



AGENDA

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Regular Meeting 2022-01

January 5, 2022 - 7:00 PM

City Hall Council Chambers, 120 Malabar Road SE

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ADOPTION OF MINUTES:

1. **Regular Meeting 2021-14; December 1, 2021**

ANNOUNCEMENTS:

OLD/UNFINISHED BUSINESS:

1. ****Z-54-2021 - Alfred and M. Agarie - A Zoning change from an HC, Highway Commercial District to a BMUV, Bayfront Mixed Use Village District. Tract 11, Hopsons Subdivision, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately .34 acres. Located east of and adjacent to Dixie Highway NE, and west of and adjacent to Ridge Road NE, specifically at 4371 Dixie Highway NE**

NEW BUSINESS:

1. ****CU-1-2022 - Caliber Carwash - Summit Shah, President, M & R United, Inc. (Kristhian Morales, Bowman Consulting, Rep.) - A Conditional Use to allow a proposed carwash in a CC, Community Commercial District. Lots 23 and 24, Block 2471, Port Malabar Unit 48, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 1.04 acres. Located west of and adjacent to Minton Road NW, in the vicinity south of Palm Bay Road NE**
2. **T-2-2022 - Contractor's Offices in HC - Cody Lafferty (Tony Masone, Rep.) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044(B), to allow Contractor's Offices as a permitted use within the HC, Highway Commercial District**
3. **T-3-2022 - Dog Training and Similar Uses in NC - Kimberly Mayes, Rockin' Dawgs - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.042(B), to create provisions within the NC, Neighborhood Commercial District to allow for dog training and similar uses**
4. **CP-2-2022 - Stellar Casitas-Malabar - William F. and Dolores J. Slentz / Bart F. and Amy**

S. Ferguson (Hassan Kamal, P.E., BSE Consultant, Inc., Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from RES-1, Residential 1 Unit Per Acre (Brevard County) to Multiple-Family Residential Use. Lots 9 through 14, Cisna Park, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 27.91 acres. Located south of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7

5. ****CPZ-2-2022 - Stellar Casitas-Malabar - William F. and Dolores J. Slentz / Bart F. and Amy S. Ferguson (Hassan Kamal, P.E., BSE Consultant, Inc., Rep.) - A Zoning amendment from AU (Brevard County) to an RM-10, Single-, Two-, Multiple-Family Residential District. Lots 9 through 14, Cisna Park, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 27.91 acres. Located south of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7**
6. **CP-3-2022 - M. David Moallem, Emiland Corporation - A small-scale Comprehensive Plan Future Land Use Map amendment from Multiple-Family Residential Use to Commercial Use. Lots 8 and 9, Block 1991, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately 1.02 acres. Located east of and adjacent to Martin Road SE, west of and adjacent to Thor Avenue NE**
7. ****CPZ-3-2022 - M. David Moallem, Emiland Corporation - A Zoning amendment from an RM-20, Multiple-Family Residential District to a GC, General Commercial District. Lots 8 and 9, Block 1991, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately 1.02 acres. Located east of and adjacent to Martin Road SE, west of and adjacent to Thor Avenue NE**
8. ****FD-4-2022 - Richmond Cove - C. Roger Freeman, RKF Residential Development Properties, LLC (Bruce Moia, P.E., MBV Engineering, Inc. and Richard Fadil, Holiday Builders, Reps.) - A Final Development Plan to allow a proposed PUD for an 86-lot single-family development called Richmond Cove. Tax Parcel 251, Section 13, Township 29, Range 36, Brevard County, Florida, containing approximately 29.15 acres. Located west of and adjacent to Gaynor Drive SW, in the vicinity north of Ocean Spray Street SW)**
9. **CP-4-2022 - Space Coast Marina - Melissa Timmons, Manager, Space Coast Marina, LLC (Bruce Moia, P.E., MBV Engineering, Inc.) - A small-scale Comprehensive Plan Future Land Use Map amendment from BMUV, Bayfront Mixed Use Village Use to BMU, Bayfront Mixed Use. Part of Lots 3 and 4, Palm Bay Map Number 1, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 7.56 acres. Located at the southwest corner of Dixie Highway NE and Pospisil Avenue NE**
10. ****CPZ-4-2022 - Space Coast Marina - Melissa Timmons, Manager, Space Coast Marina, LLC (Bruce Moia, P.E., MBV Engineering, Inc.) - A Zoning amendment from a BMUV, Bayfront Mixed Use Village District to a BMU, Bayfront Mixed Use District. Part of Lots 3 and 4, Palm Bay Map Number 1, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 7.56 acres. Located at the southwest corner of Dixie Highway NE and Pospisil Avenue NE**
11. **CP-5-2022 - Parasol Bayfront - Marvin and Donatina Miller / Steve and Marisela Berman (Elias Cherem, Adelon Capital; Kim Rezanka, Lacy Lyons and Rezanka Attorneys at Law; and Bruce Moia, P.E., MBV Engineering, Inc., Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from BMUV, Bayfront Mixed Use Village Use to BMU, Bayfront Mixed Use. Lot T, Lots 1, 2, and 12 through 17 of Block 1, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida,**

containing approximately 5.05 acres. Located south of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

12. ****CPZ-5-2022 - Parasol Bayfront - Marvin and Donatina Miller / Steve and Marisela Berman (Elias Cherem, Adelon Capital; Kim Rezanka, Lacy Lyons and Rezanka Attorneys at Law; and Bruce Moia, P.E., MBV Engineering, Inc., Reps.) - A Zoning amendment from BMUV, Bayfront Mixed Use Village Use to BMU, Bayfront Mixed Use. Lot T, Lots 1, 2, and 12 through 17 of Block 1, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 5.05 acres. Located south of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE**

OTHER BUSINESS:

ADJOURNMENT:

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

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

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

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

****Quasi-Judicial Proceeding.**



MEMORANDUM

DATE: January 5, 2022

SUBJECT: Regular Meeting 2021-14; December 1, 2021

ATTACHMENTS:

Description

- ▣ **P&Z/LPA Minutes - Regular Meeting 2021-14; December 1, 2021**

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2021-14

Held on Wednesday, December 1, 2021, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

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

Mr. Donald Boerema led the Pledge of Allegiance to the Flag.

ROLL CALL:

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

Mr. Warner's absence was excused.

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

ADOPTION OF MINUTES:

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-12 November 3, 2021.**

Motion to approve the minutes as presented.

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

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

2. **Special Planning and Zoning Board/Local Planning Agency Meeting 2021-13 November 15, 2021.**

Motion to approve the minutes as presented.

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

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

ANNOUNCEMENTS:

1. Mr. Weinberg addressed the audience on the meeting procedures and explained that the Planning and Zoning Board/Local Planning Agency consists of volunteers who act as an advisory board to City Council.

OLD/UNFINISHED BUSINESS:

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

Mr. Balter presented the staff report for Case CP-11-2021. Staff recommended Case CP-11-2021 for approval.

Ms. Jordan inquired whether a moratorium on development was in effect for the Robert J. Conlan Boulevard corridor, and if there were any new guidelines for the area. Mr. Balter stated that the moratorium expired two years ago, and there were

recent updates to the BMU, Bayfront Mixed Use and BMUV, Bayfront Mixed Use Village zoning districts.

The floor was opened and closed for public comments.

Mr. Miguel Reynaldos with Northshore Development, LLC (representative for the applicant) was present to answer questions.

Mr. Bill Battin (resident at Ocean Spray Street SW) commented on how commercial and industrial lands were put in place to generate tax revenue to offset the single-family residences. The proposed change to BMU should include some commercial uses with the loss of the industrial use.

In response to public comments, Mr. Reynaldos stated that BMU regulations would be followed to include a mix of commercial and residential uses, and a site plan would be submitted for staff to review.

Mr. Weinberg asked if the type of commercial development was known at this time. Mr. Reynaldos said that studies would be prepared to make sure the project was properly done for the site.

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

Motion to submit Case CP-11-2021 to City Council for approval.

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

Ms. Maragh wanted assurance that the commercial development would not be hindered by the need for residential rooftops. Mr. Boerema wanted to know if there was a percentage for the commercial and residential development. Mr. Reynaldos stated that it was his full intention to properly process the development. Ecological and environmental studies, stormwater, traffic, and utilities were factors that would determine densities.

Mr. Balter noted that the land use had an overall density requirement of 85 percent.

A vote was called on the motion to submit Case CP-11-2021 to City Council for approval.

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

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

Case CP-11-2021 would be heard by the City Council on December 16, 2021.

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

Mr. Balter presented the staff report for Case CPZ-11-2021. Staff recommended Case CPZ-11-2021 for approval.

Mr. Miguel Reynaldos with Northshore Development, LLC (representative for the applicant) stated that the requested BMU zoning district mandated 85 percent of the development as residential.

Mr. Balter clarified that the BMU zoning district required a 20-percent minimum amount of commercial development.

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

Motion to submit Case CPZ-11-2021 to City Council for approval.

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

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

Case CPZ-11-2021 would be heard by the City Council on December 16, 2021.

NEW BUSINESS:

1. ****V-51-2021 - Michael and Jeanne Cullen - A Variance to allow a proposed swimming pool and deck to encroach 7 feet into the 10-foot rear accessory structure setback, as established by Section 185.118(A)(4) of the Palm Bay Code of Ordinances. Lot 4, Monterey Cove at Bayside Lakes, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately .17 acres. North of and adjacent to Gardendale Circle SE, in the vicinity east of Bramblewood Drive SE, specifically at 331 Gardendale Circle SE**

Mr. Balter presented the staff report for Case V-51-2021. The board had to determine, based on the facts presented, the degree of minimal relief, if any, to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Ms. Jeanne Cullen (applicant) stated that the close proximity between her home and the proposed swimming pool was not suitably safe for her visually impaired grandchild and wheelchair-bound grandfather.

Ms. Maragh asked if the swimming pool would be gated. Ms. Cullen stated that she planned to have a screen enclosed pool with a gate.

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

Mr. Weinberg noted that the variance was approved by the Monterey Cove at Bayside Lakes Homeowner's Association.

Motion to submit Case V-51-2021 to City Council for approval.

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

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

2. T-52-2021 - Michael Piazzola (Barbara Davis, Rep.) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.045(B), to create provisions within the LI, Light Industrial and Warehousing District to allow for dog training clubs and similar uses

Mr. Murphy presented the staff report for Case T-52-2021. Staff recommended Case T-52-2021 for approval.

Ms. Maragh asked if the amendment was for dogs to be trained during the day and sent home in the evenings. She wanted to know why the LI district was being proposed. Mr. Murphy stated that the general purpose of the amendment was to allow agility training for small dogs and their trainers for competitions. The LI district could accommodate the large warehouse structures that were needed for the enclosed and controlled activity.

Ms. Jordan questioned why the proposed use was not listed under veterinary hospitals and clinics for the LI district. Mr. Murphy explained that the proposal was specifically for dog training and was unrelated to the medical facilities.

Mr. Michael Piazzola (applicant) stated that warehouse environments were needed for their open spaces. Ms. Deborah Piazzola, his wife, added that their not-for-profit obedience training business had grown, and a new facility was needed to accommodate their growth.

Mr. Boerema asked if the applicant was currently occupying their new location. Mr. Piazzola confirmed that they were in their new building, which could accommodate their needs if the textual amendment was approved. Mr. Boerema noted that there was a fenced, adjacent side lot. Mr. and Ms. Piazzola commented that the side lot would be used by the business, but all training would occur indoors and there would be no boarding at the site.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) questioned why the dog training use could not be placed under the same category as livestock, which allowed for

boarding. Out-of-town clients might need the boarding services for their dogs. He was opposed to the loss in taxes from permitting a 501(C) organization to locate on commercial property.

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

In response to public comments, Mr. Murphy explained that the applicants would continue to have the same tax-exempt status that they held at their previous Palm Bay location. Their relocation to an LI district was to have a larger building.

Motion to submit Case T-52-2021 to City Council for approval.

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

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

3. ****CU-53-2021 - Scott Macfarlane - A Conditional Use to allow a proposed security dwelling unit in a GC, General Commercial District. Lot 14, Block 1985, Port Malabar Unit 40, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately .56 acres. East of and adjacent to Thor Avenue SE, in the vicinity south of Agora Circle SE, specifically at 261 Thor Avenue SE**

Mr. Murphy presented the staff report for Case CU-53-2021. Staff recommended Case CU-53-2021 for approval, subject to the special requirements and conditions listed in the staff report.

Mr. Scott Macfarlane (applicant) stated that he wanted the security dwelling unit at his upholstery and restoration business to secure customer vehicles and boats that were kept on his outdoor premises.

Mr. Weinberg wanted to know who would be living in the unit. Mr. Macfarlane stated that he would be living in the unit.

Ms. Maragh asked if the applicant had agreed to meet staff conditions. Mr. Macfarlane stated his agreement with the staff conditions.

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

Motion to submit Case CU-53-2021 to City Council for approval, subject to the special requirements and conditions listed in the staff report.

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

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

4. **CP-19-2021 - Steffany and Victor Lopez - A small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. Part of Tract A, Port Malabar Unit 12, Section 7, Township 29, Range 37, Brevard County, Florida, containing approximately 1.46 acres. South of and adjacent to Arabia Road SE, in the vicinity west of Cleaves Street SE**

Mr. Murphy presented the staff report for Case CP-19-2021. Staff recommended Case CP-19-2021 for approval.

Ms. Maragh inquired whether the subject property was under contract with the City. Mr. Murphy explained that the subject site was privately owned by the applicant and not a City surplus site.

Ms. Steffany Lopez (applicant) stated that she and her husband had purchased the property approximately a year ago with the belief that a single-family home could be built on the site.

Ms. Maragh asked if the applicant would be selling the property. Ms. Lopez stated that she was unsure at this time but would likely build on half the site and sell the remainder. The initial plan was to build two homes for the family with her mother residing in the second home.

The floor was opened for public comments.

Ms. Sharon Lopez (resident at Arabia Road SE) spoke against the request. She said that Arabia Road was a narrow, winding road with visibility issues at night and no lighting.

Ms. Mary Ann Haenel (resident at Driftwood Avenue SE) spoke against the request. She was concerned about the displacement of wildlife in the area due to recent construction. Park area was needed for the wildlife to survive.

Mr. Terry Haenel (resident at Driftwood Avenue SE) spoke against the request. He commented that the subject proposal was the third attempt to change the property. Park sites should be unavailable for other development, and there was plenty of land in the area to build homes.

Ms. Jacqueline Toure (resident at Arabia Road SE) spoke against the request. She stated that the applicant wanted to rezone a recreational area without a purpose for the site. The infrastructure in the area was not up to par for more housing, and the park site should remain undeveloped.

The floor was closed for public comments, and the correspondence in the file was from Ms. Sharon Lopez in opposition to the request.

Mr. Weinberg clarified for the audience that the subject request was not a rezoning; the property currently had an RS-2, Single Family Residential District zoning designation. Mr. Murphy further explained how the subject site was created by General Development Corporation as a pocket park but was zoned RS-2 with a Recreation and Open Space land use. The site, however, could not be developed residentially without a residential land use designation. He commented on how two homes on 1.46 acres was extremely low in density and would have little impact on the surrounding area.

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

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

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

5. **CP-20-2021 - Bibi and Gurudeo Chand - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Multiple-Family Residential Use. Tract A, Port Malabar Unit 39, Section 34, Township 28, Range 36, Brevard County, Florida, containing approximately 6.52 acres. East of and adjacent to Krassner Drive NW, in the vicinity north of Hayworth Circle NW**

Mr. Balter presented the staff report for Case CP-20-2021. Should the board approve Case CP-20-2021, staff recommended a 15-unit per acre cap as a condition of the approval.

Mr. Boerema questioned why a small 6.52-acre property was permitted 15 units per acre. Mr. Balter explained that 15 units per acre was a maximum consistent with the surrounding area and the companion zoning request.

Ms. Maragh remarked on how the applicant had been unable to sell the commercial property in 18 years, and she asked if the City had done a valuation to determine whether the site was feasible for commercial development. Mr. Balter stated his opinion that the subject site would not be viable for commercial development based on the amount of commercial units that would be needed to offset the cost of running City water and sewer to the site. Developers would also be unlikely to consider a commercial location on a dead-end road with little traffic.

Ms. Bibi Chand (applicant) was present to answer questions.

The floor was opened for public comments.

Mr. Richard Defay (resident at De Leon Court NW) spoke against the request. He was concerned about the possibility of apartments or townhomes on the site. Traffic was a problem during school hours since Krassner Drive was the only access to reach Malabar Road; large turtles lived on the property; and there was no water and sewer in the area for the development. He believed that Krassner Drive needed to be widened to handle more homes.

Mr. James Kratzer (resident at Redbud Circle NW) spoke against the request. He was concerned that the land use change would allow apartments on the site in the future. Extending water and sewer to the property could legally force an undue burden of requiring existing homes with failed septic systems to connect into the lines. The multiple-family development could also lower the property values of the single-family neighborhood.

Mr. Charles Byers (resident at Dixon Road NW) spoke against the request. He remarked on how an existing utility/drainage corridor along the back of Krassner Drive would be blocked by the proposed development; neighborhood homes would be impacted by lighting pollution; and there were endangered turtles on the site. He commented on how a traffic signal on Krassner Drive might be necessary to support a multiple-family project. Possible drainage onto his property from a paved parking lot at the proposed development was also a concern.

Mr. Christian Iezzi (resident at Redbud Circle NW) spoke against the request. He stated that the subject area was an ecological site. He was concerned about tearing up new roads to install sewer lines; the privacy from multi-story units overlooking the existing neighborhood homes; and congestion. He stated that the City should work with the property owners to make the site a saleable commercial property.

Ms. Danielle Cooper (resident at Redbud Circle NW) spoke against the request. She stated that the property was on a sharp corner that could result in accidents. The loss of privacy and the impact on the existing morning traffic were concerns. The applicant should work with City staff for a better project.

Mr. Daniel Young and Ms. Ginny Young (residents at Gisinger Street NW) spoke against the request. There were already multiple-family homes on Malabar Road, so there was not a need for additional multiple-family development in the area.

In response to public comments, Ms. Chand stated that it was not her intention to construct a three or four-story development to disrupt the community, and there were townhomes that had the appearance of single-family homes. She noted that there would likely be less than 97 units on the site due to roads and other infrastructure. Mr. Gurudeo Chand (applicant) reiterated that the property was marketed unsuccessfully for commercial use for 18 years, and although 97 units were allowed,

it was not necessarily desired. Ms. Chand added that a commercial development would be more disruptive to the community.

Ms. Jordan asked if the applicant had considered a single-family development. Mr. Chand indicated that he was open to considering a single-family development. Any development, however, would impact the wildlife on the site.

Ms. Maragh asked if the applicant was trying to sell the property as a multi-family site. Ms. Chand stated that this was correct. Mr. Chand said that any buyer would have to meet all development requirements.

Mr. Balter informed the board that a change in the property use from commercial to multiple-family residential would be a “down use” that would generate less traffic. Any type of development would require water and sewer connections to the site, and the maximum 97 units would be lessened to meet stormwater retention, St. Johns River Water Management District regulations, parking, and infrastructure requirements.

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

Motion to submit Case CP-20-2021 to City Council for approval.

Motion by Mr. Boothroyd, seconded by Mr. Boerema.

Ms. Maragh commented that a future traffic study would also need to be done for the site, and that the multiple-family development could not occur if the requirements could not be met. Mr. Balter indicated that this was correct.

Mr. Hill noted that the motion should include the cap of 15 units per acre. Mr. Boothroyd concurred.

Ms. Maragh remarked on the benefit of a future traffic study, but she was still concerned about a multiple-family development specifically at the subject site. Mr. Weinberg agreed that 97 homes would be too much of an impact on the subject neighborhood in particular. He believed that a single-family development would be a better fit for the area.

Mr. Boothroyd commented that the mix of multiple-family developments with single-family homes was not unusual and could be seen throughout the City and Brevard County. Ms. Maragh stated her support of diverse housing; however, she felt that the subject street was not conducive to multiple-family development.

Mr. Boerema commented on how the property owners should have the ability to develop their site, but there, unfortunately, had been no commercial interest in the property. Mr. Weinberg and Ms. Maragh noted that a lesser residential use, such as single-family homes, could be considered for the site.

Motion amended to submit Case CP-20-2021 to City Council for approval, subject to the staff condition that the maximum density shall be capped at 15 units per acre.

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

Aye: Boerema, Boothroyd.

Nay: Weinberg, Jordan, Hill, Maragh.

6. ****CPZ-20-2021 - Bibi and Gurudeo Chand - A Zoning amendment from an NC, Neighborhood Commercial District to an RM-15, Single-, Two-, Multiple-Family Residential District. Tract A, Port Malabar Unit 39, Section 34, Township 28, Range 36, Brevard County, Florida, containing approximately 6.52 acres. East of and adjacent to Krassner Drive NW, in the vicinity north of Hayworth Circle NW**

The board had denied Case CP-20-2021, the companion land use proposal to the subject request.

Ms. Bibi Chand and Mr. Gurudeo Chand (applicants) stated that they had been unable to sell the subject site under the current commercial designation but continued to pay taxes. Based on the denial of Case CP-20-2021, they wanted to know their best option for the property. Mr. Weinberg stated that the applicants should meet with staff to discuss their options.

The floor was opened for public comments.

Mr. James Kratzer (resident at Redbud Circle NW) stated that he would not oppose a resubmittal of the subject property for single-family residential homes.

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

Motion to deny Case CPZ-20-2021.

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

Aye: Weinberg, Jordan, Hill, Maragh.

Nay: Boerema, Boothroyd.

7. ****Z-54-2021 - Alfred and M. Agarie - A Zoning change from an HC, Highway Commercial District to a BMUV, Bayfront Mixed Use Village District. Tract 11, Hopsons Subdivision, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately .34 acres. East of and adjacent to Dixie Highway NE, and west of and adjacent to Ridge Road NE, specifically at 4371 Dixie Highway NE**

Mr. Murphy informed the board that the applicant was not in attendance. It was the board's prerogative to hear or continue the case.

At the advisement of Ms. Cockcroft, the floor was opened for public comments. There were no comments from the audience and there was no correspondence in the file. The floor was closed for public comments.

Motion to continue Case Z-54-2021 to the January 5, 2022 Planning and Zoning Board meeting.

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

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

8. T-55-2021 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.134, to modify provisions of the architectural ordinance

Mr. Balter presented the staff report for Case T-55-2021. Staff recommended Case T-55-2021 for approval.

Mr. Boothroyd asked for clarification on whether the proposed amendment would remove the Florida vernacular architectural style from the code. Mr. Balter explained that the Bayfront architectural style was being removed from the code, and the process to gain relief from architectural requirements were being simplified. Relief would now be sought from the Growth Management Director instead of the City Council. However, architectural decisions by the Growth Management Director could be challenged before the City Council.

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

Motion to submit Case T-55-2021 to City Council for approval.

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

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

OTHER BUSINESS:

Well wishes were expressed for Christmas and the New Year.

ADJOURNMENT:

The meeting was adjourned at approximately 8:41 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Patrick Murphy, Assistant Growth Management Director

DATE: January 5, 2022

SUBJECT: **Z-54-2021 - Alfred and M. Agarie - A Zoning change from an HC, Highway Commercial District to a BMUV, Bayfront Mixed Use Village District. Tract 11, Hopsons Subdivision, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately .34 acres. Located east of and adjacent to Dixie Highway NE, and west of and adjacent to Ridge Road NE, specifically at 4371 Dixie Highway NE

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ▣ Case Z-54-2021 - Staff Report
- ▣ Case Z-54-2021 - Survey
- ▣ Case Z-54-2021 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Patrick J. Murphy, Acting Growth Management Director

CASE NUMBER

Z-54-2021

PLANNING & ZONING BOARD HEARING DATE

December 1, 2021

PROPERTY OWNER & APPLICANT

Alfred R. Agarie and Murine N. Agarie

PROPERTY LOCATION/ADDRESS

4371 Dixie Highway NE 32905

SUMMARY OF REQUEST

The applicant is requesting a rezoning of the subject parcel from HC, Highway Commercial to the BMUV, Bayfront Mixed Use Village zoning district

Existing Zoning

HC, Highway Commercial

Existing Land Use

Bayfront Mixed Use Village

Site Improvements

Former Gas Station

Site Acreage

0.34 acres

SURROUNDING ZONING & USE OF LAND

North

HC, Highway Commercial; Angles Drive NE

East

HC, Highway Commercial; Ridge Road NE

South

BMUV, Bayfront Mixed Use Village; Ozzie's Crab House

West

HC, Highway Commercial; U.S. Highway No. 1

COMPREHENSIVE PLAN

COMPATIBILITY

Yes

BACKGROUND:

The subject property is located at the SE corner of Dixie Highway and Anglers Drive, approximately 700' south of the Turkey Creek. Specifically, the property is Lots 10 & 11 of the Hopson's Subdivision, located in Section 24, Township 28 south, Range 37 east, of Brevard County, Florida. The subject parcel is approximately 0.34 acres.

The property owner received approval from City Council to amend the future land use designation from Commercial Use to Bayfront Mixed Use Village, via Ordinance 2015-50. However, the companion rezoning application was withdrawn. The applicants, Alfred and Murine Agarie, are now seeking to rezone the property from HC, Highway Commercial to the Bayfront Mixed Use Village (BMUV) zoning district.

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 "to allow for the possible, future use of residential on the property."

The BMUV zoning district permits a range of lower intensity commercial uses, as well as single- and multi-family development with a maximum density of 10 units per acre. This district also allows for reduced setbacks which provide for more flexibility in developing a small parcel.

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 BMUV would have minimal effect to the surrounding area as the subject property is bordered by roads on three sides, and the property abutting to the south is currently zoned BMUV. 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.*

BMUV zoning exists from the north side of Turkey Creek to Kirkland Road NE, mostly between the F.E.C.R.R. and U.S. Highway 1. A handful of BMUV-zoned parcels exist east of U.S. 1, adjacent to Kirkland. Roughly 75% of the land zoned BMUV is developed.

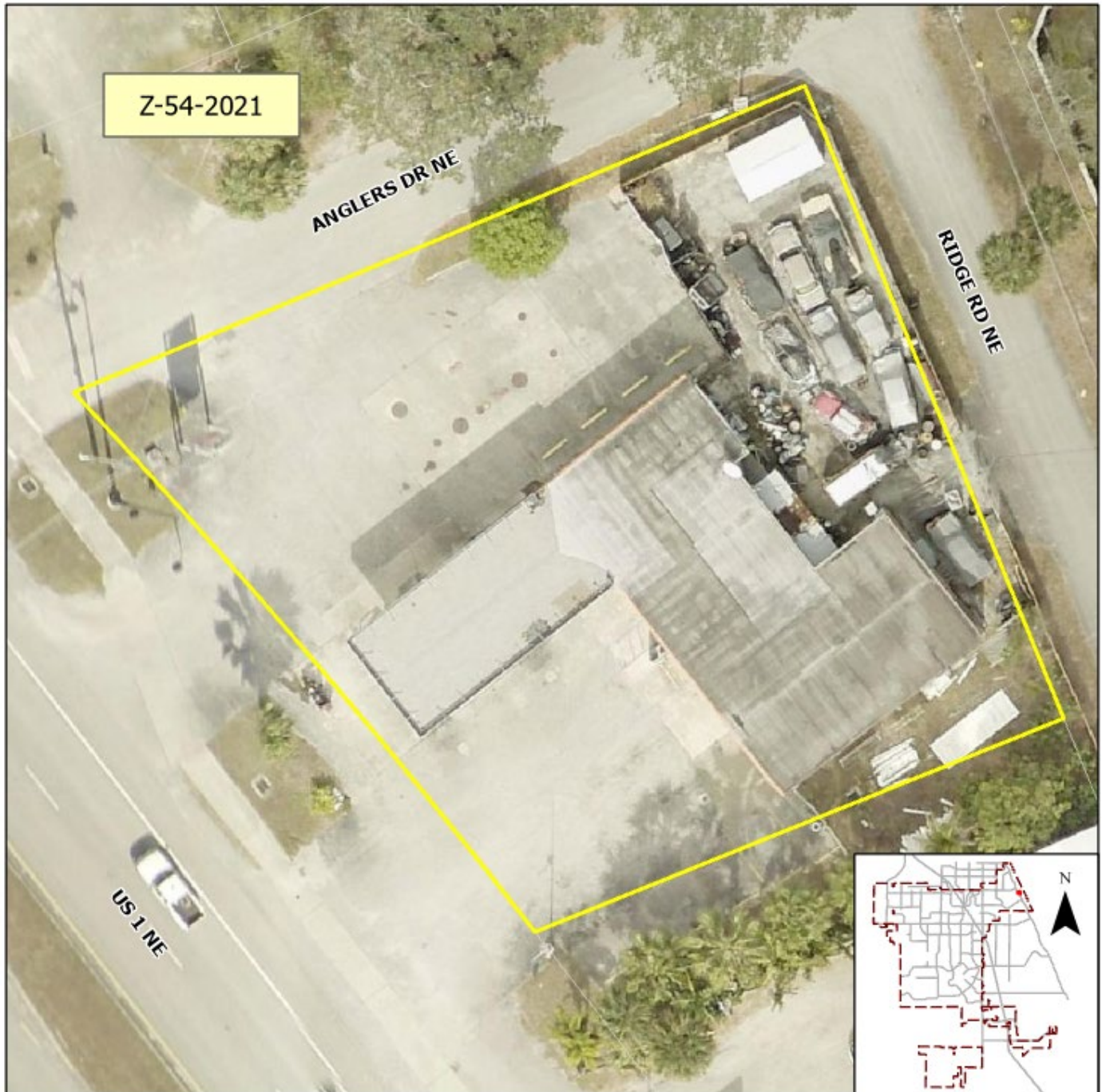
Item 4 - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).*

The property already has a future land use designation of Bayfront Mixed Use Village. Thus, the rezoning of this parcel is not only consistent with the existing land use but furthers the compatibility goals the Comprehensive Plan.

STAFF RECOMMENDATION:

Case Z-54-2021 is recommended for approval.

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



SITE LOCATION MAP CASE: Z-54-2021

Subject Property

East of and adjacent to Dixie Highway NE, and west of and adjacent to Ridge Road NE, specifically at 4371 Dixie Highway NE

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

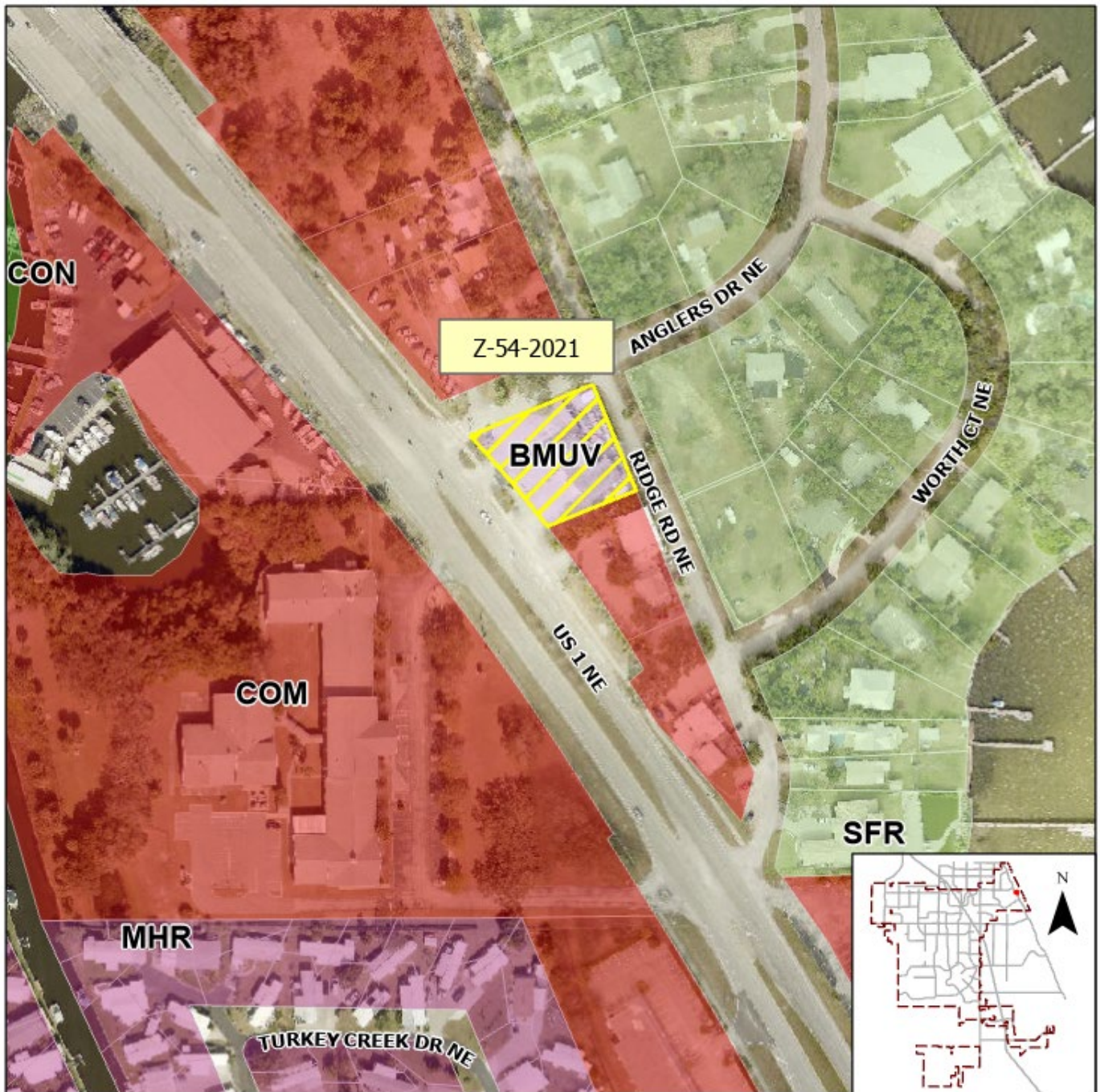


AERIAL LOCATION MAP CASE: Z-54-2021

Subject Property

East of and adjacent to Dixie Highway NE, and west of and adjacent to Ridge Road NE, specifically at 4371 Dixie Highway 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: Z-54-2021

Subject Property

East of and adjacent to Dixie Highway NE, and west of and adjacent to Ridge Road NE, specifically at 4371 Dixie Highway NE

Future Land Use Classification

BMUV – Bayfront Mixed Use Village Use



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



ZONING MAP

CASE: Z-54-2021

Subject Property

East of and adjacent to Dixie Highway NE, and west of and adjacent to Ridge Road NE, specifically at 4371 Dixie Highway NE

Current Zoning Classification

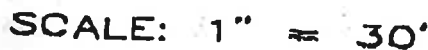
HC – Highway Commercial District

- CERTIFIED TO: RELIANCE PETROLEUM**

BEGIN AT A POINT WHERE THE LINE DIVIDING LOTS 10 AND 11, TOPSON'S SUBDIVISION, IN SECTION 24, TOWNSHIP 28 SOUTH, RANGE 31 EAST, INTERSECTS THE WEST LINE OF OLD COUNTY ROAD (OR MONTECALA TO MIAMI HIGHWAY) RUN NORTH 22°28' WEST, ALONG THE WEST LINE OF OLD COUNTY ROAD, A DISTANCE OF 153.14' TO THE NORTH LINE OF PROPERTY DESCRIBED IN DEED BOOK 296, PAGE 472; THENCE SOUTH 63°40' WEST, ALONG SAID NORTH LINE, A DISTANCE OF 152.11', TO THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1, BEING A POINT ON A CURVE CONCAVE TO THE RIGHT AND HAVING A RADIUS OF 5342.92'; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, AN ARC DISTANCE OF 141.15' TO THE SOUTH LINE OF PROPERTY DESCRIBED IN DEED BOOK 250, PAGE 101; THENCE NORTH 70°35' EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 116.70' TO THE POINT OF BEGINNING.

BREVARD COUNTY, FLORIDA.

M.W. - MONITORING WELL



BY CERTIFY THAT THE SKETCH OF SURVEY HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER MY DIRECTION.
 HER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN RULE 61G17-8 ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS,
 ANT TO FLORIDA STATUTE 472.027. THERE ARE NO ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON. SUBJECT TO THE QUALIFICATIONS
 HEREON. NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL.

201 S.W. Port St. Lucie Blvd., Suite 104
Port St. Lucie, FL 34984
Tel. (407) 871-1183

JOB NUMBER
95-86



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

REZONING 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.

PARCEL ID _____

TAX ACCOUNT NO. 2832843

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

PROPERTY ADDRESS (If assigned): 4371 Dixie Hwy NE Palm Bay FL 32905

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

ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.): H.W.C.

ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): MIX use

STRUCTURES NOW LOCATED ON THE PROPERTY: yes

PRESENT USE OF THE PROPERTY:

C-Store
Service Station and gas sale.

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

Same with office space.

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

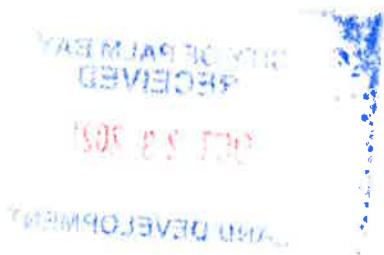
- _____ *\$650.00 Application Fee. Make check payable to "City of Palm Bay."
- _____ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective 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.)
- _____ 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 request the rezoning.

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.

Signature of Applicant A. Agorrie M. Agorie Date 10-4-2021
Printed Name of Applicant ALFRED R. AGARIE, Murine W Agorie
Full Address 4371 Dixie Hwy NE Palm Bay FL 32905
Telephone 321-508-9624 Email ALFYA@AGARIE@gmail.com

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





MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Christopher Balter, Senior Planner

DATE: January 5, 2022

SUBJECT: **CU-1-2022 - Caliber Carwash - Summit Shah, President, M & R United, Inc. (Kristhian Morales, Bowman Consulting, Rep.) - A Conditional Use to allow a proposed carwash in a CC, Community Commercial District. Lots 23 and 24, Block 2471, Port Malabar Unit 48, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 1.04 acres. Located west of and adjacent to Minton Road NW, in the vicinity south of Palm Bay Road NE

♣Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ▢ Case CU-1-2022 - Staff Report
- ▢ Case CU-1-2022 - Plat
- ▢ Case CU-1-2022 - Site Plan
- ▢ Case CU-1-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

CU-1-2022

PLANNING & ZONING BOARD HEARING DATE

January 5, 2022

PROPERTY OWNER & APPLICANT

Summit Shah, President, M & R United,
Inc. (Kristhian Morales, Bowman
Consulting, Rep.)

PROPERTY LOCATION/ADDRESS

Lots 23, and 24, Section 24, Block 2471 of Port Malabar
Unit 48, Township 28, Range 36, Brevard County,
Florida. Specifically, 5050 Minton Road NW

SUMMARY OF REQUEST

A Conditional Use to allow a proposed car wash facility in a CC,
Community Commercial District.

Existing Zoning

CC, Community Commercial District

Existing Land Use

Commercial Use

Site Improvements

Existing Gas Station

Site Acreage

1.04 acres

SURROUNDING ZONING & USE OF LAND

North

CC, Community Commercial District, Office Building

East

Minton Road NW

South

CC, Community Commercial District, Strip Center

West

City of Palm Bay Canal Number 66

COMPREHENSIVE PLAN

COMPATIBILITY

Yes

BACKGROUND:

The subject properties are located west of and adjacent to Minton Road NW. Specifically Lots 23, and 24, Section 24, Block 2471 of Port Malabar Unit 48, Township 28, Range 36, Brevard County, Florida, 5050 Minton Road NW. The subject property received conditional use approval via case CU-06-1996 (Resolution 1996-06). The request from 1996 was approved with a binding site plan for retail automotive gas/fuel sales. This request includes approximately 1.04 acres of land.

ANALYSIS:

The proposed request is to demolish the existing gas station, retail store, and associated parking areas and construct a 3,763 square foot single-story automatic tunnel carwash with 20 self-operated cleaning areas (vacuum and drying stations.)

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.

According to the conceptual site plan, the site will be accessed from the existing southern driveway located along the Minton Road NW and the existing northern driveway will be closed. The existing driveway will be restricted to a right-in right-out only access.

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.

The City's Land Development Code does not contain a minimum parking standards for a car wash facility. The concern with such a facility is the stacking area provided for vehicles waiting to enter the car wash facility. For this particular operation, vehicles move through the washing facility on a computer-controlled track that brings the vehicle thorough the wash and automatic blowers. Patrons have the option of leaving the site or pulling into a self-serve space to vacuum the inside of the vehicle and/or dry off any excess water. The plan proposes 20 such spaces as well as an additional 6 standard parking spaces (no facilities).

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

The existing gas station is currently serviced by a 2-inch water main that connects to the existing 8-inch water main located along Minton Road, and the existing septic system will need to be abandoned and the proposed carwash will need to hook up to the City's sewer system. 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 parcel of land for which this development is proposed is currently an existing gas station. The site abuts Minton Road to the east, a strip center to the south, an office building to the north, and City canal number 66 to the west. The building is approximately 150 feet from existing residential homes located west of the proposed carwash. Staff recommends an 8-foot opaque wall or fence be placed along the west property line to adequately screen and buffer the existing residential homes.

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.

A detached sign is shown on the drawing and meets the minimum setback requirements. 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.

The project has been designed with sufficient drive aisles and ample on-site maneuverability. Moreover, the looped stacking on the site and internal driveway connections will provide for the safe off-street movement of vehicles.

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

The proposed use is permitted (via conditional use), and the site was previously a gas station. The site is bordered by commercial land to the north, south, and by Minton Road to the east.

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-1-2022 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-1-2022

Subject Property

West of and adjacent to Minton Road NW, in the vicinity south of Palm Bay Road NE



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



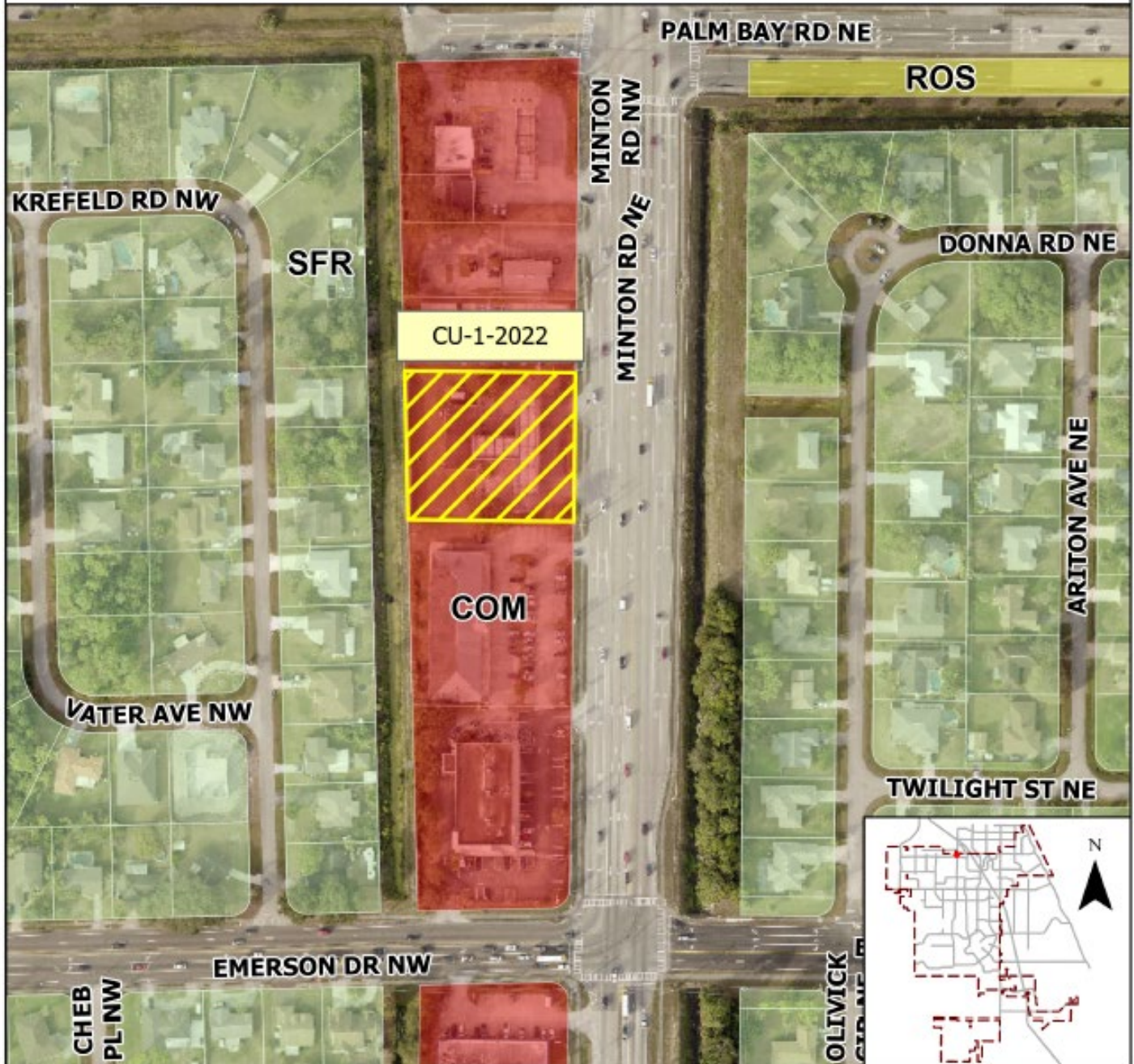
AERIAL LOCATION MAP CASE: CU-1-2022

Subject Property

West of and adjacent to Minton Road NW, in the vicinity south of Palm Bay Road 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-1-2022

Subject Property

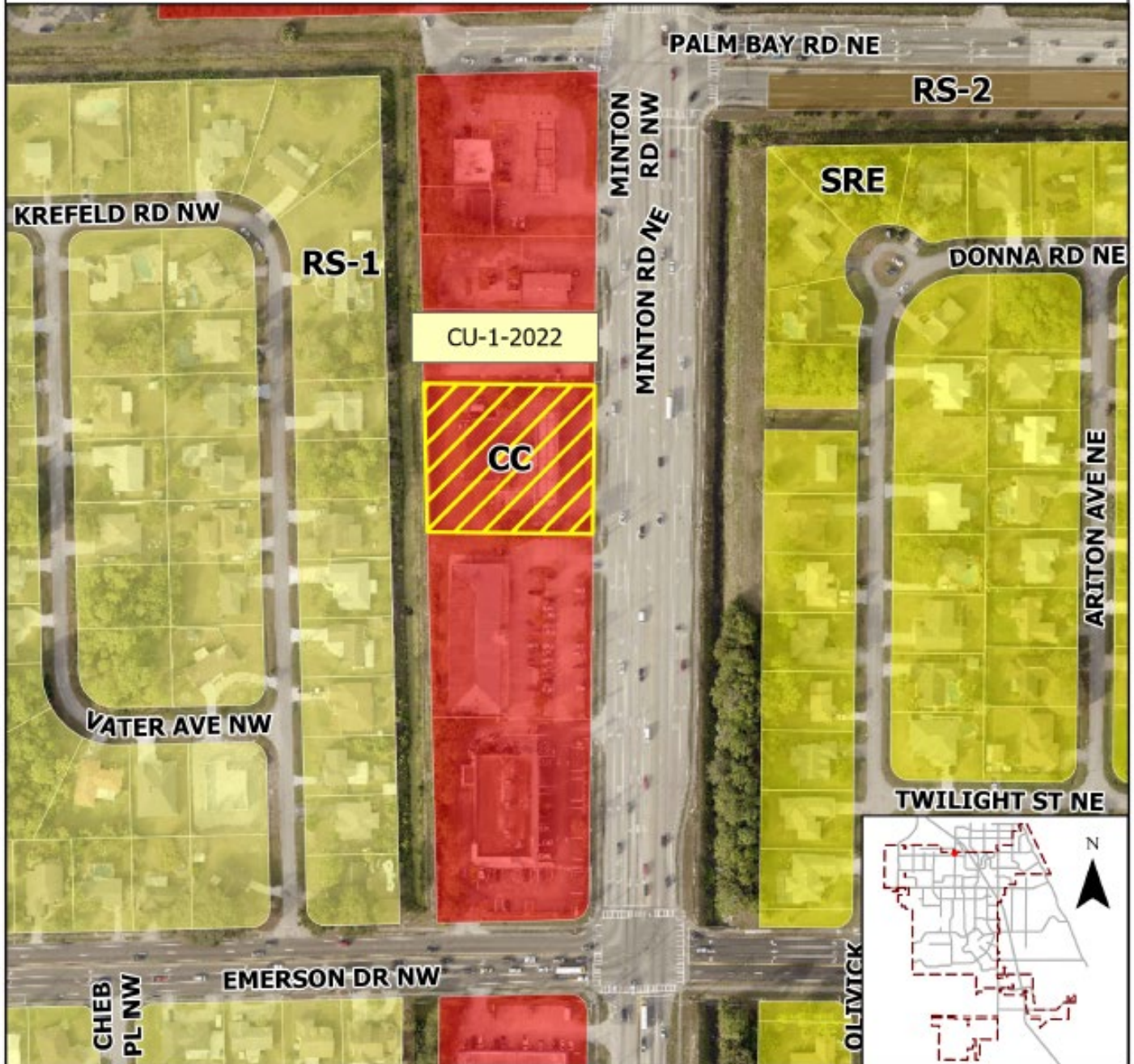
West of and adjacent to Minton Road NW, in the vicinity south of Palm Bay Road NE

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-1-2022

Subject Property

West of and adjacent to Minton Road NW, in the vicinity south of Palm Bay Road NE

Current Zoning Classification

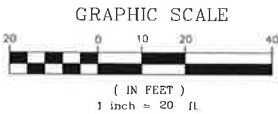
CC – Community Commercial

A horizontal scale bar with markings at 100, 50, 0, 100, 200, and 300 feet. The text "SCALE IN FEET" is centered below the bar.

[illegible]

PM- 48

CALCULATED BY AC
DRAWN BY AC
CHECKED BY AC
APPROVED BY ST



LEGEND	
PROP. ASPHALT DRIVE	PROPERTY LINE
PROP. CONC. SIDEWALK	EX. CONCRETE SIDEWALK
PROP. CONC. PAVEMENT	EX. CONCRETE D CURB
PROP. TYPE "F" CURB	EX. CONCRETE F CURB
PROP. PARKING STRIPE	EX. EDGE OF PAVEMENT
PROP. HANDICAP MARKING	EX. EDGE OF SIDEWALK
PROP. SITE SIGNAGE	EX. OVERHEAD ELECTRIC
	EX. FENCE
	EX. POWER POLE
	EX. LIGHT POLE
	EX. GUY WIRE
	EX. POWER POLE
	EX. STORM MANHOLE
	EX. STORM CATCH BASIN
	EX. CABLE PEDESTAL

FLOOD ZONE NOTE
1 THE LANDS BOUND BY THIS SURVEY WERE LOCATED WITHIN AN AREA HAVING A FLOOD ZONE DESIGNATION "X" (AREA OF MINIMAL FLOOD HAZARD) BY THE FEDERAL MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP NUMBER 12090C0395.2. MAP REVISED MARCH 17, 2014.

SITE SUMMARY	
ZONING	COMMUNITY COMMERCIAL
FLU	COMMERCIAL
USE	CAR WASH W/ DRIVE THRU
TYPE OF CONSTRUCTION	COMMERCIAL
PARCEL ID	28-36-24-KR-2471-23
LOT	
SIZE	200' X 230'
BUILDING	
SIZE	3,763 SF
HEIGHT	11'
CONSTRUCTION TYPE	XX
PARKING	
VAG STALL SIZE	12.5' X 20'
STALL SIZE	10' X 19'

BUILDING SETBACKS		
SETBACKS	REQUIRED	PROVIDED
FRONT (EAST)	30'	134.5'
REAR (WEST)	25'	53.2'
SIDE (NORTH)	10'	39.6'
SIDE (SOUTH)	10'	58.2'

PARKING CALCULATIONS			
USE	SF	RATIO	REQUIRED SPACES
GROSS FLOOR AREA (SF)	4,763 SF	1 SPACE PER 200 SF	19 SPACES
STANDARD PARKING PROVIDED			
HANDICAP PARKING REQUIRED			
HANDICAP PARKING PROVIDED			
VACUUM PARKING PROVIDED			
TOTAL PARKING PROVIDED			

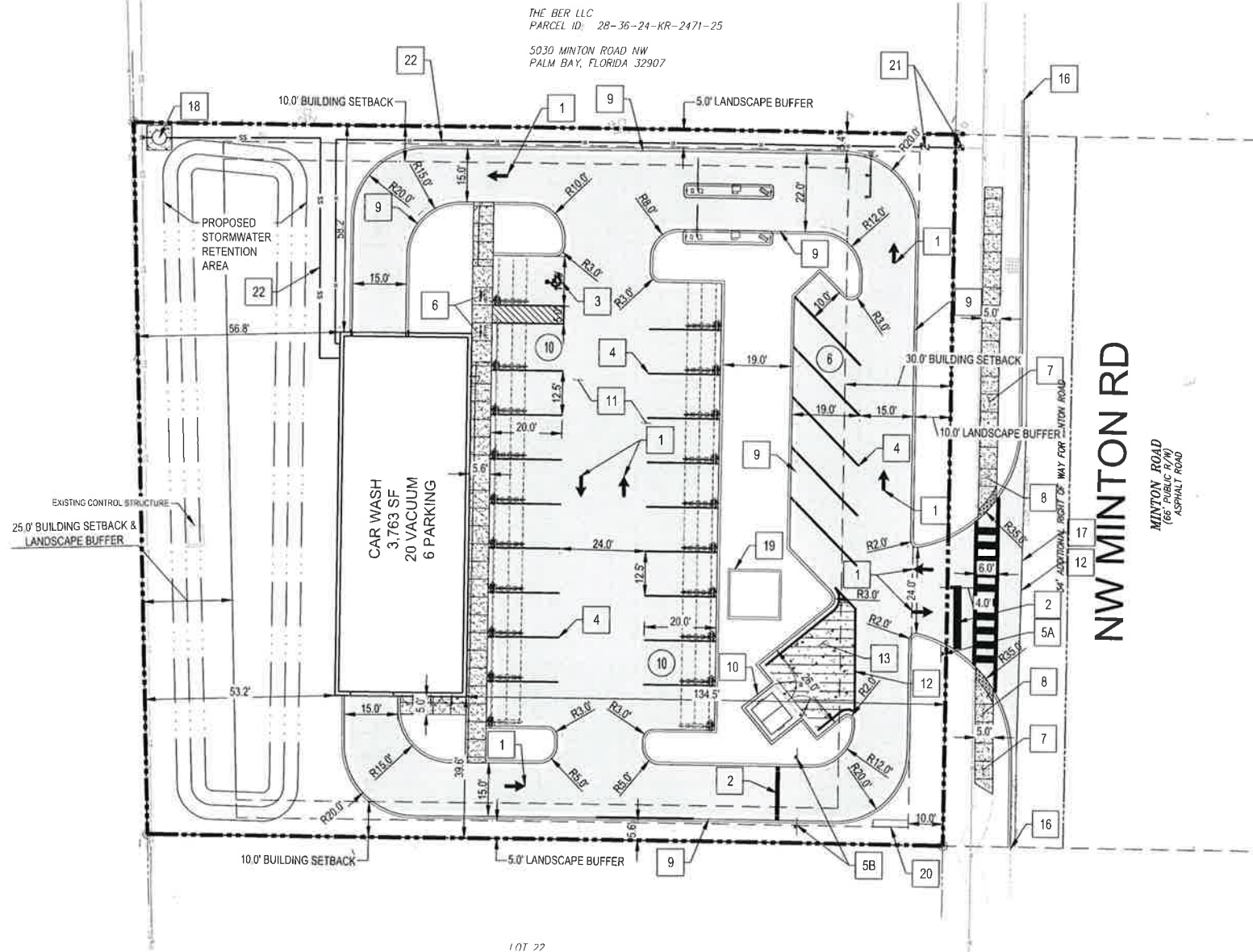
LANDSCAPE BUFFERS		
SETBACKS	REQUIRED	PROVIDED
FRONT (EAST)	10'	10'
REAR (WEST)	25'	53.2'
SIDE (NORTH)	5'	5.6'
SIDE (SOUTH)	5'	5.4'

EXISTING SITE CALCULATIONS			
AREA	SF	ACRES	%
TOTAL SITE AREA	45,349	1.04	100
TOTAL PERVIOUS AREA	18,646	0.43	41.8
BUILDING AREA	3,763	0.09	7.99
PAVEMENT AREA	23,303	0.53	51.4
TOTAL IMPERVIOUS AREA	26,523	0.61	58.4

CALIBER SITE CALCULATIONS			
AREA	SF	ACRES	%
TOTAL SITE AREA	45,349	1.04	100
TOTAL PERVIOUS AREA	18,722	0.45	43.5
BUILDING AREA	3,763	0.09	8.29
PAVEMENT AREA	21,892	0.50	48.2
TOTAL IMPERVIOUS AREA	25,678	0.59	56.5

SITE NOTES

- | | |
|--|--|
| 1 CONST. DIRECTIONAL ARROW (TYP.) | 11 CONST. ASPHALT PAVEMENT |
| 2 CONST. STOP LINE GRAPHIC | 12 CONST. PAVEMENT EDGE |
| 3 CONST. HANDICAP STALL WITH PAINTED ACCESSIBILITY SYMBOL | 13 CONST. CONCRETE APRON AT REFUSE ENCLOSURE |
| 4 CONST. STANDARD PARKING STALL | 14 CONST. TYPE C INLET |
| 5 DIRECTIONAL SIGNAGE (REFER TO SIGN PACKAGE FOR MORE DETAILS) | 15 CONST. TYPE B CURB INLET |
| 5A STOP SIGN (R1-1) | 16 CONNECT TO EXISTING CURB |
| 5B DO NOT ENTER SIGN (R5-1) | 17 CONNECT TO EXISTING EDGE OF PAVEMENT |
| 6 CONST. SIDEWALK ACCESSIBLE RAMP (CR-C FDOT INDEX 522-002) | 18 PROPOSED PRIVATE LIFT STATION |
| 7 CONST. TYPICAL CONCRETE SIDEWALK | 19 PROPOSED VACUUM EQUIPMENT |
| 8 CONST. 8" SIDEWALK RAMP @ 1:12 MAXIMUM SLOPE | 20 PROPOSED MONUMENT SIGN |
| 9 CONST. CURB AND GUTTER TYPE F | 21 PROPOSED WATER METER & BACKFLOW PREVENTER |
| 10 CONST. REFUSE ENCLOSURE | 22 PROPOSED WATER SERVICE TO BUILDING |
| | 23 PROPOSED SEWER LATERAL |





LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

CONDITIONAL USE APPLICATION

This application must be deemed complete and legible, and 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):

28-36-24-KR-2471-23

TAX ACCOUNT NUMBER(S):

2806476

PROPERTY ADDRESS:

5050 MINTON ROAD, PALM BAY, FL, 32907

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

1.04 ACRES

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

CC (COMMUNITY COMMERCIAL)

CONDITIONAL USE SOUGHT:

CAR WASH

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

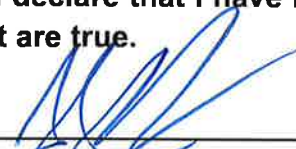
THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:

- ☐ *\$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 Bowman Consulting, Kristhian T. Morales

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  Date 10/27/2021
Printed Name Summit Shaw
Full Address 402 HIGH POINT DR, COCOA FL 32926
Telephone 321 631 0245 Email summit@Southeastpetro.com

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

October 13, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

5050 MINTON RD NW PALM BAY FL 32907
PORT MALABAR UNIT 48 LOTS 23 & 24 BLK 2471
Parcel ID: 28-36-24-KR-2471-23

I, Owner Name: M & R United Inc.

Address: 402 High Point Dr. Suite A Cocoa, FL 32926

Telephone: 321-508-4140

Email: summit@southeastpetro.com

hereby authorize:

Representative: Bowman Consulting, Kristhian T. Morales

Address: 910 SE 17th St, Fort Lauderdale, FL 33316

Telephone: 954-686-1562

Email: kmorales@bowman.com

to represent the request(s) for:

Conditional Use Application


(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14th day of October, 2021 by

Summit Shah, as President of M & R United, Inc a Florida corporation, property owner.




Lauren Smedley, Notary Public

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

Personally Known

ORIGINAL



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Patrick Murphy, Assistant Growth Management Director

DATE: January 5, 2022

SUBJECT: T-2-2022 - Contractor's Offices in HC - Cody Lafferty (Tony Masone, Rep.) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044(B), to allow Contractor's Offices as a permitted use within the HC, Highway Commercial District

ATTACHMENTS:

Description

- ▣ Case T-2-2022 - Staff Report
- ▣ Case T-2-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

T-2-2022

PLANNING & ZONING BOARD HEARING DATE

January 5, 2022

APPLICANT

Cody Lafferty

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to allow Contactor's Offices, as a Permitted Use in the HC – Highway Commercial Zoning District.

Existing Zoning

Not Applicable

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

SURROUNDING ZONING & USE OF LAND

North

Not Applicable

East

Not Applicable

South

Not Applicable

West

Not Applicable

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044 HC – Highway Commercial zoning district, creating 185.044(B)(23).

The applicant for this amendment is Cody Lafferty of Lafferty Aluminum & Screening. The applicant is looking to move their existing business to a location at the east end of Palm Bay Road NE, which is zoned HC. This zoning district does not currently allow the proposed use.

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

ANALYSIS:

The zoning code is based on and has been adopted to effectuate and implement the policies of the city's comprehensive plan to protect, preserve and improve the public health, safety, and welfare of the inhabitants of the city.

The provisions of the Highway Commercial district are intended to apply to an area which are deemed to be uniquely suited for the development and maintenance of highway-oriented businesses and regional scale facilities. The areas are to be primarily located along or near the intersection of major arterials and major transportation nodes.

While the applicant has proposed the text amendment to allow for an Aluminum Screening company, as a Permitted Use in the HC District, staff has drafted this amendment to be best suited for this proposed use, with consideration for other similar businesses.

The amendment would create the ability to locate a Contractor's Office on a property with HC zoning, subject to the following: (1) All work shall be conducted within an enclosed structure; and (2) Any outside storage of vehicles and/or materials used or needed in conjunction with the business shall be stored upon an improved surface, and shall be screened on all sides with a minimum 6-foot tall opaque material, as approved by the Land Development Division.

These provisions are included for the health, safety, and welfare of adjacent properties. It should be noted that any permitted use on a property zoned HC that includes ten (10) or more acres, would require conditional use approval.

STAFF RECOMMENDATION:

Case T-2-2022 is recommended for approval.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

§ 185.044 HC — HIGHWAY COMMERCIAL DISTRICT.

(A) *Intent.* The purpose of the highway commercial district shall be to provide areas within Palm Bay which are deemed to be uniquely suited for the development and maintenance of highway oriented businesses and regional scale facilities, the areas to be primarily located along or near the intersection of major arterials and major transportation nodes; to designate those uses and services deemed appropriate and proper for location and development within the subject district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district.

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

(1) Retail stores, sales and display rooms, including places in which goods are produced and sold at retail on premises.

(2) Personal services establishments such as barber and beauty shops, fitness salons, laundry and dry cleaning establishments using noninflammable solvents as determined by the Fire Chief, tailor shops and similar uses.

(3) Professional offices, studios, clinics, general offices, business schools and similar uses, including veterinarian clinics provided all activities are within the principal structure and there is no boarding of animals.

(4) Hotels, motels, tourist courts.

(a) The minimum living area per hotel/motel efficiency unit shall be two hundred and eighty (280) square feet.

(b) There shall be no more than fifty (50) rental units per acre.

(5) Eating and drinking establishments including drive-through facilities.

(6) Indoor commercial recreation such as theaters, driving ranges, bowling alleys and similar uses, excluding dance clubs.

(7) Banks and financial institutions with drive-through facilities.

(8) Retail stores using outside display areas including plant nurseries, and building supplies providing the following provisions are met:

(a) The outside display area may be open along the front of the lot but shall be effectively screened with a six (6) foot opaque wall or fence rendering the sides and rear opaque in order to avoid any deleterious effect on adjacent properties.

(b) The outside display area shall be considered the same as the floor area for the purpose of calculating off-street parking requirements, yard and lot coverage regulations.

(c) All outside display items with the exception of new and/or used vehicles for sale shall meet a twenty (20) foot front and side setback and a thirty (30) foot rear setback. New and used vehicles for sale or rent shall meet the parking setback requirements established in division (E)(7) below.

(d) The sale of sheds or other accessory buildings is prohibited within the Bayfront Community Redevelopment District east of the Florida East Coast Railroad.

(9) Public and private clubs and lodges including golf courses and similar activities.

(10) New and used motor vehicles, major recreational equipment and mobile home sales and rentals with accessory uses; subject to the following restrictions:

(a) All outside areas where merchandise is displayed shall be paved.

(b) All servicing and repair facilities, except for gasoline pumps, shall be located in an enclosed structure.

(c) There shall be no storage of junked or wrecked automobiles other than temporary storage for those awaiting repair. Such temporary storage shall be in an enclosed area and the vehicles shall not be visible from outside the property. All vehicles shall have attached at all times a current vehicle registration license plate.

(d) Used motor vehicles may only be sold on the same site as a new motor vehicle dealership within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad.

(e) Major recreational equipment and mobile home sales and rentals with accessory uses are not permitted within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad.

(11) Auto repair, paint, upholstery and body shops subject to provisions (10)(a) through (c) above except within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad.

(12) Public utility equipment and facilities not located within a public utility easement.

- (13) Hospitals and nursing homes.
- (14) Schools, churches, and libraries.
- (15) Day care centers.
- (16) Business service establishments.
- (17) Dry cleaning.
- (18) Funeral homes.
- (19) Xerographic and off-set printing.
- (20) Public and private parking lots and garages.
- (21) Public uses.
- (22) Arcade amusements centers; subject to the following regulations:

(a) The facility shall be located no less than one hundred (100) feet, measured from the outer wall of the facility to the closest property line, of any residentially zoned land, as well as any land designated as recreation and open space use by the Palm Bay Comprehensive Plan Future Land Use Map.

(b) The facility shall be located no less than one thousand (1,000) feet, measured from the outer wall of the facility to the closest property line, of any school.

(c) No two facilities, operating pursuant to this subdivision, shall be located closer than five hundred (500) feet from one another, measured from the closest outer wall of each facility.

(d) The number of devices within the facility shall be governed by the Land Development Code of the City of Palm Bay, as well as applicable Florida Statutes and laws.

>>(23) Contractors' offices (plumbers, electricians, carpenters, masons, roofers, builders, cabinet makers, fence installers, gutter and siding installers, flooring and tile installers, drywall installers, painters, heating and air conditioning installers, glass repair and replacement and similar uses).

(a) All work shall be conducted within an enclosed structure.

(b) Any outside storage of vehicles and/or materials used or needed in conjunction with the business shall be stored upon an improved surface and shall be screened on all sides with a minimum 6-foot-tall opaque material, as approved by the Land Development Division.<<

(C) Accessory uses and structures. Customary accessory uses of one (1) or more of the principal uses clearly subordinate to the principal use, in keeping with the intense commercial character of the district.



LAND DEVELOPMENT DIVISION

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

Landdevelopment@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

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

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Highway commercial zoning

PROPOSED LANGUAGE (attach addendum if necessary):

See attached addendum

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

To allow for aluminum and screening company use in HC zoning that includes sales of Palvers Fencesupplies, trash containers as needed for the day to day operation of Lafferty screening in aluminum

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

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



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

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

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

Signature of Applicant

Cody Lafferty

Date

11/10/21

Printed Name of Applicant

Cody Lafferty

Full Address

2510 Kirby Cir NE Unit 105, Palm Bay, FL 32905

Telephone

(321) 652-1078

Email

Lafferty493@gmail.com

PERSON TO BE NOTIFIED (If different from above):

Printed Name

Tony Masone

Full Address

4275 Alyssa Lane W Melbourne FL 32904

Telephone

321-693-8669

Email

tmasone@gmail.com

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

RECEIVED

NOV 02 2021

City of Palm Bay
LAND DEVELOPMENT



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Patrick Murphy, Assistant Growth Management Director

DATE: January 5, 2022

SUBJECT: T-3-2022 - Dog Training and Similar Uses in NC - Kimberly Mayes, Rockin' Dawgs
- A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.042(B), to create provisions within the NC, Neighborhood Commercial District to allow for dog training and similar uses

ATTACHMENTS:

Description

- ▣ Case T-3-2022 - Staff Report
- ▣ Case T-3-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

T-3-2022

PLANNING & ZONING BOARD HEARING DATE

January 5, 2022

APPLICANT

Kimberley Mayes

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to allow Dog Training and Similar Uses, as a Permitted Use in the NC – Neighborhood Commercial Zoning District.

Existing Zoning

Not Applicable

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

SURROUNDING ZONING & USE OF LAND**North**

Not Applicable

East

Not Applicable

South

Not Applicable

West

Not Applicable

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.042 HC – Neighborhood Commercial zoning district, creating 185.042(B)(11).

The applicant for this amendment is Kimberley Mayes. The applicant is looking to open a business that provides dog training and pet photography at 3490 Jupiter Boulevard SE, which is zoned NC. This zoning district does not currently allow the proposed use.

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

ANALYSIS:

The zoning code is based on and has been adopted to effectuate and implement the policies of the city's comprehensive plan to protect, preserve and improve the public health, safety, and welfare of the inhabitants of the city.

The provisions of the Neighborhood Commercial district are intended to apply to areas which are deemed to be uniquely suited for the development and maintenance of limited commercial activities offering convenience goods and personal services to residents of the surrounding neighborhood area. NC districts are to be primarily located along or near the intersection of major and minor collector roadways and are typically located within residential areas.

The applicant has stated that they teach dog training classes including virtual, private, and group options and consult with pet parents on a wide variety of dog skills. They do not board dogs. The business will also contain a studio for digital photography with all lab work (photo printing) completed off-site. Staff has drafted this amendment to allow for this business, and other similar uses, to operate as a permitted use in the NC District.

STAFF RECOMMENDATION:

Case T-3-2022 is recommended for approval.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

§ 185.042 NC — NEIGHBORHOOD COMMERCIAL DISTRICT.

(A) Intent. The purpose of the neighborhood commercial district shall be to provide areas within Palm Bay which are deemed to be uniquely suited for the development and maintenance of limited commercial activities offering convenience goods and personal services to residents of the surrounding neighborhood area. Development standards and provisions are established to ensure the proper development and location of uses and services deemed appropriate within the district; to reduce conflicts with adjacent residential uses, and to minimize the interruption of traffic along adjacent thoroughfares.

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

(1) Retail stores, sales, and display rooms (not including automotive, lumber and building supply, and similar uses) containing less than five thousand (5,000) square feet of floor area.

(2) Personal service establishments such as beauty and barber, laundry and dry-cleaning pick-up stations, and the like.

(3) Professional offices, studios, clinics, general offices, government office, business schools and similar uses containing less than five thousand (5,000) square feet of floor area.

(4) Schools, libraries, and churches.

(5) Day care centers containing less than five thousand (5,000) square feet of floor area.

(6) Restaurant, not including drive-through facilities and containing less than five thousand (5,000) square feet of floor area.

(7) Public utility equipment, facilities and uses located on one-half (½) acre or less of contiguous land.

(8) Banks and financial institutions without drive-through facilities.

(9) Public uses.

(10) Veterinarian clinics provided all activities are within the principal structure and there is no boarding of animals.

>>(11) Dog training, and similar uses, provided all activities are within the principal structure and there is no boarding of animals.<<



LAND DEVELOPMENT DIVISION

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

Landdevelopment@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

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

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

185.042(B)(11)

PROPOSED LANGUAGE (attach addendum if necessary):

Dog Training and similar uses, no boarding on premises

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

Currently this zone allows grooming and veterinary services. The dog training option allows us to help the needs of our neighborhood pets through behavioral consultations, which is considered an extension of veterinary help, as well as offer a variety of canine enrichment and obedience opportunities. Owners bring their pets in, we provide our training and/or consultation services to them and they leave. We do not provide any boarding services, pet sitting services or anything where animals are left at the premises.

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

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

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

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

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

Signature of Applicant



Date

11-4-2021

Printed Name of Applicant Kimberley Mayes

Full Address 3540 Jupiter Blvd SE, Suite 4, Palm Bay, FL 32909

Telephone 321-848-7886 Email TrickDogTrainer@gmail.com

PERSON TO BE NOTIFIED (If different from above):

Printed Name same as above

Full Address _____

Telephone _____ Email _____

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



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Christopher Balter, Senior Planner

DATE: January 5, 2022

SUBJECT: CP-2-2022 - Stellar Casitas-Malabar - William F. and Dolores J. Slentz / Bart F. and Amy S. Ferguson (Hassan Kamal, P.E., BSE Consultant, Inc., Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from RES-1, Residential 1 Unit Per Acre (Brevard County) to Multiple-Family Residential Use. Lots 9 through 14, Cisna Park, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 27.91 acres. Located south of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7

ATTACHMENTS:

Description

- ▣ Case CP-2-2022 - Staff Report
- ▣ Case CP-2-2022 - County Zoning & Future Land Use
- ▣ Case CP-2-2022 - Plat
- ▣ Case CP-2-2022 - Boundary Survey
- ▣ Case CP-2-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

CP-2-2022

PLANNING & ZONING BOARD HEARING DATE

January 5, 2022

PROPERTY OWNER & APPLICANT

William F. and Dolores J. Slentz / Bart F. and Amy S. Ferguson (Presented by Hassan Kamal, BSE Consultant Inc.; Alexandre de Chabert, Stellar Communities; and Jack Kirshenbaum, Gray Robinson PA)

PROPERTY LOCATION/ADDRESS

Lots 9 through 14, Cisna Park, Section 4, Township 29, Range 36, Brevard County, Florida

SUMMARY OF REQUEST

The applicant is requesting a future land use map amendment from RES-1, Residential 1 Unit Per Acre (Brevard County) to the MFR, Multiple-Family Residential Use

Existing Zoning

AU, Agricultural Residential (Brevard County)

Existing Land Use

RES-1, Residential 1 Unit Per Acre (Brevard County)

Site Improvements

Undeveloped Land

Site Acreage

27.91 acres

SURROUNDING ZONING & USE OF LAND

North

Malabar Road NW

East

AU, Agricultural Residential; Vacant Land

South

AU, Agricultural Residential; Vacant Land

West

AU, Agricultural Residential; Vacant Land

BACKGROUND:

The subject properties are located south of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7. There are 6 parcels are included in this request.

The owner of the property has requested a voluntary annexation into the City of Palm Bay from unincorporated Brevard County. When land is annexed into the City, it is prudent that said land is assigned a future land use category and zoning designation that is most appropriate. That is the purpose of this request.

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 support the present and future population of the City of Palm Bay.

The applicant is requesting a Future Land Use classification of multiple-family residential use. Within the west end of Malabar Road, there are over 2,000 single-family units approved and/or under construction. The requested category will allow for a more diverse housing opportunity.

2. CONSERVATION ELEMENT

The environmental character of the City is maintained through conservation, appropriate use, and protection of natural resources.

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.

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

3. 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.

4. 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 along Malabar Road.

Portable Water: If developed, the owner/developer will be responsible for extending service to the site in accordance with current City regulations.

Sanitary Sewer: If developed, the owner/developer will be responsible for extending service to the site in accordance with current City regulations.

Solid Waste: Provided by Republic Services

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 site plan review process

5. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: The proposed FLU amendment to Multiple Family Residential 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.

Historic Resources: There is no Florida Master Site File for any historic resources on the property.

6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment would increase the demand for recreation services as compared to the existing RES-1 land use.

The request would not exceed the existing parkland or recreation level of service standards.

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 Site Plan review/approval process. When a project is developed it will be required to pay its Proportionate Fair Share costs to offset the impacts of the development on the surrounding road network.

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 Planning and Zoning Board and City Council must determine if the request, based upon the submitted material and presentation made by the applicant, meets the general requirements of the Code of Ordinances, as identified in this report.



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



AERIAL LOCATION MAP CASE: CP-2-2022 & CPZ-2-2022

Subject Property

South of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7



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-2-2022 & CPZ-2-2022

Subject Property

South of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7

Future Land Use Classification

RES 1 – Residential 1



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



ZONING MAP CASE: CP-2-2022 & CPZ-2-2022

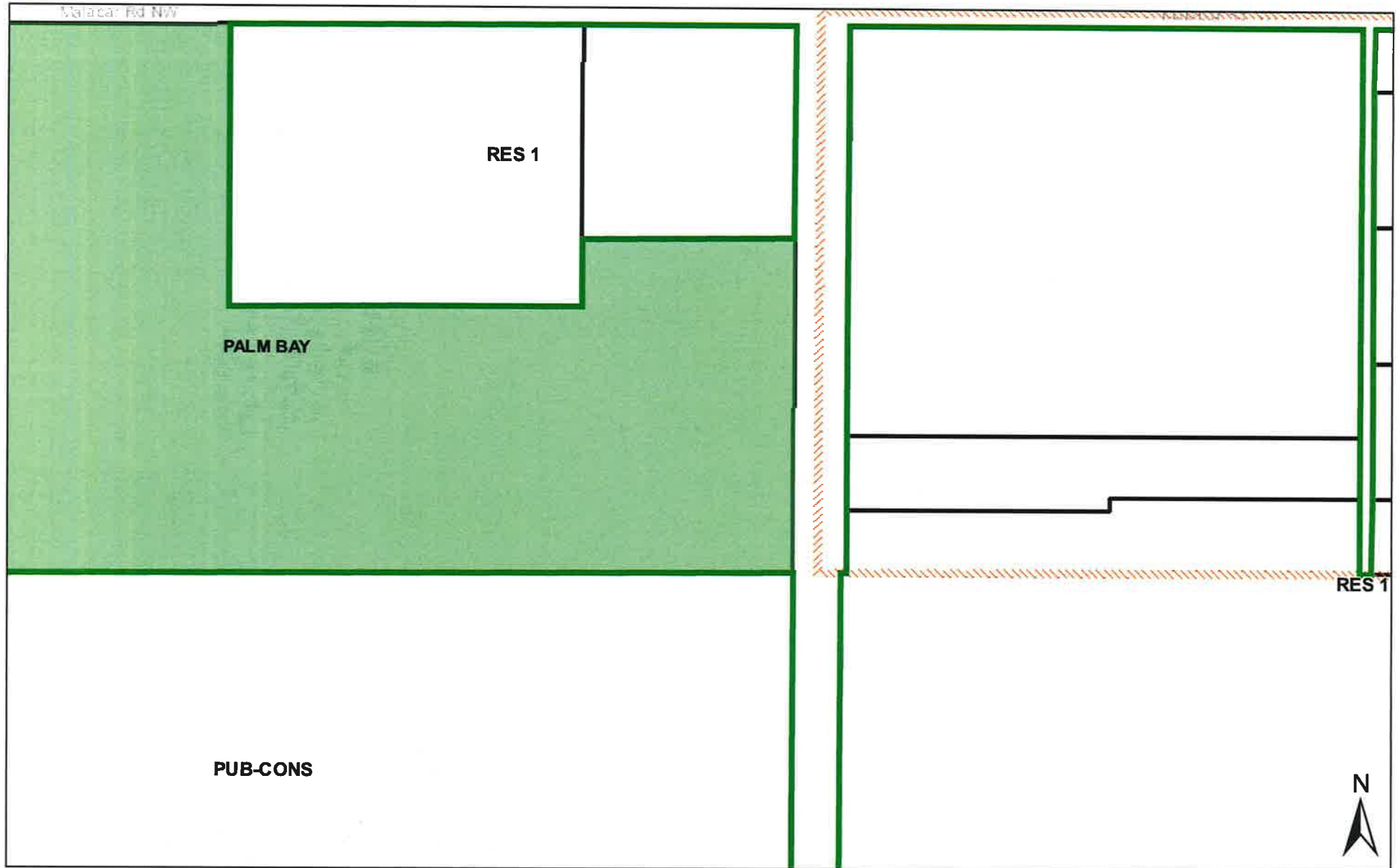
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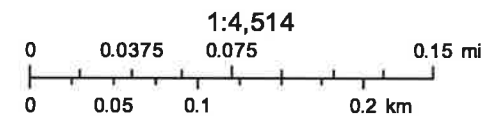
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AU – Agricultural Residential

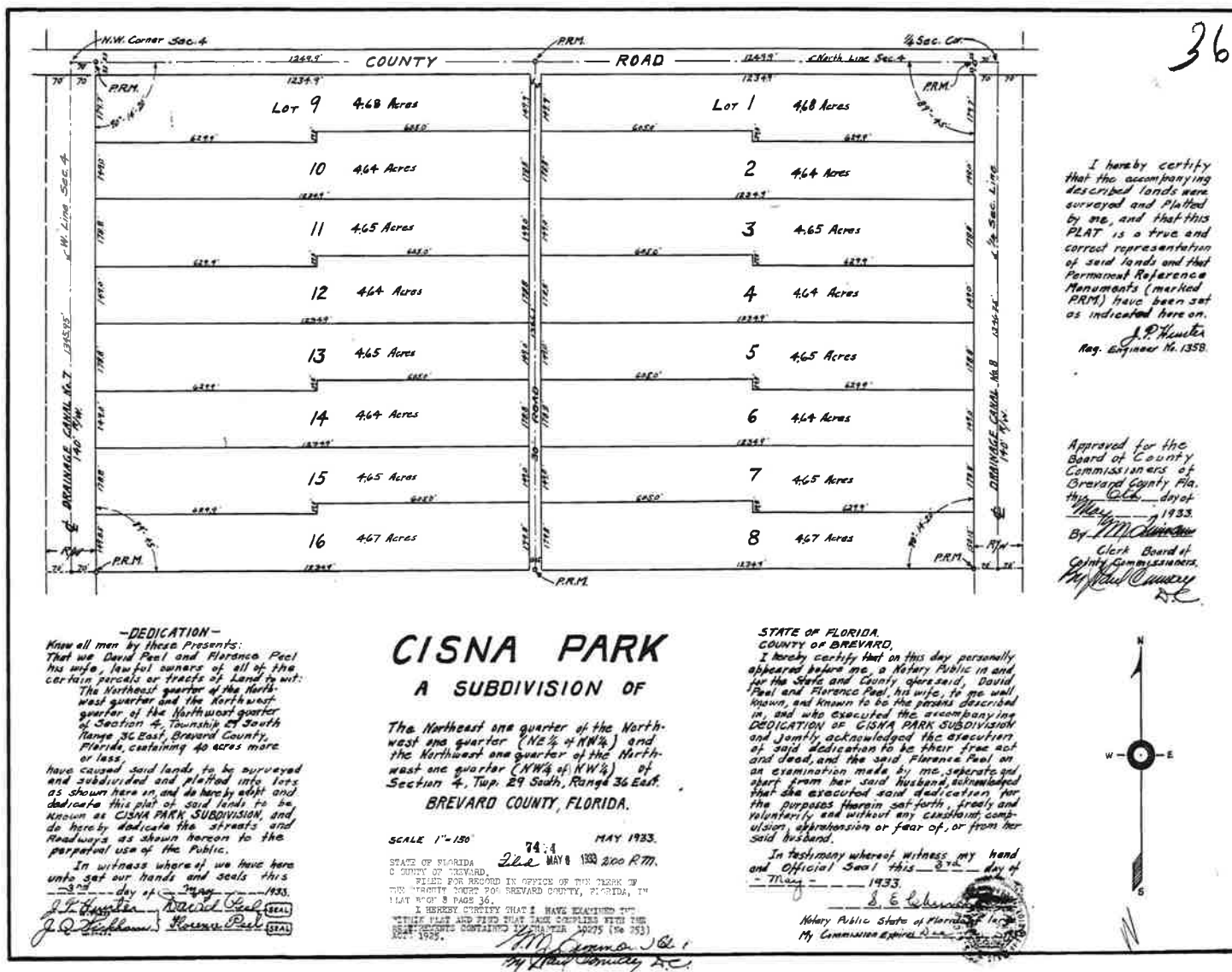
Zoning & Future Land Use Map



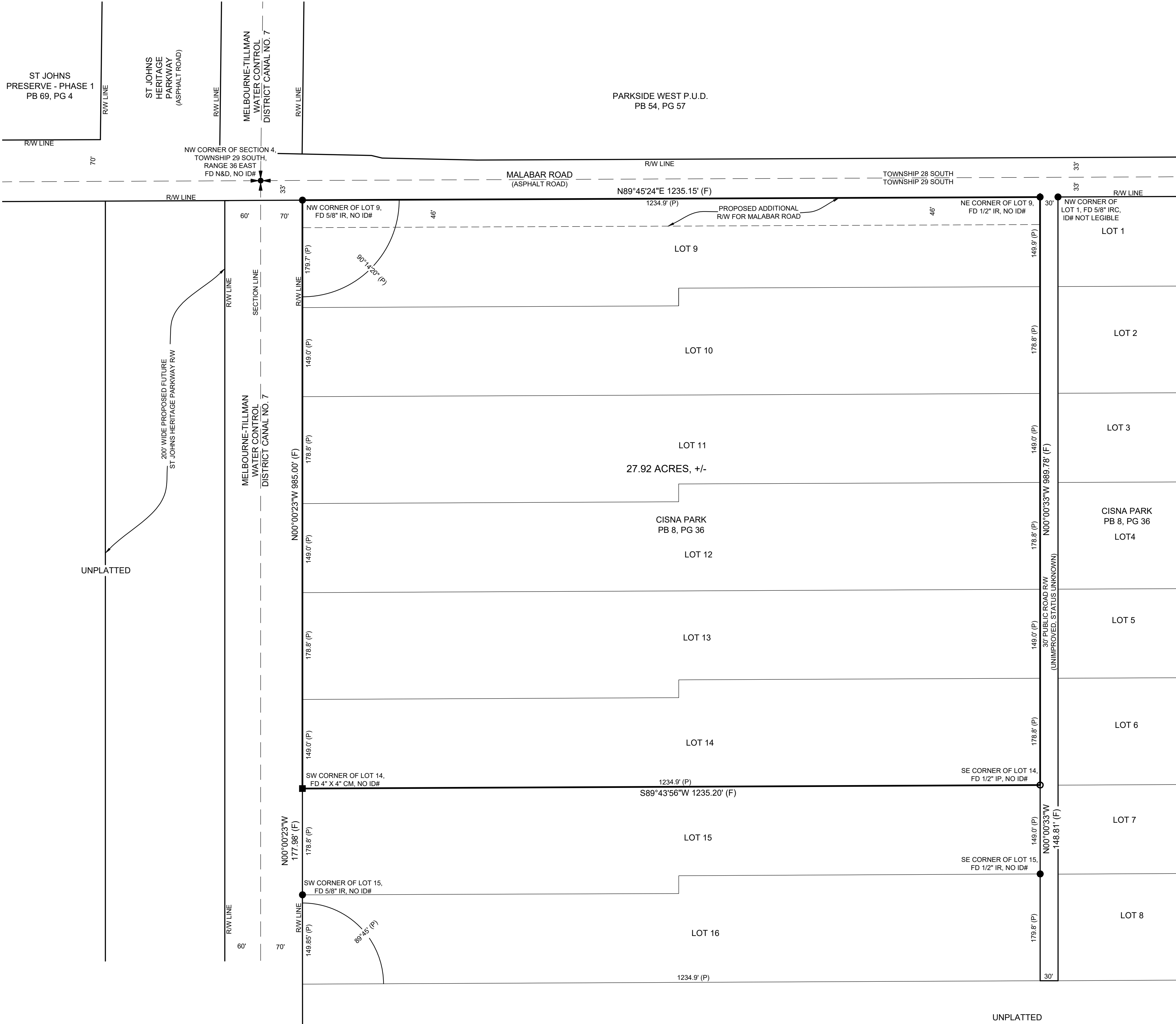
-  Future Land Use
-  Subdivisions
-  City
-  Parcels
-  PALM BAY
-  Parcel Property



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri



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SURVEY NOTES:

SURVEY OF LOTS 9 THROUGH 14, CISNA PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING IN SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

SURVEY FOR BOUNDARY ONLY.

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

BEARING REFERENCE: ASSUMED BEARING OF N89°45'24"E ON THE SOUTH RIGHT-OF-WAY LINE OF MALABAR ROAD.

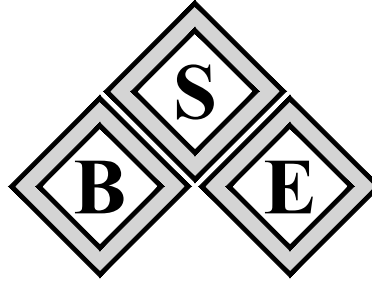
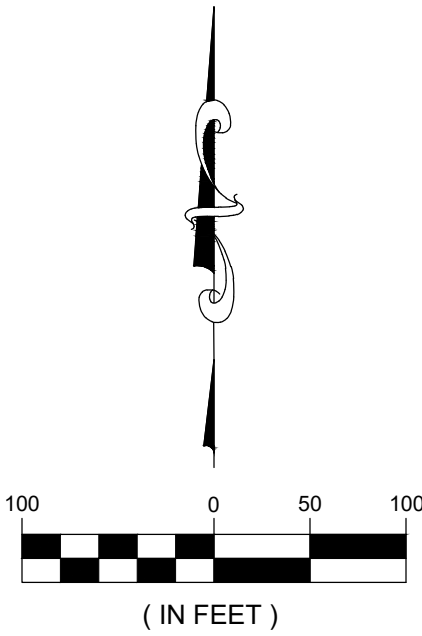
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DATE OF LAST FIELD WORK: 06/16/2021



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

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

SCOTT M. GLAUBITZ
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NUMBER 4151

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

ABBREVIATIONS

AC	ARC CENTERLINE
AL	ARC LENGTH
AVE	AVENUE
BLVD	Boulevard
BM	BENCH MARK
BVC	BEGINNING OF CURVE
CL	CENTERLINE
CA	CENTRAL ANGLE
CB	CORNER BEARING
CBS	CONCRETE BLOCK STRUCTURE
CH	CHORD LENGTH
CM	CONCRETE MONUMENT
CMP	CORRUGATED METAL PIPE
CONC	CONCRETE
COR	CORNER
DEL	DELTA CENTRAL ANGLE
DIR	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
EAST	EASEMENT
FD	FOUND
FTE	FINISHED FLOOR ELEVATION
FM	FIRE HYDRANT
FLAL	FLORIDA POWER AND LIGHT
FT	FEET
Hwy	HIGHWAY
ID#	IDENTIFICATION NUMBER
IP	IRON PIPE
IR	IRON ROD
IRC	IRON RICE AND CAP
LB	LICENSED BUSINESS
LWP	LIGHTER WOOD POST
NH	NEIGHBORHOOD IDENTIFICATION
NAD	NAL AND DISK
NAD83	NORTH AMERICAN VERTICAL DATUM 1983
NGVD25	NATIONAL GEODETIC VERTICAL DATUM 1925
NTI	NON-TANGENT INTERSECTION
NTL	NON-TANGENT LINE
NTS	NOT TO SCALE
OIE	OVERHEAD ELECTRIC UTILITY
OROB	OFFICIAL RECORDS BOOK
PL	PLAT BOOK
PC	POINT OF COMPOUND CURVATURE
PCP	PERMANENT CONTROL POINT
POS	POSITION
PK	PARKER-KALEN
PGB	POINT OF BEGINNING
PCC	POINT OF COMMENCEMENT
PP	POWER/UTILITY POLE
PIC	POINT OF REVERSE CURVATURE
PUD	PLANNED UNIT DEVELOPMENT
PVC	POLYVINYL CHLORIDE PIPE
R	RADIUS
RW	RIGHT-OF-WAY
RCP	REINFORCED CONCRETE PIPE
RH	RAILROAD
ST	STREET
TYP	TYPICAL

FIELD BOOK: ---

PAGE(S): ---

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△	

DATE: 06/25/2021

DESIGN/DRAWN: LEH

PROJECT TITLE

**CISNA PARK LOTS
9-14**

SHEET TITLE

**BOUNDARY
SURVEY**

PROJECT NO.

11610

DRAWING NO.

11610_100_001

SHEET

1 of 1



LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmabayflorida.org

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

This application must be deemed complete and legible, and 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):

29-36-04-25-*-9

TAX ACCOUNT NUMBER(S):

2903874

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

LOTS 9, 10, 11, 12, 13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

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

27.91

**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.):

RES-1 (Brevard County)

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

MULTIPLE FAMILY RESIDENTIAL USE

PRESENT USE OF PROPERTY:

Vacant

STRUCTURES LOCATED ON THE PROPERTY: None

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: Yes

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

Annexation into the City of Palm Bay, establish FLU Designation and appropriate zoning Classification for intended land use

SPECIFIC USE INTENDED FOR PROPERTY:

Residential Development detached rental single detaches, duplex, triplex with up to 266 units, amenities and supporting infrastructure

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

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

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

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

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

CITY OF PALM BAY, FLORIDA

COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

PAGE 3 OF 3

- ☒ Legal description of the subject property with a sketch of the legal. Also provide the site sketch on Memory Drive.
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☒ School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.
- ☐ Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guideline. Staff will provide a sign template.
- ☐ Where the property owner is not the representative for the request, a [LETTER](#) must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative _____

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

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Owner Signature *William F. Stentz* Date 12/9/21

Printed Name The William F. Stentz Trust dated July 14, 1993 + Brett F. Ferguson + Amy S. Ferguson

Full Address 8583 Sylvan drive Melbourne FL 32904 / 5760 Ponderosa St W Melbourne FL 32904

Telephone 321-408-0411 Email amystentz@gmail.com

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

December 17, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

LOTS 9,10,11,12,13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FL

I, Owner Name: William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson
Address: 8583 Sylvan Dr & 576 Ponderosa St W Melbourne FL 32904
Telephone: 321-408-0411
Email: amyslentz@gmail.com

hereby authorize:

Representative: Alexandre de Chabert / Contract Architect / Stellar Communities
Address: 175 Sea Dunes Drive Melbourne Beach FL 32951
Telephone: 3218069467 3218069467
Email: adechabert@lifestellar.com

to represent the request(s) for:

Application for Rezoning, Comprehensive Plan or Future Land Use Map Amendment, or Petition for Voluntary Annexation with the City of Palm Bay

William F Slentz Dolores J Slentz
(Property Owner Signature)
Bart F Ferguson Amy S Ferguson

STATE OF Florida

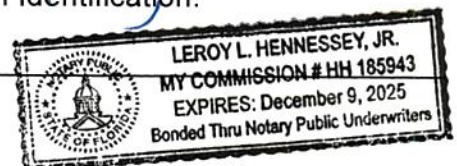
COUNTY OF Brevard

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

William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson, property owner.

LeRoy L. Hennessey, Jr., Notary Public

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



December 17, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

LOTS 9,10,11,12,13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FL

I, Owner Name: William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson

Address: 8583 Sylvan Dr & 576 Ponderosa St W Melbourne FL 32904

Telephone: 321-408-0411

Email: amyslentz@gmail.com

hereby authorize:

Representative: Jack Kirschenbaum / Attorney / Gray Robinson PA

Address: 1795 West Nasa Blvd Melbourne FL 32901

Telephone: 321-727-8100

Email: Jack.Kirschenbaum@gray-robinson.com

to represent the request(s) for:

Application for Rezoning, Comprehensive Plan or Future Land Use Map Amendment, or Petition for Voluntary Annexation with the City of Palm Bay

William F Slentz Dolores J Slentz
(Property Owner Signature)
Bart F Ferguson Amy S Ferguson

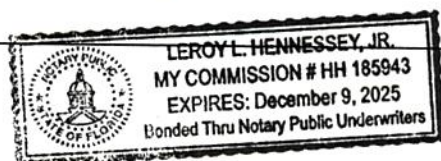
STATE OF Florida

COUNTY OF Brevard

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Address: 8583 Sylvan Dr & 576 Ponderosa St W Melbourne FL 32904

Telephone: 321-408-0411

Email: amyslentz@gmail.com

hereby authorize:

Representative: Hassan Kamal / Engineer / BSE Consultant Inc

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

Telephone: 321 725 3674 321 403 1437

Email: hkamal@breconsult.com

to represent the request(s) for:

Application for Rezoning, Comprehensive Plan or Future Land Use Map Amendment, or Petition for Voluntary Annexation with the City of Palm Bay

William F. Slentz, Dolores J. Slentz, Bart F. Ferguson, Amy S. Ferguson
(Property Owner Signature)

STATE OF Florida

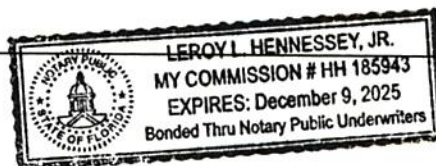
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SS Dolores J., Notary Public

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



LEGAL DESCRIPTION:

LOTS 9, 10, 11, 12, 13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Christopher Balter, Senior Planner

DATE: January 5, 2022

SUBJECT: **CPZ-2-2022 - Stellar Casitas-Malabar - William F. and Dolores J. Slentz / Bart F. and Amy S. Ferguson (Hassan Kamal, P.E., BSE Consultant, Inc., Rep.) - A Zoning amendment from AU (Brevard County) to an RM-10, Single-, Two-, Multiple-Family Residential District. Lots 9 through 14, Cisna Park, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 27.91 acres. Located south of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7

♣Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ▢ Case CPZ-2-2022 - Staff Report
- ▢ Case CPZ-2-2022 - County Zoning & Future Land Use
- ▢ Case CPZ-2-2022 - Plat
- ▢ Case CPZ-2-2022 - Boundary Survey
- ▢ Case CPZ-2-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

CPZ-2-2022

PLANNING & ZONING BOARD HEARING DATE

January 5, 2022

PROPERTY OWNER & APPLICANT

William F. and Dolores J. Slentz / Bart F. and Amy S. Ferguson (Presented by (Hassan Kamal, BSE Consultant Inc.; Alexandre de Chabert, Stellar Communities; and Jack Kirshenbaum, Gray Robinson PA)

PROPERTY LOCATION/ADDRESS

Lots 9 through 14, Cisna Park, Section 4, Township 29, Range 36, Brevard County, Florida

SUMMARY OF REQUEST

The applicant is requesting a rezoning from AU, Agricultural Residential (Brevard County) to the RM-10, Single-, Two-, Multiple-Family District.

Existing Zoning

AU, Agricultural Residential (Brevard County)

Existing Land Use

RES-1, Residential 1 Unit Per Acre (Brevard County)

Site Improvements

Undeveloped Land

Site Acreage

27.91 acres

SURROUNDING ZONING & USE OF LAND

North

Malabar Road NW

East

AU, Agricultural Residential; Vacant Land

South

AU, Agricultural Residential; Vacant Land

West

AU, Agricultural Residential; Vacant Land

BACKGROUND:

The subject properties are located south of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7. There are 6 parcels included in this request.

The owner of the property has requested a voluntary annexation into the City of Palm Bay from unincorporated Brevard County. When land is annexed into the City, it is prudent that said land is assigned a future land use category and zoning designation that is most appropriate. That is the purpose of this request.

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 the justification for the change is “to change the zoning district to enable the developer to construct a proposed multi-family community with up to 266 units and amenities.” The RM-10, Single-, Two-, Multiple-Family Zoning District will allow for a mix of single detached rentals, duplexes, and triplexes. The change in zoning will allow for a mix of much needed multiple-family residential options within the City.

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 designation of the RM-10 Zoning District for the subject properties is compatible with the surrounding area and is consistent with the City’s desire and plan for diversified housing options.

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 0 acres of undeveloped RM-10 zoned land is within 5 miles of the subject parcels.

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 will further the purposes of Chapter 185 and the Comprehensive Plan.

STAFF CONCLUSION:

The Planning and Zoning Board and City Council must determine if the request, based upon the submitted material and presentation made by the applicant, meets the general requirements of the Code of Ordinances, as identified in this report



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AERIAL LOCATION MAP CASE: CP-2-2022 & CPZ-2-2022

Subject Property

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FUTURE LAND USE MAP CASE: CP-2-2022 & CPZ-2-2022

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Future Land Use Classification

RES 1 – Residential 1



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ZONING MAP CASE: CP-2-2022 & CPZ-2-2022

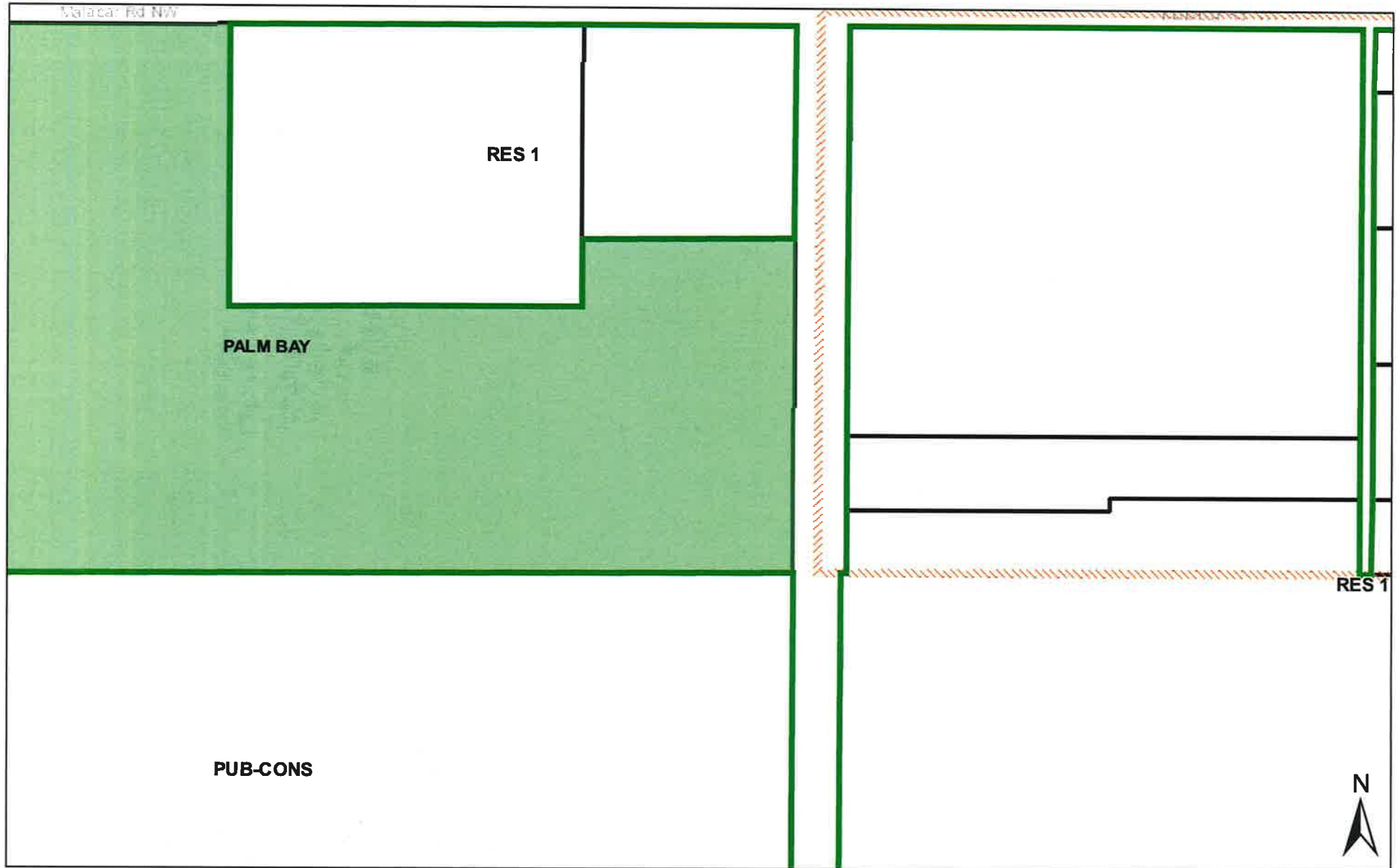
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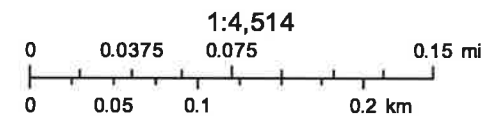
Current Zoning Classification

AU – Agricultural Residential

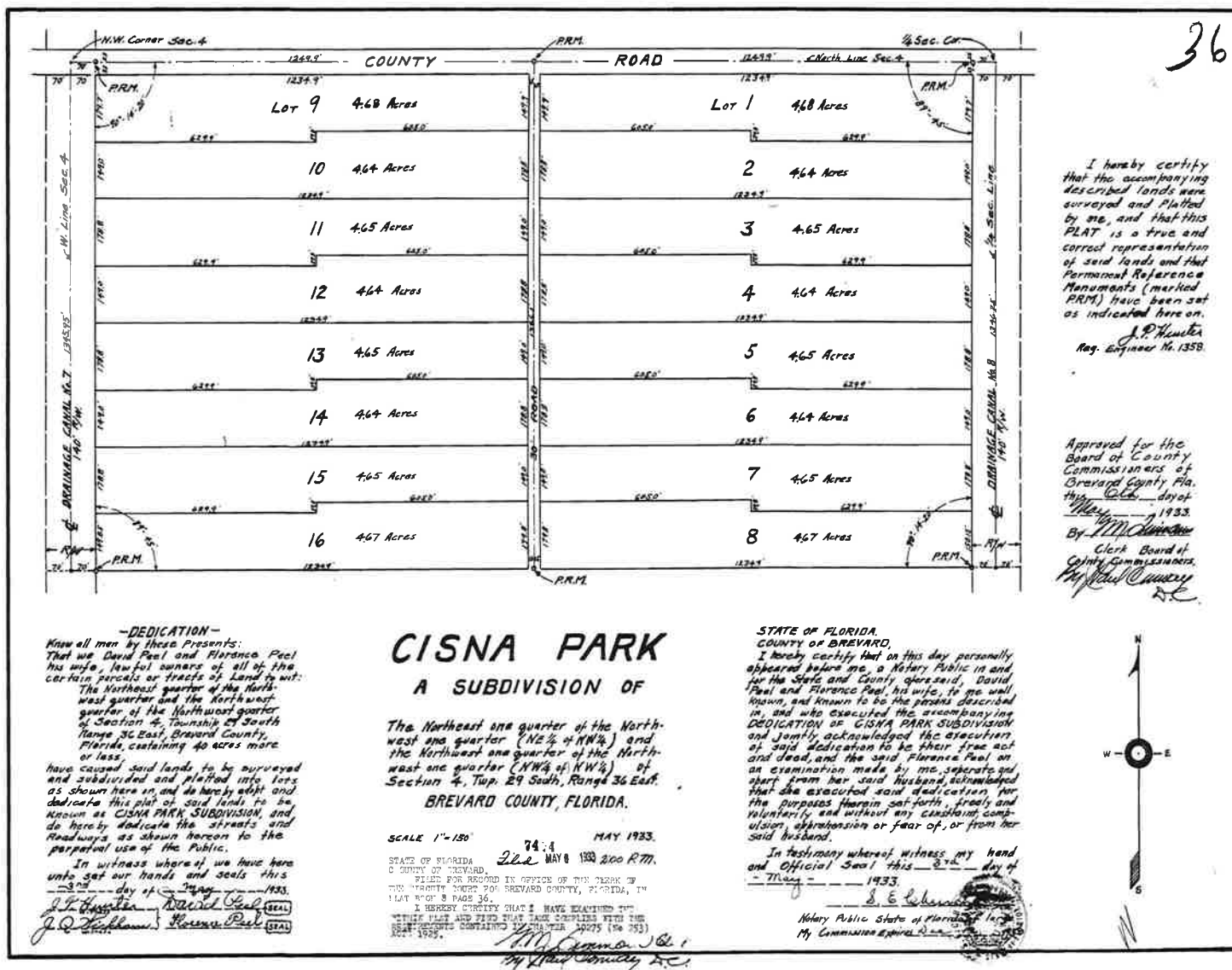
Zoning & Future Land Use Map



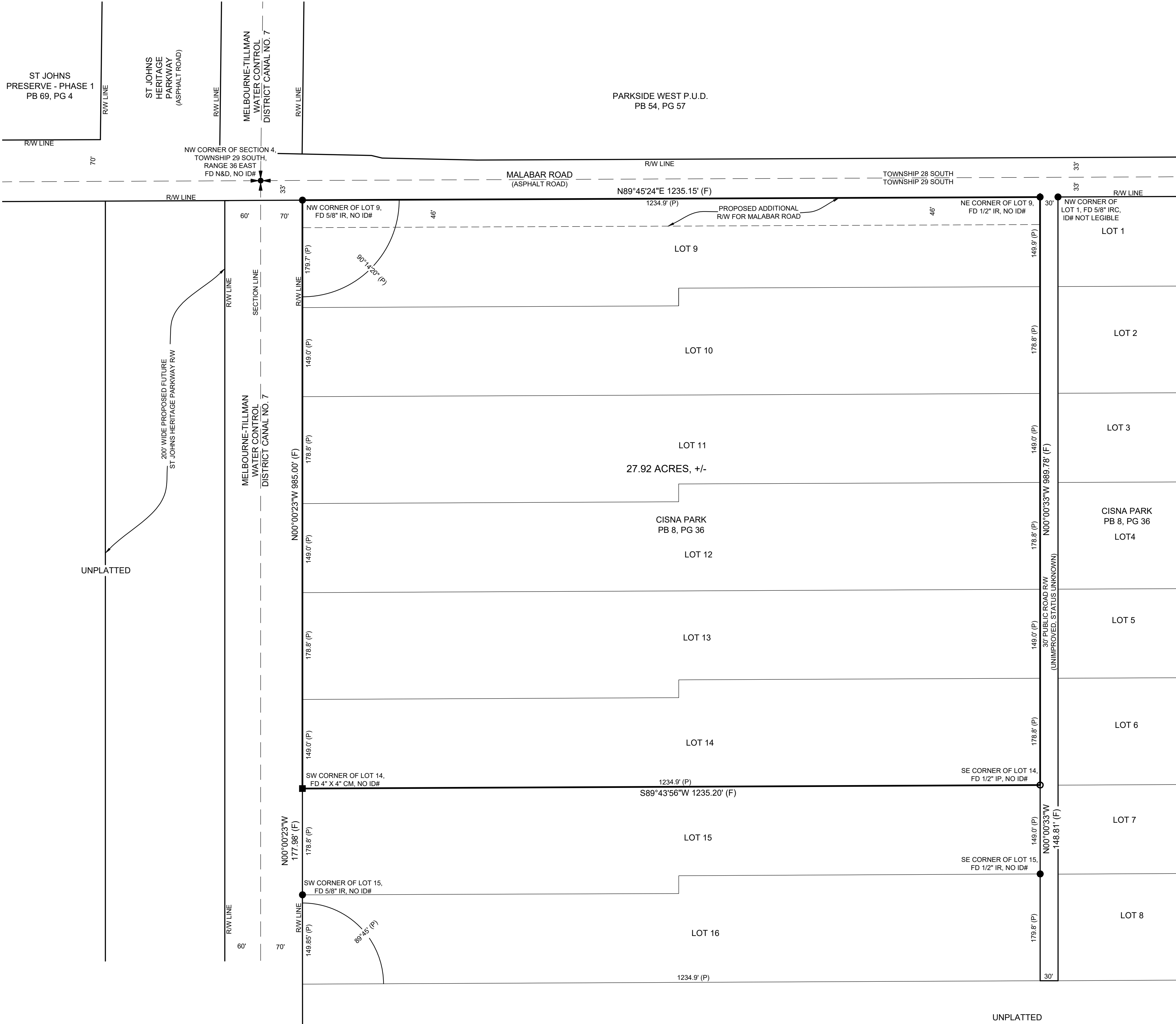
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SURVEY NOTES:

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BEARING REFERENCE: ASSUMED BEARING OF N89°45'24"E ON THE SOUTH RIGHT-OF-WAY LINE OF MALABAR ROAD.

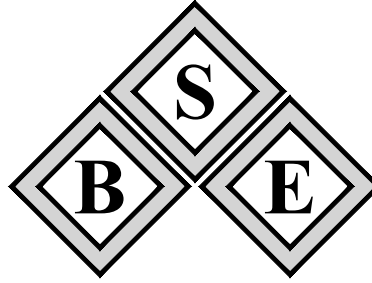
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THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

DATE OF LAST FIELD WORK: 06/16/2021



B.S.E. CONSULTANTS, INC.
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LAND SURVEYING

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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
EAST	EAST
FD	FOUND
FTE	FINISHED FLOOR ELEVATION
FM	FIRE HYDRANT
FLAL	FLORIDA POWER AND LIGHT
FT	FEET
Hwy	HIGHWAY
ID#	IDENTIFICATION NUMBER
IP	IRON PIPE
IR	IRON ROD
IRC	IRON ROD AND CAP
LB	LICENSED BUSINESS
LWP	LIGHTER WOOD POST
NH	NEIGHBORHOOD IDENTIFICATION
NAD	NAL AND DISK
NAD83	NORTH AMERICAN VERTICAL DATUM 1983
NGVD25	NATIONAL GEODETIC VERTICAL DATUM 1925
NTI	NON-TANGENT INTERSECTION
NEL	NON-TANGENT LINE
NTS	NOT TO SCALE
OEC	OVERHEAD ELECTRIC UTILITY
OROB	OFFICIAL RECORDS BOOK
PL	PLAT BOOK
PC	POINT OF COMPOUND CURVATURE
PCP	PERMANENT CONTROL POINT
POS	POSITION
PK	PARKER-KALEN
PGB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PP	POWER/UTILITY POLE
PRC	POINT OF REVERSE CURVATURE
PVC	POLYVINYL CHLORIDE PIPE
R	RADIUS
RW	RIGHT-OF-WAY
RCP	REINFORCED CONCRETE PIPE
RH	RAILROAD
ST	STREET
TYP	TYPICAL

FIELD BOOK: ---

PAGE(S): ---

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DATE: 06/25/2021

DESIGN/DRAWN: LEH

PROJECT TITLE

**CISNA PARK LOTS
9-14**

SHEET TITLE

**BOUNDARY
SURVEY**

PROJECT NO.

11610

DRAWING NO.

11610_100_001

SHEET

1 of 1



LAND DEVELOPMENT DIVISION

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

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):

29-36-04-25-*9

TAX ACCOUNT NUMBER(S):

2903874

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

LOTS 9, 10, 11, 12, 13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PROPERTY ADDRESS:

South side of Malabar Road, east of the intersection of the Malabar/St. Johns Heritage Parkway

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

27.91 acres

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

AU (County Zoning Designation)

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

RM-10

CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 2 OF 3

STRUCTURES LOCATED ON THE PROPERTY:

None

PRESENT USE OF THE PROPERTY:

Vacant

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

Residential Development detached rental single detaches, duplex, triplex wioth up to 266 units, amenities and supporting infrastructure

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 _____

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  Date 12/9/21
Printed Name The William F Stentz Trust dated July 14 1993 + Brett F. Ferguson + Amy S Ferguson
Full Address 8883 Sylvan drive W Melbourne FL 32904 / 5760 Ponderosa St W. Melbourne FL 32904
Telephone 321-408-0411 Email amyslentz@gmail.com

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

December 17, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

LOTS 9,10,11,12,13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FL

I, Owner Name: William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson
Address: 8583 Sylvan Dr & 576 Ponderosa St W Melbourne FL 32904
Telephone: 321-408-0411
Email: amyslentz@gmail.com

hereby authorize:

Representative: Alexandre de Chabert / Contract Architect / Stellar Communities
Address: 175 Sea Dunes Drive Melbourne Beach FL 32951
Telephone: 3218069467 3218069467
Email: adechabert@lifestellar.com

to represent the request(s) for:

Application for Rezoning, Comprehensive Plan or Future Land Use Map Amendment, or Petition for Voluntary Annexation with the City of Palm Bay

William F Slentz, Dolores J Slentz
(Property Owner Signature)
Bart F Ferguson Amy S Ferguson

STATE OF Florida

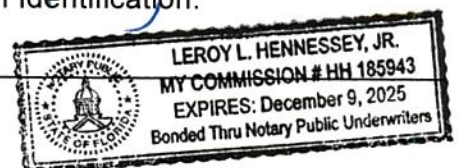
COUNTY OF Brevard

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

William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson, property owner.

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

Leroy L. Hennessey, Jr., Notary Public



December 17, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

LOTS 9,10,11,12,13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FL

I, Owner Name: William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson

Address: 8583 Sylvan Dr & 576 Ponderosa St W Melbourne FL 32904

Telephone: 321-408-0411

Email: amyslentz@gmail.com

hereby authorize:

Representative: Jack Kirschenbaum / Attorney / Gray Robinson PA

Address: 1795 West Nasa Blvd Melbourne FL 32901

Telephone: 321-727-8100

Email: Jack.Kirschenbaum@gray-robinson.com

to represent the request(s) for:

Application for Rezoning, Comprehensive Plan or Future Land Use Map Amendment, or Petition for Voluntary Annexation with the City of Palm Bay

William F Slentz Dolores J Slentz
(Property Owner Signature)
Bart F Ferguson Amy S Ferguson

STATE OF Florida

COUNTY OF Brevard

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

William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson, property owner.

☒ Personally Known or ☐ Produced the Following Type of Identification: _____, Notary Public



December 17, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

LOTS 9,10,11,12,13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FL

I, Owner Name: William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson

Address: 8583 Sylvan Dr & 576 Ponderosa St W Melbourne FL 32904

Telephone: 321-408-0411

Email: amyslentz@gmail.com

hereby authorize:

Representative: Hassan Kamal / Engineer / BSE Consultant Inc

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

Telephone: 321 725 3674 321 403 1437

Email: hkamal@breconsult.com

to represent the request(s) for:

Application for Rezoning, Comprehensive Plan or Future Land Use Map Amendment, or Petition for Voluntary Annexation with the City of Palm Bay

William F. Slentz, Dolores J. Slentz, Bart F. Ferguson, Amy S. Ferguson
(Property Owner Signature)

STATE OF Florida

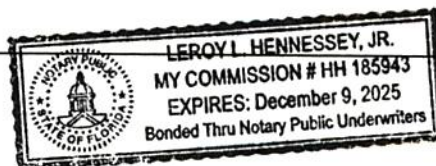
COUNTY OF Brevard

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

William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson, property owner.

SS Dolores J., Notary Public

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



LEGAL DESCRIPTION:

LOTS 9, 10, 11, 12, 13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Patrick Murphy, Assistant Growth Management Director

DATE: January 5, 2022

SUBJECT: CP-3-2022 - M. David Moallem, Emiland Corporation - A small-scale Comprehensive Plan Future Land Use Map amendment from Multiple-Family Residential Use to Commercial Use. Lots 8 and 9, Block 1991, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately 1.02 acres. Located east of and adjacent to Martin Road SE, west of and adjacent to Thor Avenue NE

ATTACHMENTS:

Description

- ▣ Case CP-3-2022 - Staff Report
- ▣ Case CP-3-2022 - Plat
- ▣ Case CP-3-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

CP-3-2022

PLANNING & ZONING BOARD HEARING DATE

January 5, 2022

PROPERTY OWNER & APPLICANT

M. David Moallem

PROPERTY LOCATION/ADDRESS

The property is located west of and adjacent to Thor Avenue, in the south portion of Port Malabar Unit 40

SUMMARY OF REQUEST

The applicant is requesting a small-scale Comprehensive Plan Future Land Use (FLU) Map amendment to change 1.02 acres of land from Multiple Family Residential Use to Commercial Use

Existing Zoning

RM-20, Multiple Family Residential

Existing Land Use

Multiple Family Residential Use

Site Improvements

Undeveloped Land

Site Acreage

1.02 acres

SURROUNDING ZONING & USE OF LAND

North

RM-20, Multiple Family Residential; Undeveloped Land

East

GC, General Commercial; Thor Avenue SE

South

GC, General Commercial; Undeveloped Land

West

GC, General Commercial; Undeveloped Land

BACKGROUND:

The property is located west of and adjacent to Thor Avenue, in the southern portion of Port Malabar Unit 40. Specifically, the subject property is Lots 8 and 9, Block 1991, Port Malabar Unit 40, located in Section 3, Township 29 south, Range 37 east, Brevard County, Florida. The lots total approximately 1.02 acres of undeveloped land.

The applicant is requesting a small-scale Comprehensive Plan Future Land Use (FLU) Map amendment to change the above-described property from Multiple Family Residential Use to Commercial Use. The applicant is M. David Moallem.

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 Policy FLU-3 is to *provide for economically viable commercial areas which promote a sound and diversified local economy and serve the retail and service needs of the City's residents.*

The Comprehensive Plan (Plan) FLU Element Objective FLU-3.1 is to *provide additional commercial areas by type, size, and distribution, based upon area need and the availability of supporting infrastructure.*

The Comprehensive Plan (Plan) FLU Element Objective FLU-3.1A is to ensure that *the acreage of commercial land permitted by the Future Land Use Map shall not exceed projected needs.*

Port Malabar Unit 40 is a mix of commercial and multiple family residential uses, located in the vicinity SE of the intersection of Malabar Road and Babcock Street. The applicant has informed staff that he has been approached by several commercial business wanting to construct facilities within Palm Bay. They have expressed interest in the subject properties due to their proximity to major roadways.

The Commercial Use FLU category permits a maximum floor area ratio of 2.5. Typical uses permitted include offices, retail businesses, personal service businesses, day care centers, restaurants, financial institutions, hotels and motels, institutional uses, and similar uses.

Commercial land use exists to the south, west, and across Thor Avenue to the east. Undeveloped MFR land use exists to the north. The request appears compatible with the area.

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. If any listed species were to be identified on the subject parcel they would need to be mitigated for, as required by State and Federal regulations, and per Comprehensive Plan Policy CON-1.7B.

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

3. HOUSING ELEMENT

The proposed Commercial Use FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the city.

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 property currently has city water and city sewer available to it.

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 proposed FLU amendment to Commercial Use will not add housing units. Thus, the amendment will have no impact on the public-school system.

6. RECREATION AND OPEN SPACE ELEMENT

The Recreation and Open Space Element addresses the current and future recreational needs of the city. Commercial Use has no effect on the parks & recreation level of service standards, nor does it place any demand on such services.

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 when site plans are submitted. However, no impacts to adjacent roadways are anticipated.

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-3-2022 is recommended for approval subject to the staff comments.



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



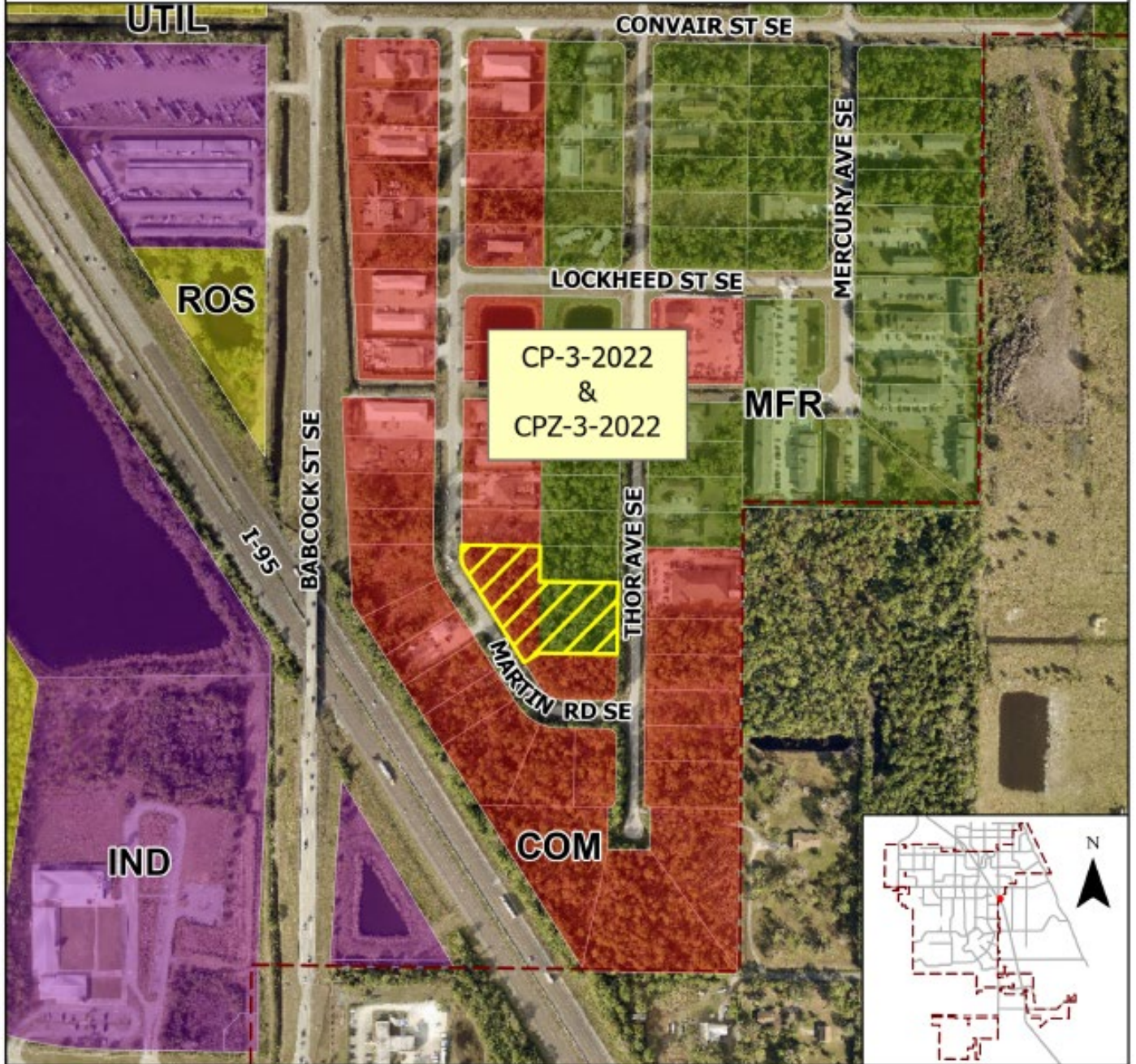
AERIAL LOCATION MAP CASE: CP-3-2022 & CPZ-3-2022

Subject Property

East of and adjacent to Martin Road SE, west of and adjacent to Thor Avenue 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: CP-3-2022 & CPZ-3-2022

Subject Property

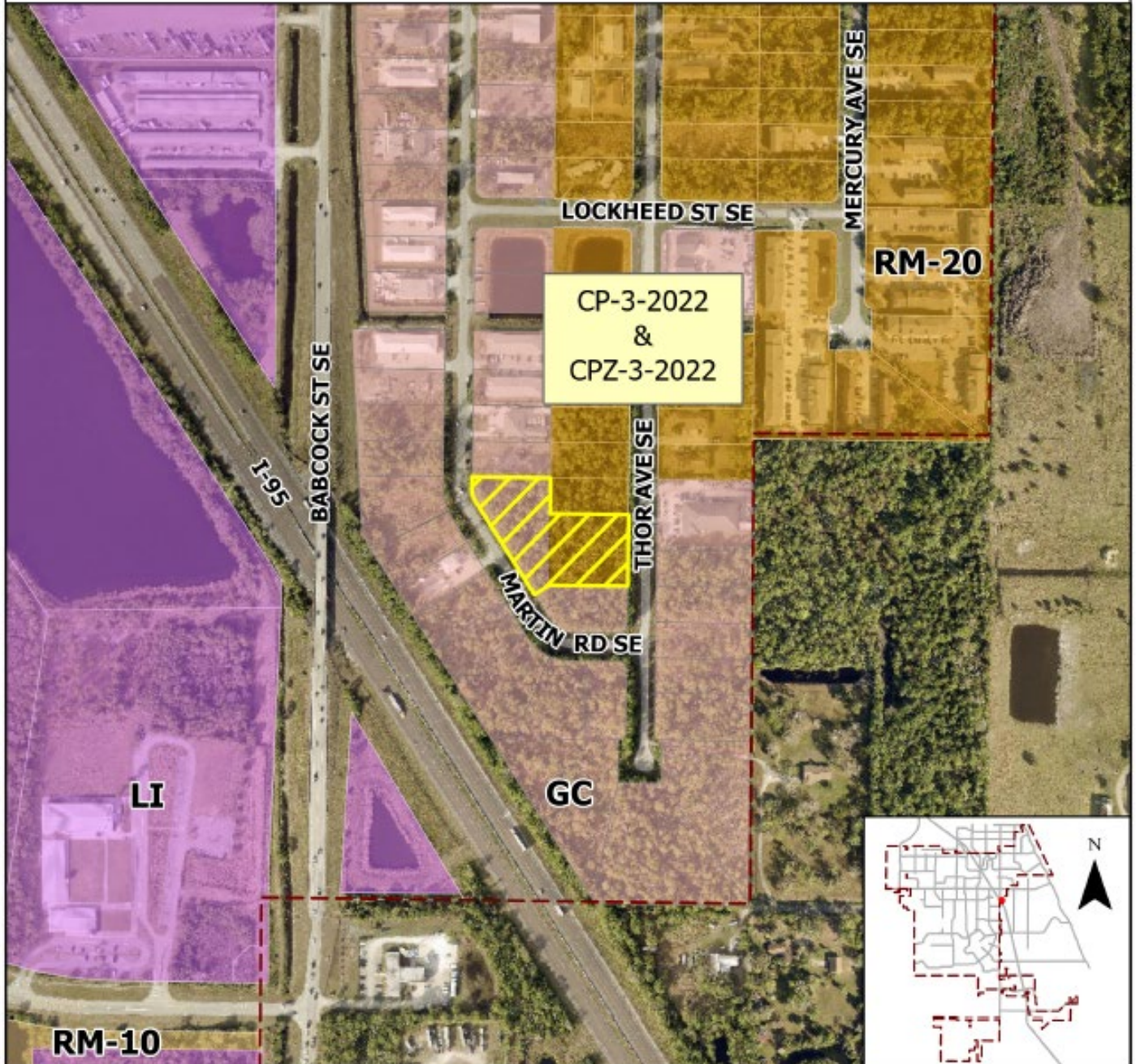
East of and adjacent to Martin Road SE, west of and adjacent to Thor Avenue NE

Future Land Use Classification

COM, MFR – Commercial, Multi-Family Residential



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



ZONING MAP CASE: CP-3-2022 & CPZ-3-2022

Subject Property

East of and adjacent to Martin Road SE, west of and adjacent to Thor Avenue NE

Current Zoning Classification

GC, RM-20 – General Commercial, Multiple-Family Residential

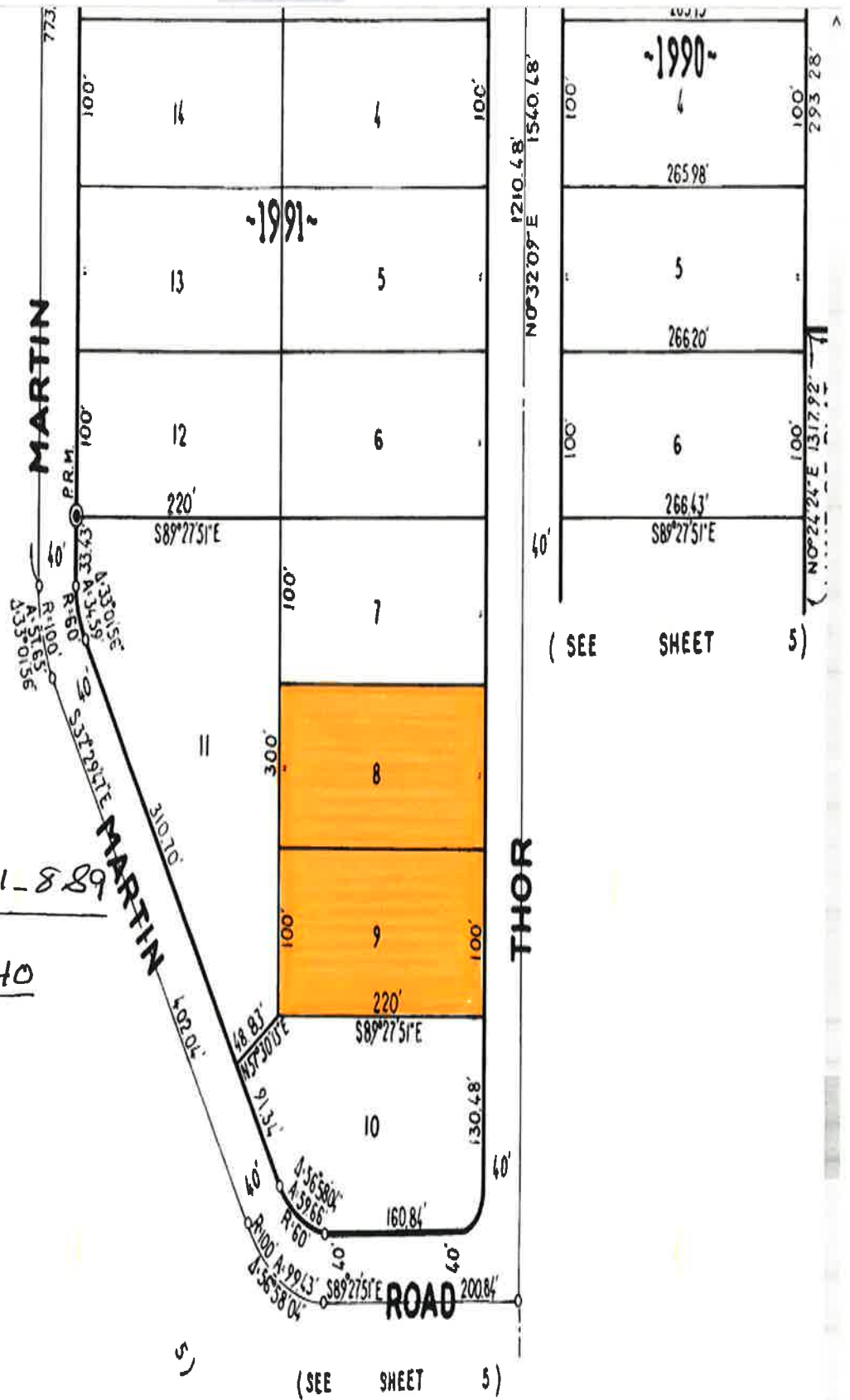
SHEET

29-37-03-26-1991-889

PORT MALABAR UNIT 40

BLOCK # 1991

LOTS 8 & 9





LAND DEVELOPMENT DIVISION

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

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):

29-37-03-26-1991-8

29-37-03-26-1991-9

TAX ACCOUNT NUMBER(S):

2923123 and 2923124

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

PORT MALABAR UNIT 40 LOTS 8 & 9 BLK 1991

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

1.02 (2X .51) acre

**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.):

Multi-Family

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

Commercial

PRESENT USE OF PROPERTY:

Vacant land

STRUCTURES LOCATED ON THE PROPERTY: None

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: Yes

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

The zoning for west half of block 1991 and also the property to the south of this property is zoned commercial with same land use. Also, across the street, the south half of the block is commercial and the north half is multifamily. Multifamily is residential and backing up to a commercial will lessen the quality of life as well as evaluating the parcel. It is best to change the land use uniformly

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** (50 acres or Less)

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

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

CITY OF PALM BAY, FLORIDA

COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

PAGE 3 OF 3

- ☒ Legal description of the subject property with a sketch of the legal. **Also provide the site sketch on Memory Drive.**
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☐ School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.
- ☐ Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guideline. Staff will provide a sign template.
- ☐ **Where the property owner is not the representative for the request, a [LETTER](#) must be attached giving the notarized consent of the property owner(s) to a representative.**

Name of Representative _____

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

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Owner Signature

M. David Moallem

Date

11/08/2021

Printed Name

M. David Moallem, President of Emiland Corporation

Full Address

1663 Georgia St. NE Suite 200 Palm Bay, FL. 32907

Telephone

321-626-3590

Email palmbayland@gmail.com

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



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Patrick Murphy, Assistant Growth Management Director

DATE: January 5, 2022

SUBJECT: **CPZ-3-2022 - M. David Moallem, Emiland Corporation - A Zoning amendment from an RM-20, Multiple-Family Residential District to a GC, General Commercial District. Lots 8 and 9, Block 1991, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately 1.02 acres. Located east of and adjacent to Martin Road SE, west of and adjacent to Thor Avenue NE

♣Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ▢ Case CPZ-3-2022 - Staff Report
- ▢ Case CPZ-3-2022 - Plat
- ▢ Case CPZ-3-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

CPZ-3-2022

PLANNING & ZONING BOARD HEARING DATE

January 5, 2022

PROPERTY OWNER & APPLICANT

M. David Moallem

PROPERTY LOCATION/ADDRESS

The property is located west of and adjacent to Thor Avenue, in the south portion of Port Malabar Unit 40

SUMMARY OF REQUEST

The applicant is requesting a rezoning of the subject property from RM-20, Multiple Family Residential to GC, General Commercial.

Existing Zoning

RM-20, Multiple Family Residential

Existing Land Use

Multiple Family Residential Use

Site Improvements

Undeveloped Land

Site Acreage

1.02 acres

SURROUNDING ZONING & USE OF LAND

North

RM-20, Multiple Family Residential; Undeveloped Land

East

RM-20, Multiple Family Residential; Thor Avenue SE

South

GC, General Commercial; Undeveloped Land

West

GC, General Commercial; Undeveloped Land

COMPREHENSIVE PLAN

COMPATIBILITY

Yes, pending approval of Case CP-3-2022

BACKGROUND:

The property is located west of and adjacent to Thor Avenue, in the southern portion of Port Malabar Unit 40. Specifically, the subject property is Lots 8 and 9, Block 1991, Port Malabar Unit 40, located in Section 3, Township 29 south, Range 37 east, Brevard County, Florida. The lots total approximately 1.02 acres of undeveloped land.

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 “a need for more commercial property in Palm Bay, and to combine these lots with adjacent properties already zoned GC.”

Port Malabar Unit (PMU) 40 is a mix of commercial and multiple family residential uses, located in the vicinity SE of the intersection of Malabar Road and Babcock Street. The southern portion of PMU 40 is mostly commercial with the subject lots being multi-family. Rezoning of these properties would provide for a more compact and continuous development pattern.

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 these parcels will have little to no effect on the surrounding properties as the land on three (3) sides are zoned the same (GC). The RM-20 parcel to the north is presently undeveloped. Any development to occur 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.*

Port Malabar Unit 40 contains approximately 68 acres of GC zoning. Additional GC-zoned lands located in Port Malabar Unit 38 (immediately to the north); within the commercial area at the NE corner of Malabar Road and Interstate 95; and along Babcock Street south of I-95 total approximately 128 acres.

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 and with the development pattern of the general area.

STAFF RECOMMENDATION:

Case CPZ-3-2022 is recommended for approval.



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



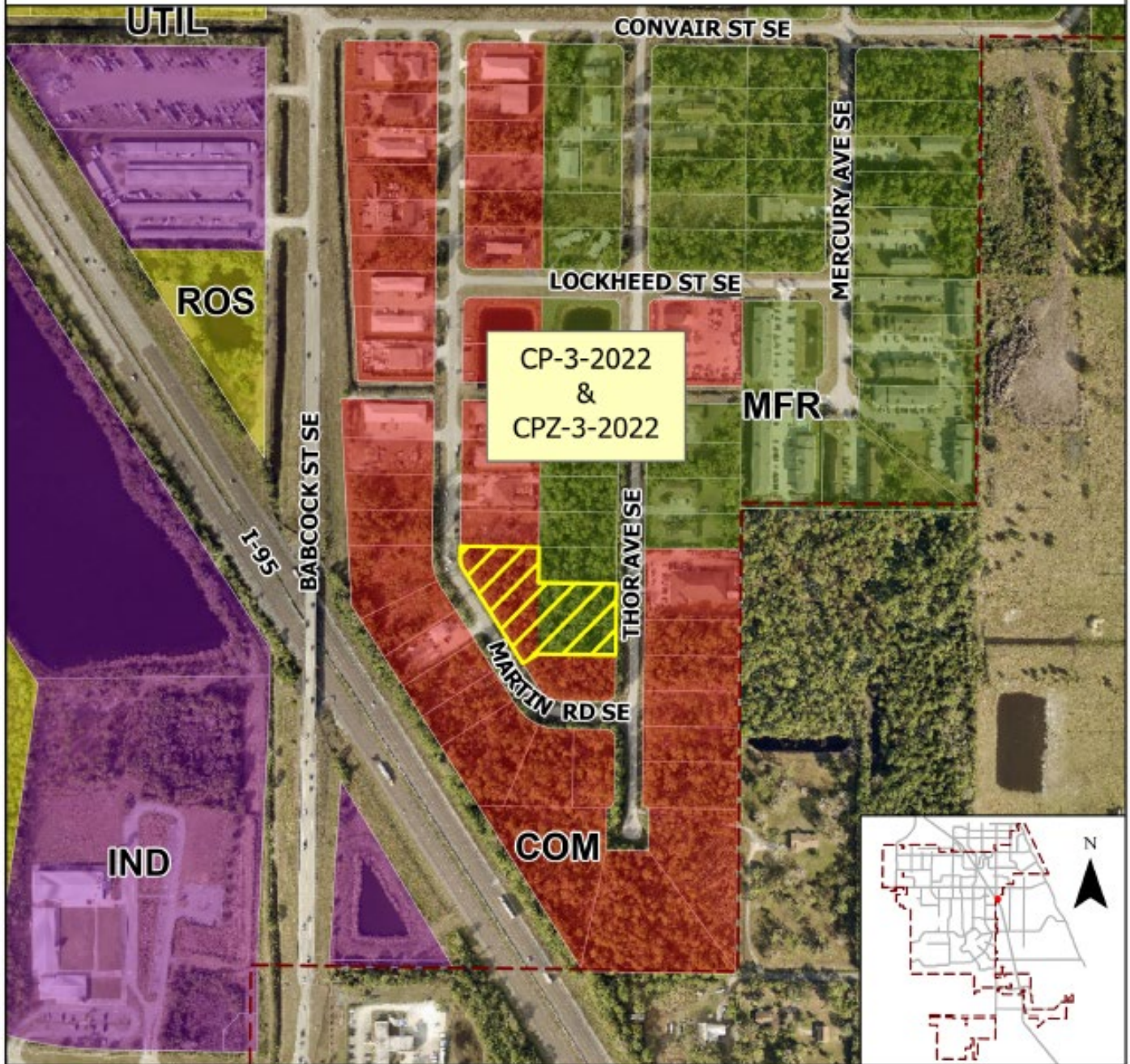
AERIAL LOCATION MAP CASE: CP-3-2022 & CPZ-3-2022

Subject Property

East of and adjacent to Martin Road SE, west of and adjacent to Thor Avenue 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: CP-3-2022 & CPZ-3-2022

Subject Property

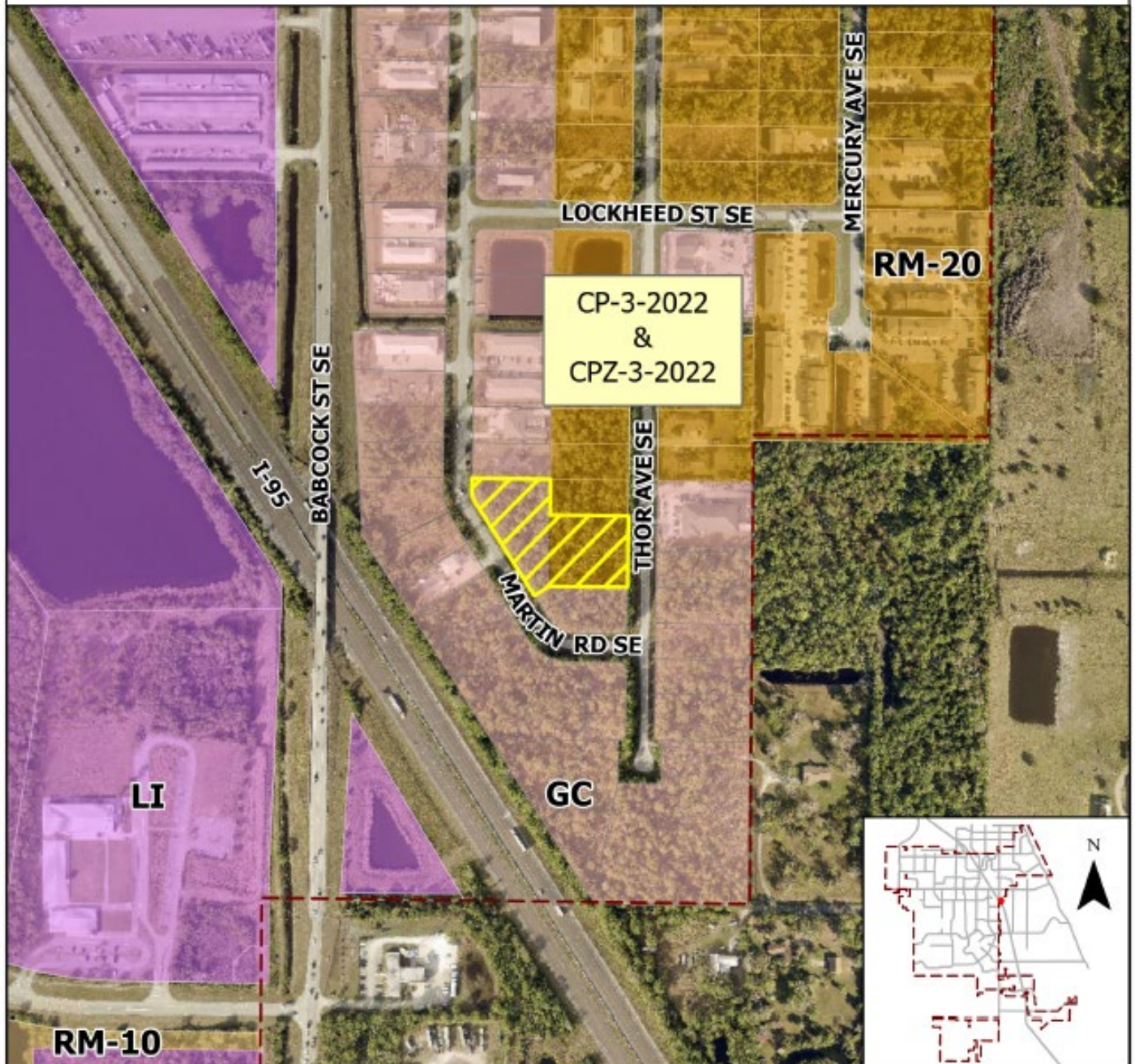
East of and adjacent to Martin Road SE, west of and adjacent to Thor Avenue NE

Future Land Use Classification

COM, MFR – Commercial, Multi-Family Residential



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



ZONING MAP CASE: CP-3-2022 & CPZ-3-2022

Subject Property

East of and adjacent to Martin Road SE, west of and adjacent to Thor Avenue NE

Current Zoning Classification

GC, RM-20 – General Commercial, Multiple-Family Residential

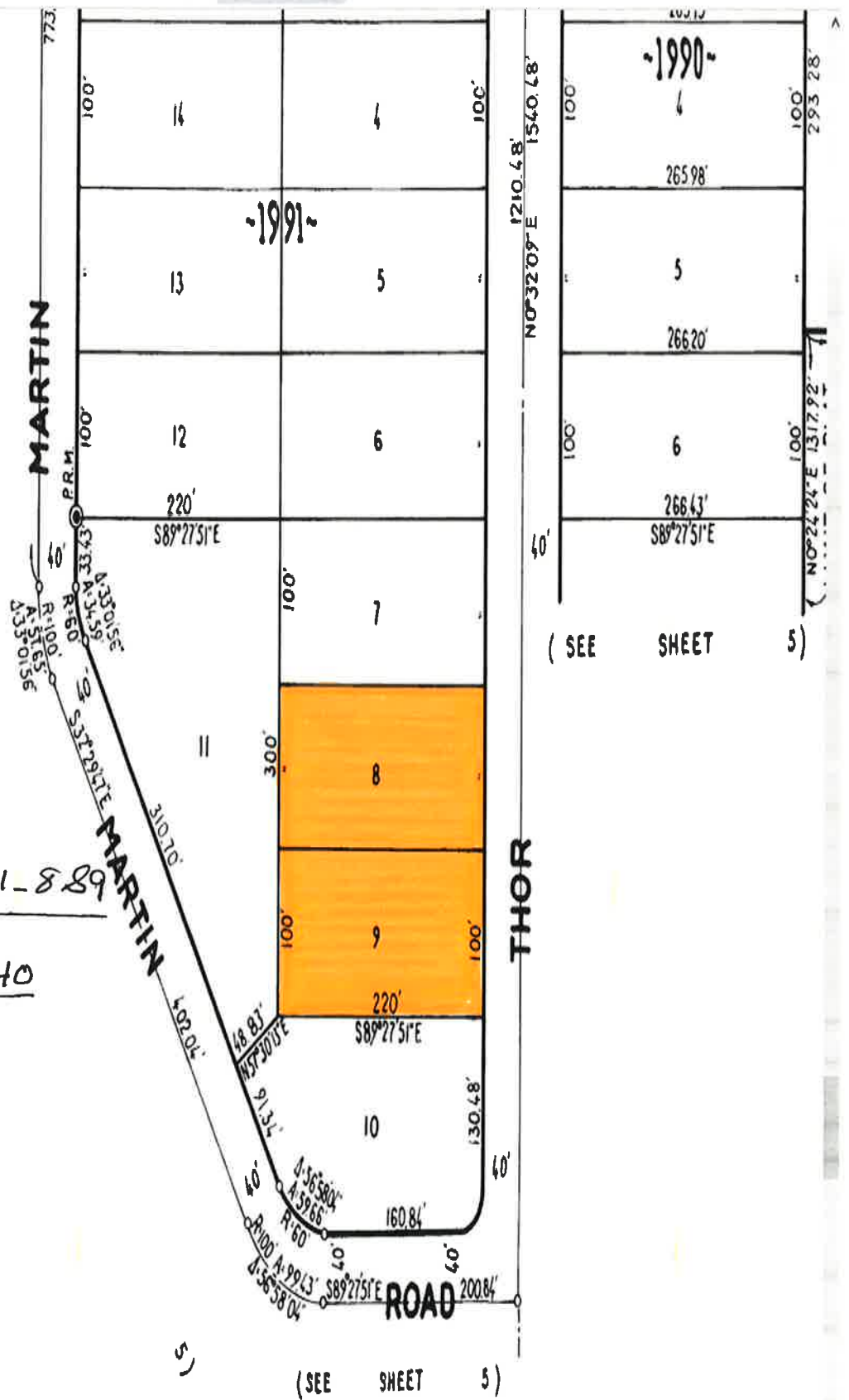
SHEET

29-37-03-26-1991-889

PORT MALABAR UNIT 40

BLOCK # 1991

LOTS 8 & 9





LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmabayflorida.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):

29-37-03-26-1991-8

29-37-03-26-1991-9

TAX ACCOUNT NUMBER(S):

2923123 and 2923124

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

PORT MALABAR UNIT 40 LOTS 8 & 9 BLK 1991

PROPERTY ADDRESS:

520 & 530 Thor ave SE Palm Bay, FL. 32909

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

1.02 (2X .51)

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

Multi-Family

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

Commercial

**CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 2 OF 3**

STRUCTURES LOCATED ON THE PROPERTY:

N/A

PRESENT USE OF THE PROPERTY:

Vacant Land

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

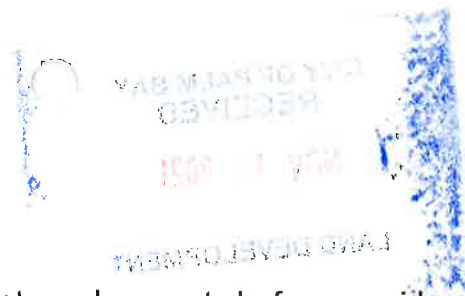
The zoning for the west half of the block and the property to the south was changed to commercial. The need for commercial in Palm Bay also, keeping it as Multi-family backing up to a commercial establishment, will decrease the quality of life for the residence and lower the value. It is more feasible to section off the commercial and multi-family Rather than backing up to each other.

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

**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 Mr. David Moallem  **Date** 11/08/2021
Printed Name M. David Moallem, President of Emiland Corporation
Full Address 1663 Georgia St. NE Suite 200 Palm Bay, FL. 32907
Telephone 321-626-3590 **Email** palmbayland@gmail.com

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



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Christopher Balter, Senior Planner

DATE: January 5, 2022

SUBJECT: **FD-4-2022 - Richmond Cove - C. Roger Freeman, RKF Residential Development Properties, LLC (Bruce Moia, P.E., MBV Engineering, Inc. and Richard Fadil, Holiday Builders, Reps.) - A Final Development Plan to allow a proposed PUD for an 86-lot single-family development called Richmond Cove. Tax Parcel 251, Section 13, Township 29, Range 36, Brevard County, Florida, containing approximately 29.15 acres. Located west of and adjacent to Gaynor Drive SW, in the vicinity north of Ocean Spray Street SW)

♣Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ☐ Case FD-4-2022 - Staff Report
- ☐ Case FD-4-2022 - Final Development Plan
- ☐ Case FD-4-2022 - Plat
- ☐ Case FD-4-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

FD-4-2022

PLANNING & ZONING BOARD HEARING DATE

January 5, 2022

PROPERTY OWNER & APPLICANT

RFK Residential Development Properties,
LLC (Bruce Moia, P.E., Representing)

PROPERTY LOCATION/ADDRESS

Tax Parcel 251, Section 13, Township 29, Range 36,
Brevard County, Florida

SUMMARY OF REQUEST

Final Planned Unit Development approval for an 86-unit residential subdivision to be known as Richmond Cove PUD.

Existing Zoning

RR, Rural Residential

Existing Land Use

Single-Family Residential Use

Site Improvements

Vacant Unimproved Land

Site Acreage

29.15 acres

SURROUNDING ZONING & USE OF LAND

North

PUD, Planned Unit Development; Vacant Land

East

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

South

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

West

Melbourne-Tilman Canal 13

COMPREHENSIVE PLAN COMPATIBILITY

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

BACKGROUND:

The subject property is located west of and adjacent to Gaynor Drive SW, and in the vicinity north of Ocean Spray Street SW. Specifically Tax Parcel 251, Section 13, Township 29, Range 36, of Brevard County Florida. This Final PUD request includes approximately 29.15 acres of land.

Port Malabar Unit 32 has been platted since 1962. Tax Parcel 251 was excluded from this plat. The subject property has primarily been used for agricultural purposes and has been undeveloped for many years.

ANALYSIS:

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

Specifically, the FDP proposes an 86-unit single-family residential development that will be constructed in one phase. Per the FDP, typical lots within the residential development are a mix of 40', 50', and 60' wide lots. The minimum size home will be 1200 square feet. The development will consist of two entrances with amenities: natural park areas, passive recreation areas, stormwater management ponds, and a pickleball court.

CONDITIONS:

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

- A preliminary subdivision plat and a boundary & title opinion.
- Deed restrictions establishing development standards.
- The technical comments generated by the Development Review Staff (attached) shall be observed and incorporated into the construction drawings.

STAFF RECOMMENDATION:

Case FD-4-2022 is recommended for approval, subject to the staff comments contained in this report.

TECHNICAL COMMENTS

CASE FD-4-2022 – RICHMOND COVE PUD

PUBILC WORKS (Mehul Parekh, PE, Public Works Director):

R/W Comments:

- Drainage easements required as part of property development for existing drainage on site several locations 20ft wide.
- S/w is required on site connecting off-site as part of the development process.
- Right of way grading required for swale drainage of Gaynor.

Engineering Comments:

- The private right-of-way shall meet the City of Palm Bay standards for local roadway construction
- The stormwater management system shall meet the MTWCD and requirements of 62-330 F.A.C.
- Dry retention/Nutrient Removal Filtration System is likely required in addition to wet detention to meet nutrient removal requirements for discharge to an impaired waterbody.
- External Agency permits shall be obtained and submitted to the City prior to scheduling a pre-sitework meeting.
- Surrounding properties shall be protected from adverse impacts during, and post-construction. Wetlands and waterways shall be protected at all times from erosion and sedimentation.
- Lots on the south side shall be Type A, draining towards roadway.
- No traffic mitigation is required

Survey Comments:

Boundary

- Legal Description's last call has typographical error.
- Need to tie project elevations to City of Palm Bay datum. Either by adjustment or conversion factor
- State method elevations for Project benchmarks were set from parent benchmark (I95 Q 10).
- Dimensions need to be revised to reflect the removal of East 30 feet of parcel.

Plat

- Legal Description's last call has typographical error.
- General Note #10 (Tract RW1) should be removed, see ORB 8803, PGS 0606 – 0607 between RFK and City of Palm Bay
- Bearing Basis should follow 5J-17.051(g). "...the bearings used shall be referenced to some well-established and monumented line."
- The following Note needs to be placed on plat "An easement is hereby dedicated to the City of Palm Bay across, over, into, and through *all Public Drainage Easements for emergency access for the right, but not the obligation, to perform maintenance or make emergency repairs as it deems necessary or desirable, at the expense of the Developer, HOA, their successors and assigns.*

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 8" PVC pipe approximately 150' south west of the intersection of Gaynor Dr SW and Falmouth St SW. The nearest point of connection to the mainline wastewater collection system force main is a 4" PVC pipe on the approximately 50' north east of the intersection of Gaynor Dr SW and Gantry St SW.
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. A City of Palm Bay "Utility Agreement" shall be executed between the Property Owner and the City. All Utility impact/connection charges noted in the "Utility Agreement" must be paid as outlined in the terms and conditions of the Utility Agreement. All fees are subject to change annually on October 1. The Property Owner shall submit a certified copy of the property deed as verification of ownership as part of the Utility Agreement.
4. All Utility construction, materials, and testing shall be in accordance with the latest revision of the Palm Bay Utilities Department Policies, Procedures, and Standards Handbook and the Standard Detail Drawings.
5. Prior to any construction, all required FDEP Permit applications for the Water and Sanitary Sewer Construction shall be processed through and copies of the Permits filed with the Utilities Department.

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

1. (FFPC 101:18.4.5.1.1) The minimum fire flow and flow duration requirements for one- and two-family dwellings having a fire flow area that does not exceed 5000 ft²(464.5 m²) shall be 1000 gpm (3785 L/min) for 1 hour. It appears there is not public water in the area for fire flow, please indicate how the minimum fire flow will be provided.

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.

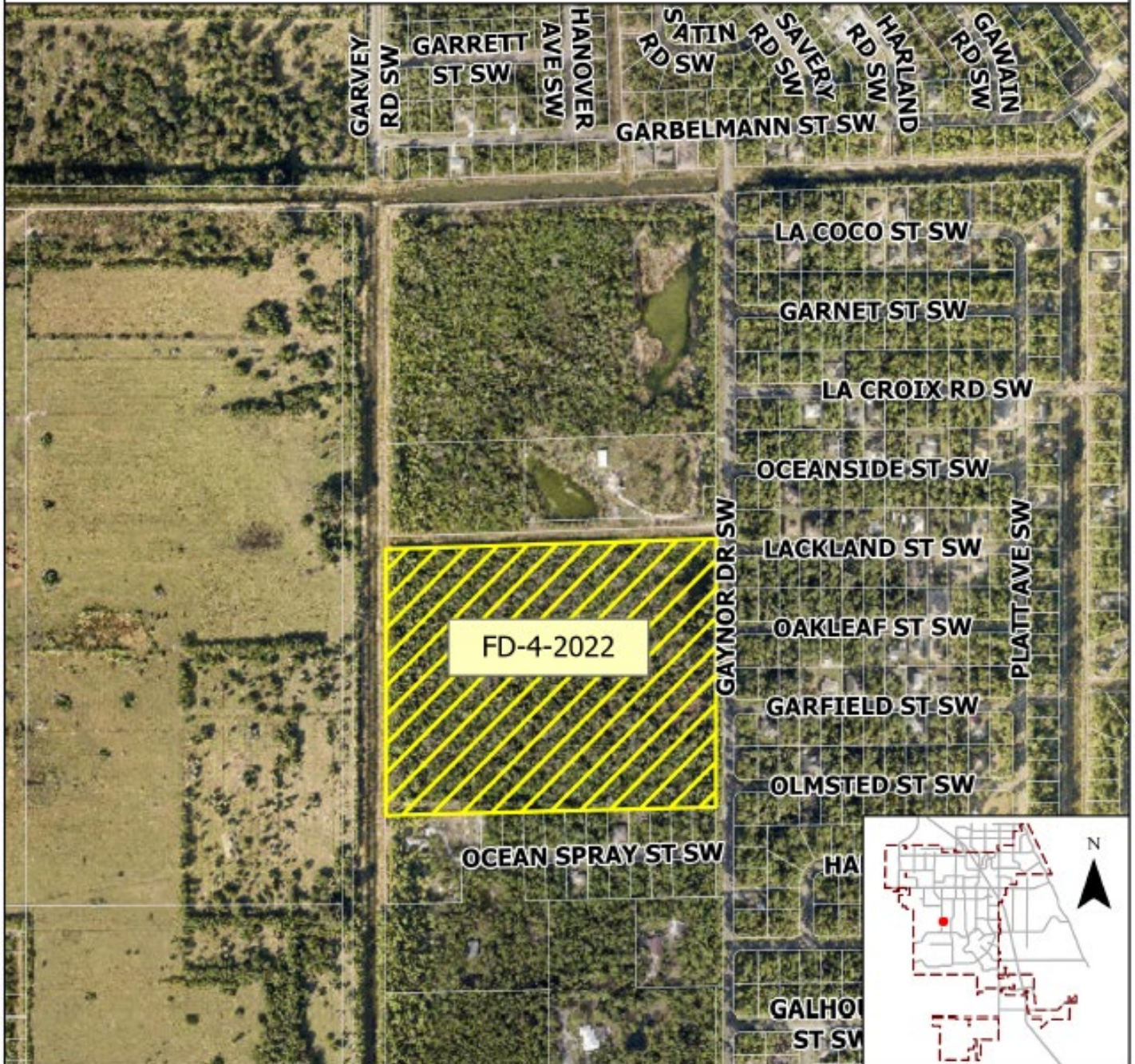
The CLOMR / LOMR process is a two step process. The plans (CLOMR) are submitted to get FEMA’s approval, when the project is complete you submit the as-built information in the LOMR application to remove the project from the Special Flood Hazard Area.

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.



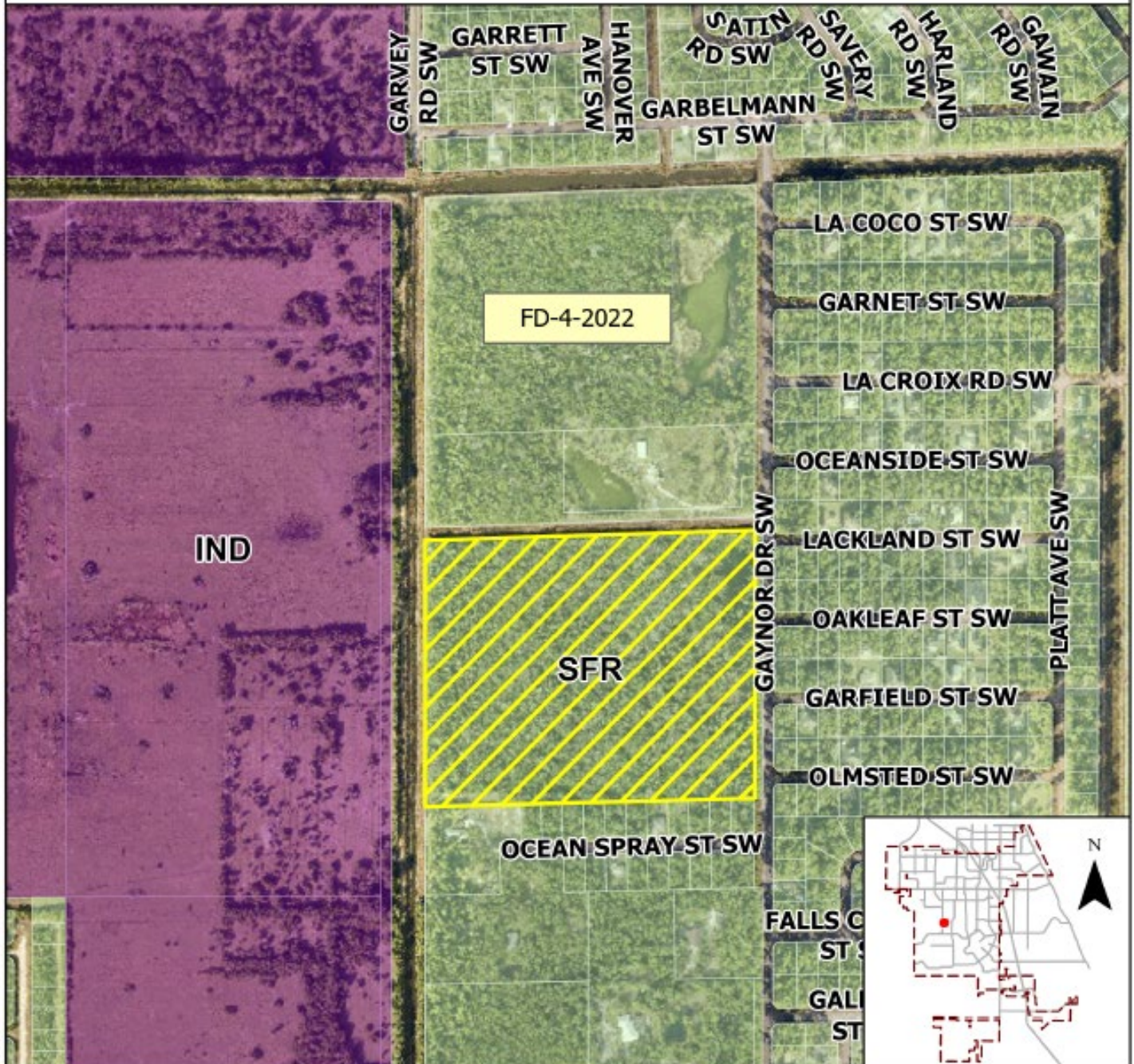
AERIAL LOCATION MAP CASE: FD-4-2022

Subject Property

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



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



FUTURE LAND USE MAP CASE: FD-4-2022

Subject Property

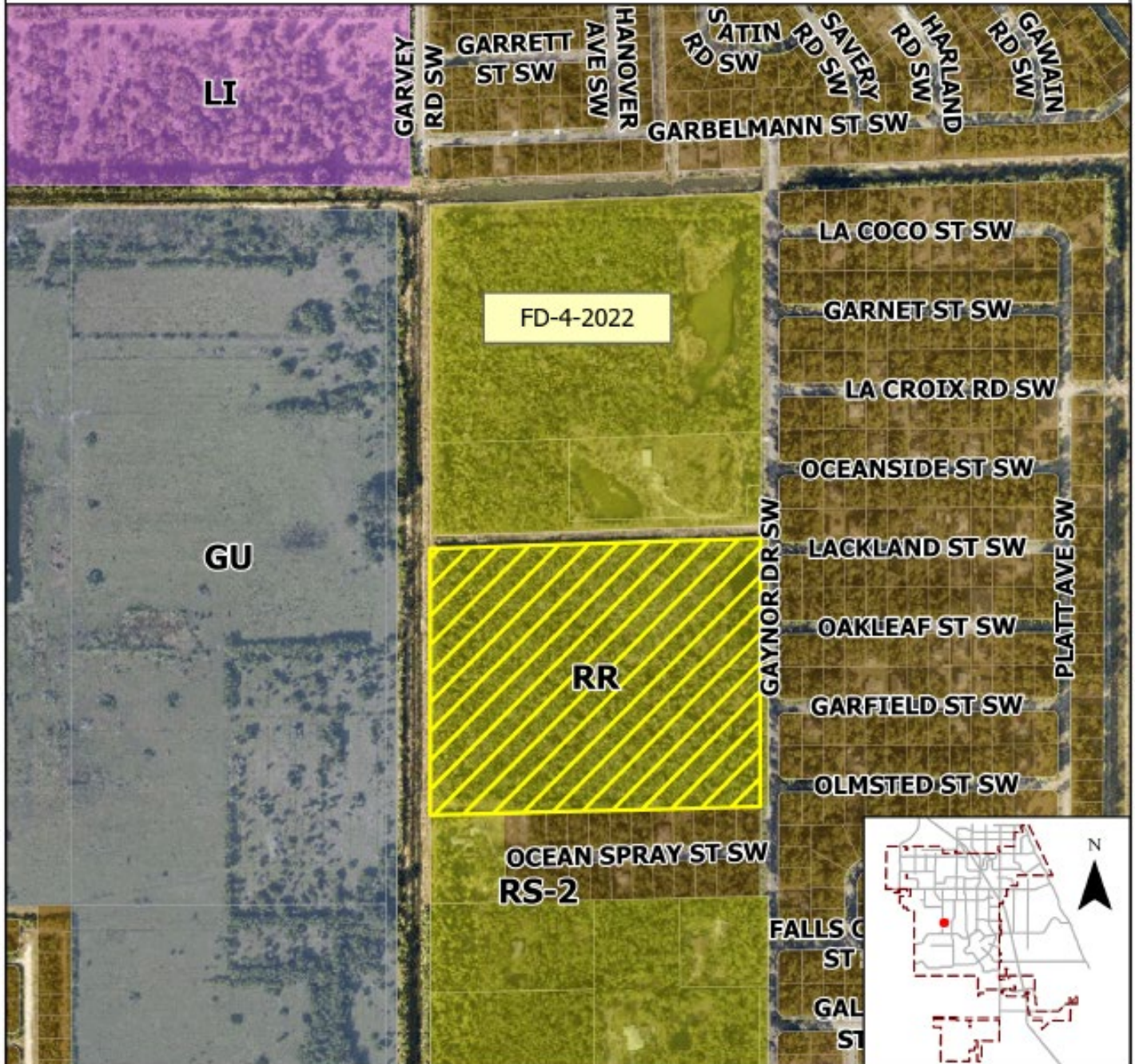
West of and adjacent to Gaynor Drive SW, in the vicinity north of Ocean Spray Street SW

Future Land Use Classification

SFR – Single Family Residential



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



ZONING MAP CASE: FD-4-2022

Subject Property

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

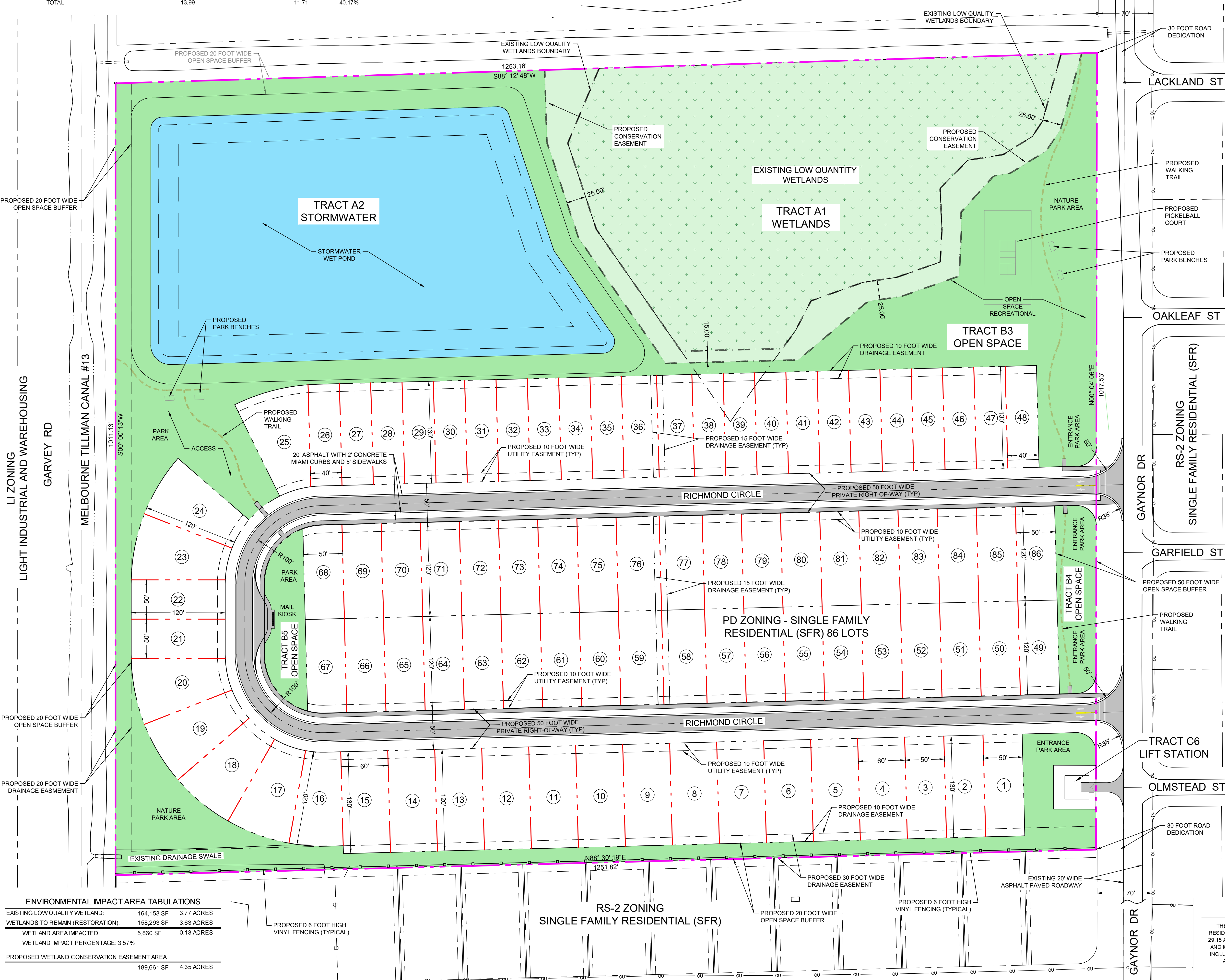
Current Zoning Classification

RR – Rural Residential

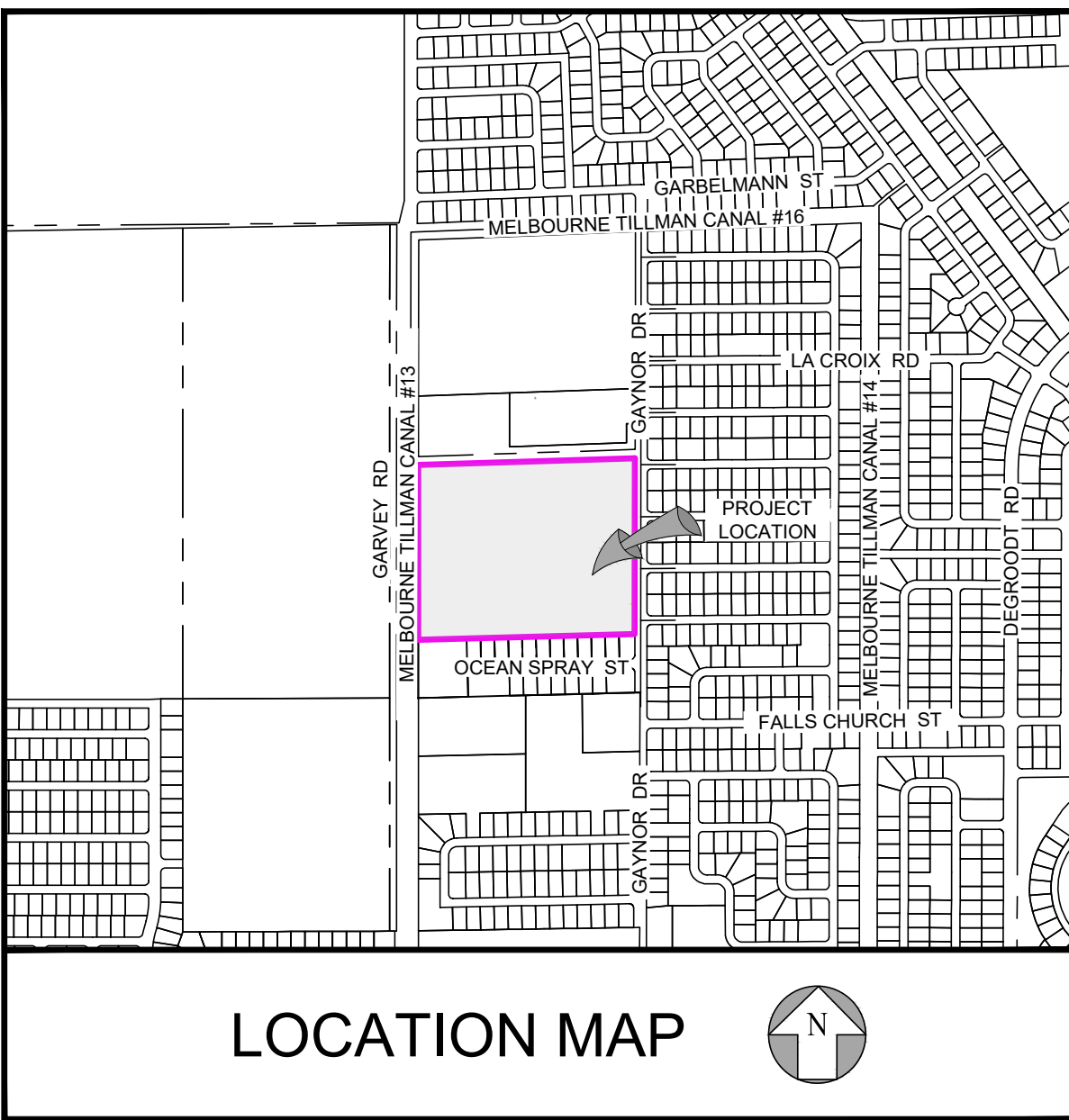
OPEN SPACE TABULATIONS						
TRACT	LAND USE	AREA (AC.)	% CREDITED TOWARDS OPEN SPACE	OPEN SPACE CREDIT (AC)	% OF GROSS SITE AREA	OWNERSHIP & MAINTENANCE WHEN CONSTRUCTED
A1	WETLANDS	4.35	75%	3.27	11.20%	HOA PRIOR TO 1ST C.O.
A2	STORMWATER WET RETENTION	4.78	75%	3.59	12.31%	HOA PRIOR TO 1ST C.O.
B3	OPEN SPACE, PERIMETER AREAS	4.35	100%	4.35	14.94%	HOA PRIOR TO 1ST C.O.
B4	OPEN SPACE, PERIMETER AREAS	0.27	100%	0.27	0.92%	HOA PRIOR TO 1ST C.O.
B5	RECREATION & OPEN SPACE	0.23	100%	0.23	0.80%	HOA PRIOR TO 1ST C.O.
TOTAL		13.99		11.71	40.17%	

LOT CONFIGURATION TABLE					
WIDTH	DEPTH	AREA (SF)	QUANTITY	LOT NUM.	
40'	130'	5,200	23	26-48	
50'	120'	6,000	40	21, 22, 49-86	
50'	130'	6,500	3	1-3	
60'	120'	7,200	12	16-20, 13-24	
60'	130'	7,800	8	4-15, 25	
			86		

RR ZONING - RURAL RESIDENTIAL
SINGLE FAMILY RESIDENTIAL (SFR)



ENVIRONMENTAL IMPACT AREA TABULATIONS			
EXISTING LOW QUALITY WETLAND:	164,153 SF	3.77 ACRES	
WETLANDS TO REMAIN (RESTORATION):	158,293 SF	3.63 ACRES	
WETLAND AREA IMPACTED:	5,860 SF	0.13 ACRES	
WETLAND IMPACT PERCENTAGE:	3.57%		
PROPOSED WETLAND CONSERVATION EASEMENT AREA			
	189,661 SF	4.35 ACRES	



SITE INFORMATION	
SITE NAME	RICHMOND COVE PUD (REDUCED PROJECT)
ADDRESS	GAYNOR DRIVE PALM BAY, FLORIDA 32908
JURISDICTION	PALM BAY
PARCEL ID	29-36-13-00-251
EXISTING ZONING	RURAL RESIDENTIAL
PROPOSED ZONING	PUD
FUTURE LAND USE	SINGLE FAMILY RESIDENTIAL
LAND USE	SINGLE FAMILY RESIDENTIAL

PLANNED UNIT DEVELOPMENT STANDARDS		
PARCEL AREA	1,268,877 SF	29.15 ACRES
DEVELOPMENT SIZE	REQUIRED: 5 ACRES MIN.	PROVIDED: 29.15 ACRES
RESIDENTIAL DENSITY	5 UNITS / ACRE	2.95 UNITS/AC
NUMBER OF LOTS		86 HOMESITES
LOT WIDTH		40', 50', 60'
LOT DEPTH		120', 130'
LOT AREA (Min.)		5,200 MIN.
RECREATION/OPEN SPACE	25% = 7.29 AC	40.17% = 11.71 AC
FRONT SETBACK	0'	20'
CORNER SETBACK	0'	15'
SIDE SETBACK	5' (10' BETWEEN BLDG)	5'
REAR SETBACK	0'	15'
FLOOR AREA PER UNIT	800 SF MIN.	1,200 MIN.
PARKING	2 SPACES PER UNIT	2 SPACES PER UNIT

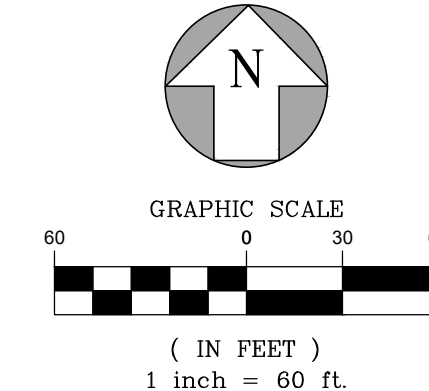
AREA TABULATIONS			
PARCEL AREA	1,268,877 SF	29.15 ACRES	100%
OPEN SPACE	211,566 SF	4.86 ACRES	16.7%
WETLANDS	189,661 SF	4.35 ACRES	14.9%
STORMWATER (POND)	163,267 SF	3.75 ACRES	12.9%
ASPHALT ROADWAY	48,717 SF	1.12 ACRES	3.8%
CONCRETE SIDEWALKS	12,202 SF	0.28 ACRES	1.0%
HOME SITES @ 86 UNITS	215,000 SF	4.94 ACRES	16.9%
LIFTSTATION TRACT	3,024 SF	0.07 ACRES	0.2%
TOTAL PERVIOUS	830,692 SF	19.07 ACRES	65.4%
TOTAL IMPERVIOUS	439,185 SF	10.08 ACRES	34.6%

LAND USE TABULATIONS			
TRACT	LAND USE	AREA (AC.)	PERCENT (%)
TOTAL PARCEL		29.15	100%
-	PARCEL LOTS	12.35	42.35%
-	RIGHT-OF-WAY	2.74	9.41%
A1	WETLAND AREA	4.35	14.94%
A2	STORMWATER AREA - WET RETENTION	4.78	16.41%
B3	OPEN SPACE, PERIMETER AREAS	4.35	14.94%
B4	RECREATION & OPEN SPACE	0.27	0.92%
B5	RECREATION & OPEN SPACE	0.23	0.80%
C6	SANITARY SEWER LIFT STATION	0.07	0.24%
TOTAL		29.15	100%

- PLANNED UNIT DEVELOPMENT (PUD) GENERAL 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.

GENERAL STATEMENT

THE PROJECT CONSISTS OF THE DEVELOPMENT OF A SINGLE-FAMILY RESIDENTIAL SUBDIVISION WITHIN THE EXTENTS OF A CURRENTLY VACANT 29.15 ACRE PARCEL. THE FORMER SITE MAY HAVE BEEN GRAZING PASTURE AND IS NOW COVERED WITH INVASIVE BRAZILIAN PEPPERS. THE PROJECT INCLUDES 86 SINGLE FAMILY UNITS ALONG WITH REQUIRED OPEN SPACE, AMENITIES, UTILITIES AND STORMWATER MANAGEMENT SYSTEM.



21-1009

DESIGNED

DRAWN

DATE

CHECKED

DATE ISSUED

11/24/2021

8

7

6

5

4

3

2

1

COMMENTS

REVISIONS

MBV

ENGINEERING, INC.

HOA BOXES VILLAZAR & ASSOCIATES

Civil • Structural • Surveying • Environmental

1250 W. LAUREL BLVD., SUITE H

MELBOURNE, FLORIDA 32935

P: 321-253-1511 F: 321-253-4911

VERO 772-589-0033 FT. PIERCE 772-468-9055

CAD728

FINAL PUD - SITE PLAN

REDUCED PROJECT

RICHMOND COVE PUD

PALM BAY, BREVARD COUNTY

FLORIDA

BRUCE A. MOIA

LICENSE

No. 47529

STATE OF

FLORIDA

PROFESSIONAL ENGINEER

BRUCE A. MOIA

EL. P.E. #47529

DATE

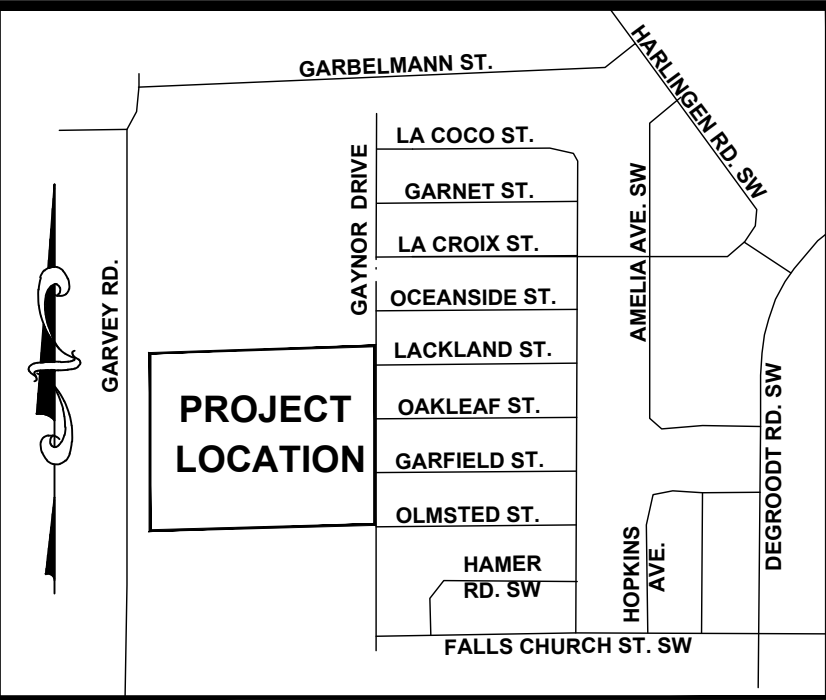
11/24/2021

SHEET

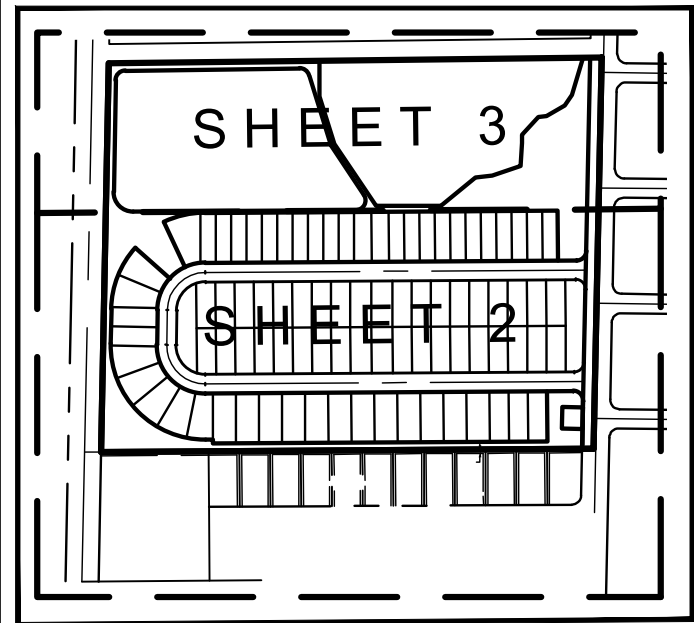
EX-1S

21-1009

PERMITTING SET



VICINITY MAP
NOT TO SCALE



KEY MAP
1" = 500'

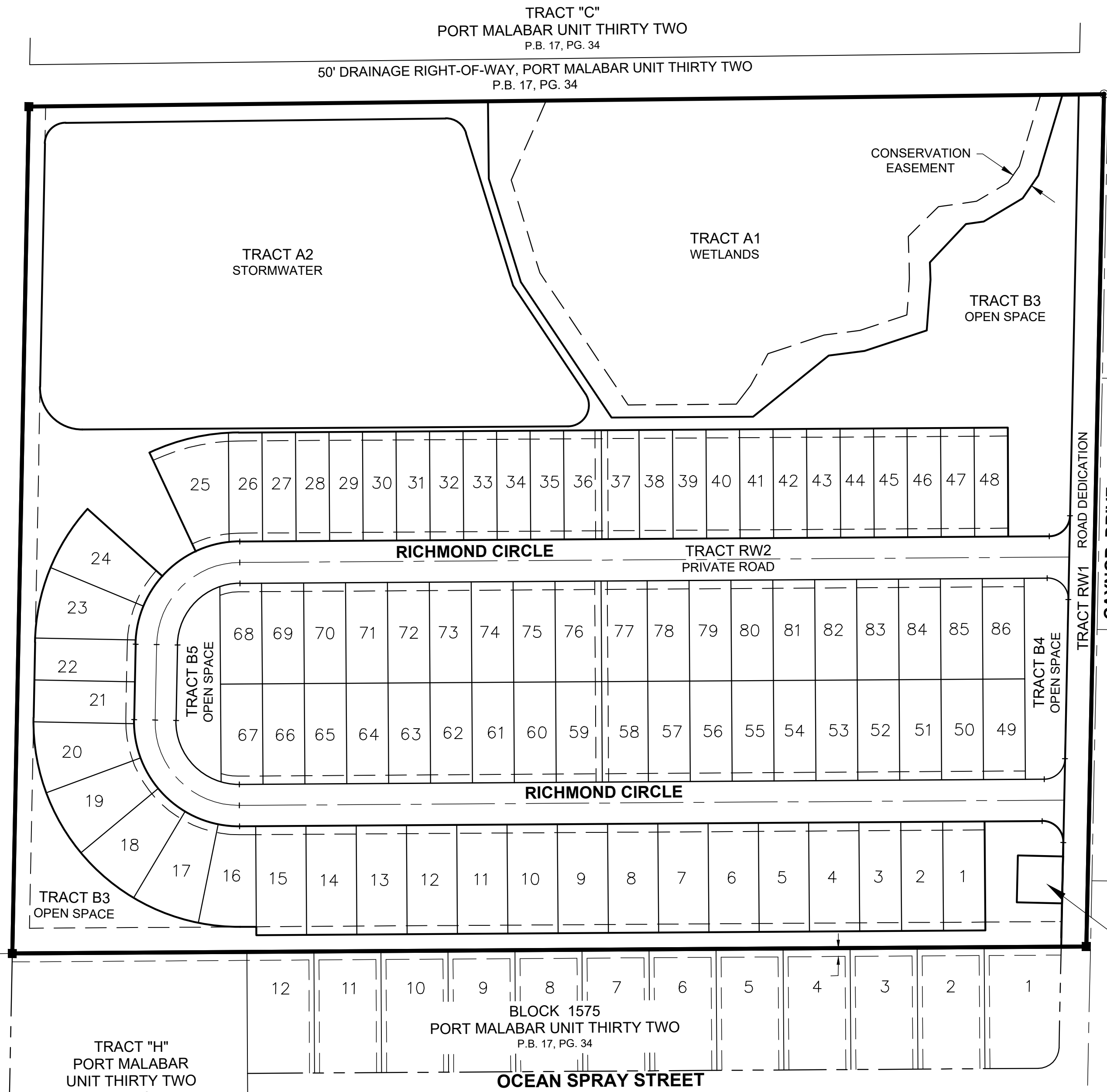
- LEGEND**
- D.E. DRAINAGE EASEMENT
 - L. ARC LENGTH OF CURVE
 - LB. LICENSED BUSINESS
 - NR. NON-RADIAL
 - P.B. PLAT BOOK
 - PG. PAGE
 - PRM. PERMANENT REFERENCE MONUMENT
 - P.U.D. PLANNED UNIT DEVELOPMENT
 - R. RADIUS OF CURVE
 - R/W. RIGHT-OF-WAY
 - T 29 S. TOWNSHIP 29 SOUTH
 - R 36 E. RANGE 36 EAST
 - U.E. UTILITY EASEMENT
 - Δ CENTRAL ANGLE OF CURVE
 - SET 4"x4" CONCRETE MONUMENT WITH BRASS DISK STAMPED "BOWMAN CG LB 8030 PRM"
 - SET 5/8" IRON ROD AND CAP STAMPED "BOWMAN CG LB 8030 PRM"
 - ⊙ SET MAG NAIL AND DISK STAMPED "BOWMAN CG LB 8030 PRM"

WEST 1/4 CORNER OF
SECTION 13 - T 29 S - R 36 E

RICHMOND COVE

A SUBDIVISION LYING IN SECTION 13, TOWNSHIP 29 SOUTH, RANGE 36 EAST CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

0 100 200 Feet
THIS MAP IS INTENDED TO BE
DISPLAYED AT A SCALE OF 1" = 100'



BLOCK 1571
PORT MALABAR
UNIT THIRTY TWO
P.B. 17, PG. 34

LACKLAND
STREET

BLOCK 1572
PORT MALABAR
UNIT THIRTY TWO
P.B. 17, PG. 34

OAKLEAF
STREET

BLOCK 1573
PORT MALABAR
UNIT THIRTY TWO
P.B. 17, PG. 34

GARFIELD
STREET

BLOCK 1574
PORT MALABAR
UNIT THIRTY TWO
P.B. 17, PG. 34

OLMSTED
STREET

TRACT C6
LIFT STATION

LEGAL DESCRIPTION

THE NORTH 3/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 29, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, SUBJECT TO RIGHTS OF WAY FOR PUBLIC ROADS AND DRAINAGE CANALS,

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST 1/4 CORNER OF SAID SECTION 13;
THENCE NORTH 00°00'13" EAST ALONG THE WEST LINE OF SAID SECTION 13 A DISTANCE OF 337.04 FEET;
THENCE, NORTH 88°30'19" EAST A DISTANCE OF 43.02 FEET TO THE **POINT OF BEGINNING**;
THENCE, NORTH 00°00'13" EAST A DISTANCE OF 1011.13 FEET TO THE SOUTHWEST CORNER OF THE DRAINAGE RIGHT OF WAY SHOWN ON THE PLAT OF PORT MALABAR UNIT THIRTY TWO, RECORDED IN PLAT BOOK 17, PAGE 34 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA;
THENCE, NORTH 88°12'50" EAST ALONG THE SOUTH LINE OF SAID DRAINAGE RIGHT OF WAY A DISTANCE OF 1283.17 FEET TO THE WEST RIGHT OF WAY LINE OF GAYNOR DRIVE;
THENCE, SOUTH 00°04'06" WEST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 1017.69 FEET;
THENCE, SOUTH 88°30'19" WEST A DISTANCE OF 1281.83 FEET TO THE **PONT OF BEGINNING**.

GENERAL NOTES:

- THE BEARINGS SHOWN HEREON ARE BASED UPON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 29 SOUTH, RANGE 36 EAST BEING NORTH 00°00'13" EAST.
- A STRIP OF LAND 10 FEET IN WIDTH IS HEREBY DEDICATED WITHIN ALL LOTS ALONG AND ADJACENT TO THE RIGHT OF WAYS FOR THE CONSTRUCTION, INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES.
- A STRIP OF LAND 10 FEET IN WIDTH IS HEREBY DEDICATED ALONG THE REAR LOT LINES OF LOTS 1 THROUGH 15 AND 25 THROUGH 48 FOR THE PURPOSE OF PROVIDING PRIVATE DRAINAGE FACILITIES.
- A STRIP OF LAND 15 IN WIDTH, 7.5 FEET ON EITHER SIDE OF THE LOT LINES BETWEEN LOTS 36 & 37, 58 & 59 AND 76 & 77 IS HEREBY DEDICATED FOR THE PURPOSE OF PROVIDING PRIVATE DRAINAGE FACILITIES.
- A STRIP OF LAND 20 FEET IN WIDTH ALONG THE WEST LINE OF THIS PLAT AND A STRIP OF LAND 30 FEET IN WIDTH ALONG THE SOUTH LINE OF THIS PLAT IS HEREBY DEDICATED FOR THE PURPOSE OF PROVIDING PRIVATE DRAINAGE FACILITIES.
- TRACT "A1", (WETLANDS) IS HEREBY DEDICATED TO RKF RESIDENTIAL DEVELOPMENT PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS AS A PRESERVATION AREA. CONSTRUCTION WITHIN OR ALTERATION OF THIS TRACT IS PROHIBITED.
- TRACT "A2", (STORMWATER RETENTION) IS HEREBY DEDICATED TO RKF RESIDENTIAL DEVELOPMENT PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS. MAINTENANCE AND OPERATION OF THIS TRACT IS THE RESPONSIBILITY OF RKF RESIDENTIAL DEVELOPMENT PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS.
- TRACTS "B3", "B4", & "B5" (OPEN SPACE) ARE HEREBY DEDICATED TO RKF RESIDENTIAL DEVELOPMENT PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS. MAINTENANCE AND OPERATION OF THESE TRACTS ARE THE RESPONSIBILITY RKF RESIDENTIAL DEVELOPMENT PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS.
- TRACT "C6" (SANITARY SEWER LIFT STATION) IS HEREBY DEDICATED TO THE CITY OF PALM BAY. MAINTENANCE AND OPERATION OF THIS TRACT IS THE RESPONSIBILITY OF THE CITY OF PALM BAY.
- TRACT "RW1" (RIGHT-OF-WAY) IS HEREBY DEDICATED TO THE CITY OF PALM BAY. MAINTENANCE AND OPERATION OF THIS TRACT IS THE RESPONSIBILITY OF THE CITY OF PALM BAY.
- TRACT "RW2" (RIGHT OF WAY) IS PRIVATE AND WILL BE OWNED AND MAINTAINED BY RKF RESIDENTIAL DEVELOPMENT PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS. AN EASEMENT IN SAID PRIVATE RIGHT OF WAY IS HEREBY DEDICATED TO THE CITY OF PALM BAY FOR INGRESS AND EGRESS BY GOVERNMENT AGENCIES, EMERGENCY VEHICLES AND PUBLIC AND PRIVATE UTILITY COMPANIES.
- THE CONSERVATION EASEMENT IS HEREBY DEDICATED TO RKF RESIDENTIAL DEVELOPMENT PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS.
- PUBLIC UTILITY EASEMENTS DEDICATED HEREON SHALL BE FOR THE INSTALLATION, CONSTRUCTION, MAINTENANCE AND OPERATION OF ELECTRIC, POWER FACILITIES AND CABLE TELEVISION SERVICES, PROVIDED HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITY OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR DAMAGES.
- UNLESS OTHERWISE SPECIFIED, UTILITY EASEMENTS ARE HEREBY DEDICATED TO THE PUBLIC AND DRAINAGE EASEMENTS ARE PRIVATE AND ARE HEREBY DEDICATED TO RKF RESIDENTIAL DEVELOPMENT PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS.
- THE LAND DESCRIBED HEREON COMPRISES A TOTAL AREA OF 29.85 ACRES +/-.
- THE OWNER (RKF RESIDENTIAL DEVELOPMENT PROPERTIES, LLC) 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.
- EXISTING ZONING IS RURAL RESIDENTIAL, PROPOSED ZONING IS P.U.D., LAND USE IS SINGLE FAMILY RESIDENTIAL (S.F.R.)

TRACT DESCRIPTION TABLE

TRACT	DESCRIPTION	MAINTENANCE	ACREAGE
A1	WETLANDS	RKF RESIDENTIAL DEVELOPMENT PROPERTIES, LLC	4.35 ±
A2	STORMWATER	RKF RESIDENTIAL DEVELOPMENT PROPERTIES, LLC	4.78±
B3	OPEN SPACE	RKF RESIDENTIAL DEVELOPMENT PROPERTIES, LLC	4.35±
B4	OPEN SPACE	RKF RESIDENTIAL DEVELOPMENT PROPERTIES, LLC	0.27±
B5	OPEN SPACE	RKF RESIDENTIAL DEVELOPMENT PROPERTIES, LLC	0.23±
C6	LIFT STATION	CITY OF PALM BAY	0.07±
RW1	RIGHT OF WAY	CITY OF PALM BAY	0.70±
RW2	RIGHT OF WAY	RKF RESIDENTIAL DEVELOPMENT PROPERTIES, LLC	2.74±

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

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

SURVEYORS' NOTICE:

- ALL LOT LINES IN CURVILINEAR LOTS ARE NON-RADIAL (NR).

PLAT BOOK _____ PAGE _____

SHEET 1 OF 3
SECTION 13, TWP. 29 S., RANGE 36 E.

DEDICATION

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

RICHMOND COVE

Hereby dedicates said lands and plat for the uses and purposes therein expressed and dedicates all public utility easements as described hereon to the City of Palm Bay for the perpetual use of the public. No other easements are hereby dedicated or granted to the public, it being the intention of the undersigned that other easements and common areas shown hereon be privately owned and maintained and that the public and the City of Palm Bay have no right or interest therein.

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

BY _____ RKF RESIDENTIAL DEVELOPMENT PROPERTIES, LLC, a florida limited liability company
Title _____ 5505 Manatee Point Drive New Port Richey, Florida 34652
Signed and sealed in the presence of: _____

(Print name)

(Print name)

STATE OF FLORIDA COUNTY OF BREVARD
THIS IS TO CERTIFY, the foregoing instrument was acknowledged before me this _____ day of _____, 2021 by

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

(Print name)
NOTARY PUBLIC SEAL
County and State aforesaid
My Commission Expires _____

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed professional surveyor and mapper, does hereby certify that on _____, 2021 he completed the 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. 5173

Richard E. Barnes, JR.
Bowman Consulting Group, LTD., INC.
301 S.E. Ocean Blvd., Suite 301
Stuart, Florida 34994
LB - 8030

Certificate of Authorization Number

CERTIFICATE OF REVIEWING SURVEYOR FOR THE 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 LS 6366
Reviewing Surveyor for the City of Palm Bay

CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, That on _____ the City Council of the City of Palm Bay approved the foregoing plat

J. Robert Medina - Mayor

ATTEST: Terese Jones - City Clerk

CERTIFICATE OF CLERK

I HEREBY CERTIFY, That I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, Florida Statutes, and was filed for record on _____ at _____ File No. _____

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

Bowman

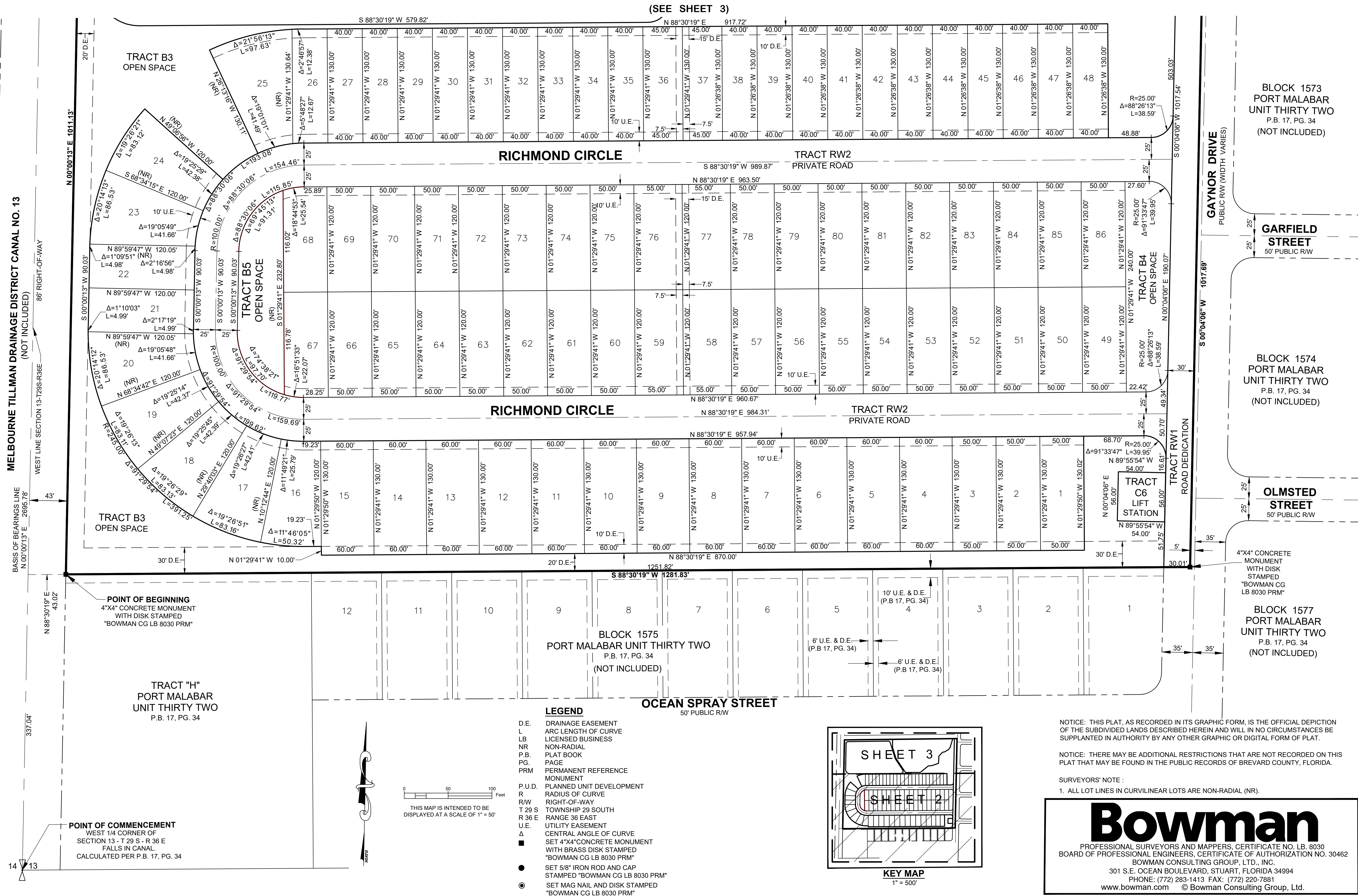
PROFESSIONAL SURVEYORS AND MAPPERS, CERTIFICATE NO. LB. 8030
BOARD OF PROFESSIONAL ENGINEERS, CERTIFICATE OF AUTHORIZATION NO. 30462
BOWMAN CONSULTING GROUP, LTD., INC.
301 S.E. OCEAN BOULEVARD, STUART, FLORIDA 34994
PHONE: (772) 283-1413 FAX: (772) 220-7881
www.bowman.com © Bowman Consulting Group, Ltd.

RICHMOND COVE

A SUBDIVISION LYING IN SECTION 13, TOWNSHIP 29 SOUTH, RANGE 36 EAST
CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

PLAT BOOK _____ PAGE _____

SHEET 2 OF 3
SECTION 13, TWP. 29 S., RANGE 36 E.



RICHMOND COVE

A SUBDIVISION LYING IN SECTION 13, TOWNSHIP 29 SOUTH, RANGE 36 EAST
CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

PLAT BOOK _____ PAGE _____
SHEET 3 OF 3
SECTION 13, TWP. 29 S., RANGE 36 E.

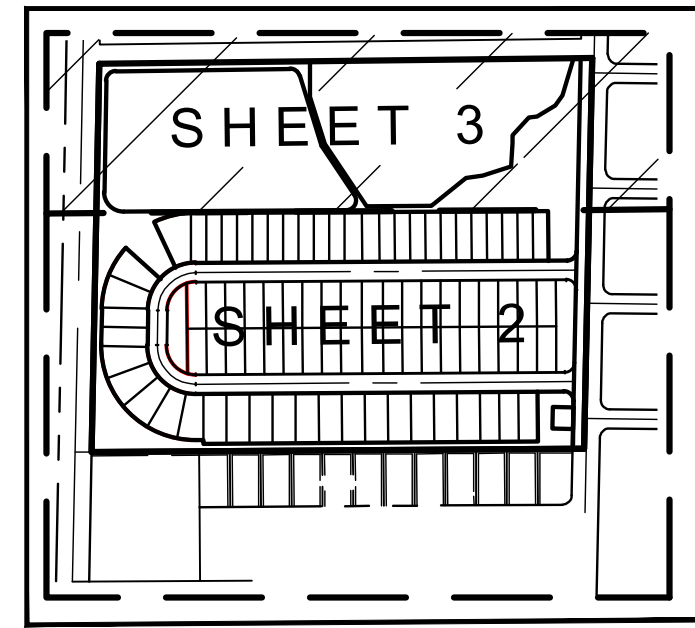
SECTION CORNER
FALLS IN CANAL.
CALCULATED PER
P.B. 17, PG. 34

11
12
14
13



0 50 100
Feet

THIS MAP IS INTENDED TO BE
DISPLAYED AT A SCALE OF 1" = 50'



KEY MAP
1" = 500'

TRACT "C"
PORT MALABAR UNIT THIRTY TWO
P.B. 17, PG. 34
(NOT INCLUDED)

50' DRAINAGE RIGHT-OF-WAY (NOT INCLUDED)
PORT MALABAR UNIT THIRTY TWO
P.B. 17, PG. 34

MAG NAIL AND DISK STAMPED
"BOWMAN CG LB 8030 PRM"

BLOCK 1571
PORT MALABAR
UNIT THIRTY TWO
P.B. 17, PG. 34
(NOT INCLUDED)

LACKLAND
STREET
50' PUBLIC R/W

BLOCK 1572
PORT MALABAR
UNIT THIRTY TWO
P.B. 17, PG. 34
(NOT INCLUDED)

OAKLEAF
STREET
50' PUBLIC R/W

MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO. 13
(NOT INCLUDED)

WEST LINE SECTION 13-T29S-R36E
86' RIGHT-OF-WAY

4"x4" CONCRETE MONUMENT
WITH DISK STAMPED
"BOWMAN CG LB 8030 PRM"

R=25.00'
Δ=88°12'35"
L=38.49'

R=25.00'
Δ=73°27'46"
L=32.05'

TRACT A2
STORMWATER

TRACT A1
WETLANDS

TRACT B3
OPEN SPACE

TRACT B3

(SEE SHEET 2)

LEGEND

- D.E. DRAINAGE EASEMENT
L ARC LENGTH OF CURVE
LB LICENSED BUSINESS
NR NON-RADIAL
P.B. PLAT BOOK
PG. PAGE
PRM PERMANENT REFERENCE
MONUMENT
P.U.D. PLANNED UNIT DEVELOPMENT
R RADIUS OF CURVE
R/W RIGHT-OF-WAY
T 29 S TOWNSHIP 29 SOUTH
R 36 E RANGE 36 EAST
U.E. UTILITY EASEMENT
- Δ CENTRAL ANGLE OF CURVE
- SET 4"x4" CONCRETE MONUMENT
WITH BRASS DISK STAMPED
"BOWMAN CG LB 8030 PRM"
- SET 5/8" IRON ROD AND CAP
STAMPED "BOWMAN CG LB 8030 PRM"
- ⊙ SET MAG NAIL AND DISK STAMPED
"BOWMAN CG LB 8030 PRM"

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
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SURVEYORS' NOTE :

1. ALL LOT LINES IN CURVILINEAR LOTS ARE NON-RADIAL (NR).

Bowman

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BOARD OF PROFESSIONAL ENGINEERS, CERTIFICATE OF AUTHORIZATION NO. 30462
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PHONE: (772) 283-1413 FAX: (772) 220-7881
www.bowman.com © Bowman Consulting Group, Ltd.



LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

FINAL DEVELOPMENT PLAN APPLICATION

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

APPLICATION AMENDMENT TYPE:

- ☒ **PUD** - Planned Unit Development ([Section 185.067](#))
- ☐ **PMU** - Parkway Mixed Use District (Final Design Plan) ([Section 185.057\(C\)](#))
- ☐ **PCRD** - Planned Community Redevelopment District ([Section 185.055\(L\)](#))
- ☐ **RAC** - Regional Activity Center District ([Section 185.056\(C\)](#))

PROPOSED DEVELOPMENT NAME:

Richmond Cove

PARCEL ID(S):

29-36-13-00-251

TAX ACCOUNT NUMBER(S):

2908382

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

N 3/4 of SW 1/4 of NW 1/4 Exc Orb 8803 Pg 606 and Canal R/W

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

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

29.15

TOTAL LOTS PROPOSED (list by use):

86 SFR

DEVELOPER	Holiday Builders Inc.		
Full Address	2293 W Eau Gallie Blvd., Melbourne, FL 32935		
Telephone	321-610-5168	Email	jhill@holidaybuilders.com
ENGINEER	Bruce Moia, P.E., MBV Engineering, Inc.		
Full Address	1250 W. Eau Gallie Blvd., Suite H, Melbourne, FL 32935		
Telephone	321-253-1510	Email	brucem@mbveng.com
SURVEYOR	Bowman Consulting Group, LTD., Inc.		
Full Address	301 SE Ocean Blvd, Suite 301, Stuart, FL 34994		
Telephone	772-283-1413	Email	

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

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 12-06-2021

Printed Name

C. Roger Freeman - Manager, RKF Residential Development Properties, LLC

Full Address

5505 Manatee Point Drive, New Port Richey, FL 34652

Telephone

352-267-1005

Email baron136s@hotmail.com

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

12-15-21

, 20

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Parcel ID 29-36-13-00-251

I, Owner Name: Roger C Freeman, RKF Residential Development Properties LLC

Address: 5505 Manatee Point Drive, New Pt. Richey, FL 34652

Telephone: 352-267-1005

Email: baron136s@hotmail.com

hereby authorize:

Representative: Bruce Moia of MBV Engineering, Inc.

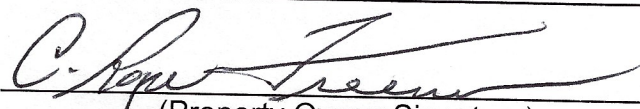
Address: 1250 W. Eau Gallie Blvd, Suite H, Melbourne, FL 32935

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Final Development Plan


(Property Owner Signature)

STATE OF

Florida

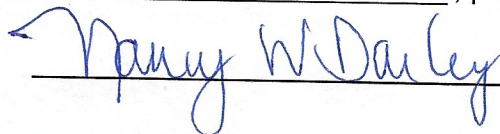
COUNTY OF

Pasco

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 15 day of December, 2021 by

Clifford R. Freeman

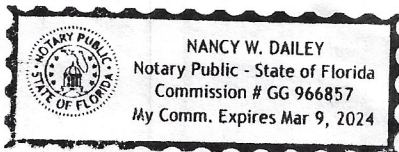
, property owner.



, Notary Public

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

FDL



12-15-21

, 20

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Parcel ID 29-36-13-00-251

I, Owner Name: Roger C Freeman, RKF Residential Development Properties LLC

Address: 5505 Manatee Point Drive, New Pt. Richey, FL 34652

Telephone: 352-267-1005

Email: baron136s@hotmail.com

hereby authorize:

Representative: Richard Fadil - Holiday Builders

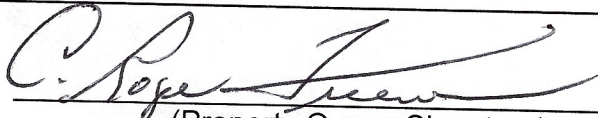
Address: 2293 W. Eau Gallie Blvd, Melbourne, FL 32935

Telephone: 321-610-5168

Email: jhill@holidaybuilders.com

to represent the request(s) for:

Final Development Plan


(Property Owner Signature)

STATE OF

Florida

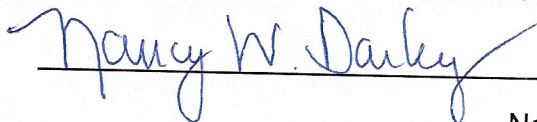
COUNTY OF

Pasco

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Clifford R Freeman

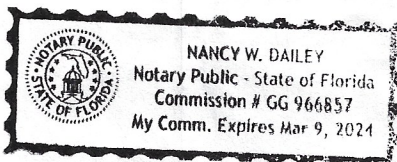
, property owner.



, Notary Public

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

FDL





MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Patrick Murphy, Assistant Growth Management Director

DATE: January 5, 2022

SUBJECT: CP-4-2022 - Space Coast Marina - Melissa Timmons, Manager, Space Coast Marina, LLC (Bruce Moia, P.E., MBV Engineering, Inc.) - A small-scale Comprehensive Plan Future Land Use Map amendment from BMUV, Bayfront Mixed Use Village Use to BMU, Bayfront Mixed Use. Part of Lots 3 and 4, Palm Bay Map Number 1, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 7.56 acres. Located at the southwest corner of Dixie Highway NE and Pospisil Avenue NE

ATTACHMENTS:

Description

- ▣ Case CP-4-2022 - Staff Report
- ▣ Case CP-4-2022 - Plat
- ▣ Case CP-4-2022 - Boundary Sketch
- ▣ Case CP-4-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

CP-4-2022

PLANNING & ZONING BOARD HEARING DATE

January 5, 2022

PROPERTY OWNER & APPLICANT

Space Coast Marina, LLC
(Melissa Timmons, Manager)

PROPERTY LOCATION/ADDRESS

The property is located at the southwest corner of U.S.
Highway 1 and Pospisil Avenue NE

SUMMARY OF REQUEST

The applicant is requesting a small-scale Comprehensive Plan
Future Land Use (FLU) Map amendment to change 7.56 acres of
land from Bayfront Mixed Use Village to Bayfront Mixed Use

Existing Zoning

BMUV, Bayfront Mixed Use Village District

Existing Land Use

Bayfront Mixed Use Village

Site Improvements

Paradise Paddling (formerly Pelican Harbor Marina)

Site Acreage

7.56 acres

SURROUNDING ZONING & USE OF LAND

North

BMUV, Bayfront Mixed Use Village District; Pospisil Avenue NE

East

BMUV, Bayfront Mixed Use Village District; U.S. Highway No. 1

South

BMUV, Bayfront Mixed Use Village District; Turkey Creek

West

BMUV, Bayfront Mixed Use Village District; F.E.C.R.R.

BACKGROUND:

The property is located at the southwest corner of U.S. Highway No. 1 and Pospisil Avenue NE. Specifically, the subject property is Lots 1-11, Block 2, of the Town of Palm Bay subdivision, located in Section 24, Township 28 south, Range 37 east, Brevard County, Florida. The lots total approximately 7.56 acres of property.

The applicant is requesting a small-scale Comprehensive Plan Future Land Use (FLU) Map amendment to change the above-described property from Bayfront Mixed Use Village to Bayfront Mixed Use. The applicant is Melissa Timmons, Manager, Space Coast Marina, LLC.

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 Future Land Use (FLU) Element Policy FLU-2.2B states "High density residential development shall be located with direct access to arterial and collector roadways, and with access to employment centers, recreation, and commercial facilities and shall be served by centralized water and sewer facilities."

Policy FLU-3 is to provide for economically viable commercial areas which promote a sound and diversified local economy and serve the retail and service needs of the City's residents.

FLU-3.1 is to provide additional commercial areas by type, size, and distribution, based upon area need and the availability of supporting infrastructure.

The proposed amendment appears to be consistent with the above policies by applying a future land use category that promotes these initiatives. The Bayfront Mixed Use (BMU) category allow for a greater intensity in residential development (from a maximum of 10 UPA to 40 UPA), but also requires a minimum 20 percent of the future development shall consist of commercial uses. The current designation of BMUV does not require a commercial use.

City water and sewer are available to the property and the land abuts a major arterial roadway (U.S. Highway No.1). The provision of commercial development within the future use of the property will allow for direct access of future residents to employment opportunities.

It is staff's belief that redevelopment of the subject properties will ignite a re-birth of commercial activity and vibrancy that is needed along the U.S. 1 corridor and the Bayfront 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. If any listed species were to be identified on the subject parcel they would need to be mitigated for, as required by State and Federal regulations, and per Comprehensive Plan Policy CON-1.7B.

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

3. HOUSING ELEMENT

The proposed Bayfront Mixed Use FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the city. In fact, the BMU category would allow for a wide variety of housing types that further Comp Plan Goal HSG-1.

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 property currently has city water and city sewer available to it. There is an 8" water main on the south side of Pospisil Avenue and the west side of U.S. 1, both of which are thus adjacent to the property. There is an 8" gravity sewer main running under Pospisil. Connections to these lines will be evaluated during the administrative site plan review process.

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 must be shown with engineered site plans. In specific, a new baffle box will be needed, regardless of development intensity, prior to any stormwater discharge into Turkey Creek.

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 proposed FLU amendment to Bayfront Mixed Use will potentially not add more housing units than the existing BMUV category, as the requested category allows for more residential density. A school concurrency determination letter from the School Board is required prior to approval of any residential development.

6. RECREATION AND OPEN SPACE ELEMENT

The Recreation and Open Space Element addresses the current and future recreational needs of the city. The proposed FLU category may have more of an impact on the parks & recreation level of service standards, due to the potential increase in residential density. However, 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.

7. TRANSPORTATION ELEMENT

The objectives of the Transportation Element are to provide a safe, balanced, and 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 when site plans are submitted. Pospisil Avenue is classified as a Local Street on the City's Comprehensive Plan, and U.S. 1 is classified as Major Arterial Roadway. Upon submittal of a development plan, a traffic study may 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 RECOMMENDATION:

Case CP-4-2022 is recommended for approval subject to the staff comments.



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



AERIAL LOCATION MAP CASE: CP-4-2022 & CPZ-4-2022

Subject Property

Southwest corner of Dixie Highway NE and Pospisil Avenue 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: CP-4-2022 & CPZ-4-2022

Subject Property

Southwest corner of Dixie Highway NE and Pospisil Avenue NE

Future Land Use Classification

BMUV – Bayfront Mixed Use Village



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



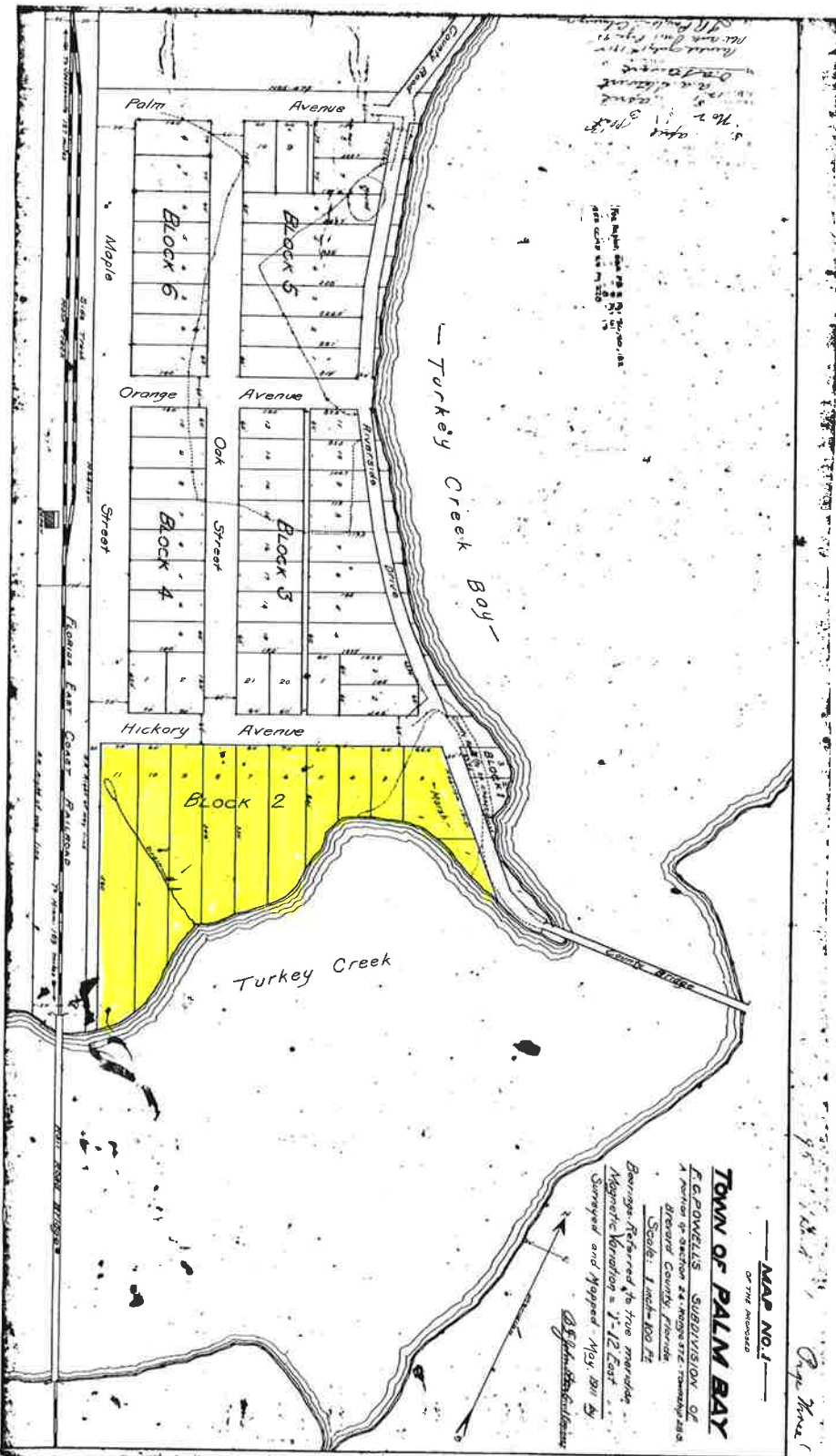
ZONING MAP CASE: CP-4-2022 & CPZ-4-2022

Subject Property

Southwest corner of Dixie Highway NE and Pospisil Avenue NE

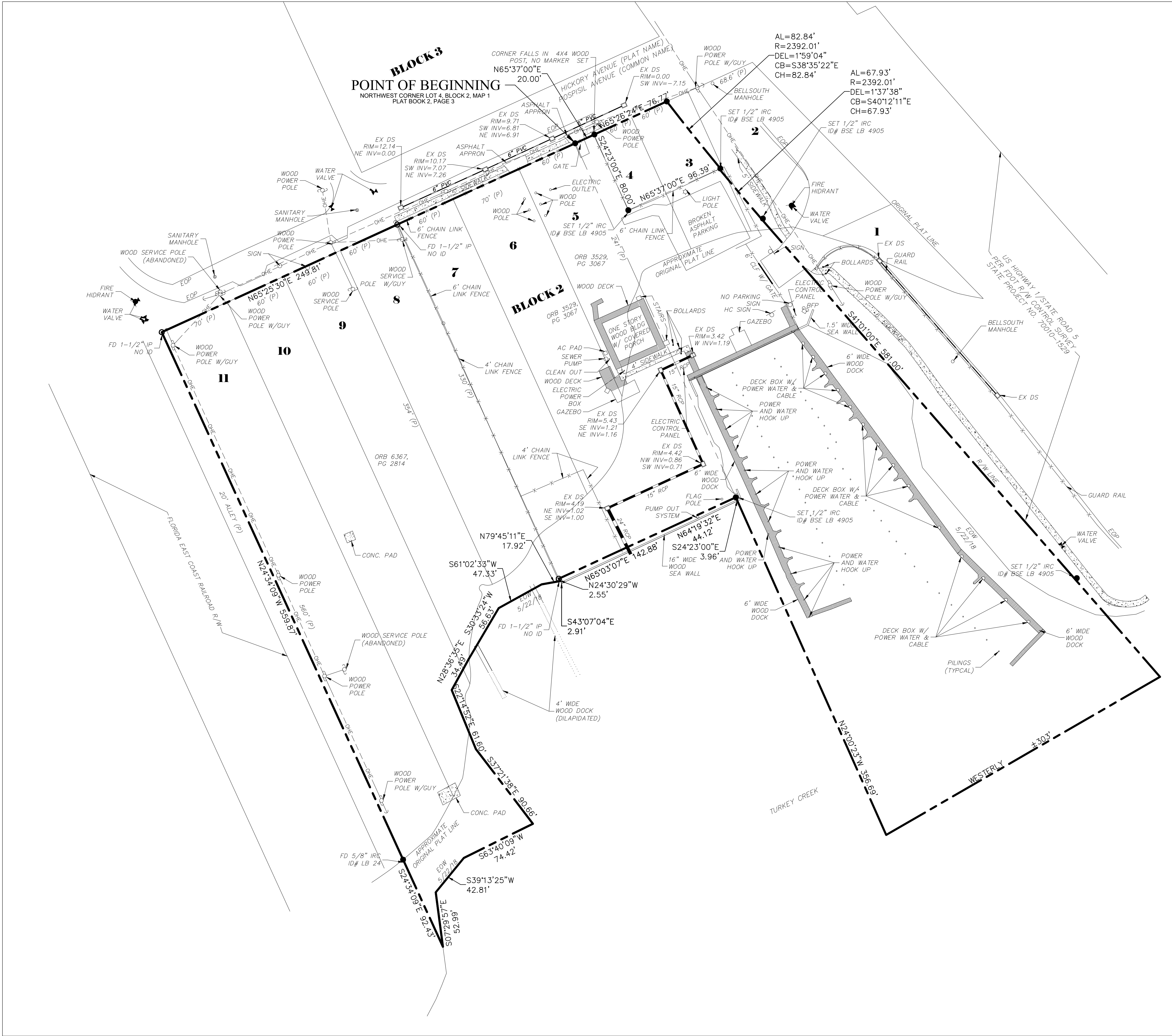
Current Zoning Classification

BMUV – Bayfront Mixed Use Village



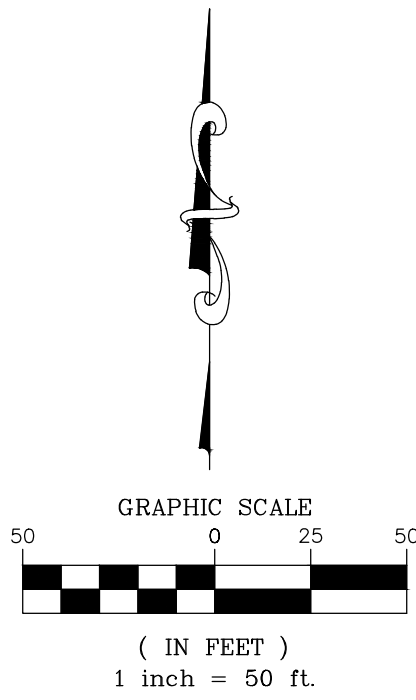
State of Florida,
 County of Brevard,
 On this day personally came Harry A. Powell who acknowledged that he signed
 the foregoing deed of dedication for the purpose therein expressed.
 Witness my hand and official seal this 2nd day of
 March A. D. 1912

State of Florida,
 County of Brevard,
 I, Harry A. Powell, do hereby certify that the foregoing plat was filed in my office on the 2nd day of March, A. D. 1912, and that the same is a true and correct copy of the original as the same appears in my files and records.
 Harry A. Powell
 Clerk of the County of Brevard, Florida



LEGAL DESCRIPTION

ALL OF THAT PART OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, AND 11 BLOCK 2 MAP 1, TOWN OF PALM BAY AS DESCRIBED IN PLAT BOOK 2, PAGE 3, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING WEST OF THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1, TOGETHER WITH THAT PART OF THE SUBMERGED BOTTOM OF TURKEY CREEK LYING ADJACENT THERETO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 4, BLOCK 2, MAP No. 1, TOWN OF PALM BAY, AS RECORDED IN PLAT BOOK 2, PAGE 3, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, RUN NORTH 65 DEGREES 37 MINUTES EAST ALONG THE NORTH LINE OF SAID LOT 4, 20.00 FEET TO THE WEST LINE OF PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1172, PAGE 765, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA THENCE SOUTH, 24 DEGREES 23 MINUTES EAST ALONG SAID WEST LINE 80.00 FEET TO THE SOUTH LINE OF SAID PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1172, PAGE 765; THENCE NORTH 65 DEGREES 37 MINUTES EAST ALONG SAID SOUTH LINE 96.39 FEET TO THE WEST RIGHT OF WAY LINE U.S. HIGHWAY No. 1 (STATE ROAD No. 6); THENCE SOUTHEASTERLY ALONG RIGHT OF WAY LINE AND ALONG A CURVE CONCAVE TO THE EAST, SAID CURVE HAVING A RADIUS OF 2392.01 FEET, A CENTRAL ANGLE OF ONE DEGREE, 37 MINUTES, 38 SECONDS AND A CHORD BEARING OF SOUTH 40 DEGREES 12 MINUTES, 11 SECONDS EAST, AND ARC DISTANCE OF 67.93 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE SOUTH 41 DEGREES, 01 MINUTES, EAST ALONG SAID WEST RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1; 581 FEET MORE OR LESS, TO THE THREAD OF TURKEY CREEK; THENCE SOUTHWESTERLY ALONG SAID THREAD OF TURKEY CREEK 303 FEET, MORE OR LESS, TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE AFOREMENTIONED LOT 4, BLOCK 2; THENCE NORTH 24 DEGREES, 23 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 4 AND THE SOUTHERLY EXTENSION THEREOF, 732 FEET MORE OR LESS TO THE POINT OF BEGINNING, LESS AND EXCEPT ANY PORTION OF THE ABOVE DESCRIBED LAND WHICH MAY LIE WITHIN THE BOUNDARIES OF THE SOVEREIGNTY SUBMERGED LANDS LEASE RECORDED IN OFFICIAL RECORDS BOOK 5909, PAGE 5217, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA.



SYMBOL LEGEND	
▲	NAIL AND DISK, ID# BSE LB4905, UNLESS OTHERWISE NOTED
●	FD 5/8" IRON ROD; NO ID, UNLESS OTHERWISE NOTED
○	FD 2" IRON PIPE, NO ID, UNLESS OTHERWISE NOTED
⊕	BENCHMARK

8

7

6

5

4

3

2

1

21-1062

DESIGNED

DRAWN

DATE

CHECKED

DATE ISSUED

11/30/2021

COMMENTS

REVISIONS

DATE

MBV

ENGINEERING, INC.

MOA BOWEN VILLARAZ & ASSOCIATES

Civil • Structural • Surveying • Environmental

1250 W. EAU GALIE BLVD. SUITE H

MELBOURNE, FLORIDA 32935

P: 321.486.9911

F: 321.486.9911

ALSO WITH OFFICES IN:

VERO: 772.698.0036, FT. PIERCE: 772.686.8005, PALM CITY: 772.498.9959

PROPERTY BOUNDARY SKETCH

PALM BAY LANDING MARINA

FLORIDA

COCOA

BRUCE A. MOIA

LICENSE

No. 47529

STATE OF

FLORIDA

PROFESSIONAL ENGINEER

BRUCE A. MOIA

FL. P.E. #47529

DATE

11/30/2021

C-1

SHEET

21-1064

PERMITTING SET



LAND DEVELOPMENT DIVISION

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

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):

28-37-24-27-2-8 with 28-37-24-27-2-8.01 with 28-37-24-27-2-1 and 28-37-24-27-2-4

TAX ACCOUNT NUMBER(S):

2832800, 2832801, 2832794, 2932797

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

Palm Bay Map #1 lots 1 thru 11

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

7.56

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.):

BMUV

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

BMU

PRESENT USE OF PROPERTY:

Vacant

STRUCTURES LOCATED ON THE PROPERTY: 0

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: Yes from BMUV to BMU

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

Current zoning and land use does not meet developer's criteria.

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 (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 Bruce Moia, P.E., MBV Engineering, 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 Melissa Timmons Date 11-30-21
Printed Name Melissa Timmons, Manager, Space Coast Marina LLC
Full Address 587 Young Street, Melbourne, FL 32935
Telephone _____ Email mptimmons@yahoo.com

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

November 29, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-24-27-2-8 with 28-37-24-27-2-8.01 with 28-37-24-27-2-1 and 28-37-24-27-2-4

I, Owner Name: Space Coast Marina's LLC - Melissa Timmons MGR

Address: 587 Young Street, Melbourne, FL32935

Telephone: 714-306-7233

Email: mptimmons@yahoo.com

hereby authorize:

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

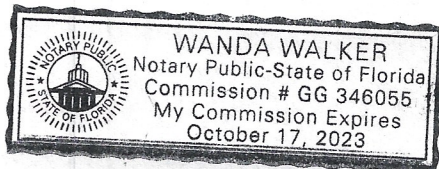
Address: 1250 W. Eau Gallie Blvd, Suite H, Melbourne, FL 32935

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment



Melissa Timmons

(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 30th day of November, 20 21 by

Melissa Timmons, property owner.

Wanda Walker

Wanda Walker, Notary Public

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

Florida Drivers License



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Patrick Murphy, Assistant Growth Management Director

DATE: January 5, 2022

SUBJECT: **CPZ-4-2022 - Space Coast Marina - Melissa Timmons, Manager, Space Coast Marina, LLC (Bruce Moia, P.E., MBV Engineering, Inc.) - A Zoning amendment from a BMUV, Bayfront Mixed Use Village District to a BMU, Bayfront Mixed Use District. Part of Lots 3 and 4, Palm Bay Map Number 1, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 7.56 acres. Located at the southwest corner of Dixie Highway NE and Pospisil Avenue NE

♣Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ▣ Case CPZ-4-2022 - Staff Report
- ▣ Case CPZ-4-2022 - Plat
- ▣ Case CPZ-4-2022 - Boundary Survey
- ▣ Case CPZ-4-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

CPZ-4-2022

PLANNING & ZONING BOARD HEARING DATE

January 5, 2022

PROPERTY OWNER & APPLICANT

Space Coast Marina, LLC
(Melissa Timmons, Manager)

PROPERTY LOCATION/ADDRESS

The property is located at the southwest corner of U.S.
Highway 1 and Pospisil Avenue NE

SUMMARY OF REQUEST

The applicant is requesting a rezoning of the subject property from BMUV, Bayfront Mixed Use Village District to the Bayfront Mixed Use Zoning District

Existing Zoning

BMUV, Bayfront Mixed Use Village District

Existing Land Use

Bayfront Mixed Use Village

Site Improvements

Paradise Paddling (formerly Pelican Harbor Marina)

Site Acreage

7.56 acres

SURROUNDING ZONING & USE OF LAND

North

BMUV, Bayfront Mixed Use Village District; Pospisil Avenue NE

East

BMUV, Bayfront Mixed Use Village District; U.S. Highway No. 1

South

BMUV, Bayfront Mixed Use Village District; Turkey Creek

West

BMUV, Bayfront Mixed Use Village District; F.E.C.R.R.

COMPREHENSIVE PLAN

COMPATIBILITY

Yes, pending approval of Case CP-4-2022

BACKGROUND:

The property is located at the southwest corner of U.S. Highway No. 1 and Pospisil Avenue NE. Specifically, the subject property is Lots 1-11, Block 2, of the Town of Palm Bay subdivision, located in Section 24, Township 28 south, Range 37 east, Brevard County, Florida. The lots total approximately 7.56 acres of property.

Melissa Timmons, Manager of Space Coast Marina, is requesting a rezoning of the described property from BMUV, Bayfront Mixed Use Village District to the Bayfront Mixed Use District.

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 Bayfront Community Redevelopment District (BCRD) is a 4-mile section of U.S. Highway 1 bounded by the City of Melbourne city limits to the north and to the Town of Malabar on the south. The Indian River Lagoon makes up the eastern boundary. The western limit is generally the Florida East Coast Railroad (F.E.C.R.R.), with some areas pushing further west. The area west of the F.E.C.R.R. is shown on the BCRD District Map the Kirby Industrial Area and the Powell's Subdivision. The goal of the Bayfront Redevelopment Plan is to have the district be developed as an attractive, inviting, and economically successful mixed-use environment that promotes a positive image and identity for the community.

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 these parcels does not appear to have a negative effect on the surrounding properties. The land is bordered by existing roadways to the north and east, the railroad to the west, and the Turkey Creek to the south. Further north (opposite Pospisil Avenue) are lands zoned BMUV. Staff anticipates that these lands will transition to a more mixed use and higher intensity development, over time. Any development to occur must be approved via administrative site plan review to ensure that development adheres to the BMU district.

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.*

There is approximately 66 acres of land zoned BMUV, Bayfront Mixed Use Village District in the City and there is approximately 50 acres of land zoned BMU, Bayfront Mixed Use.

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 Bayfront Mixed Use and with the development pattern of the Bayfront Redevelopment District.

STAFF RECOMMENDATION:

Case CPZ-4-2022 is recommended for approval.



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



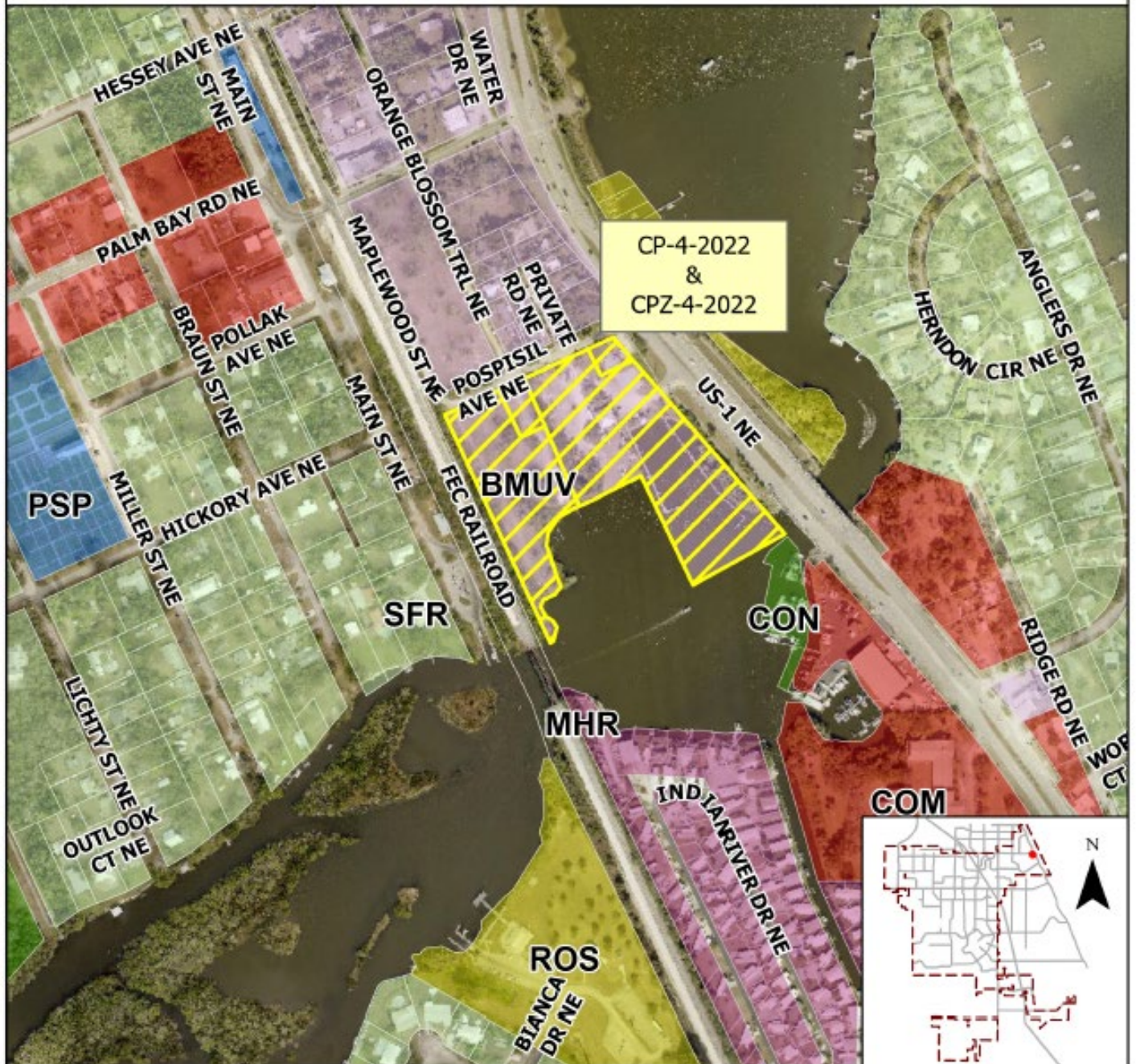
AERIAL LOCATION MAP CASE: CP-4-2022 & CPZ-4-2022

Subject Property

Southwest corner of Dixie Highway NE and Pospisil Avenue 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: CP-4-2022 & CPZ-4-2022

Subject Property

Southwest corner of Dixie Highway NE and Pospisil Avenue NE

Future Land Use Classification

BMUV – Bayfront Mixed Use Village



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



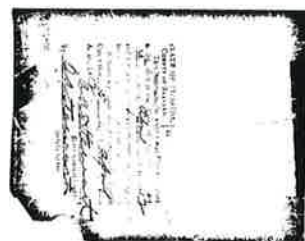
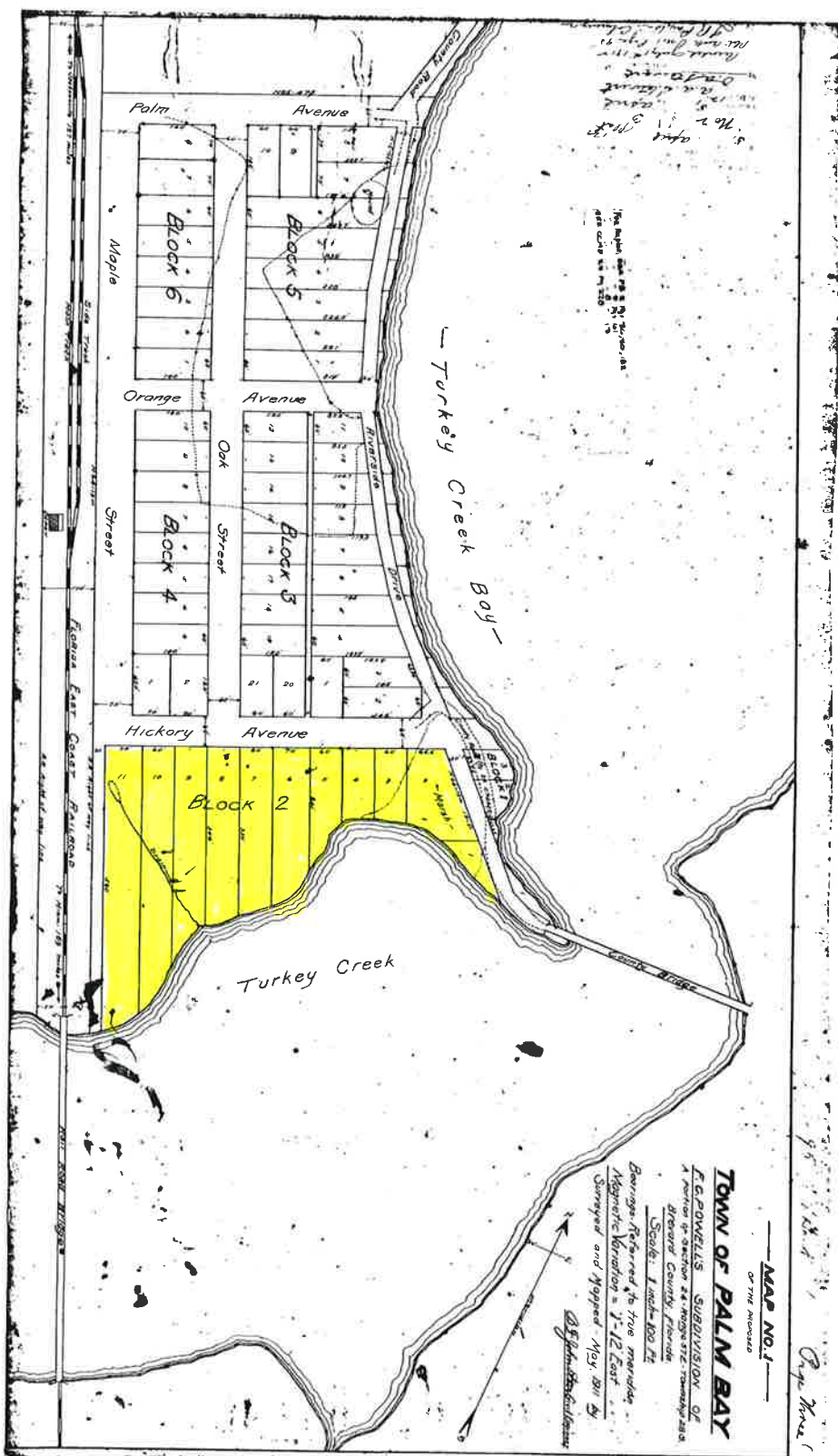
ZONING MAP CASE: CP-4-2022 & CPZ-4-2022

Subject Property

Southwest corner of Dixie Highway NE and Pospisil Avenue NE

Current Zoning Classification

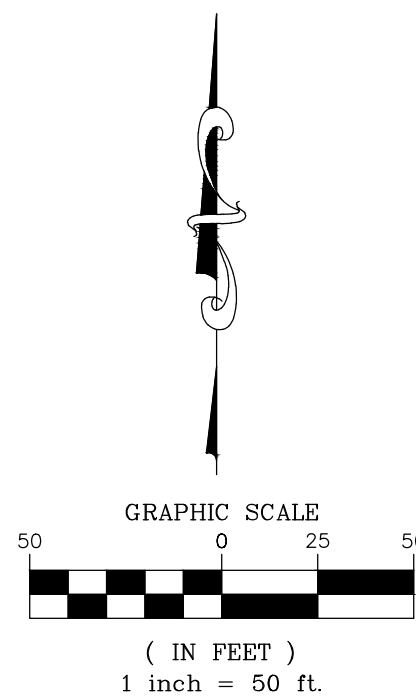
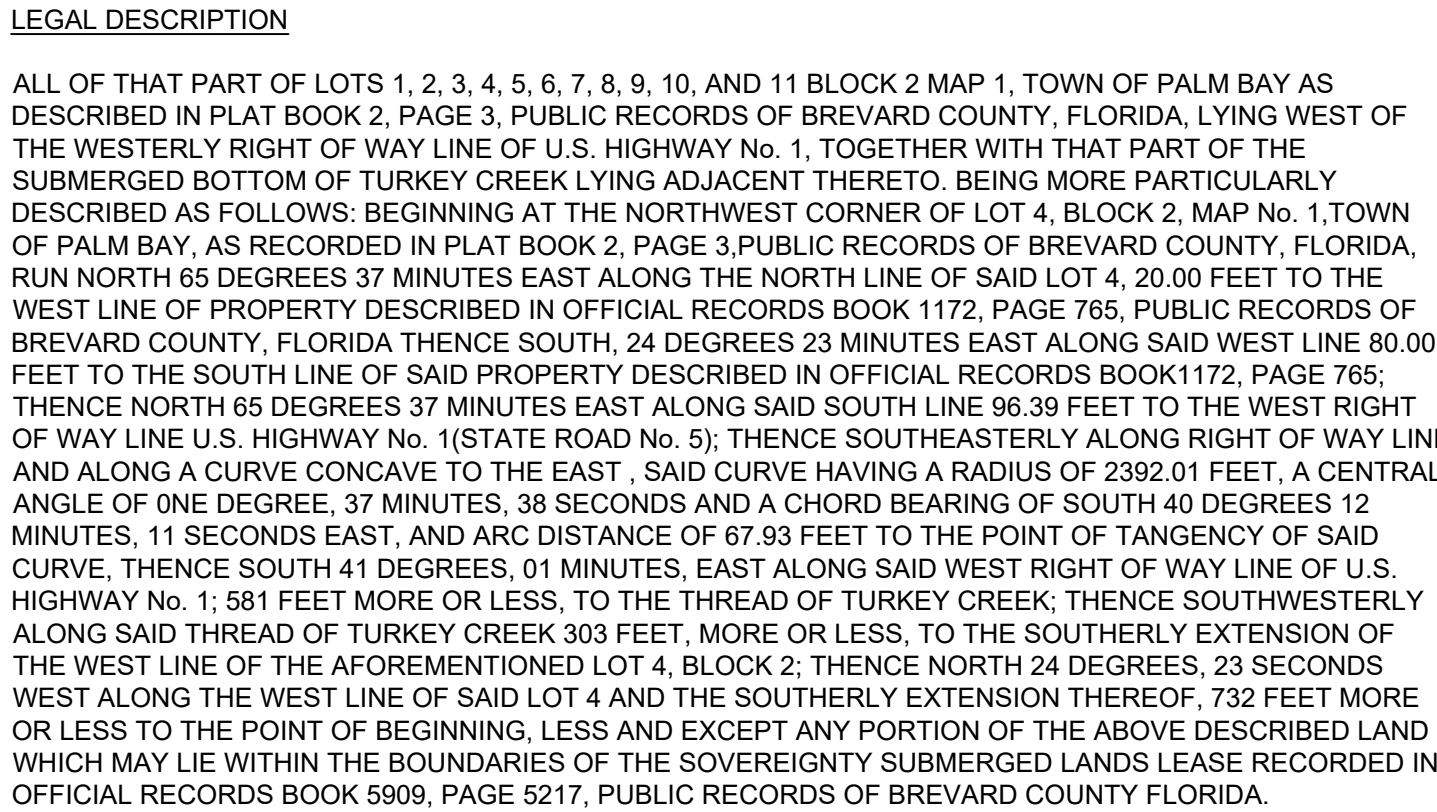
BMUV – Bayfront Mixed Use Village



State of Florida,
 County of Brevard,
 On this day personally came J. S. Powell, who acknowledged that he signed
 the foregoing deed of dedication for the purpose therein expressed.
 Witness my hand and official seal this 1st day of
 March A. D. 1932

State of Florida,
 County of Brevard,
 J. S. Powell, Notary Public,
 My commission expires the 1st day of March, A. D. 1935.
 All's subscription at Section
 24, Township 27 North (37)
 Range 28 East, Brevard
 County, Florida,
 D. 1932.

J. S. Powell
 Notary Public



SYMBOL LEGEND	
▲	NAIL AND DISK. ID# BSE LB4905, UNLESS OTHERWISE NOTED
●	FD 5/8" IRON ROD; NO ID, UNLESS OTHERWISE NOTED
○	FD 2" IRON PIPE; NO ID, UNLESS OTHERWISE NOTED
⊙	BENCHMARK

COMMENTS		DATE
△	REVISIONS	
1		
2		
3		
4		
5		
6		
7		
8		

JOB NO.	21-1092
DESIGNED	RMS
DRAWN	RMS
DATE	11/30/2021
CHECKED	TC /BAM
DATE ISSUED	11/30/2021

MBV
ENGINEERING, INC.
MOJIB BOWLES VILLAMIZAR & ASSOCIATES

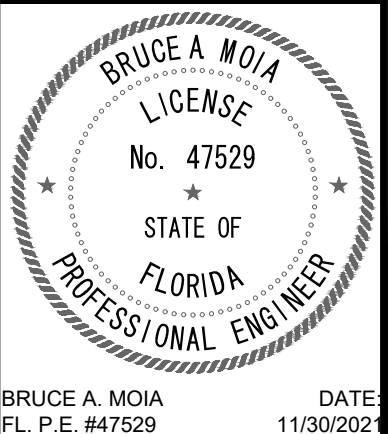
CIVIL • STRUCTURAL • SURVEYING • ENVIRONMENTAL
12550 E. FAIRWAY, SUITE 100, GREENWICH, GA 30326
TEL: 404-333-1510 FAX: 404-333-1511
MEMPHIS, TENNESSEE 38117
ALSO WITH OFFICES IN:
TEL: 772-426-0035, FT. PIERCE, FLORIDA 33905, PALM CITY, FLORIDA 33909

PROPERTY BOUNDARY SKETCH

PALM BAY LANDING MARINA

FLORIDA

COCOA



BRUCE A. MOIA
FL. P.E. #47529

DATE
11/30/202

C-1

SHEET
21-1064

PERMITTING SET

PERMITTING SET



LAND DEVELOPMENT DIVISION

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

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):

28-37-24-27-2-8 with 28-37-24-27-2-8.01 with 28-37-24-27-2-1 and 28-37-24-27-2-4

TAX ACCOUNT NUMBER(S):

2832800, 2832801, 2832794, 2932797

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

Palm Bay Map #1 lots 1 thru 11

PROPERTY ADDRESS:

None

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

7.56 acres

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

BMUV

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

BMU

CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 2 OF 3

STRUCTURES LOCATED ON THE PROPERTY:

0

PRESENT USE OF THE PROPERTY:

Vacant

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

**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 Melissa Timmons Date 11-30-21
Printed Name Melissa Timmons, Manager, - Space Coast Marina LLC
Full Address 587 Young Street, Melbourne, FL 32935
Telephone _____ Email mptimmons@yahoo.com

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

November 29, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-24-27-2-8 with 28-37-24-27-2-8.01 with 28-37-24-27-2-1 and 28-37-24-27-2-4

I, Owner Name: Space Coast Marina's LLC - Melissa Timmons MGR

Address: 587 Young Street, Melbourne, FL32935

Telephone: 714-306-7233

Email: mptimmons@yahoo.com

hereby authorize:

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

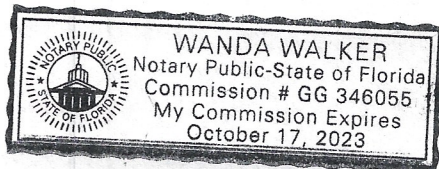
Address: 1250 W. Eau Gallie Blvd, Suite H, Melbourne, FL 32935

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment



Melissa Timmons

(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 30th day of November, 20 21 by

Melissa Timmons, property owner.

Wanda Walker

Wanda Walker, Notary Public

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

Florida Drivers License



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Christopher Balter, Senior Planner

DATE: January 5, 2022

SUBJECT: CP-5-2022 - Parasol Bayfront - Marvin and Donatina Miller / Steve and Marisela Berman (Elias Cherem, Adelon Capital; Kim Rezanka, Lacy Lyons and Rezanka Attorneys at Law; and Bruce Moia, P.E., MBV Engineering, Inc., Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from BMUV, Bayfront Mixed Use Village Use to BMU, Bayfront Mixed Use. Lot T, Lots 1, 2, and 12 through 17 of Block 1, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 5.05 acres. Located south of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

ATTACHMENTS:

Description

- ▣ Case CP-5-2022 - Staff Report
- ▣ Case CP-5-2022 - Boundary Sketch
- ▣ Case CP-5-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

CP-5-2022

PLANNING & ZONING BOARD HEARING DATE

January 5, 2022

PROPERTY OWNER & APPLICANT

Marvin and Donatina Miller / Steve and Marisela Berman (Elias Cherem, Adelon Capital; Kim Rezanka Esq.; and Bruce Moia, P.E., Reps.)

PROPERTY LOCATION/ADDRESS

Lot T, T.01, 1, 2 and 12 through 17 of Block 1, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida

SUMMARY OF REQUEST

The applicant is requesting a future land use map amendment from BMUV, Bayfront Mixed-Use Village to the BMU, Bayfront Mixed-Use.

Existing Zoning

BMUV, Bayfront Mixed-Use Village District

Existing Land Use

Bayfront Mixed-Use Village

Site Improvements

Undeveloped Land, and Single-Family Homes

Site Acreage

5.05 acres

SURROUNDING ZONING & USE OF LAND

North

BMUV, Bayfront Mixed-Use Village District; Single-Family Homes

East

U.S. Highway 1

South

BMUV, Bayfront Mixed-Use Village District; Single-Family Homes

West

Orange Blossom Trail NE

BACKGROUND:

The subject properties are located south of and adjacent to Orange Blossom Trail NE, in the vicinity west of U.S. Highway 1. There are 4 parcels that are included in this request, two of which have single-family homes on them.

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-3 is to provide for economically viable commercial areas which promote a sound and diversified local economy and serve the retail and service needs of the City's residents

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

The subject parcels are located within the Bayfront Village Special Character District, which is within the Bayfront Redevelopment District. The goal of the Bayfront Village District is to create a pedestrian-friendly waterfront community with improved narrow streets, pathways leading to public spaces, attractive views, and a waterfront theme. The goal of the Bayfront Redevelopment Plan is to have the district be developed as an attractive, inviting, and economically successful mixed-use environment that promotes a positive image and identity for the community. The intended use for the 5.05-acre properties is a mix of Multi-Family Residential development and commercial uses. The proposed land use amendment would be considered compatible. The change will allow for a high-quality, diversified living environment. The development will further these goals by providing a mix of allowable uses on a property that has been underdeveloped for many years.

2. CONSERVATION ELEMENT

The environmental character of the City is maintained through conservation, appropriate use, and protection of natural resources.

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.

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

3. 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.

4. INFRASTRUCTURE ELEMENTS

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 site plan review process

5. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: The proposed FLU amendment to Bayfront Mixed-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.

6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment would increase the demand for recreation services as compared to the existing Bayfront Mixed Use Village due to potential increase in density.

However, the requested use would not exceed the existing parkland or recreational level of service standards for the planning area.

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 Site Plan review/approval 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-5-2022 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-5-2022 & CPZ-5-2022

Subject Property

South of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway 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: CP-5-2022 & CPZ-5-2022

Subject Property

South of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

Future Land Use Classification

BMUV – Bayfront Mixed Use Village



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



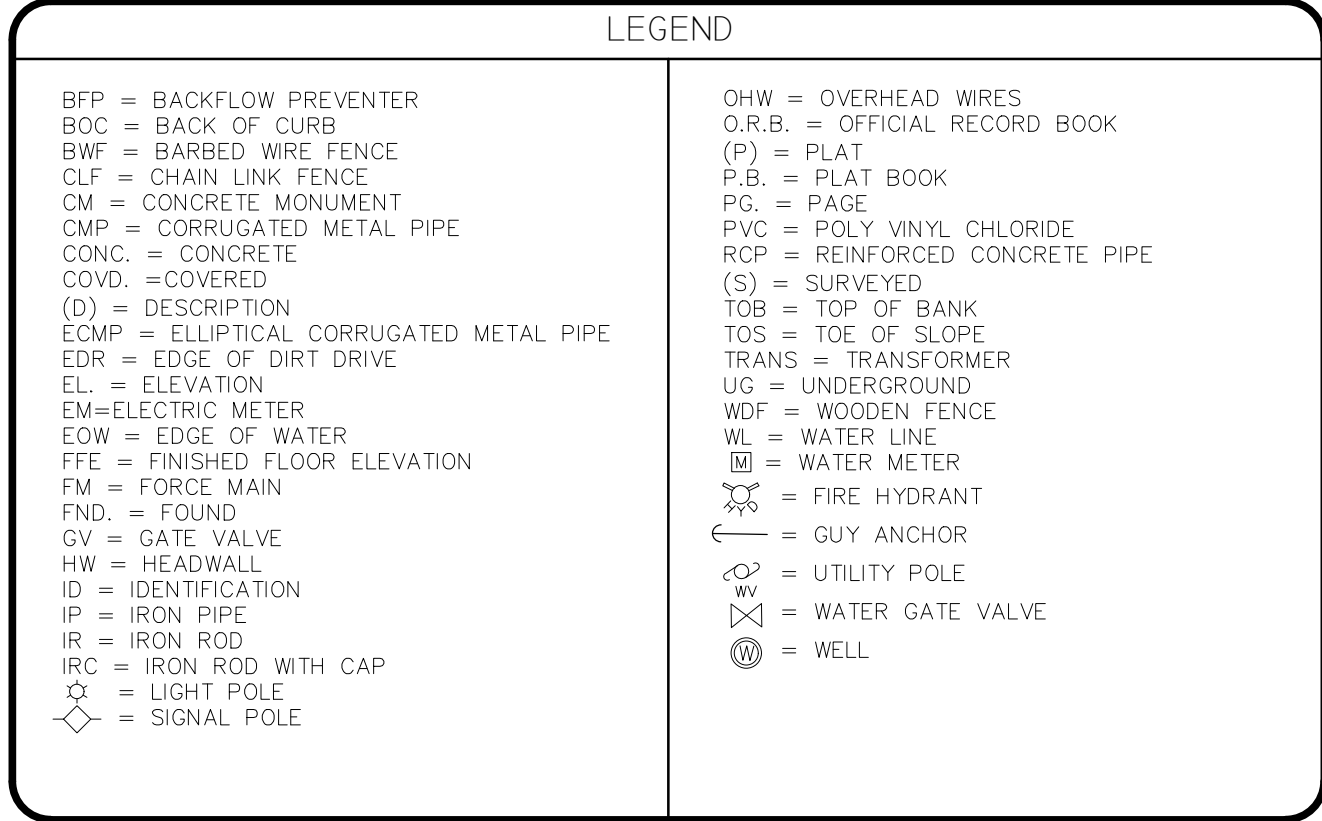
ZONING MAP CASE: CP-5-2022 & CPZ-5-2022

Subject Property

South of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

Current Zoning Classification

BMUV – Bayfront Mixed Use Village

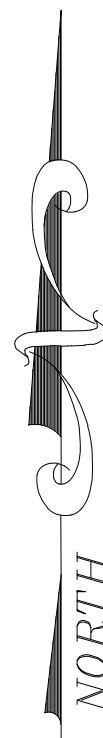


LOT "I" AND THE VACATED ADJOINING 50 FOOT RIGHT OF WAY FOR WIPPERMAN AVENUE, MINNEHAHA GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 50, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT RIGHT OF WAY FOR U.S. HIGHWAY NO. 1.

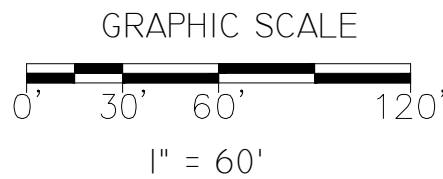
LOTS 1, 2, 12, 13, 14, 15, 16, AND 17 BLOCK 1, PLAT OF TILLMAN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING:

COMMENCE AT THE SOUTHWEST CORNER OF LOT T OF PLAT OF TILLMAN, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; RUN S 68 DEGREE 23 MINUTES 35 SECONDS EAST ALONG SOUTHERLY LINE OF SAID LOT T 161.70 FEET; THENCE NORTH 09 DEGREES 50 MINUTES 35 SECONDS EAST 120.00 FEET FOR A POINT OF BEGINNING; THENCE NORTH 67 DEGREES 54 MINUTES 35 SECONDS EAST 125.40 FEET TO THE WESTERLY LINE OF LOT T THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A CHORD DISTANCE OF 60 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT T; THENCE SOUTH 68 DEGREES 07 MINUTES 25 SECONDS EAST 98.18 FEET; THENCE SOUTH 09 DEGREES 50 MINUTES 35 SECONDS WEST 60.00 FEET TO THE POINT OF BEGINNING



PROPERTY BOUNDARY & SKETCH



COMMENTS		DATE
△	REVISIONS	
8		
7		
6		
5		
4		
3		
2		
1		

JOB NO.	21-1092
DESIGNED	RMS
DRAWN	RMS
DATE	11/30/2021
CHECKED	TC /BAM
DATE ISSUED	11/30/2021

MBV
ENGINEERING, INC.
MOA, BOWLES VILLANIZAR & ASSOCIATES

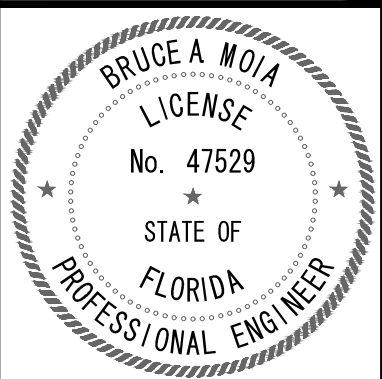
CIVIL • STRUCTURAL • SURVEYING • ENVIRONMENTAL
1250 W. EAU GALIE BLVD., SUITE H
MELBOURNE, FLORIDA 32935
P. 321-253-1510 F. 321-253-0911
ALSO WITH OFFICES IN:
772-569-0035, FT. PIERCE: 772-648-9065, PALM CITY: 772-248-9650

PROPERTY BOUNDARY SKETCH

ADELON BAYFRONT PROPERTY

FLORIDA

COCOA



BRUCE A. MOIA
FL. P.E. #47529

C-1

SHEET
21-1068

PERMITTING SET



LAND DEVELOPMENT DIVISION

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

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):

28-37-24-25-*-T, 28-37-24-25-1-1, 28-37-24-25-1-2, 28-37-24-25-*-T.01

TAX ACCOUNT NUMBER(S):

2832544, 2832548, 2832549, 2832545

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

Tillman, Plat of Lot T Ex DB 40 Pg 283, Tillman, Plat of Lots 1, 12 to 17 & 20 ft along N of Lot 2, Blk 1
Tillman, Plat of Lot 2, Ex N 20 Ft Blk 1, Tillman plat of part of out lot T.

PROPERTY ADDRESS:

1636 and 1640 Waters Drive

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

5.05

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

BMUV

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

MBU

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.):

BMUV

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

BMU

PRESENT USE OF PROPERTY:

3 Residential Units and vacant land

STRUCTURES LOCATED ON THE PROPERTY: 3

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: Yes from BMUV to BMU

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

Current land use does not enable developer to construct the proposed multi-family and commercial development.

SPECIFIC USE INTENDED FOR PROPERTY:

Multi Family Residential and 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** (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 Elias Cherem-Adelon Capital, Kim Rezenka-Lacy Lyons and Rezenka, Bruce Moia, P.E., - MBV Engineering, 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 Marvin E. Miller Date 11-29-2021

Printed Name Marvin Miller

Full Address 3765 Crita Jean Avenue, Grant Valkaria, 32909

Telephone 321-729-6952 Email millersplumbingso@gmail.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

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Owner Signature Donatina M. Miller **Date** _____
Printed Name Donatina M. Miller
Full Address 3765 Crita Jean Avenue, Grant Valkaria, 32909
Telephone 321-729-6952 **Email** millerplumbingso@gmail.com

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CITY OF PALM BAY, FLORIDA

COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

PAGE 3 OF 3

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Owner Signature



Date Nov. 28, 2021

Printed Name

Steven A Berman

Full Address

202 Terry Street, Indian Harbour Beach FL 32937

Telephone

321-777-2398

Email smmzberman@hotmail.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

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Owner Signature



Date 12/10/21

Printed Name

Marisela Berman

Full Address

202 Terry Street, Indian Harbour Beach, FL 32937

Telephone

321-729-6952

Email millersplumbingso@gmail.com

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

November 24, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-24-25-*T.01, Tillman Plat of part of out Lot T As desc in Orb 183, Pg 653Pb 0002 Pg 0004

I, Owner Name: Marvin Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

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

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

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Marvin E. Miller

(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 29th day of November, 20 21 by

Marvin E. Miller

property owner.

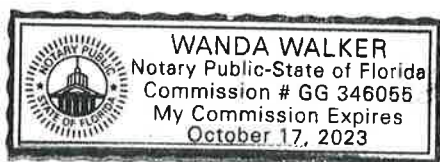
Wanda Walker

Wanda Walker

, Notary Public

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

Florida Drivers License



November 24, 2021

Re: Letter of Authorization

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28-37-24-25-*T.01, Tillman Plat of part of out Lot T As desc in Orb 183, Pg 653Pb 0002 Pg 0004

I, Owner Name: Marvin Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

Representative: Kim Rezenka of Lacey Lyon and Rezenka

Address: 6023 Farcenda Pl, Suite 102, Melbourne, FL 32940

Telephone: 321-608-0890

Email: krezenka@llr.law

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Marvin E Miller

(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 29th day of November, 20 21 by

Marvin E Miller

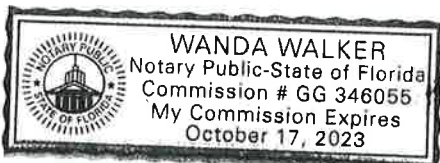
, property owner.

Wanda Walker
Wanda Walker

, Notary Public

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November 24, 20 21

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I, Owner Name: Marvin Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

Representative: Elias Cherem of Adelon Capital Inc.

Address: 1955 Harrison Street, Suite 200, Hollywood FL 33020

Telephone:

Email: echerem@adeloncapital.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Marvin E Miller

(Property Owner Signature)

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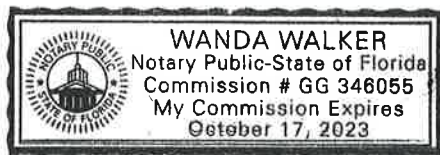
Wanda Walker

Wanda Walker

, Notary Public

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Florida Drivers License



December 13, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-24-25-*T.01, Tillman Plat of part of out Lot T As desc in Orb 183, Pg 653Pb 0002 Pg 0004

I, Owner Name: Donatina Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

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

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

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Donatina M. Miller

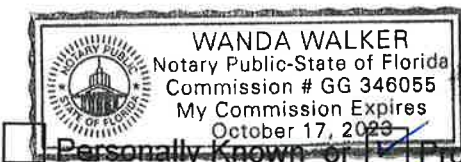
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 13th day of December, 2021 by

Donatina Miller, property owner.



Wanda Walker

Notary Public

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

Drivers License

December 13, 20 21

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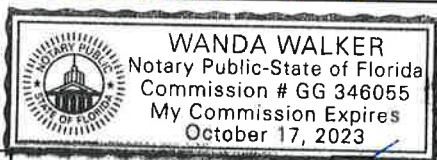
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Telephone:

Email: echerem@adeloncapital.com

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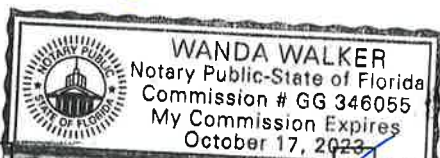
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I, Owner Name: Steve A. Berman

Address: 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone: 321-777-2398

Email: smmzberman@hotmail.com

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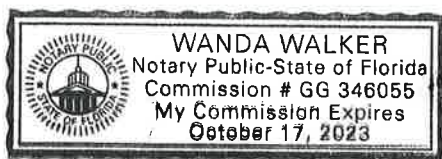
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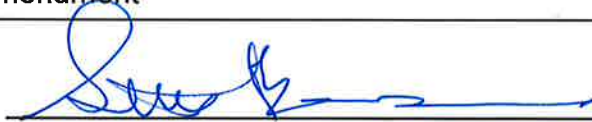
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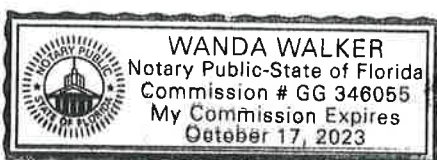


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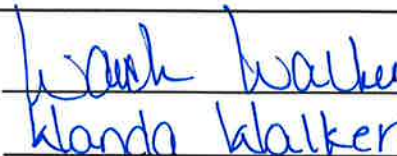
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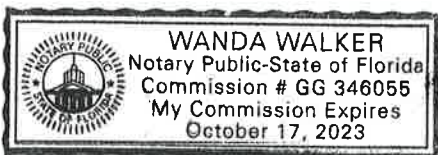
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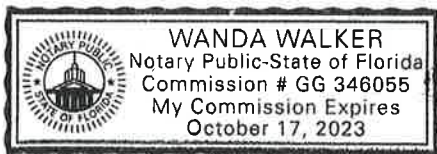
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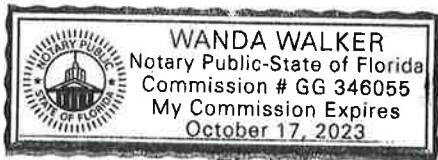
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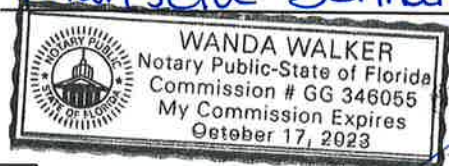
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MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Christopher Balter, Senior Planner

DATE: January 5, 2022

SUBJECT: **CPZ-5-2022 - Parasol Bayfront - Marvin and Donatina Miller / Steve and Marisela Berman (Elias Cherem, Adelon Capital; Kim Rezanka, Lacy Lyons and Rezanka Attorneys at Law; and Bruce Moia, P.E., MBV Engineering, Inc., Reps.) - A Zoning amendment from BMUV, Bayfront Mixed Use Village Use to BMU, Bayfront Mixed Use. Lot T, Lots 1, 2, and 12 through 17 of Block 1, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 5.05 acres. Located south of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

♣Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ▢ Case CPZ-5-2022 - Staff Report
- ▢ Case CPZ-5-2022 - Boundary Sketch
- ▢ Case CPZ-5-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

CPZ-5-2022

PLANNING & ZONING BOARD HEARING DATE

January 5, 2022

PROPERTY OWNER & APPLICANT

Marvin and Donatina Miller / Steve and Marisela Berman (Elias Cherem, Adelon Capital; Kim Rezanka, Esq.; and Bruce Moia, P.E., Reps.)

PROPERTY LOCATION/ADDRESS

Lot T, T.01, 1, 2 and 12 through 17 of Block 1, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida

SUMMARY OF REQUEST

The applicant is requesting a rezoning from BMUV, Bayfront Mixed-Use Village District to the BMU, Bayfront Mixed-Use District.

Existing Zoning

BMUV, Bayfront Mixed-Use Village District

Existing Land Use

Bayfront Mixed-Use Village

Site Improvements

Undeveloped Land, and Single-Family Homes

Site Acreage

5.05 acres

SURROUNDING ZONING & USE OF LAND

North

BMUV, Bayfront Mixed-Use Village District; Single-Family Homes

East

U.S. Highway 1

South

BMUV, Bayfront Mixed-Use Village District; Single-Family Homes

West

Orange Blossom Trail NE

BACKGROUND:

The subject properties are located south of and adjacent to Orange Blossom Trail NE, in the vicinity west of U.S. Highway 1. There are 4 parcels that are included in this request, two of which have single-family homes on them.

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 the justification for the change is “to change the zoning district to enable the developer to construct a proposed multi-family and commercial development.” The Bayfront Mixed Zoning District will allow for a mix of commercial and multifamily uses. The change in zoning will allow for a transition between the existing single-family homes in the area and help to revitalize the area.

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 designation of the BMU zoning district for the subject properties is compatible with the surrounding area and is consistent with the City’s desire and plan for redevelopment in the Bayfront District.

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 50 acres of BMU, Bayfront Mixed Use zoned land is within the City limits.

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 will further the purposes of Chapter 185, the Comprehensive Plan.

STAFF RECOMMENDATION:

Case CPZ-5-2022 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-5-2022 & CPZ-5-2022

Subject Property

South of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway 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: CP-5-2022 & CPZ-5-2022

Subject Property

South of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

Future Land Use Classification

BMUV – Bayfront Mixed Use Village



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



ZONING MAP CASE: CP-5-2022 & CPZ-5-2022

Subject Property

South of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

Current Zoning Classification

BMUV – Bayfront Mixed Use Village



LAND DEVELOPMENT DIVISION

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

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):

28-37-24-25-*-T, 28-37-24-25-1-1, 28-37-24-25-1-2, 28-37-24-25-*-T.01

TAX ACCOUNT NUMBER(S):

2832544, 2832548, 2832549, 2832545

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

Tillman, Plat of Lot T Ex DB 40 Pg 283, Tillman, Plat of Lots 1, 12 to 17 & 20 ft along N of Lot 2, Blk 1
Tillman, Plat of Lot 2, Ex N 20 Ft Blk 1, Tillman plat of part of out lot T.

PROPERTY ADDRESS:

1636 and 1640 Waters Drive

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

5.05

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

BMUV

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

MBU

CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 2 OF 3

STRUCTURES LOCATED ON THE PROPERTY:

3

PRESENT USE OF THE PROPERTY:

Residential and vacant

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

Multi Family Residential and Commercial
Current zoning does not enable developer to construct the proposed multi-family and commercial development.

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 Elias Cherem-Adelon Capital, Kim Rezenka-Lacy Lyons and Rezenka, Bruce Moia, P.E., - MBV Engineering, Inc.

**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 Marvin E Miller Date 11-29-2021
Printed Name Marvin Miller
Full Address 3765 Crita Jean Avenue, Grant FL 32909
Telephone 321-729-6952 Email millerplumbingso@gmail.com

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

**CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
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Owner Signature Donatena M. Miller Date _____
Printed Name ^{Donatena} Donita M. Miller
Full Address 3765 Crita Jean Avenue, Grant FL 32909
Telephone 321-729-6952 Email millersplumbingso@gmail.com

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Date

NOV 29 2021

Printed Name

Steven A Berman

Full Address

202 Terry Street, Indian Harbour Beach, FL 32937

Telephone

321-777-2398

Email


smmzberman@hotmail.com

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Owner Signature		Date	<u>12/10/21</u>
Printed Name	<u>Marisela Berman</u>		
Full Address	<u>202 Terry Street, Indian Harbour beach FL 32937</u>		
Telephone	<u>321-777-2398</u>	Email	<u>smmzberman@hotmail.com</u>

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Owner Signature



Date 12 1 21

Printed Name Carlos Rajlin - Bayfront Blossom LLC

Full Address 1541 Brickell Ave, #608, Miami, FL 33129

Telephone _____

Email echerem@adeloncapital.com

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November 24, 20 21

Re: Letter of Authorization

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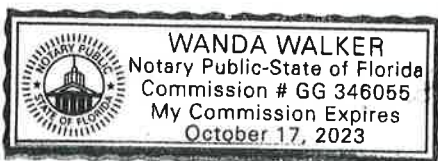
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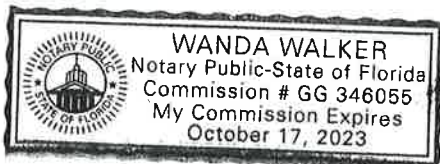
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to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Marvin E Miller

(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 29th day of November, 2021 by

Marvin E Miller

, property owner.

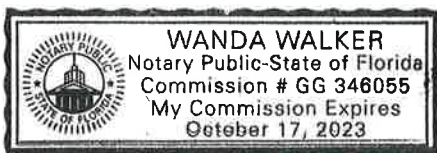
Wanda Walker

Wanda Walker

, Notary Public

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

Florida Drivers License



December 13, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-24-25-*-T.01, Tillman Plat of part of out Lot T As desc in Orb 183, Pg 653Pb 0002 Pg 0004

I, Owner Name: Donatina Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

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

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

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Donatina M. Miller

(Property Owner Signature)

STATE OF

Florida

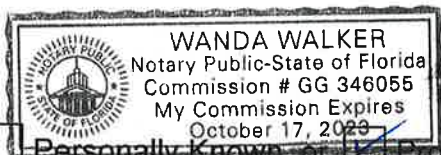
COUNTY OF

Brevard

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Donatina Miller

, property owner.



Wanda Walker
Wanda Walker

, Notary Public

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

Drivers License

December 13, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-24-25*-T.01, Tillman Plat of part of out Lot T As desc in Orb 183, Pg 653Pb 0002 Pg 0004

I, Owner Name: Donatina Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

Representative: Kim Rezenka of Lacey Lyon and Rezenka

Address: 6023 Farcenda Pl, Suite 102, Melbourne, FL 32940

Telephone: 321-608-0890

Email: krezenka@llr.law

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Donatina M. Miller

(Property Owner Signature)

STATE OF

Florida

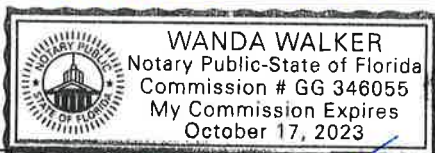
COUNTY OF

Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 13th day of December, 20 21 by

Donatina Miller

, property owner.



Wanda Walker
Wanda Walker

, Notary Public

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

Drivers License

December 13, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-24-25-*-T.01, Tillman Plat of part of out Lot T As desc in Orb 183, Pg 653Pb 0002 Pg 0004

I, Owner Name: Donatina Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

Representative: Elias Cherem of Adelon Capital Inc.

Address: 1955 Harrison Street, Suite 200, Hollywood FL 33020

Telephone:

Email: echerem@adeloncapital.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Donatina M. Miller

(Property Owner Signature)

STATE OF

Florida

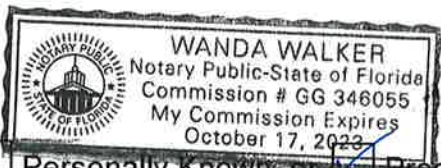
COUNTY OF

Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 13th day of Dec, 2021 by

Donatina Miller

, property owner.



Wanda Walker

Wanda Walker

, Notary Public

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

Drivers license

November 23

, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID's 28-37-24-25-*T and 28-37-24-25-1-1 together with 28-37-24-25-1-2. Per Plat Book 0002 Page 0004

I, Owner Name: Steve A. Berman

Address: 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone: 321-777-2398

Email: smmzberman@hotmail.com

hereby authorize:

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

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

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

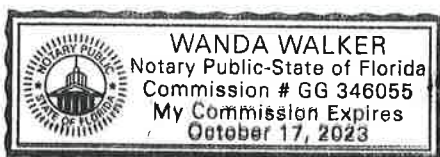
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 29th day of November, 20 21 by

Steven Berman, property owner.

Wanda Walker, Notary Public

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

Florida Drivers License



November 23

, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID's 28-37-24-25-*-T and 28-37-24-25-1-1 together with 28-37-24-25-1-2. Per Plat Book 0002 Page 0004

I, Owner Name: Steve A. Berman

Address: 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone: 321-777-2398

Email: smmzberman@hotmail.com

hereby authorize:

Representative: Kim Rezenka of Lacey Lyon and Rezenka

Address: 6023 Farcenda Pl, Suite 102, Melbourne, FL 32940

Telephone: 321-608-0890

Email: krezenka@llr.law

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment


(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 29th day of November, 20 21 by

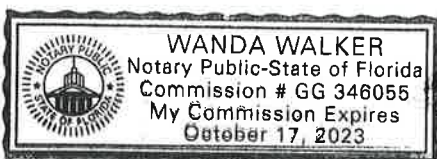
Steven Berman, property owner.



Wanda Walker, Notary Public

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

Florida Drivers License



November 23, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID's 28-37-24-25-*-T and 28-37-24-25-1-1 together with 28-37-24-25-1-2. Per Plat Book 0002 Page 0004

I, Owner Name: Steve A. Berman

Address: 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone: 321-777-2398

Email: smmzberman@hotmail.com

hereby authorize:

Representative: Elias Cherem of Adelon Capital Inc.

Address: 1955 Harrison Street, Suite 200 Hollywood Florida 33020

Telephone:

Email: echerem@adeloncapital.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

(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 22nd day of November, 2021 by

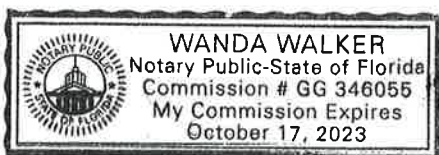
Steven Berman

, property owner.

Wanda Walker, Notary Public

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

Florida Drivers License



December 13, 2021

, 20

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID's 28-37-24-25-*-T and 28-37-24-25-1-1 together with 28-37-24-25-1-2. Per Plat Book 0002 Page 0004

I, Owner Name: Marisela Berman

Address: 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone: 321-777-2398

Email: smmzberman@hotmail.com

hereby authorize:

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

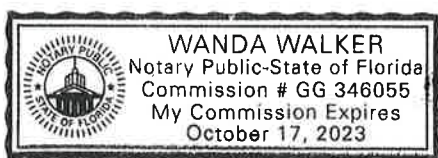
Address: 1250 W. Eau Gallie Blvd, Suite H, Melbourne, FL 32935

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment



(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 13th day of December, 20 21 by

Marisela Berman

, property owner.

Wanda Walker

, Notary Public

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

Drivers License

December 13, 2021

, 20

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID's 28-37-24-25-*-T and 28-37-24-25-1-1 together with 28-37-24-25-1-2. Per Plat Book 0002 Page 0004

I, Owner Name: Marisela Berman

Address: 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone: 321-777-2398

Email: smmzberman@hotmail.com

hereby authorize:

Representative: Kim Rezenka of Lacey Lyon and Rezenka

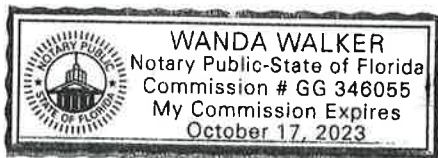
Address: 6023 Farcenda Pl, Suite 102, Melbourne, FL 32940

Telephone: 321-608-0890

Email: krezenka@llr.law

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment



(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 13th day of December, 20 21 by

Marisela Berman, property owner.

Wanda Walker, Notary Public

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Drivers License

December 13, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID's 28-37-24-25-*-T and 28-37-24-25-1-1 together with 28-37-24-25-1-2. Per Plat Book 0002 Page 0004

I, Owner Name: Marisela Berman

Address: 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone: 321-777-2398

Email: smmzberman@hotmail.com

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Email: echerem@adeloncapital.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment



(Property Owner Signature)


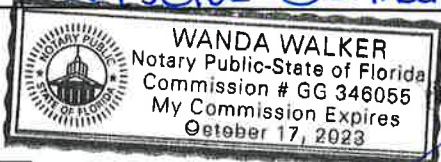
STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 13th day of December, 2021 by

Marisela Berman

, property owner.


Wanda Walker

, Notary Public

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drivers license