



## AGENDA

### PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Regular Meeting 2020-03  
March 4, 2020 – 7:00 P.M.  
City Hall Council Chambers

#### CALL TO ORDER:

#### PLEDGE OF ALLEGIANCE:

#### ROLL CALL:

#### ADOPTION OF MINUTES:

1. Regular Meeting 2020-02; February 5, 2020

#### ANNOUNCEMENTS:

#### NEW BUSINESS:

1. **♣V-6-2020 – PALM BAY PARTNERS HOLDING, LLC (JAKE WISE, PE, REP.)  
(WITHDRAWN)**

A variance to reduce the minimum square footage of proposed efficiencies to 347 square feet and one-bedroom apartments to 521 square feet in a BMU, Bayfront Mixed Use District.

Tract A, Port Malabar Unit 1, 5th Replat, Section 25, Township 28, Range 37, Brevard County, Florida, containing 4.33 acres, more or less. (Located west and adjacent to Dixie Highway NE, in the vicinity south of Port Malabar Boulevard NE, specifically at 4700 Dixie Highway NE)

2. **♣PS-1-2020 – PALM BAY GREENS, LLC (JACK SPIRA, REP.)**

Preliminary Subdivision Plan approval of a proposed 68-lot single-family subdivision called Country Club Lakes Estates Phase 4.

Tax Parcels 251 and 758, Section 28, Township 28, Range 37, Brevard County, Florida, containing 32.307 acres, more or less. (Located in the vicinity of the southeast corner of Riviera Drive NE and Country Club Drive NE)

**3. CP-3-2020 – M. DAVID MOALLEM AND JOAN P. MOALLEM  
(TRACEY PARRISH, REP.)**

A small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single-Family Residential Use.

Tract E, Port Malabar Unit 10, Section 6, Township 29, Range 37, Brevard County Florida, containing 1.7 acres, more or less. (Located south of and adjacent to Barber Street SE, in the vicinity north of Barcelona Road SE)

**OTHER BUSINESS:**

**ADJOURNMENT:**

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

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

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

♣ **Quasi-Judicial Proceeding.**

**CITY OF PALM BAY, FLORIDA**

**PLANNING AND ZONING BOARD/  
LOCAL PLANNING AGENCY  
REGULAR MEETING 2020-02**

Held on Wednesday, February 5, 2020, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

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

Mr. Rainer Warner led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

|                           |                                    |         |
|---------------------------|------------------------------------|---------|
| <b>CHAIRPERSON:</b>       | Philip Weinberg                    | Present |
| <b>VICE CHAIRPERSON:</b>  | Leeta Jordan                       | Present |
| <b>MEMBER:</b>            | Donald Boerema                     | Present |
| <b>MEMBER:</b>            | Donny Felix                        | Present |
| <b>MEMBER:</b>            | Richard Hill                       | Present |
| <b>MEMBER:</b>            | Khalilah Maragh                    | Present |
| <b>MEMBER:</b>            | Rainer Warner                      | Present |
| <b>NON-VOTING MEMBER:</b> | Vacant<br>(School Board Appointee) |         |

**CITY STAFF:** Present were Mr. Laurence Bradley, Growth Management Director; Mr. Christopher Balter, Planner II; Ms. Chandra Powell, Recording Secretary; Mr. James Stokes, Board Attorney.

**ADOPTION OF MINUTES:**

1. Special Planning and Zoning Board/Local Planning Agency Meeting 2020-01; January 8, 2020. Motion by Ms. Jordan, seconded by Ms. Maragh 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.

## **NEW BUSINESS:**

### **1. CP-2-2020 – PAUL YATES**

Mr. Balter presented the staff report for Case CP-2-2020. The applicant had requested a large-scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Single Family Residential Use. Staff recommended Case CP-2-2020 for approval subject to the staff comments and conditions contained in the staff report.

Mr. Paul Yates (applicant) stated that he had no plans for the subject site at present, but he had an interest in building a home and keeping a horse on the property in the future.

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

Motion by Ms. Maragh, seconded by Mr. Boerema to submit Case CP-2-2020 to City Council for approval of a large-scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Single Family Residential Use, subject to the staff comments and conditions contained in the staff report. The motion carried with members voting unanimously.

### **2. ♣CPZ-2-2020 – PAUL YATES**

Mr. Balter presented the staff report for Case CPZ-2-2020. The applicant had requested a zoning amendment from an RS-2, Single Family Residential District to an RR, Rural Residential District. Staff recommended Case CPZ-2-2020 for approval subject to the staff comments contained in the staff report.

Mr. Boerema inquired whether there were existing large properties with farms in the area. Mr. Paul Yates (applicant) confirmed that this was correct.

Ms. Maragh asked for the definition of a hobby farm. Mr. Yates explained that the farm would not be the primary source of his income; however, a small amount of produce could possibly be sold.

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

Motion by Ms. Maragh, seconded by Mr. Felix to submit Case CPZ-2-2020 to City Council for approval of a zoning amendment from an RS-2, Single Family Residential District to an RR, Rural Residential District, subject to the staff comments contained in the Staff Report. The motion carried with members voting unanimously.

### **3. ♣V-4-2020 – CHRISTINE STEVENS AND JUAN DELGADO**

Mr. Balter presented the staff report for Case V-4-2020. The applicant had requested a variance to allow an existing accessory structure to encroach 4.5 feet into the 8.5-foot side-interior setback and an existing screened pool enclosure to encroach 3.5 feet into the 10-foot rear setback. The board had to determine, based on the facts presented, the degree of minimal relief, if any, to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Mr. Boerema inquired whether inspections had been done for the subject site prior to the applicants' purchase of the property. Mr. Balter explained how surveying equipment and practices had improved since the home construction in 1979, the installation of the pool in 1991, and the addition of the screen enclosure in 1995.

Ms. Christine Stevens and Mr. Juan Delgado (applicants) were present to answer questions.

Mr. Boerema asked how the errors in question were discovered. Ms. Stevens explained that the encroachments were caught by a recent survey of the site that was prepared for a potential buyer.

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. Jordan, seconded by Ms. Maragh to submit Case V-4-2020 to City Council for approval of a variance to allow an existing accessory structure to encroach 4.5 feet into the 8.5-foot side-interior setback and an existing screened pool enclosure to encroach 3.5 feet into the 10-foot rear setback. The motion carried with members voting unanimously.

#### 4. **T-5-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)**

Mr. Bradley presented the staff report for Case T-5-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, to remove the timeframes by which temporary signs may be displayed. Staff recommended Case T-5-2020 for consideration with the time limits on temporary signs maintained but distinction between commercial and non-commercial signs eliminated.

Mr. Bradley used a PowerPoint presentation to show examples of temporary signs on private properties in the City. Ms. Maragh noted that the Adams Homes sign in the presentation was properly removed and returned each day. Mr. Bradley explained that the proposed text change would eliminate the required daily removal of temporary signs.

Mr. Warner commented that displaying temporary signs during business hours allowed small businesses to advertise. Mr. Balter explained that the original intent of the existing code language was to keep Palm Bay from becoming littered with banners and signs. The proposed language would allow temporary signs to remain indefinitely.

Mr. Felix asked if flag signs would be allowed without time restrictions. Mr. Warner questioned whether temporary signs could be cemented into the ground. Mr. Balter confirmed that flag signs, like all other temporary signs, would no longer be restricted to business operating hours or to 30 days. Mr. Bradley noted that the amendment would allow temporary signs to exist without an end to their duration.

Ms. Maragh asked about staff's recommendation. Mr. Bradley explained that certain members of the City Council wanted all time restrictions for temporary signs removed; however, staff's recommendation was for the time limits to be maintained and the distinction between commercial and non-commercial signs to be eliminated in the interest of content neutrality.

Mr. Weinberg noted that it could take more than 30 days to sell a home, which would cause a sign violation under the current regulations. He suggested timeframes for types of signs to differentiate signage for residential and commercial properties. Mr. Bradley stated that distinguishing between types of signs could violate content neutrality and would require input from the City Attorney.

Mr. Warner commented on the likelihood of establishing new fees and permits for temporary signs that would also allow for tracking and enforcement.

Mr. Stokes explained content neutrality for signs and how differentiating sign content would be problematic as signs, for the most part, could not be regulated based on content. There was some commercial content that could be regulated if approved by the City Attorney, and the City had the ability to incorporate permit fees for temporary signs.

Mr. Bradley stated that permit fees were not being proposed for the temporary signs, and that some type of registry could be utilized to address maintenance concerns. Temporary signs were not generally constructed from durable materials and would become trash and debris and an eyesore without upkeep.

Mr. Weinberg was opposed to a permit fee for temporary signs, and he reiterated that the existing timeframes should be adjusted. Ms. Maragh concurred and stated that the 30-day deadline should be expanded to 180 days. She felt that a permit fee would be a deterrent to businesses.

The floor was opened for public comments.

Mr. Steve Headley (resident of Palm Bay) spoke regarding the sign code. He stated that he was not concerned about commercial speech and signs on commercial property. He was concerned about signs on private property. He relayed background information regarding sign law and detailed why he believed the City's existing sign ordinance was not legal. He commented that content neutrality for temporary signs was not the sole issue, and that the City's interpretation of time, place, and manner for regulating the signs was flawed. He expounded on how the City's sign code failed to leave open ample alternative channels for communicating a speaker's message; failed to allow signs to be narrowly tailored to serve significant government interests; and failed to allow content or viewpoint neutrality. He said that the City's failure to enforce temporary sign regulations was a fallacy itself. He suggested limiting the number of signs on private property to address aesthetic concerns and regulating setbacks from property boundaries to keep signs from impeding a driver's view. He believed the sign code was unconstitutional.

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

Ms. Maragh questioned how temporary signs were currently being tracked, and if there was a maximum number of signs allowed on private property. Mr. Bradley stated that based on direction from a previous administration, temporary signs on private property were not currently being regulated, and the ordinance did not limit the number of temporary signs allowed on a property.

Mr. Weinberg did not believe the ordinance could be practically enforced without great cost.

Motion by Ms. Jordan, seconded by Mr. Felix to submit Case T-5-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, to remove the timeframes by which temporary signs may be displayed.

Ms. Jordan commented that there was no need to have the ordinance in place with a time limit that was not being enforced.

A vote was called on the motion by Ms. Jordan, seconded by Mr. Felix to submit Case T-5-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, to remove the timeframes by which temporary signs may be displayed. The motion carried with members voting unanimously.

**OTHER BUSINESS:**

There was no other business discussed.

**ADJOURNMENT:**

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

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Philip Weinberg, CHAIRPERSON

Attest:

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Chandra Powell, SECRETARY

♣Quasi-Judicial Proceeding.



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Christopher Balter, Planner II

**DATE:** March 4, 2020

**SUBJECT:** Case V-6-2020

Case V-6-2020 has been withdrawn by the applicant, Palm Bay Partners Holding, LLC (Jake Wise, PE, Rep.). No board action is required to withdraw 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**

Patrick J. Murphy, Assistant Growth Management Director

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**CASE NUMBER**

PS-1-2020

**PLANNING & ZONING BOARD HEARING DATE**

March 4, 2020

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**PROPERTY OWNER & APPLICANT**

Palm Bay Greens, LLC (Jack Spira, Rep.)

**PROPERTY LOCATION/ADDRESS**

Located east of Interstate 95; north of Melbourne-Tillman Canal No. 1; and south of Riviera Drive NE

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**SUMMARY OF REQUEST**

The applicant requests Preliminary Subdivision approval for the 4th phase of the Country Club Lakes Estates residential subdivision.

**Existing Zoning**

RS-1, Single-Family Residential

**Existing Land Use**

Single Family Residential Use

**Site Improvements**

Vacant Land (former Golf Course)

**Site Acreage**

32.31, more or less

**DENSITY**

Maximum 5 Units per Acre (UPA) Allowed – 2.11 UPA Proposed

**COMPREHENSIVE PLAN  
COMPATIBILITY**

Yes

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**BACKGROUND:**

The property is located in the vicinity east of Interstate 95; north of Melbourne-Tillman Canal No. 1; and south of Riviera Drive NE. The site is known as the former Port Malabar Country Club Golf Course. Specifically, the subject property is Tax Parcel 508, Section 28 and Tax Parcel 758, Section 29, Township 28 south and Range 37 east.

The current zoning of the property is RS-1, Single-Family Residential and the property is bordered by RS-1 zoning on all sides. Existing residential development is located to the south, west, and the northwest portions of the site. Located to the east and northeast are the other Phases of the overall subdivision, named Country Club Lakes Estates (CCLE).

In November of 2015 the Applicant received Final Subdivision approval from City Council for Phase 1 & 2, which consisted on 101 lots on 52.2 acres of land (Case FS-2-2015). In July of 2018 the Applicant received Final Subdivision approval for Phase 3, which consists of 30 lots on 13.48 acres (Case FS-3-2018). Phase 4 consists of 68 lots on 32.31 acres of land. The entire Country Club Lakes Estates will eventually span 173 acres of land.

**ANALYSIS:**

The minimum lot size required within the RS-1 District for single-family homes is eighty feet wide by 100 feet deep, and the minimum size home is 1,600 square feet (under air). The typical, proposed lots range in dimension from 80-90 feet wide with a depth of 120-140 feet. The Applicant has informed staff that the minimum home size will be met, but larger homes are expected on many of the lots.

Access to this phase of CCLE will be from existing internal roadways created by the previous phases of this subdivision (Killian Drive and Kilkenny Court NE). Kilkenny Court was created in Phase 3 and named as a Court because the roadway did not continue. Phase 4 will connect this roadway to Killian Drive. Since it will no longer be a "dead-end" road the nomenclature of this roadway should change from "Court" to "Street" or "Road". Coordination with Brevard County Address Assignment will be needed for this action.

This phase of development includes two (2) separate but interconnected stormwater detention ponds. During excessive rainfall events overflow of stormwater will exit the system through an existing outfall structure that flows under Meadowbrook Drive and into the C-1 Canal. Historical drainage from outside the subject property must be accommodated and designed for in this phase. Street lighting and interior sidewalks will be provided. Details for lighting structures shall be provided with the Final application.

A buffer area, which will be maintained by the CCLE Homeowners' Association, has been provided between the outer lots of this phase of development and the existing properties that abut the subject land. This buffer ranges in depth from 10-20 feet, with much larger areas provided in the corners of the development. The irregular shape of the property is difficult to design lots within the outer corners and thus these areas have been designated as open space. All occupied structures will be provided with city water & sewer.

There are many exceptional specimen trees present on the site as the property is part of a former golf course. The City's Subdivision Code (Section 184.24) requires the Applicant to make a concerted effort to preserve as many of these trees as possible. A tree survey was submitted showing the exact location, type, and size of all trees with a diameter at breast height (DBH) of 18 inches or more. However, as part of the Final Subdivision submittal the Applicant shall provide this survey data atop the Preliminary Plat and final drainage plans to determine where existing trees may be preserved. This requirement is consistent with that of the first 3 phases of development.

The Applicant submitted a School Facility Planning & Concurrency Application for this project to the School Board of Brevard County. A determination letter from the Facilities Services Department indicated that there is sufficient capacity for the total projected student membership to accommodate this phase of development between the Service Area of this property for Elementary and Middle Schools and the adjacent Service Areas. However, the letter is a non-binding review; a Concurrency Determination must be performed by the School District prior to issuance of a Final Development Order.

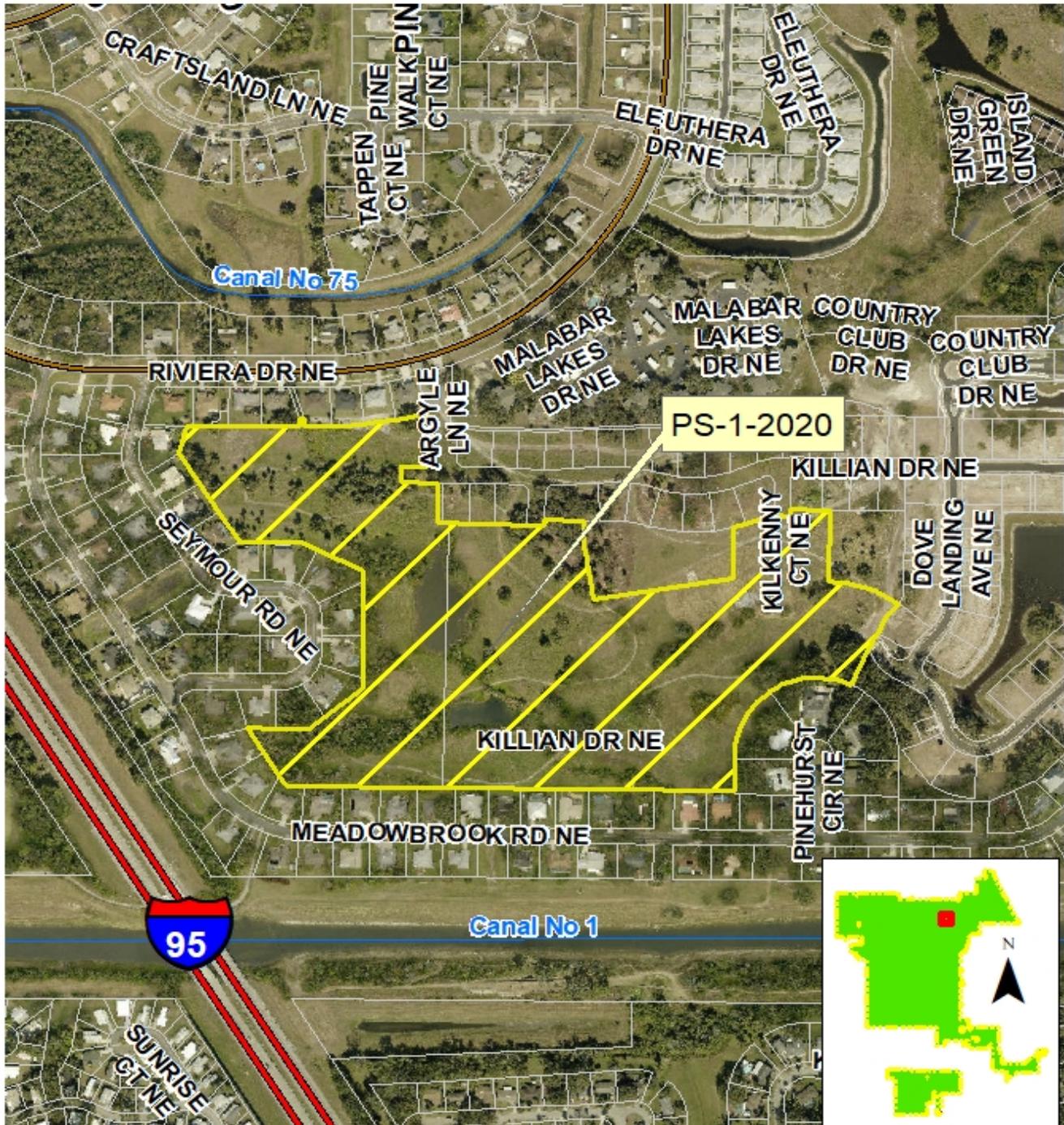
To receive Preliminary Subdivision Approval, the proposal must meet the requirements of Section 184.07 of the Palm Bay Code of Ordinances. Upon review of the submitted materials the Preliminary Subdivision request is in substantial conformance the applicable requirements of this section. The following items shall be addressed and provided upon submission of the Final Subdivision application:

- A. Declaration of Covenants, Conditions, and Restrictions;
- B. School Concurrency Determination Letter from the School Board;
- C. A photometric plan and light pole detail;
- D. An Environmental Study shall be provided that includes a Wetland and Endangered Species Assessment;
- E. A Remedial Action Plan, approved by the FDEP, for mitigation of potential soil contaminants;
- F. The Applicant is required to design water & sewer systems of adequate size to accommodate the development and depict such design on construction drawings;
- G. A traffic impact analysis that includes the A.M. and P.M. trip generations in conformance with ITE Trip Generation Manual 10th Edition;
- H. The Preliminary Plat shall be separated from the construction drawings; and the drawings revised for consistency as the Sheet Numbers are inconsistently numbered.

**STAFF RECOMMENDATION:**

Motion to approve Case PS-1-2020, subject to the conditions listed in this report.

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

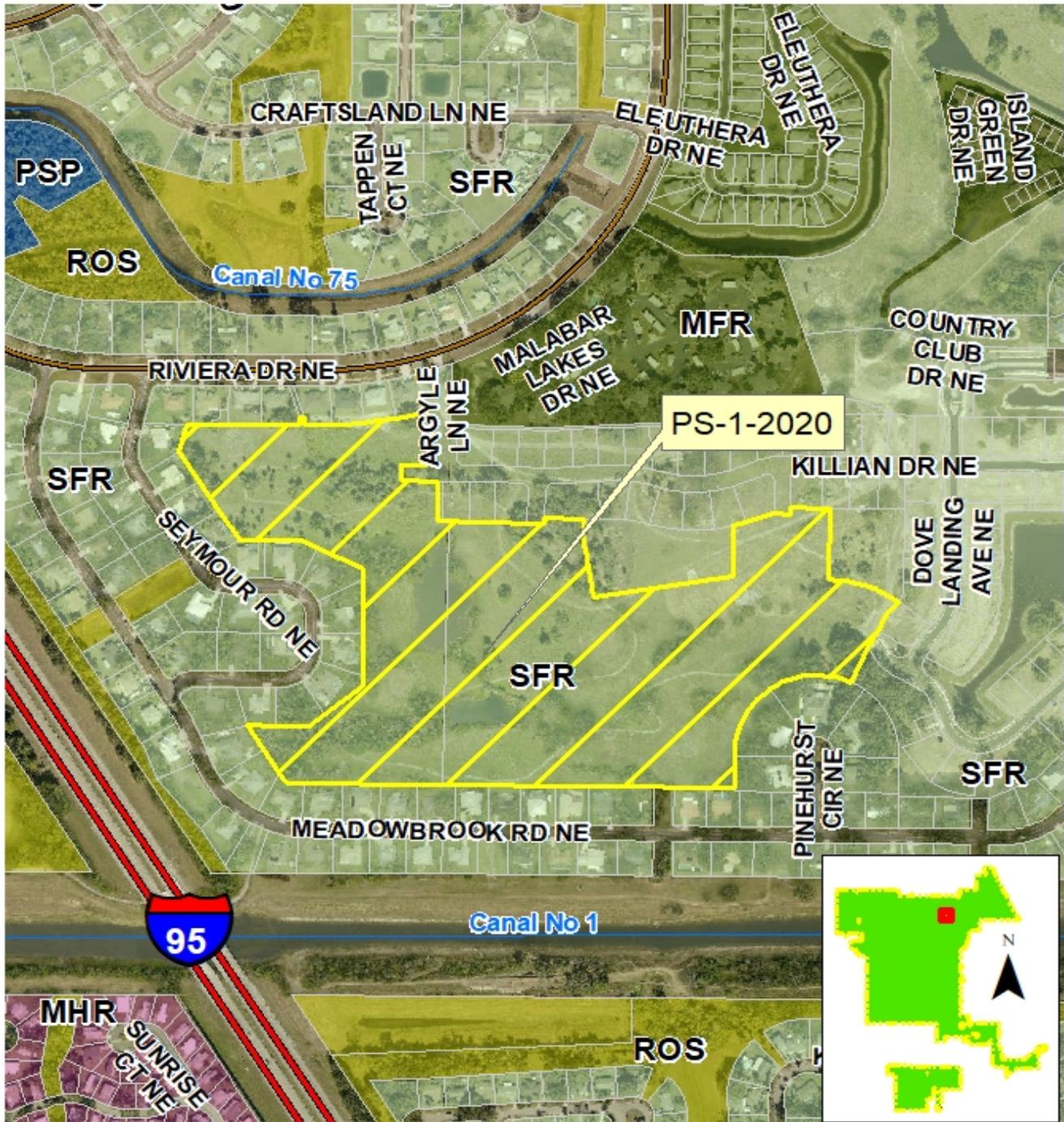


## AERIAL LOCATION MAP CASE PS-1-2020

### Subject Property

In the vicinity north of Meadowbrook Road NE and south of Riviera Drive NE

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



**FUTURE LAND USE MAP CASE PS-1-2020**

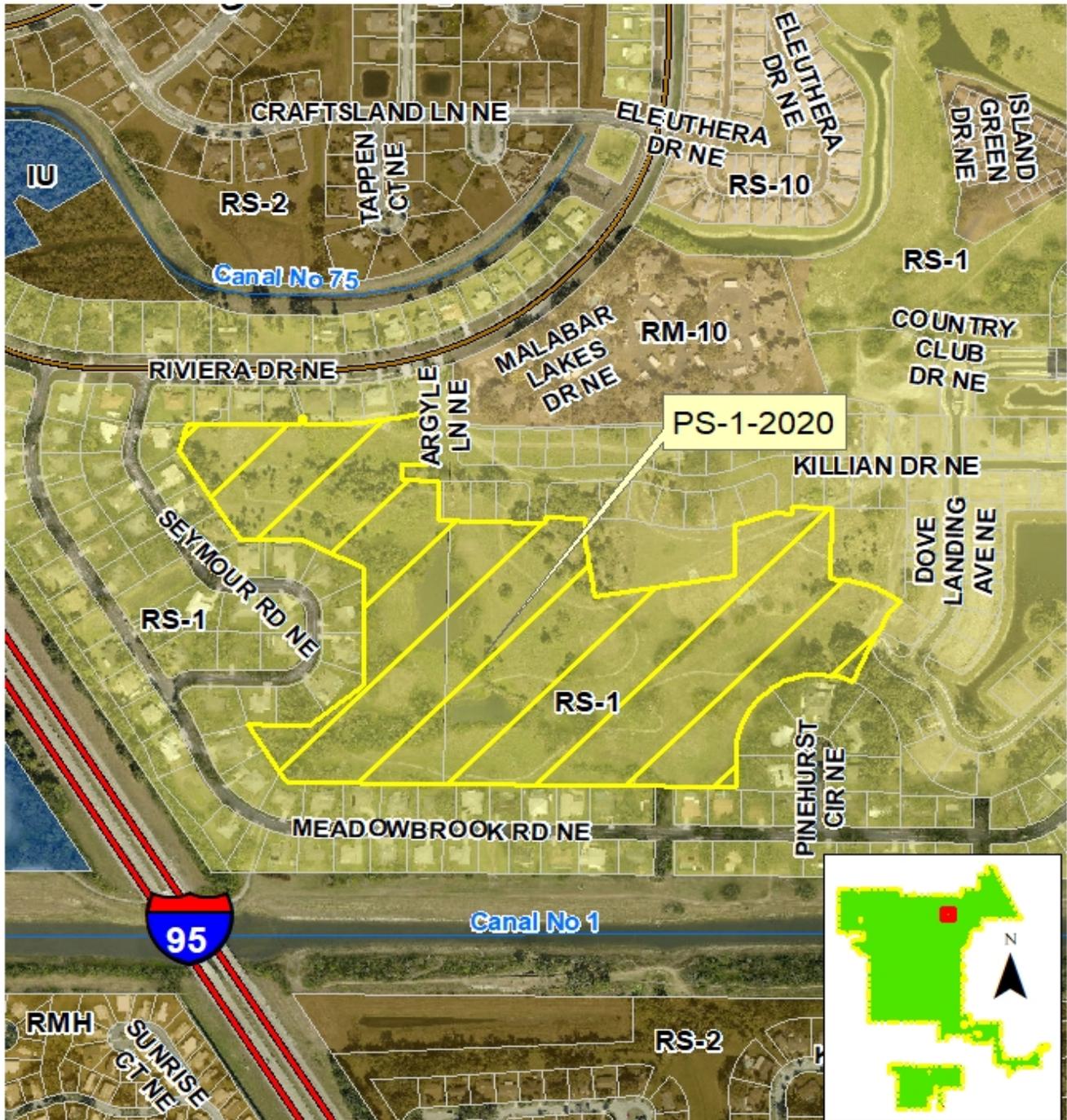
**Subject Property**

In the vicinity north of Meadowbrook Road NE and south of Riviera Drive NE

**Future Land Use Classification**

SFR – Single Family Residential Use

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



**ZONING MAP**

**CASE PS-1-2020**

**Subject Property**

In the vicinity north of Meadowbrook Road NE and south of Riviera Drive NE

**Current Zoning Classification**

RS-1 – Single Family Residential District

# CONSTRUCTION PLANS PREPARED FOR: COUNTRY CLUB LAKES ESTATES PHASE 4

GENERAL NOTES:  
THE PROPOSED PROJECT CONSISTS OF THE CONSTRUCTION OF A 681 LOT SINGLE-FAMILY SUBDIVISION TO BE CONSTRUCTED AS PHASE 4 OF THE COUNTRY CLUB LAKES ESTATES SUBDIVISION. CONSTRUCTION INCLUDES A LANSING/SPRINGWATER PRESERVATION BUFFER AREAS.

SITE DATA:  
PARCELS 16, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000.

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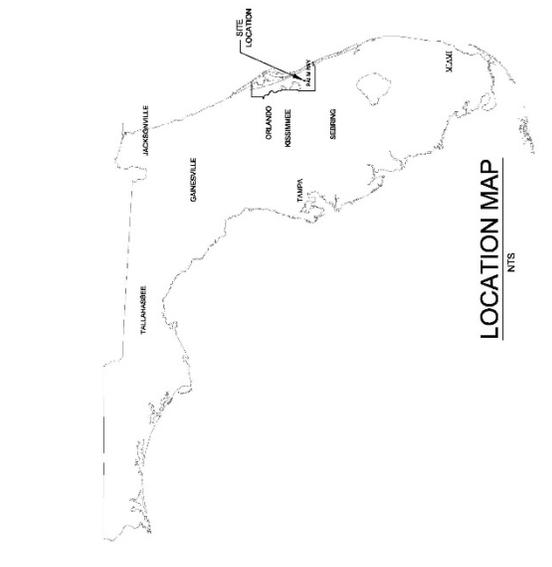
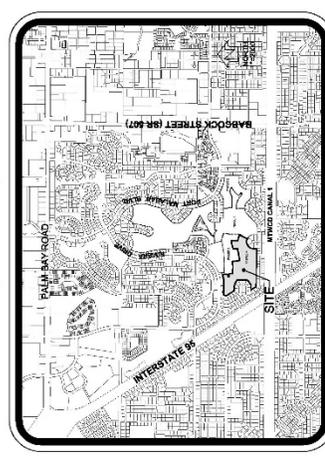
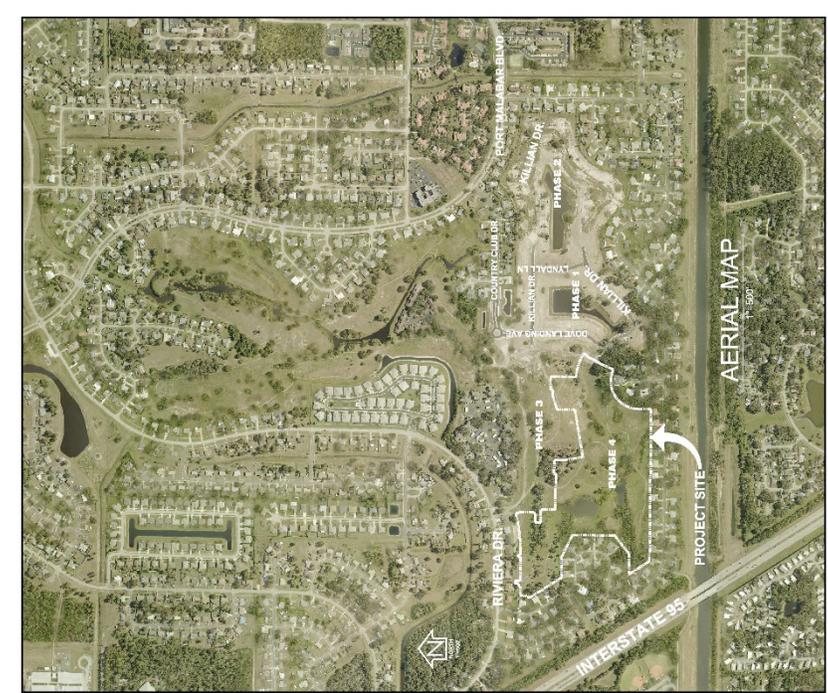
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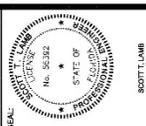
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**COUNTRY CLUB LAKES ESTATES (PHASE 4)**  
PALM BAY  
FLORIDA



|              |            |
|--------------|------------|
| PROJECT #    | 18-080     |
| SHEET NUMBER | 1 OF 40    |
| DATE         | 08/20/2018 |
| SCALE        | AS SHOWN   |
| TOWNSHIP     | 28S        |
| RANGE        | 28E        |
| SECTION      | 28 AND 29  |
| DATE         | 08/20/2018 |
| BY           | R. P. BOYD |
| CHECKED      | R. P. BOYD |

| SHEET | SHEET INDEX                             | DESCRIPTION |
|-------|---|-------------|
| 1     | COVER SHEET                             |             |
| 2-7   | PRELIMINARY PLAT DIMENSION PLAN         |             |
| 8-11  | EXISTING CONDITIONS                     |             |
| 12-15 | PAVING, GRADING AND DRAINAGE PLAN       |             |
| 16-19 | UTILITY PLAN                            |             |
| 20-25 | PLAN AND PROFILES                       |             |
| 26-32 | PAVING AND GRADING DETAILS AND SECTIONS |             |
| 33    | UTILITY DETAILS                         |             |
| 34    | SEWER DETAILS                           |             |
| 35    | SEWER STATIONS                          |             |
| 36    | SEWER SPECIFICATIONS                    |             |
| 37    | RELEASE SPECIFICATIONS                  |             |
| 38    | STORMWATER POLLUTION PREVENTION PLAN    |             |

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MELBOURNE, FLORIDA 32956  
PH: 321-752-5000  
FAX: 321-754-6808

DESIGNER:  
CITY OF PALM BAY PUBLIC WORKS  
RIGHT-OF-WAY USE PERMITS AND SERVICES  
PALM BAY, FLORIDA 32907  
PH: 321-683-8866

UTILITY CONTACTS:  
MELBOURNE TULAWAN WATER CONTROL DISTRICT:  
5800 ANTON ROAD NW  
MELBOURNE, FLORIDA 32907  
PH: 321-757-2323

FLORIDA LAND AND WILDLIFE COMMISSION:  
1200 SW 10TH STREET  
MELBOURNE, FLORIDA 32909  
PH: 321-725-6225

SMITH SURVEYING AND MAPPING, INC.  
226 FTH AVENUE, SUITE 202  
PALM BAY, FLORIDA 32909  
PH: 321-724-6596  
FAX: 321-724-6599

TRABER ENGINEERS:  
ONE RAMIREZ DR  
1103 W. HIBISCUS BOULEVARD, SUITE 110  
MELBOURNE, FL 32901  
PH: 321-758-8975

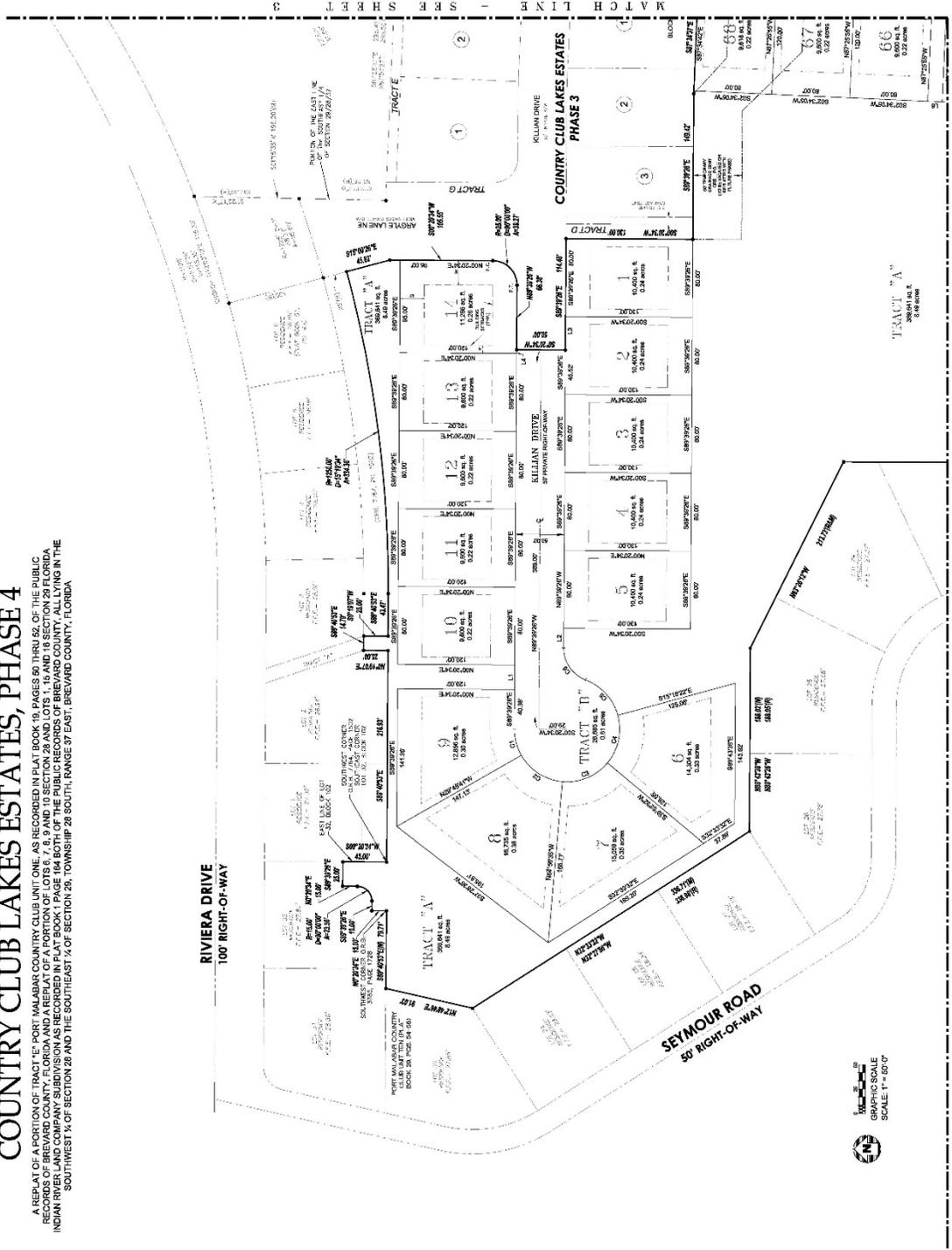


# COUNTRY CLUB LAKES ESTATES, PHASE 4

A REPEAT OF A PORTION OF TRACT "E", PORT MALABAR COUNTRY CLUB UNIT ONE, AS RECORDED IN PLAT BOOK 19, PAGES 90 THRU 92, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND A PORTION OF TRACT "A", PORT MALABAR COUNTRY CLUB UNIT TWO, AS RECORDED IN PLAT BOOK 19, PAGES 93 THRU 95, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND A PORTION OF TRACT "A", INDIAN RIVER LAND COMPANY SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 184, BOTH OF THE PUBLIC RECORDS OF BREVARD COUNTY, ALL LYING IN THE SOUTHWEST 1/4 OF SECTION 28 AND THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.

RIVIERA DRIVE  
 100' RIGHT-OF-WAY

SEYMOUR ROAD  
 50' RIGHT-OF-WAY



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 Fax: (321) 752-7461  
 www.lambengineering.com

FLORIDA  
 PALM BEACH  
**COUNTRY CLUB LAKES ESTATES (PHASE 4)**

SEAL  
 PROFESSIONAL ENGINEER  
 STATE OF FLORIDA  
 No. 00382  
 DATE OF EXPIRATION

|                                  |           |
|----------------------------------|-----------|
| SECTION                          | 28 AND 29 |
| TOWNSHIP                         | 28S       |
| RANGE                            | 37E       |
| SCALE                            | AS SHOWN  |
| PRELIMINARY PLAT/ DIMENSION PLAN |           |

SHEET NUMBER  
**3 OF 40**  
 PROJECT #19-8803

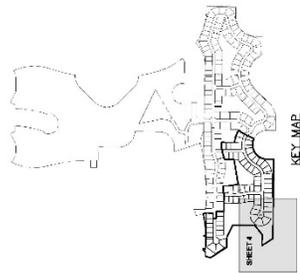
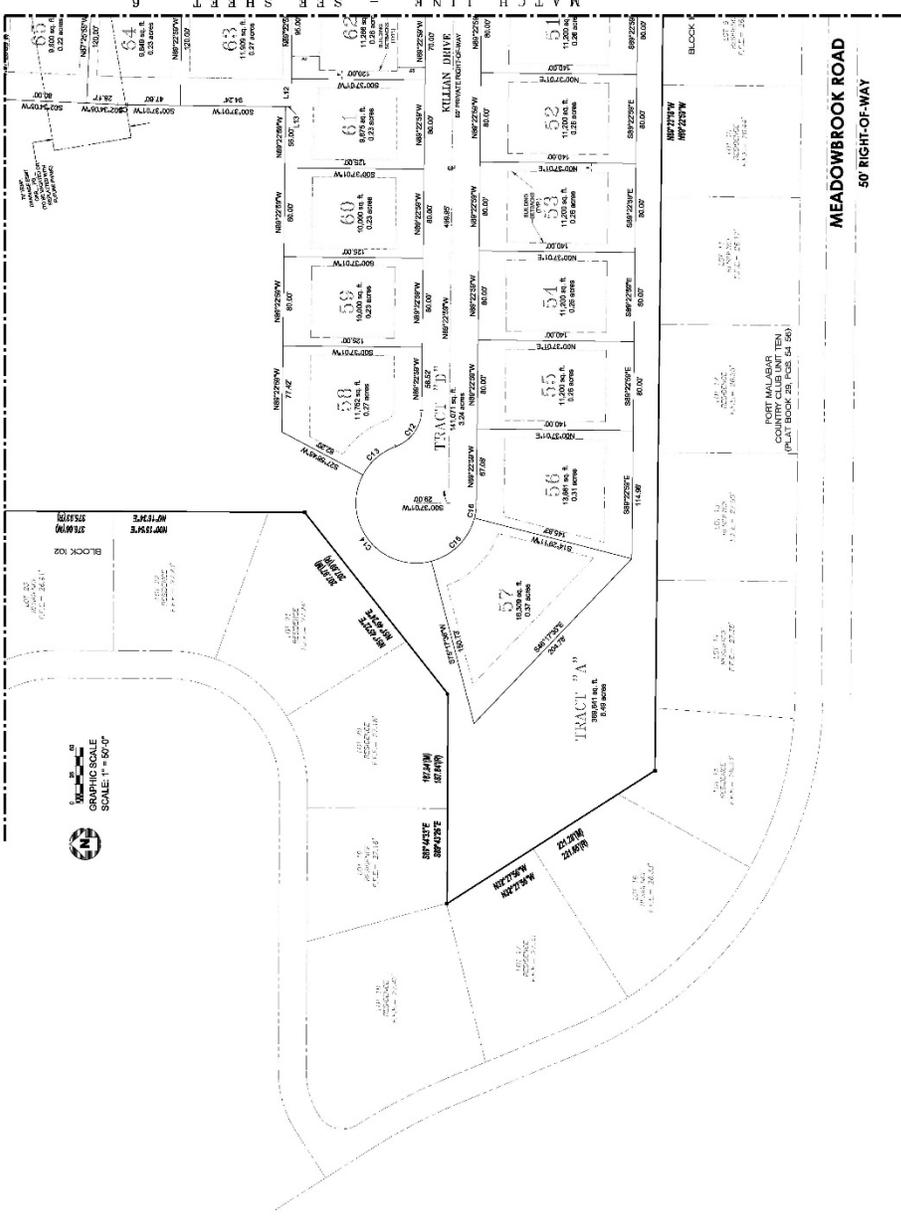


# COUNTRY CLUB LAKES ESTATES, PHASE 4

A REPEAT OF A PORTION OF TRACT "E", PORT MALABAR COUNTRY CLUB UNIT ONE, AS RECORDED IN PLAT BOOK 19, PAGES 90 THRU 92, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND A PORTION OF TRACT "D", PORT MALABAR COUNTRY CLUB UNIT ONE, AS RECORDED IN PLAT BOOK 19, PAGES 88 THRU 90, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND A PORTION OF TRACT "C", PORT MALABAR COUNTRY CLUB UNIT ONE, AS RECORDED IN PLAT BOOK 19, PAGES 86 THRU 88, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND A PORTION OF TRACT "B", PORT MALABAR COUNTRY CLUB UNIT ONE, AS RECORDED IN PLAT BOOK 19, PAGES 84 THRU 86, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, ALL LYING IN THE SOUTHWEST 1/4 OF SECTION 29 AND THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.

PLAT BOOK PAGE  
SHEET 4 OF 6  
SECTION 28 TWP. 28 S., RANGE 37 E.

MATCH LINE - SEE SHEET 3



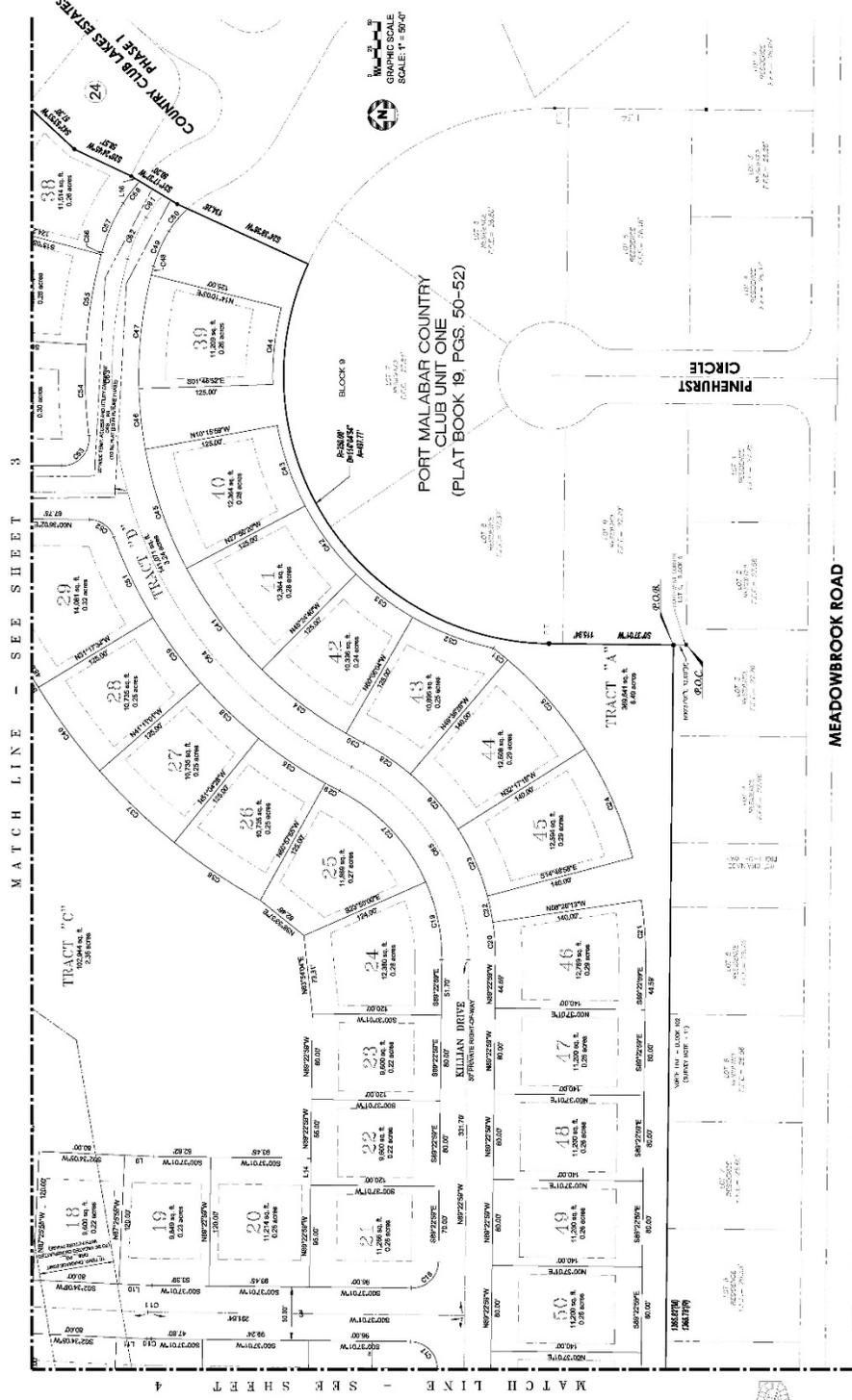
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|--|--|--|---|--|--------------------------|
| <p><b>LAMB ENGINEERING</b><br/>Engineering Builders #9228<br/>PO Box 360813<br/>Meburn, Florida 32936<br/>Ph: (321) 757-9227<br/>www.lambengineering.com</p> | <p>FLORIDA<br/>PALM BEACH<br/>COUNTY<br/>STATE OF<br/>FLORIDA</p>            | <p>SECTION 28 AND 29<br/>TOWNSHIP 28S<br/>RANGE 37E<br/>SCALE AS SHOWN</p> | <p>PRELIMINARY<br/>PLAT/<br/>DIMENSION<br/>PLAN</p> | <p>SHEET NUMBER<br/><b>5 OF 46</b></p> | <p>PROJECT: #18-3803</p> |
|  | <p>DATE: 03/20/22<br/>DRAWN BY: R.P.E. BOWEN<br/>CHECKED BY: [Signature]</p> | <p>PROJECT: LAKES CLUB LAKES ESTATES (PHASE 4)</p>                         | <p>SCALE: AS SHOWN</p>                              | <p>DATE: 03/20/22</p>                  | <p>PROJECT: #18-3803</p> |

REVISIONS:

# COUNTRY CLUB LAKES ESTATES, PHASE 4

A REPEAT OF A PORTION OF TRACT "E", PORT MALABAR COUNTRY CLUB UNIT ONE, AS RECORDED IN PLAT BOOK 19, PAGES 50 THRU 62, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND A PORTION OF TRACT "C", PORT MALABAR COUNTRY CLUB UNIT ONE, AS RECORDED IN PLAT BOOK 19, PAGES 63 THRU 65, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND A PORTION OF TRACT "A", INDIAN RIVER LAND COMPANY SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 184, BOTH OF THE PUBLIC RECORDS OF BREVARD COUNTY, ALL LYING IN THE SOUTHWEST 1/4 OF SECTION 28 AND THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.

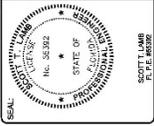
PLAT BOOK SHEET 5 OF 6 PAGE 6  
SECTION 28 TWP. 28 S., RANGE 37 E.



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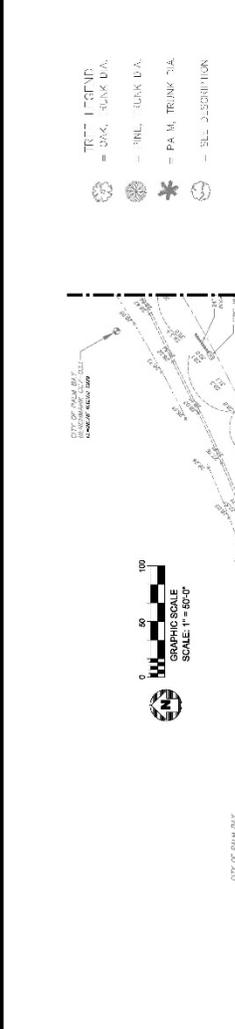
COUNTRY CLUB LAKES ESTATES (PHASE 4)  
PALM BAY FLORIDA



|                  |           |
|------------------|-----------|
| SECTION          | 28 AND 29 |
| TOWNSHIP         | 28S       |
| RANGE            | 37E       |
| SCALE            | AS SHOWN  |
| PRELIMINARY PLAT | YES       |
| DIMENSION PLAN   | NO        |
| SHEET NUMBER     | 6 OF 46   |
| PROJECT #        | #19-8803  |



1. FOR ALL TREES NOT TO BE REMOVED, REMOVE NOT ONLY THE ABOVEGROUND ELEMENTS AS WELL INCLUDING, BUT NOT NECESSARILY LIMITED TO: FOUNDATIONS, TREE ROOTS, OLD ABANDONED PIPE, ETC. CONTRACTOR IS TO REMOVE AND PROPERLY DISPOSE OF ALL CONSTRUCTION MATERIALS AND DEBRIS FROM THE PROJECT SITE. CONTRACTOR IS TO OBTAIN AND REVIEW THE STORMWATER POLLUTION PREVENTION PLAN PREPARED FOR THE PROJECT AND IMPLEMENT ALL EROSION AND SEDIMENTATION CONTROL MEASURES. CONTRACTOR IS TO OBTAIN AND REVIEW THE STORMWATER POLLUTION PREVENTION PLAN PREPARED FOR THE PROJECT AND IMPLEMENT ALL EROSION AND SEDIMENTATION CONTROL MEASURES.
2. CONTRACTOR SHALL REMOVE ALL WASTE MATERIAL FOR DISPOSAL OFF-SITE CONFORM TO ALL APPLICABLE REGULATIONS.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ANY EXISTING FACILITY SO DESIGNATED OR SAVED EITHER IN THESE PLANS OR AS INDICATED IN THE FIELD BY THE OWNER'S REPRESENTATIVE. TREES TO BE REMOVED SHALL BE IDENTIFIED AS SHOWN ON THE PLANS.
4. CONTRACTOR SHALL REMOVE ALL FOUNDATIONS, CONCRETE SLABS, ASPHALT REMAINS AND UNDERGROUND STRUCTURES AS SHOWN TO BE REMOVED FROM THE PROJECT SITE.
5. CONTRACTOR SHALL COORDINATE WITH APPLICABLE UTILITY COMPANIES AND BE RESPONSIBLE FOR THE TERMINATION, CAPPING OFF, AND REMOVAL OF ALL EXISTING UTILITIES AND STRUCTURES TO BE REMOVED FROM THE PROJECT SITE.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO BE REMOVED FROM THE PROJECT SITE.
7. CONTRACTOR SHALL REMOVE ALL FOUNDATIONS, CONCRETE SLABS, ASPHALT REMAINS AND UNDERGROUND STRUCTURES AS SHOWN TO BE REMOVED FROM THE PROJECT SITE.
8. CONTRACTOR SHALL COORDINATE WITH APPLICABLE UTILITY COMPANIES AND BE RESPONSIBLE FOR THE TERMINATION, CAPPING OFF, AND REMOVAL OF ALL EXISTING UTILITIES AND STRUCTURES TO BE REMOVED FROM THE PROJECT SITE.
9. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO BE REMOVED FROM THE PROJECT SITE.
10. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO BE REMOVED FROM THE PROJECT SITE.
11. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO BE REMOVED FROM THE PROJECT SITE.



**DEMOLITION LEGEND:**  
 INDICATES EXISTING ASPHALT TO BE REMOVED

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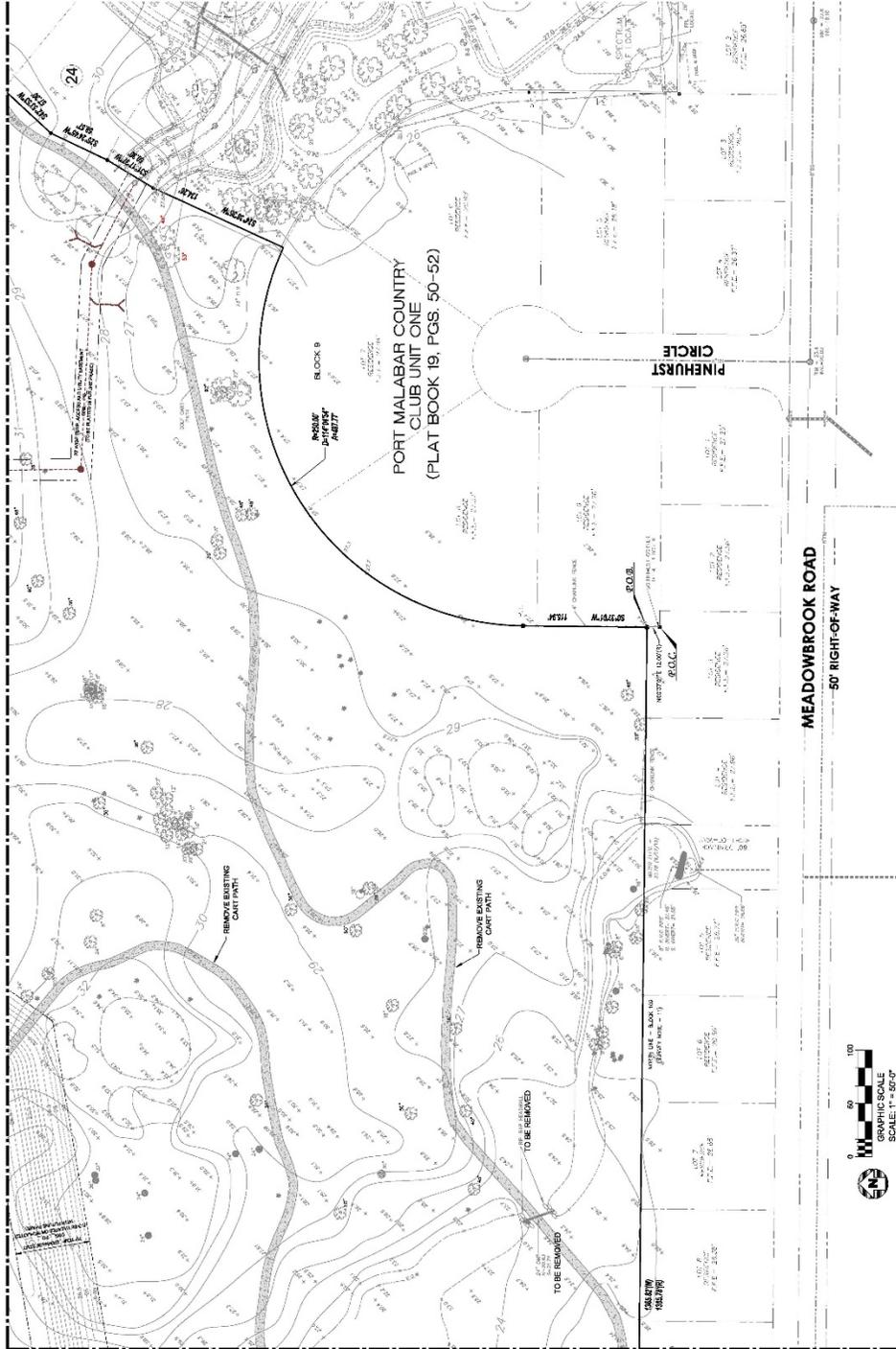
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MATCH LINE - SEE SHEET 9



PORT MALABAR COUNTRY CLUB UNIT ONE  
(PLAT BOOK 19, PGS. 50-52)

- DEMOLITION LEGEND:
- INDICATES EXISTING CONCRETE/ASPHALT TO BE REMOVED
  - INDICATES EXISTING CONCRETE/ASPHALT TO BE RETAINED
- NOTE:  
 1. EXISTING CONCRETE/ASPHALT IS NOT A SURFACE. IT IS BEING PROVIDED FOR THE CONTRACTOR'S BENEFIT. A PROPER SURFACE SHALL BE OBTAINED FROM THE PROJECT SURVEYOR.  
 2. ALL DEMOLITION SURVEY DATA AND TOPOGRAPHIC SURVEY DATA SHALL BE OBTAINED FROM THE PROJECT SURVEYOR.  
 3. THE PROJECT SURVEYOR SHALL BE THE PORT MALABAR BOARD OF SURVEYORS, INC., 1550 MALABAR ROAD SE, SUITE 11, PALM BEACH, FLORIDA 33409, PH: 561.724.2540.

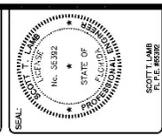
EXISTING IRRIGATION SYSTEM.  
 THE EXISTING ROAD COURSE IRRIGATION SYSTEM THAT IS SHOWN ON THIS PLAN IS THE PROPERTY OF THE CITY OF PALM BEACH. THE CITY OF PALM BEACH HAS ASSIGNED THE PROJECT SURVEYOR TO THE PROJECT SURVEYOR FOR THE PROJECT SURVEYOR. THE PROJECT SURVEYOR SHALL BE THE PORT MALABAR BOARD OF SURVEYORS, INC., 1550 MALABAR ROAD SE, SUITE 11, PALM BEACH, FLORIDA 33409, PH: 561.724.2540.



REVISIONS:

**LAMB ENGINEERING**  
 Engineering Division #9228  
 PO Box 360813  
 Melbourne, Florida 32936  
 Ph: (321) 757-9227  
 Fax: (321) 752-7461  
 www.lambengineering.com

FLORIDA  
 PALM BEACH  
 COUNTRY CLUB LAKES ESTATES (PHASE 4)



|   |           |
|---|-----------|
| SECTION:                                | 28 AND 29 |
| TOWNSHIP:                               | 28S       |
| RANGE:                                  | 18W       |
| SCALE:                                  | AS SHOWN  |
| EXISTING CONDITIONS/<br>DEMOLITION PLAN |           |
| SHEET NUMBER:                           | 11 OF 46  |
| PROJECT:                                | #19-8803  |



Land Development Division  
120 Malabar Road SE  
Palm Bay, FL 32907  
321-733-3042

Landdevelopmentweb@palmabayflorida.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 Country Club Lakes Estates Phase 4

PARCEL ID 28-37-29-00-758 and 28-37-28-00-508

TAX ACCOUNT NO. 2838314 and 3019465

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:  
see attached

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 32.307 acres

TOTAL LOTS PROPOSED (list by use): 68 single-family lots

HIGHWAY, STREET BOUNDARIES, AND NEAREST CROSSROADS:  
Riviera Drive, Killian Drive, Argyle Lane NE

INTENDED USE OF PROPERTY: single-family residential

ZONE CLASSIFICATION AT PRESENT (ex.: LI, CC, etc.): RS-1

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

- \*\$500.00 Application Fee. Make check payable to "City of Palm Bay."
- Two (2) copies of the preliminary subdivision plan and required supplementary material required by Chapter 184.27, Palm Bay Code of Ordinances. The preliminary plan shall also be provided on Memory Drive. No plat required for submittal.
- pending Citizen Participation Plan. Refer to Section 169.005 of the Land Development Code for guidelines.
- 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.)

submitted to  
School Board School Board of Brevard County School Impact Analysis Application (if applicable).

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

CITY OF PALM BAY RECEIVED

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

N/A **Where property is not owned by the applicant**, a letter must be attached giving the notarized consent of the owner to the applicant to request the 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 1/30/2020

Printed Name of Applicant Jack Spira

Full Address 5205 Babcock Street NE, Palm Bay, FL 32905

Telephone 321-725-5000 Email jack@sbmlawyers.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, CHAPTER 184, 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

**PALM BAY GREENS, LLC**

5205 Babcock Street, NE  
Palm Bay, FL 32905

January 30, 2020

City of Palm Bay  
Land Development Division  
120 Malabar Road  
Palm Bay, Florida 32907

The undersigned as Manager of Palm Bay Greens, LLC hereby authorizes Jack B. Spira to act as applicant, representing me in Public Hearings before the City of Palm Bay pertaining to the preliminary and final development subdivision plan requests.

Sincerely,

C. MARIO OLIVEIRA as Manager of  
Palm Bay Greens, LLC

STATE OF FLORIDA  
COUNTY OF BREVARD

Sworn to and subscribed before me this 30 day of January, 2020 by C. Mario Oliveira as Manager of Palm Bay Greens, LLC who is personally known to me.

NOTARY PUBLIC



**EXHIBIT "A"**  
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A replat of a portion of Tract "E" PORT MALABAR COUNTRY CLUB UNIT ONE, as recorded in Plat Book 19, Pages 50 thru 52, of the Public Records of Brevard County, Florida and a replat of a portion of Lots 6, 7, 8, 9 and 10 Section 28 and Lots 1, 15 and 16 Section 29 Florida Indian River Land Company Subdivision as recorded in Plat Book 1 Page 164 both of the Public Records of Brevard County, all lying in the southwest ¼ of Section 28 and the southeast ¼ of Section 29, Township 28 South, Range 37 East, Brevard County, Florida and being more particularly described as follows:

From the Southwest corner of Lot 9, Block 9, PORT MALABAR COUNTRY CLUB UNIT ONE, as recorded in Plat Book 19, Pages 50 thru 52, of the Public Records of Brevard County, Florida, run N0°37'01"E along the West line of said Lot 9, Block 9 a distance of 12.00 feet to the most Northerly line of Lot 3, Block 102, PORT MALABAR COUNTRY CLUB UNIT TEN as recorded in Plat Book 29, Pages 54 thru 56 of the Public Records of Brevard County, Florida and said point being the POINT OF BEGINNING of the herein described parcel; thence N89°23'18"W along the North line of said Block 102 a distance of 1,365.82 feet; thence the following eight courses along the Easterly line of said Block 102: (1) N32°27'56"W a distance of 221.28 feet; (2) thence S89°44'13"E a distance of 187.94 feet; (3) thence N51°45'22"E a distance of 207.97 feet; (4) thence N0°15'54"E a distance of 376.66 feet; (5) thence N63°26'17"W a distance of 213.73 feet; (6) thence N89°43'38"W a distance of 188.02 feet; (7) thence N32°33'32"W a distance of 336.71 feet; (8) thence N12°48'46"E a distance of 91.03 feet to a point on the South line of Lot 31, Block 102, of aforesaid Port Malabar Country Club Unit Ten; thence S89°40'53"E along said South line of Lot 31 and 32 a distance of 79.71 feet to the Southwest corner of property as described in O.R.B. 3785, Page 1728, of the Public Records of Brevard County, Florida; thence N0°20'34"E a distance of 15.00 feet; thence S89°39'26"E a distance of 10.00 feet to a Point of Curvature of a curve concave to the Northwest having a radius of 15.00 feet and a central angle of 90°00'00"; thence northeasterly along said curve an arc distance of 23.56 feet to a Point of Tangency; thence N0°20'34"E a distance of 15.00 feet; thence S89°39'26"E a distance of 25.00 feet to the East line of said Lot 32, Block 102; thence S0°20'34"W along said East line of Lot 32, Block 102 a distance of 45.00 feet to the Southeast corner of said Lot 32, Block 102, said point also being the Southwest corner of property as described in O.R.B. 7764, Page 1502 of the Public Records of Brevard County, Florida; thence S89°40'53"E along the South line of said property as described in O.R.B. 7764, Page 1502 a distance of 216.93 feet; thence N0°19'07"E a distance of 25.00 feet to the Southwest corner of Tract "A", RIVIERA GREEN as recorded in Plat Book 51, Page 43 of the Public Records of Brevard County, Florida; thence S89°40'53"E a distance of 14.79 feet to the Southeast corner of said Tract "A"; thence S0°19'07"W a distance of 25.00 feet; thence S89°40'53"E along said south line of property described in O.R.B. 7764, Page 1502 a distance of 43.47 feet to the Point of Curvature of a curve to the left being concave Northerly, having a radius of 1250.00 feet and a central angle of 15°19'34"; thence Northeasterly along the arc of said curve a distance of 334.36 feet; thence S15°00'26"E a distance of 45.82 feet; thence thence S0°20'34"W a distance of 105.55 feet a Point of Curvature of a curve to the right being concave Northwesterly, having a radius of 25.00

feet and a central angle of 90°00'00"; thence Southwesterly along the arc of said curve a distance of 39.27 feet to a Point of Tangency; thence N89°39'26"W a distance of 66.38 feet; thence S0°20'34"W a distance of 50.00 feet; thence S89°39'26"E a distance of 114.48 feet; thence S0°20'34"W a distance of 130.00 feet; thence S89°29'26"E a distance of 149.42 feet; thence S87°34'37"E a distance of 123.00 feet; thence S87°25'55"E a distance of 50.00 feet; thence N2°34'05"E a distance of 21.67 feet; thence S87°25'55"E a distance of 123.00 feet; thence S2°34'05"W a distance of 46.25 feet to a Point of Curvature of a curve to the left, being concave Northeasterly having a radius of 252.00 feet and a central angle of 12°05'48"; thence Southerly along the arc of said curva a distance of 53.20 feet to a Point of Tangency; thence S9°31'43"E a distance of 157.85 feet; thence N80°28'17"E a distance of 431.67 feet; thence N0°36'02"E a distance of 161.32 feet to a Point on a curve being concave Northwesterly, having a radius of 518.49 feet, a central angle of 4°20'53" and a chord bearing N74°14'36"E; thence Northeasterly along the arc of said curve a distance of 39.35 feet to a Point of Tangency; thence N72°04'09"E a distance of 89.92 feet; thence S89°23'58"E a distance of 50.00 feet; thence N0°36'02"E a distance of 19.51 feet; thence S89°23'58"E a distance of 120.00 feet; thence S0°36'02"W a distance of 230.79 feet to a point on a curve being concave Southwesterly, having a radius of 375.00 feet, a central angle of 34°53'53" and a chord bearing of S71°37'45"E; thence Southeasterly along the arc of said curve a distance of 228.41 feet; thence S42°53'53"W a distance of 57.30 feet; thence S25°24'45"W a distance of 58.57 feet; thence S31°17'37"W a distance of 50.30 feet; thence S24°38'36"W a distance of 134.26 feet to a point on the North line of Lot 7, Block 9, PORT MALABAR COUNTRY CLUB UNIT ONE, as recorded in Plat Book 19, Pages 50 thru 52 of the Public Records of Brevard County, Florida, said point also being on a curve which is concave Southerly, having a radius of 250.00 feet and a central angle of 114°04'54"; thence Southwesterly along the arc of said curve and the Northerly line of Block 9 a distance of 497.77 feet to a Point of Tangency; thence S0°37'01"W a distance of 115.94 feet to the Point of Beginning.

Contains 32.307 Acres, more or less.



# 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

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**CASE NUMBER**

CP-3-2020

**PLANNING & ZONING BOARD HEARING DATE**

March 4, 2029

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**PROPERTY OWNER & APPLICANT**

David and Joan Moallem  
(Tracey Parrish, Rep.)

**PROPERTY LOCATION/ADDRESS**

Port Malabar Unit 10, Tract E, Section 06, Township 29,  
Range 37, Brevard County, Florida

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**SUMMARY OF REQUEST**

The applicant is requesting a small-scale Comprehensive Plan Future Land Use Map Amendment to change 1.70 acres of Recreation and Open Space Use (ROS) to Single-Family Residential Use (SFR).

**Existing Zoning**

RS-2, Single-Family Residential

**Existing Land Use**

Recreation and Open Space Use

**Site Improvements**

Vacant Land

**Site Acreage**

1.70 acres, more or less

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**SURROUNDING ZONING & USE OF LAND USE**

**North**

RS-2, Single-Family Residential; Barber Street SE

**East**

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

**South**

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

**West**

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

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**ANALYSIS:**

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

**1. FUTURE LAND USE ELEMENT**

The Comprehensive Plan (Plan) FLU Element Goal FLU-2 is to provide for and maintain viable neighborhoods and residential development to meet the existing and future needs of the residents of Palm Bay.

The Single Family Residential (SFR) Use FLU category allows for a maximum residential density of 5 units per acre, with a range of 0-5 units per acre. Typical uses permitted include single-family homes, recreational uses, and institutional uses such as schools, churches, and utilities.

The subject property is bordered by single-family residential land uses on all sides. The applicant intends to construct one (1) single-family home. It shall be noted that the parcel may only be split one time (to create 2 properties) without having the follow to the City's subdivision ordinance. Any further splits will require compliance and legislative review

**2. COASTAL MANAGEMENT ELEMENT**

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

**3. CONSERVATION ELEMENT**

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

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

Recreation: Single-Family Residential Use does have more of a demand upon the parks & recreation level of service (LOS) standards than Recreation and Open Space Use. However, the number of homes that could be constructed upon the property would have a De minimis effect on the recreation LOS. It shall be noted that the Recreation and Open Space Element of the City's Comprehensive Plan sets a LOS Standard of 2 acres per 1,000 residents. The city maintains public ownership of park-designated lands that far exceed this requirement. Furthermore, privately-owned land with a Recreation and Open Space Land Use designation may not be used to meet this LOS.

#### 4. HOUSING ELEMENT

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

#### 5. INFRASTRUCTURE ELEMENT

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

**Utilities:** The FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. Public water facilities are available at the site. If developed, the owner/developer will be responsible for extending services to the site in accordance with current City and State regulations.

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

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

#### 6. INTERGOVERNMENTAL COORDINATION ELEMENT

**Public Schools:** The proposed FLU amendment is requested to allow the site to be used for a single-family home. The property use will have no adverse impacts on the public school system.

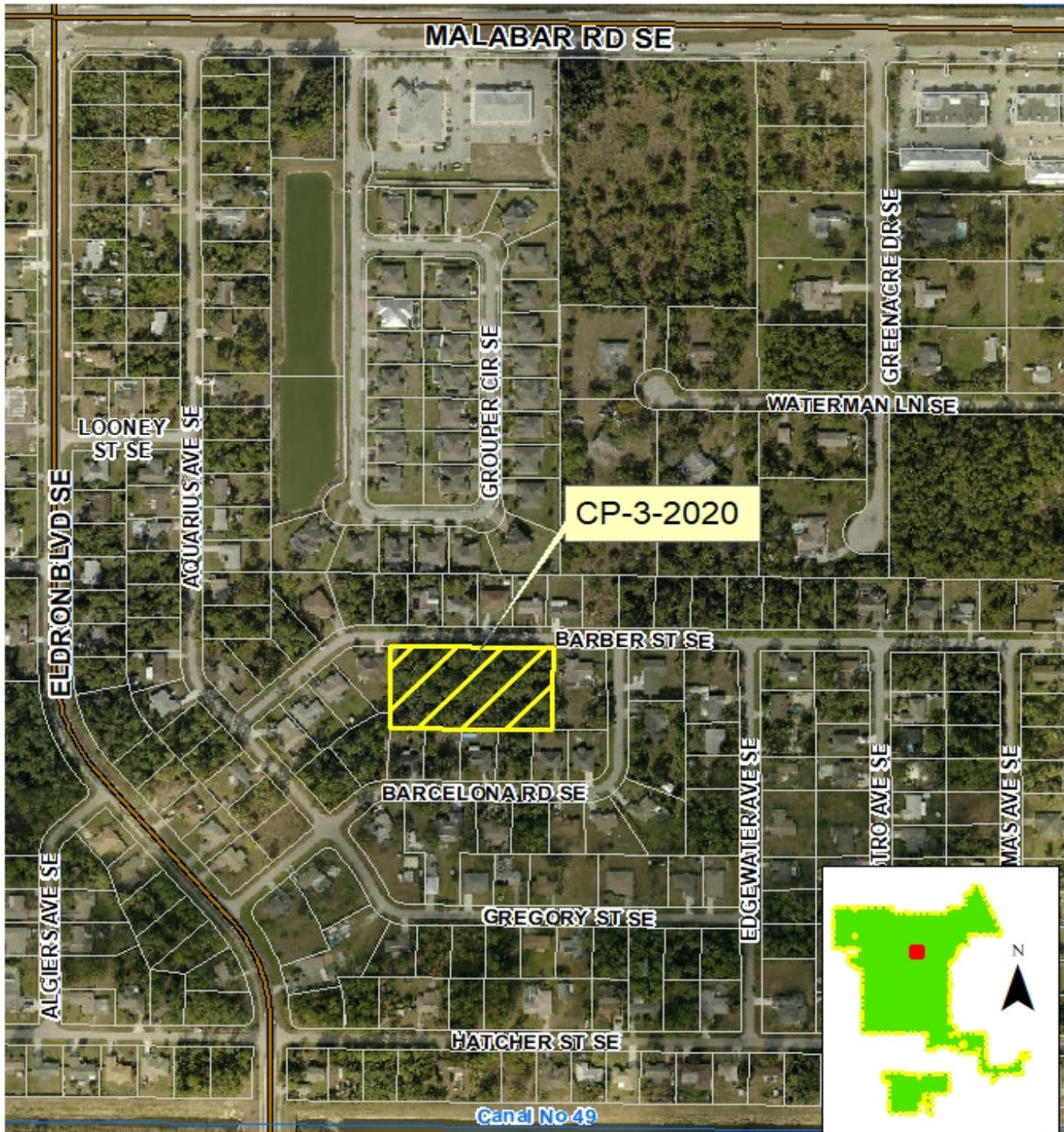
#### 7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community.

#### **STAFF RECOMMENDATION:**

Motion to approve Case CP-3-2020, subject to the staff comments.

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

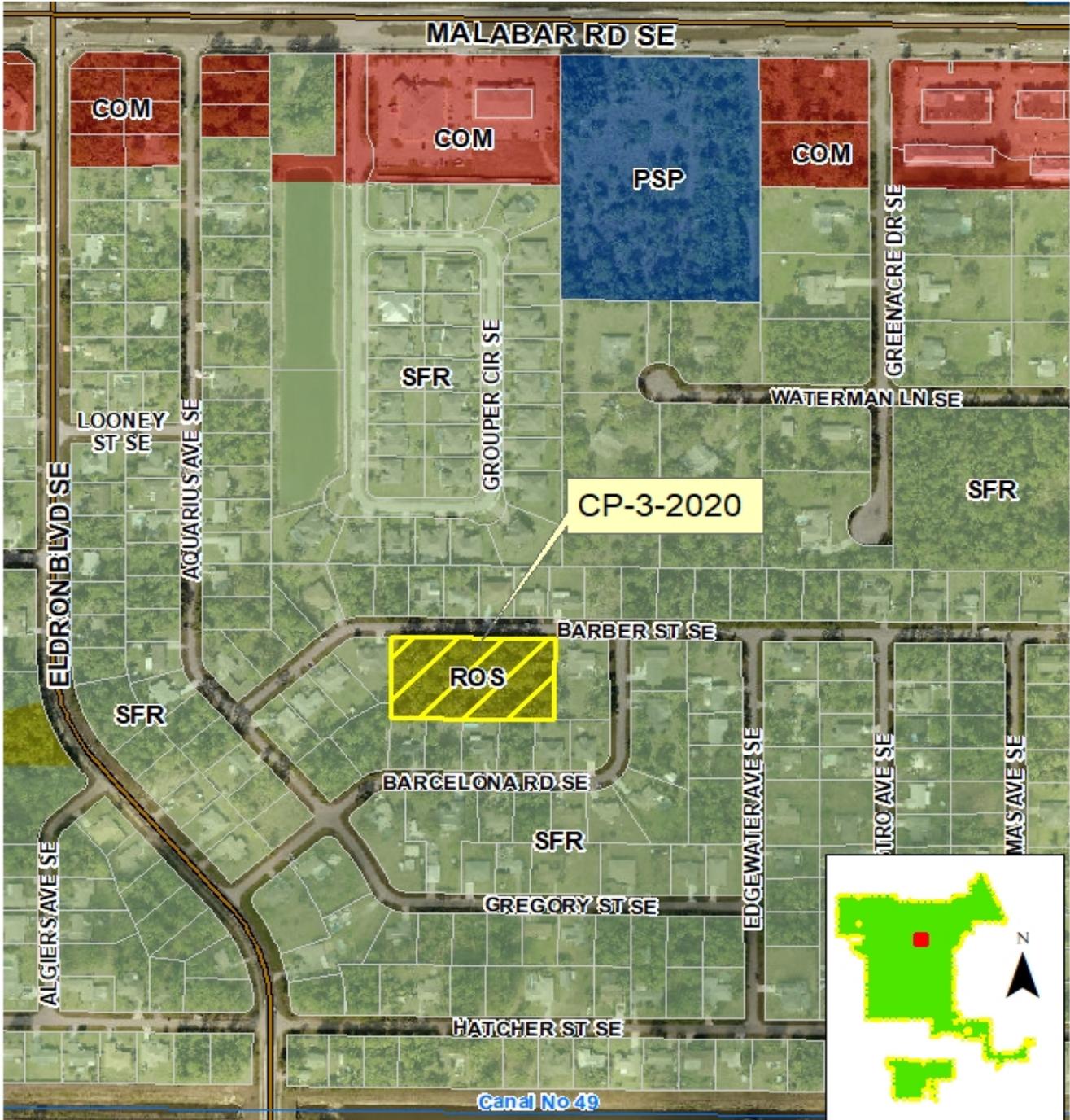


## AERIAL LOCATION MAP CASE CP-3-2020

### Subject Property

South of and adjacent to Barber Street SE, in the vicinity of Barcelona Road SE

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



## FUTURE LAND USE MAP CASE CP-3-2020

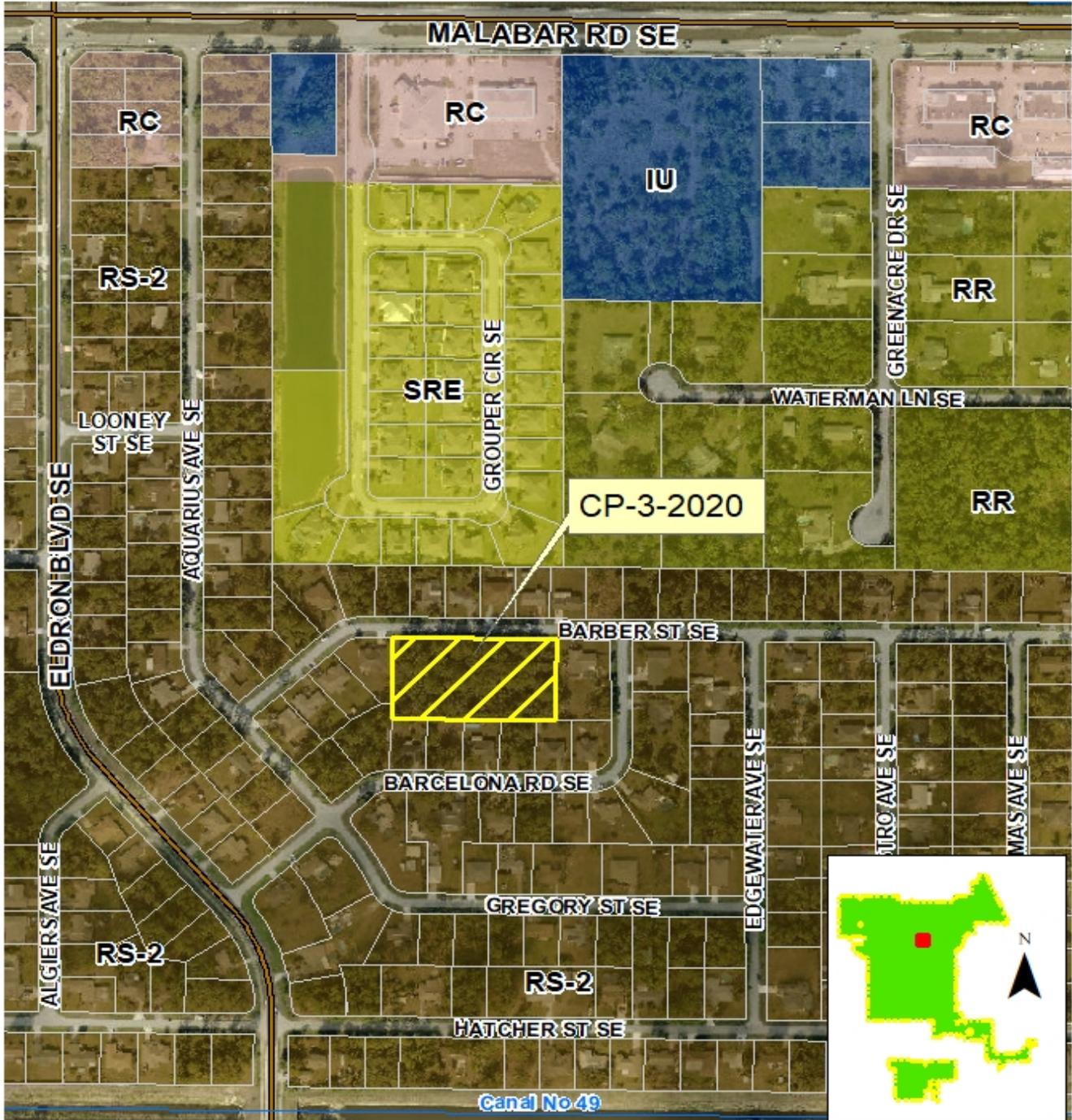
### Subject Property

South of and adjacent to Barber Street SE, in the vicinity of Barcelona Road SE

### Future Land Use Classification

ROS – Recreation & Open Space Use

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



## ZONING MAP

## CASE CP-3-2020

### Subject Property

South of and adjacent to Barber Street SE, in the vicinity of Barcelona Road SE

### Current Zoning Classification

RS-2 – Single Family Residential District



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

### COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

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

APPLICATION AMENDMENT TYPE:

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

PARCEL ID PMU 10 BLOCK E

TAX ACCOUNT NO. 2925042

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

29-37-01e-Lak-E

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 1.7 acres

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

ROS

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

SFR

PRESENT USE OF THE PROPERTY: Vacant Land  
Land use for park      Zoning is residential

STRUCTURES NOW LOCATED ON THE PROPERTY: VACANT LAND

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

NO

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

470 Barber st

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

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

To build Single Family Home

To build ONE Single Family Home

SPECIFIC USE INTENDED FOR PROPERTY:

To build Single Family Home

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

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

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

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

**Text Amendment** \$2,000.00  
(Comp. Plan)

\_\_\_\_\_ Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)).

\_\_\_\_\_ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)

\$410.00

\_\_\_\_\_ School Board of Brevard County School Impact Analysis Application (if applicable).

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

\_\_\_\_\_ **Where property is not owned by the applicant, a letter must be attached giving the notarized consent of the owner to the applicant to request the comprehensive plan or future land use map amendment.**

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

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

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

Signature of Applicant M. David Moallem *Tracy Parrish* Date 1/17/2020  
Printed Name of Applicant M. David Moallem  
Full Address 1663 Georgia St NE #200 Palm Bay, FL 32907  
Telephone 321-626-3590 Email Palmbayland@gmail.com

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

CITY OF PALM BAY  
RECEIVED

JAN 30 2020

LAND DEVELOPMENT

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

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

Name of Representative \_\_\_\_\_

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

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

Owner Signature *Joan P. Moalle* Date 2/05/2020  
M.O. Moalle  
Printed Name David & Joan P. Moalle  
Full Address David Moalle Trustees  
Telephone 321-626-3590 Email PalmBayLand@gmail.com

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

M. David Moallem  
1663 Georgia St. NE, #200  
Palm Bay, FL 32907  
321-626-3590

January 21, 2020

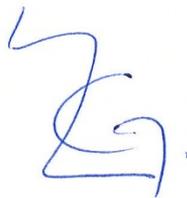
Property: Port Malabar Unit 10, Tract E

To Whom It May Concern / City of Palm Bay:

I, M. David Moallem, hereby give Mr. Tracy Parrish authorization to change the Land Use on subject (Port Malabar Unit 10, Tract E) to Residential.

Sincerely,

*M. David Moallem*



M. David Moallem  
321.626.3590  
palmbayland@gmail.com

State of FL  
County of Brevard

This foregoing instrument was acknowledged before me on this 21<sup>st</sup> day of January, 2020, by M. David Moallem who is  personally known to me, or ( ) who did produce \_\_\_\_\_ as identification.

*Douglas M. Setzer*  
\_\_\_\_\_  
Notary Public  
My Commission Expires: March 15, 2021

