AGENDA

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Regular Meeting 2022-08
July 6, 2022 - 6:00 PM

City Hall Council Chambers, 120 Malabar Road SE

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ADOPTION OF MINUTES:

1. **Regular Meeting 2022-07; June 1, 2022**

ANNOUNCEMENTS:

OLD/UNFINISHED BUSINESS:

1. ****FD-16-2022 - REQUEST TO CONTINUE TO 08/03 P&Z - Chaparral Phase IV and V - John Ryan, Chaparral Properties, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Final Development Plan to allow a proposed PUD for a 522-lot residential development called Chaparral Phase IV and V. Tract ST-2 and Tax Parcels 1, 751, 752, and 753 of Section 4, Township 29, Range 36 along with Tax Parcels 3 and 4 of Section 9, Township 29, Range 36, Brevard County, Florida, containing approximately 160.51 acres. Located in the vicinity south of Malabar Road SW, west of Brentwood Lakes Subdivision and Melbourne-Tillman Water Control District Canal 9R**
2. **CP-26-2022 - 3 Forks - Anthony Masone, Manager, Parkside Commons Center, LLC / West 80 Acres, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from RES-1, Residential 1 Unit Per Acre (Brevard County) to Regional Activity Center Use - Lots 1 through 8 and Lot 15 of Cisna Park, along with Tax Parcel 250, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 124.33 acres. Located south of and adjacent to Malabar Road SW, in the vicinity east of St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8**
3. ****PD-26-2022 - 3 Forks - Anthony Masone, Manager, Parkside Commons Center, LLC / West 80 Acres, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Preliminary Development Plan to allow for a proposed RAC, Regional Activity Center called 3 Forks - Lots 1 through 8 and Lot 15 of Cisna Park, along with Tax Parcel 250, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 124.33 acres. Located south of and adjacent to Malabar Road SW, in the vicinity east of**

St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8

4. **T-25-2022 - WITHDRAWN - Infill PUD - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.060 and 185.065, to allow for Infill Planned Unit Developments**

5. **CP-21-2022 - De Groodt PUD - Michael H. Erdman, Kew, LLC (Chris Ossa, P.E. and Kinan Husainy, P.E., Kimley-Horn & Associates / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Rural Single-Family Use and Commercial Use to Commercial Use and Single-Family Residential Use - Tax Parcel 750, Section 24, Township 29, Range 36, Brevard County, Florida, containing approximately 43.55 acres. Located east of and adjacent to De Groodt Road SW, in the vicinity west of Brandy Creek Circle SE**

6. ****PD-21-2022 - De Groodt PUD - Michael H. Erdman, Kew, LLC (Chris Ossa, P.E. and Kinan Husainy, P.E., Kimley-Horn & Associates / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law, Reps.) - A Preliminary Development Plan to allow a proposed PUD for a 119-lot single-family residential development with supporting commercial called De Groodt PUD - Tax Parcel 750, Section 24, Township 29, Range 36, Brevard County, Florida, containing approximately 43.55 acres. Located east of and adjacent to De Groodt Road SW, in the vicinity west of Brandy Creek Circle SE**

NEW BUSINESS:

1. ****V-28-2022 - WITHDRAWN - Artesia Palm Bay - Mimis Mitropoulos, ACIS Investment Group, LLC (Bruce Moia, P.E., MBV Engineering, Inc. / Jeremy Mears, Brownstone Group, Reps.) - A Variance to allow a proposed 8-foot-high privacy fence within an HC, Highway Commercial District and an RM-10, Single-, Two-, Multiple-Family Residential District by granting relief from the 6-foot-high wall or fence requirements established by Section 185.036(B)(3)(b) of the City of Palm Bay Code of Ordinances - Tax Parcel 502, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 18.42 acres. Located between and adjacent to Malabar Road NE and Biddle Street NE**

2. **CP-25-2022 – Crown Villas at Palm Bay - Francis R. Bourne and Anna B. Bourne (James Trauger, Trauger Consulting Engineers, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Single-Family Residential Use to Multiple-Family Residential Use - Tax Parcel 762, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 17.41 acres. Located west of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE**

3. ****CPZ-25-2022 – Crown Villas at Palm Bay - Francis R. Bourne and Anna B. Bourne (James Trauger, Trauger Consulting Engineers, Rep.) - A Zoning amendment from an RS-2, Single Family Residential District to an RM-10, Single-, Two-, Multiple-Family Residential District - Tax Parcel 762, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 17.41 acres. Located west of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE**

4. **CP-27-2022 – Adelon Bayfront - Carlos Rajlin, Bayfront Blossom, LLC (Bruce Moia, P.E., MBV Engineering, Inc. / Alberto Krygier, Adelon Corporation, Reps.) and the City**

of Palm Bay (Growth Management Department) - A small-scale Comprehensive Plan Future Land Use Map amendment from Bayfront Mixed Use Village to Bayfront Mixed Use - All of Block 5 along with Lots 1 through 12, Lots 18 through 21, and Out Lot H, Block 6, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 8.941 acres. Located North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

5. ****CPZ-27-2022 - Adelon Bayfront - Carlos Rajlin, Bayfront Blossom, LLC (Bruce Moia, P.E., MBV Engineering, Inc. / Alberto Krygier, Adelon Corporation, Reps.) and the City of Palm Bay (Growth Management Department) - All of Block 5 along with Lots 1 through 12, Lots 18 through 21, and Out Lot H, Block 6, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 8.941 acres. Located North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE**
6. **T-29-2022 – BMU Conditional Use - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.058(D)(4), to eliminate the requirement for a Conditional Use to allow permitted uses on a parcel of ten (10) or more acres of area in the BMU, Bayfront Mixed Use District**
7. **T-30-2022 – Citizen Participation Plan - City of Palm Bay (Growth Management Department – Requested by Deputy Mayor Kenny Johnson) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Zoning Code, Section 169.005(B)(1), to modify the applicability requirements for Citizen Participation Plans to include Comprehensive Plan Future Land Use Map and Zoning Map amendments**
8. **T-33-2022 - Voluntary Low Impact Development - City of Palm Bay (Growth Management Department – Requested by Deputy Mayor Kenny Johnson) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, Section 174.068(AA) Design Standards, and repealing Sections 169.010 through 169.015 in its entirety, to modify guidelines for voluntary low impact development**

OTHER BUSINESS:

ADJOURNMENT:

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

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

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

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

**Quasi-Judicial Proceeding.

The City of Palm Bay Florida

MEMORANDUM

DATE: July 6, 2022

SUBJECT: Regular Meeting 2022-07; June 1, 2022

ATTACHMENTS:

Description

- **P&Z/LPA Minutes - Regular Meeting 2022-07; June 1, 2022**

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-07

Held on Wednesday, June 1, 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.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

Mr. Robert Good led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Leeta Jordan	Present	
VICE CHAIRPERSON:	Philip Weinberg	Present	
MEMBER:	Donald Boerema	Present	
MEMBER:	Robert Good	Present	
MEMBER:	Khalilah Maragh	Present	
MEMBER:	Randall Olszewski	Present	
MEMBER:	Rainer Warner	Absent	(Excused)
NON-VOTING MEMBER:	David Karaffa (School Board Appointee)	Absent	(Excused)

Mr. Rainer's absence was excused.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. Erich Messenger, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-05; May 4, 2022.

   Motion to approve the minutes as presented.

Motion by Mr. Olszewski, seconded by Mr. Weinberg. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski.

ANNOUNCEMENTS:

1. Ms. Jordan 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.

OLD/UNFINISHED BUSINESS:

1. ****FD-16-2022 - Chaparral Phase IV and V - John Ryan, Chaparral Properties, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Final Development Plan to allow a proposed PUD for a 522-lot residential development called Chaparral Phase IV and V. Tract ST-2 and Tax Parcels 1, 751, 752, and 753 of Section 4, Township 29, Range 36 along with Tax Parcels 3 and 4 of Section 9, Township 29, Range 36, Brevard County, Florida, containing approximately 160.51 acres. Located in the vicinity south of Malabar Road SW, west of Brentwood Lakes Subdivision and Melbourne-Tillman Water Control District Canal 9R**

   Ms. Jordan announced that there was a request to continue Case FD-16-2022.

   Motion to continue Case FD-16-2022 to the July 6, 2022 Planning and Zoning Board meeting.

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

   Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski.

   City Council will hear Case FD-16-2022 on August 4, 2022.

2. **CP-16-2022 - Jupiter Bay - Gregory Sachs, Sachs Capital Group, LP and Gerald Lakin, Identical Investments, LLC (Bruce Moia, P.E. and David Bassford, P.E., MBV Engineering, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Single-Family Residential Use to Mixed Use. Tax Parcel 752, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately .83 acres. Located in the vicinity north of Jupiter Boulevard SE and west of Brevard Avenue SE**

Mr. Anderson presented the staff report for Case CP-16-2022. The applicant was requesting the Mixed Use designation. Staff recommended Case CP-16-2022 for approval.

Mr. Bruce Moia, P.E., MBV Engineering (representative for the applicant) stated that the subject site was a landlocked parcel surrounded by the Jupiter Bay development. The developer for Jupiter Bay had acquired the property, and the amendment would make the site consistent with the rest of the development.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke against the request. He stated that combining the site with the Jupiter Bay development made sense, but he wanted to know if the addition would require the development's resubmittal to the board.

In response to the comments from the audience, Mr. Moia confirmed that the subject amendment constituted a major change to the approved development, and a new Preliminary Development Plan would be presented following the subject request.

The floor was closed for public comments.

Motion to submit Case CP-16-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski.

City Council will hear Case CP-16-2022 on June 16, 2022.

3. ****PD-15-2022 - Jupiter Bay - Gregory Sachs, Sachs Capital Group, LP and Gerald Lakin, Identical Investments, LLC (Represented by Bruce Moia, P.E. and David Bassford, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorneys at Law) - A Preliminary Development Plan to allow a proposed PUD for a 236-unit mixed use development called Jupiter Bay. Tax Parcels 750, 751, and 752 along with Tract K of Port Malabar Unit 10, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 24.69 acres. Located at the southwest corner of Jupiter Boulevard SE and Brevard Avenue SE**

Mr. Anderson presented the staff report for Case PD-15-2022. Staff recommended Case PD-15-2022 for approval, subject to the staff comments.

Mr. Boerema recalled the discussion during a previous review of the request to extend the proposed turn lane from Jupiter Boulevard SE to Brevard Avenue SE.

Ms. Kim Rezanka, Lacey Lyon Rezanka Attorneys at Law (representative for the applicant) stated that the subject request for Jupiter Bay was the same proposal the board and City Council had previously approved except for the addition of .83 acres and the 60 condominium units on Jupiter Boulevard with commercial buildings on top. She stated that the individually owned, four-story condominiums would be part of a condominium association, and based on a meeting with the Assistant Superintendent for Facilities for the Brevard County School Board, she confirmed the development's commitment to extend the turn lane 1500 feet from Brevard Avenue to Turner Elementary School. Additional turn lane improvements required by the traffic study would also be done by the developer with input from the City Traffic Engineer, and there would be some traffic signal modifications to assist with the traffic flow. She noted that there were no concerns from the four residents who had attended the Citizen Participation Plan (CPP) meeting, and the emergency access at the northeast corner of the development would be in place as requested during the original Jupiter Bay review.

Ms. Maragh asked if the applicant was in agreement with staff comments. Ms. Rezanka stated that there were no issues with the staff comments.

Mr. Boerema asked if the community had an issue regarding the four-story condominiums being an eyesore within the residential neighborhood. Ms. Rezanka stated that no comments had been voiced about the condominiums during the CPP meeting. She said that the condos would face the school yard and would be an attractive mixed use with an urban feel.

Mr. Good asked about the extended 1500-foot turn lane. Ms. Rezanka explained that the proposed 1500-foot turn lane would extend west along Jupiter Boulevard from Brevard Avenue to the Turner Elementary School.

Mr. Olszewski stated how he already had concerns regarding the traffic for the approved project and now an additional 60 condominiums were being requested. Conservatively, 60 more vehicles would be concentrated in the area of the planned commercial. He questioned when a traffic signal would be installed. Ms. Rezanka stated that according to the traffic study, a traffic signal was not warranted at this time. However, the City Traffic Engineer would weigh in on the matter. She explained that the condominiums would generate approximately 240 traffic trips per day, which was less than the traffic trips that could be generated by townhomes or single-family homes. The recent traffic study also took into consideration the increased length of the turn lane.

Mr. Olszewski questioned why the two-story buildings would face the Brevard Avenue residents instead of being placed in the interior of the development. Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant) stated that during the first CPP meeting, residents on the east side of Brevard Avenue were concerned that the two-story buildings would have a view into their front yards. However, all the townhomes would be two-stories high, so a six-foot high opaque barrier was agreed upon along the property line to eliminate foot traffic. He explained how a methodology report determined road segments for the traffic study. The traffic study warranted a 185-foot west turn lane. The developer, however, would be providing a 750-foot west turn lane.

Ms. Maragh remarked that the City Traffic Engineer would fine tune the traffic study to make sure additional requirements were not warranted. Mr. Moia stated that this was correct as the traffic conditions could change before final design.

Mr. Good asked if a clubhouse was planned for the subject site. Mr. Moia stated that there would be a clubhouse and swimming pool amenities on the property for the residents. The former clubhouse would not likely be used.

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 PD-15-2022 to City Council for approval, subject to the staff comments and conditions, and the addition of an extended turn lane from Brevard Boulevard SE to the Turner Elementary School.

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

Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski.

City Council will hear Case PD-15-2022 on June 16, 2022.

4. **CP-14-2022 - Osprey Landing - Scott M. True, Manager, PF Naples, LLC (Bruce Moia, P.E., MBV Engineering, Inc., Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from Industrial Use to Multiple-Family Residential Use. Tax Parcels 1 and 2, Section 14, Township 29, Range 36, Brevard County, Florida, containing approximately 191 acres. Located at the southwest corner of Garvey Road SW and Melbourne-Tillman Water Control District Drainage Canal 16**

Mr. Anderson presented the staff report for Case CP-14-2022. Staff recommended Case CP-14-2022 for approval.

Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant) reminded the board that the subject case had been continued during the previous board meeting so that the request could be revised to Multiple-Family Residential Use. The project for the exiting industrial land use had never occurred, and the

subject proposal was for a large project that would extend Garvey Road SW as well as water and sewer to the site. The development would offer a mix of small, medium, and large sized single-family home lots; townhomes; and apartments. He stated that commercial uses were not proposed, but there would be recreational tracts, open space, and amenities for the residents. The City Traffic Engineer would determine at what point the developer would be required to extend Garvey Road from J. A. Bombardier Boulevard SW to Malabar Road SW. There were no environmental issues, and all retention, density, and open space requirements would be met. He noted that a letter in favor of the request was in the file from a neighbor.

Ms. Maragh commented on how the applicant had a unique opportunity to go above and beyond to create a stand-up project, and the City's Sustainability Plan should be considered. Mr. Moia stated that most of the perimeter trees and a large stand of buffer trees on the west side would remain. He said that recreational areas and 34 percent instead of 25 percent of open space would be provided.

Mr. Good was concerned about the limited amount of industrial property currently in the City, and he inquired whether Bombardier Corporation had any issues with the residential development. The corporation used Bombardier Lake to test products, and the noise and lights, especially during evening hours, could be a problem for future residents. Mr. Moia noted that there were currently undeveloped residential lots in the area, and Bombardier had not commented on the proposal. Most of the development to abut the lake would be apartments and stormwater ponds, a fraction of the smaller single-family homes would front the lake, and there would be a 100-foot buffer along the entire west tract. Mr. Good noted that many of the undeveloped lots and parcels in the vicinity were owned by Bombardier Corporation and were likely serving as a buffer. Mr. Moia commented that the corporation was visible, so any residential purchase would be done with full knowledge.

Mr. Olszewski inquired whether the project would be premium, luxury condominiums or affordable housing type condominiums. He questioned where the residents would go for their commercial commerce and indicated how including commercial uses in the proposal would benefit existing and proposed developments. Mr. Moia stated that the subject proposal was for a mix of market rate and upscale condominiums, townhomes, single-family homes, and apartments. There were commercial nodes

within the nearby Bayside Lakes development. He said that the project would be self-sustained regarding stormwater retention and recreation and open space. The density was less than what was currently in place, and rooftops would likely bring commercial development to the area. Mr. Olszewski noted that there were no additional locations in the vicinity for commercial nodes. Ms. Maragh agreed that commercial uses should be integrated into residential developments for practicality. Mr. Moia remarked that the subject area of the City was on the rural urban fringe and was not planned for connectivity.

The floor was opened for public comments, and there was one item of correspondence in the file in favor of the request.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke against the request. He commented on how the developer had changed the property from agricultural to residential in 2005, industrial in 2009, high-end industrial in 2010, and was now planning to change the site back to residential. He stated that the City's 2040 Vision Plan indicated the property as industrial. He advised that as one of the last industrial sites in the City, the land should not be changed again until the Comprehensive Plan update was completed. He noted that the wetlands indicated on the property in 2010 were not mentioned by the subject request.

In response to the comments from the audience, Mr. Moia stated that the requested mix of residential uses, at less than five units per acre, were compatible with the residential land uses to the east and south. He explained that the property had undergone several land use changes in the past to meet the market demands of the time. However, at the present time, a variety in housing was badly needed in Palm Bay.

The floor was closed for public comments.

Mr. Weinberg stated that his main concern with the proposal was traffic and the numerous complaints regarding Garvey Road. However, residential development connected to water and sewer would be preferable to an industrial development on an environmentally sensitive site due to the surrounding canals to the north, east, and west.

Motion to submit Case CP-14-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Maragh.

Nay: Good, Olszewski.

5. ****PD-14-2022 - Osprey Landing - Scott M. True, Manager, PF Naples, LLC (Bruce Moia, P.E., MBV Engineering, Inc., Rep.) - A Preliminary Development Plan to allow a proposed PUD for an 850-lot mixed residential development called Osprey Landing. Tax Parcels 1 and 2, Section 14, Township 29, Range 36, Brevard County, Florida, containing approximately 191 acres. Located at the southwest corner of Garvey Road SW and Melbourne-Tillman Water Control District Drainage Canal 16**

Mr. Anderson presented the staff report for Case PD-14-2022. Staff recommended Case PD-14-2022 for approval, subject to the staff comments.

Ms. Maragh asked about the staff comments, and she remarked on the applicant's previous statement during the land use review that the proposed development would provide 34 percent more open space than required. Mr. Anderson indicated the staff comments in the staff report that included technical comments. He clarified that staff needed the open space to be specified and delineated in certain areas on the plan

Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant) stated that the proposed PUD was created with purpose by including open space and buffer tracts. He remarked on how the Garvey Road SW connection from Bombardier Boulevard SW to Malabar Road SW would be funded by the project. The proposed changes might even attract commercial into the area. He stated that the density and layout for the project were compatible with the surrounding area, and that the site would now be environmentally improved by internally capturing and treating water runoff before being discharged to meet Melbourne Tillman Water Control District standards. Water and sewer would be brought into the area; there would be internal

pedestrian circulation for amenities; and buffers would be around the perimeter and the west industrial area.

Mr. Boerema asked about the four-laning of Garvey Road and land availability for the widening. Mr. Moia stated that the four-laning of Garvey Road would be at the developer's expense, but it was not warranted at this time. Forty feet of property frontage had been dedicated for the right-of-way.

The floor was opened for public comments, and there was one item of correspondence in the file in favor of the request.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke against the request. He questioned how the proposal could be allowed when the developer was unknown. He wanted a back entrance onto Madden Road SW for emergencies, and the south entrance realigned to keep vehicle lights from shining into his windows. He inquired whether the development would be responsible for constructing the south section of Garvey Road beyond the property, and the bridge connection to Bombardier Road. He wanted Garvey Road on the north side of the build to be constructed first, and a northbound entrance lane added to the project. He questioned whether there were any tax abatement proposals since the 40-foot right-of-way donated years ago under the industrial designation should not be considered. He was pleased that the primary drainage outflow would be to Canal 12 but wanted to know if the development would be built in stages and all roads and interior infrastructure completed before occupancy. He inquired into how the coquina mine would be handled since the townhomes would be built where the mine had been located. Low density was a benefit of the proposal.

Mr. Rusty Melle, ITG Realty, LLC (real estate agent for the applicant) spoke in favor of the request. He stated that the proposed mix of residential uses was devised after attending the Vision 2040 workshops that indicated a need in the City for a variety of home types.

In response to the comments from the audience, Mr. Moia reconfirmed that the extension of Garvey Road from the north side of the canal to Bombardier Road was a warranted improvement that would be funded by the developer. He reminded the board that the subject request was preliminary, and more details would be provided

on the final submittal. Realigning the south entrance would be investigated; the outfall discharge would be determined by the Melbourne Tillman Water Control District; the bridge across the canal would be built by the development; and the project would be completed in phases with the first phase from the north. Soil tests had not been done, but any issues regarding coquina or mining mounts would be addressed. The lakes would be located where the digging had occurred, and the small pockets of wetlands were low quality prairie that would likely be mitigated. He would consult with the applicant to consider whether to include an emergency access on Madden Road if desired by City Council.

Ms. Maragh asked for clarification on whether the 40-feet of right-of-way had been donated to widen Garvey Road. Mr. Moia stated that the 40-feet of dedicated right-of-way was indicated on the survey, but a title policy would be prepared. He confirmed that land was committed for the widening.

Mr. Anderson stated that the 40-foot right-of-way was a condition of the approval. Staff required an updated legal description to clarify that the 40-feet of right-of-way was not in the acreage for the subject development.

The floor was closed for public comments.

Motion to submit Case PD-14-2022 to City Council for approval, subject to the staff comments and conditions contained in the staff report, and the dedication of 40 feet of right-of-way for the extension of Garvey Road SW.

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

Aye: Jordan, Weinberg, Boerema, Maragh.

Nay: Good, Olszewski.

Mr. Good complimented the proposed project, but he could not support the development's location next to an industrial test facility.

NEW BUSINESS:

1. **CP-26-2022 - 3 Forks - Anthony Masone, Manager, Parkside Commons Center, LLC / West 80 Acres, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from RES-1, Residential 1 Unit Per Acre (Brevard County) to Regional Activity Center Use - Lots 1 through 8 and Lot 15 of Cisna Park, along with Tax Parcel 250, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 124.33 acres. Located south of and adjacent to Malabar Road SW, in the vicinity east of St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8**

   Ms. Bernard presented the staff report for Case CP-26-2022. Staff recommended Case CP-26-2022 for approval.

   Mr. Jake Wise, P.E., Construction Engineering Group, LLC (representative for the applicant) explained that the proposed request was to designate the land use for the subject site, which was presently under consideration for annexation into the City. Because of the Malabar Road frontage and the future frontage on the St. Johns Heritage Parkway extension, a development was planned with a mix of uses. Four commercial lots and a high-end RV park for later RV models would front Malabar Road. The subdivision entrance would line up with the regional park entrance. The single-family area of 376 lots would have a mix of lot sizes, and the 288 apartment units with an access onto the parkway extension would face west to enjoy the sunset. The apartments and RV park would have separate amenities, and all homeowners and renters would be able to walk to the commercial parcels. He noted a popular restaurant chain in Brevard County was an interested anchor for one of the commercial parcels. There were six public schools within a mile of the site, and the applicant was working with a potential charter school to locate in the area. He said that the project had been modified to complement and not compete with other developments in the vicinity. He was in agreement with the staff conditions and would work with staff on the technical comments during the site plan process.

Mr. Olszewski remarked on the camp area that was planned for the regional park as it could be impacted by the RV use. He suggested an over or under pass in the future to allow pedestrians from the subject site to safely access the regional park. Mr. Wise stated that a possible conflict between the RV park and campground was discussed with staff, and the two uses were found not to be in competition but would complement each other. The plan to align the driveways between the two properties was in preparation for a traffic signal that would likely be warranted in the future and would enable safe passage across Malabar Road. A traffic signal was already planned for the parkway and Malabar Road intersection.

Mr. Olszewski asked about the west structures on the property. Mr. Wise stated that the market-rate apartments would have a vehicular connection to the parkway and a pedestrian connectivity to the commercial parcels. A stormwater pond would be a buffer between the apartments and single-family homes.

Ms. Maragh inquired about the technical comments that were in question, and she asked about other anchors for the commercial parcels. Mr. Wise indicated that the comments regarding arsenic and the cross sections for every 100 feet appeared to be in error and would be addressed with staff. There were no additional anchors for the commercial sites.

Mr. Olszewski remarked how the fire stations were actually over three miles away from the property. There was a huge need for fire and public safety in the western bounds of the City. Ms. Maragh added that police coverage should also be indicated for projects. Ms. Bernard explained that law enforcement and fire coverage were based on population counts. Mr. Weinberg noted that developments also paid police and fire impact fees.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. The annexation of the subject site made sense because of its location.

Mr. Scott Virgin (resident at Malabar Lakes West) spoke against the request. There were several new developments being proposed for the area, but existing traffic was already a problem, and the school traffic caused substantial delays. An additional

1200 vehicles and RVs would impact the area, and the number of traffic signals being installed in the vicinity would hinder traffic flow. He commented on the displaced wildlife and the number of trees being removed.

Ms. Brenda Chrieki (resident at Malabar Lakes West) spoke against the request. She stated that she was an officer for Malabar Lakes West, a 44-home development with one ingress/egress. She commented on how Palm Bay was becoming a concrete jungle, and that attention should be paid to current residents. Too much development was being approved before widening Malabar Road, and the St. Johns Heritage Parkway was a two-lane road that would also be bombarded with traffic. She suggested halting further development until Malabar Road was widened, and that consideration should also be given to widening the parkway. She was concerned about the view from her subdivision being destroyed with the removal of trees up to the canal.

In response to the comments from the audience, Mr. Wise corrected that the development would be 3.8 miles from the police and fire stations and 4 miles from the area schools. He stated that the trees along the canal on the Melbourne Tillman Water Control District property could not be removed by the development. He described how the project was designed to locate the single-family homes next to Malabar Lakes West. He noted how the Police and Fire Departments were part of the site plan review process and that impact fees were also paid by developments to help facilitate roadway improvements, police and fire stations, utilities, schools, and parks. The proposed development projected $7,728,107.44 of revenue for the City, and the project had actually been delayed to allow for its annexation into Palm Bay. He said that the plans to four-lane Malabar Road were already underway. In addition to the traffic signals for the subject site, traffic signals were being installed east of Malabar Lakes West by two other developments.

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

Motion to submit Case CP-26-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski.

Mr. Boerema asked if Malabar Lakes West was within Palm Bay. Ms. Bernard stated that the subdivision was located in unincorporated Brevard County.

2. ****PD-26-2022 - 3 Forks - Anthony Masone, Manager, Parkside Commons Center, LLC / West 80 Acres, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Preliminary Development Plan to allow for a proposed RAC, Regional Activity Center called 3 Forks - Lots 1 through 8 and Lot 15 of Cisna Park, along with Tax Parcel 250, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 124.33 acres. Located south of and adjacent to Malabar Road SW, in the vicinity east of St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8**

Ms. Bernard presented the staff report for Case PD-26-2022. Staff recommended Case PD-26-2022 for approval subject to the staff comments.

Mr. Jake Wise, P.E., Construction Engineering Group, LLC (representative for the applicant) stated that his testimony presented during Case CP-26-2022 was the same for the subject request.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) inquired whether the proposed RV parking areas would have hazmat pump outs, and water and electrical hookups as long-term stays could be an issue for RV parking. He commented on how restricting the RV park to later models would be discriminatory. He questioned the project's proposed connection onto St. Johns Heritage Parkway NW since he did not believe the exact location of the parkway south of Malabar Road was known at this time. Access to the parkway would also have to cross the Melbourne-Tillman canal.

Ms. Brenda Chrieki (resident at Malabar Lakes West) spoke against the request. She stated that the traffic on Malabar Road would be much greater than on Garvey Road, which the board had dissention regarding another development. The subject

area was impacted by traffic from the school, regional park, and new developments. Something needed to be done about Malabar Road before further developments were allowed. It took her a half hour to get to the board meeting because of traffic.

In response to the comments from the audience, Mr. Wise stated that every RV site would have separate sanitary sewer pump out, water, electrical, and cable. He explained that the requirement for later RV models was the industry standard for RV parks. The City was acquiring right-of-way for the parkway, and a section of the parkway would be built by and for the development. The improvement would potentially steer the proposed apartment traffic trips onto the parkway instead of Malabar Road. He said that the parkway was designed for future four-laning, but it was not warranted when built. If the plans for the parkway did not work out, expansion of the single-family homes with an emergency access would occur. He remarked on how the mix of residential uses would meet the City's need for a variety of housing. He confirmed that meetings with Melbourne Tillman were taking place to discuss proper engineering for the project to cross the canal.

Mr. Boerema inquired as to where the parkway would be extended. Mr. Wise indicated the development's proposal for the parkway extension and utilities, which would be a benefit to new development in the future.

Ms. Maragh asked about the number of units planned for the site. Mr. Wise stated that there would be 376 single-family homes and 288 apartment units.

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

Mr. Weinberg commented that he would rather see the development in Palm Bay than in Brevard County. The project was a mix of residential and commercial development, a high-end RV park, and walkable. The project would also generate a large amount of revenue for the City in impact fees.

Motion to submit Case PD-26-2022 to City Council for approval, subject to the staff comments.

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

Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski.

3. ****Z-22-2022 - Timothy and Pamela Davis / Thomas and Vera O'Brien (Timothy Davis and Mike Selig, Reps.) - A Zoning change from an RC, Restricted Commercial District to a CC, Community Commercial District - Tax Parcels 750 and 757, Section 35, Township 28, Range 36, Brevard County, Florida, containing approximately 4.21 acres. Located north of Malabar Road NW, in the vicinity east of Greenbrier Avenue NW**

Mr. Anderson presented the staff report for Case Z-22-2022. Staff recommended Case Z-22-2022 for approval.

Mr. Olszewski asked if the subject lots were over individual culverts that had to be accessed across the canal.

Mr. Timothy Davis (applicant) stated that the subject site, with Malabar Road frontage, was rezoned from residential to an RC district in 2001 to him to operate his business. The subject rezoning was now needed to for Slug-A-Bug to purchase the property for a pest control business.

Mr. Mike Selig, Selig Realtors (representative for the applicant) explained that Slug-A-Bug had desired a location in Palm Bay with an existing building; however, the RC district specifically prohibited pest control. At staff's recommendation, the applicants were submitting a Rezoning application to change the site to a CC, Community Commercial District; a Textual Amendment application to allow pest control in the CC district by conditional use; and a Conditional Use application to permit the pest control use at the site.

Mr. Steve Lum, Slug-A-Bug, Inc. (prospective purchaser of the property) explained that pest control had advanced over the last 20 to 30 years and there was no longer a need to relegate the business to industrial sites.

Mr. Weinberg asked about the existing building on the property, and he wanted to know about the storage of hazardous chemicals on the site. Mr. Davis stated that the 1200 square-foot building was an office building. Mr. Lum added that the building would be used as a satellite office for his Melbourne business. Six to eight routes would be run from the property, but the primary need was to park company and employee vehicles. The property would remain fenced. He explained that the products used by the business had the lowest label rate for toxicity. The business was governed by the Department of Agriculture and Consumer Services, and he was not aware of any violations in 40 years.

Ms. Maragh wanted to know why the RC district did not currently allow for pest control. Mr. Anderson stated that the use fell under a broader use called building services, which dealt with outright prohibited uses in the RC district. The forthcoming textual amendment application was to allow pest control specifically by conditional use in the RC district and not all building services. The zoning change would also attract more commercial activity into an area that needed infill development.

Mr. Olszewski inquired about the uses that were permitted in an RC district. Mr. Davis stated that he had operated an electrical contracting business on the property, and that the RC district allowed for professional offices such as engineering and construction type offices. Mr. Anderson added that the RC district was created to be a downgrade and buffer between more ruralized uses and the urbanized areas of increased intensity and density. RC district uses included professional and general offices, and personal services like dry cleaning, beauty shops, and barber shops.

Mr. Melig commented that most of the pest control businesses in the City were smaller businesses operating out of their homes.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He noted that the zoning change was for two parcels, but the conditional use application that was submitted was for one parcel. He wanted to know what was planned for the second parcel.

In response to the comments from the audience, Mr. Anderson stated that there were no current plans for the second parcel. Rezoning both parcels assisted with the transition of the area and would prevent spot zoning.

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

Ms. Maragh welcomed Slug-A-Bug to Palm Bay.

Motion to submit Case Z-22-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski.

4. **T-23-2022 - Pest Control - Timothy and Pamela Davis - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code Section 185.043(D), to allow pest control services by conditional use in the CC, Community Commercial District**

Mr. Anderson presented the staff report for Case T-23-2022. Staff recommended Case T-23-2022 for approval.

Mr. Timothy Davis (applicant) was present.

Mr. Olszewski commented that the textual amendment would require each request for a pest control business in an RC district to come before the board and City Council for approval. Mr. Anderson stated that this was correct, and that the board and City Council would also be able to place conditions on each pest control request.

Ms. Maragh asked if there were any typical conditions recommended for the pest control use. Mr. Anderson stated that staff had no recommended conditions for the textual amendment, but the board could consider general conditions, such as distances from residential properties, that could be applied to all subsequent pest control requests. Ms. Maragh was concerned with overlooking an important condition. A future request might come from a business that was not as up to

standards as Slug-A-Bug. Mr. Anderson stated that any conditions would be placed on the specific conditional use 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 T-23-2022 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Good. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski.

5. ****CU-24-2022 - Pest Control - Timothy and Pamela Davis - A Conditional Use to allow for proposed pest control services in a CC, Community Commercial District - Tax Parcel 757, Section 35, Township 28, Range 36, Brevard County, Florida, containing approximately 2.05 acres. Located north of Malabar Road NW, in the vicinity east of Greenbrier Avenue NW, specifically at 695 Malabar Road NW**

Mr. Anderson presented the staff report for Case CU-24-2022. Staff recommended Case CU-24-2022 for approval, subject to the staff comments contained in the staff report, with the condition that any proposed or future site improvements required a full site plan to ensure compliance with current code regulations.

Ms. Jordan indicated that previous comments from Cases Z-22-2022 and T-23-2022 were on the record for the subject request.

Mr. Timothy Davis (applicant) was present.

Mr. Mike Selig, Selig Realtors (representative for the applicant) stated that the neighbors on both sides of the subject site attended the Citizen Participation Plan (CPP) meeting. An inquiry at the meeting regarding the rezoning of one the abutting properties was referred to staff, and a chemical concern was addressed by Mr. Steve Lum with Slug-A-Bug, Inc. (prospective purchaser of the property).

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

Ms. Maragh wanted to ensure that the applicant was in agreeance with the staff condition. Mr. Steve Lum stated that he was aware of the condition and would comply.

Motion to submit Case CU-24-2022 to City Council for approval, subject to the staff comments contained in the staff report, with the condition that any proposed or future site improvements required a full site plan to ensure compliance with current code regulations.

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

Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski.

6. **T-25-2022 - Infill PUD - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.060, to allow for Infill Planned Unit Developments**

Ms. Jordan announced that there was a request to continue Case T-25-2022.

The continuance would allow for readvertisement of the case.

Motion to continue Case T-25-2022 to the July 6, 2022 Planning and Zoning Board meeting.

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

Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski.

City Council will hear Case T-25-2022 on August 4, 2022.

7. **T-27-2022 - Administrative Variances and Inclusionary Housing - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Zoning Code, Section 169.009 Variances, to modify language for administrative variances and establish language for voluntary inclusionary housing**

Mr. Anderson presented the staff report for Case T-27-2022. Staff recommended Case T-27-2022 for approval.

Mr. Olszewski asked if the intent of the amendment was to allow the Growth Management Department to grant variances administratively so that the requests did not have to go before City Council when below a certain threshold. Mr. Anderson stated that this was correct; however, the stated parameters were already in place. The proposed amendment added language to how administrative requests would be analyzed and processed.

Mr. Olszewski inquired whether staff was currently leveraging the ability to grant variances below the 20-percent threshold. Administrative variances would make the City easier to do business with and lighten the load on City Council meetings. He asked if the 20-percent threshold should be higher. Mr. Anderson stated that administrative variance requests were not a frequent occurrence at this time, but the amendment would lighten the load regarding fence variances. He said that the 20-percent threshold was a reasonable limitation on staff powers, and any reoccurrences above the threshold might require a code change.

Ms. Jordan asked staff to elaborate on voluntary inclusionary housing. She wanted to know if the initiative would affect every development, and what were the specific incentives that would be granted. Mr. Anderson explained that the amendment was the whole of what was being proposed as the voluntary inclusionary housing policy. The language was relatively ambiguous so that the City had the ability to maneuver into better positions when making agreements. Additional conditions could potentially reduce the City's flexibility and ability to maximize on more unique properties. He stated that inclusionary housing was an option for developers.

Ms. Bernard stated that the types of incentives that would be offered for voluntary inclusionary housing could include reduced parking or a one-foot setback. The

incentives were already allowed but would now be utilized as a benefit for voluntary inclusionary housing.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) commented on the subject request. He remarked on the different variances up to 20 percent of requirement that staff could alleviate administratively, and the applicants would no longer have to wait hours in an audience for a simple variance to be heard. His concern was that the process would occur outside the public eye. He remarked on how voluntary inclusionary housing would offer developers incentives to include affordable housing in projects by relieving water impact fees, development fees, and other unknown incentives. His concern was that developers could receive several administrative variances up to 20 percent as their incentive. He commented on how the City did not currently have an inclusionary housing ordinance, so he questioned the City housing fund where the contributions in lieu of providing affordable housing was to be deposited. He suggested a continuance of the inclusionary housing amendment to allow for further review as builders would take advantage of administrative variances instead of contributing funds.

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

Ms. Maragh commented that she understood that the inclusionary housing language was somewhat vague to allow City staff the ability to negotiate; however, other cities had similar verbiage with more details regarding the types of incentives offered.

Ms. Jordan stated that she could not support the textual amendment due to the vagueness of the inclusionary housing proposal, and there was no inclusionary housing ordinance in place.

Mr. Anderson confirmed that the City did not have an inclusionary housing ordinance. The amendment at this point was to give the City the ability to engage in negotiations. This was the first step to allow for inclusionary housing and making the verbiage less restrictive permitted more flexibility. He stated that restrictions could be added at staff level.

Mr. Weinberg wanted to know who would have the right to approve or deny the requests for inclusionary housing. Mr. Anderson stated that the City Manager's Office through the Community Economic Development Department would make the decisions regarding the requests. Ms. Maragh was concerned about some of the developments appearing to receive more than others. She suggested a list of incentives that could be negotiated.

Ms. Jordan was in favor of a continuance for the inclusionary housing portion of the amendment.

Mr. Anderson advised the board on their options regarding the amendment.

Mr. Olszewski was also in favor of continuing the inclusionary housing portion of the amendment to allow staff to provide further information, and to establish that the accepted negotiations would still go before City Council.

Mr. Weinberg concurred that the inclusionary housing language and process was too vague and should be continued for further review.

Motion to submit Case T-27-2022 to City Council for approval with the removal of any references to Section (H) Voluntary Inclusionary Housing.

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

Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski.

OTHER BUSINESS:

1. There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 9:33 p.m.

_____
Leeta Jordan, CHAIRPERSON

Attest:

_____
Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding

The City of Palm Bay Florida

MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Jesse Anderson, Ph.D., Assistant Growth Management Director

DATE: July 6, 2022

SUBJECT: **FD-16-2022 - REQUEST TO CONTINUE TO 08/03 P&Z - Chaparral Phase IV and V - John Ryan, Chaparral Properties, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Final Development Plan to allow a proposed PUD for a 522-lot residential development called Chaparral Phase IV and V. Tract ST-2 and Tax Parcels 1, 751, 752, and 753 of Section 4, Township 29, Range 36 along with Tax Parcels 3 and 4 of Section 9, Township 29, Range 36, Brevard County, Florida, containing approximately 160.51 acres. Located in the vicinity south of Malabar Road SW, west of Brentwood Lakes Subdivision and Melbourne-Tillman Water Control District Canal 9R

A request to continue Case FD-16-2022 to the August 3, 2022 Planning and Zoning Board Meeting to allow the applicant more time to provide further information.

Board action is required to continue the case.

City Council will hear the request on September 1, 2022.

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

The City of Palm Bay Florida

MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Growth Management Director

DATE: July 6, 2022

SUBJECT: CP-26-2022 - 3 Forks - Anthony Masone, Manager, Parkside Commons Center, LLC / West 80 Acres, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from RES-1, Residential 1 Unit Per Acre (Brevard County) to Regional Activity Center Use - Lots 1 through 8 and Lot 15 of Cisna Park, along with Tax Parcel 250, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 124.33 acres. Located south of and adjacent to Malabar Road SW, in the vicinity east of St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8

Case CP-26-2022 is the companion case to PD-26-2022, which is being reheard to allow the applicant to meet the Citizen Participation Plan requirement.

ATTACHMENTS:

Description

- **Case CP-26-2022 - Staff Report**
- **Case CP-26-2022 - Preliminary Development Plan**
- **Case CP-26-2022 - Survey - North Half - Parkside Commons Center**
- **Case CP-26-2022 - Survey - South Half - West 80 Acres**
- **Case CP-26-2022 - Narrative**
- **Case CP-26-2022 - Application**
- **Case CP-26-2022 - Applicant 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
CP-26-2022

PLANNING & ZONING BOARD HEARING DATE
July 6, 2022

PROPERTY OWNER & APPLICANT
Parkside Commons Center LLC and West 80 Acres, LLC (Tony Masone, manager; Jake Wise P.E.; Kim Rezanka Esq., Reps.)

PROPERTY LOCATION/ADDRESS
Tax Parcel 250, Section 04, Township 29, Range 36, Subdivision 25. Cisna Park Lots 1 Thru 8 & 15; S 1/2 OF NW 1/4 & LOT 16 OF PB 8 PG 36 EXC CANAL R/W Specifically, off of Malabar Rd SW, East of St. Johns Heritage Pkwy NW, Brevard County, Florida

SUMMARY OF REQUEST The applicant is requesting a future land use map amendment from AU and RES 1 (Brevard County) to RAC Regional Activity Center.

Existing Zoning	AU and SR (Brevard County)
Existing Land Use	AU and RES 1 (Brevard County)
Site Improvements	Undeveloped Land
Site Acreage	124.33 acres

SURROUNDING ZONING & USE OF LAND

North	PUD, Planned Unit Development, SFR, Single Family Residential, Single-Family Homes
East	CC, Community Commercial, COM, Commercial -- Vacant
South	RR-1 Rural Residential (County) SFR, Single-Family Residential -- Vacant
West	AU (County), COM Commercial – Vacant

BACKGROUND:

The subject property is located South of and adjacent to Malabar Rd SW, East of St. Johns Heritage Pkwy NW. There are 2 parcels that are 124.33 acres included in this request, which consists of vacant land.

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

FLU-9.1 Adopt a regional activity center land use category to facilitate the development of master planned communities which will serve as integrated centers of commerce and create jobs.

FLU9.2A -- A regional activity center shall provide a balanced mix of uses and shall be composed of open space and urban living uses and either a mixed-use town center or a workplace; provided however, a regional activity center may include both a town center and a workplace

The subject parcels will offer a master planned community that will provide for a balance of mixed uses by offering a mixture of single family residential, multi-family residential and commercial that will serve as a workplace as well as an RV park that will offer recreational amenities.

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.

4. INFRASTRUCTURE ELEMENTS

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

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

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

5. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: The proposed FLU amendment to Regional Activity Center has the potential to impact school capacity and a concurrency application has been submitted to the school board for determination.

6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment would not increase the demand for recreation services.

7. TRANSPORTATION ELEMENT

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

8. PROPERTY RIGHTS ELEMENT

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

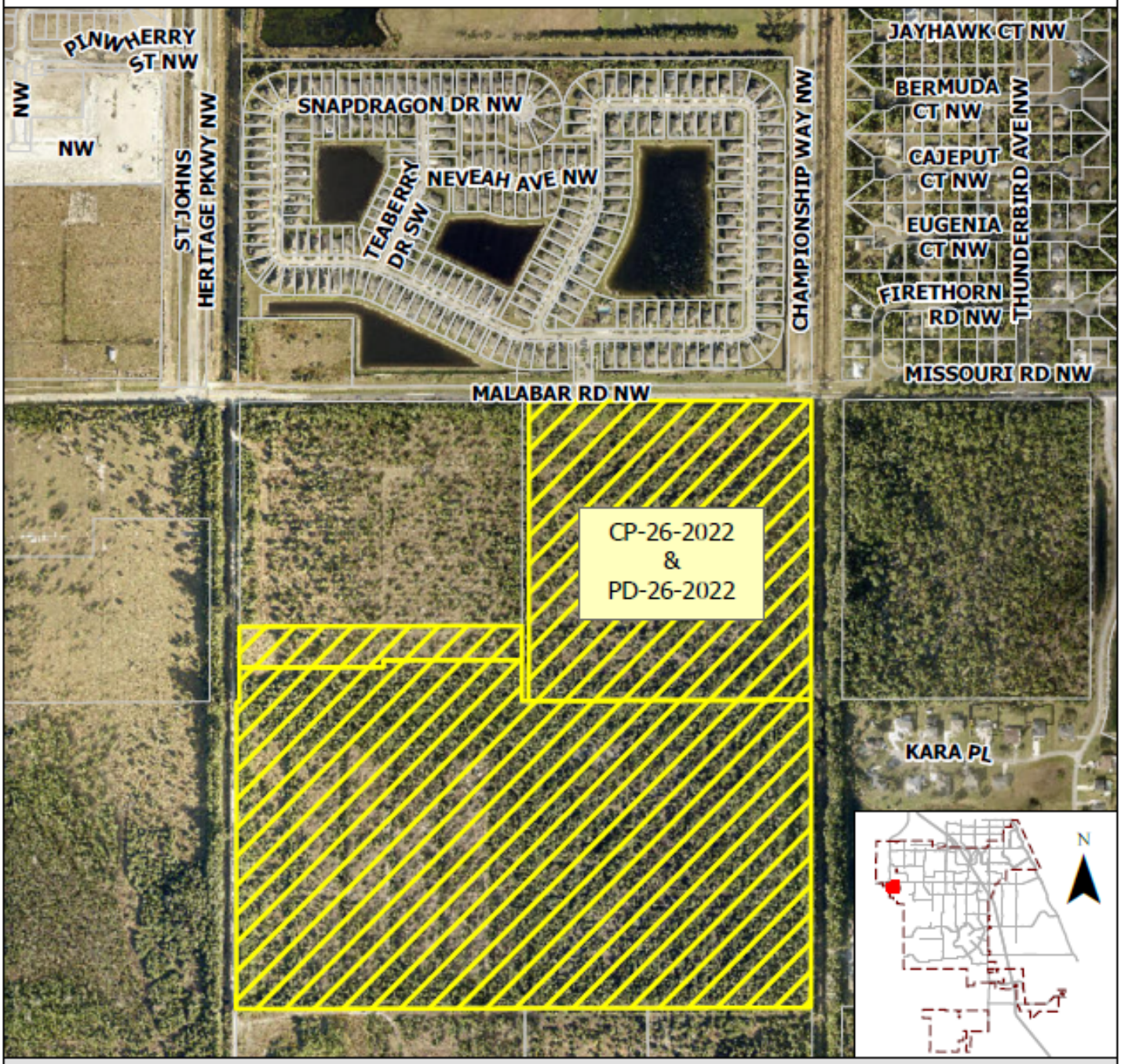
This proposed land-use change does not appear to infringe upon the property rights of the applicant.

STAFF RECOMMENDATION:

Case CP-26-2022 is recommended for approval.

The City of Palm Bay Florida

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



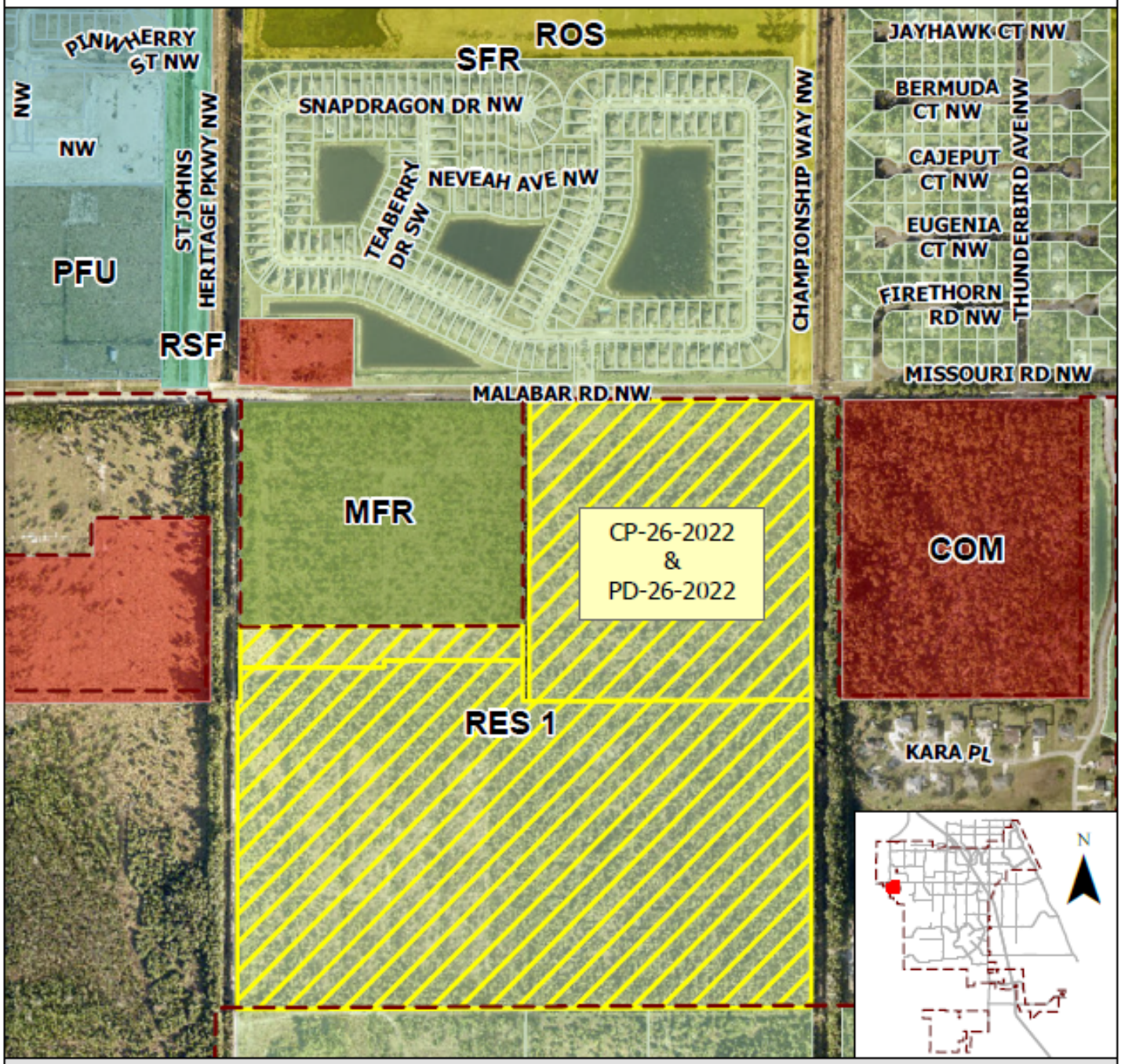
AERIAL LOCATION MAP CASE: CP-26-2022 & PD-26-2022

Subject Property

South of and adjacent to Malabar Road SW, in the vicinity east of St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8

The City of Palm Bay Florida

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-26-2022 & PD-26-2022

Subject Property

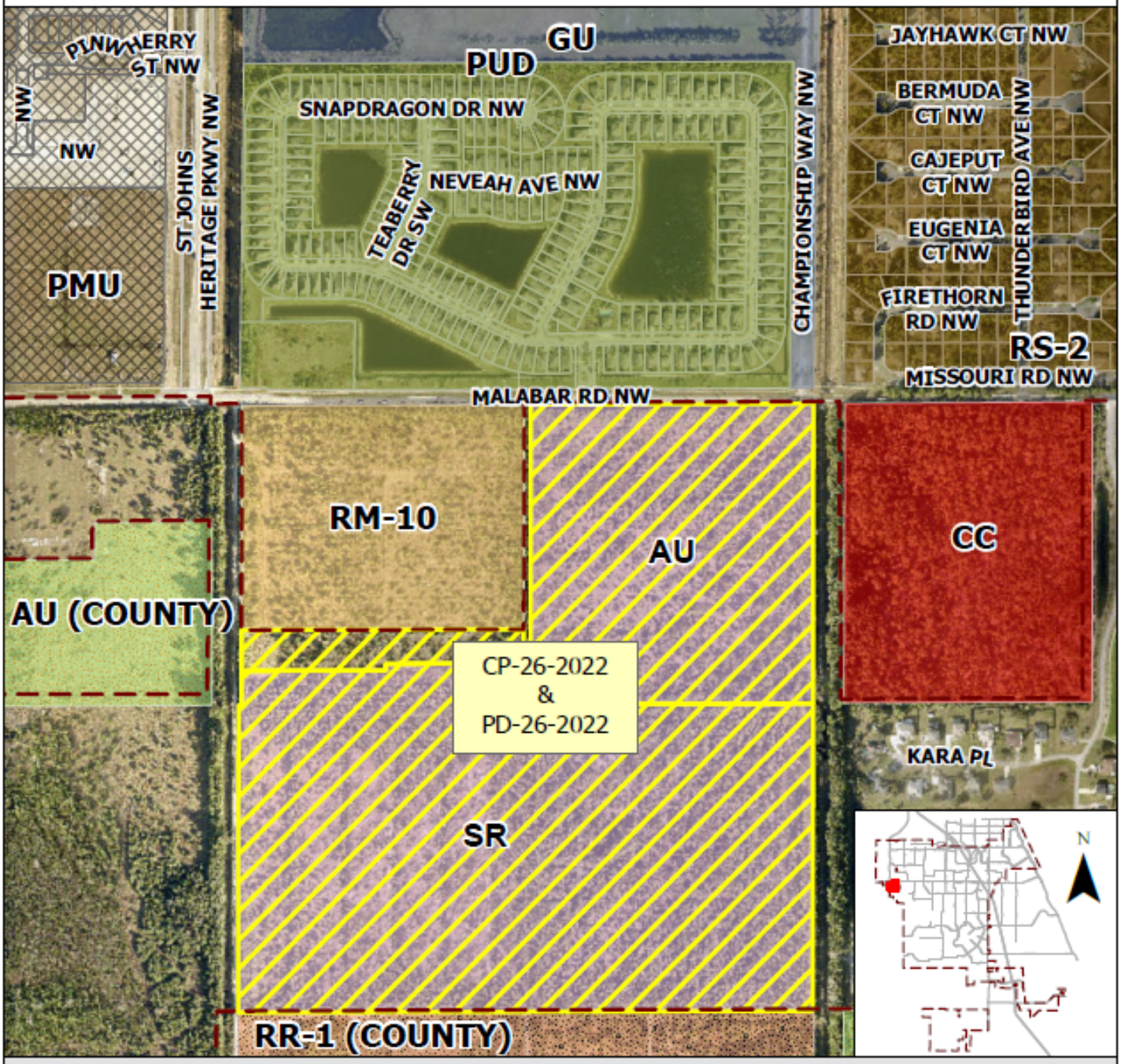
South of and adjacent to Malabar Road SW, in the vicinity east of St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8

Future Land Use Classification

RES 1 – Residential 1 Unit Per Acre

The City of Palm Bay Florida

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



ZONING MAP CASE: CP-26-2022 & PD-26-2022

Subject Property

South of and adjacent to Malabar Road SW, in the vicinity east of St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8

Current Zoning Classification

AU, SR – Agricultural Residential, Suburban Residential

3 FORKS MIXED USE
PRELIMINARY DEVELOPMENT PLAN

PALM BAY, FL

DATE:

APRIL 1, 2022

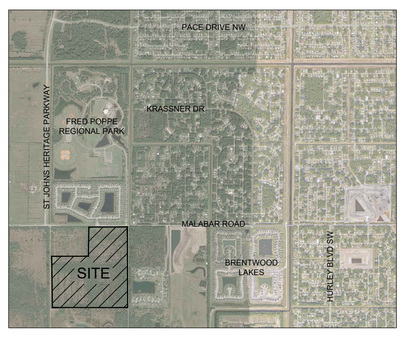
PREPARED FOR:

PARKSIDE COMMONS CENTER LLC &
WEST 80 ACRES LLC

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING WITHIN SECTION 4, TOWNSHIP 29S, RANGE 36 EAST AND BEING BOUNDED ON THE NORTH BY MALABAR ROAD; BOUNDED ON THE EAST BY MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NUMBER 8; BOUNDED ON THE SOUTH BY THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 29S, RANGE 36 EAST; BOUNDED ON THE WEST BY MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NUMBER 7; BOUNDED ON THE NORTH BY THE NORTH LINE OF LOT 15, CISNA PARK, AS RECORDED IN PLAT BOOK 8, PAGE 36 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; AND BOUNDED ON THE WEST BY THE EAST LINE OF LOTS 9–14, CISNA PARK, AS RECORDED IN PLAT BOOK 8, PAGE 36 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CONSTRUCTION ENGINEERING GROUP
Consulting Engineers



LOCATION MAP
NTS

PROJECT DATA:

GENERAL STATEMENT:
THIS PROJECT CONSISTS OF APPROXIMATELY 124 ACRES WITH FRONTAGE ALONG MALABAR ROAD TO THE NORTH AND THE FUTURE EXTENSION OF THE ST. JOHNS HERITAGE PARKWAY TO THE WEST. MTWCD CANALS ARE ALONG THE EAST AND WEST PROPERTY LINES AS WELL. WE PROPOSE ±24 ACRES OF COMMERCIAL DEVELOPMENT INCLUDING UP TO FOUR FUTURE COMMERCIAL LOTS AND A COMMERCIAL HIGH END RECREATIONAL VEHICLE (RV) PARK. THIS IS ADJACENT TO EXISTING COMMERCIAL ZONING EAST OF THE PROPERTY. WE PROPOSE SINGLE FAMILY RESIDENTIAL SOUTH OF THE COMMERCIAL PROPERTY ADJACENT TO EXISTING SINGLE FAMILY TO THE EAST IN BREVARD COUNTY. ALONG THE WESTERN FRONTAGE OF THE FUTURE ST. JOHNS HERITAGE PARKWAY UP TO 4–STORY APARTMENTS ARE PROPOSED AND DESIGNED TO YEAR ROUND HAVE SUNSET VIEWS TO THE WEST. ALL OF THE RESIDENTIAL AND RV PARKS HAVE AMENITIES PROPOSED. BOTH CITY WATER AND WASTEWATER ARE PROPOSED TO BE EXTENDED AND ALL ROADS SHALL BE BUILT TO CITY STANDARDS BUT PRIVATELY MAINTAINED SO IT IS NOT A FUTURE BURDEN TO THE CITY. WE ARE PROPOSING THE REGIONAL ACTIVITY CENTER (RAC) ZONING FOR FLEXIBILITY OF THE MIXED USE DEVELOPMENT. THE RESIDENTIAL AND COMMERCIAL RV PARK ARE INTENDED TO BE INTERCONNECTED WITH THE FUTURE COMMERCIAL LOTS IN ORDER TO MAXIMIZE INTERNAL TRIP CAPTURE.

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

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

SURVEYOR:
AAL LAND SURVEYING SERVICES INC
3970 MINTON ROAD
WEST MELBOURNE, FL 32904
TEL: (321) 768–8110
EMAIL: AALSURVEY@AALSURVEY.COM

LOCATION:
SECTION: 04
TOWNSHIP: 29
RANGE: 36
PARCEL ID: 29–36–04–25–*–1
29–36–04–00–250
TAX ACCOUNT: 2903869, 2959615

PROPOSED ZONING/FLU:
REGIONAL ACTIVITY CENTER (RAC)

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

SINGLE FAMILY LOT COUNT:
40'x110' LOTS = 200
50'x110' LOTS = 156
60'x110' LOTS = 20

MAXIMUM BUILDING HEIGHT:
SINGLE FAMILY: 2 STORY – 25 FT
APARTMENTS: 4 STORY – 50 FT

SINGLE FAMILY:
±84.5 ACRES – 376 LOTS

APARTMENTS:
±15.5 ACRES – 288 UNITS

COMMERCIAL RV PARK:
±17.6 ACRES – 150 SPACES

COMMERCIAL
±6.4 ACRES – ±4 LOTS

TOTAL RESIDENTIAL:
±100 AC

TOTAL COMMERCIAL
±24 AC

MINIMUM WIDTHS:
SIDEWALKS: 5 FT
RIGHT–OF–WAY WIDTH: 50 FT
EXISTING 30' TO REMAIN AS EMERGENCY ONLY

CALCULATED STORMWATER BASIN COVERAGE:

	SF	ACRE	PERCENT
IMPERVIOUS:	2,582,776	59.29	48
PERVIOUS:	1,741,325	39.98	32
PONDS:	1,067,868	24.52	20
TOTAL:	5,391,969	123.79	100

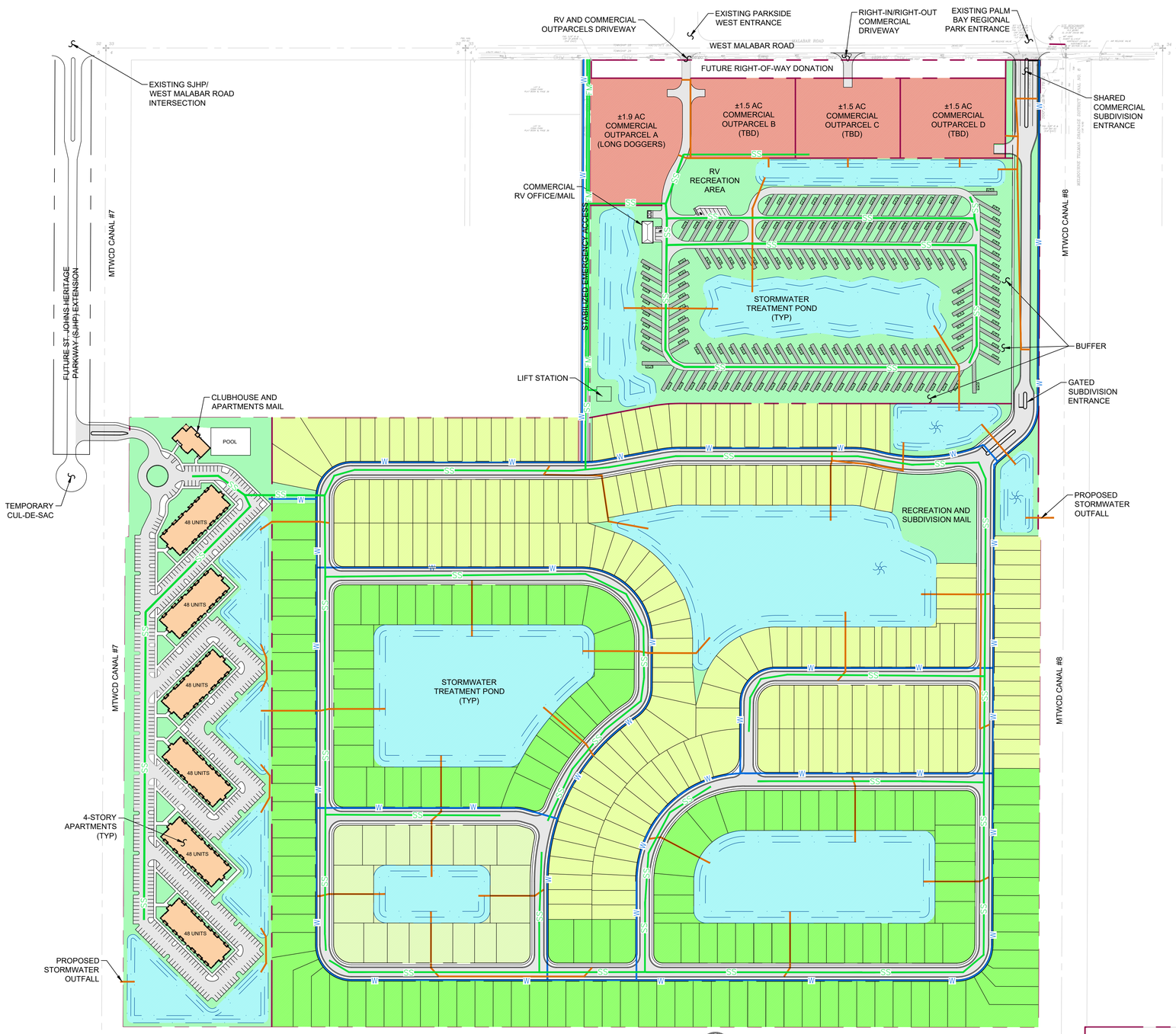
REV#	DATE	REVISION

CONSTRUCTION ENGINEERING GROUP
Consulting Engineers
2651 Eau Gallie Blvd., Suite A
Melbourne, FL 32935
Tel. 321.233.1221
www.cegengineering.com
COA #0008097

3 FORKS MIXED USE
PARKSIDE COMMONS CENTER LLC & WEST 80 ACRES LLC
WEST MALABAR ROAD AND ST. JOHNS HERITAGE PARKWAY PALM BAY, FL
DRAWING TITLE
PRELIMINARY DEVELOPMENT PLAN

COPYRIGHT © – STATEMENT
THESE DOCUMENTS AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, ARE THE PROPERTY OF CONSTRUCTION ENGINEERING GROUP (CEG) AND ARE ISSUED ONLY FOR THE SPECIFIC PROJECT NOTED ON THESE DOCUMENTS. ANY REVISIONS, REPRODUCTIONS OR MODIFICATIONS OF THESE DOCUMENTS WITHOUT THE EXPRESS WRITTEN CONSENT OF CEG IS PROHIBITED BY LAW.

DATE	4/01/22
SCALE	NTS
PROJ. NO. :	220021
DESIGNED BY:	CCM
DRAWN BY:	SMB
CHECKED BY:	JTW
DRAWING NO.	3F-1



PRELIMINARY DEVELOPMENT PLAN

1"=150'

LEGEND:

- PROJECT BOUNDARY
- STORMWATER TREATMENT POND CONTOURS
- STORM PIPE
- WATER MAIN (W)
- SANITARY SEWER LINE (SS)
- FORCE MAIN (FM)
- RECREATION, LANDSCAPING AND OPEN SPACE
- 40' WIDE SINGLE FAMILY LOT
- 50' WIDE SINGLE FAMILY LOT
- 60' WIDE SINGLE FAMILY LOT
- COMMERCIAL RV PARK
- COMMERCIAL PARCEL
- STORMWATER TREATMENT POND
- APARTMENT BUILDING
- ROADWAY

150' 0' 150' 300'

REV#	DATE	REVISION

CONSTRUCTION ENGINEERING GROUP
Consulting Engineers
2651 Eau Gallie Blvd., Suite A
Melbourne, FL 32935
Tel. 321.233.1221
www.cegengineering.com
COA #0008097

3 FORKS MIXED USE

PARKSIDE COMMONS CENTER LLC & WEST 80 ACRES LLC
WEST MALABAR ROAD AND ST. JOHNS HERITAGE PARKWAY PALM BAY, FL

DRAWING TITLE
PRELIMINARY DEVELOPMENT PLAN

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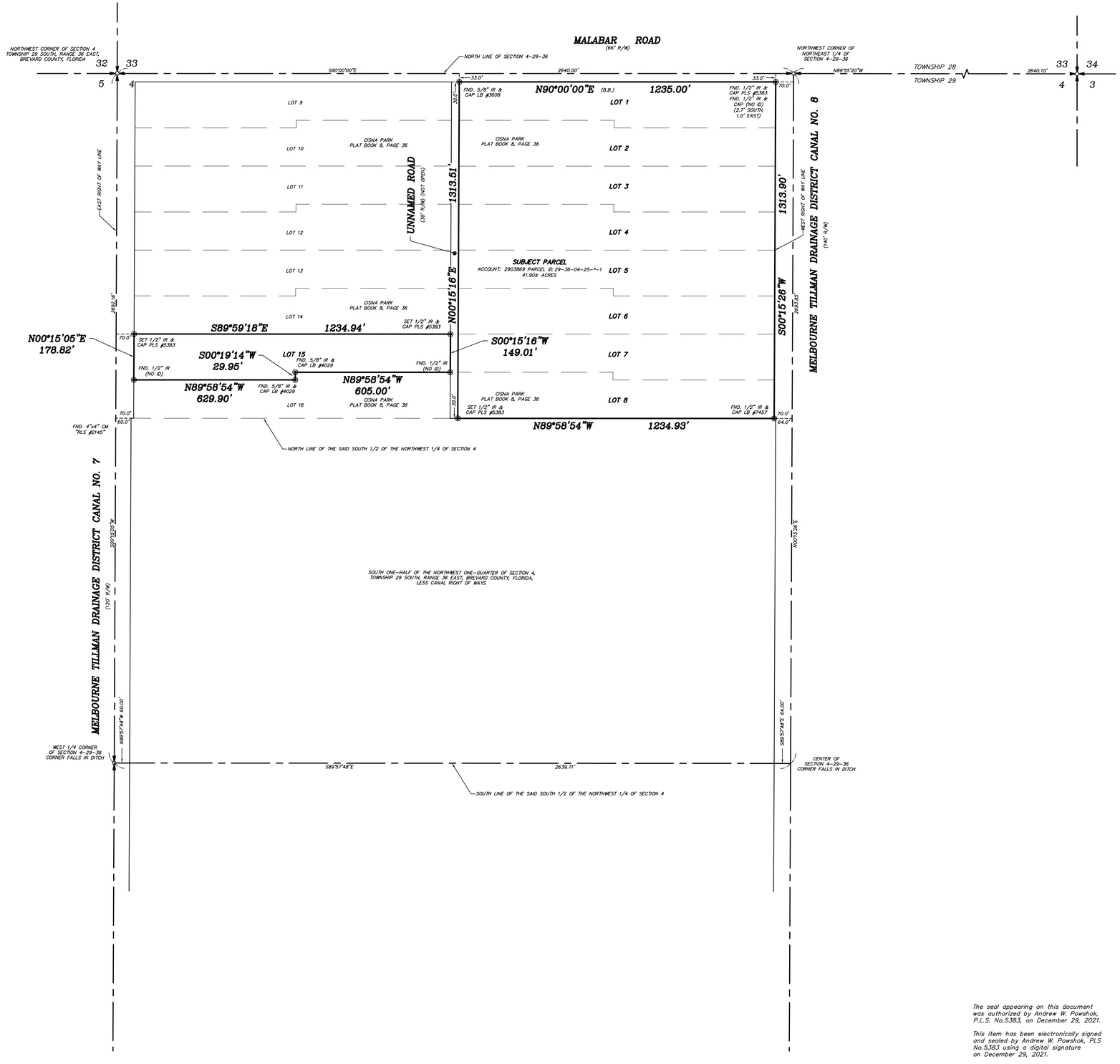
DATE	4/01/22
SCALE	1"=150'
PROJ. NO. :	220021
DESIGNED BY:	CCM
DRAWN BY:	SMB
CHECKED BY:	JTW
DRAWING NO.	3F-2



SURVEY PREPARED FOR:
PARKSIDE COMMONS CENTER LLC

DESCRIPTION:

LOTS 1 THROUGH 8 AND LOT 15, CISNA PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 36, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
CONTAINING 41.90 ACRES MORE OR LESS.

The seal appearing on this document was authorized by Andrew W. Powshok, P.L.S. No.5383, on December 29, 2021.

This item has been electronically signed and sealed by Andrew W. Powshok, PLS No.5383 using a digital signature on December 29, 2021.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO F.I.R.M. #120092 0655 G, DATED MARCH 17, 2014, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE AE. BASE EL.=20.0' (NAVD 88)

BOUNDARY SURVEY

SCALE: 1" = 200'

NORTH

REVISION:
REVISION:
REVISION:
REVISION:
REVISION:
REVISION:

FIELD DATE: 07-08-21

SECTION 4,
TOWNSHIP 29 SOUTH,
RANGE 36 EAST

PROJECT #37037 1-8-15

GENERAL NOTES:

1. THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE SEAL OF THE FLORIDA LICENSED SURVEYOR AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.
6. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.
7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
8. ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.
9. "NO WELLS" AND "NO SEPTICS" ARE DEFINITIONS TO SHOW AN ATTEMPT BY THE SURVEYOR TO LOCATE POSSIBLE EXISTING WELLS AND SEPTICS, HOWEVER NONE WERE FOUND USING STANDARD SURVEY LOCATING EQUIPMENT.

3970 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B.#6623
PHONE: (321)768-8910 FAX: (321)952-9771 E-MAIL: frontdesk@aalsurvey.com

STATE OF FLORIDA
ANDREW W. POWSHOK
No. 5383
PROFESSIONAL SURVEYOR & MAPPER

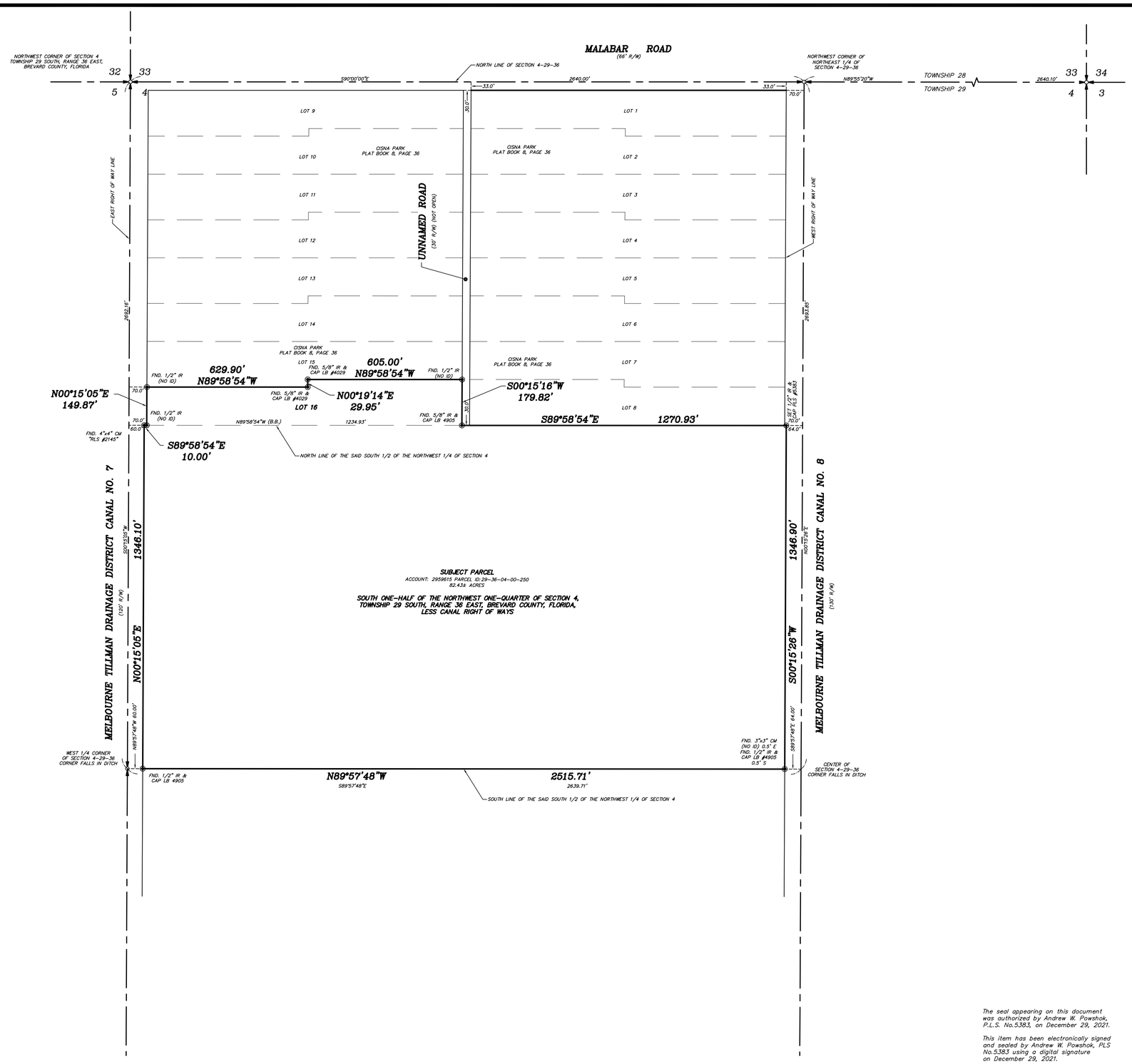
ANDREW W. POWSHOK
P.L.S. No. 5383

DANIEL D. GARNER
P.L.S. No. 6189

LEGEND

(B.B.)	–	BASIS OF BEARING
(M)	–	MEASURED
(P)	–	PLAT
(D)	–	DEED
IR	–	IRON ROD
IP	–	IRON PIPE
N&D	–	NAIL AND DISC
N&TT	–	NAIL AND TIN TAB
C.M.	–	CONCRETE MONUMENT
PRM	–	PERMANENT REFERENCE MARKER
EOW	–	EDGE OF WATER
TBM	–	TEMPORARY BENCHMARK
Δ=	–	DELTA
R=	–	RADIUS
L=	–	ARC LENGTH
FND.	–	FOUND
CH	–	CHORD LENGTH
P.O.B.	–	POINT OF BEGINNING
P.C.	–	POINT OF CURVATURE
P.T.	–	POINT OF TANGENCY
PI	–	POINT OF INTERSECTION
PRC	–	POINT OF REVERSE CURVE
R/W	–	RIGHT OF WAY
B.S.L.	–	BUILDING SETBACK LINE
OHW	–	OVERHEAD WIRES
E.P.	–	EDGE OF PAVEMENT
P.U.	–	PUBLIC UTILITY EASEMENT
D.E.	–	DRAINAGE EASEMENT
EL	–	ELEVATION
FF	–	FINISHED FLOOR
CONC.	–	CONCRETE
R.C.P.	–	REINFORCED CONCRETE PIPE
C.M.P.	–	CORRUGATED METAL PIPE
℄	–	CENTERLINE
LB	–	LICENSED BUSINESS
PLS	–	PROFESSIONAL LAND SURVEYOR

(XXXX) PROPOSED GRADES
T.B.D.– TO BE DETERMINED
NAIL AND DISC
EL. XXXX –EXISTING GRADES



SURVEY PREPARED FOR:
WEST 80 ACRES LLC

DESCRIPTION:

THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, LESS AND EXCEPT RIGHTS OF WAY FOR MELBORNE TILLMAN DRAINAGE DISTRICT CANALS NO.7 & NO.8.

TOGETHER WITH:

LOT 16, CISNA PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 36, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CONTAINING 82.43 ACRES MORE OR LESS.

The seal appearing on this document was authorized by Andrew W. Powshok, P.L.S. No.5383, on December 29, 2021.

This item has been electronically signed and sealed by Andrew W. Powshok, PLS No.5383 using a digital signature on December 29, 2021.

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AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO F.I.R.M. #12009C 0655 G, DATED MARCH 17, 2014, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE AE. BASE EL.=20.0' (NAVD 88)

BOUNDARY SURVEY

SCALE: 1" = 20'

NORTH

REVISION:
REVISION:
REVISION:
REVISION:
REVISION:
REVISION:

FIELD DATE: 07-08-21

SECTION 4,
TOWNSHIP 29 SOUTH,
RANGE 36 EAST

PROJECT #37037 S1/2-16

GENERAL NOTES:

1. THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
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No. 5383 STATE OF FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

ANDREW W. POWSHOK
P.L.S. No. 5383

DANIEL D. GARNER
P.L.S. No. 6189

LEGEND

(B.B.)	–	BASIS OF BEARING
(M)	–	MEASURED
(P)	–	PLAT
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R.C.P.	–	REINFORCED CONCRETE PIPE
C.M.P.	–	CORRUGATED METAL PIPE
℄	–	CENTERLINE
LB	–	LICENSED BUSINESS
PLS	–	PROFESSIONAL LAND SURVEYOR

(XXXX) PROPOSED GRADES
T.B.D.–TO BE DETERMINED
EL. XXXX –EXISTING GRADES

Annexation, Future Land Use Change and Preliminary Development Plan/ Rezoning Summary for 3 Forks

Three Forks is a ±124 acres master planned future mixed use development consisting of the following anticipated uses:

- Up to four commercial lots along the northern frontage on West Malabar Road.
- Future right-of-way for the anticipated future widening of Malabar Road.
- High end recreation vehicle (RV) park intended for only later model RVs with amenities.
- Up to 4-story market rate apartments off of the future extension of the St. Johns Heritage Parkway (SJHP) to the west with amenities for its residents.
- Master planned single family subdivision with varying lot sizes and amenities.

The entire master planned development will have interconnected stormwater treatment ponds, extend both City water and wastewater for potable and fire protection needs, and master planned landscaping, irrigation, lighting and signage. All roadways will be constructed to city standards but be privately maintained so they are not a future maintenance burden to the City. The property is adjacent to anticipated future townhomes to the northwest Malabar Road and to the north, a large commercial parcel and some existing single family homes to the east (3 Forks only proposes single family residential adjacent to the existing single family to the east), an existing borrow pit to the south, and the future extension of the St. Johns Heritage Parkway to the west. There are also MTWCD canals buffering to the east and west. We believe that all proposed uses as part of this project would be compatible with current and anticipated future uses adjacent to the property.

We are requesting an annexation, comprehensive future land use amendment, and a preliminary development plan/ rezoning. The proposed future land use and zoning would be Regional Activity Center (RAC). This allows the flexibility of the large property to propose the varying uses and be flexible as market conditions evolve. The proposed uses are unique to this part of the City with respect to the high end RV Park and market rate apartments. There is a strong demand for both of these uses as well as more single family in the area. We anticipate the commercial will be successful as the area grows with this property and ongoing and future adjacent properties. The Malabar Road widening project is moving faster than anticipated as identified to the applicant by the City facilitating future traffic needs. The high end RV Park and other proposed residential uses will usher in more demand for nearby commercial services such as grocery stores, restaurants, retail, offices, and other uses helping the whole region of the City succeed.

The main access to the single family is anticipated to be aligned with the Palm Bay Regional Park entrance and could warrant a traffic signal in the future helping the travelling public. A proposed commercial driveway and RV Park entrance is proposed to line up with the existing entrance to the Parkside West subdivision north of 3 Forks. Access for the apartments and a second access point for the single family is planned directly onto the future extension of the SJHP to the west an emergency egress is provided for the single family development to Malabar Road.

The property is currently in the county and we have calculated preliminary potential revenue projections as follows for the City of Palm Bay if successfully annexed and developed as proposed:

Category	Projected revenue
Palm Bay Impact Fees (one time revenue source)	$3,652,363.00
Water and Sewer Connection Fees (one time revenue source)	$3,299,931.83
Palm Bay ad valorem revenue (ongoing, assuming 7.8378 mills)	$775,812.61
Total	$7,728,107.44

This does not include the one-time revenue payments to Brevard County for ad valorem and non-ad valorem taxes and impact fees, nor the franchise fees, service fees, utility taxes, license and permit fees, and other miscellaneous revenue that will be a continual revenue stream for the City. The City's 2021 budget letter states that since 2019, the City's real estate values have increased by over 10% each year, and we believe our development, to be called 3 Forks, will add to this increased value.

The City of Palm Bay Florida

LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

This application must be deemed complete and legible, and the original application with original signature(s) must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. **Large Scale Amendments will require 60 days of review prior to a scheduled Planning and Zoning Board meeting**. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

APPLICATION AMENDMENT TYPE:

☐ **Small Scale** (50 acres or Less)

☐ **Text Amendment** (Comp. Plan)

☒ **Large Scale** (More than 50 acres)

PARCEL ID(S):

29-36-04-25-*-1 & 29-36-04-00-250

TAX ACCOUNT NUMBER(S):

2903869 & 2959615

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

See attached location map/ legal description

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

+/- 124.33

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

AU and RES 1 (Brevard County)

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

RAC Zoning and FLU

PRESENT USE OF PROPERTY:

Vacant

STRUCTURES LOCATED ON THE PROPERTY: None

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: No- a RAC is being filed via PDP process

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

See attached

SPECIFIC USE INTENDED FOR PROPERTY:

664 total residential (376 single family, 288 multifamily), commercial lots and high end RV park plus amenities

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

- [x] *Application Fee. Make Check payable to "City of Palm Bay."
  - [ ] **$1,200.00 - Small Scale** (50 acres or Less)
  - [x] **$2,000.00 - Large Scale** (More than 50 acres)
  - [ ] **$2,000.00 - Text Amendment** (Comp. Plan)

- [x] Legal description of the subject property with a sketch of the legal. **Also provide the site sketch on Memory Drive.**

- [x] List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)

- [x] 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.

- [x] 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.

- [x] **Where the property owner is not the representative for the request**, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.

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

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

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** 4-14-22

Printed Name Anthony Masone, Manager of West 80 Acres, LLC

Full Address 3970 Minton Road; West Melbourne, FL 32904

Telephone 321- 693-8669 **Email** tmasone@gmail.com

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

- [x] Legal description of the subject property with a sketch of the legal. **Also provide the site sketch on Memory Drive.**

- [x] List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)

- [x] 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.

- [x] 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.

- [x] **Where the property owner is not the representative for the request**, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.

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

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

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 AMe **Date** 4-14-22

Printed Name Anthony Masone, Manager of Parkside Commons Center, LLC

Full Address 3970 Minton Road; West Melbourne, FL 32904

Telephone 321- 693-8669 **Email** tmasone@gmail.com

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

Ownership Listing

Tax Account	Parcel ID	Owner Name	Address	Phone Number	Email
2903869	29-36-04-25-*-1	Parkside Commons Center, LLC	3970 Minton Road; Melbourne, FL 32904	321-693-8669	tmasone@gmail.com
2959615	29-36-04-00-250	West 80 Acres, LLC			

4-14, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

BCPA Parcel ID 29-36-04-00-250

I, Owner Name: Anthony Masone, Manager of West 80 Acres, LLC

Address: 3970 Minton Road; West Melbourne, FL 32904

Telephone: 321- 693- 8669

Email: tmasone@gmail.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:

Annexation, CPA, PDP and any/all associated submittals

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 14th day of April, 20 22 by Anthony Masone, property owner.

Kimberly A. Matura, Notary Public

[✓] Personally Known or [ ] Produced the Following Type of Identification:

Notary Public State of Florida
Kimberly Anna Matura
My Commission GG 355913
Expires 07/16/2023

4-14, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

BCPA Parcel ID 29-36-04-25-*-1

I, Owner Name: Anthony Masone, Manager of Parkside Commons Center, LLC

Address: 3970 Minton Road; West Melbourne, FL 32904

Telephone: 321- 693- 8669

Email: tmasone@gmail.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:

Annexation, CPA, PD and any/all associated submittals

(Property Owner Signature)

4-14-22

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 14th day of April, 20 22 by

, property owner.

, Notary Public

[X] Personally Known or [ ] Produced the Following Type of Identification:

Notary Public State of Florida
Kimberly Anna Matura
My Commission GG 355913
Expires 07/16/2023

Chandra Powell

From: Alexandra Bernard
Sent: Tuesday, June 28, 2022 4:15 PM
To: Jesse Anderson; Chandra Powell
Subject: FW: Access to Platt Land (PKG & Cheri Platt Trustee)
Attachments: 11654_200_001-001.pdf

FYI... this needs to be included in the 3 forks file

From: Scott Glaubitz <SGlaubitz@bseconsult.com>
Sent: Tuesday, June 28, 2022 3:43 PM
To: Jake Wise (jwise@cegengineering.com) <jwise@cegengineering.com>; Drew Powshok (aalsurvey@aalsurvey.com) <aalsurvey@aalsurvey.com>
Cc: Rebecca Cone <rcone@bseconsult.com>; Troy Platt (deeprootsmeat@yahoo.com) <deeprootsmeat@yahoo.com>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>
Subject: Access to Platt Land (PKG & Cheri Platt Trustee)

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.

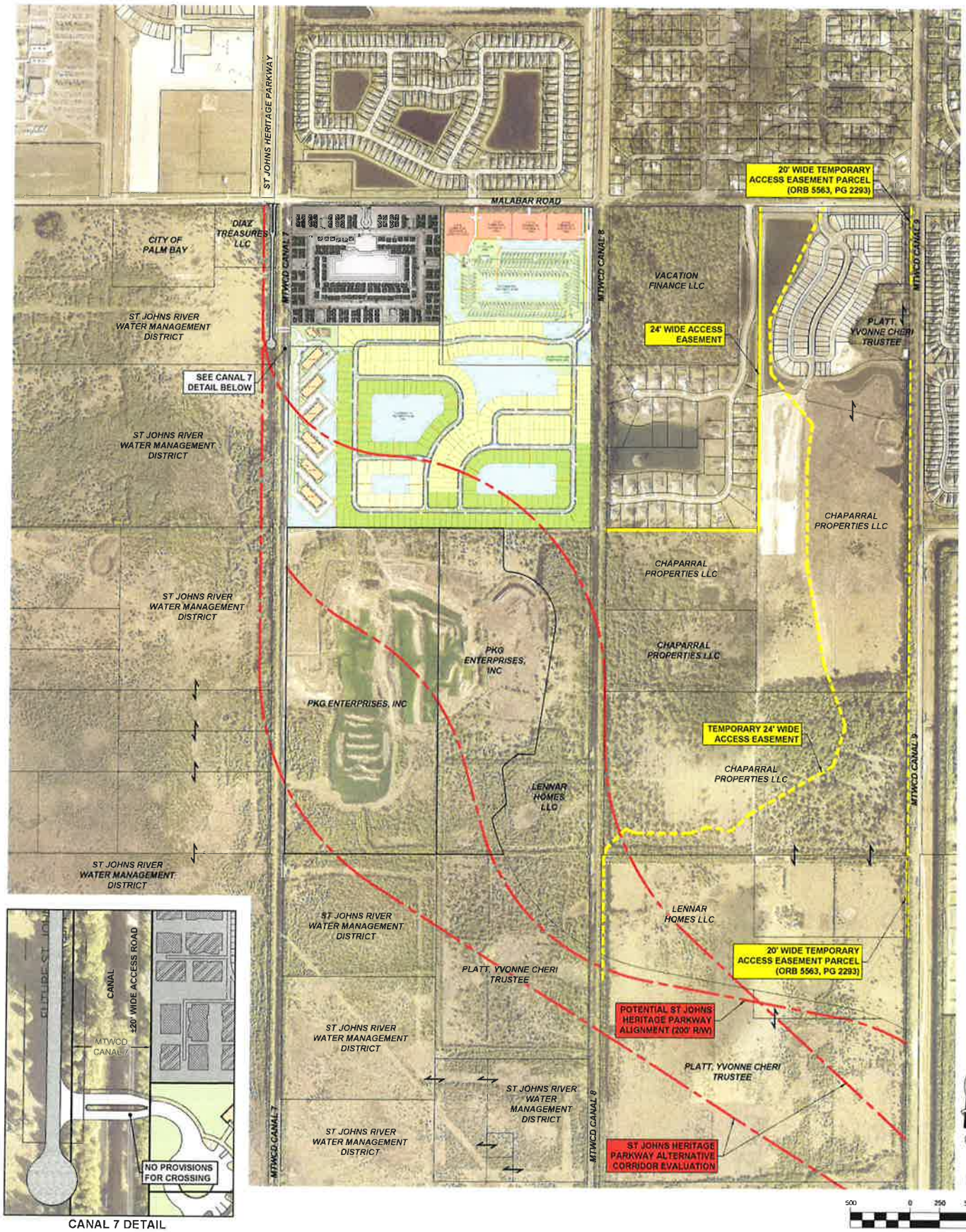
Jake/Drew;

We put together the attached drawing that may be used to show that the 3-Forks Mixed Use Plan interferes with current access to Platt lands. There are numerous components to consider;

1) The parkway ACE plans, that to my knowledge, are not yet finalized. One of the ACE Corridors is routed through 3-Forks.
2) Temporary 24' wide access easement through Chaparral Property that has not been recognized by Chaparral's 1ST recorded plat. Therefore the viability of that temporary easement is questionable.
3) A second 20' wide temporary easement that does not extend to Platt property south of 3-Forks.
4) A third temporary easement that terminate near the 3-Forks SE corner that does not extend to Platt property.
5) A portion of the Parkway proposed by 3-Forks with access across the canal that interferes with current "Rancher" access. This current Rancher access includes a +/- 20 road on a canal bank that does not meet current city code in its existing condition.

We request that you consider a City legal width R/W extending south to Platt lands to avoid creating a land locked situation.

Scott Glaubitz PE; PLS
BSE Consultants, Inc.
312 So. Harbor City Blvd.
Melbourne, Fl. 32901
Cell 321-403-1436
Office 321-725-3674
sglaubitz@bseconsult.com



CANAL 7 DETAIL

DESIGN/DRAWN: SMG/DRB DATE: 08/28/22

B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE (321) 723-3874 FAX (321) 723-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS BUSINESS AUTHORIZATION 4905
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION LB030-555

PLATT RANCH

OWNERSHIP MAP

PROJECT NO. 11654

DRAWING NO. 11654_200_001

SHEET 1 of 1

The City of Palm Bay Florida

MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Growth Management Director

DATE: July 6, 2022

SUBJECT: **PD-26-2022 - 3 Forks - Anthony Masone, Manager, Parkside Commons Center, LLC / West 80 Acres, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Preliminary Development Plan to allow for a proposed RAC, Regional Activity Center called 3 Forks - Lots 1 through 8 and Lot 15 of Cisna Park, along with Tax Parcel 250, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 124.33 acres. Located south of and adjacent to Malabar Road SW, in the vicinity east of St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8

Case PD-26-2022 is being reheard to allow the applicant to meet the Citizen Participation Plan requirement.

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- **Case PD-26-2022 - Staff Report**
- **Case PD-26-2022 - Preliminary Development Plan**
- **Case PD-26-2022 - Survey - North Half - Parkside Commons Center**
- **Case PD-26-2022 - Survey - South Half - West 80 Acres**
- **Case PD-26-2022 - Narrative**
- **Case PD-26-2022 - Application**
- **Case PD-26-2022 - Applicant 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	**PLANNING & ZONING BOARD HEARING DATE**
PD-26-2022	July 6, 2022

PROPERTY OWNER & APPLICANT	**PROPERTY LOCATION/ADDRESS**
Parkside Commons Center LLC and West 80 Acres, LLC (Tony Masone, manager; Jake Wise P.E.; Kim Rezanka Esq., Reps.)	Tax Parcel 250, Section 04, Township 29, Range 36, Subdivision 25. Cisna Park Lots 1 Thru 8 & 15; S 1/2 OF NW 1/4 & LOT 16 OF PB 8 PG 36 EXC CANAL R/W Specifically, off of Malabar Rd SW, East of St. Johns Heritage Pkwy NW, Brevard County, Florida

SUMMARY OF REQUEST	Preliminary Development Plan (PDP) for a regional activity center called 3 forks mixed use, consisting of 376 single family homes, 288 multi-family units, a commercial RV park (150 spaces) and 4 commercial parcels.
Existing Zoning	AU and SR (Brevard County)
Existing Land Use	AU and RES 1 (Brevard County)
Site Improvements	Undeveloped Land
Site Acreage	124.33 acres

SURROUNDING ZONING & USE OF LAND

North	PUD, Planned Unit Development, SFR, Single Family Residential, Single-Family Homes
East	CC, Community Commercial, COM, Commercial -- Vacant
South	RR-1 Rural Residential (County) SFR, Single-Family Residential -- Vacant
West	AU (County), COM Commercial – Vacant

COMPREHENSIVE PLAN COMPATIBILITY	Yes, subject to approval of Case CP-26-2022

BACKGROUND:

The property is located east of and adjacent to Malabar Rd SW, East of St. Johns Heritage Pkwy NW. The subject property is 124.33 acres of undeveloped land.

The applicant is currently seeking Preliminary Development Plan (PDP) approval for a regional activity center called 3 Forks mixed use, consisting of 376 single family homes, 288 multi-family units, a commercial RV park (150 spaces) and 4 commercial parcels. This is a density of 5.34 units per acre.

ANALYSIS:

The regional activity center (RAC) zoning district is a planned development intended to establish types of development and arrangements of land uses that are consistent with the comprehensive plan, but which are not otherwise provided for or allowed in the zoning districts set out in this chapter. The range of uses and development intensities allowed within a particular RAC district, along with any corresponding development and design standards are established by an associated RAC concept plan. Subsequent development within the RAC district is implemented by the approval of one or more site and development plans, known as RAC final development plans

Specifically, the development plan proposes consisting of 376 single family homes, 288 multi-family units (4-stories), a commercial RV park (150 spaces) and 4 commercial parcels. This is a density of 5.34 units per acre. According to the exhibit, the commercial parcels will front on Malabar Rd, with the RV park directly behind it and the single-family homes will be constructed along both the southeastern portion of the site with the proposed multi-family on the western portion of the site. The proposed single family lot sizes will offer a variety of 40’ x 110; 50’ x 110’ and 60’ x 110’.

Interconnected dry retention and wet detention ponds 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 privately. The developer shall provide an access management plan that examines the driveway configurations and identifies any necessary roadway improvements.

City water & sewer are located within the adjacent road rights-of-way and shall be extended to all residential units. Identification of the sewer mains and water distribution lines, and their

extensions into the project's internal roadway, shall be provided at the time of FDP submittal. A Utility Agreement shall be executed prior to construction plan approval.

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.

CONDITIONS:

To receive Preliminary Development approval, the proposal must meet the requirements of Section 185.056 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 general plan for the use of all lands within the proposed RAC. 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)
- 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.
- A summary of allowable development (a-e)
- Generalized regulations and development standards for the RAC district and each phase (a-e)
- Submission of an Endangered Species Assessment,
- Identification of lighting within the neighborhood, and
- Compliance with the conditions of CP-26-2022.

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

STAFF RECOMMENDATION:

Case PD-26-2022 is recommended for approval, subject to the staff comments.

TECHNICAL COMMENTS

CASE PD-26-2022 – 3 FORKS RAC

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

Traffic Engineering:

- Traffic Study required for the apartments which exceeds the 100 trips per peak period.
- In addition, the 376 SF will exceed 100 trips per peak for Malabar entrance, in addition to the RV and commercial, so required traffic study.
- Signal warrant analysis on the fourth leg of the intersection of Malabar SJHP.
- Left and right turn analysis for the main entrance from Malabar Rd.

Engineering- General:

1. R/W and Driveway permits fro Brevard County shall be required for all R/W improvements and provided prior to scheduling a pre-sitework meeting.

2. Provide clearance from the FDEP to utilize the site west of C-7 as the roadway site appears to be contaminated with arsenic and dewatering and stormwater management is restricted (see attached letter from the SJRWMD).

3. Stormwater Management shall meet the design and performance criteria per Chapter 62-330 F.A.C.

4. The western apartments appear to have one access point on property owned by the SJRWMD across a MTWCD canal.

5. SJRWM, and MTWC Districts' and FDEP approval shall be provided for this access and clearance for stormwater management and dewatering on the SJRWMD site

6. Staff recommends cross access with appropriate agreements through the Stellas Casitas site or access through this site.

7. If the SJHP ext. remains the only access to the multifamily, then a TIS will be provided for future extension of the Parkway and turn lanes or signal analyses provided based on the built out condition

8. 200 ft of R/W would need to be acquired on SJRWMD property.

9. All off-site flow in the existing condition will be retained and attenuated in the post-development condition.

10. Cross-sections shall be provided every 100 ft along all property lines.

11. An environmental report shall be provided and any recommended remediation, and/or permits obtained and provided to the City prior to scheduling the pre-sitework meeting.

12. The site must be operating in compliance with all external agency orders and permits prior to scheduling a pre-sitework meeting.

13. If constructed the 4th leg of the Malabar/ Parkway intersection will be designed and constructed per the City of Palm Bay's standards and testing provided every 200 ft at minimum prior to CC request.

14. It will remain private and not be dedicated to the City of Palm Bay unless the CH 182 process of the the City's Land Development code is complied.

15. Sidewalk will connect from on to off site along both streets and connect to the sidewalk on the north side on Malabar Rd. with a crosswalk in a location determined in the traffic study.

16. On Malabar Road the sidewalk would be located on the south side of the R/W donation.

18. A site specific stormwater pollution prevention/dewatering plan shall be provided for review prior to scheduling a pre-sitework meeting.

Survey:

1. Use of the existing 30 foot right of way for Utilities and Fire will need approval. The present right of way width is not standard.

2. Please show ties to Section Corners and State Plane coordinates for placement on BCPAO's GIS system.

3. Please provide information on ownership and access to planned apartments on the West side of plan.

UTILITIES (Christopher Little, PE, Utilities Director):

The Utilities Department is currently performing a Level of Service (LOS) for the proposed development. Results from the LOS will be conveyed in the companion Case No. CP-26-2022 (Comprehensive Plan Future Land Use Map amendment request) and could potentially reveal infrastructure deficiencies that may be required to be addressed by the developer prior to making connection to the system(s).

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 upgrade existing infrastructure as conveyed in the Comprehensive Plan Future Land Use Map amendment.

2. 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].

3. 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].

4. 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.

5. 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.

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

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

1. Please complete plans complying with all applicable portions of Florida Fire Prevention Code (FFPC) 7th edition, Florida Administrative Code (FAC), Florida State Statute (FSS) and City of Palm Bay Ordinances (COPBO) with the first full land development plan.

2. The 4 story apartment shall be protected by a fire sprinkler system and automatic stand pipes supplied by a fire pump.

3. There do not appear to be any fire department access issues at this time based on the limited information provided. An auto turn exhibit may be required at a later date.

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

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

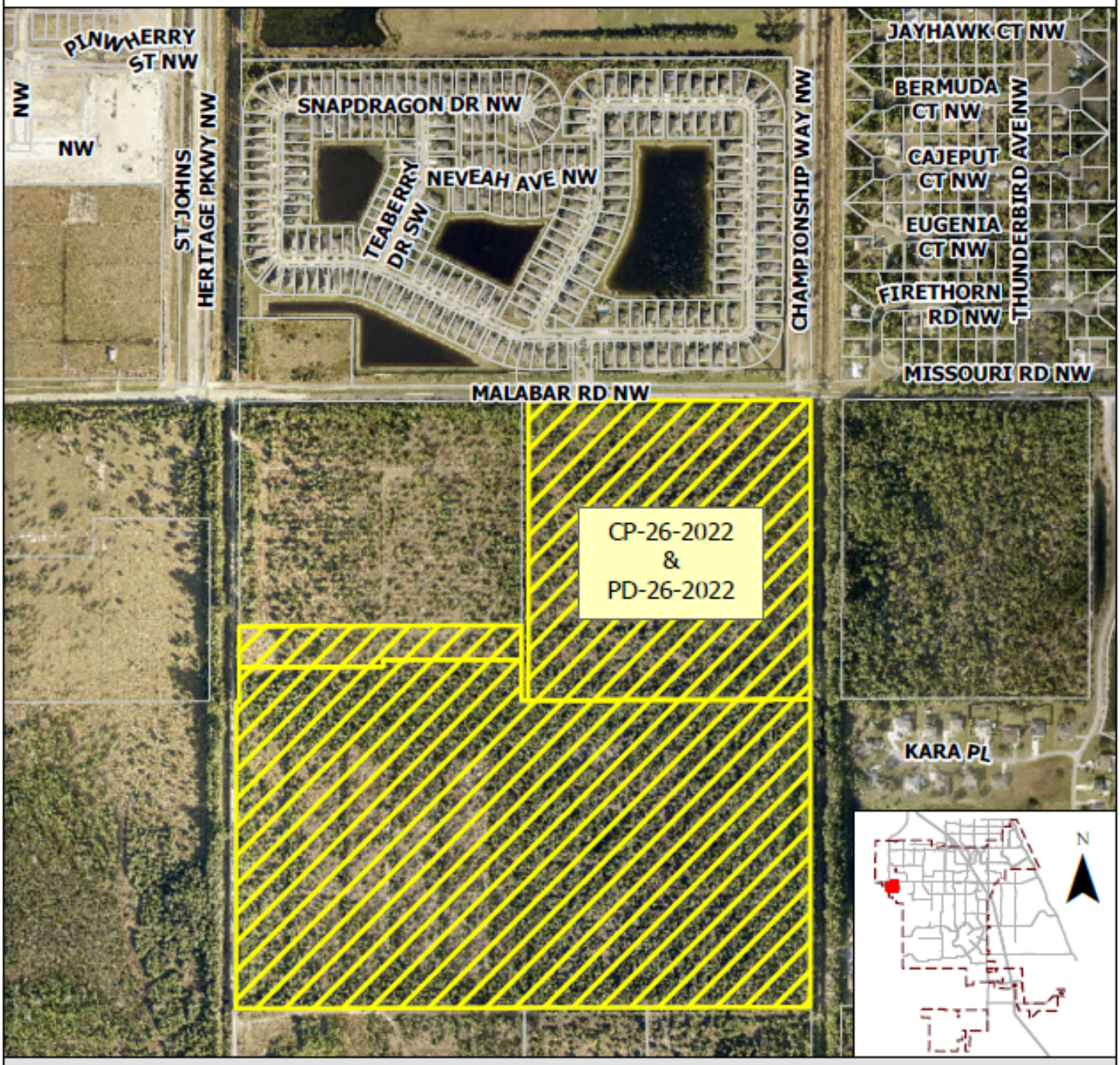
Per the City’s Floodplain Ordinance, any structure built within a Special Flood Hazard Area (SFHA) will require a Floodplain Review at time of construction. An approved CLOMR does not exempt the requirement for a Floodplain Review in the SFHA. The Building Official will not issue any building permits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

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

Currently this site is not in the GIS City Limits.

The City of Palm Bay Florida

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



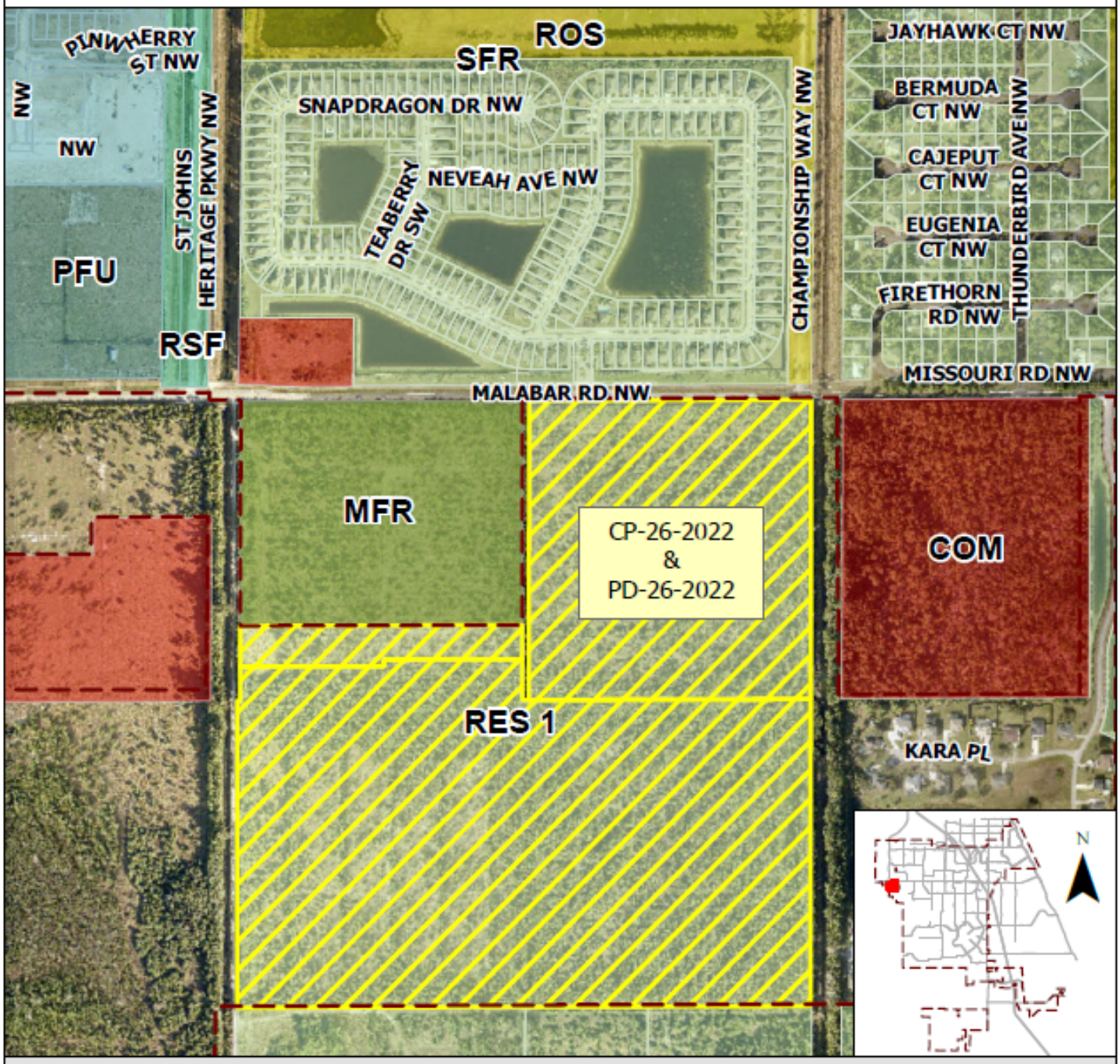
AERIAL LOCATION MAP CASE: CP-26-2022 & PD-26-2022

Subject Property

South of and adjacent to Malabar Road SW, in the vicinity east of St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8

The City of Palm Bay Florida

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-26-2022 & PD-26-2022

Subject Property

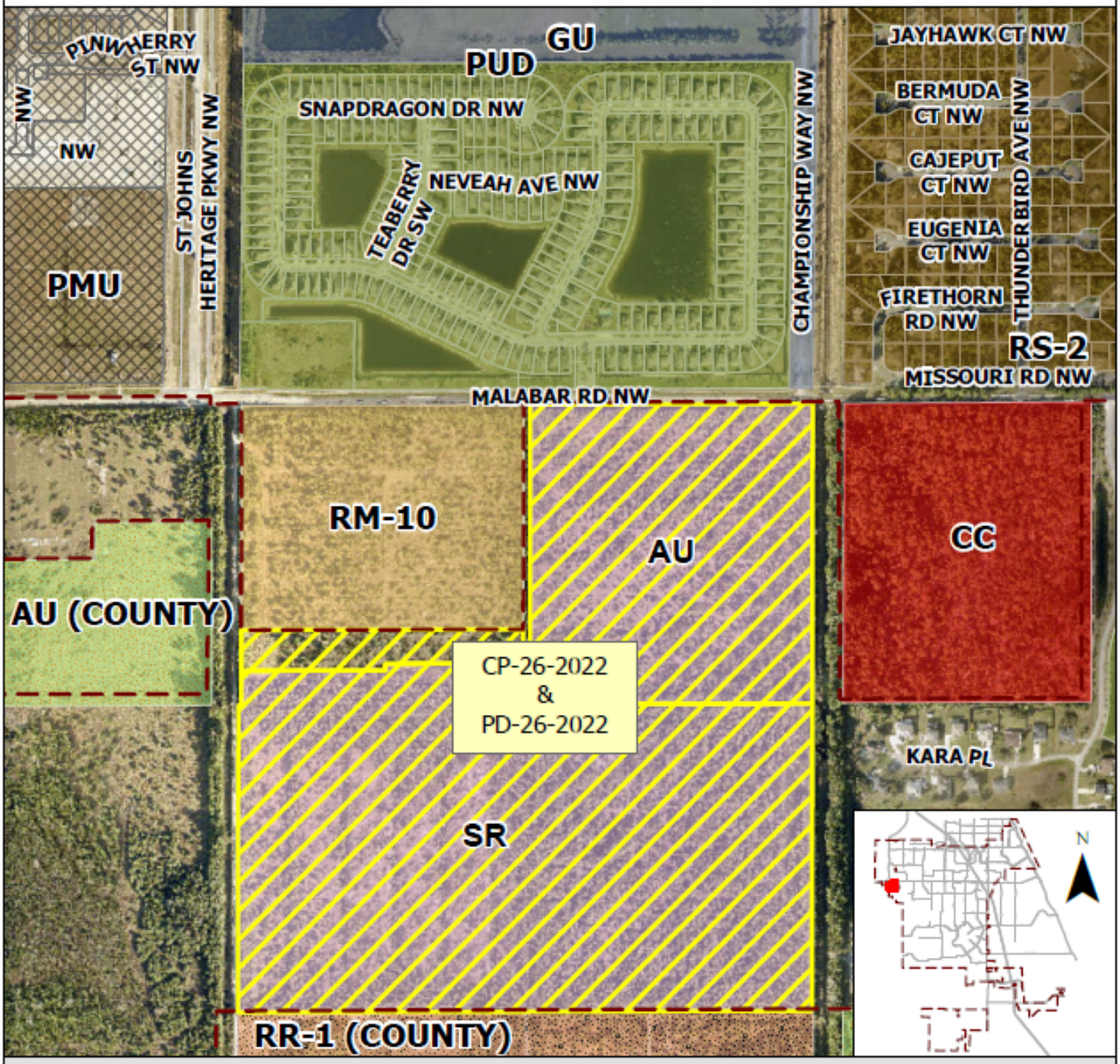
South of and adjacent to Malabar Road SW, in the vicinity east of St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8

Future Land Use Classification

RES 1 – Residential 1 Unit Per Acre

The City of Palm Bay Florida

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



ZONING MAP CASE: CP-26-2022 & PD-26-2022

Subject Property

South of and adjacent to Malabar Road SW, in the vicinity east of St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8

Current Zoning Classification

AU, SR – Agricultural Residential, Suburban Residential

3 FORKS MIXED USE
PRELIMINARY DEVELOPMENT PLAN

PALM BAY, FL

DATE:

APRIL 1, 2022

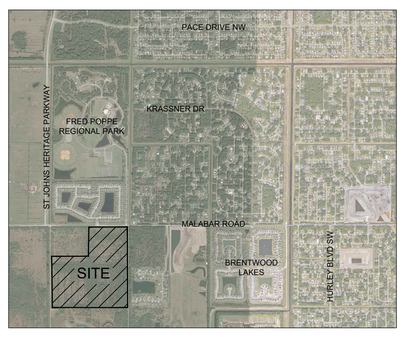
PREPARED FOR:

PARKSIDE COMMONS CENTER LLC &
WEST 80 ACRES LLC

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING WITHIN SECTION 4, TOWNSHIP 29S, RANGE 36 EAST AND BEING BOUNDED ON THE NORTH BY MALABAR ROAD; BOUNDED ON THE EAST BY MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NUMBER 8; BOUNDED ON THE SOUTH BY THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 29S, RANGE 36 EAST; BOUNDED ON THE WEST BY MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NUMBER 7; BOUNDED ON THE NORTH BY THE NORTH LINE OF LOT 15, CISNA PARK, AS RECORDED IN PLAT BOOK 8, PAGE 36 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; AND BOUNDED ON THE WEST BY THE EAST LINE OF LOTS 9–14, CISNA PARK, AS RECORDED IN PLAT BOOK 8, PAGE 36 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CONSTRUCTION ENGINEERING GROUP
Consulting Engineers



LOCATION MAP
NTS

PROJECT DATA:

GENERAL STATEMENT:
THIS PROJECT CONSISTS OF APPROXIMATELY 124 ACRES WITH FRONTAGE ALONG MALABAR ROAD TO THE NORTH AND THE FUTURE EXTENSION OF THE ST. JOHNS HERITAGE PARKWAY TO THE WEST. MTWCD CANALS ARE ALONG THE EAST AND WEST PROPERTY LINES AS WELL. WE PROPOSE ±24 ACRES OF COMMERCIAL DEVELOPMENT INCLUDING UP TO FOUR FUTURE COMMERCIAL LOTS AND A COMMERCIAL HIGH END RECREATIONAL VEHICLE (RV) PARK. THIS IS ADJACENT TO EXISTING COMMERCIAL ZONING EAST OF THE PROPERTY. WE PROPOSE SINGLE FAMILY RESIDENTIAL SOUTH OF THE COMMERCIAL PROPERTY ADJACENT TO EXISTING SINGLE FAMILY TO THE EAST IN BREVARD COUNTY. ALONG THE WESTERN FRONTAGE OF THE FUTURE ST. JOHNS HERITAGE PARKWAY UP TO 4–STORY APARTMENTS ARE PROPOSED AND DESIGNED TO YEAR ROUND HAVE SUNSET VIEWS TO THE WEST. ALL OF THE RESIDENTIAL AND RV PARKS HAVE AMENITIES PROPOSED. BOTH CITY WATER AND WASTEWATER ARE PROPOSED TO BE EXTENDED AND ALL ROADS SHALL BE BUILT TO CITY STANDARDS BUT PRIVATELY MAINTAINED SO IT IS NOT A FUTURE BURDEN TO THE CITY. WE ARE PROPOSING THE REGIONAL ACTIVITY CENTER (RAC) ZONING FOR FLEXIBILITY OF THE MIXED USE DEVELOPMENT. THE RESIDENTIAL AND COMMERCIAL RV PARK ARE INTENDED TO BE INTERCONNECTED WITH THE FUTURE COMMERCIAL LOTS IN ORDER TO MAXIMIZE INTERNAL TRIP CAPTURE.

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

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

SURVEYOR:
AAL LAND SURVEYING SERVICES INC
3970 MINTON ROAD
WEST MELBOURNE, FL 32904
TEL: (321) 768–8110
EMAIL: AALSURVEY@AALSURVEY.COM

LOCATION:
SECTION: 04
TOWNSHIP: 29
RANGE: 36
PARCEL ID: 29–36–04–25–*–1
29–36–04–00–250
TAX ACCOUNT: 2903869, 2959615

PROPOSED ZONING/FLU:
REGIONAL ACTIVITY CENTER (RAC)

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

SINGLE FAMILY LOT COUNT:
40'x110' LOTS = 200
50'x110' LOTS = 156
60'x110' LOTS = 20

MAXIMUM BUILDING HEIGHT:
SINGLE FAMILY: 2 STORY – 25 FT
APARTMENTS: 4 STORY – 50 FT

SINGLE FAMILY:
±84.5 ACRES – 376 LOTS

APARTMENTS:
±15.5 ACRES – 288 UNITS

COMMERCIAL RV PARK:
±17.6 ACRES – 150 SPACES

COMMERCIAL
±6.4 ACRES – ±4 LOTS

TOTAL RESIDENTIAL:
±100 AC

TOTAL COMMERCIAL
±24 AC

MINIMUM WIDTHS:
SIDEWALKS: 5 FT
RIGHT–OF–WAY WIDTH: 50 FT
EXISTING 30' TO REMAIN AS EMERGENCY ONLY

CALCULATED STORMWATER BASIN COVERAGE:

	SF	ACRE	PERCENT
IMPERVIOUS:	2,582,776	59.29	48
PERVIOUS:	1,741,325	39.98	32
PONDS:	1,067,868	24.52	20
TOTAL:	5,391,969	123.79	100

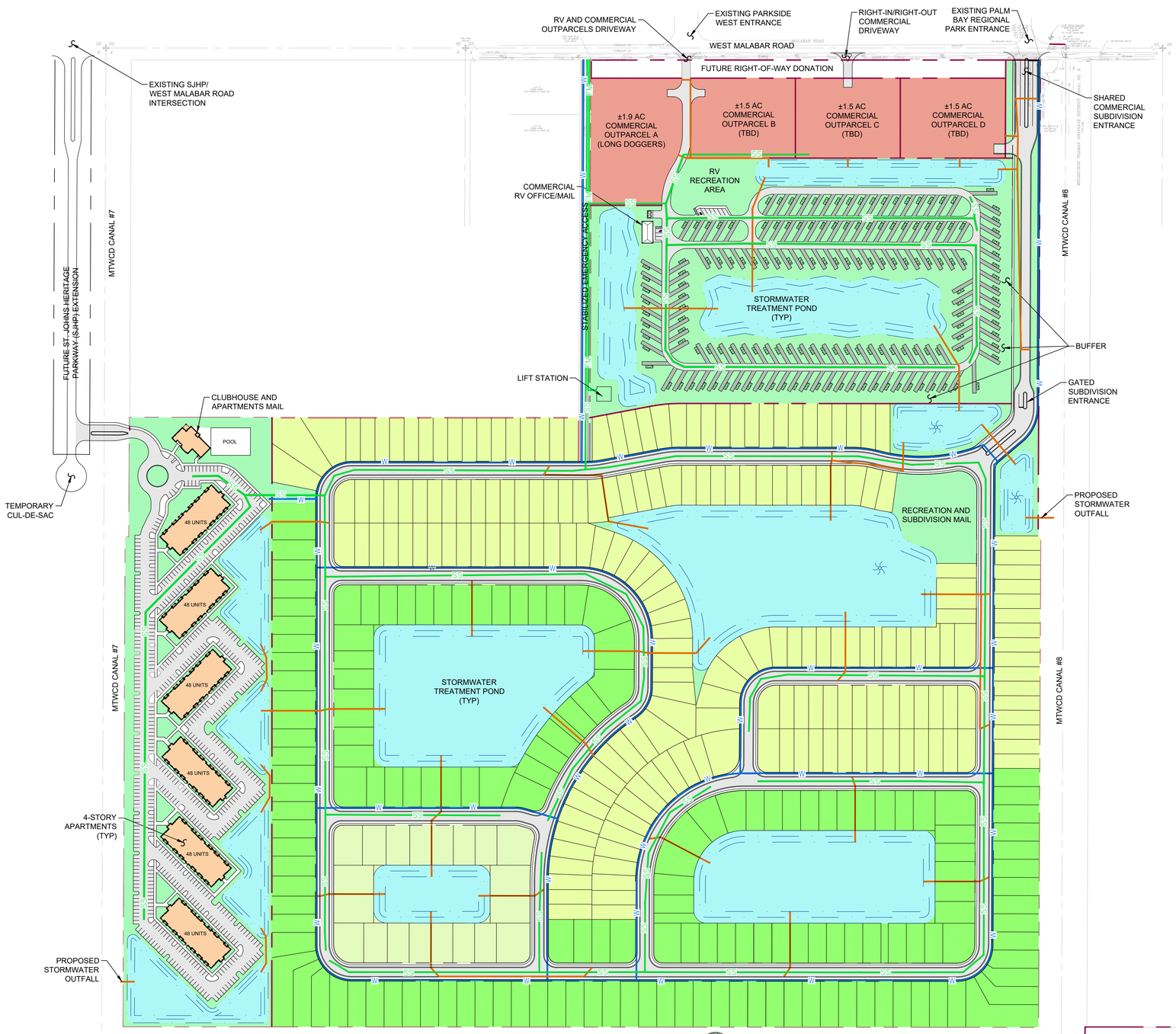
REV#	DATE	REVISION

CONSTRUCTION ENGINEERING GROUP
Consulting Engineers
2651 Eau Gallie Blvd., Suite A
Melbourne, FL 32935
Tel. 321.233.1221
www.cegengineering.com
COA #0008097

3 FORKS MIXED USE
PARKSIDE COMMONS CENTER LLC & WEST 80 ACRES LLC
WEST MALABAR ROAD AND ST. JOHNS HERITAGE PARKWAY PALM BAY, FL
DRAWING TITLE
PRELIMINARY DEVELOPMENT PLAN

COPYRIGHT © – STATEMENT
THESE DOCUMENTS AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, ARE THE PROPERTY OF CONSTRUCTION ENGINEERING GROUP (CEG) AND ARE ISSUED ONLY FOR THE SPECIFIC PROJECT NOTED ON THESE DOCUMENTS. ANY REVISIONS, REPRODUCTIONS OR MODIFICATIONS OF THESE DOCUMENTS WITHOUT THE EXPRESS WRITTEN CONSENT OF CEG IS PROHIBITED BY LAW.

DATE	4/01/22
SCALE	NTS
PROJ. NO. :	220021
DESIGNED BY:	CCM
DRAWN BY:	SMB
CHECKED BY:	JTW
DRAWING NO.	3F-1



PRELIMINARY DEVELOPMENT PLAN

1"=150'

LEGEND:

- PROJECT BOUNDARY
- STORMWATER TREATMENT POND CONTOURS
- STORM PIPE
- WATER MAIN (W)
- SANITARY SEWER LINE (SS)
- FORCE MAIN (FM)
- RECREATION, LANDSCAPING AND OPEN SPACE
- 40' WIDE SINGLE FAMILY LOT
- 50' WIDE SINGLE FAMILY LOT
- 60' WIDE SINGLE FAMILY LOT
- COMMERCIAL RV PARK
- COMMERCIAL PARCEL
- STORMWATER TREATMENT POND
- APARTMENT BUILDING
- ROADWAY

150' 0' 150' 300'

REV#	DATE	REVISION

CONSTRUCTION ENGINEERING GROUP
Consulting Engineers
2651 Eau Gallie Blvd., Suite A
Melbourne, FL 32935
Tel. 321.233.1221
www.cegengineering.com
COA #0008097

3 FORKS MIXED USE

PARKSIDE COMMONS CENTER LLC & WEST 80 ACRES LLC
WEST MALABAR ROAD AND ST. JOHNS HERITAGE PARKWAY PALM BAY, FL

DRAWING TITLE
PRELIMINARY DEVELOPMENT PLAN

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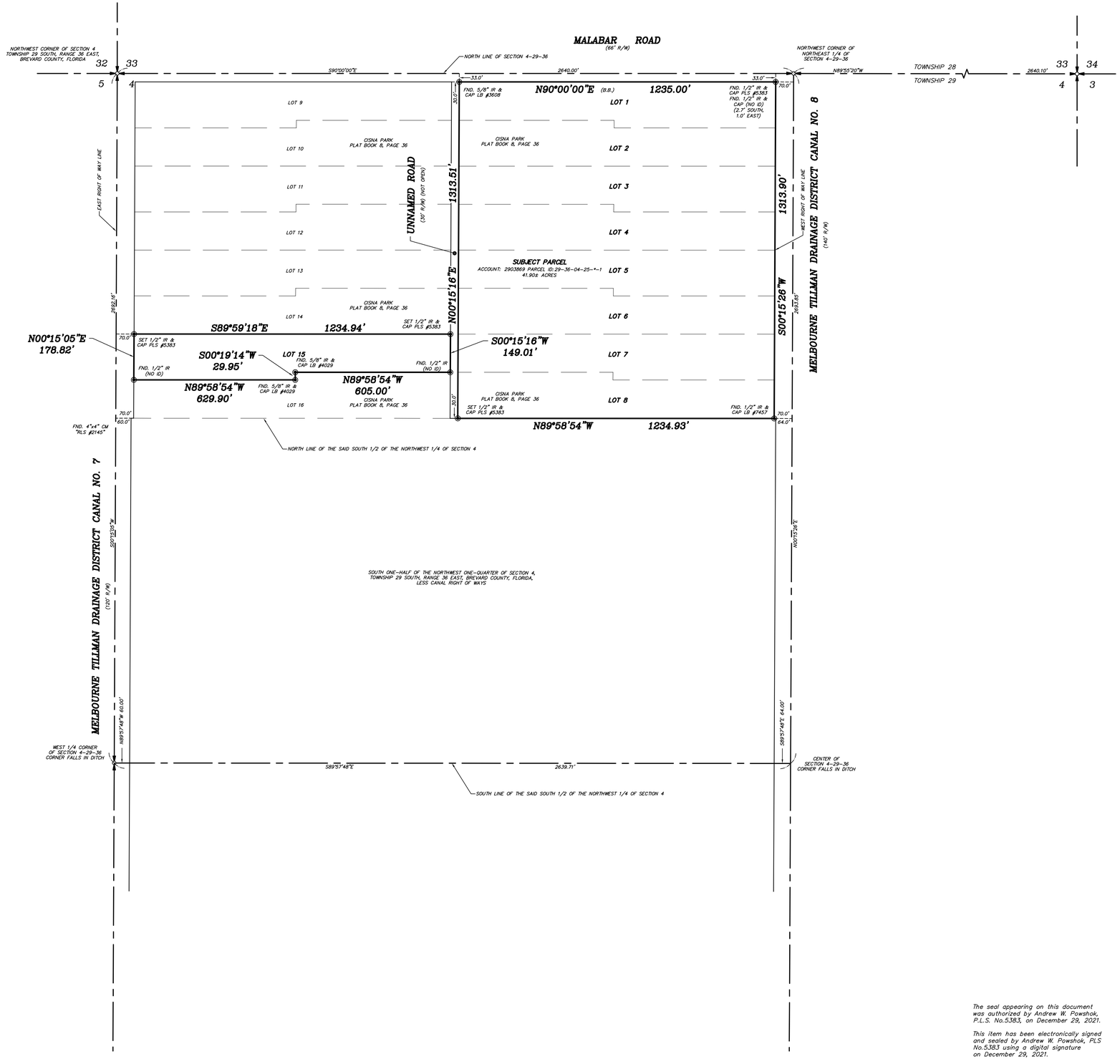
DATE	4/01/22
SCALE	1"=150'
PROJ. NO. :	220021
DESIGNED BY:	CCM
DRAWN BY:	SMB
CHECKED BY:	JTW
DRAWING NO.	3F-2



SURVEY PREPARED FOR:
PARKSIDE COMMONS CENTER LLC

DESCRIPTION:

LOTS 1 THROUGH 8 AND LOT 15, CISNA PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 36, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
CONTAINING 41.90 ACRES MORE OR LESS.

The seal appearing on this document was authorized by Andrew W. Powshok, P.L.S. No.5383, on December 29, 2021.

This item has been electronically signed and sealed by Andrew W. Powshok, PLS No.5383 using a digital signature on December 29, 2021.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO F.I.R.M. #120092 0655 G, DATED MARCH 17, 2014, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE AE. BASE EL.=20.0' (NAVD 88)

BOUNDARY SURVEY

SCALE: 1" = 200'

NORTH

REVISION:
REVISION:
REVISION:
REVISION:
REVISION:
REVISION:

FIELD DATE: 07-08-21

SECTION 4,
TOWNSHIP 29 SOUTH,
RANGE 36 EAST

PROJECT #37037 1-8-15

GENERAL NOTES:

1. THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE SEAL OF THE FLORIDA LICENSED SURVEYOR AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.
6. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.
7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
8. ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.
9. "NO WELLS" AND "NO SEPTICS" ARE DEFINITIONS TO SHOW AN ATTEMPT BY THE SURVEYOR TO LOCATE POSSIBLE EXISTING WELLS AND SEPTICS, HOWEVER NONE WERE FOUND USING STANDARD SURVEY LOCATING EQUIPMENT.

3970 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B.#6623
PHONE: (321)768-8910 FAX: (321)952-9771 E-MAIL: frontdesk@aalsurvey.com

STATE OF FLORIDA
ANDREW W. POWSHOK
No. 5383
PROFESSIONAL SURVEYOR & MAPPER

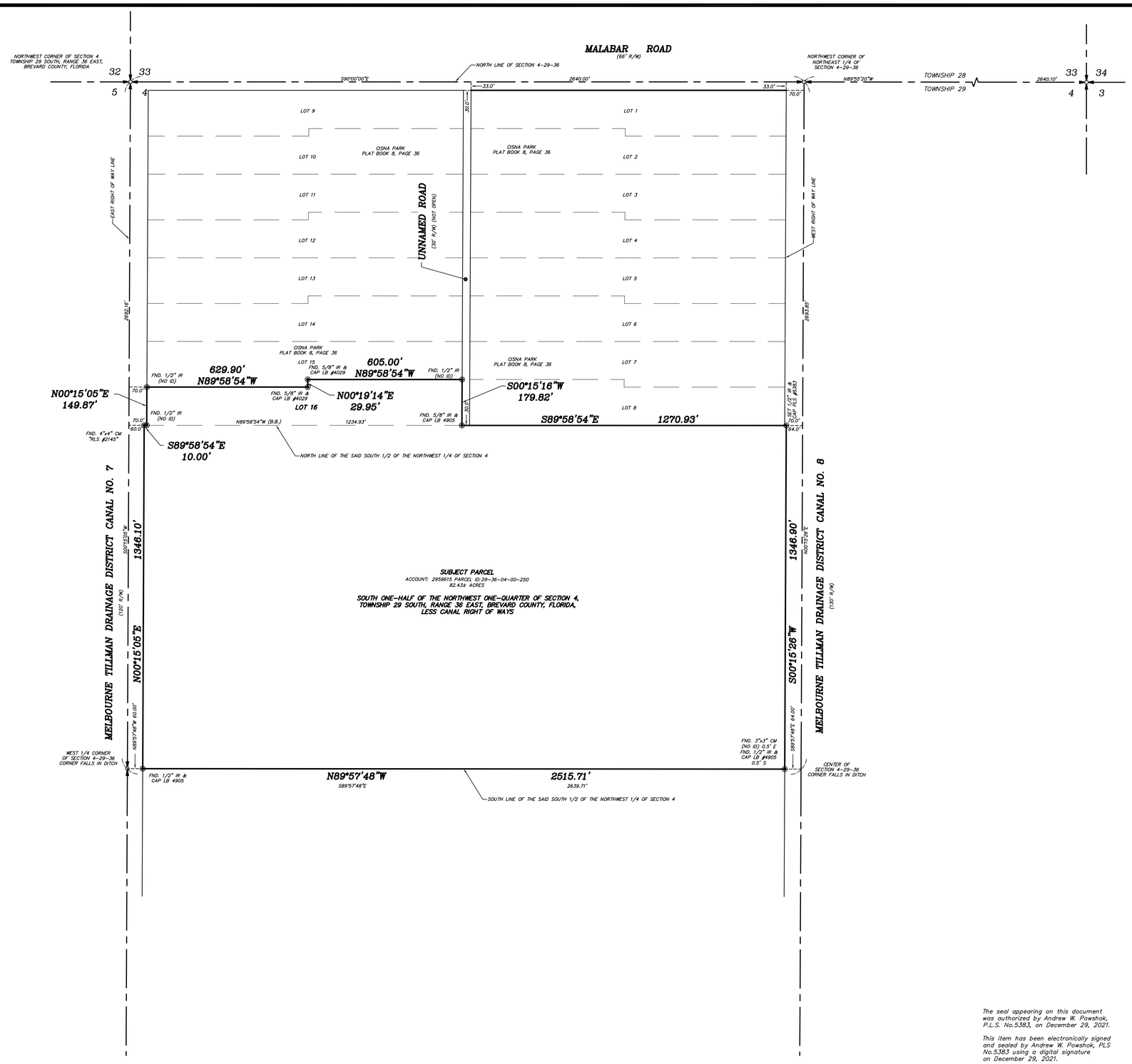
ANDREW W. POWSHOK
P.L.S. No. 5383

DANIEL D. GARNER
P.L.S. No. 6189

LEGEND

(B.B.)	–	BASIS OF BEARING
(M)	–	MEASURED
(P)	–	PLAT
(D)	–	DEED
IR	–	IRON ROD
IP	–	IRON PIPE
N&D	–	NAIL AND DISC
N&TT	–	NAIL AND TIN TAB
C.M.	–	CONCRETE MONUMENT
PRM	–	PERMANENT REFERENCE MARKER
EOW	–	EDGE OF WATER
TBM	–	TEMPORARY BENCHMARK
Δ=	–	DELTA
R=	–	RADIUS
L=	–	ARC LENGTH
FND.	–	FOUND
CH	–	CHORD LENGTH
P.O.B.	–	POINT OF BEGINNING
P.C.	–	POINT OF CURVATURE
P.T.	–	POINT OF TANGENCY
PI	–	POINT OF INTERSECTION
PRC	–	POINT OF REVERSE CURVE
R/W	–	RIGHT OF WAY
B.S.L.	–	BUILDING SETBACK LINE
OHW	–	OVERHEAD WIRES
E.P.	–	EDGE OF PAVEMENT
P.U.	–	PUBLIC UTILITY EASEMENT
D.E.	–	DRAINAGE EASEMENT
EL	–	ELEVATION
FF	–	FINISHED FLOOR
CONC.	–	CONCRETE
R.C.P.	–	REINFORCED CONCRETE PIPE
C.M.P.	–	CORRUGATED METAL PIPE
℄	–	CENTERLINE
LB	–	LICENSED BUSINESS
PLS	–	PROFESSIONAL LAND SURVEYOR

(XXXX) PROPOSED GRADES
T.B.D.– TO BE DETERMINED
NAIL AND DISC
EL. XXXX –EXISTING GRADES



SURVEY PREPARED FOR:
WEST 80 ACRES LLC

DESCRIPTION:

THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, LESS AND EXCEPT RIGHTS OF WAY FOR MELBORNE TILLMAN DRAINAGE DISTRICT CANALS NO.7 & NO.8.

TOGETHER WITH:

LOT 16, CISNA PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 36, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CONTAINING 82.43 ACRES MORE OR LESS.

The seal appearing on this document was authorized by Andrew W. Powshok, P.L.S. No.5383, on December 29, 2021.

This item has been electronically signed and sealed by Andrew W. Powshok, PLS No.5383 using a digital signature on December 29, 2021.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO F.I.R.M. #12009C 0655 G, DATED MARCH 17, 2014, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE AE. BASE EL.=20.0' (NAVD 88)

BOUNDARY SURVEY

SCALE: 1" = 20'

NORTH

REVISION:
REVISION:
REVISION:
REVISION:
REVISION:
REVISION:

FIELD DATE: 07-08-21

SECTION 4,
TOWNSHIP 29 SOUTH,
RANGE 36 EAST

PROJECT #37037 S1/2-16

GENERAL NOTES:

1. THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
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3970 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B.#6623
PHONE: (321)768-8110 FAX: (321)952-9771 E-MAIL: frontdesk@aalsurvey.com

No. 5383 STATE OF FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

ANDREW W. POWSHOK
P.L.S. No. 5383

DANIEL D. GARNER
P.L.S. No. 6189

LEGEND

(B.B.)	–	BASIS OF BEARING
(M)	–	MEASURED
(P)	–	PLAT
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IR	–	IRON ROD
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D.E.	–	DRAINAGE EASEMENT
EL	–	ELEVATION
FF	–	FINISHED FLOOR
CONC.	–	CONCRETE
R.C.P.	–	REINFORCED CONCRETE PIPE
C.M.P.	–	CORRUGATED METAL PIPE
℄	–	CENTERLINE
LB	–	LICENSED BUSINESS
PLS	–	PROFESSIONAL LAND SURVEYOR

(XXXX) PROPOSED GRADES
T.B.D.–TO BE DETERMINED
EL. XXXX –EXISTING GRADES

Annexation, Future Land Use Change and Preliminary Development Plan/ Rezoning Summary for 3 Forks

Three Forks is a ±124 acres master planned future mixed use development consisting of the following anticipated uses:

- Up to four commercial lots along the northern frontage on West Malabar Road.
- Future right-of-way for the anticipated future widening of Malabar Road.
- High end recreation vehicle (RV) park intended for only later model RVs with amenities.
- Up to 4-story market rate apartments off of the future extension of the St. Johns Heritage Parkway (SJHP) to the west with amenities for its residents.
- Master planned single family subdivision with varying lot sizes and amenities.

The entire master planned development will have interconnected stormwater treatment ponds, extend both City water and wastewater for potable and fire protection needs, and master planned landscaping, irrigation, lighting and signage. All roadways will be constructed to city standards but be privately maintained so they are not a future maintenance burden to the City. The property is adjacent to anticipated future townhomes to the northwest Malabar Road and to the north, a large commercial parcel and some existing single family homes to the east (3 Forks only proposes single family residential adjacent to the existing single family to the east), an existing borrow pit to the south, and the future extension of the St. Johns Heritage Parkway to the west. There are also MTWCD canals buffering to the east and west. We believe that all proposed uses as part of this project would be compatible with current and anticipated future uses adjacent to the property.

We are requesting an annexation, comprehensive future land use amendment, and a preliminary development plan/ rezoning. The proposed future land use and zoning would be Regional Activity Center (RAC). This allows the flexibility of the large property to propose the varying uses and be flexible as market conditions evolve. The proposed uses are unique to this part of the City with respect to the high end RV Park and market rate apartments. There is a strong demand for both of these uses as well as more single family in the area. We anticipate the commercial will be successful as the area grows with this property and ongoing and future adjacent properties. The Malabar Road widening project is moving faster than anticipated as identified to the applicant by the City facilitating future traffic needs. The high end RV Park and other proposed residential uses will usher in more demand for nearby commercial services such as grocery stores, restaurants, retail, offices, and other uses helping the whole region of the City succeed.

The main access to the single family is anticipated to be aligned with the Palm Bay Regional Park entrance and could warrant a traffic signal in the future helping the travelling public. A proposed commercial driveway and RV Park entrance is proposed to line up with the existing entrance to the Parkside West subdivision north of 3 Forks. Access for the apartments and a second access point for the single family is planned directly onto the future extension of the SJHP to the west an emergency egress is provided for the single family development to Malabar Road.

The property is currently in the county and we have calculated preliminary potential revenue projections as follows for the City of Palm Bay if successfully annexed and developed as proposed:

Category	Projected revenue
Palm Bay Impact Fees (one time revenue source)	$3,652,363.00
Water and Sewer Connection Fees (one time revenue source)	$3,299,931.83
Palm Bay ad valorem revenue (ongoing, assuming 7.8378 mills)	$775,812.61
Total	$7,728,107.44

This does not include the one-time revenue payments to Brevard County for ad valorem and non-ad valorem taxes and impact fees, nor the franchise fees, service fees, utility taxes, license and permit fees, and other miscellaneous revenue that will be a continual revenue stream for the City. The City's 2021 budget letter states that since 2019, the City's real estate values have increased by over 10% each year, and we believe our development, to be called 3 Forks, will add to this increased value.

The City of Palm Bay Florida

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:

29-36-04-25-*-1 & 29-36-04-00-250

PARCEL ID(S):

2903869 & 2959615

TAX ACCOUNT NUMBER(S):

See attached location map/ legal description

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

See attached location map/ legal description

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

+/- 124.33

TOTAL LOTS PROPOSED (list by use):

664 total residential (376 single family, 288 multifamily) & 4 commercial

DEVELOPER Anthony Masone- West 80 Acres, LLC

Full Address 3970 Minton Road; West Melbourne, FL 32904

Telephone 321- 693-8669 **Email** tmasone@gmail.com

ENGINEER Jake Wise, PE- Construction Engineering Group, LLC

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

Telephone 321-610-1760 **Email** jwise@cegengineering.com & tmasone@gmail.com

SURVEYOR AAL Land Surveying Services, Inc.

Full Address 3970 Minton Road; West Melbourne, FL 32904

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

PRELIMINARY DEVELOPMENT PLAN CRITERIA FOR SUBMITTAL:

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

A) Vicinity map clearly outlining subject property and showing the relationship between the site and its surrounding area including adjacent streets and thoroughfares.

B) Preliminary Development Plan that shall contain maps, drawings and narrative, as appropriate, providing the following information:

1) A general plan for the use of all lands within the proposed development. Such plans shall indicate the general location of residential areas (including maximum density and unit types), open space, parks, passive or scenic areas, and nonresidential areas (including maximum building square footage or other intensity maximums).

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.

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

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

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

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

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** 4-14-22

Printed Name Anthony Masone, Manager of Parkside Commons Center, LLC

Full Address 3970 Minton Road; West Melbourne, FL 32904

Telephone 321- 693-8669 **Email** tmasone@gmail.com

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

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** 4-14-22

Printed Name Anthony Masone, Manager of West 80 Acres, LLC

Full Address 3970 Minton Road; West Melbourne, FL 32904

Telephone 321- 693-8669 **Email** tmasone@gmail.com

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

Ownership Listing

Tax Account	Parcel ID	Owner Name	Address	Phone Number	Email
2903869	29-36-04-25-*-1	Parkside Commons Center, LLC	3970 Minton Road; Melbourne, FL 32904	321-693-8669	tmasone@gmail.com
2959615	29-36-04-00-250	West 80 Acres, LLC			

4-14, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

BCPA Parcel ID 29-36-04-00-250

I, Owner Name: Anthony Masone, Manager of West 80 Acres, LLC

Address: 3970 Minton Road; West Melbourne, FL 32904

Telephone: 321- 693- 8669

Email: tmasone@gmail.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:

Annexation, CPA, PDP and any/all associated submittals

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 14th day of April, 20 22 by Anthony Masone, property owner.

Kimberly A. Matura, Notary Public

[✓] Personally Known or [ ] Produced the Following Type of Identification:

Notary Public State of Florida
Kimberly Anna Matura
My Commission GG 355913
Expires 07/16/2023

4-14, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

BCPA Parcel ID 29-36-04-25-*-1

I, Owner Name: Anthony Masone, Manager of Parkside Commons Center, LLC

Address: 3970 Minton Road; West Melbourne, FL 32904

Telephone: 321- 693- 8669

Email: tmasone@gmail.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:

Annexation, CPA, PD and any/all associated submittals

(Property Owner Signature)

4-14-22

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 14th day of April, 20 22 by

, property owner.

, Notary Public

[X] Personally Known or [ ] Produced the Following Type of Identification:

Notary Public State of Florida
Kimberly Anna Matura
My Commission GG 355913
Expires 07/16/2023

Chandra Powell

From: Alexandra Bernard
Sent: Tuesday, June 28, 2022 4:15 PM
To: Jesse Anderson; Chandra Powell
Subject: FW: Access to Platt Land (PKG & Cheri Platt Trustee)
Attachments: 11654_200_001-001.pdf

FYI... this needs to be included in the 3 forks file

From: Scott Glaubitz <SGlaubitz@bseconsult.com>
Sent: Tuesday, June 28, 2022 3:43 PM
To: Jake Wise (jwise@cegengineering.com) <jwise@cegengineering.com>; Drew Powshok (aalsurvey@aalsurvey.com) <aalsurvey@aalsurvey.com>
Cc: Rebecca Cone <rcone@bseconsult.com>; Troy Platt (deeprootsmeat@yahoo.com) <deeprootsmeat@yahoo.com>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>
Subject: Access to Platt Land (PKG & Cheri Platt Trustee)

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.

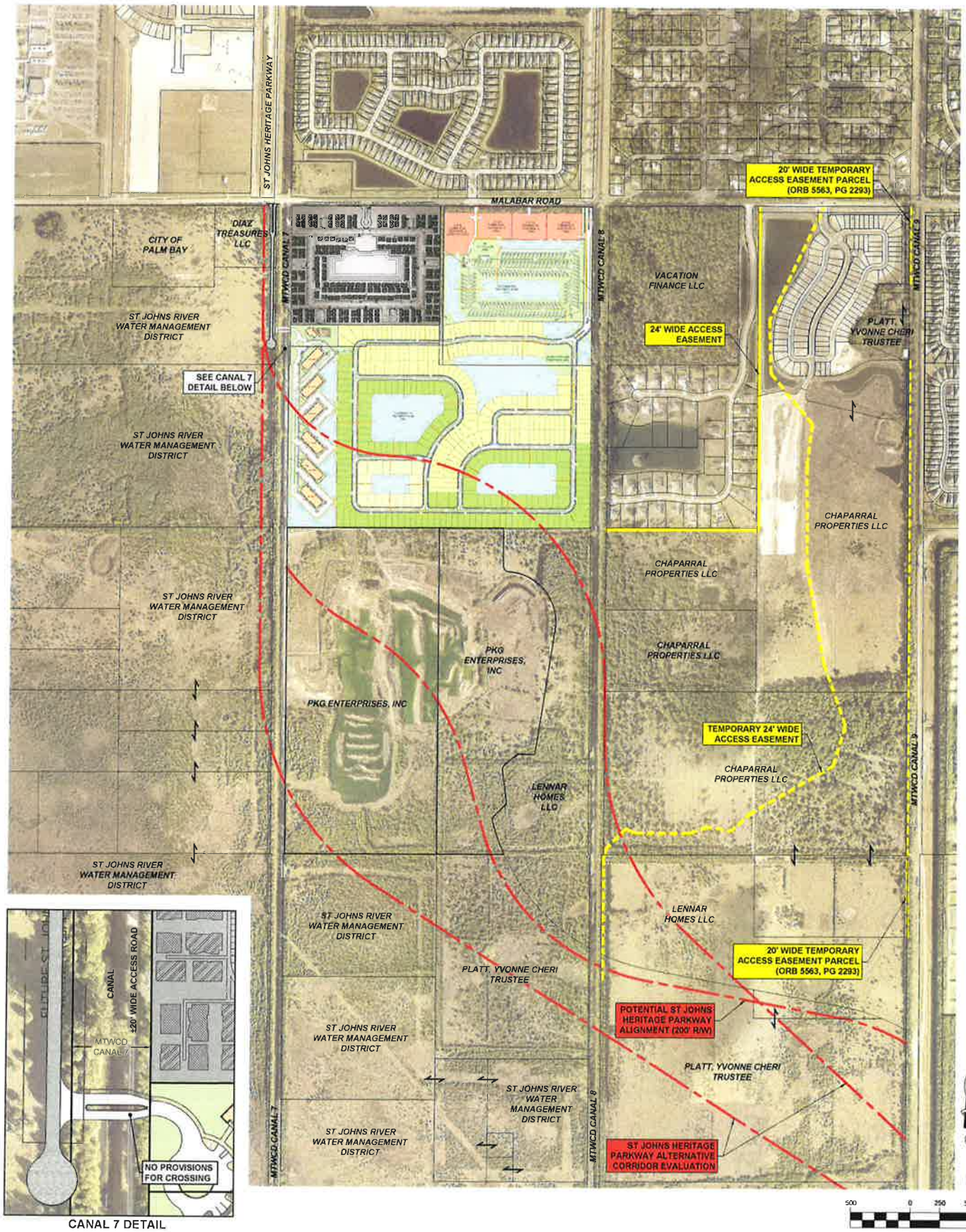
Jake/Drew;

We put together the attached drawing that may be used to show that the 3-Forks Mixed Use Plan interferes with current access to Platt lands. There are numerous components to consider;

1) The parkway ACE plans, that to my knowledge, are not yet finalized. One of the ACE Corridors is routed through 3-Forks.
2) Temporary 24' wide access easement through Chaparral Property that has not been recognized by Chaparral's 1ST recorded plat. Therefore the viability of that temporary easement is questionable.
3) A second 20' wide temporary easement that does not extend to Platt property south of 3-Forks.
4) A third temporary easement that terminate near the 3-Forks SE corner that does not extend to Platt property.
5) A portion of the Parkway proposed by 3-Forks with access across the canal that interferes with current "Rancher" access. This current Rancher access includes a +/- 20 road on a canal bank that does not meet current city code in its existing condition.

We request that you consider a City legal width R/W extending south to Platt lands to avoid creating a land locked situation.

Scott Glaubitz PE; PLS
BSE Consultants, Inc.
312 So. Harbor City Blvd.
Melbourne, Fl. 32901
Cell 321-403-1436
Office 321-725-3674
sglaubitz@bseconsult.com



CANAL 7 DETAIL

DESIGN/DRAWN: SMG/DRB DATE: 08/28/22

B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE (321) 723-3874 FAX (321) 723-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS BUSINESS AUTHORIZATION 4905
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION LB030-555

PLATT RANCH

OWNERSHIP MAP

PROJECT NO. 11654

DRAWING NO. 11654_200_001

SHEET 1 of 1

The City of Palm Bay Florida

MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Jesse Anderson, Ph.D., Assistant Growth Management Director

DATE: July 6, 2022

SUBJECT: T-25-2022 - WITHDRAWN - Infill PUD - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.060 and 185.065, to allow for Infill Planned Unit Developments

Case T-25-2022 has been withdrawn.

No board action is required to withdrawn the case.

ATTACHMENTS:

Description

The City of Palm Bay Florida

MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Jesse Anderson, Ph.D., Assistant Growth Management Director

DATE: July 6, 2022

SUBJECT: CP-21-2022 - De Groodt PUD - Michael H. Erdman, Kew, LLC (Chris Ossa, P.E. and Kinan Husainy, P.E., Kimley-Horn & Associates / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Rural Single-Family Use and Commercial Use to Commercial Use and Single-Family Residential Use - Tax Parcel 750, Section 24, Township 29, Range 36, Brevard County, Florida, containing approximately 43.55 acres. Located east of and adjacent to De Groodt Road SW, in the vicinity west of Brandy Creek Circle SE

Case CP-21-2022 is being reheard to allow for a revision to the application.

ATTACHMENTS:

Description

- **Case CP-21-2022 - Staff Report - 07-06-2022**
- **Case CP-21-2022 - Vicinity Map**
- **Case CP-21-2022 - Survey**
- **Case CP-21-2022 - Lot Breakdown**
- **Case CP-21-2022 - Preliminary Development Plan**
- **Case CP-21-2022 - Narrative**
- **Case CP-21-2022 - Trip Generation**
- **Case CP-21-2022 - Application**

STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by
Jesse D. Anderson, Assistant Growth Management Director

CASE NUMBER
CP-21-2022

PLANNING & ZONING BOARD HEARING DATE
July 6, 2022

PROPERTY OWNER & APPLICANT
Michael H. Erdman, Kew, LLC (Chris Ossa, P.E. and Kinan Husainy, P.E., Kimley-Horn & Associates / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law, Reps.)

PROPERTY LOCATION/ADDRESS
Tax Parcel 750, Section 24, Township 29, Range 36, Brevard County, Florida, containing approximately 43.55 acres. Located east of and adjacent to De Groodt Road SW, in the vicinity west of Brandy Creek Circle SE

SUMMARY OF REQUEST The applicant is requesting to change the Future Land Use from Rural Single Family and Commercial to Commercial and Single-Family Residential Use.

Existing Zoning	General Use
Existing Land Use	Rural Single Family/Commercial
Site Improvements	Redevelop school land
Site Acreage	43.55 acres

SURROUNDING ZONING & USE OF LAND

North	GU, General use – Single-Family Homes
East	PUD, Planned Unit Development – Single-Family Homes
South	RE, Rural Estates – Single-Family Homes
West	SRE, Suburban Residential Estate – Single-Family Homes

BACKGROUND:

The subject property is located east of and adjacent to De Groodt Road SW, in the vicinity west of Brandy Creek Circle SE and is approximately 43.55 acres. One (1) acre of the proposed project area will have a Future Land Use designation of Commercial. The Commercial area will be located at the northeast corner of Osmosis Drive SE and De Groodt Road SW. The remaining 42.55 acres will have a Future Land Use designation of Single-Family Residential.

ANALYSIS:

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

1. FUTURE LAND USE ELEMENT

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

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

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

The intended use for the 43.55-acre property is a Single-Family Residential development with supporting commercial. The proposed land use amendment would be considered compatible. The change will allow for a high-quality, diversified living environment. The development will further these goals by providing allowable uses on a property that has been underdeveloped for many years.

2. CONSERVATION ELEMENT

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

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

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

3. HOUSING ELEMENT

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

4. INFRASTRUCTURE ELEMENTS

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

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

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

5. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: The proposed Future Land Use Map amendment to mainly alters the distribution of already entitled residential land. However, portions of the parcels under review are increasing the maximum density through the proposed land use change, which will add housing units. Some impacts to the public-school system area are anticipated; however, considering the adjacent concurrency service areas, there is sufficient capacity.

6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment would increase the demand for recreation services as compared to the existing public needs due to potential increase in density.

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

7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community. If developed, a traffic impact analysis will be

required to determine any negative impacts on the existing transportation system along with any suggested improvements, which will be taken under consideration during the Site Plan review/approval process.

8. PROPERTY RIGHTS ELEMENT

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

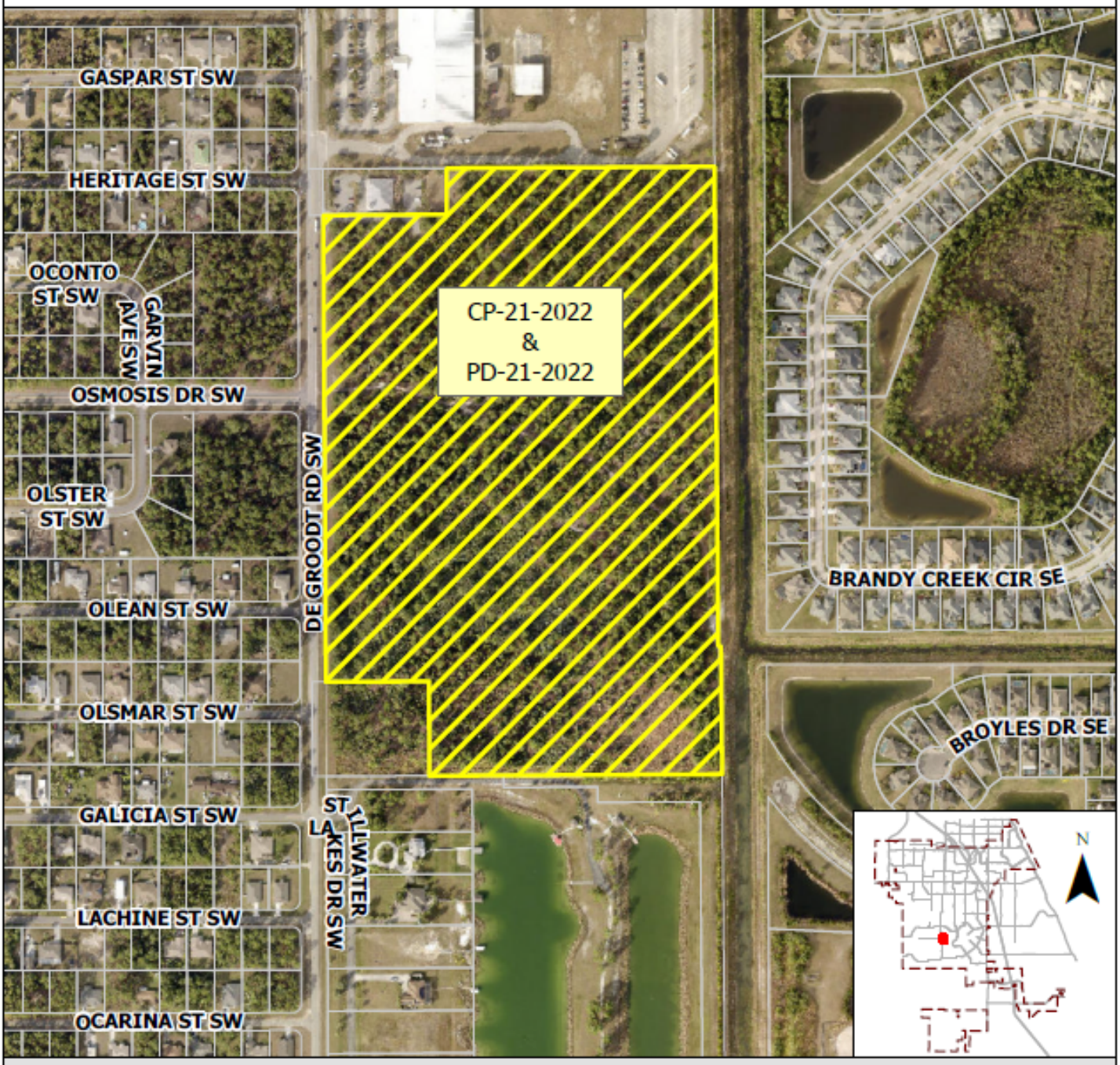
This proposed land-use change does not appear to infringe upon the property rights of the applicant.

STAFF RECOMMENDATION:

Case CP-21-2022 is recommended for approval.

The City of Palm Bay Florida

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



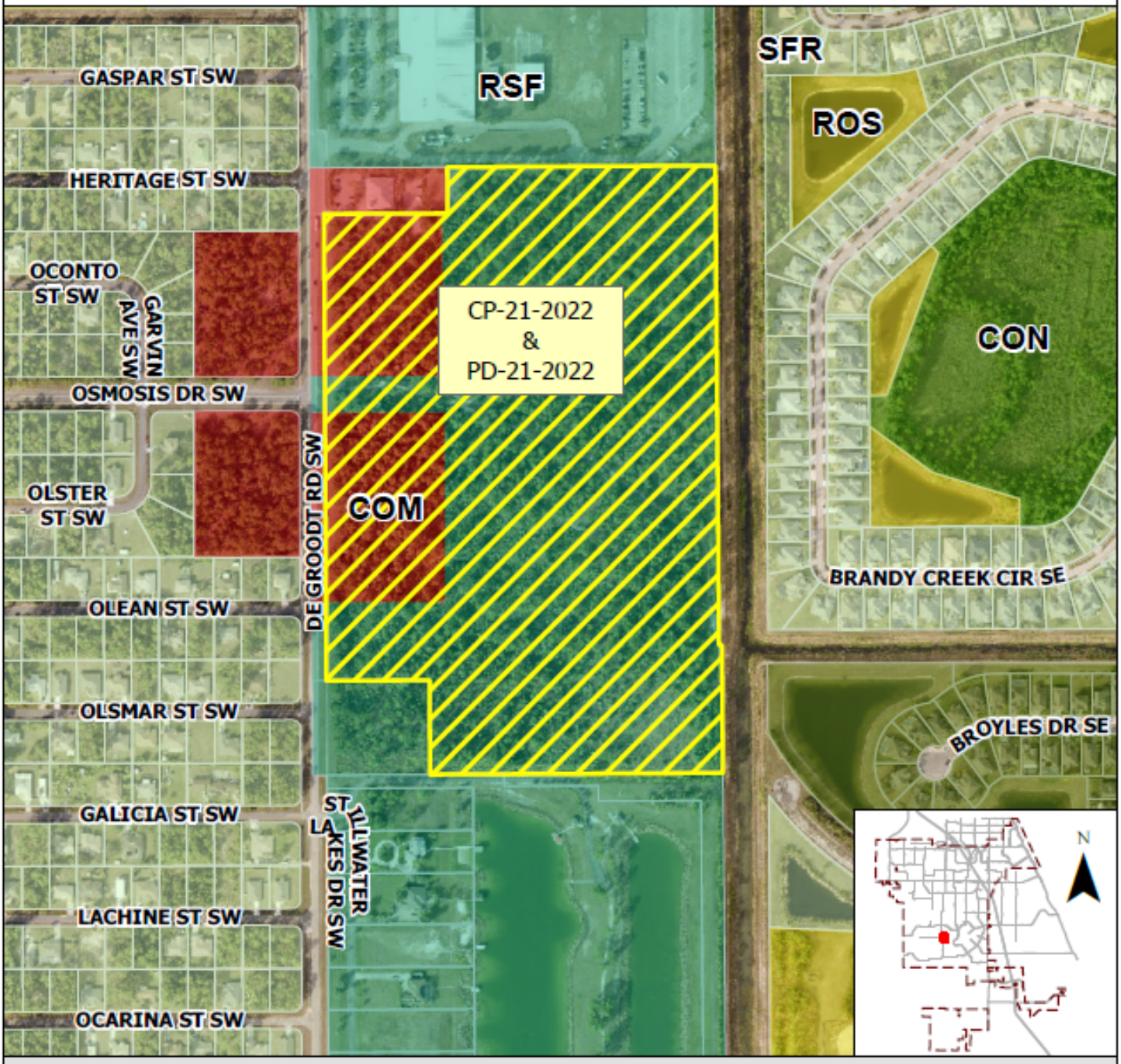
AERIAL LOCATION MAP CASE: CP-21-2022 & PD-21-2022

Subject Property

East of and adjacent to De Groodt Road SW, in the vicinity west of Brandy Creek Circle SE

The City of Palm Bay Florida

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-21-2022 & PD-21-2022

Subject Property

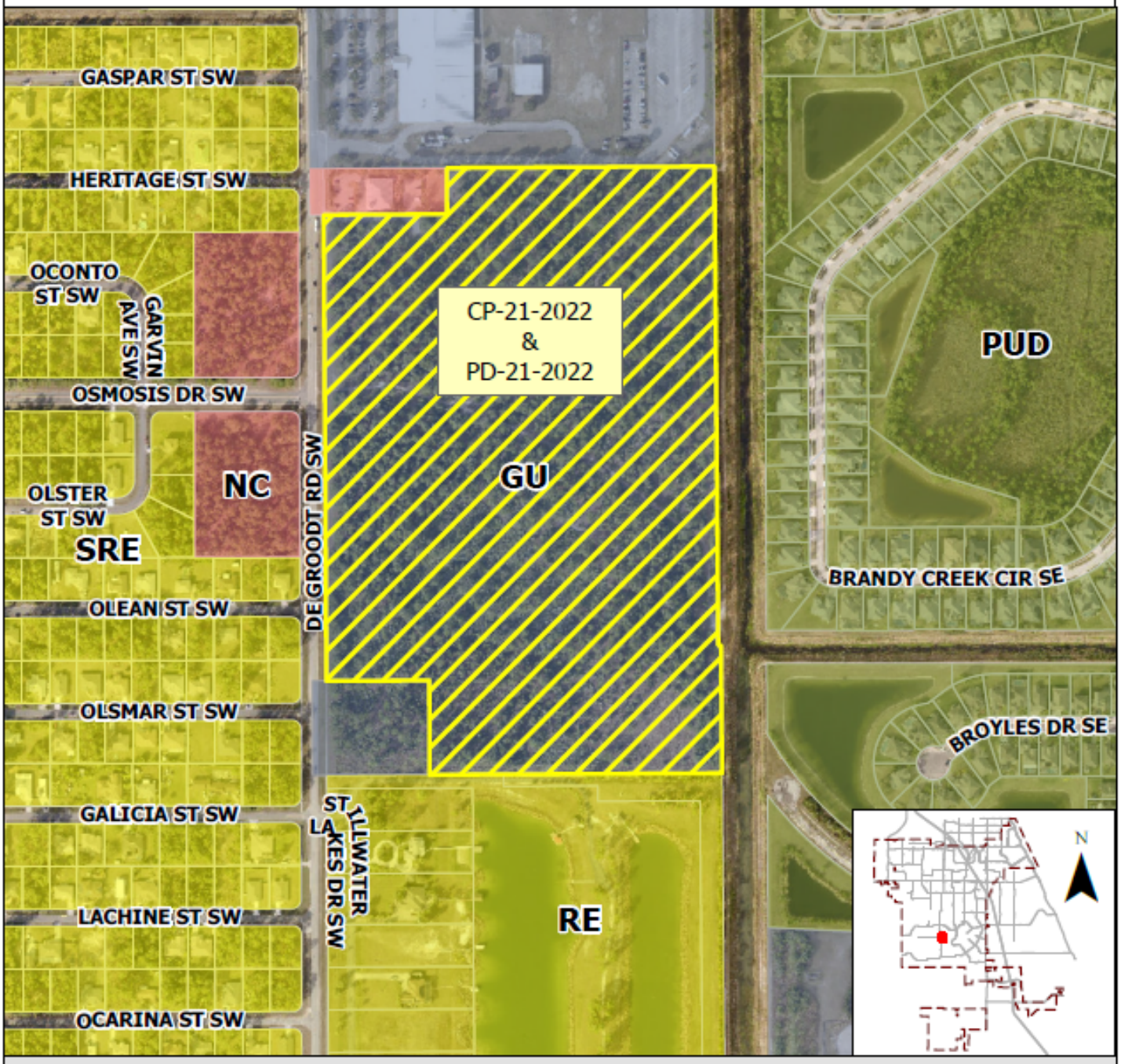
East of and adjacent to De Groodt Road SE, in the vicinity west of Brandy Creek Circle SE

Future Land Use Classification

COM, RSF – Commercial, Rural Single Family

The City of Palm Bay Florida

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



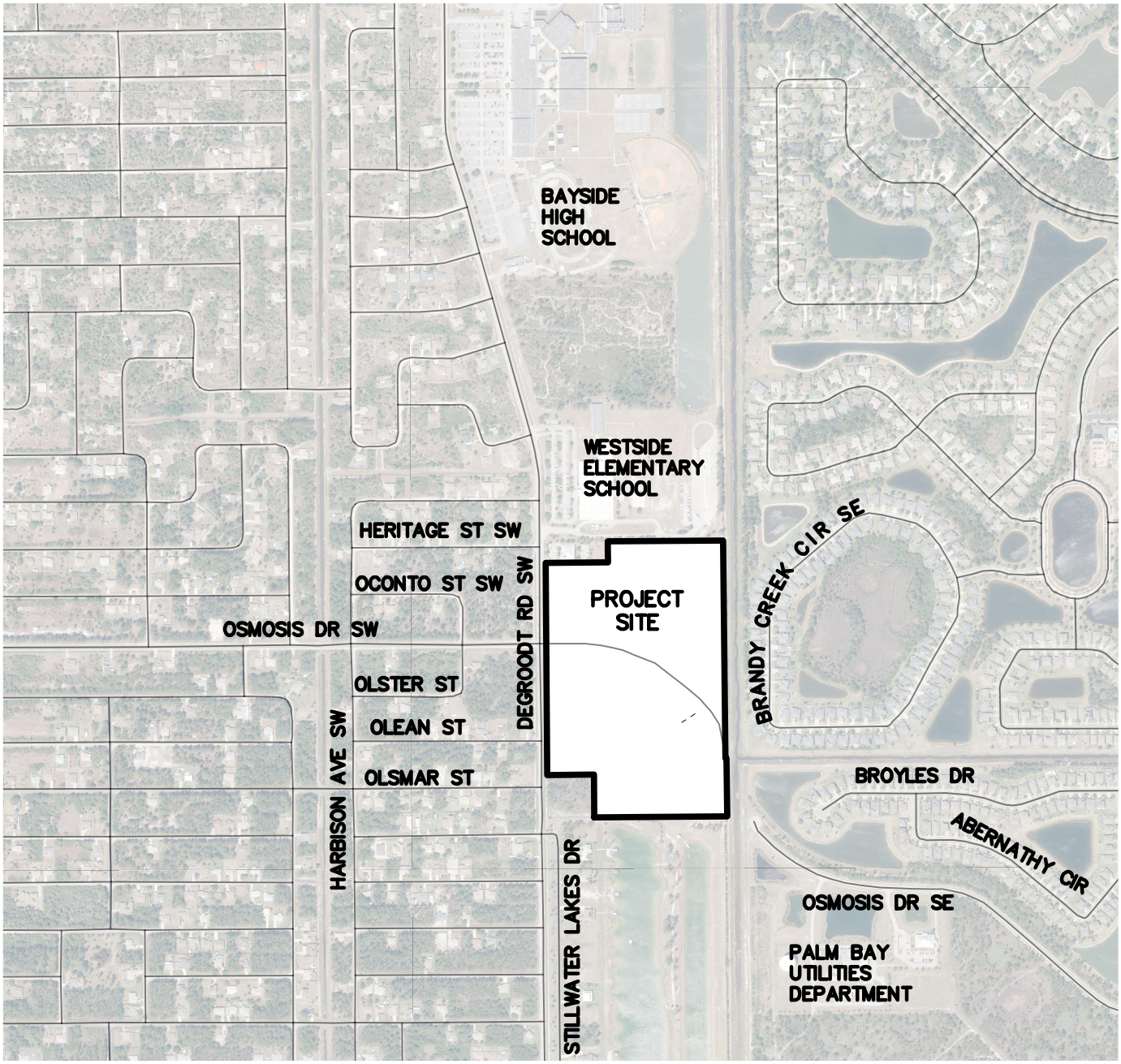
ZONING MAP CASE: CP-21-2022 & PD-21-2022

Subject Property

East of and adjacent to De Groodt Road SE, in the vicinity west of Brandy Creek Circle SE

Current Zoning Classification

GU – General Use Holding



GENERAL DESCRIPTION:

PROPOSED SINGLE FAMILY SUBDIVISION DEVELOPMENT OF AN UNDEVELOPED PARCEL TOTALING 43.34 AC.

SUBDIVISION PROPOSED ROADWAY, UTILITY AND STORMWATER UTILITIES FACILITIES TO SERVICE THE PROPOSED SUBDIVISION.

LOCATION:

SECTION: 24, 25
TOWNSHIP: 29 S
RANGE: 36 E
PARCEL ID: 29-36-24-00-750

GRAPHIC SCALE IN FEET
0 500 1000 2000

NORTH

Pulte HOMES

Kimley»Horn

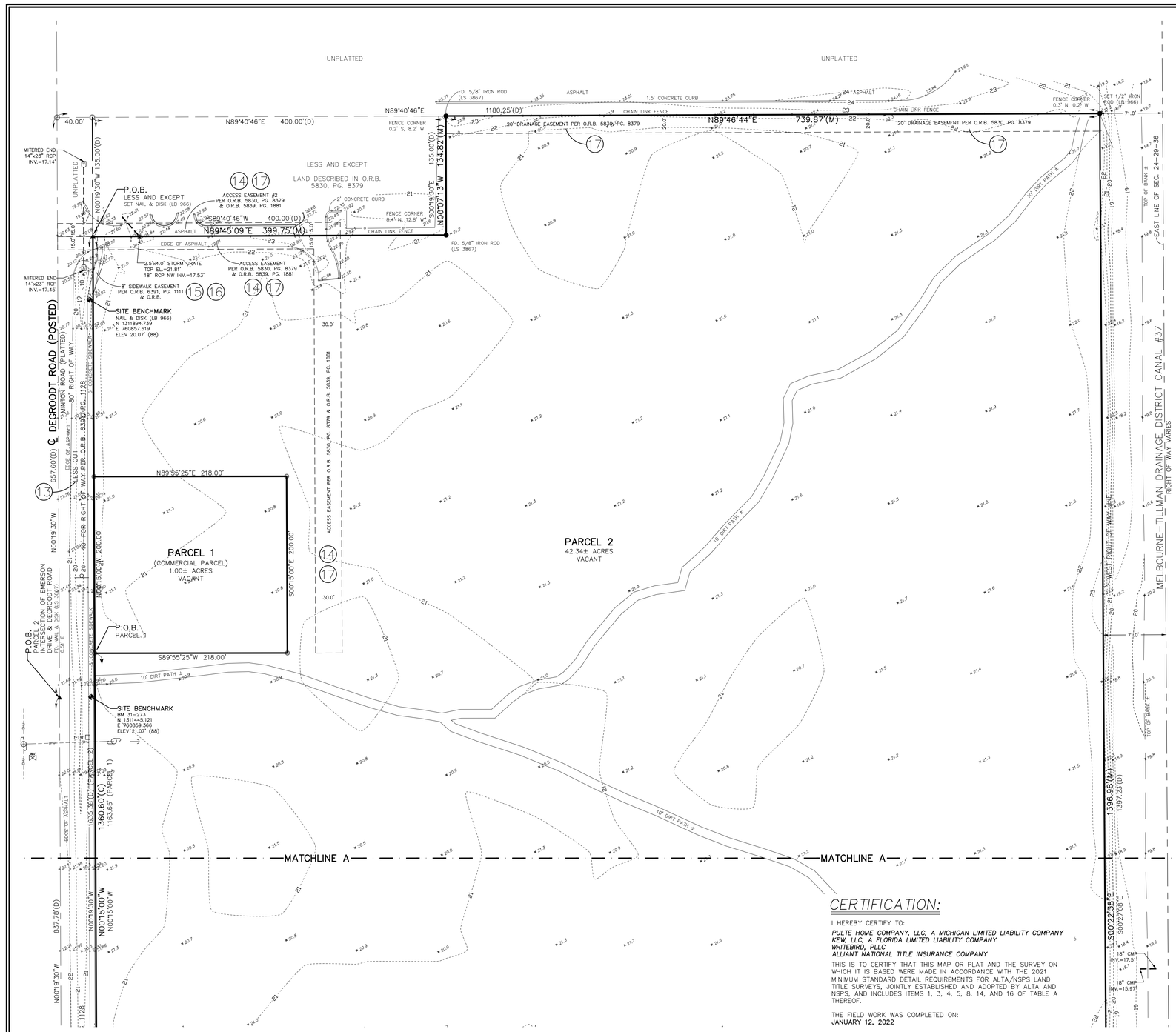
A

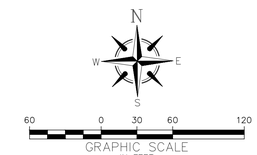
PULTE HOMES

PALM BAY, FL

DEGROODT SUBDIVISION - PRELIMINARY DEVELOPMENT PLAN

4/1/2022 - CONTACT CHRIS OSSA, P.E. (772) 794-4090





LEGAL DESCRIPTION:

PARCEL 1 (COMMERCIAL PARCEL):

A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF STILLWATER LAKES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, PAGES 12 THROUGH 14, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, RUN N00°15'00"W ALONG THE EAST RIGHT OF WAY OF DEGROODT ROAD (FORMERLY KNOWN AS MINTON ROAD), A DISTANCE OF 1,163.65 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N00°15'00"W ALONG SAID LINE, A DISTANCE OF 200.00 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE RUN N89°55'25"E, A DISTANCE OF 218.00 FEET; THENCE RUN S00°15'00"E, A DISTANCE OF 200.00 FEET; THENCE RUN S89°55'25"W, A DISTANCE OF 218.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.00 ACRES, MORE OR LESS.

PARCEL 2:

A PARCEL OF LAND LYING IN SECTIONS 24 AND 25, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF EMERSON DRIVE WITH THE CENTERLINE OF DEGROODT ROAD (FORMERLY KNOWN AS MINTON ROAD), AS SHOWN ON THE PLAT OF "PORT MALABAR, UNIT THIRTY-ONE", RECORDED IN PLAT BOOK 17, PAGES 22 THRU 33 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THENCE NORTH 00°19'30" WEST, ALONG SAID CENTERLINE, A DISTANCE OF 657.60 FEET; THENCE NORTH 89°40'46" EAST, A DISTANCE OF 1180.25 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF MELBOURNE – TILLMAN DRAINAGE DISTRICT CANAL #37; THENCE SOUTH 00°27'08" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1397.23 FEET TO A POINT ON THE SOUTH LINE OF AFORESAID SECTION 24; THENCE SOUTH 87°49'20" EAST, ALONG SAID SOUTH LINE AND ALONG A TRANSITION IN SAID CANAL RIGHT OF WAY, A DISTANCE OF 8.01 FEET; THENCE SOUTH 00°30'16" EAST, ALONG SAID EAST RIGHT OF WAY LINE OF MELBOURNE – TILLMAN DRAINAGE DISTRICT CANAL #37, A DISTANCE OF 372.81 FEET TO THE NORTHEAST CORNER OF "STILLWATER LAKES", RECORDED IN PLAT BOOK 46, PAGES 12 THRU 14 OF SAID PUBLIC RECORDS; THENCE SOUTH 89°40'46" WEST, ALONG THE NORTH LINE OF SAID SUBDIVISION, A DISTANCE OF 852.52 FEET; THENCE DEPARTING SAID NORTH LINE, RUN NORTH 00°19'30" WEST, A DISTANCE OF 275.00 FEET; THENCE SOUTH 89°40'46" WEST, A DISTANCE OF 340.00 FEET TO A POINT ON THE AFORESAID CENTERLINE OF DEGROODT ROAD; THENCE NORTH 00°19'30" WEST, ALONG SAID CENTERLINE, A DISTANCE OF 837.78 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT

A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF STILLWATER LAKES, RECORDED IN PLAT BOOK 46, PAGES 12 THROUGH 14, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN NORTH 00°19'30" WEST, ALONG THE PROPOSED EAST RIGHT OF WAY OF DEGROODT ROAD (FORMERLY KNOWN AS MINTON ROAD), A DISTANCE OF 1635.38 FEET TO THE POINT OF BEGINNING (SAID EAST RIGHT OF WAY LINE BEING A LINE WHICH LIES 40 FEET EAST, BY RIGHT ANGLE MEASUREMENT, FROM THE CENTERLINE OF MINTON ROAD AS DEDICATED BY "PORT MALABAR, UNIT THIRTY ONE", RECORDED IN PLAT BOOK 17, PAGE 22 OF SAID PUBLIC RECORDS); THENCE CONTINUE NORTH 00°19'30" WEST, ALONG SAID PROPOSED EAST RIGHT OF WAY LINE A DISTANCE OF 135.00 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN NORTH 89°40'46" EAST, A DISTANCE OF 400.00 FEET; THENCE SOUTH 00°19'30" EAST, A DISTANCE OF 135.00 FEET; THENCE SOUTH 89°40'46" WEST, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT

DESCRIPTION – DEGROODT ROAD LOT 1:

A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF "STILLWATER LAKES", RECORDED IN PLAT BOOK 46, PAGES 12 THRU 14 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN SOUTH 89°40'46" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE CENTERLINE OF DEGROODT ROAD (FORMERLY MINTON ROAD), AS DEDICATED BY THE PLAT OF "PORT MALABAR, UNIT THIRTY ONE", RECORDED IN PLAT BOOK 17, PAGES 22 THRU 33; THENCE NORTH 00°19'30" WEST, ALONG SAID CENTERLINE, A DISTANCE OF 1635.38 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°19'30"WEST, ALONG SAID CENTERLINE, A DISTANCE OF 135.00 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS 3608, PAGE 3887; THENCE NORTH 89°40'46" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 40.00 FEET; THENCE SOUTH 00°19'30 EAST, PARALLEL WITH AND 40.00 FEET DISTANT EAST, BY RIGHT ANGLE MEASUREMENT, FROM THE AFORESAID CENTERLINE, A DISTANCE OF 135.00 FEET; THENCE SOUTH 89°40'46" WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT

DEGROODT ROAD DEDICATION

A PARCEL OF LAND LYING IN SECTIONS 24 & 25, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF "STILLWATER LAKES" RECORDED IN PLAT BOOK 46, PAGES 12 THRU 14, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN SOUTH 89°40'46" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE CENTERLINE OF DEGROODT ROAD (FORMERLY MINTON ROAD), AS DEDICATED BY THE PLAT OF "PORT MALABAR, UNIT THIRTY-ONE", AS RECORDED IN PLAT BOOK 17, PAGES 22 THRU 33; THENCE NORTH 00°19'30" WEST, ALONG SAID CENTERLINE, A DISTANCE OF 275.00 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5639, PAGE 1948, THE POINT OF BEGINNING, THENCE CONTINUE NORTH 00°19'30" WEST, ALONG SAID CENTERLINE A DISTANCE OF 1360.38 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5830, PAGE 8383, THENCE NORTH 89°40'46"EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 40.00 FEET, THENCE SOUTH 00°19'30"EAST, PARALLEL WITH AND 40.00 FEET DISTANCE EAST BY RIGHT ANGLE MEASUREMENT FROM THE AFORESAID CENTERLINE, A DISTANCE OF 1360.38 FEET TO A POINT ON THE NORTH LINE OF AFORESAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5639, PAGE 1948, THENCE SOUTH 89°40'46"WEST, ALONG THE NORTH LINE OF SAID LANDS, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT

A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF STILLWATER LAKES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, PAGES 12 THROUGH 14, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, RUN N00°15'00"W ALONG THE EAST RIGHT OF WAY OF DEGROODT ROAD (FORMERLY KNOWN AS MINTON ROAD), A DISTANCE OF 1,163.65 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N00°15'00"W ALONG SAID LINE, A DISTANCE OF 200.00 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE RUN N89°55'25"E, A DISTANCE OF 218.00 FEET; THENCE RUN S00°15'00"E, A DISTANCE OF 200.00 FEET; THENCE RUN S89°55'25"W, A DISTANCE OF 218.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 42.34 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

ELEVATIONS SHOWN HEREON ARE BASED ON N.A.V.D. 1988 DATUM. REFERENCE BENCHMARK IS CITY OF PALM BAY BM 21–273, ELEVATION = 21.07'

BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE. (NAD 83, 2007 ADJUSTMENT) AS DETERMINED FROM GLOBAL POSITIONING SYSTEM (GPS).

UNLESS OTHERWISE NOTED, PLAT INFORMATION IS EQUAL TO FIELD MEASURED DATA.

NO UNDERGROUND INSTALLATIONS, IMPROVEMENTS OR ROOF OVERHANGS HAVE BEEN LOCATED EXCEPTS AS NOTED HEREON.

THE SURVEYOR HAS NOT MADE A SEARCH OF THE PUBLIC RECORDS FOR EASEMENTS, RESTRICTIONS, RESERVATIONS AND/OR RIGHTS–OF–WAY OF RECORD.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 12009C0660G DATED MARCH 17, 2014, THE LAND AND THE IMPROVEMENTS AS SHOWN HEREON ARE IN ZONE "X".

POINT ELEVATIONS WITH TWO DECIMAL PRECISION DENOTE PAVEMENT, CONCRETE AND TOP OF WATER SHOTS. ONE DECIMAL PRECISION DENOTES NATURAL GROUND OR A SOFT SHOT, ALL OTHERS ARE AS NOTED.

CERTIFICATION:

I HEREBY CERTIFY TO:

PULTE HOME COMPANY, LLC, A MICHIGAN LIMITED LIABILITY COMPANY
KEW, LLC, A FLORIDA LIMITED LIABILITY COMPANY
WHITEBIRD, PLLC
ALLIANT NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 5, 8, 14, AND 16 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON:
JANUARY 12, 2022

DATE OF PLAT OR MAP:
JUNE 29, 2022

RICHARD D. BROWN, P.S.M.
STATE OF FLORIDA
REGISTRATION NO. 5700
(NOT VALID WITHOUT EMBOSSED SEAL)

6/29/2022
DATE

ABBREVIATIONS

P.B. PLAT BOOK
O.B. DEED BOOK
BK. BOOK
PG. PAGE
SECT. SECTION
TWP. TOWNSHIP
RGE. RANGE
COR. CORNER
AC. ACRES
P.S.M. PROFESSIONAL SURVEYOR AND MAPPER
BM BENCHMARK
C.B.S. CONCRETE BLOCK & STUCCO
(C) CALCULATED
(P) PLAT
(D) DESCRIBED
(M) MEASURED
C.B. CHORD BEARING
CH. CHORD
R. RADIUS
L. LENGTH
Δ DELTA
T TANGENT
C/L CENTERLINE
° DEGREES
' MINUTES
" SECONDS
± MORE OR LESS
L.B. LICENSED BUSINESS
L.S. LICENSED SURVEYOR
B.W.F. BARBED WIRE FENCE
H.W.F. HOG WIRE FENCE
CLF CHAIN LINK FENCE
WF WOOD FENCE
EP EDGE OF PAVEMENT
FRM. FRAME
O/S OFFSET
ALL PROPERTY CORNERS AS NOTED.
D.U.E. DRAINAGE AND UTILITY EASEMENT
ID IDENTIFICATION
P.C.P. PERMANENT CONTROL POINT
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
F/F FINISH FLOOR ELEVATION
L.F.E. LOWEST FLOOR ELEVATION
G.F.E. GARAGE FLOOR ELEVATION
R/W RIGHT OF WAY
O.R. OFFICIAL RECORDS
STY. STORY
CONC. CONCRETE
EL. ELEVATION
P.T. POINT OF TANGENCY
P.C. POINT OF CURVE
P.R.C. POINT OF REVERSE CURVE
P.I. POINT OF INTERSECTION
N.&T. NAIL AND TAB
C.M.P. CORRUGATED METAL PIPE
R.C.P. REINFORCED CONCRETE PIPE
INV. INVERT
FD. FOUND
P.R.M. PERMANENT REFERENCE MONUMENT
TX TRANSFORMER
ELECTRIC LINE
BURIED TELEPHONE LINE
BURIED GAS MAIN
BURIED WATER LINE
BURIED SANITARY SEWER LINE
OVERHEAD POWER LINE

LEGEND

BENCHMARK
WOOD POWER POLE
CONCRETE POWER POLE
METAL POWER POLE
GUY WIRE ANCHOR
WOOD LIGHT POLE
CONCRETE LIGHT POLE
METAL LIGHT POLE
FIBERGLASS LIGHT POLE
FIRE HYDRANT
WATER VALVE
WELL
WATER METER
RECLAIMED WATER VALVE
RECLAIMED WATER METER
AIR RELEASE VALVE
CLEAN OUT
SANITARY SEWER M.HOLE
STORM SEWER M.HOLE
GAS METER
GAS VALVE
CABLE TELEVISION RISER
TELEPHONE RISER
TELEPHONE CONTROL BOX
ELECTRIC TRANSFORMER
ELECTRIC SERVICE METER
TRAF. SIGNAL CONTROL BOX
BOLLARD
SIGN
FIBER OPTIC MARKER
TELEPHONE MARKER
GAS MARKER

ALTA/NSPS LAND TITLE SURVEY

LANDS IN SEC. 24–29–36 & 25–29–36

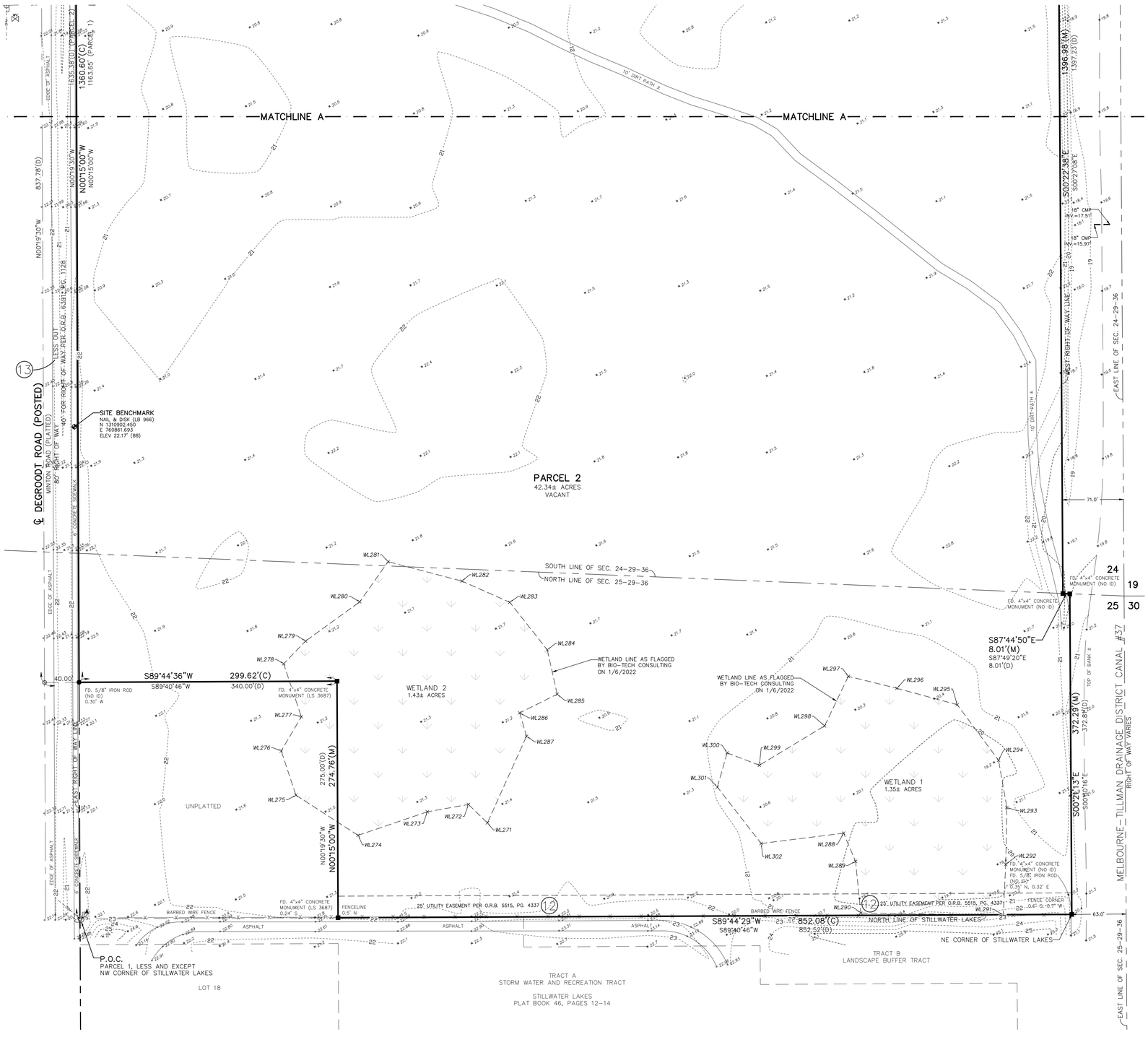
REVISIONS
TITLE COMMITMENT 2/7/22
CERTS 3/2/22
LEGAL 6/29/22
F.B 1174 PGS. 21–22
CAD FILE# 22–002–ALTA.DWG

NAVD 1988
VERTICAL DATUM

SECT. 24&25 TWP. 29 S. RGE. 36 E.

DATE OF SURVEY 1/12/22 | JOB #22-002 | SCALE: 1"=60' | DRAWN BY: CRS | CHECKED BY: RDB

JOHNSTON'S SURVEYING INC
900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847–2179 ● Fax (407) 847–6140



SCHEDULE B–II ITEMS:

9. RESTRICTIONS, RESERVATIONS, COVENANTS, EASEMENTS, CONDITIONS AND ALL OTHER MATTERS AS SHOWN ON PLAT RECORDED IN PLAT BOOK 17, PAGES 22 THROUGH 33, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. **(DOES NOT APPLY)**

10. ASSIGNMENT OF PLAT AND OTHER EASEMENTS AS CONTAINED IN THAT CERTAIN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 3255, PAGE 1011, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. **(DOES NOT APPLY)**

11. OSMOSIS DR. SW ROAD RIGHT OF WAY AS SHOWN ON BREVARD COUNTY PROPERTY APPRAISER MAP CROSSING PROPERTY. **(DOES NOT APPEAR TO CROSS PROPERTY PER BREVARD COUNTY PROPERTY APPRAISER)**

12. PUBLIC UTILITY EASEMENT OVER AND ACROSS THE SOUTH 25 FEET OF THE EAST 852.52 FEET AS SET FORTH IN WARRANTY DEED 5515, PAGE 4337, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. **(APPLIES – AS SHOWN)**

13. RIGHT OF WAY FOR DEGRODT ROAD OVER THE WEST 40 FEET AS SET FORTH IN WARRANTY DEED 5515, PAGE 4337, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. **(APPLIES – AS SHOWN)**

14. TERMS AND CONDITIONS OF THAT CERTAIN CROSS-EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 5839, PAGE 1881, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. **(APPLIES – AS SHOWN)**

15. CREDIT AGREEMENT IN FAVOR OF THE CITY OF PALM BAY RECORDED IN OFFICIAL RECORDS BOOK 6391, PAGE 1111, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. **(APPLIES – AS SHOWN)**

16. EASEMENT GRANTED TO CITY OF PALM BAY AS RECORDED IN OFFICIAL RECORDS BOOK 6391, PAGE 1121, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. **(APPLIES – AS SHOWN)**

17. EASEMENTS BURDENING THE PROPERTY AS CONTAINED IN THAT CERTAIN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 5830, PAGE 8379, AND OFFICIAL RECORDS BOOK 5830, PAGE 8383, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RIGHTS OF OTHERS IN AND TO THE USE OF SAID EASEMENT. **(APPLIES – AS SHOWN)**

18. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION UNDER UNRECORDED LEASES NOT SHOWN BY THE PUBLIC RECORDS. **(NOT A SURVEY MATTER)**

SURVEYOR'S NOTES:

ELEVATIONS SHOWN HEREON ARE BASED ON N.A.V.D. 1988 DATUM. REFERENCE BENCHMARK IS CITY OF PALM BAY BM 21–273, ELEVATION = 21.07'

BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE. (NAD 83, 2007 ADJUSTMENT) AS DETERMINED FROM GLOBAL POSITIONING SYSTEM (GPS).

UNLESS OTHERWISE NOTED, PLAT INFORMATION IS EQUAL TO FIELD MEASURED DATA.

NO UNDERGROUND INSTALLATIONS, IMPROVEMENTS OR ROOF OVERHANGS HAVE BEEN LOCATED EXCEPTS AS NOTED HEREON.

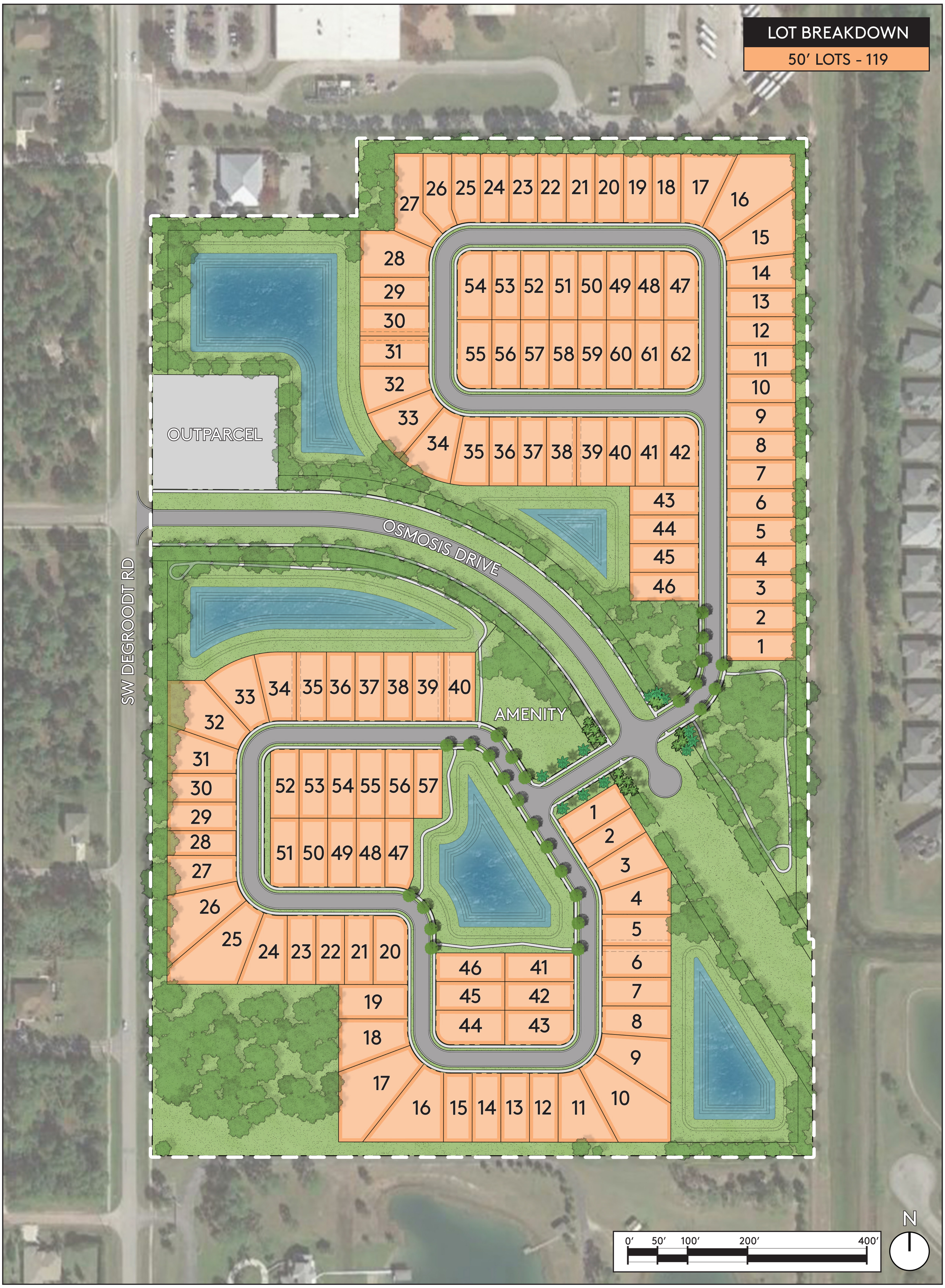
THE SURVEYOR HAS NOT MADE A SEARCH OF THE PUBLIC RECORDS FOR EASEMENTS, RESTRICTIONS, RESERVATIONS AND/OR RIGHTS–OF–WAY OF RECORD.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 12009C0660G DATED MARCH 17, 2014, THE LAND AND THE IMPROVEMENTS AS SHOWN HEREON ARE IN ZONE "X".

POINT ELEVATIONS WITH TWO DECIMAL PRECISION DENOTE PAVEMENT, CONCRETE AND TOP OF WATER SHOTS. ONE DECIMAL PRECISION DENOTES NATURAL GROUND OR A SOFT SHOT, ALL OTHERS ARE AS NOTED.

JOHNSTON'S SURVEYING INC
900 Cross Prairie Parkway, Kissimmee, Florida 34744
(407) 847–2179 ● Fax (407) 847–6140



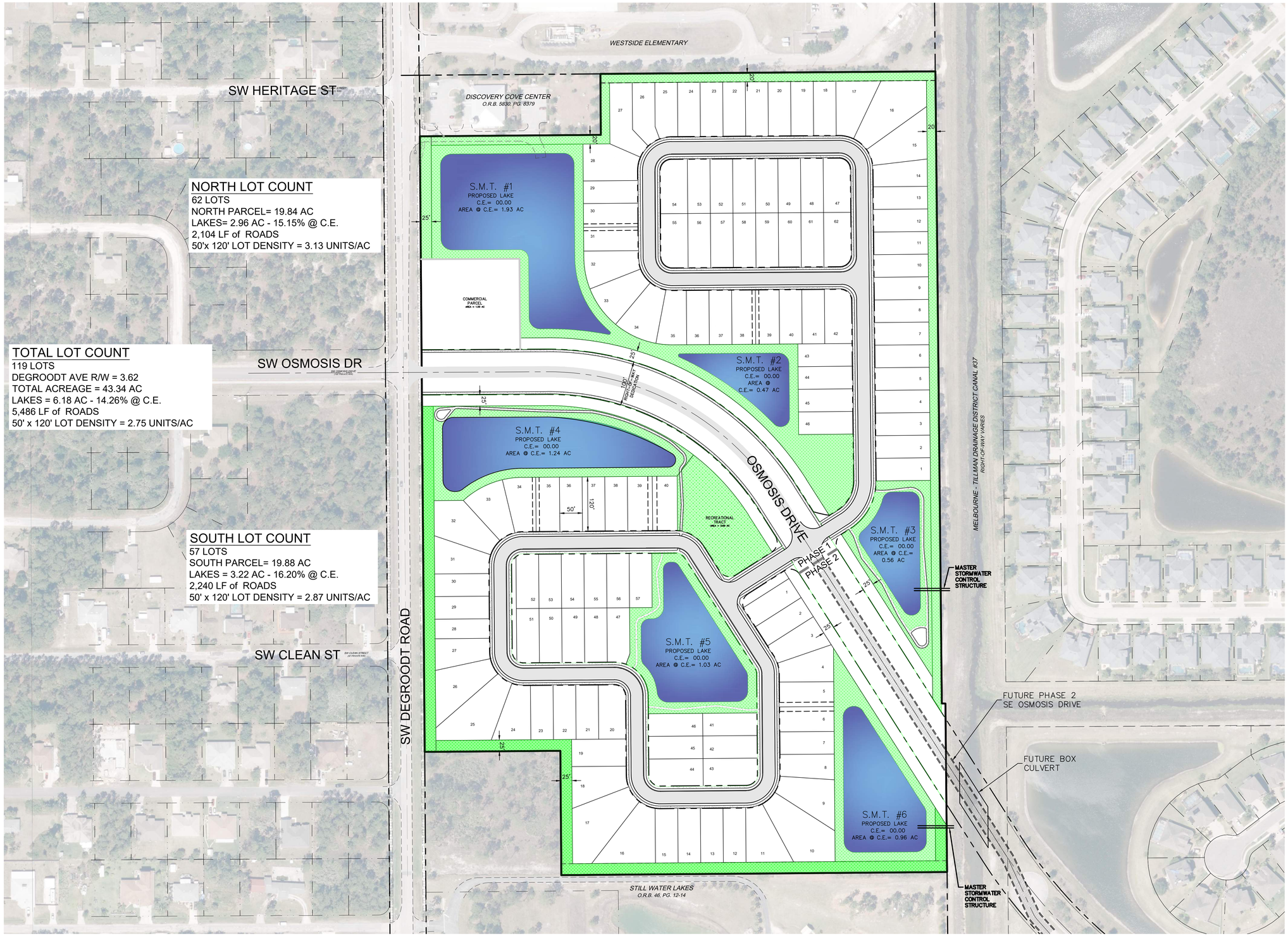
Pulte HOMES

DeGroodt

SITE PLAN

CITY OF PALM BAY, FL

Due to Pulte's ongoing commitment to customer satisfaction, these plans may be amended without prior notice. Artist's rendering only. Prices, plans and features subject to change without notice. CGC1515415 ©2020 Pulte Homes, INC.



GENERAL DESCRIPTION:

PROPOSED SINGLE FAMILY SUBDIVISION DEVELOPMENT OF AN UNDEVELOPED PARCEL TOTALING 43.34 AC.

SUBDIVISION PROPOSED ROADWAY, UTILITY AND STORMWATER UTILITIES FACILITIES TO SERVICE THE PROPOSED SUBDIVISION.

DEVELOPER:
PULTE HOME COMPANY, LLC A MICHIGAN LIMITED LIABILITY COMPANY
4091 VINELAND ROAD, SUITE 460
ORLANDO, FL 32811

ENGINEER:
CHRIS OSSA, P.E.
7341 OFFICE PARK PLACE, SUITE 102
MELBOURNE, FL 32940

SURVEYOR:
JOHNSTON'S SURVEYING INC.
900 CROSS PRAIRIE PARKWAY
KISSIMMEE, FL 34744

LOCATION:
SECTION: 24, 25
TOWNSHIP: 29 S
RANGE: 36 E
PARCEL ID: 29-36-24-00-750

SITE DATA:

MINIMUM LOT AREA:	4,050 SF
MINIMUM LOT WIDTH:	45 FT
MINIMUM LOT DEPTH:	90 FT
MAXIMUM BUILDING COVERAGE:	50%
MAXIMUM BUILDING HEIGHT:	2 STORIES; 25 FT

BUILDING SETBACKS

FRONT:	25 FT
SIDE:	5 FT
REAR:	10 FT

OPEN SPACE REQUIREMENTS:

OVERALL AREA (43.34 ACRES)	
OPEN SPACE (REQUIRED):	9.68 AC
COMBINED ON-SITE PONDS (75%):	4.63 AC
OPEN SPACE PROVIDED:	7.26 AC
PROVIDED:	11.89 AC

TYPICAL 50' x 120' LOT

A

PULTE HOMES

PALM BAY, FL

DEGROODT SUBDIVISION - PRELIMINARY DEVELOPMENT PLAN

4/1/2022 - CONTACT CHRIS OSSA, P.E. (772) 794-4090

GRAPHIC SCALE IN FEET 0 50 100 200

NORTH

Kimley»Horn

K:\VRB_LDEV\Degroodt - Pulte Brevard\CAD\References\xBM-Degroodt - Preliminary Development Plan\V2_recover.dwg

Kimley»Horn

March 30th, 2022

Alexandra Bernard
Director – City of Palm Bay
Growth Management
120 Malabar Road SE
Palm Bay, FL 32907

RE: De Groodt Subdivision – Application Narrative

Dear Ms. Bernard,

On behalf of Pulte Home Company, LLC, (Applicant) we are pleased to submit the application for Preliminary Development Plan, Comprehensive Plan Amendment and Rezoning for the De Groodt Subdivision project.

General Statement:

The De Groodt Subdivision will consist of a single-family development on an undeveloped parcel approximately 43.34 acres in size located within the City of Palm Bay. The general geographical location is south of Westside Elementary School; east of De Groodt Rd SW, north of the Stillwater Lakes Subdivision and west of the Melbourne-Tillman Water Control District (MTWCD) Canal 37. De Groodt Subdivision proposes 119-unit residential subdivision with supporting infrastructure and site improvements including vehicular access, sidewalks, common use pedestrian trails, a future recreation tract, landscaping, utilities, and onsite stormwater management facilities. The single-family dwelling units proposed average 50ft in width by 120ft in depth.

For the benefit of the City, its residents and the project, the applicant also proposes the dedication of Right-of-Way of approximately 3.6 acres for the design and construction of the Osmosis Dr. SW Extension.

Further, a one (1) acre parcel on the northeast corner of De Groodt SW and Osmosis Dr SW is proposed to be rezoned to Planned Unit Development (PUD) from General Use (GU) zoning as a secondary use. Current Future Land Use is noted for the subject commercial parcel is Commercial.

Property Details:

- Owner: Kew LLC – Michael H. Erdman
- Parcel ID: 29-36-24-00-750
- Site Address: Not Assigned
- Current Zoning: General Use (GU)
- Current Future Land Use: Rural Single Family (RSF) & Commercial (COM)

Kimley»Horn

Consultants:

- Engineer: Chris Ossa, P.E. – Kimley–Horn & Associates
- Surveyor: Johnston's Surveying, Inc.
- Legal Council: Kimberly B. Rezanka – Lacey Lyons Rezanka

Surrounding Land Uses:

- North: RSF – Rural Single Family (Westside Elementary School)
- East: SFR – Single Family Residential (Forest Glen at Bayside Lakes Subdivision)
- South: RSF – Rural Single Family (Stillwater Lakes Subdivision)
- West: SFR – Single Family Residential and COM – Commercial (Residential)

Surrounding Zoning Districts:

- North: GU – General Use (Westside Elementary School)
- East: PUD – Planned Unit Development (Forest Glen at Bayside Lakes Subdivision)
- South: ER – Estate Residential (Stillwater Lakes Subdivision)
- West: NC – Neighborhood Commercial and SRE – Suburban Residential Estate

Request:

Applicant seeks the following approvals:

- *Preliminary Development Plan* – to reflect proposed development layout and to establish proposed development standards

- *Rezoning* – change from current zoning parcel district designated as General Use (GU) to Planned Unit Development (PUD). One (1) acre commercial parcel to be included under this request as a secondary use

- *Comprehensive Plan Amendment* – change from Rural Single Family (RSF) to Single Family Residential (SFR)

Development Schedule:

As it stands, the project proposes to begin developing, upon receipt of all required permits, approximately February 2023 starting with site development, infrastructure, stormwater, recreation, open space, and land development support systems. This will be followed by 'vertical' development items, including homes and recreational amenities/community facilities.

Kimley»Horn

Proposed Osmosis Drive SW extension will be a two-phase effort. With Phase I encompassing approximately 1,150 LF of two-lane roadway from De Groodt Rd SW to the proposed subdivision entrances. Phase II will encompass the remaining 3,500 LF of roadway. Phase II will also include box culvert crossing over the Melbourne-Tillman Water Control District Canal 37 and connection to Osmosis Dr SE.

Right-of-Way dedication, design, permitting and construction proceedings to be documented via development agreement.

Citizen Participation:

Citizen participation plan is a part of this submittal package. Upon review and approval, the applicant will schedule, and conduct citizen participation meeting and report findings as noted in Section 169.006 of the Land Development Code.

Utilities:

The development proposes connections to City of Palm Bay water and wastewater facilities and master lift station to service the proposed development. As directed by City utility staff, the project is to include the connection and extension of the existing 20” FM currently located under Osmosis Dr SE to the intersection of De Groodt SW and Osmosis Dr SW.

Stormwater Management:

The project will be required to meet all FDEP environmental resource and consumptive use permitting requirements in order to be constructed. All detention areas shall be owned and maintained by the residential homeowner's association and shall be permitted through the St. Johns River Water Management District (SJRWMD) and MTWCD. During the construction plan review phase, plans will be submitted to show how the project will meet all pre and post development stormwater management as required by the various agencies and the City to obtain all required permits.

Brevard County School Concurrency:

School Capacity and Concurrency applications have been completed by the applicant and enclosed in this submittal. The City will be facilitating submittal of the application and required Local Determination form to the School Board.

Open Space/Recreation/Amenities:

The project proposes a 0.69 ac recreational tract to include active and passive recreation facilities. Concrete meandering pedestrian paths are also proposed along some of the stormwater ponds. Concrete sidewalks from the Osmosis Dr extension are intended to connect with the subdivision paths and sidewalks to provide connectivity.

Kimley»Horn

Attachments:

Enclosed in this package please find the following related materials:

Preliminary Development Plan Application Package:

- Application
- Vicinity Map
- Preliminary Development Plan
- Pedestrian Connectivity Plan
- Architectural Elevations
- Traffic Generation Technical Memorandum
- Project Narrative
- Radius Package with Labels
- Citizen Participation Plan
- School Board of Brevard County Impact Analysis Application
- Letter of Authorization
- Marketing Plan

Rezoning Application Package:

- Application
- Boundary Survey
- Radius Package

Comprehensive Plan / Future Land Use Map Amendment Application:

- Application
- Legal Description

The applicant is pleased to present this package for consideration.

Should you have any questions or need any addition information, please do not hesitate to contact me at 772-794-4090.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Chris Ossa, P.E.

Via email: (Sean.Bailey@PulteGroup.com)

Ref: 5592.04

TECHNICAL MEMORANDUM

To: Sean Bailey, Pulte Group

From: Matthew West, AICP

Subject: De Groodt Rd Palm Bay – Trip Generation Technical Memorandum
Palm Bay, FL

Date: March 15, 2022

INTRODUCTION

LTG, Inc. (LTG) has been retained by Pulte Group (the CLIENT) to conduct traffic engineering and transportation planning services on behalf of the proposed future land use and zoning changes for De Groodt Rd Palm Bay (the PROJECT). The proposed Comprehensive Plan Amendment (CPA) will change the future land use designation of a 43.34-acre property from 36.28 acres of Rural Single Family (RSF) and 7.06 acres of Commercial (COM) to 42.34 acres of Single Family Residential (SFR) and 1 acre of COM. The proposed rezoning will change the existing General Use (GU) zoning to a Planned Unit Development (PUD) which will permit a maximum of one hundred and seventeen (117) dwelling units and 15,000 square feet of commercial. The subject property is located on the northeast and southeast quadrants of De Groodt Road and Osmosis Drive in the City of Palm Bay (the CITY).

The methodology and procedures used in this analysis are consistent with the guidelines for the CITY, the Florida Department of Economic Opportunity (FDEO), and the Florida Department of Transportation (FDOT).

TRIP GENERATION FOR THE EXISTING VS PROPOSED FLU DESIGNATIONS

The trip generation was determined using the Institute of Transportation Engineers (ITE) document, Trip Generation Manual, 11th Edition. The total daily, AM peak hour, and PM peak hour trips for the existing and proposed future land use (FLU) designations are shown in Tables 1 and 2, respectively.

First, the existing RSF and COM designations were examined. Based on the RSF maximum allowable density, one (1) dwelling unit per five (5) acres, and the COM maximum allowable 2.50 floor area ratio (FAR), a maximum development program of seven (7) dwelling units and 768,834 square feet of commercial is permitted. Single-Family Detached Housing (ITE code 210) and Shopping Center (ITE code 820) were utilized as the highest trip-generating uses for the existing FLU. As indicated in Table 1, the existing FLU potentially would generate 28,542 daily, 653 AM peak hour, and 2,622 PM peak hour trips.

Next, the maximum development potential of the proposed SFR and COM designations were examined. Based on the SFR maximum allowable density, five (5) dwelling units per acre, and the COM maximum allowable 2.50 FAR, a maximum development program of two hundred and eleven (211) dwelling units and 108,900 square feet of commercial is permitted. Single-Family Detached Housing (ITE Code 210) and Shopping Plaza (ITE code 821) with Supermarket were utilized as the highest trip-generating uses that would be permitted. As indicated in Table 2, the proposed FLU potentially would generate 12,296 daily, 531 AM peak hour, and 1,183 PM peak hour trips.

Table 1
Existing FLU Total Trip Generation
De Groodt Rd Palm Bay – Trip Generation Technical Memorandum

Time Period	Land Use	ITE LUC	Trip Rate Equation	Quantity (X)		Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Daily	Single-Family Detached Housing	210	Ln(T) = 0.92 Ln(X) + 2.68	7	DU	50%	50%	43	44	87
	Shopping Center	820	T = 37.01(X)	768.83	KSF	50%	50%	14,227	14,227	28,455
							Totals:	**14,270**	**14,271**	**28,542**
AM Peak Hour	Single-Family Detached Housing	210	Ln(T) = 0.91 Ln(X) + 0.12	7	DU	26%	74%	2	5	7
	Shopping Center	820	T = 0.84(X)	768.83	KSF	62%	38%	400	246	646
							Totals:	**402**	**251**	**653**
PM Peak Hour	Single-Family Detached Housing	210	Ln(T) = 0.94 Ln(X) + 0.27	7	DU	63%	37%	5	3	8
	Shopping Center	820	T = 3.40(X)	768.83	KSF	48%	52%	1,255	1,359	2614
							Totals:	**1,260**	**1,362**	**2,622**

Table 2
Proposed FLU Total Trip Generation
De Groodt Rd Palm Bay – Trip Generation Technical Memorandum

Time Period	Land Use	ITE LUC	Trip Rate Equation	Quantity (X)		Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Daily	Single-Family Detached Housing	210	Ln(T) = 0.92 Ln(X) + 2.68	211	DU	50%	50%	1,003	1,003	2,006
	Shopping Plaza	821	T = 94.49(X)	108.9	KSF	50%	50%	5,145	5,145	10,290
							Totals:	**6,148**	**6,148**	**12,296**
AM Peak Hour	Single-Family Detached Housing	210	Ln(T) = 0.91 Ln(X) + 0.12	211	DU	26%	74%	38	109	147
	Shopping Plaza	821	T = 3.53(X)	108.9	KSF	62%	38%	238	146	384
							Totals:	**276**	**255**	**531**
PM Peak Hour	Single-Family Detached Housing	210	Ln(T) = 0.94 Ln(X) + 0.27	211	DU	63%	37%	126	74	200
	Shopping Plaza	821	T = 9.03(X)	108.9	KSF	48%	52%	472	511	983
							Totals:	**598**	**585**	**1,183**

TRIP GENERATION DIFFERENCE BETWEEN THE EXISTING & PROPOSED FLU DESIGNATIONS

The trip difference between the existing RSF and COM designations and the proposed SFR and COM designations is determined by subtracting trips generated by the proposed designations from the trips generated by the existing designations. As indicated in Table 3, this results in a potential trip decrease of 16,246 daily, 122 AM peak hour, and 1,439 PM peak hour trips.

Table 3
Difference in FLU Trip Generation
De Groodt Rd Palm Bay – Trip Generation Technical Memorandum

	Daily	AM Peak Hour	PM Peak Hour
Existing FLU	28,542	653	2,622
Proposed FLU	12,296	531	1,183
Decrease	16,246	122	1,439

TRIP GENERATION FOR THE EXISTING ZONING VS PROPOSED ZONING DESIGNATION

The trip generation was determined using the Institute of Transportation Engineers (ITE) document, Trip Generation Manual, 11th Edition. The total daily, AM peak hour, and PM peak hour trips for the existing zoning and proposed rezoning designations are shown in Tables 4 and 5, respectively.

First, the existing GU designation was examined. Based on the GU maximum allowable density, one (1) dwelling unit per five (5) acres, a maximum development program of eight (8) dwelling units is permitted. Single-Family Detached Housing (ITE code 210) was utilized as the highest trip-generating use for the existing zoning. As indicated in Table 4, the existing zoning would generate 99 daily, 7 AM peak hour, and 9 PM peak hour trips.

Next, the proposed PUD designation was examined. The proposed PUD will permit one hundred and seventeen (117) dwelling units and 15,000 square feet of commercial. Single-Family Detached Housing (ITE Code 210) and Strip Retail Plaza (ITE code 822) were utilized as the most accurate uses. As indicated in Table 5, the proposed rezoning would generate 2,029 daily, 121 AM peak hour, and 214 PM peak hour trips.

Table 4
Existing Zoning Total Trip Generation
De Groodt Rd Palm Bay – Trip Generation Technical Memorandum

Time Period	Land Use	ITE LUC	Trip Rate Equation	Quantity (X)		Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Daily	Single-Family Detached Housing	210	Ln(T) = 0.92 Ln(X) + 2.68	8	DU	50%	50%	49	50	99
AM Peak Hour			Ln(T) = 0.91 Ln(X) + 0.12			26%	74%	1	6	7
PM Peak Hour			Ln(T) = 0.94 Ln(X) + 0.27			63%	37%	6	3	9

Table 5
Proposed Rezoning Total Trip Generation
De Groodt Rd Palm Bay – Trip Generation Technical Memorandum

Time Period	Land Use	ITE LUC	Trip Rate Equation	Quantity (X)		Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Daily	Single-Family Detached Housing	210	Ln(T) = 0.92 Ln(X) + 2.68	117	DU	50%	50%	583	583	1,166
	Strip Retail Plaza	822	T = 42.20(X) + 229.68	15	KSF	50%	50%	431	432	863
							Totals:	**1,014**	**1,015**	**2,029**
AM Peak Hour	Single-Family Detached Housing	210	Ln(T) = 0.91 Ln(X) + 0.12	117	DU	26%	74%	22	64	86
	Strip Retail Plaza	822	T = 2.36(X)	15	KSF	60%	40%	21	14	35
							Totals:	**43**	**78**	**121**
PM Peak Hour	Single-Family Detached Housing	210	Ln(T) = 0.94 Ln(X) + 0.27	117	DU	63%	37%	72	43	115
	Strip Retail Plaza	822	T = 6.59(X)	15	KSF	50%	50%	49	50	99
							Totals:	**121**	**93**	**214**

TRIP GENERATION DIFFERENCE BETWEEN THE EXISTING & PROPOSED ZONING DESIGNATIONS

The trip difference between the existing GU designation and the proposed PUD designation is determined by subtracting trips generated by the existing designation from the trips generated by the proposed designation. The proposed PUD will permit one hundred and seventeen (117) dwelling units and 15,000 square feet of commercial. As indicated in Table 6, this results in a potential trip increase of 1,930 daily, 114 AM peak hour, and 205 PM peak hour trips.

Table 6
Difference in Zoning Trip Generation
De Groodt Rd Palm Bay – Trip Generation Technical Memorandum

	Daily	AM Peak Hour	PM Peak Hour
Existing Zoning	99	7	9
Proposed Zoning	2,029	121	214
Increase	1,930	114	205

CONCLUSION

The study was conducted to evaluate the potential impact the proposed CPA and rezoning would have on area roadways. Based on the future land use analysis, there would be a net decrease in potential trip generation. Based on the rezoning analysis, there would be a net increase in potential trip generation. Concurrency and any required mitigation to support a proposed development plan will be assessed in greater detail during the final development permitting process.

I affirm, by affixing my signature below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

Name: Matthew West

Signature: _____

Date: March 15, 2022

LTG Engineering & Planning

The City of Palm Bay Florida

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:

- [x] **Small Scale** (50 acres or Less)
- [x] **Text Amendment** (Comp. Plan)
- [ ] **Large Scale** (More than 50 acres)

PARCEL ID(S):

29-36-24-00-750

TAX ACCOUNT NUMBER(S):

2960085

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):

43.55 AC

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

PRESENT LAND USE CLASSIFICATION - RURAL SINGLE FAMILY (RSF) /Commercial
JL 6/28/22

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

DESIRED LAND USE CLASSIFICATION - SINGLE FAMILY RESIDENTIAL (SFR) /Commercial
JL 6/28/22

PRESENT USE OF PROPERTY:

UNDEVELOPED PARCEL

STRUCTURES LOCATED ON THE PROPERTY: 0

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: YES

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

CURRENT LAND USE DOES NOT SUPPORT THE PROPOSED PUD. IN ORDER TO BE CONSISTENT WITH THE PROPOSED DEVELOPMENT, INCLUDING THE EXTENSION AND CONSTRUCTION OF OSMOSIS DRIVE EXTENSION , IT IS NECESSARY TO CHANGE THE LAND USE.

SPECIFIC USE INTENDED FOR PROPERTY:

SINGLE FAMILY RESIDENTIAL SUBDIVISION

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

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

- ☒ **$1,200.00 - Small Scale** (50 acres or Less)
- ☐ **$2,000.00 - Large Scale** (More than 50 acres)
- ☐ **$2,000.00 - Text Amendment** (Comp. Plan)

☐ Legal description of the subject property with a sketch of the legal. **Also provide the site sketch on Memory Drive.**

☐ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)

☐ School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.

☐ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guideline. Staff will provide a sign template.

☒ **Where the property owner is not the representative for the request**, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative CHRIS OSSA, P.E. / KINAN HUSAINY, P.E. - KIMLEY-HORN
KIMBERLY REZANKA - LEGAL COUNCIL

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 KEW LLC **Date** 3-22-22

Printed Name Michael H. Friedman

Full Address P.O. BOX 541682, MERRITT ISLAND, FL 32954

Telephone _____ **Email** _____

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

3-22-22, 20

Re: Letter of Authorization

As the property owner of the site legally described as:

SEE ATTACHED

I, Owner Name: MICHAEL ERDMAN - KEW, LLC.

Address: P.O. BOX 541682, MERRITT ISLAND, FL 32954

Telephone:

Email:

hereby authorize: KIMBERLY REZANKA - LEGAL COUNCIL

Representative: CHRIS OSSA, P.E. / KINAN HUSAINY, P.E. - KIMLEY-HORN & ASSOC

Address: 7341 OFFICE PARK PL, STE 102, MELBOURNE, FL 32940

Telephone: 772-794-4090

Email: CHRIS.OSSA@KIMLEY-HORN.COM / KINAN.HUSAINY@KIMLEY-HOR

to represent the request(s) for:

PRE DEVELOPMENT PLAN, REZONING & COMPREHENSIVE PLAN AMENDMENT

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 22 day of March, 20 22 by Michael H. Erdman, property owner.

TRACY LEE HOWARD
Notary Public - State of Florida
Commission # HH 142032
My Comm. Expires Jun 14, 2025
Bonded through National Notary Assn.

, Notary Public

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

PARCEL 1 (COMMERCIAL PARCEL):

A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF STILLWATER LAKES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, PAGES 12 THROUGH 14, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, RUN N00°15'00"W ALONG THE EAST RIGHT OF WAY OF DEGROODT ROAD (FORMERLY KNOWN AS MINTON ROAD), A DISTANCE OF 1,163.65 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N00°15'00"W ALONG SAID LINE, A DISTANCE OF 200.00 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE RUN N89°55'25"E, A DISTANCE OF 218.00 FEET; THENCE RUN S00°15'00"E, A DISTANCE OF 200.00 FEET; THENCE RUN S89°55'25"W, A DISTANCE OF 218.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.00 ACRES, MORE OR LESS.

PARCEL 2:

A PARCEL OF LAND LYING IN SECTIONS 24 AND 25, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF EMERSON DRIVE WITH THE CENTERLINE OF DEGROODT ROAD (FORMERLY KNOWN AS MINTON ROAD), AS SHOWN ON THE PLAT OF "PORT MALABAR, UNIT THIRTY-ONE", RECORDED IN PLAT BOOK 17, PAGES 22 THRU 33 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THENCE NORTH 00°19'30" WEST, ALONG SAID CENTERLINE, A DISTANCE OF 657.60 FEET; THENCE NORTH 89°40'46" EAST, A DISTANCE OF 1180.25 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF MELBOURNE - TILLMAN DRAINAGE DISTRICT CANAL #37; THENCE SOUTH 00°27'08" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1397.23 FEET TO A POINT ON THE SOUTH LINE OF AFORESAID SECTION 24; THENCE SOUTH 87°49'20" EAST, ALONG SAID SOUTH LINE AND ALONG A TRANSITION IN SAID CANAL RIGHT OF WAY, A DISTANCE OF 8.01 FEET; THENCE SOUTH 00°30'16" EAST, ALONG SAID EAST RIGHT OF WAY LINE OF MELBOURNE - TILLMAN DRAINAGE DISTRICT CANAL #37, A DISTANCE OF 372.81 FEET TO THE NORTHEAST CORNER OF "STILLWATER LAKES", RECORDED IN PLAT BOOK 46, PAGES 12 THRU 14 OF SAID PUBLIC RECORDS; THENCE SOUTH 89°40'46" WEST, ALONG THE NORTH LINE OF SAID SUBDIVISION, A DISTANCE OF 852.52 FEET; THENCE DEPARTING SAID NORTH LINE, RUN NORTH 00°19'30" WEST, A DISTANCE OF 275.00 FEET; THENCE SOUTH 89°40'46" WEST, A DISTANCE OF 340.00 FEET TO A POINT ON THE AFORESAID CENTERLINE OF DEGROODT ROAD; THENCE NORTH 00°19'30" WEST, ALONG SAID CENTERLINE, A DISTANCE OF 837.78 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT

A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF STILLWATER LAKES, RECORDED IN PLAT BOOK 46, PAGES 12 THROUGH 14, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN NORTH 00°19'30" WEST, ALONG THE PROPOSED EAST RIGHT OF WAY OF DEGROODT ROAD (FORMERLY

KNOWN AS MINTON ROAD), A DISTANCE OF 1635.38 FEET TO THE POINT OF BEGINNING (SAID EAST RIGHT OF WAY LINE BEING A LINE WHICH LIES 40 FEET EAST, BY RIGHT ANGLE MEASUREMENT, FROM THE CENTERLINE OF MINTON ROAD AS DEDICATED BY "PORT MALABAR, UNIT THIRTY ONE", RECORDED IN PLAT BOOK 17, PAGE 22 OF SAID PUBLIC RECORDS); THENCE CONTINUE NORTH 00°19'30" WEST, ALONG SAID PROPOSED EAST RIGHT OF WAY LINE A DISTANCE OF 135.00 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN NORTH 89°40'46" EAST, A DISTANCE OF 400.00 FEET; THENCE SOUTH 00°19'30" EAST, A DISTANCE OF 135.00 FEET; THENCE SOUTH 89°40'46" WEST, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT

DESCRIPTION - DEGROODT ROAD LOT 1:

A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF "STILLWATER LAKES", RECORDED IN PLAT BOOK 46, PAGES 12 THRU 14 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN SOUTH 89°40'46" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE CENTERLINE OF DEGROODT ROAD (FORMERLY MINTON ROAD), AS DEDICATED BY THE PLAT OF "PORT MALABAR, UNIT THIRTY ONE", RECORDED IN PLAT BOOK 17, PAGES 22 THRU 33; THENCE NORTH 00°19'30" WEST, ALONG SAID CENTERLINE, A DISTANCE OF 1635.38 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°19'30" WEST, ALONG SAID CENTERLINE, A DISTANCE OF 135.00 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS 3608, PAGE 3887; THENCE NORTH 89°40'46" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 40.00 FEET; THENCE SOUTH 00°19'30 EAST, PARALLEL WITH AND 40.00 FEET DISTANT EAST, BY RIGHT ANGLE MEASUREMENT, FROM THE AFORESAID CENTERLINE, A DISTANCE OF 135.00 FEET; THENCE SOUTH 89°40'46" WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT

DEGROODT ROAD DEDICATION

A PARCEL OF LAND LYING IN SECTIONS 24 & 25, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF "STILLWATER LAKES" RECORDED IN PLAT BOOK 46, PAGES 12 THRU 14, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN SOUTH 89°40'46" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE CENTERLINE OF DEGROODT ROAD (FORMERLY MINTON ROAD), AS DEDICATED BY THE PLAT OF "PORT MALABAR, UNIT THIRTY-ONE", AS RECORDED IN PLAT BOOK 17, PAGES 22 THRU 33; THENCE NORTH 00°19'30" WEST, ALONG SAID CENTERLINE, A DISTANCE OF 275.00 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5639, PAGE 1948, THE POINT OF BEGINNING, THENCE CONTINUE NORTH 00°19'30" WEST, ALONG SAID CENTERLINE A DISTANCE OF 1360.38 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5830, PAGE 8383, THENCE NORTH 89°40'46" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 40.00 FEET, THENCE SOUTH 00°19'30" EAST, PARALLEL WITH AND 40.00 FEET DISTANCE EAST BY RIGHT ANGLE MEASUREMENT FROM THE AFORESAID CENTERLINE, A DISTANCE OF 1360.38 FEET TO A POINT ON THE NORTH LINE OF AFORESAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK

5639, PAGE 1948, THENCE SOUTH 89°40'46” WEST, ALONG THE NORTH LINE OF SAID LANDS, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT

A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF STILLWATER LAKES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, PAGES 12 THROUGH 14, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, RUN N00°15'00"W ALONG THE EAST RIGHT OF WAY OF DEGROODT ROAD (FORMERLY KNOWN AS MINTON ROAD), A DISTANCE OF 1,163.65 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N00°15'00"W ALONG SAID LINE, A DISTANCE OF 200.00 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE RUN N89°55'25"E, A DISTANCE OF 218.00 FEET; THENCE RUN S00°15'00"E, A DISTANCE OF 200.00 FEET; THENCE RUN S89°55'25"W, A DISTANCE OF 218.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 42.34 ACRES, MORE OR LESS.

The City of Palm Bay Florida

MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Jesse Anderson, Ph.D., Assistant Growth Management Director

DATE: July 6, 2022

SUBJECT: **PD-21-2022 - De Groodt PUD - Michael H. Erdman, Kew, LLC (Chris Ossa, P.E. and Kinan Husainy, P.E., Kimley-Horn & Associates / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law, Reps.) - A Preliminary Development Plan to allow a proposed PUD for a 119-lot single-family residential development with supporting commercial called De Groodt PUD - Tax Parcel 750, Section 24, Township 29, Range 36, Brevard County, Florida, containing approximately 43.55 acres. Located east of and adjacent to De Groodt Road SW, in the vicinity west of Brandy Creek Circle SE

Case PD-21-2022 is the companion case to CP-21-2022, which is being reheard to allow for a revision to the application.

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- **Case PD-21-2022 - Staff Report - 07-06-2022**
- **Case PD-21-2022 - Vicinity Map**
- **Case PD-21-2022 - Lot Breakdown**
- **Case PD-21-2022 - Preliminary Development Plan**
- **Case PD-21-2022 - Trip Generation**
- **Case PD-21-2022 - Pedestrian Connectivity Plan**
- **Case PD-21-2022 - Narrative**
- **Case PD-21-2022 - Product**
- **Case PD-21-2022 - Application**

STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by
Jesse D. Anderson, Assistant Growth Management Director

CASE NUMBER
PD-21-2022

PLANNING & ZONING BOARD HEARING DATE
July 6, 2022

PROPERTY OWNER & APPLICANT
Michael H. Erdman, Kew, LLC (Chris Ossa, P.E. and Kinan Husainy, P.E., Kimley-Horn & Associates / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law, Reps.)

PROPERTY LOCATION/ADDRESS
Tax Parcel 750, Section 24, Township 29, Range 36, Brevard County, Florida, containing approximately 43.55 acres. Located east of and adjacent to De Groodt Road SW, in the vicinity west of Brandy Creek Circle SE

SUMMARY OF REQUEST Preliminary Development Plan (PDP) approval for a 119-unit Single-Family residential subdivision to be called **DeGroodt PUD**.

Existing Zoning	General Use
Existing Land Use	Rural Single Family/Commercial
Site Improvements	Redevelop school land
Site Acreage	43.55 acres

SURROUNDING ZONING & USE OF LAND

North	GU, General use – Single-Family Homes
East	PUD, Planned Unit Development – Single-Family Homes
South	RE, Rural Estates – Single-Family Homes
West	SRE, Suburban Residential Estate – Single-Family Homes

COMPREHENSIVE PLAN COMPATIBILITY Yes, subject to approval of Case CP-21-2022

BACKGROUND:

The property is located east of and adjacent to De Groodt Road SW, in the vicinity west of Brandy Creek Circle SE. The subject property is 43.55 acres of undeveloped land.

The applicant is currently seeking Preliminary Development Plan (PDP) approval. The purpose of this request is to allow for the development of a single-family subdivision to be called De Groodt PUD. This project includes one (1) acre of commercial development and 42.55 acres of residential development. The overall density of the residential portion of this development is 2.8 units per acre.

ANALYSIS:

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

Specifically, the development plan (PUD-1) proposes 119 single-family units to be named “DeGroodt PUD”. There are no commercial uses included in this project. According to the exhibit, the single-family homes will be constructed along both the northeastern and southwestern portion of the site surrounding Osmosis Drive. The lot sizes are 50’ x 120’.

Interconnected dry retention and wet detention ponds 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. The developer shall provide an access management plan that examines the driveway configurations and identifies any necessary roadway improvements.

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

Section 185.065 of the City's Code of Ordinances requires a Planned Unit Development to permanently set aside and designate on the site plan recreational and/or open space for use by residents of the PUD, equaling 25 percent of the project site acreage. At 43.55 acres, this minimum set aside shall be 10.89 acres. The proposed Preliminary Development Plan (PD) sets aside 11.89 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 Concurrency Determination letter from the School Board of Brevard County,
- Submission of an Endangered Species Assessment,
- Identification of lighting within the neighborhood, and
- Compliance with the conditions of CP-21-2022.

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

STAFF RECOMMENDATION:

Case PD-21-2022 is recommended for approval, subject to the staff comments.

TECHNICAL COMMENTS

CASE PD-21-2022 – DE GROODT PUD

GROWTH MANAGEMENT (Jesse Anderson, Ph.D., Assistant Growth Management Director):

1. Density calculations need to be calculated in accordance with the gross residential acreage of the property. Please remove the commercial acreage from this calculation. Please also remove the common ROW from calculations as it has yet to be dedicated.

2. The open space calculations need to be provided and be at least 25%:

    a. See comment one (1) on including common ROW in calculations.
    b. Easements, parking areas, road rights-of-way or minimum yards, and spacings between dwelling units, may not be included in determining usable open space.
    c. Not more than 75% of stormwater area can be counted.

3. Parking requires two spaces per unit.

4. Lot sizes appear to differentiate. Please specify all lot sizes/product types and their associated setbacks.

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

Survey Department:

- Legal Description incorrect as it does not match description with Recorded legal, also need to less out City of Palm Bay Property at the
- Southwest corner of submitted survey. (ORB. 5742, pages 9736-9738)

Traffic:

- Traffic Study required with methodology
- Proposing lowering the realignment to not connect to Osmosis at DeGroodt, applicant will need to provide engineering for doable
- City has traffic concerns on the non-connection and design concern on verse horizontal curve in the alignment
- Assess traffic signal at Osmosis at DeGroodt with the alignment connect to Osmosis

On-site and Roadway engineering design

- A Developer Agreement will be required before or during the site plan review phase
- An environmental assessment shall be provided including endangered and species of concern as well as a wetland delineation/surface water impacts and habitat assessment.
- All applicable external agency having jurisdiction permits including but not limited to MTWCD, SJRWMD, FDEP, FWC shall be provided prior to scheduling a pre-sitework meeting

- The design and performance criteria for stormwater management systems per Ch 62-330 F.A.C. shall be met
- Ensure that all existing on site stormwater storage in the pre- development routing analysis is added to the required storage required per 62-330 F.A.C in the post-development condition
- Demonstrate through plans and calculations that time of concentration and curve numbers or runoff coefficient are supported by a geotechnical report with borings in the locations of existing storage and proposed storage locations, and the topography
- Provide spot elevations and contours supporting pre- development flows
- Off- site flow shall be attenuated on site in the post-development condition
- Storage shall be provided in roadside swales for the proposed and the roadway
- On site roadways shall meet the right-of-way criteria per the Public Works Manual.

R/w:

- Road extension per City requirements.
- R/w and D/w permits per City requirement
- Sidewalk extension and connections.
- MTWCD permit for canal crossing.
- R/w dedication per Chap 182

UTILITIES (Christopher Little, PE, 6Utilities Director):

The Utilities Department has no objection to the proposed 119 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 1:16.4.3.1) (NFPA 241:8.7.2) (§ 33.28) Hydrants or alternative water supplies that are proposed to meet the required fire flow shall be installed and operational prior to the delivery of combustible materials to the site.

2. (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.**

3. (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 2½ in. **Please provide the required note on the plans.**

4. (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.**

5. (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.**

6. (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.**

7. (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.**

NOTE: Water models may be required for large fire flow requirements, systems that have long pipe runs, unusual or questionable layouts or as deemed necessary by this office. To help expedite your plans, design professionals are encouraged to submit water models before formal requests are made by the Fire Plans Examiner.

8. (FFPC 1-18.4.5.1.1) Indicate the minimum required fire flow on the plan. Include specific construction type. Please indicate on the plans.

9. Fire hydrant testing to determine available water for fire flow shall be tested to the requirements of NFPA 24 and witnessed by the Fire Plans Examiner. **Please provide the required note on the plans.**

10. (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.**

11. (FFPC 1-18.5) Indicate proposed and existing 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.**

12. The flow testing of all fire hydrants public or private shall be witnessed by the Fire Plans Examiner. Public hydrants shall be tested to the requirements of the City of Palm Bay Utilities Department. Private fire hydrants shall be tested to the requirements of NFPA 24. **Please provide the required note on the plans.**

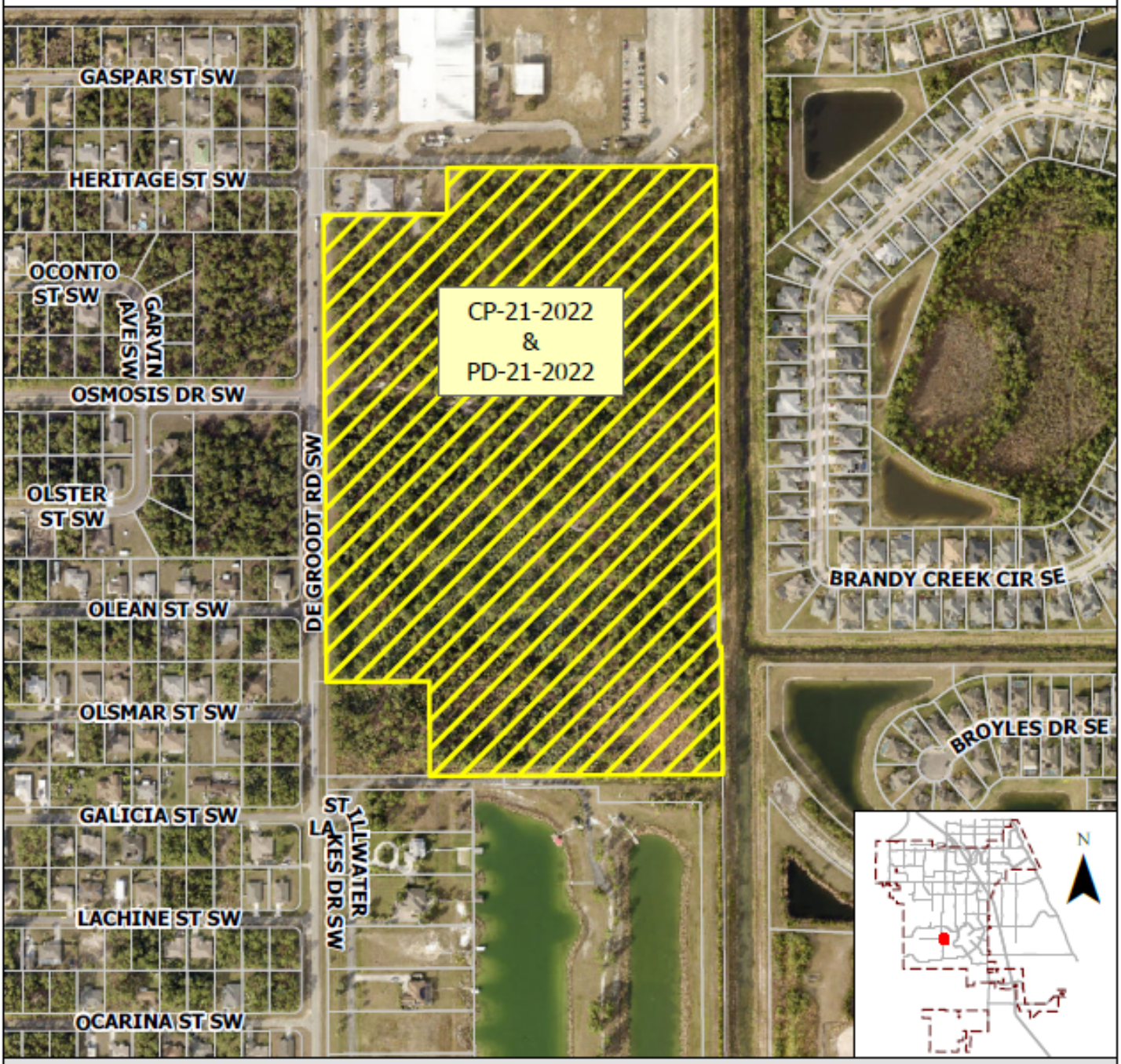
13. (NFPA 24-4.1.3) Indicate the location of backflow and double detector check devices. **Please indicate on the plans.**

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

Floodzone X, No floodplain permits required.

The City of Palm Bay Florida

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



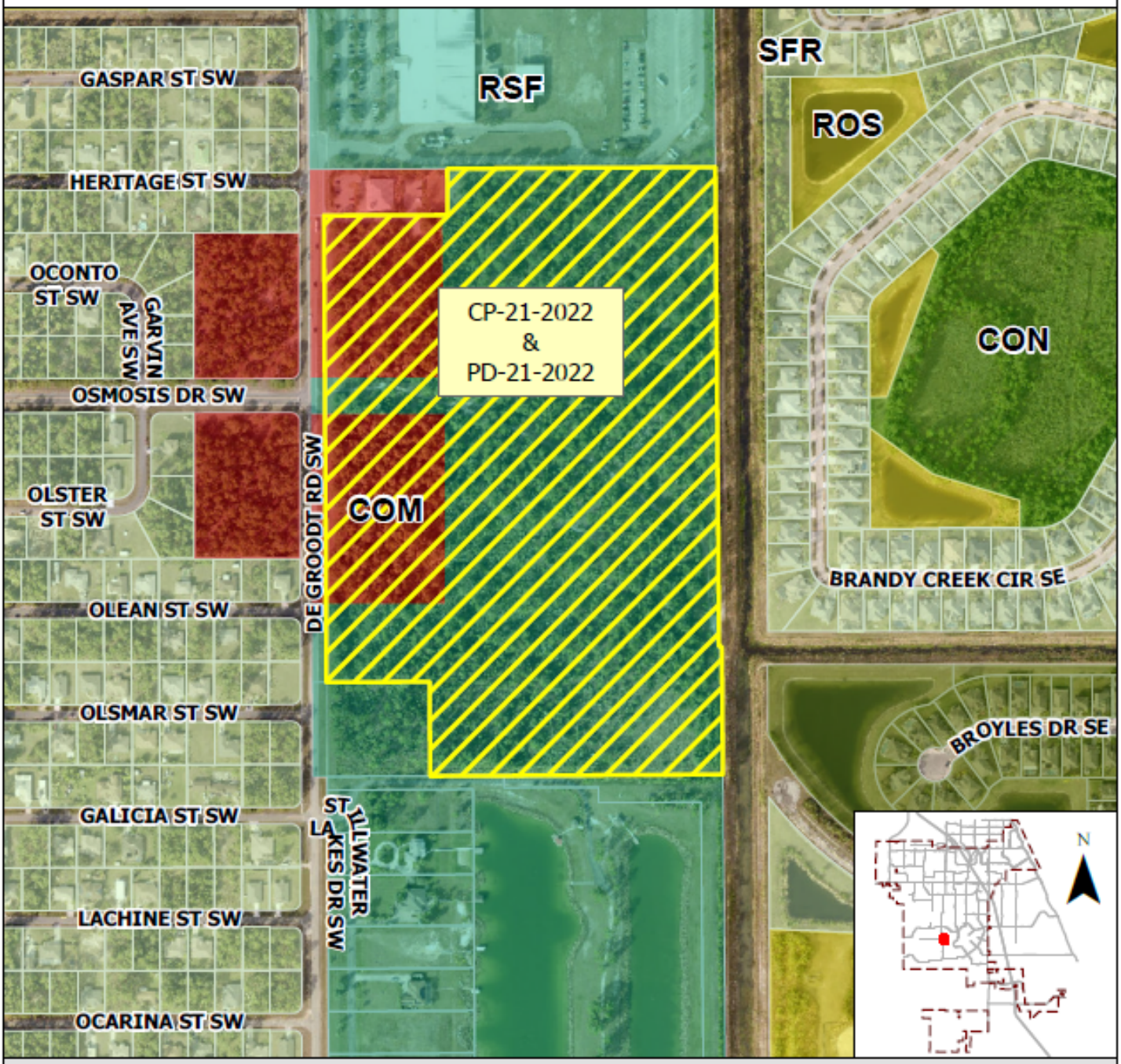
AERIAL LOCATION MAP CASE: CP-21-2022 & PD-21-2022

Subject Property

East of and adjacent to De Groodt Road SW, in the vicinity west of Brandy Creek Circle SE

The City of Palm Bay Florida

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-21-2022 & PD-21-2022

Subject Property

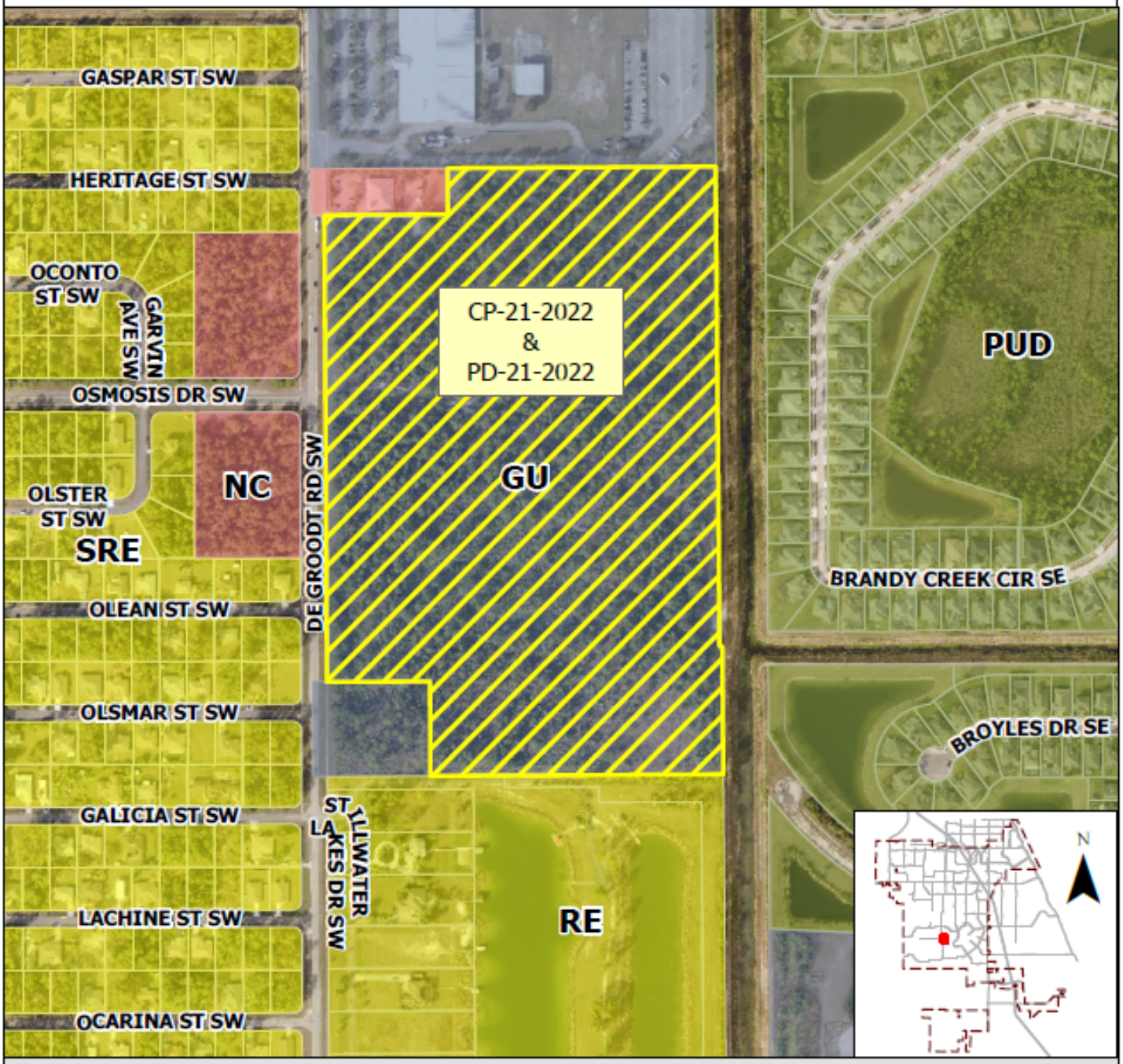
East of and adjacent to De Groodt Road SE, in the vicinity west of Brandy Creek Circle SE

Future Land Use Classification

COM, RSF – Commercial, Rural Single Family

The City of Palm Bay Florida

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



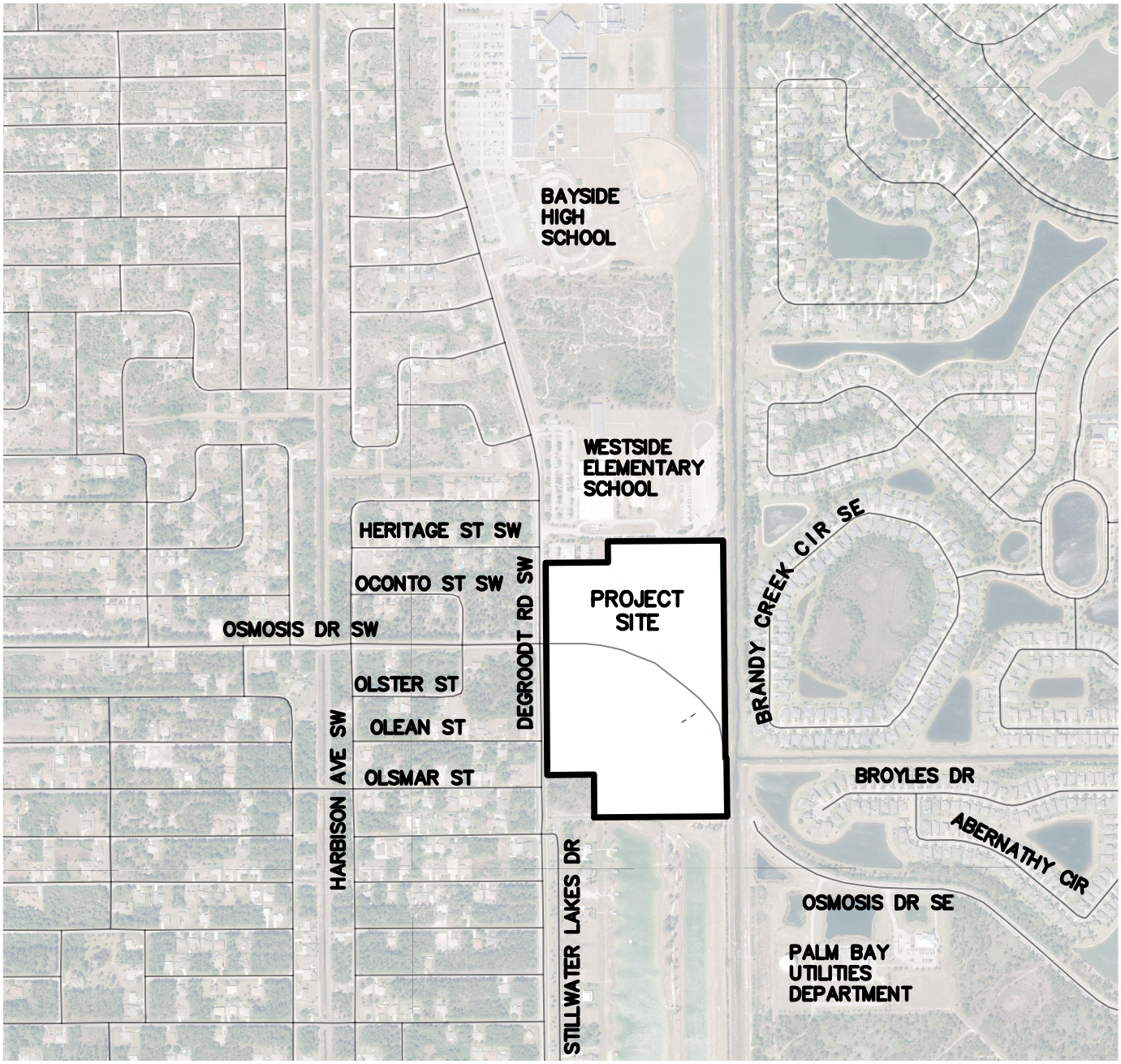
ZONING MAP CASE: CP-21-2022 & PD-21-2022

Subject Property

East of and adjacent to De Groodt Road SE, in the vicinity west of Brandy Creek Circle SE

Current Zoning Classification

GU – General Use Holding



GENERAL DESCRIPTION:

PROPOSED SINGLE FAMILY SUBDIVISION DEVELOPMENT OF AN UNDEVELOPED PARCEL TOTALING 43.34 AC.

SUBDIVISION PROPOSED ROADWAY, UTILITY AND STORMWATER UTILITIES FACILITIES TO SERVICE THE PROPOSED SUBDIVISION.

LOCATION:

SECTION: 24, 25
TOWNSHIP: 29 S
RANGE: 36 E
PARCEL ID: 29-36-24-00-750

GRAPHIC SCALE IN FEET
0 500 1000 2000

NORTH

Pulte HOMES

Kimley»Horn

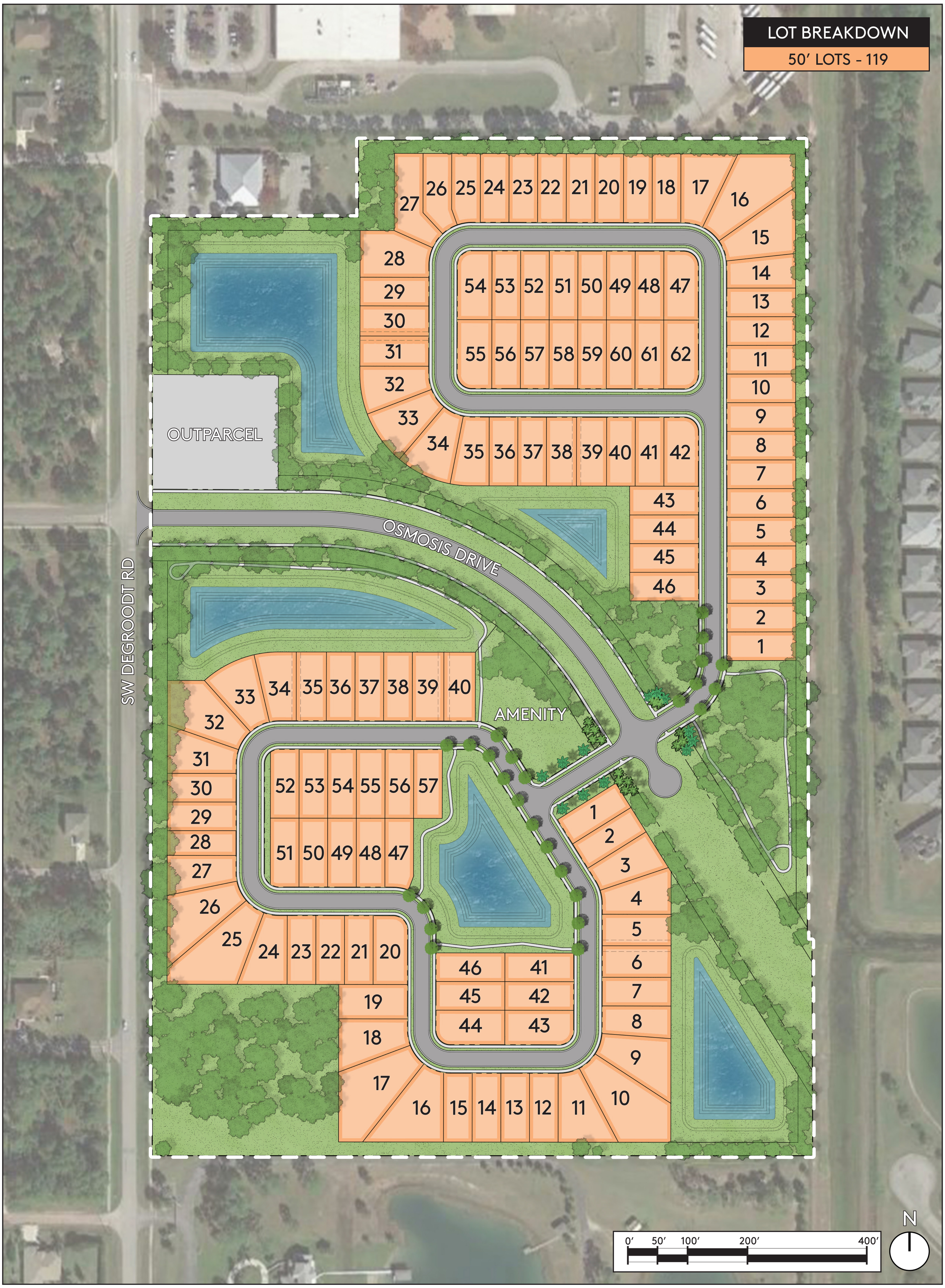
A

PULTE HOMES

PALM BAY, FL

DEGROODT SUBDIVISION - PRELIMINARY DEVELOPMENT PLAN

4/1/2022 - CONTACT CHRIS OSSA, P.E. (772) 794-4090



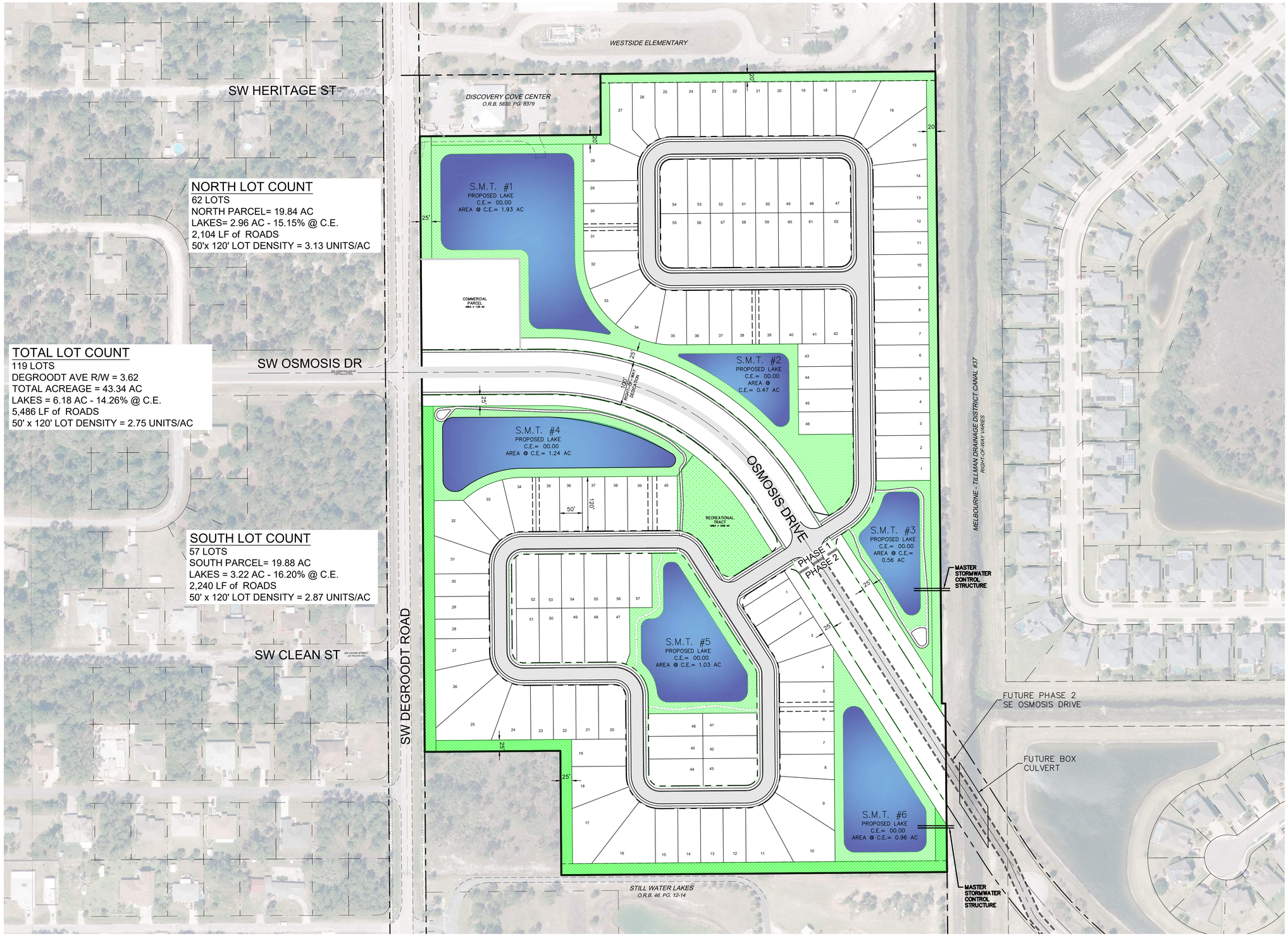
Pulte HOMES

DeGroodt

SITE PLAN

CITY OF PALM BAY, FL

Due to Pulte's ongoing commitment to customer satisfaction, these plans may be amended without prior notice. Artist's rendering only. Prices, plans and features subject to change without notice. CGC1515415 ©2020 Pulte Homes, INC.



GENERAL DESCRIPTION:

PROPOSED SINGLE FAMILY SUBDIVISION DEVELOPMENT OF AN UNDEVELOPED PARCEL TOTALING 43.34 AC.

SUBDIVISION PROPOSED ROADWAY, UTILITY AND STORMWATER UTILITIES FACILITIES TO SERVICE THE PROPOSED SUBDIVISION.

DEVELOPER:
PULTE HOME COMPANY, LLC A MICHIGAN LIMITED LIABILITY COMPANY
4091 VINELAND ROAD, SUITE 460
ORLANDO, FL 32811

ENGINEER:
CHRIS OSSA, P.E.
7341 OFFICE PARK PLACE, SUITE 102
MELBOURNE, FL 32940

SURVEYOR:
JOHNSTON'S SURVEYING INC.
900 CROSS PRAIRIE PARKWAY
KISSIMMEE, FL 34744

LOCATION:
SECTION: 24, 25
TOWNSHIP: 29 S
RANGE: 36 E
PARCEL ID: 29-36-24-00-750

SITE DATA:

MINIMUM LOT AREA:	4,050 SF
MINIMUM LOT WIDTH:	45 FT
MINIMUM LOT DEPTH:	90 FT
MAXIMUM BUILDING COVERAGE:	50%
MAXIMUM BUILDING HEIGHT:	2 STORIES; 25 FT

BUILDING SETBACKS

FRONT:	25 FT
SIDE:	5 FT
REAR:	10 FT

OPEN SPACE REQUIREMENTS:

OVERALL AREA (43.34 ACRES)	
OPEN SPACE (REQUIRED):	9.68 AC
COMBINED ON-SITE PONDS (75%):	4.63 AC
OPEN SPACE PROVIDED:	7.26 AC
PROVIDED:	11.89 AC

TYPICAL 50' x 120' LOT

A

PULTE HOMES

PALM BAY, FL

DEGROODT SUBDIVISION - PRELIMINARY DEVELOPMENT PLAN

4/1/2022 - CONTACT CHRIS OSSA, P.E. (772) 794-4090

GRAPHIC SCALE IN FEET 0 50 100 200

NORTH

Kimley»Horn

K:\VRB_LDEV\Degroodt - Pulte Brevard\CAD\References\xBM-Degroodt - Preliminary Development Plan\V2_recover.dwg

Via email: (Sean.Bailey@PulteGroup.com)

Ref: 5592.04

TECHNICAL MEMORANDUM

To: Sean Bailey, Pulte Group

From: Matthew West, AICP

Subject: De Groodt Rd Palm Bay – Trip Generation Technical Memorandum
Palm Bay, FL

Date: March 15, 2022

INTRODUCTION

LTG, Inc. (LTG) has been retained by Pulte Group (the CLIENT) to conduct traffic engineering and transportation planning services on behalf of the proposed future land use and zoning changes for De Groodt Rd Palm Bay (the PROJECT). The proposed Comprehensive Plan Amendment (CPA) will change the future land use designation of a 43.34-acre property from 36.28 acres of Rural Single Family (RSF) and 7.06 acres of Commercial (COM) to 42.34 acres of Single Family Residential (SFR) and 1 acre of COM. The proposed rezoning will change the existing General Use (GU) zoning to a Planned Unit Development (PUD) which will permit a maximum of one hundred and seventeen (117) dwelling units and 15,000 square feet of commercial. The subject property is located on the northeast and southeast quadrants of De Groodt Road and Osmosis Drive in the City of Palm Bay (the CITY).

The methodology and procedures used in this analysis are consistent with the guidelines for the CITY, the Florida Department of Economic Opportunity (FDEO), and the Florida Department of Transportation (FDOT).

TRIP GENERATION FOR THE EXISTING VS PROPOSED FLU DESIGNATIONS

The trip generation was determined using the Institute of Transportation Engineers (ITE) document, Trip Generation Manual, 11th Edition. The total daily, AM peak hour, and PM peak hour trips for the existing and proposed future land use (FLU) designations are shown in Tables 1 and 2, respectively.

First, the existing RSF and COM designations were examined. Based on the RSF maximum allowable density, one (1) dwelling unit per five (5) acres, and the COM maximum allowable 2.50 floor area ratio (FAR), a maximum development program of seven (7) dwelling units and 768,834 square feet of commercial is permitted. Single-Family Detached Housing (ITE code 210) and Shopping Center (ITE code 820) were utilized as the highest trip-generating uses for the existing FLU. As indicated in Table 1, the existing FLU potentially would generate 28,542 daily, 653 AM peak hour, and 2,622 PM peak hour trips.

Next, the maximum development potential of the proposed SFR and COM designations were examined. Based on the SFR maximum allowable density, five (5) dwelling units per acre, and the COM maximum allowable 2.50 FAR, a maximum development program of two hundred and eleven (211) dwelling units and 108,900 square feet of commercial is permitted. Single-Family Detached Housing (ITE Code 210) and Shopping Plaza (ITE code 821) with Supermarket were utilized as the highest trip-generating uses that would be permitted. As indicated in Table 2, the proposed FLU potentially would generate 12,296 daily, 531 AM peak hour, and 1,183 PM peak hour trips.

Table 1
Existing FLU Total Trip Generation
De Groodt Rd Palm Bay – Trip Generation Technical Memorandum

Time Period	Land Use	ITE LUC	Trip Rate Equation	Quantity (X)		Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Daily	Single-Family Detached Housing	210	Ln(T) = 0.92 Ln(X) + 2.68	7	DU	50%	50%	43	44	87
	Shopping Center	820	T = 37.01(X)	768.83	KSF	50%	50%	14,227	14,227	28,455
							Totals:	**14,270**	**14,271**	**28,542**
AM Peak Hour	Single-Family Detached Housing	210	Ln(T) = 0.91 Ln(X) + 0.12	7	DU	26%	74%	2	5	7
	Shopping Center	820	T = 0.84(X)	768.83	KSF	62%	38%	400	246	646
							Totals:	**402**	**251**	**653**
PM Peak Hour	Single-Family Detached Housing	210	Ln(T) = 0.94 Ln(X) + 0.27	7	DU	63%	37%	5	3	8
	Shopping Center	820	T = 3.40(X)	768.83	KSF	48%	52%	1,255	1,359	2614
							Totals:	**1,260**	**1,362**	**2,622**

Table 2
Proposed FLU Total Trip Generation
De Groodt Rd Palm Bay – Trip Generation Technical Memorandum

Time Period	Land Use	ITE LUC	Trip Rate Equation	Quantity (X)		Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Daily	Single-Family Detached Housing	210	Ln(T) = 0.92 Ln(X) + 2.68	211	DU	50%	50%	1,003	1,003	2,006
	Shopping Plaza	821	T = 94.49(X)	108.9	KSF	50%	50%	5,145	5,145	10,290
							Totals:	**6,148**	**6,148**	**12,296**
AM Peak Hour	Single-Family Detached Housing	210	Ln(T) = 0.91 Ln(X) + 0.12	211	DU	26%	74%	38	109	147
	Shopping Plaza	821	T = 3.53(X)	108.9	KSF	62%	38%	238	146	384
							Totals:	**276**	**255**	**531**
PM Peak Hour	Single-Family Detached Housing	210	Ln(T) = 0.94 Ln(X) + 0.27	211	DU	63%	37%	126	74	200
	Shopping Plaza	821	T = 9.03(X)	108.9	KSF	48%	52%	472	511	983
							Totals:	**598**	**585**	**1,183**

TRIP GENERATION DIFFERENCE BETWEEN THE EXISTING & PROPOSED FLU DESIGNATIONS

The trip difference between the existing RSF and COM designations and the proposed SFR and COM designations is determined by subtracting trips generated by the proposed designations from the trips generated by the existing designations. As indicated in Table 3, this results in a potential trip decrease of 16,246 daily, 122 AM peak hour, and 1,439 PM peak hour trips.

Table 3
Difference in FLU Trip Generation
De Groodt Rd Palm Bay – Trip Generation Technical Memorandum

	Daily	AM Peak Hour	PM Peak Hour
Existing FLU	28,542	653	2,622
Proposed FLU	12,296	531	1,183
Decrease	16,246	122	1,439

TRIP GENERATION FOR THE EXISTING ZONING VS PROPOSED ZONING DESIGNATION

The trip generation was determined using the Institute of Transportation Engineers (ITE) document, Trip Generation Manual, 11th Edition. The total daily, AM peak hour, and PM peak hour trips for the existing zoning and proposed rezoning designations are shown in Tables 4 and 5, respectively.

First, the existing GU designation was examined. Based on the GU maximum allowable density, one (1) dwelling unit per five (5) acres, a maximum development program of eight (8) dwelling units is permitted. Single-Family Detached Housing (ITE code 210) was utilized as the highest trip-generating use for the existing zoning. As indicated in Table 4, the existing zoning would generate 99 daily, 7 AM peak hour, and 9 PM peak hour trips.

Next, the proposed PUD designation was examined. The proposed PUD will permit one hundred and seventeen (117) dwelling units and 15,000 square feet of commercial. Single-Family Detached Housing (ITE Code 210) and Strip Retail Plaza (ITE code 822) were utilized as the most accurate uses. As indicated in Table 5, the proposed rezoning would generate 2,029 daily, 121 AM peak hour, and 214 PM peak hour trips.

Table 4
Existing Zoning Total Trip Generation
De Groodt Rd Palm Bay – Trip Generation Technical Memorandum

Time Period	Land Use	ITE LUC	Trip Rate Equation	Quantity (X)		Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Daily	Single-Family Detached Housing	210	Ln(T) = 0.92 Ln(X) + 2.68	8	DU	50%	50%	49	50	99
AM Peak Hour			Ln(T) = 0.91 Ln(X) + 0.12			26%	74%	1	6	7
PM Peak Hour			Ln(T) = 0.94 Ln(X) + 0.27			63%	37%	6	3	9

Table 5
Proposed Rezoning Total Trip Generation
De Groodt Rd Palm Bay – Trip Generation Technical Memorandum

Time Period	Land Use	ITE LUC	Trip Rate Equation	Quantity (X)		Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Daily	Single-Family Detached Housing	210	Ln(T) = 0.92 Ln(X) + 2.68	117	DU	50%	50%	583	583	1,166
	Strip Retail Plaza	822	T = 42.20(X) + 229.68	15	KSF	50%	50%	431	432	863
							Totals:	**1,014**	**1,015**	**2,029**
AM Peak Hour	Single-Family Detached Housing	210	Ln(T) = 0.91 Ln(X) + 0.12	117	DU	26%	74%	22	64	86
	Strip Retail Plaza	822	T = 2.36(X)	15	KSF	60%	40%	21	14	35
							Totals:	**43**	**78**	**121**
PM Peak Hour	Single-Family Detached Housing	210	Ln(T) = 0.94 Ln(X) + 0.27	117	DU	63%	37%	72	43	115
	Strip Retail Plaza	822	T = 6.59(X)	15	KSF	50%	50%	49	50	99
							Totals:	**121**	**93**	**214**

TRIP GENERATION DIFFERENCE BETWEEN THE EXISTING & PROPOSED ZONING DESIGNATIONS

The trip difference between the existing GU designation and the proposed PUD designation is determined by subtracting trips generated by the existing designation from the trips generated by the proposed designation. The proposed PUD will permit one hundred and seventeen (117) dwelling units and 15,000 square feet of commercial. As indicated in Table 6, this results in a potential trip increase of 1,930 daily, 114 AM peak hour, and 205 PM peak hour trips.

Table 6
Difference in Zoning Trip Generation
De Groodt Rd Palm Bay – Trip Generation Technical Memorandum

	Daily	AM Peak Hour	PM Peak Hour
Existing Zoning	99	7	9
Proposed Zoning	2,029	121	214
Increase	1,930	114	205

CONCLUSION

The study was conducted to evaluate the potential impact the proposed CPA and rezoning would have on area roadways. Based on the future land use analysis, there would be a net decrease in potential trip generation. Based on the rezoning analysis, there would be a net increase in potential trip generation. Concurrency and any required mitigation to support a proposed development plan will be assessed in greater detail during the final development permitting process.

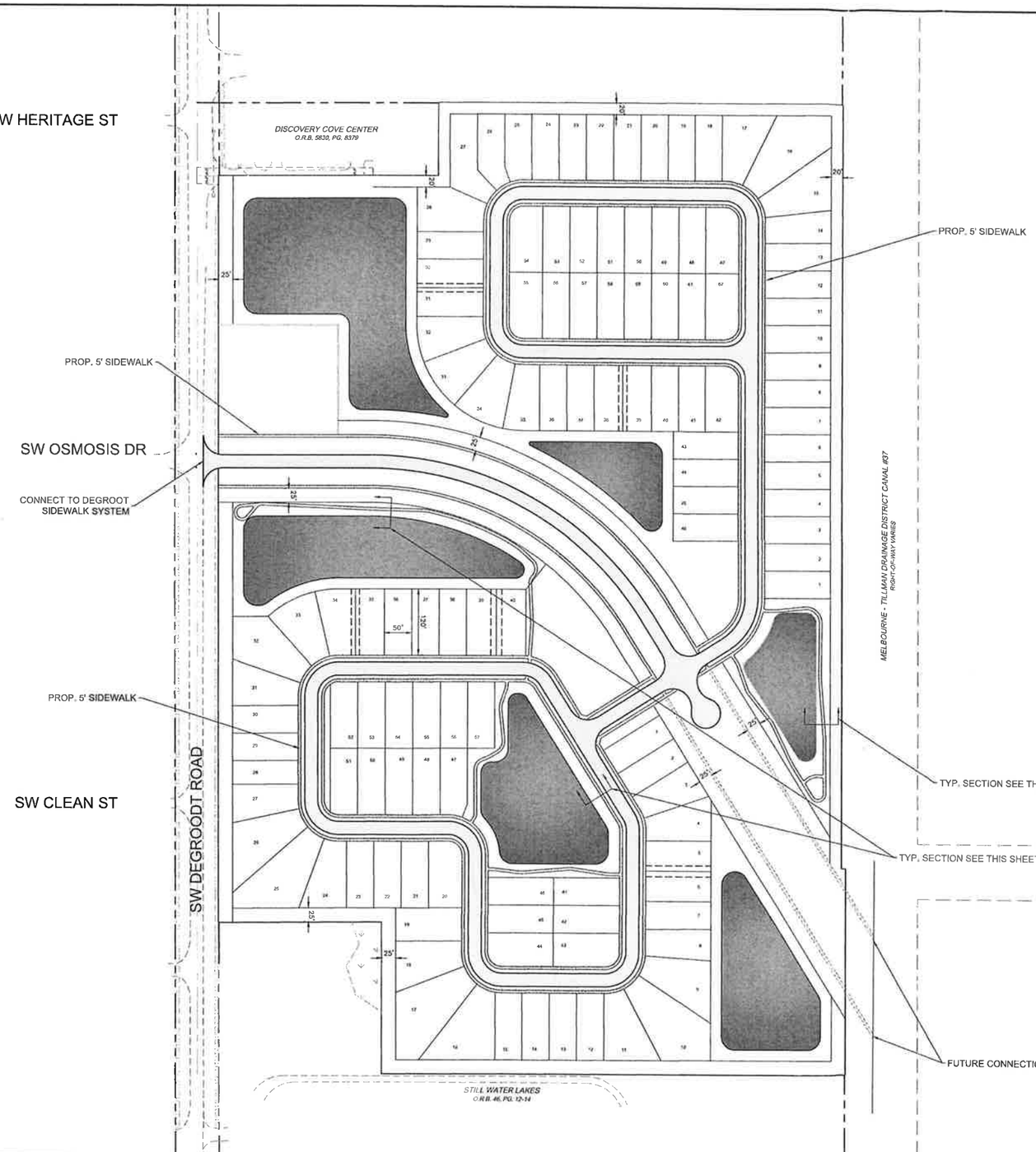
I affirm, by affixing my signature below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

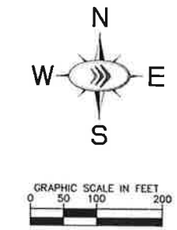
Name: Matthew West

Signature: _____

Date: March 15, 2022

LTG Engineering & Planning





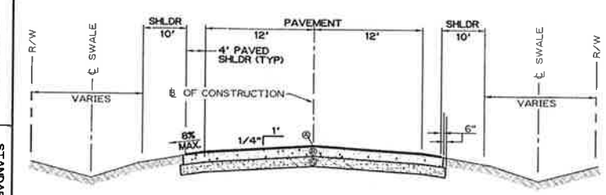
CITY OF PALM BAY
PUBLIC WORKS DEPARTMENT

STANDARD ROAD DETAIL

SR - 02

DATE: APRIL 07

APPROVED: _____

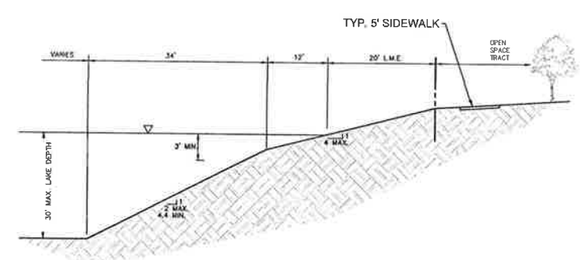


Ⓐ = 2" FDOT TYPE S-III ASPHALTIC CONCRETE
Ⓑ = 10" LIMEROCK OR CEMENTED COQUINA BASE, LBR 100, 98% MAX. DENSITY PER AASHTO T-180
Ⓒ = 10" TYPE "B" STABILIZED SUBBASE, LBR 40, 98% MAX. DENSITY, PER AASHTO T-180

NOTES:

1. BUILD UP SHOULDER WITH SUITABLE MATERIAL TO MEET NEW PAVEMENT SURFACE.
2. SEED AND MULCH ALL UNDEVELOPED DISTURBED AREAS.
3. SOD 2' STRIP ALONG NEW EDGE OF PAVEMENT.
4. CONTRACTOR SHALL RESTORE ALL DISTURBED AREAS.

COLLECTOR ROAD
TYPICAL SECTION



TYPICAL LAKE SECTION
N.T.S.

Kimley»Horn
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
445 24TH STREET, SUITE 200, VERO BEACH, FL 32960
PHONE: 772-794-4100
WWW.KIMLEY-HORN.COM REGISTRY NO. 696

PULTE HOMES

PEDESTRIAN CONNECTIVITY PLAN

SHEET NUMBER
EX-1

Plot Scale: 1:1 Plot Date/Time: Sat,Wha LayoutEX-1 Apr 01, 2022 03:38:29pm K:\VRB_LDEV\Degroot - Pulte Brevard\CAD\References\VBM-Degroot - Ped Connect Plan.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

Kimley»Horn

March 30th, 2022

Alexandra Bernard
Director – City of Palm Bay
Growth Management
120 Malabar Road SE
Palm Bay, FL 32907

RE: De Groodt Subdivision – Application Narrative

Dear Ms. Bernard,

On behalf of Pulte Home Company, LLC, (Applicant) we are pleased to submit the application for Preliminary Development Plan, Comprehensive Plan Amendment and Rezoning for the De Groodt Subdivision project.

General Statement:

The De Groodt Subdivision will consist of a single-family development on an undeveloped parcel approximately 43.34 acres in size located within the City of Palm Bay. The general geographical location is south of Westside Elementary School; east of De Groodt Rd SW, north of the Stillwater Lakes Subdivision and west of the Melbourne-Tillman Water Control District (MTWCD) Canal 37. De Groodt Subdivision proposes 119-unit residential subdivision with supporting infrastructure and site improvements including vehicular access, sidewalks, common use pedestrian trails, a future recreation tract, landscaping, utilities, and onsite stormwater management facilities. The single-family dwelling units proposed average 50ft in width by 120ft in depth.

For the benefit of the City, its residents and the project, the applicant also proposes the dedication of Right-of-Way of approximately 3.6 acres for the design and construction of the Osmosis Dr. SW Extension.

Further, a one (1) acre parcel on the northeast corner of De Groodt SW and Osmosis Dr SW is proposed to be rezoned to Planned Unit Development (PUD) from General Use (GU) zoning as a secondary use. Current Future Land Use is noted for the subject commercial parcel is Commercial.

Property Details:

- Owner: Kew LLC – Michael H. Erdman
- Parcel ID: 29-36-24-00-750
- Site Address: Not Assigned
- Current Zoning: General Use (GU)
- Current Future Land Use: Rural Single Family (RSF) & Commercial (COM)

Kimley»Horn

Consultants:

- Engineer: Chris Ossa, P.E. – Kimley–Horn & Associates
- Surveyor: Johnston's Surveying, Inc.
- Legal Council: Kimberly B. Rezanka – Lacey Lyons Rezanka

Surrounding Land Uses:

- North: RSF – Rural Single Family (Westside Elementary School)
- East: SFR – Single Family Residential (Forest Glen at Bayside Lakes Subdivision)
- South: RSF – Rural Single Family (Stillwater Lakes Subdivision)
- West: SFR – Single Family Residential and COM – Commercial (Residential)

Surrounding Zoning Districts:

- North: GU – General Use (Westside Elementary School)
- East: PUD – Planned Unit Development (Forest Glen at Bayside Lakes Subdivision)
- South: ER – Estate Residential (Stillwater Lakes Subdivision)
- West: NC – Neighborhood Commercial and SRE – Suburban Residential Estate

Request:

Applicant seeks the following approvals:

- *Preliminary Development Plan* – to reflect proposed development layout and to establish proposed development standards

- *Rezoning* – change from current zoning parcel district designated as General Use (GU) to Planned Unit Development (PUD). One (1) acre commercial parcel to be included under this request as a secondary use

- *Comprehensive Plan Amendment* – change from Rural Single Family (RSF) to Single Family Residential (SFR)

Development Schedule:

As it stands, the project proposes to begin developing, upon receipt of all required permits, approximately February 2023 starting with site development, infrastructure, stormwater, recreation, open space, and land development support systems. This will be followed by 'vertical' development items, including homes and recreational amenities/community facilities.

Kimley»Horn

Proposed Osmosis Drive SW extension will be a two-phase effort. With Phase I encompassing approximately 1,150 LF of two-lane roadway from De Groodt Rd SW to the proposed subdivision entrances. Phase II will encompass the remaining 3,500 LF of roadway. Phase II will also include box culvert crossing over the Melbourne-Tillman Water Control District Canal 37 and connection to Osmosis Dr SE.

Right-of-Way dedication, design, permitting and construction proceedings to be documented via development agreement.

Citizen Participation:

Citizen participation plan is a part of this submittal package. Upon review and approval, the applicant will schedule, and conduct citizen participation meeting and report findings as noted in Section 169.006 of the Land Development Code.

Utilities:

The development proposes connections to City of Palm Bay water and wastewater facilities and master lift station to service the proposed development. As directed by City utility staff, the project is to include the connection and extension of the existing 20” FM currently located under Osmosis Dr SE to the intersection of De Groodt SW and Osmosis Dr SW.

Stormwater Management:

The project will be required to meet all FDEP environmental resource and consumptive use permitting requirements in order to be constructed. All detention areas shall be owned and maintained by the residential homeowner's association and shall be permitted through the St. Johns River Water Management District (SJRWMD) and MTWCD. During the construction plan review phase, plans will be submitted to show how the project will meet all pre and post development stormwater management as required by the various agencies and the City to obtain all required permits.

Brevard County School Concurrency:

School Capacity and Concurrency applications have been completed by the applicant and enclosed in this submittal. The City will be facilitating submittal of the application and required Local Determination form to the School Board.

Open Space/Recreation/Amenities:

The project proposes a 0.69 ac recreational tract to include active and passive recreation facilities. Concrete meandering pedestrian paths are also proposed along some of the stormwater ponds. Concrete sidewalks from the Osmosis Dr extension are intended to connect with the subdivision paths and sidewalks to provide connectivity.

Kimley»Horn

Attachments:

Enclosed in this package please find the following related materials:

Preliminary Development Plan Application Package:

- Application
- Vicinity Map
- Preliminary Development Plan
- Pedestrian Connectivity Plan
- Architectural Elevations
- Traffic Generation Technical Memorandum
- Project Narrative
- Radius Package with Labels
- Citizen Participation Plan
- School Board of Brevard County Impact Analysis Application
- Letter of Authorization
- Marketing Plan

Rezoning Application Package:

- Application
- Boundary Survey
- Radius Package

Comprehensive Plan / Future Land Use Map Amendment Application:

- Application
- Legal Description

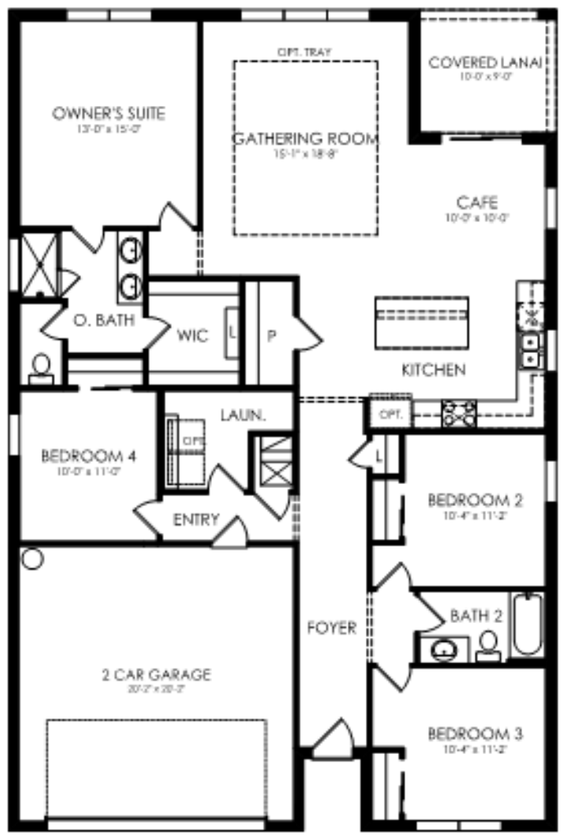
The applicant is pleased to present this package for consideration.

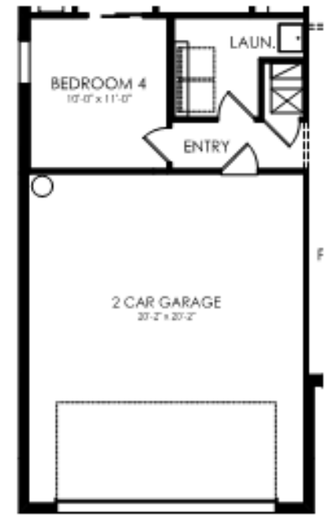
Should you have any questions or need any addition information, please do not hesitate to contact me at 772-794-4090.

Sincerely,

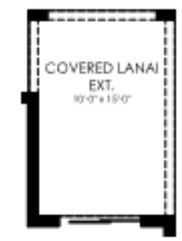
KIMLEY-HORN AND ASSOCIATES, INC.

Chris Ossa, P.E.



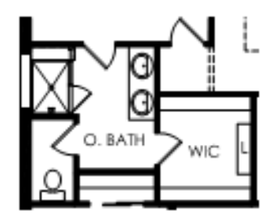


4' Garage Extension



Cover Lanai Extension

Outswing Door

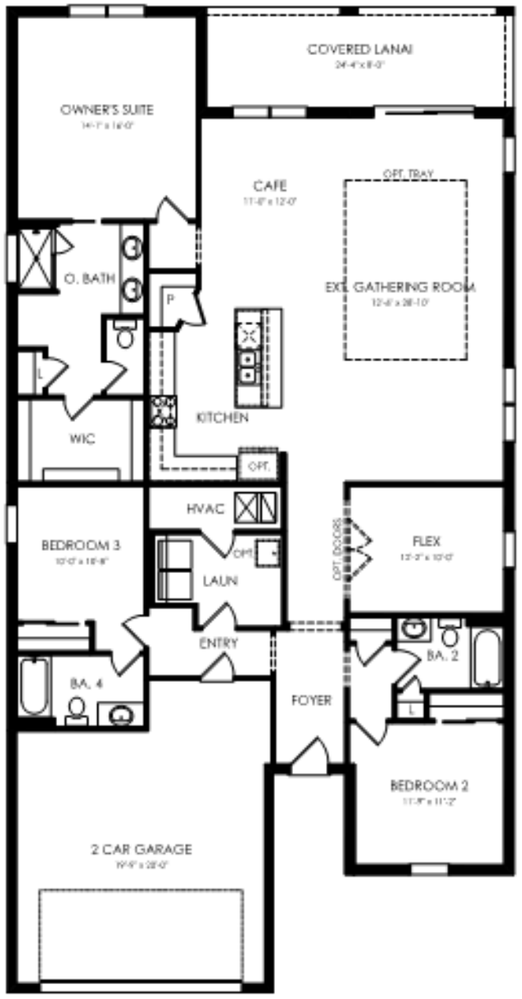


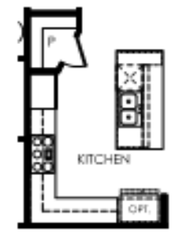
Owner's Bath Layout 2

Kitchen Layout 4

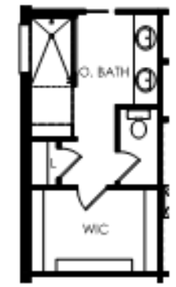
Options

PULTE PRODUCT SUBMITTAL – HESTON PLAN 1,850 SF





Kitchen Layout 4



Owner's Bath Layout 4

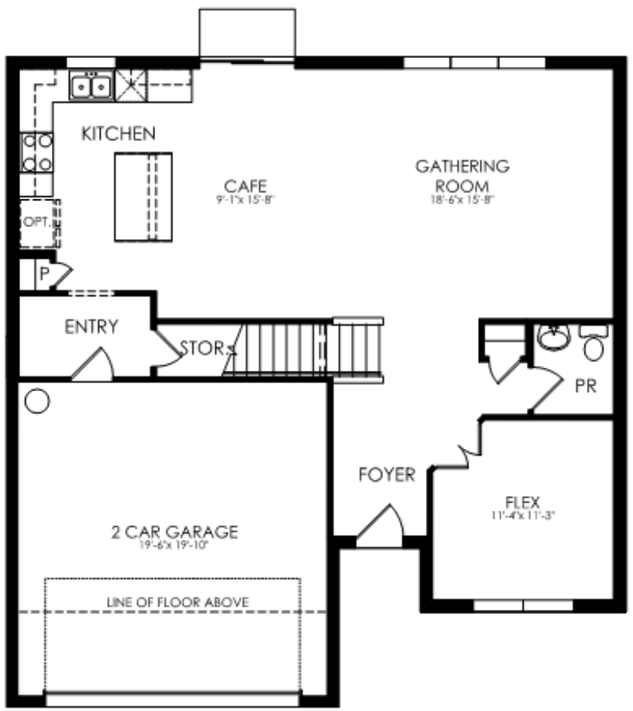
Owner's Bath Layout 5

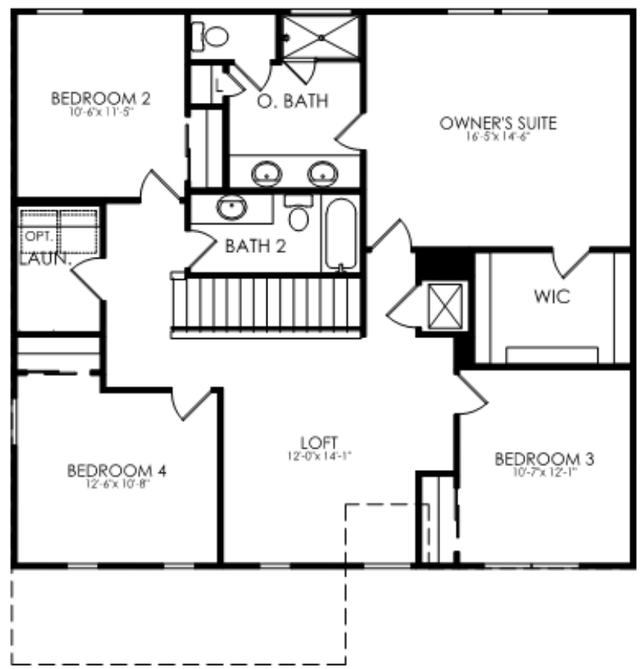
SGD @ Cafe

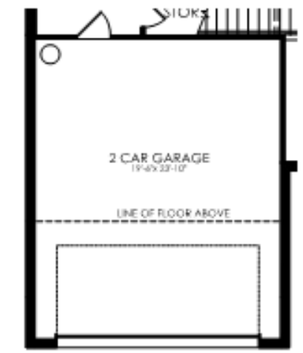
Bedroom 4 ILO Flex

Options

PULTE PRODUCT SUBMITTAL – MEDINA PLAN 2,230 SF





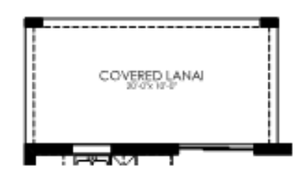


4' Garage Extension

Bedroom 5 ILO Flex

Laundry Room Sink

Included With 4' Ext. Garage



Cover Lanai

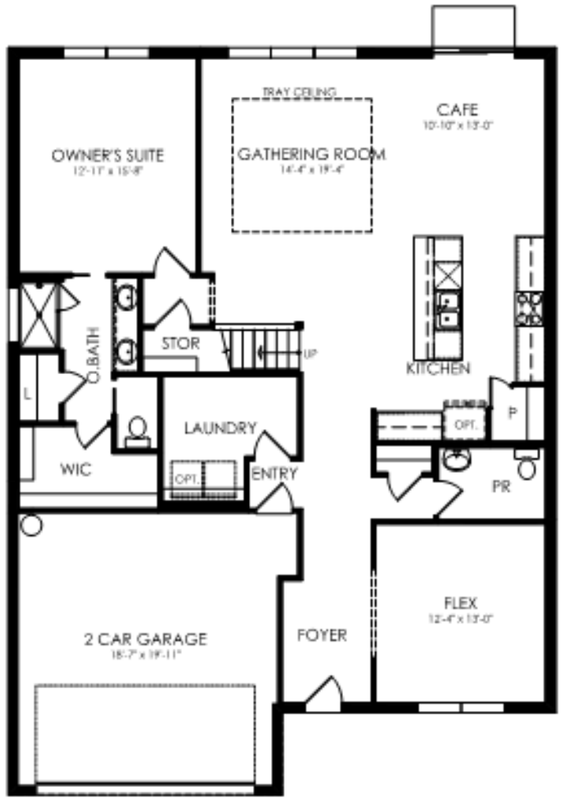
Outswing Door

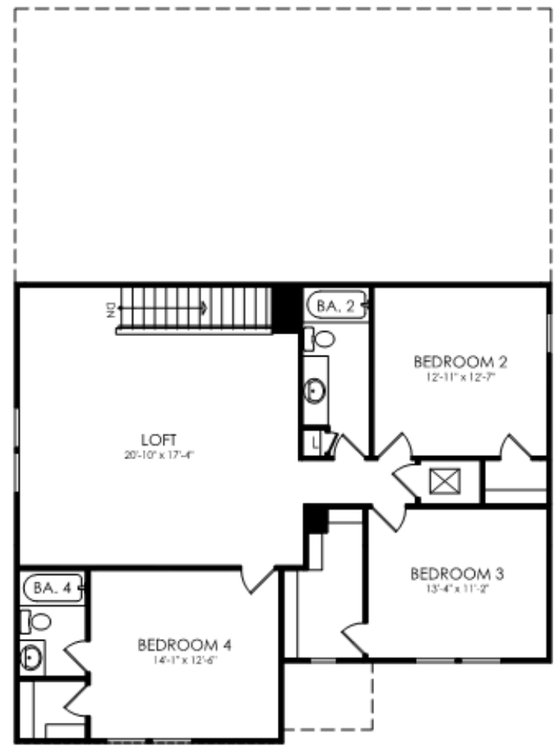
Options

PULTE PRODUCT SUBMITTAL – TILDEN PLAN 2,386 SF

CO1

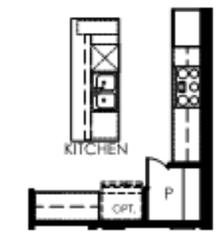
PULTE PRODUCT SUBMITTAL – TILDEN PLAN 2,386 SF



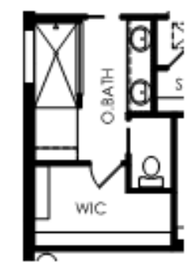


2nd Car Garage w/4'ft Extension

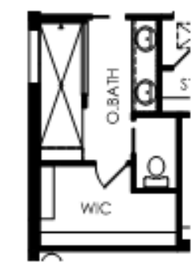
Covered Lanai



Kitchen Layout 4



Owner's Bath Layout 4



Owner's Bath Layout 5

Options

PULTE PRODUCT SUBMITTAL – WINTHROP PLAN 2,894 SF

CO1

PULTE PRODUCT SUBMITTAL – WINTHROP PLAN 2,894 SF

The City of Palm Bay Florida

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:

- [x] **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:

DE GROODT SUBDIVISION

PARCEL ID(S):

29-36-24-00-750

TAX ACCOUNT NUMBER(S):

2960085

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):

43.55

TOTAL LOTS PROPOSED (list by use):

119 SINGLE FAMILY - 50ft WIDE LOTS

DEVELOPER PULTE HOME COMPANY, LLC a Michigan Limited Liability Company

Full Address 4901 VINELAND ROAD, SUITE 460, ORLANDO, FL 32811

Telephone 407-661-1441 **Email** aaron.struckmeyer@pultegroup.com

ENGINEER CHRIS OSSA, P.E. - KIMLEY-HORN & ASSOCIATES

Full Address 7341 OFFICE PARK PLACE, SUITE 102, MELBOURNE, FL 32940

Telephone 772-794-4090 **Email** CHRIS.OSSA@KIMLEY-HORN.COM

SURVEYOR JOHNSTON'S SURVEYING, INC.

Full Address 900 CROSS PRAIRIE PARKWAY, KISSIMMEE, FL 34744

Telephone 407-847-2179 **Email**

PRELIMINARY DEVELOPMENT PLAN CRITERIA FOR SUBMITTAL:

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

A) Vicinity map clearly outlining subject property and showing the relationship between the site and its surrounding area including adjacent streets and thoroughfares.

B) Preliminary Development Plan that shall contain maps, drawings and narrative, as appropriate, providing the following information:

1) A general plan for the use of all lands within the proposed development. Such plans shall indicate the general location of residential areas (including maximum density and unit types), open space, parks, passive or scenic areas, and nonresidential areas (including maximum building square footage or other intensity maximums).

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.

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

- [x] *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."
- [x] Vicinity Map (see Item A).
- [x] Preliminary Development Plan (see Item B).
- [x] Vehicular and Pedestrian Circulation Plan (see Item C).
- [x] Schematic Drawing (see Item D).
- [x] Traffic Study (see Item E).
- [x] Narrative (see Item F).
- [x] List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- [x] Citizen Participation Plan. Required when a Preliminary Development Plan application was not submitted. Refer to Section 169.005 of the Land Development Code for guidelines.
- [x] School Board of Brevard County School Impact Analysis Application (if applicable). 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.
- [x] **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 CHRIS OSSA, P.E. / KINAN HUSAINY, P.E. - KIMLEY-HORN
KIMBERLY REZANKA - LEGAL COUNCIL

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 _____ Kew LLC. **Date** 3-22-22

Printed Name Michael H. Endurby

Full Address P.O. BOX 541682, MERRITT ISLAND, FL 32954

Telephone _____ **Email** _____

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

3-22-22, 20

Re: Letter of Authorization

As the property owner of the site legally described as:

SEE ATTACHED

I, Owner Name: MICHAEL ERDMAN - KEW, LLC.

Address: P.O. BOX 541682, MERRITT ISLAND, FL 32954

Telephone:

Email:

hereby authorize: KIMBERLY REZANKA - LEGAL COUNCIL

Representative: CHRIS OSSA, P.E. / KINAN HUSAINY, P.E. - KIMLEY-HORN & ASSOC

Address: 7341 OFFICE PARK PL, STE 102, MELBOURNE, FL 32940

Telephone: 772-794-4090

Email: CHRIS.OSSA@KIMLEY-HORN.COM / KINAN.HUSAINY@KIMLEY-HOR

to represent the request(s) for:

PRE DEVELOPMENT PLAN, REZONING & COMPREHENSIVE PLAN AMENDMENT

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 22 day of March, 20 22 by Michael H. Erdman, property owner.

TRACY LEE HOWARD
Notary Public - State of Florida
Commission # HH 142032
My Comm. Expires Jun 14, 2025
Bonded through National Notary Assn.

, Notary Public

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

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTIONS 24 AND 25, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF EMERSON DRIVE WITH THE CENTERLINE OF DEGR00DT ROAD (FORMERLY KNOWN AS MINTON ROAD), AS SHOWN ON THE PLAT OF ''PORT MALABAR, UNIT THIRTY-ONE", RECORDED IN PLAT BOOK 17, PAGES 22 THRU 33 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THENCE N.00'19'30"W., ALONG SAID CENTERLINE, A DISTANCE OF 657.60 FEET; THENCE N.89'40'46"E., A DISTANCE OF 1180.25 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF MELBOURNE - TILLMAN DRAINAGE DISTRICT CANAL #37; THENCE S.00'27'08"E., ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1397.23 FEET TO A POINT ON THE SOUTH LINE OF AFORESAID SECTION 24; THENCE S.87'49'20"E., ALONG SAID SOUTH LINE AND ALONG A TRANSITION IN SAID CANAL RIGHT OF WAY, A DISTANCE OF 8.01 FEET; THENCE S.00"30'16" E., ALONG SAID EAST RIGHT OF WAY LINE OF MELBOURNE ''STILLWATER LAKES", RECORDED IN PLAT BOOK 46, PAGES 12 THRU 14 OF SAID PUBLIC RECORDS; THENCE S.89"40'46"W., ALONG THE NORTH LINE OF SAID SUBDIVISION, A DISTANCE OF 852.52 FEET; THENCE DEPARTING SAID NORTH LINE, RUN N.00'19'30"W., A DISTANCE OF 275.00 FEET; THENCE S.89"40'46"W., A DISTANCE OF 340.00 FEET TO A POINT ON THE AFORESAID CENTERLINE OF DEGROODT ROAD; THENCE N.00°1 9'30"W., ALONG SAID CENTERLINE, A DISTANCE OF 837.78 FEET TO THE POINT OF BEGINNING.

SUBJECT TO A 25 FOOT WIDE PUBLIC UTILITY EASEMENT OVER AND ACROSS THE SOUTH 25 FEET OF THE EAST 852.52 FEET OF THE ABOVE DESCRIBED PARCEL; AND SUBJECT TO A PROPOSED RIGHT OF WAY FOR DEGROODT ROAD OVER AND ACROSS THE WEST 40 FEET OF THE ABOVE DESCRIBED PARCEL.

LESS LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5830, PAGE 8379, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

The City of Palm Bay Florida

MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Growth Management Director

DATE: July 6, 2022

SUBJECT: **V-28-2022 - WITHDRAWN - Artesia Palm Bay - Mimis Mitropoulos, ACIS Investment Group, LLC (Bruce Moia, P.E., MBV Engineering, Inc. / Jeremy Mears, Brownstone Group, Reps.) - A Variance to allow a proposed 8-foot-high privacy fence within an HC, Highway Commercial District and an RM-10, Single-, Two-, Multiple-Family Residential District by granting relief from the 6-foot-high wall or fence requirements established by Section 185.036(B)(3)(b) of the City of Palm Bay Code of Ordinances - Tax Parcel 502, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 18.42 acres. Located between and adjacent to Malabar Road NE and Biddle Street NE

The applicant has withdrawn Case V-28-2022.

Board action is not required to withdraw the case.

**Quasi-Judicial Proceeding.

The City of Palm Bay Florida

MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Jesse Anderson, Ph.D., Assistant Growth Management Director

DATE: July 6, 2022

SUBJECT: CP-25-2022 – Crown Villas at Palm Bay - Francis R. Bourne and Anna B. Bourne (James Trauger, Trauger Consulting Engineers, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Single-Family Residential Use to Multiple-Family Residential Use - Tax Parcel 762, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 17.41 acres. Located west of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE

.

ATTACHMENTS:

Description

- **Case CP-25-2022 - Staff Report**
- **Case CP-25-2022 - Survey Sketch**
- **Case CP-25-2022 - Application**

STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by
Stephen White, Principal Planner

CASE NUMBER	**PLANNING & ZONING BOARD HEARING DATE**
CP-25-2022	July 6, 2022

PROPERTY OWNER & APPLICANT	**PROPERTY LOCATION/ADDRESS**
Francis R. Bourne and Anna B. Bourne (James Trauger, Trauger Consulting Engineers, Rep.)	Tax Parcel 762, Section 34, Township 28, Range 37, Brevard County, Florida. Specifically located at 2102 Ladner Road NE

SUMMARY OF REQUEST The applicant is requesting a change in Future Land Use classification from Single-Family Residential, SFR, to Multi-Family Residential.

Existing Zoning	RS-2, Single-Family Residential
Existing Land Use	Single-Family Residential
Site Improvements	Single-Family Residence
Site Acreage	17.0 acres

SURROUNDING ZONING & USE OF LAND

North	RS-2, Single-Family Residential District - Single Family Homes
East	RS-2, Single-Family Residential District - Single Family Homes
South	RS-2, Single-Family Residential District - Vacant
West	IU, Institutional Use – Vacant

BACKGROUND:

The subject property is located at 2102 Ladner Road NE Palm Bay, Florida 32907 and is approximately 17.41 acres in size.

ANALYSIS:

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

1. FUTURE LAND USE ELEMENT

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

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

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

The intended use for the 17.41-acre property will include 126 Multiple-Family dwellings. The Multiple-Family Future Land Use will create a transition in intensity and density, moving from a more intense use to lower density. As such, the proposed land use amendment would be considered compatible.

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). 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.

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. If developed and not available, the owner/developer will be responsible for extending service to the site in accordance with current City regulations.

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

5. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: The proposed Future Land Use Map amendment alters the distribution of entitled residential land. Furthermore, the parcels under review are increasing the maximum density through the proposed land use change, which will add housing units. Some impacts to the public-school system area are anticipated; however, considering the adjacent concurrency service areas, there is sufficient capacity.

6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment would increase the demand for recreation services as compared to the existing public needs, due to potential increase in density.

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

7. TRANSPORTATION ELEMENT

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

8. PROPERTY RIGHTS ELEMENT

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

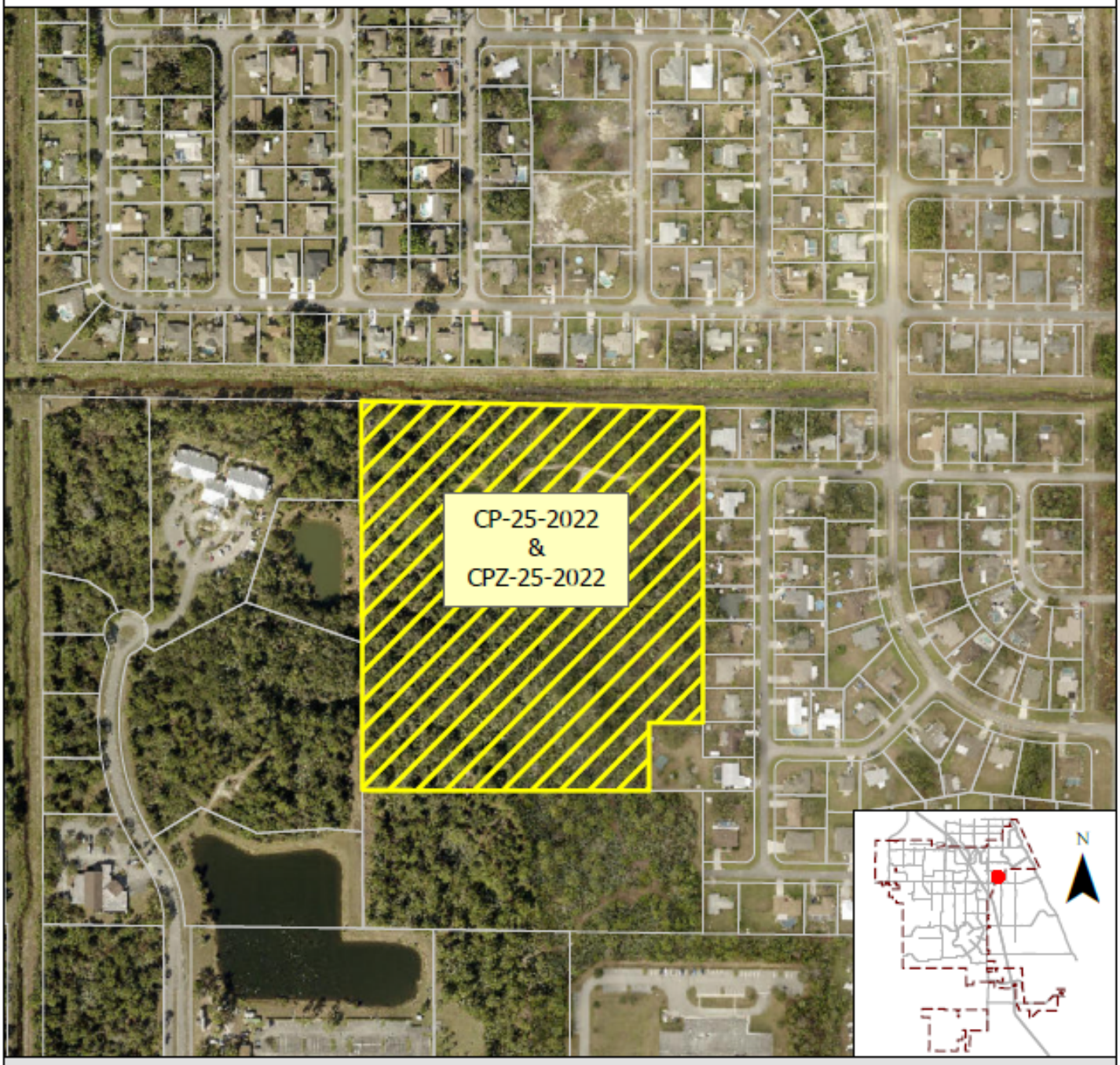
This proposed land-use change does not appear to infringe upon the property rights of the applicant.

STAFF RECOMMENDATION:

Case CP-25-2022 is recommended for approval.

The City of Palm Bay Florida

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



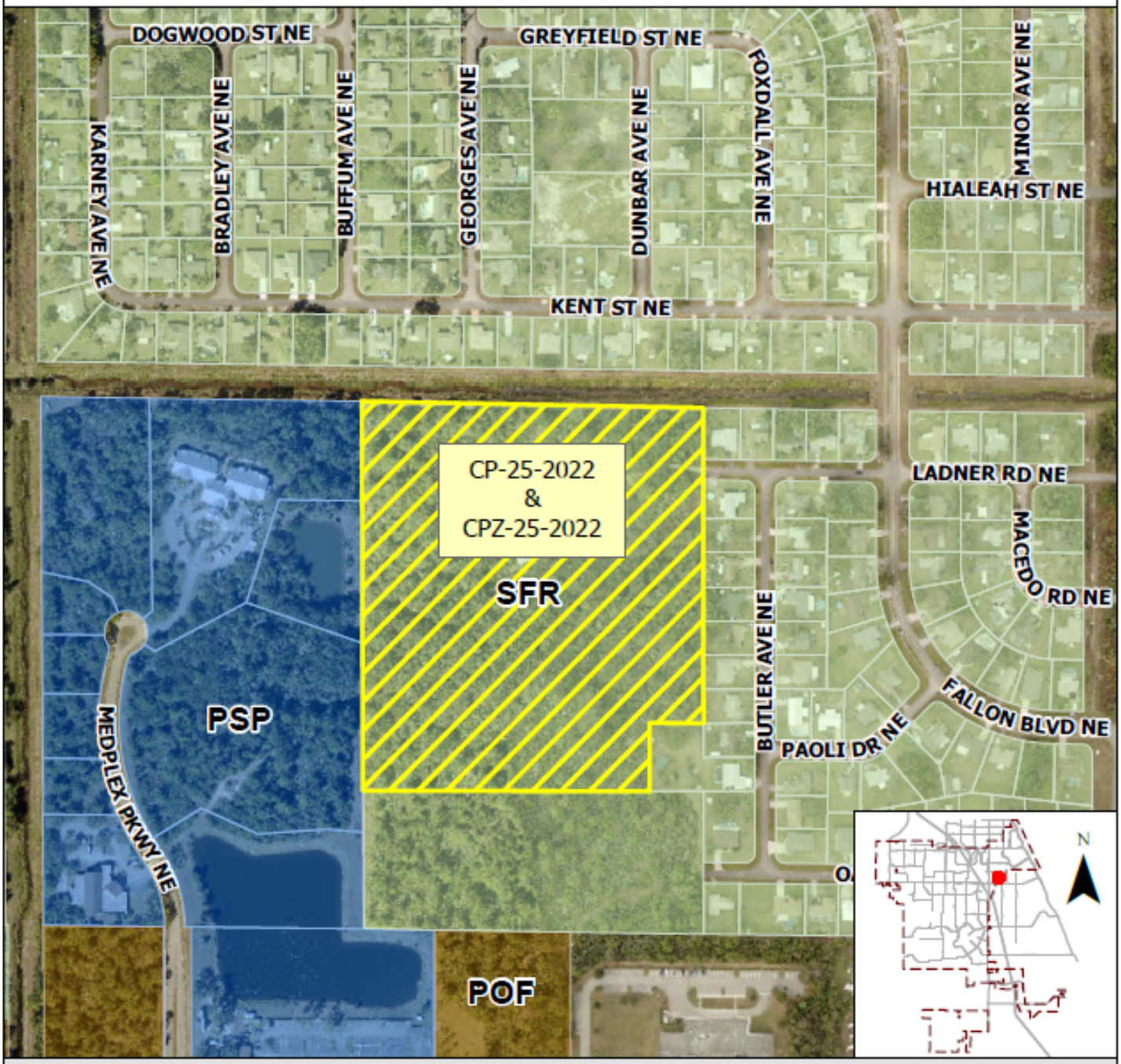
AERIAL LOCATION MAP CASE: CP-25-2022 & CPZ-25-2022

Subject Property

West of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE

The City of Palm Bay Florida

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-25-2022 & CPZ-25-2022

Subject Property

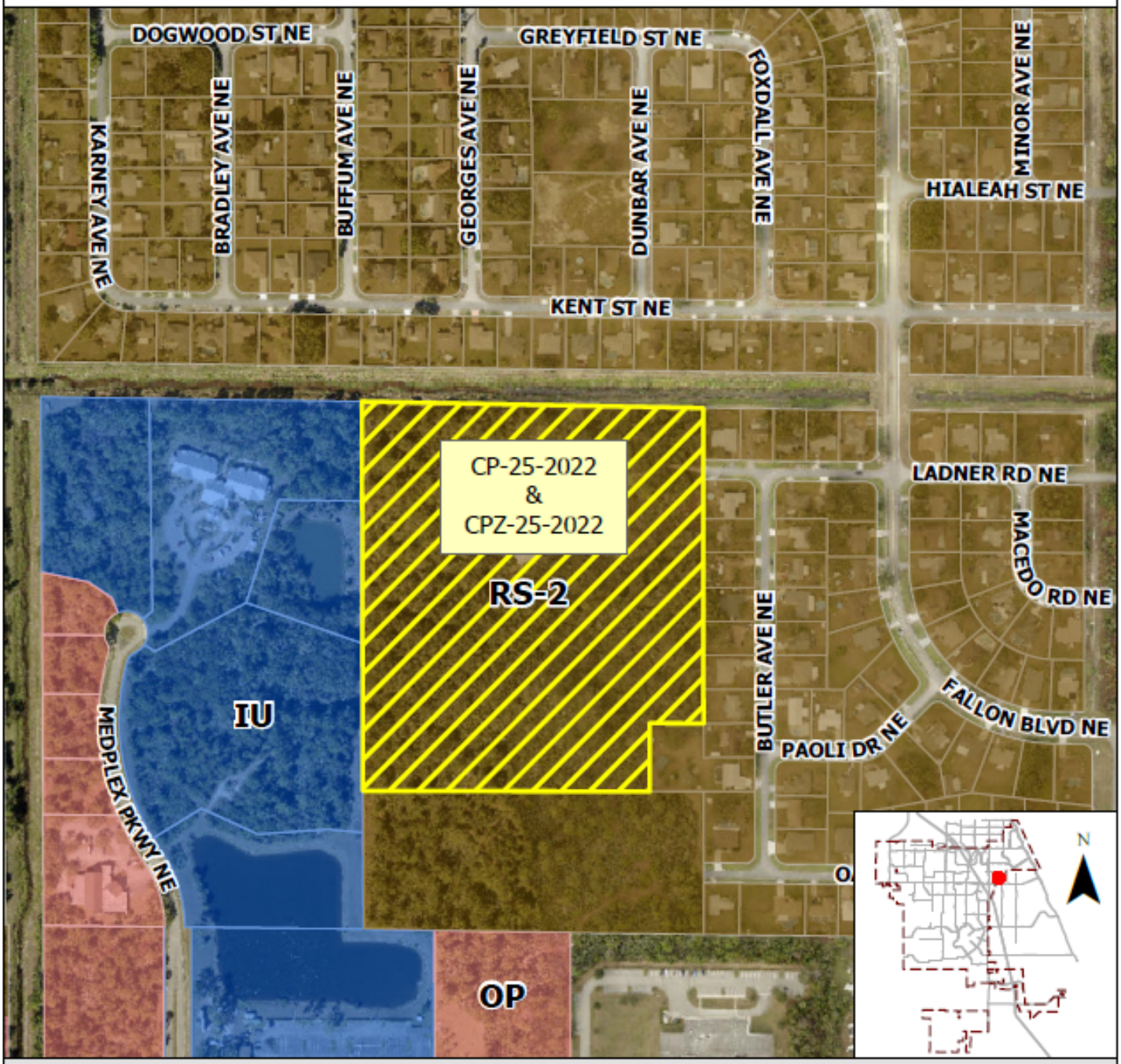
West of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE

Future Land Use Classification

SFR – Single Family Residential Use

The City of Palm Bay Florida

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



ZONING MAP CASE: CP-25-2022 & CPZ-25-2022

Subject Property

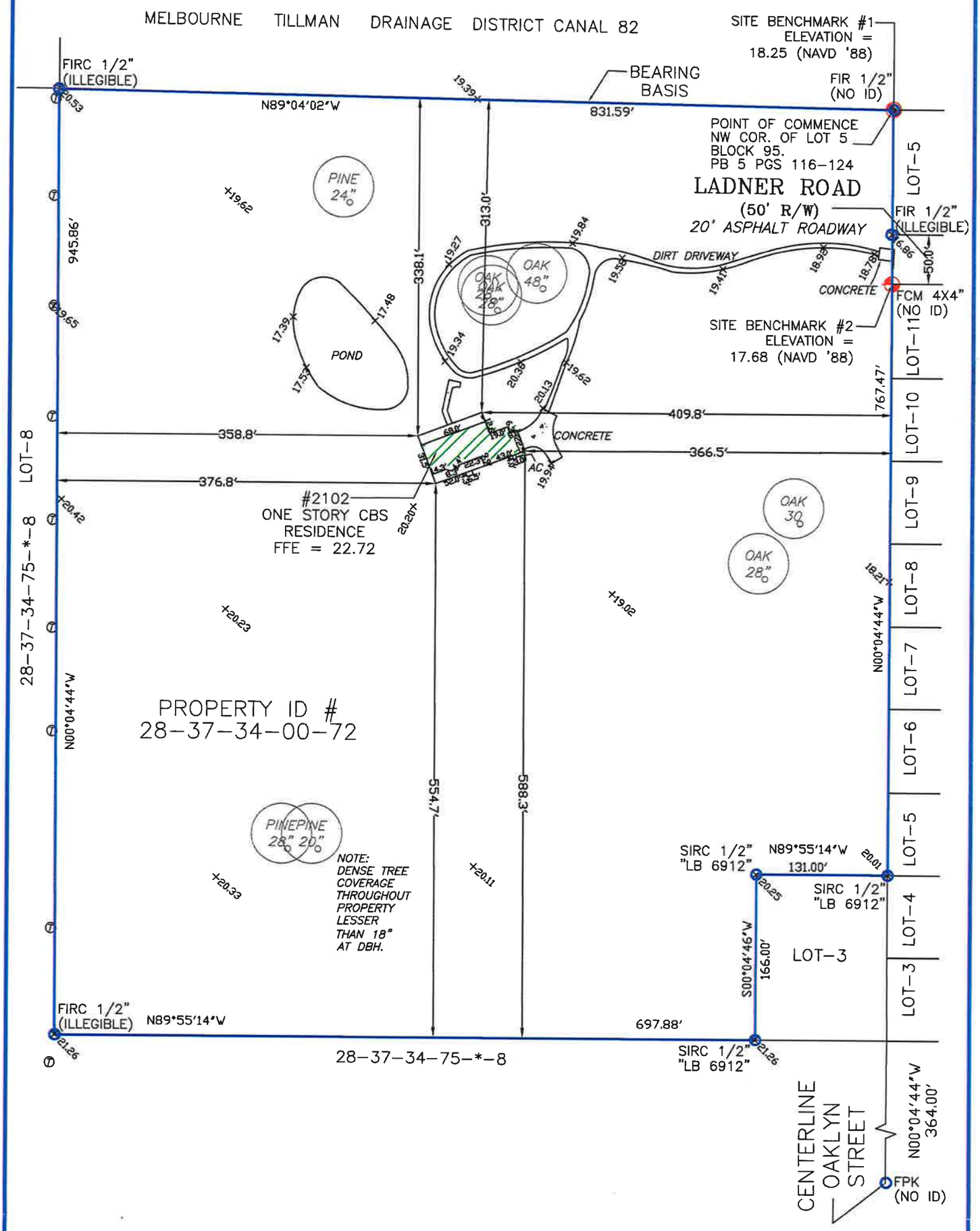
West of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE

Current Zoning Classification

RS-2 – Single-Family Residential

SHEET 1 OF 2 (SURVEY SKETCH) ---------- SURVEY NOT COMPLETE WITHOUT ALL SHEETS

MAP OF BOUNDARY SURVEY PREPARED FOR ALLIANCE TITLE INSURANCE AGENCY, INC.



NOTES:
ALL BEARINGS AND DISTANCES SHOWN ARE RECORD AND MEASURED, UNLESS OTHERWISE SHOWN.
P.U.&D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT.
BEARINGS ARE BASED UPON THE RECORD BEARING FOR THE NORTHERLY BOUNDARY LINE FOR PROPERTY ID NUMBER 28-37-34-00-72.

ELEVATION NOTES:
ALL ELEVATIONS SHOWN ARE BASED UPON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD'88).
PROPOSED FINISHED FLOOR ELEVATION IS SUBJECT TO CHANGE PER HEALTH DEPARTMENT.

EXISTING ELEVATION= +20.00 PROPOSED ELEVATION= 20.00 DRAINAGE ARROW =

NORTH ARROW & GRAPHIC SCALE
0' 1" = 100' 100'

PERMIT NUMBER AND CONTACT
N/A

JOB # - 2201-208	REVISION -
FIELD DATE - 01/27/2022	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -

FLORIDA BUSINESS CERTIFICATE OF AUTHORIZATION NUMBER LB 6912

KNOW IT NOW, INC.
PROFESSIONAL SURVEYING AND MAPPING
5220 US HIGHWAY 1, #104
VERO BEACH, FL 32967
PHONE - (888) 396-7770
WWW.KINSURVEYORS.COM

LEGAL DESCRIPTION:

PART OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 590, PAGE 924, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 34, TOWNSHIP 28 SOUTH, RANGE 37, SAID BREVARD COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 5, BLOCK 95, PORT MALABAR UNIT SIX, AS RECORDED IN PLAT BOOK 14, PAGES 116 THROUGH 124, OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY, TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE RUN SOUTH 00°04'46" WEST, ALONG THE WEST LINE OF SAID BLOCK 95 AND BLOCK 96 OF SAID PORT MALABAR UNIT SIX, ALSO BEING THE EAST LINE OF THE WEST ½ OF LOT 15, FLORIDA INDIAN RIVER LAND COMPANY, AS RECORDED IN PLAT BOOK 1, PAGE 164 OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY, A DISTANCE OF 767.47 FEET, TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3717, PAGE 1231, OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY; THENCE RUN NORTH 89°55'14" WEST, ALONG THE NORTH LINE OF SAID OFFICIAL RECORDS BOOK 3717, PAGE 1231, A DISTANCE OF 131.00 FEET, TO THE NORTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 3717, PAGE 1231; THENCE RUN SOUTH 00°04'46" WEST, ALONG THE WEST LINE OF SAID OFFICIAL RECORDS BOOK 3717, PAGE 1231, A DISTANCE OF 166.00 FEET, TO THE SOUTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 3717, PAGE 1231; THENCE RUN NORTH 89°55'14" WEST, A DISTANCE OF 697.88 FEET, TO THE EAST LINE OF THE WEST 5 ACRES OF LOT 14, OF SAID FLORIDA INDIAN RIVER LAND COMPANY; THENCE RUN NORTH 00°04'44" WEST, ALONG SAID EAST LINE, A DISTANCE OF 945.86 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO. 82; THENCE RUN NORTH 89°04'02" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 831.59 FEET, TO THE POINT-OF-BEGINNING.

JOB NUMBER: 2201-208

FIELD WORK DATE: 01/27/2022

PROPERTY ADDRESS:
2102 LADNER ROAD NE, PALM BAY, FL 32907

FLOOD INFORMATION:
PANEL NUMBER: 12009C0613G
FIRM DATE: MARCH 17, 2014
FLOOD ZONE: X
BASE FLOOD ELEVATION: NA
COMMUNITY NAME: PALM BAY, CITY OF
COMMUNITY NUMBER: 120404

AERIAL PHOTOGRAPH

SURVEYOR'S LEGEND

A/C = AIR CONDITIONING
BB = BEARING BASIS
BFP = BACKFLOW PREVENTER
BLDG = BUILDING
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SPKD = SET PK NAIL AND DISC
SV = SEWER VALVE
TBM = TEMPORARY BENCHMARK
TOB = TOP OF BANK
TWP = TOWNSHIP
TR = TELEPHONE RISER
TYP = TYPICAL
WIT = WITNESS
WLP = WOOD LIGHT POLE
WM = WATER METER
WPP = WOOD POWER POLE
WV = WATER VALVE

LINETYPES

= BOUNDARY LINE
= STRUCTURE LINE
= CENTERLINE
= EASEMENT LINE
= FENCE LINE
= OLD LOT LINE

SYMBOLS

= FIRE HYDRANT
= CATCH BASIN
= WATER METER
= SANITARY MANHOLE
= POWER POLE
= CABLE T.V. SERVICE
= GAS SERVICE
= ELECTRIC SERVICE
= LIGHT POLE
= TELEPHONE SERVICE
= WELL
= DRAINAGE MANHOLE
= BENCHMARK
= SANITARY SERVICE

SURVEYOR'S NOTES

1. UNDERGROUND UTILITIES, BUILDING FOUNDATIONS, AND OTHER UNDERGROUND FIXED IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE INDICATED. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF SURFACE INDICATIONS OBSERVED BY THE SURVEYOR AND MAY NOT BE COMPLETE.
2. JURISDICTIONAL WETLANDS AND ENDANGERED OR THREATENED SPECIES HABITAT, IF ANY, THAT MAY EXIST ON OR AROUND THE SURVEY SITE WERE NOT DETERMINED OR LOCATED.
3. THE SURVEY DATE IS THE FIELD DATE SHOWN IN THE TITLE BLOCK, NOT THE SIGNATURE DATE.
4. THIS SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ELECTRONIC OR ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. FENCES SHOWN ON SURVEY ARE FOR ILLUSTRATIVE PURPOSES ONLY. FENCE TIES SHOWN ARE RELATIVE TO THE CENTER OF SAID FENCE. THE SURVEYOR WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL AND/OR CHANGES TO ANY FENCES UNLESS THE SURVEY WAS PROVIDED SPECIFICALLY FOR FENCE LOCATION PURPOSES.
6. PROPERTY LINES AND OR IMPROVEMENTS SHOWN WERE PHYSICALLY LOCATED BY FIELD SURVEY.
7. MONUMENTS FOUND OR SET ARE SHOWN, CALCULATED LINES AND INFORMATION IS NOTED BY (C).
8. COMPUTATIONS OF LINES AND OR DATA NOT FOUND ARE SHOWN AS (C).
9. THIS SURVEY MEETS AND/OR EXCEEDS THE ACCURACY REQUIREMENTS PER FLORIDA ADMINISTRATIVE CODE, CHAPTER 5J-17.
10. PRIOR TO SURVEY INFORMATION OBTAINED WAS LEGAL DESCRIPTION FROM CLIENT OR FROM PUBLICLY PUBLISHED COUNTY TAX COLLECTOR SITE, RECORDED PLATS AND OR SECTION CORNER RECORDS IF APPLICABLE.
11. IF ONLY A DIGITAL SURVEY COPY IS REQUIRED A SURVEY REPORT WILL BE PLACED IN FILE. THE DIGITAL SURVEY IS NOT FULL AND COMPLETE WITHOUT THE SURVEY REPORT FILE.

SURVEYOR'S SIGNATURE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR BELOW. THE SURVEYOR HEREBY CERTIFIES THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES SET FORTH IN CHAPTER 5J-17.062 OF THE FLORIDA ADMINISTATIVE CODE, PURSUANT TO SECTION 472.025, FLORIDA STATUTES. THE SURVEYOR HEREBY CERTIFIES THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

3.24.22

BILL HYATT
SURVEYOR AND MAPPER #4636
STATE OF FLORIDA

DATE

FLORIDA BUSINESS CERTIFICATE OF AUTHORIZ. ON NUMBER LB 6912

CERTIFIED TO:

M&B INVESTMENTS IV FL, LLC
ALLIANCE TITLE INSURANCE AGENCY, INC.

KNOW IT NOW, INC.
PROFESSIONAL SURVEYING AND MAPPING
5220 US HIGHWAY 1, #140
VERO BEACH, FL 32967
PHONE – (3) 396-7770
WWW.KINSU.VEYORS.COM

The City of Palm Bay Florida

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:

- [x] **Small Scale** (50 acres or Less)
- [ ] **Text Amendment** (Comp. Plan)
- [ ] **Large Scale** (More than 50 acres)

PARCEL ID(S):

28-37-34-00-762

TAX ACCOUNT NUMBER(S):

2853479

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

PART OF LOTS 14 & 15 OF PB 1 PG 164 AS DESC IN ORB 3834 PG 3048

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

17.41

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

SFR

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

MFR

PRESENT USE OF PROPERTY:

Single Family

STRUCTURES LOCATED ON THE PROPERTY: 1

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: Yes

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

The proposed FLU change to allow the proposed rezoning to RM-10 requires a MFR land use to be consistent with the proposed multifamily use.

SPECIFIC USE INTENDED FOR PROPERTY:

126 UNIT MULTI FAMILY DEVELOPMENT

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

- [x] *Application Fee. Make Check payable to "City of Palm Bay."
  - [x] **$1,200.00 - Small Scale** (50 acres or Less)
  - [ ] **$2,000.00 - Large Scale** (More than 50 acres)
  - [ ] **$2,000.00 - Text Amendment** (Comp. Plan)

☒ Legal description of the subject property with a sketch of the legal. **Also provide the site sketch on Memory Drive.**

☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)

☒ School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.

☒ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guideline. Staff will provide a sign template.

☒ **Where the property owner is not the representative for the request**, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative James Trauger

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 Francis R. Bourne / Anna B. Bourne **Date** 28 April 2022 4-28-22

Printed Name Francis R. Bourne / Anna B. Bourne

Full Address 2102 Ladner Road NE, Palm Bay, FL 32907

Telephone (321) 759-3424 **Email** frbourne3@gmail.com

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

28 Mar, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

2102 LADNER RD NE PALM BAY FL 32907

I, Owner Name: Francis R. Bourne & Anna B. Bourne

Address: 2102 Ladner Rd NE, Palm Bay, FL 32907

Telephone: 321-759-3424

Email: frbourne3@gmail.com

hereby authorize:

Representative: James Trauger of Trauger Consulting Engineers

Address: 2210 Front Street Ste. 204 Melbourne FL 32901

Telephone: 321 292-0745

Email: jim@traugerconsulting.com

to represent the request(s) for:

Rezoning from RS-2 to RM-10 & FLU change from SFR to MFR

Francis R. Bourne
Anna B. Bourne
(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 28th day of March, 20 22 by Frances R. Bourne & Anna B. Bourne, property owner.

REBECCA D. MASON
Notary Public-State of Florida
Commission # HH 88145
My Commission Expires
February 02, 2025

Rebecca D. Mason, Notary Public

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

valid I.D.

The City of Palm Bay Florida

MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Jesse Anderson, Ph.D., Assistant Growth Management Director

DATE: July 6, 2022

SUBJECT: **CPZ-25-2022 – Crown Villas at Palm Bay - Francis R. Bourne and Anna B. Bourne (James Trauger, Trauger Consulting Engineers, Rep.) - A Zoning amendment from an RS-2, Single Family Residential District to an RM-10, Single-, Two-, Multiple-Family Residential District - Tax Parcel 762, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 17.41 acres. Located west of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- **Case CPZ-25-2022 - Staff Report**
- **Case CPZ-25-2022 - Survey Sketch**
- **Case CPZ-25-2022 - Application**

STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by
Stephen White, Principal Planner

CASE NUMBER	**PLANNING & ZONING BOARD HEARING DATE**
CPZ-25-2022	July 6, 2022

PROPERTY OWNER & APPLICANT	**PROPERTY LOCATION/ADDRESS**
Francis R. Bourne and Anna B. Bourne (James Trauger, Trauger Consulting Engineers, Rep.)	Tax Parcel 762, Section 34, Township 28, Range 37, Brevard County, Florida. Specifically located at 2102 Ladner Road NE

SUMMARY OF REQUEST The applicant is requesting a rezoning from RS-2, Single-Family Residential to RM-10, Single, Two, and Multi-Family Residential.

Existing Zoning	RS-2, Singe-Family Residential
Existing Land Use	Single-Family Residential
Site Improvements	Developed Property Developed Property
Site Acreage	17.41 acres

SURROUNDING ZONING & USE OF LAND

North	RS-2, Single-Family Residential District – Single-Family Homes
East	RS-2, Single-Family Residential District – Single-Family Homes
South	RS-2, Single-Family Residential District – Vacant
West	IU, Industrial Use – Vacant

BACKGROUND:

The subject property is located at 2102 Ladner Road NE Palm Bay, Florida 32907. The parcel is approximately 17.41 acres in size.

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 is, "to change the zoning districts to enable the developer to construct proposed multi-family developments. The RM-10 zoning district will allow for Multifamily-Family type dwellings, while the RS-2 zoning district will only allow for Single-Family development. The change in zoning will allow for more definitive transitions between zoning districts."

If approved, the proposed change will increase density in an area with a mixture of uses that will promote more walkability and reduce urban sprawl.

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

The designation of the RM-10 zoning districts for the subject property is compatible with the surrounding area and is consistent with the City's desire and plan for development, due to the increasing diversity of housing options and surrounding mix of uses.

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.*

This proposed development located within city limits and advances the comprehensive plan elements to ensure a mixture of housing types, as well as accessible, walkable, neighborhood-commercial and other commercial activities within a general proximity to residents. Currently in the City, there is a vast amount of RS-2 parcels and few RM-10. The proposed change will provide more of a balance between the distribution of zoning districts.

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).*

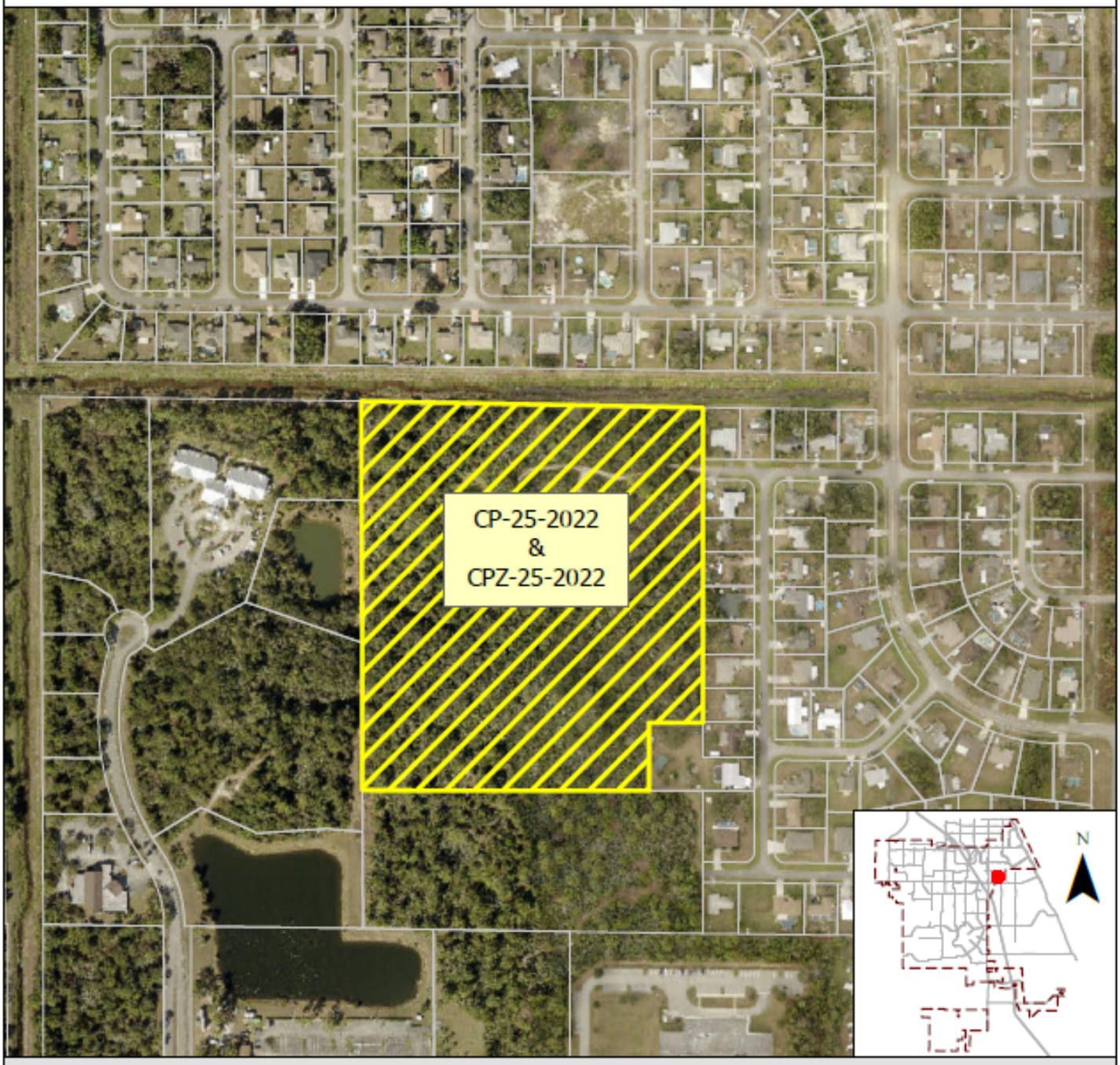
The proposed amendment will further the purposes of Chapter 185, the Comprehensive Plan by promoting a more balanced mixture of uses in the general area.

STAFF RECOMMENDATION:

Case CPZ-25-2022 is recommended for approval.

The City of Palm Bay Florida

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



AERIAL LOCATION MAP CASE: CP-25-2022 & CPZ-25-2022

Subject Property

West of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE

The City of Palm Bay Florida

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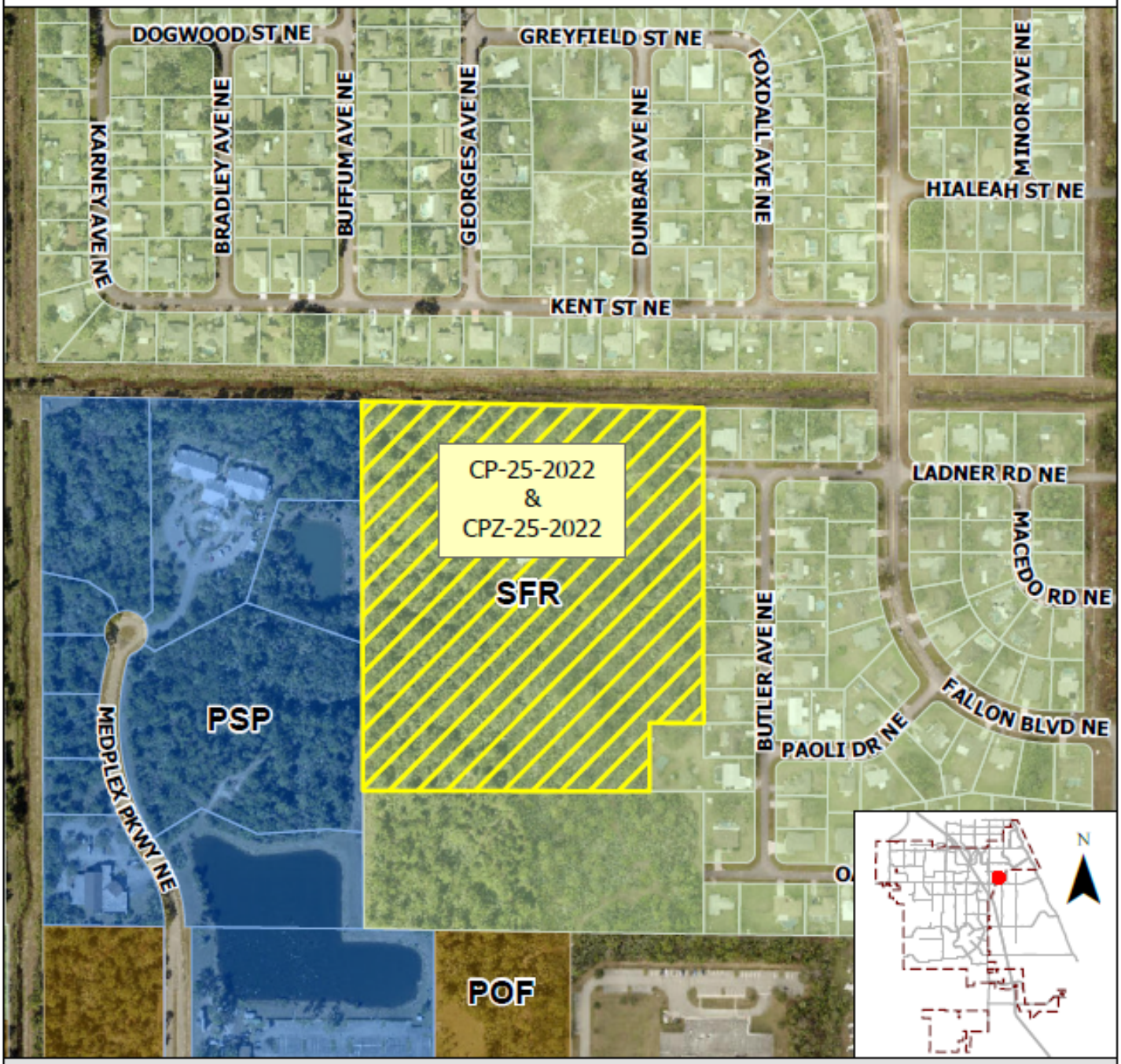

FUTURE LAND USE MAP CASE: CP-25-2022 & CPZ-25-2022

Subject Property

West of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE

Future Land Use Classification

SFR – Single Family Residential Use

The City of Palm Bay Florida

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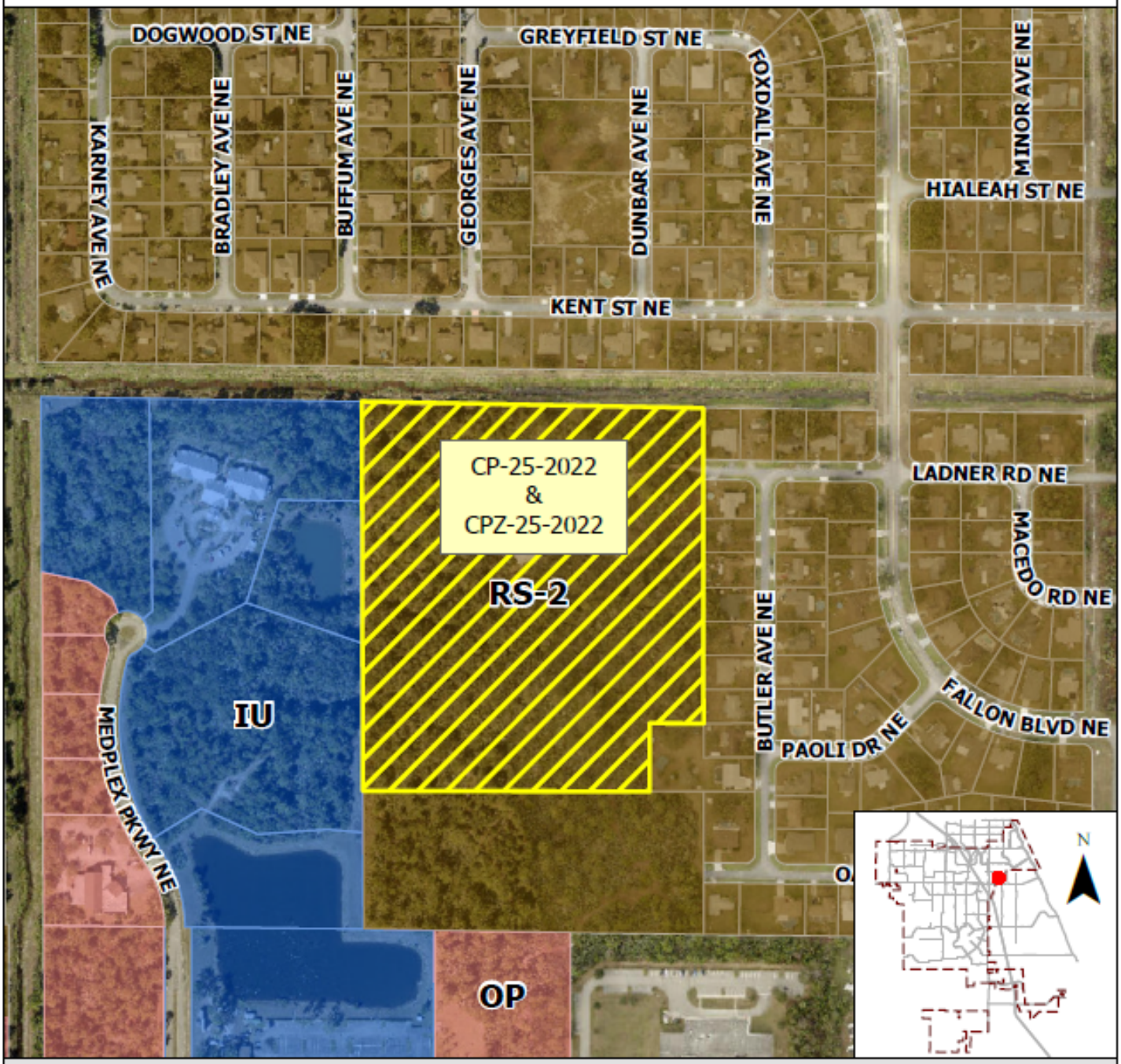


ZONING MAP CASE: CP-25-2022 & CPZ-25-2022

Subject Property

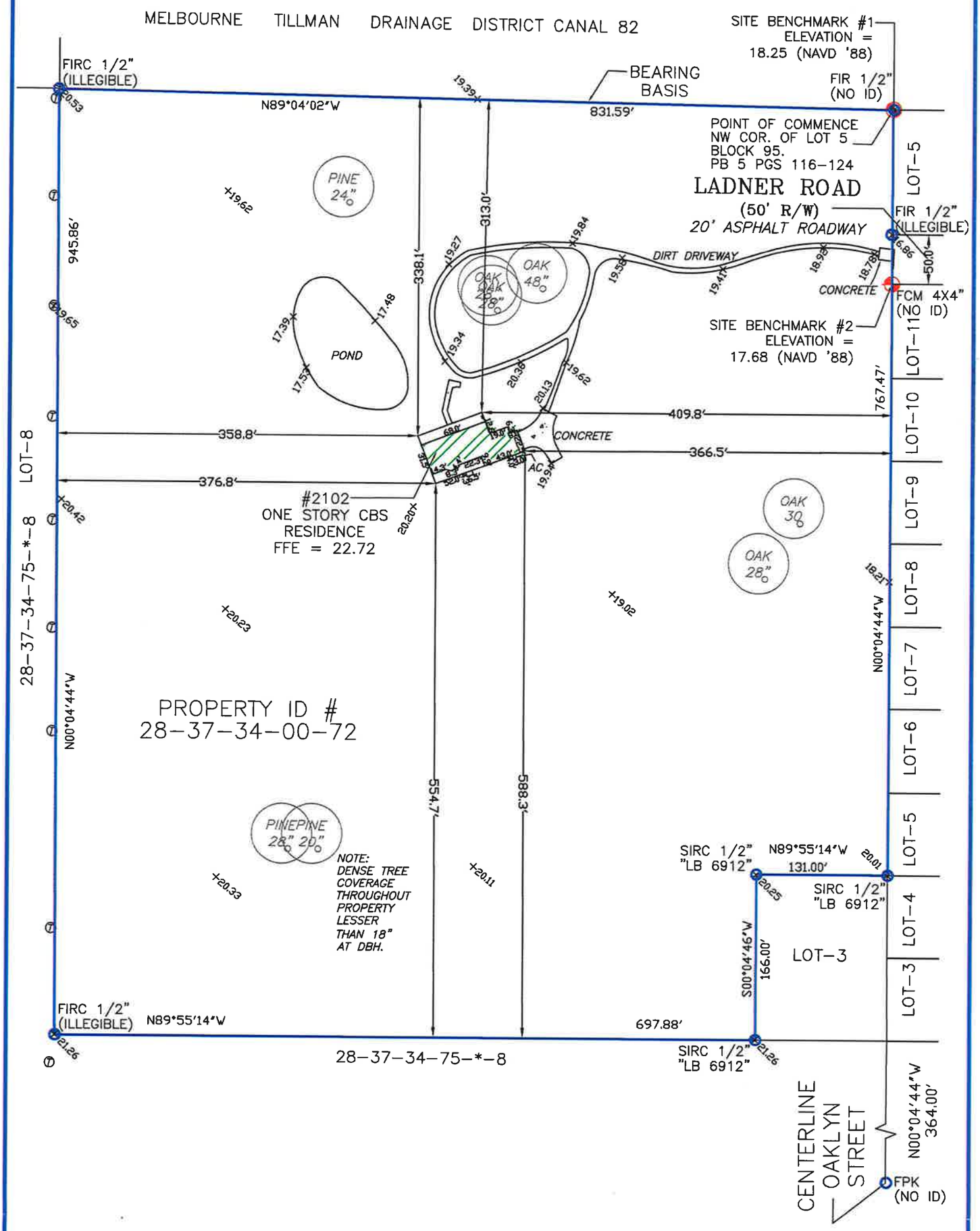
West of Ladner Road NE and south of Melbourne Tillman Water Control District Canal 82, specifically at 2102 Ladner Road NE

Current Zoning Classification

RS-2 – Single-Family Residential

SHEET 1 OF 2 (SURVEY SKETCH) ---------- SURVEY NOT COMPLETE WITHOUT ALL SHEETS

MAP OF BOUNDARY SURVEY PREPARED FOR ALLIANCE TITLE INSURANCE AGENCY, INC.



NOTES:
ALL BEARINGS AND DISTANCES SHOWN ARE RECORD AND MEASURED, UNLESS OTHERWISE SHOWN.
P.U.&D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT.
BEARINGS ARE BASED UPON THE RECORD BEARING FOR THE NORTHERLY BOUNDARY LINE FOR PROPERTY ID NUMBER 28-37-34-00-72.

ELEVATION NOTES:
ALL ELEVATIONS SHOWN ARE BASED UPON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD'88).
PROPOSED FINISHED FLOOR ELEVATION IS SUBJECT TO CHANGE PER HEALTH DEPARTMENT.

EXISTING ELEVATION= +20.00 PROPOSED ELEVATION= 20.00 DRAINAGE ARROW =

NORTH ARROW & GRAPHIC SCALE
0' 1" = 100' 100'

PERMIT NUMBER AND CONTACT
N/A

JOB # - 2201-208	REVISION -
FIELD DATE - 01/27/2022	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -

FLORIDA BUSINESS CERTIFICATE OF AUTHORIZATION NUMBER LB 6912

KNOW IT NOW, INC.
PROFESSIONAL SURVEYING AND MAPPING
5220 US HIGHWAY 1, #104
VERO BEACH, FL 32967
PHONE - (888) 396-7770
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JOB NUMBER: 2201-208

FIELD WORK DATE: 01/27/2022

PROPERTY ADDRESS:
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FLOOD INFORMATION:
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FIRM DATE: MARCH 17, 2014
FLOOD ZONE: X
BASE FLOOD ELEVATION: NA
COMMUNITY NAME: PALM BAY, CITY OF
COMMUNITY NUMBER: 120404

AERIAL PHOTOGRAPH

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SEC = SECTION
SIR = SET IRON ROD AND CAP
SPKD = SET PK NAIL AND DISC
SV = SEWER VALVE
TBM = TEMPORARY BENCHMARK
TOB = TOP OF BANK
TWP = TOWNSHIP
TR = TELEPHONE RISER
TYP = TYPICAL
WIT = WITNESS
WLP = WOOD LIGHT POLE
WM = WATER METER
WPP = WOOD POWER POLE
WV = WATER VALVE

LINETYPES

= BOUNDARY LINE
= STRUCTURE LINE
= CENTERLINE
= EASEMENT LINE
= FENCE LINE
= OLD LOT LINE

SYMBOLS

= FIRE HYDRANT
= CATCH BASIN
= WATER METER
= SANITARY MANHOLE
= POWER POLE
= CABLE T.V. SERVICE
= GAS SERVICE
= ELECTRIC SERVICE
= LIGHT POLE
= TELEPHONE SERVICE
= WELL
= DRAINAGE MANHOLE
= BENCHMARK
= SANITARY SERVICE

SURVEYOR'S NOTES

1. UNDERGROUND UTILITIES, BUILDING FOUNDATIONS, AND OTHER UNDERGROUND FIXED IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE INDICATED. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF SURFACE INDICATIONS OBSERVED BY THE SURVEYOR AND MAY NOT BE COMPLETE.
2. JURISDICTIONAL WETLANDS AND ENDANGERED OR THREATENED SPECIES HABITAT, IF ANY, THAT MAY EXIST ON OR AROUND THE SURVEY SITE WERE NOT DETERMINED OR LOCATED.
3. THE SURVEY DATE IS THE FIELD DATE SHOWN IN THE TITLE BLOCK, NOT THE SIGNATURE DATE.
4. THIS SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ELECTRONIC OR ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. FENCES SHOWN ON SURVEY ARE FOR ILLUSTRATIVE PURPOSES ONLY. FENCE TIES SHOWN ARE RELATIVE TO THE CENTER OF SAID FENCE. THE SURVEYOR WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL AND/OR CHANGES TO ANY FENCES UNLESS THE SURVEY WAS PROVIDED SPECIFICALLY FOR FENCE LOCATION PURPOSES.
6. PROPERTY LINES AND OR IMPROVEMENTS SHOWN WERE PHYSICALLY LOCATED BY FIELD SURVEY.
7. MONUMENTS FOUND OR SET ARE SHOWN, CALCULATED LINES AND INFORMATION IS NOTED BY (C).
8. COMPUTATIONS OF LINES AND OR DATA NOT FOUND ARE SHOWN AS (C).
9. THIS SURVEY MEETS AND/OR EXCEEDS THE ACCURACY REQUIREMENTS PER FLORIDA ADMINISTRATIVE CODE, CHAPTER 5J-17.
10. PRIOR TO SURVEY INFORMATION OBTAINED WAS LEGAL DESCRIPTION FROM CLIENT OR FROM PUBLICLY PUBLISHED COUNTY TAX COLLECTOR SITE, RECORDED PLATS AND OR SECTION CORNER RECORDS IF APPLICABLE.
11. IF ONLY A DIGITAL SURVEY COPY IS REQUIRED A SURVEY REPORT WILL BE PLACED IN FILE. THE DIGITAL SURVEY IS NOT FULL AND COMPLETE WITHOUT THE SURVEY REPORT FILE.

SURVEYOR'S SIGNATURE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR BELOW. THE SURVEYOR HEREBY CERTIFIES THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES SET FORTH IN CHAPTER 5J-17.062 OF THE FLORIDA ADMINISTATIVE CODE, PURSUANT TO SECTION 472.025, FLORIDA STATUTES. THE SURVEYOR HEREBY CERTIFIES THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

3.24.22

BILL HYATT
SURVEYOR AND MAPPER #4636
STATE OF FLORIDA

DATE

FLORIDA BUSINESS CERTIFICATE OF AUTHORIZ. ON NUMBER LB 6912

CERTIFIED TO:

M&B INVESTMENTS IV FL, LLC
ALLIANCE TITLE INSURANCE AGENCY, INC.

KNOW IT NOW, INC.
PROFESSIONAL SURVEYING AND MAPPING
5220 US HIGHWAY 1, #140
VERO BEACH, FL 32967
PHONE – (3) 396-7770
WWW.KINSU.VEYORS.COM

The City of Palm Bay Florida

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):

28-37-34-00-762

TAX ACCOUNT NUMBER(S):

2853479

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

PART OF LOTS 14 & 15 OF PB 1 PG 164 AS DESC IN ORB 3834 PG 3048

PROPERTY ADDRESS:

2102 LADNER RD NE PALM BAY FL 32907

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

17.41

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

RS-2

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

RM-10

STRUCTURES LOCATED ON THE PROPERTY:

1

PRESENT USE OF THE PROPERTY:

Single Family Residential

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

Multifamily/ Townhome
The proposed FLU change to allow the proposed rezoning to RM-10 is justified due to the adjacent property uses. The property to the west is institutional use and to the east is single family. A multifamily use for this property would be a good transitional use between these adjacent zoning districts.

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

- [x] *A $650.00 application fee. Make Check payable to "City of Palm Bay."
- [x] A Boundary Survey or Sketch with legal descriptions of properties covered by this application.
- [x] List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- [x] 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.
- [x] 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.
- [x] **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 James Trauger

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 Francis R. Bourne / Anna B. Bourne **Date** 28 April 2022 4-28-22

Printed Name Francis R. Bourne / Anna B. Bourne

Full Address 2102 Ladner Road NE, Palm Bay, FL 32907

Telephone (321) 759-3424 **Email** frbourne3@gmail.com

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

28 Mar, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

2102 LADNER RD NE PALM BAY FL 32907

I, Owner Name: Francis R. Bourne & Anna B. Bourne

Address: 2102 Ladner Rd NE, Palm Bay, FL 32907

Telephone: 321-759-3424

Email: frbourne3@gmail.com

hereby authorize:

Representative: James Trauger of Trauger Consulting Engineers

Address: 2210 Front Street Ste. 204 Melbourne FL 32901

Telephone: 321 292-0745

Email: jim@traugerconsulting.com

to represent the request(s) for:

Rezoning from RS-2 to RM-10 & FLU change from SFR to MFR

Francis R. Bourne
Anna B. Bourne
(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 28th day of March, 20 22 by Frances R. Bourne & Anna B. Bourne, property owner.

REBECCA D. MASON
Notary Public-State of Florida
Commission # HH 88145
My Commission Expires
February 02, 2025

Rebecca D. Mason, Notary Public

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

valid I.D.

The City of Palm Bay Florida

MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Jesse Anderson, Ph.D., Assistant Growth Management Director

DATE: July 6, 2022

SUBJECT: CP-27-2022 – Adelon Bayfront - Carlos Rajlin, Bayfront Blossom, LLC (Bruce Moia, P.E., MBV Engineering, Inc. / Alberto Krygier, Adelon Corporation, Reps.) and the City of Palm Bay (Growth Management Department) - A small-scale Comprehensive Plan Future Land Use Map amendment from Bayfront Mixed Use Village to Bayfront Mixed Use - All of Block 5 along with Lots 1 through 12, Lots 18 through 21, and Out Lot H, Block 6, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 8.941 acres. Located North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

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ATTACHMENTS:

Description

- **Case CP-27-2022 - Staff Reports**
- **Case CP-27-2022 - Survey**
- **Case CP-27-2022 - Narrative**
- **Case CP-27-2022 - Application**

STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by
Stephen White, Principal Planner

CASE NUMBER	**PLANNING & ZONING BOARD HEARING DATE**
CP-27-2022	July 6, 2022

PROPERTY OWNER & APPLICANT	**PROPERTY LOCATION/ADDRESS**
Carlos Rajlin, Bayfront Blossom, LLC (Bruce, Moia, P.E., MBV Engineering, Inc./ Alberto Krygier, Adelon Corporation, Reps.)	All of Block 5 along with Lots 1-12, Lots 18-21 and Out Lot 8, Section 24, Township 28, Range 37, Brevard County, Florida. Located north and south of Orange Blossom Trail NE and in the vicinity west of Dixie Highway NE

SUMMARY OF REQUEST The applicant is requesting a rezoning from BMUV, Bayfront Mixed Use Village District, to BMU, Bayfront Mixed Use.

Existing Zoning	BMUV, Bayfront Mixed Use Village District
Existing Land Use	Undeveloped Property
Site Improvements	Undeveloped Property
Site Acreage	Approximately 8.94 acres

SURROUNDING ZONING & USE OF LAND

North	BMUV, Bayfront Mixed Use Village District, vacant
East	BMUV, Bayfront Mixed Use Village District, single-family residences
South	BMUV, Bayfront Mixed Use Village District, single-family residences
West	RS-3, Single-Family Residential, single-family residences

BACKGROUND:

The subject properties are located north of and south of Orange Blossom TRL NE and in the vicinity west of Dixie Highway NE. Palm Bay, Florida 32905. The combined parcels are approximately 8.94 acres in size.

ANALYSIS:

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

1. FUTURE LAND USE ELEMENT

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

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

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

The intended use for the 8.94-acre property has a current FLU of BMUV. The proposed land use amendment to BMU would be considered compatible. The change will allow for a higher-density, intensity and diversified living environment. The development will further these goals by providing allowable uses on a property that has been underdeveloped. This amendment would also align with the City's vision of providing a mixture of Uses in the BMU.

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). 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.

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. If developed and not readily available, the owner/developer will be responsible for extending service to the site in accordance with the current City regulations.

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

5. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: The proposed Future Land Use Map amendment to mainly alters the distribution of already entitled residential land. However, portions of the parcels under review are increasing the maximum density through the proposed land use change, which will add housing units. Some impacts to the public-school system area are anticipated; however, considering the adjacent concurrency service areas, there is sufficient capacity.

6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment would increase the demand for recreation services as compared to the existing public needs due to potential increase in density.

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

7. TRANSPORTATION ELEMENT

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

8. PROPERTY RIGHTS ELEMENT

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

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

STAFF RECOMMENDATION:

Case CP-27-2022 is recommended for approval.

The City of Palm Bay Florida

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

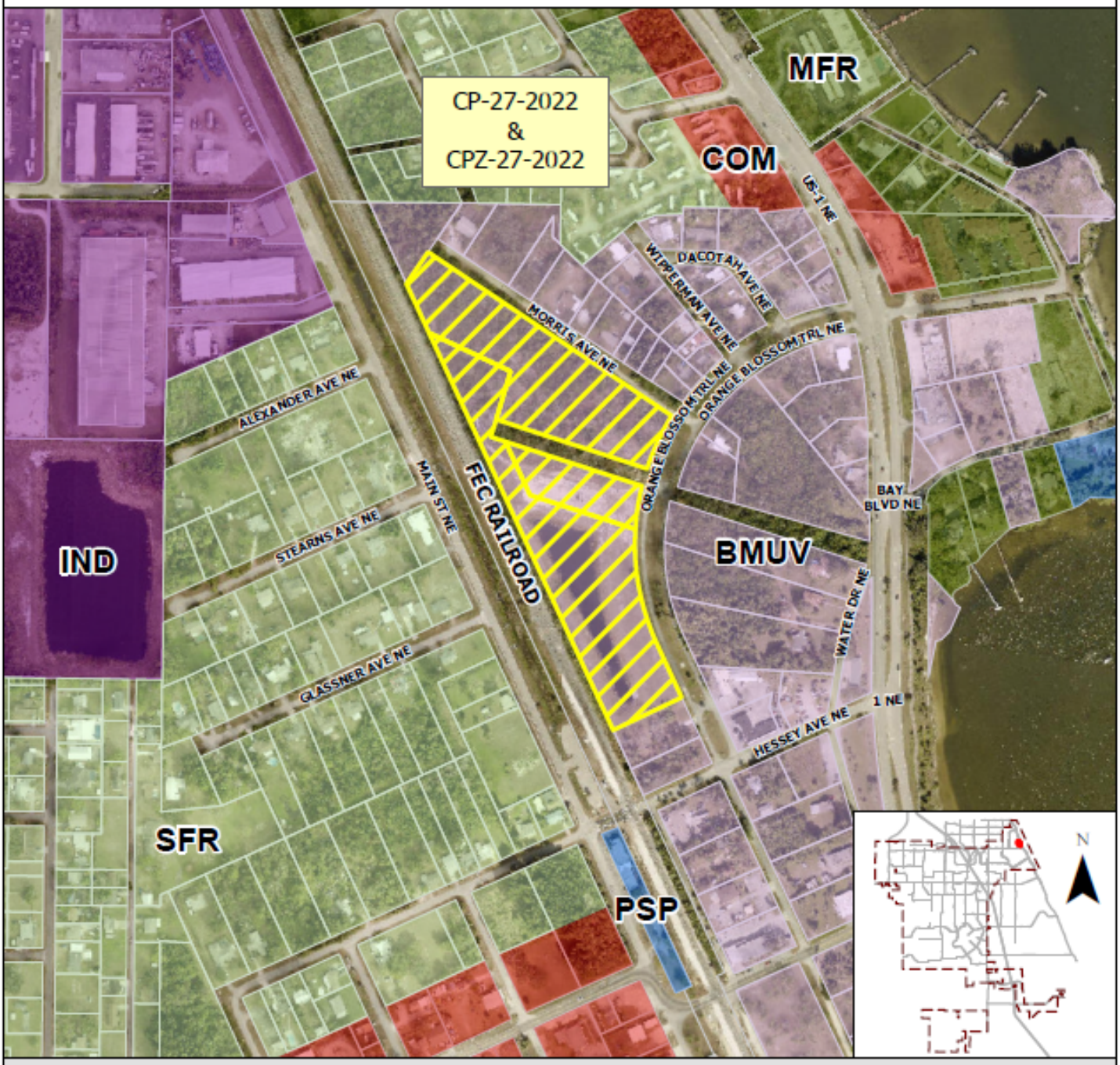
AERIAL LOCATION MAP CASE: CP-27-2022 & CPZ-27-2022

Subject Property

North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

The City of Palm Bay Florida

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-27-2022 & CPZ-27-20222

Subject Property

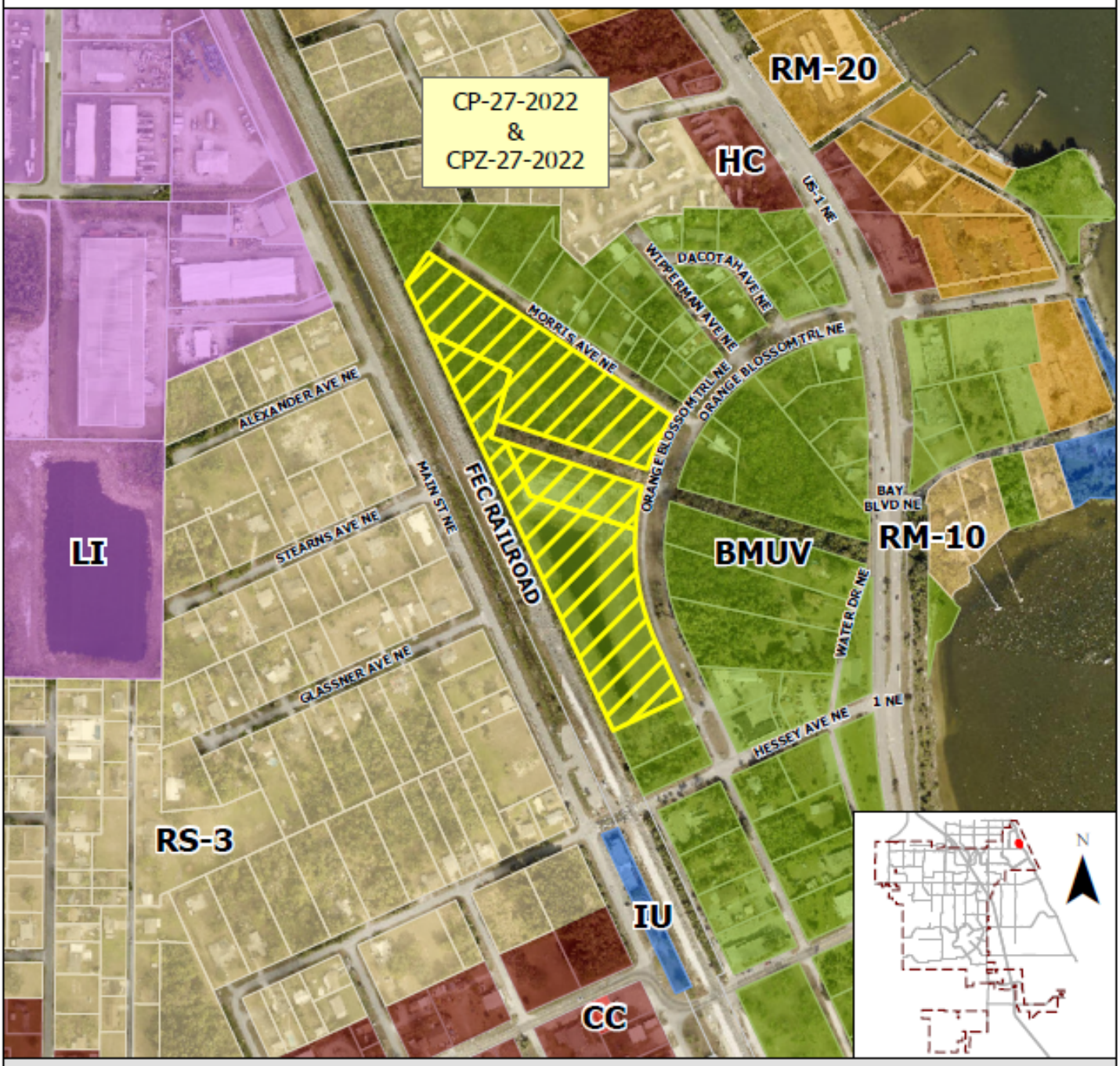
North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

Future Land Use Classification

BMUV – Bayfront Mixed Use Village

The City of Palm Bay Florida

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



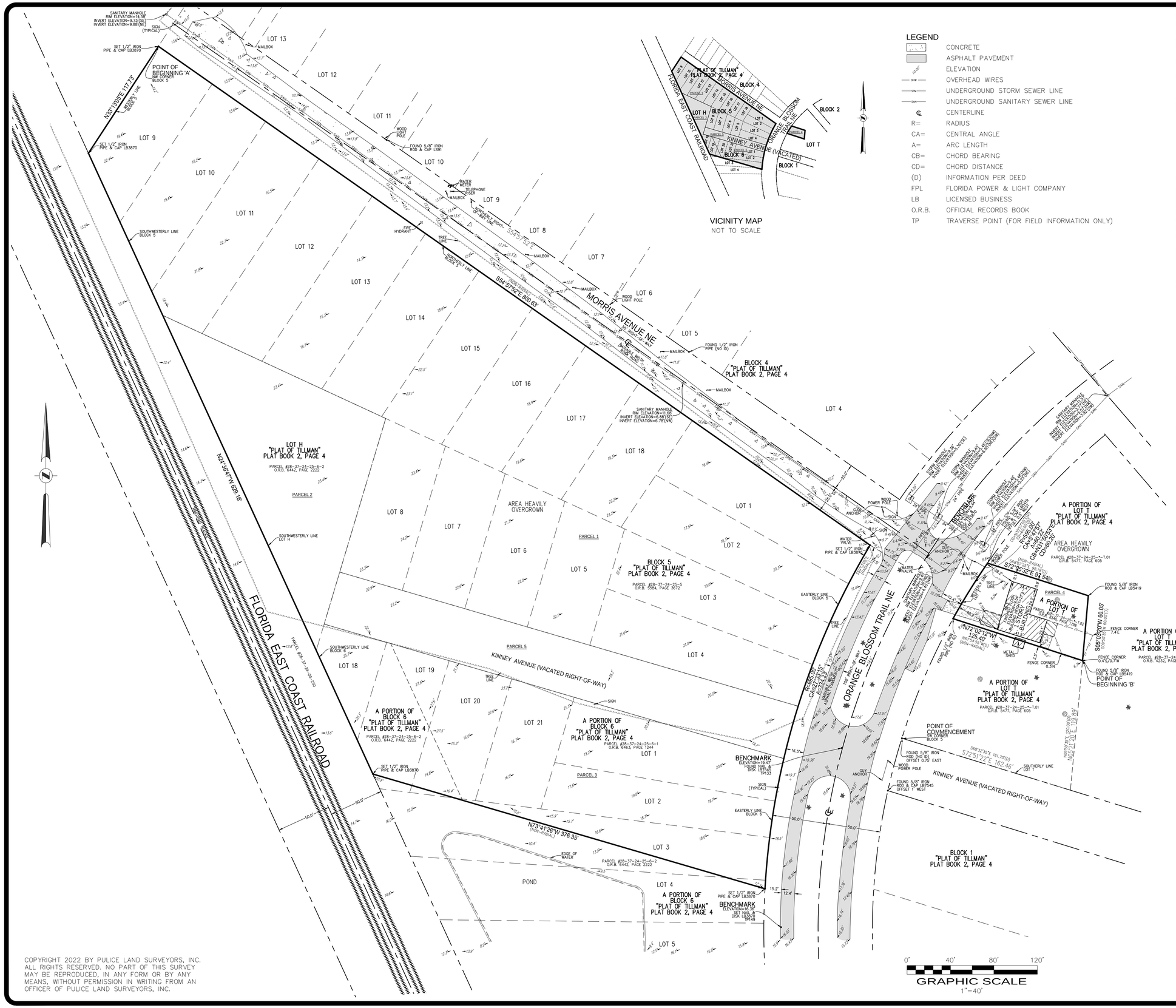
ZONING MAP CASE: CP-27-2022 & CPZ-27-20222

Subject Property

North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

Current Zoning Classification

BMUV – Bayfront Mixed Use Village



LEGEND

	CONCRETE
	ASPHALT PAVEMENT
10.00'	ELEVATION
OHW	OVERHEAD WIRES
STM	UNDERGROUND STORM SEWER LINE
SAN	UNDERGROUND SANITARY SEWER LINE
℄	CENTERLINE
R=	RADIUS
CA=	CENTRAL ANGLE
A=	ARC LENGTH
CB=	CHORD BEARING
CD=	CHORD DISTANCE
(D)	INFORMATION PER DEED
FPL	FLORIDA POWER & LIGHT COMPANY
LB	LICENSED BUSINESS
O.R.B.	OFFICIAL RECORDS BOOK
TP	TRAVERSE POINT (FOR FIELD INFORMATION ONLY)

LEGAL DESCRIPTION: (BY SURVEYOR)

LOT H, ALL OF BLOCK 5, LOTS 1, 2, 18, AND 21, A PORTION OF LOTS 3, 4, 19, AND 20, BLOCK 6, AND A PORTION OF THE VACATED RIGHT-OF-WAY OF KINNEY AVENUE, "PLAT OF TILLMAN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 5; THENCE SOUTH 54°57'52" EAST ALONG THE NORTHERLY LINE OF SAID BLOCK 5 FOR 800.63 FEET TO A POINT ON THE ARC OF A CIRCULAR NON-TANGENT CURVE CONCAVE EASTERLY FROM WHICH A RADIAL LINE BEARS SOUTH 59°13'05" EAST; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID BLOCK 5 AND ITS SOUTHERLY EXTENSION AND CONTINUING ALONG THE EASTERLY LINE OF SAID BLOCK 6, BEING THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 695.00 FEET, A CENTRAL ANGLE OF 27°33'15", FOR AN ARC DISTANCE OF 334.23 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 73°41'26" WEST 376.35 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID BLOCK 6; THENCE NORTH 24°36'47" WEST ALONG THE SOUTHWESTERLY LINE OF BLOCK 6, LOT H, AND BLOCK 5 FOR 629.16 FEET; THENCE NORTH 33°13'05" EAST ALONG THE WESTERLY LINE OF BLOCK 5 FOR 117.73 FEET TO POINT OF BEGINNING 'A'

TOGETHER WITH:

A PORTION OF LOT T OF SAID "PLAT OF TILLMAN", MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT T; THENCE SOUTH 72°51'22" EAST ALONG THE SOUTHERLY LINE OF SAID LOT T 162.46 FEET; THENCE NORTH 05°21'20" EAST 119.89 FEET TO POINT OF BEGINNING 'B'; THENCE NORTH 72°02'12" WEST 125.40 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT T, BEING A POINT ON THE ARC OF A CIRCULAR NON-TANGENT CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE OF 05°47'57", FOR AN ARC DISTANCE OF 60.22 FEET WITH A CHORD BEARING OF NORTH 31°50'53" EAST AND A CHORD DISTANCE OF 60.20 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 72°05'32" EAST 97.54 FEET; THENCE SOUTH 05°03'20" WEST 60.05 FEET TO POINT OF BEGINNING 'B'.

SAID LANDS LYING AND BEING IN THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA AND CONTAINING A TOTAL OF 270,132 SQUARE FEET (6.2014 ACRES), MORE OR LESS.

NOTES:

1. THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ELECTRONIC SIGNATURE AND ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988. BREVARD COUNTY BENCHMARK #700126; ELEVATION: 18.147 FEET.
3. FLOOD ZONE: X; BASE FLOOD ELEVATION: NONE; PANEL #12009C0612H; COMMUNITY #120404; MAP DATE: 1/29/21.
4. THIS SITE LIES IN SECTION 24, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.
5. BEARINGS ARE BASED ON STATE PLANE COORDINATES AND ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1983 WITH THE 1990 ADJUSTMENT, FL-E ZONE, WITH THE NORTHERLY RIGHT-OF-WAY LINE OF MORRIS AVENUE NE BEING S54°57'52"E.
6. REASONABLE EFFORTS WERE MADE REGARDING THE EXISTENCE AND THE LOCATION OF UNDERGROUND UTILITIES. THIS FIRM, HOWEVER, DOES NOT ACCEPT RESPONSIBILITY FOR THIS INFORMATION. BEFORE EXCAVATION OR CONSTRUCTION CONTACT THE APPROPRIATE UTILITY COMPANIES FOR FIELD VERIFICATION.
7. THE HORIZONTAL POSITIONAL ACCURACY OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.07'. THE VERTICAL ACCURACY OF ELEVATIONS OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.07'.
8. THIS SITE CONTAINS XX TOTAL CLEARLY IDENTIFIABLE PARKING SPACES (XX REGULAR & XX DISABLED).
9. THIS SURVEY WAS PREPARED WITH BENEFIT OF OWNER'S POLICY, FILE NUMBER 05100120, ISSUED BY ALLIANCE TITLE OF BREVARD, LLC, DATED DECEMBER 28, 2005 AT 10:28 A. THE FOLLOWING ITEMS ARE EXCEPTIONS IN SCHEDULE B-II OF SAID COMMITMENT: (AS TO BLOCK 5)
   - ITEMS 1, 2, 3, 4, 5 & 6: INTENTIONALLY DELETED.
   - ITEM 7: STANDARD EXCEPTIONS, NOT ADDRESSED.
   - ITEM 8: EASEMENTS AND ALL MATTERS IN PLAT BOOK 2, PAGE 4 APPLY TO THIS SITE: THERE ARE NO PLATTED EASEMENTS.
   - ITEMS 9-13: NOT ADDRESSED.
10. ALL RECORDED DOCUMENTS ARE PER BREVARD COUNTY PUBLIC RECORDS.
11. THE LEGAL DESCRIPTION IN THE ABOVE TITLE COMMITMENT IS WHOLLY CONTAINED IN THE SURVEYOR'S LEGAL DESCRIPTION.

CERTIFICATION:

I HEREBY CERTIFY: THAT THIS MAP OF SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
☐ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
☐ DONNA C. WEST, PROFESSIONAL SURVEYOR AND MAPPER LS4290
STATE OF FLORIDA

NO.	REVISIONS	BY
5		
4		
3		
2		
1		

PALM BAY SITE
ORANGE BLOSSOM TRAIL NE & MORRIS AVENUE NE
PALM BAY, FLORIDA 32905
(CITY OF PALM BAY, BREVARD COUNTY)

BOUNDARY AND TOPOGRAPHIC SURVEY
ALTA/NSPS LAND TITLE SURVEY

PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777
FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com
WEBSITE: www.pulicelandsurveyors.com
CERTIFICATE OF AUTHORIZATION LB#3870

DRAWN BY: L.S.	SCALE: 1" = 40'	CLIENT: ADELON CAPITAL
CHECKED BY: J.F.P.	SURVEY DATE: 4/19/22	ORDER NO.: 69834

COPYRIGHT 2022 BY PULICE LAND SURVEYORS, INC. ALL RIGHTS RESERVED. NO PART OF THIS SURVEY MAY BE REPRODUCED, IN ANY FORM OR BY ANY MEANS, WITHOUT PERMISSION IN WRITING FROM AN OFFICER OF PULICE LAND SURVEYORS, INC.

MBV
ENGINEERING, INC.
MOIA BOWLES VILLAMIZAR & ASSOCIATES

May 3, 2022

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

Via Hand Delivery

RE:	Parasol Bayside		
Parcel ID:	28-37-24-25-5	28-37-24-25-6-2	28-37-24-25-6-1
MBV Project #:	21-1068		

Dear Ms. Powell:

Please allow this letter to serve as a narrative for the requested rezoning and FLU applications MBV Engineering is initiating at this time. The development is an additional 8.94 acres to be combined with the existing 8.73 acres that has already been submitted to the city under a separate cover. The total development with all parcels combined is +/- 17.67 acres. It will consist of a mixture of Commercial and Multi-Family, although the numbers for each have not yet been determined.

One of the properties that are included in these applications is owned by The City of Palm Bay and another is owned by the Bayfront Community Redevelopment Agency.

For your information, an additional ROW Vacate for the West side of Kinney Avenue is also being submitted to Joanne Agular.

The Current Zoning and FLU are both BMUV and we are requesting BMU. These applications for change will make the proposed development comply with the permitted use requirements for BMU. In addition, the proposed development will meet the LDR, and Comprehensive Plan requirements as follows:

	Required	Provided
Minimum (SFR) Lot Area	4,050 SF	5,050 SF
Density	5.86 U.P.A.	5.6 U.P.A.
Front Bldg. Setback	0	25" (20" for Townhomes)
Rear Bldg. Setback	10'	10'
Side Bldg. Setback	5'	5'
Side Interior Bldg. Setback	10'	10'

Applications brought forward to the City of Palm at this time consist of:

- Rezoning
- FLU Amendment
- Updated School Concurrency Application

Because this is a Rezoning and Comprehensive Plan Amendment Application, there will not be any Citizens Meetings, per COPB Code.

Contacts for the project are as follows:

Developer: Adelon Capital
MR Elias Cherem
1955 Harrison Street, Suite 200
Hollywood, FL 33020
echerem@adeloncapital.com

Owners: City of Palm Bay (28-37-24-25-6-2)

Bayfront Community Redevelopment Agency (28-37-24-25-6-1)

Bayfront Blossom, LLC (28-37-24-25-5)
Mr. Carlos Rajlin
1541 Brickell Avenue # 608
Miami, FL 33129

Ms. Chandra Powell
The Landing at Bayside
MBV # 21-1048

EOR: MBV Engineering Inc.
Bruce Moia, P.E., President
1250 W. Eau Gallie Blvd, Suite H
Melbourne FL 32935
321-253-1510
davidb@mbveng.com

Sincerely,

Wanda Walker

Wanda Walker, Permitting Coordinator

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:

- [x] **Small Scale** (50 acres or Less)
- [ ] **Text Amendment** (Comp. Plan)
- [ ] **Large Scale** (More than 50 acres)

PARCEL ID(S):

28-37-24-25-5, 28-37-24-25-6-2, 28-37-24-25-6-1

TAX ACCOUNT NUMBER(S):

2832601, 2866311, 2832602

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):

+ / - 8.94 acres with parcels combined

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

BMUV

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

BMU

PRESENT USE OF PROPERTY:

vacant

STRUCTURES LOCATED ON THE PROPERTY: 0

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: yes - BMUV to BMU

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

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

SPECIFIC USE INTENDED FOR PROPERTY:

Multi-Family Residential and Commercial

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

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

- ☒ **$1,200.00 - Small Scale** (50 acres or Less)
- ☐ **$2,000.00 - Large Scale** (More than 50 acres)
- ☐ **$2,000.00 - Text Amendment** (Comp. Plan)

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

- [x] Legal description of the subject property with a sketch of the legal. **Also provide the site sketch on Memory Drive.**

- [x] List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)

- [x] 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.

- [x] 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.

- [x] **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 Alberto Krygier of Adelon and Bruce Moia of MBV Engineering

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** 4 28 2022

Printed Name Carolos Rajlin, Manager for Bayfront Blossom LLC

Full Address 1541 Brickell Avenue, # 608, Miami, FL 33129

Telephone 786 252 9001 **Email** carlos@carlosrajlin.com

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

- [x] Legal description of the subject property with a sketch of the legal. **Also provide the site sketch on Memory Drive.**

- [x] List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)

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

Owner Signature _____ **Date** 5/4/22

Printed Name Alexandra Bernard - City of Palm Bay Growth Management Director

Full Address 120 Malabar Road, S.E., Palm Bay, FL 32907

Telephone 321-733-3042 **Email** alexandra.bernard@palmbayflorida.org

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

April 19, 20 2022

Re: Letter of Authorization

As the property owner of the site legally described as:

Tillman, Plat of All Blk 5, Plat Book 0002, pg 0004. Parcel ID 28-37-24-25-5

I, Owner Name: Carlos Rajlin, Manager for Bayfront Blossom LLC

Address: 1541 Brickell Avenue, # 608, Miami, FL 33129

Telephone:

Email:

hereby authorize:

Representative: Alberto Krygier of Adelon Capital

Address: 1955 Harrison Street, Hollywood, FL 33020

Telephone: 954-434-5001

Email: akrygier@adeloncapital.com

to represent the request(s) for:

Rezoning and Land Use Ammendment

(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 29 day of April, 20 22 by CARLOS RAJLIN, property owner.

GISELA LEVY, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification: Drivers License

GISELA LEVY
Notary Public - State of Florida
Commission # GG 295150
My Comm. Expires May 19, 2023
Bonded through National Notary Assn.

April 19, 20 2022

Re: Letter of Authorization

As the property owner of the site legally described as:

Tillman, Plat of All Blk 5, Plat Book 0002, pg 0004. Parcel ID 28-37-24-25-5

I, Owner Name: Carlos Rajlin, Manager for Bayfront Blossom LLC

Address: 1541 Brickell Avenue, # 608, Miami, FL 33129

Telephone:

Email:

hereby authorize:

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

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

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Land Use Amendment

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 29 day of April, 20 22 by CARLOS RAJLIN, property owner.

GISELA LEVY, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification: Drivers License

GISELA LEVY
Notary Public - State of Florida
Commission # GG 295150
My Comm. Expires May 19, 2023
Bonded through National Notary Assn.

LEGAL DESCRIPTION:

LOT H, ALL OF BLOCK 5, LOTS 1, 2, 18, AND 21, A PORTION OF LOTS 3, 4, 19, AND 20, BLOCK 6, AND A PORTION OF THE VACATED RIGHT-OF-WAY OF KINNEY AVENUE, "PLAT OF TILLMAN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 5; THENCE SOUTH 54°57'52" EAST ALONG THE NORTHERLY LINE OF SAID BLOCK 5 FOR 800.63 FEET TO A POINT ON THE ARC OF A CIRCULAR NON-TANGENT CURVE CONCAVE EASTERLY FROM WHICH A RADIAL LINE BEARS SOUTH 59°13'05" EAST; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID BLOCK 5 AND ITS SOUTHERLY EXTENSION AND CONTINUING ALONG THE EASTERLY LINE OF SAID BLOCK 6, BEING THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 695.00 FEET, A CENTRAL ANGLE OF 27°33'15", FOR AN ARC DISTANCE OF 334.23 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 73°41'26" WEST 376.35 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID BLOCK 6; THENCE NORTH 24°36'47" WEST ALONG THE SOUTHWESTERLY LINE OF BLOCK 6, LOT H, AND BLOCK 5 FOR 629.16 FEET; THENCE NORTH 33°13'05" EAST ALONG THE WESTERLY LINE OF BLOCK 5 FOR 117.73 FEET TO POINT OF BEGINNING 'A'

The City of Palm Bay Florida

MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Jesse Anderson, Ph.D., Assistant Growth Management Director

DATE: July 6, 2022

SUBJECT: **CPZ-27-2022 - Adelon Bayfront - Carlos Rajlin, Bayfront Blossom, LLC (Bruce Moia, P.E., MBV Engineering, Inc. / Alberto Krygier, Adelon Corporation, Reps.) and the City of Palm Bay (Growth Management Department) - All of Block 5 along with Lots 1 through 12, Lots 18 through 21, and Out Lot H, Block 6, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 8.941 acres. Located North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

.

ATTACHMENTS:

Description

- **Case CPZ-27-2022 - Staff Report**
- **Case CPZ-27-2022 - Survey**
- **Case CPZ-27-2022 - Narrative**
- **Case CPZ-27-2022 - Application**

STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by
Stephen White, Principal Planner

CASE NUMBER
CPZ-27-2022

PLANNING & ZONING BOARD HEARING DATE
July 6, 2022

PROPERTY OWNER & APPLICANT
Carlos Rajlin, Bayfront Blossom, LLC (Bruce, Moia, P.E., MBV Engineering, Inc./Alberto Krygier, Adelon Corporation, Reps.)

PROPERTY LOCATION/ADDRESS
All of Block 5 along with Lots 1-12, Lots 18-21 and Out Lot 8, Section 24, Township 28, Range 37, Brevard County, Florida. Generally located north and south of Orange Blossom Trail NE and in the vicinity west of Dixie Highway NE

SUMMARY OF REQUEST The applicant is requesting a rezoning from BMUV, Bayfront Mixed Use Village District, to BMU, Bayfront Mixed Use.

Existing Zoning	BMUV, Bayfront Mixed Use Village District
Existing Land Use	Undeveloped Property
Site Improvements	Undeveloped Property
Site Acreage	Approximately 8.94 acres

SURROUNDING ZONING & USE OF LAND

North	BMUV, Bayfront Mixed Use Village District, vacant
East	BMUV, Bayfront Mixed Use Village District, single-family residences
South	BMUV, Bayfront Mixed Use Village District, single-family residences
West	RS-3, Single-Family Residential, single-family residences

BACKGROUND:

The subject properties are located north of and south of Orange Blossom TRL NE and in the vicinity west of Dixie Highway NE. Palm Bay, Florida 32905. The combined parcels are approximately 8.94 acres in size.

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, “current zoning does not enable the developer to construct the proposed Multiple-Family Residential and Commercial development desired.”

The proposed use will increase the intensity and density to align with the City’s vision of a diverse mixed use living environment.

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 designations of the BMU district for the subject property is compatible with the surrounding area and is consistent with the City’s desire and plan for future mixed-use developments.

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.*

The property is currently undeveloped, and the proposed change would enhance the City’s vision of providing a mixture of uses and allow for a more intensive development.

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 by providing for a more diverse zoning district and providing for a mixture of uses.

STAFF RECOMMENDATION:

Case CPZ-27-2022 is recommended for approval.

The City of Palm Bay Florida

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

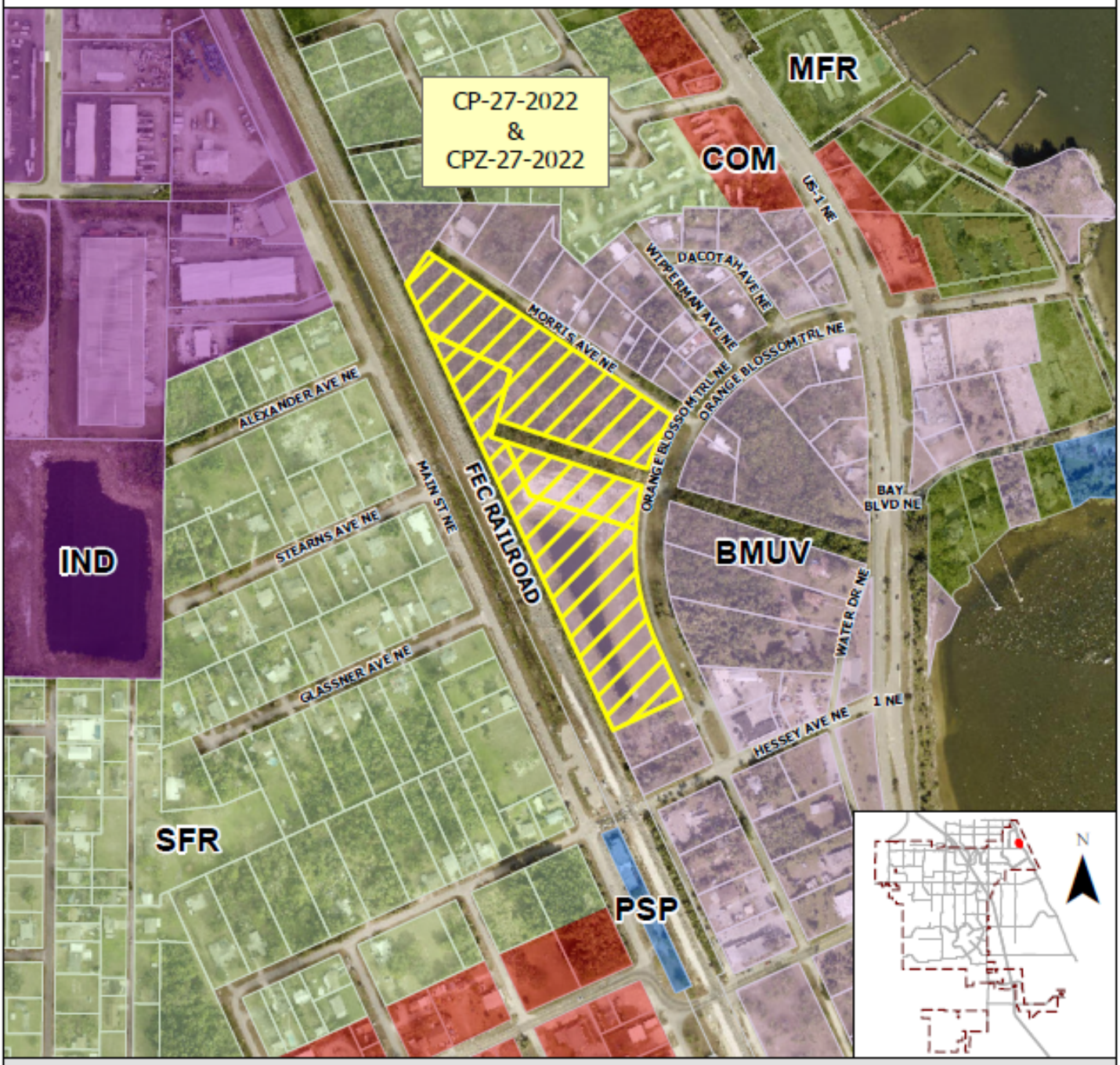
AERIAL LOCATION MAP CASE: CP-27-2022 & CPZ-27-2022

Subject Property

North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

The City of Palm Bay Florida

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-27-2022 & CPZ-27-20222

Subject Property

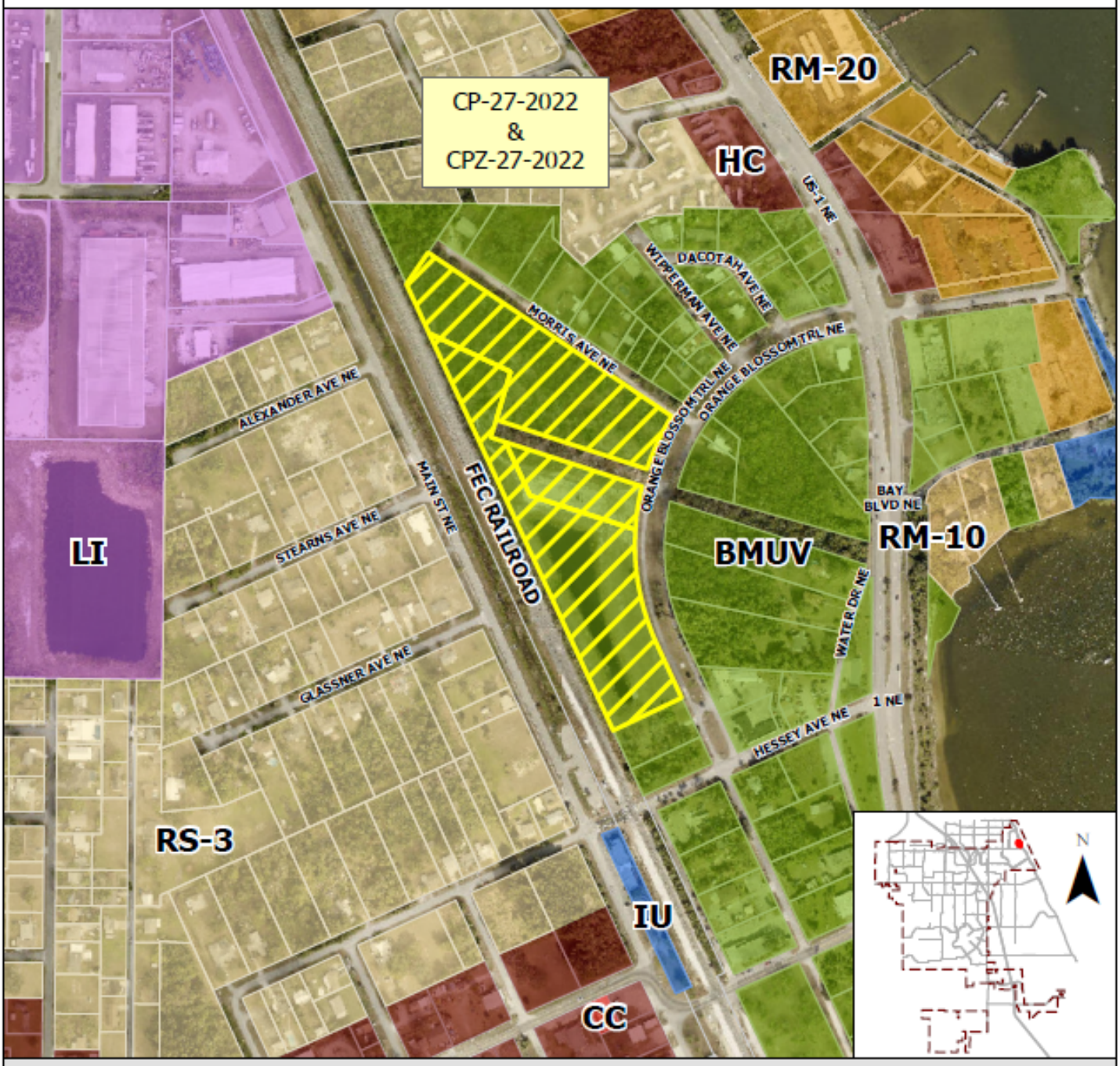
North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

Future Land Use Classification

BMUV – Bayfront Mixed Use Village

The City of Palm Bay Florida

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



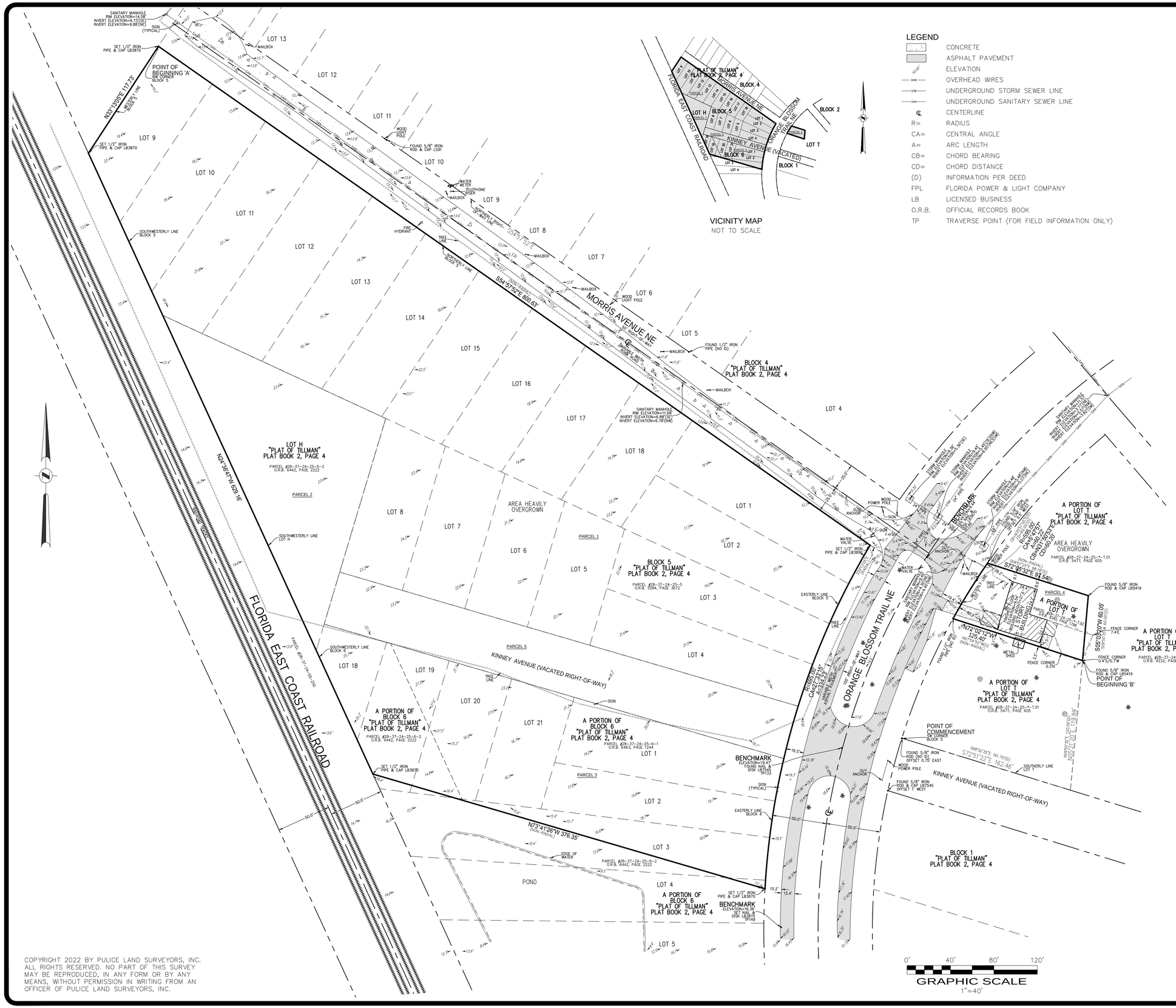
ZONING MAP CASE: CP-27-2022 & CPZ-27-20222

Subject Property

North of and south of Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

Current Zoning Classification

BMUV – Bayfront Mixed Use Village



LEGEND

	CONCRETE
	ASPHALT PAVEMENT
10.00'	ELEVATION
OHW	OVERHEAD WIRES
STM	UNDERGROUND STORM SEWER LINE
SAN	UNDERGROUND SANITARY SEWER LINE
℄	CENTERLINE
R=	RADIUS
CA=	CENTRAL ANGLE
A=	ARC LENGTH
CB=	CHORD BEARING
CD=	CHORD DISTANCE
(D)	INFORMATION PER DEED
FPL	FLORIDA POWER & LIGHT COMPANY
LB	LICENSED BUSINESS
O.R.B.	OFFICIAL RECORDS BOOK
TP	TRAVERSE POINT (FOR FIELD INFORMATION ONLY)

LEGAL DESCRIPTION: (BY SURVEYOR)

LOT H, ALL OF BLOCK 5, LOTS 1, 2, 18, AND 21, A PORTION OF LOTS 3, 4, 19, AND 20, BLOCK 6, AND A PORTION OF THE VACATED RIGHT-OF-WAY OF KINNEY AVENUE, "PLAT OF TILLMAN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 5; THENCE SOUTH 54°57'52" EAST ALONG THE NORTHERLY LINE OF SAID BLOCK 5 FOR 800.63 FEET TO A POINT ON THE ARC OF A CIRCULAR NON-TANGENT CURVE CONCAVE EASTERLY FROM WHICH A RADIAL LINE BEARS SOUTH 59°13'05" EAST; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID BLOCK 5 AND ITS SOUTHERLY EXTENSION AND CONTINUING ALONG THE EASTERLY LINE OF SAID BLOCK 6, BEING THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 695.00 FEET, A CENTRAL ANGLE OF 27°33'15", FOR AN ARC DISTANCE OF 334.23 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 73°41'26" WEST 376.35 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID BLOCK 6; THENCE NORTH 24°36'47" WEST ALONG THE SOUTHWESTERLY LINE OF BLOCK 6, LOT H, AND BLOCK 5 FOR 629.16 FEET; THENCE NORTH 33°13'05" EAST ALONG THE WESTERLY LINE OF BLOCK 5 FOR 117.73 FEET TO POINT OF BEGINNING 'A'

TOGETHER WITH:

A PORTION OF LOT T OF SAID "PLAT OF TILLMAN", MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT T; THENCE SOUTH 72°51'22" EAST ALONG THE SOUTHERLY LINE OF SAID LOT T 162.46 FEET; THENCE NORTH 05°21'20" EAST 119.89 FEET TO POINT OF BEGINNING 'B'; THENCE NORTH 72°02'12" WEST 125.40 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT T, BEING A POINT ON THE ARC OF A CIRCULAR NON-TANGENT CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 595.00 FEET, A CENTRAL ANGLE OF 05°47'57", FOR AN ARC DISTANCE OF 60.22 FEET WITH A CHORD BEARING OF NORTH 31°50'53" EAST AND A CHORD DISTANCE OF 60.20 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 72°05'32" EAST 97.54 FEET; THENCE SOUTH 05°03'20" WEST 60.05 FEET TO POINT OF BEGINNING 'B'.

SAID LANDS LYING AND BEING IN THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA AND CONTAINING A TOTAL OF 270,132 SQUARE FEET (6.2014 ACRES), MORE OR LESS.

NOTES:

1. THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ELECTRONIC SIGNATURE AND ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988. BREVARD COUNTY BENCHMARK #700126; ELEVATION: 18.147 FEET.
3. FLOOD ZONE: X; BASE FLOOD ELEVATION: NONE; PANEL #12009C0612H; COMMUNITY #120404; MAP DATE: 1/29/21.
4. THIS SITE LIES IN SECTION 24, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.
5. BEARINGS ARE BASED ON STATE PLANE COORDINATES AND ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1983 WITH THE 1990 ADJUSTMENT, FL-E ZONE, WITH THE NORTHERLY RIGHT-OF-WAY LINE OF MORRIS AVENUE NE BEING S54°57'52"E.
6. REASONABLE EFFORTS WERE MADE REGARDING THE EXISTENCE AND THE LOCATION OF UNDERGROUND UTILITIES. THIS FIRM, HOWEVER, DOES NOT ACCEPT RESPONSIBILITY FOR THIS INFORMATION. BEFORE EXCAVATION OR CONSTRUCTION CONTACT THE APPROPRIATE UTILITY COMPANIES FOR FIELD VERIFICATION.
7. THE HORIZONTAL POSITIONAL ACCURACY OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.07'. THE VERTICAL ACCURACY OF ELEVATIONS OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.07'.
8. THIS SITE CONTAINS XX TOTAL CLEARLY IDENTIFIABLE PARKING SPACES (XX REGULAR & XX DISABLED).
9. THIS SURVEY WAS PREPARED WITH BENEFIT OF OWNER'S POLICY, FILE NUMBER 05100120, ISSUED BY ALLIANCE TITLE OF BREVARD, LLC, DATED DECEMBER 28, 2005 AT 10:28 A. THE FOLLOWING ITEMS ARE EXCEPTIONS IN SCHEDULE B-II OF SAID COMMITMENT: (AS TO BLOCK 5)
   - ITEMS 1, 2, 3, 4, 5 & 6: INTENTIONALLY DELETED.
   - ITEM 7: STANDARD EXCEPTIONS, NOT ADDRESSED.
   - ITEM 8: EASEMENTS AND ALL MATTERS IN PLAT BOOK 2, PAGE 4 APPLY TO THIS SITE: THERE ARE NO PLATTED EASEMENTS.
   - ITEMS 9-13: NOT ADDRESSED.
10. ALL RECORDED DOCUMENTS ARE PER BREVARD COUNTY PUBLIC RECORDS.
11. THE LEGAL DESCRIPTION IN THE ABOVE TITLE COMMITMENT IS WHOLLY CONTAINED IN THE SURVEYOR'S LEGAL DESCRIPTION.

CERTIFICATION:

I HEREBY CERTIFY: THAT THIS MAP OF SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
☐ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
☐ DONNA C. WEST, PROFESSIONAL SURVEYOR AND MAPPER LS4290
STATE OF FLORIDA

NO.	REVISIONS	BY
5		
4		
3		
2		
1		

PALM BAY SITE
ORANGE BLOSSOM TRAIL NE & MORRIS AVENUE NE
PALM BAY, FLORIDA 32905
(CITY OF PALM BAY, BREVARD COUNTY)

BOUNDARY AND TOPOGRAPHIC SURVEY
ALTA/NSPS LAND TITLE SURVEY

PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777
FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com
WEBSITE: www.pulicelandsurveyors.com
CERTIFICATE OF AUTHORIZATION LB#3870

DRAWN BY: L.S.	SCALE: 1" = 40'	CLIENT: ADELON CAPITAL
CHECKED BY: J.F.P.	SURVEY DATE: 4/19/22	ORDER NO.: 69834

COPYRIGHT 2022 BY PULICE LAND SURVEYORS, INC. ALL RIGHTS RESERVED. NO PART OF THIS SURVEY MAY BE REPRODUCED, IN ANY FORM OR BY ANY MEANS, WITHOUT PERMISSION IN WRITING FROM AN OFFICER OF PULICE LAND SURVEYORS, INC.

MBV
ENGINEERING, INC.
MOIA BOWLES VILLAMIZAR & ASSOCIATES

May 3, 2022

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

Via Hand Delivery

RE:	Parasol Bayside		
Parcel ID:	28-37-24-25-5	28-37-24-25-6-2	28-37-24-25-6-1
MBV Project #:	21-1068		

Dear Ms. Powell:

Please allow this letter to serve as a narrative for the requested rezoning and FLU applications MBV Engineering is initiating at this time. The development is an additional 8.94 acres to be combined with the existing 8.73 acres that has already been submitted to the city under a separate cover. The total development with all parcels combined is +/- 17.67 acres. It will consist of a mixture of Commercial and Multi-Family, although the numbers for each have not yet been determined.

One of the properties that are included in these applications is owned by The City of Palm Bay and another is owned by the Bayfront Community Redevelopment Agency.

For your information, an additional ROW Vacate for the West side of Kinney Avenue is also being submitted to Joanne Agular.

The Current Zoning and FLU are both BMUV and we are requesting BMU. These applications for change will make the proposed development comply with the permitted use requirements for BMU. In addition, the proposed development will meet the LDR, and Comprehensive Plan requirements as follows:

	Required	Provided
Minimum (SFR) Lot Area	4,050 SF	5,050 SF
Density	5.86 U.P.A.	5.6 U.P.A.
Front Bldg. Setback	0	25" (20" for Townhomes)
Rear Bldg. Setback	10'	10'
Side Bldg. Setback	5'	5'
Side Interior Bldg. Setback	10'	10'

Applications brought forward to the City of Palm at this time consist of:

- Rezoning
- FLU Amendment
- Updated School Concurrency Application

Because this is a Rezoning and Comprehensive Plan Amendment Application, there will not be any Citizens Meetings, per COPB Code.

Contacts for the project are as follows:

Developer: Adelon Capital
MR Elias Cherem
1955 Harrison Street, Suite 200
Hollywood, FL 33020
echerem@adeloncapital.com

Owners: City of Palm Bay (28-37-24-25-6-2)

Bayfront Community Redevelopment Agency (28-37-24-25-6-1)

Bayfront Blossom, LLC (28-37-24-25-5)
Mr. Carlos Rajlin
1541 Brickell Avenue # 608
Miami, FL 33129

Ms. Chandra Powell
The Landing at Bayside
MBV # 21-1048

EOR: MBV Engineering Inc.
Bruce Moia, P.E., President
1250 W. Eau Gallie Blvd, Suite H
Melbourne FL 32935
321-253-1510
davidb@mbveng.com

Sincerely,

Wanda Walker

Wanda Walker, Permitting Coordinator

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

REZONING APPLICATION

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

PARCEL ID(S):

28-37-24-25-5, 28-37-24-25-6-2, 28-37-24-25-6-1

TAX ACCOUNT NUMBER(S):

2832601, 2866311, 2832602

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

See attached

PROPERTY ADDRESS:

1626 Orange Blossom Trail for Acct # 2832602

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

+ / - 8.94 for all parcels combined

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

BMUV

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

BMU

STRUCTURES LOCATED ON THE PROPERTY:

vacant

PRESENT USE OF THE PROPERTY:

Vacant

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

MFR and Commercial. Current zoning does not enable developer to construct the proposed mulit-family and commercial development desired.

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

- [x] *A $650.00 application fee. Make Check payable to "City of Palm Bay."
- [x] A Boundary Survey or Sketch with legal descriptions of properties covered by this application.
- [x] List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- [x] 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.
- [x] 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.
- [x] **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 Alberto Krygier-Adelon, Bruce Moia-MBV

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** 4 28 2022

Printed Name Carlos Rajlin, Manager - Bayfront Blossom LLC

Full Address 1541 Brickell Avenue, # 608, Miami, FL 33129

Telephone 786 252 9001 **Email** carlos@carlosrajlin.com

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

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** 5/5/22

Printed Name Alexandra Bernard - Growth Management Director, City of Palm Bay

Full Address 120 Malabar Road S.E., Palm Bay FL, 32907

Telephone 321-722-3042 **Email** alexandra.bernard@palmbayflorida.org

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

April 19, 20 2022

Re: Letter of Authorization

As the property owner of the site legally described as:

Tillman, Plat of All Blk 5, Plat Book 0002, pg 0004. Parcel ID 28-37-24-25-5

I, Owner Name: Carlos Rajlin, Manager for Bayfront Blossom LLC

Address: 1541 Brickell Avenue, # 608, Miami, FL 33129

Telephone:

Email:

hereby authorize:

Representative: Alberto Krygier of Adelon Capital

Address: 1955 Harrison Street, Hollywood, FL 33020

Telephone: 954-434-5001

Email: akrygier@adeloncapital.com

to represent the request(s) for:

Rezoning and Land Use Ammendment

(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 29 day of April, 20 22 by CARLOS RAJLIN, property owner.

GISELA LEVY, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification: Drivers License

GISELA LEVY
Notary Public - State of Florida
Commission # GG 295150
My Comm. Expires May 19, 2023
Bonded through National Notary Assn.

April 19, 20 2022

Re: Letter of Authorization

As the property owner of the site legally described as:

Tillman, Plat of All Blk 5, Plat Book 0002, pg 0004. Parcel ID 28-37-24-25-5

I, Owner Name: Carlos Rajlin, Manager for Bayfront Blossom LLC

Address: 1541 Brickell Avenue, # 608, Miami, FL 33129

Telephone:

Email:

hereby authorize:

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

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

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Land Use Amendment

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 29 day of April, 20 22 by CARLOS RAJLIN, property owner.

GISELA LEVY, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification: Drivers License

GISELA LEVY
Notary Public - State of Florida
Commission # GG 295150
My Comm. Expires May 19, 2023
Bonded through National Notary Assn.

LEGAL DESCRIPTION:

LOT H, ALL OF BLOCK 5, LOTS 1, 2, 18, AND 21, A PORTION OF LOTS 3, 4, 19, AND 20, BLOCK 6, AND A PORTION OF THE VACATED RIGHT-OF-WAY OF KINNEY AVENUE, "PLAT OF TILLMAN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 5; THENCE SOUTH 54°57'52" EAST ALONG THE NORTHERLY LINE OF SAID BLOCK 5 FOR 800.63 FEET TO A POINT ON THE ARC OF A CIRCULAR NON-TANGENT CURVE CONCAVE EASTERLY FROM WHICH A RADIAL LINE BEARS SOUTH 59°13'05" EAST; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID BLOCK 5 AND ITS SOUTHERLY EXTENSION AND CONTINUING ALONG THE EASTERLY LINE OF SAID BLOCK 6, BEING THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 695.00 FEET, A CENTRAL ANGLE OF 27°33'15", FOR AN ARC DISTANCE OF 334.23 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 73°41'26" WEST 376.35 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID BLOCK 6; THENCE NORTH 24°36'47" WEST ALONG THE SOUTHWESTERLY LINE OF BLOCK 6, LOT H, AND BLOCK 5 FOR 629.16 FEET; THENCE NORTH 33°13'05" EAST ALONG THE WESTERLY LINE OF BLOCK 5 FOR 117.73 FEET TO POINT OF BEGINNING 'A'

The City of Palm Bay Florida

MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Jesse Anderson, Ph.D., Assistant Growth Management Director

DATE: July 6, 2022

SUBJECT: T-29-2022 – BMU Conditional Use - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.058(D)(4), to eliminate the requirement for a Conditional Use to allow permitted uses on a parcel of ten (10) or more acres of area in the BMU, Bayfront Mixed Use District

.

ATTACHMENTS:

Description

- **Case T-29-2022 - Staff Report**
- **Case T-29-2022 - Application**

STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by
Tania Ramos, Senior Planner

CASE NUMBER	**PLANNING & ZONING BOARD HEARING DATE**
T-29-2022	July 6, 2022

APPLICANT	**PROPERTY LOCATION/ADDRESS**
City of Palm Bay, Florida	BMU, Bayfront Mixed Use District

SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.058(D)(4) Conditional Uses, to eliminate the requirement for a Conditional Use to allow permitted uses on a parcel of ten (10) or more acres of area in the BMU, Bayfront Mixed Use District.

Existing Zoning	Not Applicable
Existing Land Use	Not Applicable
Site Improvements	Not Applicable
Site Acreage	Not Applicable

SURROUNDING ZONING & USE OF LAND

North	Not Applicable
East	Not Applicable
South	Not Applicable
West	Not Applicable

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.058(D)(4) Conditional Uses, to eliminate the requirement for a Conditional Use to allow permitted uses on a parcel of ten (10) or more acres of area in the BMU, Bayfront Mixed Use District. See proposed changes below:

The applicant for this amendment is the City of Palm Bay Florida. The applicant is looking to remove the provision that permitted uses on parcels of ten (10) or more acres of area require a conditional use approval.

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

INTENT AND APPLICABILITY:

Intent. The purpose of the Bayfront Mixed Use (BMU) district is to provide areas within the Bayfront Redevelopment District for an attractive and functional mix of high density residential with a low intensity of commercial land uses that are linked by a network of walkways. The ratio of residential to commercial shall have a minimum of 20% commercial uses, based upon Floor Area Ratio (FAR) or the gross floor area of the first floor (footprint) of all principal use buildings.

ANALYSIS:

Staff has drafted this amendment to allow for permitted uses on parcels of ten (10) or more acres of area without a conditional use approval. Removing the conditional use requirement associated with parcel size allows for and is aligned with the intent of the Bayfront Mixed Use District by enabling larger scale mixed use developments.

STAFF RECOMMENDATION:

Case T-29-2022 is recommended for approval.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

§ 185.058 BMU—BAYFRONT MIXED USE DISTRICT.

(A) *Intent.* The purpose of the Bayfront Mixed Use (BMU) district is to provide areas within the Bayfront Redevelopment District for an attractive and functional mix of high density residential with a low intensity of commercial land uses that are linked by a network of walkways. The ratio of residential to commercial shall have a minimum of 20% commercial uses, based upon Floor Area Ratio (FAR) or the gross floor area of the first floor (footprint) of all principal use buildings.

(B) *Principal uses and structures.*

(1) Multiple family dwellings provided that in no case shall there be more than forty (40) dwelling units per gross residential acre.

(2) Professional offices such as accounting, architecture, engineering, dentistry, medical, insurance, real estate, financial services, title companies and similar uses.

(3) General offices such as administrative, corporate, business, and similar uses.

(4) Personal service such as beauty, barbers, dry cleaning pick-up, tailoring and similar uses.

(5) Business service such as graphic design, interior design, advertising, photography, printing, employment services, telemarketing, business schools, and similar uses.

(6) Financial institutions (banks, credit unions, and savings and loan).

(7) Retail sales and service (clothing, jewelry, luggage, shoes, electronics, sporting goods, gift shops, florists, photographic supplies, art dealers, antique shops/dealers, tobacco products, grocery stores, convenience stores, drug stores, cosmetic and beauty supply optical specialty food, and similar uses).

(8) Public uses (any federal, state, county, municipal, special district, or similar use).

(9) Eating establishments, including dancing in eating establishments. (restaurants, coffee shops, pastry shops, ice cream parlors, cafeterias, snack shops, and similar uses).

(10) Retail bakeries.

(11) Clubs, lodges, and fraternal organizations.

(12) Nursing homes and adult congregate living facilities.

(13) Hotel, motel, and bed and breakfast inns.

(14) Public and private parking lots.

(15) Brew pubs and/or other drinking establishments.

(C) Accessory uses and structures. Customary accessory uses of one or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the objectives of a mixed use environment. All storage shall be in an enclosed structure unless clearly provided for herein.

(D) Conditional uses.

(1) Public utility facilities.

(2) Marinas with boat sales and rentals.

(3) Public and private schools.

~~(4) Permitted uses located on a parcel of ten (10) or more acres of area.~~

(E) Prohibited uses and structures.

(1) All uses not specifically permitted herein.

(2) Retail automotive fuel sales.

(3) Pawn shops.

(4) Tattoo parlors and body piercing establishments.

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

(6) Adult entertainment.

(7) Fire works sales.

(8) Commercial towers.

(9) Automotive/vehicle repair and auto body repair, painting, and storage of junk vehicles.

(10) Vehicle/automotive sales/lease.

(11) Palm readers/fortunetellers and similar uses.

(12) Flea markets and auction houses and similar uses.

(13) Soup kitchens/homeless shelters.

(14) Pain-management clinic.

(15) Secondhand Dealer.

(16) Warehousing and/or self-storage facilities.

(F) Lot and structure requirements.

(1) Minimum lot area - 1 acre.

(2) Minimum lot width - forty (40) feet.

(3) Minimum lot depth - one hundred twenty (120) feet.

(4) Maximum building coverage - sixty percent (60%).

(5) Maximum height - sixty (60) feet. Additional building height may be permitted, subject to the following provisions:

(a) Providing public a space or public amenity totaling ten percent (10%) of the site, entitles an additional 10 feet in height.

(b) Providing understory parking to reduce required surface parking, entitles an additional 10 feet in height.

(c) Providing public access to the waterway through public boat slips, or public boat launch, or public transitional slips, entitles an additional 10 feet in height.

(d) Provide a mixture of uses, such as restaurant with residential uses above, entitles an additional 10 feet in height.

(e) Providing shared storm water or shared parking with neighboring properties, entitles an additional 10 feet in height. Upon approval by the city, the shared amenity shall be recorded as an easement or agreement, in the public records of Brevard County.

(6) Minimum floor area (commercial) - three hundred (300) square feet.

(7) Minimum living area for multifamily units: None.

(8) Yard requirements:

(a) Front: zero (0) foot minimum.

(b) Side interior: five (5) feet minimum, twenty-five (25) foot minimum when the property is adjacent to single-family development not separated by waterway, railroad, or street.

(c) Side corner: zero (0) foot minimum.

(d) Rear: twenty (20) feet minimum; ten (10) minimum feet when abutting a right-of-way or alley.

(e) Accessory structures: minimum twenty (20) foot front and side corner, same side and rear as listed in divisions (b) and (d) above.

(f) For buildings sixty (60) feet in height, or greater, the building(s) shall be setback a minimum of half the height of the building from the rear and side interior property lines when the property is adjacent to single-family development not separated by waterway, railroad, or street.

(g) For buildings taller than sixty (60) feet; the building shall be stepped-back a minimum of twenty (20) feet beyond the forty (40) foot height measurement when the property is adjacent to single-family development not separated by waterway, railroad, or street. This is intended to create a terrace effect that helps provide light and air for the adjacent single-family dwellings. The stepped back portion can be used for recreational purposes such as gardening or outdoor dining.

(9) Shared access and parking areas:

(a) Off-street parking for non-residential uses shall be behind or to the side of the nonresidential building with a minimum of five (5) foot setback from a right-of-way line.

(b) On-street parking spaces along any property line shall be counted toward the minimum number of parking spaces required for that use on that lot, except where there are driveway curb cuts.

(c) No side interior building and parking area setbacks are required for nonresidential buildings provided all of the following are met:

1. Buildings on adjacent parcels, under separate ownership, are joint by a common wall.

2. Parking areas and aisles are joined and shared in common with adjacent parcel(s) under separate ownership.

3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common for the parcels involved and a minimum spacing of one hundred fifty (150) feet is maintained, or access is provided by an approved frontage road.

4. Easements and/or written assurances of shared and common facilities from all property owners involved must be approved by the city and recorded in public records of Brevard County prior to the issuance of a building permit.

(d) For adjacent developments meeting the requirements of divisions 2 through 4 above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.

(e) For developments adjacent to public parking the total number of off-street parking spaces required for uses on the parcel involved may be reduced by ten percent (10%) where the location of public parking areas provides convenient access to the principal buildings. On street public parking may not be considered for reduction eligibility.

(10) Design requirements:

(a) The Architectural Style for each structure shall adhere to 185.134 ARCHITECTURAL STYLE REQUIREMENTS (B)(1), (2), (3), (4), or (5).

(b) Structures in the following use category are exempt from the design review requirements of this subsection: public utility equipment and churches.

(c) The city sign code (Chapter 178) shall be adhered to with the following additional requirements:

1. Materials: The color, construction, and material of each sign shall be compatible with the architecture on the site.

2. Design: Every sign frame or support shall be designed as a sympathetic architectural element of the building(s) to which it is principally related.

3. Free standing signs shall have landscaping at the base.

(d) Structures having a federal or state historic site status shall be exempt from this subsection.

(e) Garages for single-, or two-family residential structures and uses shall not be located closer to the front or side corner lot line than the foremost facade of the principal building, i.e., "snout houses" are not permitted.

(f) Other than for entrances and exits, parking structures shall be screened from view on ground level by landscaping or active commercial or residential uses, to the greatest extent possible, on any side that faces a public street or right-of-way.

(g) The City Council may, by resolution, adopt such administrative policies, manuals and/or fees as necessary to implement the design requirements identified above.

(11) Signs. Maximum height for any detached sign shall be ten (10) feet. All other criteria of the Sign Code shall be met.

(12) Landscaping. Properties within the Bayfront Mixed Use district are exempt from the development standards of § 185.142(B)(1), (2) and (4), Off-Street Parking Area Landscape Requirements, however properties within the district shall meet all the other requirements of § 185.142 in addition to the following landscape development standards:

(a) One (1) tree per every forty (40) feet of the property frontage shall be planted between the right-of-way line and the front or side corner building line for all properties.

(b) Any off-street parking space or parking lot in the Bayfront Mixed Use District that abuts a street right-of-way shall be buffered from the right-of-way by a landscape area of no less than five (5) feet of width in which is located a continuous row of shrubs no less than two (2) feet in height.

(c) In addition, where off-street parking is required for multiple family residential and nonresidential uses, such parking shall meet the interior parking area landscape requirements of § 185.142(3) of the code.

(13) Sidewalks. Sidewalks shall be provided to create a pedestrian access to the proposed project and to adjacent properties. All sidewalks shall:

(a) Be constructed of concrete with a raised curb separating the sidewalk from on-street parking.

b) Be a minimum of five (5) feet in width.

(c) Comply with city engineering design standards.

(14) Fence/walls. The construction, erection, and maintenance of walls and fences shall be permitted per the city's fence code (§§ 170.110 through 170.122) with the following exceptions and additions:

(a) Chain link fence cannot be placed within twenty (20) feet of the front or side corner property lines.

(b) Fence and wall height shall be limited to four (4) feet within twenty (20) feet of the front and side corner property lines, and limited to six (6) feet in height at all other areas of the property.

(c) The use of barbed wire is prohibited.

(15) Lighting. Buildings shall have no neon on their exterior; however, neon signs may be displayed inside windows provided they occupy no more than fifteen percent (15%) of the window where they are displayed.

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

CODE TEXTUAL AMENDMENT APPLICATION

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

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Section 185.058(D)(4)

PROPOSED LANGUAGE (attach addendum if necessary):

See Attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

Removing the conditional use requirement associated with parcel size allows for and is aligned with the intent of the Bayfront Mixed Use District by enabling larger scale mixed use developments.

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

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

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

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

Signature of Applicant _____ **Date** 6/9/22

Printed Name of Applicant Alexandra Bernard

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

Telephone (321) 733-3042 **Email** alexandra.bernard@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ **Email** _____

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

The City of Palm Bay Florida

MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Jesse Anderson, Ph.D., Assistant Growth Management Director

DATE: July 6, 2022

SUBJECT: T-30-2022 – Citizen Participation Plan - City of Palm Bay (Growth Management Department – Requested by Deputy Mayor Kenny Johnson) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Zoning Code, Section 169.005(B)(1), to modify the applicability requirements for Citizen Participation Plans to include Comprehensive Plan Future Land Use Map and Zoning Map amendments

.

ATTACHMENTS:

Description

- **Case T-30-2022 - Staff Report**
- **Case T-30-2022 - Application**

STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by
Jesse D. Anderson, Assistant Growth Management Director

CASE NUMBER	**PLANNING & ZONING BOARD HEARING DATE**
T-30-2022	July 6, 2022

APPLICANT	**PROPERTY LOCATION/ADDRESS**
City of Palm Bay (Growth Management Department – Requested by Deputy Mayor Kenny Johnson)	Not Applicable

SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Land Development Code, Section 169.005(B)(1), to modify the applicability requirements for Citizen Participation Plans to include Comprehensive Plan Future Land Use Map and Zoning Map Amendments (Requested by Deputy Mayor Kenny Johnson).

Existing Zoning	Not Applicable
Existing Land Use	Not Applicable
Site Improvements	Not Applicable
Site Acreage	Not Applicable

SURROUNDING ZONING & USE OF LAND

North	Not Applicable
East	Not Applicable
South	Not Applicable
West	Not Applicable

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Land Development Code, Section 169.005(B)(1), applicability requirements for Citizen Participation Plans to include Comprehensive Plan Future Land Use Map and Zoning Map Amendments. See proposed changes below:

The applicant for this amendment is the City of Palm Bay, Florida. The applicant is looking to modify the applicability requirements for Citizen Participation plans, expanding the applicability to Comprehensive Plan Future Land Use Map and Zoning Map Amendments. This request also proposes to require the completion of Citizen Participation Plan meetings for applicable projects to occur prior to an application being deemed sufficient for staff review and scheduling of public hearings.

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

INTENT AND APPLICABILITY:

The purpose of the citizen participation plan is to:

(1) Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community.

(2) Ensure that citizens have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the review and decision-making process.

(3) Facilitate ongoing communication between the applicant, interested citizens, city staff, appointed and elected officials throughout the applicant review process.

(4) The citizen participation plan is not intended to produce complete consensus on all applicants, but to encourage applicants to be good neighbors and to allow for informed decision-making.

ANALYSIS:

The proposed changes, as textually written below, will broaden citizen participation and entice a more active citizenry. These changes will also ensure that Citizen Participation Plans are implemented in a timely manner, with forethought, as the proper implementation of said plan will be a contingency of deeming an applicable application as sufficient for review and public hearing.

STAFF RECOMMENDATION:

Case T-30-2022 is recommended for approval.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 169: LAND DEVELOPMENT CODE

§ 169.005 CITIZEN PARTICIPATION PLANS.

(A) *Purpose.* The purpose of the citizen participation plan is to:

(1) Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community.

(2) Ensure that citizens have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the review and decision-making process.

(3) Facilitate ongoing communication between the applicant, interested citizens, city staff, appointed and elected officials throughout the applicant review process.

(4) The citizen participation plan is not intended to produce complete consensus on all

applicants, but to encourage applicants to be good neighbors and to allow for informed decision-making.

(B*) Applicability.*

(1) Every application for development that requires a **>>**Comprehensive Plan Future Land Use Map or Zoning Map Amendment,**<<** preliminary subdivision approval, preliminary planned unit development, or a conditional use shall include a citizen participation plan that must be implemented prior to ~~the first public hearing or notice of public review and comment period on an administrative application~~ **>>**an application being deemed sufficient for staff review and scheduling of public hearings**<<**.

(2) When in compliance with all other city ordinances and regulations, the following projects are exempted from the other provisions of this section.

(a) Construction of one single-family detached dwelling.

(b) Construction of ten (10) or less multi-family dwelling units, regardless of density.

(c) Amendments to an approved Planned Unit Development (PUD) provided that less than twenty percent (20%) of the total acreage of the PUD is subject to the amendment.

(C) *Plan contents.*

(1) At a minimum, the citizen participation plan shall include the following information:

(a) Which residents, property owners, interested parties, political jurisdictions and public agencies may be affected by the application;

(b) How those parties identified in division (C)(1) of this section will be notified that an application has been made including a letter introducing the proposed project and describing the impact it may have on the surrounding properties, providing a proposed site plan and a contact name, phone number and address where parties may address questions;

(c) How those parties identified in division (C)(1) of this section will be informed of a substantive of change, amendment, or development to the proposed application;

(d) How those identified in division (C)(1) of this section will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing or public review and comment period; at a minimum there should be at least one (1) informational meeting held on a Monday, Tuesday or Wednesday evening after 6:00 p.m. at least seven (7) days before the first scheduled city public hearing or administrative review;

(e) The applicant's schedule for completion of the citizen participation plan;

(f) How the applicant will keep the Growth Management Department informed as to the status of his or her citizen participation efforts.

(2) The level of citizen interest and area of involvement will vary depending on the nature of the application and the project's location. The applicant will determine the target area for notification after consultation with and approval of the Growth Management Department.

(3) In no case shall the notification area be less than that required in other sections of the Land Development Regulations.

(4) The applicant shall notify neighborhood and homeowners' associations within the public notice area required by other sections of the Land Development Regulations.

(5) The applicant shall notify any other persons, organizations or agencies as deemed appropriate after consultation with the Growth Management Department.

(6) These requirements apply in addition to any notice provisions required elsewhere in the Land Development Regulations.

(7) At the applicant's discretion, applicant may submit a citizen participation plan, along with the required processing fee, and begin implementation prior to the formal application submittal. This shall not occur until after consultation with the Growth Management Department.

(D) Citizen participation report.

(1) When a citizen participation plan is required, the applicant shall provide a written report, satisfactory to the Director of the Growth Management Department, documenting the results of the citizen participation effort prior to the notice of public hearing or notice of public review and comment period on the application. This report shall be made a part of the administrative record and shall be filed with the Growth Management Department at least five (5) days before the city's first public hearing or final administrative review.

(2) The citizen participation report shall describe the methods the applicant employed to involve the public, including:

(a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;

(b) The content, dates mailed, and number of mailings, including letters, meeting notices, newsletters and other writings;

(c) A description of where residents, property owners and other interested parties receiving notices, newsletters, or other written materials are located; and

(d) The number of people who participated in the process.

(3) The report shall summarize the substance of concerns, issues and problems expressed during the process.

(4) The report shall describe how the applicant has addressed, or intends to address the concerns, issues and problems expressed during the process.

5) The report shall identify which concerns, issues and problems the applicant is unwilling or unable to address, if any, and shall state why.

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

CODE TEXTUAL AMENDMENT APPLICATION

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

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Section 169.005(B)(1)

PROPOSED LANGUAGE (attach addendum if necessary):

See Attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

The proposed changes, as textually written below, will broaden citizen participation and entice a more active citizenry. These changes will also ensure that Citizen Participation Plans are implemented in a timely manner, with forethought, as the proper implementation of said plan will be a contingency of deeming an applicable application as sufficient for review and public hearing.

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

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

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

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

Signature of Applicant _____ **Date** 6/9/22

Printed Name of Applicant Alexandra Bernard

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

Telephone (321) 733-3042 **Email** alexandra.bernard@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ **Email** _____

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

The City of Palm Bay Florida

MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Jesse Anderson, Ph.D., Assistant Growth Management Director

DATE: July 6, 2022

SUBJECT: T-33-2022 - Voluntary Low Impact Development - City of Palm Bay (Growth Management Department – Requested by Deputy Mayor Kenny Johnson) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, Section 174.068(AA) Design Standards, and repealing Sections 169.010 through 169.015 in its entirety, to modify guidelines for voluntary low impact development

.

ATTACHMENTS:

Description

- **Case T-33-2022 - Staff Report**
- **Case T-33-2022 - Application**

STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by
Jesse D. Anderson, Assistant Growth Management Director

CASE NUMBER	**PLANNING & ZONING BOARD HEARING DATE**
T-33-2022	July 6, 2022

APPLICANT	**PROPERTY LOCATION/ADDRESS**
City of Palm Bay (Public Works Department – Requested by Deputy Mayor Kenny Johnson)	Not Applicable

SUMMARY OF REQUEST A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, Section 174.068(AA) Design Standards, and repealing Sections 169.010 through 169.015 in its entirety, to modify guidelines for voluntary low impact development.

Existing Land Use	Not Applicable
Site Improvements	Not Applicable
Site Acreage	Not Applicable

SURROUNDING ZONING & USE OF LAND

North	Not Applicable
East	Not Applicable
South	Not Applicable
West	Not Applicable

BACKGROUND:

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, Section 174.068(AA) Design Standards, and repealing Sections 169.010 through 169.015 in its entirety, to modify guidelines for voluntary low impact development. See proposed changes below:

The applicant for this amendment is the City of Palm Bay, Florida. The applicant is looking to modify guidelines for voluntary low impact development by amending Chapter 174: Floodplain and Stormwater Management, Stormwater Management and Conservation, Part 2: Drainage Plan, Section 174.068(AA) Design Standards, and repealing Sections 169.010 through 169.015 in its entirety.

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

INTENT AND APPLICABILITY:

In order to mitigate stormwater pollution by providing for the voluntary use of low impact development best practices that protect, maintain, and enhance both the immediate and the long term health, safety, and general welfare of the citizens of the city, this subchapter has the following objectives:

(A) To encourage productive and enjoyable harmony between man and nature;

(B) To provide protection of land, improvements, and natural resources through the use of responsible stormwater management and flood protection;

(C) To minimize the impact of development on the water resources of the region; and

(D) To incentivize the voluntary use of low impact development best practices that prevent unnecessary harm to the community by activities which may adversely affect water resources;

(E) To encourage the construction of stormwater management drainage systems best practices above and beyond the minimum requirements of the State and other local jurisdictions which govern stormwater management;

(F) To encourage the protection of natural conveyance systems and the use of them in ways which do not impair their beneficial functioning;

(G) To reduce pollution intrusion in stormwater runoff that cause adverse impact to the quality of receiving waters;

(H) To protect, restore, and maintain the chemical, physical and biological integrity of groundwater and stormwater;

(I) To prevent damage from flooding, while recognizing the natural fluctuations in water levels are beneficial;

(J) To provide for natural stormwater infiltration, settling of suspended solids and removal of pollutants from runoff prior to discharge into surface waters;

(K) To prevent damage to hydrological and biological functions of wetlands;

ANALYSIS:

The proposed changes, as textually written, will enable the implementation of Voluntary Low Impact Development (LID) that further reduce stormwater pollution by maximizing open, green, and pervious space during development or redevelopment of a site. It will allow and provide a foundation for the adoption of a subsequent manual for Low Impact Development, which will include integrated management practices (best practices) as well as incentives and inducements that encourage the use of LID.

STAFF RECOMMENDATION:

Case T-33-2022 is recommended for approval.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 174: FLOODPLAIN AND STORMWATER MANAGEMENT

Stormwater Management and Conservation

Part 2: Drainage Plan

§ 174.068 DESIGN STANDARDS.

To ensure attainment of the objectives of this subchapter and that performance standards will be met, the design, construction, and maintenance of drainage systems shall be consistent with the following standards:

(A) Channeling stormwater runoff directly into water bodies shall be prohibited. Instead, runoff should be routed over a longer distance, through swales and other works designed to increase infiltration, allow suspended solids to settle, and remove pollutants;

(B) Natural watercourses shall not be dredged, cleared of vegetation, deepened, widened, straightened, stabilized or otherwise altered. Water shall be retained or detained before it enters any natural watercourse in order to preserve the natural hydrodynamics of the watercourse and to prevent siltation or other pollution;

(C) The area of land disturbed by development shall be as small as practicable. Those areas which are not to be disturbed shall be protected by an adequate barrier from construction activity. Whenever possible, natural vegetation shall be retained and protected;

(D) No grading, cutting or filling shall be commenced until erosion and sedimentation control structures have been installed between the disturbed area and water bodies, watercourses and wetlands;

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

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

(G) Wetlands and other water bodies shall not be used as primary sediment traps during development;

(H) Erosion and sedimentation facilities shall receive regular maintenance to ensure that they continue to function properly;

(I) Artificial watercourses shall be designed, considering soil type, so that the velocity of flow is low enough to prevent erosion;

(J) City and MTWCD maintained facilities are subject to the level of service and standards the city and MTWCD respectively have the ability to provide.

(K) Vegetated buffer strips shall be created or, where practicable, retained in their natural state along the banks of all watercourses, water bodies or wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment in overland runoff, provide access to the water body and allow for periodic flooding without damage to structures;

(L) Intermittent watercourses, such as swales, shall be vegetated;

(M) Retention and detention ponds shall be used to retain and detain the increased and accelerated runoff which the development generates. Water shall be released from detention ponds into watercourses or wetlands at a rate and in a manner approximating the natural flow which would have occurred before development;

(N) Although the use of wetlands for storing and purifying water is encouraged, care must be taken not to overload their capacity, thereby harming the wetlands and transitional vegetation;

(O) Dry retention facilities, a volume sufficient to retain the runoff from one-half (½) inch of rainfall of entire site (or one and one-half (1½) inches of runoff of impervious surfaces if greater) shall be provided;

(P) Wet detention facilities, no more than one-half (½) of this volume may be discharged in the first seventy-two (72) hours following a storm event; the total volume recovery occurring in fourteen (14) days;

(Q) Volume in the permanent pool (below maintained water level) in wet detention facilities must be sufficient to provide a residence time of at least fourteen (14) days. This volume may be determined as one and one-half (1½) inches over the impervious portion of the drainage basin, plus one-half (½) inch over the pervious portion of the basis;

(R) The inlet structure and outlet structure in wet detention facilities shall be located that contact between stormwater and littoral plantings is maximized. The inlet to the wet detention pond should be baffled to reduce turbulence, and the outlet from the wet detention pond shall be located as far as practicable from the inlet and should be constructed with skimmers to prevent the transmission of oils, grease and floating debris;

(S) Runoff from parking lots shall be treated to remove oil and sediment before it enters receiving waters;

(T) Detention and retention areas shall be designed when possible so that shorelines are sinuous rather than straight and so that the length of shoreline is increased, thus offering more space for the growth of littoral vegetation;

(U) The use of drainage facilities and vegetated buffer zones as open space, recreation and conservation areas shall be encouraged;

(V) Disturbed areas shall be stabilized and protected from erosion as soon as possible.

(W) Retention areas shall be designed as dry- bottom ponds, with the seasonal high groundwater table demonstrated to be at least one (1) foot below the finished pond bottom. Wet bottom ponds may be used provided that the entity responsible for maintenance shall not be the city.

(X) Detention reservoirs may be designed as wet-bottom or dry-bottom ponds. If designed as dry- bottom ponds, the seasonal high groundwater table shall be demonstrated to be at least one (1) foot below the finished pond bottom. If designed as a wet- bottomed pond, the depth shall be sufficient to limit growth of emergent plants to designated peripheral littoral zones, if applicable. Detention ponds shall be designed to remain hydraulically separate from the retention ponds so that backflow and mixing does not occur.

(Y) Dry retention systems shall be designed to recover one-half (½) of their volume in twenty-four (24) hours and the entire volume in seventy-two (72) hours. Wet detention systems shall recover their volumes in less than fourteen (14) days.

(Z) The City Engineer may, under certain extenuating circumstances, when there is no other alternative, waive the pond system requirement for wet detention systems.

(AA) ~~The~~ **>>**A developer may elect to implement voluntary low impact development design standards for new development or redevelopment**<<** ~~City Engineer may approve low impact development designed stormwater systems that vary from the design standards above provided the development is certified under the City of Palm Bay's Green Development Incentive Program~~ **>>**in accordance with this section.

(1) Voluntary Low Impact Development (LID) is the voluntary implementation of designs and standards that further reduce stormwater pollution by maximizing open, green, and pervious space during development or redevelopment of a site. It is the developer's responsibility to comply with the requirements for stormwater management contained within Chapter 174 of the Palm Bay Code of Ordinances.

(2) The City Engineer, or designee, shall review and concur that the low impact development designs and standards are consistent with the City's Low Impact Development Manual.

(3) Voluntary LID designs and standards shall, at a minimum, be planned and designed to manage and capture stormwater runoff, to the maximum extent feasible, in a manner consistent with the integrated management practices (IMPs) as outlined in the City's Low Impact Development Manual.

(4) The developer shall adhere to the LID designs and standards as contained in the City's Low Impact Development Manual to be entitled to a density or intensity bonus, more floor space than allowed under the current or proposed future land use designation or zoning, greater height, a reduction in fees, credits, or granting of other incentives as authorized by City Council.**<<**

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ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Section 174.068(AA) and Sections 169.010 through 169.015

PROPOSED LANGUAGE (attach addendum if necessary):

See Attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

To modify language to adopt a subsequent manual for Low Impact Developments in order to better assess future applications.

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

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

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

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

Signature of Applicant _____ **Date** 6/9/22

Printed Name of Applicant Alexandra Bernard

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

Telephone (321) 733-3042 **Email** alexandra.bernard@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ **Email** _____

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