



## **AGENDA**

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

Regular Meeting 2019-07  
June 5, 2019 – 7:00 P.M.  
City Hall Council Chambers

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

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

#### **ROLL CALL:**

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

1. Regular Meeting 2019-06; May 1, 2019

#### **ANNOUNCEMENTS:**

#### **OLD BUSINESS:**

##### **1. ♣CU-10-2019 – RAYMOND FISCHER**

A conditional use to allow for a proposed event hall, as established by Section 185.088(K) of the Palm Bay Code of Ordinances.

Tax Parcel 759, Section 9, Township 29, Range 37, Brevard County, Florida, containing 5.00 acres, more or less. (Located west of and adjacent to Babcock Street SE, in the vicinity between Booth Road and Agnes Avenue SE, specifically at 6852 Babcock Street SE)

#### **NEW BUSINESS:**

##### **1. CP-7-2019 – STEVEN CIANCIO**

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

Lots 12, 13, and 15 through 17, Grans Subdivision of Cape Malabar, Section 30, Township 28, Range 38, Brevard County, Florida, containing 0.91 acres, more or less. (Located north of and adjacent to Gran Avenue NE, in the vicinity between Dixie Highway NE and Victor Court NE, specifically at 3401 Gran Avenue NE)

## **2. ♠CPZ-7-2019 – STEVEN CIANCIO**

A zoning amendment from an RS-3, Single Family Residential District to an RM-20, Multiple Family Residential District.

Lots 12, 13, and 15 through 17, Grans Subdivision of Cape Malabar, Section 30, Township 28, Range 38, Brevard County, Florida, containing 0.91 acres, more or less. (Located north of and adjacent to Gran Avenue NE, in the vicinity between Dixie Highway NE and Victor Court NE, specifically at 3401 Gran Avenue NE)

## **OTHER BUSINESS:**

## **ADJOURNMENT:**

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

**Any aggrieved or adversely affected person desiring to become a party in the quasi-judicial proceeding shall provide written notice to the city clerk which notice shall, at a minimum, set forth the aggrieved or affected person's name, address, and telephone number, indicate how the aggrieved or affected person qualifies as an aggrieved or affected person and indicate whether the aggrieved or affected person is in favor of or opposed to the requested quasi-judicial action. The required notice must be received by the clerk no later than five (5) business days at the close of business, which is 5 p.m., before the hearing. (§ 59.03, Palm Bay Code of Ordinances)**

**In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Land Development Division at (321) 733-3042 or Florida Relay System at 711.**

**♣ Quasi-Judicial Proceeding.**

**CITY OF PALM BAY, FLORIDA**

**PLANNING AND ZONING BOARD/  
LOCAL PLANNING AGENCY  
REGULAR MEETING 2019-06**

Held on Wednesday, May 1, 2019, 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.

Ms. Khalilah Maragh led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

<b>CHAIRPERSON:</b>	Philip Weinberg	Present	
<b>VICE CHAIRPERSON:</b>	Leeta Jordan	Absent	(Excused)
<b>MEMBER:</b>	Nancy Domonousky	Present	
<b>MEMBER:</b>	Donny Felix	Present	
<b>MEMBER:</b>	Khalilah Maragh	Present	
<b>MEMBER:</b>	Kevin Reed	Absent	
<b>MEMBER:</b>	Rainer Warner	Present	
<b>NON-VOTING MEMBER:</b>	Vacant (School Board Appointee)		

**CITY STAFF:** Present were Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Planner II; Ms. Chandra Powell, Recording Secretary; Mr. Christopher Little, Utilities Director; Mr. Rodney Edwards, Assistant City Attorney.

**ELECTION OF COMMUNITY DEVELOPMENT ADVISORY BOARD MEMBER:**

Election of Community Development Advisory Board member was discussed prior to Old Business.

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2019-05; April 3, 2019. Motion by Ms. Maragh, seconded by Mr. Warner to approve the minutes as presented. The motion carried with members voting unanimously.

## **ANNOUNCEMENTS:**

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

■ The board held the Election of the Community Development Advisory Board member at this time.

## **ELECTION OF COMMUNITY DEVELOPMENT ADVISORY BOARD MEMBER:**

Motion by Mr. Warner, seconded by Ms. Domonousky to elect Ms. Maragh as the Planning and Zoning Board member to serve on the Community Development Advisory Board. The motion carried with members voting unanimously.

For the benefit of the audience, Mr. Weinberg announced that Case CU-10-2019 had been continued to the June 5, 2019 Planning and Zoning Board meeting and Case CU-11-2019 was withdrawn. No board action was required for the continuance or withdrawal.

The board resumed consideration of items in the order that was set by the agenda.

## **OLD BUSINESS:**

### **1. ♠FD-8-2019 – WILLIAM H. BENSON**

Mr. Balter presented the staff report for Case FD-8-2019. The applicant had requested final development plan approval for a proposed Planned Unit Development (PUD) to allow a 77-lot, single-family residential development called Gulfport Key. Staff recommended Case FD-8-2019 for approval, subject to the staff comments contained in the staff report.

Mr. Bruce Moia, president of MBV Engineering, Inc. (project engineer for the applicant), stated that staff's analysis of the subject proposal was thorough; however, he wanted relief from the sidewalk requirement along the frontage of the property on public streets. The requirement was not mentioned during the pre-application meeting with the reviewing City departments nor during the review and approval of the preliminary development plan by the board and City Council. Internal sidewalks were proposed for the development, but exterior sidewalks were not applicable without sidewalks to connect to; insufficient right-of-way on Gulfport Road SE; and impeded drainage and swales on the roadway.

The floor was opened and closed for public comments; there were no comments from the audience. There was one correspondence in the file in opposition to the request.

Mr. Balter asked that if the board was to grant relief from the sidewalk requirement, the relief should just be for the external sidewalks.

Motion by Ms. Domonousky, seconded by Mr. Felix to submit Case FD-8-2019 to City Council for final development plan approval of a proposed Planned Unit Development (PUD) to allow a 77-lot, single-family residential development called Gulfport Key, subject to the staff comments contained in the staff report, provided that the requirement to provide sidewalks along the frontage of the property on public streets was removed and that internal sidewalk requirements were met.

Mr. Warner questioned why the external sidewalk requirement was placed on the final development plan, and Ms. Domonousky wanted clarification on the proposed location of the external sidewalks. Mr. Balter indicated where the proposed external sidewalks would be located, and Mr. Murphy explained that the Public Works Department wanted the external sidewalks installed to connect with adjacent sidewalks that Public Works would construct in the future. Public Works had no plans to install sidewalks in the area in the near future.

Ms. Maragh questioned what would happen if the project was not granted relief from the external sidewalk requirement. Mr. Balter explained that the required external sidewalks would be installed at some point in the future by Public Works.

Mr. Weinberg noted that the external sidewalk requirement was not in the original development approval, and the City had no immediate plans to install sidewalks in the area. Mr. Felix concurred and remarked on fairness to the developer.

A vote was called on the motion by Ms. Domonousky, seconded by Mr. Felix to submit Case FD-8-2019 to City Council for final development plan approval of a proposed Planned Unit Development (PUD) to allow a 77-lot, single-family residential development called Gulfport Key, subject to the staff comments contained in the staff report, provided that the requirement to provide sidewalks along the frontage of the property on public streets was removed and that internal sidewalk requirements were met. The motion carried with members voting unanimously.

**NEW BUSINESS:**

**1. ♣CU-10-2019 – RAYMOND FISCHER  
(CONTINUED)**

Case CU-10-2019 was discussed prior to Old Business.

**2. ♣CU-11-2019 – WAYNE’S AGGREGATE AND MATERIALS, LLC  
(DAVID AGEE, REP.)  
(WITHDRAWN)**

Case CU-11-2019 was discussed prior to Old Business.

**3. CP-5-2019 – MIGDALY MARTINEZ**

Mr. Murphy presented the staff report for Case CP-5-2019. The applicant had requested a small scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Multiple Family Residential Use. Staff recommended Case CP-5-2019 for approval, pursuant to Chapter 163, Florida Statutes.

Mr. Warner inquired whether the subject site was affiliated with the Bayfront Community Redevelopment District. Mr. Murphy stated that the commercial property was located within the Bayfront district and was last operated as a bed-and-breakfast establishment. The applicant planned to use the site as their residence.

Mr. Weinberg clarified that the subject request was a change to Multiple Family Residential Use. Mr. Murphy noted that this was correct.

Ms. Migdaly Martinez (applicant) was present. Mr. Jose Martinez (representative for the applicant) stated that the need for the land use and zoning amendments was discovered during the remodel of the home on the property. His desire was to relocate from the City of St. Cloud and reside at the property.

Mr. Warner inquired further about the existing home and if additional structures were planned for the site. Mr. Martinez stated that the existing home was being remodeled to accommodate his family of five. There were no plans for additional structures, but one of his children might want to build a home on the property in the future.

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

Ms. Maragh questioned why the multiple-family designation was being sought instead of residential. Mr. Murphy explained that Multiple Family Use allowed for single-family residential development.

Motion by Ms. Maragh, seconded by Ms. Domonousky to submit Case CP-5-2019 to City Council for approval of a small scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Multiple Family Residential Use as recommended by staff, pursuant to Chapter 163, Florida Statutes. The motion carried with members voting unanimously.

#### **4. ♠CPZ-5-2019 – MIGDALY MARTINEZ**

Mr. Murphy presented the staff report for Case CPZ-5-2019. The applicant had requested a zoning amendment from an HC, Highway Commercial District to an RM-15, Single-, Two-, Multiple-Family Residential District. Staff recommended Case CPZ-5-2019 for approval to be consistent and compatible with the Future Land Use designation of Case CP-5-2019.

Mr. Warner questioned why the existing home was on commercial property. Mr. Murphy explained that the subject home was formerly operated as a commercial bed-and-breakfast establishment.

Ms. Migdaly Martinez (applicant) was present. Mr. Jose Martinez (representative for the applicant) indicated his intention to remodel and reside in the existing home.

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

Motion by Ms. Maragh, seconded by Mr. Warner to submit Case CPZ-5-2019 to City Council for approval of a zoning amendment from an HC, Highway Commercial District to an RM-15, Single-, Two-, Multiple-Family Residential District. The motion carried with members voting unanimously.



**5. ♣FS-1-2019 – NORTMAN PALM BAY, LLC (ZACHARY KOMNINOS, E.I., REP.)**

Mr. Murphy presented the staff report for Case FS-1-2019. The applicant had requested final plat approval of a proposed 17.50-acre commercial development called Palm Bay Place. Staff recommended Case FS-1-2019 for approval, subject to the staff comments contained in the staff report.

Ms. Maragh asked for clarification on why the original subdivision proposal for the site was turned down. Mr. Murphy clarified that the original proposal had been approved, and that a drop in the economy and permitting delays had caused the developer to stop the project.

Mr. Kyle Shasteen, E.I. with Bowman Consulting Group (representative for the applicant) reiterated how the subdivision was approved in 2008, and that the applicant was now ready to move forward. He asked the board to grant relief from the 25-foot landscape buffer requirement at the eastern boundary as the land abutted the Florida Department of Transportation (FDOT) retention pond and not residential homes.

Ms. Maragh questioned if permitting issues were again anticipated. Mr. Shasteen indicated that there should be no permitting issues as the FDOT retention pond was installed and the right-of-way take had already occurred.

Mr. Warner inquired whether the subdivision had been modified since 2008. Mr. Shasteen explained that there were currently no plans for the subdivision. The conditional use application to be heard by the board was the only proposal at this time for the property. Ms. Domonousky noted that the final plat approval would allow the applicant to sell the lots. Mr. Shasteen remarked that this was correct.

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

Motion by Ms. Domonousky, seconded by Ms. Maragh to submit Case FS-1-2019 to City Council for final plat approval of a proposed 17.50-acre commercial development called Palm Bay Place, subject to the staff comments contained in the staff report, with a condition to eliminate the 25-foot landscape buffer requirement at the eastern boundary abutting the Florida Department of Transportation (FDOT) retention pond.

Mr. Warner asked for clarification regarding the required buffer. Mr. Murphy explained that the residential buffer requirement was not an issue since the eastern boundary abutted the FDOT retention pond.

A vote was called on the motion by Ms. Domonousky, seconded by Ms. Maragh to submit Case FS-1-2019 to City Council for final plat approval of a proposed 17.50-acre commercial development called Palm Bay Place, subject to the staff comments contained in the staff report, with a condition to eliminate the 25-foot landscape buffer requirement at the eastern boundary abutting the Florida Department of Transportation (FDOT) retention pond. The motion carried with members voting unanimously.

**6. ♠CU-12-2019 – NORTMAN PALM BAY, LLC (ZACHARY KOMNINOS, E.I., REP.)**

Mr. Murphy presented the staff report for Case CU-12-2019. The applicant had requested a conditional use to allow a proposed automated car wash in a CC, Community Commercial District. The board and City Council must determine if the request meets the criteria of Section 185.07 of the Palm Bay Code of Ordinances.

Mr. Kyle Shasteen, E.I. with Bowman Consulting Group (representative for the applicant) stated his agreement with the staff report. He commented on how utilities and access were available for the site, stormwater was planned, and the car wash was compatible with the surrounding commercial properties.

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

Motion by Ms. Maragh, seconded by Mr. Felix to submit Case CU-12-2019 to City Council for approval of a conditional use to allow a proposed automated car wash in a CC, Community Commercial District, subject to staff's recommendations. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Ms. Domonousky	Aye
Mr. Felix	Aye
Ms. Maragh	Aye
Mr. Warner	Nay

**7. ♣V-9-2019 – CITY OF PALM BAY (UTILITIES DEPARTMENT)**

Mr. Balter presented the staff report for Case V-9-2019. The applicant had requested a variance to modify the existing North Regional Water Reclamation Facility (NRWRF) by allowing a proposed Nutrient Removal Facility to encroach 9 feet into the 20-foot side interior setback, as established by Section 185.045(F)(7)(b) of the Palm Bay Code of Ordinances. The board and City Council had to determine, based on the facts presented, the degree of minimal relief to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

The floor was opened for public comments.

Ms. Angel Fickenwirth (resident at White Sands Court NE) spoke against the request. She was concerned that the preservation land and wildlife on the property would be disturbed, and property values would decline because of potential flooding and water reclamation smells.

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

Mr. Murphy explained that the proposed facility was a treatment tank that would be placed between two existing treatment tanks on the Utilities Department site and not on the conservation property. The encroachment would occur at the northwest section of the property adjacent to a private staging construction area on industrial land and not near the residential property located further west. There would be no impact on the Sandy Pines development

Mr. Daniel Burden, Ph.D., P.E. with Wade Trim, Inc. (representative for the applicant) stated that he served as the project manager for the NRWRF Nutrient Removal project. The existing 60-foot diameter tank located at the northwest perimeter of the subject site would be demolished and replaced with two larger basins to provide additional treatment to improve water quality in the reuse water produced. The proposed structure would encroach 9 feet into the 20-foot side interior setback.

Motion by Ms. Domonousky, seconded by Ms. Maragh to submit Case V-9-2019 to City Council for approval of a variance to modify the existing North Regional Water Reclamation Facility (NRWRF) by allowing a proposed Nutrient Removal Facility to encroach 9 feet into the 20-foot side interior setback, as established by Section 185.045(F)(7)(b) of the Palm Bay Code of Ordinances, subject to staff comments.

Mr. Weinberg asked if the facility was being funded by the Lagoon tax. Utilities Director, Mr. Christopher Little, confirmed that the intent was to have the facility funded in full by the Save Our Indian River Lagoon program.

A vote was called on the motion by Ms. Domonousky, seconded by Ms. Maragh to submit Case V-9-2019 to City Council for approval of a variance to modify the existing North Regional Water Reclamation Facility (NRWRF) by allowing a proposed Nutrient Removal Facility to encroach 9 feet into the 20-foot side interior setback, as established by Section 185.045(F)(7)(b) of the Palm Bay Code of Ordinances, subject to staff comments. The motion carried with members voting unanimously.

#### **8. CP-6-2019 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)**

Mr. Murphy presented the staff report for Case CP-6-2019. The applicant had requested an amendment to the Comprehensive Plan Future Land Use Element to remove Policy FLU-3.2A requiring Land Development Regulations to provide for commercial development over three acres in size to be developed as Planned Commercial Development (PCD). Staff recommended Case CP-6-2019 for approval and transmittal to the Florida Department of Economic Opportunity for review, pursuant to Chapter 163, Florida Statutes.

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

Motion by Mr. Warner, seconded by Ms. Maragh to submit Case CP-6-2019 to City Council for approval, and to transmit the request to the Florida Department of Economic Opportunity for review, pursuant to Chapter 163, Florida Statutes, for an amendment to the Comprehensive Plan Future Land Use Element to remove Policy FLU-3.2A requiring Land Development Regulations to provide for commercial development over three acres in size to be developed as Planned Commercial Development (PCD). The motion carried with members voting unanimously.

City Council will hear Case CP-6-2019 on May 2, 2019.

**OTHER BUSINESS:**

Due to the Fourth of July holiday, the board discussed rescheduling the July 3, 2019 Planning and Zoning Board meeting to avoid a possible lack of a quorum. The regular meeting would be held if a quorum was possible.

**ADJOURNMENT:**

The meeting was adjourned at approximately 8:02 p.m.

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Philip Weinberg, CHAIRPERSON

Attest:

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Chandra Powell, SECRETARY

♣Quasi-Judicial Proceeding.

☐ Indicates item was considered out of sequence.



LAND DEVELOPMENT DIVISION  
120 MALABAR ROAD SE  
PALM BAY, FL 32907  
TELEPHONE: 321-733-3042

STAFF REPORT  
PREPARED BY:  
Christopher Balter  
Planner II

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**CASE NUMBER**

CU-10-2019

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**PLANNING & ZONING BOARD HEARING DATE**

June 5, 2019

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**APPLICANT/PROPERTY OWNER**

Raymond Fischer (Robert Robb, Rep.)

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**PROPERTY LOCATION/ADDRESS**

West of and adjacent to Babcock Street SE, in the vicinity between Booth Road and Agnes Avenue SE, specifically at 6852 Babcock Street SE, Palm Bay, FL 32909

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**SUMMARY OF REQUEST**

Conditional use approval to allow a proposed event hall venue, as established by Section 185.088(K) of the Palm Bay Code of Ordinances.

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
GC, General Commercial	Commercial Use	3 Existing Buildings	5.0 Acres

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**SURROUNDING ZONING & LAND USE**

**NORTH:** RR, Rural Residential; Vacant Land

**EAST:** Town of Malabar; Vacant Residential Land

**SOUTH:** RR, Rural Residential; Single-Family Home

**WEST:** RS-2 Single-Family Residential; Vacant Land

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**COMPATIBILITY with the COMPREHENSIVE PLAN**

The use may be considered compatible with the surrounding land uses.

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**BACKGROUND:**

The property was previously used for a landscape nursery business. The nursery operation ceased several years ago. The applicant submitted a text amendment, Case T-5-2019, and was approved allowing an event hall use in the General Commercial Zoning District by conditional use.

**CODE REQUIREMENTS:**

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

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

The subject property is located on an existing general commercial-zoned parcel that was developed for a landscape nursery business. The subject property is accessed via a single driveway connection on Babcock Street SE. One new driveway connection to the subject property is proposed, which meets the requirements for adequate ingress and egress per section 185.088(K)(7) of the Code of Ordinances

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

The total assembly square footage is 6,940 square feet and will require one (1) parking space for every 3 seats. The total seat count proposed by the applicant is 200 seats; therefore, a minimum of 67 parking spaces are required, with at least three (3) parking spaces being handicap accessible. The conceptual plan submitted by the applicant proposes a total of 64 regular parking spaces and 4 handicap parking stalls, thus surpasses what is required by the City of Palm Bay Code of Ordinance Section 185.140.

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

All necessary utilities; water, electric, and wastewater are available to the property. The proposed septic system will need all applicable permits from Brevard County Environmental Health.

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

The nearest single-family home is approximately 250 feet away from the subject property. The subject property has an existing vegetative buffer to the North and South abutting the residentially zoned properties. As the operation is going to be used as an event hall, Staff believes it does not warrant further buffering.

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

The conceptual site plan submitted by the applicant is currently not proposing any new signage or additional lighting. However, any lighting and signage shall comply with Chapter 178 and Section 185.143 of the Palm Bay Code of Ordinances.

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

The Yard and Open Space requirements of the Land Development Code have been met per Section 185.054(F)(4) The maximum building coverage of the General Commercial district is 50%, and the conceptual site plan submitted by the applicant shows a coverage of 3.17%.

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

The Conditional Use request for the subject property for an event hall is not anticipated to create any nuisances from the number of persons that would patronage the subject property. Similar intensive uses such as agricultural nurseries, parks, and playgrounds, and public utility facilities are permitted in the RR District, which the subject parcel is surrounded by. The subject property must comply with the Special Requirements and Conditions listed in section 185.088(K) of the Code of Ordinances.

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

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

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

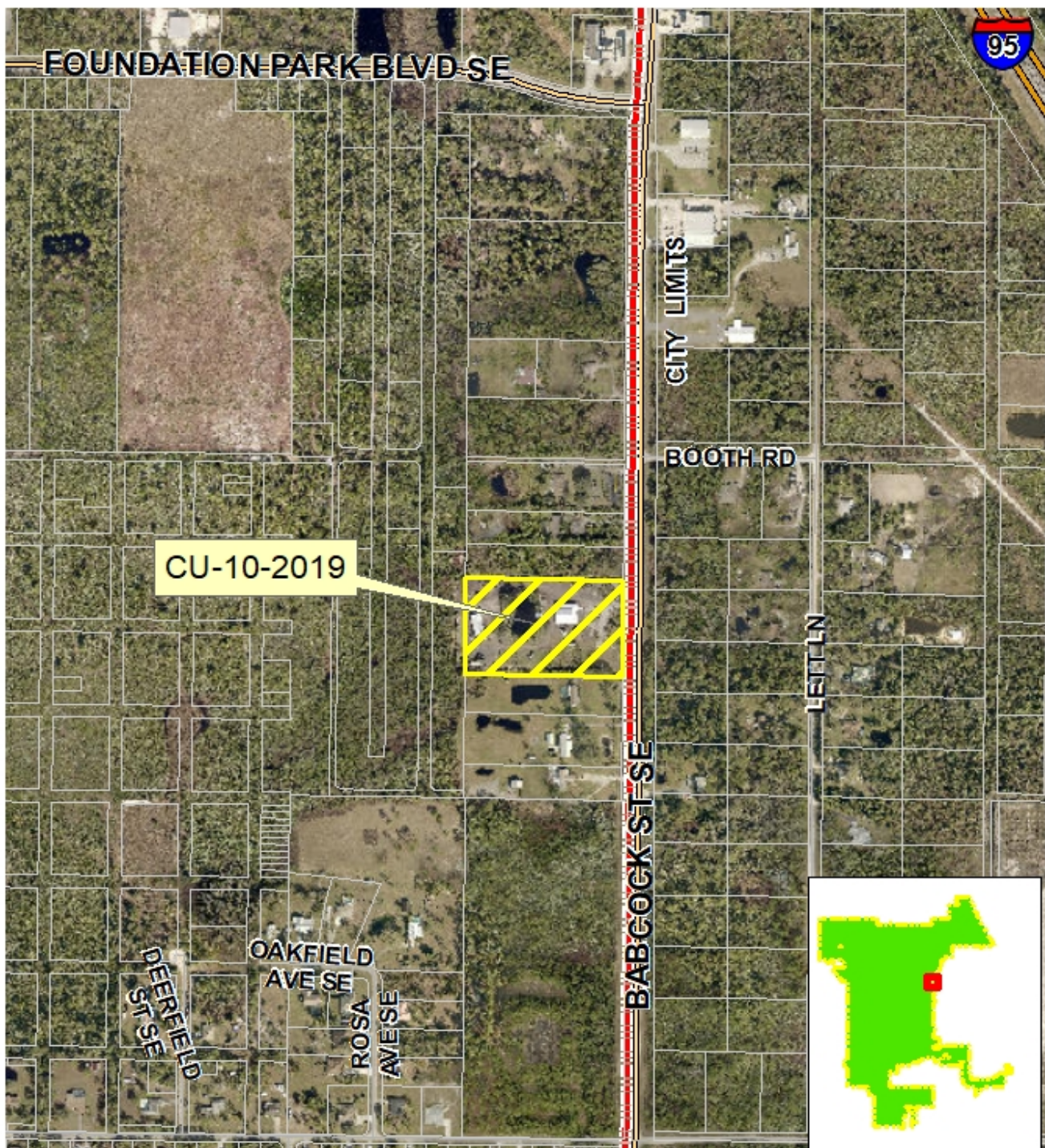


The Planning and Zoning Board and City Council have the authority and right to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings. City Staff has the following suggested conditions for consideration:

1. A City of Palm Bay "Utility Agreement" shall be executed between the Property Owner and the City.
2. All applicable outside agency permits must be obtained (St. Johns River Water Management District, Melbourne-Tillman Water Control District, Florida Department of Environmental Protection, Brevard County, Department of Environmental Health Services, etc.)
3. Prior to the issuance of any building permits, the engineered site plans must be granted administrative approval.
4. Should the structure be enclosed on the subject parcel it will need to meet the architectural provisions outlined in Section 185.134 of the Palm Bay Code of Ordinances.

**STAFF RECOMMENDATION:**

Staff recommends approval of Case CU-10-2019, subject to compliance with all applicable City Codes and other governmental regulations.



## AERIAL LOCATION MAP CASE NO. CU-10-2019

### Subject Property

West of and adjacent to Babcock Street SE, in the vicinity between Booth Road and Agnes Avenue SE, specifically at 6852 Babcock Street SE, Palm Bay, FL



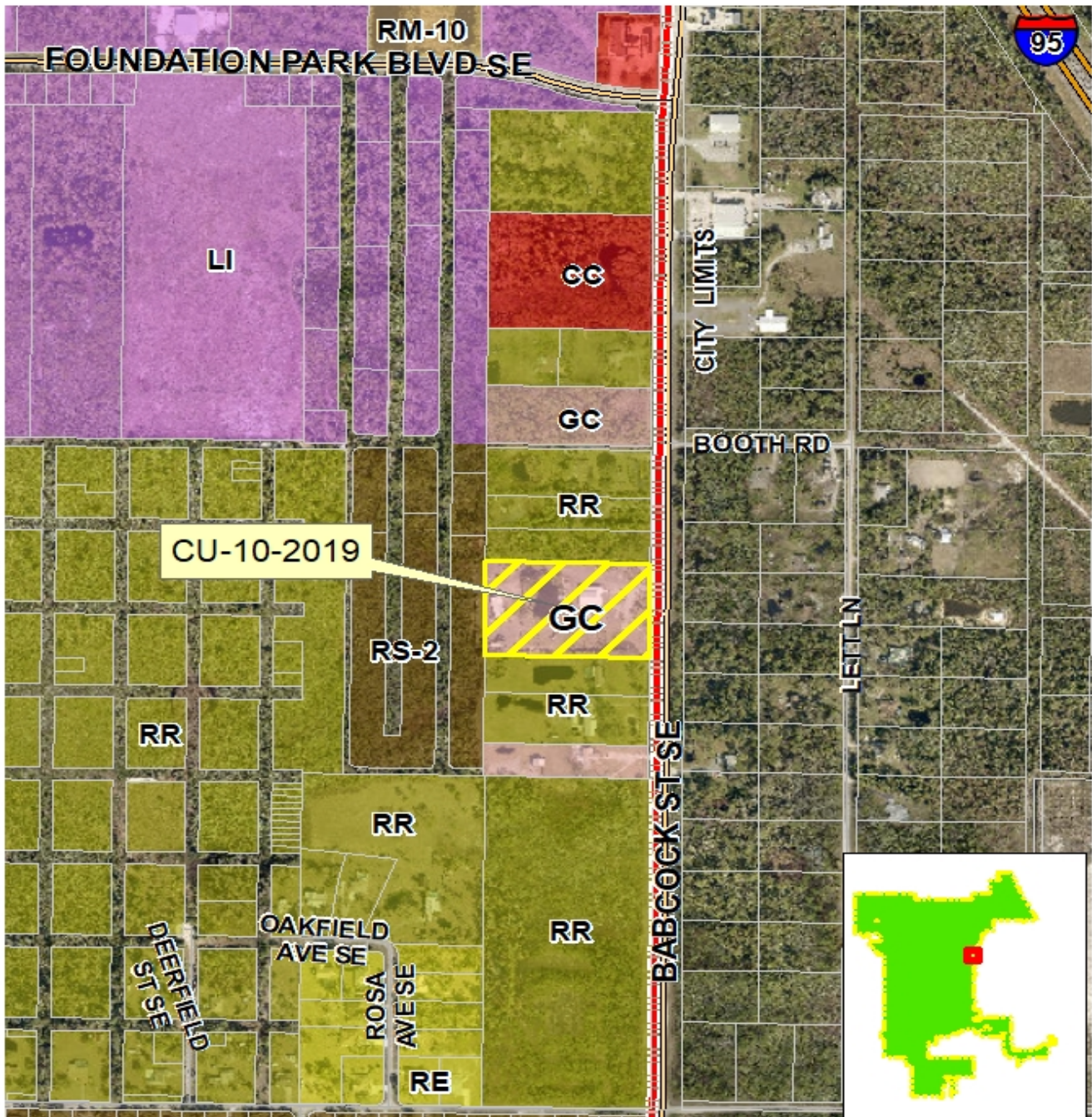
Not to Scale

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









## ZONING MAP      CASE NO. CU-10-2019

### Subject Property

West of and adjacent to Babcock Street SE, in the vicinity between Booth Road and Agnes Avenue SE, specifically at 6852 Babcock Street SE, Palm Bay, FL

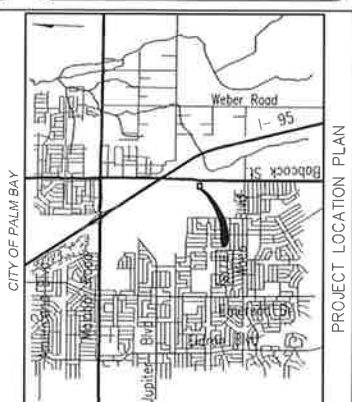
### Current Zoning Classification

GC – General Commercial District



Not to Scale

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







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

## CONDITIONAL USE APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, 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 29-37-09-00-759

TAX ACCOUNT NO. 2931115

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

See Attached

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 5 acres

CONDITIONAL USE SOUGHT: Event Hall

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

### CONDITIONAL USE REQUIREMENTS FOR SUBMITTAL (Section 185.087):

The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties per Section 185.085.

APPLICANT MUST PROVIDE A SITE SKETCH TO SCALE OF THE FOLLOWING AND MUST ALSO PROVIDE THE SKETCH ON MEMORY DRIVE:

- Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
- Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.
- Adequate and properly located utilities that are available or may be reasonably provided to serve the proposed development.
- Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.
- Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.
- Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.
- The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity.
- Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, reasonable time limit within which the action for which special approval is requested shall be begun or completed, or both.

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

**ADDITIONAL CONDITIONS MUST BE MET AND INCORPORATED INTO THE SITE SKETCH FOR THE SPECIFIC CONDITIONAL USE.**

Additional criteria is listed in Section 185.088 and available from staff (check all that apply):

- |  |   |  |   |   |
|--|---|--|---|---|
| <input type="checkbox"/> <b>Church</b><br>(Sec. 185.088(A))                | <input type="checkbox"/> <b>Club or Lodge</b><br>(Sec. 185.088(B))                      | <input type="checkbox"/> <b>Commercial dog kennel</b><br>(Sec. 185.088(C)) | <input type="checkbox"/> <b>Planned Industrial Development</b><br>(industrially zoned site over 5 acres)<br>(Sec. 185.088(D)) | <input type="checkbox"/> <b>Public or private school</b><br>(Sec. 185.088(E)) |
| <input type="checkbox"/> <b>Self-storage facility</b><br>(Sec. 185.088(F)) | <input type="checkbox"/> <b>Communication tower and facilities</b><br>(Sec. 185.088(G)) | <input type="checkbox"/> <b>Dance club</b><br>(Sec. 185.088(H))            | <input type="checkbox"/> <b>Security dwelling unit</b><br>(Sec. 185.088(I))   | <input type="checkbox"/> <b>Wedding venue</b><br>(Sec. 185.088(J))            |

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

- x   \*\$650.00 Application Fee. Make check payable to "City of Palm Bay."
- x   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.)
- x   Site Sketch (See page 1 for requirements).
- Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.
- Citizen Participation Plan. Refer to Section 169.005 of the Land Development Code for guidelines.
- Where property is not owned by the applicant, a letter** must be attached giving the notarized consent of the owner to the applicant to request the conditional use.

I, THE UNDERSIGNED UNDERSTAND THAT THIS CONDITIONAL USE 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 CONDITIONAL USE APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant

Raymond J. Fischer

Date 2.18.19

Printed Name of Applicant

Raymond Fischer

Full Address

6852 Babcock Street, SE Palm Bay, FL 32909

Telephone

(321) 288-0937

Email

fischer.fischer220@BellSouth.com

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



LAND DEVELOPMENT DIVISION  
120 MALABAR ROAD SE  
PALM BAY, FL 32907  
TELEPHONE: 321-733-3042

STAFF REPORT  
PREPARED BY:  
Patrick J. Murphy  
Assistant Growth Management Director

---

**CASE NUMBER**

CP-7-2019

---

**PLANNING & ZONING BOARD HEARING DATE**

June 5, 2019

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**APPLICANT/PROPERTY OWNER**

Steven Ciancio

---

**PROPERTY LOCATION/ADDRESS**

3401 Gran Avenue NE 32905 (Lots 12, 13, and 15-17,  
Gran's Subdivision of Cape Malabar)

---

**SUMMARY OF REQUEST**

The applicant is requesting a small-scale Comprehensive Plan Future Land Use (FLU) Map amendment to change 0.91 acres from Single Family Residential Use to Multiple Family Residential Use.

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EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
RS-3, Single-Family Residential	Single Family Residential Use	One (1) single-family residence	0.91 acres, more or less

---

**SURROUNDING ZONING & LAND USE**

**NORTH:** RM-20, Multiple-Family Residential; Venetian Bay Condominiums

**EAST:** PCR, Planned Community Redevelopment; Riverview Senior Resort ALF

**SOUTH:** RS-3; Single-Family Residence, and Gran Avenue NE

**WEST:** HC, Highway Commercial; Stormwater Pond and Driveway for Venetian Bay

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**COMPATIBILITY with the COMPREHENSIVE PLAN**

The information contained in this report should provide the Planning and Zoning Board and City Council with information to determine the need and justification for the change, the effect of the change on the subject and surrounding properties, and the relationship of the proposed amendment to furthering the purposes of the Comprehensive Plan.

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**BACKGROUND:**

1. Located in the vicinity NE of the corner of Dixie Highway NE (U.S. 1) and Gran Avenue NE. Specifically, the subject property is 3401 Gran Avenue NE 32905 (Lots 12, 13, and 15-17, Gran's Subdivision of Cape Malabar), Section 30, Township 28, Range 38, Brevard County, Florida.
2. The adjacent zoning and land uses are as follows:  
  
North: RM-20, Multiple-Family Residential; Venetian Bay Condominiums  
East: PCR, Planned Community Redevelopment; Riverview Senior Resort  
South: RS-3; Single-Family Residence, and Gran Avenue NE  
West: HC, Highway Commercial; Stormwater Pond and Driveway for Venetian Bay
3. The subject property contains an existing single-family residence of approximately 2,050 square feet, that was constructed in 1960. The home is located on the southern end of the property, on what was originally Lot 15. Vacant land exists on the remainder of the parcel. The applicant purchased the property on June 11, 2018.
4. The applicant is requesting a small-scale Comprehensive Plan Future Land Use (FLU) Map amendment to change 0.91 acres from Single Family Residential Use to Multiple Family Residential Use. The applicant is Steven Ciano.

**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 Multiple Family Residential (MFR) Use FLU category allows for a maximum residential density of 20 units per acre, with a range of 0-20 units per acre. Typical uses permitted include single family homes, duplexes, multiple family units, congregate living units, recreational uses, and institutional uses such as schools, churches, and utilities.

The subject property is bordered by two, 7-story condominium buildings (Venetian Bay) to the north; and by a 7-story assisted living facility to the east. To south is a single-family residence, and Gran Avenue. South of Gran Avenue is a 4-story condominium (Rhum Cove) with multiple boat slips; and to the west is a stormwater retention pond and driveway that both serve the Venetian Bay condos.

The applicant intends to construct a surface-level parking lot and stormwater retention pond to service expansion of the assisted living facility (ALF) located immediately east.

## 2. COASTAL MANAGEMENT ELEMENT

The subject property is located within the Coastal Management Area, as it is located east of Dixie Highway (U.S. Highway 1). However, the property was previously issued building permits and is presently developed. Development of a surface-level parking area and retention pond will not affect the Coastal Management Area.

## 3. CONSERVATION ELEMENT

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

Recreation: Multiple Family Residential Use does have more of a demand upon the parks & recreation level of service (LOS) standards than Single-Family Residential Use. However, the intended use will have no effect on the recreation LOS. It shall be noted that the Recreation and Open Space Element of the City's Comprehensive Plan sets an LOS Standard of 2 acres per 1,000 residents. The city maintains public ownership of park-designated lands that far exceeds this requirement.

## 4. HOUSING ELEMENT

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive and affordable housing within the City. The amendment will allow the site to be used as accessory uses for the adjacent ALF.

## 5. INFRASTRUCTURE/CAPITAL IMPROVEMENTS ELEMENTS

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

Utilities: The FLU change will not cause LOS to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. A 10" water distribution line and an 8" sewer collection line is located along the south side of Gran Avenue. Therefore, Policy FLU3.1B (adequate access to water and sewer service) would be met if vertical development were proposed.

Drainage: The property contains no active drainage facilities, other than single-family drainage to Gran Avenue. The applicant proposes to construct a stormwater retention pond that will service the proposed parking area. The design, and its outfall/connection to the overall drainage basin, will be evaluated at the time of site plan submittal.

## 6. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: The proposed FLU amendment is requested to allow the site to be used as accessory uses. The property use will have no impact to the public-school system.

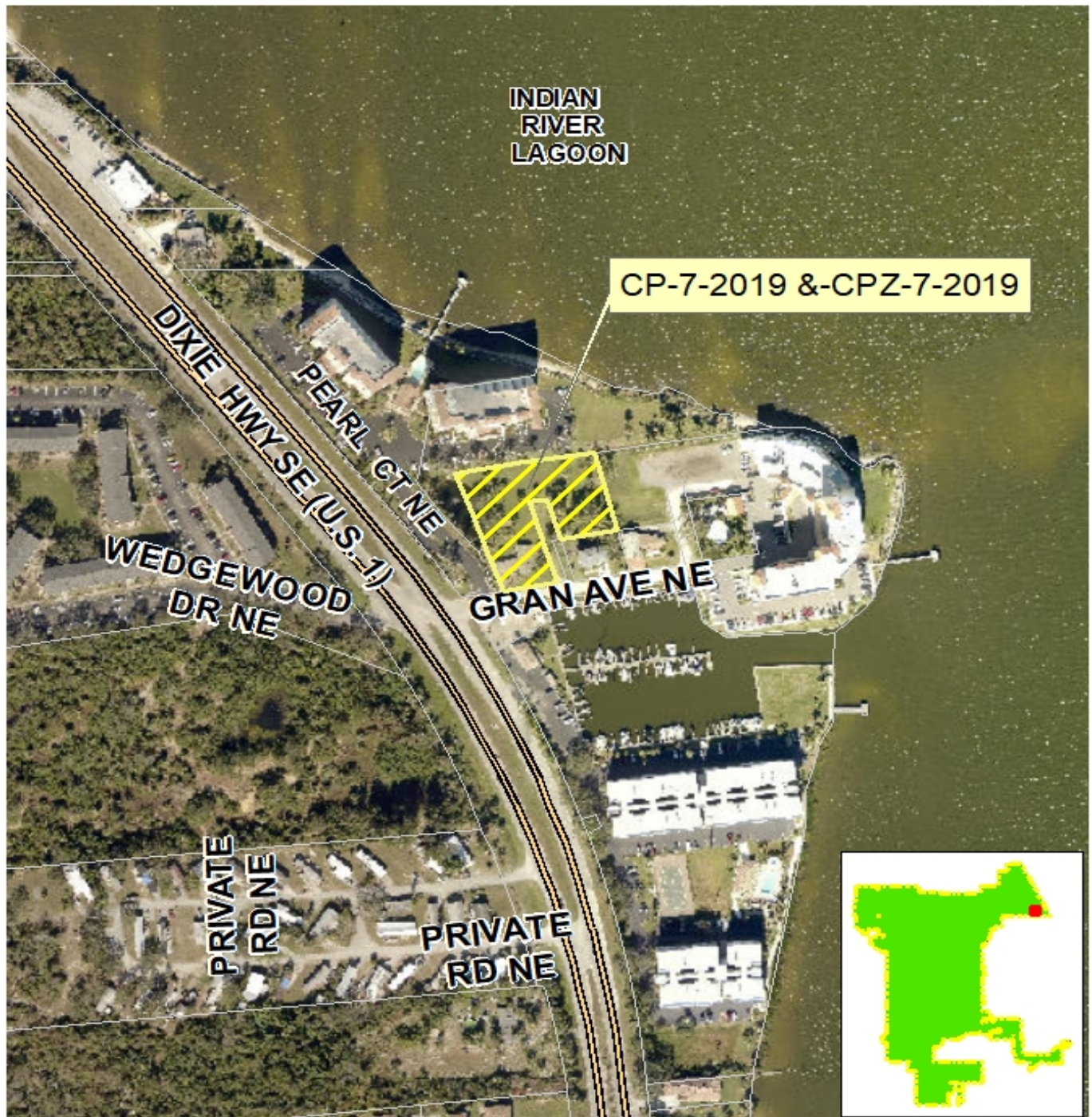
## 7. TRANSPORTATION ELEMENT

The objectives of the Transportation Element are to provide a safe, balanced, efficient transportation system that maintains roadway LOS and adequately serves the needs of the community. The existing ALF to the east was previously approved by City Council and City Staff, and the transportation LOS was vetted at that time. The proposed parking area will not create a further burden on the transportation network, as it will provide for staff and visitor parking needs that are separated from the future residential parking garage located within the ALF. However, should the applicant submit plans to increase development of the site, a traffic impact analysis would be required.

### **STAFF RECOMMENDATION:**

Motion to approve Case CP-7-2019, pursuant to Chapter 163, Florida Statutes.





## AERIAL LOCATION MAP CASE CP-7-2019 & CPZ-7-2019

### Subject Property

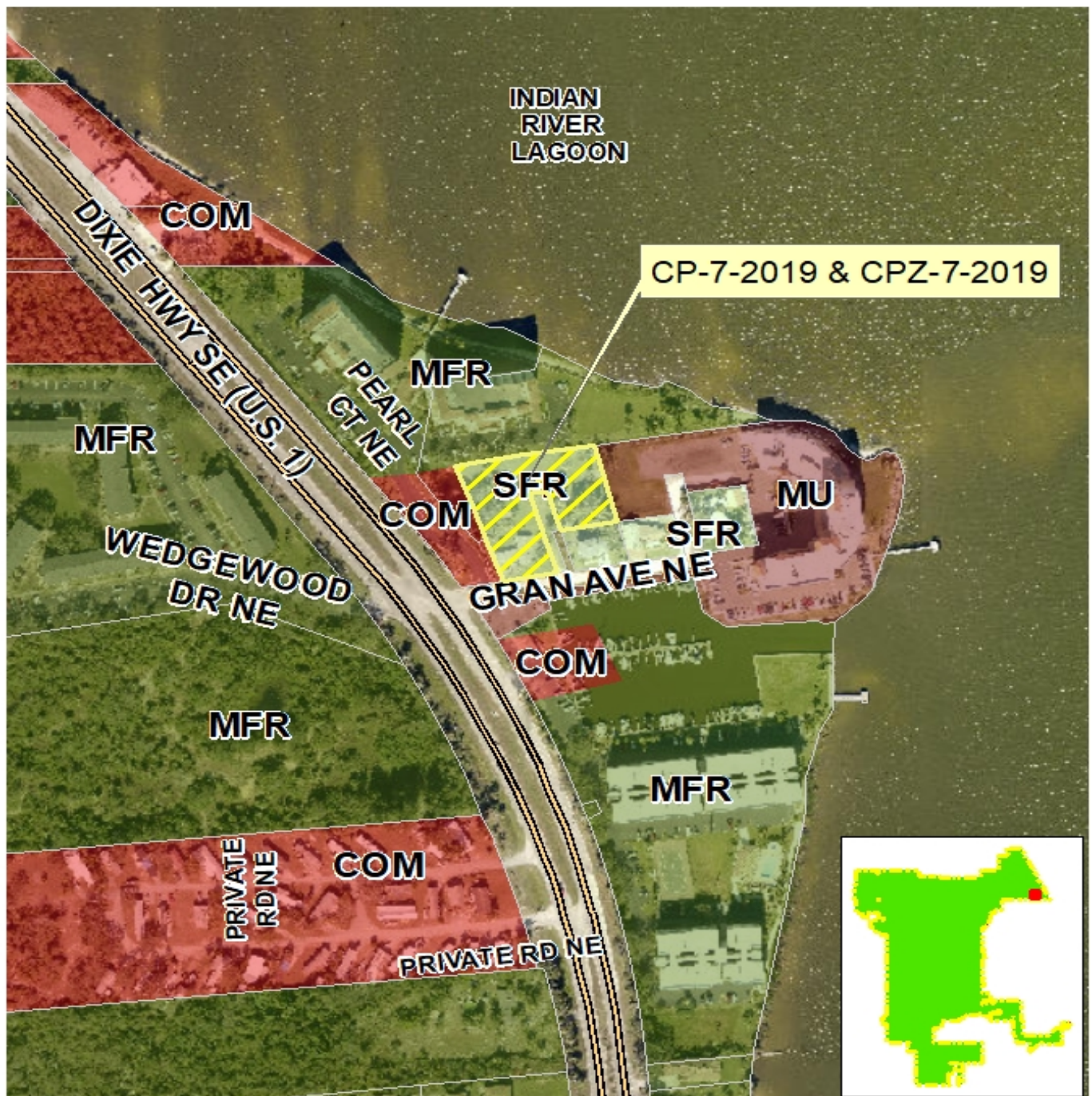
North of and adjacent to Gran Avenue NE, in the vicinity between Dixie Highway NE and Victor Court NE, specifically at 3401 Gran Avenue NE, Palm Bay, FL.



Not to Scale

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





## FUTURE LAND USE MAP CASE CP-7-2019 & CPZ-7-2019

### Subject Property

North of and adjacent to Gran Avenue NE, in the vicinity between Dixie Highway NE and Victor Court NE, specifically at 3401 Gran Avenue NE, Palm Bay, FL.

### Future Land Use Classification

SFR – Single Family Residential Use



Not to Scale

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





## ZONING MAP CASE CP-7-2019 & CPZ-7-2019

### Subject Property

North of and adjacent to Gran Avenue NE, in the vicinity between Dixie Highway NE and Victor Court NE, specifically at 3401 Gran Avenue NE, Palm Bay, FL.

### Current Zoning Classification

RS-3 – Single Family Residential District



Not to Scale

*Map for illustrative purposes only; not to be construed as binding or as survey*

## COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, 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.

### APPLICATION AMENDMENT TYPE:

☒ **Small Scale** (Less than 10 acres)      ☐ **Large Scale** (10 acres or more)      ☐ **Text Amendment** (Comp. Plan)

PARCEL ID 28-38-30-50-12

TAX ACCOUNT NO. 2850936

### LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

GRANS SUBD OF CAPE MALABAR LOTS 12, 13, 15 Thru 17

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): .91

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

0110 - SINGLE FAMILY RESIDENCE

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

MULTI FAMILY RESIDENTIAL

PRESENT USE OF THE PROPERTY: RESIDENTIAL

STRUCTURES NOW LOCATED ON THE PROPERTY: 1- SINGLE FAMILY HOUSE

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

YES

(Impacts to transportation facilities, water and sewer facilities, drainage, recreation facilities, and solid waste must be examined and justified before acceptance by the Florida Department of Economic Opportunity and the City of Palm Bay.)

JUSTIFICATION FOR CHANGE (attach <sup>LAND USE</sup> additional sheets containing supporting documents and evidence if necessary):

THE CURRENT ZONING DOES NOT ALLOW FOR MULTIFAMILY USES. THE REQUESTED LAND USE WOULD.

SPECIFIC USE INTENDED FOR PROPERTY:

PARKING AND RETENTION AREA TO SUPPORT THE FACILITY, THAT EXISTS ON THE ADJACENT PROPERTY

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

✓ \*Application Fee. Make check payable to "City of Palm Bay."

☒ **Small Scale Map** \$1,200.00  
(Less than 10 acres)

☐ **Large Scale Map** \$2,000.00  
(10 acres or more)

☐ **Text Amendment** \$2,000.00  
(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).


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

MA 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 comprehensive plan or future land use map amendment.



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.

Signature of Applicant  Date 4/26/19  
Printed Name of Applicant STEVEN CANELO  
Full Address 3480 GRAN AVE PALM BAY FL 32905  
Telephone 561-703-0914 Email RiverViewLiving@aol.com

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

The Cape, LLC  
Riverview Senior Resort  
3401 Gran Avenue NE, Palm Bay FL 32907

*MAY 03, 2019*

City of Palm Bay  
Land Development Division  
120 Malabar Road SE  
Palm Bay, FL 32907  
(321) 733-3041

Dear Chandra Powell,

I, Christopher A. Finley, am a 50% owner of The Cape, LLC (Riverview Senior Resort, Tax Account 2850936). I give full permission and agreement to the Comprehensive Plan request from Single Family Residential Use to Multiple Family Use and the zoning change from an RS-3, Single Family Residential District to an RM-20, Multiple Family Residential District.

I also give my business partner, Mr Steven Ciano, full authority to act on my behalf for any future decisions needed in reference to our above mentioned project. If for some reason he will not be eligible to act on my behalf, you may contact me directly at [caf2313@aol.com](mailto:caf2313@aol.com) or on my cell at 845-235-3866.

Thank you and the City of Palm Bay for all of your continued support with our project and partnership in building a stronger community.

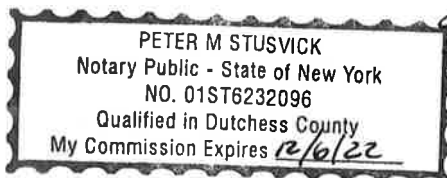
Have a great weekend!

Sincerely,



Christopher A. Finley

The Cape, LLC



*On May 3, 2019, personally  
appeared before me, Christopher  
Finley, sworn and subscribed.*





LAND DEVELOPMENT DIVISION  
120 MALABAR ROAD SE  
PALM BAY, FL 32907  
TELEPHONE: 321-733-3042

STAFF REPORT  
PREPARED BY:  
Patrick J. Murphy  
Assistant Growth Management Director

---

**CASE NUMBER**

CPZ-7-2019

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**PLANNING & ZONING BOARD HEARING DATE**

June 5, 2019

---

**APPLICANT/PROPERTY OWNER**

Steven Ciancio

---

**PROPERTY LOCATION/ADDRESS**

3401 Gran Avenue NE 32905 (Lots 12, 13, and 15-17,  
Gran's Subdivision of Cape Malabar)

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**SUMMARY OF REQUEST**

The applicant is requesting a rezoning from RS-3, Single-Family Residential District, to the RM-20, Multiple-Family Residential Zoning District.

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EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE
RS-3, Single-Family Residential	Single Family Residential Use	One (1) single-family residence	0.91 acres, more or less

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**SURROUNDING ZONING & LAND USE**

**NORTH:** RM-20, Multiple-Family Residential; Venetian Bay Condominiums

**EAST:** PCR, Planned Community Redevelopment; Riverview Senior Resort ALF

**SOUTH:** RS-3; Single-Family Residence, and Gran Avenue NE

**WEST:** HC, Highway Commercial; Stormwater Pond and Driveway for Venetian Bay

---

**COMPATIBILITY with the COMPREHENSIVE PLAN**

Yes, subject to Case CP-7-2019

---

**BACKGROUND:**

1. Located in the vicinity NE of the corner of Dixie Highway NE (U.S. 1) and Gran Avenue NE. Specifically, the subject property is 3401 Gran Avenue NE 32905 (Lots 12, 13, and 15-17, Gran's Subdivision of Cape Malabar), Section 30, Township 28, Range 38, Brevard County, Florida.
2. The adjacent zoning and land uses are as follows:  
  
North: RM-20, Multiple-Family Residential; Venetian Bay Condominiums  
East: PCR, Planned Community Redevelopment; Riverview Senior Resort  
South: RS-3; Single-Family Residence, and Gran Avenue NE  
West: HC, Highway Commercial; Stormwater Pond and Driveway for Venetian Bay

**ANALYSIS:**

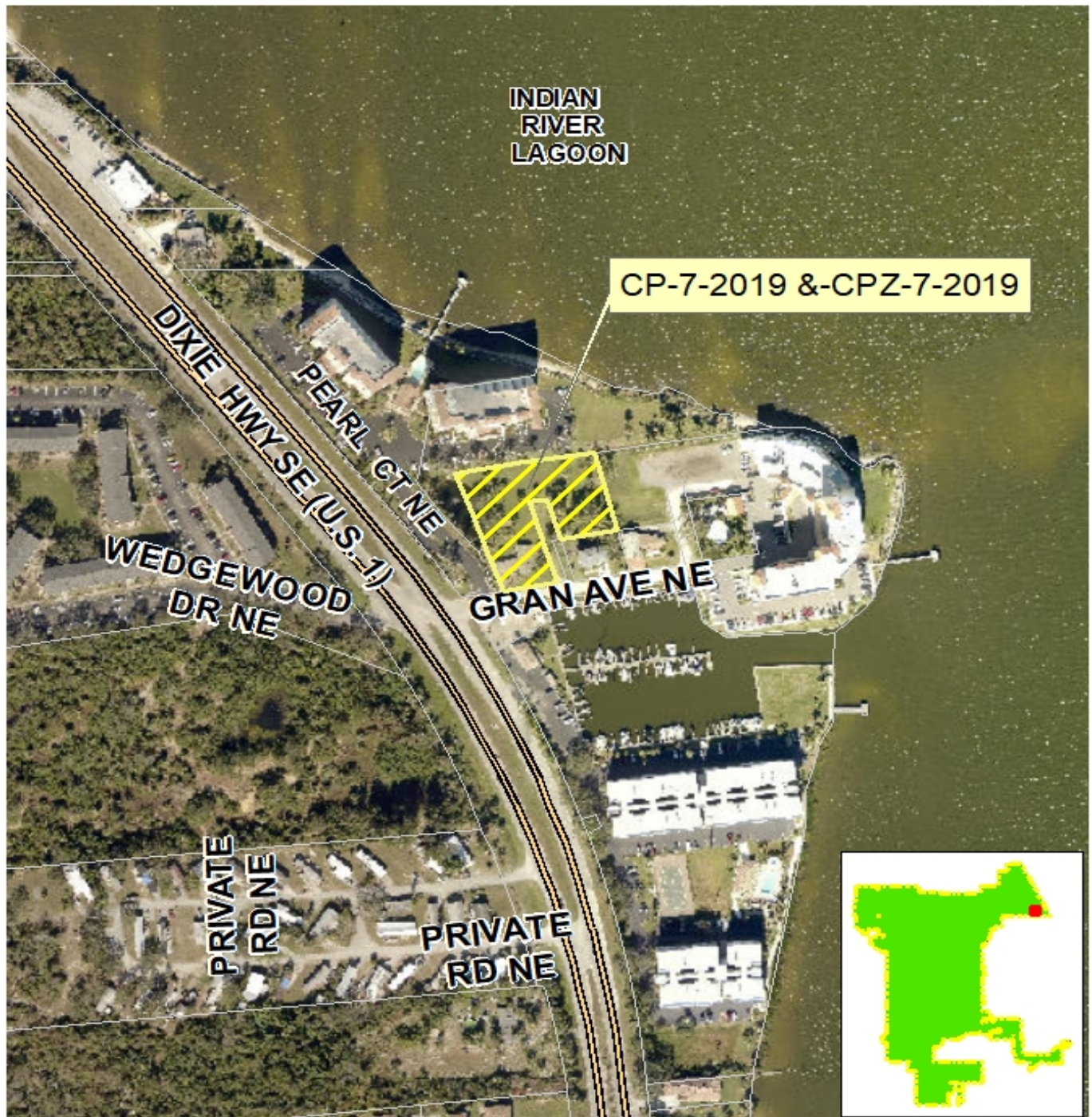
1. The applicant requests a rezoning from RS-3, Single-Family Residential District to the RM-20, Multiple-Family Residential Zoning District. The applicant for this request is Steven Ciancio.
2. The provisions of the RM-20 zoning district are intended to apply to an area of high-density residential development. Lot, height, and other restrictions are intended to accommodate an intense degree of development, maintaining adequate amounts of open space for residential uses. Some nonresidential uses compatible with the character of the district are allowed.
3. As stated in the FLU request of CP-7-2019, the subject property is bordered by two, 7-story condominium buildings (Venetian Bay) to the north; and by a 7-story assisted living facility to the east. To south is a single-family residence, and Gran Avenue. South of Gran Avenue is a 4-story condominium (Rhum Cove) with multiple boat slips; and to the west is a stormwater retention pond and driveway that both serve the Venetian Bay condos.

Therefore, staff believes the rezoning request would be compatible with the high-density zoning districts and development patterns of the surrounding area.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request, to be consistent and compatible with the Future Land Use designation of Case No. CP-7-2019.





## AERIAL LOCATION MAP CASE CP-7-2019 & CPZ-7-2019

### Subject Property

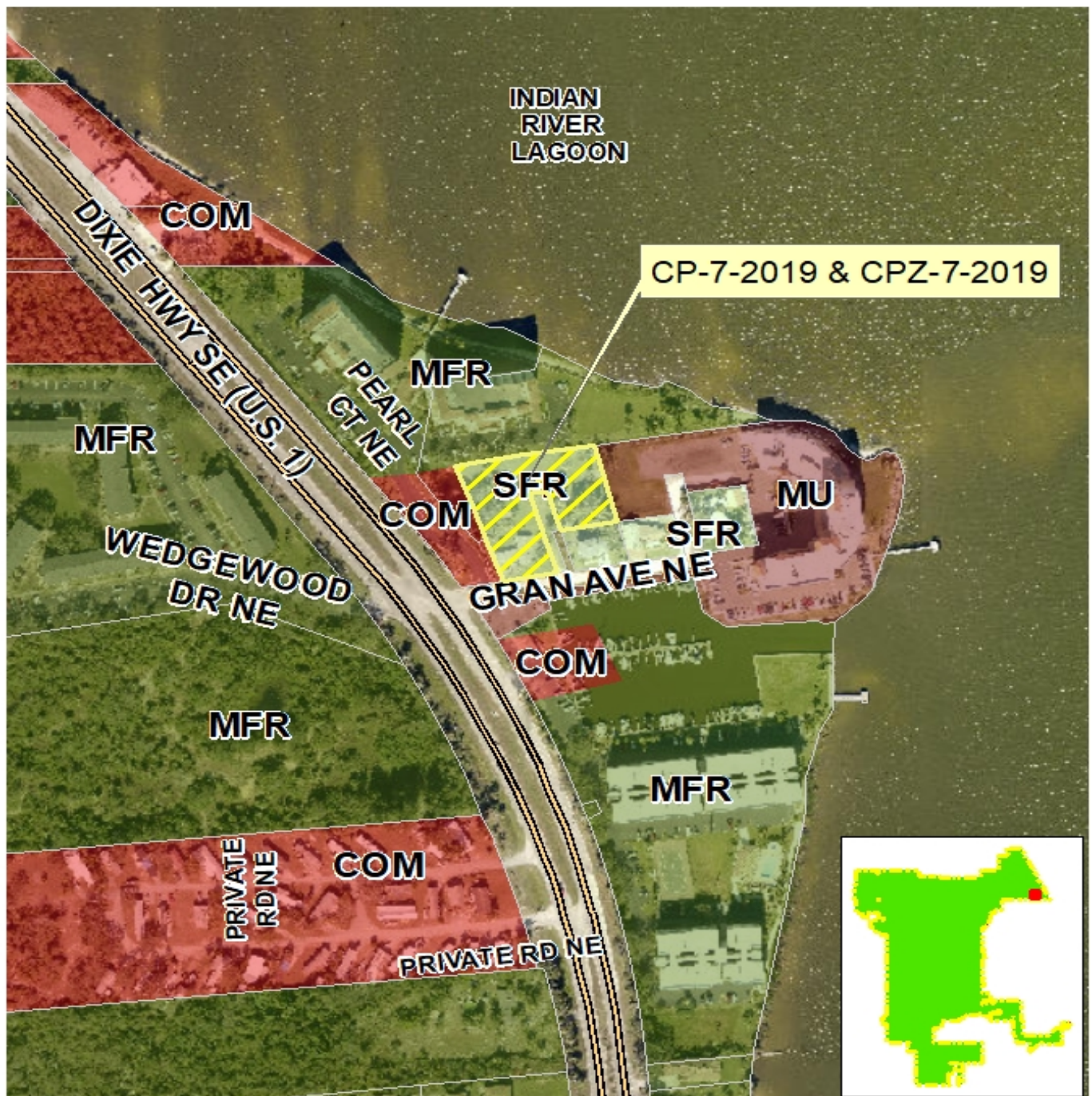
North of and adjacent to Gran Avenue NE, in the vicinity between Dixie Highway NE and Victor Court NE, specifically at 3401 Gran Avenue NE, Palm Bay, FL.



Not to Scale

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





## FUTURE LAND USE MAP CASE CP-7-2019 & CPZ-7-2019

### Subject Property

North of and adjacent to Gran Avenue NE, in the vicinity between Dixie Highway NE and Victor Court NE, specifically at 3401 Gran Avenue NE, Palm Bay, FL.

### Future Land Use Classification

SFR – Single Family Residential Use



Not to Scale

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





## ZONING MAP CASE CP-7-2019 & CPZ-7-2019

### Subject Property

North of and adjacent to Gran Avenue NE, in the vicinity between Dixie Highway NE and Victor Court NE, specifically at 3401 Gran Avenue NE, Palm Bay, FL.

### Current Zoning Classification

RS-3 – Single Family Residential District



Not to Scale

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## REZONING APPLICATION

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PARCEL ID 28-38-30-50-12

TAX ACCOUNT NO. 2850936

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

GRANS SUBD OF CAPE MALABAR LOTS 12, 13, 15 thru 17

PROPERTY ADDRESS (If assigned): 3401 GRAN AVENUE NE PALM BAY 32905

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): .91

ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.): 0110 - SINGLE FAMILY RESIDENCE

ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): RM-20

STRUCTURES NOW LOCATED ON THE PROPERTY: 1-SINGLE FAMILY HOUSE

PRESENT USE OF THE PROPERTY:

RESIDENTIAL

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

PARKING & RETENTION TO SUPPORT THE FACILITY,  
THAT EXISTS ON THE ADJACENT PROPERTY



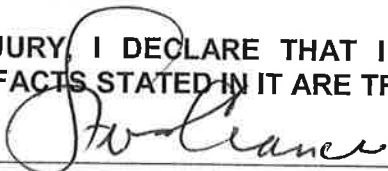
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- ✓ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the 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).
- TBD Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.
- N/A Where property is not owned by the applicant, a letter must be attached giving the notarized consent of the owner 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

4/20/19

Printed Name of Applicant

STEVEN CIANCIO

Full Address

3490 GRAN Avenue Palm Bay FL 32905

Telephone

321-703-0914

Email

RiverNewLiving @ AOL.COM

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

The Cape, LLC  
Riverview Senior Resort  
3401 Gran Avenue NE, Palm Bay FL 32907

*MAY 03, 2019*

City of Palm Bay  
Land Development Division  
120 Malabar Road SE  
Palm Bay, FL 32907  
(321) 733-3041

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I also give my business partner, Mr Steven Ciano, full authority to act on my behalf for any future decisions needed in reference to our above mentioned project. If for some reason he will not be eligible to act on my behalf, you may contact me directly at [caf2313@aol.com](mailto:caf2313@aol.com) or on my cell at 845-235-3866.

Thank you and the City of Palm Bay for all of your continued support with our project and partnership in building a stronger community.

Have a great weekend!

Sincerely,



Christopher A. Finley

The Cape, LLC

*On May 3, 2019, personally  
appeared before me, Christopher  
Finley, sworn and subscribed.*

