AGENDA

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Regular Meeting No. 2017-11
November 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. 2017-10; October 4, 2017

ANNOUNCEMENTS:

NEW BUSINESS:

1. CP-25-2017 – WILLARD PALMER

   A Comprehensive Plan textual amendment to the Future Land Use Element to create a Future Land Use category called Parkway Flex Use.

2. CP-26-2017 – WILLARD PALMER

   A large scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Parkway Flex Use.

   Tax Parcels 1.0, 253, 254, 750, and 751, all lying within Section 32, Township 28, Range 36, Brevard County, Florida, containing 202.9 acres, more or less. (Located in the vicinity northwest of the Intersection of Malabar Road NW and the St. Johns Heritage Parkway NW)

3. CP-20-2017 – WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)

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

A portion of Tax Parcel 506.1, Section 34, Township 29, Range 37, Brevard County, Florida, containing 2.89 acres, more or less. (Located at the southeast intersection of Babcock Street SE and Plantation Circle SE)

4. ♣CPZ-20-2017 – WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District.

A portion of Tax Parcel 506.1, Section 34, Township 29, Range 37, Brevard County, Florida, containing 2.89 acres, more or less. (Located at the southeast intersection of Babcock Street SE and Plantation Circle SE)

5. T-48-2017 – CITY OF PALM BAY

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.031, in order to modify the RR, Rural Residential District to allow wedding venues by conditional use.

6. ♣CU-49-2017 – TROY DOUGLAS

A conditional use request to allow for a proposed wedding venue in an RR, Rural Residential District.

A portion of Tract K, Port Malabar Unit 49, Section 23, Township 29, Range 36, Brevard County, Florida, containing 5.29 acres, more or less. (Located in the vicinity of the southeast intersection of Osmosis Drive SW and Madden Avenue SW, specifically at 750 Osmosis Drive SW)

7. CP-27-2017 – CITY OF PALM BAY

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

Lot 1, Block 4, Port Malabar Industrial Park Subdivision, Section 22, Township 28, Range 37, Brevard County, Florida, containing 1.84 acres, more or less. (Located at the southwest intersection of Palm Bay Road NE and Franklin Drive NE, specifically at 2144 and 2148 Palm Bay Road NE)

8. ♣CPZ-27-2017 – WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)

A zoning amendment from a CC, Community Commercial District to an LI, Light Industrial and Warehousing District.

Lot 1, Block 4, Port Malabar Industrial Park Subdivision, Section 22, Township 28, Range 37, Brevard County, Florida, containing 1.84 acres, more or less. (Located at the southwest intersection of Palm Bay Road NE and Franklin Drive NE, specifically at 2144 and 2148 Palm Bay Road NE)

9. CP-28-2017 – CITY OF PALM BAY

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

Tract B, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .95 acres, more or less. (Located south and west of Market Circle NE, specifically at 1878 Market Circle NE)

10. ♣CPZ-28-2017 – CITY OF PALM BAY

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

Tract B, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .95 acres, more or less. (Located south and west of Market Circle NE, specifically at 1878 Market Circle NE)

11. CP-29-2017 – CITY OF PALM BAY

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

Tract C, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .97 acres, more or less. (Located at the southwest intersection of Port Malabar Boulevard NE and Market Circle NE)

12. ♣CPZ-29-2017 – CITY OF PALM BAY

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

Tract C, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .97 acres, more or less. (Located at the southwest intersection of Port Malabar Boulevard NE and Market Circle NE)

13. CP-30-2017 – CITY OF PALM BAY

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

Tract C, Port Malabar Unit 37, Section 12, Township 29, Range 36, Brevard County, Florida, containing 3.4 acres, more or less. (Located west of and adjacent to Santo Domingo Avenue SW, in the vicinity east of Sherwood Avenue SW)

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. 2017-10

Held on Wednesday, October 4, 2017, 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.

Mr. Wendall Stroderd Jordan led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present
VICE CHAIRPERSON:	Wendall Stroderd	Present
MEMBER:	Leeta Jordan	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	William Pezzillo	Present
MEMBER:	Rainer Warner	Present
MEMBER:	Thomas “Woody” Woodrum	Present
MEMBER:	Michele Quinn (School Board Appointee)	Present

CITY STAFF: Present were Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Robert Loring, Planner; Ms. Chandra Powell, Growth Management Recording Secretary; Mr. James Stokes, Board Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2017-09. Motion by Mr. Pezzillo, seconded by Ms. Jordan 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.

NEW BUSINESS:

1. ♣ PUD-44-2017 – BAYRIDGE WEST, LLC (CHARLES B. GENONI)

Mr. Murphy presented the staff report for Case PUD-44-2017. The applicant had requested a Preliminary Planned Unit Development (PUD) for a proposed single-family residential development called Bayridge PUD. Staff recommended Case PUD-44-2017 for approval with conditions.

Mr. Pezzillo asked if the berm near the entrance to the development had been removed. Mr. Murphy noted that the berm was still present.

Mr. Woodrum questioned whether water lines would be extended to the property, and if School Board capacity had been addressed. Mr. Murphy answered that the water lines would be extended by the developer, and that a School Board concurrency letter would be required during final PUD submittal.

Ms. Jordan remarked on how the subject site was reviewed a year ago by the board. Mr. Murphy indicated that a different development was being proposed.

Mr. Charles Genoni (applicant) was present.

The floor was opened for public comments.

Mr. Alan Litfin (resident at Lang Road SW) spoke against the request. The potential impact to roads was a concern. He suggested connecting into Garvey Road SW to use as a property access and as a direct route to Bombardier Boulevard SW

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 PUD-44-2017 to City Council for approval of a proposed single-family residential development called Bayridge PUD subject to staff comments contained in the staff report. The motion carried with members voting as follows:

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

2. ♣Z-45-2017 – SAN FILIPPO COVE, INC. (WILLIAM BENSON)

Mr. Murphy presented the staff report for Case Z-45-2017. The applicant had requested a change in zoning from an RM-10, Single-, Two-, Multiple-Family Residential District to an RM-20, Multiple Family Residential District. Staff recommended Case Z-45-2017 for approval.

Ms. Maragh inquired about the type of housing proposed for the site. Ms. Shauna Harper with Alliance Palm Bay, LLC (representative for the applicant) stated that market rate housing was proposed for the property.

The floor was opened for public comments.

Ms. Lynn Emery (resident at Ward Road SW) wanted to know where the property was located. Mr. Murphy indicated the site's location.

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

Motion by Mr. Stroderd, seconded by Ms. Maragh to submit Case Z-45-2017 to City Council for approval of a change in zoning from an RM-10, Single-, Two-, Multiple-Family Residential District to an RM-20, Multiple Family Residential District. The motion carried with members voting as follows:

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

3. T-46-2017 – SAMS L.P. COMPANY & SAMS II, LLC (RANDY J. SAMS)

Mr. Loring presented the staff report for Case T-46-2017. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.045, in order to allow the retail and storage of liquid and non-liquid fuels by conditional use within the LI, Light Industrial and Warehousing District. Staff recommended Case T-46-2017 for approval.

Ms. Jordan inquired whether onsite fuel sales would be permitted by the request.

Mr. Stroderd questioned how the request could be approved when the language was unfinished and referred to onsite fuel pumps in error. Mr. Loring assured the board that staff would work with the applicant to correct the language. Mr. Stokes concurred that the board could approve the concept of the request as long as the basic substance of the proposal was unchanged.

Mr. Murphy confirmed that the applicant desired onsite fuel sales, and that staff would modify the submitted language to clarify any issues.

Mr. Brian Stephens with Dean Mead Attorneys At Law (representative for the applicant) explained that a regular gas station was not proposed. The requested amendment would give Sams employees the ability to refill small portable propane tanks for residential customers. The primary interest was in the ability to store, dispense, and refill liquid propane tanks, and not in fuel pumps. Language regarding the pumps was an expansion by staff.

Mr. Loring explained that fuel sales were currently allowed in commercial districts by conditional use. Staff had expanded the applicant's request by including provisions to also permit fuel sales in the LI district by conditional use.

Mr. Stroderd commented that there seemed to be a contradiction in the language regarding whether or not fuel could be stored on the site. Mr. Stephens explained that the mistake occurred during revisions to the amendment. Mr. Murphy reiterated that staff would work with the applicant to modify the wording.

The floor was opened for public comments.

Ms. Lynn Emery (resident at Ward Road SE) asked for clarification regarding the request. Mr. Weinberg explained that the applicant was requesting the allowance of propane fuel sales in the LI district, and staff had added language to permit fueling stations by conditional use within the LI district.

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

Motion by Mr. Stroderd, seconded Mr. Warner to submit Case T-46-2017 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.045, in order to allow the retail and storage of liquid and non-liquid fuels by conditional use within the LI, Light Industrial and Warehousing District, subject to refinement and clarification of the textual amendment based on the concerns discussed by the board. The motion carried with members voting unanimously.

Mr. Pezzillo asked that the board be provided with the final amendment language when completed. Mr. Loring agreed.

4. CP-21-2017 – CITY OF PALM BAY (ECONOMIC DEVELOPMENT & EXTERNAL AFFAIRS DEPARTMENT)

Mr. Loring presented the staff report for Case CP-21-2017. The applicant had requested a small scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. Staff recommended Case CP-21-2017 for approval, pursuant to Chapter 163, Florida Statutes. The site was City surplus land.

Ms. Maragh asked if the site was under contract, and Mr. Warner inquired whether the procedures to process City surplus properties remained the same. Mr. Loring confirmed that a contract was pending on the property, and that once under contract, surplus sites were submitted for a land use change.

The floor was opened for public comments.

Mr. Don Porterfield (resident at Darrow Road SW) spoke against the request. He purchased his property believing the subject site was designated for future recreation development. He said that a variety of wildlife was on the property, and that the undeveloped site had helped with the drainage runoff problems in the area.

Mr. Thomas Warner (resident at Darrow Road SW) spoke against the request. He commented that state and federally protected wildlife resided on the property. He was concerned about privacy and the traffic that would flow onto Darrow Road.

Mr. Donald Fry (resident at Saragassa Street SW) spoke against the request. He believed that Florida statutes gave long-time area residents who used the City surplus properties the rights of right-of-way. He also believed that Florida statutes prohibited designated Recreation and Open Space Use land from being changed without agreement.

Ms. Molly Morales with Shirley Weems of Waterman Realty, the seller agent for the site, spoke in favor of the request. She informed the board that the site was under contract with a private purchaser who wanted to build a home on the property. The pending contract was subject to the land use change, and any wildlife on the site would be addressed by a feasibility study.

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 CP-21-2017 to City Council for approval of a small scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use.

Ms. Maragh asked for clarification regarding the granting of right-of-way use by Florida statutes. Mr. Stokes advised the board that the handling of the City surplus properties had been fully vetted by the City Attorney's office and all contracts would be lawful. Regulations for right-of-way in perpetuity did not pertain to the City surplus properties.

A vote was called on the motion by Mr. Pezzillo, seconded by Ms. Jordan to submit Case CP-21-2017 to City Council for approval of a small scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. The motion carried with members voting as follows:

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

5. CP-22-2017 – CITY OF PALM BAY (ECONOMIC DEVELOPMENT & EXTERNAL AFFAIRS DEPARTMENT)

Mr. Loring presented the staff report for Case CP-22-2017. The applicant had requested a small scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. Staff recommended Case CP-22-2017 for approval, pursuant to Chapter 163, Florida Statutes. The site was City surplus land.

Mr. Stroderd inquired whether the pending contract on the subject property was with an individual or a builder.

Ms. Molly Morales with Shirley Weems of Waterman Realty, the seller agent for the site, stated that the contract on the land had been released, and that the property was back on the market.

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

Motion by Ms. Jordan, seconded by Mr. Pezzillo to submit Case CP-22-2017 to City Council for approval of a small scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. The motion failed with members voting as follows:

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

Mr. Stokes asked boardmembers to indicate their reasons for denying the request.

Mr. Stroderd explained that he voted against the request because there was no longer a contract pending as was the process. He was also opposed to builders purchasing surplus sites instead of individual property owners. Mr. Warner stated that he voted against the request for similar reasons, and that he also took the use of the properties into consideration. Mr. Woodrum stated that he voted against the request because of the unfairness to residents who purchased in the area years ago based on existing land use designations on surplus properties.

Mr. Weinberg reminded the board that the City surplus properties were the result of the settlement agreement with General Development Corporation to fund roads.

6. CP-23-2017 – CITY OF PALM BAY (ECONOMIC DEVELOPMENT & EXTERNAL AFFAIRS DEPARTMENT)

Mr. Loring presented the staff report for Case CP-23-2017. The applicant had requested a small scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. Staff recommended Case CP-23-2017 for approval, pursuant to Chapter 163, Florida Statutes. The site was City surplus property.

The floor was opened for public comments.

Ms. Lynn Emery (resident at Ward Road SW) spoke against the request. She was told in the past by a former mayor that the subject site was a neighborhood park site. She was concerned that the development of the property would affect the wildlife on the site, increase drainage problems in the area, and affect the well water. She noted that Santo Domingo Road SW was just a two-laned, pot-holed road.

Mr. Matthew Beckford (under contract to purchase the subject site) spoke in favor of the request. He was proposing to divide the property into half-acre lots to build homes valued at around $300,000, which would be at a much less density than currently permitted. He remarked on how the interior of the property appeared to have been a dumping ground for criminal activity, and that a feasibility study would be done to address wildlife concerns. The proposal would invest millions into Palm Bay, increase property values, and generate tax revenue that could fix roads.

Mr. Philip Herrmann (resident at Ward Road SW) spoke against the request. He was concerned that fill dirt brought in to elevate the property would leak into the area's drinking water.

The floor was closed for public comments, and there was one correspondence in the file in opposition to the request.

Motion by Ms. Jordan, seconded by Mr. Pezzillo to submit Case CP-23-2017 to City Council for approval of a small scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use

Mr. Weinberg was in favor of the half-acre lots mentioned for the site; however, there was nothing binding to guarantee half-acre lots would be created.

Mr. Warner commented that substantial businesses was needed in the City and not more housing to profit builders. Ms. Maragh added that the disregard of wildlife was also a concern.

A vote was called on the motion by Ms. Jordan, seconded by Mr. Pezzillo to submit Case CP-23-2017 to City Council for approval of a small scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. The motion failed with members voting as follows:

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

7. CP-24-2017 – CITY OF PALM BAY (ECONOMIC DEVELOPMENT & EXTERNAL AFFAIRS DEPARTMENT)

Mr. Loring presented the staff report for Case CP-24-2017. The applicant had requested a large scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Single Family Residential Use. Staff recommended Case CP-24-2017 for approval, pursuant to Chapter 163, Florida Statutes. The site was City surplus land.

Ms. Lynn Emery (resident at Ward Road SW) spoke in favor of the request. However, she was concerned about the impact the development would have on the well water in the area.

Mr. Matthew Beckford (under contract to purchase the subject site) spoke in favor of the request. He stated that he was developing both commercial and residential projects in the City. He was a long-time resident and developer of Palm Bay who wanted to provide a balance of development within the City.

Mr. Loring stated that the owner of the property would be required to provide water and sewer and a water retention pond. Mr. Beckford commented that he would work with the City to meet all code requirements. He said that the density he was proposing for the site would be much less than what was currently permitted.

Mr. Donald Fry (resident at Saragassa Street SW) spoke against the request. He believed that Florida statutes gave area residents right-of-way rights on designated Recreation and Open Space Use properties. There was wildlife on the site and the trees served as a barrier for his home during hurricanes. He said that there was plenty of cleared properties in the City, such as the compound, that was available for development. He was concerned that the $300,000 homes proposed for the site would raise his property taxes. The elevated development would also cause major drainage problems.

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 CP-24-2017 to City Council for approval of a large scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Single Family Residential Use.

Mr. Weinberg remarked that the City was at 30-percent buildout, so more development was going to occur, and that City surplus properties were being sold to address road problems.

Mr. Warner wanted to know when the feasibility studies were required for the sites. Mr. Loring answered that feasibility studies were done during the subdivision review process.

A vote was called on the motion by Ms. Jordan, seconded by Mr. Pezzillo to submit Case CP-24-2017 to City Council for approval of a large scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Single Family Residential Use. The motion carried with members voting as follows:

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

OTHER BUSINESS:

There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 8:19 p.m.

_____
Philip Weinberg, CHAIRMAN

Attest:

_____
Chandra Powell, SECRETARY

♣Quasi-Judicial Proceeding.

The City of Palm Bay Florida

DEREK CS BURR, AICP, DIRECTOR
DEPARTMENT OF GROWTH MANAGEMENT
120 MALABAR ROAD SE
PALM BAY, FL 32907
T: 321-733-3042 F: 321-953-8920

STAFF REPORT PREPARED BY:
Patrick Murphy, Assistant Director
REVIEWED BY:
Derek CS Burr, Director
APPROVED BY:
Derek CS Burr, Director

CASE NUMBER	APPLICANT/PROPERTY OWNER
CP-25-2017	Willard Palmer
PLANNING & ZONING BOARD HEARING DATE	**PROPERTY LOCATION/ADDRESS**
November 1, 2017	N/A

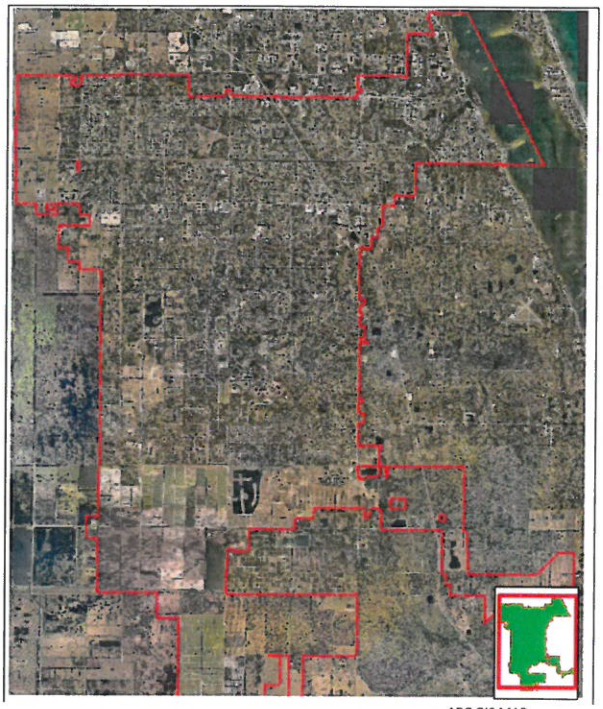
SUMMARY OF REQUEST

The applicant proposes a new future land use category to allow a mix of land uses, with an emphasis on flexibility of design. The category will be called Parkway Flex Use.

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
N/A	N/A	N/A	N/A

SURROUNDING ZONING & LAND USE

N: N/A
E: N/A
S: N/A
W: N/A



ARC GIS MAP

STAFF RECOMMENDATION: **APPROVE** ☒ **APPROVE WITH CONDITIONS** ☐ **DENY** ☐

PROPERTY HISTORY

The policies within the Future Land Use Element include land use categories for mixed uses throughout the City. Currently, there are five (5) mixed use type categories, which are specific to a geographic region. They are the Mixed Use, Bayfront Mixed Use, the Regional Activity Center Use, Calumet Farms Use and the Micco Park Village District Use categories. The Parkway Flex Use category was previously submitted by this same applicant and approved by City Council on November 7, 2013 (Case No. CP-3-2013), but was not transmitted to the State. This application is identical to the one presented on November 7, 2013, except for hearing dates. Because the amendment was not transmitted to the Department of Economic Opportunity (DEO), we are required to bring this amendment package back for consideration and processing.

COMPATIBILITY with the COMPREHENSIVE PLAN	COMPATIBILITY with the CODE OF ORDINANCES
Policy FLU-1.1I provides for the listing of land use categories permissible in the City of Palm Bay. This request will create a new future land use category within the future land use element of the Palm Bay Comprehensive Plan.	N/A

ATTACHMENTS

SUBMITTED PLANS	APPLICATION	LEGAL NOTICE	AGENCY COMMENTS	PUBLIC COMMENTS	LEGAL DESCRIPTION
YES ☐ NO ☒	YES ☒ NO ☐	YES ☒ NO ☐	YES ☐ NO ☒	YES ☐ NO ☒	YES ☐ NO ☒

OTHER TYPE OF ATTACHMENT (DESCRIBE): None

ANALYSIS:

1. The applicant proposes to adopt a new land use category to allow a horizontal mix of land uses (such as is currently allowed in our Planned Unit Development Zoning District), all with an emphasis on flexibility of design. In the past, the City has allowed the horizontal mixing of land uses within a Planned Unit Development (PUD), but required specific land use changes for each piece of land within the project, rather than looking at the entire project during the land use amendment process.

2. The Parkway Flex Use (Flex) category is being developed to provide for a mixing of land uses and flexible design so a project may better react to changing market demand without the need for independent Comprehensive Plan Future Land Use Map amendments. The future development need will determine where and when these uses are utilized, provided they do not exceed the maximum allowable intensities permitted by the proposed category.

3. This Flex category proposes both single and multiple family residential uses, with a total maximum density of ten (10) residential units per acre. Within these two (2) residential uses exists the ability to construct detached single-family homes; attached single family housing (up to 8 units per structure); and more traditional multi-family housing, such as apartments and condominiums. Although the category allows both multiple family and single-family units, a future project developing under this category could not exceed the maximum density.

4. The Flex category allows commercial development for retail (free-standing or connected multiple units); personal service establishments, daycare centers, church/religious uses, restaurants, financial institutions, office uses, service stations with fuel sales, food service, theaters, professional office uses, and medical and/or veterinary clinics. A minimum of 40 square feet of commercial space shall be provided for each residential unit.

5. In addition to the request to create this new category, the applicant seeks to apply this category to specific lands and will be discussed under Case No. CP-26-2017.

STAFF RECOMMENDATION:

A motion to transmit this Comprehensive Plan Amendment to the Florida Department of Economic Opportunity for review, objections and comment report (ORC) pursuant to Chapter 163, Florida Statutes.

PROPOSED LANGUAGE

PARKWAY FLEX USE – Permits a mix of Commercial and Residential Uses. A minimum of 40 square feet of commercial space shall be provided for each residential unit. Typical commercial uses permitted include retail; personal service establishments, daycare centers, church/religious uses, restaurants, financial institutions, office uses, service stations with fuel sales, food service, theaters, professional office uses, and medical and/or veterinary clinics. Allowable residential uses include both single and multiple family residential uses, with a total maximum of ten (10) residential units per acre. Typical residential uses include detached single-family homes; attached single family housing (with a maximum of 8 units per structure); and traditional multi-family housing, such as apartments and condominiums.

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) Willard Palmer (c/o Scott M. Glaubitz, P.E., P.L.S. BSE Consultants, Inc.

ADDRESS 312 S. Harbor City Blvd., Suite 4

CITY Melbourne STATE Florida ZIP 32901

PHONE # 321-725-3674 FAX # 321-723-1159

E-MAIL ADDRESS sglaubitz@bseconsult.com

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION

East 1/2 of Section 32, Township 28 South, Range 36 East less rights-of-way for canals and roads and less the dedicated school site. Refer to the attached survey and legal description.

SECTION 32 TOWNSHIP 28 RANGE 36

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): +/- 202.9 acres

4) LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.): Single Family Residential; Present Zoning: PUD - Expired

5) LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE:

Mixed Single Family, Multi- Family and Commercial; Zoning Desired: Flexible Mixed Use

6) PRESENT USE OF THE PROPERTY: Agricultural

7) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY: House and barn

8) HAS A REZONING APPLICATION BEEN FILED IN CONJUNCTION WITH THIS APPLICATION:

Yes, combined application

(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.)

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

Development and construction of the Palm Bay Parkway and associated Malabar Road Improvements along with the adjacent Heritage High School.

10) SPECIFIC USE INTENDED FOR PROPERTY:

Mixed flexible use of commercial, multi-family, attached and detached single family.

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

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 for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)

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

X 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.

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.

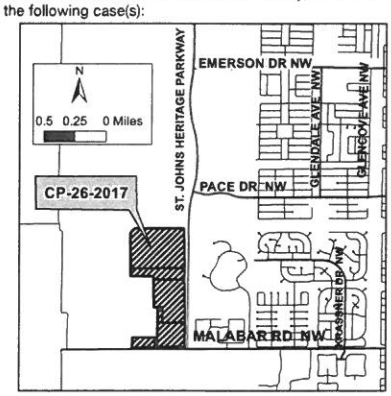
Signature of Applicant Willard Palmer **Date** 10/09/17

Printed Name of Applicant Willard Palmer

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

CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING

Notice is hereby given that a land use public hearing will be held by the Planning and Zoning Board/Local Planning Agency on November 1, 2017, at 7:00 p.m., and by the City Council on November 16, 2017, at 7:00 p.m., both to be held at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):



1. CP-25-2017 – WILLARD PALMER
   A Comprehensive Plan textual amendment to the Future Land Use Element to create a Future Land Use category called Parkway Flex Use.
2. CP-26-2017 – WILLARD PALMER
   A large scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Parkway Flex Use.

   Tax Parcels 1.0, 253, 254, 750, and 751, all lying within Section 32, Township 28, Range 36, Brevard County, Florida, containing 202.9 acres, more or less. (Located in the vicinity northwest of the Intersection of Malabar Road NW and the St. Johns Heritage Parkway NW)

Full legal descriptions of properties are available from the Growth Management Department.

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

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).

All interested citizens are invited to submit written communication and appear at the aforementioned hearings. Please contact the Palm Bay Growth Management Department at (321) 733-3041 should you have any questions.

Patrick Murphy
Assistant Growth Management Director

The City of Palm Bay Florida

DEREK CS BURR, AICP, DIRECTOR
DEPARTMENT OF GROWTH MANAGEMENT
120 MALABAR ROAD SE
PALM BAY, FL 32907
T: 321-733-3042 F: 321-953-8920

STAFF REPORT PREPARED BY:
Patrick Murphy, Assistant Director
REVIEWED BY:
Derek CS Burr, Director
APPROVED BY:
Derek CS Burr, Director

CASE NUMBER
CP-26-2017

APPLICANT/PROPERTY OWNER
Willard Palmer

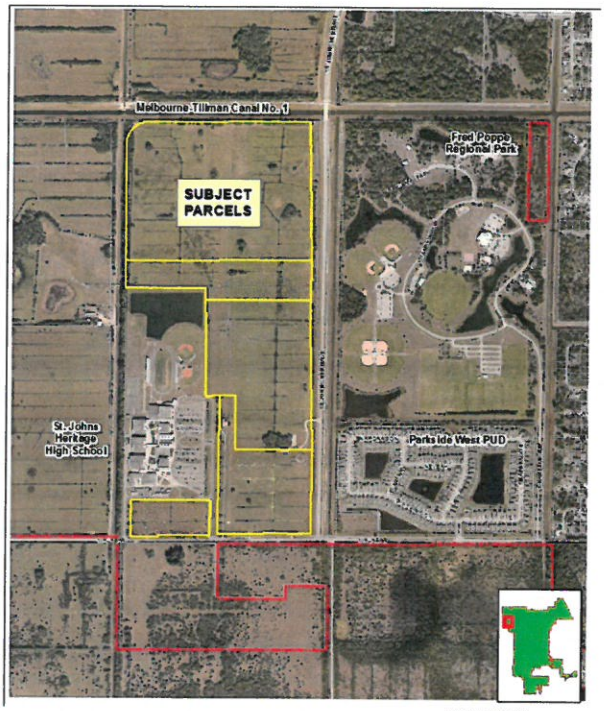
PLANNING & ZONING BOARD HEARING DATE
November 1, 2017

PROPERTY LOCATION/ADDRESS
NW corner of Malabar Road NW and St. Johns Heritage Parkway NW

SUMMARY OF REQUEST
Amend the Comprehensive Plan Future Land Use Map from Single Family Residential Use to Parkway Flex Use

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
PMU, Parkway Mixed Use	Single Family Residential Use	House and Barn	202.9

SURROUNDING ZONING & LAND USE
N: PMU, Parkway Mixed Use; Melbourne-Tillman Canal No. 1
E: PMU, Parkway Mixed Use; St. Johns Heritage Parkway
S: PMU, Parkway Mixed Use; Malabar Road NW
W: PMU, Parkway Mixed Use; Melbourne-Tillman Canal No. 6 and GU, General Use Holding District; Heritage High School



ARC GIS MAP

STAFF RECOMMENDATION: APPROVE ☐ APPROVE WITH CONDITIONS ☒ DENY ☐

PROPERTY HISTORY
A request to apply the Parkway Flex Use Future Land Use category to the subject property was previously approved by City Council, with conditions, for submission to the Florida Department of Economic Opportunity (DEO) (Case No. CP-4-2013). This approval was not transmitted to DEO. Therefore, the applicant has re-submitted the private application. As additional history, the subject property was rezoned from GU, General Use Holding District to the PMU, Parkway Mixed Use Zoning District on April 25, 2014 via Ordinance No. 2014-12.

COMPATIBILITY with the COMPREHENSIVE PLAN
The intensity and density of uses proposed within this Future Land Use Map Amendment (FLUMA) would be compatible with the surrounding properties.

COMPATIBILITY with the CODE OF ORDINANCES
Adoption of this land use category will allow the property to be consistent and compatible with the corresponding zoning of PMU, Parkway Mixed Use District.

ATTACHMENTS

SUBMITTED PLANS	APPLICATION	LEGAL NOTICE	AGENCY COMMENTS	PUBLIC COMMENTS	LEGAL DESCRIPTION
YES ☒ NO ☐	YES ☒ NO ☐	YES ☒ NO ☐	YES ☐ NO ☒	YES ☐ NO ☒	YES ☒ NO ☐

OTHER TYPE OF ATTACHMENT (DESCRIBE): None

ANALYSIS:

1. Impact on Level of Service (LOS) Standards

   Based on an analysis of the project, the proposed change will not cause level of service to fall below the standards adopted in the Comprehensive Plan for the current planning period for water, sewer, drainage facilities, park facilities or solid waste. The project will require connection to the city's water and sewer system. At the time of development, a traffic analysis shall be required to determine the transportation impact of any development on Malabar Road, with an emphasis on Access Management. The project must provide a Proportionate Fair Share of all improvements necessitated by the traffic analysis.

2. Impact on Natural Systems

   The impacts of commercial uses on the natural environment is typically more intense than the current land use designation of Single Family Residential Use. If the FLUMA is approved, allowing for commercial development, a Phase 1 Environmental Assessment would be required upon the property, by the property owner. Additionally, prior to development of the subject property a tree survey is required to determine the location of exceptional specimen trees, if any (per Chapter 180 of the Code of Ordinances). The entire property is located in an AE Flood Zone and will be required to submit a Conditional Letter of Map Revision (CLOMR) application to the Federal Emergency Management Agency (FEMA) when the constructions plans are submitted. Upon completion of any phase of the project, the developer is required to submit a Final Survey of said phase(s) with a Letter of Map Revision (LOMR). The LOMR will allow removal of the phase(s) from the Special Flood Hazard Area (SFHA), thus allowing a Certificate of Completion for any public improvements. The site is not within scrub or scrubby flatwoods habitat and no Florida scrub jays are known to be present on the subject property.

3. Land Use Consistency

   The subject property was previously utilized for agricultural purposes and is mostly cleared. Only a few pockets of trees currently exist on-site. There is a 3,200 square foot home on the property and a few residential/agricultural accessory buildings. The Parkside West PUD is located to the east, adjacent to Malabar Road. Also located to the east is the 209-acre Fred Poppe Regional Park. The property abuts Heritage High School to the west, as well as vacant agricultural lands. To the south, across Malabar Road, are vacant, agricultural lands. Staff believes the FLUMA will be consistent with the higher residential transition of this area. Site specific design criteria have already been developed for the project and will be submitted as part of a future Planned Unit Development (PUD) request.

4. Consistency with the Policies and Objectives of the Comprehensive Plan

   The application is consistent with the objectives and densities of the Parkway Flex Use category because the two applications (CP-25-2017 and CP-26-2017) were created in unison. The requested Future Land Use designation will allow for multiple land uses (single family, multiple family and commercial) to co-exist within the same project. Commercial uses with proper buffering can be found consistent with residential use and the Comprehensive Plan permits commercial-type uses in or near neighborhoods. It is quite common to find commercial and residential uses adjacent to one another throughout the City. The commercial development will help capture internal traffic from the future residential uses, and the surrounding residential of the NW Palm Bay area.

5. A conceptual plan has been submitted with this application. Should the FLUMA be approved, and a future PUD request approved, the Land Development Code permits future revisions of this conceptual plan by the applicant. This flexibility allows the project to respond to a changing market and consumer demand, up to the maximum densities of the Parkway Flex Use category. The location of uses depicted upon the conceptual plan is targeted toward maximum allowable use.

STAFF RECOMMENDATION:

Motion to transmit the requested FLUMA to the Florida Department of Economic Opportunity for review, objection and comment (ORC) report, based upon the findings and analysis contained in this report, subject to the following staff recommendations being required:

1. A traffic impact analysis and Phase One Environmental Assessment shall be submitted at the time of proposed development of the site;

2. The project shall pay a Proportionate Fair Share of all identified traffic improvements;

3. The development shall be consistent with the maximum densities established by the Conceptual Plan; and

4. An emergency access easement shall be provided for Heritage High School, through the project, connecting to the St. Johns Heritage Parkway.

PALMER PROPERTY
VICINITY MAP

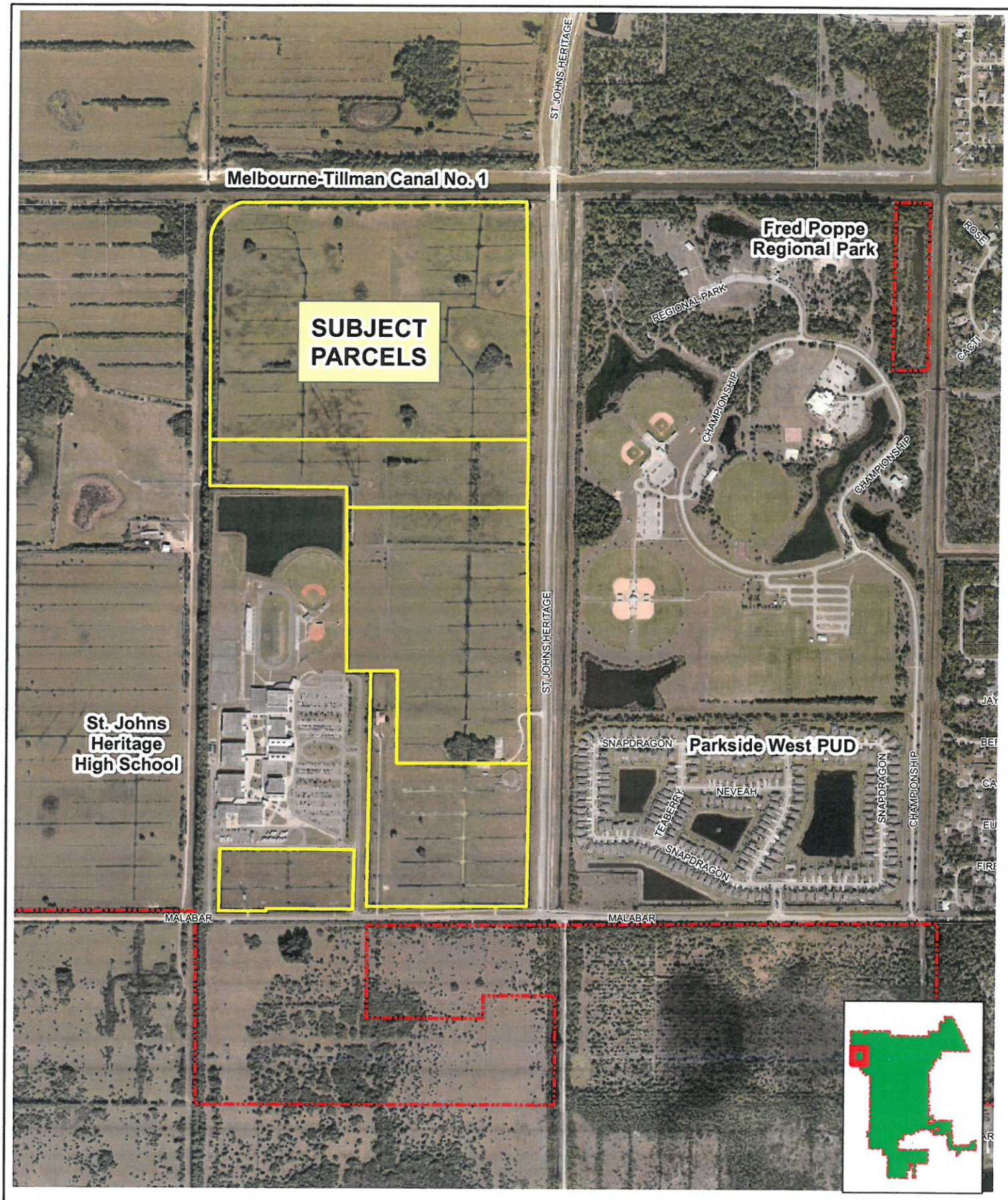
AERIAL PHOTO PROVIDED BY BREVARD COUNTY PROPERTY APPRAISER 2013

0 2000
(IN FEET)

B.S.E. CONSULTANTS, INC.
CONSULTING – ENGINEERING – LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901
PHONE: (321) 725-3674 FAX: (321) 723-1159
CERTIFICATE OF BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE:	08/28/13
DRAWN:	DRB
CHECKED:	SMG
DRAWING#	1116601_200_002
PROJECT#	11166.01
SHEET 1 OF 1	

H:\Projects Folder\11166.01\Drawings\1116601_200\1116601_200_002.dwg August 29, 2013 9:20:24 AM DB



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

Map created by the Land Development Division

N
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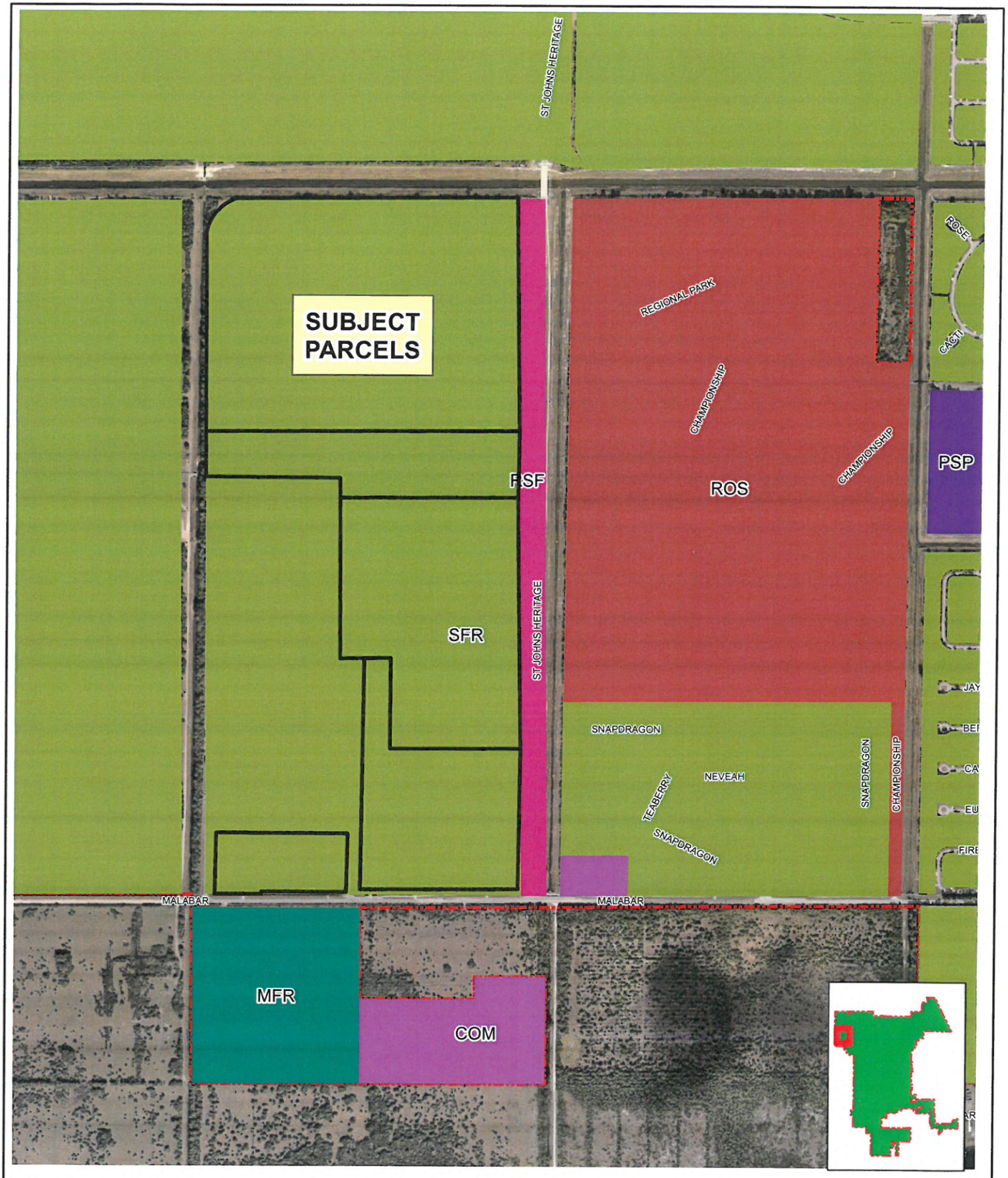
CP-26-2017 Parkway Flex Use



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Map created by the Land Development Division

N
W E
S

CP-26-2017 Parkway Flex Use

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) Willard Palmer (c/o Scott M. Glaubitz, P.E., P.L.S. BSE Consultants, Inc.

ADDRESS 312 S. Harbor City Blvd., Suite 4

CITY Melbourne STATE Florida ZIP 32901

PHONE # 321-725-3674 FAX # 321-723-1159

E-MAIL ADDRESS sglaubitz@bseconsult.com

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION

East 1/2 of Section 32, Township 28 South, Range 36 East less rights-of-way for canals and roads and less the dedicated school site. Refer to the attached survey and legal description.

SECTION 32 TOWNSHIP 28 RANGE 36

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): +/- 202.9 acres

4) LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.): Single Family Residential; Present Zoning: PUD - Expired

5) LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE:

Mixed Single Family, Multi- Family and Commercial; Zoning Desired: Flexible Mixed Use

6) PRESENT USE OF THE PROPERTY: Agricultural

7) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY: House and barn

8) HAS A REZONING APPLICATION BEEN FILED IN CONJUNCTION WITH THIS APPLICATION:

Yes, combined application

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Mixed flexible use of commercial, multi-family, attached and detached single family.

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- ☒ **Large Scale Map Amendment** (10 acres or more) $1,600.00
- ☐ **Text Amendment** (Comp. Plan) $1,600.00
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X Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)).

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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 Willard Palmer **Date** 10/09/17

Printed Name of Applicant Willard Palmer

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

CITY OF PALM BAY, FLORIDA
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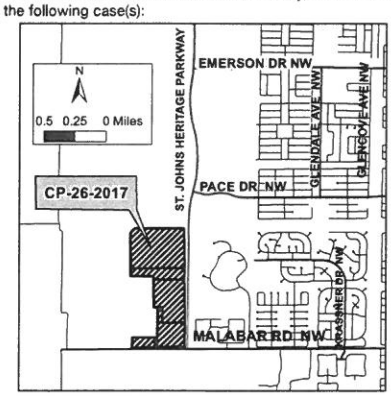

1. CP-25-2017 – WILLARD PALMER
   A Comprehensive Plan textual amendment to the Future Land Use Element to create a Future Land Use category called Parkway Flex Use.
2. CP-26-2017 – WILLARD PALMER
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All interested citizens are invited to submit written communication and appear at the aforementioned hearings. Please contact the Palm Bay Growth Management Department at (321) 733-3041 should you have any questions.

Patrick Murphy
Assistant Growth Management Director

DEREK CS BURR, AICP, DIRECTOR
DEPARTMENT OF GROWTH MANAGEMENT
120 MALABAR ROAD SE
PALM BAY, FL 32907
T: 321-733-3042 F: 321-953-8920

STAFF REPORT PREPARED BY:
Patrick Murphy, Assistant Director
REVIEWED BY:
Derek CS Burr, Director
APPROVED BY:
Derek CS Burr, Director

CASE NUMBER
CP-20-2017

APPLICANT/PROPERTY OWNER
West Pointe Babcock, LLC.

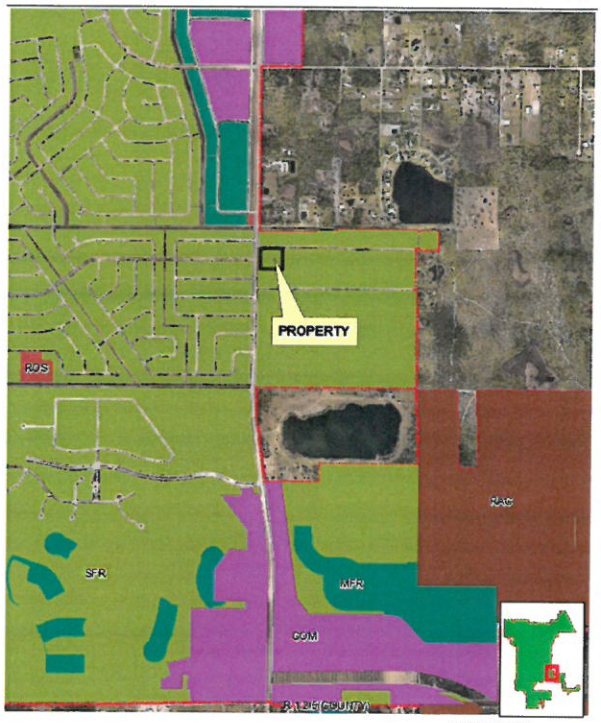
PLANNING & ZONING BOARD HEARING DATE
November 1, 2017

PROPERTY LOCATION/ADDRESS
SE corner of Babcock Street SE and the north loop of Plantation Cir SE

SUMMARY OF REQUEST
Amend the Comprehensive Plan Future Land Use Map from Single Family Residential Use to Commercial Use

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
RR, Rural Residential	Single Family Residential	Unimproved	2.89

SURROUNDING ZONING & LAND USE
N: RR, Rural Residential; Single Family Homes
E: RR, Rural Residential; Vacant Residential Land
S: RR, Rural Residential; Single Family Homes
W: RR, Rural Residential, Babcock Street SE



ARC GIS MAP

STAFF RECOMMENDATION: **APPROVE** ☐ **APPROVE WITH CONDITIONS** ☐ **DENY** ☒

PROPERTY HISTORY
On September 2, 2015, (CP-7-2015) the applicant appeared before the Palm Bay Planning and Zoning Board (Board) to request an amendment of the Future Land Use Map (FLUM) of Parcel 506.1 (8.41 acres) to Commercial Use (CU). The Board voted unanimously to deny the request. On December 17, 2015 the request was withdrawn before it was scheduled to be heard by Council. On August 3, 2016 (CP-21-2016), the applicant appeared before the Board requesting the same FLUM amendment, however it was only for the western 4.41 acres of the property, not the entire 8.41 acres. The Board voted unanimously to deny this request. The application was withdrawn on September 14, 2016, and was not heard by City Council. On May 3, 2017, (CP-13-2017) the applicant appeared again before the Board requesting FLUM amendment of Parcel 506.1 (8.41 acres) to CU. The Board voted unanimously to deny the request. On June 1, 2017, this application for a FLUM amendment was presented to City Council. After an extensive public discussion and deliberation by Council, the applicant withdrew the application.

COMPATIBILITY with the COMPREHENSIVE PLAN
The request will conflict with the following: Objective FLU-2.3 "*Prevent incompatible land uses from locating in residential areas in order to promote neighborhood stability and prevent deterioration.*" Policy FLU-2.3E *Future commercial uses within residential areas shall be located at designated collector nodes and designed with buffering to protect adjacent uses.*"

COMPATIBILITY with the CODE OF ORDINANCES
N/A

ATTACHMENTS

SUBMITTED PLANS	APPLICATION	LEGAL NOTICE	AGENCY COMMENTS	PUBLIC COMMENTS	LEGAL DESCRIPTION
YES ☒ NO ☐	YES ☒ NO ☐	YES ☒ NO ☐	YES ☐ NO ☒	YES ☒ NO ☐	YES ☒ NO ☐

ANALYSIS:

1. Impact on the Level of Service (LOS) Standards

Based on an analysis of the project, the proposed change will not cause level of service to fall below the standards adopted in the Comprehensive Plan for the current planning period for water, sewer, drainage facilities or solid waste. Water and sewer service are provided by the City. A 16" water distribution main runs along the east side of Babcock Street and a 16" sewer force main runs along the west side of Babcock Street. Ample pressure and capacity exist within both lines. Future commercial development would need to provide its own on-site stormwater treatment system, which would overflow into the adjacent canal that parallels Babcock Street. Solid waste collection services are provided for this area by Waste Management, Inc.

2. Impact on Natural Systems

There would be an impact on the natural environment from the future Commercial Use as the property is currently undeveloped. However, any development, even single family residential use, would alter the present conditions. The site is identified as Flood Zone X, which is outside the 500-year Floodzone. The parcel is not located within any of the Florida scrub jay polygons identified on the City's Habitat Conservation Plan (HCP). No additional listed species are known to inhabit the subject property. Any listed species identified on the subject would need to be mitigated for as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.7B.

3. Land Use Consistency

The subject property is the western 2.89 acres of a 8.41 acre parcel located at the SE corner of Babcock Street SE and the north loop of Plantation Circle SE. The subject property is surrounded by single family residential zoned property. The surrounding neighborhood (Greenwood Plantation) includes 57 lots with a minimum of one (1) acre in size. An additional four homes (on 2-acre lots) located immediately east of and adjacent to this neighborhood utilize Plantation Circle as their sole means of ingress & egress.

To the West of the subject property is Babcock Street SE, which is designated as an Arterial roadway by the Palm Bay Comprehensive Plan (Plan). On the west side of this segment of Babcock Street are numerous ¼ acre single family residential lots. The nearest commercial land use is approximately 3,000 feet to the north, where Eldron Boulevard and Grant Road intersect Babcock Street. This area has approximately 45.23 acres of vacant, commercially-zoned land.

Approximately 3,000 feet to the south, at Mara Loma Boulevard SE (and extending south to the location of the future "south leg" of the St. Johns Heritage Parkway SE) the designation of both sides of Babcock Street and along the approved location of the Parkway, is Commercial Use on the Future Land Use map. This area includes approximately 195 acres of commercial land.

On the opposite side the subject property, across Babcock Street, is Cogan Drive SE. Cogan is designated as a Minor Collector roadway by the Plan, but does not intersect with either loop of Plantation Circle.

4. Consistency with the Policies and Objectives of the Comprehensive Plan

The Purpose and Intent of the Comprehensive Plan, as established in Section 183.01 of the Palm Bay Code of Ordinances, is to provide a Plan that guides future growth and development. Specifically, Section 183.01 (B) "Encourage the most appropriate use of land; promote and protect the public health, safety, and general welfare; preserve the residential or historical character of neighborhoods; promote the residential, business, and industrial needs of the community; and conserve and protect natural resources within the city, while protecting private property rights. The adoption of this section reserves the city's right to balance the needs of the community."

The Plan includes the following objectives:

FLU-3.1 "Provide additional commercial areas by type, size and distribution, based upon area need and the availability of supporting infrastructure."

FLU-3.1A "The acreage of commercial land permitted by the Future Land Use Map shall not exceed projected needs."

FLU-3.1B "Commercial development shall be located at locations with adequate access and with appropriate water and sewer service."

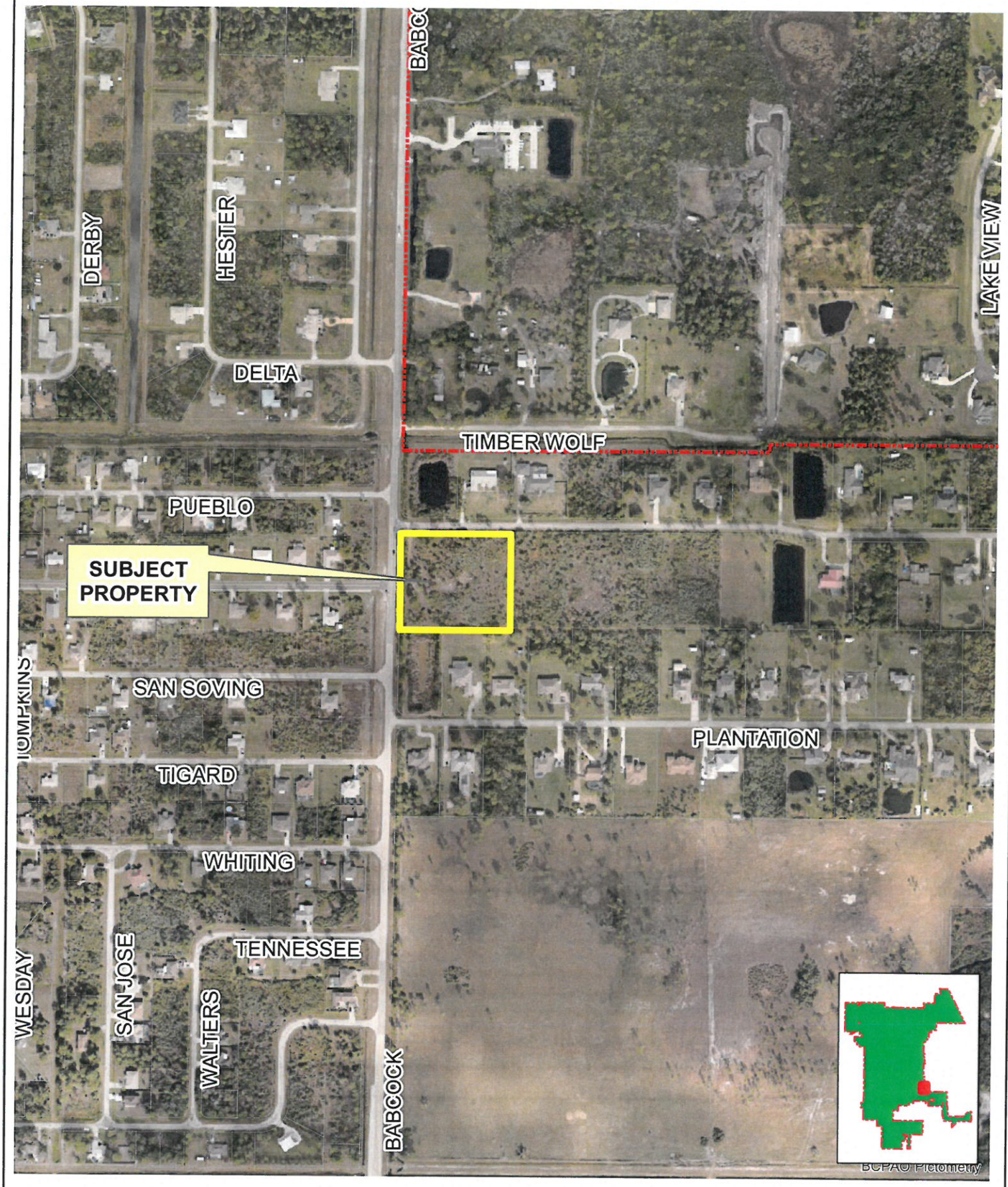
Based upon the presently undeveloped 240+ acres of commercial land located approximately 3,000 feet north and south of the subject property and the surrounding rural residential land uses, staff believes the request is not warranted.

STAFF RECOMMENDATION:

Staff recommends denial of the request due it being inconsistent with the policies and objectives of the Plan, as identified in this report. The new I-95 interchange and St. Johns Heritage Parkway (Parkway) will contain commercial land needed to support this area of Palm Bay. The abundance of commercial land (from Eldron/Grant to the Parkway) has been sited at the intersection of high-functioning roadways that allow for planned commercial development and promotes this type of development at commercial nodes,

as opposed to strip or isolated development. Babcock Street, from Malabar Road to the Parkway, currently has no identified funding for construction. The PD&E is Planned for FY 2018 and roadway design in FY 2020. This study and design phase may include a signal warrant analysis and will be determined at that time. Until this segment of Babcock Street is 4-laned, and controlled access points via signalization are identified, this request is premature.

Should the Board and Council choose to approve the request, staff would recommend that vehicular access to Plantation Circle be prohibited and that the submitted buffer plan be a requirement of any future development.



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

Map created by the Land Development Division

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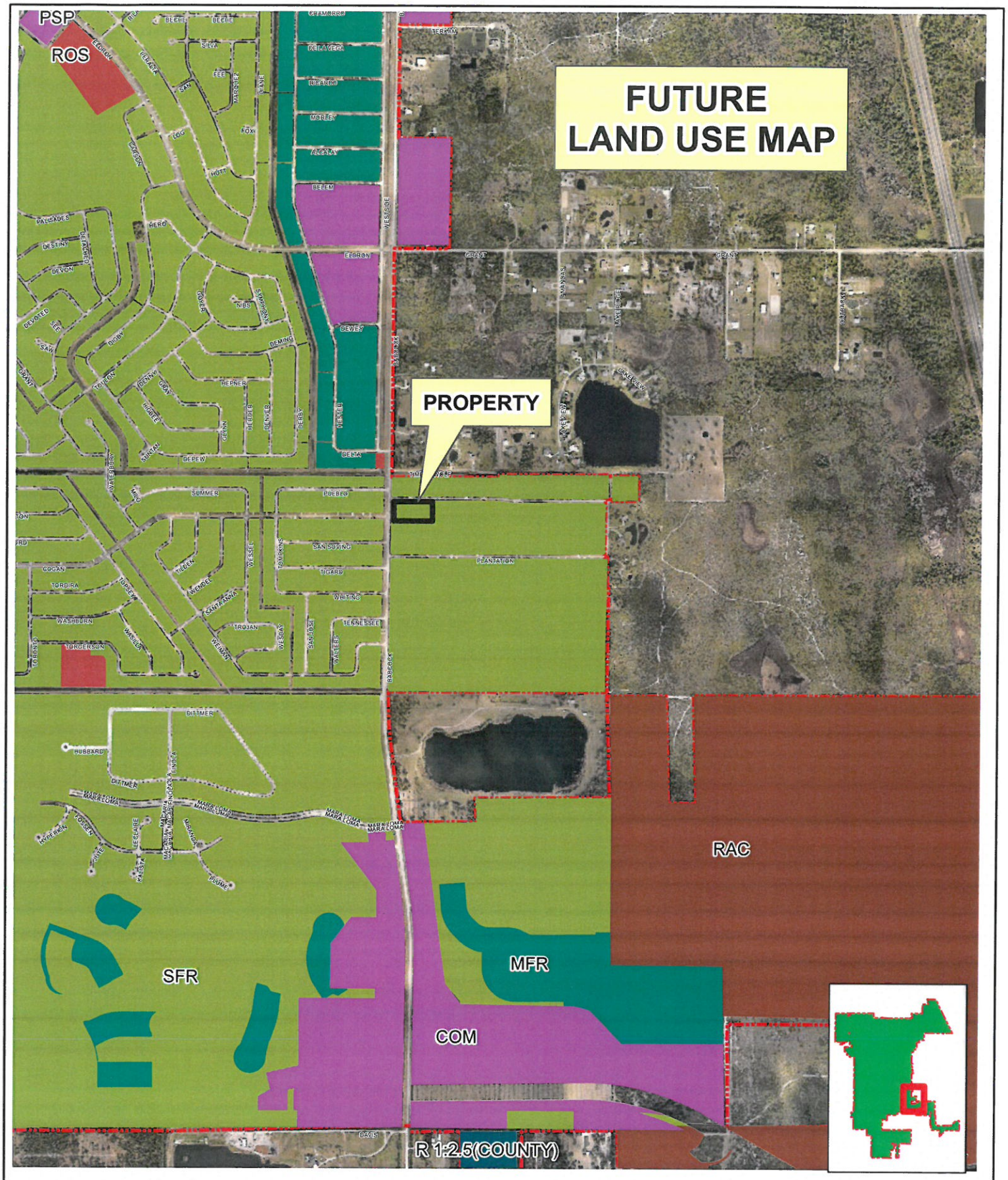
CASE NO. CP-20-2017 AND CPZ-20-2017



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

Map created by the Land Development Division

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W E
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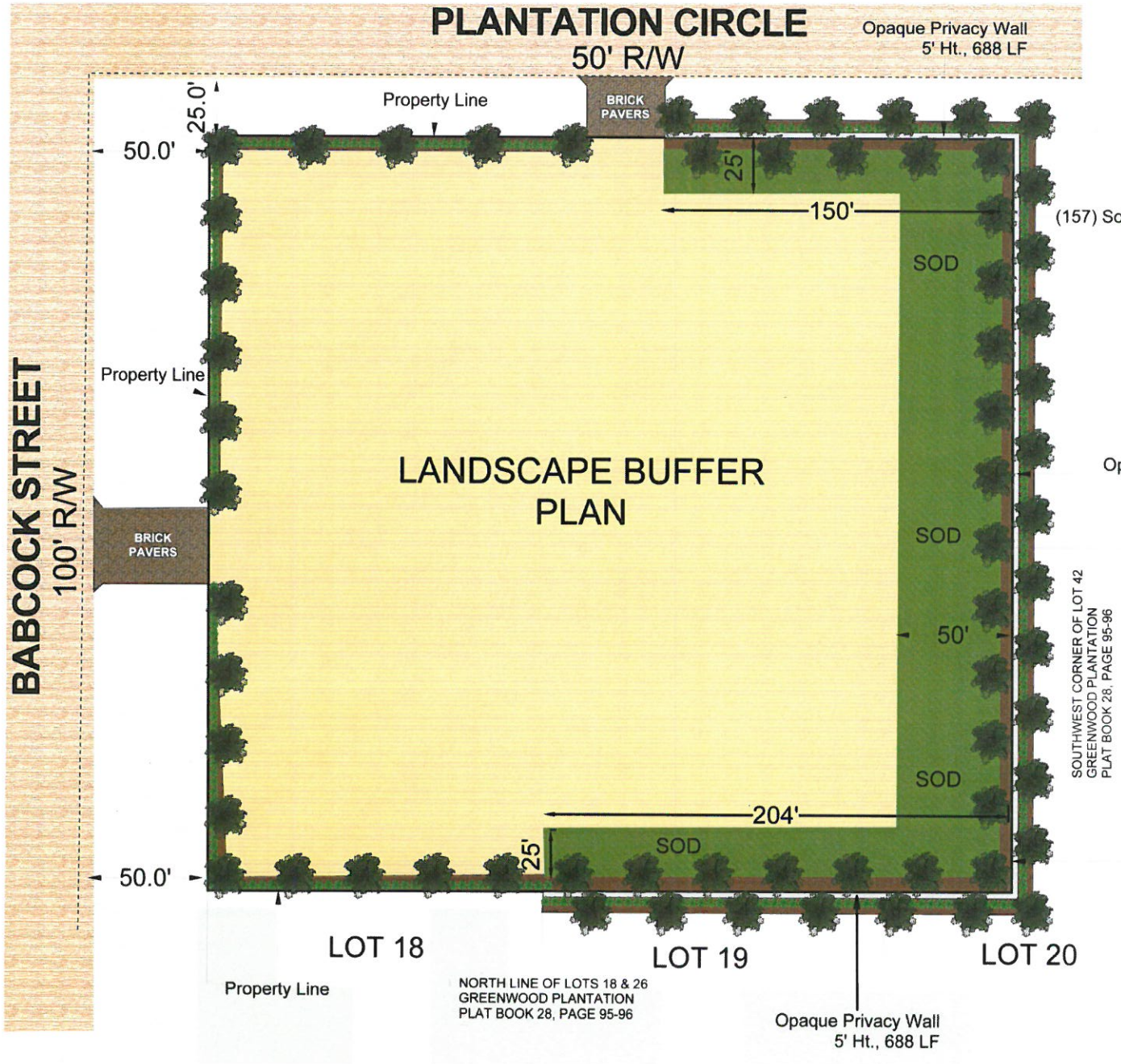
CASE NO. CP-20-2017



LANDSCAPE NOTES

48 PALLETS FLORITAM SOD
11,700 SF ENVIRONMULCH

(157) Southern Wax Myrtle

Floritam Sod

Opaque Privacy Wall
5' Ht., 688 LF

(43) Live Oak

Property Line

Symbol	Qty	Common	Botanical	Size
	65	Live Oak	Quercus virginiana	65g., 12-24' Ht., 30' Spd., 4" Cal.
	322	Southern Wax Myrtle	Myrica cerifera	7g., 48" Ht., 36" Spd.

N

SCALE: 1" = 20'

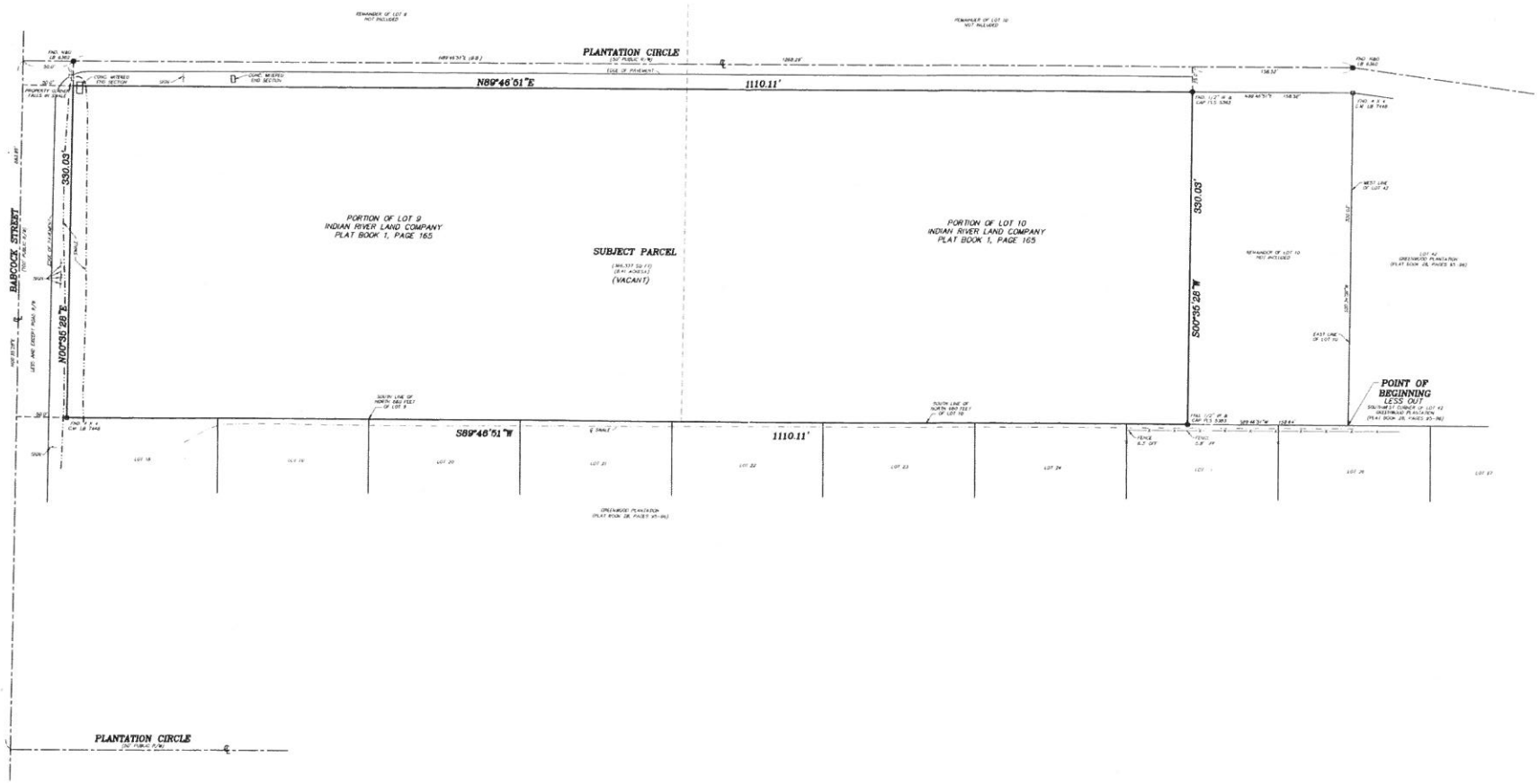
Page 1/1

WEST POINTE PROPERTY

PALM BAY, FL

9/2/16

Design by:
EILEEN G DESIGNS
Landscape Design/Design Build
1650 SW Prosperity Way
Palm City, FL 34990
Phone Number: 772-260-0305
E-mail: eileengdesigns@gmail.com
Web: EileenGDesigns.com



SURVEY PREPARED FOR:
WEST POINT BABCOCK, LLC
HSA GROSS
ALLIANCE TITLE INSURANCE AGENCY
CHICAGO TITLE INSURANCE COMPANY

DESCRIPTION: THE SOUTH 330 FEET OF THE NORTH 660 FEET OF LOTS 9 AND 10, EXCEPT ROAD RIGHT OF WAY IN SECTION 34, TOWNSHIP 29 SOUTH, RANGE 37 EAST, OF FLORIDA INDIAN RIVER LAND COMPANY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 165, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LESS AND EXCEPT A PORTION OF LOT 10, FLORIDA INDIAN RIVER LAND COMPANY, SECTION 34, TOWNSHIP 29 SOUTH, RANGE 38 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 165, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF LOT 42, GREENWOOD PLANTATION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGES 93-96, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN S89°46'51"W ALONG THE NORTH LINE OF LOTS 28 AND 29, OF SAID GREENWOOD PLANTATION, A DISTANCE OF 158.64 FEET; THENCE N00°35'28"E A DISTANCE OF 330.03 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF PLANTATION CIRCLE ACCORDING TO PLAT OF SAID GREENWOOD PLANTATION; THENCE N89°46'51"E, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 158.52 FEET TO THE EAST LINE OF SAID LOT 10; THENCE S00°34'09"W, ALONG SAID EAST LINE OF LOT 10 ALSO BEING THE WEST LINE OF LOT 42, A DISTANCE OF 330.03 FEET TO THE POINT OF BEGINNING.

AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO F.I.R.M. PANEL 0866 G DATED MARCH 17, 2014, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X.

BOUNDARY SURVEY

SCALE: 1" = 50'

NORTH

JOB # 13011

REVISION: ____
REVISION: ____
REVISION: ____

FIELD SURVEY DATE: 07-07-15
SECTION 34, TOWNSHIP 29 SOUTH, RANGE 38 EAST

L.B. #6623

NOTES:

1. THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED. AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR. ANY REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.
6. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.
7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
8. ELEVATIONS IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.

3870 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B.#6623
PHONE: (321)768-8110 FAX: (321)952-9771 E-MAIL: aalsurvey@aalsurvey.com

ANDREW W. POKSHOK
P.L.S. No. 5383

DANIEL D. GARNER
P.L.S. No. 6189

LEGEND

(P)	– PLAT
(M)	– MEASURED
(D)	– DEED
FND	– FOUND
I.R.	– IRON ROD
I.P.	– IRON PIPE
C.M.	– CONCRETE MONUMENT
℄	– CENTERLINE
P.O.B.	– POINT OF BEGINNING
P.U.	– PUBLIC UTILITY
D.E.	– DRAINAGE EASEMENT
P.L.S.	– PROFESSIONAL LAND SURVEYOR
U.E.	– UNDERGROUND
F.F.	– FINISH FLOOR
EL.	– ELEVATION
∠	– DELTA
R	– RADIUS
L	– ARC LENGTH
(B.B.)	– BASIS OF BEARING
(N.R.)	– NON RADIAL
N&D	– NAIL AND DISK
CONC	– CONCRETE
P.O.C.	– POINT OF CURVE
P.O.L.	– POINT OF LINE
PRM	– PERMANENT REFERENCE MARKER

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) West Pointe Babcock, LLC

ADDRESS c/o Smith & Associates, 1499 S. Harbor City Blvd, Ste. 202

CITY Melbourne STATE FL ZIP 32901

PHONE # 321-676-5555 FAX # 321-676-5558

E-MAIL ADDRESS stephen@smithlawtlh.com

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION

See attached - a larger pdf version is available upon request.

SECTION 34 TOWNSHIP 29S RANGE 37E

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 2.89

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

5) LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE: ~~CC~~ Commercial Use (PTM)

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.)

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

The property fronts a major road.

10) SPECIFIC USE INTENDED FOR PROPERTY: Commercial

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)).

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/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.

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.

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

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

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

Signature of Applicant _____ **Date** 9-27-17

Printed Name of Applicant Alan Sakowitz

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

CITY OF PALM BAY
RECEIVED

SEP 28 2017

LAND DEVELOPMENT

WEST POINTE BABCOCK, LLC
1135 Kane Concourse, Third Floor
Bay Harbor Islands, Florida 33154

August 22, 2017

City of Palm Bay

Please be advised that Smith & Associates, through its attorneys and Jason Steele, are authorized to submit a Rezoning Application and a Comprehensive Plan or Future Land Use Map Amendment Application on behalf of West Pointe Babcock, LLC and represent it in any proceedings related to said applications.

WEST POINTE BABCOCK LLC

Alan Sakowitz, Managing Member

STATE OF FLORIDA

COUNTY OF Miami - Dade

BEFORE ME, the undersigned authority, personally appeared Alan Sakowitz who is a managing member of West Pointe Babcock, LLC, who is personally known to me, or who produced Personally Known as identification, and who did/did not take an oath.

SWORN TO AND SUBSCRIBED before me this 27th day of September, 2017.

NOTARY PUBLIC

Notary Public State of Florida
William Manning-Marshall
My Commission GG 115178
Expires 06/15/2021

CASES CP-20-2017 & CPZ-20-2017

CORRESPONDENCE: 21

Chandra Powell

From: Medstaff Nursing Solutions <wetemps@aol.com>
Sent: Wednesday, October 18, 2017 4:20 PM
To: Derek Burr; Patrick Murphy; Chandra Powell; Andrew Lannon; Gregg Lynk; cclary@claryfl.com; judytberry@gmail.com
Subject: cpz 20-2017 and cp20-2017
Attachments: Highest Best Use Argument.doc

Dear Madam / Sir

Attached you will find some information that I would like you to consider with regards to the proposed rezoning of a portion of the lot in the center of Plantation Circle

Please consider this information when preparing your recommendation to the planning and zoning board.

Im sure that by now you have a good idea as to why we do not want this non conforming entity located in the heart of our neighborhood.

The **attached document** is in support of our argument that the applicant has misled the board and council in the past. He has insisted that by having a portion of the lot on Plantation Circle rezoned commercial it would represent the property's best highest use. But, he fails to explain the overall use of the two areas of different zoning the he would create. Because of the dynamics of the lot, frontage requirements etc,**his proposal does not improve the overall value of the entire piece.** And , of course, it will cause significant disruption to our neighborhood.

I have made a comparison as if two existing commercial entities on Babcock st were located on the proposed rezoned portion of the lot. They speak for themselves

I hope to send you more information and reasons for my objection to this proposal. As of today, we have not received our notice for the proposal so many of the residents are confused as to what is included in the documents. I have tried to send out as much info to them as I can because of the extremely short response time we were given..

We really hope that you can get the time to take a ride through our neighborhood before your recommendations are made.

Thank you for your consideration and patience in this matter

Sincerely

Kenneth Smith
1866 Plantation Circle Se
Palm Bay Florida, 32909
609-226-0120

Highest Best Use Argument
Rezoning Part of Plantation Circle or Keeping it Residential

The following assessment compares what the required taxes would be if either the ACE Hardware or the BP Station with strip mall were to be put on the proposed rezoned lot on the front of Plantation Circle. These are two existing commercial properties on Babcock south of I 95

Taxes shown are current for the commercial properties.

The residential taxes are comparable with the house located just adjacent to the Proposed Rezoned Area. 6 large residential homes at aprox 400,000 market value, taxable at $5500 each = $33,000.00

Residential lots on Plantation Circle require 150 ft of frontage and 1 acre.

		Rezoned	Residential
Number of Possible lots		4	6
Comparison with Ace Hardware			
Commercial Lot Taxes	($9396)		
3 Residential Homes Taxes	($16500)		
Total taxes Due		$25,894.00	$33,000.00
Comparison with BP Station			
Commercial Lot Taxes	($14777)		
3 Residential Homes Taxes	($16500)		
Total taxes Due		$31277.00	$33,000.00

Conclusion

The current use of the land at Plantation Circle is just as valuable or even more valuable than if the City Rezones a portion of the property Commercial

Other Considerations

Because the Applicant refuses to specify the actual use of the property, it may be assumed that he may choose to build for a non-profit entity, further draining the city of much needed tax revenue.

A commercial use in the middle of this well developed Neighborhood does not blend or fit with the existing neighborhood or surrounding area. It is unwanted by the residents who reside in the area.

There are many undeveloped commercial lots available in this neighborhood.

If the front 3 lots are zoned commercial , the adjacent properties will not be as desirable for home building.

This is an upscale neighborhood with oversized lots and large homes. Commercial operations in the middle of these homes will most likely result in a reduction in their value.

Land Area Calculations

Required minimums

1 Acre Lots
150 ft of Frontage.

This property has already been sub divided once 4 years ago. 1.136 acres Sold To Kenneth Smith

Plantation Circle Original Lot

.

Original Frontage.....1110 .11 Feet
Side Depth .....330.03 Feet
Total Square Feet 366,369
Total Acreage..... 8.41 Acres

Plantation Circle Lot after 1st sub –division

Remaining Frontage..... 960.11 Feet	Diff 150ft
Side Depth .....330.03 Feet	Same
Total Square Feet.....316,865	Diff 49540 sq Ft
Total Acreage.....7.274	Diff 1.136 Acres

After Proposed Rezoning for partial commercial use

Proposed Lot =	2.89 Acres	Remainder Lot = 4.384 Acres
Depth	330.03 Feet	330.03 ft
Frontage	381.45 Feet	578.66

Remaining Frontage 578.66 Divided by Min Frontage 150Ft = 3.85

Remaining Legal Residential lots = 3

Case Numbers CPZ-20-2017 (Zoning)
and
CP-20-2017 (Land Use)

I object to the Rezoning and Reuse of the 2.89 Acres located on Plantation Circle from Residential to Commercial Use.

Enclosed please find a detailed explanation of the basis for my objection

Kenneth R. Smith
1866 Plantation Circle
Palm Bay, Florida 32909

Table of Content

A) Opening Statement

B) Map of Plantation Circle

C) Not the highest best use

D) Opening Remarks

D) Reason 1 for Voting NO ! with supporting ordinance

E) Reason 2 for Voting NO ! with application

F) Reason 3 for Voting NO ! with supporting ordinance

H) Reason 4 for Voting NO! with supporting ordinance

(I) Article Published in FLORIDA TODAY

(J) Fire !!!!

(J) Insulting and Threatening letter from Applicant

In recent years, the City of Palm Bay has exercised some long needed good planning with regards to residential and commercial area development. Basically developing these areas in modules that enhance each other. Bayside is a great example of how it is done right. The main Corridor of Palm Bay Road and the planned redevelopment on Route 1 also lend to this format. **We all want to see organized, well thought out commercial entities within our City.**

But, occasionally things go awry. Some outside speculator tries to pick up a cheap piece of property in an exclusively residential area and seeks to rezone it to commercial property, for the sole purpose of making a few quick bucks "flipping"it. These are not residents of Palm Bay, do not pay taxes in Palm Bay, and, most importantly, they don't vote in Palm Bay like my neighbors and me.

This is now the case at the southern end of Babcock Street, on Plantation Circle. The lot in question is bounded on all sides excepting Babcock Street. There are 13 Homes that are adjacent to the lots (It is right in the heart of our developed residential neighborhood. The houses in this area are owned by people who invested their life's savings to build their homes here and start their families. The city master plan has for a long time classified this area as strictly residential. When I built my house here, I made sure that it was in a strictly residential area before investing in buying my property and building my home.

Now, an outside speculator group is again trying to rezone the 8 lot residential piece at the entrance to our subdivision. Three times in the past they submitted their application for this rezoning and change of use. Each time they failed to receive endorsement for their application from the Growth Development Department. Each time the Planning and Zoning board has denied the application. Twice the same applicant has withdrawn their application at the last minute before going before City Council. Their last application was not voted on and sent back to be redone again.

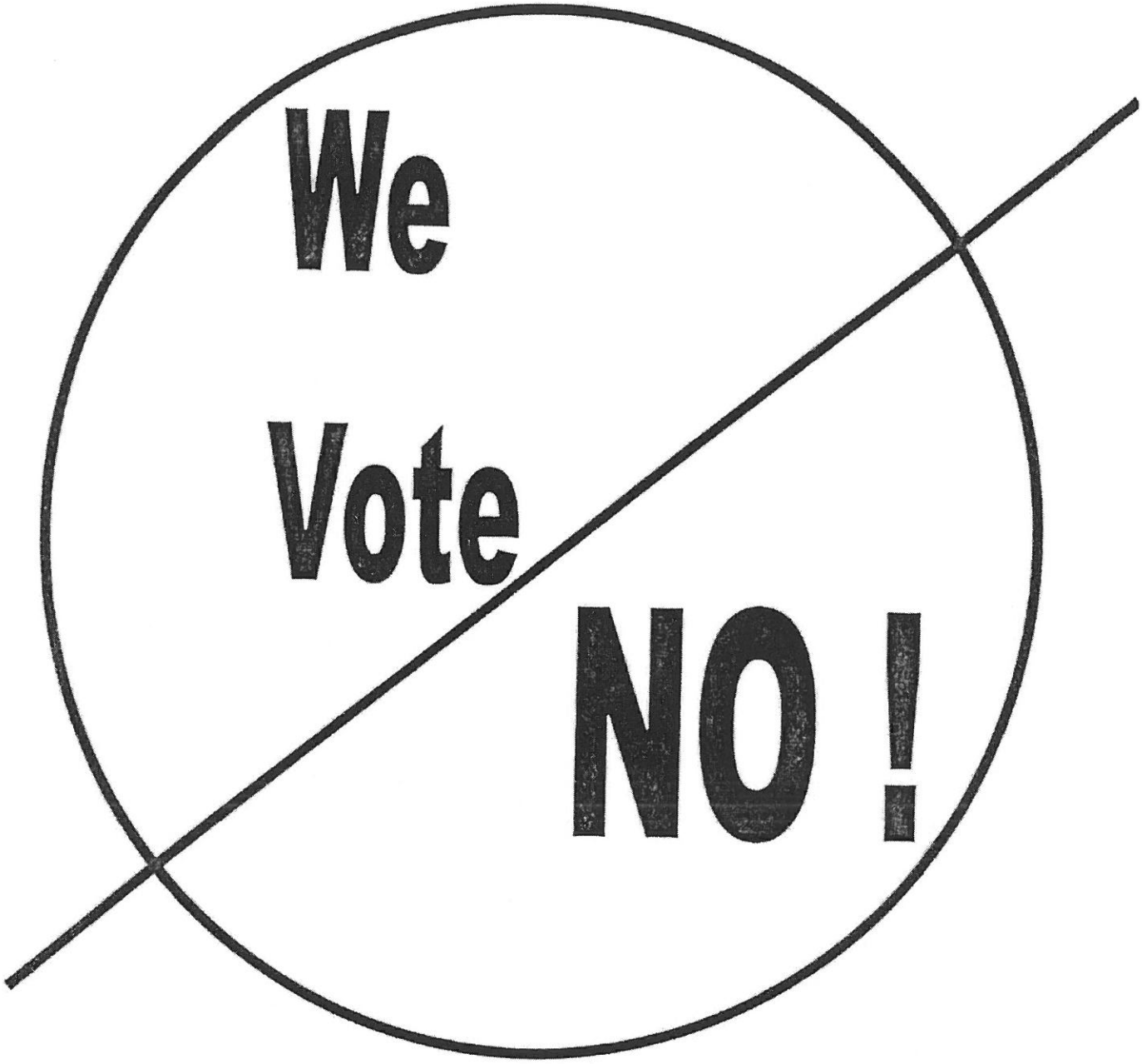
During the first two applications, there were petitions of objection that far exceeded the requirement for a supermajority vote in council. In the last petition submitted to P&Z, 100% of the adjoining property owners objected to the application as well as over 70% of the land owners located within the 500 ft notification radius. **Following the last application being withdrawn, representatives of the applicant persuaded city officials to eliminate the petition ordinance contrary to the recommendation of the Planning and Zoning board which recommended a 60% threshold for requiring a super majority council vote**.. To me, it is obvious that this ordinance removal was aimed directly at the only residents that ever used it, the residents of Plantation Circle.

My neighbors and I object to this project. We urge the individuals on the Palm Bay Zoning board and the members of the town council to vote to reject this project. Its sole merit is to profit the speculators who seek to flip this property. Changes like this should be made prudently and with caution not to cause harm to our existing residents and their way of life. New and improved are not always words that indicate " for the good of the people." There are different kinds of growth. **We want organized, well planned commercial growth that enhances our lives, not the hap-hazard type of the past that does more harm than good and cheapens the image of our city.**

Attached I have outlined some of the reasons that I object to this project as well as other information and emails that may be important to the issue. You may contact me at any time if you would like to discuss this matter further.

Respectfully

Kenneth R. Smith
1866 Plantation Circle
Palm Bay, Florida 32909
Wetemps@aol.com
609-226-0120


We
Vote
NO !

There should be an overwhelming, important reason to change property zoning in the heart of an established Residential Neighborhood!

Financial gain for one individual over that of another is not such a justification!

The Residents of Plantation Circle Have More Than

$11,480,515.00 Invested In Their Properties

We pay over $160.000.00 in property taxes per year

Houses

Plantation Circle, Palm Bay Florida
Currently 48 Homes
Average Market Price aprox $400,000

Highest Best Use Argument

Mr Sakowitz and Mr West point out that the property in question should be rezoned commercial because it would be the "Highest, Best , Use of the property.. Unfortunately, when all factors are considered, this point is simply not true.

Please consider the following two page assessment of Highest Best Use

They support of our argument that the applicant has misled the board and council in the past. The Applicants have insisted that by having a portion of the lot on Plantation Circle rezoned commercial it would represent the property's best highest use. But, they fail to explain the overall use of the two areas of different zoning the they would create. Because of the dynamics of the lot, frontage requirements etc, their proposal does not improve the overall value of the entire piece. And , of course, it will cause significant disruption to our neighborhood.

I have made a comparison **as if** two existing commercial entities on Babcock st were located on the proposed rezoned portion of the lot. The numbers speak for themselves

Highest Best Use Argument
Rezoning Part of Plantation Circle or Keeping it Residential

The following assessment compares what the required taxes would be if either the ACE Hardware or the BP Station with strip mall were to be put on the proposed rezoned lot on the front of Plantation Circle. These are two existing commercial properties on Babcock south of I 95

Taxes shown are current for the commercial properties.

The residential taxes are comparable with the house located just adjacent to the Proposed Rezoned Area. 6 large residential homes at aprox 400,000 market value, taxable at $5500 each = $38,500

Residential lots on Plantation Circle require 150 ft of frontage and 1 acre.

		Rezoned	Residential
Number of Possible lots		5 **	7
Comparison with Ace Hardware		Taxes to be paid	
Commercial Lot Taxes	($9396)		
3 Residential Homes Taxes	($22000)		
Total taxes Due		$31,396	$38,500
Comparison with BP Station		Taxes to be paid	
Commercial Lot Taxes	($14777)		
3 Residential Homes Taxes	($22000)		
Total taxes Due		$36,777	$38,500

Conclusion

The current use of the land at Plantation Circle is just as valuable or even more valuable than if the City Rezones a portion of the property Commercial

Other Considerations

Because the Applicant refuses to specify the actual use of the property, it may be assumed that he may choose to build for a non-profit entity, further draining the city of much needed tax revenue.

A commercial use in the middle of this well developed Neighborhood does not blend or fit with the existing neighborhood or surrounding area. It is unwanted by the residents who reside in the area.

There are many undeveloped commercial lots available in this neighborhood.

If the front 3 lots are zoned commercial , the adjacent properties will not be as desirable for home building.

This is an upscale neighborhood with oversized lots and large homes. Commercial operations in the middle of these homes will most likely result in a reduction in their value.

****Almost for certain another lot will be lost because of the requirement for a retention pond that is not included on the applicants submission**

Land Area Calculations

Required minimums

1 Acre Lots
150 ft of Frontage.

This property has already been sub divided once 4 years ago. 1.136 acres Sold To Kenneth Smith

Plantation Circle Original Lot

Original Frontage.....1110 .11 Feet
Side Depth .....330.03 Feet
Total Square Feet 366,369
Total Acreage..... 8.41 Acres

After Proposed Rezoning for partial commercial use

Proposed Lot =	2.89 Acres	Remainder Lot = 5.51 Acres
Depth	330.03 Feet	330.03 ft
Frontage	381.45 Feet	727 ft

Remaining Frontage 727 ft Divided by Min Frontage 150Ft = 4.8

Remaining Legal Residential lots = 4

Reason Number One..... for **voting No** to the proposed change of zoning for the entrance lot to Plantation Circle sub division.

This lot's major frontage is on Plantation Circle. Its side lot faces toward Babcock The required frontage for the subdivision of the 7 lots in this parcel in the past has been a minimum of 150 feet on Plantation Circle in accordance with our local zoning. I know this because I have already subdivided a piece off of this original piece of land and was required to have 150 feet frontage on Plantation Circle.

This lot is particularly ill suited for direct access on to an undivided Babcock Street with no deceleration lane in either direction. The frontage onto Babcock starts with a drainage right of way that is approximately 8 feet deep and 10 feet across. Water and sewer are required for this lot but is located on the opposite side of Babcock Street. This will require water and sewer to be brought across Babcock just for this lot.

To the north, there is a substantial amount of undeveloped community commercial land in close proximity to this location (See Map on next page). Until some of this commercial land is developed there is absolutely no need or advantage to the citizens of Palm Bay to rezone these beautiful, unique residential lots into a strip mall.
To the south, within a short distance, there are plans to develop a large commercial hub in the close proximity of the Babcock- By Pass intersection. This is planned along with a huge residential area of homes, townhouses, and condos. This will be similar to Bayside and is the smart kind of development that enhances both the residential areas and the commercial entities.

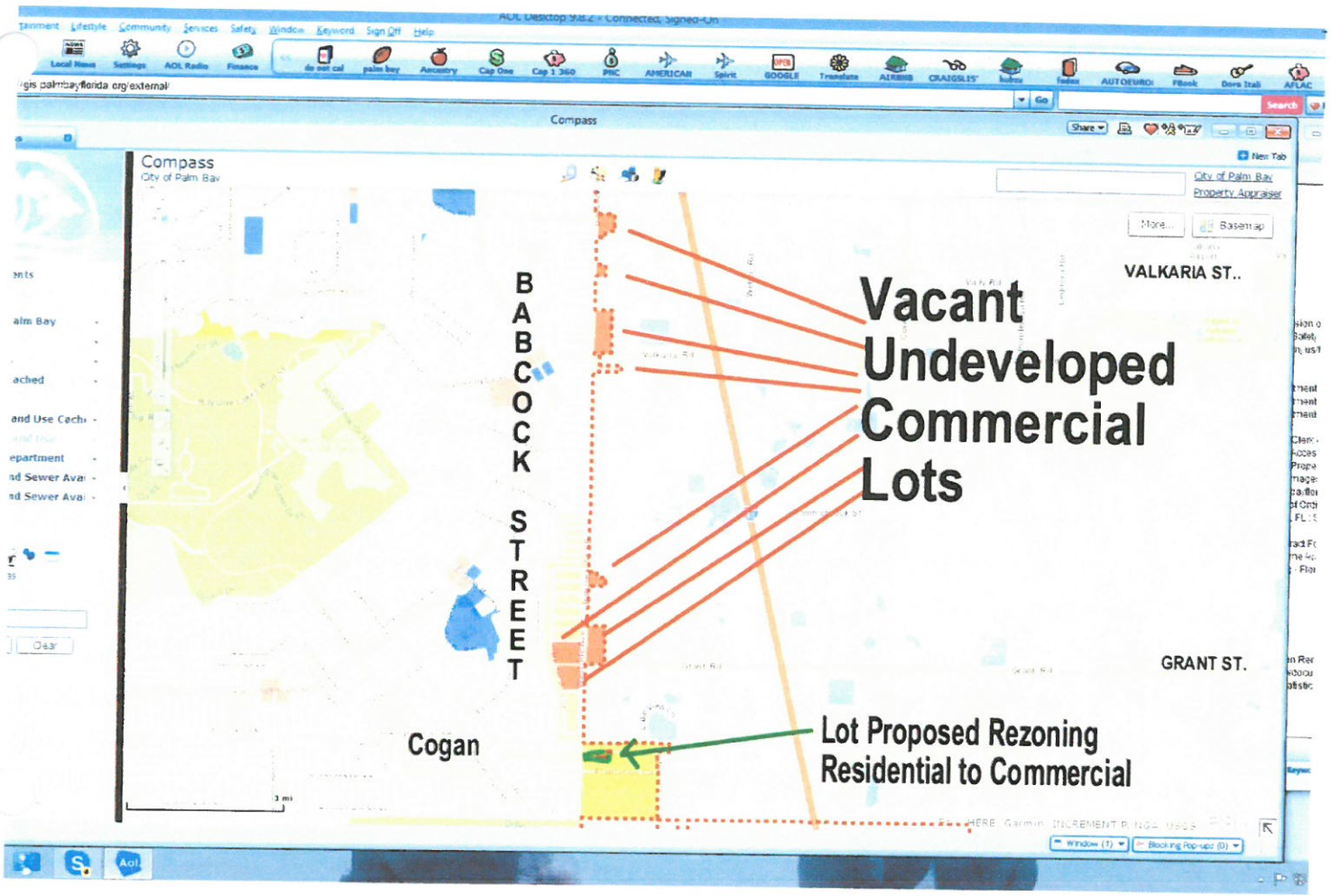
This is where we hope that our Planning and Zoning committee wisely foresee what is coming and encourage another model similar to the one used to develop Bayside. (Keeping commercial and residential areas in close proximity but not integrated into each other. That is what makes an attractive and inviting community.

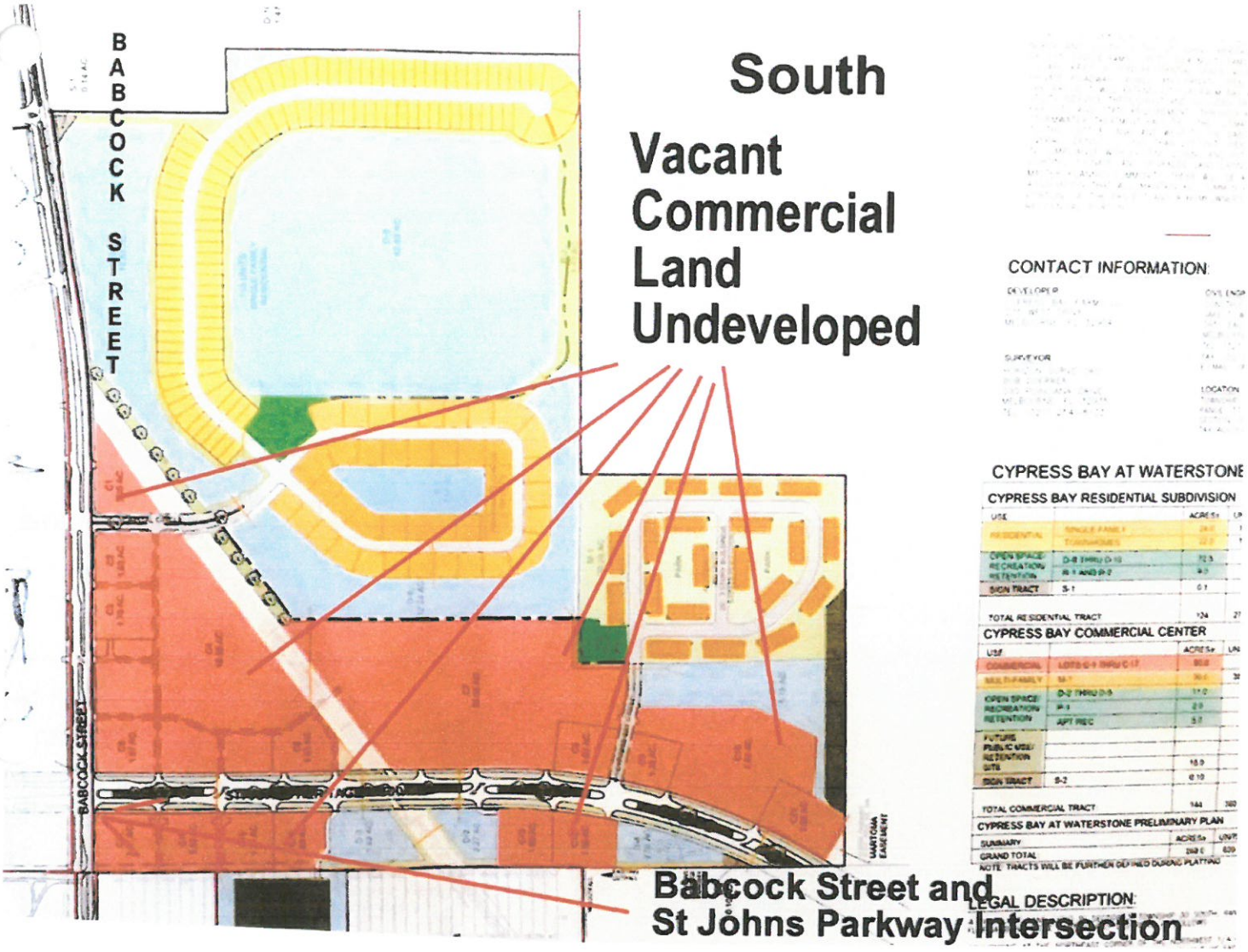
Unfortunately, that is just the opposite of what this applicant wants to do.
What happens to the community after he is done is the least of his concerns especially the cost to local residents both financially and emotionally? He openly admitted to the Residents of Plantation Circle that he only cares about is making a large sum of money on his investment. The problems that follow are not his responsibility.

This is a beautiful Residential Neighborhood, One of the nicest in Palm Bay. Let's keep it that way. There is no legitimate justification for destroying the heart of Plantation Circle Community, especially while there are acres and acres of undeveloped community commercial land right around the corner.

Property rights go both ways. People should have the right to do whatever they want with their property, but it should not interfere with the rights of other established land/home owners. Residents want **Life, liberty and the persuit of happiness**
Speculators and their cronies = **Power, Money, and the profit you can make with it.**

We hope that our Planning and Zoning board will protect the existing, hard working residents of this community by enforcing our existing zoning restrictions. Our elected officials need to stop telling us "But we are doing this for the good of the entire population of Palm Bay." Want to bet! Ask any citizen of Palm Bay " Do you agree with the widespread integration of commercial entities into Palm Bay Neighborhoods. Not hard to guess that answer. **Please do the right thing and deny this applicant.**


Compass
City of Palm Bay
City of Palm Bay
Property Appraiser
VALKARIA ST..
BABCOCK STREET
Vacant
Undeveloped
Commercial
Lots
GRANT ST.
Cogan
Lot Proposed Rezoning
Residential to Commercial


BABCOCK STREET
South
Vacant
Commercial
Land
Undeveloped
CONTACT INFORMATION:
CYPRESS BAY AT WATERSTONE
CYPRESS BAY RESIDENTIAL SUBDIVISION
CYPRESS BAY COMMERCIAL CENTER
CYPRESS BAY AT WATERSTONE PRELIMINARY PLAN
LEGAL DESCRIPTION:
Babcock Street and
St Johns Parkway Intersection

This is from the City of Palm Bay Website:

§ 185.005 PURPOSE.

The city zoning code is based on, consistent with, related to and adopted to effectuate and implement the policies of the city comprehensive plan in order to protect, preserve and improve the public health, safety, order, appearance, convenience and welfare of the inhabitants of the city, including, but not limited to:

(A) **Lessening congestion in the streets;**

(B) **Encouraging the most appropriate use of land, water and resources;**

(C) Providing adequate light and air;

(D) Securing safety from fire and other dangers;

(E) Preventing the overcrowding of land;

(F) Presenting the character and stability of residential, commercial, industrial and other areas;

(G) Facilitating the adequate provisions for transportation, water supply, sewerage, drainage, sanitation, recreation, schools, housing, and other services; and

(H) **Conserving and enhancing the standard of living within the city.**

Please consider the above city ordinance and vote NO to support your fellow residents and friends in Palm Bay. And yes, we are also voters who will not forget your vote at election time…We want officials that represent us, not outside interests. Your No vote will guarantee our support in your future endeavors.

Reason Number Two..... for voting No

Application for rezoning...Changed, Incomplete, and Pretentious.

I obtained a copy of the submitted Comprehensive Plan Amendment Application with regards to rezoning a property located at the front of Plantation Circle with a side access to Babcock Street at the Junction of Cogan Road. This application was provided to me upon my request from the Growth Management Department

The current owner has purchased a large 7+ acre residential lot located on Plantation Circle. The applicant is aware that this property cannot be subdivided without a Major Subdivision Site Plan application because it has already been subdivided once already. On the two previous applications by this applicant, the request was for changing the zoning of a little over 4 acres of this property. **He has now changed his application to reflect a request to change the zoning of the entire 8+ acres to community commercial. This would absolutely destroy the entire fabric of our community**. He proposes to build a wall that will border 15 residential lots, 12 of which are beautiful homes set in a country landscape. A 6-foot high brick wall to look at every day. We don't live on the Texas-Mexico border.

Incomplete application.....Not ByAccident !!!

Line Item #9
Justification for Change (attach additional sheets containing supporting documents and evidence if necessary. The clients response; ***Fronts major Road.*** Knowing how much is at stake here with all of the residents that oppose this change, the applicant could have at least made an effort to justify why this change is needed. Fronting a major road is in no way a justification for changing the zoning of a residential lot. This is an insulting answer to a very important question....Why do we need to do this?? Why do so many people have to change the quality of life? What is the Justification ??

Line Item #10
Specific use intended for property The client's response: ***Commercial***..
"Commercial" is not a SPECIFIC use for the property. Commercial is the zoning and use change sought not the reason for it. Evidently this is pure speculation and the applicant has provided no information for you to make an informed decision. I mean, a tattoo parlor, a funeral parlor with a crematorium, a gas station? Why is he avoiding the issue and not correctly answering truthfully and completely on the application.

Can I have a blank Check Please ??

This is a con job, a way of getting approval for all kinds of commercial entities without giving the slightest hint at what the real intended use will be. **At a Meeting held on Tuesday, April 25th, 2017 the residents of Plantation Circle finally found out why Mr. Sakowitz and Mr. West left that part of their application with an evasive answer. As Mr. Sakowitz stated publicly to all of the residents in attendance, He doesn't know and doesn't care what he puts on that lot. As long as someone is willing to pay him, he will develop whatever they want.**

There you have it !!!!
The list of community commercial uses take up 3 pages in the code of ordinances. They range from Tattoo parlors to Crematoriums. **They also include many Tax Exempt uses that could cost the City a fortune in lost taxes.** It would be morally repugnant to approve this "Blank Check" and destroy the quality of life of so many Palm Bay Residents without even knowing why. The Planning and Zoning board, The City Council, and most importantly, the residents of Palm Bay deserve transparency with this type of application and have the right require specific information prior to considering any kind of variance or re-zoning.

Reason Number Three..... for **voting No** to the proposed change of zoning for the entrance lot to Plantation Circle sub division.

First: Access to this commercial lot is restricted by ordinance:

Originally, the city of Palm Bay ordinance 185.130 allowed for a commercial property to have access to a residential street if it was located on a corner of an arterial highway. This ordinance was adopted in 1989 when Palm Bay was in its infancy. Later, on February 15, 1996, ordinance 184.25 was adopted. This more current ordinance was adopted after Palm Bay was experiencing a dramatic increase in growth. The more recent ordinance specifically prohibits any commercial or industrial entity from having direct access to a residential Street. (See Attached)

The applicant has shown us several concept drawings of his possible plans, all having an illegal direct access onto Plantation Circle, a neighborhood residential street as defined by the Florida DOT manual on streets.

Second: Large Trucks stuck on our street Trucks arriving at the new commercial site making deliveries will on occasion inadvertently pull on to Plantation Circle Street by mistake instead of the main parking lot. They may also use Plantation Circle to pull into to wait to make a delivery. Once a tractor-trailer has turned onto Plantation Circle, it will have one of two choices. It can either back up on to Babcock Street, which would be suicidal, or they could proceed down Plantation Circle, not knowing that the end of our street has a two bends that cannot accommodate large trucks without driving on the lawns of several houses. This is a nightmare no matter how you look at it.

Third: Secondary Increased traffic on our street because of exiting and entering the commercial property. Every time someone misses the turn for the strip mall parking lot, they will turn on to our street and drive around to the other side our circle to get to the commercial property.
I say drive, but experience tells me that in a short time the city will have to put in speed bumps or other traffic slowing devices to slow down these shoppers who have missed their turnoff. **That is one reason that it is unwise to allow commercial entities in the middle of established neighborhoods.**

In Conclusion: This is a terrible, dangerous , and disruptive spot to create a commercial enterprise. It will result in direct problems with traffic on Babcock Street as well as secondary problems with congestion on Plantation Circle. All this and we still have no idea of what the applicant intends for the property if the re-zoning is granted. **At a minimum, this proposal should not be considered until Babcock Street is brought to 4 lanes and a traffic light is installed at Cogan and Babcock. Then, and only then, should the proposal be considered. By then, I would hope that the lots would be sold off as Residential.**

Making this dangerous intersection more complicated is flirting with disaster. Can you imagine the thought of a School bus full of small children being hit by a large dump truck at the intersection of Babcock and Cogan because someone was pulling out of the new commercial driveway at the same intersection.

Bookmark§ 184.25 NONRESIDENTIAL SUBDIVISIONS.

(A) General. If a proposed subdivision includes land that is zoned for commercial or industrial uses, the layout of the subdivision with respect to such land shall make such provision as the City Council may require. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the City Council that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity.

(B) Standards. The following principles and standards shall be observed:

(1) Special requirements over and above those listed in these regulations may be imposed by the city with respect to public infrastructure, such as streets, drainage, water and sewerage, etc., to accommodate the type of commercial and industrial development anticipated.

(2) The applicant shall make reasonable efforts to protect contiguous residential areas from the proposed commercial or industrial subdivision. These provisions include a requirement of a minimum twenty-five (25) foot wide permanent landscape buffer easement abutting all residentially zoned properties. Streets which carry nonresidential traffic shall not be built adjacent to the boundaries of residential areas. **The commercial and industrial subdivision shall not have direct vehicular access to a local residential street.**

(Ord. 96-05, passed 2-15-96)

Reason # 4 Failure to meet the City of Palm Bay Ordinance Required for Re-Zoning

This application fails to meet several of the required criterions for approval of rezoning.
Below is a list of the criterion taken from the city of Palm Bay Ordinance, which is attached.

Requirements for Altering the City Master Plan are as follows:

1. There must be a special condition or circumstance peculiar to the land which is not applicable to the surrounding land

Comment: There is no special condition or circumstance particular to this land. It is a basic residential lot in a residential area. This criterion is not met

2. These Special conditions are not the result of the actions of the applicant

Comment: Special condition does not exist: This criterion is not met

3. Enforcement of the existing code would deprive the applicant of rights commonly enjoyed by other properties in the same land use category and would work unnecessary and undue hardship on the applicant

Comment: Enforcement of the code would not deny the applicant: It would not put unnecessary and undue hardship on the applicant. Applicant has many people ready to purchase the land as it is currently zoned. The criterion is not met

4. Variance is the minimal variance necessary to make possible the reasonable use of the land

Comment: This property, used as it is currently zoned (Residential) already is a reasonable use of the land. This criterion is not met

5. Granting the variance will not confer special privilege that is denied by the development code to other lands

Comment: N/A

6. Granting the variance will be in harmony with the general intent and purpose of the code and will not be injurious to the surrounding properties or detrimental to the public welfare.

This variance would be totally out of harmony with the general intent and purpose of the code. It will be injurious to the surrounding properties and will adversely effect the quality of life of the public who lives in this residential neighborhood. This criterion is not met

The above criteria shall be used to determine the justification for granting of relief from the requirements of the development code. All variance requests shall demonstrate the application of each criterion of the specific case

Financial disadvantage or inconvenience to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of the variance

The applicant has failed to meet most or all of the criterion necessary to qualify for approval for rezoning the existing residential lot located in the center of Plantation Circle.

The Applicant keeps claiming the Babcock is a commercial road. Yet, from Waco south it is almost all Residential zoning. The city master Plan has several "Commercial Nodes" set to go for the expansion south of us where the new highway will cross Babcock Street. That is where the commercial growth will and should take place. In the vicinity of good Neighborhoods but not in the middle of them.

ott

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vironment to it that has no ngle? ck in the teeth on Floridians Amendment 1, would use new- venues for the protection of nds. Nobody e governor — nor — would his own legal

that cost tax- was the firing of Gerald Bai- espected head Department of ent. Bailey's chestrated by actively sup- abinet. g lawyer Mat- and several tions filed a ng that Scott nbers violated meeting law by ailey without sion or vote. Bailey went mplaints that d his staff had erly influence nal investiga- ed other inci- inter erence. rom past video cott isn't the r polished wit- . His aversion rstandable. sit still and tes- y Bailey was rnor chose to vous Cabinet close in his

r lawsuit was for $55,000, a rue cost to tax- e point, more ivate attorneys on behalf of abinet, racking about $365,000.

LETTERS AND FEEDBACK

Zoning change not good for residents

In recent years, the city of Palm Bay has exercised some good planning with regards to residential and commercial area development, developing these areas in modules that enhance each other. Bayside is a great example of how this is done right.

Occasionally, things go awry. Some outside speculator picks up a cheap piece of property in an exclusively residential area and seeks to rezone it to commercial property, for the sole purpose of "flipping" it. These are not Palm Bay residents or taxpayers and most importantly, don't vote in Palm Bay like my neighbors and me.

This is now the case at the southern end of Babcock Street on Plantation Circle. The residential single-family houses were built by people who invested their life's savings to build homes here and start families. The city master plan has long classified this area as strictly residential. I made sure of that before buying my property and building my home.

Now, an outside speculator group has set its sights on an eight-lot residential piece at the subdivision entrance. They have somehow rapidly cut through the process of rezoning property, and in six weeks hope to have completed rezoning of this area from residential to commercial. This will destroy our neighborhood and quality of life, changing the heart of our neighborhood to a strip mall site.

There should be an overwhelming, important reason to change property zoning like this. Financial gain for one individual over that of another is not such a justification.

Kenneth Smith
Palm Bay

GOP should look at facts, stop lies

Regarding Mr. Kasch's letter to the editor of Aug. 18, it would be refreshing for a change if Republicans embraced facts instead of making up lies.

Despite his hand-wringing

AP

Debbie Ziegler holds a photo of her daughter, Brittany Maynard, the California woman with brain cancer who moved to Oregon to legally end her life last fall, during an Aug. 18 news conference to announce the reintroduction of right-to-die legislation in California.

about the conditions that led to the vote. Because of that, George W. Bush and members of his administration are liars. The hundreds of thousands who died in that failed escapade make Bush and his handlers murderers and war criminals. Mr. Kasch must be fatally misinformed.

Don Deschinckel
Indialantic

Dropping atomic bombs saved lives

I feel compelled to reply to recent letters that commented on my Aug. 6 guest editorial on the atomic bombs.

I did emphasize Japan's fanaticism in Iwo Jima and Okinawa as well as its preparations to defend against the invasion as rationale for Truman's decision. American officials interviewing Japanese civilians after the war were told that the government was prepared to place the sick, old and infirm as a screening force in front of its defending troops and that American troops would rape women and murder children. The immediate and long-term suffering wrought

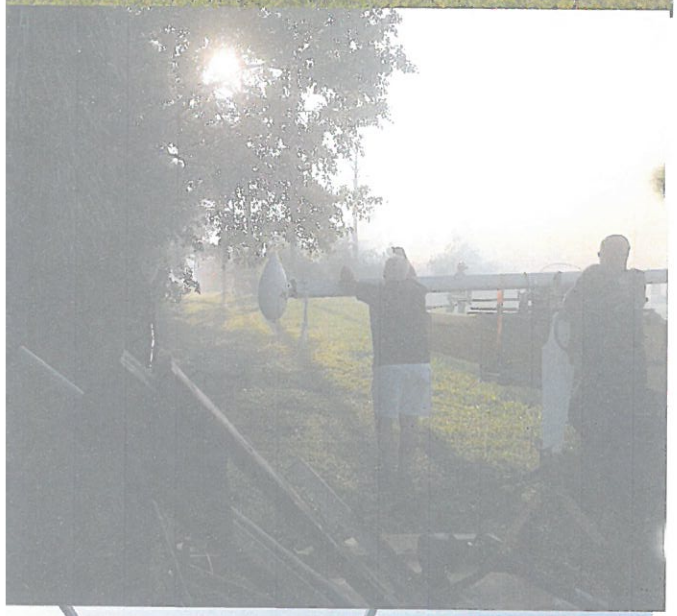
Finally, Secretary of War Henry L. Stimson ensured that the historic and traditional Japanese capital of Kyoto was spared from any bombing, a fact that later was warmly welcomed by the Japanese people. Perhaps one should remember the words of Robert E. Lee after the Civil War: "It is good war is so terrible lest we grow fond of it."

Lee Wyatt
Melbourne

We should support death with dignity

Columnist Marshall Frank recently wrote about states giving people the right to die. I am definitely in favor of this movement. If a person is of sound mind and wishes to end it all, then the state and medical professional should stay out of it. A person should be able to ask a doctor for a painless means of exit.

I am in my late 80s, so I have had much experience in life and am able to decide for myself. I have worked all my life — never a big-paying job, but always forced myself to save and put a tidy sum away



And then there was the suspicious fire !!!!!!

The day before a meeting was scheduled by Mr. Sakowitz and Mr. West to meet with the Residents of Plantation Circle, someone lit the entire lot on fire, nearly burning out several adjoining residents.

An investigation following the fire was inconclusive.

The entire lot plus several acres of adjoining property were burned to the ground

Fortunately, no one was injured.

Yes, many of us have our suspicions but no proof to who lit the fire.

You can be sure it put a scare in all of us.

From: Westco Development [mailto:NetLease@westcodev.com]
Sent: Friday, August 21, 2015 5:42 PM
To: jroberts340@cfl.rr.com
Subject: Plantation Circle
Mr Roberts
Please see attached
Brian West
Westco Development
3125 SW Mapp Rd
Palm City, Fl 34990
772-221-8500

Memo to Plantation Circle Homeowners

This is where we are at:

1. We purchased 8.5 acres (zoned residential) of vacant land located at the SEC of Babcock Street and Plantation Circle. We plan to develop half of it for commercial purposes.

2. The nearby residents want to see the corner developed as a single family residence. Sorry, that simply will not happen. Anybody that thinks that is what will happen, is just being foolish and not realistic.

3. The property was intentionally left out of the original plat that the rest of the property owners are part of. There are "no" deed restrictions against commercial development on the entire 8.5 acres we purchased.

4. This property has been offered for sale to residential developers for 20 years and did not sell to residential builders. This means the property's highest and best use is not residential, and most likely commercial. You simply don't want to locate single family residents on a main arterial thoroughfare. It should be prevented if possible, and that is the opportunity we give the City of Palm Bay. Legally, Florida Case Law is clear and says you zone property for its best use for the overall community, "not" just for a few surrounding residents.

5. Planners by statute are supposed to zone properties for its highest and best use. Note: the fastest growing City in the entire United States, Houston, Texas, for the last 20 years, has "no" zoning; yes, no zoning! It is total "Buyer Beware"! The City of Palm Bay clearly wants to be a fast growing City.

6. Babcock Street is considered to be a major "commercial" thoroughfare in Brevard County. Most of the property on the East side of Babcock Street from Malabar Rd South to the new I-95 Interchange over the next 10 years will be zoned to some form of commercial or institutional type zoning. That

is the reality of what is presently happening and what is going to happen whether you realize it or not.

7. The opening of the I-95 Interchange between Grant Rd and Micco Rd will significantly increase the traffic on Babcock Street which will create a higher demand for more commercial properties in the area, particularly on Babcock Street. More traffic equals more commercial needs. The City of Palm Bay has already shown their desire to increase the number of commercial zoned properties on the East side of Babcock Street. This trend will obviously continue to occur.

   Some incorrect statements were made at the meeting the other night; the I-95 plans are done, the right of way has been acquired, the funding is in place, and construction will start in the next few months, with completion in 2017. "Major" changes are obviously coming to the area. The City of Palm Bay is presently contemplating relocating their government offices to this general area, where the new I-95 Interchange is going to be. Please realize, major changes are coming to the area where you live.

8. Commercial properties, by good planning, are located at main intersections. The intersection of Coogan & Babcock is a main intersection, and the busiest intersections on Babcock Street, South of Malabar Rd.

9. Ideally, the location of commercial properties and the services they offer are best located to where they are needed to best serve the public. People typically shop where that closest opportunity is, thus, "reducing" the total traffic in an area.

10. One of the City of Palm Bay's worst financial problems is the lack of a large commercial tax base. It has the lowest commercial tax base of any City its size in the State of Florida. Further, the City of Palm Bay is one of the most under retailed cities in the State of Florida. It is a well-known fact, the City of Palm Bay wants to significantly increase its commercial tax base. Well, how do you think that happens?

Getting Support from the Plantation Circle Residents to develop the corner west half of the Property as Commercial

Threat

We are "only" willing to do the following if we get the local residents to support us; "if not", we will not agree to do the following:

1. Develop "only" the West ½ of the 8.5 acres to commercial
2. Double the typical landscape buffer with substantially taller trees, twice on width "and" size currently required by the City of Palm Bay
3. Double the typical rear building setback requirement that is required by the City of Palm Bay
4. Give the City of Palm Bay architectural approval rights to insure something attractive is built on the property
5. Install attractive privacy gates on Plantation Circle. This should help increase property values for those living on Plantation Circle

FYI, I developed the Publix center (Driftwood Plaza) on South Melbourne Beach. The homeowner groups fought me, but I won, and property values increased by 30% in that area the next year. Driftwood Plaza is the most attractive building in the entire South Beach area. Everyone is very happy with Driftwood Plaza, particularly, the adjacent residents.

When I developed the Publix center (Shoppes of St Lucie West) in St Lucie West 25 years ago, again, residential property values increased by 30% the next year. That shopping center is still one of the most attractive buildings in all of St Lucie West. This shopping center was crucial and the most important factor in the growth of residential development in the first 5 years of St Lucie West.

I also developed a Walgreens/Office Building project at the SWC of Donald Ross Rd & Central Blvd in a residential area of Palm Beach Gardens. It is one of the most attractive retail/office building projects (see attached photos) in all of Northern Palm Beach County. This upper end development ("the Legends") is part of an upper end residential development, also called "the Legends". The local residents fought me and I won. After I built the project, the immediate residential property values increased by 30% the next year. The adjacent residents now love the commercial development I built.

I have successfully developed 7 million square feet of retail and office space in my 40 year career; those projects are still successful projects today. The Plantation Circle property owners are fortunate to have someone of my experience planning to develop this property. My successful track record speaks for itself.

To increase the residential property values in the area the residents should be pushing for 4 things to occur:

What Mr West Thinks the City Council has wrong

1. Push Brevard County, via the Palm Bay City Council, to 4 lane Babcock St; Babcock St looks terrible and is a sign a blighted area
2. Have architectural review requirements in place on "all" new building permits both on residential and commercial in the City of Palm Bay
3. Significantly increase the minimum landscape requirements in the City of Palm Bay, and have language in place that the property owner must replace dead landscaping within a certain time period or they will be subject to code violations and/or fines.
4. Lobby for better schools

My point is, if a project is tastefully done, it does not have a negative impact on property values, and there are certainly other factors that have a far greater significance on property values that I have referenced above.

I hope we can be good neighbors. Right now, I realize we have a lot of "NIMBY's" (not in my back yard). I would be happy to meet and discuss any issues you may have.

I look forward to hearing from you.

Chandra Powell

From: p.hensley755 <p.hensley755@gmail.com>
Sent: Wednesday, October 18, 2017 4:53 PM
To: Chandra Powell; Derek Burr; Robert Loring; Jeff Bailey; Tres Holton; seat3@pbfl.org; William Capote; Harry Santiago Jr.; Patrick Murphy
Subject: Fwd: Case Numbers CP-20-2017, CPZ-20-2017

Please see our previous message below.

Sent from my Sprint Samsung Galaxy Note5.

-------- Original message --------
From: Paul Hensley <p.hensley755@gmail.com>
Date: 9/12/16 6:23 PM (GMT-05:00)
To: mayor@pbfl.org, seat2@pbfl.org, seat3@pbfl.org, seat4@pbfl.org, seat5@pbfl.org
Subject: Case Numbers CP-21-2016, CPZ-21-2016

To City Council, Planning and Zoning Board,
C/O Land Development Division, City of Palm Bay Florida
120 Malabar Road SE
Palm Bay Florida.

Regarding the Case Numbers noted above and this or any future application for change to the Comprehensive Plan and zoning amendment from single family residential to commercial for the piece of land known as Tax parcel 506.1 section 34, Township 29, Range 37, Brevard County Florida (located at the southeast intersection of Plantation Circle and Babcock Street).

We object to this proposal and we know all of our neighbors are adamantly opposed to this proposal. My wife Mayra and I really love our quiet neighborhood of single family custom estates on Plantation Circle. We passionately urge you to deny this proposal and any other similar proposals. We feel this proposal is in direct conflict with the best use of the land. We strongly feel and that rezoning any land on Plantation CR to anything other than Rural Residential would result in a negative impact to our property and neighborhood value.

Sincerely,
Paul and Mayra Hensley
1858 Plantation CR SE
Palm Bay FL
32909

Chandra Powell

From: Larry McIntyre <mcintyreogp@gmail.com>
Sent: Thursday, October 19, 2017 10:09 AM
To: Chandra Powell
Subject: CPZ 20 2017 CP 20-2017

I live in Plantation Circle and have since 1990. We have lived in Palm Bay since 1981. We moved to the Plantation Circle area because of the rural atmosphere and one acre lots. I am pleading with the P&Z, which has unanimously denied this zoning request three times, and for the city council to finally deny this attempt at spot zoning.

We all understand that Babcock will eventually will become a busy four land road. We also understand that commercial businesses will become more commonplace in southern Palm Bay. However, not directly in the middle of one of the nicest residential communities in the city. The traffic, crime and reduction of property values in our area will reduce the quality of life in our area.

Please listen to your citizens and to your P&Z board and deny this request.

Larry McIntyre
321-508-3009
mcintyreogp@gmail.com

Chandra Powell

From: Bill and Lisa <wfaulken@bellsouth.net>
Sent: Thursday, October 19, 2017 4:52 PM
To: Chandra Powell
Cc: Derek Burr; Patrick Murphy; Robert Loring
Subject: CPZ 20 2017 and CP 20--2017

Dear Planning and Zoning Board Members,

We are writing with our concerns of having 2.9 acres on the corner of Babcock and Plantation Circle SE rezoned. The developer seems to think that taking it down to 2.9 acres will help his case. It wouldn't matter if it was only 1 acre, it would still impact the integrity of the neighborhood.

As you probably know by now after 4 rounds of this, we live in a very quiet and friendly neighborhood. We built our home in 1988 and a lot of the homes have been here just as long or longer. I worked at Harris Corporation for 47 years after retiring 3 years ago and raised 2 very responsible and community driven, children here as young adults volunteer within the community as a teacher and certified financial planner.

Plantation Circle is a horseshoe shaped street and will certainly see extra traffic on the two streets as a result of putting a commercial business at the opening. A lot of us have children and grandchildren that can now ride bikes, etc. right down the middle of the road without the parents worrying about getting hit by a car.

Please consider voting no on this proposal and make in known to the City Council what our concerns are. Try to put yourselves in our place and consider what it would do to your own neighborhoods.

There is plenty of acreage north and south of us and it makes no sense to put a commercial business at the opening of a neighborhood.

Thanks for your time.

Respectfully,
Bill and Lisa Faulkenberry
1842 Plantation Circle SE

Chandra Powell

From: David Thornberry <davetberry@bellsouth.net>
Sent: Thursday, October 19, 2017 8:51 PM
To: Chandra Powell; Patrick Murphy; Robert Loring; Derek Burr
Cc: 'Judy Thornberry'
Subject: Letter of Protest against rezoning property on Plantation Circle, Palm Bay from Residential to Commercial (Cases CP-20-2017 and CPZ-20-2017)

To:

Derek Burr
Growth Management Director
City of Palm Bay

Patrick Murphy,
Assistant Grown Management Director
City of Palm Bay

Chandra Powell
Growth Management Department
City of Palm Bay

Robert Loring
Planner in Land Development Division Growth Management Department
City of Palm Bay

Just recently our community of Plantation Circle and across Babcock Street was notified that West Pointe LLC has again applied to change the zoning of parcel 29-37-34-00-506 from Residential to Commercial. As **the three previous times before** (CPZ-7-2015, CPZ-21-2016, CPZ-13-2017) , I and my neighbors find this totally unacceptable.

In all the three previous times the zoning report from the City of Palm Bay stating that the Comprehensive Plan had areas already dedicated for commercial land usage, there would be traffic issues with Cogan Street and it would also adversely impact on our neighborhood. The report recommendation was to deny the request to rezone. Meetings with the zoning committee were held and the request to rezone unanimously denied each time.

What has changed? The residents of Palm Bay who live on either side of Babcock are vehemently against this rezoning. The report by the City of Palm Bay and the Comprehensive Plan have not changed to my knowledge. Yet West Pointe LLC is determined to try to undermine our neighborhoods with what amounts to a cash grab in an area they doesn't live in or have any interest besides turning a quick buck. NO WHERE IN THEIR APPLICATION DOES IT SPECIFY THE ACTUAL USE OF THE LAND. How can a city plan for any new business without knowing what that business is? How do you measure the traffic impact on Babcock when the type of business is unknown? During the last council meeting, our neighborhood presented a traffic impact study which showed severe issues with a business at his location, The traffic 'expert' of West Pointe had only glanced at the area on paper and had not even bothered to have travelled to the intersection or have a traffic report done.

The larger issue is that if this is allowed, it will open up the flood gates for all of Palm Bay. Why bother sticking to the Comprehensive plan if the city will allow cheaper residential property to be bought and converted to Commercial? This

will threaten all of the communities in Palm Bay and also potentially keep high quality home builders out of the area because of the potential 'Wild West' reputation of the city. PLEASE stick with the Comprehensive plan

When we purchased our house in 1997, this land was zoned as residential and this is one of the main reasons we purchased in Palm Bay. Since then this has been a great community of a good, tax paying Palm Bay residents. We undoubtedly feel that a business planted in the middle of our neighborhood would greatly diminish it and degrade the property values of our homes. We are also very afraid of the potential of higher crime in our area. As mentioned above, there is NO information on the type of business this will be.

We hope the City of Palm Bay will work with us again, as West Pointe LLC continues to attempt to degrade our neighborhood and defy the good judgment of the City of Palm Bay. They could have at any time bought commercial property in the areas designated for that purpose in the Comprehensive Plan if they was legitimately interested in Palm Bay commerce and improving the quality of life in our community. These type of developers must be stopped unless they undo the far seeing plans of the City of Palm Bay.

Sincerely,

David Thornberry

David 1859 Plantation Circle S. E.

Palm Bay, Florida, 32909

321-956-6586.

Oct 19, 2017.

Chandra Powell

From: Robert Heitsch <rtheitsch@bellsouth.net>
Sent: Sunday, October 22, 2017 7:27 AM
To: Chandra Powell; Patrick Murphy; Robert Loring; Derek Burr
Subject: Case# CP-20-2017 & CPZ-20-2017

Good Morning All,

My name is Kim Heitsch and I live at 1755 Plantation Circle SE., Palm Bay, FL 32909.
I would like to express my very STRONG objection not to let the developers change the zoning. As you know it would be very bad for our little neighborhood.
Thank you,
Kim Heitsch

case# CP-20-2017 & CPZ-20-2017

Chandra Powell

From: Robert Heitsch <rtheitsch@gmail.com>
Sent: Sunday, October 22, 2017 7:30 AM
To: Chandra Powell
Subject: Fwd: Recommend against CPZ-20-2017 and CP-20-2017

---------- Forwarded message ----------
From: **Robert Heitsch** <rtheitsch@gmail.com>
Date: Sun, Oct 22, 2017 at 7:28 AM
Subject: Recommend against CPZ-20-2017 and CP-20-2017
To: derek.burr@palmbayflorida.org, patrick.murphy@palmbayflorida.org, robert.loring@palmbayflorida.org, chandra.powell@palmbayfloridar.org

To: Palm Bay Growth Management, P&Z Board Members

This letter is in regards to rezoning application CP-20-2017 and CPZ-20-2017. We ask that the P&Z Board deny this rezoning request.

Rezoning application CPZ-20-2017 is a resubmittal of CPZ-13-2017, CPZ-21-2016 and CPZ-7-2015. This is the fourth time in less than two years that the applicant has requested the zoning change. The P&Z board voted unanimously against each of the three previous three rezoning requests identified above.

The Staff Report for CP-13-2017 cites the following reasons against making the requested zoning change:

1. Commercial development of the subject property is incompatible with the adjacent and surrounding residential land uses as per the objectives and policies stated in Palm Bay's Comprehensive Plan.
2. Concern that the commercial development of the subject property will result in an unsafe traffic pattern with the existing roadway network.
3. There are currently over 240 acres of undeveloped commercial property within 3000 feet of the subject property.

This rezoning request is simply an attempt by the applicant to speculate on land without regard to the surrounding residents. This is evident by the vague application which does not provide any indication of the intended commercial use or development timeframe.

I urge the P&Z board to unanimously reject CPZ-20-2017 and CP-20-2017.

Sincerely,

Bob Heitsch

1755 Plantation Circle SE

REF: CP-20-2017, CPZ-20-2017

My name is Stephen Sweigart and I live at 1719 Plantation Cir SE Palm Bay. I am very concerned about the proposed zoning change from RR to CC. I am 100% against this change .I have lived and been a contractor in this city for 32 years. I have lived and built my home on Plantation Cir. 29 years ago. This zoning change was denied Three Times and now they are trying it again. All of Plantation Cir was for estate type homes. If this change is approved the value of our homes will decrease.

There is enough property along Babcock St that is already zoned commercial, they need to look at that property instead.

Another concern is the intersection of Cogan and Babcock the traffic is getting worse by the day and Babcock St is in dire need of repair. This property is directly in front of our HOME and we are totally opposed to this change. Investors come from out of town and think they can do what they want so they can make a buck, while we have to live there.

The Mayor and council seem to override everybody and approve this project, why do we even have these meeting when they do what. Why do we have planning & zoning when they override your recommendations

This property should be used for residential homes that it was intended for.

I intend to be at each hearing to oppose this change

Thank you

Stephen Sweigart

Chandra Powell

From: Judy Thornberry <judytberry@gmail.com>
Sent: Sunday, October 22, 2017 11:47 AM
To: Chandra Powell; Derek Burr; Patrick Murphy; Robert Loring
Subject: CP-20-2017 CPZ-20-2017

I object to the change in the comprehensive plan and rezoning CP-20-2017 and CPZ-20-2017 on the rezoning of 2.89 acres on Plantation Circle to commercial. We are an established neighborhood. This would bring lower property values, more traffic on our road and crime into our neighborhood. The applicant has not told us what they plan to put in this spot. It would be like giving him a blank check. There are plenty of commercial properties to the north and to the south of this neighborhood. We are not against commercial property development . This is just the wrong place to rezone for this type of plan.

Judy Thornberry
1859 Plantation Circle S.E.
Palm Bay, Fl. 32909

Chandra Powell

From: Colette Brink <lettybrink@yahoo.com>
Sent: Sunday, October 22, 2017 12:11 PM
To: Chandra Powell; Patrick Murphy; Robert Loring; Derek Burr; William Capote; Harry Santiago Jr.; Brian Anderson; Tres Holton; Jeff Bailey; Terese Jones
Subject: CP-20-2017 and CPZ-20-2017

I OBJECT to the proposed rezoning of 2.89 acres of property in Plantation Circle SE, Palm Bay, FL, Case Nos: CP-20-2017 and CPZ-20-2017.

I object to the proposed rezoning of property located at the corner of Babcock St. and Plantation Circle SE. (Case Numbers: CP-20-2017 AND CPZ-20-2017). My wife and I have worked all our lives and saved to build our home. We fell in love with the Plantation Circle because it is a quiet residential neighborhood and had our dream home built in 1992. My wife has Rheumatoid Arthritis for over 49 years and doesn't get around very much. We are both handicapped and enjoy our home much more now that we don't get around well. There is no justification for making this change when there is other commercial property along Babcock Street. The added traffic to our street will be detrimental to our quality of life.

Please vote NO for the rezoning.

Thank you,

William & Colette Brink
1786 Plantation Circle SE
Palm Bay, FL 32909
321-951-8925

Planning /Zoning Board

October 22, 2017

City of Palm Bay

Subject: CP-20-2017 and CPZ-20-2017

Ref: CP-13-2017 and CPZ-13-2017
Ref: CP-21-2016 and CPZ-21-2016
Ref: CPZ -2015 and CP-7-2015

All:
I am a property owner and Resident of Plantation Circle SE Palm Bay. I was pleased by the decisions and findings of all previous denial decisions reached by the Planning /Zoning Board meetings in reference to the prior cases (referenced above) of West Pointe Babcock LLC, and then so voted by the board.

I am now aware that this same Applicant has reintroduced to the Planning /Zoning Board a variation of the above referenced actions seeking a favorable decision by the board. **Their fourth application**.
As a resident of Plantation Circle, the only acceptable land use criterion for the acreage in question is for single family residences.

Our Circle is a "local" residential street not an arterial thoroughfare suitable for commercial enterprise or the attendant traffic that would follow. Further, the commercial re-zoning of eight acres on a residential street which does not provide an outlet to other neighborhoods would not serve to benefit the residents Plantation Circle or the residents of Palm Bay in part or as a whole.

Our neighborhood – Plantation Circle Southeast - provides a strong family oriented atmosphere in which street traffic consists primarily of our property owners. I feel that the proposed rezoning and land use changes would jeopardize our neighborhood with traffic and other infrastructure impacts that are not predictable. As a property owner in this neighborhood for the past 26 years, I **strongly object** to the changes in the zoning or land use restrictions that are currently afforded our Single Family Residential properties.

Thank you in advance for your attention and consideration of our thoughts and concerns and for your continued like support of the prior findings of the Planning and Zoning Board.

James A. and Judy Roberts
1768 Plantation Circle SE
Palm Bay Fl. 32909
321-768-6140

TO: **Planning and Zoning Board** **DATE: October 21, 2017**

Subject: Objection to Plantation Circle Rezoning
Case Nos. CP-20-2017 CPZ-20-2017

We object to the proposed rezoning of property on Plantation Circle. Fourteen years ago, we retired from the Keys to spend our Golden Years in a peaceful, gentle environment, surrounded by nature, a paradise we found on Plantation Circle. Whenever people ask us if we miss the Keys, we are quick to assure them how happy we are in the community of civil and caring people of Palm Bay, which is of a size which manages to afford ample social activities and shopping outlets adequate for living purposes, at a comfortable tempo yet without the congestion of overcrowding and heavy traffic that lead to stress and bad tempers ~ a magical ratio achieved through thoughtful growth planning.

We love that Plantation Circle is composed of families with young and old members and that as these families age, children's laughter will continue to be heard -- from grandchildren. Ours has been a safe, law-abiding community, composed of folks who maintain their properties voluntarily ~ without HOA enforcement.

Our wellbeing has been put into your hands. You represent us. We are your parents and grandparents, your children and grandchildren. We trust you to protect our well-earned pride in community and our love for Palm Bay. We are not against community development; however, this request to introduce commercial within the heart of a residential circle is **not appropriate, not wanted, and not needed,** and we are counting on you, our representatives to protect the interests of your residents ~ over those out-of-area developers whose only interest is turning a buck. Allowing commercial zoning would constitute a change for the worse ~ not the better.

At table each evening, we give thanks for finding this special place to spend our Golden Years. When people ask us if we miss the Keys, we reply that Palm Bay is a GREAT place to live and that we've found our paradise on Plantation Circle. Please don't allow GREED to trash our special neighborhood, where families live in peace, privacy, and harmony.

We strongly OBJECT to the rezoning of Plantation Circle from single residential to commercial.

Respectfully requested,

Richard and Lynne Smith
1750 and 1756 Plantation Circle SE

Chandra Powell

From:	Linda Filis <lfilis@yahoo.com>
Sent:	Sunday, October 22, 2017 7:56 PM
To:	Chandra Powell
Subject:	Objection to Plantation Cir Rezoning case numbers CP-20-2017, CPZ-20-2017
Attachments:	Rezoning Oppose (4).pdf

Dear Chandra Powell,

This issue has come before the board three times in the past starting in August 2015. Each time the board has recommended against the proposed change. Please continue to reject this change.

Please read the letter I have attached to this e-mail.

Respectfully,

Linda Filis
1779 Plantation Cir SE
Palm Bay, FL 32909
lfilis@yahoo.com
(321) 724-8081
10/22/2017

Derek Burr, Robert Loring, Patrick Murphy, Chandra Powell,

I, Linda Filis (the first resident of Cheyenne Acres) strongly and whole heartedly:
Oppose:

- The rezoning of 2.89 acres from (RR) Rural Residential to (CC) Community Commercial at the southeast corner of the north entrance to Plantation Circle on Babcock Street. Case # CPZ-20-2017 (Zoning)
- Future land use change on the above described property from Single Family Residential to Commercial. Case # CP-20-2017 (Land Use)

BECAUSE The land in question, this particular **SPOT** is undeniably surrounded on all sides, north, south, east and west, by residential property. A change of this magnitude will **FUNDAMENTALLY** change the complexion of the neighborhood. Allowing this would be at odds with the City of Palm Bay Master Plan and the classification concerning its use differs from all the property in the immediate area.

As the first family to break ground in Cheyenne Acres, 33 years ago in 1984, we have enjoyed seeing the neighborhood flourish. Each one of us has become part of a God loving, hardworking, family oriented, diversified and culturally enriched community. A fellowship of devoted and loyal **PALM BAY CITIZENS**. These are the attributes of a thriving, well-kept and quiet residential neighborhood. Many of us (never alone, but with each other's help) have experienced joy and happiness, good health and sickness, prosperity and loss, hurricanes and forest fires, and even death. **Together** we have grown **strong** through life's journey.

Our children, the next generation (many reside in Palm Bay) support our city as:

Elementary School Teacher,
Nurse Practitioner,
Computer Engineer,
Magazine Editor,
Financial Advisors,
Media Specialist,
Nurse,
Retail Associates,
Chef,
Industrial Engineer,
Doctor of Chemical Engineering,
Master of Criminal Justice,
Youth Counselor,
Emergency Room Physician,
Attorney

Just to name a few.

We helped foster beautiful individuals with strong foundations who add to the rich history of the city of Palm Bay. We know what is best for our families and neighbors. We must remain zoned a Rural Residential District at Babcock St. and Plantation Circle to keep the integrity of our community and its uniqueness intact. This is where the history of our families' hearts and souls exist.

Please help us by rejecting the zoning change proposals.

Linda M. Filis
1779 Plantation Cir. SE
Palm Bay, FL 32909
(321) 724-8081 lfilis@yahoo.com 10/22/2017

Chandra Powell

From: Greg Filis <gfilis@cfl.rr.com>
Sent: Sunday, October 22, 2017 8:20 PM
To: Derek Burr; Robert Loring; Patrick Murphy; Chandra Powell
Subject: CP-20-2017 & CPZ-20-2017

I strongly object to the property at the southwest corner of the north portion of Plantation Circle and Babcock St. being rezoned from rural residential to any type of commercial zoning. Any business at this location will not survive due to the lack of patronage. The last thing this city needs is another empty business establishment. Why not fill some of the existing empty business locations all over this city. The property should remain residential and be sold as lots for homes.

Greg Filis
1779 Plantation Cir. SE
Palm Bay, FL 32909
(321) 724-8081

Virus-free. www.avg.com

Chandra Powell

From: Gordon Hampden <g.e.hampden@gmail.com>
Sent: Monday, October 23, 2017 7:40 AM
To: Chandra Powell; Derek Burr; Patrick Murphy; Robert Loring
Subject: OBJECTION TO PROPOSED ZONING CHANGE - PLANTATION CIRCLE - CPZ-20-2017, CP-20-2017

Good morning,

I am a resident and property owner of Plantation Circle SE, Palm Bay. We moved here after I retired from Jackson Memorial Hospital in Miami. We searched for homes and communities all over Florida over a three year period and finally made Plantation Circle SE our choice. It was not a fluke. It was the best decision we made as it relates to our retirement home and our neighbors. They are the best! Our grandchildren can play safely in the community. We have two Certified Wildlife Habitats, birds and wildlife of all types, including some protected species that live in the protected area on the east end of Plantation Circle. We are extremely proud and protective of our community and the quality of life it offers.

Last year, we started this exercise with this applicant. Since last year, he misrepresented a discussion he had with one of our neighbors and never recanted when this misrepresentation was denied by the resident.

It is difficult to believe that we have to go through these exercises again but we are again prepared to voice our very strong and vocal opposition to having a commercial venture forcibly placed in the middle of our neighborhood when there is commercial land for sale all around us and in close proximity to both entrances of our neighborhood.

We have provided the technical experts in traffic and real estate to show the negative and highly dangerous impact that a commercial venture could have on this neighborhood and the City of Palm Bay residents should it be approved because of the traffic patterns and the number of access roads to Babcock. What they are proposing was also previously shown to not be in concert with the Master Plan.

We went through several previous exercises with this applicant and now, we are prepared to go through it again. My neighbors and I showed up at every Planning and Zoning and Council meeting and wrote many letters to the Planning and Zoning Board and the City Council expressing our dismay and concern that someone who, solely for personal gain and without regard to the negative impact it would have on our community and the City of Palm Bay, is attempting to destroy and completely change the living environment and quality of life that we have created, developed and cherish in our small community.

At the Planning and Zoning Committee meeting of September 2, 2015, CP-7-2015 and CPZ-7-2015, both initiatives were recommended for denial by members of the Planning and Zoning The Planning and Zoning Board, in their wisdom, agreed with us that this plan to commercialize this land was NOT compatible with, nor in the best interests of, the Plantation Circle residents or the City of Palm Bay. The applicant finally withdrew his application when we exposed the many inconsistencies he represented to the Board and because he also recognized that our resolve not to have our peaceful community destroyed was so strong and resolute. The Planning and Zoning Board voted to send a recommendation that supported the residents and so they did. They also noted that CPZ-7-2015 was incompatible with future land designation. They found that both requests were not in the best interests of Palm Bay and certainly not of the residents of this little, safe and quiet community on Plantation Circle SE. Again, just recently, the Planning and Zoning Board made the same recommendation, that being, that

the proposed change of status would not be compatible with the Plantation Circle community or the City of Palm Bay.

After the initial vote last year, it was brought to our attention that the applicant was attempting to postpone a second hearing that had been scheduled. I am not sure what his reasons were but for my neighbors and me, this was a farce and a ploy in the hope that we would "go away." I can assure you that will not happen. We will continue to defend our right to a safe and happy community for as long as it takes. We hope it ends when you meet to review the request and hope that you concur with the Planning and Zoning Board's recommendation and do so with a resounding NAY vote.

Just to share with you, his representatives stood before the Planning and Zoning Board at the first attempt and asserted that he was in negotiation with the residents. This is a small community. We all look out for each other, know and speak to each other regularly and spend time with each other on a regular basis. I can assure you, that based on those I had spoken to, he had NOT been in contact with any of us either collectively or singularly. His attempt to misguide the Board was clearly evident and he was exposed to be telling less than the truth when members of our community addressed the Board to dispute many of his assertions.

I must bring to your attention that, on his second to last attempt last year, he sent a posting to us that he called the NIMBY (Not In My Backyard) letter, in which he made it clear that he would get this done in spite of what we or the anyone, and that would have to include the Planning and Zoning Board and you, had to say. The level of arrogance in that letter was to attempt to intimidate us. What it did do was to insult us. He boasted that he had done it before in other places and he would do it here. All of this is merely to give you some historical perspective of the arrogance of this person. If he wants to have a commercial venture, there is a plethora of available commercial property available all along Babcock from Malabar Road all the way to Fellsmere on both sides of Plantation Circle. It is not a far reach to say that he acquired the property in question at a very low price and is now trying to fill his pockets by any means necessary, regardless of the impact on the Palm Bay and Plantation Circle community. He does not live here. He may be possibly seeing dollar signs with the proposal of the new exit off I-95 that will bring additional traffic along Babcock Street.

We have had numerous serious accidents at Babcock and Cogan, and any suggestion of a commercial venture there, will cause significantly more accidents to occur. Babcock is a dangerous road at best and with the additional traffic when the exit is introduced, it will be nightmare. To add to that, there are more than three entrances to Babcock in a very short distance across from both entrances to Plantation Circle. Additionally, now that a mining operation has been approved for the property that abuts Deer Run, we will now be guaranteed heavier traffic and large trucks rolling by Plantation Circle on Babcock. This will undoubtedly cause additional accidents and significantly more congestion. It is already a challenge to turn out from Cogan to Babcock.

We are hoping that you, in your role, will vote an affirmative "NO" on this deliberate attempt to make profit by someone who is only in it for himself. We know we can depend on you to make informed decisions that are in the best interests of Palm Bay and its citizens and that you will listen and do those things that are in accordance with the law and in the best interests of the total community. You have taken on the responsibility to make Palm Bay a place where good and upstanding citizens can live happily. Some of the residents here in our community have spent their life savings to purchase homes to enjoy their retirement here. We know you take that responsibility very seriously and we invite you to come visit us sometime if you have never been here so that you can sense and feel the tenor of the community.

We look forward to your support in this matter and thank you for taking the time to serve your community. Again, we ask for your "NO" vote so that we can have FINAL and resolute closure to this matter. We hope there is something that can be done so that we do not have to come every six months to defend our right to a peaceful community. The land in question is residential for a reason and we hope we can depend on your vote to keep it that way into perpetuity. We also hope that some form of ruling can be made to avoid future

attempts to rezone this property for commercial use because as long as we live here, we will be not be in favor or the commercialization of that piece of land.

Thank you for taking the time to read this message. Yes, it is a little long, but I wanted you to have some historical perspective on how we feel and we will be there at every meeting to personally show our determination to keep our neighborhood safe and hope that you will vote NO to this application to rezone from residential to commercial.

Respectfully and cordially,

Dr. Gordon E. Hampden, MBA, FACHE
Vice President, Caribbean Operations
JIPA Network
"Your Connection to Affordable Global Health Care"

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Oct 23, 2017

Chandra Powell
Growth Management Dept
chandra.powell@palmbayflorida.org
ref: Proposed rezoning of property in Plantation Circle: Case numbers: CP-20-2017,CPZ-20-2017

We, John J. Meshelany and my wife Joan Meshelany of 1854 Plantation Circle SE, Palm Bay, Fla 32909 are in complete opposition and object to the above rezoning changes!

This a strictly residential neighborhood and we believe it should stay that way. There is plenty of unused property along Babcock Street.

Please do not allow our beautiful neighborhood to be sectioned off by someones commercial whim.

Sincerely
John J. Meshelany
Joan Meshelany
1854 Plantation Circle SE, Palm Bay, Fl 32909
jjmesh@yahoo.com

Mr. Linval D'oyen
1886 Plantation Cir SE
Palm Bay, FL 32909

ORLANDO FL 328

21 OCT 2017 PM 4 L

CHANDRA POWELL
GROWTH M/MENT DEPT.
120 MALABAR RD., SE.
PALM BAY
FL. 32907

NEW CASE #S CP20-2017; CPZ 20-2017.

NO REZONING OF PLANTATION CIRCLE.

LINVAL D'OYEN
1886 PLANTATION CIRC.
PALM BAY

Chandra Powell

From: sharpei2 <sharpei2@bellsouth.net>
Sent: Monday, October 23, 2017 2:08 PM
To: Chandra Powell
Subject: Plantation cr.

Please help us stop commercial development in our established residential neighborhood. We know you have in the past. ☺

Sent from my Sprint Samsung Galaxy Note5.

10/23/17

To: City of Palm Bay Staff

From: Greg & Tonya LaVanture 1688 Pueblo St. (Across from property)

Subject: Case # CP-20-2017 & CPZ-20-2017

Well after our last meeting with City Council showed us how the City helped the applicant change from (8) acres now to this (2.89). At almost midnight Council started to vote **NO** for the change, with a second. Then a break was taken for the reporter to have a break. **We respect that!!** During that break the applicant approached some council members, at least one for sure. Well we resumed then that member retracted his second sending it back to vote over. Well this time the staff continued to help applicant revise his request to fewer acres. We were also told earlier that change is coming so we should accept this possible request before the vote. This whole series is on tape so we felt this needs to be considered. **PLEASE REVIEW THE MEETING VIDEO!** Here we are as taxpayers sitting there watching the applicant get guided for another opportunity after almost two years of fighting this. If he had solid plans after almost 1.5 years for this property you would think he would he would share what type of business he plans. He has never told us or the Planning Staff, and City Council. Seems strange??? Our presentation gave many issues this change creates. The Council must of considered our input to put it to vote rejecting the applicant's request. Our data does not change with the request for fewer acres. **Watch that on tape!**

Greg & Tonya LaVanture

To: City of Palm Bay Staff

From: Greg & Tonya LaVanture 1688 Pueblo St. (Across Babcock West)

Subject: Rezoning Request Case# CP-[redacted]-2017/CPZ-[redacted]-2017
20 20

We appreciate your time to listen to our concerns. We are 125' west of Babcock St. on Pueblo St. across from subject property. When you review the overhead view of property of discussion. There are (11) streets intersecting Babcock St. within .4 tenths mile of this property, they are as follows starting north of subject property Delta, Timberwolf, Pueblo, Plantation, Cogan, San Soving, Plantation, Tigard, Whiting, Tennessee, Weiman. Then the school property starts after Weiman Rd. from the south of the property again within the .4 tenths mile= 2,112'. There is no other cluster of streets north or south of the property being discussed. They are spread out more evenly with secondary roads parallel to Babcock. Be advised that starting at Timberwolf there is drainage canals on both sides of Babcock heading south. The canals are 15' on the east side, and 25' on the west side, with grass on both sides leaving any driver little or no stopping capacity. They would be in the ditches for sure. It is interesting to watch the traffic flow now, and the possibility of adding a business/ traffic light is not the answer. Getting the best cycle time for that traffic signal would be very hard to meet the traffic demand times. Then with a traffic signal we all know people run red lights, increased speed, etc. I have been in the Traffic Design/ Fabrication business for over (10) years working throughout the Southeast U.S. This is a nightmare from the design side, safety issues for sure.

We welcome all of you to my property to witness the traffic flow now, and then imagine a possible business, traffic light, then long lines of stopped vehicles on Babcock, and all streets intersecting Babcock. Then you add the vehicles turning off Babcock on to the side streets. The present Cogan intersection is working fair right now. It needs a South bound turning lane to make it more effective, just like Babcock/Waco intersection North of Cogan.

Be advised the speed limit on this section of Babcock is 45 mph.

VERY FEW TRAVELERS DO 45 MPH, COME AND SEE YOURSELVES!!

Reaction Distance + Braking Distance = Stopping Distance

It takes two football fields 720' for an 18 wheeler to stop at 55 mph. I have seen them do that speed plus. Example the truck would start stopping at Delta maybe stopping at Cogan distance of approximate 700'. Car comparison at 40 mph the Vehicle Reaction Distance would be 88', Braking Distance is 80' totaling 168'. At 60 mph RD 132', BD 180' totaling 312'. You could pass 2-3 side streets stopping. Be advised that this section of Babcock has ripples due to excess wear. The stopping distance for any vehicle would increase at least 15% because the tires would start hopping not having complete contact with the road. On wet roads these distances are off the chart. There is also poor drainage on Babcock creating many pools of water. Then remember the drainage ditches on both sides, once they hit the grass those distances go off the chart.

In closing just imagine bright lights, noise, increased crime, reduced property values, destruction of hundreds of trees, natural surroundings, drainage issues, loss of any privacy, traffic nightmare, and increased accidents combined with more possible deaths of innocent people across from your home. So please accept our invitation to visit our property to really see the above topics of concern. We do not want this rezoning to happen along with all the residents of Plantation Circle!! Please force commercial improvements 3,000' to go north or south of this location as your planning department has planned for. They have done their research, and are on the right path for the future of the City of Palm Bay. This request falls under a SPOT CHANGE *not fitting into the zoning plan in effect now. Being semi-retired we want to enjoy our life as we have since we moved in 3.5 years ago with our kids, and grandchildren. I have witnessed many speeding vehicles passing at the intersections of these streets. There should be NO PASSING at any of the above intersections. Then just imagine an 18 wheeler traveling on Babcock doing average of 45-55+mph as the new possible traffic light changes, a school bus full of kids, or any person with their family turning onto Babcock. There is no room for any kind of recovery for any vehicle. I would not want that on my mind that I let this change happen.*

PLEASE VOTE NO FOR THIS REQUEST

Planning & Zoning Board Meeting
CP 20-2017 CPZ 20-2017 Nov 1 2017

As of this writing a review of all the events and proposals made, my view of the situation has drastically changed. I dont know (nor does anyone else) what is to be constructed so as to have vehicle lights shining in my home. To me it would mean activity after dusk. This certainly would mean unwanted traffic, riff raf, disposing of litter and who knows what else.
Land scape on the other side of the site that is my property would mean intruded parties prowling around. I am concerned for myself who could be hiding let alone the maintenance. To thak you all of this for the neighborhood is a definite downgrade.
Consideration in this matter is greatly appreciated

Theresa Kukpatrick
1713 Plantation Cir
Palm Bay Fl 32909

Chandra Powell

From: Trevor Filis <tgfilis@yahoo.com>
Sent: Tuesday, October 24, 2017 12:15 PM
To: Chandra Powell
Subject: NO to Zoning Change CP-20-2017 and CPZ-20-2017

Chandra Powell,

Case No.: CP-20-2017 and CPZ-20-2017

I am raising my objection to the planned rezoning of Plantation Circle. This rezoning is detrimental to my neighborhood. Any type of commercial property will cause negative impact to the community in more ways than one. I have lived here all my life and don't want this peaceful neighborhood to be ruined by this proposal. Please vote NO to this proposal.

Respectfully,

Trevor Filis
1779 Plantation Circle SE
Palm Bay, Florida 32909
tgfilis@yahoo.com
(321) 501-6242
10/24/2017

FLORIDA TODAY
FLORIDATODAY.com
A GANNETT COMPANY

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: CITY OF PALM BAY

Address: 120 MALABAR RD SE
PALM BAY FL 32907
USA

Ad No.: 0002478709
Pymt Method Invoice
Net Amt: $163.19

Run Times: 1

No. of Affidavits: 1

Run Dates: 10/19/17

Text of Ad:

AD#: 2478709 10/19/2017
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING

Notice is hereby given that a land use public hearing will be held by the Planning and Zoning Board/Local Planning Agency on November 1, 2017, at 7:00 p.m., and a special public hearing by the City Council on November 28, 2017, at 6:30 p.m., both to be held at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1.CP-20-2017 – WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)
A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use.

A portion of Tax Parcel 506.1, Section 34, Township 29, Range 37, Brevard County, Florida, containing 2.89 acres, more or less. (Located at the southeast intersection of Babcock Street SE and Plantation Circle SE)

2.CPZ-20-2017 – WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)
A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District.

A portion of Tax Parcel 506.1, Section 34, Township 29, Range 37, Brevard County, Florida, containing 2.89 acres, more or less. (Located at the southeast intersection of Babcock Street SE and Plantation Circle SE)

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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).

All interested citizens are invited to submit written communication and appear at the aforementioned hearings. Please contact the Palm Bay Growth Management Department at (321) 733-3041 should you have any questions.

Patrick Murphy
Assistant Growth Management Director

The City of Palm Bay Florida

DEREK CS BURR, AICP, DIRECTOR
DEPARTMENT OF GROWTH MANAGEMENT
120 MALABAR ROAD SE
PALM BAY, FL 32907
T: 321-733-3042 F: 321-953-8920

STAFF REPORT PREPARED BY:
Patrick Murphy, Assistant Director
REVIEWED BY:
Derek CS Burr, Director
APPROVED BY:
Derek CS Burr, Director

CASE NUMBER
CPZ-20-2017

APPLICANT/PROPERTY OWNER
West Pointe Babcock, LLC.

PLANNING & ZONING BOARD HEARING DATE
November 1, 2017

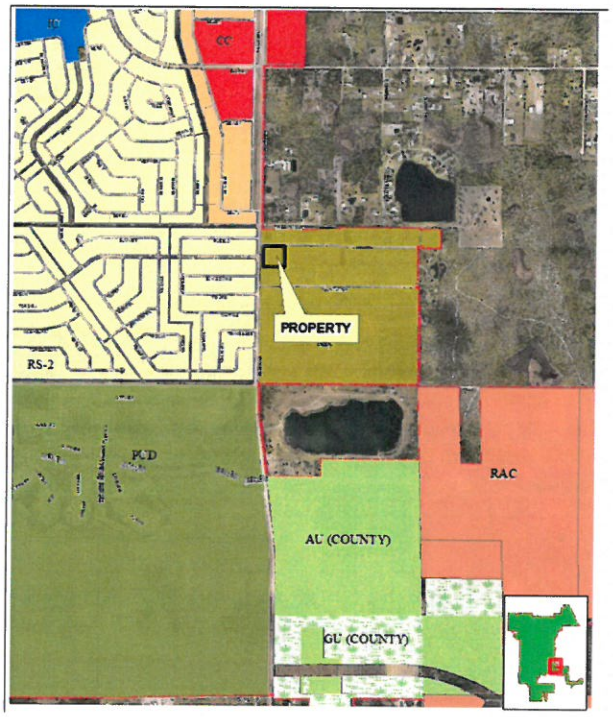
PROPERTY LOCATION/ADDRESS
SE corner of Babcock Street SE and the north loop of Plantation Cir SE

SUMMARY OF REQUEST
Rezoning from RR, Rural Residential to CC, Community Commercial

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
RR, Rural Residential	Single Family Residential	Unimproved	2.89

SURROUNDING ZONING & LAND USE

N: RR, Rural Residential; Single Family Homes
E: RR, Rural Residential; Vacant Residential Land
S: RR, Rural Residential; Single Family Homes
W: RR, Rural Residential, Babcock Street SE



ARC GIS MAP

STAFF RECOMMENDATION: **APPROVE** ☐ **APPROVE WITH CONDITIONS** ☐ **DENY** ☒

PROPERTY HISTORY

On September 2, 2015, (CPZ-7-2015) the applicant appeared before the Palm Bay Planning and Zoning Board (Board) to request a rezoning of Parcel 506.1 (8.41 acres) to the CC, Community Commercial District (CC). The Board voted unanimously to deny the request. On December 17, 2015 the request was withdrawn before it was scheduled to be heard by Council. On August 3, 2016 (CPZ-21-2016), the applicant appeared before the Board requesting the same rezoning, however it was only for the western 4.41 acres of the property, not the entire 8.41 acres. The Board voted unanimously to deny this request. The application was withdrawn on September 14, 2016, and was not heard by City Council. On May 3, 2017, (CPZ-13-2017) the applicant appeared again before the Board requesting rezoning of Parcel 506.1 (8.41 acres) to CC. The Board voted unanimously to deny the request. On June 1, 2017, this application was presented to City Council. After an extensive public discussion and deliberation by Council, the applicant withdrew the application.

COMPATIBILITY with the COMPREHENSIVE PLAN
Community Commercial Zoning would not be compatible with the surrounding low-density Rural Residential Zoning.

COMPATIBILITY with the CODE OF ORDINANCES
N/A

ATTACHMENTS

SUBMITTED PLANS	APPLICATION	LEGAL NOTICE	AGENCY COMMENTS	PUBLIC COMMENTS	LEGAL DESCRIPTION
YES ☐ NO ☒	YES ☒ NO ☐	YES ☒ NO ☐	YES ☐ NO ☒	YES ☒ NO ☐	YES ☒ NO ☐

OTHER TYPE OF ATTACHMENT (DESCRIBE): None

ANALYSIS:

1. The property is located at the SE corner of the intersection of Babcock Street SE and the north loop of Plantation Circle SE. Specifically; the subject property is a portion of Tax Parcel 506.1, of Section 34, Township 29 South, and Range 37 East, Brevard County, Florida. The portion of the parcel to be rezoned is approximately 2.89 acres.

2. The adjacent zoning and land uses are as follows:

   NORTH: RR, Rural Residential; Single Family Homes
   EAST: RR, Rural Residential; Vacant Residential Land
   SOUTH: RR, Rural Residential; Single Family Homes
   WEST: RR, Rural Residential; Babcock Street SE

3. The applicant requests a rezoning from the RR, Rural Residential Zoning District to the CC, Community Commercial Zoning District. The applicant for this request is West Point Babcock, LLC. The applicant will be represented by the Law Firm of Smith & Associates.

4. The property is presently vacant, residentially-zoned land. It is completely surrounded by RR Zoning, consisting mostly of developed, rural single family residential properties. As stated in the staff report for Case No. CPZ-20-2017, the applicant is requesting the rezoning to allow for future commercial uses upon the property. The primary access to the property would be from Babcock Street SE.

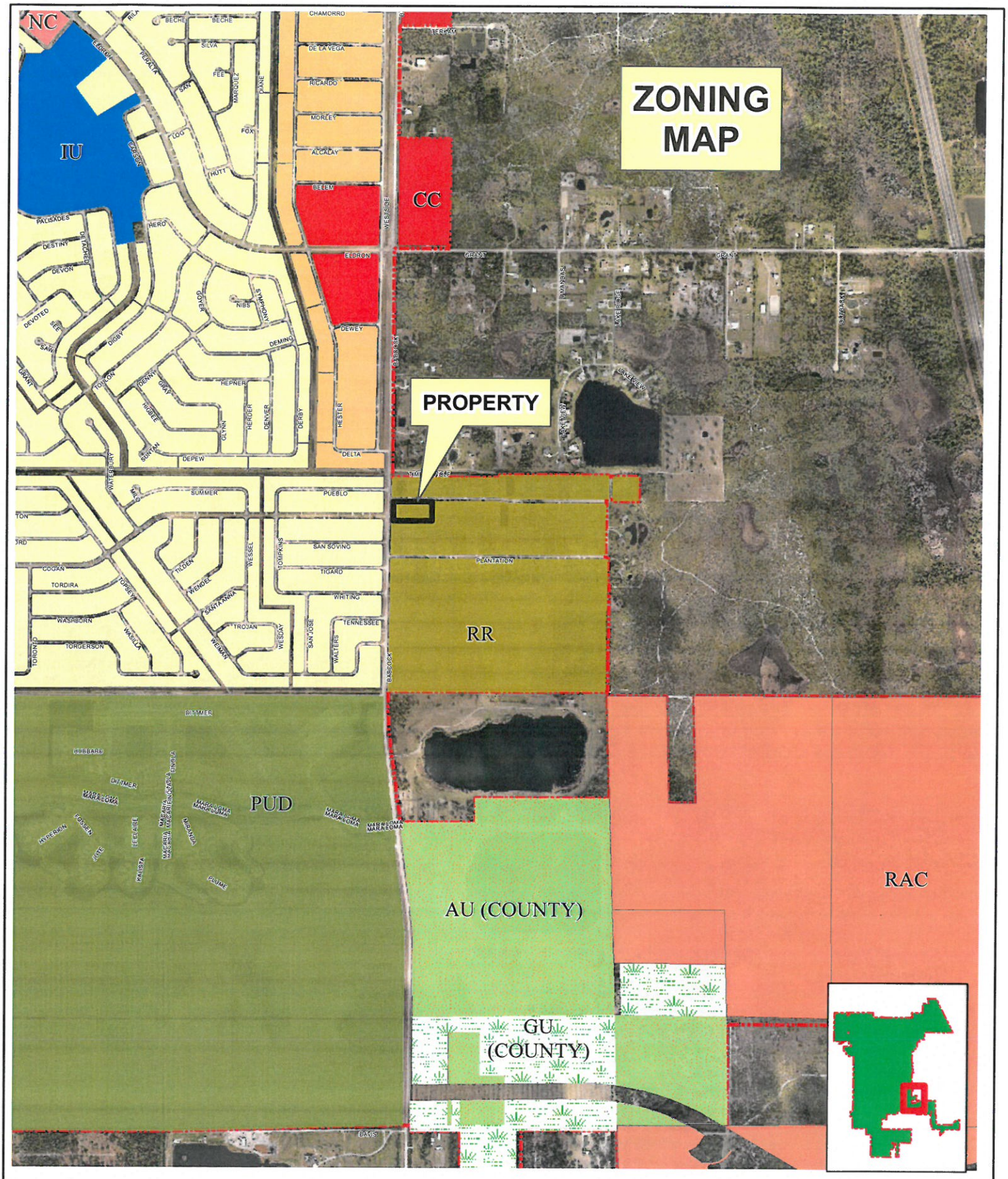
5. The purpose of the CC, Community Zoning District is to provide commercial areas that are primarily located at or near the intersection of arterial roadways; to designate those uses and services deemed appropriate and proper for location along a major thoroughfare; and to establish such development standards and provisions as are appropriate to ensure proper functioning of uses within the district.

STAFF RECOMMENDATION:

Staff recommends denial of the request due commercial zoning being inconsistent with the low-density rural residential zoning of the surrounding area. The new I-95 interchange and St. Johns Heritage Parkway (Parkway) will contain commercial land needed to support this area of Palm Bay. The abundance of commercial land (from Eldron/Grant to the Parkway) has been sited at the intersection of high-functioning roadways that allow for planned commercial development and promotes this type of development at commercial nodes, as opposed to strip or isolated development. Babcock Street, from Malabar Road to the Parkway, currently has no identified funding for construction. The PD&E is Planned for FY 2018 and roadway design in FY 2020. This study and design phase may include a signal warrant analysis and will be determined at that time. Until this

segment of Babcock Street is 4-laned, and controlled access points via signalization are identified, this request is premature.

However, if the Board and Council choose to approve the Future Land Use Map amendment submitted in conjunction with this request, staff would not object to the selection of the Community Commercial Zoning District, as that District would be consistent with the Commercial Use designation of Case No. CP-20-2017.



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

Map created by the Land Development Division

N
W E
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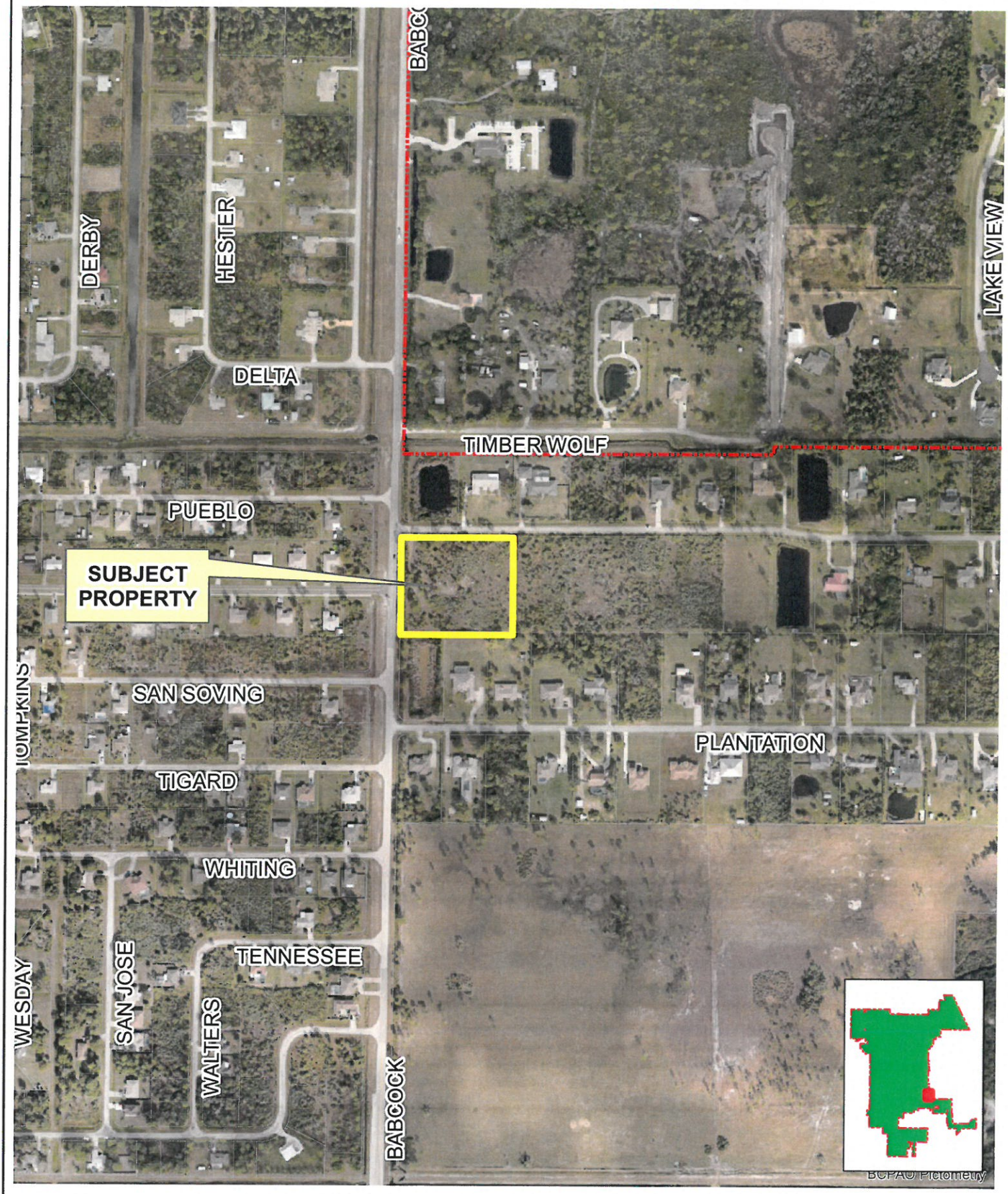
CASE NO. CPZ-20-2017



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Map created by the Land Development Division

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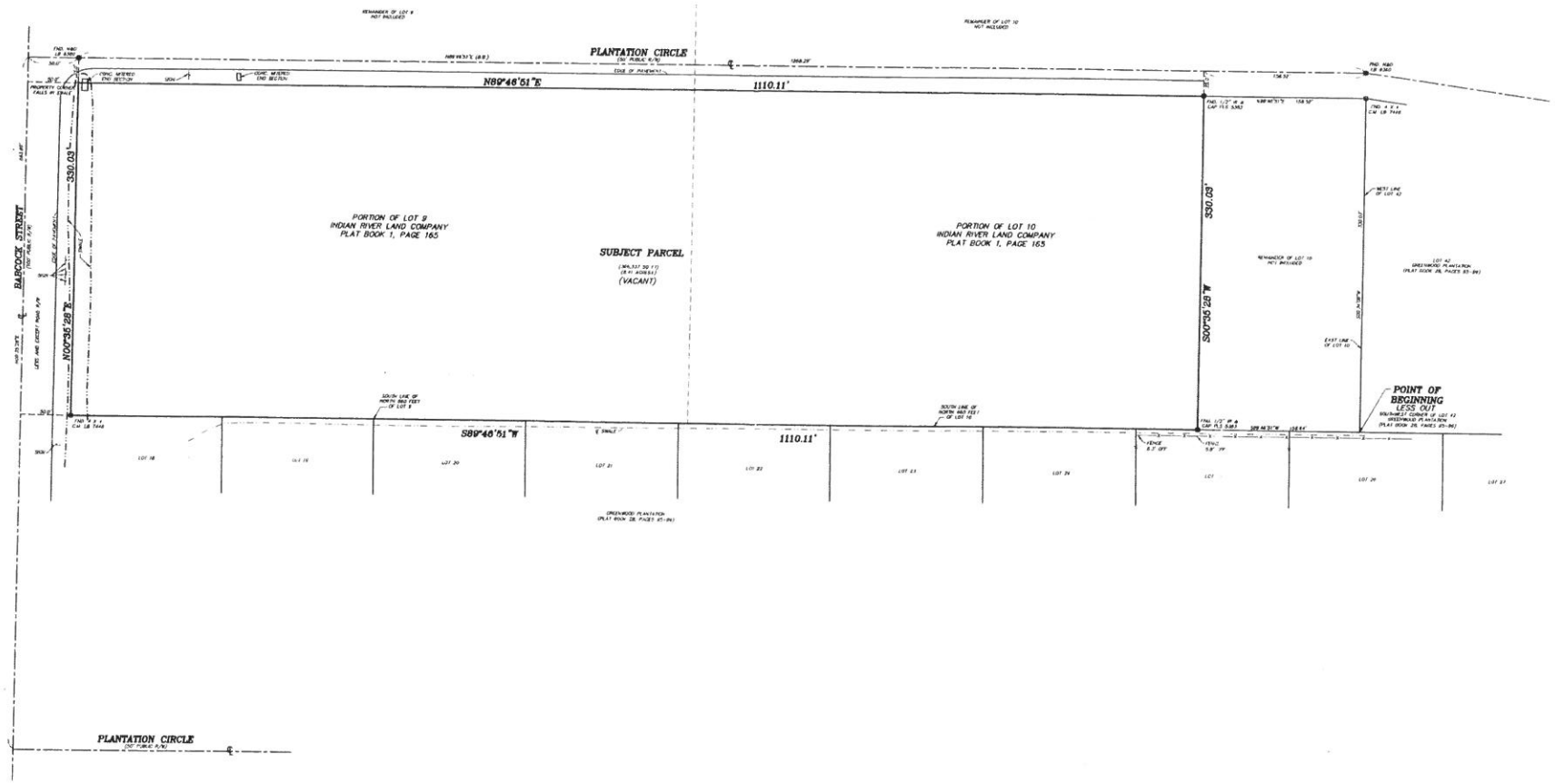
CASE NO. CP-20-2017 AND CPZ-20-2017



SURVEY PREPARED FOR:
WEST POINT BABCOCK, LLC
SEA GROSS
ALLIANCE TITLE INSURANCE AGENCY
CHICAGO TITLE INSURANCE COMPANY

DESCRIPTION: THE SOUTH 330 FEET OF THE NORTH 660 FEET OF LOTS 9 AND 10, EXCEPT ROAD RIGHT OF WAY IN SECTION 34, TOWNSHIP 29 SOUTH, RANGE 37 EAST, OF FLORIDA INDIAN RIVER LAND COMPANY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 165, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LESS AND EXCEPT A PORTION OF LOT 10, FLORIDA INDIAN RIVER LAND COMPANY, SECTION 34, TOWNSHIP 29 SOUTH, RANGE 38 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 165, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF LOT 42, GREENWOOD PLANTATION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGES 85-86, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN S89°46'51"W ALONG THE NORTH LINE OF LOTS 26 AND 25, OF SAID GREENWOOD PLANTATION, A DISTANCE OF 158.64 FEET; THENCE N00°35'28"E, A DISTANCE OF 330.03 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF PLANTATION CIRCLE ACCORDING TO PLAT OF SAID GREENWOOD PLANTATION; THENCE N89°46'51"E, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 158.52 FEET TO THE EAST LINE OF SAID LOT 10; THENCE S00°34'08"W, ALONG SAID EAST LINE OF LOT 10 ALSO BEING THE WEST LINE OF LOT 42, A DISTANCE OF 330.03 FEET TO THE POINT OF BEGINNING.

AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO F.I.R.M. (FLOOD) MAP # 0418 DATED MARCH 17, 2014, THIS PROPERTY IS LOCATED IN FLOOD ZONE X.

BOUNDARY SURVEY

SCALE: 1" = 50'

NORTH

JOB # 33411

REVISION
REVISION
REVISION

FIELD SURVEY DATE: 07-07-15
SECTION 34, TOWNSHIP 29 SOUTH, RANGE 38 EAST

L.B. #6623

NOTES:
1. THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
2. THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED. IT MAY NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR. COPY AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS OTHER RECORDED OR IMPLIED.
6. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.
7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
8. ELEVATIONS IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.

3670 WINTON ROAD, WEST MELBOURNE, FL 32904 L.B.#6623
PHONE: (321)768-8110 FAX: (321)952-9771 E-MAIL: aalsurvey@aalsurvey.com

ANDREW W. POWHOW
P.L.S. No. 5353

DANIEL D. GARNER
P.L.S. No. 6159

LEGEND
(P) - PLAT
(M) - MEASURED
(NG) - NGVD
(R) - RECORD
I.R. - IRON ROD
I.P. - IRON PIPE
C.M. - CONCRETE MONUMENT
P.K. - PARKER KALON
R/W - RIGHT OF WAY
P.U. - PUBLIC UTILITY
D.E. - DRAINAGE EASEMENT
P.L.S. - PROFESSIONAL LAND SURVEYOR
L.B. - LICENSE BUSINESS
F.F.E. - FINISHED FLOOR
E - ELEVATION
C - DELTA
R - RADIUS
L - ARC LENGTH
(B.O.B.) - BASIS OF BEARING
(N.A.D.) - NAIL AND DISK
N&D - NAIL AND DISK
CONC - CONCRETE
ASPH - ASPHALT
P.O.L. - POINT ON LINE
PRM - PERMANENT REFERENCE MARKER

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) West Pointe Babcock, LLC

ADDRESS c/o Smith & Associates 1499 S. Harbor City Blvd, Ste. 202

CITY Melbourne STATE FL ZIP 32901

PHONE # 321-676-5555 FAX # 321-676-5558

E-MAIL ADDRESS stephen@smithlawtlh.com

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION

See attached - a larger pdf version is available upon request.

SECTION 34 TOWNSHIP 29S RANGE 37E

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 2.89

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

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

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

7) JUSTIFICATION FOR REZONING: Fronts a major roadway

8) PRESENT USE OF THE PROPERTY: Vacant

9) INTENDED USE OF PROPERTY: Commercial

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".

X A listing of legal descriptions of all properties within a 500 foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at https://www.bcpao.us/paohome.asp) List shall be legible and the source of that information stated here: Brevard County Planning and Zoning

____ 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.

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** 9-27-17

Printed Name of Applicant Alan Sakowitz

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

CITY OF PALM BAY
RECEIVED

SEP 28 2017

LAND DEVELOPMENT

WEST POINTE BABCOCK, LLC
1135 Kane Concourse, Third Floor
Bay Harbor Islands, Florida 33154

August 22, 2017

City of Palm Bay

Please be advised that Smith & Associates, through its attorneys and Jason Steele, are authorized to submit a Rezoning Application and a Comprehensive Plan or Future Land Use Map Amendment Application on behalf of West Pointe Babcock, LLC and represent it in any proceedings related to said applications.

WEST POINTE BABCOCK LLC

Alan Sakowitz, Managing Member

STATE OF FLORIDA

COUNTY OF Miami - Dade

BEFORE ME, the undersigned authority, personally appeared Alan Sakowitz who is a managing member of West Pointe Babcock, LLC, who is personally known to me, or who produced Personally Known as identification, and who did/did not take an oath.

SWORN TO AND SUBSCRIBED before me this 27th day of September, 2017.

NOTARY PUBLIC

Notary Public State of Florida
William Manning-Marshall
My Commission GG 115178
Expires 06/15/2021

CASES CP-20-2017 & CPZ-20-2017

CORRESPONDENCE: 21

Correspondence included behind Case CP-20-2017

FLORIDA TODAY
FLORIDATODAY.com
A GANNETT COMPANY

Classified Ad Receipt
(For Info Only - NOT A BILL)

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PALM BAY FL 32907
USA

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Net Amt: $163.19

Run Times: 1

No. of Affidavits: 1

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Text of Ad:

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Patrick Murphy
Assistant Growth Management Director

DEREK CS BURR, AICP, DIRECTOR
DEPARTMENT OF GROWTH MANAGEMENT
120 MALABAR ROAD SE
PALM BAY, FL 32907
T: 321-733-3042 F: 321-953-8920

STAFF REPORT PREPARED BY:
Christopher Balter, Planner
REVIEWED BY:
Patrick Murphy, Assistant Director
APPROVED BY:
Derek CS Burr, Director

CASE NUMBER
T-48-2017

APPLICANT/PROPERTY OWNER
City of Palm Bay Growth Management

PLANNING & ZONING BOARD HEARING DATE
November 1, 2017

PROPERTY LOCATION/ADDRESS
Applies Citywide in the RR, Rural Residential Zoning District

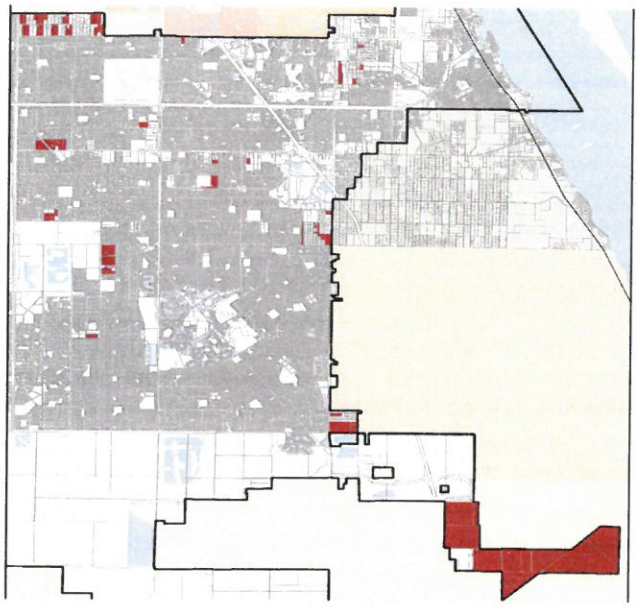
SUMMARY OF REQUEST:

The applicant is seeking a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185.031(D) *Conditional Uses*, to allow for the wedding venues on properties located in the RR, Rural Residential Zoning District.

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
N/A	N/A	N/A	N/A

SURROUNDING ZONING & LAND USE

N: N/A
E: N/A
S: N/A
W: N/A



GIS ARC MAP SOURCE

STAFF RECOMMENDATION: **APPROVE** ☐ **APPROVE WITH CONDITIONS** ☒ **DENY** ☐

PROPERTY HISTORY:

Staff has no adverse comments regarding the request to allow a wedding venue by Conditional Use. It should be noted that similar intensive uses are allowed in the zoning district, such as agricultural nurseries, golf courses, cemeteries, schools, churches, and clubs or lodges. The proposed textual amendment would allow wedding venues in the RR District, which are comparable in intensity to what is already permitted per the Code of Ordinance.

COMPATIBILITY with the COMPREHENSIVE PLAN:

Not specifically addressed.

COMPATIBILITY with the CODE OF ORDINANCES:

The request is not currently permitted in the RR District.

ATTACHMENTS

SUBMITTED PLANS	APPLICATION	LEGAL NOTICE	AGENCY COMMENTS	PUBLIC COMMENTS	LEGAL DESCRIPTION
YES ☐ NO ☒	YES ☒ NO ☐	YES ☒ NO ☐	YES ☐ NO ☒	YES ☒ NO ☐	YES ☐ NO ☒

OTHER TYPE OF ATTACHMENT (DESCRIBE): None

ANALYSIS:

1. The provisions of the RR District apply to areas which are uniquely suited for the development and maintenance of rural single-family residential living combined with limited agricultural activities. This is accomplished through the establishment of reasonable standards of design within the district regulations.

2. The RR District was adopted in 1989, and has had several minor amendments to date.

3. The purpose of this amendment is to allow for wedding venues as a Conditional Use in the areas of the city that are zoned Rural Residential. The minimum site size of a venue shall be 5 acres to allow for compliance with the development regulations of the Code of Ordinances and to curtail the proliferation of these venues throughout the City. This amendment if approved, will permit wedding venues by Conditional Use in this zoning district which is consistent with adjacent local governments.

4. Proposed language for this amendment is attached in legislative style with additions underlined and deletions in ~~strikethrough~~ format.

STAFF RECOMMENDATION:

Case No. T-48-2017 is recommended for approval.

§ 185.031 RR — RURAL RESIDENTIAL DISTRICT.

(D) *Conditional uses.*

(12) Wedding Venues subject to the provisions established in § 185.088(J).

§ 185.088 SPECIAL REQUIREMENTS AND CONDITIONS.

(J) Wedding Venues

(1) The minimum size of a property for a wedding venue shall be five (5) acres.
(2) The subject property shall have direct access to a collector roadway or higher classification roadway.
(3) The structure used for wedding venues and the associated parking areas shall meet the setbacks established for principal structures of the RR District.
(4) The hours of operation shall be from sunrise to 11:00 P.M. not including venue setup and breakdown.
(5) Parking surfaces shall utilize stabilized materials and shall meet the provisions established in §185.140(B)(1).
(6) A two-way driveway must be a minimum of twenty four (24) feet in width at the right-of-way line and shall be paved from the right-of-way line to the edge of pavement of the roadway that the driveway connects to.
(7) A one-way driveway must be a minimum of fifteen (15) feet in width at the right-of-way line and shall be paved from the right-of-way line to the edge of pavement of the roadway that the driveway connects to
(8) If a wedding venue chooses to have a sign, one detached sign shall be permitted for the venue site not to exceed six (6) feet in height, with a maximum sign area of sixteen (16) square feet, and setback a minimum of ten (10) feet from any property line.
(9) All site lighting is subject to the provisions established in §185.143.
(10) All site noise is subject to the provisions established in §92.0.

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 Land Development

ADDRESS 120 Malabar RD SE

CITY Palm Bay STATE Florida ZIP 32909

PHONE # 321-733-3042 FAX # 321-953-8920

E-MAIL ADDRESS LandDevelopment@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:

185.031(D) & 185.088

3) PROPOSED LANGUAGE (attach addendum if necessary):

See Attachment

4) JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary):

See Attachment

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

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY, AND CERTIFY THAT ALL THE ANSWERS 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** 17 Dec 17

Printed Name of Applicant DEREK CS BUSS

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

CASE T-48-2017

CORRESPONDENCE: 1

Christopher Balter

From: Troy Douglas <tdouglas5@cfl.rr.com>
Sent: Wednesday, October 25, 2017 3:44 PM
To: Christopher Balter
Cc: tdouglas5@cfl.rr.com
Subject: support for TA-48-2017

Good Afternoon Mr. Balter,

Please accept this letter in support of text amendment 48-2017, This text amendment would allow us to use our property in Palm Bay to open a much needed business (wedding venue) for the Palm Bay area. By allowing property owners that have 5 or more acres to host rustic barn/outdoor weddings, you offer residents and visitors another reason to visit and conduct business in Palm Bay. All of the neighboring town/cites currently offer a wedding/event venue in their respective areas to their citizens.

It is with very high hopes that this text amendment passes and receives a warm reception from the community and the city.

Thank you again for allowing this opportunity to support TA-48-2017.

Respectfully,
Troy and Brandy Douglas

TRADER JAKE'S

October 19, 2017

CITY OF PALM BAY
120 MALABAR RD. SE PALM BAY, FL 32907
AFFIDAVIT OF PUBLICATION

COMES NOW Affiant, SUSAN BENJAMIN, and states:

1. Affiant is an owner of Trader Jake's newspaper with knowledge of the publication of the NOTICE OF PUBLIC HEARING in the above-styled cause.

2. Affiant further says that Trader Jakes is a newspaper published at Melbourne, in said Brevard County, Florida, and that the said Trader Jakes has heretofore been continuously published in said Brevard County, Florida, each week, for a period of 1 year next preceding the first publication of the attached copy of advertisement: and Affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

3. The NOTICE OF PUBLIC HEARING in the above-styled cause, a true and correct copy of which is included herein was published for one (1) week, specifically October 20, 2017.

All of the matters set forth are true and correct. I understand that the penalty for making a false statement under oath includes fines and/or imprisonment.

_____
SUSAN BENJAMIN

STATE OF FLORIDA
COUNTY OF BREVARD

SWORN TO OR SUBSCRIBED before me, on the _____ day of _____, 2017, the undersigned, by Susan Benjamin who was sworn or took an oath.

_____
NOTARY PUBLIC-STATE OF FLORIDA

Publication cost $95

Ad/Invoice Number:011883

NOTICE OF PUBLIC HEARING

CITY OF PALM BAY, FLORIDA

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on November 1, 2017, and by the City Council on November 2, 2017, at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, both to be held at 7:00 p.m. for the purpose of considering the following case(s):

1. T-48-2017 - CITY OF PALM BAY

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.031, in order to modify the RR, Rural Residential District to allow wedding venues by conditional use.

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

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. (ß 59.03, Palm Bay Code of Ordinances).

All interested parties are invited to submit written communication and appear at the aforementioned hearings. Please contact the Palm Bay Growth Management Department at (321) 733-3041 should you have any questions.

Patrick Murphy

Assistant Growth Management Director

The City of Palm Bay Florida

DEREK CS BURR, AICP, DIRECTOR
DEPARTMENT OF GROWTH MANAGEMENT
120 MALABAR ROAD SE
PALM BAY, FL 32907
T: 321-733-3042 F: 321-953-8920

STAFF REPORT PREPARED BY:
Christopher Balter, Planner
REVIEWED BY:
Patrick Murphy, Assistant Director
APPROVED BY:
Derek CS Burr, Director

CASE NUMBER
CU-49-2017

APPLICANT/PROPERTY OWNER
Troy and Brandy Douglas

PLANNING & ZONING BOARD HEARING DATE
November 1, 2017

PROPERTY LOCATION/ADDRESS
750 Osmosis Drive SW Palm Bay, FL 32908

SUMMARY OF REQUEST:

The applicant is seeking a Conditional Use for a wedding venue located at 750 Osmosis Drive, which is zoned RR, Rural Residential.

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
RR	Single Family Residential	Horse Stables Fenced Riding Area	5.29

SURROUNDING ZONING & LAND USE:

N: IU, Institutional Use; City Recreation Area and Cell Tower
E: RR, Rural Residential; Single Family Home
S: RS-2, Single Family Residential; Vacant Land
W: NC, Neighborhood Commercial; Vacant Land

GIS ARC MAP SOURCE

STAFF RECOMMENDATION: **APPROVE** ☒ **APPROVE WITH CONDITIONS** ☐ **DENY** ☐

PROPERTY HISTORY:

The property was originally zoned Neighborhood Commercial from 1972-2000. In 2000, a portion of the property was rezoned to RR, Rural Residential for equestrian use. The equestrian use took place from 2000 to 2014. From 2014 to 2017 the property sat vacant until the applicant purchased the property.

COMPATIBILITY with the COMPREHENSIVE PLAN:

The Single Family Future Land Use category permits single-family homes, recreation uses, and institutional uses, such as school, churches, and utilities. Wedding venues would be consistent with this category.

COMPATIBILITY with the CODE OF ORDINANCES:

The request is currently permitted in the RR District as a Conditional Use.

ATTACHMENTS

SUBMITTED PLANS	APPLICATION	LEGAL NOTICE	AGENCY COMMENTS	PUBLIC COMMENTS	LEGAL DESCRIPTION
YES ☒ NO ☐	YES ☒ NO ☐	YES ☒ NO ☒	YES ☐ NO ☐	YES ☒ NO ☐	YES ☒ NO ☐

OTHER TYPE OF ATTACHMENT (DESCRIBE): None

ANALYSIS:

The property was previously used for equestrian purposes. The equestrian operation ceased several years ago and was vacant until May 2017, when the applicant purchased the property. The applicant seeks to use the property as a wedding venue and plans to make all necessary improvements to ensure public safety.

CODE REQUIREMENTS:

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

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

   The subject property is located on an existing rural residential zoned parcel that was developed for equestrian use. The subject property is accessed via a driveway connection on Osmosis Drive SW. Two new driveway connections to the subject property are proposed that and meet the requirements for adequate ingress and egress per section 185.088(J)(8) of the Code of Ordinances

   Item (B): Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, or other detrimental effects upon adjoining properties.

   The total assembly square footage is 2,400 square feet and will require one (1) parking space for every 3 seats. The total seat count proposed by the applicant is 150 seats; therefore a minimum of 50 parking spaces are required with at least two (2) parking spaces being handicap accessible. The conceptual plan submitted by the applicant proposes a total of 63 regular parking spaces and 3 handicap parking stalls, thus which surpasses what is required by the City of Palm Bay Code of Ordinance section 185.140.

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

   All necessary utilities; water, electric, and wastewater are available to the property.

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

The nearest single-family home is approximately 500 feet away from the subject property. The subject property has an existing vegetative buffer to the North located along Osmosis Drive and to the West located on Madden Ave. The property is bordered on the South with a 50-foot drainage right-of-way that is presently used as an open drainage canal. As the operation is going to be used for weddings and receptions, Staff believes it does not warrant further buffering.

Item (E): Signs, if any, and proposed exterior lighting will be so designed and arranged to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.

The conceptual site plan submitted by the applicant is currently not proposing any signage or additional lighting. However, any lighting and signage shall comply with section 185.088(J) of the Palm Bay Code of Ordinances.

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

The Yard and Open Space requirements of the Land Development Code have been met per section 185.031(F)(4) The maximum building coverage of the Rural Residential district is 35%, and conceptual site plan submitted by the applicant shows a coverage of 3.51%, therefore, meeting the requirement.

Item (G): The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity.

The Conditional Use request for the subject property for a wedding venue is not anticipated to create any nuisances from the number of persons that would patronage the subject property for the Conditional Use. Similar intensive uses such as agricultural nurseries, parks, and playgrounds, and public utility facilities are permitted in the RR District. The subject property must comply with the special requirements and conditions listed in section 185.088(J) of the Code of Ordinances.

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

Staff can find a noise issue that the request would create an incompatibility with adjacent properties. However, this has been mitigated by the venue adhering to the City's Noise Ordinance, and the substantial setbacks that are required per the Code of Ordinances. The substantial setbacks allow the sound to dissipate as it moves away from the subject property.

Item (l): Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, a reasonable time limit for which special approval is requested shall be begun or completed, or both.

The Planning and Zoning Board and City Council have the authority and right to impose any additional and justifiable safeguards and/or conditions to ensure that the facility operates safely and harmoniously with its surroundings. City Staff has no suggested conditions for consideration.

Staff has no adverse comments regarding the request. Currently, similar intensive uses are allowed in the zoning district, such as agricultural nurseries, golf courses, cemeteries, schools, churches, and clubs or lodges. The proposed Conditional Use would allow a wedding venue in the RR zoning district, which is comparable in intensity to what is already permitted per the Code of Ordinances.

STAFF RECOMMENDATION:

Staff recommends approval of Case No. CU-49-2017, subject to compliance with all applicable City Codes and other governmental regulations.

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

CONDITIONAL USE APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

1) NAME OF APPLICANT (Type or print) Troy & Brandy Douglas

ADDRESS 704 Osmosis Dr. SW

CITY Palm Bay STATE FL ZIP 32908

PHONE # 772-473-7213 FAX # n/a

E-MAIL ADDRESS tdouglas5@cfl.rr.com

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION:
Tract K, less + except the east 191 feet there of Port Malabar Unit Forty nine according to the plat there of recorded in Plat Bk. 22, Page 140-147, Public Records of Brevard County, FL

SECTION 29 TOWNSHIP 36 RANGE 23

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 5.29

4) CONDITIONAL USE SOUGHT: Wedding Venue

5) ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.): RR

6) APPLICANT MUST PROVIDE A SITE PLAN SKETCH ON CD OR MEMORY DRIVE SHOWING THE FOLLOWING WHERE APPLICABLE:

(a) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
(b) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.
(c) Adequate and properly located utilities that are available or may be reasonably provided to serve the proposed development.
(d) Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.
(e) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.
(f) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.
(g) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity.

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

(i) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, reasonable time limit within which the action for which special approval is requested shall be begun or completed, or both.

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

_____Planned Industrial Development (site is industrially zoned and over five acres in size).

_____Planned Residential Development (site is zoned multi-family and proposes 100 or more units).

_____Church

_____Club or Lodge

_____Commercial dog kennel

_____Communication tower and facilities

_____Dance club (Sec. 185.088(J))

_____Public or private school

_____Self-storage facility

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

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

_____A listing of legal descriptions of all properties within a 500 foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This can be obtained for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)

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

_____Property map showing properties within 500 foot radius, and clearly outlining the subject parcel.

_____Location map showing properties adjacent uses, zoning, streets, driveways, canals, and utilities.

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

_____Where property is not owned by the applicant, a letter must be attached giving the notarized consent of the owner for the applicant to request the conditional use.

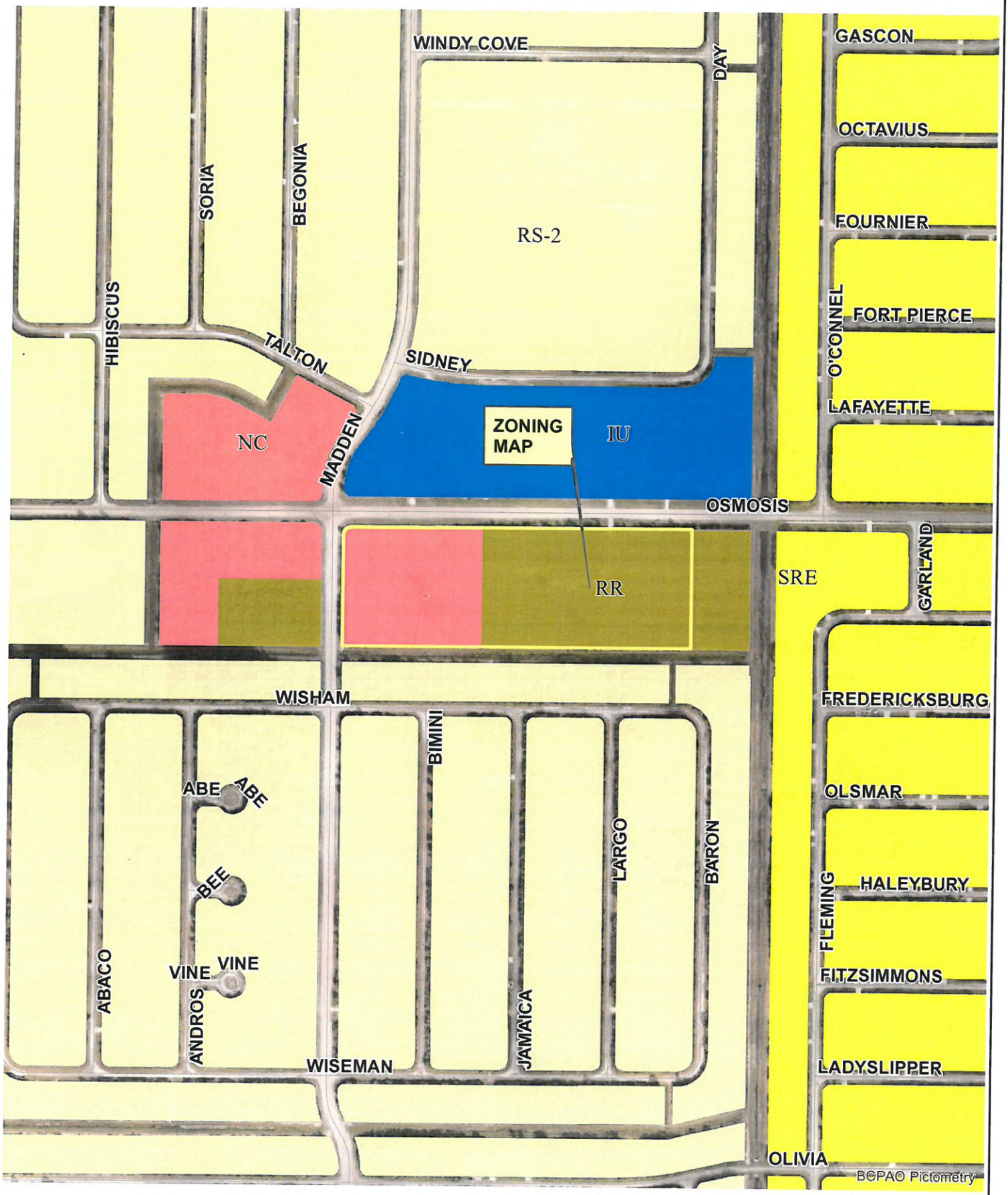
I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE LOCAL PLANNING AGENCY, AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE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

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

Signature of Applicant Troy Douglas Brandy Douglas **Date** _____

Printed Name of Applicant Troy Douglas & Brandy Douglas

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



N W E S

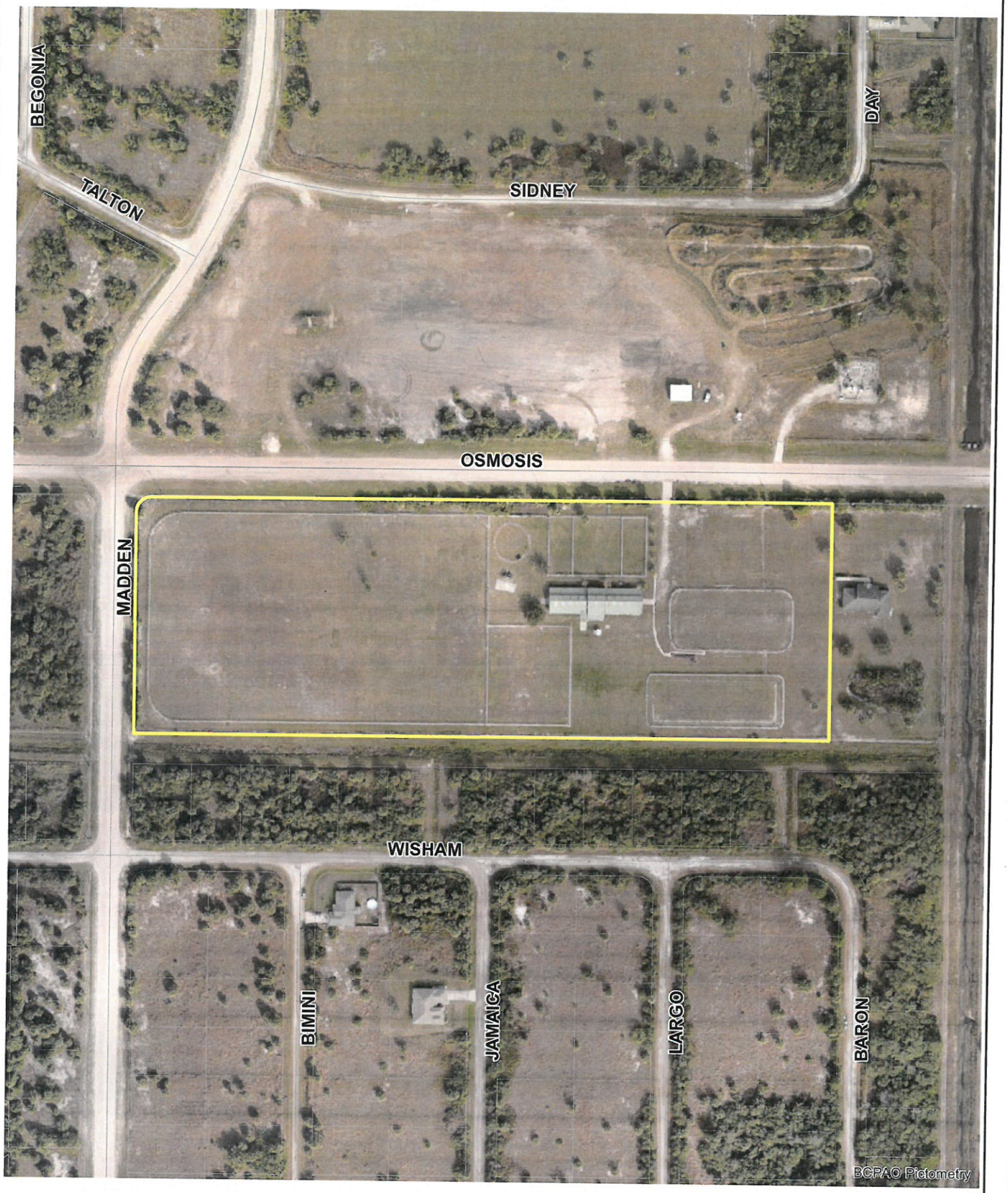
Map for illustrative purposes only. Not to be construed as binding or as a survey.

CASE NO.CU-49-2017

N
W E
S

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

CASE NO.CU-49-2017

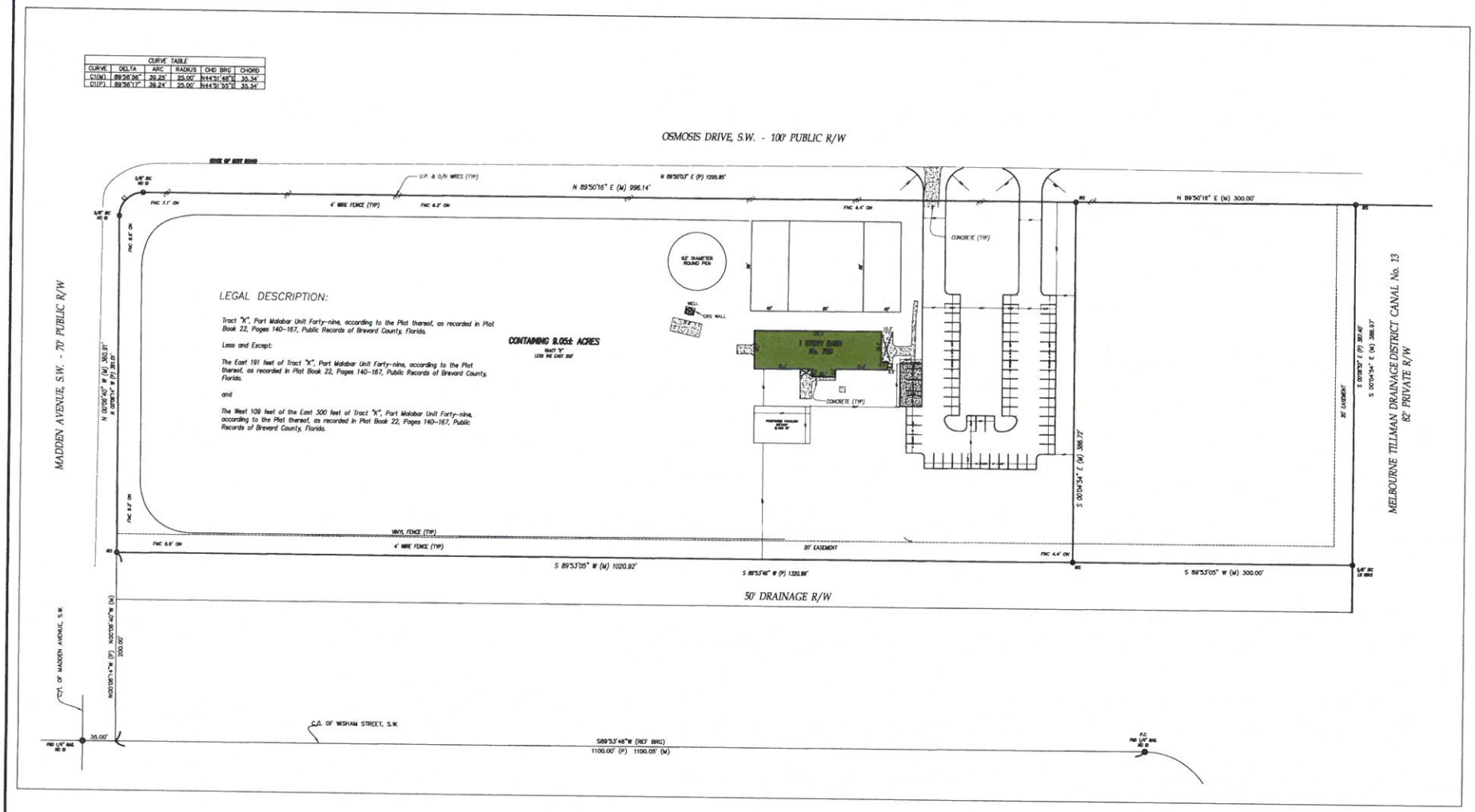


N W E S

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

CASE NO.CU-49-2017

CURVE TABLE					
CURVE	DELTA	ARC	RADIUS	CHD BRG	CHORD
C1(M)	89°56'36"	39.25'	25.00'	N44°31'48"E	35.34'
C1(P)	89°56'17"	39.24'	25.00'	N44°31'55"E	35.34'



SITE PLAN
SCALE: 1"= 50'

TEIMOURI & Associates, Inc.
Consulting Engineers
3250 Suntree Blvd. Suite 1
Melbourne, Florida 32940
Email: saheed@teimouri.com
321-254-8811 Fax 321-729-9969
CERTIFICATE OF AUTHORIZATION # 32293

NO.	DATE	REVISIONS

250 OSMOSIS WEDDING VENUE

EXISTING SITE PLAN

PREPARED FOR:
BRANDY & TROY DOUGLAS
250 OSMOSIS DRIVE PALM BAY, FLORIDA 32909

PROJECT NO:	2017-126
FILE NO:	2017126C1a
DESIGNED BY:	VBT
DRAWN BY:	VBT
CHECKED BY:	
DATE:	10-12-17
DRAWING NO:	C-1
SHEET 1 OF 1	

SAHEED S. TEIMOURI, P.E.
LICENSE No. 41232
STATE OF FLORIDA
PROFESSIONAL ENGINEER

CASE CU-49-2017

CORRESPONDENCE: 1

October 24, 2017 – 12:51 p.m.

Telephone Message:

Re. Case CU-49-2017 – Supports the request. A wedding venue in a barn is a wonderful idea. Make sure there's enough parking.

Property location: Lots 16, Block 2587, Port Malabar Unit 49

Nancy Wentz
119 Elm Street
Hudson, OH 44236

cp

H: 330-656-2105

TRADER JAKE'S

October 19, 2017

CITY OF PALM BAY
120 MALABAR RD. SE PALM BAY, FL 32907
AFFIDAVIT OF PUBLICATION

COMES NOW Affiant, SUSAN BENJAMIN, and states:

1. Affiant is an owner of Trader Jake's newspaper with knowledge of the publication of the NOTICE OF PUBLIC HEARING in the above-styled cause.

2. Affiant further says that Trader Jakes is a newspaper published at Melbourne, in said Brevard County, Florida, and that the said Trader Jakes has heretofore been continuously published in said Brevard County, Florida, each week, for a period of 1 year next preceding the first publication of the attached copy of advertisement: and Affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

3. The NOTICE OF PUBLIC HEARING in the above-styled cause, a true and correct copy of which is included herein was published for one (1) week, specifically October 20, 2017.

All of the matters set forth are true and correct. I understand that the penalty for making a false statement under oath includes fines and/or imprisonment.

_____
SUSAN BENJAMIN

STATE OF FLORIDA
COUNTY OF BREVARD

SWORN TO OR SUBSCRIBED before me, on the _____ day of _____, 2017, the undersigned, by Susan Benjamin who was sworn or took an oath.

_____
NOTARY PUBLIC-STATE OF FLORIDA

Publication cost $95

Ad/Invoice Number:011882

NOTICE OF PUBLIC HEARING

CITY OF PALM BAY, FLORIDA

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on November 1, 2017, and by the City Council on November 16, 2017, at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, both to be held at 7:00 p.m. for the purpose of considering the following case(s):

1. CU-49-2017 - TROY DOUGLAS

A conditional use request to allow for a proposed wedding venue in an RR, Rural Residential District. A portion of Tract K, Port Malabar Unit 49, Section 23, Township 29, Range 36, Brevard County, Florida, containing 5.29 acres, more or less. (Located in the vicinity of the southeast intersection of Osmosis Drive SW and Madden Avenue SW, specifically at 750 Osmosis Drive SW)

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

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. (ß 59.03, Palm Bay Code of Ordinances).

All interested parties are invited to submit written communication and appear at the aforementioned hearings. Please contact the Palm Bay Growth Management Department at (321) 733-3041 should you have any questions.

Patrick Murphy
Assistant Growth Management Director

DEREK CS BURR, AICP, DIRECTOR
DEPARTMENT OF GROWTH MANAGEMENT
120 MALABAR ROAD SE
PALM BAY, FL 32907
T: 321-733-3042 F: 321-953-8920

STAFF REPORT PREPARED BY:
Robert Loring, Planner
REVIEWED BY:
Derek CS Burr, Director
APPROVED BY:
Derek CS Burr, Director

CASE NUMBER
CP-27-2017

APPLICANT/PROPERTY OWNER
City of Palm Bay

PLANNING & ZONING BOARD HEARING DATE
November 1, 2017

PROPERTY LOCATION/ADDRESS
2144 and 2148 Palm Bay Road NE

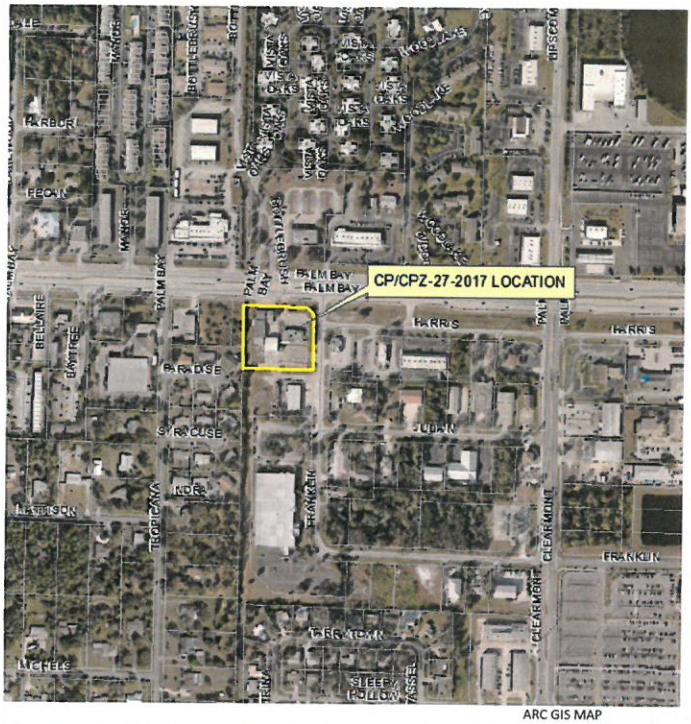
SUMMARY OF REQUEST

The City is seeking a small scale Comprehensive Plan Future Land Use Map Amendment to change from COM - Commercial Use to IND - Industrial Use. The City has deemed the property surplus, with no plans for future development.

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
CC	COM	2 Existing Structures (Abandoned)	1.84 Acres +/-

SURROUNDING ZONING & LAND USE

N: CC: Community Commercial; w/ structures
E: CC: Community Commercial; w/ structures
S: LI: Light Industrial; w/ structures
W: CC: Community Commercial; w/ structures



ARC GIS MAP

STAFF RECOMMENDATION: **APPROVE** ☒ **APPROVE WITH CONDITIONS** ☐ **DENY** ☐

PROPERTY HISTORY

The subject property is the abandoned Fire and Police Stations that were in use until the late 1990's. The property is under contract for sale contingent on successful completion of a Re-Zoning, and Comprehensive Plan Future Land Use amendments being adopted by City Council prior to the sale of the property.

COMPATIBILITY with the COMPREHENSIVE PLAN

As there exists Industrial Use zoning to the South of the subject property, the proposed land use amendment would be considered compatible with surrounding land uses.

COMPATIBILITY with the CODE OF ORDINANCES

The request would require successful rezoning of the property from CC to LI to allow for Industrial Uses as a principle use, and insure compatibility with the Comprehensive Plan.

ATTACHMENTS

SUBMITTED PLANS	APPLICATION	LEGAL NOTICE	AGENCY COMMENTS	PUBLIC COMMENTS	LEGAL DESCRIPTION
YES ☐ NO ☒	YES ☒ NO ☐	YES ☒ NO ☐	YES ☐ NO ☒	YES ☐ NO ☒	YES ☒ NO ☐

OTHER TYPE OF ATTACHMENT (DESCRIBE): None

ANALYSIS:

Availability of Public Facilities and Services:

Potable Water: The surrounding property is serviced by City Water.

Sanitary Sewer: The surrounding property is serviced by City Sewer.

Solid Waste: Provided by Waste Management.

Parks and Recreation: The proposed Future Land Use amendment would not exceed the existing park land or recreational level of service standards for the Planning Area.

Drainage: As the site has already been developed, water attenuation for the land has been accounted for- however, if the existing buildings found on site are expanded or destroyed, a new water retention system meeting current developmental standards would be required and approved by the St. Johns River Water Management District; a new system would also be reviewed by the City and approved during the administrative site plan review.

Transportation: The proposed Future Land Use amendment is below the 1% minimum threshold. The applicant intends to sell the land as it has been deemed surplus land to be developed for future industrial use. The future development would require re-zoning to match the land use. The use will not negatively impact the surrounding road network.

Public-Schools: As the proposal is for Industrial Use, there appears to be no adverse impact to the Public-School system.

Environmental Resources:

Any future development or expansion would require review and compliance with all City regulations, including environmental review, as may be required.

Coastal High Hazard Zone:

The subject property is not located in a Coastal High Hazard Zone, nor is it located in a current surge area.

Historic Resources:

The subject property has no Master File Site listing for any historic resources on the property.

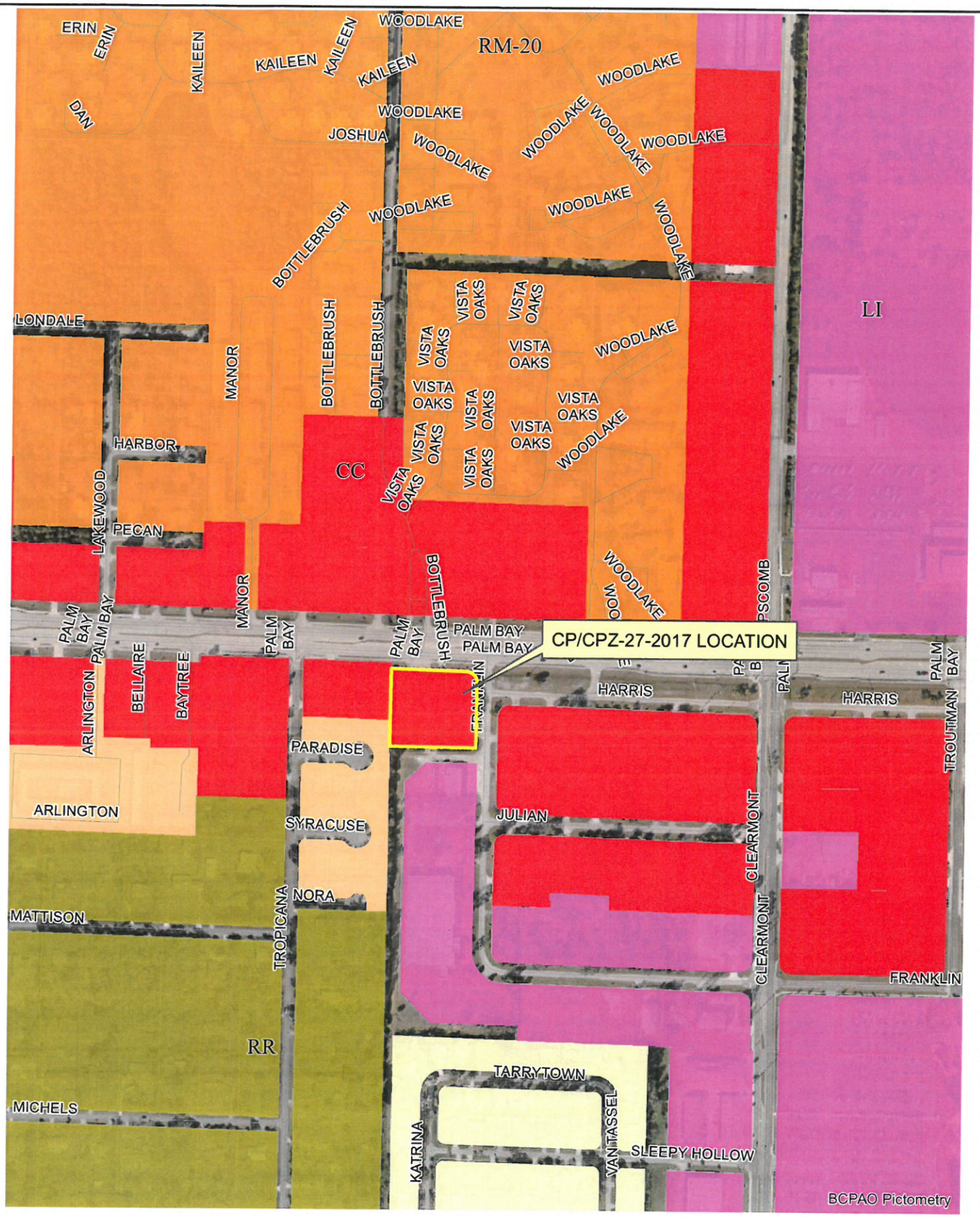
STAFF RECOMMENDATION:

Motion to approve Case No. CP-27-2017, 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

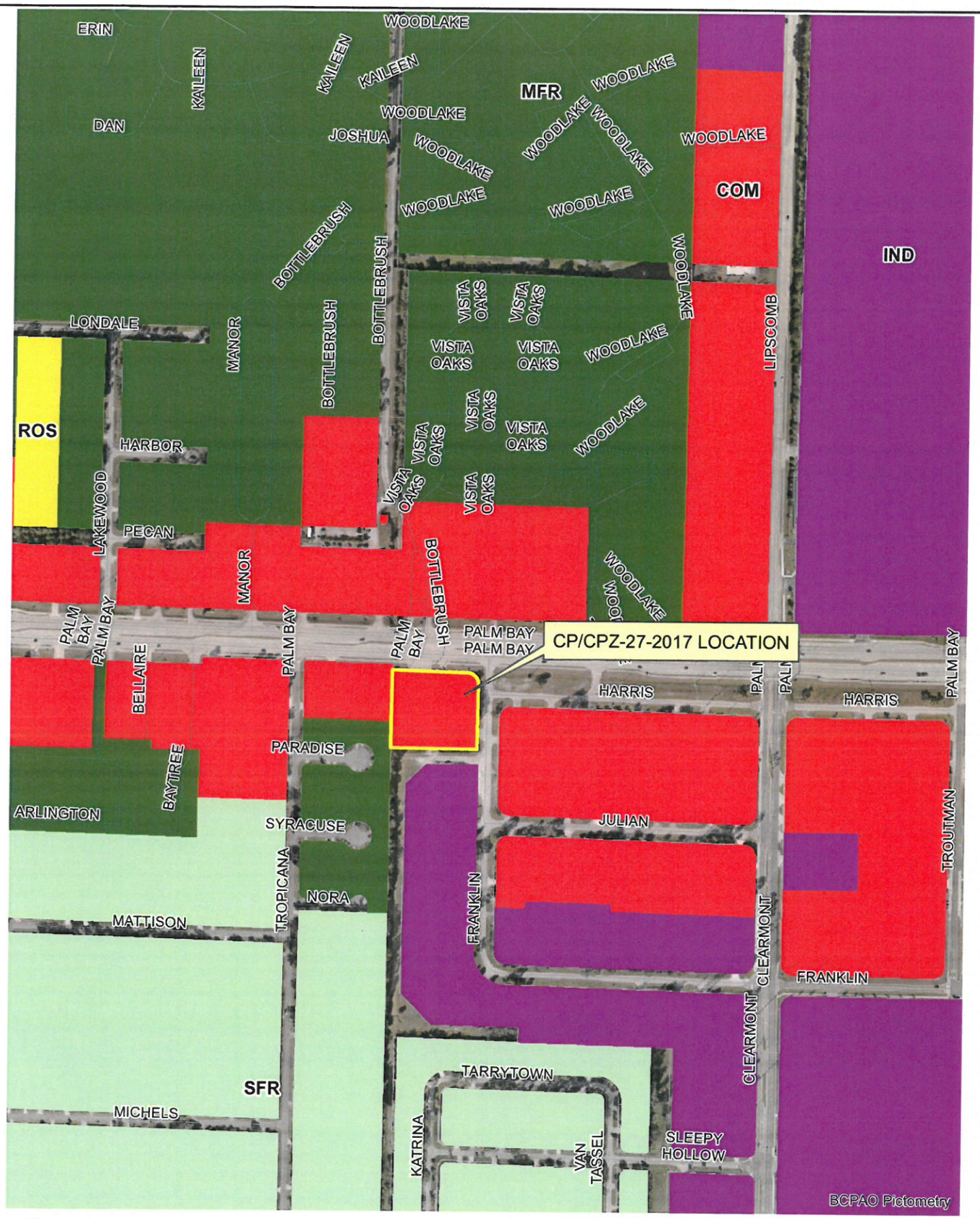
CASE CP/CPZ-27-2017 LOCATION MAP

Palm Bay



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

CASE CP/CPZ-27-2017 ZONING MAP



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

CASE CP/CPZ-27-2017 FLU MAP

Palm Bay

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

ADDRESS 120 MALABAR RD SE

CITY PALM BAY STATE FL ZIP 32907

PHONE # 321-409-7187 FAX # 321-848-1288

E-MAIL ADDRESS Andy.Anderson@palmbayflorida.org

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION

Plat Book/Page: 0013/0103 Subdivision Name: Port Malabar Industrial Park Subd
Land Description: Port Malabar Industrial Park Subd Lot 1 Blk 4
(2144 & 2148 Palm Bay Rd NE, Palm Bay, FL 32905)

SECTION 22 TOWNSHIP 28 RANGE 37

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 1.84 ACRES

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

5) LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE:
IND - INDUSTRIAL

6) PRESENT USE OF THE PROPERTY: ABANDONED BUILDINGS NO LONGER IN USE

7) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY: YES

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.)

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

PROPERTY IS CURRENTLY FOR SALE AND UNDER CONTRACT. CONTRACT IS CONTINGENT UPON REZONING & FLU CHANGE. BUYER INTENDS TO PLACE A POWDER COATING BUSINESS ON THIS PROPERTY AND REQUIRES NECESSARY CHANGES.

10) SPECIFIC USE INTENDED FOR PROPERTY:

BUYER INTENDS TO PLACE A POWDER COATING BUSINESS ON THIS PROPERTY.

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

_____ ***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

_____ **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 for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)**

_____ **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.

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** 10.5.17

Printed Name of Applicant Gregg Lynk

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

CITY OF PALM BAY
RECEIVED
OCT 11 2017
LAND DEVELOPMENT

FLORIDA TODAY
FLORIDATODAY.com
A GANNETT COMPANY

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: CITY OF PALM BAY

Address: 120 MALABAR RD SE
PALM BAY FL 32907
USA

Ad No.: 0002480709
Pymt Method Invoice
Net Amt: $362.01

Run Times: 1

No. of Affidavits: 1

Run Dates: 10/20/17

Text of Ad:

AD#2480709 10/20/2017
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING

Notice is hereby given that a land use public hearing will be held by the Planning and Zoning Board/Local Planning Agency on November 1, 2017, at 7:00 p.m., and by the City Council on December 7, 2017, at 7:00 p.m., both to be held at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1. CP-27-2017 – CITY OF PALM BAY
A small scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Industrial Use.

Lot 1, Block 4, Port Malabar Industrial Park Subdivision, Section 22, Township 28, Range 37, Brevard County, Florida, containing 1.84 acres, more or less. (Located at the southwest intersection of Palm Bay Road NE and Franklin Drive NE, specifically at 2144 and 2148 Palm Bay Road NE)

2. CPZ-27-2017 – WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)
A zoning amendment from a CC, Community Commercial District to an LI, Light Industrial and Warehousing District.

Lot 1, Block 4, Port Malabar Industrial Park Subdivision, Section 22, Township 28, Range 37, Brevard County, Florida, containing 1.84 acres, more or less. (Located at the southwest intersection of Palm Bay Road NE and Franklin Drive NE, specifically at 2144 and 2148 Palm Bay Road NE)

3. CP-28-2017 – CITY OF PALM BAY
A small scale Comprehensive Plan Future Land Use Map amendment from Office Professional Use to Commercial Use.

Tract B, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .95 acres, more or less. (Located south and west of Market Circle NE, specifically at 1878 Market Circle NE)

4. CPZ-28-2017 – CITY OF PALM BAY
A zoning amendment from an OP, Office Professional District to a CC, Community Commercial District.

Tract B, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .95 acres, more or less. (Located south and west of Market Circle NE, specifically at 1878 Market Circle NE)

5. CP-29-2017 – CITY OF PALM BAY
A small scale Comprehensive Plan Future Land Use Map amendment from Professional Office Use to Commercial Use.

Tract C, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .97 acres, more or less. (Located at the southwest intersection of Port Malabar Boulevard NE and Market Circle NE)

6. CPZ-29-2017 – CITY OF PALM BAY
A zoning amendment from an OP, Office Professional District to a CC, Community Commercial District.

Tract C, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .97 acres, more or less. (Located at the southwest intersection of Port Malabar Boulevard NE and Market Circle NE)

7. CP-30-2017 – CITY OF PALM BAY
A small scale Comprehensive Plan Future Land Use Map amendment from Utility Use to Single Family Residential Use.

Tract C, Port Malabar Unit 37, Section 12, Township 29, Range 36, Brevard County, Florida, containing 3.4 acres, more or less. (Located west of and adjacent to Santo Domingo Avenue SW, in the vicinity east of Sherwood Avenue SW)

Full legal descriptions of properties are available from the Growth Management Department.

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

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).

All interested citizens are invited to submit written communication and appear at the aforementioned hearings. Please contact the Palm Bay Growth Management Department at (321) 733-3041 should you have any questions.

/s/ Patrick Murphy
Assistant Growth Management Director

DEREK CS BURR, AICP, DIRECTOR
DEPARTMENT OF GROWTH MANAGEMENT
120 MALABAR ROAD SE
PALM BAY, FL 32907
T: 321-733-3042 F: 321-953-8920

STAFF REPORT PREPARED BY:
Robert Loring, Planner
REVIEWED BY:
Derek CS Burr, Director
APPROVED BY:
Derek CS Burr, Director

CASE NUMBER	APPLICANT/PROPERTY OWNER
CPZ-27-2017	City of Palm Bay
PLANNING & ZONING BOARD HEARING DATE	**PROPERTY LOCATION/ADDRESS**
November 1, 2017	2144 and 2148 Palm Bay Road NE

SUMMARY OF REQUEST

The City is seeking a zoning amendment to change from CC, Community Commercial to LI, Light Industrial and Warehousing. The accompanying Comprehensive Plan Future Land Use Map Amendment application has been filed (CP-27-2017).

ARC GIS MAP

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
CC	COM	2 Existing Structures (Abandoned)	1.84 Acres +/-

SURROUNDING ZONING & LAND USE

N: CC: Community Commercial; w/ structures
E: CC: Community Commercial; w/ structures
S: LI: Light Industrial & Warehousing; w/ structures
W: CC: Community Commercial; w/ structures

STAFF RECOMMENDATION: **APPROVE** ☒ **APPROVE WITH CONDITIONS** ☐ **DENY** ☐

PROPERTY HISTORY

The subject property is the abandoned Fire and Police Stations that were in use until the late 1990's. The property is under contract for sale contingent on successful completion of a Re-Zoning, and Comprehensive Plan Future Land Use amendments being adopted by City Council prior to the sale of the property.

COMPATIBILITY with the COMPREHENSIVE PLAN

Subject to approval of CP-27-2017.

COMPATIBILITY with the CODE OF ORDINANCES

The request would require successful Re-zoning of the property from CC to LI to allow for Industrial Uses as a principle use, and ensure compatibility with the Comprehensive Plan.

ATTACHMENTS

SUBMITTED PLANS	APPLICATION	LEGAL NOTICE	AGENCY COMMENTS	PUBLIC COMMENTS	LEGAL DESCRIPTION
YES ☐ NO ☒	YES ☒ NO ☐	YES ☒ NO ☐	YES ☐ NO ☒	YES ☐ NO ☒	YES ☒ NO ☐

OTHER TYPE OF ATTACHMENT (DESCRIBE): None

ANALYSIS:

The subject parcel is 1.84 acres +/-. The property is the former Fire and Police Station buildings that were in use until the late 1990's. The property is currently under contract, pending successful completion of both the Comprehensive Plan Future Land Use amendment and the Re-zoning of the subject property.

Availability of Public Facilities and Services:

Potable Water: The surrounding property is serviced by City Water.

Sanitary Sewer: The surrounding property is serviced by City Sewer.

Solid Waste: Provided by Waste Management.

Parks and Recreation: The proposed Future Land Use amendment would not exceed the existing park land or recreational level of service standards for the Planning Area.

Drainage: As the site has already been developed, water attenuation for the land has been accounted for- however, if the existing buildings found on site are expanded or destroyed, a new water retention system meeting current developmental standards would be required and approved by the St. Johns River Water Management District; a new system would also be reviewed by the City and approved during the administrative site plan review.

Transportation: The proposed Future Land Use amendment is below the 1% minimum threshold. The applicant intends to sell the land as it has been deemed surplus land to be developed for future industrial use. The future development would require re-zoning to match the land use. The use will not negatively impact the surrounding road network.

Public-Schools: As the proposal is for Industrial Use, there appears to be no adverse impact to the Public-School system.

Environmental Resources:

Any future development or expansion would require review and compliance with all City regulations, including environmental review, as may be required.

Coastal High Hazard Zone:

The subject property is not located in a Coastal High Hazard Zone, nor is it located in a current surge area.

Historic Resources:

The subject property has no Master File Site listing for any historic resources on the property.

CODE REQUIREMENTS:

The subject property proposed for re-zoning to the LI, Light Industrial and Warehousing zoning district is located on an established commercial corridor on an arterial roadway. It exceeds the minimum frontage and depth requirements for the LI zoning district. As there already exists LI zoning to the south of the subject property, it appears that the request is compatible with surrounding uses found in the immediate area, and does not create a 'spot zone' along the commercial corridor.

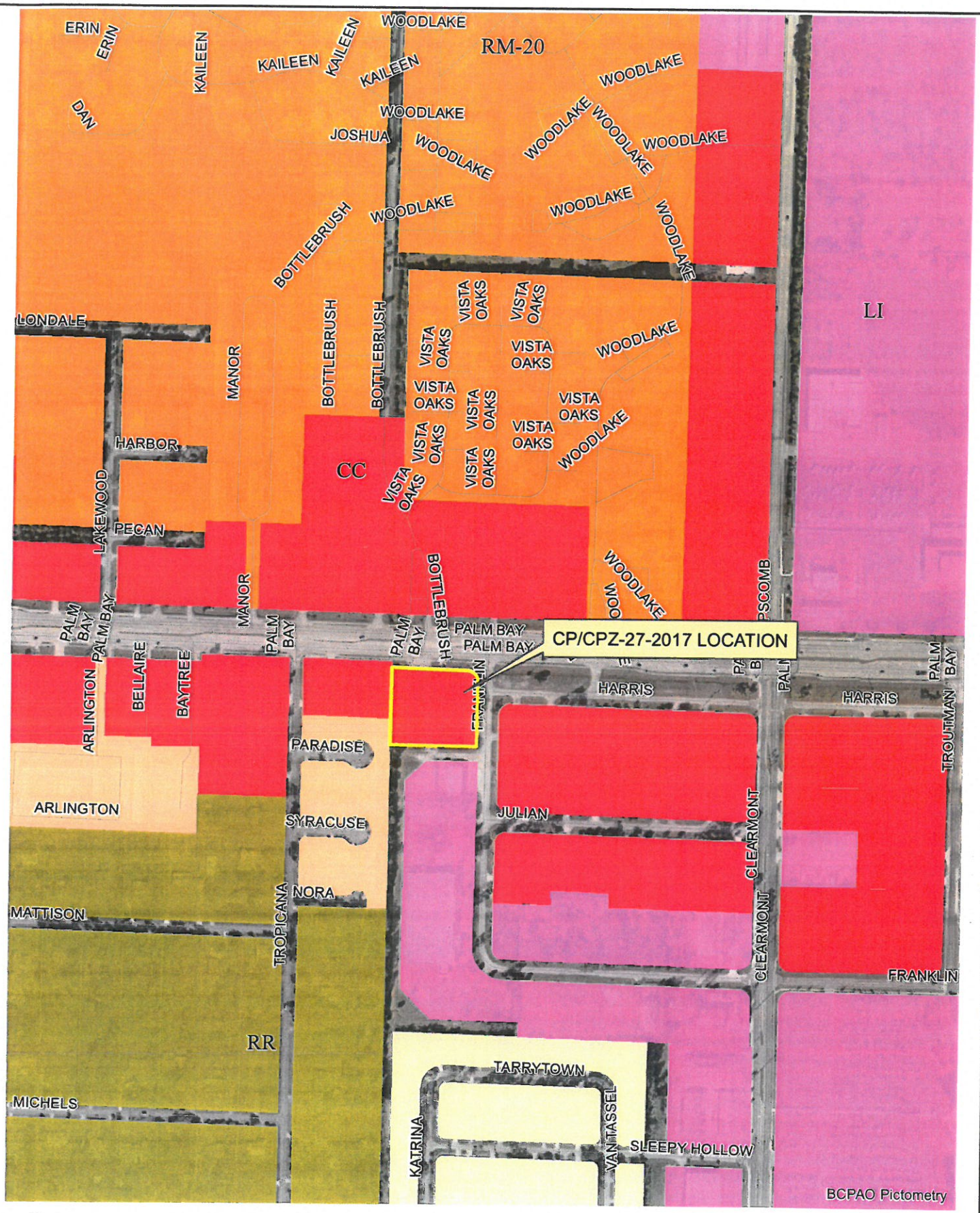
STAFF RECOMMENDATION:

The Board and City Council must determine if the requested zoning category is compatible with the requested Future Land Use category identified in Case CP-27-2017.

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

CASE CP/CPZ-27-2017 LOCATION MAP

Palm Bay

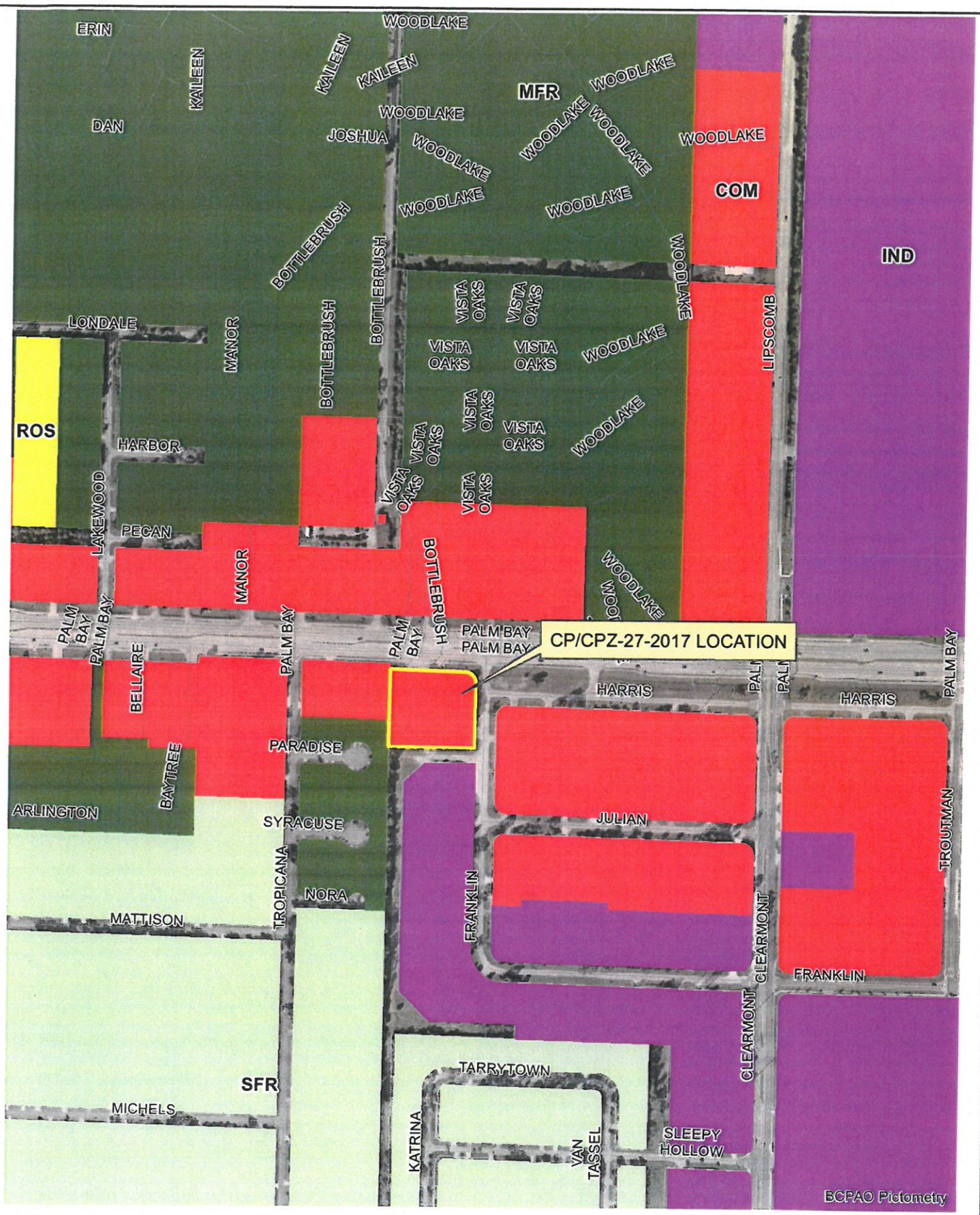


N
W E
S

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

CASE CP/CPZ-27-2017 ZONING MAP

Palm Bay



CASE CP/CPZ-27-2017 FLU MAP

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) CITY OF PALM BAY

ADDRESS 120 MALABAR RD SE

CITY PALM BAY STATE FL ZIP 32907

PHONE # 321-409-7187 FAX # 321-848-1288

E-MAIL ADDRESS Andy.Anderson@palmbayflorida.org

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION:

Plat Book/Page: 0013/0103 Subdivision Name: Port Malabar Industrial Park Subd Land Description: Port Malabar Industrial Park Subd Lot 1 Blk 4 (2144 & 2148 Palm Bay Rd NE, Palm Bay, FL 32905)

SECTION 22 TOWNSHIP 28 RANGE 37

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 1.84 acres

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

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

6) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY? YES

7) JUSTIFICATION FOR REZONING: NATURE OF BUSINESS THAT BUYER WILL BE PLACING THERE

8) PRESENT USE OF THE PROPERTY:

CITY OF PALM BAY FIRE DEPARTMENT THAT IS NO LONGER IN USE. VACANT BUILDINGS.

9) INTENDED USE OF PROPERTY: POWDER COATING COMPANY

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

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

_____Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)). The property map shall also be provided by CD or Memory Drive.

_____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 for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)

_____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.

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** 10/5/17

Printed Name of Applicant Gregg Lynk

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

CITY OF PALM BAY
RECEIVED
OCT 10 2017
LAND DEVELOPMENT

FLORIDA TODAY
FLORIDATODAY.com
A GANNETT COMPANY

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: CITY OF PALM BAY

Address: 120 MALABAR RD SE
PALM BAY FL 32907
USA

Ad No.: 0002480709
Pymt Method Invoice
Net Amt: $362.01

Run Times: 1

No. of Affidavits: 1

Run Dates: 10/20/17

Text of Ad:

AD#2480709 10/20/2017
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING

Notice is hereby given that a land use public hearing will be held by the Planning and Zoning Board/Local Planning Agency on November 1, 2017, at 7:00 p.m., and by the City Council on December 7, 2017, at 7:00 p.m., both to be held at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

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

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

Tract C, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .97 acres, more or less. (Located at the southwest intersection of Port Malabar Boulevard NE and Market Circle NE)

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

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Full legal descriptions of properties are available from the Growth Management Department.

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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).

All interested citizens are invited to submit written communication and appear at the aforementioned hearings. Please contact the Palm Bay Growth Management Department at (321) 733-3041 should you have any questions.

/s/ Patrick Murphy
Assistant Growth Management Director

DEREK CS BURR, AICP, DIRECTOR
DEPARTMENT OF GROWTH MANAGEMENT
120 MALABAR ROAD SE
PALM BAY, FL 32907
T: 321-733-3042 F: 321-953-8920

STAFF REPORT PREPARED BY:
Robert Loring, Planner
REVIEWED BY:
Derek CS Burr, Director
APPROVED BY:
Derek CS Burr, Director

CASE NUMBER
CP-28-2017

APPLICANT/PROPERTY OWNER
City of Palm Bay

PLANNING & ZONING BOARD HEARING DATE
November 1, 2017

PROPERTY LOCATION/ADDRESS
Tract 'B', Port Malabar Unit 58- 1878 Market Circle NE

SUMMARY OF REQUEST

The City is seeking a small scale Comprehensive Plan Future Land Use Map Amendment to change from POF - Professional Office Use to COM - Commercial Use. The City has deemed the property surplus, with no plans for future development.

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
OP	POF	Vacant	.95 Acres +/-

SURROUNDING ZONING & LAND USE

N: RR: Rural Residential; vacant
E: OP: Office Professional; w/ structures
S: OP: Office Professional; vacant
W: CC: Community Commercial; future Dollar General store

ARC GIS MAP

STAFF RECOMMENDATION: **APPROVE** ☒ **APPROVE WITH CONDITIONS** ☐ **DENY** ☐

PROPERTY HISTORY

The subject property is currently vacant. The property is under contract for sale contingent on successful completion of a Re-Zoning, and Comprehensive Plan Future Land Use amendments being adopted by City Council prior to the sale of the property.

COMPATIBILITY with the COMPREHENSIVE PLAN

As there exists Commercial Use zoning to the West of the subject property, the proposed land use amendment would be considered compatible with surrounding land uses.

COMPATIBILITY with the CODE OF ORDINANCES

The request would require successful rezoning of the property from POF to CC to allow for Commercial Uses as a principle use, and ensure compatibility with the Comprehensive Plan.

ATTACHMENTS

SUBMITTED PLANS	APPLICATION	LEGAL NOTICE	AGENCY COMMENTS	PUBLIC COMMENTS	LEGAL DESCRIPTION
YES ☐ NO ☒	YES ☒ NO ☐	YES ☒ NO ☐	YES ☐ NO ☒	YES ☐ NO ☒	YES ☒ NO ☐

OTHER TYPE OF ATTACHMENT (DESCRIBE): None

ANALYSIS:

Availability of Public Facilities and Services:

Potable Water: The surrounding property is serviced by City Water.

Sanitary Sewer: The surrounding property is serviced by City Sewer.

Solid Waste: Provided by Waste Management.

Parks and Recreation: The proposed Future Land Use amendment would not exceed the existing park land or recreational level of service standards for the Planning Area.

Drainage: A new water retention system meeting current developmental standards would be required and approved by the St. Johns River Water Management District at the time the site is developed- the system will be reviewed by the City and approved during the administrative site plan review.

Transportation: The proposed Future Land Use amendment is below the 1% minimum threshold. The applicant intends to sell the land as it has been deemed surplus land to be developed for future commercial use. The future development would require re-zoning to match the land use. The use will not negatively impact the surrounding road network.

Public-Schools: As the proposal is for Commercial Use, there appears to be no adverse impact to the Public-School system.

Environmental Resources:

Any future development or expansion would require review and compliance with all City regulations, including environmental review, as may be required.

Coastal High Hazard Zone:

The subject property is not located in a Coastal High Hazard Zone, nor is it located in a current surge area.

Historic Resources:

The subject property has no Master File Site listing for any historic resources on the property.

STAFF RECOMMENDATION:

Motion to approve Case No. CP-28-2017, 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

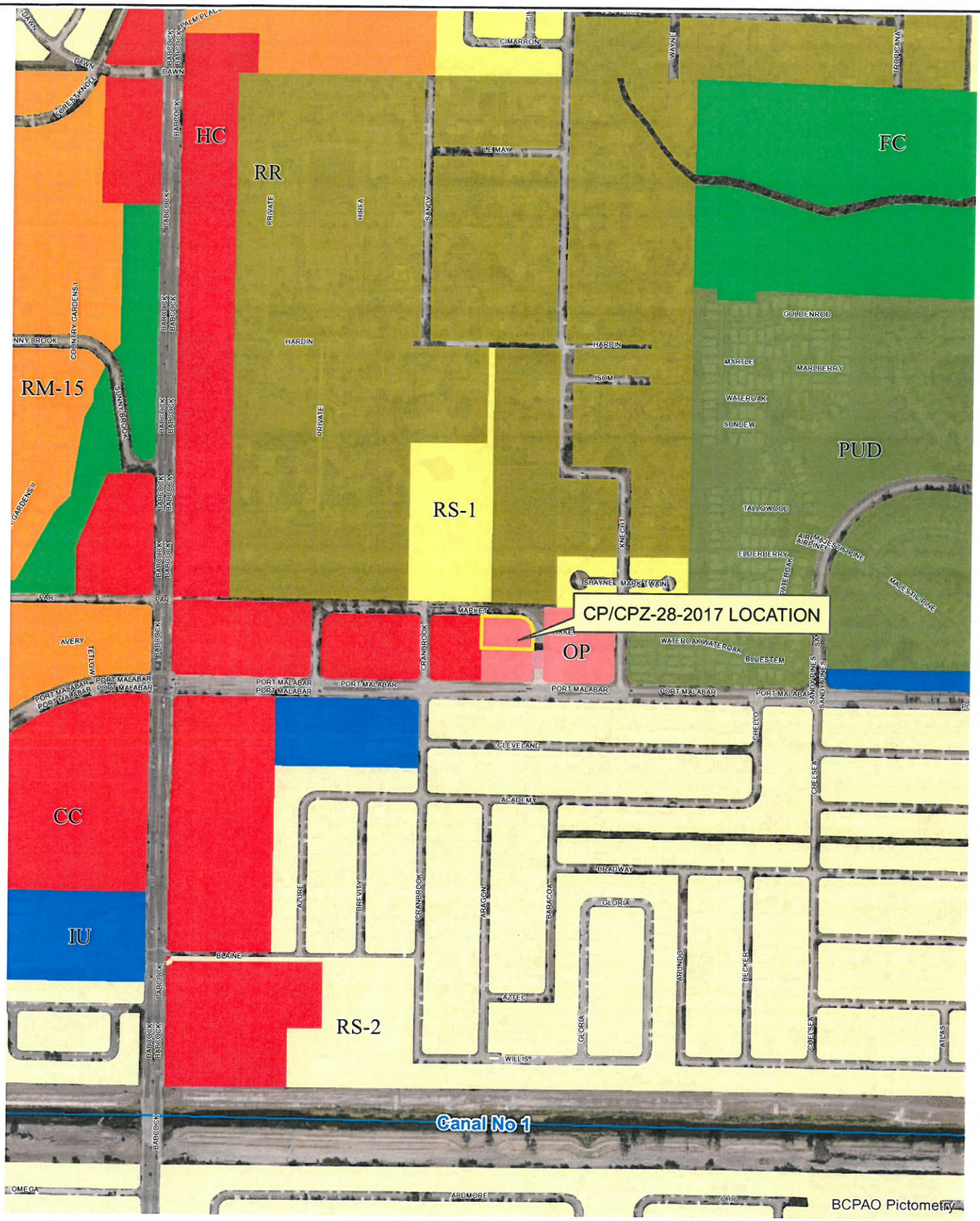
CASE CP/CPZ-28-2017 LOCATION MAP

Palm Bay

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

CASE CP/CPZ-28 & 29 2017 LOCATION MAP

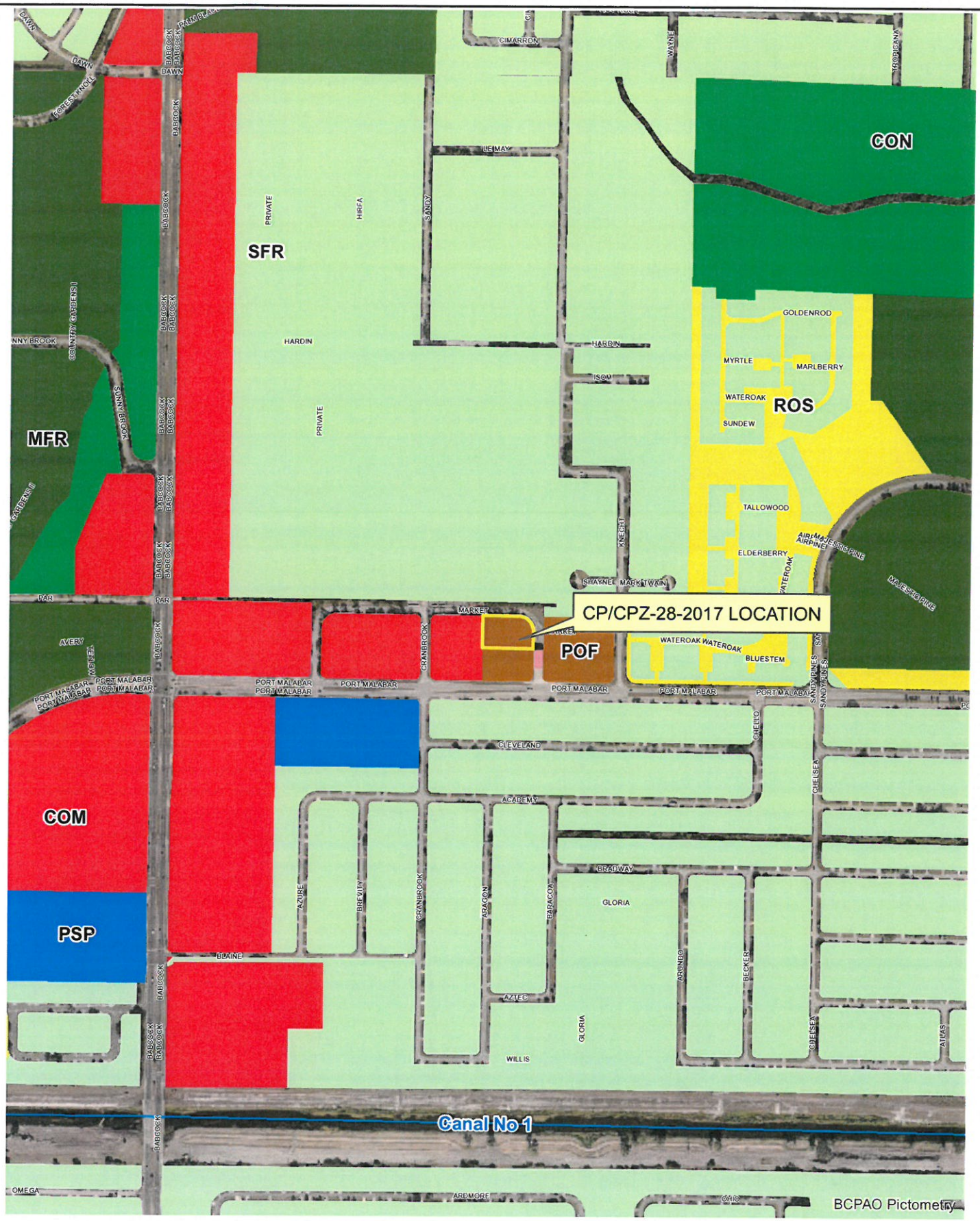
Palm Bay



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

CASE CP/CPZ-28-2017 ZONING MAP

Palm Bay



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Map created by the Land Development Division

CASE CP/CPZ-28-2017 FLU MAP

Palm Bay

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) CITY OF PALM BAY

ADDRESS 120 MALABAR RD SE

CITY PALM BAY STATE FL ZIP 32907

PHONE # 321-409-7187 FAX # 321-848-1288

E-MAIL ADDRESS Andy.Anderson@palmbayflorida.org

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION:

Plat Book/Page: 0033/0013 Subdivision Name: Port Malabar Unit 58 Land Description: Port Malabar Unit 58 Tract B
1878 MARKET CIRCLE NE, PALM BAY, FL 32905

SECTION 27 TOWNSHIP 28 RANGE 37

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 0.95 ACRES

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

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

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

7) JUSTIFICATION FOR REZONING: NEEDED FOR DEVELOPMENT OF A MULTI-TENANT SPACE

8) PRESENT USE OF THE PROPERTY:
VACANT LAND

9) INTENDED USE OF PROPERTY: MULTI TENANT SPACE W/POSSIBLE MEDICAL OCCUPANCY

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

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

_____Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)). The property map shall also be provided by CD or Memory Drive.

_____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 for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)

_____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.

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** 10/4/17

Printed Name of Applicant Gregg Lynk

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

CITY OF PALM BAY
RECEIVED
OCT 10 2017
LAND DEVELOPMENT

FLORIDA TODAY
FLORIDATODAY.com
A GANNETT COMPANY

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: CITY OF PALM BAY

Address: 120 MALABAR RD SE
PALM BAY FL 32907
USA

Ad No.: 0002480709
Pymt Method Invoice
Net Amt: $362.01

Run Times: 1

No. of Affidavits: 1

Run Dates: 10/20/17

Text of Ad:

AD#2480709 10/20/2017
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING

Notice is hereby given that a land use public hearing will be held by the Planning and Zoning Board/Local Planning Agency on November 1, 2017, at 7:00 p.m., and by the City Council on December 7, 2017, at 7:00 p.m., both to be held at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1. CP-27-2017 – CITY OF PALM BAY
A small scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Industrial Use.

Lot 1, Block 4, Port Malabar Industrial Park Subdivision, Section 22, Township 28, Range 37, Brevard County, Florida, containing 1.84 acres, more or less. (Located at the southwest intersection of Palm Bay Road NE and Franklin Drive NE, specifically at 2144 and 2148 Palm Bay Road NE)

2. CPZ-27-2017 – WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)
A zoning amendment from a CC, Community Commercial District to an LI, Light Industrial and Warehousing District.

Lot 1, Block 4, Port Malabar Industrial Park Subdivision, Section 22, Township 28, Range 37, Brevard County, Florida, containing 1.84 acres, more or less. (Located at the southwest intersection of Palm Bay Road NE and Franklin Drive NE, specifically at 2144 and 2148 Palm Bay Road NE)

3. CP-28-2017 – CITY OF PALM BAY
A small scale Comprehensive Plan Future Land Use Map amendment from Office Professional Use to Commercial Use.

Tract B, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .95 acres, more or less. (Located south and west of Market Circle NE, specifically at 1878 Market Circle NE)

4. CPZ-28-2017 – CITY OF PALM BAY
A zoning amendment from an OP, Office Professional District to a CC, Community Commercial District.

Tract B, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .95 acres, more or less. (Located south and west of Market Circle NE, specifically at 1878 Market Circle NE)

5. CP-29-2017 – CITY OF PALM BAY
A small scale Comprehensive Plan Future Land Use Map amendment from Professional Office Use to Commercial Use.

Tract C, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .97 acres, more or less. (Located at the southwest intersection of Port Malabar Boulevard NE and Market Circle NE)

6. CPZ-29-2017 – CITY OF PALM BAY
A zoning amendment from an OP, Office Professional District to a CC, Community Commercial District.

Tract C, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .97 acres, more or less. (Located at the southwest intersection of Port Malabar Boulevard NE and Market Circle NE)

7. CP-30-2017 – CITY OF PALM BAY
A small scale Comprehensive Plan Future Land Use Map amendment from Utility Use to Single Family Residential Use.

Tract C, Port Malabar Unit 37, Section 12, Township 29, Range 36, Brevard County, Florida, containing 3.4 acres, more or less. (Located west of and adjacent to Santo Domingo Avenue SW, in the vicinity east of Sherwood Avenue SW)

Full legal descriptions of properties are available from the Growth Management Department.

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

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).

All interested citizens are invited to submit written communication and appear at the aforementioned hearings. Please contact the Palm Bay Growth Management Department at (321) 733-3041 should you have any questions.

/s/ Patrick Murphy
Assistant Growth Management Director

DEREK CS BURR, AICP, DIRECTOR
DEPARTMENT OF GROWTH MANAGEMENT
120 MALABAR ROAD SE
PALM BAY, FL 32907
T: 321-733-3042 F: 321-953-8920

STAFF REPORT PREPARED BY:
Robert Loring, Planner
REVIEWED BY:
Derek CS Burr, Director
APPROVED BY:
Derek CS Burr, Director

CASE NUMBER
CPZ-28-2017

APPLICANT/PROPERTY OWNER
City of Palm Bay

PLANNING & ZONING BOARD HEARING DATE
November 1, 2017

PROPERTY LOCATION/ADDRESS
Tract B, Port Malabar Unit 58 - 1878 Market Circle NE

SUMMARY OF REQUEST
The City is seeking a zoning amendment to change from OP, Office Professional to CC, Community Commercial. The accompanying Comprehensive Plan Future Land Use Map Amendment application has been filed (CP-28-2017).

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
OP	POF	Vacant	.95 Acres +/-

SURROUNDING ZONING & LAND USE
N: RR: Rural residential; vacant
E: OP: Office Professional: w/ structures
S: OP: Office Professional: vacant
W: CC: Community Commercial: future Dollar General store

ARC GIS MAP

STAFF RECOMMENDATION: **APPROVE** ☒ **APPROVE WITH CONDITIONS** ☐ **DENY** ☐

PROPERTY HISTORY
The subject property is currently vacant. The property is under contract for sale contingent on successful completion of a rezoning, and Comprehensive Plan Future Land Use amendments being adopted by City Council prior to the sale of the property.

COMPATIBILITY with the COMPREHENSIVE PLAN
As there exists Commercial Use zoning to the West of the subject property, the proposed land use amendment would be considered compatible with surrounding land uses.

COMPATIBILITY with the CODE OF ORDINANCES
The request would require successful rezoning of the property from POF to CC to allow for Commercial Uses as a principle use, and insure compatibility with the Comprehensive Plan.

ATTACHMENTS

SUBMITTED PLANS	APPLICATION	LEGAL NOTICE	AGENCY COMMENTS	PUBLIC COMMENTS	LEGAL DESCRIPTION
YES ☐ NO ☒	YES ☒ NO ☐	YES ☒ NO ☐	YES ☐ NO ☒	YES ☐ NO ☒	YES ☒ NO ☐

OTHER TYPE OF ATTACHMENT (DESCRIBE): None

ANALYSIS:

Availability of Public Facilities and Services:

Potable Water: The surrounding property is serviced by City Water.

Sanitary Sewer: The surrounding property is serviced by City Sewer.

Solid Waste: Provided by Waste Management.

Parks and Recreation: The proposed Future Land Use amendment would not exceed the existing park land or recreational level of service standards for the Planning Area.

Drainage: A new water retention system meeting current developmental standards would be required and approved by the St. Johns River Water Management District at the time the site is developed- the system will be reviewed by the City and approved during the administrative site plan review.

Transportation: The proposed Future Land Use amendment is below the 1% minimum threshold. The applicant intends to sell the land as it has been deemed surplus land to be developed for future commercial use. The future development would require re-zoning to match the land use. The use will not negatively impact the surrounding road network.

Public-Schools: As the proposal is for Commercial Use, there appears to be no adverse impact to the Public-School system.

Environmental Resources:

Any future development or expansion would require review and compliance with all City regulations, including environmental review, as may be required.

Coastal High Hazard Zone:

The subject property is not located in a Coastal High Hazard Zone, nor is it located in a current surge area.

Historic Resources:

The subject property has no Master File Site listing for any historic resources on the property.

CODE REQUIREMENTS:

The subject property proposed for re-zoning to the CC, Community Commercial zoning district is located in an area that has an already established commercial use near a major collector roadway. It exceeds the minimum frontage and depth requirements for the CC zoning district. As there already exists CC zoning to the West of the subject property, it appears that the request is compatible with surrounding uses found in the immediate area, and would not create a 'spot zone' along the commercial corridor.

STAFF RECOMMENDATION:

The Board and City Council must decide if the requested zoning category is compatible with the requested Comprehensive Plan Future Land Use amendment identified in Case CP-28-2017.

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

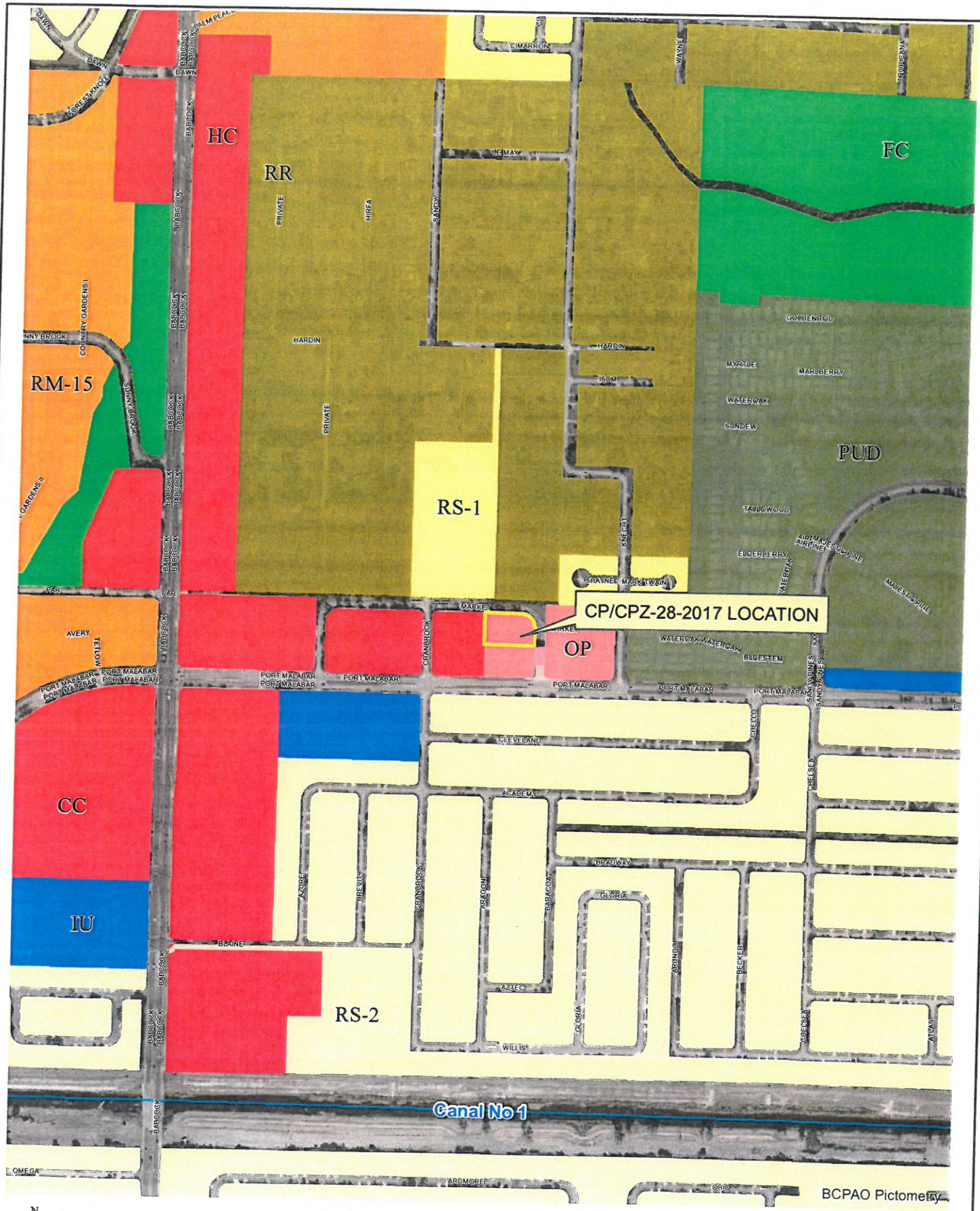
CASE CP/CPZ-28-2017 LOCATION MAP

Palm Bay

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

CASE CP/CPZ-28 & 29 2017 LOCATION MAP

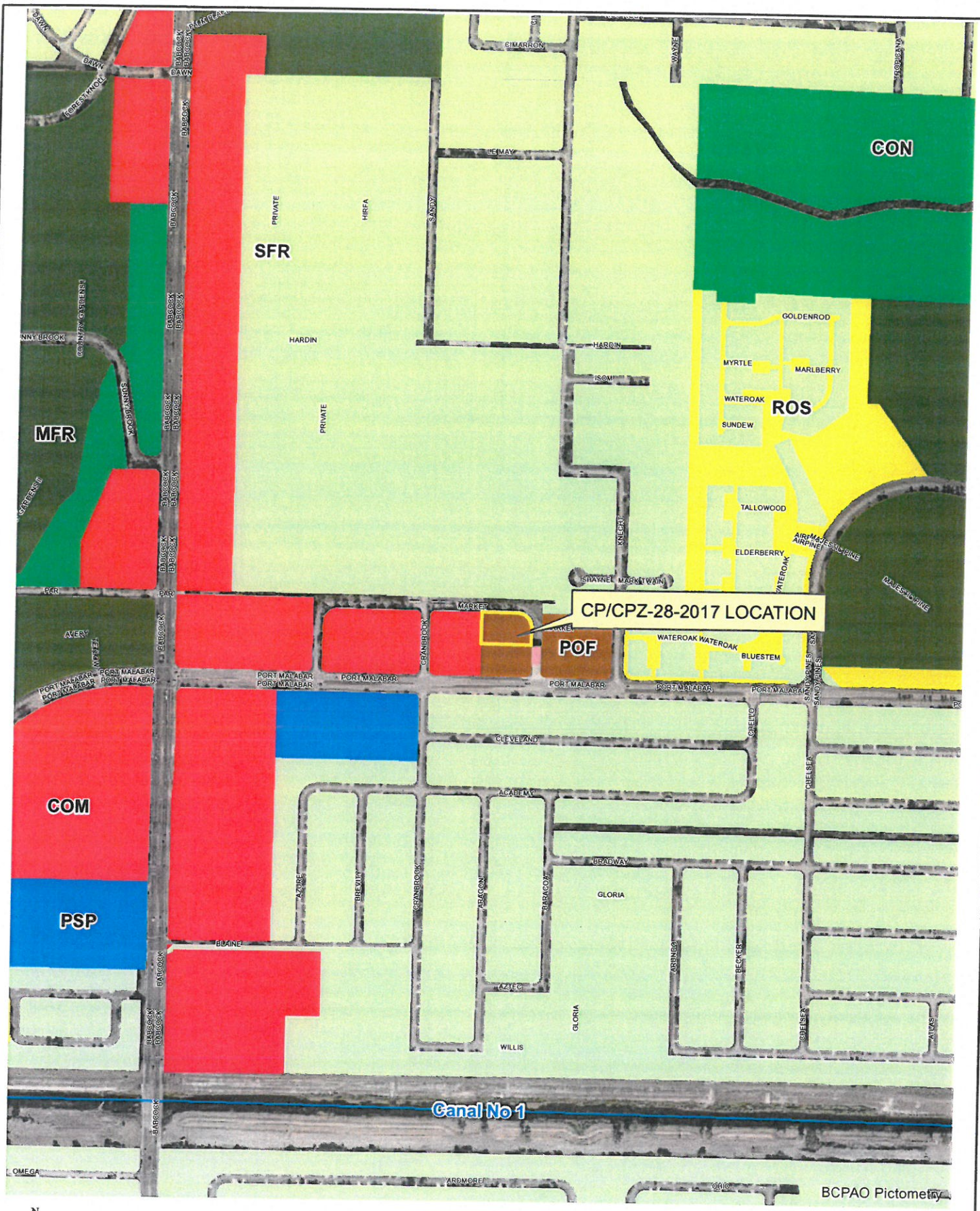
Palm Bay



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

CASE CP/CPZ-28-2017 ZONING MAP

Palm Bay



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Map created by the Land Development Division

CASE CP/CPZ-28-2017 FLU MAP

Palm Bay

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

ADDRESS 120 MALABAR RD SE

CITY PALM BAY STATE FL ZIP 32907

PHONE # 321-409-7187 FAX # 321-848-1288

E-MAIL ADDRESS Andy.Anderson@palmbayflorida.org

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION

Plat Book/Page: 0033/0013 Subdivision Name: Port Malabar Unit 58
Land Description: Port Malabar Unit 58 Tract B
1878 MARKET CIRCLE NE, PALM BAY, FL 32905

SECTION 27 TOWNSHIP 28 RANGE 37

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 0.95 ACRES

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

5) LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE:
COM

6) PRESENT USE OF THE PROPERTY: VACANT LAND

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

8) HAS A REZONING APPLICATION BEEN FILED IN CONJUNCTION WITH THIS APPLICATION:
YES

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

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

PROPERTY IS CURRENTLY FOR SALE AND UNDER CONTRACT. CONTRACT IS CONTINGENT UPON REZONING & FLU CHANGE. BUYER INTENDS TO BUILD A MULTI-TENANT SPACE WITH THE POSSIBILITY OF A MEDICAL OCCUPANT ON THIS PROPERTY AND REQUIRES NECESSARY CHANGES.

10) SPECIFIC USE INTENDED FOR PROPERTY:

BUYER INTENDS TO BUILD A MULTI-TENANT SPACE WITH THE POSSIBILITY OF A MEDICAL OCCUPANT.

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

_____*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

_____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 for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)

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

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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** 10/4/17

Printed Name of Applicant Gregg Lynk

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

CITY OF PALM BAY
RECEIVED
OCT 10 2017
LAND DEVELOPMENT

FLORIDA TODAY
FLORIDATODAY.com
A GANNETT COMPANY

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: CITY OF PALM BAY

Address: 120 MALABAR RD SE
PALM BAY FL 32907
USA

Ad No.: 0002480709
Pymt Method Invoice
Net Amt: $362.01

Run Times: 1

No. of Affidavits: 1

Run Dates: 10/20/17

Text of Ad:

AD#2480709 10/20/2017
CITY OF PALM BAY, FLORIDA
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All interested citizens are invited to submit written communication and appear at the aforementioned hearings. Please contact the Palm Bay Growth Management Department at (321) 733-3041 should you have any questions.

/s/ Patrick Murphy
Assistant Growth Management Director

DEREK CS BURR, AICP, DIRECTOR
DEPARTMENT OF GROWTH MANAGEMENT
120 MALABAR ROAD SE
PALM BAY, FL 32907
T: 321-733-3042 F: 321-953-8920

STAFF REPORT PREPARED BY:
Robert Loring, Planner
REVIEWED BY:
Derek CS Burr, Director
APPROVED BY:
Derek CS Burr, Director

CASE NUMBER
CP-29-2017

APPLICANT/PROPERTY OWNER
City of Palm Bay

PLANNING & ZONING BOARD HEARING DATE
November 1, 2017

PROPERTY LOCATION/ADDRESS
Tract C, Port Malabar Unit 58

SUMMARY OF REQUEST

The City is seeking a small scale Comprehensive Plan Future Land Use Map Amendment to change from POF - Professional Office Use to COM - Commercial Use. The City has deemed the property surplus, with no plans for future development.

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
OP	POF	vacant	.95 Acres +/-

SURROUNDING ZONING & LAND USE

N: OP: Office Professional; w/ vacant
E: OP: Office Professional; w/ structures
S: RS-2: Single Family Residential; w/ homes
W: CC: Community Commercial; future Dollar General store

ARC GIS MAP

STAFF RECOMMENDATION: **APPROVE** ☒ **APPROVE WITH CONDITIONS** ☐ **DENY** ☐

PROPERTY HISTORY

The subject property is currently vacant. The property is under contract for sale contingent on successful completion of a rezoning, and Comprehensive Plan Future Land Use amendments being adopted by City Council prior to the sale of the property.

COMPATIBILITY with the COMPREHENSIVE PLAN

As there exists Commercial Use zoning to the West of the subject property, the proposed land use amendment would be considered compatible with surrounding land uses.

COMPATIBILITY with the CODE OF ORDINANCES

The request would require successful rezoning of the property from POF to CC to allow for Commercial Uses as a principle use, and insure compatibility with the Comprehensive Plan.

ATTACHMENTS

SUBMITTED PLANS	APPLICATION	LEGAL NOTICE	AGENCY COMMENTS	PUBLIC COMMENTS	LEGAL DESCRIPTION
YES ☐ NO ☒	YES ☒ NO ☐	YES ☒ NO ☐	YES ☐ NO ☒	YES ☐ NO ☒	YES ☒ NO ☐

OTHER TYPE OF ATTACHMENT (DESCRIBE): None

ANALYSIS:

Availability of Public Facilities and Services:

Potable Water: The surrounding property is serviced by City Water.

Sanitary Sewer: The surrounding property is serviced by City Sewer.

Solid Waste: Provided by Waste Management.

Parks and Recreation: The proposed Future Land Use amendment would not exceed the existing park land or recreational level of service standards for the Planning Area.

Drainage: A new water retention system meeting current developmental standards would be required and approved by the St. Johns River Water Management District at the time the site is developed- the system will be reviewed by the City and approved during the administrative site plan review.

Transportation: The proposed Future Land Use amendment is below the 1% minimum threshold. The applicant intends to sell the land as it has been deemed surplus land to be developed for future commercial use. The future development would require re-zoning to match the land use. The use will not negatively impact the surrounding road network.

Public-Schools: As the proposal is for Commercial Use, there appears to be no adverse impact to the Public-School system.

Environmental Resources:

Any future development or expansion would require review and compliance with all City regulations, including environmental review, as may be required.

Coastal High Hazard Zone:

The subject property is not located in a Coastal High Hazard Zone, nor is it located in a current surge area.

Historic Resources:

The subject property has no Master File Site listing for any historic resources on the property.

STAFF RECOMMENDATION:

Motion to approve Case No. CP-29-2017, pursuant to Chapter 163, Florida Statutes.

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

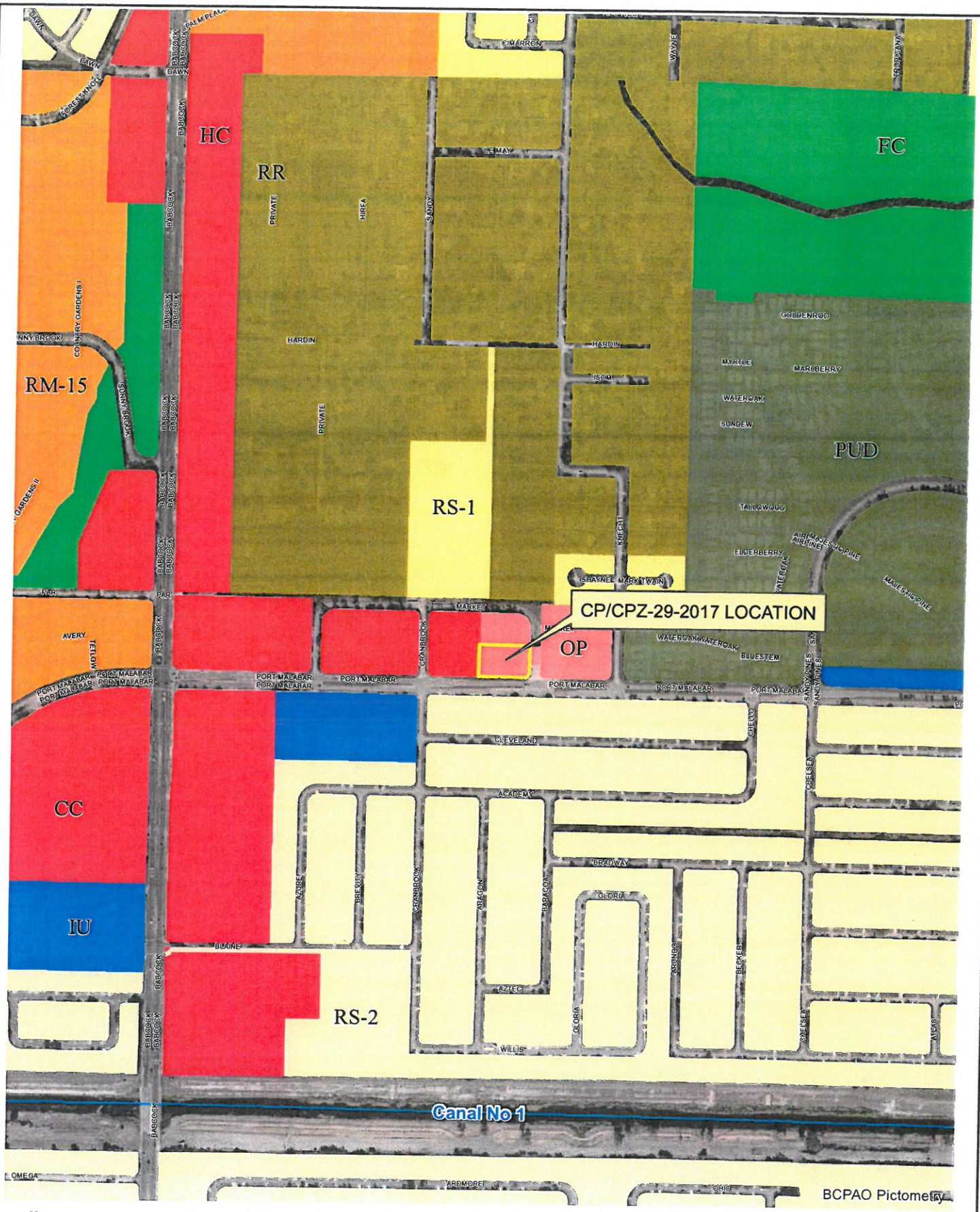
CASE CP/CPZ-29-2017 LOCATION MAP

Palm Bay

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

CASE CP/CPZ-28 & 29 2017 LOCATION MAP

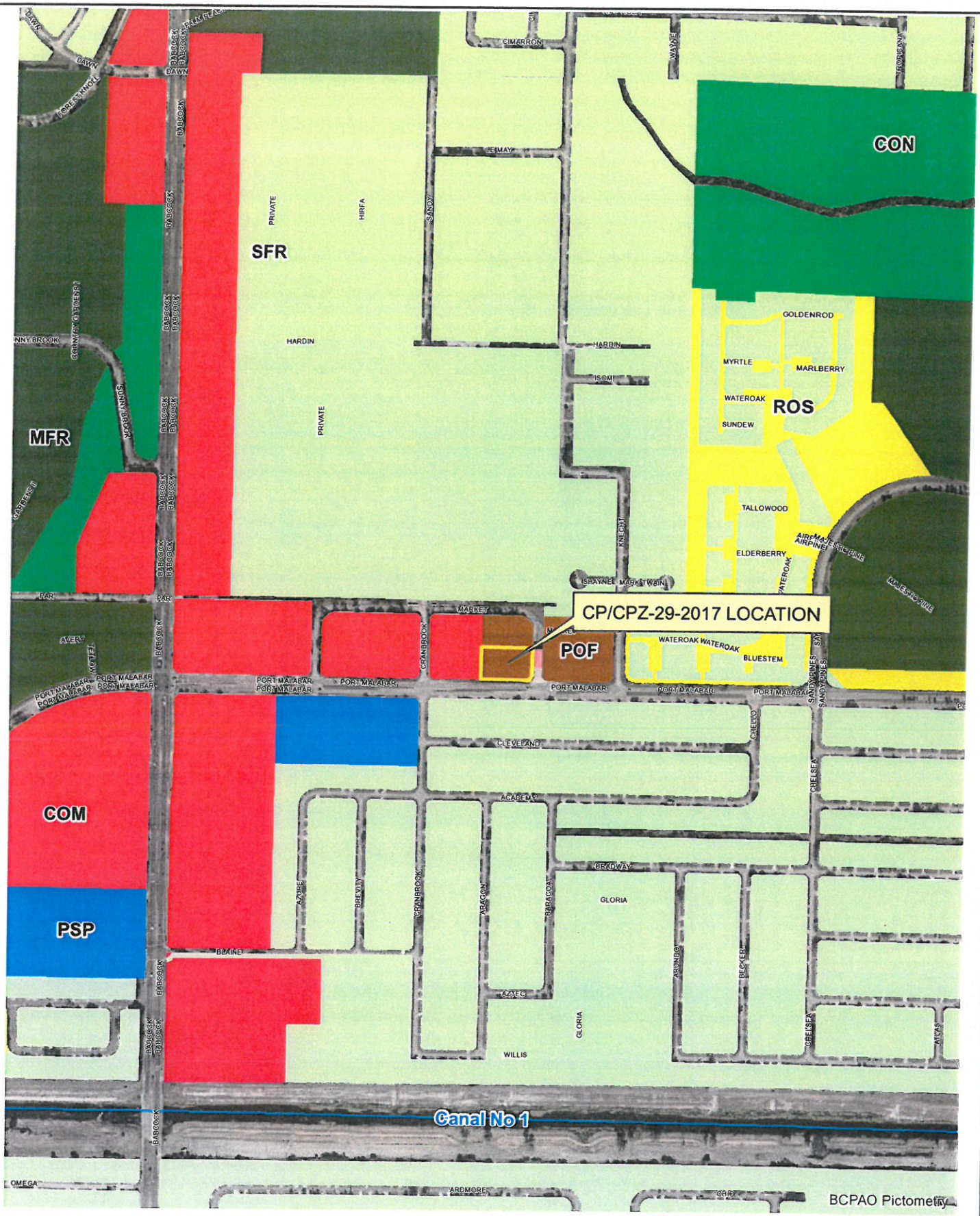
Palm Bay



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

CASE CP/CPZ-29-2017 ZONING MAP

Palm Bay



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

CASE CP/CPZ-29-2017 FLU MAP

Palm Bay

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

ADDRESS 120 MALABAR RD SE

CITY PALM BAY STATE FL ZIP 32907

PHONE # 321-409-7187 FAX # 321-848-1288

E-MAIL ADDRESS Andy.Anderson@palmbayflorida.org

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION

Plat Book/Page: 0033/0013 Subdivision Name: Port Malabar Unit 58
Land Description: Port Malabar Unit 58 Tract C
NO STREET ADDRESS ASSIGNED

SECTION 27 TOWNSHIP 28 RANGE 37

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 0.97 ACRES

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

5) LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE:

COM

6) PRESENT USE OF THE PROPERTY: VACANT LAND

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

8) HAS A REZONING APPLICATION BEEN FILED IN CONJUNCTION WITH THIS APPLICATION:

YES

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

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

PROPERTY IS CURRENTLY FOR SALE AND UNDER CONTRACT. CONTRACT IS CONTINGENT UPON REZONING & FLU CHANGE. BUYER INTENDS TO BUILD A MULTI-TENANT SPACE WITH THE POSSIBILITY OF A MEDICAL OCCUPANT ON THIS PROPERTY AND REQUIRES NECESSARY CHANGES.

10) SPECIFIC USE INTENDED FOR PROPERTY:

BUYER INTENDS TO BUILD A MULTI-TENANT SPACE WITH THE POSSIBILITY OF A MEDICAL OCCUPANT.

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

_____*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

_____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 for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)

_____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.

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** 10/4/17

Printed Name of Applicant Gregg Lynk

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

CITY OF PALM BAY
RECEIVED
OCT 10 2017
LAND DEVELOPMENT

FLORIDA TODAY
FLORIDATODAY.com
A GANNETT COMPANY

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: CITY OF PALM BAY

Address: 120 MALABAR RD SE
PALM BAY FL 32907
USA

Ad No.: 0002480709
Pymt Method Invoice
Net Amt: $362.01

Run Times: 1

No. of Affidavits: 1

Run Dates: 10/20/17

Text of Ad:

AD#2480709 10/20/2017
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING

Notice is hereby given that a land use public hearing will be held by the Planning and Zoning Board/Local Planning Agency on November 1, 2017, at 7:00 p.m., and by the City Council on December 7, 2017, at 7:00 p.m., both to be held at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1. CP-27-2017 – CITY OF PALM BAY
A small scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Industrial Use.

Lot 1, Block 4, Port Malabar Industrial Park Subdivision, Section 22, Township 28, Range 37, Brevard County, Florida, containing 1.84 acres, more or less. (Located at the southwest intersection of Palm Bay Road NE and Franklin Drive NE, specifically at 2144 and 2148 Palm Bay Road NE)

2. CPZ-27-2017 – WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)
A zoning amendment from a CC, Community Commercial District to an LI, Light Industrial and Warehousing District.

Lot 1, Block 4, Port Malabar Industrial Park Subdivision, Section 22, Township 28, Range 37, Brevard County, Florida, containing 1.84 acres, more or less. (Located at the southwest intersection of Palm Bay Road NE and Franklin Drive NE, specifically at 2144 and 2148 Palm Bay Road NE)

3. CP-28-2017 – CITY OF PALM BAY
A small scale Comprehensive Plan Future Land Use Map amendment from Office Professional Use to Commercial Use.

Tract B, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .95 acres, more or less. (Located south and west of Market Circle NE, specifically at 1878 Market Circle NE)

4. CPZ-28-2017 – CITY OF PALM BAY
A zoning amendment from an OP, Office Professional District to a CC, Community Commercial District.

Tract B, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .95 acres, more or less. (Located south and west of Market Circle NE, specifically at 1878 Market Circle NE)

5. CP-29-2017 – CITY OF PALM BAY
A small scale Comprehensive Plan Future Land Use Map amendment from Professional Office Use to Commercial Use.

Tract C, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .97 acres, more or less. (Located at the southwest intersection of Port Malabar Boulevard NE and Market Circle NE)

6. CPZ-29-2017 – CITY OF PALM BAY
A zoning amendment from an OP, Office Professional District to a CC, Community Commercial District.

Tract C, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .97 acres, more or less. (Located at the southwest intersection of Port Malabar Boulevard NE and Market Circle NE)

7. CP-30-2017 – CITY OF PALM BAY
A small scale Comprehensive Plan Future Land Use Map amendment from Utility Use to Single Family Residential Use.

Tract C, Port Malabar Unit 37, Section 12, Township 29, Range 36, Brevard County, Florida, containing 3.4 acres, more or less. (Located west of and adjacent to Santo Domingo Avenue SW, in the vicinity east of Sherwood Avenue SW)

Full legal descriptions of properties are available from the Growth Management Department.

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

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).

All interested citizens are invited to submit written communication and appear at the aforementioned hearings. Please contact the Palm Bay Growth Management Department at (321) 733-3041 should you have any questions.

/s/ Patrick Murphy
Assistant Growth Management Director

DEREK CS BURR, AICP, DIRECTOR
DEPARTMENT OF GROWTH MANAGEMENT
120 MALABAR ROAD SE
PALM BAY, FL 32907
T: 321-733-3042 F: 321-953-8920

STAFF REPORT PREPARED BY:
Robert Loring, Planner
REVIEWED BY:
Derek CS Burr, Director
APPROVED BY:
Derek CS Burr, Director

CASE NUMBER	APPLICANT/PROPERTY OWNER
CPZ-29-2017	City of Palm Bay
PLANNING & ZONING BOARD HEARING DATE	**PROPERTY LOCATION/ADDRESS**
November 1, 2017	Tract C, Port Malabar Unit 58

SUMMARY OF REQUEST

The City is seeking a zoning amendment to change from OP, Office Professional to CC, Community Commercial. The accompanying Comprehensive Plan Future Land Use Map Amendment application has been filed (CP-29-2017).

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
OP	POF	Vacant	.95 Acres +/-

SURROUNDING ZONING & LAND USE

N: OP: Office Professional; vacant
E: OP: Office Professional: w/ structures
S: RS-2: Single Family Residential: w/ homes
W: CC: Community Commercial: future Dollar General store

ARC GIS MAP

STAFF RECOMMENDATION: **APPROVE** ☒ **APPROVE WITH CONDITIONS** ☐ **DENY** ☐

PROPERTY HISTORY

The subject property is currently vacant. The property is under contract for sale contingent on successful completion of a rezoning, and Comprehensive Plan Future Land Use amendments being adopted by City Council prior to the sale of the property.

COMPATIBILITY with the COMPREHENSIVE PLAN

As there exists Commercial Use zoning to the West of the subject property, the proposed land use amendment would be considered compatible with surrounding land uses.

COMPATIBILITY with the CODE OF ORDINANCES

The request would require successful rezoning of the property from POF to CC to allow for Commercial Uses as a principle use, and insure compatibility with the Comprehensive Plan.

ATTACHMENTS

SUBMITTED PLANS	APPLICATION	LEGAL NOTICE	AGENCY COMMENTS	PUBLIC COMMENTS	LEGAL DESCRIPTION
YES ☐ NO ☒	YES ☒ NO ☐	YES ☒ NO ☐	YES ☐ NO ☒	YES ☐ NO ☒	YES ☒ NO ☐

OTHER TYPE OF ATTACHMENT (DESCRIBE): None

ANALYSIS:

Availability of Public Facilities and Services:

Potable Water: The surrounding property is serviced by City Water.

Sanitary Sewer: The surrounding property is serviced by City Sewer.

Solid Waste: Provided by Waste Management.

Parks and Recreation: The proposed Future Land Use amendment would not exceed the existing park land or recreational level of service standards for the Planning Area.

Drainage: A new water retention system meeting current developmental standards would be required and approved by the St. Johns River Water Management District at the time the site is developed- the system will be reviewed by the City and approved during the administrative site plan review.

Transportation: The proposed Future Land Use amendment is below the 1% minimum threshold. The applicant intends to sell the land as it has been deemed surplus land to be developed for future commercial use. The future development would require re-zoning to match the land use. The use will not negatively impact the surrounding road network.

Public-Schools: As the proposal is for Commercial Use, there appears to be no adverse impact to the Public-School system.

Environmental Resources:

Any future development or expansion would require review and compliance with all City regulations, including environmental review, as may be required.

Coastal High Hazard Zone:

The subject property is not located in a Coastal High Hazard Zone, nor is it located in a current surge area.

Historic Resources:

The subject property has no Master File Site listing for any historic resources on the property.

CODE REQUIREMENTS:

The subject property proposed for re-zoning to the CC, Community Commercial zoning district is located in an area that has an already established commercial use near a major collector roadway. It exceeds the minimum frontage and depth requirements for the CC zoning district. As there already exists CC zoning to the West of the subject property, it appears that the request is compatible with surrounding uses found in the immediate area, and would not create a 'spot zone' along the commercial corridor.

STAFF RECOMMENDATION:

The Board and City Council must decide if the requested zoning category is compatible with the requested Comprehensive Plan Future Land Use amendment identified in Case CP-29-2017.

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

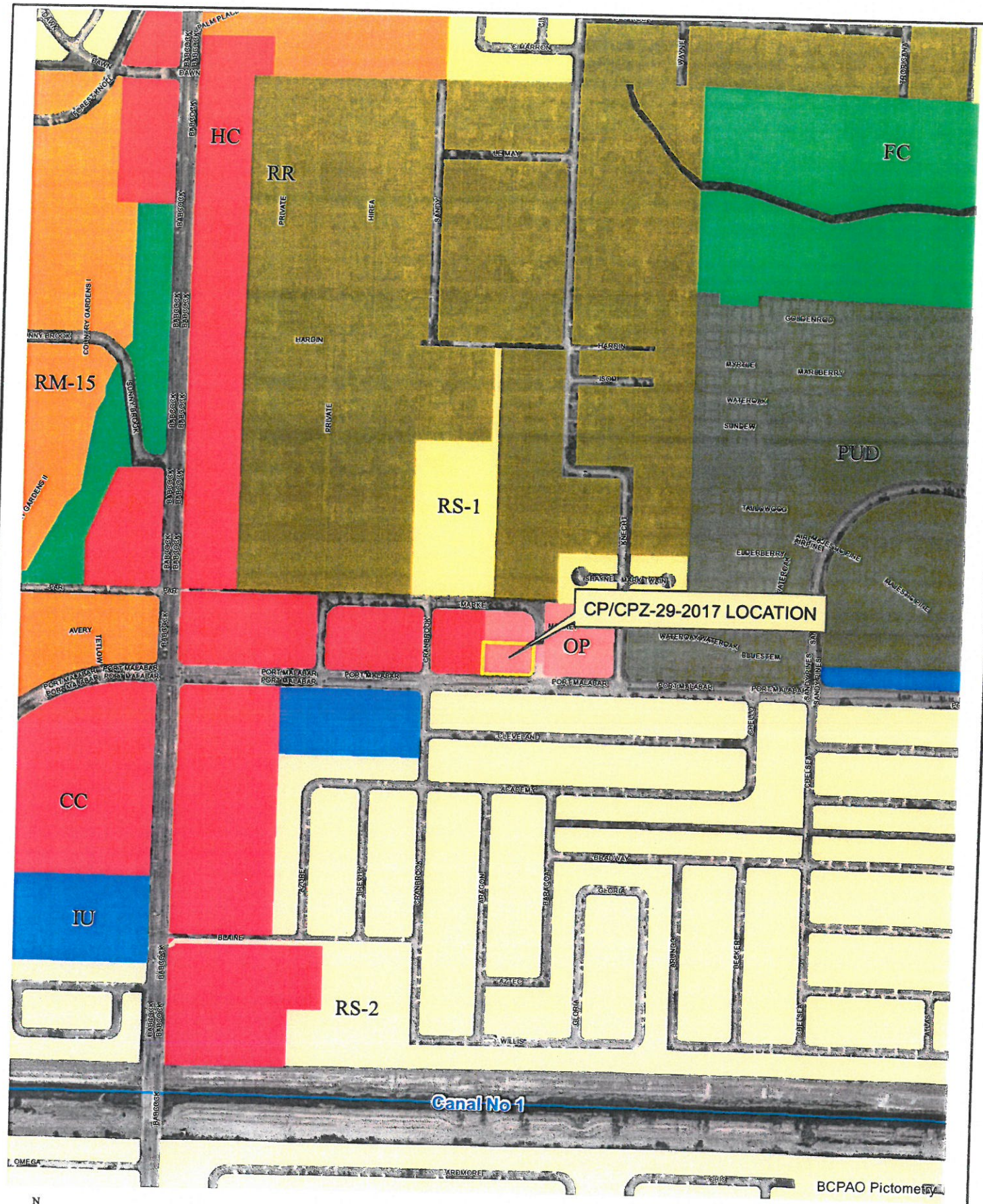
CASE CP/CPZ-29-2017 LOCATION MAP

Palm Bay

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

CASE CP/CPZ-28 & 29 2017 LOCATION MAP

Palm Bay



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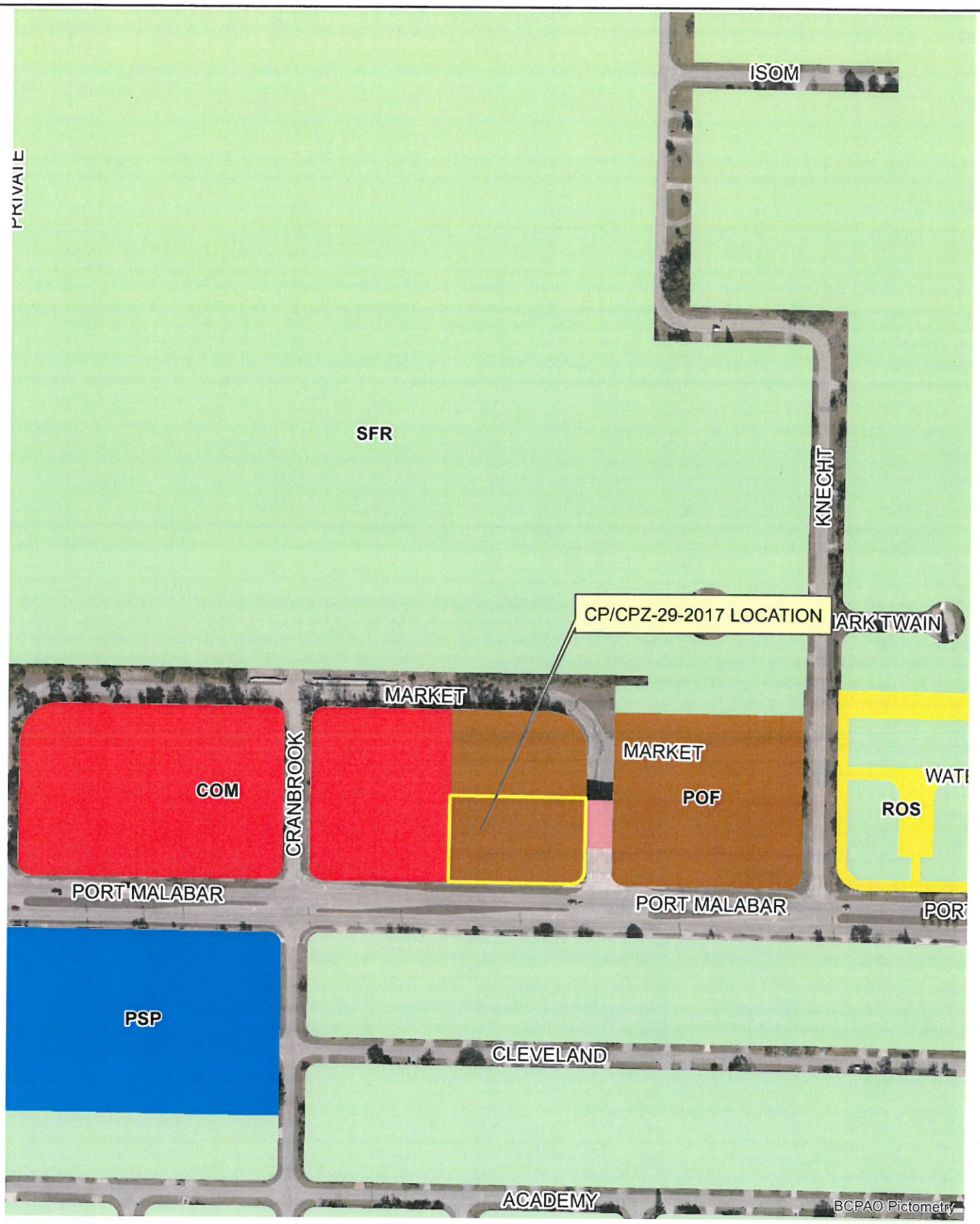
Map created by the Land Development Division

CASE CP/CPZ-29-2017 ZONING MAP

Palm Bay



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Map created by the Land Development Division

CASE CP/CPZ-29-2017 FLU MAP

Palm Bay

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

ADDRESS 120 MALABAR RD SE

CITY PALM BAY STATE FL ZIP 32907

PHONE # 321-409-7187 FAX # 321-848-1288

E-MAIL ADDRESS Andy.Anderson@palmbayflorida.org

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION:

Plat Book/Page: 0033/0013 Subdivision Name: Port Malabar Unit 58 Land Description: Port Malabar Unit 58 Tract C
NO STREET ADDRESS ASSIGNED

SECTION 27 TOWNSHIP 28 RANGE 37

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 0.97 ACRES

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

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

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

7) JUSTIFICATION FOR REZONING: NEEDED FOR DEVELOPMENT OF A MULTI-TENANT SPACE

8) PRESENT USE OF THE PROPERTY:

VACANT LAND

9) INTENDED USE OF PROPERTY: MULTI TENANT SPACE W/POSSIBLE MEDICAL OCCUPANCY

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

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

_____Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)). The property map shall also be provided by CD or Memory Drive.

_____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 for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)

_____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.

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** 10/4/17

Printed Name of Applicant Gregg Lynk

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

CITY OF PALM BAY
RECEIVED
OCT 10 2017
LAND DEVELOPMENT

FLORIDA TODAY
FLORIDATODAY.com
A GANNETT COMPANY

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: CITY OF PALM BAY

Address: 120 MALABAR RD SE
PALM BAY FL 32907
USA

Ad No.: 0002480709
Pymt Method Invoice
Net Amt: $362.01

Run Times: 1

No. of Affidavits: 1

Run Dates: 10/20/17

Text of Ad:

AD#2480709 10/20/2017
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING

Notice is hereby given that a land use public hearing will be held by the Planning and Zoning Board/Local Planning Agency on November 1, 2017, at 7:00 p.m., and by the City Council on December 7, 2017, at 7:00 p.m., both to be held at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

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

Tract C, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .97 acres, more or less. (Located at the southwest intersection of Port Malabar Boulevard NE and Market Circle NE)

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Tract C, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .97 acres, more or less. (Located at the southwest intersection of Port Malabar Boulevard NE and Market Circle NE)

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Full legal descriptions of properties are available from the Growth Management Department.

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

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All interested citizens are invited to submit written communication and appear at the aforementioned hearings. Please contact the Palm Bay Growth Management Department at (321) 733-3041 should you have any questions.

/s/ Patrick Murphy
Assistant Growth Management Director

DEREK CS BURR, AICP, DIRECTOR
DEPARTMENT OF GROWTH MANAGEMENT
120 MALABAR ROAD SE
PALM BAY, FL 32907
T: 321-733-3042 F: 321-953-8920

STAFF REPORT PREPARED BY:
Robert Loring, Planner
REVIEWED BY:
Derek CS Burr, Director
APPROVED BY:
Derek CS Burr, Director

CASE NUMBER
CP-30-2017

APPLICANT/PROPERTY OWNER
City of Palm Bay

PLANNING & ZONING BOARD HEARING DATE
November 1, 2017

PROPERTY LOCATION/ADDRESS
Tract C, Port Malabar Unit 37

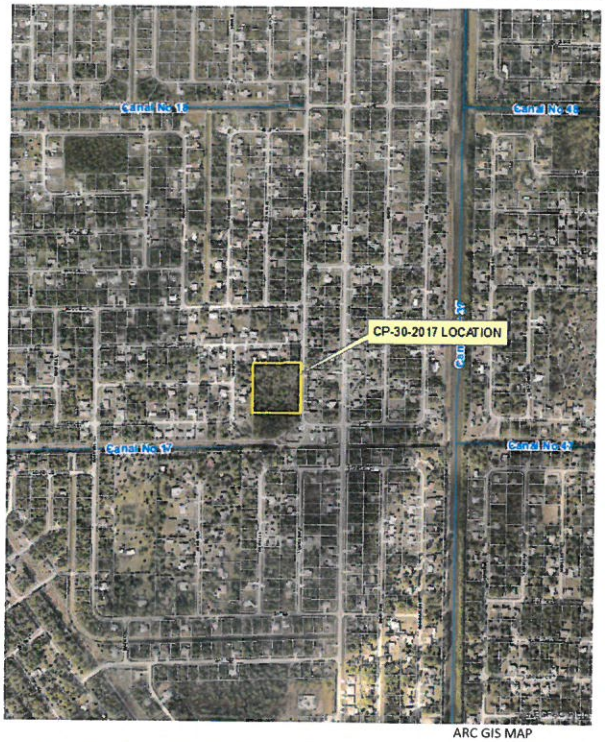
SUMMARY OF REQUEST

The City is seeking a small scale Comprehensive Plan Future Land Use Map Amendment to change from UTIL - Utility Use to SFR - Single Family Residential Use. The City has deemed the property surplus, with no plans for future development.

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
RS-2	UTIL	Vacant	3.4 Acres +/-

SURROUNDING ZONING & LAND USE

N: RS-2: Single Family Residential; w/ homes
E: RS-2: Single Family Residential; w/ homes
S: RS-2: Single Family Residential; vacant utility site
W: RS-2: Single Family residential; w/ homes



ARC GIS MAP

STAFF RECOMMENDATION: **APPROVE** ☒ **APPROVE WITH CONDITIONS** ☐ **DENY** ☐

PROPERTY HISTORY

The subject property is currently vacant. The property is under contract for sale contingent on successful completion of a Comprehensive Plan Future Land Use Map amendment being adopted by City Council prior to the sale of the property.

COMPATIBILITY with the COMPREHENSIVE PLAN

As there exists Single Family Residential land use designations to the North, East, and West, the subject property, with the proposed land use amendment would be considered compatible with surrounding land uses.

COMPATIBILITY with the CODE OF ORDINANCES

The request would require successful Comprehensive Plan Future Land Use Map amendment of the property from UTIL to SFR to allow for residential uses as a principle use.

ATTACHMENTS

SUBMITTED PLANS	APPLICATION	LEGAL NOTICE	AGENCY COMMENTS	PUBLIC COMMENTS	LEGAL DESCRIPTION
YES ☐ NO ☒	YES ☒ NO ☐	YES ☒ NO ☐	YES ☐ NO ☒	YES ☒ NO ☒	YES ☒ NO ☐

OTHER TYPE OF ATTACHMENT (DESCRIBE): None

ANALYSIS:

Availability of Public Facilities and Services:

Potable Water: The surrounding property is serviced by City Water.

Sanitary Sewer: The surrounding property is serviced by City Sewer.

Solid Waste: Provided by Waste Management.

Parks and Recreation: The proposed Future Land Use amendment would not exceed the existing park land or recreational level of service standards for the Planning Area.

Drainage: A new water retention system meeting current developmental standards would be required and approved by the St. Johns River Water Management District at the time the site is developed- the system will be reviewed by the City and approved during the administrative site plan review if the property develops as a small subdivision.

Transportation: The proposed Future Land Use amendment is below the 1% minimum threshold. The applicant intends to sell the land as it has been deemed surplus land to be developed for future single family residential use. The future development would require re-zoning to match the land use. The use will not negatively impact the surrounding road network.

Public-Schools: As the proposal is for single family residential use with limited acreage, there appears to be no adverse impact to the Public-School system.

Environmental Resources:

Any future development or expansion would require review and compliance with all City regulations, including environmental review, as may be required.

Coastal High Hazard Zone:

The subject property is not located in a Coastal High Hazard Zone, nor is it located in a current surge area.

Historic Resources:

The subject property has no Master File Site listing for any historic resources on the property.

STAFF RECOMMENDATION:

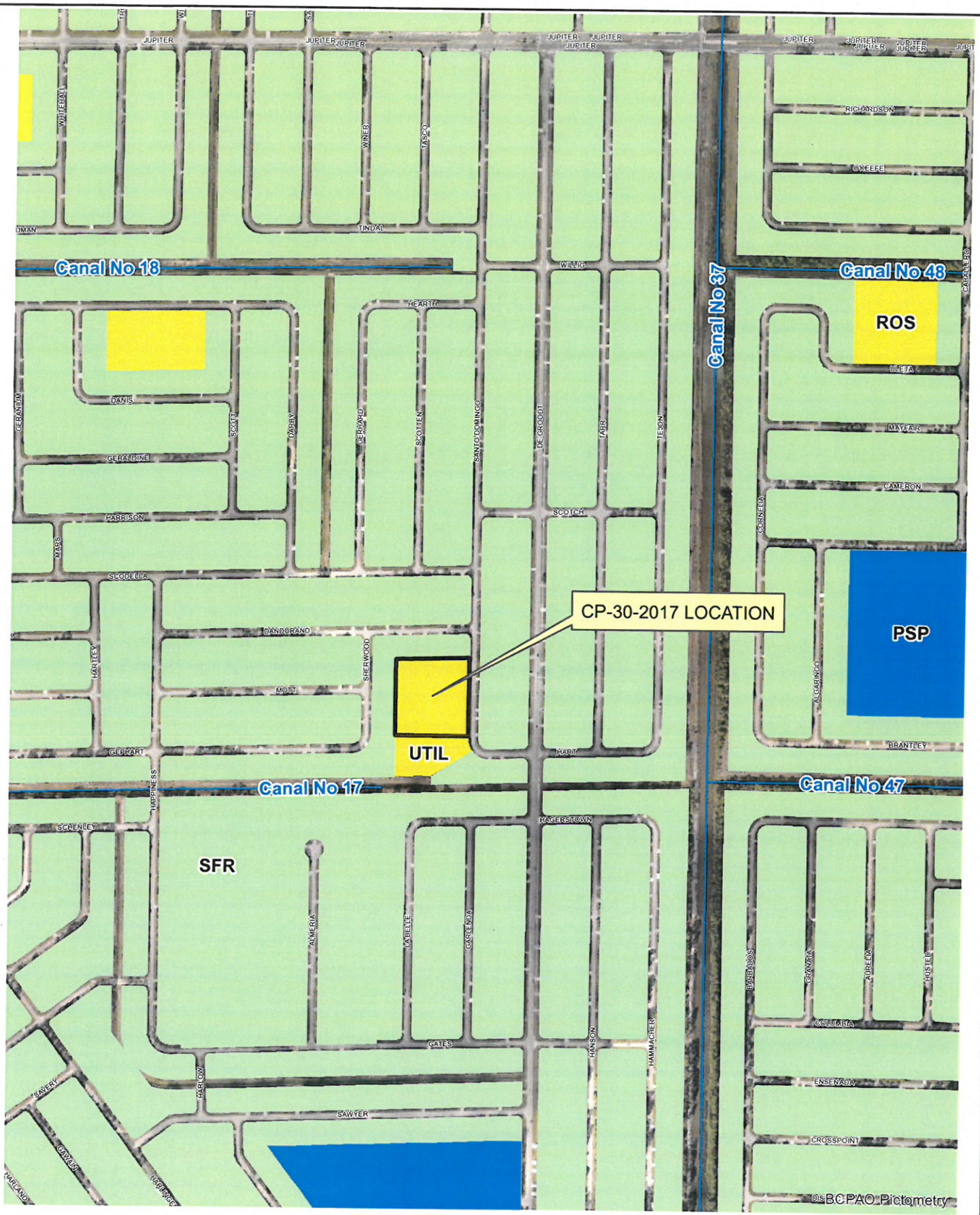
Motion to approve Case No. CP-30-2017, pursuant to Chapter 163, Florida Statutes.

N
W E
S

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

CASE CP-30-2017 LOCATION MAP

Palm Bay



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

CASE CP-30-2017 FLU MAP

Palm Bay

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

ADDRESS 120 MALABAR RD SE

CITY PALM BAY STATE FL ZIP 32907

PHONE # 321-409-7187 FAX # 321-848-1288

E-MAIL ADDRESS Andy.Anderson@palmbayflorida.org

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION

Plat Book/Page: 0020/0002
Subdivision Name: Port Malabar Unit 37
Land Description: Port Malabar Unit 37 Tract C (NO ADDRESS ASSIGNED)

SECTION 12 TOWNSHIP 29 RANGE 36

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 3.4 ACRES

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

5) LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE:

SFR

6) PRESENT USE OF THE PROPERTY: VACANT LAND

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

8) HAS A REZONING APPLICATION BEEN FILED IN CONJUNCTION WITH THIS APPLICATION:

NO

(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.)

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

PROPERTY IS CURRENTLY FOR SALE AND UNDER CONTRACT. CONTRACT IS CONTINGENT UPON FLU CHANGE.

10) SPECIFIC USE INTENDED FOR PROPERTY:

BUYER INTENDS TO BUILD A SINGLE FAMILY HOME ON APPROXIMATELY 2 ACRES RIGHT AWAY. THE REMAINING 1.4 ACRES WILL BE THINNED OUT AND MAINTAINED IN ITS NATURAL STATE UNTIL SUCH TIME A FAMILY MEMBER WISHES TO BUILD. AT THAT TIME, PROPERTY WILL BE SUBDIVIDED FOR SAID PURPOSE.

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

_____*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

_____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 for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)

_____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.

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** 10/4/17

Printed Name of Applicant Gregg Lynk

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

CITY OF PALM BAY
RECEIVED
OCT 10 2017
LAND DEVELOPMENT

CASE CP-30-2017

CORRESPONDENCE: 1

Chandra Powell

From: Dhyana Carney <dhyana1carney@gmail.com>
Sent: Tuesday, October 24, 2017 12:42 PM
To: Chandra Powell
Subject: Case no.CP-30-2017

Dear Ms. Powel,
Sent from Mail for Windows 10
I am writing in reference to Case No. CP-30-2017. My family and I currently reside at 258 Dandurand St SW Palm Bay Fl 32908 and to state that we would be aggrieved or adversely affected is an understatement. I work as a interior/exterior painter and know the ramifications of new construction to the areas being developed. Invasion of privacy, noise pollution, extreme dust and debris being merely some of these issues along with the fact of new unknown neighbors and traffic and speeding is also an invitation to more crime in a currently quiet community. I bought the property in 2008 because of the country setting my family and I currently enjoy. My 9 year old son has grown up playing in these woods along with the protection from wind gusts from hurricanes and storms the trees currently provide us as we only live in a wood frame home. Also there is the major concern of well and septic with which since I am slightly at a lower elevation than some the current residents next door so flooding is already a major concern. I once lived at a property at 5501 Kingschool Rd Bethel Park Pa. 15101 that built new homes behind us and our life became unbearable. The well at said residence was destroyed and poured brown water out of all faucets just to mention one of various issues. My main concern is the upheaval in the quality of life we currently enjoy and the invasion of privacy and setting and safety for my son and family and the adverse effect it will have on my yard right behind me on well and septic. This, accompanied with all the upheaval and noise and destruction could also affect my son's schooling and grades as it will devastate and distract him. After all who wants their backyard turned into a loud dirty construction site with who knows who working behind their private residence and home? I am very concerned about this matter and strongly oppose this proposition as it is undesirable. I hope this matter is given serious consideration for all property owners involved before proceeding in this direction as it will adversely affect all of us as a community. Thank you. Dhyana S. Carney

FLORIDA TODAY
FLORIDATODAY.com
A GANNETT COMPANY

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: CITY OF PALM BAY

Address: 120 MALABAR RD SE
PALM BAY FL 32907
USA

Ad No.: 0002480709
Pymt Method Invoice
Net Amt: $362.01

Run Times: 1

No. of Affidavits: 1

Run Dates: 10/20/17

Text of Ad:

AD#2480709 10/20/2017
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING

Notice is hereby given that a land use public hearing will be held by the Planning and Zoning Board/Local Planning Agency on November 1, 2017, at 7:00 p.m., and by the City Council on December 7, 2017, at 7:00 p.m., both to be held at the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1. CP-27-2017 – CITY OF PALM BAY
A small scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Industrial Use.

Lot 1, Block 4, Port Malabar Industrial Park Subdivision, Section 22, Township 28, Range 37, Brevard County, Florida, containing 1.84 acres, more or less. (Located at the southwest intersection of Palm Bay Road NE and Franklin Drive NE, specifically at 2144 and 2148 Palm Bay Road NE)

2. CPZ-27-2017 – WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)
A zoning amendment from a CC, Community Commercial District to an LI, Light Industrial and Warehousing District.

Lot 1, Block 4, Port Malabar Industrial Park Subdivision, Section 22, Township 28, Range 37, Brevard County, Florida, containing 1.84 acres, more or less. (Located at the southwest intersection of Palm Bay Road NE and Franklin Drive NE, specifically at 2144 and 2148 Palm Bay Road NE)

3. CP-28-2017 – CITY OF PALM BAY
A small scale Comprehensive Plan Future Land Use Map amendment from Office Professional Use to Commercial Use.

Tract B, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .95 acres, more or less. (Located south and west of Market Circle NE, specifically at 1878 Market Circle NE)

4. CPZ-28-2017 – CITY OF PALM BAY
A zoning amendment from an OP, Office Professional District to a CC, Community Commercial District.

Tract B, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .95 acres, more or less. (Located south and west of Market Circle NE, specifically at 1878 Market Circle NE)

5. CP-29-2017 – CITY OF PALM BAY
A small scale Comprehensive Plan Future Land Use Map amendment from Professional Office Use to Commercial Use.

Tract C, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .97 acres, more or less. (Located at the southwest intersection of Port Malabar Boulevard NE and Market Circle NE)

6. CPZ-29-2017 – CITY OF PALM BAY
A zoning amendment from an OP, Office Professional District to a CC, Community Commercial District.

Tract C, Port Malabar Unit 58, Section 27, Township 28, Range 37, Brevard County, Florida, containing .97 acres, more or less. (Located at the southwest intersection of Port Malabar Boulevard NE and Market Circle NE)

7. CP-30-2017 – CITY OF PALM BAY
A small scale Comprehensive Plan Future Land Use Map amendment from Utility Use to Single Family Residential Use.

Tract C, Port Malabar Unit 37, Section 12, Township 29, Range 36, Brevard County, Florida, containing 3.4 acres, more or less. (Located west of and adjacent to Santo Domingo Avenue SW, in the vicinity east of Sherwood Avenue SW)

Full legal descriptions of properties are available from the Growth Management Department.

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

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).

All interested citizens are invited to submit written communication and appear at the aforementioned hearings. Please contact the Palm Bay Growth Management Department at (321) 733-3041 should you have any questions.

/s/ Patrick Murphy
Assistant Growth Management Director