



## **AGENDA**

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

Regular Meeting No. 2017-03  
March 1, 2017 – 7:00 P.M.  
City Hall Council Chambers

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

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

#### **ROLL CALL:**

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

1. Regular Meeting No. 2017-02; February 1, 2017

#### **ANNOUNCEMENTS:**

#### **OLD BUSINESS:**

1. ♣CP-1-2017 – EMERSON DEVELOPMENT PARTNERS, LLC (MATT WILLIAMS)

A Comprehensive Plan Future Land Use Map small scale amendment from Single Family Residential Use to Commercial Use.

Lots 6 and 7, Block 304, Port Malabar Unit 9, Section 5, Township 29, Range 37, Brevard County, Florida, containing .48 acres, more or less. (Located at the southwest intersection of Malabar Road and Emerson Drive SE)

2. ♣CPZ-1-2017 – EMERSON DEVELOPMENT PARTNERS, LLC  
(MATT WILLIAMS)

A zoning amendment from an RC, Restricted Commercial District and an RS-2, Single Family Residential District to a CC, Community Commercial District.

Lots 6 through 14, Block 304, Port Malabar Unit 9, Section 5, Township 29, Range 37, Brevard County, Florida, containing 2.05 acres, more or less. (Located at the southwest intersection of Malabar Road and Emerson Drive SE)

3. ♣CU-1-2017 – EMERSON DEVELOPMENT PARTNERS, LLC (MATT WILLIAMS)

A conditional use request to allow proposed retail automotive fuel sales in a CC, Community Commercial District.

Lots 6 through 14, Block 304, Port Malabar Unit 9, Section 5, Township 29, Range 37, Brevard County, Florida, containing 2.05 acres, more or less. (Located at the southwest intersection of Malabar Road and Emerson Drive SE)

**NEW BUSINESS:**

1. ♣V-7-2017 – EDDIE AND MELISSA EDWARDS

A variance request to allow an proposed pool to encroach 3.5 feet into the 10-foot rear accessory structure setback in an RE, Estate Residential District as established by Section 185.118(A)(4) of the Palm Bay Code of Ordinances.

Tax Parcel 255, Section 29, Township 28, Range 37, Brevard County, Florida, containing .38 acres, more or less. (Located at the southwest intersection of Pepper Street NE and Sierra Place NE)

2. ♣V-8-2017 – MELINDA MAIER

A variance request to allow a proposed fence to encroach 5 feet into the 15-foot side corner yard setback, as established by Section 170.114(A) of the Palm Bay Code of Ordinances.

Lot 30, Block 202, Port Malabar Unit 7, Section 31, Township 28, Range 37, Brevard County, Florida, containing .27 acres, more or less. (Located at the northeast intersection of Del Monte Street NE and Aviation Avenue NE, specifically known as 111 Del Monte Street NE)

3. T-9-2017 – COPPER CHIMNEY GRILL & BAR (MAULIK SHAH)

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.042(D)(6), in order to allow a restaurant to sell alcohol by conditional use in the NC, Neighborhood Commercial District.

4. ♣CU-10-2017 – GATOR INTERCHANGE PARTNERS, LLLP  
(WILLIAM GOLDSMITH)

A conditional use to modify a binding site plan for additional commercial development within the Interchange Square Plaza.

Tax Parcel 508, Section 33, Township 28, Range 37, Brevard County, Florida, containing 15.15 acres, more or less. (Located in the vicinity of the northwest intersection of Malabar Road and Interchange 95, specifically at 1153 Malabar Road SE)

5. ♣PUD-12-2017 – CYPRESS BAY FARMS, LLC (BENJAMIN E. JEFFERIES)

A Preliminary Planned Unit Development (PUD) for a multi-use development called Cypress Bay at Waterstone PUD.

Tax Parcels 251 and 500 of Section 3, Township 30, Range 37 with Lots 12 and 13 of Section 10, Township 30, Range 37, in the Cape Kennedy Groves Subdivision, Brevard County, Florida, containing 268 acres, more or less. (Located east of and adjacent to Babcock Street SE between Mara Loma Boulevard and Willowbrook Street)

6. CP-3-2017 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A Comprehensive Plan Future Land Use Map small scale amendment from Recreation and Open Space Use to Single Family Residential Use.

Tract C, Port Malabar Unit 50, Section 18, Township 29, Range 37, Brevard County, Florida, containing 4.18 acres, more or less. (Located in the vicinity of Inez Street SE and Sea Horse Circle SE)

7. CP-4-2017 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A Comprehensive Plan Future Land Use Map small scale amendment from Recreation and Open Space Use to Single Family Residential Use.

Tract H, Port Malabar Unit 50, Section 18, Township 29, Range 37, Brevard County, Florida, containing 2.31 acres, more or less. (Located in the vicinity of Lanack Road SE and Alexis Terrace SE)

8. CP-5-2017 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A Comprehensive Plan Future Land Use Map small scale amendment from Recreation and Open Space Use to Single Family Residential Use.

Tract N, Port Malabar Unit 50, Section 18, Township 29, Range 37, Brevard County, Florida, containing 5.29 acres, more or less. (Located in the vicinity of Sturbridge Terrace SE and Raleigh Road SE)

9. CP-6-2017 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A Comprehensive Plan Future Land Use Map small scale amendment from Recreation and Open Space Use to Single Family Residential Use.

Tract J, Port Malabar Unit 50, Section 18, Township 29, Range 37, Brevard County, Florida, containing 3.87 acres, more or less. (Located in the vicinity of Sauders Road SE and Antique Terrace SE)

10. CP-7-2017 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A Comprehensive Plan Future Land Use Map small scale amendment from Recreation and Open Space Use to Single Family Residential Use.

Tract C, Port Malabar Unit 9, Section 5, Township 29, Range 37, Brevard County, Florida, containing 3.82 acres, more or less. (Located in the vicinity of Teal Street SE and Campbell Street SE)

11. CP-8-2017 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A Comprehensive Plan Future Land Use Map small scale amendment from Recreation and Open Space Use to Single Family Residential Use.

Tract H, Port Malabar Unit 48, Section 23, Township 28, Range 36, Brevard County, Florida, containing 3.71 acres, more or less. (Located in the vicinity of Stadt Road NW and Beacon Street NW)

12. CP-9-2017 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A Comprehensive Plan Future Land Use Map small scale amendment from Recreation and Open Space Use to Single Family Residential Use.

Tract A, Port Malabar Unit 23, Sections 32 and 33, Township 29, Range 37, Brevard County, Florida, containing 3.27 acres, more or less. (Located in the vicinity of Tower Street SE)

13. CP-11-2017 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A Comprehensive Plan Future Land Use Map large scale amendment from Public/Semi-Public Use to Single Family Residential Use.

Tract E of Port Malabar Unit 26, Section 35, Township 28, Range 36 and Tract D of Port Malabar Unit 26, Section 34, Township 28, Range 36, Brevard County, Florida, containing 40.47 acres, more or less. (Located in the vicinity of Malabar Road NW and Biarritz Street NW)

**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.