



120 Malabar Road SE
Palm Bay, FL 32907
(321) 952-3400
www.palmbayflorida.org

Mayor
WILLIAM CAPOTE
Deputy Mayor
KENNY JOHNSON
Councilmembers
HARRY SANTIAGO, JR.
JEFF BAILEY
BRIAN ANDERSON

AGENDA

Special Council Meeting 2020-30 Thursday

September 10, 2020 - 6:00 PM
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907

CALL TO ORDER:

ROLL CALL:

PUBLIC COMMENTS/RESPONSES: Speakers are limited to 3 minutes.

PUBLIC HEARINGS:

1. Ordinance 2020-47, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the southeast corner of Babcock Street and Plantation Circle from Single Family Residential Use to Commercial Use (3.86 acres)(Case CP-4-2020, West Pointe Babcock, LLC), only one reading required. (CONTINUED FROM RCM 08-06-20)
2. Ordinance 2020-48, rezoning property located at the southeast corner of Babcock Street and Plantation Circle from RR (Rural Residential District) to CC (Community Commercial District) (3.86 acres) (Case CPZ-4-2020, West Pointe Babcock, LLC), first reading (Quasi-Judicial Proceeding). (CONTINUED FROM RCM 08-06-20)

ADJOURNMENT:

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, notice is hereby given that the City of Palm Bay shall hold the above public meeting on September 10, 2020, beginning at 6:00 PM. and lasting until the meeting is complete. The meeting will be conducted via communications media technology (teleconference/video conference).

Public comments may be submitted via email at publiccomments@palmbayflorida.org. Members of the public may also call (321) 726-2740 to provide comments via a dedicated City of Palm Bay public comment voicemail. All comments submitted will be included as part of the public record

for this virtual meeting and will be considered by the City Council prior to any action taken. Comments must be received at least twenty-four (24) hours prior to the meeting and shall have a time limit of three (3) minutes.

Pursuant to Council Policies and Procedures, members of the public wishing to use electronic media when addressing City Council must provide the electronic file to staff for screening no later than 2:00 P.M. on the day of the meeting; audio presentations must be submitted to the City Clerk at least twenty-four (24) hours prior to the meeting.

Councilmembers who are members of the Space Coast Transportation Planning Organization (TPO) may discuss TPO issues which may subsequently be addressed by the TPO.

If an individual decides to appeal any decision made by 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 (Section 286.0105, Florida Statutes). Such person must provide a method for recording the proceedings verbatim.

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall contact the Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Laurence Bradley, AICP, Growth Management Director

DATE: 9/10/2020

RE: Ordinance 2020-47, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the southeast corner of Babcock Street and Plantation Circle from Single Family Residential Use to Commercial Use (3.86 acres)(Case CP-4-2020, West Pointe Babcock, LLC), only one reading required. (CONTINUED FROM RCM 08-06-20)

West Pointe Babcock, LLC (Carmin Ferraro and Robert Schwerer, Reps.) has asked for a small-scale Comprehensive Plan Future Land Use Map Amendment to change 3.86 acres of Single-Family Residential Use (SFR) to Commercial Use (COM). The property is located at the southeast corner of Babcock Street SE and Plantation Circle SE within a mostly rural setting that is surrounded by a mix of single-family homes on minimum one-acre sized lots and vacant parcels. The entire area has a Future Land Use designation of Single-Family Residential Use (SFR).

On May 24, 2018, an application for a commercial future land use change involving the property was denied by City Council, and five submittals since 2015 were withdrawn prior to any decision by City Council. On November 7, 2019, City Council approved Case PS-1-2019, a five-lot residential subdivision with a waiver from mandatory connection to public water and sewer. The water and sewer connections will be required by the applicant for commercial development. The final subdivision was handled administratively as a Minor Subdivision, which will require a drainage plan at the development phase and each future lot owner to obtain a drainage permit for offsite stormwater runoff.

The majority of the property's frontage is on a residential street, and introducing commercial land uses on property entirely surrounded by single-family residential land is inconsistent with the surrounding land uses and the Comprehensive Plan.

The City Engineer has calculated that while the proposed land use change will increase the Average Annual Daily Traffic (AADT) on this segment of Babcock Street, it will not generate an immediate need to widen the roadway. However, the AADT counts will need to be re-evaluated once St. Johns Heritage Parkway and the Interchange (Exit 166) are open.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to deny Case CP-4-2020 based on the proposed Future Land Use change being inconsistent with the City's Comprehensive Plan for the following reasons: 1) The proposed Future Land Use change will introduce Commercial Uses into a residential area. The introduction of these uses would be inconsistent with residential character of adjacent and nearby properties. 2) The additional Commercial Land Use is unnecessary as there is a significant amount of undeveloped land already designated Commercial. 3) The additional Commercial Floor Area could potentially trigger a reduction in the Level of Service on Babcock Street. 4) The future widening plans for Babcock Street have not been finalized and thus it is unknown at this time how that widening could affect this property.

Planning and Zoning Board Recommendation:

Unanimous denial of the request based on the four points listed in the staff report.

ATTACHMENTS:

Description

Case CP-4-2020

Staff Report Addendum

Presentations and Correspondence

Board Minutes

Correspondence (Council)

Ordinance 2020-47



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Laurence Bradley, AICP, Growth Management Director

CASE NUMBER

CP-4-2020

PLANNING & ZONING BOARD HEARING DATE

July 1, 2020

PROPERTY OWNER & APPLICANT

West Pointe Babcock, LLC

PROPERTY LOCATION/ADDRESS

Southeast corner of Babcock Street SE and Plantation Circle SE. A portion of Lots 9 & 10, Section 34, Township 29 South, Range 37 East, Brevard County, Florida

SUMMARY OF REQUEST

The applicant is requesting a small-scale Comprehensive Plan Future Land Use Map Amendment to change 3.86 acres of Single-Family Residential Use (SFR) to Commercial (COM).

Existing Zoning

RR, Rural Residential

Existing Land Use

Single-Family Residential Use

Site Improvements

Vacant Land

Site Acreage

3.86 acres

SURROUNDING ZONING & USE OF LAND

North

RR, Rural Residential; Single-Family Homes

East

RR, Rural Residential; Vacant Lots and Single-Family Homes

South

RR, Rural Residential; Single-Family Homes

West

RS-2, Single-Family Residential; Vacant Lots and Single-Family Homes

BACKGROUND:

Located at the southeast corner of Babcock Street SE and Plantation Circle SE. Specifically, the subject parcel is a portion of Lots 9 & 10, Section 34, Township 29 South, Range 37 East, Brevard County, Florida. The subject parcel is 3.86 acres.

The parcel is bounded by RR zoning to the north, east and south and RS-2 zoning across Babcock Street to the West. A mix of Single-Family Homes and vacant parcels are adjacent to the subject property. The entire area has a Future Land Use designation of Single-Family Residential Use (SFR).

The applicant is requesting a small-scale Comprehensive Plan Future Land Use Map Amendment to change 3.86 acres of Single-Family Residential Use (SFR) to Commercial Use (COM). There is a companion application requesting a rezoning from RR, Rural Residential to CC, Community Commercial for future, unspecified commercial uses.

Attached to this report is an application history which summarizes a series of different land use applications going back to December 2015.

On six previous occasions the property owner has requested to change the land use from SFR, Single-Family Residential to COM, Commercial. The Planning & Zoning Board recommended denial all six times. Five times the applicant withdrew the Future Land Use Application prior to a decision by the City Council. On May 24, 2018 the City Council voted, 4 to 1, to deny the land use change.

Also, on six previous occasions, the property owner has requested to change the zoning designation from RR, Rural Residential to CC, Community Commercial. Planning & Zoning also recommended denial all six times. Five times the applicant withdrew the Zone Change prior to a decision by the City Council. On May 24, 2018, the City Council took no action on the Zone Change application because the denial of the Future Land Use application rendered the Zone Change request moot.

A Preliminary 5-lot Residential Subdivision application PS-1-2019 was recommended for approval by Planning & Zoning on October 2, 2019 and approved by City Council on November 7, 2019.

One of the main components of the preliminary subdivision application was the granting of a waiver of a mandatory connection to public water and sewer requirements pursuant to Sections 184.32 and 184.34 (D) of the Land Development Code. It should be noted that in the comments from the Utilities Director for this current change of use, a connection to water and sewer for the commercial development will now be required. The Final Subdivision was handled administratively by staff as a Minor Subdivision. No improvements or drainage plan was required by the Public Works (PW) Department, however PW determined that a drainage

plan will be required at the development phase and a note was added to the Plat requiring the future owners of each lot to obtain a drainage permit for any offsite storm water runoff. The final subdivision plat was signed by the City of Palm Bay on June 16, 2020 to be subsequently recorded by the applicant.

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-2 is to provide for and maintain viable neighborhoods and residential development to meet the existing and future needs of the residents of Palm Bay.

Objectives:

FLU-2.3 Prevent incompatible land uses from locating in residential areas in order to promote neighborhood stability and prevent deterioration.

The introduction of commercial land uses on a property entirely surrounded by single-family residential uses is inconsistent with the surrounding land uses. The majority of the frontage of the proposed property to be changed to commercial use is on a residential street.

Policies:

FLU-2.3A The Land Development Regulations shall continue to contain provisions to ensure that land uses surrounded by and/or abutting residential areas are not in conflict with the scale, intensity, density and character of the residential area.

The scale and character of the residential neighborhood where this parcel is located consists of single-family uses in a mostly rural setting. Each of the lots on the north, east and south of the subject property are one acre minimum in size.

The Comprehensive Plan (Plan) FLU Element Goal FLU-3 Provide for economically viable commercial areas which promote a sound and diversified local economy and serve the retail and service needs of the City's residents.

Policies:

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

There are a number of undeveloped properties both north and south of the subject property on Babcock Street (approximately 200 + acres) which already have a COM land use designation. Additional commercial land is unnecessary at this time as there is sufficient commercial in close proximity to this property.

The subject property is bordered by single-family residential land uses on all sides. The intended use for the 3.86 acres of commercial land use is inconsistent with the Comprehensive Plan Elements listed above. Further FLU-3.1A states that commercial land uses shall not exceed projected needs. Given the amount of still undeveloped commercial land uses in the area, additional commercial land use is not needed at this time.

2. CAPITAL IMPROVEMENT ELEMENT

The Utilities Department (Utilities) has identified that there is a 16" water main and a 16" public sanitary sewer force main adjacent to subject property on Babcock Street. Further, Utilities has stated in their comments that capacity is readily available and that a change of use from residential to commercial use will trigger the need to extend water and sewer service to the commercial portion of this site at the applicant's expense

3. COASTAL MANAGEMENT ELEMENT

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

4. CONSERVATION ELEMENT

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

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

The subject parcel is not located within any of the Florida scrub jay polygons identified on the City's Habitat Conservation Plan (HCP). No additional listed species are known to inhabit the subject property. Any listed species identified on the subject parcel would need to be mitigated for as required by State and Federal regulations, and per Comprehensive Plan Policy CON-1.7B.

According to the National Wetlands Inventory approximately 1 acre of wetlands are present on the subject property. Any proposed mitigation will require approval from all applicable State Agencies.

5. HOUSING ELEMENT

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive and affordable housing within the City.

6. INFRASTRUCTURE ELEMENT

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

Utilities: The FLU change will not cause 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 adjacent to the subject property. Utilities has indicated that commercial uses will require water and sewer connections.

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.

Solid Waste: Solid waste collection is provided to the area by Waste Management Inc. Sufficient capacity exists within the Brevard County landfills to service the property.

7. RECREATION AND OPEN SPACE ELEMENT

The Recreation and Open Space Element addresses the current and future recreational needs of the City. Commercial Use does not have a demand upon the parks & recreational level of service (LOS) standards.

8. INTERGOVERNMENTAL COORDINATION ELEMENT

In April 2020, the City of Palm Bay and Brevard County entered into an Inter-Local Agreement. As part of that agreement a 'Future Project' is contemplated which will expand Babcock Street from what SCTPO considers a 2-lane rural collector road to a 4-lane collector road. The carrying capacity of the road will be doubled. However, until such time as that additional capacity is available and the Average Annual Daily Traffic (AADT) is analyzed this request may be premature. There is no timetable identified for the start of construction in this area and no funding source has been made available for these improvements.

9. TRANSPORTATION ELEMENT

As noted in Element #8 above the City of Palm Bay and Brevard County have agreed that a future widening of Babcock Street will occur in the future. The current Level of Service (LOS) of this segment of Babcock Street is LOS C. This Future Land Use change is proposing an additional 3.86 acres of Commercial Land Use. The Comprehensive Plan indicates that the maximum Floor Area Ratio (FAR) for COM Land Use is 2.5. Thus, based upon this FAR between 200,000 and 400,000 square feet of new commercial uses could potentially be added to this corridor. Growth Management has requested the City Engineer provide some analysis about how this additional commercial activity could potentially affect the LOS on Babcock Street. This information is expected prior to the hearing.

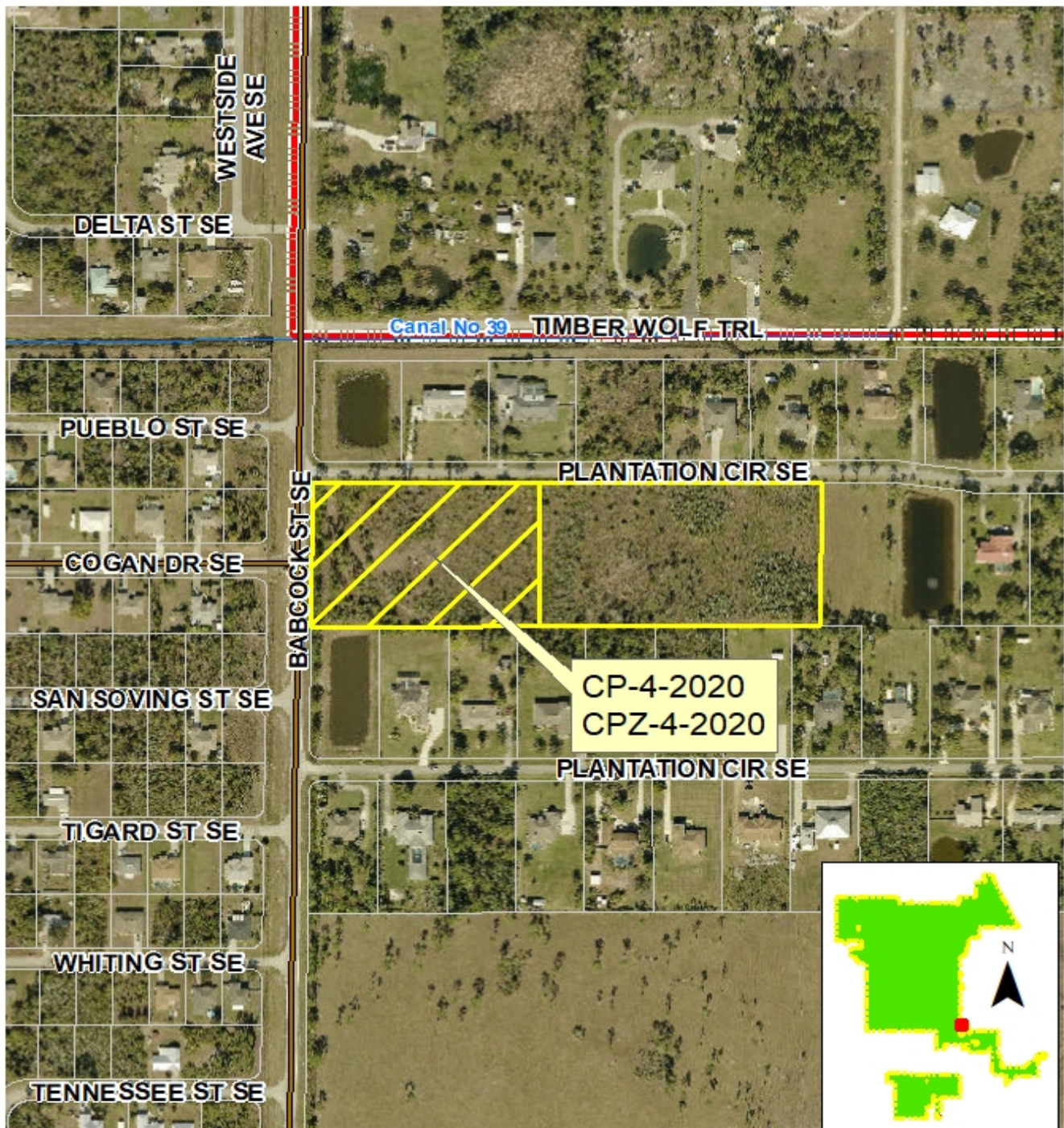
Further, access into this site needs to be fully examined and could be problematic. The majority of the frontage of this parcel is on a residential street. There are potential conflict points at the intersection of Plantation Circle SE North and Cogan Drive SE as they intersect Babcock Street. Additional turn lanes and possibly signalization will be needed, especially after Babcock Street is widened to 4-lanes.

STAFF RECOMMENDATION:

Staff concludes that the proposed Future Land Use Change is inconsistent with the City's Comprehensive Plan and therefore recommends denial of this request, for the following reasons:

1. The proposed Future Land Use change will introduce Commercial Uses into a residential area. The introduction of these uses would be inconsistent with residential character of adjacent and nearby properties.
2. The additional Commercial Land Use is unnecessary as there is a significant amount of undeveloped land already designated Commercial.
3. The additional Commercial Floor Area could potentially trigger a reduction in the Level of Service on Babcock Street.
4. The future widening plans for Babcock Street have not been finalized and thus it is unknown at this time how that widening could affect this property.

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

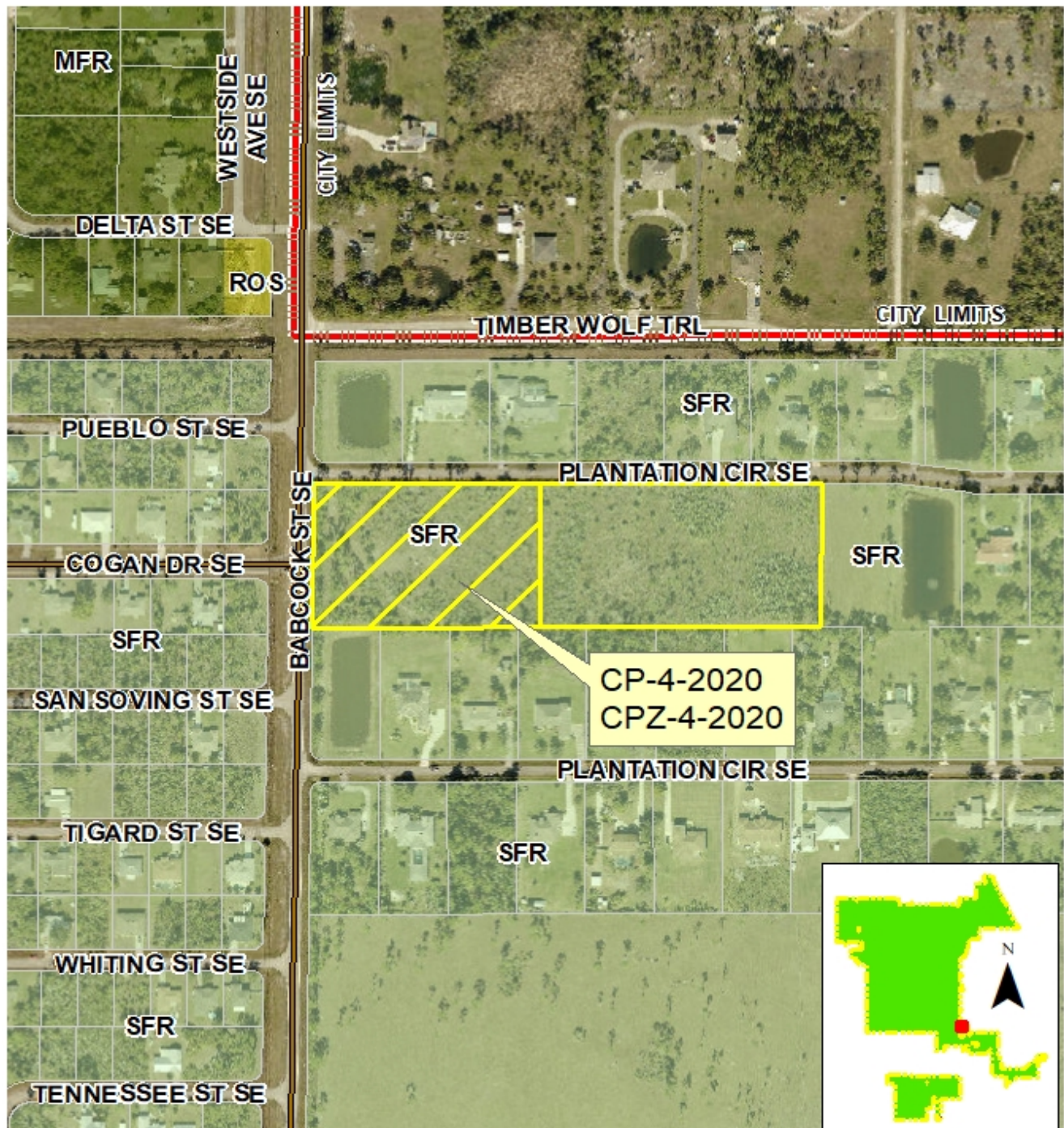


AERIAL LOCATION MAP CASE CP-4-2020 & CPZ-4-2020

Subject Property

Southeast corner of Babcock Street SE and Plantation Circle 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 CP-4-2020 & CPZ-4-2020

Subject Property

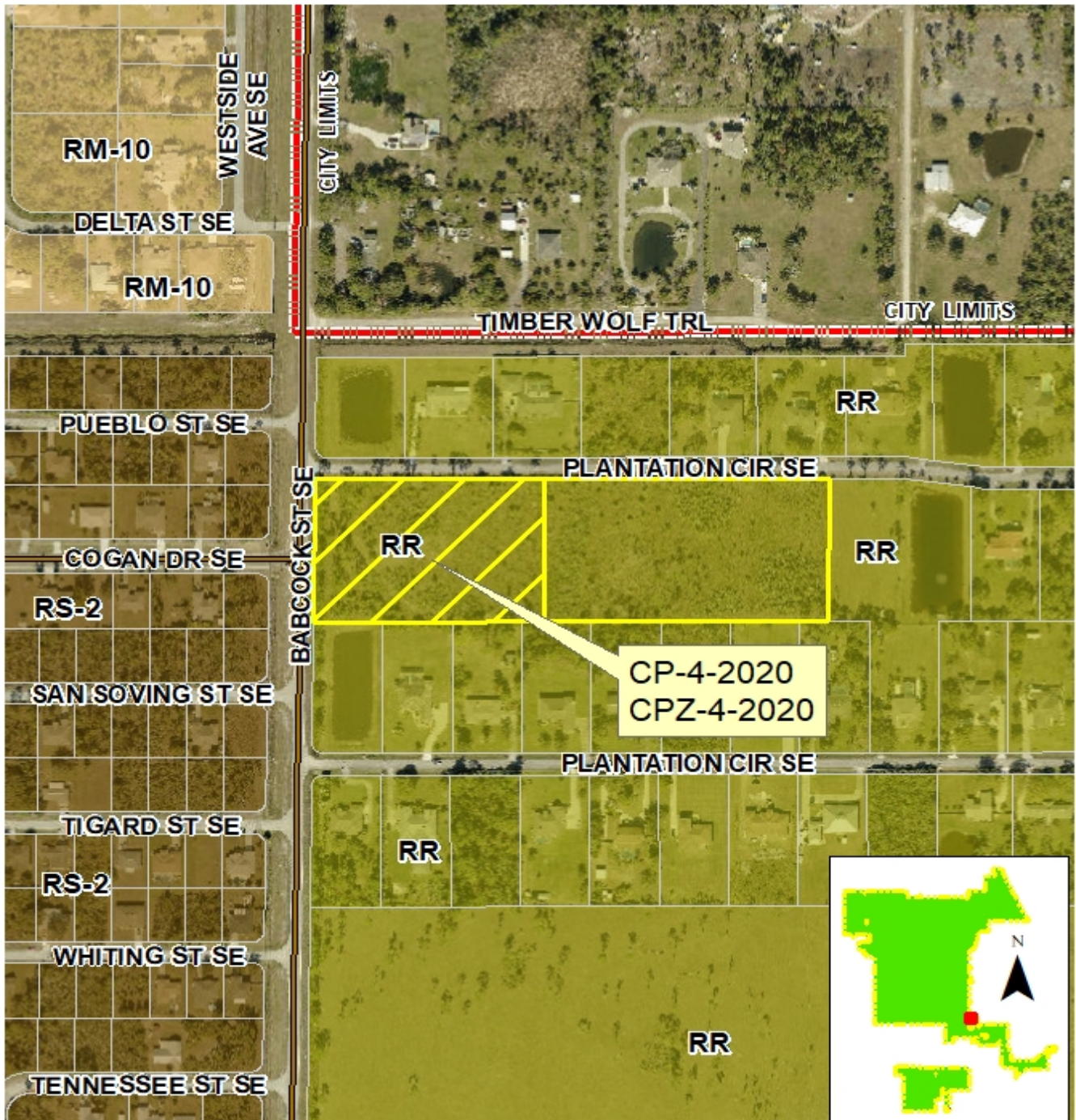
Southeast corner of Babcock Street SE and Plantation Circle SE

Future Land Use Classification

SFR –Single Family Residential Use



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



ZONING MAP CASE CP-4-2020 & CPZ-4-2020

Subject Property

Southeast corner of Babcock Street SE and Plantation Circle SE

Current Zoning Classification

RR – Rural Residential District

Clerk of the Circuit Court
and for Broward County, Fla.

CP-4-2020 - WEST POINTE BABCOCK, LLC (CARMINE FERRARO AND ROBERT SCHWERER, REPS.)

A small-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **3.86 acres**

01/31/2020 – Entered application

07/01-2020 – P&Z – SCHEDULED

08/16/2020 – Council – SCHEDULED

CPZ-4-2020 - WEST POINTE BABCOCK, LLC (CARMINE FERRARO AND ROBERT SCHWERER, REPS.)

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District - **3.86 acres**

01/31/2020 – Entered application

07/01-2020 – P&Z – SCHEDULED

08/16/2020 – Council – SCHEDULED

PS-1-2019 - CARMEL DEVELOPMENT, LLC (CARMINE FERRARO)

Preliminary Subdivision Plan approval of a proposed 5-lot single-family subdivision called Plantation Circle – **8.41 acres**

06/07/2019 – Entered application

10/02/2019 – P&Z – APPROVED WITH CONDITIONS

11/07/2019 – Council – APPROVED WITH CONDITIONS

CP-1-2018 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **2.89 acres.**

01/12/2018 – Entered application

03/07/2018 – P&Z – DENIED

05/24/2018 – Council - O-13-2018 – DENIED

CPZ-1-2018 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District. - **2.89 acres.**

01/12/2018 – Entered application

03/07/2018 – P&Z – DENIED

05/24/2018 – Council - O-14-2018 – NO ACTION TAKEN

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

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **2.89 acres.**

10/01/2017 – Entered application

11/01/2017 – P&Z – DENIED

11/28/2017 – Council – RESCHEDULED

WITHDRAWN prior to 02/06/2018 Special Council Hearing

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

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District. - **2.89 acres.**

10/01/2017 – Entered application

11/01/2017 – P&Z – DENIED

11/28/2017 – Council – RESCHEDULED

WITHDRAWN prior to 02/06/2018 Special Council Hearing

CP-18-2017 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **2.89 acres.**

06/30/2017 – Entered application

08/02/2017 – P&Z – DENIED

WITHDRAWN per Code prior to 09/06/2017 Council Hearing

CPZ-18-2017 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District. - **2.89 acres.**

06/30/2017 – Entered application

08/02/2017 – P&Z – DENIED

WITHDRAWN per Code prior to 09/06/2017 Council Hearing

CP-13-2017 - WEST POINTE BABCOCK, LLC (ALAN SAKOWITZ, REP.)

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **8.41 acres.**

03/31/2017 – Entered application

05/03/2017 – P&Z – DENIED

06/01/2017 – Council - **WITHDRAWN by applicant O-42-2017**

CPZ-13-2017 - WEST POINTE BABCOCK, LLC (ALAN SAKOWITZ, REP.)

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District - **8.41 acres.**

03/31/2017 – Entered application

05/03/2017 – P&Z – DENIED

06/01/2017 – Council - **WITHDRAWN by applicant O-43-2017**

CP-21-2016 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **4.41 acres.**

07/01/2016 – Entered application

08/03/2016 – P&Z – DENIED

WITHDRAWN prior to 09/01/2016 Council Hearing

CPZ-21-2016 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District - **4.41 acres.**

07/01/2016 – Entered application

08/03/2016 – P&Z – DENIED

WITHDRAWN prior to 09/01/2016 Council Hearing

CP-7-2015 - WEST POINTE BABCOCK, LLC (JACK SPIRA, REP.)

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **4.41 acres.**

07/31/2015 – Entered application

09/02/2015 – P&Z – DENIED

WITHDRAWN 12/17/2015

CPZ-7-2015 - WEST POINTE BABCOCK, LLC (JACK SPIRA, REP.)

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **4.41 acres.**

07/31/2015 – Entered application

09/02/2015 – P&Z – DENIED

WITHDRAWN 12/17/2015



LAND DEVELOPMENT DIVISION
120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopment@palmbayflorida.org

COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

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

APPLICATION AMENDMENT TYPE:

☒

Small Scale (Less than 10 acres)

☐

Text Amendment (Comp. Plan)

☐

Large Scale (10 acres or more)

PARCEL ID 29-37-34-00-506-1

TAX ACCOUNT NUMBER 2952117

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

FLA INDIAN RIVER LAND CO. SUBD PER PB 1 PG165A S 330FT OF NORTH 660FT OF LOT 9
& 10 EXC ORB 6579 PAGE 1932 & HW R/W

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 3.86*

* the west approximate 3.86 acres of the 8.41 acre parcel shown in Exhibit "A" attached. (See additional note below)

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

Single Family Residential

LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE (attach additional sheets if necessary):

Commercial

Addition Note: Otherwise described as Lot 5 of the Preliminary Plat of Plantation Circle shown in Exhibit "B" attached.

Revision A: 01/20

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

PRESENT USE OF PROPERTY VACANT LAND

STRUCTURES LOCATED ON THE PROPERTY NONE

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION

YES, APPLICATION FOR RE-ZONING FROM RESIDENTIAL TO COMMUNITY COMMERCIAL

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

FLU MAP NEEDS TO BE AMENDED TO CONFORM TO ZONING REQUEST FOR COMMUNITY COMMERCIAL

SPECIFIC USE INTENDED FOR PROPERTY

FUTURE COMMERCIAL DEVELOPMENT

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

- ☒ *Application Fee. Make Check payable to "City of Palm Bay."
 - ☒ **\$1,200.00 - Small Scale** (Less than 10 acres)
 - ☐ **\$2,000.00 - Large Scale** (10 acres or more)
 - ☐ **\$2,000.00 - Text Amendment** (Comp. Plan)
- ☐ Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)).
- ☐ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☐ School Board of Brevard County School Impact Analysis Application (if applicable).
- ☐ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guideline.

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



Where the property owner is not the representative for the request, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative CARMINE FERRARO. MGMR CARMEL DEVELOPMENT LLC

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 COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Owner Signature  Date 01/29/2020

Printed Name CARMINE FERRARO

Full Address 3860 CURTIS BLVD #636, COCOA FL

Telephone 321-536-5200 Email carmel32927@gmail.com

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

CITY OF PALM BAY
RECEIVED

JAN 31 2020

LAND DEVELOPMENT



January 2, 20 20

Re: Letter of Authorization

As the property owner of the site legally described as:

Tax ID# 295117 - Parcel # 29-37-34-00-506.01

I, Owner Name: West Pointe Babcock LLC

Address: 1132 Kane Concourse, Ste.200 Bay Harbor Islands, FL 33154

Telephone: (305) 655-1234

Email: asakowitz@pointecompanies.com

hereby authorize:

Rep. Name: Carmel Development LLC - Carmine Ferraro, MGMR

Address: 3860 Curtis Blvd, Suite 636, Cocoa FL 32927

Telephone: (321) 536-5200

Email: carmel32927@gmail.com

to represent the request(s) for:

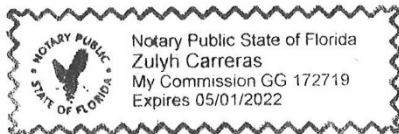
Rezoning of Lot 5 - Plantation Circle - Preliminary Plat

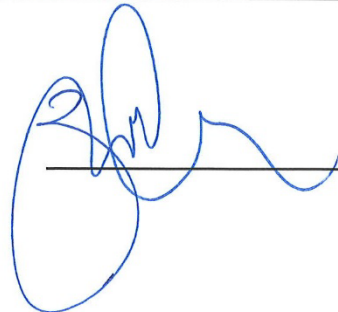

(Property Owner Signature)

STATE OF Florida
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 6th day of Jan, 2020 by Alan Sakowitz,

(SEAL)




, Notary Public

☒ Personally Known or

☐ Produced Identification

Type of Identification Produced: _____

West Pointe Babcock, LLC

January 13, 2020

To: City of Palm Bay
RE: Letter of Authorization

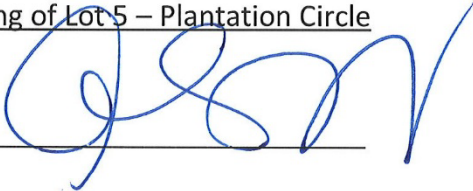
As the property owner the site legally described as:
TAX ID# 295117 – Parcel # 29-37-34-00-506.01

I, Owner Name: West Pointe Babcock, LLC
Address: 1132 Kane Concourse, Ste 200, Bay Harbor Islands, FL 33154
Telephone: 305-655-1234
Email: asakowitz@pointecompanies.com

hereby authorize:

Rep. Name: Robert V. Schwerer, Esq.
Address: 130 South Indian River Dr, Suite 304, Ft Pierce, Florida 34950
Telephone: 772-461-2310
Email: schwererlaw@aol.com

To represent the request(s) for:
Rezoning of Lot 5 – Plantation Circle



Owner Signature

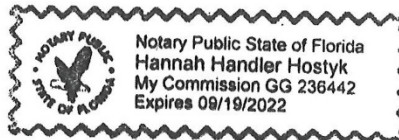
Property

by means of ☒ physical presence or ☐ on-line notarization

STATE OF Florida
COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 14th day
of January, 2020
By Alan Sakowitz.





Notary Public

☒ Personally Known or
☐ Produced Identification
Type of Identification
Produced _____

CASE CP-4-2020

STAFF REPORT ADDENDUM

Submitted at July 1, 2020 Planning and Zoning Board Meeting

ADDENDUM
to Case No. CP-4-2020

On Page 4 of original staff report for the above referenced case in Section 9 - Transportation it was noted that the City Engineer was requested to provide a traffic analysis. That information was received after the staff report was released and as such has generated the need for this addendum.

Based upon a proposed use with a 35% Building Coverage and the need for drainage and parking, typical developments with the City of Palm Bay are developed at approximately 20% Building Coverage. Thus, 20% building coverage on this 3.86-acre site would potentially yield approximately 33,600 SF of commercial floor area. Based upon this the City Engineer provided the following analysis:

<i>Per ITE Trip Generation – Land Use 820 (Shopping Center) with 33,600 SF will generate:</i>	<i>2,864 ADT</i>
<i>The TPO traffic counts per 2019 has segment from Micco to Grant with AADT of:</i>	<i>5,120 AADT</i>
<i>Cypress Bay Traffic Study the northbound from intersection of Parkway</i>	<i><u>2,984 AADT</u></i>
<i>Total traffic volume on Babcock 2020:</i>	<i>10,968AADT</i>
<i>The Maximum Acceptable Volume (MAV) for 2 lane segment is per TPO</i>	<i>14,200 AADT</i>
<i>Therefore 10,968 < 14,200 so under capacity for MAV</i>	

The result of this analysis yields that while the proposed Future Land Use Change will increase the AADT (Average Annual Daily Traffic) on this segment of Babcock Street. It will not generate an immediate need to widen of the roadway in this area should this site be developed.

However, it should be noted that once St. John's Heritage Parkway and Exit 166 on I-95 are opened that these numbers will need to be reevaluated. Further analysis will also be needed once a Site Development plan is proposed for this parcel.

Attached is the email and back-up data provided by the City Engineer.

Laurence Bradley

From: Frank Watanabe
Sent: Tuesday, June 30, 2020 4:51 PM
To: Laurence Bradley; Patrick Murphy
Subject: RE: ILA w/Brevard County for SJHP/Babcock Intersection; and BEYOND

Larry,

I rechecked the ITE Trip Generation for 33,600 SF Shopping Center is 2,864 (Total weekday). I revised the numbers below

Frank Watanabe
Public Works Director/City Engineer
City of Palm Bay
(321) 409-6341

From: Frank Watanabe
Sent: Tuesday, June 30, 2020 3:25 PM
To: Laurence Bradley <Laurence.Bradley@palmbayflorida.org>; Patrick Murphy <Patrick.Murphy@palmbayflorida.org>
Subject: FW: ILA w/Brevard County for SJHP/Babcock Intersection; and BEYOND

Larry

Per our conversation, here is my traffic analysis for the proposed commercial site at Plantation Circle.

- Per ITE Trip Generation – Land Use 820 (Shopping Center) with 33,600 SF will generate: 2,864 ADT
- The TPO traffic counts per 2019 has segment from Micco to Grant with AADT of 5,120 AADT
- Cypress Bay Traffic Study the northbound from intersection of Parkway 2,984 AADT
- **Total traffic volume on Babcock 2020** **10,968**
AADT
- The Maximum Acceptable Volume (MAV) for 2 lane segment is per TPO **14,200 AADT**
- Therefore 10,968 < 14,200 so under capacity

Hope this helps

Frank Watanabe
Public Works Director/City Engineer
City of Palm Bay
(321) 409-6341

From: Frank Watanabe

Sent: Sunday, June 28, 2020 11:58 AM

To: Patrick Murphy <Patrick.Murphy@palmbayflorida.org>

Cc: Laurence Bradley <Laurence.Bradley@palmbayflorida.org>; Natalie Shaber <Natalie.Shaber@palmbayflorida.org>

Subject: RE: ILA w/Brevard County for SJHP/Babcock Intersection; and BEYOND

Patrick

Sorry for the long delay in getting back on the AADT for Babcock. Here is the latest 2019 traffic count from the TPO with AADT. This table provides the Maximum Acceptable Volume (MAV) per segment of Babcock.

SPACE COAST TRANSPORTATION PLANNING ORGANIZATION TRAFFIC COUNTS: 2010 - 2019

ID	ROAD	SEGMENT (Sections)	2010 AADT	2011 AADT	2012 AADT	2013 AADT	2014 AADT	2015 AADT	2016 AADT	2017 AADT	2018 AADT	2019 AADT	Current MAV
AREA: CENTRAL													
US 1													
34	US 1	EYSTER-ROSA JONES	UC	34,867	34,703	34,977	35,303	36,267	35,167	34,170	37,273	35,953	
33	US 1	Eyster-Barton	UC	32,330	32,860	33,220	32,820	34,440	33,650	32,520	31,160	34,410	62,900
88	US 1	Barton-Florida	UC	39,440	38,510	38,070	40,180	40,480	39,840	36,860	42,620	38,100	62,900
	US 1	Florida-Rosa Jones (Ponseff)	UC	32,830	32,740	33,640	32,910	33,880	32,010	33,130	38,040	35,350	62,900
US 1													
24	US 1	ROSA JONES-PEACHTREE	UC	26,940	26,360	26,795	25,375	33,480	30,220	26,885	28,525	29,360	
	US 1	Rosa Jones (Ponseff)-SR 520	UC	32,590	32,430	32,840	32,890	33,480	30,220	33,500	34,020	36,970	62,900
23	US 1	SR 520-Peachtree	UC	21,290	20,290	20,750	17,860	UC	UC	20,270	23,030	21,750	62,900
US 1													
	US 1	PEACHTREE-SR 528		27,443	28,365	27,363	27,025			26,600	28,873	28,425	
22	US 1	Peachtree-Forrest		18,880	21,080	20,330	20,560	UC	UC	UC	21,290	24,850	22,720
21	US 1	Forrest-Dixon		29,770	30,260	29,860	29,460	UC	UC	UC	28,620	30,090	30,890
20	US 1	Dixon-Michigan		28,860	31,080	28,020	28,510	UC	UC	UC	25,890	30,430	29,670
19	US 1	Michigan-SR 528		32,260	31,040	31,240	29,570	UC	UC	UC	30,600	30,120	62,900
572	VIERA BLVD	Tavistock-Stadium				7,070	7,160	NC	8,190	NC	8,310	NC	39,800
VIERA BLVD													
	VIERA BLVD	STADIUM-HOLIDAY SPRINGS		12,880	13,820	13,240	13,930	14,490	15,950	16,780	17,445	17,430	17,380
536	VIERA BLVD	STADIUM-MURRELL		12,010	12,790	12,650	13,760	14,600	15,980	17,450	18,130	17,810	NC
58	VIERA BLVD	Murrell-Holiday Springs		13,750	14,850	13,830	14,100	14,380	15,920	16,110	16,760	17,050	17,380
537	VIERA BLVD	Holiday Springs-US 1		11,980	12,830	11,850	12,130	12,190	13,280	13,930	14,860	14,900	14,900
AREA: SOUTH													
AIRPORT													
	AIRPORT	US 192-APOLLO		10,990	10,390	10,657	10,570	11,747	11,100	11,993	13,080	13,695	13,123
503	AIRPORT	US 192-HIBISCUS		9,620	9,590	10,080	9,760	11,200	9,720	10,060	15,100	10,990	11,440
502	AIRPORT	HIBISCUS-NASA		9,760	9,250	9,500	9,350	10,570	NC	10,900	11,280	NC	11,590
501	AIRPORT	NASA-APOLLO		13,590	12,330	12,390	12,600	13,470	12,480	15,020	15,560	16,400	16,340
APOLLO													
	APOLLO	AIRPORT-SARNO		20,370	19,120	19,020	19,350	19,020		22,120	23,430	21,310	24,660
510	APOLLO	Airport-St. Michaels		20,370	NC	19,020	NC	19,020	NC	21,980	NC	19,460	NC
538	APOLLO	St. Michaels - Sarno		NC	19,120	NC	19,350	NC	NC	22,260	23,430	23,160	24,660
571	APOLLO	Sarno - Eau Gallie Blvd				2,330	2,160	UC	UC	10,200	18,890	10,820	11,410
AURORA													
	AURORA	JOHN RODES-WICKHAM		8,265	7,670	7,670	7,765	6,865	6,845	6,540	7,460	7,475	7,100
507	AURORA	J. Rodas-Turtlemound		9,820	9,040	9,020	8,800	7,800	7,430	7,490	8,650	8,750	7,720
514	AURORA	Turtlemound-Wickham		6,710	6,300	6,320	6,730	5,930	6,260	5,590	6,270	6,200	6,480
AURORA													
	AURORA	WICKHAM-US 1		10,947	10,857	10,730	11,023	10,713	10,780	11,080	10,963	11,210	11,703
515	AURORA	WICKHAM-CROTON		11,380	11,370	11,320	11,600	10,840	11,600	11,160	11,360	11,240	12,880
306	AURORA	Croton-Stewart		11,080	11,010	10,800	11,150	11,140	10,910	11,750	12,490	12,370	12,470
376	AURORA	Stewart-US 1		10,380	10,190	10,070	10,320	10,160	9,830	10,330	9,040	10,020	9,760
BABCOCK													
	BABCOCK	IND RVR CO-GRANT		2,560	2,570	2,500	2,615	2,720	2,375	3,160	3,380	4,060	4,115
446	BABCOCK	Indian Rv Co-Micco		1,930	1,800	1,780	1,870	1,980	1,920	2,300	2,430	2,640	3,110
370	BABCOCK	Micco-Grant		3,190	3,340	3,220	3,360	3,460	2,830	4,020	4,290	5,480	5,120
BABCOCK													
	BABCOCK	GRANT-MALABAR		14,307	14,570	14,077	14,117	13,678	13,213	15,268	15,833	16,240	15,068
447	BABCOCK	Grant-Valkaria		6,950	7,250	7,010	7,060	7,140	7,200	7,820	8,410	9,080	6,020
597	BABCOCK	VALKARIA-WACO						11,720	11,580	13,630	13,290	13,510	13,590
448	BABCOCK	WACO-FOUNDATION PK		16,100	16,150	15,720	15,560	16,110	15,508	17,700	18,490	18,840	18,220
449	BABCOCK	FOUNDATION PK-MALABAR		19,870	20,310	19,500	19,730	19,740	18,578	21,920	23,140	23,530	22,440
BABCOCK													
	BABCOCK	MALABAR-PALM BAY RD		32,865	33,630	33,235	32,680	31,985	34,340	31,825	34,340	33,590	35,850
369	BABCOCK	Malabar-Charles		34,300	NC	34,850	NC	31,920	NC	29,850	NC	36,850	NC
368	BABCOCK	Charles-Pt Malabar		NC	35,500	NC	33,510	NC	36,180	NC	37,540	NC	37,810
443	BABCOCK	Pt Malabar-Palm Bay		31,430	31,740	31,620	32,260	32,050	32,500	33,800	33,710	30,330	33,890

In addition, below is the existing and future traffic study AADT from the Babcock PD&E. The AADT per segment of Babcock

FFI

TABLE 1 Generalized **Annual Average Daily** Volumes for Florida's **Urbanized Areas**

12/18/12

INTERRUPTED FLOW FACILITIES						UNINTERRUPTED FLOW FACILITIES					
STATE SIGNALIZED ARTERIALS						FREEWAYS					
Class I (40 mph or higher posted speed limit)						Core Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
2	Undivided	*	16,800	17,700	**	4	47,400	64,000	77,900	84,600	
4	Divided	*	37,900	39,800	**	6	69,900	95,200	116,600	130,600	
6	Divided	*	58,400	59,900	**	8	92,500	126,400	154,300	176,600	
8	Divided	*	78,800	80,100	**	10	115,100	159,700	194,500	222,700	
						12	162,400	216,700	256,600	268,900	
Class II (35 mph or slower posted speed limit)						Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
2	Undivided	*	7,300	14,800	15,600	4	45,800	61,500	74,400	79,900	
4	Undivided	*	14,500	32,400	33,800	6	68,100	93,000	111,800	123,300	
6	Divided	*	23,300	50,000	50,900	8	91,500	123,500	148,700	166,800	
8	Divided	*	32,000	67,300	68,100	10	114,800	156,000	187,100	210,300	
Non-State Signalized Roadway Adjustments						Freeway Adjustments					
(After corresponding state volumes by the indicated percent)						Auxiliary Lanes Ramp					
Non-State Signalized Roadways - 10%						Present in Both Directions Metering					
						- 20,000 - 5%					
Median & Turn Lane Adjustments						UNINTERRUPTED FLOW HIGHWAYS					
Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors		Lanes	Median	B	C	D	E
2	Divided	Yes	No	-5%		2	Undivided	8,600	17,000	24,200	33,300
2	Undivided	No	No	-20%		4	Divided	36,700	51,800	65,600	72,600
Multi	Undivided	Yes	No	-5%		6	Divided	55,000	77,700	98,300	108,800
Multi	Undivided	No	No	-25%							
			Yes	-5%							
One-Way Facility Adjustment						Uninterrupted Flow Highway Adjustments					
Multiply the corresponding two-directional volumes in this table by 0.6						Lanes	Median	Exclusive left lanes	Adjustment factors		
						2	Divided	Yes	-5%		
						Multi	Undivided	Yes	-5%		
						Multi	Undivided	No	-25%		
BICYCLE MODE ²						¹ Values shown are presented as two-way annual average daily volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the Highway Capacity Manual and the Transit Capacity and Quality of Service Manual.					
(Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes)						² Level of service for the bicycle and pedestrian modes in this table is based on number of motorized vehicles, not number of bicycles or pedestrians using the facility.					
Paved						³ Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.					
Shoulder Bicycle						* Cannot be achieved using table input value defaults.					
Lane Coverage	B	C	D	E		** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.					
0-49%	*	2,900	7,600	19,700							
50-84%	2,100	6,700	19,700	>19,700							
85-100%	9,300	19,700	>19,700	**							
PEDESTRIAN MODE ²											
(Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes)											
Sidewalk Coverage	B	C	D	E							
0-49%	*	*	2,800	9,500							
50-84%	*	1,600	8,700	15,800							
85-100%	3,800	10,700	17,400	>19,700							
BUS MODE (Scheduled Fixed Route) ³											
(Buses in peak hour in peak direction)											
Sidewalk Coverage	B	C	D	E							
0-84%	≥ 5	≥ 4	≥ 3	≥ 2							
85-100%	≥ 4	≥ 3	≥ 2	≥ 1							

2012 FDOT QUALITY/LEVEL OF SERVICE HANDBOOK TABLES

On getting the cumulative from the Cypress Bay Traffic study will take some time, which I do not have since I am doing this on a Sunday.

CASES CP-4-2020 & CPZ-4-2020
PRESENTATIONS AND
CORRESPONDENCE

WEST POINTE BABCOCK, LLC PRESENTATION

Presented at July 1, 2020 Planning and Zoning Board Meeting

The cover is a solid blue rectangle. In the top-left corner, there are several thin, white, parallel diagonal lines that extend towards the center of the page.

WEST POINTE BABCOCK, LLC

Comprehensive Plan Amendment and Rezoning

Introduction

- Approximately 3.86 acres at intersection of Babcock Street and Cogan Drive
- 1.75 miles north of new I-95 Interchange on Babcock
- Application for a Small Scale FLUM Amendment
 - From Single Family Residential to Commercial
- Application for a Rezoning
 - From Rural Residential to Community Commercial



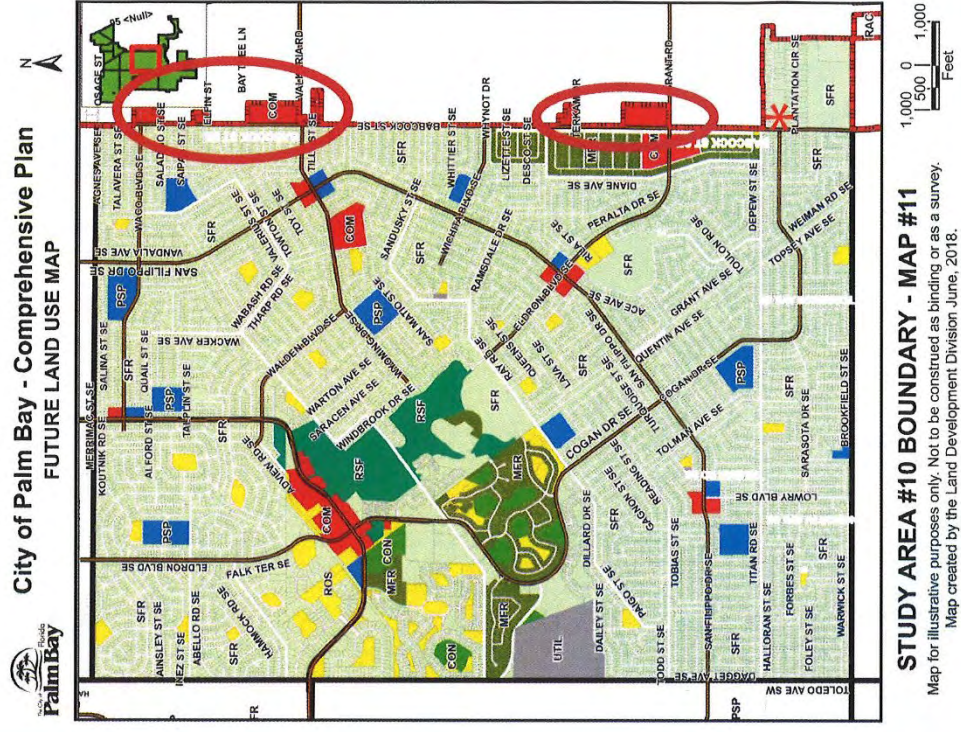
Planning Background

- Palm Bay not unlike many other areas in Florida
 - large platted areas developed by companies like GDC sell off individual lots to future homeowners
 - Port St. Lucie
 - Cape Coral
 - Lehigh Acres
 - Charlotte County
 - North Port
 - Etc.
- All have common problem of expansive areas of single use development
 - lack commercial area
- Causes longer trip lengths, more traffic, more roads
- Modern planning calls for integration of uses so that commercial, if done right, should be located close to residential to meet needs of residents



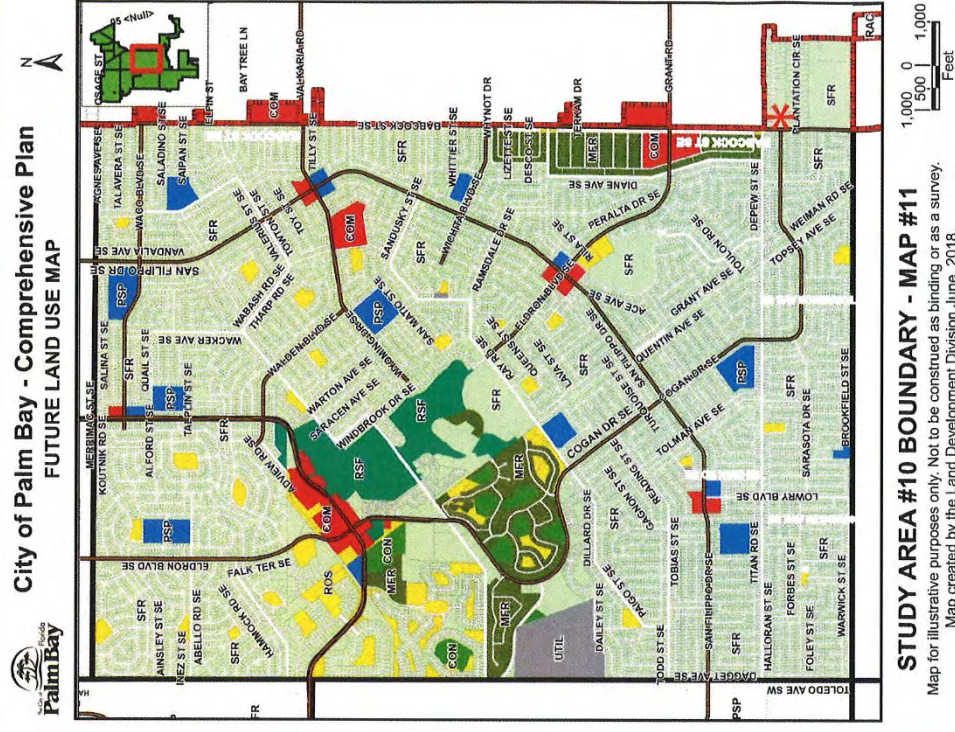
Future Land Use Map

- Commercial designated in several specific locations on the east side of Babcock Street
- Request is consistent with how the FLUM anticipates commercial development along the corridor
- Property located at a future significant intersection with widening of Babcock and future I-95 interchange to the south



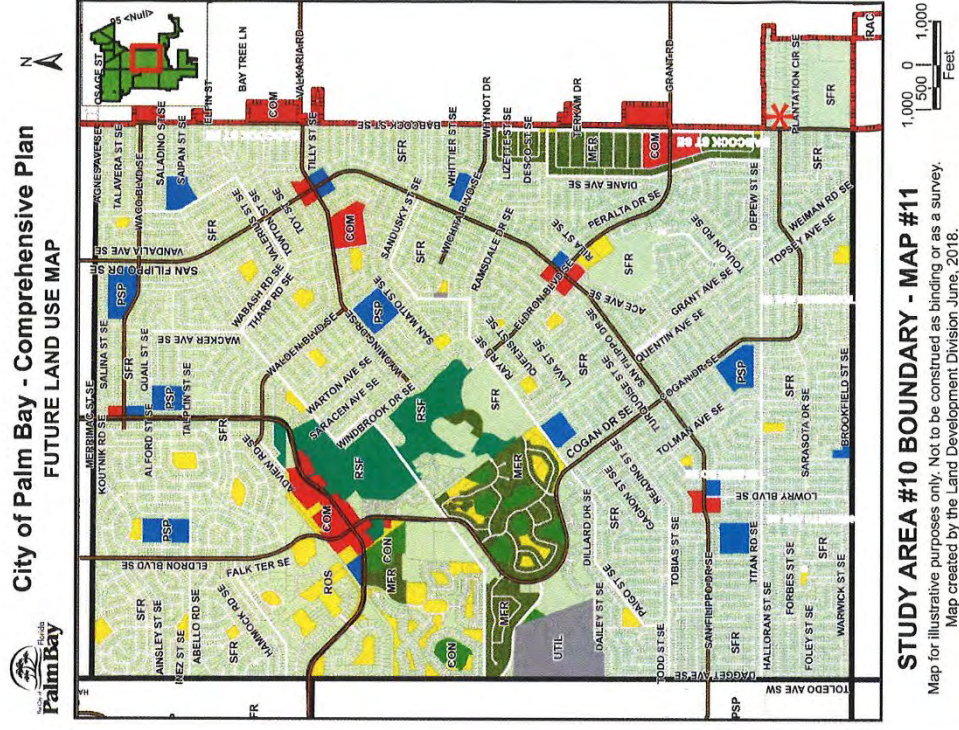
Comprehensive Plan

- Additional commercial needed in strategic locations
- Specific need for commercial along Babcock
 - Current travel requires to leave neighborhood for every retail need
 - Several designated commercial areas uses for places of worship or office further decreasing available land for retail uses
 - Other locations have potential environmental constraints or other factors preventing development



Future Land Use Location

- FLU 2.3 – Prevent incompatible land uses from locating in residential areas
 - Commercial can be designed to be compatible with and integrate into residential areas
 - Compatibility is about design, buffering and limitations
- FLU 2.3E. – Property located at the intersection of an two collector roads
 - Meets the intent of the policy to be located where the commercial services are easily accessible
- FLU 3.1 Provide additional commercial areas by type, size and distribution, based upon area Need and the availability of supporting infrastructure
 - Available infrastructure and overall public benefit to minimize trip lengths
- FLU 3.1B. – need to locate commercial where there is adequate access and water and sewer service



Surrounding Land Uses

- Suburban style estate home – large lots, not a rural environment
- Water management lakes adjacent on the north and south
- Typical platted 1/4 acres lots on west
- All nearby lots directly on Babcock are vacant
- With widening, residential not conducive to being located directly on Babcock
- Commercial can be a transition if done appropriately with adequate buffers



Compatibility

- Compatibility definition:
 - “Able to exist without conflict”
 - Does not mean same
 - Different than “consistent”
- Typical concerns with Commercial compatibility:
 - Noise
 - Site
 - Traffic
- Compatibility can be addressed through adequate buffering
- Berm/wall combinations protect against noise
- Landscaping adds enhances visual aesthetics as well as dampens sound and obscures site
- FLU 3.2E. Requires adequate buffering to protect surrounding residential
- Applicant proposing additional buffering over and above code requirements



Zoning Categories

- Neighborhood Commercial
- Community Commercial
- Planned Development Options

Neighborhood Commercial

- Intended to meet the convenience needs of surrounding neighborhood
- Small scale commercial uses
- Cons:
 - Does not allow drive-thrus – a necessity in the Post-Covid environment
- Many other jurisdictions distinguish between neighborhood and community services through scale (sq. ft.)



Staff report image

Community Commercial

- Intended to serve a larger area
- But has the mix of uses needing to implement a neighborhood scale development
- Uses and the market area served are limited by the size limit of the property
- Planned Development options are not available
 - PUD is for residential, with ancillary commercial
 - PCD is for 5 acres or greater and has other locational limitations

Layer List

Layers

Parcels

Zoning

Future Land Use

Legend

Zoning

Zoning

- AGR (COUNTY)
- AU (COUNTY)
- Bayfront Mixed Use
- Bayfront Mixed Use Village
- Community Commercial
- Unassigned County Zoning
- Floodway Conservation
- General Commercial
- General Use
- GU (COUNTY)
- Highway Commercial
- Heavy Industrial
- Institutional Use
- Light Industrial
- Neighborhood Commercial
- Professional Office
- Planned Community Redevelopment
- Planned Unit Development
- Regional Activity Center



Transportation

- Rezoning of Property
- Examined Maximum reasonable intensity that the property can accommodate
- Babcock Street & Cogan Drive– Urban Major Collector
- Babcock Adopted LOS “E” (TCE-1.1B.4.c.)
- Cogan Drive Adopted LOS “C” (TCE-1.1B.5.)
- 2019 Traffic Counts
 - Babcock Street – LOS “C”
 - Cogan Drive – LOS “C”

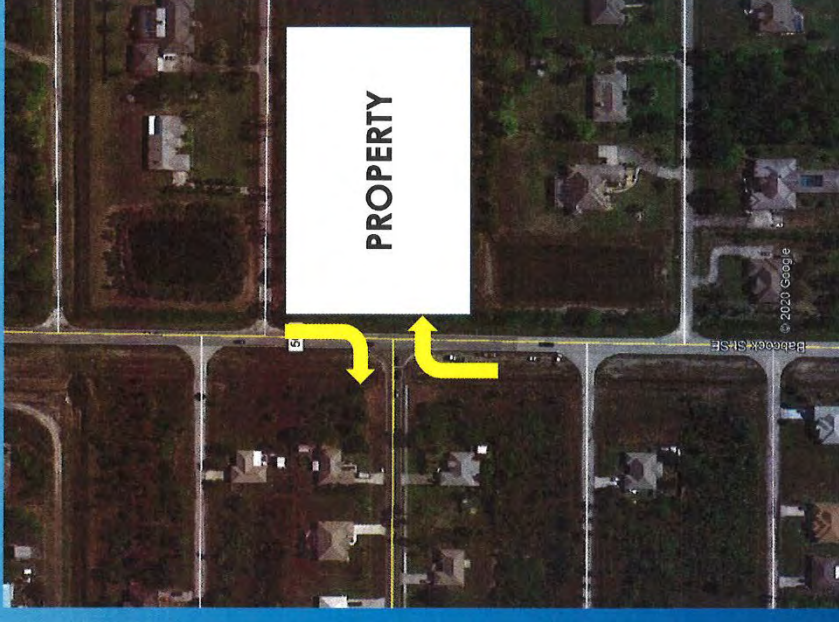


Transportation

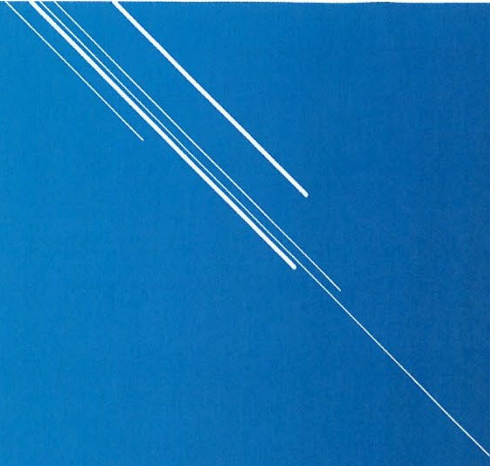
- Property Use – Conservative (i.e. - Maximum Reasonable)
 - 3,000 SF Drive-Through Bank
 - 2,000 SF Fast Food Restaurant
- Analyzed Trips Exceed 15,000 SF of retail use
- LOS with Maximum Reasonable Use of Property
 - Babcock Street – LOS “C” – Acceptable
 - Cogan Drive – LOS “C” – Acceptable

Access

- Typically Analyzed at during a Site Plan Application
- Developed Conservative Analysis to Evaluate Access
 - Babcock Street Needs Improvements
 - Northbound Left-Turn Lane (onto Cogan Drive)
 - Southbound Left-Turn Lane (into Property)
- Driveway is projected to Operate Acceptably with Improvements
- Driveway will also Operate Acceptably with a Roundabout



Questions?



REZONING TRAFFIC IMPACT ANALYSIS

**West Pointe Babcock
PALM BAY, FL**

Prepared for:
West Pointe Babcock, LLC
Palm Bay, Florida

Prepared by:


Engineering & Planning, Inc.
1172 SW 30th Street
Palm City, FL 34990
(772) 286-8030

037003
January 2020
© MacKenzie Engineering and Planning, Inc.
CA 29013

Shaun G. MacKenzie P.E.
PE Number 61751



EXECUTIVE SUMMARY

MacKenzie Engineering and Planning, Inc. performed an analysis of the traffic impacts resulting from rezoning a property from rural residential to Community Commercial located at the southeast corner of Plantation Cir and Babcock St, Palm Bay, Florida (Parcel ID: 29-37-34-00-506.1). The property was evaluated for 2020 conditions.

The result of the analysis shows that the roadways are projected to operate acceptably with the additional traffic generated by rezoning the property.

It is anticipated that development on the property will require construction of northbound left-turn lane at Cogan Drive and southbound left-turn land into the property. A northbound right-turn lane into the property is not anticipated to be necessary but will be re-evaluated during the site plan process.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	2
TABLE OF CONTENTS	3
LIST OF TABLES	4
LIST OF FIGURES.....	4
LIST OF EXHIBITS	4
APPENDICES.....	4
INTRODUCTION.....	5
INVENTORY AND PLANNING DATA.....	5
PROJECT TRAFFIC.....	6
Traffic Generation.....	6
Rezoning Use	6
Internal Capture.....	7
Pass-by Trip Capture.....	7
TRAFFIC DISTRIBUTION AND ASSIGNMENT	8
ASSURED AND PROGRAMMED CONSTRUCTION	9
BACKGROUND TRAFFIC	9
Historical Growth.....	9
Roadway Analysis.....	10
Intersections.....	12
Babcock Street & Cogan Drive	12
DRIVEWAYS	13
D/W #1 Access.....	14
D/W #2 Access.....	14
CONCLUSION	15
EXHIBITS.....	16
APPENDICES.....	17

LIST OF TABLES

Table 1. Trip Generation	7
Table 2. Growth Rate Calculation at Babcock St & Cogan Dr	9
Table 3a. 2020 AM Peak Hour Total Traffic Roadway Analysis	11
Table 3b. 2020 PM Peak Hour Total Traffic Roadway Analysis.....	11

LIST OF FIGURES

Figure 1. Property Location Map	5
Figure 2. Traffic Assignment	8
Figure 3. Projected Driveway Volumes	13

LIST OF EXHIBITS

Exhibit 1. Trip Generation

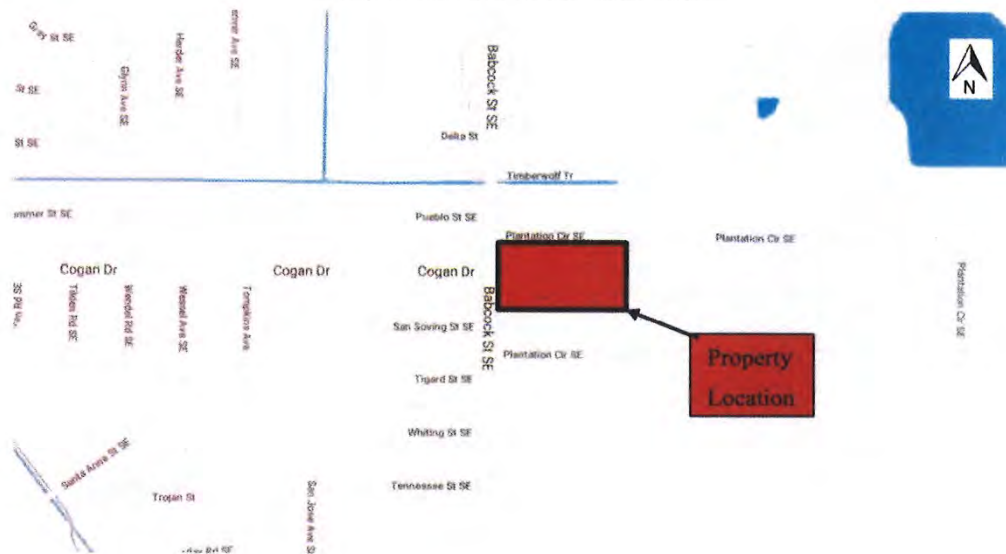
APPENDICES

- A. Intersection Analysis
 - o Babcock Street & Cogan Drive
 - I. Volume Development Sheet
 - II. HCS 7 Results
- B. Institute of Traffic Engineers' (ITE) report, *Trip Generation (10th Edition)*
- C. Pass-by Rates, *Trip Generation Handbook (3rd Edition)*

INTRODUCTION

MacKenzie Engineering & Planning, Inc. was retained to determine the transportation impacts resulting from rezoning a property from located at the southeast corner of Babcock Street and Plantation Circle Southeast from rural residential to Community Commercial (Parcel ID: 29-37-34-00-506.1). The uses on that will be developed on the property are not known at this time. In order to provide a conservative analysis, the transportation analysis included a 2,000 SF fast food restaurant with drive-through window and 3,000 SF bank. The analysis was performed for projected 2020 roadway conditions. Figure 1 shows the property location.

Figure 1. Property Location Map



INVENTORY AND PLANNING DATA

Data was acquired relative to the most current information available from the following sources:

- FDOT's Q/LOS Manual
- *Trip Generation, 10th Edition*, an ITE Manual
- MacKenzie Engineering & Planning, Inc., Turning Movement Counts

PROJECT TRAFFIC

In order to provide a conservative analysis, the study included the most reasonably intense use that could fit on the parcel, a bank and fast-food restaurant.

Traffic Generation

The study uses trip generation rates for Fast Food Restaurant with Drive-Through Window (ITE Land Use 934) and Drive-in Bank (ITE Land Use 912) published in the Institute of Traffic Engineers' (ITE) report, Trip Generation (10th Edition).

Rezoning Use

- 2,000 SF Fast Food Restaurant with Drive-Through Window (ITE Land Use 934)
- 3,000 SF Bank with three drive through lanes (ITE Land Use 912)

The proposed property is expected to generate the following net external trips:

- 709 daily, 59 AM peak hour (31 in/28 out), and 72 PM peak hour (37 in/35 out)

The proposed property is expected to generate the following driveway trips:

- 1,308 daily, 109 AM peak hour (58 in/51 out), and 126 PM peak hour (65 in/61 out)

Exhibit 1 presents the proposed property's trip generation.

Table 1. Trip Generation

Land Use	Intensity		Daily	AM Peak Hour			PM Peak Hour		
			Trips	Total	In	Out	Total	In	Out
Proposed Rezoning Traffic									
Drive-In Bank	3.000	1000 SF	366	29	17	12	61	31	30
Fast Food Restaurant w/ DT	2.000	1000 SF	942	80	41	39	65	34	31
Subtotal			1,308	109	58	51	126	65	61
Pass-By Traffic									
Drive-In Bank	35%		128	10	6	4	21	11	10
Fast Food Restaurant w/ DT	50%		471	40	21	19	33	17	16
Subtotal			599	50	27	23	54	28	26
NET PROPOSED TRIPS			709	59	31	28	72	37	35
Total Proposed Driveway Volumes			1,308	109	58	51	126	65	61
NET CHANGE IN TRIPS (FOR THE PURPOSES OF CONCURRENCY)			709	59	31	28	72	37	35
NET CHANGE IN DRIVEWAY VOLUMES			1,308	109	58	51	126	65	61
Note: Trip generation was calculated using the following data:									
Land Use	ITE Code	Unit	Daily Rate	Pass-by Rate	AM Peak Hour		PM Peak Hour		
					in/out	Rate	in/out	Equation	
Drive-In Bank	912	1000 SF	T = 82.87 (X) + 117.1	35%	58/42	9.50	50/50	20.45	
Fast Food Restaurant w/ DT	934	1000 SF	470.95	50%	51/49	40.19	52/48	32.67	

s:\jobs - share drive\037 - west\003 - west pointe babcock llc\west pointe babcock trip generation.xlsx\lgen

Copyright ©2020, MacKenzie Engineering and Planning, Inc.

Internal Capture

In order to provide a conservative analysis, internal capture is not utilized.

Pass-by Trip Capture

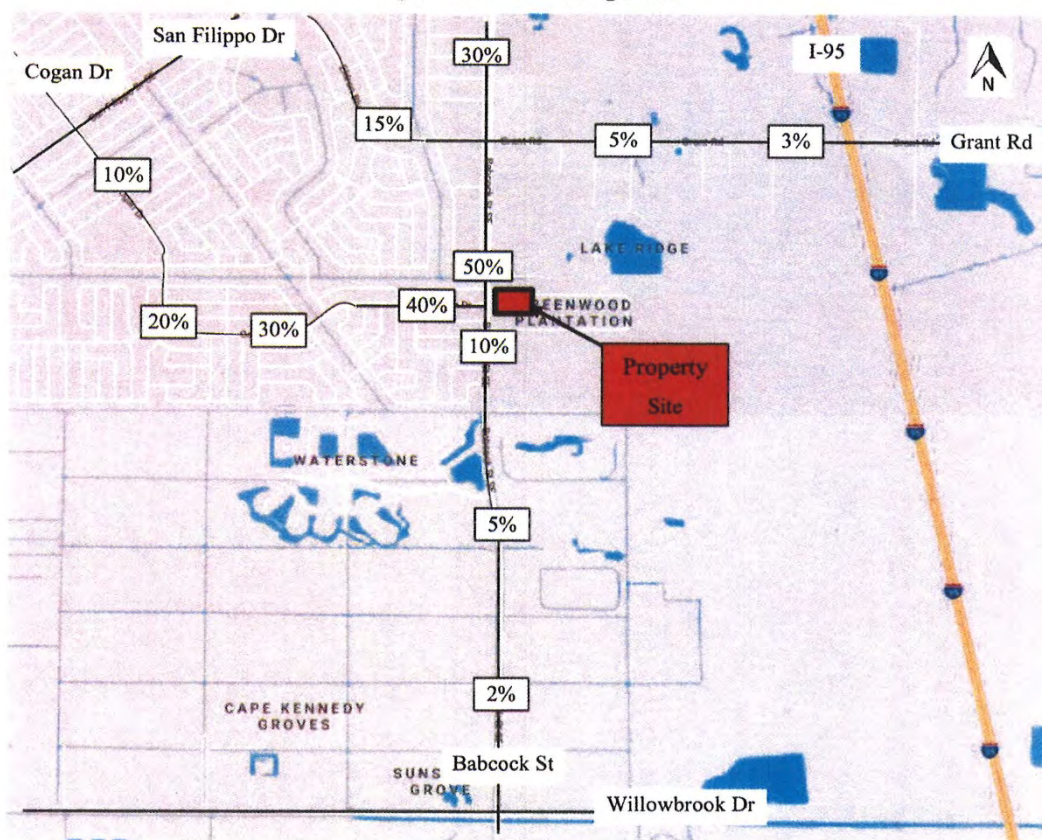
Pass-by rates are based on the ITE's report, Trip Generation Handbook (3rd Edition), as shown in Exhibit 2.

TRAFFIC DISTRIBUTION AND ASSIGNMENT

The traffic assignment was developed based upon existing and proposed developments, generators, destinations, and knowledge of the local area. These factors were applied using traffic engineering rationale similar to the gravity model.

NORTH	-	50 percent
SOUTH	-	10 percent
EAST	-	0 percent
WEST	-	40 percent

Figure 2. Traffic Assignment



ASSURED AND PROGRAMMED CONSTRUCTION

A review conducted of the 2040 Long Range Transportation Plan (LRTP), as well as those improvements committed by the developers of projects in the area include:

- South Babcock Street – Widen to 4 lanes (Design -2021)

The 4-lane design of south Babcock Street will occur in 2021. Funding for construction is not included in FDOT's 5-year plan.

BACKGROUND TRAFFIC

Background traffic identifies how the study area's transportation system is forecast to operate in the buildout year. This includes traffic growth that is associated with the general (historic) growth in the area and the growth due to the development of unbuilt portions of approved major developments.

Historical Growth

In order to provide an accurate traffic analysis, the growth rate at each intersection was determined by a volume weighted averaging of the growth on each leg of the intersection as shown in Table 2.

Table 2. Growth Rate Calculation at Babcock St & Cogan Dr

Road Name	From	To	2014	2015	2016	2017	Traffic Count Year	Annual Absolute Growth	Growth Rate
							2018		
Babcock St	Indian River CL	Grant Rd	1,900	2,000	2,200	2,200	2,200	80	3.6%
Cogan Dr	Babcock St	Jupiter Blvd	3,800	4,000	4,200	4,400	7,100	700	9.9%
Weighted Average									8.4%
Growth Rate Used									8.4%

Roadway Analysis

Traffic volumes were obtained from MEP traffic counts. The 2019 peak hour traffic volumes were increased based on the annual compound growth rate to develop the projected year 2020 background growth traffic volumes. Background traffic volumes were developed by adding the existing traffic volumes, traffic growth trips. The post rezoning 2020 traffic volumes were developed by adding background traffic volume plus project traffic. The post development traffic volumes were compared to the service volumes for each respective roadway segment to determine if the road is projected to operate acceptably. Based on the analysis, all roadway segments are projected to operate acceptably in 2020 with the proposed rezoning as shown in Table 3a and Table 3b.

Table 3a. 2020 AM Peak Hour Total Traffic Roadway Analysis

Roadway	Direction	From	To	Lanes	Assign	Property Traffic	2019 Volume	Existing 2019 Peak Season Peak Hour Volume	2020 Backgr ound	2020 Total Traffic Volume	Roadway Capacity	Accept able?
Babcock Rd	North	Grant Rd	Plantation Cir	2	50%	14	121	137	142	156	880	YES
Babcock Rd	South	Grant Rd	Plantation Cir	2	50%	16	271	306	317	333	880	YES
Babcock Rd	North	Plantation Cir	Cogan Dr	2	50%	14	121	137	142	156	880	YES
Babcock Rd	South	Plantation Cir	Cogan Dr	2	50%	16	271	306	317	333	880	YES
Babcock Rd	North	Cogan Dr	Plantation Cir	2	10%	3	241	272	282	285	880	YES
Babcock Rd	South	Cogan Dr	Plantation Cir	2	10%	3	162	183	190	193	880	YES
Babcock Rd	North	Plantation Cir	Mara Loma Blvd	2	10%	3	241	272	282	285	880	YES
Babcock Rd	South	Plantation Cir	Mara Loma Blvd	2	10%	3	162	183	190	193	880	YES
Babcock Rd	North	Mara Loma Blvd	Willowbrook St	2	5%	2	241	272	282	284	880	YES
Babcock Rd	South	Mara Loma Blvd	Willowbrook St	2	5%	1	162	183	190	191	880	YES
Cogan Dr	West	Babcock Rd	Topsey Ave	2	40%	11	229	259	285	296	880	YES
Cogan Dr	East	Babcock Rd	Topsey Ave	2	40%	12	125	141	155	167	880	YES
Cogan Dr	West	Topsey Ave	San Filippo Dr	2	30%	8	229	259	285	293	880	YES
Cogan Dr	East	Topsey Ave	San Filippo Dr	2	30%	9	125	141	155	164	880	YES

Table 3b. 2020 PM Peak Hour Total Traffic Roadway Analysis

Roadway	Direction	From	To	Lanes	Assign	Property Traffic	2019 Volume	Existing 2019 Peak Season Peak Hour Volume	2020 Backgr ound	2020 Total Traffic Volume	Roadway Capacity	Accept able?
Babcock Rd	North	Grant Rd	Plantation Cir	2	50%	18	313	354	367	385	880	YES
Babcock Rd	South	Grant Rd	Plantation Cir	2	50%	19	265	299	310	329	880	YES
Babcock Rd	North	Plantation Cir	Cogan Dr	2	50%	18	313	354	367	385	880	YES
Babcock Rd	South	Plantation Cir	Cogan Dr	2	50%	19	265	299	310	329	880	YES
Babcock Rd	North	Cogan Dr	Plantation Cir	2	10%	4	458	518	537	541	880	YES
Babcock Rd	South	Cogan Dr	Plantation Cir	2	10%	4	241	272	282	286	880	YES
Babcock Rd	North	Plantation Cir	Mara Loma Blvd	2	10%	4	458	518	537	541	880	YES
Babcock Rd	South	Plantation Cir	Mara Loma Blvd	2	10%	4	241	272	282	286	880	YES
Babcock Rd	North	Mara Loma Blvd	Willowbrook St	2	5%	2	458	518	537	539	880	YES
Babcock Rd	South	Mara Loma Blvd	Willowbrook St	2	5%	2	241	272	282	284	880	YES
Cogan Dr	West	Babcock Rd	Topsey Ave	2	40%	14	169	191	210	224	880	YES
Cogan Dr	East	Babcock Rd	Topsey Ave	2	40%	15	266	301	331	346	880	YES
Cogan Dr	West	Topsey Ave	San Filippo Dr	2	30%	11	169	191	210	221	880	YES
Cogan Dr	East	Topsey Ave	San Filippo Dr	2	30%	11	266	301	331	342	880	YES

Intersections

The intersections within the study area were evaluated in 2020 total (existing traffic plus background plus project) traffic conditions. This study analyzes the impacts to the following intersections for the AM and PM peak hours:

- Babcock Street & Cogan Drive

Data from the existing facilities within the study area were collected based on aerial photography and site observations. MacKenzie Engineering and Planning, Inc. collected AM and PM peak hour turning movement counts at Babcock Street & Cogan Drive on December 12, 2019. The counts were adjusted to peak season conditions using FDOT's peak season adjustment factors.

Babcock Street & Cogan Drive

MEP evaluated the Babcock Street & Cogan Drive intersection. The following improvements achieve an acceptable v/c ratio and provide safe access for drivers on Babcock Street:

- Construct a northbound left-turn lane and southbound left-turn lanes on Babcock Street at Cogan Drive.

With property traffic, the intersection is projected to be under capacity with all movements operating under capacity (v/c ratio less than 1.0). MEP obtained the 95th percentile queue from HCS 7 for each turn-lane at the intersection.

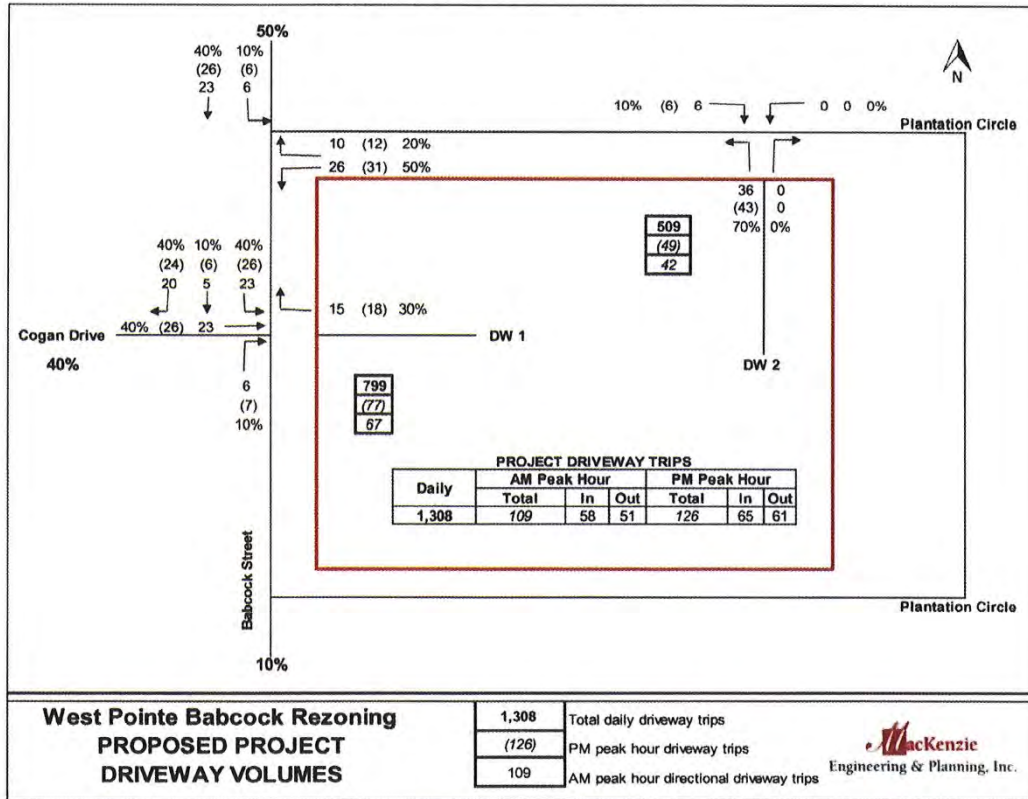
DRIVEWAYS

Access to the property will be determined through the site planning process. In order to provide a conservative analysis, the left-turn and through egress was not permitted from the potential driveway on Babcock Street. The access is as follows:

- D/W #1 – Cogan Drive – right-in/right-out/left-in
- D/W #2 – Plantation Circle – full access

Figure 4 displays the driveway volumes.

Figure 3. Projected Driveway Volumes





D/W #1 Access

A review of the project's access was performed to evaluate if the proposed project volumes meets the minimum Ingress Turn Lane Standards. The evaluation was based on the FDOT's Driveway Handbook 2008 Edition, Section 7.2. FDOT's Handbook recommends a right-turn lane when right-turn movements exceed 80-125 vehicles per hour during the peak hour for an unsignalized posted speed limit equal or less than 45 mph driveway.

The project's inbound AM and PM peak hour vehicles are 6 and 7, respectively. Using FDOT's most conservative threshold of 80 vehicles per hour, a right-turn lane is not recommended.

D/W #2 Access

The project's inbound AM and PM peak hour vehicles are 6 and 6, respectively. Using FDOT's most conservative threshold of 80 vehicles per hour, a right-turn lane is not recommended.



CONCLUSION

MacKenzie Engineering and Planning, Inc. performed an analysis of the traffic impacts resulting from rezoning a property from rural residential to Community Commercial located at the southeast corner of Plantation Cir and Babcock St, Palm Bay, Florida (Parcel ID: 29-37-34-00-506.1). The property was evaluated for 2020 conditions.

The result of the analysis shows that the roadways are projected to operate acceptably with the additional traffic generated by rezoning the property.

It is anticipated that development on the property will require construction of northbound left-turn lane at Cogan Drive and southbound left-turn land into the property. A northbound right-turn lane into the property is not anticipated to be necessary but will be re-evaluated during the site plan process.

EXHIBITS

Exhibit 1. Trip Generation

APPENDICES

- D. Intersection Analysis
 - o Babcock Street & Cogan Drive
 - I. Volume Development Sheet
 - II. HCS 7 Results
- E. Institute of Traffic Engineers' (ITE) report, *Trip Generation (10th Edition)*
- F. Pass-by Rates, *Trip Generation Handbook (3rd Edition)*

EXHIBIT 1									
West Pointe Babcock Rezoning									
Trip Generation									
Land Use	Intensity		Daily	AM Peak Hour			PM Peak Hour		
			Trips	Total	In	Out	Total	In	Out
Proposed Rezoning Traffic									
Drive-In Bank	3.000	1000 SF	366	29	17	12	61	31	30
Fast Food Restaurant w/ DT	2.000	1000 SF	942	80	41	39	65	34	31
Subtotal			1,308	109	58	51	126	65	61
Pass-By Traffic									
Drive-In Bank	35%		128	10	6	4	21	11	10
Fast Food Restaurant w/ DT	50%		471	40	21	19	33	17	16
Subtotal			599	50	27	23	54	28	26
NET PROPOSED TRIPS			709	59	31	28	72	37	35
Total Proposed Driveway Volumes			1,308	109	58	51	126	65	61
NET CHANGE IN TRIPS (FOR THE PURPOSES OF CONCURRENCY)			709	59	31	28	72	37	35
NET CHANGE IN DRIVEWAY VOLUMES			1,308	109	58	51	126	65	61
Note: Trip generation was calculated using the following data:									
Land Use	ITE Code	Unit	Daily Rate	Pass-by Rate	AM Peak Hour		PM Peak Hour		
					in/out	Rate	in/out	Equation	
Drive-In Bank	912	1000 SF	T = 82.87 (X) + 117.1	35%	58/42	9.50	50/50	20.45	
Fast Food Restaurant w/ DT	934	1000 SF	470.95	50%	51/49	40.19	52/48	32.67	

s:\jobs - share drive\037 - west\003 - west pointe babcock llc\west pointe babcock trip generation.xlsx\ngen

Copyright ©2020 , MacKenzie Engineering and Planning, Inc.

West Pointe Babcock - Rezone
AM PEAK HOUR TURNING MOVEMENTS
Babcock St & Cogan Dr

		ebu	ebl	ebt	ebr	wbu	wbl	wbt	wbr	nbu	nbl	nbt	nbr	abu	abl	abt	abr	totals
7:00 AM	7:15 AM	0	39	0	34	0	0	0	0	0	11	37	0	0	0	31	5	157
7:15 AM	7:30 AM	0	33	0	44	0	0	0	0	0	15	62	0	0	0	66	3	223
7:30 AM	7:45 AM	0	27	0	48	0	0	0	0	0	46	75	0	0	0	70	5	271
7:45 AM	8:00 AM	0	9	0	52	0	0	0	0	0	50	102	0	0	0	68	4	285
8:00 AM	8:15 AM	0	21	0	32	0	0	0	0	0	34	74	0	0	0	37	12	210
8:15 AM	8:30 AM	0	16	0	12	0	0	0	0	0	16	42	0	0	0	27	2	115
8:30 AM	8:45 AM	0	14	0	17	0	0	0	0	0	5	32	0	0	0	33	9	110
8:45 AM	9:00 AM	0	18	0	12	0	0	0	0	0	7	36	0	0	0	25	5	103
Peak Hour Traffic Volume		0	177	0	251	0	0	0	0	0	184	460	0	0	0	357	45	1474
7:15 AM	8:15 AM	0	90	0	176	0	0	0	0	0	145	313	0	0	0	241	24	989

Count Taken: 12/12/2019
Buildout year: 2020
Growth Rate: 8.4%
Seasonal Factor: 1.13

	ebu	ebl	ebt	ebr	wbu	wbl	wbt	wbr	nbu	nbl	nbt	nbr	abu	abl	abt	abr
12/12/2019	0	90	0	176	0	0	0	0	0	145	313	0	0	0	241	24
PSCP	0	12	0	23	0	0	0	0	0	19	41	0	0	0	31	3
Adjusted Volumes		102	0	199		0	0	0		164	354	0		0	272	27
Growth Rate		8.4%	8.4%	8.4%		8.4%	8.4%	8.4%		8.4%	8.4%	8.4%		8.4%	8.4%	8.4%
2020 Volumes		9	0	17		0	0	0		14	30	0		0	23	2
Pre-Development		111	0	216		0	0	0		178	384	0		0	295	29
Project		111	0	216		0	0	0		178	384	0		0	295	29
Post	0	0	23	0	0	0	0	15	0	0	0	6	0	23	5	20
	0	111	23	216	0	0	0	15	0	178	384	6	0	23	300	49

Project Traffic Assignment	In							Out							In		Out	
	0%	0%	40%	0%	0%	0%	0%	30%	0%	0%	0%	0%	0%	0%	0%	40%	0%	40%

West Pointe Babcock - Rezone
PM PEAK HOUR TURNING MOVEMENTS
Babcock St & Cogari Dr

		ebu	ebj	ebt	ebr	wbu	wbl	wbt	wbr	nbu	nbl	nbt	nbr	sbu	sbl	sbt	sbr	totals
4:00 PM	4:15 PM	0	8	0	15	0	0	0	0	0	18	35	0	0	0	37	9	122
4:15 PM	4:30 PM	0	17	0	10	0	0	0	0	0	23	26	0	0	0	44	12	132
4:30 PM	4:45 PM	0	10	0	17	0	0	0	0	0	17	32	0	0	0	37	14	127
4:45 PM	5:00 PM	0	5	0	6	0	0	0	0	0	21	35	0	0	0	37	23	127
5:00 PM	5:15 PM	0	12	0	19	0	0	0	0	0	22	27	0	0	0	28	20	128
5:15 PM	5:30 PM	0	10	0	17	0	0	0	0	0	34	27	0	0	0	42	25	155
5:30 PM	5:45 PM	0	11	0	22	0	0	0	0	0	32	34	0	0	0	42	33	174
5:45 PM	6:00 PM	0	7	0	27	0	0	0	0	0	32	33	0	0	0	50	31	180
Peak Hour Traffic Volume		0	80	0	133	0	0	0	0	0	199	249	0	0	0	317	167	1145
5:00 PM	6:00 PM	0	40	0	85	0	0	0	0	0	120	121	0	0	0	162	109	637

Count Taken: 12/12/2019
Buildout year: 2020
Growth Rate: 8.4%
Seasonal Factor: 1.13

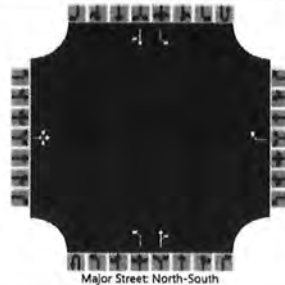
	ebu	ebj	ebt	ebr	wbu	wbl	wbt	wbr	nbu	nbl	nbt	nbr	sbu	sbl	sbt	sbr
12/12/2019	0	40	0	85	0	0	0	0	0	120	121	0	0	0	162	109
PSCF	0	5	0	11	0	0	0	0	0	16	16	0	0	0	21	14
Adjusted Volumes	45	0	96	0	0	0	0	0	136	137	0	0	0	0	183	123
Growth Rate	8.4%	8.4%	8.4%		8.4%	8.4%	8.4%		8.4%	8.4%	8.4%		8.4%	8.4%	8.4%	8.4%
Growth	4	0	8		0	0	0		11	12	0		0	15	10	
2020 Volumes	49	0	104		0	0	0		147	149	0		0	198	133	
Pre-Development	49	0	104		0	0	0		147	149	0		0	198	133	
Project	0	0	26	0	0	0	18	0	0	0	7	0	26	6	24	
Post	0	49	26	104	0	0	0	18	0	147	149	7	0	26	204	157

Project Traffic Assignment	In								Out							
	0%	0%	40%	0%	0%	0%	0%	30%	0%	0%	0%	10%	0%	40%	10%	40%

HCS7 Two-Way Stop-Control Report

General Information		Site Information	
Analyst	MEP	Intersection	Babcock St & Cogan Dr
Agency/Co.	MEP	Jurisdiction	
Date Performed	12/17/2019	East/West Street	Cogan Dr
Analysis Year	2020	North/South Street	Babcock St
Time Analyzed		Peak Hour Factor	0.95
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	2020 Post-Development PM		

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	0	1	0	1	1	0	0	1	1	0
Configuration			LTR					R		L		TR		L		TR
Volume (veh/h)		49	26	104				18		147	149	7		26	204	157
Percent Heavy Vehicles (%)		2	2	2				2		2				2		
Proportion Time Blocked																
Percent Grade (%)	0				0											
Right Turn Channelized					No											
Median Type Storage	Left + Thru								1							

Critical and Follow-up Headways

Base Critical Headway (sec)		7.1	6.5	6.2				6.2		4.1				4.1		
Critical Headway (sec)		7.12	6.52	6.22				6.22		4.12				4.12		
Base Follow-Up Headway (sec)		3.5	4.0	3.3				3.3		2.2				2.2		
Follow-Up Headway (sec)		3.52	4.02	3.32				3.32		2.22				2.22		

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			188					19		155				27		
Capacity, c (veh/h)			508					885		1178				1414		
v/c Ratio			0.37					0.02		0.13				0.02		
95% Queue Length, Q ₉₅ (veh)			1.7					0.1		0.5				0.1		
Control Delay (s/veh)			16.2					9.2		8.5				7.6		
Level of Service (LOS)			C					A		A				A		
Approach Delay (s/veh)	16.2				9.2				4.1				0.5			
Approach LOS	C				A											

HCS7 Two-Way Stop-Control Report

General Information		Site Information	
Analyst	MEP	Intersection	Babcock St & Cogan Dr
Agency/Co.	MEP	Jurisdiction	
Date Performed	12/17/2019	East/West Street	Cogan Dr
Analysis Year	2020	North/South Street	Babcock St
Time Analyzed		Peak Hour Factor	0.95
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	2020 Post-Development AM		

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	0	1	0	1	1	0	0	1	1	0
Configuration			LTR					R		L		TR		L		TR
Volume (veh/h)		111	23	216				15		178	384	6		23	300	49
Percent Heavy Vehicles (%)		2	2	2				2		2				2		
Proportion Time Blocked																
Percent Grade (%)	0				0											
Right Turn Channelized					No											
Median Type Storage					Left + Thru								1			

Critical and Follow-up Headways

Base Critical Headway (sec)		7.1	6.5	6.2				6.2		4.1				4.1		
Critical Headway (sec)		7.12	6.52	6.22				6.22		4.12				4.12		
Base Follow-Up Headway (sec)		3.5	4.0	3.3				3.3		2.2				2.2		
Follow-Up Headway (sec)		3.52	4.02	3.32				3.32		2.22				2.22		

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			368					16		187				24		
Capacity, c (veh/h)			399					644		1191				1148		
v/c Ratio			0.92					0.02		0.16				0.02		
95% Queue Length, Q ₉₅ (veh)			10.0					0.1		0.6				0.1		
Control Delay (s/veh)			60.2					10.7		8.6				8.2		
Level of Service (LOS)			F					B		A				A		
Approach Delay (s/veh)	60.2				10.7				2.7				0.5			
Approach LOS	F				B											

Land Use: 934

Fast-Food Restaurant with Drive-Through Window

Description

This category includes fast-food restaurants with drive-through windows. This type of restaurant is characterized by a large drive-through clientele, long hours of service (some are open for breakfast, all are open for lunch and dinner, some are open late at night or 24 hours a day) and high turnover rates for eat-in customers. These limited-service eating establishments do not provide table service. Non-drive-through patrons generally order at a cash register and pay before they eat. Fast casual restaurant (Land Use 930), high-turnover (sit-down) restaurant (Land Use 932), fast-food restaurant without drive-through window (Land Use 933), and fast-food restaurant with drive-through window and no indoor seating (Land Use 935) are related uses.

Additional Data

Users should exercise caution when applying statistics during the AM peak periods, as the sites contained in the database for this land use may or may not be open for breakfast. In cases where it was confirmed that the sites were not open for breakfast, data for the AM peak hour of the adjacent street traffic were removed from the database.

The outdoor seating area is not included in the overall gross floor area. Therefore, the number of seats may be a more reliable independent variable on which to establish trip generation rates for facilities having significant outdoor seating.

Time-of-day distribution data for this land use for a weekday, Saturday, and Sunday are presented in Appendix A. For the 46 general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:45 a.m. and 12:45 p.m. and 12:00 and 1:00 p.m., respectively. For the one dense multi-use urban site with data, the same AM and PM peak hours were observed.

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alaska, Alberta (CAN), California, Colorado, Florida, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Dakota, Texas, Vermont, Virginia, Washington, and Wisconsin.

Source Numbers

163, 164, 168, 180, 181, 241, 245, 278, 294, 300, 301, 319, 338, 340, 342, 358, 389, 438, 502, 552, 577, 583, 584, 617, 640, 641, 704, 715, 728, 810, 866, 867, 869, 885, 886, 927, 935, 962, 977

Fast-Food Restaurant with Drive-Through Window (934)

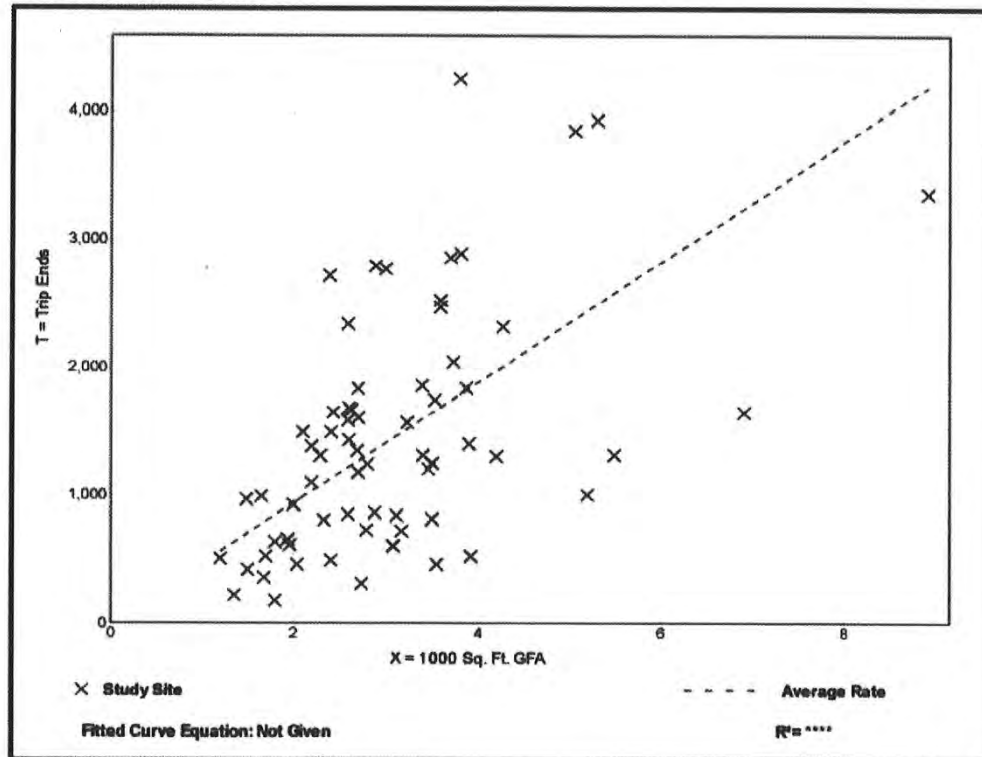
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 67
1000 Sq. Ft. GFA: 3
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
470.95	98.89 - 1137.66	244.44

Data Plot and Equation



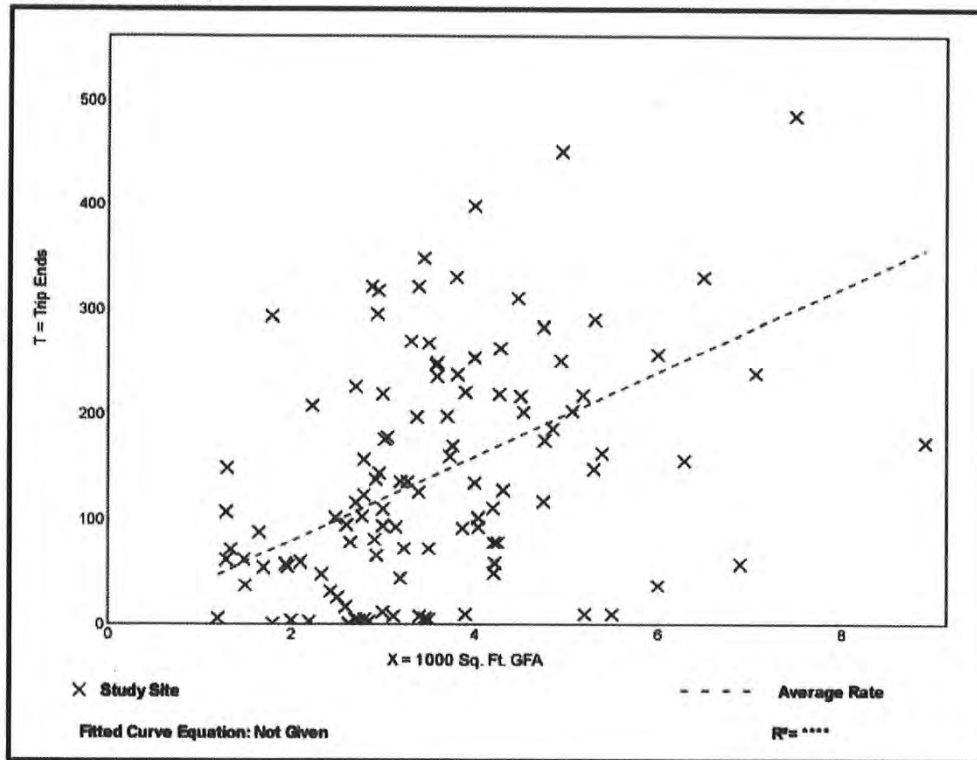
Fast-Food Restaurant with Drive-Through Window (934)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 111
 1000 Sq. Ft. GFA: 4
 Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
40.19	0.38 - 164.25	28.78

Data Plot and Equation



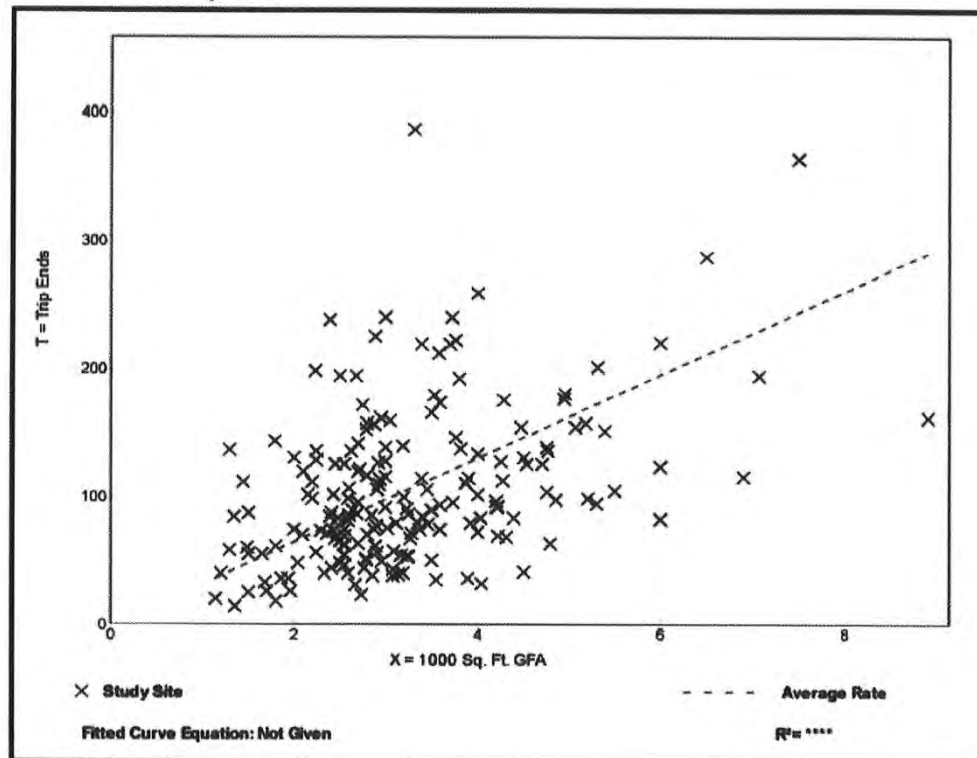
Fast-Food Restaurant with Drive-Through Window (934)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 185
 1000 Sq. Ft. GFA: 3
 Directional Distribution: 52% entering, 48% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
32.67	8.17 - 117.22	17.87

Data Plot and Equation



Land Use: 912

Drive-in Bank

Description

A drive-in bank provides banking facilities for motorists who conduct financial transactions from their vehicles; many also serve patrons who walk into the building. The drive-in lanes may or may not provide automatic teller machines (ATMs). Walk-in bank (Land Use 911) is a related use.

Additional Data

The independent variable, drive-in lanes, refers to all lanes at a banking facility used for financial transactions, including ATM-only lanes.

Time-of-day distribution data for this land use are presented in Appendix A. For the 18 general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:45 a.m. and 12:45 p.m. and 12:15 and 1:15 p.m., respectively. For the one center city core site with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:15 a.m. and 12:15 p.m. and 12:45 and 1:45 p.m., respectively.

The sites were surveyed in the 2000s and the 2010s in Colorado, Kentucky, Minnesota, Nebraska, New Jersey, New York, Oregon, Pennsylvania, Texas, Vermont, Virginia, Washington, and Wisconsin.

To assist in the future analysis of this land use, it is important that Friday data be collected and reported separately from weekday data. It is also important to specify the date and month of the data collection period and the number of drive-through lanes that are open at the time of the study.

Source Numbers

535, 539, 553, 555, 573, 577, 600, 624, 626, 629, 630, 637, 656, 657, 710, 724, 728, 866, 869, 883, 884, 927, 935, 961

Drive-in Bank (912)

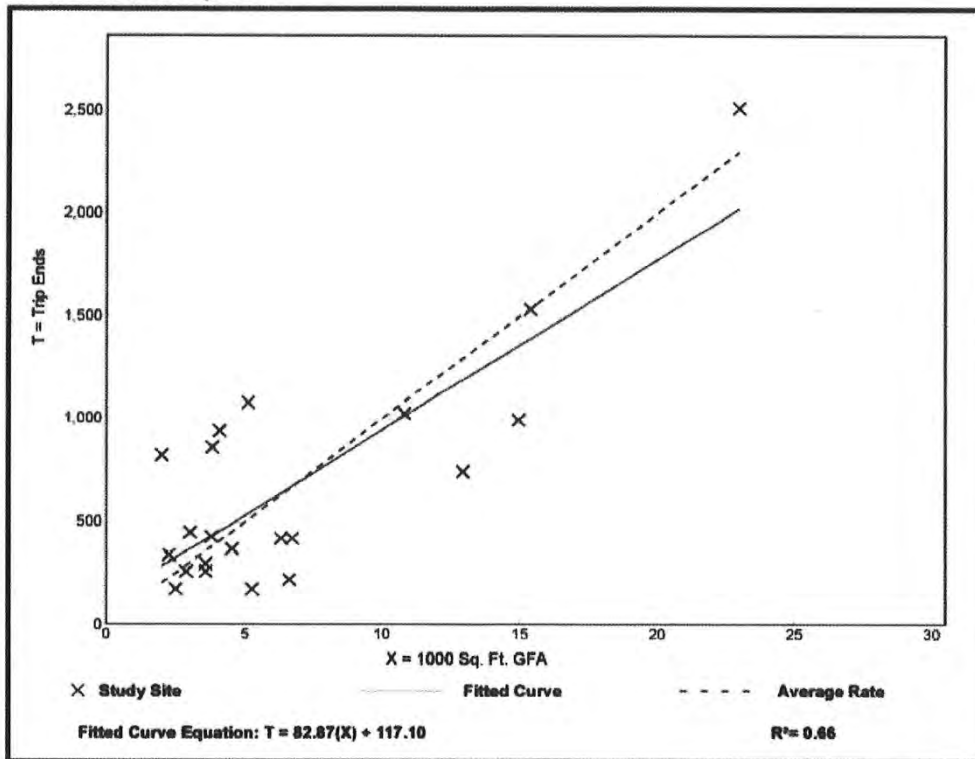
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 21
1000 Sq. Ft. GFA: 7
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
100.03	32.67 - 408.42	61.61

Data Plot and Equation



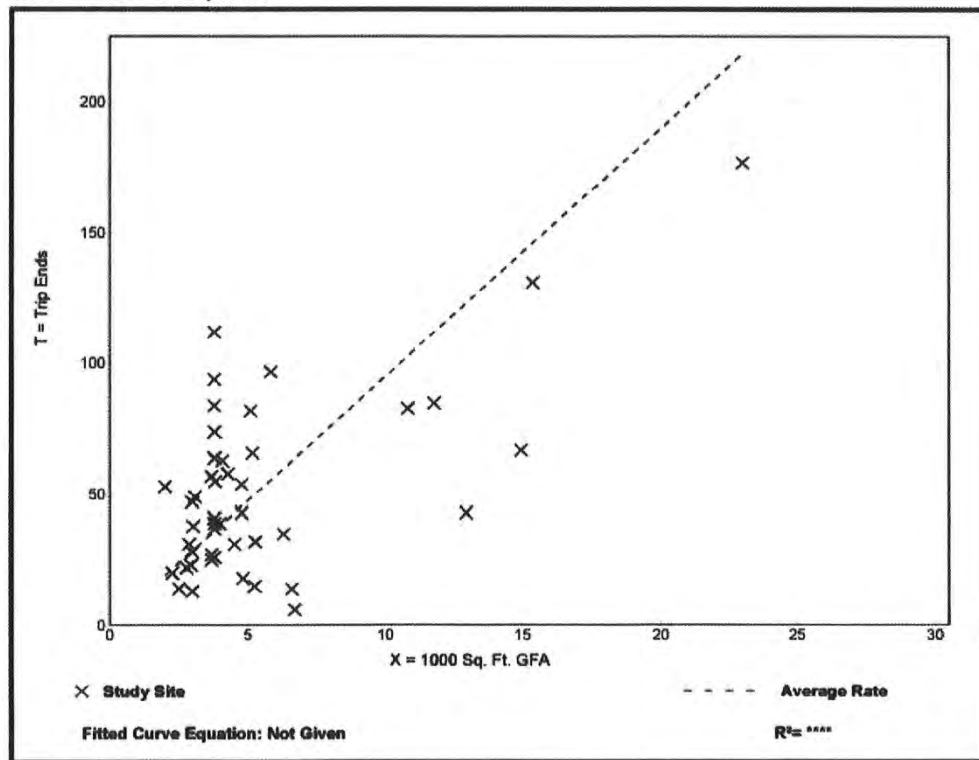
Drive-in Bank (912)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 46
 1000 Sq. Ft. GFA: 5
 Directional Distribution: 58% entering, 42% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
9.50	0.89 - 29.47	5.85

Data Plot and Equation



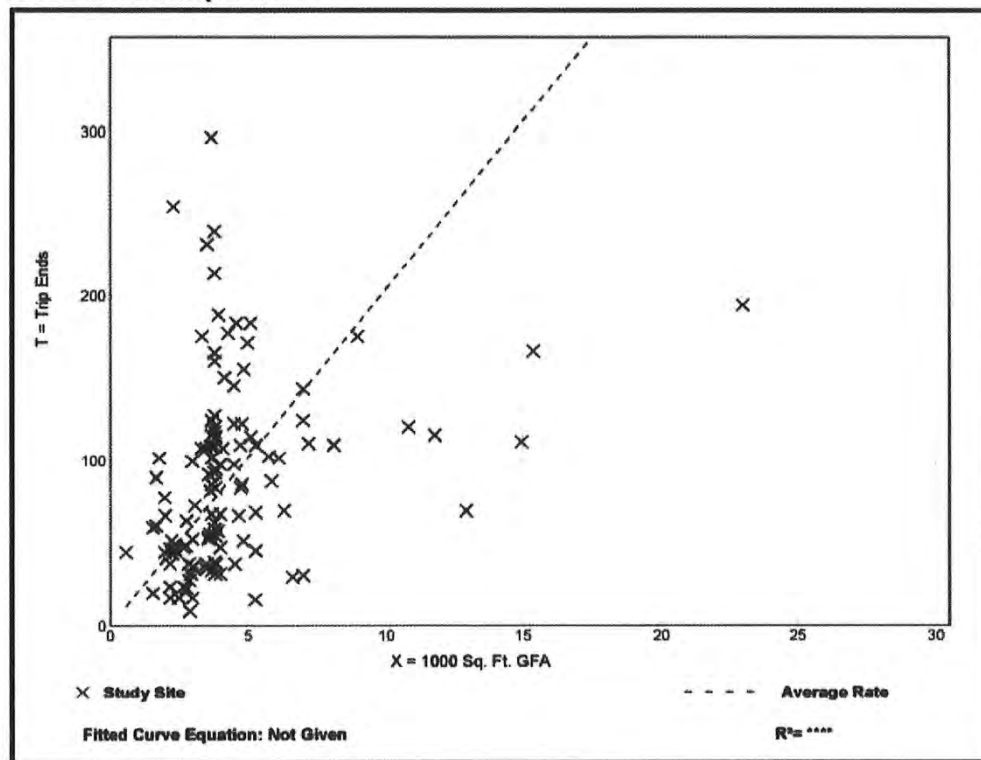
Drive-in Bank (912)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 115
 1000 Sq. Ft. GFA: 4
 Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
20.45	3.04 - 109.91	15.01

Data Plot and Equation



**Table E.27 Pass-By and Non-Pass-By Trips Weekday, PM Peak Period
Land Use Code 912—Drive-in Bank**

SIZE (1,000 SQ. FT. OR A)	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PASS-BY TRIP (%)	NON-PASS-BY TRIPS (%)			ADJ. STREET PEAK HOUR VOLUME	SOURCE
						PRIMARY	DIVERTED	TOTAL		
16.0	Overland Park, KS	Dec. 1988	20	4:30–5:30 p.m.	15	55	30	85	—	—
3.3	Louisville area, KY	July 1993	—	4:00–6:00 p.m.	48	22	36	52	2,570	Barton-Aschman Assoc.
3.4	Louisville area, KY	July 1993	—	4:00–6:00 p.m.	64	22	14	36	2,256	Barton-Aschman Assoc.
3.4	Louisville area, KY	July 1993	75	4:00–6:00 p.m.	57	11	32	43	1,955	Barton-Aschman Assoc.
3.5	Louisville area, KY	June 1993	53	4:00–6:00 p.m.	47	32	21	53	2,785	Barton-Aschman Assoc.
6.4	Louisville area, KY	June 1993	66	4:00–6:00 p.m.	53	20	27	47	2,610	Barton-Aschman Assoc.
3.8	Colonial Park, PA	March 2005	56	4:00–5:00 p.m.	43	—	—	57	—	McMahon Associates, Inc.
3.8	Camp Hill Mall, PA	March 2005	38	4:15–5:15 p.m.	41	—	—	59	—	McMahon Associates, Inc.
3.8	Exeter Twp, PA	March 2005	14	4:00–5:00 p.m.	24	—	—	76	—	McMahon Associates, Inc.
3.8	York, PA	March 2005	63	4:00–5:00 p.m.	29	—	—	71	—	McMahon Associates, Inc.
3.8	York, PA	March 2005	70	4:00–5:00 p.m.	28	—	—	71	—	McMahon Associates, Inc.
3.8	Palmira, PA	March 2005	29	4:15–5:15 p.m.	27	—	—	73	—	McMahon Associates, Inc.
3.8	Mountain Road, PA	March 2005	41	4:00–5:00 p.m.	25	—	—	75	—	McMahon Associates, Inc.
3.8	Hummelsdown, PA	March 2005	37	4:00–6:00 p.m.	31	—	—	69	—	McMahon Associates, Inc.
3.8	Muhlenberg, PA	March 2005	19	4:00–6:00 p.m.	29	—	—	71	—	McMahon Associates, Inc.
3.8	York, PA	March 2005	34	4:00–6:00 p.m.	21	—	—	79	—	McMahon Associates, Inc.
3.8	Derry Street, PA	March 2005	36	4:00–6:00 p.m.	29	—	—	71	—	McMahon Associates, Inc.
3.6	Arlington, WA	Sept. 2007	—	4:00–6:00 p.m.	42	50	8	58	—	657
2.7	Lynnwood, WA	Sept. 2007	—	4:00–6:00 p.m.	26	68	8	74	—	657
2.8	Redmond, WA	Sept. 2007	—	4:00–6:00 p.m.	21	55	24	79	—	657
3.6	Brookmish, WA	July 2007	—	4:00–6:00 p.m.	28	—	—	71	—	657

Average Pass-By Trip Percentage: 35

“—” means no data were provided

**Table E.32 Pass-By and Non-Pass-By Trips Weekday, PM Peak Period
Land Use Code 934—Fast-Food Restaurant with Drive-Through Window**

SEATS	SIZE (1,500 SQ. FT. OR)	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PASS- BY TRIP (%)	NON-PASS-BY TRIPS (%)			ADJ. STREET PEAK HOUR VOLUME	SOURCE
							PRIMARY	DIVERTED	TOTAL		
—	~2.8	Min-St. Paul, MN	1987	50	3:00-7:00 p.m.	25	27	48	75	—	—
—	<5.0	Chicago suburbs, IL	1987	80	3:00-8:00 p.m.	38	—	—	62	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	100	3:00-8:00 p.m.	55	—	—	45	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	159	3:00-8:00 p.m.	56	—	—	44	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	225	3:00-8:00 p.m.	48	—	—	52	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	86	3:00-8:00 p.m.	35	—	—	65	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	84	3:00-8:00 p.m.	44	—	—	56	—	Kerig, O'Hara, Humes, Flock
68	1.3	Louisville area, KY	1993	—	4:00-8:00 p.m.	88	22	10	32	2,065	Barton- Aschman Assoc.
120	1.9	Louisville area, KY	1993	33	4:00-8:00 p.m.	87	24	9	33	2,447	Barton- Aschman Assoc.
87	4.2	New Albany, IN	1993	—	4:00-8:00 p.m.	56	25	19	44	1,632	Barton- Aschman Assoc.
150	3.0	Louisville area, KY	1993	—	4:00-8:00 p.m.	31	31	38	69	4,250	Barton- Aschman Assoc.
—	3.1	Kissimmee, FL	1996	28	2:00-8:00 p.m.	71	—	—	29	—	TPD Inc.
—	3.1	Apopka, FL	1996	29	2:00-8:00 p.m.	38	—	—	62	—	TPD Inc.
—	2.8	Winter Springs, FL	1996	47	2:00-8:00 p.m.	66	—	—	34	—	TPD Inc.
—	4.3	Longwood, FL	1994	304	2:00-8:00 p.m.	62	—	—	38	—	TPD Inc.
—	3.2	Altamonte Springs, FL	1996	202	2:00-8:00 p.m.	40	39	21	60	—	TPD Inc.
—	2.9	Winter Park, FL	1996	271	2:00-8:00 p.m.	41	41	18	59	—	TPD Inc.
—	3.3*	several	1996	varies	4:00-8:00 p.m.	62	—	—	38	—	Oracle Engineering

*Average of several combined studies.

Average Pass-By Trip Percentage: 50

—" means no data were provided

2018 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
 CATEGORY: 7000 BREVARD COUNTYWIDE

WEEK	DATES	SF	MOCF: 0.91 PSCF
1	01/01/2018 - 01/06/2018	1.03	1.13
2	01/07/2018 - 01/13/2018	1.02	1.12
3	01/14/2018 - 01/20/2018	1.01	1.11
4	01/21/2018 - 01/27/2018	0.98	1.08
* 5	01/28/2018 - 02/03/2018	0.95	1.04
* 6	02/04/2018 - 02/10/2018	0.93	1.02
* 7	02/11/2018 - 02/17/2018	0.90	0.99
* 8	02/18/2018 - 02/24/2018	0.89	0.98
* 9	02/25/2018 - 03/03/2018	0.89	0.98
*10	03/04/2018 - 03/10/2018	0.89	0.98
*11	03/11/2018 - 03/17/2018	0.88	0.97
*12	03/18/2018 - 03/24/2018	0.89	0.98
*13	03/25/2018 - 03/31/2018	0.91	1.00
*14	04/01/2018 - 04/07/2018	0.92	1.01
*15	04/08/2018 - 04/14/2018	0.93	1.02
*16	04/15/2018 - 04/21/2018	0.94	1.03
*17	04/22/2018 - 04/28/2018	0.97	1.07
18	04/29/2018 - 05/05/2018	1.00	1.10
19	05/06/2018 - 05/12/2018	1.03	1.13
20	05/13/2018 - 05/19/2018	1.06	1.16
21	05/20/2018 - 05/26/2018	1.05	1.15
22	05/27/2018 - 06/02/2018	1.05	1.15
23	06/03/2018 - 06/09/2018	1.04	1.14
24	06/10/2018 - 06/16/2018	1.04	1.14
25	06/17/2018 - 06/23/2018	1.04	1.14
26	06/24/2018 - 06/30/2018	1.04	1.14
27	07/01/2018 - 07/07/2018	1.04	1.14
28	07/08/2018 - 07/14/2018	1.04	1.14
29	07/15/2018 - 07/21/2018	1.04	1.14
30	07/22/2018 - 07/28/2018	1.04	1.14
31	07/29/2018 - 08/04/2018	1.04	1.14
32	08/05/2018 - 08/11/2018	1.05	1.15
33	08/12/2018 - 08/18/2018	1.05	1.15
34	08/19/2018 - 08/25/2018	1.05	1.15
35	08/26/2018 - 09/01/2018	1.05	1.15
36	09/02/2018 - 09/08/2018	1.05	1.15
37	09/09/2018 - 09/15/2018	1.05	1.15
38	09/16/2018 - 09/22/2018	1.05	1.15
39	09/23/2018 - 09/29/2018	1.05	1.15
40	09/30/2018 - 10/06/2018	1.06	1.16
41	10/07/2018 - 10/13/2018	1.06	1.16
42	10/14/2018 - 10/20/2018	1.07	1.18
43	10/21/2018 - 10/27/2018	1.06	1.16
44	10/28/2018 - 11/03/2018	1.05	1.15
45	11/04/2018 - 11/10/2018	1.04	1.14
46	11/11/2018 - 11/17/2018	1.04	1.14
47	11/18/2018 - 11/24/2018	1.03	1.13
48	11/25/2018 - 12/01/2018	1.03	1.13
49	12/02/2018 - 12/08/2018	1.03	1.13
50	12/09/2018 - 12/15/2018	1.03	1.13
51	12/16/2018 - 12/22/2018	1.02	1.12
52	12/23/2018 - 12/29/2018	1.01	1.11
53	12/30/2018 - 12/31/2018	1.01	1.11

* PEAK SEASON

25-FEB-2019 16:26:27

830UPD

5_7000_PKSEASON.TXT

THOMAS GAUME PRESENTATION

Presented at July 1, 2020 Planning and Zoning Board Meeting

spot zoning

Dictionary of Business Terms for: spot zoning
spot zoning

rezoning a **parcel** of land where all surrounding parcels are zoned for a different use, in particular where the rezoning creates a use that is incompatible with surrounding land uses. Spot zoning is generally disallowed in the courts.

Dictionary of Real Estate Terms for: spot zoning
spot zoning

the act of rezoning a **parcel** of land where all surrounding parcels are zoned for a different use, in particular where the rezoning creates a use that is incompatible with surrounding land uses. Spot zoning is generally disallowed in the courts.

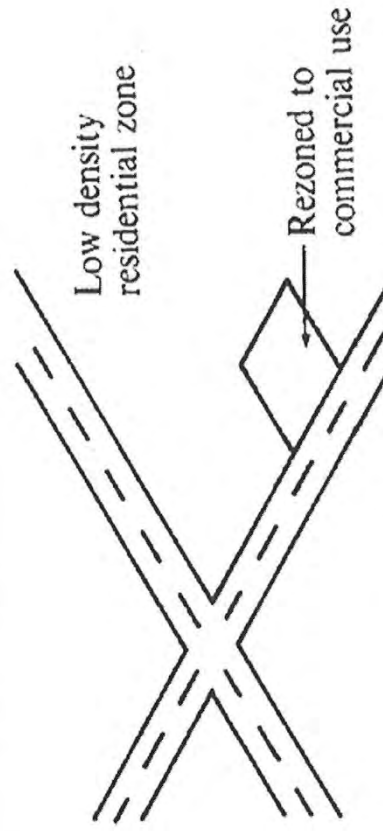


FIG. 181. SPOT ZONING

4. Request by West Pointe Babcock, LLC for preliminary subdivision approval for a proposed five-lot single-family subdivision to be known as 'Plantation Circle'

City of Palm Bay, Florida
Regular Council Meeting 2019-27
Minutes – November 7, 2019
Page 7 of 13

in RR (Rural Residential District) zoning and a variance from connecting to the City's water and sewer system (8.41 acres)(Case PS-1-2019).

The Planning and Zoning Board recommended that the request be approved, subject to following conditions being addressed prior to City staff executing the Mylar:

- a. The boundary and title opinion shall be approved by the City Surveyor.
- b. A signed and sealed topographic survey is required for review and approval.
- c. Prior to the issuance of any building permits, the Construction Plans must be granted administrative staff approval.

The public hearing was opened. Carmine Ferraro, representative for the applicant, presented the request to Council.

Residents spoke against the request stating that the developer should be required to connect to any available water and sewer lines as it was required by Brevard County and Florida Statutes, stormwater was going to become a major issue, and the City needed to cease the permitting of septic tanks as it affected the Indian River Lagoon.

Mr. Ferraro addressed the residents' concerns. He said that after numerous meetings, City staff advised that connecting to the system was not feasible due to the design.

Mr. Little said the variance request was mainly due to a conflict between the Land Development Code and Utilities Code. Based on the size of the development, it did not meet the threshold in which connection to the City's sewer system was required. The issue with connecting to water was that the lines would have to be extended across Babcock Street, approximately 1,200 feet, which would create a dead-end line. It would also create a maintenance issue for the Utilities Department. Mr. Little further detailed the reasons for staff's support of the variance. Staff answered questions posed by councilmembers.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Mr. Johnson, to approve the request, subject to the recommendations of the Planning and Zoning Board and staff comments contained in the Staff Report. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

Brevard County Property Appraiser



2014000

Map is published with the understanding that the user assumes all responsibility for its use.

Brevard County Property Appraiser



2044882

For data accuracy, use a survey. This system may not precisely align.
© 2020 Brevard County

CORRESPONDENCE

Chandra Powell

From: Terese Jones
Sent: Friday, June 19, 2020 1:24 PM
To: Chandra Powell
Subject: FW: Request for Aggrieved or affected person status
Attachments: Letter to City of PB.doc

From: Ken Smith <wetemps@aol.com>
Sent: Friday, June 19, 2020 11:54 AM
To: Terese Jones <Terese.Jones@palmbayflorida.org>
Subject: Request for Aggrieved or affected person status

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

June 19, 2020

Dear Ms Jones

Please accept this email as written 5 day notice.

I am hereby requesting aggrieved or affected person status with regards to cp-4-202 and cpz-4-2020

I own the property on both sides of the property being requested for rezoning. The rezoning of this property will cause a total change in our neighborhood and because it is adjacent to my property will certainly affect me and my Family's way of life. We do not think that this rezoning is in the best interest of the residents of Palm Bay or the Palm Bay community at large. I am also concerned about all of the other problems that will happen to me as an adjacent land owner.

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

wetemps@aol.com
609-226-0120

If you have any questions about this request please feel free to contact me at any time either via email or Phone as identified above. Please acknowledge receipt of this email .

A signed letter is attached for your records

Sincerely

Kenneth Smith

June 19, 2020

Dear Ms Jones

Please accept this email as written 5 day notice. I am hereby requesting Aggrieved or affected person status with regards to cp-4-202 and cpz-4-2020

I own the property on both sides of the property being requested for rezoning. The rezoning of this property will cause a total change in our neighborhood and because it is adjacent to my property will certainly affect me and my Family's way of life. We do not think that this rezoning is in the best interest of the residents of Palm Bay or the Palm Bay community at large. I am also concerned about all of the other problems that will happen to me as an adjacent land owner.

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

If you have any questions about this request please feel free to contact me at any time either via email or Phone as identified above

Sincerely

A handwritten signature in dark ink, appearing to read "Kenneth R. Smith", with a stylized flourish at the end.

Kenneth Smith

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

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

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

Now, an outside speculator group has AGAIN set its sites on the parcel of land at the front entrance to our subdivision. Time and again this speculator has tried to have this property rezoned to commercial use. This time he has moved forward and utilized the city's minor subdivision process to first subdivide the land into 5 Residential Lots. The lots are all **residential because that was a requirement** of doing the minor sub-division without going through City Council. The Applicant who came before you last year promised to use all of the lots for residential home development. Now in his new application for rezoning the same land, he has stated that " **the vacant parcel he created last week is no longer suitable for residential use.**" So basically the applicant misled the city in his application for subdivision.

There should be an overwhelming, important reason to change property zoning in the middle of established Residential Neighborhoods. Financial gain for one individual over that of another is not such a justification.

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

Attached I have outlined some of the reason I object to this project as well as other information and emails that may be important to this issue.

You may contact me at any time if you would like to discuss this matter further.

Respectfully

Kenneth R. Smith
1866 Plantation Circle

**Case Numbers CPZ-4-2020Zoning)
and
CP-4-2020 (Land Use)**

**I object to the Rezoning and Reuse of
the 3.86 Acres located on Plantation
Circle from Residential to
Commercial Use.**

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

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


6/22/2020

Table of Content

- A) Opening Statement**
- B) Map of Plantation Circle**
- C) Our Moto**
- D) Our Value, and our Statement**
- D) Reason 1 for Voting NO: Unsuitable for Commercial Use**
- E) Reason 2 for Voting NO: Inconsistent with FLU Plan**
- F) Reason 3 for Voting NO: Traffic Consierations**
- G) FDOT plans for the same exact Lot**
- H) Article published in Florida Today**
- (I) Fire**
- (J) Closing Statement**

Lot requested for Rezoning



Recently
Restored
Retention
Pond

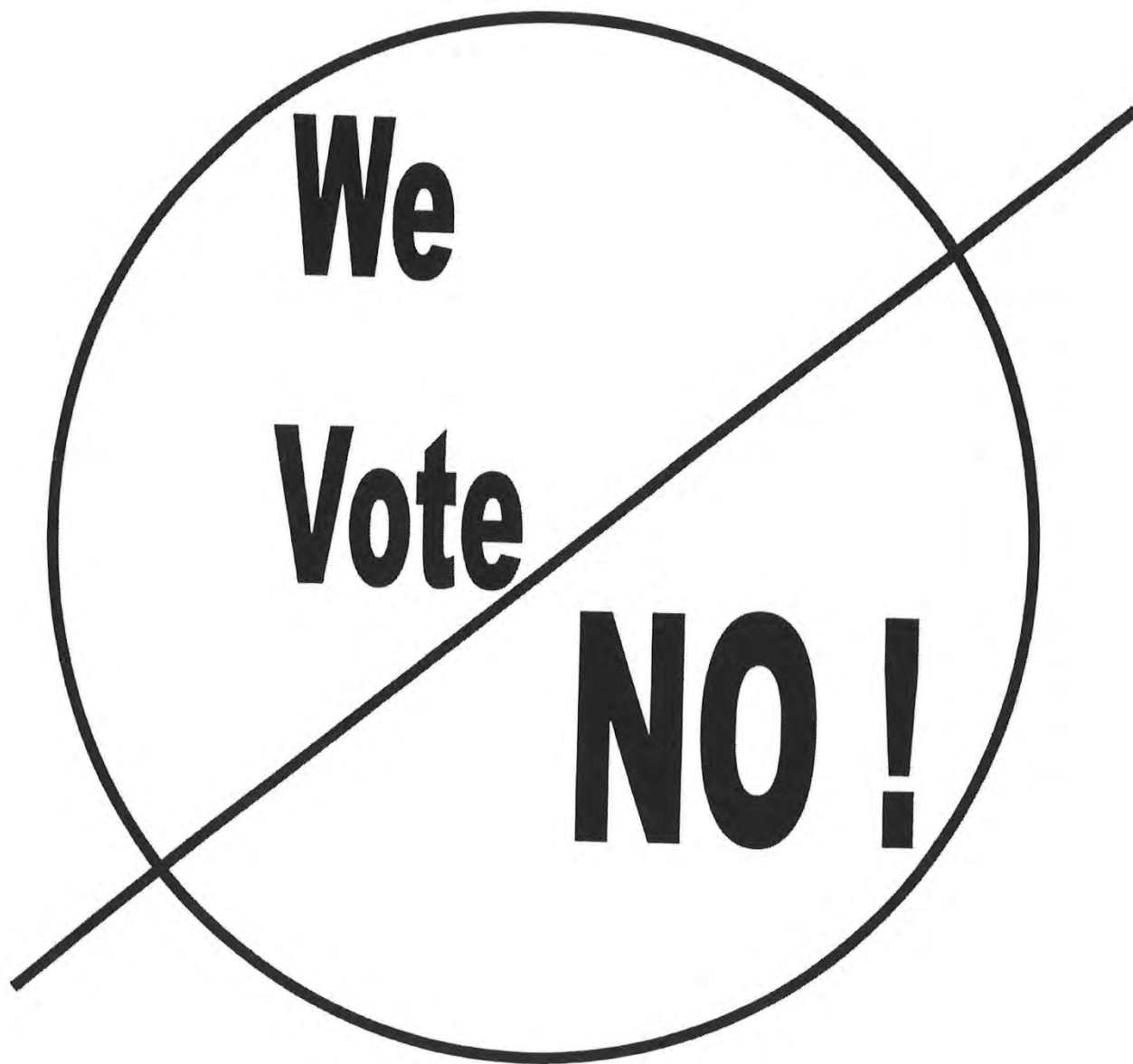
Known Wetlands

CERTIFIED WILDLIFE HABITATS

90 degree Turn

Houses

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



**The Residents of
Plantation Circle
Have
More Than**

**\$11,480,515.00
Invested
In Their Properties**

**We pay over \$160,000.00 in property
taxes per year**

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

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

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

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

Reason Number One..... for voting No ..Commercial use of this property will front it on the wrong Street, cause SPOT ZONING, and Contradicts the Palm Bay FLU Plan.

This lot is particularly ill suited for direct access on to an undivided Babcock Street with no deceleration lane in either direction. Historically the lots on Plantation Circle have always fronted on to the residential street just for this reason. Also, please see the attached proposed diagram by FDOT for a "Circle" at the intersection of Cogan and Babcock. The widening of Babcock will take the side 75 feet of the proposed lot for expansion. This would totally preclude using this property in any way to front on to Babcock Street. But, **if used as a residential lot facing on to Plantation Circle as it is now it presents no problem with traffic on either street..**

Physically

The frontage onto Babcock starts with a drainage right of way that is approximately 8 feet deep and 10 feet across. Water and sewer are required for this lot but is located on the opposite side of Babcock Street. This will require water and sewer to be brought across Babcock just for this lot. The lot is 3.89 acres and will require on site retention for storm water. Currently the applicant has not included any storm water right of ways in the subdivision that has just been approved ??

This lot would be totally isolated from all other commercial entities on Babcock Street. This is the true definition of "**Spot Zoning**" and is totally inconsistent with the Palm Bay Future land Use Plan.

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

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

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

We hope that our Planning and Zoning board will protect the existing, hard working residents of this community by enforcing our future land use regulations. We need our elected officials to realize that they must **not approve this kind of application** for the "Overall good of the citizens of our City ". This is an often endorsed misconception. Ask any citizen of Palm Bay " Do you agree with the widespread integration of commercial entities into Palm Bay Neighborhoods. The answer will be a resounding "NO" People in Palm Bay want to enjoy their lives as they planned them when they moved here. They do not appreciate when you pull the rug out from under them and put a Dollar Store next to their house to help a developer score another flip of residential land. **Please do the right thing and deny this applicant.**

Reason Number Two..... Total Inconsistency with The Palm Bay Future Land Use Map.

In accordance with the Future Land Use Plan of Palm Bay, the applicant is required produced any competent substantial evidence that proves that this application will not damage the character and historical complexion of the Plantation Circle Community

In his application for **Justification for Change** of the Future Land Use Map he states

“FLU Map needs to be amended to conform to zoning request for community commercial”

In other words, his justification for changing the map is so that the map will match his requested rezoning.

However, , the map can not be changed for that purpose and in that manner. By Florida Statute and Palm Bay Ordinances, the map can only be changed if the applicant shows that his proposed change is consistent with the Palm Bay Future Land Use Plan.

The Applicant has made no such effort. Below are some of the specific requirements that are part of the Palm Bay Future Land Use Plan. This plan has not been changed since the application for this rezoning was denied last year because of these requirements.

OBJECTIVE

FLU-2.3 Prevent incompatible land uses from locating in residential areas in order to promote neighborhood stability and prevent deterioration.

POLICIES

FLU-2.3A The Land Development Regulations shall continue to contain provisions to ensure that land uses surrounded by and/or abutting residential areas are not in conflict with the scale, intensity, density and character of the residential area.

FLU-2.3B The Land Development Regulations shall continue to contain provisions to ensure that access to future high-density development or non-residential uses shall not be through low density residential areas.

FLU-2.3C The Subdivision Ordinance shall continue to require designs which minimize access to arterial and collector roadways and provide buffering from such roads.

FLU-2.3D The Land Development Regulations shall continue to provide for a “Neighborhood Commercial” category which permits only those commercial uses within residential areas which provide for the retail and service needs of the surrounding neighborhood.

FLU-2.3E Future commercial uses within residential areas shall be located at designated collector nodes and designed with buffering to protect adjacent uses.

The above parts of the Future Land Use Map show clearly that the proposed change is totally inconsistent with the requirements of the Plan.

Reason Number Three..... for voting No Commercial Traffic in an enclosed Residential Area

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

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

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

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

Third: Secondary Increased traffic on our street because of exiting and entering the commercial property. Every time someone misses the turn for the strip mall parking lot, they will turn on to our street and drive around to the other side our circle to get to the commercial property.

I say drive, but experience tells me that in a short time the city will have to put in speed bumps or other traffic slowing devices to slow down these shoppers who have missed their turnoff. **That is one reason that it is unwise to allow commercial entities in the middle of established neighborhoods.**

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

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

FDOT Plans for this exact same lot....Traffic Roundabout and Retention Pond

FDOT is planning to widen Babcock Street south of Malabar Road.

The below diagram is from the FDOT website . As you can see, there will be a Roundabout at the end of Cogan Street, and the lot currently under application for commercial will in fact be used as a retention Pond.

If you look at the diagram, you will see that a commercial entity at this location will be impossible. There can be no entity that enters Babcock Street at this location. This lot will have to front on Plantation Circle.



In addition, if the state is required to buy this lot in order to install a required retention pond, the value that the taxpayers will have to pay for the land will be 10 fold if it is converted from residential to commercial.

florida today

NEWS

Babcock Street widening may cost \$250 million, add 9 roundabouts south of Malabar Road

Rick Neale Florida Today

Published 5:40 p.m. ET Dec. 17, 2019

"Astronomical" estimated costs to widen Babcock Street between Malabar and Micco roads could reach a quarter billion dollars — and engineers hope to install nine roundabouts.

The Florida Department of Transportation is studying options to widen this 9-mile stretch of rural Babcock Street into a four-lane divided roadway, featuring sidewalks and bike paths.

"With the intersection options that are going to be implemented on this corridor — which are roundabouts, for the majority of the intersections — in the future, this is going to be more of what we refer to as a complete street," Jesse Blouin of Inwood Consulting Engineers told the Space Coast Transportation Planning Organization during a presentation last week.

"Slower speeds, more pedestrian features. Certainly safety, lighting," Blouin said.

The southern Babcock Street corridor passes through fast-growing Palm Bay and Malabar, Grant-Valkaria and unincorporated Brevard County. Traffic today is "certainly problematic" at the Malabar Road intersection, Blouin said.

Today's two-lane Babcock Street cannot accommodate FDOT's future projected traffic levels. The new Interstate 95 interchange at the future St. Johns Heritage Parkway will open development of Emerald Lakes, which is zoned for 3,760 homes and 2.82 million square feet of non-residential construction.

Moreover, the 9-mile stretch of roadway saw 555 crashes from 2013-17. Neither bike lanes, sidewalks or lighting exist today.

The Babcock Street plan calls for a series of nine roundabouts. Locations: Micco/Deer Run road, Capital Drive (future development), Mara Loma Boulevard (near Sunrise Elementary),

Cogan Drive, Eldron Boulevard, Valkaria Road-Wyoming Drive, Waco Boulevard, Foundation Park Boulevard and Community College Parkway.

More: Future north-south highway may link U.S. 192 with SR 50, spurring major development

More: Officials: Removing Beachline earthen causeways would improve Banana River water quality

"We analyzed both traffic signals and roundabouts at all the major intersections. And the county chose the roundabouts, because it does fit in with the future vision of slowing the speeds," Blouin told the Space Coast TPO.

"In my professional judgment, that was a very good decision for this corridor because it's really the only way that you can start to slow these speeds and reach these future objectives," Blouin said.

"They can certainly be challenging from a public outreach perspective, but we have tools and data that help us there as well," he said.

FDOT will likely schedule a public hearing on the project in spring or summer. The four-lane road would require new bridges over the Sottile Canal and I-95. Blouin said the I-95 span is 50 years old and has reached the end of its useful life.

All told, Blouin provided "a rough ballpark" project cost estimate of nearly \$250 million — including "astronomical" right-of-way acquisition costs topping \$100 million.

Widening Babcock Street would require construction of numerous large retention ponds, relocation of residential and commercial properties, and mitigation of scrub jay habitat.

However, Blouin said material costs are high in today's economy, and the study incorporates conservative fiscal calculations — "I'm very confident that that amount will drop as we move forward," he said.

Georganna Gillette, Space Cost TPO executive director, said Babcock Street widening design work should wrap up in the next couple years.

"But then once we get that done, it's going to sit on the shelf — because we have to figure out how we're going to fund this," Gillette said.

The Babcock Street widening project would extend southward 4/10 of a mile past Micco Road and the Deer Run subdivision entrance.

To the north, from Valkaria Road to Malabar Road, FDOT engineers would consider narrowing vehicle lanes from 12 feet to 11 feet wide. Why? Blouin said national studies show the narrower lanes tend to slow vehicle speeds and have a traffic-calming effect.

Titusville City Councilman Robert Jordan expressed skepticism.

"You're losing a foot — and you're saying I'm going to be calmer because I've got a smaller footprint for my big car?" Jordan asked.

"That always makes me calmer," Rockledge Deputy Mayor Frank Forester replied, drawing laughter.

"Just because something is allowed doesn't mean it's something we should do," Forester said.

"Cars scraping into each other as they go down the road will slow down the traffic. No question about that," he said.

Neale is the South Brevard watchdog reporter at FLORIDA TODAY.

Contact Neale at 321-242-3638 or rneale@floridatoday.com. Twitter: @RickNeale1

ott e rets

environment to it that has no angle? I'm in the teeth of Florida's Amendment 10, which would use new revenues for the protection of wilds. Nobody in government — nor — would have own legal

that cost tax was the filing of Gerald Bailey's respected head department of rent. Bailey's cheater's by actively sup-

g lawyer that and several others filed a ing that Scott mers violated meeting law by alley without mon or vote.

Bailey went complaints that d his staff had erly influence mal investigation of other inclination. computer video on can't the polished with. His version astorable. on still and tex-y Bailey was error close to vious cabinet close on his

r lawsuit was for \$55,000, a fine cost to the point, more vate attorneys on behalf of dipet, racking about \$365,000.

LETTERS AND FEEDBACK

Zoning change not good for residents

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

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

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

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

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

Kenneth Smith
Palm Bay

GOP should look at facts, stop lies

Regarding Mr. Kasch's letter to the editor of August 11, it could be refreshing for a change if Republicans embraced facts instead of making up lies.

Despite his hand-wringing



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

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

Dan Beschinkel
Indianapolis

Dropping atomic bombs saved lives

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

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

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

Lee Wyatt
Melbourne

We should support death with dignity

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

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



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

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

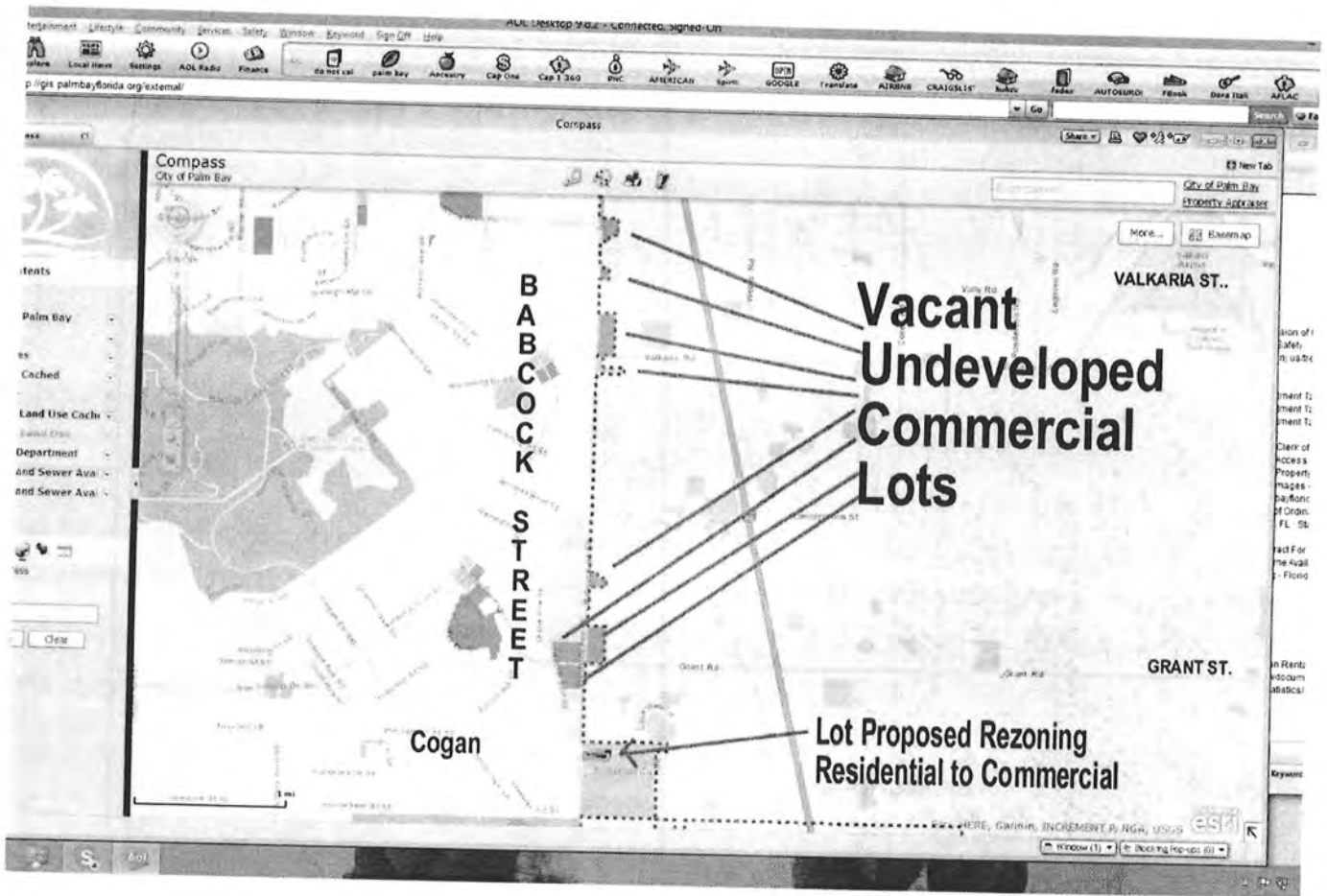
An investigation following the fire was inconclusive.

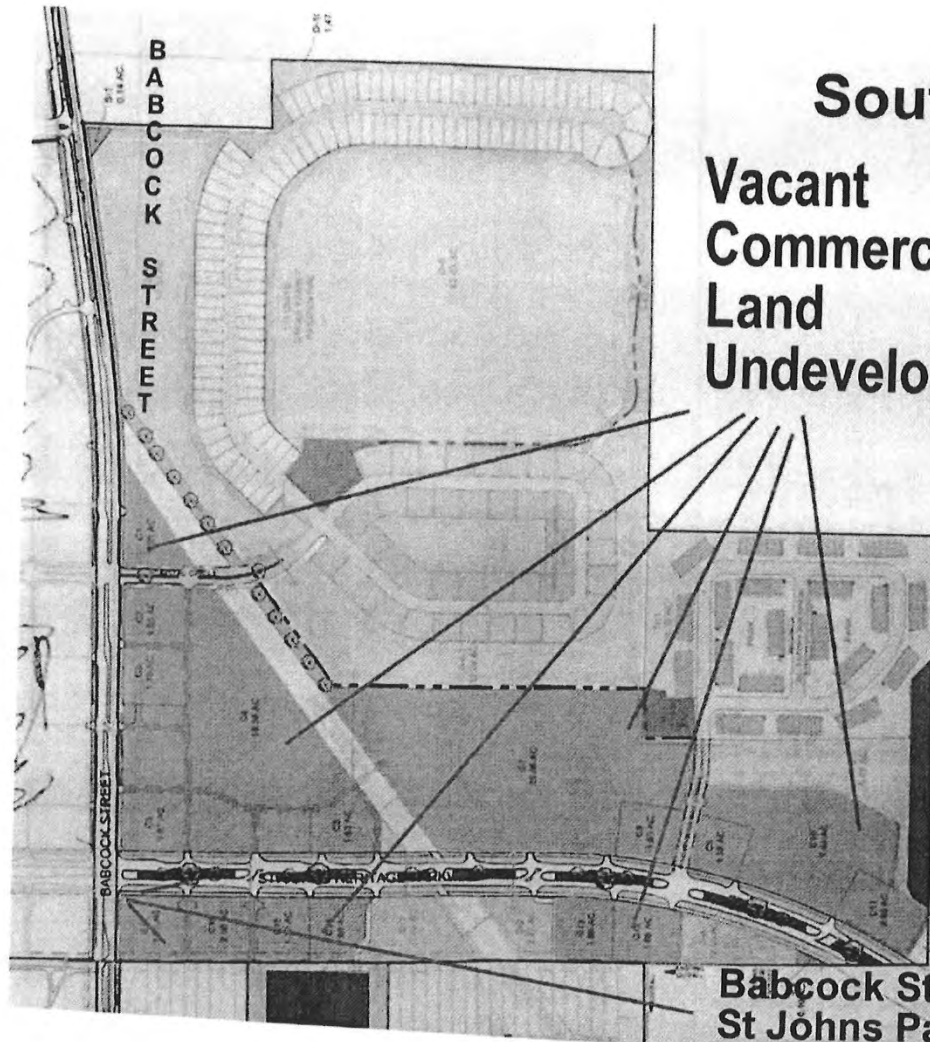
The entire lot plus several acres of adjoining property were burned to the ground

Fortunately, no one was injured.

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

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





South Vacant Commercial Land Undeveloped

LOCATED ON THE CORNER OF BABCOCK STREET AND ST. JOHNS PARKWAY, THE PROJECT WILL EXTEND CITY OF PALM BAY AND CITY OF ST. JOHN'S REQUIREMENTS THROUGH A STORMWATER TREATMENT FACILITY, THE ULTIMATE TO THE SOUTHERLY CANAL AND WEST TO THE SOUTHERLY CANAL. OVERALL DENSITY IS LESS THAN 2.5 UNITS PER ACRE IN COMPLIANCE WITH EXISTING ZONING AND FUTURE LIGHTING, SOUND, AND IMPROVED LANDSCAPING. MASTER PLANNED COMMUNITY THERE WILL BE A N ASSOCIATION THAT WILL MAINTAIN ALL COMMONS ARE PORTION OF THE PROJECT AND A HOMEOWNERS ASSOCIATION.

CONTACT INFORMATION:

DEVELOPER
CYPRESS BAY FARMS LLC
270 WEST DRIVE
MELBOURNE, FL 32904

DESIGNER
B&B DESIGNER
390 PINEHURST DRIVE
MELBOURNE, FL 32905
TEL: (321) 254-8123

ENGINEER
JAMES E. BROS
2031 EAST G
MELBOURNE
TEL: (321) 4
FAX: (321) 4
E-MAIL: JEB

LOCATION
TOWNSHIP 3
RANGE 37
SECTION 15
TAX ACCOUNT

CYPRESS BAY AT WATERSTONE

CYPRESS BAY RESIDENTIAL SUBDIVISION

USE	ACRES	UNITS
RESIDENTIAL	10.5	110
OPEN SPACE	10.5	
RECREATION	10.5	
RETENTION	10.5	
SIGN TRACT	10.5	
TOTAL RESIDENTIAL TRACT	10.5	110

CYPRESS BAY COMMERCIAL CENTER

USE	ACRES	UNITS
COMMERCIAL	10.5	110
MULTI-FAMILY	10.5	110
OPEN SPACE	10.5	
RECREATION	10.5	
RETENTION	10.5	
SIGN TRACT	10.5	
TOTAL COMMERCIAL TRACT	10.5	110

CYPRESS BAY AT WATERSTONE PRELIMINARY PLAN

SUMMARY	ACRES	UNITS
GRAND TOTAL	10.5	110

NOTE: TRACTS WILL BE FURTHER DEFINED DURING PLATTING

LEGAL DESCRIPTION:

THE PROJECT IS LOCATED ON THE CORNER OF BABCOCK STREET AND ST. JOHNS PARKWAY, THE PROJECT WILL EXTEND CITY OF PALM BAY AND CITY OF ST. JOHN'S REQUIREMENTS THROUGH A STORMWATER TREATMENT FACILITY, THE ULTIMATE TO THE SOUTHERLY CANAL AND WEST TO THE SOUTHERLY CANAL. OVERALL DENSITY IS LESS THAN 2.5 UNITS PER ACRE IN COMPLIANCE WITH EXISTING ZONING AND FUTURE LIGHTING, SOUND, AND IMPROVED LANDSCAPING. MASTER PLANNED COMMUNITY THERE WILL BE A N ASSOCIATION THAT WILL MAINTAIN ALL COMMONS ARE PORTION OF THE PROJECT AND A HOMEOWNERS ASSOCIATION.

Babcock Street and
St Johns Parkway Intersection

Conclusion

The Applicant has not demonstrate the he has met the requirements of the Future Land Use Plan with regards to Suitability and fit for this lot to be commercial

Specifically

FLU 2.3
FLU 2.3A
FLU 2.3B
FLU 2.3C
FLU 2.3D
FLU 2.3 E
Flu 3.1a
FLU 3.2B

The applicants assertion that the “future commercialization and anticipated widening of Babcock Street will significantly produce negative effects that are inconsistent with residential development immediately adjacent to Babcock Street is Totally misleading. The lot in question will undoubtedly be faced toward Plantation Circle to avoid the FDOT proposed Roundabout

This lot is slated to become a retention pond

Chandra Powell

From: Darlene Bennett <d.bennett64@yahoo.com>
Sent: Sunday, June 21, 2020 12:44 PM
To: Chandra Powell
Subject: Fw: Greenwood Plantation Rezoning meeting July 1 2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Darlene Bennett" <d.bennett64@yahoo.com>
To: "Laurence.bradley@pbfl.org" <Laurence.bradley@pbfl.org>
Sent: Sun, Jun 21, 2020 at 12:40 PM
Subject: Greenwood Plantation Rezoning meeting July 1 2020

Case #s

cp-4-2020 and cpz-4-2020

Mrs Powell,

I am writing to you in concern for the above case ie: Rezoning of a parcel of land @ Babcock St & Plantation Cir SE

1st I want to thank you for your hard work & dedication to our community. We moved to Palm Bay on June 25th of 2019 to retire from Va. We researched Palm Bay, we visited a couple times, my husband has a friend at Merit Island who suggested & urged we retire here. We are hard working tax paying, voter registered American born citizens who scraped & saved our money for this, the final chapter in life. We found a gem! 1 acre at 1785 Plantation Cir SE Palm Bay "Greenwood Plantation" and started our forever home build a place to feel safe, a horseshoe street your only there if you live here or took a wrong turn, 30 year old established homes most of the neighbors have lived here the entire time, they've raised there children up here. I grew up & lived my 56 years just 40 miles South of our nation's capital Washington DC

I have been & was well aware of the crimes in our community's however the 360 days we have lived here at 2622 Ramsdale Dr SE I have been personally witness to a purse snatching in the parking lot of staples, a fight in the parking lot of CVS, drug transactions in plain view & the numerous amount of homeless & camps & trash behind/beside every shopping center I've even befriended 2 of these said homeless Vets Johnny & Tommy both of which said they were not homeless just working, then driving down San Fillipo I thought I'd found a dead man on the side of the road, luckily he had just passed out from the heat & I was able to call for help all the while I'm the only 1 that stopped during rush hour. Naturally I've shared these concerns with my husband Im Scared did we invest everything into a city I dont feel safe in? I dont go out at night. I carry wasp spray with me everywhere, my children (4) & grandchildren (6) are worried about us I wont walk the dogs alone. I said OK your (my husband) right when we move over to Plantation Cir I will feel safer, its more established & private. We closed & received our keys to our new home on June 8th, this should be a happy time, only Its filled with distress & worry as we find out that our city just might allow a developer to rezone our private beautiful entrance into a parking lot, a parking lot for what, Crime! I am begging you to please consider the 40 to 50 homes filled with good citizens, good people of our community, to please not allow us/me to be unsafe turning onto our street wondering what may be of our homes when we arrive, no more evening walks/talks with neighbors Please do not allow us to be imprisoned behind our entrance! PLEASE

Help us to be safe in your beautiful city!

PLEASE

Darlene Bennett
540 318 9423
1785 Plantation Cir
Palm Bay

I look forward to meeting you July 1st

Sent from Yahoo Mail on Android

CITY OF PALM BAY
RECEIVED

JUN 22 2020

LAND DEVELOPMENT

6/23/2020

To: Laurence Bradley

From: Greg & Tonya LaVanture Resident at 1688 Pueblo St. SE Palm Bay, FL. 32909

Subject: Rezoning request Case # CP-4-20205 Zoning /CPZ 4-2020 Land Use (Plantation Circle)

We live across Babcock St at Cogan intersection just 1 block north. We just moved in April 2014 with the understanding that Babcock St would be widening at sometime in the future. We researched the property across the street finding it was zoned as residential. There is plenty of commercial property North, and South on Babcock. We felt comfortable buying our home with these factors. We saw signs showing Shopping Center coming at the Grant Rd, and Babcock St. There is only (1) 85' vacant lot from my home east to a drainage ditch then room for Babcock expansion. Being from the Traffic Construction business I understand traffic signals, overhead sign structures, and property needed for proper installation. I feel the intersection of Babcock & Cogan would be better for a traffic signal intersection only leaving the residential property left alone. Adding a business would be more traffic not needed for this intersection. Cogan dead ends at Babcock then with less than 100 yards you have the entrances to Plantation Circle north, and south of Cogan. When Babcock gets widen it would be dangerous for the Plantation residents to get on Babcock going north or south. It would be a traffic mess with the extra business traffic. Again there is plenty of property available for businesses for the buyer to develop. Good example just north on Babcock at Grant Rd there is plenty of land not near homes. We heard from the residents of Plantation Circle the City agreed when they bought then build the remaining property would not be zoned commercial. Now you have a previous commitment to stand by to these residents.

I have attached previous presentations ,FDOT plans for drainage pond for expansion of Babcock, and letters we have received from lawyers wanting to represent us for the Babcock expansion. I talked to Ms Lorena Cucek on 12-12 2019. She said they have to have 2 options, and Option A was the best for all concerned. Our property falls under Option B, and so does 16 other homeowners.

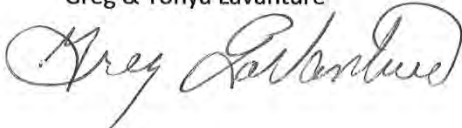
The property owner was told NO by City Council over years ago. We are so done with his games. The state is going to take his property, not ours. SAY NO TO HIS REQUESTS!!

THANKS FROM PROUD VIETNAM VETERAN,

Come by for a nice chat, and view of many issues for this request. Cell # 321-423-1787

Sincerely,

Greg & Tonya Lavanture



10/23/17

To: City of Palm Bay Staff

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

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

Well after our last meeting with City Council showed us how the City helped the applicant change from (8) acres now to this (2.89). At almost midnight Council started to vote **NO** for the change, with a second.

Then a break was taken for the reporter to have a break. **We respect that!!** During that break the applicant approached some council members, at least one for sure. Well we resumed then that member retracted his second sending it back to vote over. Well this time the staff continued to help applicant revise his request to fewer acres. We were also told earlier that change is coming so we should accept this possible request before the vote. This whole series is on tape so we felt this needs to be considered. **PLEASE REVIEW THE MEETING VIDEO!**

Here we are as taxpayers sitting there watching the applicant get guided for another opportunity after almost two years of fighting this. If he had solid plans after almost 1.5 years for this property you would think he would he would share what type of business he plans. He has never told us or the Planning Staff, and City Council. Seems strange??? Our presentation gave many issues this change creates. The Council must of considered our input to put it to vote rejecting the applicant's request. Our data does not change with the request for fewer acres.

Watch that on tape!

Greg & Tonya LaVanture

To: City of Palm Bay Staff

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

Subject: Rezoning Request Case# CP-13-2018/CPZ-13-2018

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

We welcome all of you to my property to witness the traffic flow now. I cut the grass east of my home just park there next to Babcock to witness what we see everyday.

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

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

Reaction Distance + Braking Distance = Stopping Distance

It takes two football fields 720' for an 18 wheeler to stop at 55 mph. I have seen them do that speed plus. Example the truck would start stopping at Delta not stopping at Cogan distance of approximate 700'. Car comparison at 40 mph the Vehicle Reaction Distance would be 88', Braking Distance is 80' totaling 168'. At 50 mph VRD 110', VDF 125' then 60 mph RD 132', BD 180' totaling 312'. You could pass 2-3 side streets stopping. Be advised that this section of Babcock has ripples due to excess wear. The stopping distance for any vehicle would increase at least 15% because the tires would start hopping not having complete contact with the road. On wet roads these distances are off the chart. There is also poor drainage on Babcock creating many pools of water. Then remember the drainage ditches on both sides, once they hit the grass those distances go off the chart.

PAGE 3

*In closing just imagine bright lights, noise, increased crime, reduced property values, destruction of hundreds of trees, natural surroundings, drainage issues, loss of any privacy, traffic nightmare, and increased accidents combined with more possible deaths of innocent people across from your home. So please accept our invitation to visit our property to really see the above topics of concern. We do not want this rezoning to happen along with all the residents of Plantation Circle!! Please force commercial improvements 3,000' to go north or south of this location as your planning department has planned for. They have done their research, and are on the right path for the future of the City of Palm Bay. This request falls under a **SPOT CHANGE** not fitting into the zoning plan in effect now. Being semi-retired we want to enjoy our life as we have since we moved in (4) years ago with our kids, and grandchildren. I have witnessed many speeding vehicles passing at the intersections of these streets. There should be **NO PASSING** at any of the above intersections. Then just imagine an 18 wheeler traveling on Babcock doing average of 45-55+mph as the new possible traffic light changes, a school bus full of kids, or any person with their family turning onto Babcock. There is no room for any kind of recovery for any vehicle. I would not want that on my mind that I let this change happen.*

PLEASE VOTE NO FOR THIS REQUEST

PAGE 4

ADDED NOTES DUE TO EXTENSIONS FOR FINAL DECISION

After our last Planning Board meeting the applicant would not tell the Board what he planned to develop on the proposed property. He has not told us or you nothing either. Now you tell me after 3 years you do not have any clients interested. His marketing skills are off, or **he is not telling us the truth**. He withdrew his application as he went out of town for the first City Council meeting, then he withdrew his application, the night of the second City Council meeting, **Oh just before elections**, now here we are again. What will happen this time, another misleading comment or action. He was asking for **4 acres, 8 acres, now 2.89**. **Do yourself a favor look at the last City Council meeting to see the interesting changes that happen after the voting started for (8) acres. Then the City helped him make changes leaving us citizens out to dry. WE ARE STILL PISSED!**

I HOPE YOU WOULD YOU ACCEPTED OUR INVITATION TO VISIT OUR PROPERTY & PLANTATION CIRCLE BEFORE THIS MEETING TO SEE FOR YOURSELVES!

I feel with all the applicant's experience, he should have researched this purchase better. The property price doesn't seem to be a good deal now. Look after almost (3) years he could of build a business plaza north or south of proposed property, giving him a return on his investment, and tax dollars to the City.

We live directly west across from the property, and we do not want a business going there, as there is plenty property already zoned commercial 3,000' north or south. We did know when we moved in our home Babcock was going to be upgraded for needed expansion to the City. We asked our agent about that proposed property, and it was residential. We felt comfortable to purchase this home, but adding businesses across from us is not good at all.

"VOTE NO AGAIN"

To: City of Palm Bay City Council

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

Subject: Rezoning Request Case# CP-13-2018/CPZ-13-2018

Do us, and you a favor come to my home to view the property we are discussing before the meeting.

There are (11) streets intersecting Babcock St. within .4 tenths mile of this property, they are as follows starting north of subject property Delta, Timberwolf, Pueblo, Plantation, Cogan, San Soving, Plantation, Tigard, Whiting, Tennessee, Weiman. Then the school property starts after Weiman Rd. from the south of the property again within the .4 tenths mile= 2,112'. There is no other cluster of streets north or south of the property being discussed. They are spread out more evenly with secondary roads parallel to Babcock. Babcock is 45 mph in this area, few obey it COME SEE!

After our last Planning Board, and City Council meetings the applicant would not tell the Board what he planned to develop on the proposed property. Even after the last Planning meeting May 2nd 2018 he was asked, and did not answer the question from the Board. He said it would be 2 years before he would develop this property. Does your application state what is proposed for the property in detail. All he said was Commercial, now you tell me after (3) years you do not have any clients interested.

HELLO! SOMETHING IS WRONG HERE!!

PAGE 2

He withdrew his application as he went out of town for the first City Council meeting, then he withdrew his application, the night of the second City Council meeting, **Oh just before elections**, now here we are again. What will happen this time? He was asking for **4** acres, **8** acres, now **2.89**. **Do yourself a favor look at the last City Council meeting last year to see the interesting changes that happen after the voting started for (8) acres? Then the City helped him make changes for fewer acres leaving us citizens out to dry. Here we are again going through more unknown facts.**

I feel the applicant's is using a trump card that he discussed this property with previous City Council members prior to purchase of property. Well we do not know exactly what they said verses what we are dealing with now. Look after almost (3) years he could of build a business north or south on your future commercial property, giving him a return on his investment, and tax dollars to the City. HELLO (3) YEARS TAX RATE LOST!

Here are **more facts** to consider coming from Space Coast Transportation Data Management System in Cocoa, Florida. This data shows how many vehicles travel Babcock from Micco Rd. from the south to Malabar Rd. north daily. The applicant stated at the Planning meeting 5-2-18 recently is was **2,000** vehicles daily. **WELL LOOK WHAT WE FOUND!** **2013-3,360/// 2014-3,460**
2015-2,860 /// 2016-4,020/// 2017-4,290 /// 2018- TBD
Has to be more seeing the new homes & truck activity going on.

PAGE 3

I witnessed (34) dump trucks travel Babcock on 5-4-18 in 1 hour.
This truck traffic is really tearing up Babcock! COME SEE!!

Also when they close I-95 Babcock is a Detour Route " COME SEE"

This shows all parties the area is growing even before your future land use plans are being used to full capacity example for I-95 Interchange addition, Parkway Extension, Emerald City. With all the designated Commercial property already set by the City we do not need any business on this property.

Data from a Certified State DOT Engineer was presented to City Council last year's meeting. He said this is not within DOT Traffic Design guidelines. When you review the number of streets we addressed to you intersecting Babcock they already addressed this area. They have the (4) lane expansion of Babcock designed, and approved. How can the Council argue with facts coming from the State DOT. It is the DOT's road, and Palm Bay can't add or change anything without their permission.

HELLO!! SO YOU SHOULD VOTE NO FOR THIS CHANGE!!



PUBLIC MEETING ANNOUNCEMENT

Tuesday, July 30th, 2019

5:30 p.m. to 7:30 p.m.

Knights of Columbus

6725 Babcock Street SE, Malabar, Florida 32950

The FDOT invites you to the Alternatives Public Meeting for the Babcock Street/County Road 507 (C.R. 507) Project Development and Environment (PD&E) Study. The limits of this study are from south of Micco Road/Deer Run Road to Malabar Road/State Road 514. The meeting is being held to present the alternatives being evaluated and to obtain stakeholder input. Attendees will have an opportunity to view a continuous, looping presentation and project information will also be on display. Members of the project team will be available to discuss the project and answer questions.

The PD&E Study, a process that satisfies state and federal regulations, combines engineering evaluations, environmental analysis and public involvement. The purpose of this study is to evaluate options, known as alternatives, that address the long-term transportation needs of Babcock Street/C.R. 507. The alternatives being considered involve widening Babcock Street/C.R. 507 from two lanes to four lanes, the addition of bicycle and pedestrian features, and intersection and safety improvements. The No-Build or "do nothing" alternative is also being considered.

If you have questions or would like to have more information, please contact the FDOT Project Manager Lorena Cucek by email at lorena.cucek@dot.state.fl.us or by phone at 386-943-5392. Information about this project is also available online at www.cflroads.com. Simply type 437204-1 in the search box, click "go" and then select the project.

IMG_3545.JPG

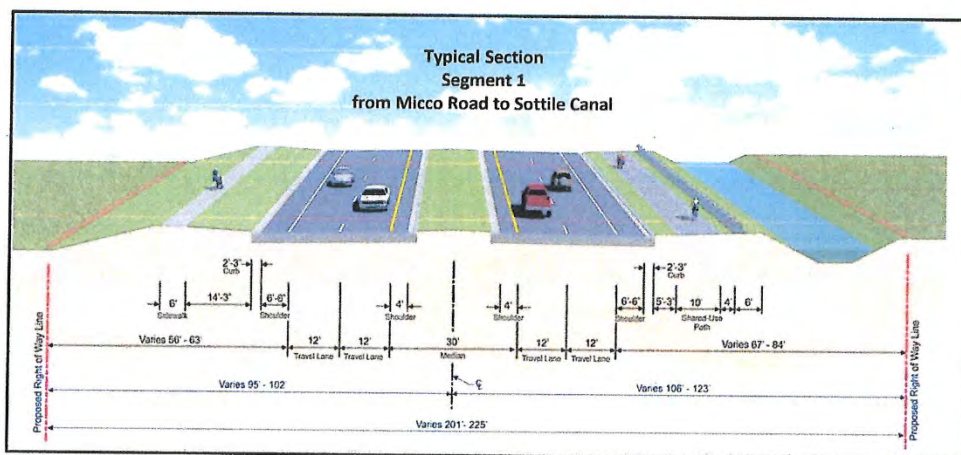
Download



OUR
HOMES
STAY
SAFE

PROPOSED IMPROVEMENT ALTERNATIVES

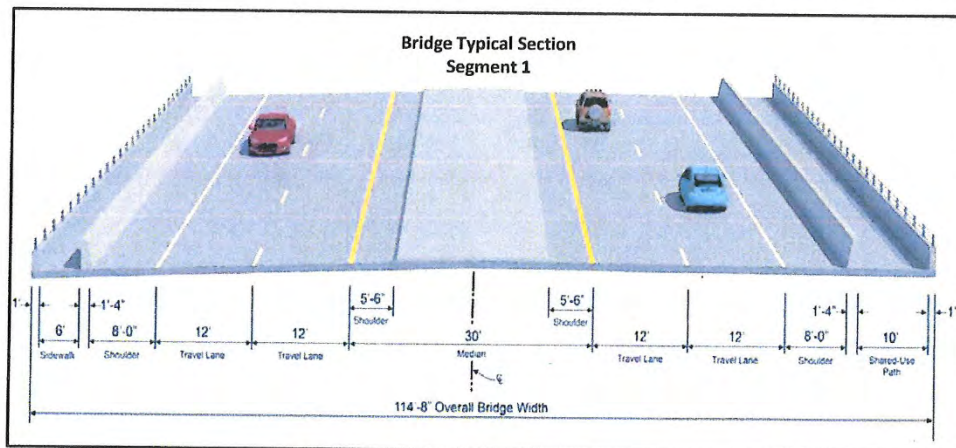
The graphics presented on these pages represent the roadway options, referred to as alternatives, being evaluated as part of the D&E Study. This includes three roadway typical sections. The first typical section extends from Micco Road to the Sottile Canal and includes a new bridge over the Sottile Canal. The second typical section extends from the Sottile Canal to Valkaria Road. The third typical section extends from Valkaria Road to Malabar Road and includes a new bridge over Interstate 95.



TYPICAL SECTION – SEGMENT 1

Segment 1: Babcock Street from Micco Road to the Sottile Canal. This segment includes the following:

- Two 12' lanes in each direction
- 4' paved inside shoulders
- 6'-6" paved outside shoulder in each direction
- 26' grassed median
- 6' sidewalk on the west side of the road
- 10' shared-use path on the east side of the road



BRIDGE TYPICAL SECTION OVER SOTTILE CANAL

The bridge over the Sottile Canal includes the following:

- Two 12' lanes in each direction
- 5'-6" paved inside shoulders
- 8' paved outside shoulders
- 19' raised concrete median
- 6' sidewalk on the west side of the road with a concrete barrier
- 10' shared-use path on the east side of the road with a concrete barrier

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. §327 and a Memorandum of Understanding dated December 14, 2016, and executed by the Federal Highway Administration and FDOT.

ALTERNATIVES BEING CONSIDERED

The alternatives being considered involve the following:

- Widening Babcock Street from two to four lanes
- Adding pedestrian features such as shoulders and sidewalks
- Adding bicycle lanes
- Improving intersections at cross streets and adding safety improvements such as pedestrian signals
- Implementing access management features: median openings, signals, etc.
- The No-Build or "do nothing" alternative is also being considered

CONTACT INFORMATION

For more information about the project or to schedule a group meeting, please contact one of the following:

Ms. Lorena Cucek
FDOT Project Manager
Florida Department of Transportation District Five
719 South Woodland Boulevard
DeLand, Florida 32720
Phone: (386) 943-5392
Email: lorena.cucek@dot.state.fl.us

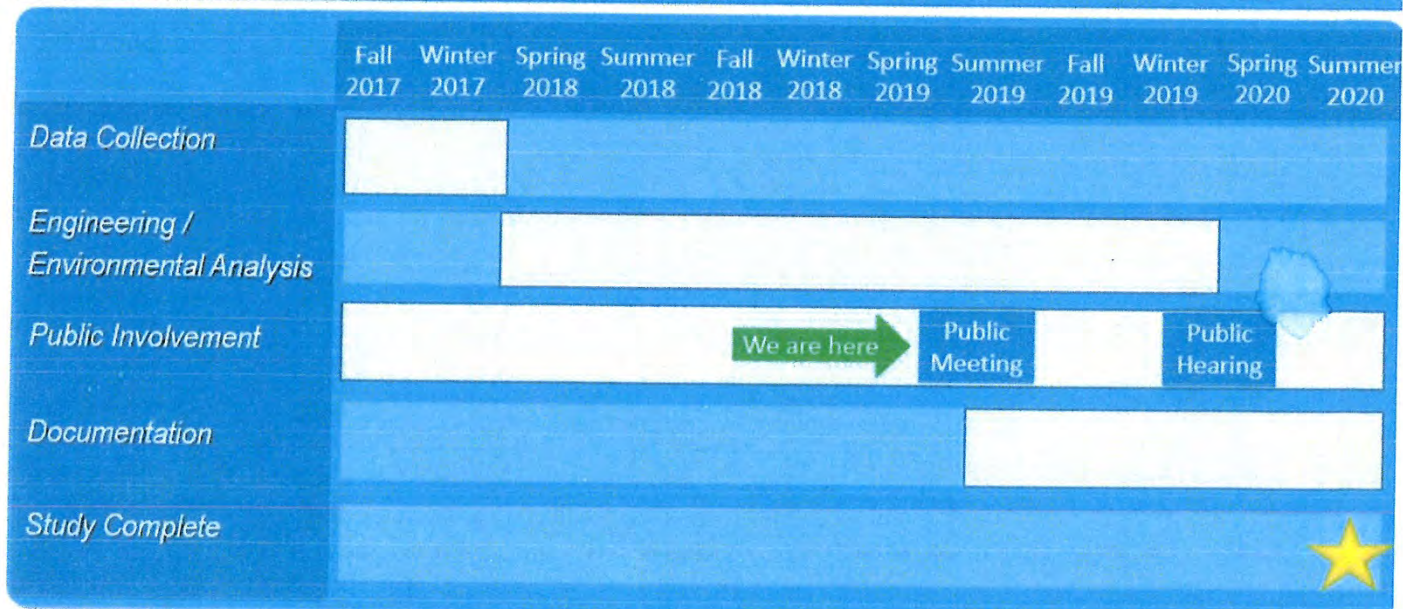
Mr. Jesse Blouin, AICP
Consultant Project Manager
3000 Dovera Drive, Suite 200
Oviedo, Florida 32765
Phone: (407) 971-8850
Email: jblouin@inwoodinc.com

TITLE VI INFORMATION

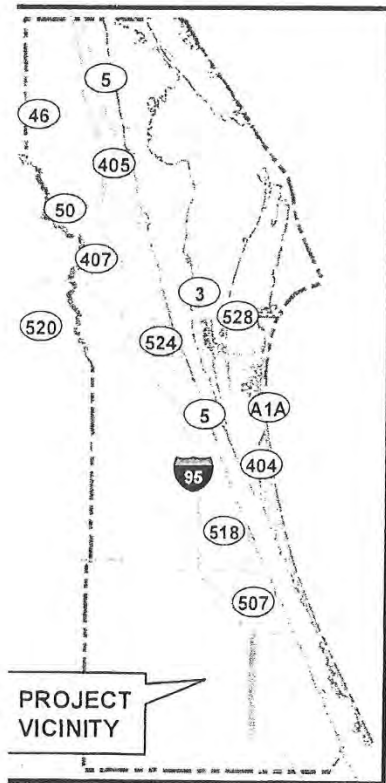
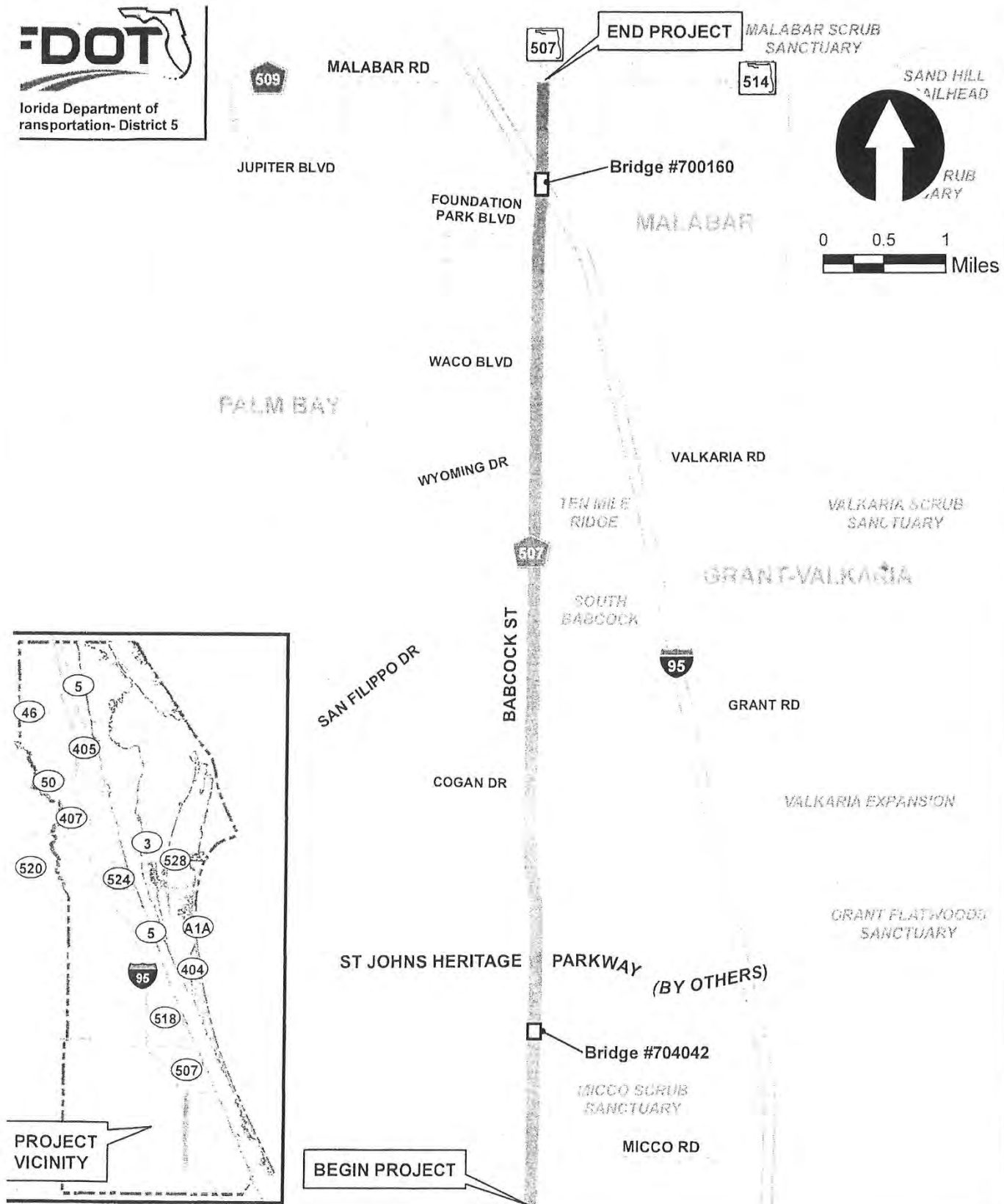
Persons with disabilities who require accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact the Project Consultant, Jesse Blouin, AICP, by phone at 407-971-8850 or by email at jblouin@inwoodinc.com, at least seven (7) days prior to the meeting. If you are hearing or speech impaired, please contact us by using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice).

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns relative to FDOT compliance with Title VI may do so by contacting the FDOT District Five Title VI Coordinator, Jennifer Smith, at jennifer.smith2@dot.state.fl.us.

PD&E Study Schedule



For more information, go to www.CELRoads.com and type 437204-1 in the search box



Babcock Street (CR 507)
from South of Micco Road/Deer Run Road
to Malabar Road/SR 514
Brevard County, Florida
Financial Project ID: 437204-1-22-01
Federal Project No: D517-024-B

PROJECT LOCATION MAP

Figure
1

GRAY | ROBINSON
ATTORNEYS AT LAW

SUITE 1400
301 EAST PINE STREET (32801) BOCA RATON
POST OFFICE BOX 3068 FORT LAUDERDALE
ORLANDO, FL 32802-3068 FORT MYERS
TEL 407-843-8880 GAINESVILLE
FAX 407-244-5690 JACKSONVILLE
gray-robinson.com KEY WEST
LAKELAND
MELBOURNE
MIAMI
NAPLES
844-287-5833 ORLANDO
TALLAHASSEE
TAMPA

November 20, 2019

Gregory H. Lavanture
1688 Pueblo St. SE
Palm Bay, FL 32909

**RE: Florida Department of Transportation
Babcock Street from South of Micco Road/Deer Run Road to Malabar Road
Acquisition of Your Property
Parcel No.: 29-37-33-GT-01153.0-0014.00**

Dear Gregory H. Lavanture:

If you have already retained an attorney for this matter, please disregard this letter. From our review of the most current tax maps and other public records for Brevard County, it appears that the Florida Department of Transportation (FDOT) may seek to acquire a portion of your property for the Babcock Street from South of Micco Road/Deer Run Road to Malabar Road project. This process is known as “condemnation” or “eminent domain.”

When the FDOT is ready to take your property, they will make you an offer. The FDOT is required by law to pay you the market value of the land taken, improvements taken and any damages to your remaining property. Damages include items that devalue your remaining property, such as a reduction in parking, changes in grade, or a decrease in setbacks, to name a few. They may also be required to pay you business damages under certain circumstances.

In Florida, you have the right to hire your own attorney and valuation experts (real estate appraisers, engineers, etc.) to perform an independent analysis of the FDOT’s taking and its effect on your property. Furthermore, the condemning authority is required by law to pay for the costs of such services, in addition to what they pay you for your property.

Advertisement



Crossover Commercial Group, Inc.
Carmel Development, LLC.

Commercial Sales, Leasing, Development, & Asset Management

September 15, 2019

Dear Property Owner:

RE: Plantation Circle – Residential Sub-division Plan Revision
Unplatted Lot to be divided into 5 residential lots

This letter is being sent to you regarding to the above referenced request and in compliance with the Palm Bay Code of Ordinances Section 169.005. The City of Palm Bay is requiring us to hold a second citizen's meeting due the amount of time that has transpired since our initial application was submitted. We now have new meeting dates with the City and are ready to proceed with the platting. We have attached the update preliminary plat now showing the breakdown of the five residential lots being proposed.

As you are aware from my previous mailing my company represents the proposed applicant of this public hearing process and has hired our firm's service to handle this matter on their behalf.

In accordance with the requirements, we are sending this letter to all adjoining property holders within 500 linear feet of the proposed property that should be receiving official notification from the City of Palm Bay, for the public hearings process.

We would like to invite you again to attend this informal open house in order that we may answer any questions or concerns you may have regarding the revisions and in advance of the new scheduled hearing dates.

The informational meeting will be held in your area at:

Franklin T. DeGroodt Public Library
6475 Minton Road SE, Palm Bay, FL 32908
Tuesday, September 24, 2019, 6:30–7:30p.m. (Small Meeting Room)

We hope you will be able to attend, however if you are not able please feel free to direct any questions or comments to my attention (email listed below) or call my office.

Sincerely,

Carmine Ferraro
President/Managing Member
Carmel Development, LLC

3860 Curtis Blvd #636, Port St. John, FL 32927
Email: carmel32927@gmail.com
Office/Mobile (321) 536-5200
Website: www.carmeldevelopmentllc.com

Licensed Real Estate Broker

Harris Harris Bauerle Ziegler Lopez

EMINENT DOMAIN LAWYERS

November 6, 2019

Gregory H. Lavanture
1688 Pueblo St. SE
Palm Bay, FL 32909

**Re: Babcock Street from South of Micco Road/Deer Run Road to Malabar Road
Brevard County
Parcel No. 29-37-33-GT-01153.0-0014.00
Project # 4372041**

Dear Mr. Lavanture:

If you have already retained a lawyer for this matter, please disregard this letter. Our review of public records indicates that some or all of your property may be taken by the government for the referenced project. The lawyers of Harris Harris Bauerle Ziegler Lopez have represented thousands of property and business owners when the government has taken their property. *Don't wait. Call us today.*

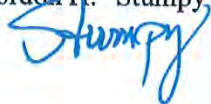
The right to own and enjoy private property is fundamental to our way of life. When the government takes private property through eminent domain it must follow strict guidelines. Eminent domain proceedings are often complicated and adversarial, and the government has lawyers working for it. Retain our firm to guide you through the entire eminent domain process. We will vigorously prosecute your right to full compensation for any taking while also making sure the government has the right to take your property in the first place.

We are experienced in this field and invite you to ask around about us. Our firm has been handling eminent domain matters across the state since its inception in 2003. The undersigned lawyers have a combined 115 years of eminent domain experience. To learn more please visit our website at www.hhbzlflorida.com or call us at (407) 843-0404 or (800) 522-4171. We are happy to answer any questions or concerns you may have.

There is no risk in hiring us. You will not pay us a fee or costs. The government is legally required to pay your compensation, your legal fees and your expert fees (the appraisers and experts necessary to establish the value of your property). We will gladly meet with you to inspect your property and evaluate your case. Please call us today.

Cordially,

Gordon H. "Stumpy" Harris



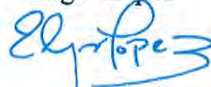
Bruce M. Harris



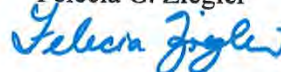
Kurt T. Bauerle



Edgar Lopez



Felecia G. Ziegler



SPACE COAST TRANSPORTATION PLANNING ORGANIZATION TRAFFIC COUNTS: 2008 - 2017

ID	ROAD	SEGMENT (Sections)	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Current	Last Count	Functional Classification
AREA: CENTRAL			AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	MAV	Taken	
US 1															
34	US 1	EYSTER-ROSA JONES	37,540	36,867	UC	34,867	34,703	34,977	35,303	36,267	35,167	34,170	62,900	2/15/2017	Urban Principal Arterial-Other
33	US 1	Eyster-Barton	35,330	35,040	UC	32,330	32,860	33,220	32,820	34,440	33,650	32,520	62,900	2/22/2017	Urban Principal Arterial-Other
88	US 1	Barton-Florida	43,050	42,760	UC	39,440	38,510	38,070	40,160	40,480	39,840	38,860	62,900	2/27/2017	Urban Principal Arterial-Other
US 1															
24	US 1	Florida-Rosa Jones (Poinsett)	34,240	32,800	UC	32,630	32,740	33,640	32,910	33,880	32,010	33,130	62,900	2/27/2017	Urban Principal Arterial-Other
23	US 1	ROSA JONES-PEACHTREE	28,765	22,700	UC	26,940	26,360	26,795	25,375	33,480	30,220	26,885	62,900	2/27/2017	Urban Principal Arterial-Other
US 1															
22	US 1	Rosa Jones (Poinsett)-SR 520	34,010	UC	UC	32,590	32,430	32,840	32,890	33,480	30,220	33,500	62,900	2/27/2017	Urban Principal Arterial-Other
US 1															
21	US 1	SR 520-Peachtree	23,520	22,700	UC	21,290	20,290	20,750	17,860	UC	UC	20,270	62,900	2/22/2017	Urban Principal Arterial-Other
20	US 1	PEACHTREE-SR 528	29,778	30,400	27,443	28,365	27,363	27,025	UC	UC	26,600	41,790	41,790	2/27/2017	Urban Principal Arterial-Other
19	US 1	Peachtree-Forrest	23,590	22,470	18,880	21,080	20,330	20,560	UC	UC	21,290	41,790	41,790	2/27/2017	Urban Principal Arterial-Other
572	VIERA BLVD	Forrest-Dixon	33,250	32,260	29,770	30,260	29,860	29,460	UC	UC	28,620	41,790	41,790	2/22/2017	Urban Principal Arterial-Other
536	VIERA BLVD	Dixon-Michigan	29,730	31,070	28,860	31,080	28,020	28,510	UC	UC	25,890	41,790	41,790	2/22/2017	Urban Principal Arterial-Other
58	VIERA BLVD	Michigan-SR 528	32,540	35,800	32,260	31,040	31,240	29,570	UC	UC	30,600	41,790	41,790	2/22/2017	Urban Principal Arterial-Other
537	VIERA BLVD	Tavistock-Stadium	10,055	12,245	12,880	13,820	13,240	13,930	14,490	15,950	16,780	17,445	38,800	1/26/2016	Urban Local
AREA: SOUTH															
503	AIRPORT	STADIUM-HOLIDAY SPRINGS	8,030	10,740	12,010	12,790	12,650	13,760	14,600	15,980	17,450	18,130	41,790	2/1/2017	Urban Minor Arterial
502	AIRPORT	MURRELL-HOLIDAY SPRINGS	12,080	13,750	13,750	14,850	13,830	14,100	14,380	15,920	16,110	16,760	41,790	2/1/2017	Urban Minor Arterial
501	AIRPORT	Holiday Springs-US 1	10,550	11,420	11,960	12,830	11,850	12,130	12,190	13,280	13,930	14,800	41,790	2/1/2017	Urban Minor Arterial
US 192-APOLLO															
510	APOLLO	US 192-APOLLO	11,177	10,597	10,990	10,390	10,657	10,570	11,747	11,100	11,993	13,980	32,400	11/15/2017	Urban Minor Arterial
538	APOLLO	HIBISCUS-NASA	10,670	9,720	9,620	9,590	10,080	9,760	11,200	10,080	15,100	32,400	39,800	10/17/2017	Urban Minor Arterial
571	APOLLO	NASA-APOLLO	13,120	12,620	13,590	12,330	12,390	12,600	13,470	12,480	15,020	15,560	39,800	10/17/2017	Urban Minor Arterial
507	AURORA	AIRPORT-SARNO	20,040	20,480	20,370	19,120	19,020	19,350	19,020	NC	21,980	NC	41,790	11/28/2016	Urban Minor Arterial
514	AURORA	Airport-St. Michaels	NC	NC	NC	19,120	NC	19,350	NC	NC	22,260	23,430	41,790	10/18/2017	Urban Minor Arterial
515	AURORA	St. Michaels - Sarno	8,955	8,395	8,285	7,670	7,670	7,765	6,865	6,845	6,540	7,460	33,800	10/18/2017	Urban Minor Arterial
376	AURORA	Sarno - Eau Gallie Blvd	10,900	9,910	9,820	9,040	9,020	8,800	7,800	7,430	7,490	8,650	15,600	10/18/2017	Urban Major Collector
446	BABCOCK	JOHN RODES-WICKHAM	7,010	8,880	6,710	6,300	6,320	6,730	5,930	6,260	5,590	6,270	17,700	12/6/2017	Urban Major Collector
370	BABCOCK	Turtlemound-Wickham	11,297	11,353	10,947	10,857	10,730	11,023	10,713	10,760	11,060	10,963	39,800	10/24/2017	Urban Minor Arterial
447	BABCOCK	WICKHAM-CROTON	11,710	11,750	11,380	11,370	11,320	11,600	10,840	11,600	11,160	11,360	39,800	11/15/2017	Urban Minor Arterial
597	BABCOCK	Croton-Stewart	11,630	11,560	11,080	11,010	10,800	11,150	11,140	10,910	11,750	12,450	39,800	10/24/2017	Urban Minor Arterial
448	BABCOCK	Stewart-US 1	10,550	10,750	10,380	10,190	10,070	10,320	10,160	9,830	10,330	9,040	39,800	11/15/2017	Urban Minor Arterial
449	BABCOCK	IND RVR CO-GRANT	2,625	2,745	2,560	2,570	2,500	2,615	2,720	2,375	3,160	3,360	14,200	10/3/2017	Rural Major Collector
369	BABCOCK	Indian Rv Co-Mico	1,950	2,280	1,930	1,800	1,780	1,870	1,980	1,920	2,300	2,430	14,200	10/3/2017	Rural Major Collector
368	BABCOCK	Mico-Grant	3,300	3,210	3,190	3,340	3,220	3,360	3,460	2,830	4,020	4,290	14,200	10/3/2017	Rural Major Collector
443	BABCOCK	GRANT-MALABAR	18,480	14,807	14,307	14,570	14,077	14,117	13,678	13,213	15,266	15,953	17,700	10/3/2017	Urban Major Collector
447	BABCOCK	Grant-Valkaria	7,360	7,360	6,950	7,250	7,010	7,060	7,140	7,200	8,410	8,410	17,700	10/3/2017	Urban Minor Arterial
597	BABCOCK	VALKARIA-WACO	16,580	16,550	16,100	16,150	15,720	15,560	16,110	15,500	17,700	18,490	17,700	10/3/2017	Urban Minor Arterial
449	BABCOCK	WACO-FOUNDATION PK	20,410	20,510	19,970	20,310	19,500	19,730	19,740	18,570	21,920	23,140	17,700	10/3/2017	Urban Minor Arterial
369	BABCOCK	FOUNDATION PK-MALABAR	30,810	33,610	32,865	33,630	33,235	32,880	31,985	34,340	31,825	34,340	41,790	10/4/2016	Urban Principal Arterial-Other
368	BABCOCK	MALABAR-PALM BAY RD	33,600	NC	34,300	NC	34,850	NC	31,920	NC	29,850	NC	41,790	10/3/2017	Urban Principal Arterial-Other
443	BABCOCK	Malabar-Charles	NC	35,710	NC	35,500	NC	33,510	NC	36,180	NC	37,540	41,790	10/3/2017	Urban Principal Arterial-Other
443	BABCOCK	Charles-Pt Malabar	26,020	31,510	31,430	31,740	31,620	32,260	32,050	32,500	33,800	33,710	41,790	10/3/2017	Urban Principal Arterial-Other
443	BABCOCK	Pt Malabar-Palm Bay													

MAV = Maximum Acceptable Volume

Big Increase By Now!

*Note: 2016 AADT's Beaches area were counted twice in 2016 and the AADT listed is the average of the two counts.
NC=Not Counted; UC=Under Construction

5/10/2018

Chandra Powell

From: p.hensley755 <p.hensley755@gmail.com>
Sent: Monday, June 22, 2020 1:15 PM
To: Laurence Bradley; Chandra Powell
Cc: Judy & Dave Thornberry
Subject: Planning and Zoning

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Palm Bay City Council Members, Planning and Zoning.

Regarding rezoning
Case numbers CP-4-2020 and CPZ-4-2020.

We residents of Plantation Circle strongly object to rezoning of any residential to commercial property in our neighborhood.

We feel this proposed change is not in the best interest of our neighborhood, would be in conflict with the city plan for our area and would negatively affect our property values.

We strongly urge you to vote no on this proposal and preserve our peaceful quiet family neighborhood.

Sincerely,
Paul & Mayra Hensley
1858 Plantation Circle
SE Palm Bay Florida
June 22, 2020

Sent from my Sprint Samsung Galaxy Note8.

Chandra Powell

From: Jane Clary <claryt@fit.edu>
Sent: Monday, June 22, 2020 1:32 PM
To: Laurence Bradley; Chandra Powell
Cc: Jane Clary
Subject: Objection to Plantation Circle Rezoning Case# CP-4-2020 and CPZ-4-2020
Attachments: Brian West Letter to Residents 8-21-2015 (1).pdf; Apr24-2017 Fire Plantation Cir - West Point Babcock Property.png

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Re: Objection to Plantation Circle Rezoning Case# CP-4-2020 and CPZ-4-2020 Family Residential to Community Commercial

I object to the change in the comprehensive plan and rezoning of 3.86 acres on Planation Circle to commercial.

It does not make any sense to place commercial development at the east end of Cogan at the corner of Babcock & the north Plantation Circle entrance. What could possibly justify changing the image of the middle of a residential neighborhood by placing a business there that does not match the surrounding land's existing use - all 1 acre home sites (and is not part of the Palm Bay Comprehensive Plan)? This land owner has no hardship - he purchased it in July of 2015, 8.14 acres for \$140,000 (quite the bargain, \$17,199/acre). This is Spot Zoning.

If a person were talking about commercial land just to the north or south of the neighborhood, that would be easier to imagine, but why right smack in the middle of a current neighborhood? Only for profit. To the south, there is endless land available for commercial development, with well thought out separated residential neighborhoods. There is land already zoned commercial at the corner of Babcock Street & Grant Road. And, just to the north of our area, both Westside Avenue and Senate Avenue would offer buffers to residential neighborhoods if property to the east of Babcock was developed commercially (see map below).

Not only does this type of buffer not exist around the land requested to be changed to commercial, there are **11 streets that intersect with Babcock in less than one half of a mile** (a quarter mile to the north and a quarter mile to the south). In addition Sunrise Elementary is less than a mile to the south. **This has to be one of the worst land choices to add commercial congestion to that one could imagine.**

Instead of making the Cogan/Babcock intersection one of the next most congested areas on Babcock Street, and a dreaded intersection, the land instead should be set aside as a future water retention area for when Babcock is widened – it is currently one of the choices in FDOT's plan – and the most logical choice. This would be consistent with the current use of the land, the lots both to the south and north of this land are currently retention ponds for Planation Circle drainage (currently owned by private individuals who voluntarily maintain them, at their own cost, for the neighborhood). The portion of this property that is bordered by Babcock should be set aside through "eminent domain" for a retention pond, so that road flooding will not be an issue once Babcock is widened. The back part of the property should only be developed as residential homes that match the existing neighborhood, or the entire property used for water retention.

Brian West, West Babcock LLC originally brought this zoning change request to the Planning & Zoning Board 5 years ago, right after purchasing it. The Zoning Board recommended that the City Council deny it, so when it came time for the City Council vote, he withdrew his request. Then a 2nd time he applied for the same request – nothing changed regarding this property (he though had new lawyer). Planning & Zoning again recommended that it be denied. This case was on the September 1st City Council Agenda, but Brian West choose to delay it yet again (until September 15th). We, as neighbors attended, to ensure that the City Council see that all of us tax paying voters are deeply concerned. In between these requests and the current request, there have been many additional meetings that we have had to be the watch dogs on, and hire a lawyer and land planner to help save the historic rural feel of our neighborhood. Now again this same change is being requested by the developer.

So, Plantation Circle and surrounding neighbors (usually more than 50 of us - in red shirts) must continue to go to these meetings, in order to protect the uniformity of our neighborhood, and attempt to ensure that a daily traffic nightmare at the entrance to our neighborhood is not in our future. An outside prospector/developer should not be able to continue to make the same request, in an attempt to wear down those who it affects. Brian West is hoping that as City Council Members change, he will be able to push/bully his agenda through. In August of 2015 he wrote an arrogant, threatening letter to all of us prior to any official meetings, that stated if we did not "get on board" he was basically guaranteed to win in the end, and develop the property however he wanted without concern for its Palm Bay neighbors (excerpt shown below, entire letter attached - which includes many false statements). I hope once again, the Planning & Zoning Board will recommend that the Palm Bay City Council rejects this Comprehensive Plan and Land Zoning change from residential property to commercial property, and protect the land interests of its Palm Bay citizens who will be left here to live with the traffic nightmares long after the outside real estate prospector/developer is long gone with his profits.

This zoning change would only be for the benefit of one company - West Pointe Babcock, LLC - No one in Palm Bay will be better off with this change.

Some history on this case: On Monday April 24th, 2017 the night before the meeting which was set up by the developer (at Comfort Suites) "to meet with the neighbors", we came home to a fire on this exact property, which was investigated by the fire marshal – no determination was found on how it got started – no lightning Fire fighters had to work all night and until noon the next day to protect our houses and lives. It was so windy, it could have easily caught one of our houses on fire. Pictures attached and shown below. Back then, that would have taken away any wildlife issues for the developer. Now though, wild life has once again taken refuge on this property. Please help protect your current Palm Bay citizens.

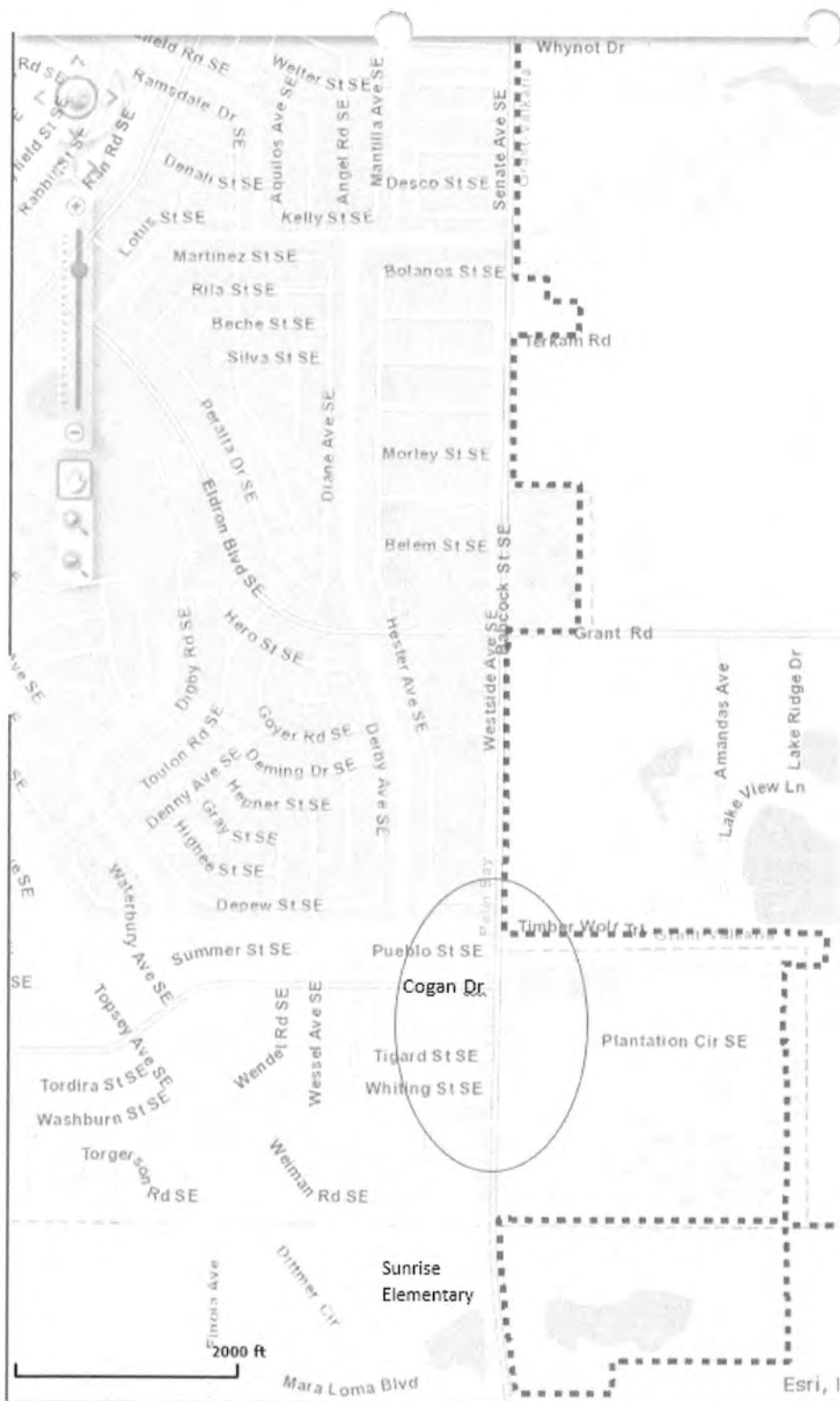
Thank you for your time and consideration, and please recommend that the Palm Bay City Council rejects this out of place commercial comprehensive plan and zoning request (as they had voted it down last year – there have been no changes in their request)!

Jane Clary

1835 Plantation Cir SE (for 23 years),

Palm Bay (for 55 years, 3rd generation Palm Bayer – My parents are Mary T. and Martin Bayer, Martin was actually on the council back in the 1950's)

321-537-4917



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

Memo to Plantation Circle Homeowners

This is where we are at:

1. We purchased 8.5 acres (zoned residential) of vacant land located at the SEC of Babcock Street and Plantation Circle. We plan to develop half of it for commercial purposes.
2. The nearby residents want to see the corner developed as a single family residence. Sorry, that simply will not happen. Anybody that thinks that is what will happen, is just being foolish and not realistic.
3. The property was intentionally left out of the original plat that the rest of the property owners are part of. There are "no" deed restrictions against commercial development on the entire 8.5 acres we purchased.
4. This property has been offered for sale to residential developers for 20 years and did not sell to residential builders. This means the property's highest and best use is not residential, and most likely commercial. You simply don't want to locate single family residents on a main arterial thoroughfare. It should be prevented if possible, and that is the opportunity we give the City of Palm Bay. Legally, Florida Case Law is clear and says you zone property for its best use for the overall community, "not" just for a few surrounding residents.
5. Planners by statute are supposed to zone properties for its highest and best use. Note: the fastest growing City in the entire United States, Houston, Texas, for the last 20 years, has "no" zoning; yes, no zoning! It is total "Buyer Beware"! The City of Palm Bay clearly wants to be a fast growing City.
6. Babcock Street is considered to be a major "commercial" thoroughfare in Brevard County. Most of the property on the East side of Babcock Street from Malabar Rd South to the new I-95 Interchange over the next 10 years will be zoned to some form of commercial or institutional type zoning. That

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

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

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

8. Commercial properties, by good planning, are located at main intersections. The intersection of Coogan & Babcock is a main intersection, and the busiest intersections on Babcock Street, South of Malabar Rd.
9. Ideally, the location of commercial properties and the services they offer are best located to where they are needed to best serve the public. People typically shop where that closest opportunity is, thus, "reducing" the total traffic in an area.
10. One of the City of Palm Bay's worst financial problems is the lack of a large commercial tax base. It has the lowest commercial tax base of any City its size in the State of Florida. Further, the City of Palm Bay is one of the most under retained cities in the State of Florida. It is a well-known fact, the City of Palm Bay wants to significantly increase its commercial tax base. Well, how do you think that happens?

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

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

THREAT

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

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

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

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

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

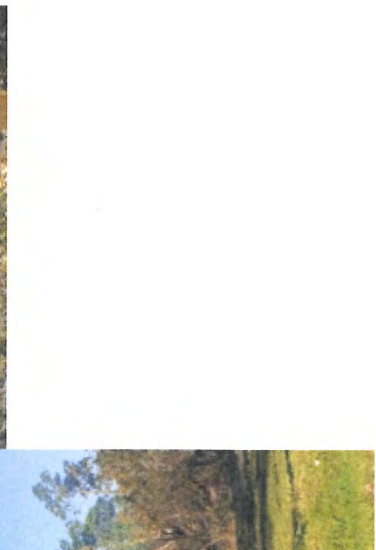
To increase the residential property values in the area the residents should be pushing for 4 things to occur:

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

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

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

I look forward to hearing from you.



Chandra Powell

From: Robert Heitsch <rtheitsch@gmail.com>
Sent: Monday, June 22, 2020 2:27 PM
To: Laurence Bradley; Chandra Powell
Subject: Recommend against CP-4-2020 and CPZ-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Laurence Bradley and the Palm Bay City Planning and Zoning Board Members:

My name is Robert Heitsch. I reside at 1755 Plantation Circle SE, Palm Bay FL and have lived there for the past 30 years.

I strongly urge the P & Z board to deny requests CP-4-2020 and CPZ-4-2020. CPZ-4-2020 is incompatible with the Palm Bay Code of Ordinances, Section 183.01. Specifically, enforcement of Section 183.01 (B) requires the city to preserve the residential or historical character of neighborhoods and to protect private property rights.

The applicant has provided no indication of what type of commercial development would be located on the property. Many types of commercial property land uses, negatively impact the neighborhood in terms of safety, environmental pollution and unwanted additional commercial traffic on a quiet residential street. Since it is not known how the property would be commercially developed, the city has no assurance that the development would not infringe on the private property rights of the neighborhood residents.

The plantation circle neighborhood consists of 46 large homes on manicured one acre or larger lots in a low density setting. The application's property is surrounded by the neighborhood. The applications property is located between the two entrances into the neighborhood off Babcock. There are little if any commercial businesses that could be located on the applications property that would preserve the residential character of the plantation circle neighborhood.

This is the sixth time in less than 5 years that this rezoning request has been brought to the board. The P&Z board has voted against this rezoning in each of the five previous times it was presented to them. I have attended all of the prior city council and P&Z meetings associated with these requests and have yet to hear a compelling reason to consider approving the rezoning request.

Respectfully,
Robert Heitsch
1755 Plantation Circle SE

Chandra Powell

From: WILLIAM FAULKENBERRY <wfaulken@bellsouth.net>
Sent: Monday, June 22, 2020 4:36 PM
To: Laurence Bradley; Chandra Powell
Subject: Case #'s CP-4-2020 and CPZ-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We respectively object to the rezoning of 3.86 acres on Plantation Circle and Babcock to commercial. We live in a very quiet and established neighborhood and believe having a commercial property at the opening of our street would be devastating to the integrity of our neighborhood. It would bring in extra traffic down our now quiet streets not to mention possible crime.

There is multiple already commercial established properties both to the south and north of us, so it doesn't make a lot of sense to come into a quiet, nice neighborhood with some kind of commercial business. Please take into consideration if they wanted to put a 7-11 or a bank at the opening of your neighborhood, how you would feel about that. We have young children and grandchildren that can now ride bikes or skate right in the middle of the road because the only traffic we have are the people that live here.

We request that you consider not letting the property be rezoned. We don't object to commercial growth in Palm Bay, just not in our neighborhood.

Thank you for your time,
Bill and Lisa Faulkenberry
1842 Plantation Cir. SE

REZONING OF PLANTATION CIRCLE.

Re: CP-4-2020 and CPZ-4-2020

Laurence.bradley@pbfl.org

Chandra.Powell@pbfl.org

My name is Kenneth L. Johnson, Sr. I have resided with my wife, Roberta, at 1894 Plantation Circle since 2003. I am writing you to express our opposition to the change in the comprehensive plan and rezoning CP-4-2020 and CPZ-4-2020 on the rezoning of 3.86 acres on Plantation Circle to commercial.

When we searched for a place to retire we decided on the Palm Bay area for its peaceful and serene location. After spending most of my 72 years in New York, Philadelphia and Washington, and having been exposed to some of the environmental issues that are characteristic in an urban setting, I searched for, and found, a residential area that would be devoid of the inherent noise, pollution, crime and traffic congestion of city life.

Although our research showed us potential commercial development areas to the north and south of our home, we felt comfortable that the development in Plantation Circle would provide a safe haven away from what we had been exposed to.

We also sought a place where we could establish a central gathering place for our extended family. We have five children, 13 grandchildren and 31 great-grandchildren, and our home provides a respite away from their urban environment. Here, they run in the grass and ride their bicycles without concern for traffic, and without a concern for their personal safety. This goes far in enhancing their quality of life and helps us to establish and maintain a legacy for them.

The proposed rezoning of Plantation Circle would be a detriment to everything we have worked for. Our one acre, the acre that God blessed us with, lies directly adjacent to the proposed rezoned area. We have had a buffer to the west of us, a retention pond, and the vacant land behind us, and this has shielded our family from some of the noise and pollution that already permeates through the area from Babcock Street, which is already viewed as a commercial thoroughfare in Brevard County.

Witness the condition of Babcock Street from Malabar Road, south to Micco road.

We have an ideal community on Plantation Circle. Our homeowners maintain the safety and security of our community through the watching out of not just their home, but their neighbor's home. Any commercial development in our circle would disrupt that sense of community and expose us to the dangers and the environmental issues that come with commercial development.

Therefore, it is for these reasons that we implore you to reject any commercialization of Plantation Circle. We believe any commercialization of Plantation Circle is detrimental to the peace and tranquility of the area, and is not in keeping with those things that are deemed good for the community.

Chandra Powell

From: B <kaletas@hotmail.com>
Sent: Tuesday, June 23, 2020 9:12 AM
To: Chandra Powell
Cc: Laurence Bradley
Subject: Rezoning of Plantation circle to commercial cp-4-2020 and cpz-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I object to the applicants request for rezoning . Over the many years now that they have been trying to rezone this property .The city and planning and zoning has denied their request for good reason.

Plantation circle is made up of one-acre home sites . This property sits in front of plantation circle on Babcock St. and Cogan Ave also a very busy and dangerous intersection. We all know that Babcock St. will be widened and some of that frontage will be needed for road improvements and widening . Which means the city would have to buy back the property in question at the higher commercial rate as opposed to just residential . This costs all palm bay property owners to pay owners for the land needed for the widening of Babcock St. There is also a purposed traffic circle that would be located in that same area that would further complicate the traffic in that area . Plantation Circle also currently has two retention pounds fronting Babcock ST that a partial of those ponds would be needed for the widening of Babcock St according to the purposed drawing . I believe that the proposed property rezoning to commercial is not a god fit.

There are many commercial properties still available on Babcock St. that were part of the original city plan that makes sense where they are located . I think there are better properties that are more suited for commercial use .

The applicant also does not pay his property taxes on land owned in palm bay . If all property owners were like this the city would have no money.

Thank you for your time the people of Plantation Circle really do want what's best for Palm Bay Fl .

Tim Kaleta
1862 Plantation Cir S.E. Palm Bay Fl 32909

Chandra Powell

From: Linda Filis <lifilis@yahoo.com>
Sent: Tuesday, June 23, 2020 12:55 PM
To: Chandra Powell; Laurence Bradley
Subject: Opposition Letter to Case No. CP-4-2020 and CPZ-4-2020
Attachments: Council speech draft 05-17-2018 Updated 6-22-2020.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chandra Powell,

Please see attached Opposition Letter to Case No. CP-4-2020 and CPZ-4-2020.

This letter is to be sent to Laurence Bradley and the Planning and Zoning Board members. Please include this letter with the Staff Report package to be included into the Public Record.

Thank you very much,

Linda Filis
lifilis@yahoo.com
1779 Plantation Cir SE
Palm Bay, FL 32909
(321) 724-8081

TO: Chandra Powell, Laurence Bradley, Zoning Board Members,

OPPOSITION TO: CP-4-2020 AND CPZ-4-2020

My name is Linda Filis. I reside at 1779 Plantation Cir SE Palm Bay, FL 32909

I, Linda Filis, the first resident on Plantation Circle within the city limits of Palm Bay, along with my family and neighbors do strongly and whole heartedly

OPPOSE: Future land use change from single family residential to commercial (CP-4-2020)

OPPOSE: The rezoning of 3.86 acres from rural residential to community commercial at the south east corner of the north entrance to Plantation Circle on Babcock Street (CPZ-4-2020)

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

I QUOTE the city objective (Future Land Use: FLU-2.3) "Prevent incompatible land uses from locating in residential areas in order to promote neighborhood stability and prevent deterioration."

As one of the first families to break ground on Plantation Circle, 36 years ago in 1984, we have enjoyed seeing the neighborhood flourish. Each one of us has become part of a God loving, hardworking, family oriented, diversified and culturally enriched community. A fellowship of devoted and loyal **PALM BAY CITIZENS**. These are the attributes of a thriving, well-kept and quiet residential neighborhood. Many of us (never alone,

but with each other's help) have experienced joy and happiness, good health and sickness, prosperity and loss, hurricanes and forest fires, and even death. **Together** we have grown **strong** through life's journey.

In 1988 we joined together and stood strong for five years, with the help of an attorney, won a lawsuit, and fixed our drainage problem. The road was rebuilt and turned over to the City of Palm Bay in 1992. Four one acre lots were given up as drainage ponds. For many years the ponds had no upkeep or maintenance. Then two of our Plantation Circle residents bought the ponds back and restored them to a useable condition with continuing maintenance. **We** worked together as a community to solve our problems.

The land that is trying to be changed from rural residential to community commercial was not part of this development in 1984. It was zoned rural residential. It has been sold numerous times and remained zoned rural residential. **It should remain rural residential,**

I QUOTE out of the City of Palm Bay's comprehensive plan future land use policy (FLU-2.3A) "The Land Development Regulations shall continue to contain provisions to ensure that land uses surrounded by and/or abutting residential areas are not in conflict with the scale, intensity, density and **character** of the residential area."

Our community has helped foster beautiful individuals (our children) with strong foundations who add to the rich history of the city of Palm Bay.

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

Elementary School Teacher, Nurse Practitioner, Computer Engineer,
Financial Advisors, Media Specialist, Chef, Industrial Engineer,

Doctor of Chemical Engineering, Cyber Security Analyst, Youth
Counselor, Emergency Room Physician,

Just to name a few.

We know what is best for our families and neighbors. We must remain zoned a Rural Residential District at Babcock St. and Plantation Circle to keep the integrity of our community and its uniqueness intact. This is where the history of our families' hearts and souls exist.

IN CONCLUSION:

I QUOTE out of the City of Palm Bay's Land Development Division Staff Report: **"the proposed FLU amendment is inconsistent with multiple policies and objectives of the Plan. Sufficient commercial land use at identified nodes exists both north and south of the subject property and within a relatively short distance."**

Please help us by voting NO to the land use and zoning changes proposed. Thank you.

Linda Filis

lfilis@yahoo.com

1779 Plantation Cir. SE

Palm Bay, FL 32909

(321) 724-8081

Chandra Powell

From: Trevor Filis <tgfilis@yahoo.com>
Sent: Tuesday, June 23, 2020 1:45 PM
To: Chandra Powell; Laurence Bradley
Subject: Opposition to Rezoning Case No. CP-4-2020 and CPZ-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chandra Powell and Laurence Bradley,

I am opposed to the proposed rezoning of the property at the corner of Babcock ST and Plantation Cir.

The proposed rezoning is senseless as it cannot handle a commercial presence. There are already large sections property that have been zoned for commercial north and south of this property that is better suited to businesses, if they want to build there. No business would want to put a storefront in the proposed rezoning as it is not viable to have a commercial entity there. It was stated that no one would want to build a house there and could not support a home. If that is the case, why would this property be able to handle, support, and be viable for any commercial entity. It makes no sense.

The property owner has threatened and bullied our neighborhood for opposing this rezoning in the past. I will not be shaken. I oppose this proposed rezoning.

Thank you for your time. Please see that this email is attached to the Staff Report package to be entered into the public record.

Sincerely,

Trevor Filis
tgfilis@yahoo.com
1779 Plantation Cir SE
Palm Bay, FL 32909
(321) 724-8081

Chandra Powell

From: Judy Thornberry <judythornberry@gmail.com>
Sent: Tuesday, June 23, 2020 7:36 PM
To: Laurence Bradley; Chandra Powell; Terese Jones
Subject: CP-4-2020 CPZ-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,

I object to the change in the comprehensive plan and rezoning CP-4-2020 and CPZ-4-2020 on the rezoning of 3.86 acres on Plantation Circle to community commercial. or any type of commercial. We are an established neighborhood. This would bring lower property values, more traffic on our road and crime into our neighborhood. The applicant has not told us what they plan to put in this spot. It would be like giving him a blank check. There are plenty of commercial properties to the north and to the south of this neighborhood. We are not against commercial property development . This is just the wrong place to rezone for this type of plan.

Due to the Corona 19 virus a lot of my neighbors are unable to attend this meeting on July 1st . . They have compromised immune systems . How many seats will there be available for this meeting?

Judy Thornberry
judythornberry@gmail.com
1859 Plantation Circle S.E.
Palm Bay, FL

Chandra Powell

From: David Thornberry <davetberry@bellsouth.net>
Sent: Tuesday, June 23, 2020 7:57 PM
To: Laurence Bradley; Chandra Powell; Terese Jones
Cc: Judy Thornberry
Subject: CP-4-2020 CPZ-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Bardley, Ms. Powell and Ms. Jones.

I object to the change in the comprehensive plan and rezoning CP-4-2020 and CPZ-4-2020 on the rezoning of 3.86 acres on Plantation Circle to community commercial. or any type of commercial. We are an established neighborhood. This would bring lower property values, more traffic on our road and crime into our neighborhood. The applicant has not told us what they plan to put in this spot. It would be like giving him a blank check. There are plenty of commercial properties to the north and to the south of this neighborhood. We are not against commercial property development . This is just the wrong place to rezone for this type of spot zoning.

In 2018b both the Planning and Zoning Committee and 4 of the 5 council members voted against this attempt at degrading our neighborhood by people that don't even live in Brevard county, little alone Palm Bay.

Also in light of the county to put in a traffic circle between Cogan and Babcock street, this attempt for commercialization is just a way to increase the value of the land that will have to be purchased by Brevard county to put in the traffic circle. Basically this will cost our citizens quite a bit of additional tax money just to line the pockets of the unethical developers. Do NOT reward them.

Due to the Corona 19 virus a lot of my neighbors are unable to attend this meeting on July 1st . . They have compromised immune systems . How many seats will there be available for this meeting?

Sincerely,
David Thornberry
1859 Plantation Circle S.E.
Palm Bay,Fl

Chandra Powell

From: Gordon Hampden <g.e.hampden@gmail.com>
Sent: Tuesday, June 23, 2020 7:57 PM
To: Laurence Bradley; Chandra Powell
Subject: Opposition to Rezoning CP-4-2020 and CPZ-4-2020
Attachments: image001.jpg

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening Messrs. Powell and Bradley,

I strongly object to the change in the comprehensive plan and rezoning noted above on the rezoning of the 3.86 acres on Plantation Circle to commercial..

We have been having this dance for over four years now and our collective position has not changed. This is an established and refreshingly quiet neighborhood of mostly retired persons and several retired veterans.

There is commercial property on both sides of this parcel and do not see the need to inject a commercial property in the middle of an established residential neighborhood. That would be tantamount to someone seeking to rezone a piece of land from commercial to residential in the middle of an already established commercial zone. You would not allow that under any circumstance.

I hope that you will see this for what it really is. For over four years, we have had to deal with this person who does not live in this neighborhood, who has no interest in this neighborhood and is only interested in making a quick dollar.

I am not one who is opposed to growth or commercial development. I do however stand firmly when someone takes a position that will destroy the quality of life for long term residents in a very nice neighborhood and for what? Greed!

He did not succeed before and now he is attempting to change the rules that will allow him to exploit a group of senior citizens solely for his own personal gain.

I object and hope you will too.

May thanks and please stay safe.

Dr. Gordon E. Hampden, MBA, FACHE

Vice President, Caribbean Operations

JIPA Network

"Your Connection to Affordable Global Health Care"



This electronic message transmission, which includes any files transmitted with it, may contain confidential or privileged information and is only intended for the individual(s) or entity(ies) named above. If you are not the intended recipient of this email, please be aware that you have received this email in error and any disclosure, copying, distribution or use of the contents of this information is strictly prohibited. If you have received this email in error, please immediately purge it and all attachments and notify us immediately by telephone (954-331-6500) or by return email. Thank you.

Chandra Powell

From: gfilis@cfl.rr.com
Sent: Tuesday, June 23, 2020 9:21 PM
To: Chandra Powell
Cc: Laurence Bradley
Subject: Opposition to CP-4-2020 and CPZ-4-2020
Attachments: Greg's opposition letter.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Chandra. Would you please attach this letter in pdf format to the package for presentation to the P & Z board meeting July 1, 2020 and if you can, send me a copy of the presentation package.

Thank you,

Greg Filis

1779 Plantation Cir. SE

Palm Bay, Fl 32909

(321) 724-8081

gfilis@cfl.rr.com



Virus-free. www.avast.com

Honorable Mayor and City Council Members of Palm Bay,

My name is Greg Filis. I reside at 1779 Plantation Cir SE Palm Bay, FL 32909

I, OPPOSE:

The future land use change from single family residential to any type of commercial (CP-4-2020)

AND the rezoning of any number of acres from rural residential to community commercial at the south east corner of the north entrance to Plantation Circle on Babcock Street (CPZ-4-2020)

BECAUSE: This entire area of land was meant to be residential property from the days it was Greenwood Plantation. A change of this magnitude will **FUNDAMENTALLY** change the complexion of the neighborhood. Allowing this would be at odds with the City of Palm Bay's Comprehensive Plan and the classification concerning its use differs from all the property in the immediate area.

I QUOTE the city objective (Future Land Use: FLU-2.3) "Prevent incompatible land uses from locating in residential areas in order to promote neighborhood stability and prevent deterioration."

In 1988 we sued the developer to fix our drainage problem and make this area into what he had advertised. The road was rebuilt and turned over to the City of Palm Bay in 1992. I

QUOTE out of the City of Palm Bay's comprehensive plan future land use policy (FLU-2.3A) "The Land Development Regulations

shall continue to contain provisions to ensure that land uses surrounded by and/or abutting residential areas are not in conflict with the scale, intensity, density and **character** of the residential area.”

The applicant for this change owns property both north and south of the property in question which is already zoned commercial and much better suited for the purpose (particularly on the northeast corner of Babcock St. and Grant Road). He is aware of the state’s plan to possibly put a pond in this area in connection with the plans to widen Babcock St. and in the application states “This vacant parcel is no longer suitable for residential use. It is located at a main intersection on Babcock St.” The same suitability applies the commercial property and the intersection spoken of is over 200 feet from Plantation Circle’s north entry to Cogan Drive.

IN CONCLUSION:

I QUOTE out of the City of Palm Bay’s Land Development Division Staff Report: **“the proposed FLU amendment is inconsistent with multiple policies and objectives of the Plan. Sufficient commercial land use at identified nodes exists both north and south of the subject property and within a relatively short distance.”**

Please help us by voting NO to the land use and zoning changes proposed. Thank you.

Chandra Powell

From: Stuart Filis <sfilis@cfl.rr.com>
Sent: Tuesday, June 23, 2020 10:06 PM
To: Chandra Powell; Laurence Bradley
Subject: Opposition to Case No. CP-4-2020 and CPZ-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Powell and Mr. Bradley,

I am opposed to the proposed rezoning of the property at the corner of Babcock St and Plantation Cir.

The proposed rezoning is senseless as it cannot handle a commercial presence. There are already large sections of property that have been zoned for commercial use to the north and south of this property that are far better suited to businesses, if they want to build there. No business would want to put a storefront on the property proposed for rezoning because it is not viable to have a commercial entity there. It was stated by the applicant that no one would want to build a house on the property and that it could not support a home. If that is the case, then why would this property be able to handle, support, and be viable for any commercial entity. It makes no sense.

The property owner has threatened and bullied our neighborhood for opposing this rezoning in the past. I will not be shaken. I oppose this proposed rezoning.

Thank you for your time. Please see that this email is attached to the Staff Report package to be entered into the public record.

Sincerely,

Stuart Filis
sfilis@yahoo.com
1779 Plantation Cir SE
Palm Bay, FL 32909
(321) 724-8081

Chandra Powell

From: Nitrovintage <trace@nitrovintage.com>
Sent: Wednesday, June 24, 2020 9:11 AM
To: Laurence Bradley; Chandra Powell
Subject: Case numbers CP-4-2020 and CPZ-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Here we go again!

Below is the letter I sent last time and the time before that. Notice a pattern?

I am wondering how long must we endure this attack on our neighborhoods? This corner of Palm Bay will be the new entrance to our city from the interstate. Let us not look like the next line of cheap convenience stores and commercial boredom. The slate is clean now.

From : 27AUG2015 then 26APR2017 and now 24JUN2020.

I object to the proposed Rezoning of property in Plantation Circle,(Case Nos. were CPZ-7-2015, CP-7-2015 , then : CP-13-2017 and CPZ-13-201) and the current case numbers are CP-4-2020 and CPZ-4-2020 Approval of this application would result in irreparable harm to our neighborhood.

The proposed site is within the boundaries of an existing neighborhood of existing homes. The site backs up to residential yards and is directly across the street to others. People walk, jog, walk their pets, and children play in this neighborhood. Folks bought their houses here because is is a RESIDENTIAL NEIGHBORHOOD.

A business at this site will attract increased traffic, pollution, and potential crime as well as nighttime light pollution and visual disruption. Businesses are not typically pretty.

The view east from Cogan Street and the homes there will be of a commercial operation. (I suspect a filling station, since the applicants are elusive about the actual nature.)

One acre home sites are rare in a neighborhood setting in Palm Bay. We should be preserving this place, not destroying it.

No Water, Sewer, or Drainage currently exist on the site. We have some drainage issues here already. There are currently open issues on drainage with the supposed retention pond at Babcock street. The rear ditches don't work at all.

Commercial Property currently exists just north of this site at Eldron and Babcock streets. It is already in the Use Plan and not utilized.

The current Land Use Plan for Palm Bay is dated 2011, less than 9 years old. let's stick with it a while. Palm Bay must act against these predatory land grabs in order to maintain the integrity of our neighborhoods. Carpetbaggers don't care about us.

Thank You,

Tracy P. Amadon
1870 Plantation Circle, Palm Bay, Fl
(321)727-0332

Sent from Earth

Chandra Powell

From: Grandolly Edwards <grandolly322@gmail.com>
Sent: Wednesday, June 24, 2020 6:37 PM
To: lawrence.bradley@pbfl.org; Chandra Powell
Subject: Rezoning Plantation Cr.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please do not let a greedy developer rezone any of our low density, quiet neighborhood into an unknown commercial enterprise.

It would also be counterproductive for the city of Palm Bay. You already know you will be widening the road right where he wants to make his residential property become commercial. You will have to pay him alot more to buy it from him as commercial at that time.

Thanks for your consideration.

David Edward's
Dolly Edward's
Paul Edward's
Toby Edward's
1814 Plantation Cr.

CORRESPONDENCE

Received after Planning and Zoning Board Packet was published

Chandra Powell

From: Renee Pariseau <musicdiva1630@yahoo.com>
Sent: Friday, June 26, 2020 8:53 PM
To: Chandra Powell
Subject: CP-4-2020 and CPZ-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Powell,

We object to the change in the comprehensive plan and rezoning CP-4-2020 and CPZ-4-2020 on the rezoning of 3.86 acres on Plantation Circle to commercial.

We bought our house on Plantation Circle last October because the area was quiet and well kept. All of us take pride in our property and keep our yards beautiful. This change would lower the property value of the houses, bring more traffic to our quiet neighborhood, and possibly invite crime into our area.

The applicant has not told us what they plan to put in this spot. There are plenty of commercial properties to the north and to the south of this neighborhood. We are not against commercial property development. This is just the wrong place to rezone for this type of plan.

Thank you for your attention to this matter.

Patricia and Kevin Tesmacher

Renee Pariseau

Chandra Powell

From: Larry McIntyre <mcintyreogp@gmail.com>
Sent: Saturday, June 27, 2020 9:29 AM
To: Chandra Powell
Subject: case numbers cp-4-2020 and cpz-4-2020 .

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I live in the Plantation Circle neighborhood and once again a landowner that fronts Babcock Street is trying to rezone his property to commercial. This has been denied many times. Please do not let them rezone this property. It does not meet any planning or zoning guidelines.

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

CORRESPONDENCE

Received after July 1, 2020 Planning and Zoning Board Meeting

Kenneth R. Smith

*As Trustee of
The Kenneth R. Smith Trust*
1866 Plantation Circle
Palm Bay, Florida 3290
321-499-3166
Cell-609-226-0120
wetemps@aol.com

July 8, 2020

Mr. Lawrence Bradley
Director
Division of Land Management
City of Palm Bay
Palm Bay Florida

Re: Clarification of Ordinance 134.34 as applied to Cp 4-2020 and Cpz 4 2020

Dear Mr. Bradley

As you are aware, I am intimately involved in the movement to protect Plantation Circle from unnecessary commercial development.

The applicant in this case elected to use the Minor sub-division specifically designed for the creation of single family residential lots (184.34) to subdivide this property.

184.34 (1) requires **ONLY SINGLE FAMILY RESIDENTIAL LOTS** as condition for subdivision.
184.34 (5) requires that **"The sub-division shall be all inclusive and shall not consist of more than one (1) phase of development"**

My research of several journals has found that, the purchase, subdivision, **rezoning**, change of use and construction are all phases of development

Therefore, according to the ordinance, as it is now written, once the subdivision was completed and recorded it can not altered by a new phase of development including change of use and rezoning. . This minor subdivision ordinance is specifically designed for the creation of single family residential lots. The applicant agreed to these terms when he completed his application for minor residential subdivision and must be held to them.

It appears to me that the applicant did not execute the minor subdivision in good faith and in fact misled the city in his commitment to keep the properties single family residential. He is now attempting to violate 184.34 by applying for another phase of development on one of the subdivided pieces of land, which is not allowed as the current ordinance reads.

After studying this ordinance and contacting two attorneys, I have come to the conclusion that if this matter is allowed to proceed, any unfavorable decision against our position will result in a reversal on appeal. This ordinance 184.34 (1) and (5) is both **specific and clear**.

Unless someone can show me where additional development changes on any other previous minor subdivision has been allowed., the ordinance must stand on its merits. With that in mind, this matter is now moot and further different development to these subdivided lots is prohibited by current ordinance.

Lastly, I would like to comment on the waivers applied for and given to the applicant.

First was the variance not to hook up to city water and sewer to all sub-divided lots. The applicant applied for and obtained a variance from the City Council (Upon recommendation from the public works department). That eliminated the need for water and sewer hook up to all the lots in order to meet minor subdivision requirement. +The applicant has now applied for commercial re-zoning of the front lot of the subdivision. The waiver for water and sewer hook up should be voided if all of the lots are not residential. That will then void the minor subdivision in its current form and require a multi use application for subdivision that should have been done in the first place.

Second, a review of the Plat plan for the subdivision shows an incredible lack of foresight and planning with regards to storm water planning. The applicant was given a "pass" on the requirement for a storm water drainage system on this 8 acre 5 lot subdivision. I have not been able to find even one 5-lot subdivision in Palm Bay without the required storm water drainage plan. A review of the subdivision plat will show that there is no right of way for storm water drainage so that all lots can drain properly. This usually will require a retention pond because direct storm water flow out into the main canals is usually not permitted. None of this has been addressed, instead, a notation on the plat indicates that each new lot owner must come up with their own storm water plan prior to construction.

This looks bad to me. Its like someone in the public works department seems to be carrying the cross for this developer. They recommended a waiver for water and sewer hookup, all the while knowing that the hook up to these utilities are a priority of both the city and the county. They allowed the developer to save thousands of dollars of normally required improvements that will now be passed on to unsuspecting buyers of the lots. In Addition, allowing for no storm water drainage plan whatsoever on an 8 acre 5 lot subdivision in an area known to have drainage problems and containing wetlands makes no logical sense. I believe that these actions should be reviewed as to their appropriateness and validity. Were these decisions good for the residents and the city or were they good only for the developer?

In no case should pressure from the applicant be the reason for the decisions made. Protection of all of the residents of Palm Bay, including the new buyers of these lots should be the primary consideration. At this point, it appears that is not the case. Right now it's "Let the buyer beware".

Conclusion

I request that the applications cp 4 2020 and cpz 4 2020 be determined invalid in accordance with 184.34 (1) and (5). Both applications are in violation of the ordinance and should not permitted to move forward.

I request a review into the decisions and recommendations made by the public works department to facilitate this applicant 's application for waiver from water and sewer hook-up. What was the justification for not requiring a storm water drainage plan on the aforementioned subdivision. , How did it came to be that an 8 acre, 5 lot subdivision was exempted by the public works department from the usually required storm water drainage requirement. This appears to be unique to only this minor subdivision.

I would appreciate a formal reply indicating the City's official position and plan of action in this matter.

Sincerely and respectfully



Kenneth R. Smith
1866 Plantation Circle
Palm Bay Florida 32909

Patrick Murphy

From: Ken Smith <wetemps@aol.com>
Sent: Saturday, July 11, 2020 5:11 PM
To: laurance.bradley@palmbayflorida.org; Patrick Murphy
Subject: Wetland map of plantatin Circle lot with subdivision outlines.
Attachments: wetlands2020.jpg

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Bradley

Hope that you and your family are healthy and well during this epidemic

Attached is a picture from the National Wetlands Inventory website for the area of Plantation Circle.

I have roughly outlined the subdivided lots and also have measured the area of the known wetlands.

You can verify this information at the URL listed at the top of the picture.

I am sending this to you so that you can understand why I was so very upset when I found out that the public works department allowed this sensitive and low laying land to get a pass on a required subdivision storm water plan . This property contains significant known wetlands and should have been taken care of properly.. Con 1.2 D , along with 174.065, 174.066, 174.067, and 174.068 were completely ignored in this decision, which I don't think was legal

Also, in review, the same department recommended to city council to grant a waiver for the subdivision not to hook up to city water and sewer. Based on FLU-6.1 B (5), two of these subdivided lots have now been rendered non buildable and they now will still require city water and sewer because of the wetlands restrictions. This was never pointed out to the City Council by anyone, including the applicant, before they were granted a waiver..

Although it is now too late to correct these blunders, I have come to two unavoidable conclusions:

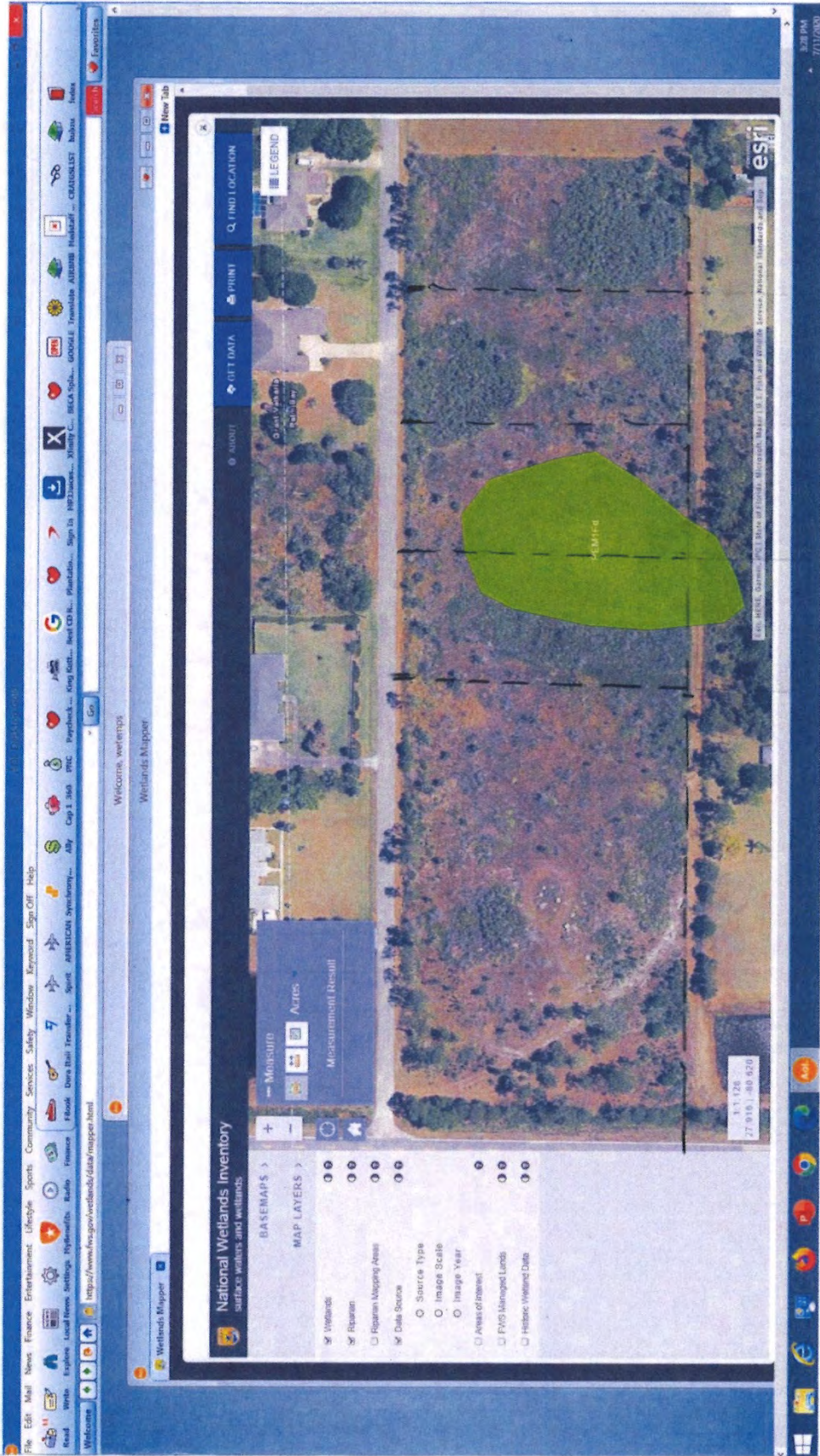
Either the people making these recommendations and decisions are inept, unfamiliar with the city FLU Plan, haven't read the City ordinances, and in general do not know what they are doing, or, pressure has been brought to bear by the applicant to interfere with the normal decision making process. In other words, someone sold out. Either way, something needs to be done to avoid this kind of mess in the future..

This is the kind of stuff that normal citizens shake their heads at and say "What can you expect, its the City" Its a disgrace.

Again I apologize for raising my voice in your office when I found out about this decision.

Respectfully

Ken Smith



WETLAND - PLANTATION CIRCLE LOT
197 ft wide
313 ft Long
1.04 Acres

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2020-08

Held on Wednesday, July 1, 2020, 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.

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

Mr. Donny Felix led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present	
VICE CHAIRPERSON:	Leeta Jordan	Present	
MEMBER:	Donald Boerema	Present	
MEMBER:	Donny Felix	Present	
MEMBER:	Richard Hill	Present	
MEMBER:	Khalilah Maragh	Present	
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa	Absent	(Excused)
	(School Board Appointee)		

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

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-07; June 3, 2020. Motion by Ms. Maragh, seconded by Mr. Felix to approve the minutes as presented. The motion carried with members voting unanimously.

Motion by Ms. Jordan, seconded by Ms. Maragh to submit Case V-12-2020 to City Council for approval of a variance from Section 185.038(F)(7)(e) and 185.043(F)(7)(d) of the Palm Bay Code of Ordinances, to encroach the front parking setback of a proposed apartment building clubhouse; the rear building setback of a proposed grocery store; and the rear parking setback in two (2) separate commercial locations as noted in the staff report. The motion carried with members voting unanimously.

Case V-12-2020 will be heard by City Council on July 16, 2020.

NEW BUSINESS:

1. **CP-4-2020 – WEST POINTE BABCOCK, LLC (CARMINE FERRARO AND ROBERT SCHWERER, REPS.)**

Mr. Bradley presented the staff report for Case CP-4-2020. The applicant had requested a small-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use. Staff recommended Case CP-4-2020 for denial based on the four points listed in the staff report.

Mr. Robert Schwerer, Esq., land use attorney with the law firm of Hayskar, Walker, Schwerer, Dundas & McCain (representative for the applicant), informed the board of his credentials. He respectfully disagreed with the staff report and gave a PowerPoint overview on the validity of the subject site for commercial development. The proposed commercial land use and zoning designations would be consistent with the Babcock Street corridor south of Malabar Road. The residential character of the 3.86-acre site fronting Babcock Street had essentially been destroyed and would continue to be destroyed with the four-laning of Babcock Street. The property and the adjacent acreage had sat vacant for a decade with no interest shown for residential development. He asked that his comments and those by his four experts be included with Case CPZ-4-2020. He remarked on how the proposal had appeared before the board multiple times with different circumstances but had only gone before City Council once.

Mr. Daniel DeLisi, AICP, certified land use planner, informed the board of his credentials and spoke as an expert in support of the request by way of the PowerPoint presentation. He explained that given the expanse of residential land within the existing corridor, more commercial development was needed to support the residents. Commercial uses were not inherently incompatible with residential uses, and based on the current field of planning, integrating both uses could be done responsibly with design buffers and limitations on the types of uses. The subject site was located at two major intersections. He believed the one-acre rural lots in the surrounding area were suburban in nature and needed retail. The Community Commercial zoning district was being proposed for the site to allow for drive-throughs and a broader mix of uses.

Mr. Shaun MacKenzie, P.E., transportation engineer with MacKenzie Engineering & Planning, Inc., informed the board of his credentials and spoke as an expert in support of the request by way of the PowerPoint presentation. He stated that the submitted land use and zoning amendments met all applicable City standards. Cogan Drive SE and Babcock Street SE were major collectors operating satisfactorily at Levels of Service C, which would also be acceptable for a maximum of 15,000 square feet of retail. The driveway access to the site would require additional traffic improvements and could include a four-leg roundabout. His Rezoning Traffic Impact Analysis was submitted into the file.

Mr. George Botner, PLA, AICP, licensed landscape architect, informed the board of his credentials and spoke as an expert in support of the request. He stated how landscaping could be used to achieve compatibility between different types of abutting uses. He used illustration boards to depict how the landscaping proposed for the subject site would be well in excess of the City's code requirements by creating a buffer around three edges of the site with 14-foot high trees set 20-feet apart, a 6-foot high masonry wall, and shrubs reaching 6-feet in height. The property would be visually impenetrable from the outside. There would be no spillover of night-time illumination into the residential area. Florida native plants would be used, and a landscape buffer would be installed at the north side of the property for a resident. Mr. Schwerer added that double setbacks for the rear and side of the property would be included in a non-statutory developer's agreement.

Mr. Bruce Moia, president of MBV Engineering Corporation, spoke as an expert in support of the request. He stated how existing water and sewer systems had the capacity to serve the subject site. There was a 16-inch water distribution main on the east side of Babcock Street and a 16-inch sanitary sewer force main along the west side.

Mr. Schwerer reiterated his disagreement with staff findings by countering staff's four points of denial. The subject area had become more urban/suburban in nature and was now consistent with introducing commercial uses. The commercial development would be needed since the large acreage of commercial land a half mile to the south would unlikely warrant development for years. Commercial development of the subject property, as indicated by the expert traffic engineer, would not cause traffic issues. And lastly, the plan to widen Babcock Street was not relevant to the subject request and would be dealt with in the future as would all other businesses on the road.

Ms. Maragh inquired whether the type of commercial use planned for the site was known. Mr. Schwerer stated that a specific use or tenant had not been identified as the zoning had to be in place. He said that a drive-through was needed to attract viable businesses.

The floor was opened for public comments.

Mr. Thomas Gaume (resident at Lantana Court NW and candidate for Palm Bay City Council Seat 3) spoke against the request. He indicated in a PowerPoint presentation how the subject request met the definition of spot zoning. The applicant was also granted a subdivision variance from having to run water and sewer lines across Babcock Street for a preliminary residential subdivision. Now seven months later, the applicant planned on running the lines to the subject site in the subdivision if the property was changed to commercial. The Florida Department of Transportation plan for Babcock Street could include a retention pond on the property, which would cost the taxpayers more as a commercial site.

Mr. Kenneth Smith (resident at Plantation Circle SE) spoke against the request. He remarked that based on the Minor Subdivision Code, allowing the residential subdivision was a promise that the subject property would remain residential. Minor

subdivisions were all inclusive and could not consist of more than one phase of development. The subject request appeared to be in violation of that code. He refuted the expert testimonies by explaining how Bayside Lakes development, a large commercial node surrounded by a large residential area, was a good example of integrating commercial and residential properties. The subject site, however, was set within an existing residential area. He believed the intended use of the property should be disclosed so that an informed decision could be made about the site. Huge development was already occurring to the south on Babcock Street. He used a display to show the incompatibility of placing commercial uses within the residential neighborhood and noted that buffers would not eliminate noise. He stated that the City Council had previously denied the commercial proposal by concluding that the Future Land Use Plan did not support the request. The size of the request had increased since the denial from 2.89 acres to 3.86 acres.

Mr. David Thornberry (resident at Plantation Circle SE) spoke against the request. He commented that Mr. Schwerer was the third lawyer to represent the request and was not from Brevard County. He felt that the applicant and representatives had only a monetary interest in the property, and that plans for the site should be revealed. He commented that the landscaping proposal would take years to mature and that no one would continue to maintain the level of landscaping proposed. He indicated that a traffic circle was usually set away from a commercial site so that the eye was not distracted.

In response to comments from the audience, Mr. Schwerer remarked that condemning authorities appraised properties at their highest and best use. Mr. DeLisi commented that a commercial plat could not be approved within a residential zoning district since the zoning must be consistent with the Comprehensive Plan. Mr. Brian West of West Pointe Babcock, LLC (applicant) listed the projects he had developed throughout the County and in Palm Bay. Mr. Schwerer addressed spot zoning comments by noting the commercial properties within the Babcock Street corridor. He restated how zoning must be in place before potential users could be entertained and explained that the size of the subject property had been increased to accommodate the double setbacks and enhanced landscaping. He stated that the subject request must be judged on its own merits and not by any previous reviews, and as indicated by the expert traffic engineer, a roundabout was workable.

Mr. Schwerer informed the board that the applicant had authorized the non-statutory developer's agreement to include a restriction for buildings on the site to be no more than one-story high.

The floor was closed for public comments, and there was 20 correspondence in the file.

Mr. Weinberg commented on how referring to Plantation Circle as rural or suburban was semantics; one-acre parcels were permitted by the Zoning Code in Rural Residential districts. He stated that after considering the application on its owner merits, he was in agreement with the staff recommendation. Mr. Warner also concurred with the staff report.

Motion by Mr. Warner, seconded by Mr. Hill to submit Case CP-4-2020 to City Council for denial of a small-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use, based on the four points listed in the staff report.

Mr. Weinberg commended the applicant and experts on their presentations.

A vote was called on the motion by Mr. Warner, seconded by Mr. Hill to submit Case CP-4-2020 to City Council for denial of a small-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use, based on the four points listed in the staff report. The motion carried with the members voting as follows:

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Felix	Aye
Mr. Hill	Aye
Ms. Maragh	Aye
Mr. Warner	Aye

From: [Charles Clary](#)
To: [Terese Jones](#)
Subject: cp4-2020
Date: Wednesday, July 29, 2020 4:38:47 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Jones

In front of the council is another application (cp4-2020) to change the future land use map at the corner of Plantation Circle and Babcock St. There has been some changes this time. The adjoining and neighborhood property owners still oppose it. I oppose it as I did before. But now this original parcel of land (8.41 acres) has been subdivided as a minor subdivision through Palm Bay Growth Management under City of Palm Bay Code of Ordinance #184.34 Minor Subdivision. This Replat of Plantation Circle has been approved by the City of Palm Bay and has been recorded on Plat Book 68 Page 42 at The Brevard County Property Appraiser. Under 184.34 Minor Subdivisions (A) - (1) All proposed lots are for detached single family residential Lots, and (A) - (5) The subdivision shall be all inclusive and shall not consist of more than one (1) phase of development.

Under 184.34, the completed minor subdivision is done and no further applications can be submitted period, it's a "one and done" scenario. I am saying it's councils responsibility to direct Growth Management not to accept any further applications for these five lots and council has to deny this application due to the fact this recorded Replat is complete.

Thank You

Charles W Clary

321-480-5430
1835 Plantation Cir
Palm Bay FL 32909

From: [Angela Burak](#)
To: [Charles Clary](#)
Cc: [City Manager](#); [Terese Jones](#); [Terri Lefler](#); [Rosemarie Saavedra](#); [Laurence Bradley](#); [Chandra Powell](#)
Subject: RE: cp4-2020
Date: Wednesday, July 29, 2020 4:56:30 PM

Hello and thank you for sending us your thoughts and concerns.

I have also added our Legislative Department to the email trail to forward to our Council members.

Have a good night.



From: Charles Clary <cclary@claryfl.com>
Sent: Wednesday, July 29, 2020 4:38 PM
To: City Manager <citymanager@palmbayflorida.org>
Subject: cp4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Manager

In front of the council is another application (cp4-2020) to change the future land use map at the corner of Plantation Circle and Babcock St. There has been some changes this time. The adjoining and neighborhood property owners still oppose it. I oppose it as I did before. But now this original parcel of land (8.41 acres) has been subdivided as a minor subdivision through Palm Bay Growth Management under City of Palm Bay Code of Ordinance #184.34 Minor Subdivision. This Replat of Plantation Circle has been approved by the City of Palm Bay and has been recorded on Plat Book 68 Page 42 at The Brevard County Property Appraiser. Under 184.34 Minor Subdivisions (A) - (1) All proposed lots are for detached single family residential Lots, and (A) - (5) The subdivision shall be all inclusive and shall not consist of more than one (1) phase of development.

Under 184.34, the completed minor subdivision is done and no further applications can be submitted period, it's a "one and done" scenario. I am saying it's councils responsibility to direct

Growth Management not to accept any further applications for these five lots and council has to deny this application due to the fact this recorded Replat is complete. Any other outcome creates a problem for the city as they will not be abiding by their Code of Ordinance #184.34.

Thank You

Charles W Clary

321-480-5430

1835 Plantation Cir

Palm Bay FL 32909

From: [David T](#)
To: [Terese Jones](#)
Subject: Request for Aggrieved status for cp-4-2020 and cpz-4-2020
Date: Wednesday, July 29, 2020 1:48:10 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms Terese Jones
City Clerk
City of Palm Bay
Terese.Jones@pbfl.org

Re cp4-2020 and cpz4-2020

July 29, 2020

Dear Ms Jones

Please accept this email as a written 5-day notice. I am hereby requesting Aggrieved or affected person status with regards to cp-4-2020 and cpz-4-2020.

I have lived on Plantation Circle for many years. The rezoning of this property will cause a total negative change in our neighborhood. It does not fit the scale, intensity or Character of the neighborhood. It will certainly affect me and my family's way of life. We do not think that this rezoning is in the best interest of the residents of Plantation Circle or the Palm Bay community at large. I am also concerned about all of the other problems that will affect me and my family if a commercial entity starts operation in the middle of our neighborhood.

David Thornberry
1859 Plantation Circle se
Palm Bay Florida 32909
321-956-6586
davetberry@bellsouth.net or davemtberry@gmail.com

If you have any questions about this request please feel free to contact me at any time either via email or Phone as identified above.

Sincerely

Dave Thornberry

Ms. Terese Jones
City Clerk
City of Palm Bay

Re cp4-2020 and cpz4-2020

July 29, 2020

Dear Ms. Jones,

Please accept this email as written five day notice. I am hereby requesting Aggrieved or Affected person status with regards to cp-4-2020 and cpz-4-2020.

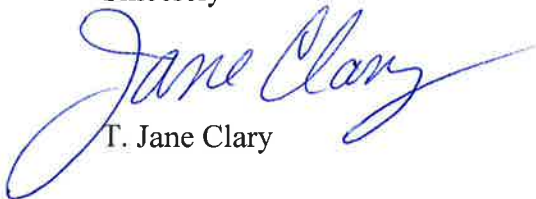
I have lived on Plantation Circle for 23 years, and in Palm Bay for 55 years. The rezoning of this property will cause a total change in our neighborhood, it does not fit the scale, intensity or "historical character" of the neighborhood. It will certainly affect me and my family's way of life (ability to walk all kinds of animals on our quiet road – dogs, donkeys, pigs, horses and ponies).

We do not think that this rezoning is in the best interest of the residents of Plantation Circle or the Palm Bay community at large. I am also concerned about all the additional problems that will affect my whole family, if a commercial entity starts operation in the middle of our neighborhood.

T. Jane Clary (Palm Bay Native – My Dad, also a Palm Bay Native, borne in 1924)
1835 Plantation Circle, SE
Palm Bay Florida 32909
321-537-4917
claryt@fit.edu

If you have any questions about this request, please feel free to contact me at any time by email or phone as shown above.

Sincerely



T. Jane Clary

From: [Judy Thornberry](#)
To: [William Capote](#); [Harry Santiago Jr.](#); [Brian Anderson](#); [Kenny Johnson](#); [Jeff Bailey](#); [Terese Jones](#)
Subject: Plantation Circle CP 4-2020 CPZ 4-2020
Date: Wednesday, July 29, 2020 7:06:36 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Honorable Mayor and Council Members,

I object to the rezoning CP-4-2020 CPZ -4-2020 to our historic neighborhood..The rezoning would cause lower property values, more traffic on our road and crime into our neighborhood. There are plenty of commercial properties to the north and to the south of our neighborhood. I am not against commercial property development. This is the wrong place to rezone for this type of plan. I have attended most of the meetings from the Florida Department of Transportation (pertaining to south Babcock) and have seen the State's future plans for Babcock rd. The plans did include a retention pond on this property and a possible roundabout. Why should the taxpayers have to pay more money to a developer for this type of speculation and spot zoning? Please take in consideration to leave our historic neighborhood as a housing community. I am very proud of our neighborhood. We are like family to each other. Please consider property rights of the residents that live here. Due to the Corona 19 virus a lot of my neighbors are unable to attend this meeting. Please listen to our letters and voices against the rezoning of this property.

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

From: [Robert Heitsch](#)
To: [Terese Jones](#)
Subject: Fwd: Recommend against CP-4-2020 and CPZ-4-2020
Date: Wednesday, July 29, 2020 2:10:15 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded message -----

From: **Robert Heitsch** <rtheitsch@gmail.com>
Date: Wed, Jul 29, 2020 at 1:56 PM
Subject: Recommend against CP-4-2020 and CPZ-4-2020
To: <mayor@pbfl.org>, <seat2@pbfl.org>, <seat3@pbfl.org>, <seat4@pbfl.org>, <seat5@pbfl.org>
Cc: <teresejones@pbfl.org>

Our names are Robert and Kim Heitsch. We reside at 1755 Plantation Circle SE, Palm Bay Fl and have lived there for the past 30 years.

We strongly urge the city council to deny requests CP-4-2020 and CPZ-4-2020. CPZ-4-2020 is incompatible with the Palm Bay Code of Ordinances, Section 183.01. Specifically, enforcement of Section 183.01 (B) requires the city to preserve the residential or historical character of neighborhoods and to protect private property rights.

The applicant has provided no indication of what type of commercial development would be located on the property. Many types of commercial property land uses would negatively impact the neighborhood in terms of safety, environmental pollution and unwanted additional commercial traffic on a quiet residential street. Since it is not known how the property would be commercially developed, the city has no assurance that the development would not infringe on the private property rights of the neighborhood residents.

The Plantation circle neighborhood is comprised of 46 large homes on manicured one acre or larger lots in a low density setting. The applicant's property is surrounded by the neighborhood. The applicant's property is located between the two entrances into the neighborhood off Babcock. There are little if any commercial businesses that could be located on the applicant's property that would preserve the residential character of the plantation circle neighborhood.

This is the sixth time in less than 5 years that this rezoning request has been brought to the city. The Planning and Zoning board has voted against this rezoning request every time it was presented to them. In this most recent request, the city staff provided eight reasons in their analyst as to why the applicants request should be denied. We urge you to follow their recommendation in this matter.

Respectfully,
Robert and Kim Heitsch
1755 Plantation Circle SE

City Clerk

As of this writing a review of all the events that happened with proposals that were made, my view of the situation has changed.

As of now I don't (nor does anyone else) know what project would be in order that would project light on my house behind shrubs and bushes.

To me it would mean activity after dark hustle & bustle, traffic and noise.

The proposal of landscape on my property would lead to interested parties as to what is behind these landscapes. It would also mean litter with beer cans, soda cans, and -- etc. etc.

A review of all the pro's & con's definitely makes the neighborhood a downgrade. There will never be peace and quiet that we are experiencing.

at present,
 your proposals and interest will
 destroy all that we longed for.
 You are not looking out for us
 individuals but solely for your
 own interest. City Council should
 take the matter seriously.

Respectfully

Theresa Kufpatrick
 1713 Plantation Cir
 Palm Bay FL 32909

P.S. It looks like what was mentioned
 at the last meeting that you have
 my approval. - Where do you find this?

Take a look at my last letter
 which I filed. This letter was
 evidently left out or discarded

From: [Terri Lefler](#)
To: [\(Automated Tech Support-C&IT\)](#)
Cc: [Terese Jones \(Terese.Jones@palmbayflorida.org\)](#)
Subject: FW: Electronic Media For Next Council Meeting
Date: Thursday, July 30, 2020 11:38:00 AM

Please have the below video available for the August 6th Council meeting. This is for West Pointe Babcock, LLC (Plantation Circle) - two items under the "Public Hearings" heading. The numbers are not yet assigned as the agenda is not yet complete.

If you have any questions, please let me know.

Thanks!



From: Terese Jones <Terese.Jones@palmbayflorida.org>
Sent: Thursday, July 30, 2020 10:06 AM
To: Alan Sakowitz <asakowitz@pointecompanies.com>
Cc: Terri Lefler <Terri.Lefler@palmbayflorida.org>
Subject: RE: Electronic Media For Next Council Meeting

Good morning, Mr. Sakowitz.

We will have this available for the meeting. Thank you.



From: [webmaster@palmbayflorida.org](#) <[webmaster@palmbayflorida.org](#)>
Sent: Wednesday, July 29, 2020 3:59 PM
To: Terese Jones <[Terese.Jones@palmbayflorida.org](#)>
Subject: Electronic Media For Next Council Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open

attachments unless you recognize the sender and know the content is safe.

Message submitted from the <City of Palm Bay, FL> website.

Site Visitor Name: Alan Sakowitz

Site Visitor Email: asakowitz@pointecompanies.com

Ms Jones,

We are interested in using the following electronic document for the next council meeting for the items with West Pointe Babcock's Future land use requests and zoning request.

This is our youtube version:

<https://www.youtube.com/watch?v=VOuEnS3UdUc&feature=youtu.be>

We also have a link to a backup version:

<https://drive.google.com/drive/folders/1MLFukqRZ07o9f4sv1JgM7ATuzcP9GZQY>

Have I submitted them as required or should I be sending them elsewhere?

Regards,

Alan Sakowitz
for West Pointe Babcock, LLC

ORDINANCE 2020-47

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (D), ADOPTION OF FUTURE LAND USE MAP, BY AMENDING THE FUTURE LAND USE MAP; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held an adoption hearing on an amendment to the Comprehensive Plan on July 1, 2020, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption hearing on an amendment to the Comprehensive Plan on August 6, 2020, after public notice, and

WHEREAS, the City Council of the City of Palm Bay desires to adopt said small scale amendment to the Comprehensive Plan of the City of Palm Bay.

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

SECTION 1. The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the change in land use of property from Single Family Residential Use to Commercial Use, which property is legally described as follows:

Lot 5, Plantation Circle, according to the plat thereof as recorded in Plat Book 68, Page 42, of the Public Records of Brevard County, Florida; Section 34, Township 29S, Range 37E; containing 3.86 acres, more or less.

SECTION 2. The Future Land Use Map is hereby changed to reflect this amendment.

SECTION 3. All staff report conditions and limitations shall be met and those conditions and limitations shall be made a part of the Comprehensive Plan.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 5. The provisions within this ordinance shall take effect thirty-one (31) days from the enactment date.

Read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

*Only one reading required pursuant to Chapter 163, Florida Statutes.

Reviewed by CAO: _____

Applicant: West Pointe Babcock, LLC
Case: CP-4-2020

cc: (date) Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Laurence Bradley, AICP, Growth Management Director

DATE: 9/10/2020

RE: Ordinance 2020-48, rezoning property located at the southeast corner of Babcock Street and Plantation Circle from RR (Rural Residential District) to CC (Community Commercial District) (3.86 acres) (Case CPZ-4-2020, West Pointe Babcock, LLC), first reading (Quasi-Judicial Proceeding). (CONTINUED FROM RCM 08-06-20)

West Pointe Babcock, LLC (Carmine Ferraro and Robert Schwerer, Reps.) has asked for a rezoning from an RR, Rural Residential District to a CC, Community Commercial District on 3.86 acres. The property is located at the southeast corner of Babcock Street SE and Plantation Circle SE within a mostly rural setting that is surrounded by a mix of single-family homes on minimum one-acre sized lots and vacant parcels. The entire area has a Future Land Use designation of Single-Family Residential Use (SFR).

On May 24, 2018, an application for a commercial future land use change involving the property was denied by City Council, so no action was taken on the rezoning application that was rendered moot, and five submittals since 2015 were withdrawn prior to any decision by City Council. On November 7, 2019, City Council approved Case PS-1-2019, a five-lot residential subdivision with a waiver from mandatory connection to public water and sewer. The water and sewer connections will be required by the applicant for commercial development. The final subdivision was handled administratively as a Minor Subdivision, which will require a drainage plan at the development phase and each future lot owner to obtain a drainage permit for offsite stormwater runoff.

Given that the subject parcel is surrounded on all four sides by existing single-family homes, any zoning change to commercial use will have an impact on the surrounding residential uses. CC is one of the most intensive zoning categories within the Land Development Code and allows for a greater intensity of uses than many other categories. Locating CC adjacent to RR would be inconsistent with the rural intent of the RR district.

Due to the abundant availability of undeveloped commercial property along this section of Babcock Street, additional commercially zoned property is not necessary at this time.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to deny Case CPZ-4-2020 based on the comments contained in the staff report.

Planning and Zoning Board Recommendation:

Unanimous denial of the request based on the board's denial of Case CP-4-2020.

ATTACHMENTS:**Description**

Case CPZ-4-2020

Presentations and Correspondence

Board Minutes

Correspondence (Council)

Ordinance 2020-48



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Laurence Bradley, AICP, Growth Management Director

CASE NUMBER

CPZ-4-2020

PLANNING & ZONING BOARD HEARING DATE

July 1, 2020

PROPERTY OWNER & APPLICANT

West Pointe Babcock, LLC

PROPERTY LOCATION/ADDRESS

Southeast corner of Babcock Street SE and Plantation Circle SE. A portion of Lots 9 & 10, Section 34, Township 29 South, Range 37 East, Brevard County, Florida

SUMMARY OF REQUEST

The applicant is requesting a rezoning of the subject parcel from RR, Rural Residential District to CC, Community Commercial District.

Existing Zoning

RR, Rural Residential

Existing Land Use

Single-Family Residential Use

Site Improvements

Vacant Land

Site Acreage

3.86 acres

SURROUNDING ZONING & USE OF LAND

North

RR, Rural Residential; Single-Family Homes

East

RR, Rural Residential; Vacant Lots and Single-Family Homes

South

RR, Rural Residential; Single-Family Homes

West

RS-2, Single-Family Residential; Vacant Lots and Single-Family Homes

COMPREHENSIVE PLAN COMPATIBILITY

The current nature of the future land use designation surrounding the subject parcel is Residential. A companion application proposing a land use amendment of this parcel from SFR, Single Family Residential to COM, Commercial was also submitted.

BACKGROUND:

Located at the southeast corner of Babcock Street SE and Plantation Circle SE. Specifically, the subject parcel is a portion of Lots 9 & 10, Section 34, Township 29 South, Range 37 East, Brevard County, Florida. The subject parcel is 3.86 acres.

The parcel is bounded by RR zoning to the north, east and south and RS-2 zoning across Babcock Street to the West. A mix of Single-Family Homes and vacant parcels are adjacent to the subject property.

The applicant is requesting a rezoning to CC, Community Commercial for future, unspecified commercial uses. There is a companion application for a proposed land use amendment that would change the land use of this parcel from SFR, Single Family Residential use to COM, Commercial use.

See the staff report for application CP-4-2020 for a more detailed history of the applications associated with this property.

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 this change is “This vacant parcel is no longer suitable for residential use. It is located at a main intersection on Babcock Street. The new I-95 Interchange, future commercialization, and the anticipated widening of Babcock Street will significantly produce negative effects that are inconsistent with residential development immediately adjacent to Babcock Street. Increased growth of residential developments south of the parcel and their anticipated negative traffic impacts will further impact the parcel’s future uses. The requested Community Commercial Zoning is the most consistent classification for the subject parcel.”

Babcock Street is already classified as an arterial roadway in the COPB Comprehensive Plan (Comp Plan). In April 2020, the City of Palm Bay and Brevard County entered into an Inter-Local Agreement. As part of that agreement a ‘Future Project’ is contemplated which will expand Babcock Street from what Space Coast Transportation Planning Organization (SCTPO) a 2-lane rural collector road to a 4-lane collector road. The carrying capacity of the road will be doubled. However, until such time as that additional capacity is available and the Average Annual Daily Traffic (AADT) is analyzed this request may be premature.

Further, the applicant's choice of Community Commercial (CC) versus another zoning district should be reviewed. CC is one of the most intensive zoning categories within the Land Development Code and it allows for a greater intensity of uses than many other categories. There are already other pockets of CC Zoning along Babcock Street, however none of these CC zones directly abut developed single-family areas as does the subject parcel. Based upon that, if a future rezoning were to occur on this property, a less intensive commercial zone such as Neighborhood Commercial (NC) would potentially be a more appropriate choice of commercial zoning.

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

Given that this parcel is surrounded on all four sides by existing single-family homes. Any zoning change to commercial use will have an impact on the surrounding residential uses. The intent of the surrounding RR Zoning on three sides of this parcel stated in Section 185.031(A) is:

"Intent. The provisions of this district are intended to apply to areas uniquely suited for the development and maintenance of rural single-family residential living combined with limited agricultural activities. Large lot sizes are required to maintain the low-density rural character, prevent unsanitary conditions, and provide sufficient open space to ensure that the various principal uses are kept at a level of compatible land use intensity."

The choice of CC zoning being located adjacent to RR zoning would be inconsistent with the intent of the RR Zone as stated above.

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.*

Along Babcock Street between Malabar Road and St. Johns Heritage Parkway there are 6 clusters of CC Zoning, all located on the east side of the street. These areas zoned CC are all virtually undeveloped. Additionally, there are large clusters of commercially designated undeveloped property located near the 'soon-to-be' opened intersection of Babcock Street and St. Johns Heritage Parkway. Given the abundant availability of undeveloped commercial property along this section of Babcock Street, additional commercially zoned property is not necessary at this time.

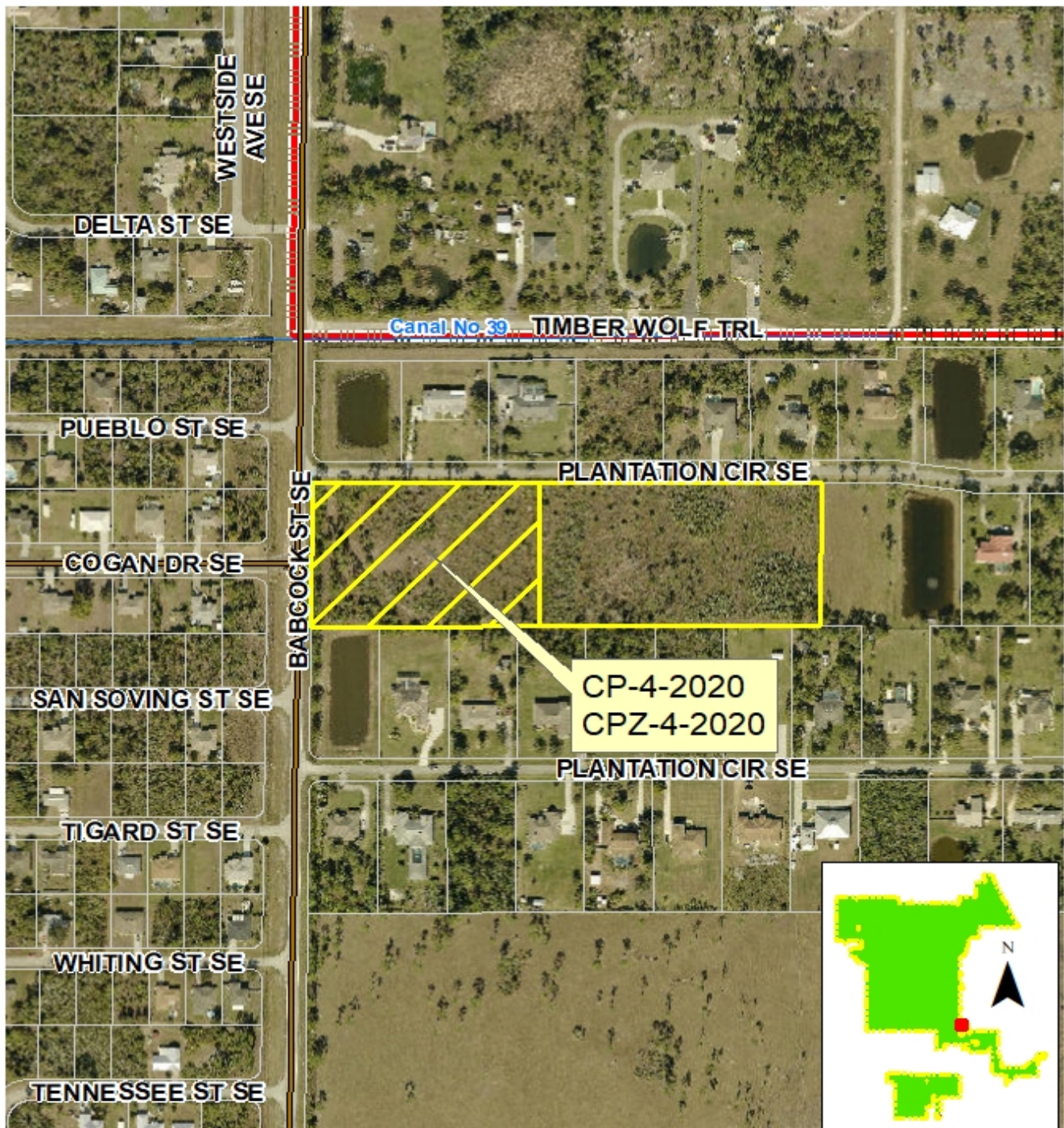
Item 4 - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).*

The Comprehensive Plan calls for a diversified mix of land uses while also preventing incompatible land uses from locating in residential areas. Further, categories such as 'Neighborhood Commercial' are deemed more suitable to be located within and adjacent to residential areas than the proposed Community Commercial zoning.

STAFF RECOMMENDATION:

Case CPZ-4-2020 is recommended for denial based upon comments contained in this report.

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

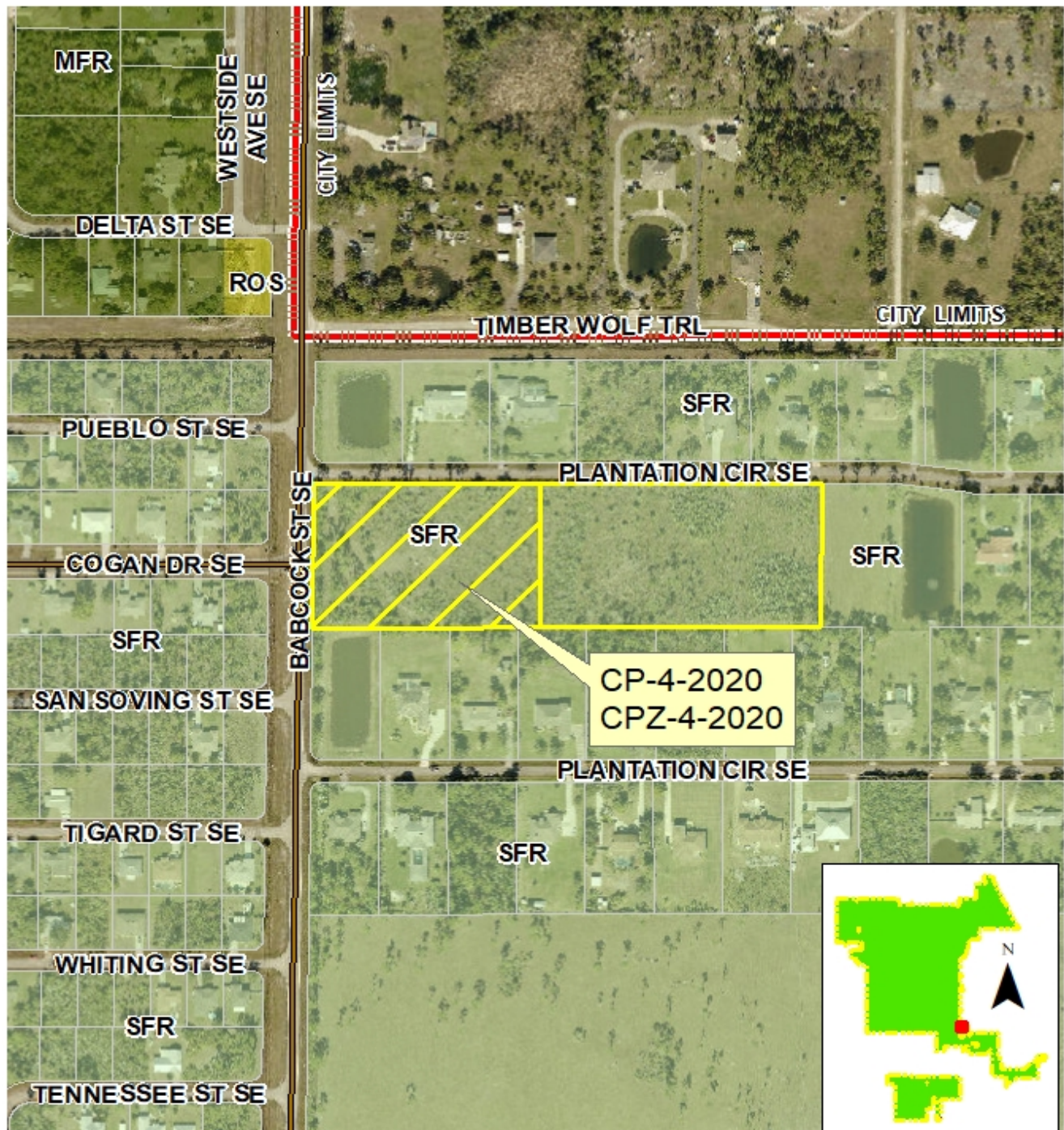


AERIAL LOCATION MAP CASE CP-4-2020 & CPZ-4-2020

Subject Property

Southeast corner of Babcock Street SE and Plantation Circle 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 CP-4-2020 & CPZ-4-2020

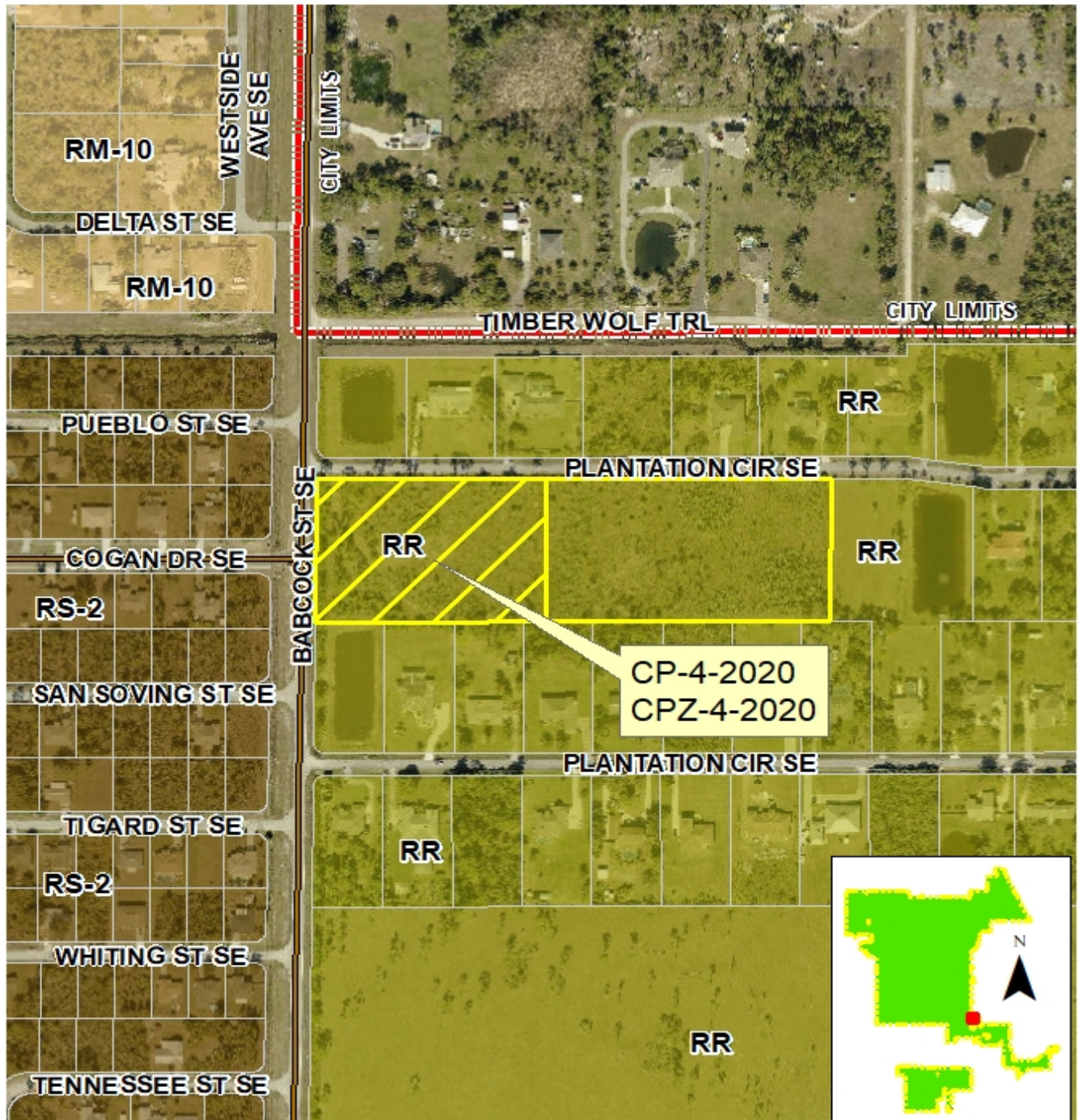
Subject Property

Southeast corner of Babcock Street SE and Plantation Circle SE

Future Land Use Classification

SFR –Single Family Residential Use

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



ZONING MAP CASE CP-4-2020 & CPZ-4-2020

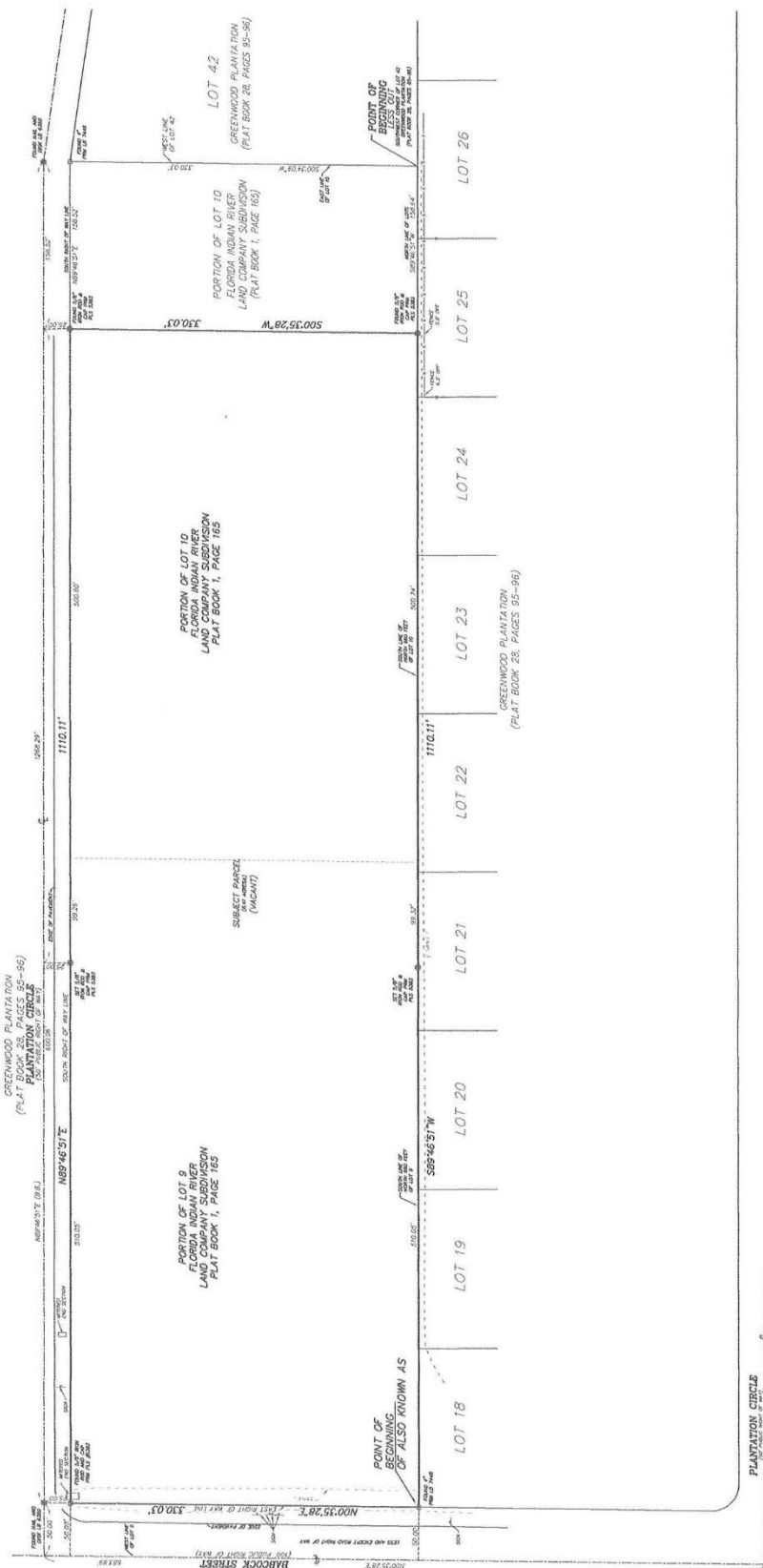
Subject Property

Southeast corner of Babcock Street SE and Plantation Circle SE

Current Zoning Classification

RR – Rural Residential District

AAL LAND SURVEYING SERVICES, INC.



PREPARED FOR:
WEST POINT BABCOCK, LLC

[illegible][illegible][illegible]

In and for Brevard County, Fla.

CP-4-2020 - WEST POINTE BABCOCK, LLC (CARMINE FERRARO AND ROBERT SCHWERER, REPS.)

A small-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **3.86 acres**

01/31/2020 – Entered application

07/01-2020 – P&Z – SCHEDULED

08/16/2020 – Council – SCHEDULED

CPZ-4-2020 - WEST POINTE BABCOCK, LLC (CARMINE FERRARO AND ROBERT SCHWERER, REPS.)

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District - **3.86 acres**

01/31/2020 – Entered application

07/01-2020 – P&Z – SCHEDULED

08/16/2020 – Council – SCHEDULED

PS-1-2019 - CARMEL DEVELOPMENT, LLC (CARMINE FERRARO)

Preliminary Subdivision Plan approval of a proposed 5-lot single-family subdivision called Plantation Circle – **8.41 acres**

06/07/2019 – Entered application

10/02/2019 – P&Z – APPROVED WITH CONDITIONS

11/07/2019 – Council – APPROVED WITH CONDITIONS

CP-1-2018 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **2.89 acres**.

01/12/2018 – Entered application

03/07/2018 – P&Z – DENIED

05/24/2018 – Council - O-13-2018 – DENIED

CPZ-1-2018 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District. - **2.89 acres**.

01/12/2018 – Entered application

03/07/2018 – P&Z – DENIED

05/24/2018 – Council - O-14-2018 – NO ACTION TAKEN

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

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **2.89 acres**.

10/01/2017 – Entered application

11/01/2017 – P&Z – DENIED

11/28/2017 – Council – RESCHEDULED

WITHDRAWN prior to 02/06/2018 Special Council Hearing

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

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District. - **2.89 acres**.

10/01/2017 – Entered application

11/01/2017 – P&Z – DENIED

11/28/2017 – Council – RESCHEDULED

WITHDRAWN prior to 02/06/2018 Special Council Hearing

CP-18-2017 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **2.89 acres.**

06/30/2017 – Entered application

08/02/2017 – P&Z – DENIED

WITHDRAWN per Code prior to 09/06/2017 Council Hearing

CPZ-18-2017 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District. - **2.89 acres.**

06/30/2017 – Entered application

08/02/2017 – P&Z – DENIED

WITHDRAWN per Code prior to 09/06/2017 Council Hearing

CP-13-2017 - WEST POINTE BABCOCK, LLC (ALAN SAKOWITZ, REP.)

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **8.41 acres.**

03/31/2017 – Entered application

05/03/2017 – P&Z – DENIED

06/01/2017 – Council - **WITHDRAWN by applicant O-42-2017**

CPZ-13-2017 - WEST POINTE BABCOCK, LLC (ALAN SAKOWITZ, REP.)

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District - **8.41 acres.**

03/31/2017 – Entered application

05/03/2017 – P&Z – DENIED

06/01/2017 – Council - **WITHDRAWN by applicant O-43-2017**

CP-21-2016 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **4.41 acres.**

07/01/2016 – Entered application

08/03/2016 – P&Z – DENIED

WITHDRAWN prior to 09/01/2016 Council Hearing

CPZ-21-2016 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District - **4.41 acres.**

07/01/2016 – Entered application

08/03/2016 – P&Z – DENIED

WITHDRAWN prior to 09/01/2016 Council Hearing

CP-7-2015 - WEST POINTE BABCOCK, LLC (JACK SPIRA, REP.)

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **4.41 acres.**

07/31/2015 – Entered application

09/02/2015 – P&Z – DENIED

WITHDRAWN 12/17/2015

CPZ-7-2015 - WEST POINTE BABCOCK, LLC (JACK SPIRA, REP.)

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **4.41 acres.**

07/31/2015 – Entered application

09/02/2015 – P&Z – DENIED

WITHDRAWN 12/17/2015



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

REZONING APPLICATION

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

PARCEL ID 29-3734-00-506.1

TAX ACCOUNT NO. 2952117

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

FLA INDIAN RIVER LAND CO., SUBD PER PB 1, PG 165A, S 330FT OF NORTH 660 FT OF LOT 9 & 10 EXC ORB 6579
PAGE 1932 & HWY R/W

PROPERTY ADDRESS (If assigned): Not Assigned - Vacant Land

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): The west approximate 3.86 acres of the *

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

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

STRUCTURES NOW LOCATED ON THE PROPERTY: none

PRESENT USE OF THE PROPERTY:

Vacant Land

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

This vacant parcel is no longer suitable for residential use. It is located at a main intersection on Babcock Street. The new I-95 Interchange, future commercialization, and the anticipated widening of Babcock Street will significantly produce negative effects that are inconsistent with residential development immediately adjacent to Babcock Street. Increased growth of residential developments south of the parcel and their anticipated negative traffic impacts will further impact the parcel's future uses. The requested Community Commercial Zoning is the most consistent classification for the subject parcel.

* 8.41 acre Parcel shown on Exhibit "A" attached, otherwise described as Lot 5 of the Preliminary Plat of Plantation Circle shown in Exhibit "B" attached.

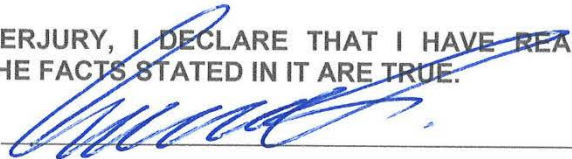
THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:

- _____ *\$650.00 Application Fee. Make check payable to "City of Palm Bay."
- _____ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)
- _____ School Board of Brevard County School Impact Analysis Application (if applicable).
- _____ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.
- _____ **Where property is not owned by the applicant**, a letter must be attached giving the notarized consent of the owner to the applicant to request the rezoning.

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

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

Signature of Applicant



Date

1/29/20

Printed Name of Applicant Carmine Ferraro, MGMR - Carmel Development LLC

Full Address 3860 Curtis Blvd, Suite 636, Cocoa, FL 32927

Telephone 321-536-5200

Email carmel32927@gmail.com

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

CITY OF PALM BAY
RECEIVED

JAN 31 2020

LAND DEVELOPMENT

January 2, 20 20

Re: Letter of Authorization

As the property owner of the site legally described as:
Tax ID# 295117 - Parcel # 29-37-34-00-506.01

I, Owner Name: West Pointe Babcock LLC
Address: 1132 Kane Concourse, Ste.200 Bay Harbor Islands, FL 33154
Telephone: (305) 655-1234
Email: asakowitz@pointecompanies.com

hereby authorize:

Rep. Name: Carmel Development LLC - Carmine Ferraro, MGMR
Address: 3860 Curtis Blvd, Suite 636, Cocoa FL 32927
Telephone: (321) 536-5200
Email: carmel32927@gmail.com

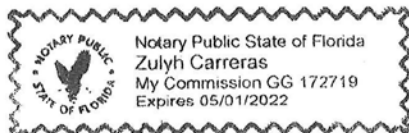
to represent the request(s) for:
Rezoing of Lot 5 - Plantation Circle - Preliminary Plat



(Property Owner Signature)

STATE OF Florida
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 6th day of
Jan, 2020 by Alan Sakowitz

(SEAL)




, Notary Public

☒ Personally Known or
☐ Produced Identification
Type of Identification Produced: _____

West Pointe Babcock, LLC

January 13, 2020

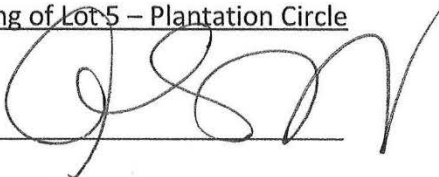
To: City of Palm Bay
RE: Letter of Authorization

As the property owner the site legally described as:
TAX ID# 295117 – Parcel # 29-37-34-00-506.01

I, Owner Name: West Pointe Babcock, LLC
Address: 1132 Kane Concourse, Ste 200, Bay Harbor Islands, FL 33154
Telephone: 305-655-1234
Email: asakowitz@pointecompanies.com

hereby authorize:
Rep. Name: Robert V. Schwerer, Esq.
Address: 130 South Indian River Dr, Suite 304, Ft Pierce, Florida 34950
Telephone: 772-461-2310
Email: schwererlaw@aol.com

To represent the request(s) for:
Rezoning of Lot 5 – Plantation Circle



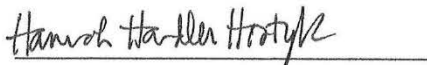
Owner Signature

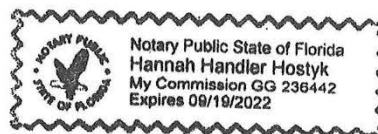
Property

STATE OF Florida
COUNTY OF Miami-Dade

by means of ☒ physical presence or ☐ on-line notarization

The foregoing instrument was acknowledged before me this 14th day
of January, 2020
By Alan Sakowitz.





Notary Public

☒ Personally Known or
☐ Produced Identification
Type of Identification
Produced _____

1132 Kane Concourse, Suite 200, Bay Harbor Islands, FL 33154 (TEL) 305-655-1234
(EMAIL) asakowitz@pointecompanies.com

CASES CP-4-2020 & CPZ-4-2020
PRESENTATIONS AND
CORRESPONDENCE

WEST POINTE BABCOCK, LLC PRESENTATION

Presented at July 1, 2020 Planning and Zoning Board Meeting

The cover is a solid blue rectangle. In the top-left corner, there are several thin, white, parallel diagonal lines that extend towards the center of the page.

WEST POINTE BABCOCK, LLC

Comprehensive Plan Amendment and Rezoning

Introduction

- Approximately 3.86 acres at intersection of Babcock Street and Cogan Drive
- 1.75 miles north of new I-95 Interchange on Babcock
- Application for a Small Scale FLUM Amendment
 - From Single Family Residential to Commercial
- Application for a Rezoning
 - From Rural Residential to Community Commercial



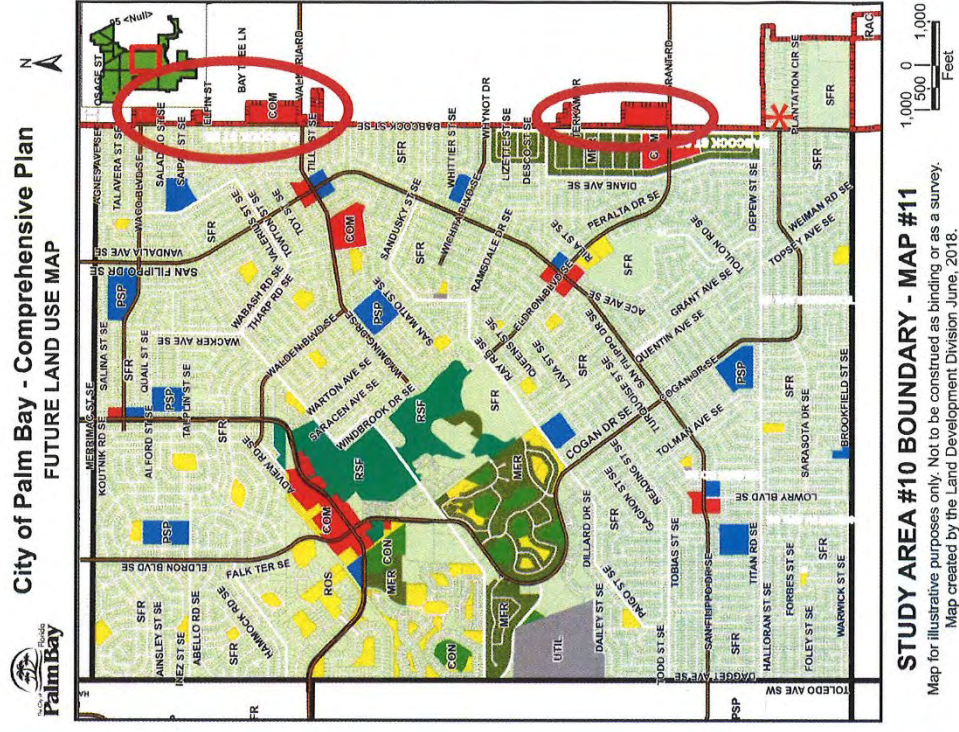
Planning Background

- Palm Bay not unlike many other areas in Florida
 - large platted areas developed by companies like GDC sell off individual lots to future homeowners
 - Port St. Lucie
 - Cape Coral
 - Lehigh Acres
 - Charlotte County
 - North Port
 - Etc.
- All have common problem of expansive areas of single use development
 - lack commercial area
- Causes longer trip lengths, more traffic, more roads
- Modern planning calls for integration of uses so that commercial, if done right, should be located close to residential to meet needs of residents



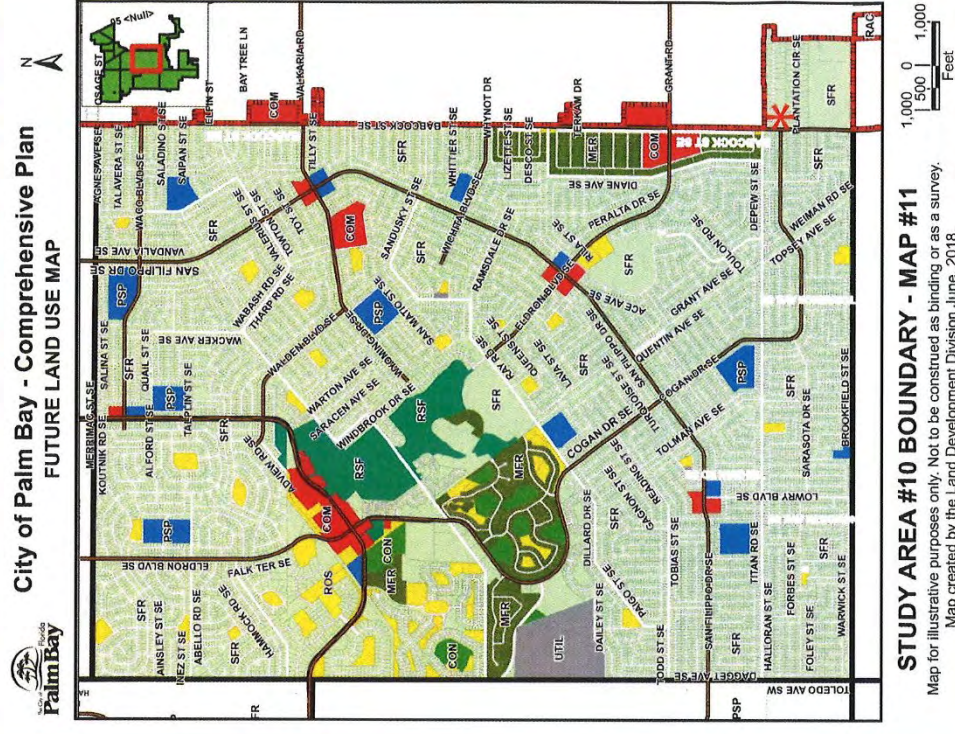
Future Land Use Map

- Commercial designated in several specific locations on the east side of Babcock Street
- Request is consistent with how the FLUM anticipates commercial development along the corridor
- Property located at a future significant intersection with widening of Babcock and future I-95 interchange to the south



Comprehensive Plan

- Additional commercial needed in strategic locations
- Specific need for commercial along Babcock
 - Current travel requires to leave neighborhood for every retail need
 - Several designated commercial areas uses for places of worship or office further decreasing available land for retail uses
 - Other locations have potential environmental constraints or other factors preventing development



- FLU 2.3 – Prevent incompatible land uses from locating in residential areas
 - Commercial can be designed to be compatible with and integrate into residential areas
 - Compatibility is about design, buffering and limitations
- FLU 2.3E. – Property located at the intersection of an two collector roads
 - Meets the intent of the policy to be located where the commercial services are easily accessible
- *FLU 3.1 Provide additional commercial areas by type, size and distribution, based upon area Need and the availability of supporting infrastructure*
 - Available infrastructure and overall public benefit to minimize trip lengths
- FLU 3.1B. – need to locate commercial where there is adequate access and water and sewer service



Surrounding Land Uses

- Suburban style estate home – large lots, not a rural environment
- Water management lakes adjacent on the north and south
- Typical platted 1/4 acres lots on west
- All nearby lots directly on Babcock are vacant
- With widening, residential not conducive to being located directly on Babcock
- Commercial can be a transition if done appropriately with adequate buffers



Compatibility

- Compatibility definition:
 - “Able to exist without conflict”
 - Does not mean same
 - Different than “consistent”
- Typical concerns with Commercial compatibility:
 - Noise
 - Site
 - Traffic
- Compatibility can be addressed through adequate buffering
- Berm/wall combinations protect against noise
- Landscaping adds enhances visual aesthetics as well as dampens sound and obscures site
- FLU 3.2E. Requires adequate buffering to protect surrounding residential
- Applicant proposing additional buffering over and above code requirements



Zoning Categories

- Neighborhood Commercial
- Community Commercial
- Planned Development Options

Neighborhood Commercial

- Intended to meet the convenience needs of surrounding neighborhood
- Small scale commercial uses
- Cons:
 - Does not allow drive-thrus – a necessity in the Post-Covid environment
- Many other jurisdictions distinguish between neighborhood and community services through scale (sq. ft.)



Staff report image

Community Commercial

- Intended to serve a larger area
- But has the mix of uses needing to implement a neighborhood scale development
- Uses and the market area served are limited by the size limit of the property
- Planned Development options are not available
 - PUD is for residential, with ancillary commercial
 - PCD is for 5 acres or greater and has other locational limitations

Layer List

Layers

Parcels

Zoning

Future Land Use

Legend

Zoning

Zoning

- AGR (COUNTY)
- AU (COUNTY)
- Bayfront Mixed Use
- Bayfront Mixed Use Village
- Community Commercial
- Unassigned County Zoning
- Floodway Conservation
- General Commercial
- General Use
- GU (COUNTY)
- Highway Commercial
- Heavy Industrial
- Institutional Use
- Light Industrial
- Neighborhood Commercial
- Professional Office
- Planned Community Redevelopment
- Planned Unit Development
- Regional Activity Center



Transportation

- Rezoning of Property
- Examined Maximum reasonable intensity that the property can accommodate
- Babcock Street & Cogan Drive– Urban Major Collector
- Babcock Adopted LOS “E” (TCE-1.1B.4.c.)
- Cogan Drive Adopted LOS “C” (TCE-1.1B.5.)
- 2019 Traffic Counts
 - Babcock Street – LOS “C”
 - Cogan Drive – LOS “C”

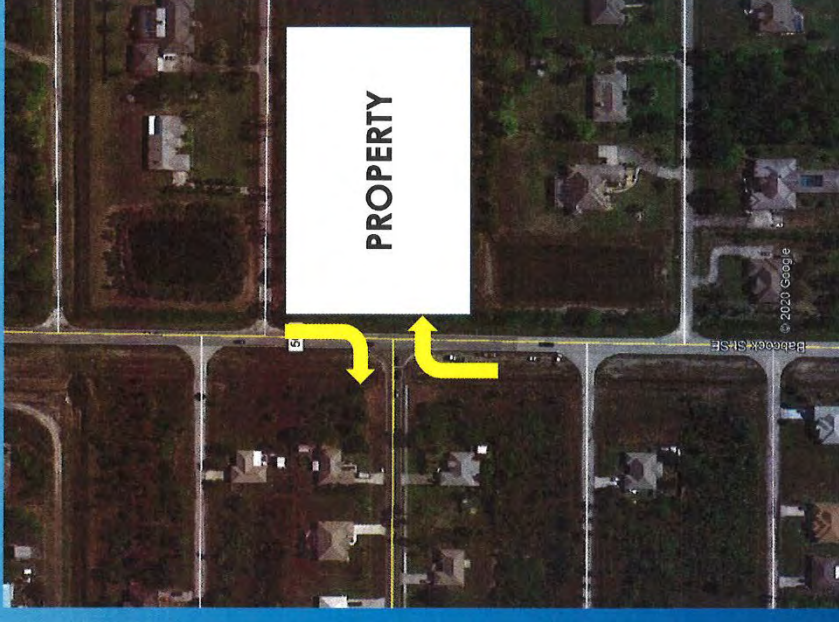


Transportation

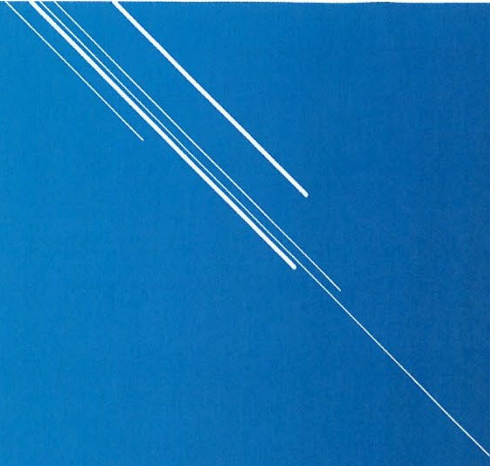
- Property Use – Conservative (i.e. - Maximum Reasonable)
 - 3,000 SF Drive-Through Bank
 - 2,000 SF Fast Food Restaurant
- Analyzed Trips Exceed 15,000 SF of retail use
- LOS with Maximum Reasonable Use of Property
 - Babcock Street – LOS “C” – Acceptable
 - Cogan Drive – LOS “C” – Acceptable

Access

- Typically Analyzed at during a Site Plan Application
- Developed Conservative Analysis to Evaluate Access
 - Babcock Street Needs Improvements
 - Northbound Left-Turn Lane (onto Cogan Drive)
 - Southbound Left-Turn Lane (into Property)
- Driveway is projected to Operate Acceptably with Improvements
- Driveway will also Operate Acceptably with a Roundabout



Questions?



REZONING TRAFFIC IMPACT ANALYSIS

**West Pointe Babcock
PALM BAY, FL**

Prepared for:
West Pointe Babcock, LLC
Palm Bay, Florida

Prepared by:


Engineering & Planning, Inc.
1172 SW 30th Street
Palm City, FL 34990
(772) 286-8030

037003
January 2020
© MacKenzie Engineering and Planning, Inc.
CA 29013

Shaun G. MacKenzie P.E.
PE Number 61751



EXECUTIVE SUMMARY

MacKenzie Engineering and Planning, Inc. performed an analysis of the traffic impacts resulting from rezoning a property from rural residential to Community Commercial located at the southeast corner of Plantation Cir and Babcock St, Palm Bay, Florida (Parcel ID: 29-37-34-00-506.1). The property was evaluated for 2020 conditions.

The result of the analysis shows that the roadways are projected to operate acceptably with the additional traffic generated by rezoning the property.

It is anticipated that development on the property will require construction of northbound left-turn lane at Cogan Drive and southbound left-turn land into the property. A northbound right-turn lane into the property is not anticipated to be necessary but will be re-evaluated during the site plan process.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	2
TABLE OF CONTENTS	3
LIST OF TABLES	4
LIST OF FIGURES.....	4
LIST OF EXHIBITS	4
APPENDICES.....	4
INTRODUCTION.....	5
INVENTORY AND PLANNING DATA.....	5
PROJECT TRAFFIC.....	6
Traffic Generation.....	6
Rezoning Use	6
Internal Capture.....	7
Pass-by Trip Capture.....	7
TRAFFIC DISTRIBUTION AND ASSIGNMENT	8
ASSURED AND PROGRAMMED CONSTRUCTION.....	9
BACKGROUND TRAFFIC	9
Historical Growth.....	9
Roadway Analysis.....	10
Intersections.....	12
Babcock Street & Cogan Drive	12
DRIVEWAYS	13
D/W #1 Access.....	14
D/W #2 Access.....	14
CONCLUSION	15
EXHIBITS.....	16
APPENDICES.....	17

LIST OF TABLES

Table 1. Trip Generation	7
Table 2. Growth Rate Calculation at Babcock St & Cogan Dr	9
Table 3a. 2020 AM Peak Hour Total Traffic Roadway Analysis	11
Table 3b. 2020 PM Peak Hour Total Traffic Roadway Analysis.....	11

LIST OF FIGURES

Figure 1. Property Location Map	5
Figure 2. Traffic Assignment	8
Figure 3. Projected Driveway Volumes	13

LIST OF EXHIBITS

Exhibit 1. Trip Generation

APPENDICES

- A. Intersection Analysis
 - o Babcock Street & Cogan Drive
 - I. Volume Development Sheet
 - II. HCS 7 Results
- B. Institute of Traffic Engineers' (ITE) report, *Trip Generation (10th Edition)*
- C. Pass-by Rates, *Trip Generation Handbook (3rd Edition)*

INTRODUCTION

MacKenzie Engineering & Planning, Inc. was retained to determine the transportation impacts resulting from rezoning a property from located at the southeast corner of Babcock Street and Plantation Circle Southeast from rural residential to Community Commercial (Parcel ID: 29-37-34-00-506.1). The uses on that will be developed on the property are not known at this time. In order to provide a conservative analysis, the transportation analysis included a 2,000 SF fast food restaurant with drive-through window and 3,000 SF bank. The analysis was performed for projected 2020 roadway conditions. Figure 1 shows the property location.

Figure 1. Property Location Map



INVENTORY AND PLANNING DATA

Data was acquired relative to the most current information available from the following sources:

- FDOT's Q/LOS Manual
- *Trip Generation, 10th Edition*, an ITE Manual
- MacKenzie Engineering & Planning, Inc., Turning Movement Counts

PROJECT TRAFFIC

In order to provide a conservative analysis, the study included the most reasonably intense use that could fit on the parcel, a bank and fast-food restaurant.

Traffic Generation

The study uses trip generation rates for Fast Food Restaurant with Drive-Through Window (ITE Land Use 934) and Drive-in Bank (ITE Land Use 912) published in the Institute of Traffic Engineers' (ITE) report, Trip Generation (10th Edition).

Rezoning Use

- 2,000 SF Fast Food Restaurant with Drive-Through Window (ITE Land Use 934)
- 3,000 SF Bank with three drive through lanes (ITE Land Use 912)

The proposed property is expected to generate the following net external trips:

- 709 daily, 59 AM peak hour (31 in/28 out), and 72 PM peak hour (37 in/35 out)

The proposed property is expected to generate the following driveway trips:

- 1,308 daily, 109 AM peak hour (58 in/51 out), and 126 PM peak hour (65 in/61 out)

Exhibit 1 presents the proposed property's trip generation.

Table 1. Trip Generation

Land Use	Intensity		Daily	AM Peak Hour			PM Peak Hour		
			Trips	Total	In	Out	Total	In	Out
Proposed Rezoning Traffic									
Drive-In Bank	3.000	1000 SF	366	29	17	12	61	31	30
Fast Food Restaurant w/ DT	2.000	1000 SF	942	80	41	39	65	34	31
Subtotal			1,308	109	58	51	126	65	61
Pass-By Traffic									
Drive-In Bank	35%		128	10	6	4	21	11	10
Fast Food Restaurant w/ DT	50%		471	40	21	19	33	17	16
Subtotal			599	50	27	23	54	28	26
NET PROPOSED TRIPS			709	59	31	28	72	37	35
Total Proposed Driveway Volumes			1,308	109	58	51	126	65	61
NET CHANGE IN TRIPS (FOR THE PURPOSES OF CONCURRENCY)			709	59	31	28	72	37	35
NET CHANGE IN DRIVEWAY VOLUMES			1,308	109	58	51	126	65	61
Note: Trip generation was calculated using the following data:									
Land Use	ITE Code	Unit	Daily Rate	Pass-by Rate	AM Peak Hour		PM Peak Hour		
					in/out	Rate	in/out	Equation	
Drive-In Bank	912	1000 SF	T = 82.87 (X) + 117.1	35%	58/42	9.50	50/50	20.45	
Fast Food Restaurant w/ DT	934	1000 SF	470.95	50%	51/49	40.19	52/48	32.67	

s:\jobs - share drive\037 - west\003 - west pointe babcock llc\west pointe babcock trip generation.xlsx\lgen

Copyright ©2020, MacKenzie Engineering and Planning, Inc.

Internal Capture

In order to provide a conservative analysis, internal capture is not utilized.

Pass-by Trip Capture

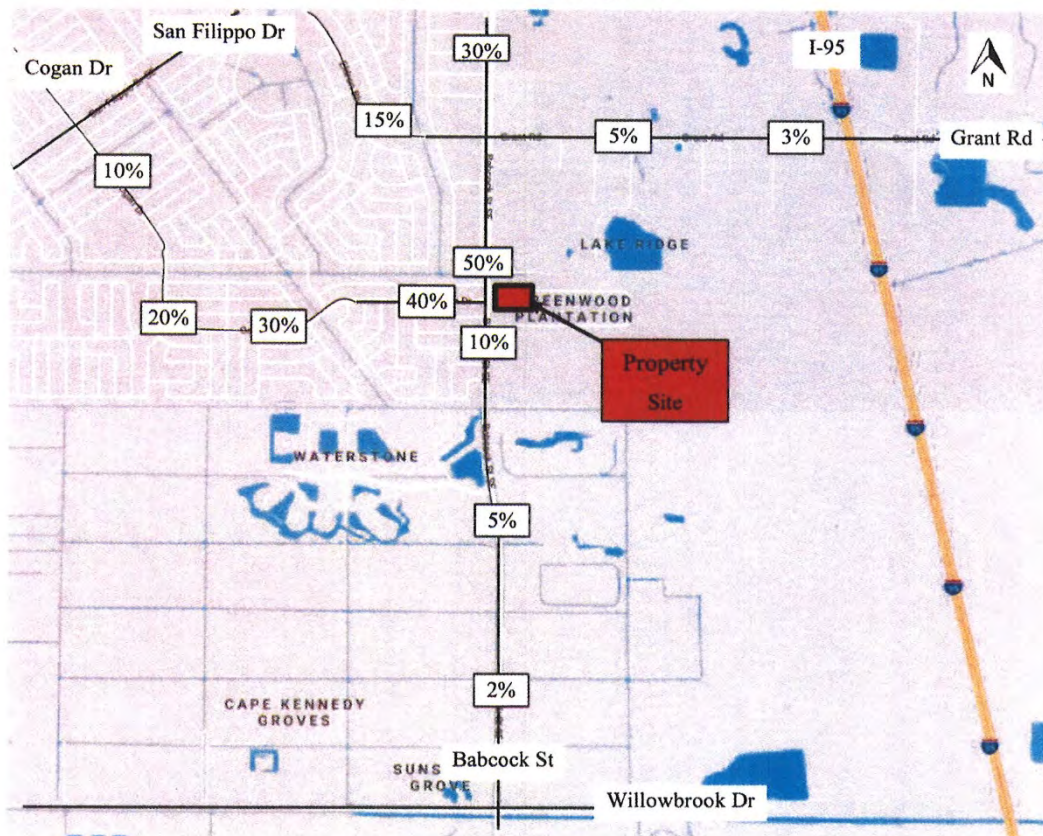
Pass-by rates are based on the ITE's report, Trip Generation Handbook (3rd Edition), as shown in Exhibit 2.

TRAFFIC DISTRIBUTION AND ASSIGNMENT

The traffic assignment was developed based upon existing and proposed developments, generators, destinations, and knowledge of the local area. These factors were applied using traffic engineering rationale similar to the gravity model.

NORTH	-	50 percent
SOUTH	-	10 percent
EAST	-	0 percent
WEST	-	40 percent

Figure 2. Traffic Assignment



ASSURED AND PROGRAMMED CONSTRUCTION

A review conducted of the 2040 Long Range Transportation Plan (LRTP), as well as those improvements committed by the developers of projects in the area include:

- South Babcock Street – Widen to 4 lanes (Design -2021)

The 4-lane design of south Babcock Street will occur in 2021. Funding for construction is not included in FDOT's 5-year plan.

BACKGROUND TRAFFIC

Background traffic identifies how the study area's transportation system is forecast to operate in the buildout year. This includes traffic growth that is associated with the general (historic) growth in the area and the growth due to the development of unbuilt portions of approved major developments.

Historical Growth

In order to provide an accurate traffic analysis, the growth rate at each intersection was determined by a volume weighted averaging of the growth on each leg of the intersection as shown in Table 2.

Table 2. Growth Rate Calculation at Babcock St & Cogan Dr

Road Name	From	To	2014	2015	2016	2017	Traffic Count Year	Annual Absolute Growth	Growth Rate
							2018		
Babcock St	Indian River CL	Grant Rd	1,900	2,000	2,200	2,200	2,200	80	3.6%
Cogan Dr	Babcock St	Jupiter Blvd	3,800	4,000	4,200	4,400	7,100	700	9.9%
Weighted Average									8.4%
Growth Rate Used									8.4%

Roadway Analysis

Traffic volumes were obtained from MEP traffic counts. The 2019 peak hour traffic volumes were increased based on the annual compound growth rate to develop the projected year 2020 background growth traffic volumes. Background traffic volumes were developed by adding the existing traffic volumes, traffic growth trips. The post rezoning 2020 traffic volumes were developed by adding background traffic volume plus project traffic. The post development traffic volumes were compared to the service volumes for each respective roadway segment to determine if the road is projected to operate acceptably. Based on the analysis, all roadway segments are projected to operate acceptably in 2020 with the proposed rezoning as shown in Table 3a and Table 3b.

Table 3a. 2020 AM Peak Hour Total Traffic Roadway Analysis

Roadway	Direction	From	To	Lanes	Assign	Property Traffic	2019 Volume	Existing 2019 Peak Season Peak Hour Volume	2020 Backgr ound	2020 Total Traffic Volume	Roadway Capacity	Accept able?
Babcock Rd	North	Grant Rd	Plantation Cir	2	50%	14	121	137	142	156	880	YES
Babcock Rd	South	Grant Rd	Plantation Cir	2	50%	16	271	306	317	333	880	YES
Babcock Rd	North	Plantation Cir	Cogan Dr	2	50%	14	121	137	142	156	880	YES
Babcock Rd	South	Plantation Cir	Cogan Dr	2	50%	16	271	306	317	333	880	YES
Babcock Rd	North	Cogan Dr	Plantation Cir	2	10%	3	241	272	282	285	880	YES
Babcock Rd	South	Cogan Dr	Plantation Cir	2	10%	3	162	183	190	193	880	YES
Babcock Rd	North	Plantation Cir	Mara Loma Blvd	2	10%	3	241	272	282	285	880	YES
Babcock Rd	South	Plantation Cir	Mara Loma Blvd	2	10%	3	162	183	190	193	880	YES
Babcock Rd	North	Mara Loma Blvd	Willowbrook St	2	5%	2	241	272	282	284	880	YES
Babcock Rd	South	Mara Loma Blvd	Willowbrook St	2	5%	1	162	183	190	191	880	YES
Cogan Dr	West	Babcock Rd	Topsey Ave	2	40%	11	229	259	285	296	880	YES
Cogan Dr	East	Babcock Rd	Topsey Ave	2	40%	12	125	141	155	167	880	YES
Cogan Dr	West	Topsey Ave	San Filippo Dr	2	30%	8	229	259	285	293	880	YES
Cogan Dr	East	Topsey Ave	San Filippo Dr	2	30%	9	125	141	155	164	880	YES

Table 3b. 2020 PM Peak Hour Total Traffic Roadway Analysis

Roadway	Direction	From	To	Lanes	Assign	Property Traffic	2019 Volume	Existing 2019 Peak Season Peak Hour Volume	2020 Backgr ound	2020 Total Traffic Volume	Roadway Capacity	Accept able?
Babcock Rd	North	Grant Rd	Plantation Cir	2	50%	18	313	354	367	385	880	YES
Babcock Rd	South	Grant Rd	Plantation Cir	2	50%	19	265	299	310	329	880	YES
Babcock Rd	North	Plantation Cir	Cogan Dr	2	50%	18	313	354	367	385	880	YES
Babcock Rd	South	Plantation Cir	Cogan Dr	2	50%	19	265	299	310	329	880	YES
Babcock Rd	North	Cogan Dr	Plantation Cir	2	10%	4	458	518	537	541	880	YES
Babcock Rd	South	Cogan Dr	Plantation Cir	2	10%	4	241	272	282	286	880	YES
Babcock Rd	North	Plantation Cir	Mara Loma Blvd	2	10%	4	458	518	537	541	880	YES
Babcock Rd	South	Plantation Cir	Mara Loma Blvd	2	10%	4	241	272	282	286	880	YES
Babcock Rd	North	Mara Loma Blvd	Willowbrook St	2	5%	2	458	518	537	539	880	YES
Babcock Rd	South	Mara Loma Blvd	Willowbrook St	2	5%	2	241	272	282	284	880	YES
Cogan Dr	West	Babcock Rd	Topsey Ave	2	40%	14	169	191	210	224	880	YES
Cogan Dr	East	Babcock Rd	Topsey Ave	2	40%	15	266	301	331	346	880	YES
Cogan Dr	West	Topsey Ave	San Filippo Dr	2	30%	11	169	191	210	221	880	YES
Cogan Dr	East	Topsey Ave	San Filippo Dr	2	30%	11	266	301	331	342	880	YES

Intersections

The intersections within the study area were evaluated in 2020 total (existing traffic plus background plus project) traffic conditions. This study analyzes the impacts to the following intersections for the AM and PM peak hours:

- Babcock Street & Cogan Drive

Data from the existing facilities within the study area were collected based on aerial photography and site observations. MacKenzie Engineering and Planning, Inc. collected AM and PM peak hour turning movement counts at Babcock Street & Cogan Drive on December 12, 2019. The counts were adjusted to peak season conditions using FDOT's peak season adjustment factors.

Babcock Street & Cogan Drive

MEP evaluated the Babcock Street & Cogan Drive intersection. The following improvements achieve an acceptable v/c ratio and provide safe access for drivers on Babcock Street:

- Construct a northbound left-turn lane and southbound left-turn lanes on Babcock Street at Cogan Drive.

With property traffic, the intersection is projected to be under capacity with all movements operating under capacity (v/c ratio less than 1.0). MEP obtained the 95th percentile queue from HCS 7 for each turn-lane at the intersection.

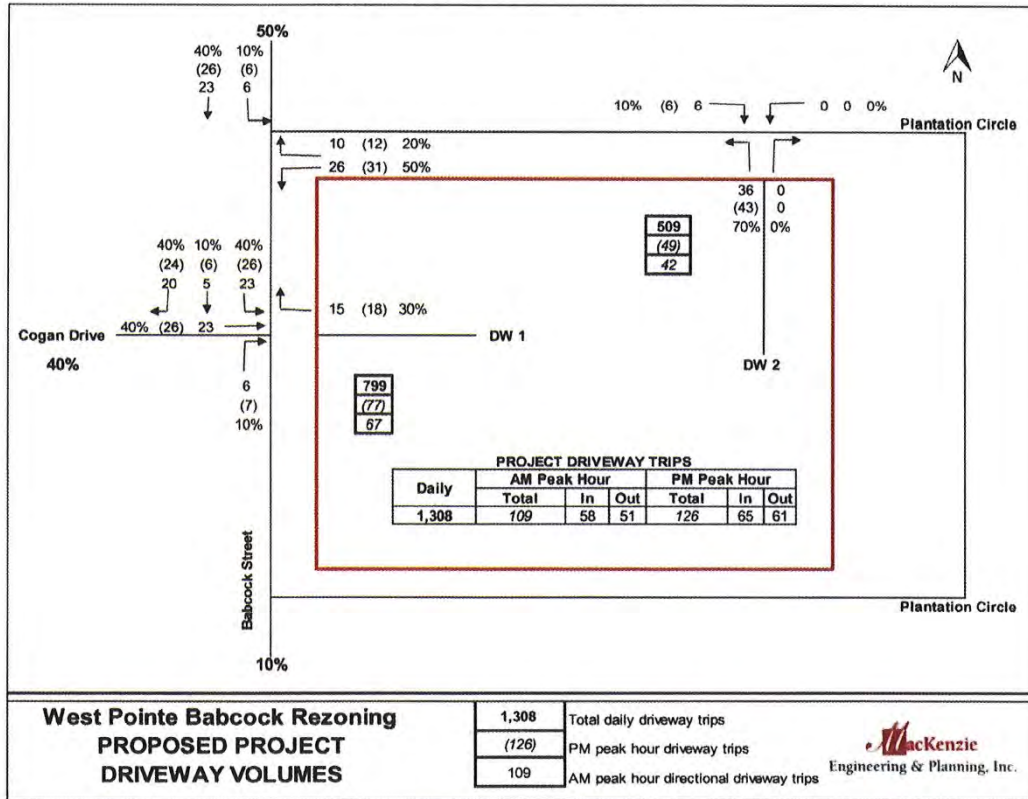
DRIVEWAYS

Access to the property will be determined through the site planning process. In order to provide a conservative analysis, the left-turn and through egress was not permitted from the potential driveway on Babcock Street. The access is as follows:

- D/W #1 – Cogan Drive – right-in/right-out/left-in
- D/W #2 – Plantation Circle – full access

Figure 4 displays the driveway volumes.

Figure 3. Projected Driveway Volumes





D/W #1 Access

A review of the project's access was performed to evaluate if the proposed project volumes meets the minimum Ingress Turn Lane Standards. The evaluation was based on the FDOT's Driveway Handbook 2008 Edition, Section 7.2. FDOT's Handbook recommends a right-turn lane when right-turn movements exceed 80-125 vehicles per hour during the peak hour for an unsignalized posted speed limit equal or less than 45 mph driveway.

The project's inbound AM and PM peak hour vehicles are 6 and 7, respectively. Using FDOT's most conservative threshold of 80 vehicles per hour, a right-turn lane is not recommended.

D/W #2 Access

The project's inbound AM and PM peak hour vehicles are 6 and 6, respectively. Using FDOT's most conservative threshold of 80 vehicles per hour, a right-turn lane is not recommended.



CONCLUSION

MacKenzie Engineering and Planning, Inc. performed an analysis of the traffic impacts resulting from rezoning a property from rural residential to Community Commercial located at the southeast corner of Plantation Cir and Babcock St, Palm Bay, Florida (Parcel ID: 29-37-34-00-506.1). The property was evaluated for 2020 conditions.

The result of the analysis shows that the roadways are projected to operate acceptably with the additional traffic generated by rezoning the property.

It is anticipated that development on the property will require construction of northbound left-turn lane at Cogan Drive and southbound left-turn land into the property. A northbound right-turn lane into the property is not anticipated to be necessary but will be re-evaluated during the site plan process.

EXHIBITS

Exhibit 1. Trip Generation

APPENDICES

- D. Intersection Analysis
 - o Babcock Street & Cogan Drive
 - I. Volume Development Sheet
 - II. HCS 7 Results
- E. Institute of Traffic Engineers' (ITE) report, *Trip Generation (10th Edition)*
- F. Pass-by Rates, *Trip Generation Handbook (3rd Edition)*

EXHIBIT 1									
West Pointe Babcock Rezoning									
Trip Generation									
Land Use	Intensity		Daily	AM Peak Hour			PM Peak Hour		
			Trips	Total	In	Out	Total	In	Out
Proposed Rezoning Traffic									
Drive-In Bank	3.000	1000 SF	366	29	17	12	61	31	30
Fast Food Restaurant w/ DT	2.000	1000 SF	942	80	41	39	65	34	31
Subtotal			1,308	109	58	51	126	65	61
Pass-By Traffic									
Drive-In Bank	35%		128	10	6	4	21	11	10
Fast Food Restaurant w/ DT	50%		471	40	21	19	33	17	16
Subtotal			599	50	27	23	54	28	26
NET PROPOSED TRIPS			709	59	31	28	72	37	35
Total Proposed Driveway Volumes			1,308	109	58	51	126	65	61
NET CHANGE IN TRIPS (FOR THE PURPOSES OF CONCURRENCY)			709	59	31	28	72	37	35
NET CHANGE IN DRIVEWAY VOLUMES			1,308	109	58	51	126	65	61
Note: Trip generation was calculated using the following data:									
				Pass-by	AM Peak Hour		PM Peak Hour		
Land Use	ITE Code	Unit	Daily Rate	Rate	in/out	Rate	in/out	Equation	
Drive-In Bank	912	1000 SF	T = 82.87 (X) + 117.1	35%	58/42	9.50	50/50	20.45	
Fast Food Restaurant w/ DT	934	1000 SF	470.95	50%	51/49	40.19	52/48	32.67	

s:\jobs - share drive\037 - west\003 - west pointe babcock llc\west pointe babcock trip generation.xlsx\ngen

Copyright ©2020 , MacKenzie Engineering and Planning, Inc.

West Pointe Babcock - Rezone
AM PEAK HOUR TURNING MOVEMENTS
Babcock St & Cogan Dr

		ebu	ebf	ebt	ebw	wbu	wbf	wbt	wbr	nbu	nbf	nbt	nbr	abu	abf	abt	abr	totals
7:00 AM	7:15 AM	0	39	0	34	0	0	0	0	0	11	37	0	0	0	31	5	157
7:15 AM	7:30 AM	0	33	0	44	0	0	0	0	0	15	62	0	0	0	66	3	223
7:30 AM	7:45 AM	0	27	0	48	0	0	0	0	0	46	75	0	0	0	70	5	271
7:45 AM	8:00 AM	0	9	0	52	0	0	0	0	0	50	102	0	0	0	68	4	285
8:00 AM	8:15 AM	0	21	0	32	0	0	0	0	0	34	74	0	0	0	37	12	210
8:15 AM	8:30 AM	0	16	0	12	0	0	0	0	0	16	42	0	0	0	27	2	115
8:30 AM	8:45 AM	0	14	0	17	0	0	0	0	0	5	32	0	0	0	33	9	110
8:45 AM	9:00 AM	0	18	0	12	0	0	0	0	0	7	36	0	0	0	25	5	103
Peak Hour Traffic Volume		0	177	0	251	0	0	0	0	0	184	460	0	0	0	357	45	1474
7:15 AM	8:15 AM	0	90	0	176	0	0	0	0	0	145	313	0	0	0	241	24	989

Count Taken: 12/12/2019
Buildout year: 2020
Growth Rate: 8.4%
Seasonal Factor: 1.13

	ebu	ebf	ebt	ebw	wbu	wbf	wbt	wbr	nbu	nbf	nbt	nbr	abu	abf	abt	abr
12/12/2019	0	90	0	176	0	0	0	0	0	145	313	0	0	0	241	24
PSCP	0	12	0	23	0	0	0	0	0	19	41	0	0	0	31	3
Adjusted Volumes		102	0	199		0	0	0		164	354	0		0	272	27
Growth Rate		8.4%	8.4%	8.4%		8.4%	8.4%	8.4%		8.4%	8.4%	8.4%		8.4%	8.4%	8.4%
2020 Volumes		9	0	17		0	0	0		14	30	0		0	23	2
Pre-Development		111	0	216		0	0	0		178	384	0		0	295	29
Project		111	0	216		0	0	0		178	384	0		0	295	29
Post	0	0	23	0	0	0	0	15	0	0	0	6	0	23	5	20
	0	111	23	216	0	0	0	15	0	178	384	6	0	23	300	49

Project Traffic Assignment	In							Out							In	In	Out	Out
	0%	0%	40%	0%	0%	0%	0%	30%	0%	0%	0%	0%	0%	0%	0%	40%	0%	40%

West Pointe Babcock - Rezone
PM PEAK HOUR TURNING MOVEMENTS
Babcock St & Cogari Dr

		ebu	ebj	ebt	ebr	wbu	wbl	wbt	wbr	nbu	nbl	nbt	nbr	sbu	sbl	sbt	sbr	totals
4:00 PM	4:15 PM	0	8	0	15	0	0	0	0	0	18	35	0	0	0	37	9	122
4:15 PM	4:30 PM	0	17	0	10	0	0	0	0	0	23	26	0	0	0	44	12	132
4:30 PM	4:45 PM	0	10	0	17	0	0	0	0	0	17	32	0	0	0	37	14	127
4:45 PM	5:00 PM	0	5	0	6	0	0	0	0	0	21	35	0	0	0	37	23	127
5:00 PM	5:15 PM	0	12	0	19	0	0	0	0	0	22	27	0	0	0	28	20	128
5:15 PM	5:30 PM	0	10	0	17	0	0	0	0	0	34	27	0	0	0	42	25	155
5:30 PM	5:45 PM	0	11	0	22	0	0	0	0	0	32	34	0	0	0	42	33	174
5:45 PM	6:00 PM	0	7	0	27	0	0	0	0	0	32	33	0	0	0	50	31	180
Peak Hour Traffic Volume		0	80	0	133	0	0	0	0	0	199	249	0	0	0	317	167	1145
5:00 PM	6:00 PM	0	40	0	85	0	0	0	0	0	120	121	0	0	0	162	109	637

Count Taken: 12/12/2019
Buildout year: 2020
Growth Rate: 8.4%
Seasonal Factor: 1.13

	ebu	ebj	ebt	ebr	wbu	wbl	wbt	wbr	nbu	nbl	nbt	nbr	sbu	sbl	sbt	sbr
12/12/2019	0	40	0	85	0	0	0	0	0	120	121	0	0	0	162	109
PSCF	0	5	0	11	0	0	0	0	0	16	16	0	0	0	21	14
Adjusted Volumes	45	0	96	0	0	0	0	0	0	136	137	0	0	0	183	123
Growth Rate	8.4%	8.4%	8.4%		8.4%	8.4%	8.4%			8.4%	8.4%	8.4%		8.4%	8.4%	8.4%
Growth	4	0	8		0	0	0			11	12	0		0	15	10
2020 Volumes	49	0	104		0	0	0			147	149	0		0	198	133
Pre-Development	49	0	104		0	0	0			147	149	0		0	198	133
Project	0	0	26	0	0	0	18	0	0	0	0	7	0	26	6	24
Post	0	49	26	104	0	0	0	18	0	147	149	7	0	26	204	157

Project Traffic Assignment	In								Out				In		In	Out	Out
	0%	0%	40%	0%	0%	0%	0%	30%	0%	0%	0%	10%	0%	40%	10%	40%	

HCS7 Two-Way Stop-Control Report

General Information		Site Information	
Analyst	MEP	Intersection	Babcock St & Cogan Dr
Agency/Co.	MEP	Jurisdiction	
Date Performed	12/17/2019	East/West Street	Cogan Dr
Analysis Year	2020	North/South Street	Babcock St
Time Analyzed		Peak Hour Factor	0.95
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	2020 Post-Development PM		

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	0	1	0	1	1	0	0	1	1	0
Configuration			LTR					R		L		TR		L		TR
Volume (veh/h)		49	26	104				18		147	149	7		26	204	157
Percent Heavy Vehicles (%)		2	2	2				2		2				2		
Proportion Time Blocked																
Percent Grade (%)	0				0											
Right Turn Channelized					No											
Median Type Storage	Left + Thru								1							

Critical and Follow-up Headways

Base Critical Headway (sec)		7.1	6.5	6.2				6.2		4.1				4.1		
Critical Headway (sec)		7.12	6.52	6.22				6.22		4.12				4.12		
Base Follow-Up Headway (sec)		3.5	4.0	3.3				3.3		2.2				2.2		
Follow-Up Headway (sec)		3.52	4.02	3.32				3.32		2.22				2.22		

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			188					19		155				27		
Capacity, c (veh/h)			508					885		1178				1414		
v/c Ratio			0.37					0.02		0.13				0.02		
95% Queue Length, Q ₉₅ (veh)			1.7					0.1		0.5				0.1		
Control Delay (s/veh)			16.2					9.2		8.5				7.6		
Level of Service (LOS)			C					A		A				A		
Approach Delay (s/veh)	16.2				9.2				4.1				0.5			
Approach LOS	C				A											

HCS7 Two-Way Stop-Control Report

General Information		Site Information	
Analyst	MEP	Intersection	Babcock St & Cogan Dr
Agency/Co.	MEP	Jurisdiction	
Date Performed	12/17/2019	East/West Street	Cogan Dr
Analysis Year	2020	North/South Street	Babcock St
Time Analyzed		Peak Hour Factor	0.95
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	2020 Post-Development AM		

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	0	1	0	1	1	0	0	1	1	0
Configuration			LTR					R		L		TR		L		TR
Volume (veh/h)		111	23	216				15		178	384	6		23	300	49
Percent Heavy Vehicles (%)		2	2	2				2		2				2		
Proportion Time Blocked																
Percent Grade (%)	0				0											
Right Turn Channelized					No											
Median Type Storage					Left + Thru								1			

Critical and Follow-up Headways

Base Critical Headway (sec)		7.1	6.5	6.2				6.2		4.1				4.1		
Critical Headway (sec)		7.12	6.52	6.22				6.22		4.12				4.12		
Base Follow-Up Headway (sec)		3.5	4.0	3.3				3.3		2.2				2.2		
Follow-Up Headway (sec)		3.52	4.02	3.32				3.32		2.22				2.22		

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			368					16		187				24		
Capacity, c (veh/h)			399					644		1191				1148		
v/c Ratio			0.92					0.02		0.16				0.02		
95% Queue Length, Q ₉₅ (veh)			10.0					0.1		0.6				0.1		
Control Delay (s/veh)			60.2					10.7		8.6				8.2		
Level of Service (LOS)			F					B		A				A		
Approach Delay (s/veh)	60.2				10.7				2.7				0.5			
Approach LOS	F				B											

Land Use: 934

Fast-Food Restaurant with Drive-Through Window

Description

This category includes fast-food restaurants with drive-through windows. This type of restaurant is characterized by a large drive-through clientele, long hours of service (some are open for breakfast, all are open for lunch and dinner, some are open late at night or 24 hours a day) and high turnover rates for eat-in customers. These limited-service eating establishments do not provide table service. Non-drive-through patrons generally order at a cash register and pay before they eat. Fast casual restaurant (Land Use 930), high-turnover (sit-down) restaurant (Land Use 932), fast-food restaurant without drive-through window (Land Use 933), and fast-food restaurant with drive-through window and no indoor seating (Land Use 935) are related uses.

Additional Data

Users should exercise caution when applying statistics during the AM peak periods, as the sites contained in the database for this land use may or may not be open for breakfast. In cases where it was confirmed that the sites were not open for breakfast, data for the AM peak hour of the adjacent street traffic were removed from the database.

The outdoor seating area is not included in the overall gross floor area. Therefore, the number of seats may be a more reliable independent variable on which to establish trip generation rates for facilities having significant outdoor seating.

Time-of-day distribution data for this land use for a weekday, Saturday, and Sunday are presented in Appendix A. For the 46 general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:45 a.m. and 12:45 p.m. and 12:00 and 1:00 p.m., respectively. For the one dense multi-use urban site with data, the same AM and PM peak hours were observed.

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alaska, Alberta (CAN), California, Colorado, Florida, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Dakota, Texas, Vermont, Virginia, Washington, and Wisconsin.

Source Numbers

163, 164, 168, 180, 181, 241, 245, 278, 294, 300, 301, 319, 338, 340, 342, 358, 389, 438, 502, 552, 577, 583, 584, 617, 640, 641, 704, 715, 728, 810, 866, 867, 869, 885, 886, 927, 935, 962, 977

Fast-Food Restaurant with Drive-Through Window (934)

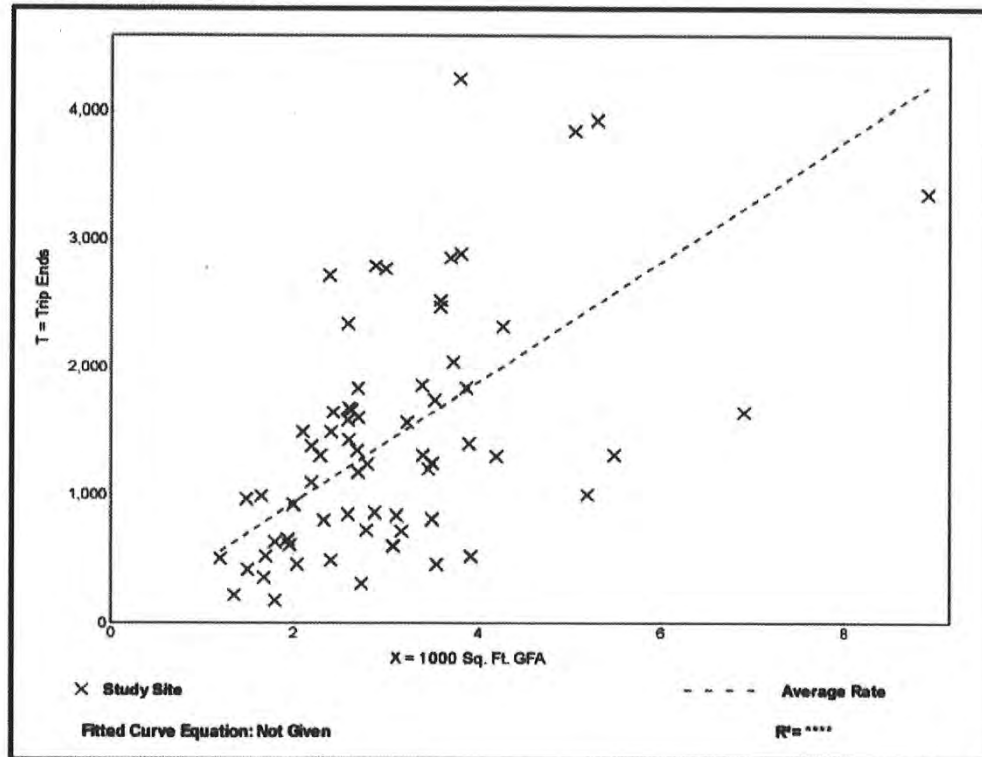
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 67
1000 Sq. Ft. GFA: 3
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
470.95	98.89 - 1137.66	244.44

Data Plot and Equation



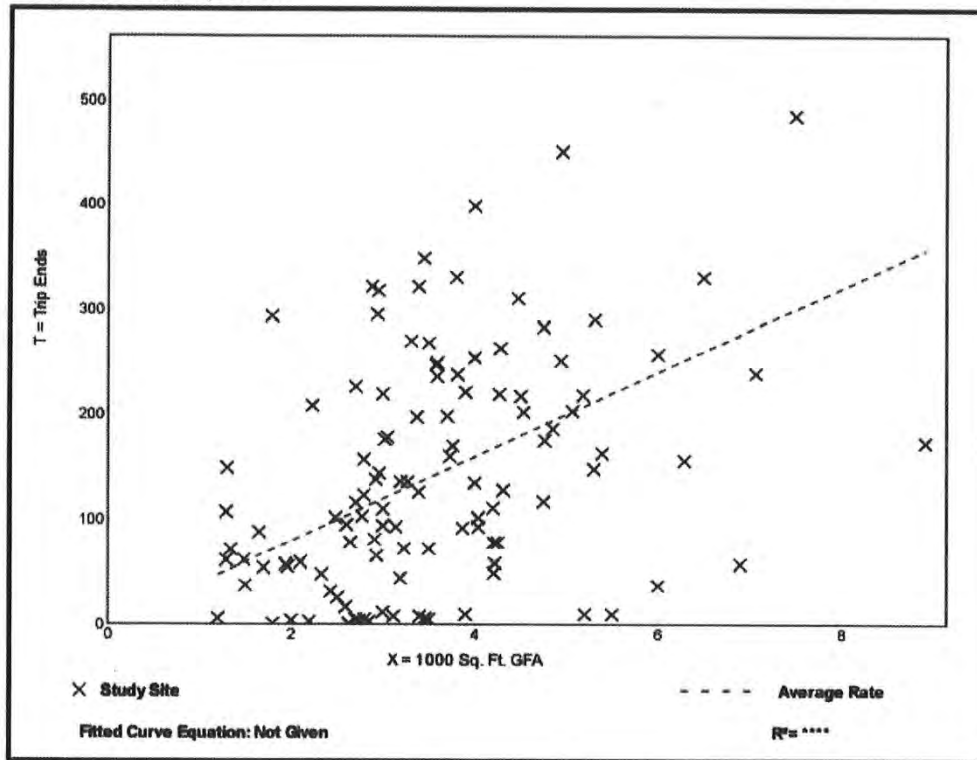
Fast-Food Restaurant with Drive-Through Window (934)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 111
 1000 Sq. Ft. GFA: 4
 Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
40.19	0.38 - 164.25	28.78

Data Plot and Equation



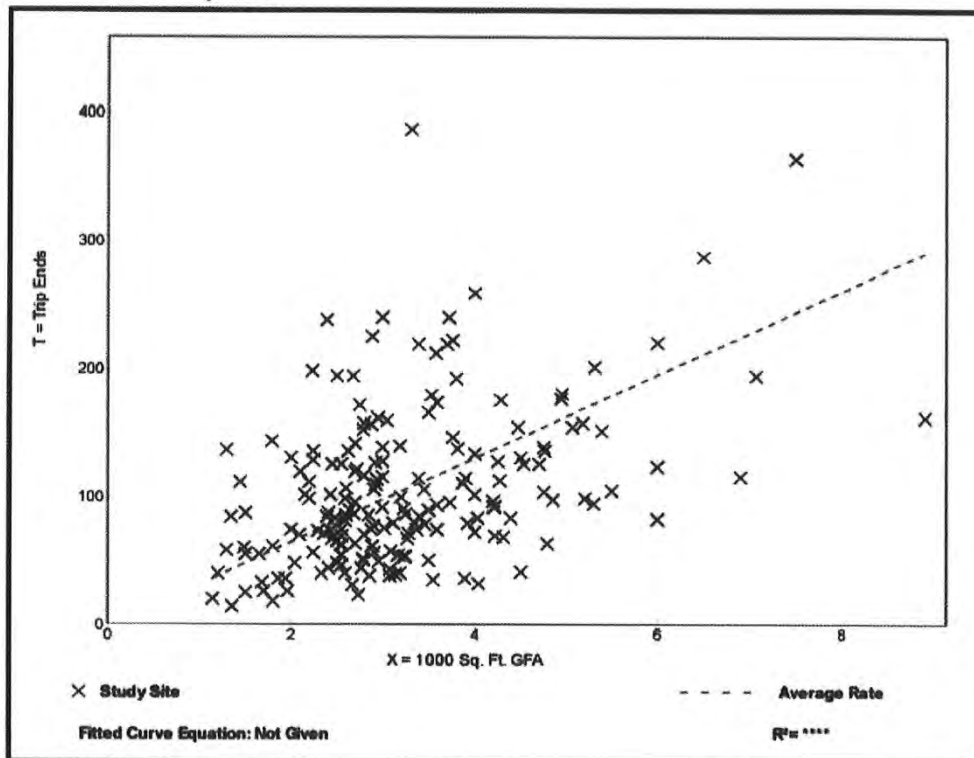
Fast-Food Restaurant with Drive-Through Window (934)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 185
 1000 Sq. Ft. GFA: 3
 Directional Distribution: 52% entering, 48% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
32.67	8.17 - 117.22	17.87

Data Plot and Equation



Land Use: 912

Drive-in Bank

Description

A drive-in bank provides banking facilities for motorists who conduct financial transactions from their vehicles; many also serve patrons who walk into the building. The drive-in lanes may or may not provide automatic teller machines (ATMs). Walk-in bank (Land Use 911) is a related use.

Additional Data

The independent variable, drive-in lanes, refers to all lanes at a banking facility used for financial transactions, including ATM-only lanes.

Time-of-day distribution data for this land use are presented in Appendix A. For the 18 general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:45 a.m. and 12:45 p.m. and 12:15 and 1:15 p.m., respectively. For the one center city core site with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:15 a.m. and 12:15 p.m. and 12:45 and 1:45 p.m., respectively.

The sites were surveyed in the 2000s and the 2010s in Colorado, Kentucky, Minnesota, Nebraska, New Jersey, New York, Oregon, Pennsylvania, Texas, Vermont, Virginia, Washington, and Wisconsin.

To assist in the future analysis of this land use, it is important that Friday data be collected and reported separately from weekday data. It is also important to specify the date and month of the data collection period and the number of drive-through lanes that are open at the time of the study.

Source Numbers

535, 539, 553, 555, 573, 577, 600, 624, 626, 629, 630, 637, 656, 657, 710, 724, 728, 866, 869, 883, 884, 927, 935, 961

Drive-in Bank (912)

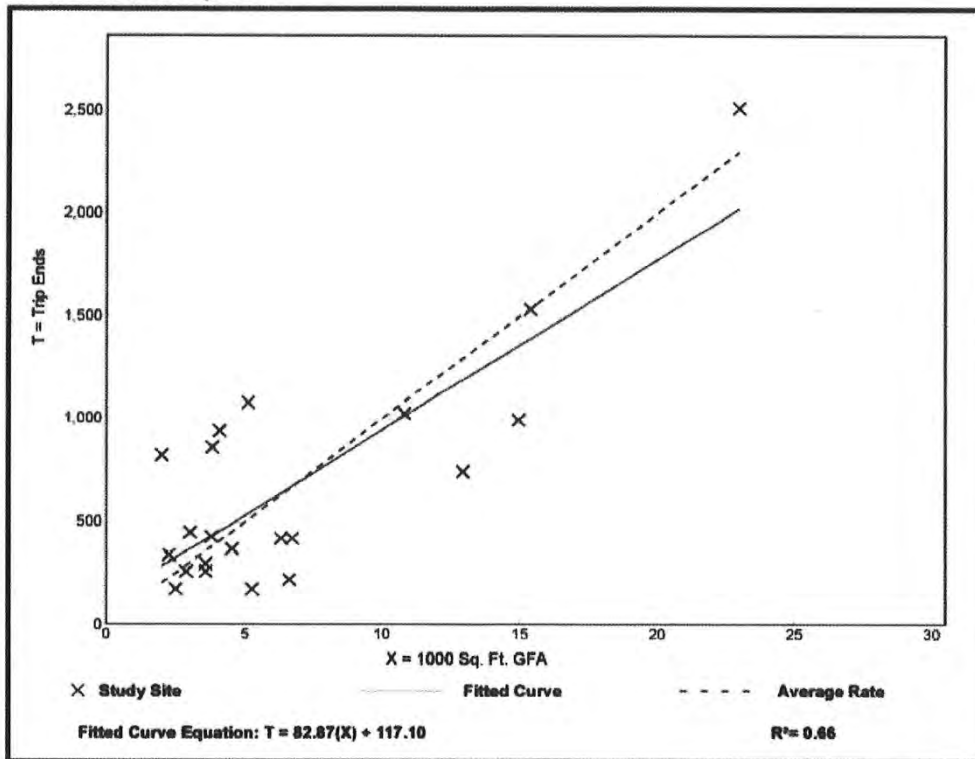
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 21
1000 Sq. Ft. GFA: 7
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
100.03	32.67 - 408.42	61.61

Data Plot and Equation



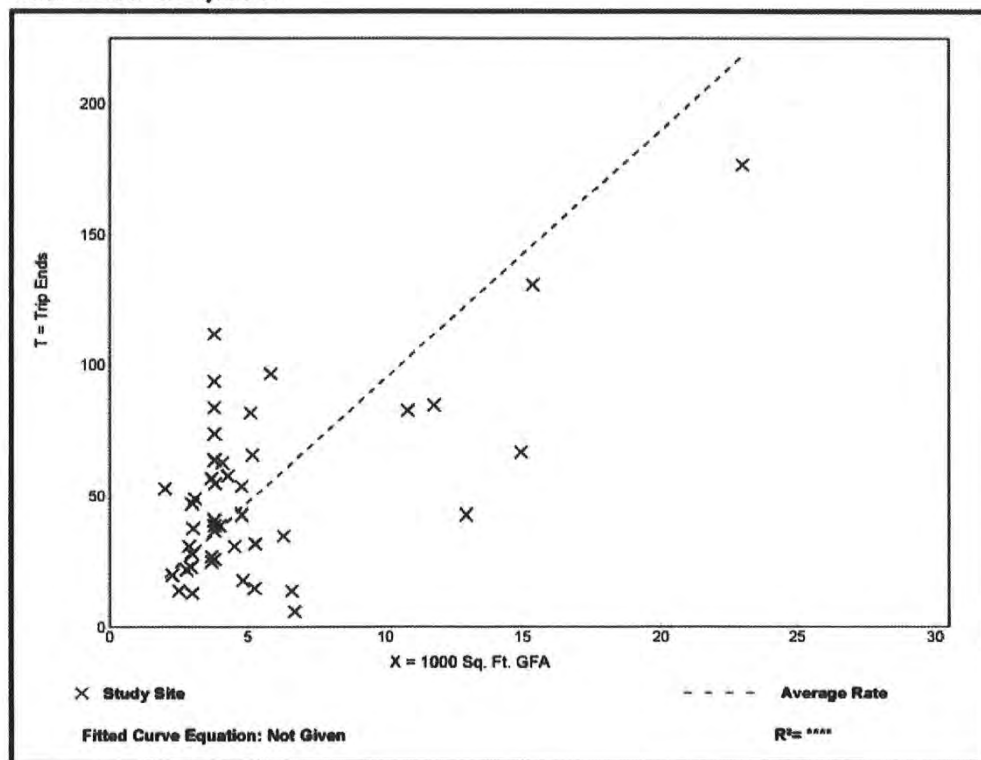
Drive-in Bank (912)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 46
 1000 Sq. Ft. GFA: 5
 Directional Distribution: 58% entering, 42% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
9.50	0.89 - 29.47	5.85

Data Plot and Equation



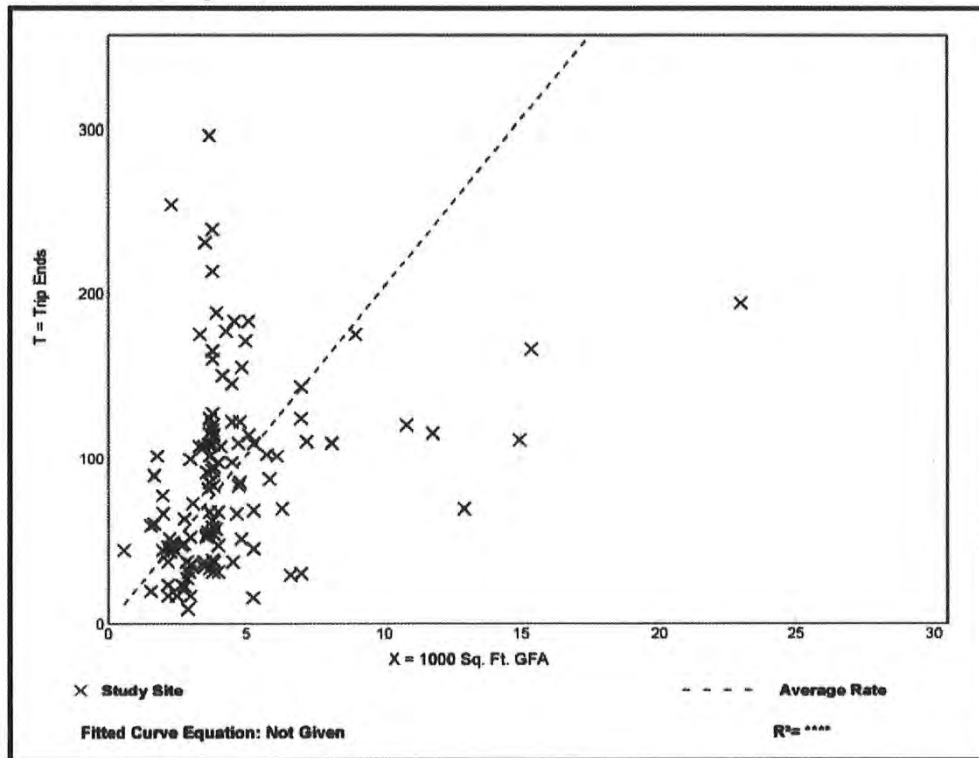
Drive-in Bank (912)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 115
 1000 Sq. Ft. GFA: 4
 Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
20.45	3.04 - 109.91	15.01

Data Plot and Equation



**Table E.27 Pass-By and Non-Pass-By Trips Weekday, PM Peak Period
Land Use Code 912—Drive-in Bank**

SIZE (1,000 SQ. FT. OR A)	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PASS-BY TRIP (%)	NON-PASS-BY TRIPS (%)			ADJ. STREET PEAK HOUR VOLUME	SOURCE
						PRIMARY	DIVERTED	TOTAL		
16.0	Overland Park, KS	Dec. 1988	20	4:30–5:30 p.m.	15	55	30	85	—	—
3.3	Louisville area, KY	July 1993	—	4:00–6:00 p.m.	48	22	36	52	2,570	Barton-Aschman Assoc.
3.4	Louisville area, KY	July 1993	—	4:00–6:00 p.m.	64	22	14	36	2,256	Barton-Aschman Assoc.
3.4	Louisville area, KY	July 1993	75	4:00–6:00 p.m.	57	11	32	43	1,955	Barton-Aschman Assoc.
3.5	Louisville area, KY	June 1993	53	4:00–6:00 p.m.	47	32	21	53	2,785	Barton-Aschman Assoc.
6.4	Louisville area, KY	June 1993	66	4:00–6:00 p.m.	53	20	27	47	2,610	Barton-Aschman Assoc.
3.8	Colonial Park, PA	March 2005	56	4:00–5:00 p.m.	43	—	—	57	—	McMahon Associates, Inc.
3.8	Camp Hill Mall, PA	March 2005	38	4:15–5:15 p.m.	41	—	—	59	—	McMahon Associates, Inc.
3.8	Exeter Twp, PA	March 2005	14	4:00–5:00 p.m.	24	—	—	76	—	McMahon Associates, Inc.
3.8	York, PA	March 2005	63	4:00–5:00 p.m.	29	—	—	71	—	McMahon Associates, Inc.
3.8	York, PA	March 2005	70	4:00–5:00 p.m.	28	—	—	71	—	McMahon Associates, Inc.
3.8	Palmira, PA	March 2005	29	4:15–5:15 p.m.	27	—	—	73	—	McMahon Associates, Inc.
3.8	Mountain Road, PA	March 2005	41	4:00–5:00 p.m.	25	—	—	75	—	McMahon Associates, Inc.
3.8	Hummelsdown, PA	March 2005	37	4:00–6:00 p.m.	31	—	—	69	—	McMahon Associates, Inc.
3.8	Muhlenberg, PA	March 2005	19	4:00–6:00 p.m.	29	—	—	71	—	McMahon Associates, Inc.
3.8	York, PA	March 2005	34	4:00–6:00 p.m.	21	—	—	79	—	McMahon Associates, Inc.
3.8	Derry Street, PA	March 2005	36	4:00–6:00 p.m.	29	—	—	71	—	McMahon Associates, Inc.
3.6	Arlington, WA	Sept. 2007	—	4:00–6:00 p.m.	42	50	8	58	—	657
2.7	Lynnwood, WA	Sept. 2007	—	4:00–6:00 p.m.	26	68	8	74	—	657
2.8	Redmond, WA	Sept. 2007	—	4:00–6:00 p.m.	21	55	24	79	—	657
3.6	Brookmish, WA	July 2007	—	4:00–6:00 p.m.	28	—	—	71	—	657

Average Pass-By Trip Percentage: 35

“—” means no data were provided

**Table E.32 Pass-By and Non-Pass-By Trips Weekday, PM Peak Period
Land Use Code 934—Fast-Food Restaurant with Drive-Through Window**

SEATS	SIZE (1,500 SQ. FT. OR)	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PASS- BY TRIP (%)	NON-PASS-BY TRIPS (%)			ADJ. STREET PEAK HOUR VOLUME	SOURCE
							PRIMARY	DIVERTED	TOTAL		
—	~2.8	Min-St. Paul, MN	1987	50	3:00-7:00 p.m.	25	27	48	75	—	—
—	<5.0	Chicago suburbs, IL	1987	80	3:00-6:00 p.m.	38	—	—	62	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	100	3:00-6:00 p.m.	55	—	—	45	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	159	3:00-6:00 p.m.	56	—	—	44	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	225	3:00-6:00 p.m.	48	—	—	52	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	86	3:00-6:00 p.m.	35	—	—	65	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	84	3:00-6:00 p.m.	44	—	—	56	—	Kerig, O'Hara, Humes, Flock
68	1.3	Louisville area, KY	1993	—	4:00-6:00 p.m.	88	22	10	32	2,065	Barton- Aschman Assoc.
120	1.9	Louisville area, KY	1993	33	4:00-6:00 p.m.	67	24	9	33	2,447	Barton- Aschman Assoc.
87	4.2	New Albany, IN	1993	—	4:00-6:00 p.m.	56	25	19	44	1,632	Barton- Aschman Assoc.
150	3.0	Louisville area, KY	1993	—	4:00-6:00 p.m.	31	31	38	69	4,250	Barton- Aschman Assoc.
—	3.1	Kissimmee, FL	1996	28	2:00-6:00 p.m.	71	—	—	29	—	TPD Inc.
—	3.1	Apopka, FL	1996	29	2:00-6:00 p.m.	38	—	—	62	—	TPD Inc.
—	2.8	Winter Springs, FL	1996	47	2:00-6:00 p.m.	66	—	—	34	—	TPD Inc.
—	4.3	Longwood, FL	1994	304	2:00-6:00 p.m.	62	—	—	38	—	TPD Inc.
—	3.2	Altamonte Springs, FL	1996	202	2:00-6:00 p.m.	40	39	21	60	—	TPD Inc.
—	2.9	Winter Park, FL	1996	271	2:00-6:00 p.m.	41	41	18	59	—	TPD Inc.
—	3.3*	several	1996	varies	4:00-6:00 p.m.	62	—	—	38	—	Oracle Engineering

*Average of several combined studies.

Average Pass-By Trip Percentage: 50

—" means no data were provided

2018 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
 CATEGORY: 7000 BREVARD COUNTYWIDE

WEEK	DATES	SF	MOCF: 0.91 PSCF
1	01/01/2018 - 01/06/2018	1.03	1.13
2	01/07/2018 - 01/13/2018	1.02	1.12
3	01/14/2018 - 01/20/2018	1.01	1.11
4	01/21/2018 - 01/27/2018	0.98	1.08
* 5	01/28/2018 - 02/03/2018	0.95	1.04
* 6	02/04/2018 - 02/10/2018	0.93	1.02
* 7	02/11/2018 - 02/17/2018	0.90	0.99
* 8	02/18/2018 - 02/24/2018	0.89	0.98
* 9	02/25/2018 - 03/03/2018	0.89	0.98
*10	03/04/2018 - 03/10/2018	0.89	0.98
*11	03/11/2018 - 03/17/2018	0.88	0.97
*12	03/18/2018 - 03/24/2018	0.89	0.98
*13	03/25/2018 - 03/31/2018	0.91	1.00
*14	04/01/2018 - 04/07/2018	0.92	1.01
*15	04/08/2018 - 04/14/2018	0.93	1.02
*16	04/15/2018 - 04/21/2018	0.94	1.03
*17	04/22/2018 - 04/28/2018	0.97	1.07
18	04/29/2018 - 05/05/2018	1.00	1.10
19	05/06/2018 - 05/12/2018	1.03	1.13
20	05/13/2018 - 05/19/2018	1.06	1.16
21	05/20/2018 - 05/26/2018	1.05	1.15
22	05/27/2018 - 06/02/2018	1.05	1.15
23	06/03/2018 - 06/09/2018	1.04	1.14
24	06/10/2018 - 06/16/2018	1.04	1.14
25	06/17/2018 - 06/23/2018	1.04	1.14
26	06/24/2018 - 06/30/2018	1.04	1.14
27	07/01/2018 - 07/07/2018	1.04	1.14
28	07/08/2018 - 07/14/2018	1.04	1.14
29	07/15/2018 - 07/21/2018	1.04	1.14
30	07/22/2018 - 07/28/2018	1.04	1.14
31	07/29/2018 - 08/04/2018	1.04	1.14
32	08/05/2018 - 08/11/2018	1.05	1.15
33	08/12/2018 - 08/18/2018	1.05	1.15
34	08/19/2018 - 08/25/2018	1.05	1.15
35	08/26/2018 - 09/01/2018	1.05	1.15
36	09/02/2018 - 09/08/2018	1.05	1.15
37	09/09/2018 - 09/15/2018	1.05	1.15
38	09/16/2018 - 09/22/2018	1.05	1.15
39	09/23/2018 - 09/29/2018	1.05	1.15
40	09/30/2018 - 10/06/2018	1.06	1.16
41	10/07/2018 - 10/13/2018	1.06	1.16
42	10/14/2018 - 10/20/2018	1.07	1.18
43	10/21/2018 - 10/27/2018	1.06	1.16
44	10/28/2018 - 11/03/2018	1.05	1.15
45	11/04/2018 - 11/10/2018	1.04	1.14
46	11/11/2018 - 11/17/2018	1.04	1.14
47	11/18/2018 - 11/24/2018	1.03	1.13
48	11/25/2018 - 12/01/2018	1.03	1.13
49	12/02/2018 - 12/08/2018	1.03	1.13
50	12/09/2018 - 12/15/2018	1.03	1.13
51	12/16/2018 - 12/22/2018	1.02	1.12
52	12/23/2018 - 12/29/2018	1.01	1.11
53	12/30/2018 - 12/31/2018	1.01	1.11

* PEAK SEASON

25-FEB-2019 16:26:27

830UPD

5_7000_PKSEASON.TXT

THOMAS GAUME PRESENTATION

Presented at July 1, 2020 Planning and Zoning Board Meeting

spot zoning

Dictionary of Business Terms for: spot zoning
spot zoning

rezoning a **parcel** of land where all surrounding parcels are zoned for a different use, in particular where the rezoning creates a use that is incompatible with surrounding land uses. Spot zoning is generally disallowed in the courts.

Dictionary of Real Estate Terms for: spot zoning
spot zoning

the act of rezoning a **parcel** of land where all surrounding parcels are zoned for a different use, in particular where the rezoning creates a use that is incompatible with surrounding land uses. Spot zoning is generally disallowed in the courts.

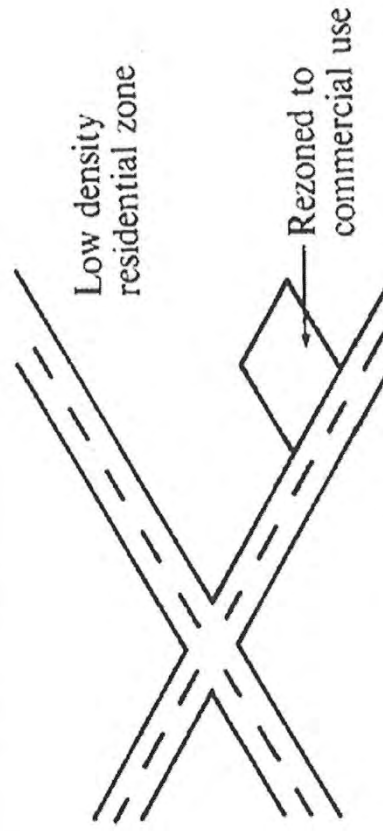


FIG. 181. SPOT ZONING

4. Request by West Pointe Babcock, LLC for preliminary subdivision approval for a proposed five-lot single-family subdivision to be known as 'Plantation Circle'

City of Palm Bay, Florida
Regular Council Meeting 2019-27
Minutes – November 7, 2019
Page 7 of 13

in RR (Rural Residential District) zoning and a variance from connecting to the City's water and sewer system (8.41 acres)(Case PS-1-2019).

The Planning and Zoning Board recommended that the request be approved, subject to following conditions being addressed prior to City staff executing the Mylar:

- a. The boundary and title opinion shall be approved by the City Surveyor.
- b. A signed and sealed topographic survey is required for review and approval.
- c. Prior to the issuance of any building permits, the Construction Plans must be granted administrative staff approval.

The public hearing was opened. Carmine Ferraro, representative for the applicant, presented the request to Council.

Residents spoke against the request stating that the developer should be required to connect to any available water and sewer lines as it was required by Brevard County and Florida Statutes, stormwater was going to become a major issue, and the City needed to cease the permitting of septic tanks as it affected the Indian River Lagoon.

Mr. Ferraro addressed the residents' concerns. He said that after numerous meetings, City staff advised that connecting to the system was not feasible due to the design.

Mr. Little said the variance request was mainly due to a conflict between the Land Development Code and Utilities Code. Based on the size of the development, it did not meet the threshold in which connection to the City's sewer system was required. The issue with connecting to water was that the lines would have to be extended across Babcock Street, approximately 1,200 feet, which would create a dead-end line. It would also create a maintenance issue for the Utilities Department. Mr. Little further detailed the reasons for staff's support of the variance. Staff answered questions posed by councilmembers.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Mr. Johnson, to approve the request, subject to the recommendations of the Planning and Zoning Board and staff comments contained in the Staff Report. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

Brevard County Property Appraiser



1:2,000
0 125 250 500 ft
0 37.5 75 150 m

2014000

Map is published with the understanding that the user assumes all responsibility for the use of the map.

Brevard County Property Appraiser



2044882

For data accuracy, use a survey. This system may not precisely align.

© 2014

CORRESPONDENCE

Chandra Powell

From: Terese Jones
Sent: Friday, June 19, 2020 1:24 PM
To: Chandra Powell
Subject: FW: Request for Aggrieved or affected person status
Attachments: Letter to City of PB.doc

From: Ken Smith <wetemps@aol.com>
Sent: Friday, June 19, 2020 11:54 AM
To: Terese Jones <Terese.Jones@palmbayflorida.org>
Subject: Request for Aggrieved or affected person status

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

June 19, 2020

Dear Ms Jones

Please accept this email as written 5 day notice.

I am hereby requesting aggrieved or affected person status with regards to cp-4-202 and cpz-4-2020

I own the property on both sides of the property being requested for rezoning. The rezoning of this property will cause a total change in our neighborhood and because it is adjacent to my property will certainly affect me and my Family's way of life. We do not think that this rezoning is in the best interest of the residents of Palm Bay or the Palm Bay community at large. I am also concerned about all of the other problems that will happen to me as an adjacent land owner.

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

wetemps@aol.com
609-226-0120

If you have any questions about this request please feel free to contact me at any time either via email or Phone as identified above. Please acknowledge receipt of this email .

A signed letter is attached for your records

Sincerely

Kenneth Smith

June 19, 2020

Dear Ms Jones

Please accept this email as written 5 day notice. I am hereby requesting Aggrieved or affected person status with regards to cp-4-202 and cpz-4-2020

I own the property on both sides of the property being requested for rezoning. The rezoning of this property will cause a total change in our neighborhood and because it is adjacent to my property will certainly affect me and my Family's way of life. We do not think that this rezoning is in the best interest of the residents of Palm Bay or the Palm Bay community at large. I am also concerned about all of the other problems that will happen to me as an adjacent land owner.

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

If you have any questions about this request please feel free to contact me at any time either via email or Phone as identified above

Sincerely

A handwritten signature in dark ink, appearing to read "Kenneth R. Smith", with a stylized, flowing script.

Kenneth Smith

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

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

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

Now, an outside speculator group has AGAIN set its sites on the parcel of land at the front entrance to our subdivision. Time and again this speculator has tried to have this property rezoned to commercial use. This time he has moved forward and utilized the city's minor subdivision process to first subdivide the land into 5 Residential Lots. The lots are all **residential because that was a requirement** of doing the minor sub-division without going through City Council. The Applicant who came before you last year promised to use all of the lots for residential home development. Now in his new application for rezoning the same land, he has stated that " **the vacant parcel he created last week is no longer suitable for residential use.**" So basically the applicant misled the city in his application for subdivision.

There should be an overwhelming, important reason to change property zoning in the middle of established Residential Neighborhoods. Financial gain for one individual over that of another is not such a justification.

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

Attached I have outlined some of the reason I object to this project as well as other information and emails that may be important to this issue.

You may contact me at any time if you would like to discuss this matter further.

Respectfully

Kenneth R. Smith
1866 Plantation Circle

**Case Numbers CPZ-4-2020Zoning)
and
CP-4-2020 (Land Use)**

**I object to the Rezoning and Reuse of
the 3.86 Acres located on Plantation
Circle from Residential to
Commercial Use.**

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

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


6/22/2020

Table of Content

- A) Opening Statement**
- B) Map of Plantation Circle**
- C) Our Moto**
- D) Our Value, and our Statement**
- D) Reason 1 for Voting NO: Unsuitable for Commercial Use**
- E) Reason 2 for Voting NO: Inconsistent with FLU Plan**
- F) Reason 3 for Voting NO: Traffic Consierations**
- G) FDOT plans for the same exact Lot**
- H) Article published in Florida Today**
- (I) Fire**
- (J) Closing Statement**

Lot requested for Rezoning



Recently
Restored
Retention
Pond

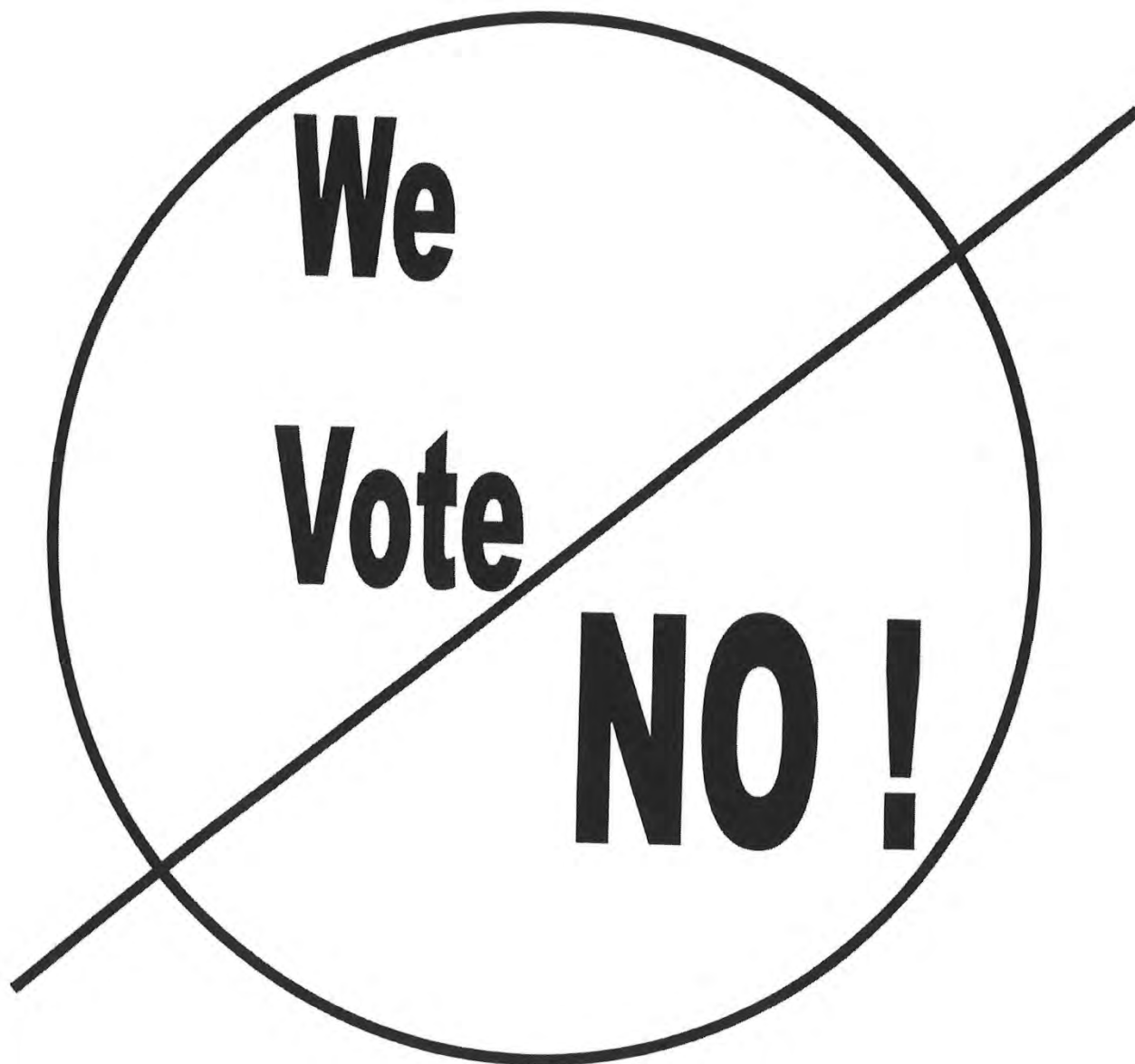
Known Wetlands

CERTIFIED WILDLIFE HABITATS

90 degree Turn

Houses

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



**The Residents of
Plantation Circle
Have
More Than**

**\$11,480,515.00
Invested
In Their Properties**

**We pay over \$160,000.00 in property
taxes per year**

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

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

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

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

Reason Number One..... for voting No ..Commercial use of this property will front it on the wrong Street, cause SPOT ZONING, and Contradicts the Palm Bay FLU Plan.

This lot is particularly ill suited for direct access on to an undivided Babcock Street with no deceleration lane in either direction. Historically the lots on Plantation Circle have always fronted on to the residential street just for this reason. Also, please see the attached proposed diagram by FDOT for a "Circle" at the intersection of Cogan and Babcock. The widening of Babcock will take the side 75 feet of the proposed lot for expansion. This would totally preclude using this property in any way to front on to Babcock Street. But, **if used as a residential lot facing on to Plantation Circle as it is now it presents no problem with traffic on either street..**

Physically

The frontage onto Babcock starts with a drainage right of way that is approximately 8 feet deep and 10 feet across. Water and sewer are required for this lot but is located on the opposite side of Babcock Street. This will require water and sewer to be brought across Babcock just for this lot. The lot is 3.89 acres and will require on site retention for storm water. Currently the applicant has not included any storm water right of ways in the subdivision that has just been approved ??

This lot would be totally isolated from all other commercial entities on Babcock Street. This is the true definition of "**Spot Zoning**" and is totally inconsistent with the Palm Bay Future land Use Plan.

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

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

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

We hope that our Planning and Zoning board will protect the existing, hard working residents of this community by enforcing our future land use regulations. We need our elected officials to realize that they must **not approve this kind of application** for the "Overall good of the citizens of our City ". This is an often endorsed misconception. Ask any citizen of Palm Bay " Do you agree with the widespread integration of commercial entities into Palm Bay Neighborhoods. The answer will be a resounding "NO" People in Palm Bay want to enjoy their lives as they planned them when they moved here. They do not appreciate when you pull the rug out from under them and put a Dollar Store next to their house to help a developer score another flip of residential land. **Please do the right thing and deny this applicant.**

Reason Number Two..... Total Inconsistency with The Palm Bay Future Land Use Map.

In accordance with the Future Land Use Plan of Palm Bay, the applicant is required produced any competent substantial evidence that proves that this application will not damage the character and historical complexion of the Plantation Circle Community

In his application for **Justification for Change** of the Future Land Use Map he states

“FLU Map needs to be amended to conform to zoning request for community commercial”

In other words, his justification for changing the map is so that the map will match his requested rezoning.

However, , the map can not be changed for that purpose and in that manner. By Florida Statute and Palm Bay Ordinances, the map can only be changed if the applicant shows that his proposed change is consistent with the Palm Bay Future Land Use Plan.

The Applicant has made no such effort. Below are some of the specific requirements that are part of the Palm Bay Future Land Use Plan. This plan has not been changed since the application for this rezoning was denied last year because of these requirements.

OBJECTIVE

FLU-2.3 Prevent incompatible land uses from locating in residential areas in order to promote neighborhood stability and prevent deterioration.

POLICIES

FLU-2.3A The Land Development Regulations shall continue to contain provisions to ensure that land uses surrounded by and/or abutting residential areas are not in conflict with the scale, intensity, density and character of the residential area.

FLU-2.3B The Land Development Regulations shall continue to contain provisions to ensure that access to future high-density development or non-residential uses shall not be through low density residential areas.

FLU-2.3C The Subdivision Ordinance shall continue to require designs which minimize access to arterial and collector roadways and provide buffering from such roads.

FLU-2.3D The Land Development Regulations shall continue to provide for a “Neighborhood Commercial” category which permits only those commercial uses within residential areas which provide for the retail and service needs of the surrounding neighborhood.

FLU-2.3E Future commercial uses within residential areas shall be located at designated collector nodes and designed with buffering to protect adjacent uses.

The above parts of the Future Land Use Map show clearly that the proposed change is totally inconsistent with the requirements of the Plan.

Reason Number Three..... for voting No Commercial Traffic in an enclosed Residential Area

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

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

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

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

Third: Secondary Increased traffic on our street because of exiting and entering the commercial property. Every time someone misses the turn for the strip mall parking lot, they will turn on to our street and drive around to the other side our circle to get to the commercial property.

I say drive, but experience tells me that in a short time the city will have to put in speed bumps or other traffic slowing devices to slow down these shoppers who have missed their turnoff. **That is one reason that it is unwise to allow commercial entities in the middle of established neighborhoods.**

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

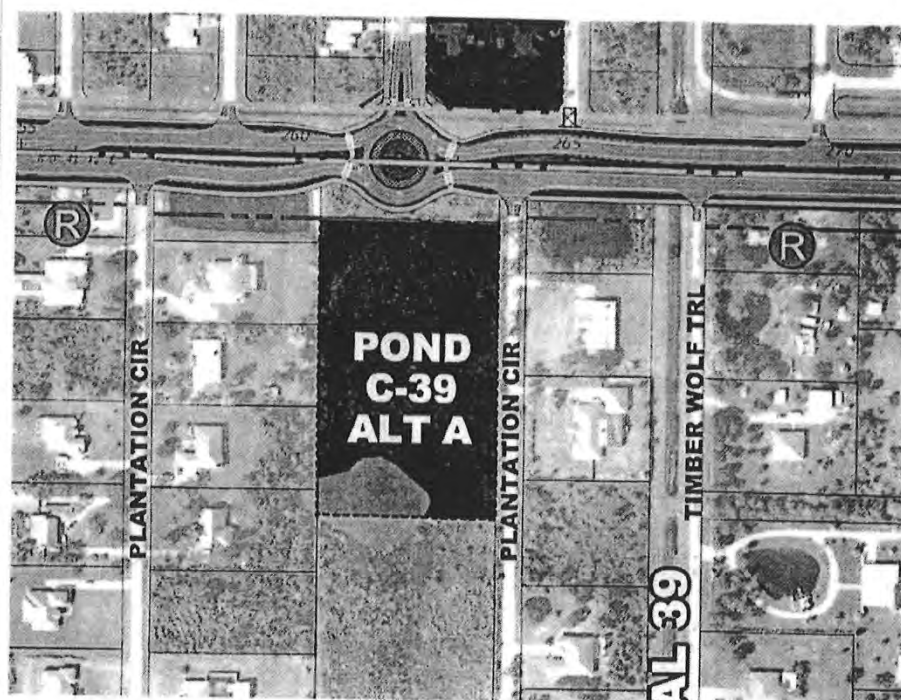
Making this dangerous intersection more complicated is flirting with disaster. Can you imagine the thought of a School bus full of small children being hit by a large dump truck at the intersection of Babcock and Cogan because someone was pulling out of the new commercial driveway at the same intersection.

FDOT Plans for this exact same lot....Traffic Roundabout and Retention Pond

FDOT is planning to widen Babcock Street south of Malabar Road.

The below diagram is from the FDOT website . As you can see, there will be a Roundabout at the end of Cogan Street, and the lot currently under application for commercial will in fact be used as a retention Pond.

If you look at the diagram, you will see that a commercial entity at this location will be impossible. There can be no entity that enters Babcock Street at this location. This lot will have to front on Plantation Circle.



In addition, if the state is required to buy this lot in order to install a required retention pond, the value that the taxpayers will have to pay for the land will be 10 fold if it is converted from residential to commercial.

florida today

NEWS

Babcock Street widening may cost \$250 million, add 9 roundabouts south of Malabar Road

Rick Neale Florida Today

Published 5:40 p.m. ET Dec. 17, 2019

"Astronomical" estimated costs to widen Babcock Street between Malabar and Micco roads could reach a quarter billion dollars — and engineers hope to install nine roundabouts.

The Florida Department of Transportation is studying options to widen this 9-mile stretch of rural Babcock Street into a four-lane divided roadway, featuring sidewalks and bike paths.

"With the intersection options that are going to be implemented on this corridor — which are roundabouts, for the majority of the intersections — in the future, this is going to be more of what we refer to as a complete street," Jesse Blouin of Inwood Consulting Engineers told the Space Coast Transportation Planning Organization during a presentation last week.

"Slower speeds, more pedestrian features. Certainly safety, lighting," Blouin said.

The southern Babcock Street corridor passes through fast-growing Palm Bay and Malabar, Grant-Valkaria and unincorporated Brevard County. Traffic today is "certainly problematic" at the Malabar Road intersection, Blouin said.

Today's two-lane Babcock Street cannot accommodate FDOT's future projected traffic levels. The new Interstate 95 interchange at the future St. Johns Heritage Parkway will open development of Emerald Lakes, which is zoned for 3,760 homes and 2.82 million square feet of non-residential construction.

Moreover, the 9-mile stretch of roadway saw 555 crashes from 2013-17. Neither bike lanes, sidewalks or lighting exist today.

The Babcock Street plan calls for a series of nine roundabouts. Locations: Micco/Deer Run road, Capital Drive (future development), Mara Loma Boulevard (near Sunrise Elementary),

Cogan Drive, Eldron Boulevard, Valkaria Road-Wyoming Drive, Waco Boulevard, Foundation Park Boulevard and Community College Parkway.

More: Future north-south highway may link U.S. 192 with SR 50, spurring major development

More: Officials: Removing Beachline earthen causeways would improve Banana River water quality

"We analyzed both traffic signals and roundabouts at all the major intersections. And the county chose the roundabouts, because it does fit in with the future vision of slowing the speeds," Blouin told the Space Coast TPO.

"In my professional judgment, that was a very good decision for this corridor because it's really the only way that you can start to slow these speeds and reach these future objectives," Blouin said.

"They can certainly be challenging from a public outreach perspective, but we have tools and data that help us there as well," he said.

FDOT will likely schedule a public hearing on the project in spring or summer. The four-lane road would require new bridges over the Sottile Canal and I-95. Blouin said the I-95 span is 50 years old and has reached the end of its useful life.

All told, Blouin provided "a rough ballpark" project cost estimate of nearly \$250 million — including "astronomical" right-of-way acquisition costs topping \$100 million.

Widening Babcock Street would require construction of numerous large retention ponds, relocation of residential and commercial properties, and mitigation of scrub jay habitat.

However, Blouin said material costs are high in today's economy, and the study incorporates conservative fiscal calculations — "I'm very confident that that amount will drop as we move forward," he said.

Georganna Gillette, Space Cost TPO executive director, said Babcock Street widening design work should wrap up in the next couple years.

"But then once we get that done, it's going to sit on the shelf — because we have to figure out how we're going to fund this," Gillette said.

The Babcock Street widening project would extend southward 4/10 of a mile past Micco Road and the Deer Run subdivision entrance.

To the north, from Valkaria Road to Malabar Road, FDOT engineers would consider narrowing vehicle lanes from 12 feet to 11 feet wide. Why? Blouin said national studies show the narrower lanes tend to slow vehicle speeds and have a traffic-calming effect.

Titusville City Councilman Robert Jordan expressed skepticism.

"You're losing a foot — and you're saying I'm going to be calmer because I've got a smaller footprint for my big car?" Jordan asked.

"That always makes me calmer," Rockledge Deputy Mayor Frank Forester replied, drawing laughter.

"Just because something is allowed doesn't mean it's something we should do," Forester said.

"Cars scraping into each other as they go down the road will slow down the traffic. No question about that," he said.

Neale is the South Brevard watchdog reporter at FLORIDA TODAY.

Contact Neale at 321-242-3638 or rneale@floridatoday.com. Twitter: @RickNeale1

ott e rets

environment to it that has no angle? ... in the teeth of Floridians' Amendment 1, would use new venues for the protection of kids. Nobody's government — nor — would has own legal

that cost tax was the filing of Gerald Bailey's respected head department of rent. Bailey's cheatered by actively sup-

g lawyer that and several tions filed a g that Scott mers violated meeting law by alley without mon or vote.

Bailey went complaints that d his staff had erly influence nal investigation of other inclination. computer video on can't the polished with. His version astamble. on still and tex-y Bailey was error chose to vious Cabinet close on his

r lawsuit was for \$55,000, a fine cost to the point, more vate attorneys on behalf of dipet, racking about \$365,000.

LETTERS AND FEEDBACK

Zoning change not good for residents

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

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

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

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

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

Kenneth Smith
Palm Bay

GOP should look at facts, stop lies

Regarding Mr. Kasch's letter to the editor of August 11, it could be refreshing for a change if Republicans embraced facts instead of making up lies.

Despite his hand-wringing



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

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

Dan Beschinkel
Indianapolis

Dropping atomic bombs saved lives

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

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

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

Lee Wyatt
Melbourne

We should support death with dignity

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

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



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

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

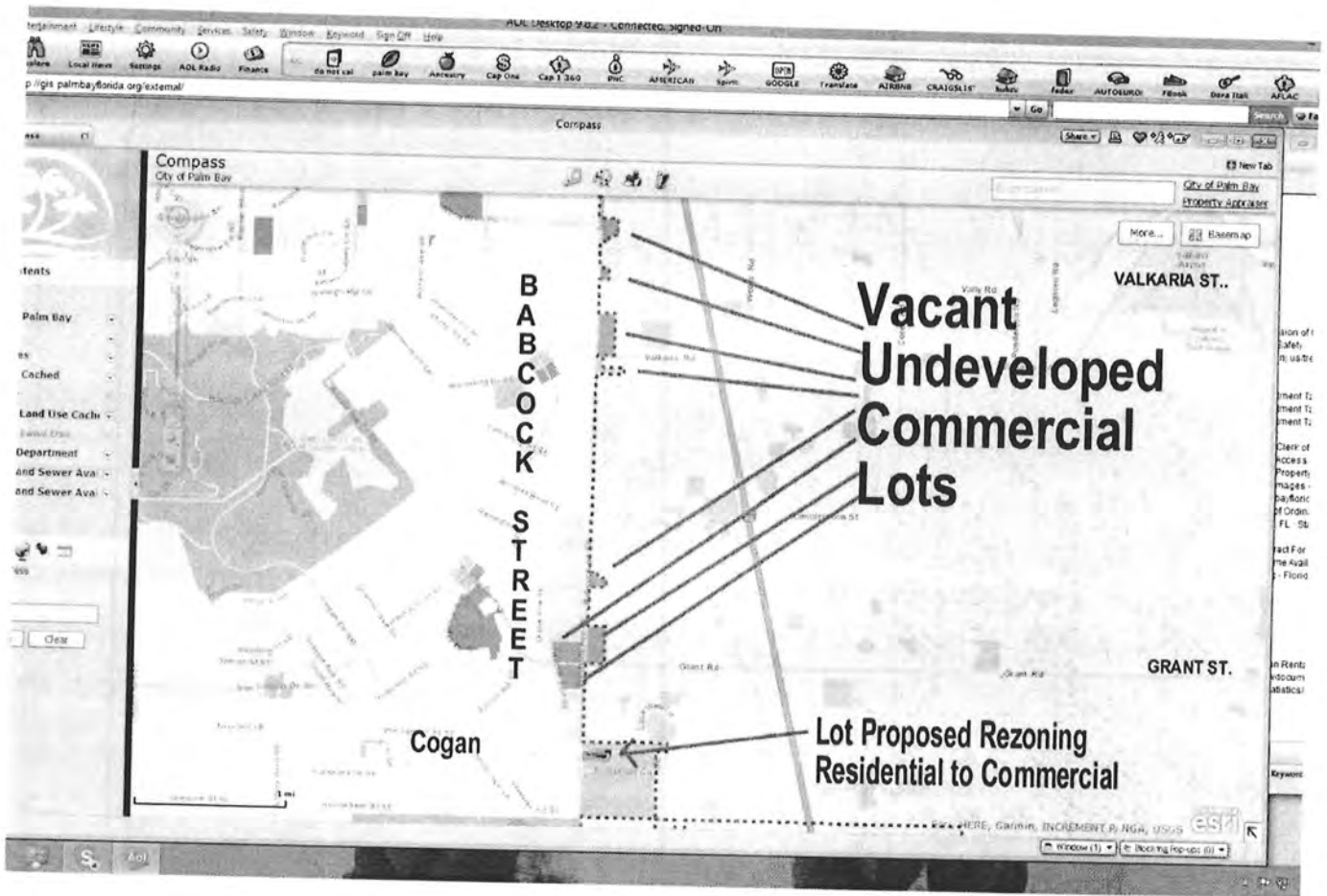
An investigation following the fire was inconclusive.

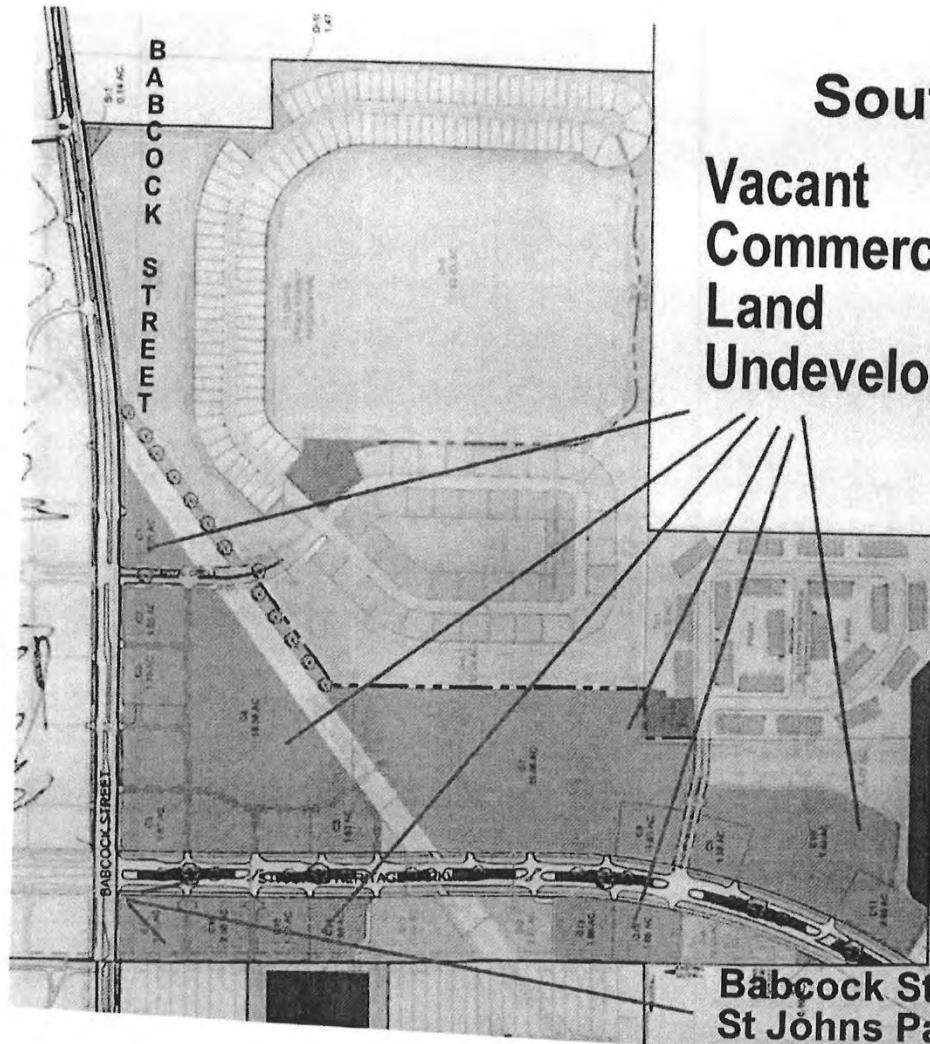
The entire lot plus several acres of adjoining property were burned to the ground

Fortunately, no one was injured.

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

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





South Vacant Commercial Land Undeveloped

LOCATED ON THE CORNER OF BABCOCK STREET AND ST. JOHNS PARKWAY, THE PROJECT WILL EXTEND CITY OF PALM BAY AND CITY OF ST. JOHNS REQUIREMENTS THROUGH A STORMWATER TREATMENT FACILITY, THE ULTIMATE TO THE SOUTHERLY CANAL AND WEST TO THE SOUTHERLY CANAL. OVERALL DENSITY IS LESS THAN 2.5 UNITS PER ACRE IN COMPLIANCE WITH EXISTING ZONING AND FUTURE LIGHTING, SOUND, AND IMPROVED LANDSCAPING. A MASTER PLANNED COMMUNITY THERE WILL BE A N ASSOCIATION THAT WILL MAINTAIN ALL COMMONS ARE PORTION OF THE PROJECT AND A HOMEOWNERS ASSOCIATION.

CONTACT INFORMATION:

DEVELOPER
CYPRESS BAY FARMS LLC
200 WEST DRIVE
MELBOURNE, FL 32904

DESIGNER
B&B DESIGNER
390 PINEHURST DRIVE
MELBOURNE, FL 32901
TEL: (321) 254-8123

ENGINEER
JAMES E. BROWN
200 WEST DRIVE
MELBOURNE, FL 32904
TEL: (321) 254-8123

LOCATION
TOWNSHIP 3
RANGE 37
SECTION 15
TAX ACROSS

CYPRESS BAY AT WATERSTONE

CYPRESS BAY RESIDENTIAL SUBDIVISION

USE	ACRES	UNITS
RESIDENTIAL	10.5	110
OPEN SPACE	10.5	
RECREATION	10.5	
RETENTION	10.5	
SIGN TRACT	10.5	
TOTAL RESIDENTIAL TRACT	10.5	110

CYPRESS BAY COMMERCIAL CENTER

USE	ACRES	UNITS
COMMERCIAL	10.5	110
MULTI-FAMILY	10.5	110
OPEN SPACE	10.5	
RECREATION	10.5	
RETENTION	10.5	
SIGN TRACT	10.5	
TOTAL COMMERCIAL TRACT	10.5	110

CYPRESS BAY AT WATERSTONE PRELIMINARY PLAN

SUMMARY	ACRES	UNITS
GRAND TOTAL	10.5	110

NOTE: TRACTS WILL BE FURTHER DEFINED DURING PLATTING.

LEGAL DESCRIPTION:

THE PROJECT IS LOCATED ON THE CORNER OF BABCOCK STREET AND ST. JOHNS PARKWAY, THE PROJECT WILL EXTEND CITY OF PALM BAY AND CITY OF ST. JOHNS REQUIREMENTS THROUGH A STORMWATER TREATMENT FACILITY, THE ULTIMATE TO THE SOUTHERLY CANAL AND WEST TO THE SOUTHERLY CANAL. OVERALL DENSITY IS LESS THAN 2.5 UNITS PER ACRE IN COMPLIANCE WITH EXISTING ZONING AND FUTURE LIGHTING, SOUND, AND IMPROVED LANDSCAPING. A MASTER PLANNED COMMUNITY THERE WILL BE A N ASSOCIATION THAT WILL MAINTAIN ALL COMMONS ARE PORTION OF THE PROJECT AND A HOMEOWNERS ASSOCIATION.

Babcock Street and St Johns Parkway Intersection

Conclusion

The Applicant has not demonstrate the he has met the requirements of the Future Land Use Plan with regards to Suitability and fit for this lot to be commercial

Specifically

FLU 2.3
FLU 2.3A
FLU 2.3B
FLU 2.3C
FLU 2.3D
FLU 2.3 E
Flu 3.1a
FLU 3.2B

The applicants assertion that the “future commercialization and anticipated widening of Babcock Street will significantly produce negative effects that are inconsistent with residential development immediately adjacent to Babcock Street is Totally misleading. The lot in question will undoubtedly be faced toward Plantation Circle to avoid the FDOT proposed Roundabout

This lot is slated to become a retention pond

Chandra Powell

From: Darlene Bennett <d.bennett64@yahoo.com>
Sent: Sunday, June 21, 2020 12:44 PM
To: Chandra Powell
Subject: Fw: Greenwood Plantation Rezoning meeting July 1 2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Darlene Bennett" <d.bennett64@yahoo.com>
To: "Laurence.bradley@pbfl.org" <Laurence.bradley@pbfl.org>
Sent: Sun, Jun 21, 2020 at 12:40 PM
Subject: Greenwood Plantation Rezoning meeting July 1 2020

Case #s

cp-4-2020 and cpz-4-2020

Mrs Powell,

I am writing to you in concern for the above case ie: Rezoning of a parcel of land @ Babcock St & Plantation Cir SE

1st I want to thank you for your hard work & dedication to our community. We moved to Palm Bay on June 25th of 2019 to retire from Va. We researched Palm Bay, we visited a couple times, my husband has a friend at Merit Island who suggested & urged we retire here. We are hard working tax paying, voter registered American born citizens who scraped & saved our money for this, the final chapter in life. We found a gem! 1 acre at 1785 Plantation Cir SE Palm Bay "Greenwood Plantation" and started our forever home build a place to feel safe, a horseshoe street your only there if you live here or took a wrong turn, 30 year old established homes most of the neighbors have lived here the entire time, they've raised there children up here. I grew up & lived my 56 years just 40 miles South of our nation's capital Washington DC

I have been & was well aware of the crimes in our community's however the 360 days we have lived here at 2622 Ramsdale Dr SE I have been personally witness to a purse snatching in the parking lot of staples, a fight in the parking lot of CVS, drug transactions in plain view & the numerous amount of homeless & camps & trash behind/beside every shopping center I've even befriended 2 of these said homeless Vets Johnny & Tommy both of which said they were not homeless just working, then driving down San Fillipo I thought I'd found a dead man on the side of the road, luckily he had just passed out from the heat & I was able to call for help all the while I'm the only 1 that stopped during rush hour. Naturally I've shared these concerns with my husband Im Scared did we invest everything into a city I dont feel safe in? I dont go out at night. I carry wasp spray with me everywhere, my children (4) & grandchildren (6) are worried about us I wont walk the dogs alone. I said OK your (my husband) right when we move over to Plantation Cir I will feel safer, its more established & private. We closed & received our keys to our new home on June 8th, this should be a happy time, only Its filled with distress & worry as we find out that our city just might allow a developer to rezone our private beautiful entrance into a parking lot, a parking lot for what, Crime! I am begging you to please consider the 40 to 50 homes filled with good citizens, good people of our community, to please not allow us/me to be unsafe turning onto our street wondering what may be of our homes when we arrive, no more evening walks/talks with neighbors Please do not allow us to be imprisoned behind our entrance! PLEASE

Help us to be safe in your beautiful city!

PLEASE

Darlene Bennett
540 318 9423
1785 Plantation Cir
Palm Bay

I look forward to meeting you July 1st

Sent from Yahoo Mail on Android

CITY OF PALM BAY
RECEIVED

JUN 22 2020

LAND DEVELOPMENT

6/23/2020

To: Laurence Bradley

From: Greg & Tonya LaVanture Resident at 1688 Pueblo St. SE Palm Bay, FL. 32909

Subject: Rezoning request Case # CP-4-20205 Zoning /CPZ 4-2020 Land Use (Plantation Circle)

We live across Babcock St at Cogan intersection just 1 block north. We just moved in April 2014 with the understanding that Babcock St would be widening at sometime in the future. We researched the property across the street finding it was zoned as residential. There is plenty of commercial property North, and South on Babcock. We felt comfortable buying our home with these factors. We saw signs showing Shopping Center coming at the Grant Rd, and Babcock St. There is only (1) 85' vacant lot from my home east to a drainage ditch then room for Babcock expansion. Being from the Traffic Construction business I understand traffic signals, overhead sign structures, and property needed for proper installation. I feel the intersection of Babcock & Cogan would be better for a traffic signal intersection only leaving the residential property left alone. Adding a business would be more traffic not needed for this intersection. Cogan dead ends at Babcock then with less than 100 yards you have the entrances to Plantation Circle north, and south of Cogan. When Babcock gets widen it would be dangerous for the Plantation residents to get on Babcock going north or south. It would be a traffic mess with the extra business traffic. Again there is plenty of property available for businesses for the buyer to develop. Good example just north on Babcock at Grant Rd there is plenty of land not near homes. We heard from the residents of Plantation Circle the City agreed when they bought then build the remaining property would not be zoned commercial. Now you have a previous commitment to stand by to these residents.

I have attached previous presentations ,FDOT plans for drainage pond for expansion of Babcock, and letters we have received from lawyers wanting to represent us for the Babcock expansion. I talked to Ms Lorena Cucek on 12-12 2019. She said they have to have 2 options, and Option A was the best for all concerned. Our property falls under Option B, and so does 16 other homeowners.

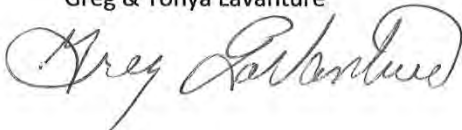
The property owner was told NO by City Council over years ago. We are so done with his games. The state is going to take his property, not ours. SAY NO TO HIS REQUESTS!!

THANKS FROM PROUD VIETNAM VETERAN,

Come by for a nice chat, and view of many issues for this request. Cell # 321-423-1787

Sincerely,

Greg & Tonya Lavanture



10/23/17

To: City of Palm Bay Staff

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

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

Well after our last meeting with City Council showed us how the City helped the applicant change from (8) acres now to this (2.89). At almost midnight Council started to vote **NO** for the change, with a second.

Then a break was taken for the reporter to have a break. **We respect that!!** During that break the applicant approached some council members, at least one for sure. Well we resumed then that member retracted his second sending it back to vote over. Well this time the staff continued to help applicant revise his request to fewer acres. We were also told earlier that change is coming so we should accept this possible request before the vote. This whole series is on tape so we felt this needs to be considered. **PLEASE REVIEW THE MEETING VIDEO!**

Here we are as taxpayers sitting there watching the applicant get guided for another opportunity after almost two years of fighting this. If he had solid plans after almost 1.5 years for this property you would think he would he would share what type of business he plans. He has never told us or the Planning Staff, and City Council. Seems strange??? Our presentation gave many issues this change creates. The Council must of considered our input to put it to vote rejecting the applicant's request. Our data does not change with the request for fewer acres.

Watch that on tape!

Greg & Tonya LaVanture

To: City of Palm Bay Staff

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

Subject: Rezoning Request Case# CP-13-2018/CPZ-13-2018

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

We welcome all of you to my property to witness the traffic flow now. I cut the grass east of my home just park there next to Babcock to witness what we see everyday.

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

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

Reaction Distance + Braking Distance = Stopping Distance

It takes two football fields 720' for an 18 wheeler to stop at 55 mph. I have seen them do that speed plus. Example the truck would start stopping at Delta not stopping at Cogan distance of approximate 700'. Car comparison at 40 mph the Vehicle Reaction Distance would be 88', Braking Distance is 80' totaling 168'. At 50 mph VRD 110', VDF 125' then 60 mph RD 132', BD 180' totaling 312'. You could pass 2-3 side streets stopping. Be advised that this section of Babcock has ripples due to excess wear. The stopping distance for any vehicle would increase at least 15% because the tires would start hopping not having complete contact with the road. On wet roads these distances are off the chart. There is also poor drainage on Babcock creating many pools of water. Then remember the drainage ditches on both sides, once they hit the grass those distances go off the chart.

PAGE 3

*In closing just imagine bright lights, noise, increased crime, reduced property values, destruction of hundreds of trees, natural surroundings, drainage issues, loss of any privacy, traffic nightmare, and increased accidents combined with more possible deaths of innocent people across from your home. So please accept our invitation to visit our property to really see the above topics of concern. We do not want this rezoning to happen along with all the residents of Plantation Circle!! Please force commercial improvements 3,000' to go north or south of this location as your planning department has planned for. They have done their research, and are on the right path for the future of the City of Palm Bay. This request falls under a **SPOT CHANGE** not fitting into the zoning plan in effect now. Being semi-retired we want to enjoy our life as we have since we moved in (4) years ago with our kids, and grandchildren. I have witnessed many speeding vehicles passing at the intersections of these streets. There should be **NO PASSING** at any of the above intersections. Then just imagine an 18 wheeler traveling on Babcock doing average of 45-55+mph as the new possible traffic light changes, a school bus full of kids, or any person with their family turning onto Babcock. There is no room for any kind of recovery for any vehicle. I would not want that on my mind that I let this change happen.*

PLEASE VOTE NO FOR THIS REQUEST

PAGE 4

ADDED NOTES DUE TO EXTENSIONS FOR FINAL DECISION

After our last Planning Board meeting the applicant would not tell the Board what he planned to develop on the proposed property. He has not told us or you nothing either. Now you tell me after 3 years you do not have any clients interested. His marketing skills are off, or **he is not telling us the truth**. He withdrew his application as he went out of town for the first City Council meeting, then he withdrew his application, the night of the second City Council meeting, **Oh just before elections**, now here we are again. What will happen this time, another misleading comment or action. He was asking for **4 acres, 8 acres, now 2.89**. **Do yourself a favor look at the last City Council meeting to see the interesting changes that happen after the voting started for (8) acres. Then the City helped him make changes leaving us citizens out to dry. WE ARE STILL PISSED!**

I HOPE YOU WOULD YOU ACCEPTED OUR INVITATION TO VISIT OUR PROPERTY & PLANTATION CIRCLE BEFORE THIS MEETING TO SEE FOR YOURSELVES!

I feel with all the applicant's experience, he should have researched this purchase better. The property price doesn't seem to be a good deal now. Look after almost (3) years he could of build a business plaza north or south of proposed property, giving him a return on his investment, and tax dollars to the City.

We live directly west across from the property, and we do not want a business going there, as there is plenty property already zoned commercial 3,000' north or south. We did know when we moved in our home Babcock was going to be upgraded for needed expansion to the City. We asked our agent about that proposed property, and it was residential. We felt comfortable to purchase this home, but adding businesses across from us is not good at all.

"VOTE NO AGAIN"

To: City of Palm Bay City Council

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

Subject: Rezoning Request Case# CP-13-2018/CPZ-13-2018

Do us, and you a favor come to my home to view the property we are discussing before the meeting.

There are **(11)** streets intersecting Babcock St. within **.4 tenths mile of this property**, they are as follows starting north of subject property **Delta, Timberwolf, Pueblo, Plantation, Cogan, San Soving, Plantation, Tigard, Whiting, Tennessee, Weiman**. Then the school property starts after Weiman Rd. from the south of the property again within the **.4 tenths mile= 2,112'**. There is no other cluster of streets north or south of the property being discussed. They are spread out more evenly with secondary roads parallel to Babcock. Babcock is 45 mph in this area, few obey it **COME SEE!**

After our last Planning Board, and City Council meetings the applicant would not tell the Board what he planned to develop on the proposed property. Even after the last Planning meeting May 2nd 2018 he was asked, and did not answer the question from the Board. He said it would be 2 years before he would develop this property. Does your application state what is proposed for the property **in detail**. All he said was Commercial, now you tell me after (3) years you do not have any clients interested.

HELLO! SOMETHING IS WRONG HERE!!

PAGE 2

He withdrew his application as he went out of town for the first City Council meeting, then he withdrew his application, the night of the second City Council meeting, **Oh just before elections**, now here we are again. What will happen this time? He was asking for **4** acres, **8** acres, now **2.89**. **Do yourself a favor look at the last City Council meeting last year to see the interesting changes that happen after the voting started for (8) acres? Then the City helped him make changes for fewer acres leaving us citizens out to dry. Here we are again going through more unknown facts.**

I feel the applicant's is using a trump card that he discussed this property with previous City Council members prior to purchase of property. Well we do not know exactly what they said verses what we are dealing with now. Look after almost (3) years he could of build a business north or south on your future commercial property, giving him a return on his investment, and tax dollars to the City. HELLO (3) YEARS TAX RATE LOST!

Here are **more facts** to consider coming from Space Coast Transportation Data Management System in Cocoa, Florida. This data shows how many vehicles travel Babcock from Micco Rd. from the south to Malabar Rd. north daily. The applicant stated at the Planning meeting 5-2-18 recently is was **2,000** vehicles daily. **WELL LOOK WHAT WE FOUND!** **2013-3,360 /// 2014-3,460**
2015-2,860 /// 2016-4,020 /// 2017-4,290 /// 2018- TBD
Has to be more seeing the new homes & truck activity going on.

PAGE 3

I witnessed (34) dump trucks travel Babcock on 5-4-18 in 1 hour.
This truck traffic is really tearing up Babcock! COME SEE!!

Also when they close I-95 Babcock is a Detour Route " COME SEE"

This shows all parties the area is growing even before your future land use plans are being used to full capacity example for I-95 Interchange addition, Parkway Extension, Emerald City. With all the designated Commercial property already set by the City we do not need any business on this property.

Data from a Certified State DOT Engineer was presented to City Council last year's meeting. He said this is not within DOT Traffic Design guidelines. When you review the number of streets we addressed to you intersecting Babcock they already addressed this area. They have the (4) lane expansion of Babcock designed, and approved. How can the Council argue with facts coming from the State DOT. It is the DOT's road, and Palm Bay can't add or change anything without their permission.

HELLO!! SO YOU SHOULD VOTE NO FOR THIS CHANGE!!



PUBLIC MEETING ANNOUNCEMENT

Tuesday, July 30th, 2019

5:30 p.m. to 7:30 p.m.

Knights of Columbus

6725 Babcock Street SE, Malabar, Florida 32950

The FDOT invites you to the Alternatives Public Meeting for the Babcock Street/County Road 507 (C.R. 507) Project Development and Environment (PD&E) Study. The limits of this study are from south of Micco Road/Deer Run Road to Malabar Road/State Road 514. The meeting is being held to present the alternatives being evaluated and to obtain stakeholder input. Attendees will have an opportunity to view a continuous, looping presentation and project information will also be on display. Members of the project team will be available to discuss the project and answer questions.

The PD&E Study, a process that satisfies state and federal regulations, combines engineering evaluations, environmental analysis and public involvement. The purpose of this study is to evaluate options, known as alternatives, that address the long-term transportation needs of Babcock Street/C.R. 507. The alternatives being considered involve widening Babcock Street/C.R. 507 from two lanes to four lanes, the addition of bicycle and pedestrian features, and intersection and safety improvements. The No-Build or "do nothing" alternative is also being considered.

If you have questions or would like to have more information, please contact the FDOT Project Manager Lorena Cucek by email at lorena.cucek@dot.state.fl.us or by phone at 386-943-5392. Information about this project is also available online at www.cflroads.com. Simply type 437204-1 in the search box, click "go" and then select the project.

IMG_3545.JPG

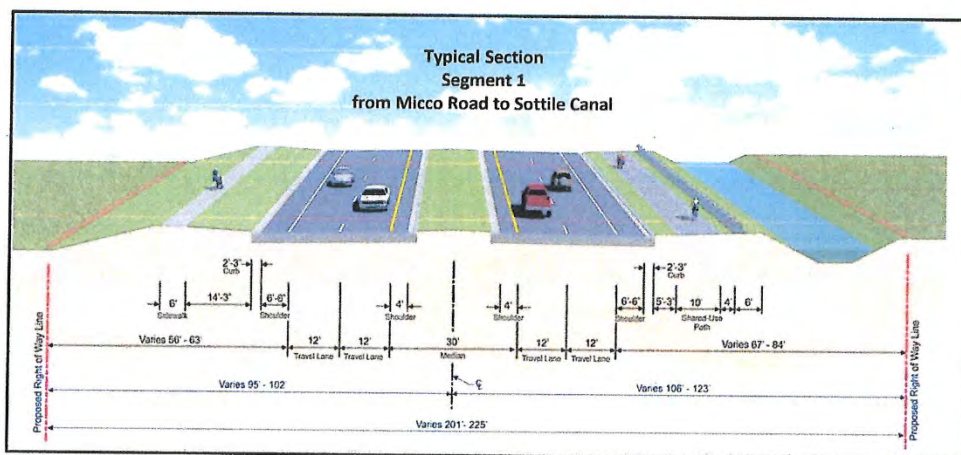
Download



OUR
HOMES
SWAMP
POND

PROPOSED IMPROVEMENT ALTERNATIVES

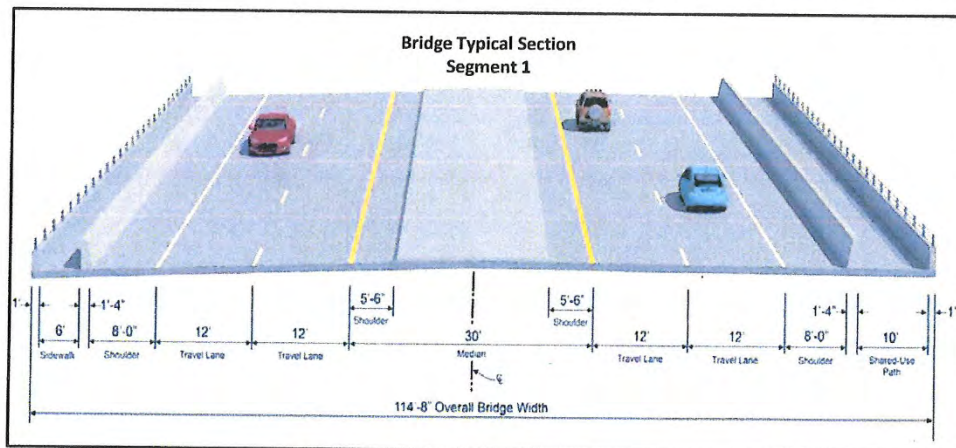
The graphics presented on these pages represent the roadway options, referred to as alternatives, being evaluated as part of the D&E Study. This includes three roadway typical sections. The first typical section extends from Micco Road to the Sottile Canal and includes a new bridge over the Sottile Canal. The second typical section extends from the Sottile Canal to Valkaria Road. The third typical section extends from Valkaria Road to Malabar Road and includes a new bridge over Interstate 95.



TYPICAL SECTION – SEGMENT 1

Segment 1: Babcock Street from Micco Road to the Sottile Canal. This segment includes the following:

- Two 12' lanes in each direction
- 4' paved inside shoulders
- 6'-6" paved outside shoulder in each direction
- 26' grassed median
- 6' sidewalk on the west side of the road
- 10' shared-use path on the east side of the road



BRIDGE TYPICAL SECTION OVER SOTTILE CANAL

The bridge over the Sottile Canal includes the following:

- Two 12' lanes in each direction
- 5'-6" paved inside shoulders
- 8' paved outside shoulders
- 19' raised concrete median
- 6' sidewalk on the west side of the road with a concrete barrier
- 10' shared-use path on the east side of the road with a concrete barrier

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. §327 and a Memorandum of Understanding dated December 14, 2016, and executed by the Federal Highway Administration and FDOT.

ALTERNATIVES BEING CONSIDERED

The alternatives being considered involve the following:

- Widening Babcock Street from two to four lanes
- Adding pedestrian features such as shoulders and sidewalks
- Adding bicycle lanes
- Improving intersections at cross streets and adding safety improvements such as pedestrian signals
- Implementing access management features: median openings, signals, etc.
- The No-Build or "do nothing" alternative is also being considered

CONTACT INFORMATION

For more information about the project or to schedule a group meeting, please contact one of the following:

Ms. Lorena Cucek
FDOT Project Manager
Florida Department of Transportation District Five
719 South Woodland Boulevard
DeLand, Florida 32720
Phone: (386) 943-5392
Email: lorena.cucek@dot.state.fl.us

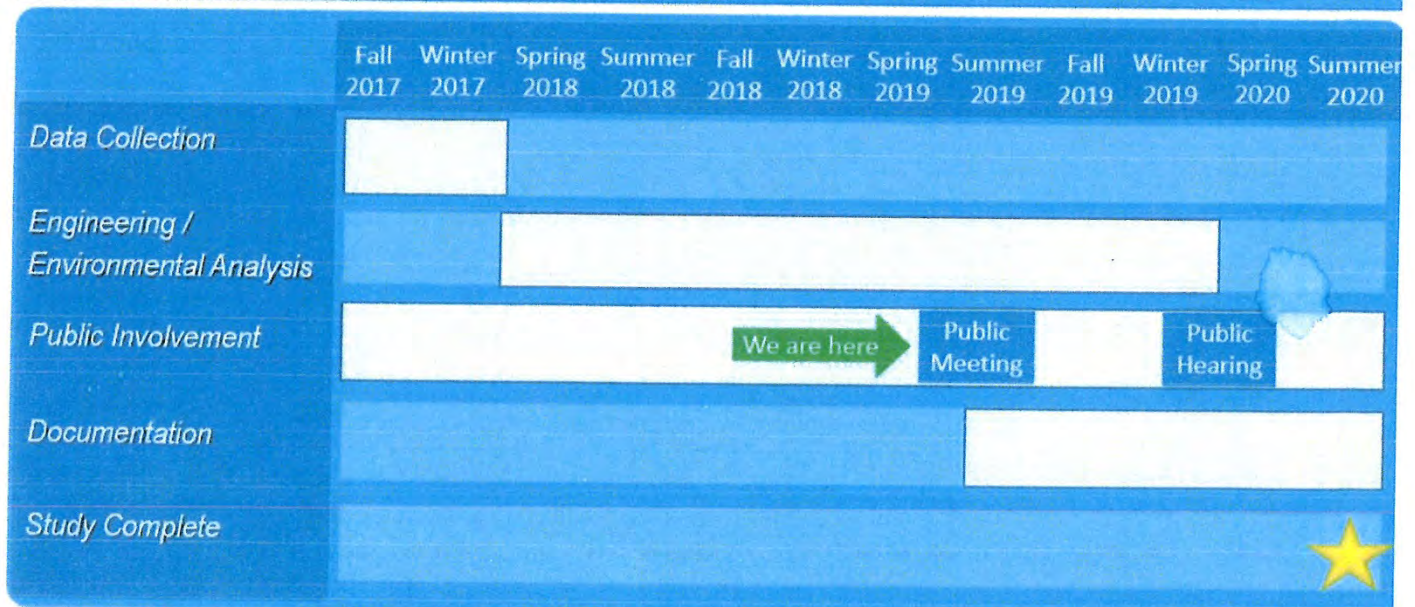
Mr. Jesse Blouin, AICP
Consultant Project Manager
3000 Dovera Drive, Suite 200
Oviedo, Florida 32765
Phone: (407) 971-8850
Email: jblouin@inwoodinc.com

TITLE VI INFORMATION

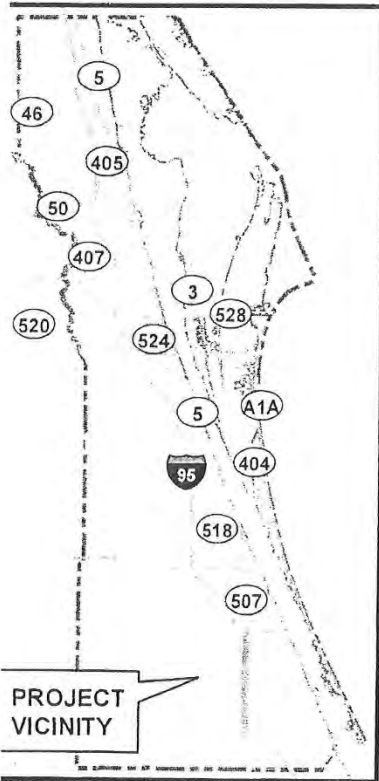
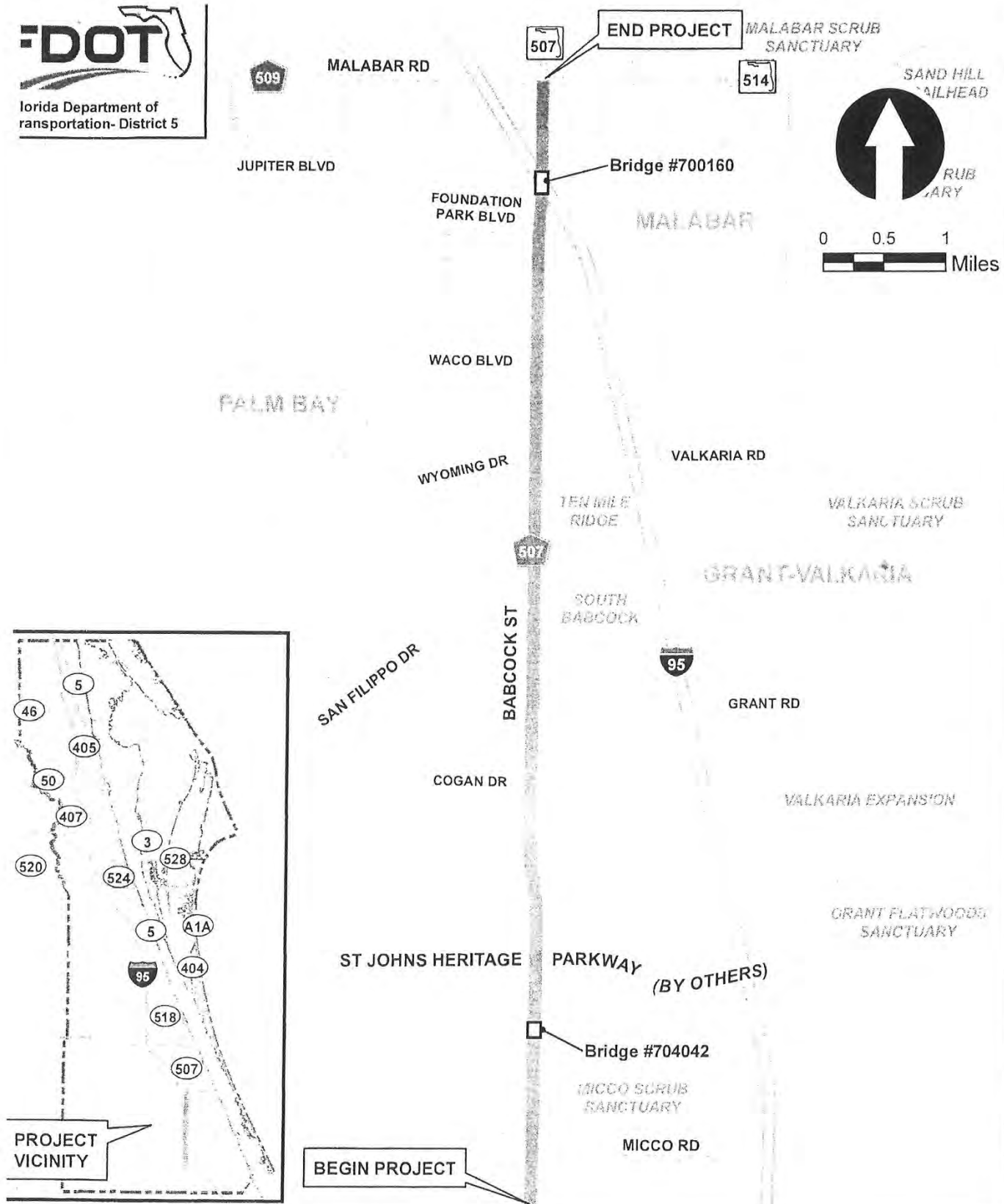
Persons with disabilities who require accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact the Project Consultant, Jesse Blouin, AICP, by phone at 407-971-8850 or by email at jblouin@inwoodinc.com, at least seven (7) days prior to the meeting. If you are hearing or speech impaired, please contact us by using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice).

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns relative to FDOT compliance with Title VI may do so by contacting the FDOT District Five Title VI Coordinator, Jennifer Smith, at jennifer.smith2@dot.state.fl.us.

PD&E Study Schedule



For more information, go to www.CELRoads.com and type 437204-1 in the search box



Babcock Street (CR 507)
from South of Micco Road/Deer Run Road
to Malabar Road/SR 514
Brevard County, Florida
Financial Project ID: 437204-1-22-01
Federal Project No: D517-024-B

PROJECT LOCATION MAP

Figure
1

GRAY | ROBINSON
ATTORNEYS AT LAW

SUITE 1400
301 EAST PINE STREET (32801) BOCA RATON
POST OFFICE BOX 3068 FORT LAUDERDALE
ORLANDO, FL 32802-3068 FORT MYERS
TEL 407-843-8880 GAINESVILLE
FAX 407-244-5690 JACKSONVILLE
gray-robinson.com KEY WEST
LAKELAND
MELBOURNE
MIAMI
NAPLES
844-287-5833 ORLANDO
TALLAHASSEE
TAMPA

November 20, 2019

Gregory H. Lavanture
1688 Pueblo St. SE
Palm Bay, FL 32909

**RE: Florida Department of Transportation
Babcock Street from South of Micco Road/Deer Run Road to Malabar Road
Acquisition of Your Property
Parcel No.: 29-37-33-GT-01153.0-0014.00**

Dear Gregory H. Lavanture:

If you have already retained an attorney for this matter, please disregard this letter. From our review of the most current tax maps and other public records for Brevard County, it appears that the Florida Department of Transportation (FDOT) may seek to acquire a portion of your property for the Babcock Street from South of Micco Road/Deer Run Road to Malabar Road project. This process is known as “condemnation” or “eminent domain.”

When the FDOT is ready to take your property, they will make you an offer. The FDOT is required by law to pay you the market value of the land taken, improvements taken and any damages to your remaining property. Damages include items that devalue your remaining property, such as a reduction in parking, changes in grade, or a decrease in setbacks, to name a few. They may also be required to pay you business damages under certain circumstances.

In Florida, you have the right to hire your own attorney and valuation experts (real estate appraisers, engineers, etc.) to perform an independent analysis of the FDOT’s taking and its effect on your property. Furthermore, the condemning authority is required by law to pay for the costs of such services, in addition to what they pay you for your property.

Advertisement



Crossover Commercial Group, Inc.
Carmel Development, LLC.

Commercial Sales, Leasing, Development, & Asset Management

September 15, 2019

Dear Property Owner:

RE: Plantation Circle – Residential Sub-division Plan Revision
Unplatted Lot to be divided into 5 residential lots

This letter is being sent to you regarding to the above referenced request and in compliance with the Palm Bay Code of Ordinances Section 169.005. The City of Palm Bay is requiring us to hold a second citizen's meeting due the amount of time that has transpired since our initial application was submitted. We now have new meeting dates with the City and are ready to proceed with the platting. We have attached the update preliminary plat now showing the breakdown of the five residential lots being proposed.

As you are aware from my previous mailing my company represents the proposed applicant of this public hearing process and has hired our firm's service to handle this matter on their behalf.

In accordance with the requirements, we are sending this letter to all adjoining property holders within 500 linear feet of the proposed property that should be receiving official notification from the City of Palm Bay, for the public hearings process.

We would like to invite you again to attend this informal open house in order that we may answer any questions or concerns you may have regarding the revisions and in advance of the new scheduled hearing dates.

The informational meeting will be held in your area at:

Franklin T. DeGroodt Public Library
6475 Minton Road SE, Palm Bay, FL 32908
Tuesday, September 24, 2019, 6:30–7:30p.m. (Small Meeting Room)

We hope you will be able to attend, however if you are not able please feel free to direct any questions or comments to my attention (email listed below) or call my office.

Sincerely,

Carmine Ferraro
President/Managing Member
Carmel Development, LLC

3860 Curtis Blvd #636, Port St. John, FL 32927
Email: carmel32927@gmail.com
Office/Mobile (321) 536-5200
Website: www.carmeldevelopmentllc.com

Licensed Real Estate Broker

Harris Harris Bauerle Ziegler Lopez

EMINENT DOMAIN LAWYERS

November 6, 2019

Gregory H. Lavanture
1688 Pueblo St. SE
Palm Bay, FL 32909

**Re: Babcock Street from South of Micco Road/Deer Run Road to Malabar Road
Brevard County
Parcel No. 29-37-33-GT-01153.0-0014.00
Project # 4372041**

Dear Mr. Lavanture:

If you have already retained a lawyer for this matter, please disregard this letter. Our review of public records indicates that some or all of your property may be taken by the government for the referenced project. The lawyers of Harris Harris Bauerle Ziegler Lopez have represented thousands of property and business owners when the government has taken their property. *Don't wait. Call us today.*

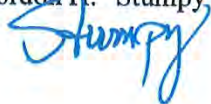
The right to own and enjoy private property is fundamental to our way of life. When the government takes private property through eminent domain it must follow strict guidelines. Eminent domain proceedings are often complicated and adversarial, and the government has lawyers working for it. Retain our firm to guide you through the entire eminent domain process. We will vigorously prosecute your right to full compensation for any taking while also making sure the government has the right to take your property in the first place.

We are experienced in this field and invite you to ask around about us. Our firm has been handling eminent domain matters across the state since its inception in 2003. The undersigned lawyers have a combined 115 years of eminent domain experience. To learn more please visit our website at www.hhbzlflorida.com or call us at (407) 843-0404 or (800) 522-4171. We are happy to answer any questions or concerns you may have.

There is no risk in hiring us. You will not pay us a fee or costs. The government is legally required to pay your compensation, your legal fees and your expert fees (the appraisers and experts necessary to establish the value of your property). We will gladly meet with you to inspect your property and evaluate your case. Please call us today.

Cordially,

Gordon H. "Stumpy" Harris



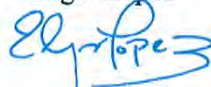
Bruce M. Harris



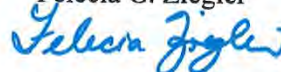
Kurt T. Bauerle



Edgar Lopez



Felecia G. Ziegler



SPACE COAST TRANSPORTATION PLANNING ORGANIZATION TRAFFIC COUNTS: 2008 - 2017

ID	ROAD	SEGMENT (Sections)	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Current	Last Count	Functional Classification
AREA: CENTRAL			AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	MAV	Taken	
US 1															
34	US 1	EYSTER-ROSA JONES	37,540	36,867	UC	34,867	34,703	34,977	35,303	36,267	35,167	34,170	62,900	2/15/2017	Urban Principal Arterial-Other
33	US 1	Eyster-Barton	35,330	35,040	UC	32,330	32,860	33,220	32,820	34,440	33,650	32,520	62,900	2/22/2017	Urban Principal Arterial-Other
88	US 1	Barton-Florida	43,050	42,760	UC	39,440	38,510	38,070	40,160	40,480	39,840	38,860	62,900	2/27/2017	Urban Principal Arterial-Other
US 1															
24	US 1	Florida-Rosa Jones (Poinsett)	34,240	32,800	UC	32,630	32,740	33,640	32,910	33,880	32,010	33,130	62,900	2/27/2017	Urban Principal Arterial-Other
23	US 1	ROSA JONES-PEACHTREE	28,765	22,700	UC	26,940	26,360	26,795	25,375	33,480	30,220	26,885	62,900	2/27/2017	Urban Principal Arterial-Other
US 1															
22	US 1	Rosa Jones (Poinsett)-SR 520	34,010	UC	UC	32,590	32,430	32,840	32,890	33,480	30,220	33,500	62,900	2/27/2017	Urban Principal Arterial-Other
21	US 1	SR 520-Peachtree	23,520	22,700	UC	21,290	20,290	20,750	17,860	UC	UC	20,270	62,900	2/22/2017	Urban Principal Arterial-Other
20	US 1	PEACHTREE-SR 528	29,778	30,400	27,443	28,365	27,363	27,025	UC	UC	26,600	41,790	41,790	2/8/2017	Urban Principal Arterial-Other
19	US 1	Peachtree-Forrest	23,590	22,470	18,880	21,080	20,330	20,560	UC	UC	21,290	41,790	41,790	2/27/2017	Urban Principal Arterial-Other
572	VIERA BLVD	Forrest-Dixon	33,250	32,260	29,770	30,260	29,860	29,460	UC	UC	28,620	41,790	41,790	2/22/2017	Urban Principal Arterial-Other
536	VIERA BLVD	Dixon-Michigan	29,730	31,070	28,860	31,080	28,020	28,510	UC	UC	25,890	41,790	41,790	2/22/2017	Urban Principal Arterial-Other
58	VIERA BLVD	Michigan-SR 528	32,540	35,800	32,260	31,040	31,240	29,570	UC	UC	30,600	41,790	41,790	2/8/2017	Urban Principal Arterial-Other
537	VIERA BLVD	Tavistock-Stadium	10,055	12,245	12,880	13,820	13,240	13,930	14,490	15,950	16,780	17,445	38,800	1/26/2016	Urban Local
AREA: SOUTH															
503	AIRPORT	STADIUM-HOLIDAY SPRINGS	8,030	10,740	12,010	12,790	12,650	13,760	14,600	15,980	17,450	18,130	41,790	2/1/2017	Urban Minor Arterial
502	AIRPORT	MURRELL-HOLIDAY SPRINGS	12,080	13,750	13,750	14,850	13,830	14,100	14,380	15,920	16,110	16,760	41,790	2/1/2017	Urban Minor Arterial
501	AIRPORT	Holiday Springs-US 1	10,550	11,420	11,960	12,830	11,850	12,130	12,190	13,280	13,930	14,800	41,790	2/1/2017	Urban Minor Arterial
AREA: SOUTH															
510	APOLLO	US 192-APOLLO	11,177	10,597	10,990	10,390	10,657	10,570	11,747	11,100	11,993	13,980	32,400	11/15/2017	Urban Minor Arterial
538	APOLLO	US 192-HIBISCUS	10,670	9,720	9,620	9,590	10,080	9,760	11,200	10,080	15,100	11,280	39,800	10/17/2017	Urban Minor Arterial
571	APOLLO	HIBISCUS-NASA	9,740	9,450	9,760	9,250	9,500	9,350	10,570	NC	10,900	11,280	39,800	10/17/2017	Urban Minor Arterial
507	AURORA	NASA-APOLLO	13,120	12,620	13,590	12,330	12,390	12,600	13,470	12,480	15,020	15,560	39,800	10/17/2017	Urban Minor Arterial
514	AURORA	AIRPORT-SARNO	20,040	20,490	20,370	19,120	19,020	19,350	19,020	NC	22,120	23,430	41,790	11/28/2016	Urban Minor Arterial
515	AURORA	Airport-St. Michaels	NC	NC	NC	19,120	NC	19,350	NC	NC	21,980	NC	41,790	10/18/2017	Urban Minor Arterial
376	AURORA	St. Michaels - Sarno	8,955	8,395	8,285	7,670	7,670	7,765	6,865	6,845	6,540	7,460	33,800	10/18/2017	Urban Minor Arterial
446	BABCOCK	Sarno - Eau Gallie Blvd	10,900	9,910	9,820	9,040	9,020	8,800	7,800	7,430	7,490	8,650	15,600	10/18/2017	Urban Major Collector
447	BABCOCK	JOHN RODES-WICKHAM	7,010	6,880	6,710	6,300	6,320	6,730	5,930	6,260	5,590	6,270	17,700	12/6/2017	Urban Major Collector
507	AURORA	J Rhodes-Turtleound	11,297	11,353	10,947	10,857	10,730	11,023	10,713	10,760	11,060	10,963	39,800	10/24/2017	Urban Minor Arterial
514	AURORA	WICKHAM-US 1	11,710	11,750	11,380	11,370	11,320	11,600	10,840	11,600	11,160	11,360	39,800	11/15/2017	Urban Minor Arterial
376	AURORA	WICKHAM-CROTON	11,630	11,560	11,080	11,010	10,800	11,150	11,140	10,910	11,750	12,490	39,800	10/24/2017	Urban Minor Arterial
446	BABCOCK	Croton-Stewart	10,550	10,750	10,380	10,190	10,070	10,320	10,160	9,830	10,330	9,040	39,800	11/15/2017	Urban Minor Arterial
370	BABCOCK	Stewart-US 1	2,625	2,745	2,560	2,570	2,500	2,615	2,720	2,375	3,160	3,360	14,200	10/3/2017	Rural Major Collector
447	BABCOCK	Indian Rv Co-Mico	1,950	2,280	1,930	1,800	1,780	1,870	1,980	1,920	2,300	2,430	14,200	10/3/2017	Rural Major Collector
507	AURORA	Mico-Grant	3,300	3,210	3,190	3,340	3,220	3,360	3,460	2,830	4,020	4,290	14,200	10/3/2017	Rural Major Collector
447	BABCOCK	GRANT-MALABAR	18,480	14,807	14,307	14,570	14,077	14,117	13,678	13,213	15,266	15,953	17,700	10/3/2017	Urban Major Collector
507	AURORA	Grant-Valkaria	7,360	7,360	6,950	7,250	7,010	7,060	7,140	7,200	8,410	8,410	17,700	10/3/2017	Urban Major Collector
448	BABCOCK	VALKARIA-WACO	16,580	16,550	16,100	16,150	15,720	15,560	16,110	15,500	17,700	18,490	17,700	10/3/2017	Urban Minor Arterial
449	BABCOCK	WACO-FOUNDATION PK	20,410	20,510	19,970	20,310	19,500	19,730	19,740	18,570	21,920	23,140	17,700	10/3/2017	Urban Minor Arterial
369	BABCOCK	FOUNDATION PK-MALABAR	30,810	33,610	32,865	33,630	33,235	32,880	31,985	34,340	31,825	34,340	41,790	10/4/2016	Urban Principal Arterial-Other
368	BABCOCK	MALABAR-PALM BAY RD	33,600	NC	34,300	NC	34,850	NC	31,920	NC	29,850	NC	41,790	10/3/2017	Urban Principal Arterial-Other
443	BABCOCK	Malabar-Charles	NC	35,710	NC	35,500	NC	33,510	NC	36,180	NC	37,540	41,790	10/3/2017	Urban Principal Arterial-Other
443	BABCOCK	Charles-Pt Malabar	28,020	31,510	31,430	31,740	31,620	32,260	32,050	32,500	33,800	33,710	41,790	10/3/2017	Urban Principal Arterial-Other
443	BABCOCK	Pt Malabar-Palm Bay													

MAV = Maximum Acceptable Volume

Big Increase By Now!

*Note: 2016 AADT's Beaches area were counted twice in 2016 and the AADT listed is the average of the two counts.
NC=Not Counted; UC=Under Construction

5/10/2018

Chandra Powell

From: p.hensley755 <p.hensley755@gmail.com>
Sent: Monday, June 22, 2020 1:15 PM
To: Laurence Bradley; Chandra Powell
Cc: Judy & Dave Thornberry
Subject: Planning and Zoning

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Palm Bay City Council Members, Planning and Zoning.

Regarding rezoning
Case numbers CP-4-2020 and CPZ-4-2020.

We residents of Plantation Circle strongly object to rezoning of any residential to commercial property in our neighborhood.

We feel this proposed change is not in the best interest of our neighborhood, would be in conflict with the city plan for our area and would negatively affect our property values.

We strongly urge you to vote no on this proposal and preserve our peaceful quiet family neighborhood.

Sincerely,
Paul & Mayra Hensley
1858 Plantation Circle
SE Palm Bay Florida
June 22, 2020

Sent from my Sprint Samsung Galaxy Note8.

Chandra Powell

From: Jane Clary <claryt@fit.edu>
Sent: Monday, June 22, 2020 1:32 PM
To: Laurence Bradley; Chandra Powell
Cc: Jane Clary
Subject: Objection to Plantation Circle Rezoning Case# CP-4-2020 and CPZ-4-2020
Attachments: Brian West Letter to Residents 8-21-2015 (1).pdf; Apr24-2017 Fire Plantation Cir - West Point Babcock Property.png

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Re: Objection to Plantation Circle Rezoning Case# CP-4-2020 and CPZ-4-2020 Family Residential to Community Commercial

I object to the change in the comprehensive plan and rezoning of 3.86 acres on Planation Circle to commercial.

It does not make any sense to place commercial development at the east end of Cogan at the corner of Babcock & the north Plantation Circle entrance. What could possibly justify changing the image of the middle of a residential neighborhood by placing a business there that does not match the surrounding land's existing use - all 1 acre home sites (and is not part of the Palm Bay Comprehensive Plan)? This land owner has no hardship - he purchased it in July of 2015, 8.14 acres for \$140,000 (quite the bargain, \$17,199/acre). This is Spot Zoning.

If a person were talking about commercial land just to the north or south of the neighborhood, that would be easier to imagine, but why right smack in the middle of a current neighborhood? Only for profit. To the south, there is endless land available for commercial development, with well thought out separated residential neighborhoods. There is land already zoned commercial at the corner of Babcock Street & Grant Road. And, just to the north of our area, both Westside Avenue and Senate Avenue would offer buffers to residential neighborhoods if property to the east of Babcock was developed commercially (see map below).

Not only does this type of buffer not exist around the land requested to be changed to commercial, there are **11 streets that intersect with Babcock in less than one half of a mile** (a quarter mile to the north and a quarter mile to the south). In addition Sunrise Elementary is less than a mile to the south. **This has to be one of the worst land choices to add commercial congestion to that one could imagine.**

Instead of making the Cogan/Babcock intersection one of the next most congested areas on Babcock Street, and a dreaded intersection, the land instead should be set aside as a future water retention area for when Babcock is widened – it is currently one of the choices in FDOT's plan – and the most logical choice. This would be consistent with the current use of the land, the lots both to the south and north of this land are currently retention ponds for Planation Circle drainage (currently owned by private individuals who voluntarily maintain them, at their own cost, for the neighborhood). The portion of this property that is bordered by Babcock should be set aside through "eminent domain" for a retention pond, so that road flooding will not be an issue once Babcock is widened. The back part of the property should only be developed as residential homes that match the existing neighborhood, or the entire property used for water retention.

Brian West, West Babcock LLC originally brought this zoning change request to the Planning & Zoning Board 5 years ago, right after purchasing it. The Zoning Board recommended that the City Council deny it, so when it came time for the City Council vote, he withdrew his request. Then a 2nd time he applied for the same request – nothing changed regarding this property (he though had new lawyer). Planning & Zoning again recommended that it be denied. This case was on the September 1st City Council Agenda, but Brian West choose to delay it yet again (until September 15th). We, as neighbors attended, to ensure that the City Council see that all of us tax paying voters are deeply concerned. In between these requests and the current request, there have been many additional meetings that we have had to be the watch dogs on, and hire a lawyer and land planner to help save the historic rural feel of our neighborhood. Now again this same change is being requested by the developer.

So, Plantation Circle and surrounding neighbors (usually more than 50 of us - in red shirts) must continue to go to these meetings, in order to protect the uniformity of our neighborhood, and attempt to ensure that a daily traffic nightmare at the entrance to our neighborhood is not in our future. An outside prospector/developer should not be able to continue to make the same request, in an attempt to wear down those who it affects. Brian West is hoping that as City Council Members change, he will be able to push/bully his agenda through. In August of 2015 he wrote an arrogant, threatening letter to all of us prior to any official meetings, that stated if we did not "get on board" he was basically guaranteed to win in the end, and develop the property however he wanted without concern for its Palm Bay neighbors (excerpt shown below, entire letter attached - which includes many false statements). I hope once again, the Planning & Zoning Board will recommend that the Palm Bay City Council rejects this Comprehensive Plan and Land Zoning change from residential property to commercial property, and protect the land interests of its Palm Bay citizens who will be left here to live with the traffic nightmares long after the outside real estate prospector/developer is long gone with his profits.

This zoning change would only be for the benefit of one company - West Pointe Babcock, LLC - No one in Palm Bay will be better off with this change.

Some history on this case: On Monday April 24th, 2017 the night before the meeting which was set up by the developer (at Comfort Suites) "to meet with the neighbors", we came home to a fire on this exact property, which was investigated by the fire marshal – no determination was found on how it got started – no lightning Fire fighters had to work all night and until noon the next day to protect our houses and lives. It was so windy, it could have easily caught one of our houses on fire. Pictures attached and shown below. Back then, that would have taken away any wildlife issues for the developer. Now though, wild life has once again taken refuge on this property. Please help protect your current Palm Bay citizens.

Thank you for your time and consideration, and please recommend that the Palm Bay City Council rejects this out of place commercial comprehensive plan and zoning request (as they had voted it down last year – there have been no changes in their request)!

Jane Clary

1835 Plantation Cir SE (for 23 years),

Palm Bay (for 55 years, 3rd generation Palm Bayer – My parents are Mary T. and Martin Bayer, Martin was actually on the council back in the 1950's)

321-537-4917

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

Memo to Plantation Circle Homeowners

This is where we are at:

1. We purchased 8.5 acres (zoned residential) of vacant land located at the SEC of Babcock Street and Plantation Circle. We plan to develop half of it for commercial purposes.
2. The nearby residents want to see the corner developed as a single family residence. Sorry, that simply will not happen. Anybody that thinks that is what will happen, is just being foolish and not realistic.
3. The property was intentionally left out of the original plat that the rest of the property owners are part of. There are "no" deed restrictions against commercial development on the entire 8.5 acres we purchased.
4. This property has been offered for sale to residential developers for 20 years and did not sell to residential builders. This means the property's highest and best use is not residential, and most likely commercial. You simply don't want to locate single family residents on a main arterial thoroughfare. It should be prevented if possible, and that is the opportunity we give the City of Palm Bay. Legally, Florida Case Law is clear and says you zone property for its best use for the overall community, "not" just for a few surrounding residents.
5. Planners by statute are supposed to zone properties for its highest and best use. Note: the fastest growing City in the entire United States, Houston, Texas, for the last 20 years, has "no" zoning; yes, no zoning! It is total "Buyer Beware"! The City of Palm Bay clearly wants to be a fast growing City.
6. Babcock Street is considered to be a major "commercial" thoroughfare in Brevard County. Most of the property on the East side of Babcock Street from Malabar Rd South to the new I-95 Interchange over the next 10 years will be zoned to some form of commercial or institutional type zoning. That

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

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

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

8. Commercial properties, by good planning, are located at main intersections. The intersection of Coogan & Babcock is a main intersection, and the busiest intersections on Babcock Street, South of Malabar Rd.
9. Ideally, the location of commercial properties and the services they offer are best located to where they are needed to best serve the public. People typically shop where that closest opportunity is, thus, "reducing" the total traffic in an area.
10. One of the City of Palm Bay's worst financial problems is the lack of a large commercial tax base. It has the lowest commercial tax base of any City its size in the State of Florida. Further, the City of Palm Bay is one of the most under retained cities in the State of Florida. It is a well-known fact, the City of Palm Bay wants to significantly increase its commercial tax base. Well, how do you think that happens?

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

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

THREAT

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

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

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

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

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

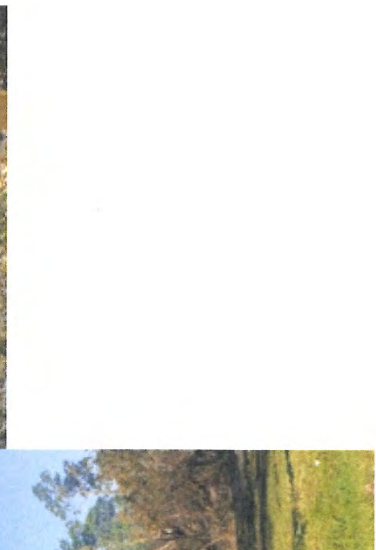
To increase the residential property values in the area the residents should be pushing for 4 things to occur:

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

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

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

I look forward to hearing from you.



Chandra Powell

From: Robert Heitsch <rtheitsch@gmail.com>
Sent: Monday, June 22, 2020 2:27 PM
To: Laurence Bradley; Chandra Powell
Subject: Recommend against CP-4-2020 and CPZ-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Laurence Bradley and the Palm Bay City Planning and Zoning Board Members:

My name is Robert Heitsch. I reside at 1755 Plantation Circle SE, Palm Bay FL and have lived there for the past 30 years.

I strongly urge the P & Z board to deny requests CP-4-2020 and CPZ-4-2020. CPZ-4-2020 is incompatible with the Palm Bay Code of Ordinances, Section 183.01. Specifically, enforcement of Section 183.01 (B) requires the city to preserve the residential or historical character of neighborhoods and to protect private property rights.

The applicant has provided no indication of what type of commercial development would be located on the property. Many types of commercial property land uses, negatively impact the neighborhood in terms of safety, environmental pollution and unwanted additional commercial traffic on a quiet residential street. Since it is not known how the property would be commercially developed, the city has no assurance that the development would not infringe on the private property rights of the neighborhood residents.

The plantation circle neighborhood consists of 46 large homes on manicured one acre or larger lots in a low density setting. The application's property is surrounded by the neighborhood. The applications property is located between the two entrances into the neighborhood off Babcock. There are little if any commercial businesses that could be located on the applications property that would preserve the residential character of the plantation circle neighborhood.

This is the sixth time in less than 5 years that this rezoning request has been brought to the board. The P&Z board has voted against this rezoning in each of the five previous times it was presented to them. I have attended all of the prior city council and P&Z meetings associated with these requests and have yet to hear a compelling reason to consider approving the rezoning request.

Respectfully,
Robert Heitsch
1755 Plantation Circle SE

Chandra Powell

From: WILLIAM FAULKENBERRY <wfaulken@bellsouth.net>
Sent: Monday, June 22, 2020 4:36 PM
To: Laurence Bradley; Chandra Powell
Subject: Case #'s CP-4-2020 and CPZ-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We respectively object to the rezoning of 3.86 acres on Plantation Circle and Babcock to commercial. We live in a very quiet and established neighborhood and believe having a commercial property at the opening of our street would be devastating to the integrity of our neighborhood. It would bring in extra traffic down our now quiet streets not to mention possible crime.

There is multiple already commercial established properties both to the south and north of us, so it doesn't make a lot of sense to come into a quiet, nice neighborhood with some kind of commercial business. Please take into consideration if they wanted to put a 7-11 or a bank at the opening of your neighborhood, how you would feel about that. We have young children and grandchildren that can now ride bikes or skate right in the middle of the road because the only traffic we have are the people that live here.

We request that you consider not letting the property be rezoned. We don't object to commercial growth in Palm Bay, just not in our neighborhood.

Thank you for your time,
Bill and Lisa Faulkenberry
1842 Plantation Cir. SE

REZONING OF PLANTATION CIRCLE.

Re: CP-4-2020 and CPZ-4-2020

Laurence.bradley@pbfl.org

Chandra.Powell@pbfl.org

My name is Kenneth L. Johnson, Sr. I have resided with my wife, Roberta, at 1894 Plantation Circle since 2003. I am writing you to express our opposition to the change in the comprehensive plan and rezoning CP-4-2020 and CPZ-4-2020 on the rezoning of 3.86 acres on Plantation Circle to commercial.

When we searched for a place to retire we decided on the Palm Bay area for its peaceful and serene location. After spending most of my 72 years in New York, Philadelphia and Washington, and having been exposed to some of the environmental issues that are characteristic in an urban setting, I searched for, and found, a residential area that would be devoid of the inherent noise, pollution, crime and traffic congestion of city life.

Although our research showed us potential commercial development areas to the north and south of our home, we felt comfortable that the development in Plantation Circle would provide a safe haven away from what we had been exposed to.

We also sought a place where we could establish a central gathering place for our extended family. We have five children, 13 grandchildren and 31 great-grandchildren, and our home provides a respite away from their urban environment. Here, they run in the grass and ride their bicycles without concern for traffic, and without a concern for their personal safety. This goes far in enhancing their quality of life and helps us to establish and maintain a legacy for them.

The proposed rezoning of Plantation Circle would be a detriment to everything we have worked for. Our one acre, the acre that God blessed us with, lies directly adjacent to the proposed rezoned area. We have had a buffer to the west of us, a retention pond, and the vacant land behind us, and this has shielded our family from some of the noise and pollution that already permeates through the area from Babcock Street, which is already viewed as a commercial thoroughfare in Brevard County.

Witness the condition of Babcock Street from Malabar Road, south to Micco road.

We have an ideal community on Plantation Circle. Our homeowners maintain the safety and security of our community through the watching out of not just their home, but their neighbor's home. Any commercial development in our circle would disrupt that sense of community and expose us to the dangers and the environmental issues that come with commercial development.

Therefore, it is for these reasons that we implore you to reject any commercialization of Plantation Circle. We believe any commercialization of Plantation Circle is detrimental to the peace and tranquility of the area, and is not in keeping with those things that are deemed good for the community.

Chandra Powell

From: B <kaletas@hotmail.com>
Sent: Tuesday, June 23, 2020 9:12 AM
To: Chandra Powell
Cc: Laurence Bradley
Subject: Rezoning of Plantation circle to commercial cp-4-2020 and cpz-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I object to the applicants request for rezoning . Over the many years now that they have been trying to rezone this property .The city and planning and zoning has denied their request for good reason.

Plantation circle is made up of one-acre home sites . This property sits in front of plantation circle on Babcock St. and Cogan Ave also a very busy and dangerous intersection. We all know that Babcock St. will be widened and some of that frontage will be needed for road improvements and widening . Which means the city would have to buy back the property in question at the higher commercial rate as opposed to just residential . This costs all palm bay property owners to pay owners for the land needed for the widening of Babcock St. There is also a purposed traffic circle that would be located in that same area that would further complicate the traffic in that area . Plantation Circle also currently has two retention pounds fronting Babcock ST that a partial of those ponds would be needed for the widening of Babcock St according to the purposed drawing . I believe that the proposed property rezoning to commercial is not a god fit.

There are many commercial properties still available on Babcock St. that were part of the original city plan that makes sense where they are located . I think there are better properties that are more suited for commercial use .

The applicant also does not pay his property taxes on land owned in palm bay . If all property owners were like this the city would have no money.

Thank you for your time the people of Plantation Circle really do want what's best for Palm Bay Fl .

Tim Kaleta
1862 Plantation Cir S.E. Palm Bay Fl 32909

Chandra Powell

From: Linda Filis <lifilis@yahoo.com>
Sent: Tuesday, June 23, 2020 12:55 PM
To: Chandra Powell; Laurence Bradley
Subject: Opposition Letter to Case No. CP-4-2020 and CPZ-4-2020
Attachments: Council speech draft 05-17-2018 Updated 6-22-2020.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chandra Powell,

Please see attached Opposition Letter to Case No. CP-4-2020 and CPZ-4-2020.

This letter is to be sent to Laurence Bradley and the Planning and Zoning Board members. Please include this letter with the Staff Report package to be included into the Public Record.

Thank you very much,

Linda Filis
lifilis@yahoo.com
1779 Plantation Cir SE
Palm Bay, FL 32909
(321) 724-8081

TO: Chandra Powell, Laurence Bradley, Zoning Board Members,

OPPOSITION TO: CP-4-2020 AND CPZ-4-2020

My name is Linda Filis. I reside at 1779 Plantation Cir SE Palm Bay, FL 32909

I, Linda Filis, the first resident on Plantation Circle within the city limits of Palm Bay, along with my family and neighbors do strongly and whole heartedly

OPPOSE: Future land use change from single family residential to commercial (CP-4-2020)

OPPOSE: The rezoning of 3.86 acres from rural residential to community commercial at the south east corner of the north entrance to Plantation Circle on Babcock Street (CPZ-4-2020)

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

I QUOTE the city objective (Future Land Use: FLU-2.3) "Prevent incompatible land uses from locating in residential areas in order to promote neighborhood stability and prevent deterioration."

As one of the first families to break ground on Plantation Circle, 36 years ago in 1984, we have enjoyed seeing the neighborhood flourish. Each one of us has become part of a God loving, hardworking, family oriented, diversified and culturally enriched community. A fellowship of devoted and loyal **PALM BAY CITIZENS**. These are the attributes of a thriving, well-kept and quiet residential neighborhood. Many of us (never alone,

but with each other's help) have experienced joy and happiness, good health and sickness, prosperity and loss, hurricanes and forest fires, and even death. **Together** we have grown **strong** through life's journey.

In 1988 we joined together and stood strong for five years, with the help of an attorney, won a lawsuit, and fixed our drainage problem. The road was rebuilt and turned over to the City of Palm Bay in 1992. Four one acre lots were given up as drainage ponds. For many years the ponds had no upkeep or maintenance. Then two of our Plantation Circle residents bought the ponds back and restored them to a useable condition with continuing maintenance. **We** worked together as a community to solve our problems.

The land that is trying to be changed from rural residential to community commercial was not part of this development in 1984. It was zoned rural residential. It has been sold numerous times and remained zoned rural residential. **It should remain rural residential,**

I QUOTE out of the City of Palm Bay's comprehensive plan future land use policy (FLU-2.3A) "The Land Development Regulations shall continue to contain provisions to ensure that land uses surrounded by and/or abutting residential areas are not in conflict with the scale, intensity, density and **character** of the residential area."

Our community has helped foster beautiful individuals (our children) with strong foundations who add to the rich history of the city of Palm Bay.

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

Elementary School Teacher, Nurse Practitioner, Computer Engineer,
Financial Advisors, Media Specialist, Chef, Industrial Engineer,

Doctor of Chemical Engineering, Cyber Security Analyst, Youth
Counselor, Emergency Room Physician,

Just to name a few.

We know what is best for our families and neighbors. We must remain zoned a Rural Residential District at Babcock St. and Plantation Circle to keep the integrity of our community and its uniqueness intact. This is where the history of our families' hearts and souls exist.

IN CONCLUSION:

I QUOTE out of the City of Palm Bay's Land Development Division Staff Report: **"the proposed FLU amendment is inconsistent with multiple policies and objectives of the Plan. Sufficient commercial land use at identified nodes exists both north and south of the subject property and within a relatively short distance."**

Please help us by voting NO to the land use and zoning changes proposed. Thank you.

Linda Filis

lfilis@yahoo.com

1779 Plantation Cir. SE

Palm Bay, FL 32909

(321) 724-8081

Chandra Powell

From: Trevor Filis <tgfilis@yahoo.com>
Sent: Tuesday, June 23, 2020 1:45 PM
To: Chandra Powell; Laurence Bradley
Subject: Opposition to Rezoning Case No. CP-4-2020 and CPZ-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chandra Powell and Laurence Bradley,

I am opposed to the proposed rezoning of the property at the corner of Babcock ST and Plantation Cir.

The proposed rezoning is senseless as it cannot handle a commercial presence. There are already large sections property that have been zoned for commercial north and south of this property that is better suited to businesses, if they want to build there. No business would want to put a storefront in the proposed rezoning as it is not viable to have a commercial entity there. It was stated that no one would want to build a house there and could not support a home. If that is the case, why would this property be able to handle, support, and be viable for any commercial entity. It makes no sense.

The property owner has threatened and bullied our neighborhood for opposing this rezoning in the past. I will not be shaken. I oppose this proposed rezoning.

Thank you for your time. Please see that this email is attached to the Staff Report package to be entered into the public record.

Sincerely,

Trevor Filis
tgfilis@yahoo.com
1779 Plantation Cir SE
Palm Bay, FL 32909
(321) 724-8081

Chandra Powell

From: Judy Thornberry <judythornberry@gmail.com>
Sent: Tuesday, June 23, 2020 7:36 PM
To: Laurence Bradley; Chandra Powell; Terese Jones
Subject: CP-4-2020 CPZ-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,

I object to the change in the comprehensive plan and rezoning CP-4-2020 and CPZ-4-2020 on the rezoning of 3.86 acres on Plantation Circle to community commercial. or any type of commercial. We are an established neighborhood. This would bring lower property values, more traffic on our road and crime into our neighborhood. The applicant has not told us what they plan to put in this spot. It would be like giving him a blank check. There are plenty of commercial properties to the north and to the south of this neighborhood. We are not against commercial property development . This is just the wrong place to rezone for this type of plan.

Due to the Corona 19 virus a lot of my neighbors are unable to attend this meeting on July 1st . . They have compromised immune systems . How many seats will there be available for this meeting?

Judy Thornberry
judythornberry@gmail.com
1859 Plantation Circle S.E.
Palm Bay, FL

Chandra Powell

From: David Thornberry <davetberry@bellsouth.net>
Sent: Tuesday, June 23, 2020 7:57 PM
To: Laurence Bradley; Chandra Powell; Terese Jones
Cc: Judy Thornberry
Subject: CP-4-2020 CPZ-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Bardley, Ms. Powell and Ms. Jones.

I object to the change in the comprehensive plan and rezoning CP-4-2020 and CPZ-4-2020 on the rezoning of 3.86 acres on Plantation Circle to community commercial. or any type of commercial. We are an established neighborhood. This would bring lower property values, more traffic on our road and crime into our neighborhood. The applicant has not told us what they plan to put in this spot. It would be like giving him a blank check. There are plenty of commercial properties to the north and to the south of this neighborhood. We are not against commercial property development . This is just the wrong place to rezone for this type of spot zoning.

In 2018b both the Planning and Zoning Committee and 4 of the 5 council members voted against this attempt at degrading our neighborhood by people that don't even live in Brevard county, little alone Palm Bay.

Also in light of the county to put in a traffic circle between Cogan and Babcock street, this attempt for commercialization is just a way to increase the value of the land that will have to be purchased by Brevard county to put in the traffic circle. Basically this will cost our citizens quite a bit of additional tax money just to line the pockets of the unethical developers. Do NOT reward them.

Due to the Corona 19 virus a lot of my neighbors are unable to attend this meeting on July 1st . . They have compromised immune systems . How many seats will there be available for this meeting?

Sincerely,
David Thornberry
1859 Plantation Circle S.E.
Palm Bay,Fl

Chandra Powell

From: Gordon Hampden <g.e.hampden@gmail.com>
Sent: Tuesday, June 23, 2020 7:57 PM
To: Laurence Bradley; Chandra Powell
Subject: Opposition to Rezoning CP-4-2020 and CPZ-4-2020
Attachments: image001.jpg

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening Messrs. Powell and Bradley,

I strongly object to the change in the comprehensive plan and rezoning noted above on the rezoning of the 3.86 acres on Plantation Circle to commercial..

We have been having this dance for over four years now and our collective position has not changed. This is an established and refreshingly quiet neighborhood of mostly retired persons and several retired veterans.

There is commercial property on both sides of this parcel and do not see the need to inject a commercial property in the middle of an established residential neighborhood. That would be tantamount to someone seeking to rezone a piece of land from commercial to residential in the middle of an already established commercial zone. You would not allow that under any circumstance.

I hope that you will see this for what it really is. For over four years, we have had to deal with this person who does not live in this neighborhood, who has no interest in this neighborhood and is only interested in making a quick dollar.

I am not one who is opposed to growth or commercial development. I do however stand firmly when someone takes a position that will destroy the quality of life for long term residents in a very nice neighborhood and for what? Greed!

He did not succeed before and now he is attempting to change the rules that will allow him to exploit a group of senior citizens solely for his own personal gain.

I object and hope you will too.

May thanks and please stay safe.

Dr. Gordon E. Hampden, MBA, FACHE

Vice President, Caribbean Operations

JIPA Network

"Your Connection to Affordable Global Health Care"



This electronic message transmission, which includes any files transmitted with it, may contain confidential or privileged information and is only intended for the individual(s) or entity(ies) named above. If you are not the intended recipient of this email, please be aware that you have received this email in error and any disclosure, copying, distribution or use of the contents of this information is strictly prohibited. If you have received this email in error, please immediately purge it and all attachments and notify us immediately by telephone (954-331-6500) or by return email. Thank you.

Chandra Powell

From: gfilis@cfl.rr.com
Sent: Tuesday, June 23, 2020 9:21 PM
To: Chandra Powell
Cc: Laurence Bradley
Subject: Opposition to CP-4-2020 and CPZ-4-2020
Attachments: Greg's opposition letter.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Chandra. Would you please attach this letter in pdf format to the package for presentation to the P & Z board meeting July 1, 2020 and if you can, send me a copy of the presentation package.

Thank you,

Greg Filis

1779 Plantation Cir. SE

Palm Bay, Fl 32909

(321) 724-8081

gfilis@cfl.rr.com



Virus-free. www.avast.com

Honorable Mayor and City Council Members of Palm Bay,

My name is Greg Filis. I reside at 1779 Plantation Cir SE Palm Bay, FL 32909

I, OPPOSE:

The future land use change from single family residential to any type of commercial (CP-4-2020)

AND the rezoning of any number of acres from rural residential to community commercial at the south east corner of the north entrance to Plantation Circle on Babcock Street (CPZ-4-2020)

BECAUSE: This entire area of land was meant to be residential property from the days it was Greenwood Plantation. A change of this magnitude will **FUNDAMENTALLY** change the complexion of the neighborhood. Allowing this would be at odds with the City of Palm Bay's Comprehensive Plan and the classification concerning its use differs from all the property in the immediate area.

I QUOTE the city objective (Future Land Use: FLU-2.3) "Prevent incompatible land uses from locating in residential areas in order to promote neighborhood stability and prevent deterioration."

In 1988 we sued the developer to fix our drainage problem and make this area into what he had advertised. The road was rebuilt and turned over to the City of Palm Bay in 1992. I

QUOTE out of the City of Palm Bay's comprehensive plan future land use policy (FLU-2.3A) "The Land Development Regulations

shall continue to contain provisions to ensure that land uses surrounded by and/or abutting residential areas are not in conflict with the scale, intensity, density and **character** of the residential area.”

The applicant for this change owns property both north and south of the property in question which is already zoned commercial and much better suited for the purpose (particularly on the northeast corner of Babcock St. and Grant Road). He is aware of the state’s plan to possibly put a pond in this area in connection with the plans to widen Babcock St. and in the application states “This vacant parcel is no longer suitable for residential use. It is located at a main intersection on Babcock St.” The same suitability applies the commercial property and the intersection spoken of is over 200 feet from Plantation Circle’s north entry to Cogan Drive.

IN CONCLUSION:

I QUOTE out of the City of Palm Bay’s Land Development Division Staff Report: **“the proposed FLU amendment is inconsistent with multiple policies and objectives of the Plan. Sufficient commercial land use at identified nodes exists both north and south of the subject property and within a relatively short distance.”**

Please help us by voting NO to the land use and zoning changes proposed. Thank you.

Chandra Powell

From: Stuart Filis <sfilis@cfl.rr.com>
Sent: Tuesday, June 23, 2020 10:06 PM
To: Chandra Powell; Laurence Bradley
Subject: Opposition to Case No. CP-4-2020 and CPZ-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Powell and Mr. Bradley,

I am opposed to the proposed rezoning of the property at the corner of Babcock St and Plantation Cir.

The proposed rezoning is senseless as it cannot handle a commercial presence. There are already large sections of property that have been zoned for commercial use to the north and south of this property that are far better suited to businesses, if they want to build there. No business would want to put a storefront on the property proposed for rezoning because it is not viable to have a commercial entity there. It was stated by the applicant that no one would want to build a house on the property and that it could not support a home. If that is the case, then why would this property be able to handle, support, and be viable for any commercial entity. It makes no sense.

The property owner has threatened and bullied our neighborhood for opposing this rezoning in the past. I will not be shaken. I oppose this proposed rezoning.

Thank you for your time. Please see that this email is attached to the Staff Report package to be entered into the public record.

Sincerely,

Stuart Filis
sfilis@yahoo.com
1779 Plantation Cir SE
Palm Bay, FL 32909
(321) 724-8081

Chandra Powell

From: Nitrovintage <trace@nitrovintage.com>
Sent: Wednesday, June 24, 2020 9:11 AM
To: Laurence Bradley; Chandra Powell
Subject: Case numbers CP-4-2020 and CPZ-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Here we go again!

Below is the letter I sent last time and the time before that. Notice a pattern?

I am wondering how long must we endure this attack on our neighborhoods? This corner of Palm Bay will be the new entrance to our city from the interstate. Let us not look like the next line of cheap convenience stores and commercial boredom. The slate is clean now.

From : 27AUG2015 then 26APR2017 and now 24JUN2020.

I object to the proposed Rezoning of property in Plantation Circle,(Case Nos. were CPZ-7-2015, CP-7-2015 , then : CP-13-2017 and CPZ-13-201) and the current case numbers are CP-4-2020 and CPZ-4-2020 Approval of this application would result in irreparable harm to our neighborhood.

The proposed site is within the boundaries of an existing neighborhood of existing homes. The site backs up to residential yards and is directly across the street to others. People walk, jog, walk their pets, and children play in this neighborhood. Folks bought their houses here because is is a RESIDENTIAL NEIGHBORHOOD.

A business at this site will attract increased traffic, pollution, and potential crime as well as nighttime light pollution and visual disruption. Businesses are not typically pretty.

The view east from Cogan Street and the homes there will be of a commercial operation. (I suspect a filling station, since the applicants are elusive about the actual nature.)

One acre home sites are rare in a neighborhood setting in Palm Bay. We should be preserving this place, not destroying it.

No Water, Sewer, or Drainage currently exist on the site. We have some drainage issues here already. There are currently open issues on drainage with the supposed retention pond at Babcock street. The rear ditches don't work at all.

Commercial Property currently exists just north of this site at Eldron and Babcock streets. It is already in the Use Plan and not utilized.

The current Land Use Plan for Palm Bay is dated 2011, less than 9 years old. let's stick with it a while. Palm Bay must act against these predatory land grabs in order to maintain the integrity of our neighborhoods. Carpetbaggers don't care about us.

Thank You,

Tracy P. Amadon
1870 Plantation Circle, Palm Bay, Fl
(321)727-0332

Sent from Earth

Chandra Powell

From: Grandolly Edwards <grandolly322@gmail.com>
Sent: Wednesday, June 24, 2020 6:37 PM
To: lawrence.bradley@pbfl.org; Chandra Powell
Subject: Rezoning Plantation Cr.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please do not let a greedy developer rezone any of our low density, quiet neighborhood into an unknown commercial enterprise.

It would also be counterproductive for the city of Palm Bay. You already know you will be widening the road right where he wants to make his residential property become commercial. You will have to pay him alot more to buy it from him as commercial at that time.

Thanks for your consideration.

David Edward's
Dolly Edward's
Paul Edward's
Toby Edward's
1814 Plantation Cr.

CORRESPONDENCE

Received after Planning and Zoning Board Packet was published

Chandra Powell

From: Renee Pariseau <musicdiva1630@yahoo.com>
Sent: Friday, June 26, 2020 8:53 PM
To: Chandra Powell
Subject: CP-4-2020 and CPZ-4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Powell,

We object to the change in the comprehensive plan and rezoning CP-4-2020 and CPZ-4-2020 on the rezoning of 3.86 acres on Plantation Circle to commercial.

We bought our house on Plantation Circle last October because the area was quiet and well kept. All of us take pride in our property and keep our yards beautiful. This change would lower the property value of the houses, bring more traffic to our quiet neighborhood, and possibly invite crime into our area.

The applicant has not told us what they plan to put in this spot. There are plenty of commercial properties to the north and to the south of this neighborhood. We are not against commercial property development. This is just the wrong place to rezone for this type of plan.

Thank you for your attention to this matter.

Patricia and Kevin Tesmacher

Renee Pariseau

Chandra Powell

From: Larry McIntyre <mcintyreogp@gmail.com>
Sent: Saturday, June 27, 2020 9:29 AM
To: Chandra Powell
Subject: case numbers cp-4-2020 and cpz-4-2020 .

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I live in the Plantation Circle neighborhood and once again a landowner that fronts Babcock Street is trying to rezone his property to commercial. This has been denied many times. Please do not let them rezone this property. It does not meet any planning or zoning guidelines.

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

CORRESPONDENCE

Received after July 1, 2020 Planning and Zoning Board Meeting

Kenneth R. Smith

*As Trustee of
The Kenneth R. Smith Trust*
1866 Plantation Circle
Palm Bay, Florida 3290
321-499-3166
Cell-609-226-0120
wetemps@aol.com

July 8, 2020

Mr. Lawrence Bradley
Director
Division of Land Management
City of Palm Bay
Palm Bay Florida

Re: Clarification of Ordinance 134.34 as applied to Cp 4-2020 and Cpz 4 2020

Dear Mr. Bradley

As you are aware, I am intimately involved in the movement to protect Plantation Circle from unnecessary commercial development.

The applicant in this case elected to use the Minor sub-division specifically designed for the creation of single family residential lots (184.34) to subdivide this property.

184.34 (1) requires **ONLY SINGLE FAMILY RESIDENTIAL LOTS** as condition for subdivision.
184.34 (5) requires that **"The sub-division shall be all inclusive and shall not consist of more than one (1) phase of development"**

My research of several journals has found that, the purchase, subdivision, **rezoning**, change of use and construction are all phases of development

Therefore, according to the ordinance, as it is now written, once the subdivision was completed and recorded it can not altered by a new phase of development including change of use and rezoning. . This minor subdivision ordinance is specifically designed for the creation of single family residential lots. The applicant agreed to these terms when he completed his application for minor residential subdivision and must be held to them.

It appears to me that the applicant did not execute the minor subdivision in good faith and in fact misled the city in his commitment to keep the properties single family residential. He is now attempting to violate 184.34 by applying for another phase of development on one of the subdivided pieces of land, which is not allowed as the current ordinance reads.

After studying this ordinance and contacting two attorneys, I have come to the conclusion that if this matter is allowed to proceed, any unfavorable decision against our position will result in a reversal on appeal. This ordinance 184.34 (1) and (5) is both **specific and clear**.

Unless someone can show me where additional development changes on any other previous minor subdivision has been allowed., the ordinance must stand on its merits. With that in mind, this matter is now moot and further different development to these subdivided lots is prohibited by current ordinance.

Lastly, I would like to comment on the waivers applied for and given to the applicant.

First was the variance not to hook up to city water and sewer to all sub-divided lots. The applicant applied for and obtained a variance from the City Council (Upon recommendation from the public works department). That eliminated the need for water and sewer hook up to all the lots in order to meet minor subdivision requirement. +The applicant has now applied for commercial re-zoning of the front lot of the subdivision. The waiver for water and sewer hook up should be voided if all of the lots are not residential. That will then void the minor subdivision in its current form and require a multi use application for subdivision that should have been done in the first place.

Second, a review of the Plat plan for the subdivision shows an incredible lack of foresight and planning with regards to storm water planning. The applicant was given a "pass" on the requirement for a storm water drainage system on this 8 acre 5 lot subdivision. I have not been able to find even one 5-lot subdivision in Palm Bay without the required storm water drainage plan. A review of the subdivision plat will show that there is no right of way for storm water drainage so that all lots can drain properly. This usually will require a retention pond because direct storm water flow out into the main canals is usually not permitted. None of this has been addressed, instead, a notation on the plat indicates that each new lot owner must come up with their own storm water plan prior to construction.

This looks bad to me. Its like someone in the public works department seems to be carrying the cross for this developer. They recommended a waiver for water and sewer hookup, all the while knowing that the hook up to these utilities are a priority of both the city and the county. They allowed the developer to save thousands of dollars of normally required improvements that will now be passed on to unsuspecting buyers of the lots. In Addition, allowing for no storm water drainage plan whatsoever on an 8 acre 5 lot subdivision in an area known to have drainage problems and containing wetlands makes no logical sense. I believe that these actions should be reviewed as to their appropriateness and validity. Were these decisions good for the residents and the city or were they good only for the developer?

In no case should pressure from the applicant be the reason for the decisions made. Protection of all of the residents of Palm Bay, including the new buyers of these lots should be the primary consideration. At this point, it appears that is not the case. Right now it's "Let the buyer beware".

Conclusion

I request that the applications cp 4 2020 and cpz 4 2020 be determined invalid in accordance with 184.34 (1) and (5). Both applications are in violation of the ordinance and should not permitted to move forward.

I request a review into the decisions and recommendations made by the public works department to facilitate this applicant 's application for waiver from water and sewer hook-up. What was the justification for not requiring a storm water drainage plan on the aforementioned subdivision. , How did it came to be that an 8 acre, 5 lot subdivision was exempted by the public works department from the usually required storm water drainage requirement. This appears to be unique to only this minor subdivision.

I would appreciate a formal reply indicating the City's official position and plan of action in this matter.

Sincerely and respectfully



Kenneth R. Smith
1866 Plantation Circle
Palm Bay Florida 32909

Patrick Murphy

From: Ken Smith <wetemps@aol.com>
Sent: Saturday, July 11, 2020 5:11 PM
To: laurance.bradley@palmbayflorida.org; Patrick Murphy
Subject: Wetland map of plantatin Circle lot with subdivision outlines.
Attachments: wetlands2020.jpg

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Bradley

Hope that you and your family are healthy and well during this epidemic

Attached is a picture from the National Wetlands Inventory website for the area of Plantation Circle.

I have roughly outlined the subdivided lots and also have measured the area of the known wetlands.

You can verify this information at the URL listed at the top of the picture.

I am sending this to you so that you can understand why I was so very upset when I found out that the public works department allowed this sensitive and low laying land to get a pass on a required subdivision storm water plan . This property contains significant known wetlands and should have been taken care of properly.. Con 1.2 D , along with 174.065, 174.066, 174.067, and 174.068 were completely ignored in this decision, which I don't think was legal

Also, in review, the same department recommended to city council to grant a waiver for the subdivision not to hook up to city water and sewer. Based on FLU-6.1 B (5), two of these subdivided lots have now been rendered non buildable and they now will still require city water and sewer because of the wetlands restrictions. This was never pointed out to the City Council by anyone, including the applicant, before they were granted a waiver..

Although it is now too late to correct these blunders, I have come to two unavoidable conclusions:

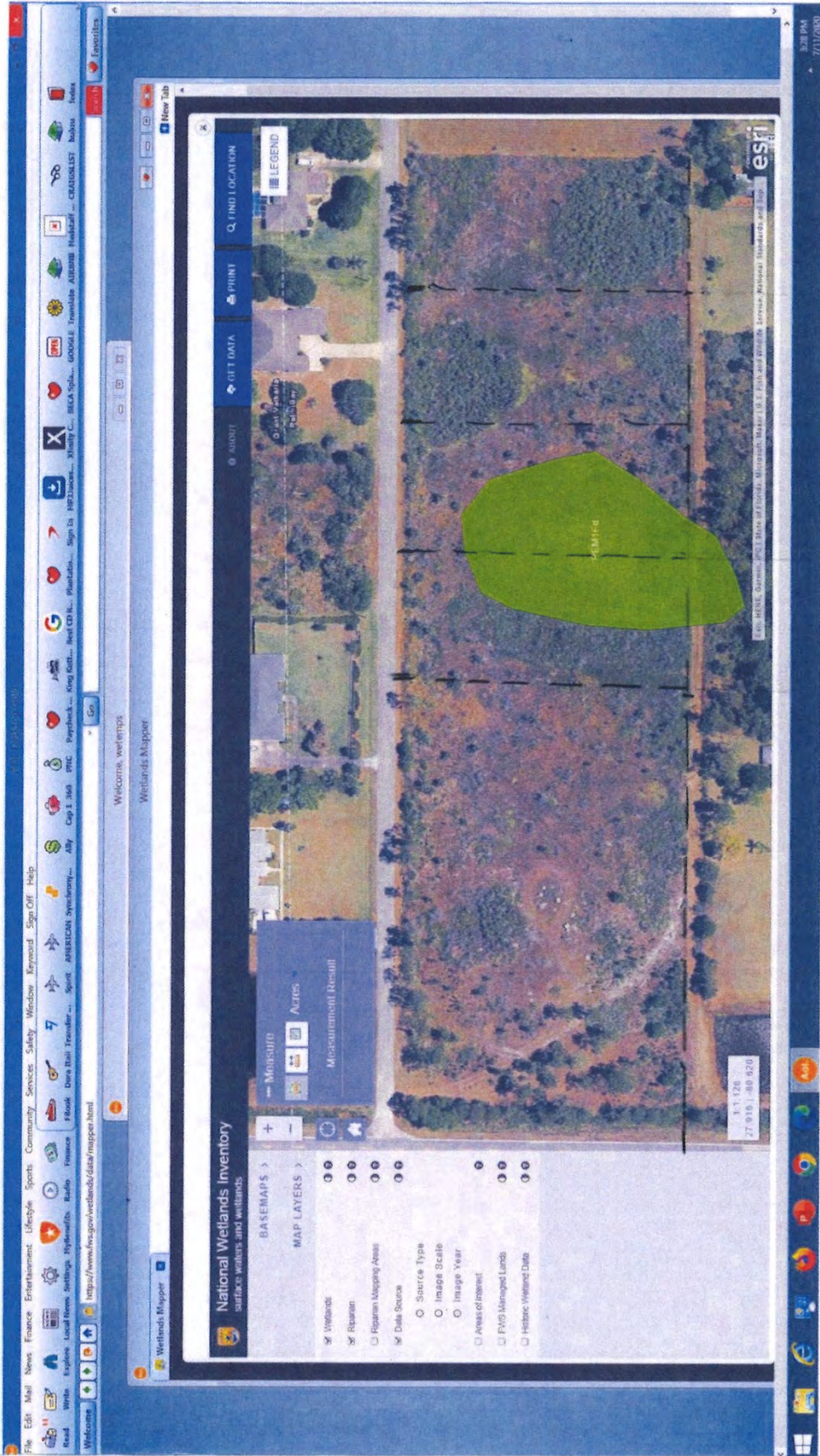
Either the people making these recommendations and decisions are inept, unfamiliar with the city FLU Plan, haven't read the City ordinances, and in general do not know what they are doing, or, pressure has been brought to bear by the applicant to interfere with the normal decision making process. In other words, someone sold out. Either way, something needs to be done to avoid this kind of mess in the future..

This is the kind of stuff that normal citizens shake their heads at and say "What can you expect, its the City" Its a disgrace.

Again I apologize for raising my voice in your office when I found out about this decision.

Respectfully

Ken Smith



WETLAND - PLANTATION CIRCLE LOT
197 ft wide
313 ft long
1.04 ACRES

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2020-08

Held on Wednesday, July 1, 2020, 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.

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

Mr. Donny Felix led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present	
VICE CHAIRPERSON:	Leeta Jordan	Present	
MEMBER:	Donald Boerema	Present	
MEMBER:	Donny Felix	Present	
MEMBER:	Richard Hill	Present	
MEMBER:	Khalilah Maragh	Present	
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa	Absent	(Excused)
	(School Board Appointee)		

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

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-07; June 3, 2020. Motion by Ms. Maragh, seconded by Mr. Felix to approve the minutes as presented. The motion carried with members voting unanimously.

2. **♣CPZ-4-2020 – WEST POINTE BABCOCK, LLC (CARMINE FERRARO AND ROBERT SCHWERER, REPS.)**

Mr. Stokes advised the board to submit a recommendation on the zoning amendment to accompany their denial of the land use request.

Motion by Ms. Maragh, seconded by Mr. Warner to submit Case CPZ-4-2020 for denial of a zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Felix	Aye
Mr. Hill	Aye
Ms. Maragh	Aye
Mr. Warner	Aye

The meeting resumed after a brief interval.

3. **T-15-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)**

Mr. Bradley presented the staff report for Case T-15-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, to eliminate the requirement of building permits for fences and to allow the Growth Management Director to exempt fences over four feet in height in front yards. Staff recommended that if Case T-15-2020 was approved, the document review as noted in the proposed text remain as a requirement, and that property owners be required to complete a Hold Harmless Agreement.

Ms. Jordan commented that high walls made people feel unsafe.

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

From: [Charles Clary](#)
To: [Terese Jones](#)
Subject: cp4-2020
Date: Wednesday, July 29, 2020 4:38:47 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Jones

In front of the council is another application (cp4-2020) to change the future land use map at the corner of Plantation Circle and Babcock St. There has been some changes this time. The adjoining and neighborhood property owners still oppose it. I oppose it as I did before. But now this original parcel of land (8.41 acres) has been subdivided as a minor subdivision through Palm Bay Growth Management under City of Palm Bay Code of Ordinance #184.34 Minor Subdivision. This Replat of Plantation Circle has been approved by the City of Palm Bay and has been recorded on Plat Book 68 Page 42 at The Brevard County Property Appraiser. Under 184.34 Minor Subdivisions (A) - (1) All proposed lots are for detached single family residential Lots, and (A) - (5) The subdivision shall be all inclusive and shall not consist of more than one (1) phase of development.

Under 184.34, the completed minor subdivision is done and no further applications can be submitted period, it's a "one and done" scenario. I am saying it's councils responsibility to direct Growth Management not to accept any further applications for these five lots and council has to deny this application due to the fact this recorded Replat is complete.

Thank You

Charles W Clary

321-480-5430
1835 Plantation Cir
Palm Bay FL 32909

From: [Angela Burak](#)
To: [Charles Clary](#)
Cc: [City Manager](#); [Terese Jones](#); [Terri Lefler](#); [Rosemarie Saavedra](#); [Laurence Bradley](#); [Chandra Powell](#)
Subject: RE: cp4-2020
Date: Wednesday, July 29, 2020 4:56:30 PM

Hello and thank you for sending us your thoughts and concerns.

I have also added our Legislative Department to the email trail to forward to our Council members.

Have a good night.



From: Charles Clary <cclary@claryfl.com>
Sent: Wednesday, July 29, 2020 4:38 PM
To: City Manager <citymanager@palmbayflorida.org>
Subject: cp4-2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Manager

In front of the council is another application (cp4-2020) to change the future land use map at the corner of Plantation Circle and Babcock St. There has been some changes this time. The adjoining and neighborhood property owners still oppose it. I oppose it as I did before. But now this original parcel of land (8.41 acres) has been subdivided as a minor subdivision through Palm Bay Growth Management under City of Palm Bay Code of Ordinance #184.34 Minor Subdivision. This Replat of Plantation Circle has been approved by the City of Palm Bay and has been recorded on Plat Book 68 Page 42 at The Brevard County Property Appraiser. Under 184.34 Minor Subdivisions (A) - (1) All proposed lots are for detached single family residential Lots, and (A) - (5) The subdivision shall be all inclusive and shall not consist of more than one (1) phase of development.

Under 184.34, the completed minor subdivision is done and no further applications can be submitted period, it's a "one and done" scenario. I am saying it's councils responsibility to direct

Growth Management not to accept any further applications for these five lots and council has to deny this application due to the fact this recorded Replat is complete. Any other outcome creates a problem for the city as they will not be abiding by their Code of Ordinance #184.34.

Thank You

Charles W Clary

321-480-5430

1835 Plantation Cir

Palm Bay FL 32909

From: [David T](#)
To: [Terese Jones](#)
Subject: Request for Aggrieved status for cp-4-2020 and cpz-4-2020
Date: Wednesday, July 29, 2020 1:48:10 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms Terese Jones
City Clerk
City of Palm Bay
Terese.Jones@pbfl.org

Re cp4-2020 and cpz4-2020

July 29, 2020

Dear Ms Jones

Please accept this email as a written 5-day notice. I am hereby requesting Aggrieved or affected person status with regards to cp-4-2020 and cpz-4-2020.

I have lived on Plantation Circle for many years. The rezoning of this property will cause a total negative change in our neighborhood. It does not fit the scale, intensity or Character of the neighborhood. It will certainly affect me and my family's way of life. We do not think that this rezoning is in the best interest of the residents of Plantation Circle or the Palm Bay community at large. I am also concerned about all of the other problems that will affect me and my family if a commercial entity starts operation in the middle of our neighborhood.

David Thornberry
1859 Plantation Circle se
Palm Bay Florida 32909
321-956-6586
davetberry@bellsouth.net or davemtberry@gmail.com

If you have any questions about this request please feel free to contact me at any time either via email or Phone as identified above.

Sincerely

Dave Thornberry

Ms. Terese Jones
City Clerk
City of Palm Bay

Re cp4-2020 and cpz4-2020

July 29, 2020

Dear Ms. Jones,

Please accept this email as written five day notice. I am hereby requesting Aggrieved or Affected person status with regards to cp-4-2020 and cpz-4-2020.

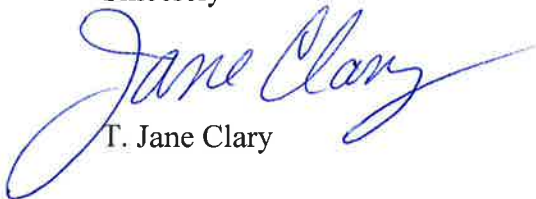
I have lived on Plantation Circle for 23 years, and in Palm Bay for 55 years. The rezoning of this property will cause a total change in our neighborhood, it does not fit the scale, intensity or "historical character" of the neighborhood. It will certainly affect me and my family's way of life (ability to walk all kinds of animals on our quiet road – dogs, donkeys, pigs, horses and ponies).

We do not think that this rezoning is in the best interest of the residents of Plantation Circle or the Palm Bay community at large. I am also concerned about all the additional problems that will affect my whole family, if a commercial entity starts operation in the middle of our neighborhood.

T. Jane Clary (Palm Bay Native – My Dad, also a Palm Bay Native, borne in 1924)
1835 Plantation Circle, SE
Palm Bay Florida 32909
321-537-4917
claryt@fit.edu

If you have any questions about this request, please feel free to contact me at any time by email or phone as shown above.

Sincerely



T. Jane Clary

From: [Judy Thornberry](#)
To: [William Capote](#); [Harry Santiago Jr.](#); [Brian Anderson](#); [Kenny Johnson](#); [Jeff Bailey](#); [Terese Jones](#)
Subject: Plantation Circle CP 4-2020 CPZ 4-2020
Date: Wednesday, July 29, 2020 7:06:36 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Honorable Mayor and Council Members,

I object to the rezoning CP-4-2020 CPZ -4-2020 to our historic neighborhood..The rezoning would cause lower property values, more traffic on our road and crime into our neighborhood. There are plenty of commercial properties to the north and to the south of our neighborhood. I am not against commercial property development. This is the wrong place to rezone for this type of plan. I have attended most of the meetings from the Florida Department of Transportation (pertaining to south Babcock) and have seen the State's future plans for Babcock rd. The plans did include a retention pond on this property and a possible roundabout. Why should the taxpayers have to pay more money to a developer for this type of speculation and spot zoning? Please take in consideration to leave our historic neighborhood as a housing community. I am very proud of our neighborhood. We are like family to each other. Please consider property rights of the residents that live here. Due to the Corona 19 virus a lot of my neighbors are unable to attend this meeting. Please listen to our letters and voices against the rezoning of this property.

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

From: [Robert Heitsch](#)
To: [Terese Jones](#)
Subject: Fwd: Recommend against CP-4-2020 and CPZ-4-2020
Date: Wednesday, July 29, 2020 2:10:15 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded message -----

From: **Robert Heitsch** <rtheitsch@gmail.com>
Date: Wed, Jul 29, 2020 at 1:56 PM
Subject: Recommend against CP-4-2020 and CPZ-4-2020
To: <mayor@pbfl.org>, <seat2@pbfl.org>, <seat3@pbfl.org>, <seat4@pbfl.org>, <seat5@pbfl.org>
Cc: <teresejones@pbfl.org>

Our names are Robert and Kim Heitsch. We reside at 1755 Plantation Circle SE, Palm Bay Fl and have lived there for the past 30 years.

We strongly urge the city council to deny requests CP-4-2020 and CPZ-4-2020. CPZ-4-2020 is incompatible with the Palm Bay Code of Ordinances, Section 183.01. Specifically, enforcement of Section 183.01 (B) requires the city to preserve the residential or historical character of neighborhoods and to protect private property rights.

The applicant has provided no indication of what type of commercial development would be located on the property. Many types of commercial property land uses would negatively impact the neighborhood in terms of safety, environmental pollution and unwanted additional commercial traffic on a quiet residential street. Since it is not known how the property would be commercially developed, the city has no assurance that the development would not infringe on the private property rights of the neighborhood residents.

The Plantation circle neighborhood is comprised of 46 large homes on manicured one acre or larger lots in a low density setting. The applicant's property is surrounded by the neighborhood. The applicant's property is located between the two entrances into the neighborhood off Babcock. There are little if any commercial businesses that could be located on the applicant's property that would preserve the residential character of the plantation circle neighborhood.

This is the sixth time in less than 5 years that this rezoning request has been brought to the city. The Planning and Zoning board has voted against this rezoning request every time it was presented to them. In this most recent request, the city staff provided eight reasons in their analyst as to why the applicants request should be denied. We urge you to follow their recommendation in this matter.

Respectfully,
Robert and Kim Heitsch
1755 Plantation Circle SE

City Clerk

As of this writing a review of all the events that happened with proposals that were made, my view of the situation has changed.

As of now I don't (nor does anyone else) know what project would be in order that would project light on my house behind shrubs and bushes.

To me it would mean activity after dark hustle & bustle, traffic and noise.

The proposal of landscape on my property would lead to interested parties as to what is behind these landscapes. It would also mean litter with beer cans, soda cans, and -- etc. etc.

A review of all the pro's & con's definitely makes the neighborhood a downgrade. There will never be peace and quiet that we are experiencing.

at present,
 your proposals and interest will
 destroy all that we longed for.
 You are not looking out for us
 individuals but solely for your
 own interest. City Council should
 take the matter seriously.

Respectfully

Theresa Kufpatrick
 1713 Plantation Cir
 Palm Bay FL 32909

P.S. It looks like what was mentioned
 at the last meeting that you have
 my approval. - Where do you find this?

Take a look at my last letter
 which I filed. This letter was
 evidently left out or discarded

From: [Terri Lefler](#)
To: [\(Automated Tech Support-C&IT\)](#)
Cc: [Terese Jones \(Terese.Jones@palmbayflorida.org\)](#)
Subject: FW: Electronic Media For Next Council Meeting
Date: Thursday, July 30, 2020 11:38:00 AM

Please have the below video available for the August 6th Council meeting. This is for West Pointe Babcock, LLC (Plantation Circle) - two items under the "Public Hearings" heading. The numbers are not yet assigned as the agenda is not yet complete.

If you have any questions, please let me know.

Thanks!



From: Terese Jones <Terese.Jones@palmbayflorida.org>
Sent: Thursday, July 30, 2020 10:06 AM
To: Alan Sakowitz <asakowitz@pointecompanies.com>
Cc: Terri Lefler <Terri.Lefler@palmbayflorida.org>
Subject: RE: Electronic Media For Next Council Meeting

Good morning, Mr. Sakowitz.

We will have this available for the meeting. Thank you.



From: [webmaster@palmbayflorida.org](#) <[webmaster@palmbayflorida.org](#)>
Sent: Wednesday, July 29, 2020 3:59 PM
To: Terese Jones <[Terese.Jones@palmbayflorida.org](#)>
Subject: Electronic Media For Next Council Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open

attachments unless you recognize the sender and know the content is safe.

Message submitted from the <City of Palm Bay, FL> website.

Site Visitor Name: Alan Sakowitz

Site Visitor Email: asakowitz@pointecompanies.com

Ms Jones,

We are interested in using the following electronic document for the next council meeting for the items with West Pointe Babcock's Future land use requests and zoning request.

This is our youtube version:

<https://www.youtube.com/watch?v=VOuEnS3UdUc&feature=youtu.be>

We also have a link to a backup version:

<https://drive.google.com/drive/folders/1MLFukqRZ07o9f4sv1JgM7ATuzcP9GZQY>

Have I submitted them as required or should I be sending them elsewhere?

Regards,

Alan Sakowitz
for West Pointe Babcock, LLC

ORDINANCE 2020-48

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM RR (RURAL RESIDENTIAL DISTRICT) TO CC (COMMUNITY COMMERCIAL DISTRICT); WHICH PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF BABCOCK STREET AND PLANTATION CIRCLE, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of property from RR (Rural Residential District) to CC (Community Commercial District), being legally described as follows:

Lot 5, Plantation Circle, according to the plat thereof as recorded in Plat Book 68, Page 42, of the Public Records of Brevard County, Florida; Section 34, Township 29S, Range 37E; containing 3.86 acres, more or less.

SECTION 2. The Zoning Map of the City of Palm Bay is hereby revised to reflect this amendment.

SECTION 3. The provisions within this ordinance shall take effect immediately upon the enactment of Ordinance 2020-47.

Read in title only at Meeting 2020-_____, held on _____, 2020; and read in title only and duly enacted at Meeting 2020-_____, held on _____, 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

City of Palm Bay, Florida
Ordinance 2020-48

Reviewed by CAO: _____

Applicant: West Pointe Babcock, LLC
Case: CPZ-4-2020

cc: (date) Applicant
Case File