



AGENDA

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Regular Meeting 2022-09

August 3, 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 2022-08; July 6, 2022

ANNOUNCEMENTS:

OLD/UNFINISHED BUSINESS:

1. ****FD-16-2022 - REQUEST TO CONTINUE TO 09/06 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. ****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**

NEW BUSINESS:

1. ****CU-34-2022 - Car Wash and Oil Change - Cole Oliver, West Malabar Properties, LLC - A Conditional Use to allow for a carwash at a proposed automobile service establishment in a CC, Community Commercial District, in accordance with Section 185.043(D)(7) of the Palm Bay Code of Ordinances - Tax Parcel 759, Section 36, Township 28, Range 36, Brevard County, Florida, containing approximately 2.06 acres.**

Located at the northwest corner of Minton Road NW and Malabar Road NW

2. ****CU-35-2022 - Petroleum and Chemical Storage - Joseph Beatty, FAR Research, Inc. (AVID Group, LLC and Akerman, LLP, Reps.) - A Conditional Use to allow the proposed storage of liquified petroleum products and of chemicals and similar products in an HI, Heavy Industrial District, in accordance with Section 185.046(D)(2) of the Palm Bay Code of Ordinances - Tax Parcel 14, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 0.46 acres. Located south of and adjacent to Rowena Drive NE, in the vicinity north of Robert J. Conlan Boulevard NE, and east of the Florida East Coast Railway**
3. **CP-17-2022 - Eastshore - Dudley E. Garner and Sue E. Garner Revocable Trust (Miguel Reynaldos and Andrew Steel, Northshore Development, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Light Industrial Use to Multiple-Family Residential Use - Tax Parcel 255, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 3.00 acres. Located south of and adjacent to Doreatha Fields Avenue NE, in the vicinity west of Northview Street NE**
4. ****CPZ-17-2022 - Eastshore - Dudley E. Garner and Sue E. Garner Revocable Trust (Miguel Reynaldos and Andrew Steel, Northshore Development, Reps.) - A Zoning Amendment from an LI, Light Industrial and Warehousing District to an RM-15, Single-, Two-, and Multiple-Family Residential District - Tax Parcel 255, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 3.00 acres. Located south of and adjacent to Doreatha Fields Avenue NE, in the vicinity west of Northview Street NE**
5. ****FD-31-2022 - WITHDRAWN - Malabar Springs Phase I - Sadique Jaffer, Malabar Holdings Group, LLC (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - A Final Development Plan to allow a proposed PUD for a 317-lot residential development called Malabar Springs Phase I - Tax Parcels 250, 251, 252, and 500, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 259.17 acres. Located north of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW**
6. ****PD-32-2022 - REQUEST TO CONTINUE TO 09/06 P&Z - Lipscomb Street PUD - Paul Daly and Don Ballew (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 228-unit residential townhome development called Lipscomb Street PUD - Tracts 6 and 5 of Palm Bay Colony Section 3 and Tracts 4 and 3 of Palm Bay Colony Section 2, all in Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 24.56 acres. Located east of and adjacent to Lipscomb Street NE, in the vicinity west of Mango Street NE**
7. **CP-28-2022 - WITHDRAWN - Donald H. Jordan and Leeta S. Jordan (Farhood "Fred" Rezvani, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Single-Family Residential Use to Multiple-Family Residential Use - Tract N, Port Malabar Unit 49, Section 23, Township 29, Range 36, Brevard County, Florida, containing approximately 11.64 acres. Located at the northeast corner of Madden Avenue SW and Sidney Street SW**
8. ****CPZ-28-2022 - WITHDRAWN - Donald H. Jordan and Leeta S. Jordan (Farhood "Fred" Rezvani, Rep.) - A Zoning amendment from an RS-2, Single-Family Residential District to an RM-20, Multiple-Family Residential District - Tract N, Port Malabar Unit 49, Section 23, Township 29, Range 36, Brevard County, Florida, containing**

approximately 11.64 acres. Located at the northeast corner of Madden Avenue SW and Sidney Street SW

9. **CP-29-2022 - CONTINUED TO 09/06 P&Z - Cypress Bay West - Benjamin Jefferies, Cypress Bay Farms, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from R1:2.5 (Brevard County) and Single-Family Residential Use to Commercial Use - A portion of Tax Parcels 500 and 501, Section 3, Township 30, Range 37 along with portions of Lots 13 through 22, Cape Kennedy Groves Unit 9, Section 10, Township 30, Range 37, Brevard County, Florida, containing approximately 7.48 acres. Located in the vicinity of the northeast and southeast corners of Babcock Street and St. Johns Heritage Parkway SE**
10. **T-39-2022 - REQUEST TO CONTINUE TO 09/06 P&Z - Mobile Food Vending - City of Palm Bay (Growth Management Department - Requested by City Council) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.138, to ensure compliance with current Florida statutes for mobile food vending**
11. **T-40-2022 - Arcade Amusement Centers - 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 185.043(B)(25)(a) and 185.044(B)(22)(a), to align location requirements for arcade amusement centers with other uses of similar intensity**
12. **T-41-2022 - Fences on Corner Lots - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Chapter 170: Construction Codes and Regulations, Section 170.114(A), to modify fence requirements for corner lots**
13. **T-42-2022 - 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, Planned Unit Development (PUD), to promote more creativity and ingenuity within Planned Unit Developments**

OTHER BUSINESS:

1. **Special Planning and Zoning Board Meeting - September 6, 2022**

ADJOURNMENT:

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

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

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

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

****Quasi-Judicial Proceeding.**



MEMORANDUM

DATE: August 3, 2022

SUBJECT: Regular Meeting 2022-08; July 6, 2022

ATTACHMENTS:

Description

- ▣ **P&Z/LPA Minutes - Regular Meeting 2022-08; July 6, 2022**

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-08

Held on Wednesday, July 6, 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. Donald Boerema 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	Absent (Excused)
MEMBER:	Randall Olszewski	Present
MEMBER:	Rainer Warner	Absent (Excused)
NON-VOTING MEMBER:	David Karaffa	Present
	(School Board Appointee)	

The absences were excused for Ms. Maragh and Mr. Rainer.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Tania Ramos, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Erich Messenger, Deputy City Attorney; Natalie Shaber, Engineer II.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-07; June 1, 2022.

Motion to approve the minutes as presented.

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

Aye: Jordan, Weinberg, Boerema, Good, 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 a request to continue Case FD-16-2022.

Mr. Olszewski commented on the number of continuations the case had already been granted. Ms. Bernard stated that the applicant was required to provide architectural renderings.

Mr. Jake Wise, P.E., Construction Engineering Group, LLC (representative for the applicant) explained the delays for the continuations and noted that the renderings were now prepared and available for the August Planning and Zoning Board meeting.

Motion to continue Case FD-16-2022 to the August 3, 2022 Planning and Zoning Board meeting.

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

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

City Council will hear Case FD-16-2022 on September 1, 2022.

Ms. Bernard took the opportunity to introduce to the board Mr. Stephen White and Ms. Tania Ramos, new planning staff in the Land Development Division.

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**

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) remarked that there had been lengthy discussion regarding the request during the board's initial review of the case, and he gave a PowerPoint presentation of the proposal. The site was being annexed into the City to be developed as a walkable community that included an extension of the St. Johns Heritage Parkway, four commercial lots, a high-end RV park, apartments, and single-family homes. Traffic was the biggest concern discussed at the Citizen Participation Plan (CPP) meeting; however, a Project Development and Environment (PD&E) study for the design elements, funding, and four-laning of Malabar Road was currently under review by the City. The St. Johns Heritage Parkway to the north was also permitted

for six lanes. He noted that there was a 130-foot Melbourne Tillman Water Control District right-of-way canal to buffer the Malabar Lakes West development, and the south property owner's access along the canal would not be impacted. The subject proposal was designed to be compatible with the surrounding developments and regional park.

Mr. Weinberg and Mr. Olszewski questioned why the case was back before the board, and Mr. Karaffa wanted to know the proposed unit count. Mr. Wise stated that there would be 376 single-family lots, a maximum 288 apartment units, and the RV park would be short-term rentals. Mr. Anderson commented on a discrepancy in the legal advertisement for the preliminary development plan, and that a code amendment for preliminary development plans was being considered to rectify the issue.

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 in favor of the request. He stated that if the property remained in unincorporated Brevard County, zero dollars would be generated for the City of Palm Bay, but Palm Bay resources would still be utilized. He was concerned that approving the proposal would remove one of three possible routes for the St. Johns Heritage Parkway.

In response to the comments from the audience, Mr. Wise stated that Brevard County had been supportive of the project, but the development seemed right for Palm Bay. He explained that the study with the potential extensions for the parkway would need to be reassessed as it was prepared before the subject application. The development's projected revenue would be \$7,728,107.44 for the City, and a restaurant was already planned for the far west commercial lot.

The floor was closed for public comments.

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

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

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

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**

Mr. Anderson stated that there was a request to continue Case PD-26-2022.

Mr. Jake Wise, P.E., Construction Engineering Group, LLC (representative for the applicant) requested a continuance of Case PD-26-2022 to allow staff to submit a textual amendment regarding preliminary development plans.

Mr. Anderson confirmed that a code amendment would be drafted regarding preliminary development plans, and that the subject case would subsequently follow the amendment.

Motion to continue Case PD-26-2022 to the August 3, 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, Olszewski.

City Council will hear Case PD-26-2022 on August 18, 2022.

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

Case T-25-2022 was discussed under New Business, following Item 6.

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**

Mr. Anderson presented the staff report for Case CP-21-2022. Staff recommended Case CP-21-2022 for approval. The case was previously approved by the board and City Council and was being reheard to rectify that the actual request was to change the subject site from Rural Single-Family Use and Commercial Use to Commercial Use and Single-Family Residential Use.

Mr. Olszewski asked about the recent City Council approval.

Ms. Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law (representative for the request), was present on behalf of Pulte Group. She confirmed that the subject request and companion zoning case had received final City Council approval but were being reheard because of the legal advertisement. She reminded the board that there had been some opposition because of traffic, but the proposed 119-unit development would include an extension of Osmosis Drive SW that would relieve some of the traffic.

Mr. Olszewski inquired whether the previous board and City Council approvals were rendered moot. Mr. Anderson indicated that this was correct.

Mr. Weinberg asked for the record if there was any difference in the previously approved project and the current proposal. Ms. Rezanka stated that there was absolutely no differences in the project. A traffic methodology had been done and

meetings with staff had occurred regarding Osmosis Drive. She appreciated staff's transparency in making the correction.

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

Ms. Leslie Aspinwall (resident at Brandy Creek Circle SE) spoke against the request. She asked if the property would be an R-1 or R-2 designation. She had concerns regarding the overgrowth of the area, traffic, and stormwater.

In response to the comments from the audience, Ms. Rezanka indicated the requested PUD designation that allowed for the proposed residential development as well as the one-acre commercial outparcel.

The floor was closed for public comments.

Motion to submit Case CP-21-2022 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, Olszewski.

City Council will hear Case CP-21-2022 on July 21, 2022.

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**

Mr. Anderson presented the staff report for Case PD-21-2022. The applicant was requesting the Mixed Use designation. Staff recommended Case PD-21-2022 for

approval. The case was previously approved by the board and City Council and was being reheard to justify an issue with the companion land use application.

Ms. Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law (representative for the request), was present on behalf of Pulte Group. She stated that the board had previously reviewed the conceptual plan for the development. The project would include a number of water features, fencing, a homeowner regulated association, and the design and construction of the Osmosis Drive SW extension. She stated her agreement with the staff conditions, a future development agreement, and a traffic warrant study for a traffic signal at De Groodt Road SW and Osmosis Drive SW.

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

Ms. Susan Connolly (resident at Dixie Highway NE) wanted to know what was meant by the term supporting commercial.

In response to the comments from the audience, Ms. Rezanka explained that the supporting commercial was a one-acre parcel. There was no buyer or proposed use for the commercial parcel at this time, but the commercial use would be compatible.

The floor was closed for public comments.

Motion to submit Case PD-21-2022 to City Council for approval.

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

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

City Council will hear Case PD-21-2022 on July 21, 2022.

Case T-25-2022, New Business Item 4, was discussed at this time.

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 Development

Ms. Bernard announced that the continuance for Case T-25-2022 was overlooked. Mr. Weinberg noted that withdrawals did not require board action. Mr. Olszewski asked Mr. Messenger to advise the board. Mr. Messenger surmised that board action was not required to continue Case T-25-2022.

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

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**

Case V-28-2022 was withdrawn by the applicant. Board action was not required to withdraw the case.

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 MultipleFamily 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**

Mr. White presented the staff report for Case CP-25-2022. Staff recommended Case CP-25-2022 for approval.

Mr. Jack Spira, Spira Beadle & McGarrell PA Law Firm (representative for Crown Holdings Group), stated that Trauger Consulting Engineers also represented Crown Holdings Group. He said that the 17.41-acre property was located behind the Health First Medical Center and would consist of 126 duplex type units, which was less than 7.5 units per acre. The development allowed a diversity of housing options, and Health First was excited that the utilities for the project could assist with the medical center's water capacity issues and provide rental units within close proximity for their staff.

Mr. James Trauger, Trauger Consulting Engineers (representative for the applicant) stated that he was the civil engineer for the project. He gave a PowerPoint presentation describing the proposed residential community as a fully gated, modern Class A rental product with single-story and two-story buildings. The two-story buildings would be located within the interior of the site, and the amenities would include a resort style swimming pool, club house, and cabanas. The existing residential areas would be buffered from the development by a six-foot-high opaque perimeter fence, an oversized wet retention pond, and a Melbourne-Tillman canal right-of-way. A stormwater harvesting system would keep the water onsite to promote low impact design, and a traffic study methodology was being prepared.

Mr. Olszewski was pleased with the concept of the proposed development but not at the subject location. Peacocks lived in the wooded area, speeding was already a problem on Fallon Boulevard NE, and the capacity that the development would bring into the quiet, dead-end street was incomprehensible. The project was welcome in the City, but the proposed location was less than ideal and incompatible. He remarked on how the Health First employees that would reside at the subject site would still have to drive ten to fifteen minutes to work, so there was no connectivity between the two properties. He questioned how the project could be considered compatible for the specific site.

Mr. Trauger stated that City staff had indicated that there was capacity on Fallon Boulevard, a traffic study would also address staff concerns regarding signal timing at Babcock Street, and the speeding on Fallon Boulevard was more of an enforcement issue. He said that traffic trips and capacity issues would be addressed as the project progressed.

The floor was opened for public comments, and there were two items of correspondence in the file in opposition to the request.

Mr. Robert Busch (resident at Butler Avenue NE) spoke against the request. He commented on his tight-knit neighborhood. The main concern was with the number of vehicles that entered the area by mistake and used Butler Avenue to make their way back out. Speeders were already a danger in the area. He was concerned about where the animals on the subject site would go, and light pollution that would now glare into existing homes. He asked the board to prohibit the development's traffic from going down Ladner Road NE or require speed bumps to be installed on Butler Avenue and Ladner Road.

Ms. Mary Logue (resident at Ladner Road NE) spoke against the request. Ladner Road had only seven homes located where Fallon Road ended. The proposed development would bring constant traffic into the area, impact the peacocks and gopher tortoises, and cause glaring lights to shine into the neighborhood yards, swimming pools, and homes. She said that the development would affect her livelihood, and the project should be accessed off Malabar Road and not Ladner Road or Fallon Boulevard.

Ms. Teresa Keck (resident at Butler Avenue NE) spoke against the request. She stated how the subject site caused her property to flood during hurricanes. Since the flooding began when the medical center was built, she was concerned about the development's retention pond that was planned near her backyard. The quiet, peaceful neighborhood and habitat would be impacted by more traffic since Ladner Road was the only way into the area.

Mr. Deacon Canela (resident at Ladner Road NE) spoke against the request. His biggest concern was the flooding that occurred at the intersection of Fallon Boulevard and Ladner Road during hurricanes and a possible road collapse because of excess traffic. He worried about the flooding, so he parked his vehicle on Fallon Boulevard. He commented on speeders and vehicles that ran the stop sign at the corner of Butler Avenue and Ladner Road.

Ms. Patricia Dalpra (resident at Georges Avenue NE) spoke against the request. She commented on how the lot elevations in the area had changed over the years

so that flooding had become an issue, and the proposed development would add to the problem. She felt that the City should stop rezoning properties haphazardly and focus on the City as a whole. The northeast section of Palm Bay needed revitalizing, and adding more homes and buildings would increase crime, traffic, flooding, and water and sewer problems. There was not enough police and fire to service the single-accessed area. She stated that less homes and more good businesses, and revitalized parks and community centers, were needed in the City.

Mr. Stephen Llewellyn (resident at Kent Street NE) spoke against the request. He said that the rental development of well over 100 units would drastically change the flavor of the neighborhood. The renters would have to drive through his neighborhood to reach the back end of the neighborhood. The renters would not be long-term residents that were invested in the community, and the foot traffic along the canal near his home would be a safety issue with his children. The rental development would change the traditional character of the neighborhood, which would lower home values and lead the neighborhood into a decline.

Mr. Nathaniel Levy (resident at Butler Avenue NE) inquired if water and sewer would be extended into the area and other utilities upgraded so that the existing residents could benefit.

Ms. Leslie Wolfeld (resident at Georges Avenue NE) spoke against the request. She asked if the development would have a private wastewater collection system, and if there were plans to upgrade the utilities and infrastructure in the existing 60-year-old neighborhood. She inquired whether there was any coordination with the Brevard County School system regarding capacity. The proposed development was not the best or safest proposal for the neighborhood.

Mr. Mike Manuel (resident at Butler Avenue NE) spoke against the request. His concerns about the development were regarding traffic, nature, and property values. He did not believe the Babcock Street traffic signal timing could be fixed, and many accidents occurred at the light. Speeders and an increase in traffic would be a safety issue for his autistic son. He questioned where the various wildlife would go if the subject site was developed.

Mr. Paul Rosman (resident at Fallon Boulevard NE) spoke against the request. He enjoyed walking with his dogs in his nice and quiet neighborhood. The development would bring construction trucks into the area that would tear up the roads. Widening Fallon Boulevard in the future to accommodate the development would leave no place to walk or bike. Ladner Road had no room to be widened. He was opposed to the development because of noise, congestion, safety, and infrastructure.

In response to the comments from the audience, Mr. Spira stated that traffic appeared to be an existing problem that enforcement could help alleviate. A traffic study would also be provided by the applicant. Light pollution would have to meet code requirements for spillover, speed bumps could be a condition by the board or City Council, and code requirements for onsite retention would need to be met. Crime was also an enforcement issue. He stated that \$2,200 a month was not a low rental. The property would be a stepdown zoning district between the adjacent Institutional and single-family residential zoning districts. Home values would not decline as the property value would be consistent with surrounding properties. He indicated how sewer would be extended to the site, and the water line system would be looped to correct the water problem at Health First. School capacity would be determined by the Brevard County School Board. He noted that a maximum of 85 homes were currently allowed to be built on the property. The subject request would provide a mix of residential uses in the area, which was consistent with the Comprehensive Plan.

Mr. Josh Black, Lassiter Transportation Group (representative for the request) stated that he was part of the development team. He informed the board that the project would yield approximately 61 new morning trips and 74 evening trips, which was slightly less than what 85 single-family homes would generate.

The floor was closed for public comments.

Mr. Weinberg remarked that many of the concerns would be addressed by the traffic study, photometric ordinance, and onsite drainage requirements.

Motion to submit Case CP-25-2022 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.

Nay: Olszewski.

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**

Mr. White presented the staff report for Case CPZ-25-2022. Staff recommended Case CPZ-25-2022 for approval.

Mr. Jack Spira, Spira Beadle & McGarrell PA Law Firm (representative for the request), stated that the subject proposal would permit a multiple-family residential development with an overall density of 7.41 units per acre.

Mr. Olszewski wanted to know how utilities would be extended to the project. Mr. James Trauger, Trauger Consulting Engineers (representative for the applicant) explained that an eight-inch water main would be extended to the subject site from Fallon Boulevard NE and Ladner Road NE. Discussions were underway with Health First Medical Center to loop the water main into the public water system at Medplex Parkway NE. There was also discussion to tie the project into the medical center's private sewer system. Another option for the development would be a public lift station with a long force main along the Melbourne-Tillman canal right-of-way for connection into the public sewer at Babcock Street. Mr. Olszewski asked if the force main for the sewer would be located in the canal. Mr. Trauger clarified that a buried force main would be run parallel to the canal.

Mr. Olszewski inquired if there was feasible access to the site that would not include Ladner Avenue NE. Mr. Trauger explained that any other access would be on private

property, and that a public right-of-way access was required. Mr. Olszewski suggested that the Health First site be considered for shared access. Mr. Trauger stated that this would be possible, but it was private property and there were wetlands and environmental studies that would need to be done. Mr. Olszewski was concerned with how the construction of the proposed development would impact the surrounding neighborhood. Mr. Trauger stated that the Melbourne-Tillman Water Control District had given permission to use their right-of-way for construction access.

Mr. Weinberg asked about the distance that would need to be requested along the Melbourne-Tillman canal for construction access. Mr. Trauger stated that a half mile of access would likely be requested; and potentially, the development would already be running a sewer force main along the canal easement.

The floor was opened for public comments, and there were two items of correspondence in the file in opposition to the request.

Mr. Robert Busch (resident at Butler Avenue NE) spoke against the request. He stated that Ladner Road was small and only permitted one car to pass through at a given time. The proposed development would put tons of traffic into a bottleneck, and the traffic problem in the area should not be placed solely on law enforcement.

Mr. Deacon Canela (resident at Ladner Road NE) spoke against the request. His home was located near the Melbourne-Tillman canal, so he and his family would have to deal with constant noise from construction trucks. He stated that he wanted to retire at his property in peace but would move from Palm Bay if good, hearty single-family home neighborhoods could be rezoned for anybody with cash.

Ms. Teresa Keck (resident at Butler Avenue NE) spoke against the request. She stated that the renderings of the development looked like low-income housing. She asked the board to require a different way to access the property.

In response to the comments from the audience, Mr. Spira commented that the subject request was for the rezoning, and he understood that there were issues and improvements that would need to be resolved moving forward.

The floor was closed for public comments.

Motion to submit Case CPZ-25-2022 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.

Nay: Olszewski.

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 Page 2 of 4 Regular Meeting 2022-08 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**

Mr. White presented the staff report for Case CP-27-2022. Staff recommended Case CP-27-2022 for approval.

Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant) stated that the applicant was under contract for land on the east and west sides of Orange Blossom Trail NE and planned to combine the sites for a mixed use of residential and commercial development. The subject request was the first step in the process.

The floor was opened for public comments.

Mr. Dale Steele (owner of property at Water Drive NE) wanted to know the difference between the BMU and BMUV zoning districts. He wanted assurance that his artesian well property rights would not be impacted by the proposed development.

In response to the comments from the audience, Mr. Moia clarified that Mr. Steele's property was located on the east side of Orange Blossom Trail, south of the property

previously rezoned to BMU. The proposed upscale, mixed-use development would comply with the updated BMU regulations and exceed the minimum commercial component of the BMU district.

Mr. Olszewski asked for further details regarding the plans for the property and if those plans involved abandoning a portion of Water Drive or Orange Blossom Trail. Mr. Moia stated that the development would be heavy in commercial use with a possible hotel, some multiple-family residential, and some retail. He explained that an unimproved portion of Kinney Avenue NE, west of Orange Blossom Trail, would be abandoned, and a portion of Kinney Avenue, east of Orange Blossom Trail, had already been vacated.

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

Motion to submit Case CP-27-2022 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, Olszewski.

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) - A Zoning amendment from a BMUV, Bayfront Mixed Use Village District to a BMU, Bayfront Mixed Use District - 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**

Mr. White presented the staff report for Case CPZ-27-2022. Staff recommended Case CPZ-27-2022 for approval.

Mr. Bruce Moia, P.E., MBV Engineering, Inc. (representative for the applicant) stated that the subject request was the companion zoning case to the land use request the board had approved. He clarified that the pond shown on the site exhibit did not belong to the applicant and was not part of the proposal.

Mr. Weinberg asked for assurance that the subject request would not affect Mr. Dale Steele's artesian well property rights. Mr. Moia confirmed that any legal rights Mr. Steele had would be accepted and would not be impacted by the development.

Mr. Olszewski wanted to make certain that the request was correct as the description was missing from the agenda. Mr. Anderson reiterated the proposal and stated that he would verify that the request had been properly advertised before submitting to City Council.

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

Mr. Dale Steele (owner of property at Water Drive NE) remarked on the plans to possibly fill in the retention pond on the subject site. There was an existing brook that flowed through the retention pond, onto his property, and then into the Indian River that was under the jurisdiction of the St. Johns River Water Management District.

In response to the comments from the audience, Mr. Moia explained how the retention pond was created to treat untreated water and would remain completely intact. Any work being done south of the pond would be dealt with through the Public Works Department to ensure that any runoff was not impeded.

Mr. Olszewski asked for clarification that the development did not own and would not touch the pond. Mr. Moia confirmed that the pond was City owned, and that the stormwater from the development would not interact with the pond.

Ms. Bernard requested a five-minute recess to verify that the case was properly advertised.

The meeting resumed following a five-minute recess.

Mr. Weinberg stated that he was pleased with the revitalization that was occurring in the Bayfront District.

Motion to submit Case CPZ-27-2022 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, Olszewski.

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**

Mr. Anderson presented the staff report for Case T-29-2022. Staff recommended Case T-29-2022 for approval.

Mr. Olszewski questioned why the proposed amendment was needed and how the existing conditional use requirement was a hinderance. Mr. Anderson explained that ten acres or less was a physical constraint for horizontal mixtures of uses. The proposed change would allow for fluidity in terms of developers having the option of horizontal or vertical projects, and it would create a more transitional phase in density and intensity throughout the BMU district. He stated that the conditional use requirement could be seen as an obstacle by many developers, and it elongated the development process in certain circumstances. Conditions could be addressed at the administrative site plan level with prevailing circumstances brought before the board and City Council. Ms. Bernard added that according to the City Attorney, having a BMU zoning district and then a condition of ten acres or more was moot as it could not be allowed and a condition. The amendment would clear up the conflict.

Mr. Olszewski asked for clarification on how the textual amendment would change the process for a permitted business. He wanted to comprehend the direct benefit of the amendment. Mr. Anderson explained that a permitted use would no longer require board or City Council review. Its purpose was to make sure that entitlements

were not being restrained. The amendment would allow for a mixture of uses and create walkability over a larger scale of area rather than having to traverse through each small-scale submittal. Ms. Bernard added that the matter had arose three times in the last seven months. The change would allow for some great redevelopment to occur in the Bayfront area.

The floor was opened and closed for public comments.

Ms. Patricia Dalpra (resident at Georges Avenue NE) spoke against the request. She questioned why every vacant space in the area had to be developed, and it appeared as though the builders had the upper hand.

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

Mr. Olszewski asked the board for their view of the request. Mr. Weinberg commented that the amendment would permit an allowed use to occur without the additional step of a conditional use that was not considered necessary. Ms. Jordan concurred.

Motion to submit Case T-29-2022 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, Olszewski.

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

Mr. Anderson presented the staff report for Case T-30-2022. The proposal was at the request of Deputy Mayor Kenny Johnson. Staff recommended Case T-30-2022 for approval.

Mr. Olszewski surmised that the proposed amendment would now require Citizen Participation Plan (CPP) meetings to occur before applicants could come forth with Comprehensive Plan Amendment applications that would now include the summaries of their CPP meetings, and that all properties touching the 500-foot radius of the sites would need to be invited to the CPP meetings. Mr. Anderson indicated that this was correct, but CPP meetings must occur before Comprehensive Plan and Zoning Amendment applications were found to be sufficient for staff review. He expounded on the proposal and stated that the same integrity would be maintained for processing developments, conditional uses, Comprehensive Plan Amendments, and rezonings. Mr. Olszewski remarked that he was fully in support of the amendment.

Ms. Jordan asked for clarification on the CPP meetings occurring before applications were submitted to staff. Mr. Anderson stated that CPP meetings must occur before applications were found sufficient for review. Applications would not be deemed sufficient for review or proceed to a public hearing until the CPP was completed and reported to staff. The change would keep CPP meetings from being held too close to the public hearings for residents and for staff.

Mr. Karaffa wanted to know what a CPP meeting was. Mr. Anderson explained that a CPP was an outlined method for the citizens in an area that were most likely affected by a development to attend a meeting held by the developer to explain the project. Citizens could voice their opinions and fears so that the developer could attempt to mitigate any unwanted risks. Mr. Karaffa remarked on the timing of projects and the sufficiency in information that would be provided for CPP meetings. Mr. Anderson stated that the level of details provided for requests were based on what levels of analysis and reviews were under consideration as some details were required at later stages and some projects might not be developed for years. He said that this ensured that current information was being captured, and that the plans presented at the CPP meetings would be at the earliest stage so that citizen opinions could be heard.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) inquired whether the 500-foot radius mailing was measured from the center or from the border of the properties to determine who received the meeting notices.

Ms. Susan Connolly (resident at Dixie Highway NE) wanted clarification that the CPP meeting would now occur earlier in the process and would include all applications that come before the board.

In response to the comments from the audience, Ms. Bernard restated the CPP process and that all applications would require a CPP meeting. She explained that standard 500-foot radius packages were prepared by Brevard County for a fee.

The floor was closed for public comments.

Motion to submit Case T-30-2022 to City Council for approval.

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

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

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**

Mr. Anderson presented the staff report for Case T-33-2022. Staff recommended Case T-33-2022 for approval.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) questioned why the subject proposal was written as a voluntary system that developers could opt out of. The

language should be written as a requirement if the ordinance was considered necessary.

In response to the comments from the audience, Ms. Shaber stated that she was a big proponent of Low Impact Development (LID); however, LID was not a statutory requirement at this time. Implementation of some of the best practices would also be more difficult for some developers and engineers. State regulations were currently in place that addressed stormwater management requirements, but environmental needs were not being met. By introducing, encouraging, workshopping, educating, and providing incentives, a natural change would hopefully occur voluntarily. She commented that if the state made LID mandatory, the City would have an introductory in place.

Ms. Jordan asked if the City had a LID manual as it was referenced in the textual amendment. Ms. Shaber stated that a manual was being drafted. The manual and the proposed amendment would be approved concurrently by City Council.

The floor was closed for public comments.

Motion to submit Case T-33-2022 to City Council for approval.

Mr. Weinberg stated that LID was good for the City, and that the manual would hopefully standardize the proposal.

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

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

OTHER BUSINESS:

1. There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 8:49 p.m.

Leeta Jordan, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

**Quasi-Judicial Proceeding



MEMORANDUM

TO: Planning and Zoning Board Members

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

DATE: August 3, 2022

SUBJECT: **FD-16-2022 - REQUEST TO CONTINUE TO 09/06 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 September 6, 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 October 6, 2022.

**Quasi-Judicial Proceeding.

ATTACHMENTS:
Description



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Growth Management Director

DATE: August 3, 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

**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@palmabayflorida.org

Prepared by

Alexandra Bernard, Growth Management Director

CASE NUMBER

PD-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

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.

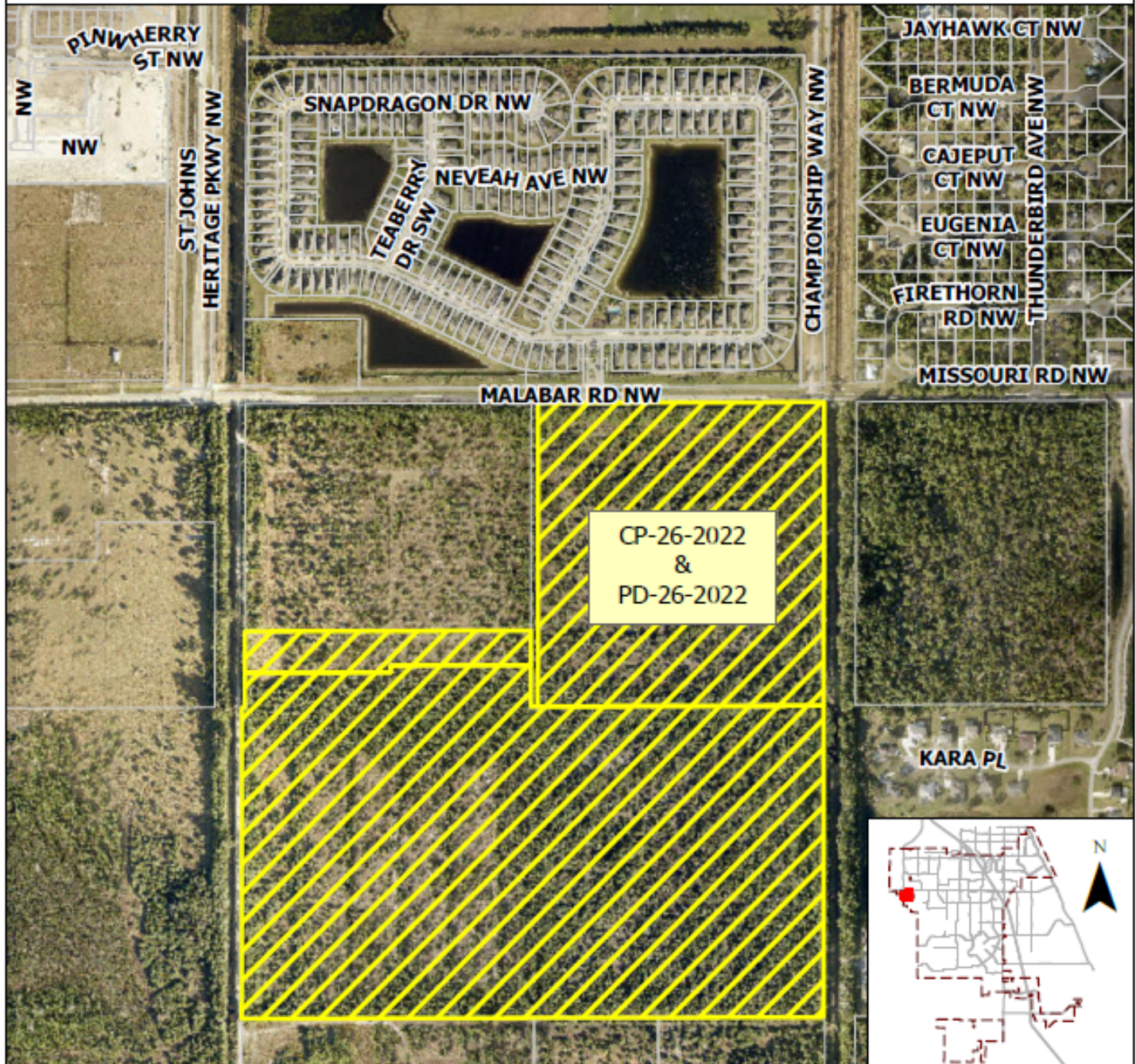
Per the City's Floodplain Ordinance, any structure built within a Special Flood Hazard Area (SFHA) will require a Floodplain Review at time of construction. An approved CLOMR does not exempt the requirement for a Floodplain Review in the SFHA. The Building Official will not issue any building permits 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.



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



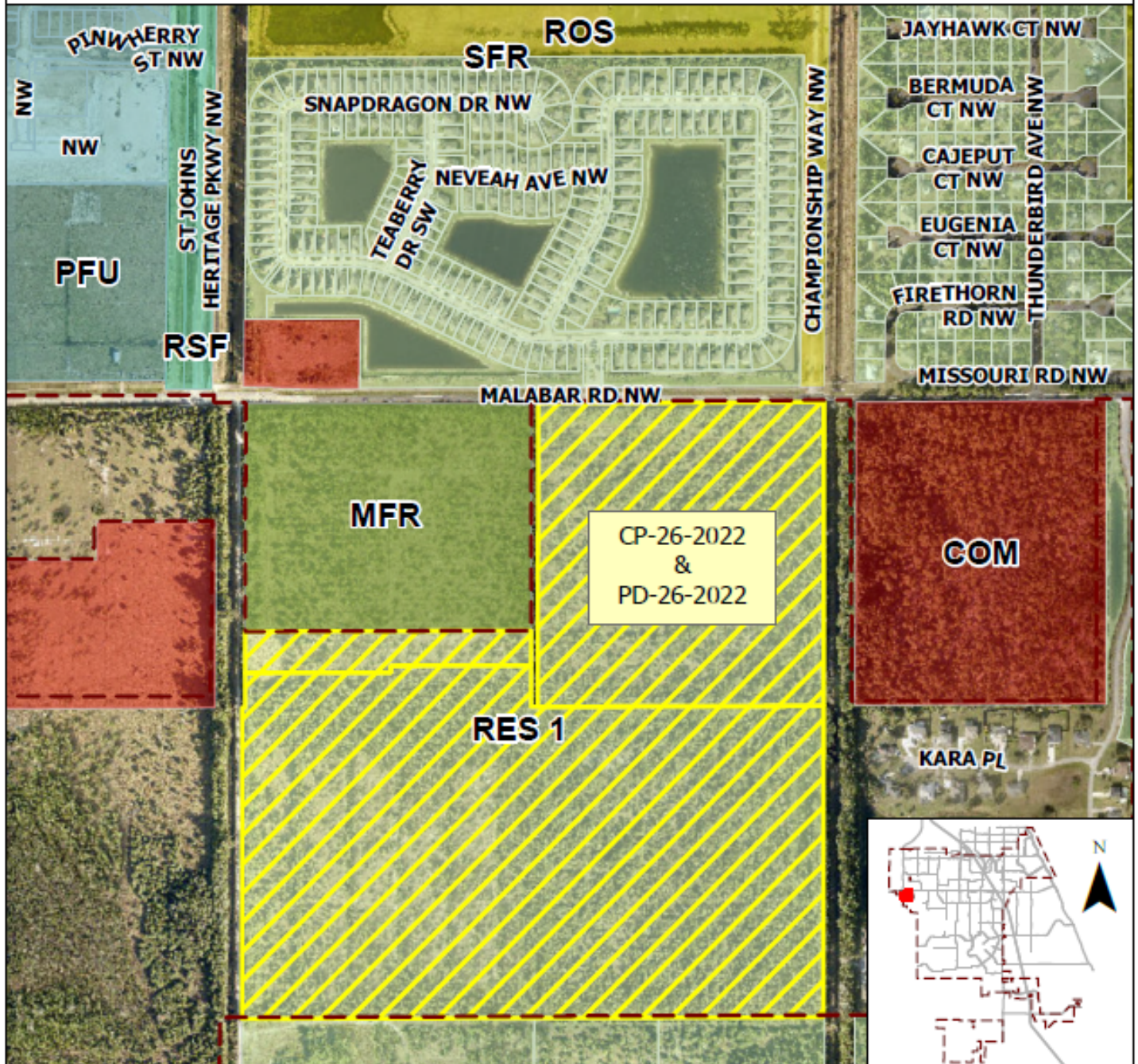
AERIAL LOCATION MAP CASE: CP-26-2022 & PD-26-2022

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



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

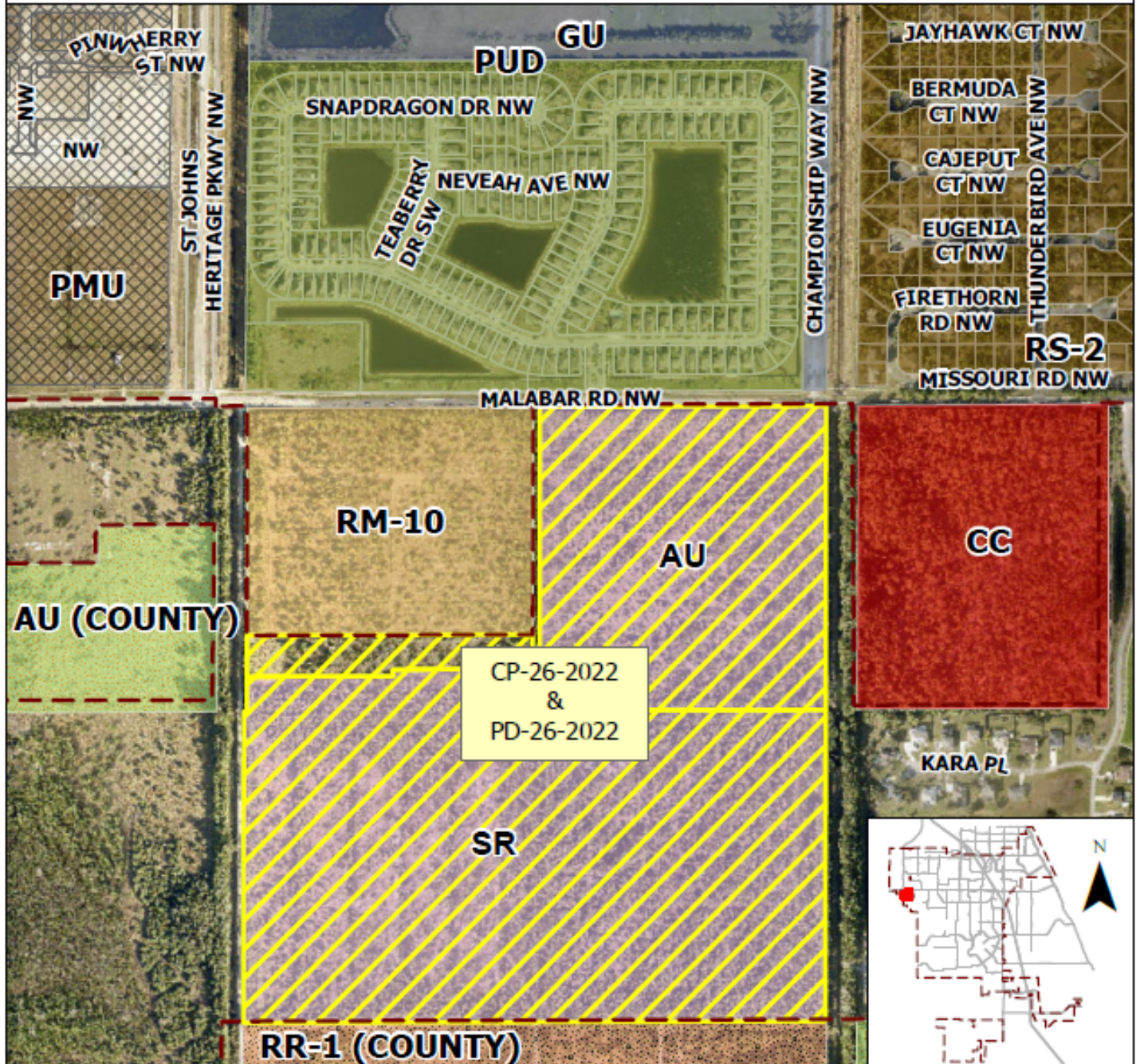
South of and adjacent to Malabar Road SW, in the vicinity east of St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8

Future Land Use Classification

RES 1 – Residential 1 Unit Per Acre



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

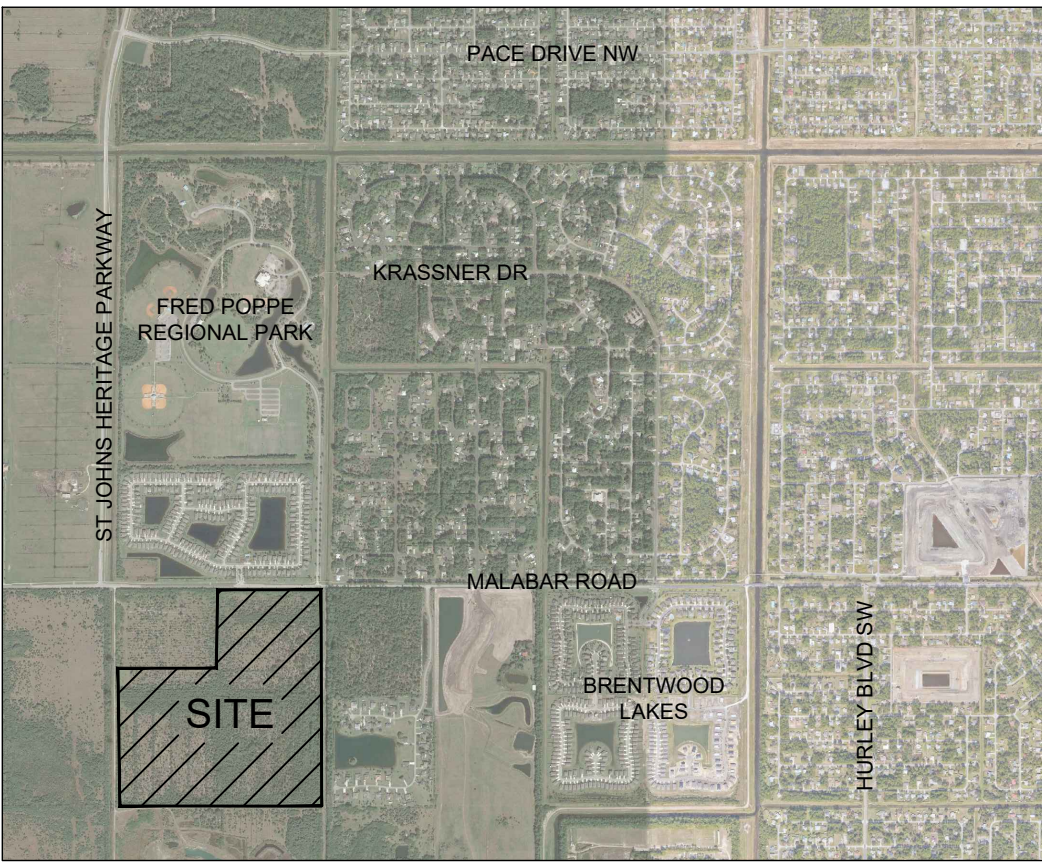
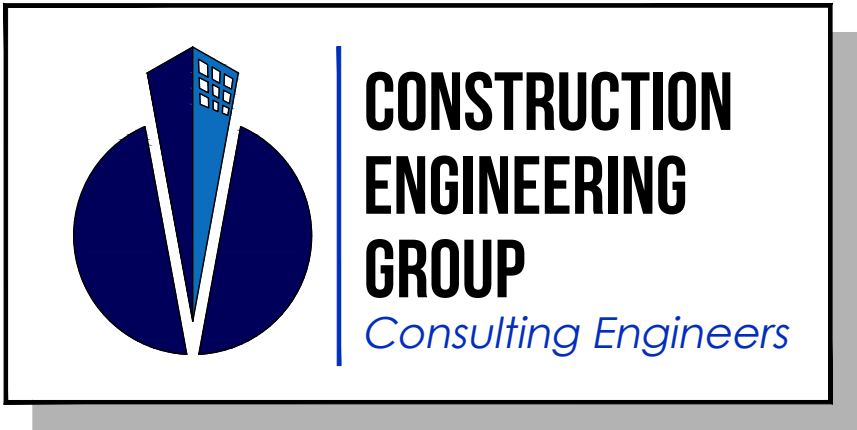
PALM BAY, FL

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.



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)	SINGLE FAMILY: ±84.5 ACRES - 376 LOTS	
SETBACKS FRONT: 25 FT SIDE: 5 FT REAR: 20 FT SIDE CORNER: 15 FT	APARTMENTS: ±15.5 ACRES - 288 UNITS COMMERCIAL RV PARK: ±17.6 ACRES - 150 SPACES COMMERCIAL ±6.4 ACRES - ±4 LOTS	
SINGLE FAMILY LOT COUNT: 40'x110' LOTS = 200 50'x110' LOTS = 156 60'x110' LOTS = 20	TOTAL RESIDENTIAL: ±100 AC	
MAXIMUM BUILDING HEIGHT: SINGLE FAMILY: 2 STORY - 25 FT APARTMENTS: 4 STORY - 50 FT	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:		
	SE	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

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

CONSTRUCTION
ENGINEERING
GROUP
Consulting Engineers

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

DATE
4/01/22

SCALE
NTS

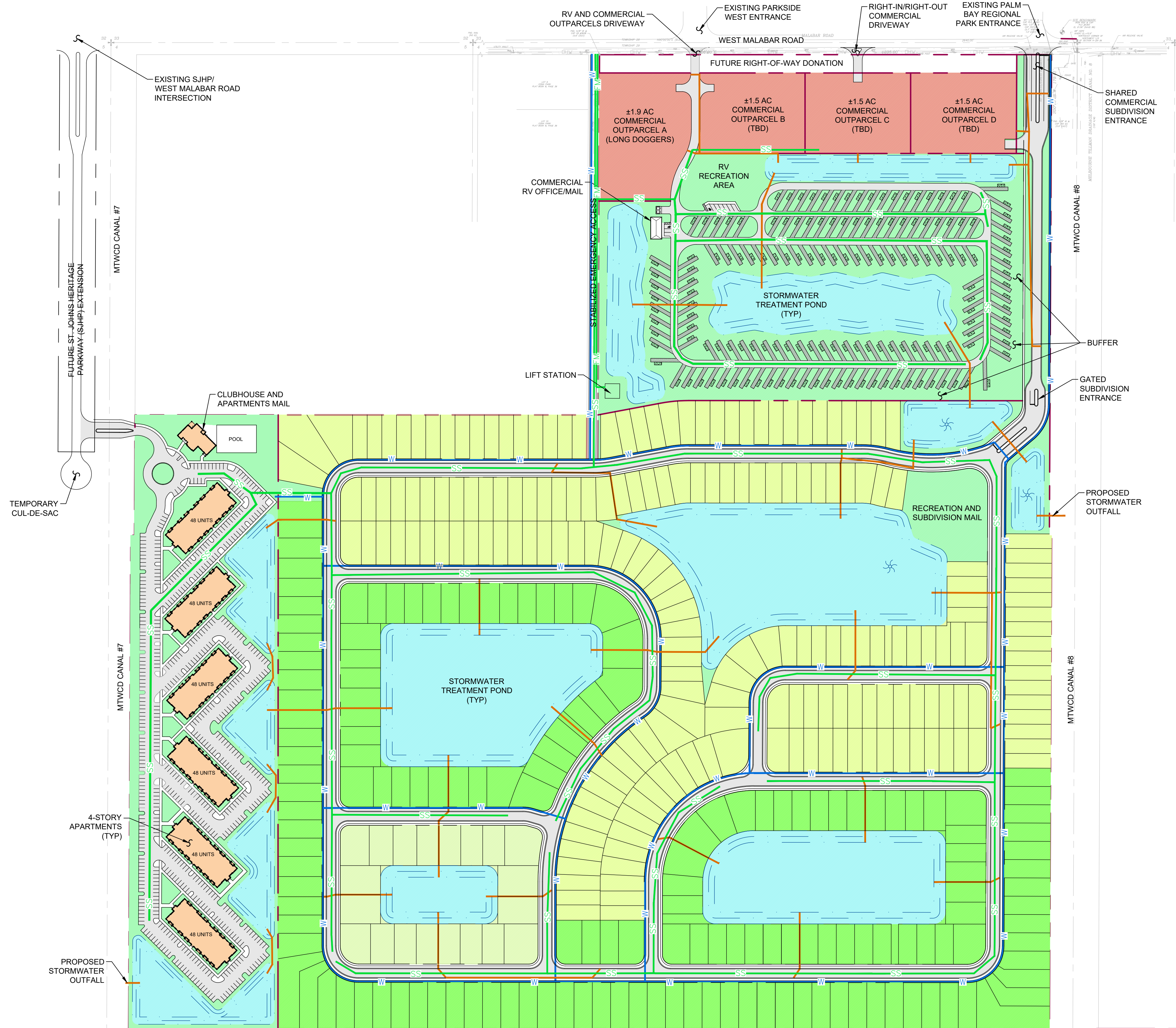
PROJ. NO. :
220021

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	

REV#	DATE	REVISION

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



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

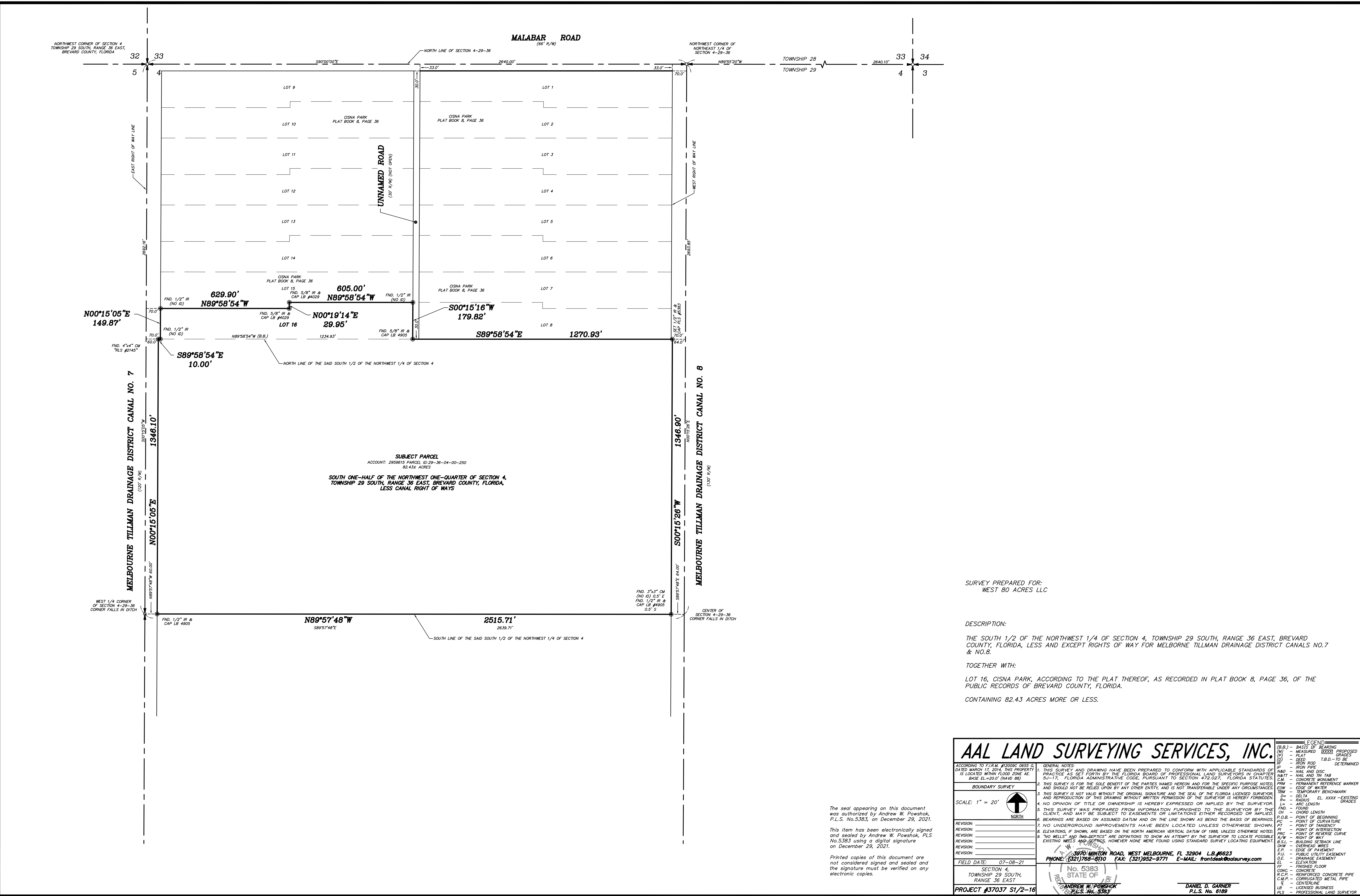
THESE DOCUMENTS ARE THE PROPERTY OF CONSTRUCTION ENGINEERING GROUP (CEG) AND ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFIC TO WHICH THEY ARE ISSUED. ANY REUSE, REPRODUCTION OR MODIFICATION OF THESE DOCUMENTS WITHOUT THE WRITTEN CONSENT OF CEG IS PROHIBITED BY LAW.

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

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.



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 MELBOURNE 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.

AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO F.L.R.M. #12099C 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'

REVISION: _____

FIELD DATE: 07-08-21

SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST

PROJECT #37037 S1/2-16

GENERAL NOTES:

- 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 9J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
- 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.
- 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.
- NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
- 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.
- BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.
- NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
- ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.
- 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)766-0110 FAX: (321)952-9771 E-MAIL: frontdesk@aalsurvey.com

STATE OF FLORIDA
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) - DED
(R) - IRON ROD
(R) - IRON PIPE
(N&D) - NAIL AND DISC
(N&T) - NAIL AND TIN TAB
(C.M.) - CONCRETE MONUMENT
(P.M.) - PERMANENT REFERENCE MARKER
(E.O.W.) - EDGE OF WATER
(T.B.M.) - TEMPORARY BENCHMARK
(D.B.L.) - DIST. EL. XXXX - EXISTING GRADES
(L) - ARC LENGTH
(FND) - FOUND
(CH) - CHORD LENGTH
(P.O.B.) - POINT OF BEGINNING
(P.C.) - POINT OF CURVATURE
(P.T.) - POINT OF TANGENCY
(P.I.) - POINT OF INTERSECTION
(P.R.C.) - POINT OF REVERSE CURVE
(R/W) - RIGHT OF WAY
(B.S.L.) - BUILDING SETBACK LINE
(O.W.) - OVERHEAD WIRE
(E.P.) - EDGE OF PAVEMENT
(P.U.E.) - 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
(E) - CENTERLINE
(LB) - LICENSED BUSINESS
(P.L.S.) - PROFESSIONAL LAND SURVEYOR

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.

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

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.



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

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

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).

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

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

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

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

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

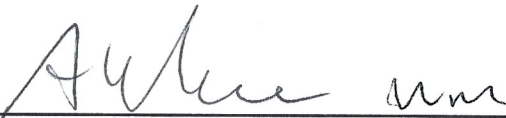
- ☐ *A \$1,000.00 application fee shall accompany the Preliminary Development Plan application for the purposes of administration. Make Check payable to "City of Palm Bay."
- ☐ Vicinity Map (see Item A).
- ☐ Preliminary Development Plan (see Item B).
- ☐ Vehicular and Pedestrian Circulation Plan (see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

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

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

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

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

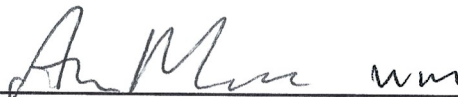
Owner Signature  **Date** 4-14-22
Printed Name Anthony Masone, Manager of Parkside Commons Center, LLC
Full Address 3970 Minton Road: West Melbourne, FL 32904
Telephone 321- 693-8669 **Email** tmasone@gmail.com

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

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

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

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

Owner Signature  **Date** 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

<u>Tax Account</u>	<u>Parcel ID</u>	<u>Owner Name</u>	<u>Address</u>	<u>Phone Number</u>	<u>Email</u>
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

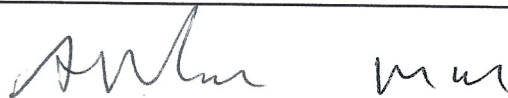
Address: 2651 W Eau Gallie Blvd, Suite A; Melbourne, FL 32935

Telephone: 321-610-1760

Email: jwise@cegengineering.com

to represent the request(s) for:

Annexation, CPA, PDP and any/all associated submittals

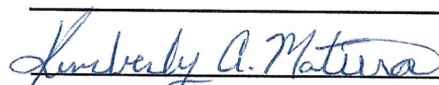


(Property Owner Signature)

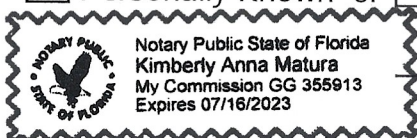
STATE OF Florida

COUNTY OF Brevard

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

 , Notary Public

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



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

A Masone

(Property Owner Signature)

4-14-22

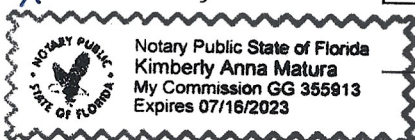
STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14th day of April, 20 22 by _____, property owner.

Kimberly A. Matura, Notary Public

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



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@palmabayflorida.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



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Tania Ramos, Senior Planner

DATE: August 3, 2022

SUBJECT: **CU-34-2022 - Car Wash and Oil Change - Cole Oliver, West Malabar Properties, LLC - A Conditional Use to allow for a carwash at a proposed automobile service establishment in a CC, Community Commercial District, in accordance with Section 185.043(D)(7) of the Palm Bay Code of Ordinances - Tax Parcel 759, Section 36, Township 28, Range 36, Brevard County, Florida, containing approximately 2.06 acres. Located at the northwest corner of Minton Road NW and Malabar Road NW

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ▢ Case CU-34-2022 - Staff Report
- ▢ Case CU-34-2022 - Site Plan
- ▢ Case CU-34-2022 - Application



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Tania Ramos, Senior Planner

CASE NUMBER

CU-34-2022

PLANNING & ZONING BOARD HEARING DATE

August 3, 2022

PROPERTY OWNER & APPLICANT

Cole Oliver, West Malabar Properties, LLC

PROPERTY LOCATION/ADDRESS

Section 36, Township 28, Range 36, Block 759, Brevard County, Florida. Specifically, 157 Malabar Road NW

SUMMARY OF REQUEST

A Conditional Use to allow an automobile service establishment and carwash services, in a CC, Community Commercial District.

Existing Zoning

CC, Community Commercial District

Existing Land Use

Vacant

Site Improvements

Vacant

Site Acreage

2.06 acres

SURROUNDING ZONING & USE OF LAND

North

CC, Community Commercial District, Vacant

East

CC, Community Commercial District, Cumberland Farms

South

CC, Community Commercial District, Commercial Strip Plaza

West

CC, Community Commercial District, Walgreens

COMPREHENSIVE PLAN

COMPATIBILITY

Yes

BACKGROUND:

The subject property is located at the northwest corner of Malabar Road NW and Minton Road NE. Specifically Section 36, Township 28, Range 39, Block 759, Brevard County, Florida, 157 Malabar Road NW. This request includes approximately 2.06 acres of land.

ANALYSIS:

The proposed request is to construct an automobile service establishment providing oil changes on 0.57 acres, and a carwash facility on 1.49 acres. An automobile service establishment is a permitted use within the Community Commercial District. However, the carwash facility requires a conditional use.

CODE REQUIREMENTS:

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

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

According to the conceptual site plan, ingress and egress will be provided on both Malabar Road and Minton Road. Internal driveways provide access to both facilities. During the site plan process automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergencies will be further evaluated for code compliance.

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

The conceptual plan provides a stacking area onsite for vehicles waiting to enter the car wash facility. Vehicles move through the washing facility, then patrons have the option of leaving the site or pulling into a self-serve space to vacuum the inside of the vehicle and/or dry off any excess water. The City's Land Development Code does not contain a minimum parking standard for a car wash facility. The plan proposes 23 self-serve vacuum spaces as well as an additional 6 standard parking spaces. The conceptual plan also shows the automobile service/oil change establishment with three service bays, stacking area, and nine parking spaces separate from the carwash facility. During the site plan process off-street parking and loading areas will be further evaluated for code compliance to avoid undue noise, glare, odor, or other detrimental effects upon adjoining properties.

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

Adequate utilities are available to serve the proposed development. The property is currently serviced by Florida Power and Light. Any additional upgrades will be required to be designed, permitted, installed, and inspected at the developer's cost.

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

The parcel of land for which this development is proposed is currently vacant. The site is abutted by Minton Road to the east, Malabar Road to the south, a vacant property to the north, and a driveway and retail site to the west. The conceptual plan shows the carwash building located on the north side of the property but does not indicate any screening or buffering will be provided. Landscaping and buffering will be required to adhere to code.

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

The conceptual plan indicates signs will be provided at both ingress and egress locations, and at the intersection of Malabar Road and Minton Road. However, sign dimensions and setbacks were not provided. A lighting plan was also not provided. During the administrative site plan review setbacks for sign locations will be reviewed, and lighting and photometric plans will be required. It shall be noted that City codes require any lighting to be shielded and/or directed downward to avoid creating a nuisance to adjacent properties.

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

The yards and open space have not been dimensioned on the conceptual plan. During the administrative site plan review yards and open space will be required to comply with the requirements in the Zoning Code.

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

The project appears to be designed with sufficient drive aisles and ample on-site maneuverability. Moreover, the looped stacking on the site and internal driveway connections will provide for the safe off-street movement of vehicles. Nevertheless, a traffic analysis may be required during site plan review.

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

The property is centrally located in a CC, Community Commercial District with right of way on two sides, and additional CC, Community Commercial District across both streets. These properties can apply for the same conditional use as the current applicant.

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

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

STAFF RECOMMENDATION:

Case CU-34-2022 is recommended for approval, subject to the staff comments contained in this report.



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



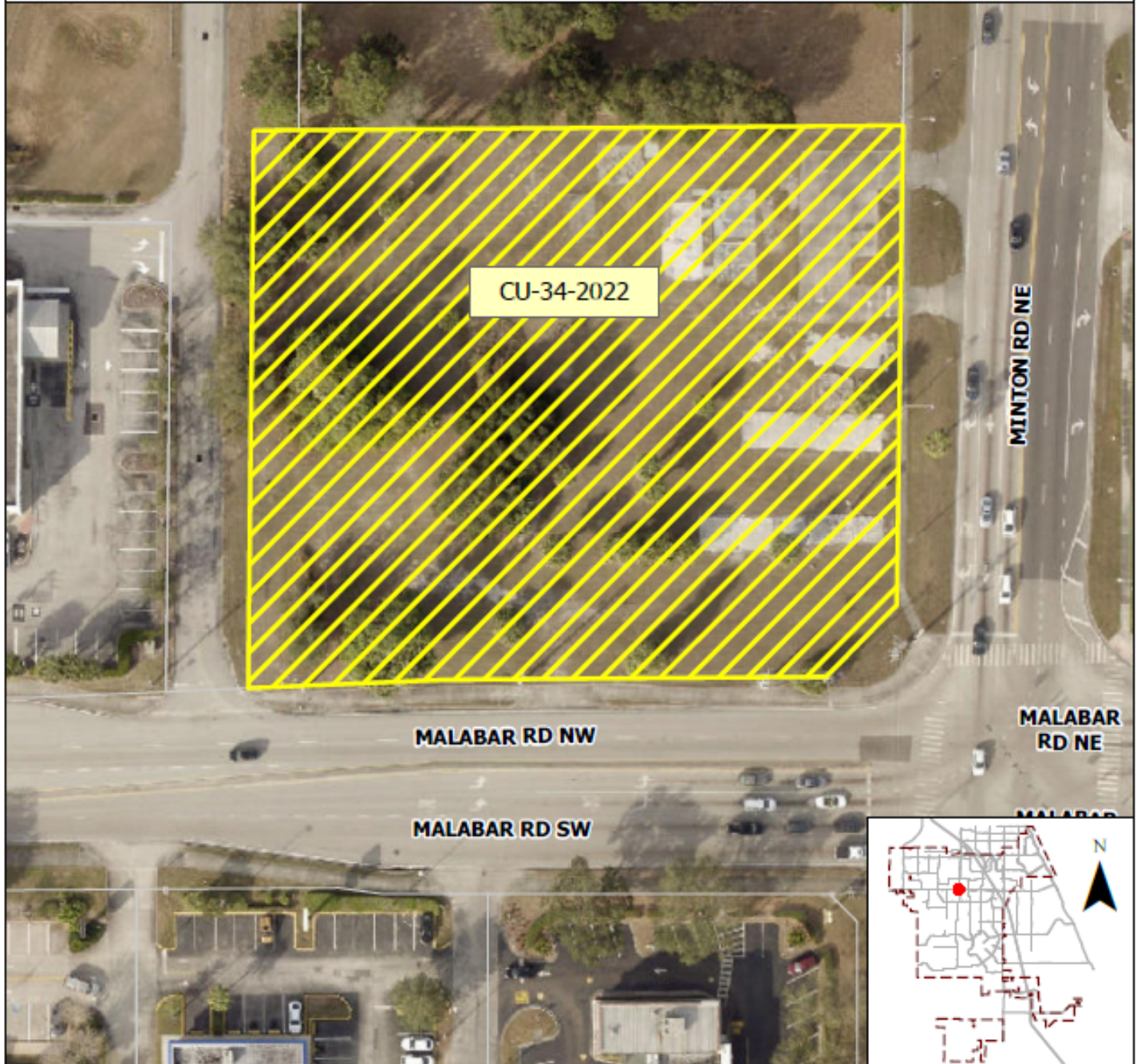
SITE LOCATION MAP CASE: CU-34-2022

Subject Property

Northwest corner of Minton Road NW and Malabar Road NW



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



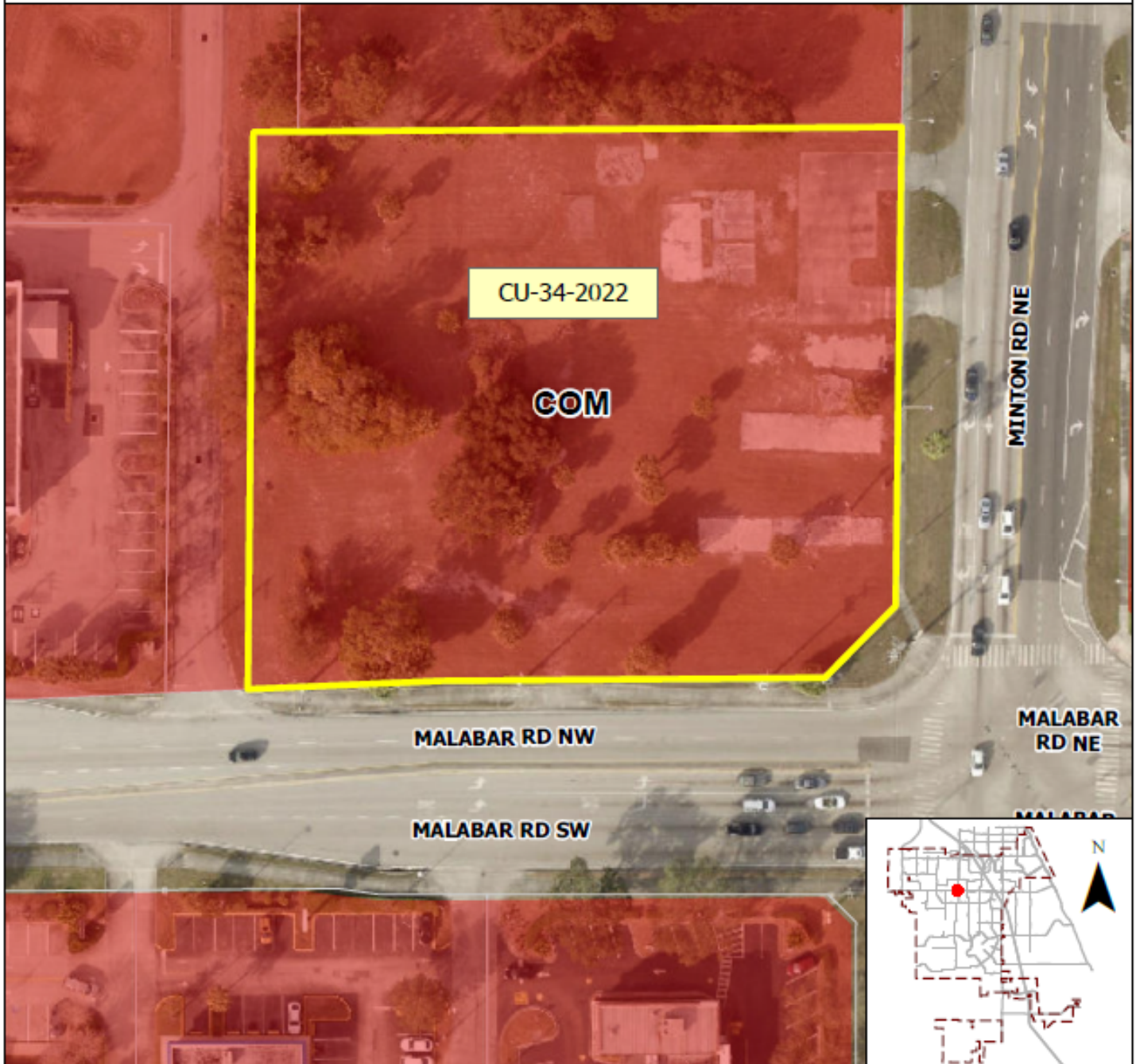
AERIAL LOCATION MAP CASE: CU-34-2022

Subject Property

Northwest corner of Minton Road NW and Malabar Road NW



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



FUTURE LAND USE MAP CASE: CU-34-2022

Subject Property

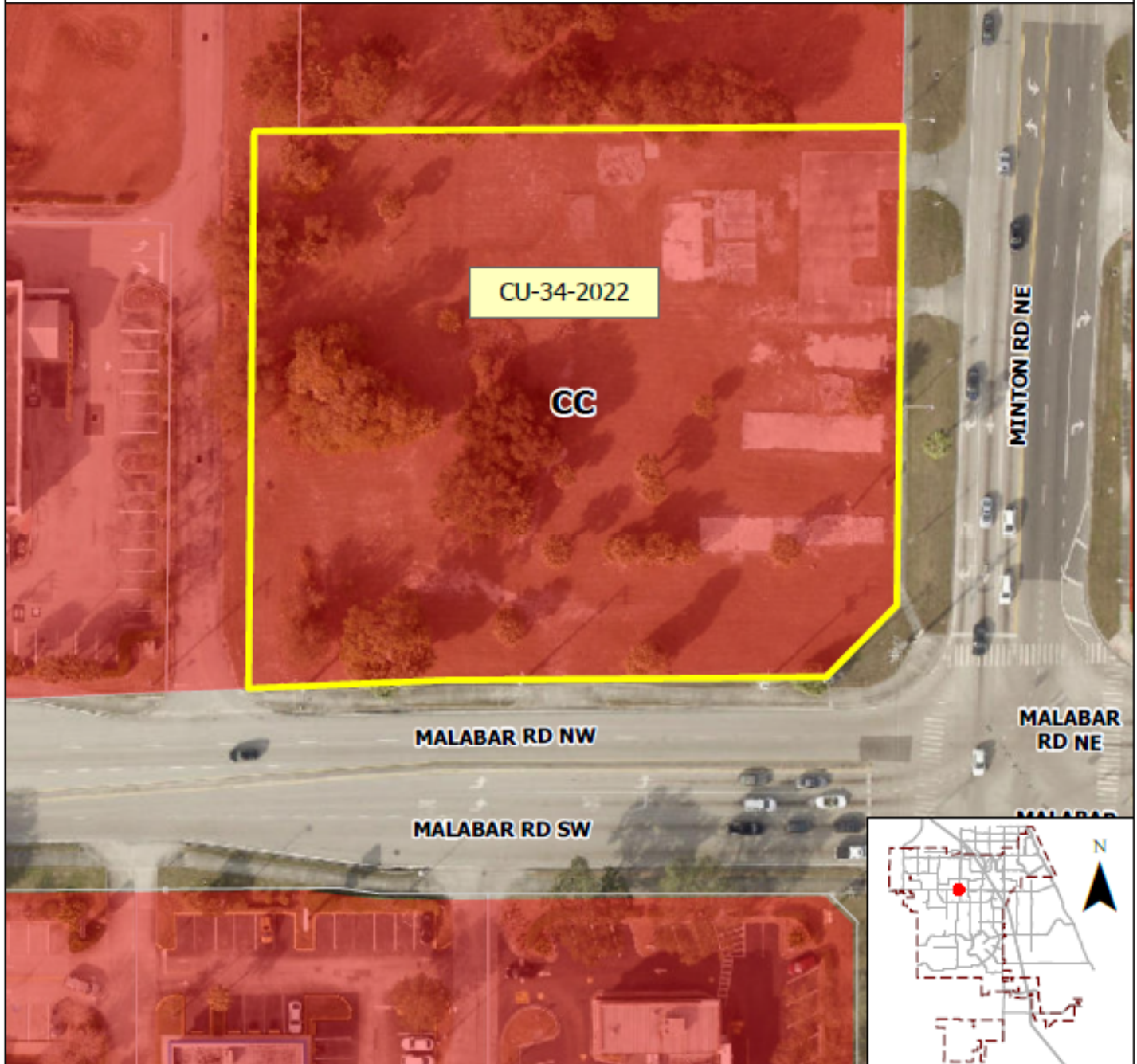
Northwest corner of Minton Road NW and Malabar Road NW

Future Land Use Classification

COM – Commercial



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



ZONING MAP CASE: CU-34-2022

Subject Property

Northwest corner of Minton Road NW and Malabar Road NW

Current Zoning Classification

CC – Community Commercial



North

"QUICK LOOK PLAN"



MULTI-TENANT SITE PLAN

PALM BAY FL - MALABAR ROAD

PROJECT NAME

PROJECT LOCATION

DATE: AUG 24, 2021

CSC Properties, LLC
5795 Ulmerton Rd, Suite 200
Clearwater, Florida, 33760
727-466-3444





LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

CONDITIONAL USE APPLICATION

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

PARCEL ID(S):

28-36-36-00-759

TAX ACCOUNT NUMBER(S):

2816702

PROPERTY ADDRESS:

157 Malabar Rd NW

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

2.06 Acres

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

CC - Community Commercial

CONDITIONAL USE SOUGHT:

The property will be used for an automobile service establishment (oil change) and a car wash (conditional use in CC zoning).

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

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

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

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

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

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

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

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

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

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

- ☐ *\$650.00 Application Fee. Make Check payable to "City of Palm Bay."
- ☐ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☐ Site Sketch (See page 2 for requirements). **Also provide the site sketch on Memory Drive.**
- ☐ Citizen Participation Plan. Refer to [Section 169.005](#) of the Land Development Code for guidelines.
- ☐ Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guidelines. Staff will provide a sign template.
- ☐ **Where the property owner is not the representative for the request, a [LETTER](#) must be attached giving the notarized consent of the property owner(s) to a representative.**

Name of Representative _____

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

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

Owner Signature

DocuSigned by:

Cole Oliver

Date

6/10/2022

Printed Name

C417871TECAB440...
cole oliver

Full Address

516 DeLannoy Ace Cocoa FL 32922

Telephone

321-258-6520

Email coliver@rosswayswan.com

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



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Tania Ramos, Senior Planner

DATE: August 3, 2022

SUBJECT: **CU-35-2022 - Petroleum and Chemical Storage - Joseph Beatty, FAR Research, Inc. (AVID Group, LLC and Akerman, LLP, Reps.) - A Conditional Use to allow the proposed storage of liquified petroleum products and of chemicals and similar products in an HI, Heavy Industrial District, in accordance with Section 185.046(D)(2) of the Palm Bay Code of Ordinances - Tax Parcel 14, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 0.46 acres. Located south of and adjacent to Rowena Drive NE, in the vicinity north of Robert J. Conlan Boulevard NE, and east of the Florida East Coast Railway

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ▣ Case CU-35-2022 - Staff Report
- ▣ Case CU-35-2022 - Floor Plan
- ▣ Case CU-35-2022 - Site Plan
- ▣ Case CU-35-2022 - Survey
- ▣ Case CU-35-2022 - Narrative
- ▣ Case CU-35-2022 - Application
- ▣ Case CU-35-2022 - Correspondence



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

CU-35-2022

PLANNING & ZONING BOARD HEARING DATE

August 3, 2022

PROPERTY OWNER & APPLICANT

Joseph W. Beatty, FAR Research Inc.

PROPERTY LOCATION/ADDRESS

Section 14, Township 28, Range 37, Block 14, Brevard County, Florida. Specifically, 2650 Rowena Drive NE

SUMMARY OF REQUEST

A Conditional Use to allow the storage of liquified petroleum products and of chemicals and similar products in a HI, Heavy Industrial District.

Existing Zoning

HI, Heavy Industrial District

Existing Land Use

Warehousing

Site Improvements

Warehouse

Site Acreage

0.46 acres

SURROUNDING ZONING & USE OF LAND

North

HI, Heavy Industrial District across Rowena Drive NE

East

HI, Heavy Industrial District

South

BMU, Bayfront Mixed Use

West

HI, Heavy Industrial District

COMPREHENSIVE PLAN

COMPATIBILITY

Yes, compatible with FLU Goal 4.

BACKGROUND:

The subject property is located south of and adjacent to Rowena Drive NE, in the vicinity north of Robert J. Conlan Boulevard NE, and east of the Florida East Coast Railway. Specifically Block 14, Section 14, Township 28, Range 37, Brevard County, Florida, 2650 Rowena Drive NE. There is an existing warehouse of approximately 4,768 sq. ft. on the property. FAR Research, Inc. purchased the property in 2019 to expand their existing business located on the adjoining property to the east. The applicant has provided a project narrative indicating that they will be remodeling the interior of the existing building. The only site changes proposed will be to relocate parking out of the front setback and to provide an ADA accessible parking space. This request includes approximately 0.46 acres of land.

ANALYSIS:

The proposed request is to allow the storage of liquefied petroleum products and chemicals and similar products on 0.46 acres.

CODE REQUIREMENTS:

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

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

According to the conceptual site plan, the existing ingress and egress driveways on Rowena Drive will remain. Existing parking spaces are proposed to be moved out of the right-of-way.

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

The conceptual site plan shows the parking area relocated to the grass in directly in front of the building with the addition of one paved ADA accessible space. This relocation includes a reduction in the number of overall parking spaces provided which does not meet the minimum number of spaces required by code. The required parking is misstated on the conceptual site plan; five parking spaces are required. During the administrative site plan review, the applicant will be required to comply with all parking requirements.

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

This is an existing development being re-utilized. Any additional upgrades will be required to be designed, permitted, installed, and inspected at the developer's cost.

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

The conceptual site plan shows the site enclosed by a 6' chain link fence on the north, west, and south sides. To the east is the adjacent FAR Research, Inc. facility. During any administrative site plan review, the applicant will also be required to comply with all landscaping requirements.

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

The conceptual plan does not indicate any existing or proposed signage or exterior lighting. During the administrative site plan review any proposed sign locations will be reviewed. Lighting and photometric plans will be required. It shall be noted that City codes require any lighting to be shielded and/or directed downward to avoid creating a nuisance to adjacent properties.

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

The site is legal non-conforming and is maintaining the current structure. Any extensions of the non-conformity are strictly prohibited. Any future development associated with the site or structure may require a variance and/or may relinquish the non-conforming status.

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

The site and current structure will be required to submit a change of use permit from industrial to storage. A detailed fire code analysis will be performed at that time to determine what alterations may be needed to protect the storage hazard.

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

Except for the Bayfront Mixed Use zoning to the south, the property is otherwise surrounded by HI, Heavy Industrial zoning. These properties can apply for the same conditional use as the current applicant.

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

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

STAFF RECOMMENDATION:

Case CU-35-2022 is recommended for approval, subject to the staff comments contained in this report.

LAND DEVELOPMENT COMMENTS:

During any administrative site plan review, the site will be required to comply with all related land development requirements.



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



SITE LOCATION MAP CASE: CU-35-2022

Subject Property

South of and adjacent to Rowena Drive NE, in the vicinity north of Robert J. Conlan Boulevard NE, and east of the Florida East Coast Railway



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



AERIAL LOCATION MAP CASE: CU-35-2022

Subject Property

South of and adjacent to Rowena Drive NE, in the vicinity north of Robert J. Conlan Boulevard NE, and east of the Florida East Coast Railway



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



FUTURE LAND USE MAP CASE: CU-35-2022

Subject Property

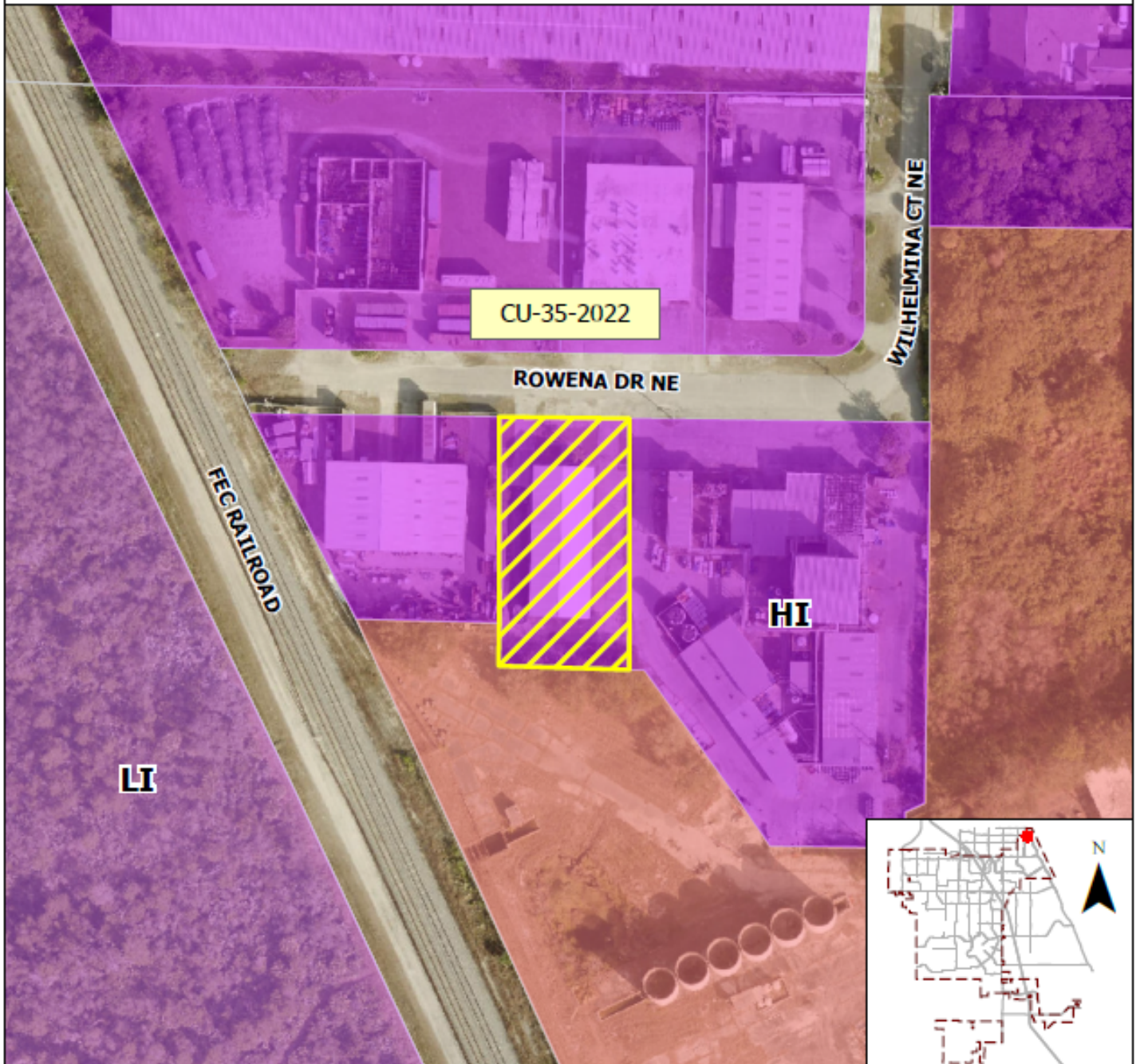
South of and adjacent to Rowena Drive NE, in the vicinity north of Robert J. Conlan Boulevard NE, and east of the Florida East Coast Railway

Future Land Use Classification

IND – Industrial



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



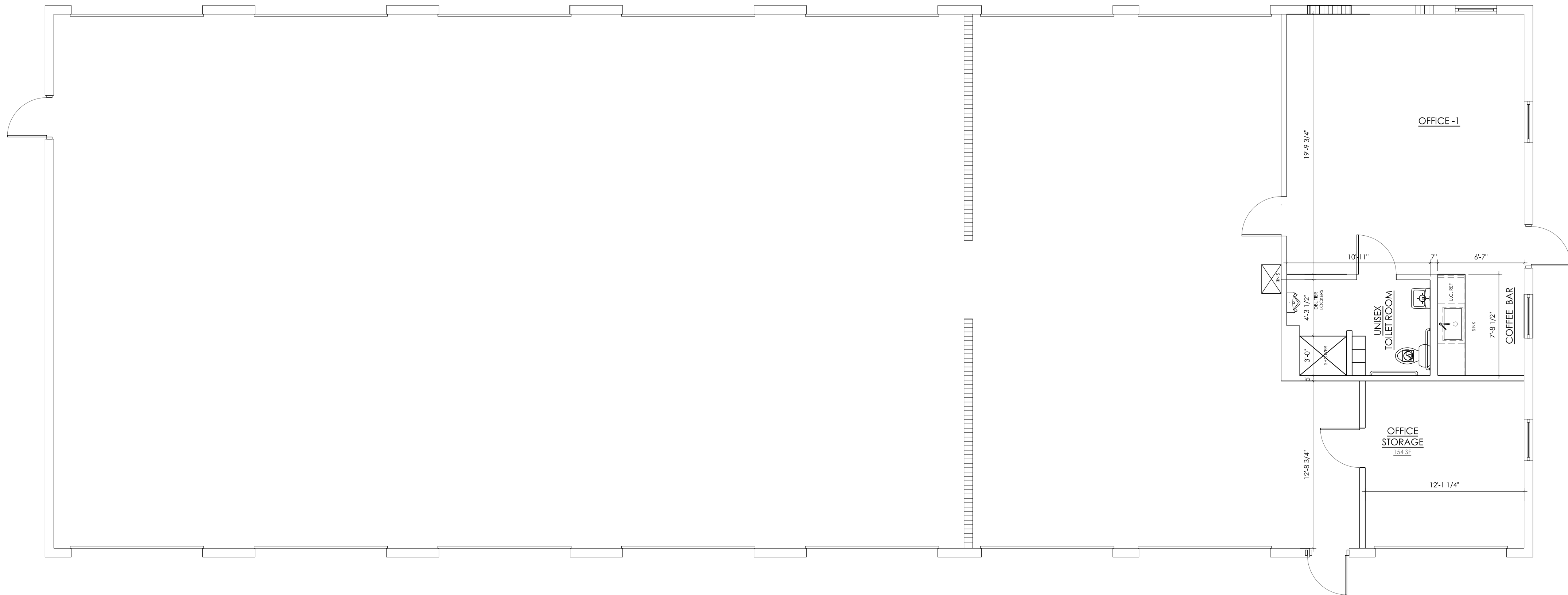
ZONING MAP CASE: CU-35-2022

Subject Property

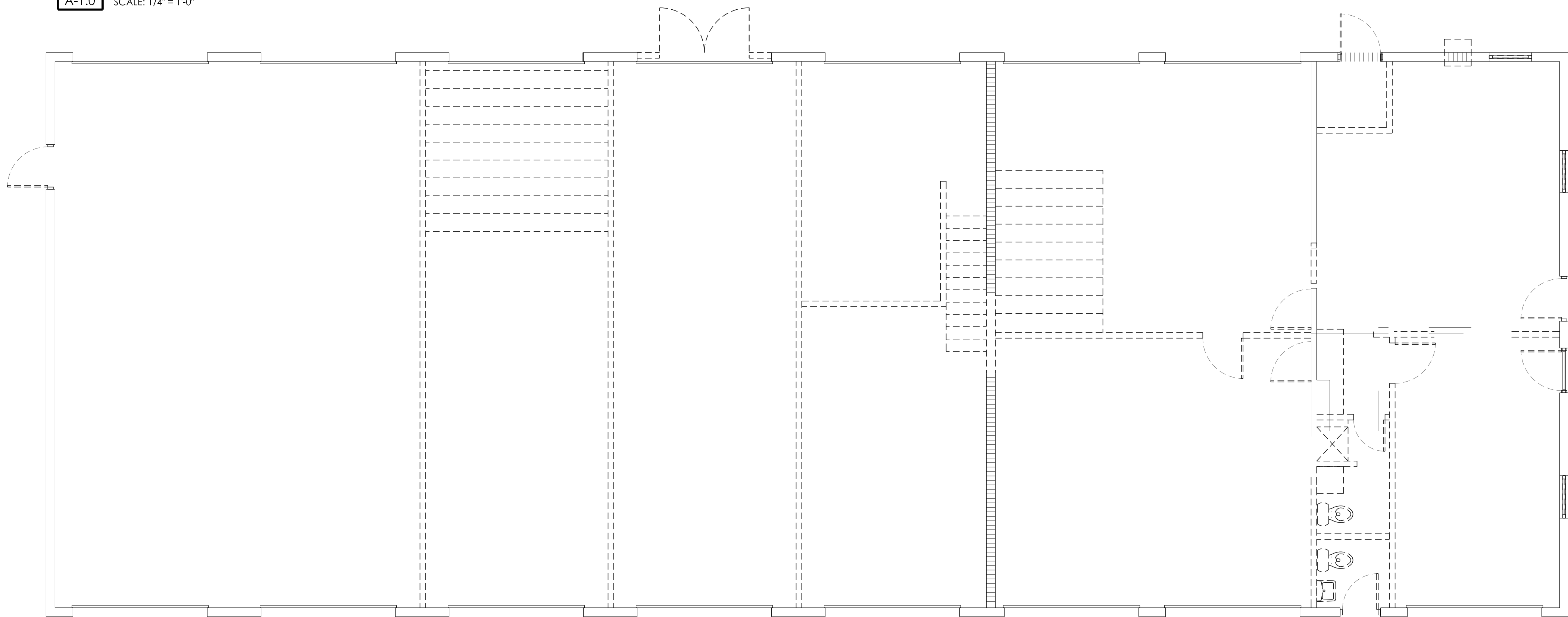
South of and adjacent to Rowena Drive NE, in the vicinity north of Robert J. Conlan Boulevard NE, and east of the Florida East Coast Railway

Current Zoning Classification

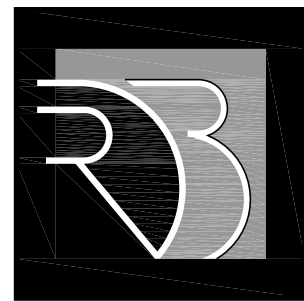
HI – Highway Industrial



1B FLOOR PLAN
A-1.0 SCALE: 1/4" = 1'-0"



02 DEMOLITION PLAN
A-1.0 SCALE: 1/4" = 1'-0"



RUBEN D. BOLANOS
ARCHITECT AR95309
RDBARCHITECT@GMAIL.COM

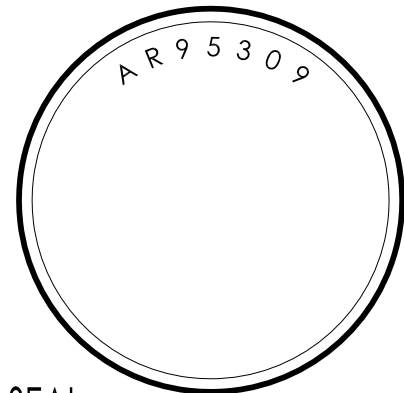
REV.	DATE	DESCRIPTION	BY
00	12-29-19	TAKE-OFF	RB
00	02-12-20	CLIENT PRELIM.	RB
00	03-02-20	CLIENT REV	RB
00	03-03-20	CLIENT REV	RB
00	03-09-20	CLIENT APPRVL	RB

ALL DRAWINGS AND WRITTEN MATERIAL
APPEARING HEREIN, CONSTITUTE THE
UNPUBLISHED WORK AND PROPERTY
OF RUBEN D. BOLANOS, ARCHITECT
AND MAY NOT BE DUPLICATED, USED OR
DISCLOSED WITHOUT THE EXPRESS WRITTEN
CONSENT OF RUBEN D. BOLANOS

FAR CHEMICAL WAREHOUSE REMODEL

2650 ROWENA DRIVE PALM BAY, FLORIDA

RUBEN D. BOLANOS ARCHITECT
6285 PINE TERRACE PLANTATION, FLORIDA 33317 TEL: 954.579-7819



SEAL:

TITLE:
PRELIM. FLOOR PLAN
DEMOLITION PLAN

102-19
COMMISSION:

DATE:

R.D.B.

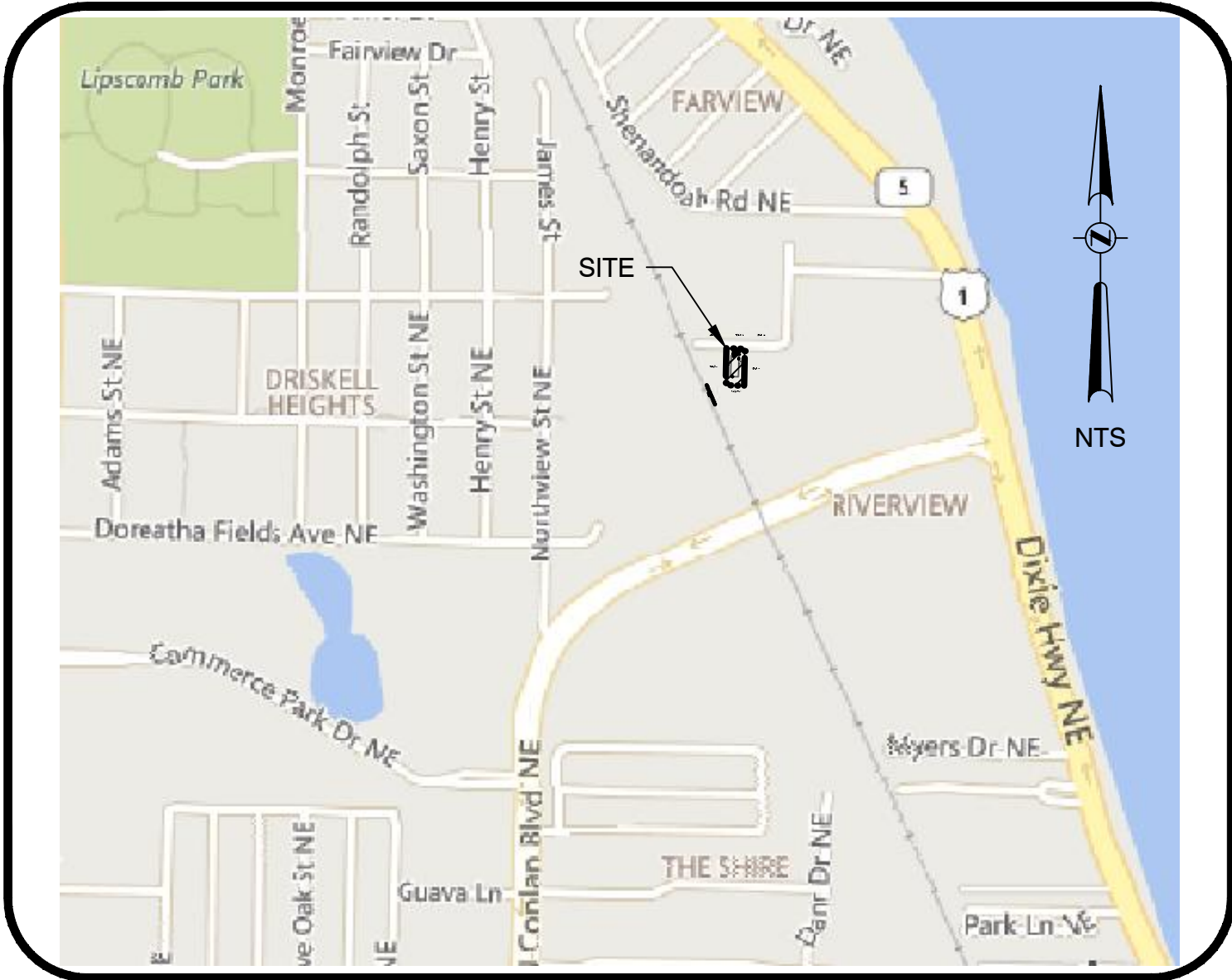
DRAWN:

R.D.B.

CHECKED:

A-1.0

LOCATION MAP



MAP REFERENCES

BOUNDARY AND TOPOGRAPHIC SURVEY

INFORMATION TAKEN FROM "MAP OF ALTA / NSPS LAND TITLE SURVEY" PREPARED BY ROBERT R. DOERRER, PLS. OF HORIZON SURVEYORS OF CENTRAL FLORIDA, INC., DATED 3/13/20.

LEGAL DESCRIPTION: (AS PROVIDED)
BEGIN AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF ROWENA DRIVE, LYING IN FINAN SUBDIVISION, RECORDED IN PLAT BOOK 19, PAGE 128, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND THE EAST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD, THENCE RUN EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 190 FEET TO THE POINT OF BEGINNING, FROM SAID POINT OF BEGINNING, RUN EAST ALONG THE SOUTH RIGHT OF WAY LINE OF ROWENA DRIVE 100 FEET, THENCE SOUTH 0° 50'30" EAST 200 FEET, THENCE WEST PARALLEL TO THE SOUTH RIGHT OF WAY LINE OF ROWENA DRIVE 100 FEET, THENCE NORTH 0° 50'30" EAST 200.00 FEET TO THE POINT OF BEGINNING, SAID LYING AND BEING IN BREVARD COUNTY, FLORIDA.

ALSO DESCRIBED AS

PROPERTY LOCATED AT 2650 ROWENA DRIVE, N.E., PALM BAY, FL 32901, DESCRIBED AS PART OF EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 1519, PAGE 46, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PROFESSIONAL TEAM

CIVIL ENGINEER/PLANNER:

AVID GROUP
2300 CURLEW ROAD, SUITE 201
PALM HARBOR, FLORIDA 34683
PHONE: (727) 789-9500

ARCHITECT:

RUBEN D. BOLANOS ARCHITECT
6285 PINE TERRACE
PLANTATION, FLORIDA 33317
PHONE: (954) 579-7819

LAND USE ATTORNEY:

CECELIA BONIFAY, PARTNER
AKERMAN LLP
420 SOUTH ORANGE AVENUE, SUITE 1200
ORLANDO, FL 32801
PHONE: (407) 423-4000

SURVEYOR:

HORIZON SURVEYORS OF CENTRAL FLORIDA, INC.
390 POINCIANA DRIVE
MELBOURNE, FLORIDA 32935
PHONE: (321) 254-8133

THE DESIGN AND IDEAS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF AVID GROUP AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT WRITTEN AUTHORIZATION FROM AVID GROUP.

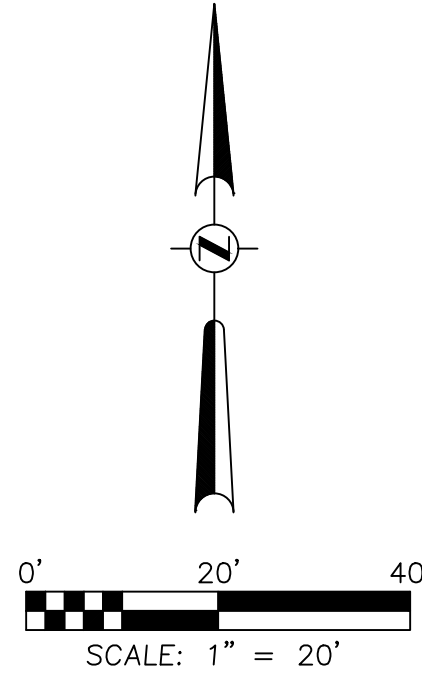
DIMENSION INFORMATION SHOULD NOT BE OBTAINED BY SCALING THE PLANS. DIMENSION INFORMATION NOT PROVIDED HEREIN CAN BE OBTAINED BY CONTACTING AVID GROUP, @ (727)789-9500.

FLU: IND (INDUSTRIAL)
ZONING: HI (HEAVY INDUSTRIAL)
USE: INDUSTRIAL

FLU: IND (INDUSTRIAL)
ZONING: HI (HEAVY INDUSTRIAL)
USE: INDUSTRIAL

FLU: IND (INDUSTRIAL)
ZONING: HI (HEAVY INDUSTRIAL)
USE: INDUSTRIAL

SITE DATA



PROPERTY OWNER:

FAR RESEARCH INC
2210 WILHELMINA CT NE
PALM BAY FL, 32905

PROPERTY LOCATION:

2650 ROWENA DRIVE NE
PALM BAY, FL 32905

PROPERTY PARCEL I.D. NUMBER:

28-37-14-00-14

PROPERTY ZONING:

HI (HEAVY INDUSTRIAL DISTRICT)

PROPERTY USE:

EXISTING PROPOSED

LOT 1 USE:

WAREHOUSE

WAREHOUSE WITH "STORAGE OF LIQUEFIED PETROLEUM PRODUCTS" & "CHEMICALS AND SIMILAR PRODUCTS"

MINIMUM LOT AREA:

REQUIRED EXISTING

AREA:

30,000 SF 19,991 SF (0.459± ACRES)

MINIMUM LOT WIDTH:

REQUIRED EXISTING

WIDTH:

150 FT 100.00 FT

MINIMUM LOT DEPTH:

REQUIRED EXISTING

DEPTH:

200 FT 200.00 FT

MAXIMUM BUILDING COVERAGE:

ALLOWED PROPOSED

PERCENT:

50% MAX 4,768 SF (23.85%)

MAXIMUM BUILDING HEIGHT:

ALLOWED EXISTING

HEIGHT:

100 FT MAX XX FT (1-STORY)

BUILDING SETBACKS:

REQUIRED EXISTING

FRONT (ROWENA DR NE):

40 FT MIN 39.7 FT

SIDE (WEST):

20 FT MIN 26.0 FT

SIDE (EAST):

20 FT MIN 30.2 FT

REAR (SOUTH):

25 FT MIN 46.8 FT

PARKING (ALL SIDES):

10 FT MIN 10.0 FT (PROPOSED) / 0 FT (EXIST)

LOT COVERAGE CALCULATIONS:

	EXISTING		PROPOSED	
BUILDING AREA	4,768 SF	23.85%	4,768 SF	23.85%
VEHICULAR USE AREA (PAVED)	8,780 SF	43.92%	9,103 SF	45.54%
SIDEWALK/MISC CONC. AREA	344 SF	1.72%	228 SF	1.14%
TOTAL IMPERVIOUS AREA	13,892 SF	69.49%	14,099 SF	70.53%
TOTAL PERVIOUS AREA	6,099 SF	30.51%	5,892 SF	29.47%
TOTAL SITE AREA	19,991 SF	100.00%	19,991 SF	100.00%

PARKING (REQUIRED):

1 PARKING SPACE PER 1,000 SF X 4,768 SF = 1 SPACE REQUIRED
HC SPACES REQUIRED: 1
STANDARD STALL SIZE = 10' x 19'
HC STALL SIZE = 12' x 19'

PARKING (PROPOSED):

STANDARD PARKING SPACES = 2
HC SPACES = 1
TOTAL PARKING SPACES = 3

FLOOD ZONE:

THE PARCEL DESCRIBED HEREON IS IN ZONE "X" FLOOD PLAIN AS PER THE NATIONAL FLOOD INSURANCE PROGRAM. FLOOD INSURANCE MAP #12009C 0612G DATED 3-17-14, COMMUNITY #120404, BREVARD COUNTY.

NOTES:

- BUILDING AND SITE IMPROVEMENTS SHOWN ARE EXISTING AND TO REMAIN, EXCEPT AS NOTED.
- EXISTING BRICK PAVER AREA TO BE REMOVED AND EXISTING GRASS PARKING AREA (CURRENTLY 5 STANDARD SPACES) TO BE MODIFIED IN ORDER TO ACCOMMODATE A PAVED HANDICAP PARKING SPACE AND ACCESS AISLE/SIDEWALK TO THE BUILDING.
- CONDITIONAL USE PERMIT IS REQUIRED FOR CHANGE OF USE FROM "WAREHOUSING" TO "WAREHOUSING" INCLUDING THE "STORAGE OF LIQUEFIED PETROLEUM PRODUCTS" AND "CHEMICALS AND SIMILAR PRODUCTS".
- OUTDOOR STORAGE AREA(S) TO COMPLY WITH MINIMUM BUILDING SETBACK REQUIREMENTS. MINIMUM TWENTY (20) FOOT WIDE FIRE LANE TO BE MAINTAINED AROUND THE PERIMETER OF THE STRUCTURE.

FAR RESEARCH, INC.

CIVIL ENGINEERING 2300 CURLEW ROAD STE 201
LAND PLANNING PALM HARBOR, FLORIDA
TRAFFIC/TRANSPORTATION 34683



FAR CHEMICAL
2650 ROWENA DRIVE
PALM BAY, FLORIDA

CONDITIONAL USE SITE PLAN

SHEET NO

1

BY

DATE

NO.

DESCRIPTION

11	10	9	8	7	6	5	4	3	2	1	NO.	DATE
NOT VALID WITHOUT ORIGINAL SURVEYOR'S REGISTERED PROFESSIONAL SEAL AND SIGNATURE	W	E	S	E	S	E	S	E	S	E	06/21/2022	

FLORIDA EAST COAST RAILROAD
(100' R/W)

ACCOUNT #: 2826099
PARCEL I.D. #: 28-37-14-00-12
OWNERS: BOSKIND DEVELOPMENT INC.

FLU: IND (INDUSTRIAL)
ZONING: HI (HEAVY INDUSTRIAL)
USE: INDUSTRIAL

ACCOUNT #: 2826094
PARCEL I.D. #: 28-37-14-00-3.1
OWNERS: FAR RESEARCH INC.
ADJACENT FINISHED FLOOR ELEVATION OF BUILDING 10 = 19.02' NAVD88
ADJACENT FINISHED FLOOR ELEVATION OF BUILDING 9 = 18.24' NAVD88

FLU: IND (INDUSTRIAL)
ZONING: HI (HEAVY INDUSTRIAL)
USE: INDUSTRIAL

ACCOUNT #: 2825825
PARCEL I.D. #: 28-37-11-78-C-1
OWNERS: MLEF 2-1 LLC

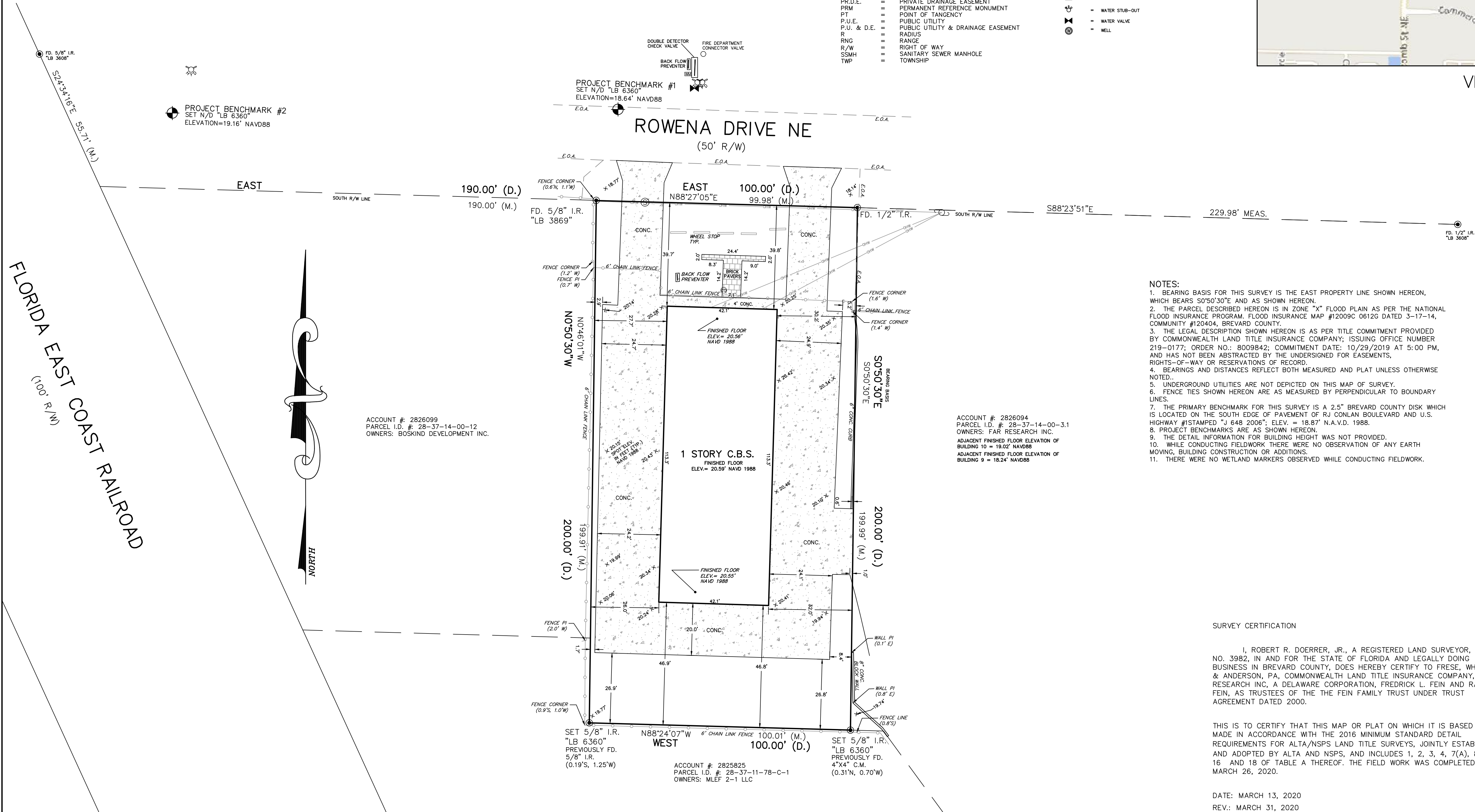
FLU: BMU (BAYFRONT MIXED USE)
ZONING: BMU (BAYFRONT MIXED USE)
USE: INDUSTRIAL

DESCRIPTION: (AS PROVIDED)

BEGIN AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF ROWENA DRIVE, LYING IN FINAN SUBDIVISION, RECORDED IN PLAT BOOK 19, PAGE 128, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND THE EAST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD, THENCE RUN EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 190 FEET TO THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING, RUN EAST ALONG THE SOUTH RIGHT OF WAY LINE OF ROWENA DRIVE 100 FEET, THENCE SOUTH 0° 50'30" EAST 200 FEET; THENCE WEST PARALLEL TO THE SOUTH RIGHT OF WAY LINE OF ROWENA DRIVE 100 FEET; THENCE NORTH 0° 50'30" EAST 200.00 FEET TO THE POINT OF BEGINNING, SAID LYING AND BEING IN BREVARD COUNTY, FLORIDA.

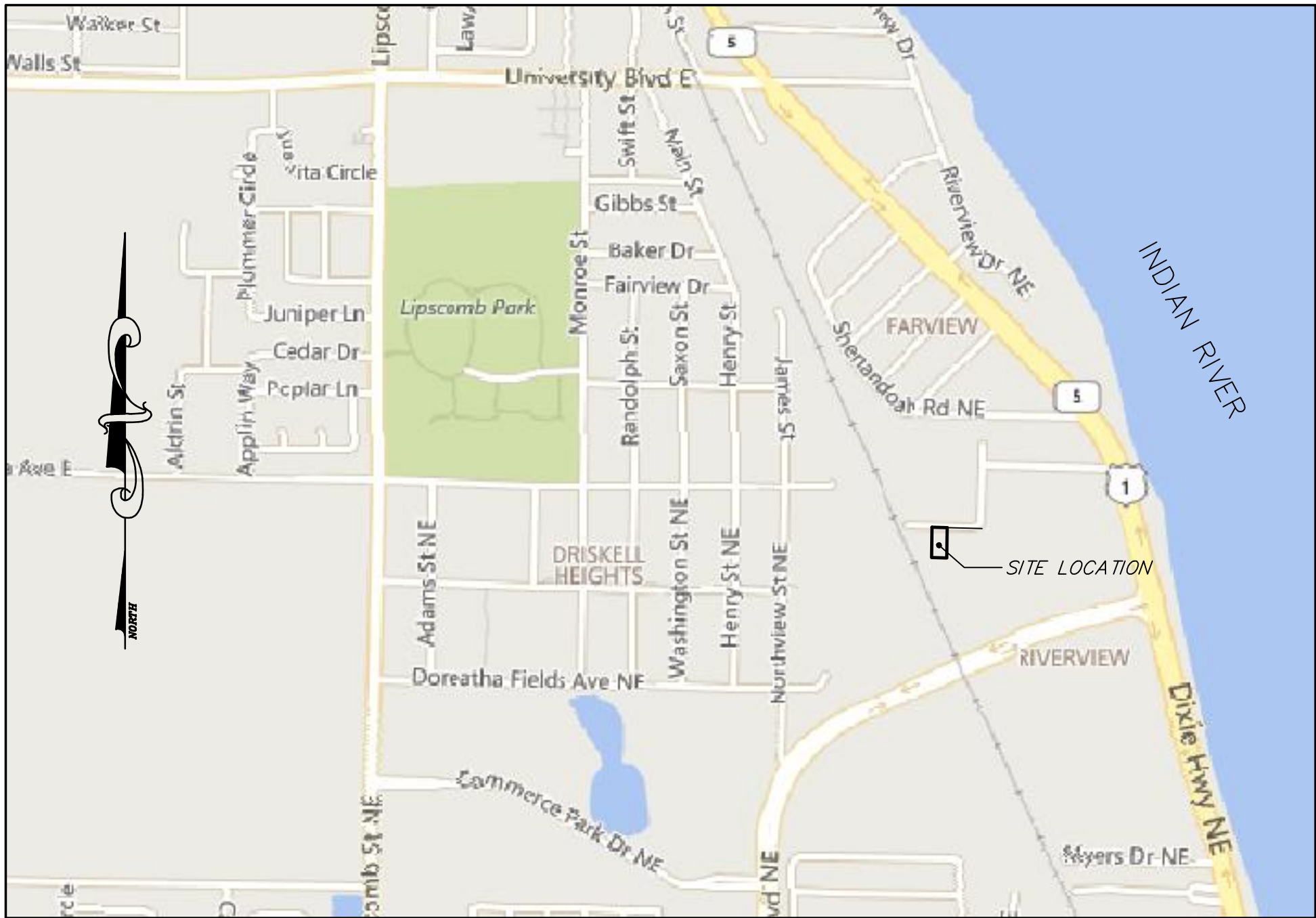
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PROPERTY LOCATED AT 2650 ROWENA DRIVE, N.E., PALM BAY, FL 32901, DESCRIBED AS PART OF EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 1519, PAGE 46, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



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

- UTILITY LEGEND
- COMMUNICATIONS MANHOLE
 - CABLE TV RISER
 - CLEAN OUT
 - DRAINAGE MANHOLE
 - ELECTRICAL BOX
 - FIRE HYDRANT
 - FLOOD LIGHT
 - GAS VALVE
 - GUY ANCHOR
 - HANDICAPPED SIGN/SPACE
 - IRRIGATION CONTROL VALVE
 - LIGHT IN GROUND
 - PHONE RISER
 - POWER POLE, CONCRETE
 - POWER POLE, WOOD
 - SEWER MANHOLE
 - SIGN POLE
 - SIGN DOUBLE POLE
 - SPEED LIMIT SIGN
 - STOP SIGN
 - TRAFFIC BOX
 - TURN ARROW, RIGHT
 - TURN ARROW, LEFT
 - WATER METER
 - WATER STUB-OUT
 - WATER VALVE
 - WELL



VICINITY MAP
(NOT TO SCALE)

SCHEDULE B II EXCEPTIONS PER TITLE COMMITMENT PROVIDED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY; ISSUING OFFICE NUMBER 219-0177; ORDER NO.: 8009842; COMMITMENT DATE: 10/29/2019 AT 5:00 PM;

- DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS FORM. NOT A SURVEY MATTER
- TAXES AND ASSESSMENTS FOR THE YEAR 2020 AND SUBSEQUENT YEARS, WHICH ARE NOT YET DUE AND PAYABLE. NOT A SURVEY MATTER
NOTE: 2019 REAL PROPERTY TAXES IN THE GROSS AMOUNT OF \$4,176.12 ARE PAID, UNDER TAX I.D. NO.28-37- 14-00-14/2826101. NOT A SURVEY MATTER
- STANDARD EXCEPTIONS:
 - A. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. NONE KNOWN TO SURVEYOR
 - B. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS. NOT A SURVEY MATTER
 - C. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR, OR MATERIALS HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS. NOT A SURVEY MATTER
 - D. TAXES OR ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS IN THE PUBLIC RECORDS. NOT A SURVEY MATTER
- ANY LIEN PROVIDED BY COUNTY ORDINANCE OR BY CHAPTER 159, FLORIDA STATUTES, IN FAVOR OF ANY CITY, TOWN, VILLAGE, OR PORT AUTHORITY FOR UNPAID SERVICE CHARGES FOR SERVICE BY ANY WATER, SEWER OR GAS SYSTEM SUPPLYING THE INSURED LAND. NOT A SURVEY MATTER
- RIGHTS OF TENANTS OCCUPYING ALL OR PART OF THE INSURED LAND UNDER UNRECORDED LEASES OR RENTAL AGREEMENTS. NOT A SURVEY MATTER

NOTE: ALL RECORDING REFERENCES IN THIS FORM SHALL REFER TO THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.
NOTE: EXCEPTION 1 ABOVE SHALL BE DEEMED DELETED AS OF THE TIME THE SETTLEMENT FUNDS OR PROCEEDS OF THE LOAN TO BE SECURED BY THE INSURED MORTGAGE, AS APPLICABLE, ARE DISBURSED BY THE COMPANY OR ITS AUTHORIZED AGENT. NEITHER THE COMPANY NOR ITS AGENT SHALL, HOWEVER, BE UNDER ANY DUTY TO DISBURSE ANY SUM EXCEPT UPON A DETERMINATION THAT NO SUCH ADVERSE INTERVENING MATTERS HAVE APPEARED OF RECORD OR OCCURRED.

NOTES:

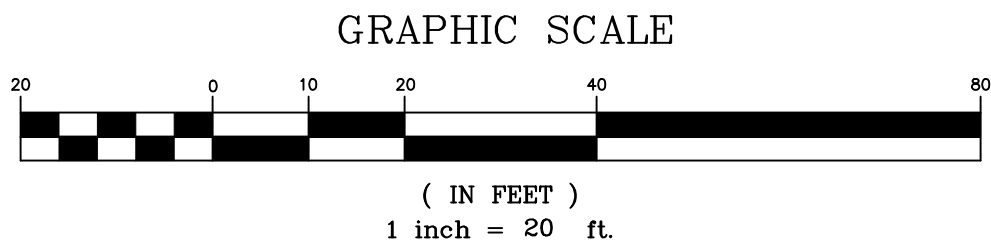
- BEARING BASIS FOR THIS SURVEY IS THE EAST PROPERTY LINE SHOWN HEREON, WHICH BEARS S0°50'30"E AND AS SHOWN HEREON.
- THE PARCEL DESCRIBED HEREON IS IN ZONE "X" FLOOD PLAIN AS PER THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE MAP #12009C 0612G DATED 3-17-14, COMMUNITY #120404, BREVARD COUNTY.
- THE LEGAL DESCRIPTION SHOWN HEREON IS AS PER TITLE COMMITMENT PROVIDED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY; ISSUING OFFICE NUMBER 219-0177; ORDER NO.: 8009842; COMMITMENT DATE: 10/29/2019 AT 5:00 PM, AND HAS NOT BEEN ABSTRACTED BY THE UNDERSIGNED FOR EASEMENTS, RIGHTS-OF-WAY OR RESERVATIONS OF RECORD.
- BEARINGS AND DISTANCES REFLECT BOTH MEASURED AND PLAT UNLESS OTHERWISE NOTED.
- UNDERGROUND UTILITIES ARE NOT DEPICTED ON THIS MAP OF SURVEY.
- FENCE TIES SHOWN HEREON ARE AS MEASURED BY PERPENDICULAR TO BOUNDARY LINES.
- THE PRIMARY BENCHMARK FOR THIS SURVEY IS A 2.5" BREVARD COUNTY DISK WHICH IS LOCATED ON THE SOUTH EDGE OF PAVEMENT OF RJ CONLAN BOULEVARD AND U.S. HIGHWAY #1 STAMPED "J 648 2006"; ELEV. = 18.87' N.A.V.D. 1988.
- PROJECT BENCHMARKS ARE AS SHOWN HEREON.
- THE DETAIL INFORMATION FOR BUILDING HEIGHT WAS NOT PROVIDED.
- WHILE CONDUCTING FIELDWORK THERE WERE NO OBSERVATION OF ANY EARTH MOVING, BUILDING CONSTRUCTION OR ADDITIONS.
- THERE WERE NO WETLAND MARKERS OBSERVED WHILE CONDUCTING FIELDWORK.

SURVEY CERTIFICATION

I, ROBERT R. DOERRER, JR., A REGISTERED LAND SURVEYOR, LICENSE NO. 3982, IN AND FOR THE STATE OF FLORIDA AND LEGALLY DOING BUSINESS IN BREVARD COUNTY, DOES HEREBY CERTIFY TO FRESE, WHITEHEAD & ANDERSON, PA, COMMONWEALTH LAND TITLE INSURANCE COMPANY, FAR RESEARCH INC, A DELAWARE CORPORATION, FREDRICK L. FEIN AND RACHELLE FEIN, AS TRUSTEES OF THE FEIN FAMILY TRUST UNDER TRUST AGREEMENT DATED 2000.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES 1, 2, 3, 4, 7(A), 8, 13, 16 AND 18 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MARCH 26, 2020.

DATE: MARCH 13, 2020
REV.: MARCH 31, 2020



HORIZON SURVEYORS OF CENTRAL FLORIDA, INC. LB 6360 390 POINCIANA DR., MELBOURNE, FL 32935 E-MAIL: INFO@HORIZONSURVEYORS.COM PHONE : (321) 254-8133	SCALE 1" = 20'	REVISION TABLE				I HEREBY CERTIFY THAT THE PROPERTY HEREON WAS SURVEYED UNDER MY DIRECT SUPERVISION AND THAT THIS MAP OF SURVEY IS ACCURATE AND CORRECT. I FURTHER CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.	NOTE: THIS SKETCH IS NOT VALID UNLESS IT BEARS A SIGNATURE AND A SURVEYOR'S SEAL. ROBERT R. DOERRER, JR. PROFESSIONAL LAND SURVEYOR FLORIDA REGISTRATION NO. 3982	SURVEY FOR: FAR RESEARCH INC. DRAWING NUMBER: 6560
		DATE 3-13-20	DATE	DESCRIPTION	BY			
		FIELD BOOK 239 & PAGE 52	3-31-20	ELEVATIONS + CHECK				
		FIELD DATE 3-26-20						



AVID Group®
2300 Curlew Road, Suite 201
Palm Harbor, Florida 34683
Phone (727) 789-9500
www.avidgroup.com
[AUTH#6139 LB7345]

PROJECT NARRATIVE

Application for Conditional Use

2650 Rowena Drive NE, Palm Bay, FL 32905

Project Description

Subject property is a 0.46 acre +/- parcel located midblock on the south side of Rowena Drive NE, between Wilhelmina Ct NE (to the east) and Florida East Coast Railroad (to the west) in the City of Palm Bay, Brevard County, Florida (Parcel No. 28-37-14-00-14). There is an existing 4,768 sq.ft. warehouse building on the property.

FAR Research, Inc. purchased the property in 2019 in order to expand their existing business operations located on the adjoining property to the east. After purchasing the property, it was brought to their attention that while warehousing is a permitted use, the storage of liquefied petroleum products, chemicals and similar products requires conditional use approval within the HI (Heavy Industrial District). The attached letter from FAR Chemical describes their business operations.

The property owner is herein applying for conditional use approval to store liquefied petroleum products, chemicals and similar products on the property. They will be remodeling the building interior, but no building additions are being proposed. The only site changes proposed are related to parking. The existing grass parking spaces are currently located within the front setback and there is currently no handicap parking space on the property, so modifications are proposed to address these issues as requested by city staff.

As required by the fire department, the business owner shall maintain current a list of chemicals and other products being stored and/or processed on the premises, and they shall promptly provide updates to the fire department whenever the list may change in the future.

Review Criteria

Pursuant to Code Section 185.087, the City Council shall consider the following guidelines and standards when granting a conditional use. In furtherance of this requirement, the applicants' professional land planning and engineering consultant has made the following findings in support of the project:

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

Applicant's finding: Ingress and egress is adequate for the proposed use. The warehouse building and site access are existing and will remain. The property is located near the dead-end terminus of Rowena Drive NE, which is a local road within an industrial district. The proposed modifications for on-site parking will improve safety because the existing parking spaces are currently located partially within the road right-of-way.

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

Applicant's finding: There is adequate parking and loading proposed to meet the City's parking and loading standards, as well as to meet the operational needs of the business. This request is for expansion of the property owner's existing business operations, which are already located on the adjoining property to the east. The use will not create undue noise, glare, odor or other detrimental effects upon adjoining properties.

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

Applicant's finding: The existing utilities are adequate and properly located to continue serving the development.

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

Applicant's finding: The property is already developed; no changes are proposed to the existing landscaping. The property is surrounded by other industrial uses.

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

Applicant's finding: Signs and lighting will comply with City standards so as to promote traffic safety and eliminate or minimize undue glare, incompatibility, or disharmony with adjoining properties.

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

Applicant's finding: Yards and open spaces are adequate to serve the development. These areas are existing and only a de minimis increase in impervious area proposed (207 sq.ft. +/-), which is necessary to provide a paved handicap parking space and access to the building, where there is none currently. Almost 30% of the site will remain pervious area and those areas abutting the adjoining industrial uses are not changing.

- (G) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation or type, of physical activity. The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.**

Applicant's finding: The proposed use is an expansion of the existing business operations already located on the adjoining property. There will be office space for 2-4 persons and no persons from the general public would attend or use this facility. The use is compatible with and will not constitute a nuisance or hazard to adjoining properties.

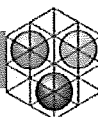
(H) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, reasonable time limit within which the action for which special approval is requested shall be begin or be completed,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

Applicant's finding: The applicant does not believe additional conditions or safeguards are necessary.

Prepared by:
AVID Group

A handwritten signature in black ink, appearing to read 'Peter R. Pensa', written in a cursive style.

Peter R. Pensa, AICP
Associate / Director of Planning



FAR Chemical is a leader in meeting customer requirements for unique and challenging chemical manufacturing and custom hazardous material packaging needs. We are known for service, safety, quality, flexibility and problem solving. We have deep experience and expertise in handling and processing complex and hazardous chemistries.

Our U.S. production facility in Palm Bay, Florida, has a 35-year history of safe, responsible operations. In addition to custom and toll manufacturing for others, we produce a propriety line of FARMetl™ acetylacetonate products used in a broad range of applications. We are an ISO9001:2015 certified operation and participating member of SOCMA.

We purchased the warehouse at 2650 Rowena Dr because it is adjacent to our manufacturing facility. Our intention is to completely refurbish the building, installing state of the art fire suppression systems, explosion proof lighting and wiring and diking the building. Once that work is completed, we'll have more interior space to store raw materials safely and responsibly and to provide office space for 2-4 employees. This new warehouse will not only provide us with storage and a small office space but will allow us to continue to contribute substantially to the City's tax base and good paying jobs for the community.



LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

CONDITIONAL USE APPLICATION

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

PARCEL ID(S):

28-37-14-00-14

TAX ACCOUNT NUMBER(S):

2826101

PROPERTY ADDRESS:

2650 Rowena Drive NE, Palm Bay, FL 32901

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

0.46

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

Heavy Industrial

CONDITIONAL USE SOUGHT:

Storage of liquefied petroleum products and chemicals and similar products.

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

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

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

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

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

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

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

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

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

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

- ☒ *\$650.00 Application Fee. Make Check payable to "City of Palm Bay."
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☒ Site Sketch (See page 2 for requirements). **Also provide the site sketch on Memory Drive.**
- ☒ Citizen Participation Plan. Refer to Section 169.005 of the Land Development Code for guidelines.
- ☐ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines. Staff will provide a sign template.
- ☒ **Where the property owner is not the representative for the request, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.**

Name of Representative AVID Group, LLC. (Attn: Peter Pensa, AICP)

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

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

Owner Signature

Joseph W. Beatty

Date

6/23/2022

Printed Name

JOSEPH W. BEATTY

Full Address

2210 Wilhelmina Ct NE Palm Bay FL 32905

Telephone

321-248-5922

Email

JBeatty@far-chemical.com

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

LETTER OF AUTHORIZATION

To Whom It May Concern:

This letter does hereby authorize AVID Group, LLC and Akerman, LLP to act as our agent(s) for and with all regulatory agencies, departments, and their personnel for the City of Palm Bay, Florida Department of Economic Opportunity, Florida Department of Transportation, St. Johns River Water Management District, Florida Department of Environmental Protection, US Army Corps of Engineers, and any other regulatory agencies or utility providers in an effort to receive all approvals necessary for permitting and developing the proposed commercial, project on an approximately 0.46 acres, m.o.l. tract that is generally located south of Rowena Drive NE and east of the Florida East Coast Railroad in the City of Palm Bay, Brevard County, Florida. In addition, I authorize the above-listed agent(s) to bind me, or my corporation, to perform any requirements which may be necessary to procure these permits or authorizations.

Parcel ID Number(s):	Site Acreage	Street Address (if assigned):
28-37-14-00-14	0.46	2650 Rowena Dr NE; Palm Bay, FL 32905

Property Owner:

Signature: *Joseph W. Beatty*

Name: Joseph W. Beatty

Title: VP/GM

FAR Research Inc.

2210 Wilhelmina Ct NE

Palm Bay, FL 32905

STATE OF Florida

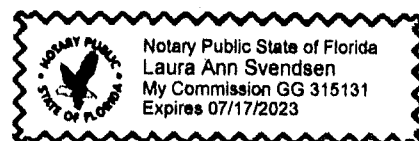
COUNTY OF Brevard

On this the 23RD day of June 2022 before me, the undersigned Notary Public of the State of Florida, personally appeared Joseph W. Beatty and whose name(s) is/are subscribed to the within instrument, and acknowledge that he/she/they executed it. The individual(s) are ☒ personally known to me, or ☐ presented the following identification: N/A.

WITNESS MY HAND AND SEAL:

Laura Ann Svendsen
NOTARY SIGNATURE

NOTARY SEAL &
COMMISSION EXPIRATION:



CASE CU-35-2022
CORRESPONDENCE

Chandra Powell

From: Terese Jones
Sent: Wednesday, July 27, 2022 1:41 PM
To: Chandra Powell; Alexandra Bernard; Jesse Anderson
Subject: FW: Notice to Intervene - Party Intervenor/Affected Person - August 3, 2022 Planning & Zoning Board Meeting - Case No. CU-35-2022

From: Richard Dewitt <rdewitt@govlawgroup.com>
Sent: Tuesday, July 26, 2022 3:25 PM
To: Terese Jones <Terese.Jones@palmabayflorida.org>
Cc: Keith Poliakoff <kpoliakoff@govlawgroup.com>
Subject: Notice to Intervene - Party Intervenor/Affected Person - August 3, 2022 Planning & Zoning Board Meeting - Case No. CU-35-2022

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.

Please be advised that as an adjacent property owner MLEF2-1, LLC, ("MLEF") located at 3370 and 3420 Dixie Highway, Palm Bay, FL – (954) 909-0593, is strongly opposed to the Request for a Conditional Use for the Storage of Liquified Petroleum and Similar Chemical Products – Case No. CU-35-2022. MLEF is an adversely affected party who will suffer a negative effect to a protected interest as a result of the quasi-judicial action sought by the applicant, FAR Research, Inc. ("FAR").

FAR has a history of safety violations at the local, state and federal level which cannot be ignored. In addition, FAR continues to violate governmental regulations, and it has been cited for its repeated violations and for its failure to remediate contamination. FAR's blatant disregard of safety standards resulted in a serious explosion that could be seen and felt by the surrounding community. As an adjacent property owner, MLEF was directly impacted by the explosion and will be further impacted if the Conditional Use is approved. It is unfathomable to think what that explosion would have done had this request been previously granted. Accordingly, MLEF urges the City to deny the Application.

This letter serves to place the City on notice that MLEF is hereby filing as a party intervenor/affected person pursuant to Florida Statutes 286.0115 and Section 59.03, Palm Bay Code of Ordinances, for the Request for a Conditional Use for the Storage of Liquified Petroleum and Similar Chemical Products – Case No. CU-35-2022. As an intervenor/affected party MLEF shall receive the same rights and privileges afforded to the applicant, including but not limited to, the right to make a reasonable presentation, introduce exhibits, and to cross-examine opposing witnesses.

Florida courts have uniformly held that "neighboring property owners affected by zoning changes have standing to challenge the changes." See *Rinker Materials Corp. v. Metropolitan Dade County*, 528 So.2d 904 (Fla. 3d DCA 1987). Courts have also held that affected parties must be given "a fair opportunity to be heard in accord with the basic requirements of due process, including the right to present evidence and to cross-examine adverse witnesses." *Bd. of County Comm'n of Hillsborough County*, 332 So.2d 651 (Fla. 2d DCA 1976) Lastly, in *Lee County v. Sunbelt Equities, IL Ltd. Partner*, 619 So.2d 996, 1002 (Fla. 2d DCA 1993), the Court ruled, "in quasi-judicial proceedings, the parties must be able to present evidence, cross-examine witnesses, and be informed of all the facts upon which the commission' acts."

The rights of the public, particularly the rights of an adjacent property owner, will be adversely affected by the Request for a Conditional Use for the Storage of Liquefied Petroleum and Similar Chemical Products – Case No. CU-35-2022, accordingly they should be denied.

Thank you for your attention to this matter. Please confirm receipt of this correspondence and MLEF's status as an party intervenor, adversely affected party in FAR's Request for a Conditional Use for the Storage of Liquefied Petroleum and Similar Chemical Products – Case No. CU-35-2022.

Very truly yours,

RJD



Richard J. Dewitt, Esq.

rdewitt@govlawgroup.com

O: 954.909.0593 | M: 786.510.0535

200 S. Andrews Ave. | Suite 601 | Fort Lauderdale, FL 33301



MEMORANDUM

TO: Planning and Zoning Board Members

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

DATE: August 3, 2022

SUBJECT: CP-17-2022 - Eastshore - Dudley E. Garner and Sue E. Garner Revocable Trust (Miguel Reynaldos and Andrew Steel, Northshore Development, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Light Industrial Use to Multiple-Family Residential Use - Tax Parcel 255, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 3.00 acres. Located south of and adjacent to Doreatha Fields Avenue NE, in the vicinity west of Northview Street NE

ATTACHMENTS:

Description

- ▣ Case CP-17-2022 - Staff Report
- ▣ Case CP-17-2022 - Survey
- ▣ Case CP-17-2022 - Environmental Assessment Report
- ▣ Case CP-17-2022 - 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-17-2022

PLANNING & ZONING BOARD HEARING DATE

August 3, 2022

PROPERTY OWNER & APPLICANT

Dudley E. Garner and Sue E. Garner
Revocable Trust (Miguel Reynaldos and
Andrew Steel, Northshore Development,
Reps.)

PROPERTY LOCATION/ADDRESS

Block 255, Section 14, Township 28, Range 37, Brevard
County, Florida, containing approximately 3.00 acres

SUMMARY OF REQUEST

The applicant is requesting a small-scale Comprehensive Plan
Future Land Use Map amendment from Industrial Use to Multiple
Family Residential Use.

Existing Zoning

LI, Light Industrial

Existing Land Use

Industrial

Site Improvements

Undeveloped Land

Site Acreage

3 acres

SURROUNDING FUTURE LAND USE

North

Industrial

East

Industrial

South

BMU, Bayfront Mixed Use

West

Industrial

BACKGROUND:

The subject property is located south of and adjacent to Doreatha Fields Avenue NE, in the vicinity west of Northview Street NE.

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 3-acre property is a Multi-Family Residential development. The proposed land use amendment would be considered compatible. The change will allow for a high-quality, diversified living environment. The development will further these goals by providing a medium-density residential development in the vicinity of the Bayfront Mixed Use district.

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. Instead, it will serve to create additional multi-family housing opportunities needed in Palm Bay.

4. INFRASTRUCTURE ELEMENTS

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

Utilities: The FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. 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-17-2022 is recommended for approval.



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



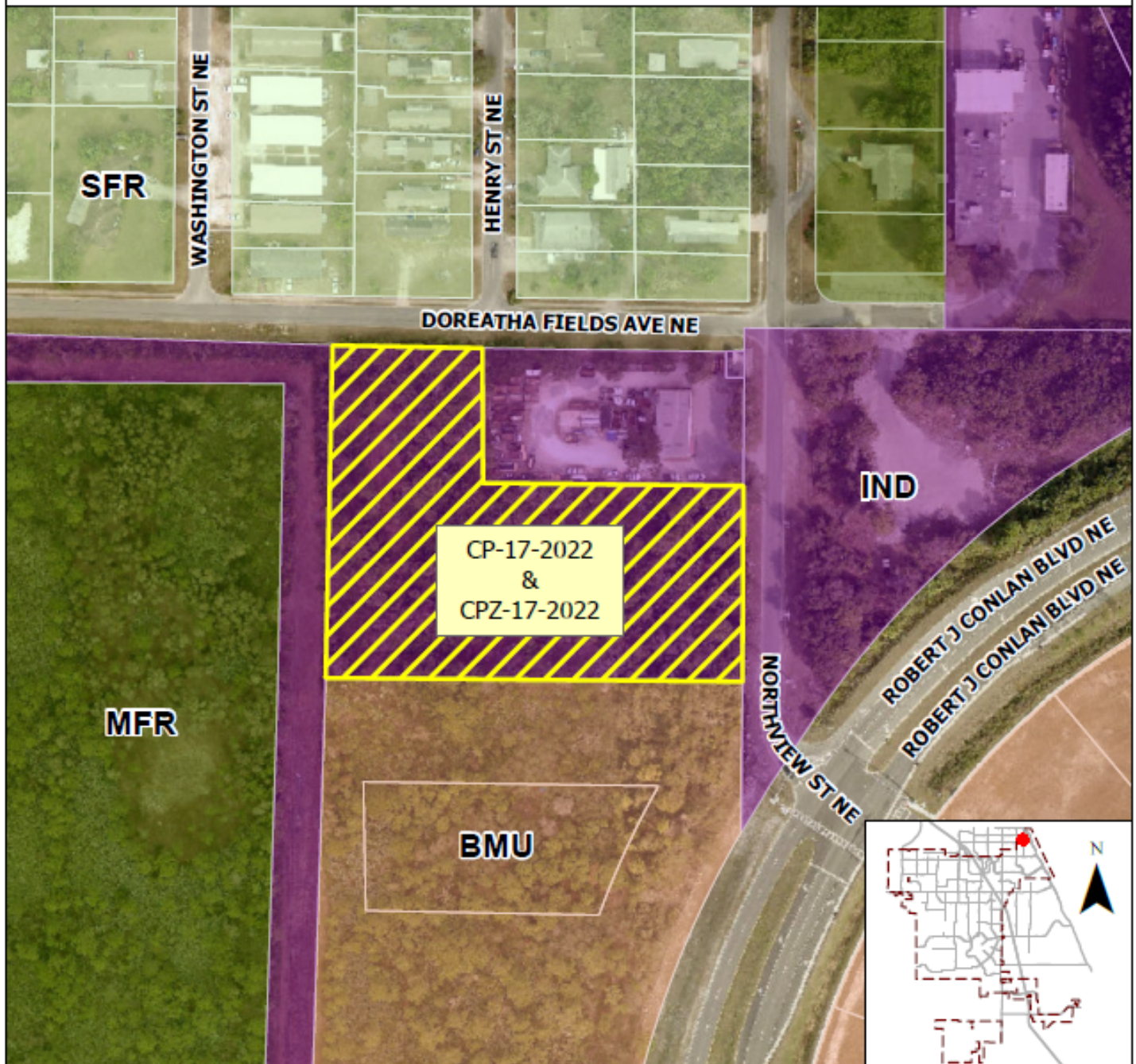
AERIAL LOCATION MAP CASE: CP-17-2022 & CPZ-17-2022

Subject Property

South of and adjacent to Doreatha Fields Avenue NE, in the vicinity west of Northview Street NE



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



FUTURE LAND USE MAP CASE: CP-17-2022 & CPZ-17-2022

Subject Property

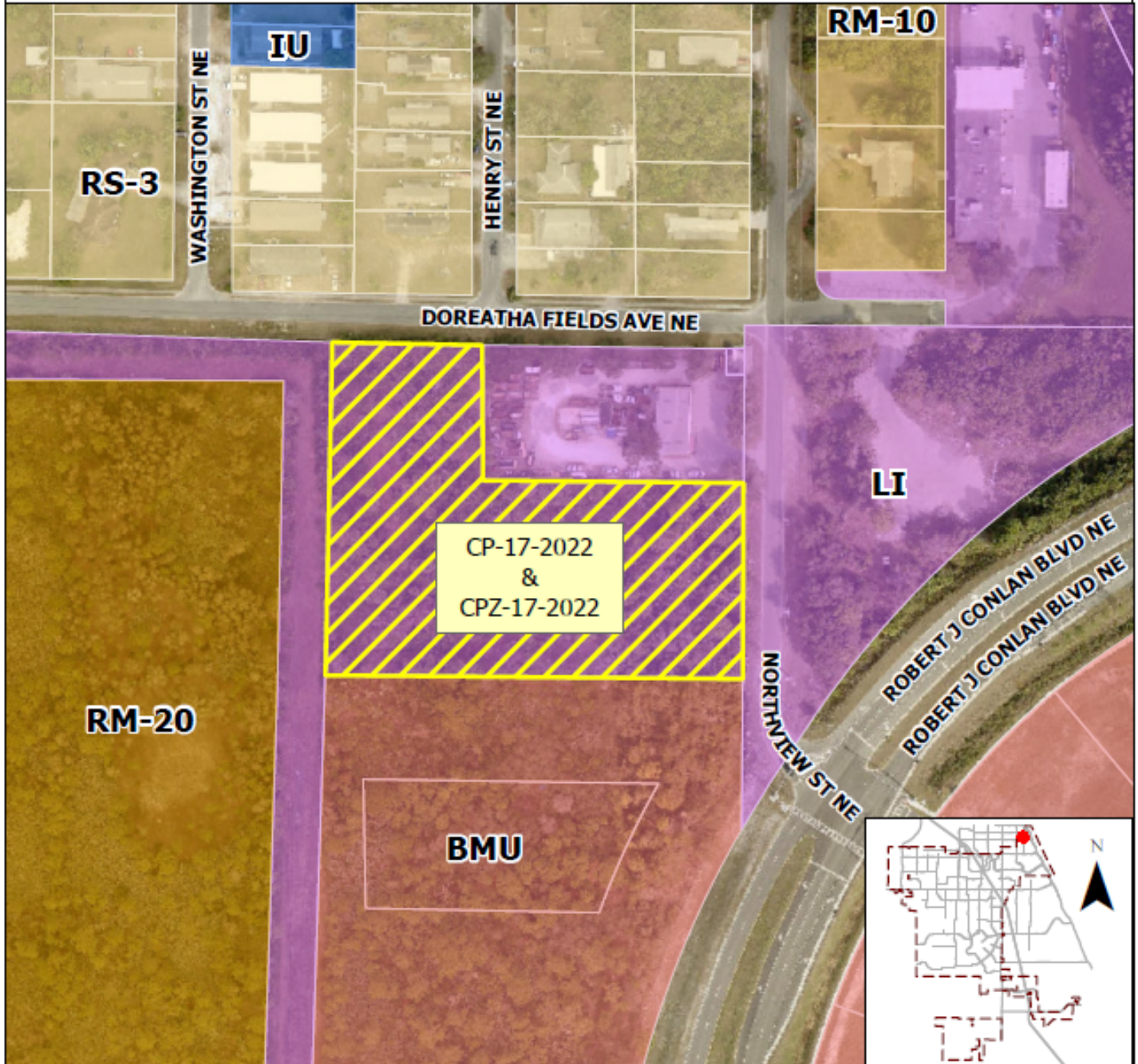
South of and adjacent to Doreatha Fields Avenue NE, in the vicinity west of Northview Street NE

Future Land Use Classification

IND – Industrial



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



ZONING MAP CASE: CP-17-2022 & CPZ-17-2022

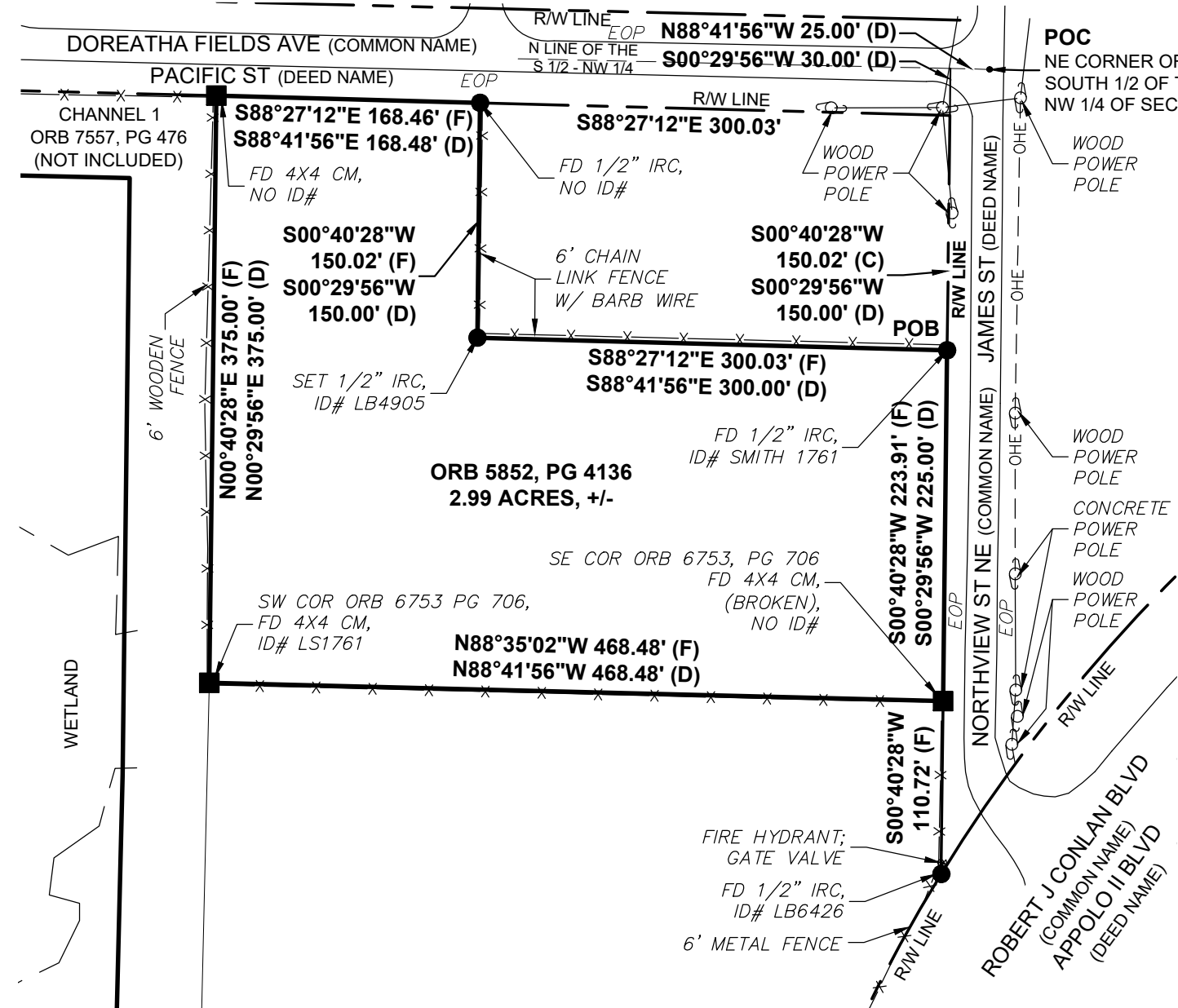
Subject Property

South of and adjacent to Doreatha Fields Avenue NE, in the vicinity west of Northview Street NE

Current Zoning Classification

LI – Light Industrial

H:\Projects Folder\11491.05\Drawings\1149105_100_001.dwg February 23, 2022 1:51:50 PM LH



ABBREVIATIONS

A/C	AIR CONDITIONER	INV	INVERT
AL	ARC LENGTH	IR	IRON ROD
AVE	AVENUE	IRC	IRON ROD AND CAP
BLVD	BOULEVARD	LB	LICENSED BUSINESS
BM	BENCH MARK	LWP	LIGHTER WOOD POST
BOC	BEGINNING OF CURVE	N#	NEIGHBORHOOD IDENTIFICATION
(C)	CALCULATED DIMENSION	N&D	NAIL AND DISK
CA	CENTRAL ANGLE	NAVD88	NORTH AMERICAN VERTICAL DATUM 1988
CB	CHORD BEARING	NGVD29	NATIONAL GEODETIC VERTICAL DATUM 1929
CBS	CONCRETE BLOCK STRUCTURE	NTI	NON-TANGENT INTERSECTION
CH	CHORD LENGTH	NTL	NON-TANGENT LINE
CM	CONCRETE MONUMENT	NTS	NOT TO SCALE
CMP	CORRUGATED METAL PIPE	OHE	OVERHEAD ELECTRIC/ UTILITY
CONC	CONCRETE	OR/ORB	OFFICIAL RECORDS BOOK
COR	CORNER	PB	PLAT BOOK
DEL	DELTA / CENTRAL ANGLE	(P)	PLAT DIMENSION
(D)	DEED/RECORD DIMENSION	PCP	PERMANENT CONTROL POINT
ELEC	ELECTRIC	PG(S)	PAGE(S)
EL/ELEV	ELEVATION	PK	PARKER-KALEN
EOC	END OF CURVE	POB	POINT OF BEGINNING
EOP	EDGE OF PAVEMENT	POC	POINT OF COMMENCEMENT
EW	EDGE OF WATER	PP	POWER/UTILITY POLE
ERCP	ELLIPTICAL REINFORCED CONCRETE PIPE	PRC	POINT OF REVERSE CURVATURE
ESMT	EASEMENT	PUD	PLANNED UNIT DEVELOPMENT
FD	FOUND	PVC	POLYVINYL CHLORIDE PIPE
(F)	FIELD MEASURED DIMENSION	R	RADIUS
FH	FIRE HYDRANT	R/W	RIGHT-OF-WAY
FP&L	FLORIDA POWER AND LIGHT	RCP	REINFORCED CONCRETE PIPE
FT	FEET	RR	RAILROAD
HWY	HIGHWAY	ST	STREET
ID#	IDENTIFICATION NUMBER	TYP	TYPICAL

SURVEY SYMBOL LEGEND

- SET 1/2" IRON ROD AND CAP; ID# LB4905, UNLESS OTHERWISE NOTED
- FD 4x4 CM; ID# LB4905, UNLESS OTHERWISE NOTED

SCOTT M. GLAUBITZ
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NUMBER 4151

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

DESCRIPTION FROM OFFICIAL RECORDS BOOK 5852, PAGE 4136, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA:

FROM THE NE CORNER OF THE SOUTH 1/2 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 28S, RANGE 37E OF BREVARD COUNTY, FLORIDA, RUN NORTH 88°41'56" WEST ALONG THE NORTH LINE OF SAID SOUTH 1/2 OF NW 1/4 OF SECTION 14, A DISTANCE OF 25.00 FEET; THENCE SOUTH 00°29'56" WEST PARALLEL WITH THE EAST LINE OF SAID NW 1/4 OF SECTION 14, A DISTANCE OF 30.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF PACIFIC AVENUE AS ESTABLISHED BY DEED RECORDED IN OFFICIAL RECORDS BOOK 1334, PAGE 171 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE CONTINUE SOUTH 00°29'56" WEST ALONG THE WEST RIGHT OF WAY OF JAMES STREET AS ESTABLISHED BY DEED RECORDED IN OFFICIAL RECORDS BOOK 498, PAGE 23, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°29'56" WEST ALONG SAID WEST RIGHT OF WAY LINE OF JAMES STREET A DISTANCE OF 225.00 FEET; THENCE NORTH 88°41'56" WEST PARALLEL WITH THE NORTH LINE OF SAID SOUTH 1/2 OF NW 1/4 OF SECTION 14 A DISTANCE OF 468.48 FEET; THENCE NORTH 00°29'56" EAST A DISTANCE OF 375.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF PACIFIC AVENUE; THENCE SOUTH 88°41'56" EAST ALONG SAID SOUTH RIGHT OF WAY LINE OF PACIFIC AVENUE A DISTANCE OF 168.48 FEET; THENCE SOUTH 00°29'56" WEST 150.00 FEET; THENCE SOUTH 88°41'56" EAST A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING.

SURVEY NOTES:

SURVEY OF A PARCEL OF LAND IN SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.

SURVEY FOR BOUNDARY ONLY.

OTHER THAN AS MAY BE SHOWN AND/OR NOTED HEREON, IMPROVEMENTS AND/OR UTILITIES, WHETHER ABOVEGROUND OR UNDERGROUND, ARE NOT LOCATED OR SHOWN ON THIS SURVEY.

BEARING REFERENCE: ASSUMED BEARING OF N88°41'56"W ON THE NORTH LINE OF OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, ACCORDING TO THE DEED DESCRIPTION RECORDED IN OFFICIAL RECORDS BOOK 5852, PAGE 4136, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

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

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

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

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

DATE OF LAST FIELD WORK: 02/14/2022



GARNER PARCEL BOUNDARY SURVEY



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

DATE: 02/23/2022
DESIGN/DRAWN: LEH/IT
DRAWING# 1149105_100_001
PROJECT# 11491.05
SHEET 1 OF 1



Environmental Assessment

For the

Eastshore Apartments & Mixed-Use Property Brevard County, Florida

Prepared By:

Atlantic Ecological Services, LLC

Attn: Jody Sisk

201 Basque Road

St. Augustine, FL 32080

jody@atlanticeco.com

(904) 347-9133

Prepared For:

Northshore Development, LLC

Attn: Mr. Miguel A. Reynaldos

2295 South Hiawassee Road, Ste 306

Orlando, FL 32835

March 2022

Table of Contents

Page

1.0 PROJECT INTRODUCTION.....	1
2.0 EXISTING SITE CONDITIONS.....	1
2.1 Uplands.....	1
2.2 Wetlands.....	2
2.3 Surface Waters.....	2
3.0 SOILS.....	2
4.0 WETLANDS AND SURFACE WATERS.....	3
4.1 Methods and Jurisdiction.....	3
4.2 Wetland Impacts	3
4.3 Wetland Mitigation	4
5.0 WILDLIFE OBSERVATIONS.....	4
6.0 PROTECTED SPECIES.....	4
6.1 Protected Wildlife Species.....	5
6.2 Protected Plant Species.....	7
7.0 SUMMARY.....	7
Technical Literature References.....	9

Appendices

Appendix I - Figures

- **Location Map**
- **Aerial Map**
- **Topographic Map**
- **Soils Map**
- **Habitat Map**
- **Wetland Map**
- **Site Plan Map**
- **Gopher Tortoise Burrow Location Map**
- **Florida Scrub-Jay Family Map**

Appendix II – Habitat Assessment

- **UMAM Overview**

1.0 PROJECT INTRODUCTION

The Eastshore Apartments & Mixed-Use Property is located in Palm Bay, Brevard County, Florida, in Section 14, Township 28 South, Range 37 East. The subject property is approximately 23.80 acres in total size and consists of wetlands and uplands. The Property consists of the Brevard County Parcel ID's # 28-37-14-00-250, 28-37-14-00-254, 28-37-14-00-255, 28-37-14-00-293, and a portion of 28-37-14-00-290. The subject property is located to the west of Robert J. Conlan Boulevard, north of Commerce Park Drive, and south of Doreatha Fields Avenue (see attached Location Map, Aerial Map, and Topographic Map for details). The latitude and longitude coordinates for the approximate center of the project are 28°3'4.228"N, 80°35'51.698"W and was determined via Google Earth.

The Client for the project is:

Northshore Development, LLC
Attn: Miguel Reynaldos
2295 South Hiawasse Rd, Suite 306
Orlando, FL 32835

Atlantic Ecological Services (AES) conducted an Environmental Assessment (EA) on the Pirates Bay Property (herein referred to as the subject property). The field surveys were conducted on February 25, 2021. The subject property was reviewed to determine habitat type's present, boundaries of habitat types, wetland delineation, presence of or the potential for protected species, wildlife utilization of the site and other environmental constraints noted during the site visits. This EA report discusses the methods used to conduct the EA, the results thereof and includes several supplementary figures.

2.0 EXISTING SITE CONDITIONS

The subject property consists of undeveloped uplands and wetlands. The community and land use areas were categorized according to the Florida Department of Transportation (FDOT) (1991) *Florida Land Use, Cover and Forms Classification System* (FLUCFCS). The communities and land uses observed and delineated on the subject property are described in detail below and are shown on the attached Habitat Map.

2.1 Uplands

Pine Flatwoods (FLUCCS 411) – Approximately 15.50 acres of the property consists of relict pine flatwoods habitat community. The canopy is predominately slash pine (*Pinus elliotii*) with areas of punk tree (*Melaleuca quinquenervia*). The canopy also includes areas of sand pine (*Pinus clausa*), live oak (*Quercus virginiana*), and laurel oak (*Quercus laurifolia*). The understory is a closed system of saw palmetto (*Serenoa repens*), Brazilian pepper (*Schinus terebinthifolius*), gallberry (*Ilex glabra*), rusty lyonia (*Lyonia ferruginea*), shiny lyonia (*Lyonia lucida*), and bracken fern (*Pteridium aquilinum*).

Hardwood-Conifer Mix (FLUCCS 434) – Approximately 3.71 acres of the subject property consists of a relict pine-oak habitat community. This area is similar to the pine flatwoods, just with a canopy with a higher percentage of large hardwoods. The canopy is mixed and contains slash pine, longleaf pine (*Pinus palustris*), live oak, laurel oak, cabbage palm (*Sabal palmetto*), and sand pine. The subcanopy consists primarily of Brazilian pepper. The understory consists primarily of saw palmetto and a mix of vines such as grapevine (*Vitis* spp.) and greenbriar (*Smilax* spp.).

2.2 Wetlands

Exotic Wetland Hardwoods (FLUCCS 619) – Approximately 1.36 acres of the subject property consists of a punk tree dominate wetlands. Other trees found at a much less extent include red maple (*Acer rubrum*), slash pine, and cabbage palm. The understory consists of dahoon holly (*Ilex cassine*), Carolina willow (*Salix caroliniana*), cabbage palm, Brazilian pepper, saw palmetto, primrose willow (*Ludwigia peruviana*), Virginia chain fern (*Woodwardia virginica*), swamp fern (*Blechnum serrulatum*), beakrush (*Rynchospora* spp.), and lizard's tail (*Saururus cernuus*).

Freshwater Marsh (FLUCCS 641) – Approximately 1.18 acres of the subject property consists of a freshwater marsh. The wetland is disturbed due to surrounding land uses and exotic species encroachment. Species found include torpedo grass (*Panicum repens*), cabbage palm, primrose willow, dahoon holly, bushy broom grass (*Andropogon glomeratus*), Virginia chain fern, and blue maidencane (*Amphicarpum muhlenbergianum*).

2.3 Surface Water

Drainage Ditch (FLUCCS 513) – Approximately 2.05 acres of the subject property consists of an existing drainage ditch associated with the stormwater system of the overall Woodlake Commerce Center.

3.0 SOILS

A discussion of each soil type present on the subject property is documented below. Please see the attached Soils Map within Appendix I for the location of each soil type.

Anclote sand, frequently ponded (2) – This soil consists of nearly level, very poorly drained sandy soils that have a thick, dark colored surface layer. In most years the water table is within a depth of 10 inches for more than 6 months. In dry seasons it is deeper, but seldom below a depth of 40 inches. The surface layer is black sand about 19 inches thick. Below this is a 43-inch layer of gray sand and a 10-inch layer of light-gray sand. Permeability is rapid in all layers. The available water capacity is moderate in the surface layer and low below this layer.

Myakka sand (36) – This is a nearly level and poorly drained sandy soil. In most years, the water table is within a depth of 10 inches for 1 to 4 months and between 10 and 40 inches for more than 6 months. In dry seasons it is below a depth of 40 inches.

Myakka sand, depressional (38) – This is a nearly level, poorly drained, sandy soil. The surface layer is sand about 8 inches thick. The upper 4 inches is very dark gray, and the next 4 inches are dark gray. Beneath this is 14 inches of light gray sand. Permeability is rapid in the sandy layers to a depth of 22 inches, moderate from about 22 to 46 inches and rapid from 46 to 63 inches. Available water capacity is very low to a depth of about 22 inches and moderate from about 22 to 46 inches.

Pomello sand (49) – This soil consists of nearly level, moderately well drained soils. The surface layer is about 3 inches thick. Below this is light-gray sand to a depth of 50 inches. Permeability is very rapid to a depth of about 50 inches, moderately rapid between 50 and 62 inches, and rapid between 62 and 80 inches. The available water capacity is very low as far down as 50 inches and is moderate below.

4.0 WETLANDS AND SURFACE WATERS

4.1 Methods and Jurisdiction

Criteria used to determine the presence of the boundaries of wetlands and surface waters were in accordance with Chapter 62-340 F.A.C. AES completed the wetland delineation on February 25, 2022.

Wetlands within the subject property are jurisdictional to the St. Johns River Water Management District (SJRWMD).

Based on preliminary desktop review, the wetland areas lack a direct connection to navigable waters and may not meet federal jurisdiction requirements. An Approved Jurisdictional Determination with the Florida Department of Environmental Protection (FDEP) State 404 Program will be required to confirm jurisdiction.

4.2 Wetland Impacts

The proposed development will directly impact the 2.54 acres of wetlands jurisdictional to SJRWMD found on the subject property. A description of the wetlands found on the subject property is found below.

Wetland 1 – This wetland has split habitats, with the southern end of the wetland consisting of a freshwater marsh and the northern portion consisting of a punk tree dominate forested wetland. The marsh area contains a higher percentage of native marsh plants. The northern section is predominately exotic canopy trees. This wetland is found directly adjacent to the drainage ditch bisecting the property.

Wetland 2 – Wetland 2 is a forested, exotic wetland dominated by punk tree. This wetland is located directly adjacent to Robert Conlon Blvd and Commerce Park Blvd and was historically connected to a larger wetland system to the south, but has since been isolated by construction of Commerce Park Blvd.

4.3 Wetland Mitigation

The project area is located with the Central Indian River Lagoon Basin (Basin 22). Wetland mitigation is proposed via the purchase of wetland mitigation credits from the Basin 22 Wetland Mitigation Bank. AES completed a preliminary Uniform Mitigation Assessment Method (UMAM) for Wetlands 1 and 2 as each wetland is greater than 0.5 acres and will require mitigation for proposed impacts. Please see the attached UMAM overview and worksheets within Appendix I. The applicant proposes to purchase 1.27 UMAM credits from the Basin 22 Wetland Mitigation Bank to offset the proposed wetland impacts.

5.0 WILDLIFE OBSERVATIONS

Wildlife observations, both direct and indirect, were made throughout the course of the site investigation. A list of species observed is provided in the following table:

Table 1: Wildlife species observed on the subject property, in Brevard County, Florida.			
Taxon	Common Name	Scientific Name	Protected
Birds	Turkey vulture	<i>Cathartes aura</i>	No
Reptiles	Gopher tortoise	<i>Gopherus polyphemus</i>	Yes
	Brown anole	<i>Anolis sagrei</i>	No
Mammals			
	Nine-banded armadillo	<i>Dasypus novemcinctus</i>	No

6.0 PROTECTED SPECIES

Prior to visiting the site, a background literature search was conducted to compile a list of state and federally protected animal and plant species that could occur on the subject property. The three primary sources of literature reviewed include the Florida Fish and Wildlife Conservation Commission's (FWC) *Florida's Endangered Species, Threatened Species, And Species of Special Concern*, the United States Fish and Wildlife Service's (FWS) Threatened and Endangered Species System (TESS) database, and the Florida Department of Agriculture and Consumer Services (FDACS), Division of Plant Industry's (DPI) *Notes on Florida's Endangered and Threatened Plants*. During the site

reconnaissance, observations or evidence of protected species and the likelihood of occurrence of each protected species were noted. Further review was completed following the habitat mapping and descriptions.

6.1 Protected Wildlife Species

The protected animal species with at least some likelihood of occurrence are listed in Table 6.1.1, below. The likelihood of occurrence of each species is noted in the table and those species with at least a moderate likelihood of occurrence are discussed following the table.

Table 6.1.1: Protected wildlife species with the potential to occur on subject property, in Brevard County, Florida.

Species Name	Common Name	Agency Listing		Likelihood of Occurrence	Habitat
		FWC	FWS/NMFS		
<i>Aphelocoma coerulescens</i>	Florida scrub-jay	T	T	Low	Scrub habitat
<i>Calidris canutus</i>	Red knot	T	T	Low	Red knots use several places as stopover stops in Florida as feeding grounds
<i>Caracara cheriway</i>	Crested Caracara	T	T	Low	Semi-open habitats offering open ground for hunting and dense coverage for nesting like prairies and rangeland
<i>Drymarchon couperi</i>	Eastern indigo snake	T	T	Low	pine flatwoods, hardwood forests, moist hammocks, and areas that surround cypress swamps
<i>Gopher polyphemus</i>	Gopher Tortoise	T	CS	Observed	longleaf pine sandhills, xeric oak hammocks, scrub, pine flatwoods, dry prairies, and coastal dunes
<i>Laterallus jamaicensis ssp.</i>	Eastern black rail	T	T	Low	Marshes and wet meadows with shallow water
<i>Mycteria americana</i>	Wood stork	T	T	Low	Marshes, swamps, streams and mangroves
<i>Nerodia clarkii</i>	Atlantic salt marsh snake	T	T	Low	Coastal salt marshes
<i>Picoides borealis</i>	Red-cockaded Woodpecker	E	E	Low	Old-growth, open-understory pine forests

E= Endangered; T=Threatened; CS=Candidate Species

Long-legged waders generally have a high likelihood of occurrence onsite due to the drainage ditch and freshwater marsh found on the subject property. This includes the little blue heron (*Egretta caerulea*), snowy egret (*Egretta thula*), and tricolored heron (*Egretta tricolor*). These species could utilize the marsh and drainage ditch for foraging and the

adjacent exotic forested wetland and uplands for roosting. No wading bird rookeries were identified on or known to occur near the subject property. The project is not anticipated to adversely affect wading bird populations.

While no wood storks (*Mycteria americana*) were observed on the subject property, wood storks have been observed routinely throughout the area. No nesting rookeries were observed or are known to occur in the area. The project site is located within a Core Foraging Area for wood storks. Mitigation for wetland impacts is proposed through the purchase of credits from a permitted wetland mitigation bank. Therefore, this project is not likely to adversely affect the wood stork population.

The Florida sandhill cranes (*Grus canadensis pratensis*) is routinely observed in the area and the small freshwater marsh and the drainage ditch on the subject property provide potential nesting area for the species. No sandhill cranes were observed on the subject property during the onsite surveys. No nests or signs of nesting activity were identified. Therefore, this project is not likely to adversely affect the Florida sandhill crane population.

The Florida scrub-jay (*Aphelocoma coerulescens coerulescens*) is listed as Threatened by the FWS and the FWC. Scrub-jays inhabit oak scrub communities with nearby open sandy areas. Scrub-jays typically nest in dense scrub oak pockets. Two scrub-jay families were identified in the 1992-93 statewide survey approximately 685 feet to the southeast of the subject property. AES completed a formal Florida scrub-jay survey on the property to the southeast in 2018. No scrub-jays were found and the site was permitted and constructed as an apartment complex. No scrub or scrub oak dominate habitat, or open areas of sand, are located on the subject property. Therefore, this project is not likely to adversely affect the Florida scrub-jay population.

The FWC's Eagle Nest Locator website was queried for data regarding documented southern bald eagle (*Haliaeetus l. leucocephalus*) nests in the project vicinity. The southern bald eagle is protected under the Bald and Golden Eagle Protection Act. Development guidelines are required for any proposed projects with 330 feet for urban areas and 660 feet for non-urban areas. One known nest (BE027) is located in the area. This active nest is located approximately 1 mile to the west of the subject property. Therefore, this project is not likely to adversely affect the southern bald eagle.

A gopher tortoise (*Gopherus polyphemus*) burrow survey was conducted on the subject property. The survey covered 100% of the suitable habitat found on the subject property. Please see the attached Gopher Tortoise Burrow Map within Appendix I for results. The gopher tortoise survey was conducted in accordance with the techniques outlined in the publication, *Ecology and Habitat Protection Needs of Gopher Tortoise (Gopherus polyphemus) Populations Found on Lands Slated for Development in Florida*. The gopher tortoise, listed as Threatened by the FWC, is a key component in the determination of habitat suitability for other protected species because of the large number of other animals that will use tortoise burrows for one or more of their life

requisites. Two (2) potentially occupied gopher tortoise burrows were identified on the subject property. Prior to development of the site FWC permitting be required and each tortoise will be required to be relocated to a permitted recipient site.

No other protected species are anticipated to utilize the subject property.

6.2 Protected Vegetative Species

The protected plant species with at least some likelihood of occurrence are listed in Table 6.1.1, below. The likelihood of occurrence of each species is noted in the table and those species with at least a moderate likelihood of occurrence are discussed following the table.

Table 6.1.1: Protected wildlife species with the potential to occur on subject property, in Brevard County, Florida.

Species Name	Common Name	Agency Listing		Likelihood of Occurrence	Habitat
		FWC	FWS/NMFS		
<i>Warea carteri</i>	Carter's mustard		E	Low	Sandy areas in open scrub oak, sand scrub
<i>Polygala lewtonii</i>	Lewton's polygala		E	Low	Pyrogenic longleaf pine sandhill and turkey oak sandhill, less often in oak-hickory scrub habitats
<i>Cladonia perforata</i>	Perforate reindeer lichen		E	Low	Very dry, open sites on sand with little plant cover around it
<i>Dicerandra immaculata</i>	Lakela's Mint		E	Low	Openings and shady areas where the wind or wildfire has cleared a partial or total space in the canopy in sand scrub habitat

E= Endangered; T=Threatened; SSC=Species of Special Concern; CS=Candidate Species

No federally protected plant species are expected to occur within the subject property.

7.0 SUMMARY

The Eastshore Apartments & Mixed-Use Property is located in Palm Bay, Brevard County, Florida. The subject property is approximately 23.80 acres in total size and consists of 19.21 acres of uplands, 2.54 acres of wetlands, and 2.05 acres of surface water drainage ditches.

Wetland impacts are proposed to the 2.54 acres of wetlands on the subject property. The wetlands onsite have been negatively impacted by the surrounding land uses, drainage, and isolation from historic wetland systems. The applicant proposes to purchase

approximately 1.27 UMAM credits from the Basin 22 Mitigation Bank to offset the proposed wetland impacts.

A 100% gopher tortoise survey was completed within the project area. Two (2) potentially occupied gopher tortoise burrows were identified. Prior to development of the site FWC permitting be required and each tortoise will be required to be relocated to a permitted recipient site.

No other protected fauna species are anticipated within the project area. No federally protected flora species are anticipated on the subject property.

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APPENDIX I

FIGURES

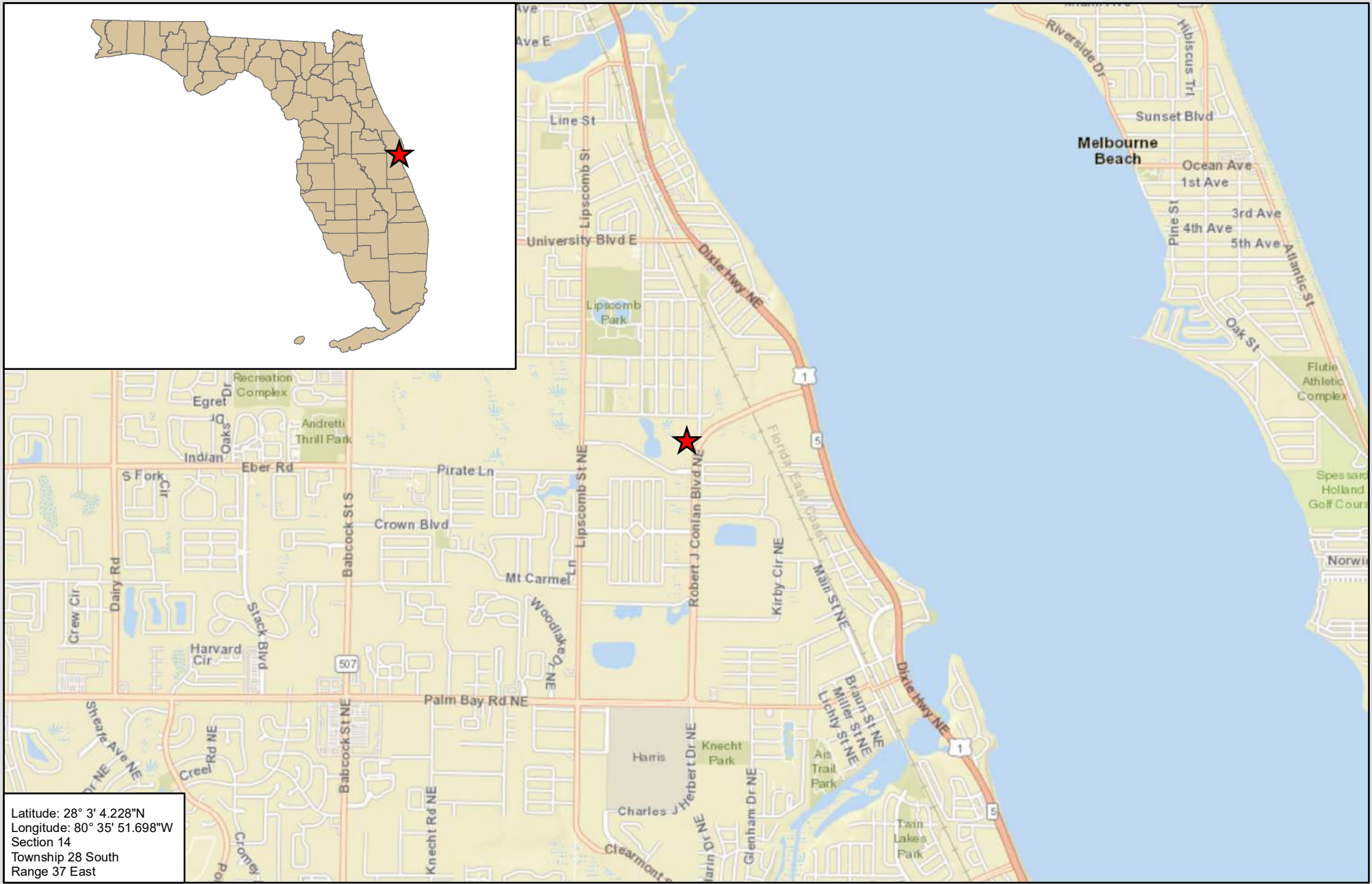


Image Source: ESRI 2020
Date: 3-3-22

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Feet



Location Map Eastshore Apartments & Mixed Use Brevard County, Florida



WWW.ATLANTICECO.COM
904-347-9133 | jody@atlanticeco.com
201 Basque Rd | St. Augustine, FL 32080



Image Source: ESRI 2019
Date: 2-25-22

0 100 200
Feet



Aerial Map Eastshore Apartments & Mixed Use Brevard County, Florida



WWW.ATLANTICECO.COM
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201 Basque Rd | St. Augustine, FL 32080

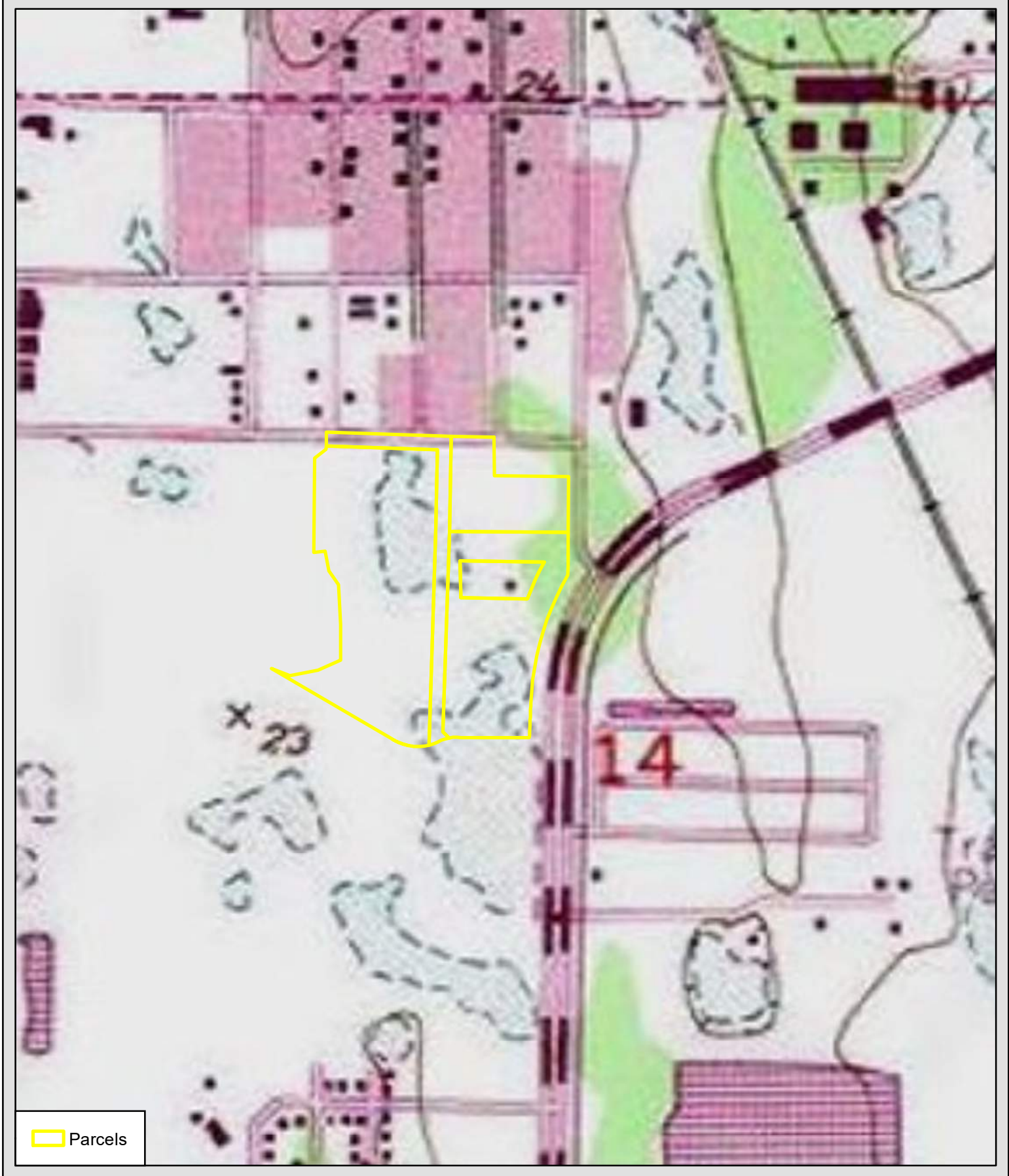


Image Source: ESRI 2019
Date: 2-25-22

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Feet



Topographic Map Eastshore Apartments & Mixed Use Brevard County, Florida



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201 Basque Rd | St. Augustine, FL 32080

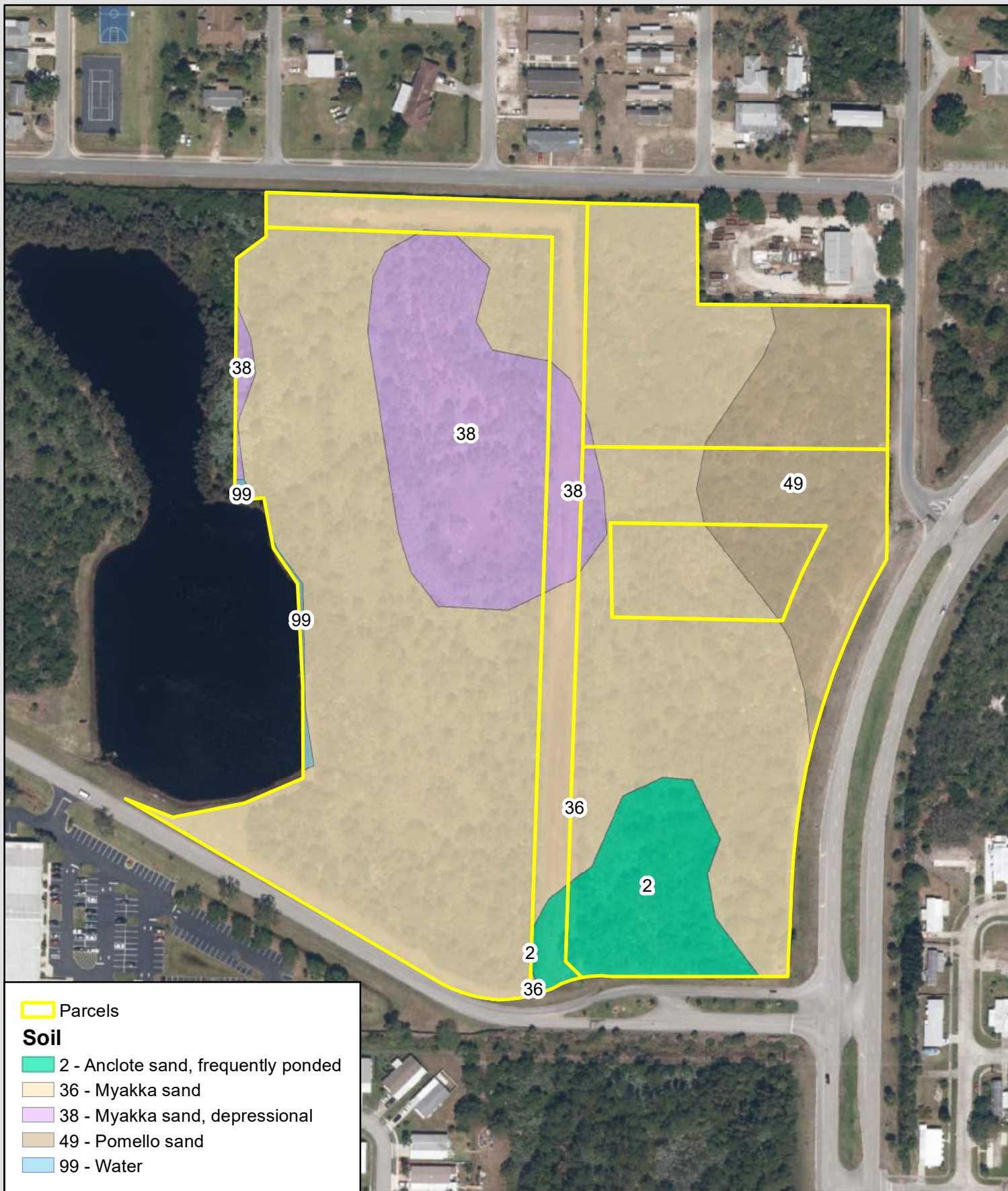


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Date: 2-25-22

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Feet



Soil Map Eastshore Apartments & Mixed Use Brevard County, Florida



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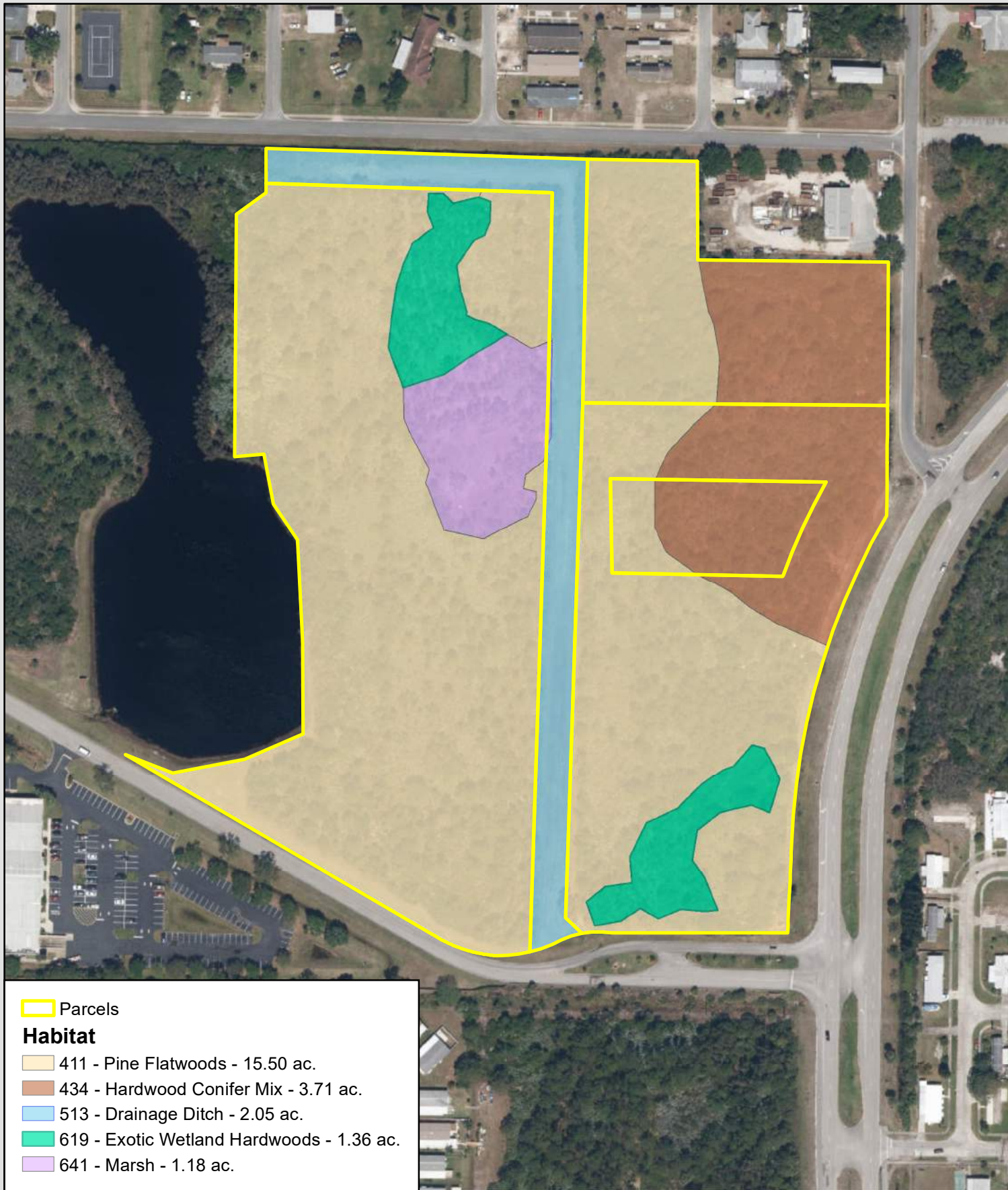


Image Source: ESRI 2019
Date: 2-25-22

0 100 200
Feet



Habitat Map Eastshore Apartments & Mixed Use Brevard County, Florida



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Image Source: ESRI 2019
Date: 2-25-22

0 100 200
Feet



Wetland Map

Eastshore Apartments & Mixed Use

Brevard County, Florida



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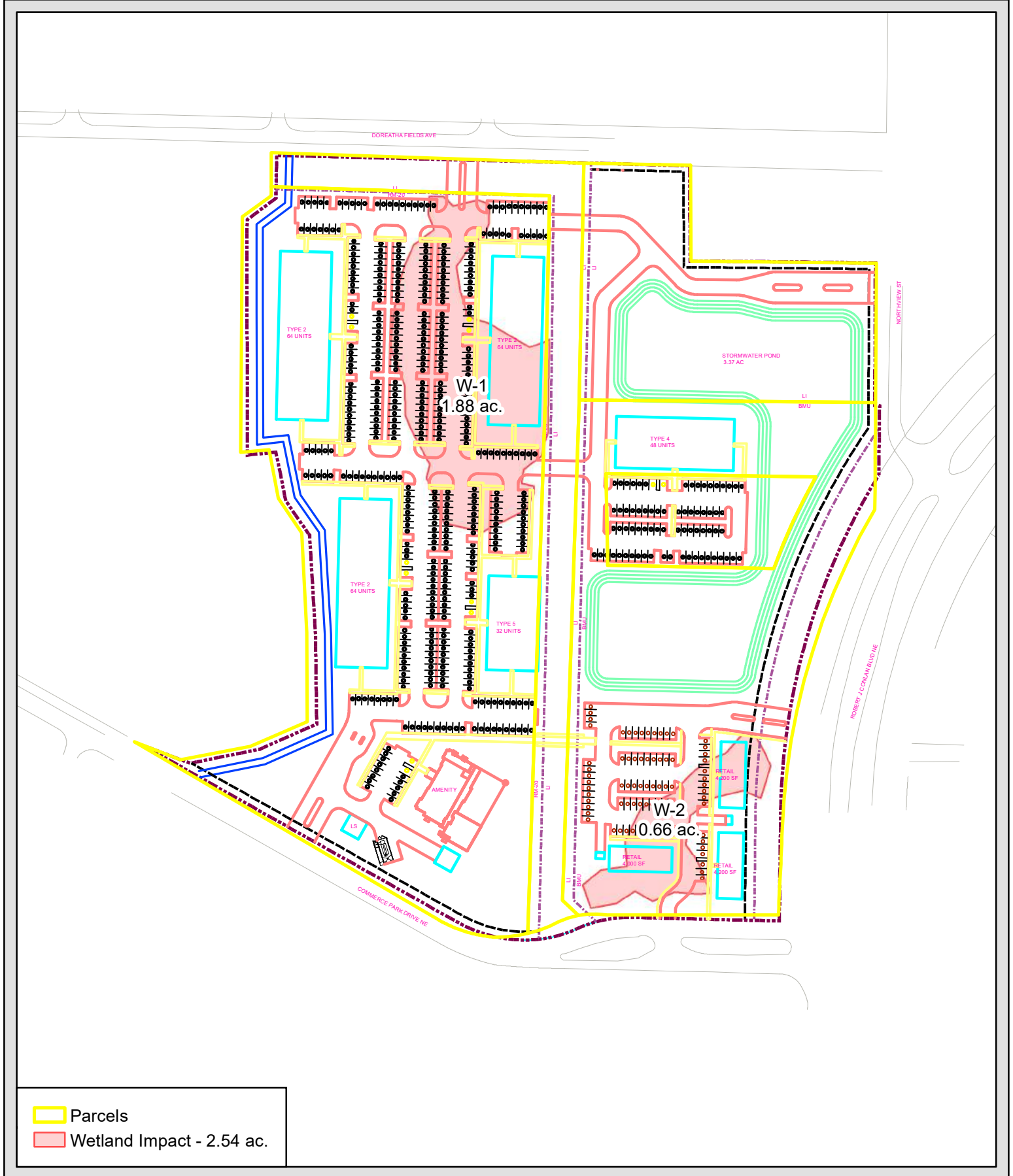


Image Source: ESRI 2019
Date: 2-25-22

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Site Plan Eastshore Apartments & Mixed Use Brevard County, Florida



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Image Source: ESRI 2019
Date: 2-25-22

0 100 200
Feet



Gopher Tortoise Burrow Location Map Eastshore Apartments & Mixed Use Brevard County, Florida



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201 Basque Rd | St. Augustine, FL 32080



Image Source: ESRI 2019
Date: 2-25-22

0 250 500
Feet



Historic Scrub Jay Population Map Eastshore Apartments & Mixed Use Brevard County, Florida



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APPENDIX II

UMAM

Project: <i>Eastshore Apartments & Mixed Use</i> date onsite: 25-Feb-22										Total Impact Acres
	Habitat type	Location and Landscape Support		Water Environment		Community Structure			Functional loss	
Impacts		before	after	before	after	before	after	Acres		
W1 & 2	619	5	0	5	0	4	0	1.36	0.6347	0.08
W1	641	5	0	5	0	6	0	1.18	0.6293	Total Functional Loss
		0	0	0	0	0	0	0	0.0000	
		0	0	0	0	0	0	0	0.0000	
		0	0	0	0	0	0	0	0.0000	
		0	0	0	0	0	0	0	0.0000	1.264

Total Creation Acres	Total Enhancement Provided	Upland Acres Provided
0	0	0

Total Functional Gain Units
0.000

Mitigation	Habitat Type	Location and Landscape Support		Water Environment		Community Structure		time lag	risk factor	Preservation Adjustment Factor		Relative Functional Gain	Acres Provided	Functional Gain Units
wetland preservation		w/o CE	w/ CE	w/o CE	w/ CE	w/o CE	w/ CE							
		0	0	0	0	0	0	1	1.00	1		0.0000		0.0000
		0	0	0	0	0	0	1	1.00	1		0.0000		0.0000
		0	0	0	0	0	0	1	1.00	1		0.0000		0.0000
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		0	0	0	0	0	0	1	1.00	1		0.0000		0.0000
		0	0	0	0	0	0	1	1.00	1		0.0000		0.0000
enhancement		before	after	before	after	before	after							
		0	0	0	0	0	0	1	1.00	1		0.0000		0.0000
		0	0	0	0	0	0	1	1.00	1		0.0000		0.0000
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uplands		w/o CE	w/ CE	w/o CE	w/ CE	w/o CE	w/ CE							
		0	0	x	x	x	0	1	1.00	1		0.0000		0.0000
		0	0	x	x	x	0	1	1.00	1		0.0000		0.0000
				x	x	x		1	1.00			0.0000		0.0000
				x	x	x		1	1.00			0.0000		0.0000



LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

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

APPLICATION AMENDMENT TYPE:

☒

Small Scale (50 acres or Less)

☐

Text Amendment (Comp. Plan)

☐

Large Scale (More than 50 acres)

PARCEL ID(S):

28-37-14-00-255

TAX ACCOUNT NUMBER(S):

2826110

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

EXHIBIT "A" - LEGAL DESCRIPTION

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

+/- 3.00 ACRES

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

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

LIGHT INDUSTRIAL (LI)

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

MULTIPLE-FAMILY RESIDENTIAL (RM-20)

PRESENT USE OF PROPERTY:

VACANT

STRUCTURES LOCATED ON THE PROPERTY: NONE. VACANT PARCEL.

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: YES. LI TO RM-20

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

REQUEST TO MODIFY FUTURE LAND USE MAP FROM LIGHT INDUSTRIAL (LI) TO MULTIPLE-FAMILY RESIDENTIAL (RM-20).

SPECIFIC USE INTENDED FOR PROPERTY:

PARCEL TO BE INCORPORATED INTO A FUTURE PROJECT CONSISTING OF MULTII-FAMILY TO THE WEST AND MIXED USE (BMU) TO THE SOUTH.

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



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



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



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



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

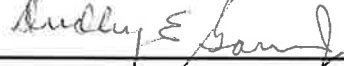
CITY OF PALM BAY, FLORIDA
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION
PAGE 3 OF 3

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

Name of Representative MIGUEL REYNALDOS & ANDREW STEEL

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** 4/8/22
Printed Name DUDLEY E. GARNER, JR. & SUE E. GARNER REVOCABLE TRUST
Full Address 3110 West Florida Avenue, West Melbourne, FL 32904
Telephone 321-426-6734 **Email** degarner@nebutel.com

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

4/18, 2022

Re: Letter of Authorization

As the property owner of the site legally described as:

EXHIBIT "A" - LEGAL DESCRIPTION

I, Owner Name: DUDLEY E. GARNER & SUE E. GARNER REVOCABLE TRUST

Address: 3110 West Florida Avenue, West Melbourne, FL 32904

Telephone: 321-426-6734

Email: degarner@nebutel.com or mgarner22264@gmail.com

hereby authorize:

Representative: MIGUEL REYNALDOS C/O NORTSHORE DEVELOPMENT

Address: 2295 SOUTH HIAWASSEE ROAD, SUITE 306, ORLANDO, FL 32835

Telephone: 305-986-0110 OR 407-735-9100

Email: MIGUEL@NSDPARTNERS.COM

to represent the request(s) for:

FUTURE LAND USE PLAN AMENDMENT, REZONING, & SITE PLAN APPLICATIONS

Dudley E. Garner

(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 18 day of April, 2022 by

Dudley E. Garner, property owner.



Joy Olson-McVay

Joy Olson-McVay, Notary Public

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

EXHIBIT "A" – LEGAL DESCRIPTION

OWNERSHIP: DUDLEY E. GARNER, JR. REVOCABLE TRUST

ACCOUNT NUMBER: 2826110 **PARCEL ID:** 28-37-14-00-255 **ACRES:** 3.0

FLUM: INDUSTRIAL

ZONING: LIGHT INDUSTRIAL

ADDRESS: 2050 NORTHVIEW STREET, NE PALM BAY, FL 32905

LEGAL DESCRIPTION:

DESCRIPTION FROM OFFICIAL RECORDS BOOK 5852, PAGE 4136, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA: FROM THE NE CORNER OF THE SOUTH 1/2 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 28S, RANGE 37E OF BREVARD COUNTY, FLORIDA, RUN NORTH 88°41'56" WEST ALONG THE NORTH LINE OF SAID SOUTH 1/2 OF NW 1/4 OF SECTION 14, A DISTANCE OF 25.00 FEET; THENCE SOUTH 00°29'56" WEST PARALLEL WITH THE EAST LINE OF SAID NW 1/4 OF SECTION 14, A DISTANCE OF 30.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF PACIFIC AVENUE AS ESTABLISHED BY DEED RECORDED IN OFFICIAL RECORDS BOOK 1334, PAGE 171 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE CONTINUE SOUTH 00°29'56" WEST ALONG THE WEST RIGHT OF WAY OF JAMES STREET AS ESTABLISHED BY DEED RECORDED IN OFFICIAL RECORDS BOOK 498, PAGE 23, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°29'56" WEST ALONG SAID WEST RIGHT OF WAY LINE OF JAMES STREET A DISTANCE OF 225.00 FEET; THENCE NORTH 88°41'56" WEST PARALLEL WITH THE NORTH LINE OF SAID SOUTH 1/2 OF NW 1/4 OF SECTION 14 A DISTANCE OF 468.48 FEET; THENCE NORTH 00°29'56" EAST A DISTANCE OF 375.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF PACIFIC AVENUE; THENCE SOUTH 88°41'56" EAST ALONG SAID SOUTH RIGHT OF WAY LINE OF PACIFIC AVENUE A DISTANCE OF 168.48 FEET; THENCE SOUTH 00°29'56" WEST 150.00 FEET; THENCE SOUTH 88°41'56" EAST A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING.



MEMORANDUM

TO: Planning and Zoning Board Members

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

DATE: August 3, 2022

SUBJECT: **CPZ-17-2022 - Eastshore - Dudley E. Garner and Sue E. Garner Revocable Trust (Miguel Reynaldos and Andrew Steel, Northshore Development, Reps.) - A Zoning Amendment from an LI, Light Industrial and Warehousing District to an RM-15, Single-, Two-, and Multiple-Family Residential District - Tax Parcel 255, Section 14, Twosnhip 28, Range 37, Brevard County, Florida, containing approximately 3.00 acres. Located south of and adjacent to Doreatha Fields Avenue NE, in the vicinity west of Northview Street NE

**Quasi-Judicial Proceeding.

ATTACHMENTS:

Description

- ☐ Case CPZ-17-2022 - Staff Report
- ☐ Case CPZ-17-2022 - Survey
- ☐ Case CPZ-17-2022 - Environmental Assessment Report
- ☐ Case CPZ-17-2022 - 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

CPZ-17-2022

PLANNING & ZONING BOARD HEARING DATE

August 3, 2022

PROPERTY OWNER & APPLICANT

Dudley E. Garner and Sue E. Garner Revocable Trust (Miguel Reynaldos and Andrew Steel, Northshore Development, Reps.)

PROPERTY LOCATION/ADDRESS

Block 255, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 3.00 acres. Located south of and adjacent to Doreatha Fields Avenue NE, in the vicinity west of Northview Street NE

SUMMARY OF REQUEST

The applicant is requesting a Zoning Map amendment from LI, Light Industrial to RM-15, single, two, and multi-family.

Existing Zoning

LI, Light Industrial

Existing Land Use

Industrial

Site Improvements

Undeveloped Land

Site Acreage

3 acres

SURROUNDING ZONING & USE OF LAND

North

LI, Light Industrial and Warehousing – Warehousing

East

LI, Light Industrial and Warehousing - Vacant

South

BMU, Bayfront Mixed Use - Vacant

West

LI, Light Industrial and Warehousing - Vacant

BACKGROUND:

The subject property is located south of and adjacent to Doreatha Fields Avenue NE, in the vicinity west of Northview Street NE and is approximately 3 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 did not provide a justification for the change in the application. The applicant only provided the request to change from Light Industrial and Warehousing to RM-15.

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 RM-15 zoning 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, as this request would provide a variation of housing type in the vicinity of the Bayfront Mixed Use District.

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

This project is entirely in city limits and advances the comprehensive plan elements to ensure a mixture of housing types.

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

The proposed amendment will further the purposes of Chapter 185 and the Comprehensive Plan.

STAFF RECOMMENDATION:

Case CPZ-17-2022 is recommended for approval.



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



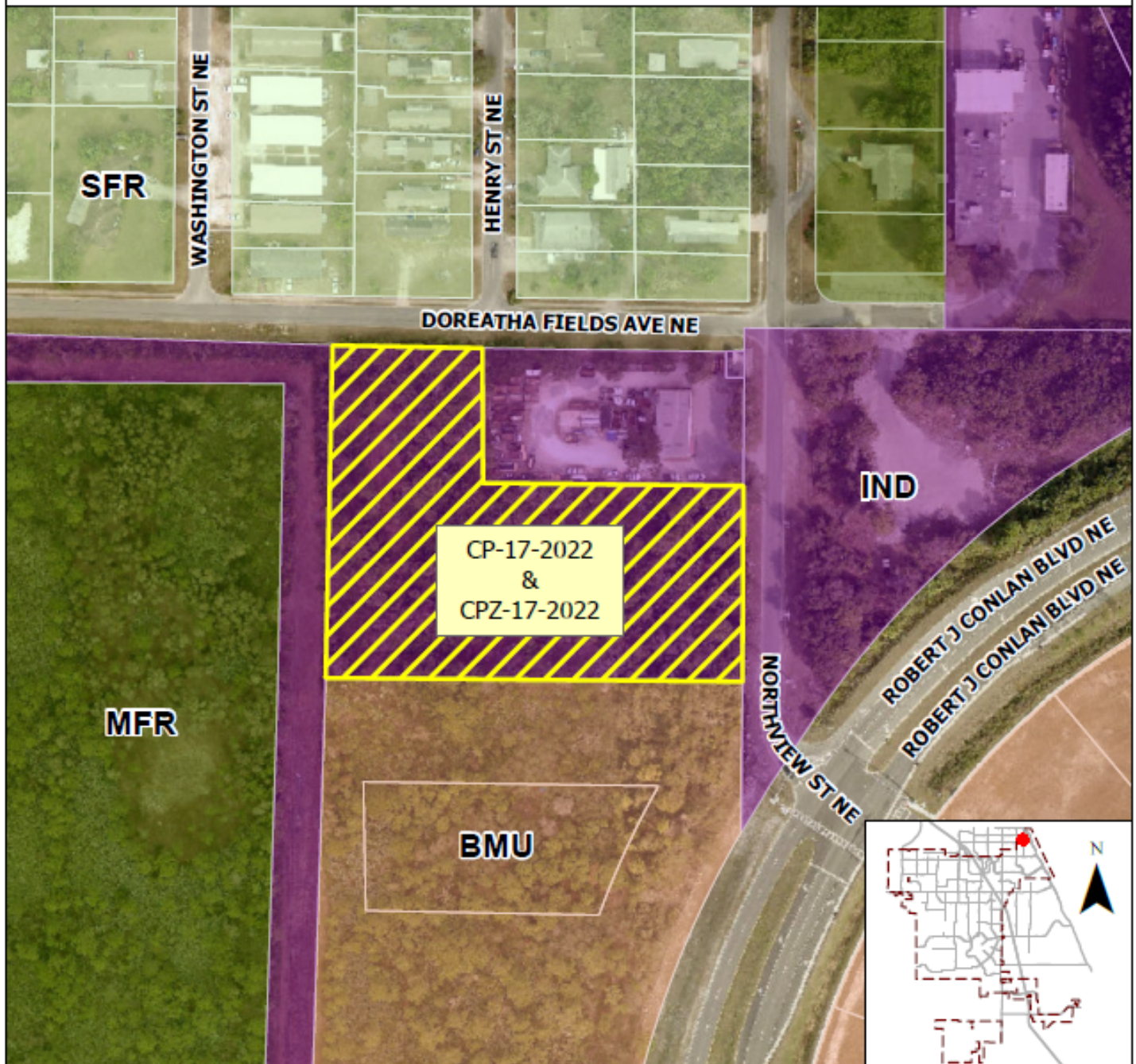
AERIAL LOCATION MAP CASE: CP-17-2022 & CPZ-17-2022

Subject Property

South of and adjacent to Doreatha Fields Avenue NE, in the vicinity west of Northview Street NE



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



FUTURE LAND USE MAP CASE: CP-17-2022 & CPZ-17-2022

Subject Property

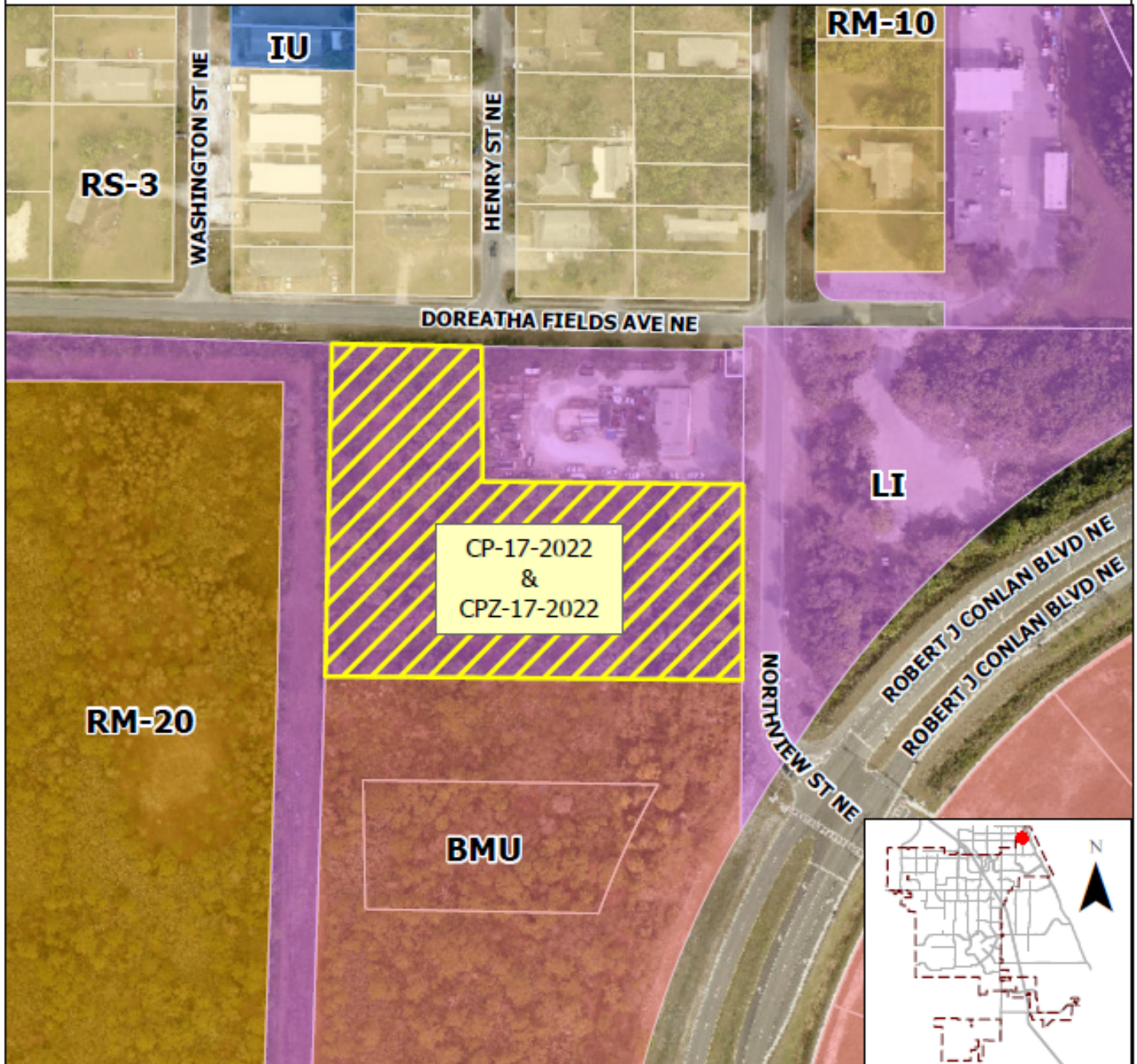
South of and adjacent to Doreatha Fields Avenue NE, in the vicinity west of Northview Street NE

Future Land Use Classification

IND – Industrial



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



ZONING MAP CASE: CP-17-2022 & CPZ-17-2022

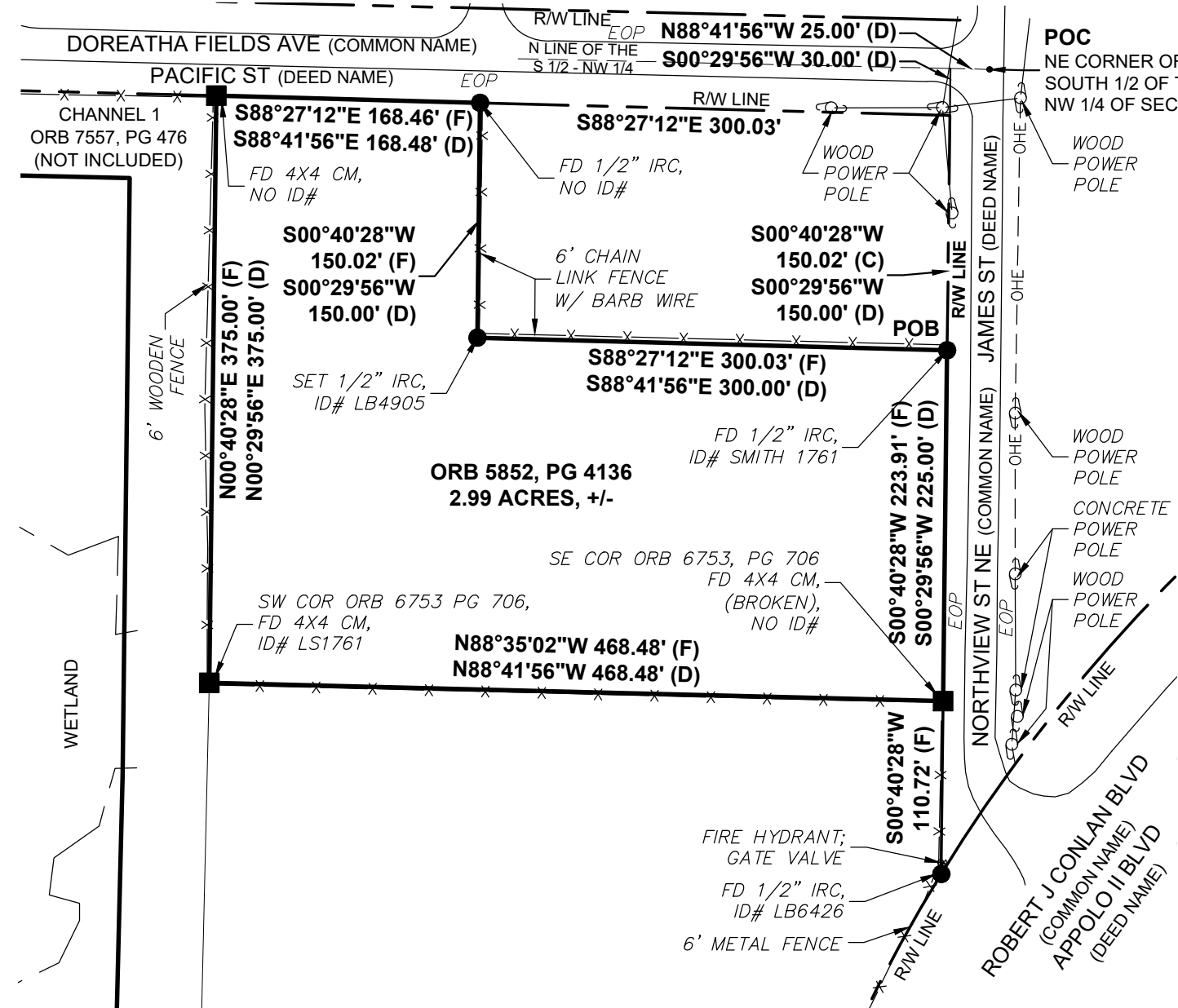
Subject Property

South of and adjacent to Doreatha Fields Avenue NE, in the vicinity west of Northview Street NE

Current Zoning Classification

LI – Light Industrial

H:\Projects Folder\11491.05\Drawings\1149105_100_001.dwg February 23, 2022 1:51:50 PM LH



ABBREVIATIONS

A/C	AIR CONDITIONER	INV	INVERT
AL	ARC LENGTH	IR	IRON ROD
AVE	AVENUE	IRC	IRON ROD AND CAP
BLVD	BOULEVARD	LB	LICENSED BUSINESS
BM	BENCH MARK	LWP	LIGHTER WOOD POST
BOC	BEGINNING OF CURVE	N#	NEIGHBORHOOD IDENTIFICATION
(C)	CALCULATED DIMENSION	N&D	NAIL AND DISK
CA	CENTRAL ANGLE	NAVD88	NORTH AMERICAN VERTICAL DATUM 1988
CB	CHORD BEARING	NGVD29	NATIONAL GEODETIC VERTICAL DATUM 1929
CBS	CONCRETE BLOCK STRUCTURE	NTI	NON-TANGENT INTERSECTION
CH	CHORD LENGTH	NTL	NON-TANGENT LINE
CM	CONCRETE MONUMENT	NTS	NOT TO SCALE
CMP	CORRUGATED METAL PIPE	OHE	OVERHEAD ELECTRIC/ UTILITY
CONC	CONCRETE	OR/ORB	OFFICIAL RECORDS BOOK
COR	CORNER	PB	PLAT BOOK
DEL	DELTA / CENTRAL ANGLE	(P)	PLAT DIMENSION
(D)	DEED/RECORD DIMENSION	PCP	PERMANENT CONTROL POINT
ELEC	ELECTRIC	PG(S)	PAGE(S)
EL/ELEV	ELEVATION	PK	PARKER-KALEN
EOC	END OF CURVE	POB	POINT OF BEGINNING
EOP	EDGE OF PAVEMENT	POC	POINT OF COMMENCEMENT
EW	EDGE OF WATER	PP	POWER/UTILITY POLE
ERCP	ELLIPTICAL REINFORCED CONCRETE PIPE	PRC	POINT OF REVERSE CURVATURE
ESMT	EASEMENT	PUD	PLANNED UNIT DEVELOPMENT
FD	FOUND	PVC	POLYVINYL CHLORIDE PIPE
(F)	FIELD MEASURED DIMENSION	R	RADIUS
FH	FIRE HYDRANT	R/W	RIGHT-OF-WAY
FP&L	FLORIDA POWER AND LIGHT	RCP	REINFORCED CONCRETE PIPE
FT	FEET	RR	RAILROAD
HWY	HIGHWAY	ST	STREET
ID#	IDENTIFICATION NUMBER	TYP	TYPICAL

SURVEY SYMBOL LEGEND

- SET 1/2" IRON ROD AND CAP; ID# LB4905, UNLESS OTHERWISE NOTED
- FD 4x4 CM; ID# LB4905, UNLESS OTHERWISE NOTED

SCOTT M. GLAUBITZ
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NUMBER 4151

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

DESCRIPTION FROM OFFICIAL RECORDS BOOK 5852, PAGE 4136, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA:

FROM THE NE CORNER OF THE SOUTH 1/2 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 28S, RANGE 37E OF BREVARD COUNTY, FLORIDA, RUN NORTH 88°41'56" WEST ALONG THE NORTH LINE OF SAID SOUTH 1/2 OF NW 1/4 OF SECTION 14, A DISTANCE OF 25.00 FEET; THENCE SOUTH 00°29'56" WEST PARALLEL WITH THE EAST LINE OF SAID NW 1/4 OF SECTION 14, A DISTANCE OF 30.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF PACIFIC AVENUE AS ESTABLISHED BY DEED RECORDED IN OFFICIAL RECORDS BOOK 1334, PAGE 171 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE CONTINUE SOUTH 00°29'56" WEST ALONG THE WEST RIGHT OF WAY OF JAMES STREET AS ESTABLISHED BY DEED RECORDED IN OFFICIAL RECORDS BOOK 498, PAGE 23, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°29'56" WEST ALONG SAID WEST RIGHT OF WAY LINE OF JAMES STREET A DISTANCE OF 225.00 FEET; THENCE NORTH 88°41'56" WEST PARALLEL WITH THE NORTH LINE OF SAID SOUTH 1/2 OF NW 1/4 OF SECTION 14 A DISTANCE OF 468.48 FEET; THENCE NORTH 00°29'56" EAST A DISTANCE OF 375.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF PACIFIC AVENUE; THENCE SOUTH 88°41'56" EAST ALONG SAID SOUTH RIGHT OF WAY LINE OF PACIFIC AVENUE A DISTANCE OF 168.48 FEET; THENCE SOUTH 00°29'56" WEST 150.00 FEET; THENCE SOUTH 88°41'56" EAST A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING.

SURVEY NOTES:

SURVEY OF A PARCEL OF LAND IN SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.

SURVEY FOR BOUNDARY ONLY.

OTHER THAN AS MAY BE SHOWN AND/OR NOTED HEREON, IMPROVEMENTS AND/OR UTILITIES, WHETHER ABOVEGROUND OR UNDERGROUND, ARE NOT LOCATED OR SHOWN ON THIS SURVEY.

BEARING REFERENCE: ASSUMED BEARING OF N88°41'56"W ON THE NORTH LINE OF OF THE SOUTH 1/2 OF THE NORTHWEST ¼ OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 37 EAST, ACCORDING TO THE DEED DESCRIPTION RECORDED IN OFFICIAL RECORDS BOOK 5852, PAGE 4136, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

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

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

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

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

DATE OF LAST FIELD WORK: 02/14/2022



GARNER PARCEL
BOUNDARY SURVEY



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

DATE: 02/23/2022
DESIGN/DRAWN: LEH/IT
DRAWING# 1149105_100_001
PROJECT# 11491.05
SHEET 1 OF 1



Environmental Assessment

For the

Eastshore Apartments & Mixed-Use Property Brevard County, Florida

Prepared By:

Atlantic Ecological Services, LLC

Attn: Jody Sisk

201 Basque Road

St. Augustine, FL 32080

jody@atlanticeco.com

(904) 347-9133

Prepared For:

Northshore Development, LLC

Attn: Mr. Miguel A. Reynaldos

2295 South Hiawassee Road, Ste 306

Orlando, FL 32835

March 2022

Table of Contents

Page

1.0 PROJECT INTRODUCTION.....	1
2.0 EXISTING SITE CONDITIONS.....	1
2.1 Uplands.....	1
2.2 Wetlands.....	2
2.3 Surface Waters.....	2
3.0 SOILS.....	2
4.0 WETLANDS AND SURFACE WATERS.....	3
4.1 Methods and Jurisdiction.....	3
4.2 Wetland Impacts	3
4.3 Wetland Mitigation	4
5.0 WILDLIFE OBSERVATIONS.....	4
6.0 PROTECTED SPECIES.....	4
6.1 Protected Wildlife Species.....	5
6.2 Protected Plant Species.....	7
7.0 SUMMARY.....	7
Technical Literature References.....	9

Appendices

Appendix I - Figures

- **Location Map**
- **Aerial Map**
- **Topographic Map**
- **Soils Map**
- **Habitat Map**
- **Wetland Map**
- **Site Plan Map**
- **Gopher Tortoise Burrow Location Map**
- **Florida Scrub-Jay Family Map**

Appendix II – Habitat Assessment

- **UMAM Overview**

1.0 PROJECT INTRODUCTION

The Eastshore Apartments & Mixed-Use Property is located in Palm Bay, Brevard County, Florida, in Section 14, Township 28 South, Range 37 East. The subject property is approximately 23.80 acres in total size and consists of wetlands and uplands. The Property consists of the Brevard County Parcel ID's # 28-37-14-00-250, 28-37-14-00-254, 28-37-14-00-255, 28-37-14-00-293, and a portion of 28-37-14-00-290. The subject property is located to the west of Robert J. Conlan Boulevard, north of Commerce Park Drive, and south of Doreatha Fields Avenue (see attached Location Map, Aerial Map, and Topographic Map for details). The latitude and longitude coordinates for the approximate center of the project are 28°3'4.228"N, 80°35'51.698"W and was determined via Google Earth.

The Client for the project is:

Northshore Development, LLC
Attn: Miguel Reynaldos
2295 South Hiawasse Rd, Suite 306
Orlando, FL 32835

Atlantic Ecological Services (AES) conducted an Environmental Assessment (EA) on the Pirates Bay Property (herein referred to as the subject property). The field surveys were conducted on February 25, 2021. The subject property was reviewed to determine habitat type's present, boundaries of habitat types, wetland delineation, presence of or the potential for protected species, wildlife utilization of the site and other environmental constraints noted during the site visits. This EA report discusses the methods used to conduct the EA, the results thereof and includes several supplementary figures.

2.0 EXISTING SITE CONDITIONS

The subject property consists of undeveloped uplands and wetlands. The community and land use areas were categorized according to the Florida Department of Transportation (FDOT) (1991) *Florida Land Use, Cover and Forms Classification System* (FLUCFCS). The communities and land uses observed and delineated on the subject property are described in detail below and are shown on the attached Habitat Map.

2.1 Uplands

Pine Flatwoods (FLUCCS 411) – Approximately 15.50 acres of the property consists of relict pine flatwoods habitat community. The canopy is predominately slash pine (*Pinus elliottii*) with areas of punk tree (*Melaleuca quinquenervia*). The canopy also includes areas of sand pine (*Pinus clausa*), live oak (*Quercus virginiana*), and laurel oak (*Quercus laurifolia*). The understory is a closed system of saw palmetto (*Serenoa repens*), Brazilian pepper (*Schinus terebinthifolius*), gallberry (*Ilex glabra*), rusty lyonia (*Lyonia ferruginea*), shiny lyonia (*Lyonia lucida*), and bracken fern (*Pteridium aquilinum*).

Hardwood-Conifer Mix (FLUCCS 434) – Approximately 3.71 acres of the subject property consists of a relict pine-oak habitat community. This area is similar to the pine flatwoods, just with a canopy with a higher percentage of large hardwoods. The canopy is mixed and contains slash pine, longleaf pine (*Pinus palustris*), live oak, laurel oak, cabbage palm (*Sabal palmetto*), and sand pine. The subcanopy consists primarily of Brazilian pepper. The understory consists primarily of saw palmetto and a mix of vines such as grapevine (*Vitis* spp.) and greenbriar (*Smilax* spp.).

2.2 Wetlands

Exotic Wetland Hardwoods (FLUCCS 619) – Approximately 1.36 acres of the subject property consists of a punk tree dominate wetlands. Other trees found at a much less extent include red maple (*Acer rubrum*), slash pine, and cabbage palm. The understory consists of dahoon holly (*Ilex cassine*), Carolina willow (*Salix caroliniana*), cabbage palm, Brazilian pepper, saw palmetto, primrose willow (*Ludwigia peruviana*), Virginia chain fern (*Woodwardia virginica*), swamp fern (*Blechnum serrulatum*), beakrush (*Rynchospora* spp.), and lizard's tail (*Saururus cernuus*).

Freshwater Marsh (FLUCCS 641) – Approximately 1.18 acres of the subject property consists of a freshwater marsh. The wetland is disturbed due to surrounding land uses and exotic species encroachment. Species found include torpedo grass (*Panicum repens*), cabbage palm, primrose willow, dahoon holly, bushy broom grass (*Andropogon glomeratus*), Virginia chain fern, and blue maidencane (*Amphicarpum muhlenbergianum*).

2.3 Surface Water

Drainage Ditch (FLUCCS 513) – Approximately 2.05 acres of the subject property consists of an existing drainage ditch associated with the stormwater system of the overall Woodlake Commerce Center.

3.0 SOILS

A discussion of each soil type present on the subject property is documented below. Please see the attached Soils Map within Appendix I for the location of each soil type.

Anclote sand, frequently ponded (2) – This soil consists of nearly level, very poorly drained sandy soils that have a thick, dark colored surface layer. In most years the water table is within a depth of 10 inches for more than 6 months. In dry seasons it is deeper, but seldom below a depth of 40 inches. The surface layer is black sand about 19 inches thick. Below this is a 43-inch layer of gray sand and a 10-inch layer of light-gray sand. Permeability is rapid in all layers. The available water capacity is moderate in the surface layer and low below this layer.

Myakka sand (36) – This is a nearly level and poorly drained sandy soil. In most years, the water table is within a depth of 10 inches for 1 to 4 months and between 10 and 40 inches for more than 6 months. In dry seasons it is below a depth of 40 inches.

Myakka sand, depressional (38) – This is a nearly level, poorly drained, sandy soil. The surface layer is sand about 8 inches thick. The upper 4 inches is very dark gray, and the next 4 inches are dark gray. Beneath this is 14 inches of light gray sand. Permeability is rapid in the sandy layers to a depth of 22 inches, moderate from about 22 to 46 inches and rapid from 46 to 63 inches. Available water capacity is very low to a depth of about 22 inches and moderate from about 22 to 46 inches.

Pomello sand (49) – This soil consists of nearly level, moderately well drained soils. The surface layer is about 3 inches thick. Below this is light-gray sand to a depth of 50 inches. Permeability is very rapid to a depth of about 50 inches, moderately rapid between 50 and 62 inches, and rapid between 62 and 80 inches. The available water capacity is very low as far down as 50 inches and is moderate below.

4.0 WETLANDS AND SURFACE WATERS

4.1 Methods and Jurisdiction

Criteria used to determine the presence of the boundaries of wetlands and surface waters were in accordance with Chapter 62-340 F.A.C. AES completed the wetland delineation on February 25, 2022.

Wetlands within the subject property are jurisdictional to the St. Johns River Water Management District (SJRWMD).

Based on preliminary desktop review, the wetland areas lack a direct connection to navigable waters and may not meet federal jurisdiction requirements. An Approved Jurisdictional Determination with the Florida Department of Environmental Protection (FDEP) State 404 Program will be required to confirm jurisdiction.

4.2 Wetland Impacts

The proposed development will directly impact the 2.54 acres of wetlands jurisdictional to SJRWMD found on the subject property. A description of the wetlands found on the subject property is found below.

Wetland 1 – This wetland has split habitats, with the southern end of the wetland consisting of a freshwater marsh and the northern portion consisting of a punk tree dominate forested wetland. The marsh area contains a higher percentage of native marsh plants. The northern section is predominately exotic canopy trees. This wetland is found directly adjacent to the drainage ditch bisecting the property.

Wetland 2 – Wetland 2 is a forested, exotic wetland dominated by punk tree. This wetland is located directly adjacent to Robert Conlon Blvd and Commerce Park Blvd and was historically connected to a larger wetland system to the south, but has since been isolated by construction of Commerce Park Blvd.

4.3 Wetland Mitigation

The project area is located with the Central Indian River Lagoon Basin (Basin 22). Wetland mitigation is proposed via the purchase of wetland mitigation credits from the Basin 22 Wetland Mitigation Bank. AES completed a preliminary Uniform Mitigation Assessment Method (UMAM) for Wetlands 1 and 2 as each wetland is greater than 0.5 acres and will require mitigation for proposed impacts. Please see the attached UMAM overview and worksheets within Appendix I. The applicant proposes to purchase 1.27 UMAM credits from the Basin 22 Wetland Mitigation Bank to offset the proposed wetland impacts.

5.0 WILDLIFE OBSERVATIONS

Wildlife observations, both direct and indirect, were made throughout the course of the site investigation. A list of species observed is provided in the following table:

Table 1: Wildlife species observed on the subject property, in Brevard County, Florida.			
Taxon	Common Name	Scientific Name	Protected
Birds	Turkey vulture	<i>Cathartes aura</i>	No
Reptiles	Gopher tortoise	<i>Gopherus polyphemus</i>	Yes
	Brown anole	<i>Anolis sagrei</i>	No
Mammals			
	Nine-banded armadillo	<i>Dasypus novemcinctus</i>	No

6.0 PROTECTED SPECIES

Prior to visiting the site, a background literature search was conducted to compile a list of state and federally protected animal and plant species that could occur on the subject property. The three primary sources of literature reviewed include the Florida Fish and Wildlife Conservation Commission's (FWC) *Florida's Endangered Species, Threatened Species, And Species of Special Concern*, the United States Fish and Wildlife Service's (FWS) Threatened and Endangered Species System (TESS) database, and the Florida Department of Agriculture and Consumer Services (FDACS), Division of Plant Industry's (DPI) *Notes on Florida's Endangered and Threatened Plants*. During the site

reconnaissance, observations or evidence of protected species and the likelihood of occurrence of each protected species were noted. Further review was completed following the habitat mapping and descriptions.

6.1 Protected Wildlife Species

The protected animal species with at least some likelihood of occurrence are listed in Table 6.1.1, below. The likelihood of occurrence of each species is noted in the table and those species with at least a moderate likelihood of occurrence are discussed following the table.

Table 6.1.1: Protected wildlife species with the potential to occur on subject property, in Brevard County, Florida.

Species Name	Common Name	Agency Listing		Likelihood of Occurrence	Habitat
		FWC	FWS/NMFS		
<i>Aphelocoma coerulescens</i>	Florida scrub-jay	T	T	Low	Scrub habitat
<i>Calidris canutus</i>	Red knot	T	T	Low	Red knots use several places as stopover stops in Florida as feeding grounds
<i>Caracara cheriway</i>	Crested Caracara	T	T	Low	Semi-open habitats offering open ground for hunting and dense coverage for nesting like prairies and rangeland
<i>Drymarchon couperi</i>	Eastern indigo snake	T	T	Low	pine flatwoods, hardwood forests, moist hammocks, and areas that surround cypress swamps
<i>Gopher polyphemus</i>	Gopher Tortoise	T	CS	Observed	longleaf pine sandhills, xeric oak hammocks, scrub, pine flatwoods, dry prairies, and coastal dunes
<i>Laterallus jamaicensis ssp.</i>	Eastern black rail	T	T	Low	Marshes and wet meadows with shallow water
<i>Mycteria americana</i>	Wood stork	T	T	Low	Marshes, swamps, streams and mangroves
<i>Nerodia clarkii</i>	Atlantic salt marsh snake	T	T	Low	Coastal salt marshes
<i>Picoides borealis</i>	Red-cockaded Woodpecker	E	E	Low	Old-growth, open-understory pine forests

E= Endangered; T=Threatened; CS=Candidate Species

Long-legged waders generally have a high likelihood of occurrence onsite due to the drainage ditch and freshwater marsh found on the subject property. This includes the little blue heron (*Egretta caerulea*), snowy egret (*Egretta thula*), and tricolored heron (*Egretta tricolor*). These species could utilize the marsh and drainage ditch for foraging and the

adjacent exotic forested wetland and uplands for roosting. No wading bird rookeries were identified on or known to occur near the subject property. The project is not anticipated to adversely affect wading bird populations.

While no wood storks (*Mycteria americana*) were observed on the subject property, wood storks have been observed routinely throughout the area. No nesting rookeries were observed or are known to occur in the area. The project site is located within a Core Foraging Area for wood storks. Mitigation for wetland impacts is proposed through the purchase of credits from a permitted wetland mitigation bank. Therefore, this project is not likely to adversely affect the wood stork population.

The Florida sandhill cranes (*Grus canadensis pratensis*) is routinely observed in the area and the small freshwater marsh and the drainage ditch on the subject property provide potential nesting area for the species. No sandhill cranes were observed on the subject property during the onsite surveys. No nests or signs of nesting activity were identified. Therefore, this project is not likely to adversely affect the Florida sandhill crane population.

The Florida scrub-jay (*Aphelocoma coerulescens coerulescens*) is listed as Threatened by the FWS and the FWC. Scrub-jays inhabit oak scrub communities with nearby open sandy areas. Scrub-jays typically nest in dense scrub oak pockets. Two scrub-jay families were identified in the 1992-93 statewide survey approximately 685 feet to the southeast of the subject property. AES completed a formal Florida scrub-jay survey on the property to the southeast in 2018. No scrub-jays were found and the site was permitted and constructed as an apartment complex. No scrub or scrub oak dominate habitat, or open areas of sand, are located on the subject property. Therefore, this project is not likely to adversely affect the Florida scrub-jay population.

The FWC's Eagle Nest Locator website was queried for data regarding documented southern bald eagle (*Haliaeetus l. leucocephalus*) nests in the project vicinity. The southern bald eagle is protected under the Bald and Golden Eagle Protection Act. Development guidelines are required for any proposed projects with 330 feet for urban areas and 660 feet for non-urban areas. One known nest (BE027) is located in the area. This active nest is located approximately 1 mile to the west of the subject property. Therefore, this project is not likely to adversely affect the southern bald eagle.

A gopher tortoise (*Gopherus polyphemus*) burrow survey was conducted on the subject property. The survey covered 100% of the suitable habitat found on the subject property. Please see the attached Gopher Tortoise Burrow Map within Appendix I for results. The gopher tortoise survey was conducted in accordance with the techniques outlined in the publication, *Ecology and Habitat Protection Needs of Gopher Tortoise (Gopherus polyphemus) Populations Found on Lands Slated for Development in Florida*. The gopher tortoise, listed as Threatened by the FWC, is a key component in the determination of habitat suitability for other protected species because of the large number of other animals that will use tortoise burrows for one or more of their life

requisites. Two (2) potentially occupied gopher tortoise burrows were identified on the subject property. Prior to development of the site FWC permitting be required and each tortoise will be required to be relocated to a permitted recipient site.

No other protected species are anticipated to utilize the subject property.

6.2 Protected Vegetative Species

The protected plant species with at least some likelihood of occurrence are listed in Table 6.1.1, below. The likelihood of occurrence of each species is noted in the table and those species with at least a moderate likelihood of occurrence are discussed following the table.

Table 6.1.1: Protected wildlife species with the potential to occur on subject property, in Brevard County, Florida.

Species Name	Common Name	Agency Listing		Likelihood of Occurrence	Habitat
		FWC	FWS/NMFS		
<i>Warea carteri</i>	Carter's mustard		E	Low	Sandy areas in open scrub oak, sand scrub
<i>Polygala lewtonii</i>	Lewton's polygala		E	Low	Pyrogenic longleaf pine sandhill and turkey oak sandhill, less often in oak-hickory scrub habitats
<i>Cladonia perforata</i>	Perforate reindeer lichen		E	Low	Very dry, open sites on sand with little plant cover around it
<i>Dicerandra immaculata</i>	Lakela's Mint		E	Low	Openings and shady areas where the wind or wildfire has cleared a partial or total space in the canopy in sand scrub habitat

E= Endangered; T=Threatened; SSC=Species of Special Concern; CS=Candidate Species

No federally protected plant species are expected to occur within the subject property.

7.0 SUMMARY

The Eastshore Apartments & Mixed-Use Property is located in Palm Bay, Brevard County, Florida. The subject property is approximately 23.80 acres in total size and consists of 19.21 acres of uplands, 2.54 acres of wetlands, and 2.05 acres of surface water drainage ditches.

Wetland impacts are proposed to the 2.54 acres of wetlands on the subject property. The wetlands onsite have been negatively impacted by the surrounding land uses, drainage, and isolation from historic wetland systems. The applicant proposes to purchase

approximately 1.27 UMAM credits from the Basin 22 Mitigation Bank to offset the proposed wetland impacts.

A 100% gopher tortoise survey was completed within the project area. Two (2) potentially occupied gopher tortoise burrows were identified. Prior to development of the site FWC permitting be required and each tortoise will be required to be relocated to a permitted recipient site.

No other protected fauna species are anticipated within the project area. No federally protected flora species are anticipated on the subject property.

Technical Literature References

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APPENDIX I

FIGURES

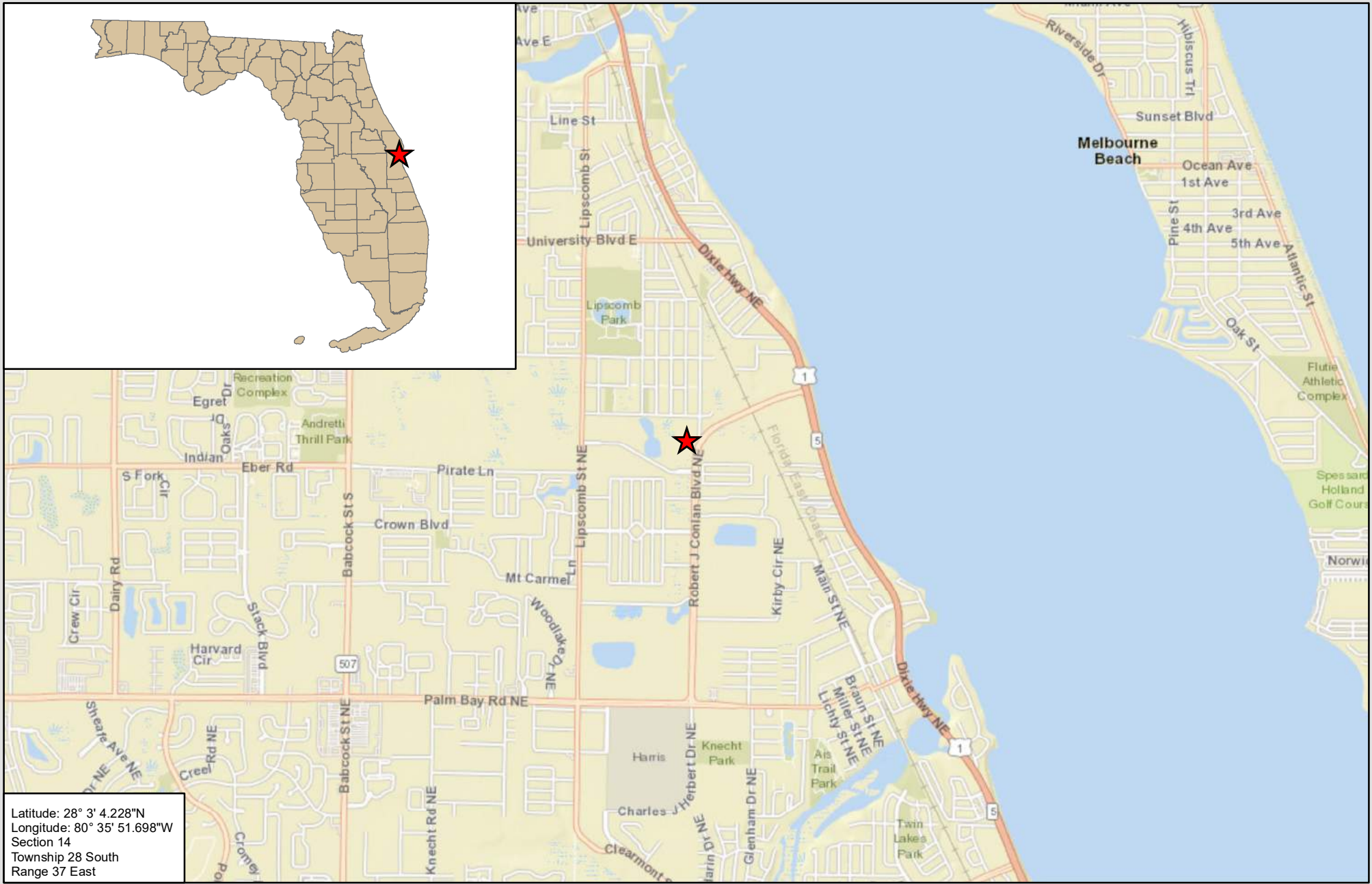


Image Source: ESRI 2020
Date: 3-3-22

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Feet



Location Map Eastshore Apartments & Mixed Use Brevard County, Florida



WWW.ATLANTICECO.COM
904-347-9133 | jody@atlanticeco.com
201 Basque Rd | St. Augustine, FL 32080



Image Source: ESRI 2019
Date: 2-25-22

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Aerial Map Eastshore Apartments & Mixed Use Brevard County, Florida



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201 Basque Rd | St. Augustine, FL 32080

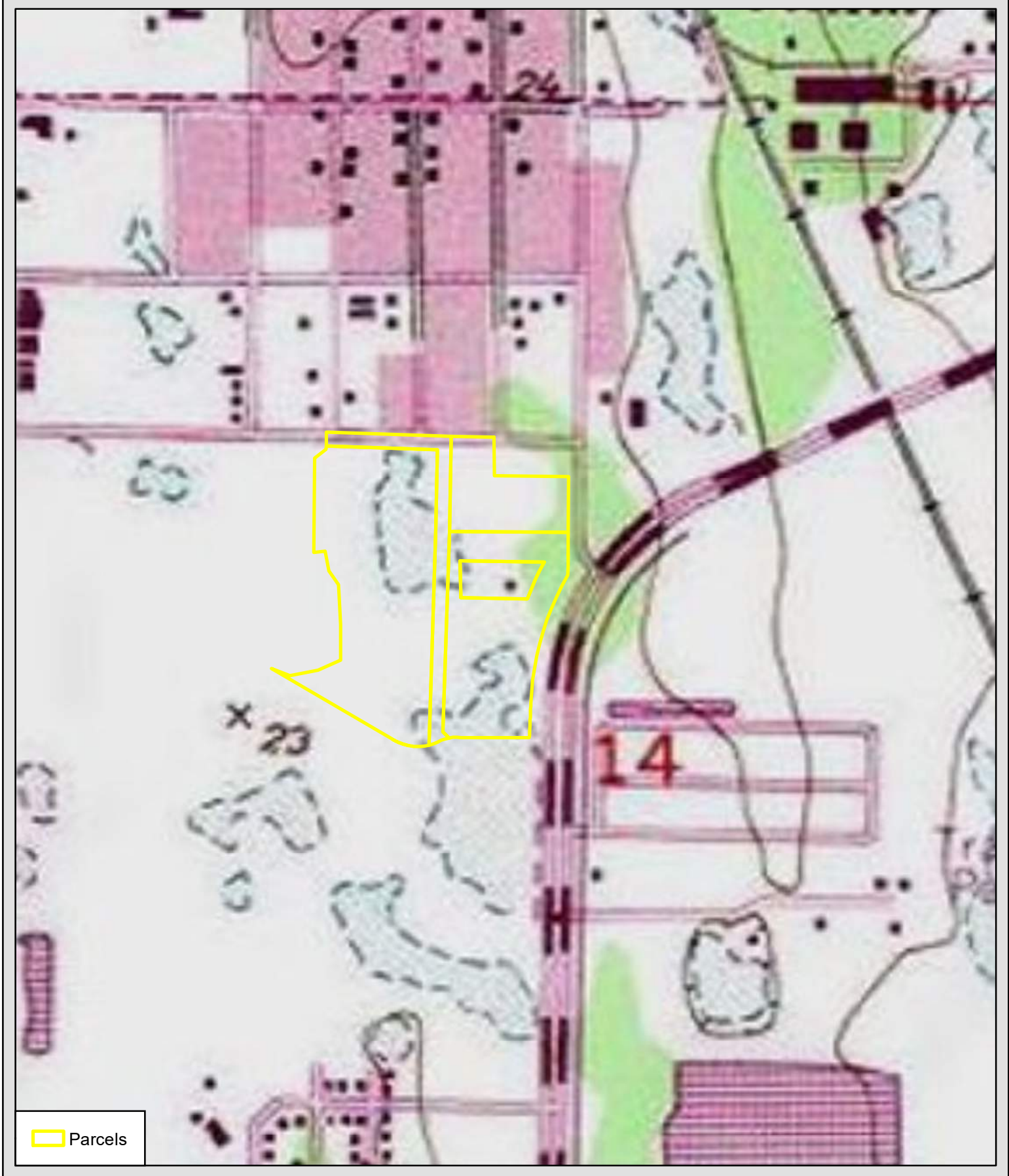


Image Source: ESRI 2019
Date: 2-25-22

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Feet



Topographic Map Eastshore Apartments & Mixed Use Brevard County, Florida



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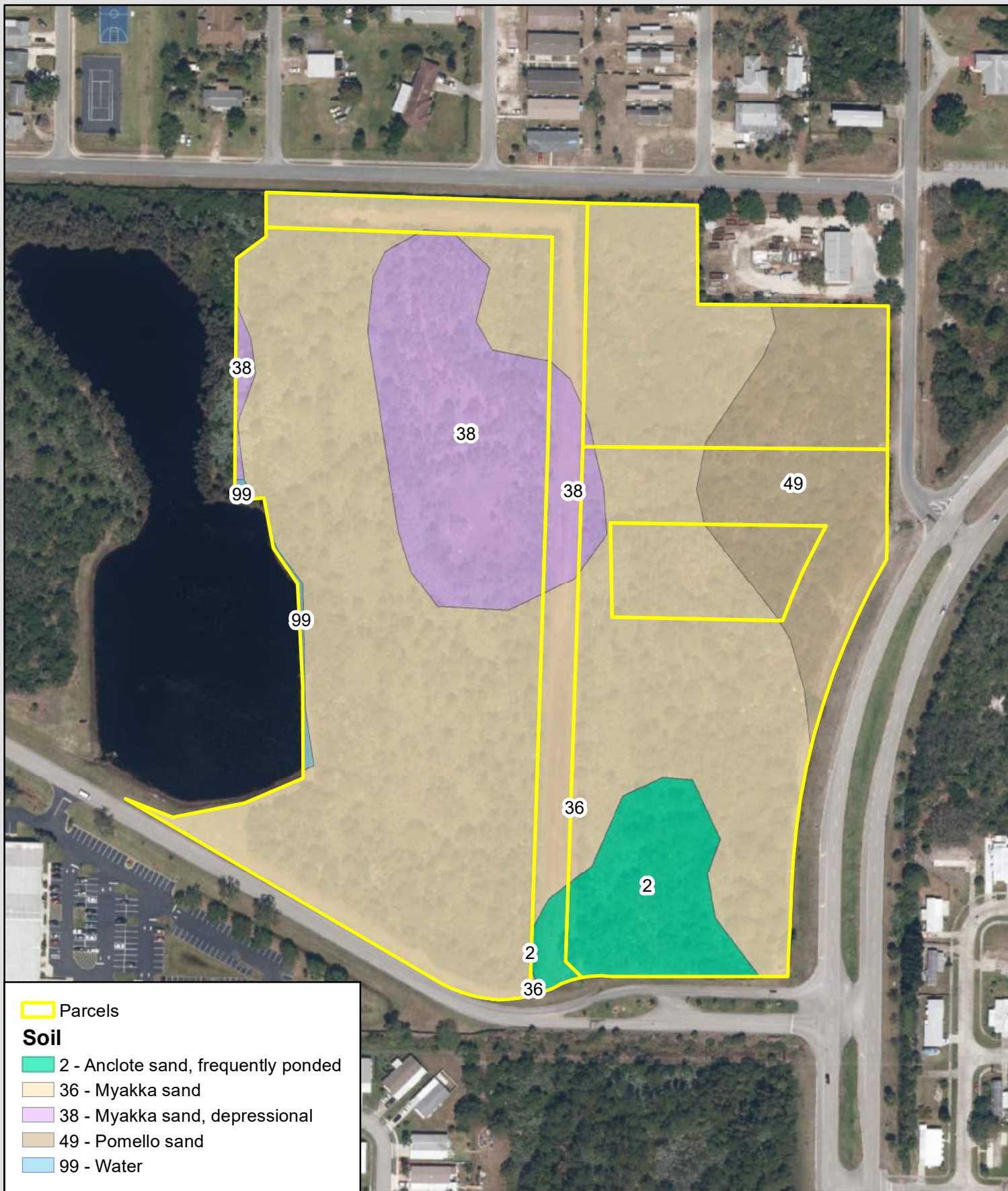


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Date: 2-25-22

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Soil Map Eastshore Apartments & Mixed Use Brevard County, Florida



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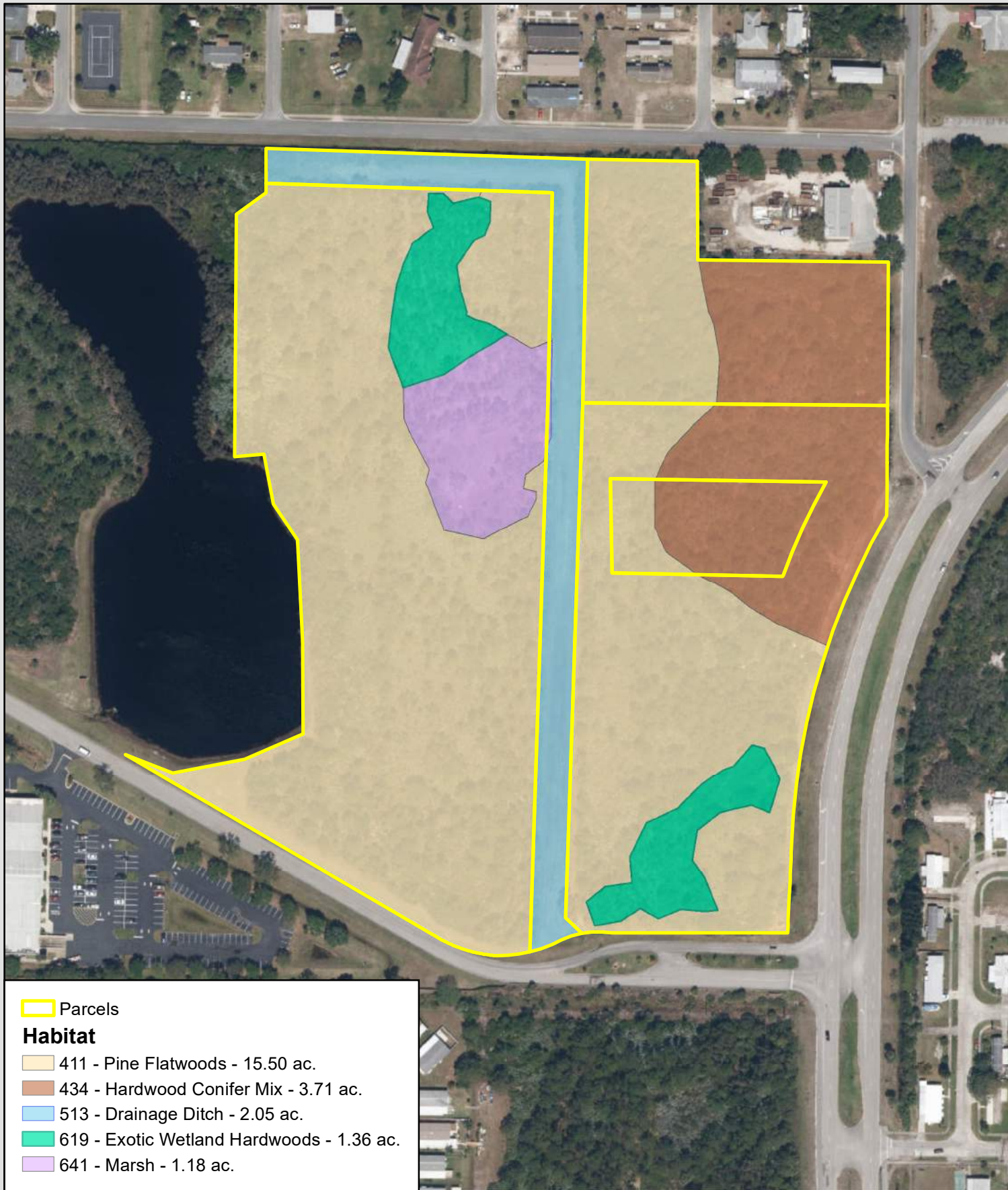


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Date: 2-25-22

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Habitat Map Eastshore Apartments & Mixed Use Brevard County, Florida



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Image Source: ESRI 2019
Date: 2-25-22

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Feet



Wetland Map Eastshore Apartments & Mixed Use Brevard County, Florida



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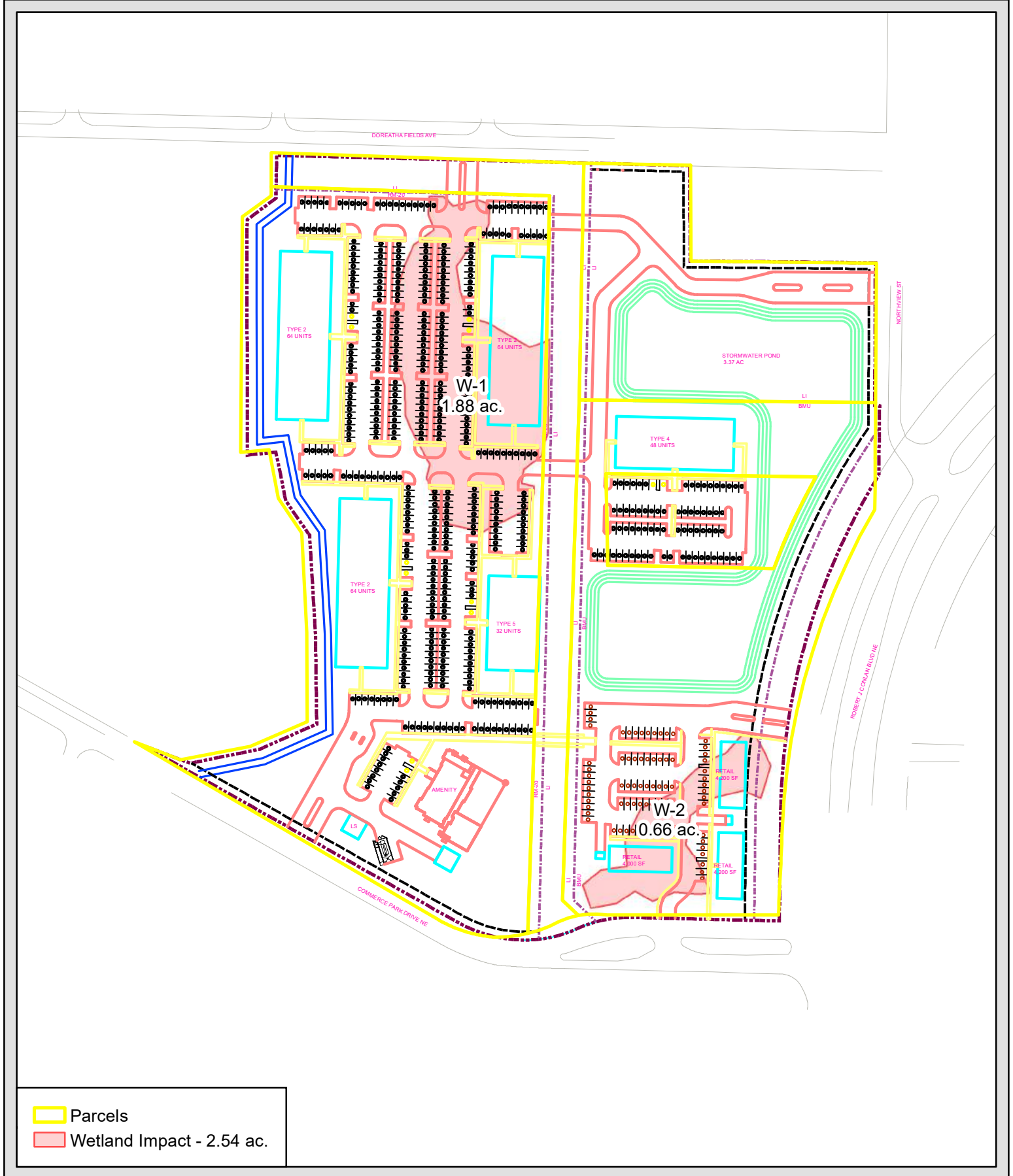


Image Source: ESRI 2019
Date: 2-25-22

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Feet



Site Plan Eastshore Apartments & Mixed Use Brevard County, Florida



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Image Source: ESRI 2019
Date: 2-25-22

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Feet



Gopher Tortoise Burrow Location Map Eastshore Apartments & Mixed Use Brevard County, Florida



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201 Basque Rd | St. Augustine, FL 32080



Image Source: ESRI 2019
Date: 2-25-22

0 250 500
Feet



Historic Scrub Jay Population Map Eastshore Apartments & Mixed Use Brevard County, Florida



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APPENDIX II

UMAM

Project: <i>Eastshore Apartments & Mixed Use</i> date onsite: 25-Feb-22										Total Impact Acres
Impacts	Habitat type	Location and Landscape Support		Water Environment		Community Structure		Acres	Functional loss	
		before	after	before	after	before	after			0.08
W1 & 2	619	5	0	5	0	4	0	1.36	0.6347	Total Functional Loss
W1	641	5	0	5	0	6	0	1.18	0.6293	
		0	0	0	0	0	0	0	0.0000	
		0	0	0	0	0	0	0	0.0000	
		0	0	0	0	0	0	0	0.0000	
		0	0	0	0	0	0	0	0.0000	1.264

Total Creation Acres	Total Enhancement Provided	Upland Acres Provided
0	0	0

Total Functional Gain Units
0.000

Mitigation	Habitat Type	Location and Landscape Support		Water Environment		Community Structure		time lag	risk factor	Preservation Adjustment Factor	Relative Functional Gain	Acres Provided	Functional Gain Units
wetland preservation		w/o CE	w/ CE	w/o CE	w/ CE	w/o CE	w/ CE						
		0	0	0	0	0	0	1	1.00	1	0.0000		0.0000
		0	0	0	0	0	0	1	1.00	1	0.0000		0.0000
		0	0	0	0	0	0	1	1.00	1	0.0000		0.0000
		0	0	0	0	0	0	1	1.00	1	0.0000		0.0000
		0	0	0	0	0	0	1	1.00	1	0.0000		0.0000
		0	0	0	0	0	0	1	1.00	1	0.0000		0.0000
		0	0	0	0	0	0	1	1.00	1	0.0000		0.0000
enhancement		before	after	before	after	before	after						
		0	0	0	0	0	0	1	1.00	1	0.0000		0.0000
		0	0	0	0	0	0	1	1.00	1	0.0000		0.0000
		0	0	0	0	0	0	1	1.00	1	0.0000		0.0000
		0	0	0	0	0	0	1	1.00	1	0.0000		0.0000
		0	0	0	0	0	0	1	1.00	1	0.0000		0.0000
		0	0	0	0	0	0	1	1.00	1	0.0000		0.0000
		0	0	0	0	0	0	1	1.00	1	0.0000		0.0000
uplands		w/o CE	w/ CE	w/o CE	w/ CE	w/o CE	w/ CE						
		0	0	x	x	x	0	1	1.00	1	0.0000		0.0000
		0	0	x	x	x	0	1	1.00	1	0.0000		0.0000
				x	x	x		1	1.00		0.0000		0.0000
				x	x	x		1	1.00		0.0000		0.0000



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):

28-37-14-00-255

TAX ACCOUNT NUMBER(S):

2826110

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

EXHIBIT "A" - LEGAL DESCRIPTION

PROPERTY ADDRESS:

2050 NORTHVIEW STREET, NE PALM BAY, FL 32905

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

+/- 3.00 ACRES

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

LIGHT INDUSTRIAL (LI)

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

~~MULTIFAMILY RESIDENTIAL DISTRICT (RM-20)~~

RM-15 7/7/22

STRUCTURES LOCATED ON THE PROPERTY:

NONE

PRESENT USE OF THE PROPERTY:

VACANT

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

REQUEST TO REZONE SUBJECT PROPERTY FROM LIGHT INDUSTRIAL (LI) TO
~~MULTI-FAMILY RESIDENTIAL DISTRICT (RM-20)~~

OK 7/6/22 *RM-15 OK 7/7/22*

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

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

Name of Representative MIGUEL REYNALDOS & ANDREW STEEL

March 25, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

EXHIBIT "A" - LEGAL DESCRIPTION

I, Owner Name: DUDLEY E. GARNER & SUE E. GARNER REVOCABLE TRUST

Address: 3110 West Florida Avenue, West Melbourne, FL 32904

Telephone: 321-426-6734

Email: degarner@nebutel.com or mgarner22264@gmail.com

hereby authorize:

Representative: ANDREW STEEL C/O NORTSHORE DEVELOPMENT

Address: 2295 SOUTH HIAWASSEE ROAD, SUITE 306, ORLANDO, FL 32835

Telephone: 561-635-6663 OR 407-735-9100

Email: ANDREW@NSDPARTNERS.COM

to represent the request(s) for:

FUTURE LAND USE PLAN AMENDMENT, REZONING, & SITE PLAN APPLICATIONS

Dudley E. Garner
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25 day of March, 20 22 by

Dudley E. Garner Jr., property owner.



Joy Olson-McVay
(Signature)
Notary Public

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

EXHIBIT "A" – LEGAL DESCRIPTION

OWNERSHIP: DUDLEY E. GARNER, JR. REVOCABLE TRUST

ACCOUNT NUMBER: 2826110 **PARCEL ID:** 28-37-14-00-255 **ACRES:** 3.0

FLUM: INDUSTRIAL

ZONING: LIGHT INDUSTRIAL

ADDRESS: 2050 NORTHVIEW STREET, NE PALM BAY, FL 32905

LEGAL DESCRIPTION:

DESCRIPTION FROM OFFICIAL RECORDS BOOK 5852, PAGE 4136, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA: FROM THE NE CORNER OF THE SOUTH 1/2 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 28S, RANGE 37E OF BREVARD COUNTY, FLORIDA, RUN NORTH 88°41'56" WEST ALONG THE NORTH LINE OF SAID SOUTH 1/2 OF NW 1/4 OF SECTION 14, A DISTANCE OF 25.00 FEET; THENCE SOUTH 00°29'56" WEST PARALLEL WITH THE EAST LINE OF SAID NW 1/4 OF SECTION 14, A DISTANCE OF 30.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF PACIFIC AVENUE AS ESTABLISHED BY DEED RECORDED IN OFFICIAL RECORDS BOOK 1334, PAGE 171 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE CONTINUE SOUTH 00°29'56" WEST ALONG THE WEST RIGHT OF WAY OF JAMES STREET AS ESTABLISHED BY DEED RECORDED IN OFFICIAL RECORDS BOOK 498, PAGE 23, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°29'56" WEST ALONG SAID WEST RIGHT OF WAY LINE OF JAMES STREET A DISTANCE OF 225.00 FEET; THENCE NORTH 88°41'56" WEST PARALLEL WITH THE NORTH LINE OF SAID SOUTH 1/2 OF NW 1/4 OF SECTION 14 A DISTANCE OF 468.48 FEET; THENCE NORTH 00°29'56" EAST A DISTANCE OF 375.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF PACIFIC AVENUE; THENCE SOUTH 88°41'56" EAST ALONG SAID SOUTH RIGHT OF WAY LINE OF PACIFIC AVENUE A DISTANCE OF 168.48 FEET; THENCE SOUTH 00°29'56" WEST 150.00 FEET; THENCE SOUTH 88°41'56" EAST A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Stephen White, Principal Planner

DATE: August 3, 2022

SUBJECT: **FD-31-2022 - WITHDRAWN - Malabar Springs Phase I - Sadique Jaffer, Malabar Holdings Group, LLC (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - A Final Development Plan to allow a proposed PUD for a 317-lot residential development called Malabar Springs Phase I - Tax Parcels 250, 251, 252, and 500, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 259.17 acres. Located north of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW

The applicant has withdrawn Case FD-31-2022.

Board action is not required to withdraw the case.

**Quasi-Judicial Proceeding.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Stephen White, Principal Planner

DATE: August 3, 2022

SUBJECT: **PD-32-2022 - REQUEST TO CONTINUE TO 09/06 P&Z - Lipscomb Street PUD - Paul Daly and Don Ballew (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 228-unit residential townhome development called Lipscomb Street PUD - Tracts 6 and 5 of Palm Bay Colony Section 3 and Tracts 4 and 3 of Palm Bay Colony Section 2, all in Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 24.56 acres. Located east of and adjacent to Lipscomb Street NE, in the vicinity west of Mango Street NE

A request to continue Case PD-32-2022 to the September 6, 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 October 6, 2022.

**Quasi-Judicial Proceeding.



MEMORANDUM

TO: Planning and Zoning Board Members

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

DATE: August 3, 2022

SUBJECT: CP-28-2022 - WITHDRAWN - Donald H. Jordan and Leeta S. Jordan (Farhood "Fred" Rezvani, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Single-Family Residential Use to Multiple-Family Residential Use - Tract N, Port Malabar Unit 49, Section 23, Township 29, Range 36, Brevard County, Florida, containing approximately 11.64 acres. Located at the northeast corner of Madden Avenue SW and Sidney Street SW

Case CP-28-2022 has been withdrawn by the applicant.

No board action is required to withdraw the case.



MEMORANDUM

TO: Planning and Zoning Board Members

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

DATE: August 3, 2022

SUBJECT: **CPZ-28-2022 - WITHDRAWN - Donald H. Jordan and Leeta S. Jordan (Farhood "Fred" Rezvani, Rep.) - A Zoning amendment from an RS-2, Single-Family Residential District to an RM-20, Multiple-Family Residential District - Tract N, Port Malabar Unit 49, Section 23, Township 29, Range 36, Brevard County, Florida, containing approximately 11.64 acres. Located at the northeast corner of Madden Avenue SW and Sidney Street SW

Case CPZ-28-2022 has been withdrawn by the applicant.

No board action is required to withdraw the case.

**Quasi-Judicial Proceeding.



MEMORANDUM

TO: Planning and Zoning Board Members

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

DATE: August 3, 2022

SUBJECT: CP-29-2022 - CONTINUED TO 09/06 P&Z - Cypress Bay West - Benjamin Jefferies, Cypress Bay Farms, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from R1:2.5 (Brevard County) and Single-Family Residential Use to Commercial Use - A portion of Tax Parcels 500 and 501, Section 3, Township 30, Range 37 along with portions of Lots 13 through 22, Cape Kennedy Groves Unit 9, Section 10, Township 30, Range 37, Brevard County, Florida, containing approximately 7.48 acres. Located in the vicinity of the northeast and southeast corners of Babcock Street and St. Johns Heritage Parkway SE

Case CP-29-2022 has been continued to the September 6, 2022 Planning and Zoning Board meeting to allow for applicant scheduling purposes.

The case was not advertised. No board action is required to continue the case.

City Council will hear the request on October 6, 2022



MEMORANDUM

TO: Planning and Zoning Board Members

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

DATE: August 3, 2022

SUBJECT: T-39-2022 - REQUEST TO CONTINUE TO 09/06 P&Z - Mobile Food Vending - City of Palm Bay (Growth Management Department - Requested by City Council) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.138, to ensure compliance with current Florida statutes for mobile food vending

A request to continue Case T-39-2022 to the September 6, 2022 Planning and Zoning Board Meeting to allow staff more time to review.

Board action is required to continue the case.

City Council will hear the request on October 6, 2022.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Tania Ramos, Senior Planner

DATE: August 3, 2022

SUBJECT: T-40-2022 - Arcade Amusement Centers - 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 185.043(B)(25)(a) and 185.044(B)(22)(a), to align location requirements for arcade amusement centers with other uses of similar intensity

ATTACHMENTS:

Description

- ▣ Case T-40-2022 - Staff Report
- ▣ Case T-40-2022 - 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

T-40-2022

PLANNING & ZONING BOARD HEARING DATE

August 3, 2022

APPLICANT

City of Palm Bay, Florida

PROPERTY LOCATION/ADDRESS

CC, Community Commercial District and HC, Highway Commercial District

SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.043(B)(25)(a), Arcade amusements centers; and Section 185.044(B)(22)(a), Arcade amusements centers, to eliminate the requirement for Arcade amusement centers to be located no less than one hundred (100) feet, measured from the outer wall of the facility to the closest property line, of any residentially zoned land, as well as any land designated as recreation and open space use by the Palm Bay Comprehensive Plan Future Land Use Map in the Community Commercial and Highway Commercial Districts.

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 185.043(B)(25)(a), Arcade amusements centers; and Section 185.044(B)(22)(a), Arcade amusements centers, to eliminate the requirement for Arcade amusement centers to be located no less than one hundred (100) feet, measured from the outer wall of the facility to the closest property line, of any residentially zoned land, as well as any land designated as recreation and open space use by the Palm Bay Comprehensive Plan Future Land Use Map in the Community Commercial and Highway Commercial Districts. 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 Arcade amusement centers to be located no less than one hundred (100) feet, measured from the outer wall of the facility to the closest property line, of any residentially zoned land, as well as any land designated as recreation and open space use by the Palm Bay Comprehensive Plan Future Land Use Map in the Community Commercial and Highway Commercial Districts.

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

INTENT AND APPLICABILITY:

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

ANALYSIS:

Staff has drafted this amendment to allow for Arcade amusement centers to be located within one hundred (100) feet of any residentially zoned land, as well as any land designated as

recreation and open space use by the Palm Bay Comprehensive Plan Future Land Use Map in the Community Commercial and Highway Commercial Districts. Removing the separation requirement associated with Arcade amusements centers and residentially zoned lands, or recreation and open space uses as designated in the Comprehensive Plan Future Land Use Map is aligned with the intent and intensity of the Community Commercial and Highway Commercial Districts.

STAFF RECOMMENDATION:

Case T-40-2022 is recommended for approval.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

§ 185.043 CC — COMMUNITY COMMERCIAL DISTRICT.

(A) *Intent.* The purpose of the community commercial district shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of community commercial facilities, the areas to be primarily located in or near the intersection of arterial roadways; to designate those uses and services deemed appropriate and proper for location and development within the subject district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district.

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

(1) Retail stores, sales and display rooms (not including lumber and building supply, and similar uses).

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

(3) Professional offices, studios, clinics, general offices, government office, business schools and similar uses.

(4) Schools, libraries, churches and similar uses.

(5) Day care centers.

(6) Restaurant, eating and drinking establishments (including a drive-through).

(7) Public utility equipment and facilities.

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

(9) Business service establishments.

(10) Clubs, lodges, and fraternal organizations.

(11) Dry cleaning establishments using noninflammable solvents and cleaning fluids as determined by the Fire Chief.

(12) Funeral homes.

(13) Repair service establishments such as household appliances, radio and television, and similar uses, and automobile service establishments excluding body shops, upholstery, and painting. Subject to the following:

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

(14) Hotels, motels and guest cottages.

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

(b) There shall be no more than seventy-five (75) rental units per acre.

(15) Hospitals and nursing homes.

(16) Xerographic and offset printing.

(17) Plant nurseries and green houses.

(18) Public and private parking facilities. Must have at least a minimum-sized building on site.

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

(20) New and used automobiles, major recreational equipment and mobile home sales and rentals with accessory uses, subject to the following restrictions:

(a) All outside areas where merchandise is displayed shall be paved, meeting city specifications;

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

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

(d) The lot must have frontage on an arterial roadway as identified in the adopted City Comprehensive Plan;

(e) All requirements of the Palm Bay Sign Ordinance must be met;

(f) All areas utilized for the parking of motor vehicles, major recreational equipment, and mobile homes for sales, lease or rental or awaiting repair must meet the

parking setbacks, must be in addition to required parking spaces, aisles and drives required by §§ [185.140](#) et seq., and shall be considered parking areas under the terms § [185.142](#);

(g) Required parking shall be provided based on a one (1) space for each two hundred (200) square feet of gross floor area of the structure used primarily to conduct sales and one (1) space per employee on the largest working shift;

(h) The property must have minimum frontage on an arterial roadway of one hundred (100) feet;

(i) Gasoline facilities may be permitted as accessory uses, provided the requirements of division (D)(2)(c), (d), and (g) below are complied with. Retail sales are prohibited unless conditional use approval is granted.

(21) State approved tattoo parlors.

(22) Public uses.

(23) Medical and dental manufacturing labs.

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

(25) Arcade amusements centers; subject to the following regulations:

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

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

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

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

(C) Accessory uses and structures. Customary accessory uses of one (1) or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the intense commercial character of the district. All storage shall be in an enclosed structure, unless otherwise provided for herein.

(D) Conditional uses.

(1) Permitted uses located on a parcel of ten (10) or more acres of area.

(2) Auto body repair, upholstery and painting.

(a) There shall be no storage of junked or wrecked vehicles other than temporary storage for those awaiting repair. All vehicles shall always have attached a current vehicle registration license plate.

(b) Any wrecked vehicles awaiting repair shall be in an enclosed area and the vehicle shall not be visible from outside the property and shall be parked on a paved surface.

(3) Retail automotive gas/fuel sales:

(a) Access. Retail automotive gas/ fuel sales establishments shall be located on arterial roadways or on corner lots at the intersection of collector streets or higher functional classification as identified in the adopted Palm Bay Comprehensive

Plan. No more than two (2) corner lots at any one (1) intersection shall be used for retail gasoline or automotive fuel sales. No driveway or access shall be permitted within one hundred (100) feet from an intersection of collector streets or higher functional classification.

(b) Minimum street frontage: one hundred and fifty (150) feet on each abutting street.

(c) Location of facilities: Gasoline, fuel pumps, storage tanks and other service island equipment shall be at least twenty (20) feet from all property lines, fifteen (15) feet from any building, and one hundred (100) feet from the nearest residentially owned land. No gasoline fuel pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.

(d) Tank storage. Underground storage required for all receptacles for combustible materials in excess of two hundred (200) gallons.

(e) The proposed use will not constitute a nuisance or hazard because of vehicular traffic movement, delivery of fuel movement, noise or fume generation.

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

(g) Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with §§ 176.01 et seq. of this code of ordinances.

(4) Indoor dance clubs, outdoor recreation, and outdoor amusement such as amusement parks, driving ranges, batting cages, go-cart tracks, outdoor skating facilities, miniature golf courses and similar uses.

- (5) Commercial radio and television broadcasting.
- (6) Marinas including wet and dry storage.
- (7) Car washes.
- (8) Permitted uses or uses permissible by conditional use exceeding seventy (70) feet in height.
- (9) Self storage facilities subject to the provisions established in § [185.088](#)(F).
- (10) Communication towers and facilities.
- (11) Human crematoriums:
 - (a) May only be allowed in conjunction with a funeral home.
 - (b) Crematoriums shall adhere to the principal use setbacks of the CC district, except where the subject property abuts residentially zoned land. In this instance, all portions of the building that contains the crematorium must be setback a minimum of one hundred (100) feet from any land zoned residential.
 - (c) All crematoriums must be placed within a sound-proof building and this building shall be constructed in such a manner to reduce vibrations. The building shall also contain the proper apparatus for eliminating emissions.
 - (d) All crematorium facilities shall have an annual Visual Emissions Test conducted and a copy of the inspection report provided to the City.
 - (e) All crematoriums must obtain a Florida Department of Environmental Protection (FDEP) Non-Title V permit, per Fla. Stat. § 62-296.401.

(E) Prohibited uses and structures:

- (1) All uses not specifically or provisionally permitted herein; any uses not in keeping with the community commercial character of the district.
- (2) Corrections facilities.
- (3) Pain-management clinic.
- (4) Electronic gaming establishments.

(F) Lot and structure requirements:

- (1) Minimum lot area — twelve thousand five hundred (12,500) square feet.
- (2) Minimum lot width — one hundred (100) feet.

(3) Minimum lot depth — one hundred and twenty-five (125) feet.

(4) Maximum building coverage — thirty-five percent (35%).

(5) Minimum floor area — three hundred (300) square feet.

(6) Maximum height — seventy (70) feet.

(7) Minimum yard requirements:

(a) Front: thirty (30) feet minimum building setback. Parking areas may be located in the front yard except within ten (10) feet of the front lot line.

(b) Side interior: ten (10) feet minimum building setback. Parking areas may be located in the side yard, except within five (5) feet of the side lot line. Side yards abutting residentially zoned property shall maintain a twenty- five (25) foot minimum setback for all buildings and parking.

(c) Side corner: twenty-five (25) feet minimum building setback. Parking areas may be located in the side corner yard, except within ten (10) feet of any public or private street.

(d) Rear: twenty- five (25) feet minimum building and parking area setback; ten (10) feet when abutting a dedicated alley.

(8) Shared access and parking areas.

(a) No side interior building and parking area setbacks are required provided all of the following are met:

1. Buildings on adjacent parcels, under separate ownership, are joined by a common wall;

2. Parking areas and aisles are joined with adjacent parcel(s) under separate ownership;

3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common parcels involved and a minimum spacing of one hundred and fifty (150) feet is maintained; or access is provided by an approved frontage road;

4. Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste container(s), lighting, landscaping, etc.), as may be applicable, from all property owners involved must be approved prior to the issuance of a building permit.

(b) 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.

(9) A six (6) foot high completely opaque masonry wall, or wood fence shall be provided along the entire length of any side or rear property line abutting property zoned residential. Landscaping shall be provided in accordance with the landscape requirements of this zoning code.

(10) Design requirements.

(a) An Architectural Style for each structure is required. This shall include adherence to all standards contained in § [185.134](#).

§ 185.044 HC — HIGHWAY COMMERCIAL DISTRICT.

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

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

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

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

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

(4) Hotels, motels, tourist courts.

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

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

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

- (6) Indoor commercial recreation such as theaters, driving ranges, bowling alleys and similar uses, excluding dance clubs.
- (7) Banks and financial institutions with drive-through facilities.
- (8) Retail stores using outside display areas including plant nurseries, and building supplies providing the following provisions are met:
- (a) The outside display area may be open along the front of the lot but shall be effectively screened with a six (6) foot opaque wall or fence rendering the sides and rear opaque in order to avoid any deleterious effect on adjacent properties.
 - (b) The outside display area shall be considered the same as the floor area for the purpose of calculating off-street parking requirements, yard and lot coverage regulations.
 - (c) All outside display items with the exception of new and/or used vehicles for sale shall meet a twenty (20) foot front and side setback and a thirty (30) foot rear setback. New and used vehicles for sale or rent shall meet the parking setback requirements established in division (E)(7) below.
 - (d) The sale of sheds or other accessory buildings is prohibited within the Bayfront Community Redevelopment District east of the Florida East Coast Railroad.
- (9) Public and private clubs and lodges including golf courses and similar activities.
- (10) New and used motor vehicles, major recreational equipment and mobile home sales and rentals with accessory uses; subject to the following restrictions:
- (a) All outside areas where merchandise is displayed shall be paved.
 - (b) All servicing and repair facilities, except for gasoline pumps, shall be located in an enclosed structure.
 - (c) There shall be no storage of junked or wrecked automobiles other than temporary storage for those awaiting repair. Such temporary storage shall be in an enclosed area and the vehicles shall not be visible from outside the property. All vehicles shall have attached at all times a current vehicle registration license plate.
 - (d) Used motor vehicles may only be sold on the same site as a new motor vehicle dealership within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad.
 - (e) Major recreational equipment and mobile home sales and rentals with accessory uses are not permitted within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad.

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

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

(13) Hospitals and nursing homes.

(14) Schools, churches, and libraries.

(15) Day care centers.

(16) Business service establishments.

(17) Dry cleaning.

(18) Funeral homes.

(19) Xerographic and off-set printing.

(20) Public and private parking lots and garages.

(21) Public uses.

(22) Arcade amusements centers; subject to the following regulations:

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

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

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

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

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

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

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

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

(D) *Conditional uses.*

(1) Permitted uses located on a parcel of ten (10) or more acres of area.

(2) Retail automotive gas/fuel sales:

(a) Access. Retail automotive gas/ fuel establishments shall be located on arterial roadways or on corner lots at intersections of collector streets or higher functional classification as identified in the adopted Palm Bay Comprehensive Plan. No more than two (2) corner lots at any one (1) intersection shall be used for retail gasoline or automotive fuel sales. No driveway or access shall be permitted within one hundred (100) feet from an intersection of collector streets or higher functional classification.

(b) Minimum street frontage: one hundred and fifty (150) feet on each abutting street.

(c) Location of facilities. Gasoline/ fuel pumps, storage tanks and other service island equipment shall be at least forty (40) feet from all property lines, fifteen (15) feet from any building, and one hundred (100) feet from the nearest residentially zoned land. No gasoline/fuel pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.

(d) Tank storage: Underground storage required for all receptacles for combustible materials in excess of two hundred (200) gallons.

(e) The proposed use will not constitute a nuisance or hazard because of vehicular traffic movement, delivery of fuel movement, noise or fume generation.

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

(g) Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with §§ [176.01](#) et seq.

(3) Commercial radio and television broadcasting.

(4) Marinas.

(5) Car washes.

(6) Self storage facilities subject to the provisions established in § 185.088(F).

(7) Communication towers and facilities.

(8) Eating and drinking establishments that allow patrons to dance to music, subject to the provisions set forth in § 185.088(H).

(9) Indoor dance clubs, outdoor recreation, and outdoor amusement such as amusement parks, driving ranges, batting cages, go-cart tracks, outdoor skating facilities, miniature golf courses and similar uses.

(E) Prohibited uses and structures.

(1) All uses not specifically or provisionally permitted herein; any use not in keeping with the commercial character of the district.

(2) Corrections facilities.

(3) In the Bayfront Community Redevelopment District east of the Florida East Coast Railroad:

(a) Used motor vehicle sales not on the same site as a new motor vehicle dealership;

(b) Major recreational vehicle equipment and mobile home sales and rentals with accessory uses;

(c) The sale of sheds or other accessory structures; and

(d) Auto repair, upholstery and body shops.

(4) Pain-management clinic.

(5) Electronic gaming establishments.

(F) Lot and structure requirements:

(1) Minimum lot area — fifteen thousand six hundred and twenty-five (15,625) square feet.

(2) Minimum lot width — one hundred and twenty-five (125) feet.

(3) Minimum lot depth — one hundred and twenty-five (125) feet.

(4) Maximum building coverage — thirty-five percent (35%).

(5) Minimum floor area — three hundred (300) square feet.

(6) Maximum height — forty (40) feet.

(7) Minimum yard requirements:

(a) Front — fifty (50) feet minimum building setback. Parking areas may be located in the front yard, except within ten (10) feet of the front lot line.

(b) Side interior — twenty (20) feet minimum building setback. Parking areas may be located in the side yard, except within ten (10) feet of the side lot line. Side yards abutting residentially zoned property shall maintain a twenty-five (25) foot minimum setback for all buildings and parking.

(c) Side corner — twenty-five (25) feet minimum building setback. Parking areas may be located in the side corner yard, except within ten (10) feet of any public or private street.

(d) Rear — thirty (30) feet minimum building and parking area setback; fifteen (15) feet when abutting a dedicated alley.

(8) Shared access and parking areas.

(a) No side interior building and parking area setbacks are required provided all of the following are met:

1. Buildings on adjacent parcels, under separate ownership, are joined by a common wall;

2. Parking areas and aisles are joined with adjacent parcel(s) under separate ownership.

3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common by all parcels involved and a minimum spacing of two hundred (200) feet is maintained; or access is provided by an approved frontage road.

4. Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste container(s), lighting, landscaping, etc.), as may be applicable, from all property owners involved must be approved prior to the issuance of a building permit.

(b) For adjacent developments meeting the requirements of divisions 2. through 4. above, the total number of off-street parking spaces required for

uses and all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.

(9) A six (6) foot high completely opaque masonry wall, or wood fence shall be provided along the entire length of any side or rear property line abutting property zoned residential. Landscaping shall be provided in accordance with the landscape requirements of this zoning code.

(10) Design requirements.

(a) An Architectural Style for each structure is required. This shall include adherence to all standards contained in § [185.134](#).



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 185.043(B)(25)(a) and Section 185.044(B)(22)(a)

PROPOSED LANGUAGE (attach addendum if necessary):

See Attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

To align location requirements with other uses of similar intensity for Amusement Center
(Arcade)

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

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

☐

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

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

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

Signature of Applicant Alexandra Bernard Date 7/7/22

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



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Stephen White, Principal Planner

DATE: August 3, 2022

SUBJECT: T-41-2022 - Fences on Corner Lots - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Chapter 170: Construction Codes and Regulations, Section 170.114(A), to modify fence requirements for corner lots

ATTACHMENTS:

Description

- ▣ Case T-41-2022 - Staff Report
- ▣ Case T-41-2022 - 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

T-41-2022

PLANNING & ZONING BOARD HEARING DATE

August 3, 2022

APPLICANT

City of Palm Bay

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.114, Residential Area Limitations and Restrictions on Height and amending Section 170.114(A).

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 170: Construction codes and Regulations, Section 170.114, Residential Area Limitations and Restrictions on Height and amending Section 170.114(A), to modify guidelines for fences on corner lots. See proposed changes below:

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

SECTION INTENT AND APPLICABILITY:

A. Establishes guidelines for property owners to install fence at the appropriate height and setbacks.

ANALYSIS:

The proposed textual amendment would ease restrictions on property owners installing fences on corner lots, while maintaining the 25-foot street Right-of-Way lines.

The application for the textual amendment would reduce the need for public hearings by eliminating the variance process while maintaining public safety with ensuring the Right-of-Way remains visible.

STAFF RECOMMENDATION:

Case T-41-2022 is recommended for approval.

TITLE XVII: LAND DEVELOPMENT CODE

Chapter 170: Construction Codes and Regulations

§ 170.114 RESIDENTIAL AREA LIMITATIONS AND RESTRICTIONS ON HEIGHT.

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

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



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 170.114 (A)

PROPOSED LANGUAGE (attach addendum if necessary):

See Attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

To allow for corner lots to utilize their lot in a similar manner as non-corner lots while maintaining viewership within the site triangle. *(Fencing)*

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

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

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

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

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

Signature of Applicant  Date 7/7/22

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**



MEMORANDUM

TO: Planning and Zoning Board Members

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

DATE: August 3, 2022

SUBJECT: T-42-2022 - 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, Planned Unit Development (PUD), to promote more creativity and ingenuity within Planned Unit Developments

ATTACHMENTS:

Description

- ▣ Case T-42-2022 - Staff Report
- ▣ Case T-42-2022 - 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

T-42-2022

PLANNING & ZONING BOARD HEARING DATE

August 3, 2022

APPLICANT

City of Palm Bay, Florida

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Planned Unit Development (PUD), to modify Planned Unit Development standards.

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, Planned Unit Development (PUD), to modify Planned Unit Development standards. See proposed changes below:

The applicant for this amendment is the City of Palm Bay, Florida. The applicant is looking to further the innovative nature of the Planned Unit Development Zoning Designation by requiring a vertical or horizontal mixture of uses, a minimum amount of open space, the amenitization of stormwater ponds, and a generalizable public benefit.

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

FUTURE LAND USE GOALS:

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 Comprehensive Plan (Plan) FLU Element Goal FLU-12 is to discourage urban sprawl, minimize the cost of community facilities, encourage the use of creative land use planning techniques and innovative approaches to development on lands that were formerly designated for solely agricultural or rural residential single purpose

INTENT AND APPLICABILITY:

The planned unit development is a concept which encourages and permits variation in residential developments by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage, setbacks, open space, and other Land Development Regulations and open space from that required in any one (1) residential land use classification under the zoning regulations of the city. The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types as well as commercial uses designed to serve the inhabitants of the planned unit development. It is recognized that only through ingenuity, imagination and flexibility can residential developments be produced which are in keeping with the intent of this

subchapter, while departing from the strict application of conventional use and dimension requirements of other zoning districts and subdivision regulations.

The PUD subchapter is intended to establish procedures and standards for planned unit developments of the city in order to ensure that the following objectives may be attained:

(1) Accumulation of large areas of usable open spaces for recreation and preservation of natural amenities.

(2) Flexibility in design to take the greatest advantage of natural land, trees, historical and other features.

(3) Creation of a variety of housing types and compatible neighborhood arrangements that give the home buyer greater choice in selecting types of environment and living units.

(4) Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as, utilizing innovative techniques to enhance the visual character of the county.

(5) Efficient use of land which may result in smaller street and utility networks and reduce development costs.

(6) Establishment of criteria for the inclusion of compatible associated uses to complement the residential areas within the planned unit development.

(7) Simplification of the procedure for obtaining approval of proposed developments through simultaneous review of the city of proposed land use, site consideration, lot and setback considerations, public needs and requirements, and health and safety factors.

(8) Economical and efficient use of land, utilities and streets with resulting lower housing costs.

ANALYSIS:

Staff has drafted this amendment to allow for the change in verbiage as described above and textually written below regarding Planned Unit Developments. The updated language provides for a better overall planned unit development project by requiring more open space and walkability. It also requires a mixture of uses and innovative design beyond previous requirements that further the intents of the comprehensive plan.

STAFF RECOMMENDATION:

Case T-42-2022 is recommended for approval.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

PLANNED UNIT DEVELOPMENT (PUD)

§ 185.060 DEFINITIONS.

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

COMMON OPEN SPACE. A parcel or parcels of land, or a combination of land and water within the site designated as a planned unit development, and designed and intended for the use or enjoyment of residents of the planned unit development. All 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 planned unit development.

DEVELOPER. Any person, firm, association, syndicate, partnership or corporation, who owns land which is developed into a planned unit development and who is actually involved in the construction and creation of a planned unit development.

DEVELOPMENT PLAN. The total site plan of a planned unit development drawn in conformity with the requirements of this subchapter. The development plan shall specify and clearly illustrate the location, relationship, design, nature, and character of all primary and secondary uses, public and private easements, structures, parking areas, public and private roads and common open space.

DEVELOPMENT SCHEDULE. A comprehensive statement showing the type and extent of development to be completed within the various practicable time limits and the order in which development is to be undertaken. A development schedule shall contain an exact description of the specific buildings, facilities, common open space, and other improvements to be developed at the end of each time period.

FINAL DEVELOPMENT PLAN. The development plan approved by the City Council and recorded with the clerk of the circuit court of the county according to the provisions of this chapter.

FINAL DEVELOPMENT PLAN APPLICATION. The application for approval of the development plan and for approval of the required exhibits as specified in this chapter.

PLANNED UNIT DEVELOPMENT (PUD). An area of land developed as a single entity, or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly, which is master planned to provide for a variety of residential and compatible uses and common open space.

PRELIMINARY DEVELOPMENT PLAN. The development plan approved by the City Council and filed with approval of the city of a planned unit development zone.

PRELIMINARY DEVELOPMENT PLAN APPLICATION. The application for approval of the use of a site as a planned unit development and for approval of the required exhibits as specified in this chapter.

SITE. The actual physical area to be developed as a planned unit development, including the natural and created characteristics of the area.

SMALL PLANNED UNIT DEVELOPMENT (SPUD). An area of land developed as a single entity, or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly, which is master planned to provide >>allow for a mixture of commercial and residential uses, to include<< for smaller sized (under 800 square feet) single or two-family structures and common open space. A SPUD may include Tiny Homes on Wheels (THOW), as defined in § 185.006. Connection to public sanitary sewer and public water required, if readily available as defined by the Mandatory Connection section of the Utility Code, § 200.11(N) or upon approval of the Utilities Director after a consideration of (1) distance of development to connection; and (2) potential detriment to the system.

STAGE. A specified portion of the planned unit development that may be developed as an independent entity that is delineated in the preliminary development plan and the final development plan, and specified within the development schedule.

ZERO-LOT LINE SINGLE-FAMILY DETACHED DEVELOPMENTS. Residential developments or single-family detached dwelling units where the dwelling units are placed on one (1) side lot line but where no two (2) dwelling units share a line but where no two (2) dwelling units share a common side lot line and which meet all requirements of this subchapter.

§ 185.061 PURPOSE AND INTENT.

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

~~(B) This subchapter is intended to establish procedures and standards for planned unit developments of the city in order that the following objectives may be attained:~~

~~(1) Accumulation of large areas of usable open spaces for recreation and preservation of natural amenities.~~

~~(2) Flexibility in design to take the greatest advantage of natural land, trees, historical and other features.~~

~~(3) Creation of a variety of housing types and compatible neighborhood arrangements that give the home buyer greater choice in selecting types of environment and living units.~~

~~(4) Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as, utilizing innovative techniques to enhance the visual character of the county.~~

~~(5) Efficient use of land which may result in smaller street and utility networks and reduce development costs.~~

~~(6) Establishment of criteria for the inclusion of compatible associated uses to complement the residential areas within the planned unit development.~~

~~(7) Simplification of the procedure for obtaining approval of proposed developments through simultaneous review of the city of proposed land use, site consideration, lot and setback considerations, public needs and requirements, and health and safety factors.~~

~~(8) Economical and efficient use of land, utilities and streets with resulting lower housing costs.~~

>>(A) Purpose. The purpose of the planned unit development (PUD) district is to provide a particularized zoning district that recognizes unique conditions, allows design flexibility, and promotes planned diversification and integration of uses and structures, which other zoning districts cannot accommodate, while also retaining the city council's authority to establish such limitations and regulations as it deems necessary to protect the public health, safety, and general welfare. The PUD district is designed to:

(1) Encourage flexible land development that sustainably uses land and infrastructure, reduces transportation needs, conserves energy, and maximizes the preservation of natural resources.

(2) Allow for the integration of different land uses and densities in one development that would not otherwise be provided for in other zoning districts in this chapter, and which encourage compatibility in overall site design and scale, both internal and external, to the project site.

(3) Permit outstanding and innovative residential and nonresidential developments with quality-of-life design features, such as an integration of housing types and accommodation of changing lifestyles within neighborhoods; design that encourages internal and external convenient and comfortable travel by foot, bicycle, and transit through such strategies as pedestrian scale, a building orientation generally toward streets and sidewalks, parking located to the side or rear of buildings, narrow streets, modest setbacks, front porches, connected streets, multiple connections to nearby land uses, terminated vistas, recessed garages, alleys, enhances landscaping, and mixed-uses.

(4) Establishment of criteria for the inclusion of compatible associated uses to complement the residential areas within the planned unit development.

(5) Achieve overall coordinated building and facility relationships and infill development, and eliminate the negative impacts of unplanned and piecemeal development.<<

§ 185.062 PERMITTED USES.

Uses permitted in the planned unit development may include and shall be limited to the following and contain a minimum of five (5) acres, except for a Small Planned Unit Development (SPUD) which shall contain a minimum of one (1) acre >>and a maximum of five (5) acres:<<

(A) *Primary Residential uses:* Single-family detached and multi-family residential dwelling units (including apartments) in semi-detached, attached, and multi-storied structures.

~~—(B) *Secondary Nonresidential uses:* Nonresidential uses of a religious, public or semipublic, cultural, recreational or commercial character and personal service~~

~~—(C) *Hotels, motels and restaurants.* Hotels, motels, and restaurants may be permitted upon a consideration of the following criteria:~~

~~———(1) The total acreage used for the hotel, motel, and restaurant, including necessary parking, support buildings, grounds and appurtenances shall not be considered common open space and shall be included within the maximum total acreage percentage permitted under this subchapter for commercial uses.~~

~~———(2) The proposed streets and traffic flow and the streets, thoroughfares, and traffic plan in the area adjacent to the site plan shall be adequate to support the anticipated traffic to be generated by the proposed hotel, motel and restaurant.~~

~~———(3) The proposed hotel, motel and restaurant use is compatible with the proposed primary residential uses, secondary nonresidential uses, and common open space within the planned unit development.~~

~~———— (4) The proposed hotel, motel and restaurant use is compatible with the existing land use classification in the surrounding vicinity.~~

~~———— (5) The area of the use shall be calculated as part of the total commercial acreage permitted.~~

~~— (D) *Small developments.* A SPUD consists of single family or two family structures in collective land ownership, such as a condominium or on individual owned lots. Each dwelling unit shall not exceed 800 square feet of finished living area. SPUDs shall only be located in areas that had a future land use designation of multiple family residential use. SPUDs shall not be developed using Mobile Homes. SPUDs must be connected to the City of Palm Bay water and sewer distribution system. The City reserves the right to deny extension of public utilities. The decision to extend public sanitary sewer and public water shall be made upon the recommendation of the Utilities Director or designee. The Utilities Director shall base the recommendation to extend services on:~~

~~———— (1) The factors included in the Mandatory Connection section of the Utility Code, § 200.11(N) Palm Bay Code of Ordinances;~~

~~———— (2) The distance between the property and the next available connection; and~~

~~———— (3) Any detriment to the public utility system that will be caused by allowing the property to connect.~~

>>(B) *Nonresidential uses:* Nonresidential uses of a religious, public or semipublic, cultural, recreational or commercial character and personal service centers, offices and professional centers providing services to residents of the planned unit development. Also included are public utility equipment and facilities. The nonresidential uses shall be compatible with the residential uses and shall provide for a walkable community to the greatest extent possible.

(C) *Hotels, motels, restaurants, and entertainment venues.* Hotels, motels, restaurants, and entertainment venues may be permitted upon a consideration of the following criteria:

(1) The total acreage used for the hotel, motel, restaurant, and entertainment venues, including necessary parking, support buildings, grounds and appurtenances shall not be considered common open space.

(2) The proposed streets and traffic flow and the streets, thoroughfares, and traffic plan in the area adjacent to the site plan shall be adequate to support the anticipated traffic to be generated by the proposed hotel, motel, restaurant, and entertainment venues. The development plan shall provide pedestrian connectivity between residential and commercial uses providing for a walkability to the greatest extent possible.

(3) The proposed hotel, motel, restaurant, and entertainment venues use is compatible with the proposed residential uses, nonresidential uses, and common open space within the planned unit development.

(4) The proposed hotel, motel, restaurant, and entertainment venue use is compatible with the existing land use classification in the surrounding vicinity.

(5) The area of the use shall be calculated as part of the total commercial acreage required.

(D) *Small planned unit developments.* A SPUD shall be a minimum of one (1) acre and a maximum of five (5) acres, and may contain a horizontal or vertical mixture of residential and commercial uses SPUDs shall not be developed using Mobile Homes, but may allow tiny homes on wheels as defined in § 185.006. SPUDs must be connected to the City of Palm Bay water and sewer distribution system. The City reserves the right to deny extension of public utilities. The decision to extend public sanitary sewer and public water shall be made upon the recommendation of the Utilities Director or designee. The Utilities Director shall base the recommendation on:

(1) The factors included in the Mandatory Connection section of the Utility Code, § 200.11(N) Palm Bay Code of Ordinances;<<

§ 185.063 UNIFIED OWNERSHIP OR CONTROL.

The title to all land within a proposed site for a planned unit development shall be owned or controlled by a developer submitting the applications provided for under this subchapter. The term CONTROLLED BY shall be interpreted to mean that the developer shall have the written consent of all owners of property within the proposed site not wholly owned by the developer. The consent shall contain a statement that the developer is authorized to represent the owners in the submission of an application under the provisions of this subchapter and that the owners shall agree to be bound by the decision of the City Council in the event application is approved.

§ 185.064 COMMON OPEN SPACE.

(A) All common open space shall be preserved for its intended purposes as expressed in the final development plan. The developer shall choose one (1) or a combination of the following three (3) methods of administering common open space:

(1) Public dedication accepted by the city may be included in the calculation of the common open space. This method is subject to formal acceptance by the city in its sole discretion.

(2) Establishment of an association or nonprofit corporation of all individuals or corporations owning property within the planned unit development to ensure the maintenance of all common open space.

(3) Retention of ownership, control and maintenance of all common open space by the developer.

(B) All privately owned common open space shall continue to conform to its intended use and remain as expressed in the final development plan through the inclusion in all deeds of appropriate restrictions to ensure that the common open space is permanently preserved according to the final development plan. The deed restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition.

(C) All common open space, as well as public and recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

(D) If the developer elects to administer common open space through an association or nonprofit corporation, the organization shall conform to the following requirements:

(1) The developer must establish the association or nonprofit corporation prior to the sale of any lots.

(2) Membership in the association or nonprofit corporation shall be mandatory for all residential property owners within the planned unit development and the association or corporation shall not discriminate in its members or shareholders.

(3) The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities that are not dedicated to the public, shall provide for the maintenance, administration and operation of the land, any other land within the planned unit development not publicly or privately owned, and shall secure adequate liability insurance on the land. If the developer elects an association or nonprofit corporation as a method of administering common open space, the title to all residential property owners shall include an undivided fee simple estate in all common open space.

§ 185.065 LAND USE REGULATIONS.

~~—(A) *Minimum size with commercial uses.* Shall contain a minimum of five (5) acres. A Small PUD shall contain a minimum of one (1) acre; commercial uses shall not be required in a SPUD.~~

>>(A) *Minimum size with commercial uses.* A PUD shall contain a minimum of five (5) acres. A Small PUD shall contain a minimum of one (1) acre but not exceed five (5) acres; commercial uses shall be permitted in a SPUD.<<

(B) *Maximum density.* The average density permitted in each PUD shall be established by the City Council, upon recommendation of the Planning and Zoning Board. The criteria for establishing an average density includes existing zoning, adequacy of existing and proposed public facilities and services, site characteristics, and the recommended density of any land use plan involving the area in question. In no case shall maximum density permitted exceed the underlying Future Land Use.

(C) *Minimum common recreation and open space:* twenty-five percent (25%) of gross site acreage, except for a SPUD which shall have minimum of ten percent (10%) open space. COMMON RECREATION AND OPEN SPACE shall be defined as the total amount of improved usable area, including outdoor space, permanently set aside and designated on the site plan as recreational or open space for use by residents of the PUD. Such usable space may be in the form of active or passive recreation areas including, but not limited to: Playgrounds, golf courses, nature trails, non-public recreational vehicle storage, stables, and lakes. 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. Easements, parking areas, road rights-of-way or minimum yards, and spacings between dwelling units, may not be included in determining usable open space. Water areas may be used to partially fulfill open space requirements. If golf courses and/or water areas are used to partially fulfill open space requirements, calculations for such may not exceed ~~three-fourths (3/4)~~ >>sixty percent (60%)<< of the required open space. All water areas included as part of the open space requirement, shall be permanent water bodies and shall be improved with docks or piers, minimum sloped edge as per applicable City and State regulations, and planted with grass and maintained around all sides so as not to harbor mosquitoes, insects and rodents.

(D) *Minimum lot area, frontage, and setbacks.*

(1) No minimum lot size shall be required within a PUD district apart from zero-lot line single-family detached developments. Any access driveway to individual lots must have minimum sixteen (16) foot of width.

(a) Minimum driveway width for an individual residential lot within a SPUD shall be ten (10) feet wide.

(2) Each dwelling unit or other permitted use shall have access to a public street either directly or indirectly via an approach private road, pedestrian way, court or other area dedicated to public or private use or common easement guaranteeing access. Permitted uses are not required to front on a public dedicated road. The city shall be allowed access on privately owned roads, easements and common open space to insure the police and fire protection of the area to meeting emergency needs, to conduct city services, and to generally ensure the health and safety of the residents of the PUD.

(3) Minimum distances between structures shall be:

- (a) Between structures of two (2) stories or less — ten (10) feet.
- (b) Between structures of three (3) stories — twenty (20) feet.
- (c) Between structures of four (4) stories — thirty (30) feet.
- (d) Between structures over four (4) stories — thirty (30) feet, plus five (5) feet for each additional story.
- (e) Between structures of varying heights, the larger distance separation shall be required.
- (f) The minimum distance between residential structures in a SPUD shall be eight (8) feet.

(4) The setback required from the nearest part of any building wall to the edge of any public right-of-way or private street and the minimum setback maintained between the walls of all structures and the perimeter of the PUD will be included in the proposed development plan and approved by City Council according to Section 185.066(B)(6) Review By City Council.

(5) Property bordering a river water body shall preserve thirty percent (30%) of river frontage as a breezeway.

(E) *Maximum length of structures:* two hundred (200) feet, unless an excess is specifically authorized by the Planning and Zoning Board.

~~—(F) *Maximum commercial use area.* The maximum commercial area permitted within a PUD shall be fifteen percent (15%) of the total gross acreage of the site, if the PUD contains more than five hundred (500) dwelling units, the maximum commercial area may be increased to twenty percent (20%) of the total gross acreage, or the underlying future land use, whichever is greater. The areas shall be situated and buffered so as not to create any detrimental effect on residential uses.~~

>>(F) *Minimum commercial use area.* The minimum commercial area permitted within a PUD shall be fifteen percent (15%) of the total gross acreage of the site, if the PUD contains more than five hundred (500) dwelling units, the minimum commercial area shall be increased to twenty percent (20%) of the total gross acreage, or the underlying future land use, whichever is greater. The areas shall be situated and buffered so as not to create any detrimental effect on residential uses. A SPUD shall require 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, unless the SPUD is entirely composed of tiny homes on wheels as defined in § 185.006.<<

(G) *Minimum floor living area per unit:*

- (1) Single-family dwellings — eight hundred (800) square feet.
- (2) Multi-family dwellings: None.
- (3) Hotel and motel units (where permitted) — two hundred and eighty (280) square feet per efficient unit.
- (4) Dwelling units within a SPUD shall not be required to have a minimum floor area.

(H) *Off-street parking.*

- (1) ~~Primary~~ ~~r>>~~ ~~R<<~~ residential use.
 - (a) A minimum of two (2) parking spaces per single-family dwelling unit shall be provided.
 - (b) Dwelling units within a SPUD shall provide a minimum of one (1) parking space per unit.
 - (c) Multiple-family dwellings shall have a minimum of:
 - 1. Two (2) parking spaces per three (3) or more bedroom dwelling unit;
 - 2. One and one-half (1½) parking spaces per one (1) or two (2) bedroom dwelling unit; and
 - 3. One (1) space per efficiency unit that is part of a mixed one (1) and two (2) bedroom development.
 - (d) A development of efficiency units only shall have a minimum of one and one-half (1½) parking spaces per unit.
 - (e) Each space shall have a minimum width of ten (10) feet and a minimum length of nineteen (19) feet. If a parking stall contains a wheel stop or abuts a curbed or landscaped island, an overhang may be permitted, and the length of the stall thereby shortened to a minimum of sixteen (16) feet. Parking spaces for residential uses within a SPUD may be reduced in size from the above, if the standards are approved by the City Council. Parking areas shall not be separated from structures by any public right-of-way.
- (2) ~~Secondary~~ ~~n>>~~ ~~N<<~~ nonresidential uses. Within commercial areas, one (1) space shall be provided for each two hundred (200) square feet of retail floor area. Each space shall have a minimum width of ten (10) feet and a minimum length of nineteen (19) feet. If a parking stall contains a wheel stop or abuts a curbed or landscaped island, an overhang may be permitted and the length of the stall thereby shortened to a minimum of sixteen (16) feet. ~~>>~~A reduction in parking requirements may be considered by the Planning and Zoning Board when the development plan provides for direct pedestrian access from residential uses<<:

(a) Restaurants — One (1) space for each three (3) seats, plus one (1) space for every employee.

(b) Hotels and motels — One (1) space for each guest room or rental unit, plus one (1) space for each two (2) employees.

(c) Other non-residential uses to be determined by the Planning and Zoning Board.

(3) Landscaping. Within all common parking areas, a minimum of fifty (50) square feet of landscaped area shall be provided per parking space and such landscaped areas shall be distributed throughout the parking area.

(I) Underground utilities. Within the PUD, all utilities including telephone, television cable, and electrical systems shall be installed underground. Primary facilities providing service to the site of the PUD may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer must provide landscaping with shrubs and plants to screen all utility facilities permitted above ground. The zoning board may require that substations be fenced and screened by trees and shrubs or walls resembling a structure which is compatible with the design of the buildings within the PUD.

(J) Development standards. The minimum construction requirements for streets or roads, sidewalks, sewer facilities, utilities and drainage dedicated to the public shall be in compliance with the requirements of the city's subdivision regulations set forth in Chapter 184 of this code of ordinances. The development standards of this district may be waived by the City Council upon the recommendation of the Planning and Zoning Board.

(K) Preservation of trees. Planned unit developments shall be regulated by the adopted city Landscape provisions.

(L) For zero-lot line single-family detached developments only.

(1) Interior side yard. The dwelling unit shall be placed on one (1) interior side property line with a zero setback and the dwelling unit setback on the other interior side property line shall be a minimum of ten (10) feet excluding the connecting elements such as fences, walls and trellises. If side yard abuts a street, setback should be at least twenty-five (25) feet.

(2) Front setback. All dwelling structures shall be set back a minimum of twenty-five (25) feet from the front property line.

(3) Rear setback. All dwelling structures shall be set back a minimum of ten (10) feet from the rear property line. The placement of patios, pools, garden features and other similar elements should be addressed initially as part of the PUD process.

(4) Street frontage. Each lot shall have a clear direct frontage on public streets or to access ways complying with private street requirements.

(5) Platting requirements. Each dwelling unit shall be located on its own individually platted lot.

(6) Building heights. For a single-family dwelling only, the height shall not exceed two (2) stories and twenty-five (25) feet in height.

(7) Minimum lot area. The minimum lot area shall be four thousand and fifty (4,050) square feet, or forty-five (45) feet by ninety (90) feet.

(8) Minimum square footage of living spaces. For each unit, the minimum shall be eight hundred (800) square feet of living space under heat and air conditioning, not including garage and covered porch area.

(9) Maximum building coverage. The maximum building coverage of the structure shall not exceed fifty percent (50%).

(10) Opening prohibited on zero-lot line side. The wall of the dwelling located on the lot line side shall have no doors, air conditioning units or any other type of openings which would detract from the side yard privacy of the adjacent dwelling; provided, however, that atriums or courts shall be permitted on the zero-lot line side when the court or atrium is enclosed by three (3) walls of the dwelling unit, and a solid wall the height of the roof line is provided on the zero-lot line. The wall shall be constructed of the same material as exterior walls of the unit.

(11) Maintenance and drainage easement. A perpetual four (4) foot wall maintenance easement shall be provided on the lot adjacent to the zero-lot line property line, which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be included in the covenants of restrictions and incorporated into each deed transferring title to the property. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty- four (24) inches. Measures shall be taken by the developer to direct runoff into the overall master drainage plan as submitted with the PUD.

§ 185.066 PROCEDURE FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN AND TENTATIVE ZONING.

The following procedures, applications, and exhibits shall be required when applying for tentative zoning approval of a preliminary plan:

~~—(A) *Tentative development plan.* Before submission of a preliminary application for approval as a planned unit development zone, the developer and his registered engineer, architect, and/or site planner are encouraged to meet with the City Planner and such other personnel as necessary to determine the feasibility and suitability of his application. This step is encouraged so that the developer may obtain information and guidance from city personnel~~

~~before entering into any binding commitments or incurring substantial expenses of site and plan preparation.~~

~~(B)~~>>(A) *Preliminary development plan application.*

(1) Preliminary application. A preliminary application shall be submitted to the Land Development Division by the developer requesting approval of the site as a planned unit development zone. The preliminary application shall contain the name of the developer, surveyor and engineer who prepared the development plan and topographic data map, and the name of the proposed planned unit development.

(2) Exhibits. The following exhibits shall be attached to the preliminary application:

(a) Development plan that shall contain, but not be limited to, the following information:

1. Proposed name or title of project, the name of the engineer, architect, and developer.
2. North arrow, scale (one (1) inch equals two hundred (200) feet or larger), date, and legal description of the proposed site.
3. 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.
4. Proposed parks, school sites or other public or private open space.
5. Off-street parking, loading areas, driveways and access points.
6. 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 nonresidential 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.
7. Delineation of phased development, if applicable.
8. Proposed means of drainage for the site.

(b) Schematic drawing of the elevation and architectural construction of the proposed primary and secondary nonresidential structures.

(3) Submittal.

~~_____ (a) The PUD zoning application and preliminary development plan shall be submitted to the Land Development Division at least thirty (30) days prior to any scheduled meeting of the Planning and Zoning Board of the city.~~

~~_____ (b) The application must be complete and accompanied by two (2) copies of the preliminary development plan, as described in these regulations, a CD or other approved electronic copy of the plat, a filing fee, and a list of all owners of adjacent property and/or property directly opposite of the proposed subdivision. Such property owner information shall be obtained from the most recent County Tax Appraiser's rolls.~~

~~_____ (c) The Land Development Division shall process and coordinate the review of the preliminary development plan by the appropriate city departments. The appropriate city departments are to review and comment on the submitted information. Written comments from the city departments are to be returned to the Land Development Division to be incorporated into a staff report generated by the Land Development Division. The staff report is submitted to the Planning and Zoning Board at the time of the next regular meeting of the Board.~~

~~_____ (d) The preliminary plat application shall be heard by the Planning and Zoning Board at its regular meeting in the month following the submittal deadline date. Courtesy notice letters of the meeting are to be sent to the owners of abutting and opposite properties of the proposed subdivision. Failure to mail or receive such courtesy notice shall not affect any action or proceedings taken however. Notice of such a meeting shall also be posted on the property for which subdivision is sought.~~

>>(a) The PUD zoning application and preliminary development plan shall be submitted to the Land Development Division. Plans will not be distributed for city staff review until all items are submitted and sufficient for review.

1. City staff will determine sufficiency of the preliminary development plan application package within five business days of submittal. The development coordinator will email notice of any missing items within five business days. The application has 30 days to address the deficiencies by submitting the required additional information.

2. Once the preliminary development plan application package is determined sufficient, the development coordinator will distribute the package to city staff within two business days.

3. City staff has ten business days to submit comments back to the development coordinator.

4. This process is repeated for subsequent submittals with the development coordinator having two business days to distribute and city staff having a maximum of ten business days to submit comments back to the development coordinator. Pursuant to §166.033(2), Florida Statutes, when an application for a development permit or

development order is certified by a professional listed in s.403.0877, Florida Statutes, before a third request for additional information is issued the city will offer a meeting to attempt to resolve outstanding issues. The city will not request additional information from the applicant more than three times, unless the applicant waives this limitation in writing. If not waived, the city will proceed to process the application for approval or denial.

5. The PDP application must be complete and accompanied by two (2) copies of the preliminary development plan, as described in these regulations, an approved electronic copy of the plat, a filing fee, and a list of all owners of adjacent property and/or property directly opposite of the proposed subdivision. Such property owner information shall be obtained from the most recent County Tax Appraiser's rolls.

6. The applicant will be notified when all city staff and outside agency comments have been sufficiently addressed. Preliminary development plans must be approved by the city council. Once the plans are ready for the city council, the applicant will need to submit adequate paper copies for the council agenda packets.<<

>>(b) The Land Development Division shall process and coordinate the review of the preliminary development plan by the appropriate city departments. The appropriate city departments, to include police and fire departments, shall review and comment on the submitted information. Written comments from the city departments are shall be returned to the Land Development Division to be incorporated into a staff report generated by the Land Development Division. The staff report is submitted to the Planning and Zoning Board at the time of the next regular meeting of the Board.

(c) The preliminary development plan application shall be heard by the Planning and Zoning Board at its regular meeting in the month following the submittal deadline date. Insufficient or incomplete applications will be postponed to the next available meeting following receipt of a sufficient and complete application. Courtesy notice letters of the meeting shall be sent to the owners of abutting and opposite properties of the proposed subdivision. Failure by owners to receive such courtesy notice shall not affect any action or proceedings taken however. Notice of such a meeting shall also be posted on the property for which subdivision is sought.<<

(4) Application review.

(a) The preliminary development plan shall be reviewed formally by the Planning and Zoning Board to determine its conformity with the official plans and policies of the city and the requirements of this subchapter.

(b) Upon completion of its review, the Planning and Zoning Board shall recommend to the City Council, the approval, approval subject to conditions, or disapproval of the preliminary development plan application.

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

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

~~————— (b) Compatibility within the planned unit development and relationship with surrounding neighborhoods.~~

~~————— (c) Prevention of erosion and degrading of surrounding area.~~

~~————— (d) Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan.~~

~~————— (e) The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.~~

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

~~————— (g) The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development.~~

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

~~————— (i) The benefits within the proposed development and to the general public to justify the requested departure from standard land use requirements inherent in a planned unit development classification.~~

~~————— (j) The conformity and compatibility of the planned unit development within any adopted development plan of the city.~~

~~————— (k) The conformity and compatibility of the proposed common open space, primary residential and secondary nonresidential uses within the proposed planned unit development.~~

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

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

(b) Compatibility within the planned unit development and relationship with surrounding neighborhoods.

(c) Prevention of erosion and degrading of surrounding area.

(d) Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

(e) The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.

(f) The feasibility and compatibility of the development plan to function as an independent development, providing for connectivity and walkability between residential and nonresidential uses within the development.

(g) The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development.

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

(i) The availability and adequacy of existing police and fire services to support the proposed planned unit development.

(j) The benefits within the proposed development and to the general public to justify the requested departure from standard land use requirements inherent in a planned unit development classification.

(k) The conformity and compatibility of the planned unit development within any adopted development plan of the city.

(l) The conformity and compatibility of the proposed common open space, residential and nonresidential uses within the proposed planned unit development.

(6) Consistent with Comprehensive Plan. A PDP application may only be approved if it is consistent with the Comprehensive Plan.

(a) Conformance to PDP purpose. A PDP application may only be approved if it is in conformance with the purpose of PDPs as articulated in section 30-3.15.

(b) Internal compatibility. All uses proposed within a PDP shall be compatible with other proposed uses; that is, no use may have any undue adverse impact on any neighboring use, based on the streetscape, treatment of pedestrian ways and circulation, motor vehicle circulation, and the separation and buffering of parking areas and sections of parking areas; the existence or absence of, and the location of, focal points and vistas, open spaces, plazas, recreational areas and common areas, and use of existing and proposed

landscaping; use of the topography, physical environment and other natural features; use and variety of building setback or build-to lines, separations and buffering; use and variety of building groupings, building sizes, architectural styles, and materials; variety and design of dwelling types; particular land uses proposed, and conditions and limitations thereon; and any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of any proposed use within the PDP.

(c) External compatibility. All uses proposed within a PDP shall be compatible with existing and planned uses of properties surrounding the PDP; that is, no internal use may have any avoidable or undue adverse impact on any existing or planned surrounding use, nor shall any internal use be subject to undue adverse impact from existing or planned surrounding uses. An evaluation of the external compatibility of a PDP should be based on the following factors: adjacent existing and proposed uses, design of the development, traffic circulation, and density and intensity.

(d) Intensity of development. The residential density and intensity of use of a PDP shall be compatible with and shall have no undue adverse impact upon the physical and environmental characteristics of the site and surrounding lands, and shall comply with the policies and density limitations set forth in the Comprehensive Plan. Within the maximum limitation of the Comprehensive Plan, the permitted residential density and intensity of use in a PDP may be adjusted upward or downward in consideration of the following factors: the availability and location of public and utility services and facilities; the trip capture rate of development; and the degree of internal and external connectedness of streets.

(e) Usable open spaces, plazas and recreation areas. Usable open spaces, plazas and recreation areas provided within a PDP shall be evaluated based on conformance with the policies of the Comprehensive Plan and the sufficiency of such areas to provide appropriate recreational opportunities, protect sensitive environmental areas, conserve areas of unique beauty or historical significance, enhance neighborhood design, and encourage compatible and cooperative relationships between adjoining land uses.

(f) Environmental constraints. The site of the PDP shall be suitable for use in the manner proposed without hazards to persons either on or offsite from the likelihood of increased flooding, erosion or other dangers, annoyances or inconveniences. Condition of soil, groundwater level, drainage and topography shall all be appropriate to the type, pattern and intensity of development intended. The conditions and requirements of the protection of resources article shall be met.

(g) External transportation access. A PDP shall be located on, and provide access to, a major street (arterial or collector) unless, due to the size of the PDP and the type of uses proposed, it will not adversely affect the type or amount of traffic on adjoining local streets. Access shall meet the standards set in chapter 23 and chapter 30, article VI. Connection to existing or planned adjacent streets is encouraged. The trip generation report shall be signed by a professional engineer registered in the state when there is a difference between the traffic report provided by the petitioner and the concurrency test.

(h) Internal transportation access. Every dwelling unit or other use permitted in a PDP shall have access to a public street directly or by way of a private road, pedestrian way, court or other area that is either dedicated to public use or is a common area guaranteeing access. Permitted uses are not required to front on a dedicated public road. Private roads and other accessways shall be required to be constructed so as to ensure that they are safe and maintainable.

(i) Provision for the range of transportation choices. Sufficient off-street and on-street parking for bicycles and other vehicles, as well as cars, shall be provided. Parking areas shall be constructed in accordance with such standards as are approved by the city commission to ensure that they are safe and maintainable and that they allow for sufficient privacy for adjoining uses. When there is discretion as to the location of parking in the project, it is strongly encouraged that all motor vehicle parking be located at the rear or interior side of buildings, or both. The design of a PDP should, whenever feasible, incorporate appropriate pedestrian and bicycle accessways so as to provide for a variety of mobility opportunities. Connection to all sidewalks, greenways, trails, bikeways, and transit stops along the perimeter of the PDP is required. Where existing perimeter sidewalks do not exist, sidewalks shall be provided by the development.<<

~~(6)>>(7)<<~~ Review by City Council. Upon receiving the, recommendation of the Planning and Zoning Board, the City Council shall, at a regularly scheduled public hearing, review the recommendation and preliminary development plan and either approve, approve subject to conditions, or disapprove the preliminary development plan application. The decision of the Council shall be based upon a consideration of the facts specified as review criteria for the zoning board in § 185.064.

~~(7)>>(8)<<~~ Recordation of preliminary application. In the event the primary development plan application is approved by the City Council, a copy of such application and required exhibits shall be certified and approved by the City Clerk as a permanent record. A notice of such approval and filing, containing a legal description of the site, shall be recorded in the official records of the county, in the form of a resolution:>>, at the developer's expense.<<

(C) Applications in excess of one thousand (1,000) acres.

(1) In the event any PUD application is in excess of one thousand (1,000) acres, the City Council may approve planned unit development zoning based on the requirements in this section on a revised or general basis. Specifically, the exact requirements of divisions (B)(2)(b)2., 3., 11. and (c) above may be revised in terms of map scale and detail required.

(2) Following this, the developer shall have six (6) months to present a preliminary development plan for any minimum stage of ten (10) acres. At the request of the developer, and for good cause shown, the City Council may extend the period required for the filing of the plan for a time certain not to exceed six (6) months. The plan shall be reviewed by the Planning and Zoning Board and the procedure of divisions (A) and (B) above would

specifically then apply to any stage or the total development. Provided, however, approval of a preliminary development plan shall be a condition precedent to the filing of an application for the approval of a final development plan under § 185.067.

>>(D) Amendments.

(1) Except as otherwise provided in this section, an amendment to an approved PDP (except for an extension of a time limit) shall be accomplished only by a new PDP rezoning application.

(2) The following types of amendments to the requirements of an approved PUD may be authorized by the appropriate reviewing board during development plan review, provided such amendments meet the criteria set forth in this article for the development review process:

(3) Minor adjustments or shifts in the location and siting of buildings, structures, parking bays, and parking spaces.

(4) Changes in the location of utility tie-ins and solid waste, recycling, and yard trash containers.

(5) Reductions in the overall density or intensity of structural ground coverage of the development.

(6) Changes in the location and types of landscape materials, excluding changes in location of buffers.

(7) Minor changes in the walkway and bikeway systems.

(8) The addition of accessory structures or utility buildings of less than 1,000 square feet where there are no major changes to the perimeter features of the development.

(9) The addition of up to ten new parking spaces.

(10) Any expansion of gross floor area or enlargement of the building envelope that does not require the addition of required parking spaces or alter standards of the PUD ordinance.

(11) Modifications that do not entail amendments to specific language included within the PDPDP ordinance.<<

§ 185.067 PROCEDURE FOR SECURING APPROVAL OF A FINAL DEVELOPMENT PLAN.

The developer shall have one (1) year from the approval of the preliminary development plan for a planned unit development zone in which to file a final development plan application. At the request of the developer, and for good cause shown, the City Council may extend the

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

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

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

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

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

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

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

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

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

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

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

(B) Procedure.

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

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

(3) The City Council shall review the recommendations of the Planning and Zoning Board at a regular public hearing of the City Council and shall approve, approve subject to conditions, or deny the final development plan application. The final development plan approval shall constitute a PUD rezoning enacted by Ordinance. The final development plan shall be binding upon the land contained with the plan. Any proposed modifications to the final development plan shall be submitted to the Growth Management Director for determination of departure. If determined to be a substantial deviation from the approved final development plan, the applicant must receive Final PUD approval from City Council for such deviation.

(C) Recording of final development plan.

(1) After approval by the City Council of the final development plan application, the City Clerk shall see that all requirements of Fla. Stat. Ch. 177 have been complied with before the final development plan is recorded in the public records of the county.

(2) The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a final development plan of a planned unit development, or portion thereof, that has not been given final approval by the City Council and recorded in the official records of the county is prohibited. The description by metes and bounds in the instrument of transfer or other documents shall not exempt the transaction from such prohibition.

§ 185.068 PHYSICAL REVIEW.

The city shall have the right to evaluate the physical layout, architectural characteristics and amenities of the planned unit development and to suggest changes or modifications designed to create compatibility and conformity in the variety of uses within the development to insure, protect and promote the health, safety and general welfare of the property owners of the planned unit development and the residents of the city.

§ 185.069 BUILDING PERMIT.

No building permit shall be issued by the city until the final development plan has been approved and duly recorded as provided in this subchapter.

§ 185.070 BONDING.

The PUD shall follow the bonding procedures listed in § 184.11 of the Code of Ordinances.

§ 185.071 TERMINATION OF PUD ZONE.

(A) Any owners of all or a portion of land that has been designated a planned unit development under the provisions of this subchapter can apply to the city for the termination of that portion of a stage within an approved final development plan within which his property is located if construction has not been commenced pursuant to such final development plan. The procedure for the termination shall be that applicable to a zoning district change under this chapter and any other applicable zoning ordinance.

(B) Failure of the developer to file a final development plan application within the time periods specified in § 185.067 shall automatically revoke approval of § 185.066(B)(7), and the site shall revert to the zoning classifications for which the property was zoned prior to the approval of the preliminary development plan. A notice of the revocation, containing a legal description of the site, shall be recorded in the official records of the county.

§ 185.072 ENFORCEMENT.

In addition to any other method of enforcement, the city shall have the power to enforce the provisions of this subchapter by appropriate suit in equity.



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:

Chapter 185: Zoning Code, Planned Unit Development (PUD)

PROPOSED LANGUAGE (attach addendum if necessary):

See Attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

To allow promote more creativity and ingenuity within Planned Unit Developments.

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

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

☐

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

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

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

Signature of Applicant Alexandra Bernard Date 2/7/22

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**



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Alexandra Bernard, Growth Management Director

DATE: August 3, 2022

SUBJECT: Special Planning and Zoning Board Meeting - September 6, 2022

Please be reminded that the September Planning and Zoning Board meeting has been rescheduled to Tuesday, September 6, 2022, at 6:00 p.m., as the Council Chambers is required for a budget hearing on our regular meeting night.