

AGENDA

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Regular Meeting 2019-13 October 2, 2019 – 7:00 P.M. City Hall Council Chambers

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ADOPTION OF MINUTES:

1. Special Meeting 2019-12; September 18, 2019

ANNOUNCEMENTS:

NEW BUSINESS:

1. ♣V-22-2019 – JOAN S. JOHNSON (LUIS ERAZO, REP.)

A variance to allow a replacement Florida room and carport to encroach 2 feet into the 10-foot side corner setback as established by Section 185.039(E)(9)(c) of the Palm Bay Code of Ordinances.

Lot 4, Block 14, Palm Bay Colony Section 4, Section 14, Township 28, Range 37, Brevard County, Florida, containing .11 acres, more or less. (Located at the northeast corner of Ersoff Boulevard NE and Big Cypress Street NE, specifically at 2401 Ersoff Boulevard NE)

2. **PS-1-2019 – PLANTATION CIRCLE (CARMINE FERRARO, REP.)**

Preliminary Subdivision Plan approval of a proposed 5-lot single-family subdivision called Plantation Circle.

Tax Parcel 506.1, Section 34, Township 29, Range 37, Brevard County, Florida, containing 8.41 acres, more or less (Located at the southeast corner of Babcock Street SE and Plantation Circle SE)

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3. ♣PD-18-2019 – COURTYARDS AT WATERSTONE (ROCHELLE LAWANDALES AND JAKE WISE, REPS.)

A Preliminary Development Plan for a proposed PUD to allow a 201-lot single-family residential development called Courtyards at Waterstone.

Tax Parcel 5 and Part of Tax Parcel 500, Section 4, Township 30, Range, 37, Brevard County, Florida, containing 79.181 acres, more or less. (Located in the vicinity south of Mara Loma Boulevard SE and west of Babcock Street SE)

4. ★CU-23-2019 – HARMONY LANDING (CURT MCKINNEY) (WITHDRAWN)

A conditional use for a proposed mixed-use development to allow for a restaurant and assisted living.

Lot K, Lots 1 through 8, Lot 10, and Lots 29 through 38, Block 2, Plat of Tillman, Section 13, Township 28, Range 37, along with Lot 1, Block A, Hiawatha Gardens, Section 13, Township 28, Range 37. (Located east of Dixie Highway NE, in the vicinity north and south of Kirkland Road NE)

5. ★CU-24-2019 – CONCEPT DEVELOPMENT, INC. (HOLLY WHITE)

A conditional use to increase the maximum building square footage from 5,000 square feet to a proposed 9,100 square feet in an NC, Neighborhood Commercial District.

Tract B, Port Malabar Unit 22, Section 28, Township 29, Range 37, Brevard County, Florida, containing 4.04 acres, more or less. (Located at the northeast corner of San Filippo Drive SE and Eldron Boulevard SE)

6. ◆FD-25-2019 – EMERALD LAKES (JAKE WISE, REP.)

A Final Development Plan for a proposed RAC to allow a development called Emerald Lakes

Part of Sections 2, 3, 10, 11, and 12, Township 30, Range 37, Brevard County, Florida, containing 896.269 acres, more or less. (Located west of Interstate 95, in the vicinity of St. Johns Heritage Parkway SE)

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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 SPECIAL MEETING 2019-12

Held on Wednesday, September 18, 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.

Mr. Donald Boerema led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON: Philip Weinberg Present VICE CHAIRPERSON: Leeta Jordan Present Donald Boerema MEMBER: Present MEMBER: Present Nancy Domonousky MEMBER: Donny Felix Present Present MEMBER: Khalilah Maragh

MEMBER: Rainer Warner Absent (Excused)

NON-VOTING MEMBER: 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. James Stokes, Board Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2019-10; August 7, 2019. Motion by Ms. Maragh, seconded by Mr. Felix 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.

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OLD BUSINESS:

1. CP-10-2019 - HARBOR POINTE (JAKE WISE, PE)

Mr. Balter presented the staff report for Case CP-10-2019. The applicant had requested a large scale Comprehensive Plan Future Land Use Map amendment from Industrial Use and Commercial Use to Bayfront Mixed Use. Staff recommended Case CP-10-2019 for approval, subject to the conditions contained in the staff report.

Mr. Jake Wise with Construction Engineering Group (applicant and civil engineer for the project) explained that the board had unanimously approved the subject request in July, and that the request was being reheard because of a perceived issue with the required public hearing signage. He said that the project met the vision of the Bayfront mixed-use district.

The floor was opened for public comments.

Mr. Jack Spira with Spira, Beadle & McGarrell PA (attorney representing Far Chemical, Inc.) and Mr. Conroy Jacobs, AICP (planner consultant representing Far Chemical, Inc.) spoke against the request. They gave a PowerPoint presentation detailing how an adjacent multiple-family residential development would not be compatible with their client's heavy industrial property where hazardous chemicals and materials were processed. Mr. Spira remarked that the applicant had not implemented a Citizen Participation Plan (CPP); undergone Planned Development approval; nor provided a concept plan or a traffic study; and it was questionable whether an Environmental Phase II Study had been completed. Mr. Jacobs expounded further on how the preliminary traffic impact analysis he had prepared revealed safety issues with the project's proposed traffic movements and driveway access points. The development would impact school capacity; there appeared to be a discrepancy between the BMU land use and zoning densities for residential land; and multiple-family was not an appropriate transition between industrial and commercial uses. Mr. Spira reiterated how highly hazardous chemicals could affect residents of the proposed multiple-family development and concluded that the proposal was incompatible, inconsistent, and non-conforming.

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In response to the PowerPoint presentation, Mr. Balter clarified that the Planned Development requirement cited did not apply as it pertained to another site; a land use request did not require a CPP or concept plan; and Brevard County School Board had completed a projected school analysis as a planning tool to determine how they would meet capacity needs for the development. He explained that there was not an inconsistency between the BMU land use and zoning densities as the presentation had compared the maximum density percentage for the entire BMU land use with maximum density zoning requirements for the actual property.

In response to the PowerPoint presentation, Mr. Wise confirmed that environmental studies had been done for the project. Since 1983, Far Chemical had been adjacent to multiple-family, single-family, commercial, and other industrial uses without compatibility being an issue, and delivery trucks for Far Chemical traveled through the residential area daily. He commented that the traffic analysis in the presentation had used maximums, which would not be the case for the subject property, and no site plan or driveway locations were presently proposed. He reminded the board that half of the site was currently zoned commercial.

Ms. Maragh asked about the various types of environmental studies. Mr. Wise explained the environmental studies and how the Phase II study prepared for the subject site had come back clean.

The floor was closed for public comments, and there was one letter of opposition in the file.

Mr. Weinberg disclosed that he was contacted by Mr. Jacobs a couple of weeks ago regarding project concerns.

Mr. Weinberg noted that the prime bay-frontage property had sat unused for many years, and a multiple-family development would be the highest and best use of the site. Most of the property was already zoned commercial and would be commercially developed, so there was no spot zoning.

Motion by Ms. Maragh, seconded by Ms. Jordan to submit Case CP-10-2019 to City Council for approval of a large scale Comprehensive Plan Future Land Use Map amendment from Industrial Use and Commercial Use to Bayfront Mixed Use.

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Mr. Weinberg commented that the valid transportation and traffic issues presented would have to be addressed with the Florida Department of Transportation (FDOT) or the project could not proceed.

A vote was called on the motion by Ms. Maragh, seconded by Ms. Jordan to submit Case CP-10-2019 to City Council for approval of a large scale Comprehensive Plan Future Land Use Map amendment from Industrial Use and Commercial Use to Bayfront Mixed Use. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Felix	Aye
Ms. Domonousky	Nay
Ms. Maragh	Aye

City Council approval of the large scale amendment will require a transmittal of the proposal to the Florida Department of Economic Opportunity for review, pursuant to Chapter 163, Florida Statutes.

2. CPZ-10-2019 – HARBOR POINTE (JAKE WISE, PE)

Mr. Balter presented the staff report for Case CPZ-10-2019. The applicant had requested a zoning amendment from an HC, Highway Commercial District and an HI, Heavy Industrial District to a BMU, Bayfront Mixed Use District. Staff recommended Case CPZ-10-2019 for approval.

Mr. Jake Wise with Construction Engineering Group (applicant and civil engineer for the project) was present to answer questions.

The floor was opened for public comments.

Mr. Jack Spira with Spira, Beadle & McGarrell PA (attorney representing Far Chemical, Inc.) spoke against the request. His prior objections for Case CP-10-2019 were reiterated for the subject request.

Mr. Weinberg stated that all comments under Case CP-10-2019 were incorporated by reference for Case CPZ-10-2019.

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Mr. Conroy Jacobs, AICP (planner consultant representing Far Chemical, Inc.) spoke against the request. He emphasized how the Florida Department of Transportation (FDOT) would want more details to determine the large scale amendment's impact on local roadways. Accidents occurred at driveways and intersections, which were major conflict points for the development as both driveways for the project were unsafe. The driveway proposed off Robert J. Conlan Boulevard NE was geometrically impossible and a driveway off of Dixie Highway NE would not be meet spacing requirements. He stated that decisions should be made using sound planning principles.

In response to public comments, Mr. Wise explained that without a specific site plan or actual driveways, FDOT's review of the large scale amendment would be based on the project's potential impact on adjacent roads. Once a site plan was prepared, a further review would be done by FDOT. Traffic studies would be generated during the site plan review process; however, a permit would not be issued if the required criteria could not be met.

Ms. Maragh asked for clarification regarding the traffic concerns. Mr. Jacobs stated his opinion that to control safety and concurrency a large scale amendment should require a preliminary traffic study prior to a site plan. Mr. Balter remarked that a traffic study was not required by the City Engineer for the zoning amendment. Mr. Weinberg added that State approval would not be granted if requirements could not be met, and that the project was within the City's vision for the Bayfront district.

The floor was closed for public comments, and there was one letter of opposition in the file.

Motion by Ms. Jordan, seconded by Ms. Maragh to submit Case CPZ-10-2019 to City Council for approval of a zoning amendment from an HC, Highway Commercial District and an HI, Heavy Industrial District to a BMU, Bayfront Mixed Use District. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Felix	Aye
Ms. Domonousky	Nay
Ms. Maragh	Aye

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3. CP-9-2019 – CRICKET DRIVE APARTMENTS (CONSTRUCTION ENGINEERING GROUP, LLC) (WITHDRAWN)

Case CP-9-2019 was withdrawn by the applicant. No board action was required to withdraw the case.

4. ♣PD-15-2019 – CRICKET DRIVE APARTMENTS (CONSTRUCTION ENGINEERING GROUP, LLC) (WITHDRAWN)

Case PD-15-2019 was withdrawn by the applicant. No board action was required to withdraw the case.

NEW BUSINESS:

1. **♣CU-20-2019 – ANNA HUTSON**

Mr. Murphy presented the staff report for Case CU-20-2019. The applicant had requested a conditional use to allow a proposed retail nursery in an RR, Rural Residential District. Staff concluded that the Planning and Zoning Board must determine if the request meets the criteria of Section 185.087 of the Palm Bay Code of Ordinances.

Ms. Anna Hutson (applicant) stated that she and a partner had operated a wholesale native plant nursery for five years and now desired to incorporate retail sales at the adjacent subject site. The vision was to create a more inviting and visually pleasing Florida native plant farm and nursery and educate the public on growing native plants and ecologically friendly landscapes. She was a lifetime resident of Hield Road NW who wanted to keep the rural and unique character of the area. She submitted to the board six self-imposed restrictions to be placed on the conditional use request as a result of hosting three Citizen Participation Plan (CPP) meetings. The restrictions addressed operating hours, visual and noise buffers, and signage.

Ms. Maragh inquired whether there were any unresolved issues. Ms. Hutson responded that there were other issues that were not in her power to address.

Mr. Felix asked about sidewalks along the road. Ms. Hutson stated that there were no sidewalks.

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Ms. Jordan asked if there would be a problem meeting staff comments. Ms. Hutson confirmed that staff comments would be met.

The floor was opened for public comments.

Ms. Carol Hebert (Conradina Chapter president of the Florida Native Plant Society) spoke in support of the request. She submitted three native plant brochures and explained how the applicant's business would be free of irrigation, pesticides, and herbicides since were unnecessary for native plants. Native plant businesses were friendly environments, but there was only one other strong operation in the area.

Ms. Laura Dion (resident at Breezewood Lane NW) spoke in support of the request. She said that the two wholesale nurseries in the area had generated a lot of traffic, but the small niche proposal would not cause much traffic. She believed the applicant respected the character of the area. However, she wanted parking accommodations for future growth to be included in the conditional use restrictions.

Ms. Debbie Jefferies (resident at Hield Road NW) spoke in support of the request. She was a biologist, environmental educator, and nature advocate. The proposed business would make a difference in the community, for the Indian River Lagoon, and future generations.

Ms. Melanie Delman (resident at Powell Road, Melbourne) spoke in support of the request. The retail nursery would not have large trucks like the wholesale nurseries. A retail nursery was also preferable to placing more homes on the property.

Ms. Martha Steuart (resident at Hawser Street NE) spoke in support of the request. She owned two homes with almost all Florida native yards. The single native plant nursery in the vicinity had low traffic and no trucks. Native plant nurseries were small impact businesses, but the wholesale nurseries in the subject area had become more like landscape businesses.

Mr. Tom Gillespie (resident at Hield Road NW) spoke against the request. He said that retail businesses belonged in commercial districts and not residential neighborhoods. Eye-catching retail signage, parking lots, and excessive noise typically at retail businesses lowered residential property values. The proposed operation could also grow. Roads in the area were not designed for retail traffic and would be a danger to pedestrians and school children. Fertilizers and pesticides could impact drinking water, and the use of large amounts of water could affect the neighborhood water table.

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Mr. Jack Zimak (resident at Studley Drive NW) spoke against the request. Existing agricultural businesses in the area should not justify permitting more businesses. The wholesale nurseries in the area had gone beyond the scope of their operations, and a precedent for larger businesses could be set. He believed that more than four parking spaces would be needed for retail sales.

Ms. Michele Smith (resident at Hield Road NW) spoke against the request. The retail nursery should not be allowed in the residential neighborhood. The existing wholesale nurseries in the area did not follow rules, generated traffic and noise, and allowed other businesses to operate at their sites.

Ms. Caroline Critchfield (resident at Seabury Point Road NW) spoke against the request. She supported small businesses and growing plants at the subject site; however, farmer's markets and retail locations would be more appropriate for plant sales. She was concerned about traffic since there were no sidewalks on Hield Road and her children had to walk and wait for the school bus on the pavement. She was disappointed that the subject site was purchased with intentions to seek the conditional use.

Mr. Dennis Foster (resident at Hield Road NW) spoke against the request. A retail operation did not belong in the rural residential area, and the other businesses in the vicinity had become obnoxious within the community. He did not believe there were enough parking spaces to accommodate business growth at the subject site.

Mr. Dennis Noffke (resident at Henley Road NW) spoke against the request. The community was unique, and he was concerned about other retail businesses coming into the neighborhood and driving down property values.

Mr. Dan Thoms (resident at Masters Road NW) spoke against the request. Operations at one of the existing nurseries had made it difficult for him to jog on Hield Road.

Ms. Susan Shepherd (resident at Hield Road NW) spoke against the request. The wholesale nurseries were a problem in the area, and she did not want a precedent set that would permit more retail and wholesale businesses. The huge trucks from the nurseries had broken down in front of her property and caused cracks in her driveway. Deer had also been hit. She wanted Hield Road to maintain its rural character.

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Ms. Jutta Baerman (resident at Powell Road NW) spoke against the request. She had privacy and safety concerns about strangers from the business at the rear of her property.

The floor was closed for public comments.

Mr. Weinberg commented that the request would not open the floodgates for more retail businesses. The retail plant nursery was a legal use in the RR district by conditional use and would not generate much traffic.

Mr. Weinberg indicated twelve correspondence in the file with four responses in favor of the request, seven in opposition, and one neutral.

Mr. Murphy stated that the applicant's self-imposed restrictions would be transmitted to City Council.

Ms. Maragh asked if the conditional use would apply to the existing wholesale nurseries in the vicinity. Mr. Murphy explained that the conditional use was site specific, and that it could only be altered by going through the conditional use process.

Motion by Ms. Maragh, seconded by Ms. Domonousky to submit Case CU-20-2019 to City Council for approval of a conditional use to allow a proposed retail nursery in an RR, Rural Residential District, subject to the applicant's self-imposed conditions and the conditions contained in the staff report. The motion carried with members voting as follows:

Aye
Aye
Aye
Nay
Aye
Aye

City of Palm Bay Planning and Zoning Board/ Local Planning Agency Special Meeting 2019-12 Minutes – September 18, 2019 Page 10 of 12

2. CP-12-2019 – CITY OF PALM BAY (ECONOMIC DEVELOPMENT DEPARTMENT)

Mr. Balter presented the staff report for Case CP-12-2019. The applicant had requested a small scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. Staff recommended Case CP-12-2019 for approval, pursuant to Chapter 163, Florida Statutes.

The floor was opened for public comments.

Ms. Cheri Darmanin (resident at Australian Road NW) spoke against the request. She was concerned about the traffic pattern and road conditions during construction of the site. Australian Road was less than two lanes wide and had a problem with vehicles speeding around the blind corner. Infrastructure improvements would be needed for Australian Road and at the intersection of Maywood Drive NW and Malabar Road to accommodate the seven proposed homes. She said that she purchased her home with the belief that the subject property would remain in its natural state. The request risked the safety and contentedness of the neighborhood.

Mr. Ronald Biberstine (resident at Australian Road NW) spoke against the request. He purchased his home believing the subject property would be unbuildable open space. He questioned the decision to sell the site and whether consideration had been given to the environmental wetlands and neighborhood drainage. He felt that the change was unfair.

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

Mr. Weinberg commented that the subject site was currently zoned Single Family Residential and had been deeded to the City for road maintenance through a settlement agreement with General Development Corporation.

Motion by Ms. Jordan, seconded by Mr. Boerema to submit Case CP-12-2019 to City Council for approval of a small scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use, pursuant to Chapter 163, Florida Statutes. The motion carried with members voting as follows:

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Mr. Weinberg Aye
Ms. Jordan Aye
Mr. Boerema Aye
Mr. Felix Aye
Ms. Domonousky Aye
Ms. Maragh Nay

3. T-21-2019 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Murphy presented the staff report for Case T-21-2019. The applicant had requested a textual amendment to the Code of Ordinances, Title III, Administration, Chapter 33: Fire Department, to transfer Section 33.27 in its entirety to Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, by creating Section 170.160 Fire Protection and Alarm System Permit and Inspection Fees, as the function and fees were now handled by the Building Division. Staff recommended Case T-21-2019 for approval.

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 Mr. Felix to submit Case T-21-2019 to City Council for approval of a textual amendment to the Code of Ordinances, Title III, Administration, Chapter 33: Fire Department, to transfer Section 33.27 in its entirety to Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, by creating Section 170.160 Fire Protection and Alarm System Permit and Inspection Fees, as the function and fees were now handled by the Building Division. The motion carried with members voting unanimously.

Case T-21-2019 will be heard by City Council on September 19, 2019.

OTHER BUSINESS:

There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 9:19 p.m.

City of Palm Bay Planning and Zoning Board/ Local Planning Agency Special Meeting 2019-12 Minutes – September 18, 2019 Page 12 of 12

	Philip Weinberg, CHAIRPERSON
Attest:	
Chandra Powell, SECRETARY	
♣Quasi-Judicial Proceeding.	



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Christopher Balter, Planner II

DATE: October 2, 2019

SUBJECT: Case V-22-2019 - Joan S. Johnson (Luis Erazo, Rep.)

City staff has continued Case V-22-2019 to the November 6, 2019 Planning and Zoning Board Meeting as the applicant did not complete Public Notification requirements. Board action is not required to continue the case.

CB/cp



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

PLANNING & ZONING BOARD HEARING DATE

PS-1-2019

October 2, 2019

APPLICANT/PROPERTY OWNER

PROPERTY LOCATION/ADDRESS

West Pointe Babcock, LLC (owner)

Parcel 29-37-34-00-506.1

Carmel Development, LLC, Carmine Ferraro (applicant)

Property is an unimproved lot located at the SE Corner of the intersection of Babcock Street SE and Plantation Circle SE

SUMMARY OF REQUEST

The applicant is requesting preliminary subdivision approval to divide an 8.41 acre parcel into five (5) lots. Also pursuant to Section 184.32 the applicant is seeking a variance to Section 184.34(D) *'Provision of water and sewer'* as the property is located within one-quarter mile of water and sewer services.

Existing Zoning

RR, Rural Residential

Existing Land Use

Single Family Residential

Site Improvements

Unimproved

Site Acreage

8.41 acres

SURROUNDING ZONING & USE OF LAND USE

North RR, Rural Residential; Single Family Homes

East RR, Rural Residential; Vacant Residential Land

South RR, Rural Residential; Single Family Homes

West RR, Rural Residential; Babcock Street SE

COMPREHENSIVE PLAN

COMPATIBILITY

The property is currently designated as Single Family Residential. This application will not change the future land or zoning of this property. The surrounding area consists of single family uses on lots of at least 1 acre or

more on the north, south and east sides of the subject parcel. All of the

surrounding lots are serviced by on-site wells and septic systems.

Case PS-1-2019 October 2, 2019

ANALYSIS:

1. The subject property is proposed to be developed as a five (5) lot residential subdivision on approximately 8.41 acres. Four of the lots will be 150+ feet wide by 330 feet deep and be 1.136 acres each. The fifth and western most lot will be 510 feet by 330 feet and will be 3.864 acres. The subject property has a future land use designation of 'Single Family Residential' and a zoning designation of 'RR – Rural Residential'. The following provides a review of the pertinent development standards related to lot sizes. The City's Land Development Code (LDC) for a lot in the RR District is:

LDC Requirement	Proposed Development
Minimum 1 acre lot size	Parcel 1-4 = 1.136 acres Parcel 5 = 3.864 acres
Minimum 150 ft. lot width	Parcel 1-4 = 150.015 ft. Parcel 5 = 510.05 ft.
Minimum 200 ft. lot depth	Parcel 1-4 = 330.03 ft. Parcel 5 = 330.03 ft.

Based upon the current zoning and land use each lot would be permitted to have, as of right, the uses that are permitted in the RR District.

As shown above, the proposed lots are consistent with the requirements of the LDC.

- The subject parcel is located at the southeast intersection of Babcock Street and Plantation Circle. Lots 1-4 will have access to Plantation Circle. Lot 5 will be a corner lot with frontage on Babcock Street to the west and Plantation Circle to the north.
- 3. Pursuant to Section 184.32 the applicant is seeking a variance to Section184.34 (D) 'Provision of water and sewer' as the property is located within one-quarter mile of water and sewer services. Based upon comments from the Utilities Director a 16-inch water main in located on the west side of Babcock Street. However, because the extension of water service will create a dead-end line the Utilities Department does not object to the installation of domestic water wells to service each home in the subdivision. Also, a 16-inch Sanitary Force Main is located on the west side of Babcock Street. Thus, the Utilities Director finds that centralized sewer service is not readily available and thus the subdivider will not be required to construct a lift station to connect five single family lots.

Case PS-1-2019 October 2, 2019

4. Based upon comments from the Public Works Department drainage shall be provided for this subdivision pursuant to Section 174.067 and Section 174.068. A drainage easement dedicated to the City shall be required over the entire system, and within the public right of way, a swale and driveway culvert shall be required for each lot.

- 5. In order to receive Preliminary Subdivision approval, the proposal must meet the requirements of Chapter 184 of the City of Palm Bay's Code of Ordinances.
 - Upon review, it appears that the request is in conformance with the applicable requirements of this chapter, subject to the following being addressed prior to City Staff signing the Mylar:
 - A. The boundary and title opinion shall be approved by the City Surveyor.
 - B. A signed & 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.
- 6. The Final Subdivision could be approved administratively pursuant to the Minor Subdivision provisions within Chapter 184, if the Council approves the waiver of water and sewer connections noted above as part of this preliminary application.

STAFF RECOMMENDATION:

Case PS-1-2019 is recommended for approval subject to the staff comments contained in this report.



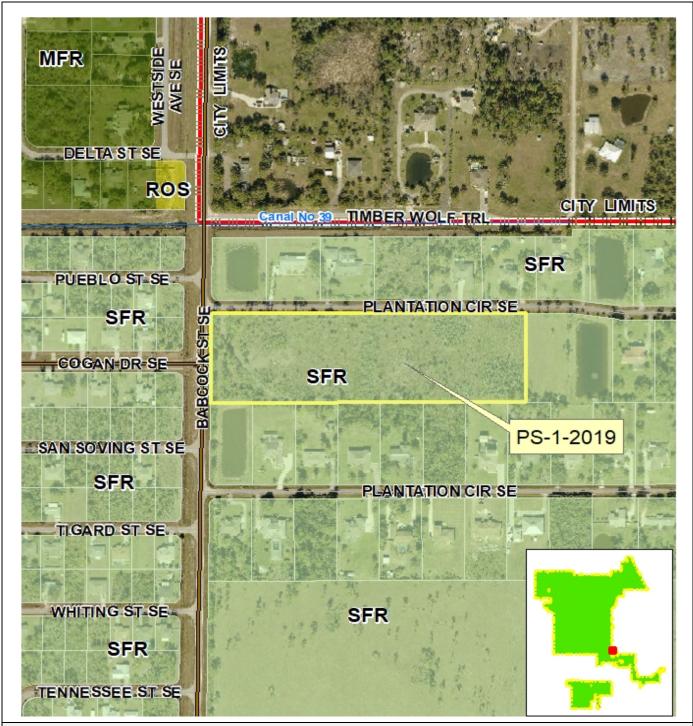
AERIAL LOCATION MAP CASE PS-1-2019

Subject Property

Southeast Corner of Babcock Street SE and Plantation Circle SE







FUTURE LAND USE MAP CASE PS-1-2019

Subject Property

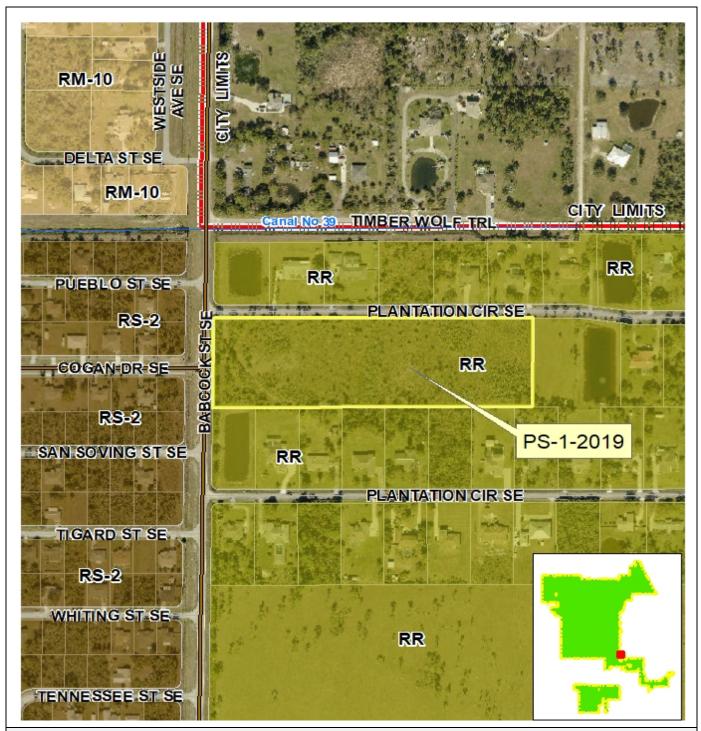
Southeast Corner of Babcock Street SE and Plantation Circle SE

Future Land Use Classification

SFR – Single Family Residential Use







ZONING MAP CASE PS-1-2019

Subject Property

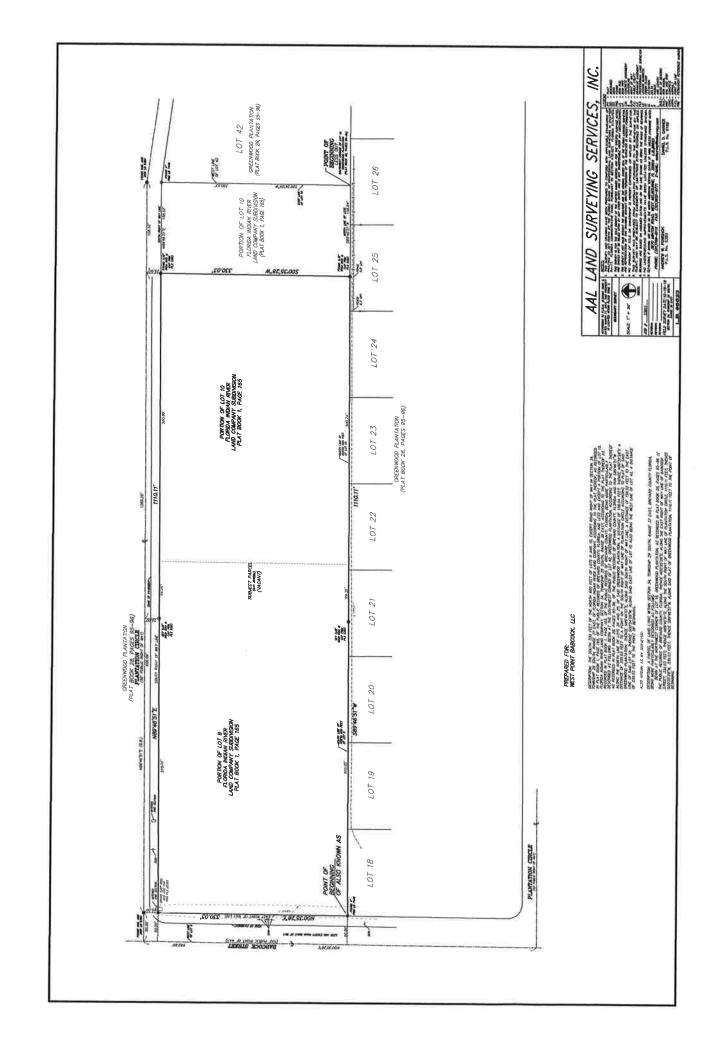
Southeast Corner of Babcock Street SE and Plantation Circle SE

Current Zoning Classification

RR - Rural Residential District







NOTE ALL NOT BY THESE PRESENTS.

That But Police Discourt, LLC, being the comment has almost of the sorte date. hereby deduction the public utility expensate on above or in the notes to the CTY OF PALM BAY. FOR THE CITY OF PALV BAY

FREEDY CERTEY, That I from wormhold the temphony plot and that their

It is in conformity with Crapter 177, part 1, Fortis Statutum. SHEET 1 OF 1 SECTION 34 TWP. 29 S., RANGE 37 E. OSRIPCATE, OF OSRIX
INSIGHT COSTS, that I have exembed the trapping just not that that it conducts is them with of the replements at Coupler 177.
Rufuld Standan, out was fact for receiver and of the fact receiver.
Refer PAGE WHEN WEST, the underlyse for examt them p to be signed and attended to by the officer named taken this day of (Print name) PLANTATION CIRCLE SEXTENDED OF APPROVAL Joseph N. Hafe PSM No.A.W6 Redembry Surveyor for the City of Polen Bay THE IS TO CENTEY That on City Council of the City of Polm Bey, Flanks Sped and maded in the presence of N WDEXS WEREIF, I have hereurbs the chose data. PLAT BOOK Clark of the Christ Court in and for Brown Courts, Flo. 1 LOT 42 GREENHOOD PLANTATION (PLAT BOOK 28, PAGES 50-36) PROJECT 33811 DATED 9/09/19 AST UNE 101 26 MATTE, THE PLAT, AS RECORDED IN TOS CHAMME FORM, IS THE DIFFICUL DEPICTION OF THE SUBDINESS LAKES ESCONDED THERE HAD RELLEN HAD RELLEN HAD BEEN WHICH THE WORN TO THE CHAMME OF DIFFICUL TOWN OF THE SUBDINESS THAT HAD BEEN TO RECORDED THE HIS THAT THAT HAD THE CHAMME HE THEN CHAMME. PORTION OF LOT 10
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LAND COMPANY
SUBDINSION
(PLAT BOOK 1, PAGE 165) LOT 25 330.03 M,,87,95.00S PRELIMINARY PLAT PLANTATION CIRCLE
BEING A REPUT OF A PORTION OF LOTS 9 AND 10.
FLORIDA INDIAN RIVER LAND COMPANY SUBDINSION, FLAT BOOK 1, PAGE 163
LYNG IN SECTION 34, TOWNSHIP 29 SOUTH, RANGE 37 EAST,
CITY OF PALM BAY, BREVARD COUNTY, FLORIDA 100 M 20 E S ALL PROPERTY OF THE PROPERTY O 150.015 150.015 GRAPHIC SCALE 107 24 330.03° 3,82,52,00N 150.015 150.015 2 A 861.1 LOT 23 1110.11 1110.11 330.03 NO0.32,58,E 150.015 150.015 S. Ide Ac 10T 22 CREENWOOD PLANTATION
(PLAT BOOK 28, PAGES 95–96)
PLANTATION CIRCLE
(59, PUBUC RIGHT OF MAX) 330.03 3,82,52.00N GREENWOOD PLANTATION (PLAT BOOK 28, PAGES 95-96) SCORD FOR A A PRINCE OF A MAN SETTING A PRETING THE SCORD TO SET OF THE WORTH 660 FEET OF LUTS 9 AND 10, DOCUMENT DESCRIPTION OF A PRINCE OF THE PRINCE OF A PRINCE OF A PRINCE OF A PRINCE OF THE PRINCE OF A PRI SOUTH EAST OF THE SOUTH 150.015 4 PAN AGE LOT 21 330.03 NO0.22,58,E à the salate of tromices at the statim lane of reunalities contact ands short of such as servicinal accounts. A cort coregio sinc de sinchescrito di Accordance sinch rappa, synche in car (2/4)/9, STRUCK SHALMS STRUCK SOUL, R. 310° IMBARY, ISOR PILLIMO STRUCK SMAL, R. 260° IMBARY, STE BELING. STRUCK SMIL RE 150° IMBARY. LOT 20 AN EXCENSION S FRET AN INCHES SECURIOR ALLOWS ALL SIZE LOT LAND FOR THE PARPOSED DAMANCE. AND PUBLIC UTLIFFEE LOT REMAINED IS TO BE MARTHARD BY EACH LOT DIMER. N89*46"51"E S89.46.51"W 510.05 7. 18 A 61 107 81 TO1 NW CORNER L MC. AAL LAND SURVEYING SERVICES SEE CONSENT AND JORNOER RECORD : POUND S/ PROW POD PROW PLS 3,82,99.00N (100, where we'll or he'll

BYBCOCK SLEEEL



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

PRELIMINARY SUBDIVISION PLAN 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.

PROPOSED SUBDIVISION NAME Plantati	on Circle
PARCEL ID 29-37-34-00-506.1	
TAX ACCOUNT NO. 2952117	
LEGAL DESCRIPTION OF THE PROPERT	Y COVERED BY THIS APPLICATION:
	65A S 330 Ft of N 660 Ft of Lot 9 & Lot 10 Exc ORB 6579 PG 1932 & Hwy
R/W	
SIZE OF AREA COVERED BY THIS APPLI	CATION (calculate acreage):
TOTAL LOTS PROPOSED (list by use): 5	Residential Lots - see attached drawing
HIGHWAY, STREET BOUNDARIES, AND I	NEAREST CROSSROADS:
Southeast corner of Babcock Street and Plantat	ion Circle
·	
INTENDED USE OF PROPERTY: Resider	ital Single Family Lots
ZONE CLASSIFICATION AT PRESENT (ex.: LI, CC, etc.): Residential	
THE FOLLOWING PROCEDURES AND ENC	LOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:
*\$500.00 Application Fee. Make	check payable to "City of Palm Bay."
Two (2) copies of the preliminary sub Palm Bay Code of Ordinances. required for submittal.	division plan and required supplementary material required by The preliminary plan shall also be provided on Memory Drive. No plat
Citizen Participation Plan. Refe	of the Land Development Code for guidelines.
covered by this application, togother all respective property owners with	properties within a 500-foot radius of the boundaries of the property ether with the names and mailing addresses (including zip codes) of in the above referenced area. (This should be obtained for a fee from the ning Department at 321-633-2060.)
School Board of Brevard County	(if applicable).

CITY OF PALM BAY, FLORIDA PRELIMINARY SUBDIVISION PLAN APPLICATION PAGE 2 OF 2

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 <u>letter</u> must be attached giving the notarized consent of the owner to the applicant to request the preliminary subdivision plan approval.	
I, THE UNDERSIGNED UNDERSTAND THAT THIS PRELIMINARY SUBDIVISION PLAN APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.	
UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING PRELIMINARY SUBDIVISION PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.	
Signature of Applicant Date 8/28/19	
Printed Name of Applicant Carmine Ferraro Carmer Developmentill	
Full Address 3860 Caustis Block #1636 Cocoa, & 32927	
Telephone (3211 536-5200 Email Carmel 32927 egma/L/Com	

NOTE: APPROVAL OF A PRELIMINARY SUBDIVISION PLAN (PLAN) SHALL NOT CONSTITUTE APPROVAL OF THE FINAL PLAT. FURTHER, IT SHALL BE DEEMED AN EXPRESSION OF APPROVAL OF THE LAYOUT SUBMITTED ON THE PLAN AS A GUIDE TO THE PREPARATION OF THE FINAL PLAT WHICH WILL BE SUBMITTED FOR APPROVAL OF THE PLANNING AND ZONING BOARD AND FOR RECORDING UPON FULFILLMENT OF THE REQUIREMENTS AND CONDITIONS OF THIS APPROVAL.

IF THE PLAN INVOLVES A REPLAT OF THE SAME LANDS, FINAL PLAT APPROVAL WILL BE CONDITIONED UPON APPLICANT FULLY COMPLYING WITH FLORIDA STATUTES CHAPTER 177, REGARDING VACATION AND ANNULMENT OF PRIOR LANDS. NOTICE IS GIVEN TO YOU AT THIS TIME SO YOU MAY BEGIN THE REQUIRED PROCEDURE FOR VACATING PLAT. ALL DOCUMENTS REQUIRED BY F.S. 177 MUST BE SUBMITTED TO THE CITY CLERK PRIOR TO FINAL PLAN APPROVAL

SHOULD THE DEVELOPER OR OWNER OR THEIR SUCCESSORS, HEIRS, OR ASSIGNS EXECUTE A DOCUMENT ENTITLED "EASEMENT AGREEMENT" WITH THE MELBOURNE-TILLMAN WATER CONTROL DISTRICT, THE CITY OF PALM BAY WILL NOT AT ANY TIME ACCEPT SUCH STRUCTURE FOR MAINTENANCE PURPOSES. FURTHER, THE CITY OF PALM BAY WILL TAKE NO FORMAL ACTION TO ACCEPT ANY DEDICATION OF SUCH STRUCTURES.

COPIES OF THE SUBDIVISION ORDINANCE, <u>CHAPTER 184</u>, PALM BAY CODE OF ORDINANCES ARE AVAILABLE AT THE PALM BAY LAND DEVELOPMENT DIVISION.

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

Re: Letter of A	uthorization
As the property of Tax ID# 295117 - Pa	owner of the site legally described as: arcel # 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 I	1 150 h COCK 1 5 C
STATE OF F	iami Dade
The foregoing ins	trument was acknowledged before me this day of, 20 19 by Alan Sakowitz West pointe balanck by action Pointe Mana Qui
	Known or dentification Produced: Notary Public State of Florida Zulyh Carreras My Commission GG 172719 Expires 05/01/2022



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by

Christopher Balter, Planner II

CASE NUMBER PLANNING & ZONING BOARD HEARING DATE

PD-18-2019 October 2, 2019

APPLICANT/PROPERTY OWNER PROPERTY LOCATION/ADDRESS

Benjamin Jefferies - Waterstone Farms, LLC; A portion of Tax Parcel, 5 and 500, Section 4, Township 30, Jake Wise, PE - Construction Engineering Range 37 (Located south of, and adjacent to Mara Loma

Group, Authorized Representative Boulevard SE and west of Babcock Street SE.)

SUMMARY OF REQUEST Preliminary Development Plan approval for a 201-lot single-family

development called The Courtyards at Waterstone.

Existing Zoning PUD, Planned Unit Development

Existing Land Use Single-Family Residential Use and Multiple-Family Residential Use

Site Improvements Vacant Unimproved Land (Former Orange Groves)

Site Acreage 79.181 acres, more or less

SURROUNDING ZONING & USE OF LAND USE

North PUD, Heron Bay and The Lakes at Waterstone; Single Family Homes

East PUD, Waterstone; Undeveloped Land **South** PUD, Waterstone; Undeveloped Land

West PUD, The Lakes at Waterstone; Undeveloped Land

COMPREHENSIVE PLAN

COMPATIBILITY

The adopted future land use of the subject property is Single-Family Residential Use and Multiple Family Residential Use. The proposed development of a single-family planned unit development is compliant with the Single-Family Residential and Multiple Family Residential future land

use designations.

Case PD-18-2019 October 2, 2019

BACKGROUND:

The subject property is located south of and adjacent to Mara Loma Boulevard SE and west of Babcock Street SE. Specifically a portion of tax parcel 5 and 500, Section 4, Township 30, Range 37, Brevard County Florida. The subject property is approximately 79.181 acres.

ANALYSIS:

The applicant is requesting Preliminary Development Plan (PDP) approval for a Planned Unit Development (PUD), to construct a single-family residential subdivision called the Courtyards at Waterstone. The planned unit development is a concept which encourages and permits variation in residential developments by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage, setbacks and open space, from those elements required in any singular zoning classification found in the city's Zoning Code.

The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as commercial uses designed to serve the inhabitants of the proposed community. The planned unit development process simplifies the procedure for obtaining approval of these developments through simultaneous review of the proposed land use, site consideration, public needs and requirements, and health and safety factors. Approval of the PDP request would be in the form of a Resolution and recorded in the Public Records of Brevard County.

Specifically, the PDP proposes a 201-unit single-family development that will be constructed in two phases. The proposed density is 2.53 units per acre, which is below the maximum density defined in the City's Comprehensive Plan for Single-Family Residential use up to (5 units per acre). Per the PDP, the typical lots within the residential development are 50' x 125' and 60' x 125', and the minimum size home will need to be identified in the Declaration of Covenants and Restrictions. The development will consist of a gated entrance with amenities including a clubhouse with a pool, recreation and open space areas, stormwater management ponds, and private roadways.

In order to receive PDP approval, the proposal must meet the requirements of Section 185.066 of the City of Palm Bay's Code of Ordinances. Upon review, the request appears conform with the applicable requirements of this section. The following items shall be addressed upon submission of the Final PUD application:

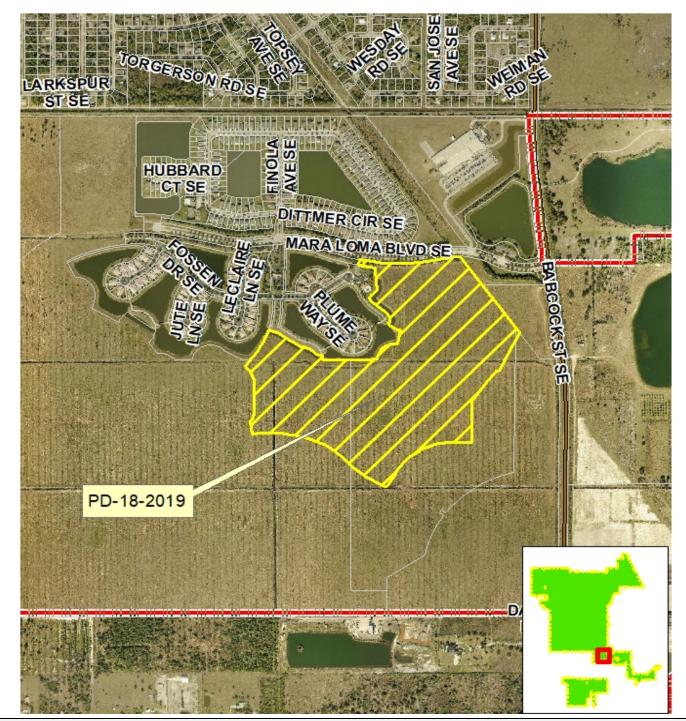
- A. The setbacks shall be defined in the Declarations of Covenants & Restrictions and places upon the subdivision plat.
- B. The minimum home size shall be provided in the Declarations of Covenants & Restrictions.

Case PD-18-2019 October 2, 2019

C. A portion of the site is currently within FEMA Flood Zone A, per FEMA Flood Insurance Rate Map Number 12009C0590G (effective 03/17/2014). Per Section 174.003(C)(5) of the Palm Bay Code of Ordinances, the developer is required to apply for a "Conditional Letter of Map Amendment/Revision" (CLOMR). FEMA must review any subdivision plans and make recommendations if necessary, before the construction plans are approved. An approved LOMR will be required for this project upon completion.

STAFF RECOMMENDATION:

Motion to approve the PD-18-2019, subject to the items contained in this staff report.



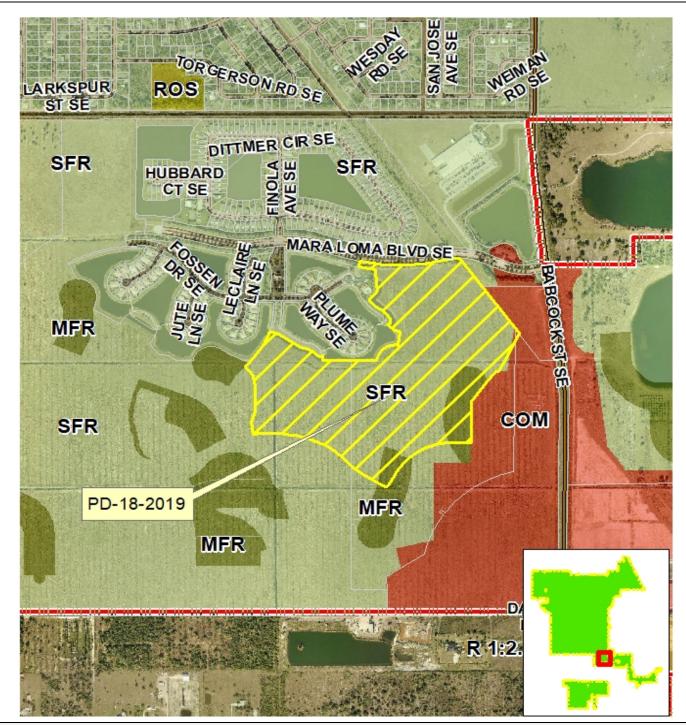
AERIAL LOCATION MAP CASE PD-18-2019

Subject Property

In the vicinity south of Mara Loma Boulevard SE and west of Babcock Street SE







FUTURE LAND USE MAP CASE PD-18-2019

Subject Property

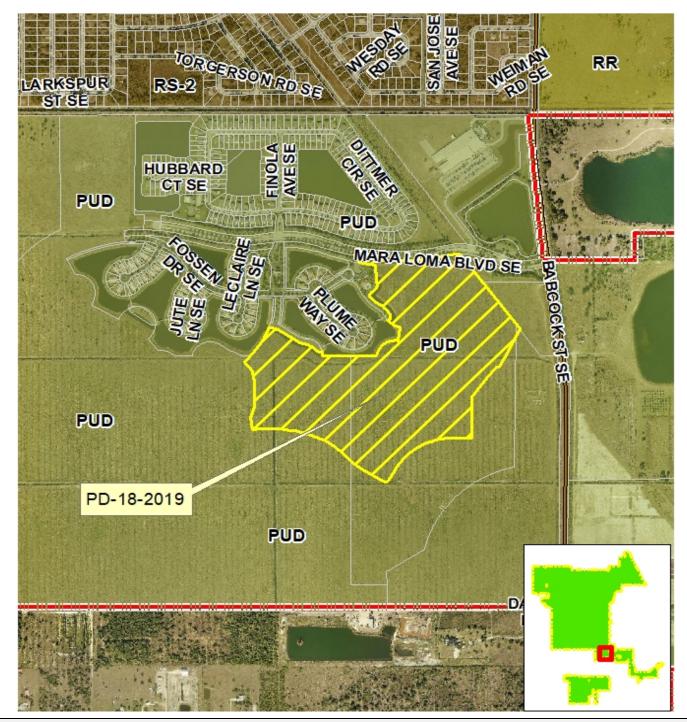
In the vicinity south of Mara Loma Boulevard SE and west of Babcock Street SE

Future Land Use Classification

SFR - Single Family Residential Use







ZONING MAP

CASE PD-18-2019

Subject Property

In the vicinity south of Mara Loma Boulevard SE and west of Babcock Street SE

Current Zoning Classification

SRE – Suburban Residential Estate District







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

PRELIMINARY DEVELOPMENT PLAN 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 TYPE:

321.254.8133

Telephone

PUD ☐ PCRD ☐ RAC Planned Unit Development Parkway Mixed Use District Planned Community Regional Activity Center District (Section 185.060) (Preliminary Design Plan) Redevelopment District (Preliminary Concept Plan) (Section 185.057) (Section 185.055) (Section 185.056) PROPOSED DEVELOPMENT NAME Courtyards at Waterstone Parcel ID:30-37-04-00-5, and portion of Parcel ID:30-37-04-00-500 PARCEL ID Account:3011111 and portion of Account:3000216 TAX ACCOUNT NO. LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: See attached SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 79.181acres +/-201 single family dwellings TOTAL LOTS PROPOSED (list by use): DEVELOPER Waterstone Farms, LLC and Waterstone Holdings, LLC Full Address 235 West Drive, Melbourne, Florida 32904 321.757.5600 Telephone Rochelle.lawandales@gmail.com **Email ENGINEER** Jake Wise, PE Construction Engineering Group 2651 W. Eau Gallie Blvd, Suite A Melbourne, Florida 32935 Full Address Telephone 321, 610, 1760 jwise@cegengineering.com Email SURVEYOR Horizon Surveyors of Central Florida, Inc. 390 Poinciana Dr. Melbourne, FL 32935 Full Address

Email

bob@horizonsurveyors.com

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

PRELIMINARY PLAN CRITERIA FOR SUBMITTAL:

TWO (2) COPIES OF THE FOLLOWING EXHIBITS SHALL BE ATTACHED TO THE PRELIMINARY APPLICATION. THE EXHIBITS SHALL ALSO BE PROVIDED ON MEMORY DRIVE.

- A) Vicinity map clearly outlining subject property and showing the relationship between the site and its surrounding area including adjacent streets and thoroughfares.
- B) Preliminary Development Plan that shall contain maps, drawings and narrative, as appropriate, providing the following information:
 - 1) A general plan for the use of all lands within the proposed development. Such plans shall indicate the general location of residential areas (including maximum density and unit types), open space, parks, passive or scenic areas, and nonresidential areas (including maximum building square footage or other intensity maximums).
 - 2) Proposed name or title of project, the name of the engineer, architect, and developer.
 - 3) North arrow, scale (1 inch = 200 feet or larger), date and legal description of the proposed site.
 - 4) Boundaries of tract shown with bearings, distances, closures, and bulkhead liner. All existing easements, section lines, and all existing streets and physical features in and adjoining the project, and the existing zoning.
 - 5) Proposed parks, school sites, or other public or private open space.
 - 6) Off-street parking, loading areas, driveways and access points.
 - 7) Site data including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary residential and secondary non-residential uses, and the total number of dwelling units, the maximum height of all structures, the minimum setbacks of all structures (and parking areas) and the total area of pervious and impervious surfaces.
 - 8) Delineation of phased development, if applicable.
 - 9) Proposed means of drainage for the site.
- C) A plan of vehicular and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, the capacity of the system and major access points to the external and internal thoroughfare network.
- D) Schematic drawing of the elevation and architectural construction of the proposed primary and secondary nonresidential structures.
- E) A Traffic Study meeting generally accepted engineering practices examining the impact of the proposed development on the surrounding roadway network. (If applicable)
- F) Narrative describing in detail how the proposed Preliminary Development Plan meets the requirements of the Land Development Code and the Palm Bay Comprehensive Plan.

ADDITIONAL CONDITIONS MUST BE MET AND INCORPORATED INTO THE SITE PLAN FOR THE SPECIFIC TYPE OF DEVELOPMENT REQUESTED (PUD, PMU, PCRD, RAC). The additional criteria are listed in the Code of Ordinances and available from staff.

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

THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS PRELIMINARY DEVELOPMENT PLAN APPLICATION:		
x	*A \$1,000.00 application fee shall accompany the Development Plan application for the purposes of administration. Make check payable to "City of Palm Bay."	
X	_Vicinity Map (see Item A).	
X	Preliminary Development Plan (see Item B).	
x	_Vehicular and Pedestrian Circulation Plan (see Item C).	
NA	_Schematic Drawing (see Item D).	
On file	_Traffic Study (see Item E).	
X	Narrative (see Item F).	
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	Citizen Participation Plan. Refer to <u>Section 169.005</u> of the Land Development Code for guidelines.	
completed	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.	
NA	Where property is not owned by the applicant, a <u>letter</u> must be attached giving the notarized consent of the owner to the applicant to apply for the preliminary development plan.	
I, THE UNDERSIGNED UNDERSTAND THAT THIS PRELIMINARY DEVELOPMENT PLAN APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.		
UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING PRELIMINARY DEVELOPMENT PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.		
Signature	of Applicant Date June 10, 2019	
Printed Name of Applicant Ben E. Jefferies, Managing Member: Waterstone Farms, LLC/Waterstone Holdings, LLC		
Full Addre	235 West Drive, Melbourne, FI 32904	
Telephone	321.757.5600 Email ben@waterstonefla.com	

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

Personally Known or Produced Identification

Type of Identification Produced:

June 18,

I, Owner Name:	LLC, Waterstone Holdings, LLC and Cypress Bay Farms, LLC Benjamin E. Jefferies, Managing Member		
Address: Telephone: Email:	235 West Drive, Melbourne, Fl. 32904		
	321.757.5600		
	ben@waterstonefl.com		
hereby authorize			
Rep. Name:	Jake Wise, PE, CEG 2651 W. Eau Gallie Blvd, Suite A Melbourne, Florida 32935		
Address:			
Telephone: Email:	321, 610.1760		
	jwise@cegengineering.com		
	(Property Owner Signature)		
STATE OF COUNTY OF			
The foregoing ins	strument was acknowledged before me this 19 day of, 20 19 by Benjanin & Sofferies.		
M	IRENE SULLIVAN otary Public - State of Florida Commission # FF 998631 y Comm. Expires Sep 5, 2020 ided through National Notary Assn		
Personally			
Produced I	dentification		
	entification Produced:		

A PARCEL OF LAND BEING A PORTION OF SECTION 4, TOWNSHIP 30 SOUTH, RANGE 37 EAST, A PORTION OF TRACTS "B", "OS2", AND "OS17" OF WATERSTONE PLAT ONE P.U.D. ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGES 37 THROUGH 57 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER (1/4) OF SAID SECTION 4; THENCE RUN NO1°14'57"W ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER (1/4) OF SAID SECTION 4, A DISTANCE OF 16.16 FEET TO A POINT ON THE WEST LINE OF A 110 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 384, PAGE 21 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN N36°36'51"W, ALONG SAID WEST LINE, A DISTANCE OF 325.70 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE RUN S27°00'20"W A DISTANCE OF 447.16 FEET; THENCE RUN N89°42'39"W A DISTANCE OF 29.22 FEET; THENCE RUN S37°33'19"W A DISTANCE OF 394.53 FEET; THENCE RUN S00°45'16"W A DISTANCE OF 428.37 FEET; THENCE RUN N89°14'44"W A DISTANCE OF 167.08 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 680.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 60°56'34", A DISTANCE OF 723.28 FEET TO A POINT OF TANGENCY; THENCE RUN S29°48'42"W A DISTANCE OF 126.82 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 25.00 FEET; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 39.27 FEET TO A POINT OF TANGENCY; THENCE RUN N60°11'18"W A DISTANCE OF 191.82 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 1000.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°20'57", A DISTANCE OF 232.99 FEET TO A POINT OF TANGENCY; THENCE RUN N46°50'22"W A DISTANCE OF 174.47 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 480.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°16'06", A DISTANCE OF 153.04 FEET TO A POINT OF COMPOUND CURVATURE WITH A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1280.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°40'34". A DISTANCE OF 729.99 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE RUN N06°50'39"W A DISTANCE OF 133.29 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 260.00 FEET AND A CHORD WHICH BEARS N15°41'10"E A DISTANCE OF 140.59 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31°22'20" A DISTANCE OF 142.36 FEET TO A POINT OF TANGENCY; THENCE RUN NO0°00'00"E A DISTANCE OF 233.48 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 260.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 50°04'55", A DISTANCE OF 227.26 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE: THENCE RUN N34°43'01"E A DISTANCE OF 84.77 FEET TO A POINT ON THE SOUTH LINE OF TRACT S.M.T. - 3 OF WATERSTONE PLAT ONE -REPLAT NUMBER NO. 2, AS RECORDED IN PLAT BOOK 58, PAGES 86 THROUGH 95 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN N40°52'57"E, A DISTANCE OF 54.79 FEET TO

THE POINT OF CURVATURE OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 785.00 FEET; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22°23'27", A DISTANCE OF 306.77 FEET TO A POINT OF INTERSECTION WITH A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 50.00 FEET AND A CHORD WHICH BEARS S65°27'02"E A DISTANCE OF 16.79 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°20'05", A DISTANCE OF 16.87 FEET TO A POINT OF TANGENCY; THENCE RUN S75°07'05"E, A DISTANCE OF 76.43 FEET; THENCE RUN S56°28'52"E A DISTANCE OF 116.56 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1897.24 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°20'15", A DISTANCE OF 110.51 FEET TO A POINT OF TANGENCY; THENCE RUN S59°49'06"E, A DISTANCE OF 10.65 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 152.24 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°00'31", A DISTANCE OF 53.16 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 250.00 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 34°19'37", A DISTANCE OF 149.78 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 135.00 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°33'50", A DISTANCE OF 24.89 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE. CONCAVE NORTHERLY, HAVING A RADIUS OF 40.00 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 63°16'46", A DISTANCE OF 44.18 FEET TO A POINT ON THE SOUTH LINE OF S.M.T.-1 OF SAID WATERSTONE PLAT ONE P.U.D., SAID POINT ALSO BEING A POINT OF INTERSECTION WITH A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 187.00 FEET AND A CHORD WHICH BEARS S08°44'30"E A DISTANCE OF 47.45 FEET; THENCE RUN SOUTHEASTERLY ALONG SAID SOUTH LINE OF S.M.T.-1 AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°34'39", A DISTANCE OF 47.58 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE RUN N89°53'48"E, A DISTANCE OF 535.19 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 187.00 FEET AND A CHORD WHICH BEARS N53°08'35"E A DISTANCE OF 266.76 FEET; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 91°00'12", A DISTANCE OF 297.01 FEET TO A POINT ON THE EAST LINE OF SAID TRACT S.M.T. - 1 AND TO A POINT OF RADIAL INTERSECTION WITH A LINE; THENCE RUN NO8°38'41"E, ALONG SAID EAST LINE, A DISTANCE OF 144.99 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 187.00 FEET AND A CHORD WHICH BEARS N67°18'28"W A DISTANCE OF 90.78 FEET; THENCE RUN NORTHWESTERLY, ALONG SAID EAST LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28°05'42", A DISTANCE OF 91.70 FEET TO A POINT OF TANGENCY; THENCE RUN N53°15'37"W, A DISTANCE OF 38.83 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 100.00 FEET; THENCE RUN NORTHWESTERLY, ALONG SAID EAST LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°01'21", A DISTANCE OF 14.00 FEET; THENCE RUN N64°49'18"E, A DISTANCE OF 19.06 FEET TO A POINT OF CURVATURE WITH A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 30.00 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 93°17'24", A DISTANCE OF 48.85 FEET TO A POINT OF COMPOUND CURVATURE WITH A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 45.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°04'05", A DISTANCE OF 6.34 FEET TO A POINT OF COMPOUND CURVATURE WITH A CURVE, CONCAVE

SOUTHWESTERLY, HAVING A RADIUS OF 155.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°51'36", A DISTANCE OF 88.89 FEET TO A POINT OF TANGENCY; THENCE RUN N53°15'37"W, A DISTANCE OF 96.05 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 400.00 FEET: THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°43'07", A DISTANCE OF 102.76 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 20.00 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 87°57'15", A DISTANCE OF 30.70 FEET TO A POINT OF TANGENCY; THENCE RUN N49°24'45"E. A DISTANCE OF 66.69 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 50.00 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 55°28'47", A DISTANCE OF 48.42 FEET TO A POINT OF TANGENCY; THENCE RUN N06°04'02"W A DISTANCE OF 212.04 FEET; THENCE RUN N80°39'31"W A DISTANCE OF 163.79 FEET; THENCE RUN N10°29'17"E A DISTANCE OF 58.90 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "OS2" AND TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 2,050.00 FEET AND A CHORD WHICH BEARS N89°37'52"E A DISTANCE OF 772.26 FEET; THENCE RUN EASTERLY, ALONG SAID NORTH LINE AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°42'49", A DISTANCE OF 776.90 FEET TO A POINT OF TANGENCY; THENCE RUN N78°46'28"E, A DISTANCE OF 96.41 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 625.00 FEET; THENCE RUN EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12°39'03", A DISTANCE OF 138.00 FEET TO A POINT ON THE WEST LINE OF SAID 110 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT; THENCE RUN S36°36'51"E, ALONG SAID WEST LINE, A DISTANCE OF 983.82 FEET TO THE POINT OF BEGINNING; CONTAINING 79.181 ACRES MORE OR LESS.

THE COURTYARDS AT WATERSTONE PRELIMINARY DEVELOPMENT PLAN

JUNE 19, 2019 PALM BAY, FL

WATERSTONE HOLDINGS, LLC

LEGAL DESCRIPTION:

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IN IN SETT ON A POWER CONTROL CONTROL

PROJECT LOCATION
TOWNSHIP: 30
RANGE 37
SECTION 04
TAX ACCOUNT NUMBER JOINING

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OWNERNAPPLICANT
WATERSTONE HOLDINGS, LLC
235 WEST DRIVE
MELBOURNE FL 32904
TEL (321) 757-5600 CONTACT INFORMATION:

CONSTRUCTION ENGINEERING GROUP, LLC
LAKE T WEE, PE
2851 FAU GALLE BLYO, SUITE A
MELBOURNE, FLORIDA 12935
TEL (221) 8 109-1760
E-WAIL JAMSEG-EKGENGINEERING COM ENVIRONMENTAL ENGINEER
ATLANTIC ENVIRONMENTAL
657 MONTREAL AVENUE
MELBOURNE FL 12935
TEL (321) 676-1505
ENAL JSHEPBOCIL RR COM

GENERAL STATEMENT:

CONSTRUCTOR SET OF SET

RECREATION/OPEN SPACE CALCULATIONS COMBINED LANDSCAPING/LINEAR
AREA AND RECREATIONAL PONDS
COUNTED FOR OPEN SPACE
RECREATION AREAS COUNTY 255 × 79 18 AC = 19 80 AC 24.73 AC 0.53 AC 25 26 AC

SMB RJN

190048

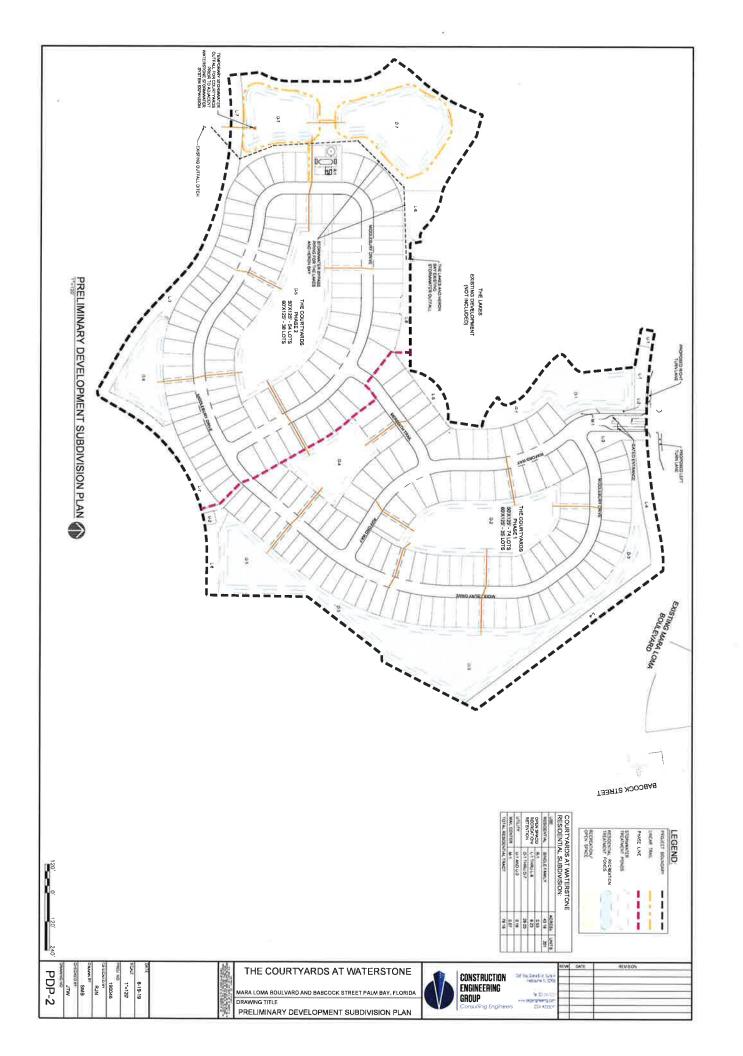
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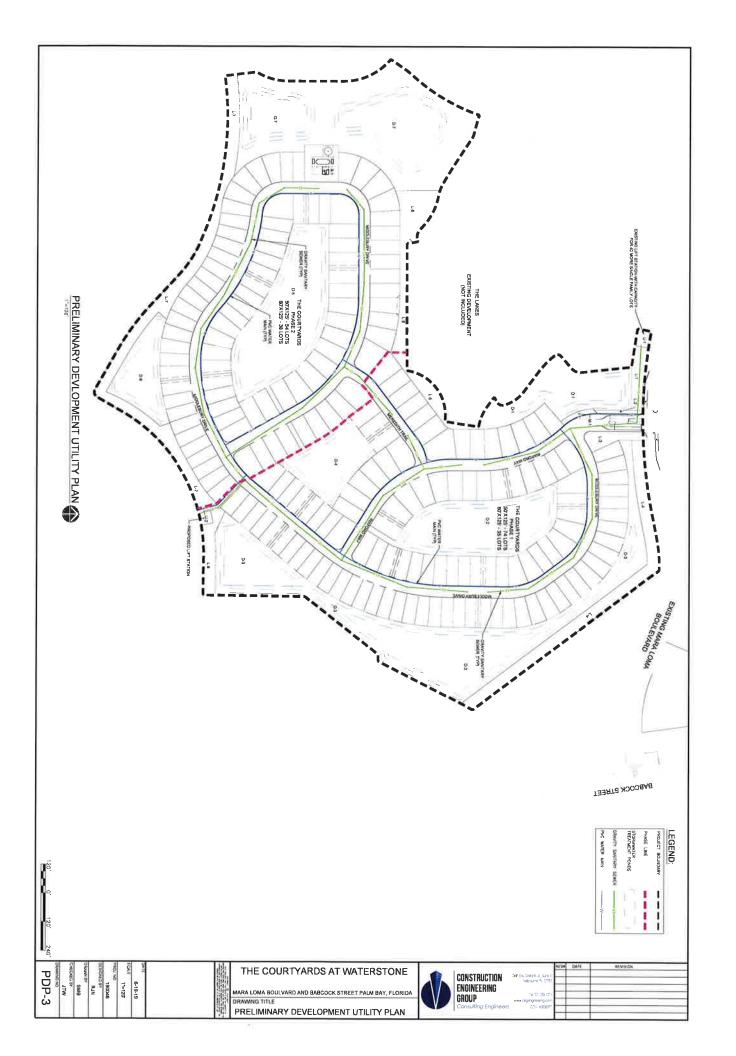
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THE COURTYARDS AT WATERSTONE

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P.U.E.

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FOLIDA PORTE & UJAHT COMPANY

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RODRA PORTE

RODRA

BEARING
CURVE DESIGNATION
CHORD
CONCRETE MONUMENT
DELTA (CENTRAL ANGLE)
E.O.A

TOP OF BANK
TOE OF SLOPE
TOE OF WATER

THE EAST USE OF THE COMMENT OF THE VIDENCE OF THE V

ORDUND IMPROVEMENTS HAVE NOT BEEN DEPICTED ON THIS MAP OF SURVEY.

HORIZON SURVEYORS

OF CENTRAL FLORIDA, INC LB 6360
390 POINCIANA DR., MELBOURNE, FL 32935
E-MAIL: INFO@HORIZONSURVEYORS.COM
PHONE: (321) 254-8133

DATE 6-17-19
FIELD 900% 236
& PAGE 1
FIELD DATE 6-7-19 DATE Graw AB PREPARED FOR THE EXCLUSIVE USE OF: WATERSTONE FARMS, LLC

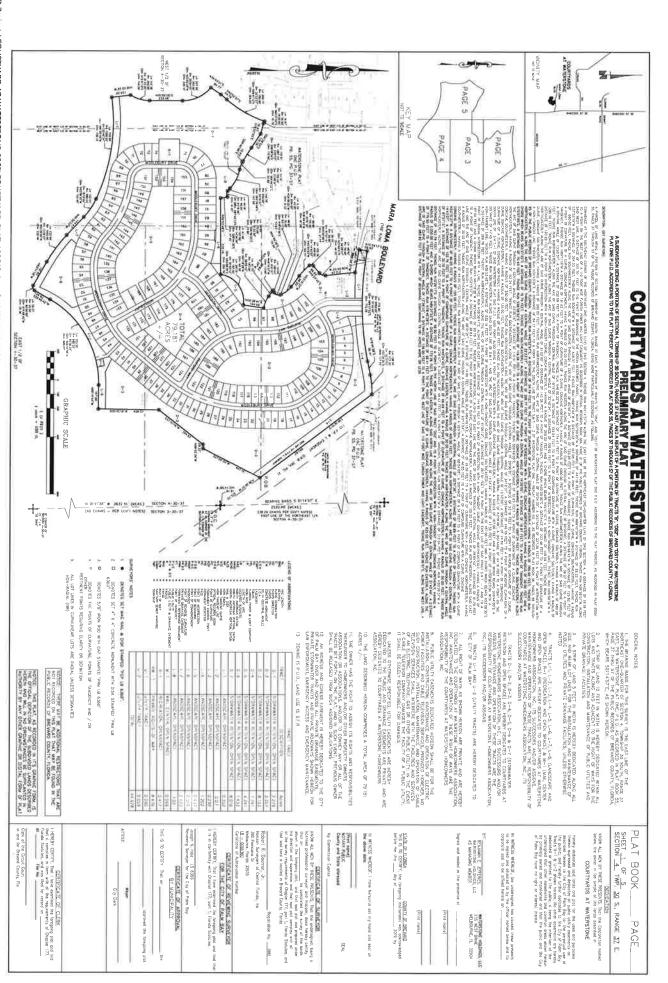
UNDER MY DIRECT DEPRENSION AND THAT THE SUPPLYED WAS SUPPLYED TO CORRECT TO FURTHER CEPTLY THAT THIS SUPPLY METERS OF SUPPLY THAT THIS SUPPLY METERS OF SUCCESS HE WINNIAM TECHNOLA. STRANDARDS. SUFFICIORIS ADMINISTRATIVE CODE, PURSUANT TO SUCCESS.

PROFESSIONAL LAND SURVEYOR JUBBS

NOTE: THIS SKETCH IS NOT VALID UNLESS IT BEARS A SIGNATURE AND AN EMBOSSED SURVEYOR'S SEAL

WATERSTONE DRAWING NUMBER:

5868



C\Civil 3D Projects\COURTYARD AT WATERSTONE_5868\COURTYARD-PLAT_190612.dwg, 6/18/2019 12:19:45 PM, _AutoCAD PDF (High Quality Print).pc3







PROJECT: COURTYARDS AT WATERSTONE A 201 lot single family subdivision

OWNER:

Benjamin E. Jefferies, Waterstone Development Company, LLC Managing Member of Waterstone Farms, LLC, and Waterstone Holdings, LLC both located at 235 West Drive, Melbourne, Fl 32904;

EXISTING ZONING: Planned Unit Development

LAND USE: Single Family Residential, with a small portion Multi-family land use (Note that single family is allowable use in multi-family.)

REQUEST:

Waterstone at Palm Bay Preliminary Development Plan approved by Council Resolution 2018-02 and the Gardens at Waterstone Final Development have expired. The owner seeks approval for a new Preliminary Development Plan and Final Development Plan/Preliminary Plat in PUD district zoning for a project to be called "Courtyards at Waterstone", which is a portion of the prior approved Master development plan located east of the Lakes of Waterstone.

SUBMISSION:

- 1. PRELIMINARY DEVELOPMENT PLAN APPLICATION FOR COURTYARDS AT WATERSTONE AT PALM BAY
- 2. FINAL DEVELOPMENT PLAN/PRELIMINARY PLAT APPLICATION FOR COURTYARDS AT WATERSTONE
- 3. REQUIRED SUPPORTING DOCUMENTS FOR EACH APPLICATION PER CODE

EXECUTIVE SUMMARY

Property owned by Wheeler Farms was annexed into the City in 2004 via Ordinance 2004-35 totaling 1167 acres. The original Future Land Use amendment designating all the lands single family residential was accomplished in 2004 via Ordinance 2004-52 and 1800 residential units could be placed on either Waterstone (west of Babcock Street) or the original acres owned by Wheeler on lands currently called Cypress Bay Farms (east of Babcock Street). Site specific conditions were placed on the amendment in Ordinance 2004-48, in Policy FU 8.3 (G), adopted the same date as 2004-52. Between 2005 and 2018, a series of future land use map amendments have been made bringing the total units entitled for construction to be over 2,500. (See Maps A and B, Location Maps)

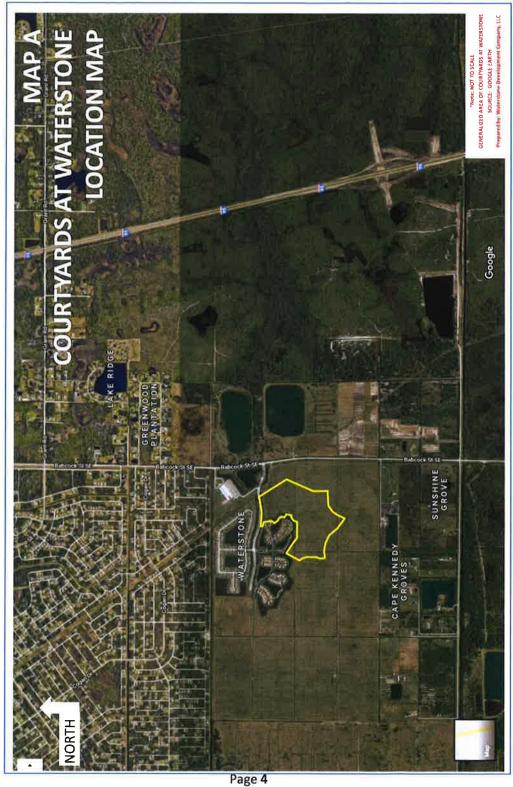
The Project underwent an ownership change and Pulte (Divosta Division) brought forth a Preliminary Development Plan for the 1167 acres and obtained Final Development Plan approval and PUD zoning in 2005 and began to permit, develop and complete several phases, including Heron Bay and the Lakes of Waterstone, which included 296 units, an elementary school site, and recreational amenities which are built and sold out today. The approval also included concurrency for 900 units, water and sewer, and other infrastructure.

Waterstone revised the project lay-out in 2017 and submitted a new Preliminary Development Plan for the lands on the west side of Babcock Street to amend the 2005 development plan. The City Council granted Preliminary Development Plan approval on January 18, 2018, shown on Map C. Final Development Plan/Preliminary Plat approval was granted by City Council action on June 7, 2018 for the 'Gardens at Waterstone', a phase of Waterstone in the northwest segment. Since that time, no additional applications have been filed and the plans have expired.

With this new application, the owners, Waterstone Holdings LLC and Waterstone Farms, LLC are petitioning the City for approval of a new preliminary and final development plan for a project called *Courtyards at Waterstone* (to be known as 'Courtyards'), due to a number of factors. The prior Waterstone Preliminary Plan for the Courtyards called for 198 50' x 125' lots. The prior contract on the property was lost and new builders have expressed an interest in a mix of both 50' and 60' lots at Courtyards. The proposed new Preliminary development plan for the project calls for 74 60'x 125' lots and the remaining 127 will stay at 50' lots, for a total of 201 single family lots.

This request seeks approval of a new preliminary development plan and approval of the Final Development Plan/Preliminary Plat only for the Courtyards to begin construction of the project upon approval of construction plans. Therefore, the applicant is submitting this application for approval of a new Preliminary Development Subdivision Plan and Final Development Subdivision Plan/Preliminary Plat and in lands zoned Planned Unit Development on lands identified on Map D. (Note: the same plan is used for both the Preliminary and Final Subdivision Development Plans and full sets are provided under separate cover in the submittal.)

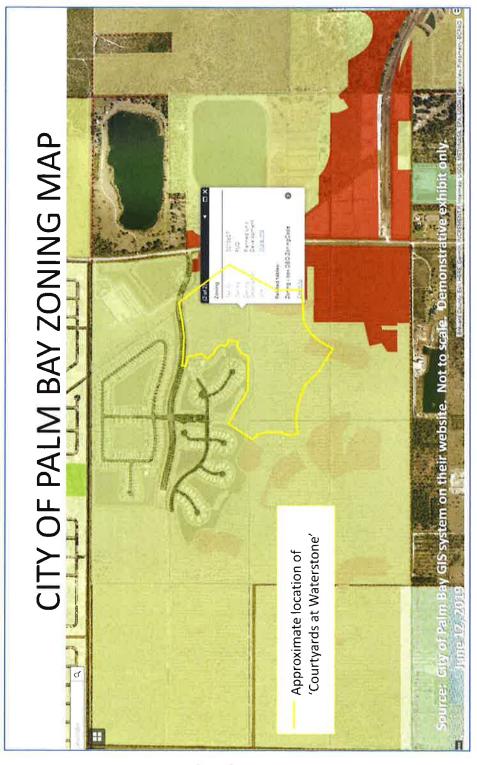
MAP A **LOCATION MAP**



MAP B LOCATION AND OWNERSHIP MAP



MAP C CITY ZONING MAP



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HISTORY OF WATERSTONE

During the period from 2006 to 2010, Pulte Homes and their subsidiary, DiVosta Homes, completed a wide variety of permits, agency approvals, traffic and engineering studies, environmental studies, comprehensive land use and zoning approvals for Waterstone. Pulte constructed a .6 mile long connector roadway off of Babcock Street called Mara Loma Boulevard, obtained County and City traffic concurrency for 900 units and provided for lands for an elementary school. Regional water and sewer mains were extended from just north of Valkaria Road to the western terminus of Mara Loma Boulevard. 296 Single family homes were constructed in the communities of Heron Bay and The Lakes at Waterstone. The Brevard County School Board constructed Sunrise Elementary School. Pulte Homes left the City of Palm Bay as a result of the financial crash in 2008. It closed out Heron Bay and The Lakes at Waterstone communities by the end of 2010. The remaining PUD property was acquired by the applicants.

As required by the original land use approvals, Waterstone provides a mix of uses with the Waterstone Commercial Center with its significant frontage on the west side of Babcock Street. It will contain 133 acres, more or less, broken into lots and tracts sufficient in size for a variety of retail, office and related commercial uses to support the region. FDOT has almost completed the I-95 Interchange and the City has begun construction of the St. Johns Heritage Parkway (SJHP) from Babcock Street east to I-95. Numerous commercial developers and commercial project owners are ready to come into the City of Palm Bay, roadway network is available and more residential units are constructed, which will create the demand for and support of commercial ventures.

A three mile water and sewer main running along Babcock Street from Valkaria Road south to Mara Loma Boulevard was installed completely at the developer's expense for the Waterstone project. In addition, when Mara Loma Boulevard was extended west from Babcock Street approximately 2,600 feet, large force mains, water mains, and three sewer lift stations were installed. All totaled, over \$10 million has been spent over the course of time on infrastructure improvements, including Mara Loma Blvd., 3 lift stations and utilities, permits, traffic/planning/environmental studies, stormwater management, environmental mitigation, and dedication of Rights-of-Way for the Parkway, among other items for the Waterstone project. The City has made commitments to assure future capacity through wastewater plant expansions.

Additionally, over the last 3 years, numerous meetings regarding the Waterstone/Cypress Bay master plans, transportation and infrastructure requirements and improvements, utility needs and extensions, have been held not only with Palm Bay, but also with Brevard County, FDOT, Florida Power and Light, environmental regulatory agencies, and others to assure not only the highest quality product, but one that also will be a signature project for the City of Palm Bay.

The remaining land outside of the first phases developed by Pulte Homes is under the ownership of Waterstone Farms, LLC, and Waterstone Holdings, LLC. These companies have been working diligently over the last 10 years and have:

- Obtained environmental permits from the Army Corps of Engineers and conceptual SJRWMD for the proposed residential areas of Waterstone;
- 2. Submitted traffic studies to the City and County for the developments planned for Waterstone;

- 3. Performed a signal warrant study for the Babcock/St. Johns Heritage Parkway (SJHP) intersection; and submitted requests for County permits for driveways and an access management plan for Babcock Street;
- 4. Obtained Final SJRWMD permits for the Waterstone Commercial Center.
- 5. Obtained Preliminary PUD approval for Waterstone (lands west of Babcock) in January, 2018.
- 6. Obtained Final PUD approval for a 283 lot subdivision called the Gardens at Waterstone on June 7, 2018;

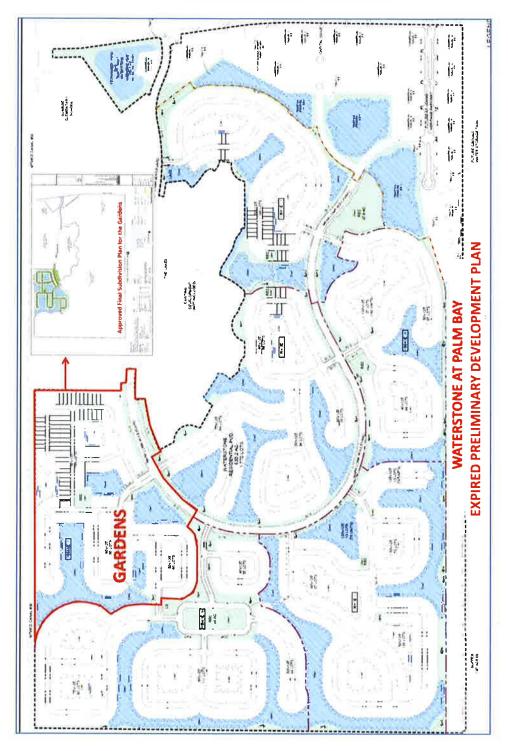
On January 18, 2018, Waterstone Holdings, LLC, Waterstone Farms, LLC and DR Horton, as co applicants, obtained approval of a revised Preliminary Development Plan amending the 2005 Master Plan for the undeveloped property on the west side of Babcock Street for a 1770 unit residential development. This approval included the Waterstone Commercial Center containing 133 acres fronting Babcock Street and Waterstone at Palm Bay consisting of 604 acres west of the commercial center, south and west of The Lakes at Waterstone and Heron Bay communities for a series of residential subdivisions.

The first development phase of Waterstone at Palm Bay was intended to be "The Gardens of Waterstone at Palm Bay"; however, no construction has commenced nor other final development plans filed for other phases of the project since approval of the preliminary development plan or Gardens' final development plan. Therefore, under the City's code both preliminary and final development plans have expired.

PRELIMINARY DEVELOPMENT PLAN for 'COURTYARDS OF WATERSTONE' Courtyards is a 201 lot subdivision located nearest to Babcock Street, west of the entry to Mara Loma and Babcock and west of the FPL power lines and easement. It will be constructed in 2 phases of approximately 100 homes each. The project will use a new access point to be created off Mara Loma Boulevard on a new road to be called Rixford Way. There are utilities available to service the development and Waterstone retains County traffic concurrency for 604 units.

The following discussion relates specifically to this proposed subdivision and application. Map D shows the proposed Courtyards Preliminary and Final Development Subdivision plan. The project data table below identifies the number and type of lots, percentages for categorical site areas and improvements, and open space.

MAP D EXPIRED PRELIMINARY DEVELOPMENT PLAN FOR WATERSTONE AT PALM BAY, INCLUDING THE EXPIRED ${f 1}^{\rm ST}$ PHASE CALLED THE GARDENS AT WATERSTONE



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MAP E
PROPOSED PRELIMINARY AND FINAL DEVELOPMENT PLAN

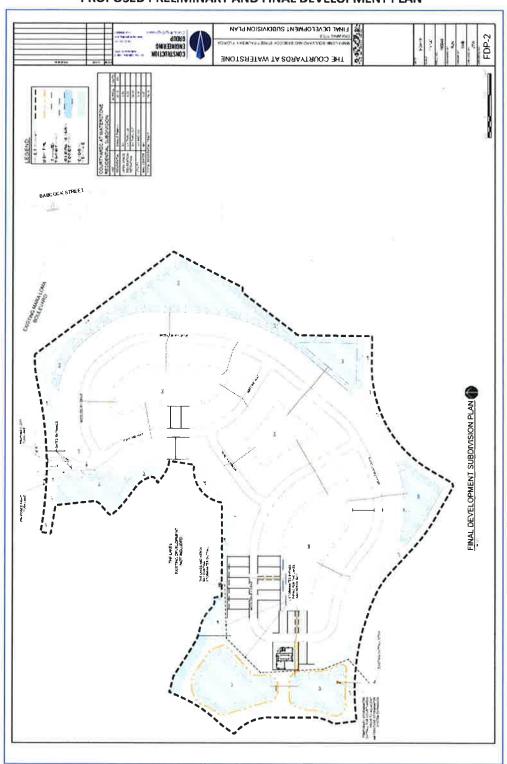


Table 1 PROJECT DATA

	DS AT WATERSTO AL SUBDIVISION:	ONE	
USE:		ACRES±:	UNITS
RESIDENTIAL	SINGLE FAMILY	43.16	201
OPEN SPACE/ RECREATION/ RETENTION	R-1	0,53	
	L-1 THRU L-8	6.23	
	D-1 THRU D-7	29.03	
UTILITY	U-1 AND U-2	0.16	
MAIL CENTER	M-1	0.07	
TOTAL RESIDEN	79.18		

Source: Project Data taken from Preliminary and Final Development Plans, dated May 24, 2019

DEVELOPMENT PHASING

As it currently stands, the project will be broken down into two Phases.

- A. Phase I will consist of constructing necessary infrastructure and/or required amenities to support the development and approximately 100 lots more or less.
- B. Phase II will finish the remaining lots and construct the related amenities.

DEVELOPMENT SCHEDULE

The project will commence upon receipt of construction plan approval, potentially in late 2019 or early 2020. It will take approximately 3 years to build out with an anticipated take down of 75 units in year 1, 75 units in year 2, and 50 in year 3.

CONSISTENCY WITH THE COMPREHENSIVE PLAN and FUTURE LAND USE MAP

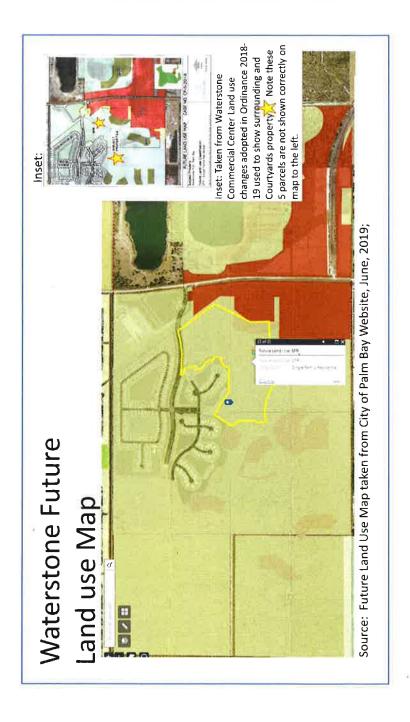
Based upon my knowledge of the City's Comprehensive Plan and its contents, Courtyards Preliminary and Final development plans are consistent with the Goals, Objectives and Policies of the Comprehensive Plan and the Future Land Use Map. The City received a compliance determination for the initial approved land uses and subsequent amendments on the property. Those documents are on public record with the City and State Department of Economic Opportunity.

LAND USE

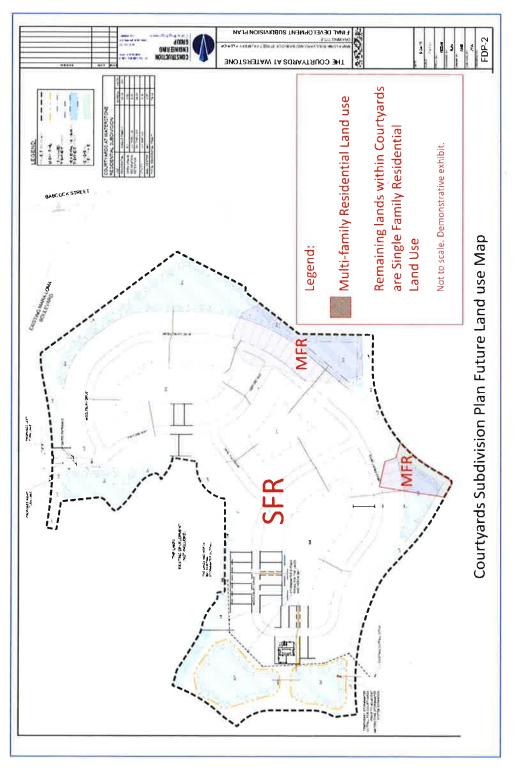
Courtyards is a 201 lot residential single-family subdivision, on 79.181 acres +/-, including ancillary infrastructure, stormwater management, open space and recreational amenities, located off of Mara Loma Blvd., a City owned street leading into the project from Babcock Street. Map F-1, uses the City's GIS system to depict the future land uses for the project. Map F-2, Courtyards Land use Overlay, places the project onto the land use map to show underlying land uses and where the Single Family Residential (SFR) and Multi-family residential (MFR) exist on a small portion on the eastern edge. Under the City's regulations, single family can be constructed in lands designated for Multi-family land uses. Stormwater or lands devoted to infrastructure can be done in any category. No land use changes are necessary. The Zoning is Planned Unit Development "PUD" awarded in 2005. Therefore, the project site and single

family uses are in conformance with the City's Comprehensive Plan, Future Land Use Map and Existing Zoning Map. Figure 1 shows the City's Future Land Use Map as taken from the City's website.

MAP F-1
FUTURE LAND USE MAP FROM CITY WEBSITE



MAP F-2 COURTYARDS LAND USE OVERLAY



Page **13**

Figure 1 below shows the land uses within the City's Study Area Boundary taken from the Comprehensive Plan in the City's website.

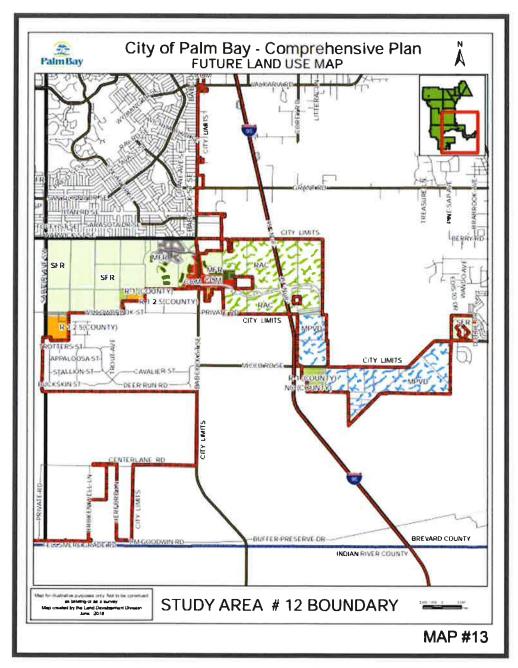


Figure 1: Future Land Use Map taken from the City's Comprehensive Plan on the City of Palm Bay Website, April, 2019

The following Objectives or Policies are implemented via this proposed development plan:

- OBJECTIVE FLU-1.3 Land Development Regulations shall provide for planned unit developments, planned commercial developments, planned industrial developments, planned residential developments, and mixed-use developments.
 - POLICIES FLU-1.3A The City shall continue to implement Land Development Regulations for Planned Unit Developments.

OBJECTIVE FLU-1.4 Establish an Urban Service Area to control urban sprawl.

POLICIES FLU-1.4A The Urban Service Area maps shall be adopted for the ten-year time frame of the Comprehensive Plan as depicted in the adopted Urban Service Boundary Map.

Figure 2 shows that the project is within the City's Urban Service Boundary.

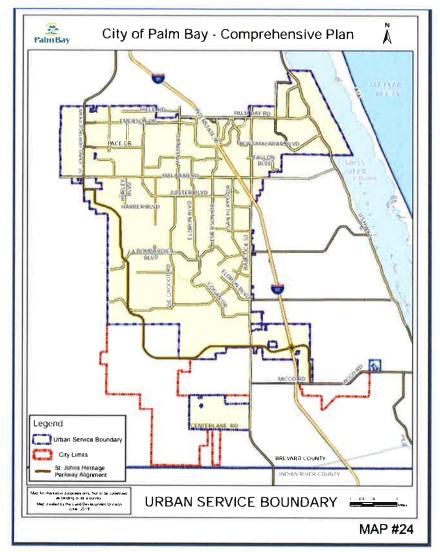


Figure 2 Urban Services Boundary Map adopted by the City in the EAR, October 2017; as shown on the City of Palm Bay website, April, 2019.

OBJECTIVE FLU-2.1 By 2001, adopt land development regulations which create a full range of types and styles, including planned unit developments, multi-family housing, ranges of single family densities, and mixed use with residential/nonresidential consistent with the needs of all age groups, incomes and lifestyles.

POLICIES FLU-2.1A The Zoning Code shall be amended to provide for a variety of types and densities of residential development in conformance with this Element and the Future Land Use Map.

POLICIES FLU-2.1B Continue to utilize Planned Unit Development (PUD) techniques to protect environmentally sensitive areas, protect amenities, and mitigate flood hazards.

OBJECTIVE FLU-2.2 Residential development which can be served by public and community services meeting all LOS standards.

POLICIES FLU-2.2A Base residential development decisions on the adopted LOS standards for community facilities and services, the Future Land Use Map, and the policies of the Comprehensive Plan.

(Original Wheeler) FLU-8.3G The following special conditions shall be applicable to Case No. CP-12-2003 adopted by City Council as Ordinance No. 2004-52.

- 1. Maximum residential density is capped at 1,800 residential units.
- 2. A future school site be designated on the property at a suitable location and of suitable size as determined by negotiation between the developer and the Brevard County School Board.
- The developer is required to identify and apply for the necessary Future Land Use Map amendment to provide commercial and public/semipublic uses necessary to service the proposed development within 5 years or prior to development of 600 units, whichever occurs first.

CITIZEN PARTICIPATION/COUNTY COORDINATION

Several meetings have been held with the existing HOA's of Waterstone, and a Neighborhood meeting was held November 15, 2017 regarding the entire Waterstone project, on both sides of Babcock Street. The owner or owner's representatives have met with the City and County on numerous occasions regarding the project, roadways, and utilities. Since this is a new preliminary development plan, a citizen participation meeting will be held and the required summary will be provided to the City. Labels for notifying everyone within 500' are provided to the City for mailing the courtesy notice.

JOINT PLANNING AGREEMENT

The City's Growth Management staff regularly distributes the required courtesy copies of documents to the County planning staff pursuant to a 2016 Joint Planning Agreement. There were prior agreements between the City and County dating back to the early 2000's. Copies of emails to County staff can be used to verify extended common practice that the City uses in fulfillment of the JPA requirements. In addition, the applicant has sent a certified copy of the preliminary development plan to the Brevard County Planning Department to satisfy any question of compliance with this matter.

UTILITIES

The development will connect to City water and wastewater. One additional lift station is proposed to be extended into the development from Mara Loma Boulevard to provide utility services. The City has long planned for an expansion to its wastewater plant and has made expansions to the water plant. The City recently approved the staff to to proceed with planning/design/permitting of the expansion.

STORMWATER/DRAINAGE

A SJRWMD conceptual stormwater management permit has been issued for the project: **PERMIT NO:** 96251-22 **DATE ISSUED:** August 3, 2017 **PROJECT NAME:** Waterstone Phase III

A copy of the permit is on file with the City. All retention areas shall be owned and maintained by the residential homeowners association and shall be permitted through the Water Management District. The project will be designed to meet all pre and post development stormwater management as currently by the various agencies and the City by obtaining all required permits.

ENVIRONMENTAL ISSUES

There are currently no known environmental impacts on the proposed subdivision's lands. The property was originally a citrus grove. It was later converted into the existing cattle pasture. The proposed project is designed to and will be consistent with the following Goals, Objectives and Policies of the City's Comprehensive Plan.

GOAL FLU-6 Wise and efficient use of the City's natural resources.

OBJECTIVE FLU-6.1 An intensity and distribution of land use and development which minimizes the impact on the natural environment.

POLICIES FLU-6.1A Land use decisions shall be based upon the support capability of the natural environment as determined by conformance to the Floodplain Management Ordinance, the Stormwater Management and Conservation Ordinance, the Trees and Shrubbery Ordinance, and the Zoning Ordinance.

Map G, Environmental Conditions, shows via a recent aerial, the cleared land and current conditions of this project. A former grove, there are no environmental issues, no trees, no habitat or endangered species. A letter from Jon Shepherd, Atlantic Environmental Services (AES) is attached at Appendix D.

Figures 3 and 4 are taken from the City's Comprehensive Plan as found on the City's website. If the project is found to be in a Flood Zone, the owner will comply with FEMA requirements. The owner will comply with requirements and obtain requisite permits.

MAP G ENVIRONMENTAL CONDITIONS



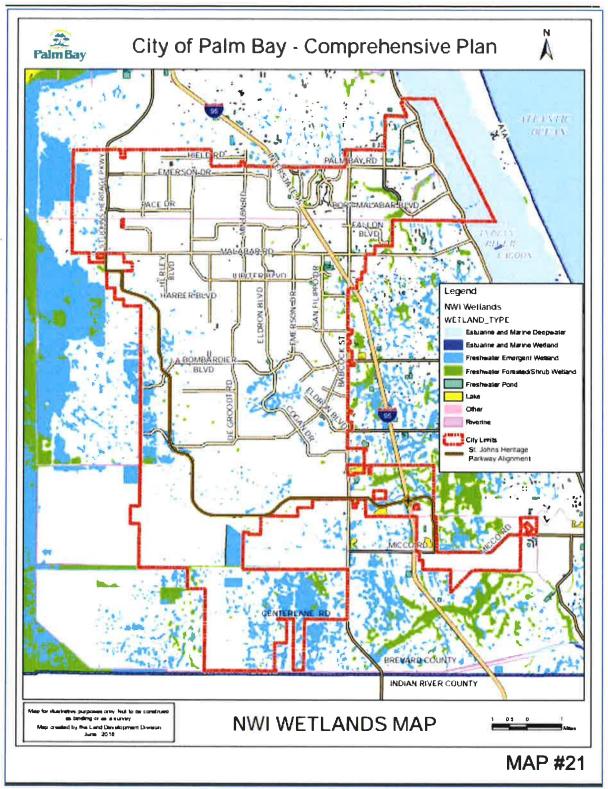


Figure 3 Comprehensive Plan Wetlands Map, dated June, 2018, taken from the City of Palm Bay's website, April, 2019

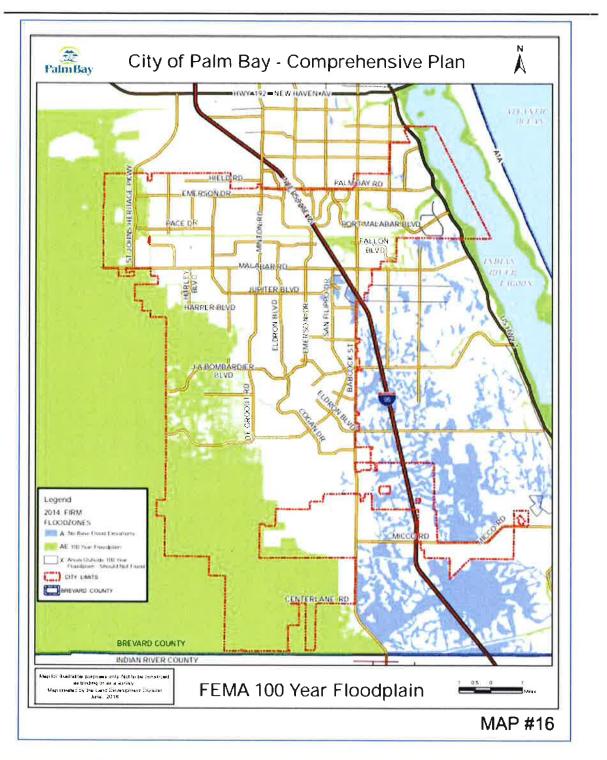


Figure 4: Comprehensive Plan FEMA 100 Year Floodplain Map, taken from the City of Palm Bay's website, April, 2019

The AES report demonstrates that there are no specimen or signature trees on the property. The conclusion of that report is: AES determined that the Property supports approximately 79 acres of uplands and therefore can proceed with the planned development.

TRANSPORTATION CONCURRENCY

In 2005, concurrency was approved by the City and County for 900 residential units, Sunrise Elementary School, and the current intersection of Mara Loma and Babcock St. Of those approved 900 units, 296 units have been used for Heron Bay and the Lakes of Waterstone. From the 604 available, Courtyards will use 200.

Courtyards will be served by extending the existing Mara Loma Boulevard to the intersection of the new subdivision on Rixford Way, which if gated, will be a private road. Mara Loma, as a 2 lane collector, has capacity and meets concurrency requirements to serve the new subdivision. The section of Mara Loma has been dedicated to the City. All streets within the project are to be private and amenities will be maintained by the Courtyards at Waterstone Homeowners Association, Inc.

Traffic studies by Lassiter Transportation Group have been submitted by the owner to the City and County for Waterstone. Those studies are on record with the Growth Management Department of the City of Palm Bay and Brevard County Public Works. A Technical Memorandum, dated June 5, 2019, that because of the Cypress Bay Farms residential project (400 units) factored in as background, a traffic signal warrant analysis for Mara Loma and Babcock Streets may be warranted upon build-out and construction of those 400 units. The report is found in Appendix E.

SCHOOL CONCURRENCY

The owners worked with the School Board on land for an elementary school, and Sunrise Elementary is now open and serving the public. There are no other schools to be provided by Waterstone as a result of the proposed project. A School Concurrency application has been completed by the applicant and submitted with the Final development plan application portion of the package. The City is responsible for submitting the application and required Local Determination form to the School Board.

OPEN SPACE/RECREATION/AMENITIES

Courtyards will have a neighborhood park, passive recreation areas, and interconnected meandering walking trails connecting the subdivision to Mara Loma and other future sections of the larger community all under control of the Courtyards at Waterstone Homeowners Association, Inc. Stormwater ponds will be finished with littoral zones for passive recreation, bird watching, and fishing as allowed by the HOA.

DEVELOPMENT STANDARDS AND GOVERNANCE

Section 185.061 '(A) The planned unit development is a concept which encourages and permits variation in residential developments by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage, setbacks, open space, and other Land Development Regulations and open space from than required in any one (1) residential land use classification under the zoning regulations of the city. The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types as well as commercial uses designed to serve the inhabitants of the planned unit development. It is recognized that only through

ingenuity, imagination and flexibility can residential developments be produced which are in keeping with the intent of this subchapter, while departing from the strict application of conventional use and dimension requirements of other zoning districts and subdivision regulations." (Source: City Code, American Legal Publishing)

The project's zoning of Planned Unit Development gives the owner the ability to establish and restrict the allowable uses within the project and set the development standards. This will be done through Declaration of Covenants, Bylaws and Articles of Incorporation for the Homeowners Association provided in the Final Development Plan application package submittal. There will also be areas that are dedicated to the public and governed by either a regulatory agency or local government (streets and utilities). Subdivisions will be governed by the City and Chapter 177 Florida Statutes. Building permits and construction plan approval will be required by the City.

Therefore, this entire PUD has been creatively designed to assure a diverse mix of residential units and styles with non-residential and commercial uses that serve the community and region. The Deed restrictions will provide for specific uses, development standards, architectural and site design features, required landscaping/lighting/signage/materials, architectural review boards, maintenance, and the like. The project has been designed to be consistent with the Comprehensive Plan and Land Development Codes, and compatible with the surrounding area.

The following is a general overview of the proposed uses, as well as dimensional information.

GENERAL RESIDENTIAL USES

The proposed project is a subdivision within a planned unit development zoning district consisting of single family homes on 50' and 60' lots. Residential uses will be controlled by the Deed Restrictions submitted with this application for final development plan approval. Residential uses are limited to mixed priced Single family residences on lots that will generally be 50' and 60' in width by on average 125' in depth. There are no Townhomes, duplexes, multi-plex buildings or Mobile homes or recreational vehicle parks within this project.

Single Family Minimum Yard requirements (Setbacks):

All single family:

Front Yard: 25 feet
Rear Yard: 20 feet
Side yard: 5 feet
Side Corner: 15 feet
Pool Setback: 5 feet

Single Family Height: 2 stories

Max height for structures: 2 stories

COMPATIBILITY WITH SURROUNDING AREA

The project is being placed on former groves and is a phase of a Master Planned community started in 2005. Heron Bay and the Lakes of Waterstone are 2 subdivisions that have been constructed containing 296 units. Courtyards is therefore compatible in style, type, value, and amenities with its surrounding area, including the large scale planned Regional Activity Center Emerald Lakes (approved in 2011 and 2016) and Cypress Bay PUD (2018) to the east, and neighboring projects to the west. Courtyards will be comparable to and compatible with in size, scale, character, intensity, and design of the remaining subdivisions with the planned development.

COMFORMANCE WITH LAND DEVELOPMENT CODE (REVIEW CRITERIA)

All of the lands in Waterstone are zoned Planned Unit Development. The applications submitted for the Courtyards project recognizes the expiration of the Waterstone at Palm Bay preliminary development plan as approved January 2018 and seeks to amend the 2005 Master Development Plan by:

- 1. Obtaining approval of a new Preliminary Development Plan for the specific area of the Courtyards at Waterstone; and,
- Obtaining approval of a Final Development Plan/Preliminary Plat for the specific area of the Courtyards at Waterstone.

This document and narrative demonstrates how the Courtyards project is consistent with the Comprehensive Plan, compliant with Land Development Code, and meets the review criteria in Chapter 185.066 of the City's Code, warranting approval. The project is zoned Planned Unit Development Zoning, therefore, a rezoning is not required.

PRELIMINARY DEVELOPMENT PLAN PROJECT JUSTIFICATION: COMPLIANCE WITH REVIEW CRITERIA

185.066 (B) (5) Review criteria. The decision of the Planning and Zoning Board on the preliminary development plan application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the Planning and Zoning Board shall consider the following facts:

(a) Degree of departure of proposed planned unit development from surrounding residential areas in terms of character and density.

JUSTIFICATION: Courtyards at Waterstone is part of an approved project and plan that was given Planned Unit Development Zoning in 2005. The approved Preliminary Development Plan was amended in 2018 and has since expired. The Courtyards is one of the subdivisions envisioned in both the original and amended plan. The owner is submitting a new Preliminary Development Plan for approval due to changes in the configuration and number of lots in the proposed Courtyards and because of expiration of the 2018 development plan.

The project is southeast of the built subdivisions of Heron Bay and Lakes of Waterstone, which were begun by Pulte/Divosta around 2006. Completed with 296 homes and an elementary school, utilities

WATERSTONE FARMS, LLC AND WATERSTONE HOLDINGS, LLC AMENDMENT TO APPROVED MASTER DEVELOPMENT PLAN PRELIMINARY DEVELOPMENT SUBDIVISION PLAN AND FINAL DEVELOPMENT SUBDIVISION PLAN APPLICATIONS FOR COURTYARDS AT WATERSTONE

are permitted, sized and installed to serve the entire planned development in lines run from Valkaria Road to Mara Loma Blvd, and 2600' feet of Mara Loma Blvd is constructed and dedicated.

Land use entitlements exist on 1200+/- acres straddling both sides of south Babcock Street. The proposed project is one of several large scale developments stimulated and supported by the new I-95 interchange and Parkway. Therefore, there is little departure from the current or proposed residential areas by the proposed project, which is in complete conformance with the character, density, and intensity of development approved by the State and City for this area.

(b) Compatibility within the planned unit development and relationship with surrounding neighborhoods.

JUSTIFICATION: Projects on adjacent lands have received City and/or State approval for similar mixed use, large scale developments with commensurate land use and zoning. The Interchange is under construction by FDOT and Palm Bay has begun construction of the Parkway to Babcock Street. As an extension of the original planned development, Courtyards is compatible in size, scale, character, intensity, and design with both built subdivisions and future planned subdivisions.

(c) Prevention of erosion and degrading of surrounding area.

JUSTIFICATION: Courtyards will meet all required agency permitting processes and procedures and create no off-site drainage issues. Preliminary St. John's River Water Management District Permits have been received and are on file with the City.

(d) Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

JUSTIFICATION: The original Waterstone Development donated land for an elementary school, Sunrise Elementary, which is open and serving the public. There are no other schools to be provided by Waterstone. Courtyards will have on site recreation amenities for use by its residents. All utilities will be planned for by the developer(s), approved by the City, provided by the City and permitted by the required Agencies. All required environmental permits will be obtained through the respective agencies. Currently, ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT PERMIT #96251-24 gives conceptual approval to the master planned drainage system. That permit is on public record and file with the City.

(e) The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.

JUSTIFICATION: Waterstone at Palm Bay residential areas will ultimately provide approximately 180 acres of recreational and open space amenities in both active and passive recreational areas. The Courtyards will have its own smaller localized recreation area that may include such elements as totlots and other active or passive play amenities. Onsite lakes and ponds will be planted with littoral areas for visual enhancement and wildlife habitat, and may contain fountains, gazebos, trails, and designated fishing areas. A 'Courtyards at Waterstone Homeowners Owner's Association, Inc.' (HOA) will be responsible for operation and maintenance of the amenities within the residential areas.

WATERSTONE FARMS, LLC AND WATERSTONE HOLDINGS, LLC AMENDMENT TO APPROVED MASTER DEVELOPMENT PLAN PRELIMINARY DEVELOPMENT SUBDIVISION PLAN AND FINAL DEVELOPMENT SUBDIVISION PLAN APPLICATIONS FOR COURTYARDS AT WATERSTONE

(f) The feasibility and compatibility of the development plan to function as an independent development.

JUSTIFICATION: Each neighborhood within the Waterstone at Palm Bay project will function on its own. Utilities provided by the owner to serve the existing Waterstone community will serve this project. The Courtyards will have its own deed restrictions, HOA/POA, articles of incorporation and by-laws, permits, and plat.

(g) The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development.

JUSTIFICATION: Numerous Traffic Studies by Lassiter Transportation Group analyzing the roadway impacts and what improvements are necessary have been submitted over the years and are on file with the City and County. A new Technical Memorandum has been prepared for submittal with this application. It shows that when the Cypress Bay Residential project of 400 is complete and the Courtyards is complete, a traffic signal warrant study will be needed for the Mara Loma intersection with Babcock Street. Brevard County is conducting a PDE for widening of the roadway. A new interchange and Parkway connecting Babcock Street to the Interchange is under construction. There is adequate roadways to support the project.

(h) The availability and adequacy of water and sewer service to support the proposed planned unit development.

JUSTIFICATION: Courtyards will utilize the lines provided for the existing Waterstone Communities and tie into the City's water and wastewater system. The City began long range planning in 2012 with its consultants Wade-Trim for the utility needs for the new communities planned for Northwest and Southern Palm Bay. The City has long planned for an expansion to its wastewater plant and has made expansions to the water plant. Assessments are ongoing and the City will be the provider of the requisite services. The owner, working in concert with the City's Utilities department, has been advised that there is capacity available to serve this project.

(i) The benefits within the proposed development and to the general public to justify the requested departure from standard land use requirements inherent in a planned unit development classification.

JUSTIFICATION: This project is seeking to modify the master plan. Unlike using singular zoning districts and subdivision practices, Courtyards is planned to be a quality, integrated, creative development similar in style and value to the existing Waterstone and Bayside Lakes Subdivisions. Landscaped roads, themed signage, entry features, underground utilities, specialty lighting, and deed restrictions will dictate and govern the uses, standards, character and quality of the development. In most cases, the requirements will be stricter than the City code. Because it's within the PUD district, there is greater control and quality than in a single development zone.

(j) The conformity and compatibility of the planned unit development within any adopted development plan of the city.

JUSTIFICATION: This project is in compliance with the Comprehensive Plan of the City.

(k) The conformity and compatibility of the proposed common open space, primary residential and secondary nonresidential uses within the proposed planned unit development.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Patrick J. Murphy, Assistant Growth Management Director

DATE: October 2, 2019

SUBJECT: Case CU-23-2019 – Harmony Landing (Curt McKinney)

Case CU-23-2019 has been withdrawn by the applicant, Curt McKinney with Steamboat Landing, LLC. No board action is required to withdraw the case.

PJM/cp



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by

Christopher Balter, Planner II

CASE NUMBER PLANNING & ZONING BOARD HEARING DATE

CU-24-2019 October 2, 2019

APPLICANT/PROPERTY OWNER PROPERTY LOCATION/ADDRESS

Concept Development, LLC Tract B, Port Malabar Unit 22, Section 28, Township 29,

Range 37 (Located at the northeast corner of San Filippo

Drive SE and Eldron Boulevard SE)

SUMMARY OF REQUEST Conditional Use Approval for a Retail Store to occupy more than 5,000

square feet of gross floor area.

Existing Zoning NC, Neighborhood Commercial Zoning District

Existing Land Use Commercial Use

Site Improvements Vacant Unimproved Land

Site Acreage 4.04 acres, more or less

SURROUNDING ZONING & USE OF LAND USE

North RS-2 Single-Family Residential; Single-Family Homes

East IU, Institutional Use; Bethesda Evangelical Baptist Church

South NC, Neighborhood Commercial; Vacant Land

West RS-2 Single-Family Residential; Single-Family Homes

COMPREHENSIVE PLAN

The proposed use is permitted within the Commercial Future Land Use COMPATIBILITY

Category.

Case CU-24-2019 October 2, 2019

ANALYSIS:

The project consists of a singular, free-standing building of approximately 9,147 square feet. The "cap" placed on permitted uses of 5,000 square feet of gross floor area is unique to the NC District and exists to provide a higher level of review for commercial projects being developed within residential neighborhoods. The building will be placed within the southwest portion of the property with parking areas located to the east and south, a stormwater treatment pond located along the northern portion of the land and a preserved wetland on the eastern portion of the property.

CODE REQUIREMENTS:

In order to be granted a conditional use permit, a request must meet items (A) through (H) 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 property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.

The sole vehicular access to the project will be from Eldron Boulevard SE, via a 2-way driveway, 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, odor or other detrimental effects upon adjoining properties.

The City's Parking Code requires a minimum of one (1) space for each two hundred (200) square feet of gross floor area for retail use. Based upon the proposed structure, a minimum of 46 parking spaces are required; of which at least two (2) shall be handicapped spaces. The submitted development plan proposes 45 regular parking spaces and 2 handicapped stalls. It shall be noted that the dumpster location will need to be relocated during the administrative site plan approval process and that sidewalks along the south and east property boundary's are not required per the Code of Ordinances.

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

The property has city water, electric, phone and cable services available to it. There is no city sewerage service for this location, so a septic system will be installed. 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 project's stormwater treatment system is proposed along the north portion of the property, which shall act as a physical (spatial) buffer from the residential lands located

Case CU-24-2019 October 2, 2019

north and west of the site. The building has been located to ensure that it is situated sufficiently from the residential land located west of the property. The nearest homes are located roughly 130 feet to the west and 244 feet to the north from the proposed store.

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

One (1) pylon sign has been shown on the development plan and appears to meet the minimum placement criteria. The submitted plan does not include a lighting plan. It shall be noted that any lighting and signage shall comply with Chapter 178 and Section 185.143 of the Palm Bay Code of Ordinances. A closer review will be conducted during the administrative site plan process.

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). However, the building will need to be shifted further north to accommodate the pedestrian zone landscaping required by code.

Item (G): The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation or type, of physical activity. The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.

The NC District allows for retail uses as a permitted use. Staff did not identify any impacts to the health, safety and welfare or convenience of the residents and workers in the city from this project.

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

The Planning and Zoning Board and City Council has 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.
- 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.)

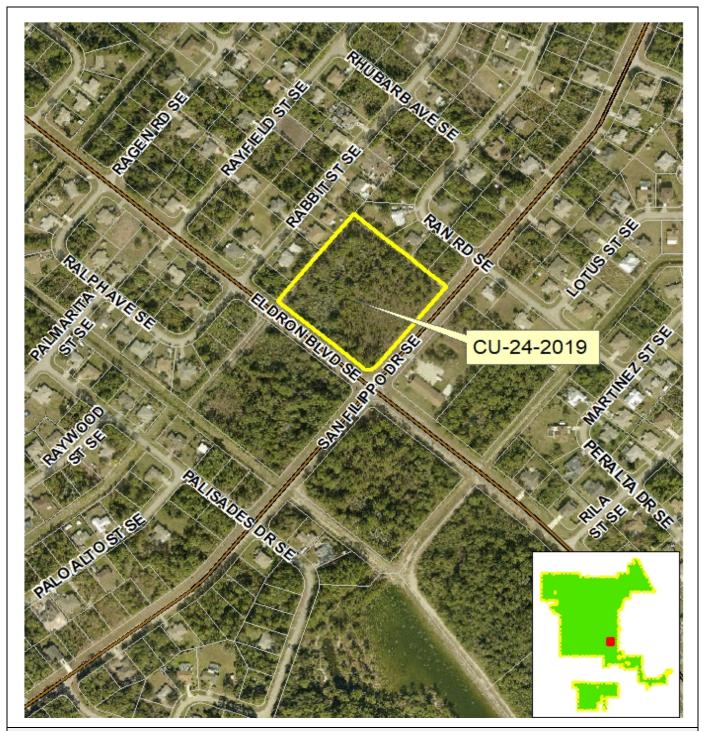
Case CU-24-2019 October 2, 2019

3. A Traffic Study shall be submitted during the site plan review process to determine what improvements might be needed to Eldron Boulevard SE. Specific analysis shall be conducted with regard to Access Management.

- 4. A tree survey is required and will be utilized to determine any possible preservation of existing vegetation to aid in this endeavor.
- 5. Prior to the issuance of any building permits, the engineered site plans must be granted administrative approval.

STAFF CONCLUSION:

The Planning and Zoning Board and City Council must determine if the request, based upon the submitted material and presentation made by the applicant, meets the general requirements of the Code of Ordinances, as identified in this report.



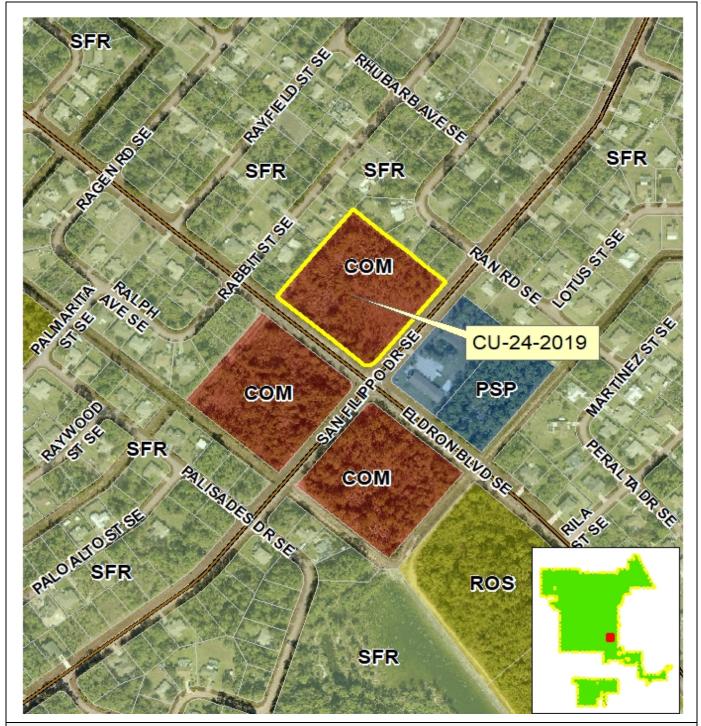
AERIAL LOCATION MAP CASE CU-24-2019

Subject Property

Northeast corner of San Filippo Drive SE and Eldron Boulevard SE







FUTURE LAND USE MAP CASE CU-24-2019

Subject Property

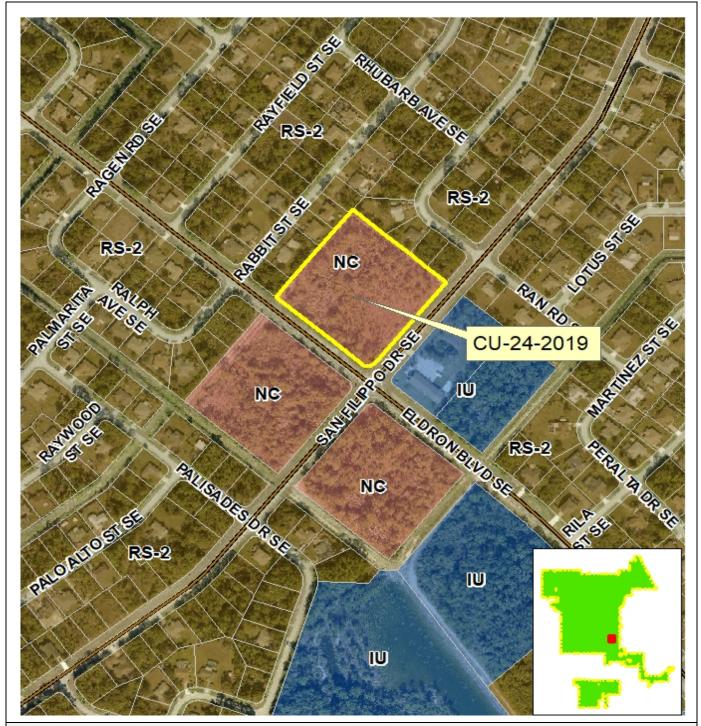
Northeast corner of San Filippo Drive SE and Eldron Boulevard SE

Future Land Use Classification

COM - Commercial Use







ZONING MAP CASE CU-24-2019

Subject Property

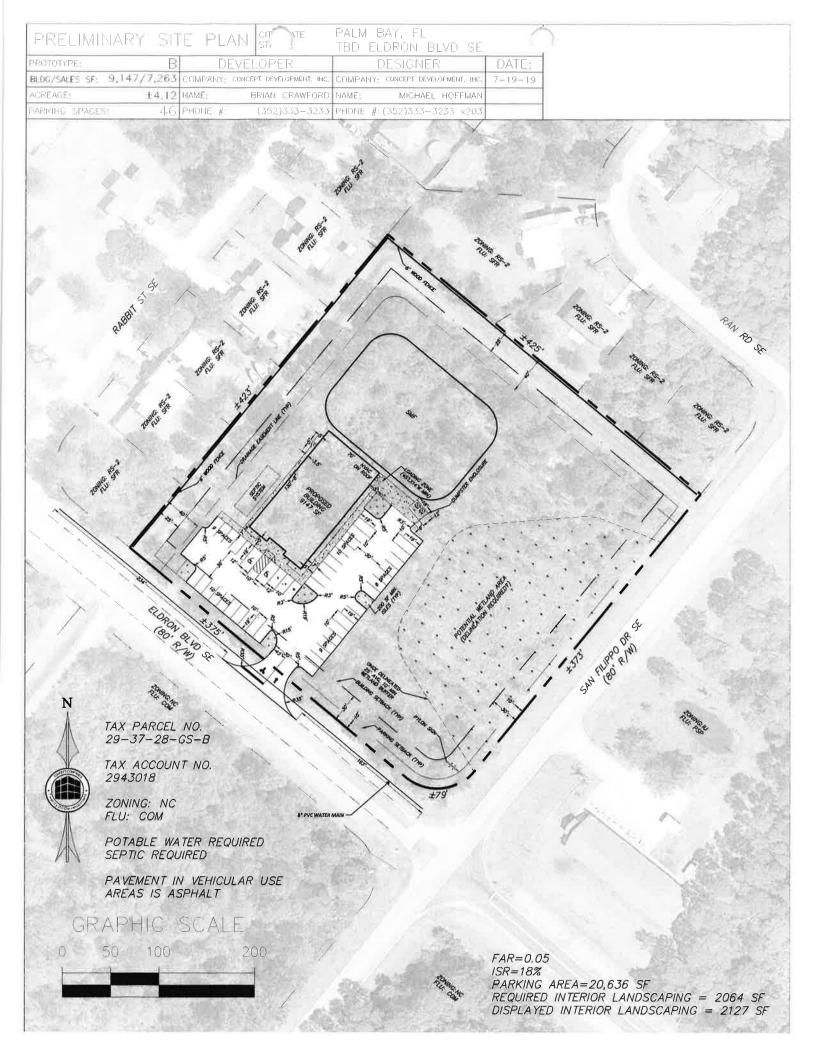
Northeast corner of San Filippo Drive SE and Eldron Boulevard SE

Current Zoning Classification

NC - Neighborhood Commercial District









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	29-37-28-	GS-B 	= = = = = = = = = = = = = = = = = = = =
TAX ACCOUN	NT NO.	2943018	
LEGAL DESC	RIPTION	OF THE PROPERTY COVERED BY THIS APPLICATI	ON:
A portion of tra	ct ID 29-37	7-28-GS-B, OR Book 4276, Page 3239. See attached Warran	ty Deed.
SIZE OF ARE	A COVER	RED BY THIS APPLICATION (calculate acreage): 4.04	acres
CONDITIONA	L USE SO	OUGHT: Increase building square footage to 9,100 SF from	n the permitted 5,000 SF.
ZONE CLASSIF	FICATION .	AT PRESENT (ex.: RS-2, CC, etc.): NC	

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 <u>Section 185.085</u>.

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

- (a) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
- (b) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.
- (c) Adequate and properly located utilities that are available or may be reasonably provided to serve the proposed development.
- (d) Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.
- (e) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.
- (f) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.
- (g) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity.
- (h) 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	Additional criteria is listed in <u>Section 185.088</u> and available from staff (check all that apply):							
☐ Church (Sec. 185.088(A))	☐ Club or Lodge (Sec. 185.088(B))	☐ Commercial dog kennel (Sec. 185.088(C))	☐ Planned Industrial Development (industrially zoned site over 5 acres) (Sec. 185.088(D))	☐ Public or private school (Sec. 185.088(E))				
☐ Self-storage facility (Sec. 185.088(F))	Communication tower and facilities (Sec. 185.088(G))	☐ Dance club (Sec. 185.088(H))	Security dwelling unit (Sec. 185.088(I))	☐ Wedding venue (Sec. 185.088(J))				
THE FOLLOWING P	ROCEDURES AND ENCL	OSURES ARE REQUIF	RED TO COMPLETE TH	IS APPLICATION:				
×\$650.0	0 Application Fee. Make	check payable to "City	of Palm Bay."					
covered respectiv	egal descriptions of all p by this application, togeth e property owners within th County Planning and Zo	ner with the names and lee above referenced area.	mailing addresses (includ This should be obtair)	ding zip codes) of all				
X Site Ske	etch (See page 1 for requ	uirements).						
Sign(s) p	oosted on the subject prope	erty. Refer to Section 51	.07(C) of the Legislative (Code for guidelines.				
Citizen	Participation Plan. Refe	er to <u>Section 169.005</u> o	f the Land Developme	nt Code for guidelines.				
	property is not owned nt of the owner to the							
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 Applic	ant	-6	Date _	08/23/2019				
Printed Name of Ap	Printed Name of Applicant Concept Development, Inc.							
Full Address 332	Full Address 3324 W. University Ave PMB #151, Gainesville, FL 32607							
Telephone (35								

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

PROPERTY OW	VNER AFFIDAVIT
Property Owner Name(s): M. David Moallem and Siroos Pirzadeh	Owner Mailing Address: 1663 Georgia Street NE, Ste #200 Palm Bay, FL 32907
Owner Phone:	
Property County: Brevard	
Parcel ID(s): 29-37-28-GS-B	
Concept Dev Concept Construction 3324 W Univer Gainesvil	gent: velopment, Inc. on of North Florida, Inc. sity Ave, PMB 151 lle, FL 32607 333-3233
The submission of any applications, documentation agencies having jurisdiction over the Property (e FWC, FDEP, etc.) for permitting and entitlements,	ent and Agent's consultants: on, forms, and plans as required by those regulatory .g. County, City, Water Management District, FDOT, as applicable and necessary for the Agent to develop te access for inspections, testing, data collection, etc.
I hereby certify that I am the owner of record. I hereby certify that I am the owner of record. I hereby certify that I am the owner of record. I hereby certify that I am the owner of record. I hereby certify that I am the owner of record.	nereby authorize the above-listed agents and their stated herein.
X: M. David Moallem	X:Siroos Pirzadeh
STATE OF FLORIDA COUNTY OF	e this Achday of Acoust, 2019, by M. y known to me or have produced as identification.
Notary Public, State of Florida at Large Commission No.: 66003595 My Commission Expires: March 15, 1021	DOUGHLAS M SETZER MY COMMISSION # GG083595 EXPIRES March 15, 2021

CASE CP-24-2019

CORRESPONDENCE: 1

Chandra Powell

From:

Terese Jones

Sent:

Tuesday, September 24, 2019 2:54 PM

To:

City Council

Cc:

Lisa Morrell; Terri Lefler; Chandra Powell; Christopher Balter; Patrick Murphy; Laurence

Bradley

Subject:

FW: Case CU242019 Please Have This Reach Each Council Member

Attachments:

IMG_20190922_163600.jpg

----Original Message-----

From: Lucinda Phillips <lucindamich@gmail.com> Sent: Tuesday, September 24, 2019 12:31 PM

To: Terese Jones <Terese.Jones@palmbayflorida.org>

Subject: Case CU242019 Please Have This Reach Each Council Member

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 Council Member,

My name is Lucinda Phillips. I reside at 1210 Rabbit St. Palm Bay 32909. I am one of the ten properties that will be directly impacted by the Dollar General that is proposed to be built on Eldron Blvd. and San Filippo Dr.

I am reaching out to you to please give careful consideration to the size of this building going up on this particular parcel of land. Reason being that there is a saturation of three dollar retail stores less than 3 miles away. Two in Bayside Lakes and one is on Babcock and Waco. Can we not space them out in a reasonable way?

The immediate residential impact would be how it is situated on the property. Due to the wetland on the San Filippo Drive side, the building would have to be pushed back and would abut onto the properties of residential homes. These properties slope downward to allow for drainage. A 6 ft fence abutting ours would not only stop access to our fence it would completely render it with no security, not to mention the light and noise emitting from that area. Attached is photo of 40ft easement, not the standard 25' easement. There is at least a 15' flat area for city machinery to conduct maintenance. When speaking with Holly White we gave our request for a 8' opaque fence on their side of easement (tree line area in photo that is attached to this email). This would give the residents a boundary for security, light and noise concerns.

We are not against commercial building. When we purchased this property we knew that there was a commercial area behind us. What we didn't expect was for the allowance of 5000 sq. ft. to be doubled and pushed back on a 4 acre lot to encroach on it's neighbors. This developer has buildings that are 7300 sq.ft. in many locations. I also brought this up with Holly White. I noticed it was missing from Developer meeting notes on September 18th to be presented to

the City of Palm Bay. Why couldn't that be an option? There is also a commercial parcel diagonal to this parcel with no residential impact.

I am hoping that you give careful thought to our community vision statement that reads "We live in an attractive, beautiful city. Citizens are involved in making a better community."

Sincerely,

Lucinda Phillips





STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER PLANNING & ZONING BOARD HEARING DATE

FD-25-2019 October 2, 2019

APPLICANT/PROPERTY OWNER PROPERTY LOCATION/ADDRESS

Emerald Investment Holdings, Inc., Located west of and adjacent to Interstate 95, on the north

Jake Wise, P.E., CEG, LLC, Representing and south sides of the St. Johns Heritage Parkway SE

SUMMARY OF REQUEST Final Development Plan approval for the initial infrastructure needed to

support the future residential and nonresidential development of the

Emerald Lakes Regional Activity Center

Existing Zoning RAC, Regional Activity Center

Existing Land Use RAC, Regional Activity Center Use

Site Improvements Undeveloped

Site Acreage 896.27, more or less

SURROUNDING ZONING & USE OF LAND USE

North AU, Agricultural Residential (Town of Grant-Valkaria); Undeveloped Land

East RAC, Regional Activity Center; Undeveloped Land

South GU, General Use District and IU, Light Industrial (Brevard County); Undeveloped Land

West GU, General Use District (Brevard County), and PUD, Planned Unit Development (City);

Undeveloped Land

COMPREHENSIVE PLAN

COMPATIBILITY Yes, subject to the provisions of Ordinance 2010-24

Case FD-25-2019 October 2, 2019

BACKGROUND:

The subject property is located west of and adjacent to Interstate 95, on the north and south sides of the St. Johns Heritage Parkway SE. Specifically, the request includes portions of Tax Parcels 1 and 751, Section 3; Tax Parcel 2, Section 2; Tax Parcel 1, Section 10; and Tax Parcel 1, Section 11; all located in Township 30, Range 37, Brevard County, Florida. The subject property is approximately 896.27 acres.

The adjacent zoning and land uses are as follows:

North: AU, Agricultural Residential (Grant-Valkaria); Undeveloped Land

East: RAC, Regional Activity Center; Undeveloped Land

South: GU, General Use District and IU, Light Industrial (Brevard County);

Undeveloped Land

West: GU, General Use District (Brevard County), and PUD, Planned Unit

Development (Palm Bay); Undeveloped Land

The property contained in this request received approval for the Regional Activity Center Future Land Use category on July 8, 2010 (Ordinance 2010-24). On September 15, 2011 the property was rezoned from the GU, General Use District (Brevard County) to the RAC, Regional Activity Center District (Ordinance 2011-46). At the same meeting Council approved the Preliminary Development Plan (PDP) via Resolution 2011-38.

On October 18, 2018 City Council approved Resolution 2018-55, which established the PDP for property owned by the applicant on both sides of I-95. In doing so, this resolution repealed the previous resolutions that enacted the PDP's on either side of the interstate (2011-38 for the west side and 2016-07 for the east side).

ANALYSIS:

Pursuant to the RAC zoning category, approval occurs in two stages: Concept Plans (PDP) are approved for the overall development and at the same time, or at a later date, Final Development Plans are approved showing the details for phases of the project as they are ready to construct. Approval of the PDP results in rezoning of the site to the RAC, Regional Activity Center District on the Zoning Map. Development of the site cannot occur until a Final Development Plan is approved by City Council.

The overall Emerald Lakes development (1,561 acres) will be a mixed-use planned community, strategically located at the new interchange of Interstate 95 and the St. Johns Heritage Parkway. As a Regional Activity Center for Palm Bay, Emerald Lakes is designed as a sustainable, job-based community with retail, medical, educational, and corporate office opportunities with up to 3,760 residential dwelling units and 2,820,000 square feet of non-residential uses. Multi-generational and mixed residential neighborhoods are interconnected with large, recreational and environmental amenities. The overall density approved for the project is 2.4 units per acre.

Case FD-25-2019 October 2, 2019

The Emerald Lakes Community Development District (CDD) was approved by City Council on June 21, 2018 (Ordinance 2018-17). The CDD will deliver the community development services and facilities to the overall project area. No City funds will be used to provide the basic infrastructure needed to support the development.

Emerald Investment Holdings, LLC. (the Applicant) is requesting approval for the first RAC Final Development Plan (FDP), and Preliminary Plat for the Phase I on-site master infrastructure. Additional RAC FDP's will be provided in the future to delineate the lot, tract, and parcel uses to be developed. The purpose of this initial FDP is to support the planned development west of I-95 on either side of the Parkway.

On the south side of the Parkway the Applicant has planned a walkable downtown with medical, educational and professional offices, community facilities including entertainment, an outdoor amphitheater and nature center, commercial spaces, hotel sites, and urban residential housing. The north side of the Parkway will contain opportunities for highway commercial type uses fronting the Parkway. Beyond these parcels will feature regional retail centers, a community shopping complex, office space, and single- and multi-family residential housing.

Contained within the application for FDP approval are several statements from the Applicant regarding roads, stormwater, utilities and landscaping. A review of these statements by City staff has yielded the following responses:

- Emerald Lakes has proposed to relocate and assume maintenance responsibility for two (2) existing stormwater management ponds, as shown on the FDP (Ponds 7A & 7B). The stormwater will be captured in the proposed Ponds D-4 & D-5.
 - Any relocation of stormwater retention areas shall be authorized by the City's Public Works Department and the St. Johns River Water Management District and shall conform with all design and performance criteria of the regulatory codes of both Agencies. This will be further evaluated during administrative review of the construction drawings.
- 2. Emerald Lakes plans to request stormwater management system user fee mitigation credits, as the property will not discharge stormwater runoff into the City's stormwater system. Therefore, the property has no direct stormwater maintenance burden.
 - This request will be reviewed in accordance with Chapter 174 of the Palm Bay Code of Ordinances.
- Emerald Lakes will enter into an agreement to construct the necessary water distribution and wastewater.

Case FD-25-2019 October 2, 2019

The Applicant/developer, at their expense, will be required to design, permit, install, inspect and test water & sewer systems of adequate size to accommodate the development and to connect to the City's water and sewer systems. The Applicant may be required to extend and/or loop service from the on-site facilities to the existing water and sewer connection points, at the time of development.

The Applicant/developer will be responsible for the property's hydraulic share for the new utilities. Oversizing of utilities, at the request of the Utilities Department, will be subject to a refunding agreement or refundable advance. A City of Palm Bay "Utility Agreement" shall be executed between the property owner and the City. All utility impact fee and connection charges noted in the Utility Agreement must be paid as outlined in the terms and conditions of the Utility Agreement.

4. Emerald Lakes will coordinate the design and installation of the landscaping, irrigation, and multi-use trails within St. Johns Heritage Parkway adjacent to the property boundary. The Emerald Lakes POA, HOA, or CDD will maintain the landscaping and irrigation within St. Johns Heritage Parkway for a period of time to be determined. Parks and Recreation impact fee credits will be requested.

The type and location of landscaping within the St. Johns Heritage Parkway, and the maintenance responsibility of such improvements, will be determined upon administrative review of the future landscape plans.

Additional staff review comments of the submitted materials are as follows:

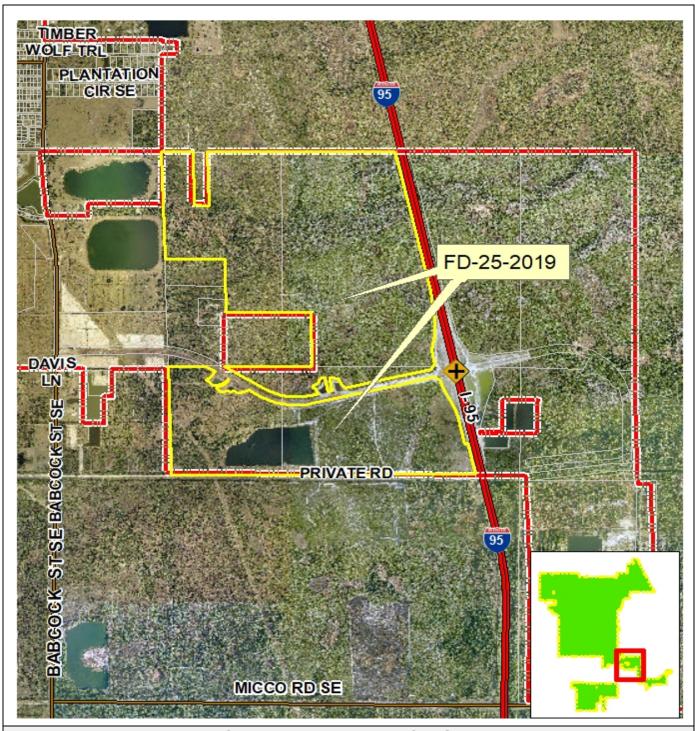
With regards to the Preliminary Plat – Tracts RW-1 through RW-4 shall be dedicated to and maintained by a private entity, not the City. This entity (the POA, HOA, or CDD) shall be identified on a revised Plat.

A portion of Emerald Lakes is located within Floodzone A. Therefore, a Conditional Letter of Map Amendment (CLOMA) shall be submitted to FEMA to establish a Base Flood Elevation, and lowest floor elevations, for floodplain permits before any construction may commence. Once the project is complete, or portions thereof, and a Certificate of Occupancy is issued, the Applicant must submit the final survey and Letter of Map Revision (LOMR) to FEMA to remove the project from of the Special Flood Hazard Area (SFHA).

The Master Declaration of Covenants, Conditions, Restrictions, and Easements for Emerald Lakes, and the Emerald Lakes Conceptual Design Guidelines shall apply to the future development shown on subsequent FDP's. These documents will be reviewed upon submission of specific development proposals.

STAFF RECOMMENDATION:

Motion to approve Case FD-25-2019, subject to the items contained in this staff report.



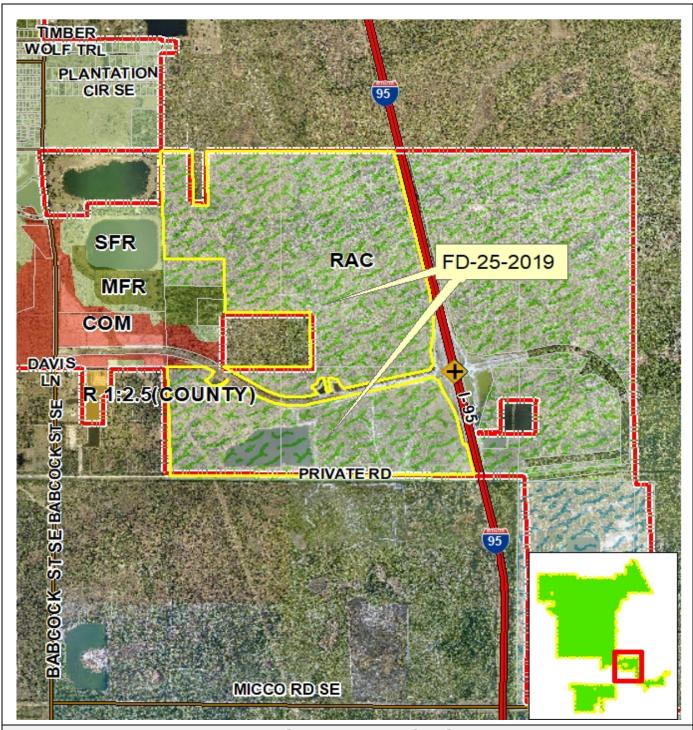
AERIAL LOCATION MAP CASE FD-25-2019

Subject Property

West of Interstate 95, in the vicinity of St. Johns Heritage Parkway SE







FUTURE LAND USE MAP CASE FD-25-2019

Subject Property

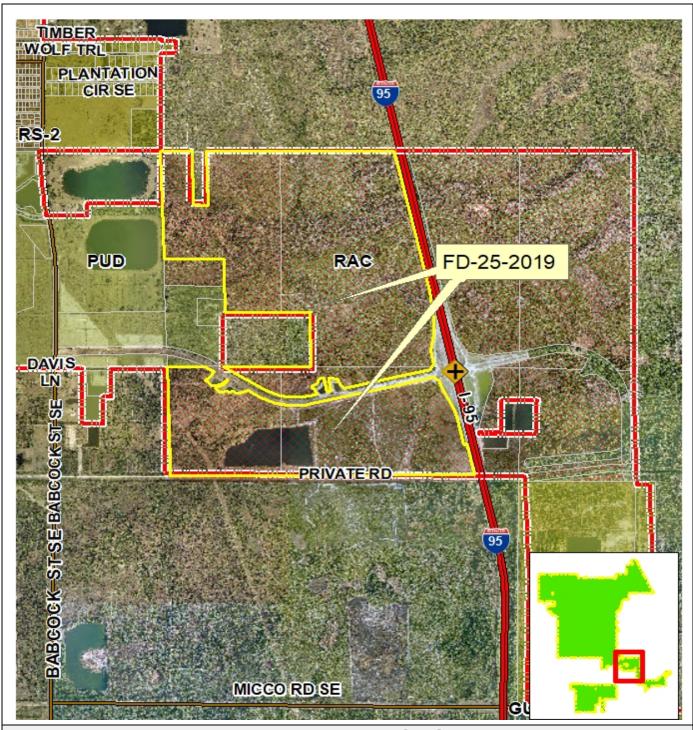
West of Interstate 95, in the vicinity of St. Johns Heritage Parkway SE

Future Land Use Classification

RAC - Regional Activity Center Use







ZONING MAP

CASE FD-25-2019

Subject Property

West of Interstate 95, in the vicinity of St. Johns Heritage Parkway SE

Current Zoning Classification

RAC - Regional Activity Center District





FINAL DEVELOPMENT PLAN 9U0A3 180004 RJN B-2B-19 SMB NTS ENCINEERING EMERALD LAKES WEST PHASE I

EMERALD LAKES WEST PHASE FINAL DEVELOPMENT PLAN

PALM BAY, FL

AUGUST 28, 2019

PREPARED FOR:
EMERALD INVESTMENT HOLDINGS, LLC







LOCATION MAP

CONTACT INFORMATION:

OANNER BERGALD INVESTMENT HOLDINGS, LLC 605 S. FREMONT AME SUITE B TAMPA, FL 33606 TEL! (813) 514-1776 EXT 21

CONSTRUCTOR INCRETERING CROUP, ILC CONSTRUCTOR INCRETERING CROUP, ILC JAKE T. MIST. PE. ASSE TAN CALLE ELVO, SUITE A MEDGUNE, FLORIDA 25835 TEL, (25) 60–7700 EMMIRONIERITAL ENGINEER
SOLUTIONS INC

ELI-1

WTC ON DATE

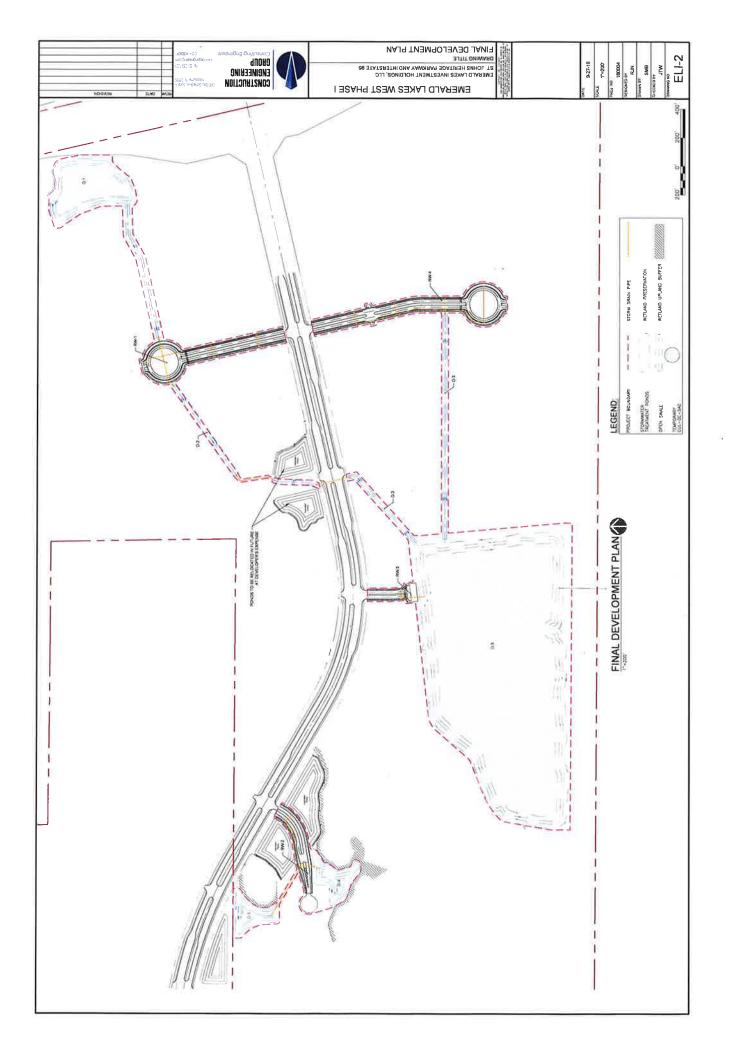
PROJECT LOCATION.

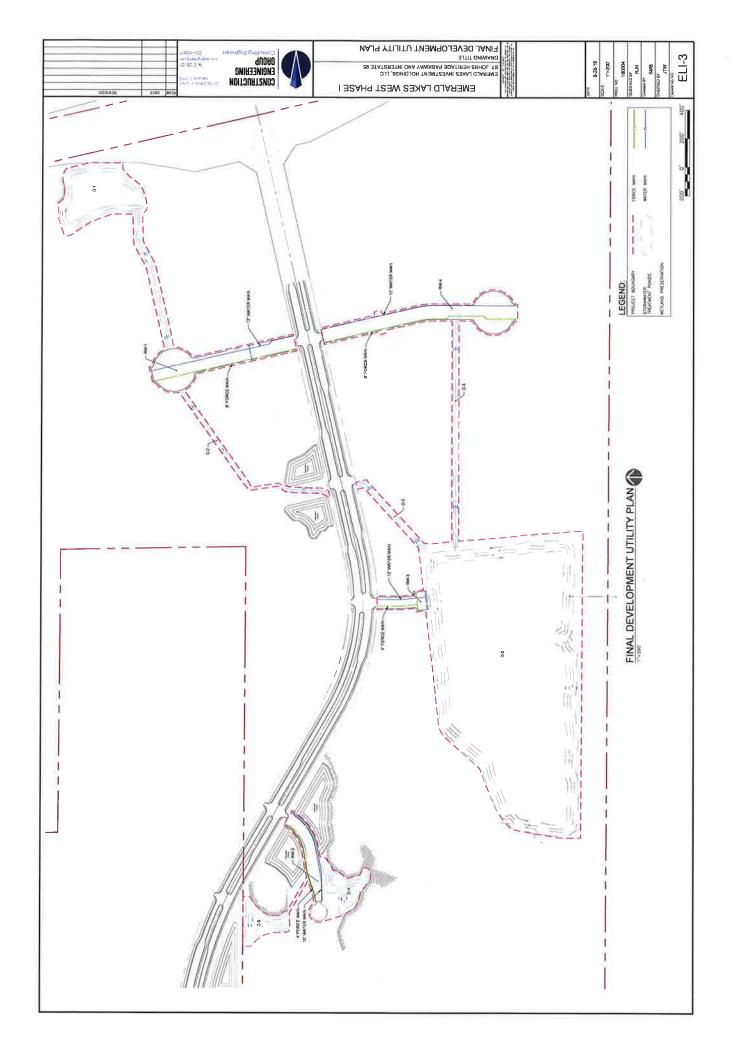
10WHSHP
37
RANGE
78 SECTION
72 10 AND 11
RA ACCOUNT NUMBERS
3010435, 3000368, 3000709

METERTON DATHWIDS
HOADWAY HWYTHIURMA

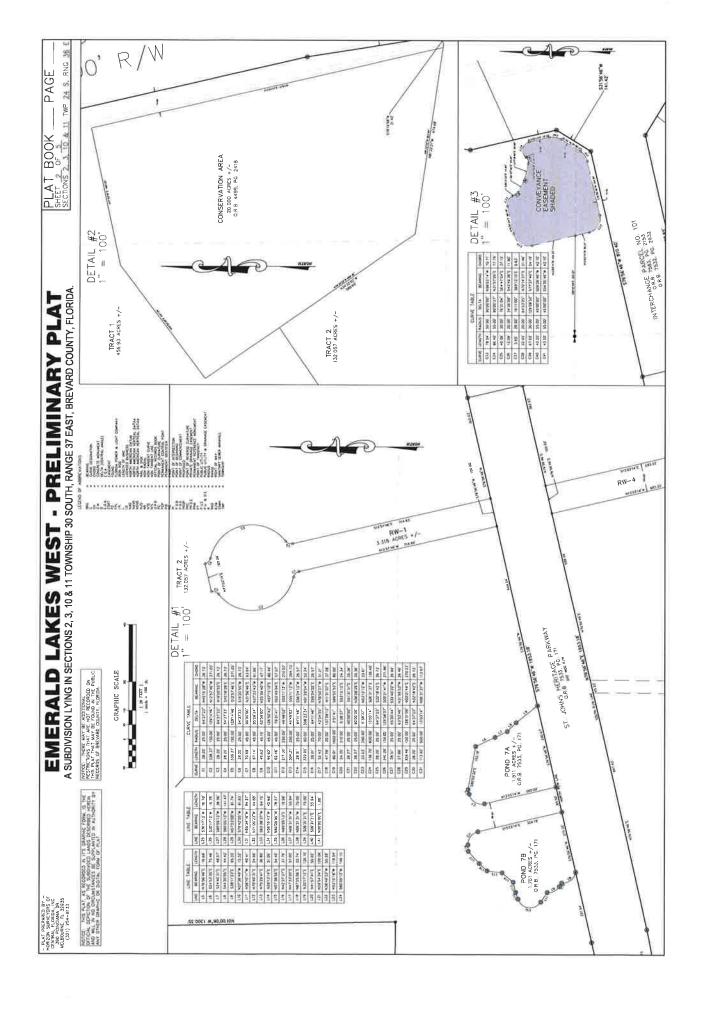
RACTS TABLE

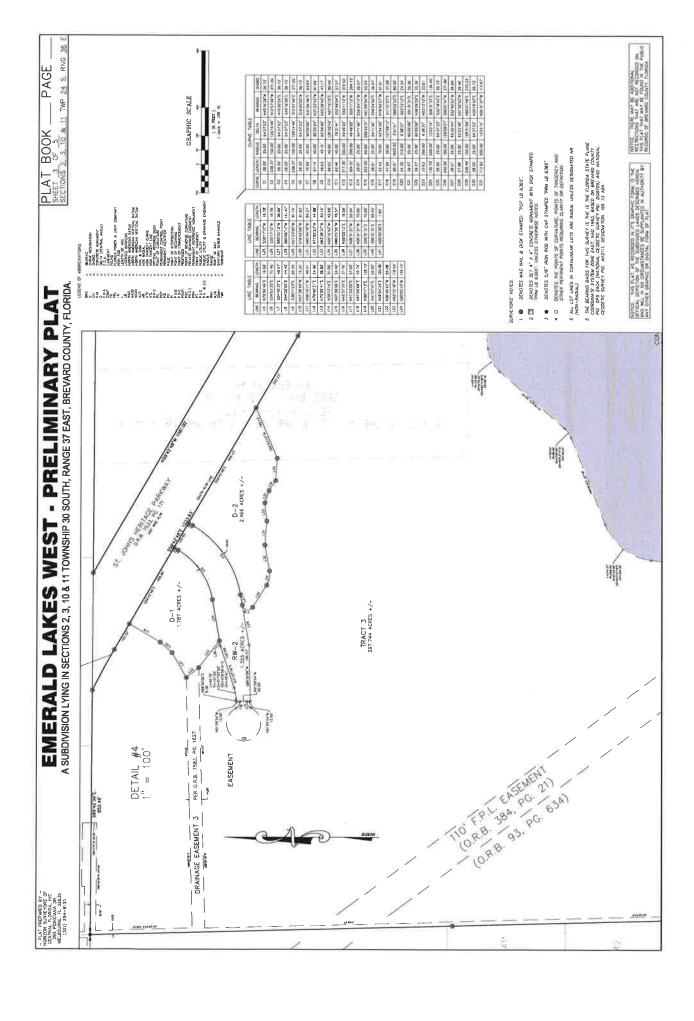
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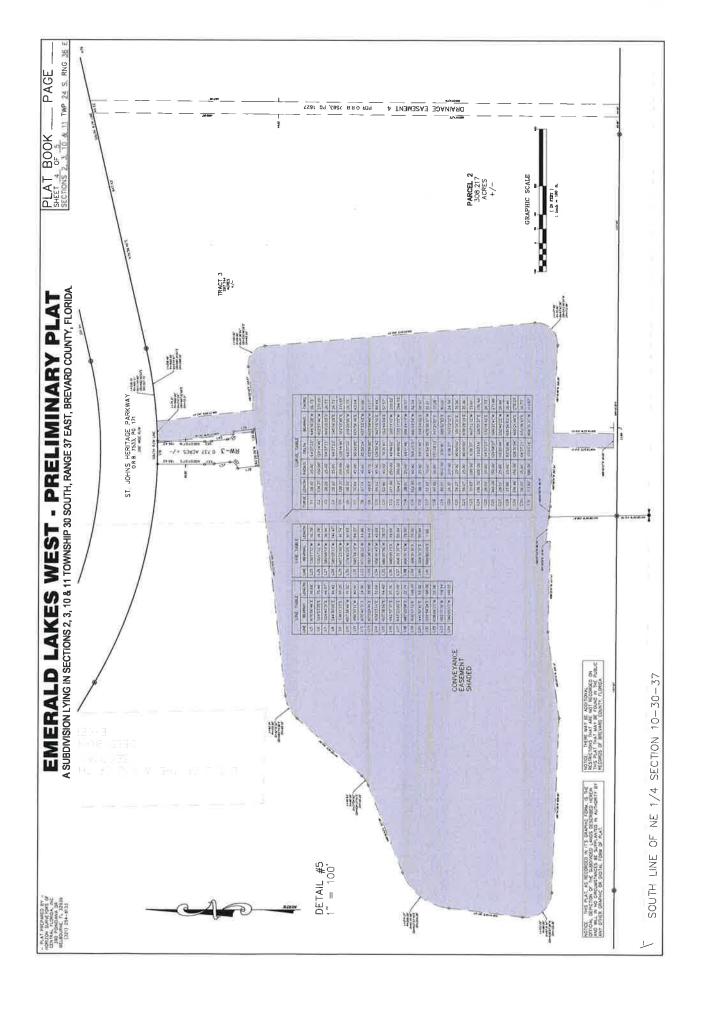


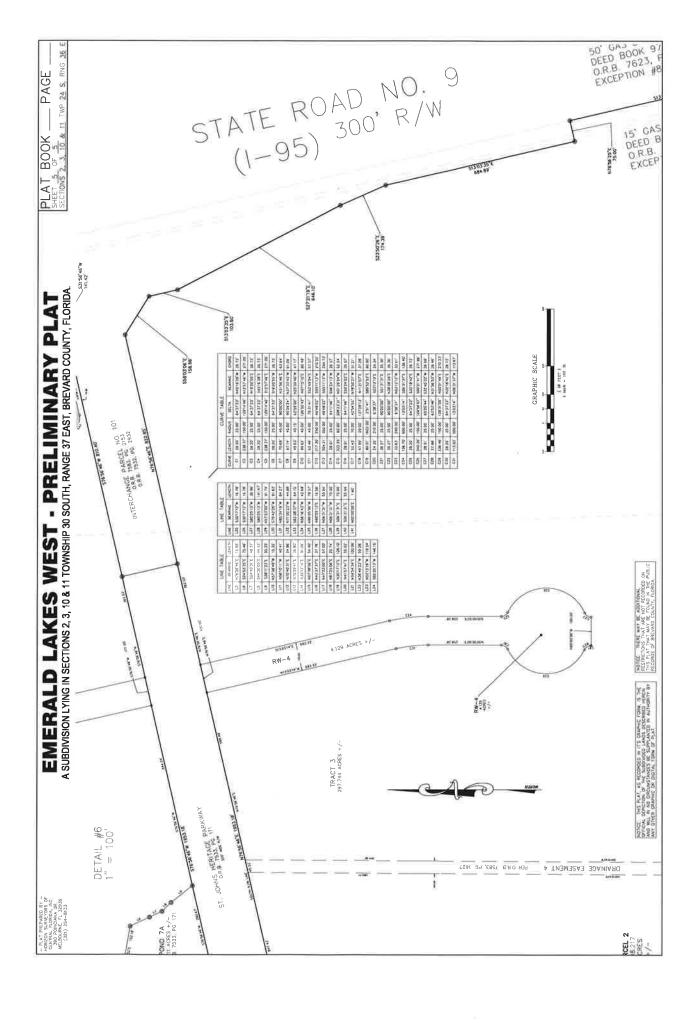


PLAT BOOK SECTIONS 2 3 TO 8 11 TWP 24 5, RNG 36 E SECTIONS 2 3 TO 8 11 TWP 24 5, RNG 36 E SECTIONS 2 3 TO 8 11 TWP 24 5, RNG 36 E SECTIONS 2 3 TO 8 11 TWP 24 5, RNG 36 E SECTIONS 2 TO PERIOR TOWN MADD BEGON EARN OF THE OWNER OF THE LANDS BEGONETING THE WARD HAS WEST — PRELIMINARY PLATE SECTION TO SECTION TO THE SECTION THE SECTI	State of Founds State of Founds And at County of Beroad And at to be the County of Beroad And at the County of the County of Beroad And at the County of the	S) AND MONUME! EN PLACED AS FER 177 PART 1 EN 177 PART 1 FLS NO 3982 FLS NO 3982 FLS NO 3982 ANDONNE FLORIDA	CERTIFICATE OF REVIEWING SURVEYOR HERBY CRAITS, THAT I HAVE REVURED THE TORCOME PLAT AND HAND THAT IS IN CONTGRATTY WITH CHAPTER 177, PART 1, PLORGOA STANDER, WHALE IE 6355 REVIEWED SURVEYOR FOR THE GIPT OF PAUM BAY	CERTIFICATE OF APPROVAL ATTISTIC THIS IS TO CRIFFY, THAT ON THE SOURCE THE TOREGING PLAT. MATOR DITY CLERK DITY CLERK DITY CLERK THE TORIGING THE TORIGING THAT THE TORIGING THE TORIGING THAT THE TORIGING THAT THE TORIGING THAT THE TORIGING THAT THE TORIGING THE TORIGING THAT THE TORIGING THAT THE TORIGING THE TORIGING THAT THE THAT THE TORIGING THAT THE THAT TH	CERTIFICATE OF CLERK Neffer orner, and have encoure rul and cup its 177, Cords statutis and mas pled for record or At CLERK OF ORGAN CORDINARY REPORT IN AND FOR SERVINDE COUNTY, RESIDA
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VCINITY MAP	, NO. 2052 (P.C. (0.10H) ************************************	A, 25, 20 (ON	3	stores M.10,61	PE 154











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

FINAL DEVELOPMENT PLAN 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 TYPE:

PUD Planned Unit [(Section 185.0)	Development 67)	PMU Parkway Mixed (Final Design P (Section 185.05	Plan)	☐ PCRD Planned Community Redevelopment District (Section 185.055(L))	■ RAC Regional Activity Center District (Section 185.056(C))
PROPOSED	DEVELOPME	NT NAME _	Emerald Lakes		
PARCEL ID	See attached	l speadsheet			
TAX ACCOU	INT NO. <u>See</u>	attached spe	adsheet		
LEGAL DES				D BY THIS APPLICATION	
See location	map/ legal des	cription			
SIZE OF ARE	EA COVERED	BY THIS APF	LICATION (ca	lculate acreage): +/- 896.	269 acres
TOTAL LOTS	PROPOSED	(list by use):	See attached	l development table	
DEVELOPER	Paul Paluzzi-	Emerald Inve	stment Holding	gs, Inc	
			mpa, FL 33606	_	
Telephone	305- 514-177	6 ext 21	Email ,	Paul@zonsdevelopment	
ENGINEER	Jake Wise, P	E- Constructio	n Engineering	Group, LLC	
Full Address			uite A; Melbour		
Telephone	321-610-176				om
			ž.	3 50 50	
SURVEYOR	Bob Doerrer-	Horizon Surve	yors		
Full Address	390 Poinciana	Drive; Melbo	urne, FL 32935	5	
Telephone	321-254- 813	3	Email	hoh@horizonsun/overe e	A.m.

CITY OF PALM BAY. FLORIDA FINAL DEVELOPMENT PLAN APPLICATION PAGE 2 OF 2

Full Address

321-610-1760

Telephone

FINAL DEVELOPMENT PLAN CRITERIA FOR SUBMITTAL:

- 1) TWO (2) COPIES OF THE FINAL DEVELOPMENT PLAN AND SUPPORTING DOCUMENTATION SHALL BE ATTACHED TO THE APPLICATION. THE FINAL PLAN AND SUPPORTING DOCUMENTATION MUST ALSO BE PROVIDED ON MEMORY DRIVE
- 2) LAYOUT OF THE DEVELOPMENT PLAN SHALL BE IN PLAT FORM THAT MEETS THE REQUIREMENTS OF FLORIDA STATUTE CHAPTER 177.
- 3) THE FINAL DEVELOPMENT PLAN SHALL CONTAIN THE INFORMATION REQUIRED PER THE CITY OF PALM BAY LAND DEVELOPMENT CODE SECTION FOR A PUD, PMU, PCRD, OR RAC. ADDITIONAL CONDITIONS MUST BE MET AND INCORPORATED INTO THE SITE PLAN FOR THE SPECIFIC TYPE OF DEVELOPMENT REQUESTED (PUD, PMU, PCRD, RAC). THE ADDITIONAL CRITERIA IS LISTED IN THE CODE OF ORDINANCES AND AVAILABLE FROM STAFF.

		PROCEDURES		ENCLOSURES	ARE	REQUIRED	TO	COMPLETE	THIS	FINAL
DEVE	LOPMENT PLA	AN APPLICATION	l :							

DEVELOPMENT PLAN APPLICATION:
X *A \$1,500.00 application fee shall accompany the Final Development Plan application for the purposes of administration. Make check payable to "City of Palm Bay."
X Final Development Plan (see above Final Development Plan Criteria for Submittal).
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 zi p codes) of al 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 Citizen Participation Plan. Required when a preliminary development plan application was not submitted. Refer to Section 169.005 of the Land Development Code for guidelines.
X School Board of Brevard County School Impact Analysis Application (if applicable).
X Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.
X Where property is not owned by the applicant, a letter must be attached giving the notarized consent of the owner to the applicant to apply for the final development plan.
I, THE UNDERSIGNED UNDERSTAND THAT THIS FINAL DEVELOPMENT PLAN 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 FINAL DEVELOPMENT PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.
Signature of Applicant Date 8-30-19
Printed Name of Applicant Jake Wise, PE- Construction Engineering Group, LLC

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

Email

2651 W Eau Gallie Blvd; Suite A; Melbourne, FL 32935

Jake Wise, PE- Construction Engineering Group, LLC

iwise@ceaenaineering.com

Re: Letter	of Authorization
As the proper	ty owner of the site legally described as:
	50, 30-37-02-00-100,30-37-03-00-100,30-37-10-00-10,30-37-11-00-100,
	50, 30-37-02-00-200, 30-37-03-00-751, 30-37-11-00-200
	zzi- Emerald Investment Holdings. LLC , hereby authorize to represent m Final Development Plan request(s):
Rep. Name:	Jake Wise, PE- Construction Engineering Group, LLC
Address:	2651 W Eau Gallie Blvd; Suite A; Melbourne, FL 32935
Telephone:	321-610-1760
Email:	jwise@cegengineering.com
	(Property Owner Signature)
	instrument was acknowledged before me this day of, 20 19 by Paul Palunge.
0	7
(SEAL)	
Produce	ally Known or ed Identification Identification Produced:
	JAMIE MANNON-SIMOS Notary Public – State of Florida Commission # GG 079943 My Comm. Expires Jul 2, 2021 Bonded through National Notary Assn.

June 4, 20 19

Emerald Lakes Ownership Attachment

Telephone		813-514-1776 ext 21							
Address		605 S. Fremont Ave. #B Tampa, Fl 33606							
Owner		Emerald Investment Holding, LLC							
Acreage	182	123.38	177.61	350	19.48				
Tax Account	3000204	3000568	3000709	3010435	3010436				
Parcel ID	30-37-03-00-1	30-37-10-00-1	30-37-11-00-1	30-37-02-00-2	30-37-03-00-751				







EMERALD LAKES PHASE I

PALM BAY, FL LOCATION MAP

B-28-2	2019
COUNTY BREVARD	APPROVED BY JTW
SCALE	THIS SHEET
NTS	FIG. 1

LEGAL DESCRIPTION:

PARCEL 1

A PARCEL OF LAND LYING IN SECTIONS 2, 3, 10 AND 11, TOWNSHIP 30 SOUTH, 37 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 3; THENCE RUN N 89' 55' 05" E ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 3 A DISTANCE OF 659.99 FEET TO A POINT; THENCE RUN S 01' 06' 06" E A DISTANCE OF 1280.53 FEET TO A POINT; THENCE RUN N 01' 05' 23" W A DISTANCE OF 1282.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 3; THENCE RUN N 89' 55' 05" E ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 3; THENCE RUN N 89' 55' 05" E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 3; THENCE RUN N 89' 55' 05" E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 2; A DISTANCE OF 2555.71 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. 9 (INTERSTATE 95) AS PER STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION NO. 70220, FP NO. 426904-3, DATED 08-03-15; THENCE RUN S 13' 03' 20" E ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 3500.33 FEET TO A POINT OF INTERSECTION WITH INTERCHANGE PARCEL NO. 101 AS DESCRIBED IN OFFICIAL RECORDS BOOK 7583, PAGE 2153 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN THE FOLLOWING 8 COURSES AND DISTANCE OF 188.84 FEET TO A POINT; 3) S 00' 29' 36" E A DISTANCE OF 186.60 FEET TO A POINT; 4) S 00' 58' 01" W A DISTANCE OF 157.82 FEET TO A POINT; 5) S 08' 52' 16" W A DISTANCE OF 393.34 FEET TO A POINT; 6) S 13' 03' 20" E A DISTANCE OF 313.63 FEET TO A POINT; 7) S 31' 56' 46" W A DISTANCE OF 141.42 FEET TO A POINT; 8) S 76' 56' 46" W A DISTANCE OF 810.40 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF SAID ST. JOHNS HERITAGE PARKWAY, A 200 FOOT WIDE RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 7533, PAGE 171 OF THE PUBLIC RECORDS OF BREVARD COUNTY; THENCE RUN THE FOLLOWING 3 COURSES AND DISTANCES ALONG THE NORTH RIGHT OF WAY LINE OF SAID ST. JOHNS HERITAGE PARKWAY, A 200 FOOT WIDE RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 7533, PAGE 171 OF THE PUBLIC RECORDS OF BREVARD COUNTY; THENCE RUN THE FOLLOWING 3 COURSES AND DISTANCES ALONG THE NORTH

AND WHOSE CHORD BEARS N 81' 23' 01" W A DISTANCE OF 1035.42 FEET; 2) RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH AN ANGLE OF 43' 20' 26", A DISTANCE OF 1060.52 FEET TO A POINT OF TANGENCEY; 3) N 59' 42' 48" W A DISTANCE OF 1081.00 FEET TO A POINT TO THE NORTH LINE OF SAID SECTION 10; THENCE RUN S 89' 42' 39" E, ALONG SAID NORTH LINE, A DISTANCE OF 1369.88 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 3; THENCE RUN S 89' 42' 59" E ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 A DISTANCE OF 657.82 FEET TO THE EAST LINE OF THE WEST 1/2 OF THE SW 1/4 OF THE SOUTHWEST 1/4 SAID SECTION 2; THENCE RUN N 01' 00' 06" W ALONG SAID EAST LINE A DISTANCE OF 1300.35 FEET TO A POINT; THENCE RUN N 89' 40' 28" W A DISTANCE OF 658.49 FEET TO A POINT; THENCE RUN N 01' 07' 32" W A DISTANCE OF 1317.65 FEET TO A POINT; THENCE RUN N 01' 04' 42" W A DISTANCE OF 652.37 FEET TO A POINT; THENCE RUN N 01' 07' 32" W ALONG SAID WEST LINE A DISTANCE OF 654.32 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 3; THENCE RUN N 01' 07' 32" W ALONG SAID WEST LINE A DISTANCE OF 654.32 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 3; THENCE N 01' 07' 32" W ALONG THE WEST LINE OF THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 3; THENCE N 01' 07' 32" W ALONG THE WEST LINE OF THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 3; THENCE N 01' 07' 32" W ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 3 DISTANCE OF 654.32 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 3; THENCE N 01' 07' 32" W ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 3 DISTANCE OF 654.32 FEET TO THE NORTHWEST 1/4 OF SAID SECTION 3 DISTANCE OF 05 252.94 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT

STORMWATER POND 7A AND STORMWATER POND 7B, PER OFFICIAL RECORDS BOOK 7533, PAGE 171.

TOGETHER WITH:

PARCEL 2

A PARCEL OF LAND LYING IN SECTIONS 10 AND 11, TOWNSHIP 30 SOUTH, 37 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 10; THENCE RUN S 89° 42′ 39° E A DISTANCE OF 852.49 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2798.00 FEET, AND WHOSE CHORD BEARS S 61′ 22′ 12° E A DISTANCE OF 161.78 FEET AND THE SOUTH RIGHT OF WAY LINE OF ST. JOHNS HERITAGE PARKWAY, A 200 FOOT WIDE RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 7533, PAGE 171 OF THE PUBLIC RECORDS OF BREVARD COUNTY; THENCE RUN THE FOLLOWING 4 COURSES AND DISTANCES ALONG THE SOUTH RIGHT OF WAY LINE OF SAID ST. JOHNS HERITAGE PARKWAY: 1) RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH AN ANGLE OF 03′ 18′ 48″, A DISTANCE OF 161.80 FEET TO A POINT OF TANGENCY; 2) THENCE RUN S 59′ 42′ 48″ E A DISTANCE OF 1273.83 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1602.00 FEET, AND WHOSE CHORD BEARS S 81′ 23′ 01″ E A DISTANCE OF 1183.12 FEET; 3) THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH AN ANGLE OF 43′ 20′ 26″ A DISTANCE OF 1211.81 FEET TO A POINT OF TANGENCY; 4) THENCE RUN N 76′ 56′ 46″ E A DISTANCE OF 1953.18 FEET TO A POINT OF INTERSECTION WITH INTERCHANGE PARCEL NO. 101 AS DESCRIBED IN OFFICIAL RECORDS BOOK 7532, PAGE 2932 AND OFFICIAL RECORDS BOOK 7583, PAGE 2153 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN THE FOLLOWING 7 COURSES AND DISTANCES ALONG SAID INTERCHANGE PARCEL NO. 101: 1) N 76′ 56′ 46″ E A DISTANCE OF 12.85 FEET TO A POINT; 2) S 58′ 03′ 06″ E A DISTANCE OF 158.98 FEET TO A POINT; 3) S 13′ 03′ 35″ E A DISTANCE OF 103.60 FEET TO A POINT; 4) S 27′ 21′ 19″ E A DISTANCE OF 646.10 FEET TO A POINT; 5) S 23′ 50′ 26″ E A DISTANCE OF 75.00 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. 9 (INTERSTATE 95) AS PER STATE OF FLORIDAD DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION NO. 70220, FP NO. 426904-3, DATED 08-03-15; THENCE CANAL AS DESCRIBED IN OFFICIAL RECORDS BOOK B221, PAGE 641 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN N 89′ 40′ 35″ 8″, ALONG SAID WEST RIGHT OF WAY LINE

LESS AND EXCEPT

TRACTS D-1 AND D-2.



EMERALD LAKES PHASE I

PALM BAY, FL LEGAL DESCRIPTION

DATE 8-28-2	2019
COUNTY BREVARD	APPROVED BY JT'W
SCALE	THIS SHEET
NTS	FIG. 2

NARRATIVE EMERALD LAKES REGIONAL ACTIVITY CENTER RAC FINAL DEVELOPMENT PLAN August 2019

Emerald Investment Holdings, LLC is requesting the approval of the first RAC Final Development Plan (FDP), Construction Plans and Preliminary Plat for the Phase I Onsite Master Infrastructure within Emerald Lakes. Additional RAC Final Development Plans will be provided in the future to define the lot and parcel uses to be developed.

CONSISTENCY WITH ORDINANCE NO. 2011-45

Regional Activity Center (RAC) Zoning District

- (2) Application content and submittal requirements.
- (a) RAC final development Plan.
 - 1. Specific plan for use of all lands within proposed phase. See FDP
 - 2. Vehicular and pedestrian circulation. See FDP
 - 3. Summary of Allowable Development.
 - a. Total acreage of the RAC and specific phase. See FDP
 - b. Acreage of areas proposed for specific land uses. N/A
 - c. Acreage of Open Space. N/A
 - d. Allowable Residential Density. N/A
 - e. Allowable Nonresidential development intensity. N/A
 - 4. Specific regulations and development standards.
 - a. Proposed Uses. N/A
 - b. Development and Design Standards. See FDP
 - c. Additional development and design characteristics. N/A
- (b) Site Condition Map
 - 1. Legal Description and boundary survey. See attached.
 - Name of RAC. See FDP.
 - 3. Scale and general location map. See FDP.
- (c) Environmental Assessment. See attached SJRWMD/COE Applications
- (d) Traffic Study. N/A. Resolution No.2018-55 approved no additional traffic studies required.
- (e) Specific plans for provision of public utilities. See FDP.
- (f) Identification of planned maintenance responsibility. Emerald Investment Holdings, LLC, has formed the Emerald Lakes Community Development District (CDD) for future maintenance responsibility of roadways, landscaping, irrigation and utilities.

(g) Identification of exceptions to City construction and design standards. N/A.

(h) Proposed construction schedule.

MASTER PERMITTING ON-SITE			-
Engineering Design Master Phase - 3Q/4Q Entrance Blvds, Ponds, W&S Mains	2	1-Jun-19	1-Aug-19
City of Palm Bay (COPB) RAC Final Development Plan Master Phase	4	1-Aug-19	1-Dec-19
COPB Pre-Plat	4	1-Aug-19	1-Dec-19
FDEP Water and Wastewater	1	1-Nov-19	1-Dec-19
SJRWMD ERP	6	1-Aug-19	31-Jan-20
Army Corp of Engineers, FWL, all other environmental permits	6	1-Aug-19	31-Jan-20
FPL, Fiber, all other utilities	4	1-Aug-19	1-Dec-19
FDEP NOI	1	1-Nov-19	1-Dec-19
Construction	8	31-Jan-20	1-Oct-20
COPB Final-Plat	4	1-Jun-20	1-Oct-20
Close-Out	1	1-Oct-20	31-Oct-20

(i) Final construction plans. See FDP.

EXECUTIVE SUMMARY FOR EMERALD LAKES

Emerald Lakes is a mixed-use planned community strategically located at the new Interchange of Interstate 95 and the St. Johns Heritage Parkway in the City of Palm Bay. As a Regional Activity Center for Southern Brevard County, Emerald Lakes is designed as a sustainable, job-based community with retail, medical, educational and corporate office opportunities with up to 3,760 residential dwelling units and 2,820,000 square feet of non-residential uses.

Emerald Investment Holdings, LLC is the current owner of the Property. The project has been approved for Regional Activity Center future land use, rezoning and concept plans as follows:

- 1. Ordinance 2010-25 (East) RAC Future Land Use (Repealed)
- 2. Ordinance 2016-06 (East) RAC Rezoning
- 3. Resolution 2016-07 (East) RAC Concept Plan
- 4. Ordinance 2010-24 (West) RAC Future Land Use (Repealed)
- 5. Ordinance 2011-46 (West) RAC Rezoning
- 6. Resolution 2011-38 (West) RAC Concept Plan
- 7. Ordinance 2018-17 Emerald Lakes Community Development District (CDD)
- 8. Ordinance 2018-52 Emerald Lakes RAC Future Land Use
- 9. Resolution 2018-55 Emerald Lakes RAC Concept Plan

Multigenerational and mixed residential neighborhoods are interconnected with large recreational and environmental amenities providing a healthy living and working environment. Planned entertainment venues and multi-use trails for walking, bicycles and golf carts will serve to encourage an active lifestyle.

The Southwest quadrant is planned to feature a walkable downtown with medical, educational and professional offices, community facilities including entertainment, outdoor amphitheater and nature center, commercial spaces, hotels and urban

residential housing. Opportunities for private schools and colleges are provided within the downtown educational campus.

The Northwest quadrant plans to feature highway commercial uses, hotels, regional retail center, community shopping complex, office space, single family and multifamily residential housing.

The Business and Technology Park located in the Southeast quadrant is planned to provide an inviting business climate for hi-tech businesses, research organizations, advanced manufacturing facilities with a dense concentration of enterprises and a highly talented work force.

The Northeast quadrant is available for mixed use residential, including a 55+ Adult Resort Community with single and multifamily sites, hotel, and community retail shopping facilities.

The Emerald Lakes Community Development District (CDD) was approved by City Council June 21, 2018 to finance, construct, operate and maintain roadways, parking, earthwork, storm water, conservation areas, water, wastewater, landscaping, signage, irrigation and recreation facilities within the Emerald Lakes boundaries.

DE\	/ELOPMENT	TABLE		
Use Categories	Total	Total	Maximum	Total
	Square	Dwelling Units	DU's	Acreage
	Footage	(DU's)	Per Acre	
MIXED USE TOWN CENTER				148
Commercial/Office	450,000			
Hospital/Clinic/Medical/Office (300 beds)	750,000			
Hotel/Motel (300 rooms)	150,000			
Multi Family)	1,100	50	
WORKPLACE				247
Commercial/Office/Research	1,270,000			
Hotel/Motel (400 rooms)	200,000			
Multi Family		346	30	
URBAN LIVING				429
Single Family		1,201	9	
Multi Family		1,113	30	
OPEN SPACE	34			
Activity Based				249
Resource Based				488
TOTAL RAC APPROVALS	2,820,000	3,760		1,561

Note: The Total Acreage, Total Square Footage and Total Dwelling Units can be adjusted at Final Development Plan stages. The location of uses, types of uses,

densities and intensities can be modified as long as the development does not exceed 3,760 residential dwelling units and 2,820,000 square feet of non-residential uses.

AGREEMENTS

With this application, Emerald Lakes will work with the City of Palm Bay to finalize the following items:

- Right of way and storm water management ponds for St. Johns Heritage Parkway - Emerald Lakes has proposed to relocate and assume maintenance responsibility for the Storm water management ponds as shown on the FDP. (See attached, Second Amendment to Right-of-Way Contribution Agreements for Sebastian Resources 400, LP and Brevard Landvest, LLC).
- 2. Stormwater The on-site stormwater management facilities will be constructed by Emerald Lakes and maintained by the Commercial Property Owners Association (POA), HomeOwners Association (HOA) or Community Development District (CDD). The property owners within Emerald Lakes will be contributing payments to the POA, HOA or CDD, which will be responsible to maintain the non-City owned stormwater management facilities. We request stormwater management system user fee mitigation credits be granted in accordance with Chapter 174 LDC as the parcels do not discharge stormwater into the City's system and therefore they have no direct stormwater maintenance burdens.
- 3. Water and Wastewater System Agreement Emerald Lakes will enter into an agreement to construct the necessary water distribution and wastewater.
- 4. Landscaping Agreement for St Johns Heritage Parkway Emerald Lakes will coordinate the design and construction of the landscaping, irrigation and multiuse trails within St. Johns Heritage Parkway adjacent to the property boundary. The Emerald Lakes POA, HOA or CDD will agree to maintain the landscaping and irrigation within St. Johns Heritage Parkway in perpetuity. Parks & Recreation impact fee credits to be requested.