



AGENDA

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Regular Meeting No. 2018-01
January 3, 2018 – 7:00 P.M.
City Hall Council Chambers

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ADOPTION OF MINUTES:

1. Regular Meeting No. 2017-12; December 3, 2017

ANNOUNCEMENTS:

OLD BUSINESS:

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 – CITY OF PALM BAY

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. ♣PUD-51-2017 – WATERSTONE FARMS, LLC / WATERSTONE HOLDINGS, LLC /
D.R. HORTON, INC.

Preliminary Planned Unit Development (PUD) approval for a proposed multi-use development called Waterstone at Palm Bay.

Tax Parcels 500, 250, 252, 4 and 5, Tracts OS1 and SMT2, Waterstone Plat One PUD, in Section 4, Township 30, Range 37, and Tracts 1, 750, and 752, San Sebastian Farms, in Section 5, Township 30, Range 37, Brevard County, Florida, containing 763.62 acres, more or less. (Located west of and adjacent to Babcock Street SE, between Mara Loma Boulevard SE and future southeast segment of the St. Johns Heritage Parkway)

NEW BUSINESS:

1. ♣CU-1-2018 – SAMS L.P. COMPANY & SAMS II, LLC (BRIAN STEPHENS, REP.)

A conditional use to allow for a proposed liquid propane dispensary in an LI, Light Industrial and Warehousing District.

Tax Parcel 20, Section 14, Township 28, Range 37, Brevard County, Florida, containing 2.72 acres, more or less. (Located at the southeast intersection of Northview Street NE and Robert J. Conlan Boulevard NE)

2. ♣Z-2-2018 – LAKE MINA, LLC (JON E. BRUNNER)

A change in zoning request from an RR, Rural Residential District to an RS-1, Single Family Residential District.

Tax Parcel 328, Section 27, Township 28, Range 37, Brevard County, Florida, containing 4.42 acres, more or less. (Located north of and adjacent to Market Circle NE, in the vicinity west of Cranbrook Avenue NE)

3. T-3-2018 – CITY OF PALM BAY

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to modify Section 184.18 Road Design, (B)(15) Traffic studies, in order to establish language for the City of Palm Bay Standardized Traffic Impact Study Guidance Manual.

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. 2017-12

Held on Wednesday, December 6, 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. Rainer Warner 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)	Absent

CITY STAFF: Present were Mr. Robert Loring, Acting Planning Division Manager; Mr. Christopher Balter, Planner; Ms. Chandra Powell, Growth Management Recording Secretary; Mr. James Stokes, Board Attorney; Mr. Aaron Pool, Code Compliance Manager.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2017-11. Motion by Ms. Jordan, seconded by Mr. Stroderd to approve the minutes as presented. The motion carried with members voting unanimously.

ANNOUNCEMENTS:

1. Mr. Weinberg addressed the audience on the meeting procedures and explained that the Planning and Zoning Board/Local Planning Agency consists of volunteers who act as an advisory board to City Council.

OLD BUSINESS:

1. CP-30-2017 – CITY OF PALM BAY

Mr. Loring presented the staff report for Case CP-30-2017. 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-30-2017 for approval, pursuant to Chapter 163, Florida Statutes.

The case was being reheard to indicate the current land use as Recreation and Open Space Use.

Mr. Warner commented on how the buyer for the property had indicated a desire to set aside a portion of the site for future development by his children. Mr. Loring noted that any subdivision of the land would have to go through the subdivision process.

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

Motion by Ms. Jordan, seconded by Ms. Maragh to submit Case CP-30-2017 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
Mr. Stroder	Nay
Ms. Jordan	Aye
Ms. Maragh	Aye
Mr. Pezzillo	Aye
Mr. Warner	Aye
Mr. Woodrum	Aye

City Council will hear Case CP-30-2017 on December 7, 2017.

NEW BUSINESS:

1. ♣V-50-2017 – ROBERT BAYER

Mr. Balter presented the staff report for Case V-50-2017. The applicant had requested a variance to allow a proposed detached garage to encroach 9 feet into the 12-foot side interior yard setback as established by Section 185.032(F)(7)(b) of the Code of Ordinances. Staff recommended Case V-50-2017 for approval with a condition.

Mr. Warner noted that the proposed driveway would align with the existing driveway on the subject lot. Mr. Balter indicated that this was correct and described the layout of the site.

Ms. Maragh inquired whether the hedge recommended by staff had a height requirement. Mr. Balter answered that the hedge must be a full hedge row within six months per the landscape requirements of the Land Development Code.

Mr. Robert Bayer (applicant) explained that the variance would allow him to replace the smaller structures on his property with a single shed for storage and to park his car.

Mr. Stroder questioned whether the adjacent neighbor had signed the petition in support of the request. Mr. Bayer confirmed that the adjacent neighbor was in favor of the variance and had signed the petition in support of the request. Ms. Michelle Bayer (applicant) added that all the neighbors had signed the petition in support of the variance, and that the proposed garage would be an improvement over the tarped-covered items currently in the yard.

The floor was opened for public comments.

Ms. Melissa Edwards (resident at Pepper Street NE) spoke in favor of the request. She said that the garage would be a visual improvement, and that she also had a detached garage on her property.

The floor was closed for public comments, and a 30-signature petition in favor of the request was in the file.

Motion by Ms. Jordan, seconded by Mr. Warner to submit Case V-50-2017 to City Council for approval of a variance to allow a proposed detached garage to encroach 9 feet into the 12-foot side interior yard setback as established by Section 185.032(F)(7)(b) of the Code of Ordinances, with the condition of increased landscaping as a hedge row along the proposed detached garage. The motion carried with members voting unanimously.

2. ♣PUD-51-2017 – WATERSTONE FARMS, LLC / WATERSTONE HOLDINGS, LLC /
D.R. HORTON, INC.

Mr. Weinberg announced that Case PUD-51-2017 had been continued to the January 3, 2018 Planning and Zoning Board meeting. No board action was required to continue the case.

3. PS-2-2017 – COUNTRY CLUB LAKES DEVELOPERS (BRIAN BUSSEN, REP.)

Mr. Loring presented the staff report for Case PS-2-2017. The applicant had requested preliminary subdivision approval for a proposed single-family development called Country Club Lakes Estates Phase 3. Staff recommended Case PS-2-2017 for approval with nine conditions.

Mr. Warner questioned whether Phase 3 was originally planned for the development. Mr. Loring confirmed that Phase 3 was part of the original proposal.

Mr. Pezzillo asked if another subdivision had access to traverse the site. Mr. Loring stated that he was not aware of an access for another subdivision.

Mr. Jack Spira, attorney with Spira, Beadle & McGarrell PA (representative for the applicant) clarified that Phases 1 and 2 east of the subject location had received final approval. The approval included the construction of a roadway with utilities at the subject location. The plat requirements for the roadway and drainage would be met by Phase 3.

Ms. Jordan asked if the applicant was in agreement with the nine recommendations in the staff report. Mr. Spira concurred that all staff recommendations would be met. He commented on how trees had been saved in Phases 1 and 2 of the development, and that the roadway in Phase 3 had be readjusted to protect an additional specimen tree.

The floor was opened for public comments.

Ms. Karen Schrimpf (president of Island Green Villas Property Association) requested that her association be kept apprised of all meetings regarding Country Club Lakes Estates as Island Green Villas had an adjoining right-of-way. She commented on what appeared to be a discrepancy between the 1600 square-foot minimum house size noted in the staff report and the 1800 minimum square-foot home size the developer had agreed to during the 2015 Citizen Participation Plan Meeting.

Ms. Connie Hogle (resident at Riviera Drive NE) spoke against the request. She was concerned with the impact the development would have on the existing traffic and drainage problems on Riviera Drive.

In response to comments from the audience, Mr. Spira agreed to keep the Island Green Villas Property Association informed about the proposals for the subject development. He clarified that the minimum home size alluded to in the staff report was for the zoning district, and he confirmed that the home size for the proposed development would be a minimum of 1800 square-feet as agreed to by the applicant. The homes for the upscale development would be priced in excess of \$300,000.00 and would meet a need anticipated by Harris Corporation. Only one resident had attended the Citizen Participation Plan meeting; a traffic study was being prepared; and drainage from the site historically flowed southward, away from Riviera Drive.

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

Motion by Mr. Stroderd, seconded by Ms. Jordan to submit Case PS-2-2017 to City Council for preliminary subdivision approval for a proposed single-family development called Country Club Lakes Estates Phase 3.

Motion amended by Mr. Stroderd, seconded by Ms. Jordan to submit Case PS-2-2017 to City Council for preliminary subdivision approval for a proposed single-family development called Country Club Lakes Estates Phase 3, subject to all staff comments and conditions in the staff report. The Motion carried with members voting as follows:

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

4. T-52-2017 – CITY OF PALM BAY

Mr. Loring presented the staff report for Case T-52-2017. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, to eliminate Section 170.050, Adopted, and to modify Section 93.043, Residential requirements, in order to establish new City of Palm Bay Property Maintenance Code. Staff recommended Case T-52-2017 for approval.

Mr. Pool explained that the subject amendment would help to codify property maintenance items into one area of the code, Chapter 93.

Mr. Stroderd inquired whether there were any significant differences between the International Property Code and the proposed City of Palm Bay Property Maintenance Code. Mr. Pool confirmed that the language proposed was essentially the same. Administrative amendments were also being adopted to meet notice requirements in the Florida Statutes.

Ms. Jordan asked if the amendment addressed the green space abutting canals and alleyways in the back of properties. Mr. Pool explained that the subject proposal dealt with the green space abutting front yards and front swales. Rear canals were handled by other codes.

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. Stroderd to submit Case T-52-2017 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, to eliminate Section 170.050, Adopted, and to modify Section 93.043, Residential requirements, in order to establish new City of Palm Bay Property Maintenance Code. The motion carried with members voting unanimously.

OTHER BUSINESS:

There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 7:38 p.m.

Philip Weinberg, CHAIRMAN


Attest:

Chandra Powell, SECRETARY

♣Quasi-Judicial Proceeding.



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, Acting Planning Div. Manager
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
January 3, 2018

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
CC

EXISTING
LAND USE
COM

SITE
IMPROVEMENTS
2 Existing
Structures
(Abandoned)

SITE
ACREAGE
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

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 <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

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:

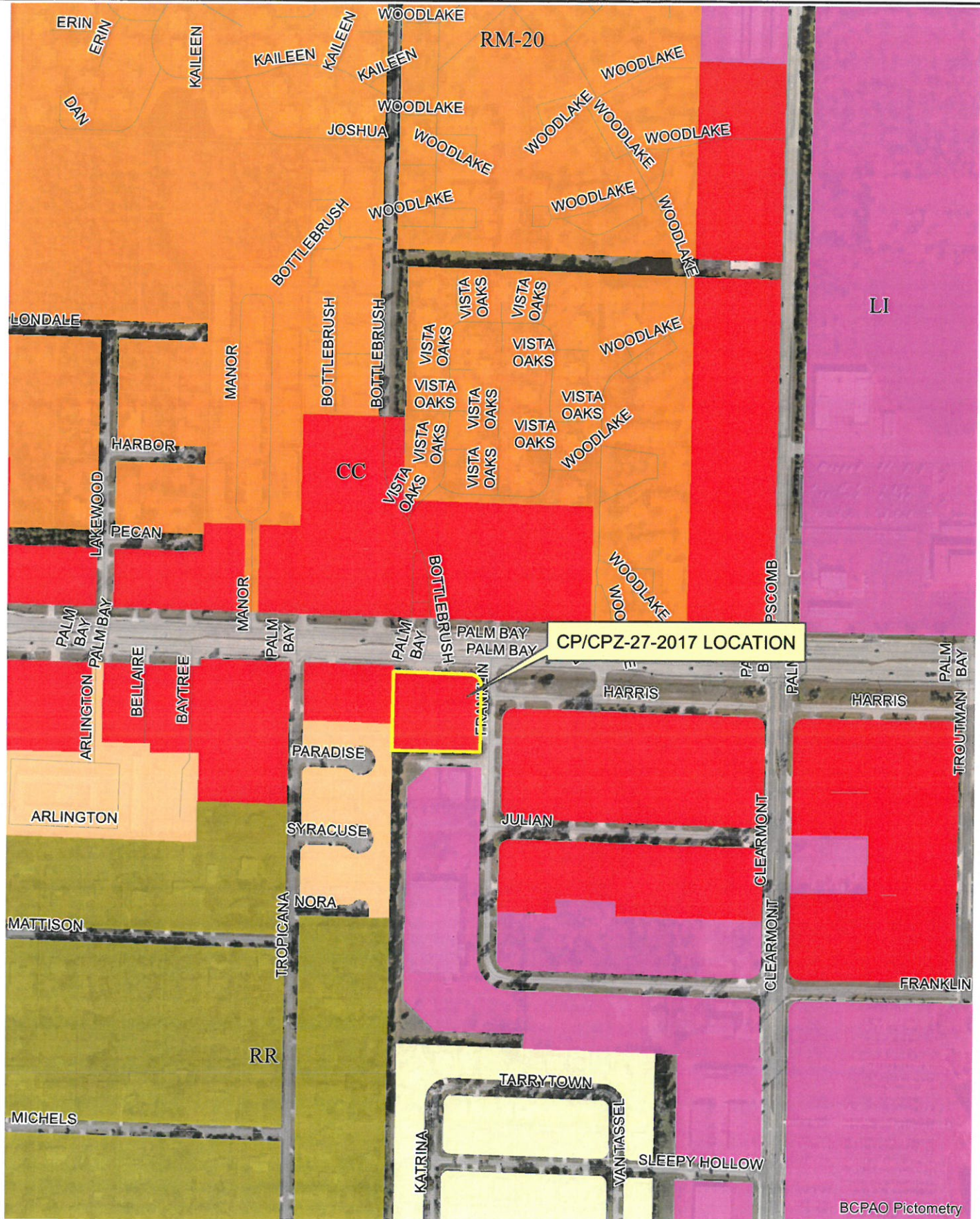
The subject property is not located in a Coastal High Hazard Zone, nor is it located in a current surge area.

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.



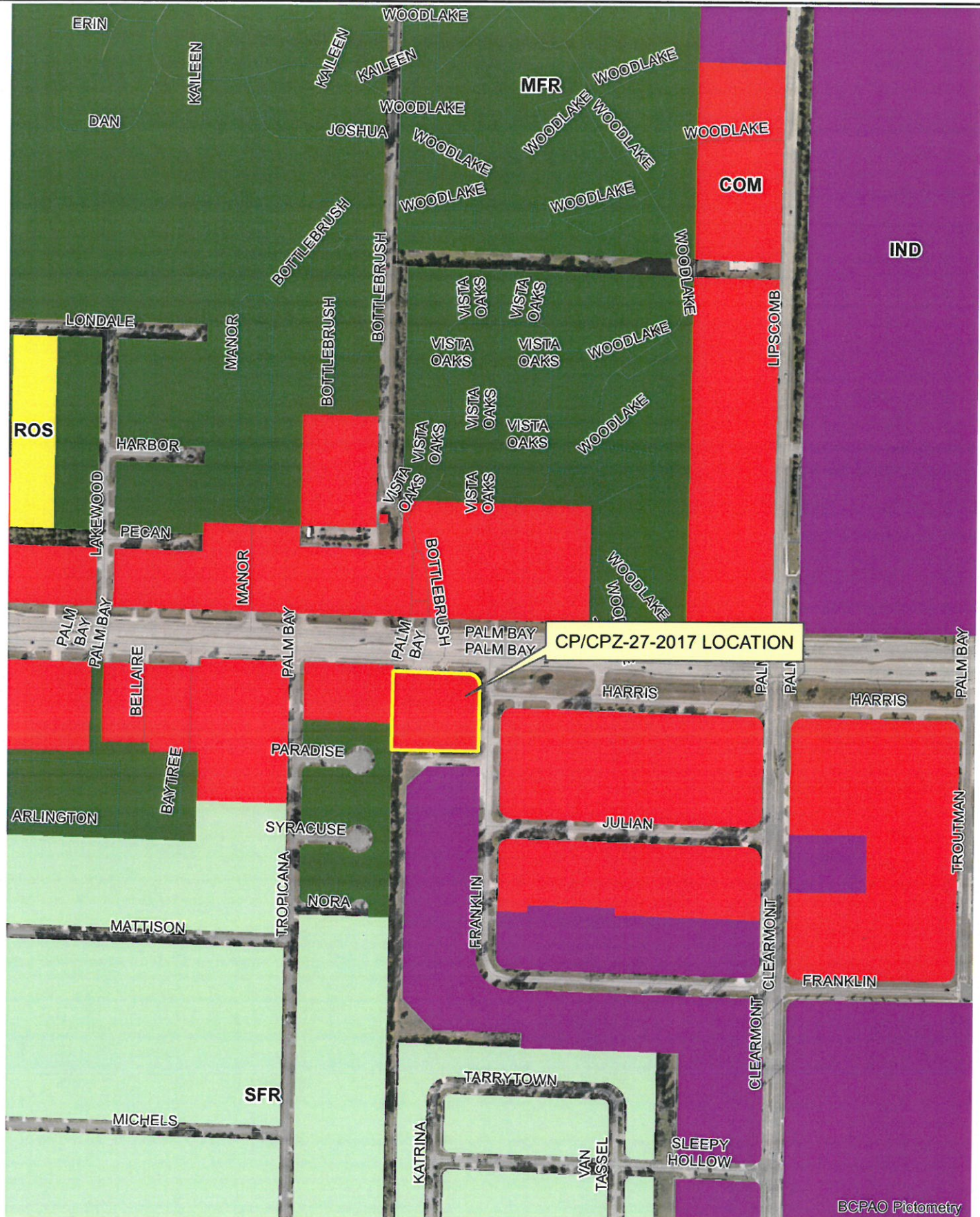
BCPAO Pictometry



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



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





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.)

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

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

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.

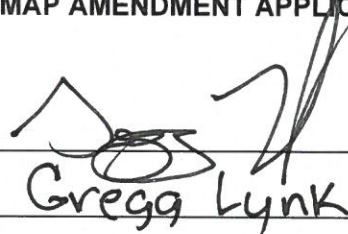
_____ WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED
GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST
THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT.

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

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

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

Signature of Applicant



Date 10.8.17

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

CASES CP-27-2017 & CPZ-27-2017

CORRESPONDENCE: 2



Office of The
OCT 26 2017

City Clerk

October 24, 2017

Planning and Zoning Board
City Council
c/o Land Development Division
City of Palm Bay
120 Malabar Road SE
Palm Bay, Florida 32907

Re: Case Nos. CP-27-2017 and CPZ-27-2017

Planning and Zoning Board & City Council:

We respectfully request that the proposed zoning change be denied as a change to LI may result in a loss of value by contiguous properties located on Palm Bay Road that are currently zoned CC and have buildings in place.

The proposed change would be a classic example of "spot" zoning.

The property in question would be attractive to an investor with the CC zoning if the existing buildings were removed.

Thank you for your consideration.

Sincerely,

Fred E. Sutton, Manager
Sutton Properties

Chandra Powell

From: Chandra Powell
Sent: Wednesday, December 13, 2017 12:00 PM
To: 'KENNETH MANNEY'; Derek Burr
Cc: Robert Loring; Andrew Lannon; Terese Jones
Subject: RE: FW: 2144 Palm Bay Road (Old Firehouse)

Mr. Manney,

Confirming receipt.

Chandra

-----Original Message-----

From: KENNETH MANNEY [mailto:kennethmanney@bellsouth.net]
Sent: Wednesday, December 13, 2017 11:11 AM
To: Derek Burr <Derek.Burr@palmbayflorida.org>; KENNETH MANNEY <kennethmanney@bellsouth.net>; Chandra Powell <Chandra.Powell@palmbayflorida.org>
Cc: Robert Loring <Robert.Loring@palmbayflorida.org>; Andrew Lannon <Andrew.Lannon@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>
Subject: RE: FW: 2144 Palm Bay Road (Old Firehouse)

Ms. Powell,

In your capacity as clerk, I am providing you with the following information for CP-27-2017 and CPZ-27-2017:

Affected Persons: PB Land Holdings I, LLC and PB Land Holdings II, LLC

Address: P.O. Box 510747, Melbourne Beach, FL 32951

Telephone Number: 772-231-7887

How Aggrieved: Owner of property within 500'

Position: Opposed to any changes in zoning

Please confirm receipt of this notice pursuant to section 59.03(A)

Thank you,

Kenneth J. Manney, Esq.

On Wed, 12/13/17, Chandra Powell <Chandra.Powell@palmbayflorida.org> wrote:

Subject: RE: FW: 2144 Palm Bay Road (Old Firehouse)



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.: 0002608501
Pymt Method Invoice
Net Amt: \$224.74

Run Times: 1

No. of Affidavits: 1

Run Dates: 12/22/17

Text of Ad:

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 January 3, 2018, at 7:00 p.m., and by the City Council on January 18, 2018, 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. CPZ-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)

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.

Robert J. Loring
Acting Planning Division Manager
PUBLICATION: 12/22/2017



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, Acting Planning Manager
REVIEWED BY:
Derek CS Burr, Director
APPROVED BY:
Derek CS Burr, Director

CASE NUMBER
CPZ-27-2017

APPLICANT/PROPERTY OWNER
City of Palm Bay

PLANNING & ZONING BOARD HEARING DATE
January 3, 2018

PROPERTY LOCATION/ADDRESS
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 <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

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:

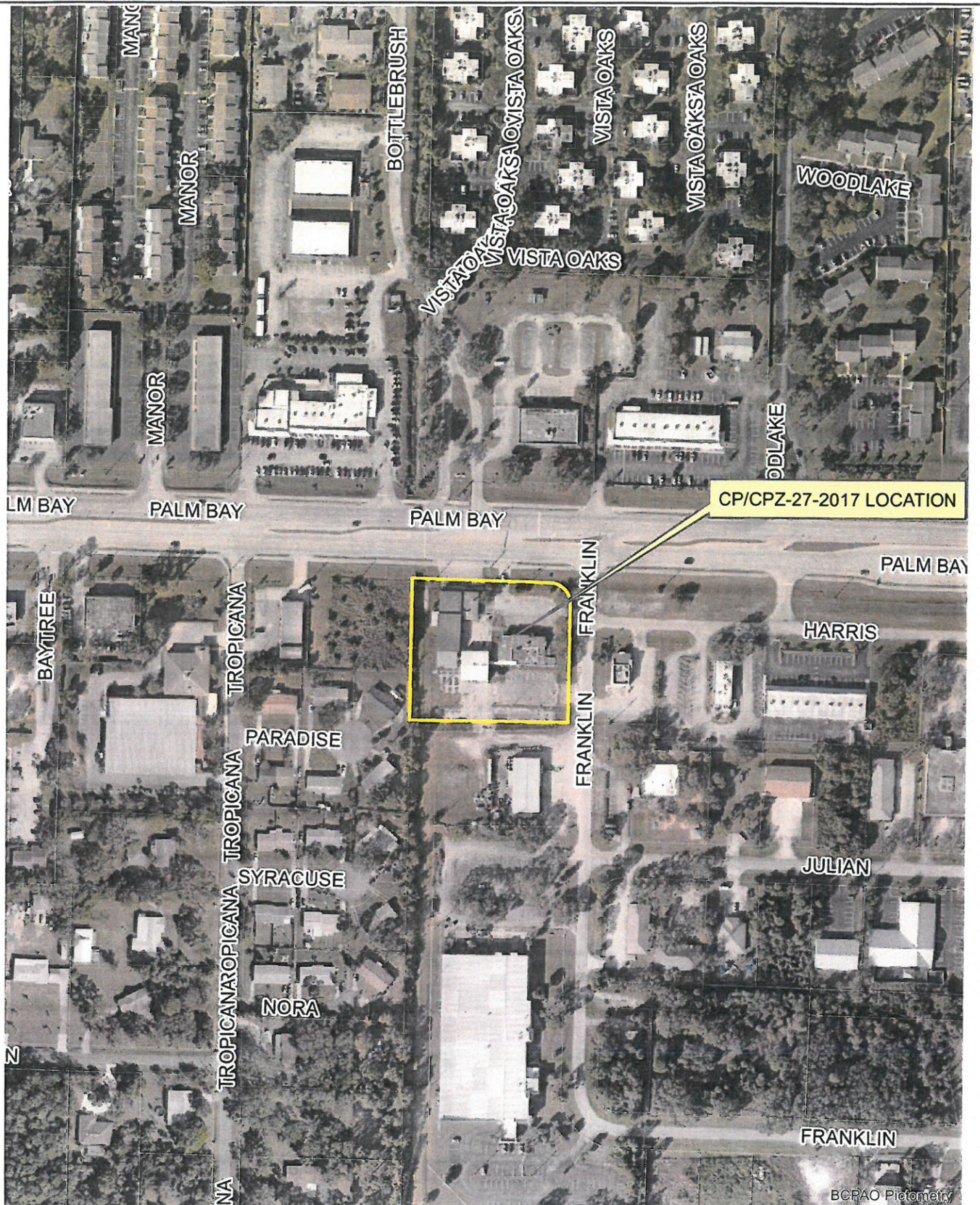
The subject property has no Master File Site listing for any historic resources on the property.

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.

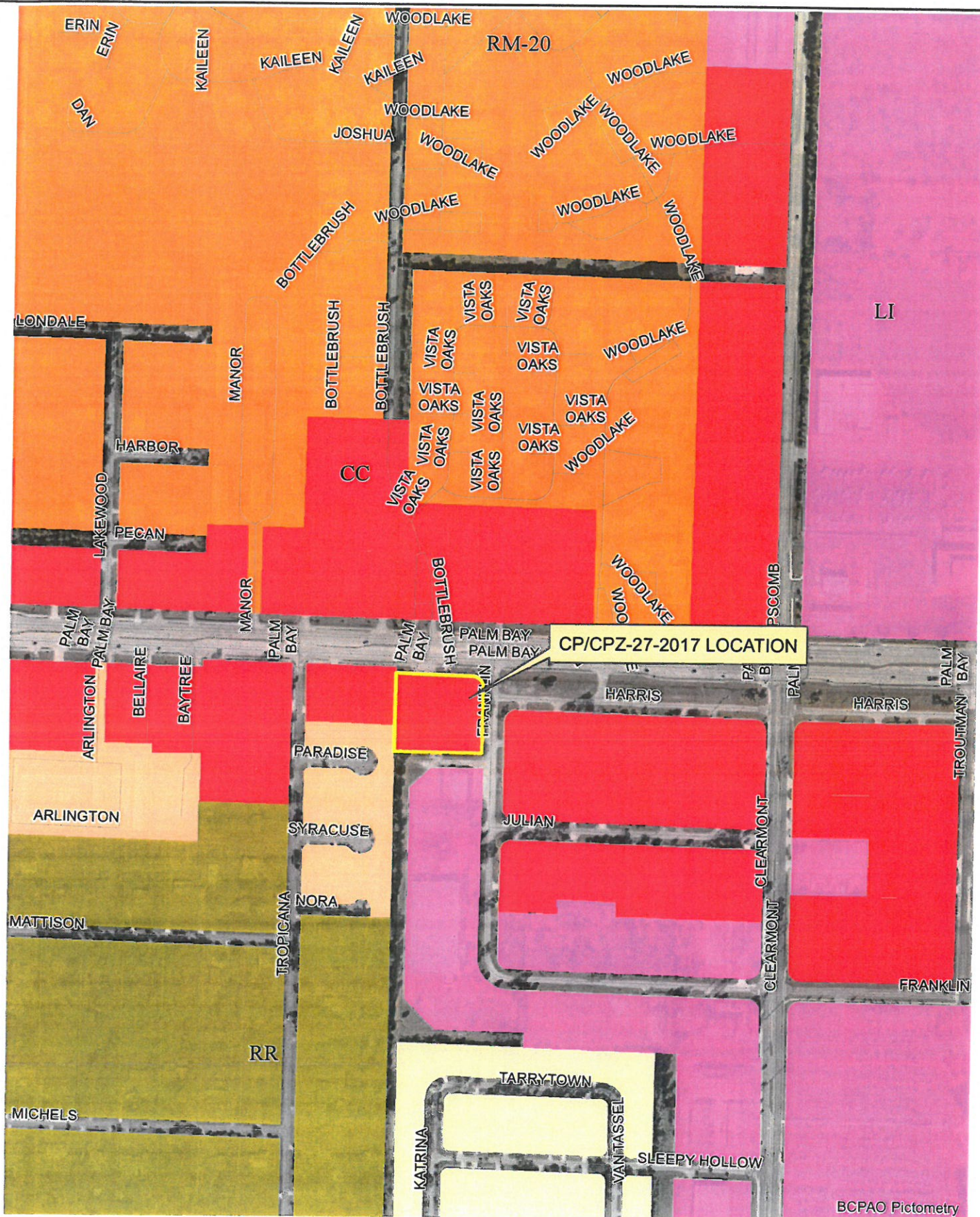


Map for illustrative purposes only. Not to be construed
as binding or as a survey.
Map created by the Land Development Division

CASE CP/CPZ-27-2017 LOCATION MAP



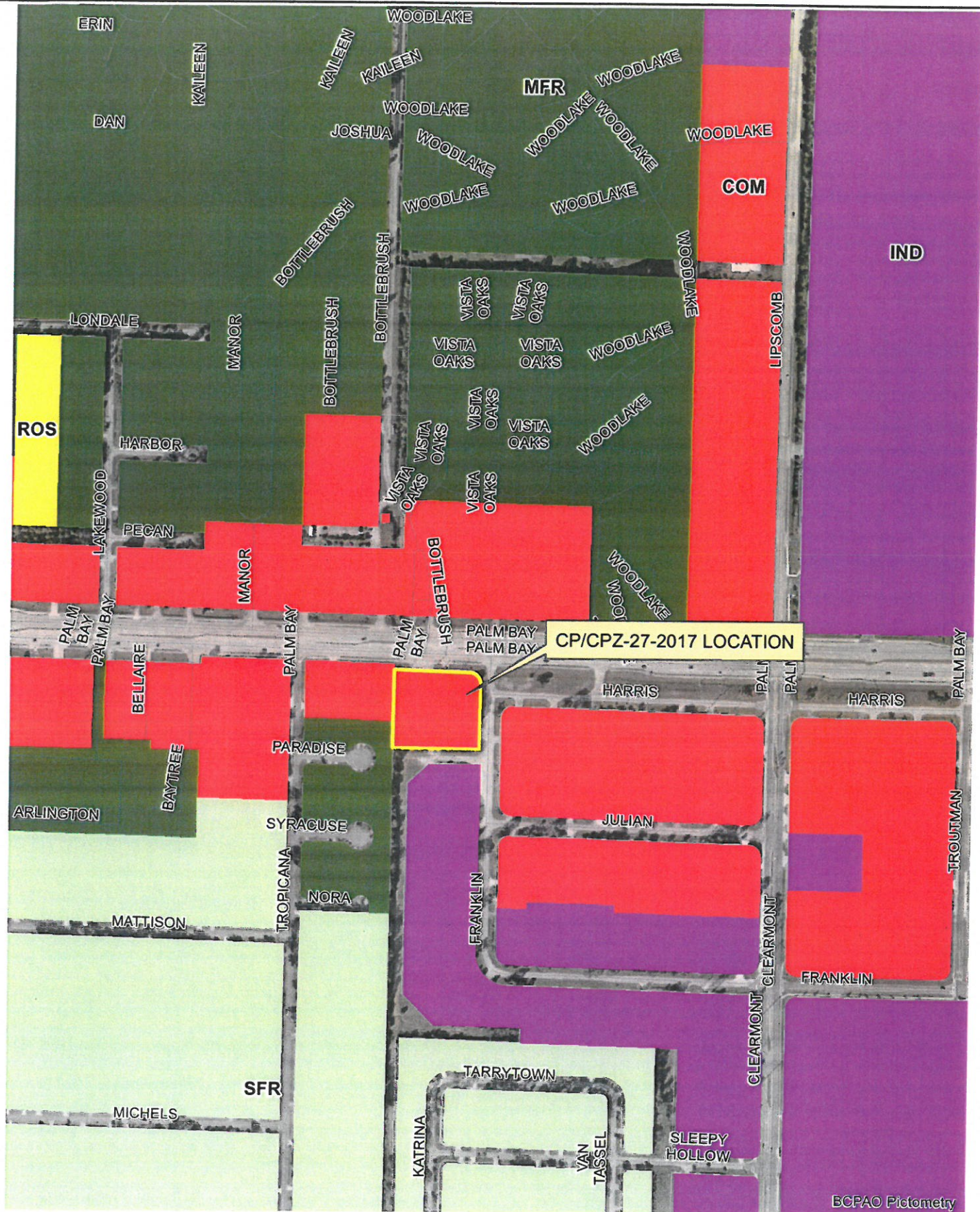
BCPAO Pictometry



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



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.

CITY OF PALM BAY, FLORIDA6
REZONING APPLICATION
PAGE 2 OF 2

_____ A listing of legal descriptions of all properties within a 500 foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This can be obtained 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.

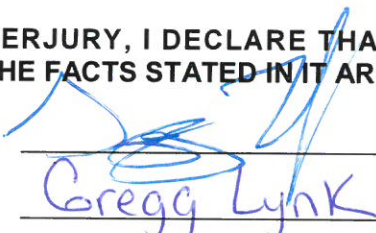
I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY, AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION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

Printed Name of Applicant


Gregg Lynk

10/5/17

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

CITY OF PALM BAY
RECEIVED

OCT 10 2017

LAND DEVELOPMENT

CASES CP-27-2017 & CPZ-27-2017

CORRESPONDENCE: 2



Office of The
OCT 26 2017

City Clerk

October 24, 2017

Planning and Zoning Board
City Council
c/o Land Development Division
City of Palm Bay
120 Malabar Road SE
Palm Bay, Florida 32907

Re: Case Nos. CP-27-2017 and CPZ-27-2017

Planning and Zoning Board & City Council:

We respectfully request that the proposed zoning change be denied as a change to LI may result in a loss of value by contiguous properties located on Palm Bay Road that are currently zoned CC and have buildings in place.

The proposed change would be a classic example of "spot" zoning.

The property in question would be attractive to an investor with the CC zoning if the existing buildings were removed.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to be "Fred E. Sutton".

Fred E. Sutton, Manager
Sutton Properties

Chandra Powell

From: Chandra Powell
Sent: Wednesday, December 13, 2017 12:00 PM
To: 'KENNETH MANNEY'; Derek Burr
Cc: Robert Loring; Andrew Lannon; Terese Jones
Subject: RE: FW: 2144 Palm Bay Road (Old Firehouse)

Mr. Manney,

Confirming receipt.

Chandra

-----Original Message-----

From: KENNETH MANNEY [mailto:kennethmanney@bellsouth.net]
Sent: Wednesday, December 13, 2017 11:11 AM
To: Derek Burr <Derek.Burr@palmbayflorida.org>; KENNETH MANNEY <kennethmanney@bellsouth.net>; Chandra Powell <Chandra.Powell@palmbayflorida.org>
Cc: Robert Loring <Robert.Loring@palmbayflorida.org>; Andrew Lannon <Andrew.Lannon@palmbayflorida.org>; Terese Jones <Terese.Jones@palmbayflorida.org>
Subject: RE: FW: 2144 Palm Bay Road (Old Firehouse)

Ms. Powell,

In your capacity as clerk, I am providing you with the following information for CP-27-2017 and CPZ-27-2017:

Affected Persons: PB Land Holdings I, LLC and PB Land Holdings II, LLC

Address: P.O. Box 510747, Melbourne Beach, FL 32951

Telephone Number: 772-231-7887

How Aggrieved: Owner of property within 500'

Position: Opposed to any changes in zoning

Please confirm receipt of this notice pursuant to section 59.03(A)

Thank you,

Kenneth J. Manney, Esq.

On Wed, 12/13/17, Chandra Powell <Chandra.Powell@palmbayflorida.org> wrote:

Subject: RE: FW: 2144 Palm Bay Road (Old Firehouse)



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

Customer: CITY OF PALM BAY

Ad No.: 0002608501

Address: 120 MALABAR RD SE
PALM BAY FL 32907
USA

Pymt Method Invoice

Net Amt: \$224.74

Run Times: 1

No. of Affidavits: 1

Run Dates: 12/22/17

Text of Ad:

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 January 3, 2018, at 7:00 p.m., and by the City Council on January 18, 2018, 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)

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.

Robert J. Loring
Acting Planning Division Manager
PUBLICATION: 12/22/2017



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 J. Murphy, Former Assistant Director
REVIEWED BY:
Derek CS Burr, AICP, Director
APPROVED BY:
Derek CS Burr, AICP, Director

CASE NUMBER
PUD-51-2017

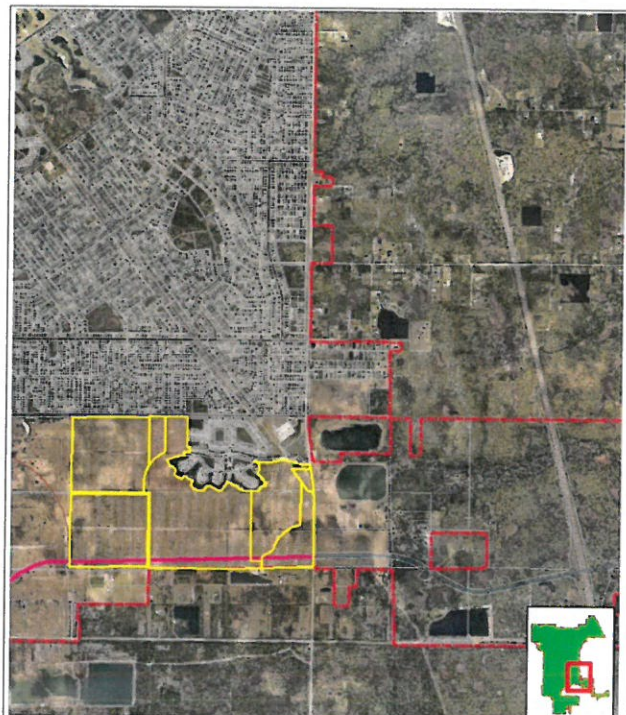
APPLICANT/PROPERTY OWNER
Waterstone Farms, LLC. / Waterstone Holdings, LLC. / D.R. Horton, Inc.

PLANNING & ZONING BOARD HEARING DATE
January 3, 2018

PROPERTY LOCATION/ADDRESS
West of and adjacent to Babcock Street SE, between Mara Loma Blvd SE and the south "leg" of the St. Johns Heritage Parkway

SUMMARY OF REQUEST

Preliminary Planned Unit Development Approval for a multi-use project called Waterstone at Palm Bay



ARCGIS MAP

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
PUD, Planned Unit Development	Single and Multiple Family Residential Use; Commercial Use	Vacant Land that was a former Orange Grove	763.72

SURROUNDING ZONING & LAND USE

N: PUD, Planned Unit Development; MTWCD Canal No. 38
E: PUD, Planned Unit Development; Babcock Street SE
S: GU, General Use (County); Single Family Home & Vacant Land
W: PUD, Planned Unit Development; Rolling Meadow Lakes PUD

STAFF RECOMMENDATION:

TRANSMIT ☐

APPROVE ☐

APPROVE WITH CONDITIONS ☒

DENY ☐

PROPERTY HISTORY

The subject property was previously Wheeler Farms, an orange grove. It was part of a larger property that was granted PUD Approval in 2005 for a residential project called Waterstone and included 1,800 units. In the years that followed, multiple Future Land Use Map Amendment were approved, which included adoption of multi-family residential and commercial land use designations. The land covered by this application has a maximum density of 2,500 residential units.

COMPATIBILITY with the COMPREHENSIVE PLAN

Additional Comprehensive Plan Future Land Use Map Amendments are needed to allow for the proposed townhomes as existing multiple family residential land use designations on the subject property do not match the location of the proposed townhomes.

COMPATIBILITY with the CODE OF ORDINANCES

The conceptual plan meets the criteria of the PUD Ordinance.

ATTACHMENTS

SUBMITTED PLANS	APPLICATION	LEGAL NOTICE	AGENCY COMMENTS	PUBLIC COMMENTS	LEGAL DESCRIPTION
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

OTHER TYPE OF ATTACHMENT (DESCRIBE): None

ANALYSIS:

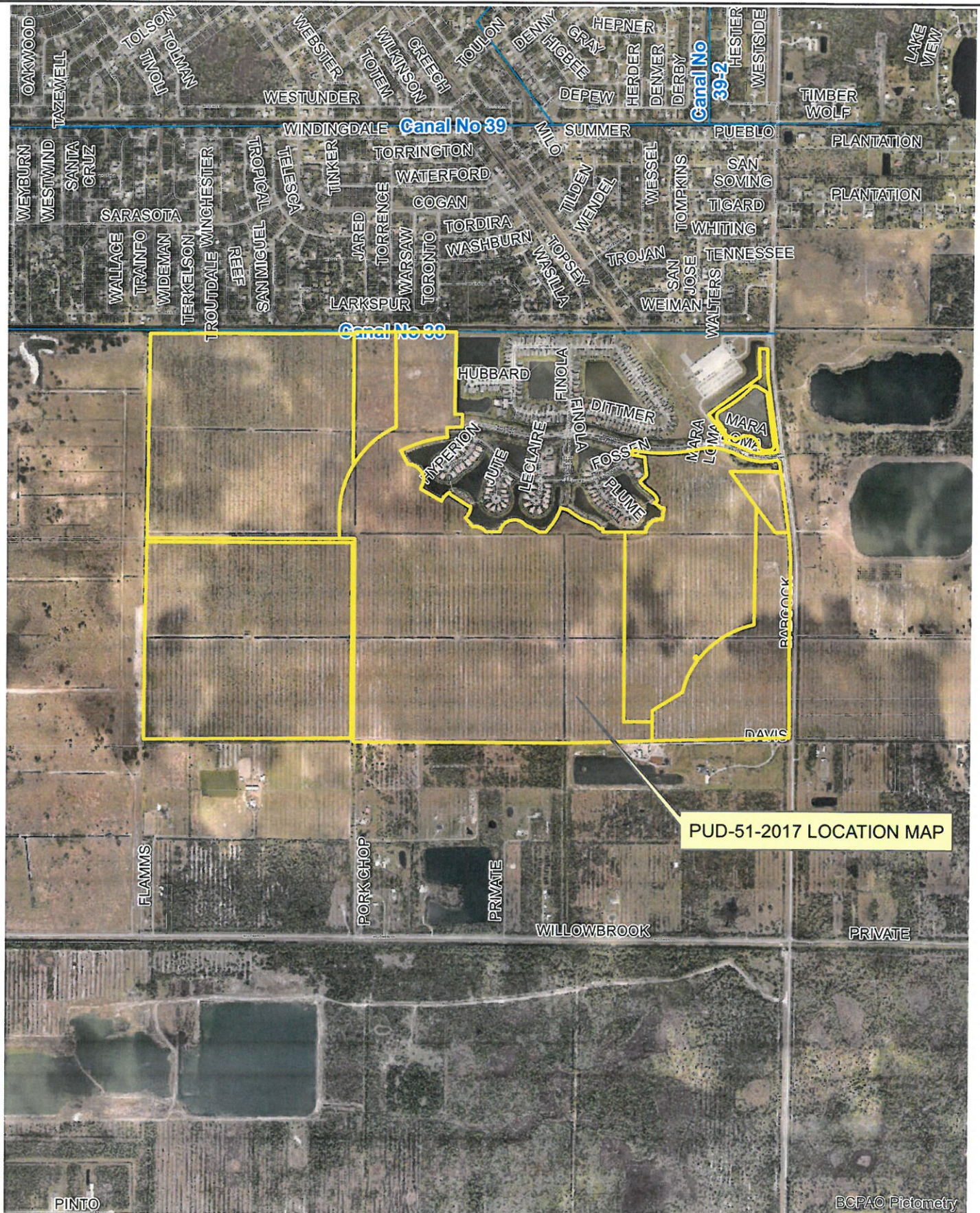
1. The planned unit development is a concept which encourages and permits variation in residential developments by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage, setbacks and open space, from those elements required in any singular zoning classification found in the city's Zoning Code. The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as commercial uses designed to serve the inhabitants of the proposed community. The planned unit development process simplifies the procedure for obtaining approval of these developments through simultaneous review of the proposed land use, site consideration, public needs and requirements, and health and safety factors.
2. Waterstone at Palm Bay will be a master planned community on 763 acres of land. The subject property is located west of and adjacent to Babcock Street SE, between Mara Loma Boulevard SE and the future SE leg of the St. Johns Heritage Parkway (Parkway). Approximately 630 acres of land will contain a mix of single and multiple family residential uses. Specifically, the Preliminary Development Plan (PDP) contains 1,452 single family lots of varying sizes and a total of 318 townhomes units, for a total residential count of 1,770 units. Construction of the residential development will be phased upon demand and market conditions. The remaining 133 acres of land will contain 16 parcels dedicated for commercial uses.
3. Access to the neighborhoods will be from the future extension of Mara Loma Boulevard, which will circle west and south to link with the future extension of the Parkway. A new road called Capital Drive will link Mara Loma directly to Babcock Street. The commercial development within Waterstone will directly access Babcock Street as well as connections to the Parkway and Capital Drive. The project is bordered by Babcock Street to the east, the future Parkway to the south, Melbourne-Tillman Canal No. 38 to the north, and to the west, a future PUD called Rolling Meadow Lakes. To the NE is Heron Bay and The Lakes at Waterstone, an existing development of single family and townhomes.
4. As part of the previous Waterstone Development (Heron Bay and The Lakes) this same Developer completed a 3-mile extension of water and sewer mains from Valkaria Road to Mara Loma Boulevard. In addition, the Developer built Mara Loma Boulevard, which extends the 2.600 west of Babcock Street. This road contains the necessary utility infrastructure to support the existing Waterstone neighborhoods, including three (3) separate sewer lift stations. These lines will be further extended into the new development to provide for adequate utility services.

5. A St. Johns River Water Management District (District) conceptual stormwater management permit has already been obtained. A copy of the permit and post development plan was included with the application. All existing and future stormwater management areas shall be owned and maintained by either the residential homeowners' association (HOA) or the commercial property owner association. Future systems will be permitted through the City and the District.
6. Waterstone at Palm Bay is located at the northwest (and southwest) corner of Babcock Street and the future Parkway. It is located approximately two (2) miles west of the new Interstate 95 interchange, which is currently under construction. The connecting segment of the Parkway (between Babcock and I-95) is planned for completion at the same time as the opening of the interchange. Babcock Street is an arterial roadway extending from Fellsmere in the south to Melbourne in the north. All roads within Waterstone at Palm Bay are to be dedicated to the City and all amenities within the project will be owned and maintained by the HOA.
7. The residential portion of Waterstone will include over 180 acres of recreational and open space amenities in both passive and active recreation lands. Over 2 miles of meandering walking trails and greenways will link each subdivision along Mara Loma Boulevard. A large clubhouse will serve the entire community and will be located at the convergence of Capital Drive and Mara Loma Boulevard. The clubhouse will include a resort-style pool, gazebo, fitness center, water slide, splash pad, tennis and volleyball courts and fire pit area. Potential future amenities are an outdoor moving viewing area and small dog park. Each neighborhood will also have its own, or access to, nearby recreation areas with a fenced "tot-lot" or other active play amenities.
8. In order to receive Preliminary Planned Unit Development approval, the proposal must meet the requirements of Section 185.066 of the City of Palm Bay's Code of Ordinances. Upon review, the request is in conformance with the applicable requirements of this section. The following items shall be addressed upon submission of the Final PUD application:
 - A. A Proportionate Fair Share Analysis shall be submitted to address the recommended roadway improvements along Babcock Street.
 - B. The Project Engineer shall clarify how the ultimate site drainage is to be connected to a public drainage way. Drainage easements may be needed upon the subdivision plat and must be vetted by the Engineer.
 - C. Road right-of-way for the future Parkway shall be surveyed and submitted with the Final PUD application.
 - D. A School Concurrence Letter shall be obtained from the School Board of Brevard County Facilities Services Planning & Project Management Division.
 - E. Declaration of Covenants & Restrictions governing development standards shall be submitted for city staff review. Ownership and maintenance of common areas shall also be identified.

- F. The final PUD submission shall be in plat form, and all tracts must be labeled with their allowable usage and acreage.
- G. A tree survey shall be submitted to determine where exceptional specimen trees, if any, may be preserved.
- H. Submit a survey showing the FEMA unnumbered Floodzone A on the proposed development. All elevations and 100-year storm event calculations need to be in NAVD 88 to match the FEMA Flood Insurance Rate Maps.
- I. Additional Future Land Use Map Amendments will be required for the townhome development. The existing multiple family residential land use designations on the property do not match the location of the proposed townhomes. In addition, there are several small areas of single family residential land use that shall be amended to commercial use and are indicated on Page 10 of the applicant's narrative.

STAFF RECOMMENDATION:

Case No. PUD-51-2017 is recommended for approval, subject to the staff comments contained in this report.

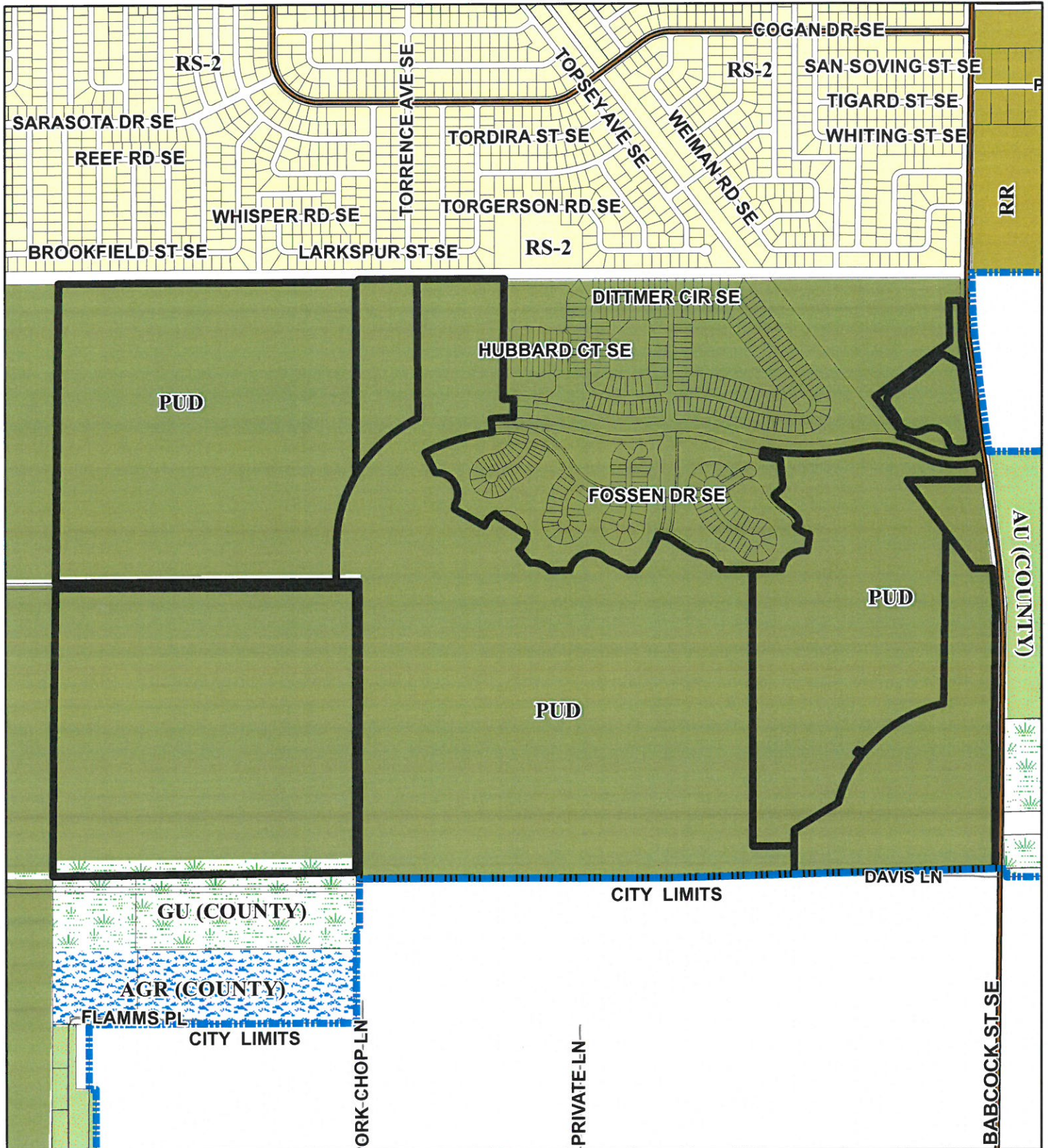


Map for illustrative purposes only. Not to be construed as binding or as a survey.
Map created by the Land Development Division

CASE PUD-51-2017 LOCATION MAP



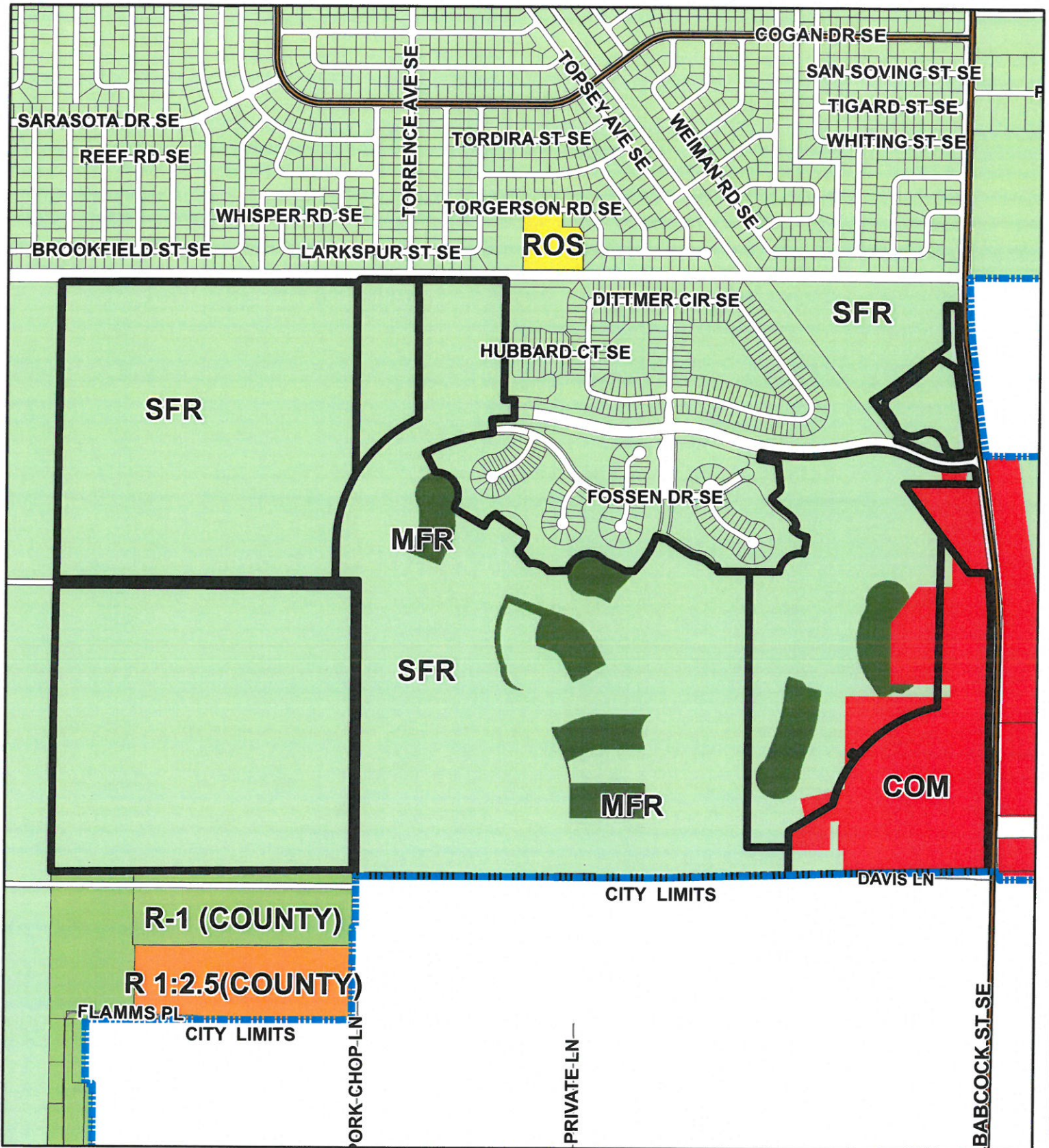
Zoning Map



CASE NO. PUD-51-2017
Waterstone at Palm Bay



Future Land Use Map



CASE NO. PUD-51-2017
Waterstone at Palm Bay



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

**PLANNED UNIT DEVELOPMENT APPLICATION (PUD)
PRELIMINARY DEVELOPMENT PLAN**

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida at least thirty (30) days prior to any scheduled meeting of the Planning and Zoning Board of the City of Palm Bay. The application will then be referred to the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

- 1) APPLICANT-DEVELOPER (Type or print) Waterstone Farms, LLC/Waterstone Holdings, LLC/DR Horton, Inc. as
ADDRESS Co-Applicant, 235 West Drive
CITY Melbourne STATE FL ZIP 32904
PHONE # 321.757.5600 FAX # _____
E-MAIL ADDRESS ben@waterstonefla.com/djiparini@drhorton.com
- 2) ENGINEER Jake T. Wise, PE Principal Civil Engineer
ADDRESS 2651 W. Eau Gallie Blvd, Suite A
CITY Melbourne, STATE Florida ZIP 32935
PHONE # (321) 610-1760 FAX # _____
E-MAIL ADDRESS jwise@cegengineering.com
- 3) SURVEYOR Bob Doerner Horizon Surveyors of Central Florida, Inc.
ADDRESS 390 Poinciana Dr.
CITY Melbourne, STATE FL ZIP 32935
PHONE # 321-254-8133 FAX # _____
E-MAIL ADDRESS bob@horizonsurveyors.com
- 4) NAME OF PROPOSED DEVELOPMENT Waterstone at Palm Bay
- 5) LEGAL DESCRIPTION OF PROPERTY COVERED BY THIS APPLICATION:
See Attached
SECTION 3,4,5 TOWNSHIP 30 RANGE 37E

CITY OF PALM BAY, FLORIDA
PLANNED UNIT DEVELOPMENT APPLICATION
PRELIMINARY DEVELOPMENT PLAN
PAGE 2 OF 3

- 6) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage). 763.62 +/-
- 7) TWO (2) COPIES OF THE FOLLOWING EXHIBITS SHALL BE ATTACHED TO THE PRELIMINARY APPLICATION. THE EXHIBITS SHALL ALSO BE PROVIDED BY CD OR MEMORY DRIVE.
- A) Vicinity map clearly outlining subject PUD and showing the relationship between the PUD and its surrounding area including adjacent streets and thoroughfares.
 - B) Development plan that shall contain, but not be limited to the following information:
 - 1) Proposed name or title of project, the name of the engineer, architect, and developer.
 - 2) North arrow, scale (1 inch = 200 feet or larger), date and legal description of the proposed site.
 - 3) Boundaries of tract shown with bearings, distances, closures, and bulkhead liner. All existing easements, section lines, and all existing streets and physical features in and adjoining the project, and the existing zoning.
 - 4) Proposed parks, school sites, or other public or private open space.
 - 5) Off-street parking, loading areas, driveways and access points.
 - 6) Site data including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary residential and secondary non-residential uses, and the total number of dwelling units, the maximum height of all structures, the minimum setbacks of all structures (and parking areas) and the total area of pervious and impervious surfaces.
 - 7) Delineation of phased development, if applicable.
 - 8) Proposed means of drainage for the site.
 - C) Schematic drawing of the elevation and architectural construction of the proposed primary and secondary nonresidential structures.
- 8) PROCESSING
- A) The Land Development Division shall process and coordinate the review of the preliminary development plan by the appropriate city departments. The appropriate city departments are to review and comment on the submitted information. Written comments from the city departments are to be returned to the Land Development Division to be incorporated into a staff report generated by the Land Development Division. The staff report is submitted to the Planning and Zoning Board at the time of the next regular meeting of the board.
 - B) The preliminary plat application shall be heard by the Planning and Zoning Board at its regular meeting in the month following the submittal deadline date. Courtesy notice letters of the meeting are to be sent to the owners of abutting and opposite properties of the proposed subdivision. Failure to mail or receive such courtesy notice shall not affect any action or proceedings taken however. Notice of such a meeting shall also be posted on the property for which subdivision is sought.
- 9) THE FOLLOWING ENCLOSURES ARE NEEDED TO COMPLETE THIS APPLICATION.
- ☒ A \$750.00 application fee shall accompany the Preliminary PUD application for the purposes of administration. Make check payable to "City of Palm Bay."
 - ☒ Vicinity Map (see Item 7).
 - ☒ Development Plan (see Item 7).

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

X Schematic Drawing (see Item 7).

X List of all adjacent property owners and property owners directly opposite of the property covered by this application, together with mailing addresses (including zip codes) and legal descriptions. (This can be obtained for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)

Where property is not owned by the applicant, a letter must be attached giving the notarized consent of the owner to the applicant to request the preliminary planned unit development.

- 10) A PRELIMINARY PUD APPLICATION WILL REQUIRE A CITIZEN PARTICIPATION PLAN. REFER TO SECTION 169.005 OF THE LAND DEVELOPMENT CODE FOR GUIDELINES.

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

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

Signature of Applicant



Date 10-10-17

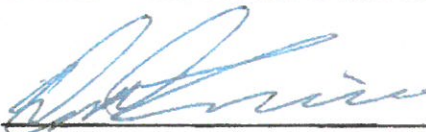
Printed Name of Applicant

Benjamin E. Jeffries, Manager

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

Co-Applicant

Signature of Co-Applicant



Date

10/10/17

Printed Name of Co-Applicant

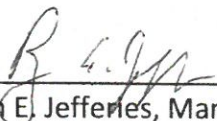
DANIEL LIPARINI

October 11, 2017

City of Palm Bay
Planning Department
120 Malabar Road, SE
Palm Bay, FL 32907


Re: Letter of Authorization

As the property owner of Waterstone at Palm Bay PUD, I hereby authorize DR Horton – East Florida Division Land Manager to represent and submit application as co-applicant for PUD modifications and associated permits.


Benjamin E. Jefferies, Manager of Waterstone Holdings, LLC,
Waterstone Farms, LLC

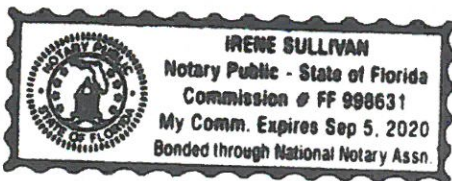
State of Florida
County of Brevard

The foregoing instrument was acknowledged before me this October 11, 2017 by Benjamin E. Jefferies, Managing Member of Waterstone Holdings, LLC and Waterstone Farms, LLC, on behalf of said company. He is personally known to me ✓ or has produced _____ as identification.


Notary Public
State of Florida

My commission expires _____

(Notarial Seal)



CASE PUD-51-2017

CORRESPONDENCE: 1

LAW OFFICES OF
STROMIRE, BISTLINE & MINICLIER
AN ASSOCIATION OF PROFESSIONAL ASSOCIATIONS

1037 PATHFINDER WAY
SUITE #150
ROCKLEDGE, FLORIDA 32955

HAROLD T. BISTLINE, P.A.
JOSEPH E. MINICLIER, P.A.

LEON STROMIRE
1931-2001

E-MAIL: sbmmglaw@aol.com

FAX: (321) 636-1170
PHONE: (321) 639-0505

December 21, 2017

Via fax (321) 953-8920

City Clerk
C/O Mr. Gregg Lynk
120 Malabar Road S.E.
Palm Bay, FL 32907

**RE: Planning and Zoning Board Meeting, January 3, 2018; PUD-51-2017;
Palm Bay Code §59.03 compliance**

City of Palm Bay:

This firm represents Mr. Andrew Machata who is requesting to be made a party to the **Planning and Zoning Board Meeting, January 3, 2018; PUD-51-2017; Palm Bay Code §59.03 compliance** quasi-judicial proceeding. The required information is as follows:

Mr. Andrew Machata
C/O Stromire, Bistline & Miniclier
1037 Pathfinder Way, Suite 150
Rockledge, FL 32955
Phone number (321) 639-0505

Mr. Machata is an affected person and is not in favor of the matter. He believes that approval of the PUD would force a relocation of the presently planned parkway, resulting in great additional costs in land acquisition and construction costs to the City. He reserves his right to testify, present other witnesses (lay or expert), and to cross-examine any witnesses presented by another party. This notice also applies to any future hearings, meetings or City Council sessions on the subject matter.

Very truly yours,


Joseph E. Miniclier

JEM/bm

cc: Andy Machata



December 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 December 22, 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 \$150

Ad/Invoice Number:011926

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on January 3, 2018, and by the City Council on January 18, 2018, 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. PUD-51-2017 - WATERSTONE FARMS, LLC / WATERSTONE HOLDINGS, LLC / D.R. HORTON, INC.

Preliminary Planned Unit Development (PUD) approval for a proposed multi-use development called Waterstone at Palm Bay. Tax Parcels 500, 250, 252, 4 and 5, Tracts OS1 and SMT2, Waterstone Plat One PUD, in Section 4, Township 30, Range 37, and Tracts 1, 750, and 752, San Sebastian Farms, in Section 5, Township 30, Range 37, Brevard County, Florida, containing 763.62 acres, more or less. (Located west of and adjacent to Babcock Street SE, between Mara Loma Boulevard SE and future southeast segment of the St. Johns Heritage Parkway) 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. (B 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.

Robert J. Loring
Acting Planning Division Manager



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:
Robert Loring, Acting Planning Div. Manager
APPROVED BY:
Derek C.S. Burr, AICP, Director



[Handwritten signature]

CASE NUMBER CU-1-2018	APPLICANT/PROPERTY OWNER Sams L.P. Gas Company & Sams II, LLC
PLANNING & ZONING BOARD HEARING DATE January 3, 2018	PROPERTY LOCATION/ADDRESS 2091 Northview Street NE Palm Bay, FL 32905

SUMMARY OF REQUEST

The applicant is seeking a Conditional Use for a liquid propane dispensary located at 2091 Northview Street NE, which is zoned LI, Light Industrial and Warehousing District.

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
LI	Industrial	Vacant Land	2.72 +/-

SURROUNDING ZONING & LAND USE

N: LI, Light Industrial & Warehousing District; Industrial Park
E: LI, Light Industrial & Warehousing District; Vacant Land
S: BMU, Bayfront Mixed Use; Vacant Land
W: LI, Light Industrial & Warehousing District; Roofing Office



ARCGIS MAP

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

PROPERTY HISTORY

The property was originally zoned M-1, Light Industrial from 1973-1988. In 1988, the City renamed the M-1 Zoning Category to LI, Light Industrial and Warehousing District.

COMPATIBILITY with the COMPREHENSIVE PLAN

The Light Industrial Land Use category permits manufacturing, warehousing, research and development, institutional uses, and similar uses.

COMPATIBILITY with the CODE OF ORDINANCES

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

ATTACHMENTS

SUBMITTED PLANS	APPLICATION	LEGAL NOTICE	AGENCY COMMENTS	PUBLIC COMMENTS	LEGAL DESCRIPTION
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

OTHER TYPE OF ATTACHMENT (DESCRIBE): None

ANALYSIS:

1. The project consists of a 309 sq. ft. modular building, a 30,000-gallon gas tank, a dry retention pond, and associated parking areas (9 total spaces).

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 Light Industrial zoned parcel that is vacant. The subject property will be accessed via a driveway connection on Northview Drive NE that meets 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 building square footage is 309 square feet and will require one (1) parking space for every 300 square feet plus one spot for each employee. The total parking spaces required would be 5 spaces with at least one (1) parking spaces being handicap accessible. The conceptual plan submitted by the applicant proposes a total of 8 regular parking spaces and 1 handicap parking stall, 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 proposed site plan has intended to keep a 1.5-acre natural vegetative buffer surrounding the site along Robert J Conlan Blvd. As the operation is going to be used for liquid propane dispensing, 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 185.143 and 178.012 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 185.045(F)(4) The maximum building coverage of the Light industrial and Warehousing district is 50%, and conceptual site plan submitted by the applicant shows a coverage of 0.29%, 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 liquid propane dispensary 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 printing plants, welding shops, light manufacturing operations, machine shops, auto repair facilities, and medical recycling facilities are permitted in the LI District.

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

Staff can find no evidence that the request would create any incompatibility with adjacent properties.

Item (I): Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, a reasonable time limit 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 printing plants, welding shops, light manufacturing operations, machine shops, auto repair facilities, and medical recycling facilities are permitted in the LI District. The proposed Conditional Use would allow a liquid propane dispensary in the LI 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-1-2018, subject to compliance with all applicable City Codes and any other governmental regulations.



CASE NO. CU-1-2018



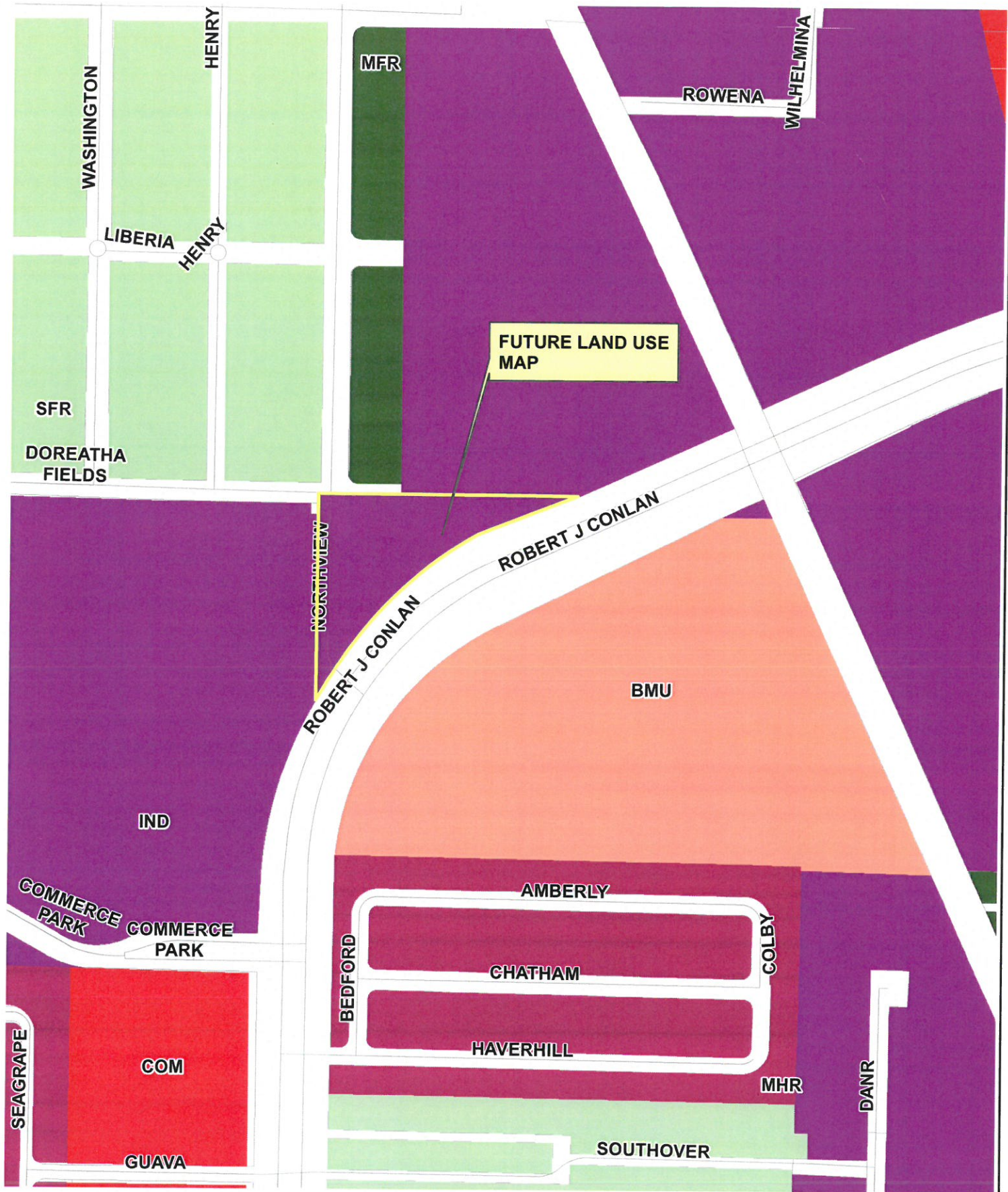
Map for illustrative purposes only. Not to be construed as binding or as a survey.

BCPAO Pictometry



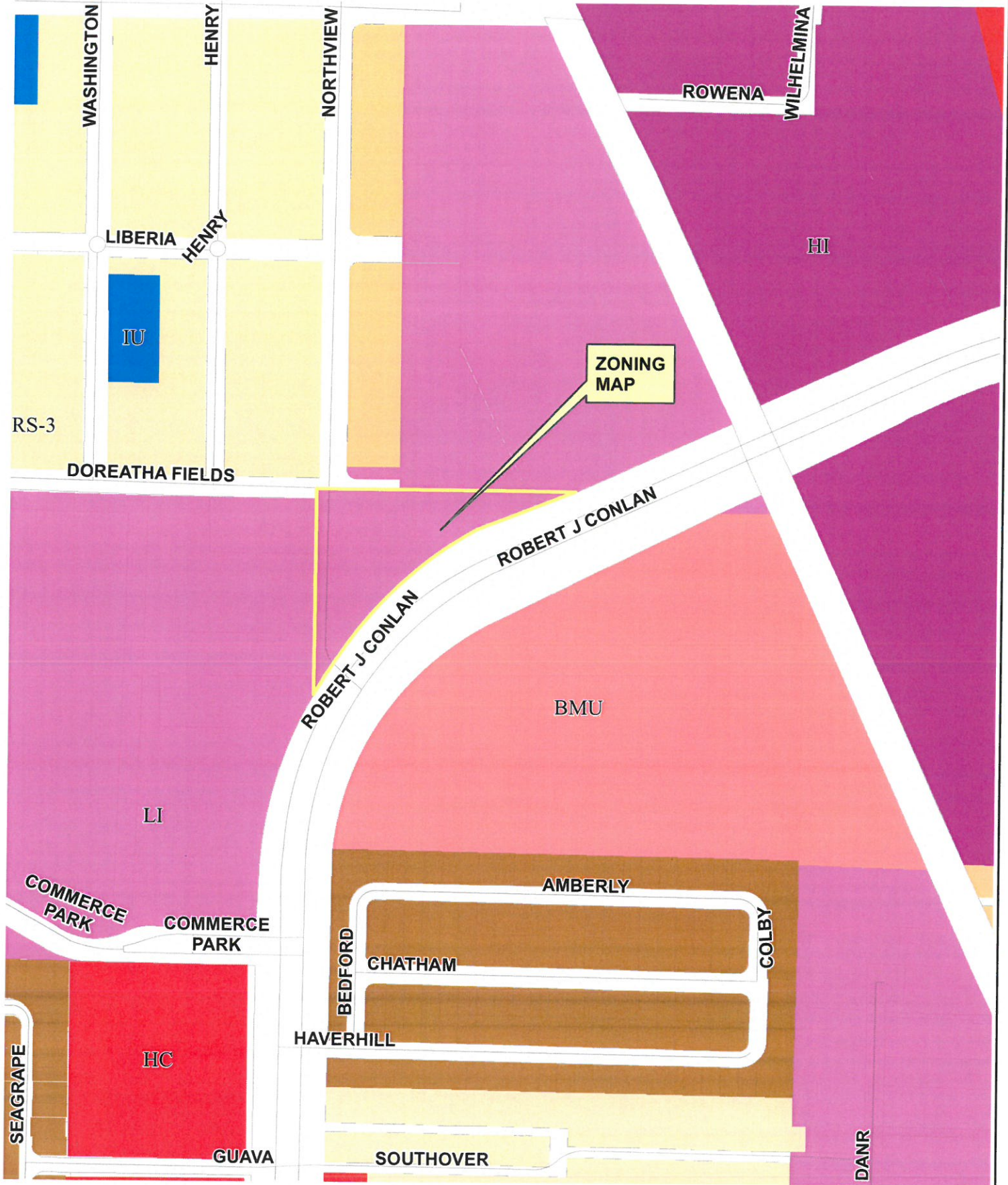
Map for illustrative purposes only. Not to be construed as binding or as a survey.

CASE NO. CU-1-2018



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

CASE NO. CU-1-2018



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

CASE NO. CU-1-2018



TEIMOURI & Associates, Inc.
Consulting Engineers
32 East New Haven Avenue
Melbourne, Florida 32901
Email: vaheed@teimouri.com
321-729-5352 Fax 321-729-8900
CERTIFICATE OF AUTHORIZATION # 0790

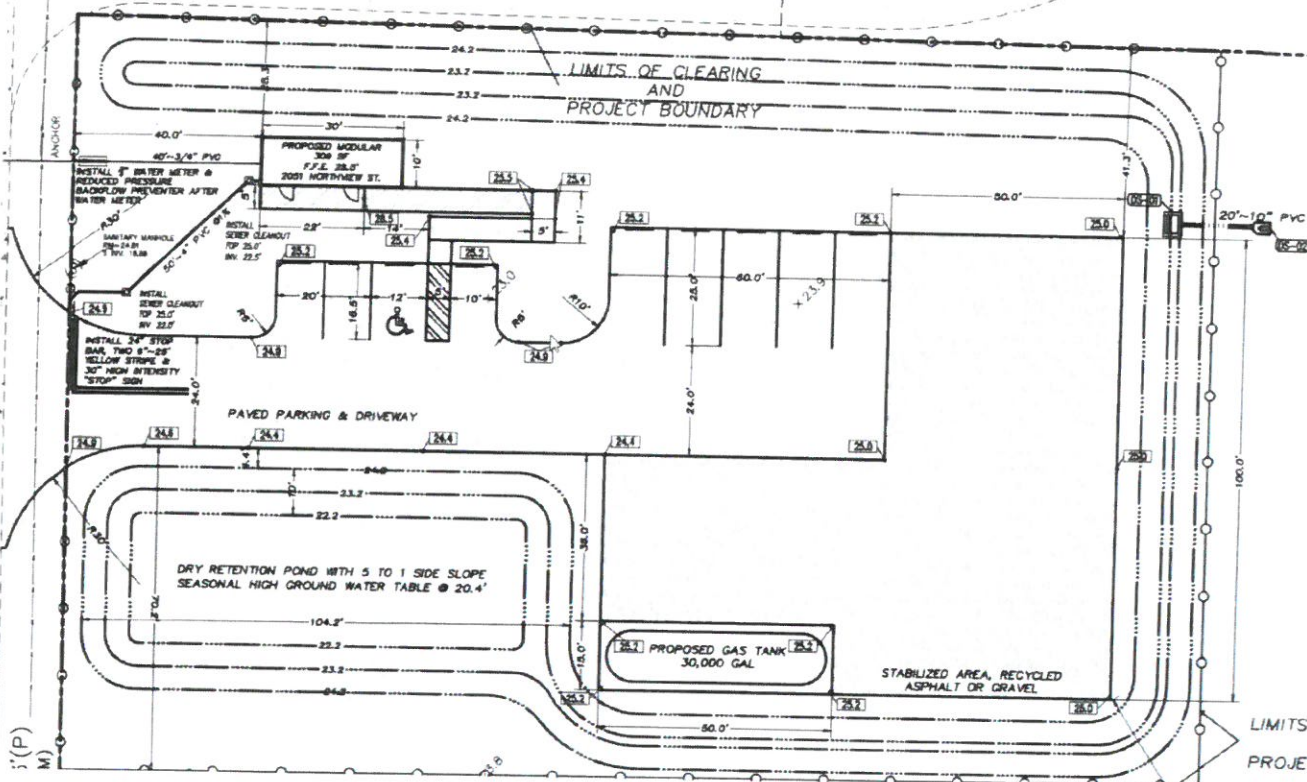
ASPHALT
DRIVEWAY

S89°29'29"E
S89°25'40"E

LIMITS OF CLEARING
AND
PROJECT BOUNDARY

DS-01
FDOT TYPE C
TOP 24.0'
6" WIDE WEIR
INV. 10" PIPE 2
INV. 21.0'

DS-02
MITERED END
INV. 22.5'



LIMITS OF CLEARING +
AND
PROJECT BOUNDARY



Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopment@palmabayflorida.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) SAMS L.P. GAS COMPANY & SAMS II, LLC
ADDRESS 2051 NORTHVIEW STREET NE
CITY MELBOURNE STATE FL ZIP 32905
PHONE # _____ FAX # _____
E-MAIL ADDRESS c/o Brian Stephens <bstephens@deanmead.com>
- 2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION See Attached

SECTION 14 TOWNSHIP 28 South RANGE 37 East
- 3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 2.72
- 4) CONDITIONAL USE SOUGHT: Liquid Propane Dispensary Per § 185.045(b)(1), City Code
- 5) ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.): Light Industrial (LI)
- 6) APPLICANT MUST PROVIDE A SITE PLAN SKETCH IN PDF FORMAT SHOWING THE FOLLOWING WHERE APPLICABLE:
 - (a) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
 - (b) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.
 - (c) Adequate and properly located utilities that are available or may be reasonably provided to serve the proposed development.
 - (d) Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.
 - (e) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.
 - (f) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.
 - (g) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.

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

- (h) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents or workers in the City.
- (i) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity.
- (j) The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.
- (k) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed, or both.

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

_____ Planned Commercial Development (site is commercially zoned and over three acres in size).

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

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

_____ Church

_____ Communication tower and facilities

_____ Club or Lodge

_____ Arcade amusement center

_____ Commercial dog kennel

_____ Electronic gaming establishment

_____ Public or private school

_____ Dance club (Sec. 185.088(J))

_____ Self-storage facility

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

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

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

_____ 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.

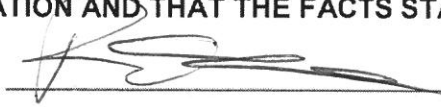
_____ WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE CONDITIONAL USE.

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

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

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

Signature of Applicant



Date December 1, 2017

Printed Name of Applicant

Randy J. Sams, President of KRS Holdings, Inc., Manager of Applicant

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



TRADER JAKE'S

December 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 December 22, 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 \$175
Ad/Invoice Number:011925

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on January 3, 2018, and by the City Council on February 1, 2018, 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-1-2018 - SAMS L.P. COMPANY & SAMS II, LLC
(BRIAN STEPHENS, REP.)**

A conditional use to allow for a proposed liquid propane dispensary in an LI, Light Industrial and Warehousing District. Tax Parcel 20, Section 14, Township 28, Range 37, Brevard County, Florida, containing 2.72 acres, more or less. (Located at the southeast intersection of Northview Street NE and Robert J. Conlan Boulevard NE)

2. Z-2-2018 - LAKE MINA, LLC (JON E. BRUNNER)

A change in zoning request from an RR, Rural Residential District to an RS-1, Single Family Residential District. Tax Parcel 328, Section 27, Township 28, Range 37, Brevard County, Florida, containing 4.42 acres, more or less. (Located north of and adjacent to Market Circle NE, in the vicinity west of Cranbrook Avenue NE)

3. T-3-2018 - CITY OF PALM BAY

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to modify Section 184.18 Road Design, (B)(15) Traffic studies, in order to establish language for the City of Palm Bay Standardized Traffic Impact Study Guidance Manual.

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. (B 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.

Robert J. Loring - Acting Planning Division Manager



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, Acting Planning Manager
REVIEWED BY:
Derek C.S. Burr, AICP, Director
APPROVED BY:
Derek C.S. Burr, AICP, Director

CASE NUMBER Z-2-2018	APPLICANT/PROPERTY OWNER Lake Mina LLC. Mr. Jon Brunner representing
PLANNING & ZONING BOARD HEARING DATE January 3, 2018	PROPERTY LOCATION/ADDRESS Tax Parcel #328 - located in the NW corner of Market Circle NE

SUMMARY OF REQUEST
The applicant is requesting rezoning of a property from RR, Rural Residential to RS-1, Single Family Residential



EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
RR	SFFR	Vacant	4.42 Acres +/-

SURROUNDING ZONING & LAND USE
N: RR: Rural Residential; w/ homes
E: RS-1: Single Family Residential; church site under construction
S: CC: Community Commercial; office and medical building
W: RR: Rural Residential; vacant

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

PROPERTY HISTORY
The subject property is vacant. The applicant is seeking a rezoning request on the property for future single-family use development.

COMPATIBILITY with the COMPREHENSIVE PLAN The rezoning request is compatible with the underlying future land use designation.	COMPATIBILITY with the CODE OF ORDINANCES Request for an RS-1 designation is compatible with single-family development.
---	---

ATTACHMENTS

SUBMITTED PLANS	APPLICATION	LEGAL NOTICE	AGENCY COMMENTS	PUBLIC COMMENTS	LEGAL DESCRIPTION
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

OTHER TYPE OF ATTACHMENT (DESCRIBE): None

ANALYSIS:

1. The applicant requests a zoning change from the RR, Rural Residential Zoning District to the RS-1, Single Family Residential Zoning district. The applicant for the request is Lake Mina LLC, represented by Mr. Jon Brunner.
2. The provisions for the RS-1 District are intended for Single Family Residential Use. The lot width, depth, and building restrictions intended to allow for low density single-family residential development. As the subject property already has a SFR Future Land Use designation, a Future Land Use Amendment is not needed.
3. The applicant intends on subdividing the parcel into five (5) large 90 x 425' lots - most of the property will have a large lake at the rear that serves as a water retention pond for the newly created subdivision.
4. The applicant will be required to submit a subdivision application should the rezoning request be approved.

STAFF RECOMMENDATION:

Motion to approve Case No. Z-2-2018, pursuant to Chapter 163, Florida Statutes.

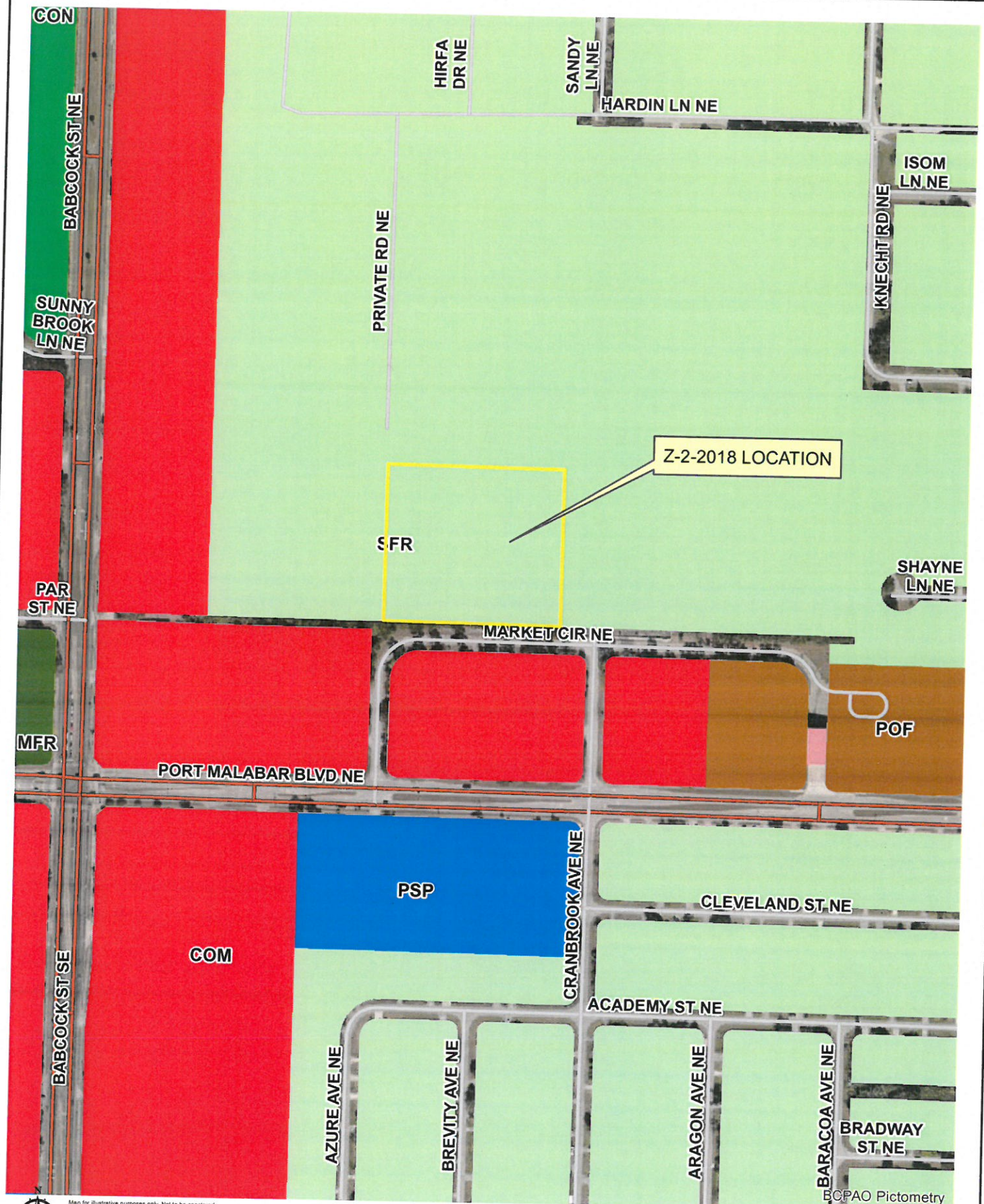


Map for illustrative purposes only. Not to be construed
as binding or as a survey.
Map created by the Land Development Division

CASE Z-2-2018 ZONING MAP

BCPAO Pictometry





CASE Z-2-2018 FLU MAP

BCPAO Pictometry





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

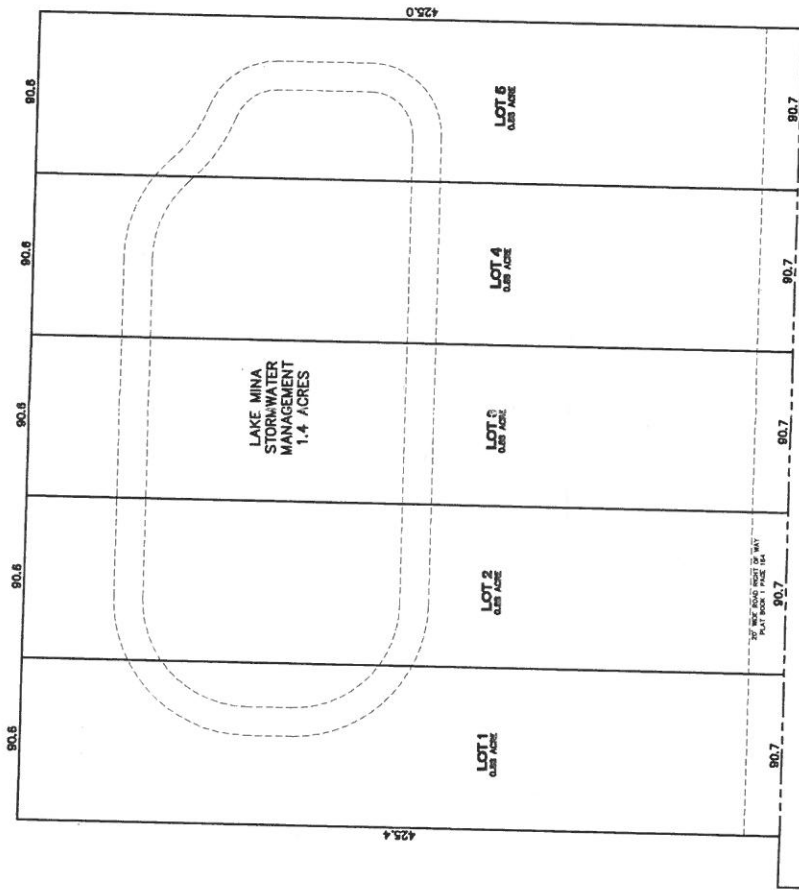
CASE Z-2-2018 LOCATION MAP

—PLAT PREPARED BY—
BRUNNER-HAGEN, INC.
ENGINEERS AND LAND SURVEYORS
801 CAROLINE STREET
MELBOURNE, FL. 32901
PHONE 321-728-1951

LAKE MINA

A SUBDIVISION OF A PORTION OF THE N/W QUARTER OF SECTION 27, TOWNSHIP 28 SOUTH, RANGE 37 EAST CITY OF PALM BEACH, BREVARD COUNTY, FLORIDA

LEGAL DESCRIPTION:



C/L MARKET CIRCLE
50' WIDE PUBLIC RIGHT OF WAY

50' WIDE PUBLIC RIGHT OF WAY

PLAT BOOK		PAGE
1	2	3
4	5	6
7	8	9
10	11	12
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367		

SHEET 1 OF X SHEETS

SECTION 27 TOWNSHIP 28 SOUTH, RANGE 37 EAST

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That the Lohs Meno, LLC named below, the owners in fee simple of the lands described in

LAKE MINA

Hereby dedicates said lands and plot for the uses and purposes herein expressed and dedicates all easements as shown hereon to the perpetual uses of the public.

IN WITNESS WHEREOF, the undersigned owners hereunto set this hand and

XXXXXXXXXXXXXXXXXXXX

Signed and sealed in the presence of _____
Print Name:

STATE OF FLORIDA

THIS IS TO CERTIFY: That on _____ before me, an _____ County, duly authorized to take acknowledgments in the State of _____, _____ County, the _____ of the _____ known to be the individuals and officers described in and who executed the foregoing Dedication and severally acknowledged the execution thereof, and that the said _____ and _____ are such officers as I am lawfully authorized to take and that the said _____ is duly sworn thereto; and that the said dedication is the act and deed of said corporation.

WITNESSES: I, _____, have hereon set my hand and seal on the _____ day of _____, 19____.

Notary Public, State of Florida
My commission expires _____

CERTIFICATE OF SURVEYOR

AND ALL NEW BY THESE PRESENTS: That the undersigned, being a sound person of full age and sound mind, do hereby certify that the enclosed petition and accompanying exhibits were duly presented on November 19, 2013, he completed the boundary lines of the parcels shown in the foregoing plat that the boundary lines of the parcels shown in the foregoing plat are true and correct representation of such lines in accordance with the best and most accurate survey of such lands in his possession, knowledge and belief; that the permanent reference monuments ("PRMs") have been placed as required by law and the permanent control points ("PCPs") have been placed and that the survey complies with the minimum requirements of Chapter 177, Part 1, Florida Statutes.

Florida Registration No. 6431
E. Brunner, Professional Surveyor and Mapper
Brunner-Mogen, Inc.
Certificate of Authorization No. LB7864
01 Carolin Street
Boca Raton, FL 33431

CERTIFICATE OF REVIEWING SURVEYOR

herby certify. That I have examined the foregoing plot and found that it is in conformity with Chapter 177, Part 1, Florida Statutes.

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

CERTIFICATE OF APPROVAL BY MUNICIPALITY

is to certify. That in _____
the City Council of the City of Palm Bay, approved the foregoing plot.

1994

test _____
City _____

CERTIFICATE OF THE CLERK OF THE CIRCUIT COURT

HERBERT COUNTY, FLORIDA:
HERBERT COUNTY, FLORIDA:
I have examined the foregoing Plat and find that it complies in
form with the requirements of Chapter 177, Part 1, Florida Statutes
and that it was filed for record on _____ File No. _____

work of the Circuit Court,
and for Brevard County, Florida.



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, between 8:30 a.m. and 5:00 p.m., Monday through Friday, to be processed for consideration by the Planning and Zoning Board. The application will then be referred by 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) Lake Mina, LLC

ADDRESS 525 Seabreeze Drive

CITY Indianapolis STATE Florida ZIP 32903

PHONE # 321-426-5839 FAX # _____

E-MAIL ADDRESS jon@brunner-hagen.com

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION:

Official records book 8019 page 2436

SECTION 27 TOWNSHIP 28 RANGE 37

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 4.42 acres

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

5) ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): RS-1

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

7) JUSTIFICATION FOR REZONING: Lot size reduction

8) PRESENT USE OF THE PROPERTY:

Vacant property

9) INTENDED USE OF PROPERTY: Single family residence

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

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

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

CITY OF PALM BAY, FLORIDA6
REZONING APPLICATION
PAGE 2 OF 2

☒ A listing of legal descriptions of all properties within a 500 foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This can be obtained 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.

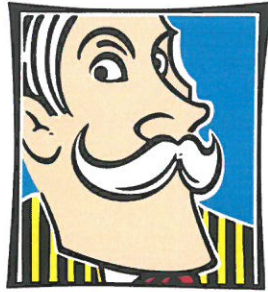
I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY, AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION 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 11/9/2017

Printed Name of Applicant Jon E. Brunner

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



TRADER JAKE'S

December 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 December 22, 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 \$175
Ad/Invoice Number:011925

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on January 3, 2018, and by the City Council on February 1, 2018, 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-1-2018 - SAMS L.P. COMPANY & SAMS II, LLC (BRIAN STEPHENS, REP.)

A conditional use to allow for a proposed liquid propane dispensary in an LI, Light Industrial and Warehousing District. Tax Parcel 20, Section 14, Township 28, Range 37, Brevard County, Florida, containing 2.72 acres, more or less. (Located at the southeast intersection of Northview Street NE and Robert J. Conlan Boulevard NE)

2. Z-2-2018 - LAKE MINA, LLC (JON E. BRUNNER)

A change in zoning request from an RR, Rural Residential District to an RS-1, Single Family Residential District. Tax Parcel 328, Section 27, Township 28, Range 37, Brevard County, Florida, containing 4.42 acres, more or less. (Located north of and adjacent to Market Circle NE, in the vicinity west of Cranbrook Avenue NE)

3. T-3-2018 - CITY OF PALM BAY

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to modify Section 184.18 Road Design, (B)(15) Traffic studies, in order to establish language for the City of Palm Bay Standardized Traffic Impact Study Guidance Manual.

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.

Robert J. Loring - Acting Planning Division Manager



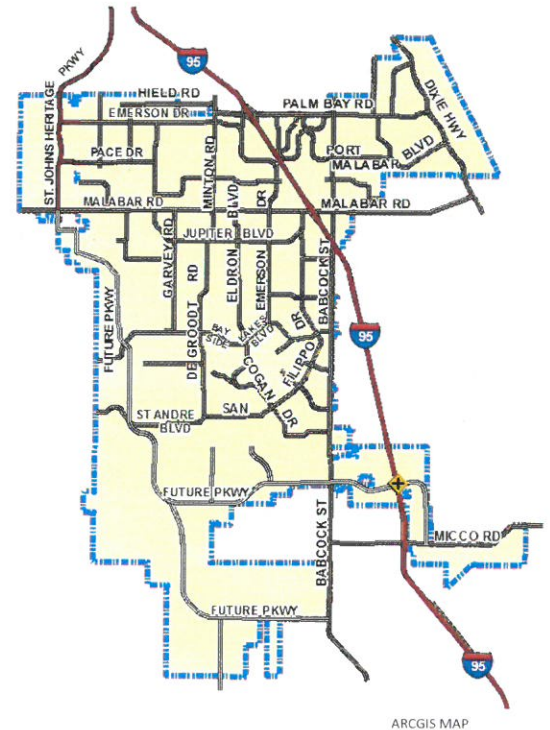
DEREK CS BURR, AICP, DIRECTOR
DEPARTMENT OF GROWTH MANAGEMENT
120 MALABAR ROAD SE
PALM BAY, FL 32907
T: 321-733-3042 F: 321-953-8920

STAFF REPORT PREPARED BY:
Robert Loring, Acting Planning Manager
REVIEWED BY:
Derek C.S. Burr, AICP, Director
APPROVED BY:
Derek C.S. Burr, AICP, Director

CASE NUMBER T-3-2018	APPLICANT/PROPERTY OWNER City of Palm Bay
PLANNING & ZONING BOARD HEARING DATE January 3, 2018	PROPERTY LOCATION/ADDRESS Citywide

SUMMARY OF REQUEST

The City is seeking a textual amendment to remove existing language in Chapter 184 SUBDIVISIONS of the Palm Bay Code of Ordinances. The change is necessary to shift from language citing the "Standardized Traffic Study Guidelines", and replace with the "City of Palm Bay Standardized Traffic Study Guidance Manual".



ARC GIS MAP

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

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

PROPERTY HISTORY

The amendment as proposed removes language found in 184.18 ROAD DESIGN and replaces the same language with the City of Palm Bay Standardized Traffic Study Guidance Manual, which was adopted through City Council action in November 2017. The proposed amendment is attached for the Planning and Zoning Board and City Council use in ~~strikethrough~~ and underline format.

COMPATIBILITY with the COMPREHENSIVE PLAN

The Traffic Study Guidance Manual assists in the implementation of the adopted Comprehensive Plan goals, objectives, and policies.

COMPATIBILITY with the CODE OF ORDINANCES

The request is compatible with the existing Code of Ordinances and presents no conflicts.

ATTACHMENTS

SUBMITTED PLANS	APPLICATION	LEGAL NOTICE	AGENCY COMMENTS	PUBLIC COMMENTS	LEGAL DESCRIPTION
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

OTHER TYPE OF ATTACHMENT (DESCRIBE): None

ANALYSIS:

A copy of the Palm Bay Standardized Traffic Impact Study Guidance Manual is included as Exhibit 'A' in this staff report. A permanent copy will be available to the public through the City Clerk's office upon request.

STAFF RECOMMENDATION:

Staff recommends approval of the request.

The following textural amendment is proposed with additions underlined and deletions in ~~striketrough~~ format.

§ 184.18 ROAD DESIGN.

0

(15) *Traffic studies.* Residential subdivisions shall be required to submit a traffic study prepared by a licensed transportation engineering firm ~~under the following conditions.~~ In accordance with the City of Palm Bay Standardized Traffic Impact Study Guidance Manual adopted on November 16, 2017.

~~Receiving Roadway Level of Service (LOS) existing AADT with trips from proposed development:~~

~~Less than 50% LOS: _____ No Traffic Study Required~~

~~Greater than 50%, less than 80% LOS: _____ Traffic Study May be Required~~

~~Greater than 80% LOS: _____ Traffic Study Required~~

~~—The purpose of the study is to determine what off-site traffic impacts which may reduce level of service standards below the adopted thresholds of the City Comprehensive Plan may be caused by the proposed subdivision.~~

(Ord. 96-05, passed 2-15-96; Am. Ord. 2016-32, passed 5-19-16)

EXHIBIT 'A'

CITY OF PALM BAY STANDARDIZED TRAFFIC IMPACT STUDY GUIDANCE MANUAL

November 2017

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I. OBJECTIVE

In accordance with Title XVIII, Land Development Code, Chapter 183, Comprehensive Plan Regulations of the City of Palm Bay Code of Ordinances, the City has developed and established these minimum requirements for traffic studies submitted for review by the City. These guidelines provide minimum standards to ensure consistent and concise traffic impact evaluations of proposed developments within the City.

II. TRAFFIC IMPACT ANALYSES

The City of Palm Bay has established the following as the minimum requirements for traffic impact studies for projects which do not qualify as Developments of Regional Impact (DRI). DRIs shall be evaluated in accordance with the principles and practices in the FDOT Traffic Impact Handbook.

A. **WHEN IS A TIS REQUIRED?**

1. The preparation of a Traffic Impact Study (TIS) shall be required for developments that generate **one hundred (100) or more** net new vehicle trips either during the weekday AM peak hour, weekday PM peak hour, or weekend peak hour. The amount of traffic generated by a proposed project shall be calculated using the methodology and guidelines of the latest edition of the Institute of Transportation Engineers' (ITE) Trip Generation Manual.
2. The City may require a traffic impact study for a development generating less than one hundred (100) net new vehicle trips when the development meets any of the following criteria:
 - a. The development includes updates to previously approved developments;
 - b. The development requests a zoning action such as rezoning, Conditional Use (CU) or Planned Unit Development (PUD) approval;
 - c. The development requires an amendment to the Comprehensive Plan (CP), or Future Land Use Map (FLUM) change, or;
 - d. The development participates in Developments of Regional Impact (DRIs), Florida Quality Development (FQDs), or a Planned Mixed-Use Development.
 - e. The development is located on a road segment that is operating at or near capacity as determined by the City.

3.

B. ANALYSIS METHODOLOGY

1. All Traffic Impact Analyses shall be signed and sealed by a Professional Engineer experienced in Traffic Engineering and Transportation Planning principles that is licensed to practice in the State of Florida.
2. A Methodology Letter shall be submitted to the City and approved prior to submittal of the TIS for projects generating **one hundred (100) or more** net new vehicle trips during the weekday AM peak hour, weekday PM peak hour, or weekend peak hour. The Methodology shall conform to generally accepted professional practice standards. In no case does this document restrict the City's ability to request additional information when required to ensure that code provisions and this policy is met, and the safety and welfare of the public is not degraded by the proposed development.
3. The Methodology Letter shall include:
 - a. Purpose
 - b. Project Description
 - c. Proposed Use(s)
 - d. Development Phasing Plan (if applicable)
 - e. Site Location and Site Plan
 - f. Area of Influence, Intersections, and Roadway Segments to be analyzed
 - g. Study Procedures
 - h. Proposed Background Traffic Growth
 - i. Trip Generation (based on latest version of ITE Trip Generation Manual)
 - j. Proposed Method of Trip Distribution

Analyses are subject to review by the Florida Board of Professional Engineers, in accordance with the requirements of Florida Statute 471 and FAC Chapter 61G15.

C. ANALYSIS EXTENT AND TYPE

1. The analysis extent and type of study required shall be determined based on the specifications set forth in the following table, where the area of influence is based on the distance from the site entrance(s):

# of New Daily Trips ¹	Area of Influence (a)	Analysis (b)
0-500	N/A	Daily (Access Points)
0-500 (c)	0.5 mile	Daily, Peak Hour (d), (e)
501-1,000	1 mile	Daily, Peak Hour (d), (e)
1,001-2,500	1.5 miles	Daily, Peak Hour (d), (e)
2,501-5,000	2 miles	Daily, Peak Hour (d), (e)
5,001-7,500	3 miles	Daily, Peak Hour (d), (e)
7,501-10,000	4 miles	Daily, Peak Hour (d), (e)
Greater than 10,000	5 miles	Daily, Peak Hour (d), (e)

1. Trip generation shall be calculated from the latest edition of ITE Trip Generation Manual

Table Notes:

- a. Area of influence measured from site entrance(s)
- b. A traffic impact study shall be required of any applicant for any land use with an impact threshold and sphere of influence greater than the access point. Methodology shall be coordinated with the City's Traffic Engineer or designee prior to the start of the study.
- c. If new daily trips exceed 20% of available capacity
- d. Analysis: Daily – Add total daily trip generation to existing average daily counts + vested trips or future growth.
- e. Analysis: Peak Hour – Analysis of traffic distribution on roadway segments and all signalized intersections on roadway segments. Includes analysis of site entrance or access point onto the arterial/collector system.

2. Where the preliminary extent indicates that project traffic accounts for 5% or greater of any roadway link Maximum Allowable Volume (MAV), the study shall extend to all links and intersections having a volume of project traffic 5% or greater of the roadway link MAV. The project traffic percentage on a link shall be calculated as follows: (The portion of total project trips assigned to the road) ÷ MAV (based on the Average Daily Traffic (ADT)). The MAV is the LOS threshold volume for the roadway segment based on findings of a capacity/LOS analysis.
3. Include an aerial photo to show the analysis extents.
4. In those cases where a concurrency failure is indicated, the project traffic shall be analyzed on links and nodes having a volume of project traffic 1% or greater of the MAV for the roadway link.
5. The study shall include a diagram, table or map which shows the roadways surrounding the development and for each link shall list:
 - a. The project traffic as a percentage (%) of MAV of each link
 - b. The ADT project volume assigned to the link
 - c. The MAV of each link
 - d. The Adopted LOS

D. ANALYSIS HOURS

1. The analysis for developments categorized in the latest edition of the FDOT Transportation Site Impact Handbook shall evaluate traffic impacts for the weekday peak hour(s) as recommended by the FDOT Traffic Impact Handbook.
2. If the development type does not fit any of the categories in the FDOT Transportation Site Impact Handbook, the analysis shall evaluate traffic impacts for the AM peak hour and PM peak hour of the adjacent roadway.
3. If the peak hour of the development does not coincide with the peak hour(s) of the adjacent roadway, it shall be included in the analysis in addition to D.1 or D.2.
4. Weekday traffic counts shall be collected during typical weekdays (Tuesdays, Wednesdays, or Thursdays) and not immediately before, during, or immediately after a holiday or special event.
5. Seasonal factors shall be applied to the traffic counts and documented in the report.

E. EXISTING CONDITIONS

1. List all major committed transportation improvement projects that affect facilities within the analysis extent within the next three (3) years.
2. Link (Segment) Analysis - The following shall be provided for all roadway links in the analysis:
 - a. The functional classification
 - b. Provide the following data for each analysis hour in a tabular format. Each link shall be a separate row and shall include:
 - i. Road names
 - ii. Cross-streets at each end of the link
 - iii. Number of lanes
 - iv. Adopted LOS (City, County, or State maintained roadways)
 - v. MAV
 - vi. Existing year AADT (Planning Analysis Hour (K_{100}) value determined from the volume counts)
 - vii. Existing year Volume/Capacity (V/C) Ratio
 - viii. Existing year LOS
3. The following shall be provided for all intersections in the existing analysis:
 - a. A diagram to show all existing movements in the intersection (identify number and types of lanes)
 - b. The existing lengths of auxiliary lanes
 - c. Geometric configuration deficiencies and/or constraints
 - d. Peak hour Turning Movement Counts (TMC) collected no more than one year prior to the analysis.
 - e. Heavy Vehicle Factors
 - f. The existing phasing for each analysis period at signalized intersections (attach the basic and coordinated timing sheets as appendices)
 - i. For time-based-coordinated signals, the coordinated timings for each analysis period shall be used as the existing timings
 - ii. For traffic responsive corridors, the most common traffic responsive plan for the period under evaluation shall be used as the existing timings

- iii. For traffic adaptive corridors, a set of optimized splits and offsets shall be generated for each analysis period and established as the existing timings
- g. The following data for each analysis hour in a tabular format by lane group and aggregated by intersection:
 - i. Volume/Capacity (V/C) Ratio
 - ii. LOS
 - iii. Delays (in seconds)
 - iv. 95% queue length (feet)

F. ANALYSIS FOR PHASED PROJECTS

1. Studies for single-phased developments shall provide an analysis for the completion year of the development assuming full build-out and occupancy.
2. Studies for multi-phased developments shall provide analyses for the completion year of each major phase of development assuming full build-out and occupancy. Each analysis shall be provided as a separate section of the report.

G. ANNUAL GROWTH RATES

1. Annual growth rates shall be applied to both the background and project traffic by either applying an annual growth factor of 2%, or the annual growth rate of the adjacent roadway as calculated by the FDOT Traffic Trends spreadsheet, whichever is greater. The annual growth rate shall be based on the AADT established by the Space Coast Transportation Planning Organization (SCTPO) or nearest FDOT Traffic Monitoring Site.
2. Background traffic growth rates and background traffic volume estimates to be used in the TIS shall be based on techniques approved in the Methodology Letter.
3. To determine future traffic on roads that currently do not exist, the use of the Central Florida Regional Planning Model (CFRPM) (the latest, adopted model) is recommended. The connections of surrounding traffic analysis zones in the model should be reviewed to reflect other approved and pending developments and to ensure appropriate network loading.
4. The assumed growth rate for each impacted roadway segment analyzed shall be presented in tabular form. The background traffic growth estimates shall be reviewed by the City of Palm Bay to ensure growth reasonably reflects recent and expected growth trends.

H. PROPOSED CONDITIONS

Provide a copy of the development plan showing all connections to the adjacent roadway(s).

I. TRIP GENERATION

Each analysis shall include a section on trip generation. At a minimum, the section shall include the following:

1. A discussion of whether the ITE equation, ITE average rate, or an average of the two was used to determine the trip generation for the site and justification for this determination.
2. A table summarizing the trip generation characteristics of the development including:
 - a. Proposed land use
 - b. ITE code
 - c. ITE equation/factor
 - d. Independent variable units (SF, pumps, seats, rooms, etc.)
 - e. Independent variable (intensity)
 - f. Daily trips generated
 - g. Peak hour trips data aggregated by peak hour (AM/PM/Project Peak):
 - i. Total trips generated
 - ii. Number of inbound trips
 - iii. Inbound trip percentage
 - iv. Number of outbound trips
 - v. Outbound trip percentage
3. Mixed-use developments proposing to reduce net trips due to internal capture shall include a discussion of the internal capture values used, and the source data. The source data shall be obtained from either:
 - a. The ITE Trip Generation Manual, or;
 - b. NCHRP Report 684, Enhancing Internal Trip Capture Estimation for Mixed Use Developments, 2011.
4. Retail developments proposing to reduce the net trips due to the attraction of pass-by trips shall include a discussion of pass-by trips values used, and the source data. The source data shall be obtained from the ITE Trip Generation

Manual. In no case shall the pass-by trip account for more than 10% of the gross trips generated by the development.

- a. Pass-by trip reductions shall only apply to the LOS evaluation of roadway links and existing intersections. The capacity of all other roadway and intersection components (i.e. driveways, auxiliary lanes, etc.) shall be based on the net external trips excluding internal capture.
 - b. Pass-by reductions may only be applied to retail land uses including banking and as allowed by the ITE guidelines or any other source approved by FDOT. Pass-by reductions may NOT be applied to mixed-use developments as a whole and to the gross total trips in the initial phases of project developments. Further adjustments may be allowed at a later time or when construction plans are submitted to the City of Palm Bay.
5. To encourage redevelopment of previously developed sites, a credit for any previously existing land uses may be given for any traffic-generating building or structure that previously existed on the site. The applicability and/or magnitude of the credit shall be discussed with the City of Palm Bay during the Methodology Statement process. If the site was dormant during the time when collection of the traffic count data was conducted, then the "prior vested" portion of the development traffic must be added as "background" traffic. For purposes of access management analysis, the total trips (prior vested plus additional, new trips) should be analyzed at site access and connection points to the major road network.

J. TRIP DISTRIBUTION

Each analysis shall include a section on trip distribution. The section shall include, at minimum, the following:

1. A discussion of the chosen method of trip distribution. The method shall be established by the criteria in section II.C, Analysis Extent:
 - a. Developments with analysis extents which fall under section II.D.1 may either use either a manual or modeling method of trip distribution. It is recommended that a preliminary trip distribution be discussed with the Review Engineer prior to proceeding with subsequent portion of the Analysis.
 - b. Some examples of manual methods include, but are not limited to:
 - i. Use of the existing roadway network traffic volume
 - ii. Data collected from similar sites

- iii. Origin-Destination studies
 - iv. Driver Response Surveys
 - v. Traffic Attenuation Method
- c. Developments with analysis extents which meet the criteria in section I II.D.2 shall use the most current version of the FDOT System Planning Office's CFRPM as the basis for the trip distribution.
2. A trip distribution diagram shall be provided for each peak period showing all links within the analysis extent. Each link shall be labeled with the directional distribution as a percentage of total inbound and total outbound project traffic.

K. TRIP ASSIGNMENT

Each analysis shall include a section on trip assignment. A trip assignment diagram shall be provided for each peak period showing all intersections and links within the analysis extent. Trips shall be assigned and labeled for each driveway connection, link, and intersection by movement in accordance with the trip distribution plan. The trips shall be assigned individually to left-turn, thru, and right-turn movements as follows:

$$T_{\text{background}} + T_{\text{project}} - T_{\text{pass-by}} = T_{\text{total}}$$

L. TRAFFIC IMPACT EVALUATION

1. Link (Segment) Analysis

A roadway segment analysis shall be conducted on each study segment to determine Build-Out LOS and potential mitigation measures. Provide the following data for each roadway and analysis hour in a tabular format. Each link shall be a separate row and shall include:

- a. The road name
- b. The cross-streets at each end of the link
- c. The number of lanes
- d. The adopted LOS (City, County, or State maintained roadways)
- e. The MAV
- f. Build-Out AADT
- g. Build-Out V/C Ratio

h. Build-Out LOS.

2. Intersection Analysis

Signalized and unsignalized intersection analyses shall be conducted on each intersection within the analysis extent utilizing standard software and procedures. Provide the following data for each intersection analysis hour in a tabular format by lane group and aggregated by intersection:

- a. Build-Out Volume/Capacity (V/C) Ratio
- b. Build-Out LOS
- c. Build-Out Delays (in seconds)
- d. Build-Out 95% queue length (feet)

3. Access Analysis

The TIS shall include an assessment of on-site and off-site turn lane adequacy, required storage, potential for signalization, sight distance and other intersection safety aspects, and on-site circulation as it may affect access. Use of joint access driveways is encouraged to reduce the total number of connections to the roadway network. The spacing standards identified in Florida Administrative Code (FAC) Chapter 14-97, Table 2 shall be followed as the City's access management standards.

4. Turn Lane Analysis

If necessary, the need for additional turn lanes as well as an analysis of turn lane length adequacy shall be conducted.

M. MITIGATION

1. Identify all roadway links where LOS standards were exceeded and how each was mitigated.
2. Identify all intersection lane groups where LOS standards were exceeded and how each was mitigated.
3. Identify all auxiliary lanes and project driveways showing the amount of queue storage required and provided.
4. Make recommendations as to additional necessary improvements.

5. The Applicant shall be required to provide an analysis of the following scenarios:
 - a. Existing scenario which is defined as the analysis of existing traffic condition on the existing network.
 - b. Background scenario which is defined as the analysis of existing traffic plus background traffic on the committed network.
 - c. Background scenario with mitigation which is defined as the analysis of existing traffic plus background traffic on the committed network with the inclusion of any other improvements that are required to restore a facility to its adopted level of service standard.
 - d. Future scenario which is defined as analysis of existing traffic condition plus background traffic, plus project traffic on the transportation network.
 - e. Future conditions scenario with mitigation which is defined as analysis of existing traffic conditions plus background traffic, plus project traffic on the transportation network with the inclusion of any other improvements (if needed) that are required to restore a facility to its adopted level of service standard.
6. Mitigation strategies may include, but are not limited to:
 - a. Revised striping
 - b. Addition of turn lanes
 - c. Addition of travel lanes
 - d. Addition of storage lanes
 - e. Lengthening of storage lanes
 - f. Installation of traffic signals
 - g. Installation of traffic control signs
 - h. Restriction of turning movements
 - i. Adjustment of cycle lengths
 - j. Introduction of additional signal phases
 - k. Other geometric configuration modifications

7. Improvements must be concurrent with the impacts of development. Concurrency is a state requirement that the development is not to proceed unless infrastructure capacity and specific urban services are in place to service the new development.
8. If reasonable mitigating measures cannot be implemented to assure that traffic shall operate in an efficient way, a more detailed evaluation of project size, land use types, and development phasing may be required. If viable transportation improvements cannot be recommended, then steps must be taken to reduce the project's impact on the adjacent roadway network to acceptable levels.
9. As stated in FAC Chapter 14-97: "Traffic signals, which are proposed at intervals closer than the access management standard for the designated access class, shall only be approved where the need for such signal(s) is clearly demonstrated for the safety and operation of the roadway and approved through the signal warrant process."
10. The required demonstration shall clearly indicate the signal does not degrade the operation of the roadway or the safety of the public as demonstrated through generally accepted professional practice standards.

N. FAIR SHARE TRANSPORTATION FACILITIES IMPACT FEE

Transportation Facilities Impact Fee obligations shall be determined in accordance with the procedures outlined in the Palm Bay Code of Ordinances, Chapter 171, Fair Share Impact Fees.

O. PROPORTIONATE FAIR SHARE - TRANSPORTATION

A method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sector as outlined in the Palm Bay Code of Ordinances, Chapter 183.30, Proportionate Fair Share Transportation.

P. WAIVERS AND APPEALS

The City of Palm Bay may authorize waivers to these guidelines as appropriate so that substantial justice may be done and the public interest secured in accordance with the City of Palm Bay Code of Ordinances.

Q. RESERVATION OF AUTHORITY

The authority to issue and/or revise this procedure is reserved for the City Manager.

R. DATA

1. Applicant shall identify all standards, references, and software programs used.
2. Applicant shall provide software program input and output sheets in appendices,
3. Applicant shall provide electronic files on CD or other appropriate device.
4. State Plane Coordinates shall be provided where appropriate.

S. REPORT FORMAT

To help ensure consistency during the review process, studies shall conform to the following outline:

1. Introduction
 - Purpose
 - Project Description
 - Proposed Use(s)
 - Development Phasing Plan (if applicable)
 - Site Location/Site Plan
 - Study Area/Area of Influence
 - Planned and Programmed Improvements
 - Committed Development
2. Existing Roadway and Traffic Conditions
 - Existing Roadway and Operational Information
 - Segment Geometry
 - Intersection Geometry
 - Traffic Volumes
 - Existing Segment Analysis
 - Existing Intersection Analysis
3. Future Roadway Conditions
 - Pertinent Future Roadway Information
 - Future Segment Geometry
 - Future Intersection Geometry
4. Future Traffic Conditions
 - Background Traffic
 - Trip Generation

- Trip Distribution
- Trip Assignment
- Future Traffic Volumes
- 5. Transportation Assessment
 - Future Segment Analysis
 - Future Intersection Analysis
 - Turn Lane Analysis
 - Access Analysis
- 6. Mitigation Strategies
 - Recommended Improvements
 - Proportionate Fair-Share Calculations (if applicable)

III. REFERENCES

The following references shall be used in accordance with the Traffic Impact Study guidelines set forth:

1. City of Palm Bay Code of Ordinances, Chapter 183: Comprehensive Plan Regulations.
2. City of Palm Bay Code of Ordinances, Chapter 184: Subdivisions.
3. City of Palm Bay Code of Ordinances, Chapter 171: Fair Share Impact Fees.
4. Institute of Transportation Engineers, Trip Generation Manual, latest edition.
5. Florida Department of Transportation (FDOT), Transportation Site Impact Handbook, latest edition.
6. FDOT, Quality/Level of Service (Q/LOS) Handbook, latest edition.
7. FDOT, Design Standards, latest edition.
8. State of Florida Administrative Code, Chapter 14-97.
9. Transportation Research Board, National Cooperative Highway Research Program (NCHRP) Report 684 – Enhancing Internal Trip Capture Estimation for Mixed Use Developments, 2011.
10. Transportation Research Board, NCHRP Report 279, Intersection Channelization Design Guide, 1985.

11. Transportation Research Board, NCHRP Report 745, Left-Turn Accommodations at Unsignalized Intersections, 2013
12. Cottrell, B. H., Jr. (1982). "Guidelines for Treatment of Right-Turn Movements on Rural Roads." Transportation Research Record 855, 47-49.
13. Federal Highway Administration, Manual of Uniform Traffic Control Devices (MUTCD), latest edition.

IV. DEFINITIONS

The following terms shall have the meaning set forth below. When consistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

AADT

The Annual Average Daily Traffic as calculated by the methods in the Florida Department of Transportation (FDOT) Q/LOS Handbook.

CONNECTION

A driveway, street, or turnout consisting of one inbound and one outbound lane, whether together or separated, that provides access to and from the public roadway system.

COMMITTED DEVELOPMENTS

Developments that have an approved Development Order (DO) or an approved concurrency management certificate. These should be considered in the transportation impact analysis. These trips are known as "Vested Trips." Vested Trips are taken into account when analyzing transportation deficiencies.

COMMITTED TRANSPORTATION IMPROVEMENT PROJECTS

Existing Network plus transportation system improvements included in the adopted work programs of the County, the FDOT, or other agencies with authority and responsibility for providing transportation system capacity, or other improvements that are guaranteed by a security instrument acceptable to the City of Palm Bay that ensures construction shall begin within the next 3 years.

CORNER CLEARANCES

A distance from an intersection of a public or private road to the nearest connection along a roadway. This distance is measured from the closest edge of pavement of

the connection measured along the traveled way (though-lanes) to the closest edge of pavement of the cross street. The projected future edge of pavement along the traveled way may be used where available in the County's adopted Transportation Element of the Comprehensive Plan or TPO Plan.

D FACTOR

The percentage of total, two-way peak hour traffic that occurs in the peak direction. When used as a variable means, the Directional distribution factor and must be calculated from actual data in accordance with the FDOT Q/LOS Handbook.

DEVELOPMENT APPROVAL

An official action by the City of Palm Bay authorizing the developer or land owner to begin construction of any permanent improvements on the property.

DIRECTIONAL MEDIAN OPENING

An opening in a restrictive median which provides for U-turn movements, and left-turn entering or exiting movements (but not both).

DRIVEWAY ANGLE

An angle (90 degrees or less) between the driveway centerline and the edge of the traveled way.

DRIVEWAY WIDTH

The narrowest width of the driveway measured perpendicular to the centerline of the driveway from the edge of traveled way to opposite edge of traveled way.

FULL MEDIAN OPENING

An opening in a restrictive median design to allow all turning movements to take place from both the public roadway and the adjacent connection.

HEAVY VEHICLE

Vehicles that have more than four tires touching the pavement, including trucks, buses, and recreational vehicles (RVs). Trucks cover a wide range of vehicles, from lightly loaded vans and panel trucks to the most heavily loaded coal, timber and gravel haulers. RVs also include a broad range, including campers, both self-propelled and towed; motor homes; and passenger cars or small trucks towing a variety of recreational equipment, such as boats, snowmobiles, and motorcycle trailers.

JOINT USE CONNECTION

Single connection point that serves as a connection to more than one property or development, including those in different ownerships or in which access rights are provided in the legal descriptions.

LIMITED ACCESS FACILITY

A street or highway especially designed for through-traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement of access, light, air, or view due to the fact that their property abuts such limited access facility or for any other reason.

LEVEL OF SERVICE (LOS)

A quantitative stratification of the perceived congestion of a transportation facility (i.e. roadway, intersection approach) into six letter grade levels. The AASHTO Highway Capacity Manual and the FDOT Q/LOS handbook establish the stratification criteria.

MAJOR INTERSECTIONS

All signalized intersections and/or unsignalized intersections with other major roadways.

MAJOR ROADWAY, MAJOR ROAD NETWORK, OR REGULATED ROAD

Shall include all collector and above-classified roadways per the latest Space Coast TPO's Federal Functional Classification Map.

MINIMUM DRIVEWAY SPACING

A minimum allowable distance between conforming driveway connections measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way.

MINIMUM OPENING SPACING IN A RESTRICTIVE MEDIAN

A minimum allowable distance between openings in a restrictive median to allow for crossing the opposing traffic lanes to access property or for crossing the median to travel in the opposite direction (U-turn). The minimum spacing or distance is measured from centerline to centerline of the openings along the traveled way.

MINIMUM SIGNAL SPACING

A minimum spacing or distance between adjacent traffic signals measured from the centerline to centerline of the signalized intersections along the traveled way.

MULTI-PHASED DEVELOPMENT

A development project, including subdivisions, in which the transportation infrastructure shall be constructed in distinct phases. In general, developments with phases projected to start less than one calendar year apart shall be considered as a single phase.

NON-CONFORMING CONNECTION

A connection not meeting current location, spacing or design criteria and standards.

NON-RESTRICTIVE MEDIAN

A median or painted centerline which does not provide a physical barrier between center traffic turning lanes, or traffic lanes traveling in opposite directions. This includes roadways with continuous center left-turn lanes or painted medians.

PENDING DEVELOPMENT

A development for which a complete application has been filed for (a) a Traffic Impact Study, (b) an Initial or Final Certificate of Capacity, or (c) an Initial or Final Certificate of Capacity Development Order.

PLANNING ANALYSIS HOUR FACTOR (K_{100})

The FDOT Planning Analysis Hour Factor explained in the FDOT Q/LOS Handbook, latest edition. It provides the conversion between the AADT and the design hour volume.

RESTRICTIVE MEDIAN

A portion of a divided roadway or driveway physically separating vehicular traffic traveling in opposite directions. Restrictive medians include physical barriers that prohibit movement of traffic across the median such as a concrete barrier, raised concrete curb, traffic island, or grassed median.

ROAD SEGMENT

In an interrupted flow facility, a road segment is the piece of road from one traffic signal to the next traffic signal and is usually considered to include the traffic signal at the "downstream" end of the segment. "Road Facilities" are usually composed of several contiguous road segments.

SERVICE ROAD

A public or private roadway, auxiliary to, and normally located parallel to a public roadway, which has as its purpose the maintenance of local road continuity and provision of access to parcels adjacent to the public roadway facility.

SIGNIFICANT CHANGE

A change in the use of property, including land, structures, facilities, or an expansion of the size of the structures or facilities, causing a projected increase in the trip generation of the property exceeding 25 percent more trip generation (either peak-hour or daily) and exceeding 100 vehicles per day more than the existing use, based upon the latest edition of the ITE Trip Generation Manual.

SINGLE-PHASED DEVELOPMENT

A development project in which the entirety of the transportation infrastructure shall be constructed in a single phase and/or has the potential to generate all projected trips after completion.

TRAVELED WAY

A portion of roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

VOLUME OF PROJECT TRAFFIC

The number of trips generated by a development using the ITE trip generation manual, latest edition.



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, between 8:30 a.m. and 5:00 p.m., Monday through Friday, to be processed for consideration by the Planning and Zoning Board. The application will then be referred by 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 Davidson

ADDRESS 1050 Malabar Rd. SW

CITY Palm Bay STATE FL ZIP 32937

PHONE # 321-409-6341 FAX # _____

E-MAIL ADDRESS troy.davidson@palmbayflorida.org

PERSON(S) TO BE NOTIFIED (if different from above) _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE # _____ FAX # _____

E-MAIL ADDRESS _____

2) ORDINANCE SECTION PROPOSED TO BE CHANGED:

Chapter 184.18: Subdivisions – Road Design (B) Traffic Studies (15)

3) PROPOSED LANGUAGE (attach addendum if necessary):

See attached

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

See attached

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

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

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

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

Signature of Applicant

Troy Davidson

Digitally signed by Troy Davidson
DN: dc-org, dc=palmbayflorida, ou=Public Works,
ou=PW Administration, cn=Troy Davidson
Date: 2017.12.11 12:55:35 -05'00'

Date

12/11/2017

Printed Name of Applicant

Troy E. Davidson

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



TRADER JAKE'S

December 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 December 22, ,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 \$175
Ad/Invoice Number:011925

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on January 3, 2018, and by the City Council on February 1, 2018, 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-1-2018 - SAMS L.P. COMPANY & SAMS II, LLC
(BRIAN STEPHENS, REP.)**

A conditional use to allow for a proposed liquid propane dispensary in an LI, Light Industrial and Warehousing District. Tax Parcel 20, Section 14, Township 28, Range 37, Brevard County, Florida, containing 2.72 acres, more or less. (Located at the southeast intersection of Northview Street NE and Robert J. Conlan Boulevard NE)

2. Z-2-2018 - LAKE MINA, LLC (JON E. BRUNNER)

A change in zoning request from an RR, Rural Residential District to an RS-1, Single Family Residential District. Tax Parcel 328, Section 27, Township 28, Range 37, Brevard County, Florida, containing 4.42 acres, more or less. (Located north of and adjacent to Market Circle NE, in the vicinity west of Cranbrook Avenue NE)

3. T-3-2018 - CITY OF PALM BAY

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to modify Section 184.18 Road Design, (B)(15) Traffic studies, in order to establish language for the City of Palm Bay Standardized Traffic Impact Study Guidance Manual.

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 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.

Robert J. Loring - Acting Planning Division Manager