



## AGENDA

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

Regular Meeting No. 2016-12  
December 7, 2016 – 7:00 P.M.  
City Hall Council Chambers

#### **CALL TO ORDER:**

#### **PLEDGE OF ALLEGIANCE:**

#### **ROLL CALL:**

#### **ADOPTION OF MINUTES:**

1. Regular Meeting No. 2016-11; November 2, 2016

#### **ANNOUNCEMENTS:**

#### **OLD BUSINESS:**

1. ♣FS-2-2016 – ERIC ADDINGTON

A final subdivision request to allow a proposed single-family residential 55-lot development called Sanibel Cove Subdivision in an RS-2, Single Family Residential District.

Tract A, Port Malabar Unit 36, Section 3, Township 29, Range 36, Brevard County, Florida, containing 16.74 acres, more or less. (Located east of and adjacent to Gertrude Avenue SW, between Whitehurst Road SW and Sapulpa Road SW)

2. CP-23-2016 - WHEELER FARMS, INC. (DAVID WHEELER)

A Comprehensive Plan Future Land Use Map large scale amendment from Residential One (Brevard County) to Single Family Residential Use.

Tax Parcel 500, Section 9, Township 30, Range 38 and Tax Parcel 1, Section 1, Township 30G, Range 38, Brevard County, Florida, containing 122.7 acres, more or less. (Located north of and adjacent to Micco Road in the vicinity west of Dottie Drive and across from Laguna Circle)

3. ♣CPZ-23-2016 - WHEELER FARMS, INC. (DAVID WHEELER)

A zoning amendment from a GU, General Use District (Brevard County) to an RR, Rural Residential District.

Tax Parcel 500, Section 9, Township 30, Range 38 and Tax Parcel 1, Section 1, Township 30G, Range 38, Brevard County, Florida, containing 122.7 acres, more or less. (Located north of and adjacent to Micco Road in the vicinity west of Dottie Drive and across from Laguna Circle)

**NEW BUSINESS:**

1. CP-27-2016 – CONCEPT DEVELOPMENT, INC. (MATTHEW D. CASON)

A Comprehensive Plan Future Land Use Map small scale amendment from Professional Office Use to Commercial Use.

Tract D, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .99 acres, more or less. (Located at the northeast intersection of Port Malabar Boulevard NE and Cranbrook Avenue NE)

2. ♣CPZ-27-2016 – CONCEPT DEVELOPMENT, INC. (MATTHEW D. CASON)

A zoning amendment from an OP, Office Professional District to a CC, Community Commercial District.

Tract D, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .99 acres, more or less. (Located at the northeast intersection of Port Malabar Boulevard NE and Cranbrook Avenue NE)

3. CP-28-2016 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A Comprehensive Plan Future Land Use Map small scale amendment from Professional Office Use to Commercial Use.

Tract E, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing 1.00 acre, more or less. (Located at the southeast intersection of Market Circe NE and Cranbrook Avenue NE)

4. ♣CPZ-28-2016 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A zoning amendment from an OP, Office Professional District to a CC, Community Commercial District.

Tract E, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing 1.00 acre, more or less. (Located at the southeast intersection of Market Circe NE and Cranbrook Avenue NE)

5. T-42-2016 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A textual amendment to the Code of Ordinances, Title XI, Business Regulations, Chapter 110: Business Taxes, Sections 110.15, 110.17, 110.19, 110.37, and 110.46, in order to regulate rental properties.

**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.

♣ Quasi-Judicial Proceeding.

**CITY OF PALM BAY, FLORIDA**  
**PLANNING AND ZONING BOARD/**  
**LOCAL PLANNING AGENCY**  
**REGULAR MEETING NO. 2016-11**

Held on Wednesday, November 2, 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.

Chairperson Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Ms. Leeta Jordan led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

<b>CHAIRPERSON:</b>	Philip Weinberg	Present
<b>VICE CHAIRPERSON:</b>	Wendall Stroderd	Present
<b>MEMBER:</b>	Leeta Jordan	Present
<b>MEMBER:</b>	Khalilah Maragh	Present
<b>MEMBER:</b>	William Pezzillo	Present
<b>MEMBER:</b>	Rainer Warner	Present
<b>MEMBER:</b>	Thomas "Woody" Woodrum	Present
<b>MEMBER:</b>	Michele Quinn (School Board Appointee)	Present (Late)

**CITY STAFF:** Present were Mr. Stuart Buchanan, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; 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. 2016-10. Mr. Weinberg read Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, disclosing Mr. Stroderd's conflict of interest with Case CU-29-2016, Sunshine Petro, Inc., which was submitted into the record at the October 5, 2016 Regular Planning and Zoning Board/Local Planning Agency Meeting.

Motion by Ms. Jordan, seconded by Mr. Stroderd to approve the minutes as presented. The motion carried with members voting unanimously.



## **ANNOUNCEMENTS:**

1. Mr. Weinberg 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.
2. Mr. Murphy announced that continuances were requested by the applicants for Cases FS-2-2016 (Eric Addington), CP-23-2016 (Wheeler Farms, Inc.), and CPZ-23-2016 (Wheeler Farms, Inc.). Board action was required to continue the requests.

Motion by Mr. Pezzillo, seconded by Ms. Maragh to continue Cases FS-2-2016 (Eric Addington), CP-23-2016 (Wheeler Farms, Inc.), and CPZ-23-2016 (Wheeler Farms, Inc.) to the December 7, 2016 Planning and Zoning Board Meeting. The motion carried with members voting unanimously

## **OLD BUSINESS:**

1. ♣V-25-2016 – HAROLD W. FAHS

Mr. Loring presented the staff report for Case V-25-2016. The applicant had requested a variance to allow a proposed concrete carport to encroach 11 feet into the 25-foot side corner setback in an RS-2, Single Family Residential District as established by Section 185.034(F)(7)(c) 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 of the City of Palm Bay Code of Ordinances.

Mr. Harold Fahs (applicant) stated that the variance would allow him to erect a carport behind his fence to park his recreational vehicle.

Ms. Maragh noted that according to the staff report the carport could be placed elsewhere on the lot without a variance. Mr. Fahs responded that the alternative would involve tearing down his fence and constructing a driveway for the backyard. A variance for the existing fence was granted four years ago.

Ms. Quinn arrived at this time.

Mr. Stroderd asked where the carport would sit in relation to the front of the home, and he wanted to know the height of the structure. Mr. Fahs commented that the carport would align with the front of the home, approximately 14 feet behind the gate, and the height of the carport would be about 11-feet high at its canopy.

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

Motion by Ms. Jordan, seconded by Ms. Maragh to submit Case V-25-2016 to City Council for approval of a variance to allow a proposed concrete carport to encroach 11 feet into the 25-foot side corner setback in an RS-2, Single Family Residential District as established by Section 185.034(F)(7)(c) of the Palm Bay Code of Ordinances. The motion carried with members voting unanimously.

2. ♣V-33-2016 – JOHNNY R. IMES

Mr. Loring presented the staff report for Case V-33-2016. The applicant had requested a variance to allow a proposed free-standing garage to encroach 8 feet into the 25-foot side corner setback in an RS-2, Single Family Residential District as established by Section 185.034(F)(7)(c) 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 of the City of Palm Bay Code of Ordinances.

Mr. Pezzillo noted that there were two sheds present on the property. Mr. Loring commented on staff's recommendation for the board to mandate that the existing shed structures be moved under an active building permit.

The applicant was not present to represent the subject request, which was initially continued from the October board meeting where the applicant had also failed to appear.

Motion by Mr. Stroderd, seconded by Ms. Jordan to strike Case V-33-2016, a variance request to allow a proposed free-standing garage to encroach 8 feet into the 25-foot side corner setback in an RS-2, Single Family Residential District as established by Section 185.034(F)(7)(c) of the Palm Bay Code of Ordinances. The motion carried with members voting unanimously.

**NEW BUSINESS:**

1. ♣FS-2-2016 – ERIC ADDINGTON

Case FS-2-2016 was discussed under Announcements, Item 2.

2. CP-23-2016 – WHEELER FARMS, INC. (DAVID WHEELER)

Case CP-23-2016 was discussed under Announcements, Item 2.

3. ♣CPZ-23-2016 – WHEELER FARMS, INC. (DAVID WHEELER)

Case CPZ-23-2016 was discussed under Announcements, Item 2.

4. ♣Z-38-2016 – FRED D. BOOZER, JR.

Mr. Murphy presented the staff report for Case Z-38-2016. The applicant had requested a change in zoning from an RM-20, Multiple Family Residential District to an RM-15, Single-, Two-, Multi-Family Residential District. The board must determine if the request was consistent with the City's development vision and whether the uses allowed under the RM-15 district regulations would be compatible with the surrounding area.

Mr. Stroderd questioned why the subject property had adjacent RM-20 and RM-15 designations on the site. Mr. Murphy explained how a south portion of the property was rezoned a few years ago from RM-20 to RM-15.

Mr. Warner wanted to know what was proposed for the site. Mr. Fred Boozer, Jr. (applicant) described plans to build 28 townhomes in five, two-story buildings, at approximately 20-feet in height. Mr. Murphy concurred that the subject request would be a down-zoning as it would be a decrease in the height and density allowed.

The floor was opened for public comments.

Mr. Ed Matheson (owner of two properties in the Turkey Creek Subdivision) wanted to ensure that the submitted site plan for the proposed development would continue to include the three-foot berm and six-foot high fence at the east drainage easement, the 47-foot setback between the proposed buildings and east property line; and for an additional tree line to be placed at the east side of the site. He also questioned whether the existing lift station for the Turkey Creek Subdivision could handle the sewer load for the 28 additional units. Mr. Boozer responded that all codes would be met and the 47-foot setback would be in place. Mr. Weinberg added that site plan requirements would be addressed during administrative review.

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

Motion by Mr. Pezzillo, seconded by Ms. Jordan to submit Case Z-38-2016 to City Council for approval of a change in zoning from an RM-20, Multiple Family Residential District to an RM-15, Single-, Two-, Multi-Family Residential District. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Mr. Stroder	Aye
Ms. Jordan	Aye
Ms. Maragh	Aye
Mr. Pezzillo	Aye
Mr. Warner	Aye
Mr. Woodrum	Nay

5. ♣CU-39-2016 – FRED D. BOOZER, JR.

Mr. Murphy presented the staff report for Case CU-39-2016. The applicant had requested a conditional use to allow proposed construction of 28 multi-family residential units. The board must determine if the request was consistent with the City's development vision and whether the uses allowed under the RM-20 district regulations would be compatible with the surrounding area.

Mr. Fred Boozer, Jr. (applicant) was present.

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

Motion by Mr. Pezzillo, seconded by Ms. Jordan to submit Case CU-39-2016 to City Council for approval of a conditional use to allow proposed construction of 28 multi-family residential units. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Mr. Stroder	Aye
Ms. Jordan	Aye
Ms. Maragh	Aye
Mr. Pezzillo	Aye
Mr. Warner	Aye
Mr. Woodrum	Nay

6. ♣Z-40-2016 – ALLIANCE PALM BAY, LLC (ROBERT CAMBO)

Mr. Murphy presented the staff report for Case Z-40-2016. The applicant had requested a change in zoning from an RM-10, Single-, Two-, Multi-Family Residential District to an RM-20, Multiple Family Residential District. The board must determine if the request was consistent with the City's development vision and whether the uses allowed under the RM-20 district regulations would be compatible with the surrounding area.

Mr. Pezzillo asked if the subject site was in the vicinity of the St. Johns Heritage Parkway. Mr. Murphy answered that it was not.

Mr. Buchanan informed the board that the Florida Institute of Technology and Eastern Florida State College (EFSC) would be in attendance at the City Council hearing to support Cases Z-40-2016, CP-24-2016, and CPZ-24-2016 to allow for the construction of student housing.

Mr. Robert Cambo (applicant) described the proposal contemplated to meet the need for student housing. The eight, 24-unit buildings would be gated with secured access. There would be one and two-bedroom garden apartments, a central common area with pool, and exercise and television rooms. The development would be built to code.

Mr. Warner wanted clarification on who owned the subject property. Mr. Cambo stated that he had owned the property since 2005; however, the drainage around the site was owned by EFSC.

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

Motion by Mr. Pezzillo, seconded by Ms. Maragh to submit Case Z-40-2016 to City Council for approval of a change in zoning from an RM-10, Single-, Two-, Multi-Family Residential District to an RM-20, Multiple Family Residential District. The motion carried with members voting unanimously.

Case Z-40-2016 would be heard by City Council on November 3, 2016.

7. CP-24-2016 – SAN FILIPPO COVE, INC. (WILLIAM H. BENSON)

Mr. Murphy presented the staff report for Case CP-24-2016. The applicant had requested a Comprehensive Plan Future Land Use Map small scale amendment from Recreation and Open Space Use to Multiple Family Residential Use. Staff recommended Case CP-24-2016 for approval pursuant to Chapter 163, Florida Statutes.

Mr. William Benson (applicant) stated that the land use request was needed to make the subject site compatible with the adjacent property it was assembled with.

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

Motion by Mr. Pezzillo, seconded by Mr. Stroderd to submit Case CP-24-2016 to City Council for approval of a Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Multiple Family Residential Use. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Mr. Stroderd	Aye
Ms. Jordan	Aye
Ms. Maragh	Aye
Mr. Pezzillo	Aye
Mr. Warner	Aye
Mr. Woodrum	Nay

Case CP-24-2016 would be heard by City Council on November 3, 2016.

8. ♣CPZ-24-2016 – SAN FILIPPO COVE, INC. (WILLIAM H. BENSON)

Mr. Murphy presented the staff report for Case CPZ-24-2016. The applicant had requested a zoning amendment from an RM-10, Single-, Two- and Multi-Family Residential District to an RM-20, Multiple Family Residential District. The board must determine if the request was consistent with the City's development vision and whether the uses allowed under the RM-20 district regulations would be compatible with the surrounding area.

Mr. Stroderd wanted to know how much the proposed movement of density would affect the subject site. Mr. Murphy explained how 120 units could be transferred from the ditch property to the main west site for development.

Mr. William Benson (applicant) stated that the zoning request was to optimize the highest and best use of the site to enable the construction of a three-story apartment building in excess of 200 units. The modern, upscale apartments would be suitable for student housing.

Mr. Pezzillo asked about the Flood Zone A designation and Certified Letter of Map Amendment (CLOMA) requirement. Mr. Murphy explained that the floodzone determination indicated the required base building elevation for the site, and that obtaining a CLOMA would certify that the elevation requirement had been met.

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

Motion by Mr. Pezzillo, seconded by Ms. Maragh to submit Case CPZ-24-2016 to City Council for approval of a zoning amendment from an RM-10, Single-, Two- and Multi-Family Residential District to an RM-20, Multiple Family Residential District. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Mr. Stroderd	Nay
Ms. Jordan	Aye
Ms. Maragh	Aye
Mr. Pezzillo	Aye
Mr. Warner	Aye
Mr. Woodrum	Nay

Case CPZ-24-2016 would be heard by City Council on November 3, 2016.

9. CP-25-2016 – LEN-PALM VISTA, LLC (SCOTT GLAUBITZ, REP.)

Mr. Buchanan presented the staff report for Case CP-25-2016. The applicant had requested a Comprehensive Plan amendment to the Future Land Use Element related to density cap for Policy 8.3I, Palm Vista.

Ms. Maragh asked about the lot sizes proposed for the subject site. Ms. Ana Saunders with BSE Engineering (representative for the applicant) answered that the project was in the conceptual stage and would come back before the board for the Planned Unit Development. The mixture of lot sizes could range between 50 and 75 square feet.

The floor was opened for public comments.

Mr. Raymond Kratz (resident at Parsboro Street NW) spoke in opposition to the request. Although the St. Johns Heritage Parkway would alleviate some of the traffic problems in the area, the subject proposal to increase single family dwelling units from 1,754 to 4,000 maximum units would increase traffic and impact schools. He asked if a traffic study had been prepared, and whether Emerson Drive NW in that area would be widened. Mr. Buchanan responded by confirming that a traffic study had been done by the State of Florida in conjunction with the Space Coast Transportation Planning Office (TPO). A dedicated school site was included in the project and there were plans to widen a portion of Emerson Drive.

Mr. Stroderd wanted clarification on how the density for the proposal would be cut in half if the proposed amendment would increase the maximum density to 4,000 units. Mr. Buchanan explained that the Future Land Use Map would allow up to 8,490 units; however, the applicant was requesting a cap of 4,000 units per acre.

Motion by Mr. Pezzillo, seconded by Ms. Maragh to submit Case CP-25-2016 to City Council for approval of a Comprehensive Plan amendment to the Future Land Use Element related to density cap for Policy 8.3I, Palm Vista. The motion carried with members voting as follows:



Mr. Weinberg	Aye
Mr. Stroder	Aye
Ms. Jordan	Aye
Ms. Maragh	Aye
Mr. Pezzillo	Aye
Mr. Warner	Aye
Mr. Woodrum	Nay

10. CP-26-2016 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Buchanan presented the staff report for Case CP-26-2016. The applicant had requested a Comprehensive Plan Amendments to the Future Land Use Element Map Series related to Urban Service Boundaries; Capital Improvements Element adding and removing capital projects for consistency with the City's adopted Capital Improvement Program; Transportation Element Map Series amending Roadway Functional Classifications and Future Transportation Map Series; and Transportation Element Policy TC-1.4E and TC-1.4F. The staff report for Case CP-26-2016 was prepared by staff.

Mr. Buchanan explained that capital improvement projects must be in the Comprehensive Plan in order to receive state and federal grant funding. The subject amendment would add the final leg of the St. Johns Heritage Parkway with the related PD&E reports and National Environmental Protection Act (NEPA) standards. The widening of Emerson Drive near the Parkway and the Calumet Farms property were also added.

Mr. Woodrum asked when the St. Johns Heritage Parkway would be completed. Mr. Buchanan stated that including the Parkway in the Comprehensive Plan was the first step of a five-year work plan.

Ms. Maragh wanted to know if the project would be entirely financed with grant funding. Mr. Buchanan indicated that this was correct. The project would be federally funded.

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

Motion by Mr. Pezzillo, seconded by Ms. Jordan to submit Case CP-26-2016 to City Council for approval of Comprehensive Plan Amendments to the Future Land Use Element Map Series related to Urban Service Boundaries; Capital Improvements Element adding and removing capital projects for consistency with the City's adopted Capital Improvement Program; Transportation Element Map Series amending Roadway Functional Classifications and Future Transportation Map Series; and Transportation Element Policy TC-1.4E and TC-1.4F. The motion carried with members voting unanimously.

11. T-41-2016 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Buchanan presented the staff report for Case T-41-2016. The applicant had requested a textual amendment to the Code of Ordinances, Title V, Legislative, Chapter 51: Public Hearings, to modify Section 51.04; Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, to modify Sections 170.050 and 170.051; Chapter 179: Streets and Other Rights-of-Way, to create Section 179.033, Road Surfaces; Chapter 185: Zoning Code, to modify Sections 185.006, Definitions; District Regulation Sections 185.043, 185.044, 185.048, 185.059; Planned Unit Development (PUD) Sections 185.066, 185.067, 185.071; Supplementary District Regulations Section 185.118; Nonconformance Provisions Sections 185.158, 185.159, 185.160, 185.161, 185.162; and Administration and Enforcement Sections 185.200, 185.201, 185.202, 185.203. The staff report for Case T-41-2016 was prepared by staff.

Mr. Weinberg noted that Section 179.033 Roadway Surfacing should be corrected to indicate 50 percent or more of the platted lots being developed. Mr. Buchanan concurred with the correction.

Mr. Buchanan provided the board with additional revisions to Section 185.043, CC, Community Commercial District and to Section 185.044, HC, Highway Community Commercial District, to exclude future mini-storage warehouses from those districts.

Mr. Stroderd noted that Section 51.04 Withdrawals should be corrected by removing the word "nor." Mr. Buchanan concurred with the correction.

Ms. Maragh asked for clarification regarding pulverizing of roads. Mr. Buchanan explained that Section 179.033 would allow streets in poor repair and not scheduled for repaving to be pulverized and added to the City's regrading list.

The floor was opened for public comments

Mr. Jason Steele (director of government relations for Smith and Associates) spoke in opposition to the request. He believed Section 185.203 Protest by Property Owners was blatantly unfair since it could allow a two-person minority to dictate a super-majority vote by City Council. He wanted the section repealed. Mr. Buchanan agreed that there was a problem with the 20-percent rule. Based on consultation with the City Attorney, a 60-percent rule was being proposed.

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

Motion by Ms. Jordan, seconded by Mr. Pezzillo to submit Case T-41-2016 to City Council for approval of a textual amendment to the Code of Ordinances, Title V, Legislative, Chapter 51: Public Hearings, to modify Section 51.04; Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, to modify Sections 170.050 and 170.051; Chapter 179: Streets and Other Rights-of-Way, to create Section 179.033, Road Surfaces; Chapter 185: Zoning Code, to modify Sections 185.006, Definitions; District Regulation Sections 185.043, 185.044, 185.048, 185.059; Planned Unit Development (PUD) Sections 185.066, 185.067, 185.071; Supplementary District Regulations Section 185.118; Nonconformance Provisions Sections 185.158, 185.159, 185.160, 185.161, 185.162; and Administration and Enforcement Sections 185.200, 185.201, 185.202, 185.203, with the condition that new Section 179.033 Roadway Surfacing be corrected to indicate the percentage as 50% or more. The motion carried with members voting unanimously.

#### **OTHER BUSINESS:**

There was no other business discussed.

**ADJOURNMENT:**

The meeting was adjourned at approximately 8:31 p.m.

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Philip Weinberg, CHAIRMAN

Attest:

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Chandra Powell, SECRETARY

♣Quasi-Judicial Proceeding.



**MEMO TO:** PLANNING AND ZONING BOARD MEMBERS

**FROM:** PATRICK J. MURPHY, ASSISTANT DIRECTOR

**DATE:** DECEMBER 7, 2016

**SUBJECT:** CASE NO. FS-2-2016 (Sanibel Cove)

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The applicant has requested a Continuance of this case to the January 4<sup>th</sup> Planning and Zoning Board Meeting in order to continue working through engineering design issues. A vote to Continue is required.

PJM



DATE: November 2, 2016  
CASE #: CP-23-2016

*CITY OF PALM BAY*

# LAND DEVELOPMENT DIVISION STAFF REPORT

## COMPREHENSIVE PLAN AMENDMENT APPLICATION

- PROPOSAL:** Large-Scale Comprehensive Plan Amendment to Assign the Single Family Residential Future Land Use Designation to the Subject Property.
- LOCATION:** The property is located north of and adjacent to Micco Road, roughly half way between Interstate 95 and U.S. Highway No. 1. Specifically, Tax Parcel 1.0, Section 1, Township 30G South, Range 38 East, and Tax Parcel 500, Section 9, Township 30 South, Range 38 East, Brevard County, Florida.
- APPLICANT:** Wheeler Farms, Inc. (David Wheeler, President)

## SITE DATA

**PRESENT ZONING:** GU, General Use (Brevard County)

**LAND USE  
DESIGNATION:** Residential One (Brevard County)

**ACREAGE:** 122.7 Acres +/-

### ADJACENT ZONING

**& LAND USE:**

- N** -- GU, General Use (County); Barefoot Bay Water & Wastewater Treatment Plant and Cleared Agricultural Land
- E** -- TRC-1, Single Family Home Cooperative; Barefoot Bay Unit 2
- S** -- AU, Agricultural Residential (County); Farmland
- W** -- GU, General Use; Vacant Agricultural Land

BACKGROUND:

1. The two (2) parcels are located north of and adjacent to Micco Road, roughly half way between Interstate 95 and U.S. Highway No. 1. Specifically, Tax Parcel 1.0, Section 1, Township 30G South, Range 38 East, and Tax Parcel 500, Section 9, Township 30 South, Range 38 East, Brevard County, Florida.
2. They are currently zoned GU, General Use (Brevard County). The County zoning designations and use of the surrounding land is as follows:
  - N** -- GU, General Use (County); Barefoot Bay Water & Wastewater Treatment Plant and Cleared Agricultural Land
  - E** -- TRC-1, Single Family Home Cooperative; Barefoot Bay Unit 2
  - S** -- AU, Agricultural Residential (County); Farmland
  - W** -- GU, General Use; Vacant Agricultural Land
3. The owner of the property, Wheelers Farms, Inc., has requested annexation into the City of Palm Bay from unincorporated Brevard County. When land is annexed into the City, it is prudent that said land is assigned a future land use category and zoning designation that is most appropriate. That is the purpose of this request.

ANALYSIS:

**Availability of Public Facilities and Services:**

Potable Water: Private Well. Should the land be developed in the future for residential use the developer must extend potable water lines.

Sanitary Sewer: Septic Tanks. Should the land be developed in the future for residential use the developer must extend sewer lines.

Solid Waste: Provided by Waste Management

Parks & Recreation: Palm Bay has ample Parks & Recreation Facilities to service future residential development, should this occur.

Drainage: Based upon the aerial photographs it appears the site is a former orange grove. The Brevard County Property Appraiser's Office does not list any exemptions for the property. Farm ditches cross the site both horizontally and vertically. Should the site be developed for other purposes in the future, a stormwater drainage system will be required and approved by the St. Johns River Water Management District.

Transportation: Should the land be developed for residential purposes, Micco Road is currently below capacity and will not be negatively impacted by the assignment of the Single Family Residential Use category.

Public Schools: A School Concurrency Letter is required for residential development.

**Environmental Resources:**

Future non-agricultural use will require review and compliance with all relevant City regulations, including environmental review, as may be required.

**Coastal High Hazard Zone:**

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

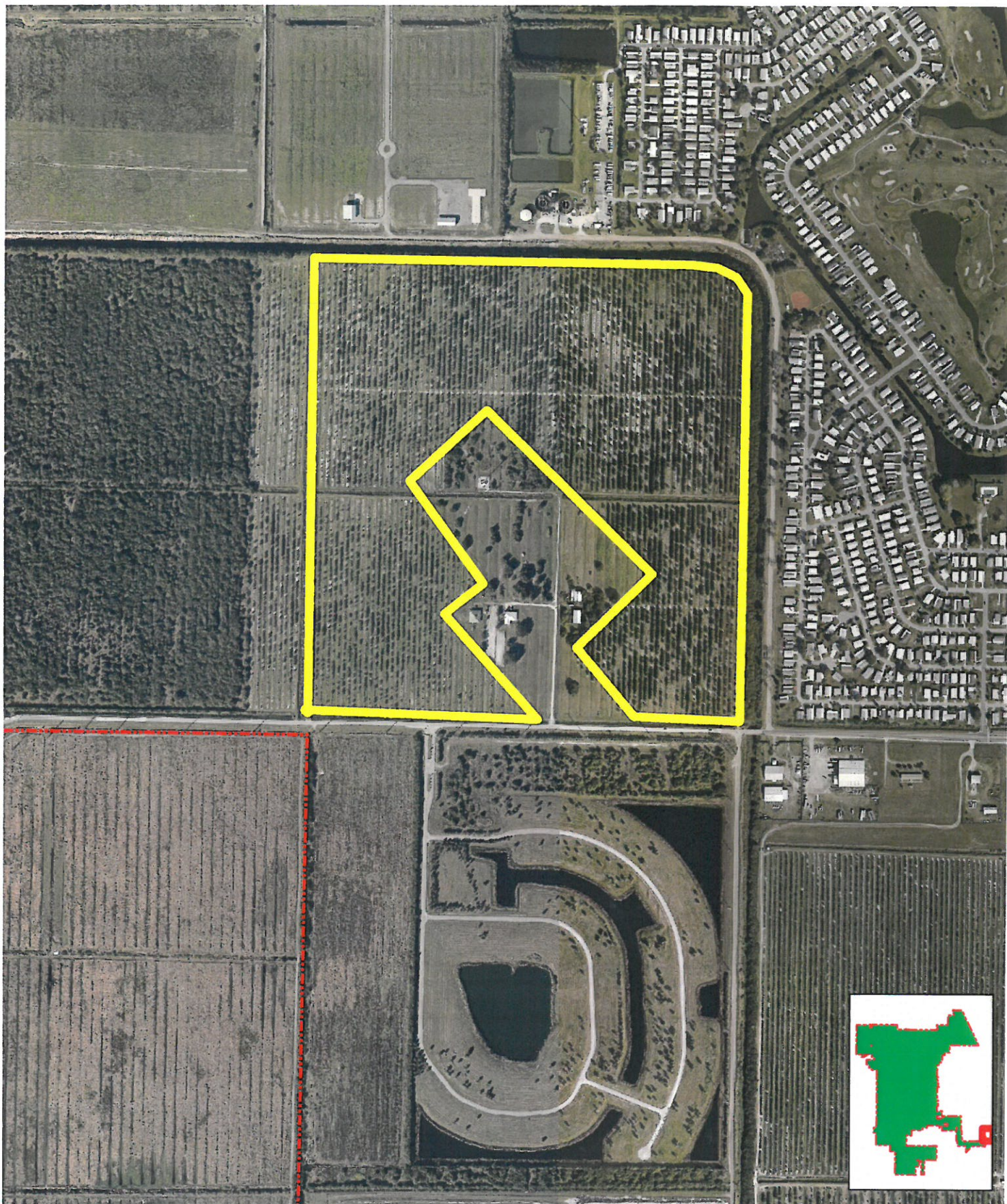
**Historic Resources:**

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

**STAFF RECOMMENDATION:**

Motion to approve Case No. CP-23-2016, pursuant to Chapter 163, Florida Statutes.





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

Map created by the Land Development Division



**CASE NO. CP-23-2016 AND  
CASE NO. CPZ-23-2016**





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

## COMPREHENSIVE PLAN OR FUTURE LAND USE MAP 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) Wheeler Farms, Inc.  
ADDRESS P.O. Box 2715  
CITY Lake Placid STATE Florida ZIP 33862-2715  
PHONE # 863-465-4629 FAX # 863-465-9239  
E-MAIL ADDRESS wheelerfarms@earthlink.net
- 2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION  
See attached Legal Descriptions and Boundary Survey by WJS Land Surveying, Inc., Dated  
March 14, 2006 - Sheet 1 of 3  
Also Attached Special Warranty Deed (Central Grove Parcels 30-38-09-00-500 & 30G-38-01-HJ-\*-1)  
SECTION 9 TOWNSHIP 30 South RANGE 38 East
- 3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 122.7
- 4) LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.): Residential One (County)
- 5) LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE: Single Family Residential Use
- 6) PRESENT USE OF THE PROPERTY: Citrus Grove
- 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 Economic Opportunity and the City of Palm Bay.)

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

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

Voluntary Annexation into The City of Palm Bay

- 10) SPECIFIC USE INTENDED FOR PROPERTY: No Specific Use Intended at This Time

- 11) THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP:

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

☒ Large Scale Map Amendment (10 acres or more) \$1,600.00 ☐ Text Amendment (Comp. Plan) \$1,600.00

☐ Small Scale Map Amendment (Less than 10 acres) \$1,000.00 ☐ Special Amendment Cycle \$4,000.00

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

CPB to Handle 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](http://www.bcpao.us/paohome.asp)). 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.

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 OR FUTURE LAND USE MAP AMENDMENT.

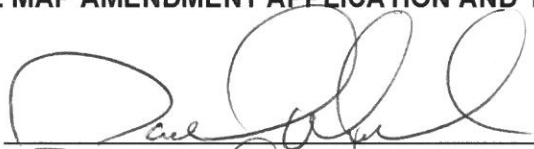
X IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

**CITY OF PALM BAY, FLORIDA  
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP 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 OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.**

**Signature of Applicant**



**Date**

9/19/2016

**Printed Name of Applicant**

David Wheeler

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



DATE: November 2, 2016  
CASE #: CPZ-23-2016

**CITY OF PALM BAY**

# **LAND DEVELOPMENT DIVISION STAFF REPORT**

## **APPLICATION**

**PROPOSAL:** Assign the RR, Rural Residential Zoning District to the subject property.

**LOCATION:** The property is located north of and adjacent to Micco Road, roughly half way between Interstate 95 and U.S. Highway No. 1. Specifically, Tax Parcel 1.0, Section 1, Township 30G South, Range 38 East, and Tax Parcel 500, Section 9, Township 30 South, Range 38 East, Brevard County, Florida.

**APPLICANT:** Wheeler Farms, Inc. (David Wheeler, President)

## **SITE DATA**

**PRESENT ZONING:** GU, General Use (Brevard County)

**ACREAGE:** 122.7 Acres (+)

**DENSITY:** One (1) Unit Per Acre

### **LAND USE**

**DESIGNATION:** Residential One (Brevard County)

### **ADJACENT ZONING**

**& LAND USE:**

- N** -- GU, General Use (County); Barefoot Bay Water & Wastewater Treatment Plant and Cleared Agricultural Land
- E** -- TRC-1, Single Family Home Cooperative; Barefoot Bay Unit 2
- S** -- AU, Agricultural Residential (County); Farmland
- W** -- GU, General Use; Vacant Agricultural Land

**WATER & SEWER:** Private Well & Septic

**FLOOD ZONE:** X, Area outside the 500-year flood zone

**COMPLIANCE WITH THE  
COMPREHENSIVE PLAN:**

Yes, Subject to Case No. CP-23-2016

BACKGROUND:

1. The two (2) parcels are located north of and adjacent to Micco Road, roughly half way between Interstate 95 and U.S. Highway No. 1. Specifically, Tax Parcel 1.0, Section 1, Township 30G South, Range 38 East, and Tax Parcel 500, Section 9, Township 30 South, Range 38 East, Brevard County, Florida.
2. They are currently zoned GU, General Use (Brevard County). The County zoning designations and use of the surrounding land is as follows:
  - N** -- GU, General Use (County); Barefoot Bay Water & Wastewater Treatment Plant and Cleared Agricultural Land
  - E** -- TRC-1, Single Family Home Cooperative; Barefoot Bay Unit 2
  - S** -- AU, Agricultural Residential (County); Farmland
  - W** -- GU, General Use; Vacant Agricultural Land
3. The owner of the property, Wheelers Farms, Inc., has requested annexation into the City of Palm Bay from unincorporated Brevard County. When land is annexed into the City, it is prudent that said land is assigned a future land use category and zoning designation that is most appropriate. That is the purpose of this request.

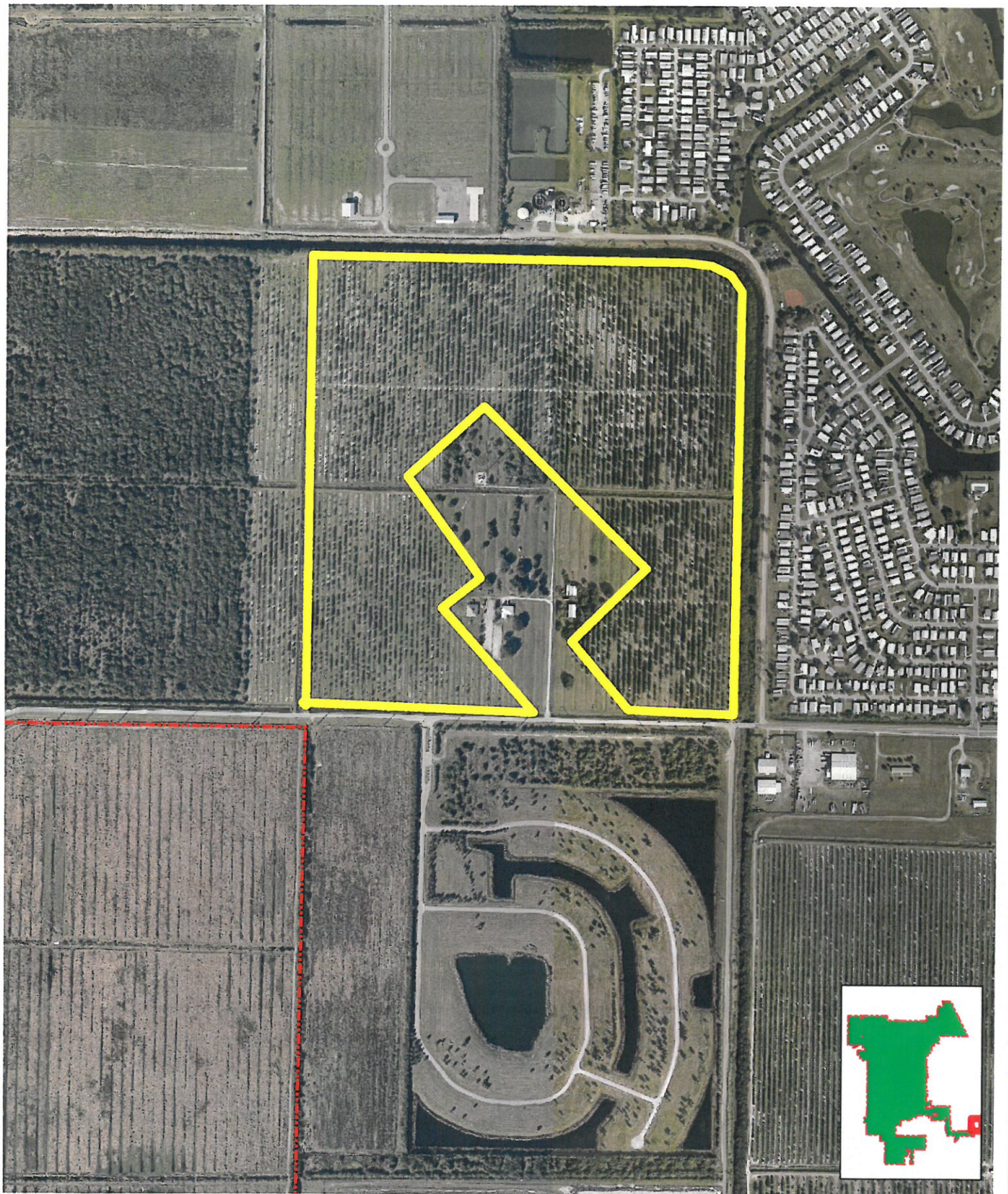
ANALYSIS:

1. The provisions of the RR District are intended to apply to areas uniquely suited for the development and maintenance of rural single-family residential living combined with limited agricultural activities. Large lot sizes are required to maintain the low density rural character, prevent unsanitary conditions, and provide sufficient open space to ensure that the various principal uses are kept at a level of compatible land use intensity.
2. The subject property is located north of and adjacent to Micco Road, which is designated as a Major Collector Roadway (Rural) on the Space Coast Transportation Planning Organization's Federal Functional Classification Map. This roadway connects Babcock Street with U.S. Highway No. 1 and is designed to handle significant traffic volumes.

STAFF CONCLUSION:

Case No. CPZ-23-2016 is recommended for approval in order to be consistent and compatible with the Future Land Use designation assigned via Case No. CP-23-2016.





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

Map created by the Land Development Division

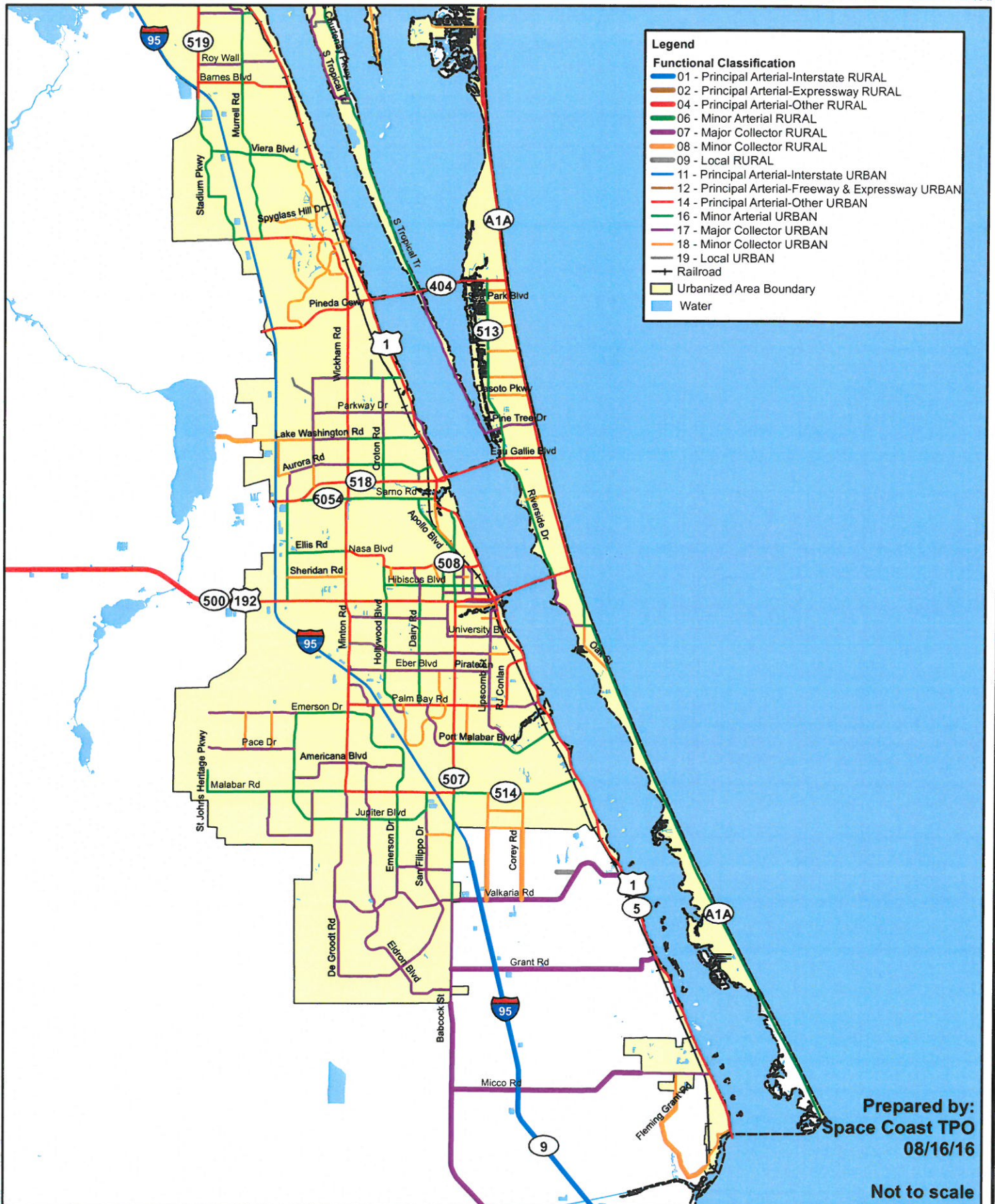


**CASE NO. CP-23-2016 AND  
CASE NO. CPZ-23-2016**





# South Brevard County, Florida 2010 Smoothed Urban Area Boundary & Federal Functional Classification







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

ADDRESS P.O. Box 2715

CITY Lake Placid STATE FL ZIP 33862-2715

PHONE # 863-465-4629 FAX # 63-465-9239

E-MAIL ADDRESS wheelerfarms@earthlink.net

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION

See attached Legal Descriptions and Boundary Survey by WJS Land Surveying, Inc., Dated March 14, 2006 - Sheet 1

SECTION 9 TOWNSHIP 30S South RANGE 38 East

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 122.7

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

5) ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): RR. Rural Residential

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

7) JUSTIFICATION FOR REZONING: Voluntary Annexation into City of Palm Bay

8) PRESENT USE OF THE PROPERTY: Vacant Land / Grazing Land

9) INTENDED USE OF PROPERTY: No Specific Use Intended at This Time

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

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

X 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

CPB Handle          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: \_\_\_\_\_

  X   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 9/19/2016

Printed Name of Applicant

David Wheeler

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



DATE: December 7, 2016  
CASE #: CP-27-2016

*CITY OF PALM BAY*

# LAND DEVELOPMENT DIVISION STAFF REPORT

## COMPREHENSIVE PLAN AMENDMENT APPLICATION

- PROPOSAL:** Amend the Comprehensive Plan Future Land Use Map from Professional Office Use to Commercial Use.
- LOCATION:** The subject property is located at the NE corner of Port Malabar Boulevard and Cranbrook Avenue. Specifically, Tract D of Port Malabar Unit 58, Section 27, Township 28 South, Range 37 East, Brevard County, Florida.
- APPLICANT:** Concept Development, Inc. (Matthew D. Cason, Vice President)

## SITE DATA

**PRESENT ZONING:** OP, Office Professional

### LAND USE

**DESIGNATION:** Professional Office Use

**ACREAGE:** 0.99 Acres +/-

### ADJACENT ZONING

**& LAND USE:**

- N** -- OP, Office Professional District; Vacant Land
- E** -- OP, Office Professional District; Vacant Land
- S** -- OP, Office Professional District; Port Malabar Boulevard
- W** -- OP, Office Professional District; Cranbrook Avenue

**BACKGROUND:**

1. The subject property is located at the NE corner of Port Malabar Boulevard and Cranbrook Avenue. Specifically, Tract D of Port Malabar Unit 58, Section 27, Township 28 South, Range 37 East, Brevard County, Florida.
2. The Tract has vacant land to the north and east, which is zoned Office Professional. To the west, across Cranbrook Avenue, is the Cranbrook Medical Center, which is zoned CC, Community Commercial. To the south, across Port Malabar, are single family homes zoned RS-2, Single Family Residential.
3. The applicant is requesting a small-scale Comprehensive Plan Future Land Use Map Amendment to change from Professional Office Use to Commercial Use. The applicant for this request is Matthew Cason of Concept Development, Inc.

**ANALYSIS:**

**Availability of Public Facilities and Services:**

Potable Water: Provided by the City of Palm Bay

Sanitary Sewer: Provided by the City of Palm Bay

Solid Waste: Provided by Waste Management

Parks & Recreation: The proposed future land use amendment would not exceed existing parkland or recreational level of service standards for the Planning Area.

Drainage: The site is presently vacant and in its natural state. A stormwater drainage system will be required for development and approved by the St. Johns River Water Management District. This system will also be reviewed by the city and approved during the administrative site plan review process.

Transportation: The proposed future land use amendment is below the 1% di minimus threshold. The applicant intends to develop this tract of land in conjunction with the tract that abuts to the north for a commercial retail store. The future commercial development will not negatively impact the surrounding road network.

Public Schools: Commercial Use has no impact on the public school system.

**Environmental Resources:**

Future use will require review and compliance with all relevant City regulations, including environmental review, as may be required.

**Coastal High Hazard Zone:**

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

**Historic Resources:**

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

**STAFF CONCLUSION:**

Motion to approve Case No. CP-27-2016, pursuant to Chapter 163, Florida Statutes.





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

Map created by the Land Development Division



**CASE NO. CP-27-2016  
AND CPZ-27-2016**





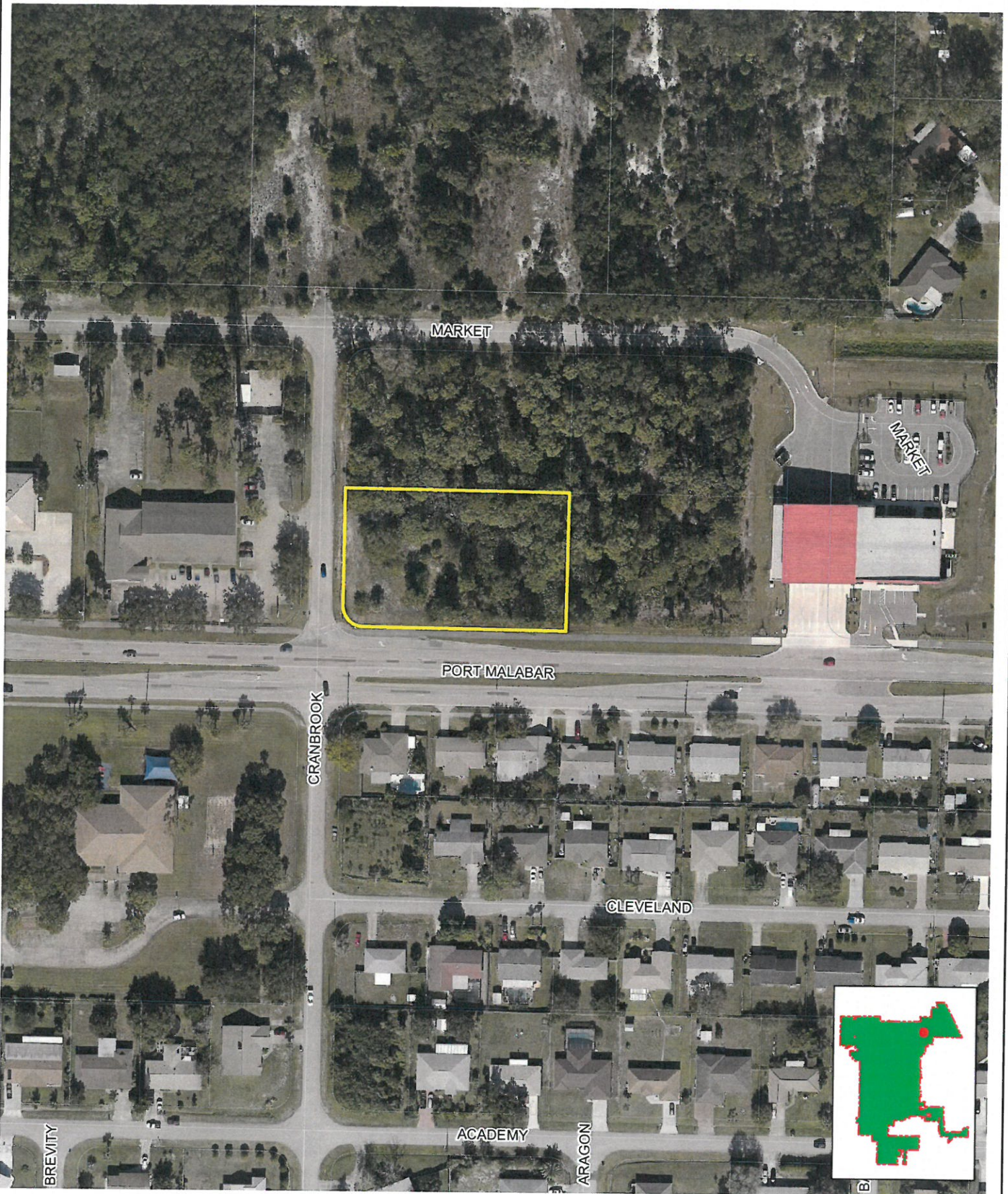
Map for illustrative purposes only. Not to be construed as binding or as a survey.

Map created by the Land Development Division



**CASE NO. CP-27-2016  
AND CPZ-27-2016**





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

Map created by the Land Development Division.



**CASE NO. CP-27-2016  
AND CPZ-27-2016**





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

## COMPREHENSIVE PLAN OR FUTURE LAND USE MAP 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) Concept Development, Inc.

ADDRESS 3917 NW 97th Blvd.

CITY Gainesville STATE FL ZIP 32606

PHONE # (352) 333-3233 FAX # \_\_\_\_\_

E-MAIL ADDRESS matt@conceptcompanies.net

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION \_\_\_\_\_

Tract D, Port Malabar, Unit Fifty-Eight, a subdivision according to the plat thereof, recorded in Plat Book 33, Pages 13-14 of the Public Records of Brevard County, Florida.

SECTION 27 ~~28~~ TOWNSHIP 28 ~~37S~~ RANGE 37 PJM

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 27E 0.99 acres ±

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

5) LAND USE CLASSIFICATION **DESIRED** OR PROPOSED TEXT CHANGE: \_\_\_\_\_

Commercial USE

6) PRESENT USE OF THE PROPERTY: Vacant

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 Economic Opportunity and the City of Palm Bay.)

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

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

COMMERCIAL RETAIL

- 10) SPECIFIC USE INTENDED FOR PROPERTY: Commercial Retail Store

- 11) THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP:

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

☐ **Large Scale Map Amendment** (10 acres or more) \$1,600.00

☐ **Text Amendment** (Comp. Plan) \$1,600.00

☒ **Small Scale Map Amendment** (Less than 10 acres) \$1,000.00

☐ **Special Amendment Cycle** \$4,000.00

\_\_\_\_ 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.bcpao.us/paohome.asp](http://www.bcpao.us/paohome.asp)). 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.

\_\_\_\_ 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 OR FUTURE LAND USE MAP 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 OR FUTURE LAND USE MAP 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 OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.**

**Signature of Applicant**



**Date** 10/4/2016

**Printed Name of Applicant**

Matthew D. Cason, Vice President

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



## PROPERTY OWNER AFFIDAVIT

**Property Owner Name(s):**

A. T. M. Nurul Amin and Alyea Amin,  
H/W

**Owner Mailing Address:**

3906 Snowy Egret Drive  
Melbourne, FL 32904

**Owner Phone:**

**Property County:** Brevard

**Parcel ID(s):** 28-37-27-50-D

**Acreage:** .99 +

**S:** 28

**T:** 37S

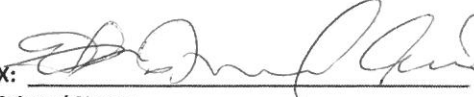
**R:** 27E

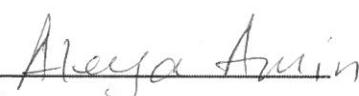
**Agent Information:**

Concept Development, Inc. and  
Concept Construction of North Florida, Inc.  
3917 NW 97<sup>th</sup> Blvd. Gainesville, FL 32606  
(352) 333-3233

**Requested Action:** Authorization to design, and submit documentation, forms and plans as required (e.g. Applications and Permits from the County, City, Water Management District, FDOT, FWC, FDEP, etc.) and on site access for inspections, testing, data collection, etc.

I hereby certify that I am the owner of record. I hereby authorize the above listed agents and their hired consultants to act on my behalf for the purposes of any and all applications and securing the above requested actions.

X:   
Printed Name:

X:   
Printed Name:

Date: 10-4-16

Date: 10-4-16

STATE OF Florida  
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 4 day of October, 2016, by Alyea and A.T.M. Amin, who is personally known to me, or has produced a Florida Driver's License as identification.



Signature of Notary Public



**Paulo Gilles**  
State of Florida  
My Commission Expires 03/25/2019  
Commission No. FF 213927  
notary seal



DATE: December 7, 2016  
CASE #: CPZ-27-2016

## CITY OF PALM BAY

# LAND DEVELOPMENT DIVISION STAFF REPORT

### APPLICATION

- PROPOSAL:** A rezoning from the OP, Office Professional Zoning District to the CC, Community Commercial Zoning District.
- LOCATION:** The subject property is located at the NE corner of Port Malabar Boulevard and Cranbrook Avenue. Specifically, Tract D of Port Malabar Unit 58, Section 27, Township 28 South, Range 37 East, Brevard County, Florida.
- APPLICANT:** Concept Development, Inc. (Matthew D. Cason, Vice President)

### SITE DATA

**PRESENT ZONING:** OP, Office Professional District

**ACREAGE:** 0.99 acres (+)

**DENSITY:** Not Applicable

#### LAND USE

**DESIGNATION:** Professional Office Use

#### ADJACENT ZONING

**& LAND USE:**

- N** -- OP, Office Professional District; Vacant Land
- E** -- OP, Office Professional District; Vacant Land
- S** -- OP, Office Professional District; Port Malabar Boulevard
- W** -- OP, Office Professional District; Cranbrook Avenue

**WATER & SEWER:** City Water & Sewer Available and Required

**FLOOD ZONE:** X, Area outside the 500-year flood zone

#### COMPLIANCE WITH THE

**COMPREHENSIVE PLAN:** Yes, Subject to Case No. CP-27-2016

BACKGROUND:

1. The subject property is located at the NE corner of Port Malabar Boulevard and Cranbrook Avenue. Specifically, Tract D of Port Malabar Unit 58, Section 27, Township 28 South, Range 37 East, Brevard County, Florida.
2. The adjacent zoning and land uses are as follows:
  - N** -- OP, Office Professional District; Vacant Land
  - E** -- OP, Office Professional District; Vacant Land
  - S** -- OP, Office Professional District (Across Port Malabar Boulevard); Single Family Homes
  - W** -- OP, Office Professional District (Across Cranbrook Avenue); The Cranbrook Medical Center
3. A rezoning from the OP, Office Professional Zoning District to the CC, Community Commercial Zoning District is requested. The applicant for this request is Matthew Cason of Concept Development, Inc. The size of the property is 0.99 acres.

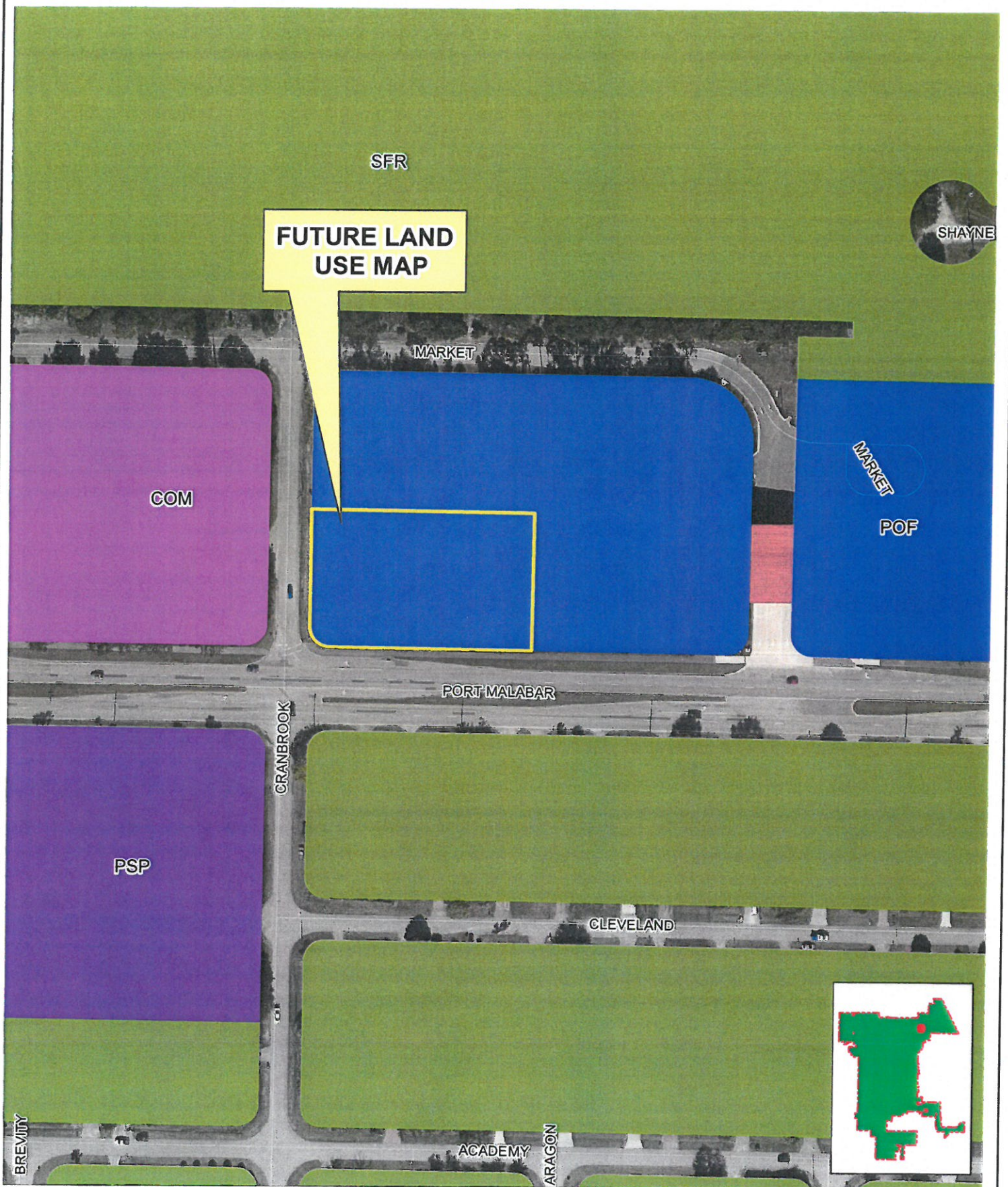
ANALYSIS:

1. The purpose of the community commercial district is to establish areas within the city, which are uniquely suited for the development and maintenance of community commercial facilities. These areas are to be primarily located in or near the intersection of arterial roadways; and to designate those uses and services deemed appropriate and for development within the subject district.
2. The subject property is located north of and adjacent to Port Malabar Boulevard, which is designated as a Major Collector Roadway on the Palm Bay Comprehensive Plan Future Land Use Map. Port Malabar Boulevard is a 4-laned road with a divided median, capable of handling large amounts of traffic. Commercial land exists to the west and office use zoning abuts to the east.

STAFF CONCLUSION:

Case No. CPZ-27-2016 is recommended for approval in order to be consistent and compatible with the Future Land Use designation approved via Case No. CP-27-2016.





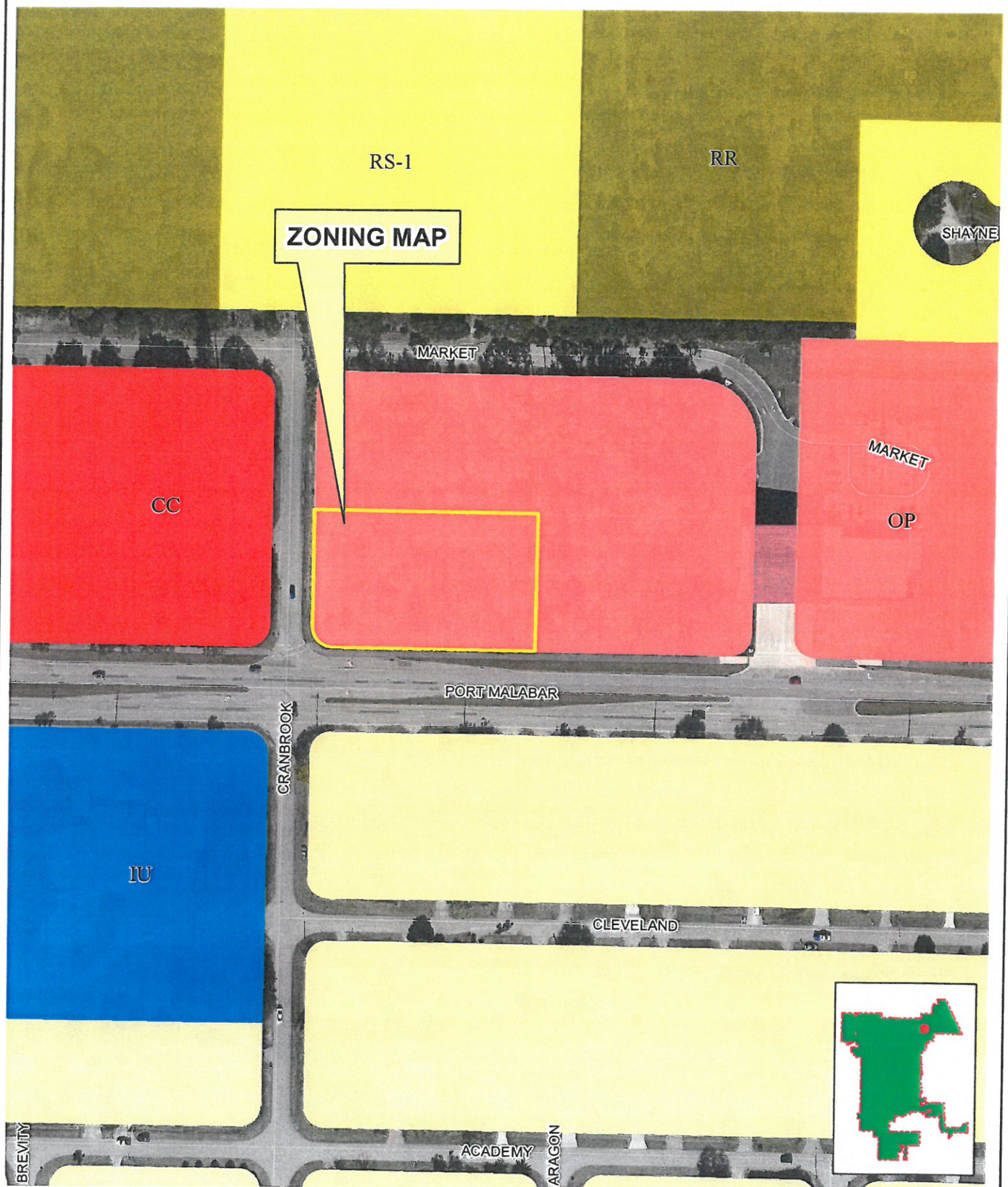
Map for illustrative purposes only. Not to be construed  
as binding or as a survey.

Map created by the Land Development Division



**CASE NO. CP-27-2016  
AND CPZ-27-2016**





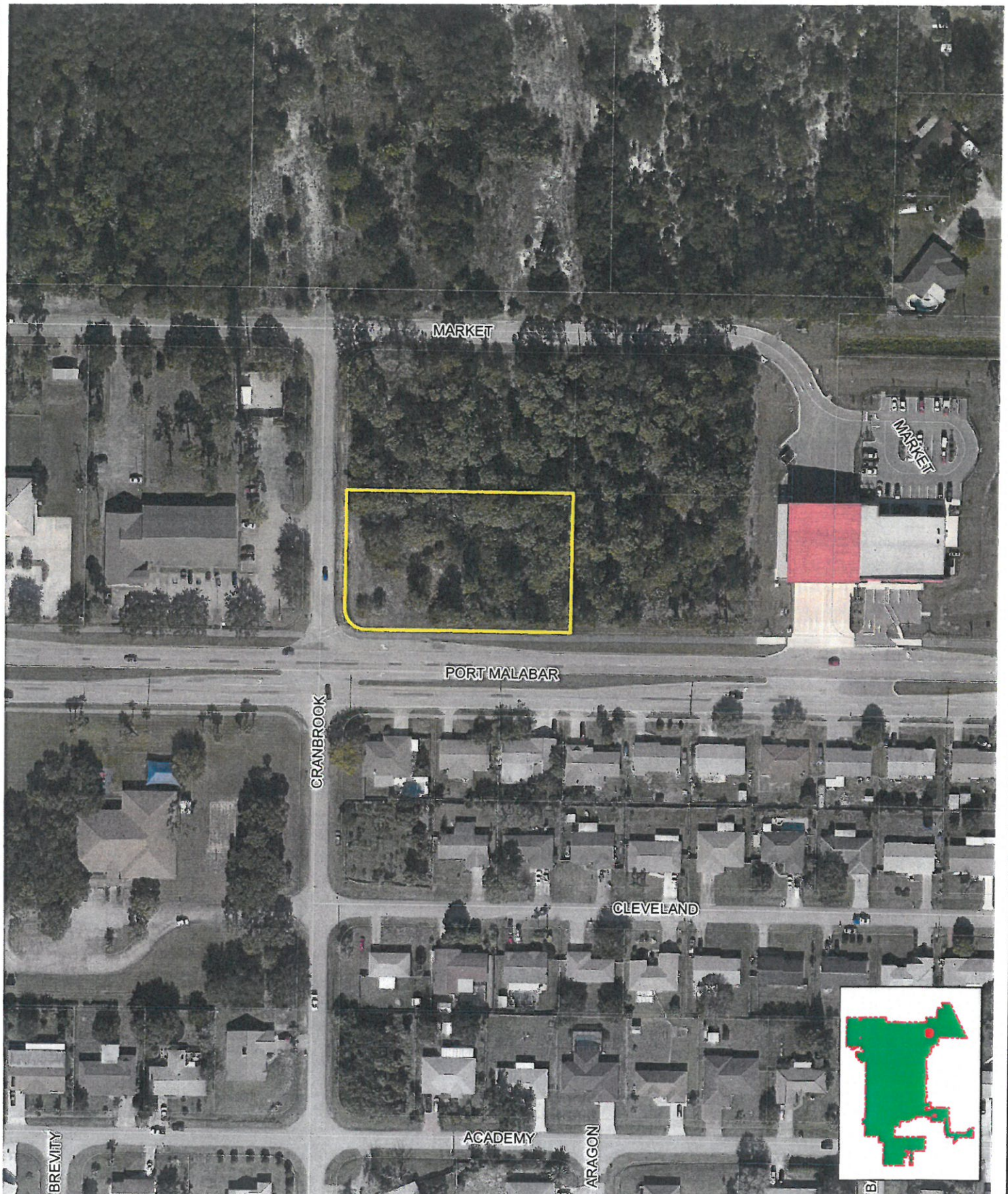
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Map created by the Land Development Division



**CASE NO. CP-27-2016  
AND CPZ-27-2016**





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as binding or as a survey.

Map created by the Land Development Division.



**CASE NO. CP-27-2016  
AND CPZ-27-2016**





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

ADDRESS 3917 NW 97th Blvd.

CITY Gainesville STATE Florida ZIP 32606

PHONE # (352) 333-3233 FAX # (800) 880-1016

E-MAIL ADDRESS Matt@conceptcompanies.net

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION

Tract D, Port Malabar, Unit Fifty-Eight, a subdivision according to the Plat thereof, recorded in Plat Book 33, Pages 13-14, of the Public Records of Brevard County, FL.

SECTION 28 37 TOWNSHIP 37S 28 RANGE 27E P5m

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): .99

4) ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.) DP, OFFICE PROFESSIONAL P5m

5) ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): CC, COMMUNITY COMMERCIAL

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

7) JUSTIFICATION FOR REZONING: \_\_\_\_\_

8) PRESENT USE OF THE PROPERTY: Vacant

9) INTENDED USE OF PROPERTY: Commercial retail store

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

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

X 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 <https://www.bcpao.us/paohome.asp>) 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.

☒ 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.

\_\_\_\_\_ 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** 10/3/2016

**Printed Name of Applicant**

Matthew D. Cason, Vice President of Concept Development, Inc.

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



DATE: December 7, 2016  
CASE #: CP-28-2016

*CITY OF PALM BAY*

# LAND DEVELOPMENT DIVISION STAFF REPORT

## COMPREHENSIVE PLAN AMENDMENT APPLICATION

- PROPOSAL:** Amend the Comprehensive Plan Future Land Use Map from Professional Office Use to Commercial Use.
- LOCATION:** The subject property is located at the SE corner of Market Circle and Cranbrook Avenue. Specifically, Tract E of Port Malabar Unit 58, Section 27, Township 28 South, Range 37 East, Brevard County, Florida.
- APPLICANT:** City of Palm Bay (Growth Management Department)

## SITE DATA

**PRESENT ZONING:** OP, Office Professional

**LAND USE  
DESIGNATION:** Professional Office Use

**ACREAGE:** 1.00 Acres +/-

### ADJACENT ZONING

**& LAND USE:**

- N** -- OP, Office Professional District; Market Circle
- E** -- OP, Office Professional District; Vacant Land
- S** -- OP, Office Professional District; Vacant Land
- W** -- OP, Office Professional District; Cranbrook Avenue

**BACKGROUND:**

1. The subject property is located at the SE corner of Market Circle and Cranbrook Avenue. Specifically, Tract E of Port Malabar Unit 58, Section 27, Township 28 South, Range 37 East, Brevard County, Florida.
2. The Tract has vacant land to the south and east, which is zoned Office Professional. To the west, across Cranbrook Avenue, is the Cranbrook Medical Center, which is zoned CC, Community Commercial. To the north, across Market Circle, is the future home of Bethel Abundant Life Church, zoned RS-1, Single Family Residential.
3. The applicant is requesting a small-scale Comprehensive Plan Future Land Use Map Amendment to change from Professional Office Use to Commercial Use. The applicant for this request is the City of Palm Bay Growth Management Department.

**ANALYSIS:**

**Availability of Public Facilities and Services:**

Potable Water: Provided by the City of Palm Bay

Sanitary Sewer: Provided by the City of Palm Bay

Solid Waste: Provided by Waste Management

Parks & Recreation: The proposed future land use amendment would not exceed existing parkland or recreational level of service standards for the Planning Area.

Drainage: The site is presently vacant and in its natural state. A stormwater drainage system will be required for development and approved by the St. Johns River Water Management District. This system will also be reviewed by the city and approved during the administrative site plan review process.

Transportation: The proposed future land use amendment is below the 1% di minimus threshold. The applicant intends to sell this tract of land to be developed in conjunction with the tract that abuts to the south for a commercial retail store. The future commercial development will not negatively impact the surrounding road network.

Public Schools: Commercial Use has no impact on the public school system.

**Environmental Resources:**

Future use will require review and compliance with all relevant City regulations, including environmental review, as may be required.

**Coastal High Hazard Zone:**

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

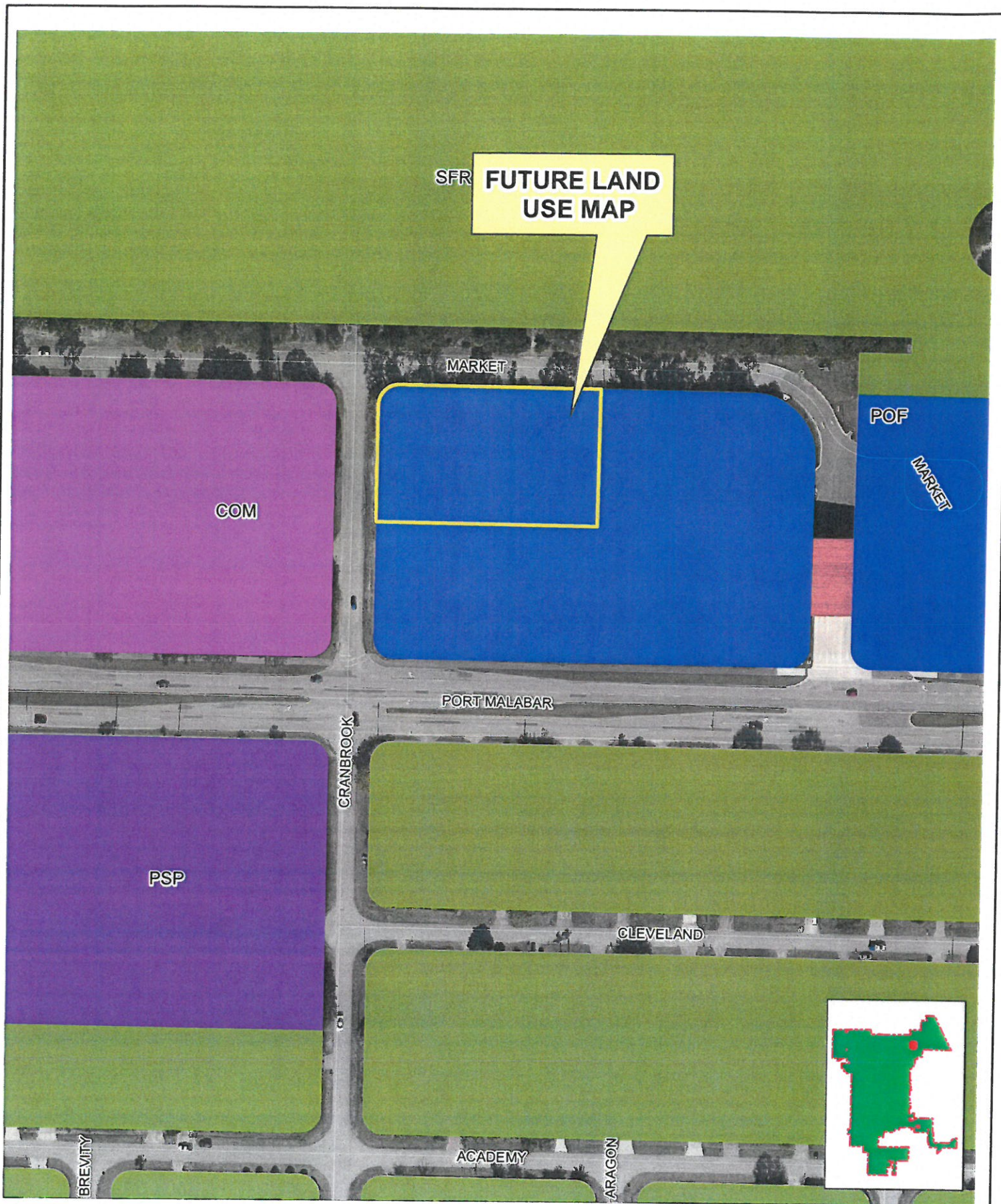
**Historic Resources:**

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

**STAFF CONCLUSION:**

Motion to approve Case No. CP-28-2016, pursuant to Chapter 163, Florida Statutes.





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

Map created by the Land Development Division



**CASE NO. CP-28-2016  
AND CPZ-28-2016**



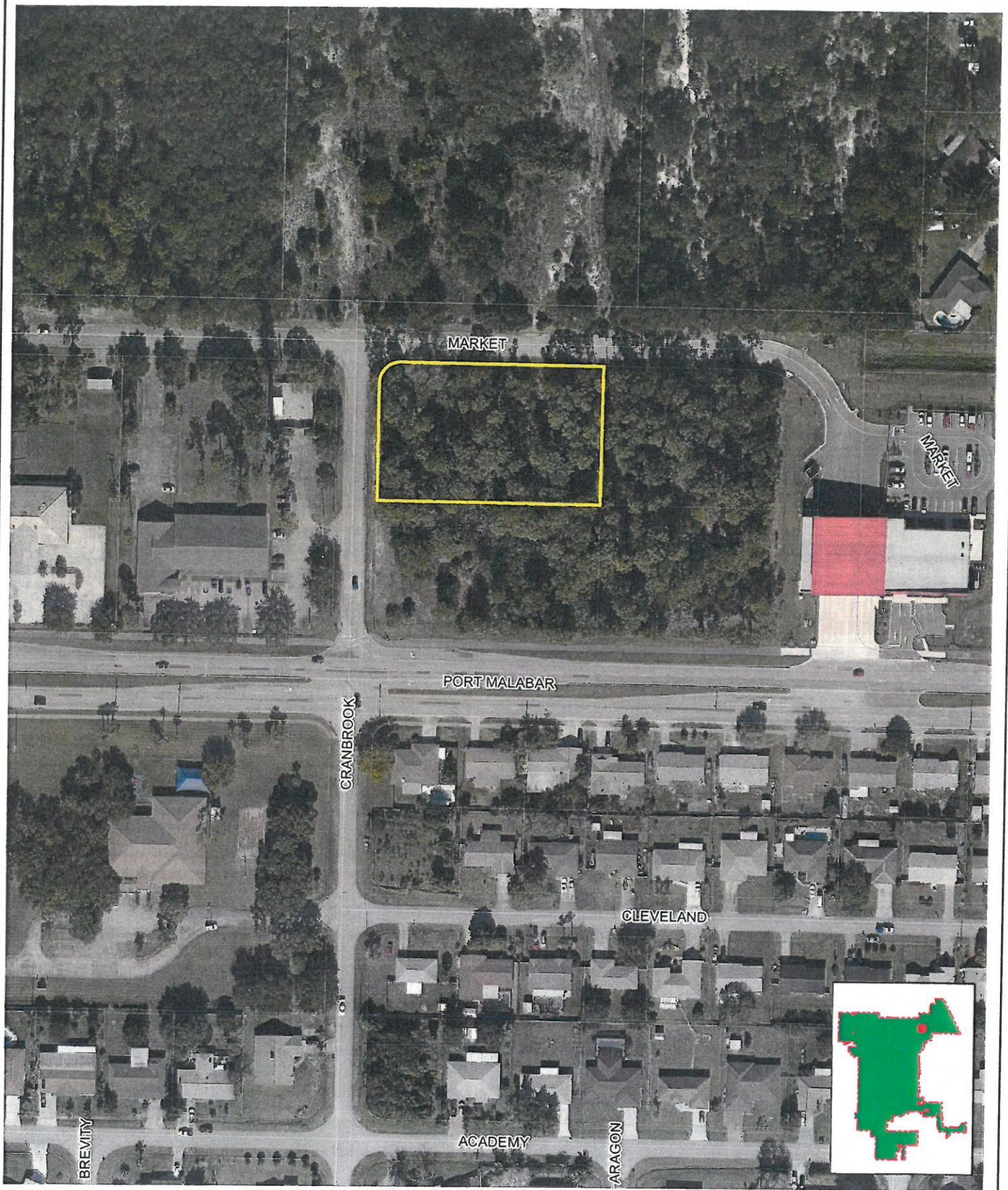


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**CASE NO. CP-28-2016  
AND CPZ-28-2016**





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**CASE NO. CP-28-2016  
AND CPZ-28-2016**





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

## COMPREHENSIVE PLAN OR FUTURE LAND USE MAP 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

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION

Tract E, Port Malabar Unit 58

SECTION 27 TOWNSHIP 28 RANGE 37

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 1.00 acres

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

5) LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE:  
Commercial Use

6) PRESENT USE OF THE PROPERTY: Undeveloped land

7) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY: No

8) HAS A REZONING APPLICATION BEEN FILED IN CONJUNCTION WITH THIS APPLICATION:  
Case CPZ-28-2016

(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 OR FUTURE LAND USE MAP AMENDMENT APPLICATION  
PAGE 2 OF 3

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

To allow commercial development.

10) SPECIFIC USE INTENDED FOR PROPERTY:

To be used for commercial purposes.

11) THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP:

N/A \*Application Fee. Make check payable to "City of Palm Bay."

☐ Large Scale Map Amendment (10 acres or more) \$1,600.00

☐ Text Amendment (Comp. Plan) \$1,600.00

☒ Small Scale Map Amendment (Less than 10 acres) \$1,000.00

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

X 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/](http://www.bcpao.us/)). List shall be legible and the source of that information stated here:

Brevard County Property Appraiser website

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

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 COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT.

N/A 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 OR FUTURE LAND USE MAP 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 OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date

November 1, 2016

Printed Name of Applicant

Stuart Buchanan, Growth Management Director

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





DATE: December 7, 2016  
CASE #: CPZ-28-2016

*CITY OF PALM BAY*

# LAND DEVELOPMENT DIVISION STAFF REPORT

## APPLICATION

**PROPOSAL:** A rezoning from the OP, Office Professional Zoning District to the CC, Community Commercial Zoning District.

**LOCATION:** The subject property is located at the SE corner of Market Circle and Cranbrook Avenue. Specifically, Tract E of Port Malabar Unit 58, Section 27, Township 28 South, Range 37 East, Brevard County, Florida.

**APPLICANT:** City of Palm Bay (Growth Management Department)

## SITE DATA

**PRESENT ZONING:** OP, Office Professional District

**ACREAGE:** 1.00 acres ( $\pm$ )

**DENSITY:** Not Applicable

**LAND USE  
DESIGNATION:**

**ADJACENT ZONING**

**& LAND USE:**

<b>N</b>	-- OP, Office Professional District; Market Circle
<b>E</b>	-- OP, Office Professional District; Vacant Land
<b>S</b>	-- OP, Office Professional District; Vacant Land
<b>W</b>	-- OP, Office Professional District; Cranbrook Avenue

**WATER & SEWER:** City Water & Sewer Available and Required

**FLOOD ZONE:** X, Area outside the 500-year flood zone

**COMPLIANCE WITH THE  
COMPREHENSIVE PLAN:** Yes, Subject to Case No. CP-28-2016

BACKGROUND:

1. The subject property is located at the SE corner of Market Circle and Cranbrook Avenue. Specifically, Tract E of Port Malabar Unit 58, Section 27, Township 28 South, Range 37 East, Brevard County, Florida.
2. The adjacent zoning and land uses are as follows:
  - N** -- RS-1, Single Family Residential District (Across Market Circle); Future Home of Bethel Abundant Life Church
  - E** -- OP, Office Professional District; Vacant Land
  - S** -- OP, Office Professional District; Vacant Land
  - W** -- CC, Community Commercial District Across Cranbrook); The Cranbrook Medical Center
3. A rezoning from the OP, Office Professional Zoning District to the CC, Community Commercial Zoning District is requested. The applicant for this request is the City of Palm Bay's Growth Management Department. The property is 1.00 acre.

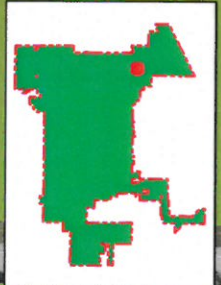
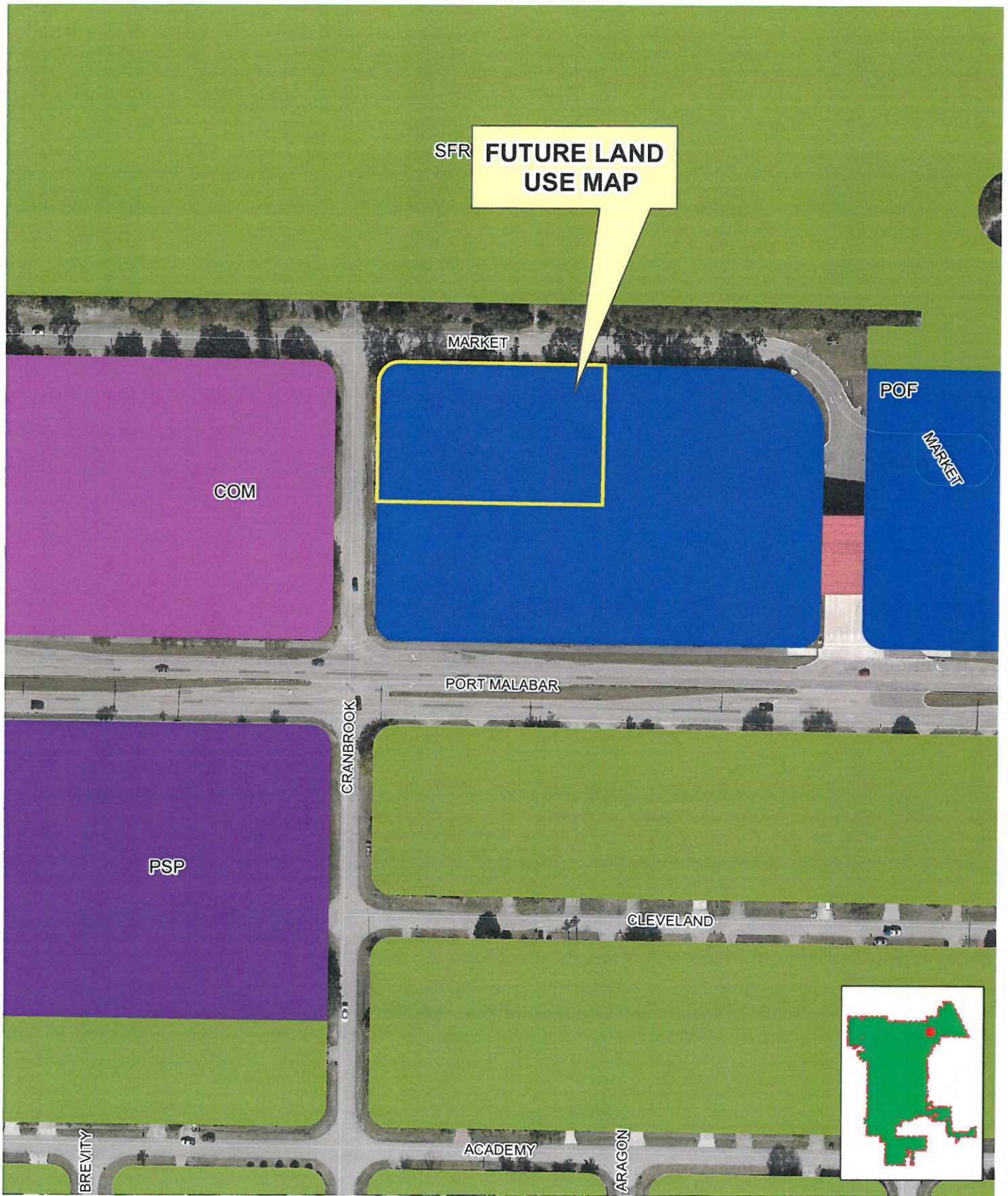
ANALYSIS:

1. The purpose of the community commercial district is to establish areas within the city, which are uniquely suited for the development and maintenance of community commercial facilities. These areas are to be primarily located in or near the intersection of arterial roadways; and to designate those uses and services deemed appropriate and for development within the subject district.
2. The subject property will be combined with the abutting tract to the south. The combined properties are located north of and adjacent to Port Malabar Boulevard, which is designated as a Major Collector Roadway on the Palm Bay Comprehensive Plan Future Land Use Map. Port Malabar Boulevard is a 4-laned road with a divided median, capable of handling large amounts of traffic. Commercial land exists to the west and office use zoning abuts to the east.

STAFF CONCLUSION:

Case No. CPZ-28-2016 is recommended for approval in order to be consistent and compatible with the Future Land Use designation approved via Case No. CP-28-2016.





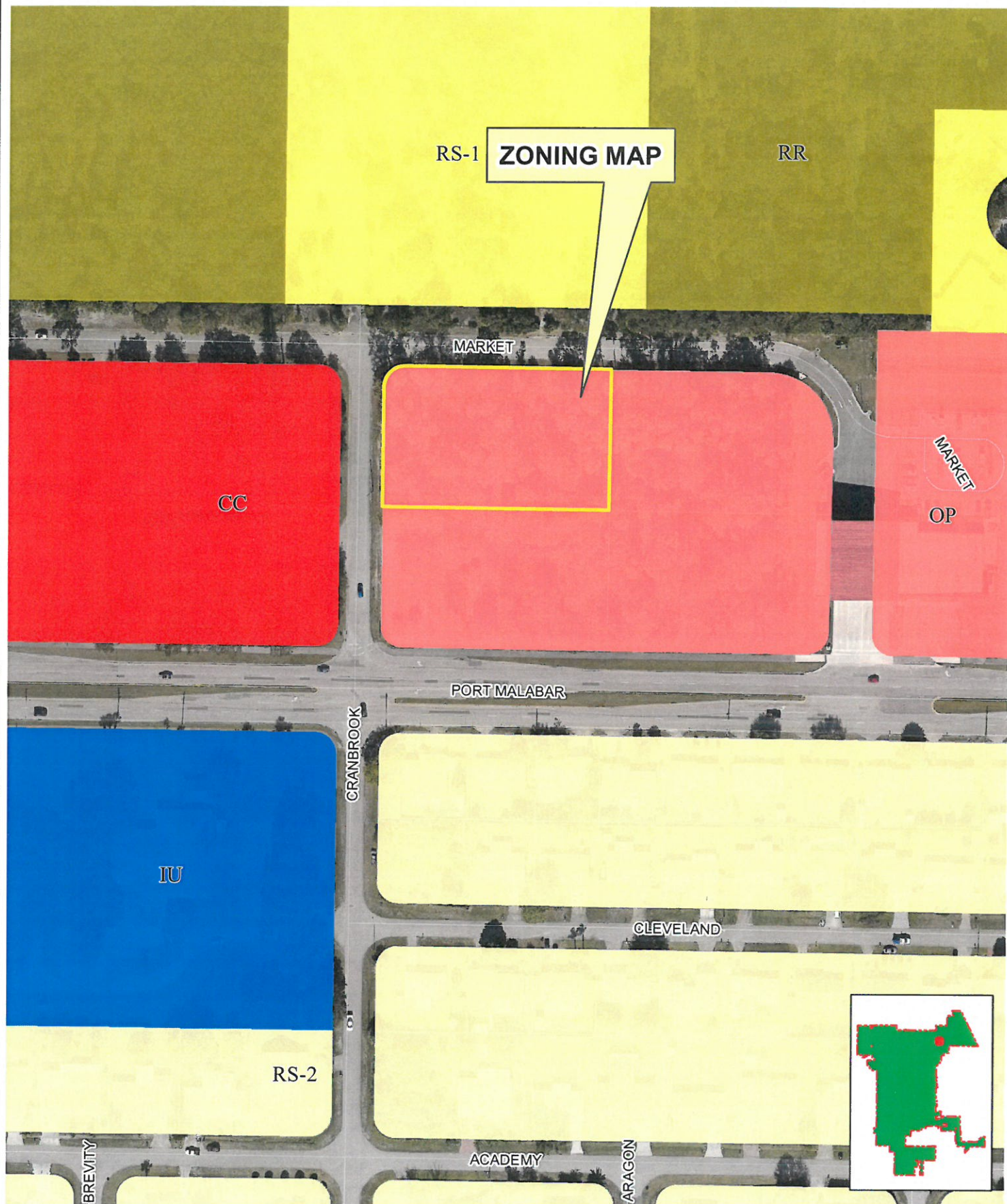
Map for illustrative purposes only. Not to be construed as binding or as a survey.

Map created by the Land Development Division



**CASE NO. CP-28-2016  
AND CPZ-28-2016**





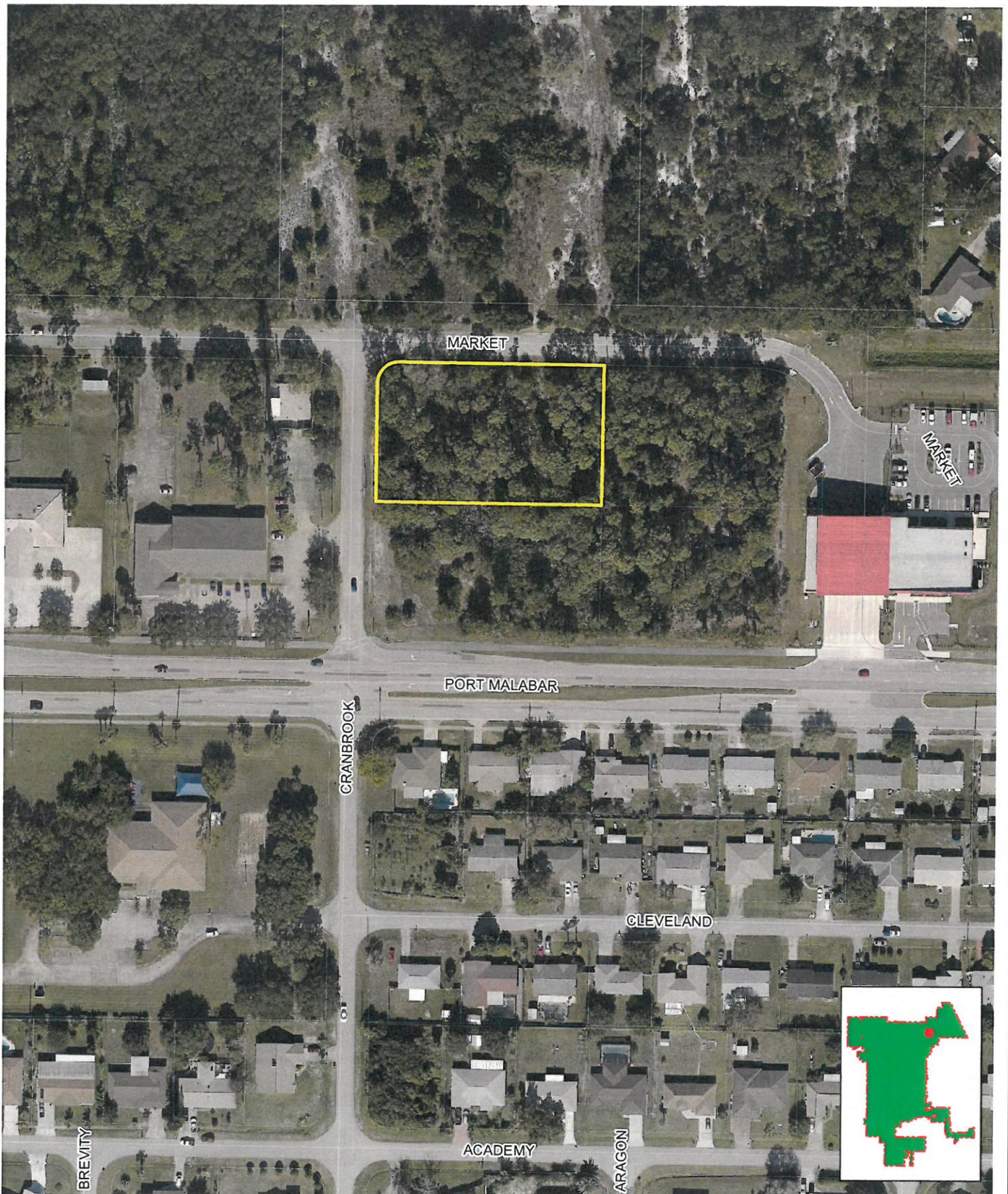
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**CASE NO. CP-28-2016  
AND CPZ-28-2016**





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**CASE NO. CP-28-2016  
AND CPZ-28-2016**





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

## REZONING APPLICATION

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- 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
- 2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION  
Tract E, Port Malabar Unit 58  
SECTION 27 TOWNSHIP 28 RANGE 37
- 3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 1.00 acre
- 4) ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.) OP, Office Professional District
- 5) ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): CC, Community Commercial District
- 6) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY? No
- 7) JUSTIFICATION FOR REZONING: To be used for commercial purposes
- 8) PRESENT USE OF THE PROPERTY: Undeveloped land
- 9) INTENDED USE OF PROPERTY: Private commercial development
- 10) THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:  
N/A \*\$600.00 Application Fee. Make check payable to "City of Palm Bay."  
X 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

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Signature of Applicant  Date November 1, 2016

Printed Name of Applicant Stuart Buchanan, Growth Management Director

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





DATE: December 7, 2016  
CASE #: CPZ-28-2016

**CITY OF PALM BAY**

# **LAND DEVELOPMENT DIVISION STAFF REPORT**

## **APPLICATION**

**PROPOSAL:** A rezoning from the OP, Office Professional Zoning District to the CC, Community Commercial Zoning District.

**LOCATION:** The subject property is located at the SE corner of Market Circle and Cranbrook Avenue. Specifically, Tract E of Port Malabar Unit 58, Section 27, Township 28 South, Range 37 East, Brevard County, Florida.

**APPLICANT:** City of Palm Bay (Growth Management Department)

## **SITE DATA**

**PRESENT ZONING:** OP, Office Professional District

**ACREAGE:** 1.00 acres ( $\pm$ )

**DENSITY:** Not Applicable

**LAND USE  
DESIGNATION:**

### **ADJACENT ZONING**

**& LAND USE:**

- N** -- OP, Office Professional District; Market Circle
- E** -- OP, Office Professional District; Vacant Land
- S** -- OP, Office Professional District; Vacant Land
- W** -- OP, Office Professional District; Cranbrook Avenue

**WATER & SEWER:** City Water & Sewer Available and Required

**FLOOD ZONE:** X, Area outside the 500-year flood zone

**COMPLIANCE WITH THE  
COMPREHENSIVE PLAN:** Yes, Subject to Case No. CP-28-2016

BACKGROUND:

1. The subject property is located at the SE corner of Market Circle and Cranbrook Avenue. Specifically, Tract E of Port Malabar Unit 58, Section 27, Township 28 South, Range 37 East, Brevard County, Florida.
2. The adjacent zoning and land uses are as follows:
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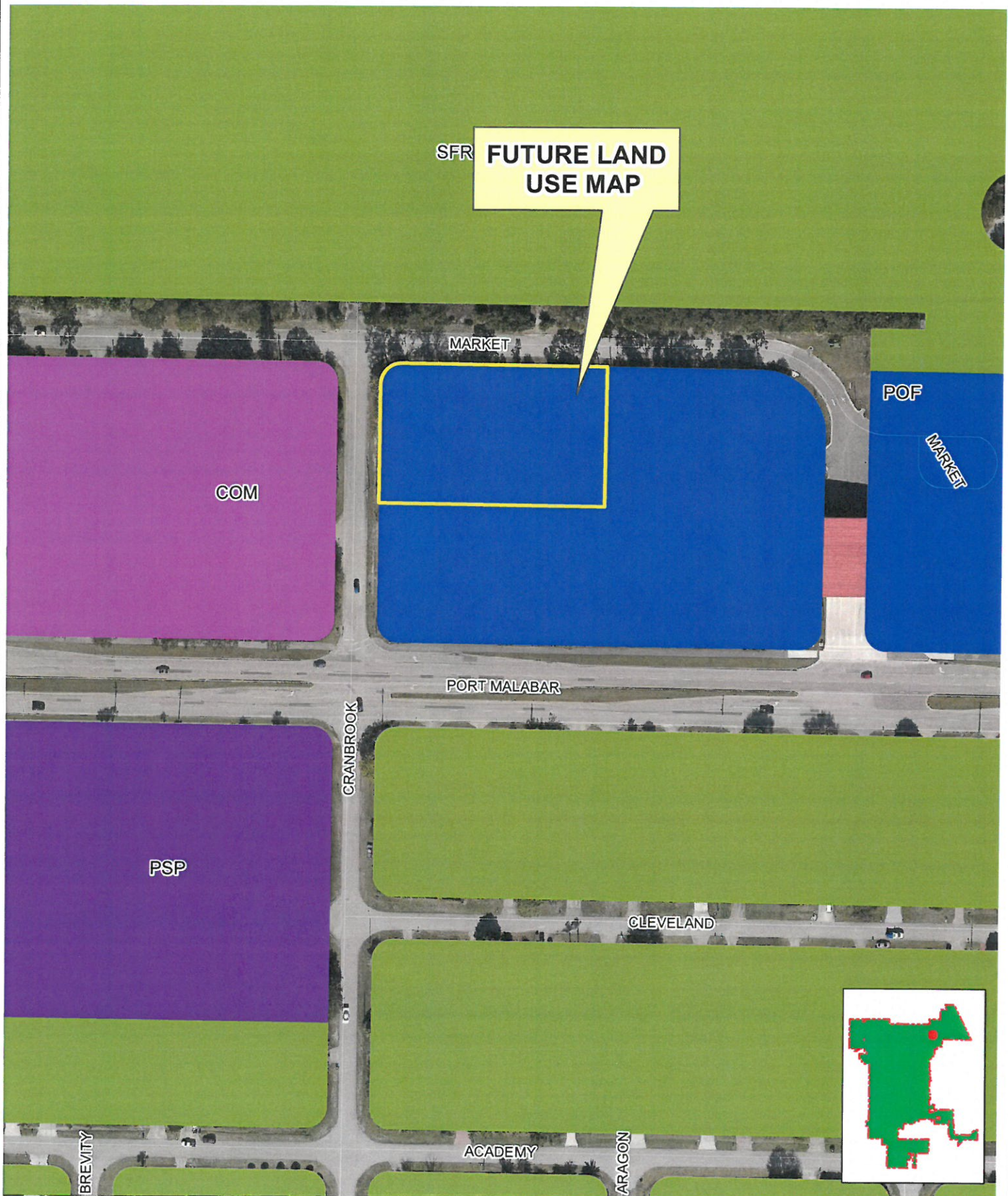
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STAFF CONCLUSION:

Case No. CPZ-28-2016 is recommended for approval in order to be consistent and compatible with the Future Land Use designation approved via Case No. CP-28-2016.





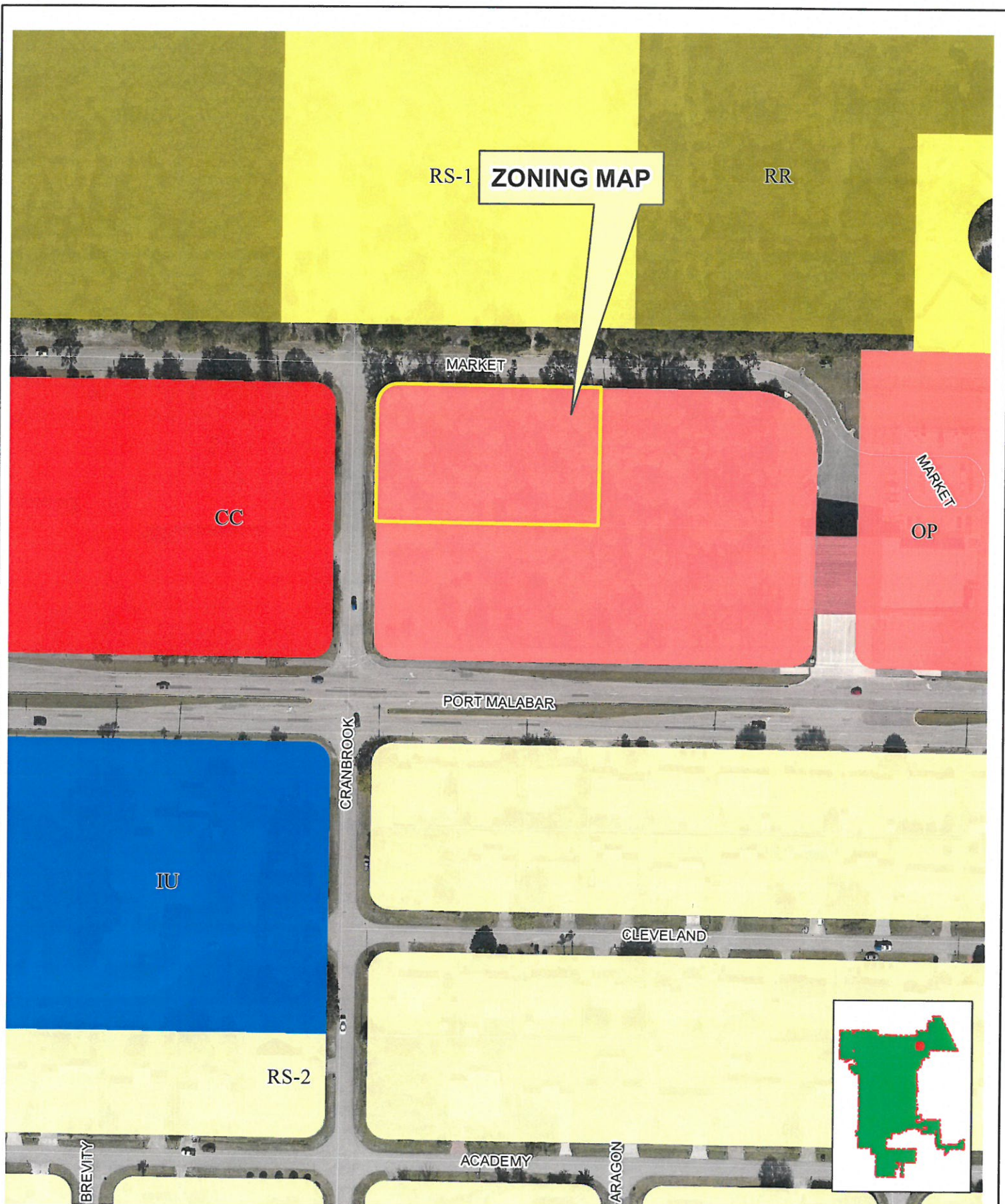
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Map created by the Land Development Division



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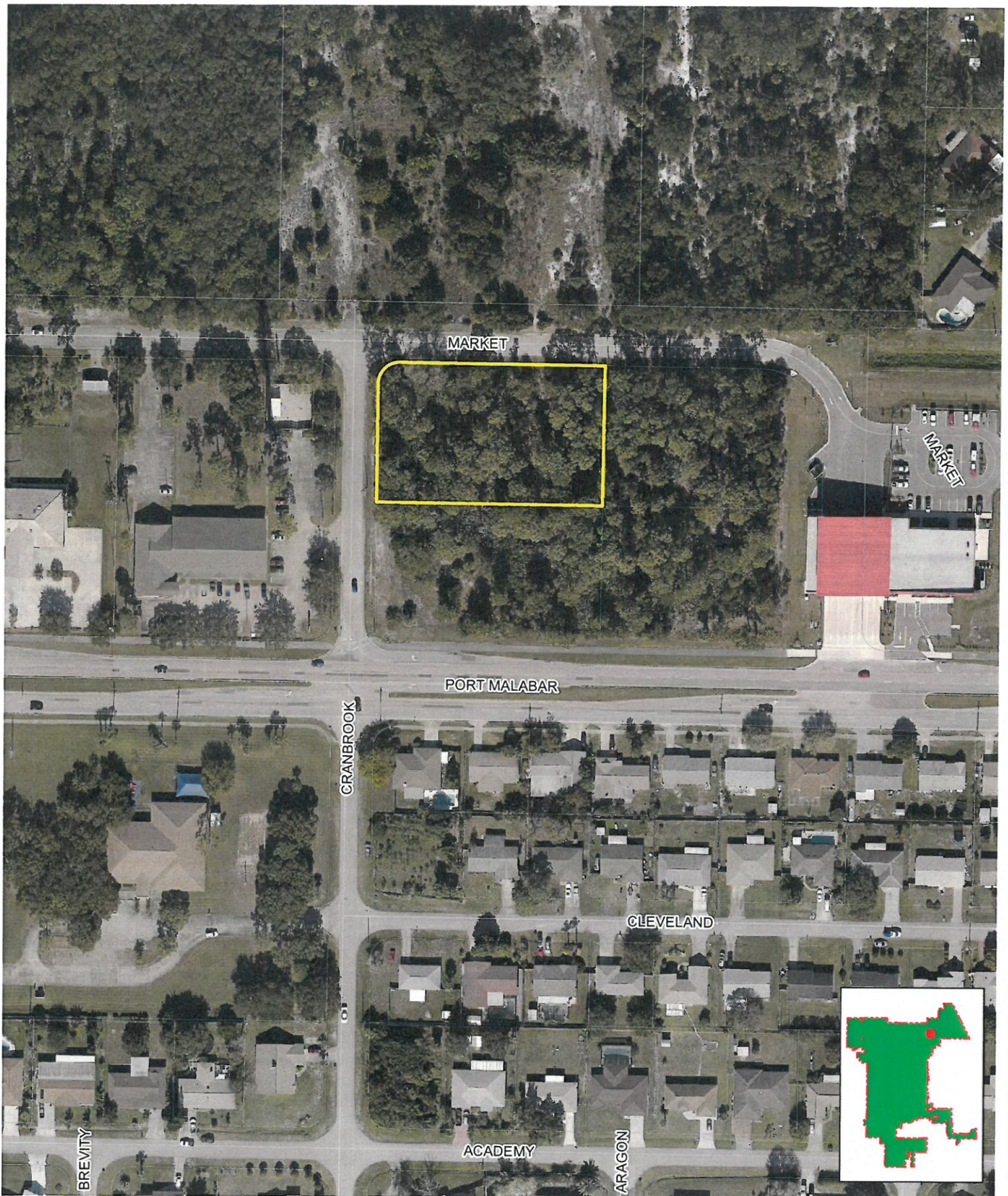
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PHONE # (321) 733-3041 FAX # (321) 953-8920  
E-MAIL ADDRESS stuart.buchanan@palmabayflorida.org
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- 7) JUSTIFICATION FOR REZONING: To be used for commercial purposes
- 8) PRESENT USE OF THE PROPERTY: Undeveloped land
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CITY OF PALM BAY, FLORIDA  
REZONING APPLICATION  
PAGE 2 OF 2

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- X Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.
- 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 REZONING.
- N/A 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, 2016

Printed Name of Applicant Stuart Buchanan, Growth Management Director

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



DATE: December 7, 2016  
CASE #: T-42-2016

*CITY OF PALM BAY*

# LAND DEVELOPMENT DIVISION STAFF REPORT

## TEXTUAL AMENDMENT APPLICATION

**PROPOSAL:** A textual amendment to the Code of Ordinances, Title XI, Business Regulations, Chapter 110: Business Taxes, Sections 110.15, 110.17, 110.19, 110.37, and 110.44, in order to regulate rental properties.

**CODE CITATION:** Sections 110.15, 110.17, 110.19, 110.37, and 110.44

**APPLICABILITY:** Citywide

**APPLICANT:** City of Palm Bay (Growth Management Department)

**COMPLIANCE WITH THE  
COMPREHENSIVE PLAN:** The proposed amendment is in compliance with the Comprehensive Plan.

BACKGROUND:

The City of Palm Bay was developed as a General Development Corporation (GDC) planned community, largely marketed towards retirees. With the aging of the City, these smaller homes have been acquired as rental properties scattered throughout existing owner occupied subdivisions. The level of maintenance conflicts caused between owner occupied dwellings and absentee landlords are often presented to the City as a complaint or for resolution. Additionally, because the age of the dwellings, the tenants are exposed to variable housing conditions in which they live.

Other cities have addressed this same issue by adopting a Business Tax Receipt requirement to rent houses along with an associated rental housing inspection. This process is not designed to interfere with the landlord tenant contractual relationship nor to supplant venues available to tenants through civil recourse.

The intent of the proposed amendment is to protect existing housing stock. In several municipalities enacting a similar ordinance, single family residential rental housing units declined as landlords chose to make these rental homes available for purchase and home ownership.

ANALYSIS:

The proposed textual amendment requires that a property owner desiring to rent the single family residential dwelling, or any rental dwellings of four or less units apply for a Business Tax Receipt (BTR). Associated with that BTR will be an inspection in conformance with the International Property Maintenance Code and other applicable City Codes. This is similar to the rental unit inspections performed by local housing authorities when subsidizing rental properties. The performed inspection includes basic housing and property maintenance.

STAFF FINDINGS:

Staff recommends adoption of the proposed ordinance to create a Business Tax Receipt and associated inspection for single family residential houses of four or less rental units.



## PROPOSED AMENDMENT

Code deletions are ~~struck-through~~ additions are underlined.

### 110.15 DEFINITIONS.

***BUSINESS TAX RECEIPT; RECEIPT.*** The document granted by the city under the provisions of this subchapter, and required of any person before such person can engage in any business including rental of dwelling units within the city.

### 110.17 UNLAWFUL TO OPERATE BUSINESS WITHOUT BUSINESS TAX RECEIPT.

It shall be unlawful for any person to engage in any business or rental of dwelling units without first procuring a business tax receipt by paying the business tax levied, or to knowingly make a false statement in documentation furnished to the city as to conditions or factors upon which the business tax is or shall be based.

### 110.19 PERSON SUBJECT TO THE BUSINESS TAX.

A business tax for the privilege of engaging in or managing any business within the city is levied on:

(A) Any person who maintains a business location or branch office within the city to engage in or manage a business.

(B) Any person who rents dwelling units to include single family residential homes or multi-family units of four or less units.

~~(B)~~(C) Any person who does not qualify under the provisions of divisions ~~s~~ (A) and (B) above and who transacts any business or engages in any occupation or profession in interstate commerce where the business tax is not prohibited by Section 8 of Article 1 of the United States Constitution.

### 110.37 EVIDENCE OF ENGAGING IN BUSINESS OR RENTAL OF PROPERTY.

The advertisement of any business by sign, newspaper, magazine, telephone listing or other public notice shall be conclusive evidence of the engaging in and carrying on the business in the city so advertised. The opening of a utility account by any persons other than the property owner.

#### 110.44 RECEIPT TAX SCHEDULE.

<b>Variable</b>	<b>Tax</b>
Plus Hotels, Motels, Apartments, Rooms, Units:	
Each unit	\$ 4.20
<u>Plus Single Family Residential Houses or other dwellings of four or less Units:</u>	
<u>Each unit</u>	<u>\$ 4.20</u>
Plus Vehicles for Hire:	\$ 26.25
Plus Professionals:	\$131.25
Acupuncturist, Architect, Attorney, Auctioneer, Certified Public Accountant, Chiropractor, Clinical Counselor, Dentist, Doctor - Physician, Engineer, Geologist, Land Surveyor, Landscape Architect, Massage Therapist, Optician, Optometrist, Osteopathic Physician, Physical Therapist, Pilot, Podiatrist, Psychiatrist, Psychologist, Real Estate Broker, Real Estate Appraiser, Self-Employed Nurse/Midwife, Therapist - Pathologist, Veterinarian	
Home Business Office: (if Business is not included under other section)	\$105.00
Contractor:	\$236.25
Subcontractor:	\$157.50
Out of State Insurance Company	\$105.00



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: Secs. 110.15, 110.17, 110.19, 110.37, and 110.46  
\_\_\_\_\_
- 3) PROPOSED LANGUAGE (attach addendum if necessary): See attached.  
\_\_\_\_\_  
\_\_\_\_\_
- 4) JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary): \_\_\_\_\_  
In order to regulate rental properties.  
\_\_\_\_\_  
\_\_\_\_\_
- 5) \*A \$1,000.00 APPLICATION FEE. MAKE CHECK PAYABLE TO "CITY OF PALM BAY."



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

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



Date

11/01/2016

Printed Name of Applicant

Stuart Buchanan, Growth Management Director

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