



# **AGENDA**

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

Regular Meeting 2023-08

August 2, 2023 - 6:00 PM

City Hall Council Chambers, 120 Malabar Road SE

### **CALL TO ORDER:**

### **PLEDGE OF ALLEGIANCE:**

### **ROLL CALL:**

### **ADOPTION OF MINUTES:**

1. Regular Meeting 2023-07, July 5, 2023

### **ANNOUNCEMENTS:**

### **OLD/UNFINISHED BUSINESS:**

1. **\*\*CU23-00008 - WITHDRAWN - Car Wash - Royal Wash PSL, LLC (Chelsea Anderson, Esq., Mangrove Title & Legal, PLCC, Rep.) - A Conditional Use to allow a retail Car Wash in a GC-General Commercial District, in accordance with Section 185.054(D)(9) of the Palm Bay Code of Ordinances. Lots 1 through 6, Block 2211, Port Malabar Unit 38, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately 1.15 acres. Specifically located at 1300 Malabar Road SE**

### **NEW BUSINESS:**

1. **\*\*CU23-00001 – EquipmentShare - Equipmentsshare.com, Inc. (Samantha Bischoff, Kimley-Horn and Associates, Inc., Rep.) - A Conditional Use to allow for automotive fuel, propane, and natural gas dispensaries and refueling stations subject to the following provisions: in the LI-Light Industrial and Warehousing District in accordance with Section 185.045(D)(1). Lots 7 through 9, Bay Commercial Center, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 4.86 acres. Generally located in the vicinity east of Robert J. Conlan Boulevard NE, and east of and adjacent to Transom Circle NE**
2. **CP23-00008 – Hiawatha Gardens - Tara Williamson and Ronald Chabot (Kelly Hyvonen, AICP, Land Development Strategies, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial and High Density Residential to Commercial. Lot 1 of Block R and Lot 18.01 of Block C, Hiawatha Gardens Section 2, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.06 acres. Located at the southwest intersection of Hiawatha Avenue NE and Dixie Highway NE**

3. **\*\*Z23-00012 - Greenacre - Lawrence Kramer - A Zoning Change from an IU, Institutional Use District to an RC, Restricted Commercial District. Lot 11, Point West Estates, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE**
4. **\*\*Z23-00011 - The Essence Palm Bay - 1611 Meridian, LLC, Nuri Dorra, Manager (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.) - A Zoning Change from an IU, Institutional Use District to a CC, Community Commercial District. Tax Parcel 262, Section 22, Township 28, Range 37, Brevard County, Florida; containing approximately 4.08 acres. Located at the northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Rd NE**
5. **CP23-00014 - REQUEST TO CONTINUE TO 09/05 P&Z - Eldron Storage - KEW, LLC, Michael Erdman, managing member (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial. A portion of Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE**
6. **FS23-00006 - Commercial at Heritage Square - Heritage Square Partners, LLC, Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - A Final Plat to allow for a proposed 4-lot commercial subdivision called Commercial at Heritage Square. Tract X, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. In the vicinity west of St. Johns Heritage Parkway NW, north of and adjacent to Malabar Road NW**
7. **PS23-00006 - Bayside Landing - Diocese of Orlando, John G. Noonan, Bishop (David W. Bassford, P.E., MBV Engineering, Inc., Rep.) - A Preliminary Subdivision Plan to allow for a proposed development of 88 townhome units and 35 single-family residential units to be called Bayside Landings. Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. Located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE**
8. **CP23-00015 - Thrifty Produce Malabar at Green Acres - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Public/Semi-Public to Commercial. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE**
9. **\*\*CPZ23-00008 - Thrifty Produce Malabar at Green Acres - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.) - A Zoning Amendment from an IU, Institutional Use District to an RC, Restricted Commercial District. Located at Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE**
10. **\*\*CU23-00010 – Malabar Mini Storage - Ansl & Sons, LLC (Jake Wise, P.E., Construction Engineering Group LLC, Rep.) - A Conditional Use to amend an existing resolution to allow for a proposed three-story self-storage facility subject to the following provisions: in the Community Commercial District in accordance with**



**Section 185.043(D)(9). Tax Parcels 20 and 7, Section 5, Township 29, Range 37, Brevard County, Florida, containing approximately 4.93 acres. Generally located in the vicinity south of Malabar Road SE and west of Valor Drive SE, specifically at 920 Malabar Road SE**

11. **T23-00017 - Billboard and Interchange Signs - All Digital All Day, LLC (Matthew Ashley, Rep.) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17, to modify language for the distance between billboards to be in alignment with state statutes**
12. **T23-00013 - Commercial Vehicles In Residential District - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.123, to provide clear language for authorized parking within residential districts**
13. **T23-00014 - Lot Split and Lot Reconfiguration - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Sections 184.35 and 184.36, to add language and procedures for lot splits and lot reconfigurations within the City of Palm Bay**
14. **T23-00015 - Brew Pubs in HC District - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District**
15. **T23-00019 - Subdivision Building Permit Issuance - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to amend Section 184.15 regarding the conditions governing the issuance of building permits for model homes**
16. **T23-00020 - Construction Codes and Regulations - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay**

#### **OTHER BUSINESS:**

1. **Rescheduled September Planning and Zoning Board Meeting**

#### **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. (Section 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.

If you use assistive technology (such as a Braille reader, a screen reader, or TTY) and the format of any material on this website or documents contained therein interferes with your ability to access information, please contact us. To enable us to respond in a manner most helpful to you, please indicate the nature of your accessibility problem, the preferred format in which to receive the material, the web address of the requested material, and your contact information. Users who need accessibility assistance can also contact us by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.

**\*\*Quasi-Judicial Proceeding.**



## **MEMORANDUM**

**DATE:** August 2, 2023

**SUBJECT:** Regular Meeting 2023-07, July 5, 2023

**ATTACHMENTS:**

**Description**

- ▣ **P&Z/LPA Minutes - Regular Meeting 2023-07; July 5, 2023**

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/  
LOCAL PLANNING AGENCY  
REGULAR MEETING 2023-07

Held on Wednesday, July 5, 2023, 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 Leeta Jordan called the meeting to order at approximately 6:00 p.m.

Mr. Robert Good led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

<b>CHAIRPERSON:</b>	Leeta Jordan	Present
<b>VICE CHAIRPERSON:</b>	Philip Weinberg	Present
<b>MEMBER:</b>	Donald Boerema	Present
<b>MEMBER:</b>	Robert Good	Present
<b>MEMBER:</b>	Jeffrey McLeod	Present
<b>MEMBER:</b>	Randall Olszewski	Present
<b>MEMBER:</b>	Rainer Warner	Present
<b>NON-VOTING MEMBER:</b>	David Karaffa	Absent
	(School Board Appointee)	

**CITY STAFF:** Present were Ms. Suzanne Sherman, City Manager; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Ms. Alexandra Bernard, Principal Planner; Mr. Stephen White, Senior Planner; Ms. Tania Ramos, Senior Planner; Ms. Kimberly Haigler, GIS Planner; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Deputy City Attorney.

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2023-06; June 7, 2023.

Motion to approve the minutes as presented.

Motion by Mr. Weinberg, seconded by Mr. McLeod. Motion carried with members voting as follows:

**Aye:** Jordan, Weinberg, Boerema, Good, McLeod, Olszewski, Warner.

#### **ANNOUNCEMENTS:**

1. Ms. Jordan 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 the City Council.

#### **NEW BUSINESS:**

1. **\*\*CU23-00008 - REQUEST TO CONTINUE TO 08/02 P&Z -Car Wash - Royal Wash PSL, LLC (Chelsea Anderson, Esq., Mangrove Title & Legal, PLCC, Rep.) - A Conditional Use to allow a retail Car Wash in a GC-General Commercial District, in accordance with Section 185.054(D)(9) of the Palm Bay Code of Ordinances. Lots 1 through 6, Block 2211, Port Malabar Unit 38, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately 1.15 acres. Specifically located at 1300 Malabar Road SE**

Ms. Jordan announced the request to continue Case CU23-00008 to the August 2, 2023 Planning and Zoning Board Meeting. Board action was required to continue the case.

Motion to continue Case CU23-00008 to the August 2, 2023 Planning and Zoning Board Meeting.

Motion by Mr. Weinberg, seconded by Mr. Warner. Motion carried with members voting as follows:

**Aye:** Jordan, Weinberg, Boerema, Good, McLeod, Olszewski, Warner.

City Council will hear Case CU23-00008 on August 17, 2023.

2. **CP23-00007 - Future Land Use Lot 2 - Jennifer E. Torres - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Utilities to Low**

**Density Residential. Tract K, Port Malabar Unit 20, Section 02, Township 29, Range 36, Brevard County, Florida, containing approximately 1.01 acres. Located on the south side of Warrington Road SW, in the vicinity of Jupiter Boulevard SW**

Ms. Ramos presented the staff report for Case CP23-00007. Staff recommended Case CP23-00007 for approval.

Ms. Marlynn Simmons (representative for the applicant) stated that the applicant had purchased the two subject properties a couple of years ago and was now planning to build a home. She noted that the surrounding area was single-family residential, and the subject request was needed to change the existing utilities designation to residential.

Mr. Warner asked if there would be a lot split, or would a single home be built the properties. Ms. Simmons stated that a lot split was underway so that the applicant could deed one of the two lots to her brother. A separate home would be constructed on each lot.

The floor was opened for public comments, and there was no correspondence in the file.

Mr. Bill Battin (resident at Ocean Spray Street SW) stated his opposition to the loss of utility land that might be needed in the future, but he did appreciate the plan to build a home on each of the properties for estate-like lots.

The floor was closed for public comments.

Motion to submit Case CP23-00007 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Good. Motion carried with members voting as follows:

**Aye:** Jordan, Weinberg, Boerema, Good, McLeod, Olszewski, Warner.

3. **FS23-00004 - Timbers at Everlands Phase 1B - DRP FL 6, LLC, Brian Clauson (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - Final Plat approval to allow**

**for a proposed 41-lot single-family residential subdivision called Timbers at Everlands Phase 1B. A replat of a portion of Tract FD.1 together with Tract FD.2, all in Timbers at Everlands Phase 1A, Section 28, Township 28, Range 36, Brevard County, Florida, containing approximately 10.47 acres. Located at the northeast corner of St. Johns Heritage Parkway NW and Pace Drive NW**

Ms. Bernard presented the staff report for Case FS23-00004. Staff recommended Case FS23-00004 for approval.

Ms. Ana Saunders, P.E., BSE Consultants, Inc. (representative for the applicant), stated that the subject plat was part of the overall Timbers at Everlands PUD that was approved last year. Future phases would be coming before the board. The subject plat would have access off Pace Boulevard NW, and future phases would include access off St. Johns Heritage Parkway NW and Emerson Drive NW.

Mr. Warner asked the applicant to elaborate on the phases. Ms. Saunders explained that proposed Phase 1B was 41 lots of the overall 840-unit development. Phases 1A, 1B, and 1C were subphases of Phase 1. Phases 1C and 2 would be submitted to the board within the next couple of months. She explained that the development was under construction and that the final plat approval would allow lots to be sold.

The floor was opened for public comments, and there was no correspondence in the file.

Mr. Bill Battin (resident at Ocean Spray Street SW) questioned how the proposed connection to access the St. Johns Heritage Parkway would impact the widening of the Parkway.

The floor was closed for public comments.

Motion to submit Case FS23-00004 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Boerema. Motion carried with members voting as follows:

**Aye:** Jordan, Weinberg, Boerema, Good, McLeod, Olszewski, Warner.

City Council will hear Case FS23-00004 on July 20, 2023.

4. **CP23-00003 - Gaynor - MP Developers, Inc. (James Boothroyd, Weichert Realtors Hallmark Properties, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Utilities to Low Density Residential. Tract L, Port Malabar Unit 32, Section 13, Township 29, Range 36, Brevard County, Florida, containing approximately 1.33 acres. Located east of and adjacent to Gaynor Drive SW, in the vicinity north of Four Winds Street SW**

Ms. Bernard presented the staff report for Case CP23-00003. Staff recommended Case CP23-00003 for approval.

Mr. Warner wanted to know what other uses the utility site could be used for. Ms. Bernard explained that the original developer had designated the property as a utility site. The property was sold, and a new owner wanted to construct a home.

Mr. James Boothroyd, Weichert Realtors Hallmark Properties (representative for the applicant), confirmed that the new buyer wanted to build a home on the site for his future retirement. Mr. Warner indicated that he was not in favor of permitting four to five homes on the property. Mr. Boothroyd noted the quarter-acre lots that comprised the street and the neighborhood.

Ms. Jordan asked for the number of homes the subject request would allow. Ms. Bernard stated that the 1.33 acres was permitted a maximum density of five lots as Low Density Residential property.

The floor was opened for public comments, and there was no correspondence in the file.

Mr. Bill Battin (resident at Ocean Spray Street SW) stated that he was opposed to losing a utility site and a loss of estate-type living if the maximum five homes were allowed to pack the site. His comments also pertained to companion Case CP23-00002.

The floor was closed for public comments.

Motion to submit Case CP23-00003 to City Council for approval.



Motion by Mr. Weinberg, seconded by Mr. Boerema. Motion carried with members voting as follows:

**Aye:** Jordan, Weinberg, Boerema, Good, McLeod, Olszewski.

**Nay:** Warner.

City Council will hear Case CP23-00003 on July 6, 2023.

5. **\*\*CPZ23-00002 - Gaynor - MP Developers, Inc. (James Boothroyd, Weichert Realtors Hallmark Properties, Rep.) - A Zoning Amendment from an IU, Institutional Use District to an RS-2, Single Family Residential District. Tract L, Port Malabar Unit 32, Section 13, Township 29, Range, 36, Brevard County, Florida, containing approximately 1.33 acres. Located east of and adjacent to Gaynor Drive SW, in the vicinity north of Four Winds Street SW**

Ms. Bernard presented the staff report for Case CPZ23-00002. Staff recommended Case CPZ23-00002 for approval.

Mr. Warner remarked that any intentions to limit the subject site to a single-family home should be clearly stated.

Mr. James Boothroyd, Weichert Realtors Hallmark Properties (representative for the applicant) explained that the subject site would be a retirement property for the buyer who also wanted the option to maximize on the investment in the future with more than one home.

Mr. Anderson advised the board that a lesser density could be considered.

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

Motion to submit Case CPZ23-00002 to City Council for approval

Motion by Mr. Weinberg, seconded by Mr. Boerema. Motion carried with members voting as follows:

**Aye:** Jordan, Weinberg, Boerema, Good, McLeod, Olszewski.

**Nay:** Warner.

City Council will hear Case CPZ23-00002 on July 6, 2023.

6. **CP23-00013 - 4180 Minton Road - Bruce Coffman, Affordable Trailer Service & Supply, Inc. (Jeff Kuhn, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from CC, Community Commercial (Brevard County) to Commercial. Lot 2.01, Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 2.11 acres. Located west of and adjacent to Minton Road, in the vicinity of Palm Bay Road NE**

Ms. Bernard presented the staff report for Case CP23-00013. Staff recommended Case CP23-00013 for approval.

Mr. Cole Oliver, West Malabar Properties, LLC (representative for the request) stated that the annexation, land use, and zoning requests for the subject property were virtually one project with the north adjacent annexation, land use, and zoning proposal at the corner of Hield Road NW and Minton Road NW. The purpose of the subject requests was to connect to Palm Bay utilities under a commercial zoning that would move forward the adjacent Starbucks project planned for the north annexation. He said that the neighborhood justifiably had traffic concerns. Property would be given to Brevard County to realign the traffic light at the Hield Road and Minton Road intersection for future improvement, and he understood that development could not occur until the intersection was brought up to a sustainable level.

Mr. McLeod wanted to know who was responsible for Minton Road, and how the annexation would address the traffic concerns. Mr. Oliver believed Hield Road and Minton Road were under Brevard County's jurisdiction, and that a traffic study to show that the proposed project would not exacerbate the traffic situation would be required during site plan review. He remarked how intersection improvements would then be required to keep concurrency.

Mr. Weinberg inquired whether a similar request was brought before Brevard County. Mr. Cole indicated that a similar request was not submitted to Brevard County since the County did not have water and sewer available for the property.

The floor was opened for public comments, and there was no correspondence in the file.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He stated that he was in favor of annexing the property into the City as it was already a commercial site with a business that would bring its tax dollars into Palm Bay. He commented that the site's association with the north property was not mentioned in the staff report.

Mr. John Zimak (resident at Studley Drive NW) spoke against the request. He stated that the subject request was being used to permit the north project, which was the problem site for traffic, safety, and diminished property values for Hield Road property owners.

Mr. Ronald Thompson (resident at Hield Road NW) spoke against the request. He was opposed to the traffic and congestion the rezoning would cause. He referenced a letter from the Brevard County Engineer that stated how any detriment to the Palm Bay Road and Minton Road intersection also affected Hield Road.

Mr. Mike Kingery (resident at Hield Road NW) spoke against the request. He stated how the adjacent municipalities had intended the subject area to be professional commercial land. Residents had fought for 20 years to keep the subject site from annexing into Palm Bay.

Mr. Jared Cooper (contracted to purchase property at Hield Road NW) spoke against the request. The proposed request was to allow other changes to occur in the area. He was concerned about the proposed access onto Hield Road and the amount of traffic Starbucks would generate.

Mr. John Connolly (resident at Hield Road NW) spoke against the request. He commented on changes Brevard County had planned for Hield Road due to the traffic. The long dead-end road with side streets would be difficult to exit. The traffic

light timing was too long, the new multiple-family development behind the Publix had increased area traffic, and Minton Road backed up in both directions during morning and evening hours. He was opposed to allowing any access off Hield Road.

Mr. Don Williams (resident at Hield Road NW) spoke against the request. He stated how it could take three cycles of the traffic light to exit onto Minton Road. Backed up traffic in both directions also made it difficult to turn onto Minton Road. He was opposed to any access off Hield Road.

Mr. Steve Gray (resident at Hield Road NW) spoke against the request. He had witnessed several accidents on Minton Road, and the proposal would cause a traffic nightmare and risk lives.

Ms. Cynthia Kennard (resident at Pinetree Lane NW) spoke against the request. She commented on the illegal U-turns that occurred in the area. Traffic would worsen with the proposal and delayed emergency services would be the result.

Mr. Michael Bramlett (resident at Hield Road) spoke against the request. Since Starbucks would be located adjacent to his property, he would be impacted by the traffic, air pollution, lights, and noise from the drive-through ordering system. The proposal was not fair to the residential neighborhood.

Mr. Miguel Camacho (owner of property on Hield Road NW) spoke against the request. He had traffic concerns. He commented on how the subject request was only so the north property could be considered. He was opposed to the entire proposal.

Mr. James Sondej (resident at Hield Road NW) spoke against the request. His property would be adjacent to the future project. He felt that the proposal was incompatible with the existing area, and the site was supposed to be residential professional. Starbucks would impact the area with headlights and traffic, and an access off Hield Road would cause problems.

Mr. Michael Howell (resident at Hield Road NW) spoke against the request. He stated that the subject request was a cascade for development to the north. The

requested designation was a higher commercial level that would impact the existing area with more paved parking and businesses.

Mr. James Bermel (resident at Powell Road NW) spoke against the request. The existing traffic congestion and U-turns would become worse with a Starbucks. The wildlife in the area would also be affected. He stated that the request was a domino to allow the north proposal.

In response to comments from the audience, Mr. Oliver stated that traffic was a legitimate concern, and that noise, lights, and paving would be to code.

Mr. McLeod asked if an ingress/egress was proposed off Hield Road NW. Mr. Oliver clarified that the subject property was not on Hield Road. Conceptually, the north adjacent property would reduce the three existing driveways on Hield Road to one connection point, and the four existing driveways on Minton Road would be reduced to two connections.

The floor was closed for public comments.

Mr. Olszewski wanted to know what the subject site would be used for, and if utilities and stormwater retention would be included on the site. Ms. Bernard stated that the current business on the property would not change. Mr. Oliver confirmed that there were no plans to change the existing building or stormwater. However, the current septic system would be connected to the Palm Bay sewer treatment system. The north property would have its own stormwater system.

Motion to submit Case CP23-00013 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Olszewski. Motion carried with members voting as follows:

**Aye:** Jordan, Weinberg, Boerema, Olszewski.

**Nay:** Good, McLeod, Warner.

City Council will hear Case CP23-00013 on July 20, 2023.

7. **\*\*CPZ23-00007 - 4180 Minton Road - Bruce Coffman, Affordable Trailer Service & Supply, Inc. (Jeff Kuhn, Rep.) - A Zoning Amendment from BU-1, General Retail Commercial (Brevard County) to a CC, Community Commercial District. Lot 2.01, Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 2.11 acres. Located west of and adjacent to Minton Road, in the vicinity of Palm Bay Road NE**

Ms. Bernard presented the staff report for Case CPZ23-00007. Staff recommended Case CPZ23-00007 for approval.

Mr. Warner questioned why the annexation into the City was necessary for utilities since a St. Johns River Management permit was required regardless of the municipality. Ms. Bernard explained that Palm Bay could provide water and sewer to the site.

Mr. Olszewski remarked on how the property could remain under Brevard County's jurisdiction but pay for City water and sewer service at a higher rate. Mr. Anderson stated that typically a utility agreement was established once a property was annexed into the City.

Mr. Warner inquired about the Starbucks that was the cause of traffic concerns. Mr. Anderson advised the board that the Starbucks was part of a different case and would have to be discussed with that case.

Mr. Cole Oliver, West Malabar Properties, LLC (representative for the request) was present.

The floor was opened for public comments, and there was no correspondence in the file.

Mr. Ronald Thompson (resident at Hield Road NW) spoke against the request. He stated that the subject site was developed in the 1960s with no onsite retention. Stormwater would be needed if additional structures were constructed under the new zoning. He felt that the property should be annexed with a lower commercial classification to lessen the impact on traffic.

Mr. Matthew Lane (resident at Anlow Road) spoke against the request. He wanted to know how the annexation would affect the wildlife on the site. He was also concerned with how any land clearing in the future might cause flooding onto his property.

Mr. John Zimak (resident at Studley Drive NW) spoke against the request. He stated that there were two lots north of the subject site and south of the Starbucks property that were never discussed. He commented that there was no stipulation to ensure the existing business on the property would remain the same.

Mr. Andreas Lekas (resident at Willard Road NW) spoke against the request. He commented on how the applicant had operated their business at the site without issue, and since there were no plans to change the business, the rezoning was not necessary.

Mr. Mike Kingery (resident at Hield Road NW) spoke against the request. He indicated how the subject site was being used to bring the north property into the City. Residents had fought against the north annexation for over 20 years, and this was how they were getting around the opposition.

Mr. Kevin Ward (resident at Andlow Road) stated that he resided in unincorporated Brevard County and received City utilities. It was possible for the applicant to remain in the County and receive City utilities.

Mr. Jared Cooper (contracted to purchase property at Hield Road NW) spoke against the request. He felt that the north property should be discussed with the subject request as they were interconnected. The request was a set-up for future changes that would negatively impact existing residents.

In response to the comments from the audience, Mr. Oliver stated that if the site did not have a retention pond, modern-day treatment standards would have to be met if the site was ever improved. He stated that the requested CC zoning district was equivalent to the Brevard County BU-1 zoning designation.

The floor was closed for public comments.

Motion to submit Case CPZ23-00007 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Olszewski. Motion carried with members voting as follows:

**Aye:** Jordan, Weinberg, Boerema, McLeod, Olszewski.

**Nay:** Good, Warner.

City Council will hear Case CPZ23-00007 on July 20, 2023.

8. **CP23-00010 - West Malabar Properties (Hield Road) - Cole Oliver, West Malabar Properties, LLC - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from RES 2 Residential 2 (Brevard County) to Commercial. Lots 1, 1.02, and 2 of Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 4.58 acres. Located west of adjacent to Minton Road, in the vicinity of Palm Bay Road NE**

Ms. Bernard presented the staff report for Case CP23-00010. Staff recommended Case CP23-00010 for approval.

Mr. Olszewski commented how there would be two separate annexations, land use, and rezoning requests at the July 20 City Council meeting. Ms. Barnard stated that this was correct.

Mr. Cole Oliver, West Malabar Properties, LLC (applicant) was present to answer questions.

Mr. Olszewski asked if the four properties would be combined into a single tax parcel. Mr. Oliver indicated that this was correct; however, there could be several platted commercial lots. City standards and identified traffic study requirements would be met.

The floor was opened for public comments, and there were six items of correspondence in the file in opposition to the request.



Ms. Sarah Lee (resident at Orange Drive) spoke against the request. She stated how difficult it was to exit onto Minton Road, and she had witnessed 14 illegal U-turns in a half hour with no police officers in the area. New apartments behind Publix had worsened the situation. It took her daughter 45 minutes to drive two miles down Minton Road. The proposed location was not a good place for a Starbucks.

Ms. Dana Smith (resident at Willard Road NW) spoke against the request. She wanted the small, quaint community to be left as it was with the deer, horse riders, and peacocks. She was concerned about Starbucks or another retail center bringing an undesirable element into the neighborhood. She questioned why the applicant was also the representative for the south adjacent property if the site had no connection.

Mr. Steve Gray (resident at Hield Road NW) spoke against the request. He stated that Starbucks would be a risk for a large amount of accidents. The majority of the residents were opposed to the proposal for the subject site and for the south adjacent property.

Mr. Sam Roig (resident at Hield Road) spoke against the request. He believed the applicant was trying to slip something through by annexing out of Brevard County and into Palm Bay. Area residents had beautiful homes and paid high taxes to live in a nice neighborhood with ranches and horses. The proposal was a monstrosity that would increase the traffic congestion and make it more difficult to exit the area. The traffic was even worse during the school season.

Ms. Debbie Boutin (resident at Hield Road NW) spoke against the request. She stated that the residents on Hield Road loved their homes, property, and the community, but businesses had been allowed into the neighborhood over the years. She remarked on the tanker trucks that entered the neighborhood and a motorcycle fatality that had occurred at the intersection of Hield Road and Minton Road.

Ms. Sandra Reed (resident at Emmaus Road NW) spoke against the request. She explained how past area residents had paid large assessments to have Hield Road paved so that emergency vehicles could safely access the neighborhood, but the Brevard County side of the road did not have a shoulder. She was concerned about

the Starbucks generating a large volume of traffic that could potentially impact emergency access into the neighborhood.

Ms. Michele Bermel (resident at Powell Road NW) spoke against the request. She stated that the illegal U-turns that occurred at Minton Road could be a revenue source for the City. She commented on the peacocks, indigo snakes, woodpeckers, and scrub jays in the area. Semi-trucks trucks were already a problem in the neighborhood. She suggested an access through the plaza behind Long Doggers as an access point instead of Hield Road.

Ms. Christine Stevens (resident at Willard Road NW) spoke against the request. She and her boyfriend had cashed in their life savings to move into their dream home. The small business on the south property did not need City water and sewer. Traffic was already an issue for the area, and she did not want the monstrosity that was being proposed to change the neighborhood and impact emergency access.

Ms. Michele Smith (resident at Hield Road NW) spoke against the request. She stated that timely access by emergency services would be significantly impacted by the proposal. The intersection was the only access into the community of over 250 homes, and seconds mattered during medical emergencies. There were no fire hydrants in the area so traffic any delay of the tanker trucks could be a catastrophic loss of property and life.

Mr. Harry Bermudez (resident at Bay Mare Lane NW) spoke against the request. Hield Road was in a residential neighborhood, so an alternative access point from Minton Road or through the Walgreen's property should be considered. Palm Bay Road and Minton Road traffic would exacerbate traffic issues, so the residential area should be kept separate from the commercial areas.

Mr. Ronald Thompson (resident at Hield Road NW) spoke against the request. He stated that the Transportation Element of the Comprehensive Plan was not being met as the needs of the residents were not being served. The neighborhood was being unduly penalized by traffic that serviced all of Palm Bay, Melbourne, and Interstate 95. He noted that there was no room for the required sidewalks.

Mr. Reed Evans (resident at Willard Road NW) spoke against the request. He described Hield Road as a two-lane road that let out into a four-lane road facing a school, the Publix shopping center, and the new apartment complex. The proposal for Starbucks and additional commercial buildings would shut down Hield Road. He noted that the three driveways planned for Starbucks were former driveways for residential homes. The proposal would cause more fatalities at the intersection.

Mr. Juan Delgado (resident at Willard Road NW) spoke against the request. He stated that as a former marine who worked emergencies, every second counted. He did his research to move into an area that was not overly populated. Safety continued to be a concern and he did not want road rage to occur because of traffic.

Mr. John Zimak (resident at Studley Drive NW) spoke against the request. He stated that consideration was not given to ingress/egress concerns for the property. He submitted photographs to the board to show traffic problems in the area. Delivery vehicles at the site would be an issue for area residents, and the entire proposal was unsuitable for the area.

Mr. John Connolly (resident at Hield Road NW) spoke against the request. He stated that the board should have been provided a plan for the project to make a good judgement about the proposal.

Mr. Michael Bramlett (resident at Hield Road) spoke against the request. He stated that the plan for the project was displayed at the Citizen Participation Plan meeting. He did not feel that changing the quietness of the area was fair.

Mr. Bill Battin (resident at Ocean Spray Street SW) stated that Starbucks was discussed at the Citizen Participation Plan meeting but was not included in any of the staff material. He stated that he supported commercial development since taxes were boosted so homeowners paid less. Traffic issues would be addressed at a later stage.

Mr. Robert Paduano (resident at Masters Road NW) spoke against the request. He indicated how he worked in a community health center. Congested traffic would make him 20 minutes late and affect his appointments and patients for the rest of the day.

Mr. Jared Cooper (contracted to purchase Hield Road NW property) spoke against the request. He stated that the three proposed commercial driveways would generate more traffic than the two existing residential driveways. A Starbucks could bring 50 to 100 cars into the area per hour. The proposed change from residential to commercial did not fit with the design of the area.

Mr. James Bermel (resident at Powell Road NW) spoke against the request. He commented on how vehicles attempting to turn around in the neighborhood had ended up in the ditches on the sides of the road. The problem would worsen with the project.

Mr. Michael Howell (resident at Hield Road NW) spoke against the request. He commented on how the applicant had a plan for the area but had not provided for discussion. Starbucks was known to have a line of vehicles backed up, and the traffic, safety, and quality of life were concerns that needed to be addressed. The project should be stopped now. He stated that the Hield Road area was a gem that could be lost.

In response to comments from the audience, Mr. Oliver stated that he was not opposed to providing sidewalks on Hield Road. A conceptual plan had been provided to the City and was shared at the Citizen Participation Plan meeting. He explained that Starbucks had submitted a letter of intent, but a lease could not be signed until approvals were in place.

The floor was closed for public comments.

Mr. Olszewski stated that a commercial use would be the best use of the subject site.

Motion by Mr. Olszewski to submit Case CP23-00010 to City Council for approval.

Ms. Jordan inquired whether a condition could be included that there would be no access off Hield Road. Mr. Anderson stated that the restriction could be placed on the zoning request. Mr. McLeod concurred that the condition would solve some of the issues and would be safer.

Motion to submit Case CP23-00010 to City Council for approval.

Motion by Mr. Olszewski, seconded by Mr. Weinberg. Motion carried with members voting as follows:

**Aye:** Jordan, Weinberg, Boerema, Olszewski.

**Nay:** Good, McLeod, Warner.

City Council will hear Case CP23-00010 on July 20, 2023.

9. **\*\*CPZ23-00006 - West Malabar Properties (Hield Road) - Cole Oliver, West Malabar Properties, LLC - A Zoning Amendment from RP, Residential Professional and AU, Agricultural Residential (Brevard County) to a CC, Community Commercial District. Lots 1, 1.02, and 2 of Block 2, Melbourne Poultry Colony Addition 1, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 4.58 acres. Located west of adjacent to Minton Road, in the vicinity of Palm Bay Road NE**

Ms. Bernard presented the staff report for Case CPZ23-00006. Staff recommended Case CPZ23-00006 for approval.

Mr. Cole Oliver, West Malabar Properties, LLC (applicant) was present.

Mr. Olszewski asked how the applicant felt about a condition to remove the ingress/egress from Hield Road NW. Mr. Oliver stated that functionally, the condition might cause the potential tenant to go elsewhere as they would prefer to have two main one-directional access points on Minton Road NW and one alternate two-way access off Hield Road to distribute the traffic on the site.

The floor was opened for public comments, and there were six items of correspondence in the file in opposition to the request.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He stated that annexing commercial property into the City would be a benefit to the tax base, and he supported the condition to restrict access off Hield Road.

Ms. Dana Smith (resident at Willard Road NW) spoke against the request. She questioned how the board could support a proposal that the majority of residents was against. She remarked how revenue could be gained by enforcing the ongoing traffic violations that impacted the neighborhood.

Ms. Michele Smith (resident at Hield Road NW) spoke against the request. She described how the proposal would cause traffic to bottleneck down Minton Road and at Hield Road. She asked the board to consider removing from the plan the residential agricultural lot that faced Hield Road.

Mr. Sam Roig (resident at Hield Road) spoke against the request. He remarked on how placing an access less than a thousand feet from a major intersection was unsafe. He was the tow truck driver for three fatalities that had occurred on Hield Road. The subject proposal would add to the problem.

Ms. Anna Paduano (resident at Masters Road NW) spoke against the request. She felt that any access off Minton Road was inadvisable based on the traffic that currently backed up on Minton Road during rush hour.

Mr. Juan Delgado (resident at Willard Road NW) spoke against the request. He supported a condition to eliminate the access off Hield Road. He commented on how traffic from the project would cause him to arrive late to work at the space center.

Mr. William Stevens (resident at Willard Road NW) spoke against the request. He stated how his school bus arrived an hour late at school every day because of traffic, and the proposal would worsen the situation. He saw car crashes at Hield Road and was afraid of what was going to happen in the future.

Mr. James Zimak (resident at Studley Drive NW) spoke against the request. He supported the removal of the Hield Road access; however, the applicant's description of a right-in and right-out driveway for Hield Road assumed that only the residents in the area would be using the access. He submitted to the board an example of cross traffic lanes that could be another access solution for the site. He noted that the existing driveways were narrow and not to code. One of the accesses was a dirt driveway and the other two were collapsing.

Mr. Jared Cooper (contracted to purchase property at Hield Road) spoke against the request. He stated that the elimination of Hield Road as an access point was a good compromise.

Mr. Kris Peeples (resident at Henley Road NW) spoke against the request. He stated that even with the removal of the Hield Road access, traffic from the project would still be a problem.

Mr. Michael Howell (resident at Hield Road NW) spoke against the request. He stated that it was shortsighted to change property from residential to commercial and suggested a professional commercial designation as a better option. He believed the applicant planned to level up to a higher commercial classification. Hield Road did not need to lose any more trees, green space, or habitat. He recommended the removal of the Hield Road access.

Ms. Linda Lundstedt (resident at Hield Road) spoke against the request. She stated her opposition to any access onto Hield Road.

Mr. Michael Williams (resident at Hield Road NW) spoke against the request. He stated that the project was not prepared for the existing traffic. Minton Road should be widened to fix the problem before allowing more businesses that would worsen the problem.

Ms. Tracy Powshok (resident at Anlow Road) spoke against the request. She indicated on the diagram from the Citizen Participation Plan meeting how the project included more than Starbucks, which meant that even more traffic would be generated. She noted that the plan did not show any road widening and there was no room to widen Hield Road or the dangerous intersection.

Ms. Christine Stevens (resident at Willard Road NW) spoke against the request. She suggested that the project route the traffic for the site through the Walgreens property where there was already a main intersection.

Mr. Anderson informed the board that the concept plan provided for the Citizen Participation Plan meeting had not been submitted in conjunction with the subject

application and had not been reviewed by staff. The board's recommendation must be based on the entitlements associated with the zoning district request at hand.

In response to the comments from the audience, Mr. Oliver clarified that the Minton Road driveway would be a full right-in/right-out access. A concession was made to provide land for Brevard County to widen and install new mast post lighting, and he had agreed to install sidewalks for the project. He explained that Walgreens was private property that could not be accessed as a secondary route without a cross access agreement.

The floor was closed for public comments.

Mr. Olszewski commented that the proposed commercial project would bring an improvement to the subject intersection, but an ingress/egress on Hield Road would not benefit the situation. The property would also be held to the City's review standards for future traffic plans.

Mr. Weinberg stated that he served on the advisory board for the Space Coast Transportation Planning Organization and he could not foresee any recommendation that would support an access off Hield Road.

Motion to submit Case CPZ23-00006 to City Council for approval subject to the condition that no ingress/egress be allowed on Hield Road NW.

Motion by Mr. Weinberg, seconded by Mr. Olszewski. Motion carried with members voting as follows:

**Aye:** Jordan, Weinberg, Boerema, Good, McLeod, Olszewski, Warner.

City Council will hear Case CPZ23-00006 on July 20, 2023.

10. **T23-00006 - Accessory Structure - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.118, Accessory Structures, to amend and update standards for accessory structures**



Mr. White presented the staff report for Case T23-00006. Staff recommended Case T23-00006 for approval.

Mr. Olszewski wanted to know the direct benefit to a citizen desiring to build an accessory structure. Mr. White stated that contradictions in multiple areas had been addressed and a setback table was added as a convenience. He commented on how administrative variances would be eliminated for Rural Residential properties in excess of two acres if there was land to accommodate.

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

Motion to submit Case T23-00006 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Olszewski. Motion carried with members voting as follows:

**Aye:** Jordan, Weinberg, Boerema, Good, McLeod, Olszewski, Warner

11. **T23-00009 - Minor Site Plans - City of Palm Bay (Growth Management Department - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.018, Site Plans, to amend the site plan review process and establish different levels of plan review**

Ms. Ramos presented the staff report for Case T23-00009. Staff recommended Case T23-00009 for approval.

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

Motion to submit Case T23-00009 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Boerema. Motion carried with members voting as follows:

**Aye:** Jordan, Weinberg, Boerema, Good, McLeod, Olszewski, Warner.

**12. T23-000016 - Outdoor Dining - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to establish Section 185.139, Outdoor Dining, to incorporate standards for outdoor dining**

Ms. Bernard presented the staff report for Case T23-00016. Staff recommended Case T23-00016 for approval.

Mr. Weinberg asked if the subject ordinance affected food trucks. Ms. Bernard stated that the subject amendment did not affect food trucks. The proposal was for restaurants that were permanent in nature.

Mr. Olszewski inquired whether there were currently restaurants with outdoor dining in the City and would those establishments be grandfathered in. Ms. Bernard confirmed that the few restaurants in the City with outdoor dining would be grandfathered in.

Mr. Bill Battin (resident at Ocean Spray Street SW) stated how the outdoor dining areas that were grandfathered in could have safety issues that might need to be addressed. Any emergency outdoor dining implemented during Covid should be terminated and made to reapply.

The floor was closed for public comments.

Mr. McLeod asked if there was a mechanism to review safety issues for any existing outdoor dining facilities. Ms. Bernard stated that the amendment only addressed new establishments; however, annual restaurant inspections were performed by the Fire Department.

Ms. Jordan inquired whether a permit was required for outdoor dining in the past. Ms. Bernard stated that previous outdoor dining was done as part of an approved site plan. The subject proposal provided parameters for outdoor dining within existing plazas.

Motion to submit Case T23-00016 to City Council for approval.

Mr. Weinberg stated that any outdoor dining that created a hazard would be a violation for the Code Compliance Division to address.

Motion by Mr. Weinberg, seconded by Mr. Olszewski. Motion carried with members voting as follows:

**Aye:** Jordan, Weinberg, Boerema, Good, McLeod, Olszewski, Warner.

**OTHER BUSINESS:**

There was no other business discussed.

**ADJOURNMENT:**

The meeting was adjourned at approximately 9:30 p.m.

---

Leeta Jordan, CHAIRPERSON

Attest:

---

Chandra Powell, SECRETARY

\*\*Quasi-Judicial Proceeding



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Stephen White, Senior Planner

**DATE:** August 2, 2023

**SUBJECT:** \*\*CU23-00008 - WITHDRAWN - Car Wash - Royal Wash PSL, LLC (Chelsea Anderson, Esq., Mangrove Title & Legal, PLLC, Rep.) - A Conditional Use to allow a retail Car Wash in a GC-General Commercial District, in accordance with Section 185.054(D)(9) of the Palm Bay Code of Ordinances. Lots 1 through 6, Block 2211, Port Malabar Unit 38, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately 1.15 acres. Specifically located at 1300 Malabar Road SE

Case CU23-00008 has been withdrawn based on City Council's denial of Case T23-00010 that was to permit car washes in GC, General Commercial Districts by conditional use.

**Board action is not required to withdraw the case.**

\*\*Quasi-Judicial Proceeding.



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Stephen White, Senior Planner

**DATE:** August 2, 2023

**SUBJECT:** \*\*CU23-00001 – EquipmentShare - Equipmentsshare.com, Inc. (Samantha Bischoff, Kimley-Horn and Associates, Inc., Rep.) - A Conditional Use to allow for automotive fuel, propane, and natural gas dispensaries and refueling stations subject to the following provisions: in the LI-Light Industrial and Warehousing District in accordance with Section 185.045(D)(1). Lots 7 through 9, Bay Commercial Center, Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 4.86 acres. Generally located in the vicinity east of Robert J. Conlan Boulevard NE, and east of and adjacent to Transom Circle NE

\*\*Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ☐ CU23-00001 - Staff Report
- ☐ CU23-00001 - Survey
- ☐ CU23-00001 - Citizen Participation Plan Report
- ☐ CU23-00001 - Application
- ☐ CU23-00001 - Letter of Authorization
- ☐ CU23-00001 - Legal Acknowledgement
- ☐ CU23-00001 - Legal Ad



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Stephen White, Senior Planner

---

#### CASE NUMBER

CU23-00001

#### PLANNING & ZONING BOARD HEARING DATE

August 2, 2023

---

#### PROPERTY OWNER & APPLICANT

Equipmentsshare.com, Inc. (Samantha  
Bischoff Kimley-Horn, Rep.)

#### PROPERTY LOCATION/ADDRESS

Lots 7-9, Bayside Commercial Center, Section 14,  
Township 28, Range 37, Brevard County, Florida,  
containing approximately 4.86 acres. Generally located  
in the vicinity east of Robert J. Conlan BLVD NE and  
east of and adjacent to Transom Cir NE.  
Tax Account 3029628

---

#### SUMMARY OF REQUEST

A Conditional Use to allow for automotive fuel, propane, and natural gas dispensaries and refueling station in the LI, Light Industrial and Warehousing District in accordance with Section 185.045(D)(1) of the Palm Bay Code of Ordinances.

##### Current Zoning

LI, Light Industrial and Warehousing District

##### Current Land Use

IND, Industrial

##### Site Improvements

Vacant; Unimproved land

##### Site Acreage

Approximately 4.86 acres

---

#### SURROUNDING ZONING & USE OF LAND

##### North

LI, Light Industrial and Warehousing District; Vacant Stormwater

##### East

LI, Light Industrial and Warehousing District; Vacant Stormwater

##### South

LI, Light Industrial and Warehousing District; Unimproved Land

##### West

LI, Light Industrial and Warehousing District

---

#### COMPREHENSIVE PLAN

##### COMPATIBILITY

Yes, Industrial Use

---

## **BACKGROUND:**

The subject property is an approximately 4.86-acre parcel generally located in the vicinity east of Robert J. Conlan BLVD NE and east of and adjacent to Transom Cir NE. It is currently vacant and unimproved.

The applicant is requesting a Conditional Use to allow for on-site fueling facilities as an accessory use to a rental business. An application has been submitted in accordance with Section 185.045(D)(1) to allow for automotive fuel, propane, and natural gas dispensaries and refueling station.

## **ANALYSIS:**

Section 185.045(D)(1) of the Code of Ordinances establishes automotive fuel, propane, and natural gas dispensaries and refueling stations as a Conditional Use in the LI, Light Industrial and Warehousing District and provides specific requirements to be met before permitting this Use. A conceptual plan has been provided illustrating that the site can meet these requirements. However, an administrative site plan review will be required to ensure compliance with Section 185.043(D)(1).

The proposed Conditional Use will be an Accessory Use to the principal use of heavy equipment rental. The Concept Plan shows the fueling pads being approximately 70.3' from the east property boundary. No residential properties are abutting the proposed Conditional Use.

The applicant has demonstrated compliance with the Citizen Participation Plan as outlined in Section 169.005 of the Land Development Code and the community meeting was held on March 22, 2023.

## **CODE REQUIREMENTS:**

To be granted conditional use approval, requests are evaluated upon items (A) through (H) of the General Requirements and Conditions of 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 property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergencies.

Ingress and egress points from the property are located off of Transom Circle. It should have minimal impact on Robert J. Conlan for large delivery vehicles entering and exiting the property.

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

The applicant has demonstrated compliance with the off-street parking requirements for customers and employee parking. The proposed plan shows 26 parking spaces, 2 ADA accessible spaces and 4 EV stations on the property. A detailed review of compliance with the Code of Ordinances will be conducted during the Site Plan submittal.

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

Any necessary upgrades will be required to be designed, permitted, installed, and inspected at the developer's cost.

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

The conceptual plan shows the property with fencing surrounding the entire parcel. Additionally, the applicant is showing additional buffering between the property and property boundary lines.

**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.

Any signage will be reviewed in accordance with the Code of Ordinance during the Site Plan review. Additionally, all site lighting will be submitted and reviewed with the Site Plan as well.

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

The conceptual plan includes the required yards and landscape buffers. The project will be required to meet all landscaping requirements during the administrative site plan review.

**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 use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.

This proposed Conditional Use will be an Accessory Use to the heavy equipment rental Use on the property. This property is surrounded by Industrial zoning and Uses on all sides.

A traffic methodology will be required for review and approval. Additionally, a traffic study will be required prior to the applicant receiving Site Plan approval. Any off-site modifications involving vehicular movement to ensure an adequate level of service is maintained will be reviewed by the City Engineer.

**Item (H):** 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 within which the action for which special approval is requested shall be begun or completed, or both.

The Planning and Zoning Board may provide additional recommendations or conditions to City Council for approval. Council will 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.



**STAFF FINDINGS:**

Staff recommends approval of Case CU23-00001, subject to the staff comments contained in this report and completion of the lot combination prior to site plan approval.



*Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.*



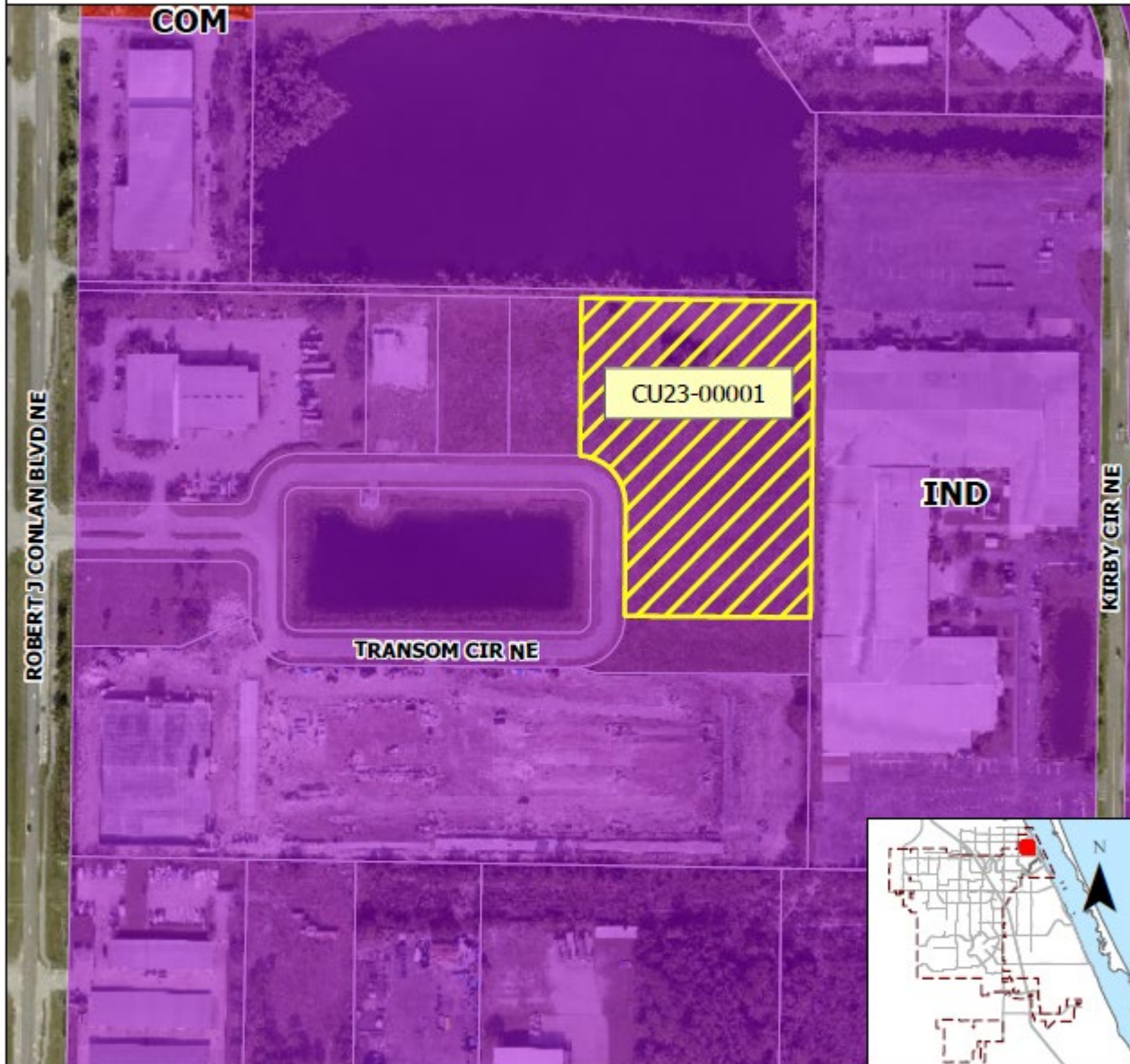
## **AERIAL LOCATION MAP CASE: CU23-00001**

### **Subject Property**

East of and adjacent to Transom Circle NE, in the vicinity east of Robert J. Conlan Boulevard NE



*Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.*



## **FUTURE LAND USE MAP CASE: CU23-00001**

### **Subject Property**

East of and adjacent to Transom Circle NE, in the vicinity east of Robert J. Conlan Boulevard NE

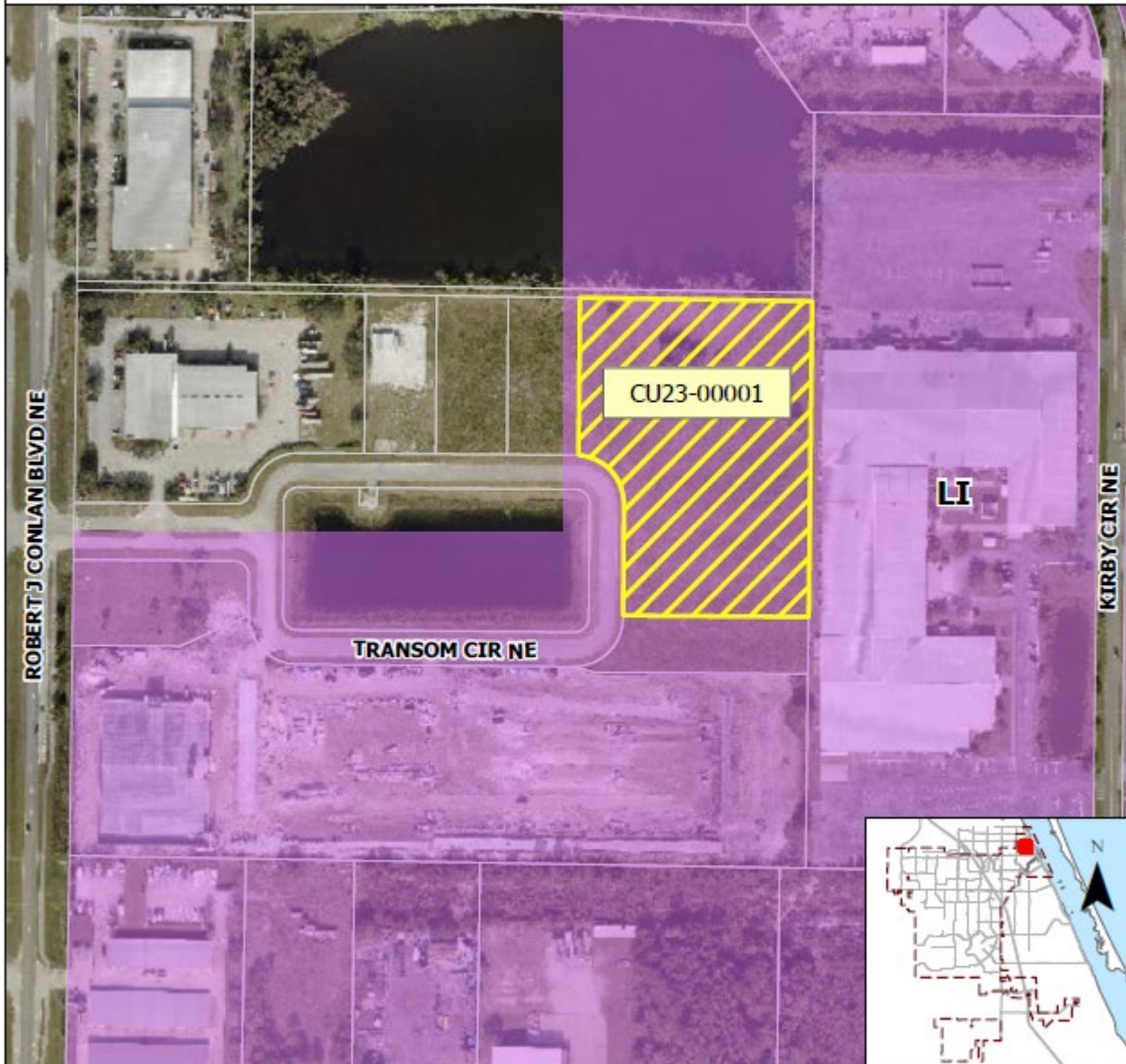
### **Future Land Use Classification**

IND – Industrial





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## ZONING MAP CASE: CU23-00001

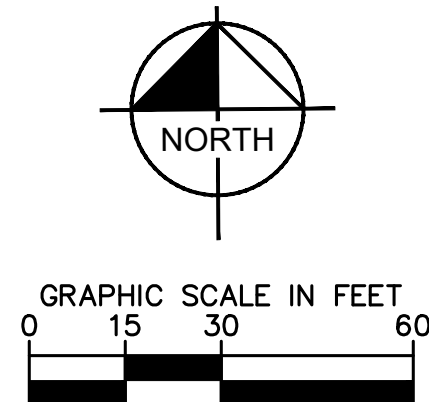
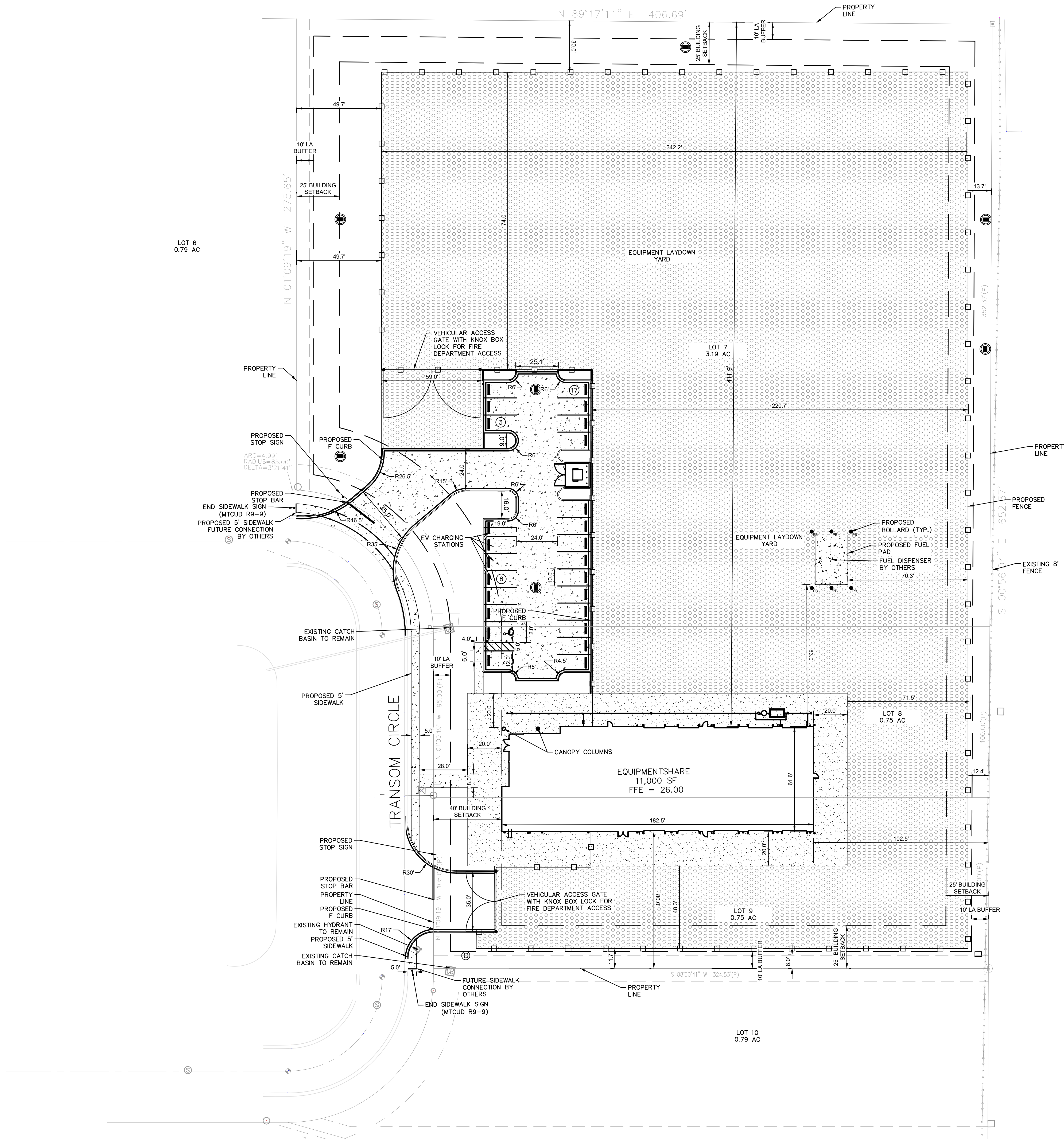
### Subject Property

East of and adjacent to Transom Circle NE, in the vicinity east of Robert J. Conlan Boulevard NE









### Current Zoning Classification

LI – Light Industrial and Warehousing





SITE PLAN LEGEND:

- |   |  |
|---|--|
|  | PROPERTY LINE  |
|  | 8' PERIMETER FENCE AND GATES (SEE SHEET C-400 FOR DETAILS) |
|  | VEHICULAR CIRCULATION                                      |
|  | SETBACK  |
|  | EXISTING LOT BOUNDARIES                                    |
|  | HEAVY DUTY CONCRETE  |
|  | STANDARD DUTY CONCRETE PAVEMENT                            |
|  | WASHED 57 STONE  |

## DEVELOPMENT SUMMARY:

## SITE SUMMARY:

TAX PARCEL ID: 2826118  
CURRENT ZONING: LI (LIGHT INDUSTRIAL)  
PROPOSED USE: EQUIPMENT RENTAL FACILITY

SITE AREA: 4.86 ACRES

### MINIMUM YARD REQUIREMENTS

BUILDING SETBACK	REQUIRED	PROVIDED
FRONT SETBACK	40 FT	40 FT
SIDE CORNER SETBACK	25 FT	412 FT
SIDE INTERIOR SETBACK	20 FT	80 FT
REAR SETBACK	25 FT	102 FT

## LANDSCAPE BUFFER

	REQUIRED		PROVIDED	
FRONT SETBACK	10	FT	28	FT
SIDE CORNER SETBACK	10	FT	30	FT
SIDE INTERIOR SETBACK	10	FT	80	FT
REAR SETBACK	25	FT	14	FT

## PARKING AND SITE FEATURES:

BUILDING USES:	SHOWROOM/OFFICE/MAINTENANCE BAYS
BUILDING SIZE:	9,821 SF
(GROSS BUILDING AREA)	
PARKING REQUIRED	ONE SPACE FOR EVERY EMPLOYEE ON THE LARGEST WORKING SHIFT, OR ONE SPACE FOR EACH ONE THOUSAND SF OF GROSS FLOOR AREA.
PARKING PROVIDED:	26 SPACES (4 EV STATIONS)
TOTAL: 28 SPACES	2 ADA SPACES



THE PRESENCE OF GROUNDWATER SHOULD BE ANTICIPATED ON THIS PROJECT. CONTRACTOR'S BID SHALL INCLUDE CONSIDERATION FOR ADDRESSING THIS ISSUE.

CALL 48 HOURS BEFORE YOU DIG

IT'S THE LAW!  
DIAL 811

**Know what's below.  
Call before you dig.**

SUNSHINE STATE ONE CALL OF FLORIDA, INC.

[illegible]

**Kimley»»Horn**  
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.  
445 24TH STREET, SUITE 200, VERO BEACH, FL 32960  
PHONE: 772-794-4100  
WWW.KIMLEY-HORN.COM      REGISTRY NO. 35106

KHA PROJECT <b>147090000</b> DATE <b>3/2/23</b>	LICENSED PROFESSIONAL <b>GREGORY D. WILFONG</b> LICENSE NUMBER: <b>63166</b>
SCALE AS SHOWN DESIGNED BY <b>GDW</b> DRAWN BY <b>SHB</b>	DATE: <b>3/2/23</b>
CHECKED BY <b>GDW</b>	

## EQUIPMENT SHARE

# SITE PLAN

SHEET NUMBER  
**C-100**

March 3, 2023  
147909000

The City of Palm Bay  
120 Malabar Road  
Palm Bay, FL 32907  
(321) 952-3400

## Citizen Participation Plan

**Date:** February 27, 2023

**Applicant:** EquipmentShare

**Development:** The proposed development is a construction equipment rental facility; the owner proposes an above ground fuel tank for refueling the rented construction equipment. A conditional use approval is needed to allow fueling on site.

**Site:** Lots 7,8, and 9 in the Bay Commercial Center, according to the plat thereof as recorded in plat book 72, pages 14-15, of the public records of Brevard County, Florida. Located in the City of Palm Bay, Section 14 Township 28 South, Range 37 East, at 2571 Transom Circle NE, Palm Bay, Florida 32905.

**Owner:** EquipmentShare

*The following information reflects the plan of the applicant to notify interested parties of its pending application with the City of Palm Bay for the proposed development of this site, as described above; and to facilitate an open dialogue with such parties and attempt to address their concerns.*

### **Persons Notified Directly, Method:**

All persons or businesses residing within a 500' radius of one of the corners of the property (as provided by the Brevard County GIS office) will be notified by mail of the application for development. (See Appendix A for the complete list of the notified property owners).

### **Public Meetings:**

- One public meeting will be held, as scheduled below, where current copies of the proposed site plan will be made available to the attending public.
  - Wednesday March 15<sup>th</sup>, 2023, 7:00 pm at – 445 24<sup>th</sup> Street Suite 200, Vero Beach, FL 32960
- A 500' radius list of property owners will be used for mail delivery of the meeting announcement. This notice will be mailed on March 7 to the list of property owners. A copy of this notification is attached see Appendix B
- The director of the growth management department has been sent an invitation to attend the meeting.



- All attendees will be required to provide their name and mailing address, in order to be notified of any material change in the development plan.
- Minutes of the meeting will be taken outlining the attendees' comments and concerns, and a copy will be sent to the growth management department.
- A report of the meeting will be provided to the growth management department in accordance with the ordinance.

Meeting Report:

- Please see the attached sign in sheet, only two people attended the meeting which were both representatives of the applicant.
- There were no concerns or complaints brought up at the meeting
- There are no meeting minutes to provide.
- Please see the items brought to the meeting in Appendix C

Should you have any additional questions please do not hesitate to contact me at (772) 794-4107 or [Samantha.Bischoff@kimley-horn.com](mailto:Samantha.Bischoff@kimley-horn.com).

Sincerely,

Samantha Bischoff

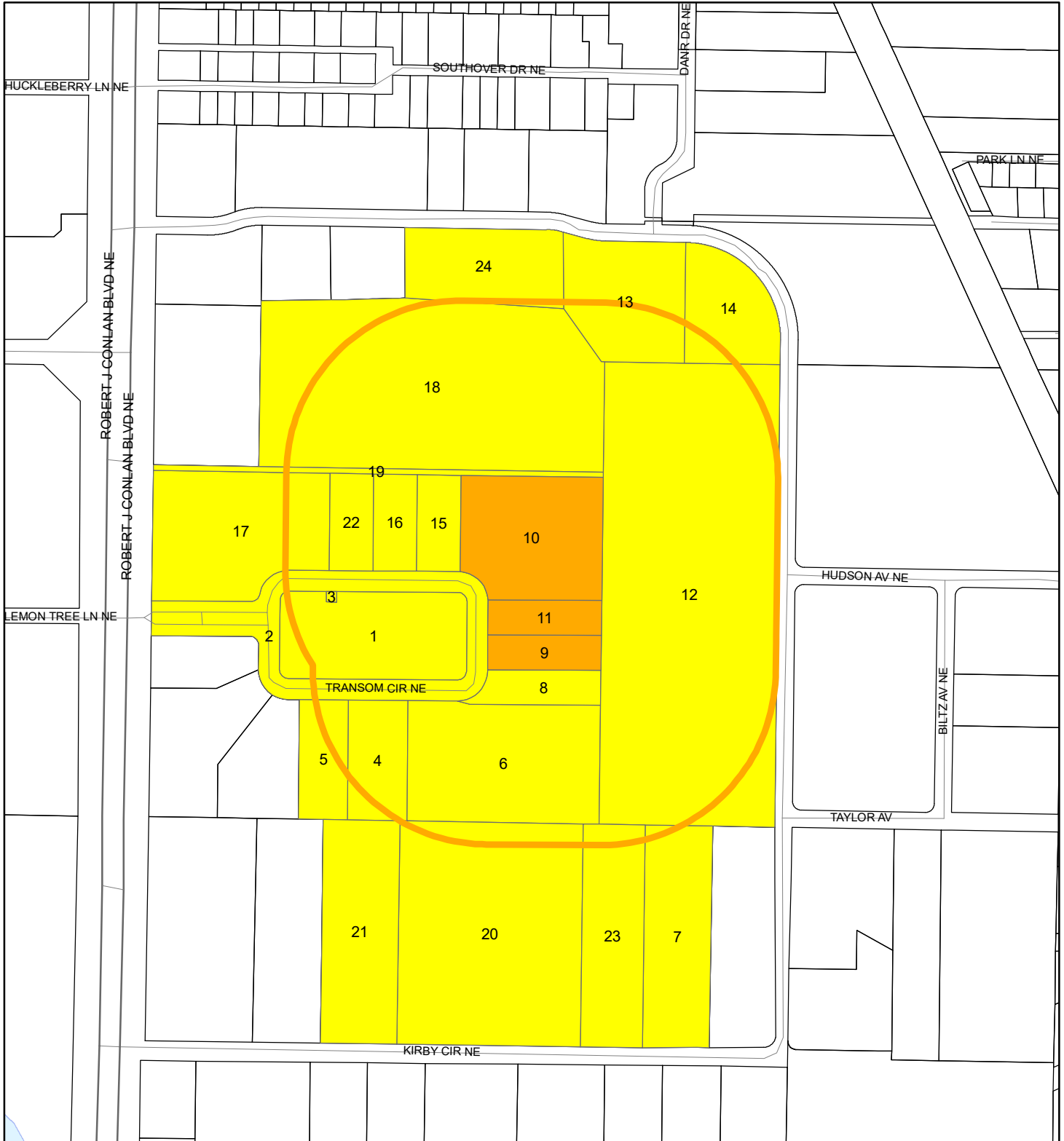
# Appendix A



# RADIUS MAP

EQUIPMENTSHARE.COM INC

KimleyHorn\_28371478\_7



1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/9/2023

- Buffer
- Subject Property
- Notify Property
- Parcels

x BAY COMMERCIAL CENTER OWNERS  
ASSOCIATION INC  
304 S HARBOR CITY BLVD, STE 201  
MELBOURNE FL 32901-1382

CONLAN SS ASSOCIATES LLC  
1190 BUSINESS CENTER DR, STE 2000  
LAKE MARY FL 32746-7680

x DONALD HAROLD REILLY REVOCABLE  
TRUST  
LORRAINE LYNNE REILLY REVOCABLE  
TRUST  
9848 RIVERVIEW DR  
MICCO FL 32976-3121

x EQUIPMENTSHARE.COM INC  
5710 BULL RUN DR  
COLUMBIA MO 65201-2860

x KIRBY CIRCLE WAREHOUSE COMPLEX  
LLC  
626 OLD DIXIE SW HWY SW  
VERO BEACH FL 32962-4536

x L S D LLC  
2835 KIRBY CIR NE #101  
PALM BAY FL 32905-

xLLT HOLDING LLC  
311 SUNSET BLVD  
MELBOURNE BEACH FL 32951-2043

x MAULE HOLDINGS LLC  
1313 PONCE DE LEON BLVD, STE 301  
CORAL GABLES FL 33134-3343

x NP CONLAN PROJECT LLC  
PO BOX 428  
MELBOURNE FL 32902-0428

x PALM BAY, CITY OF  
120 MALABAR RD SE  
PALM BAY FL 32909-

x RK6 LLC  
405 ORLANDO BLVD  
INDIALANTIC FL 32903-3424

x SUDDATH RELOCATION SYSTEMS OF  
MELBOURNE INC  
PO BOX 48088  
JACKSONVILLE FL 32247-8088

x TELCO 214 INC  
2571 KIRBY CIR NE  
PALM BAY FL 32905-3401

x TRANSOM PADDOCK LLC  
217 3RD AVE  
MELBOURNE BEACH FL 32951-2315

x UHW INVESTMENTS LLC  
340 LANSING ISLAND DR  
SATELLITE BEACH FL 32937-5015

x ZARSKI PROPERTIES LLC  
272 BRIGHTWATER DR SE  
PALM BAY FL 32909-2304

# Appendix B



March 14, 2023  
147909000  
Equipment Share Conditional Use Public Meeting

Notice of Public Meeting

To whom it may concern,

EquipmentShare is proposing an above ground fueling pad on their new site located at 2571 Transom Circle NE just off of Robert J Conlan Blvd NE in Palm Bay Florida. We are applying for a conditional use permit as the fueling pad is a conditional use within the zoning of our property.

As required by Am. Ord. 2023-06, passed 2-16-23, City of Palm Bay, Florida; a public meeting will be held on Wednesday March 22, 2023, at 2:00 pm at 2571 Transom Circle NE just off of Robert J Conlan Blvd NE in Palm Bay Florida.

This will be a chance to learn a bit about the project and address any concerns regarding the application for conditional use.

Should you have any additional questions please do not hesitate to contact me at (772) 794-4107 or [Samantha.Bischoff@kimley-horn.com](mailto:Samantha.Bischoff@kimley-horn.com).

Sincerely,

Samantha Bischoff

Microsoft Teams meeting

**Join on your computer, mobile app or room device**

[Click here to join the meeting](#)

Meeting ID: 292 768 935 648

Passcode: bDRwiL

[Download Teams](#) | [Join on the web](#)

**Join with a video conferencing device**

340760667@t.plcm.vc

Video Conference ID: 119 930 579 1

[Alternate VTC instructions](#)

**Or call in (audio only)**

[+1 984-204-1608,311403856#](tel:+19842041608311403856) United States, Raleigh

Phone Conference ID: 311 403 856#

# Appendix C

# MEETING SIGN-IN SHEET

<b>Project:</b>	Palm Bay EquipmentShare	<b>Meeting Date:</b>	03/22/2023
<b>Facilitator:</b>	Samantha Bischoff	<b>Place/Room:</b>	2571 Transom Circle NE

[illegible]

# Project Details: CU23-00001

## Project Type: Conditional Use

Project Location: **Palm Bay, FL**  
Milestone: **Submitted**  
Created: **3/6/2023**  
Description: **EquipmentShare**  
Assigned Planner: **Stephen White**

### Contacts

Contact	Information
Owner/Applicant	Jabbok Schlacks, CEO, EquipmentShare.com Inc. 5710 Bull Run Drive Columbia, MO 65201 (423) 402-7270 legal.general@equipmentshare.com
Legal Representative	Samantha Bischoff 445 24th Street Vero Beach, FL 32960 (772) 794-4107 samantha.bischoff@kimley-horn.com
Assigned Planner	Stephen White -1  stephen.white2@palmbayflorida.org
Submitter	Samantha Bischoff 445 24th Street, Suite 200 Vero Beach, FL 32960 (240) 361-8321 samantha.bischoff@kimley-horn.com

### Fields

Field Label	Value
Size of Area (acres)	
Conditional Use Sought	Fueling Pad
or Special Requirements Use	Not Applicable
Is Submitter the Representative?	False
Resolution Number	
Block	*
Lot	7

# Project Details: CU23-00001

Section Township Range	14-28-37
Subdivision	78
Year Built	
Use Code	4000
Use Code Desc	VACANT INDUSTRIAL LAND
LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	3029628
Flu Description	
Flu Code	
Zoning Description	
Zoning Code	
Subdivision Name	



April 27, 2023

**Re: Letter of Authorization**

***As the property owner of the site legally described as:***

Lots 7,8, and 9 in the Bay Commercial Center, according to the plat thereof as recorded in plat book 72, pages 14-15, of the public records of Brevard County, Florida. Located in the City of Palm Bay, Section 14 Township 28 South, Range 37 East, at 2571 Transom Circle NE, Palm Bay, Florida 32905.

**I, Owner Name:** EquipmentShare.com Inc Jabbok Schlacks, CEO

**Address:** 4840 Geminus Dr. Chattanooga, TN 37416

**Telephone:** 423-402-7270

**Email:** legal.general@equipmentsshare.com

***hereby authorize:***

**Representative:** Kimley Horn and Associates, Inc. - Samantha Bischoff

**Address:** 445 24th Street Suite 200 Vero beach, FL 32960

**Telephone:** 772-794-4107

**Email:** samantha.bischoff@kimley-horn.com

***to represent the request(s) for:***

Conditional Use Application

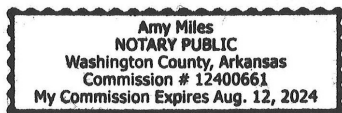
(Property Owner Signature)

STATE OF Arkansas

COUNTY OF Washington

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, this 4th day of May, 2023 by

Jabbok Schlacks, property owner.



Amy Miles, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

# Acknowledgement Log

**Header:**

Legal Acknowledgement

**Text:**

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made 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 application and that the facts stated in it are true.

**Accepted By:**

Samantha Bischoff

**On:**

3/6/2023 10:56:14 AM

☒ CU23-00001

Select Language ▼

 Home |  City of Palm Bay

© 2023 - Intuitive Municipal Solutions, LLC



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005773931

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 340.30

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/20/23

**Text of Ad:**

Ad#5773931 07/20/2023  
**CITY OF PALM BAY, FLORIDA  
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 August 2, 2023, and by the City Council on August 17, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):  
1. CP23-00008 – Tara Williamson and Ronald Chabot (Kelly Hyvonen, AICP, Land Development Strategies, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial and High Density Residential to Commercial.  
Lot 1 of Block R and Lot 18.01 of Block C, Hiawatha Gardens Section 2, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.06 acres. Located at the southwest intersection of Hiawatha Avenue NE and Dixie Highway NE  
2. \*\*Z23-00012 - Lawrence Kramer  
A Zoning Change from an IU, Institutional Use District to an RC, Restricted Commercial District.  
Lot 11, Point West Estates, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE  
3. \*\*Z23-00011 - 1611 Meridian, LLC, Nuri Dorra, Manager (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Zoning Change from an IU, Institutional Use District to a CC, Community Commercial District.  
Tax Parcel 262, Section 22, Township 28, Range 37, Brevard County, Florida; containing approximately 4.08 acres. Located at the northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Rd NE  
4. CP23-00014 - KEW, LLC, Michael Erdman, managing member (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial.  
A portion of Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE  
5. FS23-00006 - Heritage Square Partners, LLC, Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 4-lot commercial subdivision called Commercial at Heritage Square.  
Tract X, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. In the vicinity west of St. Johns Heritage Parkway NW, north of and adjacent to Malabar Road NW  
6. PS23-00006 - Diocese of Orlando, John G. Noonan, Bishop (David W. Bassford, P.E., MBV Engineering, Inc., Rep.)  
A Preliminary Subdivision Plan to allow for a proposed development of 88 town-

home units and 35 single-family residential units to be called Bayside Landings. Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. Located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE

**7. CP23-00015 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Public/Semi-Public to Commercial. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**8. \*\*CP23-00008 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Zoning Amendment from an IU, Institutional Use District to an RC, Restricted Commercial District. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**9. T23-00013 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.123, to provide clear language for authorized parking within residential districts.**

**10. T23-00014 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Sections 184.35 and 184.36, to add language and procedures for lot splits and lot reconfigurations within the City of Palm Bay.**

**11. T23-00015 - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District.**

**12. T23-00017 – All Digital All Day, LLC (Matthew Ashley, Rep.) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17, to modify language for the distance between billboards to be in alignment with state statutes.**

**13. T23-00019 – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to amend Section 184.15 regarding the conditions governing the issuance of building permits for model homes.**

**14. T23-00020 - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay.**

**\*\*Indicates quasi-judicial request(s).**  
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.  
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Stephen White, Senior Planner

**DATE:** August 2, 2023

**SUBJECT:** CP23-00008 – Hiawatha Gardens - Tara Williamson and Ronald Chabot (Kelly Hyvonen, AICP, Land Development Strategies, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial and High Density Residential to Commercial. Lot 1 of Block R and Lot 18.01 of Block C, Hiawatha Gardens Section 2, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.06 acres. Located at the southwest intersection of Hiawatha Avenue NE and Dixie Highway NE

### ATTACHMENTS:

#### Description

- ☐ CP23-00008 - Staff Report
- ☐ CP23-00008 - Survey
- ☐ CP23-00008 - Citizen Participation Plan Report
- ☐ CP23-00008 - Application
- ☐ CP23-00008 - Letter of Authorization 1
- ☐ CP23-00008 - Letter of Authorization 2
- ☐ CP23-00008 - Legal Acknowledgement
- ☐ CP23-00008 - Legal Ad



## STAFF REPORT

### LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmabayflorida.org](mailto:landdevelopmentweb@palmabayflorida.org)

#### Prepared by

Stephen White, Senior Planner

---

#### CASE NUMBER

CP23-00008

#### PLANNING & ZONING BOARD HEARING DATE

August 2, 2023

---

#### PROPERTY OWNER & APPLICANT

Williamson, Tara & Chabot, Ronald (Kelly Hyvonen, AICP, Land Development Strategies, Rep.)

#### PROPERTY LOCATION/ADDRESS

Block R & C, lots 1 & 18.01, Subdivision 50, Section 13, Township 28, Range 37, Brevard County, Florida; containing approximately 1.06 acres. Generally located south of Hiawatha Avenue NE and west of Dixie Highway NE and specifically located at the intersection of Hiawatha Avenue NE and Dixie Highway NE.  
Tax Accounts 2825912 & 2851346

---

#### SUMMARY OF REQUEST

The applicant is requesting a future land use map amendment from COM, Commercial and HDR, High Density Residential to COM, Commercial.

##### Existing Zoning

HC, Highway Commercial

##### Existing Land Use

COM, Commercial and HDR, High Density Residential

##### Site Improvements

Unimproved Land

##### Site Acreage

Approximately 1.06 acres

---

#### SURROUNDING FUTURE LAND USE & USE OF LAND

##### North

COM, Commercial; Single-Family Home

##### East

HDR, High Density Residential; Vacant water rights property

##### South

HDR, High Density Residential; Vacant

##### West

HDR, High Density Residential; Single-Family Home

---

**BACKGROUND:**

The subject property is at the intersection of Hiawatha Avenue NE and Dixie Highway NE. One parcel contains approximately 0.9-acres and the second parcel contains approximately 0.16-acres for a combined size of 1.06-acres.

The two properties currently have two separate Future Land Use designations assigned to them. The eastern portion of the properties is Commercial and the west portion is High Density Residential. The applicant is requesting both parcels have a Future Land Use designation of Commercial. The property is currently zoned HC, Highway Commercial. This request to amend the Future Land Use would make it compatible with the assigned zoning district.

**ANALYSIS:**

Per Chapter 183: Comprehensive Plan Regulations, Section 183.01(B), the purpose and intent of the Comprehensive Plan is to encourage the most appropriate use of land and resources to promote the health, safety, and welfare of the community.

**1. FUTURE LAND USE ELEMENT**

The Comprehensive Plan (Plan) FLU Element Goal FLU-1 is to ensure a high-quality, diversified living environment through the efficient distribution of compatible land uses.

Objective FLU-1.1, Adopt and implement a Future Land Use Map (FLUM), which may be amended from time to time, to regulate the location, use, density, and intensity of new development in the City.

The subject parcel currently has two separate FLU designations. The applicant has requested a FLU amendment to bring the property in alignment with the entire parcels. The eastern portions that abut an arterial roadway have a Commercial designation. The western half of the parcels are High Density Residential.

Objective FLU-1.4, Provide and maintain FLUCs and zoning districts that would accommodate a diverse range of nonresidential activities of varying types and sizes.

With the proposed amendment, having all portions of the properties under one Future Land Use designation will increase the ability for Commercial Uses to take place on the property. It will also allow residents with a more diverse area that is also within walking distance. With the properties to the south and western boundaries, walkability will be compatible with this use due to the surrounding properties to the west and south being

High Density Residential.

Objective FLU-1.10, Cultivate an environment supportive of sustainable economic development within the City.

The combination of Future Land Use designations will enhance the economic development within the City. It will allow for development to be entirely commercial along an arterial roadway and high traffic area.

## 2. CONSERVATION ELEMENT

The environmental character of the City is maintained through conservation, appropriate use, and protection of natural resources.

No protected species are known to inhabit the subject property. Any protected species that would be found on the subject property would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.6A and ensure during the Site Plan review phase.

**Coastal Management:** The subject property is not located within the Coastal Management Area.

## 3. HOUSING ELEMENT

HSG -1 of the Housing element in the Comprehensive Plan is to cultivate a diverse, safe and affordable housing stock that meets the needs of all current and future residents of Palm Bay.

The proposed Future Land Use amendment will not adversely affect the Housing Element of the Comprehensive Plan.

## 4. INFRASTRUCTURE ELEMENTS

The City evaluates present and future water, sewer, drainage, and solid waste and assesses the ability of infrastructure to support development.

**Utilities:** The FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. Public water and sewerage connections are present on the site.

**Drainage:** If developed, a drainage plan must be prepared in accordance with current regulations and approved by the City, along with appropriate outside agencies, including the St. Johns River Water Management District. Any proposed stormwater management



system will be reviewed and approved by the City during the site plan review process.

#### 5. INTERGOVERNMENTAL COORDINATION ELEMENT

**Public Schools:** This proposed Future Land Use Map amendment will not require a School Concurrency application is not required per the Interlocal Agreement.

#### 6. RECREATION AND OPEN SPACE ELEMENT

The proposed Future Land Use amendment to Commercial will have no impact on the demand for recreation services. The proposed Commercial Use will not require Recreation/Open Space.

#### 7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that adequately serves the needs of all residents and visitors of Palm Bay. If developed, a traffic impact analysis may be required to determine any negative impacts on the existing transportation system along with any suggested improvements, which will be taken under consideration during the Site Plan review phase.

#### 8. PROPERTY RIGHTS ELEMENT

The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights.

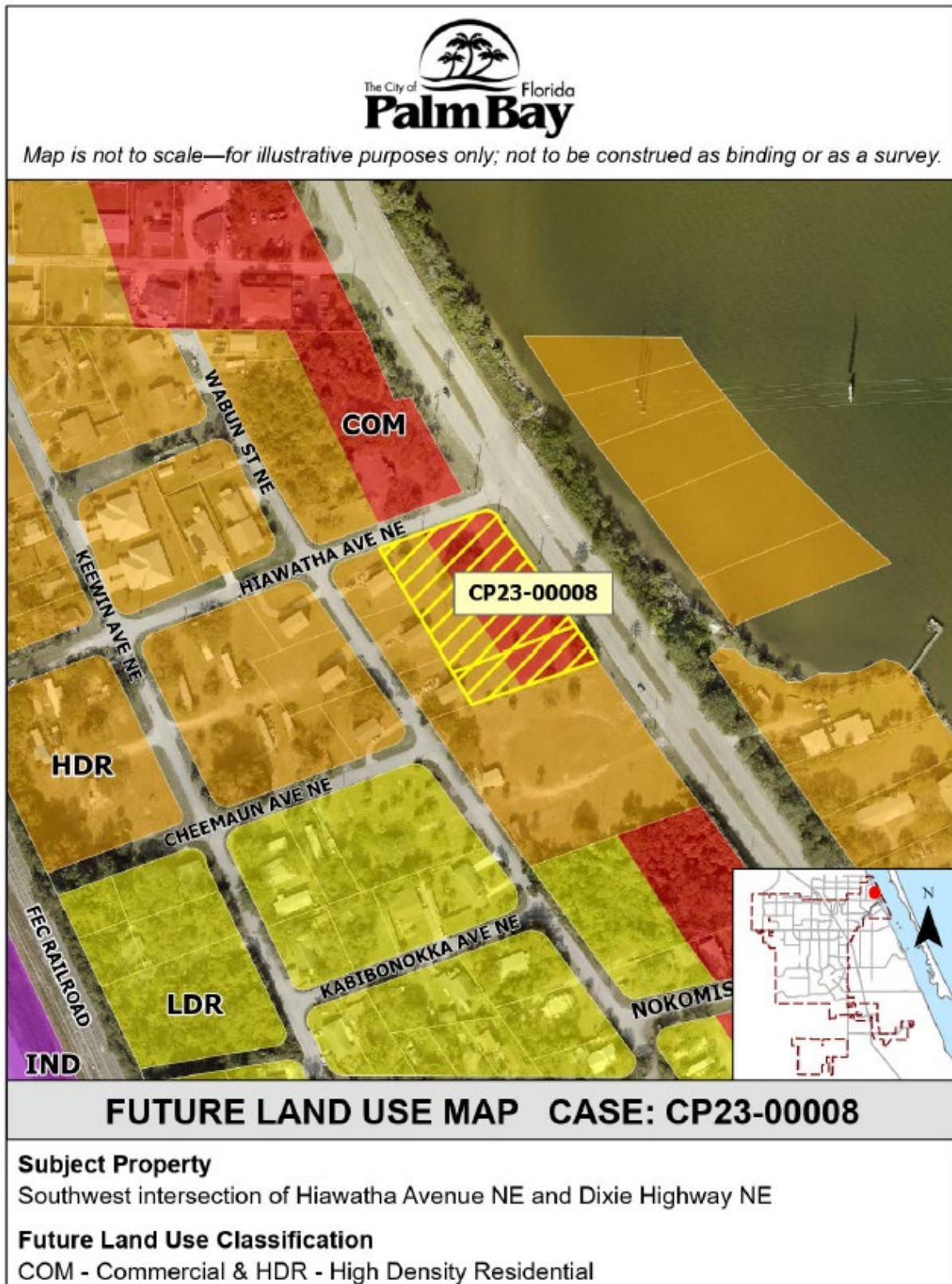
This proposed land-use change does not appear to infringe upon the property rights of the applicant.

#### **STAFF FINDINGS:**

Staff recommends Case CP23-00008 for approval.





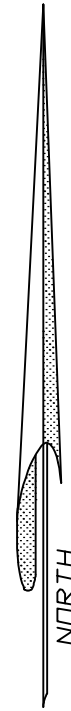




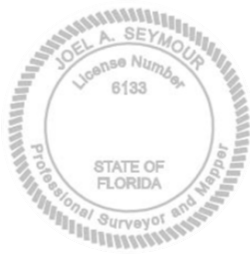


# MAP OF BOUNDARY & TOPOGRAPHIC SURVEY

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHORD BRG
CH(M)	75.12'	2917.93'	1728'30"	75.12' N33°18'34"W
CH(D)	74.82'	2912.93'	1728'09"	74.82' N34°23'02"W
CH(M)	20.84'	2897.93'	0724'43"	20.84' N34°40'19"W
CH(D)	21.26'	2917.93'	0725'13"	
CH(M)	50.93'	2897.93'	1700'00"	50.93' N32°04'19"W



SANITARY  
SEWER MANHOLE  
RM=19.78  
INV INACCESSIBLE



**CERTIFICATION:**  
I HEREBY CERTIFY THAT THE ATTACHED SURVEY WAS DONE UNDER MY  
DIRECTION AND MEETS THE STANDARDS AND PRACTICE SET FORTH BY THE  
FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17  
FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA  
STATUTES.

*Joel Seymour*

DATE: 4/4/23

JOEL A. SEYMOUR PROFESSIONAL LAND SURVEYOR AND MAPPER  
STATE OF FLORIDA NO. LS 6133

DRAWN BY: JAS

SCALE 1 INCH = 20 FEET

4/4/2023 | 3:14 AM PDT

## LEGAL DESCRIPTION:

ORB 3058, PAGE 273:

Lots 1 through 5, 9, 10, 21, 22 and a portion of Lots 6, 7, 8, 11, and 20, Block R; the North 40.05 feet of Lot 19 and a portion of the North 40.05 feet of Lot 18, Block C; along with the portion of the 10 foot alleys adjacent to said Lots in Block R, and a portion of vacated Cheemaun Avenue; all in Hiawatha Gardens Section 2, Plat Book 6, Page 46, Brevard County, Florida, more particularly described as follows: Beginning at the most Northerly corner of said Lot 5, Block R, which is a point on the Westerly R.O.W. of U.S. Highway No. 1; thence S 69 degrees 23'41" W along the Northerly line of said Lot 5 and the Westerly R.O.W. of U.S. Highway No. 1 a distance of 20.66 feet; thence continuing along said Westerly R.O.W. an arc distance of 74.82 feet along a curve to the right having a radius of 2917.93 feet and a central angle of 1 degrees 28' 09" (the chord of which bears N 34 degrees 23'02"W a distance of 74.82 feet) to a point on the South R.O.W. of Hiawatha Avenue; thence S 69 degrees 23'41" W along said South R.O.W. a distance of 159.47 feet; thence S 35 degrees 18'43" E. a distance of 281.28 feet to a point on the South line of the Northerly 40.05 feet of said Block C; thence N 69 degrees 21'55" E along said South line a distance of 180.00 feet to the Westerly R.O.W. of U.S. Highway No. 1; thence N 35 degrees 38'29" W along said Westerly R.O.W. a distance of 185.10 feet to a point of curvature; thence continuing along said Westerly R.O.W. an arc distance of 21.26 feet along a curve to the right having a radius 2917.93 feet and a central angle of 0 degrees 25'13" to the Point of Beginning. Containing 1.086 acres more or less.

## LEGEND

A = ARC  
A/C = AIR CONDITIONER  
BFE = BASE FLOOD ELEVATION  
BLDG = BUILDING  
BLK = BLOCK  
BM = BENCHMARK  
BRG = BEARING  
C = CALCULATED  
CATV = CABLE TELEVISION  
CBS = CONCRETE BLOCK STRUCTURE  
CHD = CHORD  
C/L = CENTERLINE  
CLF = CHAIN LINK FENCE  
CMP = CONCRETE MONUMENT FOUND  
CMP = CORRUGATED METAL PIPE  
CONC = CONCRETE  
COR = CORNER  
CUP = CONCRETE UTILITY POLE  
(D) = DEED  
DB = DEED BOOK  
DA = DELTA ANGLE  
ELEC = ELECTRIC  
ELEV = ELEVATION  
ENC = ENCROACHMENT  
EOP = EDGE OF PAVEMENT  
ESMT = EASEMENT  
FB = FIELD BOOK  
FEMA = FEDERAL EMERGENCY MANAGEMENT AGENCY  
FF = FINISHED FLOOR  
FNC = FENCE  
FND = FOUND  
FPLB = FLORIDA POWER & LIGHT COMPANY  
ID = IDENTIFICATION  
IPF = IRON PIPE FOUND  
IRC = IRON ROD & CAP FOUND  
IRF = IRON ROD FOUND  
IRS = 5/8" IRON ROD SET "LB 7838"  
LB = LICENSED BUSINESS NUMBER  
LS = (RLS) or (PLS) REGISTERED OR PROFESSIONAL LAND SURVEYOR  
(M) = MEASURED  
NAVD = NORTH AMERICAN VERTICAL DATUM  
NDF = NAIL & DISK FOUND  
NDS = 1 1/4" NAIL & DISK SET "LB 7838"  
NGVD = NATIONAL GEODETIC VERTICAL DATUM  
No. = NUMBER  
O/H = OVERHEAD  
ORB = OFFICIAL RECORDS BOOK  
O/S = OFFSET  
(P) = PLAT  
PB = PLAT BOOK  
PC = POINT OF CURVATURE  
PCC = POINT OF COMPOUND CURVATURE  
PCP = PERMANENT CONTROL POINT  
PI = POINT OF INTERSECTION  
PLS = PROFESSIONAL LAND SURVEYOR  
POB = POINT OF BEGINNING  
POC = POINT OF COMMENCEMENT  
PRO = POINT OF REVERSE CURVATURE  
PRM = PERMANENT REFERENCE MONUMENT  
PSM = PROFESSIONAL SURVEYOR AND MAPPER  
PT = POINT OF TANGENCY  
R = RADIUS  
REF = REFERENCE  
RING = RANGE  
R/W = RIGHT OF WAY  
SEC = SECTION  
SFHA = SPECIAL FLOOD HAZARD AREAS  
TEL = TELEPHONE RISER  
TWP = TOWNSHIP  
TYP = TYPICAL  
UP = UTILITY POLE  
WD = WOOD  
WIT-COR = 5/8" IRON ROD SET WITH CAP "WITNESS LB 7838"  
WM = WATER METER  
WUP = WOOD UTILITY POLE  
XCF = CROSS CUT FOUND

## NOTES:

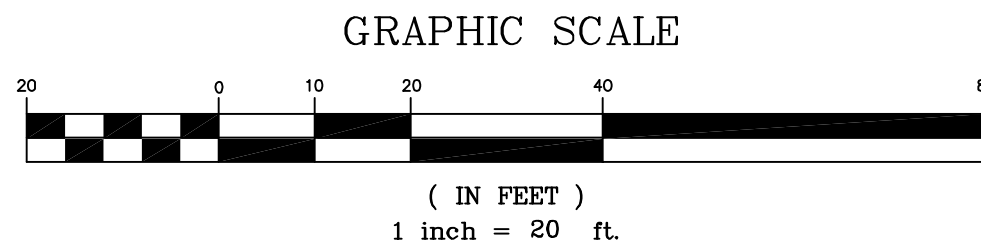
- BEARINGS BASED ON THE WEST LINE OF THE SUBJECT PARCEL BEING S 34°23'02" E AS PER ASSUMED DATUM (SEE SKETCH)
- ELEVATIONS BASED ON NAVD 1988 & CITY OF PALM BAY BENCHMARK "DH-086" BEING AT AN ELEVATION OF 22.422 FEET NAVD 1988. (NAVD 1988 + 1.41 FEET = NGVD 1929)
- FLOOD ZONE "X", MAP No. 12009C0612H COMMUNITY No. 120404, JANUARY 29, 2021. FLOOD ZONE INFORMATION DEPICTED HEREON IS APPROXIMATE. FEMA RETAINS SOLE AUTHORITY REGARDING BOUNDARY AND EXTENT OF SFHA.
- HORIZONTAL CLOSURE MEETS OR EXCEEDS THE ACCURACY REQUIREMENTS FOR SUBURBAN LAND AS PER FLORIDA STATUTE 5J-17-6.003
- BEARINGS, DISTANCES OR ANGLES SHOWN ARE THE SAME AS PLAT, DEED OR RECORD UNLESS SHOWN OTHERWISE.
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.
- THE SURVEYOR HAS NOT LOCATED NOR ATTEMPTED TO LOCATE ANY UNDERGROUND UTILITIES, FOUNDATIONS, OR STRUCTURES OTHER THAN THOSE THAT MAY BE SHOWN HEREON.
- ONLY BOUNDARY CORNER MONUMENTS AS SHOWN HEREON ARE TO BE USED FOR THE LOCATION AND CONSTRUCTION OF IMPROVEMENTS.
- UNLESS OTHERWISE INDICATED THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE SEARCH OR ATTORNEY'S TITLE OPINION.
- U.S. HIGHWAY 1 R/W AS PER FLORIDA DEPARTMENT OF TRANSPORTATION R/W MAP SEC. 70010-2277.

## CERTIFIED TO:

RONALD CHABOT  
HIAWATHA GARDENS PB, LLC

BOUNDARY & TOPOGRAPHIC SURVEY	DATE: 9/14/22	JOB No. 42345
		FB 22-6-40
		HIAWATHA/HIAWATHA

**Kane Surveying, Inc.**  
FLORIDA LICENSED BUSINESS No. LB 7838  
505 DISTRIBUTION DRIVE  
MELBOURNE, FLORIDA 32904  
(321) 676-0427  
FAX (321) 984-1448



+50.3 EXISTING GRADE ELEV  
O INDICATES OAK TREE  
WITH DIAMETER (TYP)



## **CITIZEN PARTICIATION REPORT**

Applicant should follow established Citizen Participation Plan as specified in § 169.005 CITIZEN PARTICIPATION PLANS.

### **CASE DETAILS**

Applicant Name	Kelly Hyvonen, AICP
Case Number	
Project Name	Hiawatha Gardens
Date of Submission	4/24/2023

### **INFORMATION ON THE PUBLIC HEARING**

Notice to the Public (Date)	4/14/2023
Date of CPP	4/24/2023
Location of the Meeting	Greater Palm Bay Chambe, 4100 Dixie Hwy NE, Palm Bay
Method of CPP	In person
Number of Attendees	2, plus the applicant and property owner, for a total of 4

DENOTE ANY ADVERSE COMMENTS/COMPLAINTS/ CONCERNS/ ISSUES RECEIVED AND DESCRIBE RESOLUTION OR PROVIDE JUSTIFICATION IF THE APPLICANT IS UNABLE OR UNWILLING TO ADDRESS THE ISSUE :






Immediately following this page, attach the documents below in the order listed:

- Copy of notice sent
- Sign-In Sheets
- Material distributed or presented at the meeting
- Minutes of the meeting
- Copy of correspondence from property owners within a 500-foot radius (if any).

\*All the property owners within a 500-foot radius of the subject parcel shall be informed about the meeting date, time and location

I hereby certify that information provided as part of this report is correct.

  
\_\_\_\_\_  
Signature

Kelly Hyvonen, AICP, Principal Planner

\_\_\_\_\_  
Typed Name and Title:

Date : 4/24/2023





April 14, 2023

RE: Community Informational Meeting on **Monday, April 24, 2023 at 3pm**

Dear Neighbor:

The property owner of the 1.06 acre vacant/unimproved property located at the southwest corner of US 1 and Hiawatha Avenue in Palm Bay, FL (tax accounts 2825912 and 2851346) desires to construct a unique development consisting of a microbrewery with food trucks, referred to in city code as a brew pub. See the location map below. To accomplish this, the property requires the Bayfront Mixed Use (BMU) zoning district and future land use designation.

We intend to make application for the following:

- Comprehensive Plan map amendment from Commercial (COM) and Multi-Family Residential (MFR) to BMU.
- Rezoning from Highway Commercial (HC) to BMU.

Before submitting applications, we hope you will join us for an informational meeting to discuss the request and conceptual plans in more detail, answer your questions or concerns, and have a useful dialogue on how the proposed use may better meet the community's needs. We will then continue through the review and public hearing process for these requests.

## COMMUNITY INFORMATIONAL MEETING

DATE: Monday, April 24, 2023  
TIME: 3:00pm  
PLACE: Greater Palm Bay Chamber  
4100 Dixie Highway NE  
Palm Bay, FL 32905

Feel free to contact me with questions at 612-710-9296 or via email at [kelly.hyvonen@gmail.com](mailto:kelly.hyvonen@gmail.com).

Best Regards,

Kelly Hyvonen, AICP  
Principal Planner



Subject Property Location Map

# Community Meeting Sign In Sheet

# Hiawatha Gardens

Date: 24-Apr-23

**Time:**

3 pm

**Location:** Greater Palm Bay Chamber

**Name (Please Print)**

# Address

Phone #

# Email

[illegible]





EXISTING AND DEMOLITION PLAN



PRELIMINARY SITE PLAN

LEGAL DESCRIPTION:

**LEGAL DESCRIPTION:**  
ORB 3058, PAGE 273:  
Lots 1 through 5, 9, 10, 21, 22 and a portion of Lots 6, 7, 8, 11, and 20, Block R; the North 40.05 feet of Lot 19 and a portion of the North 40.05 feet of Lot 18, Block C; along with the portion of the 10 foot alleys adjacent to said Lots in Block R, and a portion of vacated Cheemaun Avenue; all in Hiawatha Gardens Section 2, Plat Book 6, Page 46, Brevard County, Florida, more particularly described as follows: Beginning at the most Northerly corner of said Lot 5, Block R, which is a point on the Westerly R.O.W. of U.S. Highway No. 1; thence S 69 degrees 23'41" W along the Northerly line of said Lot 5 and the Westerly R.O.W. of U.S. Highway No. 1 a distance of 20.66 feet; thence continuing along said Westerly R.O.W. an arc distance of 74.82 feet along a curve to the right having a radius of 2917.93 feet and a central angle of 1 degrees 28' 09" (the chord of which bears N 34 degrees 23'02" W a distance of 74.82 feet) to a point on the South R.O.W. of Hiawatha Avenue; thence S 69 degrees 23'41" W along said South R.O.W. a distance of 159.47 feet; thence S 35 degrees 18'43" E, a distance of 281.28 feet to a point on the South line of the Northerly 40.05 feet of said Block C; thence N 69 degrees 21'55" E along said South line a distance of 180.00 feet to the Westerly R.O.W. of U.S. Highway No. 1; thence N 35 degrees 38'29" W along said Westerly R.O.W. a distance of 185.10 feet to a point of curvature; thence continuing along said Westerly R.O.W. an arc distance of 21.26 feet along a curve to the right having a radius 2917.93 feet and a central angle of 0 degrees 25'13" to the Point of Beginning. Containing 1.086 acres more or less.

SURVEY LEGEND:

+30.3 EXISTING GRADE ELEV  
INDICATES OAK TREE WITH DIAMETER (TYP)

LEGEND:

DESCRIPTION	
PROPERTY LINE	---
PROPOSED BUILDING	▬
ASPHALTIC PAVEMENT	▨
CONCRETE SIDEWALK	▤
STORMWATER CONTOUR	- - - - -



VICINITY MAP

GENERAL STATEMENT

THIS PROJECT CONSISTS OF THE CONSTRUCTION OF A FOOD TRUCK PARK AND BREWERY. THE PROPOSED BUILDING INCLUDES A PREP KITCHEN AND BATHROOM AREA WITH AN OUTDOOR COVERED SEATING AREA ADJACENT TO IT. ALSO WITHIN THE PROPOSED BUILDING IS THE TAP ROOM AREA FOR BREWING OPERATIONS. NEW WATER AND SEWER CONNECTIONS TO THE EXISTING PALM BAY UTILITIES INFRASTRUCTURE ARE PROPOSED FOR SERVICE TO THE IMPROVEMENTS. ALSO INCLUDED ARE PARKING AND SIDEWALK IMPROVEMENTS WITH A DUMPSTER FOR REFUSE. THE OVERALL DEVELOPMENT WILL BE SUPPORTED BY A PROPOSED DRY RETENTION POND TO COLLECT AND TREAT STORMWATER RUNOFF GENERATED FROM THE SITE.

CONTACT INFORMATION

OWNER  
HIAWATHA GARDENS PB, LLC  
RONALD CHABOT  
1191 RIVER DRIVE NE  
PALM BAY, FL 32905

CIVIL ENGINEER:  
TRAUGER CONSULTING ENGINEERS, INC.  
ERIN TRAUGER  
2210 FRONT STREET STE #204  
MELBOURNE, FL 32901  
TEL: 321-652-5316  
E-MAIL: ERIN.TRAUGER@GMAIL.COM

SURVEYOR:  
KANE SURVEYING, INC.  
JOEL A. SEYMOUR  
505 DISTRIBUTION DRIVE  
MELBOURNE, FL 32904  
TEL: 321-676-0427  
EMAIL: KANE.SURVEYING@BELLSOUTH.NET

ARCHITECT:  
MELD STUDIO ARCHITECTURE, LLC  
JEFF ANDERSON  
1542 GUAYAVA AVE.  
MELBOURNE, FL 32935  
TEL:321-428-3869

SITE DATA

TOTAL LOT ACREAGE: 1.09 ACRES  
FUTURE LAND USE: HC - HIGHWAY COMMERCIAL  
CURRENT ZONING CLASSIFICATION: BU-1-A  
RE-ZONING TO: BMU - BAYFRONT MIXED USE  
FIRM #12009C0612H4 (1-29-2021) FLOOD ZONE X  
PARCEL ID: 28-37-13-50-R-1  
TAX ACCOUNT NUMBER: 2825912

TOWNSHIP: 28  
RANGE: 37  
SECTION: 13

PROPOSED LOT COVERAGES:	SF	ACRE	PERCENT
BUILDING COVERAGE	2,319	0.05	5%
COVERED PATIO AREA	1,794	0.04	4%
PROPOSED IMPERVIOUS (SIDEWALK AND PARKING):	20,866	0.48	44%
TOTAL PROPOSED IMPERVIOUS	24,979	0.57	53%
PROPOSED PERVIOUS	22,263	0.52	47%
TOTAL GROSS AREA:	47,432	1.09	100%

SETBACKS:	MINIMUM	PROPOSED
SIDE CORNER (EAST)	0'	25.91'
SIDE INTERIOR (ADJ TO RESIDENTIAL; WEST)	5'	70.18'
FRONT (NORTH)	0'	159.26'
REAR (SOUTH)	20'	70.00'

PARKING SPACE CALCULATIONS:  
1 SPACE PER 3 SEATS; PLUS 1 SPACE PER EMPLOYEE  
100 SEATS / 3 = 34 SPACES REQUIRED; PLUS 5 SPACES FOR EMPLOYEES  
TOTAL SPACES REQUIRED = 39

TOTAL SPACES PROVIDED:  
39 SPACES INCLUDING 2 HANDICAP PARKING SPACES

BUILDING DATA

MAXIMUM ALLOWED BUILDING HEIGHT PERMITTED= 40'  
PROPOSED BUILDING HEIGHT ≤ 40' SINGLE STORY



2210 FRONT STREET STE 204, MELBOURNE, FL 32901  
erin.trauger@gmail.com 01321.372.3060 C 321.652.5316

HIAWATHA GARDENS  
BREVARD COUNTY, FLORIDA

PRE-APPLICATION SITE PLAN

JAMES R. TRAUGER  
FL. P.E. #75012

DATE: 10-17-22  
TOWNSHIP: 28

RANGE: 37

SECTION: 13

SCALE: 1"=30'

DRAWING NO.

PROJECT:

EX-5B



CUSTOM DESIGN

# **HIAWATHA GARDENS**

## **FOOD TRUCK PARK**

---

04.19.2023



AERIAL SITE VIEW





PAVILION PERSPECTIVE





PAVILION PERSPECTIVE





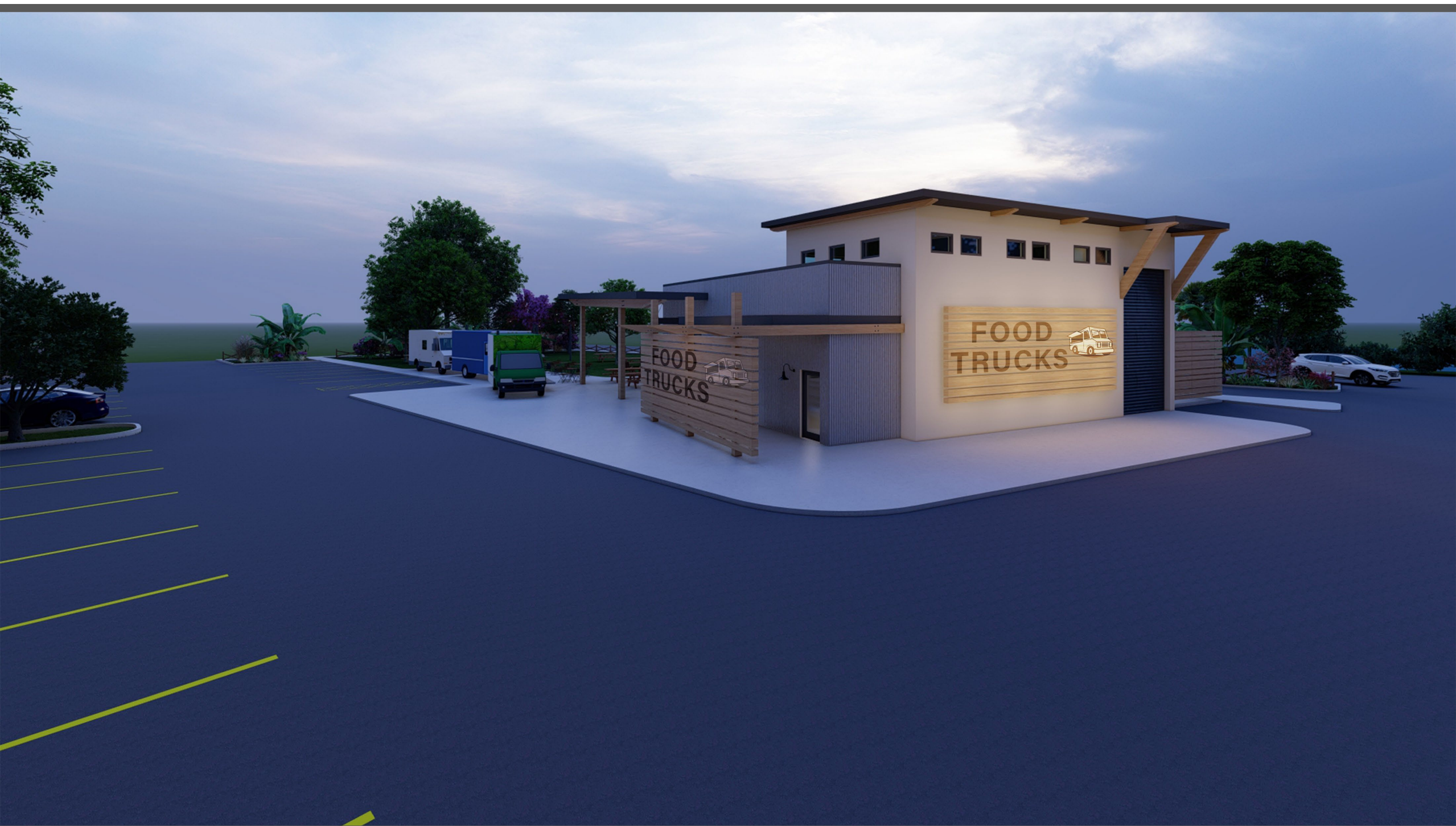
PAVILION PERSPECTIVE





PRODUCTION FACILITY PERSPECTIVE





PRODUCTION FACILITY NIGHT PERSPECTIVE





PAVILION PERSPECTIVE

## Citizen Participation Report – Meeting Minutes

**Hiawatha Gardens**

**Greater Palm Bay Chamber of Commerce**

**April 24, 2023 - 3pm**

Present at the meeting were Kelly Hyvonen, AICP, Land Development Strategies (the applicant), and Ronnie Chabot (property owner).

As of the date of this report, one neighboring property owner reached out through a phone call to ask about the proposed applications and had no further questions or concerns.

There were two people in attendance at the community meeting who represented the Greater Palm Bay Chamber, which was the host of the meeting. There were no adjacent property owners or residents in attendance. There was a discussion about the proposed future land use and zoning amendments and no issues, concerns, or problems were identified.

No additional correspondence from property owners within a 500-foot radius exists.

# Project Details: CP23-00008

## Project Type: Comprehensive Plan Future Land Use Map

Project Location: UNKNOWN # 2700 ANNELEIGH CIR Palm Bay, FL  
Milestone: Approved  
Created: 4/24/2023  
Description: Hiawatha Gardens  
Assigned Planner: Stephen White

### Contacts

Contact	Information
Owner/Applicant	WILLIAMSON, TARA 1191 RIVER DR NE PALM BAY, FL 32905 (407) 965-6869 tara975@gmail.com
Legal Representative	Kelly Hyvonen, AICP 355 Spoonbill Lane Melbourne Beach, FL 32951 (612) 710-9296 kelly.hyvonen@gmail.com
Legal Representative (2)	
Owner/Applicant (2)	CHABOT, RONALD 1191 RIVER DR NE PALM BAY, FL 32905 (321) 403-3877 chabot78@gmail.com
Assigned Planner	Stephen White -1  stephen.white2@palmbayflorida.org
Submitter	Kelly Hyvonen 355 Spoonbill Lane Melbourne Beach, FL 32951  kelly.hyvonen@gmail.com

### Fields

Field Label	Value
Block	R



# Project Details: CP23-00008

Lot	1
Section Township Range	13-28-37
Subdivision	50
Year Built	
Use Code	1000
Use Code Desc	VACANT COMMERCIAL LAND
LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	2825912
Flu Description	Commercial
Flu Code	COM
Zoning Description	Highway Commercial
Zoning Code	HC
Total Acreage	
Present Land Use Classification	MFR and COM
Proposed Land Use Classification	BMU
Structures On Property?	False
List Structures	
Rezoning Submitted?	True
Development Submitted?	False
Justification for Change	The request for BMU is consistent with requests both to the north and south of this property for developments that have frontage on US 1. BMU is a desired land use and would allow the applicant to move forward with plans for a family-friendly brew pub.
Specific Use Intended for Property	Brew pub

## Project Details: CP23-00008

Project Scale	Small Scale (50 acres or less)
Present Use of Property	Vacant land
Is Submitter the Representative?	False
Ordinance Number	
Subdivision Name	HIAWATHA GARDENS SEC 2

Re: Letter of Authorization

As the property owner of the site legally described as:

parcel ID 28-37-13-50-R-1 and 28-37-13-50-C-18.01

I, Owner Name: Ronald Chabot

Address: 1191 RIVER DR NE, PALM BAY, FL 32905

Telephone: 321-403-3877

Email: chabot78@gmail.com

hereby authorize:

Representative: Kelly Hyvonen, AICP

Address: 355 Spoonbill Lane, Melbourne Beach, FL 32951

Telephone: 612-710-9296

Email: kelly.hyvonen@gmail.com

to represent the request(s) for:

comprehensive plan map amendment and rezoning

(Property Owner Signature)

STATE OF

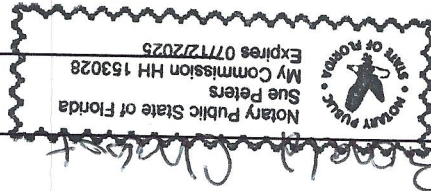
Florida

COUNTY OF

Steward

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3rd day of May, 2023 by

, property owner.



☒ Personally Known or ☐ Produced the Following Type of Identification: \_\_\_\_\_, Notary Public



Re: Letter of Authorization

As the property owner of the site legally described as:

parcel ID 28-37-13-50-R-1 and 28-37-13-50-C-18.01

I, Owner Name: Tara Williamson

Address: 1191 RIVER DR NE, PALM BAY, FL 32905

Telephone: 407-965-6869

Email: taraw975@gmail.com

hereby authorize:

Representative: Kelly Hyvonen, AICP

Address: 355 Spoonbill Lane, Melbourne Beach, FL 32951

Telephone: 612-710-9296

Email: kelly.hyvonen@gmail.com

to represent the request(s) for:

comprehensive plan map amendment and rezoning

(Property Owner Signature)

*Tara Williamson*

STATE OF

Florida

COUNTY OF

County

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3rd day of May, 2023 by

, property owner.



*Sue Peters*

☒ Personally Known or ☐ Produced the Following Type of Identification: \_\_\_\_\_, Notary Public

# Acknowledgement Log

**Header:**

Legal Acknowledgement

**Text:**

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made 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 application and that the facts stated in it are true.

**Accepted By:**

Kelly Hyvonen

**On:**

4/24/2023 4:25:19 PM

☒ CP23-00008

Select Language ▼

 Home |  City of Palm Bay

© 2023 - Intuitive Municipal Solutions, LLC



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005773931

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 340.30

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/20/23

**Text of Ad:**

Ad#5773931 07/20/2023  
**CITY OF PALM BAY, FLORIDA  
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 August 2, 2023, and by the City Council on August 17, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):  
1. CP23-00008 – Tara Williamson and Ronald Chabot (Kelly Hyvonen, AICP, Land Development Strategies, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial and High Density Residential to Commercial.  
Lot 1 of Block R and Lot 18.01 of Block C, Hiawatha Gardens Section 2, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.06 acres. Located at the southwest intersection of Hiawatha Avenue NE and Dixie Highway NE  
2. \*\*Z23-00012 - Lawrence Kramer  
A Zoning Change from an IU, Institutional Use District to an RC, Restricted Commercial District.  
Lot 11, Point West Estates, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE  
3. \*\*Z23-00011 - 1611 Meridian, LLC, Nuri Dorra, Manager (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Zoning Change from an IU, Institutional Use District to a CC, Community Commercial District.  
Tax Parcel 262, Section 22, Township 28, Range 37, Brevard County, Florida; containing approximately 4.08 acres. Located at the northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Rd NE  
4. CP23-00014 - KEW, LLC, Michael Erdman, managing member (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial.  
A portion of Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE  
5. FS23-00006 - Heritage Square Partners, LLC, Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 4-lot commercial subdivision called Commercial at Heritage Square.  
Tract X, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. In the vicinity west of St. Johns Heritage Parkway NW, north of and adjacent to Malabar Road NW  
6. PS23-00006 - Diocese of Orlando, John G. Noonan, Bishop (David W. Bassford, P.E., MBV Engineering, Inc., Rep.)  
A Preliminary Subdivision Plan to allow for a proposed development of 88 town-

home units and 35 single-family residential units to be called Bayside Landings. Tract 1-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. Located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE

**7. CP23-00015 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Public/Semi-Public to Commercial. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**8. \*\*CP23-00008 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Zoning Amendment from an IU, Institutional Use District to an RC, Restricted Commercial District. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**9. T23-00013 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.123, to provide clear language for authorized parking within residential districts.**

**10. T23-00014 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Sections 184.35 and 184.36, to add language and procedures for lot splits and lot reconfigurations within the City of Palm Bay.**

**11. T23-00015 - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District.**

**12. T23-00017 – All Digital All Day, LLC (Matthew Ashley, Rep.) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17, to modify language for the distance between billboards to be in alignment with state statutes.**

**13. T23-00019 – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to amend Section 184.15 regarding the conditions governing the issuance of building permits for model homes.**

**14. T23-00020 - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay.**

**\*\*Indicates quasi-judicial request(s).**  
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.  
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Tania Ramos, Senior Planner

**DATE:** August 2, 2023

**SUBJECT:** \*\*Z23-00012 - Greenacre - Lawrence Kramer - A Zoning Change from an IU, Institutional Use District to an RC, Restricted Commercial District. Lot 11, Point West Estates, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE

\*\*Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ▣ Z23-00012 - Staff Report
- ▣ Z23-00012 - Plat and Survey
- ▣ Z23-00012 - Citizen Participation Report
- ▣ Z23-00012 - Application
- ▣ Z23-00012 - Acknowledgement
- ▣ Z23-00012 - Legal Ad



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Tania Ramos, Senior Planner

---

**CASE NUMBER**

Z23-00012

**PLANNING & ZONING BOARD HEARING DATE**

August 2, 2023

---

**PROPERTY OWNER & APPLICANT**

Lawrence Kramer

**PROPERTY LOCATION/ADDRESS**

Lot 11, Point West Estates, Section 06, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE; specifically at 110 Greenacre Drive SE. Tax Account 2926330

---

**SUMMARY OF REQUEST**

The applicant is requesting a rezoning from IU, Institutional Use to RC, Restricted Commercial.

**Existing Zoning**

IU, Institutional Use

**Existing Land Use**

COM, Commercial

**Site Improvements**

Vacant Land

**Site Acreage**

Approximately 0.9 acres

---

**SURROUNDING ZONING & USE OF LAND****North**

RS-2, Single-Family Residential; ROW and Single-Family Residences

**East**

RC, Restricted Commercial; Retail and Office Buildings

**South**

IU, Institutional Use; Vacant Land

**West**

IU, Institutional Use; Vacant Land

**BACKGROUND:**

The subject property is generally located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE, specifically at 110 Greenacre Drive SE. In 1986, property was site planned and operated as Green Acres Nursery with driveway access on Greenacre Drive. In 2017, a commercial demolition permit was issued for a remaining 10 x 20 shed. Currently, the 0.9-acre site is vacant.

The applicant states the proposed rezoning is to develop a strip center with either office space, medical office, or a possible coffee shop or light restaurant. A concept plan has not been provided and is not required for a rezoning application.

A School Board Impact Analysis is not required for commercial development.

**ANALYSIS:**

The following analysis is per Chapter 185: Zoning Code, Section 185.201(C) which states that all proposed amendments shall be submitted to the Planning and Zoning Board, which shall study such proposals in accordance with items 1 through 4 of Section 185.201(C).

**Item 1 - *The need and justification for the change.***

The applicant states the justification for the zoning change from IU, Institutional Use to RC, Restricted Commercial is, "to develop a strip center with either office space, medical office, or a possible coffee shop or light restaurant."

**Item 2 - *When pertaining to the rezoning of land, the effect of the change, if any, on the particular property and on surrounding properties.***

The Restricted Commercial classification is intended for properties transitioning from residential or other noncommercial development to commercial use along major transportation corridors. The uses and development standards included in the district are intended to provide compatibility between uses and to protect nearby residential districts. Along the surrounding section of Malabar Road there is a strip of properties already zoned Restricted Commercial. The subject property is separated from residentially zoned property by another lot.

**Item 3 - *When pertaining to the rezoning of land, the amount of undeveloped land in the general area and in the city having the same classification as that requested.***

In the general area on the south side of Malabar Road, some larger parcels of Restricted Commercial land have been developed. Several other lots in the area are zoned Restricted Commercial, but existing single-family homes make it difficult to aggregate lots and create a parcel for commercial development.

**Item 4** - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).*

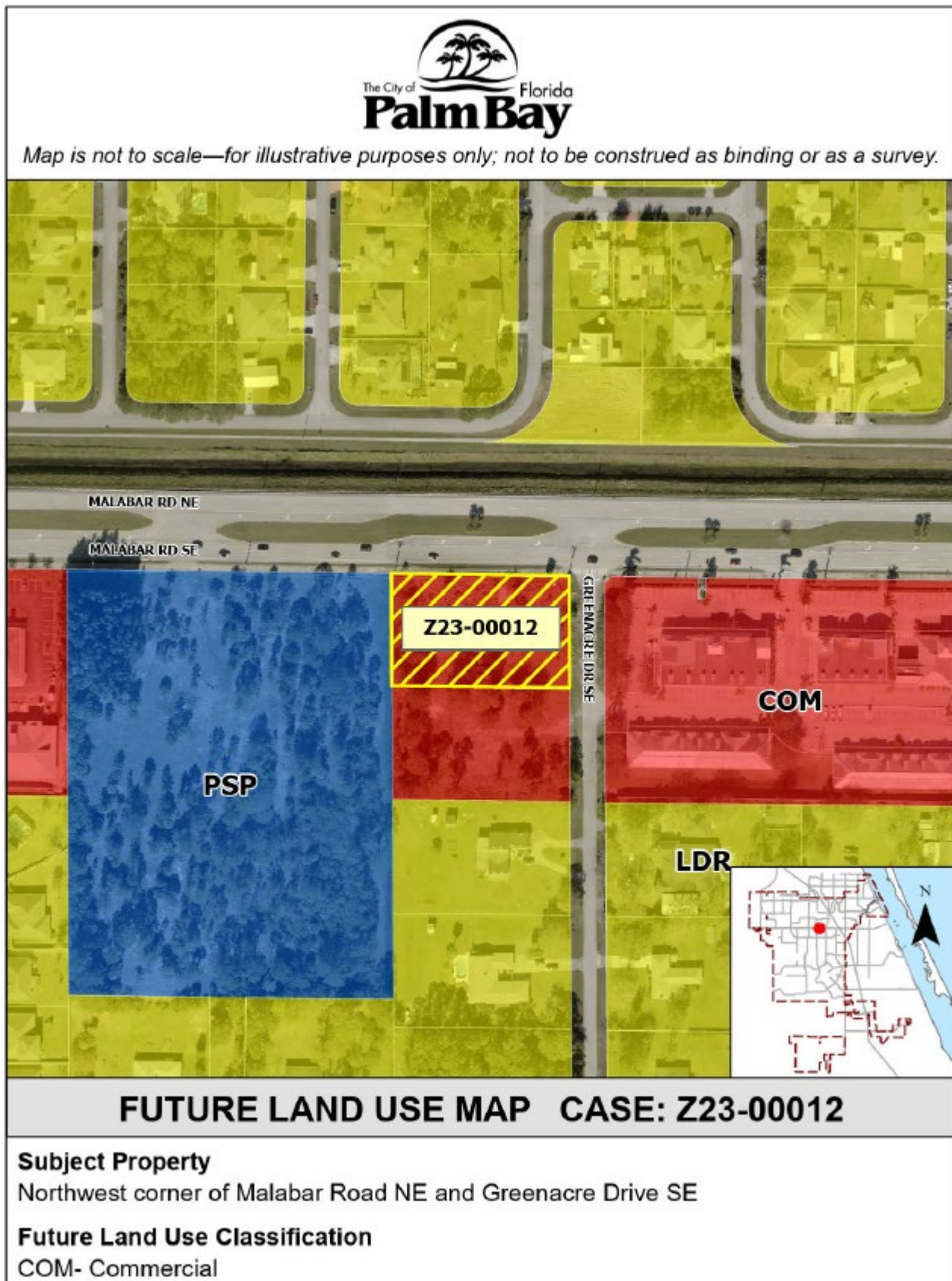
The property already has a Future Land Use of Commercial. The proposed rezoning to Restricted Commercial complies with the Comprehensive Plan and will provide a 0.9-acre parcel for commercial development directly on a major transportation corridor.

**STAFF RECOMMENDATION:**

Staff recommends Case Z23-00012 for approval.



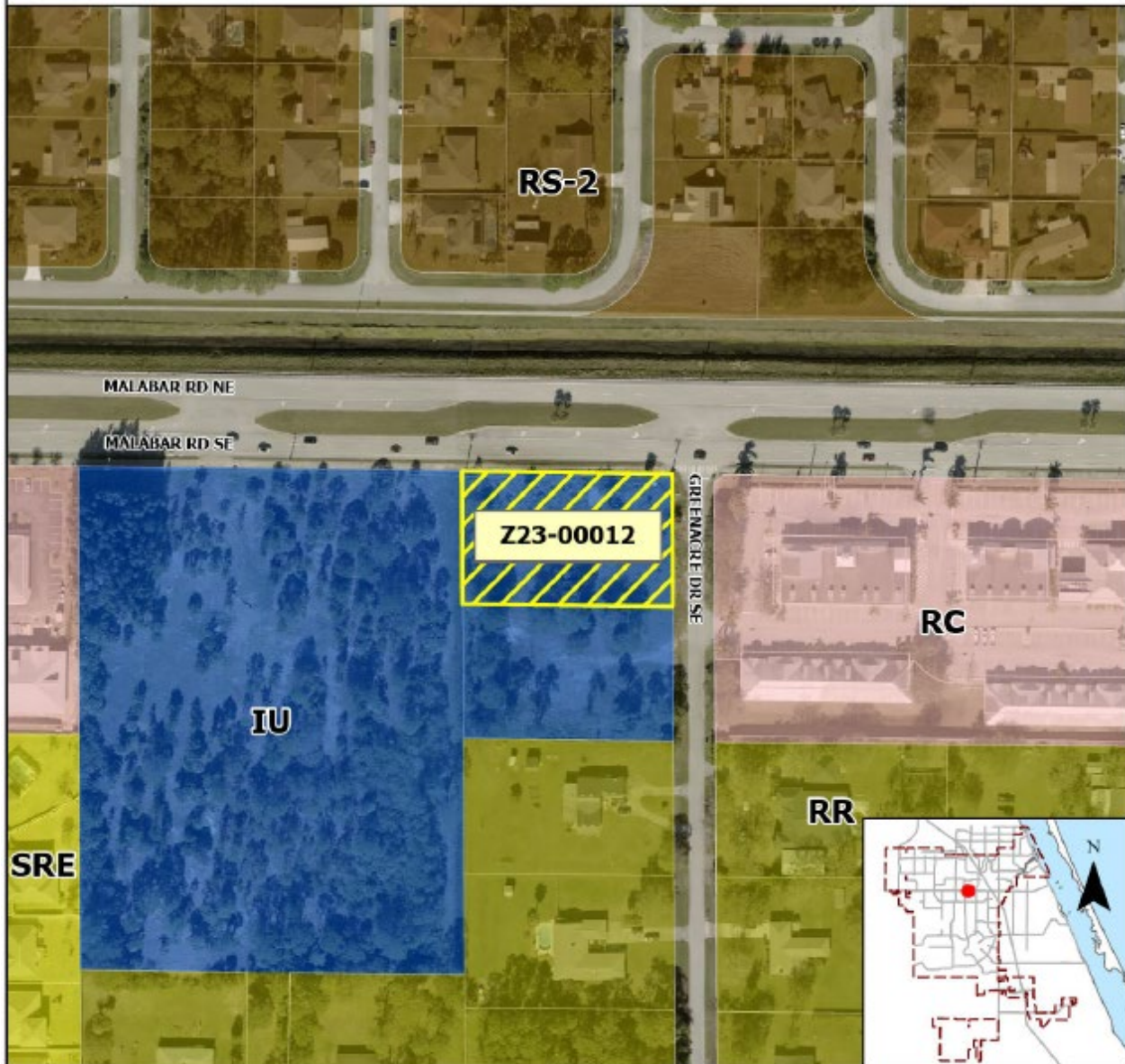








Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## ZONING MAP CASE: Z23-00012

### Subject Property

Northwest corner of Malabar Road NE and Greenacre Drive SE

### Current Zoning Classification

IU- Institutional Use

A SUBDIVISION LYING IN THE N.E. 1/4 OF SEC. 6, T. 99 S, R. 87 E, CITY OF PALM BAY, BREVARD COUNTY FLORIDA, BEING all of Lot 32 and part of Lot 31, FLOREDA INDIAN RIVER LAND CO. SUBDIVISION, as recorded in Brevard County Plat Book 1, Page 165, more particularly as follows: beginning at the N.E. corner of Sec. 6, T. 99 S, R. 87 E, Brevard County, Florida, and running North 0° 00' 00" E along the East line of said Sec. 6 a distance of 1330.08 feet to the North line of Sec. 6, T. 99 S, R. 87 E, MALABAR, UNIT TEN, P.D. 15, P.13; then N. 89° 20' 50" N along said Sec. 6 a distance of 870.00 feet; then S. 0° 00' 00" W parallel with the abovesaid East Section line a distance of 870.00 feet to the North line of said Sec. 6; then S. 09° 17' 03" E along said North line a distance of 870.00 feet to the East line of said Sec. 6; then North 0° 00' 00" E along the East line of said Sec. 6 a distance of 1330.08 feet to the N.E. corner of said Sec. 6, T. 99 S, R. 87 E, Brevard County, Florida, and except PARCEL A as shown on plot; also except existing Right of Way for MALABAR ROAD (3.2 Acre).

North line Sec. 6, T9S., R1E

**MALABAR ROAD**

270.00' S.E. 914

T 20 S  
T 19 S

11 12 13 14 15 16 17

10 9 8 7 6

1 2 3 4 5

**SUNRISE DRIVE**

**WATERMAN LANE**

**CONNIE AVENUE**

Block 380 PORT MALABAR UNIT TEN  
P.D. 15 & 18

Scale 1" = 100'

GRAPHIC SCALE

**NOTES**

- Permanent Control Points
- Permanent Reference Monuments

Corner lot distances are to the intersection of block lines.  
All corner radii are 29 ft. unless otherwise indicated.  
Basis of bearing system is assumed for computation purposes.  
Distances shown along curves are arc distances.  
Distances shown along straight lines are straight line distances.  
A strip 10' wide of all side lots and 10' wide along all  
rear lot lines shall be reserved for the installation and maintenance  
of drainage and/or public utilities. The area reserved for  
drainage and/or public utilities shall be one or more lots or  
intended as a building site, the outside boundaries of the site  
shall carry said side easements; except where easements are  
shown by dashed lines, 10' wide, and dashed lines indicate permanent  
side easements.

JOINDER IN DEDICATION  
RECORDED IN ORB 1319 PAGE 614

PLAT BOOK	24	
AND PAGE	16	826101

## DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being the owner..... in fee simple of the lands described as POINT WEST ESTATES , do .....herby dedicate said lands and plat for the uses and purposes therein expressed and dedicate the Streets, alleys, thoroughfares, parks, canals, and drainage easements shown hereon to the perpetual use of the public.

IN WITNESS WHEREOF, The undersigned, John hereunto set  
my hand and seal on September 1, 1972

Joseph Vignanti  
Cheri Vignanti

Signed and sealed in the presence of:

Edythe Dunlap  
Mary L. Harmon

STATE OF Florida COUNTY OF Brevard

THIS IS TO CERTIFY, That on September 11, 1974, before me, an officer duly authorized to take acknowledgments in the State and County aforesaid, personally appeared.

Joseph Visconti and

Elaire Vincenti

to me known to be the person, described in and who executed the foregoing dedication and severally acknowledged the execution thereof to be ~~the~~ free act and deed for the uses and purposes then expressed.

IN WITNESS WHEREOF, I have hereunto set  
my hand and seal on the above date.

Mary L. Hemer

My Commission Expires October 7, 1974

**CERTIFICATE OF SURVEYOR**

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed and registered land surveyor, does hereby certify that on

Feb. 28, 1972 he completed the survey of the lands as shown in the foregoing plat, that said plat is a correct representation of the lands therein described and platted; that permanent reference monuments have been placed as shown thereon as required by Chapter 177, Florida Statutes; and that said land is located in Brevard County, Florida. Dated Nov. 17, 1972

Registration No. 1083

**CERTIFICATE OF APPROVAL**

### BY MUNICIPALITY

THIS IS TO CERTIFY, That on Nov 16, 1972 the  
CITY COUNCIL OF THE CITY OF PALM BEACH  
BREVARD COUNTY, FLA approved the foregoing

*Paul H. Brown*  
MAYOR

ATTEST:  
*Eileen Hinkle*  
CITY CLERK

**CERTIFICATE OF APPROVAL BY BOARD  
OF COUNTY COMMISSIONERS**

THIS IS TO CERTIFY, That on \_\_\_\_\_ the  
 foregoing plat was approved by the Board of County Commissioners of  
 Broward County, Florida.

Chairman of the Board

Clerk of the Board  
 Approved \_\_\_\_\_

**CERTIFICATE OF APPROVAL**

BY ZONING COMMISSION

THIS IS TO CERTIFY, That on November 1, 1972 the  
Zoning Commission of the above Municipality approved the foregoing  
plat.

U. F. Gibbs, Acting Director

**CERTIFICATE OF CLERK**

I HEREBY CERTIFY, That I have examined the foregoing plot and find that it complies in form with all the requirements of Chapter 177, Florida Statutes, and was filed for record on 1/16/1973

at 11:56 AM File No. 826101  
Curtis R. Barnes

C. Clerk of the Circuit Court  
in and for Brevard County, Fla.



OR BK 5727 PG 6356

*EXHIBIT A*

OFFICIAL COURT USE ONLY (CFN#)

**SKETCH AND LEGAL**SECTION 6, TOWNSHIP 29 SOUTH, RANGE 37  
EAST

PARCEL ID#

PURPOSE  
OF SKETCH: EASEMENT

SHEET 1 OF 2

NOT VALID WITHOUT THE SKETCH  
ON SHEET 2 OF 2**LEGAL DESCRIPTION: (EASEMENT)**

AN EASEMENT 10.00 FEET IN WIDTH LYING WITHIN LOTS 11 AND 12, POINT WEST ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 24, PAGE 18 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 12; THENCE N00°15'52"W ALONG THE EAST LINE OF SAID LOTS 11 AND 12 A DISTANCE OF 151.50 FEET TO THE POINT OF BEGINNING OF THE 10.00 EASEMENT DESCRIBED HEREIN; THENCE N00°15'52"W CONTINUING ALONG SAID EAST LINE OF LOTS 11 AND 12 A DISTANCE OF 154.81 FEET TO THE SOUTH RIGHT OF WAY LINE OF MALABAR ROAD (STATE ROAD 514); THENCE N73°24'49"W ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 36.56 FEET; THENCE N89°16'59"W CONTINUING ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 205.00 FEET TO A LINE 10.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 11; THENCE S00°15'52"E ALONG SAID PARALLEL LINE A DISTANCE OF 10.00 FEET TO A LINE 10.00 FEET SOUTH OF AND PARALLEL WITH THE SAID SOUTH RIGHT OF WAY LINE OF MALABAR ROAD; THENCE S89°16'59"E ALONG SAID PARALLEL LINE A DISTANCE OF 203.43 FEET; THENCE S73°24'49"E CONTINUING ALONG SAID PARALLEL LINE A DISTANCE OF 27.75 FEET TO A LINE 10.00 FEET WEST OF AND PARALLEL WITH THE SAID EAST LINE OF LOTS 11 AND 12; THENCE S00°15'52"E ALONG SAID PARALLEL LINE A DISTANCE OF 147.39 FEET; THENCE N89°44'08"E A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

**SURVEYORS NOTES:**

- 1.) BEARINGS BASED ON THE ASSUMPTION THAT THE EAST LINE OF LOTS 11 AND 12 BEARS N 00°15'52" W.
- 2.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

**WJS** WILLIAM J. SUITER  
**LAND SURVEYING INC.**

PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE  
WILLIAM J. SUITER FLORIDA CERTIFICATE NO. 4210  
STEVE P. CARTECHINE FLORIDA CERTIFICATE NO. 4895  
MICHAEL C. FLYNN FLORIDA CERTIFICATE NO. 3281  
CERTIFICATE OF AUTHORIZATION #LB 5419

PREPARED FOR:  
BUCCANEER DEVELOPEMENT, INC.10/1/2006  
DATE OF SIGNATURE

NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: WILLIAM J. SUITER LAND SURVEYING, INC  
ADDRESS: 1849 CANOVA STREET S.E., PALM BAY, FLORIDA 32909  
PHONE: (321) 728-0553

DRAWN BY: MCF

CHECKED BY: WJS

DRAWING NO. 06-281SL

SECTION 6

DATE: 10-9-06

SHEET OF

REVISIONS \_\_\_\_\_

TOWNSHIP 29 SOUTH  
RANGE 37 EAST



OR BK 5727 PG 6357

★ Lot 11 to  
Be Rezone

EXHIBIT A

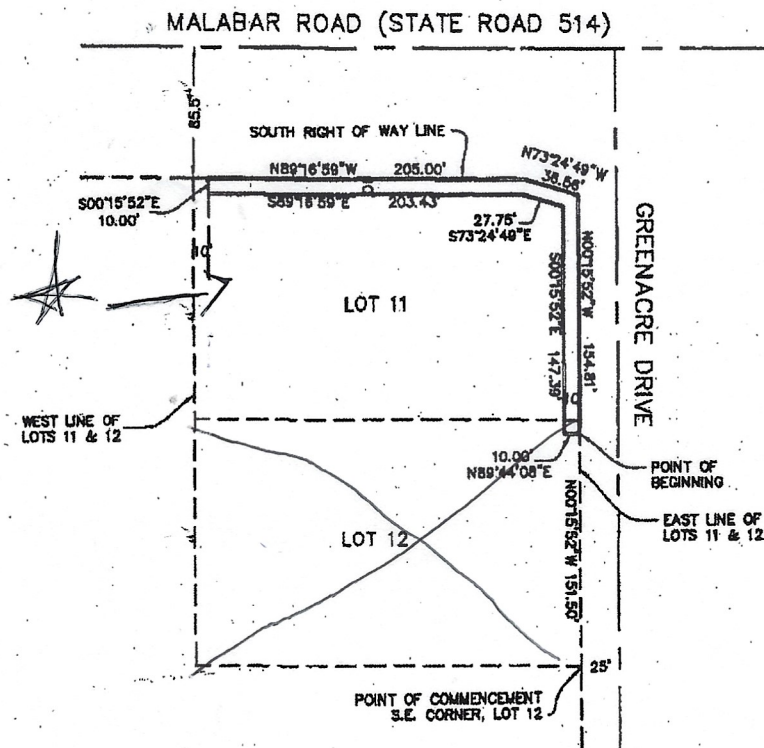
OFFICIAL COURT USE ONLY (CFN#)

## SKETCH AND LEGAL

SECTION 6, TOWNSHIP 29 SOUTH, RANGE 37  
EAST

PARCEL ID#

SHEET 2 OF 2

NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 2

**WJS** WILLIAM J. SUITER  
LAND  
SURVEYING, INC.

SKETCH AND  
LEGAL DESCRIPTION

SCALE: 1" = 100'

PROJECT NO. 06-281SL

PREPARED BY: WILLIAM J. SUITER  
LAND SURVEYING, INC.SECTION 6, TOWNSHIP 29  
SOUTH, RANGE 37 EAST

## Citizens Participation Meeting

May 17, 2023

To Whom it May Concern,

This letter is to notify you that a participation meeting has been planned regarding a zoning change discussion. This is a vacant and unimproved parcel of land that would change from Institutional/IU to Commercial zoning.

Property Location: 110 Greenacre Drive SE Palm Bay, FL 32909

Tax Id: 2926330

Size: .98 Acres

Vacant Land

We invite you to join us for a discussion regarding this consideration.

When: Wednesday, May 31, 2023

Where: Palm Bay Public Library 1520 Port Malabar Blvd NE

Palm Bay, FL 32905

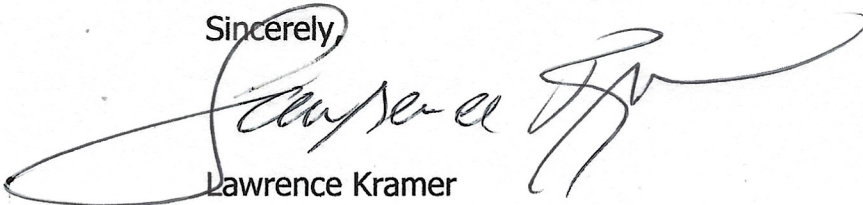
Time: 5:00 pm - 5:30 pm

If you have any questions or concerns please contact Lawrence Kramer

[luckydoglk@yahoo.com](mailto:luckydoglk@yahoo.com)

Phone: 305-607-1919

Sincerely,

A handwritten signature in black ink, appearing to read 'Lawrence Kramer', with a large, sweeping flourish extending to the right.

Lawrence Kramer



**BREVARD COUNTY LIBRARY SYSTEM  
REQUEST FOR USE OF MEETING ROOM***To be filled out by party requesting reservation*

Name of Organization LAWRENCE KRAMER  
Purpose or Nature of Meeting CITIZEN PARTICIPATION PLANED MEETING ZONING  
Approximate Attendance HOPEFULLY NONE BUT COULD BE 20  
Date/s of Program MAY 31 2023  
Start Time: 5 PM End Time: 5.30 PM Please indicate a.m. or p.m.

I agree notice of the meeting(s) will be posted by our organization and/or the library. I understand this notice shall be posted seven (7) days in advance and shall include the following statement:

According to requirements of the American Disability Act (ADA), organizations using library meeting rooms may be required to provide special accommodations for those citizens requesting assistance within 48 hours of the scheduled meeting time. Organizations are required to provide hearing devices and/or make special arrangements at the citizens' request.

*I understand that if the Library Director approves a meeting to be held after the library is closed, there will be a \$60.00 charge for use of the meeting room. Meetings held when the library is closed are limited to three hours in duration.*

*(\$10.00 extra if library equipment is needed)*

Is assistance setting up electronic or other equipment needed? Please Check One: ☐ Yes ☒ No

*I understand the Library will collect 10% of fees charged by instructor after each class.*

*Performers shall be solely responsible for obtaining appropriate licensing or permission to use, play, or perform copyrighted music. The performer agrees to indemnify and hold harmless the County from damages for unauthorized use or performance of copyrighted music.*

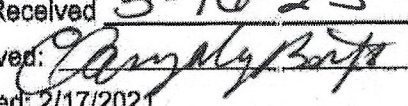
I hereby affirm that I have read and understand the regulations governing the use of the library meeting room. I, as the representative of the group, accept responsibility for any damage incurred to the library or its furnishings as a result of this meeting or of negligence in securing the building, and I am responsible for this compliance.

Signature 

Please print information below:

Name LAWRENCE KRAMER  
Address 16498 N E 26 AVE  
City N MIAMI BEACH State FL Zip Code 33160  
Business Telephone 3056071919 Residence Telephone \_\_\_\_\_  
Email address LUCKYDOGI.K@YAHOO.COM  
Driver's License Number K655 533 50 447 0

**FOR OFFICE USE ONLY**

Date Received 5-16-23 Hour Received \_\_\_\_\_  
Approved:  Disapproved: \_\_\_\_\_  
Updated: 2/17/2021



## LIST OF ATTENDEES

Number	Name of attendee	Number	Name of attendee
#1	Dominique	2.	
#.	Whitehead	4.	
5.	ATTENDED MEETING	6.	
7.		8.	
#2	Judy Petralia	10.	
11.	TEXTED ME	12.	AND WE WORK
13.	ON PHONE CALL	14.	5/26/2023
15.		16.	
17.		18.	
19.		20.	
21.		22.	
23.		24.	
25.		26.	
27.		28.	
29.		30.	
31.		32.	
33.		34.	
35.		36.	









**ADDITIONAL DOCUMENTS REQUIRED WITH CITIZEN PARTICIPATION PLAN REPORT  
SUBMISSION**

1. Copy of notice sent (separate attachment)
2. Material distributed or presented at the meeting (separate attachment)
  - All the property owners within a 500-foot radius of the subject parcel shall be informed about the meeting date, time and location.

I hereby certify that information provided as part of this report is correct.

Signature,

LAWRENCE RAMEN

Typed Name and Title:

6-5-2023

Date :



## CITIZEN PARTICIPATION REPORT

Applicant should follow established Citizen Participation Plan as specified in § 169.005 CITIZEN PARTICIPATION PLANS.

### CASE DETAILS

Applicant Name	LAWRENCE LEAMER
Project Name	N/A
Case Type	REZONING
Case Description	change zoning to Commercial
Intended Month of Submission	6-5-2023

### INFORMATION ON THE CITIZEN PARTICIPATION MEETING

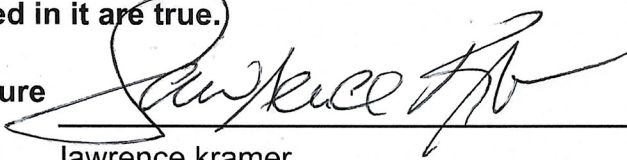
Notice to the Public (Date)	5-31-2023
Date of CPP	5/31-2023
Location of the Meeting	Palm Bay Public Library
Number of Attendees	1

**CITY OF PALM BAY, FLORIDA  
REZONING APPLICATION  
PAGE 3 OF 3**

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.**

**Owner Signature**



**Date**

6-5-2023  
~~5-15~~ 2023

**Printed Name**

lawrence kramer

**Full Address**

16498 ne 26 ave north miami beach fl 33160

**Telephone**

3056071919

**Email** luckydoglk@yahoo.com

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

# Project Details: Z23-00012

## Project Type: Rezoning Zoning Change

Project Location: 110 GREENACRE DR SE Palm Bay, FL 32909  
Milestone: Submitted  
Created: 6/6/2023  
Description: greenacre  
Assigned Planner: Tania Ramos

### Contacts

Contact	Information
Owner/Applicant	KRAMER, LAWRENCE 16498 NE 26TH AVE NORTH MIAMI BEACH, FL 33160
Legal Representative	Larry Kramer 16498 NE 26 Avenue NORTH MIAMI BEACH, FL 33160 (305) 607-1919 luckydoglk@yahoo.com
Assigned Planner	Tania Ramos FL  taniam.amos@palmbayflorida.org
Submitter	LARRY KRAMER 16498 ne 26 ave N MIAMI BEACH, FL 33160  luckydoglk@yahoo.com

### Fields

Field Label	Value
Block	*
Lot	11
Section Township Range	06-29-37
Subdivision	01
Year Built	
Use Code	1222
Use Code Desc	COMMERCIAL RELATED AMENITIES

# Project Details: Z23-00012

LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	2926330
Flu Description	Commercial
Flu Code	COM
Zoning Description	Institutional Use
Zoning Code	IU
Size of Area (acres)	
Present Use of Property	vacant land
Zoning Classification Desired	RC
Structures On Property?	False
Intended Use of Property	strip center with either office space or medical office with possible coffee or lite restaurant
Justification for Change	owners request
Is Submitter the Representative?	True
Tax Account Numbers	2926330
Parcel Number	29 3706 01*11
Ordinance Number	
Subdivision Name	

# Acknowledgement Log

**Header:**

Legal Acknowledgement

**Text:**

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made 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 application and that the facts stated in it are true.

**Accepted By:**

LARRY KRAMER

**On:**

6/6/2023 9:35:29 AM

☒ Z23-00012

Select Language ▼





Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005773931

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 340.30

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/20/23

**Text of Ad:**

Ad#5773931 07/20/2023  
**CITY OF PALM BAY, FLORIDA  
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 August 2, 2023, and by the City Council on August 17, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):  
1. CP23-00008 – Tara Williamson and Ronald Chabot (Kelly Hyvonen, AICP, Land Development Strategies, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial and High Density Residential to Commercial.  
Lot 1 of Block R and Lot 18.01 of Block C, Hiawatha Gardens Section 2, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.06 acres. Located at the southwest intersection of Hiawatha Avenue NE and Dixie Highway NE  
2. \*\*Z23-00012 - Lawrence Kramer  
A Zoning Change from an IU, Institutional Use District to an RC, Restricted Commercial District.  
Lot 11, Point West Estates, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE  
3. \*\*Z23-00011 - 1611 Meridian, LLC, Nuri Dorra, Manager (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Zoning Change from an IU, Institutional Use District to a CC, Community Commercial District.  
Tax Parcel 262, Section 22, Township 28, Range 37, Brevard County, Florida; containing approximately 4.08 acres. Located at the northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Rd NE  
4. CP23-00014 - KEW, LLC, Michael Erdman, managing member (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial.  
A portion of Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE  
5. FS23-00006 - Heritage Square Partners, LLC, Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 4-lot commercial subdivision called Commercial at Heritage Square.  
Tract X, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. In the vicinity west of St. Johns Heritage Parkway NW, north of and adjacent to Malabar Road NW  
6. PS23-00006 - Diocese of Orlando, John G. Noonan, Bishop (David W. Bassford, P.E., MBV Engineering, Inc., Rep.)  
A Preliminary Subdivision Plan to allow for a proposed development of 88 town-

home units and 35 single-family residential units to be called Bayside Landings. Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. Located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE

**7. CP23-00015 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Public/Semi-Public to Commercial. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**8. \*\*CP23-00008 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Zoning Amendment from an IU, Institutional Use District to an RC, Restricted Commercial District. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**9. T23-00013 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.123, to provide clear language for authorized parking within residential districts.**

**10. T23-00014 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Sections 184.35 and 184.36, to add language and procedures for lot splits and lot reconfigurations within the City of Palm Bay.**

**11. T23-00015 - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District.**

**12. T23-00017 – All Digital All Day, LLC (Matthew Ashley, Rep.) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17, to modify language for the distance between billboards to be in alignment with state statutes.**

**13. T23-00019 – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to amend Section 184.15 regarding the conditions governing the issuance of building permits for model homes.**

**14. T23-00020 - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay.**

**\*\*Indicates quasi-judicial request(s).**  
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.  
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Alexandra Bernard, Principal Planner

**DATE:** August 2, 2023

**SUBJECT:** \*\*Z23-00011 - The Essence Palm Bay - 1611 Meridian, LLC, Nuri Dorra, Manager (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.) - A Zoning Change from an IU, Institutional Use District to a CC, Community Commercial District. Tax Parcel 262, Section 22, Township 28, Range 37, Brevard County, Florida; containing approximately 4.08 acres. Located at the northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Rd NE

\*\*Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ▢ Z23-00011 - Staff Report
- ▢ Z23-00011 - Site Sketch
- ▢ Z23-00011 - School Board Report
- ▢ Z23-00011 - Citizen Participation Plan Report
- ▢ Z23-00011 - Application
- ▢ Z23-00011 - Letter of Authorization
- ▢ Z23-00011 -- Legal Acknowledgement
- ▢ Z23-00011 - Legal Ad



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Alix Bernard, Principal Planner

---

#### CASE NUMBER

Z23-00011

#### PLANNING & ZONING BOARD HEARING DATE

August 2, 2023

---

#### PROPERTY OWNER & APPLICANT

Nuri Dorra, 1611 Meridian LLC (Kim Rezanka, Rep.)

#### PROPERTY LOCATION/ADDRESS

Block 262, Section 22, Township 28, Range 36, Brevard County, Florida; containing approximately 4.08 acres. Located north of and adjacent to Palm Bay Rd NE, east of Skippers Way NE; Specifically with the address of 1881 Palm Bay Rd NE Tax Account 2831680;

---

#### SUMMARY OF REQUEST

The applicant is requesting a rezoning from IU, Institutional Use to CC Community Commercial.

##### Existing Zoning

IU, Institutional Use

##### Existing Land Use

Commercial

##### Site Improvements

Vacant, developed property

##### Site Acreage

4.08 acres

---

#### SURROUNDING ZONING & USE OF LAND

##### North

RM-20, Multi-Family Residential; Apartments

##### East

CC, Community Commercial; Self-Storage & RM-20, Multi-Family Residential; Apartments

##### South

CC, Community Commercial; Office Building

##### West

RM-20, Multi-Family Residential; Apartments

---



**BACKGROUND:** The subject property is located north of and adjacent to Palm Bay Rd NE, and east of Babcock St NE. There is one parcel that is included in this request, which has an old motel on the property.

This request is for a rezoning from IU Institutional Use to CC Community Commercial. This request will allow the applicant to redevelop the abandoned motel to affordable multi-family housing. As the intent of this request is to redevelop the property into affordable housing, a school impact assessment is required and is attached. As new dwelling units are being proposed, a school impact analysis report is attached.

**ANALYSIS:**

The following analysis is per Chapter 185: Zoning Code, Section 185.201(C) which states that all proposed amendments shall be submitted to the Planning and Zoning Board, which shall study such proposals in accordance with items 1 through 4 of Section 185.201(C).

**Item 1 - *The need and justification for the change.***

The applicant states the justification for the change is “to change the zoning district to enable the developer to construct a two-phase affordable housing project with 300 total units. The Institutional zoning district does not allow for residential use.” The Community Commercial Zoning District will allow for the redevelopment of this property for new affordable housing, in accordance with the new Live Local Act that the Florida State Legislature has placed into law.

**Item 2 - *When pertaining to the rezoning of land, the effect of the change, if any, on the particular property and on surrounding properties.***

The designation of the Community Commercial zoning district for the subject property is compatible with the surrounding area and is consistent with the City’s desire and plan for the expansion of commercial development.

**Item 3 - *When pertaining to the rezoning of land, the amount of undeveloped land in the general area and in the City having the same classification as that requested.***

The intent of the Community Commercial classification is intended for areas of the city which are uniquely suited for the development and maintenance of community commercial facilities, that are primarily located in or near the intersection of arterial roadways. The uses and development standards included in the district are intended to for proper location and development standards and provisions that are appropriate to ensure proper development and functioning of uses within the district. Along the surrounding section of Palm Bay Road all other surrounding properties are already zoned Community Commercial with the exception of this parcel.

**Item 4** - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).*

The proposed rezoning to Community Commercial complies with the Comprehensive Plan and will provide a 4.08-acre parcel for commercial redevelopment directly on a major transportation corridor.

**STAFF RECOMMENDATION:**

Case Z23-00011 is recommended for approval.



*Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.*



## AERIAL LOCATION MAP CASE: Z23-00011

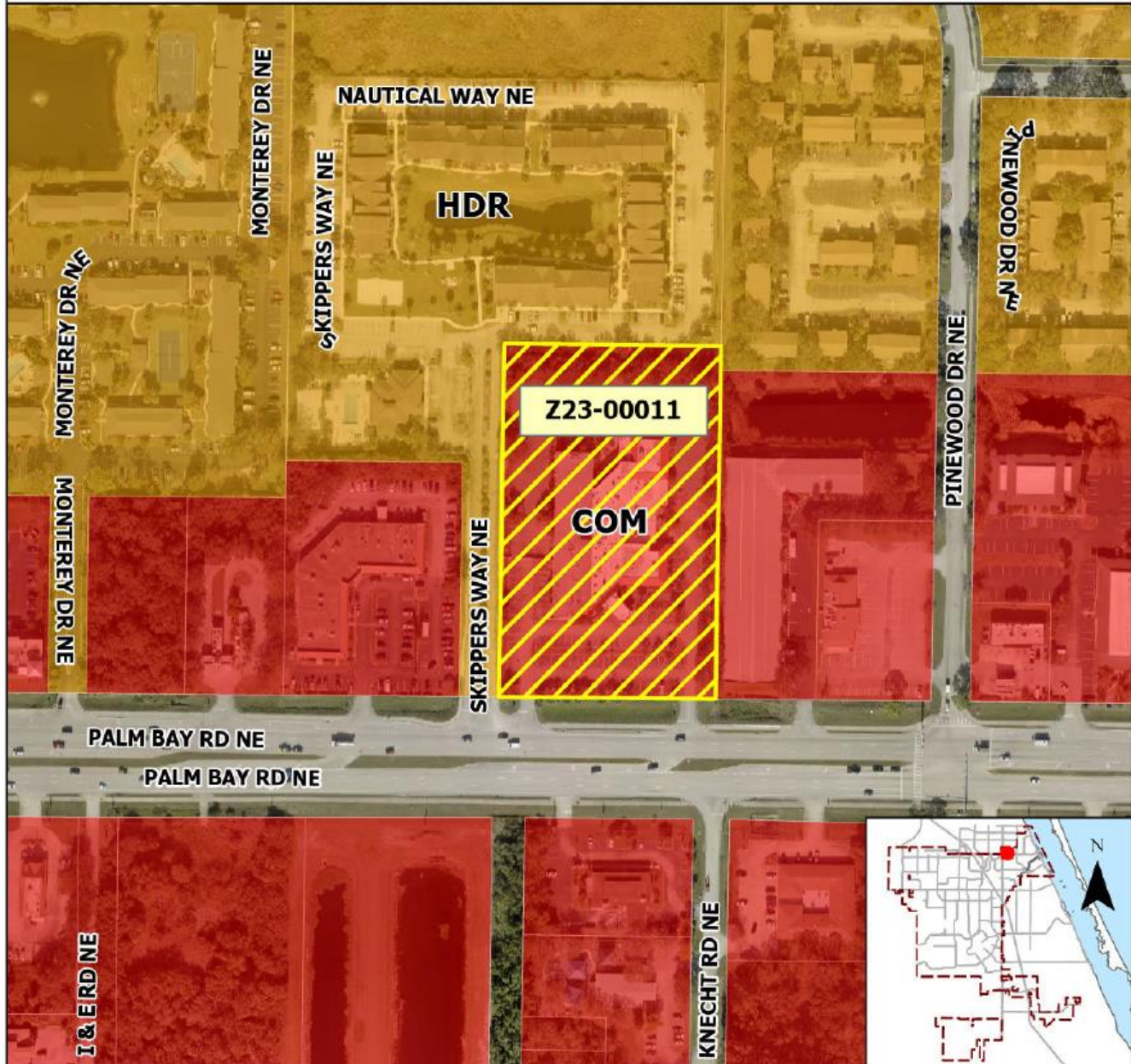
### Subject Property

Northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Road NE





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## FUTURE LAND USE MAP CASE: Z23-00011

### Subject Property

Northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Road NE

### Future Land Use Classification

COM - Commercial





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## ZONING MAP CASE: Z23-00011

### Subject Property

Northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Road NE

### Current Zoning Classification

IU - Institutional Use



A PARCEL OF LAND BEING A PART OF LOT 22, SECTION 22, TOWNSHIP 28 SOUTH, RANGE 37 EAST, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 164, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

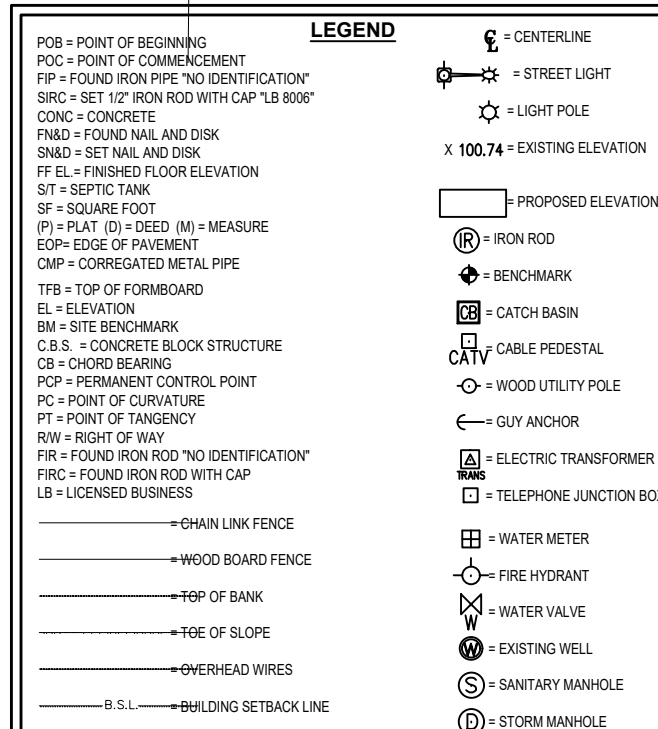
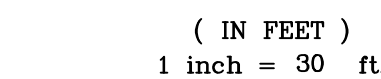
TOGETHER WITH

A PARCEL OF LAND BEING A PART OF LOT 22, SECTION 22, TOWNSHIP 28 SOUTH, RANGE 37 EAST, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 164, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**SURVEYORS NOTES:**

- THE BOUNDARY DETERMINATION AND DELINEATION SHOWN ON THIS MAP OF SURVEY WAS BASED UPON THE PROFESSIONAL OPINION OF THE REGISTERED SURVEYOR PURSUANT TO NORMAL PRINCIPLES AND PRACTICES OF LAND SURVEYING AND IS NOT GUARANTEED OR WARRANTED BY ANY STATE AGENCY. THIS SURVEY DOES NOT INTEND TO DELINEATE LOCAL AREAS OF CONCERN OR ANY OTHER JURISDICTIONAL DETERMINATION.
10. THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE BENEFIT AND USE OF THE PERSONS AND/OR ENTITIES NAMED HEREON FOR THE PURPOSES IDENTIFIED HEREON ONLY UNLESS OTHERWISE STATED. CERTIFICATION OF THIS SURVEY MAP AS BEING ACCURATE AND CORRECT IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 67.02(1), F.S., AND THE MAPPERS IN CHAPTER 517, Florida ADMINISTRATIVE CODE, PURSUANT TO SECTION 427.027, FLORIDA STATUTES, THE SIGNATURE OF THE REGISTERED SURVEYOR SHALL BE REQUIRED TO BE AFFIXED TO THIS SURVEY MAP. NO CHANGES, DELETIONS, ADDITIONS, DELETIONS OR REVISIONS TO THIS DRAWING BY OTHERS ARE NOT PERMITTED AND THIS SURVEY MAY NOT BE TRANSFERRED WITHOUT THE EXPRESSED WRITTEN PERMISSION OF THE SIGNING SURVEYOR. THIS SURVEY IS NOT TO BE USED FOR ANY OTHER PURPOSES THAN THOSE SPECIFICALLY SET FORTH HEREON.

11. ELEVATIONS, IF SHOWN, ARE BASED UPON THE NORTH AMERICAN VERTICAL DATUM 1988.



REVISION:	DATE:	BY:	GSS SURVEYING & MAPPING, LLC. CERTIFICATE OF AUTHORIZATION NUMBER LB 5006	GSS Surveying and Mapping, LLC	GSS Surveying and Mapping, LLC	<div><div></div><div>MAP OF SURVEY BOUNDARY SURVEY</div></div>	FIELD DATE: 12-30-2021	DWG NAME:
UPDATE AS ONE PARCEL	4-13-2023	KWC		700 22nd Place	4620 Lipscomb St NE		FIELD BY: JHO	XREF 1:
			PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE	Suite 2A	Suite 2		FIELD BOOK: FILE	XREF 2:
			TERRY H. DRUM PROFESSIONAL SURVEYOR AND MAPPER NO. 5597 OR HENRY A. KILBURN, PROFESSIONAL SURVEYOR AND MAPPER NO. 5661	Vero Beach, FL 32960	Palm Beach, FL 32905		PAGE:	XREF 3:
			NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OR DIGITAL SIGNATURE AND DIGITAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.	772-696-5300	321-914-3978		DRAWN BY: EAD	XREF 4:
						CHECKED BY: HAK	XREF 5:	
							JOB #: 21-1249-OVERALL	SHEET # 1 of 1

# School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699  
Dr. Mark J. Rendell, Ed.D., Superintendent



July 24, 2022

Ms. Alexandra Bernard  
Principal Planner  
City of Palm Bay  
Growth Management Department  
120 Malabar Road SE  
Palm Bay, Florida 32907

**RE: Proposed Canvas PB Development  
School Impact Analysis – Capacity Determination CD-2023-17**

Dear Ms. Alexandra Bernard,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account number 2831680 (Parcel ID number: 28-37-22-00-262) containing approximately 4.08 acres in the City of Palm Bay, Florida. The proposed development includes 300 multi-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2023-24 to 2027-28 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2022-23 to 2027-28* which is attached for reference.

Multi-Family Homes		300	
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students
Elementary	0.11	33	33
Middle	0.02	6	6
High	0.05	15	15
<b>Total</b>	<b>0.18</b>		<b>54</b>

Planning & Project Management  
Facilities Services  
Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646



An Equal Opportunity Employer



**FISH Capacity (including relocatable classrooms) from the  
Financially Feasible Plan (FFP) Data and Analysis for School Years 2023-24 to  
2027-28**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Riviera	777	777	799	843	887
Stone	1,076	1,076	1,076	1,076	1,076
Palm Bay	2,657	2,657	2,657	2,657	2,657

**Projected Student Membership**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Riviera	714	718	780	827	866
Stone	708	799	823	890	977
Palm Bay	1,495	1,581	1,683	1,704	1,700

**Students Generated by Newly Issued SCADL Reservations Since FFP**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Riviera	-	-	-	-	-
Stone	13	25	31	36	37
Palm Bay	29	49	58	68	69

**Cumulative Students Generated by  
Proposed Development**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Riviera	-	14	33	33	33
Stone	-	3	6	6	6
Palm Bay	-	7	15	15	15

**Total Projected Student Membership (includes  
Cumulative Impact of Proposed Development)**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Riviera	714	732	813	860	899
Stone	721	827	860	932	1,020
Palm Bay	1,524	1,637	1,756	1,787	1,784

**Projected Available Capacity =  
FISH Capacity - Total Projected Student Membership**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Riviera	63	45	(14)	(17)	(12)
Stone	355	249	216	144	56
Palm Bay	1,133	1,021	901	870	873

At this time, Riviera Elementary School is not projected to have enough capacity for the total of projected and potential students from the Canvas PB development; Because there is a shortfall of available capacity in the concurrency service area, the capacity of adjacent concurrency service areas must be considered.



The adjacent elementary school concurrency service areas are Palm Bay Elementary School, Port Malabar Elementary School, Lockmar Elementary School, University Park Elementary School and The Meadowlane Elementary Schools. A table of capacities of the Adjacent Schools Concurrency Service Areas that could accommodate the development is shown below:

**FISH Capacity (including relocatable classrooms) from the  
Financially Feasible Plan (FFP) Data and Analysis for School Years 2023-24 to  
2027-28**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Palm Bay Elem	983	983	983	983	983

**Projected Student Membership**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Palm Bay Elem	613	610	627	630	636

**Students Generated by Newly Issued SCADL Reservations Since FFP**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Palm Bay Elem	63	104	123	143	145

**Cumulative Students Generated by  
Proposed Development**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Palm Bay Elem	-	14	33	33	33

**Total Projected Student Membership (includes  
Cumulative Impact of Proposed Development)**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Palm Bay Elem	676	728	783	806	814

**Projected Available Capacity =  
FISH Capacity - Total Projected Student Membership**

School	2023-24	2024-25	2025-26	2026-27	2027-28
Palm Bay Elem	307	255	200	177	169

Considering the adjacent elementary school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the Canvas PB development.

This is a **non-binding** review; a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,



Karen M. Black, AICP  
Manager – Facilities Planning & Intergovernmental Coordination  
Planning & Project Management, Facilities Services

Enclosure:     *Brevard County Public Schools Financially Feasible Plan for School  
Years 2022-23 to 2027-28*

Copy:           Susan Hann, AICP, Assistant Superintendent of Facility Services  
File CD-2023-17

David G. Lindemann, AICP, Director of Planning & Project  
Management, Facilities Services  
File CD-2023-17

# Brevard County Public Schools

## Financially Feasible Plan To Maintain Utilization Rates Lower than the **100%** Level of Service

### Data and Analysis for School Years 2022-23 to 2027-28



Summary				2022-23			2023-24			2024-25			2025-26			2026-27			2027-28		
Highest Utilization Elementary Schools:						93%			99%			100%			99%			99%			100%
Highest Utilization Middle Schools:						88%			88%			94%			92%			91%			100%
Highest Utilization Jr / Sr High Schools:						83%			83%			81%			78%			77%			76%
Highest Utilization High Schools:						107%			99%			97%			98%			100%			100%

School	Type	Grades	Utilization Factor	School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27			School Year 2027-28		
				FISH Capacity	10/14/22 Membership	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization

Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	598	80%	751	598	80%	751	635	85%	751	704	94%	751	720	96%	773	766	99%
Andersen	Elementary	K-6	100%	884	568	64%	884	568	64%	884	549	62%	884	537	61%	884	530	60%	884	501	57%
Apollo	Elementary	K-6	100%	902	731	81%	902	731	81%	902	749	83%	902	753	83%	902	736	82%	902	718	80%
Atlantis	Elementary	PK-6	100%	739	620	84%	739	620	84%	739	608	82%	739	596	81%	739	585	79%	739	572	77%
Audubon	Elementary	PK-6	100%	761	450	59%	761	450	59%	761	435	57%	761	422	55%	761	419	55%	761	426	56%
Cambridge	Elementary	PK-6	100%	787	495	63%	787	495	63%	787	511	65%	787	505	64%	787	510	65%	787	524	67%
Cape View	Elementary	PK-6	100%	570	305	54%	570	288	51%	570	309	54%	570	314	55%	570	315	55%	570	329	58%
Carroll	Elementary	K-6	100%	751	626	83%	751	633	84%	751	643	86%	751	623	83%	751	619	82%	751	628	84%
Challenger 7	Elementary	PK-6	100%	573	503	88%	573	503	88%	573	474	83%	573	462	81%	573	433	76%	573	413	72%
Columbia	Elementary	PK-6	100%	751	506	67%	751	512	68%	751	531	71%	751	522	70%	751	538	72%	751	538	72%
Coquina	Elementary	K-6	100%	711	560	79%	711	560	79%	711	565	79%	711	602	85%	711	590	83%	711	585	82%
Creel	Elementary	PK-6	100%	1,114	626	56%	1,114	660	59%	1,114	668	60%	1,114	668	60%	1,114	667	60%	1,114	658	59%
Croton	Elementary	PK-6	100%	795	488	61%	795	488	61%	795	514	65%	795	528	66%	795	542	68%	795	542	68%
Discovery	Elementary	PK-6	100%	980	643	66%	980	664	68%	980	675	69%	980	671	68%	980	720	73%	980	761	78%
Endeavour	Elementary	PK-6	100%	968	719	74%	968	750	77%	968	717	74%	968	707	73%	968	674	70%	968	671	69%
Enterprise	Elementary	K-6	100%	729	597	82%	729	597	82%	729	578	79%	729	552	76%	729	538	74%	729	529	73%
Fairglenn	Elementary	PK-6	100%	789	617	78%	789	617	78%	789	617	78%	789	632	80%	789	635	80%	789	625	79%
Gemini	Elementary	K-6	100%	711	468	66%	711	477	67%	711	465	65%	711	468	66%	711	455	64%	711	457	64%
Golfview	Elementary	PK-6	100%	777	441	57%	777	441	57%	777	460	59%	777	481	62%	777	489	63%	777	503	65%
Harbor City	Elementary	PK-6	100%	629	403	64%	629	405	64%	629	457	73%	629	474	75%	629	494	79%	629	509	81%
Holland	Elementary	PK-6	100%	605	432	71%	605	450	74%	605	451	75%	605	444	73%	605	442	73%	605	431	71%
Imperial Estates	Elementary	K-6	100%	729	659	90%	729	684	94%	729	712	98%	729	724	99%	751	742	99%	795	779	98%
Indianlantic	Elementary	K-6	100%	798	686	86%	798	686	86%	798	685	86%	798	671	84%	798	676	85%	798	651	82%
Jupiter	Elementary	PK-6	100%	930	729	78%	930	735	79%	930	801	86%	930	882	95%	974	940	97%	1,040	1,030	99%
Lockmar	Elementary	PK-6	100%	892	585	66%	892	585	66%	892	569	64%	892	552	62%	892	558	63%	892	559	63%
Longleaf	Elementary	PK-6	100%	790	631	80%	790	637	81%	790	613	78%	790	590	75%	790	563	71%	790	528	67%
Manatee	Elementary	K-6	100%	998	898	90%	998	910	91%	998	889	89%	998	845	85%	998	888	89%	998	881	88%
McAuliffe	Elementary	PK-6	100%	838	621	74%	838	621	74%	838	580	69%	838	568	68%	838	553	66%	838	528	63%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	825	74%	1,114	825	74%	1,114	779	70%	1,114	773	69%	1,114	805	72%	1,114	843	76%
Meadowlane Primary	Elementary	K-6	100%	824	651	79%	824	666	81%	824	660	80%	824	630	76%	824	618	75%	824	613	74%
Mila	Elementary	PK-6	100%	707	435	62%	707	435	62%	707	439	62%	707	396	56%	707	383	54%	707	362	51%
Mims	Elementary	PK-6	100%	725	464	64%	725	464	64%	725	481	66%	725	512	71%	725	525	72%	725	513	71%
Oak Park	Elementary	PK-6	100%	968	505	52%	968	505	52%	968	471	49%	968	478	49%	968	475	49%	968	447	46%
Ocean Breeze	Elementary	PK-6	100%	654	554	85%	654	550	84%	654	542	83%	654	533	81%	654	534	82%	654	531	81%
Palm Bay Elem	Elementary	PK-6	100%	983	586	60%	983	613	62%	983	610	62%	983	627	64%	983	630	64%	983	636	65%
Pinewood	Elementary	PK-6	100%	569	521	92%	591	521	88%	591	541	92%	613	572	93%	613	598	98%	613	600	98%
Port Malabar	Elementary	PK-6	100%	852	640	75%	852	640	75%	852	683	80%	852	746	88%	852	760	89%	852	795	93%
Quest	Elementary	PK-6	100%	932	693	74%	932	693	74%	932	684	73%	932	681	73%	932	685	73%	932	697	75%
Riviera	Elementary	PK-6	100%	777	699	90%	777	714	92%	777	718	92%	799	780	98%	843	827	98%	887	866	98%
Roosevelt	Elementary	K-6	100%	599	288	48%	599	298	50%	599	269	45%	599	256	43%	599	239	40%	599	220	37%
Sabal	Elementary	PK-6	100%	785	500	64%	785	500	64%	785	503	64%	785	516	66%	785	534	68%	785	535	68%
Saturn	Elementary	PK-6	100%	998	649	65%	998	649	65%	998	677	68%	998	821	82%	998	794	80%	998	786	79%
Sea Park	Elementary	PK-6	100%	461	337	73%	461	337	73%	461	327	71%	461	321	70%	461	326	71%	461	329	71%
Sherwood	Elementary	PK-6	100%	609	459	75%	609	459	75%	609	458	75%	609	457	75%	609	450	74%	609	441	72%
Sunrise	Elementary	PK-6	100%	913	759	83%	913	767	84%	913	836	92%	935	908	97%	1,023	1,004	98%	1,067	1,067	100%
Suntree	Elementary	K-6	100%	755	600	79%	755	602	80%	755	561	74%	755	541	72%	755	516	68%	755	480	64%
Surfside	Elementary	K-6	100%	541	442	82%	541	442	82%	541	425	79%	541	418	77%	541	417	77%	541	407	75%
Tropical	Elementary	K-6	100%	910	669	74%	910	669	74%	910	614	67%	910	600	66%	910	572	63%	910	545	60%
Turner	Elementary	PK-6	100%	874	555	64%	874	564	65%	874	589	67%	874	647	74%	874	675	77%	874	691	79%
University Park	Elementary	PK-6	100%	811	487	60%	811	487	60%	811	545	67%	811	592	73%	811	642	79%	811	658	81%
Viera Elem	Elementary	K-6	100%	1,030	695	67%	1,030	717	70%	1,030	759	74%	1,030	857	83%	1,030	926	90%	1,074	1,061	99%
Westside	Elementary	K-6	100%	857	799	93%	857	846	99%	923	922	100%	989	974	98%	1,033	988	96%	1,099	1,100	100%
Williams	Elementary	PK-6	100%	715	451	63%	715	450	63%	715	443	62%	715	414	58%	715	411	57%	715	415	58%
Elementary Totals				42,215	30,468		42,237	30,778		42,303	30,996		42,435	31,549		42,677	31,905		43,007	32,280	

				School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27			School Year 2027-28		
School	Type	Grades	Utilization Factor	FISH Capacity	10/14/22 Membership	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,514	1,129	75%	1,514	1,129	75%	1,514	1,158	76%	1,514	1,228	81%	1,514	1,289	85%	1,514	1,377	91%
DeLaura	Middle	7-8	90%	960	842	88%	960	844	88%	960	902	94%	960	820	85%	960	789	82%	960	826	86%
Hoover	Middle	7-8	90%	680	505	74%	680	505	74%	680	534	79%	680	574	84%	680	577	85%	680	588	86%
Jackson	Middle	7-8	90%	660	550	83%	660	550	83%	660	545	83%	660	538	82%	660	555	84%	660	588	89%
Jefferson	Middle	7-8	90%	873	608	70%	873	608	70%	873	600	69%	873	609	70%	873	563	64%	873	548	63%
Johnson	Middle	7-8	90%	1,064	610	57%	1,064	610	57%	1,064	650	61%	1,064	698	66%	1,064	753	71%	1,064	825	78%
Kennedy	Middle	7-8	90%	869	671	77%	869	671	77%	869	687	79%	869	670	77%	869	669	77%	869	677	78%
Madison	Middle	7-8	90%	781	446	57%	781	453	58%	781	484	62%	781	452	58%	781	476	61%	781	593	76%
McNair	Middle	7-8	90%	616	365	59%	616	369	60%	616	346	56%	616	354	57%	616	337	55%	616	347	56%
Southwest	Middle	7-8	90%	1,230	920	75%	1,230	920	75%	1,230	1,024	83%	1,230	1,127	92%	1,289	1,174	91%	1,289	1,285	100%
Stone	Middle	7-8	90%	1,076	668	62%	1,076	708	66%	1,076	799	74%	1,076	823	76%	1,076	890	83%	1,076	977	91%
Middle Totals				10,323	7,314		10,323	7,367		10,323	7,729		10,323	7,893		10,382	8,072		10,382	8,631	
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	PK, 7-12	90%	2,097	1,545	74%	2,097	1,536	73%	2,097	1,555	74%	2,097	1,525	73%	2,097	1,518	72%	2,097	1,470	70%
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	983	68%	1,445	1,000	69%	1,445	1,000	69%	1,445	941	65%	1,445	928	64%	1,445	867	60%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,534	83%	1,852	1,534	83%	1,852	1,505	81%	1,852	1,450	78%	1,852	1,428	77%	1,852	1,402	76%
Jr / Sr High Totals				5,394	4,062		5,394	4,070		5,394	4,060		5,394	3,916		5,394	3,874		5,394	3,739	
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,451	1,109	76%	1,451	1,109	76%	1,451	1,123	77%	1,451	1,129	78%	1,451	1,164	80%	1,451	1,158	80%
Bayside	High	9-12	95%	2,263	1,851	82%	2,263	1,885	83%	2,263	2,023	89%	2,263	2,099	93%	2,263	2,175	96%	2,382	2,371	100%
Eau Gallie	High	PK, 9-12	95%	2,221	1,582	71%	2,221	1,582	71%	2,221	1,597	72%	2,221	1,625	73%	2,221	1,631	73%	2,221	1,693	76%
Heritage	High	9-12	95%	2,314	2,033	88%	2,314	2,055	89%	2,314	2,065	89%	2,314	2,057	89%	2,314	2,099	91%	2,314	2,171	94%
Melbourne	High	9-12	95%	2,370	2,245	95%	2,370	2,245	95%	2,370	2,245	95%	2,370	2,248	95%	2,370	2,284	96%	2,370	2,345	99%
Merritt Island	High	PK, 9-12	95%	1,962	1,546	79%	1,962	1,546	79%	1,962	1,512	77%	1,962	1,457	74%	1,962	1,437	73%	1,962	1,454	74%
Palm Bay	High	PK, 9-12	95%	2,657	1,483	56%	2,657	1,495	56%	2,657	1,581	60%	2,657	1,683	63%	2,657	1,704	64%	2,657	1,700	64%
Rockledge	High	9-12	95%	1,836	1,559	85%	1,836	1,559	85%	1,836	1,640	89%	1,836	1,699	93%	1,836	1,693	92%	1,836	1,620	88%
Satellite	High	PK, 9-12	95%	1,527	1,518	99%	1,551	1,536	99%	1,551	1,433	92%	1,551	1,413	91%	1,551	1,359	88%	1,551	1,299	84%
Titusville	High	9-12	95%	1,813	1,313	72%	1,813	1,333	74%	1,813	1,335	74%	1,813	1,351	75%	1,813	1,316	73%	1,813	1,322	73%
Viera	High	PK, 9-12	95%	2,141	2,289	107%	2,474	2,319	94%	2,474	2,391	97%	2,474	2,417	98%	2,569	2,579	100%	2,664	2,660	100%
High Totals				22,555	18,528		22,912	18,664		22,912	18,945		22,912	19,178		23,007	19,441		23,221	19,793	
Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	403	85%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
Stevenson	Elementary	K-6	100%	569	506	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%
South Lake	Elementary	K-6	100%	481	434	90%	657	453	69%	657	471	72%	657	489	74%	657	507	77%	657	529	81%
West Melbourne	Elementary	K-6	100%	618	549	89%	618	552	89%	794	570	72%	794	588	74%	794	606	76%	794	624	79%
Edgewood	Jr / Sr High	7-12	90%	1,077	938	87%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%
West Shore	Jr / Sr High	7-12	90%	1,264	930	74%	1,264	950	75%	1,264	950	75%	1,264	950	75%	1,264	950	75%	1,264	950	75%
Schools of Choice				4,484	3,760		4,660	3,827		4,836	3,863		4,836	3,899		4,836	3,935		4,836	3,975	
Brevard Totals				84,971	64,132		85,526	64,706		85,768	65,593		85,900	66,435		86,296	67,227		86,840	68,418	

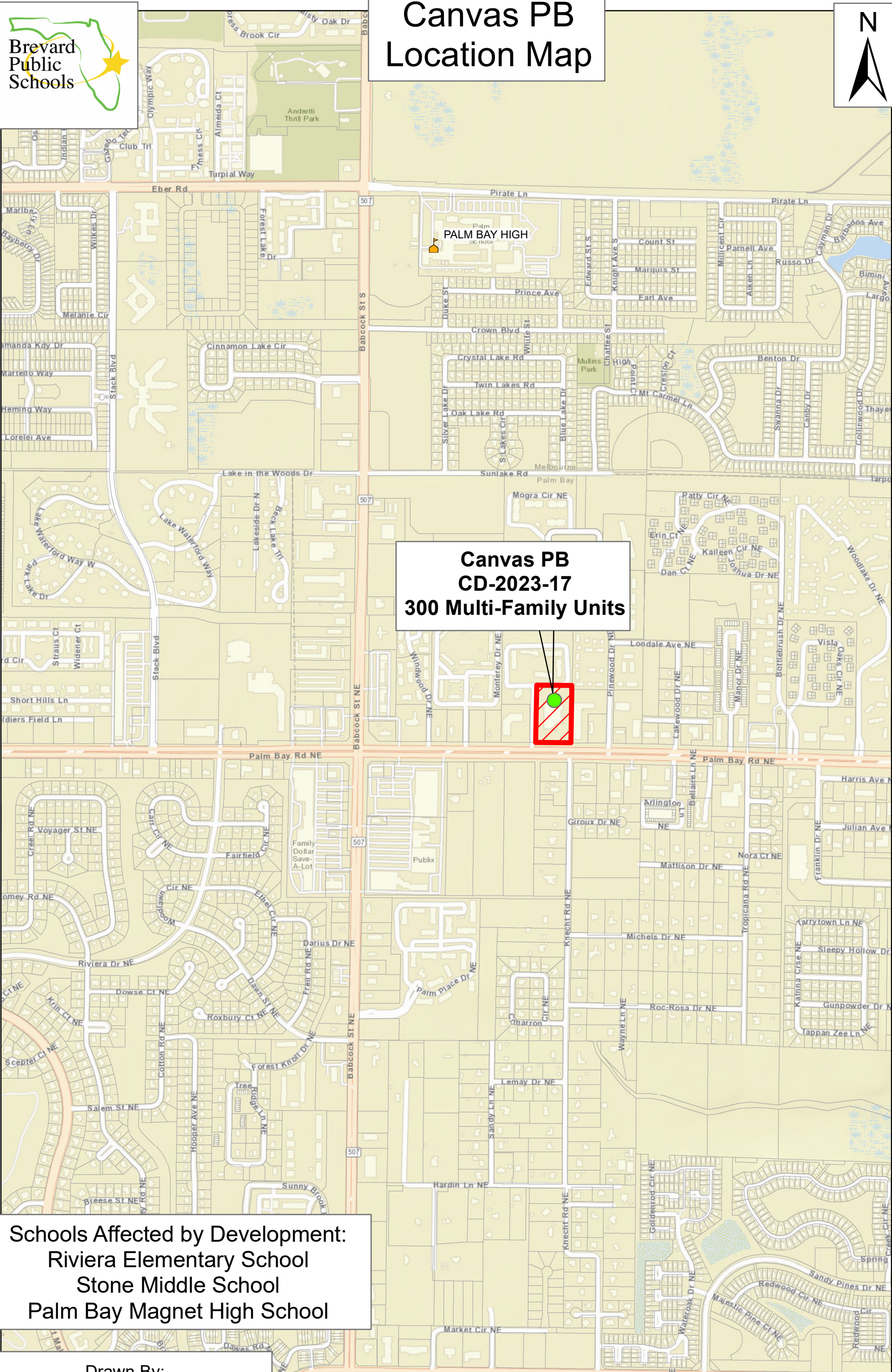
#### Notes

1. FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2022-23 are reported from the FISH database as of October 14, 2022.
2. Student Membership is reported from the Fall Final Membership Count (10/14/2022).
3. Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
  - Development Projections from Brevard County Local Government Jurisdictions
  - Brevard County School Concurrency Student Generation Multipliers (SGM)
  - Fall Membership student addresses and corresponding concurrency service areas
  - Student Mobility Rates / Cohort Survival Rates
  - Brevard County Birth rates by zip code
4. Davis Demographics estimates are then adjusted using the following factors:
  - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
  - Current From/To attendance patterns are assumed to remain constant.
  - Nongecoded student addresses are assumed to continue in their attendance schools.
  - Charter School Growth.
5. In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
6. If student projections are accurate, the school board could add additional classroom capacity, implement attendance boundary changes, or add relocatable classrooms. A south area elementary school is planned for the future growth, but the exact timing hasn't been established.
  - If only relocatable classrooms are used for the next 5 years, the following changes would be needed to accommodate projected growth. These schools are being analyzed for the best options to accommodate additional students.
    - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
  - For school year 2023-24, no additional capacity is needed.
  - For school year 2024-25, a total of 3 intermediate classrooms are projected for Westside Elementary School
  - For school year 2025-26, a total of 6 intermediate classrooms are projected for Pinewood (1), Riveria (1), Sunrise (1) and Westside (3) Elementary Schools.
  - For school year 2026-27, a total of 14 intermediate classrooms are projected for Imperial Estates (1), Jupiter (2), Riviera (2), Sunrise (4), Westside (2) Elementary Schools, and Southwest Middle School (3). 4 High School relocatable classrooms are proposed for Viera High School.
  - For school year 2027-28, a total of 15 intermediate classrooms are projected for Roy Allen (1), Imperial Estates (2), Jupiter (3), Riveria (2), Viera El (2), Sunrise (2), and Westside (3) Elementary Schools. 9 High School relocatable classrooms are proposed for Bayside (5) and Viera (4) High.
7. A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.
8. A classroom addition is planned for construction at South Lake Elementary School for 2023-24. The factored capacity is adjusted for the proposed 176 student stations.
9. A classroom addition is planned for construction at West Melbourne School of Science for 2024-25. The factored capacity is adjusted for the proposed 176 student stations.
10. Capacity adjusted for Board approved addition of one relocatable each at Pinewood Elementary and Satellite High Schools for school year 2024-25 forward.



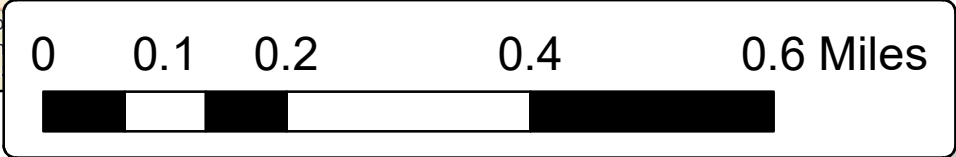


# Canvas PB Location Map



**Schools Affected by Development:**  
Riviera Elementary School  
Stone Middle School  
Palm Bay Magnet High School

Drawn By:  
Planning & Project Management  
Blake Stinson  
July 24, 2023







## **CITIZEN PARTICIPATION REPORT**

Applicant should follow established Citizen Participation Plan as specified in § 169.005 CITIZEN PARTICIPATION PLANS.

### **CASE DETAILS**

Applicant Name	1611 Meridian, L.L.C
Project Name	The Essence Palm Bay
Case Type	Rezoning
Case Description	Requesting a change from Institutional (IU) to Community Commercial (CC) zoning
Property Location	Palm Bay Rd NE, approximately .3 miles West of Babcock St. NE
Total Acreage	3.92
Current use	Vacant
Current FLU	COM - Commercial
Current Zoning	IU – Institutional Use
Improved or Unimproved	Improved
Intended Month of Submission	June, 2023

### **INFORMATION ON THE CITIZEN PARTICIPATION MEETING**

Notice to the Public (Date)	May 18, 2023
Date of CPP	May 30, 2023
Location of the Meeting	Holiday Inn Express and Suites Palm Bay – meeting room 1206 Malabar Rd. Palm Bay, FL 32907
Number of Attendees	3 project representatives; 0 public attendees

**DENOTE ANY ADVERSE COMMENTS/COMPLAINTS/ CONCERNS/ ISSUES RECEIVED AND DESCRIBE RESOLUTION OR PROVIDE JUSTIFICATION IF THE APPLICANT IS UNABLE OR UNWILLING TO ADDRESS THE ISSUE:**



## LIST OF ATTENDEES

Number	Name of attendee	Number	Name of attendee
1.	Kimberly Rezanka - Representative	2.	Robin Fisher – representative
3.	William Frometa – representative	4.	
5.		6.	
7.		8.	
9.		10.	
11.		12.	
13.		14.	
15.		16.	
17.		18.	
19.		20.	
21.		22.	
23.		24.	
25.		26.	
27.		28.	
29.		30.	
31.		32.	
33.		34.	
35.		36.	





**ADDITIONAL DOCUMENTS REQUIRED WITH CITIZEN PARTICIPATION PLAN REPORT  
SUBMISSION**

1. Copy of notice sent (separate attachment)
2. Material distributed or presented at the meeting (separate attachment)
  - All the property owners within a 500-foot radius of the subject parcel shall be informed about the meeting date, time and location.

I hereby certify that information provided as part of this report is correct.

Kimberly B. Rezanka  
Signature,

Kimberly B. Rezanka, Representative 6/3/23  
Typed Name and Title: Date :



Stephen J. Lacey  
*Managing Member*

Aaron D. Lyons  
*Managing Member*

Kimberly B. Rezanka  
*Partner*

Robyn W. Hattaway  
*Partner*

Ethan B. Babb  
*Partner*

Jennifer D. Cockcroft  
*Senior Associate Attorney*

Amanda R. Wilhelm  
*Associate Attorney*

Caitlin A. Lewis  
*Associate Attorney*

May 18, 2023

*Via First Class Mail*

RE: Notice of Citizen Informational Meeting on May 30, 2023

Applicant: 1611 Meridian, L.L.C  
Project: The Essence Palm Bay  
Location: Palm Bay Rd NE, approximately .3 miles West of Babcock St. NE  
Application Request: Community Commercial Zoning  
Tax Parcel ID: 28-37-22-00-262 (Account: 2831680)

Dear Neighbor:

1611 Meridian, L.L.C will be submitting a Rezoning Application to the City of Palm Bay, requesting a change from Institutional (IU) to Community Commercial (CC) zoning for the Property on Palm Bay Rd. The Property is approximately 3.92 acres.

On behalf of 1611 Meridian, L.L.C, we are inviting you to an informational meeting to discuss the request, answer any questions you may have, and accept feedback you may offer. We will present the results of the meeting to the City of Palm Bay.

If you have any questions you wish to submit in advance of the meeting, we would appreciate the opportunity to review them ahead of time to be sure that we bring appropriate information to answer your questions or address your concerns at the meeting.

DATE: May 30, 2023  
TIME: 6:00 P.M. – 7:00 P.M.  
PLACE: Holiday Inn Express & Suites Palm Bay – meeting room  
1206 Malabar Rd.  
Palm Bay, FL 32907

We hope to see you there. Questions or comments can be submitted to me via email at [KRezanka@LLR.Law](mailto:KRezanka@LLR.Law).

Best Regards,

Kimberly B. Rezanka

1290 U.S. Highway 1 | Suite 103 | Rockledge, FL 32955  
Office: 321.608.0892 | Fax: 321.608.0891

# THE ESSENCE

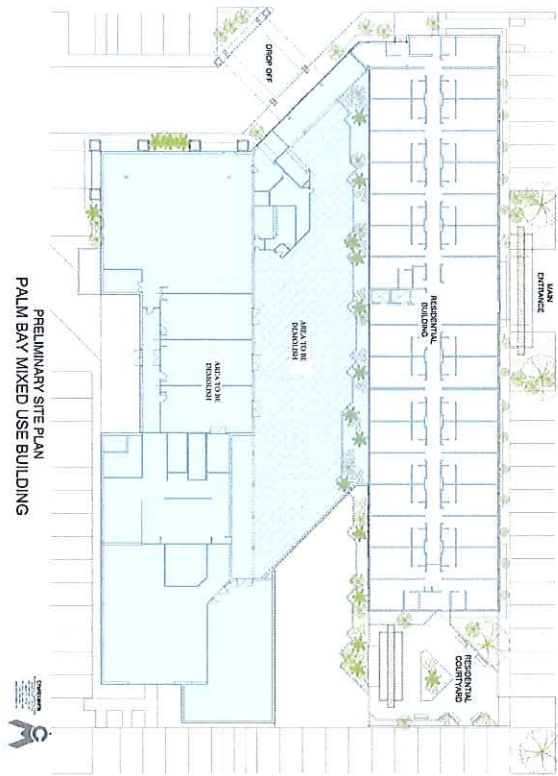
PALM BAY

By 16th Meridian LLC

 MABRUK

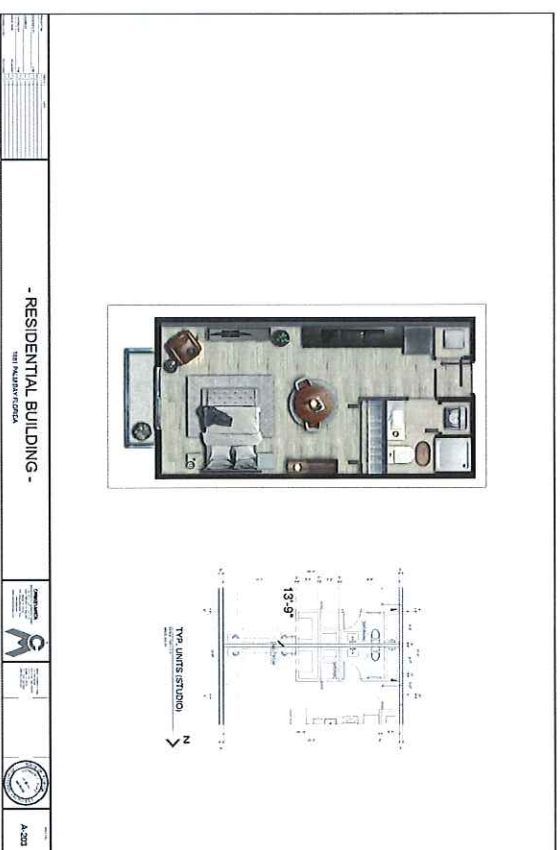
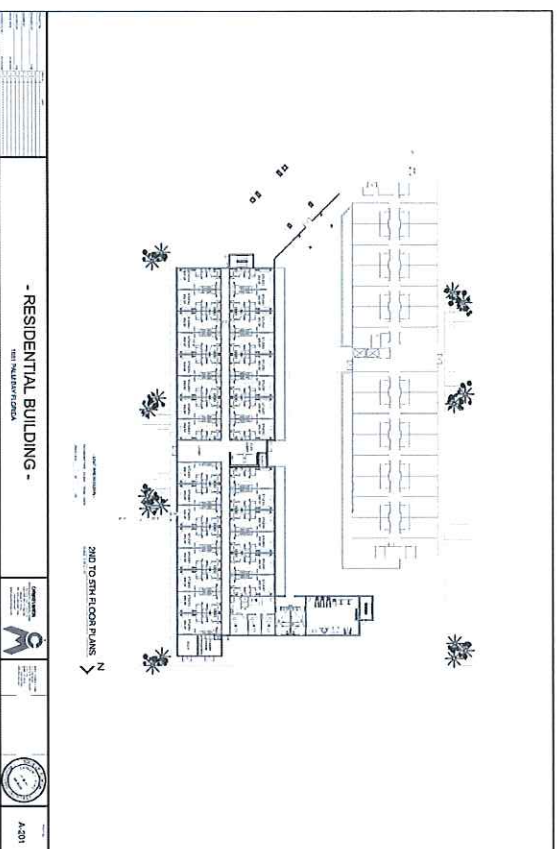


# PALM BAY RESIDENTIAL BUILDING





# PALM BAY RESIDENTIAL BUILDING



# Project Details: Z23-00011

## Project Type: Rezoning Zoning Change

Project Location: 1881 PALM BAY RD NE Palm Bay, FL 32905  
Milestone: Submitted  
Created: 6/5/2023  
Description: The Essence Palm Bay  
Assigned Planner: Alexandra Bernard

### Contacts

Contact	Information
Owner/Applicant	Nuri Dorra, Manager, 1611 MERIDIAN LLC 16426 NE 32ND AVE NORTH MIAMI BEACH, FL 33160 (786) 234-1461 n.dorra@mabrukusa.com
Legal Representative	Kimberly B. Rezanka 1290 U.S. Hwy 1 Rockledge, FL 32955 (321) 608-0892 krezanka@llr.law
Assigned Planner	Alexandra Bernard 120 Malabar Rd Palm Bay, FL 32907  alexandra.bernard@palmbayflorida.org
Submitter	Kimberly B. Rezanka 1290 U.S. Hwy 1 Rockledge, FL 32955  Krezanka@llr.law

### Fields

Field Label	Value
Block	262
Lot	
Section Township Range	22-28-37
Subdivision	00
Year Built	1985
Use Code	7500
Use Code Desc	ASSISTED-CARE LIVING FACILITY

# Project Details: Z23-00011

LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	2831680
Flu Description	Commercial
Flu Code	COM
Zoning Description	Institutional Use
Zoning Code	IU
Size of Area (acres)	
Present Use of Property	Vacant
Zoning Classification Desired	Community Commercial (CC)
Structures On Property?	True
Intended Use of Property	Affordable Housing
Justification for Change	Institutional (IU) does not allow residential use
Is Submitter the Representative?	False
Ordinance Number	
Subdivision Name	

May 22, 20 23

Re: Letter of Authorization

As the property owner of the site legally described as:

PART OF LOT 22 AS DES IN DB 412 PG 112 EX RD R/W AS PER PB 1 PG 164  
TAX ACCOUNT : 2831680

I, Owner Name: 1611 MERIDIAN, LLC BY: NURI DORRA, MANAGER

Address: 16426 NE 32ND AVE NORTH MIAMI BEACH FL 33160

Telephone: 786-234-1461

Email: n.dorra@mabrukusa.com

hereby authorize:

Representative: KIMBERLY REZANKA, ESQ.

Address: 1290 US HWY 1, SUITE 103, ROCKLEDGE FL 32955

Telephone: 321-608-0892

Email: KREZANKA@LLR.LAW

to represent the request(s) for:

REZONING OF 1881 PALM BAY ROAD

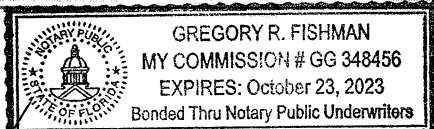
(Property Owner Signature)

STATE OF FLORIDA

COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22 day of May, 20 23 by

NURI DORRA, AS MANAGER OF 1611 MERIDIAN LLC, property owner.



☒ Personally Known or ☐ Produced the Following Type of Identification:

, Notary Public



# Acknowledgement Log

**Header:**

Legal Acknowledgement

**Text:**

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made 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 application and that the facts stated in it are true.

**Accepted By:**

Kimberly B. Rezanka

**On:**

6/5/2023 10:00:09 AM

☒ Z23-00011

Select Language ▼



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005773931

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 340.30

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/20/23

**Text of Ad:**

Ad#5773931 07/20/2023  
**CITY OF PALM BAY, FLORIDA  
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 August 2, 2023, and by the City Council on August 17, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):  
1. CP23-00008 – Tara Williamson and Ronald Chabot (Kelly Hyvonen, AICP, Land Development Strategies, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial and High Density Residential to Commercial.  
Lot 1 of Block R and Lot 18.01 of Block C, Hiawatha Gardens Section 2, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.06 acres. Located at the southwest intersection of Hiawatha Avenue NE and Dixie Highway NE  
2. \*\*Z23-00012 - Lawrence Kramer  
A Zoning Change from an IU, Institutional Use District to an RC, Restricted Commercial District.  
Lot 11, Point West Estates, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE  
3. \*\*Z23-00011 - 1611 Meridian, LLC, Nuri Dorra, Manager (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Zoning Change from an IU, Institutional Use District to a CC, Community Commercial District.  
Tax Parcel 262, Section 22, Township 28, Range 37, Brevard County, Florida; containing approximately 4.08 acres. Located at the northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Rd NE  
4. CP23-00014 - KEW, LLC, Michael Erdman, managing member (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial.  
A portion of Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE  
5. FS23-00006 - Heritage Square Partners, LLC, Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 4-lot commercial subdivision called Commercial at Heritage Square.  
Tract X, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. In the vicinity west of St. Johns Heritage Parkway NW, north of and adjacent to Malabar Road NW  
6. PS23-00006 - Diocese of Orlando, John G. Noonan, Bishop (David W. Bassford, P.E., MBV Engineering, Inc., Rep.)  
A Preliminary Subdivision Plan to allow for a proposed development of 88 town-

home units and 35 single-family residential units to be called Bayside Landings. Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. Located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE

**7. CP23-00015 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Public/Semi-Public to Commercial. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**8. \*\*CP23-00008 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Zoning Amendment from an IU, Institutional Use District to an RC, Restricted Commercial District. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**9. T23-00013 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.123, to provide clear language for authorized parking within residential districts.**

**10. T23-00014 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Sections 184.35 and 184.36, to add language and procedures for lot splits and lot reconfigurations within the City of Palm Bay.**

**11. T23-00015 - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District.**

**12. T23-00017 – All Digital All Day, LLC (Matthew Ashley, Rep.) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17, to modify language for the distance between billboards to be in alignment with state statutes.**

**13. T23-00019 – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to amend Section 184.15 regarding the conditions governing the issuance of building permits for model homes.**

**14. T23-00020 - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay.**

**\*\*Indicates quasi-judicial request(s).**  
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.  
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Jesse Anderson, Ph.D., Assistant Growth Management Director

**DATE:** August 2, 2023

**SUBJECT:** CP23-00014 - REQUEST TO CONTINUE TO 09/05 P&Z - Eldron Storage - KEW, LLC, Michael Erdman, managing member (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial. A portion of Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE

A request to continue Case CP23-00014 to the September 5, 2023 Planning and Zoning Board Meeting to allow for further review.

**Board action is required to continue the case.**

City Council will hear the request on September 21, 2023.





## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Tania Ramos, Senior Planner

**DATE:** August 2, 2023

**SUBJECT:** FS23-00006 - Commercial at Heritage Square - Heritage Square Partners, LLC, Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.) - A Final Plat to allow for a proposed 4-lot commercial subdivision called Commercial at Heritage Square. Tract X, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. In the vicinity west of St. Johns Heritage Parkway NW, north of and adjacent to Malabar Road NW

### ATTACHMENTS:

#### Description

- ▣ FS23-00006 - Staff Report
- ▣ FS23-00006 - Final Plat
- ▣ FS23-00006 - Title Opinion
- ▣ FS23-00006 - Application
- ▣ FS23-00006 - Letter of Authorization
- ▣ FS23-00006 - Acknowledgement
- ▣ FS23-00006 - Legal Ad



## STAFF REPORT

### LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmabayflorida.org](mailto:landdevelopmentweb@palmabayflorida.org)

#### Prepared by

Tania Ramos, Senior Planner

---

#### CASE NUMBER

FS23-00006

#### PLANNING & ZONING BOARD HEARING DATE

August 2, 2023

---

#### PROPERTY OWNER & APPLICANT

Heritage Square Partners, LLC., Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)

#### PROPERTY LOCATION/ADDRESS

Tract X, St Johns Heritage Preserve – Phase 1, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. Located west of and adjacent to St. Johns Heritage Parkway, north of and adjacent to Malabar Road NW. Tax Account 3023632

---

#### SUMMARY OF REQUEST

The applicant requests that the property be granted Final Subdivision Plat approval to allow for a proposed 4 lot commercial subdivision called Commercial at Heritage Square.

##### Existing Zoning

PMU, Parkway Mixed Use

##### Existing Land Use

PFU, Parkway Flex Use

##### Site Improvements

Vacant Land

##### Site Acreage

Approximately 15 acres

---

#### SURROUNDING ZONING & USE OF LAND

##### North

PMU, Parkway Mixed Use – Townhomes

##### East

PUD, Planned Unit Development –Single Family Residences

##### South

AU, Agricultural Residential (Brevard County) –Vacant Land

##### West

PMU, Parkway Mixed Use – Townhomes

#### COMPREHENSIVE PLAN COMPATIBILITY

Yes, the property has a Parkway Flex Use Future Land Use Designation.

**BACKGROUND:**

The subject property is located in the vicinity west of and adjacent to St. Johns Heritage Parkway, north of and adjacent to Malabar Road NW, containing approximately 15 acres. This tract is the commercial portion of St. John's Preserve, a 178.11-acre Parkway Mixed Use development which was originally approved under FS-4-2018 and later amended under FD-16-2019 to contain 620 single-family lots and this 15-acre commercial parcel. In 2022, the overall project was amended under FD-46-2022 to allow for 176 townhome units on the 19.12 acres of the residential development surrounding this commercial tract.

This proposed final subdivision plat is a replat of St. John's Preserve – Phase 1, Tract X, which was noted for future commercial development with a minimum of 24,800 square feet of floor area. The 15-acre commercial parcel is being split four (4) commercial lots to be known as Commercial at Heritage Square.

**ANALYSIS:**

Lot 4 is the largest lot being created at 7.96 acres with frontage on both St. John's Heritage Parkway and Malabar Road NW. Site plan #1413 was approved for this site in 2022. The plan contains a 48,387 square foot grocery store, 2,100 square foot liquor store, and a 9,800 square foot retail building. The site plan includes one full access and one right in, right out access on St. John's Heritage Parkway. There is also a right in, right out and a full access on Malabar Road NW. Access for Lots 1 – 3 will be provided internally through Lot 4. Parking areas, sidewalks, drainage, site lighting, and landscaping will also be installed with this site plan. The remaining lots will be site planned individually.

Technical staff review comments have all been addressed.

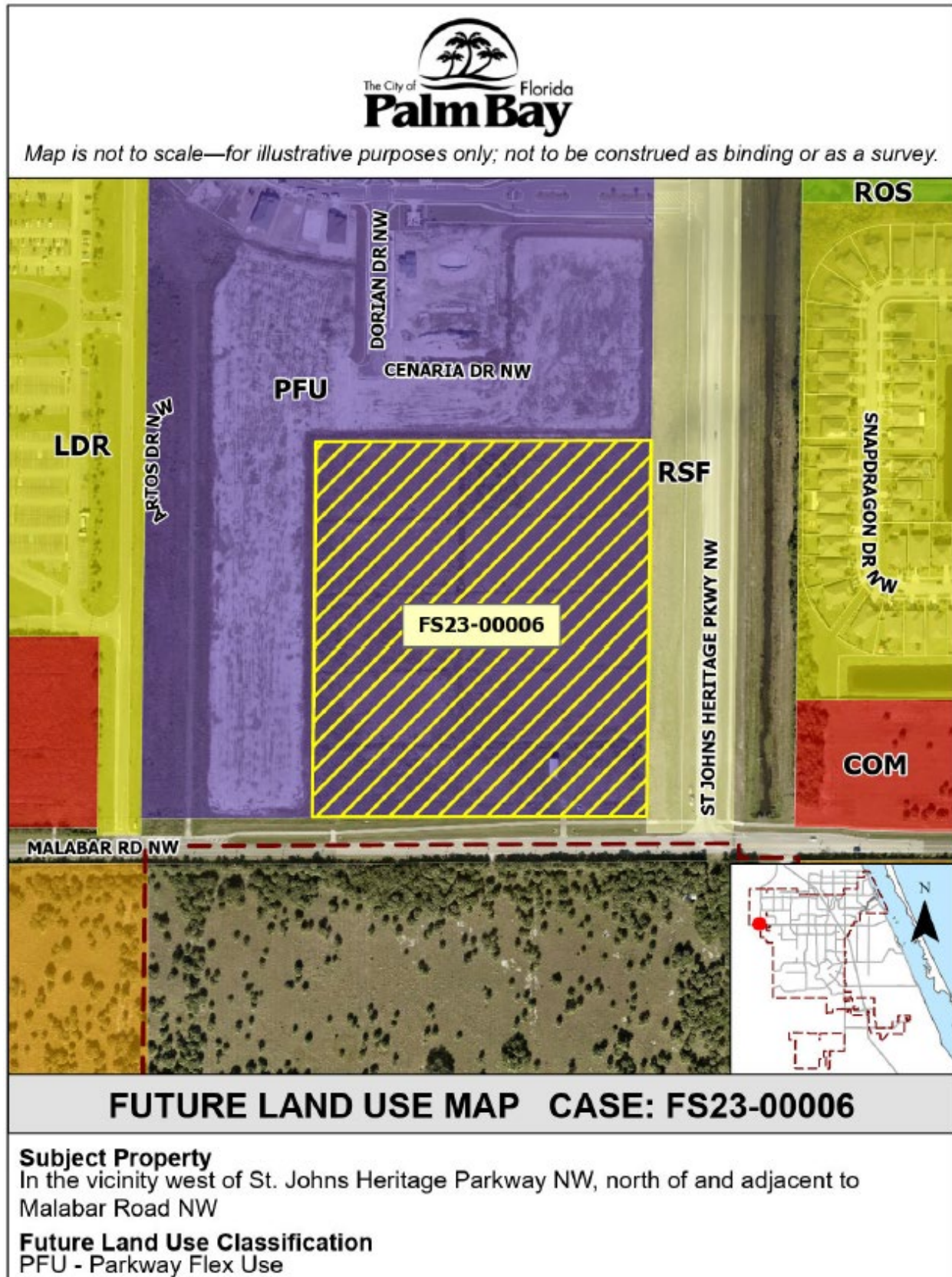
To receive Final Plat approval, the proposal must meet the requirements of Section 184.08 of the Palm Bay Code of Ordinances. Upon review of the submitted materials the Final Plat request is in substantial conformance with the applicable requirements of this section.

**STAFF RECOMMENDATION:**

Staff recommends Case FS23-00006 for approval.







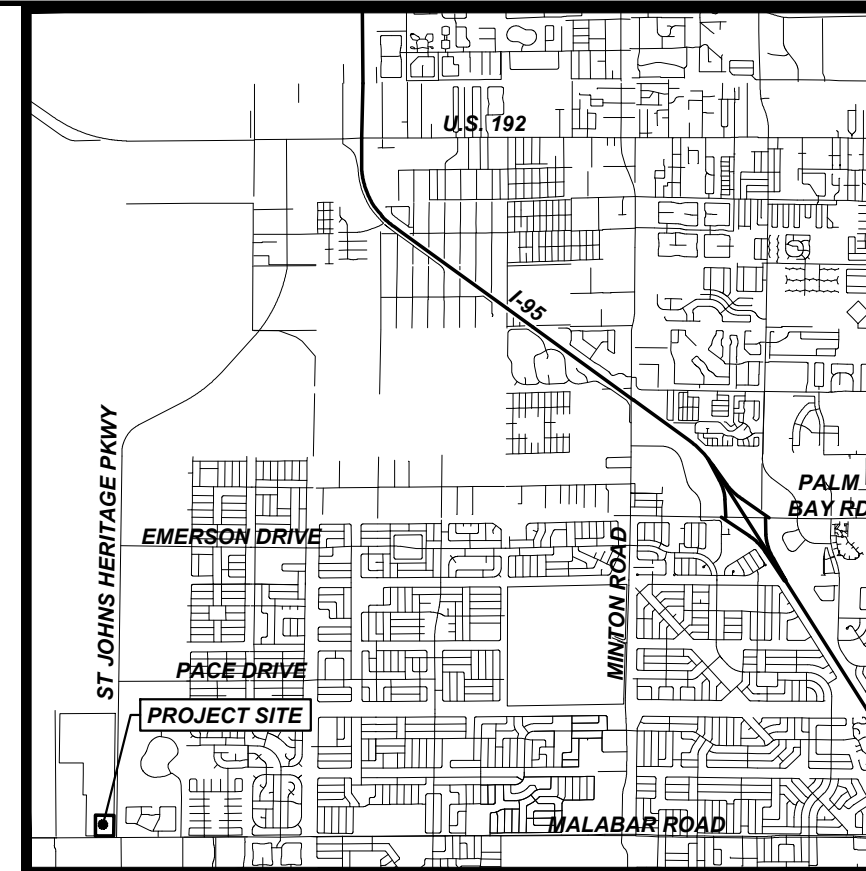






# COMMERCIAL AT HERITAGE SQUARE

BEING A REPLAT OF TRACT X, ST JOHNS PRESERVE - PHASE 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 69, PAGE 4, PUBLIC RECORDS OF BREVARD OUNTY, FLORIDA, LYING IN SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA



LOCATION MAP  
NTS

## PLAT NOTES

- BEARINGS SHOWN HEREON ARE BASED ON THE WEST RIGHT-OF-WAY LINE OF ST. JOHNS HERITAGE PARKWAY BEING ASSUMED AS S00°41'13"W.
- SURVEY MONUMENTATION WITHIN THE SUBDIVISION SHALL BE SET IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 177.091(9).
- ALL LOT DRAINAGE IS PRIVATE AND IS TO BE MAINTAINED BY THE INDIVIDUAL LOT OWNER OR THE DECLARED MAINTENANCE ENTITY (I.E. PROPERTY OWNER ASSOCIATION).
- ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
- LOTS AND TRACTS ABUTTING ANY STORM WATER LAKE AND/OR TRACT, OR FLOW WAYS, WETLANDS AND ANY OTHER STORM WATER MANAGEMENT FACILITIES CONSTRUCTED SUBSEQUENT TO THIS PLAT, SHALL NOT HAVE RIPARIAN RIGHTS WITH RESPECT TO ANY SUCH TRACTS AND DRAINAGE FACILITIES, INCLUDING WITHOUT LIMITATION, ANY DRAINAGE PONDS OR LAKES, DRAINAGE STRUCTURES OR AQUATIC LANDSCAPE FEATURES WHICH MAY BE CONSTRUCTED WITHIN SAID FACILITIES.
- ALL DRAINAGE TRACTS SHALL BE PRIVATE EXCEPT AS OTHERWISE EXPRESSLY PROVIDED HEREON. THE CITY OF PALM BAY SHALL NOT HAVE ANY RESPONSIBILITY REGARDING THE MAINTENANCE, REPAIR AND/OR RESTORATION OF ANY STORM PIPES, STORM STRUCTURES OR ASSOCIATED STORM WATER MANAGEMENT FACILITIES LOCATED WITHIN THE LIMITS OF ANY SUCH PRIVATE DRAINAGE EASEMENT.
- LOTS 1 AND 2, ABUTTING ST JOHNS HERITAGE PARKWAY SHALL NOT HAVE INDIVIDUAL ACCESS/INGRESS/EGRESS RIGHTS TO AND FROM THE RIGHT-OF-WAY OF ST JOHNS HERITAGE PARKWAY. IT IS INTENDED THAT ACCESS/INGRESS/EGRESS TO AND FROM THOSE PARTICULAR LOTS AND/OR TRACTS BE EXCLUSIVELY FROM THE PRIVATE ROAD ACCESS POINTS WITHIN THE BOUNDARIES OF LOT 4 OF THIS SUBDIVISION.
- LOTS 1 AND 3, ABUTTING MALABAR ROAD SHALL NOT HAVE INDIVIDUAL ACCESS/INGRESS/EGRESS RIGHTS TO AND FROM THE RIGHT-OF-WAY OF MALABAR ROAD. IT IS INTENDED THAT ACCESS/INGRESS/EGRESS TO AND FROM THOSE PARTICULAR LOTS AND/OR TRACTS BE EXCLUSIVELY FROM THE PRIVATE ROAD ACCESS POINTS WITHIN THE BOUNDARIES OF LOT 4 OF THIS SUBDIVISION.
- THE LANDS SUBDIVIDED HEREON ARE SUBJECT TO THE TERMS AND CONDITIONS OF THOSE CERTAIN COVENANTS, CONDITIONS AND RESTRICTIONS ST JOHNS PRESERVE - PHASE 1 AS RECORDED IN OFFICIAL RECORDS BOOK 9017, PAGE 579, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- TRACT A IS HEREBY DEDICATED FOR THE INSTALLATION, CONSTRUCTION, OPERATION, AND MAINTENANCE OF A STORMWATER MANAGEMENT SYSTEM FOR THE BENEFIT OF LOTS 1, 2, 3, & 4 AS SHOWN AND DEFINED HEREON AND SHALL BE OWNED AND MAINTAINED BY THE COMMERCIAL AT HERITAGE SQUARE PROPERTY OWNERS ASSOCIATION, ITS SUCCESSORS AND/OR ASSIGNS.
- THE LANDS SUBDIVIDED HEREON ARE SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN CITY OF PALM BAY ORDINANCE, ORDINANCE NO. 2019-45, AS RECORDED IN OFFICIAL RECORDS BOOK 8538, PAGE 2476, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- THE LANDS SUBDIVIDED HEREON ARE SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN CITY OF PALM BAY WATER AND WASTEWATER SYSTEM AGREEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 8821, PAGE 1150, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- THE PRIVATE ACCESS EASEMENT IS HEREBY DEDICATED TO THE COMMERCIAL AT HERITAGE SQUARE PROPERTY OWNERS ASSOCIATION, ITS SUCCESSORS AND/OR ASSIGNS.
  - ORDINANCE NO. 2019-45 RECORDED IN OFFICIAL RECORDS BOOK 8538, PAGE 2476.
  - PLAT OF ST JOHNS PRESERVE - PHASE 1 RECORDED IN PLAT BOOK 69, PAGES 4-7, INCLUSIVE, AS AFFECTED BY THE AFFIDAVIT RECORDED IN OFFICIAL RECORDS BOOK 9314, PAGE 427.
  - DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN OFFICIAL RECORDS BOOK 9017, PAGE 579; AS AFFECTED BY THAT CERTAIN FIRST AMENDMENT RECORDED IN OFFICIAL RECORDS BOOK 9235, PAGE 1417; AS AFFECTED BY THAT CERTAIN SECOND AMENDMENT RECORDED IN OFFICIAL RECORDS BOOK 9309, PAGE 1485; AS AFFECTED BY THAT CERTAIN THIRD AMENDMENT RECORDED IN OFFICIAL RECORDS BOOK 9492, PAGE 1143; AS AFFECTED BY THAT CERTAIN FOURTH AMENDMENT RECORDED IN OFFICIAL RECORDS BOOK 9683, PAGE 1689; AS AFFECTED BY THAT CERTAIN FIFTH AMENDMENT RECORDED IN OFFICIAL RECORDS BOOK 9690, PAGE 336; AS AFFECTED BY THAT CERTAIN CORRECTIVE FIFTH AMENDMENT RECORDED IN OFFICIAL RECORDS BOOK 9721, PAGE 1743; AND AS AFFECTED BY THAT CERTAIN SIXTH AMENDMENT RECORDED IN OFFICIAL RECORDS BOOK 9782, PAGE 1075.
  - LEASE DATED JULY 25, 2022 BY AND BETWEEN HERITAGE SQUARE PARTNERS, LLC, A FLORIDA LIMITED LIABILITY COMPANY AND PUBUX SUPER MARKETS, INC., A FLORIDA CORPORATION, AS EVIDENCED BY THE MEMORANDUM THEREOF RECORDED IN OFFICIAL RECORDS BOOK 9693, PAGE 880.
  - EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 9782, PAGE 1081.

## ABBREVIATIONS

- \* MINUTES/FEET
- \* SECONDS/INCHES
- \* DEGREES

AC ACRES  
AL ARC LENGTH  
CB CHORD BEARING  
CH CHORD LENGTH  
DEL CENTRAL/DELTA ANGLE  
ESMT EASEMENT  
OR/ORB OFFICIAL RECORDS BOOK  
PB PLAT BOOK  
PG(S) PAGE(S)  
POB POINT OF BEGINNING  
POC POINT OF COMMENCEMENT  
R RADIUS  
R/W RIGHT-OF-WAY

## DESCRIPTION

TRACT X, ST JOHNS PRESERVE - PHASE 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 69, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT X AND RUN ALONG THE BOUNDARY OF SAID TRACT X, THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES: 1) N00°41'13"E, A DISTANCE OF 854.12 FEET; 2) THENCE N89°44'45"E, A DISTANCE OF 765.10 FEET; 3) THENCE S00°41'13"W, A DISTANCE OF 854.12 FEET; 4) THENCE S89°44'45"W A DISTANCE OF 765.10 FEET TO THE POINT OF BEGINNING. CONTAINING 15.00 ACRES, MORE OR LESS.



B.S.E. CONSULTANTS, INC.  
CONSULTING - ENGINEERING - LAND SURVEYING  
312 SOUTH HARBOR CITY BOULEVARD, SUITE 400, PALM BAY, FL 32909  
PHONE: (321) 725-8674 FAX: (321) 725-1189  
CERTIFICATE OF BUSINESS AUTHORIZATION: 4905  
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 06/22/2023  
DESIGN/DRAWN: LEH  
DRAWING# 1159201\_301\_001  
PROJECT# 1159201.01

PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_

SHEET 1 OF 1

SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST

## DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that HERITAGE SQUARE PARTNERS, LLC, being the owner in fee simple of the lands described herein as

## COMMERCIAL AT HERITAGE SQUARE

Hereby dedicates said lands for the uses and purposes herein described and further dedicates to the City of Palm Bay, Florida, an ingress and egress easement over and across the lands platted herein for law enforcement, emergency access and emergency maintenance. No other easements are dedicated or granted to the public.

By: \_\_\_\_\_  
Ryan Karlin, Vice-President

Attest: \_\_\_\_\_ SEAL

Signature

Printed Name

Attest: \_\_\_\_\_

Signature

Printed Name

HERITAGE SQUARE PARTNERS, LLC, A Florida Limited Liability Company  
201 E LAS OLAS BLVD  
SUITE 1200  
FORT LAUDERDALE, FL 33301

STATE OF FLORIDA COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of \_\_\_\_\_ physical presence or \_\_\_\_\_ online notarization, this \_\_\_\_\_, by Ryan Karlin, Vice-President of the above named limited liability company, on behalf of the above named limited liability company, who is \_\_\_\_\_ personally known to me or \_\_\_\_\_ has produced \_\_\_\_\_ as identification.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.

NOTARY PUBLIC \_\_\_\_\_

Notary Public, State of Florida  
My Commission Expires:  
Commission No.:

## CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed professional surveyor and mapper, does hereby certify that on 09/14/2021 he completed the boundary survey of the lands shown on the foregoing plat; and that said plat was prepared under his direction and supervision and that said plat complies with all of the survey requirements of Chapter 177, part 1, Florida Statutes, and that said lands are located in The City of Palm Bay, Brevard County, Florida.

Registration Number 5611  
LESLIE E. HOWARD  
B.S.E. Consultants, Inc.  
312 South Harbor City Boulevard, Suite #4  
Melbourne, Fla. 32901  
Certificate of Authorization Number: LB-0004905

## CERTIFICATE OF REVIEWING SURVEYOR FOR THE CITY OF PALM BAY

I HEREBY CERTIFY, That I have reviewed the foregoing plat and find that it is in conformity with Chapter 177, part 1, Florida Statutes.

Joseph N. Hale, Professional Surveyor & Mapper, Florida License # LS6366

## CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, That on \_\_\_\_\_ the City Council of the City of Palm Bay, Florida approved the foregoing plat.

Mayor - J. Robert Medina

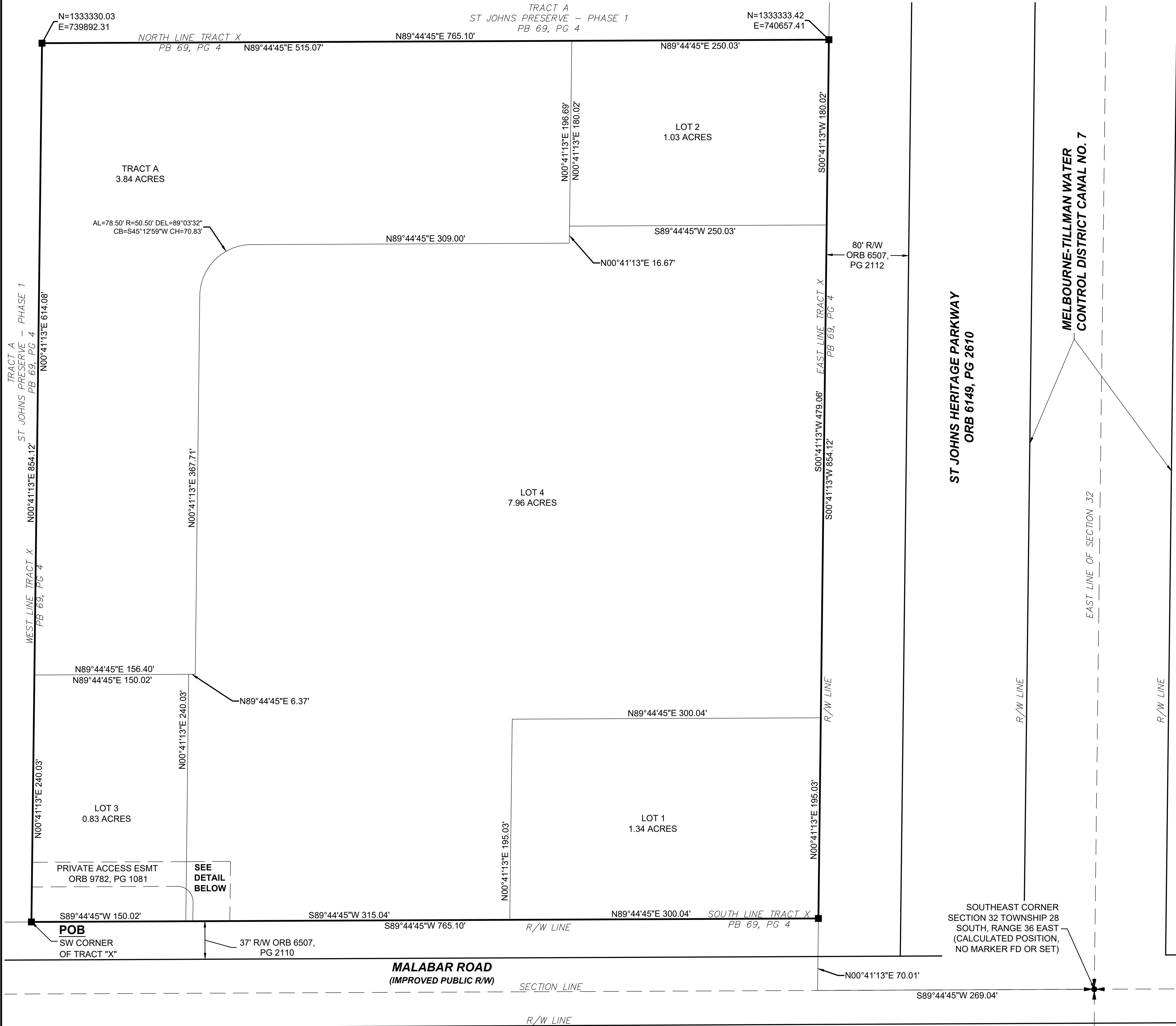
ATTEST:

City Clerk - Terese M. Jones

## CERTIFICATE OF CLERK

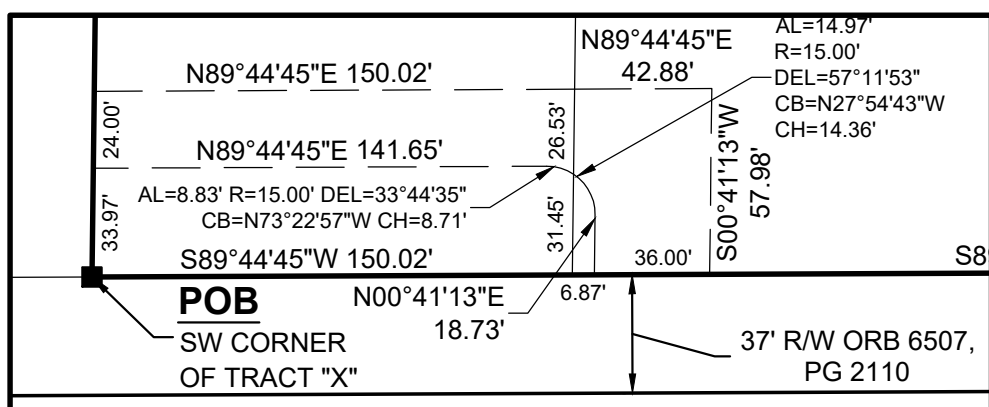
I HEREBY CERTIFY, That I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, part 1 Florida Statutes, and was filed for record on \_\_\_\_\_ at \_\_\_\_\_, File No. \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of the Circuit Court in and for Brevard County, Fla.



## SURVEY SYMBOL LEGEND

SECTION CORNER, MARKED AS NOTED  
PERMANENT REFERENCE MONUMENT (PRM): FOUND 4X4 INCH CONCRETE MONUMENT WITH DISK STAMPED PRM LB4905, UNLESS OTHERWISE NOTED



PRIVATE ACCESS EASEMENT DETAIL

NORTHING AND EASTING COORDINATE VALUES SHOWN HEREON, (N.E.) ARE BASED UPON REAL TIME KINETIC, (RTK), OBSERVATIONS UTILIZING A SPECTRA SP80 GLOBAL POSITIONING SYSTEM, (GPS), DERIVED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FPRN NETWORK FOR DISTRICT 5 AND ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM, 1983, 2012 ADJUSTMENT (NAD83/2012), FLORIDA EAST ZONE.

H:\Projects\Folder1\159201\_301\_FINAL PLAT\1159201\_301\_001.dwg, June 22, 2023 7:18:24 AM, LH

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

## **OPINION OF TITLE**

**To: City of Palm Bay**

With the understanding that this Opinion of Title is furnished to the City of Palm Bay, as an inducement for acceptance of a proposed final subdivision plat or waiver of plat covering the real property, hereinafter described, it is hereby certified that I have examined that certain Plat Property Information Report by Commonwealth Land Title Insurance Company under File No. 11170164, for a period searched from May 17, 1983 to the 17th day of May, 2023, at the hour of 8:00 A.M., inclusive, of the following described property:

See Exhibit "A" attached hereto and by this reference made a part hereof.

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

Heritage Square Partners, LLC, a Florida limited liability company (the "Company") and Ryan Karlin, the Vice-President of the Company is authorized to execute the Plat or Waiver of Plat on behalf of the Company.

Subject to the following encumbrances, liens and other exceptions:

**1. RECORDED MORTGAGE:**

None.

**2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

None.

**3. GENERAL EXCEPTIONS:**

1. All taxes for the year in which this opinion is rendered, unless noted below that such taxes have been paid.

2. Rights of persons other than the above owners who are in possession.

3. Facts that would be disclosed upon accurate survey.

4. Any unrecorded labor, mechanics or materialmen's liens.

5. Zoning and other restrictions imposed by governmental authority.

**4. SPECIAL EXCEPTIONS:**

1. Ordinance No. 2019-45 recorded in Official Records Book 8538, Page 2476.



## Opinion of Title

Page 2

2. Plat of St Johns Preserve – Phase 1 recorded in Plat Book 69, Pages 4-7, inclusive, as affected by the Affidavit recorded in Official Records Book 9314, Page 427.
3. Declaration of Covenants, Conditions and Restrictions recorded in Official Records Book 9017, Page 579; as affected by that certain First Amendment recorded in Official Records Book 9235, Page 1417; as affected by that certain Second Amendment recorded in Official Records Book 9309, Page 1485; as affected by that certain Third Amendment recorded in Official Records Book 9492, Page 1143; as affected by that certain Fourth Amendment recorded in Official Records Book 9683, Page 1669; as affected by that certain Fifth Amendment recorded in Official Records Book 9690, Page 336; as affected by that certain Corrective Fifth Amendment recorded in Official Records Book 9721, Page 1743; and as affected by that certain Sixth Amendment recorded in Official Records Book 9782, Page 1075.
4. Lease dated July 25, 2022 by and between Heritage Square Partners, LLC, a Florida limited liability company and Publix Super Markets, Inc., a Florida corporation, as evidenced by the Memorandum thereof recorded in Official Records Book 9693, Page 880.
5. Easement Agreement recorded in Official Records Book 9782, Page 1081.

Therefore, it is my opinion that the following party must join in the proffered document in order to make it valid and binding on the lands described herein.

<u>Name</u>	<u>Interest</u>
Publix Super Markets, Inc., a Florida corporation	Leasehold

The following is a description of the aforementioned abstract and its continuations:

<u>Number</u>	<u>Company Certifying</u>	<u>No. of Entries</u>	<u>Period Covered</u>
1.	Commonwealth Land Title Insurance Company	1	May 17, 1983 through May 17, 2023

*(Signature page to follow.)*

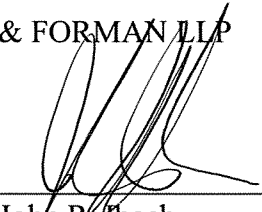
**Opinion of Title**

Page 3

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 21st day of June, 2023.

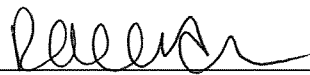
BURR & FORMAN LLP

By:   
John R. Ibach  
as Partner

Florida Bar No.: 956597  
Address: 50 N. Laura Street, Suite 3000  
Jacksonville, FL 32202

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 21<sup>st</sup> day of June, 2023, by John R. Ibach, who (check one) ☒ is personally known to me or ☐ produced a valid driver's license as identification.

  
\_\_\_\_\_  
Notary Public, State of Florida  
Print Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_  
(SEAL)



**EXHIBIT "A"**

TRACT X, ST JOHNS PRESERVE - PHASE 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 69, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT X AND RUN ALONG THE BOUNDARY OF SAID TRACT X, THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES; 1) N00°41'13"E, A DISTANCE OF 854.12 FEET; 2) THENCE N89°44'45"E, A DISTANCE OF 765.10 FEET; 3) THENCE S00°41'13"W, A DISTANCE OF 854.12 FEET; 4) THENCE S89°44'45"W A DISTANCE OF 765.10 FEET TO THE POINT OF BEGINNING.

# Project Details: FS23-00006

## Project Type: Subdivisions & Plats Final Plat

Project Location: 130 ST JOHNS HERITAGE PKWY NW # RETAIL A Palm Bay, FL 32907  
Milestone: Submitted  
Created: 6/23/2023  
Description: Commercial at Heritage Square  
Assigned Planner: Tania Ramos

### Contacts

Contact	Information
Owner/Applicant	Ryan Karlin, HERITAGE SQUARE PARTNERS LLC 201 E LAS OLAS BLVD, STE 1200 FORT LAUDERDALE, FL 33301 (954) 627-9333 ryan.karlin@stiles.com
Legal Representative	Ana Saunders, P.E. 312 South Harbor City Boulevard Melbourne, FL 32901 (321) 725-3674 info@bseconsult.com
Assigned Planner	Tania Ramos FL  tania.ramos@palmbayflorida.org
Submitter	BSE Consultants, Inc. 312 S Harbor City Blvd Melbourne, FL 32901 (321) 725-3674 info@bseconsult.com

### Fields

Field Label	Value
Block	*
Lot	X
Section Township Range	32-28-36
Subdivision	01
Year Built	
Use Code	6120
Use Code Desc	GRAZING LAND - SOIL CAPABILITY CLASS II - WITH BUI



# Project Details: FS23-00006

LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	3023632
Flu Description	Parkway Flex Use
Flu Code	PFU
Zoning Description	Parkway Mixed Use
Zoning Code	PMU
Total Lots Proposed by Use	4 lots - all commerical
Intended Use of Property	Commerical
Proposed Subdivision Name	Commercial at Heritage Square
Submitted Preliminary Subdivision?	No
Size of Area Covered (acres)	
Is Submitter the Representative?	False
Tax Account Numbers	3023632
Parcel Number	28-36-32-01-*-X
Action Letter Date	

JUNE 23, , 20 23

**Re: Letter of Authorization**

**As the property owner of the site legally described as:**

See attached.

**I, Owner Name:** Ryan Karlin- Heritage Square Partners, LLC

**Address:** 201 East Las Olas Blvd, Suite 1200, Fort Lauderdale, FL 33301

**Telephone:** (954) 627-9333

**Email:** ryan.karlin@stiles.com

**hereby authorize:**

**Representative:** Scott M. Glaubitz P.E., P.L.S. (Or Any Other B.S.E. Representative) / B.S.E. Consultants, Inc.

**Address:** 312 South Harbor City Blvd. Suite 4 / Melbourne, FL 32901

**Telephone:** 321-725-3674

**Email:** info@bseconsult.com

**to represent the request(s) for:**

Final Plat



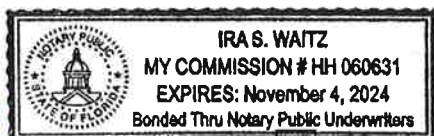
(Property Owner Signature)

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 23 day of JUNE, 20 23 by

Ryan Karlin, property owner.





IRA WAITZ

, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

# Acknowledgement Log

**Header:**

Legal Acknowledgement

**Text:**

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made 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 application and that the facts stated in it are true.

**Accepted By:**

BSE Consultants

**On:**

6/28/2023 7:19:52 AM

☒ FS23-00006

Select Language ▼



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005773931

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 340.30

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/20/23

**Text of Ad:**

Ad#5773931 07/20/2023  
**CITY OF PALM BAY, FLORIDA  
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 August 2, 2023, and by the City Council on August 17, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):  
1. CP23-00008 – Tara Williamson and Ronald Chabot (Kelly Hyvonen, AICP, Land Development Strategies, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial and High Density Residential to Commercial.  
Lot 1 of Block R and Lot 18.01 of Block C, Hiawatha Gardens Section 2, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.06 acres. Located at the southwest intersection of Hiawatha Avenue NE and Dixie Highway NE  
2. \*\*Z23-00012 - Lawrence Kramer  
A Zoning Change from an IU, Institutional Use District to an RC, Restricted Commercial District.  
Lot 11, Point West Estates, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE  
3. \*\*Z23-00011 - 1611 Meridian, LLC, Nuri Dorra, Manager (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Zoning Change from an IU, Institutional Use District to a CC, Community Commercial District.  
Tax Parcel 262, Section 22, Township 28, Range 37, Brevard County, Florida; containing approximately 4.08 acres. Located at the northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Rd NE  
4. CP23-00014 - KEW, LLC, Michael Erdman, managing member (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial.  
A portion of Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE  
5. FS23-00006 - Heritage Square Partners, LLC, Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 4-lot commercial subdivision called Commercial at Heritage Square.  
Tract X, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. In the vicinity west of St. Johns Heritage Parkway NW, north of and adjacent to Malabar Road NW  
6. PS23-00006 - Diocese of Orlando, John G. Noonan, Bishop (David W. Bassford, P.E., MBV Engineering, Inc., Rep.)  
A Preliminary Subdivision Plan to allow for a proposed development of 88 town-



home units and 35 single-family residential units to be called Bayside Landings. Tract 1-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. Located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE

**7. CP23-00015 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Public/Semi-Public to Commercial. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**8. \*\*CP23-00008 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Zoning Amendment from an IU, Institutional Use District to an RC, Restricted Commercial District. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**9. T23-00013 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.123, to provide clear language for authorized parking within residential districts.**

**10. T23-00014 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Sections 184.35 and 184.36, to add language and procedures for lot splits and lot reconfigurations within the City of Palm Bay.**

**11. T23-00015 - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District.**

**12. T23-00017 – All Digital All Day, LLC (Matthew Ashley, Rep.) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17, to modify language for the distance between billboards to be in alignment with state statutes.**

**13. T23-00019 – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to amend Section 184.15 regarding the conditions governing the issuance of building permits for model homes.**

**14. T23-00020 - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay.**

**\*\*Indicates quasi-judicial request(s).**  
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.  
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Tania Ramos, Senior Planner

**DATE:** August 2, 2023

**SUBJECT:** PS23-00006 - Bayside Landing - Diocese of Orlando, John G. Noonan, Bishop (David W. Bassford, P.E., MBV Engineering, Inc., Rep.) - A Preliminary Subdivision Plan to allow for a proposed development of 88 townhome units and 35 single-family residential units to be called Bayside Landings. Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. Located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE

### ATTACHMENTS:

#### Description

- ❑ PS23-00006 - Staff Report
- ❑ PS23-00006 - Development Plan
- ❑ PS23-00006 - FDP Ordinance 2022-64
- ❑ PS23-00006 - Preliminary Plat
- ❑ PS23-00006 - Boundary Survey
- ❑ PS23-00006 - School Board Report
- ❑ PS23-00006 - Deed Restrictions
- ❑ PS23-00006 - Title Opinion
- ❑ PS23-00006 - Application
- ❑ PS23-00006 - Letter of Authorization 1
- ❑ PS23-00006 - Letter of Authorization 2
- ❑ PS23-00006 - Acknowledgement
- ❑ PS23-00006 - Legal Ad



## STAFF REPORT

### LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

**Prepared by**

Tania Ramos, Senior Planner

---

**CASE NUMBER**

PS23-00006

**PLANNING & ZONING BOARD HEARING DATE**

August 2, 2023

---

**PROPERTY OWNER & APPLICANT**

Diocese of Orlando, John G. Noonan,  
Bishop (David W. Bassford, P.E., MBV  
Engineering, Inc., Rep.)

**PROPERTY LOCATION/ADDRESS**

Tract I-1, Bayside Lakes Commercial Center Phase 4,  
Section 30, Township 29, Range 37, Brevard County,  
Florida, containing approximately 21 acres. Located  
south of and adjacent to Osmosis Drive SE, west of  
and adjacent to Cogan Drive SE.  
Tax Account 2963453

---

**SUMMARY OF REQUEST**

The applicant requests Preliminary Subdivision Plan approval for a proposed development consisting of 123 townhome units and 35 single-family residential units to be called Bayside Landings.

**Existing Zoning**

PUD, Planned Unit Development

**Future Land Use**

HDR, High Density Residential

**Site Improvements**

Vacant Land

**Site Acreage**

Approximately 21 acres

---

**SURROUNDING ZONING & USE OF LAND****North**

PUD, Planned Unit Development; Vacant Land

**East**

PUD, Planned Unit Development; Single-Family Residences

**South**

PUD, Planned Unit Development; Single-Family Residences

**West**

GU, General Use Holding; Water Treatment Facility

---

**COMPREHENSIVE PLAN  
COMPATIBILITY**

Yes, the Future Land Use for the property is High Density Residential.

**BACKGROUND:**

The property is located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE. Specifically, the subject property is Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. The property is zoned PUD, Planned Unit Development and is vacant, unimproved land.

The preliminary plat is a map indicating the proposed layout of a development and related information to show consistency with the subdivision requirements in accordance with Chapter 184 of the Palm Bay Code of Ordinances. A more in-depth review of the required construction standards will take place during the administrative review of the construction plans. After construction plan approval, the final plat will then be brought back through the public hearing process for final approval.

The project received Final Development Plan approval on June 16, 2022, through Ordinance 2022-64. The applicant is now requesting Preliminary Subdivision Plan approval to create eighty-eight (88) townhome lots and thirty-five (35) single-family lots for a total of one-hundred twenty-three (123) single-family dwellings.

**ANALYSIS:**

The proposed plat is within the Planned Unit Development zoning district. The property has frontage on Osmosis Drive SE and Cogan Drive SE and will provide ingress/egress connections on both roads. Internally, a new private road will be constructed. There are existing sidewalks on all public frontages and connections to the onsite sidewalk system will be provided.

The minimum lot size for townhome units will be 24' wide by 90' deep. Single-family lots will be a minimum of 50' wide by 120' deep. The overall project exceeds the 25% open space requirement by providing 5.71 acres of open space. The project will include an amenity center with a pool and a dog park.

The School Board Impact Analysis found that there is sufficient capacity for the total projected student membership when considering the adjacent elementary school concurrency service areas.

**CONDITIONS:**

In order to receive Preliminary Subdivision Plan approval, the proposal must meet the subdivision requirements of Chapter 184 of the City of Palm Bay's Code of Ordinances.



Upon review, the request is in conformance with the applicable requirements subject to the following being addressed prior to final plat approval and City staff signing the mylar:

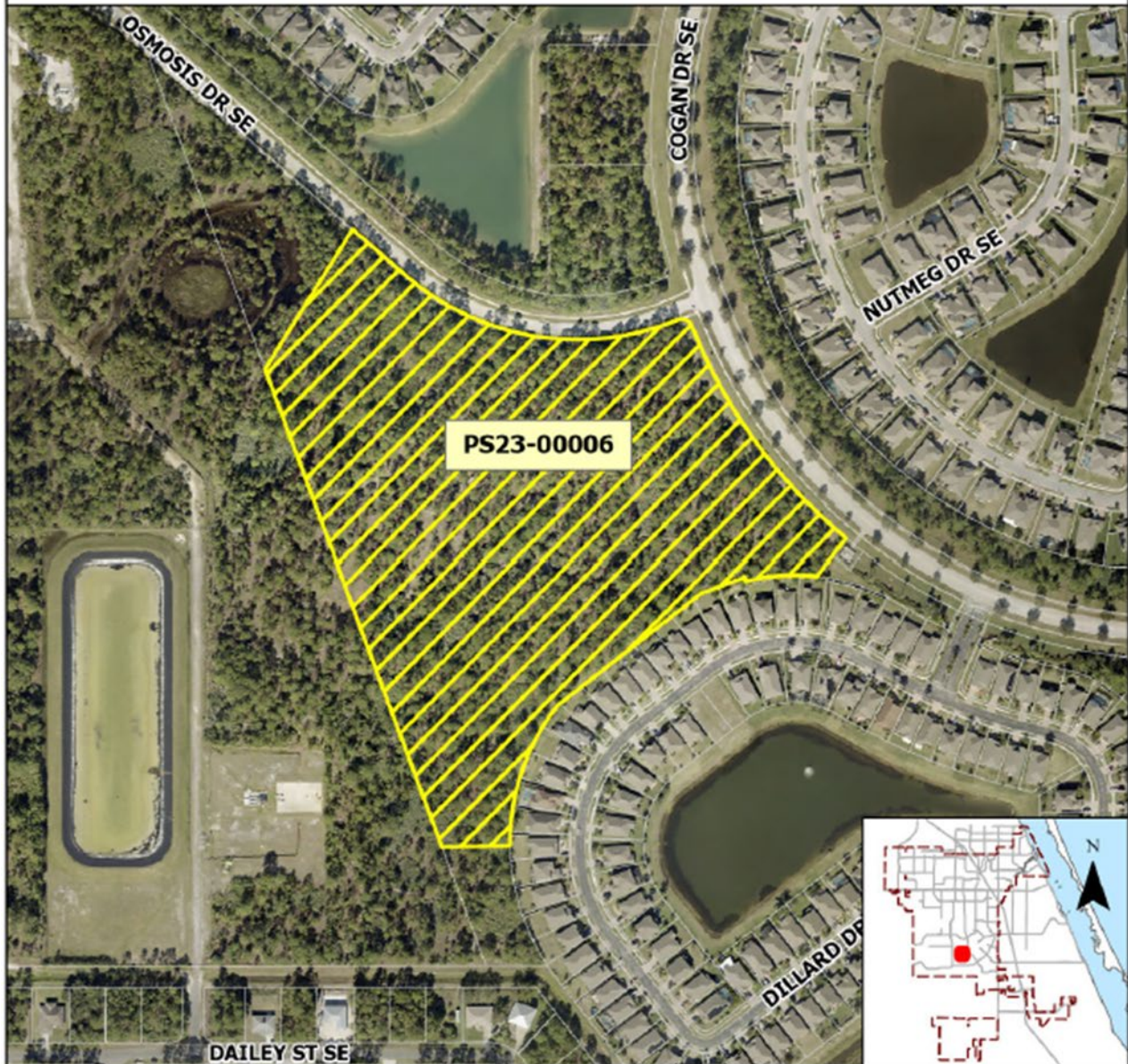
- A. Fully engineered construction plans and drawings for review.
- B. Boundary description and title opinion shall be approved by the City Surveyor.
- C. A signed and sealed topographic survey is required for review and approval.

**STAFF RECOMMENDATION:**

Staff recommends Case PS23-00006 for approval.



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.

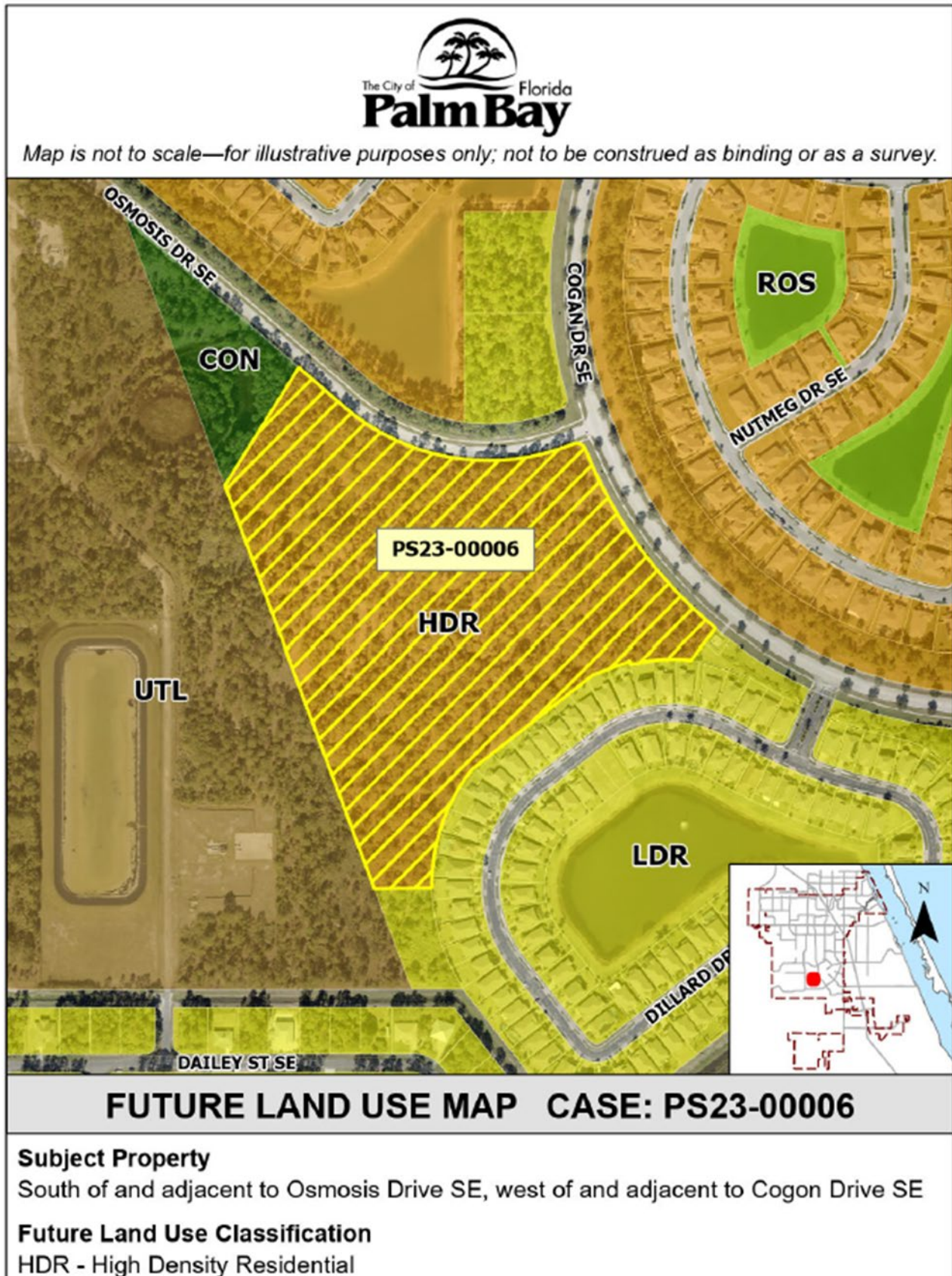


## AERIAL LOCATION MAP CASE: PS23-00006

### Subject Property

South of and adjacent to Osmosis Drive SE, west of and adjacent to Cogon Drive SE

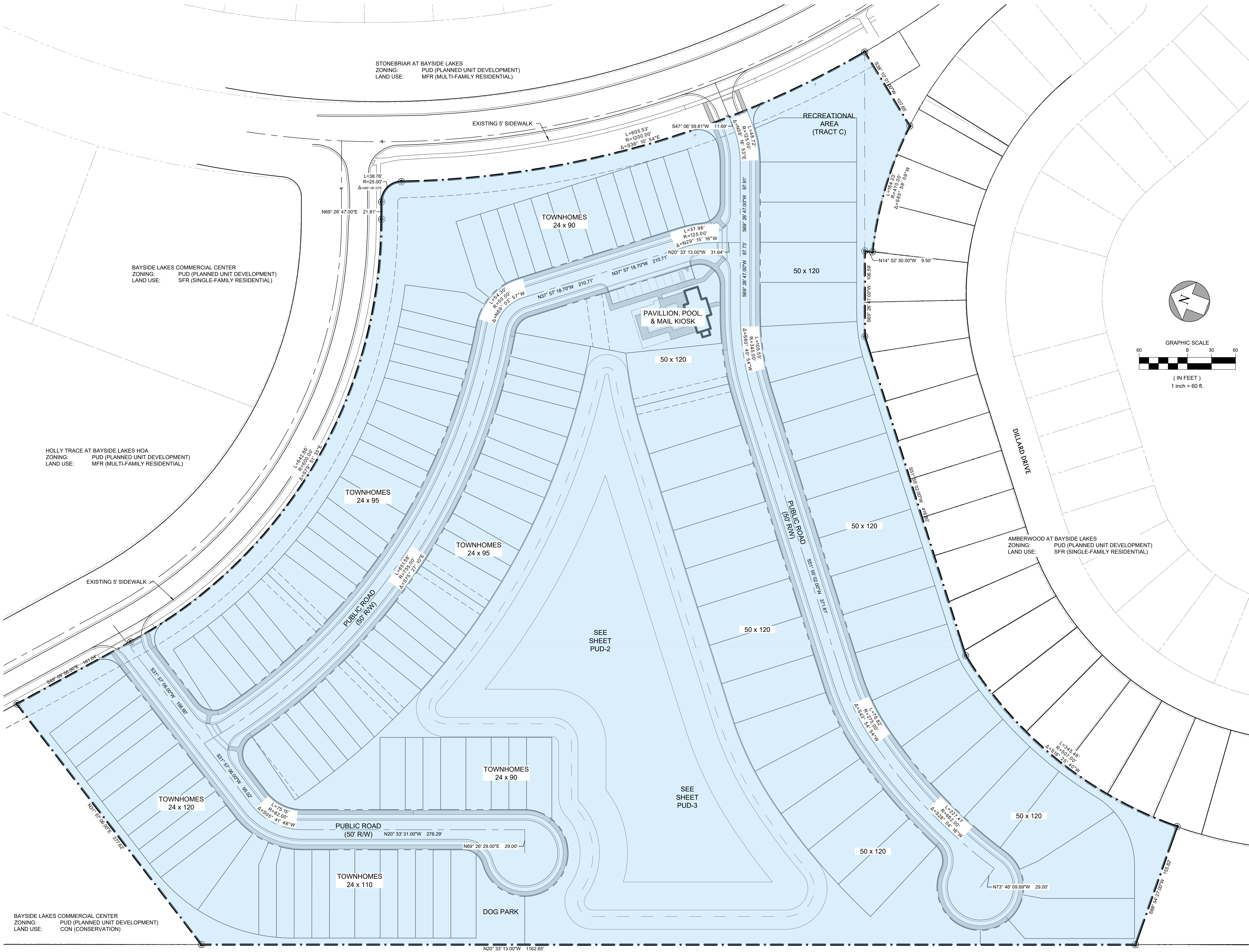












SITE INFORMATION

**GENERAL STATEMENT**  
THIS PROPOSED PROJECT INVOLVES CONSTRUCTION AND DEVELOPMENT A SINGLE-FAMILY RESIDENTIAL SUBDIVISION WITHIN AN UNDEVELOPED PARCEL WITHIN THE CITY OF PALM BAY. THE PROPOSED SITE IS GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF COGAN DRIVE AND OSMOSIS DRIVE. INFRASTRUCTURE IMPROVEMENTS CONSIST OF DRAINAGE PIPES AND STRUCTURES, PROPOSED ROADS, WATER AND SEWER MAIN EXTENSIONS, CONSTRUCTION OF THE FACILITIES WILL INVOLVE CLEARING, GRUBBING, FILLING, EXCAVATION, GRADING AND STABILIZATION. POTENTIAL POLLUTION SOURCES INCLUDE SOIL EROSION AND SILTATION, AND DISCHARGES FROM CONSTRUCTION EQUIPMENT (I.E. OIL, GAS).

**OWNER**  
DIOCESE OF ORLANDO  
BISHOP JOHN G. NOONON  
50 E. ROBINSON STREET  
ORLANDO, FLORIDA 32801  
PHONE: (321) 773-7776

**ENGINEER**  
MBV ENGINEERING, INC.  
1250 W. EAU GALIE BLVD., UNIT H  
MELBOURNE, FL 32935  
PHONE: (321) 253-1510

**APPLICANT**  
CONDEV  
CHIP BRYAN, V.P.  
921 N. PENNSYLVANIA AVE.  
WINTER PARK, FL 32789  
PHONE: (407) 679-1748

**SITE ADDRESS**  
COGAN DRIVE & OSMOSIS DRIVE  
PALM BAY, FL 32926

**SURVEYOR**  
AAL LAND SURVEYING SERVICES, INC.  
3970 MINTON ROAD  
WEST MELBOURNE, FLORIDA 32904  
PHONE: (321) 768-8110

**FUTURE LAND USE**  
EXISTING: SINGLE-FAMILY RESIDENTIAL

**ZONING**  
EXISTING: PUD

**TAX PARCEL I.D. NUMBER(S)**  
29-37-35-01-11

**TAX ACCOUNT NO.**  
2963453

PLANNED UNIT DEVELOPMENT NOTES:

- NO BUILDINGS, PARKING LOTS OR OTHER STRUCTURES MAY BE LOCATED WITHIN THE PERIMETER SETBACK AREA, HOWEVER, SWIMMING POOLS AND POOL DECKS MAY BE PERMITTED SUBJECT TO THE NORMAL RESIDENTIAL SETBACK REQUIREMENTS.
- WITHIN THE PUD, ALL UTILITIES INCLUDING, BUT NOT LIMITED TO, TELEPHONE, TELEVISION CABLE AND ELECTRICAL SYSTEMS SHALL BE INSTALLED UNDERGROUND.
- THE MINIMUM REQUIREMENTS FOR STREETS OR ROADS, SIDEWALKS, SEWER FACILITIES, UTILITIES AND DRAINAGE SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE CITY OF PALM BAY SUBDIVISION REGULATIONS.
- SUBDIVISION SIGNS SHALL BE IN ACCORDANCE WITH CHAPTER 176 OF THE LAND DEVELOPMENT REGULATIONS.
- WALLS AND FENCES SHALL MEET ALL THE REQUIREMENTS OF CHAPTER 170 OF THE LAND DEVELOPMENT REGULATIONS.
- PARKING SHALL MEET ALL THE REQUIREMENTS OF CHAPTER 185 OF THE LAND DEVELOPMENT REGULATIONS.
- LANDSCAPING SHALL MEET ALL THE REQUIREMENTS OF CHAPTER 180 OF THE LAND DEVELOPMENT REGULATIONS.
- AMENITY CENTER AND POOL SHALL BE CLOSED AT SUNSET. NO PHOTOMETRIC CALCULATIONS REQUIRED DUE TO NO PROPOSED LIGHTING.
- A BLANKET DRAINAGE EASEMENT SHALL BE PLACED ON TRACT 1S-4 FOR THE PURPOSE OF AMBERWOOD AT BAYSIDE LAKES SUBDIVISION TO MAINTAIN THE EXISTING DRAINAGE STRUCTURE LOCATED WITHIN THE TRACT.

PROJECT INFORMATION			
SITE AREA	915,036 SF	21.00 AC	100.00 %
LOTS (SFR)	228,549 SF	5.25 AC	25.00 %
LOTS (TWH)	234,134 SF	5.37 AC	25.60 %
ROADS	72,736 SF	1.67 AC	7.94 %
SIDEWALK	27,008 SF	0.62 AC	2.94 %
PROPOSED IMPERVIOUS	402,519 SF	9.24 AC	44.00 %
PROPOSED PERVIOUS	412,645 SF	9.47 AC	45.10 %
WET PONDS (NWL)	99,872 SF	2.29 AC	10.90 %
TOTAL UNITS	123 UNITS	100.00 %	
TOWNHOMES (24'x90')	88 UNITS	71.54 %	
SINGLE-FAMILY (50'x120')	35 UNITS	28.46 %	

NOTE: ASSUMES 40'x70' PAD ON ALL SINGLE-FAMILY HOUSES AND 25'x25' DRIVEWAY FOR IMPERVIOUS AREA. ALSO ASSUMES 10,800 SF OF IMPERVIOUS FOR THE TEN (10) 6-UNIT TOWNHOMES AND 7,200 SF OF IMPERVIOUS FOR THE SEVEN (7) 4-UNIT TOWNHOMES.

ON-SITE SIDEWALKS SHALL BE 5 FEET IN WIDTH ON BOTH SIDES OF THE RIGHT-OF-WAY.

MINIMUM DISTANCE BETWEEN STRUCTURES SHALL BE 10 FEET FOR 2-STORY OR BELOW.

MINIMUM LIVING AREA SHALL BE 800 SF FOR UNITS.

MINIMUM (SFR) LOT AREA	REQ'D	PROVIDED
4,050 SF	4,050 SF	5,500 SF
DENSITY	5.86 U.P.A.	

BUILDING SETBACKS	REQ'D	PROVIDED
FRONT	0'	25' (SF) 20' (TH) 10' (AC)
REAR	10'	25' (SF) 10' (TH) 10' (AC)
SIDE	5'	5' (SF) 7.5' (TH) 10' (AC)

BUILDING HEIGHT	SINGLE-FAMILY	TOWNHOME	AMENITY
ALLOWABLE	20 FT	25 FT	25 FT
PROPOSED	20 FT	25 FT	20 FT

**FLOOD ZONE**  
THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE 'X' PER F.I.R.M. PANEL No. 12009C 0670 G, DATED MARCH 17, 2014.

**SANITARY SEWER SOURCE**  
PALM BAY SANITARY SEWER SYSTEM

**POTABLE WATER SOURCE**  
PALM BAY WATER SYSTEM



**LOCATION MAP**  
SCALE: 1" = 1000'

TRACT	USE	TRACT AREA	AREA AT N.W.L.	OPEN SPACE CREDIT	MAINTENANCE RESPONSIBILITY
1S-1	OPEN SPACE/LANDSCAPE/DRAINAGE/UTILITY/SIGNAGE	0.41	0.00	0.41	H.O.A.
1S-2	OPEN SPACE/LANDSCAPE/DRAINAGE/UTILITY/SIGNAGE	1.06	0.00	1.06	H.O.A.
1S-3	OPEN SPACE/LANDSCAPE/DRAINAGE/UTILITY/SIGNAGE	0.54	0.00	0.54	H.O.A.
1S-4	OPEN SPACE/LANDSCAPE/DRAINAGE/UTILITY/SIGNAGE	0.16	0.00	0.16	H.O.A.
RD-1	PRIVATE R/W /DRAINAGE/UTILITY	3.30	0.00	0.00	H.O.A.
REC-1	RECREATION/DRAINAGE/UTILITY/PARKING	0.41	0.00	0.41	H.O.A.
ST-1	OPEN SPACE/DRAINAGE/UTILITY/PARKING	4.58	3.04	3.82*	H.O.A.
		REQUIRED OPEN SPACE (25% OF 21.00 AC.)		5.25	
		PROVIDED OPEN SPACE		6.40	

NOTE (\*): OPEN SPACE CREDIT LISTED IS CALCULATED AS THE TRACT ACREAGE LESS 25% OF THE ACREAGE OF THE STORMWATER POND AT NORMAL WATER LEVEL AND SHALL BE IMPROVED WITH EITHER DOCKS OR PIERS UNDER SEPARATE PERMIT.

CITY OF PALM BAY  
ZONING: GU (GENERAL USE)  
LAND USE: UTIL (UTILITIES)

8

7

6

5

4

3

2

1

21-1048

DWB

DWB

6/1/2021

DWB

2/16/2023

DESIGNED

DRAWN

CHECKED

DATE ISSUED

REVISIONS

DATE

MBV ENGINEERING, INC.

MOA BOWLES VILLANAR & ASSOCIATES

CIVIL • STRUCTURAL • SURVEYING • ENVIRONMENTAL

1250 W. EAU GALIE BLVD. SUITE H

MELBOURNE, FLORIDA 32935

P.O. BOX 10000 PALM CITY, FL 32909

VERO 772-698-0036, FT PIERCE 772-686-8005, PALM CITY 772-488-9695

PDP SITE DATA PLAN

FLORIDA

BAYSIDE LANDINGS

CITY OF PALM BAY

DATUM: NAD 83

PROFESSIONAL ENGINEER

DAVID W. BASSFORD

FL. P.E. #83267

DATE: 2/16/2023

PUD-1

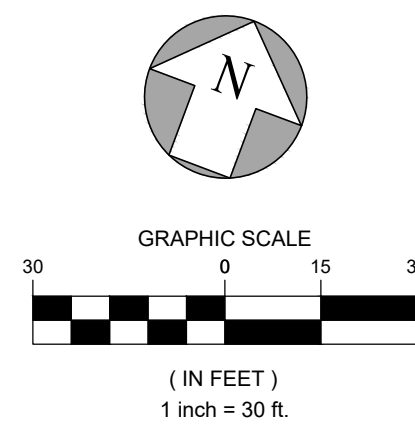
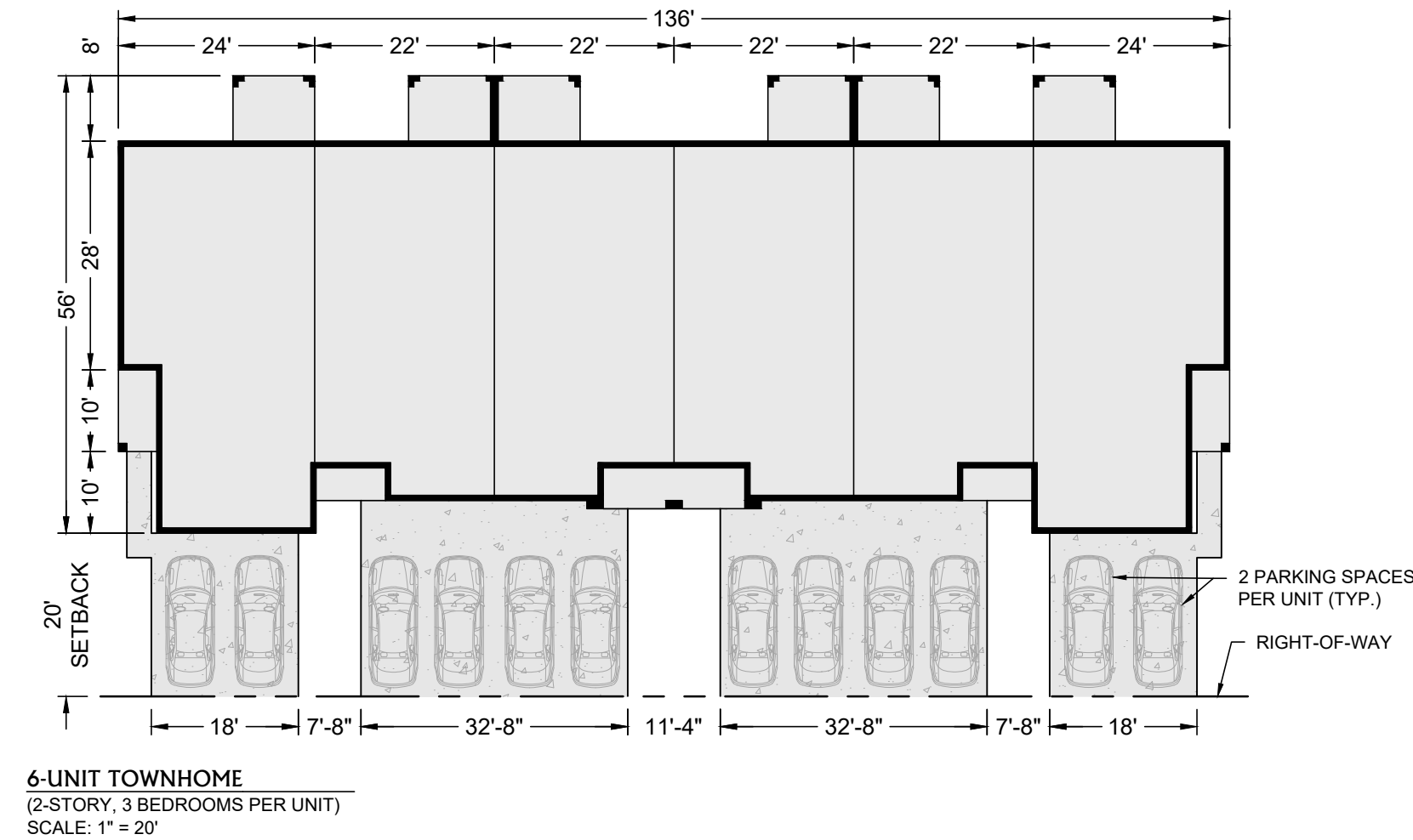
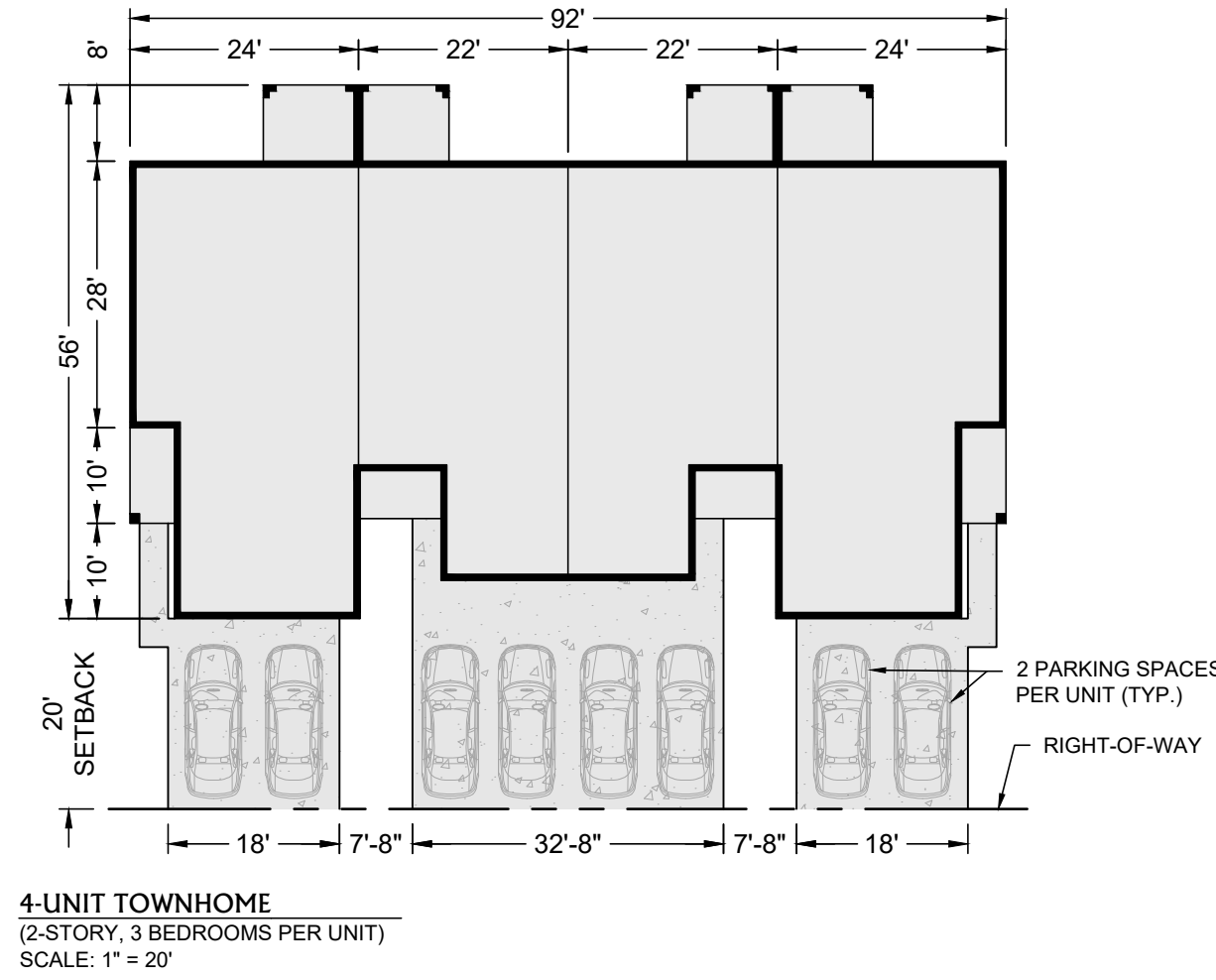
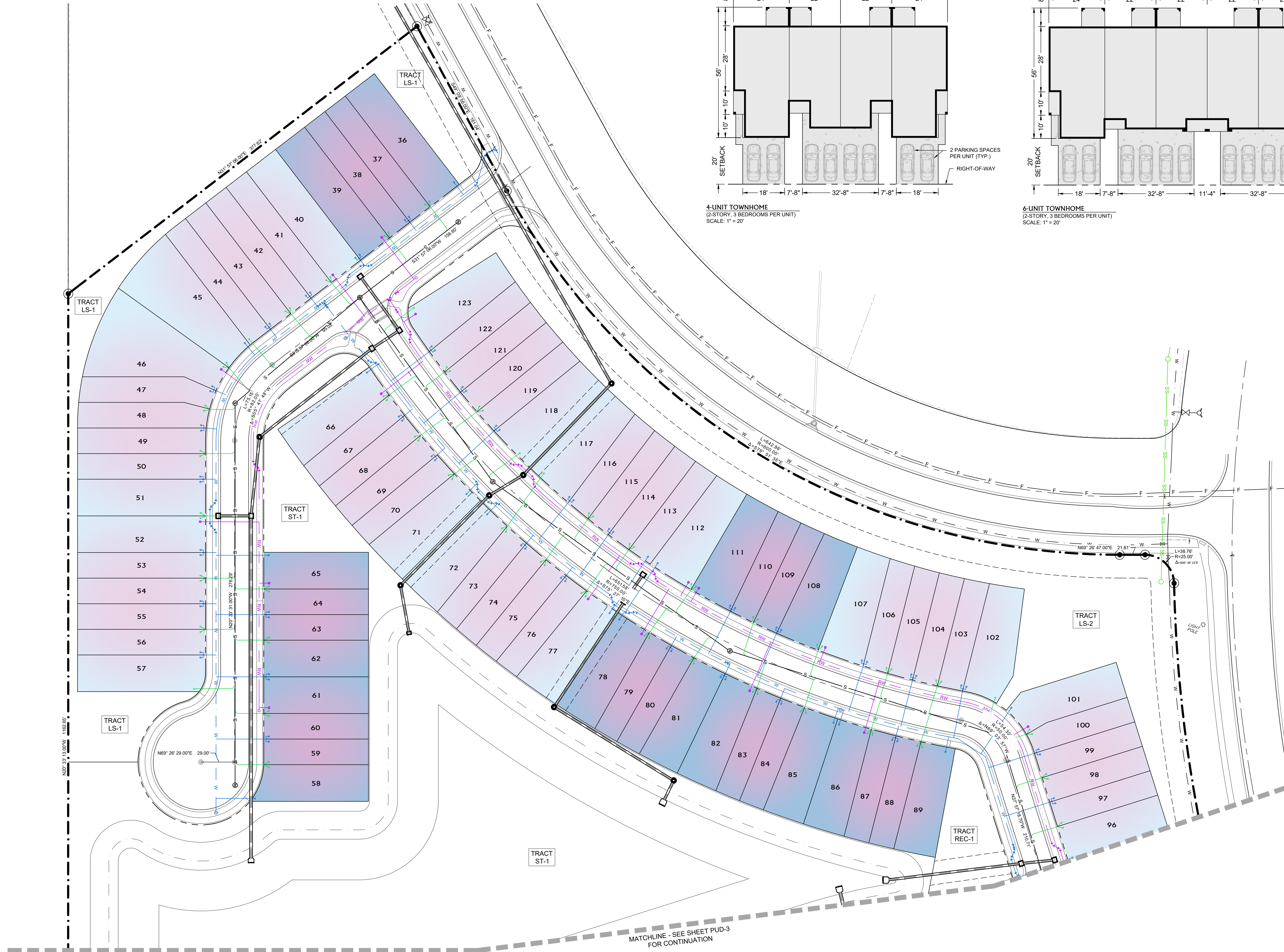
SHEET

21-1048

PERMITTING SET



NOTES: 1. THE LANDS AT BAYSIDE LANDINGS ARE SHOWN FOR PUD-2 PLAN AND 2.13.2023 2.13.2023 2.13.2023



JOB NO. 21-1048		DESIGNED DWB		DRAWN DWB		DATE 6/1/2021		CHECKED DWB		DATE ISSUED 2/13/2023	
PDP SITE PLAN (SHEET 01)		BAYSIDE LANDINGS		FLORIDA		CITY OF PALM BAY		P.E. 883267		DATE 2/13/2023	
PUD-2		SHEET 21-1048		PERMITTING SET		DATE 2/13/2023		DATE 2/13/2023		DATE 2/13/2023	
REVISIONS		DATE		DATE		DATE		DATE		DATE	
1		REVISED PER COPB COMMENTS		08/22/2022		08/22/2022		08/22/2022		08/22/2022	
2		REVISED PER COPB COMMENTS		06/11/2021		06/11/2021		06/11/2021		06/11/2021	
3		REVISED PER COPB COMMENTS		06/11/2021		06/11/2021		06/11/2021		06/11/2021	
4		REVISED PER COPB COMMENTS		06/11/2021		06/11/2021		06/11/2021		06/11/2021	
5		REVISED PER COPB COMMENTS		06/11/2021		06/11/2021		06/11/2021		06/11/2021	
6		REVISED PER COPB COMMENTS		06/11/2021		06/11/2021		06/11/2021		06/11/2021	
7		REVISED PER COPB COMMENTS		06/11/2021		06/11/2021		06/11/2021		06/11/2021	
8		REVISED PER COPB COMMENTS		06/11/2021		06/11/2021		06/11/2021		06/11/2021	

MBV

ENGINEERING, INC.

MOA BOWEN VILLARIZ & ASSOCIATES

CIVIL • STRUCTURAL • SURVEYING • ENVIRONMENTAL

1250 W. EAU GALIE BLVD. SUITE H

MELBOURNE, FLORIDA 32935

P: 321.486.9000

F: 321.486.9001

VERO: 772.698.0035

FT PIERCE: 772.486.8005

PALM CITY: 772.486.9009

DAVID W. BASSFORD

FLORIDA

PROFESSIONAL ENGINEER

License No. 83267

STATE OF

DAVID W. BASSFORD

FLORIDA

PROFESSIONAL ENGINEER

License No. 83267

STATE OF

DAVID W. BASSFORD

FLORIDA

PROFESSIONAL ENGINEER

License No. 83267

STATE OF







## **ORDINANCE 2022-64**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, APPROVING A FINAL DEVELOPMENT PLAN TO BE KNOWN AS 'THE LANDINGS AT BAYSIDE' IN PUD (PLANNED UNIT DEVELOPMENT) ZONING; WHICH PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF COGAN AND OSMOSIS DRIVES, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, application for Final Development Plan approval in PUD (Planned Unit Development) zoning to allow a 123-unit residential subdivision to be known as 'The Landings at Bayside' on property legally described herein, has been made by Diocese of Orlando, and

**WHEREAS**, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on May 4, 2022, which voted to recommend to the City Council approval of the application, and

**WHEREAS**, all provisions applicable to the Planned Unit Development (PUD) under Chapter 185, Zoning, of the Palm Bay Code of Ordinances, have been satisfied by the applicant, and

**WHEREAS**, the City Council of the City of Palm Bay, after due deliberation and consideration, reviewed and considered the reports, documents, testimony, and other materials presented, and has determined that such development plan will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:



**SECTION 1.** The City Council of the City of Palm Bay hereby grants Final Development Plan approval for 'The Landings at Bayside' on property zoned PUD (Planned Unit Development), which property is legally described herein as follows:

Tract "I-1", Bayside Lakes Commercial Center Phase 4, according to the plat thereof as recorded in Plat Book 54, Page 48, of the Public Records of Brevard County, Florida; Section 30, Township 29S, Range 37E; containing 21.00 acres, more or less.

**SECTION 2.** The Final Development Plan is granted subject to the staff comments contained in the Staff Report, incorporated herein as Exhibit 'A', and the following items being submitted with construction plans as follows:

- A. A preliminary subdivision plat and a boundary and title opinion.
- B. Deed restrictions establishing development standards.
- C. The project must maintain consistency in naming through all subsequent and related documentation as it pertains to the development in question. Any and all instances where the name has changed from 'The Landings at Bayside' to 'Bayside Landings' must be consistently accounted for.
- D. A traffic impact study shall be prepared to analyze the existing and build-out capacity of the project related streets and intersections. The study shall identify any street deficiencies and recommend traffic mitigations. As part of the traffic study, there shall be a traffic signal warrant analysis to determine if a traffic signal is required for the intersection of Osmosis Drive at Cogan Drive. A proportionate fair share mitigation for the transportation impacts will be determined per City's Ordinance Chapter 183.36, Determination of Proportionate Fair Share Obligation.
- E. Amendment of the Declarations of Covenants, Conditions, and Restrictions shall reflect the land use change to residential.
- F. The technical comments generated by the Development Review Staff, incorporated herein as Exhibit 'B', shall be observed and incorporated into the construction drawings.

**SECTION 3.** The property shall be developed in substantial conformance with the Final Development Plan, which is, by reference, incorporated herein as Exhibit 'C', except as may be modified by the conditions of approval. The applicant shall comply with all provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

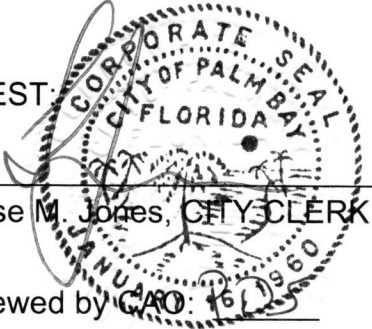
**SECTION 4.** This ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2022-13, held on June 2, 2022; and read in title only and duly enacted at Meeting 2022-16, held on June 16, 2022.




Rob Medina, MAYOR

ATTEST:

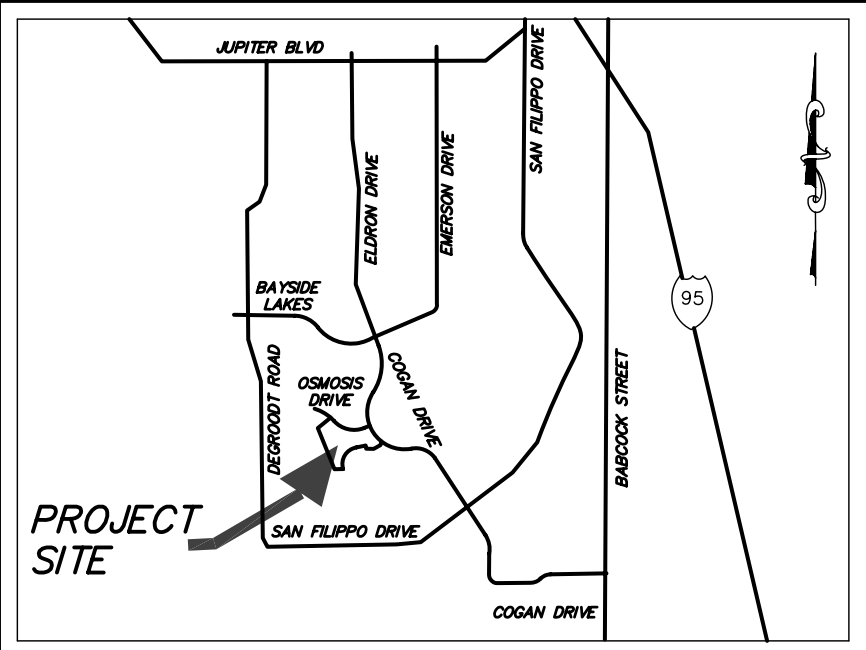


Terese M. Jones, CITY CLERK

Reviewed by CAO: 

Applicant: Diocese of Orlando  
Case: FD-20-2022

cc: 06-17-22 Brevard County Recording  
Applicant  
Case File



VICINITY MAP  
NOT TO SCALE

DESCRIPTION: LANDINGS AT BAYSIDE  
A PARCEL OF LAND BEING TRACT I-1, BAYSIDE LAKES COMMERCIAL CENTER PHASE 4, AS RECORDED IN PLAT BOOK 54, PAGE 48 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGIN AT THE NORTHWEST CORNER OF TRACT P-3, AMBERWOOD AT BAYSIDE LAKES AS RECORDED IN PLAT BOOK 68, PAGES 21-22 OF THE PUBLIC RECORDS OF BREVARD COUNTY FLORIDA; THENCE N20°33'13"W, ALONG THE WEST LINE OF SAID TRACT I-1, A DISTANCE OF 1162.65 FEET; THENCE N31°57'06"E, ALONG THE NORTHWEST LINE OF SAID TRACT I-1, FOR A DISTANCE OF 377.62 FEET TO THE RIGHT OF WAY LINE OF OSMOSIS DRIVE; THENCE S49°09'56"E, ALONG SAID RIGHT OF WAY LINE, 161.04 FEET TO THE POINT OF CURVATURE WITH A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 600.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 642.86 FEET THROUGH A CENTRAL ANGLE OF 61°23'18" TO A POINT OF TANGENCY THEREOF; THENCE N69°26'47"E, ALONG SAID RIGHT OF WAY LINE, 21.80 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 38.76 FEET THROUGH A CENTRAL ANGLE OF 88°49'41" TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1200.00 FEET; THENCE SOUTHEASTERLY ALONG THE WEST RIGHT OF WAY LINE OF COGAN DRIVE AND THE ARC OF SAID CURVE 605.54 FEET THROUGH A CENTRAL ANGLE OF 28°54'44" TO A POINT; THENCE S38°10'01"W, ALONG THE NORTHERLY LINE OF AFORESAID PLAT OF AMBERWOOD AT BAYSIDE LAKES FOR A DISTANCE OF 107.63 FEET TO A POINT ON A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 470.00 FEET; THENCE FROM A RADIAL BEARING OF S05°58'48"W, WESTERLY ALONG THE ARC OF SAID CURVE 164.24 FEET THROUGH A CENTRAL ANGLE OF 20°01'18" TO A POINT; THENCE N14°02'30"W, A DISTANCE OF 9.49 FEET; THENCE S69°26'47"W, A DISTANCE OF 106.59 FEET; THENCE S51°55'02"W, A DISTANCE OF 416.82 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 507.00 FEET; THENCE FROM A RADIAL BEARING OF S52°03'17"E, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 345.44 FEET THROUGH A CENTRAL ANGLE OF 39°02'16" TO A POINT; THENCE S88°54'27"W A DISTANCE OF 155.82 FEET TO THE POINT OF BEGINNING.  
SAID PARCEL CONTAINS 21.00 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

- THE BASIS OF BEARINGS IS THE WEST LINE OF TRACT I-1, BAYSIDE LAKES COMMERCIAL CENTER PHASE 4, PLAT BOOK 54, PAGE 48, AS BEING N20°33'13"W, ASSUMED.
- ALL SET PCP MONUMENTS ARE A NAIL AND DISK STAMPED "POWSHOK PCP PLS 5383".
- ALL SET LOT CORNERS ARE A 1/2" IRON ROD AND CAP STAMPED "POWSHOK PLS 5383".
- AN EASEMENT 10 FEET IN WIDTH IS HEREBY RESERVED ALONG ALL LOTS AND TRACTS CREATED BY THIS PLAT ADJACENT TO TRACT RD-1 FOR THE CONSTRUCTION, INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND PRIVATE DRAINAGE FACILITIES.
- AN EASEMENT 5 FEET IN WIDTH IS HEREBY RESERVED ALONG ALL SIDE AND REAR LOT AND TRACT LINES CREATED BY THIS PLAT (EXCEPT TRACT RD-1) FOR THE CONSTRUCTION, INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND PRIVATE DRAINAGE FACILITIES.
- TRACTS LS-1, LS-2, LS-3 AND LS-4 ARE FOR THE PURPOSE OF OPEN SPACE, LANDSCAPING, SIGNAGE, PRIVATE DRAINAGE, PUBLIC AND PRIVATE UTILITIES AND ARE HEREBY DEDICATED TO AND TO BE MAINTAINED BY BAYSIDE LANDINGS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS.
- TRACT RD-1 IS FOR THE PURPOSE OF PRIVATE ROADWAY AND IS HEREBY DEDICATED TO AND TO BE MAINTAINED BY BAYSIDE LANDINGS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS.
- TRACT REC-1 IS FOR THE PURPOSE OF RECREATION, PARKING, OPEN SPACE, LANDSCAPING, PRIVATE DRAINAGE AND PRIVATE UTILITIES AND IS HEREBY DEDICATED TO AND TO BE MAINTAINED BY BAYSIDE LANDINGS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS.
- TRACTS ST-1 IS FOR THE PURPOSE OF OPEN SPACE, PARKING, LANDSCAPING, PRIVATE DRAINAGE AND PRIVATE UTILITIES AND IS HEREBY DEDICATED TO AND TO BE MAINTAINED BY BAYSIDE LANDINGS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS.
- BAYSIDE LANDINGS HOMEOWNERS ASSOCIATION, INC. SHALL HAVE THE PRIMARY MAINTENANCE RESPONSIBILITY FOR THE DRAINAGE FACILITIES CONSTRUCTED WITHIN THE EASEMENTS AND STORMWATER TRACTS RD-1, ST-1, LS-1, LS-2, LS-3 AND LS-4 HEREIN GRANTED. THE CITY OF PALM BAY SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO PERFORM MAINTENANCE OR MAKE EMERGENCY REPAIRS AS IT DEEMS NECESSARY OR DESIRABLE, AT THE EXPENSE OF BAYSIDE LANDINGS HOMEOWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS.
- THE OWNER, CONDEV BAYSIDE LANDINGS, A FLORIDA LIMITED LIABILITY COMPANY HAS THE RIGHT TO ASSIGN ITS RIGHTS AND RESPONSIBILITIES THEREUNDER TO HOMEOWNERS AND/OR OTHER PROPERTY OWNERS ASSOCIATION OR ASSOCIATIONS, AND/OR TO CONVEY ANY OR ALL OF THE TRACTS SET FORTH ON THE PLAT, AND IN SUCH EVENT, PREVIOUS OWNER SHALL BE RELEASED FROM SUCH ASSIGNED OBLIGATIONS.
- SEE CONSENT AND JOINDER RECORDED IN OFFICIAL RECORDS BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- SEE DECLARATIONS OF COVENANTS AND RESTRICTIONS RECORDED IN OFFICIAL RECORDS BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- THE STATE PLANE COORDINATES SHOWN ON PLAT PRM MONUMENTS ARE BASED ON NORTH AMERICAN DATUM 1983, LATEST ADJUSTMENT - US SURVEY FEET, AND ARE SHOWN TO FACILITATE THE BREVARD COUNTY PROPERTY APPRAISER GIS SYSTEM INDEX. COORDINATES DO NOT REPRESENT GROUND MEASUREMENTS.

ALL PLATTED PUBLIC UTILITY EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICE; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND/OR OPERATION OF CABLE TELEVISION SERVICE WILL INTERFERE WITH THE FACILITIES AND SERVICES OF THE ELECTRICAL, TELEPHONE, GAS, WATER, OR OTHER PUBLIC UTILITY. IN THE EVENT THAT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.

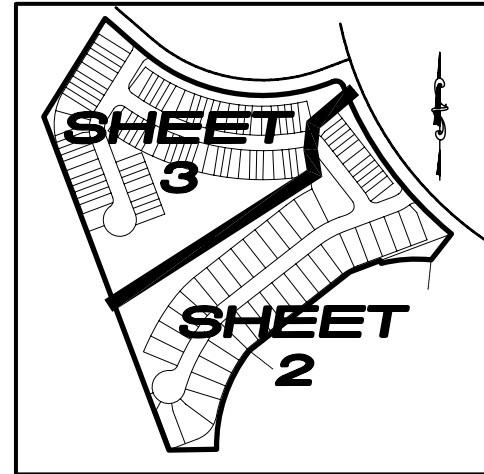
ALL NON RADIAL LINES HAVE BEEN LABELED (NR).

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

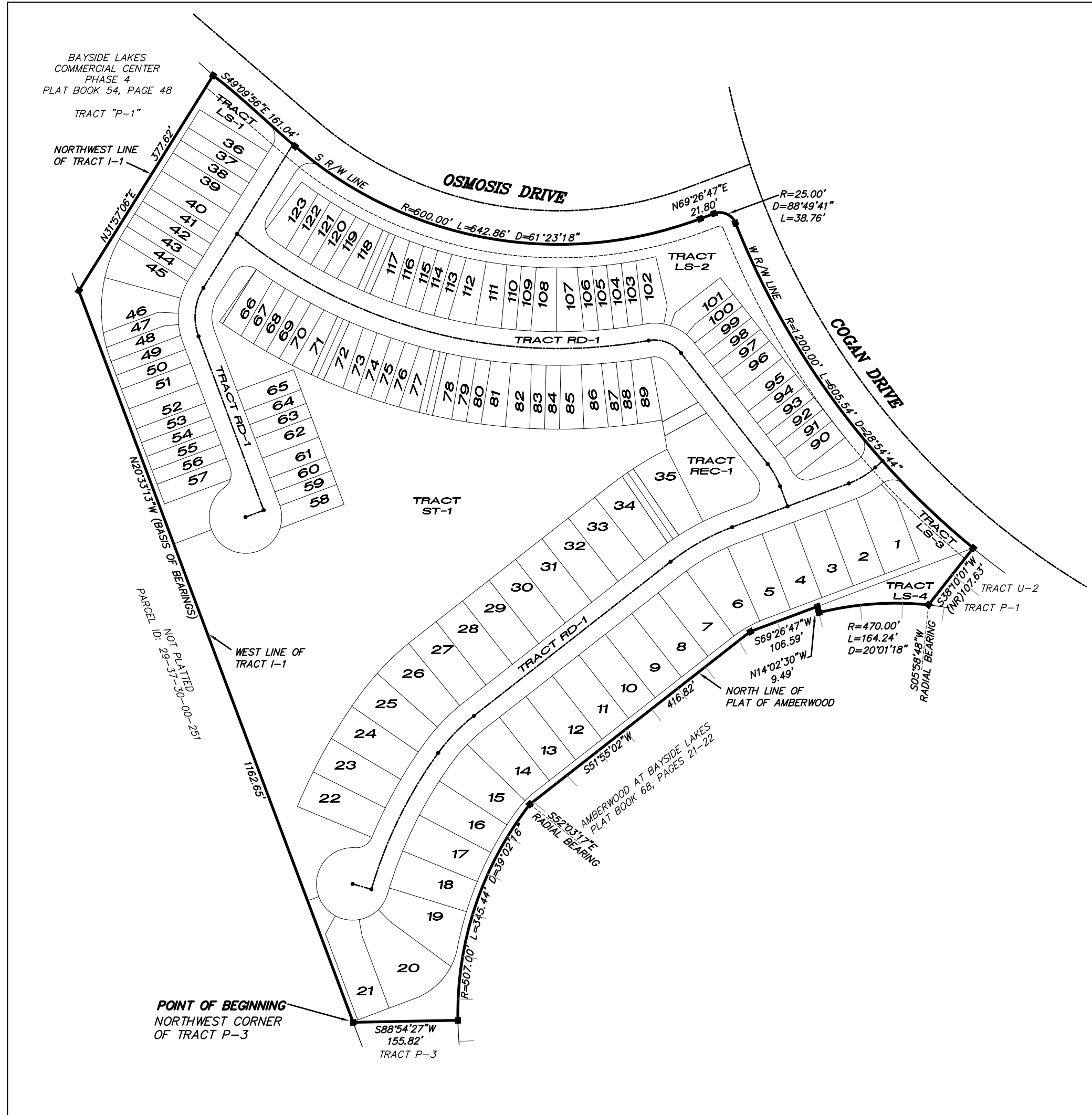
— PLAT PREPARED BY —  
**AAL LAND SURVEYING SERVICES, INC.**  
3870 MINTON ROAD  
WEST MELBOURNE, FLORIDA 32904  
(321) 768-8110

# BAYSIDE LANDINGS

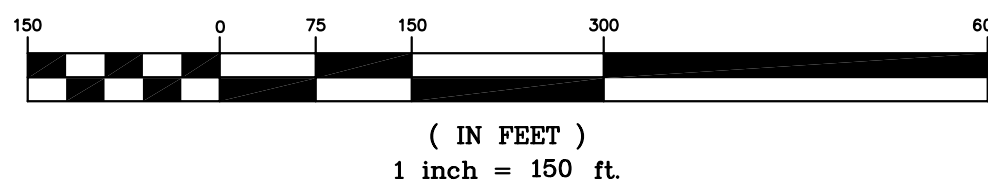
BEING A REPLAT OF TRACT I-1  
BAYSIDE LAKES COMMERCIAL CENTER PHASE 4  
AS RECORDED IN PLAT BOOK 54, PAGE 48,  
LYING IN SECTION 30, TOWNSHIP 29 SOUTH, RANGE 37 EAST,  
CITY OF PALM BAY, BREVARD COUNTY, FLORIDA



INDEX MAP  
NOT TO SCALE



GRAPHIC SCALE



TRACT TABLE					
TRACT	USE	AREA	AREA AT N.W.L.	OPEN SPACE CREDIT	OWNER AND MAINTENANCE RESPONSIBILITY
LS-1	OPEN SPACE/LANDSCAPE/DRAINAGE/UTILITY/SIGNAGE	0.41 Ac.	0.00 Ac.	0.00 Ac.	BAYSIDE LANDINGS HOMEOWNERS ASSOCIATION, INC.
LS-2	OPEN SPACE/LANDSCAPE/DRAINAGE/UTILITY/SIGNAGE	1.06 Ac.	0.00 Ac.	0.00 Ac.	BAYSIDE LANDINGS HOMEOWNERS ASSOCIATION, INC.
LS-3	OPEN SPACE/LANDSCAPE/DRAINAGE/UTILITY/SIGNAGE	0.54 Ac.	0.00 Ac.	0.00 Ac.	BAYSIDE LANDINGS HOMEOWNERS ASSOCIATION, INC.
LS-4	OPEN SPACE/LANDSCAPE/DRAINAGE/UTILITY/SIGNAGE	0.16 Ac.	0.00 Ac.	0.00 Ac.	BAYSIDE LANDINGS HOMEOWNERS ASSOCIATION, INC.
RD-1	PRIVATE R/W/DRAINAGE/UTILITY	3.30 Ac.	0.00 Ac.	0.00 Ac.	BAYSIDE LANDINGS HOMEOWNERS ASSOCIATION, INC.
REC-1	RECREATION/DRAINAGE/STORMWATER/UTILITY/PARKING	0.41 Ac.	0.00 Ac.	0.00 Ac.	BAYSIDE LANDINGS HOMEOWNERS ASSOCIATION, INC.
ST-1	OPEN SPACE/DRAINAGE/STORMWATER/UTILITY/PARKING	4.58 Ac.	3.04 Ac.	3.04 Ac.	BAYSIDE LANDINGS HOMEOWNERS ASSOCIATION, INC.
	REQUIRED OPEN SPACE (25% OF 21.00 AC.)				
	PROVIDED OPEN SPACE				

NOTE(\*): OPEN SPACE CREDIT LISTED IS CALCULATED AS THE TRACT ACREAGE LESS 25% OF THE ACREAGE OF THE STORMWATER POND AT NORMAL WATER LEVEL AND SHALL BE IMPROVED WITH EITHER DOCKS OR PIERS UNDER SEPARATE PERMIT. ALL UTILITY AND DRAINAGE EASEMENT AREAS, PARKING AND SIGNAGE ARE ALSO REMOVED, HAVE BEEN DEDUCTED FROM THE TRACT AREA. THIS TABLE IS FOR GENERAL INFORMATION ONLY! SEE SURVEYOR'S NOTES AND PLAT DEDICATION FOR OFFICIAL INFORMATION!

LAND USE	AREA	PERCENTAGE OF TOTAL SITE AREA	OPEN SPACE CREDIT
LOTS	10.54 Ac.	50.19%	0.00 Ac.
TRACT LS-1	0.41 Ac.	1.95%	0.35 Ac.
TRACT LS-2	1.06 Ac.	5.05%	0.57 Ac.
TRACT LS-3	0.54 Ac.	2.57%	0.47 Ac.
TRACT LS-4	0.16 Ac.	0.76%	0.16 Ac.
TRACT RD-1	3.30 Ac.	15.71%	0.00 Ac.
TRACT REC-1	0.41 Ac.	1.95%	0.34 Ac.
TRACT ST-1	4.58 Ac.	21.81%	3.82 Ac.
<b>TOTAL AREA</b>	<b>21.00 Ac.</b>	<b>100.00%</b>	<b>5.71 Ac.</b>
REQUIRED OPEN SPACE	5.25 Ac.	25.00%	
PROVIDED OPEN SPACE	5.71 Ac.	27.19%	

LEGEND

PRM #5383 4"X4" CONCRETE MONUMENT STAMPED POWSHOK PRM PLS #5383 SET  
PRM #6360 4"X4" CONCRETE MONUMENT STAMPED HORIZON PRM PLS #6360 FOUND  
PRM #3867 4"X4" CONCRETE MONUMENT STAMPED PACKARD PRM PLS #3867 FOUND

PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

SHEET 1 OF 3  
SECTIONS 30 TWP. 29 S., RANGE 37 E.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That the company named below, being the owner in fee simple of the lands described in  
**BAYSIDE LANDINGS**

Hereby dedicates said lands and plat for the uses and purposes therein expressed; and Tract RD-1 to the Bayside Landings Homeowners Association, Inc. to be owned and maintained as a private roadway and no maintenance responsibilities shall be that of the City of Palm Bay; and a perpetual easement over and across the rights of way of private road RD-1 shown hereon for ingress and egress for Public Service and Emergency vehicles to the City of Palm Bay; and the public utility easements as graphically shown and described in the notes to the City of Palm Bay and the perpetual use of the public; No other easements are hereby dedicated or granted to the Public by this plat.

IN WITNESS WHEREOF, the undersigned has caused these presents to be signed and attested to by the officer named below.

BY \_\_\_\_\_  
Christopher J. Gardner  
As President

Condev Bayside Landings, LLC  
921 N. Pennsylvania Avenue  
Winter Park, Florida 32789

Signed and sealed in the presence of: \_\_\_\_\_

(Print name)

(Print name)

STATE OF FLORIDA, COUNTY OF BREVARD

THIS IS TO CERTIFY, that on \_\_\_\_\_, 2022 before me, by means of ☒ physical presence or ☐ online notarization, an officer duly authorized to take acknowledgments in the State and County aforesaid, personally appeared Christopher J. Gardner, President of the above named company, to me known to be the individual who executed the foregoing Dedication and severally acknowledged the execution thereof to be their free act and deed as such person authorized.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.

(Print name)  
NOTARY PUBLIC  
County and State aforesaid

My Commission Expires \_\_\_\_\_  
My Commission Number \_\_\_\_\_

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed professional surveyor and mapper, does hereby certify that on July 28, 2021 he completed the boundary survey of the lands shown in the foregoing plat; and that said plat was prepared under his direction and supervision and that said plat complies with all of the survey requirements of Chapter 177, part 1, Florida Statutes, and that said land is located in Brevard County, Florida.

Registration No. 5383

Andrew W. Powshok  
AAL Land Surveying Services, Inc.  
3970 Minton Road  
W. Melbourne, Florida 32904  
Licensed Business  
Certificate of Authorization Number No.6623

CERTIFICATE OF REVIEWING SURVEYOR

FOR CITY OF PALM BAY

I HEREBY CERTIFY, That I have examined the foregoing plat and find that it is in conformity with Chapter 177, part 1, Florida Statutes.

Joseph N. Hale, Professional Surveyor and Mapper Number 6366  
Reviewing Surveyor for the City of Palm Bay

CERTIFICATE OF APPROVAL

BY CITY OF PALM BAY

THIS IS TO CERTIFY That on \_\_\_\_\_ the city council for the City of Palm Bay approved the foregoing plat

ATTEST: Mayor: J. Robert Medina

City Clerk: Terese Jones

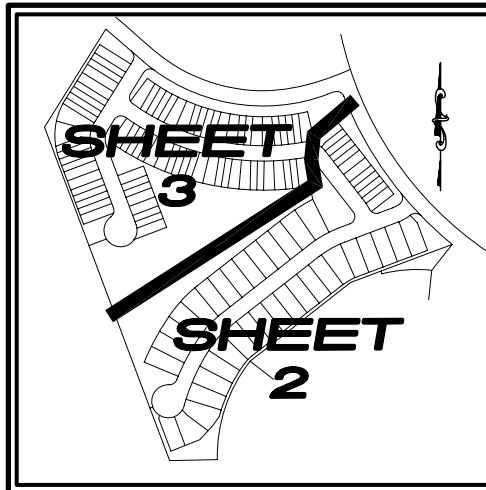
CERTIFICATE OF CLERK

I HEREBY CERTIFY, That I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, part 1, Florida Statutes, and was filed for record on \_\_\_\_\_ at \_\_\_\_\_, File No. \_\_\_\_\_

Clerk of the Circuit Court  
in and for Brevard County, Florida.

PROJECT # 45025  
DATED 7/21/2023





INDEX MAP  
NOT TO SCALE

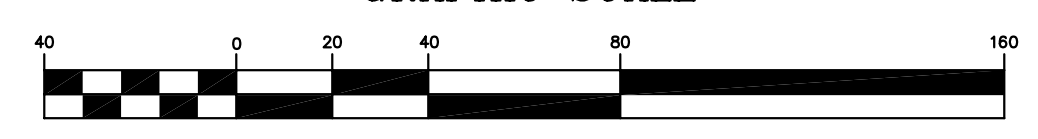
# BAYSIDE LANDINGS

BEING A REPLAT OF TRACT I-1  
BAYSIDE LAKES COMMERCIAL CENTER PHASE 4  
AS RECORDED IN PLAT BOOK 54, PAGE 48,  
LYING IN SECTION 30, TOWNSHIP 29 SOUTH, RANGE 37 EAST,  
CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

SHEET 2 OF 3  
SECTIONS 30 TWP. 29 S., RANGE 37 E.

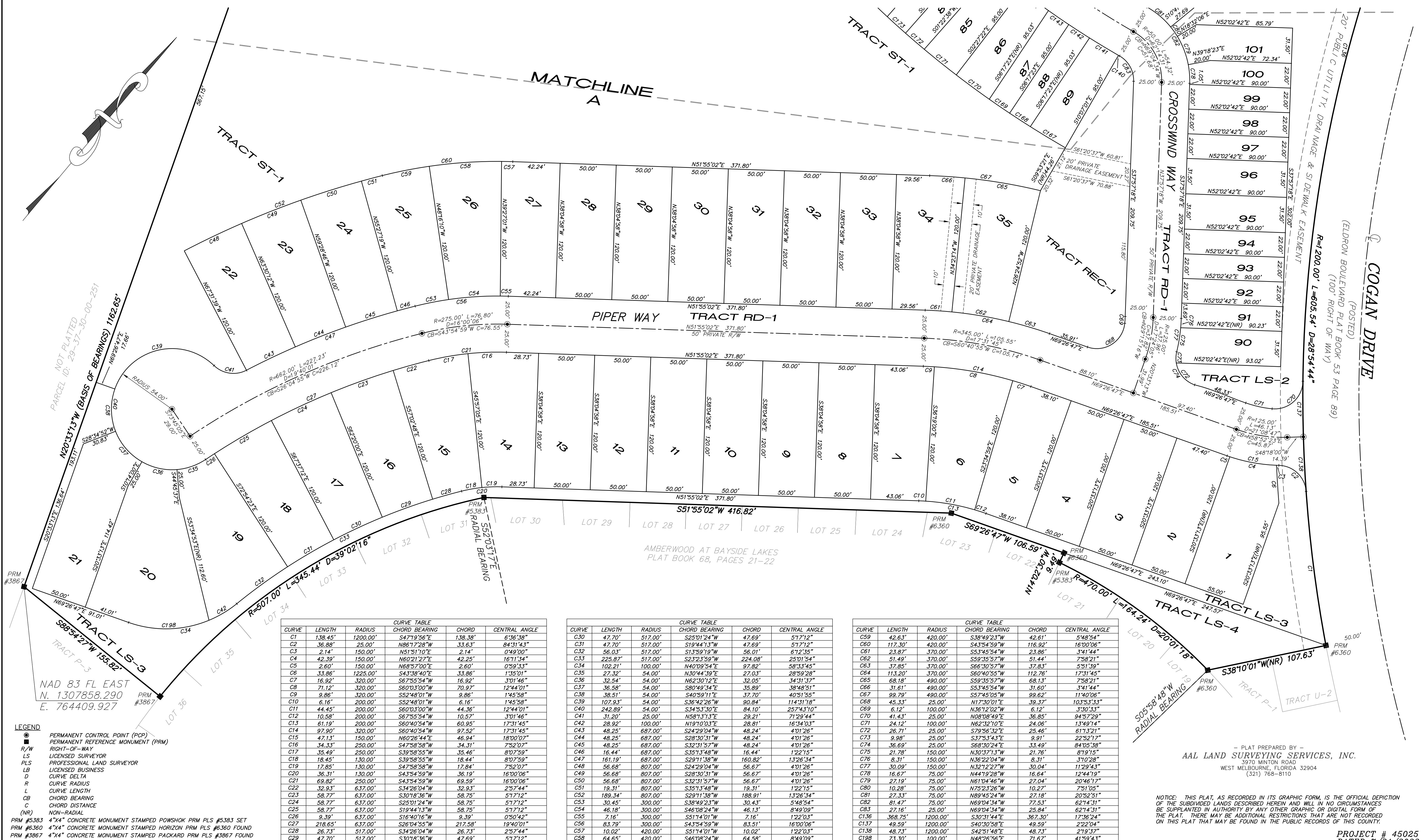
GRAPHIC SCALE



( IN FEET )

1 inch = 40 ft.

SEE SHEET 3



NOT PLATTED  
PARCEL ID: 29-37-40-00-251

NAD 83 FL EAST  
N. 1307858.290  
E. 764409.927

- LEGEND
- PERMANENT CONTROL POINT (PCP)
  - PERMANENT REFERENCE MONUMENT (PRM)
  - LS LICENSED SURVEYOR
  - PLS PROFESSIONAL LAND SURVEYOR
  - LB LICENSED BUSINESS
  - D CURVE DELTA
  - R CURVE RADIUS
  - L CURVE LENGTH
  - CB CHORD BEARING
  - C CHORD DISTANCE
  - (NR) NON-RADIAL

PRM #5383 4"x4" CONCRETE MONUMENT STAMPED POWSHOK PRM PLS #5383 SET  
PRM #6360 4"x4" CONCRETE MONUMENT STAMPED HORIZON PRM PLS #6360 FOUND  
PRM #3867 4"x4" CONCRETE MONUMENT STAMPED PACKARD PRM PLS #3867 FOUND

CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD	CENTRAL ANGLE
C1	138.45'	1200.00'	S47°19'56"E	138.38'	6°36'38"
C2	36.88'	25.00'	N66°17'28"W	33.63'	84°31'43"
C3	2.14'	150.00'	N51°51'10"E	2.14'	0°49'00"
C4	42.39'	150.00'	N60°21'27"E	42.25'	16°11'34"
C5	2.60'	150.00'	N68°57'00"E	2.60'	0°59'33"
C6	33.86'	1225.00'	S43°38'40"E	33.86'	1°35'01"
C7	16.92'	320.00'	S67°55'54"W	16.92'	3°01'46"
C8	71.12'	320.00'	S60°03'00"W	70.97'	12°44'01"
C9	9.86'	320.00'	S52°48'01"W	9.86'	1°45'58"
C10	6.16'	200.00'	S52°48'01"W	6.16'	1°45'58"
C11	44.45'	200.00'	S60°03'00"W	44.36'	12°44'01"
C12	10.58'	200.00'	S67°55'54"W	10.57'	3°01'46"
C13	61.19'	200.00'	S60°04'54"W	60.95'	17°31'45"
C14	97.90'	320.00'	S67°55'54"W	97.52'	17°31'45"
C15	42.13'	150.00'	N60°26'44"E	46.94'	18°00'02"
C16	34.33'	250.00'	S47°58'58"W	34.31'	7°52'07"
C17	35.49'	250.00'	S39°58'55"W	35.46'	8°07'59"
C18	18.45'	130.00'	S39°58'55"W	18.44'	8°07'59"
C19	17.85'	130.00'	S47°58'58"W	17.84'	7°52'07"
C20	36.31'	130.00'	S43°54'59"W	36.19'	16°00'06"
C21	69.82'	250.00'	S43°54'59"W	69.59'	16°00'06"
C22	32.15'	637.00'	S34°26'04"W	32.94'	2°57'44"
C23	58.77'	637.00'	S30°18'36"W	58.75'	5°17'12"
C24	58.77'	637.00'	S25°01'24"W	58.75'	5°17'12"
C25	58.77'	637.00'	S19°44'13"W	58.75'	5°17'12"
C26	9.39'	637.00'	S16°40'16"W	9.39'	0°50'42"
C27	218.65'	637.00'	S26°04'55"W	217.58'	19°40'01"
C28	26.73'	917.00'	S34°26'04"W	26.73'	2°57'44"
C29	47.70'	517.00'	S30°18'36"W	47.69'	5°17'12"

CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD	CENTRAL ANGLE
C30	47.70'	517.00'	S25°01'24"W	47.69'	5°17'12"
C31	47.70'	517.00'	S19°44'13"W	47.69'	5°17'12"
C32	56.03'	517.00'	S13°59'19"W	56.01'	6°12'35"
C33	225.87'	517.00'	S23°23'59"W	224.08'	25°01'54"
C34	102.21'	100.00'	N40°09'54"E	97.82'	58°33'45"
C35	27.32'	54.00'	N30°44'39"E	27.03'	28°59'28"
C36	32.54'	54.00'	N62°30'12"E	32.05'	34°31'37"
C37	36.58'	54.00'	S80°49'14"W	35.89'	38°48'51"
C38	38.51'	54.00'	S40°59'11"E	37.70'	40°51'55"
C39	107.93'	54.00'	S36°42'26"W	90.84'	114°31'18"
C40	242.89'	54.00'	S34°53'30"E	84.10'	257°43'10"
C41	31.20'	25.00'	N58°13'13"E	29.21'	71°29'44"
C42	28.92'	100.00'	N19°10'03"E	28.81'	16°34'03"
C43	48.25'	687.00'	S24°29'04"W	48.24'	4°01'26"
C44	48.25'	687.00'	S28°30'31"W	48.24'	4°01'26"
C45	48.25'	687.00'	S32°31'57"W	48.24'	4°01'26"
C46	16.44'	687.00'	S35°13'48"W	16.44'	1°22'15"
C47	161.19'	687.00'	S29°11'38"W	160.82'	13°26'34"
C48	56.68'	807.00'	S24°29'04"W	56.67'	4°01'26"
C49	56.68'	807.00'	S28°30'31"W	56.67'	4°01'26"
C50	56.68'	807.00'	S32°31'57"W	56.67'	4°01'26"
C51	19.15'	807.00'	S35°14'48"W	19.15'	2°57'44"
C52	189.34'	807.00'	S29°11'38"W	188.91'	13°26'34"
C53	30.45'	300.00'	S38°49'23"W	30.43'	5°48'54"
C54	46.18'	300.00'	S48°08'24"W	46.13'	8°49'09"
C55	7.16'	300.00'	S51°14'01"W	7.16'	1°22'03"
C56	83.79'	300.00'	S43°54'59"W	83.51'	16°00'06"
C57	10.02'	420.00'	S31°14'01"W	10.02'	1°22'03"
C58	64.65'	420.00'	S48°08'24"W	64.58'	8°49'09"

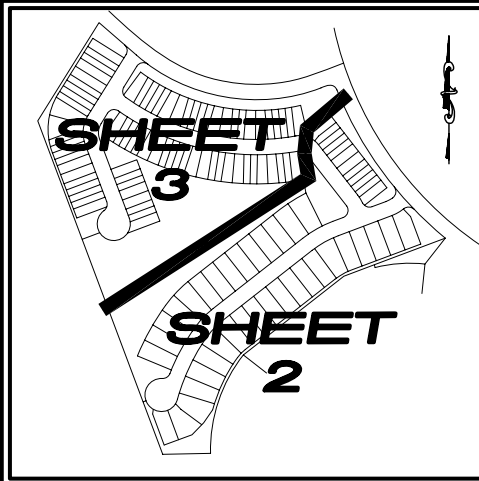
CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD	CENTRAL ANGLE
C59	42.63'	420.00'	S38°49'23"W	42.61'	5°48'54"
C60	117.30'	420.00'	S43°54'59"W	116.92'	16°00'06"
C61	23.87'	370.00'	S53°45'54"W	23.86'	3°41'44"
C62	51.49'	370.00'	S59°35'57"W	51.44'	7°58'21"
C63	37.85'	370.00'	S66°30'57"W	37.83'	5°51'39"
C64	113.20'	370.00'	S60°40'53"W	112.76'	17°31'45"
C65	68.18'	490.00'	S59°35'57"W	68.13'	7°58'21"
C66	31.61'	490.00'	S53°45'54"W	31.60'	3°41'44"
C67	99.79'	490.00'	S57°45'05"W	99.62'	11°40'06"
C68	45.33'	25.00'	N17°30'01"E	39.37'	103°53'33"
C69	6.12'	100.00'	N36°12'02"W	6.12'	3°30'33"
C70	41.43'	25.00'	N08°08'49"E	36.85'	94°57'29"
C71	24.12'	100.00'	N62°32'10"E	24.06'	13°49'14"
C72	26.71'	25.00'	S79°56'32"E	26.46'	61°13'21"
C73	9.98'	25.00'	S37°53'43"E	9.91'	22°52'17"
C74	36.69'	25.00'	S68°30'24"E	33.49'	84°05'38"
C75	21.78'	150.00'	N30°37'13"W	21.76'	8°19'15"
C76	8.31'	150.00'	N36°22'04"W	8.31'	3°30'33"
C77	30.09'	150.00'	N32°12'27"W	30.04'	11°29'43"
C78	16.67'	75.00'	N44°19'28"W	16.64'	12°44'19"
C79	27.19'	75.00'	N61°04'46"W	27.04'	20°46'17"
C80	10.28'	75.00'	N75°23'26"W	10.27'	7°51'05"
C81	27.33'	75.00'	N89°45'24"W	27.18'	20°52'51"
C82	81.47'	75.00'	N69°04'34"W	77.53'	62°14'31"
C83	27.16'	25.00'	N69°04'34"W	25.84'	62°14'31"
C136	368.75'	1200.00'	S30°31'44"E	367.30'	17°36'24"
C137	49.59'	1200.00'	S40°30'58"E	49.59'	2°22'04"
C138	48.73'	1200.00'	S45°51'48"E	48.73'	2°19'37"
C198	73.30'	100.00'	N48°26'56"E	71.67'	41°59'43"

- PLAT PREPARED BY -  
AAL LAND SURVEYING SERVICES, INC.  
3970 WINTON ROAD  
WEST MELBOURNE, FLORIDA 32904  
(321) 768-8110

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL, IN NO CIRCUMSTANCES, BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

PROJECT # 45025  
DATED 7/21/2023





# BAYSIDE LANDINGS

BEING A REPLAT OF TRACT I-1  
BAYSIDE LAKES COMMERCIAL CENTER PHASE 4  
AS RECORDED IN PLAT BOOK 54, PAGE 48,  
LYING IN SECTION 30, TOWNSHIP 29 SOUTH, RANGE 37 EAST,  
CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

BAYSIDE LAKES  
COMMERCIAL CENTER  
PHASE 4  
PLAT BOOK 54, PAGE 48  
TRACT "P-1"

PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
SHEET 3 OF 3  
SECTIONS 30 TWP. 29 S., RANGE 37 E.

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD BEARING	CENTRAL ANGLE
C139	48.09'	600.00'	S51°27'42"E	48.08'
C140	1.09'	780.00'	N79°50'35"E	1.09'
C141	30.10'	780.00'	N80°59'19"E	30.10'
C142	22.00'	780.00'	N82°54'08"E	22.00'
C143	22.00'	780.00'	N84°31'08"E	22.00'
C144	30.18'	780.00'	N86°26'07"E	30.18'
C145	30.18'	780.00'	N88°39'09"E	30.18'
C146	22.00'	780.00'	S89°25'51"E	22.00'
C147	22.00'	780.00'	S87°48'53"E	22.00'
C148	30.18'	780.00'	S85°53'52"E	30.18'
C149	30.18'	780.00'	S83°40'50"E	30.18'
C150	22.00'	780.00'	S81°45'50"E	22.00'
C151	22.00'	780.00'	S80°08'52"E	22.00'
C152	32.71'	780.00'	S78°08'18"E	32.71'
C153	32.01'	780.00'	S75°45'41"E	32.01'
C154	22.02'	780.00'	S73°46'37"E	22.02'
C155	22.00'	780.00'	S72°09'36"E	22.00'
C156	22.00'	780.00'	S70°32'38"E	22.00'
C157	22.00'	780.00'	S68°55'35"E	22.00'
C158	32.00'	780.00'	S66°56'34"E	32.00'
C159	32.00'	780.00'	S64°35'31"E	32.00'
C160	22.02'	780.00'	S62°36'28"E	22.02'
C161	22.00'	780.00'	S60°59'27"E	22.00'
C162	22.00'	780.00'	S59°22'29"E	22.00'
C163	22.02'	780.00'	S57°45'28"E	22.02'
C164	29.40'	780.00'	S55°52'08"E	29.40'
C165	0.96'	780.00'	S54°45'14"E	0.96'
C166	619.13'	780.00'	S77°27'28"E	603.00'
C167	36.44'	875.00'	N81°04'35"E	36.44'
C168	22.00'	875.00'	N82°59'24"E	22.00'
C169	22.00'	875.00'	N84°25'50"E	22.00'
C170	36.54'	875.00'	N86°20'51"E	36.54'
C171	36.54'	875.00'	N88°44'25"E	36.54'
C172	22.00'	875.00'	S89°20'35"E	22.00'
C173	22.00'	875.00'	S87°54'09"E	22.00'
C174	36.54'	875.00'	S85°59'08"E	36.54'
C175	36.54'	875.00'	S83°35'34"E	36.54'
C176	22.00'	875.00'	S81°40'34"E	22.00'
C177	22.00'	875.00'	S80°14'08"E	22.00'
C178	36.37'	875.00'	S78°13'34"E	36.37'
C179	41.27'	875.00'	S75°35'08"E	41.27'
C180	22.02'	875.00'	S73°30'49"E	22.02'
C181	22.00'	875.00'	S72°04'20"E	22.00'
C182	22.00'	875.00'	S70°37'54"E	22.00'
C183	22.02'	875.00'	S69°11'25"E	22.02'
C184	41.27'	875.00'	S67°07'06"E	41.26'
C185	41.27'	875.00'	S64°24'59"E	41.26'
C186	22.02'	875.00'	S62°20'40"E	22.02'
C187	22.00'	875.00'	S60°54'12"E	22.00'
C188	22.00'	875.00'	S59°27'45"E	22.00'
C189	22.02'	875.00'	S58°01'17"E	22.02'
C190	38.35'	875.00'	S56°02'41"E	38.35'
C191	692.33'	875.00'	S72°21'11"E	674.32'
C192	40.72'	25.00'	S78°37'00"W	36.37'
C193	52.23'	57.00'	S05°41'57"W	50.43'
C194	2.25'	54.00'	N19°21'45"W	2.25'
C195	34.20'	54.00'	N00°01'30"W	33.64'
C196	133.20'	54.00'	N88°47'15"E	101.91'
C197	70.29'	54.00'	S16°44'32"W	65.43'
C198	239.94'	54.00'	S73°51'42"E	85.92'
C200	15.70'	25.00'	N36°02'17"E	15.44'
C201	16.85'	25.00'	N01°14'54"W	16.53'
C202	32.54'	25.00'	N16°44'18"E	30.29'
C203	10.78'	107.00'	S17°40'07"E	10.77'
C204	16.54'	107.00'	S10°21'16"E	16.53'
C205	16.70'	107.00'	S01°27'12"E	16.69'
C206	22.74'	107.00'	S09°06'22"W	22.69'
C207	26.84'	107.00'	S22°22'48"W	26.77'
C208	4.45'	107.00'	S30°45'33"W	4.45'
C209	98.05'	107.00'	S05°41'57"W	94.66'
C210	20.19'	217.00'	S17°53'25"E	20.18'
C211	22.24'	217.00'	S12°17'19"E	22.23'
C212	82.73'	217.00'	S01°34'11"W	82.23'
C213	61.57'	217.00'	S20°21'13"W	61.36'
C214	12.13'	217.00'	S30°21'00"W	12.13'
C215	198.86'	217.00'	S05°41'53"W	191.98'

NAD 83 FL EAST  
N. 1308947.531  
E. 764003.345

PARCEL NOT PLATTED  
PARCEL ID: 29-37-30-00-251

TRACT LS-1  
TRACT LS-2

TRACT ST-1  
TRACT ST-2

TRACT RD-1  
TRACT RD-2

TRACT RD-3  
TRACT RD-4

TRACT RD-5  
TRACT RD-6

TRACT RD-7  
TRACT RD-8

TRACT RD-9  
TRACT RD-10

TRACT RD-11  
TRACT RD-12

TRACT RD-13  
TRACT RD-14

TRACT RD-15  
TRACT RD-16

TRACT RD-17  
TRACT RD-18

TRACT RD-19  
TRACT RD-20

TRACT RD-21  
TRACT RD-22

TRACT RD-23  
TRACT RD-24

TRACT RD-25  
TRACT RD-26

TRACT RD-27  
TRACT RD-28

TRACT RD-29  
TRACT RD-30

TRACT RD-31  
TRACT RD-32

TRACT RD-33  
TRACT RD-34

TRACT RD-35  
TRACT RD-36

TRACT RD-37  
TRACT RD-38

TRACT RD-39  
TRACT RD-40

TRACT RD-41  
TRACT RD-42

TRACT RD-43  
TRACT RD-44

TRACT RD-45  
TRACT RD-46

TRACT RD-47  
TRACT RD-48

TRACT RD-49  
TRACT RD-50

TRACT RD-51  
TRACT RD-52

TRACT RD-53  
TRACT RD-54

TRACT RD-55  
TRACT RD-56

TRACT RD-57  
TRACT RD-58

TRACT RD-59  
TRACT RD-60

TRACT RD-61  
TRACT RD-62

TRACT RD-63  
TRACT RD-64

TRACT RD-65  
TRACT RD-66

TRACT RD-67  
TRACT RD-68

TRACT RD-69  
TRACT RD-70

TRACT RD-71  
TRACT RD-72

TRACT RD-73  
TRACT RD-74

TRACT RD-75  
TRACT RD-76

TRACT RD-77  
TRACT RD-78

TRACT RD-79  
TRACT RD-80

TRACT RD-81  
TRACT RD-82

TRACT RD-83  
TRACT RD-84

TRACT RD-85  
TRACT RD-86

TRACT RD-87  
TRACT RD-88

TRACT RD-89  
TRACT RD-90

TRACT RD-91  
TRACT RD-92

TRACT RD-93  
TRACT RD-94

TRACT RD-95  
TRACT RD-96

TRACT RD-97  
TRACT RD-98

TRACT RD-99  
TRACT RD-100

TRACT RD-101  
TRACT RD-102

TRACT RD-103  
TRACT RD-104

TRACT RD-105  
TRACT RD-106

TRACT RD-107  
TRACT RD-108

TRACT RD-109  
TRACT RD-110

TRACT RD-111  
TRACT RD-112

TRACT RD-113  
TRACT RD-114

TRACT RD-115  
TRACT RD-116

TRACT RD-117  
TRACT RD-118

TRACT RD-119  
TRACT RD-120

TRACT RD-121  
TRACT RD-122

TRACT RD-123  
TRACT RD-124

TRACT RD-125  
TRACT RD-126

TRACT RD-127  
TRACT RD-128

TRACT RD-129  
TRACT RD-130

TRACT RD-131  
TRACT RD-132

TRACT RD-133  
TRACT RD-134

TRACT RD-135  
TRACT RD-136

TRACT RD-137  
TRACT RD-138

TRACT RD-139  
TRACT RD-140

TRACT RD-141  
TRACT RD-142

TRACT RD-143  
TRACT RD-144

TRACT RD-145  
TRACT RD-146

TRACT RD-147  
TRACT RD-148

TRACT RD-149  
TRACT RD-150

TRACT RD-151  
TRACT RD-152

TRACT RD-153  
TRACT RD-154

TRACT RD-155  
TRACT RD-156

TRACT RD-157  
TRACT RD-158

TRACT RD-159  
TRACT RD-160

TRACT RD-161  
TRACT RD-162

TRACT RD-163  
TRACT RD-164

TRACT RD-165  
TRACT RD-166

TRACT RD-167  
TRACT RD-168

TRACT RD-169  
TRACT RD-170

TRACT RD-171  
TRACT RD-172

TRACT RD-173  
TRACT RD-174

TRACT RD-175  
TRACT RD-176

TRACT RD-177  
TRACT RD-178

TRACT RD-179  
TRACT RD-180

TRACT RD-181  
TRACT RD-182

TRACT RD-183  
TRACT RD-184

TRACT RD-185  
TRACT RD-186

TRACT RD-187  
TRACT RD-188

TRACT RD-189  
TRACT RD-190

TRACT RD-191  
TRACT RD-192

TRACT RD-193  
TRACT RD-194

TRACT RD-195  
TRACT RD-196

TRACT RD-197  
TRACT RD-198

TRACT RD-199  
TRACT RD-200

TRACT RD-201  
TRACT RD-202

TRACT RD-203  
TRACT RD-204

TRACT RD-205  
TRACT RD-206

TRACT RD-207  
TRACT RD-208

TRACT RD-209  
TRACT RD-210

TRACT RD-211  
TRACT RD-212

TRACT RD-213  
TRACT RD-214

TRACT RD-215  
TRACT RD-216

TRACT RD-217  
TRACT RD-218

TRACT RD-219  
TRACT RD-220

TRACT RD-221  
TRACT RD-222

TRACT RD-223  
TRACT RD-224

TRACT RD-225  
TRACT RD-226

TRACT RD-227  
TRACT RD-228

TRACT RD-229  
TRACT RD-230

TRACT RD-231  
TRACT RD-232

TRACT RD-233  
TRACT RD-234

TRACT RD-235  
TRACT RD-236

TRACT RD-237  
TRACT RD-238

TRACT RD-239  
TRACT RD-240

TRACT RD-241  
TRACT RD-242

TRACT RD-243  
TRACT RD-244

TRACT RD-245  
TRACT RD-246

TRACT RD-247  
TRACT RD-248

TRACT RD-249  
TRACT RD-250

TRACT RD-251  
TRACT RD-252

TRACT RD-253  
TRACT RD-254

TRACT RD-255  
TRACT RD-256

TRACT RD-257  
TRACT RD-258

TRACT RD-259  
TRACT RD-260

TRACT RD-261  
TRACT RD-262

TRACT RD-263  
TRACT RD-264

TRACT RD-265  
TRACT RD-266

TRACT RD-267  
TRACT RD-268

TRACT RD-269  
TRACT RD-270

TRACT RD-271  
TRACT RD-272

TRACT RD-273  
TRACT RD-274

TRACT RD-275  
TRACT RD-276

TRACT RD-277  
TRACT RD-278

TRACT RD-279  
TRACT RD-280

TRACT RD-281  
TRACT RD-282

TRACT RD-283  
TRACT RD-284

TRACT RD-285  
TRACT RD-286

TRACT RD-287  
TRACT RD-288

TRACT RD-289  
TRACT RD-290

TRACT RD-291  
TRACT RD-292

TRACT RD-293  
TRACT RD-294

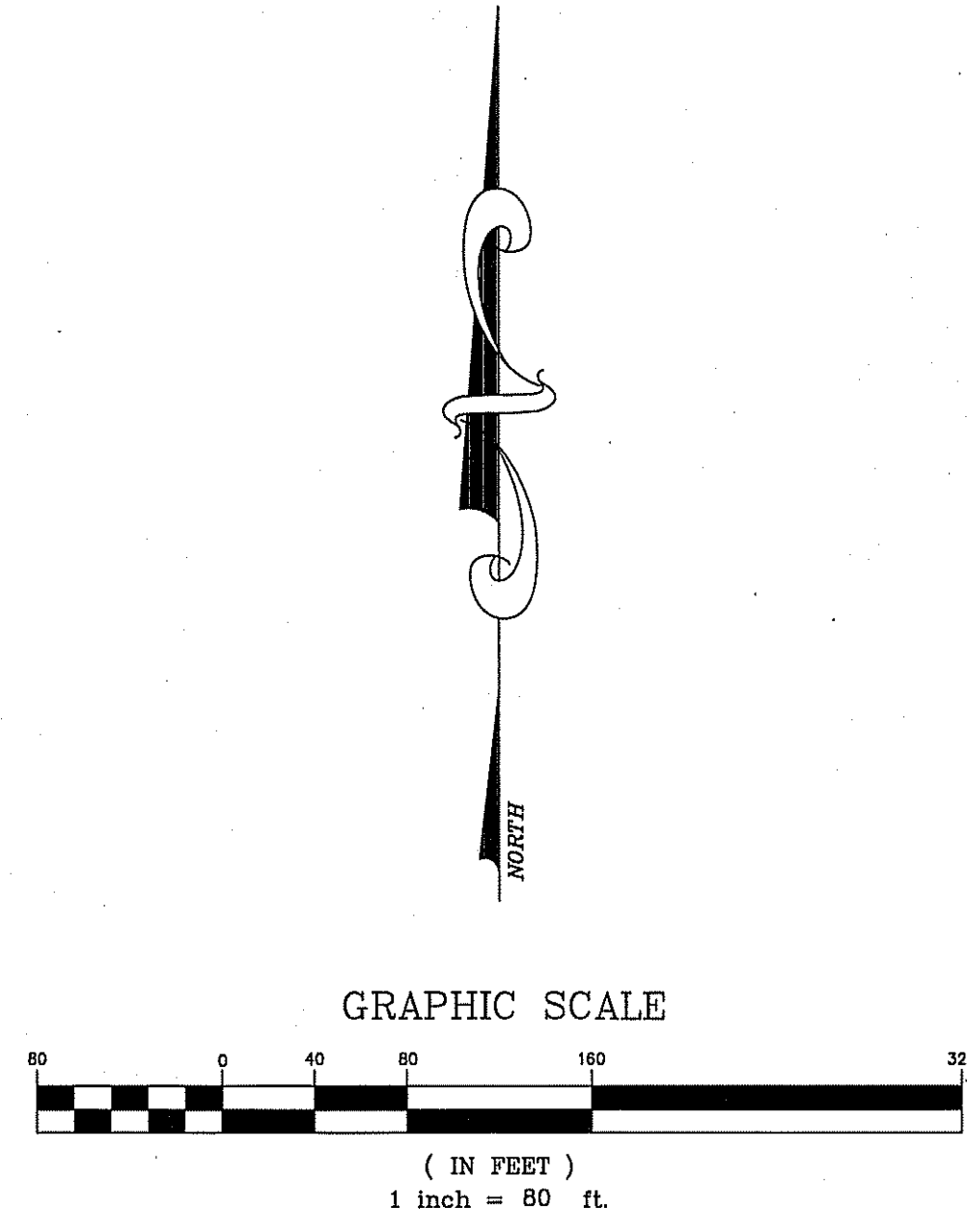
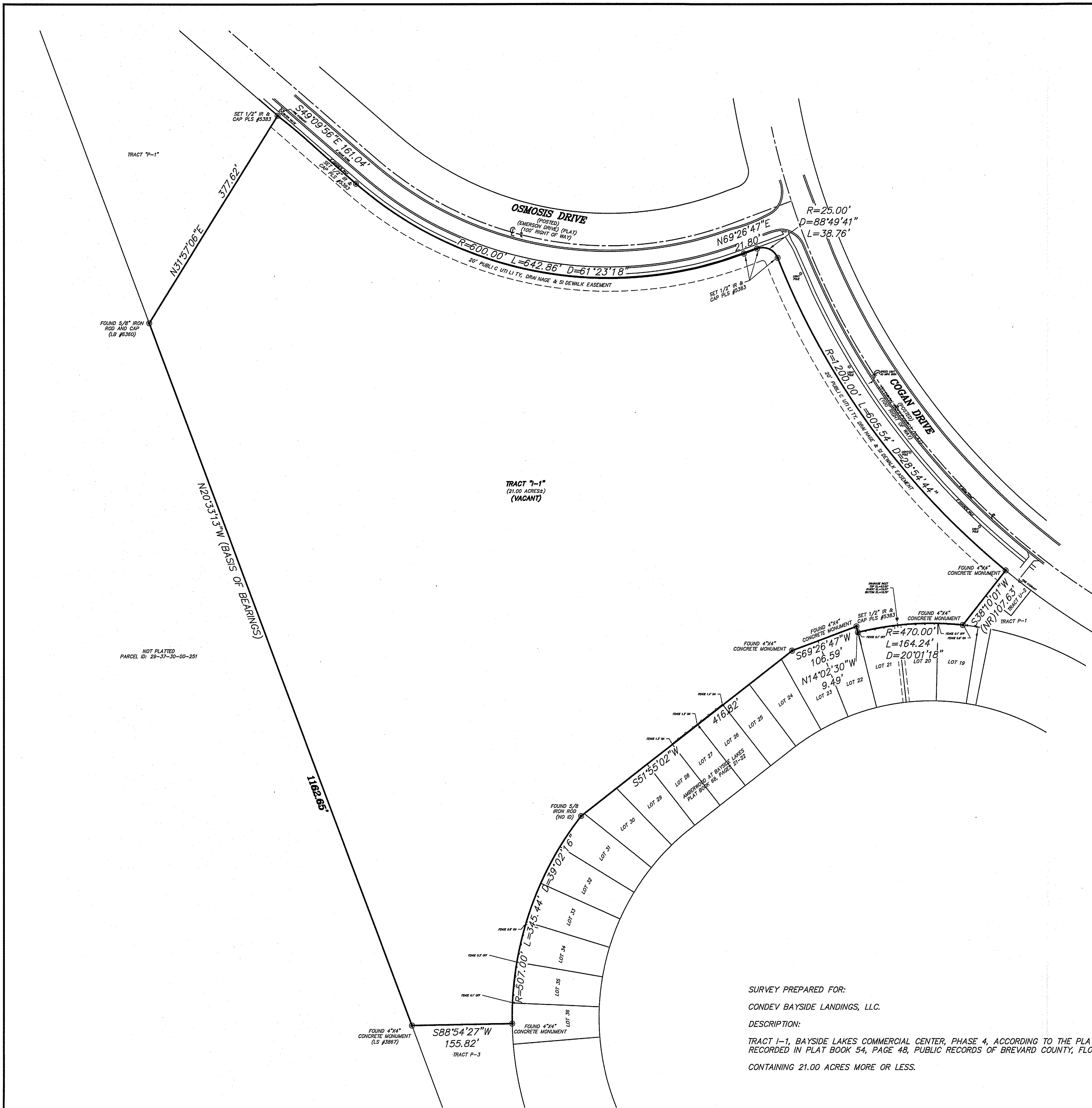
TRACT RD-295  
TRACT RD-296

TRACT RD-297  
TRACT RD-298

TRACT RD-299  
TRACT RD-300

TRACT RD-301  
TRACT RD-302

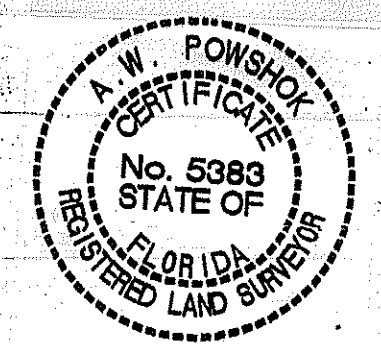
TRACT RD-303  
TRACT RD-304



The seal appearing on this document was authorized by Andrew W. Powshok, P.L.S. No. 5383, on 4-8-2022.

This item has been electronically signed and sealed by Andrew W. Powshok, P.L.S. No. 5383, using a digital signature on 4-8-2022.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.



## AAL LAND SURVEYING SERVICES, INC.

GENERAL NOTES:  
1. THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 63-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.  
2. THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON, AND FOR THE SPECIFIC PURPOSE NOTED.  
3. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.  
4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.  
5. THIS SURVEY HAS BEEN PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.  
6. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.  
7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED, UNLESS OTHERWISE SHOWN.  
8. ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.  
9. "NO WELLS" AND "NO SEPTICS" ARE DEFINITIONS TO SHOW AN ATTEMPT BY THE SURVEYOR TO LOCATE POSSIBLE EXISTING WELLS AND SEPTICS, HOWEVER NONE WERE FOUND USING STANDARD SURVEY LOCATING EQUIPMENT.

LEGEND:  
(B.B.) - BASIS OF BEARING  
(M) - MEASURED  
(P) - PLAT  
(D) - DEED  
(R) - IRON ROD  
(IP) - IRON PIPE  
(H) - IRON AND DISC  
(N&T) - NAIL AND TIN TAB  
(CM) - CONCRETE MONUMENT  
(PM) - PERMANENT REFERENCE MARKER  
(COW) - CORNER OF WATER  
(TBM) - TEMPORARY BENCHMARK  
(D) - DULIA  
(R) - RADIUS  
(L) - LENGTH  
(PND) - POINT OF BEGINNING  
(PC) - POINT OF CURVATURE  
(PT) - POINT OF TANGENCY  
(PI) - POINT OF INTERSECTION  
(PWC) - POINT OF WRECK CURVE  
(R/W) - RIGHT OF WAY  
(B.S.L) - BUILDING SETBACK LINE  
(E.P) - EDGE OF PAVEMENT  
(P.U.E) - PUBLIC UTILITY EASEMENT  
(D.E) - DRAINAGE EASEMENT  
(EL) - ELEVATION  
(FF) - FINISHED FLOOR  
(CONC) - CONCRETE  
(R.C.P) - REINFORCED CONCRETE PIPE  
(C.M.P) - CORRUGATED METAL PIPE  
(C) - CENTERLINE  
(LB) - LICENSED BUSINESS  
(LS) - LICENSED SURVEYOR

3970 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B.#6623  
PHONE: (321)768-8110 FAX: (321)952-9771 E-MAIL: frontdesk@aalsurvey.com

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

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

SURVEY PREPARED FOR:  
CONDEV BAYSIDE LANDINGS, LLC.

DESCRIPTION:  
TRACT 1-1, BAYSIDE LAKES COMMERCIAL CENTER, PHASE 4, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 54, PAGE 48, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CONTAINING 21.00 ACRES MORE OR LESS.



# School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699

Mark W. Mullins, Ed.D., Superintendent



April 29, 2022

Ms. Alix Bernard  
Growth Management Director  
City of Palm Bay  
Growth Management Department  
120 Malabar Road SE  
Palm Bay, Florida 32907

**RE: Proposed Landings at Bayside Development  
School Capacity Availability Determination Letter SCADL-2022-10**

Dear Ms. Alix Bernard,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property consists of Tax Account 2963453 (Parcel ID: 29-37-30-01-11) containing approximately 21 acres in The City of Palm Bay, Brevard County, Florida. One Hundred Twenty-Three (123) single family dwelling units are planned for completion. The School Concurrency Determination of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in the *Brevard County Public Schools Financially Feasible Plan for 2020-21 to 2025-26* which is attached for reference.

Single Family Homes	123		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.24	29.52	30
Middle	0.07	8.61	9
High	0.12	14.76	15

Planning & Project Management  
Facilities Services  
Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646



An Equal Opportunity Employer

**FISH Capacity (including relocatable classrooms) from the  
Financially Feasible Plan (FFP) Data and Analysis for School Years 2022-23 to  
2026-27**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Westside	857	857	879	901	923
Southwest	1,211	1,211	1,211	1,211	1,211
Bayside	2,263	2,263	2,263	2,263	2,263

**Projected Student Membership**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Westside	761	815	855	872	895
Southwest	940	922	1,000	1,119	1,157
Bayside	1,728	1,850	1,942	2,002	2,069

**Students Generated by Newly Issued SCADL Reservations Since FFP**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Westside	24	24	24	24	24
Southwest	7	7	7	7	7
Bayside	14	14	14	14	14

**Cumulative Students Generated by  
Proposed Development**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Westside	30	30	30	30	30
Southwest	9	9	9	9	9
Bayside	15	15	15	15	15

**Total Projected Student Membership (includes  
Cumulative Impact of Proposed Development)**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Westside	815	869	909	926	949
Southwest	956	938	1,016	1,135	1,173
Bayside	1,757	1,879	1,971	2,031	2,098

**Projected Available Capacity =  
FISH Capacity - Total Projected Student Membership**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Westside	42	(12)	(30)	(25)	(26)
Southwest	255	273	195	76	38
Bayside	506	384	292	232	165



At this time Westside Elementary School is not projected to have enough capacity for the total of projected and potential students from the Landings at Bayside development. Because there is a shortfall of available capacity in the concurrency service areas of the Landings at Bayside development, the capacity of adjacent concurrency service areas must be considered. The adjacent elementary school concurrency service areas are Sunrise Elementary School, Port Malabar Elementary School, Columbia Elementary School, Turner Elementary School and Jupiter Elementary School. A table of capacities of the *Adjacent Schools Concurrency Service Areas* that could accommodate the impacts of the Landings at Bayside development is shown:

<b>FISH Capacity (including relocatable classrooms) from the Financially Feasible Plan (FFP) Data and Analysis for School Years 2022-23 to 2026-27</b>						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Columbia		751	751	751	751	751
<b>Projected Student Membership</b>						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Columbia		484	546	568	569	572
<b>Students Generated by Newly Issued SCADL Reservations Since FFP</b>						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Columbia		-	-	-	-	-
<b>Cumulative Students Generated by Proposed Development</b>						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Columbia		30	30	30	30	30
<b>Total Projected Student Membership (includes Cumulative Impact of Proposed Development)</b>						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Columbia		514	576	598	599	602
<b>Projected Available Capacity = FISH Capacity - Total Projected Student Membership</b>						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Columbia		237	175	153	152	149

Considering the adjacent elementary school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the Landings at Bayside development.

This letter is the official ***School Concurrency Availability Determination Letter (SCADL)*** for the Landings at Bayside development in accordance with Section 13.2(e) of the *Interlocal Agreement for Public School Facility Planning and School Concurrency (ILA)*. This letter will become binding, and capacity will be reserved in Brevard Public Schools for the projected student membership impact of this development as of the date of this letter.

The School Capacity Reservation at the above schools is valid for 24 months from the date of this letter. At that time, if the project has not received the Certificate of Completion approval from The City of Palm Bay, a Time Extension application can be submitted to the School Board through The City of Palm Bay. A maximum of 2 additional years can be requested. If the final planning approval has not been completed after the 2-year Time Extension is granted, a new application for School Concurrency must be submitted.

Also, in accordance with Section 13.2(f) of the ILA, so that the school district can track capacity reservations, please provide notification:

1. When this residential development has received a Concurrency Evaluation Finding of Nondeficiency or functional equivalent.
2. The date the development order expires, is extended, or is revoked.
3. When the concurrency reservations become vested.
4. When the school impact fees have been paid.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,



Karen M. Black, AICP  
Manager – Facilities Planning & Intergovernmental Coordination  
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for 2020-21 to 2025-26*

Copy: Susan Hann, AICP, Assistant Superintendent of Facilities Services  
File SCADL-2022-10

David G. Lindemann, AICP, Director of Planning & Project Management, Facilities Services  
File SCADL-2022-10





# Landings at Bayside Location Map

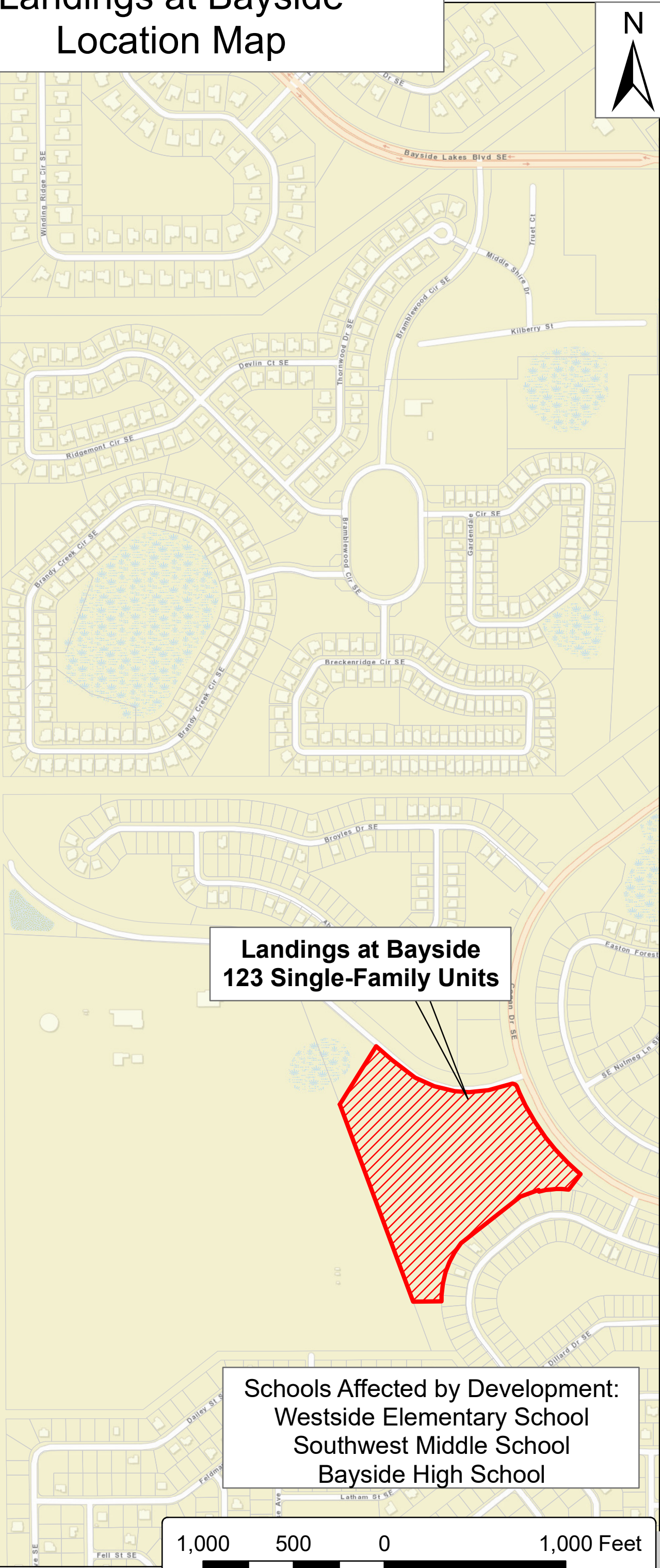


Bayside High School

Westside Elementary School

**Palm Bay**

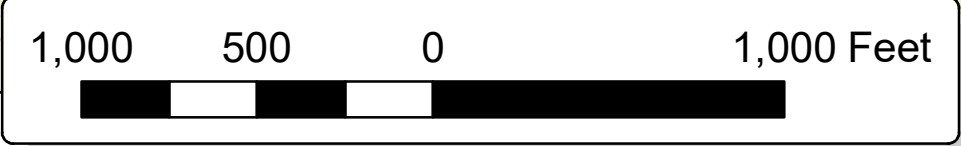
Garvin Ave SW  
De Groot Rd SW  
Stillwater Lakes Dr SW  
Gardner Rd SW  
Lakehurst Ave SW  
Lafitte Ave SW  
Frederick St SW



**Landings at Bayside  
123 Single-Family Units**

**Schools Affected by Development:**  
Westside Elementary School  
Southwest Middle School  
Bayside High School

Drawn By:  
Planning & Project Management  
Karen M Black  
04/29/2022





# Brevard County Public Schools

## Financially Feasible Plan To Maintain Utilization Rates Lower than the **100%** Level of Service

### Data and Analysis for School Years 2021-22 to 2026-27



Summary	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
Highest Utilization Elementary Schools:	88%	89%	95%	98%	97%	99%
Highest Utilization Middle Schools:	88%	89%	90%	89%	92%	96%
Highest Utilization Jr / Sr High Schools:	84%	84%	82%	82%	79%	78%
Highest Utilization High Schools:	101%	100%	99%	95%	94%	97%

				School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27		
School	Type	Grades	Utilization Factor	FISH Capacity	10/15/21 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	630	84%	751	632	84%	751	694	92%	751	739	98%	773	752	97%	773	738	95%
Andersen	Elementary	K-6	100%	884	592	67%	884	591	67%	884	597	68%	884	589	67%	884	565	64%	884	554	63%
Apollo	Elementary	K-6	100%	902	782	87%	902	783	87%	902	755	84%	902	761	84%	902	739	82%	902	729	81%
Atlantis	Elementary	PK-6	100%	739	629	85%	739	630	85%	739	616	83%	739	600	81%	739	592	80%	739	576	78%
Audubon	Elementary	PK-6	100%	761	464	61%	761	464	61%	761	458	60%	761	438	58%	761	427	56%	761	440	58%
Cambridge	Elementary	PK-6	100%	765	506	66%	765	506	66%	765	513	67%	765	510	67%	765	485	63%	765	480	63%
Cape View	Elementary	PK-6	100%	570	278	49%	570	285	50%	570	287	50%	570	281	49%	570	286	50%	570	284	50%
Carroll	Elementary	K-6	100%	751	614	82%	751	619	82%	751	605	81%	751	613	82%	751	600	80%	751	593	79%
Challenger 7	Elementary	PK-6	100%	573	506	88%	573	508	89%	573	476	83%	573	449	78%	573	437	76%	573	414	72%
Columbia	Elementary	PK-6	100%	751	462	62%	751	484	64%	751	546	73%	751	568	76%	751	569	76%	751	572	76%
Coquina	Elementary	K-6	100%	711	534	75%	711	531	75%	711	557	78%	711	572	80%	711	596	84%	711	602	85%
Creel	Elementary	PK-6	100%	1,114	717	64%	1,114	762	68%	1,114	812	73%	1,114	847	76%	1,114	877	79%	1,114	922	83%
Croton	Elementary	PK-6	100%	795	487	61%	795	488	61%	795	530	67%	795	559	70%	795	586	74%	795	604	76%
Discovery	Elementary	PK-6	100%	980	615	63%	980	644	66%	980	639	65%	980	633	65%	980	608	62%	980	611	62%
Endeavour	Elementary	PK-6	100%	968	657	68%	968	670	69%	968	668	69%	968	641	66%	968	627	65%	968	640	66%
Enterprise	Elementary	K-6	100%	729	605	83%	729	608	83%	729	587	81%	729	561	77%	729	529	73%	729	513	70%
Fairglen	Elementary	PK-6	100%	789	581	74%	789	580	74%	789	597	76%	789	620	79%	789	626	79%	789	639	81%
Gemini	Elementary	K-6	100%	711	427	60%	711	442	62%	711	440	62%	711	424	60%	711	420	59%	711	409	58%
Golfview	Elementary	PK-6	100%	777	454	58%	777	454	58%	777	467	60%	777	503	65%	777	513	66%	777	521	67%
Harbor City	Elementary	PK-6	100%	629	359	57%	629	357	57%	629	386	61%	629	399	63%	629	400	64%	629	411	65%
Holland	Elementary	PK-6	100%	605	444	73%	605	465	77%	605	471	78%	605	473	78%	605	472	78%	605	477	79%
Imperial Estates	Elementary	K-6	100%	729	624	86%	729	622	85%	729	626	86%	729	619	85%	729	620	85%	729	645	88%
Indialantic	Elementary	K-6	100%	798	671	84%	798	672	84%	798	658	82%	798	646	81%	798	620	78%	798	622	78%
Jupiter	Elementary	PK-6	100%	930	724	78%	930	721	78%	930	817	88%	930	857	92%	930	854	92%	930	920	97%
Lockmar	Elementary	PK-6	100%	892	632	71%	892	631	71%	892	594	67%	892	578	65%	892	559	63%	892	553	62%
Longleaf	Elementary	PK-6	100%	790	594	75%	790	594	75%	790	587	74%	790	583	74%	790	565	72%	790	551	70%
Manatee	Elementary	K-6	100%	998	843	84%	998	855	86%	998	815	82%	998	793	79%	998	765	77%	998	750	75%
McAuliffe	Elementary	PK-6	100%	918	634	69%	918	633	69%	918	624	68%	918	583	64%	918	576	63%	918	565	62%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	832	75%	1,114	832	75%	1,114	902	81%	1,114	920	83%	1,114	950	85%	1,114	950	85%
Meadowlane Primary	Elementary	K-6	100%	824	678	82%	824	678	82%	824	731	89%	824	725	88%	824	734	89%	824	731	89%
Mila	Elementary	PK-6	100%	707	438	62%	707	432	61%	707	430	61%	707	444	63%	707	417	59%	707	416	59%
Mims	Elementary	PK-6	100%	725	431	59%	725	442	61%	725	433	60%	725	441	61%	725	452	62%	725	446	62%
Oak Park	Elementary	PK-6	100%	968	561	58%	968	563	58%	968	554	57%	968	510	53%	968	508	52%	968	523	54%
Ocean Breeze	Elementary	PK-6	100%	654	538	82%	654	543	83%	654	524	80%	654	506	77%	654	484	74%	654	472	72%
Palm Bay Elem	Elementary	PK-6	100%	983	547	56%	983	567	58%	983	571	58%	983	570	58%	983	602	61%	983	622	63%
Pinewood	Elementary	PK-6	100%	569	496	87%	569	500	88%	569	517	91%	569	524	92%	569	526	92%	569	532	93%
Port Malabar	Elementary	PK-6	100%	852	636	75%	852	636	75%	852	630	74%	852	636	75%	852	645	76%	852	632	74%
Quest	Elementary	PK-6	100%	1,152	673	58%	1,152	673	58%	1,152	694	60%	1,152	722	63%	1,152	734	64%	1,152	728	63%
Riviera	Elementary	PK-6	100%	777	624	80%	777	631	81%	777	681	88%	777	709	91%	777	722	93%	777	750	97%
Roosevelt	Elementary	K-6	100%	599	263	44%	599	261	44%	599	241	40%	599	221	37%	599	202	34%	599	190	32%
Sabal	Elementary	PK-6	100%	785	516	66%	785	507	65%	785	516	66%	785	523	67%	785	516	66%	785	530	68%
Saturn	Elementary	PK-6	100%	976	678	69%	976	679	70%	976	731	75%	976	772	79%	976	822	84%	976	810	83%
Sea Park	Elementary	PK-6	100%	461	299	65%	461	317	69%	461	324	70%	461	324	70%	461	330	72%	461	331	72%
Sherwood	Elementary	PK-6	100%	609	428	70%	609	429	70%	609	429	70%	609	434	71%	609	442	73%	609	441	72%
Sunrise	Elementary	PK-6	100%	913	691	76%	913	690	76%	913	738	81%	935	824	88%	1,001	929	93%	1,067	1,061	99%
Suntree	Elementary	K-6	100%	755	595	79%	755	595	79%	755	584	77%	755	555	74%	755	546	72%	755	523	69%
Surfside	Elementary	K-6	100%	541	408	75%	541	407	75%	541	372	69%	541	345	64%	541	336	62%	541	329	61%
Tropical	Elementary	K-6	100%	910	641	70%	910	642	71%	910	635	70%	910	614	67%	910	597	66%	910	609	67%
Turner	Elementary	PK-6	100%	874	579	66%	874	576	66%	874	621	71%	874	642	73%	874	659	75%	874	694	79%
University Park	Elementary	PK-6	100%	811	466	57%	811	464	57%	811	496	61%	811	554	68%	811	622	77%	811	657	81%
Viera Elem	Elementary	K-6	100%	1,030	585	57%	1,030	635	62%	1,030	671	65%	1,030	742	72%	1,030	826	80%	1,030	902	88%
Westside	Elementary	K-6	100%	857	728	85%	857	761	89%	857	815	95%	879	855	97%	901	872	97%	923	895	97%
Williams	Elementary	PK-6	100%	715	494	69%	715	493	69%	715	483	68%	715	473	66%	715	452	63%	715	438	61%
Elementary Totals				42,471	29,890		42,471	30,184		42,471	30,745		42,515	31,024		42,625	31,190		42,735	31,547	



Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,514	1,171	77%	1,514	1,171	77%	1,514	1,217	80%	1,514	1,238	82%	1,514	1,319	87%	1,514	1,360	90%
DeLaura	Middle	7-8	90%	960	843	88%	960	851	89%	960	829	86%	960	854	89%	960	816	85%	960	787	82%
Hoover	Middle	7-8	90%	680	510	75%	680	510	75%	680	485	71%	680	506	74%	680	550	81%	680	539	79%
Jackson	Middle	7-8	90%	660	574	87%	660	574	87%	660	594	90%	660	556	84%	660	540	82%	660	531	80%
Jefferson	Middle	7-8	90%	873	622	71%	873	622	71%	873	583	67%	873	580	66%	873	583	67%	873	535	61%
Johnson	Middle	7-8	90%	1,064	690	65%	1,064	690	65%	1,064	707	66%	1,064	752	71%	1,064	795	75%	1,064	813	76%
Kennedy	Middle	7-8	90%	869	682	78%	869	682	78%	869	641	74%	869	617	71%	869	628	72%	869	656	75%
Madison	Middle	7-8	90%	781	480	61%	781	480	61%	781	471	60%	781	480	61%	781	457	59%	781	446	57%
McNair	Middle	7-8	90%	611	336	55%	611	350	57%	611	359	59%	611	353	58%	611	362	59%	611	349	57%
Southwest	Middle	7-8	90%	1,211	940	78%	1,211	940	78%	1,211	922	76%	1,211	1,000	83%	1,211	1,119	92%	1,211	1,157	96%
Stone	Middle	7-8	90%	1,024	747	73%	1,024	747	73%	1,024	706	69%	1,024	745	73%	1,024	772	75%	1,024	846	83%
Middle Totals				10,247	7,595		10,247	7,617		10,247	7,514		10,247	7,681		10,247	7,941		10,247	8,019	
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	PK, 7-12	90%	2,084	1,516	73%	2,084	1,517	73%	2,084	1,578	76%	2,084	1,627	78%	2,084	1,637	79%	2,084	1,626	78%
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	943	65%	1,445	955	66%	1,445	917	63%	1,445	890	62%	1,445	821	57%	1,445	782	54%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,556	84%	1,852	1,557	84%	1,852	1,526	82%	1,852	1,511	82%	1,852	1,465	79%	1,852	1,448	78%
Jr / Sr High Totals				5,381	4,015		5,381	4,029		5,381	4,021		5,381	4,028		5,381	3,923		5,381	3,856	
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,451	1,077	74%	1,451	1,076	74%	1,451	1,094	75%	1,451	1,086	75%	1,451	1,078	74%	1,451	1,086	75%
Bayside	High	9-12	95%	2,263	1,653	73%	2,263	1,728	76%	2,263	1,850	82%	2,263	1,942	86%	2,263	2,002	88%	2,263	2,069	91%
Eau Gallie	High	PK, 9-12	95%	2,221	1,610	72%	2,221	1,605	72%	2,221	1,634	74%	2,221	1,655	75%	2,221	1,680	76%	2,221	1,700	77%
Heritage	High	9-12	95%	2,314	1,991	86%	2,314	2,038	88%	2,314	2,149	93%	2,314	2,193	95%	2,314	2,179	94%	2,314	2,248	97%
Melbourne	High	9-12	95%	2,370	2,210	93%	2,370	2,208	93%	2,370	2,201	93%	2,370	2,200	93%	2,370	2,151	91%	2,370	2,185	92%
Merritt Island	High	PK, 9-12	95%	1,962	1,523	78%	1,962	1,523	78%	1,962	1,494	76%	1,962	1,454	74%	1,962	1,401	71%	1,962	1,389	71%
Palm Bay	High	PK, 9-12	95%	2,631	1,286	49%	2,631	1,325	50%	2,631	1,467	56%	2,631	1,573	60%	2,631	1,645	63%	2,631	1,643	62%
Rockledge	High	9-12	95%	1,836	1,568	85%	1,836	1,568	85%	1,836	1,641	89%	1,836	1,658	90%	1,836	1,638	89%	1,836	1,620	88%
Satellite	High	PK, 9-12	95%	1,527	1,513	99%	1,551	1,550	100%	1,551	1,533	99%	1,551	1,470	95%	1,551	1,438	93%	1,551	1,387	89%
Titusville	High	9-12	95%	1,849	1,231	67%	1,849	1,272	69%	1,849	1,295	70%	1,849	1,313	71%	1,849	1,330	72%	1,849	1,270	69%
Viera	High	PK, 9-12	95%	2,203	2,216	101%	2,251	2,233	99%	2,583	2,272	88%	2,583	2,386	92%	2,583	2,411	93%	2,583	2,469	96%
High Totals				22,627	17,878		22,699	18,126		23,031	18,630		23,031	18,930		23,031	18,953		23,031	19,066	
Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	406	85%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
South Lake	Elementary	K-6	100%	481	396	82%	481	417	87%	481	417	87%	481	417	87%	481	417	87%	481	417	87%
Stevenson	Elementary	K-6	100%	569	498	88%	569	508	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%
West Melbourne	Elementary	K-6	100%	618	544	88%	618	552	89%	618	552	89%	618	552	89%	618	552	89%	618	552	89%
Edgewood	Jr / Sr High	7-12	90%	1,077	921	86%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%
West Shore	Jr / Sr High	7-12	90%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%
Schools of Choice				4,484	3,711		4,484	3,787		4,484	3,787		4,484	3,787		4,484	3,787		4,484	3,787	
Brevard Totals				85,210	63,089		85,282	63,743		85,614	64,697		85,658	65,450		85,768	65,794		85,878	66,275	

## Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2021-22 are reported from the FISH database as of October 12, 2021.
- Student Membership is reported from the Fall Final Membership Count (10/15/2021).
- Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
  - Development Projections from Brevard County Local Government Jurisdictions
  - Brevard County School Concurrency Student Generation Multipliers (SGM)
  - Fall Membership student addresses and corresponding concurrency service areas
  - Student Mobility Rates / Cohort Survival Rates
  - Brevard County Birth rates by zip code
- Davis Demographics estimates are then adjusted using the following factors:
  - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
  - Current From/To attendance patterns are assumed to remain constant.
  - Nongeocoded student addresses are assumed to continue in their attendance schools.
  - Charter School Growth.
- In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
- A total of 15 Relocatable Classrooms are assumed to add future student stations as listed below:
  - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
  - Intermediate relocatable classrooms are proposed to be added at Roy Allen Elementary, Jupiter Elementary, Sunrise Elementary, and Westside Elementary Schools (Total 12 Classrooms)
  - High school relocatable classrooms are proposed to be added at Satellite High and Viera High (Total of 3 Classrooms)
- A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.

## EXHIBIT "A"

### NINTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF BAYSIDE LAKES COMMERCIAL CENTER

Section 3 of the Declaration, Common Area Maintenance Proportions, is hereby amended as follows:

#### Section 3. Common Area Maintenance Proportions.

All of the Lot Owners benefit from the maintenance of the common areas. Additionally, owners of property outside the plat of Bayside Lakes Commercial Center also benefit from the maintenance and upkeep of the common areas. Accordingly, the Declarant has devised a formula for assessments based upon the benefit and intensity of usage within and without the plat.

The budget for Bayside Lakes Commercial Center, will be divided into three categories.

**Category A** consists of those common areas to be maintained exclusively by Property Owners within the Commercial Center Plat (Commercial and Institutional property owners). The budget will cover maintenance for Tracts D-1 through D-10, O-1, O-2, P-1 and P-2 as depicted on the Commercial Center Plat recorded in Plat Book 45, pages 65, 66 and 82 through 85 of the Public Records of Brevard County. The budget will be for maintenance of all landscaping, ponds and drainage, aquatic control, drainage pond banks, reserves for repair and replacement in connection with drainage, insurance, management, legal, accounting, administrative and overhead costs.

The Category A portion of the budget will be paid to the Association by the Owners of the Commercial and Institutional tracts. This will be divided between the two, 70% payable by the commercial, and 30% payable by the institutional. The formula used, to determine a per acre contribution based on acreage within each site, is as follows: the commercial property will pay 70% of the overall budget, divided amongst the Commercial Property Owners based upon their pro-rata share of developable acres and institutional sites will pay 30% of the total budget, allocated to the Institutional Sites Owners on a per acres basis.

**The Diocese of Orlando owns the Lot identified as Tract I-1, Bayside Lakes Commercial Center Phase 4, according to the plat thereof, as recorded in Plat Book 54, Page 48 of the Public Records of Brevard County, Florida ("Diocese Property"). The Diocese Property is currently identified as an Institutional Tract and has been approved by the City of Palm Bay to be developed as a Residential Subdivision, subject to an amendment to this Declaration. The Residential Subdivision is referred to as The Landings at Bayside and will consist of one hundred twenty-three (123) residential units made up of eighty-eight (88) townhomes and thirty-five (35) single family homes. The Residential Association established for The Landings at Bayside will be assessed as a Residential Subdivision as set forth for Categories B and C below, and shall also pay the difference of what it would have paid as an Institutional Property Owner minus what it is paying as a Residential Subdivision.**



**Category B** of the budget will consist of expenses necessary to maintain the entrance sign to Summerfield, Tracts L4, L5 and S2, as depicted on the Plat recorded in Plat Book 45, page 18 and the road right of way for Bayside Lakes Boulevard and Eldron Road. Category B portion will be shared by the Commercial/Institutional Lot Owners paying 30% and Residential Owners paying 70%. The commercial/institutional portion of 30% will be subdivided following the formula in which Category A of the budget was subdivided. (Commercial property owners pay 70% of the 30% of Category B budget and Institutional property owners pay 30% of the 30% of Category B budget).

The residential portion of Category B budget will be divided pro-rata amongst the Residential Associations, based upon the number of units in each subdivision. Under current estimates, subject to change, there will be ~~1,960~~ **2347** units, within ~~16~~ **18** subdivisions comprised as follows: Bridgewater (245) Summerfield (172), Laurelwood (81), Fairway Isles (~~134~~**106**), Players Club (66), Lake Forest (96). In addition, Magnolia Park (109), Monterey Cove (73), Brookside (100), Forest Glen (105), and Bramblewood Town homes proposed (90) (hereinafter, "Middle Properties" subtotaling 477); as well as, Stonebriar proposed (229), Fairway Crossings proposed (115), Holly Trace ~~proposed (143)~~**proposed (142)**, Amberwood/~~Wellington proposed (231)~~**proposed (222)**, and ~~Wellington proposed (109)~~, **The Preserves at Stonebriar (328) and The Landings at Bayside proposed (123)**. FOR EXAMPLE: Summerfield's portion would be determined by dividing 172 by **2347, which equals .07%** ~~1,960, which equals .09%~~. This would be multiplied by the 70% of the budget attributable to the residential property ( ~~.09~~ **.07** x .70 = ~~.06~~ **.05** ) and distributed equally to each of the 172 lot owners so that each lot owner is paying ~~5%~~ **7%** as being their respective portion of the budget.

A new **Category C** budget is created herein, to address the maintenance of the common areas for use by all Residential Lot Owners, such areas being the Clubhouse located on Bramblewood Circle, Bramblewood Circle right of way, and common areas that are utilized by only those Residential Lot Owners within Magnolia Park, Monterey Cove, Brookside, Forest Glen, and Bramblewood Town homes, hereinafter, "Middle Properties."

Category C is further divided into two sub-categories.

Category **C1** budget, which contains the Clubhouse and Bramblewood Circle right of way from Bayside Lakes Boulevard to the Guardhouse, will be subdivided pro-rata amongst the associations based upon the number of units in each subdivision using the formula as in the residential portion of Category B budget. There are estimated ~~16~~ **18** Subdivisions; therefore the C1 budget will be divided by ~~16~~ **18** to determine each subdivision's share. Further, then divided by the number of units within the subdivision to determine each Lot owner's share. FOR EXAMPLE: if the budget were to be \$1600, ~~divide by 16~~ **\$1800 divide by 18** Subdivisions to get the amount for which each Subdivision is responsible (~~\$1600/16~~ **\$1800/18** = \$100); then further divide the Subdivision's share amongst the Lot owners within that Subdivision. If the Subdivision is Summerfield, then \$100 will be divided by 172 Lot owners (\$100 / 172 = .59) therefore each Lot owner would be responsible for \$0.59 of C1 budget.

Category **C2** budget, contains Bramblewood Circle right of way and the landscaping along said right of way in its entirety beginning at the Guardhouse, the Guard's salary, the Guardhouse

maintenance and maintenance of the entrance gate at the Guardhouse and maintenance of Tract D-1 depicted on Magnolia Park Plat as recorded in Plat Book 49, Page 60, Public Records of Brevard County, Florida.

The Category C2 budget will be divided amongst the Middle Properties. The portion of each unit within the Middle Properties will be based upon the total number of units that consist of the Middle Property subdivisions. By way of illustration, Magnolia Park's portion would be determined by dividing 109 (number of lots within Magnolia Park) by 477 (total lots within the Middle Property), which equals 23% which shall be distributed equally to each of the 109 lots.

The Associations of the Middle Properties will control the physical maintenance of the property within Category C as a whole through a majority vote.

The Commercial Association will bill the residential associations once annually. The Associations will have the right to enforce the covenants, and covenants will be subject to change if the number of lots or configuration of commercial and institutional tracts is revised.

All Lots Owners will become responsible for their pro-rata assessment on the date on which title is conveyed to the Lot Owner or on the date the Residential Subdivision Plat is recorded with Brevard County.



First American Title Insurance Company  
PO Box 776123  
Chicago, IL 60677-6124  
Phone: (727)549-3200  
Fax: (866)265-4386

**PROPERTY INFORMATION REPORT FOR THE FILING  
OF A SUBDIVISION PLAT IN  
BREVARD County, Florida**

FATIC File No.: 7222-6351508

A search of the Public Records of BREVARD County, Florida, through February 17, 2023 at 8:00 a.m. reveals the following with respect to the legal description of the property set out on the subdivision plat of BAYSIDE LANDINGS (not yet recorded), said legal description attached hereto as Exhibit "A", and made a part hereof:

A. The last deed of record was dated February 13, 2006 and recorded February 16, 2006 in Official Records Book 5605, Page 1172, Public Records of BREVARD County, Florida.

B. The record title holder is John G. Noonan, as Bishop of the Diocese of Orlando, and his successors in office, a corporation sole .

C. The name(s) of the record title holder **DOES NOT COINCIDE** with the name(s) shown as owner(s) on the unrecorded plat of BAYSIDE LANDINGS .

D. Unsatisfied mortgages or liens encumbering said property are as follows:

NONE

E. Underlying rights of way, easements or plats affecting said property are as follows:

1. Provisions of the Plat of BAYSIDE LAKES COMMERCIAL CENTER, PHASE 4, recorded January 3, 2006 in Plat Book 54, Page 48, Public Records of Brevard County, Florida.

F. Other information regarding said property includes:

1. Articles of Incorporation of Bayside Lakes Commercial Center Property Owners Association, Inc. recorded August 30, 2000 in Book 4212, Page 3034; First Amendment to the By-Laws of Bayside Lakes Commercial Center Property Owners Association, Inc. recorded March 15, 2006 in Book 5617, Page 142, Public Records of Brevard County, Florida.

2. Declaration of Covenants, Conditions and Restrictions for Bayside Lakes Commercial Center recorded August 30, 2000 in Book 4212, Page 3045; First Amendment to Declaration of Covenants, Conditions and Restrictions, for Bayside Lakes Commercial Center recorded June 4, 2001 in Book 4353, Page 979 and recorded August 30, 2001 in Book 4411, Page 1155; Second Amendment to Declaration of Covenants, Conditions and Restrictions, for Bayside Lakes Commercial Center recorded October 1, 2001 in Book 4430, Page 176; First Supplement to Declaration of Covenants, Conditions and Restrictions, for Bayside Lakes Commercial Center recorded October 1, 2001 in Book 4430, Page 179; Third Amendment to Declaration of Covenants, Conditions and Restrictions, for Bayside Lakes Commercial Center recorded March 26, 2002 in Book 4556, Page 3140; Second Supplement to Declaration of Covenants, Conditions and Restrictions, for Bayside Lakes Commercial Center recorded



August 13, 2003 in Book 5014, Page 3165; Third Supplement to Declaration of Covenants, Conditions and Restrictions, for Bayside Lakes Commercial Center recorded October 27, 2005 in Book 5556, Page 3806; Fourth Supplement to Declaration of Covenants, Conditions and Restrictions, for Bayside Lakes Commercial Center recorded January 19, 2006 in Book 5593, Page 5444; Fourth Amendment to Declaration of Covenants, Conditions and Restrictions, for Bayside Lakes Commercial Center recorded March 15, 2005 in Book 5617, Page 133; Fifth Amendment to Declaration of Covenants, Conditions and Restrictions, for Bayside Lakes Commercial Center recorded December 27, 2006 in Book 5732, Page 9771; Sixth Amendment to Declaration of Covenants, Conditions and Restrictions, for Bayside Lakes Commercial Center recorded February 5, 2007 in Book 5746, Page 2694; Certificate of Seventh Amendment to Declaration of Covenants, Conditions and Restrictions, for Bayside Lakes Commercial Center recorded September 24, 2008 in Book 5889, Page 2714; as affected by Final Judgment in Case No.: 05-2009-CA-49733 in the Circuit Court of the Eighteenth Judicial Circuit, in and for Brevard County, Florida, recorded May 1, 2012 in Book 6591, Page 127, as re-recorded August 6, 2012 in Book 6659, Page 2869, Public Records of Brevard County, Florida.

3. Ordinance No. 2007-49 of the City of Palm Bay, Brevard County, Florida recorded July 9, 2007 in Book 5794, Page 1138, Public Records of Brevard County, Florida.

4. Ordinance No. 2007-34 of the City of Palm Bay, Brevard County, Florida recorded August 7, 2007 in Book 5801, Page 8759, Public Records of Brevard County, Florida.

5. Ordinance No. 2009-48 of the City of Palm Bay, Brevard County, Florida recorded September 15, 2009 in Book 6026, Page 634, Public Records of Brevard County, Florida.

6. Resolution 2021-71 recorded January 4, 2022 in Book 9374, Page 2609, Public Records of Brevard County, Florida.

7. Ordinance 2022-64 recorded July 18, 2022 in Book 9562, Page 929, Public Records of Brevard County, Florida.

G. 2022 Ad valorem taxes on said property are paid for Tax Parcel I. D. Number 2963453.

**PROPERTY INFORMATION REPORT FOR THE FILING  
OF A SUBDIVISION PLAT IN  
BREVARD County, Florida**

This property information report is made for the purpose of furnishing the information required for the filing of the above referenced subdivision plat in accordance with the provisions of Chapter 177.041 of the Florida Statutes and the requirements of the City of Palm Bay, Florida Land Development Code. This search of a minimum of 30 years has been prepared expressly for the appropriate governing body as defined by Chapter 177.071 FS and it is not to be relied upon by any other group or person for any other purpose. This report is not an opinion of title, title insurance policy, warranty of title, or any other assurance as to the status of title and shall not be used for the purpose of issuing title insurance. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified in the property information report as the recipients of the property information report.

First American Title Insurance Company

A handwritten signature in black ink, appearing to read "Mike Ably", is written over a horizontal line.

By: \_\_\_\_\_

Authorized Signatory

## Exhibit "A"

A parcel of land being Tract I-1, Bayside Lakes Commercial Center Phase 4, as recorded in Plat Book 54, Page 48 of the Public Records of Brevard County, Florida, and being more particularly described as follows:

Begin at the Northwest corner of Tract P-3, Amberwood at Bayside Lakes as recorded in Plat Book 68, Pages 21-22 of the Public Records of Brevard County, Florida; thence  $N20^{\circ}33'13''W$ , along the West line of said Tract I-1, a distance of 1162.65 feet; thence  $N31^{\circ}57'06''E$ , along the Northwest line of said Tract I-1, for a distance of 377.62 feet to the right of way line of Osmosis Drive; thence  $S49^{\circ}09'56''E$ , along said right of way line 161.04 feet to the point of curvature with a curve concave Northerly having a radius of 600.00 feet; thence run Easterly along the arc of said curve a distance of 642.86 feet through a central angle of  $61^{\circ}23'18''$  to a point of tangency thereof; thence  $N69^{\circ}26'47''E$ , along said right of way line 21.80 feet to the point of curvature of a curve concave Southwesterly having a radius of 25.00 feet; thence Southeasterly along the arc of said curve 38.76 feet through a central angle of  $88^{\circ}49'41''$  to a point of reverse curvature with a curve concave Northeasterly, having a radius of 1200.00 feet; thence Southeasterly along the West right of way line of Cogan Drive and the arc of said curve 605.54 feet through a central angle of  $28^{\circ}54'44''$  to a point; thence  $S38^{\circ}10'01''W$ , along the Northerly line of aforesaid plat of Amberwood at Bayside Lakes for a distance of 107.63 feet to a point on a curve concave Southerly having a radius of 470.00 feet; thence from a radial bearing of  $S05^{\circ}58'48''W$ , Westerly along the arc of said curve 164.24 feet through a central angle of  $20^{\circ}01'18''$  to a point; thence  $N14^{\circ}02'30''W$ , a distance of 9.49 feet; thence  $S69^{\circ}26'47''W$ , a distance of 106.59 feet; thence  $S51^{\circ}55'02''W$ , a distance of 416.82 feet to a point on a curve concave Southeasterly having a radius of 507.00 feet; thence from a radial bearing of  $S52^{\circ}03'17''E$ , Southwesterly along the arc of said curve 345.44 feet through a central angle of  $39^{\circ}02'16''$  to a point; thence  $S88^{\circ}54'27''W$  a distance of 155.82 feet to the Point of Beginning.



# Project Details: PS23-00006

## Project Type: Subdivisions & Plats Preliminary Subdivision Plan

Project Location: UNKNOWN # 2700 ANNELEIGH CIR Palm Bay, FL  
Milestone: Submitted  
Created: 6/27/2023  
Description: Bayside Landing  
Assigned Planner: Tania Ramos

### Contacts

Contact	Information
Owner/Applicant	John G. Noonan, Bishop, DIOCESE OF ORLANDO 50 E ROBINSON STREET ORLANDO, FL 32801 (407) 246-4800 chipb@condevfl.com
Legal Representative	David W Bassford 1250 W. Eau Gallie Blvd, Suite H Melbourne, FL 32935 (321) 253-1510 davidb@mbveng.com
Assigned Planner	Tania Ramos FL  tania.ramos@palmbayflorida.org
Submitter	David A Bassford 1250 W. Eau Gallie Blvd, Suite H Melbourne, FL 32935  davidb@mbveng.com

### Fields

Field Label	Value
Block	I1
Lot	
Section Township Range	30-29-37
Subdivision	01
Year Built	
Use Code	9910
Use Code Desc	VACANT MULTI-FAMILY PLATTED >5 AC

# Project Details: PS23-00006

LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	2963453
Flu Description	High Density Residential
Flu Code	HDR
Zoning Description	Planned Unit Development
Zoning Code	PUD
Proposed Subdivision Name	Bayside Landings
Size of Area Covered (acres)	
Total Lots Proposed by Use	88 Townhomes / 35 SFR
Intended Use of Property	SFR
Is Submitter the Representative?	False
Tax Account Numbers	2963453
Parcel Number	29-37-30-01-I1
Action Letter Date	

2-15-2023

, 20

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Parcel # 29-37-30-01-I1 / Tax ID 2963453

I, Owner Name: John G. Noonan, Bishop - signatory for Diocese of Orlando

Address: 50 E. Robinson Street, Orlando, FL 32801

Telephone: 407-246-4800

Email: jnoonan@orlandodiocese.org

hereby authorize:

Representative: David W. Bassford, P.E., MBV Engineering, Inc.

Address: 1250 W. Eau Gallie Blvd, Suite H, Melbourne, FL 32935

Telephone: 321-253-1510

Email: davidb@mbveng.com

to represent the request(s) for:

Final Development Plan and Preliminary (plat) Subdivision Plan

(Property Owner Signature)

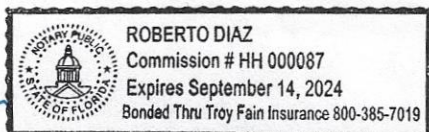
STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 15 day of February, 20 23 by

John NOONAN

, property owner.



☒ Personally Known or ☐ Produced the Following Type of Identification:

Notary Public



July 7, 2023

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID 29-37-30-01-I1 - Bayside Lakes Commercial Center, Phase 4, Tract I-1  
(Institutional)

I, Owner Name: John G. Noonan, Bishop - Signatory for the Diocese of Orlando

Address: 50 E. Robinson Street, Orlando, FL 32801

Telephone: 407-679-1748

Email: jnoonan@orlandodiocese.org

hereby authorize:

Representative: Kim Rezanka of Lacey, Lyons and Rezanka

Address: 1290 US Hwy 1, Suite 103 Rockledge, FL 32955

Telephone: 321-608-0892

Email: krezanka@llr.law

to represent the request(s) for:

Preliminary (Plat) Subdivision Application

(Property Owner Signature)

STATE OF

Florida

COUNTY OF

Orange

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 10 day of JULY, 2023 by

John NOONAN

, property owner.



Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

# Acknowledgement Log

**Header:**

Legal Acknowledgement

**Text:**

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made 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 application and that the facts stated in it are true.

**Accepted By:**

David A Bassford

**On:**

6/27/2023 9:57:44 AM

☒ PS23-00006

Select Language ▼



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005773931

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 340.30

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/20/23

**Text of Ad:**

Ad#5773931 07/20/2023  
**CITY OF PALM BAY, FLORIDA  
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 August 2, 2023, and by the City Council on August 17, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):  
1. CP23-00008 – Tara Williamson and Ronald Chabot (Kelly Hyvonen, AICP, Land Development Strategies, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial and High Density Residential to Commercial.  
Lot 1 of Block R and Lot 18.01 of Block C, Hiawatha Gardens Section 2, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.06 acres. Located at the southwest intersection of Hiawatha Avenue NE and Dixie Highway NE  
2. \*\*Z23-00012 - Lawrence Kramer  
A Zoning Change from an IU, Institutional Use District to an RC, Restricted Commercial District.  
Lot 11, Point West Estates, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE  
3. \*\*Z23-00011 - 1611 Meridian, LLC, Nuri Dorra, Manager (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Zoning Change from an IU, Institutional Use District to a CC, Community Commercial District.  
Tax Parcel 262, Section 22, Township 28, Range 37, Brevard County, Florida; containing approximately 4.08 acres. Located at the northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Rd NE  
4. CP23-00014 - KEW, LLC, Michael Erdman, managing member (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial.  
A portion of Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE  
5. FS23-00006 - Heritage Square Partners, LLC, Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 4-lot commercial subdivision called Commercial at Heritage Square.  
Tract X, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. In the vicinity west of St. Johns Heritage Parkway NW, north of and adjacent to Malabar Road NW  
6. PS23-00006 - Diocese of Orlando, John G. Noonan, Bishop (David W. Bassford, P.E., MBV Engineering, Inc., Rep.)  
A Preliminary Subdivision Plan to allow for a proposed development of 88 town-

home units and 35 single-family residential units to be called Bayside Landings. Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. Located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE

**7. CP23-00015 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Public/Semi-Public to Commercial. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**8. \*\*CP23-00008 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Zoning Amendment from an IU, Institutional Use District to an RC, Restricted Commercial District. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**9. T23-00013 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.123, to provide clear language for authorized parking within residential districts.**

**10. T23-00014 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Sections 184.35 and 184.36, to add language and procedures for lot splits and lot reconfigurations within the City of Palm Bay.**

**11. T23-00015 - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District.**

**12. T23-00017 – All Digital All Day, LLC (Matthew Ashley, Rep.) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17, to modify language for the distance between billboards to be in alignment with state statutes.**

**13. T23-00019 – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to amend Section 184.15 regarding the conditions governing the issuance of building permits for model homes.**

**14. T23-00020 - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay.**

**\*\*Indicates quasi-judicial request(s).**  
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.  
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist





## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Alexandra Bernard, Principal Planner

**DATE:** August 2, 2023

**SUBJECT:** CP23-00015 - Thrifty Produce Malabar at Green Acres - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.) - A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Public/Semi-Public to Commercial. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

### ATTACHMENTS:

#### Description

- ❏ CP23-00015 - Staff Report
- ❏ CP23-00015 - Site Sketch
- ❏ CP23-00015 - Citizen Participation Plan Report
- ❏ CP23-00015 - Application
- ❏ CP23-00015 - Letter of Authorization
- ❏ CP23-00015 - Legal Acknowledgement
- ❏ CP23-00015 - Legal Ad



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmabayflorida.org](mailto:landdevelopmentweb@palmabayflorida.org)

### Prepared by

Alix Bernard, Principal Planner

---

#### CASE NUMBER

CP23-00015

#### PLANNING & ZONING BOARD HEARING DATE

August 2, 2023

---

#### PROPERTY OWNER & APPLICANT

Merritt Island Holding, LLC (John Newton, Rep.)

#### PROPERTY LOCATION/ADDRESS

Block 1, Section 06, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres; Located south of and adjacent to Malabar Rd NE, west of Greenacre Dr SE; Tax Account 2926305

---

#### SUMMARY OF REQUEST

The applicant is requesting a small-scale future land use map amendment from PSP, Public/Semi-Public to COM, Commercial.

##### Existing Zoning

IU, Institutional Use

##### Existing Land Use

PSP, Public/Semi-Public

##### Site Improvements

Undeveloped Land

##### Site Acreage

6.43 acres

---

#### SURROUNDING FUTURE LAND USE & USE OF LAND

##### North

LDR, Low Density Residential; Single-Family Homes

##### East

COM, Commercial; vacant

##### South

LDR, Low Density Residential; Single-Family Homes

##### West

COM, Commercial; Office Building

LDR, Low Density Residential; Single-Family Homes

---

**BACKGROUND:**

The subject parcel is located south of and adjacent to Malabar Rd NE, west of Greenacre Dr SE. There is one 6.43 acre parcel that is included in this request, which is comprised of vacant land. Currently this parcel has a future land use of Public/Semi-Public, which allows for government owned facilities, churches, hospitals and the like.

The applicant is requesting to change the future land use of his property from PSP, Public/Semi-Public to COM, Commercial. This change in future land use would allow the potential purchaser of the property to build a small grocery store.

**ANALYSIS:**

Per Chapter 183: Comprehensive Plan Regulations, Section 183.01(B), the purpose and intent of the Comprehensive Plan is to encourage the most appropriate use of land and resources to promote the health, safety, and welfare of the community.

**1. FUTURE LAND USE ELEMENT**

The Comprehensive Plan (Plan) FLU Element Goal FLU-1 is to ensure a high-quality, diversified living environment through the efficient distribution of compatible land uses.

Objective FLU-1.4 Provide and maintain FLUCs and zoning districts that would accommodate a diverse range of nonresidential activities of varying types and sizes.

Policy FLU-1.4c Amend the LDC to encourage the development of neighborhood scale commercial uses within or within close proximity to residential areas.

The request to change the future land use from Public/Semi-Public to Commercial is in alignment with the Policy FLU-1.4c of the Comprehensive Plan, as this would be compatible with the surrounding area, which is predominantly commercial on Malabar Road with an established neighborhood directly behind the subject parcel. In addition, the proposed Future Land Use change will allow the opportunity for more commercial in an already established major commercial corridor of the city.

**2. CONSERVATION ELEMENT**

The environmental character of the City is maintained through conservation, appropriate use, and protection of natural resources.

The subject property is not located within any of the Florida scrub-jay polygons identified in the City's Habitat Conservation Plan (HCP). No other protected species are known to inhabit the subject property. Any protected species that would be found on the subject property would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.6A.

**Coastal Management:** The subject property is not located within the Coastal Management Area.

### 3. HOUSING ELEMENT

The goal HSG -1 of the Housing element in the Comprehensive Plan is to cultivate a diverse, safe and affordable housing stock with meets the needs of all currently and future residents of Palm Bay.

The proposed FLU amendment will not have a significant impact the supply and variety of safe, decent, attractive, and affordable housing within the City as the request is for a commercial land use.

### 4. INFRASTRUCTURE ELEMENTS

The City evaluates present and future water, sewer, drainage, and solid waste and assesses the ability of infrastructure to support development.

**Utilities:** The FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. Public water and sewerage facilities are available at the site. If developed, the owner/developer will be responsible for extending service to the site in accordance with current City regulations.

**Drainage:** If developed, a drainage plan must be prepared in accordance with current regulations and approved by the City, along with appropriate outside agencies, including the St. Johns River Water Management District. Any proposed stormwater management system will be reviewed and approved by the City during the site plan review process.

### 5. INTERGOVERNMENTAL COORDINATION ELEMENT

**Public Schools:** The proposed FLU amendment to Commercial will not add the potential of any additional housing units. As such, a School Concurrency application is not required per the Interlocal Agreement with Brevard Public Schools.



## 6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment to Commercial will have a De minimis impact on the demand for recreation services.

## 7. TRANSPORTATION ELEMENT

The goal of TE-1 of the Transportation Element in the Comprehensive Plan is to provide a safe, balanced, efficient, and comprehensive transportation system that adequately serves the needs of all residents and visitors of Palm Bay.

If developed, a traffic impact analysis may be required to determine any negative impacts on the existing transportation system along with any suggested improvements, which will be taken under consideration during the Site Plan review/approval process.

## 8. PROPERTY RIGHTS ELEMENT

The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights.

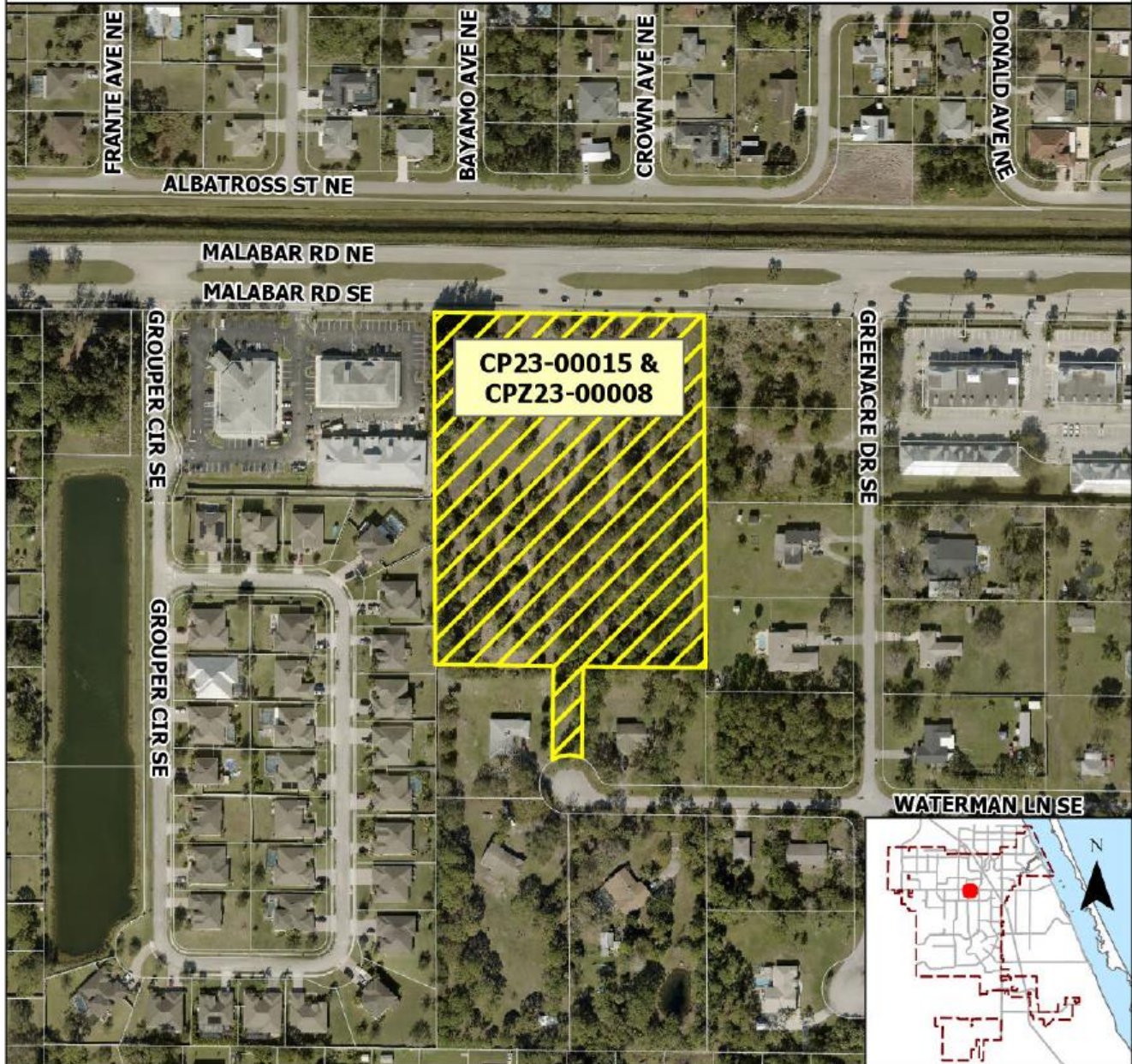
This proposed land-use change does not appear to infringe upon the property rights of the applicant.

### **STAFF FINDINGS:**

Case CP23-00015 is recommended for approval.



*Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.*



## **AERIAL LOCATION MAP CASE: CP23-00015 & CPZ23-00008**

### **Subject Property**

South of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE





*Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.*



## **FUTURE LAND USE MAP CASE: CP23-00015 & CPZ23-00008**

### **Subject Property**

South of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

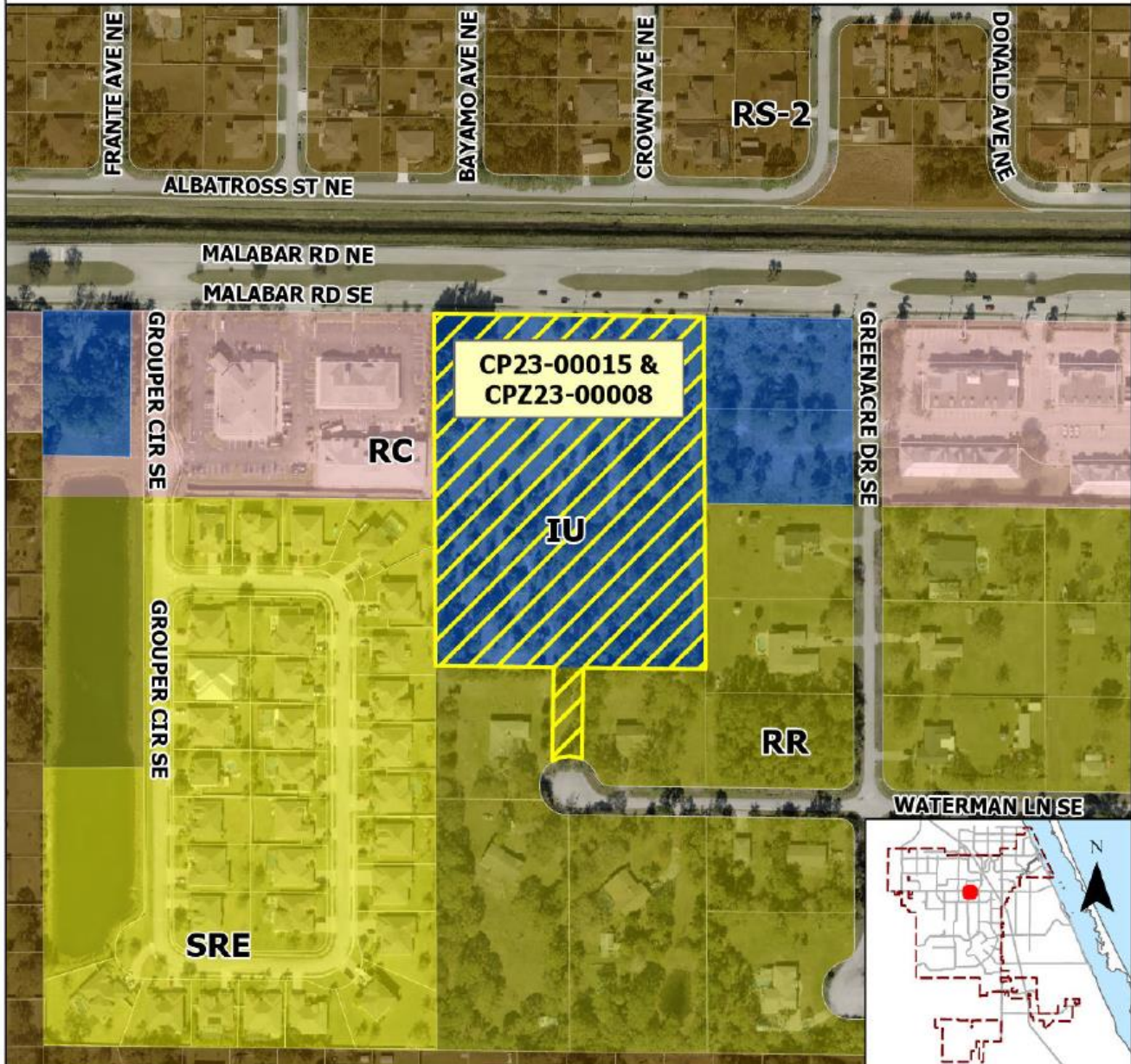
### **Future Land Use Classification**

PSP - Public/Semi-Public & LDR - Low Density Residential





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## ZONING MAP CASE: CP23-00015 & CPZ23-00008

### Subject Property

South of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

### Current Zoning Classification

IU - Institutional Use & RR - Rural Residential









## ADDITIONAL DOCUMENTS REQUIRED WITH CITIZEN PARTICIPATION PLAN REPORT SUBMISSION

1. Copy of notice sent (separate attachment)
2. Material distributed or presented at the meeting (separate attachment)
  - All the property owners within a 500-foot radius of the subject parcel shall be informed about the meeting date, time and location.

I hereby certify that information provided as part of this report is correct.

  
\_\_\_\_\_  
Signature,

Brenda Corliss, mgr Newton Real Estate Group 6/28/2023  
Typed Name and Title: Date :



## CITIZEN PARTICIPATION REPORT

Applicant should follow established Citizen Participation Plan as specified in § 169.005 CITIZEN PARTICIPATION PLANS.

### **CASE DETAILS**

Applicant Name	JPA Properties I, LLC
Project Name	Thrifty Produce
Case Type	Rezoning
Case Description	Zone to Restricted Commercial
Intended Month of Submission	July for August schedule.

### **INFORMATION ON THE CITIZEN PARTICIPATION MEETING**

Notice to the Public (Date)	6/21/2023
Date of CPP	6/27/2023
Location of the Meeting	Palm Bay (DeGroot) Library
Number of Attendees	19

Address sticker here

RE: **Notice of Citizen Informational Meeting**  
Applicant: JPA PROPERTIES I, LLC (Buyer)  
Project Site Address: 6 acres of land just west of Greenacre Drive, along the southside of Malabar Road.  
Zoning Request: Rezoning from Institutional to Commercial Use

Dear Neighbor:

JPA Properties I, LLC will be submitting a Rezoning application requesting approval of a change from Institutional to Commercial zoning for this site, no later than July 15, 2023 to the City of Palm Bay. On behalf of JPA Properties I, LLC, I am inviting you to an informational meeting to discuss the zoning request. We will answer any questions you may have and record any feedback you may have to offer which we will then present to City Staff, the Planning and Zoning Board and City Commission as we move through the review and public hearing process for this request.

I have attached the site plan and an aerial photo for the project for your review prior to the informational meeting. We will have additional explanatory information with us at the meeting. If you have any questions you wish to submit in advance of the meeting, we would appreciate the opportunity to review them in advance to be sure we bring appropriate information to answer any of your questions or address your concerns at the meeting. The meeting is scheduled as follows:

DATE: **JUNE 27, 2023**  
TIME: 3:00 PM  
PLACE: Brevard County Public Library  
6475 Minton Road SE, Palm Bay FL 32908

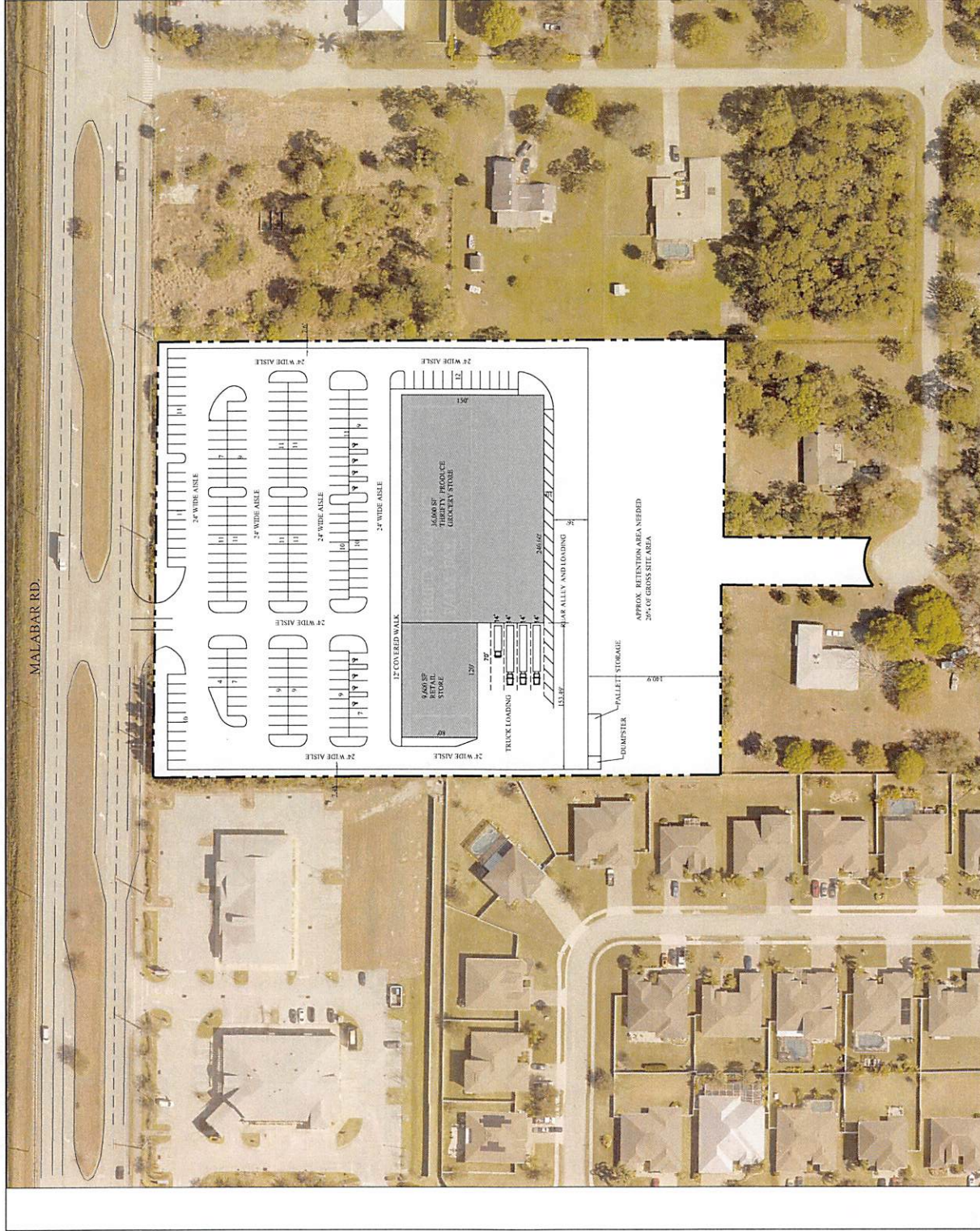
We hope to see you there. In the interim, please do not hesitate to contact me via email at [John@NewtonLand.com](mailto:John@NewtonLand.com)

Best regards,



John Newton, President





### RC ZONING

RESTRICTED COMMERCIAL DISTRICT ZONING PROPOSED  
FRONT: 30' FOR ARTERIALS LIKE MALABAR RD  
SIDE: 10'  
REAR: 25'

PARKING SETBACKS  
FRONT: 10' ON AN ARTERIAL RD LIKE MALABAR RD  
SIDE: 5'  
REAR: 5'

MIN. LOT AREA: 15,000 SF  
MIN. LOT DEPTH: 150'

MAX. BUILDING COVERAGE: 35%  
MAX. BUILDING HEIGHT: 25'

TOTAL PROJECT AREA: 36,000 SF / 9,600 SF - 45,600 SF  
PARKING REQUIRED: 45,600 SF / 250 SF - 225 SPACES  
LESS 99%  
TOTAL ACQUIRED PARKING: 225 SPACES  
PARKING PROVIDED: 215 SPACES  
REQUIRED: 7  
REPROVIDED: 8

GRAPHIC SCALE  
( IN FEET )  
1 inch = 50 ft.

MAGNETIC

DATE: 11/11/2011  
DRAWN: E. KESTEN  
CHECKED: E. KESTEN  
SCALE: AS SHOWN  
PROJECT: 11-0001  
SHEET: 2 OF 2

THRIFTY PRODUCE  
PALM BAY, FL

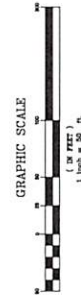
THRIFTY PRODUCE  
PALM BAY, FL

MALABAR AT GREEN ACRES  
AERIAL OVERLAIN ON SITE PLAN

DATE: 11/11/2011  
DRAWN: E. KESTEN  
CHECKED: E. KESTEN  
SCALE: AS SHOWN  
PROJECT: 11-0001  
SHEET: 2 OF 2



INTERESTED IN COMMERCIAL DISTRICT ZONING PRECEDED  
 SITUATIONS  
 FRONT 30' ON INTERIOR LINE MALABAR RD  
 DEPT. COUNCIL 25'  
 REAR 30'  
 PARKING SITUATION  
 FRONT 30' ON INTERIOR LINE MALABAR  
 REAR 30'  
 MIN. LOT AREA 15,000 SF  
 MIN. FRONT YARD 10'  
 MIN. LOT DEPTH 100'  
 MAX. BUILDING COVERAGE 15%  
 MAX. BUILDING HEIGHT 25'  
 PARKING REQUIRED: MIN. 20 / 100 SPACES  
 PARKING PROVIDED: 212 SPACES  
 H-10-14-100



DATE	6/1/2018	PROJECT	THRIFTY PRODUCE	NO. OF SHEETS	1
DRAWN BY	R. LUTEN	CLIENT	THRIFTY PRODUCE	SHEET NO.	1
CHECKED BY	R. LUTEN	DESIGNER	THRIFTY PRODUCE	DATE	6/1/2018
APPROVED BY		DATE			
PROJECT DESCRIPTION			MALABAR AT GREEN ACRES		
CONCEPTUAL SITE PLAN			CONCEPTUAL SITE PLAN		
PROJECT LOCATION			PALM BAY, FL		
PROJECT OWNER			THRIFTY PRODUCE		
PROJECT ADDRESS			3508 S. HOPKINS AVE. UNIT 70		
PROJECT CITY			TITUSVILLE, FLORIDA 32780		
PROJECT PHONE			(321) 544-7466		
PROJECT EMAIL			RHS@thriftysign.com		
PROJECT DATE			6-1-2018		

COMMUNITY MEETING  
JPA PROPERTIES I, LLC  
6 Acre Site, Malabar Rd West of Greenacre  
June 27, 2023

Attendees

NAME	Address	Email	Phone
Ken Friedel	272	kmmk.friedel	321
Mary Friedel	Grooper Cir SE	@verizon.net	321-3237
Lynn + Marta Deffenbaugh	Waterman Ln Lot 35		321-768-1260
Melinda Gerding	541 Waterman Lane SE PB	mgerding@aol.com	321-258-3447 (Lot 40)
Caroline Chapman	190 Connie Ave SE Palm Bay, FL 32909	cchapman55 @CFLRR.com	321-544-0351
ALEX OLIVEIRA	260 GROOPER CIRCLE SE	ALEX@PREDIO.10	(954) 600-0611
Elisa Ball	191 Grooper Circle		32909
John Williams	Palm Bay, FL	ekb2001@gmail.com	(561) 430-7075
Heather H. Henry	244 Grooper Cir Palm Bay, FL 32907		321-8373522
Eslee Joseph	232 Grooper Cir SE PALM BAY FL 32909		
Robert Berry	221 Grooper Cir SE Palm Bay, FL 32909		



NAME	Address	Email	Phone
Roger Carter	520 Waterman Ln SE P.B FL	rogerccarter @gmail.com	321-923-3905
Daniel VanSandt			321-482-3429
Melanie Carter	520 Waterman Ln SE	MDC_1600_@hotmail.com	
Dana Whittle		258 Grouper Circ	
Paul Whittle		252 Grouper Circ	
CARTER M. HAN	171 Grouper Cir. S.E.	CARTERSENSEM@AOL.COM	
PAUL HILL	230 GREENACRE DR SE P.B FL 32909	EAGLE 6 USAF@ YAHOO.COM	321-722-9677





DENOTE ANY ADVERSE COMMENTS/COMPLAINTS/ CONCERNS/ ISSUES RECEIVED AND DESCRIBE RESOLUTION OR PROVIDE JUSTIFICATION IF THE APPLICANT IS UNABLE OR UNWILLING TO ADDRESS THE ISSUE:

Comments	Resolution	Justification if the applicant is unable or unwilling to address the issue
<ul style="list-style-type: none"> <li>- <del>avoid</del> avoid wall on "flag" pole part of lot.</li> <li>- there is a free flowing deep well on the property.</li> <li>- signage?</li> <li>- what property tenants will NOT be allowed. ie vape, bail bonds, liquor etc.</li> <li>- parking, in/out access</li> <li>- truck arrival time?</li> <li>- overnight truck parking?</li> <li>- restrict time quiet hours?</li> <li>- cameras ability to see into residences?</li> <li>- lift station due to poor planning of</li> <li>- # employees?</li> <li>- restricted commercial in the letter?</li> <li>- Publix to the left; Wim Davis to the right -</li> <li>- worried about increased traffic at their neighborhood.</li> <li>- drainage problems? due to development.</li> <li>- building height</li> <li>- when will we know who other tenants are</li> <li>- one citizen praised Pedro's property elsewhere.</li> <li>- can you have more buffer between residential.</li> <li>- will grocery be like restaurant on San Filippo</li> <li>- venting - food smell -</li> <li>- rodents &amp; trash</li> <li>- gopher tortoises may be on site.</li> <li>- size compared to Rockledge?</li> </ul>	<ul style="list-style-type: none"> <li>- plan to make as comfortable as possible.</li> <li>- 6 am</li> <li>- NO.</li> <li>- appreciated awareness.</li> <li>- 100</li> <li>- lot 19 fighting with city about issue of neighbor property draining on his property.</li> <li>- 4-18 feet w/ parapet walls</li> <li>- near permitting</li> <li>- compactors &amp; extermination service</li> <li>- similar</li> </ul>	

Brenda Corlip  
6/27/2023



DENOTE ANY ADVERSE COMMENTS/COMPLAINTS/ CONCERNS/ ISSUES RECEIVED AND DESCRIBE RESOLUTION OR PROVIDE JUSTIFICATION IF THE APPLICANT IS UNABLE OR UNWILLING TO ADDRESS THE ISSUE:

Comments	Resolution	Justification if the applicant is unable or unwilling to address the issue
Concern: letter was short notice	expressed short time-line to get in for first approval	
wondered about sale of previous property.	explained earlier	
why here instead of Viera?	Pedro explained his demographic is closer here.	
raise barrier privacy wall wants to understand what it will be?	John explained requirement opaque fence 8' wall	
citizen insisted it is a masonry wall -	we will review the statutes. - Pedro assured desire to be good neighbors	
-mistrust of city's former development problem -		
-resident observed operation of Pedro's business elsewhere.		
-talk to police/talk to fire.		
-# trucks, surveillance systems - Pedro assured they'll be aware of concerns.		
-traffic is excessive		
-worried about accidents.		
-worried about garbage		
-worried about people leaving trash		
-water-lift station near them - sometimes burn sort.		
-Point West drainage is kept clear by residents - east side.		
-Drainage ditch is not maintained well		
-person with allergies worried about seafood smell		
-# trucks per week - worried about exhaust.		
-wet or dry retention?		
-plan for "flag" part of land. - retention or buffer.		

Brenda Coxless  
6/27/2023

## **RECAP OF COMMUNITY MEETING**

**HELD on JUNE 27, 2023 3:00 – 4:30 pm**

**RE: 6 Acre Parcel on Malabar Road, just west of Greenacre**

The meeting was well attended by approximately 25 local residents. Most signed our sign-in sheet, however some did not want to. The sign-in sheet is attached.

John Newton and Brenda Corliss attended as the Buyer's representative to show and discuss the plans for the site. Mr. Pedro Hernandez, whose company JPA PROPERTIES I, LLC is the Buyer, was there as well to discuss his grocery store (THRIFTY SPECIALTY PRODUCE & MEATS). THRIFTY occupy the majority of the building to be constructed.

After introductions and giving everyone about 15 minutes to circulate and view the various plans and aerial photos we brought, the first 10-15 minutes was a question and answer session regarding the plan to re-zone the site and latest versions of plans that were presented. The purpose of this meeting was to gather information and input from neighboring homeowners. We explained that. It was made clear that the plans being discussed were NOT final versions. And that final versions will evolve during the permitting process. And we also stated that their concerns will be considered in the future versions of the plans.

In the group of attendees there were 5 or 6 residents whose residential property abuts or is proximate to (at least one other lot between them and the site). But comments and questions came from just about everyone there.

To summarize, the following topics were brought up and/or questioned as concerns. These are in no particular order.

1. Residents abutting the site want to be sure that there is a concrete wall 8' tall along the mutual property lines (sides and rear of site).
2. Residents stated that the existing City sewer lift station is sometimes problematic, and recommended we discuss this with the City.
3. Residents complained that the stormwater conveyance ditch running along the East side of the site is not maintained properly by the City and that we would need to be sure that it was. They stated that stormwater tends to back up onto lots south of us when it storms. One man said he walked the ditch during one such storm and saw water not flowing, and upon crossing to the north side of Malabar Road, he did not see water spilling out into the next stormwater ditch on the north side.



4. One resident was concerned about the potential for diesel exhaust emissions blowing into his backyard with trucks might sit with engines running while unloading. Having observed unloading at the Rockledge store for the past year, I have rarely if ever seen truckers leave their trucks running.
5. The two residents to immediate south were concerned that we may want to have a vehicle access through their neighborhood. We answered that we do not intend to do that but, rather intend to include that area of the strip as part of our stormwater retention plan. The same two residents asked that, if we do, then requested that the rear wall at the site run straight across, but leave a way for the swail connecting the strip to allow water to go under the wall where it crosses that strip.
6. One neighbor informed us that there is a capped (with a valve) deep water well located in the SW corner of the site. If so, perhaps we can incorporate that in our future irrigation plan.
7. One resident asked how many customers visit a Thrifty store daily. Mr. Hernandez said he only tracks daily transactions, and that ranged from 800-1000 daily.
8. Some residents were concerned about increased traffic in the area. We stated that a traffic study will be done. However a comment was made that Malabar Road most likely has a daily traffic count of some 35,000 or more. And that the 800-1000 daily shoppers would likely come from either Publix or Walmart (one is to the east and one is to the west presently). These would not really add daily traffic to Malabar Road.
9. Outdoor security lighting was discussed and it was requested that it be kept low enough not to shine over the 8' wall.
10. Outdoor security cameras were discussed and folks expressed their concern of "someone" using them to peer into their backyards. Mr. Hernandez explained they are typically fixed cameras set up to cover the perimeter in order to prevent frivolous lawsuits that plague large grocery stores.
11. It was asked what store hours would be. Mr. Hernandez explained his stores close at 8pm rather than staying open until 10pm as some other chain stores do.
12. A few folks asked how many delivery trucks arrive daily. Mr. Hernandez said about 12, with midweek being the busiest time. He also said no truck deliveries are taken on Sundays, and very few on Saturdays. When asked about the earliest that a truck might arrive, he said 6am, but said the store does not open before 7:30am.
13. There was a long discussion about what types of businesses the other tenants might be. We listed a few types that would not be considered, and summed it up by stating the businesses would need to be "family friendly".

By the end of the meeting most folks seemed to feel better about the project. The meeting adjourned after 90 minutes.

Sincerely,

John Newton  
Project Manager for JPA PROPERTIES I, LLC

# Project Details: CP23-00015

## Project Type: Comprehensive Plan Future Land Use Map

Project Location: UNKNOWN # 2700 ANNELEIGH CIR Palm Bay, FL  
Milestone: Submitted  
Created: 7/3/2023  
Description: THRIFTY PRODUCE MALABAR AT GREEN ACRES  
Assigned Planner: Alexandra Bernard

### Contacts

Contact	Information
Owner/Applicant	Mitchell Garner, manager, MERRITT ISLAND HOLDINGS LLC 3110 W FLORIDA AVENUE MELBOURNE, FL 32904 (321) 426-6734 mgarner22264@gmail.com
Legal Representative	JOHN NEWTON 152 N. Harbor City Blvd, Melbourne, FL 32935 (321) 543-9864 john@newtonland.com
Assigned Planner	Alexandra Bernard 120 Malabar Rd Palm Bay, FL 32907  alexandra.bernard@palmbayflorida.org
Submitter	RICHARD KERN 5963 Stillwater Ave Cocoa, FL 32927  rick@rkcivildesign.com

### Fields

Field Label	Value
Block	1
Lot	
Section Township Range	06-29-37
Subdivision	00
Year Built	
Use Code	7000
Use Code Desc	VACANT LAND - INSTITUTIONAL

# Project Details: CP23-00015

LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	2926305
Flu Description	Public Semi-Public
Flu Code	PSP
Zoning Description	Institutional Use
Zoning Code	IU
Is Submitter the Representative?	False
Parcel Number(s)	29-37-06-00-1
Tax Account Number(s)	2926305
Present Use of Property	VACANT
Project Scale	Small Scale (50 acres or less)
Specific Use Intended for Property	36,000 sf grocery store and 8,000 sf retail
Development Submitted?	True
Rezoning Submitted?	True
List Structures	
Structures On Property?	False
Proposed Land Use Classification	COMMERCIAL
Present Land Use Classification	PSP
Justification for Change	The land use change to commercial is needed to be compatible with the proposed rezoning to RC and to allow retail uses.
Total Acreage	
Ordinance Number	



JUNE 27, \_\_\_\_\_, 20 23

**Re: Letter of Authorization**

**As the property owner of the site legally described as:**

tax account 2926305, parcel id 29-37-06-00-1

**I, Owner Name:** Mitchell Garner, manager for Merritt Island Holdings, LLC

**Address:** 3110 W. Florida Ave, Melbourne, FL 32904

**Telephone:** 321-426-6734

**Email:** Mitch Garner <mgarner22264@gmail.com>

**hereby authorize:**

**Representative:** John Newton

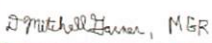
**Address:** 152 N HARBOR CITY BLVD #101 MELBOURNE, 32935

**Telephone:** 321-543-9864

**Email:** john@newtonland.com

**to represent the request(s) for:**

rezoning to Restricted Commercial and future land use amendment to COMMERCIAL

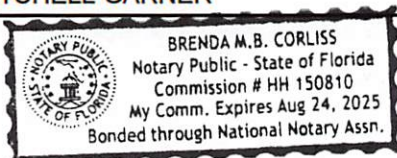
Authentisign  
 MGR 06/27/2023  
 (Property Owner Signature)

STATE OF FLORIDA

COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, this 27 day of JUNE, 20 23 by

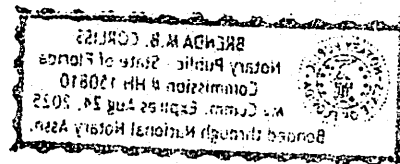
D. MITCHELL GARNER, property owner.



Authentisign  
 06/27/2023

BRENDA M.B. CORLISS, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:



# Acknowledgement Log

**Header:**

Legal Acknowledgement

**Text:**

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made 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 application and that the facts stated in it are true.

**Accepted By:**

RICHARD KERN

**On:**

7/3/2023 3:06:05 PM

☒ CP23-00015

Select Language ▼





Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005773931

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 340.30

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/20/23

**Text of Ad:**

Ad#5773931 07/20/2023  
**CITY OF PALM BAY, FLORIDA  
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 August 2, 2023, and by the City Council on August 17, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):  
1. CP23-00008 – Tara Williamson and Ronald Chabot (Kelly Hyvonen, AICP, Land Development Strategies, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial and High Density Residential to Commercial.  
Lot 1 of Block R and Lot 18.01 of Block C, Hiawatha Gardens Section 2, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.06 acres. Located at the southwest intersection of Hiawatha Avenue NE and Dixie Highway NE  
2. \*\*Z23-00012 - Lawrence Kramer  
A Zoning Change from an IU, Institutional Use District to an RC, Restricted Commercial District.  
Lot 11, Point West Estates, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE  
3. \*\*Z23-00011 - 1611 Meridian, LLC, Nuri Dorra, Manager (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Zoning Change from an IU, Institutional Use District to a CC, Community Commercial District.  
Tax Parcel 262, Section 22, Township 28, Range 37, Brevard County, Florida; containing approximately 4.08 acres. Located at the northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Rd NE  
4. CP23-00014 - KEW, LLC, Michael Erdman, managing member (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial.  
A portion of Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE  
5. FS23-00006 - Heritage Square Partners, LLC, Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 4-lot commercial subdivision called Commercial at Heritage Square.  
Tract X, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. In the vicinity west of St. Johns Heritage Parkway NW, north of and adjacent to Malabar Road NW  
6. PS23-00006 - Diocese of Orlando, John G. Noonan, Bishop (David W. Bassford, P.E., MBV Engineering, Inc., Rep.)  
A Preliminary Subdivision Plan to allow for a proposed development of 88 town-

home units and 35 single-family residential units to be called Bayside Landings. Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. Located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE

**7. CP23-00015 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Public/Semi-Public to Commercial. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**8. \*\*CP23-00008 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Zoning Amendment from an IU, Institutional Use District to an RC, Restricted Commercial District. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**9. T23-00013 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.123, to provide clear language for authorized parking within residential districts.**

**10. T23-00014 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Sections 184.35 and 184.36, to add language and procedures for lot splits and lot reconfigurations within the City of Palm Bay.**

**11. T23-00015 - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District.**

**12. T23-00017 – All Digital All Day, LLC (Matthew Ashley, Rep.) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17, to modify language for the distance between billboards to be in alignment with state statutes.**

**13. T23-00019 – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to amend Section 184.15 regarding the conditions governing the issuance of building permits for model homes.**

**14. T23-00020 - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay.**

**\*\*Indicates quasi-judicial request(s).**  
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.  
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Alexandra Bernard, Principal Planner

**DATE:** August 2, 2023

**SUBJECT:** \*\*CPZ23-00008 - Thrifty Produce Malabar at Green Acres - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.) - A Zoning Amendment from an IU, Institutional Use District to an RC, Restricted Commercial District. Located at Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

\*\*Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ☐ CPZ23-00008 - Staff Report
- ☐ CPZ23-00008 - Survey
- ☐ CPZ23-00008 - Citizen Participation Plan Report
- ☐ CPZ23-00008 - Application
- ☐ CPZ23-00008 - Letter of Authorization
- ☐ CPZ23-00008 - Legal Acknowledgement
- ☐ CPZ23-00008 - Legal Ad





# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmabayflorida.org](mailto:landdevelopmentweb@palmabayflorida.org)

### Prepared by

Alix Bernard, Principal Planner

---

#### CASE NUMBER

CPZ23-00008

#### PLANNING & ZONING BOARD HEARING DATE

August 2, 2023

---

#### PROPERTY OWNER & APPLICANT

Merritt Island Holding, LLC (John  
Newton, Rep.)

#### PROPERTY LOCATION/ADDRESS

Block 1, Section 06, Township 29, Range 37, Brevard  
County, Florida; containing approximately 6.43 acres;  
Located south of and adjacent to Malabar Rd NE, west  
of Greenacre Dr SE; Tax Account 2926305

---

#### SUMMARY OF REQUEST

The applicant is requesting a rezoning from IU, Institutional Use to  
RC, Restricted Commercial.

##### Existing Zoning

IU, Institutional Use

##### Existing Land Use

PSP, Public/Semi-Public

##### Site Improvements

Undeveloped Land

##### Site Acreage

6.43 acres

---

#### SURROUNDING ZONING & USE OF LAND

##### North

RS-2, Single-Family Residential; Single-Family Homes

##### East

IU, Institutional Use; Vacant RR, Rural Residential; Single-Family  
Homes

##### South

RR, Rural Residential; Single-Family Homes

##### West

RC, Restricted Commercial; Professional Office

---

**BACKGROUND:**

The subject parcel is located south of and adjacent to Malabar Rd NE, west of Greenacre Dr SE. There is one parcel that are included in this request, which is comprised of vacant land.

The applicant is requesting to change the zoning from Institutional Use to Restricted Commercial. This change in the zoning would allow the potential purchaser of the property to build a small grocery store.

**ANALYSIS:**

The following analysis is per Chapter 185: Zoning Code, Section 185.201(C) which states that all proposed amendments shall be submitted to the Planning and Zoning Board, which shall study such proposals in accordance with items 1 through 4 of Section 185.201(C).

**Item 1 - *The need and justification for the change.***

The applicant states the justification for the change is “to change the zoning district to enable the developer to construct a proposed 36,000 sq ft grocery store and 8,000 sq ft general retail.” The Restricted Commercial Districted is intended in areas that uniquely suited for commercial development and are also a transition from residential uses. The change in zoning will allow for a transition between the existing single-family homes in the area.

**Item 2 - *When pertaining to the rezoning of land, the effect of the change, if any, on the particular property and on surrounding properties.***

The Restricted Commercial classification is intended for properties transitioning from residential or other noncommercial development to commercial use along major transportation corridors. The uses and development standards included in the district are intended to provide compatibility between uses and to protect nearby residential districts. Along the surrounding section of Malabar Road there is a strip of properties already zoned Restricted Commercial.

**Item 3 - *When pertaining to the rezoning of land, the amount of undeveloped land in the general area and in the City having the same classification as that requested.***

In the general area on the south side of Malabar Road, some larger parcels of Restricted Commercial land have been developed. Several other lots in the area are zoned Restricted Commercial, but existing single-family homes make it difficult to aggregate lots and create a parcel for commercial development.

**Item 4** - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).*

The proposed rezoning to Restricted Commercial complies with the Comprehensive Plan and will provide a 6.43-acre parcel for commercial development directly on a major transportation corridor.

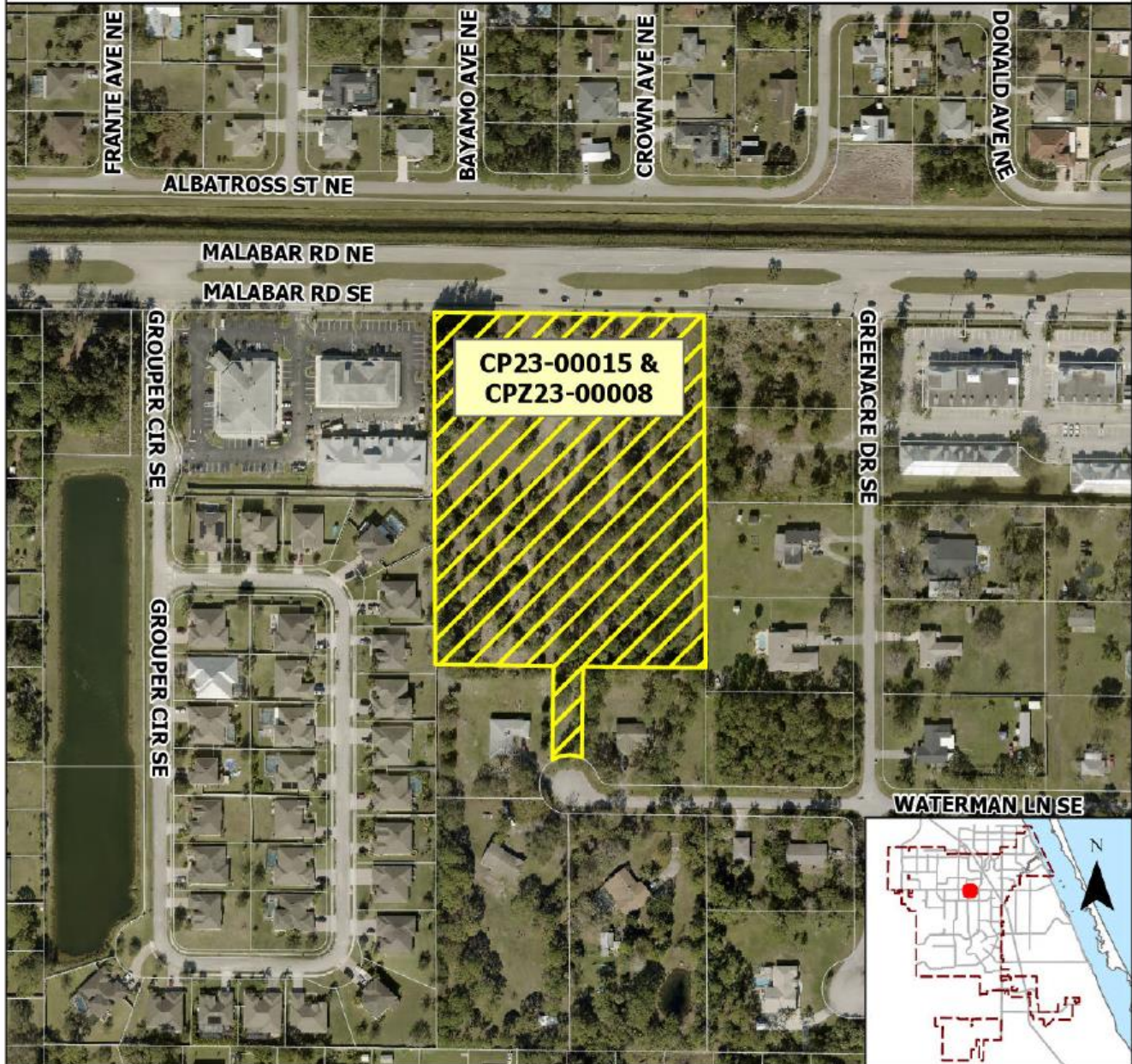
**STAFF RECOMMENDATION:**

Case CPZ23-00008 is recommended for approval.





*Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.*



## **AERIAL LOCATION MAP CASE: CP23-00015 & CPZ23-00008**

### **Subject Property**

South of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE





*Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.*



## **FUTURE LAND USE MAP CASE: CP23-00015 & CPZ23-00008**

### **Subject Property**

South of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

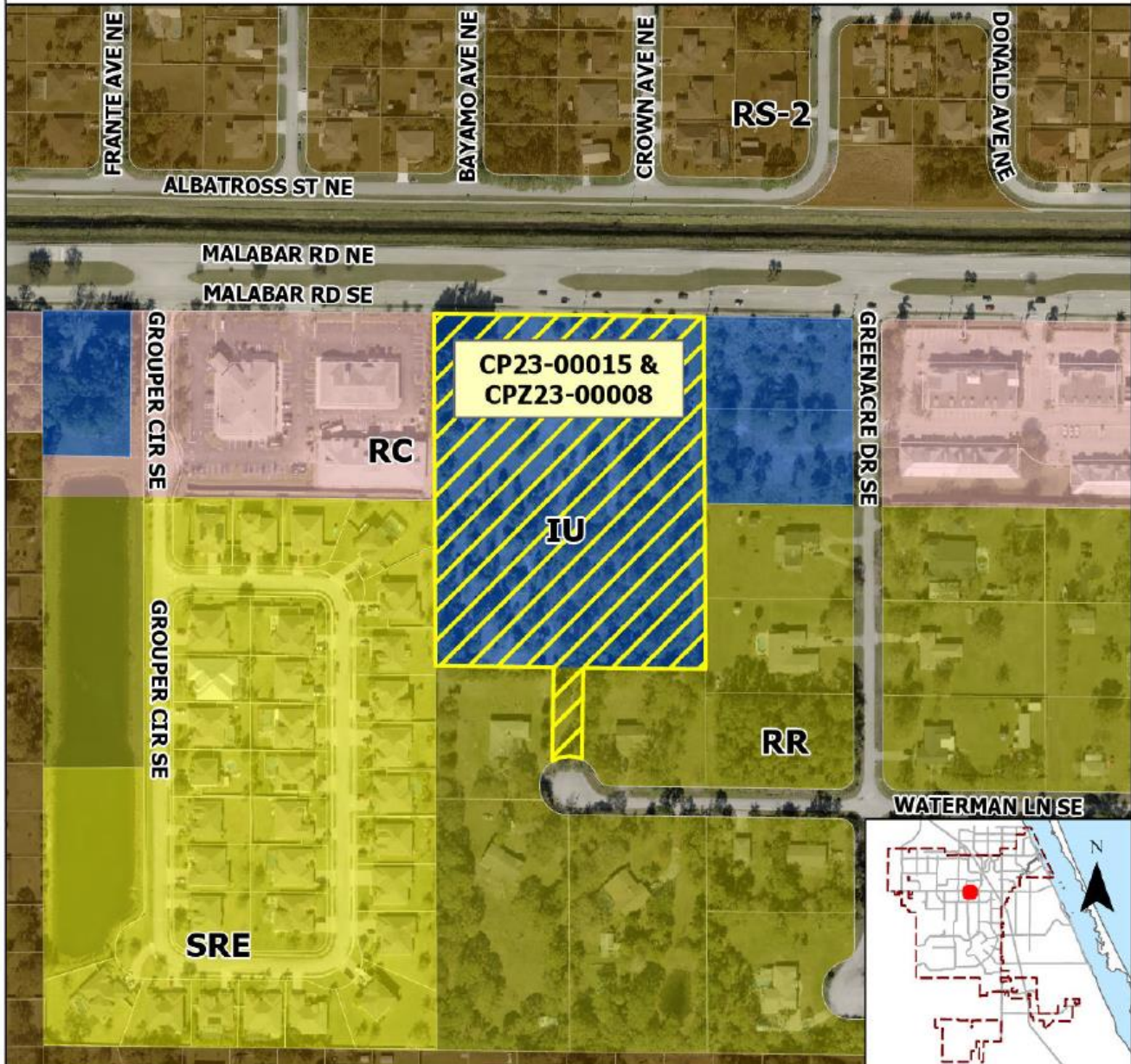
### **Future Land Use Classification**

PSP - Public/Semi-Public & LDR - Low Density Residential





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## ZONING MAP CASE: CP23-00015 & CPZ23-00008

### Subject Property

South of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

### Current Zoning Classification

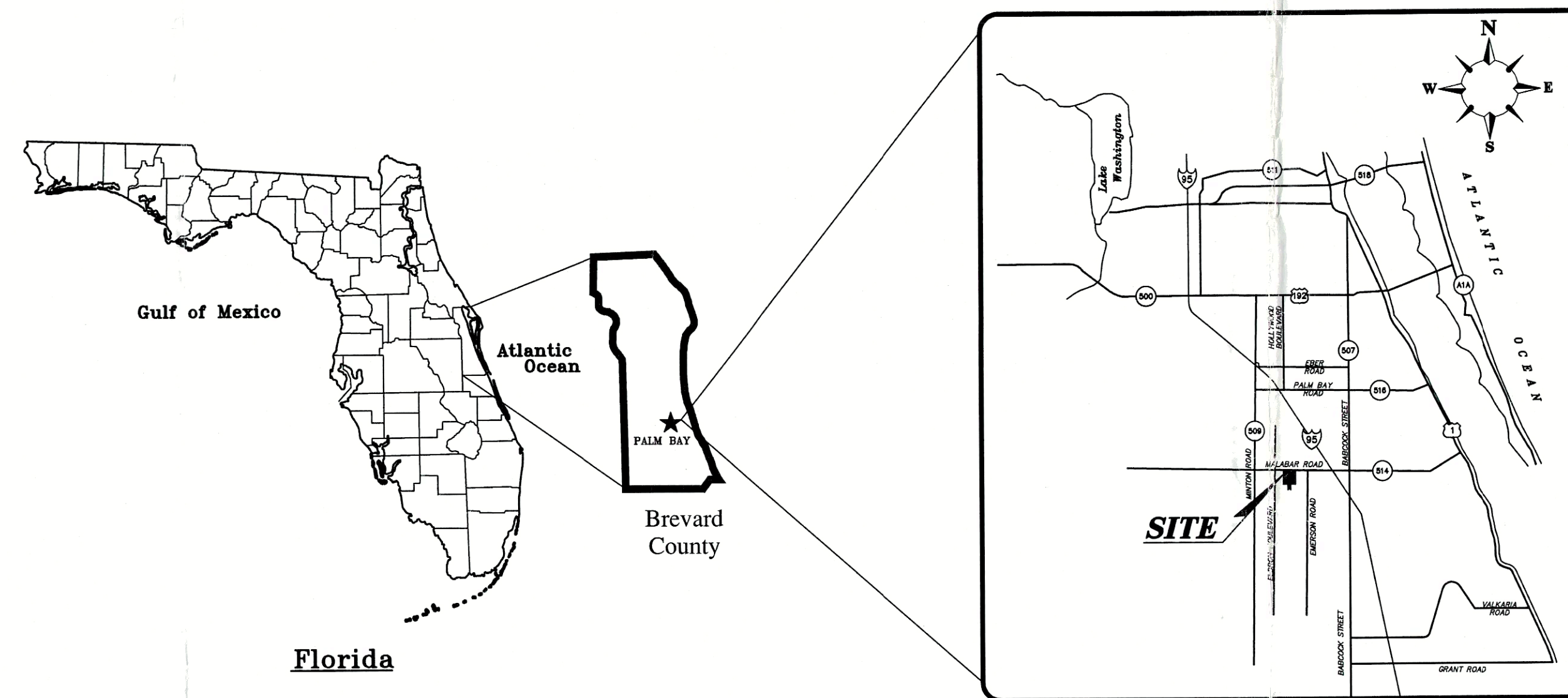
IU - Institutional Use & RR - Rural Residential



Malabar Rd  
Property

LEGAL DESCRIPTION: PER OFFICIAL RECORDS BOOK 5889, PAGE 4536

**VICINITY MAP**  
NOT TO SCALE



1. EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON ONLY INCLUDE THOSE PROVIDED TO THE SURVEYOR. THE SURVEYOR HAS MADE NO SEARCH OF THE PUBLIC RECORDS FOR SUCH.
2. THE SURVEYOR HAS NOT LOCATED ANY UNDERGROUND UTILITIES OR FOUNDATIONS WHICH MAY ENCROACH.
3. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED VALUE OF N 00°16'08"W FOR THE WEST LINE OF POINT WEST ESTATES; SAID BEARING IS IDENTICAL WITH LEGAL DESCRIPTION.
4. TYPE OF SURVEY: BOUNDARY
5. USE ONLY PROPERTY CORNERS FOR CONSTRUCTION OF FENCES AND OTHER IMPROVEMENTS.
6. THIS PROPERTY IS LOCATED IN FEDERAL FLOOD ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN, AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY NO. 120404, PANEL 0585, SUFFIX E, EFFECTIVE DATE APRIL 3, 1989.

A.K.A.	= ALSO KNOWN AS	P.C.	= POINT OF CURVATURE	◻	= IRON ROD PREVIOUSLY SET
O.H.W.	= OVERHEAD WIRE	P.E.P.	= PERMANENT CONTROL POINT	✕	= 4"x4" CONCRETE MONUMENT FOUND
(C)	= CALCULATED	P.I.	= POINT OF INTERSECTION	□	= 4"x4" CONCRETE MONUMENT SET
C	= CENTERLINE	P.O.B.	= POINT-OF-BEGINNING	▣	= CONCRETE MONUMENT PREVIOUSLY SET
CMP	= CORRUGATED METAL PIPE	P.O.C.	= POINT OF COMMENCEMENT	△	= NAIL & DISK FOUND
CPB	= CORRUGATED POLYETHYLENE PIPE	P.O.R.	= POINT OF REVERSE CURVE	▲	= NAIL & DISK SET "LB 7040"
CONC.	= CONCRETE	P.P.M.	= PERMANENT REFERENCE MONUMENT	⬆	= NAIL & DISK PREVIOUSLY SET
D	= DESCRIPTION	P.T.	= POINT OF TANGENCY	⚠	= BENCHMARK
EL	= ELEVATION	P.U.D.E.	= PUBLIC UTILITY AND DRAINAGE EASEMENT	○	= UTILITY POLE
EP	= EDGE OF PAVEMENT	P.V.	= POLYVINYL CHLORIDE	—	= TRAFFIC SIGN
ESMT	= EASEMENT	R/W	= RIGHT-OF-WAY	⊗	= STORM DRAIN MANHOLE
F.F.E.	= FLORIDA DEPARTMENT OF TRANSPORTATION FINISHED FLOOR ELEVATION	R/CPI	= REINFORCED CONCRETE PIPE	⊙	= UNDERGROUND CABLE ACCESS
FGD.	= FOUND	SFT	= SURVEY FEET	⦿	= FIRE HYDRANT WITH VALVE ASSEMBLY
FIGE	= FIGURE	T/B	= TOP OF BANK	⊖	= FENCE
P.B.	= PLAT BOOK	T/S	= TOP OF SLOPE		
INV.	= INVERT	TYP.	= TYPICAL		
(W)	= MEASURED	WP	= WOOD POWER POLE		
MES	= MITERED END SECTION	WPP	= WOODEN POWER POLE		
N.G.V.D.	= NATIONAL GEODETIC VERTICAL DATUM(1929)	⊗	= CONCRETE POWER POLE		
N.A.D.	= NORTH AMERICAN VERTICAL DATUM(1989)	⊖	= WATER VALE		

© 2012 Morgan & Associates Consulting Engineers, Inc.

Revision	△		
	△		
	△		
	△		
	△		
	△		
Drawn: TB Checked: CB		Date: 8/22/13 Date: 8/22/13	

This survey is for the sole and exclusive benefit of the parties named herein and for the specific purpose noted, and must not be relied upon by any other individual or entity whatsoever, and is not transferable under any circumstances. No liability or responsibility is assumed by the undersigned surveyor for any other use of this survey or to any party not specifically named herein. This drawing is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper, and reproduction of this drawing without written permission of the surveyor is hereby forbidden.

**MORGAN & Associates**  
Consulting Engineers, Inc.  
Civil Engineers and Land Surveyors - E.B. # 7903 / L.B. #7040  
504 N. Harbor City Blvd. Melbourne, FL 32935  
Phone (321) 751-6088 Fax (321) 751-6089

The Survey and this drawing have been prepared to conform with applicable Minimum Technical Standards as set forth by The Florida Board of Professional Surveyors and Mappers in Rule 5J-17.051, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. This Certification is a statement of professional opinion by the Surveyor as to the accuracy, information and belief, which is based on the field evidence and documentary evidence as provided to the surveyor and is not an expressed or implied warranty or guaranty.

Christopher S. Bowers, Professional Land Surveyor & Mapper  
Florida Certification No. 5990

Field Survey Date: 08/21/13

Project #: 2013-60

Scale:  
 Horiz. 1" = 30'  
 Vert. N/A

Sheet 1 of 2





This survey is for the sole and exclusive benefit of the parties named hereon and for the specific purpose intended, and must not be relied upon by any other individual or entity whatsoever and is not transferable under any circumstances. No liability or responsibility is assumed by the undersigned surveyor for any other use of this survey or to any party not specifically named hereon. This drawing is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper, and reproduction of this drawing without written permission of the Florida is hereby forbidden.

**MORGAN**  
**& Associates**  
*Consulting Engineers, Inc.*  
Civil Engineers and Land Surveyors - E.B. # 7903 / L.B. #7040  
504 N. Harbor City Blvd. Melbourne, FL 32935  
Phone (321) 751-6088 Fax (321) 751-6089

Project #: 2013-60  
 Drawing #: McGuire-02  
 Scale:  
 Horiz. 1" = 30'  
 Vert. N/A





## ADDITIONAL DOCUMENTS REQUIRED WITH CITIZEN PARTICIPATION PLAN REPORT SUBMISSION

1. Copy of notice sent (separate attachment)
2. Material distributed or presented at the meeting (separate attachment)
  - All the property owners within a 500-foot radius of the subject parcel shall be informed about the meeting date, time and location.

I hereby certify that information provided as part of this report is correct.

  
\_\_\_\_\_  
Signature,

Brenda Corliss, mgr Newton Real Estate Group 6/28/2023  
Typed Name and Title: Date :





## CITIZEN PARTICIPATION REPORT

Applicant should follow established Citizen Participation Plan as specified in § 169.005 CITIZEN PARTICIPATION PLANS.

### **CASE DETAILS**

Applicant Name	JPA Properties I, LLC
Project Name	Thrifty Produce
Case Type	Rezoning
Case Description	Zone to Restricted Commercial
Intended Month of Submission	July for August schedule.

### **INFORMATION ON THE CITIZEN PARTICIPATION MEETING**

Notice to the Public (Date)	6/21/2023
Date of CPP	6/27/2023
Location of the Meeting	Palm Bay (DeGroot) Library
Number of Attendees	19

Address sticker here

RE: **Notice of Citizen Informational Meeting**  
Applicant: JPA PROPERTIES I, LLC (Buyer)  
Project Site Address: 6 acres of land just west of Greenacre Drive, along the southside of Malabar Road.  
Zoning Request: Rezoning from Institutional to Commercial Use

Dear Neighbor:

JPA Properties I, LLC will be submitting a Rezoning application requesting approval of a change from Institutional to Commercial zoning for this site, no later than July 15, 2023 to the City of Palm Bay. On behalf of JPA Properties I, LLC, I am inviting you to an informational meeting to discuss the zoning request. We will answer any questions you may have and record any feedback you may have to offer which we will then present to City Staff, the Planning and Zoning Board and City Commission as we move through the review and public hearing process for this request.

I have attached the site plan and an aerial photo for the project for your review prior to the informational meeting. We will have additional explanatory information with us at the meeting. If you have any questions you wish to submit in advance of the meeting, we would appreciate the opportunity to review them in advance to be sure we bring appropriate information to answer any of your questions or address your concerns at the meeting. The meeting is scheduled as follows:

DATE: **JUNE 27, 2023**  
TIME: 3:00 PM  
PLACE: Brevard County Public Library  
6475 Minton Road SE, Palm Bay FL 32908

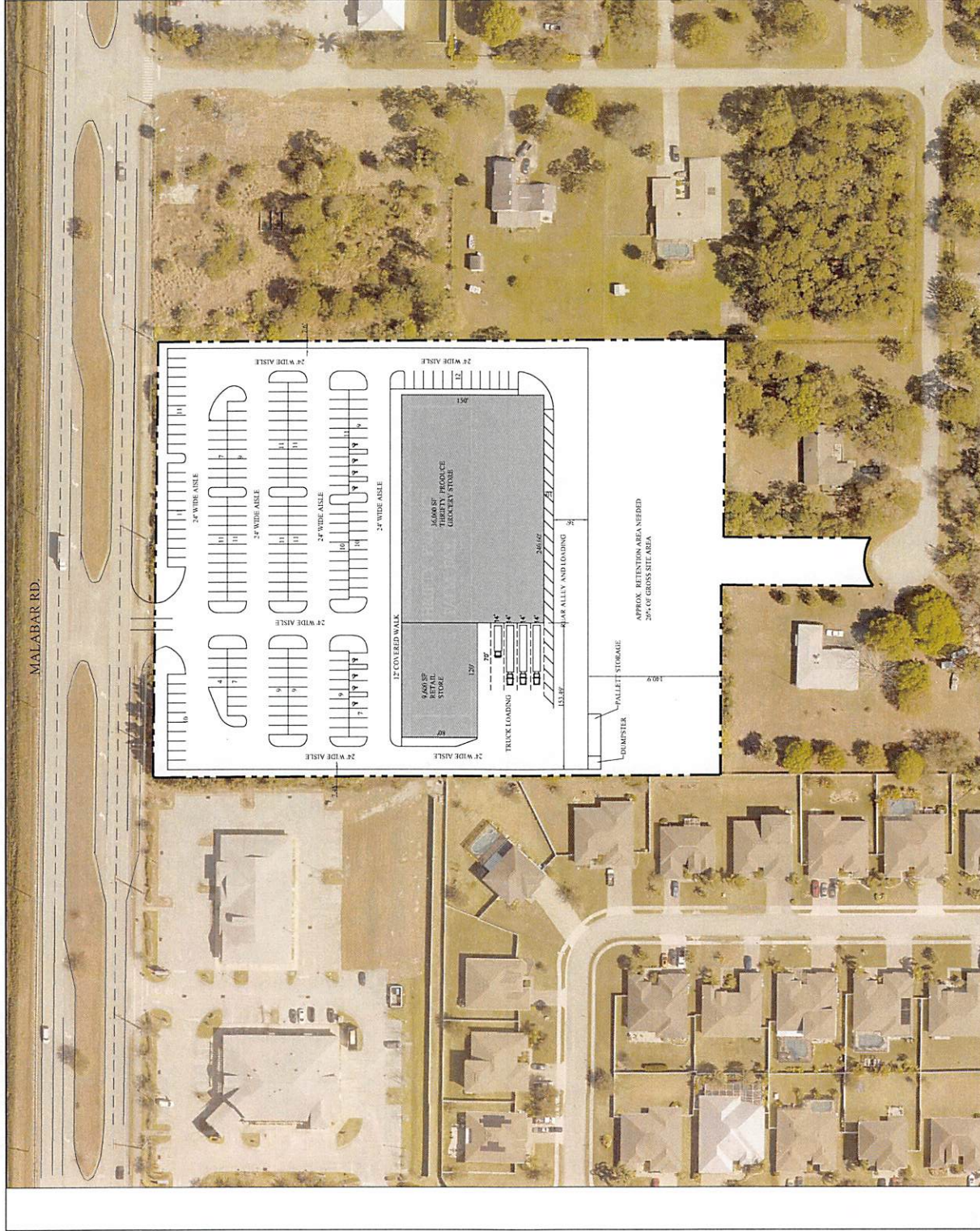
We hope to see you there. In the interim, please do not hesitate to contact me via email at [John@NewtonLand.com](mailto:John@NewtonLand.com)

Best regards,



John Newton, President





# RC ZONING

RESTRICTED COMMERCIAL DISTRICT ZONING PROPOSED  
FRONT: 30' FOR ARTERIALS LIKE MALABAR RD  
SIDE: 10'  
REAR: 25'

PARKING SETBACKS  
FRONT: 10' ON AN ARTERIAL RD LIKE MALABAR RD  
SIDE: 5'  
REAR: 30'

MIN. LOT AREA: 15,000 SF  
MIN. LOT DEPTH: 150'

MAX. BUILDING COVERAGE: 35%  
MAX. BUILDING HEIGHT: 25'

TOTAL PROJECT AREA: 36,000 SF / 9,600 SF - 45,600 SF  
PARKING REQUIRED: 45,600 SF / 250 SF - 225 SPACES  
LESS 99%  
TOTAL ACQUIRED PARKING: 225 SPACES  
PARKING PROVIDED: 215 SPACES  
REQUIRED: 7  
REPROVIDED: 8

GRAPHIC SCALE  
( IN FEET )  
1 inch = 50 ft.

MAGNETIC

DATE: 11/11/2011  
DRAWN BY: E. KESTEN  
CHECKED BY: E. KESTEN  
SCALE: AS SHOWN  
PROJECT NO.: 11-001  
SHEET NO.: 2 OF 2

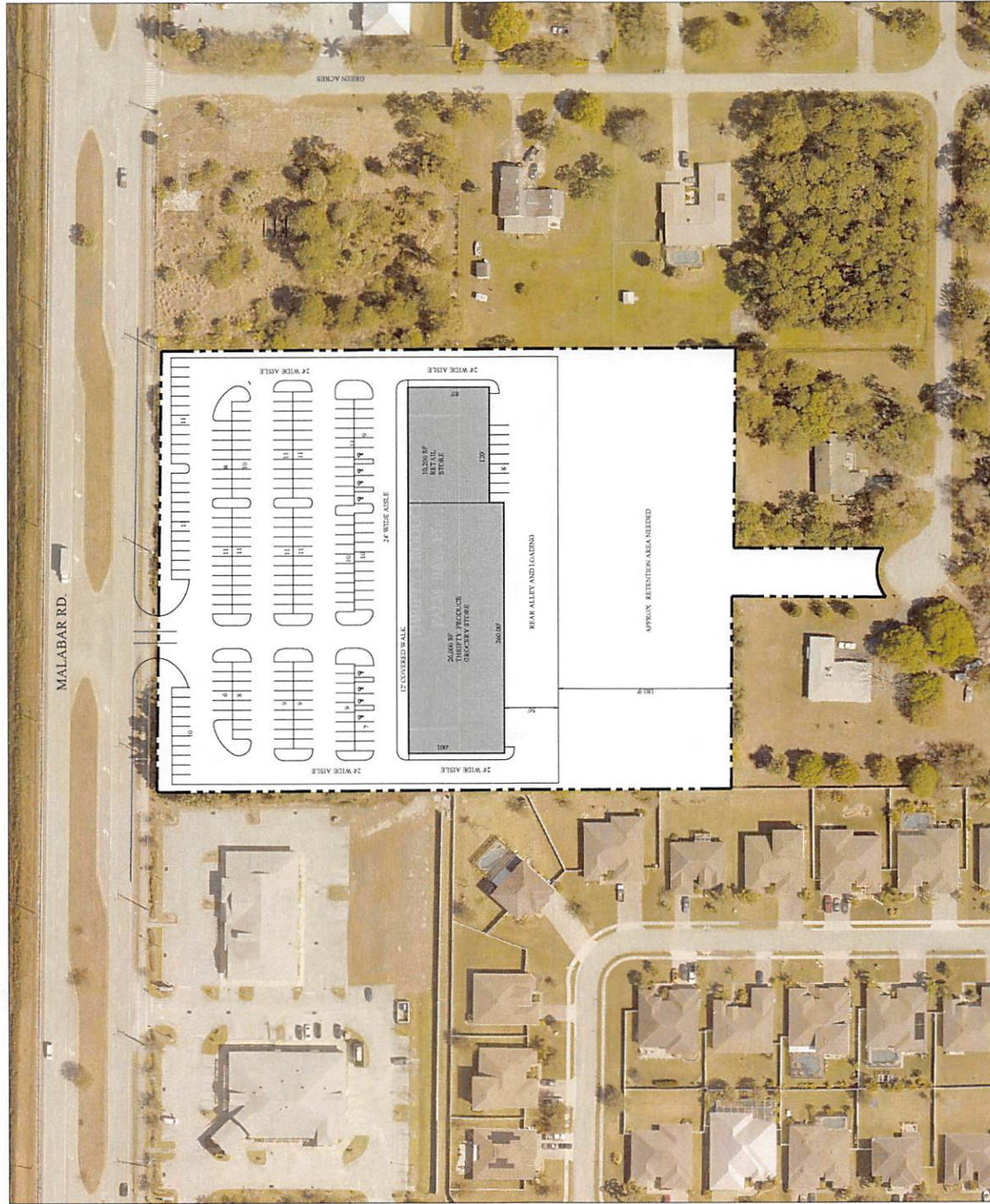
THRIFTY PRODUCE  
PALM BAY, FL

MALABAR AT GREEN ACRES  
AERIAL OVERLAIN ON SITE PLAN

PROJECT NO.: 11-001  
SHEET NO.: 2 OF 2



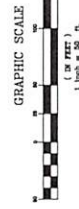
new concept  
copy present at meeting



# RC ZONING

MINIMUM LOT AREA 15,000 SF  
MIN LOT WIDTH 100'  
MIN LOT DEPTH 100'  
MAX BUILDING COVERAGE 35%  
MAX BUILDING HEIGHT 25'  
PARKING REQUIRED 112 SPACES  
PARKING PROVIDED 8

MAGNETIC



MALABAR AT GREEN ACRES  
CONCEPTUAL SITE PLAN

THIRTY PRODUCE  
PALM BAY, FL

KK ENGINEERING & ASSOCIATES, INC.  
CONSULTING ENGINEERING AND LAND PLANNING  
3200 S. US HWY. 1  
SUITE 200  
PALM BAY, FL 32909  
PHONE: (321) 544-7465 EMAIL: rock@kkengineering.com

DATE: 4-17-13

BY: [Signature]

DATE: 4-17-13

COMMUNITY MEETING  
JPA PROPERTIES I, LLC  
6 Acre Site, Malabar Rd West of Greenacre  
June 27, 2023

Attendees

NAME	Address	Email	Phone
Ken Friedel	272	Kmmk.friedel	321
Mary Friedel	Grooper Cir SE	@verizon.net	321-3237
Lynn + Marta Deffenbaugh	Waterman Ln Lot 35		321-768-1260
Melinda Gerding	541 Waterman Lane SE PB	mgerding@aol.com	321-258-3447 (Lot 40)
Caroline Chapman	190 Connie Ave SE Palm Bay, FL 32909	cchapman55 @CFLRR.com	321-544-0351
ALEX OLIVEIRA	260 GROOPER CIRCLE SE	ALEX@PREDIO.10	(954) 600-0611
Elisa Ball	191 Grooper Circle		32909
John Williams	Palm Bay, FL	ekb2001@gmail.com	(561) 430-7075
Heather H. Henry	244 Grooper Cir Palm Bay, FL 32907		321-8373522
Eslee Joseph	232 Grooper Cir SE PALM BAY FL 32909		
Robert Berry	221 Grooper Cir SE Palm Bay, FL 32909		



NAME	Address	Email	Phone
Roger Carter	520 Waterman Ln SE P.B FL	rogerccarter @gmail.com	321-923-3905
Daniel VanSandt			321-482-3429
Melanie Carter	520 Waterman Ln SE	MDC_1600_@hotmail.com	
Dana Whittle		258 Grouper Circ	
Paul Whittle		252 Grouper Circ	
CARTER M. HAN	171 Grouper Cir. S.E.	CARTERSENSEM@AOL.COM	
PAUL HILL	230 GREENACRE DR SE P.B FL 32909	EAGLE 6 USAF@ YAHOO.COM	321-722-9677





DENOTE ANY ADVERSE COMMENTS/COMPLAINTS/ CONCERNS/ ISSUES RECEIVED AND DESCRIBE RESOLUTION OR PROVIDE JUSTIFICATION IF THE APPLICANT IS UNABLE OR UNWILLING TO ADDRESS THE ISSUE:

Comments	Resolution	Justification if the applicant is unable or unwilling to address the issue
<ul style="list-style-type: none"> <li>- <del>avoid</del> avoid wall on "flag" pole part of lot.</li> <li>- there is a free flowing deep well on the property.</li> <li>- signage?</li> <li>- what property tenants will NOT be allowed. ie vape, bail bonds, liquor etc.</li> <li>- parking, in/out access</li> <li>- truck arrival time?</li> <li>- overnight truck parking?</li> <li>- restrict time quiet hours?</li> <li>- cameras ability to see into residences?</li> <li>- lift station due to poor planning of</li> <li>- # employees?</li> <li>- restricted commercial in the letter?</li> <li>- Publix to the left; Wim Davis to the right -</li> <li>- worried about increased traffic at their neighborhood.</li> <li>- drainage problems? due to development.</li> <li>- building height</li> <li>- when will we know who other tenants are</li> <li>- one citizen praised Pedro's property elsewhere.</li> <li>- can you have more buffer between residential.</li> <li>- will grocery be like restaurant on San Filippo</li> <li>- venting - food smell -</li> <li>- rodents &amp; trash</li> <li>- gopher tortoises may be on site.</li> <li>- size compared to Rockledge?</li> </ul>	<ul style="list-style-type: none"> <li>- plan to make as comfortable as possible.</li> <li>- 6 am</li> <li>- NO.</li> <li>- appreciated awareness.</li> <li>- 100</li> <li>- lot 19 fighting with city about issue of neighbor property draining on his property.</li> <li>- 4-18 feet w/ parapet walls</li> <li>- near permitting</li> <li>- compactors &amp; extermination service</li> <li>- similar</li> </ul>	

Brenda Corlip  
6/27/2023



DENOTE ANY ADVERSE COMMENTS/COMPLAINTS/ CONCERNS/ ISSUES RECEIVED AND DESCRIBE RESOLUTION OR PROVIDE JUSTIFICATION IF THE APPLICANT IS UNABLE OR UNWILLING TO ADDRESS THE ISSUE:

Comments	Resolution	Justification if the applicant is unable or unwilling to address the issue
Concern: letter was short notice	expressed short time-line to get in for first approval	
wondered about sale of previous property.	explained earlier	
why here instead of Viera?	Pedro explained his demographic is closer here.	
raise barrier privacy wall wants to understand what it will be?	John explained requirement opaque fence 8' wall	
citizen insisted it is a masonry wall -	we will review the statutes. - Pedro assured desire to be good neighbors	
-mistrust of city's former development problem -		
-resident observed operation of Pedro's business elsewhere.		
-talk to police/talk to fire.		
-# trucks, surveillance systems - Pedro assured they'll be aware of concerns.		
-traffic is excessive		
-worried about accidents.		
-worried about garbage		
-worried about people leaving trash		
-water-lift station near them-sometimes burn sort.		
-Point West drainage is kept clear by residents-east side.		
-Drainage ditch is not maintained well		
-person with allergies worried about seafood smell		
-# trucks per week - worried about exhaust.		
-wet or dry retention?		
-plan for "flag" part of land. - retention or buffer.		

Brenda Coxless  
6/27/2023

## **RECAP OF COMMUNITY MEETING**

**HELD on JUNE 27, 2023 3:00 – 4:30 pm**

**RE: 6 Acre Parcel on Malabar Road, just west of Greenacre**

The meeting was well attended by approximately 25 local residents. Most signed our sign-in sheet, however some did not want to. The sign-in sheet is attached.

John Newton and Brenda Corliss attended as the Buyer's representative to show and discuss the plans for the site. Mr. Pedro Hernandez, whose company JPA PROPERTIES I, LLC is the Buyer, was there as well to discuss his grocery store (THRIFTY SPECIALTY PRODUCE & MEATS). THRIFTY occupy the majority of the building to be constructed.

After introductions and giving everyone about 15 minutes to circulate and view the various plans and aerial photos we brought, the first 10-15 minutes was a question and answer session regarding the plan to re-zone the site and latest versions of plans that were presented. The purpose of this meeting was to gather information and input from neighboring homeowners. We explained that. It was made clear that the plans being discussed were NOT final versions. And that final versions will evolve during the permitting process. And we also stated that their concerns will be considered in the future versions of the plans.

In the group of attendees there were 5 or 6 residents whose residential property abuts or is proximate to (at least one other lot between them and the site). But comments and questions came from just about everyone there.

To summarize, the following topics were brought up and/or questioned as concerns. These are in no particular order.

1. Residents abutting the site want to be sure that there is a concrete wall 8' tall along the mutual property lines (sides and rear of site).
2. Residents stated that the existing City sewer lift station is sometimes problematic, and recommended we discuss this with the City.
3. Residents complained that the stormwater conveyance ditch running along the East side of the site is not maintained properly by the City and that we would need to be sure that it was. They stated that stormwater tends to back up onto lots south of us when it storms. One man said he walked the ditch during one such storm and saw water not flowing, and upon crossing to the north side of Malabar Road, he did not see water spilling out into the next stormwater ditch on the north side.



4. One resident was concerned about the potential for diesel exhaust emissions blowing into his backyard with trucks might sit with engines running while unloading. Having observed unloading at the Rockledge store for the past year, I have rarely if ever seen truckers leave their trucks running.
5. The two residents to immediate south were concerned that we may want to have a vehicle access through their neighborhood. We answered that we do not intend to do that but, rather intend to include that area of the strip as part of our stormwater retention plan. The same two residents asked that, if we do, then requested that the rear wall at the site run straight across, but leave a way for the swail connecting the strip to allow water to go under the wall where it crosses that strip.
6. One neighbor informed us that there is a capped (with a valve) deep water well located in the SW corner of the site. If so, perhaps we can incorporate that in our future irrigation plan.
7. One resident asked how many customers visit a Thrifty store daily. Mr. Hernandez said he only tracks daily transactions, and that ranged from 800-1000 daily.
8. Some residents were concerned about increased traffic in the area. We stated that a traffic study will be done. However a comment was made that Malabar Road most likely has a daily traffic count of some 35,000 or more. And that the 800-1000 daily shoppers would likely come from either Publix or Walmart (one is to the east and one is to the west presently). These would not really add daily traffic to Malabar Road.
9. Outdoor security lighting was discussed and it was requested that it be kept low enough not to shine over the 8' wall.
10. Outdoor security cameras were discussed and folks expressed their concern of "someone" using them to peer into their backyards. Mr. Hernandez explained they are typically fixed cameras set up to cover the perimeter in order to prevent frivolous lawsuits that plague large grocery stores.
11. It was asked what store hours would be. Mr. Hernandez explained his stores close at 8pm rather than staying open until 10pm as some other chain stores do.
12. A few folks asked how many delivery trucks arrive daily. Mr. Hernandez said about 12, with midweek being the busiest time. He also said no truck deliveries are taken on Sundays, and very few on Saturdays. When asked about the earliest that a truck might arrive, he said 6am, but said the store does not open before 7:30am.
13. There was a long discussion about what types of businesses the other tenants might be. We listed a few types that would not be considered, and summed it up by stating the businesses would need to be "family friendly".

By the end of the meeting most folks seemed to feel better about the project. The meeting adjourned after 90 minutes.

Sincerely,

John Newton  
Project Manager for JPA PROPERTIES I, LLC

# Project Details: CPZ23-00008

## Project Type: Rezoning Comprehensive Plan Zoning Amendment

Project Location: UNKNOWN # 2700 ANNELEIGH CIR Palm Bay, FL  
Milestone: Submitted  
Created: 6/27/2023  
Description: THRIFTY PRODUCE MALABAR ROAD  
Assigned Planner: Alexandra Bernard

### Contacts

Contact	Information
Owner/Applicant	Mitchell Garner, manager, MERRITT ISLAND HOLDINGS LLC 3110 W FLORIDA AVENUE MELBOURNE, FL 32904 (321) 426-6734 mgarner22264@gmail.com
Legal Representative	JOHN NEWTON 152 N. Harbor City Blvd. Melbourne, FL 32935 (321) 751-6850 john@newtonland.com
Assigned Planner	Alexandra Bernard 120 Malabar Rd Palm Bay, FL 32907  alexandra.bernard@palmbayflorida.org
Submitter	RICHARD KERN 5963 Stillwater Ave Cocoa, FL 32927  rick@rkcivildesign.com

### Fields

Field Label	Value
Block	1
Lot	
Section Township Range	06-29-37
Subdivision	00
Year Built	
Use Code	7000
Use Code Desc	VACANT LAND - INSTITUTIONAL

# Project Details: CPZ23-00008

LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	2926305
Flu Description	Public Semi-Public
Flu Code	PSP
Zoning Description	Institutional Use
Zoning Code	IU
Size of Area (acres)	
Present Use of Property	VACANT
Zoning Classification Desired	RC
Structures On Property?	False
Intended Use of Property	GROCERY STORE AND RETAIL
Justification for Change	Site is on major arterial Malabar Rd and surrounding land is zoned RC
Is Submitter the Representative?	False
Tax Account Numbers	2926305
Parcel Number	29-37-06-00-1
Ordinance Number	



JUNE 27, \_\_\_\_\_, 20 23

**Re: Letter of Authorization**

**As the property owner of the site legally described as:**

tax account 2926305, parcel id 29-37-06-00-1

**I, Owner Name:** Mitchell Garner, manager for Merritt Island Holdings, LLC

**Address:** 3110 W. Florida Ave, Melbourne, FL 32904

**Telephone:** 321-426-6734

**Email:** Mitch Garner <mgarner22264@gmail.com>

**hereby authorize:**

**Representative:** John Newton

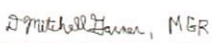
**Address:** 152 N HARBOR CITY BLVD #101 MELBOURNE, 32935

**Telephone:** 321-543-9864

**Email:** john@newtonland.com

**to represent the request(s) for:**

rezoning to Restricted Commercial and future land use amendment to COMMERCIAL

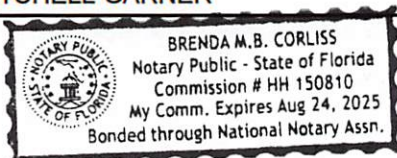
Authentisign  
 MGR 06/27/2023  
 (Property Owner Signature)

STATE OF FLORIDA

COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, this 27 day of JUNE, 20 23 by

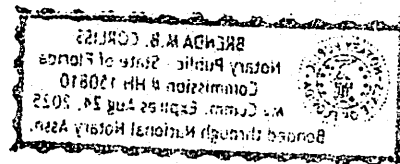
D. MITCHELL GARNER, property owner.



Authentisign  
 06/27/2023

BRENDA M.B. CORLISS, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:



# Acknowledgement Log

**Header:**

Legal Acknowledgement

**Text:**

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made 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 application and that the facts stated in it are true.

**Accepted By:**

RICHARD KERN

**On:**

6/28/2023 1:10:40 PM

☒ CPZ23-00008

Select Language ▼





Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005773931

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 340.30

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/20/23

**Text of Ad:**

Ad#5773931 07/20/2023  
**CITY OF PALM BAY, FLORIDA  
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 August 2, 2023, and by the City Council on August 17, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):  
1. CP23-00008 – Tara Williamson and Ronald Chabot (Kelly Hyvonen, AICP, Land Development Strategies, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial and High Density Residential to Commercial.  
Lot 1 of Block R and Lot 18.01 of Block C, Hiawatha Gardens Section 2, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.06 acres. Located at the southwest intersection of Hiawatha Avenue NE and Dixie Highway NE  
2. \*\*Z23-00012 - Lawrence Kramer  
A Zoning Change from an IU, Institutional Use District to an RC, Restricted Commercial District.  
Lot 11, Point West Estates, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE  
3. \*\*Z23-00011 - 1611 Meridian, LLC, Nuri Dorra, Manager (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Zoning Change from an IU, Institutional Use District to a CC, Community Commercial District.  
Tax Parcel 262, Section 22, Township 28, Range 37, Brevard County, Florida; containing approximately 4.08 acres. Located at the northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Rd NE  
4. CP23-00014 - KEW, LLC, Michael Erdman, managing member (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial.  
A portion of Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE  
5. FS23-00006 - Heritage Square Partners, LLC, Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 4-lot commercial subdivision called Commercial at Heritage Square.  
Tract X, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. In the vicinity west of St. Johns Heritage Parkway NW, north of and adjacent to Malabar Road NW  
6. PS23-00006 - Diocese of Orlando, John G. Noonan, Bishop (David W. Bassford, P.E., MBV Engineering, Inc., Rep.)  
A Preliminary Subdivision Plan to allow for a proposed development of 88 town-

home units and 35 single-family residential units to be called Bayside Landings. Tract 1-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. Located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE

**7. CP23-00015 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Public/Semi-Public to Commercial. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**8. \*\*CP23-00008 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Zoning Amendment from an IU, Institutional Use District to an RC, Restricted Commercial District. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**9. T23-00013 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.123, to provide clear language for authorized parking within residential districts.**

**10. T23-00014 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Sections 184.35 and 184.36, to add language and procedures for lot splits and lot reconfigurations within the City of Palm Bay.**

**11. T23-00015 - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District.**

**12. T23-00017 – All Digital All Day, LLC (Matthew Ashley, Rep.) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17, to modify language for the distance between billboards to be in alignment with state statutes.**

**13. T23-00019 – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to amend Section 184.15 regarding the conditions governing the issuance of building permits for model homes.**

**14. T23-00020 - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay.**

**\*\*Indicates quasi-judicial request(s).**  
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.  
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Jesse Anderson, Ph.D., Assistant Growth Management Director

**DATE:** August 2, 2023

**SUBJECT:** \*\*CU23-00010 – Malabar Mini Storage - Ansl & Sons, LLC (Jake Wise, P.E., Construction Engineering Group LLC, Rep.) - A Conditional Use to amend an existing resolution to allow for a proposed three-story self-storage facility subject to the following provisions: in the Community Commercial District in accordance with Section 185.043(D)(9). Tax Parcels 20 and 7, Section 5, Township 29, Range 37, Brevard County, Florida, containing approximately 4.93 acres. Generally located in the vicinity south of Malabar Road SE and west of Valor Drive SE, specifically at 920 Malabar Road SE

\*\*Quasi-Judicial Proceeding.

### ATTACHMENTS:

#### Description

- ☐ CU23-00010 - Staff Report
- ☐ CU23-00010 - Site Sketch
- ☐ CU23-00010 - Citizen Participation Plan Report
- ☐ CU23-00010 - Application
- ☐ CU23-00010 - Letter of Authorization
- ☐ CU23-00010 - Legal Acknowledgement
- ☐ CU23-00010 - Legal Ad





# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Kim Haigler, Senior Planner

---

#### CASE NUMBER

CU23-00010

#### PLANNING & ZONING BOARD HEARING DATE

August 2, 2023

---

#### PROPERTY OWNER & APPLICANT

Construction Engineering Group, LLC  
(Jake Wise, Rep)

#### PROPERTY LOCATION/ADDRESS

Tax Parcels 20 and 7, Section 5, Township 29, Range 37, Brevard County, Florida, containing a total of approximately 4.93 acres. Generally located in the vicinity south of Malabar Road SE and west of Valor Drive SE, specifically at 920 Malabar Road SE

---

#### SUMMARY OF REQUEST

A Conditional Use amendment to the existing Conditional Use (CU26-2019), Resolution 2019-48, from a two (2) story 64,000 sf self storage facility with approximately 600 storage units to a three (3) story 96,000 sf self storage facility with 612 units, in accordance with Section 185.043(D)(9) of the Palm Bay Code of Ordinances.

#### Current Zoning

CC, Community Commercial District

#### Current Land Use

COM, Commercial

#### Site Improvements

Vacant Land

#### Site Acreage

Approximately 4.93 acres

---

#### SURROUNDING ZONING & USE OF LAND

##### North

CC, Community Commercial District; Developed

##### East

CC, Community Commercial District; Vacant Land

##### South

RM-20, Multiple Family Residential; Developed &

RR, Rural Residential; Developed

##### West

RS-1, Single Family Residential; Developed

---

#### COMPREHENSIVE PLAN

#### COMPATIBILITY

Yes, Commercial Use

---

**BACKGROUND:**

The subject property is in the vicinity south of Malabar Road SE and west of Valor Drive SE, specifically at 920 Malabar Road SE. The request includes approximately 4.93 acres. The original conditional use was granted by City Council on December 5, 2019 (R-2019-48). The project's site plan was approved on April 30, 2021. A request by the developer to amend the approved site plan (RTAP) for the addition of a third story was approved administratively on October 1, 2021. However, these changes exceed the development conditions set forth in the original Conditional Use, which was never amended. The proposed amendment to CU-26-2019 will serve to update as well as renew the conditional use for the self-storage project, which is currently under development.

**ANALYSIS:**

Section 185.043 (D)(9) of the Code of Ordinances establishes self-storage facilities as a conditional use in the Community Commercial District and Section 185.088 (F) provides specific requirements to be met before permitting this use. The site plan was reviewed by staff in 2019 and determined to meet all requirements of the conditional use. The approved amended site plan (October 1, 2021), for the addition of a third story, increased the number of units to 612 from the originally projected 600 units. This minor change did not trigger any other required changes to the site plan. The current approved site plan has been provided.

**CODE REQUIREMENTS:**

The general requirements and conditions for conditional uses are outlined in Section 185.087 of the Code of Ordinances. Conditional use requests are evaluated upon items (1) through (8). A review of these items is as follows:

**Item (1):** 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.

The site is accessed through a new driveway connection to Malabar Road, located between Malabar Pharmacy and the medical office building directly north of the subject property. An internal driveway connection to the pharmacy property is approved and the cross-access easement/agreement is on file. The traffic study and access management plan has been approved by the City's Public Works Department.

**Item (2):** Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.

Based upon the size of the building and its intended use, the project is required a minimum of 27 spaces, two of which must be handicap accessible. A total of 37 parking spaces are

provided. 17 of these spaces have a zero foot setback from the east property line and a shared parking agreement with the Pharmacy is on file.

**Item (3):** Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

The site has installed a lift station and connections for the City's water and sewer systems.

**Item (4):** Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.

The setback from Malabar Road is approximately 350 feet behind the existing commercial uses, and undeveloped commercial land lies to the east. Five single family residential lots abut the development area to the west and the approved landscaping plan adds trees to enhance the existing vegetation buffer along the border. The building will be placed 70 feet from its west property line, which is more than double the code requirement.

**Item (5):** Signs, if any, and proposed exterior lighting will be designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.

A photometric plan and sign details which adhere to City Codes have been approved. Only one detached sign will be allowed and it must meet all applicable location and dimension criteria.

**Item (6):** Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

The yards and open space requirements of the Zoning Code have been met. The shared parking agreement on file ensures compatibility with adjoining properties.

**Item (7):** 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 use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.

The traffic study and access management plan has been approved by the City's Public Works Department and necessary improvements have been made.

**Item (8):** 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 begin or be completed, or both.



The Board and 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. No such additional requirements have been placed on this project.

In addition to the General Requirements and Conditions of Section 185.087, requests for conditional use approval for self storage are also evaluated upon the Special Requirements and Conditions outlined in Section 185.088 (F) of the Code of Ordinances. These provisions are as follows:

**Item (1):** No door openings for any storage unit with the exception of emergency egress doors shall be constructed facing any residentially zoned property.

**Item (2):** The submitted conditional use site plan shall include a landscape plan.

**Item (3):** Interior traffic lanes shall be a minimum of thirty-five (35) feet wide for two-way traffic and a minimum of twenty-five (25) feet for one-way traffic, in order to accommodate loading and unloading as well as through and/or emergency traffic.

**Item (4):** The maximum storage unit size is limited to 300 square feet.

**Item (5):** There shall be no outside storage at the site

**Item (6):** There shall be no storage of hazardous or flammable chemicals as determined by the Fire Marshal

**Item (7):** Such facilities may only be utilized for storage. Occupancy for any other use is prohibited

The Board and 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. No such additional requirements have been placed on this project.

#### **STAFF FINDINGS:**

Case CU23-00010 meets the minimum requirements for approval of a conditional use, subject to the staff comments contained in this report.



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.

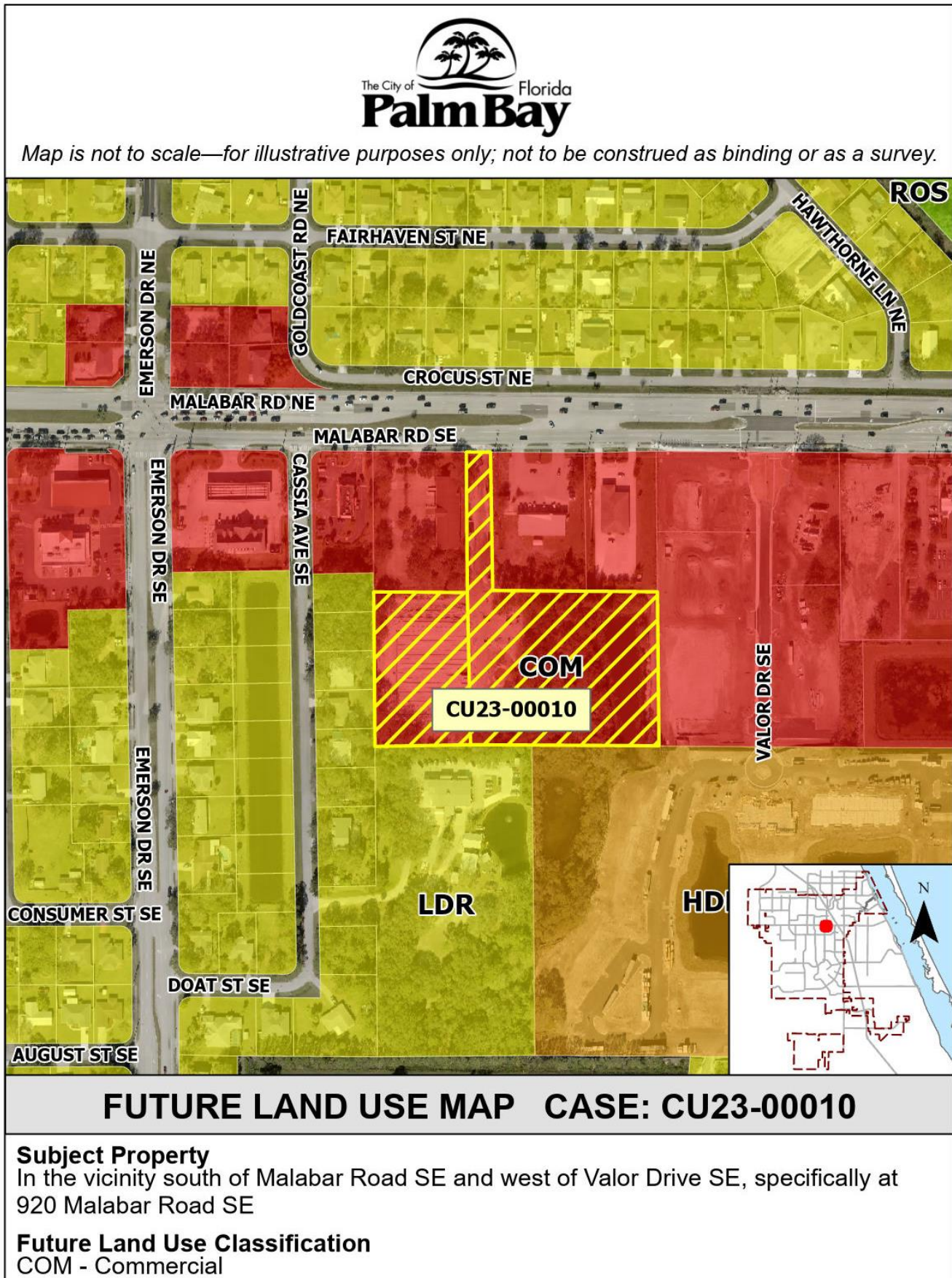


## AERIAL LOCATION MAP CASE: CU23-00010

### Subject Property

In the vicinity south of Malabar Road SE and west of Valor Drive SE, specifically at 920 Malabar Road SE

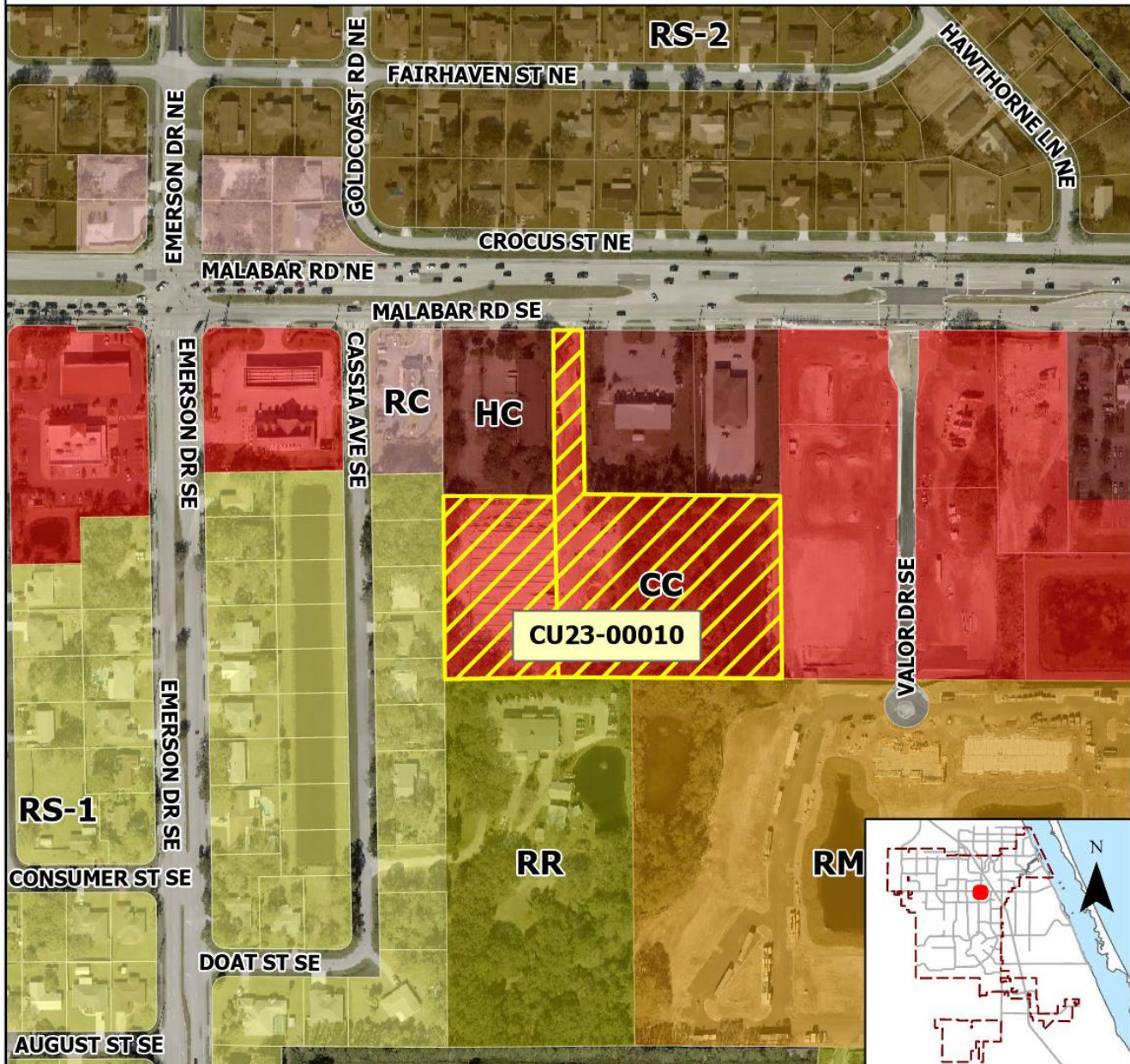








Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## ZONING MAP CASE: CU23-00010

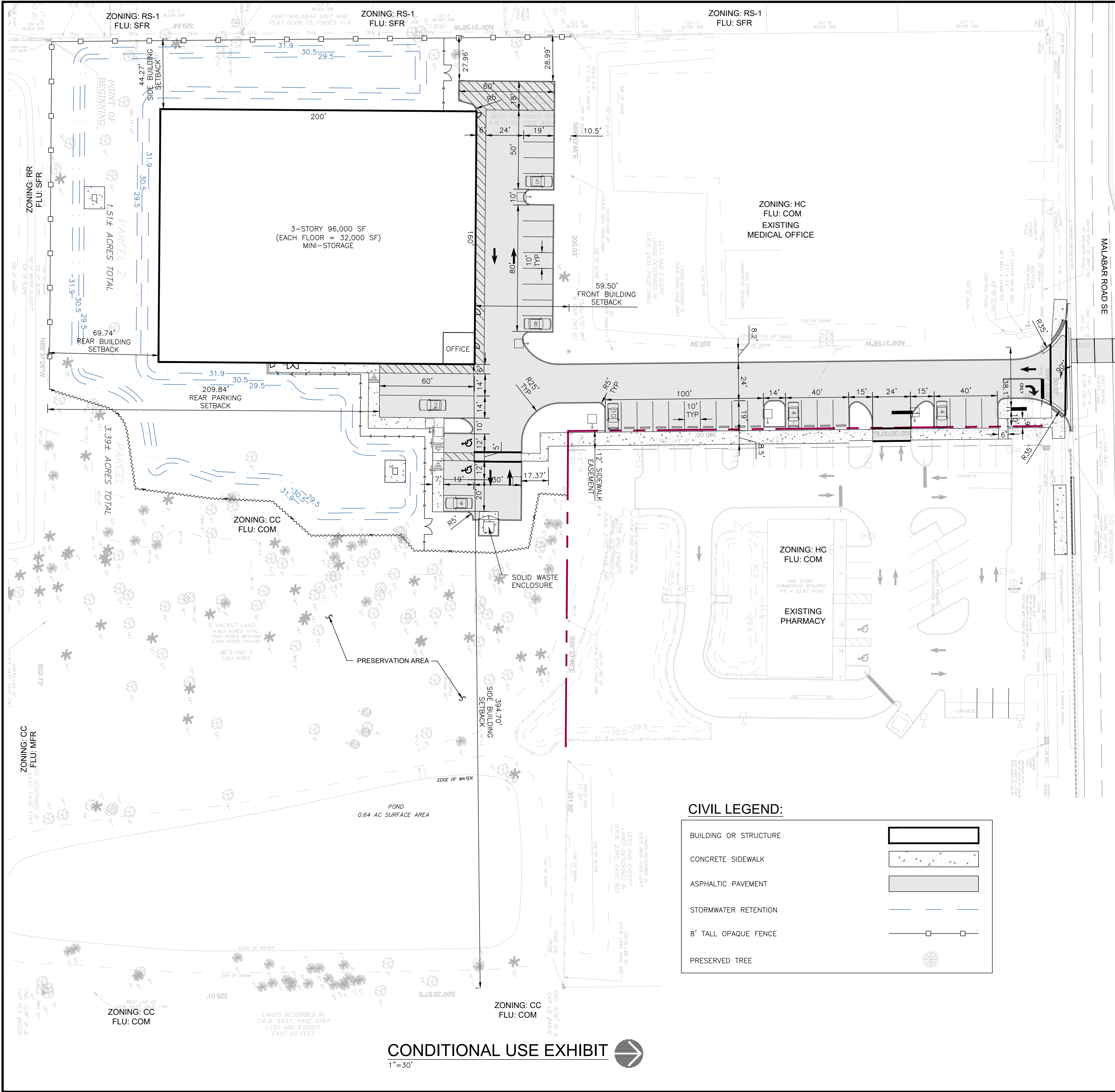
### Subject Property

South of and adjacent to Arabia Road SE, in the vicinity west of Cleaves Street SE

### Current Zoning Classification

CC - Community Commercial





1. GENERAL STATEMENT:

THE PERMISSIBLE HEIGHT IS 70 FEET (UP TO 7 STORIES), AND WE ARE PROPOSING ONLY 39'-2". THE PROJECT ALREADY VOLUNTEERED TO INSTALL AN 8' TALL OPAQUE FENCE AND ENHANCED LANDSCAPE BUFFER IN ADDITION TO SUBSTANTIAL TREE PRESERVATION TO THE WEST.

2. CONTACT INFORMATION:

OWNER: ANSL & SONS, LLC  
BAVACHAND SHELADIA  
4510 NE BABCOCK STREET  
PALM BAY, FL 32905  
TEL: (321) 446-4621  
EMAIL: MB53527@GMAIL.COM

CIVIL ENGINEER: CONSTRUCTION ENGINEERING GROUP, LLC  
JAKE T. WISE, PE  
2851 W. EAU GALIE BOULEVARD, SUITE A  
MELBOURNE, FL 32935  
TEL: (321) 610-1760  
EMAIL: JWWISE@CEENGINEERING.COM

SURVEYOR: AAL LAND SURVEYING SERVICES, INC  
3970 MINTON ROAD  
WEST MELBOURNE, FL 32904  
TEL: (321) 768-8110

ADDRESS: TOWNSHIP: 29  
RANGE: 37  
SECTION: 05  
PARCEL IDS: 29-37-05-00-7, 29-37-05-00-20  
TAX ACCOUNT NUMBERS: 2925027, 2959172

3. SITE CHARACTERISTICS:

TOTAL ACREAGE: ±4.90  
ZONED: CC  
FLU: COM

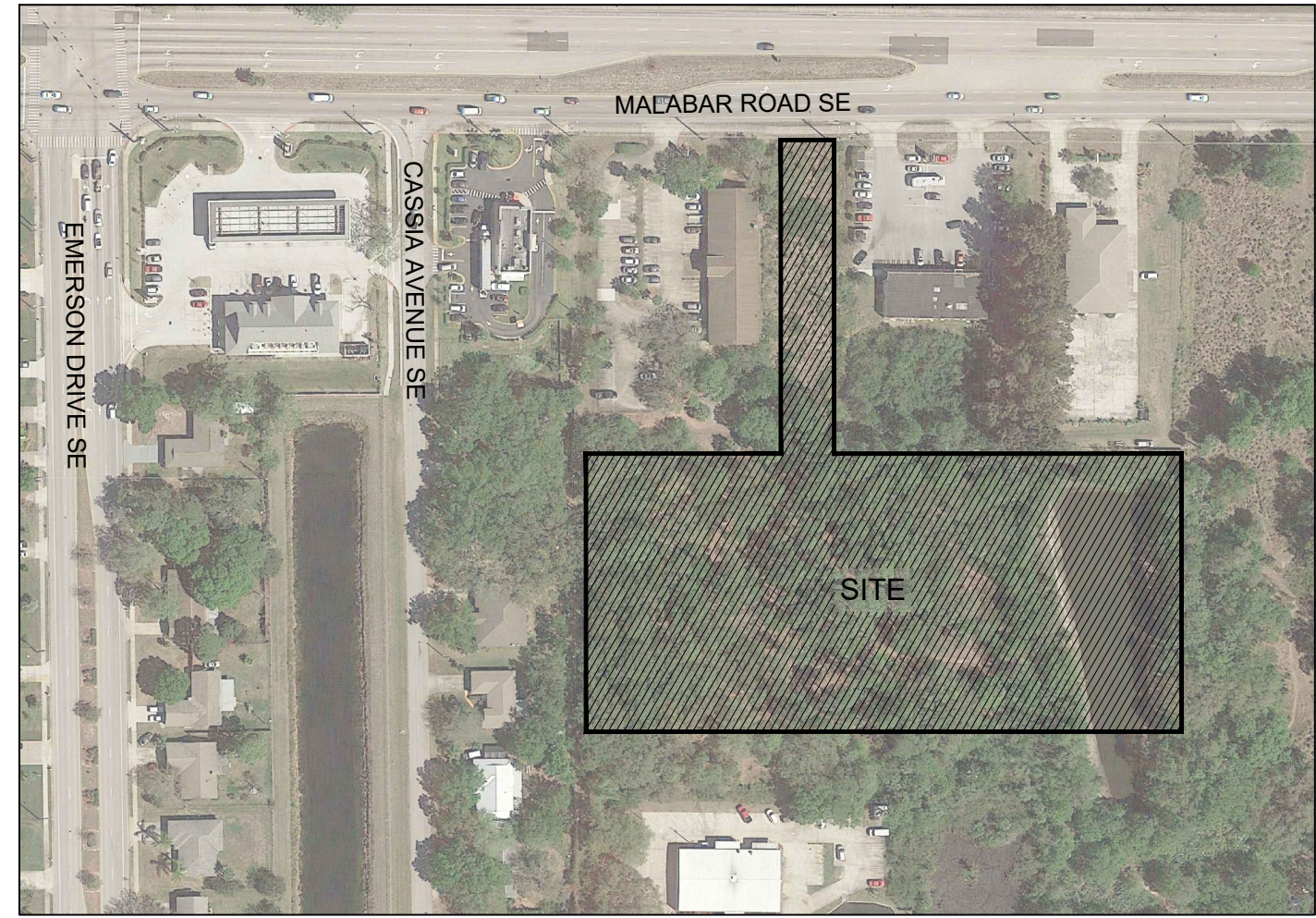
ACCORDING TO F.I.R.M. #12009C 0660 G, DATED MARCH 17, 2014, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X. (NAVD 88)

BUILDING HEIGHT:  
MAX. PERMITTED = 70'  
PROPOSED HEIGHT = +/- 39'-2"

SETBACKS:	REQUIRED	PROPOSED
FRONT BUILDING:	30'	59.50'
SIDE INTERIOR BUILDING (NEXT TO COMMERCIAL):	10'	394.70'
SIDE INTERIOR BUILDING (NEXT TO RESIDENTIAL):	25'	44.27'
REAR BUILDING:	25'	69.74'
FRONT PARKING:	10'	10.00'
SIDE INTERIOR PARKING (NEXT TO COMMERCIAL):	5'	32.20'
SIDE INTERIOR PARKING (NEXT TO RESIDENTIAL):	25'	27.96'
REAR PARKING:	25'	209.84'

4. PARKING SPACE CALCULATIONS:

PARKING REQUIRED (STORAGE FACILITY)  
USE: INTERNALLY-ACCESSED SELF-STORAGE FACILITIES (INDOOR, CLIMATE-CONTROLLED)  
CALCULATION: ONE (1) SPACE FOR EACH 25 UNITS, PLUS THREE (3) SPACES FOR THE FACILITY'S LEASE OFFICE  
612 UNITS/25 = 24 + 3 = 27 SPACES REQUIRED  
TOTAL SPACES (STORAGE FACILITY):  
27 SPACES REQUIRED INCLUDING 2 HANDICAP SPACES  
37 SPACES PROVIDED INCLUDING 2 HANDICAP SPACES



LOCATION MAP  
NTS

LEGAL DESCRIPTION:

THE NORTH 1/2 OF LOT 29, SECTION 5, TOWNSHIP 29 SOUTH, RANGE 37 EAST, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 165, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, LESS AND EXCEPT THE NORTH 33 FEET LESS AND EXCEPT IN OFFICIAL RECORDS BOOK 2345, PAGE 955 OFFICIAL RECORDS BOOK 2651, PAGE 960, OFFICIAL RECORDS BOOK 2731, PAGE 246 OFFICIAL RECORDS BOOK 3190, PAGE 4908 AND LESS THE EAST 60 FEET.

TOGETHER WITH:  
THE WEST 200.0 FEET OF THE NORTH ONE-HALF OF LOT 29, LESS THE NORTH 333.0 FEET THEREOF, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION OF SECTION 5, TOWNSHIP 29 SOUTH, RANGE 37 EAST, AS RECORDED IN PLAT BOOK 1, PAGE 165 PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

REVISION

DATE

REV#

2851 Eau Gallie Blvd., Suite A  
Melbourne, FL 32935  
Tel: 321.253.1221  
www.ceengineering.com  
COA #008897

CONSTRUCTION  
ENGINEERING  
GROUP

Consulting Engineers

MALABAR MINI STORAGE

ANSL & SONS, LLC  
MALABAR ROAD SE, PALM BAY, FLORIDA

DRAWING TITLE  
CONDITIONAL USE EXHIBIT

DATE: 07-19-23

SCALE: 1"=30'

PROJ. NO.: 180032

DESIGNED BY: DMT

DRAWN BY: NCW

CHECKED BY: JTW

DRAWING NO.: EX-1





## **CITIZEN PARTICIPATION PLAN REPORT**

Applicant should follow established Citizen Participation Plan as specified in §169.005 CITIZEN PARTICIPATION PLANS.

### **CASE DETAILS**

<b>Applicant Name:</b>	David M. Tom, PE- Construction Engineering Group
<b>Project Name:</b>	Malabar Mini Storage
<b>Case Type:</b>	Conditional Use
<b>Case Description:</b>	Seeking to amend the existing Conditional Use (CU26-2019), Resolution 2019-48, from a two (2) story 64,000 sf self storage facility with approximately 600 storage units to a three (3) story 96,000 sf self storage facility with 612 units.
<b>Intended Month of Submission:</b>	August

### **INFORMATION ON THE CITIZEN PARTICIPATION PLAN MEETING**

<b>Notice to the Public (Date):</b>	7/18/23
<b>Date CPP was Held:</b>	7/27/23
<b>Location of the Meeting:</b>	Holiday Inn Express & Suites 1206 Malabar Rd SE, Palm Bay, FL 32907
<b>Number of Attendees:</b>	15





**DENOTE ANY ADVERSE COMMENTS/COMPLAINTS/ CONCERNS/ ISSUES RECEIVED AND DESCRIBE RESOLUTION OR PROVIDE JUSTIFICATION IF THE APPLICANT IS UNABLE OR UNWILLING TO ADDRESS THE ISSUE:**

	Comments	Resolution	Justification if the applicant is unable or unwilling to address the issue
	Discussed past storm events & asked what ponds were designed to do	SJRWMD & City permits were designed for 10yr/25 yr events. They are not not designed for 100 yr event	N/A
	Owner in SW corner requested we switch out 1 oak for a red cedar	Agreed to change	N/A
	Can we put commercial on bottom floor & storage on 2nd & 3rd floor?		Would ask the City
	Owners wanted to see typical section between their property & the storage property	Showed & explained typical section "F"	N/A



# LIST OF ATTENDEES

Number	Name of attendee	Number	Name of attendee
1.	David M. Tom, PE- CEG	2.	
3.	John M. Muzzall	4.	
5.	Bob Shelton	6.	
7.	Kiran N. Patel	8.	
9.	Parash Chovatia	10.	
11.	ALEXANDER YNASTRICA	12.	
13.	BRIAN KEEN	14.	
15.	BRIAN CANNON	16.	
17.	RUPESH PATEL	18.	
19.	Paul Daut	20.	
21.	DANIELE LAMBOY	22.	
23.	MELINDA WENZ	24.	
25.	LINETTE VEGA	26.	
27.	ANKUR SHAH	28.	
29.	Albert Broomfield	30.	
31.		32.	
33.		34.	
35.		36.	
37.		38.	
39.		40.	
41.		42.	
43.		44.	
45.		46.	
47.		48.	
49.		50.	



**ADDITIONAL DOCUMENTS REQUIRED WITH CITIZEN PARTICIPATION PLAN REPORT  
SUBMISSION**

1. Copy of notice sent (separate attachment)
  - All the property owners within a 500-foot radius of the subject parcel shall be informed about the meeting date, time, location, and project.
2. Material distributed or presented at the meeting (separate attachment)

**I hereby certify that information provided as part of this report is correct.**

*David M. Tom*

**Signature**

David M. Tom, PE- Construction Engineering Group  
**Typed Name and Title**

7.27.23  
**Date**



# MALABAR MINI STORAGE

## RTAP #4

PALM BAY, FLORIDA

DATE:

JANUARY 24, 2020

PREPARED FOR:

ANSL & SONS, LLC

### SITE DATA:

#### 1. GENERAL STATEMENT:

THE PROPOSED PROJECT CONSISTS OF A THREE STORY 96,000 SF MINI-STORAGE BUILDING WITH APPROXIMATELY 612 UNITS AND A SMALL OFFICE. NEW CONSTRUCTION WILL INCLUDE PARKING, DRIVEWAYS, SIDEWALKS, STORMWATER COLLECTION AND TREATMENT, WATER, WASTEWATER, SITE LIGHTING, LANDSCAPING AND IRRIGATION. ADDITIONAL LANDSCAPE BUFFERING HAS BEEN ADDED ALONG THE WEST AND SOUTH PROPERTIES THAT ADJUT RESIDENTIAL ZONED LANDS. AN EASEMENT AGREEMENT WILL BE PROVIDED ALONG THE EAST SIDE OF THE ENTRANCE DRIVE FOR PARKING, SIDEWALK AND DRAINAGE. THE EXISTING PHARMACY HAS AGREED TO CLOSE ONE OF THEIR DRIVEWAYS ON MALABAR ROAD AS REQUESTED BY THE CITY. IN ADDITION, THE PHARMACY WOULD LIKE TO REMOVE THEIR EXISTING SEPTIC SYSTEM AND CONNECT THEIR EXISTING GRAVITY SEWER LINE INTO THE NEW PROPOSED LIFT STATION. A JOINT USE AGREEMENT WILL BE PRESENTED TO THE CITY.

INCLUDE WITH RTAP #4 ARE INTERIOR AND EXTERIOR RENOVATIONS FOR THE PHARMACY AS SHOWN ON THESE PLANS. ALL INTERIOR RENOVATIONS AND THE CANOPY WILL BE PERMITTED THRU THE BUILDING DEPARTMENT.

#### 2. CONTACT INFORMATION:

**OWNER:**  
ANSL & SONS, LLC  
BAVACHAND SHELADIA  
4510 NE BABCOCK STREET  
PALM BAY, FL 32905  
TEL: (321) 446-4621  
EMAIL: MBS3527@GMAIL.COM

**SURVEYOR:**  
AAL LAND SURVEYING SERVICES, INC  
3970 MINTON ROAD  
WEST MELBOURNE, FL 32904  
TEL: (321) 768-8110

**CIVIL ENGINEER:**  
CONSTRUCTION ENGINEERING GROUP, LLC  
DAVID M. TOM, PE  
2651 W. EAU GALLIE BOULEVARD, SUITE A  
MELBOURNE, FL 32935  
TEL: (321)-610-1763  
EMAIL: DTOM@CEGENGINEERING.COM

**ADDRESS:**  
TOWNSHIP: 29  
RANGE: 37  
SECTION: 05  
PARCEL IDS: 29-37-05-00-7, 29-37-05-00-20,  
29-37-05-00-18 (PHARMACY)  
TAX ACCOUNT NUMBERS: 2925027, 2959172,  
2925036 (PHARMACY)

#### 3. SITE CHARACTERISTICS:

TOTAL ACREAGE:  $\pm 4.90$  (MINI STORAGE SITE) (+)  $\pm 1.38$  (PHARMACY SITE) =  $\pm 6.28$  AC  
TOTAL AREA OF IMPACT:  $\pm 2.67$  (MINI STORAGE SITE) (+)  $\pm 1.35$  (PHARMACY SITE) = 4.02 AC  
ZONING CLASSIFICATIONS: CC  
FUTURE LAND USE: COM  
FLOOD ZONE: ACCORDING TO F.J.R.M. #12009C 0660 G, DATED MARCH 17, 2014, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X. (NAVD 88)

**BUILDING HEIGHT:**  
MAX. PERMITTED = 70'  
PROPOSED HEIGHT = +/- 39'-2"

CALCULATED LOT COVERAGES: (STORAGE & PHARMACY)	SF	ACRES	PERCENT
TOTAL PROPOSED IMPERVIOUS AREA:	84,506	1.94	31%
PROPOSED PERVIOUS:	189,051	4.34	69%
TOTAL GROSS AREA:	273,557	6.28	100%

STORMWATER AREAS: (STORAGE & PHARMACY)	SF	ACRES	PERCENT
TOTAL PROPOSED IMPERVIOUS AREA:	94,960	2.18	54%
PROPOSED PERVIOUS:	80,151	1.84	46%
TOTAL GROSS AREA:	175,111	4.02	100%

SETBACKS:	REQUIRED	PROPOSED
FRONT BUILDING:	30'	59.50'
SIDE INTERIOR BUILDING (NEXT TO COMMERCIAL):	10'	394.70'
SIDE INTERIOR BUILDING (NEXT TO RESIDENTIAL):	25'	44.27'
REAR BUILDING:	25'	69.74'
FRONT PARKING:	10'	10.00'
SIDE INTERIOR PARKING (NEXT TO COMMERCIAL):	5'	32.20'
SIDE INTERIOR PARKING (NEXT TO RESIDENTIAL):	25'	27.96'
REAR PARKING:	25'	209.84'

#### 4. PARKING SPACE CALCULATIONS:

**PARKING REQUIRED (STORAGE FACILITY)**  
USE: INTERNALLY-ACCESSED SELF-STORAGE FACILITIES (INDOOR, CLIMATE-CONTROLLED)  
CALCULATION: ONE (1) SPACE FOR EACH 25 UNITS, PLUS THREE (3) SPACES FOR THE FACILITY'S LEASE OFFICE  
 $612 \text{ UNITS} / 25 = 24 + 3 = 27$  SPACES REQUIRED  
**TOTAL SPACES (STORAGE FACILITY):**  
27 SPACES REQUIRED INCLUDING 2 HANDICAP SPACES  
37 SPACES PROVIDED INCLUDING 2 HANDICAP SPACES

**PARKING REQUIRED (PHARMACY)**  
USE: RETAIL STORE AND SHOPS  
CALCULATION: ONE (1) SPACE FOR EACH 200 SF  
 $4,132 \text{ SF} / 200 = 21$  SPACES REQUIRED  
**TOTAL SPACES (PHARMACY):**  
21 SPACES REQUIRED INCLUDING 2 HANDICAP SPACES  
37 SPACES PROVIDED INCLUDING 2 HANDICAP SPACES

#### 5. FIRE FLOW CALCULATIONS:

CONSTRUCTION TYPE: IV (INTERNATIONAL BUILDING CODE)  
BUILDING AREA: 96,000 SF  
BASE MINIMUM FIRE FLOW (TABLE 18.4.5.1.2): 5,500 GPM  
TOTAL EXPOSURE INCREASE:  $\text{BASE GPM} \times \text{PERCENT INCREASE} = 5,500 \times 10\% = 550$  GPM  
INITIAL FIRE FLOW:  $\text{BASE GPM} + \text{EXPOSURE INCREASE} = 5,500 + 550 = 6,050$  GPM  
FIRE SPRINKLER DECREASE: (REDUCE INITIAL FIRE FLOW MAX 75% IF SPRINKLED)

TOTAL MINIMUM FIRE FLOW:  $6,050 \times 75\% = 4,537$  GPM;  $6,050 - 4,537 = 1,513$  GPM  
(MINIMUM REQUIRED FIRE FLOW IS 1,000 GPM)

DURATION REQUIREMENTS: 2 HOURS (FROM TABLE)

NUMBER OF HYDRANTS REQUIRED: 2  
NUMBER OF EXISTING HYDRANTS: 1  
NUMBER OF NEW HYDRANTS: 1

### LEGAL DESCRIPTION:

DESCRIPTION: PER OFFICIAL RECORDS BOOK 8048 PAGE 1652

THE NORTH 1/2 OF LOT 28, SECTION 5, TOWNSHIP 29 SOUTH, RANGE 37 EAST, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 165, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTH 33 FEET, LESS AND EXCEPT IN OFFICIAL RECORDS BOOK 2345, PAGE 955, OFFICIAL RECORDS BOOK 2651, PAGE 960, OFFICIAL RECORDS BOOK 2731, PAGE 246, OFFICIAL RECORDS BOOK 3190, PAGE 4908 AND LESS THE EAST 60 FEET.

TOGETHER WITH:

THE WEST 200.00 FEET OF THE NORTH 1/2 OF LOT 29, LESS THE NORTH 333.00 FEET THEREOF, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION OF SECTION 5, TOWNSHIP 29 SOUTH, RANGE 37 EAST, AS RECORDED IN PLAT BOOK 1, PAGE 165, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

SAID DESCRIPTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION: (BY SURVEYOR)

A PORTION OF LOT 29, SECTION 5, TOWNSHIP 29 SOUTH, RANGE 37 EAST, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 165, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 6, BLOCK 306, PORT MALABAR UNIT NINE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGES 1-9, OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY; THENCE RUN NORTH  $00^{\circ}31'58"$  WEST, ALONG THE EAST LINE OF SAID BLOCK 306, A DISTANCE OF 44.55 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH  $00^{\circ}31'58"$  WEST ALONG SAID EAST LINE, A DISTANCE OF 329.64 FEET; THENCE SOUTH  $89^{\circ}33'46"$  EAST ALONG THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2651, PAGE 960, OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY, A DISTANCE OF 200.03 FEET; THENCE NORTH  $00^{\circ}31'58"$  WEST ALONG THE EAST LINE OF SAID OFFICIAL RECORDS BOOK 2651, PAGE 960, A DISTANCE OF 300.04 FEET; THENCE SOUTH  $89^{\circ}33'46"$  EAST ALONG THE SOUTH RIGHT OF WAY LINE OF MALABAR ROAD, A DISTANCE OF 50.07 FEET; THENCE SOUTH  $00^{\circ}36'00"$  EAST ALONG THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2731, PAGE 246, OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY, A DISTANCE OF 300.05 FEET; THENCE SOUTH  $89^{\circ}33'48"$  EAST ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 2731, PAGE 246 AND OFFICIAL RECORDS BOOK 2345, PAGE 955, OF THE SAID PUBLIC RECORDS, A DISTANCE OF 351.90 FEET; THENCE SOUTH  $00^{\circ}35'57"$  EAST ALONG THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 6437, PAGE 1747, OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY, A DISTANCE OF 329.01; THENCE NORTH  $89^{\circ}37'26"$  WEST ALONG THE NORTH LINE OF SAID OFFICIAL RECORDS BOOK 6437, PAGE 1747 AND THE NORTH LINE OF OFFICIAL RECORDS BOOK 2692, PAGE 846, OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY, A DISTANCE OF 602.73 FEET TO THE POINT OF BEGINNING, CONTAINING 4.90 ACRES MORE OR LESS.

### CIVIL INDEX OF DRAWINGS:

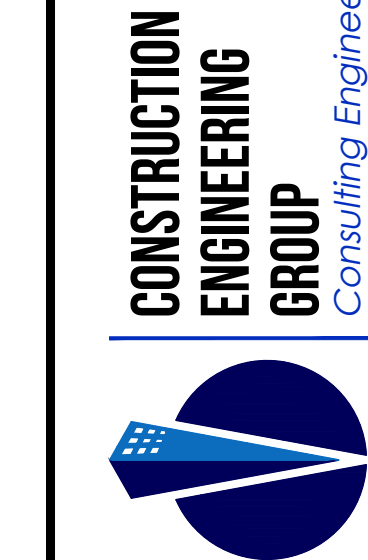
G-1	CIVIL COVER SHEET	C-10	SPECIFICATIONS
G-2	STORMWATER POLLUTION PREVENTION PLAN (SWPPP)	L-1	LANDSCAPE PLAN NORTH SITE
C-1	EXISTING CONDITIONS AND DEMOLITION PLAN	L-1A	LANDSCAPE PLAN PHARMACY SITE
C-2	SITE PLAN	L-2	LANDSCAPE PLAN SOUTH SITE
C-3A	GRADING AND DRAINAGE PLAN	L-3	LANDSCAPE DETAILS & NOTES OVERALL SITE
C-3B	GRADING SECTIONS AND DETAILS	L-4	IRRIGATION PLAN NORTH SITE
C-4A	UTILITY PLAN	L-5	IRRIGATION PLAN SOUTH SITE
C-4B	UTILITY PLAN	L-6	IRRIGATION DETAILS & NOTES
C-5	DETAILS	ESP1	SITE PLAN-PHOTOMETRICS
C-6	DETAILS	ESP2	SITE LIGHTING-CUT SHEETS
C-7	DETAILS	SD3	EXTERIOR ELEVATIONS
C-8	MAINTENANCE OF TRAFFIC DETAILS	SD4	EXTERIOR ELEVATIONS
C-9	LIFT STATION DETAILS		

### CIVIL LEGEND:

DESCRIPTION	
BUILDING OR STRUCTURE	
CONCRETE SIDEWALK	
ASPHALTIC PAVEMENT	
SEAL COAT	
DEMOLITION	
PROJECT BOUNDARY	
SWALE FLOWLINE	
8' TALL OPAQUE FENCE	
4' TALL BLACK VINYL CHAINLINK FENCE	
4' TALL SPLIT RAIL FENCE	
SILT FENCE	
SANITARY SEWER LINE	
FIRE WATER MAIN WITH VALVE AND HYDRANT	
WATERLINE WITH VALVE	
STORM DRAIN WITH INLET	
STORMWATER RETENTION	
SPOT ELEVATION	
SWALE OR FLOW DIRECTION	
PRESERVED TREE	
REMOVED/RELOCATED TREE	

THIS PROJECT WAS GRANTED CONDITIONAL USE APPROVAL BY THE PALM BAY CITY COUNCIL VIA RESOLUTION 2019-48, WITH THE FOLLOWING CONDITIONS:

- 1) CONSTRUCTING THE SELF-STORAGE FACILITY IN ACCORDANCE WITH THE SITE PLAN WHICH IS BY REFERENCE, INCORPORATED HEREIN AS EXHIBIT "A",
- 2) THE LAND DEVELOPMENT DIVISION STAFF REPORT WHICH IS BY REFERENCE INCORPORATED HEREIN AS EXHIBIT "B",
- 3) A CROSS-ACCESS AND SHARED PARKING AGREEMENT WITH THE OWNER OF THE ADJACENT PARCEL LOCATED AT 930 MALABAR ROAD SE (MALABAR PHARMACY) SHALL BE SUBMITTED FOR STAFF REVIEW UPON STAFF APPROVAL, THE AGREEMENT SHALL BE RECORDED IN THE BREVARD COUNTY PUBLIC RECORDS
- 4) A TRAFFIC STUDY AND ACCESS MANAGEMENT PLAN SHALL BE PROVIDED DURING THE ADMINISTRATIVE SITE PLAN REVIEW PROCESS
- 5) THE APPLICANT, AT THEIR EXPENSE, SHALL BE REQUIRED TO DESIGN, PERMIT, INSTALL, INSPECT, AND TEST WATER AND SEWER SYSTEMS OF ADEQUATE SIZE FOR CONNECTION TO THE CITY' S UTILITY SYSTEM
- 6) NO DOOR OPENINGS FOR ANY STORAGE UNIT, WITH THE EXCEPTION OF EMERGENCY EGRESS DOORS SHALL BE CONSTRUCTED FACING RESIDENTIALLY-ZONED PROPERTY
- 7) THE SUBMITTED CONDITIONAL USE SITE PLAN SHALL INCLUDE A LANDSCAPE PLAN
- 8) INTERIOR TRAFFIC LANES SHALL BE WIDE ENOUGH TO ACCOMMODATE LOADING AND UNLOADING AS WELL AS THROUGH AND/ OR EMERGENCY TRAFFIC
- 9) THE MAXIMUM STORAGE UNIT SIZE SHALL BE LIMITED TO THREE HUNDRED (300) SQUARE FEET,
- 10) THERE SHALL BE NO OUTSIDE STORAGE AT THE SITE,
- 11) THERE SHALL BE NO STORAGE OF HAZARDOUS OR FLAMMABLE CHEMICALS,
- 12) SUCH FACILITIES SHALL ONLY BE UTILIZED FOR STORAGE, OCCUPANCY FOR ANY OTHER USE IS PROHIBITED AND
- 13) APPLICANT SHALL ERECT AN EIGHT (8) FOOT TALL WOOD FENCE ALONG THE WEST PROPERTY LINE OF THE SUBJECT PROPERTY ADJACENT TO THE RESIDENTIAL LOTS ON CASSIA AVENUE SE
- 14) ALL PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF PALM BAY AND ALL OTHER STATE AND FEDERAL RULES REGULATIONS AND STATUTES



MALABAR MINI STORAGE - RTAP #4

ANSL & SONS, LLC  
MALABAR ROAD SE, PALM BAY, FLORIDA

DRAWING TITLE

CIVIL COVER SHEET

REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

RTAP #4-RESPONSE TO CITY COMMENTS	REVISION
8	06/20/23

REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

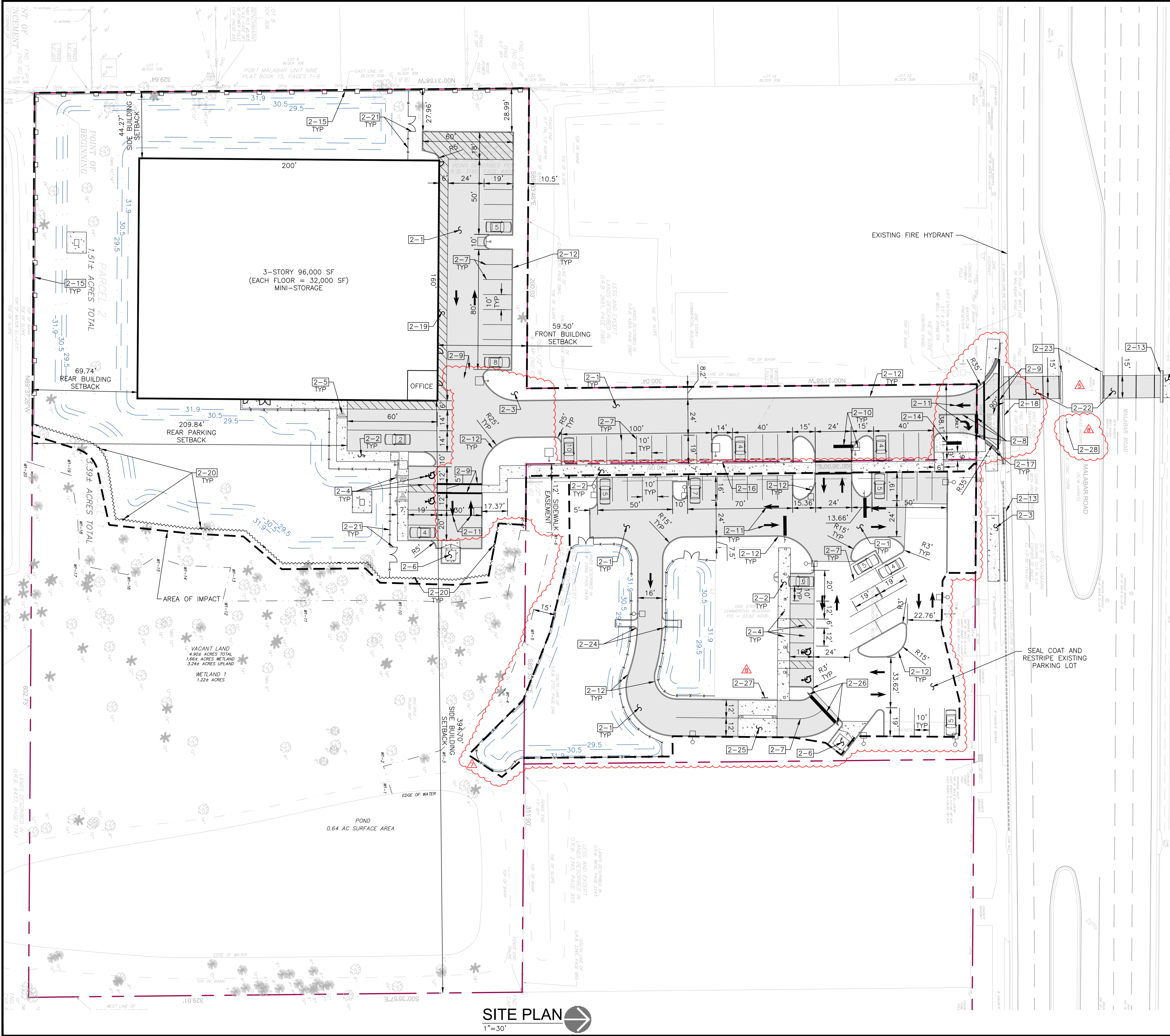
REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

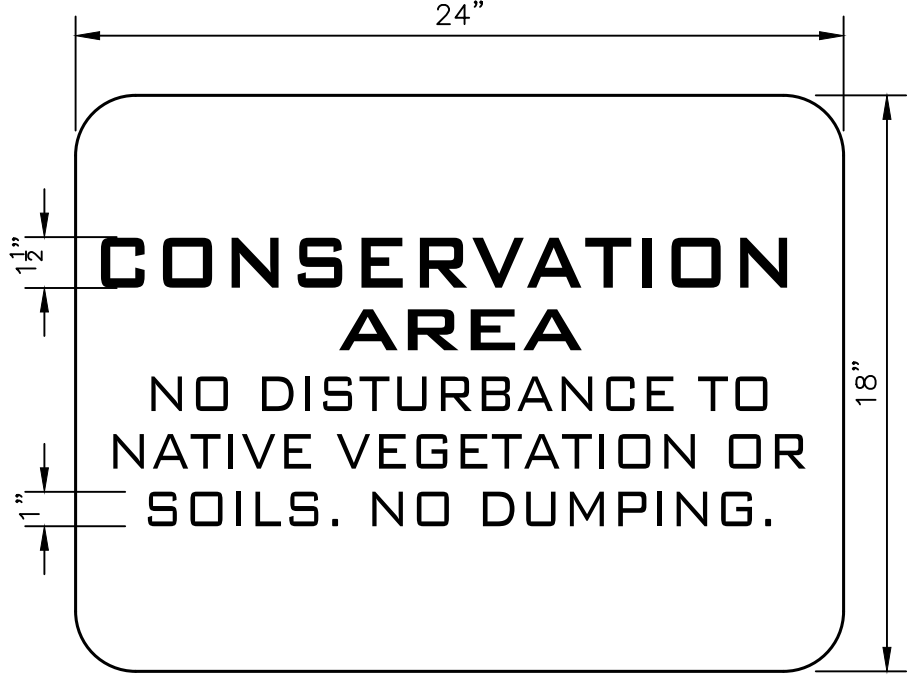
REVISION	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/02/22	RTAP #3
7	05/17/23	RTAP #4

REV#	DATE	REVISION
1	09/28/20	CITY & SJRWMD COMMENTS
2	01/15/21	CITY & SJRWMD COMMENTS
3	10/13/21	RTAP #1
4	11/16/21	COPB COMMENTS
5	05/06/22	RTAP #2
6	12/22/22	RTAP #3
7	05/17/23	RTAP #4





- NOTES:
- 2-1. PROVIDE 1-1/2" SP-12.5 ON-SITE ASPHALTIC PAVEMENT. SEE TYPICAL DETAILS.
  - 2-2. PROVIDE RAISED CONCRETE SIDEWALK. SEE TYPICAL DETAIL.
  - 2-3. PROVIDE CONCRETE SIDEWALK. SEE TYPICAL DETAIL.
  - 2-4. PROVIDE HANDICAP PARKING SPACE WITH SIGNAGE. SEE TYPICAL DETAILS.
  - 2-5. PROVIDE 6" LONG, MAXIMUM 6" RISE HANDICAP ACCESSIBLE RAMP PER ADA/FLORIDA ACCESSIBILITY REQUIREMENTS AND FDOT INDEX NO. 522-002.
  - 2-6. PROVIDE DUMPSTER ENCLOSURE. SEE TYPICAL DETAILS.
  - 2-7. PROVIDE 4" WIDE WHITE PAINTED STRIPE PER FDOT INDEX NO. 711-001.
  - 2-8. PROVIDE THERMOPLASTIC 24" WIDE WHITE STOP BAR, STOP SIGN, RIGHT TURN ONLY SIGN LOCATED BELOW STOP SIGN, AND 25 LF-6" WIDE DOUBLE YELLOW THERMOPLASTIC STRIPE PER FDOT INDEX NO. 711-001, MUTCD R1-1, AND MUTCD R3-5.
  - 2-9. PROVIDE THERMOPLASTIC 12" WIDE WHITE PARALLEL CROSS WALK PER FDOT INDEX NO. 711-001.
  - 2-10. PROVIDE THERMOPLASTIC 24" WIDE WHITE STOP BAR AND STOP SIGN PER FDOT INDEX NO. 711-001 AND MUTCD R1-1.
  - 2-11. PROVIDE THERMOPLASTIC WHITE DIRECTIONAL ARROWS PER FDOT INDEX NO. 711-001.
  - 2-12. PROVIDE FDOT TYPE 'D' CURB. SEE TYPICAL DETAILS.
  - 2-13. PROVIDE FDOT TYPE 'F' CURB AND GUTTER. SEE TYPICAL DETAILS.
  - 2-14. PROVIDE SITE MONUMENT SIGN, ELECTRIC AND COMMUNICATIONS AS PER THE ARCHITECTURAL DRAWINGS. CONTRACTOR SHALL PULL A SEPARATE PERMIT FOR THE MONUMENT SIGN WITH THE BUILDING DEPARTMENT.
  - 2-15. PROVIDE 8" TALL OPAQUE WOOD FENCE.
  - 2-16. PROVIDE 2" WIDE ASPHALT SECTION TO ALLOW POSITIVE DRAINAGE.
  - 2-17. PROVIDE 6" LONG, MAXIMUM 6" RISE HANDICAP ACCESSIBLE RAMP WITH DETECTABLE WARNINGS PER ADA/FLORIDA ACCESSIBILITY REQUIREMENTS AND FDOT INDEX NO. 522-002.
  - 2-18. PROVIDE FDOT VALLEY GUTTER PER FDOT INDEX NO. 520-001. SEE TYPICAL DETAILS.
  - 2-19. PROVIDE 6" WIDE WHITE PAINTED STRIPING SPACED 10' APART AT A 45° ANGLE PER FDOT INDEX NO. 711-001.
  - 2-20. PROVIDE 4" HIGH WOOD SPLIT RAIL FENCE WITH CONSERVATION SIGNS APPROXIMATELY 50' APART. SIGNS SHALL FACE AWAY FROM WETLANDS AND BE FASTENED TO FENCE POSTS WITH STAINLESS STEEL HARDWARE. SEE TYPICAL DETAIL BELOW.
  - 2-21. PROVIDE 4" TALL BLACK VINYL CHAINLINK FENCE WITH DUAL LOCKABLE GATES MINIMUM 10' WIDE. INSTALL PER MANUFACTURER'S SPECIFICATIONS.
  - 2-22. PROVIDE PAVEMENT RESTORATION AS REQUIRED FOR NEW 8" WATER LINE. SEE CITY OF PALM BAY TRENCH/PAVEMENT RESTORATION DETAIL AND TYPICAL ASPHALT PATCH WITHIN MALABAR ROAD RIGHT-OF-WAY DETAIL.
  - 2-23. PROVIDE FDOT TYPE 'E' CURB AND GUTTER, MATCH EXISTING. CONTRACTOR SHALL RESTORE RIGHT-OF-WAY BACK TO EQUIVALENT EXISTING CONDITIONS AFTER COMPLETION OF WORK PER CITY OF PALM BAY SPECIFICATIONS.
  - 2-24. PROVIDE CONCRETE FLUME. SEE TYPICAL DETAIL.
  - 2-25. PROVIDE COVERED PICK-UP. SEE ARCHITECTURAL & STRUCTURAL DRAWINGS FOR DESIGN OF CANOPY & FOR CONCRETE SLAB. COORDINATE WITH ALL DISCIPLINES.
  - 2-26. PROVIDE 30"x30" "DO NOT ENTER" SIGN PER MUTCD R5-1 ON THE BACK OF A 36"x36" STOP SIGN. PROVIDE THERMOPLASTIC 24" WIDE WHITE STOP BAR PER FDOT INDEX NO. 711-001. SEE TYPICAL DETAILS.
  - 2-27. PHARMACY PICK-UP WINDOW. SEE ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
  - 2-28. PROVIDE 36"x12" "ONE-WAY" SIGN PER FDOT INDEX NO. 711-001 AND MUTCD R6-1R.



TYPICAL CONSERVATION AREA SIGNAGE DETAIL  
NTS

LEGEND:



DATE:	9-25-19
SCALE:	1"=30'
PROJ. NO. :	180032
DESIGNED BY:	DMT
DRAWN BY:	SMB
CHECKED BY:	JTW
DRAWING NO.:	C-2



REVISION		CITY & SURVMD COMMENTS	
DATE	1 09/28/20	2 01/15/21	RTAP #1
REV	3 10/13/21	5 05/06/22	RTAP #2
	7 05/17/23	8 06/20/23	RTAP #4-RESPONSE TO CITY COMMENTS

CONSTRUCTION  
ENGINEERING  
GROUP  
Consulting Engineers

261 Epa Galle Blvd, Suite A  
Melbourne, FL 32935  
Tel: 321.253.1221  
www.cegeengineering.com  
COA #000897

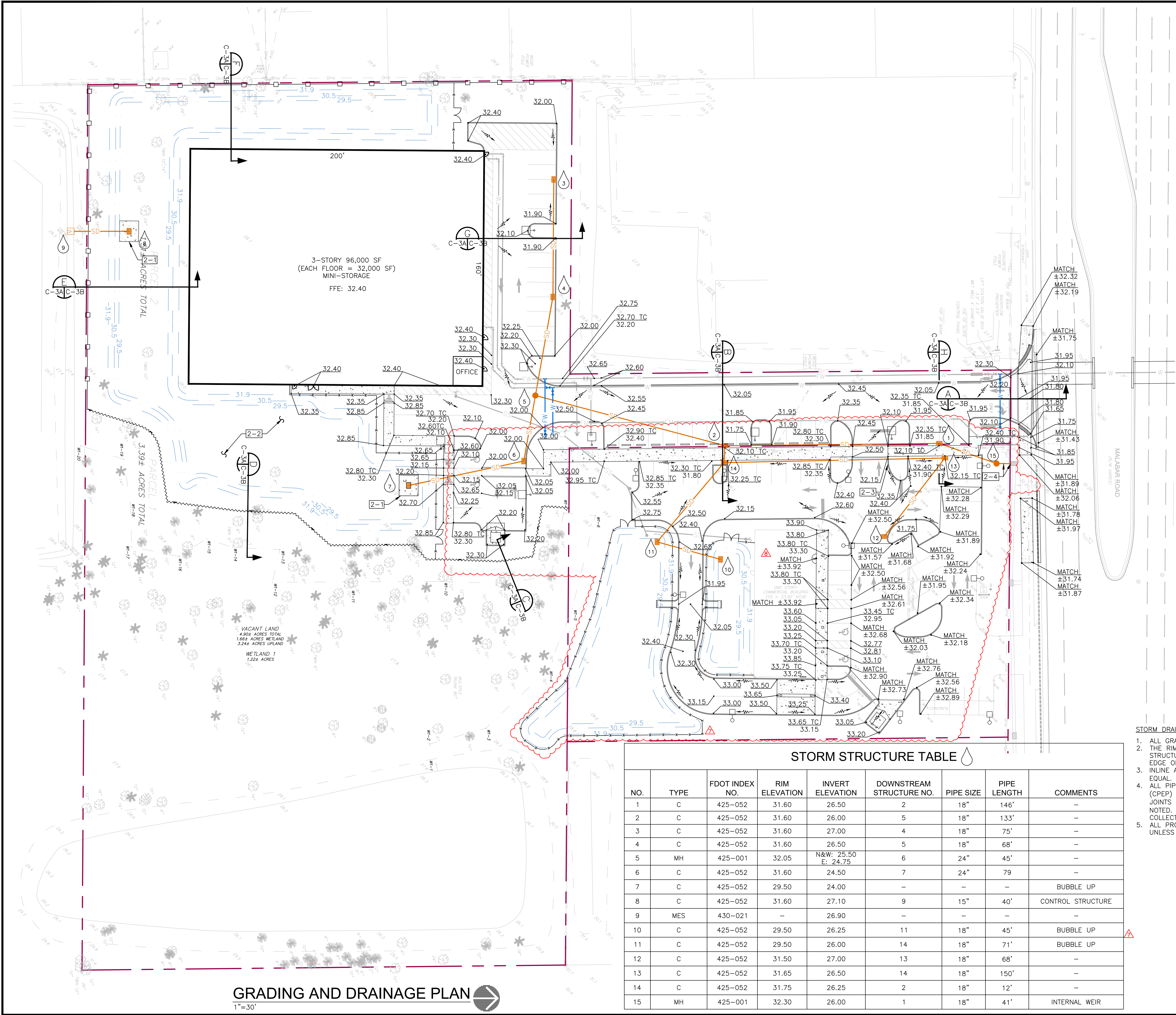
MALABAR MINI STORAGE - RTAP #4

ANSL & SONS, LLC  
MALABAR ROAD SE, PALM BAY, FLORIDA  
DRAWING TITLE  
SITE PLAN

THESE DOCUMENTS ARE THE PROPERTY OF THE ENGINEER. NO PART OF THESE DOCUMENTS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN CONSENT OF THE ENGINEER. ANY VIOLATION OF THIS STATEMENT SHALL BE SUBJECT TO THE FULL AND COMPLETE LIABILITY OF THE ENGINEER.

DATE:	9-25-19
SCALE:	1"=30'
PROJ. NO. :	180032
DESIGNED BY:	DMT
DRAWN BY:	SMB
CHECKED BY:	JTW
DRAWING NO.:	C-2





NOTES:

2-1. PROVIDE 5"x4" THICK CONCRETE COLLAR AROUND RIM OF BUBBLE UP STRUCTURE.

2-2. PROPOSED DRY RETENTION POND. CONTRACTOR SHALL KEEP RETENTION AREA CLEAN OF ALL SILT AND DEBRIS. ONCE CONSTRUCTED THE CONTRACTOR SHALL INSTALL AND MAINTAIN THE SILT FENCE AROUND PERIMETER THROUGHOUT CONSTRUCTION. CONTRACTOR SHALL PROVIDE A MINIMUM OF TWO PERMEABILITY TESTS IN THE POND BOTTOM PRIOR TO FINAL APPROVAL TO THE ENGINEER OF RECORD FOR REVIEW AND APPROVAL.

2-3. PROVIDE 6" WIDE CURB CUT. SEE TYPICAL DETAILS.

2-4. CORE DRILL EXISTING STRUCTURE AND PROVIDE 18" RCP PIPE TO PROPOSED STRUCTURE. GROUT ANNULAR SPACE FOR WATERTIGHT SEAL.

STORM DRAIN STRUCTURE NOTES:

1. ALL GRATES SHALL BE GALVANIZED STEEL WITH H-20 LOADING.

2. THE RIM ELEVATION FOR MANHOLES AND INLETS IS TOP OF STRUCTURE. FOR CURB AND GUTTER INLETS THE RIM ELEVATION IS EDGE OF PAVEMENT AND THE TOP IS PER LISTED FDOT INDEX.

3. INLINE AND DRAIN BASINS SHALL BE NYLOPLAST OR APPROVED EQUAL. GRATES SHALL BE 15" STANDARD H-20 LOADING.

4. ALL PIPING SHALL BE RCP. CORRUGATED POLYETHYLENE PIPE (CPEP) IS AN ACCEPTABLE ALTERNATIVE ON-SITE WITH WATERTIGHT JOINTS IF MINIMUM 2' OF COVER IS PROVIDED UNLESS OTHERWISE NOTED. POLYVINYL CHLORIDE (PVC) MAY BE UTILIZED FOR COLLECTION OF ROOF DRAINS.

5. ALL PROPOSED ELEVATIONS ARE REFERENCED TO THE NGVD 1929, UNLESS OTHERWISE NOTED.

STORM STRUCTURE TABLE

NO.	TYPE	FDOT INDEX NO.	RIM ELEVATION	INVERT ELEVATION	DOWNSTREAM STRUCTURE NO.	PIPE SIZE	PIPE LENGTH	COMMENTS
1	C	425-052	31.60	26.50	2	18"	146'	-
2	C	425-052	31.60	26.00	5	18"	133'	-
3	C	425-052	31.60	27.00	4	18"	75'	-
4	C	425-052	31.60	26.50	5	18"	68'	-
5	MH	425-001	32.05	N&W: 25.50 E: 24.75	6	24"	45'	-
6	C	425-052	31.60	24.50	7	24"	79'	-
7	C	425-052	29.50	24.00	-	-	-	BUBBLE UP
8	C	425-052	31.60	27.10	9	15"	40'	CONTROL STRUCTURE
9	MES	430-021	-	26.90	-	-	-	-
10	C	425-052	29.50	26.25	11	18"	45'	BUBBLE UP
11	C	425-052	29.50	26.00	14	18"	71'	BUBBLE UP
12	C	425-052	31.50	27.00	13	18"	68'	-
13	C	425-052	31.65	26.50	14	18"	150'	-
14	C	425-052	31.75	26.25	2	18"	12'	-
15	MH	425-001	32.30	26.00	1	18"	41'	INTERNAL WEIR

DATE:

9-25-19

SCALE:

1"=30'

PROJ. NO. :

180032

DESIGNED BY:

DMT

DRAWN BY:

SMB

CHECKED BY:

JTW

DRAWING NO.:

C-3A

CONSTRUCTION ENGINEERING GROUP

Consulting Engineers

MALABAR MINI STORAGE - RTAP #4

ANSL & SONS, LLC

MALABAR ROAD SE, PALM BAY, FLORIDA

DRAWING TITLE

GRADING AND DRAINAGE PLAN

261 EquiGalle Blvd., Suite A

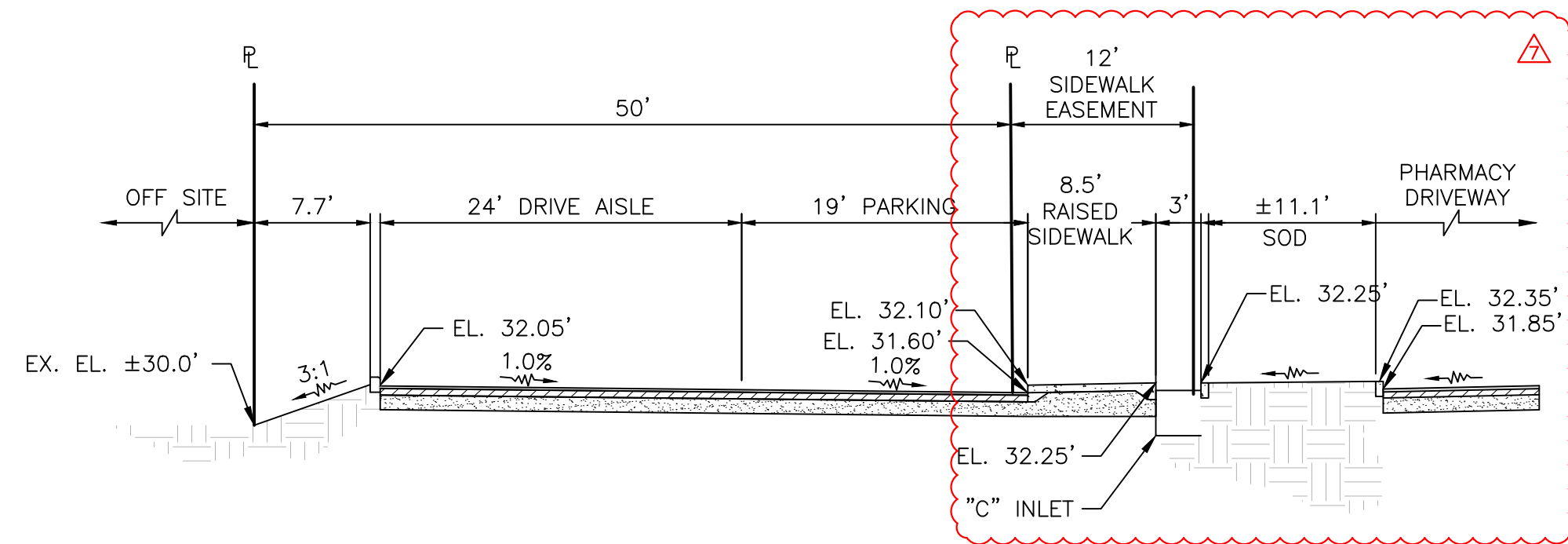
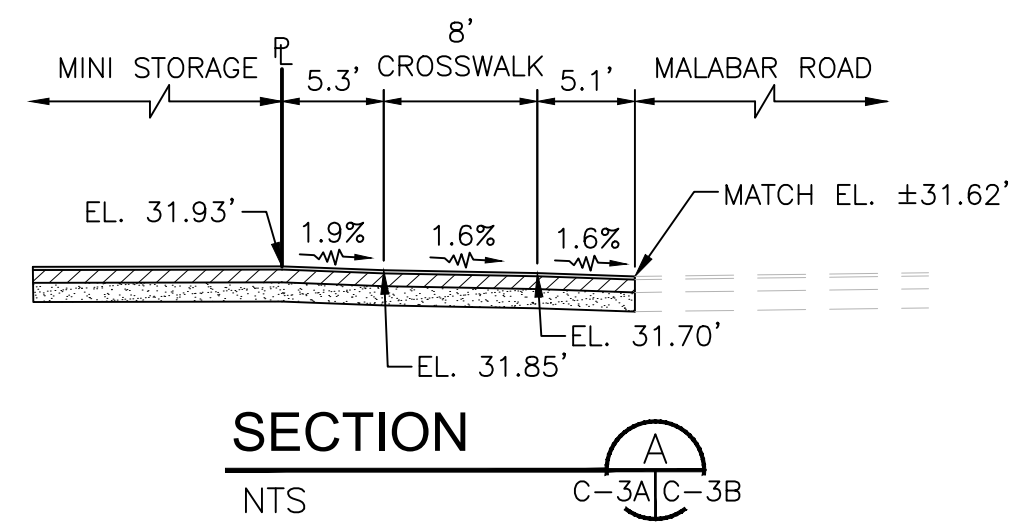
Melbourne, FL 32935

www.cegeengineering.com

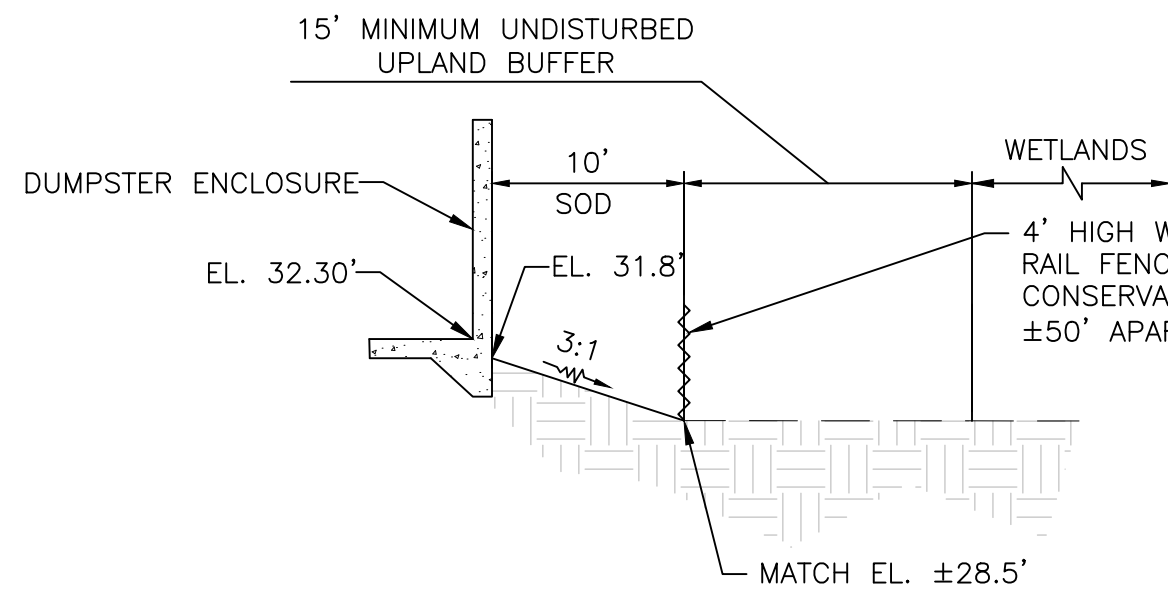
Tel. 321.253.1221

COA #008697

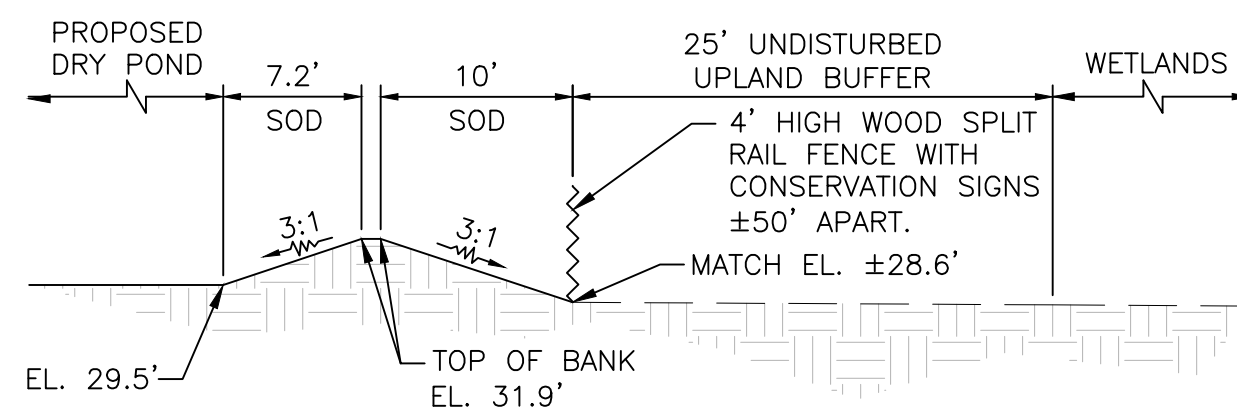




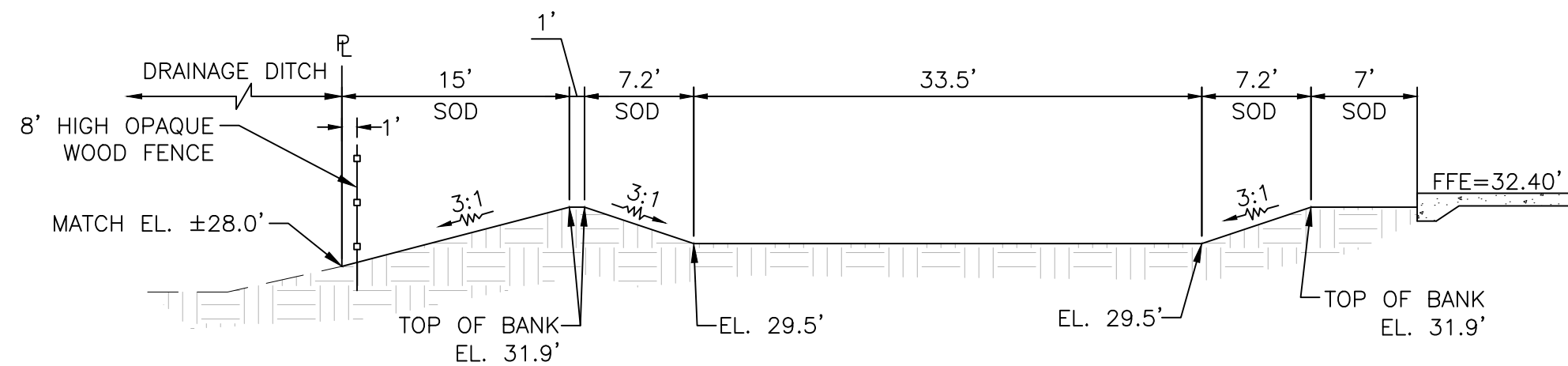
SECTION  
NTS



SECTION  
NTS

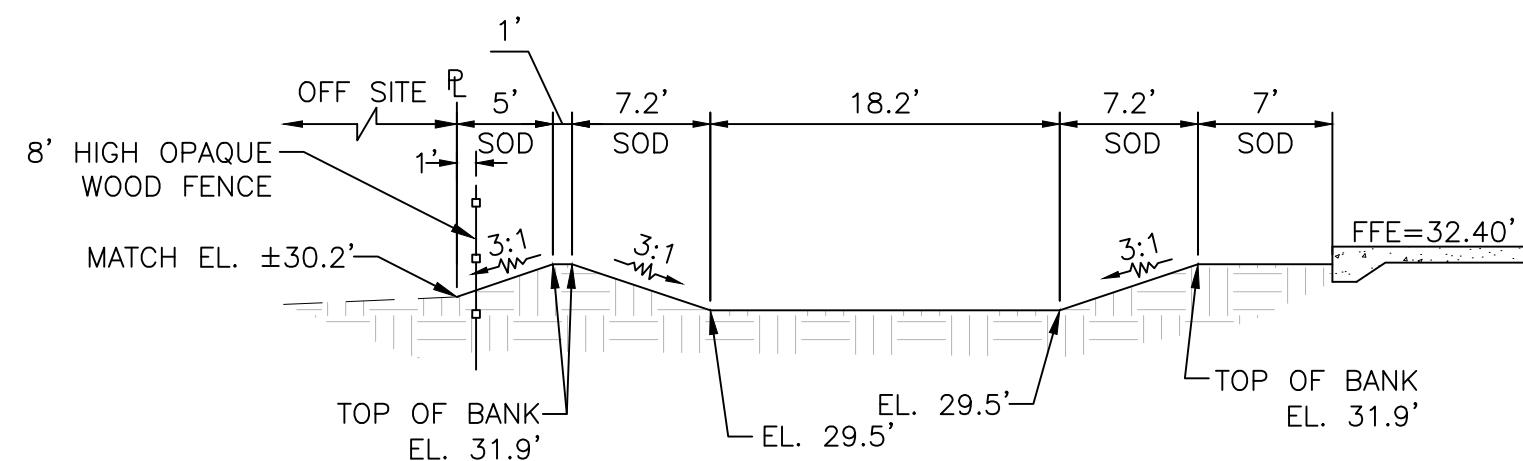


SECTION  
NTS



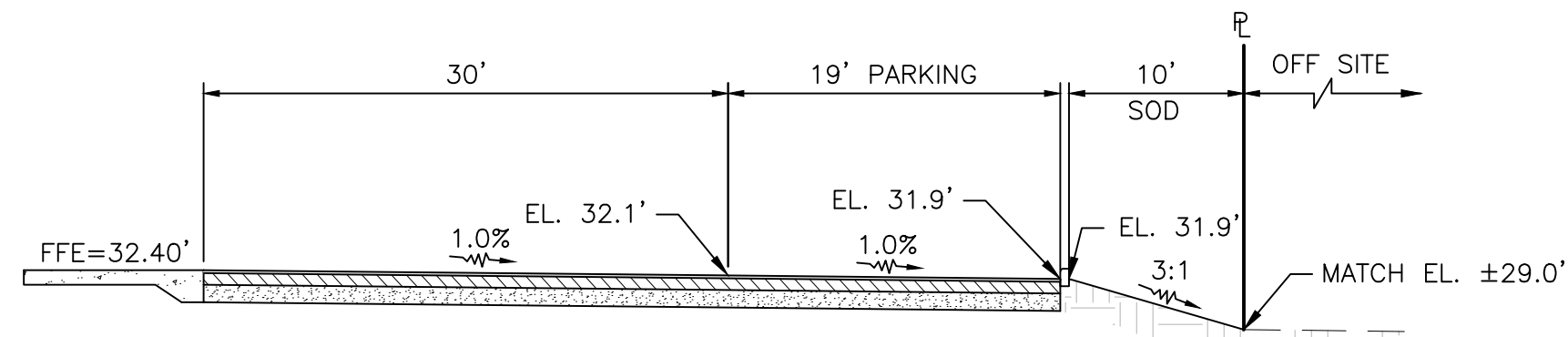
NOTES:  
1. DRY RETENTION POND BOTTOMS SHALL BE SEEDED AND MULCHED. IF SODDED SOD MUST BE SAND-GROWN BAHIA. ALL SIDE SLOPES SHALL BE SODDED WITH SAND-GROWN BAHIA. OTHER AREAS TO BE SODDED PER LANDSCAPE PLANS.

SECTION  
NTS

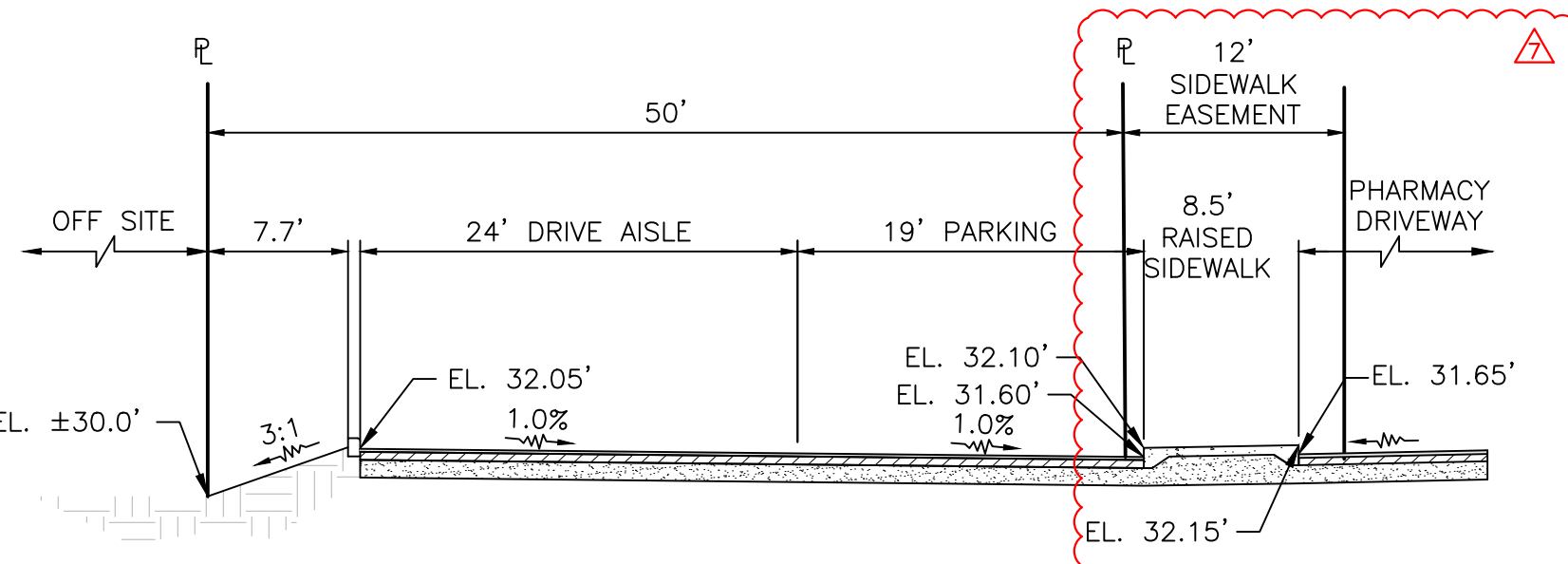


NOTES:  
1. DRY RETENTION POND BOTTOMS SHALL BE SEEDED AND MULCHED. IF SODDED SOD MUST BE SAND-GROWN BAHIA. ALL SIDE SLOPES SHALL BE SODDED WITH SAND-GROWN BAHIA. OTHER AREAS TO BE SODDED PER LANDSCAPE PLANS.

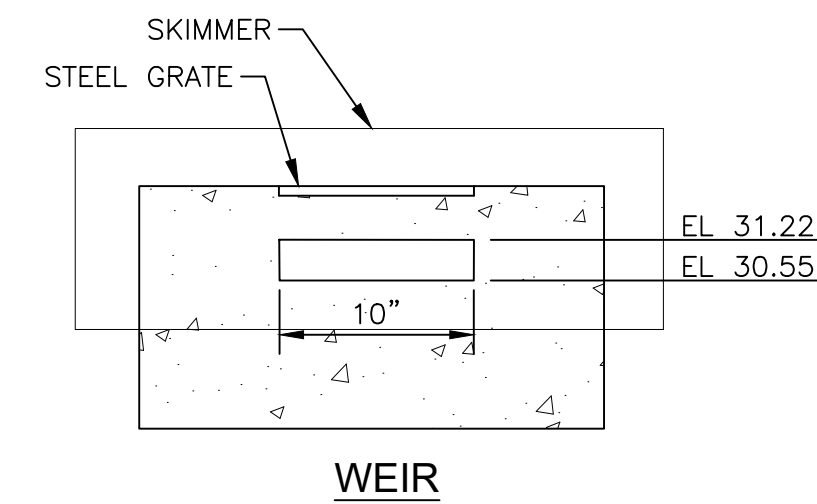
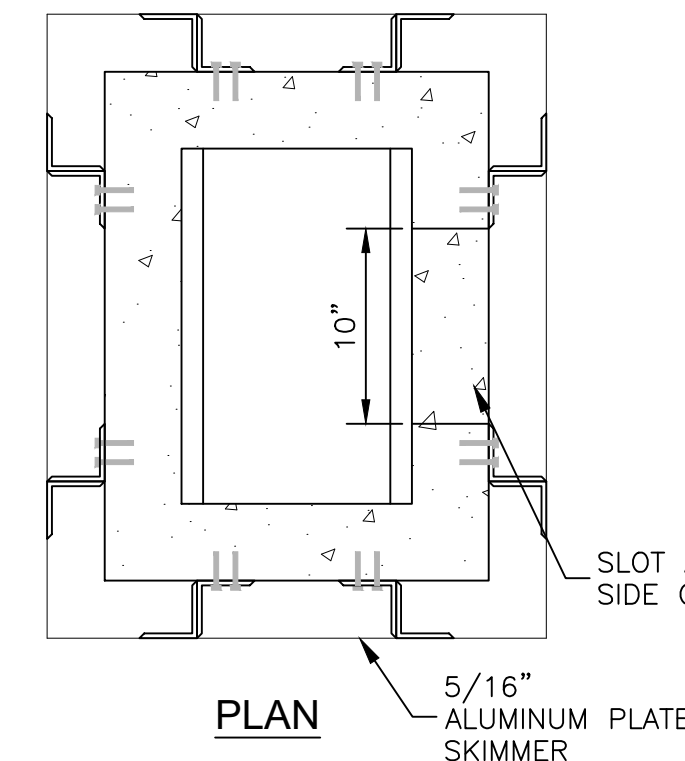
SECTION  
NTS



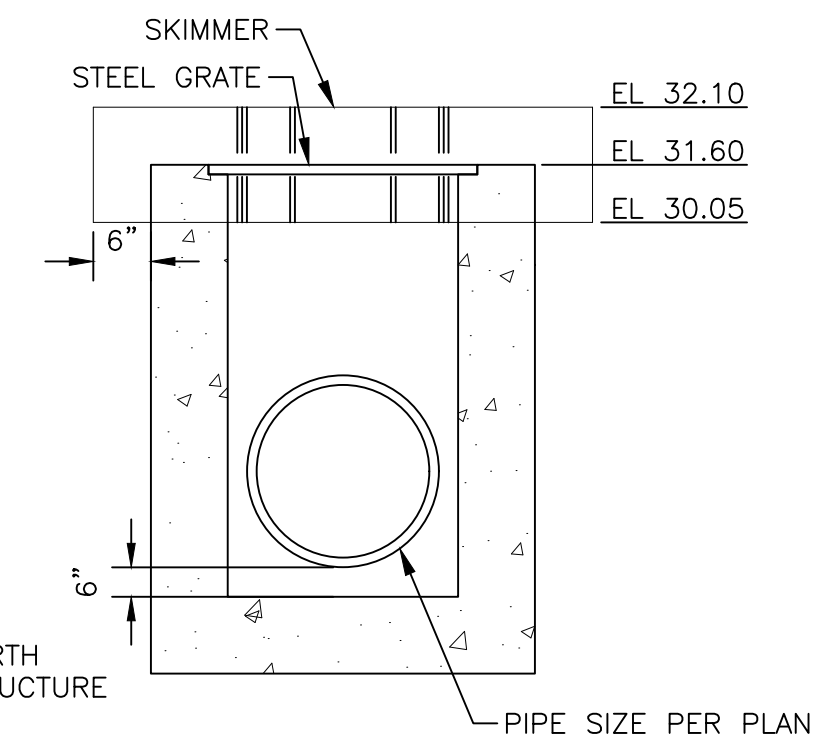
SECTION  
NTS



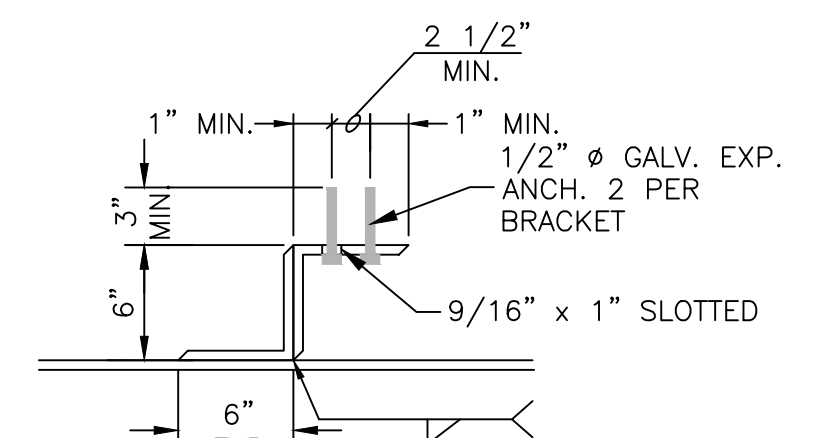
SECTION  
NTS



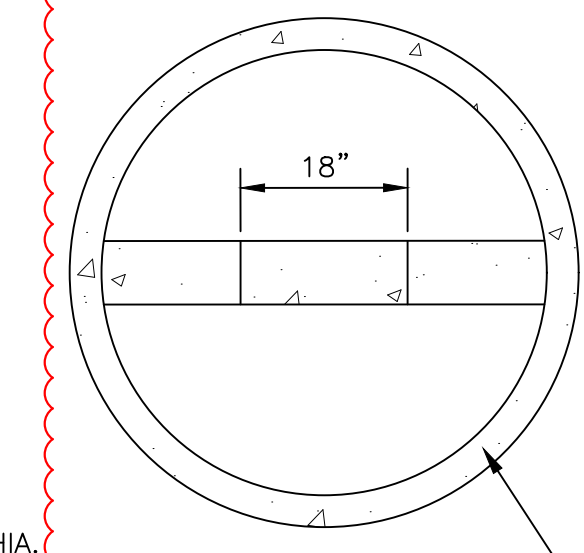
TYPICAL OVERFLOW SLOT DETAIL (STR.#8)  
NTS



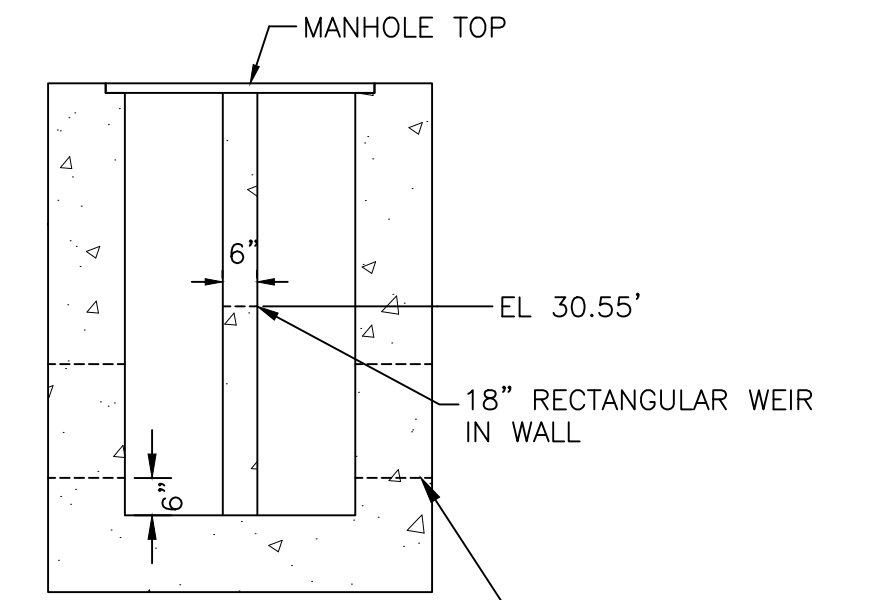
SECTION



SKIMMER DETAIL



PLAN

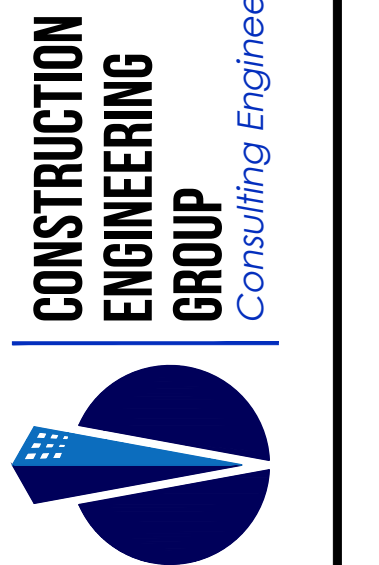


SECTION

INTERNAL WEIR STRUCTURE #15  
NTS

REV#	DATE	REVISION
1	09/28/20	CITY & SURVMD COMMENTS
2	01/15/21	CITY & SURVMD COMMENTS
7	05/17/23	RTAP #4

2681 EquiGalle Blvd, Suite A  
Mableton, FL 32935  
www.cegerengineering.com  
Tel: 321.253.1221  
COA #000897



MALABAR MINI STORAGE - RTAP #4

ANSL & SONS, LLC  
MALABAR ROAD SE, PALM BAY, FLORIDA

DRAWING TITLE

DRAINAGE SECTIONS AND DETAILS

THESE DOCUMENTS AND ANY INFORMATION HEREIN ARE THE PROPERTY OF CONSTRUCTION ENGINEERING GROUP, LLC AND ARE TO BE USED ONLY FOR THE SPECIFIC PROJECT NOTED ON THESE DOCUMENTS. ANY REPRODUCTION, MODIFICATION, OR DISTRIBUTION OF THESE DOCUMENTS WITHOUT THE EXPRESS WRITTEN CONSENT OF CEG IS PROHIBITED BY LAW.


DATE:	9-25-19
SCALE:	N.T.S.
PROJ. NO.:	180032
DESIGNED BY:	DMT
DRAWN BY:	SMB
CHECKED BY:	JTW
DRAWING NO.:	C-3B





# PALM BAY FIRE NOTES:

1. ((FFPC 1-18-2.3.4.1.1) FIRE DEPARTMENT ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED WIDTH OF NOT LESS THAN 20 FT. THE DRIVING SURFACE SHALL BE MAINTAINED DURING ALL PHASES OF CONSTRUCTION AND ((FFPC-1-18.2.3.5.2) MUST BE AN ALL-WEATHER DRIVING SURFACE CAPABLE OF SUPPORTING A 35-TON EMERGENCY VEHICLE.
2. ((FFPC 1-18.2.2.2) THE AHJ SHALL HAVE THE AUTHORITY TO REMOVE FIRE DEPARTMENT ACCESS BE PROVIDED TO GATED SUBDIVISIONS OR DEVELOPMENTS THROUGH THE USE OF AN APPROVED DEVICE OR SYSTEM. ALL MOTORIZED GATES SHALL INCLUDE A CLICK TO ENTER SYSTEM OR A SIREN OPERATED SWITCH AND KNOX PRODUCTS AT KNOXBOX.COM. INDICATE THE GATES SHALL HAVE A MINIMUM CLEAR WIDTH OF 14 FEET.
3. ((FFPC 1-18.5.7.1) A 36 IN. (914 MM) CLEAR SPACE SHALL BE MAINTAINED AROUND CIRCUMFERENCE OF FIRE HYDRANTS EXCEPT AS OTHERWISE REQUIRED OR APPROVED.
4. ((FFPC 1-18.5.7.2) CLEAR SPACE OF NOT LESS THAN 60 IN. (1524 MM) SHALL BE PROVIDED IN FRONT OF EACH HYDRANT CONNECTION HAVING A DIAMETER GREATER THAN 2 1/2 IN.
5. ((FFPC 1-18.5.1.6) FIRE HYDRANTS SHALL BE LOCATED NOT MORE THAN 12 FT. (3.7 m) FROM THE FIRE DEPARTMENT ACCESS ROAD.
6. ((NFPA 24-4.1.1.1) WATERMANS ON THE DOWNSTREAM SIDE OF THE DOUBLE DETECTOR CHECK VALVE (DDC) WHERE THE PUBLIC MAIN ENTERS THE SITE MAY BE CONSIDERED PRIVATE WATER PER THE CITY OF PALM BAY UTILITIES. THE PRIVATE WATER MAIN MUST BE PERMITTED AND APPROVED THROUGH THE CITY OF PALM BAY BUILDING DEPARTMENT BEFORE ANY WORK CAN BE DONE, AND INSPECTIONS SHALL BE INSPECTED BY THE CITY OF PALM BAY EXAMINER. THE SCOPE OF THE PERMIT MUST ENCOMPASS HE COMPLETE WATER MAIN BEGINNING AT THE DOWNSTREAM SIDE OF THE DDC WHERE THE PUBLIC MAIN ABUTS THE SITE.
7. ((NFPA 24-7.3.3) THE CENTER OF A HOSE OUTLET SHALL BE NOT LESS THAN 18 IN. (457 MM) ABOVE FINAL GRADE.

<p><b>CONSTRUCTION ENGINEERING GROUP</b></p>  <p><i>Consulting Engineers</i></p>		<p>2051 East Galle Blvd, Suite A Melbourne, FL 32935</p> <p>Tel. 321.253.1211</p> <p><a href="http://www.cseengineering.com">www.cseengineering.com</a></p> <p>COA #100897</p>	<p>REVISION</p> <p>DATE</p>	<p>CITY &amp; SURVMD COMMENTS</p> <p>RTAP #1</p> <p>RTAP #2</p> <p>RTAP #4</p>
		1	09/28/20	CITY & SURVMD COMMENTS
		2	01/15/21	CITY & SURVMD COMMENTS
		3	10/13/21	RTAP #1
		4	11/16/21	COBP COMMENTS
		5	05/06/22	RTAP #2
		6	05/06/22	RTAP #2
		7	05/17/23	RTAP #4
<p><b>MALABAR MINI STORAGE - RTAP #4</b></p> <p>ANSL &amp; SONS, LLC MALABAR ROAD SE, PALM BAY, FLORIDA</p> <p>DRAWING TITLE <b>UTILITY PLAN</b></p>				
<p><small>Copyright © 2014-2023 ALL RIGHTS RESERVED. THIS DRAWING AND THE PROJECT ARE THE PROPERTY OF CONSTRUCTION ENGINEERING GROUP, INC. NO PART OF THIS DRAWING OR THE PROJECT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM CONSTRUCTION ENGINEERING GROUP, INC. THE COMPANY ACCEPTS NO LIABILITY FOR ANY ERRORS OR OMISSIONS OF THE INFORMATION ON THIS DRAWING.</small></p>				
<p>DATE: 9-25-19</p> <p>SCALE: 1"=30'</p> <p>PROJ. NO.: 1800332</p> <p>DESIGNED BY: DMT</p> <p>DRAWN BY: SMB</p> <p>CHECKED BY: JTW</p> <p>DRAWING NO.: <b>C-4A</b></p>				



CODE TABULATIONS, CITY OF PALM BAY

LANDSCAPING REQUIREMENTS FOR YARD AREAS ABUTTING PUBLIC R.O.W.:

VEHICULAR USE AREA (VUA) ABUTTING R.O.W.	50 LF	1 TREES
TREES REQUIRED	1 TREE/50 LF	1 TREES
TREES PROPOSED		1 TREES
SHRUBS PROPOSED		10 SHRUBS

LANDSCAPING REQUIREMENTS FOR YARD AREAS ADJACENT TO INTERIOR PROPERTY LINES:

YARD AREA ABUTTING PROPERTY TO NORTH	244.37 LF ( EXCL. WETLANDS)	7 TREES
TREES REQUIRED	1 TREE/35 LF	21 (4 NEW ELM, 14 EXIST. PINE, 3 EXIST. OAK)
TREES PROPOSED		
YARD AREA ABUTTING PROPERTY TO EAST	329.01 LF	10 TREES
TREES REQUIRED	1 TREE/35 LF	17 (14 EXIST. PINE, 3 EXIST. OAK)
TREES PROPOSED		
YARD AREA ABUTTING PROPERTY TO SOUTH	247.23 LF (EXCL. WETLANDS)	7 TREES
TREES REQUIRED	1 TREE/35 LF	7 (5 NEW OAKS, 2 EXIST. OAK)
TREES PROPOSED		
YARD AREA ABUTTING PROPERTY TO WEST	329.64 LF	10 TREES
TREES REQUIRED	1 TREE/35 LF	10 (7 NEW OAKS, 3 EXIST. OAK)
TREES PROPOSED		
DRIVEWAY TARD AREA ABUTTING PROPERTY TO WEST	300.04' LF	9 TREES
TREES REQUIRED	1 TREE/35 LF	9 NEW ELM
TREES PROPOSED		

INTERIOR LANDSCAPE AREA REQUIREMENTS:

TOTAL PARKING AREA	27,137 SQ FT
TOTAL INTERIOR LANDSCAPE AREA REQUIRED	10% OF PARKING AREA
TOTAL INTERIOR LANDSCAPING PROPOSED	2,714 SQ FT
	2,895 SQ FT

TREES REQUIRED	1 TREE/200 SQ FT	14 TREES
TREES PROPOSED (4 BROADLEAF, 4 PALMS, 10 EXISTING)		18 TREES
REPLACEMENT TREES:		reopen
TOTAL CALIPER OF EXCEPTIONAL SPECIMEN TREES TO BE REMOVED		618
TOTAL CALIPER OF MITIGATION TREES REQUIRED		105
TOTAL 2" TREES REQUIRED		107 TREES

NOTE: NONE OF THE 107 REPLACEMENT TREES HAVE BEEN INCORPORATED IN THE DESIGN. THE APPLICANT SHALL PAY THE TREE MITIGATION FEE FOR THESE 107 TREES PRIOR TO ISSUANCE OF THE SITE WORK PERMIT. THE FEE IS \$350 PER TREE, FOR A TOTAL OF \$37,450.

EXISTING TREES:

TOTAL EXISTING TREES ON SITE	(119) LIVE OAK, (208) PINE, (2) MAPLE, (62) PALM
TOTAL EXISTING TREES TO BE PRESERVED	(81) LIVE OAK, (111) PINE, (2) MAPLE, (42) PALM
TOTAL EXISTING EXC., SPECIMEN TREES TO BE REMOVED	(14) OAK, (18) PINE

EXISTING EXCEPTIONAL TREES TO BE REMOVED

COMMON NAME	BOTANICAL SPECIES	NUMBER OF TRUNKS	EXISTING TREES REMOVED D.B.H. QUANTITY TOTAL	MITIGATION REQUIRED D.B.H./6 2" TREES REQD
OAK	QUERCUS	SINGLE	18 4 72	12 6
			24 3 72	12 6
			26 3 78	13 7
		TRIPLE	54 1 54	9 5
			58 1 58	10 5
			60 1 60	10 5
TOTAL OAKS			13	34
PINE	PINUS	SINGLE	18 6 108	18 9
			20 1 20	4 2
			24 4 96	16 8
TOTAL PINES			11	19
TOTAL QUANTITY REMOVED			24	
TOTAL CALIPER REMOVED				618
TOTAL 2" MITIGATION TREES REQUIRED				53

PLANT SYMBOL LEGEND

TREES AND LARGE PALMS

(QV) LIVE OAK
(UA) FLORIDA ELM
(MG) SOUTHERN MAGNOLIA
(ED) JAPANESE BLUEBERRY
(SP) CABBAGE PALM

MITIGATION TREES

(JS) SOUTHERN RED CEDAR
(DR) ROYAL POINCIANA

SMALL SHRUBS + GROUNDCOVERS

(SA) DWARF GREEN SCHEFFLERA
(HP) DWARF FIREBUSH
(SV) DWARF VARIG. SCHEFFLERA
(FM) GREEN ISLAND FICUS
(ZP) COONTIE
(DT) BLUEBERRY FLAX LILY

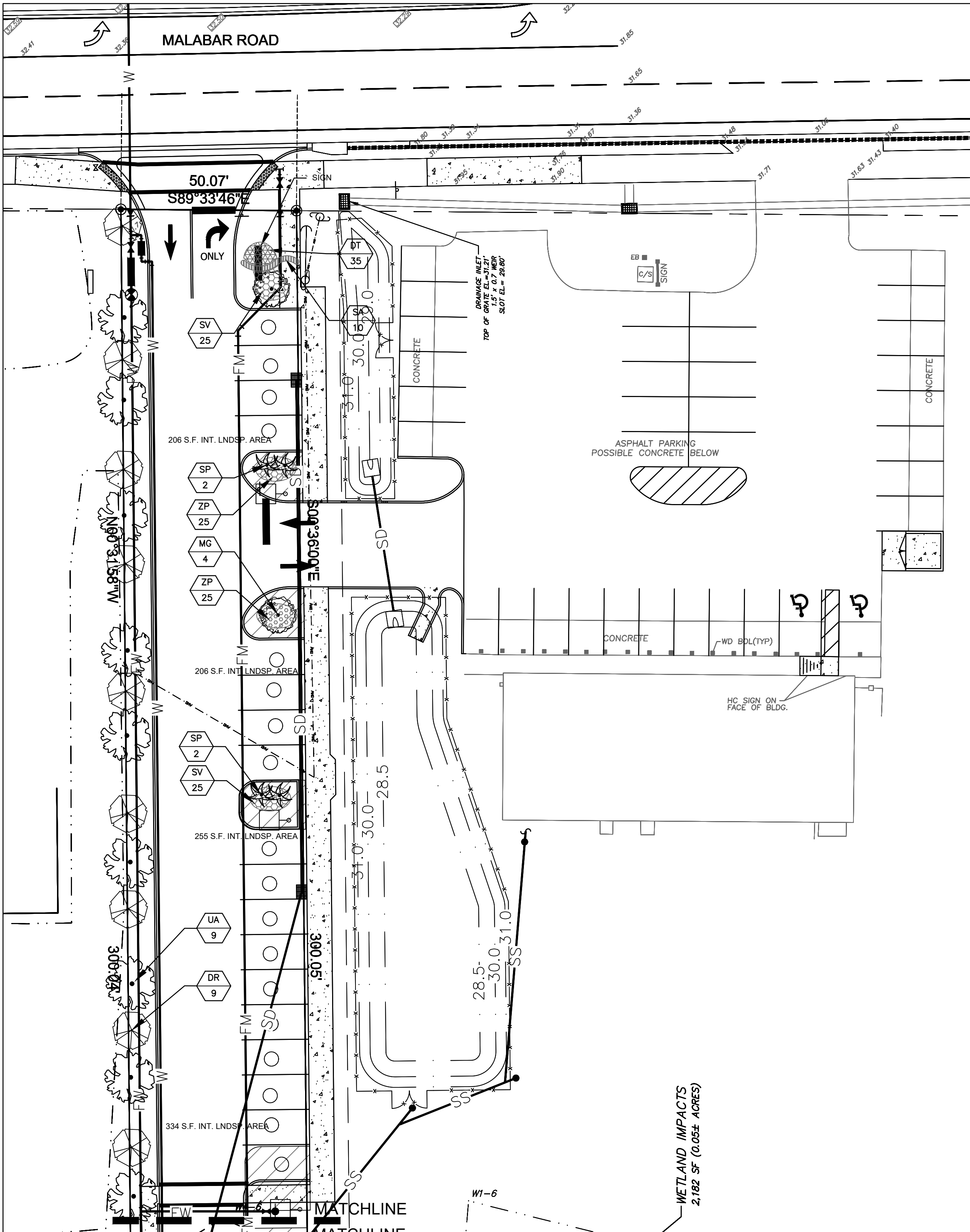
PLANT LIST

Plan Code	Common Name	Botanical Name	Overall Min. Height	Min. Spread	Min. Root Ball	Min. Trunk Size & Spacing	TOTAL
<b>Trees</b>							
QV	LIVE OAK	QUERCUS VIRGINIANA	10" O.A.	5'	25 GAL.	2" CAL./5' C.T. SINGLE	12
MG	MAGNOLIA, SOUTHERN	MAGNOLIA GRANDIFLORA	10" O.A.	4'	25 GAL.	2" CAL./4' C.T. SINGLE	2
ED	JAPANESE BLUEBERRY	ELAEOCARPUS DECIPUENS	10" O.A.	4'	25 GAL.	2" CAL./4' C.T. SINGLE	2
UA	FLORIDA ELM	ULMUS AMERICANA 'FLORIDANA'	10" O.A.	4'	25 GAL.	2" CAL./5' C.T. SINGLE	13
<b>Mitigation Trees</b>							
JS	SOUTHERN RED CEDAR	JUNIPERUS SILICICOLA	10" O.A.	4'	25 GAL.	2" CAL./3' C.T. SINGLE	41
DR	ROYAL POINCIANA	DELONIX REGINA	10" O.A.	4'	25 GAL.	2" CAL./6' C.T. SINGLE	12
<b>Palms</b>							
SP	CABBAGE PALM	SABAL PALMETTO	VARIES	CROP	BARE	14" C.T.	7
<b>Large Shrubs &amp; Accent Plants</b>							
SA	DWARF SCHEFFLERA	SCHEFFLERA ARBICOLA	36" O.A.	24"	10 GAL.	30" O.C.	38
<b>Small Shrubs / Groundcovers</b>							
HP	DWARF FIREBUSH	HAMELIA PATENS 'COMPACTA'	18" O.A.	15"	3 GAL.	30" O.C.	43
FM	GREEN ISLAND FICUS	FICUS MICROCARPA 'GREEN ISLAND'	12" O.A.	9"	3 GAL.	24" O.C.	23
ZP	COONTIE	ZAMIA PUMILLA	9" O.A.	9"	3 GAL.	24" O.C.	50
SV	DWARF VAIG. SCHEFFLERA	SCHEFFLERA ARBICOLA 'TRINETTE'	18" O.A.	15"	3 GAL.	24" O.C.	50
DT	BLUEBERRY FLAX LILY	DANIELLA TASMANICA	9" O.A.	9"	1 GAL.	18" O.C.	35
<b>Turfgrass</b>							
SOD	BAHIA SOD	PASPALUM NOTATUM				NO GAPS OVER 3/4"	AS REQD.
MULCH	SHREDDED/CHIPPED HARDWOOD					DARK BROWN/CHOCOLATE COLOR	

NOTE: SEE CIVIL PLANS FOR ADDITIONAL AREAS THAT REQUIRE BAHIA SOD

PLANT LIST ABBREVIATIONS

HT.	= HEIGHT
OA.	= OVERALL HT.
O.C.	= ON CENTER SPACING
CAL.	= CALIPER OF TRUNK AT 6" HEIGHT ABOVE TOP OF ROOT BALL
D.B.H.	= CALIPER OF TRUNK AT 4'-6" HEIGHT ABOVE TOP OF ROOT BALL
C.T.	= CLEAR TRUNK HEIGHT
MIN.	= MINIMUM
GAL.	= GALLON CONTAINER
GALV.	= GALVANIZED
GA.	= GAUGE
P.T.	= PRESSURE TREATED
F.G.	= FIELD GROWN
QV	= SPECIES PER PLANT LIST CODE
7	= QUANTITY

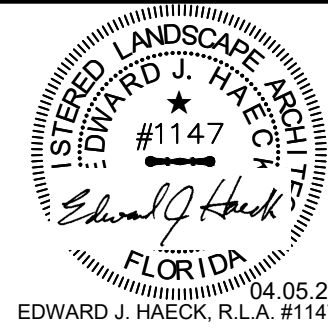


REVISION	DATE	DESCRIPTION
2	01/15/21	CITY & SJRWMD COMMENTS

REPRODUCTION IN PART OR WHOLE IS PROHIBITED WITHOUT THE EXPLICIT WRITTEN PERMISSION FROM EDWARD J. HAECK, R.L.A.

MALABAR MINI-STORAGE  
MALABAR RD.  
PALM BAY, FLORIDA

Edward J. Haeck, R.L.A.  
LANDSCAPE ARCHITECTURE & LAND PLANNING  
(321) 327-4524 MELBOURNE, FLORIDA  
STATE OF FLA. REGISTERED LANDSCAPE ARCHITECT #1147

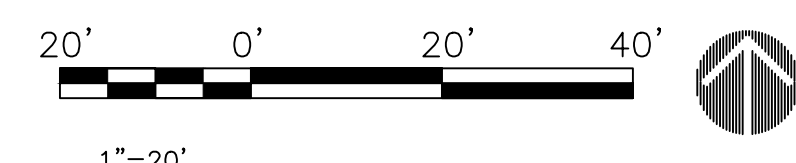
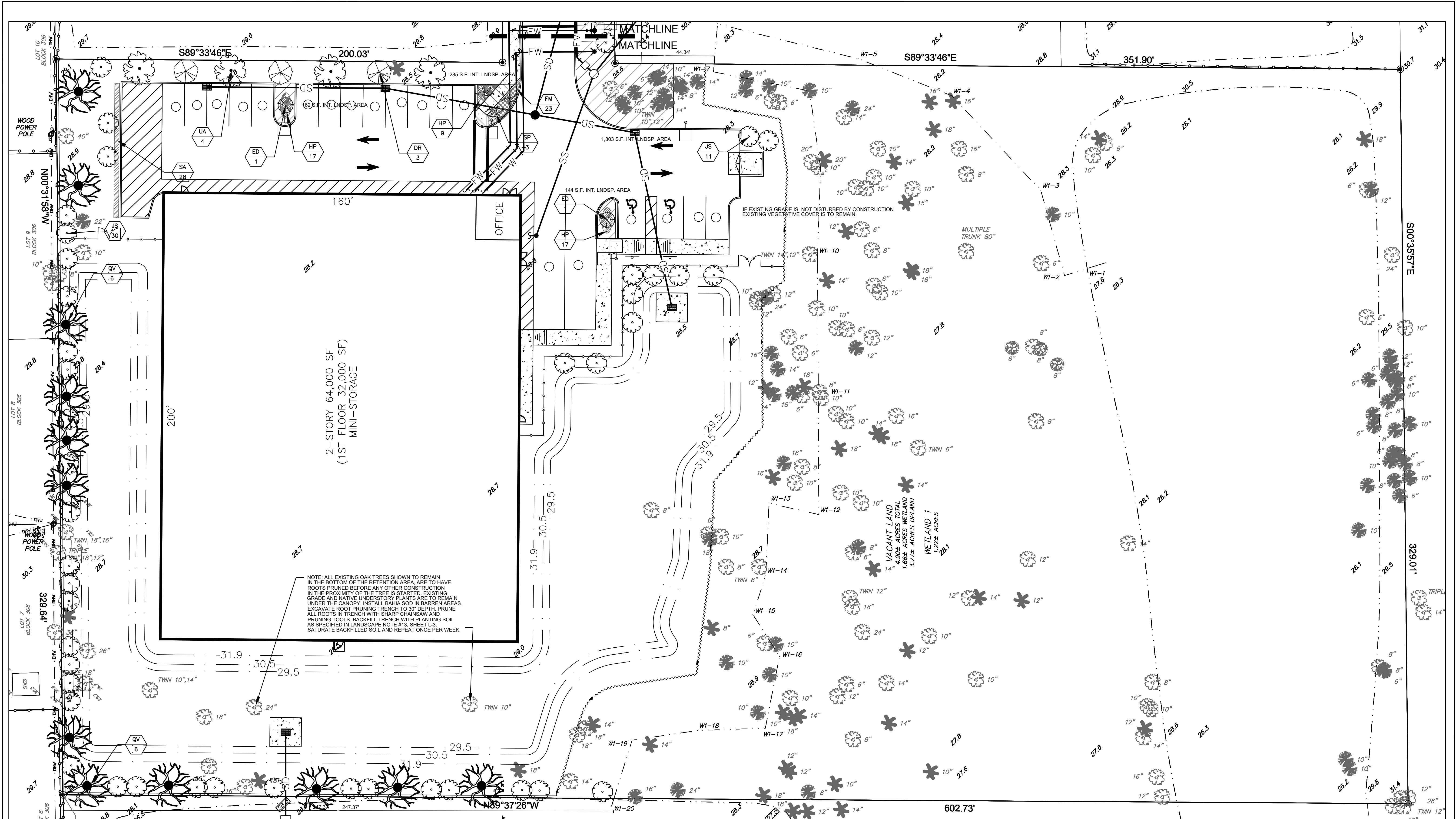


LANDSCAPE PLAN  
NORTH SITE

1" = 20'

DATE	09.25.19
DRAWN BY	HAECK
CHECKED BY	HAECK
FILE NAME	L-MMS-LBASE-F
SHEET	1 OF 6
	L-1

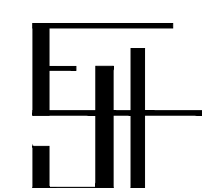




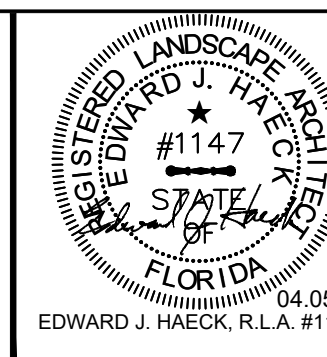
REVISION	DATE	DESCRIPTION
2	01/15/21	CITY & SJWMD COMMENTS

REPRODUCTION IN PART  
OR WHOLE IS PROHIBITED  
WITHOUT THE EXPLICIT  
WRITTEN PERMISSION FROM  
EDWARD J. HAECK, R.L.A.

**MALABAR MINI-STORAGE**  
MALABAR RD.  
PALM BAY, FLORIDA



**Edward J. Haeck, R.L.A.**  
LANDSCAPE ARCHITECTURE & LAND PLANNING  
(321) 327-4524 MELBOURNE, FLORIDA  
STATE OF FLA. REGISTERED LANDSCAPE ARCHITECT #1147



**LANDSCAPE PLAN  
SOUTH SITE**

1" = 20'

DATE	09.25.19
DRAWN BY	HAECK
CHECKED BY	HAECK
FILE NAME	L-MMS-Lbase-F
SHEET	2 OF 6
	L-2

# Project Details: CU23-00010

## Project Type: Conditional Use

Project Location: 920 MALABAR RD SE # 2700 ANNELEIGH CIR Palm Bay, FL 32907  
Milestone: Submitted  
Created: 7/19/2023  
Description: Malabar Mini Storage  
Assigned Planner: Jesse Anderson

### Contacts

Contact	Information
Owner/Applicant	Bavachand Sheladia, ANSL & SONS LLC 4510 BABCOCK ST NE PALM BAY, FL 32905 (321) 446-4621 mbs3527@gmail.com
Legal Representative	Jake Wise 2651 W Eau Gallie Blvd Melbourne, FL 32935 (321) 610-1760 jwise@cegengineering.com
Assigned Planner	Jesse Anderson Palm Bay, FL 32907  jesse.anderson@palmbayflorida.org
Submitter	Jake Wise 2651 W Eau Gallie Blvd; Suite A Melbourne, FL 32935  jwise@cegengineering.com

### Fields

Field Label	Value
Block	7
Lot	
Section Township Range	05-29-37
Subdivision	00
Year Built	
Use Code	1000
Use Code Desc	VACANT COMMERCIAL LAND

# Project Details: CU23-00010

LotSize	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	2925027
Flu Description	Commercial
Flu Code	COM
Zoning Description	Community Commercial
Zoning Code	CC
Size of Area (acres)	
Conditional Use Sought	Seeking to amend the existing Conditional Use (CU26-2019), Resolution 2019-48, from a two (2) story 64,000 sf self storage facility with approximately 600 storage units to a three (3) story 96,000 sf self storage facility with 612 units.
or Special Requirements Use	Self-Storage Facility
Is Submitter the Representative?	False
Tax Account Numbers	2925027 & 2959172
Parcel Number	29-37-05-00-7 & 29-37-05-00-20
Resolution Number	



July 18, 2023

Re: Letter of Authorization

As the property owner of the site legally described as:

29-37-05-00-7 & 29-37-05-00-20

I, Owner Name: Ansl & Sons, LLC

Address: 4510 Babcock NE Street; Palm Bay, FL 32905

Telephone: 321-446-4621

Email: mbs3527@gmail.com

hereby authorize:

Representative: Jake Wise, PE- Construction Engineering Group, LLC

Address: 2651 W Eau Gallie Blvd, Suite A; Melbourne, FL 32935

Telephone: 321-610-1761

Email: jwise@cegengineering.com

to represent the request(s) for:

Conditional Use and any/all associated submittals

  
(Property Owner Signature)

STATE OF Florida

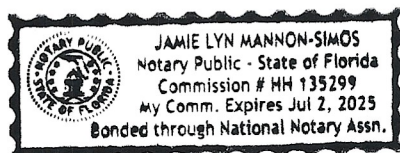
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 18<sup>th</sup> day of July, 2023 by

Baurehand Shelside, property owner.

  
Jamie Mannon-Simos, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:



# Acknowledgement Log

 CU23-00010 | *Conditional Use*

Header: Legal Acknowledgement

Text: I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made 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 application and that the facts stated in it are true.

Accepted By: Jake Wise

On: 7/19/2023 2:51:35 PM

 CU23-00010



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

**PUBLICATION**

Florida Today

**TOLL-FREE**

888-516-9220

**Local #**

321-242-3632

**Email**

BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005776458

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 174.12

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/23/23

**Text of Ad:**

Ad#5776458 07/23/2023  
CITY OF PALM BAY, FLORIDA  
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 August 2, 2023, and by the City Council on August 17, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1. \*\*CU23-00010 - Ansl & Sons, LLC (Jake Wise, Construction Engineering Group LLC, Rep.)

A Conditional Use to amend an existing resolution to allow for a proposed three-story self-storage facility subject to the following provisions: in the Community Commercial District in accordance with Section 185.043(D)(9)

Tax Parcels 20 and 7, Section 5, Township 29, Range 37, Brevard County, Florida, containing approximately 4.93 acres. Generally located in the vicinity south of Malabar Road SE and west of Valor Drive SE, specifically at 920 Malabar Road SE

\*\*Indicates quasi-judicial request(s).

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.

Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.

Chandra Powell  
Planning Specialist





## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Alexandra Bernard, Principal Planner

**DATE:** August 2, 2023

**SUBJECT:** T23-00017 - Billboard and Interchange Signs - All Digital All Day, LLC (Matthew Ashley, Rep.) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17, to modify language for the distance between billboards to be in alignment with state statutes

### ATTACHMENTS:

#### Description

- 📎 T23-00017 – Staff Report
- 📎 T23-00017 - Application
- 📎 T23-00017 - Legal Acknowledgement
- 📎 T23-00017 - Legal Ad



## STAFF REPORT

### LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

#### Prepared by

Alix Bernard, Principal Planner

---

#### CASE NUMBER

T23-00017

#### PLANNING & ZONING BOARD HEARING DATE

August 2, 2023

---

#### APPLICANT

All Digital All Day, LLC

#### PROPERTY LOCATION/ADDRESS

Not Applicable

---

#### SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17 Billboard and Interchange Signs, to modify language for the distance between interchange signs to be in alignment with state statutes.

##### Existing Zoning

Not Applicable

##### Existing Land Use

Not Applicable

##### Site Improvements

Not Applicable

##### Site Acreage

Not Applicable

---

#### SURROUNDING ZONING & USE OF LAND

##### North

Not Applicable

##### East

Not Applicable

##### South

Not Applicable

##### West

Not Applicable

---

**BACKGROUND:**

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17 Billboard and Interchange Signs, to modify language for the distance between interchange signs to be in alignment with state statutes.

The applicant for this amendment is All Digital All Day, LLC (Matthew Ashley, Rep.). The applicant is requesting a modification to the current Code of Ordinances so that the City of Palm Bay's code in reference to Billboards and Interchange Signs is synchronized with Florida State Statutes.

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~striketrough~~ format.

**ANALYSIS:**

The purpose of the sign code is to promote public health, safety and general welfare by establishing standards for the fabrication, erection, use, maintenance and alteration of signs within the City, which standards allow and encourage creativity, effectiveness and flexibility in the design and use of signs, promotes pedestrian and traffic safety by reducing signs within the City that pose visual hazards, preserving and improving the City's aesthetic appearance and mitigating against visual blight, balancing the promotion of public health, safety and welfare with the public's interest in presenting and receiving constitutionally protected messages by way of signs within the City.

The applicant states the justification for the proposed change to interchange sign from 500 feet to 1500 feet is that the change will coincide with billboard's distance which is 1500 feet as regulated by Florida Statute 479.07 bring consistency to the City of Palm Bay code.

**STAFF RECOMMENDATION:**

Case T23-00017 is recommended for approval.



## TITLE XVII: LAND DEVELOPMENT CODE

### CHAPTER 185: SIGNS

#### § 178.17 BILLBOARD AND INTERCHANGE SIGNS.

- (A) Billboard signs may be permitted on industrial or commercial zoned properties which are not within one-half (1/2) mile of an Interstate 95 interchange, but which abut Palm Bay Road or Interstate 95, subject to the following restrictions:
- (1) Height shall not exceed sixty (60) feet;
  - (2) Sign Surface Area shall be:
    - (a) between three hundred and sixty (360) square feet and six hundred and eighty (680) square feet, (excluding cabinetry and trim); and
    - (b) between two hundred (200) square feet and three hundred eighty-five (385) square feet, (excluding cabinetry and trim) along Palm Bay Road; and
    - (c) embellishments shall not extend more than five (5) feet beyond the permanent sign face.
  - (3) No Billboard sign shall be located less than 1,500 linear feet from any other Billboard Sign, measured in a straight line distance from sign to sign.
  - (4) Each Billboard sign shall be setback from all property lines of the parcel upon which they are erected upon a distance equal to half the height of the sign.
- (B) Interchange signs may be permitted on industrial or commercial zoned properties located within one-half (1/2) mile of an Interstate 95 interchange if such property abuts Interstate 95 or if such Interchange sign is located within one-half (1/2) mile of an Interstate 95 interchange, subject to the following restrictions:
- (1) Height shall not exceed sixty (60) feet;
  - (2) Sign Surface Area shall be no greater than:
    - (a) four hundred (400) square feet per sign face and a maximum of one sign per side for an Interchange sign with a height of sixty (60) feet; and
    - (b) two hundred fifty (250) square feet per sign face for an Interchange sign with a height of less than sixty (60) feet;
  - (3) No Interchange sign shall be located less than ~~>> five~~ fifteen hundred (1500 ~~500~~) ~~<<~~ linear feet from any other Interchange sign, measured in a straight-line distance from sign to sign.
  - (4) Each Interchange sign shall be setback:
    - (a) a minimum of twenty (20) feet from any public or private right-of-way lines;
    - (b) a minimum of ten (10) feet from any other property line; and
    - ~~—— (c) a minimum of one hundred ten (110) feet from a permanent sign on an adjacent parcel.~~

(C) Digital Billboards may be permitted on new and existing Billboard Signs on industrial or commercial zoned properties abutting Palm Bay Road, on industrial or commercial zoned properties abutting Interstate 95, and on industrial or commercial zoned properties if such Digital Billboard sign is located within one-half (1/2) mile of an Interstate 95 interchange within the City limits, subject to the restrictions in sub-sections (A) and (B) above. Notwithstanding any other provision contained herein, an existing legal nonconforming Billboard Sign, regardless of location, may be converted to a Digital Billboard and may be altered or reconstructed to the extent necessary to complete such conversion, notwithstanding any other provision to the contrary contained in this [Chapter 178](#) or in [Chapter 185](#), subject to the following criteria:

- (1) Such Digital Billboard sign shall conform to State outdoor advertising regulations. There are currently only two (2) Billboard Signs in the City of Palm Bay that meet these regulations. One is located at 4250 Minton Road NE, and the other is located at the northwest corner of U.S. Highway No. 1 and Robert J. Conlan Boulevard NE;
- (2) Such Digital Billboard sign shall have an active State outdoor advertising permit from the Florida Department of Transportation;
- (3) The messaging area of the Digital Billboard sign (excluding framing, cabinetry and trim) shall not be larger than the existing sign face area;
- (4) The sign height and location shall not be changed.
- (5) *Minimum display time.* Each message on the Digital Billboard sign shall be displayed for a minimum of (8) eight seconds.
- (6) *Message Changes.* All Digital Billboard static message changes shall be completed within one (1) second.
- (7) *Brightness level.* Digital Billboard signs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance.

Sign Face Size	Distance to be measured from
10' 6" x 36'	200'
14' x 48'	250'

- (8) Each Digital Billboard sign display shall have a light sensing device that will adjust the brightness as ambient light conditions change;
  - (9) Digital Billboard signs shall be operated with systems and monitoring in place to either turn the display off or show a "full black" image on the display in the event of a malfunction that affects at least fifty percent of the sign area; and
- (D) Digital Billboards may be operated with conventional printed display faces.
- (E) Owners of Digital Billboards are strongly encouraged to coordinate with law enforcement and emergency management authorities to display, when appropriate, regional emergency information important to the traveling public including, but not limited to Amber

Alerts or emergency management information, such as Hurricane Evacuation Orders. Owners of Digital Billboards are strongly encouraged to display advertising copy on the electronic/digital sign face on behalf of the City, with no charge for advertising space, of the following types advertising messages only: public service, welcome messages or community events in the City of Palm Bay.

(Ord. 2017-39, passed 6-15-2017; Am. Ord. 2017-74, passed 11-16-2017; Am. Ord. 2018-54, passed 11-1-2018)





# Project Details: T23-00017

## Project Type: Code Textual Amendment

Project Location: ,  
Milestone: Submitted  
Created: 6/9/2023  
Description: Billboard and Interchange Sign Update  
Assigned Planner: Alexandra Bernard

### Contacts

Contact	Information
Supplemental Contact	Matthew Ashley 1900 South Harbor City Blvd Melbourne, FL 32901 (561) 353-6137 matt@idonmedia.com
Assigned Planner	Alexandra Bernard 120 Malabar Rd Palm Bay, FL 32907  alexandra.bernard@palmbayflorida.org
Submitter	All Digital All Day, LLC 1900 South Harbor City Blvd Melbourne, FL 32901 (561) 353-6137 matt@idonmedia.com

### Fields

Field Label	Value
Section Proposed to be Changed	SS 178.17 (B) (3) & (B)(4)(c)
Proposed Language	*Should be 1500 instead of 500* (3) No Interchange sign shall be located less than five hundred (1500) linear feet from any other Interchange sign, measured in a straight-line distance from sign to sign. *Remove Completely* (c) a minimum of one hundred ten (110) feet from a permanent sign on an adjacent parcel.
Justification for Proposed Change	Coincides with Billboard's distance and not needed as the industry would not build a sign that blocks another sign as it would block the one being built
Ordinance Number	
Subdivision Name	

# Acknowledgement Log

**Header:**

Legal Acknowledgement

**Text:**

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made 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 application and that the facts stated in it are true.

**Accepted By:**

Matthew Ashley

**On:**

6/9/2023 11:54:54 AM

☒ T23-00017

Select Language ▼





Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005773931

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 340.30

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/20/23

**Text of Ad:**

Ad#5773931 07/20/2023  
**CITY OF PALM BAY, FLORIDA  
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 August 2, 2023, and by the City Council on August 17, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):  
1. CP23-00008 – Tara Williamson and Ronald Chabot (Kelly Hyvonen, AICP, Land Development Strategies, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial and High Density Residential to Commercial.  
Lot 1 of Block R and Lot 18.01 of Block C, Hiawatha Gardens Section 2, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.06 acres. Located at the southwest intersection of Hiawatha Avenue NE and Dixie Highway NE  
2. \*\*Z23-00012 - Lawrence Kramer  
A Zoning Change from an IU, Institutional Use District to an RC, Restricted Commercial District.  
Lot 11, Point West Estates, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE  
3. \*\*Z23-00011 - 1611 Meridian, LLC, Nuri Dorra, Manager (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Zoning Change from an IU, Institutional Use District to a CC, Community Commercial District.  
Tax Parcel 262, Section 22, Township 28, Range 37, Brevard County, Florida; containing approximately 4.08 acres. Located at the northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Rd NE  
4. CP23-00014 - KEW, LLC, Michael Erdman, managing member (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial.  
A portion of Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE  
5. FS23-00006 - Heritage Square Partners, LLC, Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 4-lot commercial subdivision called Commercial at Heritage Square.  
Tract X, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. In the vicinity west of St. Johns Heritage Parkway NW, north of and adjacent to Malabar Road NW  
6. PS23-00006 - Diocese of Orlando, John G. Noonan, Bishop (David W. Bassford, P.E., MBV Engineering, Inc., Rep.)  
A Preliminary Subdivision Plan to allow for a proposed development of 88 town-

home units and 35 single-family residential units to be called Bayside Landings. Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. Located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE

**7. CP23-00015 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Public/Semi-Public to Commercial. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**8. \*\*CP23-00008 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Zoning Amendment from an IU, Institutional Use District to an RC, Restricted Commercial District. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**9. T23-00013 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.123, to provide clear language for authorized parking within residential districts.**

**10. T23-00014 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Sections 184.35 and 184.36, to add language and procedures for lot splits and lot reconfigurations within the City of Palm Bay.**

**11. T23-00015 - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District.**

**12. T23-00017 – All Digital All Day, LLC (Matthew Ashley, Rep.) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17, to modify language for the distance between billboards to be in alignment with state statutes.**

**13. T23-00019 – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to amend Section 184.15 regarding the conditions governing the issuance of building permits for model homes.**

**14. T23-00020 - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay.**

**\*\*Indicates quasi-judicial request(s).**  
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.  
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Stephen White, Senior Planner

**DATE:** August 2, 2023

**SUBJECT:** T23-00013 - Commercial Vehicles In Residential District - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.123, to provide clear language for authorized parking within residential districts

### ATTACHMENTS:

#### Description

- ▣ T23-00013 - Staff Report
- ▣ T23-00013 - Application
- ▣ Legal Ad





## STAFF REPORT

### LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

#### Prepared by

Stephen White, Senior Planner

---

#### CASE NUMBER

T23-00013

#### PLANNING & ZONING BOARD HEARING DATE

August 2, 2023

---

#### APPLICANT

City of Palm Bay

#### PROPERTY LOCATION/ADDRESS

Not Applicable

---

#### SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006, Definitions, Section 185.123, Regulation of Vehicles in residential areas to provide clear language for authorized parking within Residential Districts.

#### Existing Land Use

Not Applicable

#### Site Improvements

Not Applicable

#### Site Acreage

Not Applicable

---

#### SURROUNDING ZONING & USE OF LAND

##### North

Not Applicable

##### East

Not Applicable

##### South

Not Applicable

##### West

Not Applicable

---

**BACKGROUND:**

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006, Definitions, Section 185.123, Regulation of Vehicles in residential areas. To provide clear language for authorized parking within Residential Districts.

Code Compliance requested a review of the Code of Ordinances regarding Commercial Vehicles and other parking issues within the City. Staff observed some definitions were not in alignment the Department of Motor Vehicles. Through coordination of Code Compliance, language was drafted to allow for better enforcement of the Code of Ordinances and ensure that blight and unsafe vehicles are not parked or stored within residential districts.

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~strike through~~ format.

**INTENT AND PURPOSE**

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

- (A) Lessening congestion in the streets;
- (B) Encouraging the most appropriate use of land, water and resources;
- (C) Providing adequate light and air;
- (D) Securing safety from fire and other dangers;
- (E) Preventing the overcrowding of land;
- (F) Presenting the character and stability of residential, commercial, industrial and other areas;
- (G) Facilitating the adequate provisions for transportation, water supply, sewerage, drainage, sanitation, recreation, schools, housing, and other services; and
- (H) Conserving and enhancing the standard of living within the city.

Section 185.123, Regulations of Vehicles in residential areas outlines to authorized parking and vehicles permitted to park in residentially zoned areas within the City of Palm Bay. This proposed textual amendment will also lessen the congestion on residential streets provide better stability of the residentially zoned properties by removal of junk or discarded vehicles.

**ANALYSIS:**

In conducting an analysis of the residential parking section of the Code of Ordinances, discrepancies were found, and clarification was needed to align the City of Palm Bay's Code of Ordinances with the Florida Statutes. Staff provided updates to the definitions of Commercial Vehicles, Recreational Vehicles, trailers and other requirements for parking within residential zoning districts.

In the proposed amendment, changing of Commercial Vehicles exclusively; staff changed the definition of Commercial Vehicles to Large Vehicles. Vehicles used for professional purposes, identifying a size and Gross Vehicle Weight (GVW) outlined in the Department of Motor Vehicles to allow certain vehicles to be parked in residential areas. Capping the GVW at 15,000 pounds allows such vehicles to be parked in residential areas.

The allowance of untagged or inoperable vehicles to be parked in residential areas has been removed from the Code of Ordinances. They are allowed to remain in residential districts but, they will now need to be parked within a garage or enclosed structure. Outdoor storage of such vehicles would not be authorized. This will eliminate the storage of vehicles and eliminate blight from residential districts.

Lastly, the clarification of Recreational Vehicles and trailers. Prior to the proposed amendment, there was no separation between the two types of vehicles. Staff has aligned the two different vehicles into single definitions with a specified allowance within residential areas.

**STAFF RECOMMENDATION:**

Staff recommends case T23-00013 for approval.



## TITLE XVII: LAND DEVELOPMENT CODE

### Chapter 185: Zoning Code

#### § 185.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AUTOMOTIVE VEHICLE.** Any self-propelled vehicle or conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance. The phrase shall include passenger cars, trucks, buses, motorcycles, scooters and station wagons, but shall not include tractors, construction equipment or machinery or any device used for performing a job except as stated above.

~~COMMERCIAL VEHICLE. Any truck, bus, trailer, portable equipment, machinery, or similar vehicle or combination thereof used or intended to be used for any commercial enterprise or business purpose, and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.~~

**>> INOPERABLE VEHICLE.** A vehicle which cannot be driven upon the public or private streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.<<

**>>LARGE VEHICLE.** Any vehicle(s) not classified as Class 1, Class 2, or Class 3 and exceeding 15,000 pounds Gross Vehicle Weight as outlined by the Federal Motor Carrier Safety Administration.<<

~~RECREATIONAL VEHICLE. Any boat, boat trailer, cargo trailer, house trailer, motor home, camper, bus or similar vehicle or equipment, including any vehicle or part of a vehicle or equipment designed for temporary living quarters for recreation, camping or travel, excluding self-propelled roadway vehicles less than twenty-two (22) feet in length. >>A unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.<<~~

**>>TRAILER.** Any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle.<<

#### § 185.123 REGULATION OF VEHICLES IN RESIDENTIAL AREAS.

~~(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~CLASS A WRECKER. For the removal of cars and light duty trucks and vehicles weighing 10,000 pounds gross vehicle weight or less.~~

~~RECREATIONAL VEHICLE. Any boat, boat trailer, cargo trailer, house trailer, motor home, camper, bus, or similar vehicle or equipment, including any vehicle or part of a vehicle or equipment designed for temporary living quarters for recreation, camping, or travel, or is licensed and registered as a recreational vehicle by the Department of Motor Vehicles.~~

~~RESIDENTIAL AREA. Any lot, right of way, or other land designated as residential in this chapter and in any other applicable ordinance of the city.~~

~~(B)- >>(A)<< Parking vehicles in residential areas. It shall be unlawful for any person, either as agent, owner, occupant, lessee, tenant or otherwise, to park, store, stop, deposit or allow, cause or permit to be parked, stored, stopped, or deposited on any public or private property of the RR, RE, RS-1, RS-2, RS-3, SF-1, SRE, RM- 10, RM-15, RM-20, BMUV, RMH or RVP zoning districts>>. << of the city, any commercial vehicle at any time.~~

(1) ~~No vehicle shall be parked~~>>Prohibited Parking<<:

(a) In front of a residence, except within the paved driveway or adjacent to the driveway. A maximum of two (2) operable vehicles (per property) are permitted to be parked on the side of the driveway opposite the front door of the residence.

(b) In the rear yard of a residence, unless the rear yard is enclosed by a 6-foot tall opaque fence.

>>(c) Large vehicles; unless parked or stored in an enclosed structure.<<

>>(d) No vehicle shall be parked or stored upon a vacant parcel of land that does not have a principal structure with valid Certificate of Occupancy issued.

(e) No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, unless such work is being performed inside a garage or similarly enclosed area designed for such purposes. Painting of vehicles is prohibited unless conducted inside an approved spray booth.<<

(2) ~~A maximum of two (2) vehicles (per property) are permitted to be parked on the sides of a residence. The vehicles~~>>Vehicles<< shall not exceed two on a single side or one on each side. This shall exclude the front and rear sides of >>the<< property.

(a) Vehicles parked on the side of a residence located on a corner lot must be screened from the street adjacent to the side of the residence by a 6-foot opaque fence.

>>(b) Trailers shall be parked in an enclosed structure or behind 6-foot opaque fencing.<<

(3) Exceptions. The provisions of this section shall not apply to:

(a) ~~Private property in any~~>>Any<< residential district ~~whereon construction is underway, for which a~~>>with<< current and valid building permit ~~has been~~ issued by the city, as to those vehicles actively engaged in such construction, between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday;

(b) ~~Those persons performing lawful~~>>Lawful<< and authorized work upon property in a residential district where the vehicle is parked or stopped;

(c) The emergency parking of a disabled vehicle in a residential district. However, any such vehicle shall be removed from the residential district within twenty-four (24) hours ~~by wrecker towing or other available means regardless of the nature of the emergency;~~

(d) Those vehicles parked in a residential district for a period not to exceed eight (8) hours

rendering business, commercial or medical services to property at the location where parked or stopped.

~~(e) Class A Wreckers which are less than thirty-six (36) feet in length are prohibited from parking in residential areas between the hours of 8:00 a.m. and 5:00 p.m., excluding weekends and holidays. This provision does not prevail over deed restrictions or Homeowner Association restrictions in residential areas. Such wreckers shall be properly parked as per ordinance and state law, shall not obstruct sidewalks, drainage or flow of traffic, and shall not be actively towing a vehicle when parked at a residence. All parked wreckers shall maintain a minimum of ten (10) feet of clearance from the adjacent road surface.~~

(f) >>(e)<< Farm equipment used in the operation of an agricultural activity shall be exempt from the provisions of this subchapter. The property for which this equipment is exempt shall have a current agricultural exemption from the Brevard County Tax Collector or provide a signed and notarized affidavit that said equipment is for the property owner's personal use. Farm equipment may only be parked/stored on lands that are zoned RR, Rural Residential District or GU, General Use Holding District.

~~(g) One (1) vehicle may be unlicensed and/or inoperable.~~

~~(4) For the purpose of this section, the words park, store, stop, and deposit shall mean the cessation of movement of a vehicle.~~

~~(G)~~ >>(f) Parking recreational vehicles in residential areas. It shall be unlawful for any person to park or store a recreational vehicle in a residential area for longer than twenty-four (24) consecutive hours or forty-eight (48) hours in any one (1) month period, except on residential lots behind the front face of the residence. Recreational vehicles parked on the street side of a corner lot (opposite the side interior property line) must be screened by a 6-foot tall opaque fence. No vehicle shall be used for living, sleeping or housekeeping purposes in any location not approved for such use under the zoning requirements of this chapter. Any such vehicles shall have attached, at all times, a current vehicle registration license plate.

~~(D) No vehicle shall be parked or stored upon an unimproved parcel of land. Parking of vehicles is considered an accessory use as there must be a principal use (such as a residence) for the parking of vehicles to be accessory to.~~

~~(E) No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, unless such work is being performed inside a garage or similarly enclosed area designed for such purposes. Painting of vehicles is prohibited unless conducted inside an approved spray booth.~~



# Project Details: T23-00013

Project Type: **Code Textual Amendment**

Project Location: ,  
Milestone: **Submitted**  
Created: **5/26/2023**  
Description: **Commercial vehicles in residential district**  
Assigned Planner: **Stephen White**

## Contacts

Contact	Information
Supplemental Contact	Jesse Anderson 120 Malabar Rd Palm Bay, FL 32907 (321) 952-3400 jesse.anderson@palmbayflorida.org
Submitter	Stephen White 120 Malabar Rd Palm Bay , FL 32907 (321) 952-3400 stephen.white2@palmbayflorida.org
Assigned Planner	Stephen White -1  stephen.white2@palmbayflorida.org

## Fields

Field Label	Value
Section Proposed to be Changed	185.123
Proposed Language	See attachment
Justification for Proposed Change	Provide clarity and conflict within the Code of Ordinances
Ordinance Number	
Subdivision Name	



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005773931

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 340.30

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/20/23

**Text of Ad:**

Ad#5773931 07/20/2023  
**CITY OF PALM BAY, FLORIDA  
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 August 2, 2023, and by the City Council on August 17, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):  
1. CP23-00008 – Tara Williamson and Ronald Chabot (Kelly Hyvonen, AICP, Land Development Strategies, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial and High Density Residential to Commercial.  
Lot 1 of Block R and Lot 18.01 of Block C, Hiawatha Gardens Section 2, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.06 acres. Located at the southwest intersection of Hiawatha Avenue NE and Dixie Highway NE  
2. \*\*Z23-00012 - Lawrence Kramer  
A Zoning Change from an IU, Institutional Use District to an RC, Restricted Commercial District.  
Lot 11, Point West Estates, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE  
3. \*\*Z23-00011 - 1611 Meridian, LLC, Nuri Dorra, Manager (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Zoning Change from an IU, Institutional Use District to a CC, Community Commercial District.  
Tax Parcel 262, Section 22, Township 28, Range 37, Brevard County, Florida; containing approximately 4.08 acres. Located at the northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Rd NE  
4. CP23-00014 - KEW, LLC, Michael Erdman, managing member (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial.  
A portion of Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE  
5. FS23-00006 - Heritage Square Partners, LLC, Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 4-lot commercial subdivision called Commercial at Heritage Square.  
Tract X, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. In the vicinity west of St. Johns Heritage Parkway NW, north of and adjacent to Malabar Road NW  
6. PS23-00006 - Diocese of Orlando, John G. Noonan, Bishop (David W. Bassford, P.E., MBV Engineering, Inc., Rep.)  
A Preliminary Subdivision Plan to allow for a proposed development of 88 town-

home units and 35 single-family residential units to be called Bayside Landings. Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. Located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE

**7. CP23-00015 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Public/Semi-Public to Commercial. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**8. \*\*CP23-00008 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Zoning Amendment from an IU, Institutional Use District to an RC, Restricted Commercial District. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**9. T23-00013 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.123, to provide clear language for authorized parking within residential districts.**

**10. T23-00014 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Sections 184.35 and 184.36, to add language and procedures for lot splits and lot reconfigurations within the City of Palm Bay.**

**11. T23-00015 - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District.**

**12. T23-00017 – All Digital All Day, LLC (Matthew Ashley, Rep.) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17, to modify language for the distance between billboards to be in alignment with state statutes.**

**13. T23-00019 – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to amend Section 184.15 regarding the conditions governing the issuance of building permits for model homes.**

**14. T23-00020 - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay.**

**\*\*Indicates quasi-judicial request(s).**  
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.  
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist





## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Stephen White, Senior Planner

**DATE:** August 2, 2023

**SUBJECT:** T23-00014 - Lot Split and Lot Reconfiguration - City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Sections 184.35 and 184.36, to add language and procedures for lot splits and lot reconfigurations within the City of Palm Bay

### ATTACHMENTS:

#### Description

- ▣ T23-00014 - Staff Report
- ▣ T23-00014 - Application
- ▣ T23-00014 - Legal Ad



## STAFF REPORT

### LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

#### Prepared by

Stephen White, Senior Planner

---

#### CASE NUMBER

T23-00014

#### PLANNING & ZONING BOARD HEARING DATE

August 2, 2023

---

#### APPLICANT

City of Palm Bay Growth  
Management Department

#### PROPERTY LOCATION/ADDRESS

Not Applicable

---

#### SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Section 184.35, Simple Lot Split/Lot Reconfiguration, to provide language for the City of Palm Bay to regulate Simple Lot Splits/Lot Reconfiguration.

#### Existing Land Use

Not Applicable

#### Site Improvements

Not Applicable

#### Site Acreage

Not Applicable

---

#### SURROUNDING ZONING & USE OF LAND

##### North

Not Applicable

##### East

Not Applicable

##### South

Not Applicable

##### West

Not Applicable

---

**BACKGROUND:**

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Section 184.35, Simple Lot Split/Lot Reconfiguration, to provide language for the City of Palm Bay to regulate Simple Lot Splits/Lot Reconfiguration. There are currently no regulations within the Code of Ordinances for City Staff to review Lot Splits/Lot Reconfigurations.

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~strike through~~ format.

**SECTION INTENT AND APPLICABILITY:**

These regulations are adopted for the following purposes:

- (A) To protect and provide for the public health, safety and general welfare of the city.
- (B) To guide the future growth and development of the city, in accordance with the City's Comprehensive Plan.
- (C) To protect the character and the economic stability of all parts of the city and to encourage the orderly and beneficial development of all parts of the city.
- (D) To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; to ensure proper legal descriptions and monumenting of subdivided land.
- (E) To provide for the proper location and widths of streets to facilitate traffic throughout the city, having particular concern to the avoidance of congestion in the streets and highways, and pedestrian traffic movements.
- (F) To ensure that public facilities are available and will have sufficient capacity to serve the proposed subdivision.
- (G) To assure the adequacy of drainage facilities; prevent pollution of surface water; safeguard the water table and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability and beauty of the community and the value of the land.

Section 184.35, Simple Lot Split/Lot Reconfiguration will provide a better guide for future growth and development within the City of Palm Bay.



**ANALYSIS:**

Staff has conducted an analysis of the Lots Splits/Lot Reconfigurations being conducted within the City of Palm Bay. On multiple occasions, Staff has encountered properties with split Zoning and Future Land Use Designations.

Growth Management conducted a review of surrounding municipalities to develop language for adoption into the Code of Ordinances. These procedures will help staff better track the Zoning and Future Land Use maps.

**STAFF RECOMMENDATION:**

Staff recommends approval of case T23-00014.

## **TITLE XVII: LAND DEVELOPMENT CODE**

### **Chapter 184: Subdivisions**

#### **§ >>184.35 Simple lot split/lot Reconfiguration**

##### **A. Simple lot split.**

The subdividing of a tract, lot or parcel into only two lots (one new lot and the remainder) is allowed if each lot abuts a publicly maintained street which has been duly dedicated and accepted by the city and/or a privately maintained right-of-way, no new streets are created, and there is no change in the length or alignment of an existing street.

1. Simple lot splits do not require the formal platting process but shall be reviewed and approved by the Growth Management Director's designee; and
2. Simple lot splits approved by the city manager's designee shall be recorded in public records; and
3. If required due to noncompliance or nonconforming conditions, the applicant shall provide the necessary right-of-way to bring the applicable roadway to standards; and
4. No property shall be subdivided pursuant to this section more than once per year; and
5. For purposes of this section, the ownership interest in the portion of the lot which abuts a publicly or privately maintained street must be fee simple ownership.

##### **B. Lot reconfigurations.**

Reconfigured lots shall adhere to the following:

1. Lot reconfigurations do not require a formal platting process but shall be reviewed by the city manager's designee; and
2. Lot reconfigurations approved by the city manager's designee shall be recorded in public records; and
3. The lot lines are reconfigured to be in compliance with current regulations; and
4. The number of reconfigured lots is less than or equal to the number of existing lots; and
5. No easements existing on the subject property would need to be modified, unless approval is granted by the city manager; and
6. The combined area of the new lots is equal to the combined area of the existing lots; and
7. Each new lot abuts a publicly maintained street which has been duly dedicated and accepted (or a privately maintained right-of-way); and
8. No new streets are created and there is no change in the length or alignment of an existing street. <<

##### **C. Submittal**

1. A cover letter describing the project, identifying the project contact person(s) and any other information relevant for city staff review. If the applicant is other than the legal owner, the applicant's interest shall be indicated and the legal owner's authority to apply shall be included in a certified legal form (the lot split application).
2. Completed application form.
3. All applicable fees per as outlined in the fee schedule.
4. Owner authorization (if applicable).
5. Copies of a lot split survey (current property survey, the proposed lot reconfiguration and legal description, signed and sealed, not more than one year old, by a land surveyor registered and licensed in the state, each sheet of the lot split package shall be the same size shall be no larger than 24 inches by 36 inches).<<

~~§ 184.35~~ >>184.36<< ENFORCEMENT AND PENALTIES.

# Project Details: T23-00014

Project Type: **Code Textual Amendment**

Project Location: ,  
Milestone: **Submitted**  
Created: **5/26/2023**  
Description: **Lot Split/Lot reconfiguration**  
Assigned Planner: **Stephen White**

## Contacts

Contact	Information
Supplemental Contact	Jesse Anderson 120 Malabar Rd Palm Bay, FL 32907 (321) 952-3400 jesse.anderson@palmbayflorida.org
Submitter	Stephen White 120 Malabar Rd Palm Bay , FL 32907 (321) 952-3400 stephen.white2@palmbayflorida.org
Assigned Planner	Stephen White -1  stephen.white2@palmbayflorida.org

## Fields

Field Label	Value
Section Proposed to be Changed	184.35
Proposed Language	See Attached
Justification for Proposed Change	Establish Code language for City review of Lot Split/Lot reconfigurations.
Ordinance Number	
Subdivision Name	





Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005773931

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 340.30

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/20/23

**Text of Ad:**

Ad#5773931 07/20/2023  
**CITY OF PALM BAY, FLORIDA  
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 August 2, 2023, and by the City Council on August 17, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):  
1. CP23-00008 – Tara Williamson and Ronald Chabot (Kelly Hyvonen, AICP, Land Development Strategies, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial and High Density Residential to Commercial.  
Lot 1 of Block R and Lot 18.01 of Block C, Hiawatha Gardens Section 2, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.06 acres. Located at the southwest intersection of Hiawatha Avenue NE and Dixie Highway NE  
2. \*\*Z23-00012 - Lawrence Kramer  
A Zoning Change from an IU, Institutional Use District to an RC, Restricted Commercial District.  
Lot 11, Point West Estates, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE  
3. \*\*Z23-00011 - 1611 Meridian, LLC, Nuri Dorra, Manager (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Zoning Change from an IU, Institutional Use District to a CC, Community Commercial District.  
Tax Parcel 262, Section 22, Township 28, Range 37, Brevard County, Florida; containing approximately 4.08 acres. Located at the northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Rd NE  
4. CP23-00014 - KEW, LLC, Michael Erdman, managing member (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial.  
A portion of Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE  
5. FS23-00006 - Heritage Square Partners, LLC, Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 4-lot commercial subdivision called Commercial at Heritage Square.  
Tract X, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. In the vicinity west of St. Johns Heritage Parkway NW, north of and adjacent to Malabar Road NW  
6. PS23-00006 - Diocese of Orlando, John G. Noonan, Bishop (David W. Bassford, P.E., MBV Engineering, Inc., Rep.)  
A Preliminary Subdivision Plan to allow for a proposed development of 88 town-

home units and 35 single-family residential units to be called Bayside Landings. Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. Located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE

**7. CP23-00015 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Public/Semi-Public to Commercial. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**8. \*\*CP23-00008 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Zoning Amendment from an IU, Institutional Use District to an RC, Restricted Commercial District. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**9. T23-00013 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.123, to provide clear language for authorized parking within residential districts.**

**10. T23-00014 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Sections 184.35 and 184.36, to add language and procedures for lot splits and lot reconfigurations within the City of Palm Bay.**

**11. T23-00015 - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District.**

**12. T23-00017 – All Digital All Day, LLC (Matthew Ashley, Rep.) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17, to modify language for the distance between billboards to be in alignment with state statutes.**

**13. T23-00019 – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to amend Section 184.15 regarding the conditions governing the issuance of building permits for model homes.**

**14. T23-00020 - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay.**

**\*\*Indicates quasi-judicial request(s).**  
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.  
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Stephen White, Senior Planner

**DATE:** August 2, 2023

**SUBJECT:** T23-00015 - Brew Pubs in HC District - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District

### ATTACHMENTS:

#### Description

- ▣ T23-00015 - Staff Report
- ▣ T23-00015 - Application
- ▣ T23-00015 - Legal Acknowledgement
- ▣ T23-00015 - Legal Ad





## STAFF REPORT

### LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

#### Prepared by

Stephen White, Senior Planner

---

#### CASE NUMBER

T23-00015

#### PLANNING & ZONING BOARD HEARING DATE

August 2, 2023

---

#### APPLICANT

Kelly Hyvonen, Land Development  
Strategies

#### PROPERTY LOCATION/ADDRESS

City Wide

---

#### SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code; Section 185.044, HC, Highway Commercial District; to add Brew Pubs or other drinking establishment to be a permitted Use within the HC, Highway Commercial district.

#### Existing Zoning

Not Applicable

#### Existing Land Use

Not Applicable

#### Site Improvements

Not Applicable

#### Site Acreage

Not Applicable

#### SURROUNDING ZONING & USE OF LAND

#### North

Not Applicable

#### East

Not Applicable

#### South

Not Applicable

#### West

Not Applicable

---

## **BACKGROUND:**

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code; Section 185.044, HC, Highway Commercial District; to add Brew Pubs or other drinking establishment to be a permitted Use within the Highway Commercial district. The applicant has requested Brew Pubs and/or other drinking establishments to be added as a permitted use within the Highway Commercial district.

Brew Pubs and/or other drinking establishments are currently not a permitted use with the Highway Commercial District. Similar uses are currently permitted and the additional of Brew Pubs and/or other drinking establishments would increase the economic development within the City of Palm Bay.

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~strike through~~ format.

## **INTENT AND PURPOSE:**

The purpose of the HC, Highway Commercial district, shall be to provide areas within Palm Bay which are deemed to be uniquely suited for the development and maintenance of highway oriented businesses and regional scale facilities, the areas to be primarily located along or near the intersection of major arterials and major transportation nodes; to designate those uses and services deemed appropriate and proper for location and development within the subject district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district.

## **ANALYSIS:**

Growth Management received an application for a textual amendment requesting Brew Pubs and/or other drinking establishments to be added as a permitted Use within the HC, Highway Commercial district. The addition of this use within the HC district would be compatible with the other Uses that are currently permitted in Highway Commercial. Similar uses are currently permitted and the additional of Brew Pubs and/or other drinking establishments would increase the economic development within the City of Palm Bay.

With the addition of Brew Pubs and other drinking establishments requested, it would fall in line with the intent and purpose of this section of the Code of Ordinances. Highway Commercial zoning districts are primarily located along or near the intersection of major arterials and major transportation nodes.

**STAFF RECOMMENDATION:**

Staff recommends Case T23-00015 for approval.



**TITLE XVII: LAND DEVELOPMENT CODE**

**CHAPTER 185: Zoning**

§ 185.044 HC — HIGHWAY COMMERCIAL DISTRICT.

>>(23) Brew pubs and/or other drinking establishments.<<

# Project Details: T23-00015

## Project Type: Code Textual Amendment

Project Location: ,  
Milestone: Submitted  
Created: 6/1/2023  
Description: Brew Pubs in HC  
Assigned Planner: Stephen White

### Contacts

Contact	Information
Supplemental Contact	Kelly Hyvonen 355 Spoonbill Lane Melbourne Beach, FL 32951 (612) 710-9296 kelly.hyvonen@gmail.com
Assigned Planner	Stephen White -1  stephen.white2@palmbayflorida.org
Submitter	Kelly Hyvonen 355 Spoonbill Lane Melbourne Beach, FL 32951  kelly.hyvonen@gmail.com

### Fields

Field Label	Value
Section Proposed to be Changed	185.044(B)
Proposed Language	Add "(24) Brew pubs and/or other drinking establishments."
Justification for Proposed Change	Brew pubs are currently only permitted in the BMU zoning district, however this use should also be permitted in the HC zoning district, which is more intense in commercial character than BMU. Additionally, HC already permits all other "eating and drinking establishments including drive-through facilities" so it would be logical to also permit brew pubs.
Ordinance Number	
Subdivision Name	

# Acknowledgement Log

**Header:**

Legal Acknowledgement

**Text:**

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made 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 application and that the facts stated in it are true.

**Accepted By:**

Kelly Hyvonen

**On:**

6/1/2023 5:06:17 PM

☒ T23-00015

Select Language ▼

 Home |  City of Palm Bay

© 2023 - Intuitive Municipal Solutions, LLC





Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005773931

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 340.30

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/20/23

**Text of Ad:**

Ad#5773931 07/20/2023  
**CITY OF PALM BAY, FLORIDA  
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 August 2, 2023, and by the City Council on August 17, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):  
1. CP23-00008 – Tara Williamson and Ronald Chabot (Kelly Hyvonen, AICP, Land Development Strategies, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial and High Density Residential to Commercial.  
Lot 1 of Block R and Lot 18.01 of Block C, Hiawatha Gardens Section 2, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.06 acres. Located at the southwest intersection of Hiawatha Avenue NE and Dixie Highway NE  
2. \*\*Z23-00012 - Lawrence Kramer  
A Zoning Change from an IU, Institutional Use District to an RC, Restricted Commercial District.  
Lot 11, Point West Estates, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE  
3. \*\*Z23-00011 - 1611 Meridian, LLC, Nuri Dorra, Manager (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Zoning Change from an IU, Institutional Use District to a CC, Community Commercial District.  
Tax Parcel 262, Section 22, Township 28, Range 37, Brevard County, Florida; containing approximately 4.08 acres. Located at the northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Rd NE  
4. CP23-00014 - KEW, LLC, Michael Erdman, managing member (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial.  
A portion of Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE  
5. FS23-00006 - Heritage Square Partners, LLC, Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 4-lot commercial subdivision called Commercial at Heritage Square.  
Tract X, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. In the vicinity west of St. Johns Heritage Parkway NW, north of and adjacent to Malabar Road NW  
6. PS23-00006 - Diocese of Orlando, John G. Noonan, Bishop (David W. Bassford, P.E., MBV Engineering, Inc., Rep.)  
A Preliminary Subdivision Plan to allow for a proposed development of 88 town-

home units and 35 single-family residential units to be called Bayside Landings. Tract 1-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. Located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE

**7. CP23-00015 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Public/Semi-Public to Commercial. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**8. \*\*CP23-00008 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Zoning Amendment from an IU, Institutional Use District to an RC, Restricted Commercial District. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**9. T23-00013 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.123, to provide clear language for authorized parking within residential districts.**

**10. T23-00014 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Sections 184.35 and 184.36, to add language and procedures for lot splits and lot reconfigurations within the City of Palm Bay.**

**11. T23-00015 - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District.**

**12. T23-00017 – All Digital All Day, LLC (Matthew Ashley, Rep.) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17, to modify language for the distance between billboards to be in alignment with state statutes.**

**13. T23-00019 – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to amend Section 184.15 regarding the conditions governing the issuance of building permits for model homes.**

**14. T23-00020 - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay.**

**\*\*Indicates quasi-judicial request(s).**  
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.  
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Jesse Anderson, Ph.D., Assistant Growth Management Director

**DATE:** August 2, 2023

**SUBJECT:** T23-00019 - Subdivision Building Permit Issuance - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to amend Section 184.15 regarding the conditions governing the issuance of building permits for model homes

### ATTACHMENTS:

#### Description

- ▣ T23-00019 - Staff Report
- ▣ T23-00019 - Application
- ▣ T23-00019 - Legal Ad





## STAFF REPORT

### LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

#### Prepared by

Kim Haigler, GIS Planner

---

#### CASE NUMBER

T23-000019

#### PLANNING & ZONING BOARD HEARING DATE

August 2, 2023

---

#### APPLICANT

City of Palm Bay, Florida

#### PROPERTY LOCATION/ADDRESS

Not Applicable

---

#### SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Section 184.15, Issuance of a Building Permit, to amend the conditions governing the building of model homes before a subdivision has received a certificate of completion.

##### Existing Zoning

Not Applicable

##### Existing Land Use

Not Applicable

##### Site Improvements

Not Applicable

##### Site Acreage

Not Applicable

---

#### SURROUNDING ZONING & USE OF LAND

##### North

Not Applicable

##### East

Not Applicable

##### South

Not Applicable

##### West

Not Applicable

---

**BACKGROUND:**

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Section 184.15, Issuance of a Building Permit; to amend the Code of Ordinances and provide additional requirements regarding the issuance of building permit in subdivisions. An analysis of this section of the Land Development Code identified items within section 184.15 which require clarification and conditions to be re-evaluated.

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~strike through~~ format.

**PURPOSE:**

Section 184.15, Issuance of a Building Permit, outlines the requirements and conditions which allow for limited construction of model homes within a subdivision before the subdivision has been issued a certificate of completion. These conditions are in support of the purpose and intent of Chapter 184: Subdivisions. These regulations are adopted for the following purposes:

- (A) To protect and provide for the public health, safety and general welfare of the city.
- (B) To guide the future growth and development of the city, in accordance with the City's Comprehensive Plan.
- (C) To protect the character and the economic stability of all parts of the city and to encourage the orderly and beneficial development of all parts of the city.
- (D) To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; to ensure proper legal descriptions and monumenting of subdivided land.
- (E) To provide for the proper location and widths of streets to facilitate traffic throughout the city, having particular concern to the avoidance of congestion in the streets and highways, and pedestrian traffic movements.
- (F) To ensure that public facilities are available and will have sufficient capacity to serve the proposed subdivision.
- (G) To assure the adequacy of drainage facilities; prevent pollution of surface water; safeguard the water table and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability and beauty of the community and the value of the land.

The proposed language establishes a more reasonable procedure for the issuance of a building permit within a subdivision by requiring formal recording of the final plat by Brevard County. This will ensure that before the construction of a model home, the subdivision layout has been certified by a surveyor and the proposed construction plans have met the City Public Works Department's design specifications for streets, sidewalks, drainage, and natural resource protection.

In addition, the model home will not be issued a certificate of occupancy until the subdivision's certificate of completion has been issued. This requires the certification of the subdivision's as-built plans, which are accepted by the City Engineer. This will provide further assurance that all public improvements are completed according to the City's specifications before the subdivision is open for access by the public.

**ANALYSIS:**

This amendment will provide additional conditions to the construction of model homes in subdivisions which have not yet received a Certificate of Completion. It is proposed that before the construction of model homes within a subdivision, the subdivision's final plat must first be recorded with addresses assigned by Brevard County. The current code allows for the construction of model homes on the basis of a subdivision's approved preliminary plat. However, should the developer fail to achieve final plat approval from City Council within one year, the preliminary plat becomes null and void and they must resubmit a new plat for approval, which must then meet all new regulations. Also, the preliminary plat may be for an entire subdivision, but the final plat may only be for one phase of the subdivision's development.

This proposed amendment also requires that approved structures will not receive a Certificate of Occupancy until the subdivision's Certificate of Completion has been issued. Both of these new provisions of the amended code provide added assurance that any structures placed on a plat which is in alignment with all current zoning codes and statutes.

**STAFF RECOMMENDATION:**

Case T23-00019 is recommended for approval.



## TITLE XVII: LAND DEVELOPMENT CODE

### CHAPTER 184: SUBDIVISIONS

#### § 185.018 ISSUANCE OF A BUILDING PERMIT.

(A) No building permits shall be issued for any building in the subdivision, except as provided for below, until a certificate of completion has been issued by the City Engineer certifying that the subdivision improvements have been completed and the subdivision has been recorded with the County Clerk of Records. The City Engineer shall notify the City Building >>Department<< Division of when a subdivision has received a certificate of completion and thus is open for building.

(B) Model homes and developer owned/builder owned homes may be permitted prior to the subdivision improvements receiving a certificate of completion provided the following conditions are adhered to:

(1) A stabilized, all weather roadway is provided for fire apparatus to access all structures proposed for permitting;

(2) A water source for fire apparatus use shall be provided and approved by the City of Palm Bay Fire Marshal;

(3) A waiver of liability shall be provided to the City;

(4) All homes proposed for permitting under this section shall maintain a minimum of one hundred (100) feet distance from existing structures not within the subdivision;

(5) A maximum of twenty-five (25) structures will be permitted under this section per >>approved final<< preliminary subdivision plat;

(6) >>The final subdivision plat shall be recorded with and addresses assigned by Brevard County;<<~~Builders must certify in writing that title will remain in the builder's name or the developer's name until such time as the subdivision plat is recorded in the Brevard County Public Records. In no case shall a Certificate of Occupancy be granted for a home until the certificate of completion has been issued;~~

(7) The builder must bond the estimated cost of demolition of the structures should the subdivision improvements not be completed and the building permit expires or is revoked. Said demolition must occur within one (1) year of notification from the City or the City shall demolish the structures utilizing the bond proceeds.

>> (8) In no case shall a Certificate of Occupancy be granted for a home until the certificate of completion has been issued.<<

# Project Details: T23-00019

Project Type: **Code Textual Amendment**

Project Location: ,  
Milestone: **Submitted**  
Created: **7/5/2023**  
Description: **Subdivision Building Permit Issuance**  
Assigned Planner: **Kimberly Haigler**

## Contacts

Contact	Information
Submitter	Kimberly Dawn Haigler 120 Malabar Rd SE Palm Bay, FL 32960 (321) 733-3042 kimberly.haigler@palmbayflorida.org
Supplemental Contact	Jesse Anderson 120 Malabar Rd SE Palm Bay, FL 32907 (321) 733-3042 jesse.anderson@palmbayflorida.org
Assigned Planner	Kimberly Haigler 120 Malabar Rd SE Palm Bay, FL 32907 kimberly.haigler@palmbayflorida.org

## Fields

Field Label	Value
Section Proposed to be Changed	184.15
Proposed Language	
Justification for Proposed Change	
Ordinance Number	



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005773931

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 340.30

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/20/23

**Text of Ad:**

Ad#5773931 07/20/2023  
**CITY OF PALM BAY, FLORIDA  
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 August 2, 2023, and by the City Council on August 17, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):  
1. CP23-00008 – Tara Williamson and Ronald Chabot (Kelly Hyvonen, AICP, Land Development Strategies, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial and High Density Residential to Commercial.  
Lot 1 of Block R and Lot 18.01 of Block C, Hiawatha Gardens Section 2, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.06 acres. Located at the southwest intersection of Hiawatha Avenue NE and Dixie Highway NE  
2. \*\*Z23-00012 - Lawrence Kramer  
A Zoning Change from an IU, Institutional Use District to an RC, Restricted Commercial District.  
Lot 11, Point West Estates, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE  
3. \*\*Z23-00011 - 1611 Meridian, LLC, Nuri Dorra, Manager (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Zoning Change from an IU, Institutional Use District to a CC, Community Commercial District.  
Tax Parcel 262, Section 22, Township 28, Range 37, Brevard County, Florida; containing approximately 4.08 acres. Located at the northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Rd NE  
4. CP23-00014 - KEW, LLC, Michael Erdman, managing member (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial.  
A portion of Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE  
5. FS23-00006 - Heritage Square Partners, LLC, Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 4-lot commercial subdivision called Commercial at Heritage Square.  
Tract X, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. In the vicinity west of St. Johns Heritage Parkway NW, north of and adjacent to Malabar Road NW  
6. PS23-00006 - Diocese of Orlando, John G. Noonan, Bishop (David W. Bassford, P.E., MBV Engineering, Inc., Rep.)  
A Preliminary Subdivision Plan to allow for a proposed development of 88 town-



home units and 35 single-family residential units to be called Bayside Landings. Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. Located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE

**7. CP23-00015 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Public/Semi-Public to Commercial. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**8. \*\*CP23-00008 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Zoning Amendment from an IU, Institutional Use District to an RC, Restricted Commercial District. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**9. T23-00013 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.123, to provide clear language for authorized parking within residential districts.**

**10. T23-00014 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Sections 184.35 and 184.36, to add language and procedures for lot splits and lot reconfigurations within the City of Palm Bay.**

**11. T23-00015 - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District.**

**12. T23-00017 – All Digital All Day, LLC (Matthew Ashley, Rep.) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17, to modify language for the distance between billboards to be in alignment with state statutes.**

**13. T23-00019 – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to amend Section 184.15 regarding the conditions governing the issuance of building permits for model homes.**

**14. T23-00020 - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay.**

**\*\*Indicates quasi-judicial request(s).**  
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.  
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Stephen White, Senior Planner

**DATE:** August 2, 2023

**SUBJECT:** T23-00020 - Construction Codes and Regulations - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay

### ATTACHMENTS:

#### Description

- ▣ T23-00020 - Staff Report
- ▣ T23-00020 Application
- ▣ T23-00020 - Legal Ad



## STAFF REPORT

### LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

#### Prepared by

Stephen White, Senior Planner

---

#### CASE NUMBER

T23-00020

#### PLANNING & ZONING BOARD HEARING DATE

August 2, 2023

---

#### APPLICANT

City of Palm Bay Growth Management  
Department

#### PROPERTY LOCATION/ADDRESS

City Wide

---

#### SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations; Section 170.005, Section 170.006, 170.007, 170.008, Section 170.009, Section 170.160 & Section 170.161 to remove language pertaining to the Building Code for the City of Palm Bay.

#### Existing Zoning

Not Applicable

#### Existing Land Use

Not Applicable

#### Site Improvements

Not Applicable

#### Site Acreage

Not Applicable

---

#### SURROUNDING ZONING & USE OF LAND

#### North

Not Applicable

#### East

Not Applicable

#### South

Not Applicable

#### West

Not Applicable

---



**BACKGROUND:**

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations; Section 170.005, Section 170.006, 170.007, 170.008, Section 170.009, Section 170.160 & Section 170.161.

Growth Management in coordination with the Building Department, are requesting to remove the above listed sections of the Land Development Code and moving this language to Title IX.

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~strike through~~ format.

**ANALYSIS:**

Growth Management in coordination with the Building Department, drafted a textual amendment requesting a repeal of Chapter 170: Construction Codes and Regulations; Section 170.005, Section 170.006, 170.007, 170.008, Section 170.009, Section 170.160 & Section 170.161.

The replacement of this language to Title IX of the Code of Ordinances will allow the Building Department to take amendments and changes to the Building Code directly to City Council. The building code is outside the purview of the land planning agency and this will align the Code of Ordinances with the proper distribution of development responsibilities.

**STAFF RECOMMENDATION:**

Staff recommends Case T23-00020 for approval.

## TITLE XVII: LAND DEVELOPMENT CODE

### CHAPTER 170: Construction Codes and Regulations

#### BUILDING CODE

##### ~~§ 170.005 ADOPTED:~~

~~—(A) Florida Building Code 7th Edition or as amended—Building mandated by the State of Florida, and exclusive of Chapter 1—Administration, is hereby recognized as the Building Code for the city.~~

~~—(1) The city's administrative amendments to the Florida Building Code—Building, Chapter 1, Administration, are hereby adopted, and by reference, incorporated herein as Exhibit A 04-20-23, and made a part of this section as if fully set forth herein.~~

~~—(B) Florida Building Code 7th Edition or as amended—Residential mandated by the State of Florida, is hereby recognized as the Residential Building Code for the city.~~

~~—(C) Florida Building Code 7th Edition or as amended—Plumbing mandated by the State of Florida, is hereby recognized as the Plumbing Code for the city.~~

~~—(D) Florida Building Code 7th Edition or as amended—Mechanical mandated by the State of Florida, is hereby recognized as the Mechanical Code for the city.~~

~~—(E) Florida Building Code 7th Edition or as amended—Fuel Gas mandated by the State of Florida, is hereby recognized as the Fuel Gas Code for the city.~~

~~—(F) Florida Building Code 7th Edition or as amended—Existing Building mandated by the State of Florida, is hereby recognized as the Existing Building Code for the city.~~

~~—(G) Florida Building Code 7th Edition or as amended—Accessibility mandated by the State of Florida is hereby recognized as the Accessibility Code for the city.~~

~~—(H) Florida Building Code 7th Edition or as amended—Energy Conservation mandated by the State of Florida is hereby recognized as the Energy Conservation Code for the city.~~

~~—(I) 2017 or as amended National Electrical Code—Electrical mandated by the State of Florida is hereby recognized as the Electrical Code for the City.~~

~~—(J) Pursuant to Section 105.2 of the Florida Building Code, structures in Residence Zones accessory to a single-family residence shall be exempt from the requirement to obtain a building permit provided that:~~

~~—(1) The structure does not exceed 120 square feet;~~

~~—(2) The structure does not exceed 1-story;~~

~~—(3) The structure has no utilities (water, electric, etc.);~~

- ~~—(4) The structure is not used for human habitation;~~
- ~~—(5) The structure is not placed on top of a poured concrete slab;~~
- ~~—(6) The structure is pre-certified to be compliant with State of Florida approved construction standards; and~~
- ~~—(7) The structure complies with § 185.118 of the Zoning Code.~~

#### ~~§ 170.006 CONFLICTING PROVISIONS.~~

~~—Where any provisions of the Florida Building Code, as adopted in § 170.005, are in conflict with the specific provisions of this code of ordinances or any other ordinance of the city relating to the same subject matter, such as provisions for fees or penalties, and the like, the specific provisions set forth in such provisions shall be controlling.~~

~~('74 Code, § 8-14) (Ord. 73-9, passed 4-19-73; Am. Ord. 75-23, passed 6-19-75; Am. Ord. 78-30, passed 12-7-78; Am. Ord. 82-2, passed 2-4-82; Am. Ord. 2002-36, passed 5-16-02)~~

#### ~~§ 170.007 PERMIT AND INSPECTION FEES.~~

~~—Permit fees shall be as established through resolution adopted by the Palm Bay City Council. Permit applications for principal structures shall include a survey of the property, prepared by a Florida Licensed Professional Surveyor, and may be required for accessory structures, at the discretion of the Building Official, or his designee.~~

#### ~~Cross-reference:~~

- ~~—Driveway permit, see §§ 179.075 et seq.~~
- ~~—Fair Share Impact fees, see Ch. 174~~
- ~~—For additional requirements regarding building permits, see §§ 185.181 et seq.~~
- ~~—Permit required for erection of signs, see § 178.10~~

#### ~~§ 170.008 PERMITS — SUBCONTRACTORS.~~

~~—(A) The contractor/builder shall be responsible for employing licensed subcontractors at all job sites. Violation of this provision regarding licensed subcontractors shall cause the contractor/ builder and firm to be prohibited from building and receiving permits within the city for a period of twelve (12) months.~~

~~—(B) If, after review by the Chief Building Official, it is determined that a contractor/builder has violated this provision of this subchapter, he shall notify the contractor/builder in writing of his decision. The contractor/builder shall be given ten (10) days to respond in writing to~~



~~the Chief Building Official. After consideration of the written reply, the Chief Building Official shall respond in writing to the contractor/builder advising him of the Chief Building Official's decision.~~

~~—(C) Should the contractor/builder disagree with the decision, he may appeal pursuant to Florida Statutes. If the contractor/builder does not respond in writing within ten (10) days of the Chief Building Official, then the decision shall be binding and the building prohibition imposed.~~

#### ~~§ 170.009 WIND SPEED/WIND BORNE DEBRIS LINES ESTABLISHED.~~

~~—In accordance with the Florida Building Code, Section 1609.1.1, Determination of Wind Loads, there are hereby established wind speed/wind borne debris lines using the Florida Building Code, Figures 1609A, 1609B and 1609C, State of Florida, Ultimate Design Wind Speeds.~~

# Project Details: T23-00020

Project Type: **Code Textual Amendment**

Project Location: ,  
Milestone: **Submitted**  
Created: **7/10/2023**  
Description: **Building Department**  
Assigned Planner: **Stephen White**

## Contacts

Contact	Information
Submitter	Stephen White  (321) 952-3400 stephen.white2@palmbayflorida.org
Supplemental Contact	Jesse Anderson  (321) 952-3400 jesse.anderson@palmbayflorida.org
Assigned Planner	Stephen White -1  stephen.white2@palmbayflorida.org

## Fields

Field Label	Value
Section Proposed to be Changed	sections 170.005 through 170.009, and section 170.160 through 170.161
Proposed Language	
Justification for Proposed Change	The application we need is to remove sections 170.005 through 170.009, and section 170.160 through 170.161, from Title XVII: Land Development Code. These items are to be relocated and renumbered in Title IX: General Regulations.
Ordinance Number	



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

<b>PUBLICATION</b>	<b>TOLL-FREE</b>	<b>Local #</b>	<b>Email</b>
Florida Today	888-516-9220	321-242-3632	BRElegals@gannett.com

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005773931

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice  
**Order Amount** 340.30

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 07/20/23

**Text of Ad:**

Ad#5773931 07/20/2023  
**CITY OF PALM BAY, FLORIDA  
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 August 2, 2023, and by the City Council on August 17, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):  
1. CP23-00008 – Tara Williamson and Ronald Chabot (Kelly Hyvonen, AICP, Land Development Strategies, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial and High Density Residential to Commercial.  
Lot 1 of Block R and Lot 18.01 of Block C, Hiawatha Gardens Section 2, Section 13, Township 28, Range 37, Brevard County, Florida, containing approximately 1.06 acres. Located at the southwest intersection of Hiawatha Avenue NE and Dixie Highway NE  
2. \*\*Z23-00012 - Lawrence Kramer  
A Zoning Change from an IU, Institutional Use District to an RC, Restricted Commercial District.  
Lot 11, Point West Estates, Section 6, Township 29, Range 37, Brevard County, Florida, containing approximately 0.9 acres. Located south of and adjacent to Malabar Road NE, west of and adjacent to Greenacre Drive SE  
3. \*\*Z23-00011 - 1611 Meridian, LLC, Nuri Dorra, Manager (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Zoning Change from an IU, Institutional Use District to a CC, Community Commercial District.  
Tax Parcel 262, Section 22, Township 28, Range 37, Brevard County, Florida; containing approximately 4.08 acres. Located at the northeast corner of Palm Bay Road NE and Skippers Way NE, specifically at 1881 Palm Bay Rd NE  
4. CP23-00014 - KEW, LLC, Michael Erdman, managing member (Kimberly Rezanka, Lacey Lyons Rezanka Attorneys At Law, Rep.)  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial.  
A portion of Tract I-3, Bayside Lakes Commercial Center Phase 2, Section 19, Township 29, Range 37, Brevard County, Florida, containing approximately 7.43 acres. Located west of and adjacent to Eldron Boulevard SE, south of and adjacent to Devonwood Court SE  
5. FS23-00006 - Heritage Square Partners, LLC, Ryan Karlin (Ana Saunders, P.E., BSE Consultants, Inc., Rep.)  
A Final Plat to allow for a proposed 4-lot commercial subdivision called Commercial at Heritage Square.  
Tract X, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida, containing approximately 15 acres. In the vicinity west of St. Johns Heritage Parkway NW, north of and adjacent to Malabar Road NW  
6. PS23-00006 - Diocese of Orlando, John G. Noonan, Bishop (David W. Bassford, P.E., MBV Engineering, Inc., Rep.)  
A Preliminary Subdivision Plan to allow for a proposed development of 88 town-



home units and 35 single-family residential units to be called Bayside Landings. Tract I-1, Bayside Lakes Commercial Center Phase 4, Section 30, Township 29, Range 37, Brevard County, Florida, containing approximately 21 acres. Located south of and adjacent to Osmosis Drive SE, west of and adjacent to Cogan Drive SE

**7. CP23-00015 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Small-Scale Comprehensive Plan Future Land Use Map Amendment from Public/Semi-Public to Commercial. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**8. \*\*CP23-00008 - Merritt Island Holding, LLC, Mitchell Garner, manager (John Newton, Newton Real Estate and Development, Rep.)**  
A Zoning Amendment from an IU, Institutional Use District to an RC, Restricted Commercial District. Tax Parcel 1, Section 6, Township 29, Range 37, Brevard County, Florida; containing approximately 6.43 acres. Located south of and adjacent to Malabar Road NE, in the vicinity west of Greenacre Drive SE

**9. T23-00013 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006 and 185.123, to provide clear language for authorized parking within residential districts.**

**10. T23-00014 – City of Palm Bay (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Sections 184.35 and 184.36, to add language and procedures for lot splits and lot reconfigurations within the City of Palm Bay.**

**11. T23-00015 - City of Palm Bay (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, to add Brew Pubs or other drinking establishment as a permitted use within the HC, Highway Commercial District.**

**12. T23-00017 – All Digital All Day, LLC (Matthew Ashley, Rep.) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, Section 178.17, to modify language for the distance between billboards to be in alignment with state statutes.**

**13. T23-00019 – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, to amend Section 184.15 regarding the conditions governing the issuance of building permits for model homes.**

**14. T23-00020 - City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Sections 170.005 through 170.009, 170.160, and 170.161, to remove language pertaining to the Building Code for the City of Palm Bay.**

**\*\*Indicates quasi-judicial request(s).**  
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.  
Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Jesse Anderson, Ph.D., Assistant Growth Management Director

**DATE:** August 2, 2023

**SUBJECT:** Rescheduled September Planning and Zoning Board Meeting

As you may recall, a budget workshop is being held on our regular board meeting night in September. The Planning and Zoning Board meeting has been rescheduled to Tuesday, September 5, 2023, at 6:00 p.m. Please mark your calendars accordingly.