



AGENDA

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Regular Meeting No. 2015-12
December 2, 2015 – 7:00 P.M.
City Hall Council Chambers

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ADOPTION OF MINUTES:

1. Regular Meeting No. 2015-11; November 4, 2015

ANNOUNCEMENTS:

OLD BUSINESS:

1. FS-3-2015 – PALLADIO DEVELOPMENT, LLC (STEPHEN STRELECKI)

Final subdivision approval for a proposed 5-lot single-family residential development called Palladio Subdivision in an RS-2, Single Family Residential District.

Tract J, Port Malabar Unit 13, Section 36, Township 28, Range 36, Brevard County, Florida, containing 1.38 acres, more or less. (Located in the vicinity of the southeast corner of Ontario Street NW and Calcutta Avenue NW)

2. V-27-2015 – BONNIE KENNEDY

A variance request to allow a proposed detached garage to encroach 4.9 feet into the 25-foot front setback, 3 feet into the 10-foot rear setback, and 7.2 feet into the 8-foot side interior setback in an RS-3, Single-Family Residential District as established by Section 185.035(F)(7)(a)(b)(d) of the Palm Bay Code of Ordinances.

Tax Parcel 4, Section 24, Township 28, Range 37, Brevard County, Florida, containing .50 acres, more or less. (Located east of Miller Street NE in the vicinity south of Hickory Avenue NE and north of Turkey Creek, specifically at 1353 Miller Street NE)

SCHOOL COORDINATION BUSINESS:

1. PD-16-2015 – ZONS DEVELOPMENT, LLC (PAUL A. PALUZZI)

A planned development request for a proposed Regional Activity Center Planned Development Concept Plan in conjunction with a change in zoning from a GU, General Use District (Brevard County) to an RAC, Regional Activity Center District.

Tax Parcel 1 of Section 2, Township 30, Range 37; Tax Parcel 250 of Section 1, Township 30, Range 37; Tax Parcel 250 of Section 12, Township 30, Range 37; Tax Parcel 2 of Section 11, Township 30, Range 37, Brevard County, Florida, containing 723.06 acres, more or less. (Located east of Interstate 95, in the vicinity of the proposed Interstate 95 Interchange in southeast Palm Bay between Grant Road and Micco Road)

2. PUD-19-2015 – FALLS OF PALM BAY BUILDERS, LLC (MIKE EVANS)

A Final Planned Unit Development (PUD) request for a proposed 95-lot single-family residential development called The Falls at Palm Bay.

Tax Parcels 252 and 257, Section 1, Township 29, Range 36, Brevard County, Florida, containing 22.66 acres, more or less. (Located south of and adjacent to Malabar Road SW, in the vicinity west of Minton Road SW and east of Garvey Road SW)

3. PS-2-2015 – BAYRIDGE WEST, LLC (CHARLES GENONI)

A preliminary subdivision request to allow a proposed 99-lot single-family residential development called Bayridge Subdivision in an SRE, Suburban Residential Estate District.

Tax Parcel 502, Section 13, Township 29, Range 36, Brevard County, Florida, containing 39.75 acres, more or less. (Located at the northwest corner of Gaynor Drive SW and Gantry Street SW)

4. CP-12-2015 – CITIZENS NATIONAL BANK (JASON STEELE, REP.)

A Comprehensive Plan Future Land Use Map amendment from Industrial Use to Bayfront Mixed Use.

Tax Parcels 1.01 and 5, Section 14, Township 28, Range 37, Brevard County, Florida, containing 24.1 acres, more or less. (Located at the southern intersection of Robert J. Conlan Boulevard NE and the Florida East Coast Railroad, immediately north of The Shire Mobile Home Park)

5. CPZ-12-2015 – CITIZENS NATIONAL BANK (JASON STEELE, REP.)

A zoning amendment request to change from an LI, Light Industrial and Warehousing District and an HI, Heavy Industrial District to a BMU, Bayfront Mixed Use District.

Tax Parcels 1.01 and 5, Section 14, Township 28, Range 37, Brevard County, Florida, containing 24.1 acres, more or less. (Located at the southern intersection of Robert J. Conlan Boulevard NE and the Florida East Coast Railroad, immediately north of The Shire Mobile Home Park)

NEW BUSINESS:

1. V-29-2015 – STEVE SMOLKO

A variance request to allow an existing pool and proposed screen room to encroach 4 feet into the 10-foot rear setback and 2 feet into the 8-foot side interior setback in an RS-2, Single-Family Residential District as established by Section 185.118(A)(3) of the Palm Bay Code of Ordinances.

Lot 5, Block A, Sleepy Hollow Subdivision, Section 22, Township 28, Range 37, Brevard County, Florida., containing .22 acres, more or less. (Located north of and adjacent to Tarrytown Lane NE, in the vicinity south of Franklin Drive NE and north of Sleepy Hollow Drive NE, specifically at 2185 Tarrytown Lane NE)

2. V-30-2015 – DEREK HINDLE

A variance request to allow relief from the two-car garage requirement for a proposed reconstructed home in an RS-2, Single Family Residential District as established by Section 185.034(F)(8) of the Palm Bay Code of Ordinances.

Lot 23, Block 451, Port Malabar Unit 11, Section 8, Township 29, Range 37, Brevard County, Florida, containing .23 acres more or less. (Located south of and adjacent to Cornell Street SE, in the vicinity west of Emerson Drive SE, specifically at 886 Cornell Street SE)

3. CU-20-2015 – AMERCO REAL ESTATE COMPANY (DAVID POLLOCK)

A conditional use request to allow a proposed self-storage facility in a CC, Community Commercial District.

Tax Parcel 543, Section 22, Township 28, Range 37, Brevard County, Florida, containing 8.24 acres, more or less. (Located at the southeast corner of Palm Bay Road NE and Babcock Street NE, specifically at 4711 Babcock Street NE)

OTHER BUSINESS:

ADJOURNMENT:

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

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

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING NO. 2015-11

Held on Wednesday, November 4, 2015, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

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

Mr. Bob Williams called the meeting to order at approximately 7:00 p.m.

Mr. Adam Hill led the Pledge of Allegiance to the Flag.

Mr. Williams announced that that there were technical difficulties with the audio system so all comments should be spoken clearly and into the microphones. He addressed the audience on the meeting procedures and explained that the Planning and Zoning Board/Local Planning Agency consists of volunteers who act as an advisory board to City Council.

Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2015-10. Motion by Mr. Jacobs, seconded by Mr. Pezzillo to approve the minutes as presented. The motion carried with members voting unanimously.

ROLL CALL:

CHAIRMAN:	Bob Williams	Present
VICE CHAIRMAN:	Adam Hill	Present
MEMBER:	Samuel Artley	Present
MEMBER:	Conroy Jacobs	Present
MEMBER:	Leeta Jordan	Present
MEMBER:	Martha Melendez	Present
MEMBER:	William Pezzillo	Present
MEMBER:	Marty Piatkowski	Absent (Excused)
MEMBER:	Philip Weinberg	Present
APPOINTEE:	Wendall Stroder	Present

The absence of Mr. Piatkowski was excused.

CITY STAFF: Present were Mr. Stuart Buchanan, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Robert Loring, Planner; Ms. Chandra Powell, Growth Management Recording Secretary; Mr. James Stokes, Board Attorney; Mr. James Marshal, Bayfront Community Redevelopment Agency Administrator; Councilmember Tres Holton.

ADOPTION OF MINUTES:

Adoption of Minutes occurred prior to Roll Call.

ANNOUNCEMENTS:

Announcements were made following the Pledge of Allegiance to the Flag.

OLD BUSINESS:

1. CU-12-2015 – TREASURE COAST RESTAURANTS (MICHAEL KINZLEY)

Mr. Murphy presented the staff report for Case CU-12-2015. The applicant had requested conditional use approval of a planned commercial development to allow a proposed drive-through restaurant in a CC, Community Commercial District. The board must determine if the request, based on the submitted material and presentation, meets the general and specific requirements of the Code of Ordinances as identified in the staff report.

Mr. Hill noted that there had been no mention of a landscape plan for the project, and since patrons of the proposed Sonic Restaurant would eat from inside their vehicles, headlight glare, noise, and music piped outside the restaurant would have an effect on the residential area. Mr. Murphy indicated that the existing PVC fence was erected to address headlight glare concerns when Wal-Mart was constructed.

Mr. Pezzillo questioned how vehicles would maneuver from the restaurant and into the turn lanes to exit the area. Mr. Murphy discussed how vehicles would use the existing Wal-Mart openings and follow the same traffic patterns in place.

Mr. Todd Howder, project engineer with MBV Engineering, Inc. (representative for the applicant), stated that he was working with staff on landscape and lighting plans to meet code. He described the one-way, onsite traffic movement to access the drive-through and the ingress/egress points at the far northeast corner and the southwest corner of the Wal-Mart site.

Mr. Jacobs asked whether other options had been considered for the southwest access; namely, restricting the access for ingress only. Mr. Howder explained that the submitted layout for the project fit the logistics, orientation, and functioning of a Sonic Restaurant. The site had to also accommodate deliveries and dumpster enclosures. Two access points provided additional safety for patrons and emergency vehicles. Mr. Jacobs noted how traffic currently backed up at the southwest access where vehicles exited the Wal-Mart and Sonny's Restaurant. Mr. Howder stated that a traffic study would analyze the location.

Mr. Hill asked whether additional lighting, signage, and landscape buffering would be added to the site. Mr. Howder replied that the restaurant would supplement the Wal-Mart lighting where needed with lighting on shorter poles. The restaurant signage would not be illuminated and would be installed to code to complement the Wal-Mart sign. He indicated where a continuous 36-inch to 48-inch high hedge would be planted to block headlight glare. He said that he had no problems with any of staff's recommendations.

The floor was opened for public comments.

Ms. Katherine Kennedy (resident of Palm Bay) spoke in favor of the request. She remarked on the different ways vehicles could enter and exit the parking lot and how Sonic patrons did not keep their vehicles running or their headlights turned on. She was excited about the restaurant and the jobs it would bring to the area.

The floor was closed for public comments and there were no letters in the file.

Motion by Mr. Hill, seconded by Mr. Artley to submit Case CU-12-2015 to City Council for conditional use approval of a planned commercial development to allow a proposed drive-through restaurant in a CC, Community Commercial District subject to the staff report and with the condition that a landscape berm with extensive landscaping at the north Malabar Road property line be addressed in the landscape plan.

Mr. Jacobs re-emphasized his concern with onsite traffic and recommended an ingress-only restriction on the southwest access or that the applicant consider an alternative that would not expand the existing access problem. Ms. Jordan commented that the access issue would be addressed by the traffic study. Mr. Pezzillo added that the onsite traffic pattern was typical for a Sonic restaurant and both accesses were desired for safety purposes.

Mr. Jacobs clarified that his recommendation was to limit the turning movement to ingress-only for the southwest access, and the opening could be wide enough to accommodate emergency vehicles. The proposed Sonic location was unique as there was an existing condition with the Wal-Mart site. Mr. Williams believed that restricting the southwest access to one-way would direct too much onsite traffic to the east exit. Mr. Weinberg said that the access issue would be addressed by the traffic study, but he could support the access restriction as a recommendation.

Motion as amended by Mr. Hill, seconded by Mr. Artley to submit Case CU-12-2015 to City Council for conditional use approval of a planned commercial development to allow a proposed drive-through restaurant in a CC, Community Commercial District subject to the staff report and with the condition that a landscape berm with extensive landscaping at the north Malabar Road property line be addressed in the landscape plan and for entrances and exits and other options to be evaluated in the traffic study to focus on the southwest ingress and the parking lot and entrance traffic conditions unique to Wal-Mart. The motion carried with members voting unanimously.

City Council will hear Case CU-12-2015 on November 17, 2015.

SCHOOL COORDINATION BUSINESS:

1. FS-3-2015 – PALLADIO DEVELOPMENT, LLC (STEPHEN STRELECKI)

Case FS-3-2015 was continued by staff to the December 2, 2015 Planning and Zoning Board meeting. No board action was required to continue the case.

2. CP-8-2015 – LEETA S. JORDAN

Mr. Murphy presented the staff report for Case CP-8-2015. The applicant had requested a Comprehensive Plan Future Land Use amendment from Public/Semi-Public Use to Single Family Residential Use. Staff recommended Case CP-8-2015 for approval as a large scale amendment.

Mr. Stokes advised the board and audience that boardmember Leeta Jordan was the applicant for the request and that Ms. Jordan had completed for the file Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers.

Ms. Jordan recused herself as a boardmember from the case and approached the podium as the applicant. She stated her intentions to build a home on the subject site and informed the board that the Brevard County School Board had deemed the property to be surplus.

Mr. Hill was opposed to eliminating Public/Semi-Public Use property that could be used to benefit the public.

The floor was opened for public comments.

Mr. Bill Battin (resident of Palm Bay) and Mr. Stephen Childs (owner of property in Palm Bay) spoke in favor of the request.

The floor was closed for public comments and there were no letters in the file.

Mr. Weinberg noted that the City had no plans to purchase the subject site, so the applicant should be allowed to build a home on the property.

Motion by Mr. Weinberg, seconded by Mr. Pezzillo to submit Case CP-8-2015 to City Council for approval as a Large Scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Single Family Residential Use, pursuant to Florida Statutes, Chapter 163. The motion carried with members voting as follows:

Mr. Williams	Aye
Mr. Hill	Nay
Mr. Artley	Aye
Mr. Jacobs	Aye
Ms. Jordan	Abstained
Ms. Melendez	Aye
Mr. Pezzillo	Aye
Mr. Weinberg	Aye

City Council will hear Case CP-8-2015 on November 5, 2015.

NEW BUSINESS:

1. V-26-2015 – JOHN TURNER

Mr. Loring presented the staff report for Case V-26-2015. The applicant had requested a variance to allow an existing pool to encroach 3.5 feet into the 10-foot rear setback in an RS-2, Single Family Residential District as established by Section 185.118(A)(3) of the Palm Bay Code of Ordinances. The board had to determine, based on the facts presented, the degree of minimal relief to meet the needs of the variance request as required by Section 169.009, City of Palm Bay Code of Ordinances.

Mr. Pezzillo wanted to know who installed the pool. Mr. John Turner (applicant) replied that the pool was present when he purchased the property.

The floor was opened for public comments.

Mr. Barry Grass (resident of Palm Bay) spoke in favor of the request. He said that he was attempting to purchase the site and that the pool error was discovered three days before his closing. The pool was installed about 21 years ago and was not near the power lines.

The floor was closed for public comments and there was one letter in support of the request in the file.

Motion by Mr. Hill, seconded by Mr. Jacobs to submit Case V-26-2015 to City Council for approval of a variance request to allow an existing pool to encroach 3.5 feet into the 10-foot rear setback in an RS-2, Single Family Residential District as established by Section 185.118(A)(3) of the Palm Bay Code of Ordinances. The motion carried with members voting unanimously.

City Council will hear Case V-26-2015 on December 1, 2015.

2. V-27-2015 – BONNIE KENNEDY

The applicant had requested a continuance of Case V-27-2015 to the December 2, 2015 Planning and Zoning Board meeting. Board action was required to continue the case.

Motion by Mr. Jacobs, seconded by Mr. Pezzillo to continue Case V-27-2015 to the December 2, 2015 Planning and Zoning Board meeting. The motion carried with members voting unanimously.

3. V-28-2015 – BREVARD STOW-AWAY ONCE, LLC (JAKE WISE, REP.)

Mr. Loring presented the staff report for Case V-28-2015. The applicant had requested a variance to grant a proposed self-storage facility relief from the minimum parking requirement in a CC, Community Commercial District as established by Section 185.140(C)(27) of the Palm Bay Code of Ordinances. The board had to determine, based on the facts presented, the degree of minimal relief to meet the needs of the variance request as required by Section 169.009, City of Palm Bay Code of Ordinances.

Mr. Williams asked about the proposed self-storage facility. Mr. Loring explained that the variance was needed to increase the landscaping on the property by reducing greenspace. The landscaping request was a result of the Citizen Participation Plan (CPP) meeting held during the conditional use process to approve the facility. Mr. Pezzillo questioned how residents who lived over 150 feet from the site and in another subdivision were allowed to dictate conditions.

Mr. Jake Wise, civil engineer with Construction Engineering Group, Inc. (representative for the applicant), explained that at the direction of City Council, the applicant was required to address the citizen request for landscaping that would alleviate the amount of onsite impervious space. Traffic and aesthetics were the main concerns at the CPP meeting. He said that the site had twice as many parking spaces than needed and that self-storage was the lowest commercial traffic generator with traffic trips typically during off-peak hours.

Mr. Williams commented that all Palm Bay residents had a right to comment on projects, especially those that resided in close proximity to a development.

Mr. Jacobs stated that more landscaping would be an improvement. He was, however, concerned about truck traffic at the site. Mr. Wise described how trucks would maneuver the site through a one-way loop and widened driveways, and a traffic study would be done to address traffic trips.

Mr. Weinberg indicated that he was present during the City Council hearing for the conditional use and that the applicant had conceded to City Council and area residents.

The floor was opened for public comments.

Ms. Katherine Kennedy (resident of Palm Bay) spoke in favor of the request. She felt that any improvements that included landscaping would be beneficial and that improving aesthetics also improved surrounding property values.

The floor was closed for public comments and there were no letters in the file.

Motion by Mr. Hill, seconded by Mr. Jacobs to submit Case V-28-2015 to City Council for approval of a variance request to grant a proposed self-storage facility relief from the minimum parking requirement in a CC, Community Commercial District as established by Section 185.140(C)(27) of the Palm Bay Code of Ordinances subject to the staff report and a requirement for enhanced landscaping of trees and shrubs.

Mr. Jacobs stated that the site layout as proposed should alleviate traffic concerns.

A vote was called on the motion by Mr. Hill, seconded by Mr. Jacobs to submit Case V-28-2015 to City Council for approval of a variance request to grant a proposed self-storage facility relief from the minimum parking requirement in a CC, Community Commercial District as established by Section 185.140(c)(27) of the Palm Bay Code of Ordinances subject to the staff report and a requirement for enhanced landscaping of trees and shrubs. The motion carried with members voting unanimously.

City Council will hear Case V-28-2015 on December 1, 2015.

4. CU-15-2015 – KAIROS INTERNATIONAL MINISTRY
(DANNY ACOSTA, PASTOR)

Mr. Murphy presented the staff report for Case CU-15-2015. The applicant had requested a conditional use to allow an existing church in a GC, General Commercial District. The board must determine if the request, based on the submitted material and presentation, meets the general and specific requirements of the Code of Ordinances as identified in the staff report.

Mr. Williams questioned how the site would accommodate church parking, and he was concerned about vehicles parking along Florida Avenue NE and being towed. Mr. Danny Acosta (applicant) stated that most of his members would be picked up and dropped off by the church van, and he would dissuade drivers from parking along Florida Avenue.

Mr. Weinberg wanted to know the number of parishioners who rode the van. Mr. Acosta answered that half the members, approximately 14 out of 30, used the van service.

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

Motion by Mr. Jacobs, seconded by Mr. Weinberg to submit Case CU-15-2015 to City Council for approval of a conditional use request to allow an existing church in a GC, General Commercial District. The motion carried with members voting unanimously.

City Council will hear Case CU-15-2015 on December 1, 2015.

5. CP-9-2015 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Buchanan presented the staff report for Case CP-9-2015. The applicant had requested a Comprehensive Plan amendment to the Future Land Use Element to create a Future Land Use category called Bayfront Mixed Use and associated textual amendments removing conflicting language. Case CP-9-2015 was prepared by staff on behalf of the Bayfront Community Redevelopment District (BCRD) Department.

Mr. Buchanan clarified that the subject request would create a new Bayfront Mixed Use land use category. The existing Bayfront Mixed Use classification would be renamed Bayfront Mixed Use Village. He expounded on the new land use category.

BCRA Administrator James Marshal was present.

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

Motion by Mr. Pezzillo, seconded by Mr. Hill to submit Case CP-9-2015 to City Council for approval of a Comprehensive Plan amendment to the Future Land Use Element to create a Future Land Use category called Bayfront Mixed Use and associated textual amendments removing conflicting language. The motion carried with members voting unanimously.

City Council will hear Case CP-9-2015 on November 5, 2015.

6. T-17-2015 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Buchanan presented the staff report for Case T-17-2015. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code to create a new zoning district called BMU, Bayfront Mixed Use and associated textual amendments removing conflicting language. Case T-17-2015 was prepared by staff on behalf of the Bayfront Community Redevelopment District (BCRD) Department.

Mr. Buchanan explained how the textual amendment would establish a new BMU zoning district. The existing BMU district would be renamed BMUV, Bayfront Mixed Use Village District. He expounded on the new zoning classification and noted that the proposed zoning category could not be applied in the Bayfront Village District of the BCRD.

BCRA Administrator James Marshal was present.

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

Motion by Mr. Pezzillo, seconded by Mr. Artley to submit Case T-17-2015 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code to create a new zoning district called BMU, Bayfront Mixed Use and associated textual amendments removing conflicting language. The motion carried with members voting unanimously.

City Council will hear Case T-17-2015 on November 5, 2015.

7. CP-10-2015 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Buchanan presented the staff report for Case CP-10-2015. The applicant had requested an amendment to all Comprehensive Plan Elements related to the Evaluation and Appraisal Report (EAR) including new mandated policies addressing Sea Level Rise. Staff recommended Case CP-10-2015 for transmittal to the Florida Department of Economic Opportunity.

Mr. Buchanan stated that the subject request was approved by the board on February 4, 2014. The only change was the inclusion of policies to address the Sea Level Rise per a legislative mandate.

Mr. Jacobs remarked that references to the Planning Division in the submittal should be changed to the Growth Management Department. Mr. Buchanan noted the reference.

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

Motion by Mr. Jacobs, seconded by Mr. Weinberg to submit Case CP-10-2015 to City Council for approval as a transmittal to the Florida Department of Economic Opportunity for an amendment to all Comprehensive Plan Elements related to the Evaluation and Appraisal Report (EAR) including new mandated policies addressing Sea Level Rise. The motion carried with members voting unanimously.

City Council will hear Case CP-10-2015 on November 5, 2015.

8. T-18-2015 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Buchanan presented the staff report for Case T-18-2015. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code to modify Section 185.006 Definitions; 185.045 LI - Light Industrial and Warehousing District; and 185.046 HI - Heavy Industrial District. Case T-18-2015 was prepared by staff.

Mr. Buchanan explained the difference between assembly and manufacturing and discussed other uses and definitions addressed by the amendment.

Mr. Jacobs wanted the definition for assembly to indicate the exclusion of chemicals and explosives. Mr. Buchanan agreed to the suggestion.

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

Motion by Mr. Jacobs, seconded by Mr. Artley to submit Case T-18-2015 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code to modify Section 185.006 Definitions; 185.045 LI - Light Industrial and Warehousing District; and 185.046 HI - Heavy Industrial District, with the condition that the definition for assembly indicate the exclusion of chemical and explosive materials. The motion carried with members voting unanimously.

City Council will hear Case T-18-2015 on November 5, 2015.

9. CP-11-2015 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Buchanan presented the staff report for Case CP-11-2015. The applicant had requested an amendment to the Capital Improvements Element to add new Parks & Recreation capital projects and textual amendments removing conflicting language. Case CP-11-2015 was prepared by staff.

Mr. Buchanan explained that the subject amendment would add specific projects to the Capital Improvements Element so that grant funds could be sought by meeting State and Federal guidelines for grants. The capital projects were for the Pelican Harbor Marina, the Indian River Lagoon Marina, and the St. Johns Heritage Parkway.

Mr. Jacobs wanted to know how the funds would be spent. Mr. Buchanan commented on how the funds could be used to enhance the projects; however, the funds could not be used for maintenance.

Mr. Pezzillo asked if the City had someone to write the grants. Mr. Buchanan mentioned he had someone in mind with grant writing experience that could potentially fill the position.

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

Motion by Mr. Weinberg, seconded by Mr. Pezzillo to submit Case CP-11-2015 to City Council for approval of an amendment to the Capital Improvements Element to add new Parks & Recreation capital projects and textual amendments removing conflicting language. The motion carried with members voting unanimously.

City Council will hear Case CP-11-2015 on November 5, 2015.

OTHER BUSINESS:

1. Review and recommendation for renewal of the Joint Planning Agreement (JPA) between the City of Palm Bay and Brevard County.

Mr. Buchanan explained that the City and County would notify each other when they had projects within feet of each other's borders. The agreement also addressed the transfer and maintenance of roads.

Mr. Jacobs questioned the means to maintain roads to be turned over to the City. Mr. Buchanan responded that the City had to weigh whether the transfer of roads occurred under State terms or the City's. Improvements could be done now or they could wait until the State made a County road the City's responsibility.

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

Motion by Mr. Weinberg, seconded by Mr. Pezzillo to submit the proposed Joint Planning Agreement between the City of Palm Bay and Brevard County to City Council for approval. The motion carried with members voting unanimously.

City Council will consider the Joint Planning Agreement on November 5, 2015.

ADJOURNMENT:

The meeting was adjourned at approximately 9:15 p.m.

Bob Williams, CHAIRMAN

Attest:

Chandra Powell, SECRETARY

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>JORDAN, Leeta Sue</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Planning & Zoning Board</i>	
MAILING ADDRESS <i>526 Rangewood Dr SE</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Palm Bay</i>	COUNTY <i>Brevard</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Leeta JORDAN, hereby disclose that on November 4, 20 15:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

CP-8-2015 We are the successful bidder on this property and want use Change so we can build on the property.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

11.4.2015
Date Filed

Leeta Jordan
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



MEMO TO: PLANNING AND ZONING BOARD MEMBERS

FROM: PATRICK J. MURPHY, ASSISTANT DIRECTOR

DATE: DECEMBER 2, 2015

SUBJECT: CASE NO. FS-3-2015 (PALLADIO)

The applicant has not completed all of the necessary application submittal requirements and thus cannot be heard at the December 2, 2015 Planning and Zoning Board Meeting. As a result, staff is administratively continuing the request to the January 6, 2016 Board Meeting. The Board will not need to take action on this request.

PJM



DATE: November 4, 2015
CASE #: V-27-2015

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

PROPOSAL: A request to allow a proposed detached garage to encroach the 25' front setback by a maximum of 4.9', a request to encroach the rear 10' setback by a maximum of 3', and a request to encroach the 8' side interior setback by a maximum of 7.2' as provided for in Section 185.035(F) (7) (a) (b) (d), of the Palm Bay Code of Ordinances.

LOCATION: 1353 Miller Street NE

APPLICANT: Mrs. Bonnie L. Kennedy

SITE DATA

PRESENT ZONING: RS-3, Single Family Residential Zoning District

ACREAGE: 0.50 Acres +/-

DENSITY: N/A

ADJACENT ZONING & LAND USE:
N -- RS-3, Single Family Residential District, Single Family Home
E -- RS-3, Single Family Residential District, Single Family Home
S -- RS-3, Single Family Residential District, Turkey Creek
W -- RS-3, Single Family Residential District, Miller Street NE

WATER & SEWER: Water & Sewer service available

TRAFFIC COUNTS: Not Available

FLOOD ZONE: Zone "X" – area of minimum flood potential

**COMPLIANCE WITH THE
COMPREHENSIVE PLAN:** Not Specifically Addressed

BACKGROUND:

1. The site is located at 1353 Miller Street NE. The property contains .50 acres, more or less.
2. The property is zoned RS-3, Single Family Residential. Surrounding zoning includes RS-3 zoning to the north, south, east, and west.
3. The applicant is seeking a variance to allow a proposed detached garage to encroach the 25' front setback by a maximum of 4.9'; to encroach the 8' side interior setback by a maximum of 7.2'; and to encroach the rear setback by a maximum of 3', as provided for in Section 185.035 (F) (7) (a) (b), of the Palm Bay Code of Ordinances.

ANALYSIS:

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

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

The proposal is for a proposed 17.6' x 47' detached garage on a site that has some mature oaks and an existing well located on site. A review of the enclosed plan indicates that by locating the proposed garage closer to the existing home would result in a structure that would be more compliant to the setback requirements and have the added benefit of creating a more suitable separation distance between the existing trees and the proposed structure that would better allow for their continued survival. However, the existing well would need to be relocated in order to move the proposed garage closer to the home. The Board and Council must ultimately make a determination if there exists any special conditions or circumstances to consider with regard to this request.

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

The special conditions and circumstances identified in item 1 may be a direct result of the actions of the applicant. There appear other areas on site better suited to locate the proposed structure limiting the amount of relief requested. The Board and City Council must determine if the request has a hardship that requires relief from the Code, or if the hardship is self-induced.

Item 3 – “Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same land use category, zoning district or situation under the terms of the land development code, and would work unnecessary and undue hardship on the applicant.”

Literal interpretation and enforcement of the code would require applicant to construct a garage that meets the setback requirements for the RS-3 zoning district. The Board must ultimately decide if there exists a deprivation of rights with regard to the request.

Item 4 – “The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.”

City Council, after recommendation from the Planning and Zoning Board, will need to determine the minimum amount of relief, if any, that is required to make possible the reasonable use of the land, building or structure. It appears at minimum, and as requested, the applicant would require 4.9’ of relief from the 25’ front setback, 3’ from the rear setback, and 7.2’ of relief from the 8’ side interior setback, in order to accommodate the garage in its proposed size and location.

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

Based on the circumstances that exist, granting the variance as requested would confer a special privilege that is denied to other lands, building or structures in the same district by allowing the relief for the proposed garage. If the Board does wish to consider the variance request, items that they may want to impose on the applicant would be requiring additional landscaping along the side property line, which would limit any deleterious effects of the proposed garage onto the adjacent property to the North.

Item 6 – “The Granting of the variance will be in harmony with the general intent and purpose of this code, and will not be injurious to the surrounding properties or detrimental to the public welfare.”

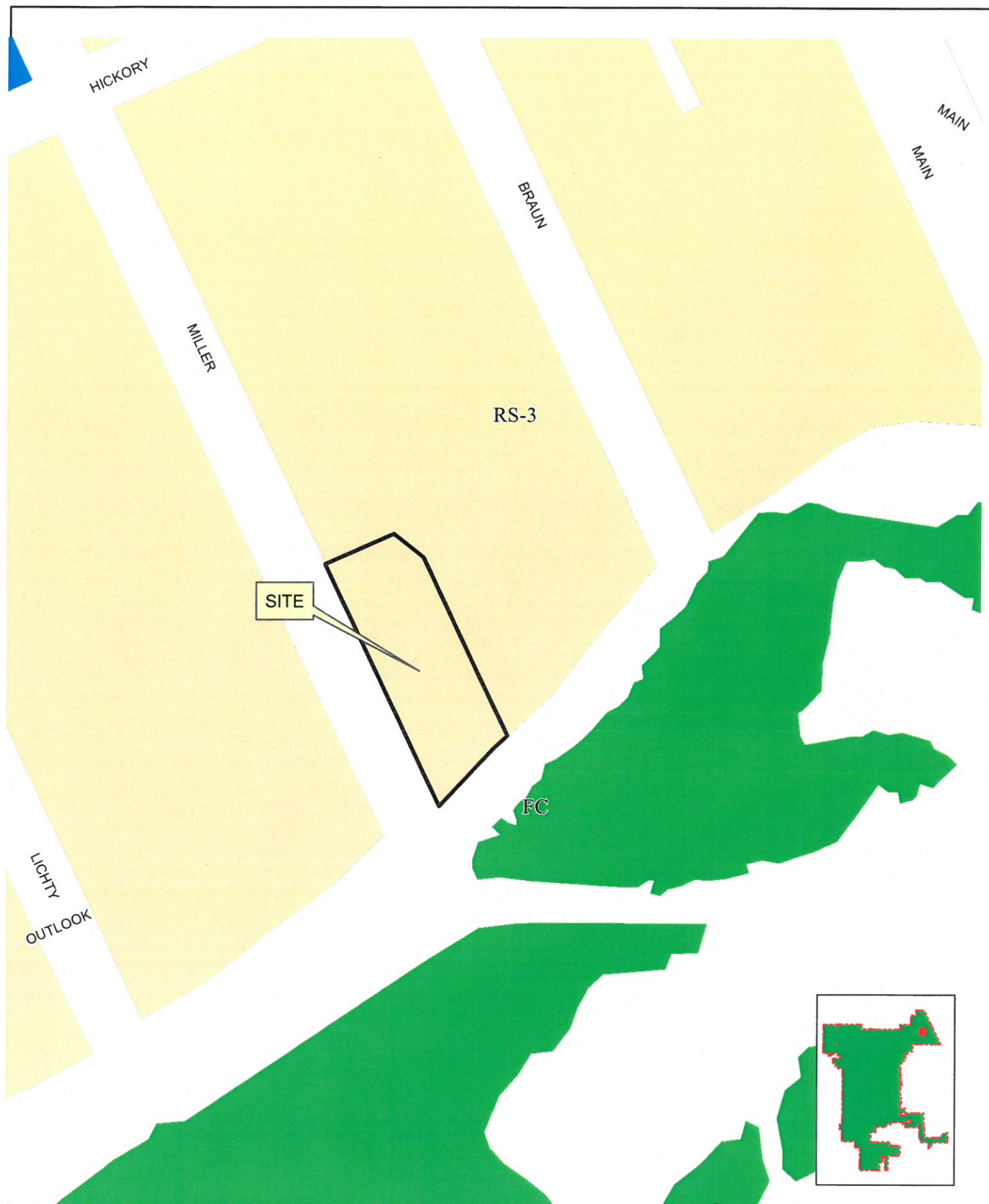
City Council will need to make a determination if the proposed use is in harmony with the general intent and purpose of the code.

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

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

STAFF FINDINGS:

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



CASE V-27-2015 LOCATION MAP



Map for illustrative purposes only. Not to be construed
as binding or as a survey.
Map created by the Land Development Division

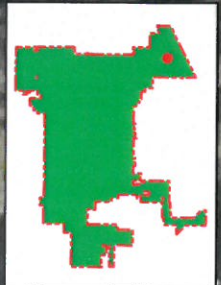


Map for illustrative purposes only. Not to be construed
as binding or as a survey.

Map created by the Land Development Division



CASE NO. V-27-2015



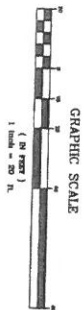
CASE V-27-2015 AERIAL VIEW



Map for illustrative purposes only. Not to be construed as binding or as a survey.
Map created by the Land Development Division



1353 Miller Street NE



- [illegible]



Miller Street
607 Knight-Old-Way Asbestos Project



WILLIAM MOTT LAND SURVEYING INC.

3800 W. EAU GALLIE BOULEVARD, SUITE 101
MELBOURNE, FLORIDA 32934-3285
PHONE (321)-751-4444 FAX (321)-751-4445

80% SSS/6 075A

CERTIFICATION
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 51-17.05, FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 417.027 OF THE FLORIDA STATUTES.

THIS SLIPNEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON PERSON OR ORGANIZATION IDENTIFIED BELOW AND ITS CONTENTS ARE NOT TO BE REPRODUCED, COPIED, REPRODUCED, OR OTHERWISE USED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE PERSON OR ORGANIZATION IDENTIFIED BELOW. IF YOU ARE NOT THE PERSON OR ORGANIZATION IDENTIFIED BELOW, YOU ARE NOT TO REPRODUCE, COPY, REPRODUCE, OR OTHERWISE USE IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE PERSON OR ORGANIZATION IDENTIFIED BELOW. IF YOU ARE NOT THE PERSON OR ORGANIZATION IDENTIFIED BELOW, YOU ARE NOT TO REPRODUCE, COPY, REPRODUCE, OR OTHERWISE USE IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE PERSON OR ORGANIZATION IDENTIFIED BELOW.

THIS AREA OF THE PROPERTY IS LOCATED IN FEDERAL FLOOD ZONE X, AREAS OF 0.2% ANNUAL CHANCE FLOOD AREAS OF 1% CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH REVERSE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD

THIS AREA OF THE PROPERTY IS LOCATED IN FEDERAL FLOOD ZONE X AND IS DETERMINED TO BE OUTSIDE THE 0.25 ANNUAL CHANCE FLOOD PLAIN

REVISIONS:	DATE:
------------	-------

A	
B	
C	
D	
E	
F	
G	
H	

THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1"=20' OR SMALLER

SCALE: 1"= 20' FEET
PROJECT NUMBER: 215-0196
OWNER: ROBERT & BONNET KENNEDY
DRAWING NAME: 15-196.DWG
DRAWN BY: TILLY BLANCHARD
COMPUTED BY: JONATHAN H. MOTT
CHECKED BY: JONATHAN H. MOTT
SECTION 24, TOWNSHIP 28 SOUTH, RANGE 37 EAST



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

VARIANCE APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to 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.

- 1) NAME OF APPLICANT (Type or print) MR. & MRS. MATTHEW KENNEDY (H&W)
ADDRESS 1353 MILLER ST. NE
CITY PALM BAY STATE FL ZIP 32909
PHONE # 321-626-6606 FAX # _____
E-MAIL ADDRESS bonnie.fmdc@gmail.com
- 2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION LOTS 3 & 4
BLK 8, W'LY 1/2 OF OUT LOT S & VAC TURKEY LAKE BLVD ADJ EXC ORB 4461 PG 2353
SECTION 24 TOWNSHIP 28 RANGE 37
- 3) STREET ADDRESS OF PROPERTY COVERED BY APPLICATION: 1353 MILLER ST. NE
- 4) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 0.41 ACRES
- 5) EXISTING ZONING CLASSIFICATION OF PROPERTY (ex.: RS-2, CC, etc.): RS-3
- 6) ARE THERE ANY STRUCTURES ON THE PROPERTY NOW?: X YES NO
- 7) HAS A VARIANCE APPLICATION PREVIOUSLY BEEN FILED FOR THIS PROPERTY?:
 YES X NO
IF SO, STATE THE NATURE OF THE PREVIOUS APPLICATION, WHETHER THE REQUEST
WAS APPROVED OR DENIED, AND DATE OF ACTION: N/A
- 8) DESCRIBE THE EXTENT OF THE VARIANCE REQUESTED AND THE INTENDED USE OF THE
PROPERTY IF THE VARIANCE IS GRANTED (SPECIFY NUMBER OF INCHES/FEET
ENCROACHING INTO SPECIFIC REQUIRED YARD SETBACK OR REQUIRED HEIGHT
RESTRICTIONS): Variance requested is up to 7.2' of the required 8' side setback and up to 5.0' of
the required 25' front setback for accessory structure. A garage is proposed to be constructed
using the existing driveway. (SEE ATTACHED EXHIBIT)

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

185.035 (F)(7)(a)&(b): 5' from front 25' setback and 7.2' from side 8' setback

- 10) GIVE WRITTEN EXPLANATION(S) DEMONSTRATING HOW THE VARIANCE MEETS THE FOLLOWING CONDITIONS:

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

(a) The lot in question is adjacent to Turkey Creek and slopes from north (existing driveway) to south (Turkey Creek). There exist a number of very mature, large diameter oak trees that restrict access from Miller St.; except for the existing driveway there is no other practical access from Miller St.

(b) The topography and existing oak trees are not a result of the applicant's actions.

(c) It is customary for single family residential zoning classifications to enjoy the use and benefit of an enclosed garage.

(d) The requested variance is the minimum variance possible.

(e) No special privilege will be awarded applicant not commonly enjoyed by this variance.

(f) Proposed garage abuts neighbors garage. Size and location will be in harmony with the general intent and purpose of this code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

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

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

_____ BERT J. HARRIS PRIVATE PROPERTY RIGHTS PROTECTION ACT, Chapter 95-181, Laws of Florida.
Provide a copy of one of the following: _____ Special master appointed in accordance with the act.
_____ Court order as described in the act.

_____ AMERICANS WITH DISABILITIES ACT. Cite the section of the act from which the variance request will provide relief: _____

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

✓ _____ *\$300.00 Application Fee. Make check payable to "City of Palm Bay."

✓ _____ A listing 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 can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.brevardpropertyappraiser.com) List shall be legible and the source of that information stated here: Brevard County Planning & Zoning

_____ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.

_____ A site plan drawn to scale which shows all property and yard dimensions, its structures (if any) and the variance desired, including abutting highway or road boundaries. Submit in electronic or PDF format.

_____ A survey prepared by a registered surveyor showing all property lines and structures.

_____ WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE VARIANCE.

_____ IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

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

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

Signature of Applicant

Bonnie L Kennedy

Date 9-29-2015

Printed Name of Applicant

Bonnie Kennedy

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

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

- PROPOSAL:** A Zoning Map Amendment and Concept Plan Approval are requested to change from the GU, General Use District (Brevard County) to the RAC, Regional Activity Center District.
- LOCATION:** The property is located east of and adjacent to Interstate 95, where the future south interchange of I-95 and the St. Johns Heritage Parkway SE is located. Specifically; the subject property is Tax Parcel 1 of Section 2; Tax Parcel 250 of Section 1; Tax Parcel 250 of Section 12; and Tax Parcel 2 of Section 11; all of which are located in Township 30 south and Range 37 east, Brevard County, Florida.
- APPLICANT:** Zons Development, LLC. (Paul Paluzzi, Manager)

SITE DATA

- PRESENT ZONING:** GU, General Use District (Brevard County)
- ACREAGE:** 723.06 acres (±)
- DENSITY:** A Maximum of 1,260 Dwelling Units (per Ordinance No. 2010-25)
- ADJACENT ZONING & LAND USE:**
- | | | |
|----------|----|--|
| N | -- | GU, General Use District (Brevard County); Vacant Land |
| E | -- | GU, General Use District (Brevard County); Vacant Land |
| S | -- | GU, General Use District (Brevard County); Vacant Land |
| W | -- | GU, General Use District (Brevard County); Interstate 95 |
- WATER & SEWER:** City Water & Sewer Required
- FLOOD ZONE:** Approximately 50% or more of the subject property is located in a Special Flood Hazard Area (Zone A). A stormwater calculation will be required for development
- COMPLIANCE WITH THE COMPREHENSIVE PLAN:** Yes

BACKGROUND:

1. The property is located east of and adjacent to Interstate 95, where the future south interchange of I-95 and the St. Johns Heritage Parkway SE is located. Specifically; the subject property is Tax Parcel 1 of Section 2; Tax Parcel 250 of Section 1; Tax Parcel 250 of Section 12; and Tax Parcel 2 of Section 11; all of which are located in Township 30 south and Range 37 east, Brevard County, Florida.
2. The adjacent zoning and land uses are as follows:

<u>NORTH:</u>	GU, General Use District (Brevard County); Vacant Land
<u>EAST:</u>	GU, General Use District (Brevard County); Vacant Land
<u>SOUTH:</u>	GU, General Use District (Brevard County); Vacant Land
<u>WEST:</u>	GU, General Use District (Brevard County); Interstate 95
3. The applicant is requesting a Zoning Map Amendment to change from the GU, General Use District (Brevard County) to the RAC, Regional Activity Center District and approval of a Preliminary Development Plan (PDP) for a development name "Emerald City". The applicant for this request is Paul Paluzzi, Manager of Zons Development, LLC. The subject property is approximately 723.06 acres.
4. Pursuant to the RAC zoning category, approval occurs in two stages: Concept Plans (PDP) are approved for the overall development and at the same time, or at a later date, Final Development Plans are approved showing the details for phases of the project as they are ready to construct. Approval of the PDP results in rezoning of the site to the RAC, Regional Activity Center District on the Zoning Map. Development of the site cannot occur until a Final Development Plan is approved by City Council.
4. The site contained in this request received approval for the Regional Activity Center land use category in the Comprehensive Plan on March 15, 2011 (Ordinance No. 2010-25). The requested zoning district is the companion zoning for this land use land use category.

ANALYSIS:

1. The property is presently vacant. In the southwest corner of the site is stormwater retention pond owned and maintained by the Florida Department of Transportation. This pond is not a part of the request. The site is located east of and adjacent to Interstate 95 and north and south of the proposed St. Johns Heritage Parkway.
2. The "Emerald City Concept Plan" plan creates categories, uses, densities and intensities to provide consistency with the Regional Activity Center Use, allowing a maximum residential use of 1,260 dwelling units and 1,250,000 square feet of non-residential uses. The plan identifies three (3) categories: Workplace; Urban Living; and Open Space.

Workplace:

The Workplace Area offers opportunities for large neighborhood and regional retailers, as well as professional office, research, industrial and development users to create a job center for the community's residents and the highly-trained workforce within the city. This use category is where the non-residential uses would be developed. It also allocates 252 multi-family units at a maximum 30 dwelling units per acre.

Urban Living:

The Urban Living Area provides a mix of residential products to suit a range of life stages; working professionals, young families, retirees, and senior's aging-in-place. This use category is allocated 330 single family units at a maximum of 9 units per acre and 678 multi-family units at a maximum of 30 units per acre.

Open Space:

The Open Space areas are divided into two (2) categories; Activity Based and Resource Based lands. The design for Emerald City features compact neighborhoods allowing the preservation and protection of larger areas for nature and promoting environmental stewardship of the land. This category is allocated 46 acres of Activity Based uses, which may include parks, a nature center, playing fields, walking/biking trails and other recreational uses; and 251 acres of Resource Based uses, which may include conservation, preservation and nature walk areas.

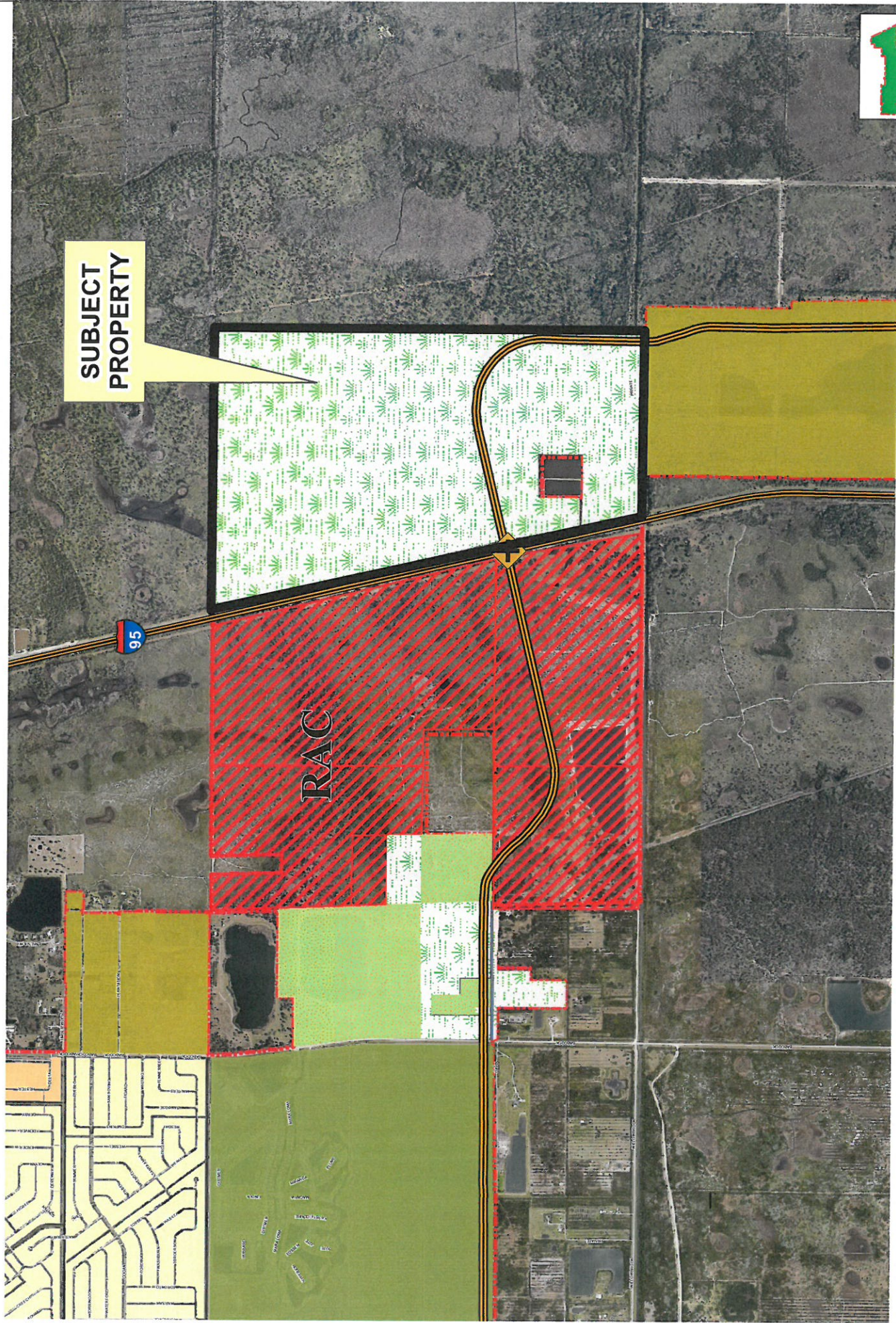
3. The Schedule of Uses and Conceptual Design Standards were provided and appear adequate to control development of the Final Development Plans. These guidelines are designed to effectively guide the future development towards the Smart Growth patterns envisioned by the Regional Activity Center category. The overall standards promote compact development, mixed use, sustainability and coordinated project and site design. The application is thus consistent with the policies and objectives of the Palm Bay Comprehensive Plan Regional Activity Center Use land use category.

STAFF RECOMMENDATION:

A motion to approve the "Emerald City Regional Activity Center Concept Plan" as presented and to rezone the subject site to the Regional Activity Center District.

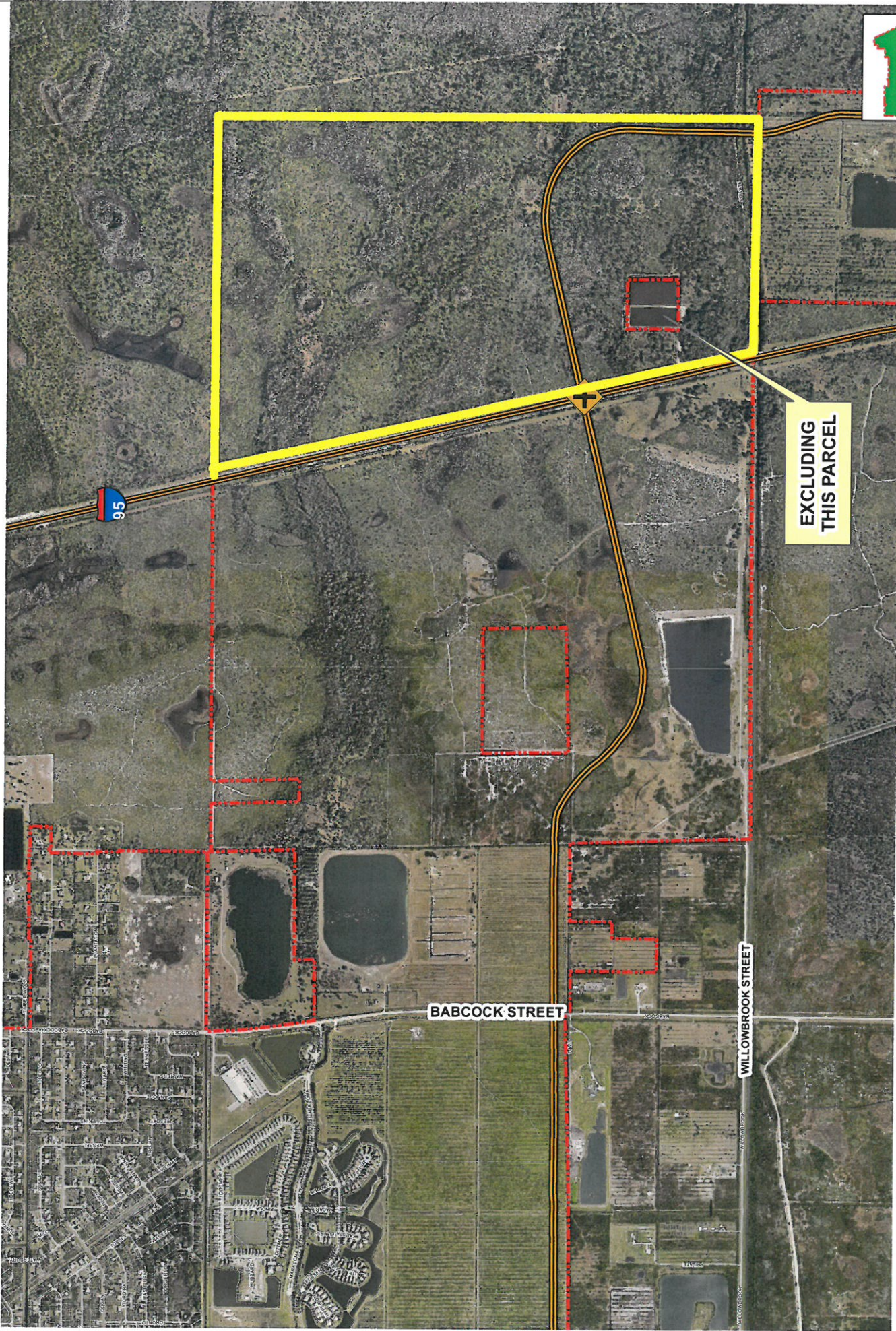


**SUBJECT
PROPERTY**



Map for illustrative purposes only. Not to be construed as binding or a warranty.
Map created by Paul and Christopher Deane

CASE NO. PD-16-2015



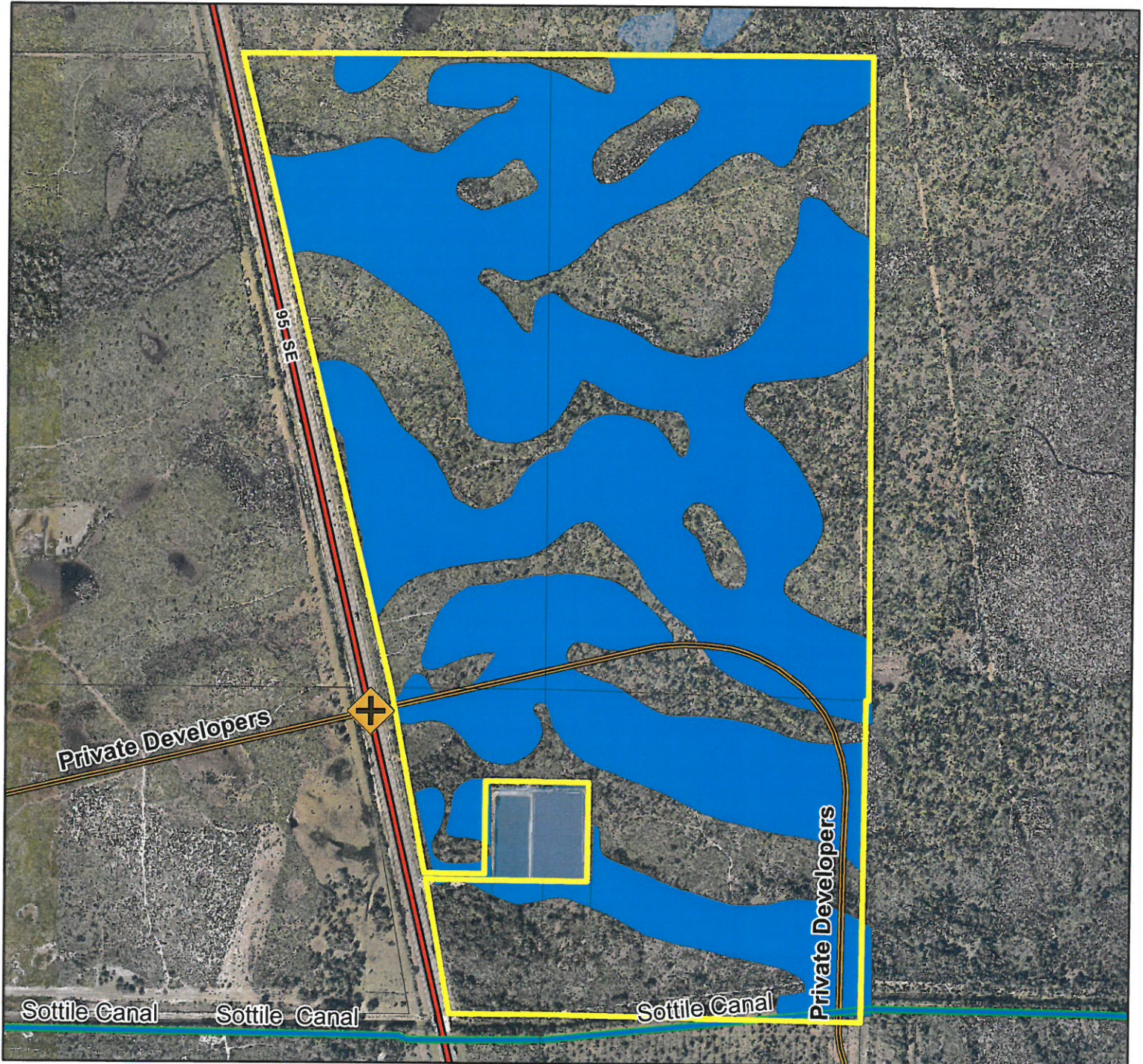
EXCLUDING
THIS PARCEL

CASE NO. PD-16-2015



Map for Bidding and Construction is not to be construed as a warranty or a contract.
Map created by the Land Development Division

FLOODZONE DETERMINATION



CITY LIMITS

JIM WILLIAMS CFM
FLOODPLAIN ADMINISTRATOR
CITY OF PALM BAY
321-733-3042 willij@palmbayflorida.org

FLOODZONES

AE = BASE FLOOD ELEVATION (BFE) ESTABLISHED FLOOD INS. MANDATORY FOR FEDERALLY INSURED MORTGAGE
 A = NO BASE FLOOD ELEVATION (BFE) ESTABLISHED HIGHEST FLOOD INSURANCE RATE FLOOD INS. MANDATORY FOR FEDERALLY INSURED MORTGAGE

FW = FLOODWAY - NO CONSTRUCTION ALLOWED
 X = AREA'S OUTSIDE 500 YEAR FLOODPLAIN
X-500 = AREA'S OF 500 YEAR FLOOD .2 % CHANCE OF FLOODING IN ANY GIVEN YEAR

FEMA LOMA - LOMR- OAS

LOMA CASE NO.
 LOMR-F LOMA DATE
 OUT AS SHOWN
 DECLINED

X ZONES ARE NOT REQUIRED TO CARRY FLOOD INSURANCE, BUT QUALIFY FOR "PREFERRED RISK" POLICIES AND THE RATES ARE LOWER THAN "A" OR "AE" ZONES

NARRATIVE

The 723 acres owned by Brevard Landvest LLC known as "Emerald City" was designated as a Regional Activity Center Use by City of Palm Bay Ordinance No. 2010-25 and by the State of Florida Department of Community Affairs on March 15, 2011. The property is located at the future intersection of Interstate 95 and St. Johns Heritage Parkway in Palm Bay, Florida. The project has been developed using urban planning principals to appeal to a broad spectrum of people who place high value on natural beauty, social venues, workplace community living and sustainability. The project is designed with pedestrian friendly streets within both the residential and commercial areas, providing connectivity, walkability and promoting an active lifestyle.

The Planned Development Concept Zoning Plan creates the categories, uses, densities and intensities to provide consistency with the Regional Activity Center Use allowing a maximum residential use of 1,260 dwelling units and 1,250,000 square feet non-residential uses.

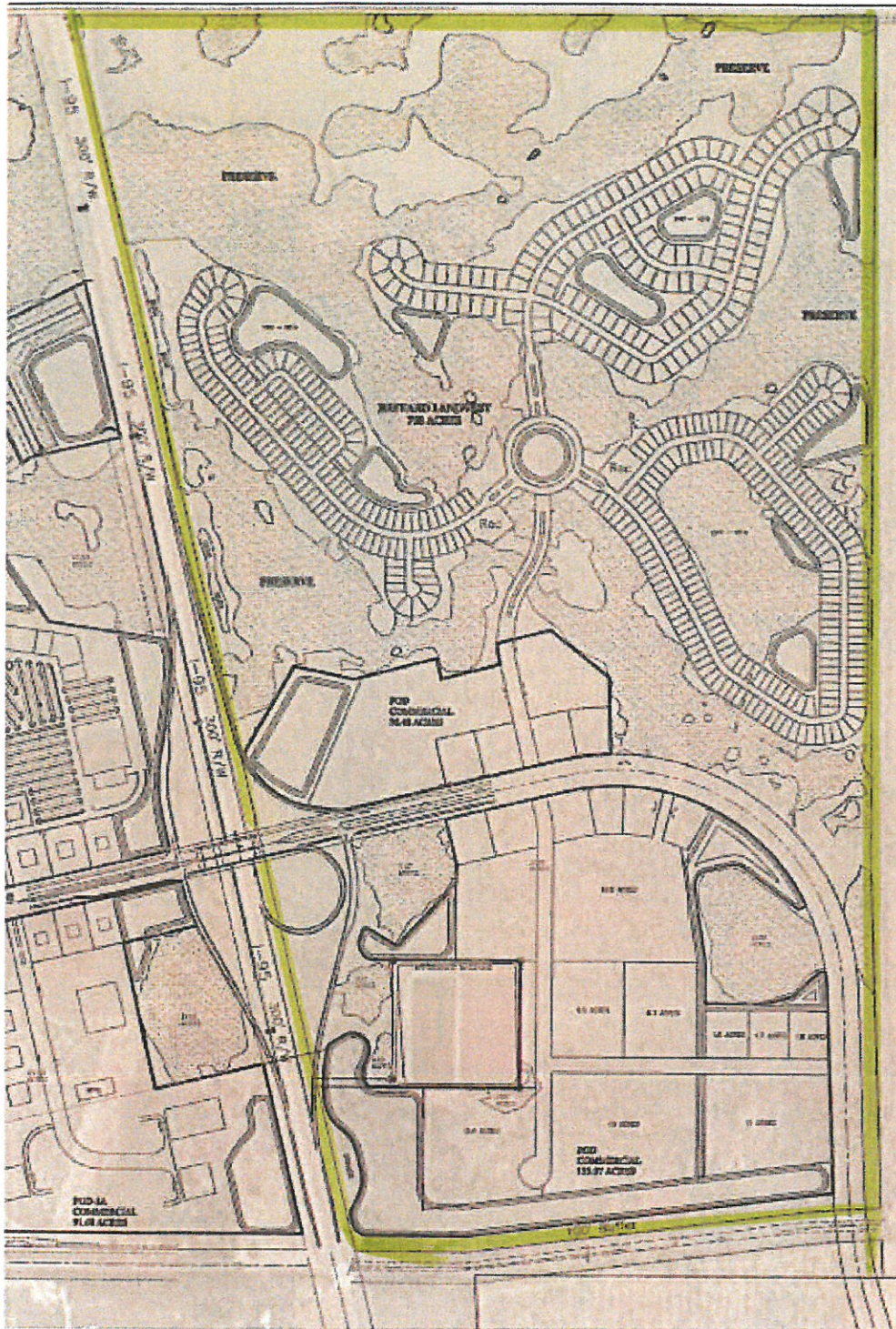
Emerald City will include three (3) Zoning Use Categories in the Brevard Landvest property east of Interstate 95; A. Workplace, C. Urban Living and D. Open Space.

A. The Workplace area offers opportunities for large neighborhood and regional retailers, as well as professional office, research, industrial and development users to create a job center for the community's residents and the highly trained workforce within the City. This use category is allocated 1,250,000 square feet for Commercial, Office, Industrial and Office uses, and 252 Multifamily units at a maximum 30 dwelling units per acre.

B. The Urban Living area provides a mixed of residential products to suit a range of life stages; working professionals, young families, retirees, and seniors aging-in-place. This use category is allocated 330 single family units at a maximum 9 units per acre and 678 multifamily units at a maximum 30 units per acre.

C. The Open Space areas are divided into two categories, Activity Based and Resource Based lands. The design for Emerald City features compact neighborhoods allowing the preservation and protection of larger areas for nature and promoting environmental stewardship of the land. This use category is allocated 46 acres for Activity Based uses, which may include parks, nature center, playing fields, walking, biking trails and other recreational uses; and 251 acres Resource Based uses which may include conservation, preservation and nature walk areas.

BOYD RAC CONCEPT PLA



Use Categories	Total Square Footage	Total Dwelling Units (Du's)	Acres	Total Acreage
WORKPLACE				272
Commercial/Office/Industrial	1,250,000			
URBAN LIVING				154
Single Family		330		
MultiFamily		930		
OPEN SPACE				297
Activity Based			46	
Resource Based			251	
roads/utilities				
TOTAL	1,250,000	1,260		723

CONSISTENCY WITH CITY OF PALM BAY ORDINANCE NO. 2010-25
BREVARD REGIONAL ACTIVITY CENTER

1. Brevard Landvest, LLC, its owners and assigns shall maintain consistency with City of Palm Bay Comprehensive Plan Regional Activity Center Goals, Objectives and Policies.
2. The Brevard RAC Concept Master Land Use Plan has been made part of the City's Future Land Use Map Series, Map #22.
3. The Brevard RAC project acreage is 723 acres. The boundary lines or acreages shown on the adopted Concept Master Plan may be adjusted based on final permitting and dedication of lands to the City of Palm Bay and/or Brevard County for rights-of-way for the Palm Bay Parkway (aka St. Johns Heritage Parkway), the Interstate 95 Interchange and the Sotille Canal, provided the acreage requirements of the RAC policies are complied with.
4. The total number of residential dwelling units shall not exceed 1,260 dwelling units and the total square footage of non-residential use shall not exceed 1,250,000 square feet.
5. The Brevard Landvest Development Conceptual Zoning Plan includes the following maximum densities and intensities:

Use Categories	Total Square Footage	Total Dwelling Units (Du's)	Acres	Total Acreage
WORKPLACE				272
Commercial/Office/Industrial	1,250,000			
URBAN LIVING				154
Single Family		330		
MultiFamily		930		
OPEN SPACE				297
Activity Based			46	
Resource Based			251	
roads/utilities				
TOTAL	1,250,000	1,260		723

The net buildable acreage is 472 acres, calculated as 723 acres (Total Project Acreage) less 251 acres (Resource Based Open Space.)

6. The location of uses and intensities may be moved within project boundaries as long as they are consistent with the maximum and minimum densities and intensities of the RAC policies.



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

REZONING APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to 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.

1) NAME OF APPLICANT (Type or print) Zons Development, LLC % Paul A. Paluzzi, Manager

ADDRESS 605 S. Fremont Avenue

CITY Tampa STATE FL ZIP 33606

PHONE # 813-514-1776 #21 FAX # 813-514-1854

E-MAIL ADDRESS paul@zonsdevelopment.com

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION

see attached

SECTION 1, 2, 11, 12 (portions) TOWNSHIP 30 South RANGE 37 East

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 723.06 acres

4) ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.) GU - General Use District

5) ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): RAC - Regional Activity Center

6) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY? No

7) JUSTIFICATION FOR REZONING: Consistency with Regional Activity Center (RAC) Land Use,

8) PRESENT USE OF THE PROPERTY: Agricultural Cattle Grazing

Ordinance No. 2010-25

9) INTENDED USE OF PROPERTY: Residential, Commercial, Office, Retail and Industrial Uses

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

XX *\$600.00 Application Fee. Make check payable to "City of Palm Bay."

XX Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)). Provide in PDF format if larger than 11" x 14".

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

XX A listing 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 can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.brevardpropertyappraiser.com) List shall be legible and the source of that information stated here: Brevard County Property Appraiser, Dana Blickey, CFA

Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.

XX WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE REZONING.

XX IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

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

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

Signature of Applicant



Date

8/31/15

Printed Name of Applicant

Paul A. Paluzzi

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

LLC RESOLUTION AND AFFIDAVIT

I, Walter Forrer, the sole member of Brevard Landvest LLC ("Company"), upon oath do hereby certify, that the following statements are true and correct:

1. The Company is a manager managed limited liability company. The Manager of the LLC is Nick Dionisio. There is not now and there never has been an operating agreement prepared in connection with the Company.
2. The Company, by and through the sole member has or will be entering into that certain Vacant Land Contract and Addendum (collectively the "Contract") by and between the Company, as the seller and Zons Development LLC and/or assigns, as the buyer dated _____, 2014.
3. By appropriate action, approved by the sole member of the Company, the following resolutions were unanimously adopted:

"Be it resolved as follows:

That the sole member authorizes Paul Paluzzi to execute any and all documents on behalf of the Company concerning the taking of any action and the execution of any documents as authorized pursuant to paragraph m) of the Addendum entitled "Cooperation" including but not limited to taking any action and the execution of documents necessary or required in connection with obtaining any of the Entitlements as defined in the Addendum (hereinafter the "Approved Action") all in connection with the property described on the attached Exhibit "A" ("Property") pursuant to the Contract.

That Paul Paluzzi may do and perform each and every act and thing whatsoever requisite, necessary, and proper to be done in connection with the Approved Action described above as well as doing any and all things requisite, necessary and proper on behalf of the Company, with full power of revocation, hereby ratifying and confirming all that Paul Paluzzi shall lawfully do or cause to be done by virtue of this Resolution and the rights and powers herein granted.

To sign, endorse, execute, acknowledge, deliver, receive, and possess such applications, agreements, documents and such other instruments in writing of whatever kind and nature as may be necessary or proper in the exercise of the rights and powers herein granted;

The undersigned sole member consents to the execution of any such documentation by Paul Paluzzi, as an agent of the Company for the limited purposes provided herein.

The Company has not been dissolved or annulled, and no proceeding is pending, nor any action filed for dissolution or annulment of the same.

I/We each have read all of the provisions of this resolution and I/We each, jointly and severally, and on behalf of the Company, certify and agree to its terms.

{5832-64 00838282.DOC;1 10/1/2014}



The foregoing Resolution is outstanding and in full force and effect and has not been modified, amended or rescinded in any particular."

FURTHER AFFIANT SAYETH NOT.

Signed, sealed and delivered
in the presence of:

Affiant:

Brevard Landvest LLC, a Florida limited liability company,

Witness #1 Signature

W. Rodgers Newen

Witness #1 Printed Name

W. Rodgers Newen

Witness #2 Signature

William R. Newen

Witness #2 Printed Name

By:

Walter Forrer, sole member

By: John D. Copanos as
agent for Walter Forrer

John D. Copanos

STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 20th day of October, 2014,
by John D. Copanos, as the authorized agent of Walter Forrer, the sole member of Brevard
Landvest LLC.

Notary Public: Susan M. Messenger
Print Name: SUSAN M. MESSINGER
My Commission Expires: 2/16/2018



Personally Known P (OR) Produced Identification. _____
Type of identification produced _____

I/We each have read all of the provisions of this resolution and I/We each, jointly and severally, and on behalf of the Company, certify and agree to its terms.

The foregoing Resolution is outstanding and in full force and effect and has not been modified, amended or rescinded in any particular."

Brevard Landvest LLC, a Florida limited liability company,

By: 
Walter Forrer, sole member

Kanton St.Gallen
Departement des Innern

Amt für Handelsregister und Notariate
Amtsnotariat Buchs



Buchs SG, 23. September 2014

Amtsnotariat Buchs
Bahnhofstrasse 2
8470 Buchs SG
T 058 229 76 92
Info.amnbu@sg.ch
www.amnbu.sg.ch

BB.2014.1118

Attestation of signature

Mr. Forrer Walter, born 27.03.1941, from Sennwald-Frümsen und Sevelen, resident at Sandstrasse 8, 7310 Bad Ragaz,

has signed in my presence the signature hereover in his own hand. Based on this, I hereby certify the signature as true and correct.

This certification is limited to the attestation of the signature only and does not refer to the content of the document, for which the Amtsnotariat assumes no responsibility.

The Notary Public:

Herrn. HSG Evelyn Heft-Mühle



2/2

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

- PROPOSAL:** Final Planned Unit Development for a single family residential subdivision to be called The Falls of Palm Bay PUD.
- LOCATION:** The project is located south of and adjacent to Malabar Road SW, approximately 3,200 linear feet west of Minton Road. Specifically, the property is Tax Parcels 252 and 257, Section 1, Township 29 south, and Range 36 east.
- APPLICANT:** Falls of Palm Bay Builders, LLC. (Mike Evans, Manager)

SITE DATA

- PRESENT ZONING:** RM-15, Single-, Two- and Multi-Family Residential
- ACREAGE:** 22.66 acres (\pm)
- DENSITY:** 15 units per acre (UPA) are allowable in the RM-15 zoning district; the PUD zoning district allows up to twelve (12) UPA; the applicant is proposing 4.32 UPA (after ROW dedication)
- ADJACENT ZONING & LAND USE:**
- | | |
|----------|---|
| N | -- RM-15, Single-, Two- and Multi-Family Residential; Malabar Road SW |
| E | -- RM-15, Single-, Two- and Multi-Family Residential; Vacant Land and the Malabar Cove Apartments |
| S | -- RM-15, Single-, Two- and Multi-Family Residential; City Drainage Ditch |
| W | -- RM-15, Single-, Two- and Multi-Family Residential; Vacant Land |
- WATER & SEWER:** City Water & Sewer Available and Required
- FLOOD ZONE:** X, area outside the 500 year flood zone
- COMPLIANCE WITH THE COMPREHENSIVE PLAN:** Yes.

BACKGROUND:

1. The project is located south of and adjacent to Malabar Road SW, approximately 3,200 linear feet west of Minton Road. Specifically, the property is Tax Parcels 252 and 257, Section 1, Township 29 south, and Range 36 east, Brevard County, Florida.
2. The current zoning RM-15, Single-, Two- and Multi-Family Residential. The subject property is bordered by RM-15 zoning on all sides. The surrounding land uses are as follows: the north is Malabar Road SW and to the south is a City Drainage Ditch. To the east is vacant land and the Malabar Cove Apartments. Vacant land exists to the west.
3. The subject properties, which are actually two (2) separate tax parcels of 11.33 acres each, was granted Conditional Use approval on November 3, 2005 (Resolution No. 2005-48). The approval was for a townhome development of 177 units, to be called "The Falls". The site plan was later modified via Resolution No. 2008-15. The project contained the same number of units, but several amenity features were eliminated and the project was then called "The Falls of Palm Bay".
4. The current request is for Final Planned Unit Development (PUD) approval in order to construct a single family residential subdivision with a total of 95 lots. The name of the subdivision will be "The Falls of Palm Bay" and will encompass 22.66 acres of land. The applicant for this request, Falls of Palm Bay Builders, LLC, will be represented by Mike Evans, Manager of Format Investments, LLC. The subject property is designated as Multiple Family Residential Use on the Comprehensive Plan Future Land Use Map. This category allows for single family homes, therefore, a map amendment is not required.

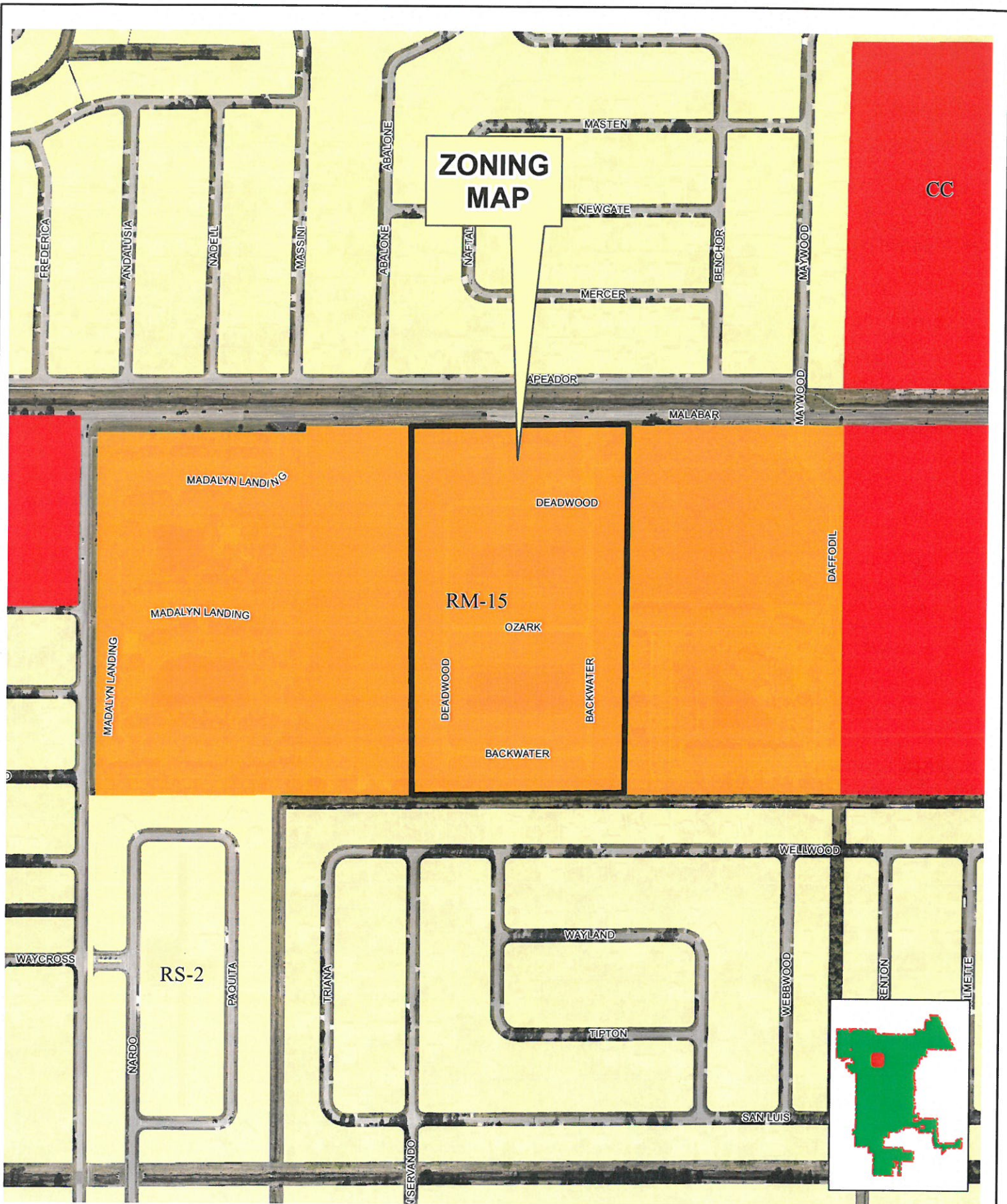
ANALYSIS:

1. The internal roads, water and sewer lines, underground electric and the stormwater treatment system have already been installed. They were constructed in 2007 in anticipation of the "The Falls" Townhome project. No additional infrastructure is needed in order to accommodate the proposed single family construction. Additional sewer service lines will be needed for the lots, but the amount of such is minor in nature. All water and sewer lines will need to be tested and re-certified by the Florida Department of Environmental Protection (FDEP).
2. The proposed subdivision will be a gated community with a decorative entrance. A pavilion with an associated parking area is provided at the entrance and a gazebo is proposed in the east portion of each stormwater pond. All 95 of the lots will have direct access to interior roads. However, the submitted development plan appears to only provide 24 feet of road right-of-way (ROW) width. The minimum ROW width per city code is 50 feet. Per Section 184.21 of the Code of Ordinances, Sidewalks are required along all streets in all new subdivisions. The submitted plan proposes limited sidewalks.

3. With regards to the items noted in paragraph 2. Section 185.065 (J) provides that "Design requirements with respect to streets, sidewalks and drainage may be waived by the City Council upon the recommendation of the Planning and Zoning Board and the Department of Public Works." The City Engineer has stated that the reduced ROW width may be approved, so long as the roads remain privately owned and maintained and that specific approval is granted by City Council.
4. Additionally, Section 185.065 (D) (4), of the PUD regulations, provides that a minimum twenty-five (25) foot building setback shall be required from the front property line and a 25 foot setback from any structure to the perimeter of the PUD. The plan proposes a front setback of 20 feet and a rear setback on perimeter lots of 10 feet. The minimum separation distance between single story structures (the side interior building setback) is 15 feet. The plan proposes only ten feet of separation.
5. The planned unit development is a concept which encourages and permits variation in residential developments by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage and open space. However, the PUD ordinance built into its regulations the specific authority of Council to waive deviations from only the street, sidewalk and drainage standards. Therefore, relief from other development standards, such as the building separation criteria discussed in paragraph 4 above, will require a separate agenda item from City Council.
6. In order to receive Final Planned Unit Development approval, the proposal must meet the requirements of Section 185.067 of the City of Palm Bay's Code of Ordinances. Upon review, it appears that the request is in conformance with the applicable requirements of this section, subject to the following being addressed prior to signing the Mylar:
 - A. The boundary and title opinion shall be approved by the City Surveyor.
 - B. Deed restrictions governing development standards shall be submitted for city staff review.
 - C. The 46' of land along Malabar Road, which is being dedicated to the city for additional road ROW, has been established as Tract G. Upon acceptance by the city this land will not be a part of The Falls of Palm Bay PUD (it will simply be ROW) and thus should not be a Tract.
 - D. The ten (10') foot easement along the rear of lots 64-95 shall be dedicated as to its "use".
 - E. Lot 24 needs a drainage easement along its eastern boundary for the existing outfall culvert.
 - F. Council approval is required in order to permit the setbacks indicated in General Note #13.
 - G. A lot drainage plan shall be submitted for city staff review/approval.
 - H. Prior to the issuance of any building permits the proposed Development Plan must be granted administrative approval.

STAFF RECOMMENDATION:

Case No. PUD-19-2015 is recommended for approval, subject to the staff comments contained in this report and upon adoption of an amendment to the PUD ordinance, as discussed within.

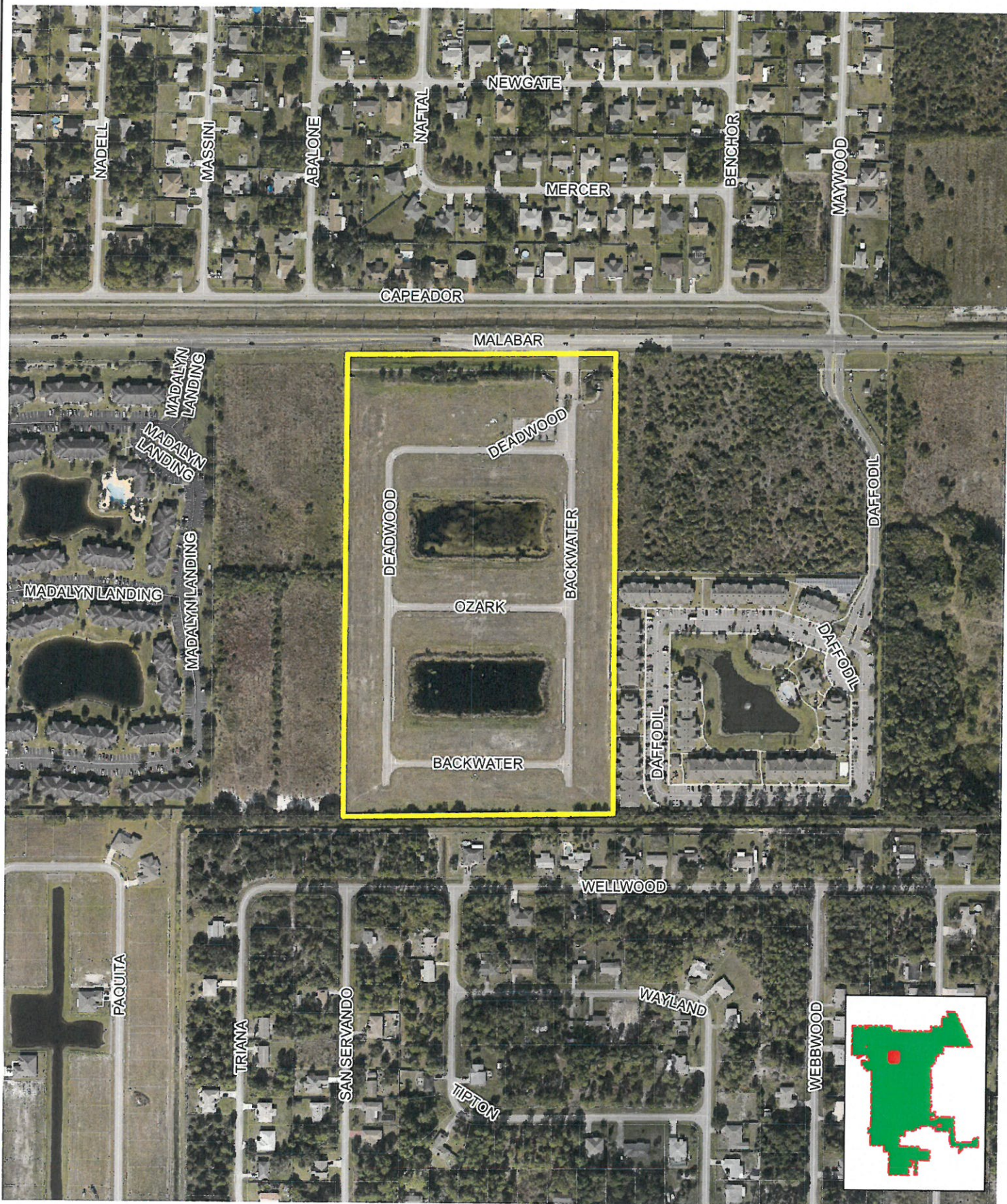


Map for illustrative purposes only. Not to be construed as binding or as a survey.

Map created by the Land Development Division



CASE NO. PUD-19-2015

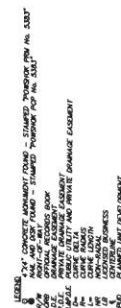


Map for illustrative purposes only. Not to be construed as binding or as a survey.

Map created by the Land Development Division



CASE NO. PUD-19-2015

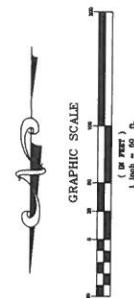


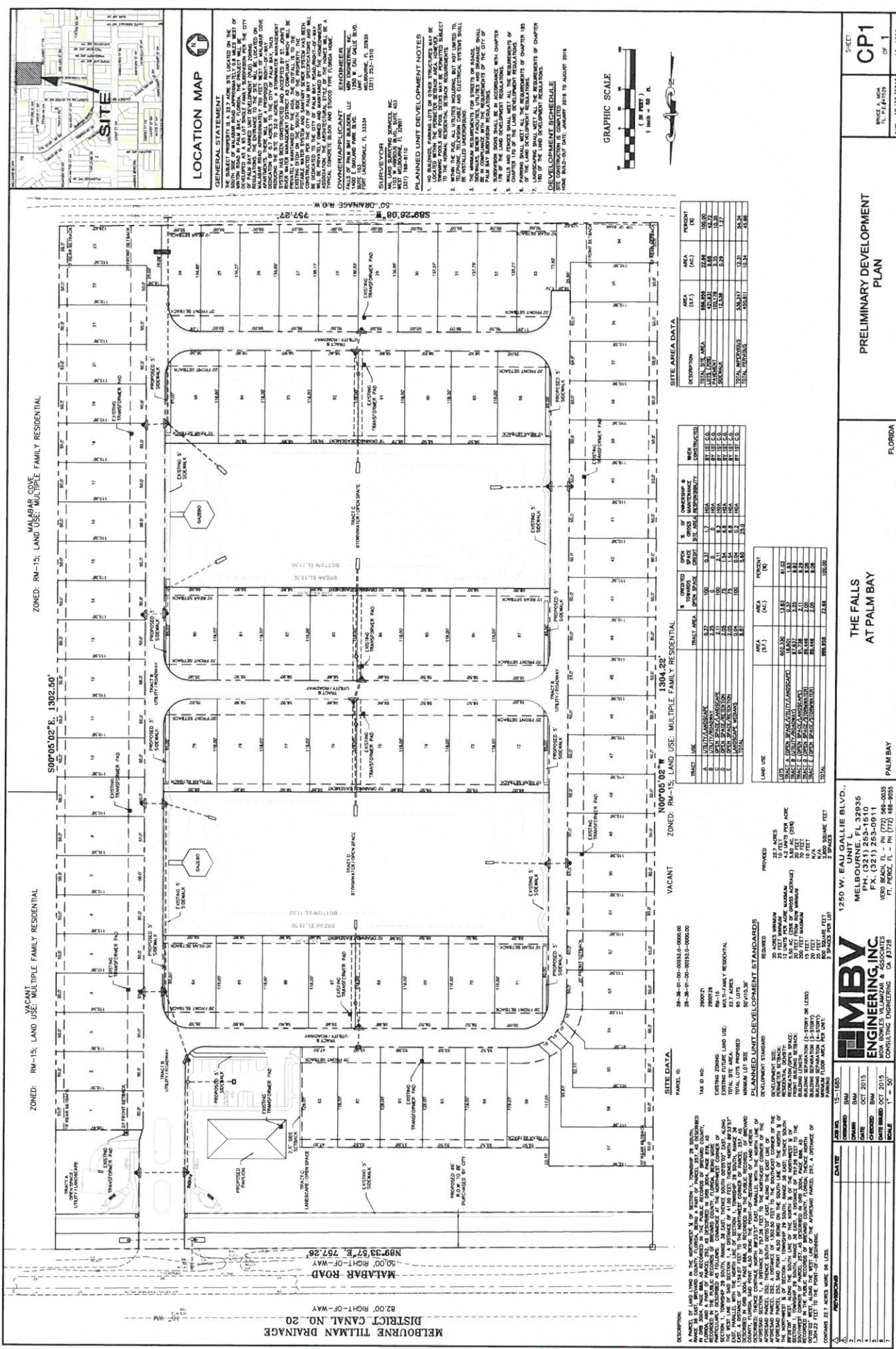
NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

- PLAT PREPARED BY -
AAL LAND SURVEYING SERVICES, INC.
3970 MONITOR ROAD
WEST MELBOURNE, FLORIDA 32904

LINE	BEARING	LENGTH
L1	N02°05'02" W	13.34'
L2	S89°54'50" E	30.97'
L3	S44°54'50" W	9.00'
L4	S00°05'02" E	50.14'
L5	S89°54'50" E	38.00'
L6	S00°05'02" E	42.30'
L7	S44°54'50" W	42.00'
L8	S89°54'50" W	46.30'
L9	N1°01'00" E	2.26'
L10	N1°01'00" E	71.71'
L11	N1°01'00" E	1.03'

LINE TABLE		
LINE	BEARING	LENGTH
L12	M00305 032° W	23.00'
L13	M89°54' 58" E	18.26'
L14	M89°54' 38" E	9.74'
L15	M89°54' 34" E	9.74'
L16	M89°54' 58" E	18.26'
L17	S00305 032° E	23.00'
L18	S00305 032° E	8.60'
L19	S46°50' 36" E	39.64'
L20	S46°50' 36" E	30.23'
L21	S46°50' 36" E	24.54'
L22		

[illegible]



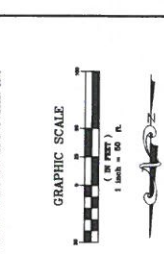
GENERAL STATEMENT
THE SUBJECT PROPERTY IS A 27.7 ACRE SITE LOCATED ON THE WESTERN END OF PALM BEACH AVENUE, THE PROJECT WILL BE THE CITY OF PALM BAY PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT NO. 20, APPROXIMATELY 750 FEET WEST OF MALABAR COVE. THE PROJECT WILL BE A MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT WITH A TOTAL OF 100 UNITS. THE PROJECT WILL BE A PUD DEVELOPMENT WITH A TOTAL OF 100 UNITS. THE PROJECT WILL BE A PUD DEVELOPMENT WITH A TOTAL OF 100 UNITS.

OWNER/APPLICANT
MR. JAMES W. BAKER, JR.
10000 N. W. 10TH AVE. SUITE 200
FORT LAUDERDALE, FL 33304
(954) 251-1510

ENGINEER
MR. JAMES W. BAKER, JR.
10000 N. W. 10TH AVE. SUITE 200
FORT LAUDERDALE, FL 33304
(954) 251-1510

PLANNED UNIT DEVELOPMENT NOTES
1. NO BUILDINGS, FENCES, OR OTHER STRUCTURES MAY BE CONSTRUCTED WITHIN THE PLANNED UNIT DEVELOPMENT AREA.
2. THE PLANNED UNIT DEVELOPMENT AREA SHALL BE MAINTAINED IN ITS ORIGINAL STATE, UNLESS OTHERWISE SPECIFIED IN THE PLANNED UNIT DEVELOPMENT NOTES.
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5. THE PLANNED UNIT DEVELOPMENT AREA SHALL BE MAINTAINED IN ITS ORIGINAL STATE, UNLESS OTHERWISE SPECIFIED IN THE PLANNED UNIT DEVELOPMENT NOTES.

DEVELOPMENT SCHEDULE
THE DEVELOPMENT SCHEDULE IS COMPLETED.
DATE: 10/15/2015



DESCRIPTION	AREA (A.C.)	PERCENT (%)
TOTAL SITE AREA	27.70	100.00
TOTAL PLANNED UNIT DEVELOPMENT AREA	10.00	36.10
TOTAL PLANNED UNIT DEVELOPMENT AREA (EXCLUDING PLANNED UNIT DEVELOPMENT AREA)	17.70	63.90
TOTAL PLANNED UNIT DEVELOPMENT AREA (EXCLUDING PLANNED UNIT DEVELOPMENT AREA)	17.70	63.90
TOTAL PLANNED UNIT DEVELOPMENT AREA (EXCLUDING PLANNED UNIT DEVELOPMENT AREA)	17.70	63.90

TRACT	USE	TRACT AREA (A.C.)	PERCENT (%)	NUMBER OF UNITS	NUMBER OF UNITS PER ACRE
A	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
B	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
C	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
D	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
E	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
F	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
G	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
H	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
I	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
J	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
K	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
L	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
M	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
N	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
O	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
P	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
Q	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
R	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
S	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
T	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
U	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
V	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
W	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
X	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
Y	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00
Z	MULTI-FAMILY RESIDENTIAL	10.00	36.10	100	10.00



Land Development Division
5240 Babcock Street, NE, Suite 300
Palm Bay, FL 32905
321-733-3042
Landdev@palmabayflorida.org

PLANNED UNIT DEVELOPMENT APPLICATION (PUD) FINAL DEVELOPMENT PLAN

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida at least forty-five (45) days prior to any scheduled meeting of the Planning and Zoning Board of the City of Palm Bay. The application will then be referred to 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.

- 1) APPLICANT-DEVELOPER (Type or print) Falls of Palm Bay Builders LLC
ADDRESS 1400 EAST OAKLAND PARK BOULEVARD SUITE 103
CITY FORT LAUDERDALE STATE FL ZIP 33334
PHONE # 321-953-3300 X 100 FAX # _____
E-MAIL ADDRESS mike.fmdc@gmail.com
- 2) ENGINEER BRUCE MOIA, P.E. REGISTRATION # 47529
ADDRESS 1250 W. EAU GALLIE BLVD., STE. L
CITY MELBOURNE STATE FL ZIP 32935
PHONE # 321-253-1510 FAX # 321-253-0911
E-MAIL ADDRESS brucem@mbveng.com
- 3) SURVEYOR AAL REGISTRATION # lb 6623 pls 5383
ADDRESS 3970 Minton Road
CITY West Melbourne STATE FL ZIP 32904
PHONE # (321) 768-8110 FAX # _____
E-MAIL ADDRESS drew@aalsurvey.com
- 4) NAME OF PROPOSED DEVELOPMENT THE FALLS AT PALM BAY
- 5) LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION: PT OF N 1/2 OF NW 1/4 AS
DESC IN ORB 3004 PG 0876 and PT OF N 1/2 OF NW 1/4 AS DESC IN ORB 3004 PG 0886
- 6) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 22.66 ACRES
- 7) THE FOLLOWING EXHIBITS SHALL BE ATTACHED TO THE FINAL APPLICATION (PROVIDE 15 COPIES IF LARGER THAN 11" x 17"):

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

A) Engineering plans showing:

- a) Existing ground surfaces and proposed elevations in the planned unit development.
- b) If deemed necessary by the Council, subsurface conditions on the tract, including the location and results of tests made to ascertain the conditions of subsurface soil, rock, and groundwater, and the existing depth of groundwater.
- c) Typical cross-sections of proposed grading, streets and sidewalks, canals, and waterways.
- d) Proposed type of pavement in accordance with City specifications.
- e) Layout of water distribution, sanitary sewers and storm drainage systems and sidewalks, streets bulkheads, street name signs and adequate lighting.

Said engineering plans shall be in conformity with the requirements and specifications of the City of Palm Bay Subdivision regulations.

B) A final development plan containing:

- a) North arrow, scale (1" = 200' or larger), date, and legal description of the proposed site.
- b) Dedication by owner and completion of certification of surveyor.
- c) The location, dimensions and character of construction of all proposed streets, driveways, points of ingress and egress, loading areas, number of parking spaces and areas, primary residential areas and structures, secondary non-residential structures, recreational areas and structures and common open space areas.
- d) Proposed lot lines (if any), lot and block numbers and dimensions of all primary non-residential uses (if any), and common open space.
- e) Location and width of canals and waterways.
- f) Reservations, easements, alleys and any areas to be dedicated to public uses or sites for other than residential use with notes stating their purpose and limitations.
- g) The proposed architectural and landscape design of all structures and common open space that clearly reflects the compatibility of the variety primary and secondary uses proposed.
- h) Sufficient data to determine readily and reproduce on the site the location, bearing and length of every street, line, lot line, boundary line and block line, whether curved or straight.
- i) The radius, central angle, point of tangent, tangent distance and arcs and chords of all curved property lines
- j) A legal description of the planned unit development boundaries with bearings, distances and tie point.
- k) Accurate location and description of all monuments and markers.

An original linen tracing of the final development plan drawn in india ink shall be filed, plus fifteen (15) black or blue-line prints.

All dimensions should be to the nearest one two-hundredth (1/200) of a foot, and angles to the nearest second.

The final development plan shall be properly signed and executed by the developer as required for recording.

The final development shall meet the platting requirements of Florida Statutes, Chapter 177. In case of a large plan that may require two or more sheets, the sheets are to be numbered and the numbers of the sheets are to be indicated on the first sheet below the title.

C) Development schedule: The development schedule shall contain the following information:

- a) The order of construction of the proposed stages delineated in the development plan.
- b) The proposed date for the beginning of construction on said stages.
- c) The proposed date for the completion of construction on said stages.
- d) The proposed schedule for the construction and improvement of common open space within said stages, including any complimentary buildings.**

CITY OF PALM BAY, FLORIDA
PLANNED UNIT DEVELOPMENT APPLICATION
FINAL DEVELOPMENT PLAN
PAGE 3 OF 4

- Minor Changes*
- D) Deed restrictions: Deed restriction proposals to preserve the character of the common open space as set forth in subsection (E), Ordinance No. 74-23. Said deed restrictions shall include prohibition against partition by any residential property owner.
 - E) Association of non-profit corporation: If the developer elects this method of administering common open space, the proposed by-laws of the association or the certificate of incorporation and the corporate by-laws of the non-profit corporation shall be submitted for approval by the City.
 - F) Instruments: Instruments dedicating all rights-of-way, easements and other public lands shown on the final development plan from all persons having any interest in said land.
 - G) Bill of Sale: A bill of sale, conveying to the City water and sewer utility lines, mains, lift stations, and other personal property required to be installed by this chapter.
 - H) Instruments: Indicating that all necessary off-site easements or dedications have been acquired. In lieu of originals, "certified true copies" will be accepted if the recording information from the public records of Brevard County, Florida, is included thereon.
 - I) Title opinion: A title opinion from an attorney showing the status of the title to the site encompassed by the final development plan and all liens, encumbrances and defects, if any.
 - J) Tax receipts: Paid receipts from the County indicating taxes have been paid in full up to and including the current period.

- 8) *A \$1,000.00 APPLICATION FEE SHALL ACCOMPANY THE FINAL DEVELOPMENT PLAN FOR THE PURPOSE OF ADMINISTRATION; ADDITIONALLY, ENGINEERING, PLAT FILING, NECESSARY COPIES AND TRAVEL FEES WILL ALSO BE INCURRED.
- 9) PUD AMENDMENTS WILL REQUIRE A CITIZEN PARTICIPATION PLAN IF MORE THAN TEN PERCENT OF THE TOTAL PUD ACREAGE IS AFFECTED. REFER TO SECTION 169.005 OF THE LAND DEVELOPMENT CODE FOR GUIDELINES.
- 10) WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER TO THE APPLICANT TO REQUEST THE PLANNED UNIT DEVELOPMENT.
- 11) IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

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

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

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FINAL
PLANNED UNIT DEVELOPMENT (PUD) APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date

11/16/15

Printed Name of Applicant

Mike Evans, Manager - Format Investment LLC

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

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

- PROPOSAL:** The applicant is requesting Preliminary Subdivision approval for a single family residential development within the SRE, Suburban Residential Estate District.
- LOCATION:** The property is located at the NW corner of Gaynor Drive SW and Gantry Street SW. Specifically, the property is Tax Parcel 502, Section 13, Township 29 south, and Range 36 east.
- APPLICANT:** Bayridge West, LLC. (Charles B. Genoni)

SITE DATA

- PRESENT ZONING:** SRE, Suburban Residential Estate District
- ACREAGE:** 39.75 acres (\pm)
- DENSITY:** Maximum 5 units per acre (UPA) allowed – 2.58 UPA proposed (after ROW dedication)
- ADJACENT ZONING & LAND USE:**
- N** -- RS-2, Single Family Residential; Vacant Single Family Lots
 - E** -- SRE, Suburban Residential Estate District; Gaynor Drive SW
 - S** -- SRE, Suburban Residential Estate District; Gantry Street SW
 - W** -- SRE, Suburban Residential Estate District; MTWCD Canal No. 13
- WATER & SEWER:** City Water & Sewer Available & Required
- FLOOD ZONE:** X, area outside the 500 year flood zone (2 lots affected by an AE Zone)
- COMPLIANCE WITH THE COMPREHENSIVE PLAN:** Yes

BACKGROUND:

1. The property is located at the NW corner of Gaynor Drive SW and Gantry Street SW. Specifically, the property is Tax Parcel 502, Section 13, Township 29 south, and Range 36 east. The subject property includes approximately 39.75 acre of land, more or less.
2. The current zoning is SRE, Suburban Residential Estate District. The property is bordered by SRE zoning on the south, east and west sides. RS-2, Single Family Residential zoning abuts to the north. Surrounding land uses include Gaynor Drive to the east and Gantry Street to the south. To the north are vacant single family lots (only one is developed) and to the west is the Melbourne-Tillman Water Control District Canal No. 13.
3. The applicant is requesting preliminary subdivision approval to allow construction of a single-family residential subdivision within the SRE District. The proposed name of the subdivision is Bayridge and the community will contain 99 lots. The applicant for this request is Charles B. Genoni, Manager of Bayridge West, LLC.

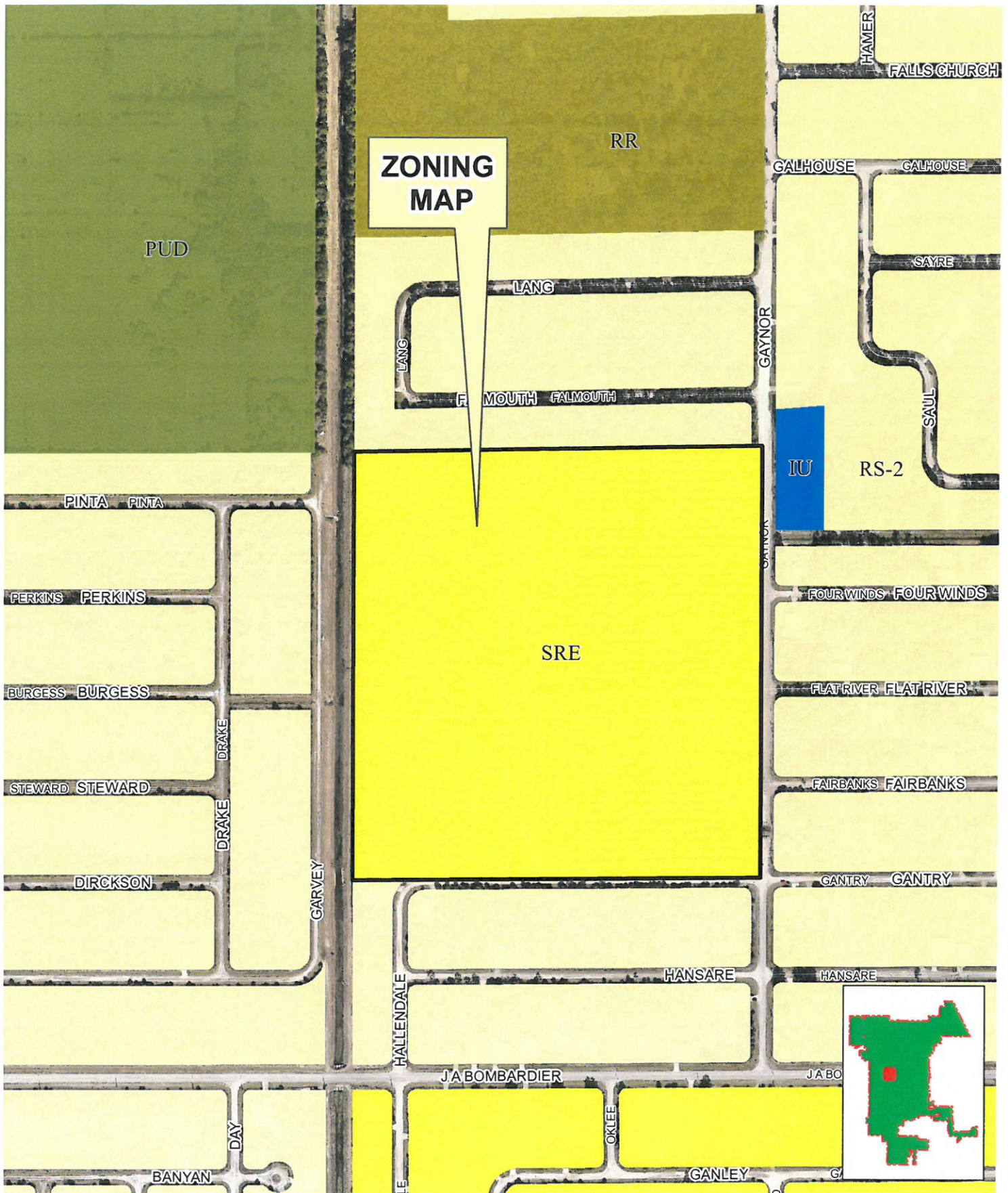
ANALYSIS:

1. All 99 lots are designed to be accessed via internal roads, which are being designed to meet the city's construction standards. No lots will have direct access to Gaynor or Gantry and are physically separated by HOA-maintained buffer tracts. Two (2) strips of land along the east and south boundaries of the parcel are being dedicated to the City for additional road right-of-way as Gaynor and Gantry are not "complete streets". The entrance to the subdivision will be aligned with Fairbanks Street SW.
2. Immediately north of the subdivision's entrance exists an earthen berm on Gaynor Drive, installed by the city's Public Works Department in 2012 (via Resolution No. 2012-33). If the preliminary subdivision request is approved by City Council, city staff will prepare a Resolution to remove the earthen berm so as to not restrict access to Bombardier Boulevard SW, which is the collector roadway that future subdivision traffic is anticipated to utilize.
3. Bayridge will contain a private lift station in the extreme southeast corner of the site and a stormwater retention pond will be located in the center of the development. City water and sewer will loop the block and be provided to each lot. The water and sewer lines will be extended north from Bombardier Boulevard and Gaynor Drive will be paved to approximately 60 feet north of the Fairbanks Street centerline.
4. The property's future land use designation allows for a maximum density of 5 UPA. Upon dedication of additional road ROW (1.43 acres) the site is reduced to 38.32 acres, which yields a density of 2.58 UPA. Typical lot sizes are 80 feet wide by 120 feet deep, leaving sufficient area for typical residential accessory uses (pools, sheds, etc.).

5. Overall, the proposed plan meets the requirements necessary for Preliminary Subdivision approval. The following items shall be addressed prior to Final Subdivision approval:
 - (1) The proposed road names shall be approved by the Brevard E-9-1-1 Office.
 - (2) Final Subdivision submission shall be in Plat form with the proper Title Blocks, and a table identifying the Tracts, their intended use, and acreage.
 - (3) Dedication language shall be included naming the entity responsible for ownership and maintenance of the internal roads, lift station and the stormwater system.
 - (4) Declaration of Covenants and Restrictions governing the Homeowners' Association shall be submitted for review.
 - (5) Public Utility & Drainage Easements shall be shown accordingly.
 - (7) A 5-foot wide sidewalk shall be provided along Gaynor Drive and Gantry Street, as part of the public improvements of this project.
 - (8) Construction Drawings shall be submitted with the Final Plat.

STAFF RECOMMENDATION:

Case No. PS-2-2015 is recommended for approval subject to the requirements and conditions of this Staff Report.

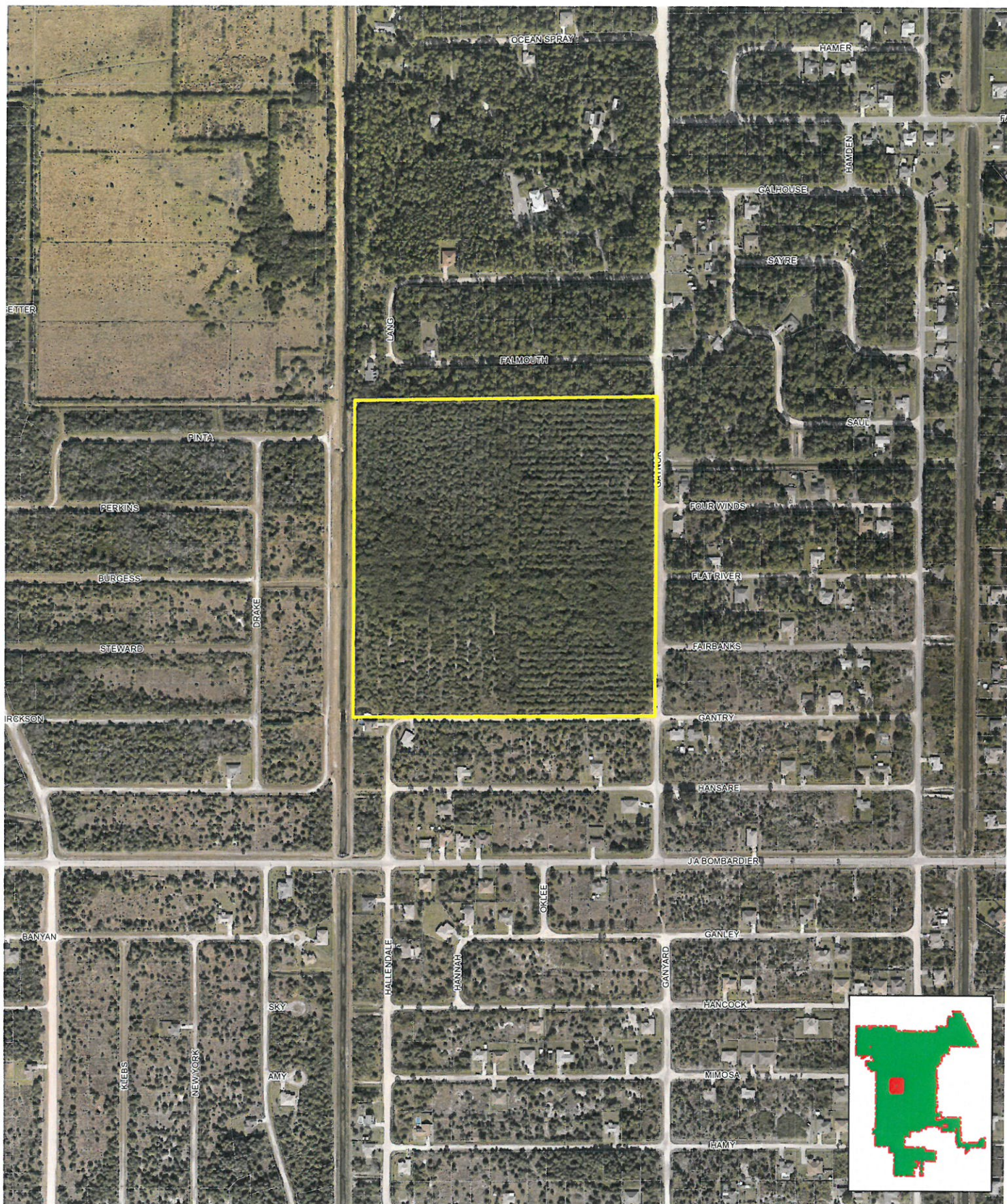


Map for illustrative purposes only. Not to be construed as binding or as a survey.

Map created by the Land Development Division



CASE NO. PS-2-2015



Map for illustrative purposes only. Not to be construed
as binding or as a survey.

Map created by the Land Development Division



CASE NO. PS-2-2015



ENGINEER

This proposed substitution will include the development of a 3.17-acre site with 52 vehicle stalls along with a paved drive & sidewalk. Roadway is intended to be dedicated to City of Palo Alto as Public Right of Way. However, developer may elect to keep the roadways private. The development will be served by a potable water distribution system, sanitary sewer collection system, and stormwater treatment and infiltration system.

2. OWNER /APPLICANT

BAYBROOK WEST, LLC • MR. CHAD OLSON
4760 NORTH US HIGHWAY 1, SUITE 201
MELBOURNE, FLORIDA 32939
TEL. (321) 473-4278 • FAX: 321.473.4279 • info@baybrookwest.com

3. SITE DATA

<p> NOTE: ADDRESS: 3041 CORNER OF GAINWAY DRIVE SW AND GAINWAY STREET SW PALM BEACH, FLORIDA 33406 3041-Gainway SECTION 18, TOWNSHIP 35S, RANGE 30E 39.37 x 4.75' </p>	<p> Tract #: 000525 AREA 000000 ZONE PROPOSED UNITS: LOT SIZE: 9,969 (approx) SIZE ZONING: LAND USE: SINGLEFAMILY RES. </p>
--	---

Zoning Criteria (SRE)

	REQUIRED	PROPOSED
URB/IND LOT AREA	8,000 SF	8,000 SF (minimum)
URB/IND LOT WIDTH	80'	80'
URB/IND DEPTH	100'	120'
URB/IND LIVING AREA	1,600 SF	1,600 SF
MAXIMUM FLOOR COVER. RAGE	40%	40%
YARD SET-BACKS		
FRONT	25'	25'
SIDE/REAR	5'	5'

Proposed Land Use

CROSS SITE:	38.75 Acres
Nett PWD DEDICATION:	1.43 Acres (Gaynor Drive & Gaynor Street)
DEVELOPMENT AREA:	38.33 Acres (NET DEVELOPMENT)

4. DENSITY

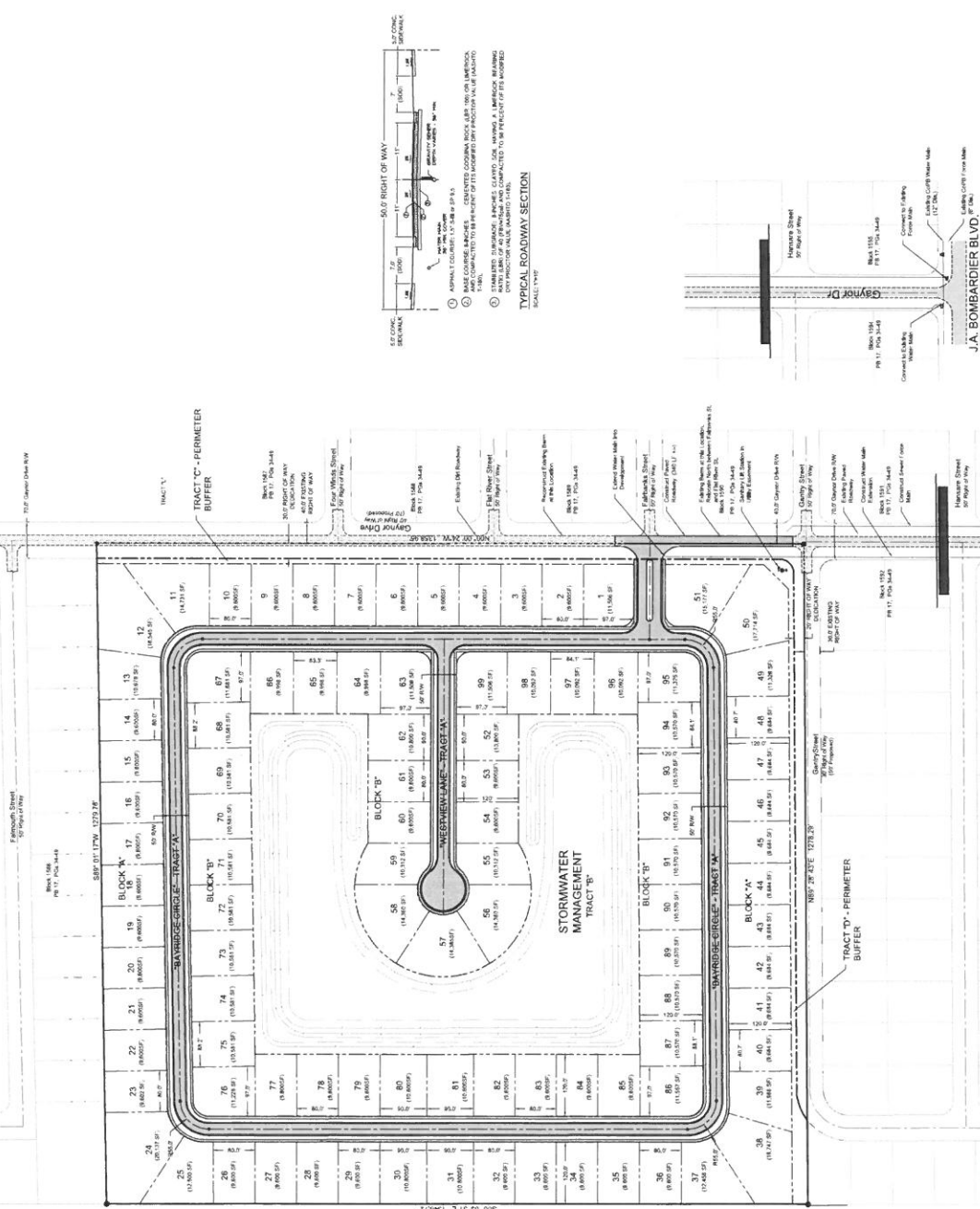
PROPOSED DENSITY
TOTAL UNITS = 99 UNITS / 38.32 ACRES = 2.58 UNITS / ACRE

5. SUBMISSION NOTES

1. ACCESS: Access to the proposed lot will be provided by joining Canyon Drive from Gentry Street north on the project entrance, and the construction of an Internal Loop road.
2. UTILITIES: Water and sewer service will be provided by extending existing City mains along Bomarcade Boulevard north along Canyon Drive and into the project.
3. STORMWATER MANAGEMENT: The proposed development will be served by an on-site stormwater management system installed in accordance with the requirements of the City, the Malibu River Water Management Plan, and the City of Malibu's Stormwater Management Plan.

CONSTRUCTION SCHEDULE

CONSTRUCTION SHALL COMMENCE IMMEDIATELY UPON RECEIPT OF ALL APPROVALS AND JURISDICTIONAL PERMITS. CONSTRUCTION DURATION IS ESTIMATED AT 1 YEAR.



**Preliminary Subdivision Plan
Bayridge Subdivision
BAYRIDGE WEST, LLC**

M M MASTELLER & MOLER, INC.
CONSULTING ENGINEERS
CERTIFICATE OF AUTHORIZATION NUMBER 4204
3555 27th STREET, SUITE 2, VERO BEACH, FLORIDA 32960

[illegible]

10

IDA 32960

TREET, SUNTE

100

[illegible]



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

PRELIMINARY SUBDIVISION APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to 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.

1) NAME OF APPLICANT (Type or print) BAYRIDGE WEST, LLC - CHARLES B.GENONI (CHAD)

ADDRESS 4760 N. US1 SUITE 201

CITY MELBOURNE STATE FL ZIP 32935

PHONE # 321-473-6225 FAX # 321-255-0722

E-MAIL ADDRESS GENBLUE00@LIVE.COM

2) NAME OF PROPOSED SUBDIVISION: BAYRIDGE

3) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION:

THE SW 1/4 OF THE SW 1/4 OF SECTION 13, TOWNSHIP 29S, RANGE 35E BREVARD COUNTY FL, LESS THE WEST 41 FEET THEREOF

SECTION 13 TOWNSHIP 29 RANGE 39

4) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 39 ACRES

5) HIGHWAY, STREET BOUNDARIES, AND NEAREST CROSSROADS: _____

GAYNOR DR AND GANTRY ST.

6) INTENDED USE OF PROPERTY: SINGLE FAMILY SUBDIVISION

7) ZONE CLASSIFICATION AT PRESENT (ex.: LI, CC, etc.): SRE

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

_____ *\$500.00 Application Fee. Make check payable to "City of Palm Bay."

_____ Six (6) copies of the preliminary plat and required supplementary material as required by Chapter 184, Palm Bay Code of Ordinances. The preliminary plat shall also be provided in PDF format.

_____ List of all adjacent property owners and property owners directly opposite of the proposed subdivision. Such information shall be obtained from the most recent County tax rolls. (This can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.brevardpropertyappraiser.com) List shall be legible and the source of that information stated here: _____

_____ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.

_____ Citizen Participation Plan. Refer to Section 169.005 of the Land Development Code for guidelines.

**CITY OF PALM BAY, FLORIDA
PRELIMINARY SUBDIVISION APPLICATION
PAGE 2 OF 2**

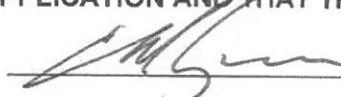
____ WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE PRELIMINARY PLAT APPROVAL.

____ IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

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

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

Signature of Applicant



Date 10/15/15

Printed Name of Applicant

CHARLES B. GENONI

NOTE: APPROVAL OF A PRELIMINARY PLAT SHALL NOT CONSTITUTE APPROVAL OF THE FINAL PLAT. FURTHER IT SHALL BE DEEMED AN EXPRESSION OF APPROVAL OF THE LAYOUT SUBMITTED ON THE PRELIMINARY PLAT AS A GUIDE TO THE PREPARATION OF THE FINAL PLAT WHICH WILL BE SUBMITTED FOR APPROVAL OF THE PLANNING AND ZONING BOARD AND FOR RECORDING UPON FULFILLMENT OF THE REQUIREMENTS AND CONDITIONS OF THIS APPROVAL.

IF THE PLAT INVOLVES A REPLAT OF THE SAME LANDS, FINAL PLAT APPROVAL WILL BE CONDITIONED UPON APPLICANT FULLY COMPLYING WITH FLORIDA STATUTES CHAPTER 177, REGARDING VACATION AND ANNULMENT OF PRIOR LANDS. NOTICE IS GIVEN TO YOU AT THIS TIME SO YOU MAY BEGIN THE REQUIRED PROCEDURE FOR VACATING PLAT. ALL DOCUMENTS REQUIRED BY F.S. 177 MUST BE SUBMITTED TO THE CITY CLERK PRIOR TO FINAL PLAN APPROVAL.

SHOULD THE DEVELOPER OR OWNER OR THEIR SUCCESSORS, HEIRS, OR ASSIGNS EXECUTE A DOCUMENT ENTITLED "EASEMENT AGREEMENT" WITH THE MELBOURNE-TILLMAN WATER CONTROL DISTRICT, THE CITY OF PALM BAY WILL NOT AT ANY TIME ACCEPT SUCH STRUCTURE FOR MAINTENANCE PURPOSES. FURTHER, THE CITY OF PALM BAY WILL TAKE NO FORMAL ACTION TO ACCEPT ANY DEDICATION OF SUCH STRUCTURES.

COPIES OF THE SUBDIVISION ORDINANCE, CHAPTER 184, PALM BAY CODE OF ORDINANCES ARE AVAILABLE AT THE PALM BAY LAND DEVELOPMENT DIVISION.

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



DATE: December 2, 2015
CASE #: CP-12-2015

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

COMPREHENSIVE PLAN AMENDMENT APPLICATION

PROPOSAL: Large Scale Comprehensive Plan Future Land Use Map Amendment from Industrial Use to Bayfront Mixed Use

LOCATION: Southside of Robert J. Conlan Boulevard NE, abutting and to the west of the FEC Railroad.

APPLICANT: Jason Steele representing Citizens Bank & Trust.

SITE DATA

PRESENT ZONING: Light Industrial and Warehousing District & Heavy Industrial District

**LAND USE
DESIGNATION:** Industrial Use

ACREAGE: 24.10 +/-

ADJACENT ZONING

& LAND USE:

- N** -- LI, Light Industrial and Warehousing; across R. J. Conlan Blvd.
- E** -- HI, Heavy Industrial & LI, Industrial and Warehousing; FEC Railroad
- S** -- RMH, Residential Mobile Home; The Shire Mobile Home Park
- W** -- LI, Light Industrial and Warehousing; across R. J. Conlan Blvd.

BACKGROUND:

The subject property consists of 24.10 acres located on the south side of R. J. Conlan Blvd. abutting the FEC railroad to the east. The Industrial Use category was adopted with the initial Comprehensive Plan in the late 1980's due to access to rail and U.S. 1. These were general locational criteria used for the designation of Industrial lands at the time. There has been no finalized site plan or subdivision plat request to utilize the subject property as Industrial land use since the original adoption. The proposed Future Land Use of Bayfront Mixed Use will allow the subject property to be rezoned to Bayfront Mixed Use Zoning District, and subsequently developed for a multi-family apartment complex.

A companion rezoning application to Bayfront Mixed Use Zoning District has been filed and will become effective at the future adoption hearing of this amendment request after transmittal and State review.

The surrounding properties along R. J. Conlan Blvd. include several major employers. The City has conducted several interviews with these employers, including a panel of Harris Corporation employees. The large portion of this work force are younger, single, college educated engineers, or other technical specialties, and utilize rental housing. The overwhelming number of the employees rent housing in Melbourne, Suntree, or other areas outside the City limits for the stated reason of lack of modern, managed, rental apartment housing stock in the City of Palm Bay. A brief research of on-property managed apartment complexes 150 units or greater in size show the latest housing stock to be over 15 years old, with the majority over 25 years old.

ANALYSIS:

Availability of Public Facilities and Services:

Potable Water: The subject property is located in the City of Palm Bay Service Area. The Utilities Department reports that it has excess capacity available for future residential and commercial use with existing lines and force main on the north side of R. J. Conlan Blvd.

Sanitary Sewer: The subject property is located within City of Palm Bay's sanitary sewer service area. The Utilities Department reports that it has excess capacity available for future residential use with existing lines and force main on the north side of R. J. Conlan Blvd.

Solid Waste: Waste Management provides solid waste collection and disposal for this area and adequate capacity exists to serve the land use proposed for the subject property.

Parks & Recreation: The proposed land use amendment would not exceed existing park land level of service for the Planning Area.

Drainage: All necessary drainage and stormwater management facilities must be provided on-site by the developer and approved during the subdivision and land development review process.

Transportation: The proposed amendment is located on R. J. Conlan Blvd. Segment 563 Commerce to U.S. 1 with a current 2014 traffic count of 10,730 Adjusted Average Daily Trips (AADT) and a Maximum Allowable Volume (MAV) of 33,915. The roadway has a current operating volume 31.64%. The subsequent proposed project if site planned at a density of 22 units per acre would increase the Average Daily Trip Count to an estimated 14,255 ADT for the proposed residential project which will increase the operating volume to 42.0%.

The Growth Management has notified the applicant of the future submittal of a Traffic Impact Study to review required roadway improvements. The future traffic analysis at time of site planning will also addresses the removal of the Industrial Future Land Uses and the removal of associated commercial truck traffic potential, which have significant impacts to roadway maintenance.

Public Schools: A Brevard County School Board concurrency determination will be required prior to the adoption hearing of proposed amendment.

Environmental Resources:

Any future use will require review and compliance with all relevant City regulations, including environmental review as required.

Coastal High Hazard Zone:

The subject property is not located within the original Coastal High Hazard Zone nor the current surge area.

Historic Resources:

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

COMPREHENSIVE PLAN REQUIREMENTS:

The subject property is located within the Bayfront Community Redevelopment Area and therefore meets the locational criteria of the proposed Future Land Use (FLU) of Bayfront Mixed Use. The proposed amendment will increase the availability of residential multi-family housing to nearby corporate facilities and major employers. It will also increase the residential density to a level of urbanization that will help support existing restaurants and other commercial activities in the redevelopment district.

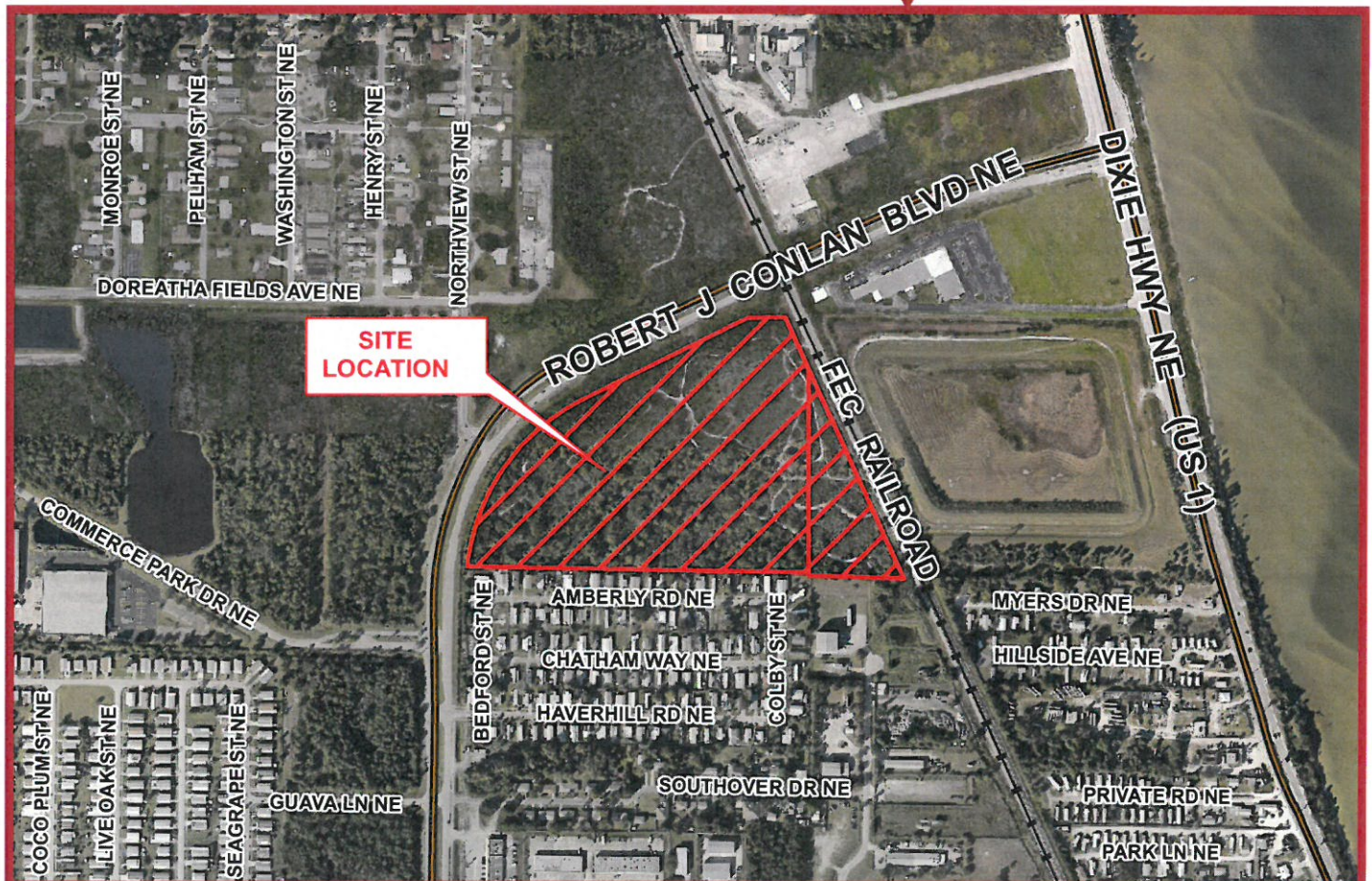
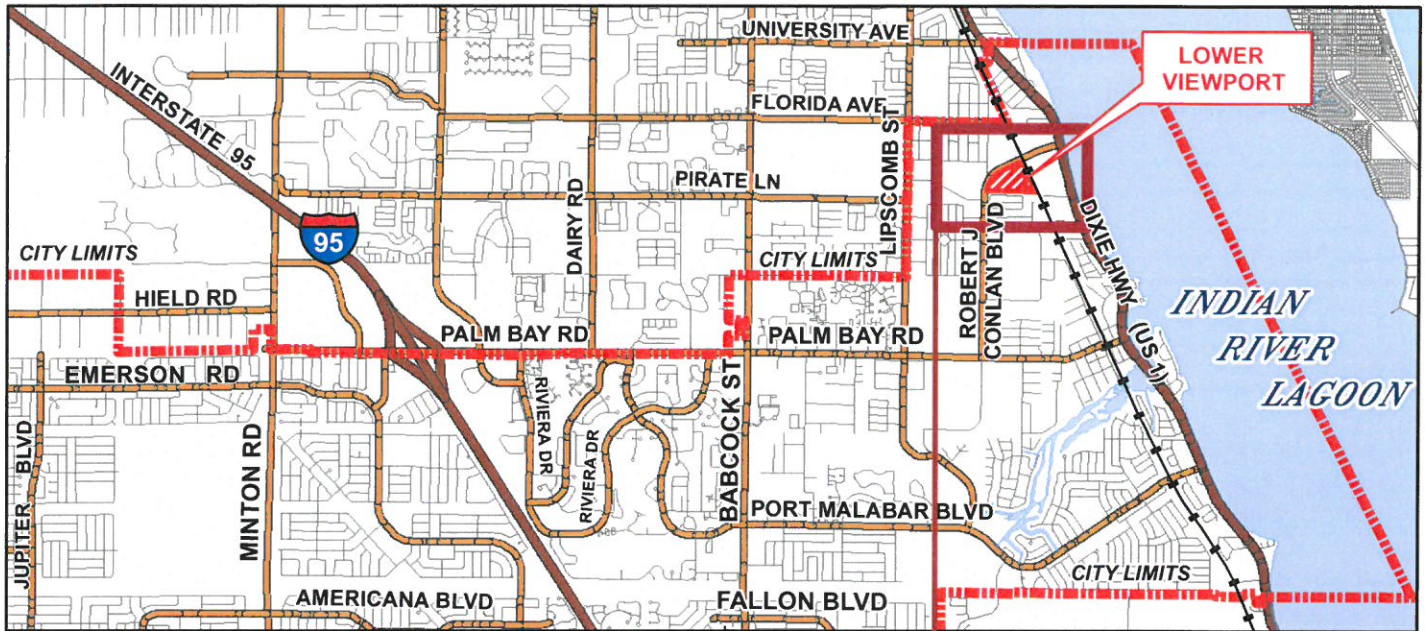
STAFF CONCLUSION:

The existing Future Land Uses of Industrial Use has not been absorbed by the market since its adoption over 25 years ago. The proposed amendment is to remove the existing Industrial Use land use category and replace it with Bayfront Mixed Use, allowing for the companion rezoning to Bayfront Mixed Use Zoning District and construction of a multi-family development. The new Bayfront Mixed Use Zoning District will become effective at the adoption of this proposed amendment.

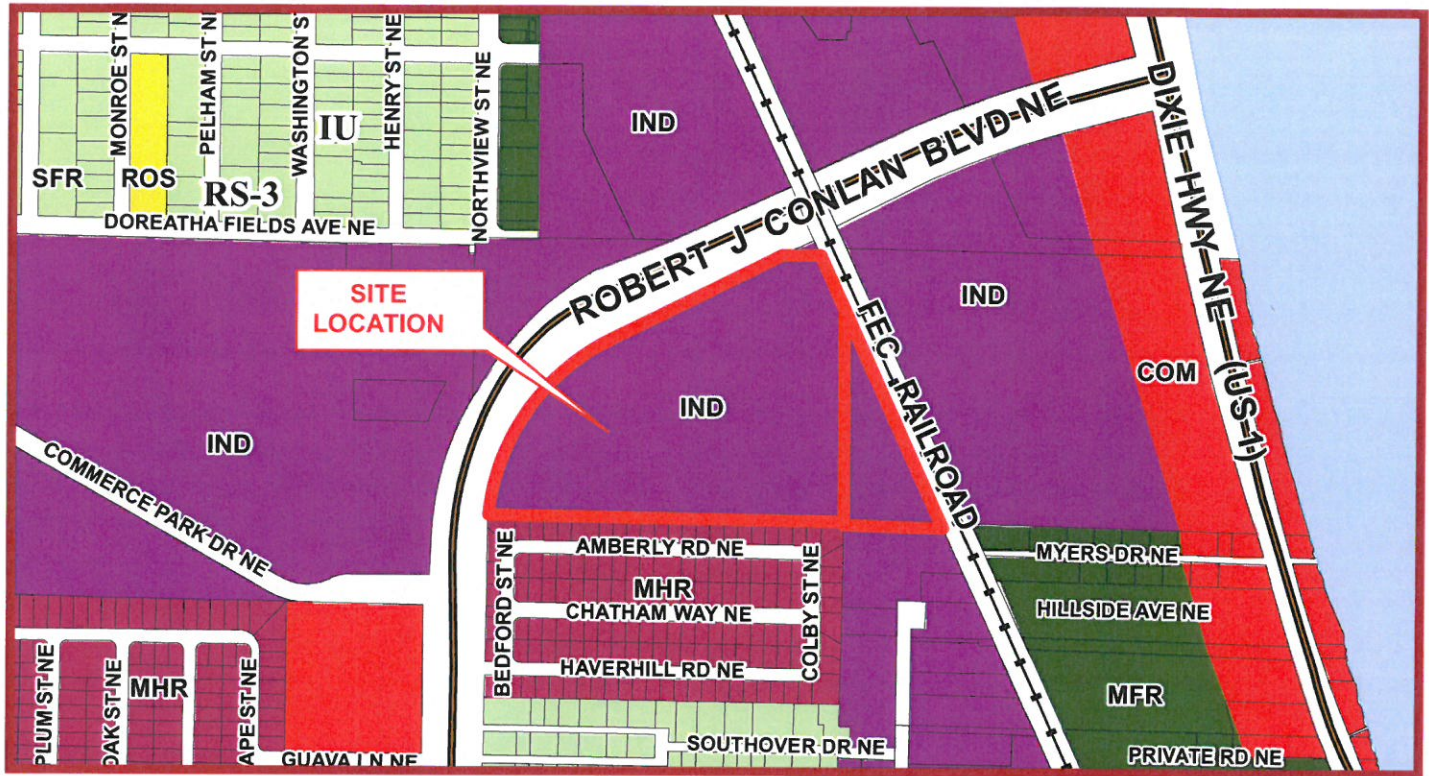
The subject property is served with both potable water and sewer, and is located on an arterial roadway. Located on the south side of R. J. Conlan Blvd., it is surrounded by major employers' which includes a younger professional subset of employees which utilize rental housing outside of the City limits. All of which will promote reduction of trip generation by future residents. Several of the employers are less than 2,500 feet to the west and east along R. J. Conlan Blvd., within walking & bicycling distance.

The applicant has submitted a rezoning application for a change from existing Light & Heavy Industrial to Bayfront Mixed Use Zoning District for public hearing effective at the adoption of this proposed amendment.

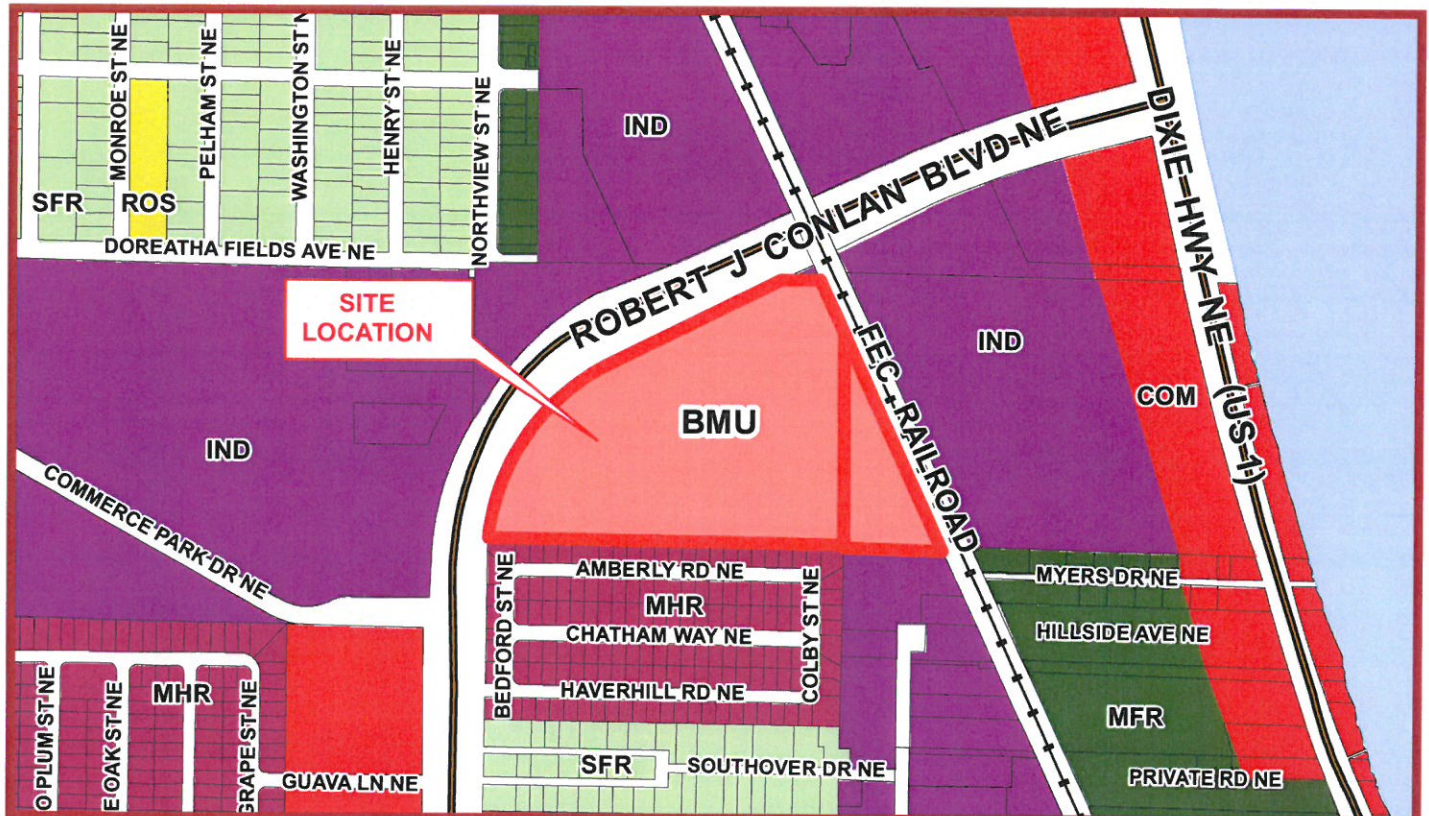
LOCATION MAP



CP-12-2015 and CPZ-12-2015



PROPOSED LAND USE





All Correspondence:
P.O. Box 3400
Lake Wales, FL 33859-3400
www.citizens-bank.com
(863) 676-7631

Member FDIC

November 2, 2015

Re: Letter of Authorization

As the property owner of the site legally described as Parcel ID# 28-37-14-00-5
+ ID# 28-37-14-EK.01 / Robert J. Conlon Blvd Palm Bay, FL
I hereby authorize Jason Steele
to represent my own Interest with the zoning application for said property.

Citizens Bank & Trust
Brian Bracey
(Signature) Sr. VP

STATE OF Florida
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 11/2, 2015
by Brian Bracey, who is personally known by me or
who has produced _____ as identification,
and who did not take an oath.

(SEAL)

SHIRLEY J. NORMAN
Notary Public, State of Florida
My Comm. Expires Nov. 4, 2015
Commission No. EE 133553

Shirley J. Norman
, Notary Public
Serial No. _____
My commission expires _____

Polk County's Hometown Bank Since 1920

Auburndale • Bartow • Dundee • Frostproof • Haines City • Indian Lake Estates • Lake Wales • Lakeland • Winter Haven



Growth Management Department
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3041
Growthmgmt@palmbayflorida.org

COMPREHENSIVE PLAN AMENDMENT APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein to the Growth Management Department, Palm Bay, Florida, no later than April 1st by 5:00 p.m. for spring amendments or October 1st by 5:00 p.m. for fall amendments. Contact the Growth Management Department at (321) 733-3041 to determine the schedule for public hearings. This application will be referred to the Local Planning Agency 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). Meetings will be held beginning at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

- 1) NAME OF APPLICANT (Type or print) Citizens Bank & Trust
ADDRESS P.O. Box 3400
CITY Lake Wales STATE Florida ZIP 33859-3400
PHONE # (863) 676-7631 FAX # N/A
E-MAIL ADDRESS jason@smithlawtlh.com
- 2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION
See Attached

SECTION 14 TOWNSHIP 28 RANGE 37
- 3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 24.10 +/-
- 4) LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.): Industrial Use
- 5) LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE: Bayfront Mixed Use
- 6) PRESENT USE OF THE PROPERTY: Vacant Land
- 7) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY: No
- 8) HAS A REZONING APPLICATION BEEN FILED IN CONJUNCTION WITH THIS APPLICATION: Yes

(If no rezoning application is filed, the City must assume the maximum impact permissible by the land use classification desired. Impacts to transportation facilities, water and sewer facilities, drainage, recreation facilities, and solid waste must be examined and justified before acceptance by the Florida Department of Community Affairs and the City of Palm Bay.)

CITY OF PALM BAY, FLORIDA
COMPREHENSIVE PLAN AMENDMENT APPLICATION
PAGE 2 OF 3

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

See Attached

- 10) SPECIFIC USE INTENDED FOR PROPERTY: _____

Mixed Use Multi-Family and Supporting Commercial

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

_____ *\$1,000 Application Fee. Make check payable to "City of Palm Bay."

_____ Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)).

_____ A listing of legal descriptions (for land use amendments) 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 can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.brevardpropertyappraiser.com) List shall be legible and the source of that information stated here: _____

_____ Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guidelines.

_____ Citizen Participation Plan (for land use amendments of more than five acres in size). Refer to [Section 169.005](#) of the Land Development Code for guidelines.

_____ WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE COMPREHENSIVE PLAN AMENDMENT.

_____ IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

**CITY OF PALM BAY, FLORIDA
COMPREHENSIVE PLAN AMENDMENT APPLICATION
PAGE 3 OF 3**

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE 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 AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant _____ **Date** November 1, 2015

Printed Name of Applicant Jason Steele

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

9) JUSTIFICATION FOR CHANGE:

Provide a mixture of multi-family housing and supporting commercial to support local Fortune 500 companies. Currently, the overwhelming majority of the college-educated employees aged 23 to 33 work in Palm Bay and live in other cities such as Melbourne. The City's current multi-family housing stock is over 25 years old. The proposed project will allow these prime employees to work and live in Palm Bay.



DATE: December 2, 2015
CASE #: CPZ-12-2015

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

PROPOSAL: Rezoning from Light Industrial and Warehousing District & Heavy Industrial District to Bayfront Mixed Use Zoning District.

LOCATION: Southside of Robert J. Conlan Boulevard NE, abutting and to the west of the FEC Railroad.

APPLICANT: Jason Steele representing Citizens Bank & Trust

SITE DATA

PRESENT ZONING: Light Industrial and Warehousing District & Heavy Industrial District

ACREAGE: 24.10 +/-

DENSITY: Up to 40 dwelling units per acre

ADJACENT ZONING

& LAND USE:

N -- LI, Light Industrial and Warehousing; across R. J. Conlan Blvd.
E -- HI, Heavy Industrial & LI, Industrial and Warehousing; FEC Railroad
S -- RMH, Residential Mobile Home; The Shire Mobile Home Park
W -- LI, Light Industrial and Warehousing; across R. J. Conlan Blvd.

WATER & SEWER: Both available capacity with force main, north across R. J. Conlan Blvd.

TRAFFIC COUNTS: R. J. Conlan Blvd. Segment 563 Commerce to U.S. 1 with a current 2014 traffic count of 10,730 Adjusted Average Daily Trips (AADT) and a Maximum Allowable Volume (MAV) of 33,915

FLOOD ZONE: X with remnant sliver of A along FEC at SE corner of property (see exhibit)

COMPLIANCE WITH THE COMPREHENSIVE PLAN:

Proposed rezoning is companion item to CP-12-2015 FLU amendment

BACKGROUND:

The subject property consists of 24.10 acres located on the south side of R. J. Conlan Blvd. abutting the FEC railroad to the east. The existing mixture of Heavy and Light Industrial zoning was part of a prior rezoning from all Light Industrial in 2006. The Industrial Use land use and zoning was adopted with the initial Comprehensive Plan in the late 1980's due to access to rail and U.S. 1. These were general locational criteria used for the designation of Industrial lands at the time. There has been no finalized site plan or subdivision plat request to utilize the subject property as Industrial uses since the original adoption. The proposed Bayfront Mixed Use Zoning District will allow for subsequent development as a multi-family apartment complex.

Due to the companion Future Land Use amendment application to Bayfront Mixed Use, the proposed rezoning will become effective at the future adoption hearing of the land use amendment request after transmittal and State review.

The surrounding properties along R. J. Conlan Blvd. include several major employers. The City has conducted several interviews with these employers, including a panel of Harris Corporation employees. The large portion of this work force are younger, single, college educated engineers, or other technical specialties, and utilize rental housing. The overwhelming number of the employees rent housing in Melbourne, Suntree, or other areas outside the City limits for the stated reason of lack of modern, managed, rental apartment housing stock in the City of Palm Bay. A brief research of on-property managed apartment complexes 150 units or greater in size show the latest housing stock to be over 15 years old, with the majority over 25 years old.

ANALYSIS:

Availability of Public Facilities and Services:

Potable Water: The subject property is located in the City of Palm Bay Service Area. City Utilities reports that it has excess capacity available for future residential and commercial use with existing lines and force main on the north side of R. J. Conlan Blvd.

Sanitary Sewer: The subject property is located within City of Palm Bay's sanitary sewer service area. City Utilities reports that it has excess capacity available for future residential use with existing lines and force main on the north side of R. J. Conlan Blvd.

Solid Waste: Waste Management provides solid waste collection and disposal for this area and adequate capacity exists to serve the land use proposed for the subject property.

Parks & Recreation: The proposed land use amendment would not exceed existing park land level of service for the Planning Area.

Drainage: All necessary drainage and stormwater management facilities must be provided on-site by the developer and approved during the subdivision and land development review process.

Transportation: The proposed amendment is located on R. J. Conlan Blvd. Segment 563 Commerce to U.S. 1 with a current 2014 traffic count of 10,730 Adjusted Average Daily Trips (AADT) and a Maximum Allowable Volume (MAV) of 33,915. The roadway has a current operating volume 31.64%. The subsequent proposed project if site planned at a density of 22 units per acre would increase the Average Daily Trip Count to an estimated 14,255 ADT for the proposed residential project which will increase the operating volume to 42.0%.

The Growth Management has notified the applicant of the future submittal of a Traffic Impact Study to review required roadway improvements. The future traffic analysis at time of site planning will also addresses the removal of the Industrial Future Land Uses and the removal of associated commercial truck traffic potential, which have significant impacts to roadway maintenance.

Public Schools: A Brevard County School Board concurrency determination will be required prior to the adoption hearing of proposed amendment.

Environmental Resources:

Any future use will require review and compliance with all relevant City regulations, including environmental review as required.

Coastal High Hazard Zone:

The subject property is not located within the original Coastal High Hazard Zone nor the current surge area.

Historic Resources:

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

CODE REQUIREMENTS:

The subject property is located within the Bayfront Community Redevelopment Area and outside the Bayfront Village District as defined in the redevelopment plan. Therefore the rezoning meets the locational criteria of the proposed Bayfront Mixed Use Zoning District. The proposed rezoning will increase the availability of residential multi-family housing to nearby corporate facilities and major employers. It will also increase the residential density to a level of urbanization that will help support existing restaurants and other commercial activities in the redevelopment district.

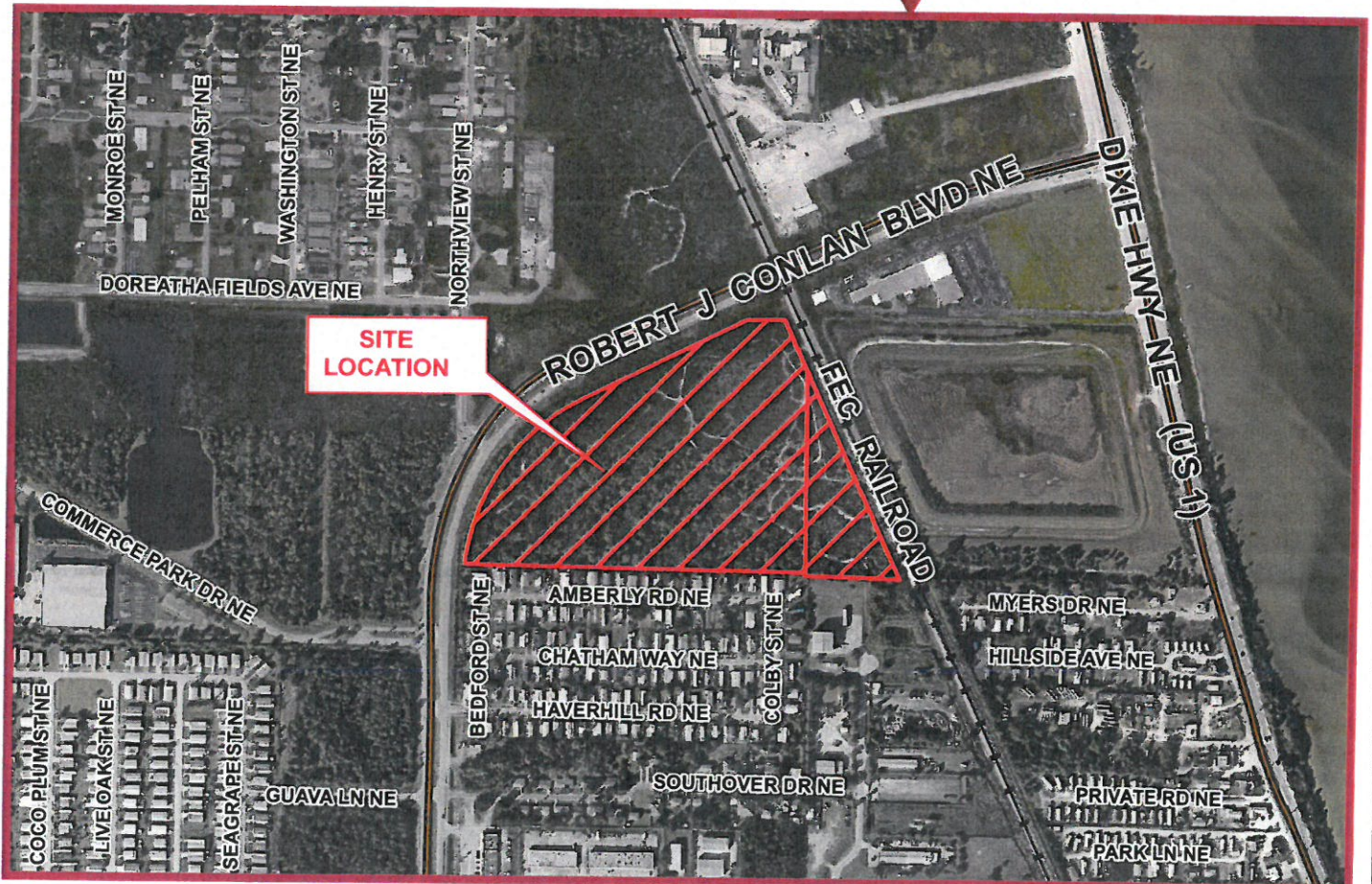
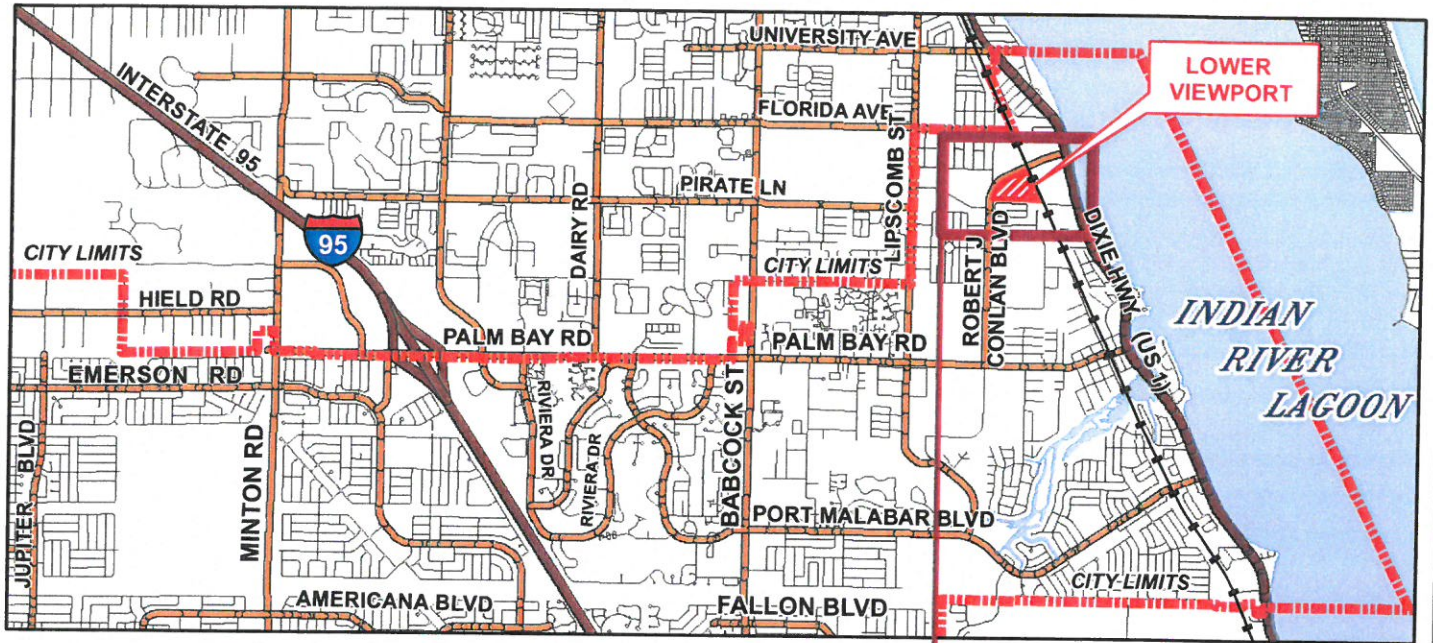
STAFF CONCLUSION:

The existing zoning districts and future land uses of Industrial Use have not been absorbed by the market since its adoption over 25 years ago. The proposed rezoning is to remove the existing Light & Heavy Zoning Districts and replace it with Bayfront Mixed Use Zoning District and subsequent construction of a multi-family development. The new Bayfront Mixed Use Zoning District will become effective at the adoption of this proposed Future Land Use amendment.

The subject property is served with both potable water and sewer, and is located on an arterial roadway. Located on the south side of R. J. Conlan Blvd., it is surrounded by major employers' which includes a younger professional subset of employees which utilize rental housing outside of the City limits. All of which will promote reduction of trip generation by future residents. Several of the employers are less than 2,500 feet to the west and east along R. J. Conlan Blvd., within walking & bicycling distance.



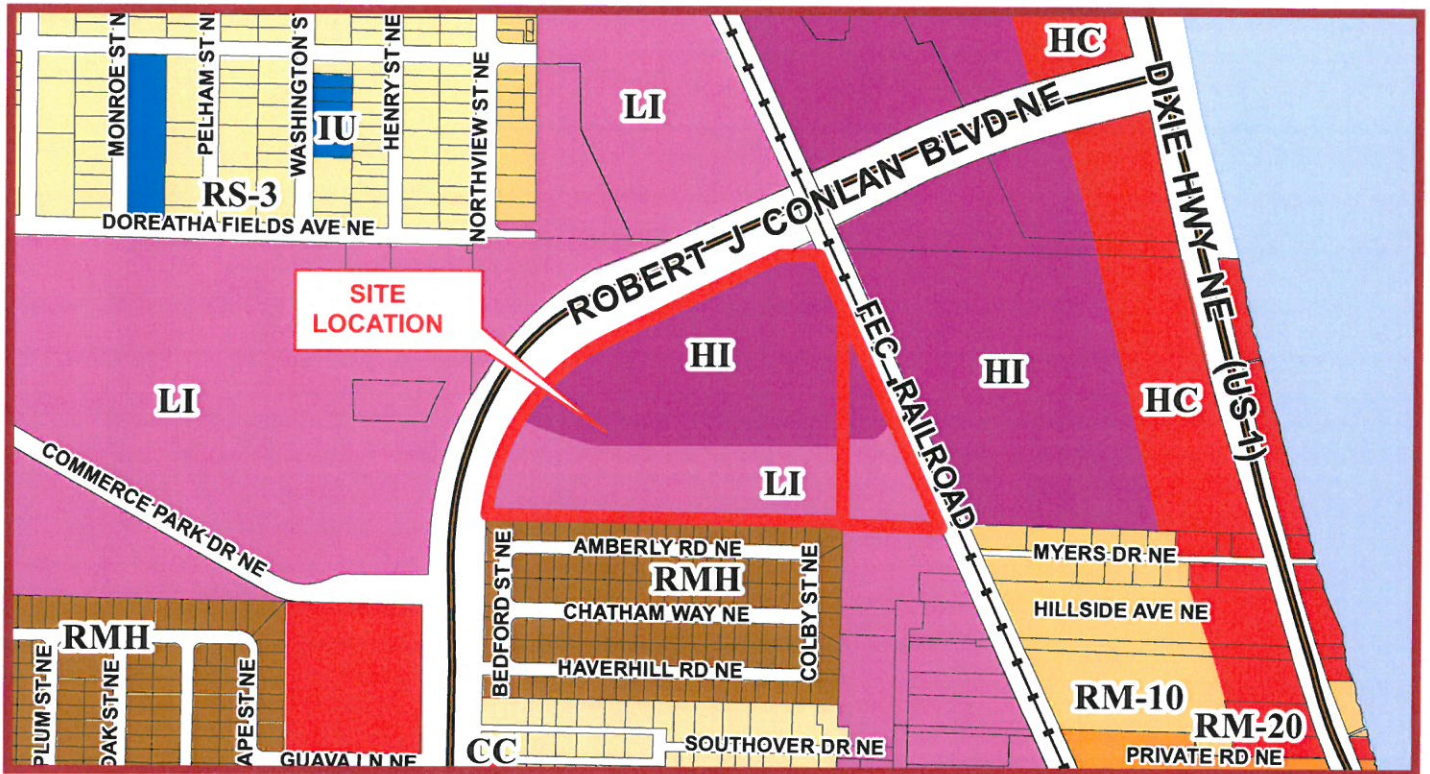
LOCATION MAP



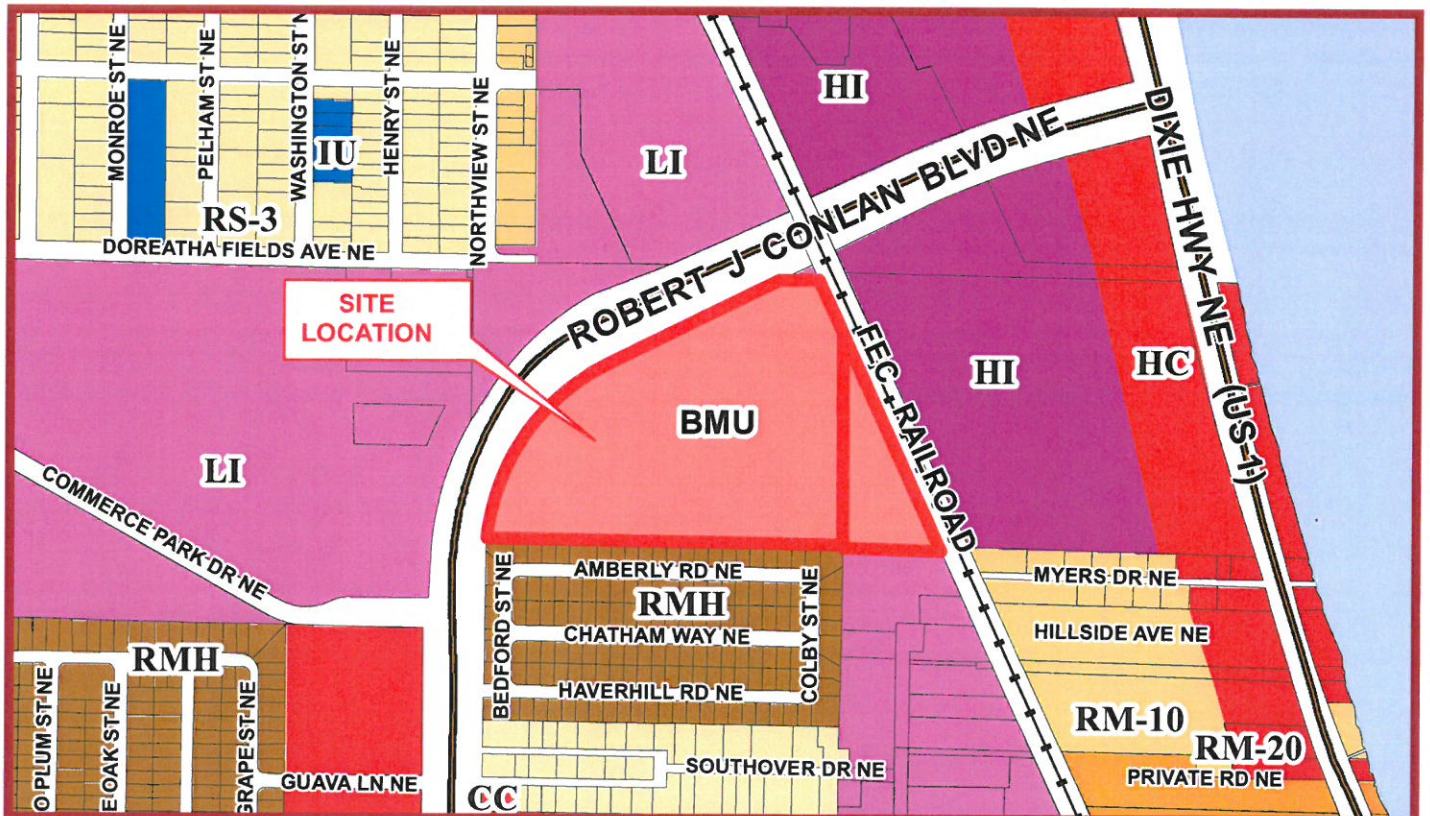
CP-12-2015 and CPZ-12-2015

CPZ-12-2015

CURRENT ZONING



PROPOSED ZONING



FLOODZONE DETERMINATION



CITY LIMITS

JIM WILLIAMS CFM
FLOODPLAIN ADMINISTRATOR
CITY OF PALM BAY

321-733-3042 willij@palmbayflorida.org

FLOODZONES



AE = BASE FLOOD ELEVATION (BFE) ESTABLISHED FLOOD INS. MANDATORY FOR FEDERALLY INSURED MORTGAGE



A = NO BASE FLOOD ELEVATION (BFE) ESTABLISHED HIGHEST FLOOD INSURANCE RATE FLOOD INS. MANDATORY FOR FEDERALLY INSURED MORTGAGE



FW = FLOODWAY - NO CONSTRUCTION ALLOWED



X = AREA'S OUTSIDE 500 YEAR FLOODPLAIN

X-500 = AREA'S OF 500 YEAR FLOOD

.2 % CHANCE OF FLOODING IN ANY GIVEN YEAR

FEMA LOMA - LOMR- OAS



LOMA



LOMR-F



OUT AS SHOWN



DECLINED

CASE NO.
LOMA DATE

X ZONES ARE NOT REQUIRED TO CARRY FLOOD INSURANCE, BUT QUALIFY FOR "PREFERRED RISK" POLICIES AND THE RATES ARE LOWER THAN "A" OR "AE" ZONES



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

REZONING APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to 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.

1) NAME OF APPLICANT (Type or print) Citizens Bank & Trust
ADDRESS P.O. Box 3400
CITY Lake Wales STATE Florida ZIP 33859-3400
PHONE # (863) 676-7631 FAX # N/A
E-MAIL ADDRESS jason@smithlawtlh.com

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION

See Attached

SECTION 14 TOWNSHIP 28 RANGE 37

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 24.10 +/-

4) ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.) LI & HI

5) ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): BMU, Bayfront Mixed Use District

6) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY? No

7) JUSTIFICATION FOR REZONING: See Attached

8) PRESENT USE OF THE PROPERTY: Vacant Land

9) INTENDED USE OF PROPERTY: Mixed Use Multi-Family & Supporting Commercial

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

 *\$600.00 Application Fee. Make check payable to "City of Palm Bay."

 Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)). Provide in PDF format if larger than 11" x 14".

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

_____ A listing 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 can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.brevardpropertyappraiser.com) List shall be legible and the source of that information stated here: _____

_____ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.

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_____ IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

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

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

Signature of Applicant _____ **Date** November 1, 2015

Printed Name of Applicant Jason Steele

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

7) JUSTIFICATION FOR REZONING:

Provide a mixture of multi-family housing and supporting commercial to support local Fortune 500 companies. Currently, the overwhelming majority of the college-educated employees aged 23 to 33 work in Palm Bay and live in other cities such as Melbourne. The City's current multi-family housing stock is over 25 years old. The proposed project will allow these prime employees to work and live in Palm Bay.



All Correspondence:
P.O. Box 3400
Lake Wales, FL 33859-3400
www.citizens-bank.com
(863) 676-7631

Member FDIC

November 2, 2015

Re: Letter of Authorization

As the property owner of the site legally described as Parcel ID# 28-37-14-00-5
+ ID# 28-37-14-EK.01 / Robert J. Conlon Blvd Palm Bay, FL
I hereby authorize Jason Steele
to represent my Interest with the zoning application for said property.

Citizens Bank & Trust
[Signature]
(Signature) Sr. VP

STATE OF Florida
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 11/2, 2015
by Brian Bracey, who is personally known by me or
who has produced _____ as identification,
and who did not take an oath.

(SEAL)

SHIRLEY J. NORMAN
Notary Public, State of Florida
My Comm. Expires Nov. 4, 2015
Commission No. EE 133553

[Signature], Notary Public
Serial No. _____
My commission expires _____

Polk County's Hometown Bank Since 1920

Auburndale • Bartow • Dundee • Frostproof • Haines City • Indian Lake Estates • Lake Wales • Lakeland • Winter Haven



DATE: December 2, 2015
CASE #: Case V-29-2015

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

PROPOSAL: A request to allow an existing pool and proposed screen enclosure to encroach the 10' rear setback by a maximum of 4', and a request to encroach the 8' side interior setback by a maximum of 2' as provided for in Section 185.118 of the Palm Bay Code of Ordinances.

LOCATION: 2185 Tarrytown Lane NE (Lot 5, Block 'A', Sleepy Hollow Subdivision)

APPLICANT: Mr. Steve Smolko

SITE DATA

PRESENT ZONING: RS-2, Single Family Residential District

ACREAGE: .22 Acres +/-

DENSITY: N/A

ADJACENT ZONING & LAND USE: **N** -- LI, Light Industrial and Warehousing District, vacant
E -- RS-2, Single Family Residential District, w/ single family home
S -- RS-2, Single Family Residential District, w/ single family home
W -- RS-2, Single Family Residential District, w/ single family home

WATER & SEWER: Water & Sewer service available

TRAFFIC COUNTS: not available

FLOOD ZONE: Zone "X" – area of minimum flood potential

**COMPLIANCE WITH THE
COMPREHENSIVE PLAN:** Not Specifically Addressed

BACKGROUND:

1. The site is located at 2185 Tarrytown Lane NE. The property contains .22 acres, more or less.
2. The property is zoned RS-2, Single Family Residential. Surrounding zoning includes LI zoning to the north, and RS-2 zoning to the south, east, and west.
3. The applicant is seeking a variance to allow an existing pool and proposed screen enclosure to encroach the 10' rear setback by a maximum of 4', and a request to encroach the 8' side interior setback by a maximum of 2' as provided for in Section 185.118 of the Palm Bay Code of Ordinances.

ANALYSIS:

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

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

The proposal is for a proposed screen enclosure around an existing pool. The pool did receive all the necessary permits from the City at the time it was constructed; as it is common for many homes to have screen enclosures around pool structures, this may be a special circumstance that the Board and Council may wish to consider with regard to this request.

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

The special conditions and circumstances identified in item 1 are not a direct result of the actions of the applicant. The pool was constructed by others in a improper location. The Board and City Council must determine if the request has a hardship that requires relief from the Code, or if the hardship is self-induced.

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

Literal interpretation and enforcement of the code would not allow the screen room and would require applicant to remove a portion of the existing pool to comply with the code. This would be considered excessive, and detract from an otherwise aesthetically pleasing and functional pool. The Board must ultimately decide if there exists a deprivation of rights with regard to the request.

Item 4 – “The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.”

City Council, after recommendation from the Planning and Zoning Board, will need to determine the minimum amount of relief, if any, that is required to make possible the reasonable use of the land, building or structure. It appears at minimum, the applicant would require 4’ of relief from the 10’ rear setback, and 2’ of relief from the 8’ side interior setback for the proposed screen room and existing pool.

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

Based on the circumstances that exist, granting the variance as requested may confer a special privilege that is denied to other lands, building or structures in the same district by allowing the relief for the proposed screen room and existing pool; however, the proposed relief is considered by staff to be minor in nature, and does not appear to pose any health or safety concerns for the surrounding properties.

Item 6 – “The Granting of the variance will be in harmony with the general intent and purpose of this code, and will not be injurious to the surrounding properties or detrimental to the public welfare.”

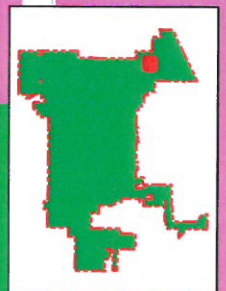
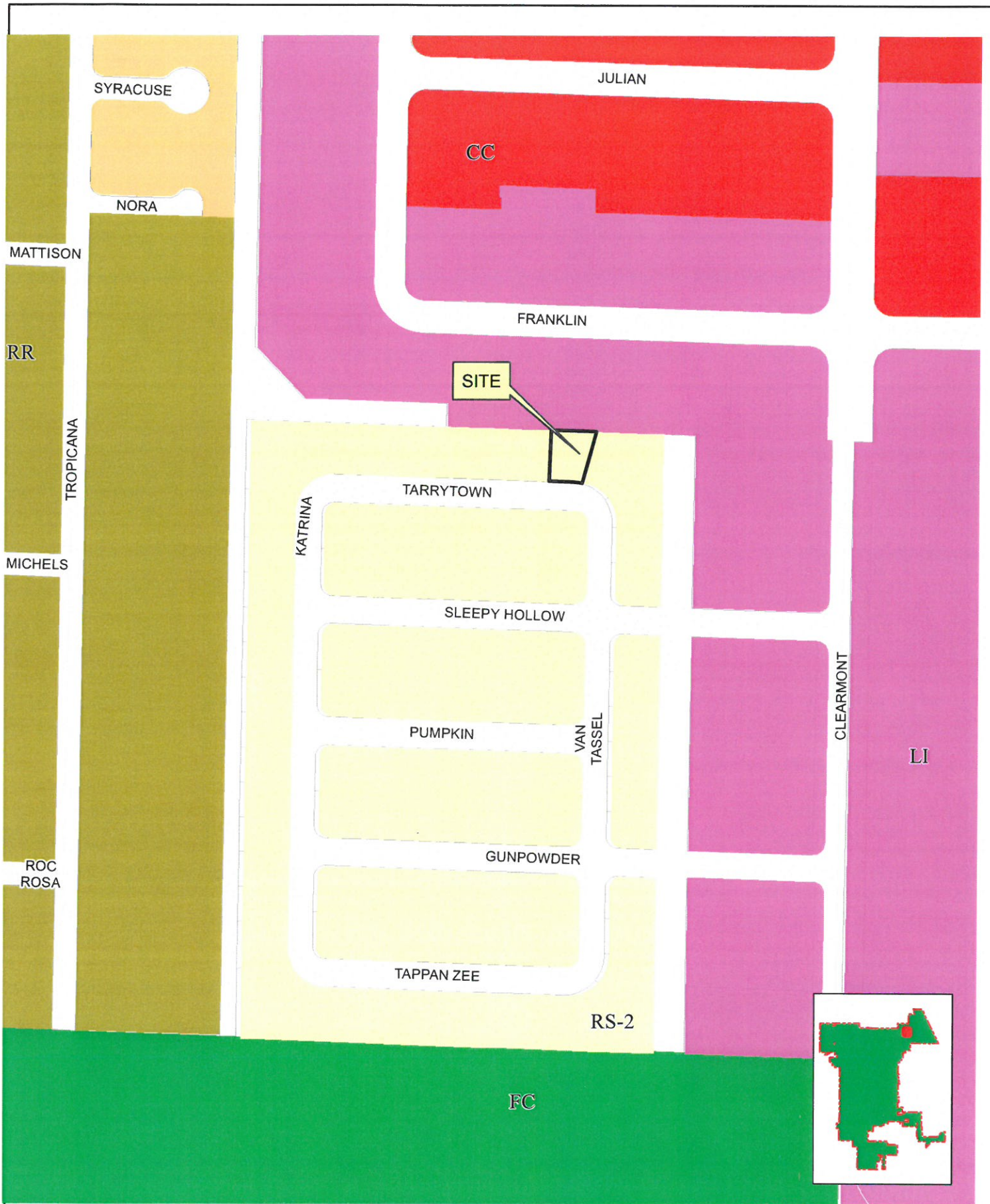
City Council will need to make a determination if the proposed use is in harmony with the general intent and purpose of the code.

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

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

STAFF FINDINGS:

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



V-29-2015 ZONING MAP

Map for illustrative purposes only. Not to be construed as binding or as a survey.
Map created by the Land Development Division





V-29-2015 AERIAL VIEW

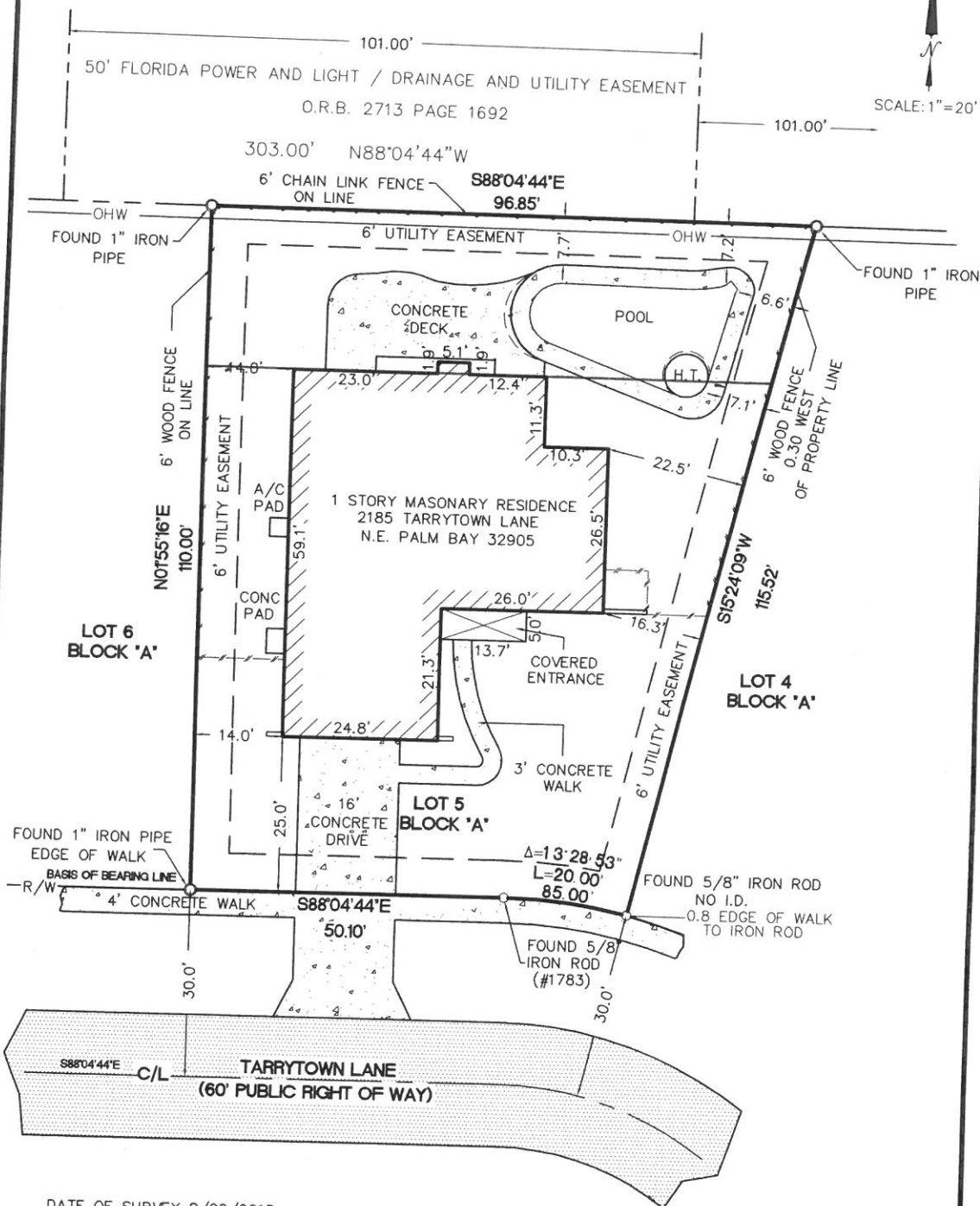


Map for illustrative purposes only. Not to be construed
as binding or as a survey.
Map created by the Land Development Division



Map of Boundary Survey

STEVEN S. SMOLKO
2185 TARRYTOWN LANE N.E.
PALM BAY, FLORIDA 32905



SCALE: 1"=20'

DATE OF SURVEY 8/09/2015
RICHARD A. PUTZ P.S.M. #4505
SURVEYING AND MAPPING L.B. #6610
JOB NUMBER: 15-1023S

See report of Boundary survey, lands described on page 2 of 2, and lying in Brevard County, Florida. This map and attached REPORT is not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper which can be found on the REPORT. The MAP and REPORT are not full and complete without the other.

SHEET 1 OF 2

B.L.S.&C. INC.
LAND SURVEYORS
AND CONSULTANTS
397 ASBURY AVE. N.E.
PALM BAY, FLORIDA 32907
(321)693-4593 FAX (321)726-0602
LAND SURVEYING / LAND PLATTING

P.B.= Plot Book
C.B.S.= Concrete Block Stucco
R/W=Right-of-way
CONC.=Concrete
C/L=Center line

LEGEND
O.A.=Over All
OHW= Overhead wire
N.I.D.=NO IDENTIFICATION
(C)=Calculated from closed traverse

P.G.= Page
(XX) N.G.V.D. Elevation
D&U=Drainage and Utility
N&D=Nail and disk
A/C=Air Conditioner



Land Development Division
120 Malabar Road
Palm Bay, FL 32907
321-733-3042
Landdevelopment@palmabayflorida.org

VARIANCE APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to 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.

1) NAME OF APPLICANT (Type or print) Steve Smolko

ADDRESS 2185 Tarrytown Lane NE

CITY Palm Bay STATE FL ZIP 32905

PHONE # 330-550-9388 FAX # N/A

E-MAIL ADDRESS ste0698ve@gmail.com

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION Plat/Book

0025/0116 SubName: Sleepy Hollow LOT 5 BLK A

SECTION 22 TOWNSHIP 28 RANGE 37

3) STREET ADDRESS OF PROPERTY COVERED BY APPLICATION: 2185 Tarrytown Lane NE

4) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 0.22

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

6) ARE THERE ANY STRUCTURES ON THE PROPERTY NOW?: X YES NO

7) HAS A VARIANCE APPLICATION PREVIOUSLY BEEN FILED FOR THIS PROPERTY?:
 YES X NO

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

8) DESCRIBE THE EXTENT OF THE VARIANCE REQUESTED AND THE INTENDED USE OF THE PROPERTY IF THE VARIANCE IS GRANTED (SPECIFY NUMBER OF INCHES/FEET ENCROACHING INTO SPECIFIC REQUIRED YARD SETBACK OR REQUIRED HEIGHT RESTRICTIONS): A variance is requested to allow a proposed screen enclosure to encroach a maximum of 4 feet into the 10-foot rear setback. There is an existing pool that encroaches more than 3 feet into the setback.

- 9) CITE THE APPLICABLE SECTION(S) OF THE ZONING ORDINANCE AND ITS REQUIREMENT FROM WHICH VARIANCE IS REQUESTED (ex.: 185.034(f)(7)): Section 185.118(A)(3)

Within any required rear yard setback, no accessory structure shall be erected within ten (10)

feet of any rear property line and within six (6) feet of any side property line.

- 10) GIVE WRITTEN EXPLANATION(S) DEMONSTRATING HOW THE VARIANCE MEETS THE FOLLOWING CONDITIONS:

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

a) The house was built to code with the pool in April 1980.

b) The house was not owned by the applicant at that time it was built. The applicant purchased the house in February 2014 and is hoping to increase the safety of the property by adding the enclosure around the pool.

c) Without the variance the pool enclosure would be in the middle of the pool.

d) If granted the minimum variance necessary will be used to install a screened enclosure around the pool and pool deck to ensure the safety of animals and neighborhood children.

e) If granted the variance will not confer on the applicant any special privilege. Upon research done there are other properties with the same conflict that have been granted a variance to allow an enclosure.

f) Granting this variance will not be injurious to the surrounding properties or detrimental to the public welfare.

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

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

N/A BERT J. HARRIS PRIVATE PROPERTY RIGHTS PROTECTION ACT, Chapter 95-181, Laws of Florida.
Provide a copy of one of the following: N/A Special master appointed in accordance with the act.
N/A Court order as described in the act.

N/A AMERICANS WITH DISABILITIES ACT. Cite the section of the act from which the variance request will provide relief: N/A

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

X *\$300.00 Application Fee. Make check payable to "City of Palm Bay."

N/A A listing 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 can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.brevardpropertyappraiser.com) List shall be legible and the source of that information stated here: _____

X Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.

X A site plan drawn to scale which shows all property and yard dimensions, its structures (if any) and the variance desired, including abutting highway or road boundaries. Submit in electronic or PDF format.

X A survey prepared by a registered surveyor showing all property lines and structures.

N/A WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE VARIANCE.

X IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

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

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

Signature of Applicant



Date 10/23/15

Printed Name of Applicant

Steve Smolko

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

CITY OF PALM BAY

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

TO: CITY OF PALM BAY GROWTH MANAGEMENT DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, this day personally appeared Steve Smolko, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:


1. Affiant is the [☒] individual or [☐] _____ *[position-e.g., president, partner, trustee]* of *[position-e.g., president, partner, trustee]* of _____ *[name and type of entity-e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with the City of Palm Bay.
2. Affiant's address is: _____
2185 Tarrytown Lane NE, Palm Bay, FL 32905
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that the Affidavit is given to comply with City of Palm Bay Resolution No. 2008 - 19, and will be relied upon by the City of Palm Bay in its review of application for Comprehensive Plan amendment or Development Order approval affecting the property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

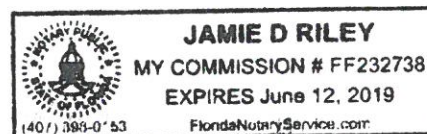
FURTHER AFFIANT SAYETH NAUGHT.

, Affiant

Steve Smolko
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 23rd day of October, 2015, by Steve Smolko, [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.

, Notary Public
Jamie D Riley
(Print Notary Name)



NOTARY PUBLIC
State of Florida at Large
My Commission Expires: June 12, 2019



DATE: December 2, 2015
CASE #: Case V-30-2015

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

PROPOSAL: A request to allow relief from the 2-car garage requirement for a proposed reconstructed home as provided for in Section 185.034(8) of the Palm Bay Code of Ordinances.

LOCATION: 886 Cornell Street NE (Lot 23, Block 451, Port Malabar Unit 11)

APPLICANT: Mr. Derek Hindle

SITE DATA

PRESENT ZONING: RS-2, Single Family Residential District

ACREAGE: .23 Acres +/-

DENSITY: N/A

ADJACENT ZONING & LAND USE:
N -- RS-2, Single Family Residential District, w/ single family home
E -- RS-2, Single Family Residential District, w/ single family home
S -- RS-2, Single Family Residential District, w/ single family home
W -- RS-2, Single Family Residential District, w/ single family home

WATER & SEWER: Water & Sewer service available

TRAFFIC COUNTS: not available

FLOOD ZONE: Zone "X" – area of minimum flood potential

**COMPLIANCE WITH THE
COMPREHENSIVE PLAN:** Not Specifically Addressed

BACKGROUND:

1. The site is located at 886 Cornell Street NE. The property contains .23 acres, more or less.
2. The property is zoned RS-2, Single Family Residential. Surrounding zoning includes RS-2 zoning to the north, south, east, and west- single family homes abut all sides of the site.
3. The applicant is seeking a variance to allow relief from the 2-car garage requirement for a proposed reconstructed home as provided for in Section 185.034(8)of the Palm Bay Code of Ordinances.

ANALYSIS:

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

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

The proposal is for relief from the 2 car garage requirement for a home that is to be re-constructed as a result from a residential fire. Typically, the code would require non-conforming structures that are removed or destroyed to comply with the current code. With respect to the applicant's request, the exterior load bearing walls remain and are in good condition. The applicant is seeking to rebuild what was originally built on the property and does not have the ability to reconfigure the exterior walls easily to accommodate a 2-car garage. This may be a special circumstance that the Board and Council may wish to consider with regard to this request.

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

The special conditions and circumstances identified in item 1 may be a direct result of the actions of the applicant. The Board and City Council must determine if the request has a hardship that requires relief from the Code, or if the hardship is self-induced.

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

Literal interpretation and enforcement of the code would require the applicant to reconfigure or rebuild the exterior walls to accommodate a 2-car garage in order to meet the code. The Board must ultimately decide if there exists a deprivation of rights with regard to the request.

Item 4 – “The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.”

City Council, after recommendation from the Planning and Zoning Board, will need to determine the minimum amount of relief, if any, that is required to make possible the reasonable use of the land, building or structure. It appears at minimum, the applicant would require relief from the 2 car garage requirement.

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

Based on the circumstances that exist, granting the variance as requested may confer a special privilege that is denied to other lands, building or structures in the same district by allowing the relief from the 2-car garage requirement; however, the proposed relief is considered by staff to be minor in nature and does not appear to pose any health or safety concerns for the surrounding properties.

Item 6 – “The Granting of the variance will be in harmony with the general intent and purpose of this code, and will not be injurious to the surrounding properties or detrimental to the public welfare.”

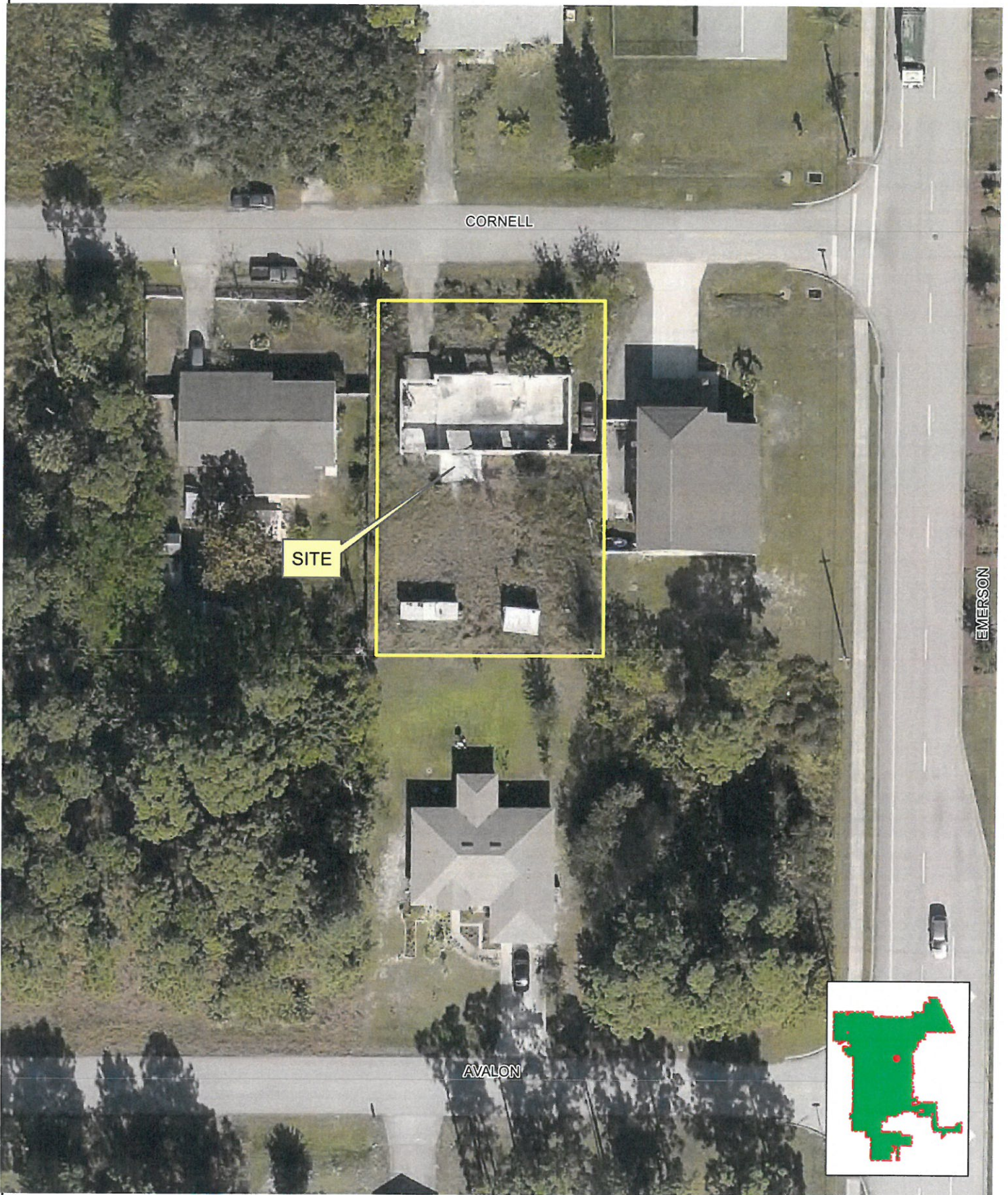
City Council will need to make a determination if the proposed use is in harmony with the general intent and purpose of the code.

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

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

STAFF FINDINGS:

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

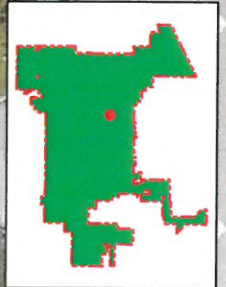


SITE

CORNELL

EMERSON

AVALON



Map for illustrative purposes only. Not to be construed as binding or as a survey.
Map created by the Land Development Division

V-30-2015 AERIAL VIEW

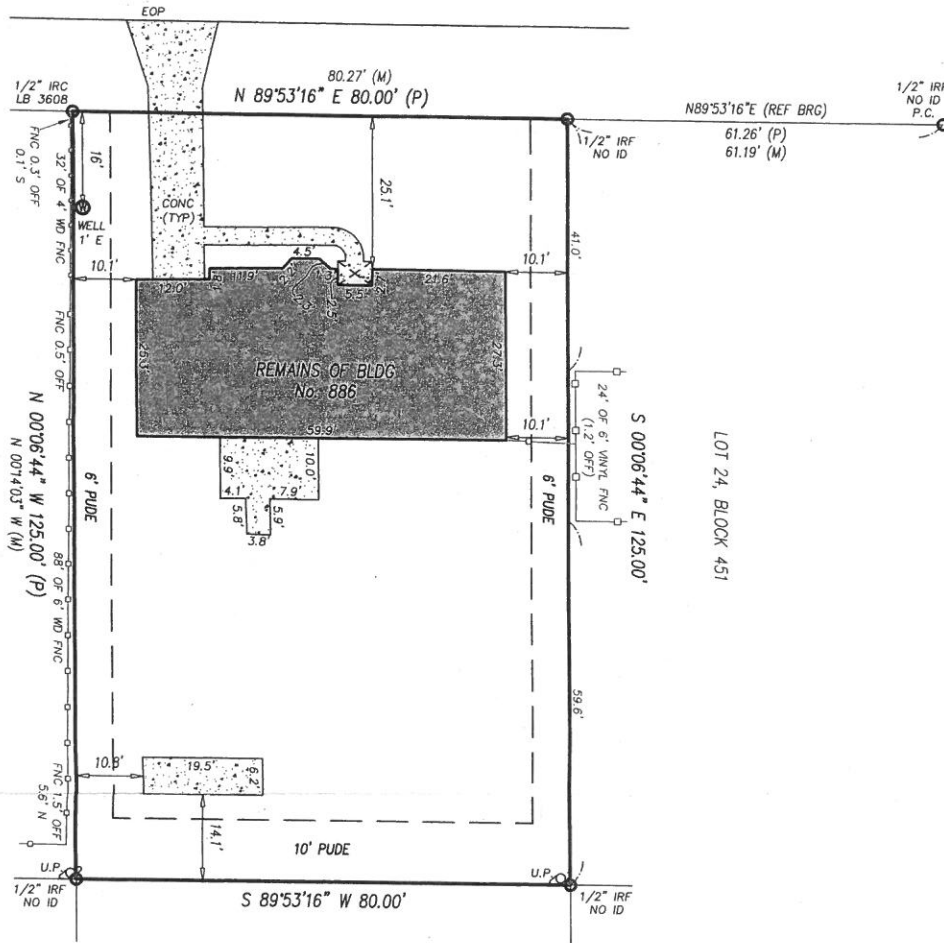


MAP OF BOUNDARY SURVEY

CORNELL STREET, S.E.

50' PUBLIC R/W

LOT 22, BLOCK 451



LOT 26, BLOCK 451

LEGEND

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

LEGAL DESCRIPTION:

LOT 23, BLOCK 451, PORT MALABAR UNIT ELEVEN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGES 34-42, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

BOUNDARY	DATE: 8/14/15	JOB No. 34802
		FB 15-11-4
		PM11/L23B451

CERTIFIED TO:
DEREK HINDLE

CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED SURVEY WAS DONE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER SJ-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

DATE: 8/19/15

JOEL A. SEYMOUR PROFESSIONAL LAND SURVEYOR AND MAPPER
STATE OF FLORIDA No. LS 6133

DRAWN BY: DGB

SCALE 1 INCH = 20 FEET

NOTES:

1. BEARINGS BASED ON THE SOUTH R/W BEING N89°53'16"E AS PER PLAT (SEE SKETCH)
2. ELEVATIONS BASED ON
3. FLOOD ZONE "X", MAP No. 12009C0660G COMMUNITY No. 120404, MARCH 17, 2014, FLOOD ZONE INFORMATION DEPICTED HEREON IS APPROXIMATE. FEMA RETAINS SOLE AUTHORITY REGARDING BOUNDARY AND EXTENT OF SFHA.
4. HORIZONTAL CLOSURE MEETS OR EXCEEDS THE ACCURACY REQUIREMENTS FOR SUBURBAN LAND AS PER FLORIDA STATUTE SJ-17-6.003
5. BEARINGS, DISTANCES OR ANGLES SHOWN ARE THE SAME AS PLAT, DEED OR RECORD UNLESS SHOWN OTHERWISE.
6. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.
7. THE SURVEYOR HAS NOT LOCATED NOR ATTEMPTED TO LOCATE ANY UNDERGROUND UTILITIES, FOUNDATIONS, OR STRUCTURES OTHER THAN THOSE THAT MAY BE SHOWN HEREON.
8. ONLY BOUNDARY CORNER MONUMENTS AS SHOWN HEREON ARE TO BE USED FOR THE LOCATION AND CONSTRUCTION OF IMPROVEMENTS.
9. UNLESS OTHERWISE INDICATED THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE SEARCH OR ATTORNEY'S TITLE OPINION.

Kane Surveying, Inc.

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

CASE V-30-2015

CORRESPONDENCE: 1

November 23, 2015 – 3:49 p.m.

Telephone Message:

Re. Case V-30-2015 – I am in favor of the request. The house is small so it is ridiculous to require a two-car garage. I live across the street and my view is of the burnt out structure. The City should not hold up the construction.

Karen Harvey

Property location: 885 Cornell Street SE, FL 32909

crp

PH: 321-216-1070



Land Development Division
120 Malabar Road
Palm Bay, FL 32907
321-733-3042
Landdevelopment@palmabayflorida.org

VARIANCE APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to 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.

- 1) NAME OF APPLICANT (Type or print) DEREK HINDLE
ADDRESS 1518 Tugwell St.
CITY Palm Bay STATE FLORIDA ZIP 32909
PHONE # 321-732-9850 FAX # _____
E-MAIL ADDRESS derekhindle@yahoo.com
 - 2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION lot 23,
Block 451, port malabar unit 11, platbook 0015/0034
SECTION _____ TOWNSHIP _____ RANGE _____
 - 3) STREET ADDRESS OF PROPERTY COVERED BY APPLICATION: 886 Cornell st
 - 4) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 0.23 Acre
 - 5) EXISTING ZONING CLASSIFICATION OF PROPERTY (ex.: RS-2, CC, etc.): RS-2
 - 6) ARE THERE ANY STRUCTURES ON THE PROPERTY NOW?: ☒ YES ☐ NO Block walls
 - 7) HAS A VARIANCE APPLICATION PREVIOUSLY BEEN FILED FOR THIS PROPERTY?:
☐ YES ☒ NO
- IF SO, STATE THE NATURE OF THE PREVIOUS APPLICATION, WHETHER THE REQUEST WAS APPROVED OR DENIED, AND DATE OF ACTION: N/A
-
- 8) DESCRIBE THE EXTENT OF THE VARIANCE REQUESTED AND THE INTENDED USE OF THE PROPERTY IF THE VARIANCE IS GRANTED (SPECIFY NUMBER OF INCHES/FEET ENCROACHING INTO SPECIFIC REQUIRED YARD SETBACK OR REQUIRED HEIGHT RESTRICTIONS): Is A Burned down house, would like to
rebuild as it was originally. Do not have room
on property for a second garage.

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

- 9) CITE THE APPLICABLE SECTION(S) OF THE ZONING ORDINANCE AND ITS REQUIREMENT FROM WHICH VARIANCE IS REQUESTED (ex.: 185.034(f)(7)): 185.034(8)

- Residential Zoning district -

- 10) GIVE WRITTEN EXPLANATION(S) DEMONSTRATING HOW THE VARIANCE MEETS THE FOLLOWING CONDITIONS:

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

We would like to rebuild structure for the purpose of living there with our family within the next couple of years.

We currently maintain the yard, looks, of yard.

We have already started purchasing trusses plans etc. to find out later that we are now going to have issues with zoning due to not having space for an additional garage making it 2 garages, which at the time had no idea about. Thank you in advance + for your consideration,

Respectfully,



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

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

N/A BERT J. HARRIS PRIVATE PROPERTY RIGHTS PROTECTION ACT, Chapter 95-181, Laws of Florida.
Provide a copy of one of the following: _____ Special master appointed in accordance with the act.
_____ Court order as described in the act.

N/A AMERICANS WITH DISABILITIES ACT. Cite the section of the act from which the variance request will provide relief: _____

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

_____ *\$300.00 Application Fee. Make check payable to "City of Palm Bay."

☒ A listing 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 can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.brevardpropertyappraiser.com) List shall be legible and the source of that information stated here: _____

_____ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.

☒ A site plan drawn to scale which shows all property and yard dimensions, its structures (if any) and the variance desired, including abutting highway or road boundaries. Submit in electronic or PDF format.

☒ A survey prepared by a registered surveyor showing all property lines and structures.

_____ WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE VARIANCE.

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

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

Signature of Applicant



Date 10-28-15

Printed Name of Applicant

Derek H. Walle

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

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

- PROPOSAL:** The applicant is requesting conditional use approval for a self-storage facility in a CC District.
- LOCATION:** The subject property is located at the SE corner of the intersection of Palm Bay Road NE and Babcock Street NE. Specifically, Tax Parcel 543.0, located in Section 22, Township 28 south, and Range 37 east, Brevard County, Florida.
- APPLICANT:** Amerco Real Estate Company (David Pollock, Representing)

SITE DATA

- PRESENT ZONING:** CC, Community Commercial
- ACREAGE:** 8.13 acres (\pm)
- DENSITY:** Not applicable
- ADJACENT ZONING & LAND USE:**
- | | |
|----------|--|
| N | -- CC, Community Commercial; Palm Bay Road NE |
| E | -- CC, Community Commercial; Pizza Restaurant and Dentist Office |
| S | -- CC, Community Commercial; Palm Bay Centre Shopping Plaza |
| W | -- CC, Community Commercial; Babcock Street NE |
- WATER & SEWER:** City Water & Sewer Available and Required
- FLOOD ZONE:** X, Area outside the 500 Year Flood Zone
- COMPLIANCE WITH THE COMPREHENSIVE PLAN:** Yes

BACKGROUND:

1. The subject property is located at the SE corner of the intersection of Palm Bay Road NE and Babcock Street NE. Specifically, Tax Parcel 543.0, located in Section 22, Township 28 south, and Range 37 east, Brevard County, Florida. The site is approximately 8.13 acres.
2. The current zoning is CC, Community Commercial and the property is surrounded by CC Zoning. To the north is Palm Bay Road and to the south is the Palm Bay Centre Shopping Plaza. To east are Wagon Wheel Pizza and the Palm Bay Dental Center. The west is Babcock Street and a Boston Market Restaurant.
3. The applicant, Amerco Real Estate Company, is seeking conditional use approval for a self-storage facility in the CC District, per Section 185.043 (D)(9) of the Palm Bay Code of Ordinances. The applicant is being represented by David Pollock, Development Manager.

ANALYSIS:

The subject property is presently developed with a 100,000 square foot building that previously contained a K-Mart. Existing parking areas exist to the north, east and west sides of the building. The applicant proposes to renovate the K-Mart building into a U-Haul self-storage facility and reconfigure the existing parking areas. Additional, free-standing storage buildings are also proposed. The total storage area is approximately 94,812 square feet. Within the existing building will be a 4,608 square foot area designated for the sale of moving supplies (boxes, tape, locks, hitches, blankets, etc.). If the conditional use request is approved by City Council, the project must receive administrative site plan approval.

CODE REQUIREMENTS:

1. In order to be granted conditional use approval, a request is evaluated upon items (A) through (I) of the General Requirements and Conditions listed in Section 185.087 of the Code of Ordinances. A review of these items is as follows:

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

The site is currently accessed via two (2) driveway connections to Palm Bay Road and one driveway from Babcock Street. It may also be accessed from the south via internal driveways established through a cross-access agreement with the Publix Plaza. No additional driveways or modification of existing driveways have been proposed.

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.*

Based upon the size of the buildings and their intended use, the project is required a minimum of 75 parking spaces, of which at least three (3) spaces would be required for handicapped persons. The submitted plan proposes a total of 187 regular parking stalls. However, the minimum number of handicapped parking stalls is based upon the total number of parking spaces provided on-site. 187 regular spaces would yield a minimum

requirement of six (6) handicapped spaces. Only one (1) such space has been shown on the drawing. Moreover, the applicant proposes 32 spaces for the display of various U-Haul trucks, vans, trailers and tow-dollies that will be available for rent. These spaces are to be provided adjacent to both Palm Bay Road and Babcock Street.

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

The building is already connected to the city's water and sewer system and the property has both electric and phone services available.

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

The site contains an existing commercial building and associated parking areas that were constructed in 1979. Commercial development exists to the south and arterial roadways about the site to the north and west. Developed commercial also exists to the east. The main building will provide internal storage, but the proposed buildings will contain exterior doors. The Board and Council shall determine if this would warrant any screening.

Item (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.*

The conceptual plan does not propose any detached signs or lighting. However, it is assumed that both items will be installed in the future. With this in mind it shall be noted that City codes require any and all lighting to be shielded and/or directed downward so as to not create a nuisance to adjacent properties. During the administrative site plan review a lighting and photometric plan will be required.

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

The yards and open space requirements have been met with this plan.

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.*

Staff was unable to determine any concerns with respect to this item.

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

As previously stated, the "use" is permitted (via conditional approval) and the site is surrounded by like commercial intensities. It appears that the existing drive aisles that allow traffic to flow to and from the shopping plaza to the south, while being modified, provided ample width.

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 Planning and Zoning Board and City Council has 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.

2. In addition to the General Requirements and Conditions of Section 185.087, the project must adhere to the Special Requirements and Conditions for self-storage facilities listed under Section 185.088 (H). If approved, these particular requirements shall be conditions of the resolution. They are provided below:

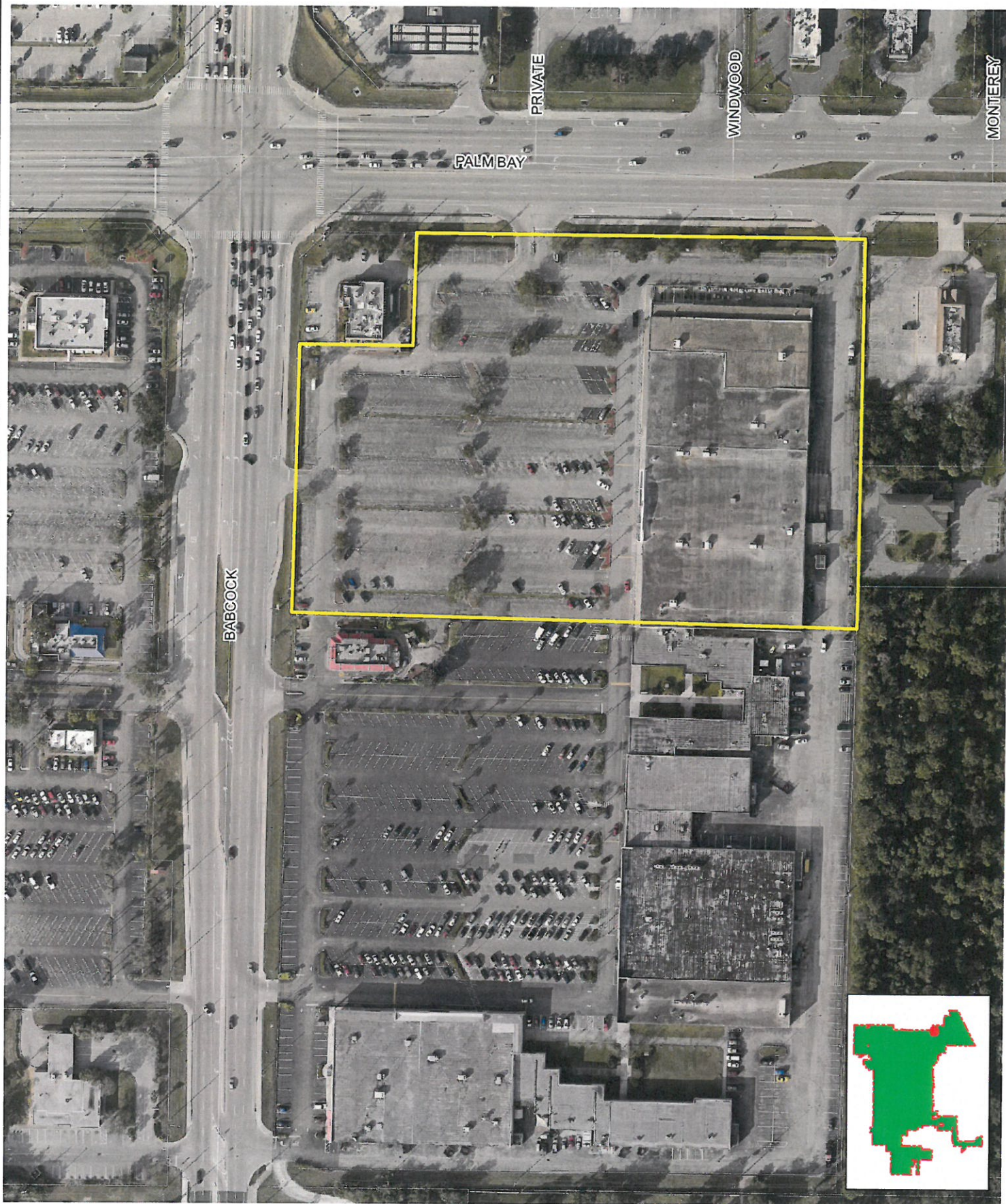
- (1) No door openings for any storage unit, with the exception of emergency egress doors, shall be constructed facing any residentially zoned property;
- (2) The submitted conditional use site plan shall include a landscape plan;
- (3) Interior traffic lanes shall be wide enough to accommodate loading and unloading, as well as, through and/or emergency traffic;
- (4) The maximum storage unit size is limited to 300 square feet;
- (5) There shall be no outside storage at the site;
- (6) There shall be no storage of hazardous or flammable chemicals; and
- (7) Such facilities may only be utilized for storage. Occupancy for any other use is prohibited.

3. Although the submitted project contains allowable uses within the CC District (via a conditional use permit), the conditional use approval process allows for site and use conditions to be recommended beyond the minimum code requirements in order to ensure that the project is compatible with adjoining properties and the surrounding area. Therefore, staff suggests the following item for the Board and Council's consideration:

1. While staff recognizes the applicant's desire to rent moving trucks and trailers from this site we do not believe it is in the best interest of the City of Palm Bay to have such items so prominently displayed along our arterial corridors, at the most traveled intersection in the city. The Planning and Zoning Board and City Council should consider mandating that these vehicles are parked/displayed closer to the main building and away from Palm Bay Road and Babcock Street. It is staff's opinion that the display of such a collection of vehicles would not enhance the quality of this important, commercial node.

CONCLUSION:

The Planning and Zoning Board and City Council must determine if the request meets the criteria of Sections 185.087 and 185.088 (H), of the Palm Bay Code of Ordinances.

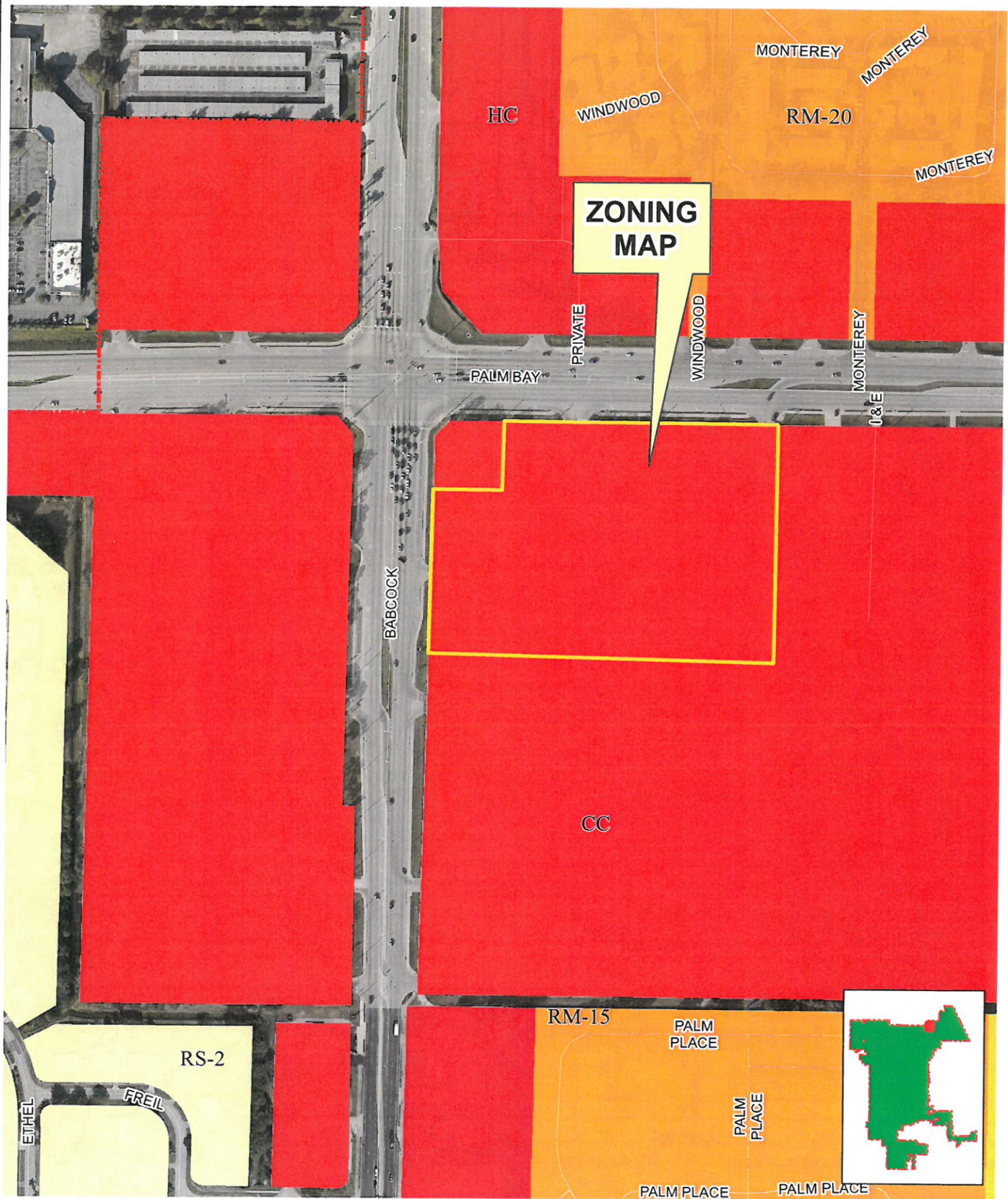


Map for illustrative purposes only. Not to be construed as binding or as a survey.

Map created by the Land Development Division



CASE NO. CU-20-2015



Map for illustrative purposes only. Not to be construed
as binding or as a survey.

Map created by the Land Development Division



CASE NO. CU-20-2015



AERIAL VIEW

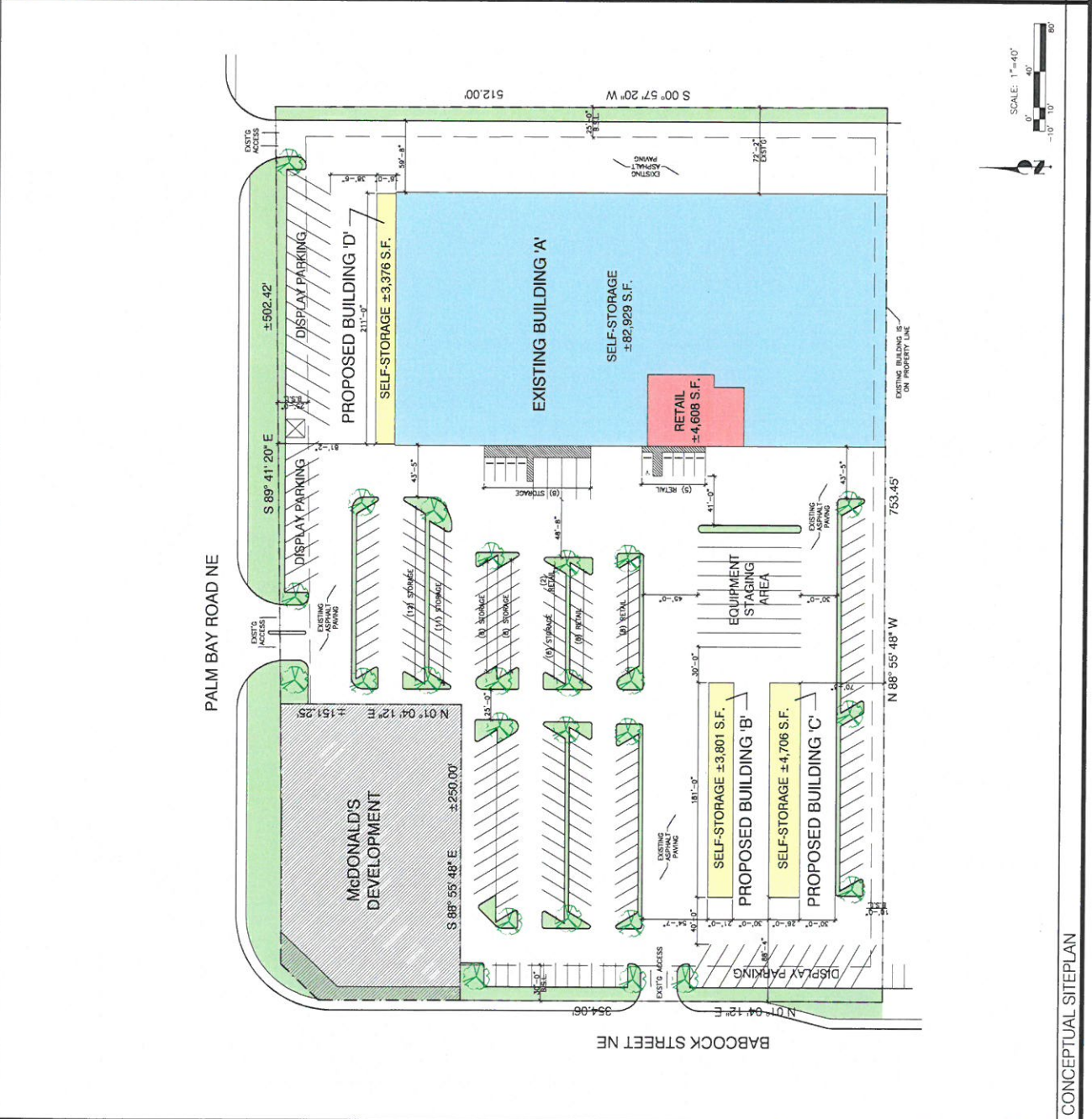
N.T.S.

Title of Development: U-Haul Moving & Storage of Palm Bay, FL
Municipality: City of Palm Bay, FL
Project Applicant: David Pollock / AMERCO Real Estate Co.
2727 N Central Ave., Phoenix, AZ 85004
602-655-6302
Property Ownership: 4711 Babcock Street, Ltd
Existing Zoning: CC, Community Commercial
Proposed Zoning: CC, Community Commercial
Proposed Use(s): Self-Storage Facility, Equip. Rental & Retail / Showroom
Lot Area: 7.90 Acres / 344,347 SF

Building Areas: "Existing"
(Self-Storage 82,929 SF & Retail 4,609 SF) = 87,537 SF
Building B "Proposed" Self-Storage = 3,801 SF
Building C "Proposed" Self-Storage = 4,706 SF
Proposed Building A "Proposed" Self-Storage = 3,376 SF
Total Building Area = 99,420 SF

Building Coverage: Max = 35% OR 120,443 SF
Proposed = 29% OR 99,420 SF
Building Height: Max = 75 FT
Proposed = 15 FT
Building Setbacks (Principal): Required = 15 FT
Front Lot Line: 30' Proposed 88'-4"
Side Lot Line: 10' Proposed 77'-4"
Rear Lot Line: 25' Proposed 72'-2" Eubling

Parking Spaces: Required = 23
Rental - 189 / 200 SF GFA
Self - Storage / Warehouse 52
189 / 1000 SF GFA for 10,000 plus
189 / 2,000 SF GFA for 10,000
Total Spaces: 75
* Includes 22 Display Spaces



CONCEPTUAL SITEPLAN

SCALE: 1"=40'

McDONALD'S DEVELOPMENT

EXISTING ASPHALT PAVING

EXISTING ASPHALT PAVING

EXISTING ASPHALT PAVING

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

CONDITIONAL USE APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to 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.

- 1) NAME OF APPLICANT (Type or print) Amerco Real Estate Company
ADDRESS 2727 N. Central Ave. Ste. 500
CITY Phoenix STATE AZ ZIP 85004
PHONE # (602)263-6555 FAX # (602)277-5824
E-MAIL ADDRESS david_pollock@uhaul.com
- 2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION _____
See Attachment
SECTION 22 TOWNSHIP 28 RANGE 37
- 3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 8.24 Acres
- 4) CONDITIONAL USE SOUGHT: Self-Storage and Accessory Equipment Rental to CUP
- 5) ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.): CC, Community Commercial
- 6) APPLICANT MUST PROVIDE A SITE PLAN SKETCH IN PDF FORMAT SHOWING THE FOLLOWING WHERE APPLICABLE:
 - (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 use as proposed will be in conformance with all stated provisions and requirements of this chapter.

CITY OF PALM BAY, FLORIDA
CONDITIONAL USE APPLICATION
PAGE 2 OF 3

- (h) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents or workers in the City.
- (i) 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.
- (j) The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.
- (k) 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.

7) ADDITIONAL CONDITIONS MUST BE MET FOR THE FOLLOWING CONDITIONAL USES. LISTINGS OF THE ADDED CRITERIA ARE AVAILABLE FROM STAFF AND MUST BE INCORPORATED INTO THE SITE PLAN (Check all that apply).

- ☐ Planned Commercial Development (site is commercially zoned and over three acres in size).
- ☐ Planned Industrial Development (site is industrially zoned and over five acres in size).
- ☐ Planned Residential Development (site is zoned multi-family and proposes 100 or more units).
- ☐ Church
- ☐ Communication tower and facilities
- ☐ Club or Lodge
- ☐ Arcade amusement center
- ☐ Commercial dog kennel
- ☐ Electronic gaming establishment
- ☐ Public or private school
- ☐ Dance club (Sec. 185.088(J))
- ☒ Self-storage facility

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

- ☒ *\$600.00 Application Fee. Make check payable to "City of Palm Bay."
- ☒ A listing 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 can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.brevardpropertyappraiser.com) List shall be legible and the source of that information stated here: Provided by Zoning Director
- ☒ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.
- ☒ Property map showing properties within 500 foot radius, and clearly outlining the subject parcel.
- ☒ Location map showing properties adjacent uses, zoning, streets, driveways, canals, and utilities.
- ☒ Citizen Participation Plan. Refer to Section 169.005 of the Land Development Code for guidelines.
- ☒ WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE CONDITIONAL USE.

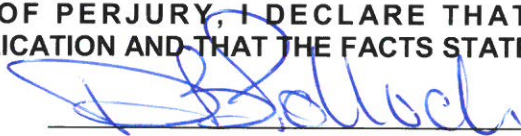
**CITY OF PALM BAY, FLORIDA
CONDITIONAL USE APPLICATION
PAGE 3 OF 3**

 X IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE 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.

Signature of Applicant



Date 10/30/15

Printed Name of Applicant

David Pollock

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

LEHNARDT
& LEHNARDT LLC
ATTORNEYS AND COUNSELORS AT LAW

DETLEF G. LEHNARDT *
STEPHEN K. LEHNARDT ^
MARK B. LEHNARDT +
AARON J. MCCARTER ±

* Admitted in Missouri, New York and Utah
^ Admitted in Missouri and Kansas
+ Admitted in Missouri, Colorado, Utah and Wyoming
± Admitted in Missouri

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420 LEXINGTON AVE, SUITE 2656
NEW YORK, NEW YORK 10170

KANSAS OFFICE:
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OVERLAND PARK, KANSAS 66210

www.lehnardt.com

writer's email: stephen@lehnardt.com

October 30, 2015

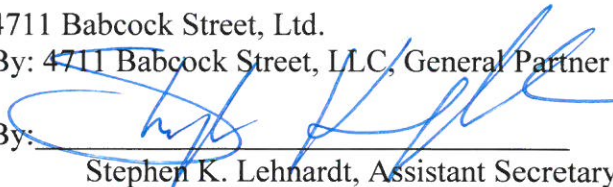
To: City of Palm Bay, Florida

From: 4711 Babcock Street, Ltd.; Property Owner

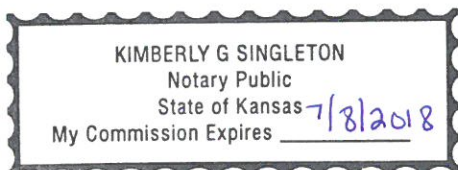
Re: Owners Consent for the Applicant to request the Conditional Use

To Whom it may concern:

4711 Babcock Street, Ltd., property owner of 4711 Babcock Street NE, Section 22, Township 28 and Range 37 Palm Bay, Florida give the Notarized Consent for the Applicant Amerco Real Estates / David Pollock, authorization for submission of the application to be filed with the Planning and Zoning Board to request the Conditional Use. For approval by the planning and Zoning Board of Palm Bay, Florida.

4711 Babcock Street, Ltd.
By: 4711 Babcock Street, LLC, General Partner
By: 
Stephen K. Lehnardt, Assistant Secretary

Sworn to before me this 30th day of October 2015.




(Notary Public)