



AGENDA

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Regular Meeting 2022-03

March 2, 2022 - 7:00 PM

City Hall Council Chambers, 120 Malabar Road SE

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ELECTION OF VICE CHAIRMAN:

ADOPTION OF MINUTES:

1. **Regular Meeting 2022-02; February 2, 2022**

ANNOUNCEMENTS:

OLD/UNFINISHED BUSINESS:

1. **CP-6-2022 - Palm Bay Number 3 - Robert Kittleson, Kit Investment of Florida / Carlos Gonzalez, Riverview Holdings Group, LLC / Eric Henry, Engineer Realty, LLC / Patrick and Kathleen Svoboda (Chad Riddle, WGI, Inc., Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use and Multiple-Family Residential Use to Bayfront Mixed Use. Tract C, Port Malabar Unit 1, Section 25, Township 28, Range 37 along with Tax Parcels 503, 505, 507, and 544 of Section 30, Township 28, Range 38, Brevard County, Florida, containing approximately 12.4 acres. West of and adjacent to Dixie Highway NE, in the vicinity south of Vignoles Avenue NE**
2. ****CPZ-6-2022 - Palm Bay Number 3 - Robert Kittleson, Kit Investment of Florida / Carlos Gonzalez, Riverview Holdings Group, LLC / Eric Henry, Engineer Realty, LLC / Patrick and Kathleen Svoboda (Chad Riddle, WGI, Inc., Rep.) - A Zoning amendment from an HC, Highway Commercial District and an RM-10, Single-, Two-, Multiple-Family Residential District to a BMU, Bayfront Mixed Use District. Tract C, Port Malabar Unit 1, Section 25, Township 28, Range 37 along with Tax Parcels 503, 505, 507, and 544 of Section 30, Township 28, Range 38, Brevard County, Florida, containing approximately 12.4 acres. West of and adjacent to Dixie Highway NE, in the vicinity south of Vignoles Avenue NE**

NEW BUSINESS:

1. ****V-8-2022 - Abnay and Joel Sanchez - A variance to allow a proposed 6-foot-high privacy fence to encroach 15 feet within a side corner property line by granting relief**

from the requirement that a 6-foot-high fence in a side corner yard area must be no closer than 15 feet from the side corner property line, as established by Section 170.114(A) of the Palm Bay Code of Ordinances. Lot 11, Block 2159, Section 26, Township 28, Range 36, Brevard County, Florida, containing approximately .26 acres. Located at the southwest corner of Nyack Street NW and Brookson Avenue NW, specifically at 966 Nyack Street NW

2. ****CU-9-2022 - CONTINUED to 04/06 P&Z - Summit Shah, Sunshine Petro, Inc. (Carmin Ferraro, Crossover Commercial Group, Inc., Rep.) - A Conditional Use to allow retail automotive gasoline/fuel sales for a proposed fuel station, convenience store and drive-through, in a CC, Community Commercial District, in accordance with Section 185.043(D)(3) of the Palm Bay Code of Ordinances. Tax Parcel 603, Section 15, Township 29, Range 37, Brevard County, Florida, containing approximately 1.5 acres. Located at the northeast corner of Babcock Street SE and Valkaria Road**
3. ****CU-10-2022 - Palm Bay Storage – Richard and Marguerite Love (Barry Sherman, S3 Partners, Rep.) - A Conditional Use to allow a proposed self-storage facility in a CC, Community Commercial District, in accordance with Section 185.088(F) of the Palm Bay Code of Ordinances. Tax Parcels 752, 753, and 755, Section 36, Township 28, Range 36, Brevard County, Florida, containing approximately 6.2 acres. Located west of and adjacent to Minton Road NW, in the vicinity south of Chandler Road NW**
4. ****PD-11-2022 - Cricket Drive Subdivision – Anthony Scotto, Whybrew Court, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Preliminary Development Plan to allow a proposed PUD for a 57-lot single-family residential development called Cricket Drive Subdivision. Tax Parcel 257 along with Lot 1 of Block 2177, Port Malabar Unit 29, Section 33, Township 28, Range 37, Brevard County, Florida, containing approximately 20.36 acres. Located north of and adjacent to Cricket Drive NE, in the vicinity between Nolan Street NE and Nogales Avenue NE, specifically at 825 Cricket Drive NE**
5. **CP-10-2022 - Hiawatha Bay – Rajeev Saxena (Scott Wotherspoon, Hiawatha Bay, LLC, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use and Single-Family Residential Use to Multiple-Family Residential Use. Lots 3 through 6 and 9 through 12, Block C, Hiawatha Gardens, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.33 acres. Located adjacent to and between Wabun Street NE and Dixie Highway NE, in the vicinity north of Nokomis Avenue NE**
6. ****CPZ-10-2022 - Hiawatha Bay – Rajeev Saxena (Scott Wotherspoon, Hiawatha Bay, LLC, Rep.) - A Zoning amendment from an HC, Highway Commercial District to an RM-20, Multiple-Family Residential District. Lots 3 through 6 and 9 through 12, Block C, Hiawatha Gardens, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.33 acres. Located adjacent to and between Wabun Street NE and Dixie Highway NE, in the vicinity north of Nokomis Avenue NE**
7. **CP-11-2022 - Heritage Corners - Gary Smigiel, Ascot Palm Bay Holdings, LLC (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Multiple-Family Residential Use. Tax Parcel 500, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 13.96 acres. Located north of and adjacent to Emerson Drive NW, in the vicinity east of St. Johns Heritage Parkway NW**
8. ****CPZ-11-2022 - Heritage Corners - Gary Smigiel, Ascot Palm Bay Holdings, LLC (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - A Zoning amendment from AU,**

Agricultural (Brevard County) to a CC, Community Commercial District and an RM-20, Multiple-Family Residential District. Tax Parcels 500, 501, 255, 503, and 504 of Section 21 Township 28, Range 36, along with Tax Parcels 751 and 750 of Section 20, Township 28, Range 36, Brevard County, Florida, containing approximately 61.79 acres. Located north and south of Emerson Drive NW, in the vicinity east and west of St. Johns Heritage Parkway NW

OTHER BUSINESS:

1. **Proposed amendment to the Planning and Zoning Board By-Laws, Article VI Meetings, to modify the start time for regular meetings**

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: March 2, 2022

SUBJECT: Regular Meeting 2022-02; February 2, 2022

ATTACHMENTS:

Description

- ▣ **P&Z/LPA Minutes - Regular Meeting 2022-02; February 2, 2022**

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-02

Held on Wednesday, February 2, 2022, 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	Present
NON-VOTING MEMBER:	David Karaffa	Absent
	(School Board Appointee)	

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Ms. Joan Junkala, Deputy City Manager; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-01; January 5, 2022.

Motion to approve the minutes as presented.

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

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

ANNOUNCEMENTS:

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

The board agreed to hear Other Business, Item 1, Presentation of draft Vision Plan 2040 at this time.

OTHER BUSINESS:

1. **Presentation of draft Vision Plan 2040 by S&ME, Chris Dougherty.**

Mr. Chris Dougherty with S&ME gave an overview of the draft 2040 Vision Plan by summarizing the findings of the public engagement process. The process began with cleaning up the Comprehensive Plan to address state statutes. He explained that the visioning was understanding what the public wanted in the future update of the Comprehensive Plan, and the draft vision proposal was a culmination of public and shareholder input. Palm Bay's major issues were found to be the lack of a core area, in diverse and affordable housing opportunities, parks and access to the parks, advancing equity, and in economic sustainability. A vision brochure and plan map had been created to share the vision. Following City Council adoption of the Visioning Plan, steps would commence to update the Comprehensive Plan.

Ms. Maragh remarked that community concerns had been captured, but she wanted to know how a "premier community" was being defined. Mr. Dougherty defined a premier community as a place where you were proud to be from, provided opportunities for its residents, and had a sense of place and identity.

Mr. Boothroyd asked for the consultant's definition of equity, and he questioned how the City was not being equitable. Mr. Dougherty stated that equity meant providing opportunities for everyone in Palm Bay. He indicated an incident that had occurred

where an incompatible use was allowed to locate in an African American single-family residential neighborhood, and the neighborhood did not have a voice in the matter. Palm Bay was a diverse community and all residents should be considered when making policy or changing land uses. Mr. Boothroyd commented that equity and equality were not the same. Equality meant that neighborhoods would be treated the same, equity meant that neighborhoods of different make ups would have to have the same outcome. He suggested that the advancing equity wording be changed to advancing equality.

Ms. Maragh stated that she agreed with the word equity, so that services such as access to parks and transportation were equal regardless of the neighborhood.

Mr. Weinberg asked for the vision website address. Ms. Junkala provided the vision website as www.palmbayflorida.org/vision2040.

The draft Vision Plan 2040 will be presented to the City Council on March 3, 2022.

The board resumed consideration of items in the order set by the agenda.

OLD/UNFINISHED BUSINESS:

1. **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**

Ms. Bernard presented Case CP-3-2022. Staff recommended Case CP-3-2022 for approval.

Mr. M. David Moallem, Emiland Corporation (applicant), stated that the subject site was adjacent to commercial land to the west and south. The abutting area was administratively changed years ago to Commercial Use, but the two subject lots were overlooked. There was a buyer for the properties.

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

Motion to submit Case CP-3-2022 to City Council for approval.

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

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

Case CP-3-2022 would be heard by the City Council on February 17, 2022.

2. ****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**

Ms. Bernard presented Case CPZ-3-2022. Staff recommended Case CPZ-3-2022 for approval.

Mr. M. David Moallem, Emiland Corporation (applicant), stated that the subject properties were surrounded by commercial land, and the zoning amendment would make the properties uniform with the surrounding land.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He stated that he was glad to see residential land in a commercial district placed into a commercial stance to increase tax revenues for the City.

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

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

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

Case CPZ-3-2022 will be heard by the City Council on February 17, 2022.

NEW BUSINESS:

1. ****V-5-2022 - Daniel Dilozenzo - A Variance to allow a proposed garage to encroach 6 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 9, Block 2363, Port Malabar Unit 45, Section 29, Township 28, Range 37, Brevard County, Florida, containing approximately .46 acres. Located west of and adjacent to Vega Court NE, in the vicinity west of Nevada Drive NE, specifically at 751 Vega Court NE**

Ms. Bernard presented Case V-5-2022. The board had to determine, based on the facts presented, the degree of minimal relief, if any, to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Mr. Daniel Dilozenzo (applicant) stated that he needed the requested six feet to build a garage. The property was an odd shape on a cul-de-sac, and the proposed variance would allow him to optimize the site and build a structure that was visually appealing.

Ms. Jordan asked if another variance would be needed for a driveway access to the structure. Mr. Dilozenzo indicated that no other variance would be needed as the access to the structure would be from along the fence line and directly to the street.

Mr. Boerema asked if the access would be paved. Mr. Dilozenzo remarked that crushed millings would be used for the access.

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

Motion to submit Case V-5-2022 to City Council for approval.

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

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

2. ****CU-6-2022 - Malabar Storage – Willard Palmer (BSE Consultants, Inc., Rep.) - A Conditional Use to allow a proposed self-storage facility in a CC, Community Commercial District. Tax Parcel 750, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 9.75 acres. Located north of and adjacent to Malabar Road SW, in the vicinity west of St. Johns Heritage Parkway NW**

Ms. Bernard presented Case CU-6-2022. Staff recommended Case CU-6-2022 for approval, subject to the staff comments contained in the staff report.

Ms. Ana Saunders, P.E. with BSE Consultants, Inc. (representative for the applicant) stated that the subject site was recently before the board for land use and rezoning amendments. The current request was to allow a self-storage facility on the property. The self-contained facility would have the appearance of a commercial building and would serve the surrounding population. Self-storage was a low-impact use, compatible with the neighboring developments and properties as it would not produce a large amount of traffic or noise to interrupt daily lives. Ms. Saunders provided the board with diagrams of similar self-storage facilities in Florida.

Mr. Joe Ciaravino (developer for the project) stated that his company had over forty years of experience in constructing self-storage facilities throughout the state. The proposed structure would be a high-class, three-story building that would have the appearance of an office building. Security would include cameras, keypads, and gates. The use was quiet, produced minimal traffic, and would generate significant tax revenue. He said that the self-storage facility was needed as the nearest storage facility was over four miles away.

Mr. Weinberg asked if the main building would be accessed internally and the four surrounding buildings externally accessed. Mr. Ciaravino indicated that this was correct.

Mr. Boothroyd questioned whether business activities would be allowed at the site, and Mr. Weinberg asked about potential RV storage. Mr. Ciaravino stated that businesses and RV storage would be prohibited uses.

The floor was opened and closed for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) inquired about the portion of land designated as a future development area.

In response to the comment from the audience, Ms. Saunders stated that the designated future development area was included in the subject request to allow for additional self-storage buildings in the future.

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

Motion to submit Case CU-6-2022 to City Council for approval.

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

Mr. Weinberg noted that the reference to a proposed carwash should be removed from the staff report. Ms. Bernard agreed.

Ms. Maragh noted that the motion should include staff comments.

Motion amended to submit Case CU-6-2022 to City Council for approval, subject to the staff comments contained in the staff report.

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

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

3. **CP-7-2022 - M. David Moallem - A small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. Tract C, Port Malabar Unit 28, Section 33, Township 28, Range 37, Brevard County, Florida, containing approximately 1.86 acres.**

Located north of and adjacent to Lara Street NE, in the vicinity east of Roman Avenue NE

Ms. Bernard presented Case CP-7-2022. Staff recommended Case CP-7-2022 for approval.

Ms. Maragh asked if the subject site was City-owned property. Ms. Bernard stated that the property was owned by the applicant.

Mr. M. David Moallem (applicant) explained that the subject site and the surrounding properties were zoned RS-2, Single Family Residential. The land use for the subject site, however, was Recreation and Open Space Use. He had owned the property for many years, and the City did not want the land for a small park. He said that the proposed land use change would make the site consistent with the adjacent properties and would allow him to place a maximum of two homes on the site.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) stated that he was in favor of an individual being able to develop their land, but he questioned how it was determined that the change would have a negative impact on parks as the northeast quadrant had the most parks in the City.

Mr. Zack Little (resident at Veldo Avenue NE) spoke against the request. He wanted the private property to remain open park land. He commented on how the site could be used as a dog park or for open trails. The wildlife in the area would be impacted by the proposed amendment.

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

In case of a change in ownership, Mr. Warner wanted to ensure the limit of two homes on the property.

Motion to submit Case CP-7-2022 to City Council for approval.

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

Motion amended to submit Case CP-7-2022 to City Council for approval, subject to a condition that the site was limited to a maximum of two single-family homes.

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

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

4. ****FD-7-2022 - Cypress Bay Commercial Center - Ben Jefferies, Cypress Bay Farms, LLC (Rochelle W. Lawandales, FAICP; Michael E. Stalzer, P.E. and Jason Kendall, CPWG; Budd Cullom, Cullom Properties, Inc., Reps.) - A Final Development Plan to allow a proposed PUD for an 8-lot commercial development called Cypress Bay Commercial Center. Tax Parcel 251 and Part of Tax Parcel 500, Section 3, Township 30, Range 37, Brevard County, Florida, containing approximately 28.49 acres. Located east of and adjacent to Babcock Street SE, in the vicinity north of Davis Lane SE**

Ms. Bernard presented Case FD-7-2022. Staff recommended Case FD-7-2022 for approval, subject to the staff comments contained in the staff report.

Mr. William Hanks with CWH Real Estate Services, Inc. indicated the presence of local land planner Rochelle Lawandales, FAICP and civil engineer Jason Kendall of CPWG (representatives for the applicant).

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) commented that the project's three proposed access points off Babcock Street SE seemed excessive. He suggested limiting the number of driveways off Babcock Street and having one main access on Capital Drive NE.

In response to comments from the audience. Mr. Kendall stated that the traffic engineer for the project had evaluated all access points planned for the site, and that all City and Florida Department of Transportation specifications would be met. An access off St. Johns Heritage Parkway NW was also being negotiated with staff.

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

Ms. Bernard informed the board that according to the City traffic engineer, a traffic signal warranty study had determined that the subject proposal would not trigger the need for a traffic signal at the Babcock Street and Capital Drive intersection.

Motion to submit Case FD-7-2022 to City Council for approval, subject to the staff comments contained in the staff report.

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

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

5. **CP-6-2022 - Palm Bay Number 3 - Robert Kittleson, Kit Investment of Florida / Carlos Gonzalez, Riverview Holdings Group, LLC / Eric Henry, Engineer Realty, LLC / Patrick and Kathleen Svoboda (Chad Riddle, WGI, Inc., Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use and Multiple-Family Residential Use to Bayfront Mixed Use Village. Tract C, Port Malabar Unit 1, Section 25, Township 28, Range 37 along with Tax Parcels 503, 505, 507, and 544 of Section 30, Township 28, Range 38, Brevard County, Florida, containing approximately 12.4 acres. West of and adjacent to Dixie Highway NE, in the vicinity south of Vignoles Avenue NE**

Ms. Bernard presented Case CP-6-2022. Staff recommended Case CP-6-2022 for approval.

Mr. Chad Riddle with WGI, Inc. (representative for the applicant) informed the board that the actual request was for a BMU, Bayfront Mixed Use District and not the BMUV, Bayfront Mixed Use Village District.

The floor was opened for public comments.

Mr. James Ritter (resident at Anglers Drive NE and owner of property at Vignoles Avenue NE) stated that Vignoles Avenue was a dead-end street. He wanted to know

what would be built at the subject site and if Vignoles Avenue would be used to access the property.

In response to the comments from the audience, Mr. Riddle stated that land use and zoning amendments were being requested, and a proposed development plan was still in flux. However, he was willing to work with Mr. Ritter on the design concept for the site.

Ms. Sandra Ward (resident at Bacon Street NE) spoke against the request. Although the subject site had sat vacant for 40 years, the neighborhood would be unable to handle additional traffic. She wanted Vignoles Avenue to remain a dead-end street and Dixie Highway NE to be the only access for the subject site.

Mr. Riddle assured the board that the subject property would only be accessed from Dixie Highway. He was willing to include Ms. Ward when designing the concept plan for the site.

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

Motion to submit Case CP-6-2022 to City Council for BMU approval.

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

Ms. Maragh stated that the applicant's willingness to work with the neighborhood was refreshing. Mr. Warner agreed and asked about the concept plan for the site. Mr. Riddle explained that the product and mix of commercial use were still being worked out.

Ms. Jordan questioned the consideration of BMU for the subject site instead of the presented BMUV land use designation. Ms. Bernard indicated that the applicant had mentioned BMU in their submitted justification for the request.

A vote was called on the motion to submit Case CP-6-2022 to City Council for BMU approval.

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

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

6. ****CPZ-6-2022 - Palm Bay Number 3 - Robert Kittleson, Kit Investment of Florida / Carlos Gonzalez, Riverview Holdings Group, LLC / Eric Henry, Engineer Realty, LLC / Patrick and Kathleen Svoboda (Chad Riddle, WGI, Inc., Rep.) - A Zoning amendment from an HC, Highway Commercial District and an RM-10, Single-, Two-, Multiple-Family Residential District to a BMUV, Bayfront Mixed Use Village District. Tract C, Port Malabar Unit 1, Section 25, Township 28, Range 37 along with Tax Parcels 503, 505, 507, and 544 of Section 30, Township 28, Range 38, Brevard County, Florida, containing approximately 12.4 acres. West of and adjacent to Dixie Highway NE, in the vicinity south of Vignoles Avenue NE**

Ms. Bernard presented Case CPZ-6-2022. Staff recommended Case CPZ-6-2022 for approval.

Mr. Chad Riddle with WGI, Inc. (representative for the applicant) informed the board that the actual request was for a BMU, Bayfront Mixed Use District and not a BMUV, Bayfront Mixed Use Village District. He said that the future development of the site would meet the City's vision for the area.

The floor was opened for public comments.

Mr. James Ritter (resident at Anglers Drive NE and owner of property at Vignoles Avenue NE) commented on the need for a concept plan to determine the mix of commercial, residential, and retail uses. He questioned the consideration of a BMU zoning designation for the site instead of the noted BMUV designation.

Mr. Bill Battin (resident at Ocean Spray Street SW) wanted to know the minimum percentage of commercial use required with the consideration of BMU instead of the presented BMUV.

In response to the comments from the audience, Mr. Riddle stated that BMU required 20 percent of the first floor of the primary use for commercial development. The actual mix of commercial and residential uses planned for the site was presently unknown, but he would involve Mr. Ritter with the design of the concept plan.

Mr. Weinberg noted that the 20 percent commercial use requirement for BMU was recently established by the City Council and was a desirable outcome to bring development to the Bayfront area.

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

Motion to submit Case CPZ-6-2022 to City Council for approval.

Mr. Warner noted the applicant's desire to change the request to BMU instead of BMUV.

Motion amended to submit Case CPZ-6-2022 to City Council for BMU approval.

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

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

7. **CP-8-2022 - Palm Vista Everland "Triangle" - Pace Drive Holdings, LLC, authorized manager Gregory Pettibon, Lennar Homes (Kimberly Rezanka, Esq., Lacy Lyons Rezanka, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Agricultural (Brevard County) to Single Family Residential Use. Tax Parcel 500, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately .21 acres. Located in the vicinity east of St. Johns Heritage Parkway NW and north of Melbourne-Tillman Water Control District Canal C-1**

Ms. Bernard presented Case CP-8-2022. Staff recommended Case CP-8-2022 for approval.

Ms. Maragh asked about the number of units proposed for the site. Ms. Bernard explained that the subject request was to clean up a previously platted development.

Ms. Kimberly Rezanka, Esq. of law firm Lacy Lyons Rezanka (representative for the applicant) stated that the subject site received PUD approval in 2019; however, it was recently discovered that the overall annexation in 2003 had omitted the subject property. The property contained common elements and a portion of two lots within the overall 162-lot development known as Palm Vista Everland. The Future Land Use Map and Zoning Map were being corrected.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) commented on how the legal description error could hinder three lots.

Motion to submit Case CP-8-2022 to City Council for approval.

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

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

8. ****CPZ-8-2022 - Palm Vista Everland "Triangle" - Pace Drive Holdings, LLC, authorized manager Gregory Pettibon, Lennar Homes (Kimberly Rezanka, Esq., Lacy Lyons Rezanka, Rep.) - A Zoning amendment from General Use (Brevard County) to a PUD, Planned Unit Development. Tax Parcel 500, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately .21 acres. Located in the vicinity east of St. Johns Heritage Parkway NW and north of Melbourne-Tillman Water Control District Canal C-1**

Ms. Bernard presented Case CPZ-8-2022. Staff recommended Case CPZ-8-2022 for approval.

Ms. Kimberly Rezanka, Esq. of law firm Lacy Lyons Rezanka (representative for the applicant) was present to represent the request. Her comments under Case CP-8-2022 also pertained to the subject request.

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-8-2022 to City Council for approval.

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

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

Mr. Weinberg remarked that the annexation of the subject site would also be reconsidered by the City Council.

OTHER BUSINESS:

1. **Presentation of draft Vision Plan 2040 by S&ME, Chris Dougherty.**

Presentation of the draft Vision Plan 2040 occurred following Announcements.

2. Mr. Weinberg reminded the board that Planning and Zoning Board terms would expire on February 28, 2022 and thanked the board members for their service.

ADJOURNMENT:

The meeting was adjourned at approximately 8:18 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

****Quasi-Judicial Proceeding**



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Growth Management Director

DATE: March 2, 2022

SUBJECT: CP-6-2022 - Palm Bay Number 3 - Robert Kittleson, Kit Investment of Florida / Carlos Gonzalez, Riverview Holdings Group, LLC / Eric Henry, Engineer Realty, LLC / Patrick and Kathleen Svoboda (Chad Riddle, WGI, Inc., Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use and Multiple-Family Residential Use to Bayfront Mixed Use. Tract C, Port Malabar Unit 1, Section 25, Township 28, Range 37 along with Tax Parcels 503, 505, 507, and 544 of Section 30, Township 28, Range 38, Brevard County, Florida, containing approximately 12.4 acres. West of and adjacent to Dixie Highway NE, in the vicinity south of Vignoles Avenue NE

ATTACHMENTS:

Description

- ▣ Case CP-6-2022 - Staff Report - Resubmittal
- ▣ Case CP-6-2022 - Boundary Survey
- ▣ Case CP-6-2022 - Legal Description
- ▣ Case CP-6-2022 - Justification
- ▣ Case CP-6-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Alexandra Bernard, Growth Management Director

CASE NUMBER

CP-6-2022 (Resubmittal)

PLANNING & ZONING BOARD HEARING DATE

March 2, 2022

PROPERTY OWNER & APPLICANT

Patrick & Kathleen Svoboda; KIT Investment of Florida, LLC; Engineer Realty, LLC; Riverview Holdings Group, LLC (Chad Riddle – WGI, Inc.)

PROPERTY LOCATION/ADDRESS

Unit 1, Tract C, Plat of Port Malabar, Section 25, Township 28, Range 37; Lot 503, Section 30, Block 00, Township 28, Range 38; Lot 505, Section 30, Block 00, Township 28, Range 38; Lot 507, Section 30, Block 00, Township 28, Range 38; Lot 544, Section 30, Block 00, Township 28, Range 38; Brevard County, Florida;

SUMMARY OF REQUEST

The applicant is requesting a future land use map amendment from Commercial and Multi-Family to Bayfront Mixed Use.

Existing Zoning

HC, Highway Commercial District and RM-10, Multi-Family Residential

Existing Land Use

Vacant, Commercial and Multi-family

Site Improvements

Undeveloped Land

Site Acreage

12.40 acres

SURROUNDING ZONING & USE OF LAND

North

RM-10, Single Family Residential District; Single-Family Homes; RM-20, Multi-Family Residential District; Condos

East

HC, Highway Commercial; Dixie Highway, US1; Restaurant

South

RM-20, Multi-Family Residential District; Apartment Complex

West

RS-2, Single Family Residential; Florida East Coast Railroad

BACKGROUND:

The subject properties are located west of and adjacent to Dixie Highway NE, in the vicinity south of Port Malabar Blvd NE. There are 5 parcels that are included in 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-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 Redevelopment District. The goal of the 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 12.40-acre properties is a Multi-Family Residential development. Some commercial will be required with the proposed new development. The proposed land use amendment would be considered compatible. The change will allow for a high-quality, diversified living environment.

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 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.

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 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 Recreation and Open Space Element addresses the current and future recreational needs of the City. Multi-family residential use does have more of a demand upon the Parks & Recreational Level of Service (LOS) standards than Single Family Residential Use. However,

this element sets a LOS standard of 2 acres per 1,000 residents. The City maintains public ownership of park-designated lands that far exceed this requirement. Therefore, the density increase would have a De minimus effect on the recreation LOS.

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. The land use change will not adversely affect the roadway level of service.

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-6-2022 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-6-2022 & CPZ-6-2022

Subject Property

West of and adjacent to US-1 NE, in the vicinity north of Wildbriar Rd 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-6-2022 & CPZ-6-2022

Subject Property

West of and adjacent to US-1 NE, in the vicinity north of Wildbriar Rd 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.



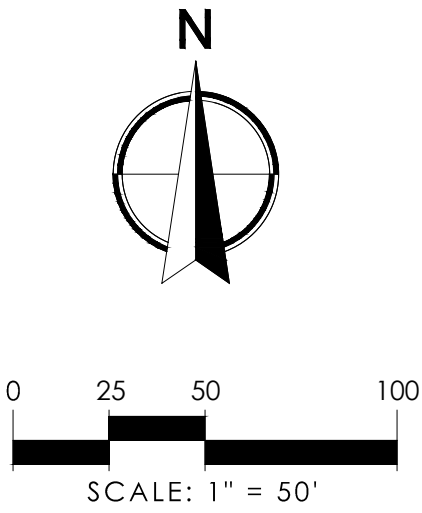
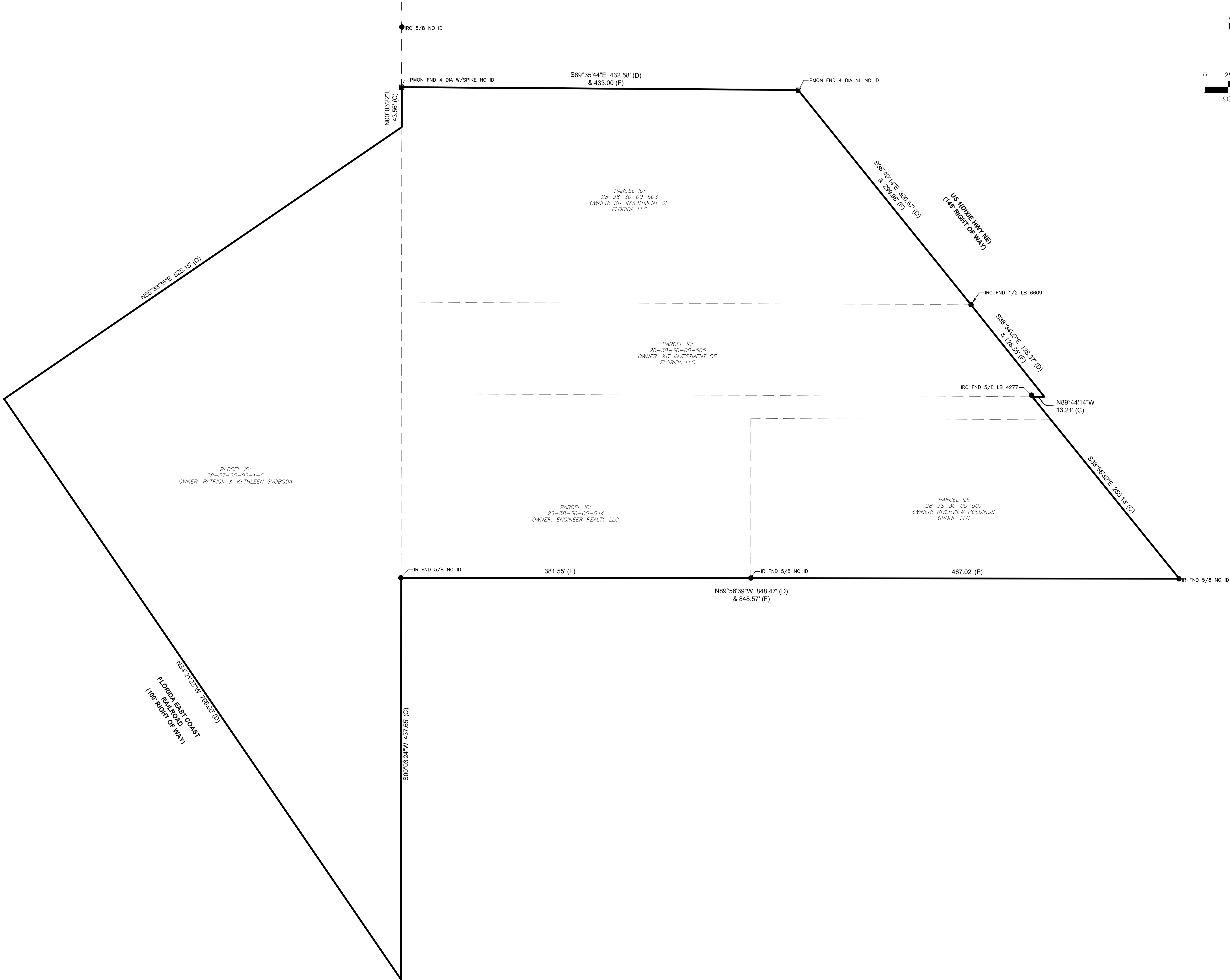
ZONING MAP CASE: CP-6-2022 & CPZ-6-2022

Subject Property

West of and adjacent to US-1 NE, in the vicinity north of Wildbriar Rd NE

Current Zoning Classification

HC, RM-10 – Highway Commercial, Single-, Two-, Multi-Family Residential



REVISIONS			BY
NO.	DATE	DESCRIPTION	

CAD/DESIGN/ENGINEERING	JOB NO. 7541.00
DRAWN BY JO	CHECK BY RPK
DATE 01/17/2022	

SURVEYOR OF RECORD
RYAN F. KETT
PSM# LS7113

BOUNDARY SKETCH
PALM BAY 3

Kit Investment of Florida LLC

Legal Description

PARCEL 1

THAT PART WHICH LIES WEST OF THE RIGHT-OF-WAY OF U.S. HIGHWAY #1 (STATE ROAD #5) OF THE NORTH 100 FEET OF PROPERTY AS DESCRIBED IN DEED BOOK 257, AT PAGE 404; OF THE CURRENT PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SUBJECT TO STATE ROAD RIGHT-OF-WAY.

ALSO KNOWN AS:

FROM THE WEST $\frac{1}{4}$ CORNER OF SECTION 30, TOWNSHIP 28 SOUTH, RANGE 38 EAST, RUN S 0 15'00" W ALONG THE WEST LINE OF SAID SECTION 30 A DISTANCE OF 300.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S 89 45'00" E A DISTANCE OF 619.95 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HWY 1 (STATE ROAD 5); THENCE S 38 34'55" E ALONG SAID RIGHT OF WAY LINE OF U.S. 1 A DISTANCE OF 128.37 FEET; THENCE N 89 45'00" W A DISTANCE OF 700.44 FEET TO THE AFORESAID WEST LINE OF SECTION 30, THENCE N 0 15'00" E A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2

BEGINNING AT AN IRON PIPE ON THE WEST LINE OF SECTION 30, TOWNSHIP 28 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA, WHICH IS 2343 FEET NORTH OF THE SW CORNER OF SAID SECTION 30; THENCE RUN NORTH 0 15' EAST ALONG THE WEST LINE OF SECTION 30, A DISTANCE OF 234.5 FEET TO AN IRON PIPE WHICH IS 66.00 FEET SOUTH OF THE WEST $\frac{1}{4}$ CORNER OF SECTION 30; THENCE SOUTH 89 28'30" EAST ALONG THE NORTH LINE OF PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 514, PAGE 183, A DISTANCE OF 432.58 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE SOUTH 38 42' EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 300.57 FEET TO THE SOUTH LINE OF PROPERTY DESCRIBED IN DEED BOOK 403, PAGE 158; THENCE NORTH 89 37' WEST 621.66 FEET TO THE POINT OF BEGINNING.

Riverview Holdings Group LLC

Legal Description

N 200 FT OF S 2243 FT OF SW 1/4 LYING IN GOVT LOT 1 & W OF US HWY 1 EX
CIRCUIT COURT MINUTES BOOK 41 PG 556 & CIRCUIT COURT MINUTES BOOK
43 PG 515

Engineer Realty LLC

Legal Description

PARCEL NO. 189 PART AND 190 PART

SECTION NO. 70010-2277

"SRD #189, 190

BORROW PIT

BORROW PIT NO. 1 (PART)

THAT PART OF:

BEGIN AT A POINT 100 FEET DUE SOUTH OF THE NORTHWEST CORNER OF THAT CERTAIN PROPERTY DESCRIBED IN DEED BOOK 257, PAGE 404 OF THE CURRENT PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND A POINT ON THE WEST LINE OF SAID PROPERTY; THENCE PROCEED SOUTHERLY ALONG THE WEST LINE OF SAID PROPERTY A DISTANCE OF 200 FEET TO A POINT; THENCE EAST AND PARALLEL TO THE NORTH LINE OF PROPERTY DESCRIBED IN SAID DEED TO AND INTO WATERS OF THE INDIAN RIVER; THENCE NORTH IN THE WATERS OF THE INDIAN RIVER TO A POINT 100 FEET SOUTH OF THE PROJECTION EASTERLY OF THE NORTH LINE OF PROPERTY DESCRIBED IN SAID DEED; THENCE WESTERLY AND PARALLEL TO THE NORTH LINE OF PROPERTY DESCRIBED IN SAID DEED AND 100 FEET SOUTHERLY THEREFROM TO POINT ON THE WEST LINE OF SAID DESCRIBED PROPERTY, BEING ALSO ERRONEOUSLY DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 225, PAGE 98, AS "THE SOUTH 200 FEET OF NORTH 300 FEET OF GOVERNMENT LOT 1, SECTION 30, TOWNSHIP 28 SOUTH, RANGE 38 EAST" LYING WEST OF U.S. HIGHWAY NO. 1.

LYING WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND:

Commence on the South line of Section 30, Township 28 South, Range 38 East, at a point 1698.70 feet East of the Southwest corner of said Section 30, and run North 6°28' West, 773.86 feet to the beginning of a curve concave to the Southwesterly and having a radius of 1910.08 feet; thence along said curve thru a central angle of 32°13', a distance of 1073.89 feet to the end of curve; thence North 38°41' West, 640.47 feet; thence North 89°40'30" West, 410 feet for a POINT OF BEGINNING for Borrow Pit No. 1; From said point of Beginning continue North 89°49'30" West, 381.70 feet to the line dividing Range 37 East and Range 38 East; thence Southerly along said Range line 400 feet; thence South 89°40'30" East, 381.03 feet; thence North 0°19'30" East, 400 feet to the Point of Beginning.

ALSO, HAUL ROAD FOR BORROW PIT NO.1

THE NORTH 25 FEET OF THE PARCEL OF LAND FIRST HEREIN DESCRIBED, LYING BETWEEN BORROW PIT NO. 1 AS LOCATED ABOVE AND THE NEW WESTERLY RIGHT OF WAY LINE OF STATE ROAD 5."

(THE ABOVE DESCRIBED LAND BEING A PART OF THE LANDS DESCRIBED AND RECORDED IN CIRCUIT COURT MINUTES BOOK 41, PAGE 556, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA).

Svoboda Trustees

Legal Description

Tract C, Port Malabar Unit One, according to the Plat thereof, as recorded in Plat Book 13, Page 40, of the Public Records of Brevard County, Florida.



**PALM BAY NUMBER 3
JUSTIFICATION STATEMENT
COMPREHENSIVE PLAN AMENDMENT / REZONING**
Initial Submittal: November 24, 2021

1. REQUEST

On behalf of the Applicant (Prospect Real Estate Group, LLC.), WGI is requesting approval of the following for the subject site:

- 1) **Comprehensive Plan Amendment** to modify the existing Future Land Use (FLU) designations from Commercial (COM) and Multifamily Residential (MFR) to Bayfront Mixed Use (BMU); and
- 2) **Rezoning** to modify the existing Zoning designations from Highway Commercial (HC) and Single, Two, and Multi-family Residential (RM-10) to Bayfront Mixed Use (BMU).

2. SITE CHARACTERISTICS

The 12.4-acre subject site is located approximately 600 feet north of the intersection between Gran Avenue Northeast and U.S. Highway 1, on the east side of U.S. Highway 1 in the City of Palm Bay. It is comprised of five parcels, which are detailed below:

Parcel Number	Parcel ID Number	Account Number	Parcel Owner
1	28-38-30-00-503	2850760	Kit Investment of Florida LLC
2	28-38-30-00-505	2850762	Kit Investment of Florida LLC
3	28-38-30-00-507	2850764	Riverview Holdings Group, LLC
4	28-38-30-00-544	2862284	Engineer Realty LLC
5	28-37-25-02-*-C	2833783	Svoboda Trustees

All five parcels do not have a physical address. The subject site has FLU designation of Commercial and Multifamily Residential and a Zoning designation of Highway Commercial (HC) and Single, Two, and Multi-Family Residential (RM-10). Per the City of Palm Bay's Bayfront Community Redevelopment District 2024 Plan, the subject site is located within the South Cove subdistrict of Bayfront Redevelopment District. The subject site is currently unimproved and vacant. An aerial of the subject site and surrounding areas is provided below:





3. DEVELOPMENT HISTORY

The subject site is currently vacant and is predominantly covered in vegetation. Based on historical aerials, the subject site has remained vacant for the last 40 years. Per the City of Palm Bay's GIS Building Permit Map, there are no building permits on file for the subject site.

4. SURROUNDING PROPERTIES

The subject site is located in an area with a mix of uses with residential and commercial development to the north and east, and residential uses to the south and west. The following is a summary of the uses surrounding the subject property:

	FLU Designation	Zoning District	Existing Use
North	Multi-Family Residential (MFR)	Multifamily Residential (RM-20)	Townhomes
	Commercial (COM)	HC	Chevron Gas Station Restaurant
	Multi-Family Residential (MFR)	RM-10	Single-Family Residential
South	Multi-Family Residential (MFR)	Multifamily Residential (RM-20)	Apartments (Ascent of Palm Bay)
East	Commercial (COM)	HC	Restaurant
	Multi-Family Residential (MFR)	Multifamily Residential (RM-20)	Condominiums (Venetian Bay)
West	Single Family Residential (SFR)	Single Family Residential (RS-2)	Single Family Residential

5. DEVELOPMENT PROGRAM

The request is to modify the Future Land Use atlas designation of the 12.4-acre subject site from Commercial and Multifamily Residential to Bay Mixed Use to develop a five-story mixed-use development, including a total of 290 apartment units, equating to a gross density of 23.39 dwelling units per acre, and commercial retail on the first floor. The proposed project would be accessed via U.S. Highway 1.

6. JUSTIFICATION

The proposed project is uniquely situated to implement a variety of the City's goals, objectives and policies contained in the City's Comprehensive Plan, see Section 7 below for more details. The subject site represents a pocket of undeveloped land within the City of Palm Bay that is surrounded by existing development. The City of Palm Bay's Bayfront Community Redevelopment District 2024 Plan encourages the development of neighborhood serving retail uses and higher density residential uses along the U.S. Highway 1 corridor. The subject site must relate both to the existing single-family neighborhood in the to the north and west of the subject site and it must provide a transition from the commercial and high-density residential uses along U.S. Highway 1. The proposed project, including multifamily apartments on top of commercial retail, would allow the subject site to meet the goals of the Bayfront Redevelopment District Plan.

The subject site currently retains a FLU designation of Commercial for three parcels and Multifamily Residential for two parcels. The four parcels along U.S. Highway 1 retain a HC Zoning designation and the parcel along the FEC Railroad retains a Zoning designation of RM-10. The existing FLU and Zoning designations would limit the mixture of residential and commercial uses together, while constraining the configuration of higher density residential and commercial uses on the subject site. In addition, the development of the subject site under the existing FLU and Zoning designations would lead to an inconsistent development plan that would be split between commercial and multifamily residential standards. To develop a mixed-use development on the subject site, that meets the City's Bayfront



Redevelopment Plan, the Applicant is requesting a FLU and Zoning map amendment to modify the existing FLU and Zoning designations to the FLU and Zoning designation of BMU. The BMU FLU and Zoning designation would provide one land use and zoning category for the entire subject site, thus promoting consistency in development standards for the overall mixed-use project.

The proposed mixed-use project provides landscaped buffers along all property lines and setbacks that meet the land development regulations for the BMU district, thus limiting any impacts on the existing residential uses to the north and south. The FEC Railroad abuts the western boundary of the subject site, therefore an additional landscaped buffer is proposed between the proposed project and the single-family neighborhood to the west. Access into the subject site will tie into existing curb cuts along U.S. Highway 1, which will limit impacts onto the U.S. Highway 1 corridor.

The U.S. Highway 1 corridor is an arterial roadway that runs along the spine of the Bayfront Redevelopment District. Arterial roadways usually accompany higher intensity land uses, such as high-density residential and neighborhood serving retail uses. Under the BMU designation, the proposed mixed-use project will further support the intent of developing commercial and multifamily uses on the subject site, while enhancing the existing development pattern along the U.S. Highway 1 corridor. Below is an aerial image with the FLU designations of the surrounding area.



The proposed project is compatible with the surrounding uses and provides a suitable transition from the commercial and high-density residential uses to the east of U.S. Highway 1 to the single-family neighborhoods to the north and west. The proposed project will provide a multifamily use that is consistent in scale and intensity with the existing multifamily apartments to the south and the townhomes to the north, therefore creating a consistent development pattern along U.S. Highway 1. The proposed project also promotes infill development which discourages urban sprawl – a specific goal of the Comprehensive Plan (Goal 12 of the Land Use Element).

The need for housing units and a variety of housing types and options continues to escalate. According to the City of Palm Bay's GIS Division, single-family residential districts total 25,788 acres, or 46% of the City's land mass, while multifamily residential districts cover only 1,223 acres, or 2% of the City of Palm Bay. The proposed mixed-use development will bring a new multifamily product type to the City of Palm Bay, while also providing neighborhood serving retail uses for the surrounding South Cove sub-area.



7. COMPREHENSIVE PLAN AMENDMENT – CONSISTENCY WITH THE PLAN

Compliance with Florida Statutes Chapter 163.3177

Florida Statutes, Chapter 163.3177 is the principle state statute governing comprehensive plans and plan amendments for all Counties within the State of Florida. In 2011, Chapter 163, F.S. was substantially revised and Rule 9J-5 was repealed and removed from the Florida Administrative Code (House Bill 7207). At present, § 163.3177(1)(f) states, "all mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government, that may include but not be limited to, surveys, studies, community goals and vision, and other data available on that particular subject at the time of adoption of the plan or plan amendment at issue."

The data and analysis presented in this application and justification statement support the request for an amendment of the FLUA and demonstrate consistency with Florida Statutes.

(a) Consistency with the City of Palm Bay Comprehensive Plan.

The Future Land Use Element designates future land use patterns to meet the goals, objectives and policies of the City of Palm Bay Comprehensive Plan.

Goal FLU-1 "Ensure a high quality, diversified living environment through the efficient distribution of compatible land uses"

Applicant Response: The subject site is located northwest of the intersection between U.S. Highway 1 and Gran Avenue, along the west side of the U.S. Highway 1 corridor. The U.S. Highway 1 corridor south of Turkey Creek includes a mix of high density residential and commercial uses. Arterial roadways usually accompany higher intensity land uses, such as high-density residential and neighborhood serving retail uses. North of the subject site along U.S. Highway 1 is the Indian River Villas project, which allowed for the amendment to the BMU FLU and Zoning designation under Case Number CP-13-2019. The proposed mixed-use project, under the BMU designation, will further support the intent of developing commercial and multifamily uses on the subject site, while enhancing the existing development pattern along the U.S. Highway 1 corridor.

The Bayfront Mixed Use FLU designation allows for a maximum residential density of 40 dwelling units per acre, which would permit a maximum of 496 dwelling units for the subject site. The Applicant is only proposing 290 dwelling units for the mixed-use development, thus equating to a density of 23.39 dwelling units per acre, which is 41 percent less than the maximum density allowed. Typical uses allowed include single family homes, duplexes, multiple family units, recreational uses, and institutional uses. Development standards shall follow the applicable policies within the Comprehensive Plan and the standards within the BMU, Bayfront Mixed Use District zoning category. The subject site is located within the Bayfront Redevelopment District, which allows the modification to the FLU designation of BMU.

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

Applicant Response: The project promotes infill development which discourages urban sprawl and provides a new multifamily housing option for the residents of Palm Bay. The introduction of new neighborhood serving retail will provide needed local retail options.

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

Applicant Response: The need for new housing units and a variety of housing types and options continues to escalate. According to the City of Palm Bay's GIS Division, single-family residential districts total 25,788 acres, or 46% of the City's land mass, while multifamily residential districts cover only 1,223 acres, or 2% of the City of Palm Bay. The proposed mixed-use development will



bring a new multifamily product type to the City of Palm Bay, while also providing neighborhood retail serving uses for the surrounding South Cove sub-area.

Policy FLU-2.2B “High Density residential development shall be located in conformance with the Future Land Use Map, 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.”

Applicant Response: The subject site is located approximately 600 feet northwest of the intersection between Gran Avenue and U.S. Highway 1. Per the City of Palm Bay’s GIS Division, centralized water and sewer service is provided by the City and is available to the subject site. However, access to employment centers and commercial facilities is limited to “strip commercial” developments that exist along the U.S. Highway 1 corridor. Therefore, a mixed-use development with multifamily apartments and neighborhood serving commercial uses will support employment opportunities and reduce traffic by capturing vehicular trips internally between residential and commercial land uses.

(b) Consistency with the Bayfront Community Redevelopment District 2024 Plan

4.3.2. South Cove – Goal – “The US 1 corridor south of Bayfront Village has a unique opportunity to become a beautiful and multi-functional riverfront boulevard lined with riverside pedestrian/bicycle facilities featuring a food market supported neighborhood-servicing retail center and higher intensity residential uses. In working with residential developers and jointly with property assembly, the corridor contains some of the most marketable residential real estate in the BCRD as evidenced by the newer housing developments near the Town of Malabar City limits.”

Applicant Response: The City of Palm Bay’s Bayfront Community Redevelopment District 2024 Plan encourages the development of neighborhood serving retail uses and higher density residential uses along the U.S. Highway 1 corridor. The subject site must relate both to the existing single-family neighborhood to the north and west of the subject site and it must provide a transition from the commercial and high-density residential uses along U.S. Highway 1. The proposed project, including multifamily apartments on top of commercial retail, would allow the subject site to meet the goals of the Bayfront Redevelopment District Plan.

4.3.2. South Cove – Objective – “Encourage the redevelopment and revitalization of the mobile home and residential properties north of Gran’s Avenue to higher intensity residential or park use.”

Applicant Response: The subject site is located approximately 600 feet northwest of the intersection between Gran Avenue and U.S. Highway 1. The request to modify the subject site’s FLU and Zoning designation to BMU will further develop higher density residential uses mixed with neighborhood serving retail uses.

8. REZONING AMENDMENT CRITERIA

Per Section 185.201(C) of the City’s Land Development Code, the Applicant demonstrates below how the request to modify the FLU destination to Bayfront Mixed Use meets the four (4) criteria for the evaluation of Comprehensive Plan Amendments:

1. The need and justification for the change;

Applicant Response: The subject site currently retains a FLU designation of Commercial for three parcels and Multifamily Residential for two parcels. The four parcels along U.S. Highway 1 retain a HC Zoning designation and the parcel along the FEC Railroad retains a Zoning designation of RM-10. The existing Zoning designations would limit the mixture of residential and commercial uses together, while constraining the configuration of higher density residential and commercial uses on



the subject site. In addition, the development of the subject site under the existing FLU and Zoning designations would lead to an inconsistent development plan that would be split between commercial and multifamily residential standards. To develop a mixed-use development on the subject site that meets the City's Bayfront Redevelopment Plan, Applicant is requesting a FLU and Zoning map amendment to modify the existing Zoning designations to the FLU and Zoning designation of BMU. The BMU FLU and Zoning designation would provide one land use and zoning category for the entire subject site, thus promoting consistency in development standards for the proposed mixed-use project.

2. The effect of the change, if any, on the particular property and on the surrounding properties;

Applicant Response: The proposed mixed-use project provides landscaped buffers along all property lines and setbacks that meet the land development regulations for the BMU district, thus limiting any impacts on the residential uses to the north and south. The FEC Railroad abuts the western boundary of the subject site, therefore an additional landscape buffer is proposed between the proposed project and the single-family neighborhood to the west. Access to the subject site will tie into existing curb cuts along U.S. Highway 1, which will limit impacts onto the U.S. Highway 1 corridor.

3. The amount of undeveloped land in general area and in the city having the same classification as that requested;

Applicant Response: According to the Bayfront Redevelopment Plan, areas within the South Cove sub-area are to be redeveloped with higher density residential uses. Currently the subject site retains a split in FLU and Zoning designations between commercial and multifamily residential uses. The requested BMU Zoning designation is only allowed with the Bayfront Redevelopment District and, therefore it can be requested for the subject site. In addition, north of the subject site along U.S. Highway 1 is the Indian River Villas project, which allowed for the amendment to the BMU FLU and Zoning designation under Case Number CP-13-2019. Therefore, the BMU Zoning designation exists near the subject site and there is a precedence of BMU districts along the portion of U.S. Highway 1 south of Turkey Creek.

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 plan.

Applicant Response: The purpose of the BMU district is to provide areas within the Bayfront Redevelopment District for an attractive and functional mix of high density residential with low density of commercial land uses that are linked by a network of walkways. The proposed project provides such a functional mix of linked uses.

For all of the aforementioned reasons, on behalf of the Applicant we respectfully request approval of an amendment to the Future Land Use Atlas designation of the subject property from Commercial and Multifamily Residential to Bayfront Mixed-Use; and an amendment to the Zoning map designation from HC and RM-10 to BMU.



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):

28-37-25-02-*-C; 28-38-30-00-503; 28-38-30-00-505; 28-38-30-00-507; 28-38-30-00-544

TAX ACCOUNT NUMBER(S):

2833783; 2850760; 2850762; 2850764; 2862284

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

See attached Legal Description

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

12.4 acres

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

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

Commercial and Multifamily

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

Bayfront Mixed-Use

PRESENT USE OF PROPERTY:

Vacant

STRUCTURES LOCATED ON THE PROPERTY: N/A

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: Yes- Bayfront Mixed Use

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

Please see Justification Statement

SPECIFIC USE INTENDED FOR PROPERTY:

Mixed-Use Development

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 Chad Riddle - WGI, 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



Date

11/09/2021

Printed Name

Eric Henry - Engineer Realty LLC

Full Address

5703 Red Bug Lake Road, Suite 504, Winter Springs, FL 32708

Telephone

(561) 839-1718 (Agent)

Email

Chad.Riddle@wginc.com (Agent)

(407) 432-6699 (owner)

ericshenry@hotmail.com (owner)

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

Owner Signature

Patrick J. Svoboda, TRUSTEE

Date

11-9-2021

Printed Name

Svoboda, Patrick J; Svoboda, Kathleen D Trustees

Full Address

4791 West 215 Street, Bucyrus KS 66013

Telephone

(561) 839-1718 (Agent)

Email Chad.Riddle@wginc.com (Agent)

(913) 271-8733 (owner)

PKSVoboda@aol.com (owner)

***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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- ☒ 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 Chad Riddle - WGI, 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

Robert L Kittleson *OK's*

Date

11/8/21

Printed Name

Robert L Kittleson - Kit Investment of Florida, LLC

Full Address

5067 South US 1, Grant, FL 32949

Telephone

(561) 839-1718 (Agent)

Email Chad.Riddle@wginc.com (Agent)

(321) 693-6700 (Owner)

zoracing@bellsouth.net (owner)
scott@uslegalteam.com (attorney)

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

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

- ☐ Legal description of the subject property with a sketch of the legal. **Also provide the site sketch on Memory Drive.**
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UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Owner Signature

Carlos Gonzalez

Date

11.9.2021

Printed Name

Carlos Gonzalez

Full Address

3477 Lago De Talavera Wellington FL 33462

Telephone

(561) 839-1718 (Agent)

Email Chad.Riddle@wginc.com (Agent)

(561) 307-6204 (owner)

CCpetroinvestments@yahoo.com

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

(owner)

Karen@lowellawpa.com (attorney)

November 4, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Please see attached Legal Description
28-31-25-02-*C; 28-38-30-00-503; 28-38-30-00-505;
28-38-30-00-507; 28-38-30-00-544

I, Owner Name: Engineer Realty LLC

Address: 456 Forestwood Lane, Maitland, FL 32751

Telephone: (561) 839-1718 (Agent) / (407) 432-6699 (owner)

Email: Chad.Riddle@wginc.com (Agent) / erichshenry@hotmail.com (owner)

hereby authorize:

Representative: Chad Riddle - WGI

Address: 4371 US Highway 17, Suite 203, Fleming Island, FL 32003

Telephone: (561) 839-1718

Email: Chad.Riddle@wginc.com

to represent the request(s) for:

Comprehensive Plan Amendment and Rezoning

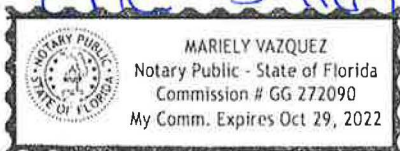

(Property Owner Signature)

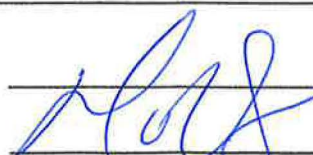
STATE OF Florida

COUNTY OF Seminole

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 4th day of November, 2021 by

Eric S Henry, property owner.




_____, Notary Public

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

FCM

November 4

, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Tract C, Port Malabar Unit One, according to the Plat thereof, as recorded in Plat Book 13,
Page 40 of the Public Records of Brevard County, Florida in Sec 28, Twp 37, Rng 25
28-37-25-02-1-C ;

I, Owner Name:

Patrick J. and Kathleen D. Svoboda Trustees

Address:

4791 West 215 Street Bucyrus, KS 66013

Telephone:

(561) 839-1718 (Agent) / (913) 271-8733 (owner)

Email:

Chad.Riddle@wginc.com (Agent) / PKSVoboda@aol.com (owner)

hereby authorize:

Representative:

Chad Riddle - WGI

Address:

4371 US Highway 17, Suite 203, Fleming Island, FL 32003

Telephone:

(561) 839-1718

Email:

Chad.Riddle@wginc.com

to represent the request(s) for:

Comprehensive Plan Amendment and Rezoning

Patrick J. Svoboda, TRUSTEE
(Property Owner Signature)

STATE OF

Kansas

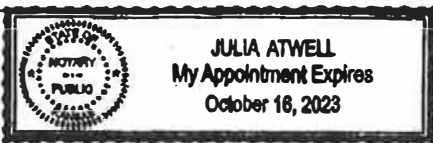
COUNTY OF

Johnson

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

Patrick J. Svoboda, Trustee of Svoboda Trust

, property owner.



Julia Atwell
Julia Atwell, Notary Public



Personally Known or ☐ Produced the Following Type of Identification:

November 4, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Please see attached Legal Description.

28-37-25-02-4-C; 28-38-30-00-503; 28-38-30-00-505;
28-38-30-00-507; 28-38-30-00-544

I, Owner Name: Kit Investment of Florida LLC

Address: 5067 South U.S. Highway 1, Grant, FL 32949

Telephone: (561) 839-1718 (Agent) / (321)-693-6700 (owner)

Email: Chad.Riddle@wginc.com (Agent) / 30raling@bellsouth.net (owner)

hereby authorize: Scott@uslegalteam.com (attorney)

Representative: Chad Riddle - WGI

Address: 4371 US Highway 17, Suite 203, Fleming Island, FL 32003

Telephone: (561) 839-1718

Email: Chad.Riddle@wginc.com

to represent the request(s) for:

Comprehensive Plan Amendment and Rezoning

Robert L. Killen

(Property Owner Signature)

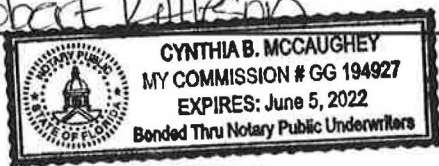
STATE OF Florida

COUNTY OF Brevard

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

Robert Killen

, property owner.



Cynthia B. McCaughey

, Notary Public

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

FL. Dr. License 12342-772-56-2020

November 4, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Please see attached Legal Description

28-37-25-02-A-C; 28-38-30-00-503; 28-38-30-00-505;
28-38-30-00-507; 28-38-30-00-544

I, Owner Name: The Riverview Holdings Group LLC

Address: 3477 Lago de Talavera, Wellington, FL 33467

Telephone: (561) 307-6204

Email: Karen@lowelllawpa.com (attorney) / ccpetroinvestments@yahoo.com (owner)

hereby authorize:

Representative: Chad Riddle - WGI

Address: 4371 US Highway 17, Suite 203, Fleming Island, FL 32003

Telephone: (561) 839-1718

Email: Chad.Riddle@wginc.com

to represent the request(s) for:

Comprehensive Plan Amendment and Rezoning

Carlos Gonzalez

(Property Owner Signature)

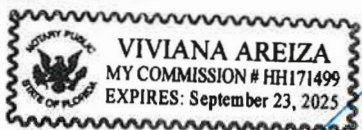
STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 23rd day of November, 2021 by

Carlos Gonzalez

, property owner.



Viviana Areiza

, Notary Public

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

Florida Drivers License



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Growth Management Director

DATE: March 2, 2022

SUBJECT: **CPZ-6-2022 - Palm Bay Number 3 - Robert Kittleson, Kit Investment of Florida / Carlos Gonzalez, Riverview Holdings Group, LLC / Eric Henry, Engineer Realty, LLC / Patrick and Kathleen Svoboda (Chad Riddle, WGI, Inc., Rep.) - A Zoning amendment from an HC, Highway Commercial District and an RM-10, Single-, Two-, Multiple-Family Residential District to a BMU, Bayfront Mixed Use District. Tract C, Port Malabar Unit 1, Section 25, Township 28, Range 37 along with Tax Parcels 503, 505, 507, and 544 of Section 30, Township 28, Range 38, Brevard County, Florida, containing approximately 12.4 acres. West of and adjacent to Dixie Highway NE, in the vicinity south of Vignoles Avenue NE

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ▣ Case CPZ-6-2022 - Staff Report - Resubmittal
- ▣ Case CPZ-6-2022 - Boundary Survey
- ▣ Case CPZ-6-2022 - Legal Description
- ▣ Case CPZ-6-2022 - Justification
- ▣ Case CPZ-6-2022 - Application



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):

28-37-25-02-*-C; 28-38-30-00-503; 28-38-30-00-505; 28-38-30-00-507; 28-38-30-00-544

TAX ACCOUNT NUMBER(S):

2833783; 2850760; 2850762; 2850764; 2862284

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

See attached Legal Description

PROPERTY ADDRESS:

N/A

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

12.4 AC

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

Highway Commercial (HC) and RM-10

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

Bayfront Mixed-Use

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

STRUCTURES LOCATED ON THE PROPERTY:

N/A

PRESENT USE OF THE PROPERTY:

Vacant

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

Please see Justification Statement

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.
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Name of Representative Chad Riddle - WGI, 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.

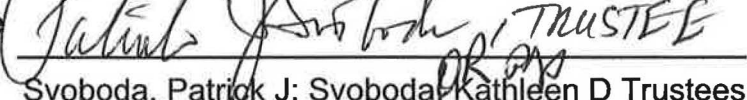
Owner Signature  Date 11/09/2021
Printed Name Eric Henry - Engineer Realty LLC
Full Address 5703 Red Bug Lake Road, Suite 504, Winter Springs, FL 32708
Telephone (561) 839-1718 (Agent) Email Chad.Riddle@wginc.com (Agent)
(407) 432-6699 (owner) ericshenry@hotmail.com (owner)

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

**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  TRUSTEE **Date** 11-9-2021
Printed Name Svoboda, Patrick J; Svoboda, Kathleen D Trustees
Full Address 4791 West 215 Street, Bucyrus KS 66013
Telephone (561) 839-1718 (Agent) **Email** Chad.Riddle@wginc.com (Agent)
(913) 271-8733 (owner) PKSVoboda@aol.com (owner)

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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 Robert L Kittleson Date 11/8/21

Printed Name Robert L Kittleson - Kit Investment of Florida, LLC

Full Address 5067 South US 1, Grant, FL 32949

Telephone (561) 839-1718 (Agent) Email Chad.Riddle@wginc.com (Agent)

(321) 693-6700 (owner) 30racing@bellsouth.net (owner)
scott@uslegalteam.com (attorney)

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

**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 Carlos Gonzalez Date 11-09-2021
Printed Name Carlos Gonzalez
Full Address 3477 Lago de Talavera Wellington FL 33467.
Telephone (561) 839-1718 (Agent) Email Chad.Riddle@wginc.com (Agent)
(561) 307-6204 (owner) CCpetroinvestments@yahoo.com (owner)

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

Karen@lowellawpa.com (attorney)

November 4

, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Please see attached Legal Description

28-37-25-02-*C; 28-38-30-00-503; 28-38-30-00-505;
28-38-30-00-507; 28-38-30-00-544

I, Owner Name: Engineer Realty LLC

Address: 456 Forestwood Lane, Maitland, FL 32751

Telephone: (561) 839-1718 (Agent) / (407) 432-6699 (owner)

Email: Chad.Riddle@wginc.com (Agent) / ericshenry@hotmail.com (owner)

hereby authorize:

Representative: Chad Riddle - WGI

Address: 4371 US Highway 17, Suite 203, Fleming Island, FL 32003

Telephone: (561) 839-1718

Email: Chad.Riddle@wginc.com

to represent the request(s) for:

Comprehensive Plan Amendment and Rezoning

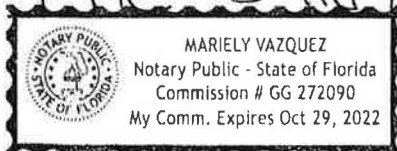

(Property Owner Signature)

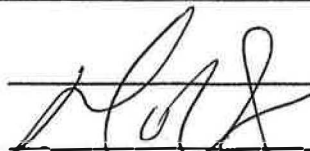
STATE OF Florida

COUNTY OF Seminole

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 4th day of November, 20 21 by

Eric S. Henry, property owner.




_____, Notary Public

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

FCR

November 4, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Tract C, Port Malabar Unit One, according to the Plat thereof, as recorded in Plat Book 13, Page 40 of the Public Records of Brevard County, Florida in Sec 28, Twp 37, Rng 25
28-37-25-02-M-C; *OR PLS* 28-38-30-00-503; 28-38-30-00-505; 28-38-30-00-507; 28-38-30-00-544

I, Owner Name: Patrick J. and Kathleen D. Svoboda Trustees
Address: 4791 West 215 Street Bucyrus, KS 66013
Telephone: (561) 839-1718 (Agent) / (913) 271-8733 (owner)
Email: Chad.Riddle@wginc.com (Agent) / PKSVoboda@aol.com (owner)

hereby authorize:

Representative: Chad Riddle - WGI
Address: 4371 US Highway 17, Suite 203, Fleming Island, FL 32003
Telephone: (561) 839-1718
Email: Chad.Riddle@wginc.com

to represent the request(s) for:

Comprehensive Plan Amendment and Rezoning

Patrick J. Svoboda TRUSTEE
(Property Owner Signature)

STATE OF Kansas

COUNTY OF Johnson

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

Patrick J. Svoboda, Trustee of Svoboda Trust, property owner.



Julia Atwell
Julia Atwell Notary Public

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

November 4, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Please see attached Legal Description.

28-37-25-02-4-C; 28-38-30-00-503; 28-38-30-00-505;
28-38-30-00-507; 28-38-30-00-544

I, Owner Name: Kit Investment of Florida LLC

Address: 5067 South U.S. Highway 1, Grant, FL 32949

Telephone: (561) 839-1718 (Agent) / (321)-693-6700 (owner)

Email: Chad.Riddle@wginc.com (Agent) / 30raling@bellsouth.net (owner)

hereby authorize: Scott@USLegalTeam.com (attorney)

Representative: Chad Riddle - WGI

Address: 4371 US Highway 17, Suite 203, Fleming Island, FL 32003

Telephone: (561) 839-1718

Email: Chad.Riddle@wginc.com

to represent the request(s) for:

Comprehensive Plan Amendment and Rezoning

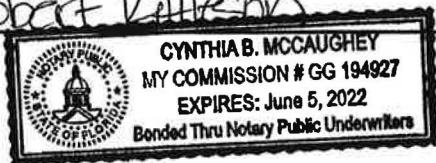

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

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

Robert Killen, property owner.




Notary Public

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

FL. Dr. License K 342-772-54-2220

November 4, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Please see attached Legal Description

28-37-25-02-A-C; 28-38-30-00-503; 28-38-30-00-505;
28-38-30-00-507; 28-38-30-00-544

I, Owner Name: The Riverview Holdings Group LLC

Address: 3477 Lago de Talavera, Wellington, FL 33467

Telephone: (561) 307-6204

Email: Karen@lowelllawpa.com (attorney) / ccpetroinvestments@yahoo.com (owner)

hereby authorize:

Representative: Chad Riddle - WGI

Address: 4371 US Highway 17, Suite 203, Fleming Island, FL 32003

Telephone: (561) 839-1718

Email: Chad.Riddle@wginc.com

to represent the request(s) for:

Comprehensive Plan Amendment and Rezoning

Carlos Gonzalez

(Property Owner Signature)

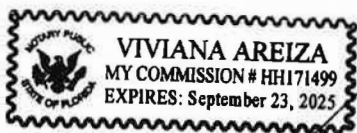
STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 23rd day of November, 20 21 by

Carlos Gonzalez

, property owner.

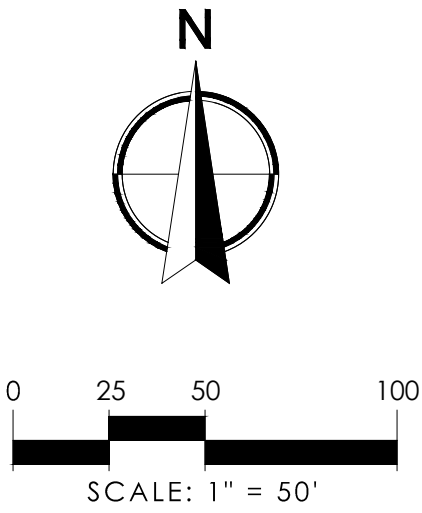
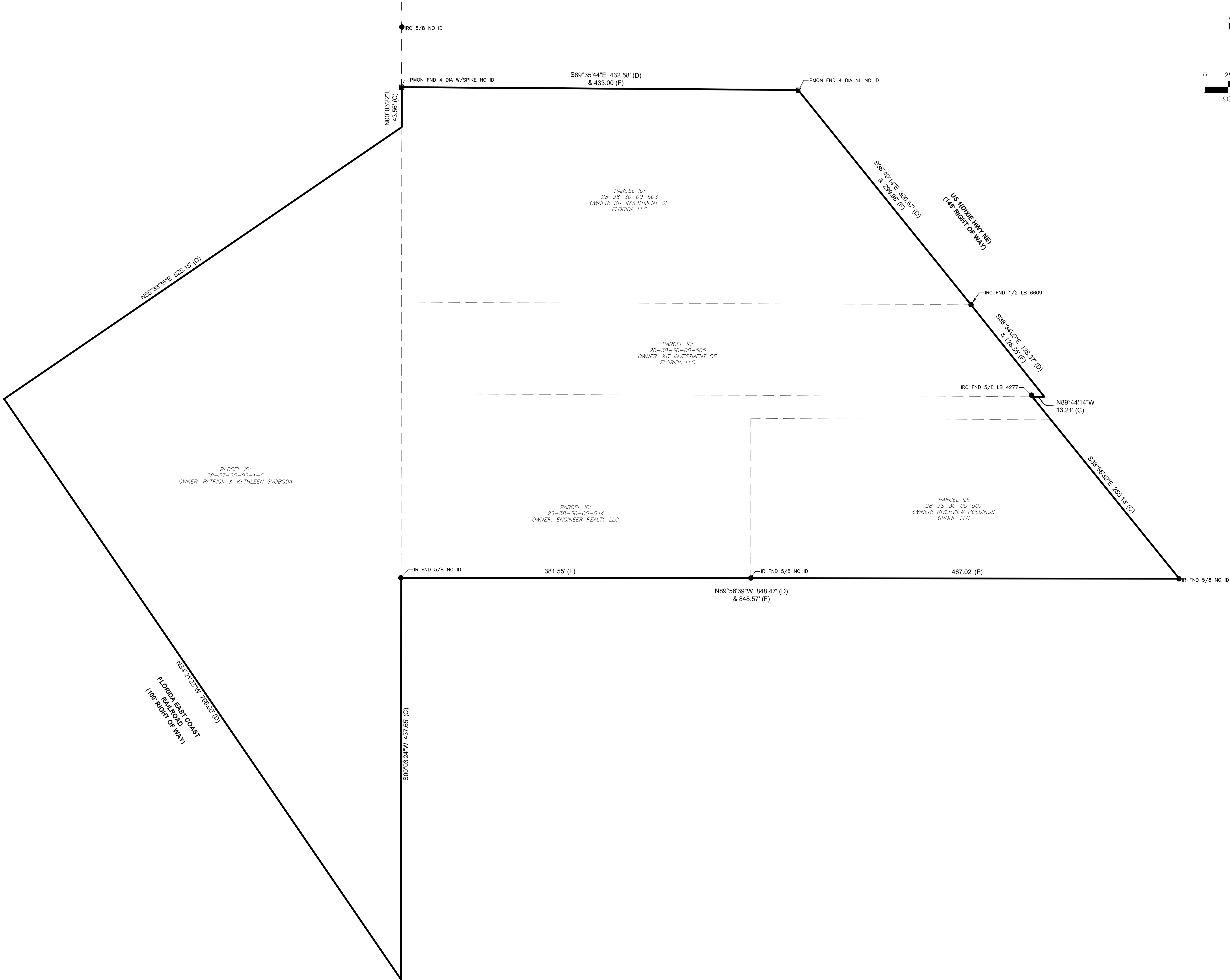


Viviana Areiza

, Notary Public

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

Florida Drivers License



REVISIONS			BY
NO.	DATE	DESCRIPTION	

CAD/DESIGN/ENGINEERING	JOB NO. 7541.00
DRAWN BY JO	CHECK BY RFK
DATE 01/17/2022	

SURVEYOR OF RECORD
RYAN F. KETT
PSM# LS7113

BOUNDARY SKETCH
PALM BAY 3

Kit Investment of Florida LLC

Legal Description

PARCEL 1

THAT PART WHICH LIES WEST OF THE RIGHT-OF-WAY OF U.S. HIGHWAY #1 (STATE ROAD #5) OF THE NORTH 100 FEET OF PROPERTY AS DESCRIBED IN DEED BOOK 257, AT PAGE 404; OF THE CURRENT PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SUBJECT TO STATE ROAD RIGHT-OF-WAY.

ALSO KNOWN AS:

FROM THE WEST $\frac{1}{4}$ CORNER OF SECTION 30, TOWNSHIP 28 SOUTH, RANGE 38 EAST, RUN S $0^{\circ}15'00''$ W ALONG THE WEST LINE OF SAID SECTION 30 A DISTANCE OF 300.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S $89^{\circ}45'00''$ E A DISTANCE OF 619.95 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HWY 1 (STATE ROAD 5); THENCE S $38^{\circ}34'55''$ E ALONG SAID RIGHT OF WAY LINE OF U.S. 1 A DISTANCE OF 128.37 FEET; THENCE N $89^{\circ}45'00''$ W A DISTANCE OF 700.44 FEET TO THE AFORESAID WEST LINE OF SECTION 30, THENCE N $0^{\circ}15'00''$ E A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2

BEGINNING AT AN IRON PIPE ON THE WEST LINE OF SECTION 30, TOWNSHIP 28 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA, WHICH IS 2343 FEET NORTH OF THE SW CORNER OF SAID SECTION 30; THENCE RUN NORTH $0^{\circ}15'$ EAST ALONG THE WEST LINE OF SECTION 30, A DISTANCE OF 234.5 FEET TO AN IRON PIPE WHICH IS 66.00 FEET SOUTH OF THE WEST $\frac{1}{4}$ CORNER OF SECTION 30; THENCE SOUTH $89^{\circ}28'30''$ EAST ALONG THE NORTH LINE OF PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 514, PAGE 183, A DISTANCE OF 432.58 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE SOUTH $38^{\circ}42'$ EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 300.57 FEET TO THE SOUTH LINE OF PROPERTY DESCRIBED IN DEED BOOK 403, PAGE 158; THENCE NORTH $89^{\circ}37'$ WEST 621.66 FEET TO THE POINT OF BEGINNING.

Riverview Holdings Group LLC

Legal Description

N 200 FT OF S 2243 FT OF SW 1/4 LYING IN GOVT LOT 1 & W OF US HWY 1 EX
CIRCUIT COURT MINUTES BOOK 41 PG 556 & CIRCUIT COURT MINUTES BOOK
43 PG 515

Engineer Realty LLC

Legal Description

PARCEL NO. 189 PART AND 190 PART

SECTION NO. 70010-2277

"SRD #189, 190

BORROW PIT

BORROW PIT NO. 1 (PART)

THAT PART OF:

BEGIN AT A POINT 100 FEET DUE SOUTH OF THE NORTHWEST CORNER OF THAT CERTAIN PROPERTY DESCRIBED IN DEED BOOK 257, PAGE 404 OF THE CURRENT PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND A POINT ON THE WEST LINE OF SAID PROPERTY; THENCE PROCEED SOUTHERLY ALONG THE WEST LINE OF SAID PROPERTY A DISTANCE OF 200 FEET TO A POINT; THENCE EAST AND PARALLEL TO THE NORTH LINE OF PROPERTY DESCRIBED IN SAID DEED TO AND INTO WATERS OF THE INDIAN RIVER; THENCE NORTH IN THE WATERS OF THE INDIAN RIVER TO A POINT 100 FEET SOUTH OF THE PROJECTION EASTERLY OF THE NORTH LINE OF PROPERTY DESCRIBED IN SAID DEED; THENCE WESTERLY AND PARALLEL TO THE NORTH LINE OF PROPERTY DESCRIBED IN SAID DEED AND 100 FEET SOUTHERLY THEREFROM TO POINT ON THE WEST LINE OF SAID DESCRIBED PROPERTY, BEING ALSO ERRONEOUSLY DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 225, PAGE 98, AS "THE SOUTH 200 FEET OF NORTH 300 FEET OF GOVERNMENT LOT 1, SECTION 30, TOWNSHIP 28 SOUTH, RANGE 38 EAST" LYING WEST OF U.S. HIGHWAY NO. 1.

LYING WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND:

Commence on the South line of Section 30, Township 28 South, Range 38 East, at a point 1698.70 feet East of the Southwest corner of said Section 30, and run North 6°28' West, 773.86 feet to the beginning of a curve concave to the Southwesterly and having a radius of 1910.08 feet; thence along said curve thru a central angle of 32°13', a distance of 1073.89 feet to the end of curve; thence North 38°41' West, 640.47 feet; thence North 89°40'30" West, 410 feet for a POINT OF BEGINNING for Borrow Pit No. 1; From said point of Beginning continue North 89°49'30" West, 381.70 feet to the line dividing Range 37 East and Range 38 East; thence Southerly along said Range line 400 feet; thence South 89°40'30" East, 381.03 feet; thence North 0°19'30" East, 400 feet to the Point of Beginning.

ALSO, HAUL ROAD FOR BORROW PIT NO.1

THE NORTH 25 FEET OF THE PARCEL OF LAND FIRST HEREIN DESCRIBED, LYING BETWEEN BORROW PIT NO. 1 AS LOCATED ABOVE AND THE NEW WESTERLY RIGHT OF WAY LINE OF STATE ROAD 5."

(THE ABOVE DESCRIBED LAND BEING A PART OF THE LANDS DESCRIBED AND RECORDED IN CIRCUIT COURT MINUTES BOOK 41, PAGE 556, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA).

Svoboda Trustees

Legal Description

Tract C, Port Malabar Unit One, according to the Plat thereof, as recorded in Plat Book 13, Page 40, of the Public Records of Brevard County, Florida.



**PALM BAY NUMBER 3
JUSTIFICATION STATEMENT
COMPREHENSIVE PLAN AMENDMENT / REZONING**
Initial Submittal: November 24, 2021

1. REQUEST

On behalf of the Applicant (Prospect Real Estate Group, LLC.), WGI is requesting approval of the following for the subject site:

- 1) **Comprehensive Plan Amendment** to modify the existing Future Land Use (FLU) designations from Commercial (COM) and Multifamily Residential (MFR) to Bayfront Mixed Use (BMU); and
- 2) **Rezoning** to modify the existing Zoning designations from Highway Commercial (HC) and Single, Two, and Multi-family Residential (RM-10) to Bayfront Mixed Use (BMU).

2. SITE CHARACTERISTICS

The 12.4-acre subject site is located approximately 600 feet north of the intersection between Gran Avenue Northeast and U.S. Highway 1, on the east side of U.S. Highway 1 in the City of Palm Bay. It is comprised of five parcels, which are detailed below:

Parcel Number	Parcel ID Number	Account Number	Parcel Owner
1	28-38-30-00-503	2850760	Kit Investment of Florida LLC
2	28-38-30-00-505	2850762	Kit Investment of Florida LLC
3	28-38-30-00-507	2850764	Riverview Holdings Group, LLC
4	28-38-30-00-544	2862284	Engineer Realty LLC
5	28-37-25-02-*-C	2833783	Svoboda Trustees

All five parcels do not have a physical address. The subject site has FLU designation of Commercial and Multifamily Residential and a Zoning designation of Highway Commercial (HC) and Single, Two, and Multi-Family Residential (RM-10). Per the City of Palm Bay's Bayfront Community Redevelopment District 2024 Plan, the subject site is located within the South Cove subdistrict of Bayfront Redevelopment District. The subject site is currently unimproved and vacant. An aerial of the subject site and surrounding areas is provided below:





3. DEVELOPMENT HISTORY

The subject site is currently vacant and is predominantly covered in vegetation. Based on historical aerials, the subject site has remained vacant for the last 40 years. Per the City of Palm Bay's GIS Building Permit Map, there are no building permits on file for the subject site.

4. SURROUNDING PROPERTIES

The subject site is located in an area with a mix of uses with residential and commercial development to the north and east, and residential uses to the south and west. The following is a summary of the uses surrounding the subject property:

	FLU Designation	Zoning District	Existing Use
North	Multi-Family Residential (MFR)	Multifamily Residential (RM-20)	Townhomes
	Commercial (COM)	HC	Chevron Gas Station Restaurant
	Multi-Family Residential (MFR)	RM-10	Single-Family Residential
South	Multi-Family Residential (MFR)	Multifamily Residential (RM-20)	Apartments (Ascent of Palm Bay)
East	Commercial (COM)	HC	Restaurant
	Multi-Family Residential (MFR)	Multifamily Residential (RM-20)	Condominiums (Venetian Bay)
West	Single Family Residential (SFR)	Single Family Residential (RS-2)	Single Family Residential

5. DEVELOPMENT PROGRAM

The request is to modify the Future Land Use atlas designation of the 12.4-acre subject site from Commercial and Multifamily Residential to Bay Mixed Use to develop a five-story mixed-use development, including a total of 290 apartment units, equating to a gross density of 23.39 dwelling units per acre, and commercial retail on the first floor. The proposed project would be accessed via U.S. Highway 1.

6. JUSTIFICATION

The proposed project is uniquely situated to implement a variety of the City's goals, objectives and policies contained in the City's Comprehensive Plan, see Section 7 below for more details. The subject site represents a pocket of undeveloped land within the City of Palm Bay that is surrounded by existing development. The City of Palm Bay's Bayfront Community Redevelopment District 2024 Plan encourages the development of neighborhood serving retail uses and higher density residential uses along the U.S. Highway 1 corridor. The subject site must relate both to the existing single-family neighborhood in the to the north and west of the subject site and it must provide a transition from the commercial and high-density residential uses along U.S. Highway 1. The proposed project, including multifamily apartments on top of commercial retail, would allow the subject site to meet the goals of the Bayfront Redevelopment District Plan.

The subject site currently retains a FLU designation of Commercial for three parcels and Multifamily Residential for two parcels. The four parcels along U.S. Highway 1 retain a HC Zoning designation and the parcel along the FEC Railroad retains a Zoning designation of RM-10. The existing FLU and Zoning designations would limit the mixture of residential and commercial uses together, while constraining the configuration of higher density residential and commercial uses on the subject site. In addition, the development of the subject site under the existing FLU and Zoning designations would lead to an inconsistent development plan that would be split between commercial and multifamily residential standards. To develop a mixed-use development on the subject site, that meets the City's Bayfront



Redevelopment Plan, the Applicant is requesting a FLU and Zoning map amendment to modify the existing FLU and Zoning designations to the FLU and Zoning designation of BMU. The BMU FLU and Zoning designation would provide one land use and zoning category for the entire subject site, thus promoting consistency in development standards for the overall mixed-use project.

The proposed mixed-use project provides landscaped buffers along all property lines and setbacks that meet the land development regulations for the BMU district, thus limiting any impacts on the existing residential uses to the north and south. The FEC Railroad abuts the western boundary of the subject site, therefore an additional landscaped buffer is proposed between the proposed project and the single-family neighborhood to the west. Access into the subject site will tie into existing curb cuts along U.S. Highway 1, which will limit impacts onto the U.S. Highway 1 corridor.

The U.S. Highway 1 corridor is an arterial roadway that runs along the spine of the Bayfront Redevelopment District. Arterial roadways usually accompany higher intensity land uses, such as high-density residential and neighborhood serving retail uses. Under the BMU designation, the proposed mixed-use project will further support the intent of developing commercial and multifamily uses on the subject site, while enhancing the existing development pattern along the U.S. Highway 1 corridor. Below is an aerial image with the FLU designations of the surrounding area.



The proposed project is compatible with the surrounding uses and provides a suitable transition from the commercial and high-density residential uses to the east of U.S. Highway 1 to the single-family neighborhoods to the north and west. The proposed project will provide a multifamily use that is consistent in scale and intensity with the existing multifamily apartments to the south and the townhomes to the north, therefore creating a consistent development pattern along U.S. Highway 1. The proposed project also promotes infill development which discourages urban sprawl – a specific goal of the Comprehensive Plan (Goal 12 of the Land Use Element).

The need for housing units and a variety of housing types and options continues to escalate. According to the City of Palm Bay's GIS Division, single-family residential districts total 25,788 acres, or 46% of the City's land mass, while multifamily residential districts cover only 1,223 acres, or 2% of the City of Palm Bay. The proposed mixed-use development will bring a new multifamily product type to the City of Palm Bay, while also providing neighborhood serving retail uses for the surrounding South Cove sub-area.



7. COMPREHENSIVE PLAN AMENDMENT – CONSISTENCY WITH THE PLAN

Compliance with Florida Statutes Chapter 163.3177

Florida Statutes, Chapter 163.3177 is the principle state statute governing comprehensive plans and plan amendments for all Counties within the State of Florida. In 2011, Chapter 163, F.S. was substantially revised and Rule 9J-5 was repealed and removed from the Florida Administrative Code (House Bill 7207). At present, § 163.3177(1)(f) states, "all mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government, that may include but not be limited to, surveys, studies, community goals and vision, and other data available on that particular subject at the time of adoption of the plan or plan amendment at issue."

The data and analysis presented in this application and justification statement support the request for an amendment of the FLUA and demonstrate consistency with Florida Statutes.

(a) Consistency with the City of Palm Bay Comprehensive Plan.

The Future Land Use Element designates future land use patterns to meet the goals, objectives and policies of the City of Palm Bay Comprehensive Plan.

Goal FLU-1 "Ensure a high quality, diversified living environment through the efficient distribution of compatible land uses"

Applicant Response: The subject site is located northwest of the intersection between U.S. Highway 1 and Gran Avenue, along the west side of the U.S. Highway 1 corridor. The U.S. Highway 1 corridor south of Turkey Creek includes a mix of high density residential and commercial uses. Arterial roadways usually accompany higher intensity land uses, such as high-density residential and neighborhood serving retail uses. North of the subject site along U.S. Highway 1 is the Indian River Villas project, which allowed for the amendment to the BMU FLU and Zoning designation under Case Number CP-13-2019. The proposed mixed-use project, under the BMU designation, will further support the intent of developing commercial and multifamily uses on the subject site, while enhancing the existing development pattern along the U.S. Highway 1 corridor.

The Bayfront Mixed Use FLU designation allows for a maximum residential density of 40 dwelling units per acre, which would permit a maximum of 496 dwelling units for the subject site. The Applicant is only proposing 290 dwelling units for the mixed-use development, thus equating to a density of 23.39 dwelling units per acre, which is 41 percent less than the maximum density allowed. Typical uses allowed include single family homes, duplexes, multiple family units, recreational uses, and institutional uses. Development standards shall follow the applicable policies within the Comprehensive Plan and the standards within the BMU, Bayfront Mixed Use District zoning category. The subject site is located within the Bayfront Redevelopment District, which allows the modification to the FLU designation of BMU.

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

Applicant Response: The project promotes infill development which discourages urban sprawl and provides a new multifamily housing option for the residents of Palm Bay. The introduction of new neighborhood serving retail will provide needed local retail options.

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

Applicant Response: The need for new housing units and a variety of housing types and options continues to escalate. According to the City of Palm Bay's GIS Division, single-family residential districts total 25,788 acres, or 46% of the City's land mass, while multifamily residential districts cover only 1,223 acres, or 2% of the City of Palm Bay. The proposed mixed-use development will



bring a new multifamily product type to the City of Palm Bay, while also providing neighborhood retail serving uses for the surrounding South Cove sub-area.

Policy FLU-2.2B “High Density residential development shall be located in conformance with the Future Land Use Map, 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.”

Applicant Response: The subject site is located approximately 600 feet northwest of the intersection between Gran Avenue and U.S. Highway 1. Per the City of Palm Bay’s GIS Division, centralized water and sewer service is provided by the City and is available to the subject site. However, access to employment centers and commercial facilities is limited to “strip commercial” developments that exist along the U.S. Highway 1 corridor. Therefore, a mixed-use development with multifamily apartments and neighborhood serving commercial uses will support employment opportunities and reduce traffic by capturing vehicular trips internally between residential and commercial land uses.

(b) Consistency with the Bayfront Community Redevelopment District 2024 Plan

4.3.2. South Cove – Goal – “The US 1 corridor south of Bayfront Village has a unique opportunity to become a beautiful and multi-functional riverfront boulevard lined with riverside pedestrian/bicycle facilities featuring a food market supported neighborhood-servicing retail center and higher intensity residential uses. In working with residential developers and jointly with property assembly, the corridor contains some of the most marketable residential real estate in the BCRD as evidenced by the newer housing developments near the Town of Malabar City limits.”

Applicant Response: The City of Palm Bay’s Bayfront Community Redevelopment District 2024 Plan encourages the development of neighborhood serving retail uses and higher density residential uses along the U.S. Highway 1 corridor. The subject site must relate both to the existing single-family neighborhood to the north and west of the subject site and it must provide a transition from the commercial and high-density residential uses along U.S. Highway 1. The proposed project, including multifamily apartments on top of commercial retail, would allow the subject site to meet the goals of the Bayfront Redevelopment District Plan.

4.3.2. South Cove – Objective – “Encourage the redevelopment and revitalization of the mobile home and residential properties north of Gran’s Avenue to higher intensity residential or park use.”

Applicant Response: The subject site is located approximately 600 feet northwest of the intersection between Gran Avenue and U.S. Highway 1. The request to modify the subject site’s FLU and Zoning designation to BMU will further develop higher density residential uses mixed with neighborhood serving retail uses.

8. REZONING AMENDMENT CRITERIA

Per Section 185.201(C) of the City’s Land Development Code, the Applicant demonstrates below how the request to modify the FLU destination to Bayfront Mixed Use meets the four (4) criteria for the evaluation of Comprehensive Plan Amendments:

1. The need and justification for the change;

Applicant Response: The subject site currently retains a FLU designation of Commercial for three parcels and Multifamily Residential for two parcels. The four parcels along U.S. Highway 1 retain a HC Zoning designation and the parcel along the FEC Railroad retains a Zoning designation of RM-10. The existing Zoning designations would limit the mixture of residential and commercial uses together, while constraining the configuration of higher density residential and commercial uses on



the subject site. In addition, the development of the subject site under the existing FLU and Zoning designations would lead to an inconsistent development plan that would be split between commercial and multifamily residential standards. To develop a mixed-use development on the subject site that meets the City's Bayfront Redevelopment Plan, Applicant is requesting a FLU and Zoning map amendment to modify the existing Zoning designations to the FLU and Zoning designation of BMU. The BMU FLU and Zoning designation would provide one land use and zoning category for the entire subject site, thus promoting consistency in development standards for the proposed mixed-use project.

2. The effect of the change, if any, on the particular property and on the surrounding properties;

Applicant Response: The proposed mixed-use project provides landscaped buffers along all property lines and setbacks that meet the land development regulations for the BMU district, thus limiting any impacts on the residential uses to the north and south. The FEC Railroad abuts the western boundary of the subject site, therefore an additional landscape buffer is proposed between the proposed project and the single-family neighborhood to the west. Access to the subject site will tie into existing curb cuts along U.S. Highway 1, which will limit impacts onto the U.S. Highway 1 corridor.

3. The amount of undeveloped land in general area and in the city having the same classification as that requested;

Applicant Response: According to the Bayfront Redevelopment Plan, areas within the South Cove sub-area are to be redeveloped with higher density residential uses. Currently the subject site retains a split in FLU and Zoning designations between commercial and multifamily residential uses. The requested BMU Zoning designation is only allowed with the Bayfront Redevelopment District and, therefore it can be requested for the subject site. In addition, north of the subject site along U.S. Highway 1 is the Indian River Villas project, which allowed for the amendment to the BMU FLU and Zoning designation under Case Number CP-13-2019. Therefore, the BMU Zoning designation exists near the subject site and there is a precedence of BMU districts along the portion of U.S. Highway 1 south of Turkey Creek.

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 plan.

Applicant Response: The purpose of the BMU district is to provide areas within the Bayfront Redevelopment District for an attractive and functional mix of high density residential with low density of commercial land uses that are linked by a network of walkways. The proposed project provides such a functional mix of linked uses.

For all of the aforementioned reasons, on behalf of the Applicant we respectfully request approval of an amendment to the Future Land Use Atlas designation of the subject property from Commercial and Multifamily Residential to Bayfront Mixed-Use; and an amendment to the Zoning map designation from HC and RM-10 to BMU.



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):

28-37-25-02-*-C; 28-38-30-00-503; 28-38-30-00-505; 28-38-30-00-507; 28-38-30-00-544

TAX ACCOUNT NUMBER(S):

2833783; 2850760; 2850762; 2850764; 2862284

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

See attached Legal Description

PROPERTY ADDRESS:

N/A

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

12.4 AC

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

Highway Commercial (HC) and RM-10

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

Bayfront Mixed-Use

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

STRUCTURES LOCATED ON THE PROPERTY:

N/A

PRESENT USE OF THE PROPERTY:

Vacant

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

Please see Justification Statement

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 Chad Riddle - WGI, 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.

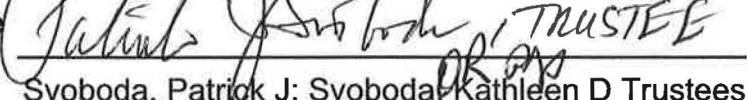
Owner Signature  Date 11/09/2021
Printed Name Eric Henry - Engineer Realty LLC
Full Address 5703 Red Bug Lake Road, Suite 504, Winter Springs, FL 32708
Telephone (561) 839-1718 (Agent) Email Chad.Riddle@wginc.com (Agent)
(407) 432-6699 (owner) ericshenry@hotmail.com (owner)

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

**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  TRUSTEE **Date** 11-9-2021
Printed Name Svoboda, Patrick J; Svoboda, Kathleen D Trustees
Full Address 4791 West 215 Street, Bucyrus KS 66013
Telephone (561) 839-1718 (Agent) **Email** Chad.Riddle@wginc.com (Agent)
(913) 271-8733 (owner) PKSVoboda@aol.com (owner)

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

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 Robert L Kittleson Date 11/8/21

Printed Name Robert L Kittleson - Kit Investment of Florida, LLC

Full Address 5067 South US 1, Grant, FL 32949

Telephone (561) 839-1718 (Agent) Email Chad.Riddle@wginc.com (Agent)

(321) 693-6700 (owner) 30racing@bellsouth.net (owner)
scott@uslegalteam.com (attorney)

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

**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 Carlos Gonzalez Date 11-09-2021
Printed Name Carlos Gonzalez
Full Address 3477 Lago de Talavera Wellington FL 33467.
Telephone (561) 839-1718 (Agent) Email Chad.Riddle@wginc.com (Agent)
(561) 307-6204 (owner) CCpetroinvestments@yahoo.com (owner)

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

Karen@lowellawpa.com (attorney)

November 4

, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Please see attached Legal Description
28-31-25-02-*C; 28-38-30-00-503; 28-38-30-00-505;
28-38-30-00-507; 28-38-30-00-544

I, Owner Name: Engineer Realty LLC

Address: 456 Forestwood Lane, Maitland, FL 32751

Telephone: (561) 839-1718 (Agent) / (407) 432-6699 (owner)

Email: Chad.Riddle@wginc.com (Agent) / ericshenry@hotmail.com (owner)

hereby authorize:

Representative: Chad Riddle - WGI

Address: 4371 US Highway 17, Suite 203, Fleming Island, FL 32003

Telephone: (561) 839-1718

Email: Chad.Riddle@wginc.com

to represent the request(s) for:

Comprehensive Plan Amendment and Rezoning

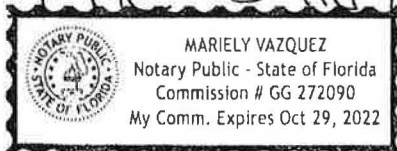

(Property Owner Signature)

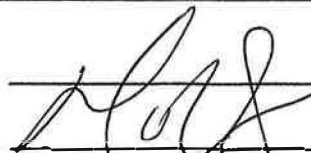
STATE OF Florida

COUNTY OF Seminole

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 4th day of November, 20 21 by

Eric S Henry, property owner.




_____, Notary Public

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

FID

November 4, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Tract C, Port Malabar Unit One, according to the Plat thereof, as recorded in Plat Book 13, Page 40 of the Public Records of Brevard County, Florida in Sec 28, Twp 37, Rng 25
28-37-25-02-M-C; *OR PLS* 28-38-30-00-503; 28-38-30-00-505; 28-38-30-00-507; 28-38-30-00-544

I, Owner Name: Patrick J. and Kathleen D. Svoboda Trustees
Address: 4791 West 215 Street Bucyrus, KS 66013
Telephone: (561) 839-1718 (Agent) / (913) 271-8733 (owner)
Email: Chad.Riddle@wginc.com (Agent) / PKSVoboda@aol.com (owner)

hereby authorize:

Representative: Chad Riddle - WGI
Address: 4371 US Highway 17, Suite 203, Fleming Island, FL 32003
Telephone: (561) 839-1718
Email: Chad.Riddle@wginc.com

to represent the request(s) for:

Comprehensive Plan Amendment and Rezoning

Patrick J. Svoboda TRUSTEE
(Property Owner Signature)

STATE OF Kansas

COUNTY OF Johnson

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

Patrick J. Svoboda, Trustee of Svoboda Trust, property owner.



Julia Atwell
Julia Atwell Notary Public

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

November 4, 2021

Re: Letter of Authorization

As the property owner of the site legally described as:

Please see attached Legal Description.

28-37-25-02-* - C; 28-38-30-00-503; 28-38-30-00-505;
28-38-30-00-507; 28-38-30-00-544

I, Owner Name: Kit Investment of Florida LLC

Address: 5067 South U.S. Highway 1, Grant, FL 32949

Telephone: (561) 839-1718 (Agent) / (321)-693-6700 (owner)

Email: Chad.Riddle@wginc.com (Agent) / 30raling@bellsouth.net (owner)

hereby authorize: Scott@USLegalTeam.com (attorney)

Representative: Chad Riddle - WGI

Address: 4371 US Highway 17, Suite 203, Fleming Island, FL 32003

Telephone: (561) 839-1718

Email: Chad.Riddle@wginc.com

to represent the request(s) for:

Comprehensive Plan Amendment and Rezoning

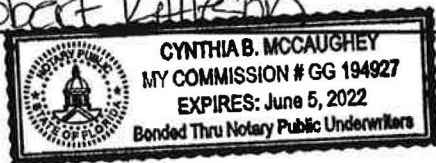

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

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

Robert Killen, property owner.




Notary Public

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

FL. Dr. License K 342-772-54-2220

November 4, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Please see attached Legal Description

28-37-25-02-A-C; 28-38-30-00-503; 28-38-30-00-505;
28-38-30-00-507; 28-38-30-00-544

I, Owner Name: The Riverview Holdings Group LLC

Address: 3477 Lago de Talavera, Wellington, FL 33467

Telephone: (561) 307-6204

Email: Karen@lowelllawpa.com (attorney) / ccpetroinvestments@yahoo.com (owner)

hereby authorize:

Representative: Chad Riddle - WGI

Address: 4371 US Highway 17, Suite 203, Fleming Island, FL 32003

Telephone: (561) 839-1718

Email: Chad.Riddle@wginc.com

to represent the request(s) for:

Comprehensive Plan Amendment and Rezoning

Carlos Gonzalez

(Property Owner Signature)

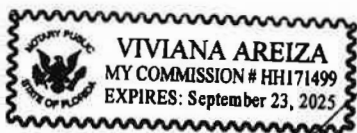
STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 23rd day of November, 20 21 by

Carlos Gonzalez

, property owner.



Viviana Areiza

, Notary Public

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

Florida Drivers License.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Growth Management Director

DATE: March 2, 2022

SUBJECT: **V-8-2022 - Abnay and Joel Sanchez - A variance to allow a proposed 6-foot-high privacy fence to encroach 15 feet within a side corner property line by granting relief from the requirement that a 6-foot-high fence in a side corner yard area must be no closer than 15 feet from the side corner property line, as established by Section 170.114(A) of the Palm Bay Code of Ordinances. Lot 11, Block 2159, Section 26, Township 28, Range 36, Brevard County, Florida, containing approximately .26 acres. Located at the southwest corner of Nyack Street NW and Brookson Avenue NW, specifically at 966 Nyack Street NW

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ▣ Case V-8-2022 - Staff Report
- ▣ Case V-8-2022 - Survey
- ▣ Case V-8-2022 - Photos
- ▣ Case V-8-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Alexandra Bernard, Growth Management Director

CASE NUMBER

V-8-2022

PLANNING & ZONING BOARD HEARING DATE

March 2, 2022

PROPERTY OWNER & APPLICANT

Joel and Abnay Sanchez

PROPERTY LOCATION/ADDRESS

Lot 11, Block 2159, Port Malabar Unit 42, Section 26,
Township 28, Range 36, Brevard County, Florida,
specifically 966 Nyack Street NW

SUMMARY OF REQUEST

A variance to allow for 6 foot high privacy fence within the required 15 ft side yard setback for corner lots as established by Section 170.114 (A) of the Palm Bay Code of Ordinances.

Existing Zoning

RS-2, Single-Family Residential

Existing Land Use

Single-Family Residential Use

Site Improvements

Single-Family Home

Site Acreage

0.26 acres

SURROUNDING ZONING & USE OF LAND

North

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

East

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

South

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

West

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

BACKGROUND:

The property consists of one standard General Development Corporation corner lot, fronting on Nyack St NW. The home was constructed in 2021, and the property has been owned by the applicant since 2021. The applicant would like to build a 6 foot high privacy fence on their property line, since this is a corner lot code requires that 6 ft high privacy fences be placed 15 ft in from the side property line, however this proposed privacy fence does not appear that it will adversely impact line of sight and will not impact any drainage or utility easements.

ANALYSIS:

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

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

The applicant would like to build a 6 ft high privacy fence in their side and backyard on the property line. 30 x 40 (1200 sq ft) accessory dwelling unit in their backyard; There does not appear to be any special conditions or circumstances peculiar to the land, structure, or buildings involved.

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

The construction of a privacy fence is so that the applicant can enjoy the privacy of their backyard. There are no special conditions and circumstances identified, and the need of a variance is a result of the actions of the applicant.

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

Literal interpretation and enforcement of the Land Development Code would require the applicant to build within the applicable walls and fences requirement.

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

A variance allowing the applicant to place a fence on their side property line instead of the required 15 ft setback would be needed to meet the applicant's request.

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

Granting of the variance would confer upon the applicant a special privilege for a reduction of the side setback requirement for 6ft high privacy fences on corner lots, as the same development standards apply to other properties in this community. This however, does not appear to create any health or safety hazards to adjacent properties.

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

Staff has not identified any detrimental effect to public welfare.

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

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

STAFF RECOMMENDATION:

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



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



SITE LOCATION MAP CASE: V-8-2022

Subject Property

Southwest corner of Nyack Street NW and Brookson Avenue NW, specifically at 966 Nyack Street NW



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



AERIAL LOCATION MAP CASE: V-8-2022

Subject Property

Southwest corner of Nyack Street NW and Brookson Avenue NW, specifically at 966 Nyack Street NW



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



FUTURE LAND USE MAP CASE: V-8-2022

Subject Property

Southwest corner of Nyack Street NW and Brookson Avenue NW, specifically at 966 Nyack Street NW

Future Land Use Classification

SFR – Single Family Residential Use



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



ZONING MAP CASE: V-8-2022

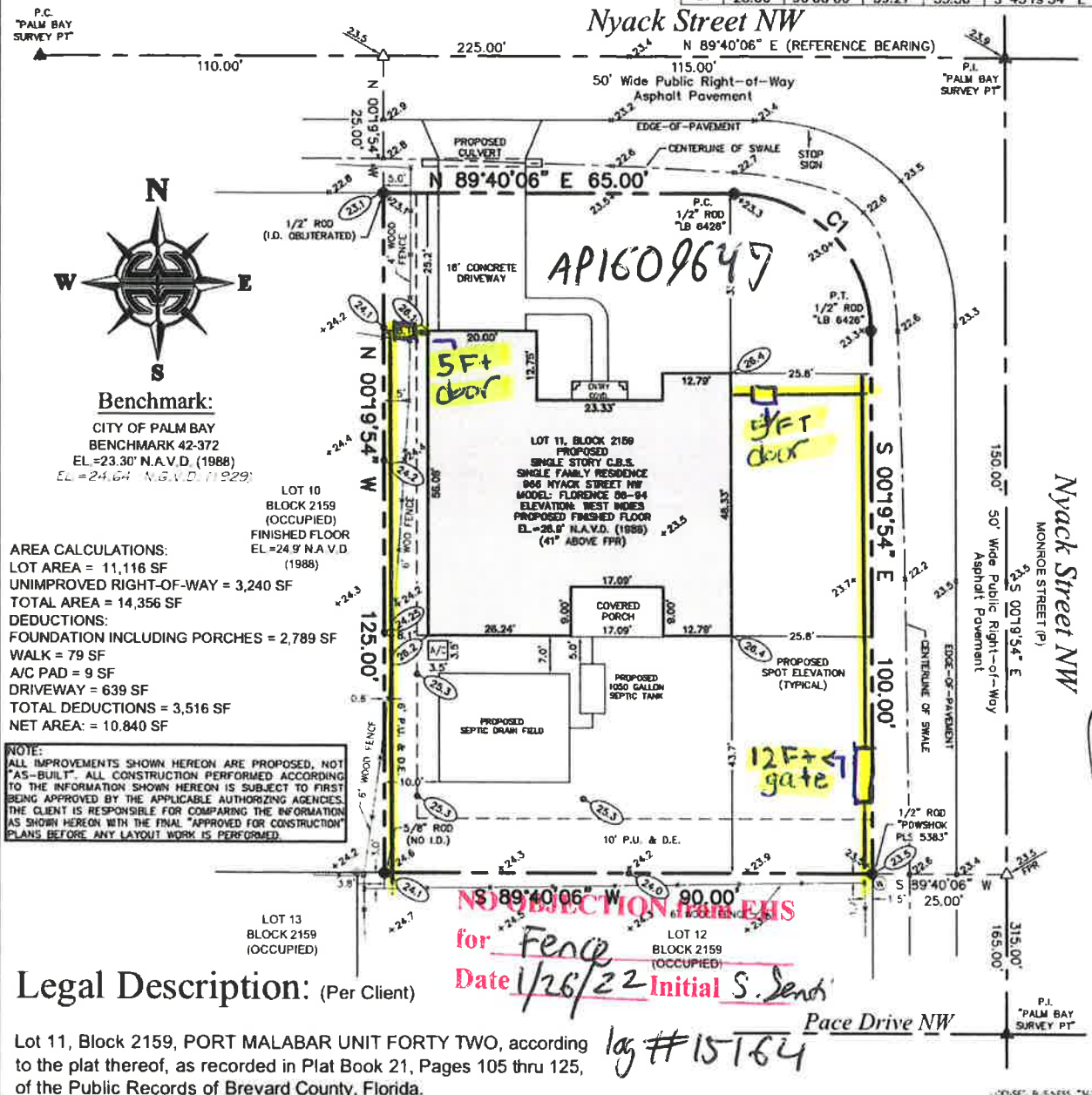
Subject Property

Southwest corner of Nyack Street NW and Brookson Avenue NW, specifically at 966 Nyack Street NW

Current Zoning Classification

RS-2 – Single-Family Residential

CURVE TABLE				
CURVE RAD.	DELTA	LENGTH	CHORD	CHORD BEARING
C1	25.00	90°00'00"	39.27	35.36' S 45°19'54" E



Legal Description: (Per Client)

Lot 11, Block 2159, PORT MALABAR UNIT FORTY TWO, according to the plat thereof, as recorded in Plat Book 21, Pages 105 thru 125, of the Public Records of Brevard County, Florida.

LEGEND:

- P.C. = POINT OF CURVATURE
- P.T. = POINT OF TANGENCY
- P.R.C. = POINT OF REVERSE CURVE
- P.I. = POINT OF INTERSECTION
- R.P. = RADIUS POINT
- S.S.M.H. = SANITARY SEWER MANHOLE
- R/W = RIGHT-OF-WAY
- P.O.B. = POINT-OF-BEGINNING
- P.O.C. = POINT-OF-COMMENCEMENT
- EL. = ELEVATION
- +0.00 = SPOT ELEVATION
- P.U.D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT
- EASEMENT = EASEMENT
- CH. = CHORD
- TYP. = TYPICAL
- (P) = PLAT
- (D) = DEED
- (C) = MEASURED
- (CALC) = CALCULATED
- P.C.P. = PERMANENT CONTROL POINT
- P.R.M. = PERMANENT REFERENCE MONUMENT
- D. = DELTA
- R. = RADIUS
- A. = ARC
- T. = TANGENT
- CONC. = CONCRETE
- O.H.W. = OVERHEAD WIRE
- C.B.S. = CONCRETE BLOCK & STUCCO
- A/C = AIR CONDITIONER
- COVD. = COVERED

- N.A.V.D. = NATIONAL AMERICAN VERTICAL DATUM (1988)
- N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM (1929)
- FENCE = FENCE
- CENTERLINE = CENTERLINE
- PROPERTY LINE = PROPERTY LINE
- IRON MARKER FOUND = IRON MARKER FOUND
- 1/2" IRON ROD WITH PLASTIC CAP MARKED = 1/2" IRON ROD WITH PLASTIC CAP MARKED
- 4" CONCRETE MONUMENT FOUND = 4" CONCRETE MONUMENT FOUND
- 4" CONCRETE MONUMENT MARKED = 4" CONCRETE MONUMENT MARKED
- NAI & DISK FOUND = NAIL & DISK FOUND
- NAI & DISK MARKED = NAIL & DISK MARKED
- IRON ROD PREVIOUSLY SET = IRON ROD PREVIOUSLY SET
- CONCRETE MONUMENT PREVIOUSLY SET = CONCRETE MONUMENT PREVIOUSLY SET
- NAI & DISK PREVIOUSLY SET = NAIL & DISK PREVIOUSLY SET
- 1/2" IRON ROD WITH PLASTIC CAP MARKED = 1/2" IRON ROD WITH PLASTIC CAP MARKED
- WITNESS LB 3608" SET = WITNESS LB 3608" SET
- POWER POLE = POWER POLE
- GUY ANCHOR = GUY ANCHOR
- UNDERGROUND ELECTRIC SERVICE = UNDERGROUND ELECTRIC SERVICE
- WATER METER = WATER METER
- REUSE METER = REUSE METER
- FIRE HYDRANT = FIRE HYDRANT
- WATER VALVE = WATER VALVE
- UNDERGROUND CABLE ACCESS = UNDERGROUND CABLE ACCESS
- SEWER CLEAN-OUT = SEWER CLEAN-OUT
- IDENTIFICATION = IDENTIFICATION

SURVEYORS NOTES:

- EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON EXCEPT AS CALLED FOR BY THE PLAT ONLY INCLUDE THOSE PROVIDED TO THE SURVEYOR. THE SURVEYOR HAS MADE NO SEARCH OF THE PUBLIC RECORDS FOR SUCH.
- ONLY OPEN AND NOTORIOUS EVIDENCE OF EASEMENTS AND RIGHT-OF-WAY ARE LOCATED AND SHOWN HEREON. THE SURVEYOR HAS NOT LOCATED ANY UNDERGROUND UTILITIES OR FOUNDATIONS WHICH MAY ENCRDACH.
- BEARINGS HEREON ARE REFERRED TO AN ASSUMED VALUE OF N 89°40'06" E FOR THE CENTERLINE OF NYACK STREET NW SAID BEARING IS IDENTICAL WITH THE PLAT OF RECORD.
- TYPE OF SURVEY: BOUNDARY
- THIS PROPERTY IS LOCATED IN FEDERAL FLOOD ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY NO. 120404, PANEL 59C, SUFFIX G, EFFECTIVE DATE MARCH 17, 2014.
- THE CLIENT IS ADVISED THAT THE TERM "FINISH" AS IT APPLIES TO FLOOR ELEVATIONS PERTAINS TO THE MAIN LIVING FLOOR OF THE STRUCTURE AND IS NOT INTENDED TO BE CONSTRUED AS THE GARAGE OR ANY OTHER SECONDARY FLOOR.



SCALE: 1"=20' DWN.BY: J.M.M. CHD.BY: W.A.M. CLIENT NO. 3518

REVISIONS
A.
B.
C.
D.

CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 475-002, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 475.002 OF THE FLORIDA STATUTES.

THIS DOCUMENT HAS BEEN DIGITALLY SIGNED AND SEALED BY:
Jonathan M Mott
Date: 2021.07.19 17:10:08 -05:00

DATE OF FIELD SURVEY: 12-07-20

FLA. CERT. NO. 5060

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ORGANIZATION IDENTIFIED BELOW AND ITS CERTIFICATION IS NON-TRANSFERABLE. WHEN PRINTED THIS DOCUMENT IS NOT CONSIDERED A SIGNED AND SEALED ORIGINAL. THIS SURVEY IS ONLY VALID WHEN THE SIGNATURE CAN BE VERIFIED ON THE ELECTRONIC DOCUMENTS ONLY.

CERTIFIED TO:

Vintage Estate Homes

WILLIAM MOTT LAND SURVEYING INC.

CASABELLA PLAZA
3150 ALZANTE CIRCLE, SUITE 103
MELBOURNE, FLORIDA 32940
PHONE (321) 751-4444

PROJECT NO.
220-0648

JOEL SANCHEZ
01/26/22







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

VARIANCE APPLICATION

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

PARCEL ID 283626KN021590001100

TAX ACCOUNT NUMBER 2807829

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

Lot 11, Block 2159, Port Malabar Unit Forty two, according to the plat thereof, as recorded in Plat Book 21, Pgs 105-125, of the public records of Broward County, Florida.

STREET ADDRESS OF PROPERTY COVERED BY APPLICATION:

946 Nyack St NW Palm Bay FL 32907

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 2.6 ac

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

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

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

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

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

Seeking a variance for proposed fence of 6 feet on my property line. This will allow the fence to be aligned with my back neighbors fence and allow privacy and safety for my children and dog. without sacrificing useful yard space.

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

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

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

I am requesting granting of the variance because my property is built highly elevated and a 4ft fence will not provide any necessary privacy for my yard. And my neighbors lot is already established at the same setback as a corner lot as well and their permit was approved. Its only fair for the fence height to be equal for all requesting.

**CITY OF PALM BAY, FLORIDA,
VARIANCE APPLICATION
PAGE 3 OF 4**

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

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

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



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

Name of Representative _____

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

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

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

Owner Signature   Date Feb. 1 2022
Printed Name Joel Sanchez / Abmay Sanchez
Full Address 966 Myack St NW Palm Bay FL 32907
Telephone 786-387-1839 Email abmayescalona@icloud.com

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

170.114 RESIDENTIAL AREA LIMITATIONS AND RESTRICTIONS ON HEIGHT.

(A) All walls, fences, hedges, shrubs or dense planting of trees or other plant material hereafter located, erected, constructed, reconstructed or altered outside of the building lines of property situated in the city shall not be over four (4) feet in height when placed in the front setback, and not more than six (6) feet in height at any other location. For corner lots, a maximum fence height of six (6) feet may be permitted within the side corner yard area, provided it is no closer than fifteen (15) feet from the side corner property line.

(B) On a corner lot, no wall, fence or hedge shall be erected, placed or planted, or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2½) feet and ten (10) feet above the centerline grade of the abutting street within the triangular area formed by the street right-of-way lines (or in the case of an arc, extensions of the right-of-way lines) on a line connecting them at points twenty-five (25) feet from the intersection of the street right-of-way lines.

('74 Code, § 8-88) (Ord. 63-10, passed 10-3-63; Am. Ord. 83-63, passed 10-6-83; Am. Ord. 89-14, passed 4-27-89; Am. Ord. 95-12, passed 3-16-95; Am. Ord. 2002-36, passed 5-16-02; Am. Ord. 2016-16, passed 5-3-16)

§ 170.115 (RESERVED).

§ 170.116 FENCING OF EASEMENTS.

(A) It shall be unlawful for any person to fence any utility or drainage easements unless the proposed fence is properly permitted, limited to Type A, Type B, or Type E as set forth in § 170.113 and constructed in accordance with the following:

(1) Any fence proposed to be installed within a utility or drainage easement that accesses, abuts or provides the city or any utility company with a maintenance area to lot line ditches, canals, drainage tracts, drainage rights-of-way, shall be so constructed so that it can be easily removed. Such removal shall be the responsibility of the property owner within five (5) days after written notice from the city or utility company and all costs incurred in such removal and replacement shall be the responsibility of the property owner.

(2) Any fence proposed to be installed within a utility drainage easement not included in division (1) above may be of permanent nature, with the understanding that if the removal of such fence is necessitated for the installation, repair or replacement of any drainage or utility facility, it will be the owner's responsibility and at the owner's expense. Such removal shall be accomplished within five (5) days of written notice by the city or utility company.

(B) The property owner shall be responsible to maintain the area within the easement of this property regardless of the placement of the fence. The city may remove any fence within an easement, as needed, in case of emergency.

('74 Code, § 8-90) (Ord. 63-10, passed 10-3-63; Am. Ord. 83-63, passed 10-6-83; Am. Ord. 89-14, passed 4-27-89; Am. Ord. 2002-36, passed 5-16-02)

§ 170.117 FENCING RIGHTS-OF-WAY PROHIBITED.

It is prohibited to construct or install a fence or wall upon a drainage or street right-of-way, nor shall a fence or wall preclude access to the drainage or street right-of-way.

170.119 FENCE AND WALL MAINTENANCE.

(A) All fences shall be maintained in their original upright condition.

(B) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed or erected.

(C) Missing boards, iron work, wire fabric or posts shall be replaced in a timely manner with material of the same type and quality.

(Ord. 94-50, passed 11-16-94; Am. Ord. 2002-36, passed 5-16-02)

§ 170.120 USE OF CERTAIN WIRE PROHIBITED.

The utilization or installation of barbed tape, razor tape and/or razor wire and concertina barbed wire, for fencing, partitions or obstacles is prohibited within the city limits of the City of Palm Bay, except as permitted herein.

(Ord. 98-30, passed 9-17-98; Am. Ord. 2002-36, passed 5-16-02; Am. Ord. 2016-16, passed 5-3-16)

§ 170.121 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BARBED TAPE shall mean a usually flexible, metallic strand or rod, without regard to the gauge thereof, made in many lengths and diameters but generally machined to produce clusters of sharp points or barbed obstacles at evenly located, regular intervals along the strand or rod to cause and create injury and to prevent people or animals from passing beyond the point of where the wire is placed. The word **BARBED TAPE** shall include the words **RAZOR WIRE** and **RAZOR TAPE**.

BARBED WIRE shall mean two strips of interwoven, flexible, metallic strands, without regard to the gauge thereof (hereinafter **WIRE**), with clusters of sharp points added and placed at evenly located, regular intervals along the interwoven strips.

BARBED TAPE shall mean a usually flexible, metallic strand or rod, without regard to the gauge thereof, made in many lengths and diameters but generally machined to produce clusters of sharp points or barbed obstacles at evenly located, regular intervals along the strand or rod to cause and create injury and to prevent people or animals from passing beyond the point of where the wire is placed. The word **BARBED TAPE** shall include the words **RAZOR WIRE** and **RAZOR TAPE**.

CONCERTINA shall mean to create an accordion-type pattern of barbed wire, barbed tape, razor wire or razor tape by attaching coils of them together at specified points and thereby allowing for the coils to be stretched across areas in a manner so as to cause injury to humans or animals that attempt to pass beyond the point(s) across which the coils are placed or stretched and/or to prevent either ingress or egress into or out of any area or structure.

(Ord. 98-30, passed 9-17-98; Am. Ord. 2002-36, passed 5-16-02)



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Growth Management Director

DATE: March 2, 2022

SUBJECT: **CU-9-2022 - CONTINUED to 04/06 P&Z - Summit Shah, Sunshine Petro, Inc. (Carmin Ferraro, Crossover Commercial Group, Inc., Rep.) - A Conditional Use to allow retail automotive gasoline/fuel sales for a proposed fuel station, convenience store and drive-through, in a CC, Community Commercial District, in accordance with Section 185.043(D)(3) of the Palm Bay Code of Ordinances. Tax Parcel 603, Section 15, Township 29, Range 37, Brevard County, Florida, containing approximately 1.5 acres. Located at the northeast corner of Babcock Street SE and Valkaria Road

Case CU-9-2022 is continued to the April 6, 2022 Planning and Zoning Board Meeting to meet Public Notification requirements. City Council will hear the request on May 5, 2022.

Board action is not required to continue the case.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Growth Management Director

DATE: March 2, 2022

SUBJECT: **CU-10-2022 - Palm Bay Storage – Richard and Marguerite Love (Barry Sherman, S3 Partners, Rep.) - A Conditional Use to allow a proposed self-storage facility in a CC, Community Commercial District, in accordance with Section 185.088(F) of the Palm Bay Code of Ordinances. Tax Parcels 752, 753, and 755, Section 36, Township 28, Range 36, Brevard County, Florida, containing approximately 6.2 acres. Located west of and adjacent to Minton Road NW, in the vicinity south of Chandler Road NW

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ☐ Case CU-10-2022 - Staff Report
- ☐ Case CU-10-2022 - Site Plan
- ☐ Case CU-10-2022 - Project
- ☐ Case CU-10-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Alexandra Bernard, Growth Management Director

CASE NUMBER

CU-10-2022

PLANNING & ZONING BOARD HEARING DATE

March 2, 2022

PROPERTY OWNER & APPLICANT

Richard Love (S3 Partners – Barry Sherman)

PROPERTY LOCATION/ADDRESS

Tax Parcels 752, 753, and 755 Section 36, Township 28, Range 36, Brevard County, Florida. Specifically, off Minton Road NE

SUMMARY OF REQUEST

A Conditional Use to allow a proposed self-storage facility in a CC, Community Commercial District.

Existing Zoning

CC, Community Commercial District

Existing Land Use

Vacant Land, Commercial

Site Improvements

Vacant Land

Site Acreage

6.09 acres

SURROUNDING ZONING & USE OF LAND

North

CC, Commercial, Vacant Land

East

CC, Commercial, Vacant Land

South

CC, Commercial, Vacant Land

West

CC, Commercial, Vacant Land

COMPREHENSIVE PLAN

COMPATIBILITY

Yes

BACKGROUND:

The subject property is located west of and adjacent to Minton Road NE. Specifically Tax Parcels 752, 753, and 755, Section 36, Township 28, Range 36, Brevard County, Florida. Specifically, off Minton Road NE. The subject property is currently vacant land that abuts Pineapple Cove Charter School to the west and vacant land on the East, South and North. This request includes approximately 6.09 acres of land.

ANALYSIS:

The proposed request is to develop 6.09 acres of land as a self-storage facility, master stormwater retention. The proposed self-storage facility will consist of 10 buildings (1 – one story building 40,400 square feet of climate controlled space and 9 – one story buildings with an average square footage 5,800) and associated parking.

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 proposed eastern driveway located along the Minton Road NW.

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 states that self-storage facilities have the following parking requirements. (30) Self-storage facilities:

(a) Internally-accessed self-storage facilities (indoor, climate-controlled):

1. One (1) space for each 25 units, plus three (3) spaces for the facility's lease office.

(b) Externally-accessed facilities (drive-up storage units):

1. At least three (3) parking spaces shall be provided adjacent to the facility's lease office. Interior traffic lanes between storage buildings shall be a minimum of thirty-five (35) feet wide for two-way traffic and a minimum of twenty-five (25) feet for one-way

traffic, in order to accommodate loading and unloading, as well as through and/or emergency traffic.

This proposed self-storage facility will meet the parking requirements.

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

The Utilities Department has reviewed this request and has no objections to the proposed self-storage facility. 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 vacant land. The site abuts vacant land to the north, Minton Road to the east, Pineapple Cove Academy to the west, and a retention pond to the south. Staff recommends a 6-foot opaque wall or fence be placed along the west property lines.

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 not shown on the drawing, however if a detached sign is proposed it must meet 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). The site is bordered by Pineapple Cove School to the west, east by Minton Road, to the north and south is vacant land.

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-10-2022 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-10-2022

Subject Property

West of and adjacent to Minton Road NW, in the vicinity south of Chandler Road NW



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



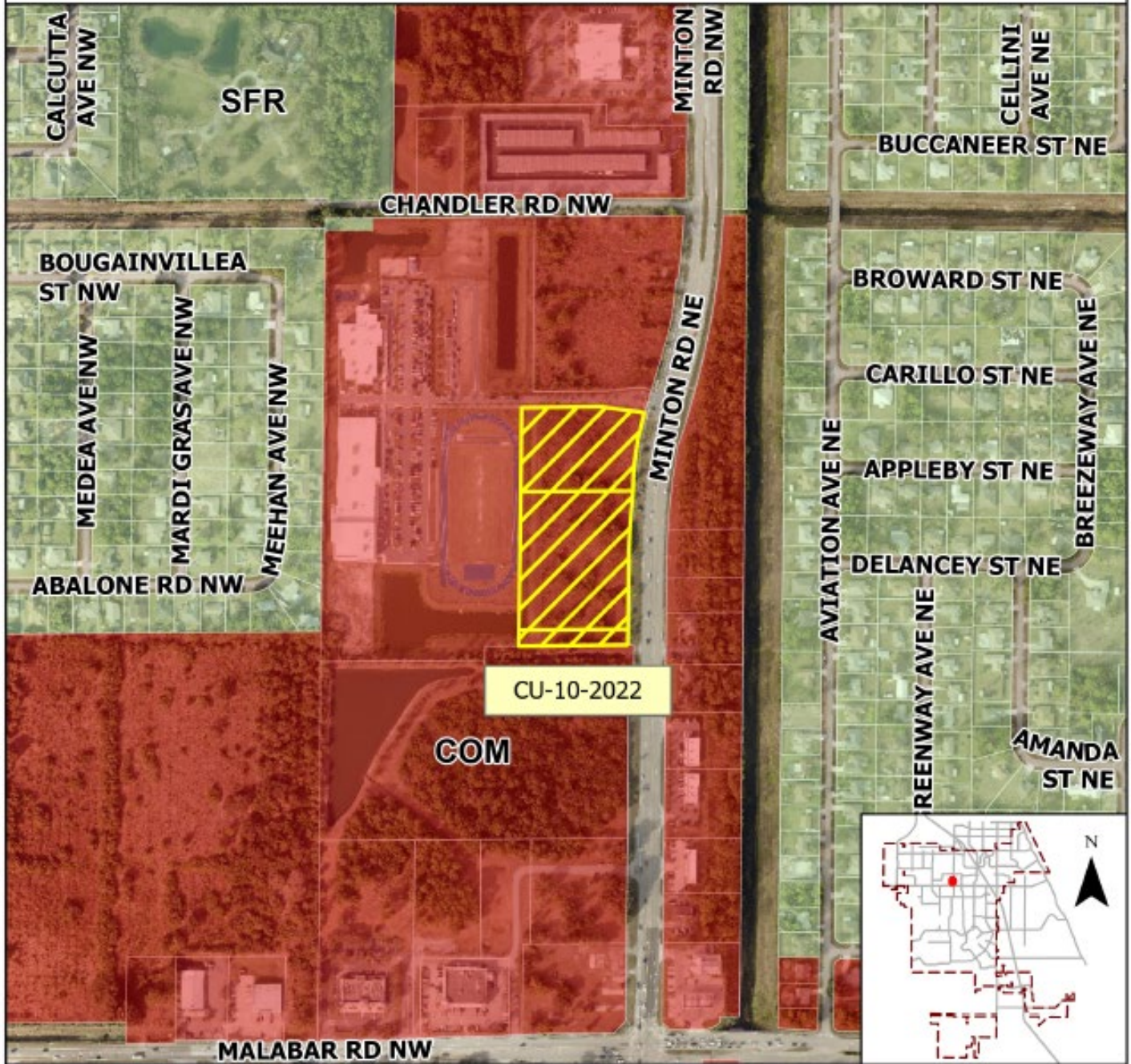
AERIAL LOCATION MAP CASE: CU-10-2022

Subject Property

West of and adjacent to Minton Road NW, in the vicinity south of Chandler Road NW



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



FUTURE LAND USE MAP CASE: CU-10-2022

Subject Property

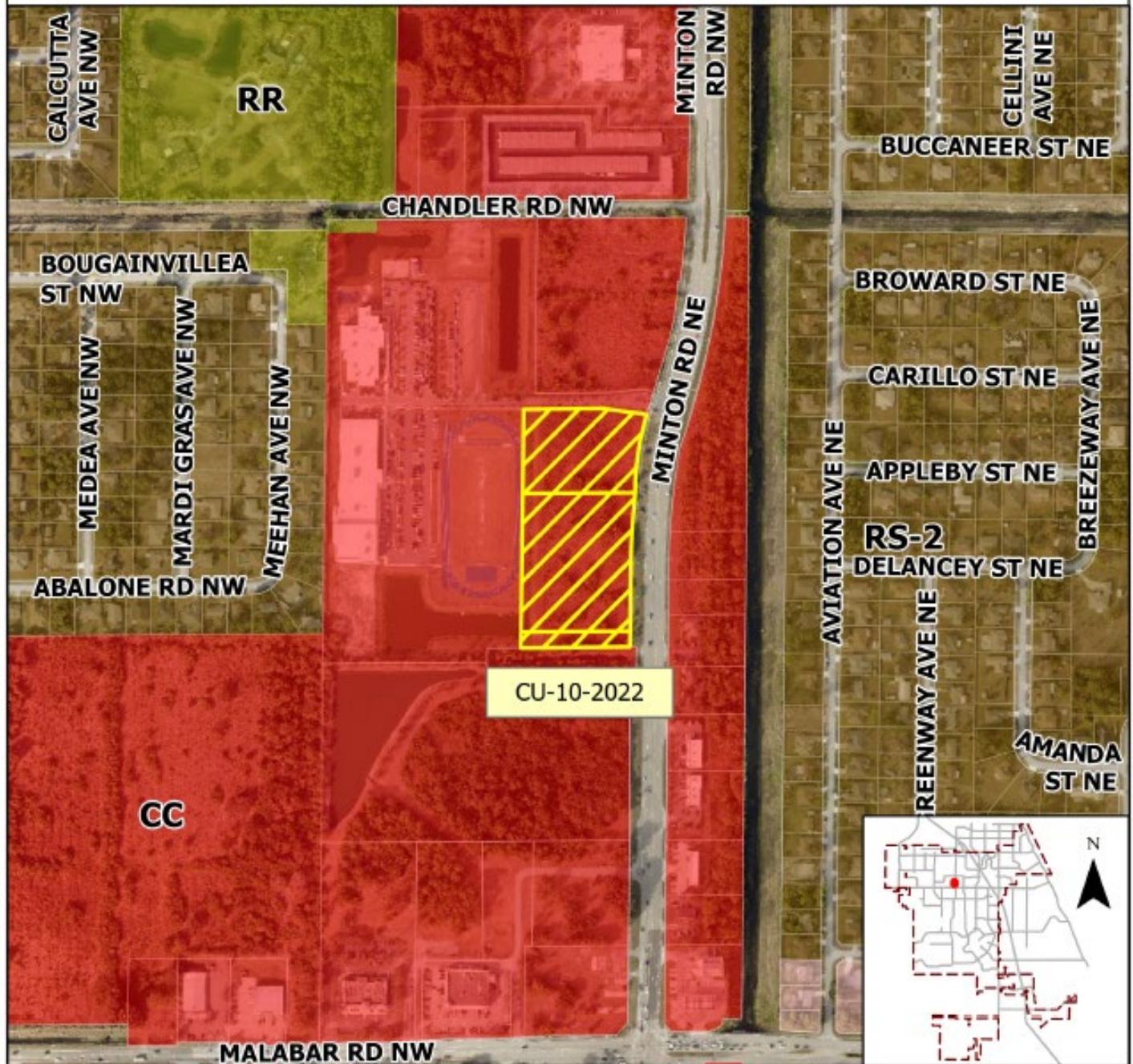
West of and adjacent to Minton Road NW, in the vicinity south of Chandler Road NW

Future Land Use Classification

COM – Commercial



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



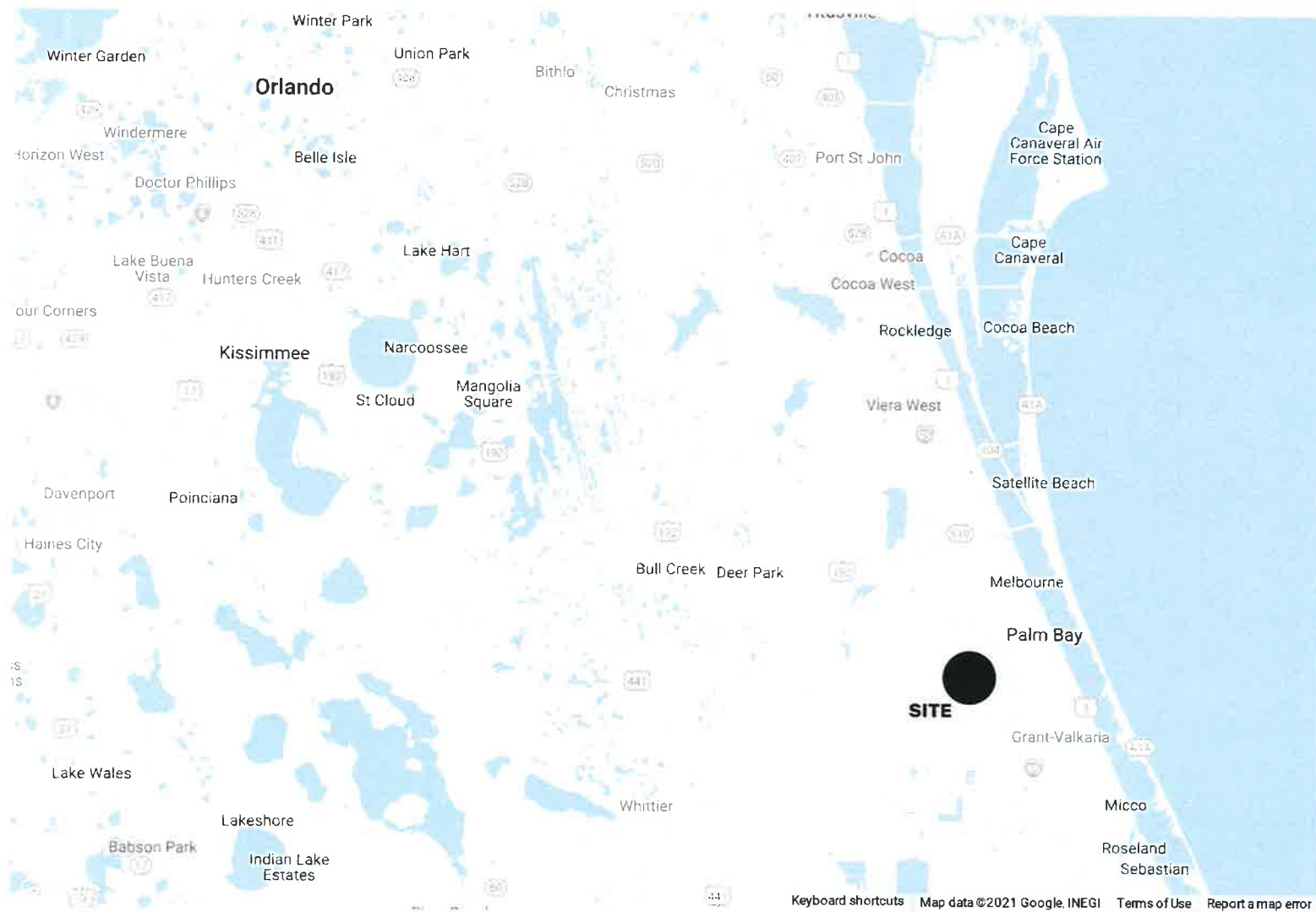
ZONING MAP CASE: CU-10-2022

Subject Property

West of and adjacent to Minton Road NW, in the vicinity south of Chandler Road NW

Current Zoning Classification

CC – Community Commercial



PROJECT INFO

PALM BAY STORAGE

MINTON ROAD PALM BAY, FLORIDA
32970

THIS PACKAGE CONTAINS A PROPOSED
STORAGE DEVELOPMENT IN THE CITY OF
PALM BAY FL AT MINTON ROAD

DEVELOPMENT TEAM

LEGACY DEVELOPMENT

JOE EVANGELISTI
BRIAN BROGAN

S3 PARTNERS

BARRY SHERMAN

HAUSER ARCHITECTS

CURTIS KOLDEWAY



PALM BAY STORAGE

01 - COVER

01.18.2022





PALM BAY STORAGE

02 - ARIAL

01.18.2022





PALM BAY STORAGE 03 - ARCHITECTURAL SITE PLAN

GROSS BUILDING AREA	
NAME	AREA
CONDITIONED STORAGE	40164 SF
DRIVE UP STORAGE	50790 SF
OFFICE	1575 SF
	92529 SF



01.18.2022





PALM BAY STORAGE

04 - PERSPECTIVES

01.18.2022





PALM BAY STORAGE

05 - PERSPECTIVES

01.18.2022





PALM BAY STORAGE

06 - PERSPECTIVES

01.18.2022





PALM BAY STORAGE

07 - PERSPECTIVES

01.18.2022





PALM BAY STORAGE

08 - PERSPECTIVES

01.18.2022



HAUSER
ARCHITECTS



LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

CONDITIONAL USE APPLICATION

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

PARCEL ID(S):

28-36-36-00-752, 753, and 755

TAX ACCOUNT NUMBER(S):

2816694, 2816695, and 2816697

PROPERTY ADDRESS:

6164 Minton Rd NW

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

6.2 acres +/-

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

CC

CONDITIONAL USE SOUGHT:

Self Storage facility with approximately 92,000 sf of storage in 9 unconditioned buildings and 1 conditioned building.

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 S3 Partners- Barry Sherman

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** 2-1-2022

Printed Name RICHARD LOVE

Full Address 265 LANSING ISLAND DR SATELLITE BCH FL 32937

Telephone 321-759-5554 **Email** WSDL@outlook.com

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

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."
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- ☐ **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 S3 Partners- Barry Sherman

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 2-04-22
Printed Name MARGUERITE LOVE
Full Address 265 LANSING ISLAND DR. SATELLITE BEACH, FL
Telephone 321-777-0068 Email NSA2@outlook.com

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

February 1, 2022

Re: Letter of Authorization

As the property owner of the site legally described as:

parcels 28-36-36-00-752, 753, and 755

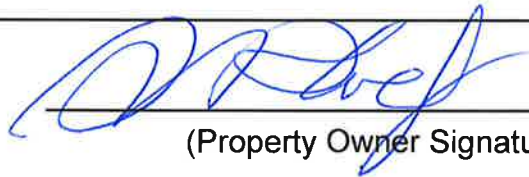
I, Owner Name: Richard Love
Address: 265 LANSING Island DR, Satellite Bch FL 32937
Telephone: 321-759-5554
Email: NSDL@outlook.com

hereby authorize:

Representative: S3 Partners - Barry Sherman
Address: 8082 S Interport Blvd #200 Englewood CO 80112
Telephone: 303-746-7013
Email: barry@s3.partners

to represent the request(s) for:

CUP - self storage



(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 2 day of February, 20 22 by Richard Love, property owner.


DONNA GARSON, Notary Public

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

Feb. 4, 2022

Re: Letter of Authorization

As the property owner of the site legally described as:

parcels 28-36-36-00-752, 753, and 755

I, Owner Name:

MARGUERITE LOVE

Address:

265 LANSING ISLAND DR. SAT. BEACH FL.

Telephone:

321-777-0068

Email:

NS DL @ outlook.com

hereby authorize:

Representative:

S3 Partners - Barry Sherman

Address:

8082 S Interport Blvd #200 Englewood CO 80112

Telephone:

303-746-7013

Email:

barry@s3.partners

to represent the request(s) for:

CUP - self storage

[Signature]

(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 4 day of February, 2022 by

MARGUERITE LOVE

, property owner.

[Signature]
DONNA GARSON

, Notary Public

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



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Growth Management Director

DATE: March 2, 2022

SUBJECT: **PD-11-2022 - Cricket Drive Subdivision – Anthony Scotto, Whybrew Court, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Preliminary Development Plan to allow a proposed PUD for a 57-lot single-family residential development called Cricket Drive Subdivision. Tax Parcel 257 along with Lot 1 of Block 2177, Port Malabar Unit 29, Section 33, Township 28, Range 37, Brevard County, Florida, containing approximately 20.36 acres. Located north of and adjacent to Cricket Drive NE, in the vicinity between Nolan Street NE and Nogales Avenue NE, specifically at 825 Cricket Drive NE

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ▣ Case PD-11-2022 - Staff Report
- ▣ Case PD-11-2022 - Preliminary Development Plan
- ▣ Case PD-11-2022 - Boundary and Topographic Survey
- ▣ Case PD-11-2022 - Narrative
- ▣ Case PD-11-2022 - Application
- ▣ PD-11-2022 - Correspondence



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Alexandra Bernard, Growth Management Director

CASE NUMBER

PD-11-2022

PLANNING & ZONING BOARD HEARING DATE

March 2, 2022

PROPERTY OWNER & APPLICANT

Construction Engineering Group, LLC

PROPERTY LOCATION/ADDRESS

North of and adjacent to Cricket Drive NE; south of the C-1 Canal, and north of Charles Boulevard NE; approximately a half mile west of Babcock Street NE

SUMMARY OF REQUEST

Preliminary Development Plan (PDP) for 57-unit single family residential subdivision to be called **Cricket Drive PUD**.

Existing Zoning

RE, Estate Residential District

Existing Land Use

Single Family Residential Use

Site Improvements

Legal Nonconforming Mobile Home Park

Site Acreage

20.13 acres

SURROUNDING ZONING & USE OF LAND

North

RE, Estate Residential; Cathedral Oaks Subdivision

East

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

South

RS-2, Single-Family Residential; Cricket Drive NE

West

RS-2, Single-Family Residential; Open Space Tract

BACKGROUND:

The subject property is located north of and adjacent to Cricket Drive NE; south of the C-1 Canal, and north of Charles Boulevard NE; approximately ½ mile west of Babcock Street NE. Specifically, the property is Tax Parcel 257, and Lot 1 and 7, Block 2177, PMU 29, Section 33, Township 28, Range 37, Brevard County, Florida. The total property includes approximately 20.13 acres.

The property contains an existing, legal nonconforming mobile park called the Evergreen Mobile Home Park (f.k.a. Whybrew Park). Mobile homes are not permitted in the PUD zoning district. However, the land has contained mobile homes for several decades (prior to the application of the PUD zoning district).

ANALYSIS:

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

Specifically, the development plan proposes 57 single family units to be named “Cricket Drive PUD”. There are no commercial uses included in this project. According to the exhibit, the single-family homes will have a mixture of lot sizes. 38 of the lots proposed are 50’ x 120’ and 19 of the lots proposed are 60’ x 120’. Although minimum home sizes have not been provided, they will be required to meet the minimum established in the PUD zoning district (800 square feet of living area).

Interconnected retention ponds located in the middle and both sides of the parcel will serve as the stormwater treatment system for this project. Engineered stormwater designs will be required for the Final Development Plan submittal and a legal positive outfall shall be established. Prior to commencement of construction, the design shall be approved by both the City’s Public Works Department and the St. Johns River Water Management District.

The internal road network must be designed to meet city standards, which includes a minimum 50’ wide right-of-way (ROW), with closed drainage, for all roadways. Unless formally requested for city acceptance, the roads shall be maintained by the Homeowner’s Association. A traffic study is not required, as the proposed development would not necessitate such a study. However, the developer shall provide an access management plan that examines the driveway configurations and identifies any necessary roadway improvements.

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City water & sewer are located within the adjacent road rights-of-way and shall be extended to all residential units. Identification of the sewer mains and water distribution lines, and their extensions into the project's internal roadway, shall be provided at the time of FDP submittal. A Utility Agreement shall be executed prior to construction plan approval.

Section 185.065 of the City's Code of Ordinances requires a Planned Unit Development to permanently set aside and designate on the site plan recreational and/or open space for use by residents of the PUD, equaling 25% of the project site acreage. At 20 acres, this minimum set aside shall be 5 acres. Such useable space shall in the form of active or passive recreation areas. Common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complimentary structures for the benefit and enjoyment of the residents of the PUD.

The Preliminary Development Plan provides a breakdown stating that the minimum set aside has been met via recreation the tracts and the upland areas within the stormwater tracts. As part of the FDP submittal the specific use of any recreational area shall be identified.

Additionally, all internal roadways shall be provided with a sidewalk, on both sides of the road, with connections to off-site sidewalks. Entrance lighting shall also be provided.

The City's Subdivision Code (Section 184.24) requires the Applicant to make a concerted effort to preserve as many of these trees as possible. During the subdivision plan review process a tree survey identifying all specimen trees shall be provided to determine the exact location and type, for possible preservation. All other standards of the subdivision code, including road materials, sidewalks, utility construction, and similar items, shall be met.

CONDITIONS:

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

- A preliminary subdivision plat and Opinion of Title.
- Declaration of Covenants & Restrictions establishing development standards.
- Construction drawings.
- A Concurrence Determination letter from the School Board of Brevard County.
- Submission of an Endangered Species Assessment.
- Identification of lighting within the neighborhood.
- Compliance with the conditions of CP-9-2019.
- At the time of development plan submittal, the property owner shall submit a traffic study, signal warrant analysis, and Phase One Environmental Study.
- The property owner shall conduct pressure and flow tests for the existing utility infrastructure to determine any possible upsizing.
- Any structure placed adjacent to the perimeter of the site shall be restricted to a maximum of two (2) stories. Any buildings that are proposed to exceed 2 stories shall be placed a minimum of 100' from the outer property lines.

Lastly, technical staff review comments are attached to this report and shall be incorporated.

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.

TECHNICAL COMMENTS

CASE PD-11-2022 – CRICKET DRIVE PUD

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

- Sidewalk along the frontage r/w with connection and continuation to off site sidewalk.
- Show existing and proposed improvements off site including drainage piping and structures (survey and final development plans).
- Right of way and driveway improvement and permits per City requirement.
- Public improvements shall require 2yr maintenance bond.
- A transportation impact study shall be required.
- -Stormwater management criteria shall meet the design and performance specifications of Ch 62-330 F.A.C.
- Existing off-site flow shall be treated and attenuated on-site.
- All external agency having jurisdiction permits shall be submitted prior to scheduling a pre-sitework meeting, including but not limited to MTWCD, the SJRWMD, FDEP NPDES,
- An environmental assessment including wetland delineation and/or species of concern, endangered species and wetland habitat.

Survey Comments:

- Please provide Digital signature on next electronic survey submission.
- All roads to be Private. No public Right of Ways.
- Please begin process of vacating 30' ROW easement.

UTILITIES (Christopher Little, PE, Utilities Director):

The Utilities Department has no objection to the proposed 57 single-family residential units PUD.

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

1. The applicant/owner, at their expense, will be required to design, permit, install, inspect and test water & sewer systems of adequate size to accommodate the development and to connect to the City's water & sewer system. [§ 200.11(D)(1) - On-Site Facilities].
2. The applicant/owner may be required to extend and/or loop service from the existing water and sewer connection points [§ 200.11(D)(2) -Off-Site Facilities].
3. The applicant/owner will be responsible for the property's hydraulic share for the utilities. Oversizing of utilities at the request of the Utilities Department will be subject to a refunding agreement or refundable advance [§ 200.1(D) & (E)]. The City of Palm Bay's 2017 Wastewater Master Plan & 2017 Water Master Plan, both of which are available upon request, identify proposed mainline extensions with the City's current pipe sizing requirements.

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

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

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

(FSS 633.202) This plan has been reviewed using the currently adopted Florida Fire Prevention Code (FFPC) 7th edition, Florida Administrative Code (FAC), Florida State Statute (FSS) and City of Palm Bay Ordinances Chapters 33 and 177.

Plan review status: Denied, see comments below.

1. (FFPC 1-18.2.2.2) The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system. All motorized gates shall include a Click to Enter System or a Siren Operated Switch and Knox Key Switch backup. All manual gates shall have a Knox Padlock. Order Knox products at knoxbox.com. Indicate the gates shall have a minimum clear width of 14 feet. Please provide the required note on the plans.

2. (FFPC 1-18.5.7.2) A clear space of not less than 60 in. (1524 mm) shall be provided in front of each hydrant connection having a diameter greater than 2 1/2 in. Please provide the required note on the plans.

3. (FFPC 1-18.5.7.1) A 36 in. (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved. Please provide the required note on the plans.

4. (NFPA 24-7.3.3) The center of a hose outlet shall be not less than 18 in. (457 mm) above final grade. Please provide the required note on the plans.

5. (FFPC 1-18.5.1.6) Fire hydrants shall be located not more than 12 ft (3.7 m) from the fire department access road. Please provide the required note on the plans.

6. (NFPA 24-4.1.1) Watermains on the downstream side of the double detector check valve (DDC) where the public main enters the site may be considered private water per City of Palm Bay Utilities. The private water main must be permitted and approved through the City of Palm Bay Building Department before any work can be done, and installations shall be inspected by the Fire Plans Examiner. The scope of the permit must encompass the complete water main beginning at the downstream side of the DDC where the public main abuts the site.

- a. Please provide the required note on the plans.
 - b. Please indicate on the plans the transition from the public water utility to the private water system.
7. (FFPC 1-18.4) Indicate the minimum required fire flow on the plan. Please indicate on the plans.
 8. (FFPC 1-18.3.1) Indicate all on and off-site water main sizes that supply the fire protection systems (i.e. fire hydrants, sprinkler and standpipe systems). Please indicate on the plans.
 9. (FFPC 1-18.5) Indicate proposed fire hydrants within the required travel distances. Indicate maximum travel distance between closest point of building and hydrant location, as well as, maximum distance between hydrants. Please indicate on the plans.

PLEASE NOTE: Submittal of additional and/or revised materials may result in new plan review comments. When resubmitting, it is helpful to provide a response letter addressing each item.

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

It appears there are several lots in the Special Flood Hazard area AE and in wetlands. For the floodplain permits I need a survey showing the parcel layout with the Floodzone X/ AE line to determine which lots are in the AE zone. Also the survey must identify which lots are affecting the wetlands.

1. This project will require an Environmental Resource Permit from the State of Florida Department of Environmental Protection before

any wetlands can be disturbed. Affected wetlands will have to be mitigated according to the permit and the proof of mitigation submitted to the City before floodplain permits can be issued. This process may include a separate U.S. Army Corps of Engineers Authorization.

2. The City will require an approved FEMA Conditional Letter of Map Revision (CLOMR) and then an approved Letter of Map Revision (LOMR) for this project removing all lots and streets from the special flood hazard area.

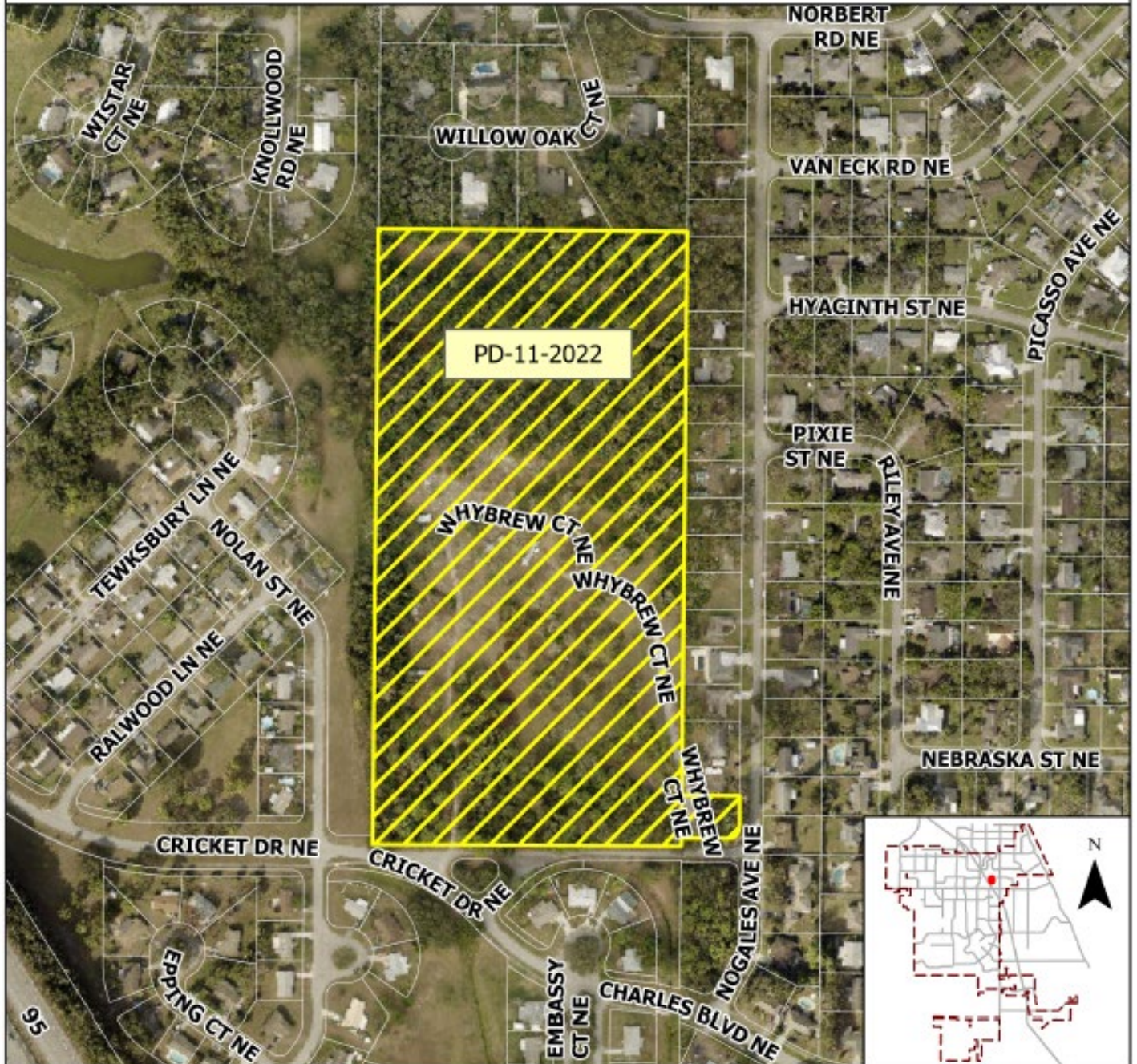
The CLOMR / LOMR process is a two step process. The plans (CLOMR) are submitted to get FEMA's approval, when the project is complete submit the as-built information in the LOMR application to remove the project from the Special Flood Hazard Area.

An approved CLOMR does not exempt structures from the regular floodplain permitting process.

Until an approved Letter of Map Revision (LOMR) from FEMA for the project 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 or qualifies the buyer to purchase a Preferred Risk Flood Insurance Policy if they choose.

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



AERIAL LOCATION MAP CASE: PD-11-2022

Subject Property

North of and adjacent to Cricket Drive NE, in the vicinity between Nolan Street NE and Nogales Avenue NE, specifically at 825 Cricket Drive NE

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



FUTURE LAND USE MAP CASE: PD-11-2022

Subject Property

North of and adjacent to Cricket Drive NE, in the vicinity between Nolan Street NE and Nogales Avenue NE, specifically at 825 Cricket Drive NE

Future Land Use Classification

SFR – Single Family Residential Use



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



ZONING MAP CASE: PD-11-2022

Subject Property

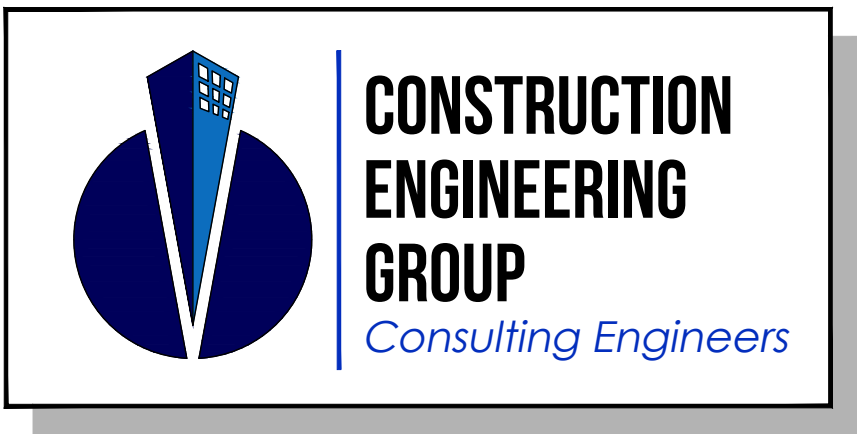
North of and adjacent to Cricket Drive NE, in the vicinity between Nolan Street NE and Nogales Avenue NE, specifically at 825 Cricket Drive NE

Current Zoning Classification

RE – Estate Residential

CRICKET DRIVE SUBDIVISION PRELIMINARY DEVELOPMENT PLAN

PALM BAY, FL
DATE:
JANUARY 28, 2022
PREPARED FOR:
WHYBREW, LLC



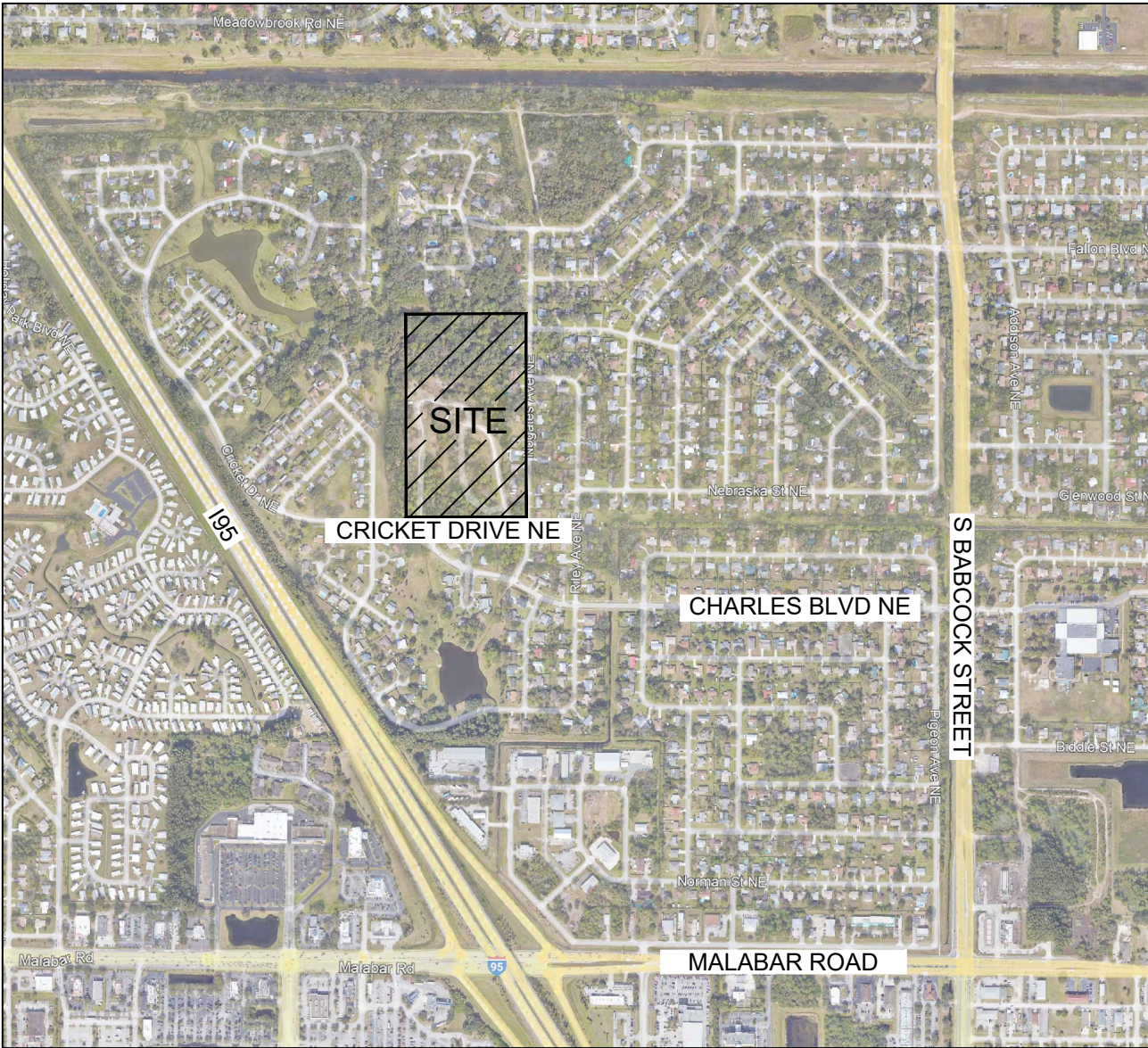
LEGAL DESCRIPTION:

ORB 7115, PAGE 390:
PARCEL 1:
THE SOUTH HALF OF THE EAST HALF OF THE NORTHWEST QUARTER, SECTION 33, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, A/K/A LOT 21, FLORIDA INDIAN RIVER LAND COMPANY, AS RECORDED IN PLAT BOOK 1, PAGE 164, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT LAND DESCRIBED IN OFFICIAL RECORDS BOOK 611, PAGE 230 AND OFFICIAL RECORDS BOOK 1753, PAGE 382, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

TOGETHER WITH:
A PARCEL OF LAND IN TRACT OF THE FLORIDA INDIAN RIVER LAND COMPANY PLAT, AS RECORDED IN PLAT BOOK 1, PAGE 164, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF TRACT 21, THENCE RUN NORTH FOR A DISTANCE OF 20 FEET ALONG THE WEST LINE OF TRACT 21 FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH ALONG SAID WEST LINE FOR A DISTANCE OF 300 FEET TO A POINT; THENCE RUN EAST PARALLEL TO THE SOUTH LINE OF SAID TRACT 21 FOR A DISTANCE OF 140 FEET; THENCE SOUTH PARALLEL TO SAID WEST LINE OF TRACT 21, FOR A DISTANCE OF 300 FEET; THENCE RUN WEST AND PARALLEL TOT HE SOUTH LINE OF TRACT 21 FOR A DISTANCE OF 140 FEET TO THE POINT OF BEGINNING. SAID PROPERTY BEING LOCATED IN SECTION 33, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.

TOGETHER WITH:
FROM THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 28 SOUTH, RANGE 37 EAST, RUN S 89°36'00" W 662.75 FEET; THENCE RUN NORTH 900.0 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE NORTH 300.0 FEET; THENCE RUN N 89°36'00" E, 160.0 FEET; THENCE RUN SOUTH 300.0 FEET; THENCE RUN S 89°36'00" W, 160.0 FEET TO THE POINT OF BEGINNING, ALSO KNOWN AS THE WEST 16.0 FEET OF THE NORTH 300.0 FEET OF THE SOUTH 1200.0 FEET OF LOT 21, FLORIDA INDIAN RIVER LAND COMPANY, OF SECTION 33, AS RECORDED IN PLAT BOOK 1, PAGE 164, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PARCEL 2:
LOT 1, BLOCK 2177, PORT MALABAR UNIT TWENTY NINE, ACCORDING TO TECH PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGES 1 THROUGH 5, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



LOCATION MAP
NTS

PROJECT DATA:

GENERAL STATEMENT: THE PROPOSED PROJECT CONSISTS OF INFRASTRUCTURE AND SITE IMPROVEMENTS TO ACCOMMODATE A 57 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION INCLUDING VEHICULAR ACCESS, SIDEWALKS, RECREATION/OPEN SPACE, LANDSCAPING, WATER, SEWER AND STORMWATER SYSTEMS. IT IS DESIGNED TO MAXIMIZE PRESERVATION OF EXISTING LARGE NATIVE HARDWOOD TREES AND REMOVES THE EXISTING NARROW CRICKET DRIVE ROADWAY THAT IS NON-COMPLIANT AND ADDS A NEW PEDWAY FOR PUBLIC USE.																									
SURVEYOR: KANE SURVEYING, INC. 505 DISTRIBUTION DRIVE MELBOURNE, FL 32904 TEL: (321) 676-0427	CIVIL ENGINEER/APPLICANT: JAKE T. WISE, P.E. 2651 EAU GALLIE BLVD, SUITE A MELBOURNE, FLORIDA 32935 TEL: (321) 610-1760 E-MAIL: JWISE@CEENGINEERING.COM																								
LOCATION: SECTION: 33 TOWNSHIP: 28 RANGE: 37E PARCEL ID: TAX ACCOUNT: 2843776	LOT COUNT: 50'x120' LOTS = 38 60'x120' LOTS = 19 MAXIMUM BUILDING HEIGHT: 2 STORY: 25 FT MINIMUM WIDTHS: SIDEWALKS: 5 FT RIGHT-OF-WAY WIDTH: 50 FT																								
SETBACKS FRONT: 25 FT SIDE: 5 FT REAR: 20 FT SIDE CORNER: 15 FT																									
OPEN SPACE REQUIREMENTS: OVERALL AREA (20.13 ACRES): ON-SITE PONDS 1.88 AC (23%) OPEN SPACE 6.32 AC (77%) PROVIDED: 8.20 AC (100%) REQUIRED (25% OF OVERALL AREAS): 5.03 AC																									
CALCULATED STORMWATER BASIN COVERAGE:																									
IMPERVIOUS: RESIDENTIAL (60%): ROADWAYS/SIDEWALKS: RECREATION AND OPEN SPACE (40%): TOTAL IMPERVIOUS: PERVIOUS: POND: TOTAL:	<table><thead><tr><th>SF</th><th>ACRE</th><th>PERCENT</th></tr></thead><tbody><tr><td>240,313</td><td>5.52</td><td>27</td></tr><tr><td>72,065</td><td>1.65</td><td>8</td></tr><tr><td>125,981</td><td>2.89</td><td>14</td></tr><tr><td>438,359</td><td>10.06</td><td>50</td></tr><tr><td>356,509</td><td>8.18</td><td>41</td></tr><tr><td>81,995</td><td>1.88</td><td>9</td></tr><tr><td>876,863</td><td>20.13</td><td>100</td></tr></tbody></table>	SF	ACRE	PERCENT	240,313	5.52	27	72,065	1.65	8	125,981	2.89	14	438,359	10.06	50	356,509	8.18	41	81,995	1.88	9	876,863	20.13	100
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REVISION

DATE

REV#

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

CONSTRUCTION
ENGINEERING
GROUP
Consulting Engineers

CRICKET DRIVE SUBDIVISION

WHYBREW, LLC
CRICKET DRIVE, PALM BAY, FLORIDA

DRAWING TITLE

PRELIMINARY DEVELOPMENT PLAN

DATE

01/28/2022

SCALE

NTS

PROJ. NO. :

170071

DESIGNED BY:

LDS

DRAWN BY:

SMB

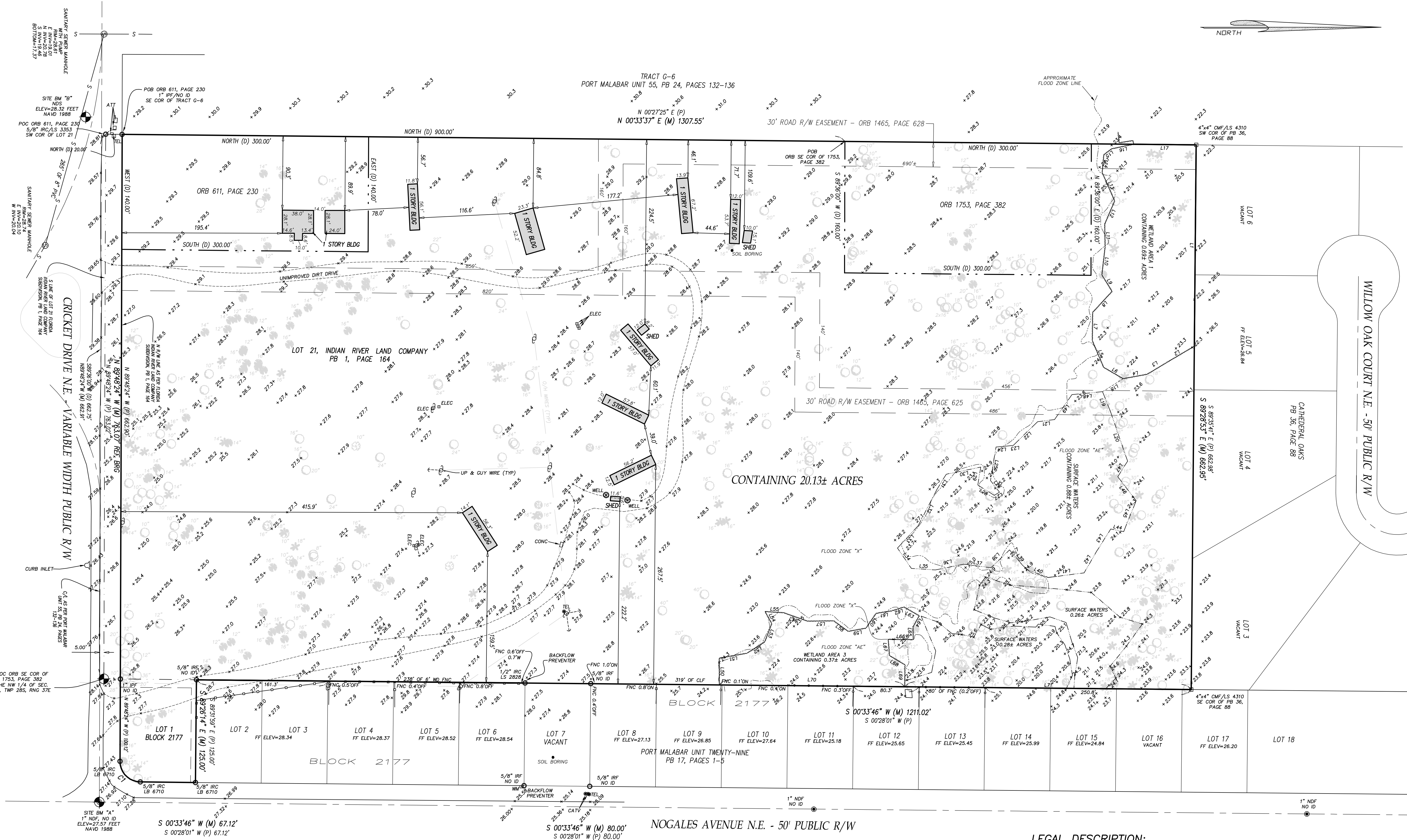
CHECKED BY:

JTW

DRAWING NO.

CD-1

MAP OF BOUNDARY & TOPOGRAPHIC SURVEY



- LEGEND**
- A = ARC
 - A/C = AIR CONDITIONER
 - BFE = BASE FLOOD ELEVATION
 - BDO = BUILDING
 - BLK = BLOCK
 - BM = BENCHMARK
 - BRG = BEARING
 - (C) = CALCULATED
 - CATV = CABLE TELEVISION
 - CBS = CONCRETE BLOCK STRUCTURE
 - CHD = CHORD
 - C/L = CENTERLINE
 - CLF = CHAIN LINK FENCE
 - CMF = CONCRETE MONUMENT FOUND
 - CMP = CORRUGATED METAL PIPE
 - CONC = CONCRETE
 - COR = CORNER
 - (D) = DEED
 - DB = DEED BOOK
 - DA = DELTA ANGLE
 - ELEC = ELECTRIC
 - ELEV = ELEVATION
 - ENC = ENCROACHMENT
 - EOP = EDGE OF PAVEMENT
 - ESMT = EASEMENT
 - FB = FIELD BOOK
 - FEMA = FEDERAL EMERGENCY MANAGEMENT AGENCY
 - FF = FINISHED FLOOR
 - FNC = FENCE
 - FND = FOUND
 - FP&L = FLORIDA POWER & LIGHT COMPANY
 - ID = IDENTIFICATION
 - INV = INVERT
 - IPF = IRON PIPE FOUND
 - IRC = IRON ROD & CAP FOUND
 - IRF = IRON ROD FOUND
 - IRS = 5/8" IRON ROD SET "LB 7838"
 - LB = LICENSED BUSINESS NUMBER
 - LS = (RLS) or (PLS) REGISTERED OR PROFESSIONAL LAND SURVEYOR
 - (M) = MEASURED
 - NAVD = NORTH AMERICAN VERTICAL DATUM
 - NDF = NAIL & DISK FOUND
 - NDS = 1 1/4" NAIL & DISK SET "LB 7838"
 - NGVD = NATIONAL GEODETIC VERTICAL DATUM
 - No. = NUMBER
 - O/H = OVERHEAD
 - ORB = OFFICIAL RECORDS BOOK
 - O/S = OFFSET
 - (P) = PLAT
 - PB = PLAT BOOK
 - PC = POINT OF CURVATURE
 - PCC = POINT OF COMPOUND CURVATURE
 - PCP = PERMANENT CONTROL POINT
 - PI = POINT OF INTERSECTION
 - PLS = PROFESSIONAL LAND SURVEYOR
 - POB = POINT OF BEGINNING
 - PCC = POINT OF COMMENCEMENT
 - PRC = POINT OF REVERSE CURVATURE
 - PRM = PERMANENT REFERENCE MONUMENT
 - PSM = PROFESSIONAL SURVEYOR AND MAPPER
 - PT = POINT OF TANGENCY
 - PUE = PUBLIC UTILITY & DRAINAGE EASEMENT
 - PUE = PUBLIC UTILITY EASEMENT
 - R = RADIUS
 - REF = REFERENCE
 - RNG = RANGE
 - R/W = RIGHT OF WAY
 - SEC = SECTION
 - SHA = SPECIAL FLOOD HAZARD AREAS
 - TEL = TELEPHONE RISER
 - TWP = TOWNSHIP
 - TYP = TYPICAL
 - UP = UTILITY POLE
 - WD = WOOD
 - WIT-COR = 5/8" IRON ROD SET WITH CAP "WINN LB 7838"
 - WM = WATER METER
 - XCF = CROSS CUT FOUND
 - MAPLE TREE WITH DIAMETER
 - OAK TREE WITH DIAMETER
 - PALM TREE WITH DIAMETER
 - PINE TREE WITH DIAMETER
 - QUEEN PALM TREE WITH DIAMETER

- NOTES:**
1. BEARINGS BASED ON THE N. R/W LINE BEING N 89°48'24" W AS PER PLAT (SEE SKETCH)
 2. ELEVATIONS BASED ON CITY OF PALM BEACH BENCHMARK 55-045 BEING AN ELEVATION OF 29.64 FEET NAVD 1988.
 3. FLOOD ZONE "X" & "AE". MAP No. 12009C0594G. COMMUNITY No. 120404, MARCH 17, 2014. FLOOD ZONE INFORMATION DEPICTED HEREON IS APPROXIMATE. FEMA RETAINS SOLE AUTHORITY REGARDING BOUNDARY AND EXTENT OF SHA.
 4. HORIZONTAL CLOSURE MEETS OR EXCEEDS THE ACCURACY REQUIREMENTS FOR SUBURBAN LAND AS PER FLORIDA STATUTE SJ-17-6.001.
 5. BEARINGS, DISTANCES OR ANGLES SHOWN ARE THE SAME AS PLAT, DEED OR RECORD UNLESS SHOWN OTHERWISE.
 6. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.
 7. THE SURVEYOR HAS NOT LOCATED NOR ATTEMPTED TO LOCATE ANY UNDERGROUND UTILITIES, FOUNDATIONS, OR STRUCTURES OTHER THAN THOSE THAT MAY BE SHOWN HEREON.
 8. ONLY BOUNDARY CORNER MONUMENTS AS SHOWN HEREON ARE TO BE USED FOR THE LOCATION AND CONSTRUCTION OF IMPROVEMENTS.
 9. UNLESS OTHERWISE INDICATED THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE SEARCH OR ATTORNEY'S TITLE OPINION.

CERTIFIED TO:
CONSTRUCTION ENGINEERING GROUP, INC.

BOUNDARY & TOPOGRAPHIC	DATE: 8/23/17	JOB No. 36953
ADDED SEWER MANHOLES	DATE: 10/13/17	FB 17-7-9
ADDED WETLAND AREAS	DATE: 11/15/17	FW557/CRICRET
LOT 7, BLOCK 2177 REMOVED	DATE: 11/11/21	

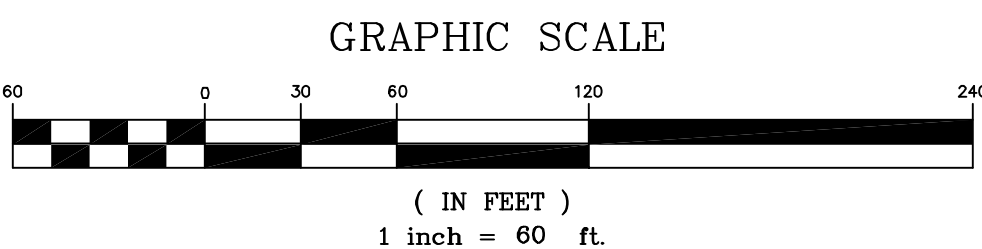
Kane Surveying, Inc.
FLORIDA LICENSED BUSINESS No. LB 7838
505 DISTRIBUTION DRIVE
MELBOURNE, FLORIDA 32904
(321) 676-0427
FAX (321) 984-1448

CURVE TABLE				
CURVE	DELTA	ARC	RADIUS	CHD BRG
CT(M)	89°37'50"	39.11'	25.00'	S45°22'41" W
CT	89°43'35"	39.15'	25.00'	35.24'

CERTIFICATION:
I HEREBY CERTIFY THAT THE ATTACHED SURVEY WAS DONE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.007 FLORIDA STATUTES.

Joel Seymour
JOEL A. SEYMOUR PROFESSIONAL LAND SURVEYOR AND MAPPER
STATE OF FLORIDA NO. LS 6133
DATE: 11/11/21
DRAWN BY: JAS/JED
SCALE 1 INCH = 60 FEET

LINE TABLE				
LINE	BEARING	LENGTH	LINE	BEARING
L1	S89°28'53"E	245.01'	L19	S68°10'39"W
L2	N30°32'21"W	38.68'	L20	S71°00'24"W
L3	N31°11'10"W	26.99'	L21	S07°02'40"E
L4	N10°26'43"W	29.92'	L22	S44°17'27"E
L5	N67°00'02"E	35.27'	L23	S07°13'37"E
L6	N30°09'45"E	27.48'	L24	S04°41'49"E
L7	S89°25'14"E	34.35'	L25	S80°39'30"E
L8	S47°12'13"E	34.92'	L26	N52°05'31"E
L9	N58°07'58"E	23.57'	L27	S30°13'48"E
L10	S83°22'04"E	34.24'	L28	S32°20'30"W
L11	N88°59'11"E	27.84'	L29	N80°31'58"W
L12	S66°48'35"E	30.83'	L30	S11°39'57"E
L13	N66°09'22"E	37.66'	L31	S58°28'31"E
L14	S84°51'06"E	21.76'	L32	S62°48'06"E
L15	S37°33'12"E	11.89'	L33	S47°19'54"E
L16	S11°30'41"E	27.82'	L34	N55°43'56"E
L17	N00°33'37"E	75.99'	L35	N03°29'58"E
L18	N32°16'44"W	29.68'		
L36	N11°24'03"W	35.35'	L44	N07°30'42"W
L37	N07°26'13"E	33.39'	L45	N67°54'33"W
L38	N44°05'54"W	31.21'	L46	S52°10'03"W
L39	N49°00'03"E	31.46'	L47	N57°38'36"W
L40	N20°38'13"E	28.27'	L48	S05°33'59"E
L41	N07°30'42"W	44.13'	L49	S50°07'49"E
L42	N59°42'12"W	30.64'	L50	S89°48'29"W
L43	N57°50'09"W	31.71'	L51	N08°55'37"W
L44	N11°22'04"E	16.06'	L52	N32°44'32"W
L45	N67°54'33"W	40.68'	L53	N69°07'04"W
L46	S52°10'03"W	36.70'		
L47	N57°38'36"W	22.46'		
L48	S05°33'59"E	37.47'		
L49	S50°07'49"E	36.94'		
L50	S89°48'29"W	32.65'		
L51	N08°55'37"W	34.35'		
L52	N32°44'32"W	25.66'		
L53	N69°07'04"W	23.71'		
L54	S80°45'55"W	18.95'		
L55	N03°16'00"E	22.72'		
L56	N19°20'26"E	30.89'		
L57	N00°38'10"W	31.77'		
L58	N35°48'38"E	21.86'		
L59	N101°31'17"W	21.97'		
L60	N55°47'36"W	21.74'		
L61	N09°11'34"W	19.55'		
L62	N17°28'56"W	15.35'		
L63	N29°43'05"E	21.49'		
L64	S60°52'01"E	15.65'		
L65	N88°45'06"E	15.34'		
L66	S00°33'27"W	30.51'		
L67	N85°27'41"E	19.80'		
L68	N30°40'12"E	21.92'		
L69	S89°26'14"E	26.68'		
L70	N00°33'46"E	225.66'		
L71	N00°33'46"E	348.80'		



LEGAL DESCRIPTION:

Parcel 1:
ORB 715, PAGE 390:
The South half of the East Half of the Northwest quarter, Section 33, Township 28 South, Range 37 East, Brevard County, Florida, A/K/A Lot 21, Indian River Land Company, as recorded in Plat Book 1, Page 164, Public Records of Brevard County, Florida, less and except land described in Official Records Book 611, Page 230 and Official Records Book 1753, Page 382, Public Records of Brevard County, Florida.

TOGETHER WITH:
A parcel of land in Tract of the Florida Indian River Land Company Plat, as recorded in Plat Book 1, Page 164, of the Public Records of Brevard County, Florida, being more particularly described as follows:
Commence at the Southwest corner of Tract 21, then run North for a distance of 20 feet along the West line of Tract 21 for the Point of Beginning; thence continue North along said West line for a distance of 300 feet to a point; thence run East parallel to the South line of said Tract 21 for a distance of 140 feet; thence South parallel to said West line of Tract 21, for a distance of 300 feet; thence run West and parallel to the South line of Tract 21 for a distance of 140 feet to the Point of Beginning. Said property being located in Section 33, Township 28 South, Range 37 East, Brevard County, Florida.

TOGETHER WITH:
From the Southeast corner of the Northwest quarter of Section 33, Township 28 South, Range 37 east, run S 89°36'00" W 662.75 feet; thence run North 900.0 feet to the Point of Beginning of the herein described parcel; thence continue North 300.0 feet; thence run N 89°36'00" E, 160.0 feet; thence run South 300.0 feet; thence run S 89°36'00" W, 160.0 feet to the Point of Beginning, also known as the West 160.0 feet of the North 300.0 feet of the North 1200.0 feet of Lot 21, Florida Indian River Land Company, of Section 33, as recorded in Plat Book 1, Page 164, Public Records of Brevard County, Florida.

Parcel 2:
Lot 1, Block 2177, Port Malabar Unit Twenty Nine, according to the plat thereof, as recorded in Plat Book 17, Pages 1 through 5, of the Public Records of Brevard County, Florida.

Cricket Drive Subdivision

Project Narrative

History

This project was submitted in 2019 under the project name of Cricket Drive Apartments for an amendment to the Comprehensive Plan Future Land Use Map from Single Family Residential Use to Multiple Family Residential Use & a Preliminary Development Plan Approval for a Multiple Family Development. Unfortunately, due to design constraints and community pushback, the project could not move forward. The owner has listened to the community's concern and decided single family residential is the best use for the property moving forward.

Proposed Development

This application is being submitted for Preliminary Development Plan application seeking a Planned Unit Development to include 57 single family residential lots, which is consistent with the current land use and City of Palm Bay Comprehensive Plan.

The proposed project consists of infrastructure and site improvements to accommodate a 57 lot, Single Family Residential subdivision including vehicular access, sidewalks, recreation/open space, landscaping, water, sewer and stormwater systems. It is designed to maximize preservation of existing large native hardwood trees and removes the existing narrow cricket drive roadway that is non-compliant and adds a new pedway for public use.

Current Surrounding land use:

North	Single Family Residential
East	Single Family Residential
South	Single Family Residential
West	Residential Open Space

Proposed Traffic Counts:

Weekday: 543 trips

Weekday, AM peak hour: 43 trips

Weekday, PM peak hour: 57 trips

Note the proposed development does not exceed the threshold for a traffic study based on trips alone.

Amenities:

Per the included site exhibit, the proposed development will meet the City of Palm Bay requirements for open space and recreation space. Currently, Cricket Drive is a non-compliant roadway per the City's standards. The project proposes to remove the non-compliant roadway and construct a pedestrian pedway with landscaping in place of the non-compliant roadway. This will function as an amenity to the Cricket Drive Subdivision that can be utilized by the surrounding community as well. It will also benefit the health and safety of the public by removing the hazardous, non-compliant roadway. The remainder of the site amenities to be included in the open and recreation space have yet to be determined.





LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

PRELIMINARY DEVELOPMENT PLAN APPLICATION

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

APPLICATION AMENDMENT TYPE:

- ☒ **PUD** - Planned Unit Development ([Section 185.066](#))
- ☐ **PMU** - Parkway Mixed Use District (Preliminary Design Plan) ([Section 185.057](#))
- ☐ **PCRD** - Planned Community Redevelopment District ([Section 185.055](#))
- ☐ **RAC** - Regional Activity Center District (Preliminary Concept Plan) ([Section 185.056](#))

PROPOSED DEVELOPMENT NAME:

Cricket Drive Subdivision

PARCEL ID(S):

BCPA Parcel ID 28-37-33-00-257 & 28-37-33-01-2177-1

TAX ACCOUNT NUMBER(S):

2843776 & 2843965

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

See attached

CITY OF PALM BAY, FLORIDA
PRELIMINARY DEVELOPMENT PLAN APPLICATION
PAGE 2 OF 5

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

+/- 20.13

TOTAL LOTS PROPOSED (list by use):

57

DEVELOPER Whybrew, LLC

Full Address 25 Washington St. Morristown, NJ 07960

Telephone 973-285- 4800 **Email** ascotto@villarestaurantgroup.com

ENGINEER Jake Wise, PE- Construction Engineering Group, LLC

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

Telephone 321-610-1760 **Email** _____

SURVEYOR Kane Surveying, Inc

Full Address 505 Distribution Drive; Melbourne, FL 32904

Telephone 321-676-0427 **Email** kanesurveying@bellsouth.net

PRELIMINARY DEVELOPMENT PLAN CRITERIA FOR SUBMITTAL:

Two (2) copies of the following exhibits shall be attached to the Preliminary Development Plan application. The preliminary plan and supporting documentation **must also be provided on memory drive.**

- A) Vicinity map clearly outlining subject property and showing the relationship between the site and its surrounding area including adjacent streets and thoroughfares.
- B) Preliminary Development Plan that shall contain maps, drawings and narrative, as appropriate, providing the following information:
 - 1) A general plan for the use of all lands within the proposed development. Such plans shall indicate the general location of residential areas (including maximum density and unit types), open space, parks, passive or scenic areas, and nonresidential areas (including maximum building square footage or other intensity maximums).

CITY OF PALM BAY, FLORIDA
PRELIMINARY DEVELOPMENT PLAN APPLICATION
PAGE 3 OF 5

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

Additional conditions must be met and incorporated into the site plan for the specific type of development requested (PUD, PMU, PCRD, RAC). The additional criteria are listed in the Code of Ordinances and available from staff.

CITY OF PALM BAY, FLORIDA
PRELIMINARY DEVELOPMENT PLAN APPLICATION
PAGE 4 OF 5

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


- ☐ *A \$1,000.00 application fee shall accompany the Preliminary Development Plan application for the purposes of administration. Make Check payable to "City of Palm Bay."
- ☐ Vicinity Map (see Item A).
- ☐ Preliminary Development Plan (see Item B).
- ☐ Vehicular and Pedestrian Circulation Plan (see Item C).
- ☐ Schematic Drawing (see Item D).
- ☐ Traffic Study (see Item E).
- ☐ Narrative (see Item F).
- ☐ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☐ Citizen Participation Plan. Required when a Preliminary Development Plan application was not submitted. Refer to [Section 169.005](#) of the Land Development Code for guidelines.
- ☐ School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.
- ☐ Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guidelines. Staff will provide a sign template.
- ☐ **Where the property owner is not the representative for the request, a [LETTER](#) must be attached giving the notarized consent of the property owner(s) to a representative.**

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

CITY OF PALM BAY, FLORIDA
PRELIMINARY DEVELOPMENT PLAN APPLICATION
PAGE 5 OF 5

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

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

Owner Signature  Date 1-18-22
Printed Name Anthony Scotto- Whybrew, LLC
Full Address 25 Washington St; Morristown, NJ 07960
Telephone 973-285- 4800 Email ascotto@villarestaurantgroup.com

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

January 18, 2022

Re: Letter of Authorization

As the property owner of the site legally described as:

BCPA Parcel ID 28-37-33-00-257 & 28-37-33-01-2177-1

I, Owner Name: Whybrew, LLC

Address: 25 Washington St; Morristown, NJ 07960

Telephone: 973-285-4800

Email: ascotto@villarestaurantgroup.com

hereby authorize:

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

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

Telephone: 321-610-1760

Email: jwise@cegengineering.com

to represent the request(s) for:

Pre Development Plan application and any/all associated submittals

(Property Owner Signature)

STATE OF

New Jersey

COUNTY OF

Middlesex

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 18th day of January, 2022 by

Anthony Scotto

, property owner.

AMINA I MUSIAL
Commission # 50036497
Notary Public, State of New Jersey
My Commission Expires
April 14, 2026

Amina Musial, Notary Public

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

CASE PD-11-2022

CORRESPONDENCE

Chandra Powell

From: Terese Jones
Sent: Monday, February 14, 2022 2:46 PM
To: Alexandra Bernard; Chandra Powell
Subject: FW: Cricket Drive Subdivision
Attachments: 2.16.22 Meeting notice.jpg; Sign 2022.jpg; PUD Notice.jpg

FYI

Terese

From: Kenny Johnson <Kenny.Johnson@palmbayflorida.org>
Sent: Monday, February 14, 2022 2:07 PM
To: Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>
Subject: Fwd: Cricket Drive Subdivision

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

From: Jane Jackson <j39jack@gmail.com>
Sent: Monday, February 14, 2022 11:43:09 AM
To: Rob Medina <Rob.Medina@palmbayflorida.org>; Kenny Johnson <Kenny.Johnson@palmbayflorida.org>; Donny Felix <Donny.Felix@palmbayflorida.org>; Randy Foster <Randy.Foster@palmbayflorida.org>
Subject: Cricket Drive Subdivision

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

Hello Mayor and Councilmen,
I firmly oppose this change in zoning to double the approved density for this parcel.
We are in an older, established neighborhood
Narrow streets
Antiquated drainage and sewer systems
Limited egress (Natural gas lines in place, widening main ingress and egress to Port Malabar Unit 55 is not an option)
This parcel should be developed as currently zoned, with .5 acre lots we would have
Less density
Less traffic
Less impact on infrastructure

The neighborhood meeting scheduled for Wednesday 6:30 PM at Holiday Inn Express has a maximum capacity of 50 people.
As I am positive applicant is expecting more people from the 940+ homes in the affected area to want to attend, this appears to be a blatant attempt to limit access.

I see no benefit to the City nor the citizens with approving this zoning change, and PUD approval.
The only one who stands to benefit is the out of state owner/developer.

Please come out and view our area, including the beautiful Cathedral Oaks estate development next door to this parcel.

Please feel free to contact me with any questions or comments.

Stay Well,
Jane Jackson
Palm Bay Proud

February 9, 2022

Re: Cricket Drive Subdivision

Site: Parcel IDs Parcel ID 28-37-33-00-257 & 28-37-33-01-2177-1

Township 28 Range 37 and Section 33

Dear Neighbor:

You are in receipt of this letter because you are a property owner within 500 feet of the property below. It is important to us to be a good neighbor and based on that we want to invite you to a neighborhood meeting on Wednesday February 16, 2022 at the Holiday Inn Express & Suites' meeting room located 1206 Malabar Road SE; Palm Bay, FL 32907 at 6:30 pm.

NOTICE TO INTERESTED PROPERTY OWNERS*
PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY
CITY COUNCIL
CITY OF PALM BAY, FLORIDA

Refer to Case PD-11-2022:

An application for a Preliminary Development Plan has been filed with the Planning and Zoning Board/Local Planning Agency and the City Council. The applicant requests the property described as follows:

Tax Parcel 257 along with Lot 1 of Block 2177, Port Malabar Unit 29, Section 33, Township 28, Range 37, Brevard County, Florida, containing approximately 20.36 acres. Located north of and adjacent to Cricket Drive NE, in the vicinity between Nolan Street NE and Nogales Avenue NE, specifically at 825 Cricket Drive NE

be granted Preliminary Development Plan approval to allow a proposed PUD for a 57-lot single-family residential development called Cricket Drive Subdivision.

The applicant for the request is Anthony Scotto, Whybrow Court, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.).

A public hearing will be held by the Planning and Zoning Board/Local Planning

Chandra Powell

From: Marissa Shinn
Sent: Tuesday, February 22, 2022 8:10 AM
To: Chandra Powell
Cc: Ximena Escobar
Subject: FW: dcolucci65@gmail.com

Forwarding to you regarding a citizen opposed to rezoning the Golf Course in Bayside Lakes.

From: webmaster@palmbayflorida.org <webmaster@palmbayflorida.org>
Sent: Monday, February 21, 2022 10:43 AM
To: Land Development Web <LandDevelopmentWeb@palmbayflorida.org>
Subject: dcolucci65@gmail.com

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

Message submitted from the <City of Palm Bay, FL> website.

Site Visitor Name: Donna M Colucci
Site Visitor Email: dcolucci65@gmail.com

I live in Bayside. I'm asking the zoning committee not to rezone the Golf course in Bayside. Many of us have paid more money to live on the course. We were told that the land would never be sold off but only to be a golf course. Where are we going to put the cars. There is already too much traffic for our roads. What about water. We have low pressure as it is. The wild life out there. They will all be killed. Please search your conscious if it were you living here I guarantee you would be up in arms just like us all here in Bayside.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Growth Management Director

DATE: March 2, 2022

SUBJECT: CP-10-2022 - Hiawatha Bay – Rajeev Saxena (Scott Wotherspoon, Hiawatha Bay, LLC, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use and Single-Family Residential Use to Multiple-Family Residential Use. Lots 3 through 6 and 9 through 12, Block C, Hiawatha Gardens, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.33 acres. Located adjacent to and between Wabun Street NE and Dixie Highway NE, in the vicinity north of Nokomis Avenue NE

ATTACHMENTS:

Description

- ▢ Case CP-10-2022 - Staff Report
- ▢ Case CP-10-2022 - Legal-Sketch
- ▢ Case CP-10-2022 - Justification
- ▢ Case CP-10-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Alexandra Bernard, Growth Management Director

CASE NUMBER

CP-10-2022

PLANNING & ZONING BOARD HEARING DATE

March 2, 2022

PROPERTY OWNER & APPLICANT

Rajeev Saxena (Scott Wotherspoon –
Hiawatha Bay, LLC)

PROPERTY LOCATION/ADDRESS

Lots 3,4,5,6,9,10,11,12, Section 13, Block C,
Subdivision 52, Township 28, Range 37, Brevard
County, Florida. Specifically, off of Dixie Hwy, just north
of Nokomis Avenue NE

SUMMARY OF REQUEST

The applicant is requesting a future land use map amendment from
Commercial and Single Family Residential to Multi-Family
Residential.

Existing Zoning

HC, Highway Commercial District

Existing Land Use

Vacant, Commercial and Single family Residential

Site Improvements

Undeveloped Land

Site Acreage

1.30 acres

SURROUNDING ZONING & USE OF LAND

North

RM-20, Multi-Family Residential District; Vacant

East

RM-20, Multi-Family Residential District; Dixie Highway, US1;
Single Family Home

South

RS-3 & HC Single-Family Residential and Commercial District;
Single Family Residential homes

West

RS-3, Single Family Residential; Single Family homes

BACKGROUND:

The subject properties are located west of and adjacent to Dixie Highway NE, in the vicinity south of Port Malabar Blvd NE. There is 1.3 acres that are included in 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-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 1.30-acre property is a Multi-Family Residential development. The proposed land use amendment would be considered compatible. The change will allow for a high-quality, diversified living environment.

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 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.

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 Multi-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.

6. RECREATION AND OPEN SPACE ELEMENT

The Recreation and Open Space Element addresses the current and future recreational needs of the City. Multi-family residential use does have more of a demand upon the Parks & Recreational Level of Service (LOS) standards than Single Family Residential Use. However, this element sets a LOS standard of 2 acres per 1,000 residents. The City maintains public ownership of park-designated lands that far exceed this requirement. Therefore, the density increase would have a De minimus effect on the recreation LOS.

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. The land use change will not adversely affect the roadway level of service.

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-10-2022 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-10-2022 & CPZ-10-2022

Subject Property

Between and adjacent to Wabun Street NE and Dixie Highway NE, in the vicinity north of Nokomis 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-10-2022 & CPZ-10-2022

Subject Property

Between and adjacent to Wabun Street NE and Dixie Highway NE, in the vicinity north of Nokomis Avenue NE

Future Land Use Classification

SFR, COM – Single Family Residential, Commercial



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



ZONING MAP CASE: CP-10-2022 & CPZ-10-2022

Subject Property

Between and adjacent to Wabun Street NE and Dixie Highway NE, in the vicinity north of Nokomis Avenue NE

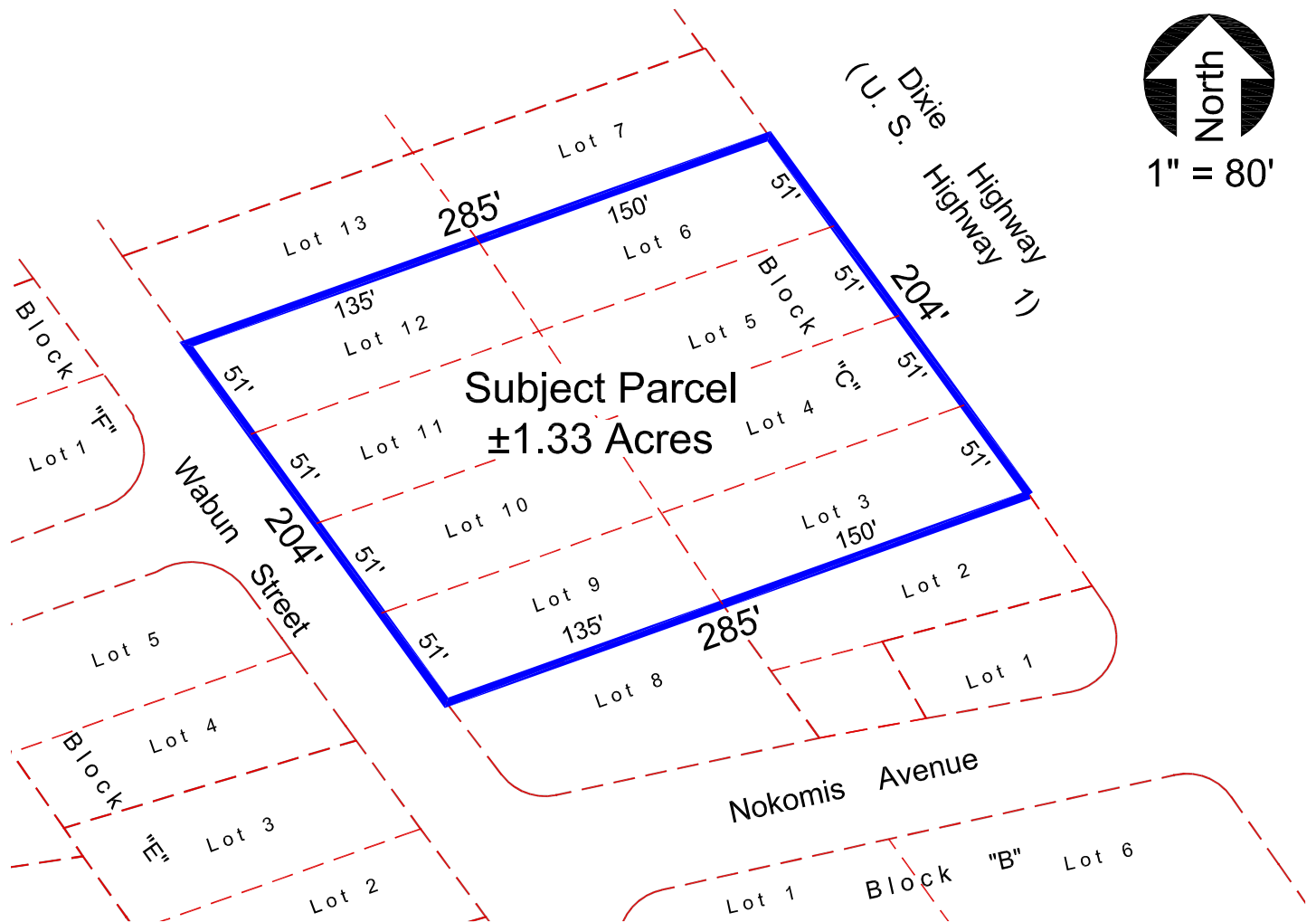
Current Zoning Classification

HC – Highway Commercial

Legal Description Sketch

Legal Description:

Lots 3, 4, 5, 6, 9, 10, 11, and 12, Block C, HIAWATHA GARDENS, according to the plat thereof, as recorded in Plat Book 4, Page 21 of the Public Records of Brevard County, Florida.



Legal Description_sketch.dwg



Fat Tuna Consulting
Consulting ■ Planning
Geographic Information Systems
909 S. Miramar Ave. Indianalantic, Florida 32903
321.258.8323 saiflow@gmail.com

Legal Description Sketch
For:
HIAWATHA BAY LLC
Lots 3-6,9-12, Blk C Hiawatha Gardens, PB 4, Pg 21

Rev.: 01/24/2022
Drawn: cadd vi
Job #: 2132
Sheet 1 of 1

Hiawatha Bay

Zoning Change and Land Use/Comprehensive Plan Amendment

To: City of Palm Bay

Justification Statement

Submitted: January 31, 2022

A. Change/Amendment Requested

1. Zoning Change:

From: Highway Commercial (HC) to: Multi-Family Residential (RM-20)

2. Land Use/Comprehensive Plan Amendment:

East 1/2:

From: Commercial (COM) to: Multi-Family Residential (MFR)

West 1/2:

From: Single Family Residential (SFR) to: Multi-Family Residential (MFR)



B. Property

1. Summary

The property is a 1.33 acre vacant parcel located on the West side of US 1, between Hiawatha Avenue and Nokomis Ave, bordered on the West by Wabun Street. The property lies within the Riverview subdistrict of the City's Bayfront Community Redevelopment District.

The property consists of 8 platted lots within the Hiawatha Gardens subdivision, and is vacant. The current owner has owned it since 1998 and reports no history of building permits or any other development activities.

2. Adjacent Properties

North

<u>Zoning:</u>	RM-20	<u>FLU:</u>	MFR	<u>Existing Use:</u>	Vacant
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South

East Half

<u>Zoning:</u>	HC	<u>FLU:</u>	MFR	<u>Existing Use:</u>	Single Family Res.
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West Half:

<u>Zoning:</u>	RS-3	<u>FLU:</u>	MFR	<u>Existing Use:</u>	Single Family Res.
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East

Bordered by U.S. Highway 1, Dixie Highway

West

Bordered by Wabun Street NE

C. Justification for Change/Amendment

The applicant plans to develop a luxury rental apartment community of 20-24 units, taking advantage of the site's easy access and river views. The requested density of 20 units per acre would yield 26 units.

The subject property is ideally situated in an area already surrounded by Residentially zoned properties, make it a perfect candidate for the switch to Multi-family Zoning and Future Land Use (FLU). Multi-family housing is needed in Palm Bay. The City's GIS shows Multi-family residential districts comprise only approximately 2% of the City's area.

The property, along with the neighboring Multi-family property to the North, represent a significant opportunity for the City to beautify and improve the Northerly US 1 entry corridor. The proposed site will provide buffers with landscaping, along with the setbacks and other standard regulations for development within the RM-20 district. Access to the project site will be from US 1 on the East and Wabun Street on the West.

The City's goals, policies, and objectives of the Comprehensive plan, as well as those of the Bayfront Community Redevelopment District would be well served by this change, as outlined below.

1. Zoning Change from HC-Highway Commercial to RM-20 Residential Multi-Family:

The City's code states: *All proposed amendments shall be submitted to the Planning and Zoning Board which shall study such proposals to determine:*

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

Applicant Response: The site lies within an area of all residential uses. The existing Highway Commercial zone is not compatible with the surrounding properties.

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

Applicant Response: The change would make the property more compatible with surrounding properties by bringing it into a more suitable district.

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*

Applicant Response: The City's GIS shows Multi-family residential districts comprise only approximately 2% of the City's area. Within the immediate area, there are only 2 vacant Multi-family properties. One is the 1.7 acre adjacent property to the North, and the other is the 1.18 acre Steamboat Landing parcel.

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 plan.*

Applicant Response: The proposed change will further the purposes of the Palm Bay Land Development code and Comprehensive plan by providing a much needed opportunity for multi-family housing close to the City's center, and within the Bayfront Community Redevelopment District.

2. Land Use/Comprehensive Plan Change from COM & RS-3 to MFR Residential Multi-Family:

The City's code states: *The Future Land Use Element designates future land use patterns to meet the goals, objectives and policies of the City's Comprehensive Plan.*

1. *Consistency with the City's Comprehensive Plan*

a. *Goal FLU-1 "Ensure a high quality, diversified living environment through the efficient distribution of compatible land uses."*

Applicant Response: The site lies within an area of all residential uses. The existing Highway Commercial zone is not compatible with the surrounding properties. This change would more efficiently distribute the pattern of land uses by bringing it into a residential zone and land use.

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

Applicant Response: The City's GIS shows Multi-family residential districts comprise only approximately 2% of the City's area. Within the immediate area, there are only 2 vacant Multi-family properties. This luxury project would help to create and maintain a residential neighborhood that would beautify and add value to nearby properties.

c. Objective FLU-2.3 "Prevent incompatible land uses from locating in residential areas in order to promote neighborhood stability and prevent deterioration."

Applicant Response: The site lies within an area of all residential uses. The existing Highway Commercial zone is not compatible with the surrounding properties. The proposed use would promote neighborhood stability and help prevent deterioration by creating luxury units that would prevent blight, and add greatly to the tax revenues of the city.

d. Goal FLU-8 "A diverse and self-sustaining pattern of land uses which support the present and future population of the City of Palm Bay."

Applicant Response: The City needs Multi-family properties, as evidenced by only 2% of the City's area being zoned Multi-family. Multi-family use also creates and supports a self-sustaining pattern of land uses by more closely aligning the use with the surrounding property and the City's needs.

2. Consistency with the City's Bayfront Community District Redevelopment 2024 Plan

e. Section 4.3.3 Riverview District "Develop and maintain a northern gateway entrance with improved landscaping and signs."

Applicant Response: The site will help improve the Northern Gateway Entrance by improving landscaping and pedestrian access

In conclusion, the applicant respectfully requests approval of a Zoning Change from HC to RM-20, and a Future Land Use Change from RS-3 and COM to MFR. We feel that it is in the best interests of the City, and meets the goals, objectives and policies of the Code and the Comprehensive Plan.



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):

28-37-13-52-C-3

TAX ACCOUNT NUMBER(S):

2825998

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

Lots 3, 4, 5, 6, 9, 10, 11, and 12, Block C, HIAWATHA GARDENS, according to the plat thereof, as recorded in Plat Book 4, Page 21 of the Public Records of Brevard County, Florida.

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

1.3 Acres

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

SFR - Single Family (West Half - Lots 9, 10, 11, and 12)
COM - Commercial (East Half - Lots 3, 4, 5, and 6)

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

MFR - Multi Family Residential

PRESENT USE OF PROPERTY:

Vacant Land

STRUCTURES LOCATED ON THE PROPERTY: None

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: Yes - from HC to RM-20

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

The applicant plans to construct a luxury rental community.
Please see Exhibit "A" for full narrative and justification.
See Rezoning Application submitted concurrently.

SPECIFIC USE INTENDED FOR PROPERTY:

The applicant plans to construct a luxury rental community.
Please see Exhibit "A" for full narrative and justification.

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 Scott Wotherspoon - Hiawatha Bay LLC

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

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

Owner Signature  **Date** January 28, 2022
Printed Name Scott Wotherspoon - Hiawatha Bay LLC
Full Address 909 S Miramar Ave. Indialantic FL 32903
Telephone 321-258-8323 **Email** sailflow@gmail.com

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

**OWNERS CONSENT TO REZONING
AND LAND USE CHANGE APPLICATION**

I, **RAJEEV SAXENA**, (Owner) as undersigned owner of the below described Property, do hereby authorize **SCOTT WOTHERSPOON** (Agent) to act as Agent in any and all Rezoning and Land Use Change applications, all required City of Palm Bay staff meetings, and Planning and Zoning Board meetings, as Agent deems necessary.

Property Description:

Brevard County Parcel ID: 28-37-13-52-C-3

Lots 3, 4, 5, 6, 9, 10, 11, and 12, Block C, HIAWATHA GARDENS, according to the plat thereof, as recorded in Plat Book 4, Page 21 of the Public Records of Brevard County, Florida.


Rajeev Saxena:



Witness 1 Printed Name: Renee McCoy


Witness 2 Printed Name: Matthew D. Wergel

STATE OF Georgia
COUNTY OF Laurens

I HEREBY CERTIFY that on this 26 day of January, 2022 before me, personally appeared **Rajeev Saxena** who [] is/are personally known to me or [] has/have produced [] as identification, and who executed the foregoing instrument and acknowledged before me that they executed the same.




Notary Public -- State of Georgia
Printed Name: Kevin O'Neil
My commission expires 8/12/23



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Growth Management Director

DATE: March 2, 2022

SUBJECT: **CPZ-10-2022 - Hiawatha Bay – Rajeev Saxena (Scott Wotherspoon, Hiawatha Bay, LLC, Rep.) - A Zoning amendment from an HC, Highway Commercial District to an RM-20, Multiple-Family Residential District. Lots 3 through 6 and 9 through 12, Block C, Hiawatha Gardens, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.33 acres. Located adjacent to and between Wabun Street NE and Dixie Highway NE, in the vicinity north of Nokomis Avenue NE

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ☐ Case CPZ-10-2022 - Staff Report
- ☐ Case CPZ-10-2022 - Legal Sketch
- ☐ Case CPZ-10-2022 - Justification
- ☐ Case CPZ-10-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Alexandra Bernard, Growth Management Director

CASE NUMBER

CPZ-10-2022

PLANNING & ZONING BOARD HEARING DATE

March 2, 2022

PROPERTY OWNER & APPLICANT

Rajeev Saxena (Scott Wotherspoon –
Hiawatha Bay, LLC)

PROPERTY LOCATION/ADDRESS

Lots 3,4,5,6,9,10,11,12, Section 13, Block C,
Subdivision 52, Township 28, Range 37, Brevard
County, Florida. Specifically, off of Dixie Hwy, just north
of Nokomis Avenue NE

SUMMARY OF REQUEST

The applicant is requesting a rezoning from HC, Highway
Commercial to RM-20, Multi-Family Residential.

Existing Zoning

HC, Highway Commercial District

Existing Land Use

Vacant, Commercial and Single family Residential

Site Improvements

Undeveloped Land

Site Acreage

1.30 acres

SURROUNDING ZONING & USE OF LAND

North

RM-20, Multi-Family Residential District; Vacant

East

RM-20, Multi-Family Residential District; Dixie Highway, US1;
Single Family Home

South

RS-3 & HC Single-Family Residential and Commercial District;
Single Family Residential homes

West

RS-3, Single Family Residential; Single Family homes

BACKGROUND:

The subject properties are located west of and adjacent to Dixie Highway NE, in the vicinity south of Port Malabar Blvd NE. There is 1.3 acres that are included in 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 development.” The Multi-Family Zoning District will allow for multifamily uses. The change in zoning will 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 RM-20 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 550 acres of RM-20, Multi-Family Residential 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-10-2022 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-10-2022 & CPZ-10-2022

Subject Property

Between and adjacent to Wabun Street NE and Dixie Highway NE, in the vicinity north of Nokomis 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-10-2022 & CPZ-10-2022

Subject Property

Between and adjacent to Wabun Street NE and Dixie Highway NE, in the vicinity north of Nokomis Avenue NE

Future Land Use Classification

SFR, COM – Single Family Residential, Commercial



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ZONING MAP CASE: CP-10-2022 & CPZ-10-2022

Subject Property

Between and adjacent to Wabun Street NE and Dixie Highway NE, in the vicinity north of Nokomis Avenue NE

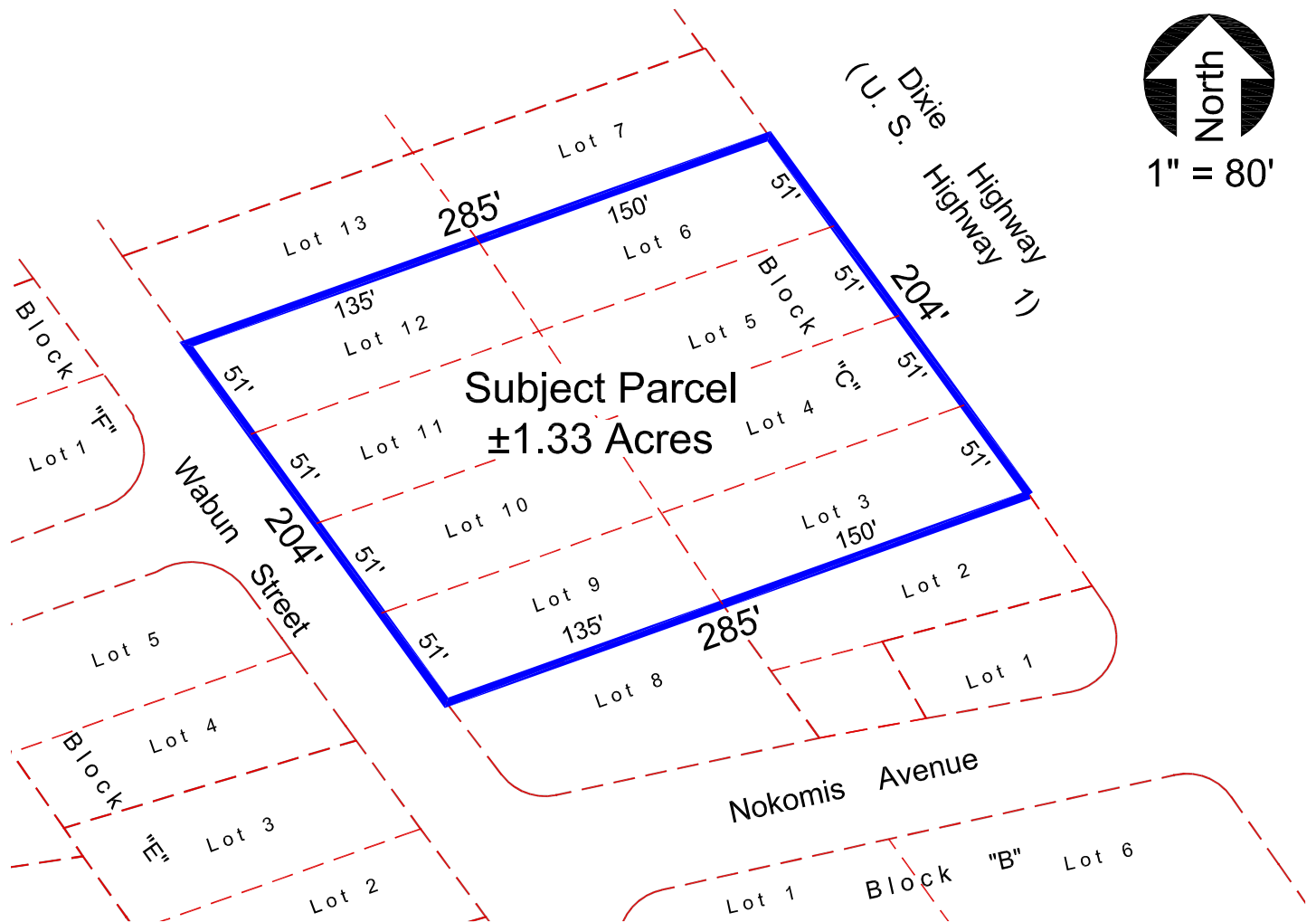
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Legal Description Sketch
For:
HIAWATHA BAY LLC
Lots 3-6, 9-12, Blk C Hiawatha Gardens, PB 4, Pg 21

Rev.: 01/24/2022
Drawn: cadd vi
Job #: 2132
Sheet 1 of 1

Hiawatha Bay

Zoning Change and Land Use/Comprehensive Plan Amendment

To: City of Palm Bay

Justification Statement

Submitted: January 31, 2022

A. Change/Amendment Requested

1. Zoning Change:

From: Highway Commercial (HC) to: Multi-Family Residential (RM-20)

2. Land Use/Comprehensive Plan Amendment:

East 1/2:

From: Commercial (COM) to: Multi-Family Residential (MFR)

West 1/2:

From: Single Family Residential (SFR) to: Multi-Family Residential (MFR)



B. Property

1. Summary

The property is a 1.33 acre vacant parcel located on the West side of US 1, between Hiawatha Avenue and Nokomis Ave, bordered on the West by Wabun Street. The property lies within the Riverview subdistrict of the City's Bayfront Community Redevelopment District.

The property consists of 8 platted lots within the Hiawatha Gardens subdivision, and is vacant. The current owner has owned it since 1998 and reports no history of building permits or any other development activities.

2. Adjacent Properties

North

<u>Zoning:</u>	RM-20	<u>FLU:</u>	MFR	<u>Existing Use:</u>	Vacant
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South

East Half

<u>Zoning:</u>	HC	<u>FLU:</u>	MFR	<u>Existing Use:</u>	Single Family Res.
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West Half:

<u>Zoning:</u>	RS-3	<u>FLU:</u>	MFR	<u>Existing Use:</u>	Single Family Res.
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East

Bordered by U.S. Highway 1, Dixie Highway

West

Bordered by Wabun Street NE

C. Justification for Change/Amendment

The applicant plans to develop a luxury rental apartment community of 20-24 units, taking advantage of the site's easy access and river views. The requested density of 20 units per acre would yield 26 units.

The subject property is ideally situated in an area already surrounded by Residentially zoned properties, make it a perfect candidate for the switch to Multi-family Zoning and Future Land Use (FLU). Multi-family housing is needed in Palm Bay. The City's GIS shows Multi-family residential districts comprise only approximately 2% of the City's area.

The property, along with the neighboring Multi-family property to the North, represent a significant opportunity for the City to beautify and improve the Northerly US 1 entry corridor. The proposed site will provide buffers with landscaping, along with the setbacks and other standard regulations for development within the RM-20 district. Access to the project site will be from US 1 on the East and Wabun Street on the West.

The City's goals, policies, and objectives of the Comprehensive plan, as well as those of the Bayfront Community Redevelopment District would be well served by this change, as outlined below.

1. Zoning Change from HC-Highway Commercial to RM-20 Residential Multi-Family:

The City's code states: *All proposed amendments shall be submitted to the Planning and Zoning Board which shall study such proposals to determine:*

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

Applicant Response: The site lies within an area of all residential uses. The existing Highway Commercial zone is not compatible with the surrounding properties.

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

Applicant Response: The change would make the property more compatible with surrounding properties by bringing it into a more suitable district.

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*

Applicant Response: The City's GIS shows Multi-family residential districts comprise only approximately 2% of the City's area. Within the immediate area, there are only 2 vacant Multi-family properties. One is the 1.7 acre adjacent property to the North, and the other is the 1.18 acre Steamboat Landing parcel.

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 plan.*

Applicant Response: The proposed change will further the purposes of the Palm Bay Land Development code and Comprehensive plan by providing a much needed opportunity for multi-family housing close to the City's center, and within the Bayfront Community Redevelopment District.

2. Land Use/Comprehensive Plan Change from COM & RS-3 to MFR Residential Multi-Family:

The City's code states: *The Future Land Use Element designates future land use patterns to meet the goals, objectives and policies of the City's Comprehensive Plan.*

1. *Consistency with the City's Comprehensive Plan*

a. *Goal FLU-1 "Ensure a high quality, diversified living environment through the efficient distribution of compatible land uses."*

Applicant Response: The site lies within an area of all residential uses. The existing Highway Commercial zone is not compatible with the surrounding properties. This change would more efficiently distribute the pattern of land uses by bringing it into a residential zone and land use.

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

Applicant Response: The City's GIS shows Multi-family residential districts comprise only approximately 2% of the City's area. Within the immediate area, there are only 2 vacant Multi-family properties. This luxury project would help to create and maintain a residential neighborhood that would beautify and add value to nearby properties.

c. Objective FLU-2.3 "Prevent incompatible land uses from locating in residential areas in order to promote neighborhood stability and prevent deterioration."

Applicant Response: The site lies within an area of all residential uses. The existing Highway Commercial zone is not compatible with the surrounding properties. The proposed use would promote neighborhood stability and help prevent deterioration by creating luxury units that would prevent blight, and add greatly to the tax revenues of the city.

d. Goal FLU-8 "A diverse and self-sustaining pattern of land uses which support the present and future population of the City of Palm Bay."

Applicant Response: The City needs Multi-family properties, as evidenced by only 2% of the City's area being zoned Multi-family. Multi-family use also creates and supports a self-sustaining pattern of land uses by more closely aligning the use with the surrounding property and the City's needs.

2. Consistency with the City's Bayfront Community District Redevelopment 2024 Plan

e. Section 4.3.3 Riverview District "Develop and maintain a northern gateway entrance with improved landscaping and signs."

Applicant Response: The site will help improve the Northern Gateway Entrance by improving landscaping and pedestrian access

In conclusion, the applicant respectfully requests approval of a Zoning Change from HC to RM-20, and a Future Land Use Change from RS-3 and COM to MFR. We feel that it is in the best interests of the City, and meets the goals, objectives and policies of the Code and the Comprehensive Plan.



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):

28-37-13-52-C-3

TAX ACCOUNT NUMBER(S):

2825998

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

Lots 3, 4, 5, 6, 9, 10, 11, and 12, Block C, HIAWATHA GARDENS, according to the plat thereof, as recorded in Plat Book 4, Page 21 of the Public Records of Brevard County, Florida.

PROPERTY ADDRESS:

Dixie Highway, Palm Bay, Florida 32905

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

1.3 Acres

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

HC - Highway Commercial

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

RM-20

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

STRUCTURES LOCATED ON THE PROPERTY:

None

PRESENT USE OF THE PROPERTY:

Vacant Land

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

The applicant plans to construct a luxury rental community.
Please see Exhibit "A" for full narrative and justification.
See Future Land Use Change Application submitted concurrently.

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

- ☐ *A \$650.00 application fee. Make Check payable to "City of Palm Bay."
- ☐ A Boundary Survey or Sketch with legal descriptions of properties covered by this application.
- ☐ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☐ School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.
- ☐ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guideline. Staff will provide a sign template.
- ☐ **Where the property owner is not the representative for the request, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.**

Name of Representative SCOTT WOTHERSPOON - Hiawatha Bay LLC

**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

January 28, 2022

Printed Name

Scott Wotherspoon - Hiawatha Bay LLC

Full Address

909 S Miramar Ave. Indialantic FL 32903

Telephone

321-258-8323

Email

sailflow@gmail.com

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

**OWNERS CONSENT TO REZONING
AND LAND USE CHANGE APPLICATION**

I, **RAJEEV SAXENA**, (Owner) as undersigned owner of the below described Property, do hereby authorize **SCOTT WOTHERSPOON** (Agent) to act as Agent in any and all Rezoning and Land Use Change applications, all required City of Palm Bay staff meetings, and Planning and Zoning Board meetings, as Agent deems necessary.

Property Description:

Brevard County Parcel ID: 28-37-13-52-C-3

Lots 3, 4, 5, 6, 9, 10, 11, and 12, Block C, HIAWATHA GARDENS, according to the plat thereof, as recorded in Plat Book 4, Page 21 of the Public Records of Brevard County, Florida.


Rajeev Saxena:



Witness 1 Printed Name: Renee McCoy


Witness 2 Printed Name: Matthew D. Wergel

STATE OF Georgia
COUNTY OF Laurens

I HEREBY CERTIFY that on this 26 day of January, 2022 before me, personally appeared **Rajeev Saxena** who [] is/are personally known to me or [] has/have produced [] as identification, and who executed the foregoing instrument and acknowledged before me that they executed the same.




Notary Public -- State of Georgia
Printed Name: Kevin O'Neil
My commission expires 8/12/23



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Growth Management Director

DATE: March 2, 2022

SUBJECT: CP-11-2022 - Heritage Corners - Gary Smigiel, Ascot Palm Bay Holdings, LLC (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Multiple-Family Residential Use. Tax Parcel 500, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 13.96 acres. Located north of and adjacent to Emerson Drive NW, in the vicinity east of St. Johns Heritage Parkway NW

ATTACHMENTS:

Description

- ▣ Case CP-11-2022 - Staff Report
- ▣ Case CP-11-2022 - Boundary Survey
- ▣ Case CP-11-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Alexandra Bernard, Growth Management Director

CASE NUMBER

CP-11-2022

PLANNING & ZONING BOARD HEARING DATE

March 2, 2022

PROPERTY OWNER & APPLICANT

Gary Smigiel, Ascot Palm Bay Holdings, LLC (Ana Saunders, PE, BSE Consultants)

PROPERTY LOCATION/ADDRESS

Township 28, Section 21, Range 36, Tax Parcel 500, Brevard County, Florida. Specifically, off of Emerson Dr NW, just east of St. Johns Heritage Parkway NW

SUMMARY OF REQUEST

The applicant is requesting a future land use map amendment from Commercial to Multi-Family Residential.

Existing Zoning

AU, Brevard County

Existing Land Use

Vacant, Commercial

Site Improvements

Undeveloped Land

Site Acreage

13.96 acres

SURROUNDING ZONING & USE OF LAND

North

AU, Single-Family Residential District; Vacant

East

AU, Single and Multi-Family Residential District; Vacant

South

AU, Commercial District; Vacant

West

AU, Commercial District; Vacant

BACKGROUND:

The subject properties are located north of Emerson Road east of the St. Johns Heritage Parkway. There are 13.96 acres that are included in 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-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 intended use for the 13.96-acre property is a Multi-Family Residential development. The proposed land use amendment would be considered compatible. The change will allow for a high-quality, diversified living environment.

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 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

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 Multi-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.

6. RECREATION AND OPEN SPACE ELEMENT

The Recreation and Open Space Element addresses the current and future recreational needs of the City. Multi-family residential use does have more of a demand upon the Parks & Recreational Level of Service (LOS) standards than Single Family Residential Use. However, this element sets a LOS standard of 2 acres per 1,000 residents. The City maintains public ownership of park-designated lands that far exceed this requirement. Therefore, the density increase would have a De minimus effect on the recreation LOS.

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.

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.

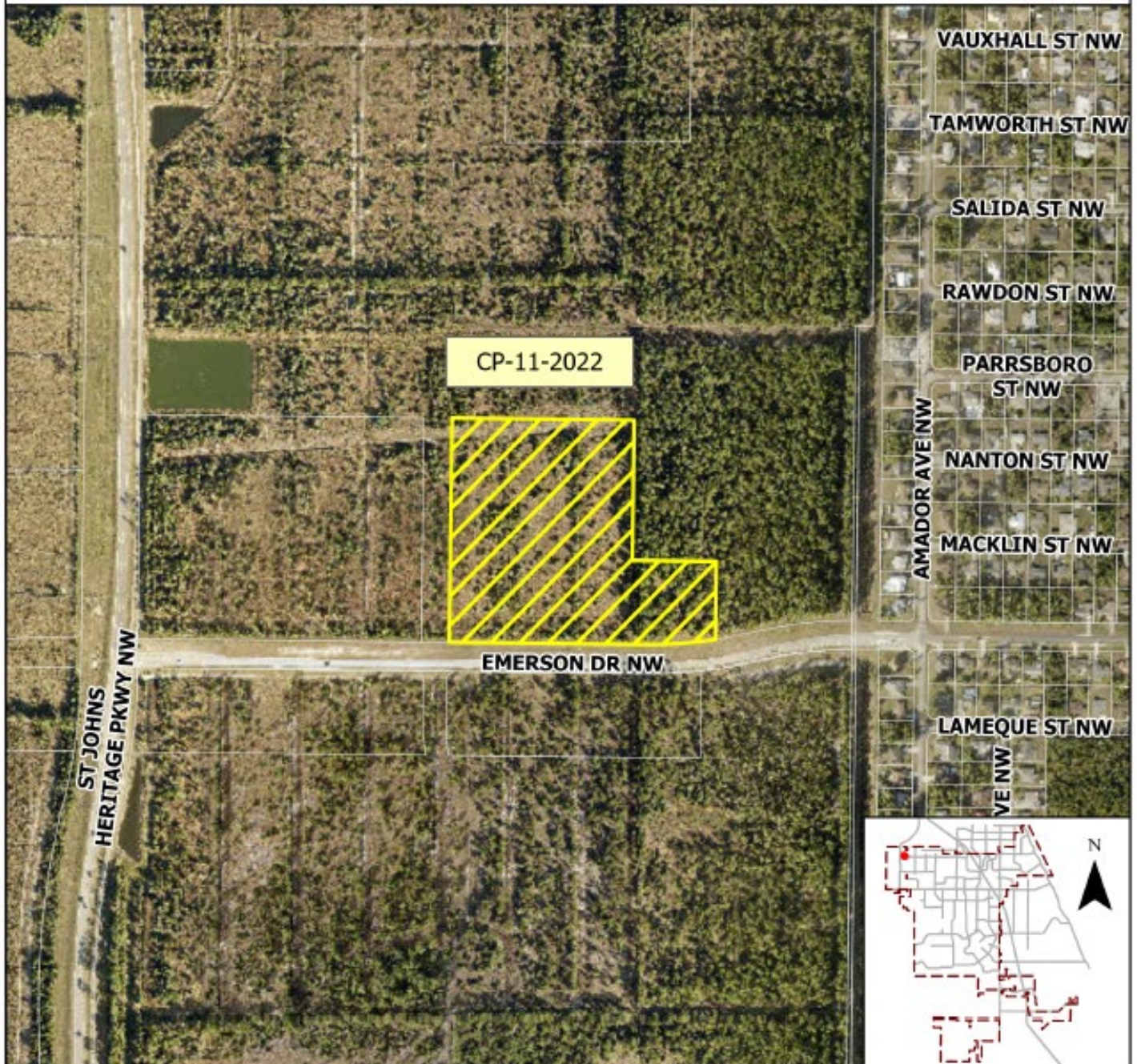
This proposed land-use change does not appear to infringe upon the property rights of the applicant.

STAFF RECOMMENDATION:

Case CP-11-2022 is recommended for approval.



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



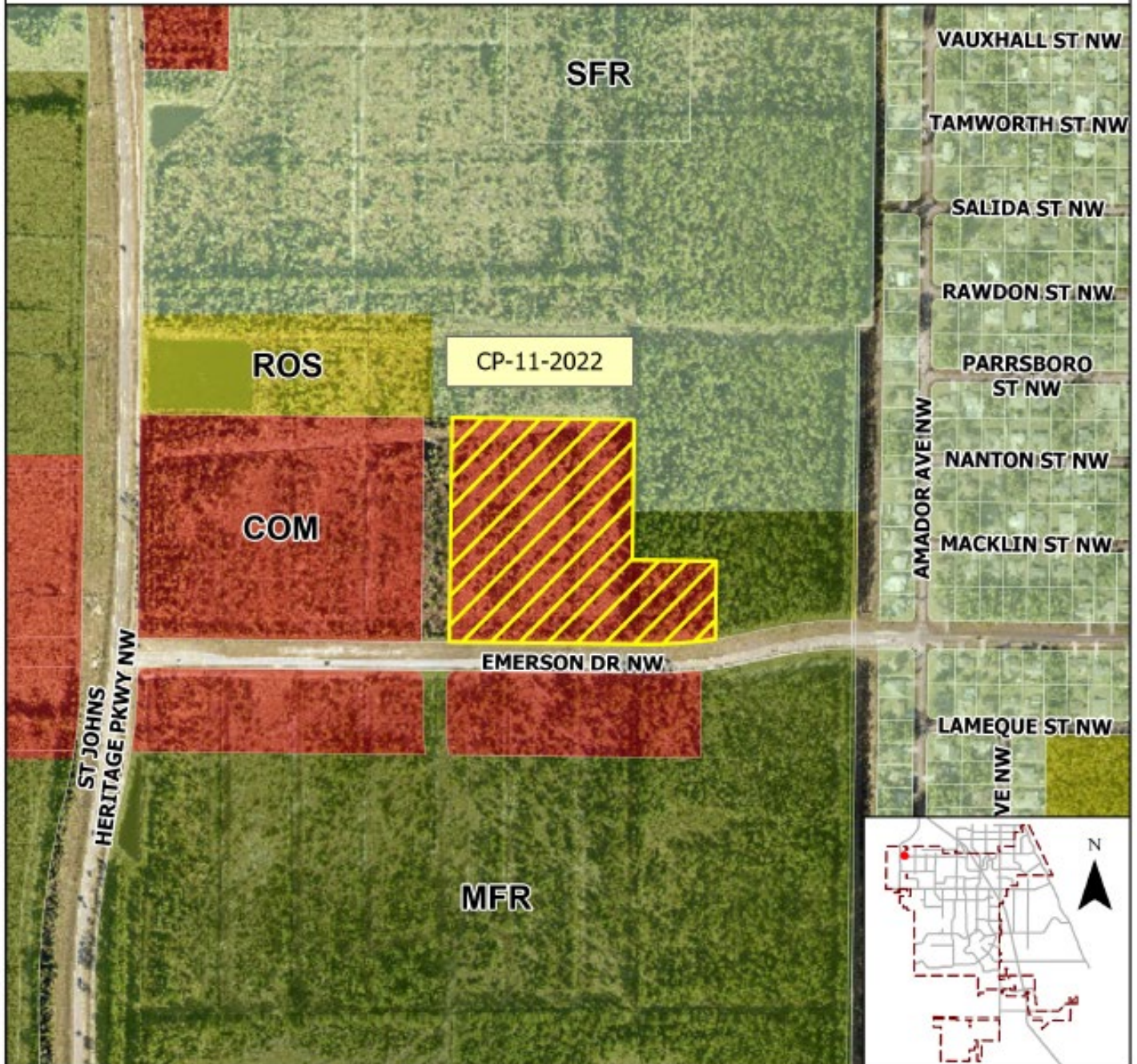
AERIAL LOCATION MAP CASE: CP-11-2022

Subject Property

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



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



FUTURE LAND USE MAP CASE: CP-11-2022

Subject Property

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

Future Land Use Classification

COM – Commercial



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



ZONING MAP CASE: CP-11-2022

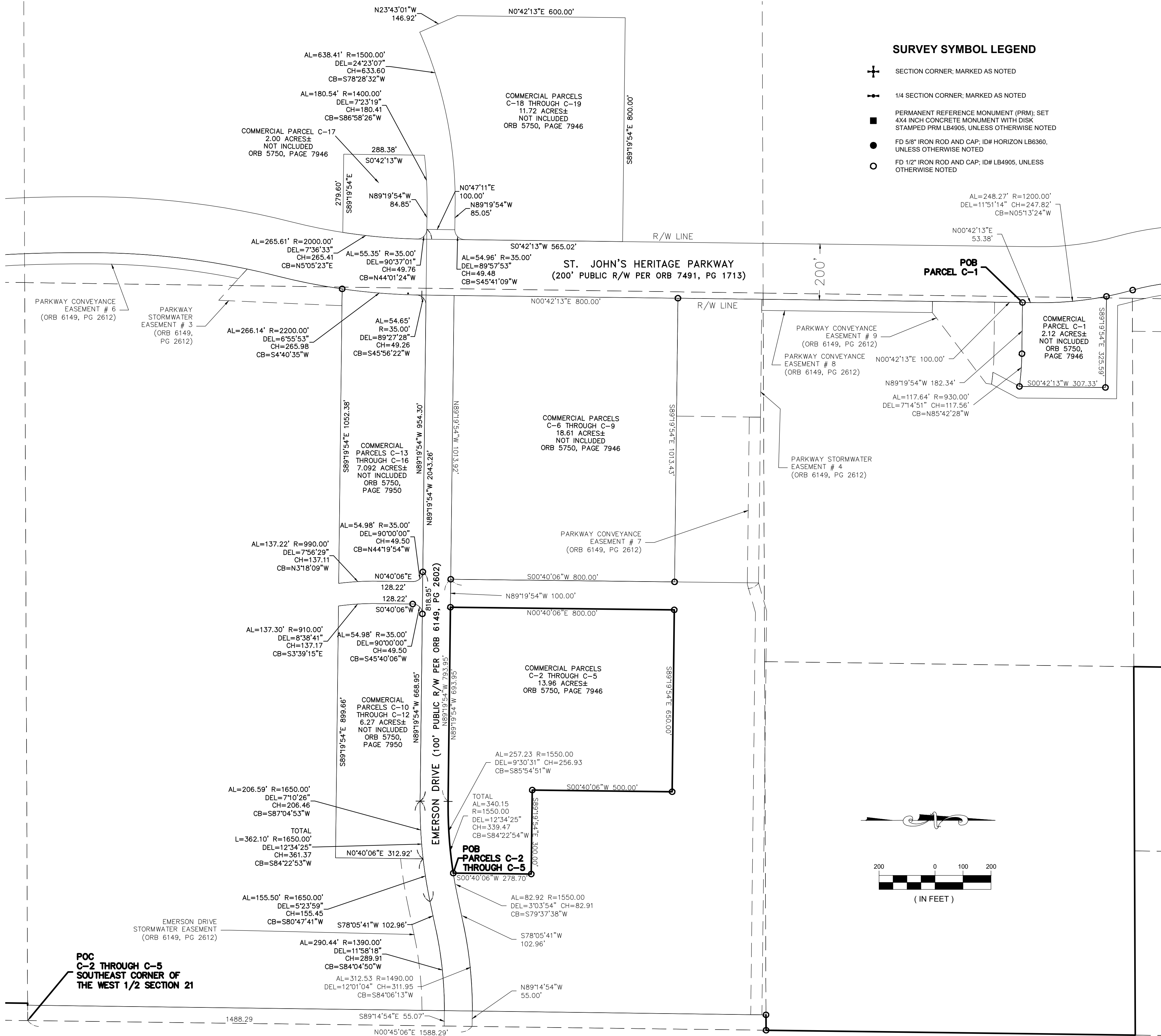
Subject Property

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

Current Zoning Classification

AU (COUNTY) – Agricultural Use

H:\Projects_Folder\11055_01\Drawings\1105501_100_003.dwg February 3, 2022 11:54:54 AM LHL



SURVEY SYMBOL LEGEND

- SECTION CORNER, MARKED AS NOTED
- 1/4 SECTION CORNER, MARKED AS NOTED
- PERMANENT REFERENCE MONUMENT (PRM); SET 4X4 INCH CONCRETE MONUMENT WITH DISK STAMPED PRM LB4905, UNLESS OTHERWISE NOTED
- FD 5/8" IRON ROD AND CAP; ID# LB6360, UNLESS OTHERWISE NOTED
- FD 1/2" IRON ROD AND CAP; ID# LB4905, UNLESS OTHERWISE NOTED

SURVEY NOTES:

SURVEY OF COMMERCIAL PARCELS C-2 THROUGH C-5, LYING IN SECTIONS 20 & 21, TOWNSHIP 28 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°19'54"W ON THE NORTH LINE OF COMMERCIAL PARCELS C-10 THROUGH C-12, AS RECORDED IN OFFICIAL RECORDS BOOK 5750, PAGE 7950, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

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

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

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

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

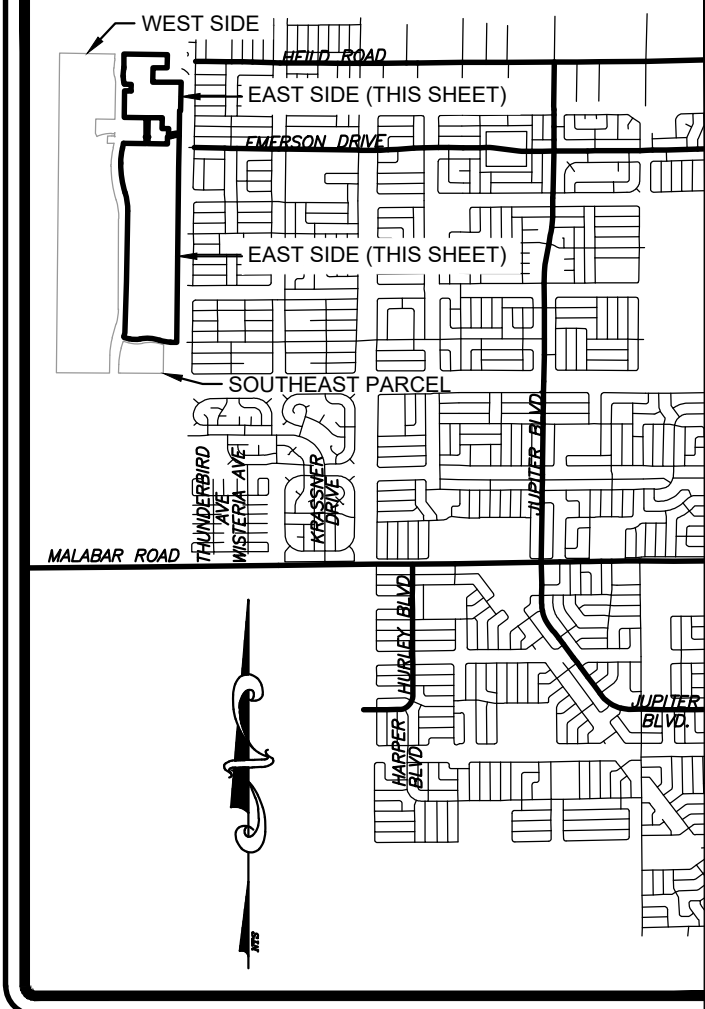
DATE OF LAST FIELD WORK: 03/01/2021

DESCRIPTIONS:

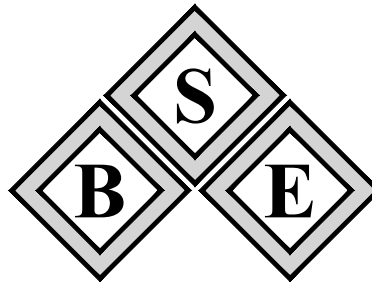
FROM OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

COMMERCIAL PARCELS C-2 THROUGH C-5
A PARCEL OF LAND IN SECTION 21, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE WEST 1/2 OF SECTION 21, TOWNSHIP 28 SOUTH, RANGE 36 EAST, THENCE N00°45'06"E ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 21 A DISTANCE OF 1588.29 FEET; THENCE N89°14'54"W A DISTANCE OF 55.00 FEET TO THE WEST RIGHT OF WAY LINE OF WATER CONTROL DISTRICT OF BREVARD CANAL NUMBER FIFTY NINE (A 95 FOOT RIGHT OF WAY); THENCE SOUTHWESTERLY A DISTANCE OF 312.53 FEET ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1490.00 FEET, A CENTRAL ANGLE OF 12°01'04", AND A CHORD WHICH BEARS S84°06'13"W A DISTANCE OF 311.95 FEET TO A POINT OF TANGENCY; THENCE S78°05'41"W A DISTANCE OF 102.96 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY A DISTANCE OF 82.92 FEET ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1550.00 FEET, A CENTRAL ANGLE OF 3°03'54", AND A CHORD WHICH BEARS S79°37'38"W A DI STANCE OF 82.91 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTHWESTERLY A DISTANCE OF 257.23 FEET ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1550.00 FEET, A CENTRAL ANGLE OF 9°30'31" AND A CHORD WHICH BEARS S85°54'51"W A DISTANCE OF 256.94 FEET TO A POINT OF TANGENCY; THENCE N89°19'54"W A DISTANCE OF 693.95 FEET; THENCE N00°40'06"E A DISTANCE OF 800.00 FEET; THENCE S89°19'54"E A DISTANCE OF 650.00 FEET; THENCE S00°40'06"W A DISTANCE OF 500.00 FEET; THENCE S89°19'54"E A DISTANCE OF 300.00 FEET; THENCE S00°40'06"W A DISTANCE OF 278.70 FEET TO THE POINT OF BEGINNING; CONTAINING 13.962 ACRES, MORE OR LESS.



VICINITY MAP



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: #905
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	CHORD BEARING
CBG	CONCRETE BLOCK STRUCTURE
CH	CHORD LENGTH
CM	CONCRETE MONUMENT
CMP	CORRUGATED METAL PIPE
CONC	CONCRETE
COR	CORNER
DEL	DELTA (CENTRAL ANGLE)
DEI	DEVELOPMENT OF REGIONAL IMPACT
ELEC	ELECTRIC
ELEV	ELEVATION
EOC	END OF CURVE
EOP	EDGE OF PAVEMENT
EDW	EDGE OF WATER
ERCP	ELLIPTICAL REINFORCED CONCRETE PIPE
ESTMT	EASEMENT
FD	FOUND
FTE	FINISHED FLOOR ELEVATION
FM	FIRE HYDRANT
FLRL	FLORIDA POWER AND LIGHT
FT	FEET
HWY	HIGHWAY
IDW	IDENTIFICATION NUMBER
INV	INVEST
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 1988
NGVD29	NATIONAL GEODETIC VERTICAL DATUM 1929
NTI	NON-TANGENT INTERSECTION
NTL	NON-TANGENT LINE
NTS	NOT TO SCALE
ONE	OVERHEAD ELECTRIC UTILITY
ORCORS	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PCC	POINT OF COMPOUND CURVATURE
PCP	PERMANENT CONTROL POINT
PDSD	PAGES
PK	PARKER-KALEN
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PP	POWER/UTILITY POLE
PRC	POINT OF REVERSE CURVATURE
PUD	PLANNED UNIT DEVELOPMENT
PVC	POLYVINYL CHLORIDE PIPE
R	RADIUS
ROW	RIGHT-OF-WAY
RCP	REINFORCED CONCRETE PIPE
RH	RAILROAD
ST	STREET
TYP	TYPICAL

FIELD BOOK: ---

PAGE(S): ---

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DATE: 02/03/2022

DESIGN/DRAWN: LEH

PROJECT TITLE

**HERITAGE
CORNERS**

SHEET TITLE

**BOUNDARY
SURVEY**

PROJECT NO.

11055.01

DRAWING NO.

1105501_100_003

SHEET

1 of 1



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):

28-36-21-00-500

TAX ACCOUNT NUMBER(S):

2862658

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

See attached.

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

+/- 13.96 AC

**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.):

COM - Commercial

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

MFR - Multi-Family Residential

PRESENT USE OF PROPERTY:

Vacant/undeveloped - Agriculture

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):

To provide additional residential housing options to the surrounding area.

SPECIFIC USE INTENDED FOR PROPERTY:

Multi-Family Residential Development

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 Ana Saunders, P.E. (or other authorized B.S.E. representative)

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

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

Owner Signature  **Date** 2/3/22
Printed Name Gary Smigiel, Ascot Palm Bay Holdings, LLC
Full Address PO Box 540669 Lake Worth, FL 33454-0669
Telephone 561-968-3605 ext 204 **Email** gsmfi@aol.com

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

_____, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

TAX ACCOUNT NUMBERS:

2862658, 2862659, 2862656, 2865506, 2865507, 2865970, 2865969

I, Owner Name: Gary Smigiel, Ascot Palm Bay Holdings, LLC

Address: PO Box 540669 Lake Worth, FL 33454-0669

Telephone: 561-968-3605 ext 204

Email: gsmfi@aol.com

hereby authorize:

Representative: Ana Saunders, P.E. (or other authorized B.S.E. representative)

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

Telephone: 321-725-3674

Email: asaunders@bseconsult.com

to represent the request(s) for:

Public Hearings, Land Use and Rezoning

ML - 0

(Property Owner Signature)

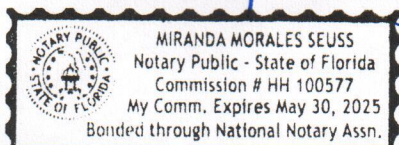
STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3rd day of February, 20 22 by

Gary Smigiel

, property owner.



Miranda Morales Seuss

, Notary Public

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



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Growth Management Director

DATE: March 2, 2022

SUBJECT: **CPZ-11-2022 - Heritage Corners - Gary Smigiel, Ascot Palm Bay Holdings, LLC (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - A Zoning amendment from AU, Agricultural (Brevard County) to a CC, Community Commercial District and an RM-20, Multiple-Family Residential District. Tax Parcels 500, 501, 255, 503, and 504 of Section 21 Township 28, Range 36, along with Tax Parcels 751 and 750 of Section 20, Township 28, Range 36, Brevard County, Florida, containing approximately 61.79 acres. Located north and south of Emerson Drive NW, in the vicinity east and west of St. Johns Heritage Parkway NW

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ▣ Case CPZ-11-2022 - Staff Report
- ▣ Case CPZ-11-2022 - Boundary Survey
- ▣ Case CPZ-11-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Alexandra Bernard, Growth Management Director

CASE NUMBER

CPZ-11-2022

PLANNING & ZONING BOARD HEARING DATE

March 2, 2022

PROPERTY OWNER & APPLICANT

Gary Smigiel, Ascot Palm Bay Holdings, LLC (Ana Saunders, PE, BSE Consultants)

PROPERTY LOCATION/ADDRESS

Township 28, Section 21, Range 36, Tax Parcels 255, 500, 501, 503, 504; Township 28, Section 20, Range 36, Tax Parcels 750 and 751, Brevard County, Florida. Specifically, off of Emerson Dr NW, just east of St. Johns Heritage Parkway NW

SUMMARY OF REQUEST

The applicant is requesting a rezoning from AU (Brevard County) to RM-20, Multi-Family Residential (13.96 acres) and CC, Community Commercial (47.83 acres).

Existing Zoning

AU, Brevard County

Existing Land Use

Vacant, Multi-family Residential and Commercial

Site Improvements

Undeveloped Land

Site Acreage

61.79 acres

SURROUNDING ZONING & USE OF LAND

North

AU, Single-Family Residential District; Vacant

East

AU, Single and Multi-Family Residential District; Vacant

South

AU, Commercial District; Vacant

West

AU, Commercial District; Vacant

BACKGROUND:

The subject properties are located North and south of Emerson Rd between the Parkway and the MTWCD Canal C-59 and the west end of Emerson Rd West of the Parkway.

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 provide additional housing options and supporting commercial development to the surrounding area.” The Multi-Family Zoning District will allow for multifamily uses and the commercial zoning will allow the potential for new businesses that will be supported by the proposed new multi-family.

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-20 zoning district and CC community commercial district for the subject properties is compatible with the surrounding area and is consistent with the City’s desire to see the area near the Parkway come to life.

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 550 acres of RM-20, Multi-Family Residential Use zoned land is within the City limits. Approximately 920 acres of CC, Community Commercial 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).*

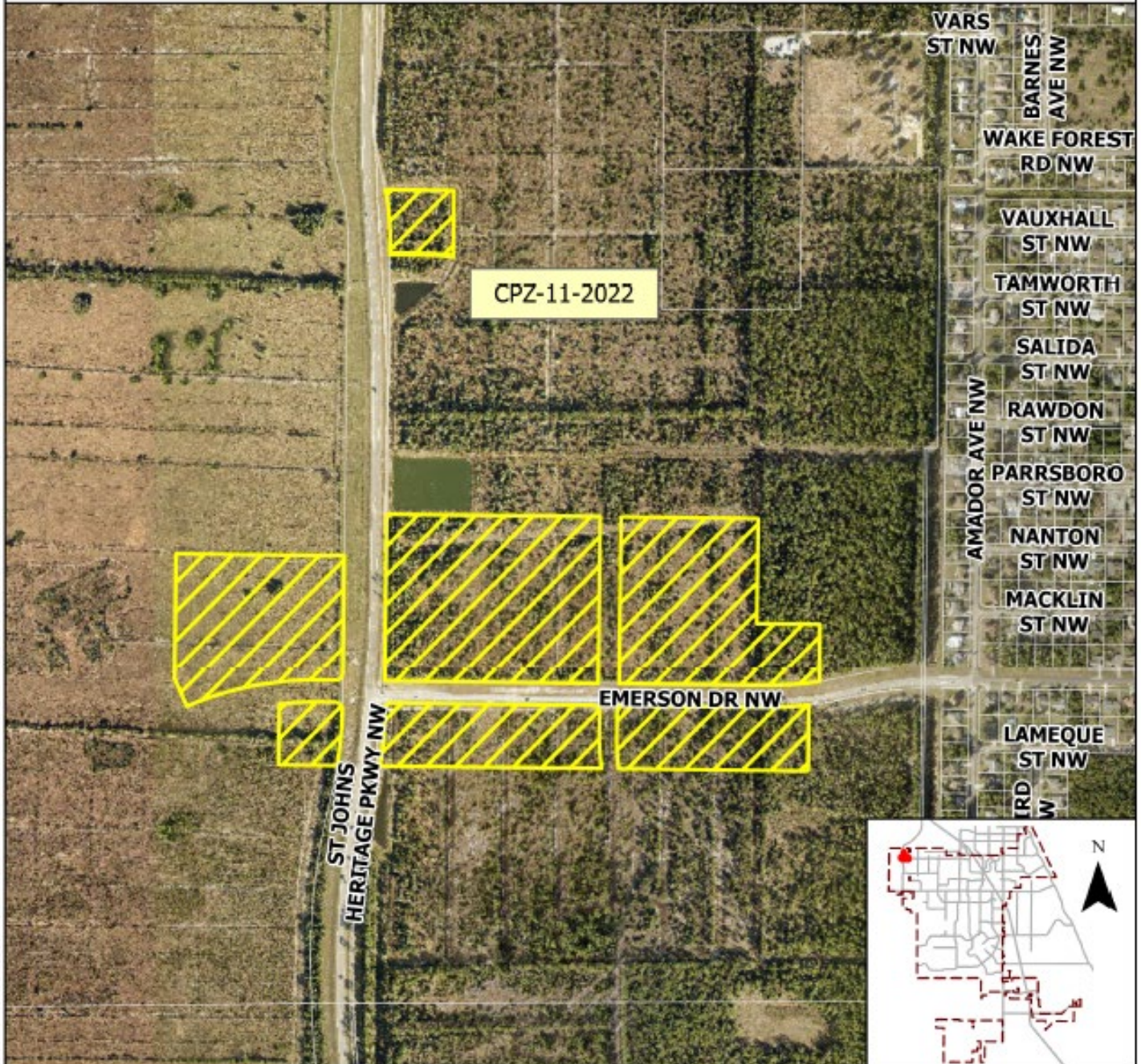
The proposed amendment will further the purposes of Chapter 185, the Comprehensive Plan.

STAFF RECOMMENDATION:

Case CPZ-11-2022 is recommended for approval.



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



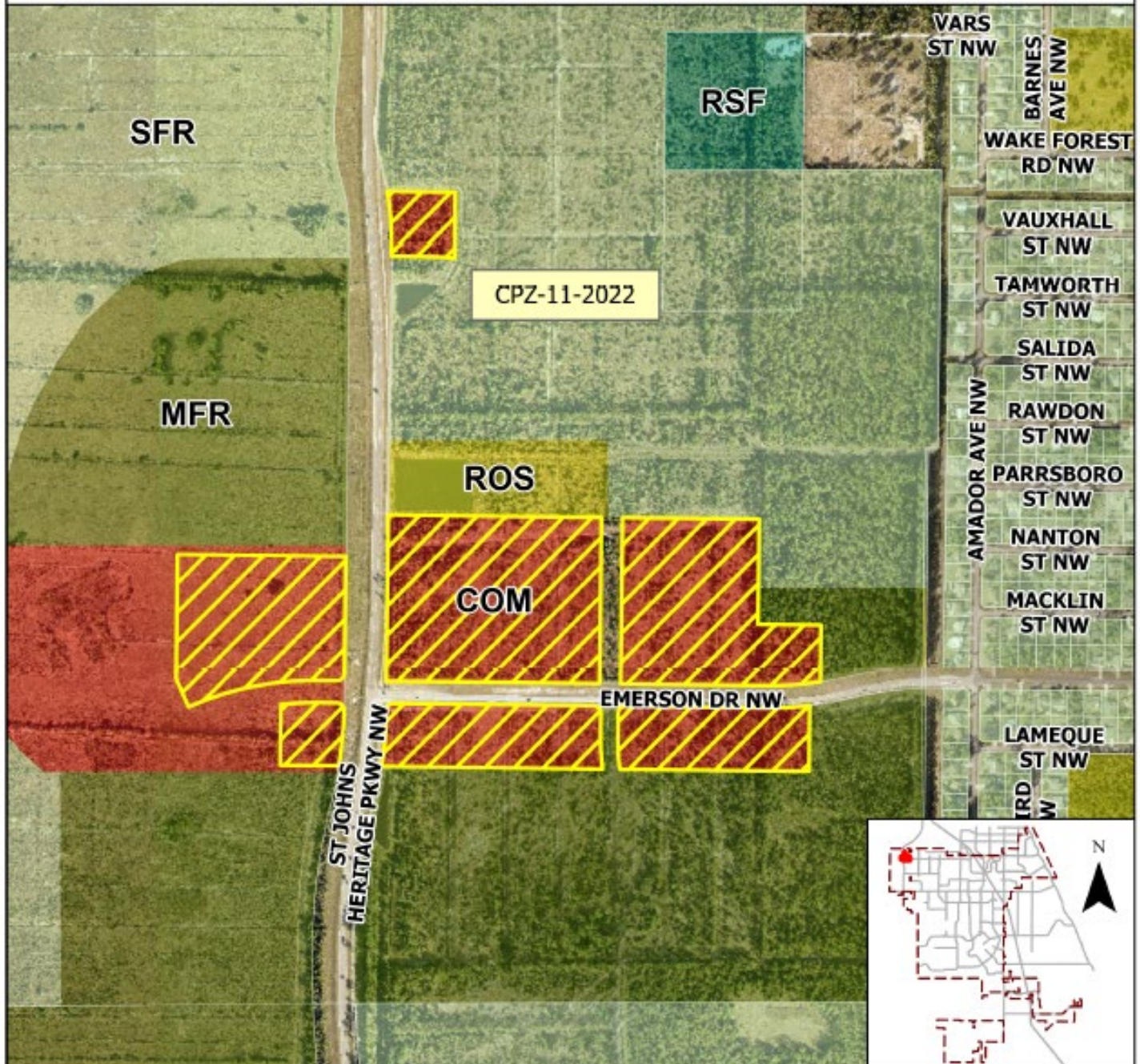
AERIAL LOCATION MAP CASE: CPZ-11-2022

Subject Property

North and south of Emerson Drive NW, in the vicinity east and west of St. Johns Heritage Parkway NW



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



FUTURE LAND USE MAP CASE: CPZ-11-2022

Subject Property

North and south of Emerson Drive NW, in the vicinity east and west of St. Johns Heritage Parkway NW

Future Land Use Classification

COM – Commercial



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):

28-36-21-00-500, 28-36-21-00-501, 28-36-21-00-255, 28-36-21-00-503, 28-36-21-00-504,
28-36-20-00-751, 28-36-20-00-750

TAX ACCOUNT NUMBER(S):

2862658, 2862659, 2862656, 2865506, 2865507, 2865970, 2865969

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

See attached.

PROPERTY ADDRESS:

North and South of Emerson Rd between the Parkway and MTWCD Canal C-59 and the West end of Emerson Rd. West of the Parkway.

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

+/- 13.96 AC (RM-20) + +/-47.83 AC (CC) = +/- 61.79 acres total

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

ALL ZONED AU

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

RM-20 and CC-Community Commercial

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

STRUCTURES LOCATED ON THE PROPERTY:

None

PRESENT USE OF THE PROPERTY:

Vacant/undeveloped - Agriculture

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

Parcel 28-36-21-00-500 / Tax Acct #2862658 - Multi-Family Residential; all other parcels to be commercial uses.

To provide additional housing options and supporting commercial development to the surrounding area.

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 Ana Saunders, P.E. (or other authorized B.S.E. 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 2/3/22
Printed Name Gary Smigiel, Ascot Palm Bay Holdings, LLC
Full Address PO Box 540669 Lake Worth, FL 33454-0669
Telephone 561-968-3605 ext 204 Email gsmfi@aol.com

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

_____, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

TAX ACCOUNT NUMBERS:

2862658, 2862659, 2862656, 2865506, 2865507, 2865970, 2865969

I, Owner Name: Gary Smigiel, Ascot Palm Bay Holdings, LLC

Address: PO Box 540669 Lake Worth, FL 33454-0669

Telephone: 561-968-3605 ext 204

Email: gsmfi@aol.com

hereby authorize:

Representative: Ana Saunders, P.E. (or other authorized B.S.E. representative)

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

Telephone: 321-725-3674

Email: asaunders@bseconsult.com

to represent the request(s) for:

Public Hearings, Land Use and Rezoning

ML - 0

(Property Owner Signature)

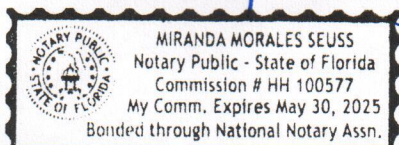
STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3rd day of February, 20 22 by

Gary Smigiel

, property owner.



Miranda Morales Seuss

, Notary Public

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



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Growth Management Director

DATE: March 2, 2022

SUBJECT: Proposed amendment to the Planning and Zoning Board By-Laws, Article VI Meetings, to modify the start time for regular meetings

City Council recently amended their Policies and Procedures to change their regular meeting start time from 7:00 p.m. to 6:00 p.m. For consistency, a 6:00 p.m. start time is being proposed for regular Planning and Zoning Board meetings by modifying the Planning and Zoning Board By-Laws, Article VI Meetings - Section 1, Regular Meetings. The proposed language is attached in legislative style with additions between >>arrow<< symbols and deletions in strikethrough format.

Board action is required to adopt the amendment to the by-laws.

City Council will review the proposed by-laws amendment on March 17, 2022.

ATTACHMENTS:

Description

- 📎 P&Z By-Laws - Article VI, Section 1 - Regular Meetings

ARTICLE VI MEETINGS

Section 1. Regular Meetings – Regular meetings of the Planning and Zoning Board shall be held on the first (1st) Wednesday of every month at 7:00 >>6:00<< P.M. in the Palm Bay City Hall Council Chambers. An agenda shall be prepared by the Secretary of the Board as directed by the Chairman listing all matters which shall be taken up before the Board at any of its meetings. The agenda shall be prepared five (5) days prior to the regularly scheduled meeting with the exception of plats submitted pursuant to the subdivision ordinance.