



# **AGENDA**

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

Regular Meeting 2023-01

March 1, 2023 - 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 2023-02; February 1, 2023**

### **ANNOUNCEMENTS:**

### **NEW BUSINESS:**

1. **\*\*CU-3-2023 - U-Haul Self-Storage - M. David Moallem (Erick Garcia Salas, Contineo Group and Cal Conner, U-Haul Co. of Eastern FL, Reps.) - A Conditional Use to allow a proposed self-storage facility in a CC, Community Commercial District, in accordance with Section 185.088 of the Palm Bay Code of Ordinances. Tax Parcel 528, Section 22, Township 28, Range 37, Brevard County, Florida, containing approximately 4.9 acres. Located north of and adjacent to Hunter Avenue NE, in the vicinity east of Babcock Street NE**
2. **CP-2-2023 - Micco Park Village - Brian Lulfs, Managing Member of Peat Holdings, LLC (Jake Wise, P.E., Construction Engineering Group, LLC) - A large-scale Comprehensive Plan Future Land Use Map amendment from Micco Park Village Use to Parkway Flex Use. Tax Parcels 500 and 751 of Section 12, Township 30, Range 37 along with Tax Parcel 2 of Section 13, Township 30, Range, 37, Brevard County, Florida, containing approximately 353.47 acres. Located north of and adjacent to Micco Road SE in the vicinity east of Interstate 95 Highway**
3. **CP-5-2023 - Adelon - Sam Wolkowick, Babcock & Malabar, LLC (Shubman Desai, E.I., Bowman Consulting Group, Ltd. / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law / Alberto Krygier, Adelon Capital, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Residential Open Space Use to Commercial Use**
4. **\*\*Z-18-2023 - Adelon - Sam Wolkowick, Babcock & Malabar, LLC (Shubman Desai, E.I., Bowman Consulting Group, Ltd. / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law / Alberto Krygier, Adelon Capital, Reps.) - A zoning change from a CC,**

**Community Commercial District to a GC, General Commercial District - A portion of Tax Parcel 1.1, Section 4, Township 29, Range 37, Brevard County, Florida, containing approximately 8.93 acres. Located in the vicinity, south of Malabar Road SE, east of Interstate-95 Highway, and west of Babcock Street SE**

5. **T-12-2023 - Crown of Road for Single-Family Residential Construction - City of Palm Bay (Public Works Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Section 174.073, to clarify residential elevations for single-family residential construction**
6. **CP-6-2023 - Comprehensive Plan Elements (Remaining) - City of Palm Bay (Growth Management Department) - Adoption of updates to the City of Palm Bay Comprehensive Plan Transportation, Recreation and Open Space, Housing, Conservation, Intergovernmental Coordination, Coastal Management, Capital Improvements, Infrastructure, and Private Property Rights Elements**

#### **OTHER BUSINESS:**

#### **ADJOURNMENT:**

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

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

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

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

**\*\*Quasi-Judicial Proceeding.**



## **MEMORANDUM**

**DATE:** March 1, 2023

**SUBJECT:** Regular Meeting 2023-02; February 1, 2023

**ATTACHMENTS:**

**Description**

- ▣ **P&Z/LPA Minutes - Regular Meeting 2023-02; February 1, 2023**

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/  
LOCAL PLANNING AGENCY  
REGULAR MEETING 2023-02

Held on Wednesday, February 1, 2023, 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:**

<b>CHAIRPERSON:</b>	Leeta Jordan	Present
<b>VICE CHAIRPERSON:</b>	Philip Weinberg	Present
<b>MEMBER:</b>	Donald Boerema	Present
<b>MEMBER:</b>	Robert Good	Present
<b>MEMBER:</b>	Randall Olszewski	Present
<b>MEMBER:</b>	Rainer Warner	Present
<b>MEMBER:</b>	VACANT	
<b>NON-VOTING MEMBER:</b>	David Karaffa	Present
	(School Board Appointee)	

**CITY STAFF:** Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Ms. Tania Ramos, Senior Planner; Ms. Uma Sarmistha, Senior Planner; Ms. Carol Gerundo, Planning Specialist; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2023-01; January 4, 2023.

Motion to approve the minutes as presented.



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

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

#### **ANNOUNCEMENTS:**

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. **\*\*CU-1-2023 - WITHDRAWN - Automotive Gas/Fuel Sales - Gary Smigiel, Ascot Palm Bay Holdings, LLC (Pursuit Development, LLC, Rep.) – A Conditional Use to allow retail automotive gas/fuel sales in a CC, Community Commercial District, in accordance with Section 185.043(D)(3) of the Palm Bay Code of Ordinances. A Portion of Tax Parcel 501, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 2.00 acres. Located at the northeast corner of Emerson Drive NW and St. Johns Heritage Parkway NW**

Case CU-1-2023 had been withdrawn by the applicant (Gary Smigiel, Ascot Palm Bay Holdings, LLC - Pursuit Development, LLC, Rep.).

Board action was not required to withdraw the case.

#### **NEW BUSINESS:**

1. **CP-40-2022 - Ashton Park - David Logan, MLCI Investments, Ltd.; Brevard 270, LLC; MLCI Realty II, LLC, MLCI Realty, Ltd. / David Lee, David Lee, LLC / Harvey Oyer, Brevard Property Holdings, LLC / Tiffany Dismukes Floyd / Murray Daniel Logan, L&L Collections, LLC / Candice Mayr and Jeffrey Lee, Trustees of the William H. Lee Revocable Trust (Jake Wise, P.E. Construction Engineering Group, LLC, Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from RES 1 (Brevard County) and Micco Park Village Use to Mixed Use. Tax Parcels 750 and 751 of Section 8, Township 30, Range 38; Tax Parcel 750 of Section 13, Township 30, Range 37; Tax Parcels**

**1 and 2 of Section 17, Township 30, Range 38; Tax Parcels 1 through 4 of Section 19, Township 30, Range 38; Tax Parcels 750 and 751 of Section 18, Township 30, Range 38; Lots 4.01 and 4.02 of AA Berrys, Section 1, Township 30G, Range 38; and Block 2 of S B Carter Survey of George Fleming Grant, Section 2, Township 30G, Range 38, Brevard County, Florida, containing approximately 1,435.36 acres. Located north, south, east, and west of Micco Road, in the vicinity south of Dottie Drive**

Mr. Anderson presented the staff report for Case CP-40-2022. Case CP-40-2022 met the minimum requirements for a large-scale Comprehensive Plan Future Land Use Map amendment request, subject to the condition that a development agreement shall be approved by the City of Palm Bay.

Mr. Jake Wise, P.E. Construction Engineering Group, LLC (civil engineer for the project and representative for the applicant) introduced the developer for the project, Mr. James Dicks, president and CEO of DIX Development. Mr. Dicks informed the board of his years of experience in developing in Florida, and he looked forward to being in Palm Bay a long while.

Mr. Wise stated how he had worked on the subject project for 15 years. He indicated how the site was mostly surrounded by preservation land, and that 300 acres north of Micco Road had recently been annexed into the City as part of the planned master development. The project would include the extension of the St. Johns Heritage Parkway, a 40-acre downtown district, and an extension of utilities into the area. The development's Community Development District would maintain all facilities. The project would have interconnectivity, 30 acres for a school site, over 90 acres for open green space and recreation, a mix of public and private parks throughout, and land for police and fire stations near the western entrance. He remarked on the commercial land planned along Micco Road, and how the downtown area would consist of commercial and industrial flex use. The project was long term, so a wide variety of residential housing would be offered for flexibility based on the market.

Mr. Weinberg asked about the buildout date anticipated for the project. He commented on how the St. Johns Heritage Parkway and Interstate-95 Highway would keep the traffic from routing through the local roads. Mr. Wise stated that the proposed development would be market driven, and approximately 10 to 15 years for build out. The surrounding developments were also in coordination regarding the Parkway and its funding.

Mr. Good inquired about similar project in Florida that were done by the developer. Mr. Dicks stated that the subject proposal was modeled after the Winter Springs Town Center in the Orland area.

Mr. Warner asked if the development would include acre-plus sized single-family lots. He wanted to know if the self-contained downtown district would be open to the rest of Palm Bay. Mr. Wise stated that large single-family lots were not planned at this time but could be considered in the future based on the market. The downtown area would be open to the public with access from the Parkway. He described the internal and external road enhancements, connectivity, and sidewalks planned for the development.

Mr. Olszewski wanted to know about the accommodations that would allow pedestrians to get from the northern corner corridor and across Micco Road to reach the downtown district, and if the traffic on Waco Road would be slowed to accommodate the additional pedestrians. He asked when the development would commence. Mr. Wise indicated an east-west regional trail for pedestrians to safely reach the downtown area. Intersections with safe pedestrian crossing would be located at the main points, and consideration of the development as a golf-cart community was possible. He said that Micco Road was a Brevard County Road that the City might assume and would like to reduce the speed. Development would commence by year end.

Mr. Olszewski inquired about the Micco Village Ordinance and how it related to the subject request. Mr. Wise explained that the project was changing from

the Micco Village District to a Mixed Use as the Micco Village District was no longer marketable.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke against the request. He stated that 18 years was too long to work on a project. He said that the Comprehensive Plan Future Land Use Element should be passed by City Council before any land use change was considered, especially since Comprehensive Plan associated Ordinance 2010-62 had a direct impact on the subject request. The proposed development included land and discussions omitted from the submittal. He wanted assurance that the St. Johns Heritage Parkway extension would be completed at developer expense and prior to the subject development being built. The project should not become an island at the end of Micco Road. He appreciated the land that the developer planned to dedicate for a future school and for police and fire stations but suggested that their funding the construction would alleviate a great expense for the City.

Mr. Robert Stise (resident at Windbrook Drive SE) spoke against the request. He remarked on how unresolved discussions and unkept promises by developers, such as road expansions, would impact the City, and that 15 years was a long time to oversee and endure construction.

Ms. Barbara Shreve (resident at Shreve Lane, Micco) spoke against the request. She did not want the development to become another “Compound” area of empty lots where people had gotten hurt and killed. She was concerned that in 15 years, future Palm Bay residents would end up funding the police and fire stations and remaining utilities. She commented that only six percent of the 1,400 acres of green space would remain green space. Traffic would be a problem if the Parkway was not extended, and that the Emerald Lakes development was already a downtown proposal.

In response to comments from the audience, Mr. Dicks explained that the St. Johns Heritage Parkway would be built regardless of the subject development. It was because of the project that he would be involved with development, cost, agreements, and studies regarding the Parkway. Fifteen years would involve the building of more than just a neighborhood. There would be 3,000 homes, apartment buildings, a 40-acre downtown area, and impact fees would be used to fund a school and the fire and police stations. He stated that the area would not be another “Compound” in Palm Bay since there would be a Community Development District to handle infrastructure and fund utilities. He explained that any road and traffic improvements would be dictated by several agencies, and he was experienced with golf-cart communities.

Mr. Wise reminded the board that master planned communities like Bayside Lakes and Viera were developed across decades. It had taken over a decade to work out the details that would extend utilities and create a triparty agreement between area developers for funding the Parkway. He said that the project would not move forward without the Parkway and utilities, and the subject request was at the infancy stage of a long-term proposal.

Mr. Olszewski asked for clarification regarding the Micco Park Village area. Mr. Anderson explained that the Micco Park Village land use was a special planning area that would soon be designated Mixed Use in the proposed Future Land Use Element. More entitlements would be at the zoning level for easier regulation, and a development agreement was a condition of the subject request to solve previous agreement issues. The subject proposal would also repeal the existing Micco Park Village ordinance.

The floor was closed for public comments.

Mr. Weinberg commented that the subject proposal was more reminiscent of Viera than any other development in the City.

Motion to submit Case CP-40-2022 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, Warner.

City Council will hear Case CP-40-2022 on February 2, 2023.

2. **T-16-2023 - Accessory Dwelling Unit - City of Palm Bay, Florida (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006, to amend the definition for Accessory Dwelling Unit**

Mr. Anderson presented the staff report for Case T-16-2023. Case T-16-2023 met the minimum criteria for a textual amendment request.

Mr. Olszewski wanted to know what led to the proposed amendment. Ms. Bernard stated that it was brought to staff's attention that an accessory dwelling unit had the same impact fees than of a single-family home. Mr. Olszewski inquired whether accessory dwelling units could now be erected without impact fee charges. Mr. Anderson explained that the subject proposal was to allow accessory dwelling units to be built on single-family lots and charged the same impact fee than of a mobile home, which was a lesser fee.

Mr. Warner asked if the accessory dwellings would be limited to certain areas. He commented on mothers-in-law and adult children residing in the units. Mr. Anderson stated that accessory dwellings were currently allowed in single-family residential zoning districts, which was not being changed. The intent was to help accessory dwelling units come to fruition to diversify the housing stock. No other regulations besides the associated impact fee was being amended; however, accessory dwelling units would be readdressed by staff in the near future.

Ms. Jordan noted that dwelling units were limited to 800 square feet regardless of lot size, and she wanted to know the impact of lowering the impact fees. Mr. Anderson stated that the square footage of accessory dwelling units and lot sizes would be revisited in the future, and he explained that the accessory dwelling unit's impact was substantially less than the impact of a single-family home. The mobile home impact fee was more acceptable, whereas the single-family impact fee appeared to be an overcharge.

Mr. Boerema commented on how property size regulated the size of an accessory dwelling unit because of setbacks. Mr. Anderson reiterated that code adjustments would be done to address larger properties that could accommodate larger accessory dwellings.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) wanted to know whether accessory structures on a property would be included in the overall lot calculations to permit an accessory dwelling unit.

In response to the comments from the audience, Mr. Anderson clarified that accessory structures, such as barns and tool sheds, were a different category and were calculated separately from accessory dwelling units.

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

Motion to submit Case T-16-2023 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, Warner.



**3. CP-3-2023 - Comprehensive Plan Future Land Use Element – City of Palm Bay (Growth Management Department) A comprehensive textual amendment to provisions of the City of Palm Bay Comprehensive Plan Future Land Use (FLU) Element for adoption**

Ms. Bernard stated that staff was excited about the new Comprehensive Plan Future Land Use Element, and she introduced the consultant for the City, Mr. Chris Dougherty, Inspire Placemaking Collective. Mr. Dougherty, project manager, stated that the Future Land Use Element was the culmination of the Visioning Process that began in 2020 and 2021. He gave a PowerPoint presentation on the timeline and scope of the Comprehensive Plan Elements, public engagement, and amendments to the Future Land Use Element and Maps. Evaluation and Appraisal Review based amendments had also been done to address statutory changes that had been neglected. Adoption of the Future Land Element should occur in April.

Mr. Olszewski inquired about the change in the 2040 Vision year to 2045. Mr. Dougherty stated that the Vision year was changed to 2045 to align with the Transportation Planning Organization's Long-Range Transportation Plan.

The floor was open for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) questioned whether the board had reviewed Ordinance 2010-62 that the subject amendment would repeal. Ordinance 2010-62 regarding the Micco Village District included language for the Micco Preserve and sustainability that should be carried forward. He questioned how an upcoming Micco Road project would supersede the subject amendment. There did not appear to be any interest in the Micco Village District during the Visioning process, but it had now become the main focus of the City.

Mr. Philip Corchoran (resident at Windbrook Drive SE) stated that the \$2,000.00 large-scale land use application fee should be raised to \$25,000.00



to avoid half-baked proposals. He also suggested that any changes to the new Comprehensive Plan should require a super-majority vote by the Planning and Zoning Board and by City Council.

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

Motion to submit Case CP-3-2023 to City Council for approval and adoption.

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

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

**OTHER BUSINESS:**

1. Ms. Bernard announced that Ms. Khalilah Maragh had resigned from the Planning and Zoning Board.

**ADJOURNMENT:**

The meeting was adjourned at approximately 7:34 p.m.

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Leeta Jordan, CHAIRPERSON

Attest:

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Chandra Powell, SECRETARY

\*\*Quasi-Judicial Proceeding



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Stephen White, Principal Planner

**DATE:** March 1, 2023

**SUBJECT:** \*\*CU-3-2023 - U-Haul Self-Storage - M. David Moallem (Erick Garcia Salas, Contineo Group and Cal Conner, U-Haul Co. of Eastern FL, Reps.) - A Conditional Use to allow a proposed self-storage facility in a CC, Community Commercial District, in accordance with Section 185.088 of the Palm Bay Code of Ordinances. Tax Parcel 528, Section 22, Township 28, Range 37, Brevard County, Florida, containing approximately 4.9 acres. Located north of and adjacent to Hunter Avenue NE, in the vicinity east of Babcock Street NE

\*\*Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ▢ CU-3-2023 - Staff Report
- ▢ CU-3-2023 - Site Plan
- ▢ CU-3-2023 - Citizen Participation Plan Report
- ▢ CU-3-2023 - Application
- ▢ CU-3-2023 - Legal Ad



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

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

### Prepared by

Stephen White, Principal Planner

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#### CASE NUMBER

CU-3-2023

#### PLANNING & ZONING BOARD HEARING DATE

March 1, 2023

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#### PROPERTY OWNER & APPLICANT

M. David Moallem (Erick Garcia Salas, Contineo Group and Cal Conner, U-Haul Co. of Eastern Florida, Reps).

#### PROPERTY LOCATION/ADDRESS

Block 528, Section 22, Township 28, Range 37, Brevard County, Florida. Generally located north of and adjacent to Hunter Ave NE, in the vicinity east of Babcock St. NE.

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#### SUMMARY OF REQUEST

The applicant is requesting a Conditional Use to allow for a self-storage facility.

##### Zoning

CC, Community Commercial District

##### Future Land Use

COM, Commercial

##### Site Improvements

Vacant, Unimproved

##### Site Acreage

4.9 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

CC, Community Commercial; Professional Office

##### East

CC, Community Commercial; Unimproved

##### South

RM-15, Single, Two, Multi-Family Residential Single-Family Residential District; Multiple-Family Residential

##### West

CC, Community Commercial; Commercial retail

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#### COMPREHENSIVE PLAN

##### COMPATIBILITY

Yes, Community Commercial Use

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**BACKGROUND:**

The request is to allow for a self-storage facility on vacant Community Commercial property which is approximately 4.9 acres. The subject property is generally located north of and adjacent to Hunter Ave NE, in the vicinity east of Babcock St. NE.

**ANALYSIS:**

Section 185.088(F) of the Code of Ordinances provides special requirements and conditions for establishment of self-storage facilities within the CC, Community Commercial zoning district.

The proposed location is prohibited from having doors facing residentially zoned properties other than ingress and ingress locations. The current proposal does not show any doors or ingress/egress locations facing any residentially zoned properties. The condition will be applicable to all future Site Plans associated with this Conditional Use.

Interior traffic lanes should be a minimum of 35' wide for two-way traffic and 25' for one-way traffic. The plan submitted does not indicate whether the traffic is one-way or two-way. A plan depicting minimum widths of 35' wide for two-way traffic and 25' for one-way traffic for Site Plan approval.

A landscaping plan will be reviewed during the Site Plan application and review by the Development Review staff.

**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 reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergencies.

An easement dedication for ingress, egress and utility easement will need to be executed and recorded with the Brevard County Clerk of Court prior to granting approval of the Site Plan.

The ingress and egress point to the proposed location is not located off Right-of-Way. Additionally, the property will have two access points on the northwest corner and the north/northeast corner of the property.

**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.

Parking requirements and drive aisles will need to be engineered in accordance with the Land Development Code. This will allow for safe travel and pedestrian access throughout the property.

The traffic lanes will need to be 35' wide for two-way traffic and 25' for one-way traffic. The plans will need to indicate the proper width and direction of travel. If it is only one-way traffic, the plans will need to indicate that via traffic flow print on the plans.

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

The proposed location is currently vacant. If developed, the owner/developer will be responsible for extending service to the site in accordance with current City regulations. All development would be required to go through Site Plan approval for all utility improvements to be made on the property.

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

This location will need to ensure proper buffering due to the property directly south being Multi-Family residential. Opaque fencing of 6' in height and landscaping will be required for proper screening and buffering.

**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.

Upon Site Plan application, all signage and site lighting will be reviewed by appropriate staff. All applications will be in accordance with current City regulations.

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

Development Review staff will ensure adequate stormwater management for the proposed Conditional Use and a landscape plan signed and sealed by a Landscape Architect will need to be submitted and reviewed during the Site Plan review.

**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 intensity of the proposed project should not create a nuisance or hazard to surrounding properties. If violations or hazards become a nuisance, this Conditional Use could be brought back before City Council for reconsideration, revocation, or additional conditions to be applied.

Additionally, this property will not be utilized for overflow parking or storage of U-Haul box trucks from the adjoining business.

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

This area has similar commercial intensity and would be compatible for the proposed location.

**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 FINDINGS:**

Case CU-3-2023 meets the minimum requirements for approval of a Conditional Use. Staff recommends approval of the proposed Conditional Use subject to the staff comments contained in this report, which are required to be addressed during Site Plan review.

## **TECHNICAL COMMENTS**

### **CASE CU-3-2023 – Self-Storage Conditional Use**

#### **Engineering Comments (Natalie Shaber PE, City Engineer 321.890.4217):**

Environmental report provided:

1. The GT survey shall be re-done by February 19th, 2023, and every 90 days until a site work permit has been issued.
2. Additional observation for nests is recommended prior to commencement of land clearing activities. Signage and protection measures for the Eastern indigo snake will need to be in place during construction.

Stormwater management:

1. All external agency permits shall be provided prior to scheduling a pre-sitework meeting.
2. All design and performance standards and specifications per Ch 62-330 F.A.C. shall be met for a site with direct discharge to an impaired waterbody and Outstanding Florida Water including a nutrient analysis demonstrating the the post-development nutrient loads do not exceed the pre-development.
3. Please schedule a separate meeting with Public Works staff to discuss the potential for low impact development implementation and incentives.
4. Please provide sufficient topographical survey including off-site survey to demonstrate the direction of flow in the pre-development condition.
5. Provide a geotechnical report with borings that identify the SHWT and soil infiltration rates/ hydrologic soil units in the pre-developed condition.
6. Please use the drained condition in the pre-development calculations and undrained in the post-development.

Time of concentration calculations shall consider any onsite storage in the pre-development condition.

#### **BUILDING DEPARTMENT-FIRE (Michael Bloom, CFPS 321.952-3400):**

1. Please provide plans complying with Florida Fire Prevention Code (FFPC) 7th edition, Florida Administrative Code (FAC), Florida State Statute (FSS) and City of Palm Bay Ordinances Chapters 33 and 177.
2. Available water may not be of sufficient volume to protect the specific hazard of the 16,636' squared structure. High Piled Storage, Extra Hazard Group 2. It is recommended that a Fire Protection Engineer be consulted early in the design process.





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



## **SITE LOCATION MAP CASE: CU-3-2023**

### **Subject Property**

North of and adjacent to Hunter Avenue NE, in the vicinity east of Babcock Street NE





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



## AERIAL LOCATION MAP CASE: CU-3-2023

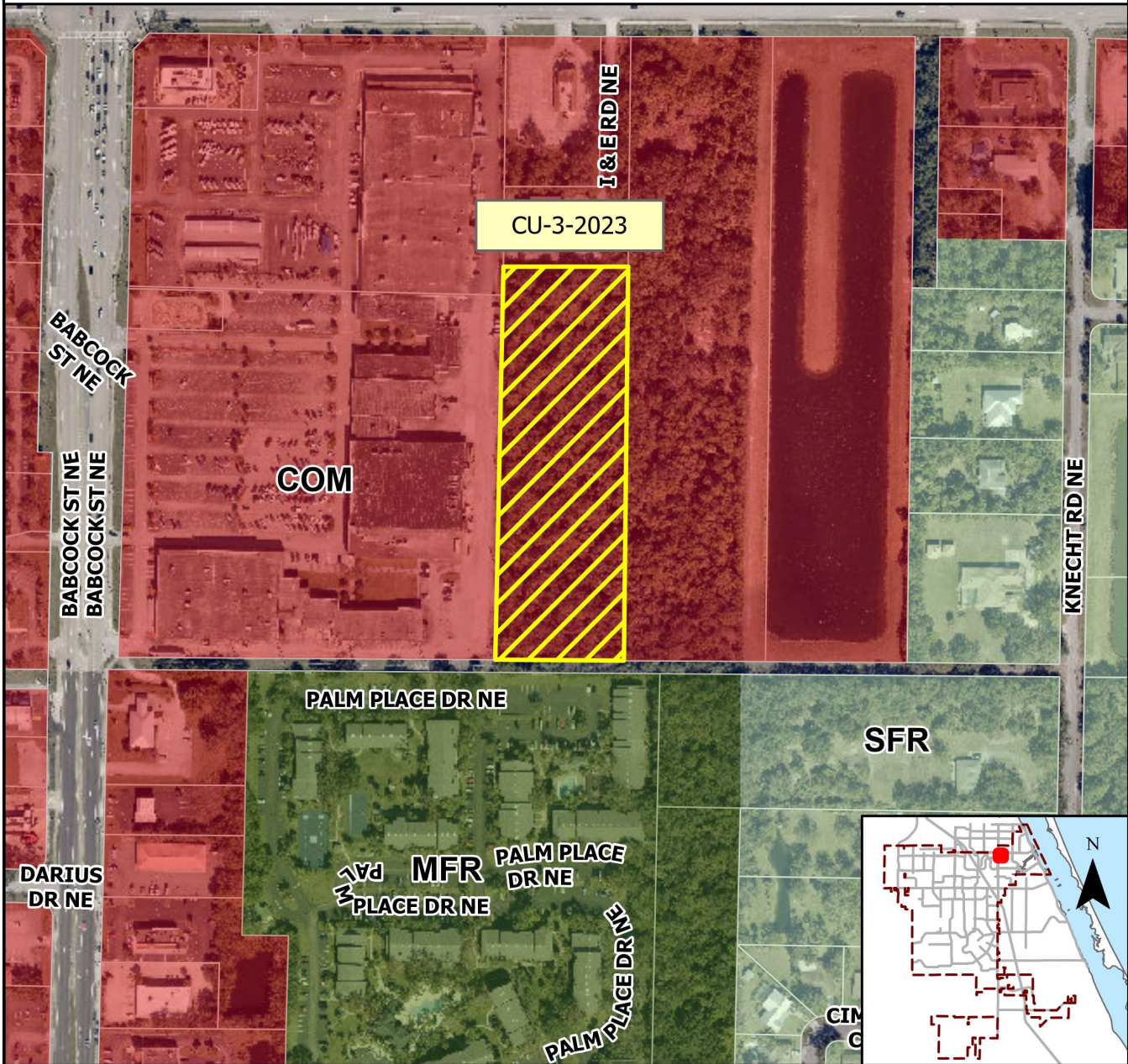
### Subject Property

North of and adjacent to Hunter Avenue NE, in the vicinity east of Babcock 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: CU-3-2023

### Subject Property

North of and adjacent to Hunter Avenue NE, in the vicinity east of Babcock Street NE

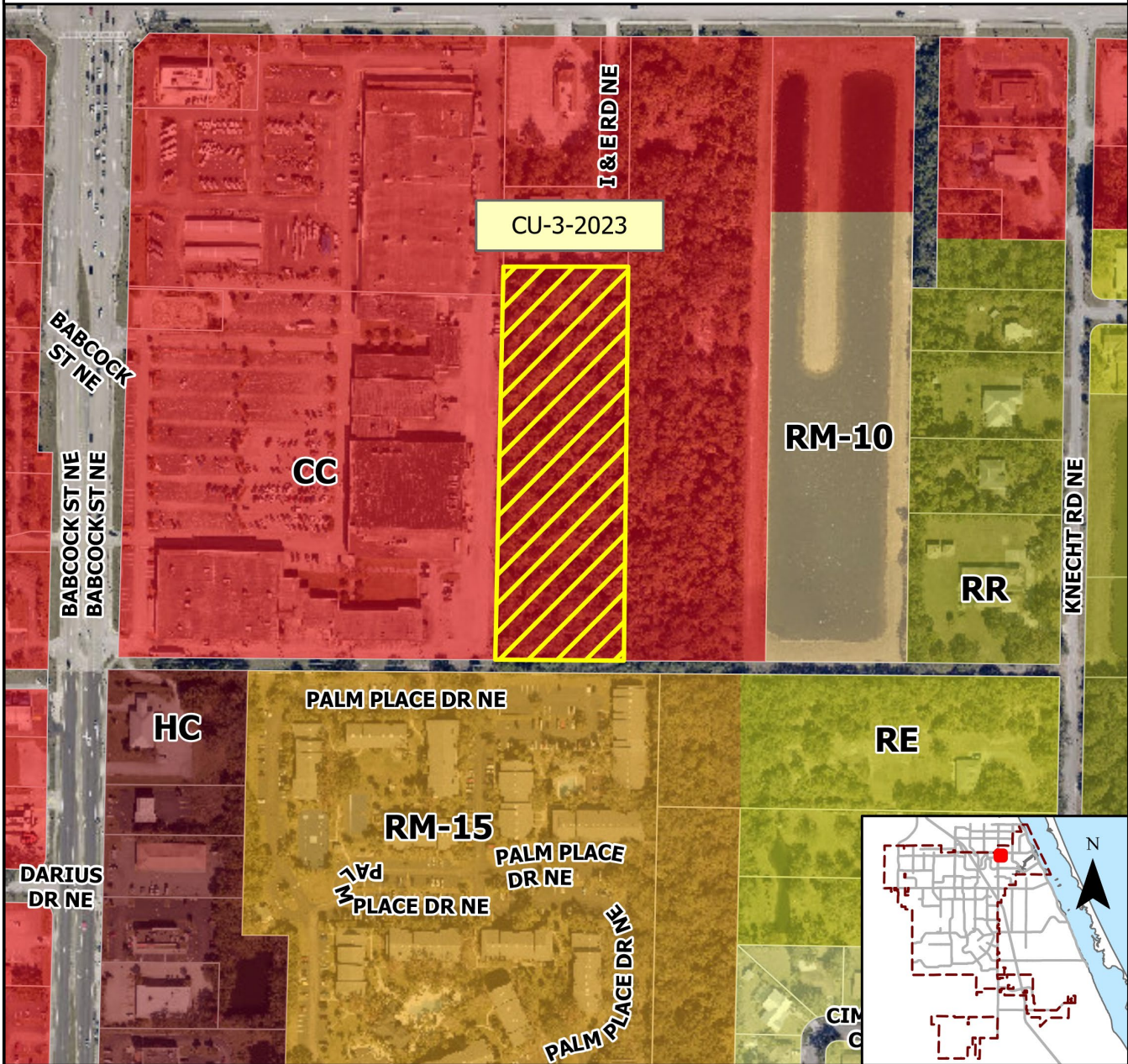
### Future Land Use Classification

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-3-2023

### Subject Property

North of and adjacent to Hunter Avenue NE, in the vicinity east of Babcock Street NE

### Current Zoning Classification

CC – Community Commercial

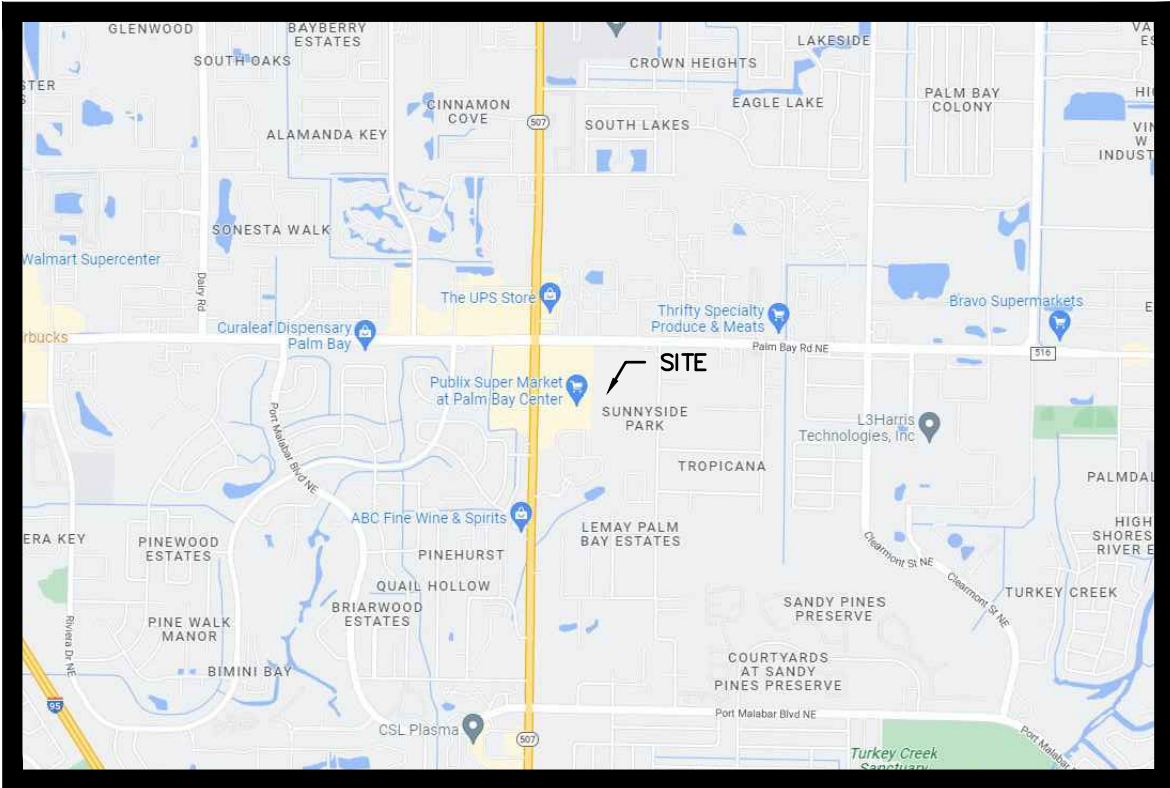
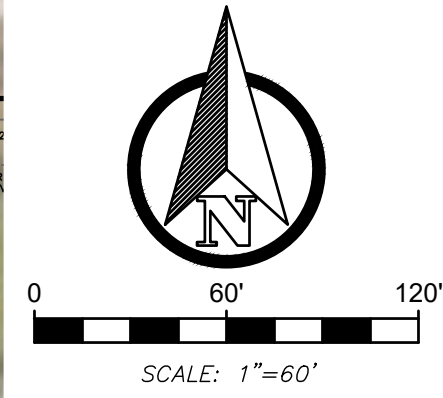


PALM BAY ROAD

S. BABCOCK STREET



STATE ROAD 516 - PALM BAY ROAD N.E. (200' R/W)



VICINITY MAP

N.T.S.

LEGEND

- PROPERTY LINE
- SETBACK LINE
- EASEMENT LINE
- PROPOSED PAVEMENT
- PARKING ROW COUNT

SITE DATA	
LOCAL JURISDICTION	CITY OF PALM BAY
PRIMARY PARCEL ID	28-37-22-00-528
ZONING DESIGNATION	CC (COMM. COMMERCIAL)
OVERLAY DISTRICT	N/A
TOTAL PROPERTY ACREAGE	±4.6 ACRES
TOTAL DISTURBED ACREAGE	TBD
PROPOSED USE	±17,000-SF STORAGE BUILDING (1-STORY) (162) 10x10 MINI-STORAGE UNITS
MIN. LOT SIZE	12,500-SF
MIN. LOT WIDTH	100'
MAX. BLDG COVERAGE	25%
PROPOSED BLDG COVERAGE	18%
PROPOSED IMPERVIOUS AREA	±2.6 ACRES
MAX BUILDING HEIGHT	70'
FRONT BUILDING SETBACK	30'
SIDE BUILDING SETBACK	10'
REAR BUILDING SETBACK	30'

DESCRIPTION OF THE REQUEST

AMERICO Real Estate Company (AREC) has prepared this application package for the opportunity to receive the City of Palm Bay's participation and counseling in regards to a redevelopment for the property located at Hunter Ave NE, Palm Bay, FL. AREC is the wholly owned real estate subsidiary of the U-Haul System.

EXISTING CONDITIONS

The proposed 4.6-acre property is located at Hunter Ave NE, Palm Bay, FL. The parcel is identified as: 28-37-22-00-528. To the west of the subject property is the Palm Bay Center Shopping Mall which has an existing U-Haul Center, a variety of businesses, and a Publix Supermarket. To the east of the property is an undeveloped parcel which is heavily wooded. To the north is the Palm Bay Dental Center. To the south is a portion of The Vikings at Palm Bay apartment rental property. Refer to Exhibit 1: Existing Conditions Map.

PROPOSED STORAGE FACILITY DESCRIPTION:

U-Haul is proposing to expand its operation and is proposing to build a one-story 17,017 SF U-Box Storage building and eight (8) mini storage buildings totaling 16,200 SF. Our uses consist of self-storage, which requires a Conditional Use Permit. Access will be through an existing curb cut along Palm Bay Road NE, as well as proposed curb cuts to the west property line, which abuts the shopping center.

The property is currently zoned as CC (Community Commercial.) The proposed development requires a Conditional Use Permit for the proposed storage use. Our uses are compatible and consistent with the permitted uses of the property, and with the surrounding uses. We feel strongly that our proposal is compatible in nature.

PRELIMINARY CONCEPT

NOTE: THIS CONCEPTUAL DESIGN SHOULD BE UTILIZED AS A GRAPHICAL REPRESENTATION OF A POSSIBLE DESIGN CHOICE. THE INFORMATION ON THIS PLAN WAS DESIGNED FROM LIMITED MATERIAL AND HAS ITS INACCURACIES, THEREFORE IT SHOULD NOT BE USED FOR CONSTRUCTION UNTIL ALL APPLICABLE MATERIAL NEEDED HAS BEEN REVIEWED AND INCORPORATED.

DRAFT

CONTINIO GROUP  
755 COMMERCE DRIVE  
SUITE 800  
DECATUR, GA 30030  
770.335.9403  
www.fcengineer



U-HAUL®

P.O. BOX 560025,  
ORLANDO, FL 32805  
CONTACT: CAL CONNER  
CAL.CONNER@UHAULC.COM

U-HAUL EXPANSION  
PALM PAY, FL  
JURISDICTION: CITY OF PALM BAY  
ISSUED FOR: CONCEPT  
PARCELS: 28-37-22-00-528  
LOCATION: 4703 BABCOCK ST NE,  
PALM BAY, FL 32905

#	DATE	REVISIONS

DRAWN: KJH  
CHECK: EGS  
JOB NO: 22-429  
DATE: 2/9/23

CONCEPT  
SITE 02  
SHEET 01





SCALE: 1"=80'

STATE ROAD 516 - PALM BAY ROAD N.E. (200' R/W)

S88° 47' 14"E  
40.00'

POINT OF BEGINNING  
(PARCEL ID: 28-37-22-00-528)  
(LESS AND EXCEPT PARCEL A)

PARCEL ID: 28-37-22-00-546  
OWNER: ELWOOD FAMILY REVOCABLE LIVING TRUST  
1760 PALM BAY ROAD N.E.  
PALM BAY, FL 32905  
(O.R.B. 8399, PG. 1194)

(LESS AND EXCEPT PARCEL A)

80' NON-EXCLUSIVE PERPETUAL RIGHT-OF-WAY  
AND EASEMENT FOR INGRESS AND UTILITY PURPOSES  
(O.R.B. 3811, PG. 2486)

N01° 12' 49"E  
512.02'

S01° 12' 49"W  
512.02'

POINT OF BEGINNING  
(LESS AND EXCEPT PARCEL B)

(LESS AND EXCEPT PARCEL B)  
PARCEL ID: 28-37-22-00-552  
OWNER: PALM BAY ROAD INVESTMENTS, LLC  
1764 PALM BAY ROAD N.E.  
PALM BAY, FL 32905  
(O.R.B. 7584, PG. 1089)

80' NON-EXCLUSIVE PERPETUAL RIGHT-OF-WAY  
AND EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES  
(O.R.B. 3811, PG. 2486)  
ASPHALT PAVEMENT

CONCRETE  
WALL

N88° 47' 11"W  
40.00'

SITE BENCHMARK  
NAIL SET IN SOUTH SIDE  
OF WOOD POWER POLE  
ELEV. = 24.70'

ASPHALT PAVED DRIVE  
12" CHAIN  
LINK FENCE



**CONTINEO GROUP**  
755 COMMERCE DRIVE  
SUITE 800  
DECATUR, GA 30030  
404.457.3919  
www.tcg.engineer

## PROPOSED ACCESS EASEMENT EXHIBIT

ISSUED FOR: EASEMENT RECORD

JURISDICTION: CITY OF PALM BAY, FL

LOCATION: 4703 BABCOCK ST NE  
PALM BAY, FL 32905

DRAWN:  
**JRM**

CHECK:  
**RTC**

JOB NO:  
**22-429**

DATE:  
**2/9/23**

**C100**



Nov. 30, 2022

[illegible]

*Moving Made Easier.* SM

## **CITIZEN PARTICIPATION REPORT**

**U-HAUL STORAGE EXPANSION  
4703 BABCOCK STREET NE, PALM BAY, FL 32905  
CONTINEO GROUP PROJECT #: 22-429**

### **Concerns:**

There were no local citizens present for the meeting other than the management of U-Haul, Stacey Bruno and Cal Conner, and the Civil Engineering Principal, Erick Garcia-Salas.

Thus, no concerns were brought to attention during the meeting or via email, phone calls, or mail.





**LAND DEVELOPMENT DIVISION**

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

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

**CONDITIONAL USE APPLICATION**

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

**PARCEL ID(S):**

28-37-22-00-528

**TAX ACCOUNT NUMBER(S):**

34U0 - PALM BAY

**PROPERTY ADDRESS:**

Hunter Ave NE ,Palm Bay, FL

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

4.9 acres

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

CC (Community Commercial)

**CONDITIONAL USE SOUGHT:**

Proposed self- storage use



**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** Erick Garcia- Salas /Contineo or Cal Conner/ U-Haul Co of E FL

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** M. David Moalle  **Date** 10/26/2022  
**Printed Name** M. David Moalle  
**Full Address** 1663 Georgia St. NE #700 Palm Bay, FL 32907  
**Telephone** 321-626-3590 **Email** palmabayland@gmail.com

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

October 27, 2022

Re: Letter of Authorization

As the property owner of the site legally described as:

PART OF SW 1/4 OF SW 1/4 AS DESC IN ORB 2628 PG 2380 & 2658 PG 2627 PAR 548

I, Owner Name: M. David Moallem  
Address: 1663 Georgia St. NE #700 Palm Bay, FL 32907  
Telephone: 321-626-3590  
Email: palmbayland@gmail.com

hereby authorize:

Representative: Erick Garcia Salas/ TCG or Cal Conner/ U-Haul Co of Eastern FL

Address: 4703 Babcock St NE, Palm Bay, FL 32905

Telephone: (404) 457-3919; (321) 288- 0055

Email: erickg@thecontineogroup.com/ cal\_conner@uhaul.com

to represent the request(s) for:

property parcel ID 28-37-22-00-528, at Hunter Ave NE ,Palm Bay, FL

M. David Moallem

(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 27 day of October, 2022 by

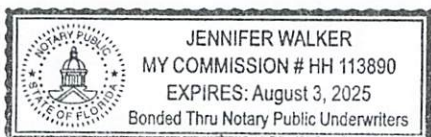
M. David Moallem

, property owner.

Jennifer Walker

Jennifer Walker, Notary Public

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





Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

PUBLICATION	TOLL-FREE	Local #	Email
Florida Today	888-516-9220	321-242-3632	BRELegals@gannett.com
Eagle	888-516-9220	321-242-3632	BREEagle@gannett.com
Reporter	888-516-9220	321-242-3632	BREReporter@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005596520

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 02/16/23

**Text of Ad:**

Ad#5596520 2/16/2023  
CITY OF PALM BAY, FLORIDA  
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on March 1, 2023, and by the City Council on April 6, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1. **\*\*CU-3-2023 - M. David Moallem (Erick Garcia Salas, Contineo Group and Cal Conner, U-Haul Co. of Eastern FL, Reps.)**

A Conditional Use to allow a proposed self-storage facility in a CC, Community Commercial District, in accordance with Section 185.088 of the Palm Bay Code of Ordinances

Tax Parcel 528, Section 22, Township 28, Range 37, Brevard County, Florida, containing approximately 4.9 acres. Located north of and adjacent to Hunter Avenue NE, in the vicinity east of Babcock Street NE

2. **CP-5-2023 - Sam Wolkowick, Babcock & Malabar, LLC (Shubman Desai, E.I., Bowman Consulting Group, Ltd. / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law / Alberto Krygier, Adelon Capital, Reps.)**

A small-scale Comprehensive Plan Future Land Use Map amendment from Residential Open Space Use to Commercial Use

Tract G.2 Retention Area, Port Malabar Unit 57, Section 4, Township 29, Range 37, Brevard County, Florida, containing 7.43 acres. Located in the vicinity, south of Malabar Road SE, east of Interstate-95 Highway, and west of Babcock Street SE

3. **\*\*Z-18-2023 - Sam Wolkowick, Babcock & Malabar, LLC (Shubman Desai, E.I., Bowman Consulting Group, Ltd. / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law / Alberto Krygier, Adelon Capital, Reps.)**

A zoning change from a CC, Community Commercial District to a GC, General Commercial District

A portion of Tax Parcel 1.1, Section 4, Township 29, Range 37, Brevard County, Florida, containing approximately 8.93 acres. Located in the vicinity, south of Malabar Road SE, east of Interstate-95 Highway, and west of Babcock Street SE

4. **T-12-2023 - City of Palm Bay (Public Works Department)**

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Section 174.073, to clarify residential elevations for single-family residential construction

**\*\*Indicates quasi-judicial request(s).**  
If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or the City Council 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.  
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist



## MEMORANDUM

**TO:** Planning and Zoning Board Members

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

**DATE:** March 1, 2023

**SUBJECT:** CP-2-2023 - Micco Park Village - Brian Lulfs, Managing Member of Peat Holdings, LLC (Jake Wise, P.E., Construction Engineering Group, LLC) - A large-scale Comprehensive Plan Future Land Use Map amendment from Micco Park Village Use to Parkway Flex Use. Tax Parcels 500 and 751 of Section 12, Township 30, Range 37 along with Tax Parcel 2 of Section 13, Township 30, Range, 37, Brevard County, Florida, containing approximately 353.47 acres. Located north of and adjacent to Micco Road SE in the vicinity east of Interstate 95 Highway

### ATTACHMENTS:

#### Description

- ▣ CP-2-2023 - Staff Report
- ▣ CP-2-2023 - Exhibit A - Lulfs Parcel Bubble Plan
- ▣ CP-2-2023 - School Concurrency Letter
- ▣ CP-2-2023 - Narrative
- ▣ CP-2-2023 - Citizen Participation Plan Report
- ▣ CP-2-2023 - Application
- ▣ CP-2-2023 - Legal Ad





## STAFF REPORT

### LAND DEVELOPMENT DIVISION

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

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

#### Prepared by

Jesse D. Anderson, Assistant Growth Management Director

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#### CASE NUMBER

CP-2-2023

#### PLANNING & ZONING BOARD HEARING DATE

March 1, 2023

#### PROPERTY OWNER & APPLICANT

Brian Lulfs, Managing Member of Peat Holdings, LLC (Jake Wise, P.E., Construction Engineering Group, LLC)

#### PROPERTY LOCATION/ADDRESS

Tax Parcels 500 and 751 of Section 12, Township 30, Range 37 along with Tax Parcel 2 of Section 13, Township 30, Range, 37, Brevard County, Florida, containing approximately 353.47 acres. Located north of and adjacent to Micco Road SE in the vicinity east of Interstate 95 Highway

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#### SUMMARY OF REQUEST

The applicant is requesting A large-scale Comprehensive Plan Future Land Use Map amendment from Micco Park Village Use to Parkway Flex Use.

##### Existing Land Use

Micco Park Village District, RES 1 Residential Unit per Acre (Brevard County)

##### Site Improvements

Undeveloped Land

##### Site Acreage

353.47 acres

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#### SURROUNDING FUTURE LAND USE & EXISTING USE OF LAND

##### North

RAC Regional Activity Center - Vacant

##### East

PUB-CONS Public Conservation (County) - Vacant

##### South

MPVD Micco Park Village District; PUB-CONS Public Conservation (County); - Vacant

##### West

PUB-CONS Public Conservation (County);



**BACKGROUND:**

The subject properties are generally located north of and adjacent to Micco Road SE in the vicinity east of Interstate 95 Highway and is approximately 353.47 acres.

**ANALYSIS:**

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

**1. FUTURE LAND USE ELEMENT**

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

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

The Comprehensive Plan (Plan) FLU Element Goal FLU-3 Provide for economically viable commercial areas which promote a sound and diversified local economy and serve the retail and service needs of the City's residents.

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

The intended use for the 353.47-acre property is a Parkway Flex Use development to be known as Lulfs Parcel. The proposed land use amendment would be considered compatible, as the diversity and mixture of residential and nonresidential uses provides for a more efficient distribution of compatible land uses. Moreover, it further addresses the long-term growth of the city by providing residents with diverse housing options (i.e. single-family and multifamily). In addition to these aspects, Lulfs Parcel is intended to be a walkable community with 12.6 acres of landscape buffers and pedestrian connectivity. The project will also provide commercial activity directly accessible to the residential property with the 10.8-acre tract of land designated for commercial use on the western side of the proposed St. Johns Heritage Parkway extension. It additionally further provides 11.2 acres commercial land along the eastern side of the highway to capture trips generated north from adjacent developments. The proposed distribution of uses across this project area is conceptually depicted in Exhibit A attached along with this staff report.

**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

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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.

Housing Goal 1 - Provide for sufficient supply and variety of safe, decent, attractive and affordable housing, at locations which provide for convenient access to municipal facilities and services and which minimize impacts on the physical environment.

The proposed conceptual plan (Exhibit A) depicts a mixture of single-family and multifamily uses with approximately 184.1 acres and 30.9 acres of land designated for each use respectively. Furthermore, the intention is that there will be 12.6 acres of landscape buffers and pedestrian connectivity to establish a walkable community, which will provide for convenient access to commercial activities on the western side of the proposed St. John's Heritage Parkway extension.

### 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:** 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 alters the distribution of entitled residential land. 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. Considering the adjacent concurrency service areas, there is sufficient capacity at the high school level. However, there is an anticipated shortfall of capacity within the adjacent concurrency areas for the elementary and middle school levels. Nevertheless, the school district condition is to have the applicant contact staff to discuss the mitigation process as defined in Section 13.5 of the ILA-2014 prior to submitting for a final concurrency determination.

### 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 and will be providing parkland, recreational activity, and open/civic space within the bounds of the project 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.

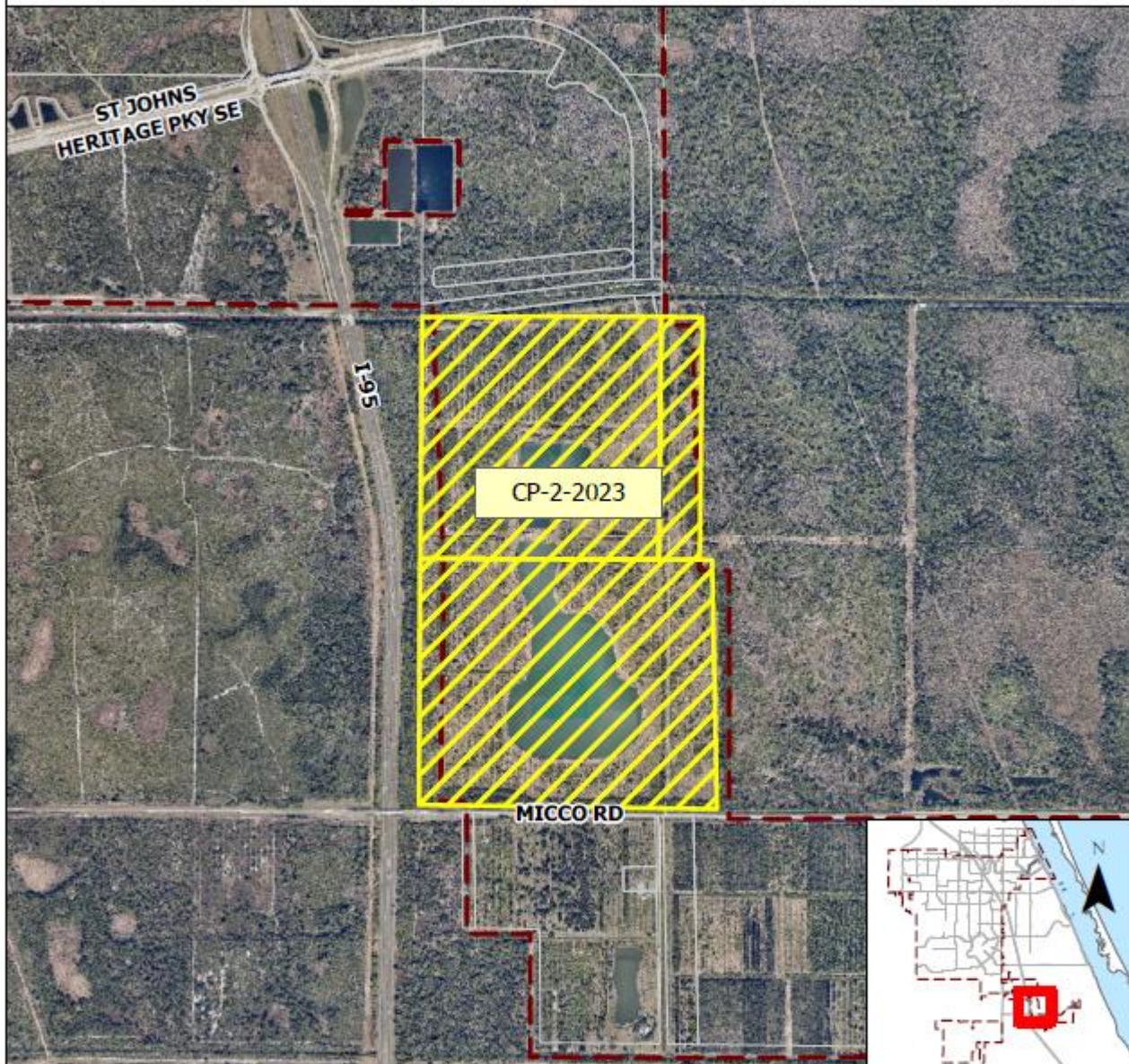
This proposed land-use change does not appear to infringe upon the property rights of the applicant.

### **STAFF RECOMMENDATION:**

Case CP-2-2023 meets the minimum requirements for a Large-Scale Comprehensive Plan Future Land Use Map Amendment request for transmittal to the Department of Economic Opportunity (DEO). Staff recommends approval of the proposed Large-Scale Comprehensive Plan Future Land Use Map amendment.



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



## AERIAL LOCATION MAP CASE: CP-2-2023

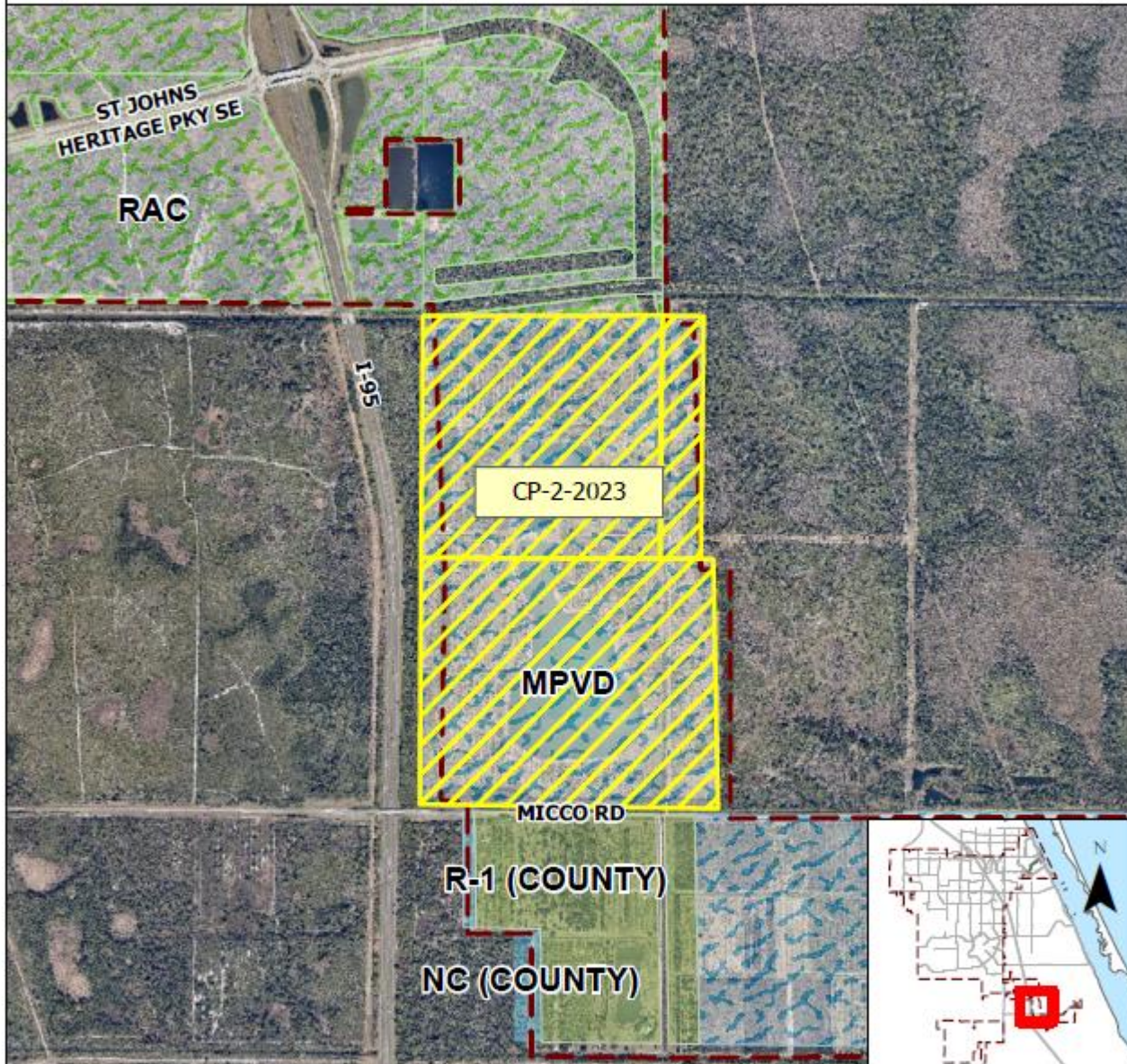
### **Subject Property**

Located north of and adjacent to Micco Road SE, in the vicinity east of Interstate 95 Highway





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



## FUTURE LAND USE MAP CASE: CP-2-2023

### Subject Property

Located north of and adjacent to Micco Road SE, in the vicinity east of Interstate 95 Highway

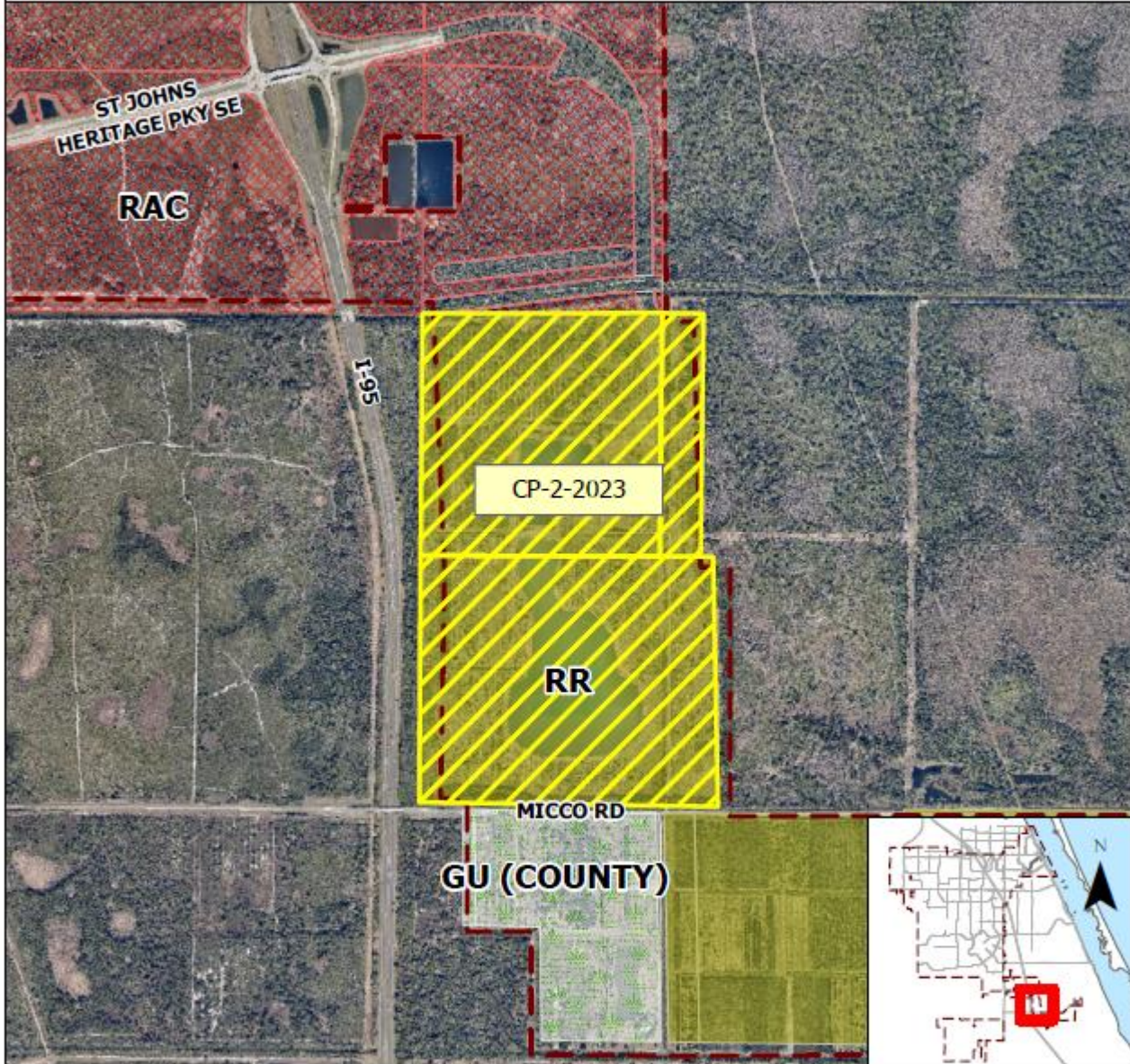
### Future Land Use Classification

MPVD – Micco Park Village District





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



## ZONING MAP CASE: CP-2-2023

### Subject Property

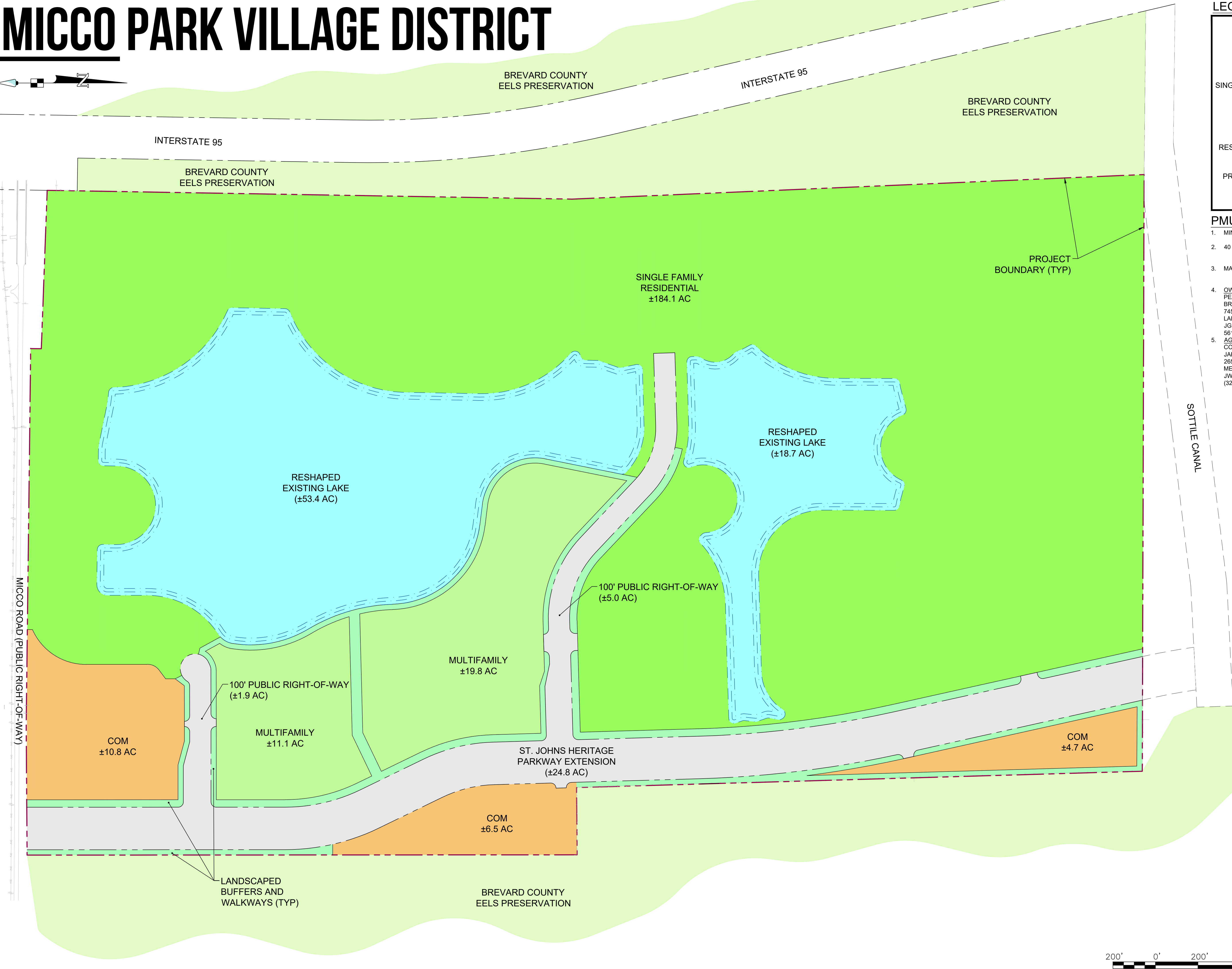
Located north of and adjacent to Micco Road SE, in the vicinity east of Interstate 95 Highway

### Current Zoning Classification

RR – Rural Residential



# MICCO PARK VILLAGE DISTRICT



LEGEND:		
COMMERCIAL (±82,600 SF)		±22.0 AC
MULTI-FAMILY (±487 UNITS)		±30.9 AC (15.8 DU/ACRE)
SINGLE FAMILY RESIDENTIAL (±773 UNITS)		±184.1 AC (4.0 DU/ACRE)
LANDSCAPED BUFFERS AND WALKWAYS		±12.7 AC
RESHAPED EXISTING LAKES		±72.1 AC
PROPOSED RIGHT-OF-WAY		±31.7 AC
TOTAL ACREAGE		±353.5

- PMU CRITERIA:**
- MINIMUM ACREAGE REQUIRED = 20 ACRES
    - ACREAGE PROPOSED: ±353.5 ACRES
  - 40 SQUARE FEET (SF) OF COMMERCIAL SPACE PER RESIDENTIAL UNIT
    - 1,260 UNITS X 40 SF = 50,400 SF MINIMUM REQUIRED
    - 82,600 SF PROPOSED
  - MAXIMUM DENSITY = 10 UNITS/ACRE
    - MAXIMUM ALLOWED = 353.47 X 10 = 3,534 UNITS
    - PROPOSED = 1260 UNITS
  - OWNERSHIP:  
PEAT HOLDINGS, LLC  
BRIAN LULFS  
7457 PARK LANE ROAD  
LAKE WORTH, FL 33449  
JGIELDAG@LOTISGROUP.COM  
561-239-4619
  - AGENT:  
CONSTRUCTION ENGINEERING GROUP, LLC  
JAKE T. WISE, PE  
2651 W. EAU GALLIE BLVD. SUITE A  
MELBOURNE, FL 32935  
JWISE@CEENGINEERING.COM  
(321) 610-1760

**LEGAL DESCRIPTION:**

PARCEL 1:  
THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.

PARCEL 2:  
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 12, TOWNSHIP 30 SOUTH, RANGE 37 EAST FOR THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND, THENCE N 02° 27' 32" W ALONG THE WEST LINE OF SAID SECTION 12 A DISTANCE OF 2694.63 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 12; THENCE S 89° 49' 41" E ALONG THE 1/4 SECTION LINE A DISTANCE OF 2513.11 FEET TO THE CENTER OF SAID SECTION 12; THENCE S 89° 51' 05" E ALONG THE SAID 1/4 SECTION LINE A DISTANCE OF 294.46 FEET; THENCE S 01° 39' 23" ALONG THE EAST LINE OF THE WEST 18 ACRES OF THE SOUTHEAST 1/4 OF SAID SECTION 12 A DISTANCE OF 2662.75 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 12; THENCE N 89° 32' 19" E ALONG THE SOUTH LINE OF SAID SECTION 12 A DISTANCE OF 316.44 FEET; THENCE S 00° 01' 57" E ALONG THE EAST LINE OF THE WEST 37 ACRES OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 30 SOUTH, RANGE 37 EAST A DISTANCE OF 2587.86 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF MICCO ROAD; THENCE S 89° 36' 28" W ALONG THE SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 611.12 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 13; THENCE N 89° 19' 07" W ALONG THE SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 1772.17 FEET; THENCE N 00° 23' 57" E ALONG THE SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 50.00 FEET; THENCE N 87° 52' 34" W ALONG THE SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 745.73 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 13; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE RUN N 00° 57' 24" E ALONG THE WEST LINE OF SAID SECTION 13 A DISTANCE OF 2468.91 FEET TO THE NORTHWEST CORNER OF SAID SECTION 13 AND THE POINT OF BEGINNING. LESS AND EXCEPT THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.

IN ALL CONTAINING 353.470 ACRES MORE OR LESS.

MPVD BUBBLE  
11/08/22 MASTER PLAN

**CONSTRUCTION  
ENGINEERING  
GROUP**  
Consulting Engineers





# School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699

Dr. Robert E. Schiller, Ed.D., Interim Superintendent



February 22, 2023

Mr. Jesse Anderson, Ph.D  
Assistant Growth Management Director  
City of Palm Bay  
Growth Management Department  
120 Malabar Road SE  
Palm Bay, Florida 32907

**RE: Proposed Micco Park Village District Development  
School Impact Analysis – Capacity Determination CD-2023-06**

Dear Mr. Anderson,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is comprised of multiple parcels, please see list attached, containing a total of approximately 353.47 acres in the City of Palm Bay, Florida. The proposed development includes 773 single family homes and 487 multi-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in the *Brevard County Public Schools Financially Feasible Plan for School Years 2022-23 to 2027-28* which is attached for reference.

	Multi Family		Single Family		Both
	487		773		
Students Generated	Student Generation Rates	Calculated Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.11	53.57	0.24	185.52	239
Middle	0.02	9.74	0.07	54.11	64
High	0.05	24.35	0.12	92.76	117
Total	0.18	87.66	0.43	332.39	420

Planning & Project Management  
Facilities Services  
Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646



An Equal Opportunity Employer

**FISH Capacity (including relocatable classrooms) from the  
Financially Feasible Plan (FFP) Data and Analysis for School Years 2023-24 to 2027-28**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	913	913	935	1,023	1,067	1,067
Southwest	1,230	1,230	1,230	1,289	1,289	1,289
Bayside	2,263	2,263	2,263	2,263	2,382	2,382

**Projected Student Membership**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	767	836	908	1,004	1,067	1,067
Southwest	920	1,024	1,127	1,174	1,285	1,285
Bayside	1,885	2,023	2,099	2,175	2,371	2,371

**Students Generated by Newly Issued SCADL Reservations Since FFP**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	-	-	-	-	-	-
Southwest	-	-	-	-	-	-
Bayside	-	-	-	-	-	-

**Cumulative Students Generated by  
Proposed Development**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	-	-	29	101	209	239
Southwest	-	-	8	28	56	64
Bayside	-	-	14	50	102	117

**Total Projected Student Membership (includes  
Cumulative Impact of Proposed Development)**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	767	836	937	1,105	1,276	1,306
Southwest	920	1,024	1,135	1,202	1,341	1,349
Bayside	1,885	2,023	2,113	2,225	2,473	2,488

**Projected Available Capacity =  
FISH Capacity - Total Projected Student Membership**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	146	77	(2)	(82)	(209)	(239)
Southwest	310	206	95	87	(52)	(60)
Bayside	378	240	150	38	(91)	(106)

At this time, Sunrise Elementary School, Southwest Middle School and Bayside High School are not projected to have enough capacity for the total of projected and potential students from the Micco Park Village District development. Because there is a shortfall of available capacity in the concurrency service area, the capacity of adjacent concurrency service areas must be considered.



The adjacent elementary school concurrency service areas are Port Malabar Elementary School, Columbia Elementary School, and Westside Elementary School. The adjacent middle school concurrency service area is Stone Magnet Middle. The adjacent high school concurrency service area is Palm Bay Magnet Senior High. A table of capacities of the *adjacent Schools Concurrency Service Areas* that may accommodate the impacts of the Micco Park Village District development is shown below:

<b>FISH Capacity (including relocatable classrooms) from the Financially Feasible Plan (FFP) Data and Analysis for School Years 2023-24 to 2027-28</b>						
School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar	852	852	852	852	852	852
Columbia	751	751	751	751	751	751
Stone	1,076	1,076	1,076	1,076	1,076	1,076
Palm Bay	2,657	2,657	2,657	2,657	2,657	2,657
<b>Projected Student Membership</b>						
School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar	640	683	746	760	795	795
Columbia	512	531	522	538	538	538
Stone	708	799	823	890	977	977
Palm Bay	1,495	1,581	1,683	1,704	1,700	1,700
<b>Students Generated by Newly Issued SCADL Reservations Since FFP</b>						
School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar	-	-	-	-	-	-
Columbia	-	-	-	-	-	-
Stone	6	6	6	6	6	6
Palm Bay	15	15	15	15	15	15
<b>Cumulative Students Generated by Proposed Development</b>						
School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar	-	-	29	101	209	239
Columbia	-	-	29	101	209	239
Stone	-	-	8	28	56	64
Palm Bay	-	-	14	50	102	117
<b>Total Projected Student Membership (includes Cumulative Impact of Proposed Development)</b>						
School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar	640	683	775	861	1,004	1,034
Columbia	512	531	551	639	747	777
Stone	714	805	837	924	1,039	1,047
Palm Bay	1,510	1,596	1,712	1,769	1,817	1,832
<b>Projected Available Capacity = FISH Capacity - Total Projected Student Membership</b>						
School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar	212	169	77	(9)	(152)	(182)
Columbia	239	220	200	112	4	(26)
Stone	362	271	239	152	37	29
Palm Bay	1,147	1,061	945	888	840	825

At this time, the adjacent middle school and high school concurrency areas are projected to have enough capacity for the total of projected and potential students from the Micco Park Village District development; however, there is a shortfall of available capacity in the concurrency service area and the adjacent concurrency service areas for elementary schools.

Before this project is submitted for final school concurrency determination, please contact our staff to discuss the mitigation process as defined in Section 13.5 of the *ILA-2014*. The district is closely monitoring rapid development in this area.

This is a **non-binding** review; a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Karen Black', with a stylized flourish at the end.

Karen M. Black, AICP  
Manager – Facilities Planning & Intergovernmental Coordination  
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2022-23 to 2027-28*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services  
File CD-2023-06

David G. Lindemann, AICP, Director of Planning & Project  
Management, Facilities Services  
File CD-2023-06



# School Board of Brevard County Micco Park Village District



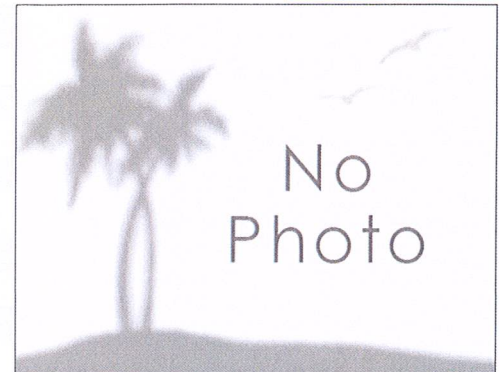
## Properties:

Account: 3000715

MapView

EagleView

Owners:	PEAT HOLDING LLC <a href="#">Wrong ownership? Maybe this is why...</a>
Mail Address:	7457 PARK LANE RD LAKE WORTH FL 33449
Site Address:	1998 MICCO RD PALM BAY FL 32976
Parcel ID:	30-37-12-00-500
Taxing District:	34U0 - PALM BAY
2022 Exemptions:	NONE <a href="#">Wrong exemption? Maybe this is why...</a>
Property Use:	6120 - GRAZING LAND - SOIL CAPABILITY CLASS II - WITH BUI
Total Acres:	160
Site Code:	0001 - NO OTHER CODE APPL.
Plat Book/Page:	0000/0000
Subdivision Name:	--
Land Description:	SW 1/4



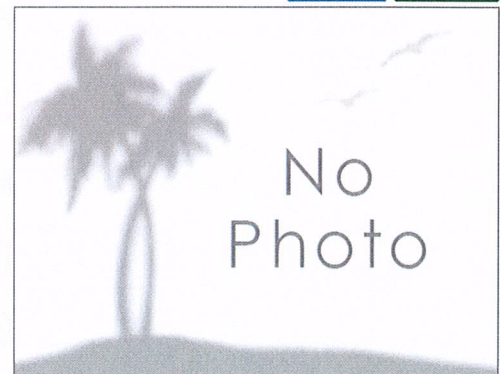
Estimate Property Taxes

Account: 3000718

MapView

EagleView

Owners:	PEAT HOLDING LLC <a href="#">Wrong ownership? Maybe this is why...</a>
Mail Address:	7457 PARK LANE RD LAKE WORTH FL 33449
Site Address:	2000 MICCO RD PALM BAY FL 32976
Parcel ID:	30-37-13-00-2
Taxing District:	34U0 - PALM BAY
2022 Exemptions:	NONE <a href="#">Wrong exemption? Maybe this is why...</a>
Property Use:	6120 - GRAZING LAND - SOIL CAPABILITY CLASS II - WITH BUI
Total Acres:	197
Site Code:	0001 - NO OTHER CODE APPL.
Plat Book/Page:	0000/0000
Subdivision Name:	--
Land Description:	W 37 AC OF NE 1/4, ALL NW 1/4, EXC RD R/W



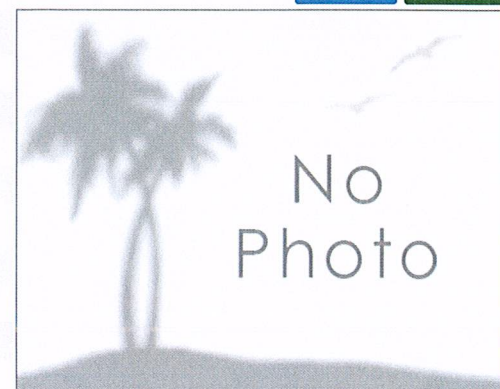
Estimate Property Taxes

Account: 3010667

MapView

EagleView

Owners:	PEAT HOLDING LLC <a href="#">Wrong ownership? Maybe this is why...</a>
Mail Address:	7457 PARK LANE RD LAKE WORTH FL 33449
Site Address:	NONE
Parcel ID:	30-37-12-00-751
Taxing District:	34U0 - PALM BAY
2022 Exemptions:	NONE <a href="#">Wrong exemption? Maybe this is why...</a>
Property Use:	6100 - GRAZING LAND - SOIL CAPABILITY CLASS II - VACANT
Total Acres:	18
Site Code:	0001 - NO OTHER CODE APPL.
Plat Book/Page:	0000/0000
Subdivision Name:	--
Land Description:	W 18 AC OF SE 1/4

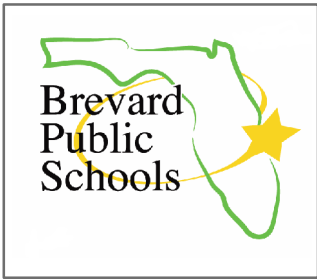


ATA Value





# Micco Park Village District Location Map

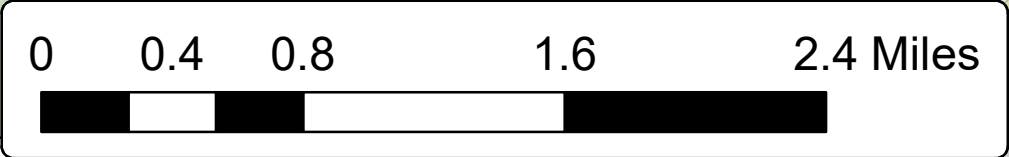


**Palm Bay**

**Micco Park Village District  
CD-2023-06  
773 Single-Family Units  
487 Multi-Family Units**

**Schools Affected by Development:**  
Sunrise Elementary School  
Southwest Middle School  
Bayside High School

Drawn By:  
Planning & Project Management  
Karen M. Black  
Feb. 22, 2023





# Brevard County Public Schools

## Financially Feasible Plan To Maintain Utilization Rates Lower than the **100%** Level of Service

### Data and Analysis for School Years 2022-23 to 2027-28



Summary				2022-23			2023-24			2024-25			2025-26			2026-27			2027-28		
Highest Utilization Elementary Schools:						93%			99%			100%			99%			99%			100%
Highest Utilization Middle Schools:						88%			88%			94%			92%			91%			100%
Highest Utilization Jr / Sr High Schools:						83%			83%			81%			78%			77%			76%
Highest Utilization High Schools:						107%			99%			97%			98%			100%			100%

School	Type	Grades	Utilization Factor	School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27			School Year 2027-28		
				FISH Capacity	10/14/22 Membership	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization


  

Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	598	80%	751	598	80%	751	635	85%	751	704	94%	751	720	96%	773	766	99%
Andersen	Elementary	K-6	100%	884	568	64%	884	568	64%	884	549	62%	884	537	61%	884	530	60%	884	501	57%
Apollo	Elementary	K-6	100%	902	731	81%	902	731	81%	902	749	83%	902	753	83%	902	736	82%	902	718	80%
Atlantis	Elementary	PK-6	100%	739	620	84%	739	620	84%	739	608	82%	739	596	81%	739	585	79%	739	572	77%
Audubon	Elementary	PK-6	100%	761	450	59%	761	450	59%	761	435	57%	761	422	55%	761	419	55%	761	426	56%
Cambridge	Elementary	PK-6	100%	787	495	63%	787	495	63%	787	511	65%	787	505	64%	787	510	65%	787	524	67%
Cape View	Elementary	PK-6	100%	570	305	54%	570	288	51%	570	309	54%	570	314	55%	570	315	55%	570	329	58%
Carroll	Elementary	K-6	100%	751	626	83%	751	633	84%	751	643	86%	751	623	83%	751	619	82%	751	628	84%
Challenger 7	Elementary	PK-6	100%	573	503	88%	573	503	88%	573	474	83%	573	462	81%	573	433	76%	573	413	72%
Columbia	Elementary	PK-6	100%	751	506	67%	751	512	68%	751	531	71%	751	522	70%	751	538	72%	751	538	72%
Coquina	Elementary	K-6	100%	711	560	79%	711	560	79%	711	565	79%	711	602	85%	711	590	83%	711	585	82%
Creel	Elementary	PK-6	100%	1,114	626	56%	1,114	660	59%	1,114	668	60%	1,114	668	60%	1,114	667	60%	1,114	658	59%
Croton	Elementary	PK-6	100%	795	488	61%	795	488	61%	795	514	65%	795	528	66%	795	542	68%	795	542	68%
Discovery	Elementary	PK-6	100%	980	643	66%	980	664	68%	980	675	69%	980	671	68%	980	720	73%	980	761	78%
Endeavour	Elementary	PK-6	100%	968	719	74%	968	750	77%	968	717	74%	968	707	73%	968	674	70%	968	671	69%
Enterprise	Elementary	K-6	100%	729	597	82%	729	597	82%	729	578	79%	729	552	76%	729	538	74%	729	529	73%
Fairglenn	Elementary	PK-6	100%	789	617	78%	789	617	78%	789	617	78%	789	632	80%	789	635	80%	789	625	79%
Gemini	Elementary	K-6	100%	711	468	66%	711	477	67%	711	465	65%	711	468	66%	711	455	64%	711	457	64%
Golfview	Elementary	PK-6	100%	777	441	57%	777	441	57%	777	460	59%	777	481	62%	777	489	63%	777	503	65%
Harbor City	Elementary	PK-6	100%	629	403	64%	629	405	64%	629	457	73%	629	474	75%	629	494	79%	629	509	81%
Holland	Elementary	PK-6	100%	605	432	71%	605	450	74%	605	451	75%	605	444	73%	605	442	73%	605	431	71%
Imperial Estates	Elementary	K-6	100%	729	659	90%	729	684	94%	729	712	98%	729	724	99%	751	742	99%	795	779	98%
Indianlantic	Elementary	K-6	100%	798	686	86%	798	686	86%	798	685	86%	798	671	84%	798	676	85%	798	651	82%
Jupiter	Elementary	PK-6	100%	930	729	78%	930	735	79%	930	801	86%	930	882	95%	974	940	97%	1,040	1,030	99%
Lockmar	Elementary	PK-6	100%	892	585	66%	892	585	66%	892	569	64%	892	552	62%	892	558	63%	892	559	63%
Longleaf	Elementary	PK-6	100%	790	631	80%	790	637	81%	790	613	78%	790	590	75%	790	563	71%	790	528	67%
Manatee	Elementary	K-6	100%	998	898	90%	998	910	91%	998	889	89%	998	845	85%	998	888	89%	998	881	88%
McAuliffe	Elementary	PK-6	100%	838	621	74%	838	621	74%	838	580	69%	838	568	68%	838	553	66%	838	528	63%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	825	74%	1,114	825	74%	1,114	779	70%	1,114	773	69%	1,114	805	72%	1,114	843	76%
Meadowlane Primary	Elementary	K-6	100%	824	651	79%	824	666	81%	824	660	80%	824	630	76%	824	618	75%	824	613	74%
Mila	Elementary	PK-6	100%	707	435	62%	707	435	62%	707	439	62%	707	396	56%	707	383	54%	707	362	51%
Mims	Elementary	PK-6	100%	725	464	64%	725	464	64%	725	481	66%	725	512	71%	725	525	72%	725	513	71%
Oak Park	Elementary	PK-6	100%	968	505	52%	968	505	52%	968	471	49%	968	478	49%	968	475	49%	968	447	46%
Ocean Breeze	Elementary	PK-6	100%	654	554	85%	654	550	84%	654	542	83%	654	533	81%	654	534	82%	654	531	81%
Palm Bay Elem	Elementary	PK-6	100%	983	586	60%	983	613	62%	983	610	62%	983	627	64%	983	630	64%	983	636	65%
Pinewood	Elementary	PK-6	100%	569	521	92%	591	521	88%	591	541	92%	613	572	93%	613	598	98%	613	600	98%
Port Malabar	Elementary	PK-6	100%	852	640	75%	852	640	75%	852	683	80%	852	746	88%	852	760	89%	852	795	93%
Quest	Elementary	PK-6	100%	932	693	74%	932	693	74%	932	684	73%	932	681	73%	932	685	73%	932	697	75%
Riviera	Elementary	PK-6	100%	777	699	90%	777	714	92%	777	718	92%	799	780	98%	843	827	98%	887	866	98%
Roosevelt	Elementary	K-6	100%	599	288	48%	599	298	50%	599	269	45%	599	256	43%	599	239	40%	599	220	37%
Sabal	Elementary	PK-6	100%	785	500	64%	785	500	64%	785	503	64%	785	516	66%	785	534	68%	785	535	68%
Saturn	Elementary	PK-6	100%	998	649	65%	998	649	65%	998	677	68%	998	821	82%	998	794	80%	998	786	79%
Sea Park	Elementary	PK-6	100%	461	337	73%	461	337	73%	461	327	71%	461	321	70%	461	326	71%	461	329	71%
Sherwood	Elementary	PK-6	100%	609	459	75%	609	459	75%	609	458	75%	609	457	75%	609	450	74%	609	441	72%
Sunrise	Elementary	PK-6	100%	913	759	83%	913	767	84%	913	836	92%	935	908	97%	1,023	1,004	98%	1,067	1,067	100%
Suntree	Elementary	K-6	100%	755	600	79%	755	602	80%	755	561	74%	755	541	72%	755	516	68%	755	480	64%
Surfside	Elementary	K-6	100%	541	442	82%	541	442	82%	541	425	79%	541	418	77%	541	417	77%	541	407	75%
Tropical	Elementary	K-6	100%	910	669	74%	910	669	74%	910	614	67%	910	600	66%	910	572	63%	910	545	60%
Turner	Elementary	PK-6	100%	874	555	64%	874	564	65%	874	589	67%	874	647	74%	874	675	77%	874	691	79%
University Park	Elementary	PK-6	100%	811	487	60%	811	487	60%	811	545	67%	811	592	73%	811	642	79%	811	658	81%
Viera Elem	Elementary	K-6	100%	1,030	695	67%	1,030	717	70%	1,030	759	74%	1,030	857	83%	1,030	926	90%	1,074	1,061	99%
Westside	Elementary	K-6	100%	857	799	93%	857	846	99%	923	922	100%	989	974	98%	1,033	988	96%	1,099	1,100	100%
Williams	Elementary	PK-6	100%	715	451	63%	715	450	63%	715	443	62%	715	414	58%	715	411	57%	715	415	58%
Elementary Totals				42,215	30,468		42,237	30,778		42,303	30,996		42,435	31,549		42,677	31,905		43,007	32,280	

				School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27			School Year 2027-28		
School	Type	Grades	Utilization Factor	FISH Capacity	10/14/22 Membership	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,514	1,129	75%	1,514	1,129	75%	1,514	1,158	76%	1,514	1,228	81%	1,514	1,289	85%	1,514	1,377	91%
DeLaura	Middle	7-8	90%	960	842	88%	960	844	88%	960	902	94%	960	820	85%	960	789	82%	960	826	86%
Hoover	Middle	7-8	90%	680	505	74%	680	505	74%	680	534	79%	680	574	84%	680	577	85%	680	588	86%
Jackson	Middle	7-8	90%	660	550	83%	660	550	83%	660	545	83%	660	538	82%	660	555	84%	660	588	89%
Jefferson	Middle	7-8	90%	873	608	70%	873	608	70%	873	600	69%	873	609	70%	873	563	64%	873	548	63%
Johnson	Middle	7-8	90%	1,064	610	57%	1,064	610	57%	1,064	650	61%	1,064	698	66%	1,064	753	71%	1,064	825	78%
Kennedy	Middle	7-8	90%	869	671	77%	869	671	77%	869	687	79%	869	670	77%	869	669	77%	869	677	78%
Madison	Middle	7-8	90%	781	446	57%	781	453	58%	781	484	62%	781	452	58%	781	476	61%	781	593	76%
McNair	Middle	7-8	90%	616	365	59%	616	369	60%	616	346	56%	616	354	57%	616	337	55%	616	347	56%
Southwest	Middle	7-8	90%	1,230	920	75%	1,230	920	75%	1,230	1,024	83%	1,230	1,127	92%	1,289	1,174	91%	1,289	1,285	100%
Stone	Middle	7-8	90%	1,076	668	62%	1,076	708	66%	1,076	799	74%	1,076	823	76%	1,076	890	83%	1,076	977	91%
Middle Totals				10,323	7,314		10,323	7,367		10,323	7,729		10,323	7,893		10,382	8,072		10,382	8,631	
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	PK, 7-12	90%	2,097	1,545	74%	2,097	1,536	73%	2,097	1,555	74%	2,097	1,525	73%	2,097	1,518	72%	2,097	1,470	70%
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	983	68%	1,445	1,000	69%	1,445	1,000	69%	1,445	941	65%	1,445	928	64%	1,445	867	60%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,534	83%	1,852	1,534	83%	1,852	1,505	81%	1,852	1,450	78%	1,852	1,428	77%	1,852	1,402	76%
Jr / Sr High Totals				5,394	4,062		5,394	4,070		5,394	4,060		5,394	3,916		5,394	3,874		5,394	3,739	
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,451	1,109	76%	1,451	1,109	76%	1,451	1,123	77%	1,451	1,129	78%	1,451	1,164	80%	1,451	1,158	80%
Bayside	High	9-12	95%	2,263	1,851	82%	2,263	1,885	83%	2,263	2,023	89%	2,263	2,099	93%	2,263	2,175	96%	2,382	2,371	100%
Eau Gallie	High	PK, 9-12	95%	2,221	1,582	71%	2,221	1,582	71%	2,221	1,597	72%	2,221	1,625	73%	2,221	1,631	73%	2,221	1,693	76%
Heritage	High	9-12	95%	2,314	2,033	88%	2,314	2,055	89%	2,314	2,065	89%	2,314	2,057	89%	2,314	2,099	91%	2,314	2,171	94%
Melbourne	High	9-12	95%	2,370	2,245	95%	2,370	2,245	95%	2,370	2,245	95%	2,370	2,248	95%	2,370	2,284	96%	2,370	2,345	99%
Merritt Island	High	PK, 9-12	95%	1,962	1,546	79%	1,962	1,546	79%	1,962	1,512	77%	1,962	1,457	74%	1,962	1,437	73%	1,962	1,454	74%
Palm Bay	High	PK, 9-12	95%	2,657	1,483	56%	2,657	1,495	56%	2,657	1,581	60%	2,657	1,683	63%	2,657	1,704	64%	2,657	1,700	64%
Rockledge	High	9-12	95%	1,836	1,559	85%	1,836	1,559	85%	1,836	1,640	89%	1,836	1,699	93%	1,836	1,693	92%	1,836	1,620	88%
Satellite	High	PK, 9-12	95%	1,527	1,518	99%	1,551	1,536	99%	1,551	1,433	92%	1,551	1,413	91%	1,551	1,359	88%	1,551	1,299	84%
Titusville	High	9-12	95%	1,813	1,313	72%	1,813	1,333	74%	1,813	1,335	74%	1,813	1,351	75%	1,813	1,316	73%	1,813	1,322	73%
Viera	High	PK, 9-12	95%	2,141	2,289	107%	2,474	2,319	94%	2,474	2,391	97%	2,474	2,417	98%	2,569	2,579	100%	2,664	2,660	100%
High Totals				22,555	18,528		22,912	18,664		22,912	18,945		22,912	19,178		23,007	19,441		23,221	19,793	
Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	403	85%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
Stevenson	Elementary	K-6	100%	569	506	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%
South Lake	Elementary	K-6	100%	481	434	90%	657	453	69%	657	471	72%	657	489	74%	657	507	77%	657	529	81%
West Melbourne	Elementary	K-6	100%	618	549	89%	618	552	89%	794	570	72%	794	588	74%	794	606	76%	794	624	79%
Edgewood	Jr / Sr High	7-12	90%	1,077	938	87%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%
West Shore	Jr / Sr High	7-12	90%	1,264	930	74%	1,264	950	75%	1,264	950	75%	1,264	950	75%	1,264	950	75%	1,264	950	75%
Schools of Choice				4,484	3,760		4,660	3,827		4,836	3,863		4,836	3,899		4,836	3,935		4,836	3,975	
Brevard Totals				84,971	64,132		85,526	64,706		85,768	65,593		85,900	66,435		86,296	67,227		86,840	68,418	

#### Notes

1. FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2022-23 are reported from the FISH database as of October 14, 2022.
2. Student Membership is reported from the Fall Final Membership Count (10/14/2022).
3. Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
  - Development Projections from Brevard County Local Government Jurisdictions
  - Brevard County School Concurrency Student Generation Multipliers (SGM)
  - Fall Membership student addresses and corresponding concurrency service areas
  - Student Mobility Rates / Cohort Survival Rates
  - Brevard County Birth rates by zip code
4. Davis Demographics estimates are then adjusted using the following factors:
  - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
  - Current From/To attendance patterns are assumed to remain constant.
  - Nongecoded student addresses are assumed to continue in their attendance schools.
  - Charter School Growth.
5. In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
6. If student projections are accurate, the school board could add additional classroom capacity, implement attendance boundary changes, or add relocatable classrooms. A south area elementary school is planned for the future growth, but the exact timing hasn't been established.
  - If only relocatable classrooms are used for the next 5 years, the following changes would be needed to accommodate projected growth. These schools are being analyzed for the best options to accommodate additional students.
    - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
  - For school year 2023-24, no additional capacity is needed.
  - For school year 2024-25, a total of 3 intermediate classrooms are projected for Westside Elementary School
  - For school year 2025-26, a total of 6 intermediate classrooms are projected for Pinewood (1), Riveria (1), Sunrise (1) and Westside (3) Elementary Schools.
  - For school year 2026-27, a total of 14 intermediate classrooms are projected for Imperial Estates (1), Jupiter (2), Riveria (2), Sunrise (4), Westside (2) Elementary Schools, and Southwest Middle School (3). 4 High School relocatable classrooms are proposed for Viera High School.
  - For school year 2027-28, a total of 15 intermediate classrooms are projected for Roy Allen (1), Imperial Estates (2), Jupiter (3), Riveria (2), Viera El (2), Sunrise (2), and Westside (3) Elementary Schools. 9 High School relocatable classrooms are proposed for Bayside (5) and Viera (4) High.
7. A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.
8. A classroom addition is planned for construction at South Lake Elementary School for 2023-24. The factored capacity is adjusted for the proposed 176 student stations.
9. A classroom addition is planned for construction at West Melbourne School of Science for 2024-25. The factored capacity is adjusted for the proposed 176 student stations.
10. Capacity adjusted for Board approved addition of one relocatable each at Pinewood Elementary and Satellite High Schools for school year 2024-25 forward.



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## **Micco Park Village District (Lulfs Parcel) Large Scale Comprehensive Plan and Zoning District Amendment Justification and Reason for Change**

**Project:** The Micco Park Village District (Lulfs Parcel) is a 353.5 acre project site that provides a mixed use master planned community in the City of Palm Bay. It is located south of East Emerald Lakes and the Sotile Canal, east of Interstate 95, north of Micco Road and Brevard County EEL's preservation lands are east and west of the property. It is an opportunity for the City to provide much needed housing in various types plus a plethora of commercial land the housing would support and help thrive.

The existing property has two large lakes and a pole barn but is otherwise undeveloped. The eastern extension of the St. Johns Heritage Parkway (SJHP) is anticipated to be through the project site from East Emerald Lakes at the existing Interstate 95 interchange, across the Sotile Canal, and through to Micco Road. Micco Road and the Sotile Canal are Brevard County jurisdiction and the SJHP is a City roadway so multiple agencies will be coordinated. The Parkway is proposed to run north/south near our eastern boundary.

The following land uses are proposed:


- ±22.0 acres of commercial or industrial.
- ±194.6 acres of single family residential at 4.0 units per acre.
- ±30.9 acres of multi-family residential at 15.8 units per acre.
- ±61.7 acres of existing reshaped lakes also proposed for stormwater treatment use.
- ±31.7 acres for future public right-of-way.
- ±12.6 acres of landscaped buffers and pedestrian connectivity (as a walkable community).

With the extension of the Parkway City utilities for water and wastewater will also be extended as well as power, cable/internet, and others. The City is currently working on two plant expansion projects to support this type of development for both water and wastewater.

The existing large lakes will be re-shaped and be a huge amenity for the master planned mixed use development. Pedestrian connectivity to provide a true walkable community between the various residential uses and commercial portions of the site will ensure it's viability and enhance its success.

**Compatibility and Transitional Buffers:** We are seeking the Parkway Mixed Use District (PMU) zoning district and Parkway Flex Use future land use (FLU). The zoning and land use require a mixed use development as proposed which is compatible with the Emerald Lakes East project to the north and the Emerald Lakes West project to the west of it. It also allows for a variety of residential and commercial uses with the flexibility for the project to be successful through varying market trends. We have the Sotile Canal to the north and preservation buffers on our





east and west ends of the site through Brevard County EEL's program. Their land will never be disturbed. Just south of us is Micco Road which is a busy County right-of-way corridor so the proposed land use and zoning are compatible. The Sotile Canal, Micco Road and the EEL's preservation lands provide buffers to the surrounding properties as well.

**Property Owner:** Brian Lulfs, as Managing Member of Peat Holding, LLC

**Applicant:** Jake Wise, PE – Construction Engineering Group, LLC

**Future Land Use (Existing):** Micco Park Village District

**Zoning (Existing):** Micco Park Village District


**Meeting a Need:** Housing supply and affordability has been increasingly problematic throughout the City of Palm Bay and Brevard County. The proposed project will provide varying housing units for the need that exists in the area, as reflected by very low multi-family vacancy rates and demand for single family homes. Projects such as this one and others can address the rising cost of housing in Brevard County by offering an attractive, attainable housing option and provide commercial lands that will support the new residential. It is a true master planned mixed use walkable community providing residential and commercial needs to new and current Palm Bay residents.

**Economic and Fiscal Benefit:** This project will provide substantial impact fees for police, fire, utilities, parks and transportation. The net fiscal impact for multi-family is significantly higher than that of single family residences and the same as commercial. In addition, there is no maintenance required by the City of Palm Bay for any of the internal streets or stormwater management system for the project. The net result is a lower demand for services while providing a much higher (property) tax income for the City of Palm Bay. The aforementioned Emerald Lakes project directly north of this project is in the process of providing a water tanks, police and fire station site to help support nearby development. This project would assist in supporting that as well.

**Future Development Plan:** The Applicant held a pre-application meeting with the Palm Bay City staff and it was agreed that the proposed zoning and FLU would be the most compatible and flexible use for the success of the master planned community. Please see the enclosed bubble master plan identifying the proposed uses outlined in this memorandum. The project provides substantial benefits to the City of Palm Bay and its residents as follows:


- Meets varying housing needs for the City of Palm Bay and provides commercial lands to support the residential.
- It is compatible with the project to the north and has preservation buffers to the east and west as well as the Sotile Canal and Micco Road to the north and south, respectively.



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- It will support the extension of the SJHP and provided both needed right-of-way and stormwater treatment for this regionally beneficial roadway.
  - Provides substantial fiscal and financial benefits to the City of Palm Bay.
  - It includes a master planned mixed use walkable community for current and future Palm Bay residents to enjoy.







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east and west ends of the site through Brevard County EEL's program. Their land will never be disturbed. Just south of us is Micco Road which is a busy County right-of-way corridor so the proposed land use and zoning are compatible. The Sotile Canal, Micco Road and the EEL's preservation lands provide buffers to the surrounding properties as well.

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  - It includes a master planned mixed use walkable community for current and future Palm Bay residents to enjoy.



**From:** [Jake Wise](#)  
**To:** [Jesse Anderson](#); [Jamie Mannon](#)  
**Cc:** [Chandra Powell](#)  
**Subject:** RE: CP-2-2023 Sign  
**Date:** Wednesday, February 22, 2023 1:39:05 PM  
**Attachments:** [image003.png](#)

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**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.

Nobody attended. Thanks.

**Jake T. Wise, P.E.**

*Principal Civil Engineer*



**Construction Engineering Group, LLC**

2651 W. Eau Gallie Blvd, Suite A  
Melbourne, Florida 32935  
Direct: 321.610.1760  
Cell: 321.427.7455  
[www.cegengineering.com](http://www.cegengineering.com)

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**From:** Jesse Anderson <[Jesse.Anderson@palmbayflorida.org](mailto:Jesse.Anderson@palmbayflorida.org)>  
**Sent:** Wednesday, February 22, 2023 1:15 PM  
**To:** Jamie Mannon <[jmannon@cegengineering.com](mailto:jmannon@cegengineering.com)>  
**Cc:** Jake Wise <[jwise@cegengineering.com](mailto:jwise@cegengineering.com)>; Chandra Powell <[Chandra.Powell@palmbayflorida.org](mailto:Chandra.Powell@palmbayflorida.org)>  
**Subject:** RE: CP-2-2023 Sign

Good afternoon,

I cannot locate the CPP meeting report for Lulfs Parcel. Can you please resend to me asap?

Thank you!

Best,





**LAND DEVELOPMENT DIVISION**

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

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

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

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

**APPLICATION AMENDMENT TYPE:**

- ☐ **Small Scale** (50 acres or Less)      ☐ **Text Amendment** (Comp. Plan)
- ☒ **Large Scale** (More than 50 acres)

**PARCEL ID(S):**

30-37-12-00-500, 30-37-13-00-2 & 30-37-12-00-751

**TAX ACCOUNT NUMBER(S):**

3000715, 3000718 & 3010667

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

See attached

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

353.47 AC

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

MPVD (Micco Park Village District)

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

Parkway Flex Use

**PRESENT USE OF PROPERTY:**

Grazing Land

**STRUCTURES LOCATED ON THE PROPERTY:** N/A

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

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

See attached

**SPECIFIC USE INTENDED FOR PROPERTY:**

Mixed use development with commercial, residential as well as extension of the St Johns Heritage Parkway  
Single family: 773  
Apartments: 420  
Townhomes: 67

**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)



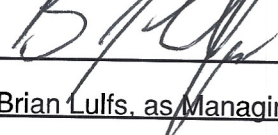
CITY OF PALM BAY, FLORIDA  
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION  
PAGE 3 OF 3

- ☐ 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** Jake Wise, PE- Construction Engineering Group, LLC

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

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

**Owner Signature**  **Date** 9-12-22  
**Printed Name** Brian Lulfs, as Managing Member of Peat Holding, LLC  
**Full Address** 7457 Park Lane Road; Lake Worth, FL 33449  
**Telephone** 561-239-4619 **Email** jgielda@lotisgroup.com

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



\_\_\_\_\_, 20\_\_\_\_\_

Re: Letter of Authorization

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

BCPA Parcel Ids: 30-3-12-00-500, 30-37-13-00-2 & 30-37-12-00-751

I, Owner Name: Brian Lulfs, as Managing Member of Peat Holding, LLC

Address: 7457 Park Lane Road; Lake Worth, FL 33449

Telephone: 561-239-4619

Email: igielda@lotisgroup.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:**

Any and all applications related to CPA submittal

  
(Property Owner Signature)

STATE OF

FLORIDA

COUNTY OF

Palm Beach

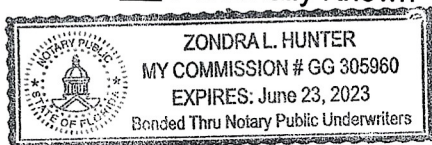
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 12<sup>th</sup> day of September, 2022 by Brian J Lulfs, property owner.



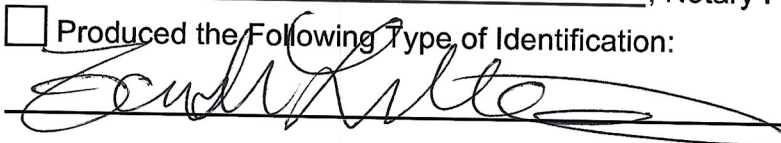
Personally Known or



Produced the Following Type of Identification:

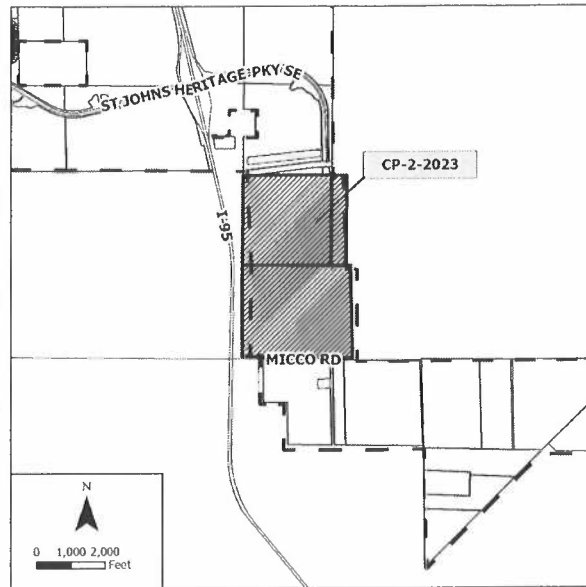


\_\_\_\_\_, Notary Public



# **CITY OF PALM BAY, FLORIDA NOTICE OF PUBLIC HEARING FOR A COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT**

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on March 1, 2023, and by the City Council on April 6, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):



**1. CP-2-2023 - Brian Lulfs, Managing Member  
of Peat Holdings, LLC (Jake Wise, P.E.,  
Construction Engineering Group, LLC)**

A large-scale Comprehensive Plan Future Land Use Map amendment from Micco Park Village Use to Parkway Flex Use.

Tax Parcels 500 and 751 of Section 12, Township 30, Range 37 along with Tax Parcel 2 of Section 13, Township 30, Range, 37, Brevard County, Florida, containing approximately 353.47 acres. Located north of and adjacent to Micco Road SE in the vicinity east of Interstate 95 Highway

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or the City Council 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. Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced case(s).

Chandra Powell  
Planning Specialist

A Daily Publication By:



CITY OF PALM BAY  
120 MALABAR RD SE  
PALM BAY, FL 32907  
ATTN CHANDRA POWELL

STATE OF FLORIDA COUNTY OF BREVARD

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the FLORIDA TODAY a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

PUBLIC NOTICE

as published in FLORIDA TODAY in the issue(s) of

2/16/2023

Affiant further says that the said FLORIDA TODAY is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 16TH DAY OF FEBRUARY 2023 by legal clerk who is personally known to me

A handwritten signature in black ink, appearing to be "Chandra Powell", written over a horizontal line.

Affiant

A handwritten signature in black ink, appearing to be "Nancy Heyrman", written over a horizontal line.

Notary State of Wisconsin County of Brown

5.15.23

My commission expires

PUBLICATION COST: \$623.60  
AD NO: GC11020274  
CUSTOMER NO: 6CI213  
PO#: PUBLIC NOTICE

NANCY HEYRMAN  
Notary Public  
State of Wisconsin



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Uma Sarmistha, Senior Planner

**DATE:** March 1, 2023

**SUBJECT:** CP-5-2023 - Adelon - Sam Wolkowick, Babcock & Malabar, LLC (Shubman Desai, E.I., Bowman Consulting Group, Ltd. / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law / Alberto Krygier, Adelon Capital, Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Residential Open Space Use to Commercial Use

### ATTACHMENTS:

#### Description

- ▣ Case CP-5-2023 - Staff Report
- ▣ Case CP-5-2023 - Survey
- ▣ Case CP-5-2023 - Citizen Participation Plan Report
- ▣ Case CP-5-2023 - Application
- ▣ Case CP-5-2023 - Legal Ad





# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

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

### Prepared by

Uma Sarmistha, Senior Planner

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#### CASE NUMBER

CP-5-2023

#### PLANNING & ZONING BOARD HEARING DATE

March 1, 2023

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#### PROPERTY OWNER & APPLICANT

Sam Wolkowick, Babcock & Malabar, LLC (Shubman Desai, E.I., Bowman Consulting Group, Ltd. / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law / Alberto Krygier, Adelon Capital, Reps.)

#### PROPERTY LOCATION/ADDRESS

Tract G.2 Retention Area, Port Malabar Unit 57, Section 4, Township 29, Range 37, Brevard County, Florida, containing 7.43 acres. Located in the vicinity, south of Malabar Road SE, east of I-95, and west of Babcock Street SE

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#### SUMMARY OF REQUEST

The applicant is requesting a small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Commercial.

##### Existing Land Use

Recreation Open Space Use

##### Site Improvements

Undeveloped Land, vacant

##### Site Acreage

7.43 acres

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#### SURROUNDING FLU & USE OF LAND

##### North

COM- Commercial, Vacant

##### East

UTIL- Utility, State Owned; IND-Industrial, Mini Warehousing; PSP- Public Semi-Public, Electric company.

##### South

IND- Industrial, New & Used Building Supply.

##### West

IND- Industrial, Vacant

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**BACKGROUND:**

The subject property is located in the vicinity south of Malabar Road SE, east of I-95, and west of Babcock Street SE and approximately 7.43 acres.

**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: ensures a high-quality, diversified living environment through the efficient distribution of compatible land uses.

The Comprehensive Plan (Plan) FLU Element Goal FLU-3: Provide for economically viable commercial areas which promote a sound and diversified local economy and serve the retail and service needs of the City's residents.

The Comprehensive Plan (Plan) FLU Element Goal FLU-8: A diverse and self-sustaining pattern of land uses which support the present and future population of the City of Palm Bay.

The intended use for the 7.43 acre property will be an improved stormwater management system supporting the future commercial development to the north known as "Adelon Flex Use". The proposed land use amendment would ensure compatibility by providing stormwater management for the adjacent land and future development of the surrounding properties.

**2. CONSERVATION ELEMENT**

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

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

Plan Policy CON-1.7B.

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

### 3. HOUSING ELEMENT

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

### 4. INFRASTRUCTURE ELEMENTS

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

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

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

### 5. INTERGOVERNMENTAL COORDINATION ELEMENT

**Public Schools:** The proposed FLU amendment will not add housing units. Thus, there will be no impacts to the public-school system area are anticipated.

### 6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment would not increase the demand for recreation services as compared to the existing public needs due to no proposed increase in density.

### 7. TRANSPORTATION ELEMENT

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

## 8. PROPERTY RIGHTS ELEMENT

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

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

### **STAFF RECOMMENDATION:**

Case CP-5-2023 meets the minimum requirements for a Small-Scale Comprehensive Plan Future Land Use Map Amendment. Staff recommends approval of the proposed Comprehensive Plan Future Land Use Map Amendment subject to the staff comments contained in this report, which are required to be addressed during Site Plan review.



## **Exhibit A**

### **TECHNICAL COMMENTS Case CP-5-2023**

#### **PUBLIC WORKS**

##### **Natalie Shaber PE, City Engineer**

1. A wetland delineation, endangered and threatened species or habitat and a phase I environmental report shall be provided to the city during administrative site plan review and prior to site plan approval
2. Prior to scheduling a Pre-sitework meeting a plat shall be submitted for review by the city Survey Dept. Prior to transferring land to separate owners, an approved subdivision plat shall be recorded and a copy of said plat with book and page shall be submitted to the city. Prior to issuance of building permits, the site shall be certified complete by the Public Work Department.
3. Authorization shall be received from owners for discharging to stormwater management facilities not under direct ownership and control of the owner/developer, if applicable.
4. A master stormwater management plan will be required for a master system to be operated and maintained by a POA pursuant to Declarations of Covenants, Deeds, and Restrictions in perpetuity
5. The project stormwater management design shall meet the water quality standards (per Ch. 62-330 F.A.C) for direct discharge to an impaired waterbody and an Outstanding Florida Water. The storm system shall attenuate the 10-year /24hour and the mean-annual / 24hr design storms prior to off-site discharge. The peak flood elevation of the 10 year storm shall be held within the system.
6. Cross access easements shall be required for the Malabar Rd. driveway
7. Please clearly define the pre-development basin to ensure that the existing flow is attenuated and treated on-site as previously permitted.
8. Please provide drainage easements or authorization to discharge to the FDOT pond if proposed. Prior to scheduling a pre-sitework meeting all external agency permits shall be provided to the city
9. Sufficient topo data with contours and spot elevations shall be provided to determine the pre-development flow direction.
10. Trip generation required for the various uses. Am/ pm peak hour trips > 100 requires a TIS. Submit a methodology to GM for approval by the Traffic/city engineer prior to submitting a TIS if required.
11. ADA accessible routes shall be provided to all building
12. Please request cross access between the carwash, gas station and multi family and attain all easements prior to scheduling a pre-sitework meeting.

13. Onsite facilities, such as driveways , signage and striping shall meet city of Palm Bay standards, MUTCD and/ or FDOT standards. Please schedule a meeting with Natalie Shaber to discuss potential LID implementation and associated incentives.

### **Traffic Comments**

**Frank Watanabe, PE, City Engineer**

1. At this time, unknown the SF of commercial, so no traffic study required until site plan R/W-Hector: 1. Permitting to City Speciation's
2. FDOT permitting.
3. Existing drainage on site to be maintained.
4. Easement from point of entry to exit of Public Drainage.
5. S/w on and off site with connection to offsite sidewalks.
6. Pre vs post Drainage connections.

### **Survey Comments**

**Joe Hale, City Surveyor**

1. A signed & sealed Boundary & Topographical Survey will be required at next submittal.
2. If planning multiple tracts, a subdivision plat will be required.
3. Additional comments forthcoming pending council approval.

### **BUILDING**

**Jim William CFM –Flood Plan Coordinator**

This area is entirely Flood zone X and should not flood.

No floodplain review is required.

No further comments,

## **BUILDING-FIRE**

**Michael Bloom, CFPS, Fire Plans Examiner**

### **SITE PLAN REVIEW**

#### **1. ("ACCESS & WATER")**

- Construction type and water supply per FFPC 1:Table 4.5.2.1
- Current hydrant flow test report
- Number of means of access per NFPA 1141 (also check local JD ordinance)
- Fire dept. access per FFPC 1:18.2, NFPA 1141
- Gates? FFPC 1:18.2, NFPA 1141
- Number of hydrants? FFPC 1:18.5.4
- "Emergency access road"—complies w/FFPC 1:18.2? Who will maintain?
- Special JD requirements/ordinances
- "Open parking structure" FFPC 1:18.4.5.3.5

#### **2. NEED SPRINKLERS?**

- Check occupancy chapter requirements
- Check FFPC 1:13.2 requirements
- Fire flow—enough water per hydrant flow test report? Need reduction per FFPC 1:18.4.5?
- 1 & 2 family: check distances per FFPC 1:18.2.3.2.1.1.
- FD access— check FFPC 1:18.2.3.2.2, FFPC 1:18.2.3.2.2.1.
- "Townhomes"? Per FBC, must have NFPA 13R/NFPA 13 if not on individually-owned lots with property lines.

#### **3. NEED STANDPIPES?**

- Check FFPC 1:13.2

#### **4. FIRE GROUND**

- Hydrant spacing per FFPC 1:18.5?
- Hydrants, FDCs, and control valves—special JD requirements?
- FDCs: same side of fire lane as hydrant? NFPA 24.5.9, FFPC 1:13.1.4, FFPC 1:18.2.4.1.3
- FDCs: <100 ft. from hydrant per NFPA 14?
- Underground layout "makes sense"? Complies with NFPA 1141/13/24?
- Backflow prevention needed/provided per FFPC 1:13.5.3?
- Underground isolation valve at P.O.S. per NFPA 24:6.2.9?
- No dead-end mains >600 ft. per NFPA 1141?



## **UTILITIES**

### **Christopher Little, PE, Utilities Director**

The Utilities Department has no objection to the proposed Future Land Use Map Amendment from residential open space to Commercial Use. The subject property has existing force mains, water mains, and gravity sewers running through the site at various locations. Significant effort will be required to protect, relocate, and/or install utilities around this property. It is strongly recommended that the EOR meet with the Utilities Department to discuss utility layouts prior to submittal of a site work plan. Upon development of the site, the following shall apply for connection to the City's Water and Sewer Utilities System:

1. The applicant/owner, at their expense, will be required to design, permit, install, inspect, and test water systems of adequate size to accommodate the development and to connect to the City's water and sewer system. [§ 200.11(D)(1) - On-Site Facilities].
2. The applicant/owner will be required to extend and/or loop service from the On-Site Facilities to the existing water and wastewater connection points. [§ 200.11(D)(2) - Off-site Facilities]
3. The applicant/owner will be responsible for the property's hydraulic share for the new utilities required to serve the development. Oversizing of utilities at the request of the Utilities Department will be subject to a refunding agreement or refundable advance. [§ 200.11(D) & (E)]. The City of Palm Bay's 2017 Water and Wastewater Master Plans identify proposed mainline extensions with the City's current pipe sizing requirements. Contact the Utilities Engineering Department (321-952-3410) to obtain these Master Plans.
4. A City of Palm Bay "Utility Agreement" shall be executed between the Property Owner and the City. All Utility impact/connection charges noted in the "Utility Agreement" must be paid as outlined in the terms and conditions of the Utility Agreement. All fees are subject to change annually on October 1. The Property Owner shall submit a certified copy of the property deed as verification of ownership as part of the Utility Agreement.
5. All utility construction, materials, and testing shall be in accordance with the latest revision of the Palm Bay Utility Departments Policies, Procedures and Standards Handbook and the Standard Detail Drawings.
6. Prior to any construction, all required FDEP Permit applications for the Water and Sanitary Sewer Construction shall be processed through and copies of the Permits filed with the Utilities Department.



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



## AERIAL LOCATION MAP CASE: CP-5-2023

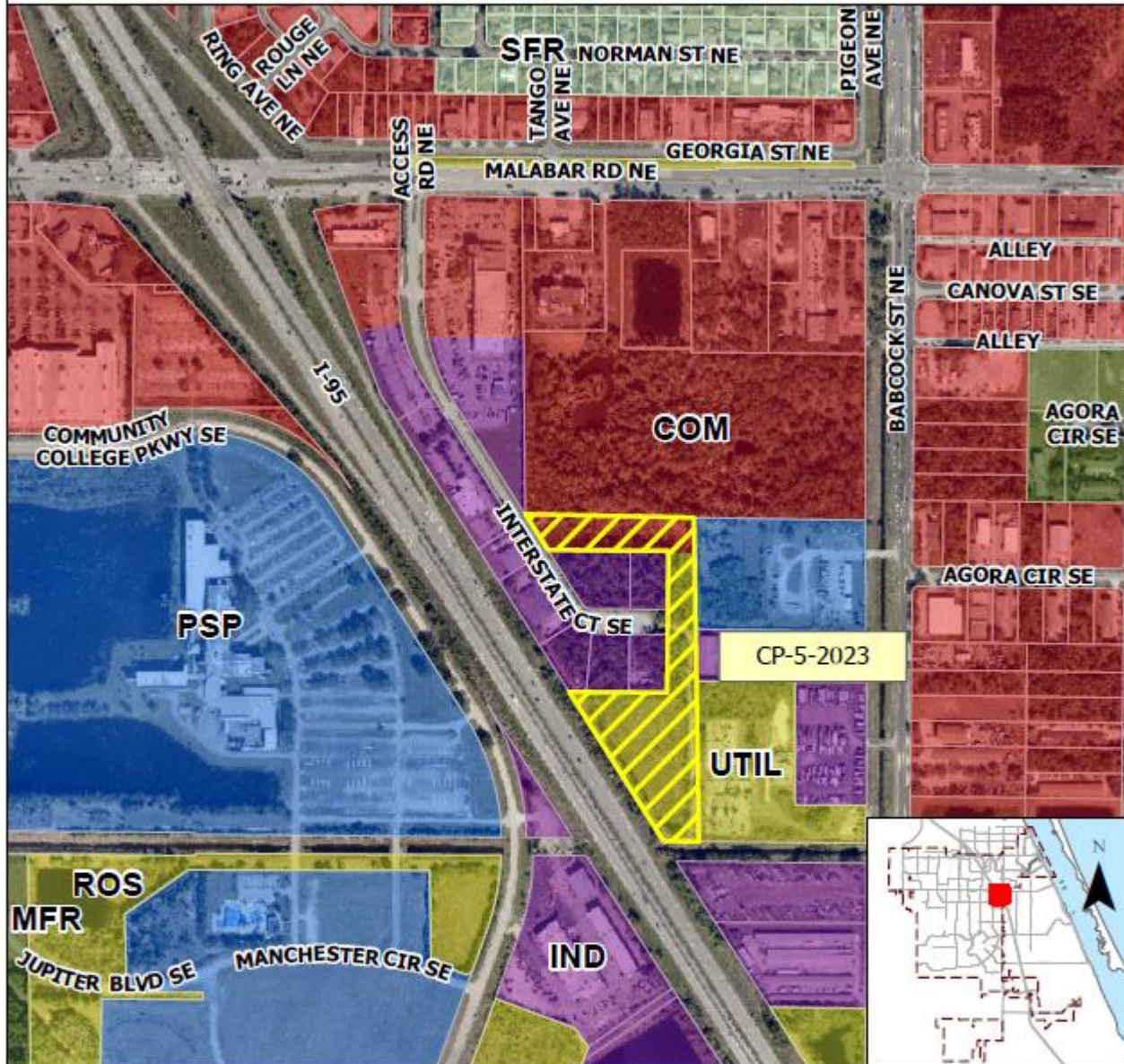
### Subject Property

In the vicinity south of Malabar Road SE, east of Interstate-95 Highway, and west of Babcock Street SE





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



## FUTURE LAND USE MAP CASE: CP-5-2023

### Subject Property

In the vicinity south of Malabar Road SE, east of Interstate-95 Highway, and west of Babcock Street SE

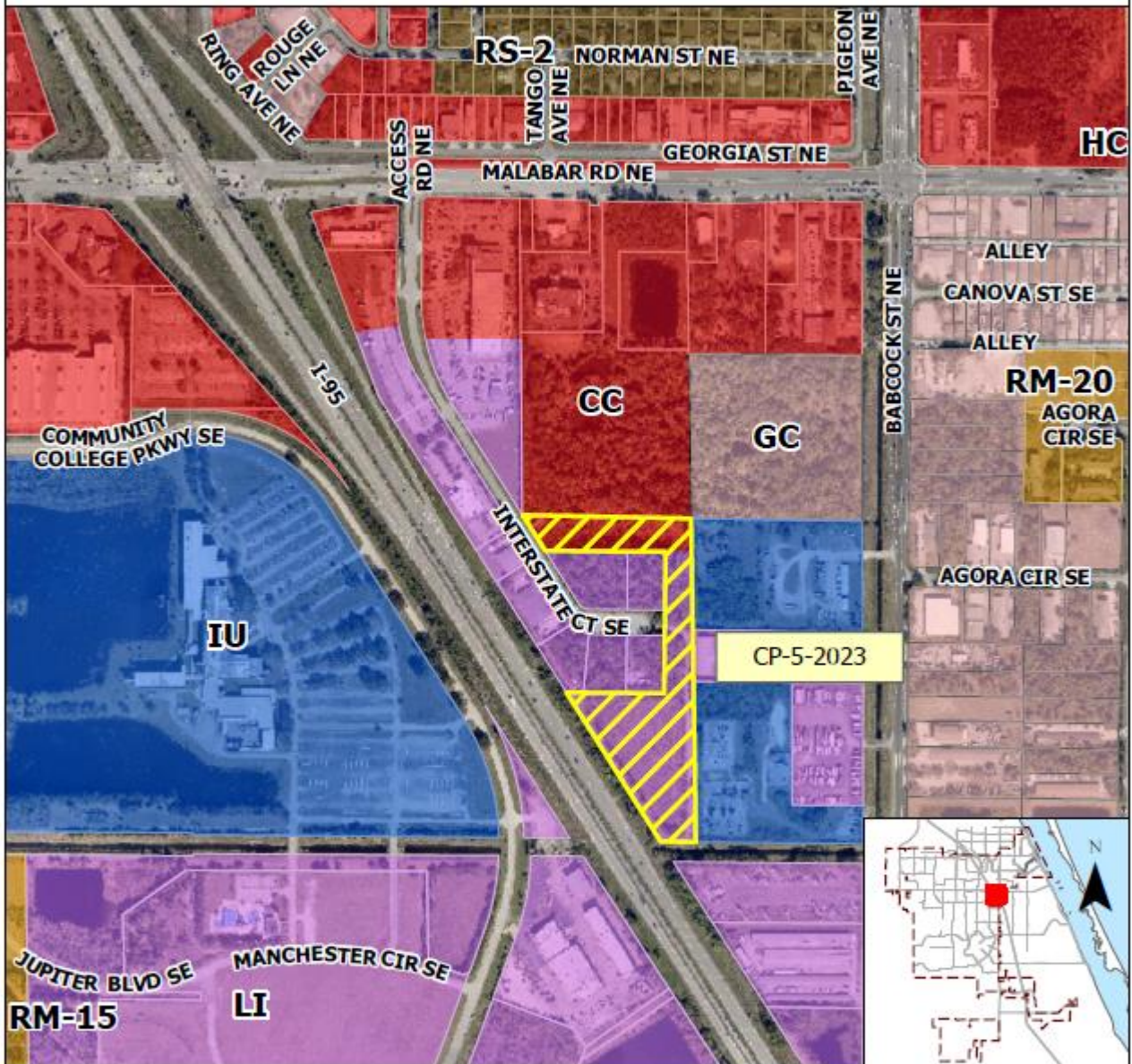
### Future Land Use Classification

COM, UTIL – Commercial, Utility





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



## ZONING MAP CASE: CP-5-2023

### Subject Property

In the vicinity south of Malabar Road SE, east of Interstate-95 Highway, and west of Babcock Street SE

### Current Zoning Classification

CC, LI – Community Commercial, Light Industrial and Warehousing

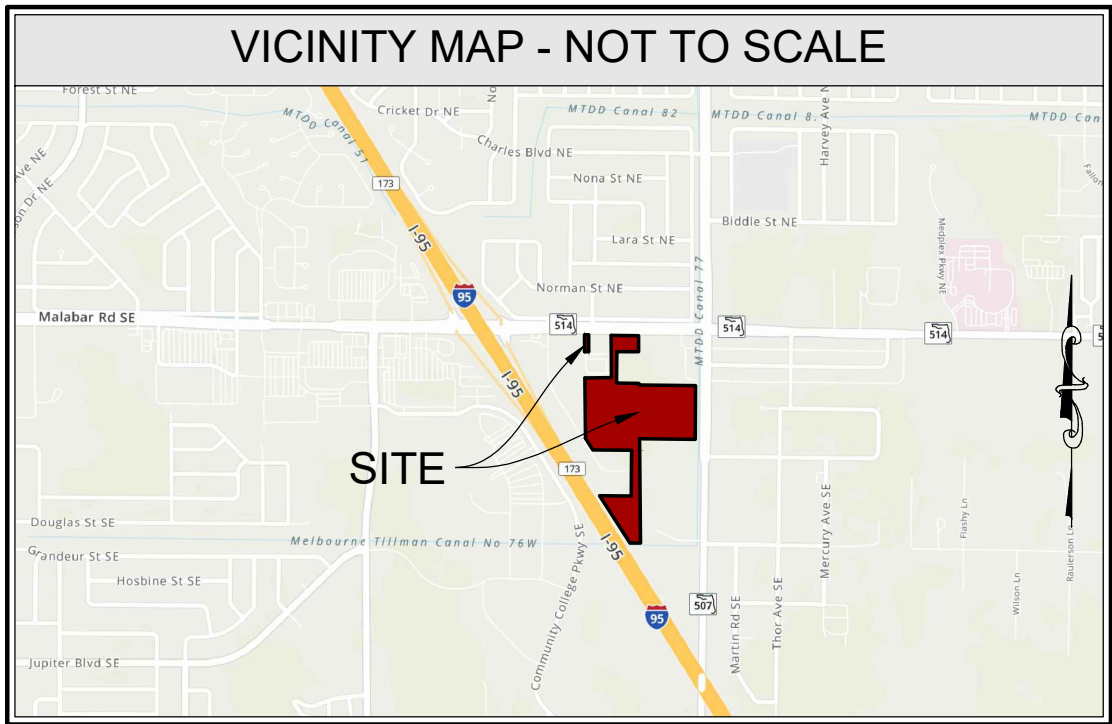


ITEMS CORRESPONDING TO SCHEDULE B-II

10. Subject property lies in the Melbourne-Tillman Drainage District and is subject to all matters affecting said drainage district, including, but not limited to those matters filed of public record, as recorded on July 31, 1990, and as set forth in Book 3074, Page 2296. (Parcels 1 & 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
11. Easement Agreement between Palm Bay I-95 Limited Partnership and General Development Utilities, Inc., as recorded on November 2, 1987, in Book 2854, Page 1191, as subordinated on October 14, 1996, in Book 3612, Page 2822, and in Book 3612, Page 2828. (Parcel 1)  
**THIS ITEM IS PLOTTED HEREON.**
12. Any rights or interests as indicated by that certain Notice of Objection to Utilities Easement, as recorded on March 19, 1988, in Book 2889, Page 1548. (Parcel 1)  
**THIS ITEM IS PLOTTED HEREON.**
13. Easements in favor of Florida Power & Light Company, as recorded on March 8, 1977, in Book 1717, Page 20, and as subordinated on July 13, 1993, in Book 3305, Page 4380; and on October 26, 1995, in Book 3515, Page 137, and in Book 3515, Page 141. (Parcel 1)  
**THIS ITEM IS PLOTTED HEREON.**
14. Easement as set forth in Order of Taking as recorded on January 14, 1997, in Book 3637, Page 128. (Parcel 1)  
**THIS ITEM IS PLOTTED HEREON.**
15. Declaration of Covenants, Conditions, Restrictions and Easements, which contains provisions for a private charge or assessments, as recorded on December 26, 2008, in Book 5904, Page 4157.  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
16. Declaration of Covenants, Conditions, Restrictions and Easements, which contains provisions for a private charge or assessments, recorded in Easement Deed in favor of City of Palm Bay as recorded on April 22, 2010, in Book 6152, Page 134. (Parcel 1).  
**THIS ITEM IS PLOTTED HEREON.**
17. Drainage Retention Area and Drainage Structures Easement Agreement by and between Babcock & Malabar, LLC, a Florida Limited Liability Company and Total Lodging, LLC, a Florida limited liability company, as recorded on April 22, 2010, in Book 6152, Page 138; Book 6152, Page 142; and in Book 6152, Page 146. (Parcel 1)  
**THIS ITEM IS PLOTTED HEREON.**
18. Drainage Easement for Outfall Swale to Babcock Street Agreement by and between Babcock & Malabar, LLC, a Florida Limited Liability Company and Total Lodging, LLC, a Florida limited liability company, as recorded on April 22, 2010, in Book 6152, Page 150. (Parcel 1)  
**THIS ITEM IS PLOTTED HEREON.**
20. Matters as shown on the plat of PORT MALABAR UNIT FIFTY-SEVEN, as recorded on May 24, 1984, in Plat Book 30, Pages 67 through 73. (Parcel 2)  
**THIS ITEM IS PLOTTED HEREON.**
21. Master Declaration for The Port Malabar Interchange as recorded on May 24, 1984, in Book 2512, Page 1652 and as re-recorded on February 7, 1985, in Book 2575, Page 1142, and as amended on November 2, 1984, in Book 2553, Page 29 and as re-recorded on February 7, 1985, in Book 2575, Page 1163. NOTE: This exception omits any restriction, covenant or condition based on race, color, religion, sex, handicap, familial status, or national origin, if any, unless and only to the extent that the restriction is not in violation of state or federal law, or relates to a handicap, but does not discriminate against handicapped people. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
22. Restrictions, reservations, covenants, conditions, easements, and other matters pursuant to that certain instrument as recorded on May 24, 1984, in Book 2512, Page 1668. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
23. Port Malabar Water and Sewer Agreement as recorded on July 27, 1978, in Book 1918, Page 180, recorded on April 4, 1983, Book 2420, Page 1569 and recorded on April 4, 1983, in Book 2562, Page 2348. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
24. Assignment of Easements as recorded on December 22, 1992, in 3255, Page 908 and Book 3255, Page 1048. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
25. Assignment of Plats and other Easements as recorded on December 22, 1992, in Book 3255, Page 1011. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
26. Easements in favor of Florida Gas Transmission Company, its successors, and assigns, as recorded on May 6, 1994, in Book 3390, Page 1362, and as recorded on May 13, 1994, in Book 3392, Page 492. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
27. Utility & Lift Station Easement granted to General Development Utilities, Inc., its successors, and assigns, as recorded on November 23, 1992, in Book 3247, Page 1600, and as recorded December 22, 1992, in Book 3255, Page 974. (Parcel 2)  
**THIS ITEM IS PLOTTED HEREON.**
28. Utility Easement granted to Water Control District of South Brevard, its successors, and assigns, as recorded on May 14, 1992, in Book 3201, Page 1109; as affected by Resolution No. 2018-03 as recorded December 11, 2018, in Book 8326, Page 1456; and recorded January 17, 2019, in Book 8350, Page 116. (Parcel 2)  
**PARCEL 2 OF THE SURVEYED PROPERTY LIES ENTIRELY WITHIN THIS BLANKET EASEMENT AND IS NOT PLOTTED HEREON.**
29. Easement granted to Florida Power & Light Company, its successors, and assigns, as recorded on April 30, 1987, in Book 2787, Page 596. (Parcel 2)  
**THIS ITEM IS PLOTTED HEREON.**
30. Notice of Adoption of Development Order as recorded on March 2, 1994, in Book 3371, Page 3264. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
31. Surveyor's Affidavit as recorded on October 5, 1987, in Book 2846, Page 2056. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
32. Restrictions as set forth in Special Warranty Deed recorded on December 23, 1996, in Book 3631, Page 2831. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**

ZONING INFORMATION

THE SURVEYOR WAS NOT PROVIDED WITH ZONING INFORMATION PURSUANT TO TABLE A ITEM 6a.



MISCELLANEOUS NOTES

- MN1** SURVEY PREPARED BY: NV5, L.B. 7386, 12467 TELECOM DRIVE, TAMPA, FL 33637. PHONE (800) 787-8397 OR EMAIL MIKE.VUKODER@NV5.COM.
- MN2** NO POSTED ADDRESS LOCATED ON THE SURVEYED PROPERTY OR CONTAINED IN THE RECORD DOCUMENTS PROVIDED.
- MN3** THE SURVEYED PROPERTY CONTAINS AN AREA OF 30.952 ACRES (1,348,266 SQUARE FEET), MORE OR LESS.
- MN4** ONLY OBSERVABLE SURFACE AND ABOVE GROUND STRUCTURES WERE LOCATED. NO UNDERGROUND IMPROVEMENTS, SUCH AS FOUNDATION FOOTINGS, WERE LOCATED. SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY. ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
- MN5** THERE ARE 0 STRIPED REGULAR PARKING SPACES AND 0 STRIPED HANDICAPPED PARKING SPACES FOR A TOTAL OF 0 STRIPED PARKING SPACES ON THE SURVEYED PROPERTY.
- MN6** NO DIVISION OR PARTY WALLS WERE DESIGNATED BY THE CLIENT OR LOCATED BY SURVEYOR WITH RESPECT TO ADJOINING PROPERTIES.
- MN7** ONLY OBSERVABLE ABOVE GROUND UTILITIES WERE LOCATED. NO UNDERGROUND UTILITIES WERE LOCATED. ALWAYS CALL SUNSHINE 811 BEFORE YOU DIG. THEY NOTIFY UTILITY COMPANIES WHERE YOU ARE PLANNING TO DIG. THE UTILITY SENDS A LOCATOR TO MARK THE APPROXIMATE LOCATION OF UNDERGROUND LINES, PIPES AND CABLES ON THE SURVEYED PROPERTY. THE PROCESS TAKES TWO FULL BUSINESS DAYS - DAY 1 STARTS THE DAY AFTER YOU CALL. LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED, WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION AND/OR A PRIVATE UTILITY LOCATE REQUEST MAY BE NECESSARY.
- MN8** AT THE TIME OF SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION, BUILDING ADDITIONS.
- MN9** AT THE TIME OF SURVEY, THE SURVEYOR WAS UNAWARE OF ANY PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.
- MN10** THE SURVEYED PROPERTY HAS DIRECT ACCESS TO MALABAR ROAD, A VARIABLE WIDTH DEDICATED PUBLIC RIGHT-OF-WAY AND ILFORD COURT, A VARIABLE WIDTH DEDICATED PUBLIC RIGHT-OF-WAY, AS SHOWN HEREON.
- MN11** OWNERSHIP OF FENCES, IF ANY, WAS NOT DETERMINED UNDER THE SCOPE OF THIS SURVEY.
- MN12** THERE ARE NO GAPS, GORES, OVERLAPS OR HIATUS INHERENT TO THE SURVEYED PROPERTY BASED ON THE FIELD SURVEY PERFORMED AND THE TITLE COMMITMENTS PROVIDED AND ALL PARCELS ARE CONTIGUOUS.
- MN13** BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH RIGHT OF WAY LINE OF MALABAR ROAD, BREVARD COUNTY, FLORIDA TO BEAR S 89° 23' 23" E, PER RECORD DESCRIPTION.
- MN14** THIS SURVEY IS NOT INTENDED FOR CONSTRUCTION OR CONSTRUCTION DESIGN PURPOSES.
- MN15** ADJOINER INFORMATION SHOWN HEREON WAS OBTAINED FROM THE COUNTY'S PROPERTY APPRAISER WEB SITE.
- MN16** AT THE TIME OF SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A BURIAL GROUND OR CEMETERY.
- MN17** BUILDING HEIGHT IS THE ARCHITECTURAL HEIGHT TAKEN AT THE LOCATION SPECIFIED HEREON.
- MN18** NO BUILDINGS EXIST ON THE SURVEYED PROPERTY.

RECORD DESCRIPTION

The land referred to herein below is situated in the County of BREVARD, State of Florida, and described as follows:

Parcel 1:

Being a part of Lots 31 and 32, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION, Section 4, Township 29 South, Range 37 East, as recorded in Plat Book 1, Page 165, of the Public Records of Brevard County, Florida, being more particularly described as follows:

From the Northeast corner of said Section 4, run North 89 degrees 23' 25" West along the North line of said Section 4 and Lots 31 and 32, a distance of 1409.39 feet to the Northwest corner of said Lot 31; thence South 0 degrees 31' 47" East along the West line of said Lot 31 a distance of 51.00 feet to the Southerly Right of Way line of Malabar Road (State Road 514) and the POINT OF BEGINNING of the herein described parcel; thence South 89 degrees 23' 23" East along said Southerly Right of Way line of Malabar Road a distance of 50.00 feet to a point on the West line of property described in O.R. Book 2335, Page 2907; thence South 0 degrees 31'47" East along said West line of property described in O.R. Book 2335, Page 2907, a distance of 207.00 feet; thence South 89 degrees 23'23" East along the South line of said property described in O.R. Book 2335, Page 2907, a distance of 225.00 feet; thence North 0 degrees 31' 47" West along the East line of aforesaid property described in O.R. Book 2335, Page 2907, a distance of 186.00 feet to a point on said Southerly Right of Way line, said point being 72 feet South of said North line of Section 4, thence South 89 degrees 23' 23" East along said Southerly Right of Way line a distance of 41.64 feet; thence North 0 degrees 36'37" East a distance of 16.00 feet; thence South 89 degrees 23' 23" East along said Southerly Right of Way line a distance of 345.54 feet to a point on the East line of said Lot 31; thence South 0 degrees 29' 18" East along said East line of Lot 31 a distance of 196.63 feet to the Northeast corner of Stormwater Retention Area as shown of F.D.O.T. Right of Way Map Sheet 3 of Section 70180-253, for State Road 514 (Malabar Road) Sheet of Section 70180-2503; thence North 89 degrees 22'48" West along said North line of Stormwater Retention Area a distance of 267.67 feet; thence South 0 degrees 33' 45" West along the West line of said Stormwater Retention Area a distance of 386.53 feet; thence South 89 degrees 22' 52" East along the South line of said Stormwater Retention Area a distance of 274.76 feet to the Southeast corner of said Stormwater Retention Area and a point on the East line of said Lot 31; thence South 0 degrees 29' 16" East along said East line of Lot 31, a distance of 19.67 feet to the North line of the South 1/2 of Lot 32; thence South 89 degrees 24'06" East along said North line of the South 1/2 of Lot 32 a distance of 692.29 feet to a point on the Westerly Right of Way line of Canal No. 77 of the Melbourne Tillman Drainage District; thence South 0 degrees 25' 48" West along said Westerly Right of Way line of Canal No. 77 a distance of 658.64 feet to a point on the South line of aforesaid Lot 32; thence North 89 degrees 24' 10" West along the South line of Lots 31 and 32, a distance of 1343.31 feet to the Southwest corner of said Lot 31; thence North 0 degrees 31'47" West along said West line of Lot 31 a distance of 1267.10 feet to the POINT OF BEGINNING.

Less and Except any portion of the above described lands that lie within the boundaries of that certain Order of Taking under Civil Action 96-13993-CA-X and recorded in Official Records Book 3637, Page 128, Public Records of Brevard County, Florida.

Less and Except also that portion of parcel conveyed to Total Lodging, LLC, a Florida limited liability company by Deed recorded December 26, 2008 in Official Records Book 5904, Page 4215; and being more particularly described as follows:

Being a part of Lot 31, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION, Section 4, Township 29 South, Range 37 East, as recorded in Plat Book 1, Page 165, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 4, run North 89°23'25" West along the North line of said Section 4 and Lots 31 and 32, a distance of 1409.39 feet to the Northwest corner of said Lot 31, thence South 0°31'47" East along the West line of said Lot 31, a distance of 51.00 feet to the Southerly Right of Way line of Malabar Road (State Road 514), thence continue South 0°31'47" East along the West line of said Lot 31 a distance of 207.00 feet to the POINT OF BEGINNING of the herein described parcel; thence South 89°23'23" East along the South line of the property described in OR Book 2335, Page 2907, and its extension, a distance of 275.00 feet, thence North 0°31'47" West along the East line of aforesaid property described in OR Book 2335, Page 2907, a distance of 186.00 feet to a point on said Southerly Right of Way line, said point being 72 feet South of said North line of Section 4, thence South 89°23'23" East along said Southerly Right of Way line a distance of 41.64 feet, thence North 0°36'37" East a distance of 16.00 feet; thence South 89°23'23" East along said Southerly Right of Way line a distance of 8.60 feet; thence South 0°31'47" East a distance of 515.53 feet; thence South 89°28'13" West a distance of 325.50 feet, thence North 0°31'47" West along said West line of Lot 31, perpendicular to the preceding course, a distance of 320.00 feet to the POINT OF BEGINNING.

Parcel 2:

Tract G-2, PORT MALABAR UNITY FIFTY SEVEN, according to the plat thereof, as recorded in Plat Book 30, Pages 67 through 73, Public Records of Brevard County, Florida.

THE LANDS SURVEYED, SHOWN AND DESCRIBED HEREON ARE THE SAME LANDS AS DESCRIBED IN THE TITLE COMMITMENT PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. 2037-6079099, DATED JUNE 14, 2022.

ALTA/NSPS LAND TITLE SURVEY

for  
**Palm Bay, FL Project**  
NV5 Project No. 202203954-1  
Malabar Road SE, Palm Bay, FL

**BASED UPON TITLE COMMITMENT NO. 2037-6079099  
OF FIRST AMERICAN TITLE INSURANCE COMPANY  
BEARING AN EFFECTIVE DATE OF JUNE 14, 2022**

Surveyor's Certification

To: ADELON; First American Title Insurance Company and Bock & Clark Corporation, an NV5 Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10, 13, 14, 16, 17 and 19 of Table A thereof. The fieldwork was completed on July 8, 2022.

ALSO:

I, MARK G. LEIST, HEREBY CERTIFY THAT THIS SKETCH OR THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE.

PRELIMINARY

MARK G. LEIST  
REGISTRATION NO. PSM 5836  
IN THE STATE OF FLORIDA  
DATE OF FIELD SURVEY: JULY 8, 2022  
DATE OF LAST REVISION: JULY 26, 2022  
NETWORK PROJECT NO. 202203954-1 AAC  
THIS SURVEY IS CERTIFIED TO DATE OF FIELD SURVEY, NOT DATE OF SIGNATURE. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. SHEET 1 OF 2

**Bock & Clark Corporation**  
an NV5 Company

**NV5**

**Transaction Services 1-800-SURVEYS (787-8397)**  
3550 W. Market Street, Suite 200, Akron, Ohio 44333  
**www.BockandClark.com maywheelpyou@bockandclark.com www.NV5.com**

**SURVEY • ZONING • ENVIRONMENTAL • ASSESSMENT**

FLORIDA PROJECT NO. 5202206349

FLOOD NOTE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X UNSHADED OF THE FLOOD INSURANCE RATE MAP, COMMUNITY NO. 120404, MAP NUMBER 12009C0660G AND 12009C0680G WHICH EACH BEAR AN EFFECTIVE DATE OF MARCH 17, 2014 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. AS SHOWN ON THE FEMA WEBSITE (HTTP://MSO.FEMA.GOV) BY FIRMETTE CREATED ON JULY 14, 2022, WE HAVE LEARNED THIS COMMUNITY DOES CURRENTLY PARTICIPATE IN THE PROGRAM. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.

PROJECT REVISION RECORD

DATE	DESCRIPTION	DATE	DESCRIPTION
07/22/2022	FIRST DRAFT		
07/26/2022	NETWORK COMMENTS		
FIELD WORK: DS	DRAFTED: DD	CHECKED BY: ML	FB & PG.

SIGNIFICANT OBSERVATIONS

**A** THE SITE SIGN LIES OVER THE BOUNDARY LINE BY A DISTANCE OF 1.5'±, MORE OR LESS, AS SHOWN HEREON.

LEGAL

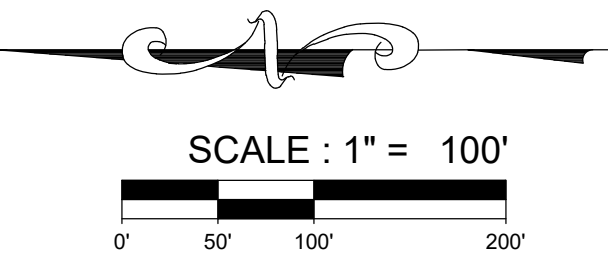
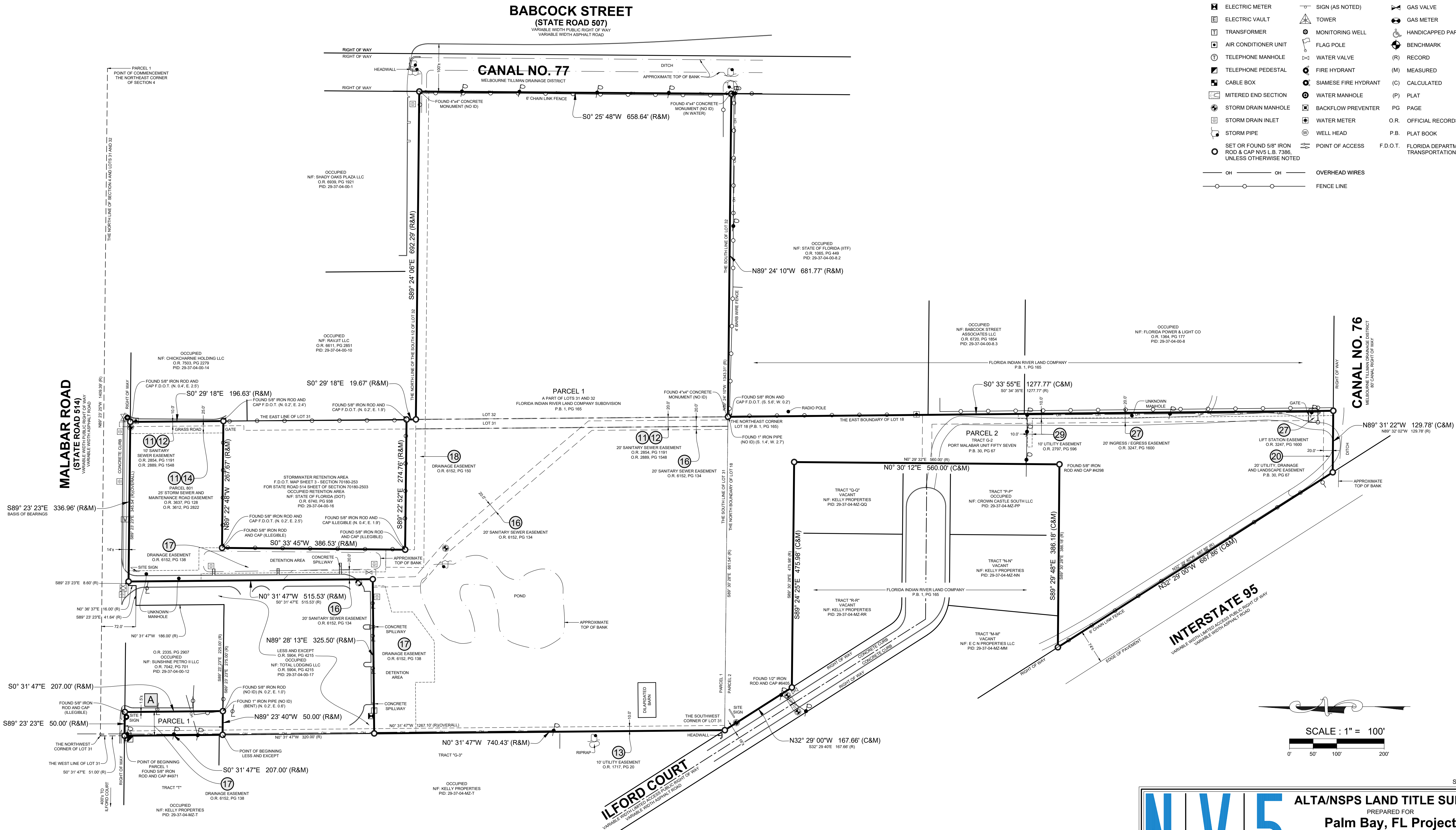
THIS SURVEY WAS PREPARED FOR THE PURPOSE OF THIS REAL ESTATE TRANSACTION ONLY AND NO FURTHER PARTIES OTHER THAN THOSE CERTIFIED ABOVE SHALL RELY ON IT FOR ANY OTHER PURPOSE OR TRANSACTION



LEGEND OF SYMBOLS & ABBREVIATIONS

- |                        |                      |                       |
|------------------------|----------------------|-----------------------|
| LIGHT POLE             | SIGNAL LIGHT         | SANITARY MANHOLE      |
| POWER POLE (WITH ARMS) | TRAFFIC SIGNAL BOX   | CLEAN OUT             |
| GUY WIRE               | SIGNAL LIGHT POLE    | GREASE TRAP           |
| ELECTRIC MANHOLE       | VAULT                | GAS MANHOLE           |
| ELECTRIC METER         | SIGN (AS NOTED)      | GAS VALVE             |
| ELECTRIC VAULT         | TOWER                | GAS METER             |
| TRANSFORMER            | MONITORING WELL      | HANDICAPPED PARKING   |
| AIR CONDITIONER UNIT   | FLAG POLE            | BENCHMARK             |
| TELEPHONE MANHOLE      | WATER VALVE          | (R) RECORD            |
| CABLE BOX              | FIRE HYDRANT         | (M) MEASURED          |
| MITERED END SECTION    | SIAMESE FIRE HYDRANT | (C) CALCULATED        |
| STORM DRAIN SECTION    | WATER MANHOLE        | (P) PLAT              |
| STORM DRAIN INLET      | BACKFLOW PREVENTER   | PG PAGE               |
| STORM PIPE             | WELL HEAD            | O.R. OFFICIAL RECORDS |
|                        |                      |                       |

OH OH OVERHEAD WIRES  
FENCE LINE



SHEET 2 OF 2

**NV5** ALT/NSPS LAND TITLE SURVEY  
PREPARED FOR  
**Palm Bay, FL Project**  
DATE OF FIELD SURVEY: JULY 8, 2022  
NETWORK PROJECT NUMBER: 202203954-1 AAC  
**1-(800)-SURVEYS (787-8397)**  
TRANSACTION SERVICES  
www.bockandclark.com maywehelpyou@bockandclark.com www.NV5.com

SURVEY • ZONING • ENVIRONMENTAL • ASSESSMENT



2/3/2023

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

Citizen Participation Plan Meeting Report,

This document was intended for the rezoning meeting at the parcel on the corner of Babcock and Malabar (parcel 29-37-04-00-1.1). The Citizen Participation Meeting Plan was held at Ted Whitlock Community Center (370 Championship Circle NW Palm Bay, FL 32907) the 23<sup>rd</sup> of January at 6:30 PM. Mr. Shubham Desai with Bowman attended the meeting and there were no attendants. We brought with us the proposed site plan (attached). Due to the lack of neighbors that showed up, we do not have a sign in sheet to provide.



Jacqueline Pedevillano  
Bowman  
Project Engineer



## LAND DEVELOPMENT DIVISION

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

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

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

This application must be deemed complete and legible, and the original application with original signature(s) must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. **Large Scale Amendments will require 60 days of review prior to a scheduled Planning and Zoning Board meeting.** The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 6:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

#### APPLICATION AMENDMENT TYPE:

☒

**Small Scale** (50 acres or Less)

☐

**Text Amendment** (Comp. Plan)

☐

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

#### PARCEL ID(S):

29-37-04-MZ-G.2

#### TAX ACCOUNT NUMBER(S):

2960911

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

Please see the attached

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

7.43

**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.):**

ROS- Residential Open Space

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

Commercial

**PRESENT USE OF PROPERTY:**

Vacant Land

**STRUCTURES LOCATED ON THE PROPERTY:** None

**REZONING FILED IN CONJUNCTION WITH THIS APPLICATION:** N/A

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

A portion of the site already has a future land use of commercial. The intent is to propose a flex commercial building space on the north side of the property and this tract (G-2) will be used to alleviate some of the stormwater retentions required for the proposed development.

**SPECIFIC USE INTENDED FOR PROPERTY:**

Stormwater retention

**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 or Dropbox Link.**
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☒ Citizen Participation Plan. Refer to [Section 169.005](#) of the Land Development Code for guidelines.
- ☐ School Board of Brevard County School Impact Analysis Application (if applicable). 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 Bowman Consulting and/or Adelon Capital

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

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

Owner Signature  Date 2.6.2023  
Printed Name Shimon Wolkowicki  
Full Address 625 W 51 ST NY, NY 10019  
Telephone 917-670-1667 Email swolkr@yahoo.com

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

02/06, 20 23

Re: Letter of Authorization

As the property owner of the site legally described as:

Two Parcels with tax account 2923396 and 2960911

I, Owner Name: I Sam Wolkowickj Owner of BABCOCK & MALABAR LLC

Address:

Telephone:

Email: swolkr@yahoo.com

hereby authorize:

Representative: Bowman Consulting (Shubham Desai, E.I.)

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

Telephone: 321-750-5405

Email: sdesai@bowman.com

to represent the request(s) for:

Speak on my behalf in public hearings, all planning and zoning processes, and submit for the site plan approval and other permits required for the proposed project.

  
(Property Owner Signature)

STATE OF Florida

COUNTY OF Braward

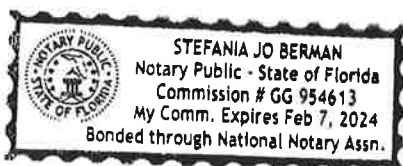
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 6 day of February, 20 23 by

Shimon Wolkowicki, property owner.

Stefania Berman

, Notary Public

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



02/06, 20 23

Re: Letter of Authorization

As the property owner of the site legally described as:

Two Parcels with tax account 2923396 and 2960911

I, Owner Name: I Sam Wolkowicki Owner of BABCOCK & MALABAR LLC

Address:

Telephone:

Email: swolkr@yahoo.com

hereby authorize:

Representative: Kimberly Rezanka, LACEY LYONS REZANKA

Address: 1290 US Highway 1, Suite 201

Telephone: 321-608-0892

Email: KRezanka@LLR.Law

to represent the request(s) for:

Speak on my behalf during the public hearings and all planning and zoning processes

(Property Owner Signature)

STATE OF

Florida

COUNTY OF

Broward

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 6 day of February, 20 23 by

shimon wolkowicki

, property owner.

Stefania Berman

, Notary Public

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



STEFANIA JO BERMAN  
Notary Public - State of Florida  
Commission # GG 954613  
My Comm. Expires Feb 7, 2024  
Bonded through National Notary Assn.



02/06, 20 23

Re: Letter of Authorization

As the property owner of the site legally described as:

Two Parcels with tax account 2923396 and 2960911

I, Owner Name: I Sam Wolkowicki Owner of BABCOCK & MALABAR LLC

Address:

Telephone:

Email: swolkr@yahoo.com

hereby authorize:

Representative: Adelon Capital (Alberto Krygier)

Address: 1955 Harrison St STE 200 Hollywood, FL 33020

Telephone: 305-707-8044

Email: akrygier@adeloncapital.com

to represent the request(s) for:

Speak on my behalf in public hearings, all planning and zoning processes, and submit for the site plan approval and other permits required for the proposed project.

(Property Owner Signature)

STATE OF Florida

COUNTY OF Broward

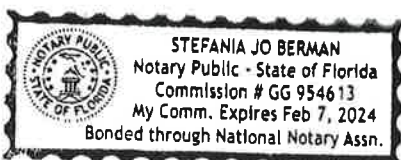
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 6 day of February, 2023 by

shimon wolkowicki, property owner.

Stefania Berman

, Notary Public

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





Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

PUBLICATION	TOLL-FREE	Local #	Email
Florida Today	888-516-9220	321-242-3632	BRELegals@gannett.com
Eagle	888-516-9220	321-242-3632	BREEagle@gannett.com
Reporter	888-516-9220	321-242-3632	BREReporter@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005596520

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 02/16/23

**Text of Ad:**

Ad#5596520 2/16/2023  
CITY OF PALM BAY, FLORIDA  
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on March 1, 2023, and by the City Council on April 6, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1. \*\*CU-3-2023 - M. David Moallem (Erick Garcia Salas, Contineo Group and Cal Conner, U-Haul Co. of Eastern FL, Reps.)

A Conditional Use to allow a proposed self-storage facility in a CC, Community Commercial District, in accordance with Section 185.088 of the Palm Bay Code of Ordinances

Tax Parcel 528, Section 22, Township 28, Range 37, Brevard County, Florida, containing approximately 4.9 acres. Located north of and adjacent to Hunter Avenue NE, in the vicinity east of Babcock Street NE

2. CP-5-2023 - Sam Wolkowick, Babcock & Malabar, LLC (Shubman Desai, E.I., Bowman Consulting Group, Ltd. / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law / Alberto Krygier, Adelon Capital, Reps.)

A small-scale Comprehensive Plan Future Land Use Map amendment from Residential Open Space Use to Commercial Use

Tract G.2 Retention Area, Port Malabar Unit 57, Section 4, Township 29, Range 37, Brevard County, Florida, containing 7.43 acres. Located in the vicinity, south of Malabar Road SE, east of Interstate-95 Highway, and west of Babcock Street SE

3. \*\*Z-18-2023 - Sam Wolkowick, Babcock & Malabar, LLC (Shubman Desai, E.I., Bowman Consulting Group, Ltd. / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law / Alberto Krygier, Adelon Capital, Reps.)

A zoning change from a CC, Community Commercial District to a GC, General Commercial District

A portion of Tax Parcel 1.1, Section 4, Township 29, Range 37, Brevard County, Florida, containing approximately 8.93 acres. Located in the vicinity, south of Malabar Road SE, east of Interstate-95 Highway, and west of Babcock Street SE

4. T-12-2023 - City of Palm Bay (Public Works Department)

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Section 174.073, to clarify residential elevations for single-family residential construction

\*\*Indicates quasi-judicial request(s).  
If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or the City Council 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.  
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist





## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Uma Sarmistha, Senior Planner

**DATE:** March 1, 2023

**SUBJECT:** \*\*Z-18-2023 - Adelon - Sam Wolkowick, Babcock & Malabar, LLC (Shubman Desai, E.I., Bowman Consulting Group, Ltd. / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law / Alberto Krygier, Adelon Capital, Reps.) - A zoning change from a CC, Community Commercial District to a GC, General Commercial District - A portion of Tax Parcel 1.1, Section 4, Township 29, Range 37, Brevard County, Florida, containing approximately 8.93 acres. Located in the vicinity, south of Malabar Road SE, east of Interstate-95 Highway, and west of Babcock Street SE

\*\*Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ▣ Case Z-18-2023 - Staff Report
- ▣ Case Z-18-2023 - Survey
- ▣ Case Z-18-2023 - Rezoning Narrative
- ▣ Case Z-18-2023 - Citizen Participation Plan Report
- ▣ Case Z-18-2023 - Application
- ▣ Case Z-18-2023 - Legal Ad



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

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

### Prepared by

Uma Sarmistha, Senior Planner

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#### CASE NUMBER

Z-18-2023

#### PLANNING & ZONING BOARD HEARING DATE

March 1, 2023

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#### PROPERTY OWNER & APPLICANT

Sam Wolkowick, Babcock & Malabar, LLC  
(Shubman Desai, E.I., Bowman  
Consulting Group, Ltd. / Kimberly  
Rezanka, Lacey Lyon Rezanka Attorneys  
At Law / Alberto Krygier, Adelon Capital,  
Reps.)

#### PROPERTY LOCATION/ADDRESS

A portion of Tax Parcel 1.1, Section 4, Township 29,  
Range 37, Brevard County, Florida, containing 8.93  
acres. Located in the vicinity, south of Malabar Road  
SE, east of I-95, and west of Babcock Street SE

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#### SUMMARY OF REQUEST

The applicant is requesting a Zoning Amendment from CC,  
Community Commercial to a GC, General Commercial District.

##### Existing Zoning

CC, Community Commercial

##### Existing Land Use

COM, Commercial

##### Site Improvements

Vacant; Undeveloped Land

##### Site Acreage

Approximately 8.93 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

CC- Community Commercial; Hotel

##### East

GC - General Commercial; Vacant

##### South

CC- Community Commercial; Vacant

##### West

LI - Light Industrial and Warehousing; Car Dealership

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**BACKGROUND:**

The subject property is generally located in the vicinity, south of Malabar Road SE, east of I-95, and west of Babcock Street SE and is approximately 8.93 acres.

**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's justification for the zoning change to GC, General Commercial is to provide supporting development to the surrounding area. As stated by the applicant, "The proposed development will have multiple commercial-flex buildings ranging in square footage that is currently not allowed in CC".

The subject parcel is a portion of a larger parcel. The remaining eastern portion of the parcel has an established Zoning district of GC, General Commercial. This request will consolidate the zoning districts across the parcel to GC- General Commercial.

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

This request would have minimal effect on surrounding properties, as these surrounding properties have similar intensities to that proposed on the parcel in question.

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

The property in question is currently vacant. The proposed change in zoning will allow for a cohesive zoning development.

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



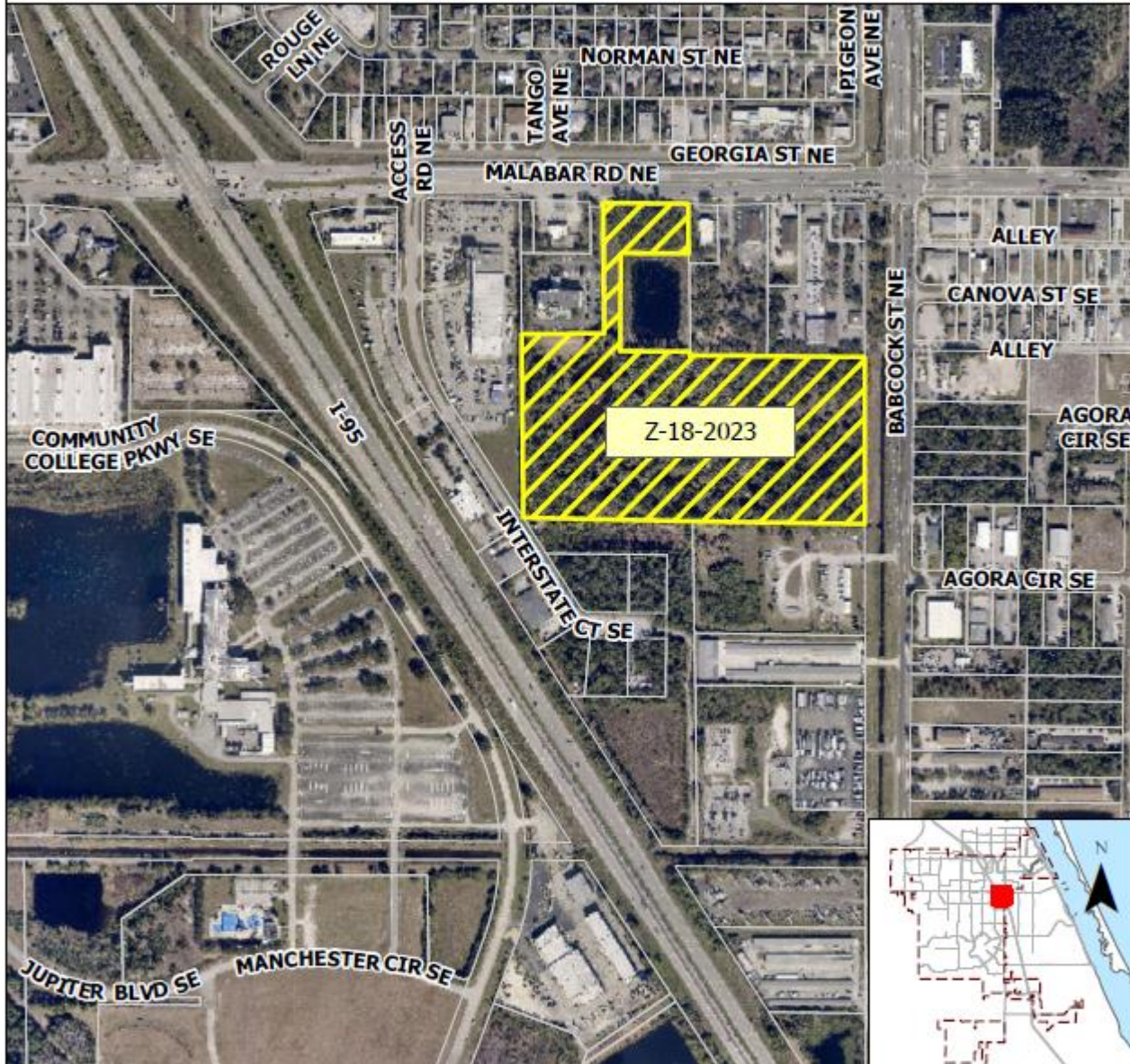
The rezoning is aligned with the currently established future land use and does not require amending.

**STAFF FINDINGS:**

Case Z-18-2023 meets the minimum requirements of a rezoning request and recommends approval.



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



## AERIAL LOCATION MAP CASE: Z-18-2023

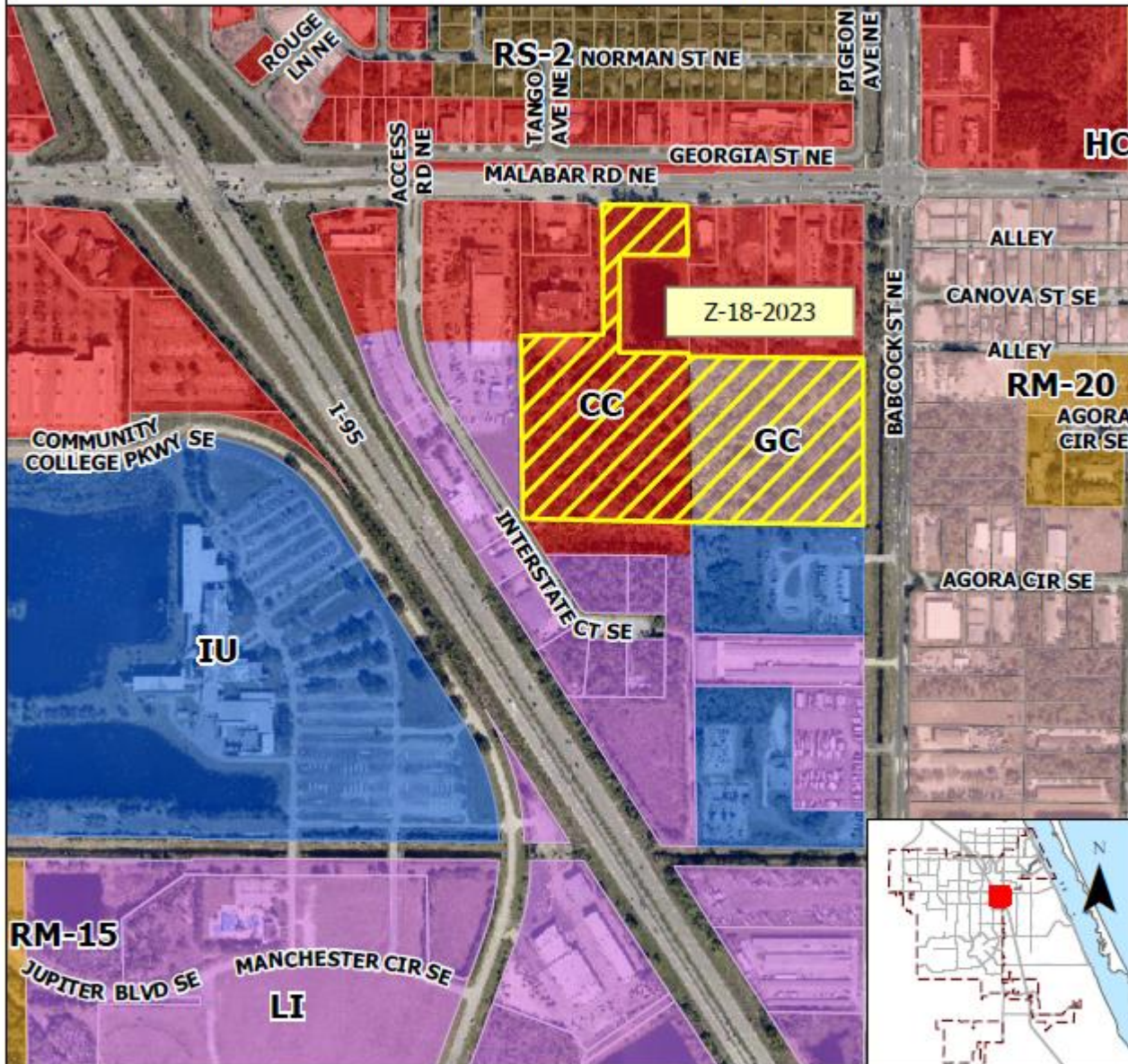
### Subject Property

In the vicinity south of Malabar Road SE, east of Interstate-95 Highway, and west of Babcock Street SE





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



## ZONING MAP CASE: Z-18-2023

### Subject Property

In the vicinity south of Malabar Road SE, east of Interstate-95 Highway, and west of Babcock Street SE

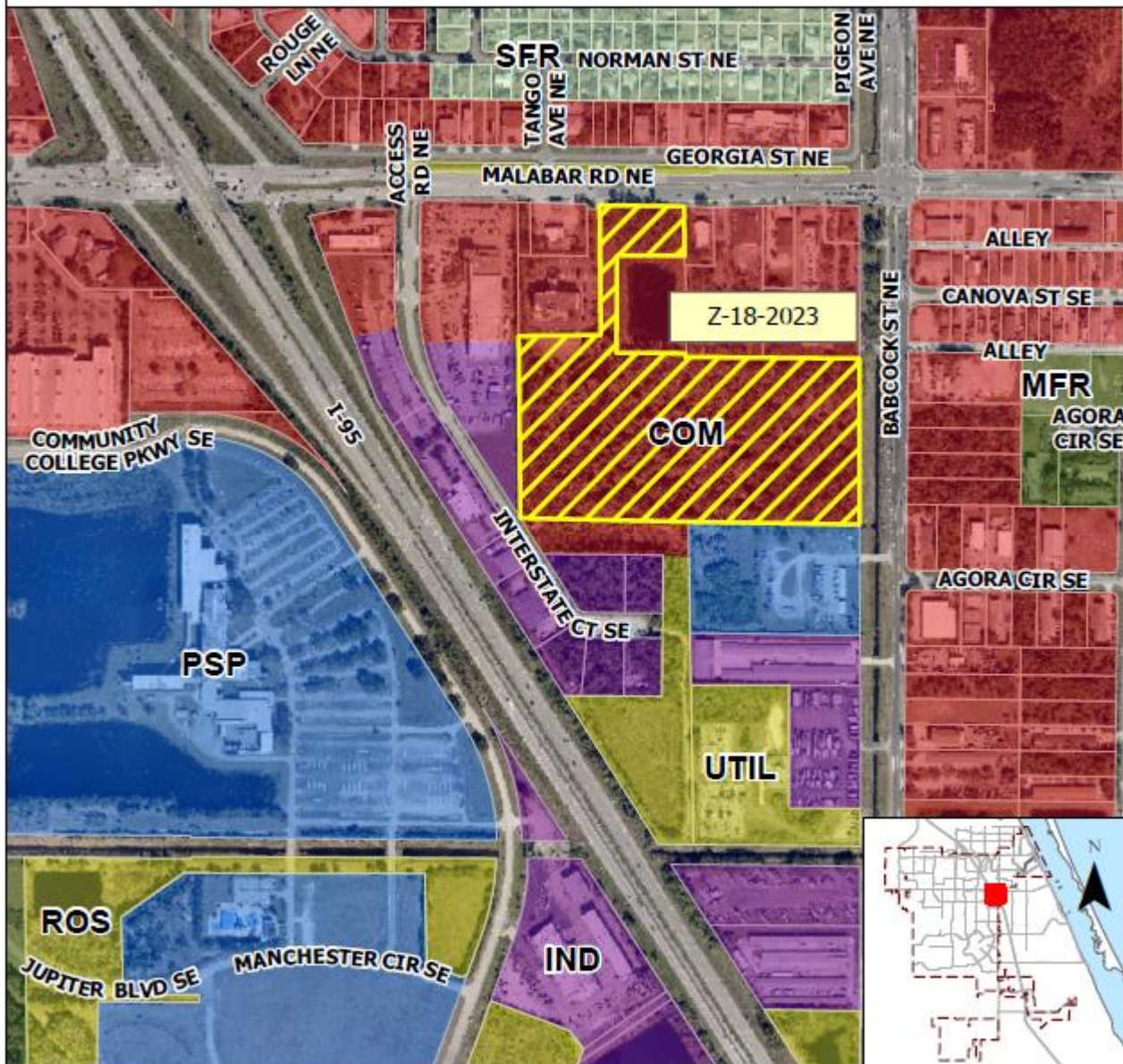
### Current Zoning Classification

CC, GC – Community Commercial, General Commercial





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



## FUTURE LAND USE MAP CASE: Z-18-2023

### Subject Property

In the vicinity south of Malabar Road SE, east of Interstate-95 Highway, and west of Babcock Street SE

### Future Land Use Classification

COM – Commercial

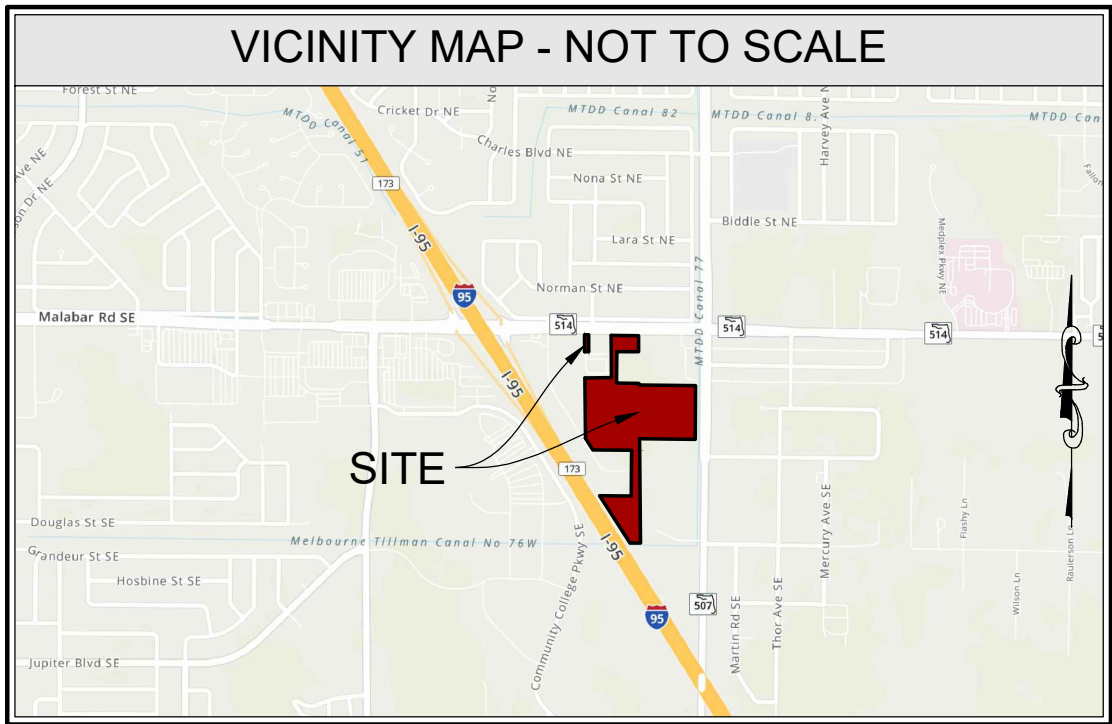


ITEMS CORRESPONDING TO SCHEDULE B-II

10. Subject property lies in the Melbourne-Tillman Drainage District and is subject to all matters affecting said drainage district, including, but not limited to those matters filed of public record, as recorded on July 31, 1990, and as set forth in Book 3074, Page 2296. (Parcels 1 & 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
11. Easement Agreement between Palm Bay I-95 Limited Partnership and General Development Utilities, Inc., as recorded on November 2, 1987, in Book 2854, Page 1191, as subordinated on October 14, 1996, in Book 3612, Page 2822, and in Book 3612, Page 2828. (Parcel 1)  
**THIS ITEM IS PLOTTED HEREON.**
12. Any rights or interests as indicated by that certain Notice of Objection to Utilities Easement, as recorded on March 19, 1988, in Book 2889, Page 1548. (Parcel 1)  
**THIS ITEM IS PLOTTED HEREON.**
13. Easements in favor of Florida Power & Light Company, as recorded on March 8, 1977, in Book 1717, Page 20, and as subordinated on July 13, 1993, in Book 3305, Page 4380; and on October 26, 1995, in Book 3515, Page 137, and in Book 3515, Page 141. (Parcel 1)  
**THIS ITEM IS PLOTTED HEREON.**
14. Easement as set forth in Order of Taking as recorded on January 14, 1997, in Book 3637, Page 128. (Parcel 1)  
**THIS ITEM IS PLOTTED HEREON.**
15. Declaration of Covenants, Conditions, Restrictions and Easements, which contains provisions for a private charge or assessments, as recorded on December 26, 2008, in Book 5904, Page 4157.  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
16. Declaration of Covenants, Conditions, Restrictions and Easements, which contains provisions for a private charge or assessments, recorded in Easement Deed in favor of City of Palm Bay as recorded on April 22, 2010, in Book 6152, Page 134. (Parcel 1).  
**THIS ITEM IS PLOTTED HEREON.**
17. Drainage Retention Area and Drainage Structures Easement Agreement by and between Babcock & Malabar, LLC, a Florida Limited Liability Company and Total Lodging, LLC, a Florida limited liability company, as recorded on April 22, 2010, in Book 6152, Page 138; Book 6152, Page 142; and in Book 6152, Page 146. (Parcel 1)  
**THIS ITEM IS PLOTTED HEREON.**
18. Drainage Easement for Outfall Swale to Babcock Street Agreement by and between Babcock & Malabar, LLC, a Florida Limited Liability Company and Total Lodging, LLC, a Florida limited liability company, as recorded on April 22, 2010, in Book 6152, Page 150. (Parcel 1)  
**THIS ITEM IS PLOTTED HEREON.**
20. Matters as shown on the plat of PORT MALABAR UNIT FIFTY-SEVEN, as recorded on May 24, 1984, in Plat Book 30, Pages 67 through 73. (Parcel 2)  
**THIS ITEM IS PLOTTED HEREON.**
21. Master Declaration for The Port Malabar Interchange as recorded on May 24, 1984, in Book 2512, Page 1652 and as re-recorded on February 7, 1985, in Book 2575, Page 1142, and as amended on November 2, 1984, in Book 2553, Page 29 and as re-recorded on February 7, 1985, in Book 2575, Page 1163. NOTE: This exception omits any restriction, covenant or condition based on race, color, religion, sex, handicap, familial status, or national origin, if any, unless and only to the extent that the restriction is not in violation of state or federal law, or relates to a handicap, but does not discriminate against handicapped people. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
22. Restrictions, reservations, covenants, conditions, easements, and other matters pursuant to that certain instrument as recorded on May 24, 1984, in Book 2512, Page 1668. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
23. Port Malabar Water and Sewer Agreement as recorded on July 27, 1978, in Book 1918, Page 180, recorded on April 4, 1983, Book 2420, Page 1569 and recorded on April 4, 1983, in Book 2562, Page 2348. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
24. Assignment of Easements as recorded on December 22, 1992, in 3255, Page 908 and Book 3255, Page 1048. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
25. Assignment of Plats and other Easements as recorded on December 22, 1992, in Book 3255, Page 1011. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
26. Easements in favor of Florida Gas Transmission Company, its successors, and assigns, as recorded on May 6, 1994, in Book 3390, Page 1362, and as recorded on May 13, 1994, in Book 3392, Page 492. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
27. Utility & Lift Station Easement granted to General Development Utilities, Inc., its successors, and assigns, as recorded on November 23, 1992, in Book 3247, Page 1600, and as recorded December 22, 1992, in Book 3255, Page 974. (Parcel 2)  
**THIS ITEM IS PLOTTED HEREON.**
28. Utility Easement granted to Water Control District of South Brevard, its successors, and assigns, as recorded on May 14, 1992, in Book 3201, Page 1109; as affected by Resolution No. 2018-03 as recorded December 11, 2018, in Book 8326, Page 1456; and recorded January 17, 2019, in Book 8350, Page 116. (Parcel 2)  
**PARCEL 2 OF THE SURVEYED PROPERTY LIES ENTIRELY WITHIN THIS BLANKET EASEMENT AND IS NOT PLOTTED HEREON.**
29. Easement granted to Florida Power & Light Company, its successors, and assigns, as recorded on April 30, 1987, in Book 2787, Page 596. (Parcel 2)  
**THIS ITEM IS PLOTTED HEREON.**
30. Notice of Adoption of Development Order as recorded on March 2, 1994, in Book 3371, Page 3264. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
31. Surveyor's Affidavit as recorded on October 5, 1987, in Book 2846, Page 2056. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**
32. Restrictions as set forth in Special Warranty Deed recorded on December 23, 1996, in Book 3631, Page 2831. (Parcel 2)  
**THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.**

ZONING INFORMATION

THE SURVEYOR WAS NOT PROVIDED WITH ZONING INFORMATION PURSUANT TO TABLE A ITEM 6a.



MISCELLANEOUS NOTES

- MN1** SURVEY PREPARED BY: NV5, L.B. 7386, 12467 TELECOM DRIVE, TAMPA, FL 33637. PHONE (800) 787-8397 OR EMAIL MIKE.VUKODER@NV5.COM.
- MN2** NO POSTED ADDRESS LOCATED ON THE SURVEYED PROPERTY OR CONTAINED IN THE RECORD DOCUMENTS PROVIDED.
- MN3** THE SURVEYED PROPERTY CONTAINS AN AREA OF 30.952 ACRES (1,348,266 SQUARE FEET), MORE OR LESS.
- MN4** ONLY OBSERVABLE SURFACE AND ABOVE GROUND STRUCTURES WERE LOCATED. NO UNDERGROUND IMPROVEMENTS, SUCH AS FOUNDATION FOOTINGS, WERE LOCATED. SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY. ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
- MN5** THERE ARE 0 STRIPED REGULAR PARKING SPACES AND 0 STRIPED HANDICAPPED PARKING SPACES FOR A TOTAL OF 0 STRIPED PARKING SPACES ON THE SURVEYED PROPERTY.
- MN6** NO DIVISION OR PARTY WALLS WERE DESIGNATED BY THE CLIENT OR LOCATED BY SURVEYOR WITH RESPECT TO ADJOINING PROPERTIES.
- MN7** ONLY OBSERVABLE ABOVE GROUND UTILITIES WERE LOCATED. NO UNDERGROUND UTILITIES WERE LOCATED. ALWAYS CALL SUNSHINE 811 BEFORE YOU DIG. THEY NOTIFY UTILITY COMPANIES WHERE YOU ARE PLANNING TO DIG. THE UTILITY SENDS A LOCATOR TO MARK THE APPROXIMATE LOCATION OF UNDERGROUND LINES, PIPES AND CABLES ON THE SURVEYED PROPERTY. THE PROCESS TAKES TWO FULL BUSINESS DAYS - DAY 1 STARTS THE DAY AFTER YOU CALL. LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED, WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION AND/OR A PRIVATE UTILITY LOCATE REQUEST MAY BE NECESSARY.
- MN8** AT THE TIME OF SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION, BUILDING ADDITIONS.
- MN9** AT THE TIME OF SURVEY, THE SURVEYOR WAS UNAWARE OF ANY PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.
- MN10** THE SURVEYED PROPERTY HAS DIRECT ACCESS TO MALABAR ROAD, A VARIABLE WIDTH DEDICATED PUBLIC RIGHT-OF-WAY AND ILFORD COURT, A VARIABLE WIDTH DEDICATED PUBLIC RIGHT-OF-WAY, AS SHOWN HEREON.
- MN11** OWNERSHIP OF FENCES, IF ANY, WAS NOT DETERMINED UNDER THE SCOPE OF THIS SURVEY.
- MN12** THERE ARE NO GAPS, GORES, OVERLAPS OR HIATUS INHERENT TO THE SURVEYED PROPERTY BASED ON THE FIELD SURVEY PERFORMED AND THE TITLE COMMITMENTS PROVIDED AND ALL PARCELS ARE CONTIGUOUS.
- MN13** BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH RIGHT OF WAY LINE OF MALABAR ROAD, BREVARD COUNTY, FLORIDA TO BEAR S 89° 23' 23" E, PER RECORD DESCRIPTION.
- MN14** THIS SURVEY IS NOT INTENDED FOR CONSTRUCTION OR CONSTRUCTION DESIGN PURPOSES.
- MN15** ADJOINER INFORMATION SHOWN HEREON WAS OBTAINED FROM THE COUNTY'S PROPERTY APPRAISER WEB SITE.
- MN16** AT THE TIME OF SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A BURIAL GROUND OR CEMETERY.
- MN17** BUILDING HEIGHT IS THE ARCHITECTURAL HEIGHT TAKEN AT THE LOCATION SPECIFIED HEREON.
- MN18** NO BUILDINGS EXIST ON THE SURVEYED PROPERTY.

RECORD DESCRIPTION

The land referred to herein below is situated in the County of BREVARD, State of Florida, and described as follows:

Parcel 1:

Being a part of Lots 31 and 32, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION, Section 4, Township 29 South, Range 37 East, as recorded in Plat Book 1, Page 165, of the Public Records of Brevard County, Florida, being more particularly described as follows:

From the Northeast corner of said Section 4, run North 89 degrees 23' 25" West along the North line of said Section 4 and Lots 31 and 32, a distance of 1409.39 feet to the Northwest corner of said Lot 31; thence South 0 degrees 31' 47" East along the West line of said Lot 31 a distance of 51.00 feet to the Southerly Right of Way line of Malabar Road (State Road 514) and the POINT OF BEGINNING of the herein described parcel; thence South 89 degrees 23' 23" East along said Southerly Right of Way line of Malabar Road a distance of 50.00 feet to a point on the West line of property described in O.R. Book 2335, Page 2907; thence South 0 degrees 31'47" East along said West line of property described in O.R. Book 2335, Page 2907, a distance of 207.00 feet; thence South 89 degrees 23'23" East along the South line of said property described in O.R. Book 2335, Page 2907, a distance of 225.00 feet; thence North 0 degrees 31' 47" West along the East line of aforesaid property described in O.R. Book 2335, Page 2907, a distance of 186.00 feet to a point on said Southerly Right of Way line, said point being 72 feet South of said North line of Section 4, thence South 89 degrees 23' 23" East along said Southerly Right of Way line a distance of 41.64 feet; thence North 0 degrees 36'37" East a distance of 16.00 feet; thence South 89 degrees 23' 23" East along said Southerly Right of Way line a distance of 345.54 feet to a point on the East line of said Lot 31; thence South 0 degrees 29' 18" East along said East line of Lot 31 a distance of 196.63 feet to the Northeast corner of Stormwater Retention Area as shown of F.D.O.T. Right of Way Map Sheet 3 of Section 70180-253, for State Road 514 (Malabar Road) Sheet of Section 70180-2503; thence North 89 degrees 22'48" West along said North line of Stormwater Retention Area a distance of 267.67 feet; thence South 0 degrees 33' 45" West along the West line of said Stormwater Retention Area a distance of 386.53 feet; thence South 89 degrees 22' 52" East along the South line of said Stormwater Retention Area a distance of 274.76 feet to the Southeast corner of said Stormwater Retention Area and a point on the East line of said Lot 31; thence South 0 degrees 29' 16" East along said East line of Lot 31, a distance of 19.67 feet to the North line of the South 1/2 of Lot 32; thence South 89 degrees 24'06" East along said North line of the South 1/2 of Lot 32 a distance of 692.29 feet to a point on the Westerly Right of Way line of Canal No. 77 of the Melbourne Tillman Drainage District; thence South 0 degrees 25' 48" West along said Westerly Right of Way line of Canal No. 77 a distance of 658.64 feet to a point on the South line of aforesaid Lot 32; thence North 89 degrees 24' 10" West along the South line of Lots 31 and 32, a distance of 1343.31 feet to the Southwest corner of said Lot 31; thence North 0 degrees 31'47" West along said West line of Lot 31 a distance of 1267.10 feet to the POINT OF BEGINNING.

Less and Except any portion of the above described lands that lie within the boundaries of that certain Order of Taking under Civil Action 96-13993-CA-X and recorded in Official Records Book 3637, Page 128, Public Records of Brevard County, Florida.

Less and Except also that portion of parcel conveyed to Total Lodging, LLC, a Florida limited liability company by Deed recorded December 26, 2008 in Official Records Book 5904, Page 4215; and being more particularly described as follows:

Being a part of Lot 31, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION, Section 4, Township 29 South, Range 37 East, as recorded in Plat Book 1, Page 165, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 4, run North 89°23'25" West along the North line of said Section 4 and Lots 31 and 32, a distance of 1409.39 feet to the Northwest corner of said Lot 31, thence South 0°31'47" East along the West line of said Lot 31, a distance of 51.00 feet to the Southerly Right of Way line of Malabar Road (State Road 514), thence continue South 0°31'47" East along the West line of said Lot 31 a distance of 207.00 feet to the POINT OF BEGINNING of the herein described parcel; thence South 89°23'23" East along the South line of the property described in OR Book 2335, Page 2907, and its extension, a distance of 275.00 feet, thence North 0°31'47" West along the East line of aforesaid property described in OR Book 2335, Page 2907, a distance of 186.00 feet to a point on said Southerly Right of Way line, said point being 72 feet South of said North line of Section 4, thence South 89°23'23" East along said Southerly Right of Way line a distance of 41.64 feet, thence North 0°36'37" East a distance of 16.00 feet; thence South 89°23'23" East along said Southerly Right of Way line a distance of 8.60 feet; thence South 0°31'47" East a distance of 515.53 feet; thence South 89°28'13" West a distance of 325.50 feet, thence North 0°31'47" West along said West line of Lot 31, perpendicular to the preceding course, a distance of 320.00 feet to the POINT OF BEGINNING.

Parcel 2:

Tract G-2, PORT MALABAR UNITY FIFTY SEVEN, according to the plat thereof, as recorded in Plat Book 30, Pages 67 through 73, Public Records of Brevard County, Florida.

THE LANDS SURVEYED, SHOWN AND DESCRIBED HEREON ARE THE SAME LANDS AS DESCRIBED IN THE TITLE COMMITMENT PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. 2037-6079099, DATED JUNE 14, 2022.

ALTA/NSPS LAND TITLE SURVEY

for  
**Palm Bay, FL Project**  
NV5 Project No. 202203954-1  
Malabar Road SE, Palm Bay, FL

**BASED UPON TITLE COMMITMENT NO. 2037-6079099  
OF FIRST AMERICAN TITLE INSURANCE COMPANY  
BEARING AN EFFECTIVE DATE OF JUNE 14, 2022**

Surveyor's Certification

To: ADELON; First American Title Insurance Company and Bock & Clark Corporation, an NV5 Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10, 13, 14, 16, 17 and 19 of Table A thereof. The fieldwork was completed on July 8, 2022.

ALSO:

I, MARK G. LEIST, HEREBY CERTIFY THAT THIS SKETCH OR THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE.

PRELIMINARY

MARK G. LEIST  
REGISTRATION NO. PSM 5836  
IN THE STATE OF FLORIDA  
DATE OF FIELD SURVEY: JULY 8, 2022  
DATE OF LAST REVISION: JULY 26, 2022  
NETWORK PROJECT NO. 202203954-1 AAC  
THIS SURVEY IS CERTIFIED TO DATE OF FIELD SURVEY, NOT DATE OF SIGNATURE. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. SHEET 1 OF 2

**Bock & Clark Corporation**  
an NV5 Company

**NV5**

**Transaction Services 1-800-SURVEYS (787-8397)**  
3550 W. Market Street, Suite 200, Akron, Ohio 44333  
**www.BockandClark.com maywheelpyou@bockandclark.com www.NV5.com**

**SURVEY • ZONING • ENVIRONMENTAL • ASSESSMENT**

FLORIDA PROJECT NO. 5202206349

FLOOD NOTE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X UNSHADED OF THE FLOOD INSURANCE RATE MAP, COMMUNITY NO. 120404, MAP NUMBER 12009C0660G AND 12009C0680G WHICH EACH BEAR AN EFFECTIVE DATE OF MARCH 17, 2014 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. AS SHOWN ON THE FEMA WEBSITE (HTTP://MSO.FEMA.GOV) BY FIRMETTE CREATED ON JULY 14, 2022, WE HAVE LEARNED THIS COMMUNITY DOES CURRENTLY PARTICIPATE IN THE PROGRAM. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.

PROJECT REVISION RECORD

DATE	DESCRIPTION	DATE	DESCRIPTION
07/22/2022	FIRST DRAFT		
07/26/2022	NETWORK COMMENTS		
FIELD WORK: DS	DRAFTED: DD	CHECKED BY: ML	FB & PG.

SIGNIFICANT OBSERVATIONS

**A** THE SITE SIGN LIES OVER THE BOUNDARY LINE BY A DISTANCE OF 1.5", MORE OR LESS, AS SHOWN HEREON.

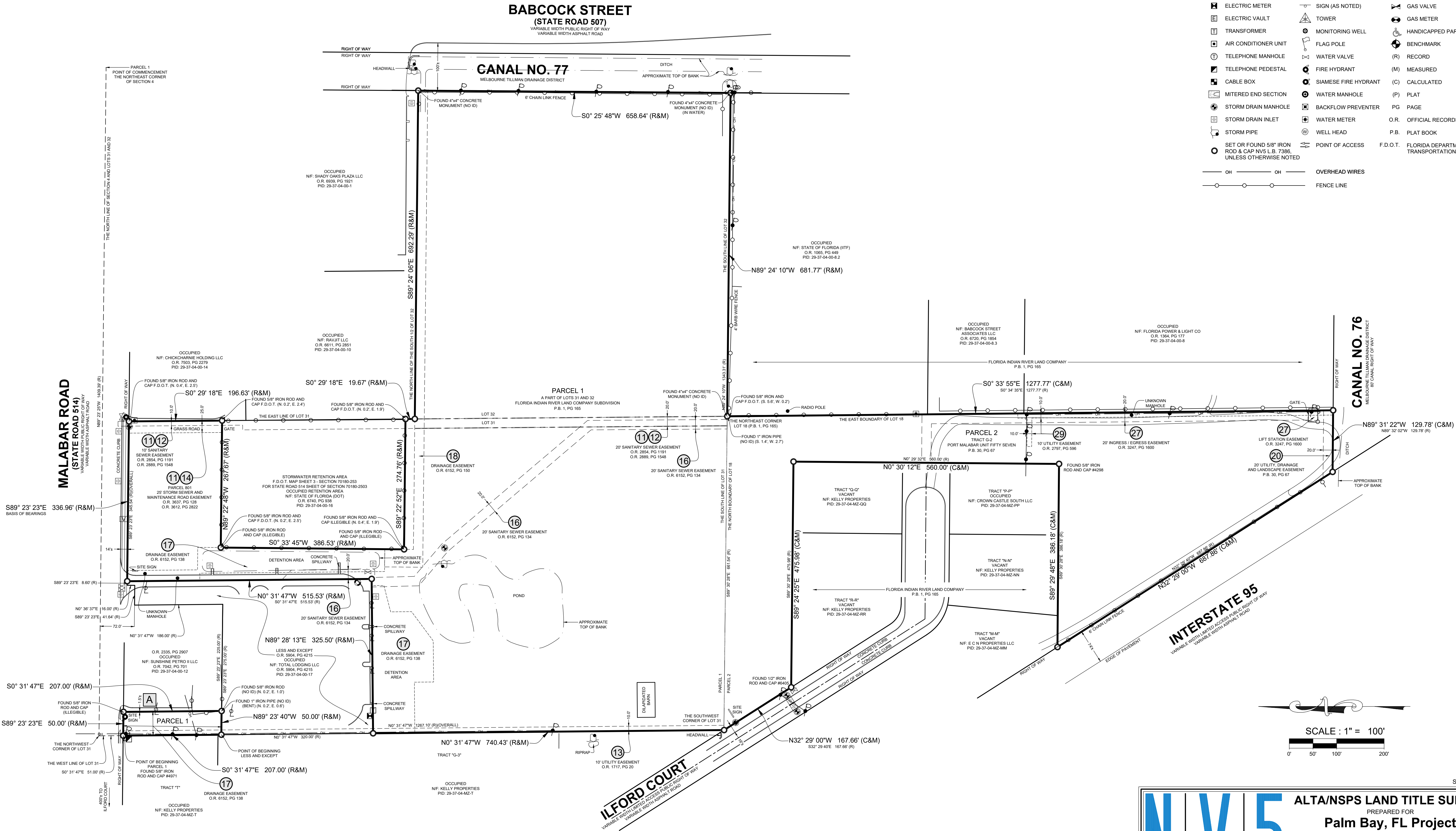
LEGAL

THIS SURVEY WAS PREPARED FOR THE PURPOSE OF THIS REAL ESTATE TRANSACTION ONLY AND NO FURTHER PARTIES OTHER THAN THOSE CERTIFIED ABOVE SHALL RELY ON IT FOR ANY OTHER PURPOSE OR TRANSACTION



LEGEND OF SYMBOLS & ABBREVIATIONS

	LIGHT POLE		SIGNAL LIGHT		SANITARY MANHOLE
	POWER POLE (WITH ARMS)		TRAFFIC SIGNAL BOX		CLEAN OUT
	GUY WIRE		SIGNAL LIGHT POLE		GREASE TRAP
	ELECTRIC MANHOLE		VAULT		GAS MANHOLE
	ELECTRIC METER		SIGN (AS NOTED)		GAS VALVE
	ELECTRIC VAULT		TOWER		GAS METER
	TRANSFORMER		MONITORING WELL		HANDICAPPED PARKING
	AIR CONDITIONER UNIT		FLAG POLE		BENCHMARK
	TELEPHONE MANHOLE		WATER VALVE		RECORD
	CABLE BOX		FIRE HYDRANT		(M) MEASURED
	MITERED END SECTION		SIAMESE FIRE HYDRANT		(C) CALCULATED
	STORM DRAIN MANHOLE		WATER MANHOLE		(P) PLAT
	STORM DRAIN INLET		BACKFLOW PREVENTER		PG PAGE
	STORM PIPE		WATER METER		O.R. OFFICIAL RECORDS
	SET OR FOUND 5/8" IRON ROD & CAP NVS L.B. 7386, UNLESS OTHERWISE NOTED		WELL HEAD		P.B. PLAT BOOK
	POINT OF ACCESS		F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION		
	OH OVERHEAD WIRES				
	FENCE LINE				





## Rezoning Narrative

Please allow this letter to serve as a narrative for the Rezoning Application.

The site requesting to be rezoned lies in Palm Bay and does not have a physical address, its location is at the southwest region of Malabar Rd and Babcock Street (State Road 507). The development is approximately 8.53 acres (371,685 SF) per survey and will consist of the use of industrial flex. The parcel ID of the lot to be rezoned is 29-37-04-00-1.1.

At present the Zoning is CC (community commercial), we are requesting to rezone the parcel to GC (general commercial). The proposed development will have multiple industrial-flex buildings ranging in square footage that is currently not allowed in CC.

Please find out more regarding the rezoning during the community meeting at Ted Whitlock Community Center (370 Championship Circle NW Palm Bay, FL 32907) the 23<sup>rd</sup> of January at 6:30 PM.

2/3/2023

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

Citizen Participation Plan Meeting Report,

This document was intended for the rezoning meeting at the parcel on the corner of Babcock and Malabar (parcel 29-37-04-00-1.1). The Citizen Participation Meeting Plan was held at Ted Whitlock Community Center (370 Championship Circle NW Palm Bay, FL 32907) the 23<sup>rd</sup> of January at 6:30 PM. Mr. Shubham Desai with Bowman attended the meeting and there were no attendants. We brought with us the proposed site plan (attached). Due to the lack of neighbors that showed up, we do not have a sign in sheet to provide.



Jacqueline Pedevillano  
Bowman  
Project Engineer



## **LAND DEVELOPMENT DIVISION**

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

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

## **REZONING APPLICATION**

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 6:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

**PARCEL ID(S):**

**TAX ACCOUNT NUMBER(S):**

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

**PROPERTY ADDRESS:**

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

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

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



**STRUCTURES LOCATED ON THE PROPERTY:**

**PRESENT USE OF THE PROPERTY:**

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

**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.)

Citizen Participation Plan. Refer to [Section 169.005](#) of the Land Development Code for guidelines.

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

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

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

**Name of Representative**

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

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

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

<b>Owner Signature</b>	<b>Date</b>
<b>Printed Name</b>	
<b>Full Address</b>	
<b>Telephone</b>	<b>Email</b>

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

28th of December, 20 22

**Re: Letter of Authorization**

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

Two Parcels with tax accounts 2923396 and 2960911

**I, Owner Name:** I Sam Wolkowick Owner of BABCOCK & MALABAR LLC

**Address:**

**Telephone:**

**Email:** swolkr@yahoo.com

**hereby authorize:**

**Representative:** Kimberly Rezanka, LACEY LYONS REZANKA

**Address:** 1290 U.S. Highway 1, Suite 201

**Telephone:** 321-608-0892

**Email:** KRezanka@LLR.Law

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

Speak on my behalf during the public hearing and permitting process of the proposed development / Rezoning

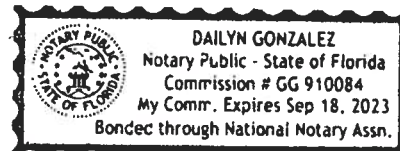
(Property Owner Signature)

STATE OF

Florida

COUNTY OF

Miami-Dade



The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 12 day of January, 20 23 by Shima Wolkowicki, property owner.

Dailyn Gonzalez, Notary Public

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



28th of December, 2022

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Two Parcels with tax accounts 2923396 and 2960911

**I, Owner Name:** I Sam Wolkowick Owner of BABCOCK & MALABAR LLC

**Address:**

**Telephone:**

**Email:** swolkr@yahoo.com

**hereby authorize:**

**Representative:** Shubham Desai, E.I., Bowman

**Address:** 4450 W Eau Gallie Boulevard, Suite 144, Melbourne, FL 32934

**Telephone:** (321) 750-5405

**Email:** sdesai@bowman.com

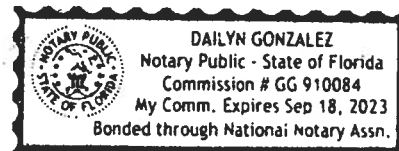
**to represent the request(s) for:**

Speak on my behalf during the public hearing and permitting process of the proposed development / Rezoning

(Property Owner Signature)

STATE OF Florida

COUNTY OF Miami-Dade



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**I, Owner Name:** I Sam Wolkowick Owner of BABCOCK & MALABAR LLC

**Address:**

**Telephone:**

**Email:** swolkr@yahoo.com

**hereby authorize:**

**Representative:** Alberto Krygier, ADELON Capital

**Address:** 1955 Harrison St STE 200, Hollywood, FL 33020

**Telephone:** 305 7078044

**Email:** akrygier@adeloncapital.com

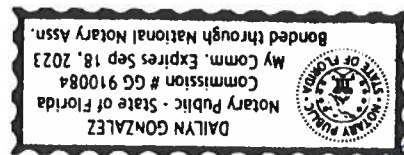
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Speak on my behalf during the public hearing and permitting process of the proposed development / Rezoning


  
(Property Owner Signature)

STATE OF Florida

COUNTY OF Miami-Dade



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Dailyn Gonzalez, Notary Public

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



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

PUBLICATION	TOLL-FREE	Local #	Email
Florida Today	888-516-9220	321-242-3632	BRELegals@gannett.com
Eagle	888-516-9220	321-242-3632	BREEagle@gannett.com
Reporter	888-516-9220	321-242-3632	BREReporter@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005596520

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 02/16/23

**Text of Ad:**

Ad#5596520 2/16/2023  
CITY OF PALM BAY, FLORIDA  
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on March 1, 2023, and by the City Council on April 6, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1. **\*\*CU-3-2023 - M. David Moallem (Erick Garcia Salas, Contineo Group and Cal Conner, U-Haul Co. of Eastern FL, Reps.)**

A Conditional Use to allow a proposed self-storage facility in a CC, Community Commercial District, in accordance with Section 185.088 of the Palm Bay Code of Ordinances

Tax Parcel 528, Section 22, Township 28, Range 37, Brevard County, Florida, containing approximately 4.9 acres. Located north of and adjacent to Hunter Avenue NE, in the vicinity east of Babcock Street NE

2. **CP-5-2023 - Sam Wolkowick, Babcock & Malabar, LLC (Shubman Desai, E.I., Bowman Consulting Group, Ltd. / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law / Alberto Krygier, Adelon Capital, Reps.)**

A small-scale Comprehensive Plan Future Land Use Map amendment from Residential Open Space Use to Commercial Use

Tract G.2 Retention Area, Port Malabar Unit 57, Section 4, Township 29, Range 37, Brevard County, Florida, containing 7.43 acres. Located in the vicinity, south of Malabar Road SE, east of Interstate-95 Highway, and west of Babcock Street SE

3. **\*\*Z-18-2023 - Sam Wolkowick, Babcock & Malabar, LLC (Shubman Desai, E.I., Bowman Consulting Group, Ltd. / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law / Alberto Krygier, Adelon Capital, Reps.)**

A zoning change from a CC, Community Commercial District to a GC, General Commercial District

A portion of Tax Parcel 1.1, Section 4, Township 29, Range 37, Brevard County, Florida, containing approximately 8.93 acres. Located in the vicinity, south of Malabar Road SE, east of Interstate-95 Highway, and west of Babcock Street SE

4. **T-12-2023 - City of Palm Bay (Public Works Department)**

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Section 174.073, to clarify residential elevations for single-family residential construction

**\*\*Indicates quasi-judicial request(s).**  
If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or the City Council 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.  
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Stephen White, Principal Planner

**DATE:** March 1, 2023

**SUBJECT:** T-12-2023 - Crown of Road for Single-Family Residential Construction - City of Palm Bay (Public Works Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Section 174.073, to clarify residential elevations for single-family residential construction

### ATTACHMENTS:

#### Description

- ▣ T-12-2023 - Staff Report
- ▣ T-12-2023 - Application
- ▣ T-12-2023 - Legal Ad



## STAFF REPORT

### LAND DEVELOPMENT DIVISION

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

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

#### Prepared by

Stephen White, Principal Planner, Growth Management

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#### CASE NUMBER

T-12-2023

#### PLANNING & ZONING BOARD HEARING DATE

March 1, 2023

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#### APPLICANT

City of Palm Bay

#### PROPERTY LOCATION/ADDRESS

Not Applicable

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#### SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Section 174.073 Single-Family Residential Construction, to clarify residential elevations for Single-Family Residential Construction.

#### Existing Land Use

Not Applicable

#### Site Improvements

Not Applicable

#### Site Acreage

Not Applicable

---

#### SURROUNDING ZONING & USE OF LAND

##### North

Not Applicable

##### East

Not Applicable

##### South

Not Applicable

##### West

Not Applicable

---



**BACKGROUND:**

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174: Floodplain and Stormwater Management, Section 174.073 Single-Family Residential Construction, to clarify residential elevations for Single-Family Residential Construction.

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

**SECTION INTENT AND APPLICABILITY OF 174.001(B):**

The purposes of this ordinance and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the 44 C.F.R., § 59.22.:

**ANALYSIS:**

In conducting a review of the Single-Family Residential Construction section of the Land Development Code for the City of Palm Bay, clarification was needed to establish required elevations for Single-Family residential dwelling units adjacent to existing dwellings and for those adjacent to vacant lots.

The proposed textual amendment provides for such clarification through the following parameters: Proposed dwellings adjacent to existing dwellings are to be based on the elevations of the existing surround Single-Family dwellings. In lieu of surrounding existing dwelling units, proposed dwellings are to be based off the crown (Centerpoint) of the road.

The proposed change from 2' to 3' is based on the lots that were once, or currently on septic, prior to city sewer being installed. Septic permit calculations are based around 34" to 46" above the crown of road. The proposed amendment to allow for 3' above the crown of the road will align new homes with the existing homes and creating a more aesthetically pleasing neighborhood.

**STAFF RECOMMENDATION:**

Case T-12-2023 meets the minimum criteria for a textual amendment. Staff recommends the proposed textual amendment for approval.

## **TITLE XVII: LAND DEVELOPMENT CODE**

### **Chapter 174: Floodplain and Stormwater Management**

#### **§ 174.073 SINGLE-FAMILY RESIDENTIAL CONSTRUCTION.**

(A) Drainage requirements for single family residential construction. All single-family residential development shall meet the following requirements:

(1) The finished floor elevation of the proposed dwelling may not be above the finished floor elevation of any existing side adjacent dwelling that is adjacent to the side of the proposed dwelling by more than one (1) foot for each four (4) feet of setback from the common property line.

(2) Side slopes on any area within the lot cannot exceed one (1) foot vertical for each four (4) feet horizontal.

(3) In areas with municipal sanitary sewer service, the maximum height of the finished floor elevation of a proposed dwelling cannot exceed one (1) foot above the finished floor elevation of any existing dwelling that is adjacent to the side of the proposed dwelling. >>If the proposed dwelling is not adjacent to any existing dwellings, the<<The maximum finished floor elevation may also not be more than ~~two (2)~~ >>three (3)<< feet above the crown of the road that the subject property abuts. Where no municipal sanitary sewer service exists, the maximum height of the finished floor elevation of a proposed dwelling cannot exceed six (6) inches above the finished floor elevation established by the septic tank permit.





**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:**

174.073, Single-Family Residential Construction

### **PROPOSED LANGUAGE (attach addendum if necessary):**

See attached

### **JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)**

The proposed textual amendment provides for such clarification through the following parameters: Proposed dwellings adjacent to existing dwellings are to be based on the elevations of the existing surround Single-Family dwellings. In lieu of surrounding existing dwelling units, proposed dwellings are to be based off the crown (Centerpoint) of the road. The proposed change from 2' to 3' is based on the lots that were once, or currently on septic, prior to city sewer being installed. Septic permit calculations are based around 34" to 46" above the crown of road. The proposed amendment to allow for 3' above the crown of the road will align new homes with the existing homes.

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 02/22/2023

Printed Name of Applicant Alexandra Bernard

Full Address Growth Management Director, City of Palm Bay, FL

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**

## TITLE XVII: LAND DEVELOPMENT CODE

### Chapter 174: Floodplain and Stormwater Management

#### § 174.073 SINGLE-FAMILY RESIDENTIAL CONSTRUCTION.

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(Ord. 2003-48, passed 11-20-03; Am. Ord. 2004-13, passed 4-22-04; Am. Ord. 2006-04, passed 2-2-06; Am. Ord. 2006-05, passed 2-2-06; Am. Ord. 2006-62, passed 6-15-06; Am. Ord. 2021-52, passed 9-2-21)







Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

PUBLICATION	TOLL-FREE	Local #	Email
Florida Today	888-516-9220	321-242-3632	BRELegals@gannett.com
Eagle	888-516-9220	321-242-3632	BREEagle@gannett.com
Reporter	888-516-9220	321-242-3632	BREReporter@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005596520

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 02/16/23

**Text of Ad:**

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Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist





## MEMORANDUM

**TO:** Planning and Zoning Board Members

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

**DATE:** March 1, 2023

**SUBJECT:** CP-6-2023 - Comprehensive Plan Elements (Remaining) - City of Palm Bay (Growth Management Department) - Adoption of updates to the City of Palm Bay Comprehensive Plan Transportation, Recreation and Open Space, Housing, Conservation, Intergovernmental Coordination, Coastal Management, Capital Improvements, Infrastructure, and Private Property Rights Elements