



AGENDA

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Regular Meeting No. 2016-02

February 3, 2016 – 7:00 P.M.

City Hall Council Chambers

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ADOPTION OF MINUTES:

1. Regular Meeting No. 2016-01; January 6, 2016

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. CP-1-2016 – ROY WAYNE YATES (KIM REZANKA, REP.)

A Comprehensive Plan Future Land Use Map Amendment is requested from Residential 1:2.5 (Brevard County) to Rural Single Family Use.

Tax Parcels 1 and 9, Section 21, Township 30, Range 37, Brevard County, Florida, containing 244.42 acres, more or less. (Located west of and adjacent to Babcock Street SE, south of the Deer Run Subdivision)

3. CPZ-1-2016 – ROY WAYNE YATES (KIM REZANKA, REP.)

A zoning amendment request from an AU, Agricultural Residential Classification (Brevard County) and an AGR, Agricultural Classification (Brevard County) to a GU, General Use Holding District.

Tax Parcels 1 and 9, Section 21, Township 30, Range 37, Brevard County, Florida, containing 244.42 acres, more or less. (Located west of and adjacent to Babcock Street SE, south of the Deer Run Subdivision)

SCHOOL COORDINATION BUSINESS:

NEW BUSINESS:

1. V-3-2016 – AZROR ASHRAPOV (MICHAEL KARAFFA, REP.)

A variance request for an existing building and walk-in cooler to encroach 5 feet into the 5-foot side interior setback and 10 feet into the 10-foot rear setback; and to allow a proposed exterior stair roof overhang to encroach 2 feet into the 10-foot rear setback in a BMUV, Bayfront Mixed Use Village District as established in Section 185.053(9)(b)(d) of the Palm Bay Code of Ordinances.

Part of Lot 10, Hopson's Subdivision, Section 24, Township 28, Range 37, Brevard County, Florida, containing .30 acres, more or less. (Located east of and adjacent to Dixie Highway NE, in the vicinity south of Anglers Drive NE and north of Ridge Road NE, specifically at 4391 Dixie Highway NE)

2. T-4-2016 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 169.005(B) in order to modify the applicability requirements for Citizen Participation Plans.

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. 2016-01

Held on Wednesday, January 6, 2016, 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.

ROLL CALL:

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

The absence of Mr. Artley and Ms. Melendez 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.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2015-12. Motion by Mr. Pezzillo, seconded by Mr. Weinberg to approve the minutes as presented. The motion carried with members voting unanimously.

ANNOUNCEMENTS:

1. Mr. Williams announced that a third continuance was requested by the applicant, Palladio Development, LLC (Stephen Strelecki), to continue Case FS-3-2015 to the February 3, 2016 Planning and Zoning Board meeting. No board action was required to continue the case.
2. Mr. Murphy announced that per the applicant, Roy Wayne Yates (Kim Rezanka, Rep.), Cases CP-1-2016 and CPZ-1-2016 were continued to the February 3, 2016 Planning and Zoning Board meeting. No board action was required to continue the cases.

OLD BUSINESS:

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

Case FS-3-2015 was discussed under Announcements, Item No. 1.

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

Mr. Murphy presented the staff report for Case PD-16-2015. The applicant had requested planned development approval 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. Staff recommended Case PD-16-2015 for approval.

Ms. Brenda Yates with Yates & Company, LLC (representative for the applicant) stated that she concurred with the staff report. She indicated how the development process for the “Emerald City” project was on track. Construction for the Interchange would commence around June 2016 with completion in January 2018. She was confident that the Interchange construction and marketing plans would lead to commitments from buyers.

Mr. Jacobs asked about the time span for completing the development once the Interchange was in place. Ms. Yates explained that groundwork for the project would occur concurrently with the Interchange construction. The initial focus would be on the commercial side of the development.

The floor was opened and closed for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SE) spoke against the request. He was opposed to the expansion of the City occurring farther away from the central part of the City. The development itself, however, would be a benefit to Palm Bay.

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

Motion by Mr. Pezzillo, seconded by Mr. Piatkowski to submit Case PD-16-2015 to City Council for approval of 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.

Mr. Jacobs wanted to know how the project would proceed if the demand for single-family homes exceeded the market for the number of multi-family homes proposed for the development. Mr. Murphy explained that the land use approved for the project provided a maximum residential count of 1,260 dwelling units that could be allocated as desired between the proposed residential categories. However, a substantial plan change would require board and City Council action.

A vote was called on the motion by Mr. Pezzillo, seconded by Mr. Piatkowski to submit Case PD-16-2015 to City Council for approval of 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. The motion carried with members voting unanimously.

City Council will hear Case PD-16-2015 on January 7, 2016.

SCHOOL COORDINATION BUSINESS:

Old Business Item No. 1, Case FS-3-2015, and Item No. 2, Case PD-16-2015, were School Coordination Business.

NEW BUSINESS:

1. CP-1-2016 – ROY WAYNE YATES (KIM REZANKA, REP.)

Case CP-1-2016 was discussed under Announcements, Item No. 2.

2. CPZ-1-2016 – ROY WAYNE YATES (KIM REZANKA, REP.)

Case CPZ-1-2016 was discussed under Announcements, Item No. 2.

3. T-2-2016 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Buchanan presented the staff report for Case T-2-2016. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code to modify the Planned Unit Development District (PUD) Ordinance. Case T-2-2016 was prepared by staff.

Mr. Buchanan submitted correspondence from BSE Consultants, an engineering firm that supported the subject amendment, and he gave an overview of the proposed PUD changes. The last revision to the PUD code was in 1989, but outdated language from 1974 still existed. In addition, he clarified how staff was proposing a minimum of five acres for permitted uses in PUDs, and that a future workshop would be held before changing the present single-family dwellings square footage for the minimum floor living area per unit requirement. He emphasized that the proposed amendment would not affect approved and recorded PUD projects. He gave an example of how a large property on an arterial roadway with commercial frontage and residential to the rear could benefit from obtaining the PUD zoning district.

Mr. Pezzillo asked about the removal of the PUD fees. Mr. Buchanan explained that fees throughout the code were now within a fee schedule adopted by resolution.

Mr. Hill noticed there were items removed from the preservation of trees requirement. Mr. Buchanan informed the board of a new Tree Trust Ordinance that would soon be presented for review.

Mr. Jacobs stated his support of change that promoted growth and development. However, he believed the proposed ordinance should reflect a national trend towards smaller homes and multi-family housing units in line with the State's desire to promote transit-oriented development. He suggested that the minimum five acre language for permitted uses be repeated under the land use regulations section; and that language for minimum setbacks between structure walls and PUD perimeters be reworded to include input by the Planning and Zoning Board to clarify that approval by City Council was not a given. Mr. Buchanan agreed to include the minimum five-acre language as requested. Mr. Stokes noted that there was language currently in the PUD ordinance that identified the procedures for City Council review. Mr. Buchanan agreed to reference the City Council section where discussed. His intention was to clarify that PUDs combined with their development plan exhibits would require City Council approval by ordinance.

Mr. Jacobs asked about PUD frontage setback requirements for breezeways on waterbodies. Mr. Buchanan responded that site-specific conditions such as breezeways would be addressed by the board and City Council on a case-by-case basis. Mr. Jacobs recommended that properties with frontage on waterbodies reserve 30-percent of frontage for breezeways. Mr. Buchanan agreed to include the recommendation if so desired by the board.

Mr. Jacobs was concerned about the removal of the Public Works Department as a PUD reviewer. Mr. Hill wanted to be sure PUDs would be vetted by the different reviewing departments prior to board and City Council review. Mr. Buchanan and Mr. Murphy explained that the Public Works Department would continue to review PUDs; however, Public Works was no longer the department responsible for receiving and processing PUD requests. The Land Development Division was responsible for gathering input from the various reviewing departments and processing the PUD submittals.

The floor was opened for public comments.

Ms. Beryl Patterson (citizen of Palm Bay) spoke against the request. She stressed that without more jobs in Palm Bay there would be no residents to sustain Planned Unit Developments such as the “Emerald City” project.

Ms. Rochelle Lawandales (Waterstone Development Company) spoke against the request. She stated that Waterstone Development was the owner and future developer of about 1,200 square feet of land west of Babcock Street and about 300 acres of land on the east side of Babcock Street. Development of the lands over time would bring approximately 5,000 temporary and 3,000 permanent jobs to the City; more than \$3 million in taxes; and approximately \$13 million in impact fees. She provided the board with a land map and explained her concerns regarding the proposed percentages for maximum commercial use area under the land use section of the amendment. Forty percent of the properties she mentioned east of Babcock Street were already designated commercial, and 48 percent of the land she indicated west of Babcock Street was commercial and in three ownerships. She wanted assurance that the percentages for the amendment’s proposed maximum commercial use area would not produce a negative effect on the forthcoming developments.

Mr. Buchanan commented on staff's willingness to work with Waterstone Development Company to alleviate concerns. Waterstone could apply a PUD to the residential lands and have an underlying Single Family land use while benefiting from their commercially zoned properties at full capability and intensity. The proposed PUD amendment would permit the percentage of allowable commercial uses to nearly triple and the continuance of the commercially zoned properties off Babcock Street with an underlying Commercial land use. Ms. Lawandales reiterated her concerns as the west properties had three separate owners and projects, and the east site was also in separate ownership. Mr. Buchanan responded that the west properties had received PUD approval in 2005 so would not be affected by the ordinance, and that the property east of Babcock Street could be submitted for a PUD as previously noted.

Mr. Jacobs asked for clarification regarding the concerns voiced by Ms. Lawandales as he believed the PUD amendment should not limit commercial usage. Ms. Lawandales explained that Waterstone would prefer to handle the mentioned sites as a whole integrated PUD with complementing residential and commercial lands and features instead of the segregated plan proposed by staff. She was willing to work with staff; however, a potential solution would be to leave commercial densities to the underlying land uses. She stressed that changing the rules in the middle of the game was not business or development friendly.

Mr. Pezzillo remarked that the proposed ordinance was written to address all future PUDs and not just a specific project. Ms. Lawandales responded that the properties discussed were the last vestige of large tracts in south Palm Bay, the City's future and where the ordinance would be applied.

The floor was closed for public comments.

Motion by Mr. Hill, seconded by Piatkowski to submit Case T-2-2016 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 the Planned Unit Development District (PUD) Ordinance, subject to the condition that Section 185.065(A) *Minimum size with commercial uses* be modified to state that uses permitted in the planned unit development may include and shall be limited to the following and contain a minimum of five (5) acres; and that the addition of Section 185.065(D)(5) to state that property bordering a river water body shall preserve 30 percent of river frontage as a breezeway. The motion carried with members voting unanimously.

Mr. Jacobs noted that his recommendation regarding City Council review of PUDs was excluded from the motion.

Motion by Mr. Hill, seconded by Mr. Piatkowski to reopen the motion. The motion to reopen carried with members voting unanimously.

Motion by Mr. Hill, seconded by Piatkowski to submit Case T-2-2016 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 the Planned Unit Development District (PUD) Ordinance, subject to the condition that Section 185.065(A) *Minimum size with commercial uses* be modified to state that uses permitted in the planned unit development may include and shall be limited to the following and contain a minimum of five (5) acres; the addition of Section 185.065(D)(5) to state that property bordering a river water body shall preserve 30 percent of river frontage as a breezeway; and for Section 185.065(D)(4) to state that the setback required from the nearest part of any building wall to the edge of any public right-of-way or private street and the minimum setback maintained between the walls of all structures and the perimeter of the PUD will be included in the proposed development plan and approved by City Council according to Section 185.066(B)(6) *Review by City Council*. The motion carried with members voting unanimously.

City Council will hear Case T-2-2016 on January 7, 2016.

OTHER BUSINESS:

1. The effective date of City Council's change to the composition of advisory boards and committees was moved to February 18, 2016.
2. Mr. Jacobs announced his resignation from the board and stated his appreciation for the opportunity to serve. The board thanked Mr. Jacobs for his valuable service and wished him well in his future endeavors.

ADJOURNMENT:

The meeting was adjourned at approximately 8:32 p.m.

Bob Williams, CHAIRMAN

Attest:

Chandra Powell, SECRETARY

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

- PROPOSAL:** The applicant is requesting Final Subdivision approval for a single family residential development within the RS-2, Single Family Residential District.
- LOCATION:** The property is located at the SE corner of Calcutta Avenue and Ontario Street. Specifically, the subject property is Tract J of PMU 13, Section 36, Township 28 South and Range 36 East.
- APPLICANT:** Palladio Development, LLC. (Stephen Strelecki)

SITE DATA

- PRESENT ZONING:** RS-2, Single Family Residential District
- ACREAGE:** 1.38 acres (\pm)
- DENSITY:** Maximum 5 units per acre allowed – 3.62 units per acre proposed
- ADJACENT ZONING
& LAND USE:** **N** -- RS-2, Single Family Residential; Single Family Home
E -- RR, Rural Residential; Paradise Luxury Pet Estate
S -- RS-2, Single Family Residential; MTWCD Canal No. 21
W -- RS-2, Single Family Residential; Vacant Single Family Lot
- WATER & SEWER:** City Water & Sewer Available & Required
- FLOOD ZONE:** X, area outside the 500 year flood zone
- COMPLIANCE WITH THE
COMPREHENSIVE PLAN:** Yes

BACKGROUND:

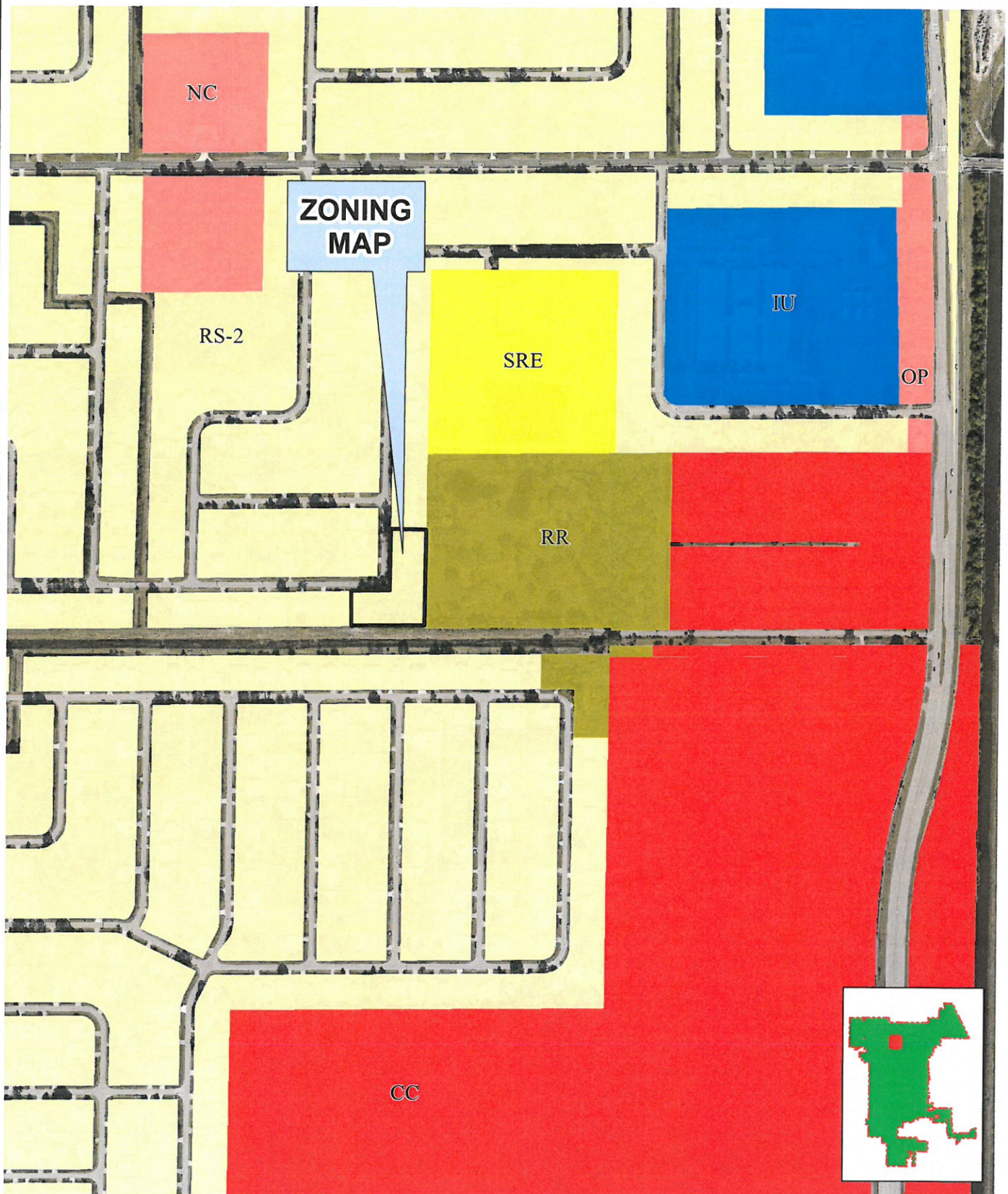
1. The property is located at the SE corner of Calcutta Avenue and Ontario Street. Specifically, the subject property is Tract J of Port Malabar Unit 13, Section 36, Township 28 South and Range 36 East. The property includes approximately 1.38 acres of land.
2. The zoning is RS-2, Single Family Residential. The property is bordered by RS-2 zoning on the north, south and west, and Rural Residential zoning abuts the western boundary. A single family abuts to the north and a vacant single family lot abuts to the west. To the east is the Paradise Luxury Pet Estate. To the south is Melbourne-Tillman Canal No. 21.
3. The applicant is requesting Final Subdivision approval, per Section 184.08 of the Palm Bay Code of Ordinances. The applicant for this request is Stephen Strelecki, of Palladio Development, LLC. The proposed name of the subdivision is Palladio.

ANALYSIS:

1. Palladio will be a five-lot subdivision of the 1.38 acre tract of land. All future homes will access their lots via Calcutta Avenue and Ontario Street. The lots will be graded so that stormwater runoff will be conveyed to the existing swale that parallels these roadways. This will match the design of the lots to the north and west, in PMU 13. A separate stormwater retention system is not required.
2. Each of the five (5) homes will connect to the city's water and sewer lines when the homes are constructed. No separate lift station or fire hydrant will be required. The existing utility system in this area is sufficient to accommodate the proposed development.
3. The land is permitted a maximum density of five (5) units per acre, per the City of Palm Bay's Comprehensive Plan. However, the applicant is proposing a density of only 3.62 units per acre. The minimum lot size in the RS-2 Zoning District is 75' wide by 100' deep. The proposed lots meet these parameters.
4. Overall, the proposed plan meets the requirements necessary for Final Subdivision approval. Prior to the City signing the Mylar, a Title of Opinion shall be submitted for review by the City Surveyor. Additionally, a Tree Survey meeting the requirements of Chapter 180 of the Code of Ordinances shall be submitted for staff review.

STAFF RECOMMENDATION:

Case No. FS-3-2015 is recommended for approval subject to the requirements and conditions of this Staff Report.

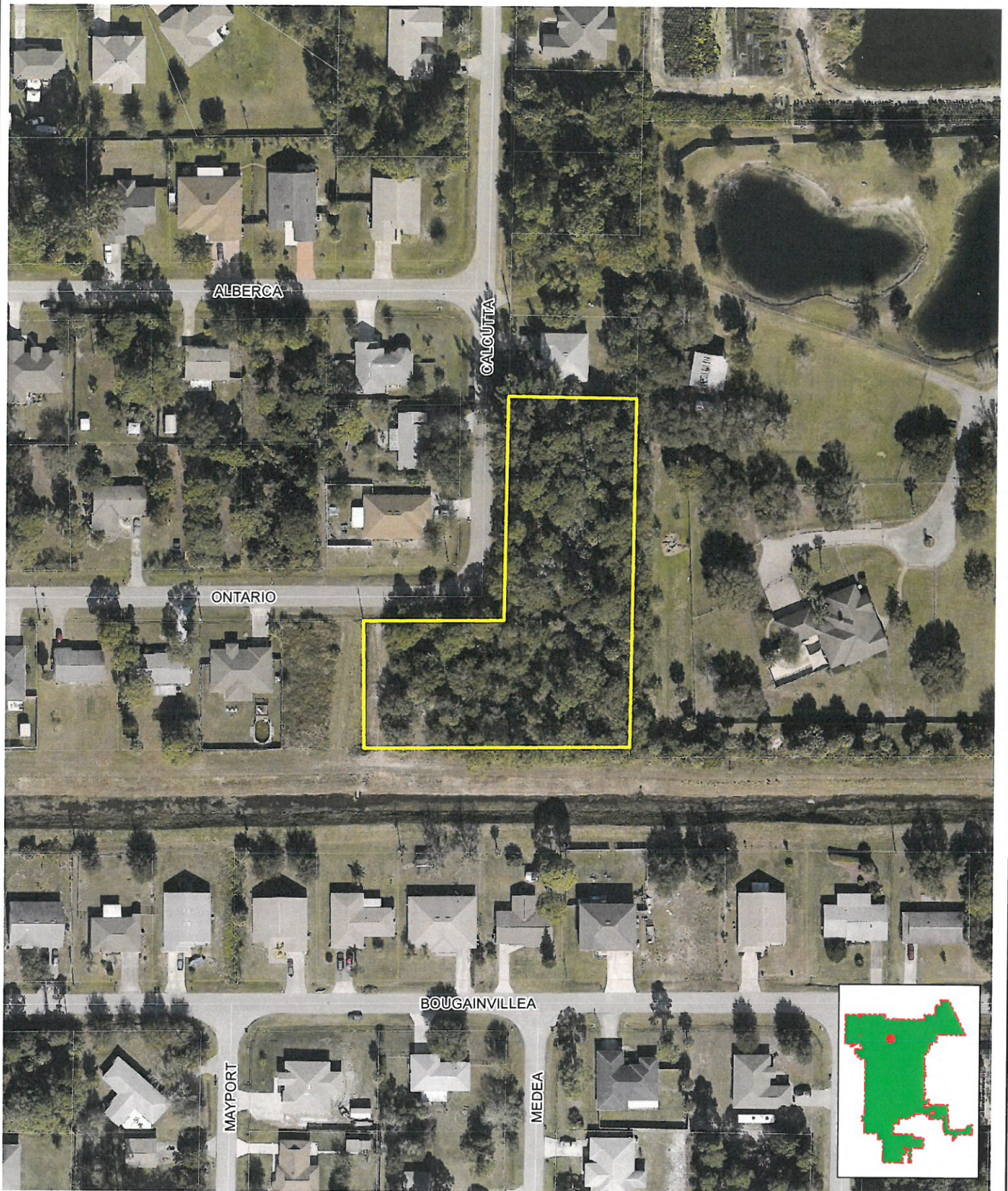


Map for illustrative purposes only. Not to be construed
as binding or as a survey.

Map created by the Land Development Division



Tract J of PMU 13



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

Map created by the Land Development Division



Tract J of PMU 13

-PLAT PREPARED BY-
BRUNNER-HAUGEN, INC.
ENGINEERS AND LAND SURVEYORS
801 CAROLINE STREET
MEMPHIS, TN 38103
PHONE: 901-726-1861

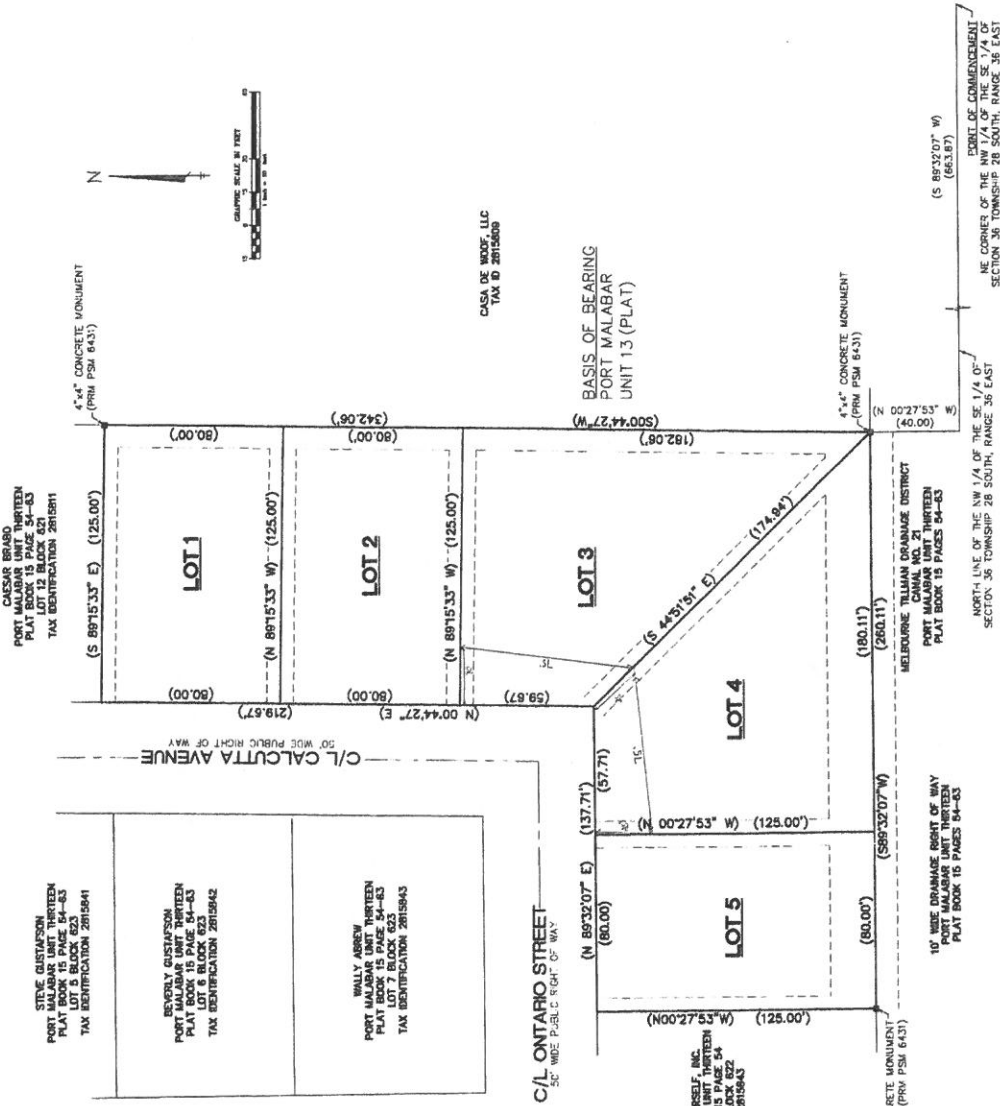
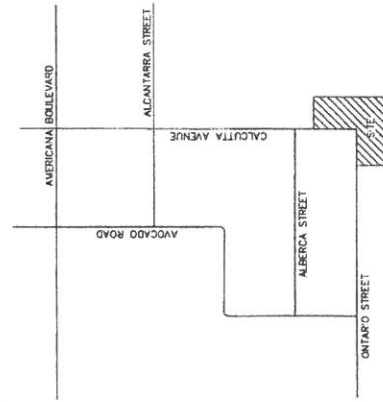
PALLADIO

SECTION 36 TOWNSHIP 28 SOUTH RANGE 36 EAST
PALM BAY, FLORIDA

LEGAL DESCRIPTION:

TRACT 4, PORT MALABAR UNIT THIRTEEN, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 13, PAGES 54 THROUGH 63, ALL BEING WITHIN THE BOUNDS OF SECTION 36, TOWNSHIP 28 SOUTH, RANGE 36 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NE CORNER OF THE NW 1/4 OF SECTION 36, TOWNSHIP 28 SOUTH, RANGE 36 EAST PROCEED THENCE S 89°27'07" W FOR A DISTANCE OF 663.87 FEET; THENCE N 00°27'53" W THENCE S 89°27'07" W FOR A DISTANCE OF 260.11 FEET; THENCE N 00°27'53" W FOR A DISTANCE OF 125.00 FEET TO A POINT IN THE SOUTH RIGHT OF WAY LINE OF ONTARIO STREET; THENCE WITH SAID RIGHT OF WAY LINE OF ONTARIO STREET THENCE WITH SAID RIGHT OF WAY LINE OF ONTARIO STREET TO THE INTERSECTION OF THE SIXTH RIGHT OF WAY LINE OF ONTARIO STREET AND CALCUTTA AVENUE; THENCE WITH SAID CALCUTTA AVENUE RIGHT OF WAY N 00°44'27" E FOR A DISTANCE OF 125.00 FEET TO A POINT; THENCE S 00°44'27" W FOR A DISTANCE OF 342.06 FEET TO THE POINT OF BEGINNING.

LOCATION MAP NOT TO SCALE



NOTES

- 1) BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED UPON THE EAST LINE OF TRACT 4.
- 2) EASEMENTS:
 - A) A SIX (6) WIDE EASEMENT RUNS ALONG ALL SIDE LOT LINES, IS HEREBY GRANTED FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND DRAINAGE.
 - B) A TEN (10) WIDE EASEMENT RUNS ALONG THE REAR OF LOTS 1, 2 AND 3 AND IS HEREBY GRANTED FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND DRAINAGE.
 - C) A TWENTY (20) WIDE EASEMENT RUNS ALONG THE REAR LINES OF LOTS 4 AND 5, AND IS HEREBY GRANTED FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND DRAINAGE.
- 3) ALLEYS: THERE ARE NO ALLEYS SHOWN WITHIN 1/2 NEARLY DESIGNATED PSM 6431.
- 4) THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DESCRIPTION OF THE SHOWN LOTS AND EASEMENTS. ANY OTHER DESCRIPTION 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.
- 5) PROPERTY SUBJECT TO RS-2 ZONING REGULATIONS.

DEDICATION

PALLADIO

KNOW ALL MEN BY THESE PRESENTS, That the Palladio Development, LLC named below, the owners in fee simple of the lands described in and to be hereinafter dedicated, do hereby dedicate and purposed herein expressed and dedicate all easements as shown hereon to the perpetual use of the public.

IN WITNESS WHEREOF, the undersigned owners hereunto set their hand and seal on _____

Stephen Strecker
5317 Kennedy Avenue
Melbourne, Florida 32935

Signed and sealed in the presence of _____
Print Name: _____

COUNTY OF BREVARD

THIS IS TO CERTIFY: That on _____ before me, an authorized official of the County of Brevard, Florida, the County of Brevard, Florida, personally appeared Stephen Strecker, of the County of Brevard, Florida, who acknowledged to me that he was the owner of the lands described in and to be hereinafter dedicated, and that he executed the foregoing instrument for the purposes and purposes herein expressed and that the said dedication is the act and deed of said corporation, and that the said dedication is the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Brevard, Florida, this _____ day of _____, 2015.

Notary Public, State of Florida
My commission expires _____

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, being a licensed professional land surveyor and mapper, does hereby certify that on November 16, 2015 he completed the boundary survey of the lands described in and to be hereinafter dedicated, and that he executed the foregoing instrument for the purposes and purposes herein expressed and that the said dedication is the act and deed of said corporation, and that the said dedication is the act and deed of said corporation.

Jon E. Brunner, Professional Surveyor and Mapper
Brunner-Haugen, Inc.
801 Caroline Street
Memphis, TN 38103
Florida Registration No. 6431
Professional Seal No. L37864

CERTIFICATE OF REVIEWING SURVEYOR
This is to certify, that on _____ the foregoing plat and found that it is in conformity with Chapter 177, Part 1, Florida Statutes.

Reviewing Surveyor for the City of Palm Bay, Florida dated _____

CERTIFICATE OF APPROVAL BY MUNICIPALITY

This is to certify, that on _____ the City Council of the City of Palm Bay, approved the foregoing plat.

Mayor _____

City Clerk _____

CERTIFICATE OF THE CLERK OF THE CIRCUIT COURT, BREVARD COUNTY, FLORIDA

I HEREBY CERTIFY: That I have examined the foregoing Plat and find that it complies in all respects with the provisions of Chapter 177, Part 1, Florida Statutes, and that it was filed for record on _____ File No. _____

Clerk of the Circuit Court, Brevard County, Florida



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

FINAL 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) PALLADIO DEVELOPMENT, LLC

ADDRESS 2030 Main Street; Suite 220

CITY Irvine STATE CA ZIP 92614

PHONE # 949-748-3940 FAX # _____

E-MAIL ADDRESS steve.strelecki@gmail.com

2) NAME OF PROPOSED SUBDIVISION: PALLADIO

3) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION:
28-36-36-EX-0000J.0-0000.00

SECTION _____ TOWNSHIP _____ RANGE _____

4) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 1.38 acres

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

Americana Blvd, left onto Chamberlin Ave, left onto Alcantarra St., left onto Calcutta Ave. NW

6) INTENDED USE OF PROPERTY: Divide into 5 parcels - Residential Homes

7) ZONE CLASSIFICATION AT PRESENT (ex.: LI, CC, etc.): RS 2

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

_____ *\$800.00 Application Fee. Make check payable to "City of Palm Bay."

_____ Six (6) copies of the final plat and six (6) copies of the required construction plan as required by Chapter 184, Palm Bay Code of Ordinances. The final 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.

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

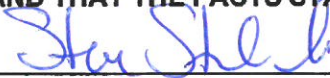
____ WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED
GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST
THE FINAL PLAT APPROVAL.

____ 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 FINAL
SUBDIVISION APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.**

Signature of Applicant



Date

9/28/15

Printed Name of Applicant

Stephen Strelecki

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



DATE: January 6, 2016
CASE #: CP-1-2016

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

COMPREHENSIVE PLAN AMENDMENT APPLICATION

PROPOSAL: Assignment of Rural Single Family Use to proposed voluntary annexation.

LOCATION: Southwest corner of Babcock Street and Micco Road intersection

APPLICANT: Roy Wayne Yates represented by Kim Rezenka, Esq.

SITE DATA

PRESENT ZONING: County Agriculture (AGR) and Agricultural Use (AU)

LAND USE

DESIGNATION: County Residential 1:2.5

ACREAGE: 244.419

ADJACENT ZONING

& LAND USE:

- N** -- County Residential 1:2.5/Agricultural Use
- E** -- County Public Conservation/Government Managed Lands (P)
- S** -- Unassigned City/Calmet Farms
- W** -- Unassigned City /Calmut Farms

BACKGROUND:

1. The property is located at the Southwest corner of Babcock Street and Micco Road intersection.
2. The adjacent zoning and land uses are as follows:

 North: County Rural Residential/Single Family Residential Subdivision
 East: County Agricultural Use/Vacant
 South: Unassigned City/Vacant
 West: Unassigned City/Vacant
3. The subject property is currently an operating borrow pit of 5 acres.
4. The applicant is requesting a Comprehensive Plan Future Land Use Map Amendment to change from County Agriculture to Rural Single Family Use.

ANALYSIS:

Availability of Public Facilities and Services:

1. Potable Water: Not available.
2. Sanitary Sewer: Not available.
3. Solid Waste: Available.
4. Parks & Recreation: N/A
5. Drainage: Onsite Drainage Required as per Land Development Regulations.
6. Transportation: Proposed amendment includes no change from existing County trip generation.
7. Public Schools: N/A

Environmental Resources:

The subject property is vacant, cleared land with an operating borrow pit.

Coastal High Hazard Zone:

The subject property is not located within the original Coastal High Hazard Zone or within the current surge area.

Historic Resources:

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

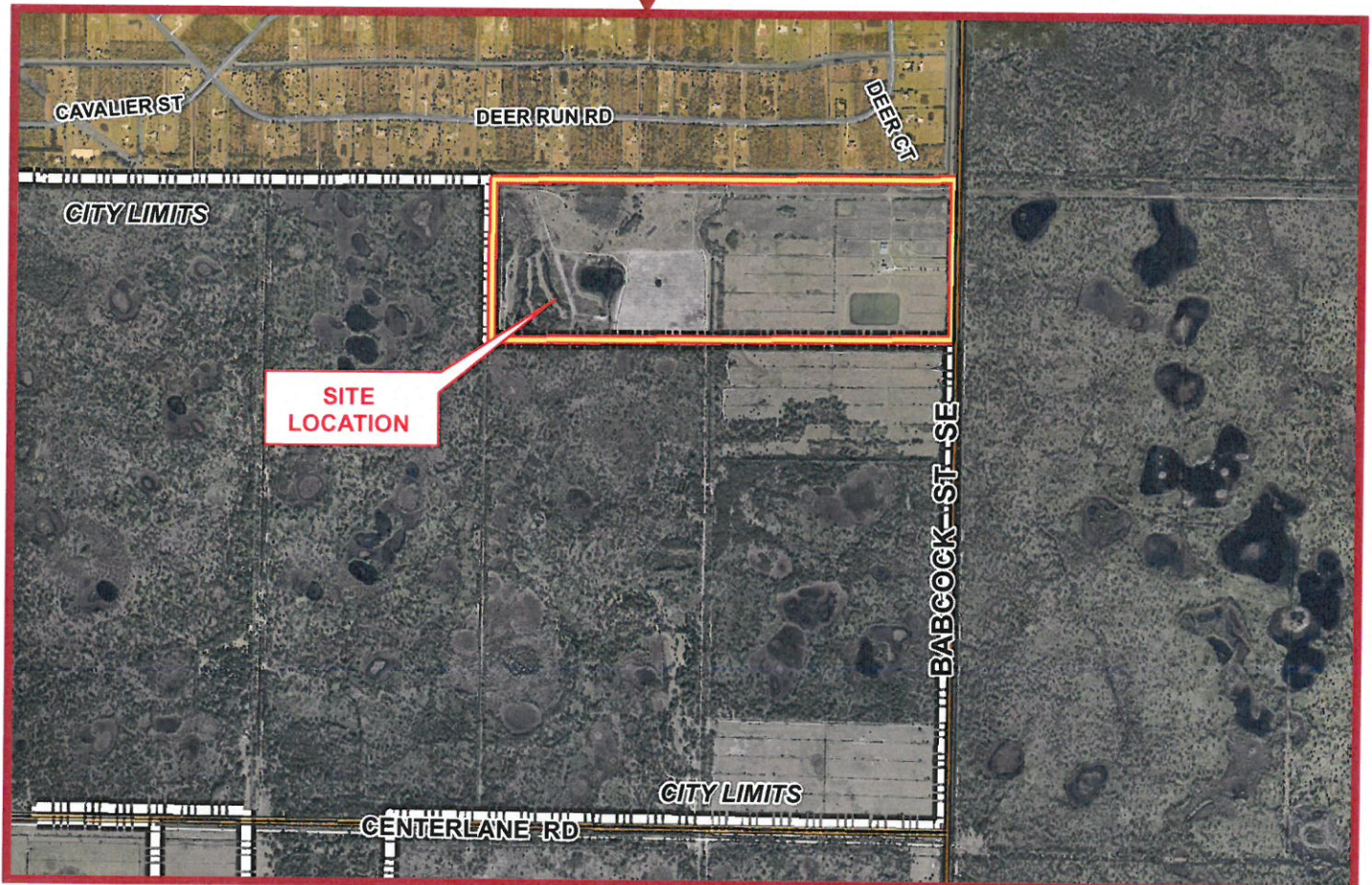
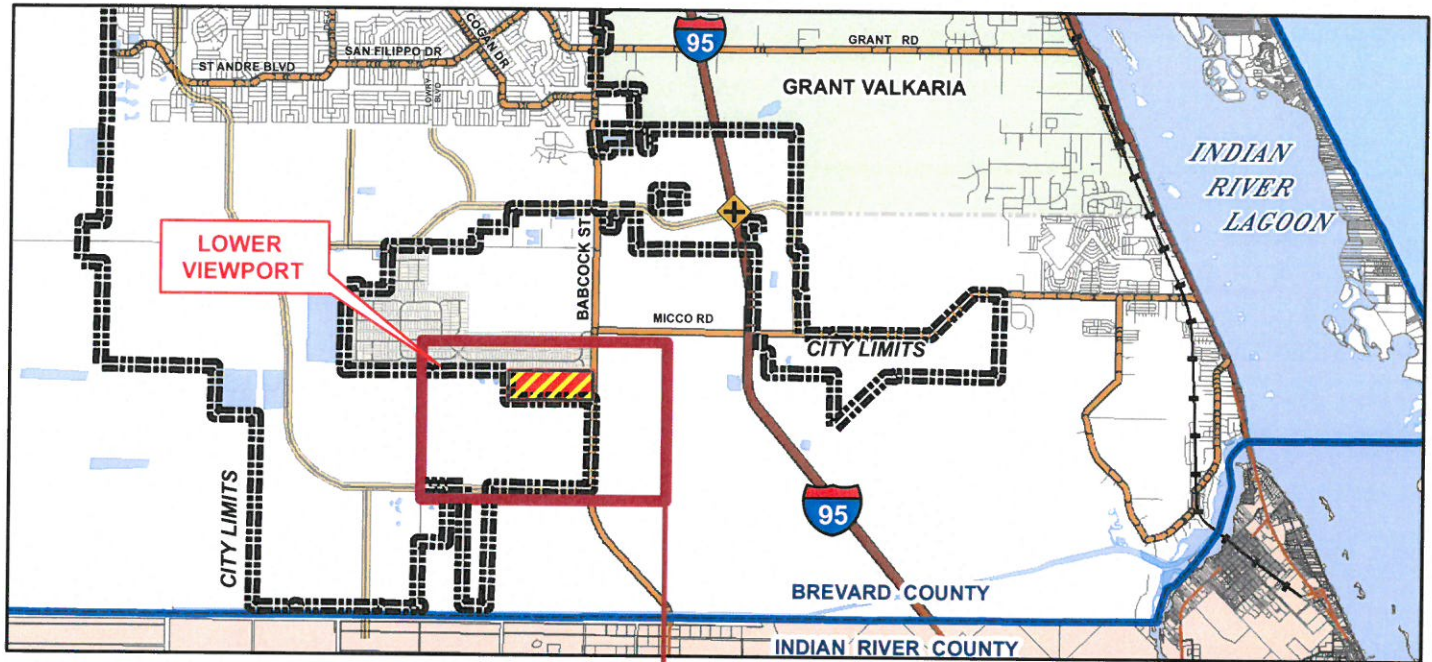
COMPREHENSIVE PLAN REQUIREMENTS:

The proposed amendment is for the assignment of City Future Land Use of Rural Single Family Residential on 244.419 acres from County Residential 1:2.5 and Agricultural Use.

STAFF CONCLUSION:

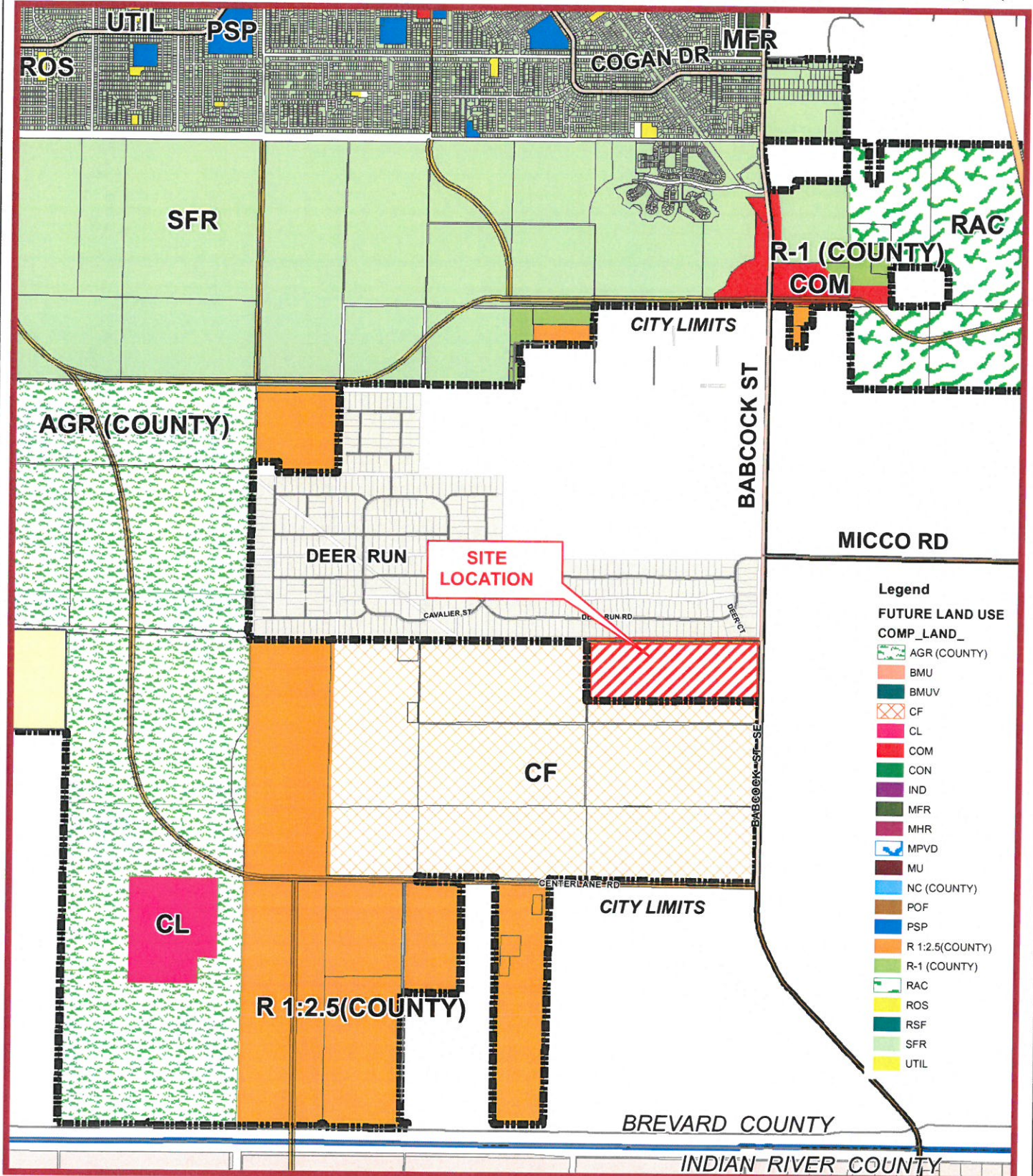
Motion to approve assignment of City Future Land Use of Rural Single Family Residential to 244.419 acres.

LOCATION MAP



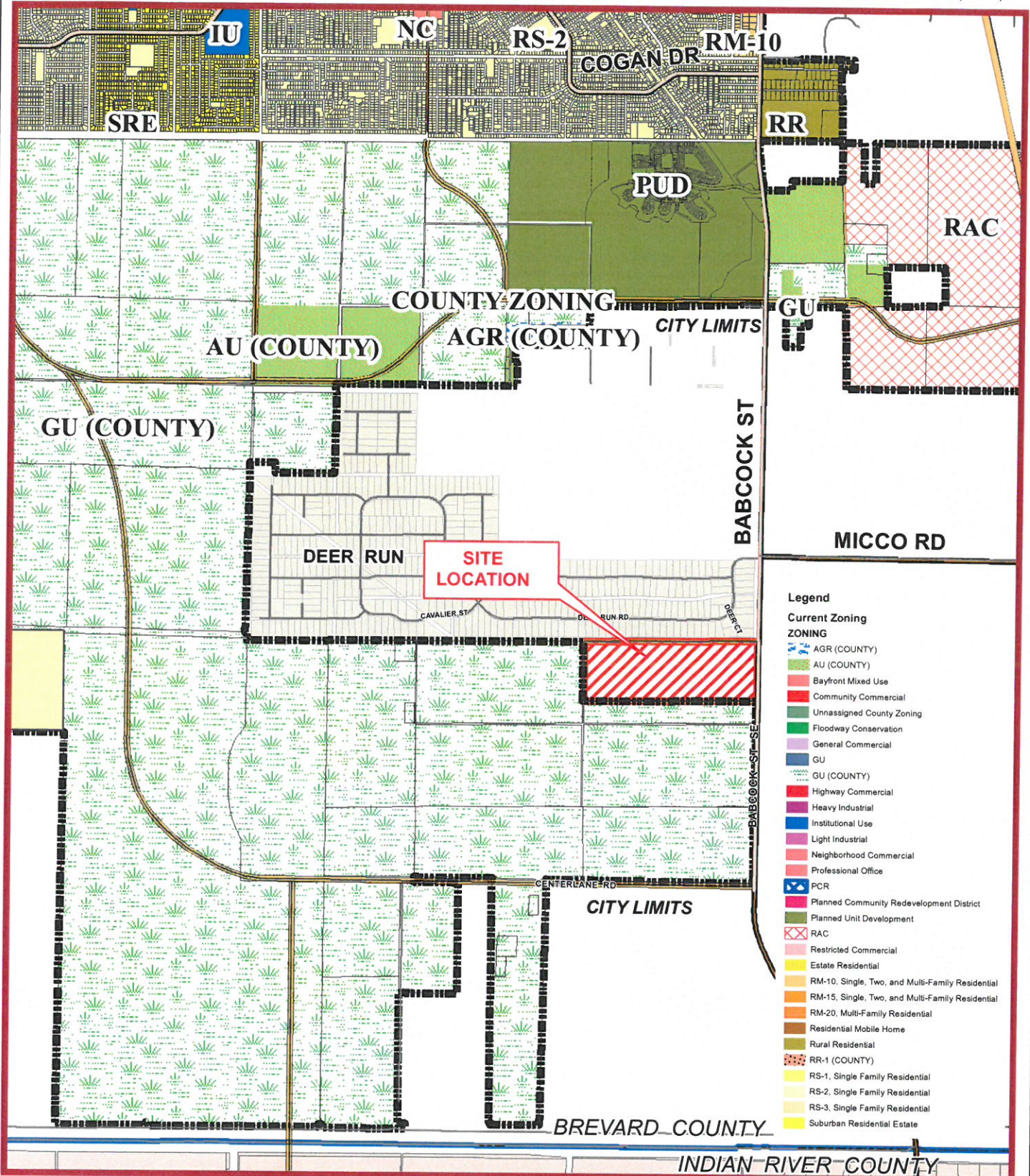
CP-1- 2016 and CPZ-1- 2016

Future Land Use



CP-1- 2016 and CPZ-1- 2016

Zoning



CP-1- 2016 and CPZ-1- 2016



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

COMPREHENSIVE PLAN AMENDMENT 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) Roy Wayne Yates
ADDRESS 9400 S. Babcock St.
CITY Fellsmere STATE FL ZIP 32948
PHONE # 321-508-5670 FAX # NA
E-MAIL ADDRESS NA
- 2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION
See Attached

SECTION 21 TOWNSHIP 30 RANGE 37
- 3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 244.419
- 4) LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.): AV + AG12 (county zoning)
- 5) LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE: GU - general use
- 6) PRESENT USE OF THE PROPERTY: Agriculture (cattle grazing, burrow pit)
- 7) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY: SF home & pole barn
- 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 Economic Opportunity 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): Annexation into City of Palm Bay
- 10) SPECIFIC USE INTENDED FOR PROPERTY: Agricultural use and expansion of existing borrow pit
- 11) THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:
- ☒ NA *\$1,000 Application Fee. Make check payable to "City of Palm Bay."
 - ☒ NA Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)).
 - ☒ NA 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.bcpao.us/paohome.asp). List shall be legible and the source of that information stated here: _____
 - Pending Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.
 - Pending 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.
 - ☒ NA 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

Roy Wayne Yates

Date

11/30/15

Printed Name of Applicant

Roy Wayne Yates

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

AUTHORIZATION TO ACT AS APPLICANT


Roy Wayne Yates, authorizes Kim Rezanka and the Law Firm of Dean Mead to act as Applicant, representing it in Public Hearings in Palm Bay pertaining to land use issues, including but not limited to Annexation, Future Land Use, Zoning and CU-1-2016, relating to property located at 9400 S. Babcock Street, Fellsmere, Florida.

By:


Roy Wayne Yates

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 22nd day of December 2015, by Roy Wayne Yates.

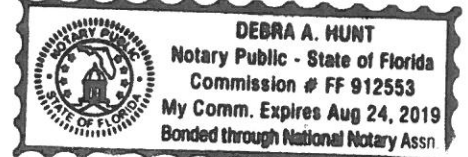


NOTARY PUBLIC

My commission expires:

- ☐ Personally Known
☒ Produced Identification

Type of Identification Produced: FL Driver's License



321-259-8900

7380 Murrell Rd, Ste 200

Viera, FL 32940

Krezanka@deanmead.com

CASES CP-1-2016 & CPZ-1-2016

CORRESPONDENCE: 1

N & Mrs. David & Linda Huddles
231 Deer Run Road
Palm Bay, Florida 32909
December 30, 2015

Dear Planning and Zoning Board/Local Planning Agency, City Council for the City of Palm Bay, Florida,

Linda and I received your "Notice to Interested Property Owners", dated December 24, 2015 for case numbers CP-1-2016 and CPZ-1-2016 where in it states we must provide a written notice to the Clerk in order to become a "party" in this quasi-judicial proceeding. **This is our notice that we plan to attend.**

Our household is an aggrieved and affected one should some of the actions being requested be allowed to proceed. Our property sits adjacent to the site location under consideration.


We object to any general use permitting/rezoning for the site/property owned by Mr. Yates which will afford him the right to operate an open pit mine and the associated dewater process for the said pit mine on this property. The Deer Run Community has had several of the adjacent properties in the Deer Run Community, including ours, wells and water ponds impacted by Mr. Yates previous mining actions in 2010. Mr. Yates mining operations were shut down by the St Johns River Water Management Department at that time due to well water and pond water level impacts by his open pit mining operation.

Recently Mr. Yates applied for a CUP with Brevard County Zoning and Planning Committee which was not allowed to move forward due mainly to the very strong objections and the significant amount of information presented by the Deer Run Community and its Attorney and Geologist.

We ask that you do the same and refuse Mr. Yates request for a Conditional Use Application. Allowing him to move forward with a mining operation will result in renewed hardships for our community.

Thank you for taking our Request into Consideration,

David & Linda Huddleston

The block contains two handwritten signatures in cursive. The top signature is "Linda Huddleston" and the bottom signature is "David Huddleston".



DATE: CPZ-1-2016
CASE #: January 6, 2016

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

PROPOSAL: A zoning assignment from an AU, Agricultural Residential Classification (Brevard County) and an AGR, Agricultural Classification (Brevard County) to a GU, General Use Holding District.

LOCATION: Located west of and adjacent to Babcock Street SE, south of the Deer Run Subdivision.

APPLICANT: Roy Wayne Yates

SITE DATA

PRESENT ZONING: AU, Agricultural Residential and AGR, Agricultural (Brevard County)

ACREAGE: 244.42 +/-

DENSITY: Maximum residential density of one (1) unit per five (5) acres

ADJACENT ZONING

& LAND USE:

- N** -- AU, Agricultural Residential; Deer Run Subdivision
- E** -- AU, Agricultural Residential; Babcock Street SE
- S** -- GU, General Use; Vacant Land
- W** -- GU, General Use; Vacant Land

WATER & SEWER: Private well & septic

FLOOD ZONE: Floodzone X, outside the 500-year floodzone

**COMPLIANCE WITH THE
COMPREHENSIVE PLAN:**

Yes, subject to the approval of CP-1-2016

BACKGROUND:

1. The property is located west of and adjacent to Babcock Street SE, south of the Deer Run Subdivision. Specifically, the property is Tax Parcels 1 and 9, Section 21, Township 30 South, Range 37 East, Brevard County, Florida, containing 244.42 acres, more or less.
2. The adjacent zoning and land uses are as follows:

North: AU, Agricultural Residential; Deer Run Subdivision
East: AU, Agricultural Residential; Vacant Land (across Babcock Street SE)
South: GU, General Use; Vacant Land
West: GU, General Use; Vacant Land
3. The applicant is requesting assignment of the City of Palm Bay's General Use Holding Zoning District. The applicant for this request is Roy Wayne Yates.

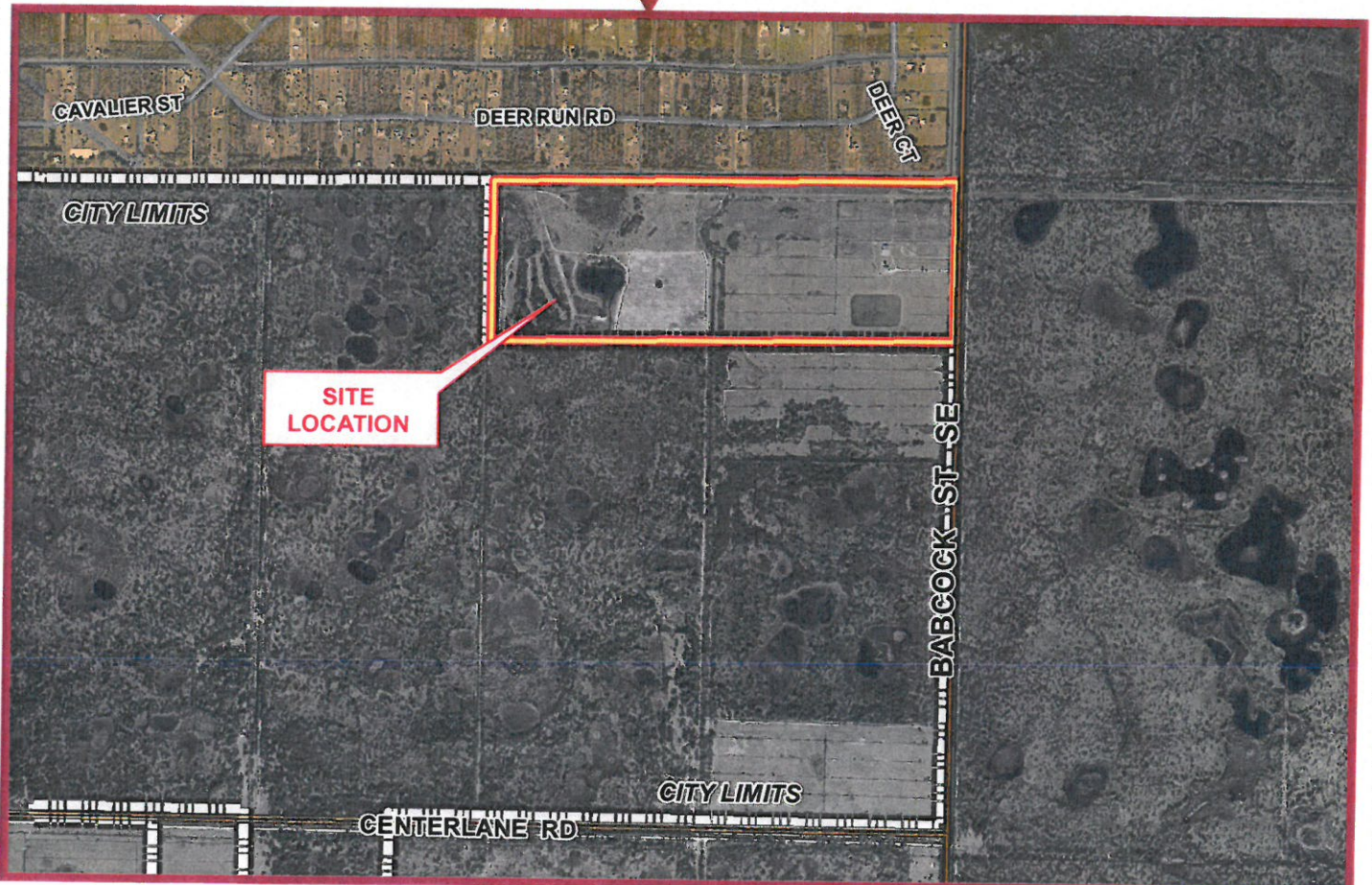
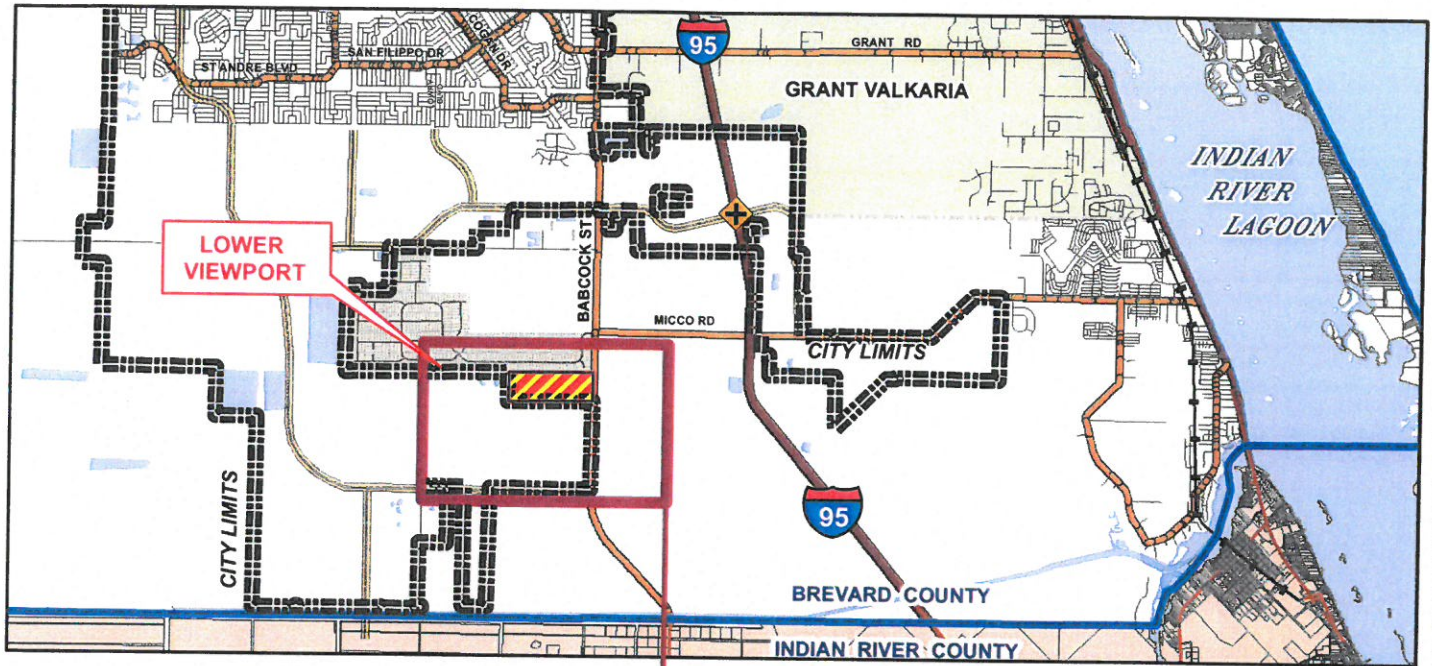
ANALYSIS:

1. The GU District is intended to be applied to large undeveloped or sparsely developed areas which are capable of supporting single-family dwellings at very low densities without extensive infrastructure improvements and/or for agricultural activities.
2. The primary access to the property will be from Babcock Street. The proposed zoning includes no change from existing Brevard County trip generations.
3. The request for this zoning district has been submitted in order to be consistent and compatible with the proposed Future Land Use category of Rural Single Family Residential Use.

STAFF CONCLUSION:

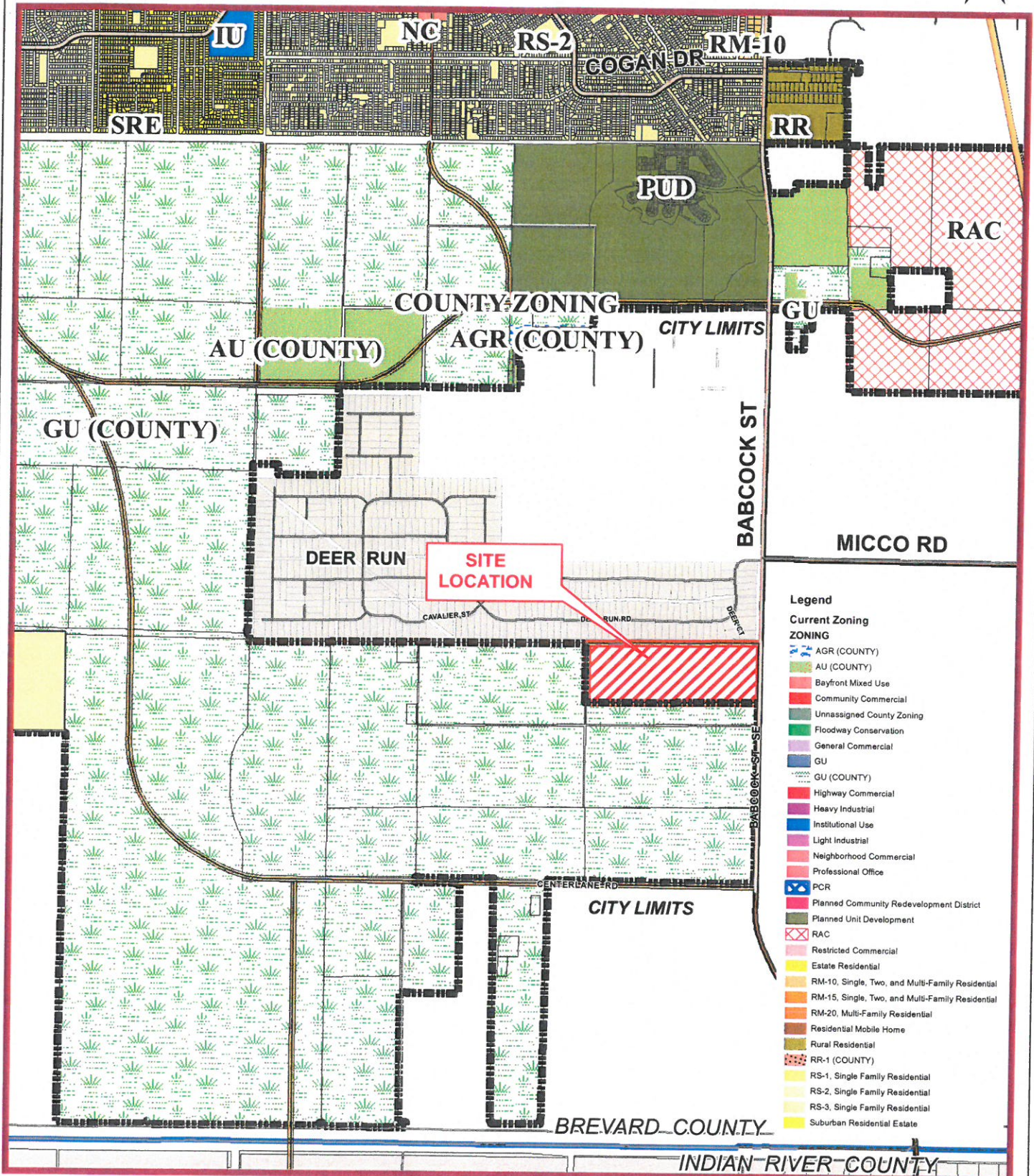
The Board and City Council must determine if the requested zoning category is compatible with the requested Future Land Use category identified in Case No. CP-1-2016.

LOCATION MAP



CP-1- 2016 and CPZ-1- 2016

Zoning



Legend

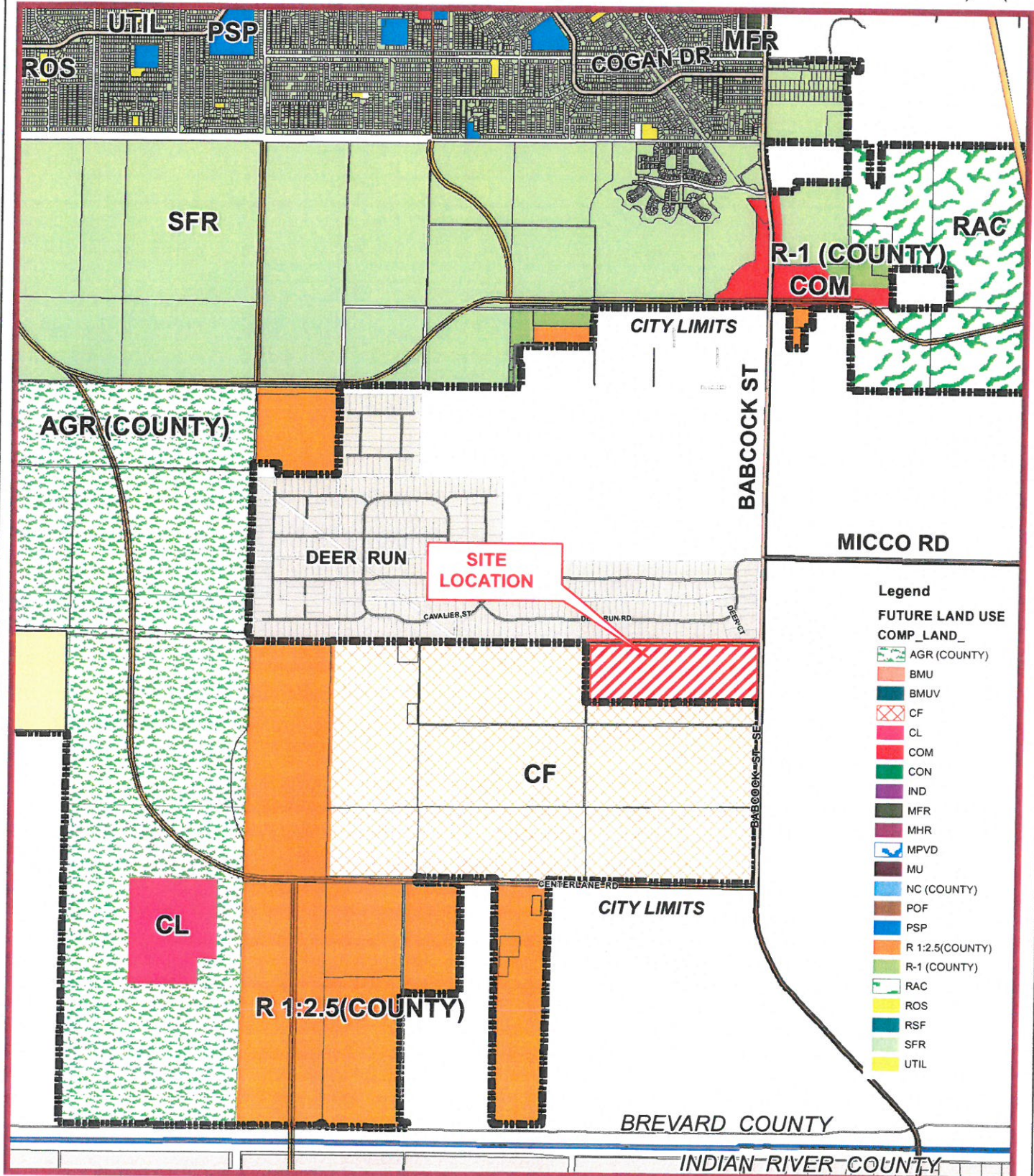
Current Zoning

ZONING

- AGR (COUNTY)
- AU (COUNTY)
- Bayfront Mixed Use
- Community Commercial
- Unassigned County Zoning
- Floodway Conservation
- General Commercial
- GU
- GU (COUNTY)
- Highway Commercial
- Heavy Industrial
- Institutional Use
- Light Industrial
- Neighborhood Commercial
- Professional Office
- PCR
- Planned Community Redevelopment District
- Planned Unit Development
- RAC
- Restricted Commercial
- Estate Residential
- RM-10, Single, Two, and Multi-Family Residential
- RM-15, Single, Two, and Multi-Family Residential
- RM-20, Multi-Family Residential
- Residential Mobile Home
- Rural Residential
- RR-1 (COUNTY)
- RS-1, Single Family Residential
- RS-2, Single Family Residential
- RS-3, Single Family Residential
- Suburban Residential Estate

CP-1- 2016 and CPZ-1- 2016

Future Land Use



CP-1- 2016 and CPZ-1- 2016

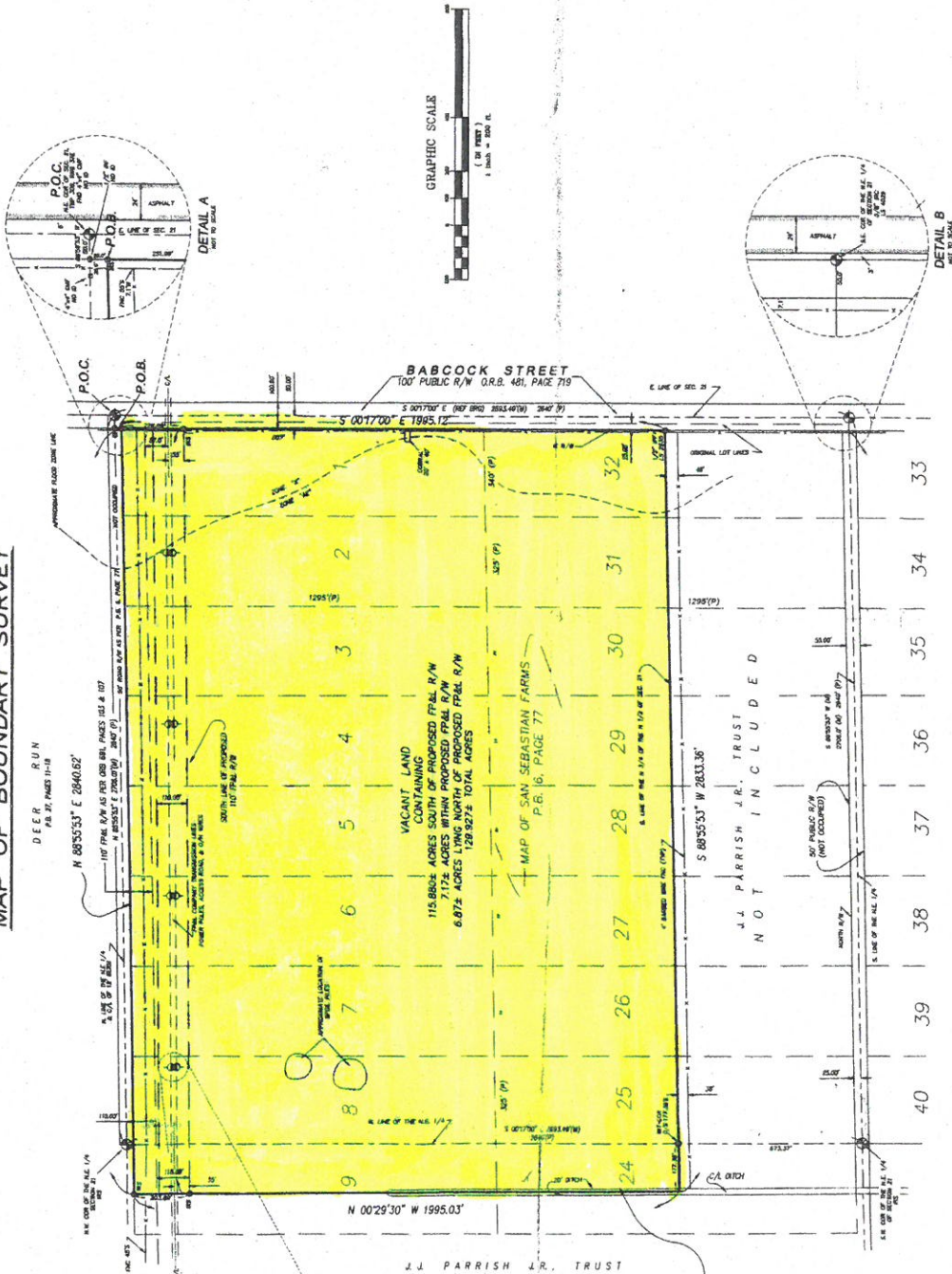
MAP OF BOUNDARY SURVEY

DEER RUN
P.B. 21, PAGES 11-18

LEGEND

- 1. ALL CONDITIONS
- 2. ALL ELEVATIONS
- 3. ALL DISTANCES
- 4. ALL BEARINGS
- 5. ALL CORNERS
- 6. ALL MONUMENTS
- 7. ALL EASEMENTS
- 8. ALL ENCUMBRANCES
- 9. ALL ADJACENT LANDS
- 10. ALL PUBLIC LANDS
- 11. ALL PRIVATE LANDS
- 12. ALL RIGHTS OF WAY
- 13. ALL UTILITIES
- 14. ALL FLOOD ZONE LINES
- 15. ALL FLOOD ELEVATIONS
- 16. ALL FLOOD ZONE SHADOWS
- 17. ALL FLOOD ZONE DATES
- 18. ALL FLOOD ZONE AGENCIES
- 19. ALL FLOOD ZONE MAPS
- 20. ALL FLOOD ZONE RECORDS
- 21. ALL FLOOD ZONE SURVEYS
- 22. ALL FLOOD ZONE EVIDENCE
- 23. ALL FLOOD ZONE TESTIMONY
- 24. ALL FLOOD ZONE DEPOSITIONS
- 25. ALL FLOOD ZONE EXHIBITS
- 26. ALL FLOOD ZONE AFFIDAVITS
- 27. ALL FLOOD ZONE CERTIFICATES
- 28. ALL FLOOD ZONE ORDINANCES
- 29. ALL FLOOD ZONE RESOLUTIONS
- 30. ALL FLOOD ZONE MEMORANDUMS
- 31. ALL FLOOD ZONE REPORTS
- 32. ALL FLOOD ZONE STUDIES
- 33. ALL FLOOD ZONE ANALYSES
- 34. ALL FLOOD ZONE EVALUATIONS
- 35. ALL FLOOD ZONE ASSESSMENTS
- 36. ALL FLOOD ZONE RECOMMENDATIONS
- 37. ALL FLOOD ZONE CONCLUSIONS
- 38. ALL FLOOD ZONE FINDINGS
- 39. ALL FLOOD ZONE OPINIONS
- 40. ALL FLOOD ZONE JUDGMENTS
- 41. ALL FLOOD ZONE DECISIONS
- 42. ALL FLOOD ZONE ACTIONS
- 43. ALL FLOOD ZONE REVISIONS
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GRAPHIC SCALE
1 inch = 500 ft.



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P.B. 21, PAGES 11-18

DEER RUN
P.B. 21, PAGES 11-18

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P.B. 21, PAGES 11-18

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P.B. 21, PAGES 11-18

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P.B. 21, PAGES 11-18

DEER RUN
P.B. 21, PAGES 11-18

DEER RUN
P.B. 21, PAGES 11-18



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) Roy Wayne Yates
ADDRESS 9400 South Babcock Street
CITY Fellsmere STATE FL ZIP 32948
PHONE # 321-508-5670 FAX # NA
E-MAIL ADDRESS NA
- 2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION
See Attached
SECTION 21 TOWNSHIP 30 RANGE 37
- 3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 244.419
- 4) ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.): AU & AGR County Zoning)
- 5) ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): GU (General Use)
- 6) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY? Yes
- 7) JUSTIFICATION FOR REZONING: Annexation from Brevard County to City of Palm Bay
- 8) PRESENT USE OF THE PROPERTY: Agricultural (cattle grazing, borrow pit) and one single-family residence
- 9) INTENDED USE OF PROPERTY: Agricultural (cattle grazing, borrow pit) and one single-family residence
- 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

X 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 <https://www.bcpao.us/paohome.asp>) List shall be legible and the source of that information stated here: _____

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

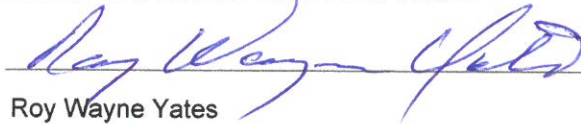
NA WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE REZONING.

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 REZONING APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date

11/30/2015

Printed Name of Applicant

Roy Wayne Yates

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

AUTHORIZATION TO ACT AS APPLICANT


Roy Wayne Yates, authorizes Kim Rezanka and the Law Firm of Dean Mead to act as Applicant, representing it in Public Hearings in Palm Bay pertaining to land use issues, including but not limited to Annexation, Future Land Use, Zoning and CU-1-2016, relating to property located at 9400 S. Babcock Street, Fellsmere, Florida.

By:


Roy Wayne Yates

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 22nd day of December, 2015, by Roy Wayne Yates.

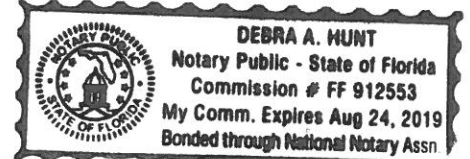


NOTARY PUBLIC

My commission expires:

- ☐ Personally Known
☒ Produced Identification

Type of Identification Produced: FL Driver's License



321-259-8900

7380 Murrell Rd, Ste 200

Viera, FL 32940

Krezanka@deanmead.com

CASES CP-1-2016 & CPZ-1-2016

CORRESPONDENCE: 1

N & Mrs. David & Linda Huddles
231 Deer Run Road
Palm Bay, Florida 32909
December 30, 2015

Dear Planning and Zoning Board/Local Planning Agency, City Council for the City of Palm Bay, Florida,

Linda and I received your "Notice to Interested Property Owners", dated December 24, 2015 for case numbers CP-1-2016 and CPZ-1-2016 where in it states we must provide a written notice to the Clerk in order to become a "party" in this quasi-judicial proceeding. **This is our notice that we plan to attend.**

Our household is an aggrieved and affected one should some of the actions being requested be allowed to proceed. Our property sits adjacent to the site location under consideration.

We object to any general use permitting/rezoning for the site/property owned by Mr. Yates which will afford him the right to operate an open pit mine and the associated dewater process for the said pit mine on this property. The Deer Run Community has had several of the adjacent properties in the Deer Run Community, including ours, wells and water ponds impacted by Mr. Yates previous mining actions in 2010. Mr. Yates mining operations were shut down by the St Johns River Water Management Department at that time due to well water and pond water level impacts by his open pit mining operation.

Recently Mr. Yates applied for a CUP with Brevard County Zoning and Planning Committee which was not allowed to move forward due mainly to the very strong objections and the significant amount of information presented by the Deer Run Community and its Attorney and Geologist.

We ask that you do the same and refuse Mr. Yates request for a Conditional Use Application. Allowing him to move forward with a mining operation will result in renewed hardships for our community.

Thank you for taking our Request into Consideration,

David & Linda Huddleston

Handwritten signatures of Linda Huddleston and David Huddleston. The signature of Linda Huddleston is written above the signature of David Huddleston.



DATE: February 3, 2016
CASE #: Case V-3-2016

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

PROPOSAL: A request to allow a proposed exterior stair overhang to encroach the 10' rear setback by a maximum of 2'; a request to allow an existing building to encroach the 5' side interior setback by a maximum of 5'-0" and the 10' rear setback by a maximum of 10'-0" as provided for in 185.053(9)(b)(d), in the BMUV, Bayfront Mixed Use Village Zoning District.

LOCATION: 4391 Dixie Highway NE

APPLICANT: Mr. Alex Ashropov (Mr. Michael Karaffa, AIA, representing)

SITE DATA

PRESENT ZONING: BMUV, Bayfront Mixed Use Village zoning District

ACREAGE: .34 acres +/-

DENSITY: N/A

ADJACENT ZONING & LAND USE:
N -- HC, Highway Commercial District, Gas Station
E -- RS-1, Single Family Residential District, Palm Bay Point Subdivision
S -- HC, Highway Commercial District, VFW
W -- HC, Highway Commercial District, Dixie Highway

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 4391 Dixie Highway NE. The property contains .34 acres, more or less.
2. The property is zoned BMUV, Bayfront Mixed Use Village. Surrounding zoning includes HC zoning to the north, south, west, and RS-1 zoning to the east.
3. The applicant is seeking a variance to allow a proposed exterior stair overhanging roof to encroach the 10' rear setback by a maximum of 2'; a request to allow an existing building to encroach the 5' side interior setback by a maximum of 5'-0", and the 10' rear setback by a maximum of 10'-0" as provided for in 185.053(9)(b)(d), in the BMUV, Bayfront Mixed Use Village Zoning District.

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 an proposed exterior stair & overhang and existing structures found on site. The site is the current location of Ozzie's Crab House. A fire partially destroyed the upstairs dining room and the interior stair in the south building. The applicant is seeking a variance to allow for a proposed exterior stair with an overhang structure to be constructed which would allow a larger dining room on the second floor- the proposed 2' encroachment would allow for an approximate 3' overhang for the proposed exterior stair. The north building is an existing structure that sits very close to the north and east property lines that the applicant would like to have relief from. As the structure precedes the zoning code, this would be considered a circumstance peculiar to the structure for the Board and City Council to consider.

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

Some of the special conditions and circumstances identified in item 1 may be a direct result of the actions of the applicant. The stair could be smaller- without an overhang, or rebuilt in its original location. The variance request for existing encroachments is warranted as the structures were in place long before the applicant owned the building. 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 construct a stair and overhang that meets the setback requirements for the BMUV zoning district, and remove portions of the existing north building in order to comply with the current zoning setbacks. 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 2’ of relief from the 10’ rear setback for the proposed stair overhang, 5’ of relief from the 5’ side interior setback, and 10’ relief from the 10’ rear setback for the existing building.

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 not confer a special privilege that is denied to other lands, building or structures in the same district by allowing the relief for the existing encroachments. The granting of relief for the proposed exterior stair overhang may confer a special privilege, but it should be noted that staff feels that the overhang encroachment is minor in nature, and would create a condition of greater safety for the general public as the stair would be sheltered from the elements.

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.”

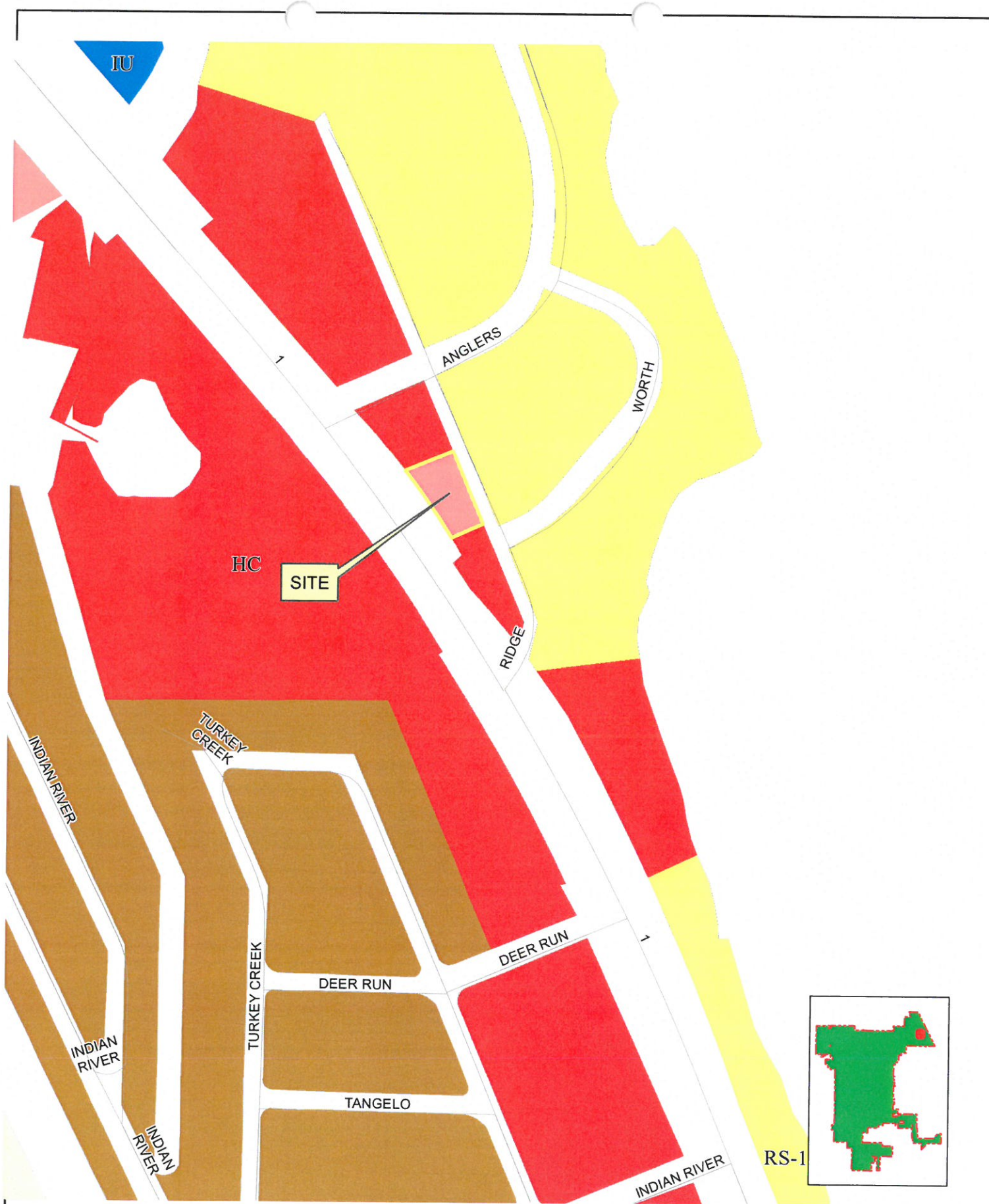
City Council will need to make a determination if the proposed use is in harmony with the general intent and purpose of the code.

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.

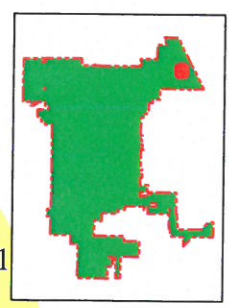
STAFF FINDINGS:

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-3-2016


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



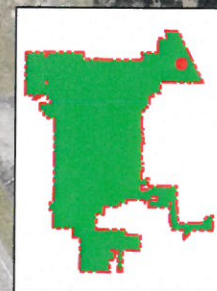
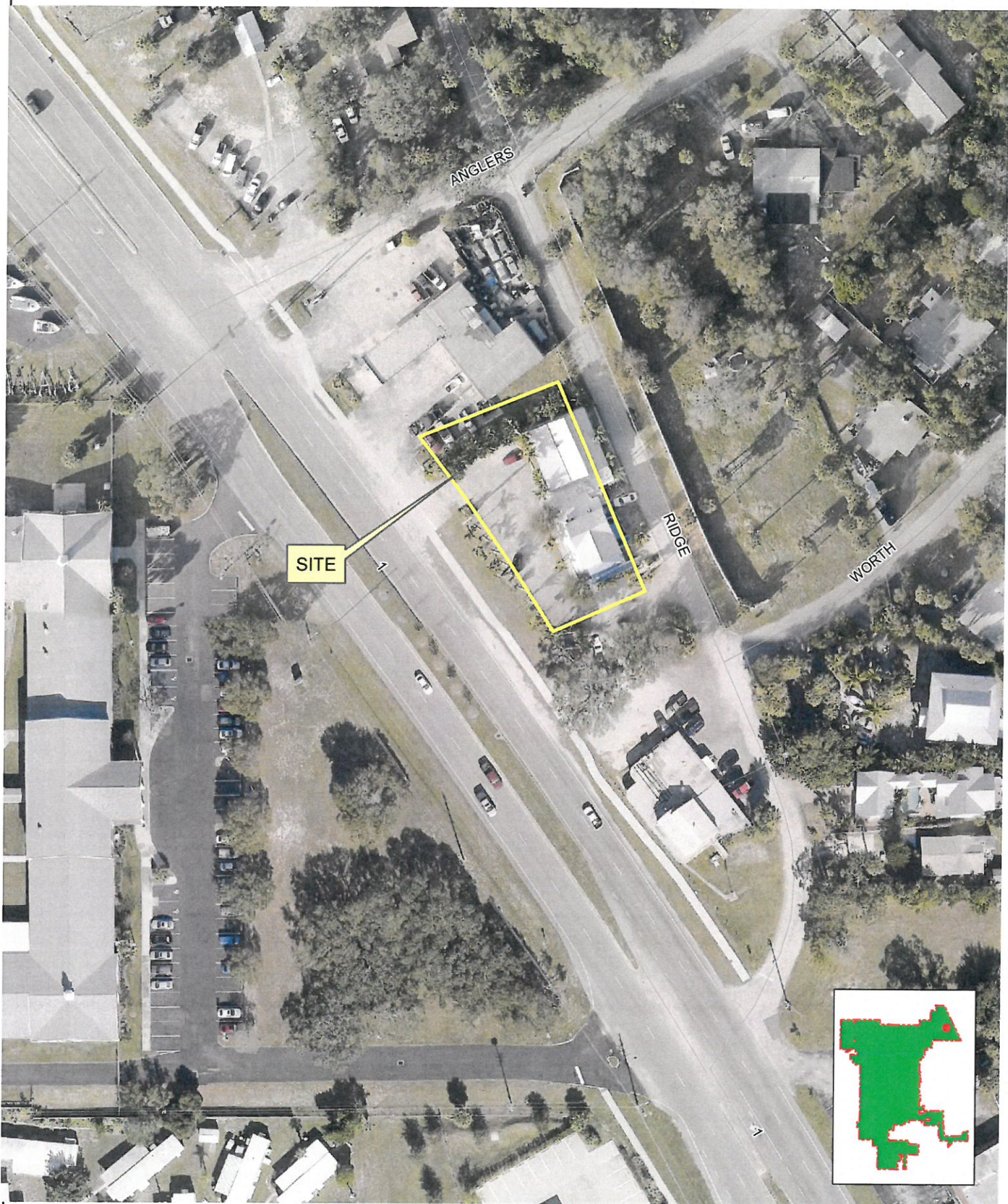


CASE V-3-2016



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





CASE V-3-2016



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





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) AZOR ASHRAPOV (OZZIE'S CRABHOUSE)
ADDRESS 4391 Dixie Highway NE
CITY Palm Bay STATE FL ZIP 32905
PHONE # 347-241-2121 FAX # _____
E-MAIL ADDRESS ozzie'scrabhouse@gmail.com

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION _____

SECTION 24 TOWNSHIP 28 South RANGE 37 east

3) STREET ADDRESS OF PROPERTY COVERED BY APPLICATION: 4391 Dixie Highway NE

4) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 0.34 ± Acres

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

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

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

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

VARIANCE FOR PARKING SETBACK

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): to create a covered open air deck on the second floor connecting the existing covered open air deck of the north building with the second floor of the south building. There will be 2 new bathrooms on the deck and a future open stairs on the east side of the south building leading to the second floor deck. Also create a new entrance to direct the flow of people to the different sections of the restaurant.

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)):

185.053(9)(d)

- 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.

The structure was constructed prior to the zoning code and there exists numerous encroachments with regard to the BMU zoning district. Under the current zoning code, grandfathered structures are allowed to remain 'as-is' with no modification allowed to the existing footprint. The owner of the property has recently had a fire that damaged the interior stair of the existing building to the south which is an extraordinary circumstance. We are requesting a variance that would allow for a future exterior stair to be constructed at the rear of the building that would open up to a 2nd floor deck that will be an open covered area for dining. They want to create a new entranceway at the front the building, but would need the variance to secure the amount of encroachment to the rear setback in order to construct the future stair. Ozzie's is a premier restaurant along the Dixie Highway corridor, and we want to continue to be a part of the re-birth of the Bay Front Redevelopment District. We respectfully request the board to allow these encroachments so that we can enhance the building, and get it back to working order so that we can continue to serve the community.

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

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

NA 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.

NA 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.

NA 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



Date JAN-3, 2015

Printed Name of Applicant

AZROR ASHRAPOV

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



DATE: February 3, 2016
CASE #: T-4-2016

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

TEXTUAL AMENDMENT APPLICATION

PROPOSAL: A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 169.005(B), in order to modify the applicability requirements for Citizen Participation Plans.

CODE CITATION: Section 169.005

APPLICABILITY: City-wide

APPLICANT: City of Palm Bay - Growth Management Department

**COMPLIANCE WITH THE
COMPREHENSIVE PLAN:** Not specifically addressed

BACKGROUND:

The Growth Management Act was adopted by the Florida Legislature in 1985. Following its adoption, local government agencies adopted Comprehensive Plans, establishing Future Land Use Map (FLUM) series which provided guidance for the future growth of the City. Amendments to the Comprehensive Plan are called Comprehensive Plan Amendments, and amendments to the FLUM are comprehensive plan amendments to the Future Land Use Map. To implement these broad goals, objectives, and policies of the Comprehensive Plan and FLUM, cities then adopted and implemented Land Development Regulations (LDRs) and Official Zoning Maps. The Florida Legislature had the foresight to include requirements for legal advertising and public participation through advertised public hearings for both Comprehensive Plan Amendments and amendments to the LDRs, including the FLUM and the Official Zoning Map.

Prior to the passage of the Growth Management Act, cities and counties used various tools, including zoning, residential density maps, and conducted land use changes. Although the zoning code continued through its successor, the LDRs, with the passage of the Growth Management Act and subsequent adoption of the Comprehensive Plan by the City, the residential density maps, land use changes, and several other terms and procedures became antiquated or were superseded by State statute.

ANALYSIS:

The existing Land Development Regulations maintain several terms and practices that are antiquated or have been replaced procedurally by requirements set down in Florida Statute. One item includes the reference to "land use change" in Code Section 169.005. The proposed amendment removes this term from the Code of Ordinances and allows applicants to follow procedures for Comprehensive Plan Future Land Use amendments that have been standardized by Florida Statute state-wide.

STAFF FINDINGS:

Staff recommends Case T-4-2016 for approval, removing antiquated terms from the Code of Ordinances and bringing the City practices into consistency with State statute.

§ 169.005 CITIZEN PARTICIPATION PLANS

(A) *Purpose.* The purpose of the citizen participation plan is to:

(1) Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community.

(2) Ensure that citizens have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the review and decision-making process.

(3) Facilitate ongoing communication between the applicant, interested citizens, city staff, appointed and elected officials throughout the applicant review process.

(4) The citizen participation plan is not intended to produce complete consensus on all applicants, but to encourage applicants to be good neighbors and to allow for informed decision-making.

(B) *Applicability.*

(1) Every application for development that requires a preliminary subdivision approval, preliminary planned unit development, ~~land use change of more than five (5) acres, or~~ a conditional use ~~or results in a land use of five (5) or more units per acre~~ shall include a citizen participation plan that must be implemented prior to the first public hearing or notice of public review and comment period on an administrative application.

(2) When in compliance with all other city ordinances and regulations, the following projects are exempted from the other provisions of this section.

(a) Construction of one single-family detached dwelling, ~~provided that no land use change of more than five (5) acres is required.~~

(b) Construction of ten (10) or less multi-family dwelling units, regardless of density, ~~provided that no land use change of more than five (5) acres is required.~~

(c) Amendments to an approved Planned Unit Development (PUD) provided that less than ~~ten~~ twenty percent (~~10~~ 20%) of the total acreage of the PUD is subject to the amendment.

(C) *Plan contents.*

(1) At a minimum, the citizen participation plan shall include the following information:

(a) Which residents, property owners, interested parties, political jurisdictions and public agencies may be affected by the application;

(b) How those parties identified in division (C)(1) of this section will be notified that an application has been made including a letter introducing the proposed project and describing the impact it may have on the surrounding properties, providing a proposed site plan and a contact name, phone number and address where parties may address questions;

(c) How those parties identified in division (C)(1) of this section will be informed of a substantive of change, amendment, or development to the proposed application;

(d) How those identified in division (C)(1) of this section will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing or public review and comment period; at a minimum there should be at least one (1) informational meeting held on a Monday, Tuesday or Wednesday evening after 6:00 p.m. at least seven (7) days before the first scheduled city public hearing or administrative review;

(e) The applicant's schedule for completion of the citizen participation plan;

(f) How the applicant will keep the Growth Management Department informed as to the status of his or her citizen participation efforts.

(2) The level of citizen interest and area of involvement will vary depending on the nature of the application and the project's location. The applicant will determine the target area for notification after consultation with and approval of the Growth Management Department.

(3) In no case shall the notification area be less than that required in other sections of the Land Development Regulations.

(4) The applicant shall notify neighborhood and homeowners' associations within the public notice area required by other sections of the Land Development Regulations.

(5) The applicant shall notify any other persons, organizations or agencies as deemed appropriate after consultation with the Growth Management Department.

(6) These requirements apply in addition to any notice provisions required elsewhere in the Land Development Regulations.

(7) At the applicant's discretion, applicant may submit a citizen participation plan, along with the required processing fee, and begin implementation prior to the formal application submittal. This shall not occur until after consultation with the Growth Management Department.

(D) *Citizen participation report.*

(1) When a citizen participation plan is required, the applicant shall provide a written report, satisfactory to the Director of the Growth Management Department, documenting the results of the citizen participation effort prior to the notice of public hearing or notice of public review and comment period on the application. This report shall be made a part of the administrative record and shall be filed with the Growth Management Department at least five (5) days before the city's first public hearing or final administrative review.

(2) The citizen participation report shall describe the methods the applicant employed to involve the public, including:

(a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;

(b) The content, dates mailed, and number of mailings, including letters, meeting notices, newsletters and other writings;

(c) A description of where residents, property owners and other interested parties receiving notices, newsletters, or other written materials are located; and

(d) The number of people who participated in the process.

(3) The report shall summarize the substance of concerns, issues and problems expressed during the process.

(4) The report shall describe how the applicant has addressed, or intends to address the concerns, issues and problems expressed during the process.

(5) The report shall identify which concerns, issues and problems the applicant is unwilling or unable to address, if any, and shall state why.

(Ord. 2006-45, passed 5-16-06; Am. Ord. 2014-48, passed 10-14-14)



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

CODE TEXTUAL AMENDMENT 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) City of Palm Bay (Growth Management Department)
ADDRESS 120 Malabar Road SE
CITY Palm Bay STATE FL ZIP 32907
PHONE # (321) 733-3041 FAX # (321) 953-8920
E-MAIL ADDRESS stuart.buchanan@palmbayflorida.org
PERSON(S) TO BE NOTIFIED (if different from above) _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
PHONE # _____ FAX # _____
E-MAIL ADDRESS _____
- 2) ORDINANCE SECTION PROPOSED TO BE CHANGED: Chapter 185: Zoning Code, Section 169.005(B)

- 3) PROPOSED LANGUAGE (attach addendum if necessary): See attached.

- 4) JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary): Removal of antiquated terms from the Code of Ordinances and bringing the City practices into consistency with State statute.

- 5) *A \$1,000.00 APPLICATION FEE. MAKE CHECK PAYABLE TO "CITY OF PALM BAY."

CITY OF PALM BAY, FLORIDA
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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 CODE TEXTUAL AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant

Stuart Buchanan

Date

1/26/16

Printed Name of Applicant

Stuart Buchanan, Growth Management Director

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