV Engineering, Inc. and Kim Rezanka of Lacey, Lyon, and Rezanka Attorneys at Law.

**ANALYSIS:**

The planned unit development (PUD) is a concept which encourages variation in residential developments by allowing deviation in lot size, type of dwellings, density, lot coverage, setbacks, and open space, from those elements required in any singular zoning classification. The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as commercial uses designed to serve the inhabitants of the proposed community.

Specifically, the development plans (C-1 thru C-3) propose 176 townhome units and three (3) commercial buildings, each containing 10,000 square feet of area. According to the exhibit, there are 22 buildings containing 8 townhomes each. The buildings are being placed along an internally looped roadway, to face each other, in a slightly off-set pattern.

A linear retention pond has been deigned within the center of the property, running in a north-south fashion. Additional stormwater ponds are placed in the northern area of the site. All stormwater run-off from the commercial development will be piped to the central pond. Discharge from the system is directed to Melbourne-Tillman Canal No. 49, which runs along the northern boundary of the project. Prior to commencement of construction, the design shall be approved by both the City and the St. Johns River Water Management District.

The internal roadway proposes 24' of traversable pavement, between the abutting driveways of the townhomes buildings. The roadway shall remain private and be maintained by the Homeowner's Association. At the time of FDP submittal, a traffic study will be required. In addition to possible intersection improvements and project turn lanes, the study shall examine the interaction of its proposed driveways with the current traffic patterns.

The Applicant is required to design water & sewer systems of adequate size to accommodate the development and connect to the city's water & sewer system. This design shall be provided upon engineered construction drawings and submitted with the FDP. The applicant may be required to extend or loop service from the existing water and sewer connection points. A Utility Agreement shall be executed prior to construction plan approval.

Section 185.065 of the City's Code of Ordinances requires a Planned Unit Development to permanently set aside and designate on the site plan recreational and/or open space for use by residents of the PUD, equaling 25% of the project site acreage. At 23.86 acres, this minimum set aside shall be 5.97 acres. Such useable space shall in the form of active or passive recreation areas. Common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complimentary structures for the benefit and enjoyment of the residents of the PUD.

The PDP proposes a clubhouse and pool at the entrance to the residential development, a gazebo at either end of the main stormwater pond, and a walking trail that encircle this pond. The Preliminary Development Plan (PUD-1) provides a breakdown stating that the minimum set aside has been met. However, this will need to be further vetted with the FDP submittal to ensure the minimum code requirements (and intent) are satisfied. The applicant shall explore the design of site lighting throughout the project, both within the roadway and for pedestrian lighting along the pathway that encircles the pond.

During the plan review process a tree survey identifying all specimen trees shall be provided to determine the exact location and type, for possible preservation. Lastly, staff recommends access be provided from this project to the land-locked property (Parcel ID 29-37-06-00-752).

#### **CONDITIONS:**

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

- A preliminary subdivision plat and Opinion of Title,
- Declaration of Covenants & Restrictions establishing development standards,
- Construction drawings,

- A Concurrency Determination letter from the School Board of Brevard County,
- Submission of an Endangered Species Assessment,
- Identification of lighting within the neighborhood,
- Provide access for Parcel 752; and
- Compliance with the conditions of CP-13-2021.

Lastly, technical staff review comments are attached to this report and shall be incorporated.

**STAFF RECOMMENDATION:**

Case PD-48-2021 is recommended for approval, subject to the staff comments.



## **TECHNICAL COMMENTS**

### **CASE PD-48-2021 – JUPITER BAY PUD**

#### **PUBILC WORKS (Mehul Parekh, PE, Public Works Director):**

Driveway and right of way utilities:

1. Provide sidewalk along side street and frontage with off-site to on site connections commercial properties.
2. Traffic study and roadway improvement warrant analysis are required.
3. Any land locked property must be provided access with development.
4. Additional MTWCD right of way/ easement for existing canal.
5. Cross access, drainage and utilities agreements.
6. HOA or POA documents shall be provided for review.

Survey:

Boundary

1. Further development review will require tree locations and topographic survey.
2. Per ORB 3074 PGS 2366 - 2526 (specific page 2488) The Melbourne Tillman Water Control District has ownership of the North 36 feet of the parcel. For further information contact City Surveyor 321.952.3400 X6438.
3. Please clarify the exact description of the found W.C.s.
4. Please show both invert elevations of the cross drain at Jupiter and Brevard.
5. Please ensure legal access, through easement, of the land locked parcel (29-37-06-00-752).
6. Please use City of Palm Bay vertical datum from database. Provided upon request.
7. Please verify the less and except of the West half of Lot 16 includes the South 40 feet of the East half of Lot 16.
8. Further Comments to follow.

Engineering:

Ch 174 City Code of Ordinances and Ch 62-330 F.A.C. design and performance criteria and specifications shall be met.

Transportation impact fees will be assessed based on the final number of dwelling units

A peak AM and PM trip generation analysis shall be provided. Should AM or PM peak trips exceed 100 trips a transportation impact study would be required.

Public Works reserves the right to make other applicable comments during the site plan review process.

**UTILITIES (Christopher Little, PE, Utilities Director):**

The Utilities Department has no objection to the proposed 176 Multi-Family residential units and 3 commercial parcels PUD.

Upon development of the site, the following shall apply for connection to the City's water and sewer utilities system:

1. The applicant/owner, at their expense, will be required to design, permit, install, inspect and test water & sewer systems of adequate size to accommodate the development and to connect to the City's water & sewer system. [§ 200.11(D)(1) - On-Site Facilities].
2. The applicant/owner may be required to extend and/or loop service from the existing water and sewer connection points [§ 200.11(D)(2) -Off-Site Facilities].
3. The applicant/owner will be responsible for the property's hydraulic share for the utilities. Oversizing of utilities at the request of the Utilities Department will be subject to a refunding agreement or refundable advance [§ 200.1(D) & (E)]. The City of Palm Bay's 2017 Wastewater Master Plan & 2017 Water Master Plan, both of which are available upon request, identify proposed mainline extensions with the City's current pipe sizing requirements.
4. A City of Palm Bay "Utility Agreement" shall be executed between the Property Owner and the City. All Utility impact/connection charges noted in the "Utility Agreement" must be paid as outlined in the terms and conditions of the Utility Agreement. All fees are subject to change annually on October 1. The Property Owner shall submit a certified copy of the property deed as verification of ownership as part of the Utility Agreement.
5. All utility construction, materials, and testing shall be in accordance with the latest revision of the Palm Bay Utility Department Policies, Procedures and Standards Handbook and the Standard Detail Drawings. Prior to any construction, all required FDEP Permit applications for the Water and Sanitary Sewer Construction shall be processed through and copied of the Permits filled with the Utilities Department.

**BUILDING-FIRE (Michael Bloom, CFPS, Fire Plans Examiner):**

1. Subdivisions shall meet all requirements of the currently adopted Florida Fire Prevention Code (FFPC) 7th edition, Florida Administrative Code (FAC) Florida State Statute (FSS) and City of Palm Bay Ordinances (COPBO).

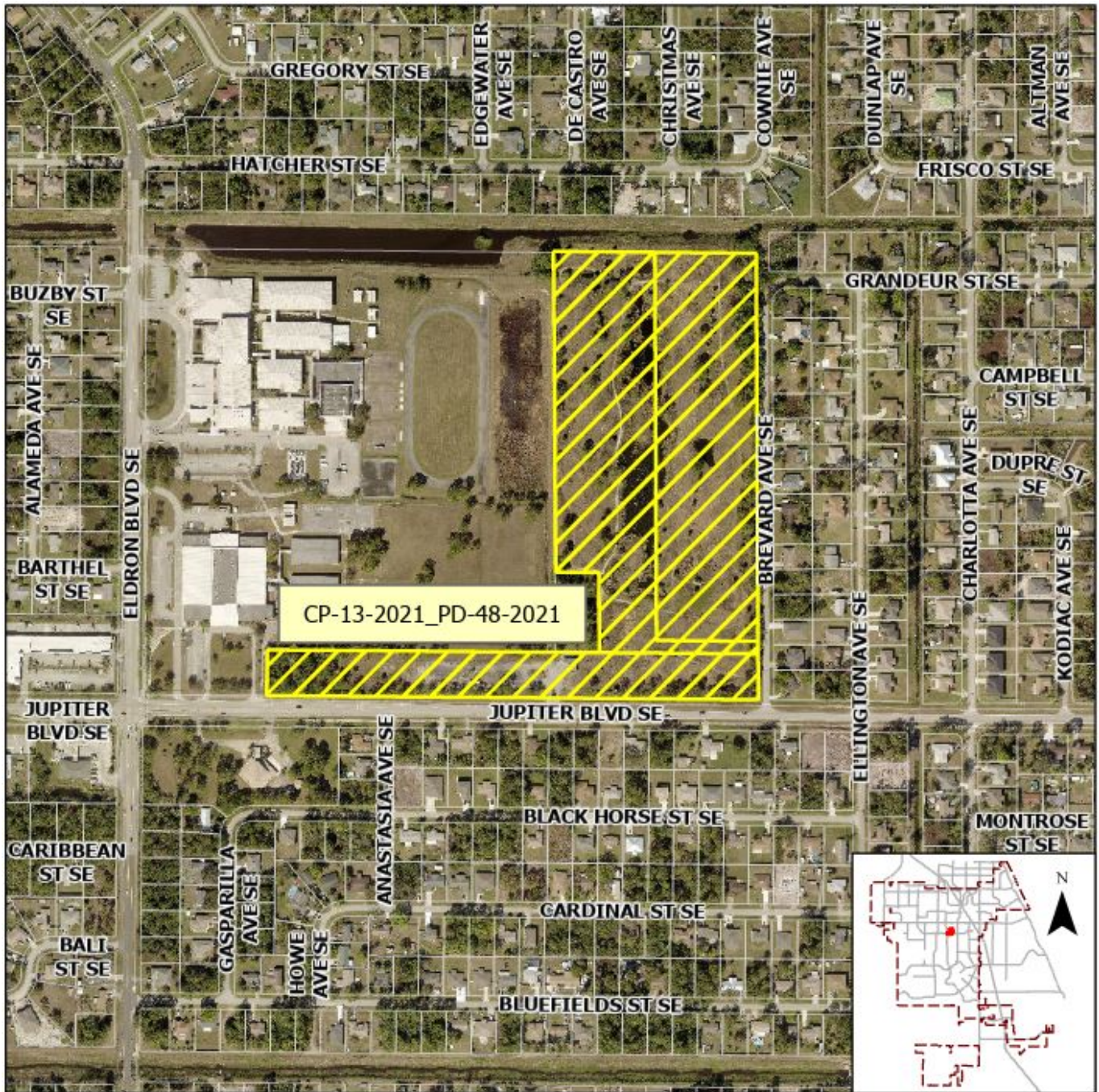
2. (FFPC 1:18.4.5.1.1) The minimum fire flow and flow duration requirements for one- and two-family dwellings having a fire flow area that does not exceed 5000 ft<sup>2</sup>(464.5 m<sup>2</sup>) shall be 1000 gpm (3785 L/min) for 1 hour.
3. (FFPC 1-18.4.5.2.1) Fire flow and flow duration for one- and two-family dwellings having a fire flow area in excess of 5000 ft<sup>2</sup> (334.5 m<sup>2</sup>) shall not be less than that specified in Table 18-4.5.1.2.
4. Townhouses shall meet all requirements of (FSS 481.203(16)) or they shall be protected by a fire sprinkler system per FFPC and COPBO.
5. (FFPC 1-18.2.3.5.4) Dead-end fire department access roads in excess of 150 ft. (46 m) in length shall be provided with approved provisions for the fire apparatus to turn around.

**BUILDING-FLOODZONE (James Williams, CFM, Floodplain Coordinator):**

Floodzone X, No FEMA CLOMR/LOMR application required.



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



## **AERIAL LOCATION MAP CASE: CP-13-2021 & PD-48-2021**

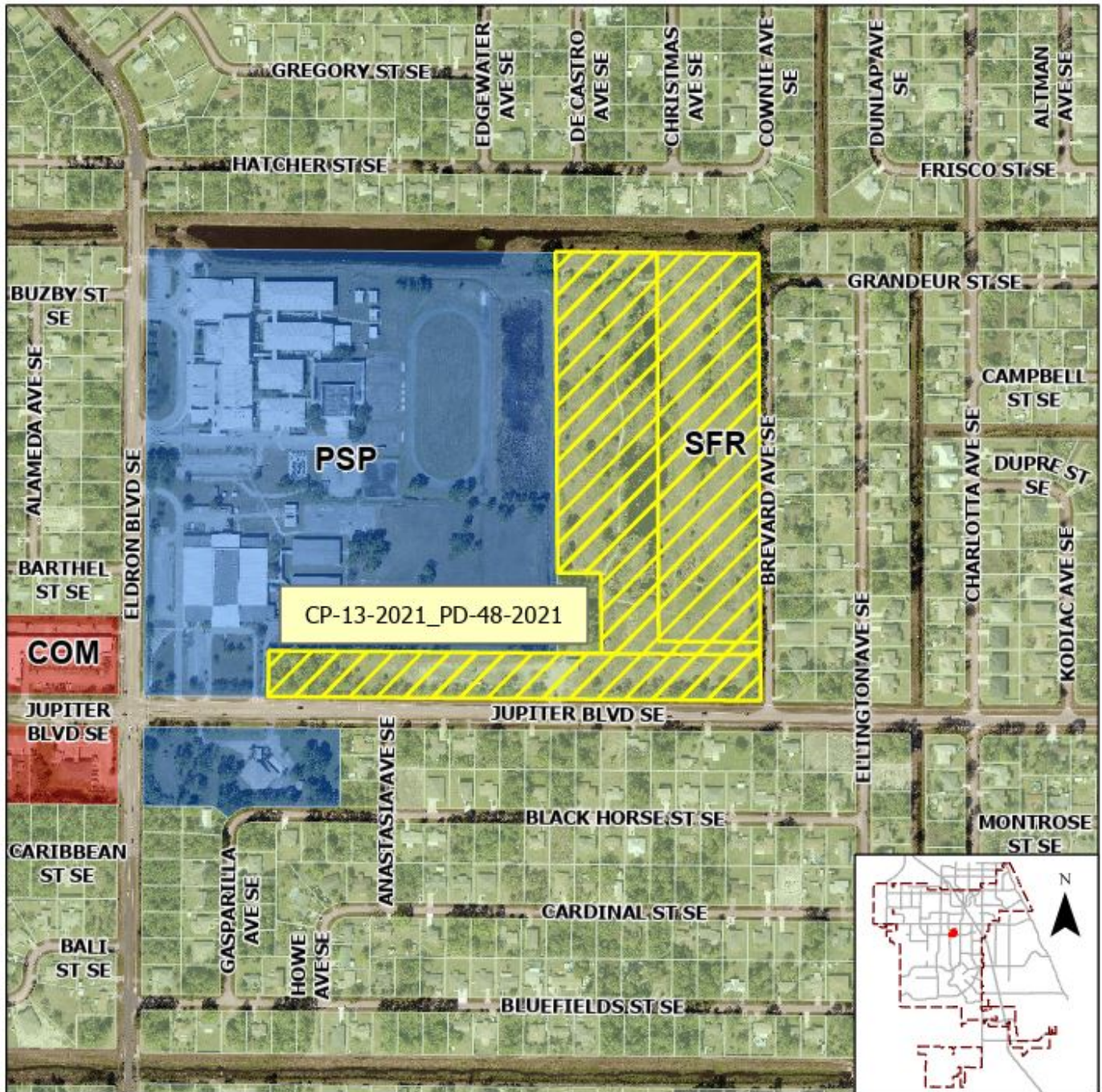
### **Subject Property**

Southwest corner of Jupiter Boulevard SE and Brevard Avenue 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: CP-13-2021 & PD-48-2021

### Subject Property

Southwest corner of Jupiter Boulevard SE and Brevard Avenue SE

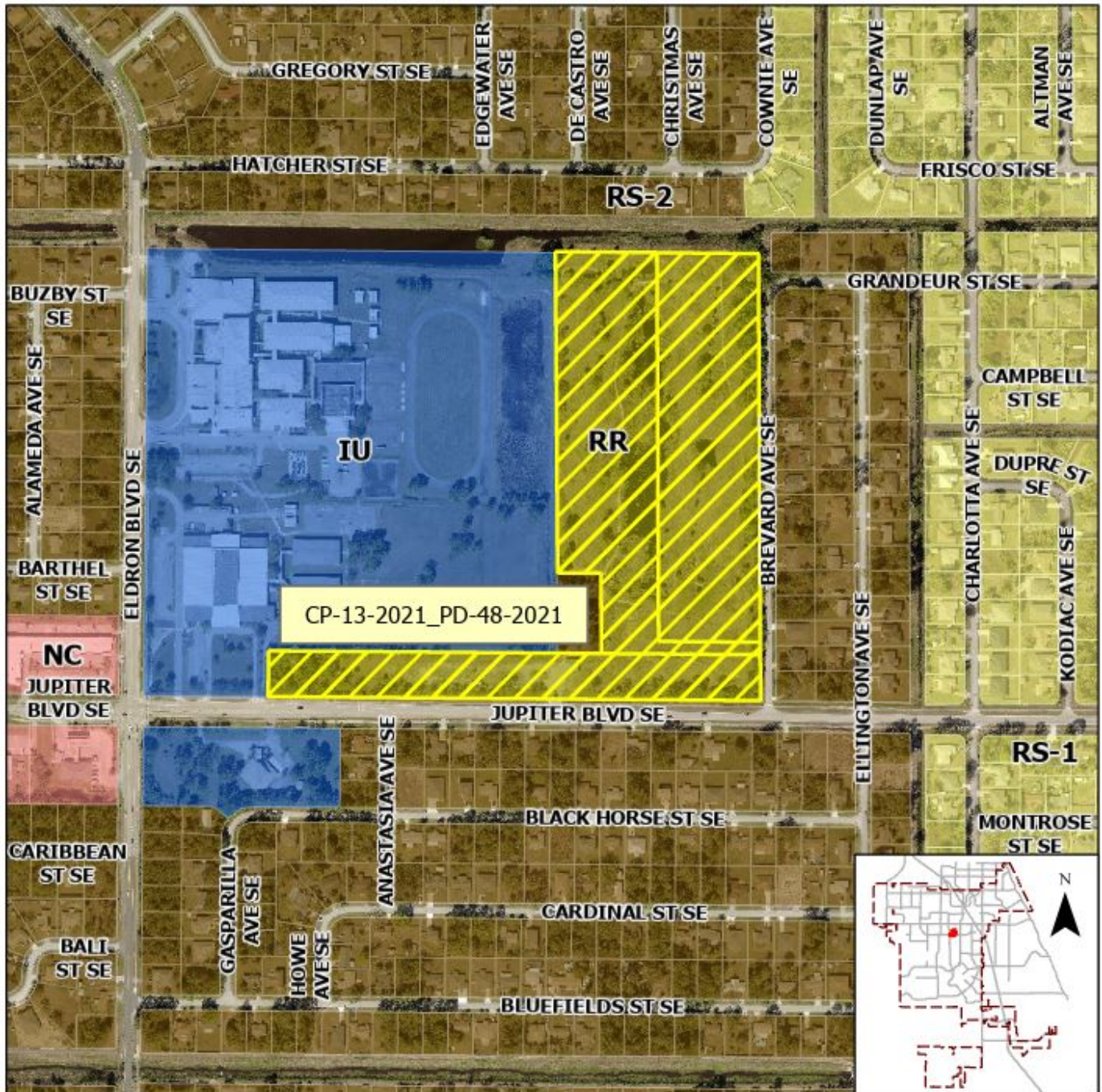
### Future Land Use Classification

SFR – Single Family Residential Use





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



## ZONING MAP CASE: CP-13-2021 & PD-48-2021

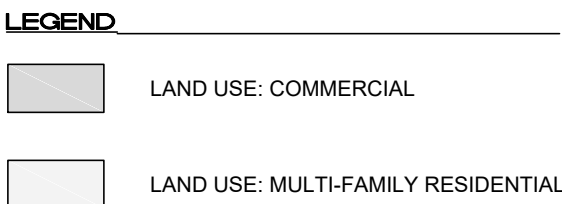
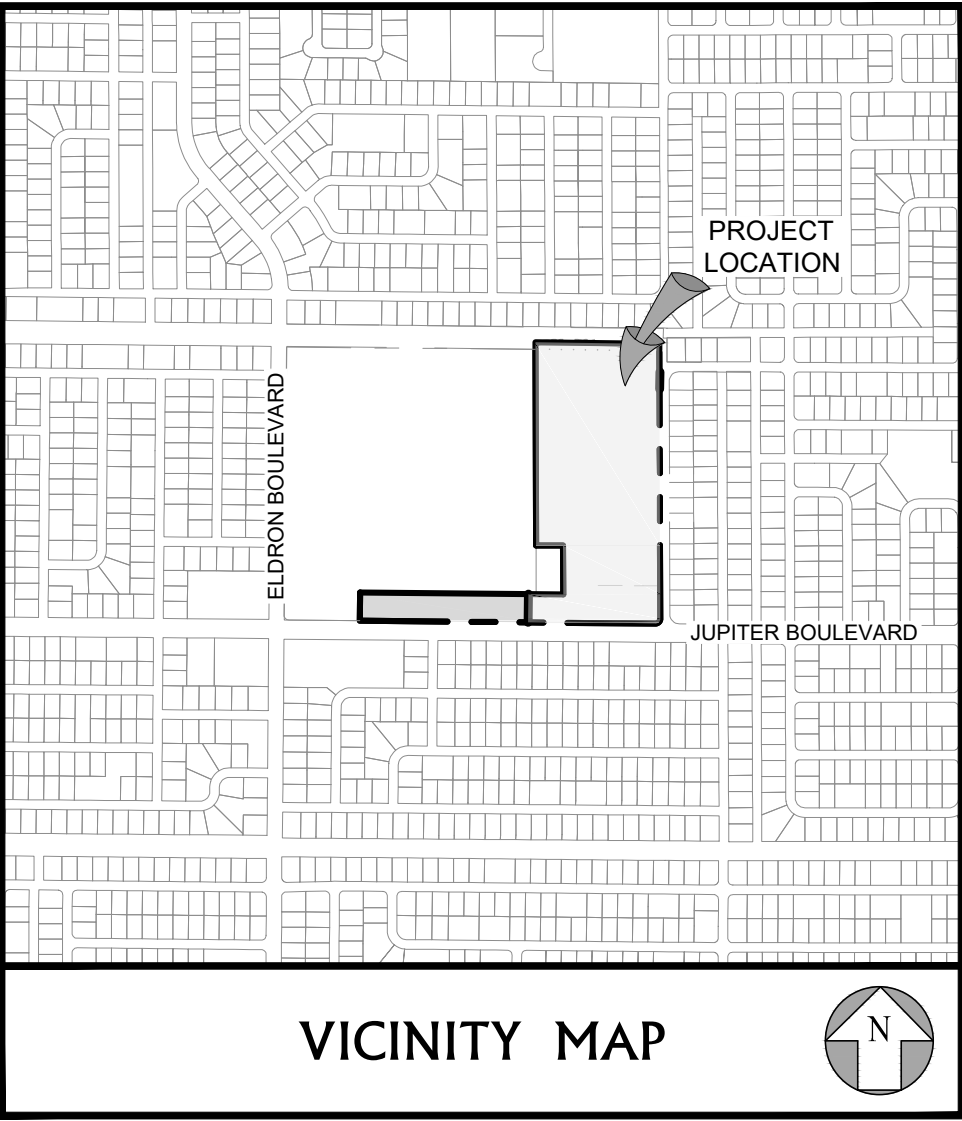
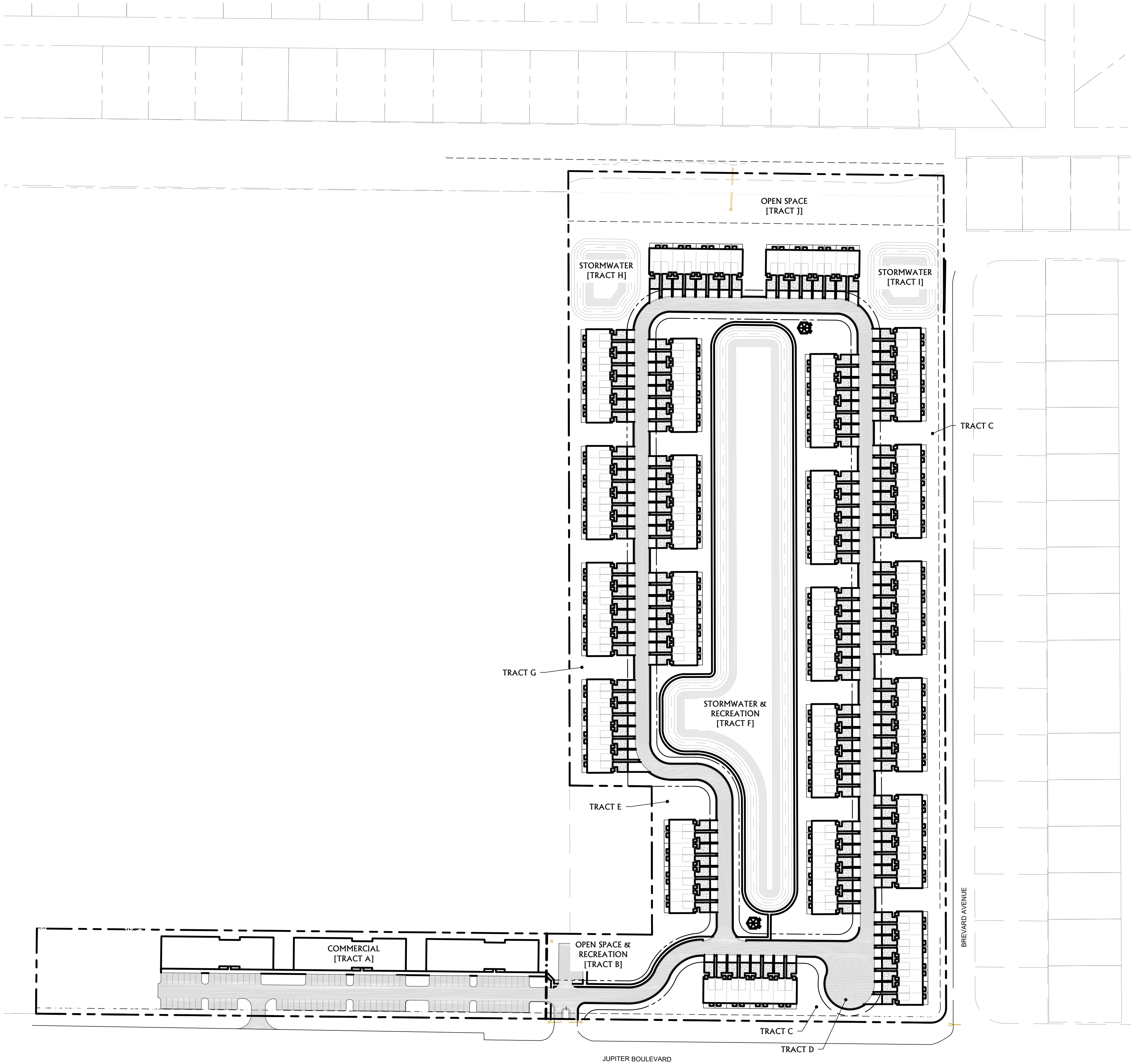
### Subject Property

Southwest corner of Jupiter Boulevard SE and Brevard Avenue SE

### Current Zoning Classification

RR – Rural Residential District





LEGAL DESCRIPTION:

PARCEL 1:  
THE WEST 1/2 OF LOT 16, SECTION 6, TOWNSHIP 29 SOUTH, RANGE 37 EAST, ACCORDING TO THE SUBDIVISION OF SAID SECTION BY THE FLORIDA INDIAN RIVER LAND COMPANY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 165, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LESS AND EXCEPT, BEING A PART OF THE WEST 1/2 OF LOT 16, SECTION 6, TOWNSHIP 29 SOUTH, RANGE 37 EAST, AS RECORDED IN PLAT BOOK 1, PAGE 165, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER THEREOF, THENCE RUN IN AN EASTERLY DIRECTION ALONG THE SOUTHERN BOUNDARY OF SAID PROPERTY A DISTANCE OF 141 FEET, THENCE IN A NORTHERLY DIRECTION PARALLEL TO THE WEST BOUNDARY LINE OF SAID PROPERTY A DISTANCE OF 255 FEET, THENCE WESTERLY ON A PARALLEL TO THE SOUTH BOUNDARY LINE OF SAID PROPERTY A DISTANCE OF 255 FEET TO THE POINT OF BEGINNING AND THE SOUTH 40 FEET OF THE EAST 1/2 OF LOT 16, SECTION 6, TOWNSHIP 29 SOUTH, RANGE 37 EAST, ACCORDING TO THE SUBDIVISION OF SAID SECTION BY THE FLORIDA INDIAN RIVER LAND COMPANY, AS PER PLAT RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, BREVARD COUNTY, FLORIDA IN PLAT BOOK 1, PAGE 165.

ALSO

TRACT 'K' OF PORT MALABAR UNIT TEN, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 10 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

THE EAST 1/2 OF LOT 16, IN SECTION 6, TOWNSHIP 29 SOUTH, RANGE 37 EAST, ACCORDING TO THE SUBDIVISION OF SAID SECTION BY THE FLORIDA INDIAN RIVER LAND COMPANY, AS PER PLAT RECORDED IN THE OFFICE OF THE CLERK OF THE COURT FOR BREVARD COUNTY IN PLAT BOOK 1, PAGE 165, LESS AND EXCEPT THE SOUTH 40 FEET AND, LESS AND EXCEPT MELBOURNE-TILLMAN DRAINAGE DISTRICT CANAL NO. 49.

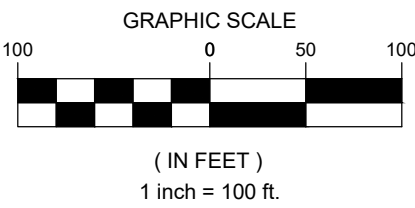
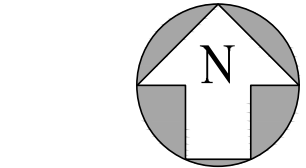
AND

LESS THE WESTERLY 876.49 FEET OF TRACT 'K' AS DESCRIBED ABOVE.

PARCEL 2:  
THE WESTERLY 876.49 FEET OF TRACT 'K' OF PORT MALABAR UNIT TEN, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 10 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

TRACT	USE	TRACT AREA	AREA AT N.W.L.	OPEN SPACE CREDIT	MAINTENANCE RESPONSIBILITY	CONSTRUCTION PHASE
A	COMMERCIAL	2.948	0.00	1.062	COMMERCIAL	2
B	OPEN SPACE & RECREATION	0.406	0.00	0.406	MULTI-FAMILY	1
C	OPEN SPACE	1.105	0.00	1.105	MULTI-FAMILY	1
D	RIGHT-OF-WAY	2.948	0.00	0.00	MULTI-FAMILY	1
E	OPEN SPACE	0.147	0.00	0.147	MULTI-FAMILY	1
F	STORMWATER & RECREATION	4.188	2.289	3.616	MULTI-FAMILY	1
G	OPEN SPACE	0.332	0.00	0.332	MULTI-FAMILY	1
H	STORMWATER & RECREATION	0.427	0.211	0.374	MULTI-FAMILY	1
I	STORMWATER & RECREATION	0.430	0.215	0.375	MULTI-FAMILY	1
J	OPEN SPACE & RECREATION W/ MTWCD EASEMENT	1.685	0.00	1.685	MULTI-FAMILY	1

- NOTES:
- RESIDENTIAL LOTS MAKE THE REMAINDER OF THE AREA NOT WITHIN TRACTS (9.244 AC.).
  - TOTAL USABLE COMMON RECREATION & OPEN SPACE REQUIRED IS 5.60 ACRES (25%). OPEN SPACE CREDIT LISTED ABOVE IS CALCULATED AS THE TRACT ACREAGE LESS 25% OF THE ACREAGE OF THE STORMWATER PONDS AND SHALL BE IMPROVED WITH EITHER DOCKS OR PIERS.



SITE INFORMATION

GENERAL STATEMENT

THIS PROPOSED PROJECT INVOLVES CONSTRUCTION AND DEVELOPMENT A PLANNED UNIT DEVELOPMENT (PUD) WITH TOWNHOMES AND COMMERCIAL. INFRASTRUCTURE IMPROVEMENTS CONSIST OF DRAINAGE PIPES AND STRUCTURE, PARKING AREA, DRIVE AISLE AND WATER AND SEWER SERVICE. CONSTRUCTION OF THE FACILITIES WILL INVOLVE CLEARING, GRUBBING, FILLING, EXCAVATION, GRADING AND STABILIZATION. POTENTIAL POLLUTION SOURCES INCLUDE SOIL EROSION AND SILTATION, AND DISCHARGES FROM CONSTRUCTION EQUIPMENT (I.E. OIL, GAS).

APPLICANT/OWNER

SACHS CAPITAL GROUP  
2132 DEEP WATER LANE  
SUITE 232, NAPERVILLE, IL 60564  
PHONE: (---) -----

ENGINEER

MBV ENGINEERING, INC.  
1250 W.EAU GALIE BLVD, UNIT L  
MELBOURNE, FL 32935  
PHONE: (321) 253-1510

SITE ADDRESS

JUPITER BOULEVARD  
PALM BAY, FLORIDA

SURVEYOR

WALLACE SURVEYING, CORP.  
5553 VILLAGE BOULEVARD  
WEST PALM BEACH, FLORIDA 33407  
PHONE: (561) 640-4551

CURRENT FUTURE LAND USE

SFR - SINGLE FAMILY RESIDENTIAL

CURRENT ZONING

RR - RURAL RESIDENTIAL

PROPOSED FUTURE LAND USE

MU - MULTI-USE

PROPOSED ZONING

PUD - PLANNED UNIT DEVELOPMENT

TAX PARCEL ID. NUMBER(S)

29-37-06-GK-K  
29-37-06-00-751  
29-37-06-00-750

TAX ACCOUNT NO.

2925050  
2926317  
2926316

SITE DATA CALCULATIONS

TOTAL ACREAGE 23.86 AC.  
TOTAL UNITS 176 UNITS  
DENSITY 8.42 UNITS PER ACRE (15 MAX)

GROSS FLOOR AREA 30,000 SF  
FLOOR AREA RATIO (BASED ON COMM AREA) 0.233

BUILDING INFORMATION

TOTAL EXISTING BUILDINGS 2 (RETAIL & STORAGE)  
TOTAL PROPOSED BUILDINGS 176 RESIDENTIAL TOWNHOMES  
3 COMMERCIAL RETAIL  
1 CLUBHOUSE

CLUBHOUSE

COMMERCIAL RETAIL

PARKING INFORMATION

COMMERCIAL 1 SPACE /300 SF @ 30,000 SF = 100 SPACES  
PROVIDED (COMMERCIAL) = 100 SPACES

ADA PARKING (REQUIRED) 4  
ADA PARKING (PROVIDED) 4

FLOOD ZONE

THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE 'X' PER F.I.R.M. PANEL No. 12009C 0660 G, DATED MARCH 17, 2014.

SANITARY SEWER SOURCE

CITY OF PALM BAY SANITARY SEWER SYSTEM

POTABLE WATER SOURCE

CITY OF PALM BAY WATER SYSTEM

BUILDING SETBACKS

	REQ'D	PROVIDED
FRONT	20'	25.5'
REAR	10'	20.0'
SIDE	5'	10.0'
SIDE INTERIOR	15'	N/A

PLANNED UNIT DEVELOPMENT NOTES:

- NO BUILDINGS, PARKING LOTS OR OTHER STRUCTURES MAY BE LOCATED WITHIN THE PERIMETER SETBACK AREA. HOWEVER, SWIMMING POOLS AND POOL DECKS MAY BE PERMITTED SUBJECT TO THE NORMAL RESIDENTIAL SETBACK REQUIREMENTS.
- WITHIN THE PUD, ALL UTILITIES INCLUDING, BUT NOT LIMITED TO, TELEPHONE, TELEVISION CABLE AND ELECTRICAL SYSTEMS SHALL BE INSTALLED UNDERGROUND.
- THE MINIMUM REQUIREMENTS FOR STREETS OR ROADS, SIDEWALKS, SEWER FACILITIES, UTILITIES AND DRAINAGE SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE CITY OF PALM BAY SUBDIVISION REGULATIONS. SUBDIVISION SIGNS SHALL BE IN ACCORDANCE WITH CHAPTER 178 OF THE LAND DEVELOPMENT REGULATIONS.
- WALLS AND FENCES SHALL MEET ALL THE REQUIREMENTS OF CHAPTER 170 OF THE LAND DEVELOPMENT REGULATIONS.
- PARKING SHALL MEET ALL THE REQUIREMENTS OF CHAPTER 185 OF THE LAND DEVELOPMENT REGULATIONS.
- LANDSCAPING SHALL MEET ALL THE REQUIREMENTS OF CHAPTER 180 OF THE LAND DEVELOPMENT REGULATIONS.

**MBV**  
ENGINEERING, INC.  
PDA BOWLES VILLAZAR & ASSOCIATES  
Civil • Structural • Surveying • Environmental  
1250 W. EAU GALIE BLVD, SUITE H  
MELBOURNE, FLORIDA 32935  
P: 321-253-1510  
F: 321-253-1511  
ALSO WITH OFFICES IN:  
VERO: 772-998-0035, FT PIERCE: 772-468-8005, PALM CITY: 772-468-9959

PUD OVERALL

Jupiter Bay

NOT FOR CONSTRUCTION  
PLAN SHEETS ARE PRELIMINARY AND FOR INFORMATION ONLY. PLANS SHOULD NOT BE USED AS A BASIS FOR BIDS.  
CONTRACTOR SHOULD ORDER THE OFFICIAL PLANS FROM THE ENGINEER OF RECORD TO ENSURE THAT ANY ACCORDING ARE PROPERLY DISTRIBUTED. PLANS ARE INVALID WITHOUT ENGINEER OF RECORDS SEAL AND SIGNATURE.

SHEET

C-1

20-1013

PRELIMINARY SET





## LAND DEVELOPMENT DIVISION

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

[Landdevelopmentweb@palmbayflorida.org](mailto:Landdevelopmentweb@palmbayflorida.org)

## PRELIMINARY 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 185.066](#))
- ☐ **PMU** - Parkway Mixed Use District (Preliminary Design Plan) ([Section 185.057](#))
- ☐ **PCRD** - Planned Community Redevelopment District ([Section 185.055](#))
- ☐ **RAC** - Regional Activity Center District (Preliminary Concept Plan) ([Section 185.056](#))

### PROPOSED DEVELOPMENT NAME:

Jupiter Bay

### PARCEL ID(S):

29-37-06-00-750, 29-37-06-00-751, 29-37-06-GK-K

### TAX ACCOUNT NUMBER(S):

2926316, 2926317, 2925050

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

Port Malabar Unit 10, Tract K, Pb 15 Pg 0010 also Lot 16 of Florida Indian River Land Company Subdivision per Pb 1 Pg 165.

CITY OF PALM BAY, FLORIDA  
PRELIMINARY DEVELOPMENT PLAN APPLICATION  
PAGE 2 OF 5

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

23.96

TOTAL LOTS PROPOSED (list by use):

176 Town Home Lots (20.91 acres) / 3 Commercial Lots (2.95 acres)

DEVELOPER Greg Sachs - Sachs Capital Group

Full Address 2132 Deep Water Lane, Suite 232, Naperville, IL 60564

Telephone 312-543-4440 Email gsachs@sachscapitalgroup.com

ENGINEER David Bassford P.E. - MBV Engineering, Inc.

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

Telephone 321-253-1510 Email davidb@mbveng.com

SURVEYOR Craig Wallace - Wallace Surveying Corp.

Full Address 5553 Village Blvd., West Palm Beach, FL 33407

Telephone 561-640-4551 Email

PRELIMINARY DEVELOPMENT PLAN CRITERIA FOR SUBMITTAL:

**Two (2) copies** of the following exhibits shall be attached to the Preliminary Development Plan application. The preliminary plan and supporting documentation **must also be provided on memory drive**.

- A) Vicinity map clearly outlining subject property and showing the relationship between the site and its surrounding area including adjacent streets and thoroughfares.
- B) Preliminary Development Plan that shall contain maps, drawings and narrative, as appropriate, providing the following information:
  - 1) A general plan for the use of all lands within the proposed development. Such plans shall indicate the general location of residential areas (including maximum density and unit types), open space, parks, passive or scenic areas, and nonresidential areas (including maximum building square footage or other intensity maximums).



CITY OF PALM BAY, FLORIDA  
PRELIMINARY DEVELOPMENT PLAN APPLICATION  
PAGE 3 OF 5

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

**Additional conditions must be met and incorporated into the site plan for the specific type of development requested (PUD, PMU, PCRD, RAC).** The additional criteria are listed in the Code of Ordinances and available from staff.

CITY OF PALM BAY, FLORIDA  
PRELIMINARY DEVELOPMENT PLAN APPLICATION  
PAGE 4 OF 5

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

- ☒ \*A \$1,000.00 application fee shall accompany the Preliminary Development Plan application for the purposes of administration. Make Check payable to "City of Palm Bay."
- ☒ Vicinity Map (see Item A).
- ☒ Preliminary Development Plan (see Item B).
- ☒ Vehicular and Pedestrian Circulation Plan (see Item C).
- ☒ Schematic Drawing (see Item D).
- ☒ Traffic Study (see Item E).
- ☒ Narrative (see Item F).
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☐ Citizen Participation Plan. 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** Bruce Moia or David Bassford - MBV Engineering, Inc.

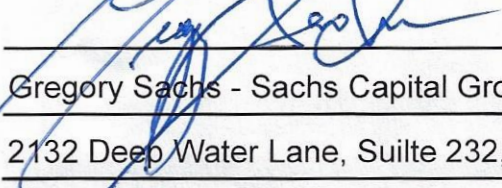
And Kim Rezanka of Lacey Lyon Rezanka Attorneys at Law



CITY OF PALM BAY, FLORIDA  
PRELIMINARY DEVELOPMENT PLAN APPLICATION  
PAGE 5 OF 5

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 PRELIMINARY DEVELOPMENT PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.


Owner Signature  Date 6-18-2021  
Printed Name Gregory Sachs - Sachs Capital Group  
Full Address 2132 Deep Water Lane, Suite 232, Naperville, IL 60564  
Telephone 312-543-4440 Email gsachs@sachscapitalgroup.com

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

**CITY OF PALM BAY, FLORIDA**  
**PRELIMINARY DEVELOPMENT PLAN APPLICATION**  
**PAGE 5 OF 5**

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 PRELIMINARY DEVELOPMENT PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.**

Owner Signature  Date 10/08/2021  
Printed Name Gerald Lakin - Identical Investments, LLC  
Full Address 2687 NW 84th Way, Cooper City, FL 33024  
Telephone 312-543-4440 Email geraldlakin@gmail.com

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



June 17, 2021

20 21

Re: Letter of Authorization

**As the property owner of the site legally described as:**

Port Malabar, Unit 10, Tract K, PB 15 Pg 10 also Lot 16 of FL Indian River Land Company  
Subdivision per Pb 1 Pg 165. Parcel ID's 29-37-06-00-750, 29-37-06-00-751, and  
29-37-06-GK-K.

I, Owner Name: Gregory Sachs - Sachs Capital Group, LB

Address: 2132 Deep Water Lane, Suite 232 Naperville, IL 60564

Telephone: 312-543-4440

Email: gsachs@achscapitalgroup.com

**hereby authorize:**

Representative: Bruce Moia and David Bassford, MBV Engineering Inc.

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

Telephone: 321-253-1510

Email: brucem@mbveng.com / davidb@mbveng.com

**to represent the request(s) for:**

Preliminary Development Plan and Comprehensive Plan Amendment

(Property Owner Signature)

STATE OF

Tn

COUNTY OF

Marshall

The foregoing instrument was acknowledged before me by means of ☒ physical  
presence or ☐ online notarization, this 18 day of June, 20 21 by

Gregory Sachs, property owner.

Jessie Spray (Notary)

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



June 17, 2021

**Re: Letter of Authorization**

**As the property owner of the site legally described as:**

Port Malabar, Unit 10, Tract K, PB 15 Pg 10 also Lot 16 of FL Indian River Land Company  
Sub.per Pb 1 Pg 165. Parcel ID's 29-37-06-00-750, 29-37-06-00-751, 29-37-06-GK-K

I, Owner Name: Gerald M Lakin - Identical Investments LLC

Address: 2687 NW 84th Way, Cooper City, FL 33024

Telephone: 312-543-4440

Email: gsachs@achscapitalgroup.com

**hereby authorize:**

Representative: Bruce Moia and David Bassford - MBV Engineering Inc.

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

Telephone: 321-253-1510

Email: brucem@mbveng.com, davidb@mbveng.com

**to represent the request(s) for:**

Preliminary Development Plan and Comprehensive Plan Amendment

Gerald Lakin

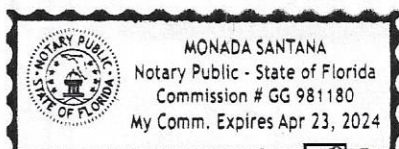
(Property Owner Signature)

STATE OF Florida

COUNTY OF Dade

The foregoing instrument was acknowledged before me by means of ☒ physical  
presence or ☐ online notarization, this 17 day of June, 20 21 by

Gerald Michael Lakin, property owner.



Monada Santana

msf

, Notary Public

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

Florida Driver license



June 17, 2021, 20 21

**Re: Letter of Authorization**

**As the property owner of the site legally described as:**

Port Malabar, Unit 10, Tract K, PB 15 Pg 10 also Lot 16 of FL Indian River Land Company Subdivision per Pb 1 Pg 165. Parcel ID's 29-37-06-00-750, 29-37-06-00-751, and 29-37-06-GK-K.

I, Owner Name: Gregory Sachs - Sachs Capital Group, LB

Address: 2132 Deep Water Lane, Suite 232 Naperville, IL 60564

Telephone: 312-543-4440

Email: gsachs@achscapitalgroup.com

**hereby authorize:**

Representative: Kim Rezanka of Lacey Lyon Rezanka Attorneys at Law

Address: 1290 Rockledge Blvd, Suite 201, Rockledge, FL 32955

Telephone: 321-608-0892

Email: krezanka@LLR.law

**to represent the request(s) for:**

Preliminary Development Plan and Comprehensive Plan Amendment

(Property Owner Signature)

STATE OF Tennessee

COUNTY OF Marshall

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 15 day of September, 20 21 by

Gregory Sachs, property owner.

My commission expires March 1, 2025

Jennifer Spray Notary Public

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

June 17, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Port Malabar, Unit 10, Tract K, PB 15 Pg 10 also Lot 16 of FL Indian River Land Company  
Sub.per Pb 1 Pg 165. Parcel ID's 29-37-06-00-750, 29-37-06-00-751, 29-37-06-GK-K

I, Owner Name: Gerald M Lakin - Identical Investments LLC

Address: 2687 NW 84th Way, Cooper City, FL 33024

Telephone: 312-543-4440

Email: gsachs@achscapitalgroup.com

hereby authorize:

Representative: Kim Rezanka of Lacey Lyon Rezanka Attorneys at Law

Address: 1290 Rockledge Blvd, Suite 201, Rockledge, FL 32955

Telephone: 321-608-0892

Email: krezanka@LLR.law

to represent the request(s) for:

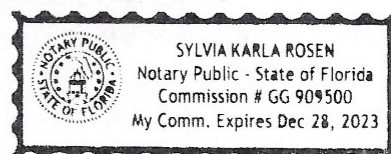
Preliminary Development Plan and Comprehensive Plan Amendment

*Gerald Lakin*

(Property Owner Signature)

STATE OF Florida

COUNTY OF Dade



The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 15 day of SEPT, 2021 by GERALD MICHAEL LAKIN, property owner.

*Sylvia Karla Rosen*

Sylvia Karla Rosen, Notary Public

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

FLDL: L250-293-65-026-0



# **CASES**

**CP-13-2021 & PD-48-2021**

**CORRESPONDENCE**

## Chandra Powell

---

**From:** Angela Burak  
**Sent:** Friday, October 8, 2021 2:46 PM  
**To:** Patrick Murphy; Chandra Powell; Christopher Balter  
**Cc:** Kenny Johnson; Suzanne Sherman; Rosemarie Saavedra  
**Subject:** RE: AGAINST 176 residential town homes at 3255 Jupiter Blvd(Go Daddys Golf Course)

Passing along to Growth/Land Dev as well.



**From:** Kenny Johnson <Kenny.Johnson@palmbayflorida.org>  
**Sent:** Friday, October 8, 2021 2:38 PM  
**To:** Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Angela Burak <Angela.Burak@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>  
**Subject:** Fwd: AGAINST 176 residential town homes at 3255 Jupiter Blvd(Go Daddys Golf Course)

Sincerely,  
Kenny Johnson  
Palm Bay City Councilman Seat 4  
321-474-0183

---

**From:** [asik@roadrunner.com](mailto:asik@roadrunner.com) <[asik@roadrunner.com](mailto:asik@roadrunner.com)>  
**Sent:** Friday, October 8, 2021 2:36 PM  
**To:** City Council  
**Cc:** 'asik@roadrunner.com'  
**Subject:** AGAINST 176 residential town homes at 3255 Jupiter Blvd(Go Daddys Golf Course)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

TO: Palm Bay City Council  
From  
Raymond Asik Trustee/owner of property 473 Ellington SE, Palm Bay  
Address  
4112 Ford Lane  
Vermilion, OH 44089  
PH: 440-967-7761



CE: 440-759-9628

I am totally against the proposed 176 residential Planned Unit Development on property normally for zoned for about 35 housing units.

Amending zoning laws, rezoning this property then jamming 176 units into a normally residential property at 3255 Jupiter BLVD., 24 acres will drastically lower the the property values of the adjoining property of which one is mine. Having over 5 times the houses, 5 times the traffic, excess sewer and drain water issues is unacceptable.

There has to be much better uses for this property which adds to the neighborhood and increases property values should be the goals of Palm Bay City Council. Do the right thing for the neighborhood. Palm Bay residents and reject the plan by MBV Engineering.

There is an informational meeting on October 12, 6p at Franklin T. DeGroodt Public Library, 6475 Minton Road. Palm Bay run by Bruce Moia President, email is [brucem@mbveng.com](mailto:brucem@mbveng.com)

Thank you,  
Raymond (Ray) Asik

**Raymond J. Asik  
4112 Ford Lane  
Vermilion, OH 44089**

**Oct 25, 2021  
PH: 440-967-77613**

**Subject: Palm Bay Planning and Zoning Board  
Cases: CP-13-2021 and PD-48-2021**

**I am a property owner greatly impacted by the proposed Preliminary Development plan to allow rezoning of Tax Parcels 750 and 751.**

**The address for my property is  
473 Ellington Ave SE Palm Bay, 32909  
Property ID: 29 3705-GK-397-12**

**I am totally against the Cases CP-13-2021 and PD-48-2021 to rezone Tax Parcels 750 and 751 for multiple family residential use and commercial use. Allowing single family residential use is fine with me not the 179 units that is proposed.**

**Doing a major rezoning of these residential properties to mixed use will cause water drainage, extra traffic and safety issues. Placing all of these units next to schools may also cause lots of safety issues for the schools. Extra heavy traffic is not appropriate for a strictly residential area. 50 or so houses can be built without any changes to the zoning laws.**

**To me the Palm Bay Planning, Zoning and City Council have more responsibility to all adjoining and future property owners than allowing this proposal to move forward. Single Family Residential use is what Tax Parcels 750 and 751 is and should continue to be allowed. I hope Palm Bay planners and City will realize approving these proposed major zoning changes is a big negative on the local community.**

**As I stated I AM TOTALLY against this proposal. I cannot attend the meeting but hope my one voice will be heard. I can be contacted at the above address / phone or at my email; [asik@roadrunner.com](mailto:asik@roadrunner.com)**

**Thank You,**

**Ray Asik**

**PLEASE KEEP ME INFORMED OF THESE CASES.**





## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Patrick Murphy, Acting Growth Management Director

**DATE:** November 15, 2021

**SUBJECT:** CP-17-2021 - The Landings at Bayside - John G. Noonan, Bishop, Signatory Diocese of Orlando (David Bassford, MBV Engineering, Inc. and Chip Bryan, Condev Properties, LLC, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Multiple Family Residential Use. Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21.00 acres. Southwest corner of Cogan Drive SE and Osmosis Drive SE

### ATTACHMENTS:

#### Description

- ▣ Case CP-17-2021 - Staff Report
- ▣ Case CP-17-2021 - Plat
- ▣ Case CP-17-2021 - Boundary Survey
- ▣ Case CP-17-2021 - Application





# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmabayflorida.org](mailto:landdevelopmentweb@palmabayflorida.org)

### Prepared by

Patrick J. Murphy, Acting Growth Management Director

---

#### CASE NUMBER

CP-17-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 15, 2021

---

#### PROPERTY OWNER & APPLICANT

Diocese of Orlando (Bishop John G. Noonan) Represented by Chip Bryan, VP of Condev Properties, LLC. and David Bassford, P.E. of MBV Engineering

#### PROPERTY LOCATION/ADDRESS

The property is in the southern portion of Bayside Lakes, at the intersection of Cogan Drive SE and Osmosis Drive SE. Specifically, the property is Tract I-1, of the Bayside Lakes Commercial Center Phase 4

---

#### SUMMARY OF REQUEST

The applicant is requesting a small-scale Comprehensive Plan Future Land Use (FLU) Map amendment to change 21 acres of land from Single Family Residential to Multiple Family Residential Use.

##### Existing Zoning

PUD, Planned Unit Development

##### Existing Land Use

Single Family Residential Use

##### Site Improvements

Undeveloped Land

##### Site Acreage

21 acres

---

#### SURROUNDING ZONING & USE OF LAND

##### North

PUD, Planned Unit Development; Osmosis Drive SE

##### East

PUD, Planned Unit Development; Cogan Drive SE

##### South

PUD, Planned Unit Development; Amberwood at Bayside Lakes [single-family homes]

##### West

GU, General Use; Palm Bay Water Treatment Facility

---

**BACKGROUND:**

The property is in the southern portion of Bayside Lakes, at the intersection of Cogan Drive SE and Osmosis Drive SE. Specifically, the property is Tract I-1, of the Bayside Lakes Commercial Center Phase 4, located in, Section 30, Township 29 south, and Range 37 east, Brevard County, FL. The subject property is 21 acres of undeveloped land.

The property is part of a subdivision that was recorded in 2006 (PB 54, Page 48) and was intended as a potential church and/or school site for the Diocese of Orlando. However, the Diocese has determined the property as surplus and is in the process of conveying said land.

The applicant is currently to amend the future land use map to change the entire 21 acres of land from Single Family Residential Use to Multiple Family Residential Use. The purpose of this request is to allow for the construction of a mixed housing development consisting of townhomes and single-family homes. The Preliminary Development Plan will be discussed in the companion zoning request identified as Case No. PD-50-2021.

The applicant for this request is Bishop John G. Noonan, from the Diocese of Orlando. He is being represented by Chip Bryan, Vice President of Condev Properties, LLC. and David Bassford, P.E. of MBV Engineering, Inc.

**ANALYSIS:**

Per Chapter 183: Comprehensive Plan Regulations; Section 183.01(B), the purpose and intent of the Comprehensive Plan is to encourage the most appropriate use of land and resources to promote the health, safety, and welfare of the community.

**1. FUTURE LAND USE ELEMENT**

The Future Land Use (FLU) Element, of the Comprehensive Plan, provides both a policy guide to govern future land use decisions and a map detailing the location of future land uses throughout the City of Palm Bay.

The primary goal of the FLU Element is Goal FLU-1: *“Ensure a high quality, diversified living environment through the efficient distribution of compatible land uses.”*

Another critical goal within the FLU Element is Goal FLU-2: *“Provide for and maintain viable neighborhoods and residential development to meet the existing and future needs of the residents of Palm Bay.”*

The existing Single-Family Residential Use category allows for a maximum residential density of 5 units per acre. Typical uses permitted include single-family homes, accessory dwelling units, recreational uses, and institutional uses such as school, churches, and utilities.

The proposed Multiple-Family Residential Use category allows for a maximum residential density of twenty (20) units per acre. Typical uses permitted include single-family homes, duplexes, multiple family units, congregate living units, recreational uses, and institutional uses such as school, churches, and utilities. Therefore, the major difference between the two categories is the type of housing (SF to MFR), the allowed density of residential uses (5 to 20 UPA), and the possible use of said lands for an assisted living facility.

The Bayside Lakes Community has been constructed over the past 20 years as a Planned Unit Development, to incorporate multiple types of uses, in the hope of creating a vibrant and self-sustaining area. The community consists of several single-family and multiple-family residential developments of various size and densities. At its core, and along its major roadways, are commercial and institutional uses needed to serve the residents within the community, and beyond.

The proposed FLU amendment is being requested to develop a project that will include both single-family and multiple family uses. The property is located between an existing single-family neighborhood and a water treatment facility owned by the City of Palm Bay. This request appears consistent with the above-stated goals of the FLU Element by continuing the existing development pattern within the Bayside Lakes community.

## 2. COASTAL MANAGEMENT ELEMENT

The subject property is not located within the Coastal High Hazard Area.

## 3. CONSERVATION ELEMENT

The environmental character of the City is maintained through conservation, appropriate use, and protection of natural resources. The parcel is not located within any of the Florida scrub jay polygons identified on the City's Habitat Conservation Plan (HCP). No listed species are known to inhabit the property. However, if any listed species are discovered on the property they would need to be mitigated for, as required by State and Federal regulations, and per Comprehensive Plan Policy CON-1.7B. This will be vetted in the future via the administrative subdivision review process.

## 4. HOUSING ELEMENT

The primary goal of the Housing Element is HSG-1: *"Provide for sufficient supply and variety of safe, decent, attractive, and affordable housing, at locations which provide for convenient access to municipal facilities and services."* The proposed FLU amendment does not adversely impact the supply and variety of housing within the City. In fact, the request will further the goal of the Housing Element.



## 5. INFRASTRUCTURE ELEMENT

The City evaluates present and future water, sewer, drainage, and solid waste, and assesses the ability of infrastructure needed to support development.

**Utilities:** The FLU amendment will not cause level of service (LOS) to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. Upon development of the site, the applicant/owner shall design, permit, install, inspect, and test water and sewer systems of adequate size to accommodate the future project.

**Drainage:** Any development of the site shall meet all criteria of the City's Stormwater Management Ordinance (Chapter 174) and all criteria of Rule 62-330 of the Florida Administrative Code. Compliance with these provisions will be reviewed and enforced during the administrative subdivision plan review process.

**Solid Waste:** Solid waste collection is provided to the area by Republic Services, Inc. Sufficient capacity exists within the Brevard County landfills to service the property.

## 6. INTERGOVERNMENTAL COORDINATION ELEMENT

**Public Schools:** Due to the requested change to Multiple Family Residential Use, which would allow for an increase in residential units, a further demand may be placed upon the school system. Therefore, a school capacity determination was applied for and obtained. Included in the project file for this amendment is the letter (CD-2021-27) from the Brevard County School Board indicating there is sufficient capacity in the adjacent school concurrency service areas.

## 7. RECREATION AND OPEN SPACE ELEMENT

The Recreation and Open Space Element addresses the current and future recreational needs of the City. The MFR FLU category does not have more of a demand upon the parks & recreational LOS than the existing SFR FLU category. Regardless, the City maintains public ownership of park-designated lands that far exceed the minimum threshold adopted in the Comprehensive Plan of 2 acres per 1,000 residents.

## 8. TRANSPORTATION ELEMENT

The objectives of the Transportation Element are to provide a safe, balanced, efficient transportation system that maintains roadway LOS and adequately serves the needs of the community. Direct access to the property will be from Pilgrim Lane, which is only a short distance (420') from Eldron Boulevard. Since Eldron is the main distributor of traffic to and from the site, this roadway has been examined.

Cogan Drive is classified as a Collector Roadway on the City's Comprehensive Plan, and the adjacent segment of Osmosis Drive is classified as Local Street. Once Osmosis is extended to De Groodt Road, it will also be classified as a Collector Roadway. Future development that would exceed the AM/PM peak hour 100-trip threshold would require a traffic study.

#### 9. PROPERTY RIGHTS ELEMENT

The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights.

This proposed land use change does not appear to infringe upon the property rights of the applicant.

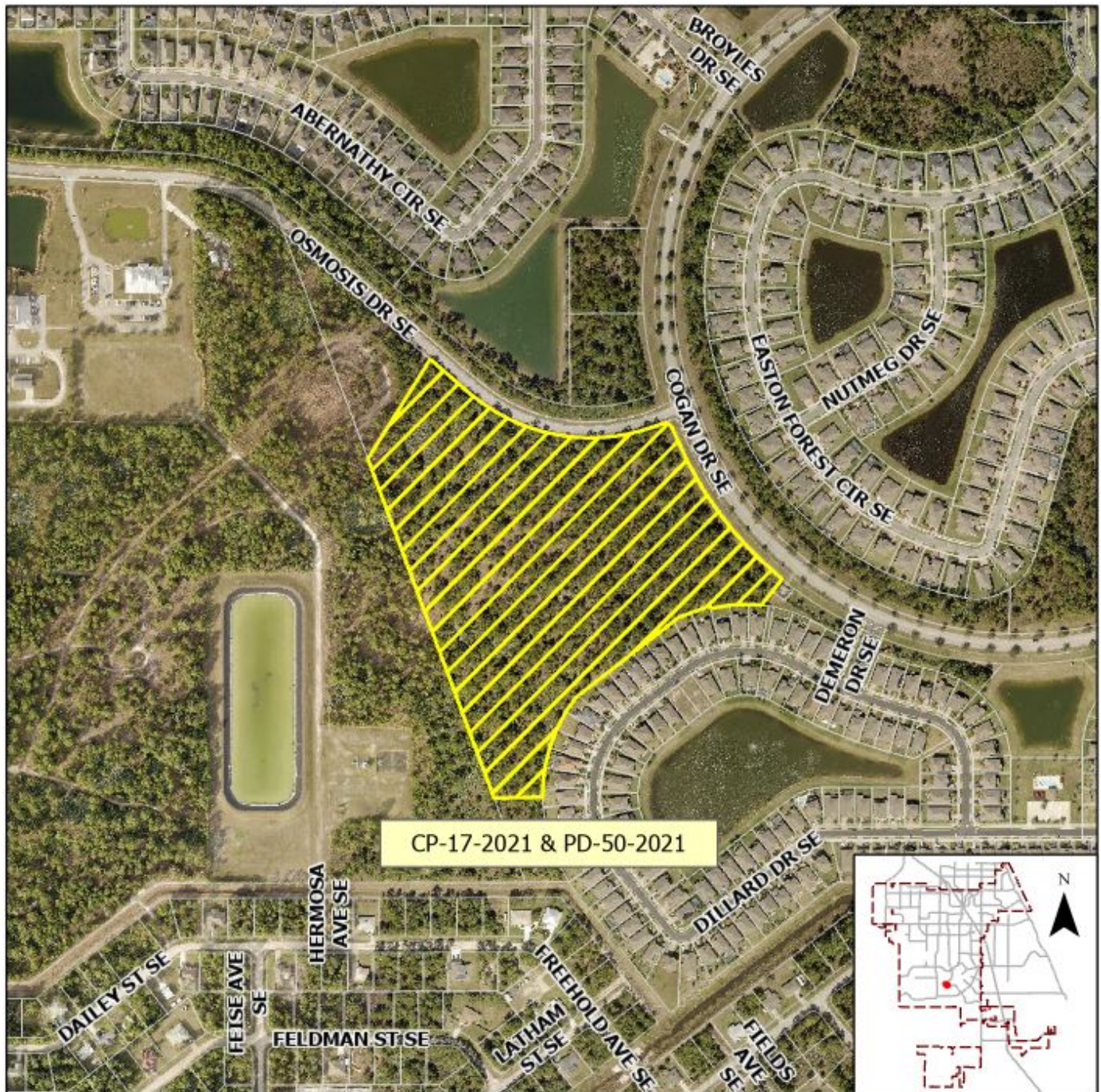
#### **STAFF RECOMMENDATION:**

Staff recommends approval of Case CP-17-2021, subject to the following conditions:

- At the time of development plan submittal, the property owner shall submit a traffic impact analysis and Phase One Environmental Study.
- The applicant/owner, at their expense, will be required to design, permit, install, inspect, and test water systems of adequate size to accommodate the development and to connect to the City's water and sewer system.
- For the purposes of compatibility and consistency with the Bayside Lakes Community, the land shall have a maximum density of ten (10) units per acre.



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



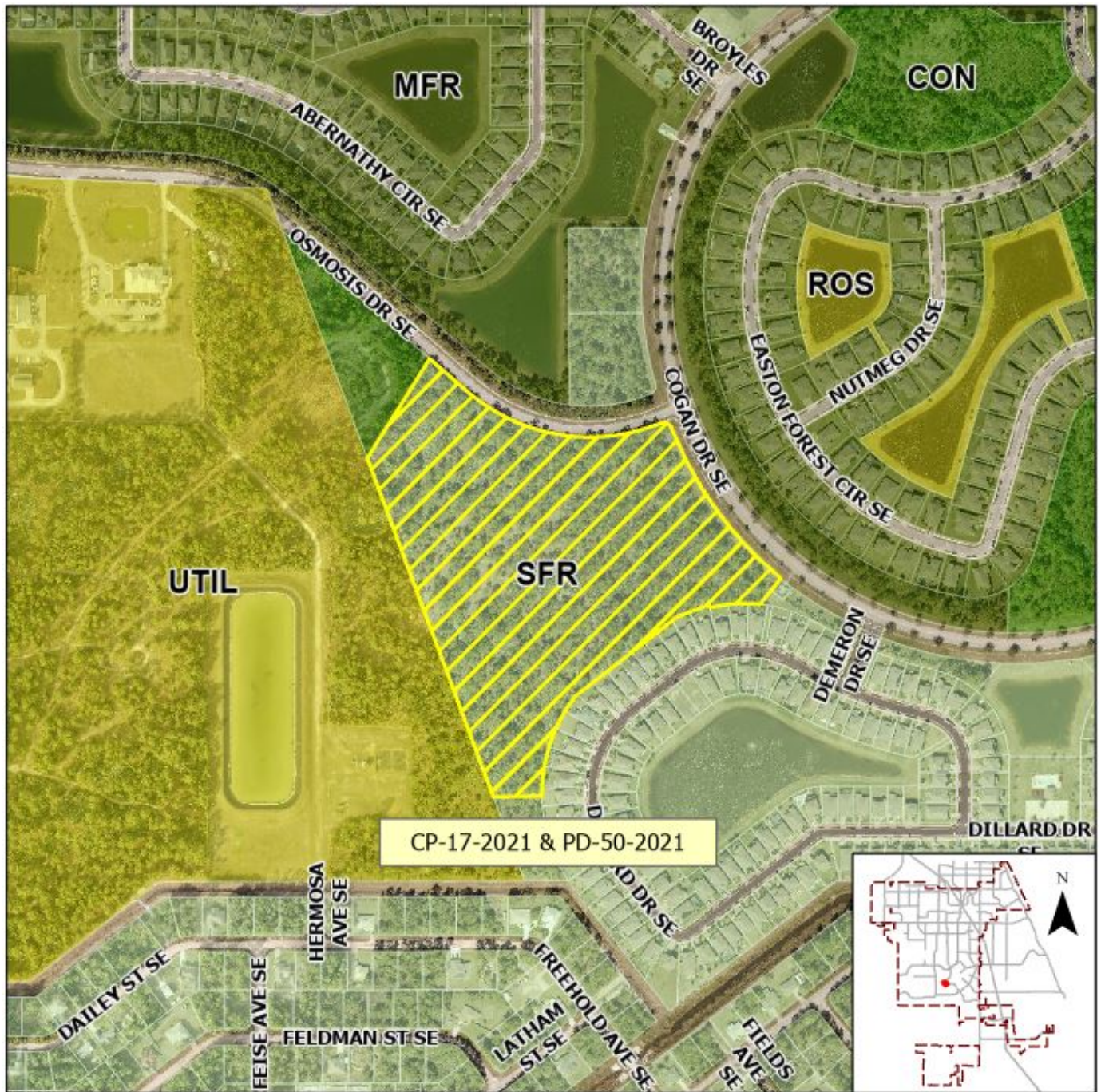
## **AERIAL LOCATION MAP CASE: CP-17-2021 & PD-50-2021**

### **Subject Property**

Southwest corner of Cogan Drive SE and Osmosis Drive 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: CP-17-2021 & PD-50-2021**

### **Subject Property**

Southwest corner of Cogan Drive SE and Osmosis Drive SE

### **Future Land Use Classification**

SFR – Single Family Residential Use



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



## ZONING MAP

## CASE: CP-17-2021 & PD-50-2021

### Subject Property

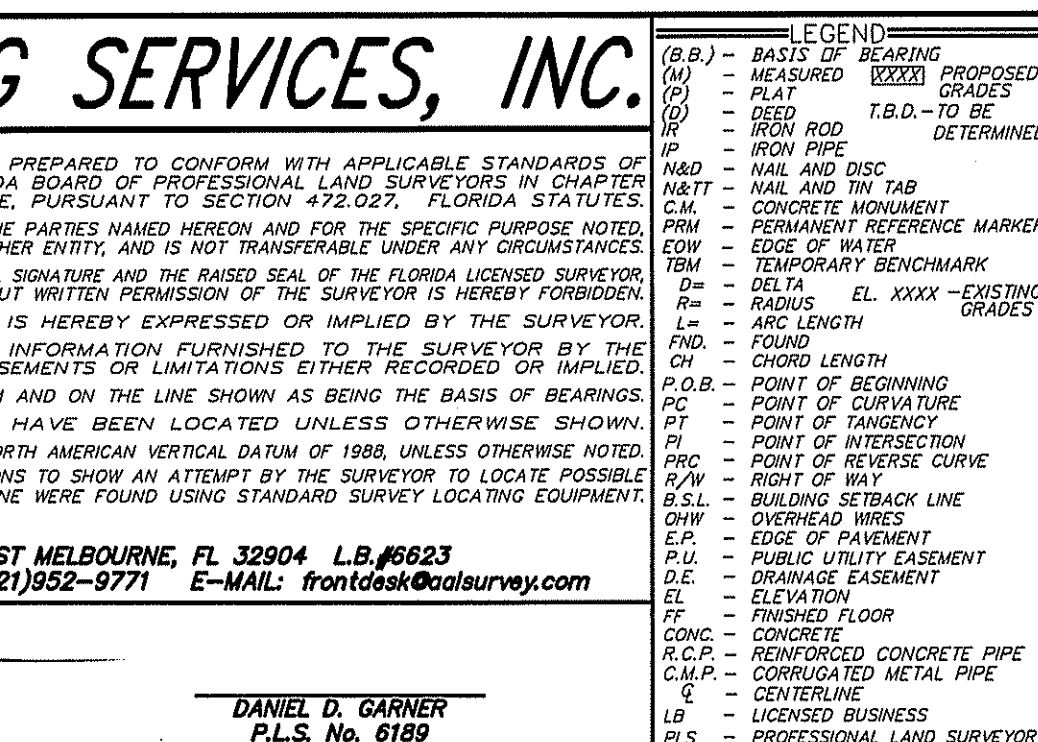
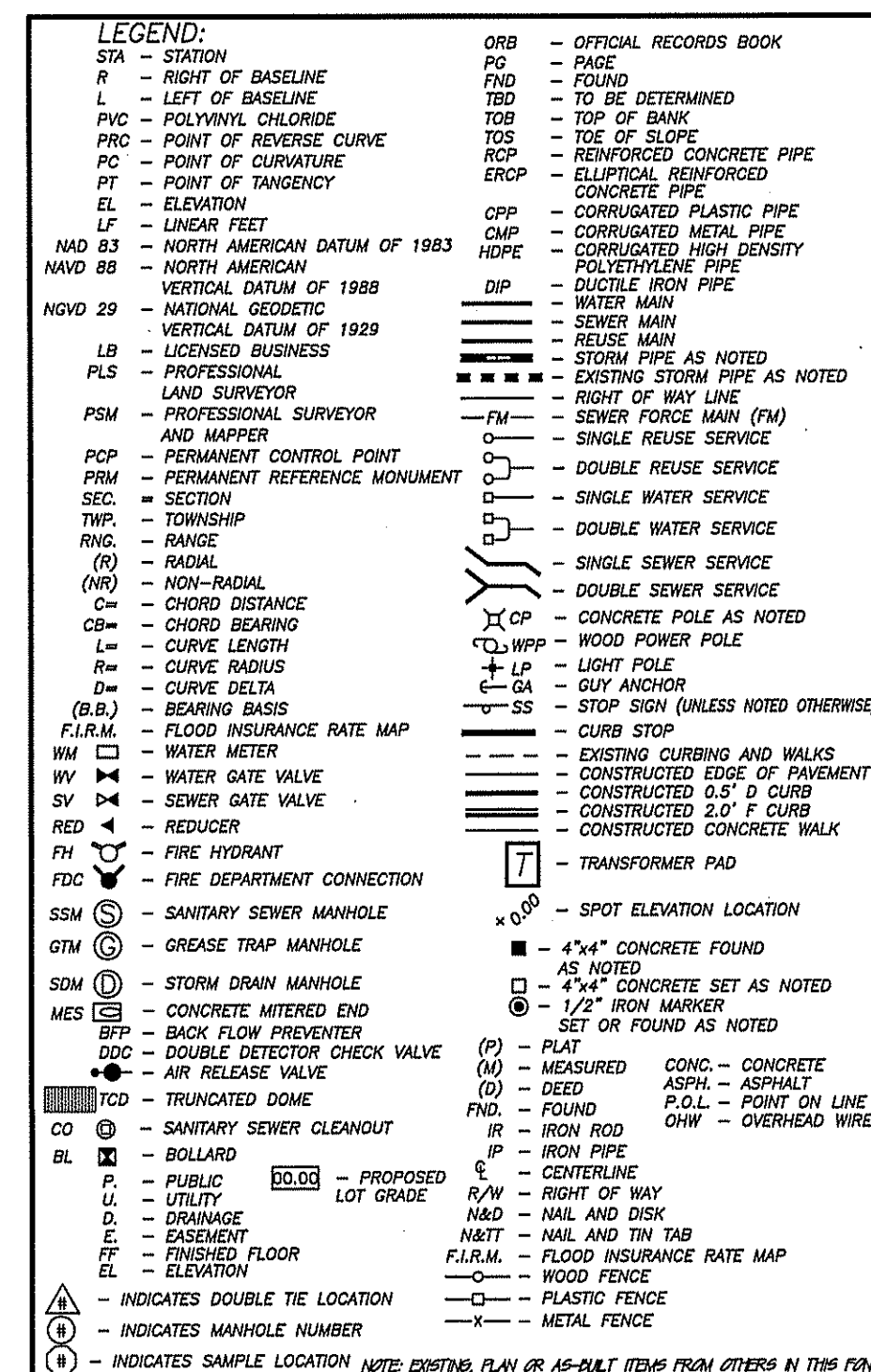
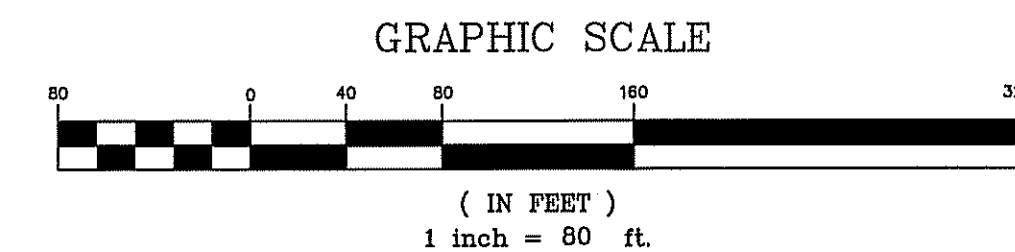
Southwest corner of Cogan Drive SE and Osmosis Drive SE

### Current Zoning Classification

PUD – Planned Unit Development







SURVEY PREPARED FOR:  
CONDEV BAYSIDE LANDINGS, LLC

**DESCRIPTION:**

TRACT 1-1, BAYSIDE LAKES COMMERCIAL CENTER, PHASE 4, ACCORDING TO THE PLAT THEREOF AS  
RECORDED IN PLAT BOOK 54, PAGE 48, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CONTAINING 21.00 ACRES MORE OR LESS.

SEE SHEETS 2 AND 3 FOR  
TOPOGRAPHICS, DETAILS AND TREES.  
NOT VALID WITHOUT SHEETS 1-3

**SHEET 1 OF 3**

***AAL LAND SURVEYING SERVICES, INC.***

ACCORDING TO F.I.R.M. #12009C 0670 G  
DATED MARCH 17, 2014, THIS PROPERTY  
IS LOCATED WITHIN FLOOD ZONE X.  
(NAD 83)

BOUNDARY SURVEY



SCALE: 1" = 80'

NCRT

REVISION: \_\_\_\_\_

REVISION: \_\_\_\_\_  
REVISION: \_\_\_\_\_

REVISION: \_\_\_\_\_  
REVISION: \_\_\_\_\_

REVISION: \_\_\_\_\_

FIELD DATE: 7-28-21

SECTION 30,  
TOWNSHIP 29 SOUTH.

RANGE 37 EAST

PROJECT #45025

GENERAL NOTES:

1. THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AND SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

2. THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.

3. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE BASED SEAL OF THE FLORIDA LICENSED SURVEYOR AND REPRODUCTION OR DRAWING WITHOUT WRITTEN PERMISSION OF THE FLORIDA LICENSED SURVEYOR.

4. NO OWNERSHIP OR TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.

5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR UNRECORDED.

6. ALL ELEVATIONS ARE ASSUMED TO BE MEASUREMENTS SHOWN AS BEARING FROM THE BEARING.

7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.

8. ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.

9. "NO WELLS" AND "NO SEPTICS" ARE DEFINITIONS TO SHOW AN ATTEMPT BY THE SURVEYOR TO LOCATE POSSIBLE EXISTING WELLS AND SEPTICS, HOWEVER NONE WERE FOUND USING STANDARD SURVEY LOCATING EQUIPMENT.

3970 MISSION ROAD, WEST MELBOURNE, FL 32904 L.S.#66023  
PHONE: 321/768-8110 FAX: 321/952-8771 E-MAIL: frantoeska@aol.com

ANDREW W. POWISCH  
P.L.S. # 53037

DANIEL D. GARNER  
P.L.S. # 6189



**LAND DEVELOPMENT DIVISION**

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

[Landdevelopmentweb@palmbayflorida.org](mailto:Landdevelopmentweb@palmbayflorida.org)

**COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT  
APPLICATION**

This application must be deemed complete and legible, and the original application with original signature(s) 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):**

29-37-30-01-I1

**TAX ACCOUNT NUMBER(S):**

2963453

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

Bayside Lakes Commercial Center Phase 4, Tract I-1 (Institutional)

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

21 acres

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.):

Public / Semi Public

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

Multi Family Residential

PRESENT USE OF PROPERTY:

Vacant

STRUCTURES LOCATED ON THE PROPERTY: 0

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: No

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

Existing FLU of Public / Semi Public will not allow the development of a SFR subdivision

SPECIFIC USE INTENDED FOR PROPERTY:

35 SFR Lots and 88 Townhomes (Total of 123 Units)

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** Chip Bryan, Condev Inc. and David Bassford, MBV Eng., Inc.

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 *John G. Noonan* <sup>*Chancellor/COO*</sup> Date *9/14/2021*

Printed Name John G. Noonan, Bishop - Signatory Diocese of Orlando

Full Address 50 E. Robinson Street, Orlando, FL 32801

Telephone 407-679-1748 Email jnoonan@orlandodiocese.org

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

October 7, 2021

**Re: Letter of Authorization**

**As the property owner of the site legally described as:**

Parcel ID 29-37-30-01-I1 - Bayside Lakes Commercial Center, Phase 4, Tract I-1  
(Institutional)

I, Owner Name: John G Noonan, Bishop - Signatory for Diocese of Orlando

Address: 50 E. Robinson Street, Orlando, FL 32801

Telephone: 407-679-1748

Email: jnoonan@orlandodiocese.org

**hereby authorize:**

Representative: Chip Bryan - VP, Condev Properties LLC

Address: 921 N. Peninsula Avenue, Winter Park, FL 21789

Telephone: 407-679-1748

Email: chipb@condevfl.com

**to represent the request(s) for:**

Comprehensive Plan Amendment / Preliminary Development Plan

(Property Owner Signature)

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 8 day of October, 2021 by

John Noonan, property owner.

Notary Public

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



October 7, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID 29-37-30-01-11 - Bayside Lakes Commercial Center, Phase 4, Tract I-1  
(Institutional)

I, Owner Name: John G Noonan, Bishop - Signatory for Diocese of Orlando

Address: 50 E. Robinson Street, Orlando, FL 32801

Telephone: 407-679-1748

Email: jnoonan@orlandodiocese.org

hereby authorize:

Representative: David Bassford, P.E., MBV Engineering, Inc.

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

Telephone: 321-253-1510

Email: davidb@mbveng.com

to represent the request(s) for:

Comprehensive Plan Amendment / Preliminary Development Plan

(Property Owner Signature)

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☒ physical  
presence or ☐ online notarization, this 8 day of October, 20 21 by

John Noonan

, property owner.

, Notary Public

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







## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Patrick Murphy, Acting Growth Management Director

**DATE:** November 15, 2021

**SUBJECT:** \*\*PD-50-2021 - The Landings at Bayside - John G. Noonan, Bishop, Signatory Diocese of Orlando (David Bassford, MBV Engineering, Inc. and Chip Bryan, Condev Properties, LLC, Reps.) - Preliminary Development Plan to allow a proposed PUD for a 123-unit residential development called The Landings at Bayside. Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21.00 acres. Southwest corner of Cogan Drive SE and Osmosis Drive SE

♣Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ☐ Case PD-50-2021 - Staff Report
- ☐ Case PD-50-2021 - Preliminary Development Plan
- ☐ Case PD-50-2021 - Narrative
- ☐ Case PD-50-2021 - Application



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Patrick J. Murphy, Acting Growth Management Director

---

#### CASE NUMBER

PD-50-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 15, 2021

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#### PROPERTY OWNER & APPLICANT

Diocese of Orlando (Bishop John G. Noonan) Represented by Chip Bryan, VP of Condev Properties, LLC. and David Bassford, P.E. of MBV Engineering

#### PROPERTY LOCATION/ADDRESS

The property is in the southern portion of Bayside Lakes, at the intersection of Cogan Drive SE and Osmosis Drive SE. Specifically, the property is Tract I-1, of the Bayside Lakes Commercial Center Phase 4

---

#### SUMMARY OF REQUEST

Preliminary Development Plan (PDP) approval for a 123-unit mixed residential subdivision to be called **The Landings at Bayside PUD**.

##### Existing Zoning

PUD, Planned Unit Development

##### Existing Land Use

Single Family Residential Use

##### Site Improvements

Undeveloped Land

##### Site Acreage

21 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

PUD, Planned Unit Development; Osmosis Drive SE

##### East

PUD, Planned Unit Development; Cogan Drive SE

##### South

PUD, Planned Unit Development; Amberwood at Bayside Lakes [single-family homes]

##### West

GU, General Use; Palm Bay Water Treatment Facility

---

#### COMPREHENSIVE PLAN

##### COMPATIBILITY

Yes, subject to approval of Case No. CP-17-2021

**BACKGROUND:**

The property is in the southern portion of Bayside Lakes, at the intersection of Cogan Drive SE and Osmosis Drive SE. Specifically, the property is Tract I-1, of the Bayside Lakes Commercial Center Phase 4, located in, Section 30, Township 29 south, and Range 37 east, Brevard County, FL. The subject property is 21 acres of undeveloped land.

The property is part of a subdivision that was recorded in 2006 (PB 54, Page 48) and was intended as a potential church and/or school site for the Diocese of Orlando. However, the Diocese has determined the property as surplus and is in the process of conveying said land.

The applicant is currently seeking Preliminary Development Plan (PDP) approval. The purpose of this request is to allow for the development of a single-family and multiple-family residential subdivision to be called The Landings at Bayside. This project includes an overall density of 5.86 units per acre. The applicant for this request is Bishop John G. Noonan, from the Diocese of Orlando. He is being represented by Chip Bryan, Vice President of Condev Properties, LLC. and David Bassford, P.E. of MBV Engineering, Inc.

**ANALYSIS:**

The planned unit development (PUD) is a concept which encourages variation in residential developments by allowing deviation in lot size, type of dwellings, density, lot coverage, setbacks, and open space, from those elements required in any singular zoning classification. The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as commercial uses designed to serve the inhabitants of the proposed community.

Specifically, the development plan (PUD-1) proposes 123 units to be named "The Landings PUD". This total unit count is comprised of 88 townhome units and 35 single-family homes. There are no commercial uses included in this project. According to the exhibit, the single-family homes will be constructed along the eastern portion of the site, adjacent to the existing Amberwood neighborhood. The lot sizes are identical to those in Amberwood (50' x 120').

The townhome buildings/units will be constructed within the center and western portions of the site. Although minimum home sizes have not been provided, they will be required to meet the minimum established in the PUD zoning district (800 square feet of living area).

Interconnected dry retention and wet detention ponds located in the middle of the parcel will serve as the stormwater treatment system for this project. Engineered stormwater designs will be required for the Final Development Plan submittal and a legal positive outfall shall be established. Prior to commencement of construction, the design shall be approved by both the City's Public Works Department and the St. Johns River Water Management District.



The internal road network must be designed to meet city standards, which includes a minimum 50' wide right-of-way (ROW), with closed drainage, for all roadways. Unless formally requested for city acceptance, the roads shall be maintained by the Homeowner's Association. A traffic study is not required, as the proposed development would not necessitate such a study. However, the developer shall provide an access management plan that examines the driveway configurations and identifies any necessary roadway improvements.

City water & sewer are located within the adjacent road rights-of-way and shall be extended to all residential units. Identification of the sewer mains and water distribution lines, and their extensions into the project's internal roadway, shall be provided at the time of FDP submittal. A Utility Agreement shall be executed prior to construction plan approval.

Section 185.065 of the City's Code of Ordinances requires a Planned Unit Development to permanently set aside and designate on the site plan recreational and/or open space for use by residents of the PUD, equaling 25% of the project site acreage. At 21 acres, this minimum set aside shall be 5.25 acres. Such useable space shall in the form of active or passive recreation areas. Common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complimentary structures for the benefit and enjoyment of the residents of the PUD.

The Preliminary Development Plan (PUD-1) provides a breakdown stating that the minimum set aside has been met via recreation the tracts and the upland areas within the stormwater tracts. As part of the FDP submittal the specific use of any recreational area shall be identified. Additionally, all internal roadways shall be provided with a sidewalk, on both sides of the road, with connections to off-site sidewalks. Entrance lighting shall also be provided.

The City's Subdivision Code (Section 184.24) requires the Applicant to make a concerted effort to preserve as many of these trees as possible. During the subdivision plan review process a tree survey identifying all specimen trees shall be provided to determine the exact location and type, for possible preservation. All other standards of the subdivision code, including road materials, sidewalks, utility construction, and similar items, shall be met.

#### **CONDITIONS:**

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

- A preliminary subdivision plat and Opinion of Title,
- Declaration of Covenants & Restrictions establishing development standards,
- Construction drawings,

- A Concurrency Determination letter from the School Board of Brevard County,
- Submission of an Endangered Species Assessment,
- Identification of lighting within the neighborhood, and
- Compliance with the conditions of CP-17-2021.

Lastly, technical staff review comments are attached to this report and shall be incorporated.

**STAFF RECOMMENDATION:**

Case PD-50-2021 is recommended for approval, subject to the staff comments.

## TECHNICAL COMMENTS

### CASE PD-50-2021 – THE LANDINGS AT BAYSIDE PUD

#### **PUBILC WORKS (Mehul Parekh, PE, Public Works Director):**

Driveway and R-of-Way Utilities:

1. Sidewalk from off site to on site; both sides of streets.
2. PU&DE along rear of residential properties adjacent to existing residential
3. Pre-condition Vs post conditions drainage outfall.

Survey:

Boundary

1. Please revise adjacent Plat Book and Page (Amberwood) as PB 57, Pages 21 - 22.
2. Please revise Plat curve information along Cogan Drive to match plat information. Existing labeling varies from plat.
3. Please revise Plat curve information along Lots 19 - 21, Amberwood subdivision. Existing labeling varies from plat.
4. Please provide site benchmarks based on City of Palm Bay vertical datum.
5. All roads shown on future plat to be private.

Engineering:

Please meet the requirements of the City's Ordinance Ch 174.071. If this Ordinance is satisfied then a presumption can be made that the City of Palm Bay's Stormwater management Ordinances are met as well as Florida Statute Ch 373; Florida Administrative Code Ch 62-330.

An environmental assessment shall be provided to identify endangered species, wetland and wetland communities that may not be identified.

All roadways, including private roadways shall meet the minimum standards required by the City of Palm Bay's Code of Ordinances and Public Works Manual.

Results of the report shall be provided to the City and all agencies having jurisdiction, including the FFWC, and SJRWMD as a part of a permit determination or ERP permit application.

A traffic impact study shall not be required as the AM /PM peak hour 100 trip threshold has not been met.



Right in, right out only would be required at the Cogan Dr. intersection.

A signal warrant may be required as the City has plans to extend Osmosis Dr. to DeGroodt which would significantly impact traffic volume.

**UTILITIES (Christopher Little, PE, 6Utilities Director):**

The Utilities Department has no objection to the proposed 35 single-family and 78 multi-family residential units PUD.

Upon development of the site, the following shall apply for connection to the City's water and sewer utilities system:

1. The applicant/owner, at their expense, will be required to design, permit, install, inspect and test water & sewer systems of adequate size to accommodate the development and to connect to the City's water & sewer system. [§ 200.11(D)(1) - On-Site Facilities].
2. The applicant/owner may be required to extend and/or loop service from the existing water and sewer connection points [§ 200.11(D)(2) -Off-Site Facilities].
3. The applicant/owner will be responsible for the property's hydraulic share for the utilities. Oversizing of utilities at the request of the Utilities Department will be subject to a refunding agreement or refundable advance [§ 200.1(D) & (E)]. The City of Palm Bay's 2017 Wastewater Master Plan & 2017 Water Master Plan, both of which are available upon request, identify proposed mainline extensions with the City's current pipe sizing requirements.
4. A City of Palm Bay "Utility Agreement" shall be executed between the Property Owner and the City. All Utility impact/connection charges noted in the "Utility Agreement" must be paid as outlined in the terms and conditions of the Utility Agreement. All fees are subject to change annually on October 1. The Property Owner shall submit a certified copy of the property deed as verification of ownership as part of the Utility Agreement.
5. All utility construction, materials, and testing shall be in accordance with the latest revision of the Palm Bay Utility Department Policies, Procedures and Standards Handbook and the Standard Detail Drawings. Prior to any construction, all required FDEP Permit applications for the Water and Sanitary Sewer Construction shall be processed through and copied of the Permits filled with the Utilities Department.

**BUILDING-FIRE (Michael Bloom, CFPS, Fire Plans Examiner):**

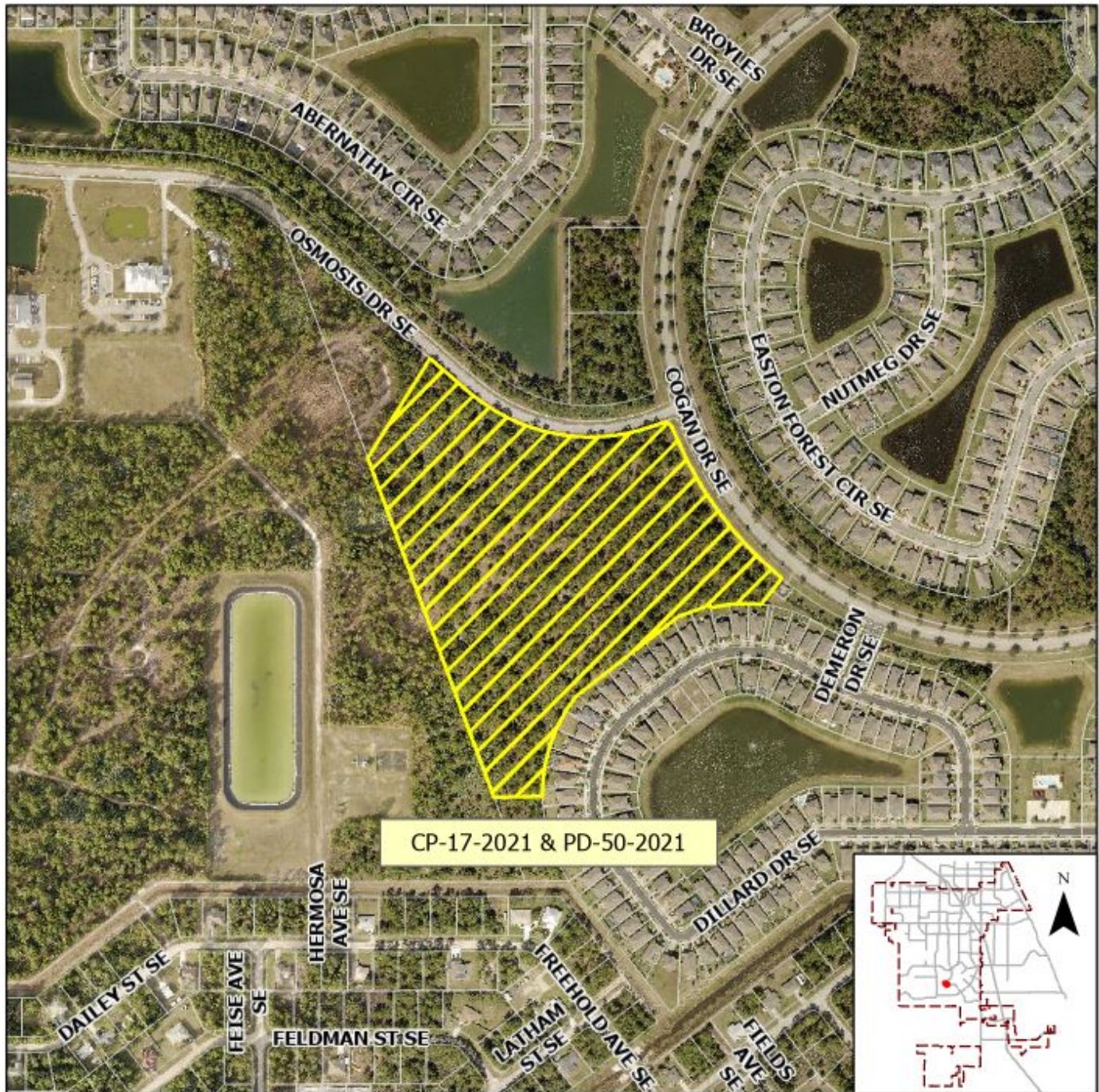
1. Subdivisions shall meet all requirements of the currently adopted Florida Fire Prevention Code (FFPC) 7th edition, Florida Administrative Code (FAC) Florida State Statute (FSS) and City of Palm Bay Ordinances (COPBO).

2. (FFPC 1:18.4.5.1.1) The minimum fire flow and flow duration requirements for one- and two-family dwellings having a fire flow area that does not exceed 5000 ft<sup>2</sup>(464.5 m<sup>2</sup>) shall be 1000 gpm (3785 L/min) for 1 hour.
3. (FFPC 1-18.4.5.2.1) Fire flow and flow duration for one- and two-family dwellings having a fire flow area in excess of 5000 ft<sup>2</sup> (334.5 m<sup>2</sup>) shall not be less than that specified in Table 18-4.5.1.2.
4. Townhouses shall meet all requirements of (FSS 481.203(16)) or they shall be protected by a fire sprinkler system per FFPC and COPBO.

**BUILDING-FLOODZONE (James Williams, CFM, Floodplain Coordinator):**

Floodzone X, No FEMA CLOMR/LOMR application required.

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



## **AERIAL LOCATION MAP CASE: CP-17-2021 & PD-50-2021**

### **Subject Property**

Southwest corner of Cogan Drive SE and Osmosis Drive 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: CP-17-2021 & PD-50-2021**

### **Subject Property**

Southwest corner of Cogan Drive SE and Osmosis Drive SE

### **Future Land Use Classification**

SFR – Single Family Residential Use



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



## ZONING MAP

## CASE: CP-17-2021 & PD-50-2021

### Subject Property

Southwest corner of Cogan Drive SE and Osmosis Drive SE

### Current Zoning Classification

PUD – Planned Unit Development

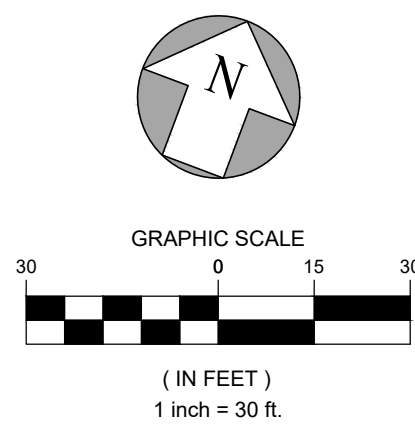












# PUD-3

**MBV**  
ENGINEERING, INC.  
MOA, BOWLES VILLANIZAR & ASSOCIATES

CIVIL • STRUCTURAL • SURVEYING • ENVIRONMENTAL  
1250 W. EAU GALLEE BLVD., SUITE H  
MELBOURNE, FLORIDA 32935  
P-32 238-1000 FAX-329-2981  
ALSO WITH OFFICES IN:  
MIAMI • MIAMI BEACH • MIAMI GARDENS  
MIAMI SPRING • PALM BEACH  
PALM BEACH GARDENS • PALM CITY  
PALM SPRING • WEST PALM BEACH  
WEST PALM BEACH GARDENS

CA07728

PERO: 772-668-0035, FT PIERCE: 772-468-9035, PALM CITY: 772-426-9569

## THE LANDINGS AT BAYSIDE

BREVARD COUNTY

PRELIMINARY SET



September 22, 2021

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

*Via Hand Delivery*

RE: Landings at Bayside  
Parcel ID: 29-37-30-01-I1  
MBV Project #: 21-1048

Dear Ms. Powell:

Please allow this letter to serve as a narrative for the planned unit development that MBV Engineering is initiating at this time. The development is approximately 21 acres. It will consist of 35 Single Family Lots (50 x 120) and 78 Townhomes (24 x 90 to 24 x 120) . It is located off Cognan Drive SE at the corner of Osmosis Drive.

The property is currently under contract between the Diocese of Orlando (seller) and Condev Properties LLC (buyer).

The property is currently zoned PUD, and we are not requesting changes for this. The FLU for the parcel is currently Public / Semi Public and we are requesting a change to Single Family Residential. The application for change will make the proposed development comply with the permitted use requirements for a PUD. In addition, the proposed development meets the LDR and Comprehensive Plan requirements as follows:

	Required	Provided
Minimum (SFR) Lot Area	4,050 SF	5,050 SF
Density	5.86 U.P.A.	5.6 U.P.A.
Front Bldg. Setback	0	25" (20" for Townhomes)
Rear Bldg. Setback	10'	10'
Side Bldg. Setback	5'	5'
Side Interior Bldg. Setback	10'	10'





Ms. Chandra Powell  
The Landing at Bayside  
MBV # 21-1048

Applications brought forward to the City of Palm at this time consist of:

- Preliminary Development Plan with no zoning change request.
- Comprehensive Plan Amendment changing the Land Use from Public / Semi Public to SFR.
- Brevard County School Board Concurrency Application

MBV will initiate the Citizen's Participation Plan / Report for review when the meeting location and date have been established.

Contacts for the project are as follows:

Developer / Owner: Condev Development LLC  
Chip Bryan, V.P.  
407-679-1748  
[chipb@condevfl.com](mailto:chipb@condevfl.com)

EOR: MBV Engineering Inc.  
David Bassford P.E., V.P.  
321-253-1510  
[davidb@mbveng.com](mailto:davidb@mbveng.com)

Surveyor: AAL Land Surveying  
321-768-8110

Sincerely,

Wanda Walker, Permitting Coordinator



**LAND DEVELOPMENT DIVISION**

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

[Landdevelopmentweb@palmbayflorida.org](mailto:Landdevelopmentweb@palmbayflorida.org)

**PRELIMINARY 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 185.066](#))
- ☐ **PMU** - Parkway Mixed Use District (Preliminary Design Plan) ([Section 185.057](#))
- ☐ **PCRD** - Planned Community Redevelopment District ([Section 185.055](#))
- ☐ **RAC** - Regional Activity Center District (Preliminary Concept Plan) ([Section 185.056](#))

**PROPOSED DEVELOPMENT NAME:**

The Landings at Bayside

**PARCEL ID(S):**

29-37-30-01-11

**TAX ACCOUNT NUMBER(S):**

2963453

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

Bayside Lakes Commercial Center Phase 4 Tract I-1 (Institutional)

CITY OF PALM BAY, FLORIDA  
PRELIMINARY DEVELOPMENT PLAN APPLICATION  
PAGE 2 OF 5

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

21 acres

**TOTAL LOTS PROPOSED (list by use):**

35 SFR Lots and 8 Townhomes (total of 123 Lots)

<b>DEVELOPER</b>	Chip Bryan - Condev Properties, LLC		
<b>Full Address</b>	921 N Peninsula Avenue, Winter Park, FL 21789		
<b>Telephone</b>	407-679-1748	<b>Email</b>	chipbcondevfl.com
<b>ENGINEER</b>	MBV Engineering, Inc. - David Bassford P.E.		
<b>Full Address</b>	1250 W. Eau Gallie Blvd, Suite H, Melbourne, FL 32935		
<b>Telephone</b>	321-253-1510	<b>Email</b>	davidb@mbveng.com
<b>SURVEYOR</b>	AAL Land Surveying Services, Inc.		
<b>Full Address</b>	3970 Minton Road, West Melbourne, FL 32904		
<b>Telephone</b>	321-768-8110	<b>Email</b>	aalsurvey@allsurvey.com

**PRELIMINARY DEVELOPMENT PLAN CRITERIA FOR SUBMITTAL:**

**Two (2) copies** of the following exhibits shall be attached to the Preliminary Development Plan application. The preliminary plan and supporting documentation **must also be provided on memory drive.**

- A) Vicinity map clearly outlining subject property and showing the relationship between the site and its surrounding area including adjacent streets and thoroughfares.
- B) Preliminary Development Plan that shall contain maps, drawings and narrative, as appropriate, providing the following information:
  - 1) A general plan for the use of all lands within the proposed development. Such plans shall indicate the general location of residential areas (including maximum density and unit types), open space, parks, passive or scenic areas, and nonresidential areas (including maximum building square footage or other intensity maximums).



CITY OF PALM BAY, FLORIDA  
PRELIMINARY DEVELOPMENT PLAN APPLICATION  
PAGE 3 OF 5

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

**Additional conditions must be met and incorporated into the site plan for the specific type of development requested (PUD, PMU, PCRD, RAC).** The additional criteria are listed in the Code of Ordinances and available from staff.

CITY OF PALM BAY, FLORIDA  
PRELIMINARY DEVELOPMENT PLAN APPLICATION  
PAGE 4 OF 5

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

- ☒ \*A \$1,000.00 application fee shall accompany the Preliminary Development Plan application for the purposes of administration. Make Check payable to "City of Palm Bay."
- ☒ Vicinity Map (see Item A).
- ☒ Preliminary Development Plan (see Item B).
- ☐ Vehicular and Pedestrian Circulation Plan (see Item C).
- ☐ Schematic Drawing (see Item D).
- ☐ Traffic Study (see Item E).
- ☒ Narrative (see Item F).
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☒ Citizen Participation Plan. 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** Chip Bryan (Condev) and David Bassford P.E.(MBV)



CITY OF PALM BAY, FLORIDA  
PRELIMINARY DEVELOPMENT PLAN APPLICATION  
PAGE 5 OF 5

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 PRELIMINARY DEVELOPMENT PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Owner Signature *John G. Noonan* <sup>Chancellor/100</sup> Date September 14, 2021  
Printed Name John G. Noonan, Bishop - Signatory for Diocese of Orlando  
Full Address 50 E. Robinson Street, Orlando, FL 32801  
Telephone 407-679-1748 Email jnoonan@orlandodiocese.org

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



October 7, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID 29-37-30-01-I1 - Bayside Lakes Commercial Center, Phase 4, Tract I-1  
(Institutional)

I, Owner Name: John G Noonan, Bishop - Signatory for Diocese of Orlando

Address: 50 E. Robinson Street, Orlando, FL 32801

Telephone: 407-679-1748

Email: jnoonan@orlandodiocese.org

hereby authorize:

Representative: Chip Bryan - VP, Condev Properties LLC

Address: 921 N. Peninsula Avenue, Winter Park, FL 21789

Telephone: 407-679-1748

Email: chipb@condevfl.com

to represent the request(s) for:

Comprehensive Plan Amendment / Preliminary Development Plan

(Property Owner Signature)

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 8 day of October, 2021 by

John Noonan

, property owner.

, Notary Public



Personally Known or



Produced the Following Type of Identification:



October 7, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID 29-37-30-01-I1 - Bayside Lakes Commercial Center, Phase 4, Tract I-1  
(Institutional)

I, Owner Name: John G Noonan, Bishop - Signatory for Diocese of Orlando

Address: 50 E. Robinson Street, Orlando, FL 32801

Telephone: 407-679-1748

Email: jnoonan@orlandodiocese.org

hereby authorize:

Representative: David Bassford, P.E., MBV Engineering, Inc.

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

Telephone: 321-253-1510

Email: davidb@mbveng.com

to represent the request(s) for:

Comprehensive Plan Amendment / Preliminary Development Plan

(Property Owner Signature)

STATE OF Florida

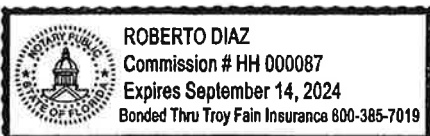
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☒ physical  
presence or ☐ online notarization, this 8 day of October, 20 21 by

John Noonan

, property owner.

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





## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Patrick Murphy, Acting Growth Management Director

**DATE:** November 15, 2021

**SUBJECT:** CP-18-2021 - Malabar Storage - Willard Palmer (Scott M. Glaubitz, P.E., P.L.S. or assignee, BSE Consultants, Inc., Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Parkway Flex Use to Commercial Use. Tax Parcel 750, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 9.75 acres. North of and adjacent to Malabar Road SW, in the vicinity west of St. Johns Heritage Parkway NW

### ATTACHMENTS:

#### Description

- ▣ Case CP-18-2021 - Staff Report
- ▣ Case CP-18-2021 - Legal-Sketch
- ▣ Case CP-18-2021 - Application





# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Patrick Murphy, Acting Growth Management Director

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#### CASE NUMBER

CP-18-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 15, 2021

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#### PROPERTY OWNER & APPLICANT

Willard Palmer

#### PROPERTY LOCATION/ADDRESS

Tax Parcel 750, Section 32, Township 28, Range 36,  
located south of and adjacent to Heritage High School,  
Brevard County, Florida

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#### SUMMARY OF REQUEST

The applicant is requesting a small-scale Comprehensive Plan Future Land Use Map Amendment to change 9.75 acres of Parkway Flex Use (PFU) to Commercial Use (COM).

##### Existing Zoning

PMU - Parkway Mixed Use

##### Existing Land Use

PFU - Parkway Flex Use

##### Site Improvements

Old, Cattle Shelter/Feeder

##### Site Acreage

9.75 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

GU – General Use; Heritage High School

##### East

GU – General Use; Heritage High School

##### South

AU – Agricultural Residential (Brevard County); Undeveloped Land

##### West

GU – General Use; Heritage High School

---

**BACKGROUND:**

The subject property is located south of and adjacent to Heritage High School, north of and adjacent to Malabar Road NW. Specifically Tax Parcel 750, Section 32, Township 28 south, Range 36 east, of Brevard County, Florida.

The property was formerly used for agricultural purposes and contains an old, cattle shelter. The applicant purchased the parcel in 2007, but now intends to convey the property to another party. The intended use of the property is for future commercial development.

**ANALYSIS:**

Per Chapter 183: Comprehensive Plan Regulations; Section 183.01(B), the purpose and intent of the Comprehensive Plan is to encourage the most appropriate use of land and resources to promote the health, safety, and welfare of the community

**1. FUTURE LAND USE ELEMENT**

The Comprehensive Plan FLU Element Goal FLU-3 is to provide for economically viable commercial areas which promote a sound and diversified local economy and serves the retail and service needs of the City's residents.

The Commercial FLU category allows such uses as office (medical, professional, general), retail businesses, personal service businesses, day care centers, restaurants, financial institutions, hotels and motels, institutional uses, and similar uses.

The surrounding land uses include a High School immediately north and the St. Johns Preserve community to the east. This community will include 740 residential units, at build-out. Lands lying west of the subject property propose a mixed residential project with a total of 879 units. To the south, is undeveloped rural land. A significant amount of residential use exists just east of St. Johns Preserve, along both sides of Malabar Road.

The parcel is requesting a Commercial FLU designation to serve the needs of both existing and future residents.

**2. COASTAL MANAGEMENT ELEMENT**

The subject property is not located within the Coastal Management Area.

**3. CONSERVATION ELEMENT**

The environmental character of the City is maintained through conservation, appropriate use, and protection of natural resources.

The subject parcel is not located within any of the Florida scrub-jay polygons identified on the City's Habitat Conservation Plan (HCP). No listed species are known to inhabit the subject property. Any listed species discovered would need to be mitigated for, as required by State and Federal regulations, and per Comprehensive Plan Policy CON-1.7B.

#### 4. HOUSING ELEMENT

The proposed FLU amendment does not adversely impact the housing supply within the city, as the commercial FLU category does not permit residential use. In fact, commercial land uses are greatly needed in this area of Palm Bay to maintain quality housing, which cannot be sustained without access to jobs, services, and goods.

#### 5. INFRASTRUCTURE ELEMENT

The City evaluates present and future water, sewer, drainage, and solid waste, and assesses the ability of infrastructure needed to support development.

**Utilities:** The FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. There is direct access to City water and sewer, which lie adjacent to the property.

**Drainage:** Any development on the property must meet the drainage standards set by the City and St. Johns Water Management District.

**Solid Waste:** Solid waste collection is provided by Republic Services Inc. Sufficient capacity exists within the Brevard County landfills to service the property.

#### 6. INTERGOVERNMENTAL COORDINATION ELEMENT

**Public Schools:** The proposed FLU amendment requested is to allow the site to be used for commercial land uses. Although the commercial FLU category does not affect school capacity (since residential use is not permitted), future development of this parcel will need to work closely with the Brevard County School Board as the adjacent high school has a driveway on either side of the subject parcel.

#### 7. TRANSPORTATION ELEMENT

The goal of the Comprehensive Plan's Transportation Element is to provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community. When the site is being designed for commercial development, the property owner shall have a traffic analysis and access management plan created, considering the present and future roadway conditions.



## 8. PROPERTY RIGHTS ELEMENT

The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights.

This proposed land use change does not appear to infringe upon the property rights of the applicant.

### **STAFF RECOMMENDATION:**

Case CP-18-2021 is recommended for approval, subject to the following staff conditions:

- Submission of a traffic analysis and access management plan with site plan submittal.
- Dedication of additional right-of-way needed for future widening of Malabar Road.
- The provision of a 6' high wall or opaque fence on all sides abutting school property.
- A sidewalk shall be provided along the parcel frontage to continue and connect the existing sidewalk system. This shall be designed and shown on the commercial site plan.

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



## **AERIAL LOCATION MAP CASE: CP-18-2021 & CPZ-18-2021**

### **Subject Property**

North of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway 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: CP-18-2021 & CPZ-18-2021**

### **Subject Property**

North of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW

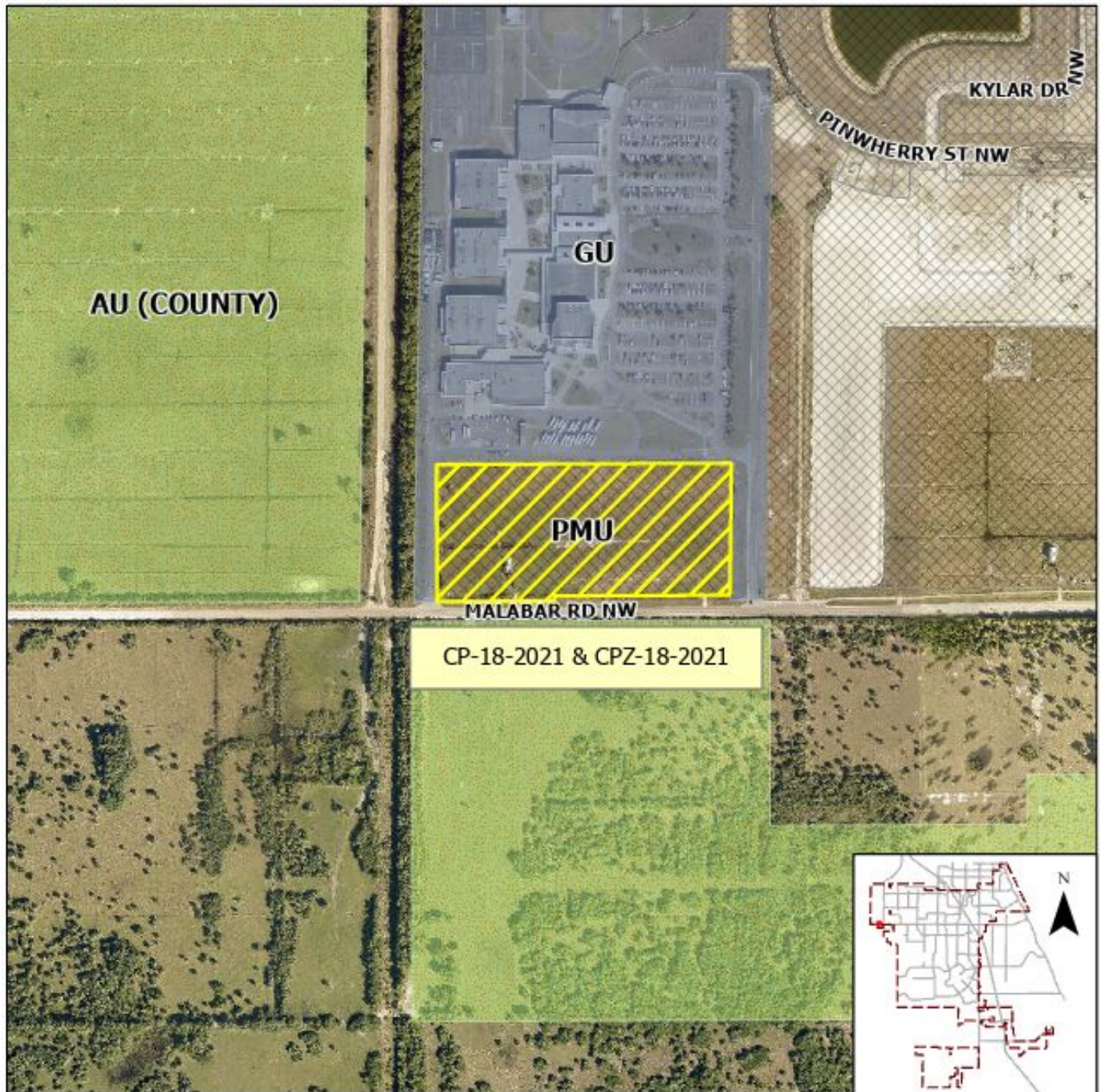
### **Future Land Use Classification**

PFU – Parkway Flex Use





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



## ZONING MAP

## CASE: CP-18-2021 & CPZ-18-2021

### Subject Property

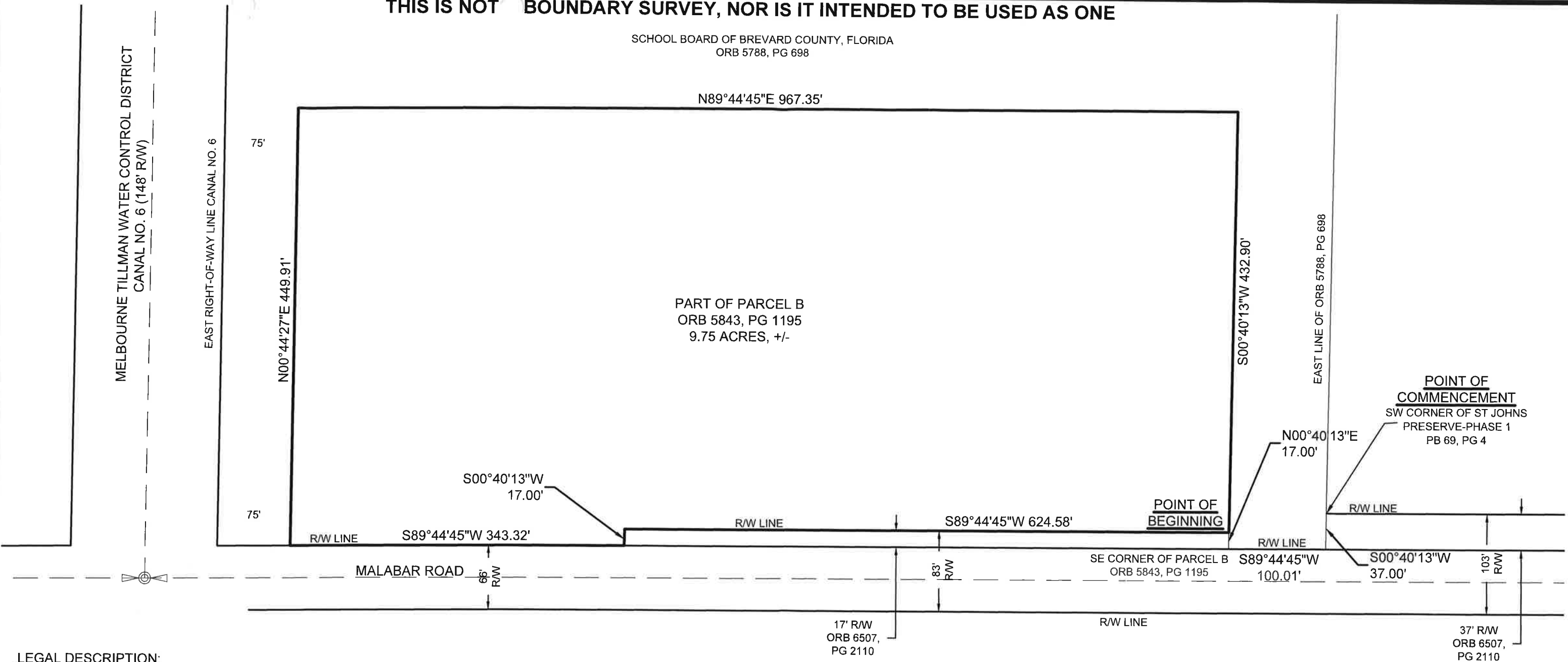
North of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW

### Current Zoning Classification

PMU – Parkway Mixed Use District

THIS IS NOT BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE

SCHOOL BOARD OF BREVARD COUNTY, FLORIDA  
ORB 5788, PG 698

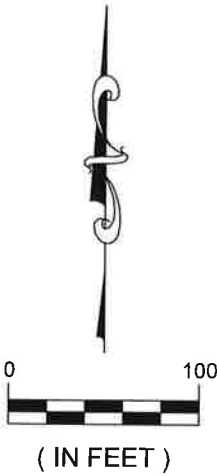


LEGAL DESCRIPTION:

PART OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL B, AS RECORDED IN OFFICIAL RECORDS BOOK 5843, PAGE 1195, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LYING IN SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF ST JOHNS PRESERVE-PHASE 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 69, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN S00°40'13"W, ALONG THE EAST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5788, PAGE 698, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, A DISTANCE OF 37.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY; THENCE S89°44'45"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 100.01 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL B; THENCE N00°40'13"E, ALONG THE EAST LINE OF SAID PARCEL B AND CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S89°44'45"W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 624.58 FEET; THENCE S00°40'13"W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 17.00 FEET; THENCE S89°44'45"W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 343.32 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL B; THENCE N00°44'27"E, PARALLEL TO AND 75.00 FEET EAST OF, (AS MEASURED PERPENDICULARLY), THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER 6, A DISTANCE OF 449.91 FEET TO THE NORTHWEST CORNER OF SAID PARCEL B; THENCE N89°44'45"E, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID MALABAR ROAD AND ALONG THE NORTH LINE OF SAID PARCEL B, A DISTANCE OF 967.35 FEET TO THE NORTHEAST CORNER OF SAID PARCEL B; THENCE S00°40'13"W, ALONG THE EAST LINE OF SAID PARCEL B, A DISTANCE OF 432.90 FEET TO THE POINT OF BEGINNING. CONTAINING 9.75 ACRES, MORE OR LESS.

MALABAR STORAGE  
SKETCH & DESCRIPTION



	<b>B.S.E. CONSULTANTS, INC.</b>	DATE: 09/08/2021
	CONSULTING - ENGINEERING - LAND SURVEYING	DESIGN/DRAWN: LEH
	312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901	DRAWING# 1161901_100_001
	PHONE: (321) 725-3874 FAX: (321) 723-1159	PROJECT# 11619.01
	CERTIFICATE OF BUSINESS AUTHORIZATION: 4905	SHEET 1 OF 1
	CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905	





## LAND DEVELOPMENT DIVISION

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

[Landdevelopmentweb@palmbayflorida.org](mailto:Landdevelopmentweb@palmbayflorida.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** (Less than 10 acres)

☐

**Text Amendment** (Comp. Plan)

☐

**Large Scale** (10 acres or more)

### PARCEL ID(S):

28-36-32-00-750

### TAX ACCOUNT NUMBER(S):

2865684

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

PART OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL B, AS RECORDED IN OFFICIAL RECORDS BOOK 5843, PAGE 1195, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LYING IN SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

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

9.75 acres



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.):**

PFU - Parkway Flex Use

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

Commercial

**PRESENT USE OF PROPERTY:**

Grazing

**STRUCTURES LOCATED ON THE PROPERTY:** ±30'x25' Cattle Shelter/Feeder

**REZONING FILED IN CONJUNCTION WITH THIS APPLICATION:** CC

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

Site is too small to adequately apply PMU zoning and PFU land use.

**SPECIFIC USE INTENDED FOR PROPERTY:**

Commercial

**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 (Less than 10 acres)

☐ \$2,000.00 - Large Scale (10 acres or more)

☐ \$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.
- ☒ 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**

Scott M. Glaubitz, P.E., P.L.S./ Ken Ludwa or BSE 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 Willard Palmer Date 9/9/21  
Printed Name Willard Palmer  
Full Address 4540 Elena way Melbourne, FL 32934  
Telephone 321-288-7373 Email thomascurler@yahoo.com

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

## AUTHORIZATION TO ACT AS AGENT

I, **Mr. Willard Palmer**, owner of the property, hereby authorize Scott M. Glaubitz, P.E., P.L.S., President; Hassan Kamal, P.E., Vice President; Ana Saunders, P.E., Project Engineer; or Ken A. Ludwa, P.E., Project Engineer, of B.S.E. Consultants, Inc., to act as agent in all permitting and certification matters for **Malabar Storage Rezoning and Land Use Parcel #: 28-36-32-00-750** in the City of Palm Bay, Brevard County, Florida. This authorization shall include all public hearing, engineering and permitting services for this subdivision/site.

*Willard Palmer*  
Signature  
Willard Palmer

### STATE OF FLORIDA COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of OCT., 2021, by  
(name of person acknowledging).



*Lisa Ann Ketner*  
(Signature of Notary Public-State of Florida)

LISA ANN KETNER  
(Name of Notary Typed, Printed, or Stamped)

Personally Known ☒ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

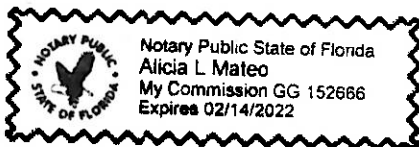
### STATE OF FLORIDA, COUNTY OF BREVARD

On this 7<sup>th</sup> day of OCTOBER, 2021, I attest that the preceding document is a true, exact, complete, and unaltered photocopy made by me of the AUTHORIZATION TO ACT AS AGENT presented to me by the document's custodian, B.S.E. Consultants, Inc. and, to the best of my knowledge, that the photocopied document is neither a public record nor a publicly recordable document, certified copies of which are not available from an official source other than a notary public.

*Alicia L. Mateo*  
(Signature of Notary Public-State of Florida)

(NOTARY SEAL)

ALICIA L. MATEO  
(Name of Notary Typed, Printed, or Stamped)







## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Patrick Murphy, Acting Growth Management Director

**DATE:** November 15, 2021

**SUBJECT:** \*\*CPZ-18-2021 - Malabar Storage - Willard Palmer (Scott M. Glaubitz, P.E., P.L.S. or assignee, BSE Consultants, Inc., Rep.) - Zoning amendment from a PMU, Parkway Mixed Use District to a CC, Community Commercial District. Tax Parcel 750, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 9.75 acres. North of and adjacent to Malabar Road SW, in the vicinity west of St. Johns Heritage Parkway NW

♣Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ▢ Case CPZ-18-2021 - Staff Report
- ▢ Case CPZ-18-2021 - Legal-Sketch
- ▢ Case CPZ-18-2021 - Application



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmabayflorida.org](mailto:landdevelopmentweb@palmabayflorida.org)

### Prepared by

Patrick J. Murphy, Acting Growth Management Director

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#### CASE NUMBER

CPZ-18-2021

#### PLANNING & ZONING BOARD HEARING DATE

November 15, 2021

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#### PROPERTY OWNER & APPLICANT

Willard Palmer

#### PROPERTY LOCATION/ADDRESS

Tax Parcel 750, Section 32, Township 28, Range 36,  
located south of and adjacent to Heritage High School,  
Brevard County, Florida

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#### SUMMARY OF REQUEST

The applicant is requesting a rezoning of the subject parcel from PMU, Parkway Mixed Use to CC, Community Commercial.

##### Existing Zoning

PMU, Parkway Mixed Use

##### Existing Land Use

PFU, Parkway Flex Use

##### Site Improvements

Old, Cattle Shelter/Feeder

##### Site Acreage

9.75 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

GU – General Use; Heritage High School

##### East

GU – General Use; Heritage High School

##### South

AU – Agricultural Residential (Brevard County); Undeveloped Land

##### West

GU – General Use; Heritage High School

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#### COMPREHENSIVE PLAN

##### COMPATIBILITY

Yes, subject to approval of Case No. CP-18-2021

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**BACKGROUND:**

The subject property is located south of and adjacent to Heritage High School, north of and adjacent to Malabar Road NW. Specifically Tax Parcel 750, Section 32, Township 28 south, Range 36 east, of Brevard County, Florida.

The property was formerly used for agricultural purposes and contains an old, cattle shelter. The applicant purchased the parcel in 2007, but now intends to convey the property to another party. The intended use of the property is for future commercial development.

**ANALYSIS:**

The following analysis is per Chapter 185: Zoning Code, Section 185.201(C), which states that all proposed amendments shall be submitted to the Planning and Zoning Board, which shall study such proposals in accordance with items 1 through 4 of Section 185.201(C).

**Item 1 - *The need and justification for the change.***

The applicant has not provided any written justification for the change, other than a desire for future commercial use. The current zoning designation of PMU requires a mix of residential and commercial uses. This western end of Palm Bay currently has no active commercial uses and this change in zoning will allow for a needed use.

**Item 2 - *When pertaining to the rezoning of land, the effect of the change, if any, on the particular property and on surrounding properties.***

The rezoning to Community Commercial has the increased potential to provide jobs, goods, and services to residents in this area of Palm Bay. The most immediate effects to occur would be to Heritage High School, as this property lies directly in front of the school. Any effects would be dependent on the specific development and its design.

**Item 3 - *When pertaining to the rezoning of land, the amount of undeveloped land in the general area and in the city having the same classification as that requested.***

Approximately 32.8 acres of undeveloped Community Commercial zoned land are located approximately 0.75 miles east of the subject parcel, on the south side of Malabar Road.

**Item 4 - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).***

The proposed rezoning will further the purposes of Chapter 185 and the Comprehensive Plan, by attempting to strike a balance in commercial versus residential uses.



**STAFF RECOMMENDATION:**

Case CPZ-18-2021 is recommended for approval.

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



## **AERIAL LOCATION MAP CASE: CP-18-2021 & CPZ-18-2021**

### **Subject Property**

North of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway 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: CP-18-2021 & CPZ-18-2021**

### **Subject Property**

North of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW

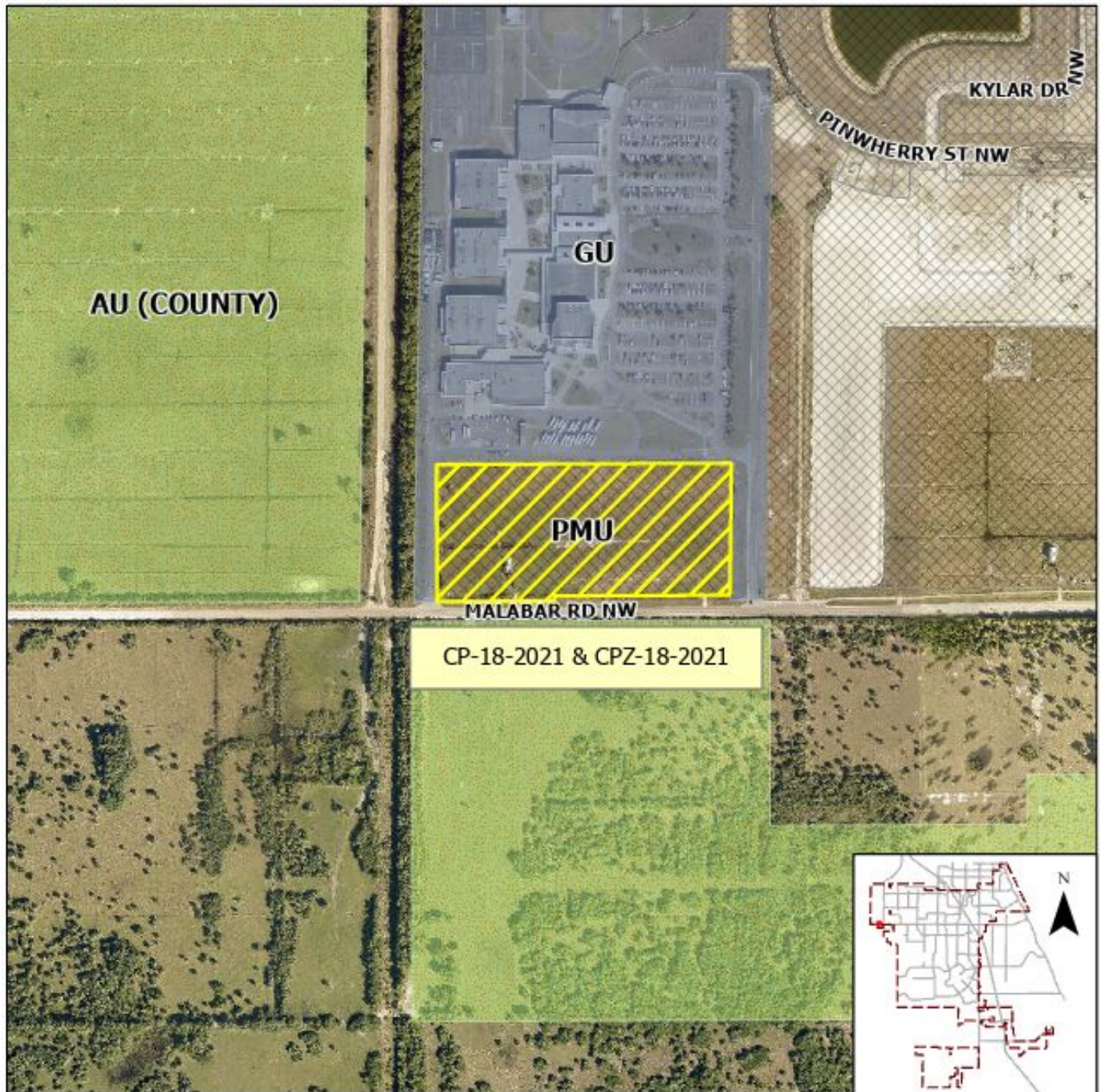
### **Future Land Use Classification**

PFU – Parkway Flex Use





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



## ZONING MAP

## CASE: CP-18-2021 & CPZ-18-2021

### Subject Property

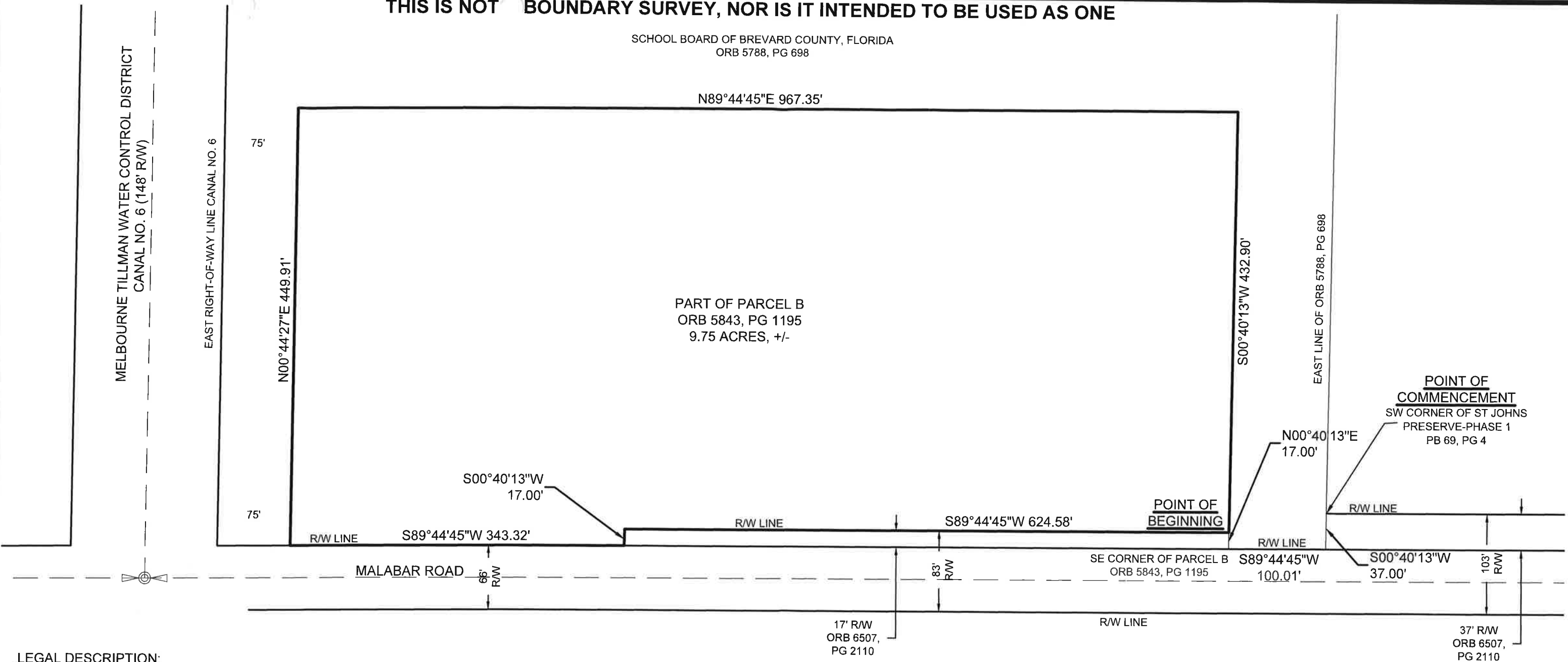
North of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW

### Current Zoning Classification

PMU – Parkway Mixed Use District

THIS IS NOT BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE

SCHOOL BOARD OF BREVARD COUNTY, FLORIDA  
ORB 5788, PG 698



**LEGAL DESCRIPTION:**

PART OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL B, AS RECORDED IN OFFICIAL RECORDS BOOK 5843, PAGE 1195, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LYING IN SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF ST JOHNS PRESERVE-PHASE 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 69, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN S00°40'13"W, ALONG THE EAST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5788, PAGE 698, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, A DISTANCE OF 37.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY; THENCE S89°44'45"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 100.01 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL B; THENCE N00°40'13"E, ALONG THE EAST LINE OF SAID PARCEL B AND CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S89°44'45"W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 624.58 FEET; THENCE S00°40'13"W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 17.00 FEET; THENCE S89°44'45"W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 343.32 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL B; THENCE N00°44'27"E, PARALLEL TO AND 75.00 FEET EAST OF, (AS MEASURED PERPENDICULARLY), THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER 6, A DISTANCE OF 449.91 FEET TO THE NORTHWEST CORNER OF SAID PARCEL B; THENCE N89°44'45"E, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID MALABAR ROAD AND ALONG THE NORTH LINE OF SAID PARCEL B, A DISTANCE OF 967.35 FEET TO THE NORTHEAST CORNER OF SAID PARCEL B; THENCE S00°40'13"W, ALONG THE EAST LINE OF SAID PARCEL B, A DISTANCE OF 432.90 FEET TO THE POINT OF BEGINNING. CONTAINING 9.75 ACRES, MORE OR LESS.

**MALABAR STORAGE  
SKETCH & DESCRIPTION**



	<b>B.S.E. CONSULTANTS, INC.</b>	DATE: 09/08/2021
	CONSULTING - ENGINEERING - LAND SURVEYING	DESIGN/DRAWN: LEH
	312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901	DRAWING# 1161901_100_001
	PHONE: (321) 725-3874 FAX: (321) 723-1159	PROJECT# 11619.01
	CERTIFICATE OF BUSINESS AUTHORIZATION: 4905	SHEET 1 OF 1
	CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905	





## LAND DEVELOPMENT DIVISION

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

[Landdevelopmentweb@palmbayflorida.org](mailto:Landdevelopmentweb@palmbayflorida.org)

## REZONING 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):

28-36-32-00-750

### TAX ACCOUNT NUMBER(S):

2865684

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

PART OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL B, AS RECORDED IN OFFICIAL RECORDS BOOK 5843, PAGE 1195, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LYING IN SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

### PROPERTY ADDRESS:

2865684

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

9.75 acres

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

PMU

### ZONING CLASSIFICATION DESIRED (ex.: IU, LI, etc.):

CC



CITY OF PALM BAY, FLORIDA  
REZONING APPLICATION  
PAGE 2 OF 3

**STRUCTURES LOCATED ON THE PROPERTY:**

±30'x25' Cattle Shelter/Feeder

**PRESENT USE OF THE PROPERTY:**

Grazing

**INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:**

Commercial

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

- ☒ \*A \$650.00 application fee. Make Check payable to "City of Palm Bay."
- ☒ A Boundary Survey or Sketch 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.)
- ☐ 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** Scott M. Glaubitz, P.E., P.L.S./ Ken Ludwa or BSE Representative

**CITY OF PALM BAY, FLORIDA  
REZONING APPLICATION  
PAGE 3 OF 3**

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 rezoning application and that the facts stated in it are true.

Owner Signature

Willard Palmer

Date

9/9/21

Printed Name

Willard Palmer

Full Address

4540 Elena Way Melbourne, FL 32934

Telephone

321-288-7373

Email

thomascurler@yahoo.com

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

## AUTHORIZATION TO ACT AS AGENT

I, **Mr. Willard Palmer**, owner of the property, hereby authorize Scott M. Glaubitz, P.E., P.L.S., President; Hassan Kamal, P.E., Vice President; Ana Saunders, P.E., Project Engineer; or Ken A. Ludwa, P.E., Project Engineer, of B.S.E. Consultants, Inc., to act as agent in all permitting and certification matters for **Malabar Storage Rezoning and Land Use Parcel #: 28-36-32-00-750** in the City of Palm Bay, Brevard County, Florida. This authorization shall include all public hearing, engineering and permitting services for this subdivision/site.

Willard Palmer  
Signature

Willard Palmer

### STATE OF FLORIDA COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of OCT., 2021, by  
(name of person acknowledging).



Lisa Ann Ketner  
(Signature of Notary Public-State of Florida)

LISA ANN KETNER  
(Name of Notary Typed, Printed, or Stamped)

Personally Known ☒ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced

### STATE OF FLORIDA, COUNTY OF BREVARD

On this 7<sup>th</sup> day of OCTOBER, 2021, I attest that the preceding document is a true, exact, complete, and unaltered photocopy made by me of the AUTHORIZATION TO ACT AS AGENT presented to me by the document's custodian, B.S.E. Consultants, Inc. and, to the best of my knowledge, that the photocopied document is neither a public record nor a publicly recordable document, certified copies of which are not available from an official source other than a notary public.

Alicia L. Mateo  
(Signature of Notary Public-State of Florida)

(NOTARY SEAL)

ALICIA L. MATEO  
(Name of Notary Typed, Printed, or Stamped)

