



AGENDA

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Regular Meeting 2020-10
September 2, 2020 – 7:00 P.M.
City Hall Council Chambers

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ADOPTION OF MINUTES:

1. Regular Meeting 2020-09; August 5, 2020

ANNOUNCEMENTS:

OLD BUSINESS:

1. **♣FD-10-2020 – CHAPARRAL SUBDIVISION PHASE II –
CHAPARRAL PROPERTIES, LLC (JAKE WISE, P.E., REP.)**

A Final Development Plan for a PUD, Planned Unit Development to allow a proposed 27-lot, single-family residential development called Chaparral Phase II.

Part of Tax Parcel 1, Section 4, Township 29, Range 36, Brevard County, Florida, containing 82.14 acres, more or less. (Located south of Malabar Road SW and west of Brentwood Lakes Subdivision)

NEW BUSINESS:

1. **♣FS-1-2020 – CROWN SQUARE - ROOK AT PALM BAY, LLC
(JAKE WISE, P.E., REP.)**

Final Plat approval for a 5-lot commercial and multi-family residential subdivision called Crown Square, with requests for waivers from Section 184.18(B) of the Palm

Bay Code of Ordinances to allow for the reduction of a proposed road right-of-way width and cul-de-sac radius.

Tax Parcels 4, 5, 6 and 9, Section 5, Township 29, Range 37, Brevard County, Florida, containing 20.008 acres, more or less. (Located south of and adjacent to Malabar Road SE, in the vicinity east of Cassia Avenue SE)

2. **♣V-22-2020 – LUIS E. AND TAMMY M. SANCHEZ**

A variance to allow an existing screen room enclosure to encroach 4.17 feet into the 25-foot rear building setback as established by Section 185.034(F)(7)(d) of the Palm Bay Code of Ordinances.

Lots 38 and 39, Block 509, Port Malabar Unit 12, Section 7, Township 29, Range 37, Brevard County, Florida, containing .46 acres, more or less. (Located west of and adjacent to Barbados Avenue SE, in the vicinity south of Crosspoint Street SE and north of District Street SE, specifically at 1094 Barbados Street SE)

3. **CP-7-2020 – M. DAVID MOALLEM
(LEHEM D. AND BRANDI L. BERRIOS, REPS.)**

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

Tract C, Port Malabar Unit 14, Section 35, Township 28, Range 36, Brevard County, Florida, containing 1.55 acres, more or less. (Located south of and adjacent to Alegriano Road NW, in the vicinity south of Americana Boulevard NW)

4. **CP-8-2020 – JARED K. AND MEGAN L. COOPER**

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

Tract D, Port Malabar Unit 8, Section 32, Township 28, Range 37, Brevard County, Florida, containing 1.59 acres, more or less. (Located east and south of Firestone Street NE, and west of the Houston Texas Gas and Oil Corporation Right-of-Way Easement)

5. T-21-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to establish language that will permit tiny homes on wheels and modification to the small planned unit developments.

OTHER BUSINESS:

1. PETITION TO ESTABLISH A TEMPORARY MORATORIUM FOR CONDITIONAL USES PROPOSED WITHIN THE NC, NEIGHBORHOOD COMMERCIAL DISTRICT

A request to establish a moratorium in the NC, Neighborhood Commercial District on all proposed Conditional Use applications, reference Section 185.042(D), by suspending the acceptance, processing, and consideration of Conditional Use applications within the zoning district for a period of six (6) months. The temporary moratorium will allow for the review of current uses and requirements and for the consideration of new regulations which will enhance the intent of the district.

ADJOURNMENT:

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, notice is hereby given that this meeting will be conducted via communications media technology (teleconference/video conference).

Public comments may be submitted via email at pandzcomments@palmbayflorida.org. Members of the public may also call (321) 726-2798 to provide comments via a dedicated Palm Bay Planning and Zoning Board public comment voicemail. All comments submitted will be included as part of the public record for this virtual meeting and will be considered by the board prior to any action taken. Comments must be received at least twenty-four (24) hours prior to the meeting and shall have a time limit of three (3) minutes.

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 2020-09

Held on Wednesday, August 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. Donald Boerema led the Pledge of Allegiance to the Flag.

ROLL CALL:

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

Mr. Felix and Ms. Maragh had excused absences.

Mr. Weinberg welcomed Mr. David Karaffa to the board, newly appointed School Board liaison.

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

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-08; July 1, 2020. Mr. Weinberg indicated that under Case CP-4-2020, page 9, third paragraph, owner merits should be own merits. Motion by Ms. Jordan, seconded by Mr. Hill to approve the minutes as amended. 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.

OLD BUSINESS:

1. **♣FD-10-2020 – CHAPARRAL SUBDIVISION PHASE II (JAKE WISE, P.E., REP.)
(REQUEST TO CONTINUE)**

Mr. Weinberg announced that the applicant for Case FD-10-2020 had requested a continuance (third) to the September 2, 2020 Planning and Zoning Board meeting. Board action was required to continue the request.

Motion by Mr. Warner, seconded by Mr. Hill to continue Case FD-10-2020 to the September 2, 2020 Planning and Zoning Board meeting. The motion carried with members voting unanimously.

NEW BUSINESS:

1. **♣V-17-2020 – TROY HOLDINGS, LLC (MICHAEL W. HOFFMAN, P.E., REP.)**

Mr. Balter presented the staff report for Case V-17-2020. The applicant had requested a variance to allow a proposed structure to encroach 13 feet 4 inches into the 30-foot rear building setback and 24 feet into the 30-foot rear parking setback, and to allow a 21-foot reduction in the minimum distance requirement between Malabar Road SE and the driveway proposed at Deauville Street SE. 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. Michael Hoffman of Advanced Engineering Consultants, LLC (representative for the applicant) stated that a MedFast Urgent Care facility was planned for the subject site. His client wanted Malabar Road for frontage with driveway access off of Deauville Street. The 113-foot deep lot could not theoretically meet the 120-foot separation requirement between the driveway and Malabar Road. The variance would permit a 99-foot separation. The 21-foot reduction should not cause a hardship or an endangerment to traffic flow as there were similar situations with driveways significantly closer than 99 feet from Malabar Road. He did not believe the rear encroachments would cause a major impact since the side yard and parking setbacks at the south property border would have been 10 feet if the building frontage was on Deauville Street. He pointed out that the existing RC, Restricted Commercial District had a minimum lot size requirement of 1,500 square feet, but the subject property was only 1,400 square feet in size.

Mr. Boerema asked about the parking lot location. Mr. Hoffman clarified that the parking area would be to the east of the proposed building.

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

Motion by Ms. Jordan, seconded by Mr. Hill to submit Case V-17-2020 to City Council for approval of a variance to allow a proposed structure to encroach 13 feet 4 inches into the 30-foot rear building setback and 24 feet into the 30-foot rear parking setback, and to allow a 21-foot reduction in the minimum distance requirement between Malabar Road SE and the driveway proposed at Deauville Street SE.

Mr. Warner inquired whether the applicant owned the property to the south. Mr. Hoffman stated that the property to the south was not owned by the applicant.

Mr. Weinberg stated that he had no problem supporting the request since the lot was substandard in size and Deauville Street was not a heavily trafficked road.

A vote was called on the motion by Ms. Jordan, seconded by Mr. Hill to submit Case V-17-2020 to City Council for approval of a variance to allow a proposed structure to encroach 13 feet 4 inches into the 30-foot rear building setback and 24 feet into the 30-foot rear parking setback, and to allow a 21-foot reduction in the minimum distance requirement between Malabar Road SE and the driveway proposed at Deauville Street SE. The motion carried with members voting unanimously.

2. ♣V-18-2020 – PHIL AND PATRICIA HATCHER

Mr. Balter presented the staff report for Case V-18-2020. The applicant had requested a variance to allow a proposed pool and screen enclosure to encroach 18.5 feet into the 25-foot mean high water line setback from the Indian River and 1.5 feet into the 6-foot side accessory structure setback, and to allow an existing air conditioning unit to encroach 3 feet into the 25-foot mean high water line setback from the Indian River. 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. Philip Hatcher (applicant) stated that he wanted to build a swimming pool with a screen room enclosure on the subject site, which was not facilitated by the setbacks and small size of the property. He commented that the home was rebuilt as a single-story residence after being destroyed by Hurricane Irma, and he was also asking to cover the air conditioning unit location consistent with its inspection two years ago during Certificate of Occupancy.

Mr. Warner asked how long the applicant had resided at the property. Mr. Hatcher stated that he had lived at the site for approximately seven years but was displaced for a year and a half during its reconstruction following the hurricane.

Ms. Jordan questioned whether the Indian River could be impacted by flooding because of the variance. Mr. Balter explained that the 25-foot mean high water line setback was a City setback, and that the pool would have to be built above the floodplain to obtain a floodplain permit and certificate.

The floor was opened and closed for public comments; there were no comments from the audience, and a virtual comment was received from Mr. Thomas Spikes

(resident at Worth Court SE) in support of the request. There was no correspondence in the file.

Motion by Mr. Boerema, seconded by Mr. Warner to submit Case V-18-2020 to City Council for approval of a variance to allow a proposed pool and screen enclosure to encroach 18.5 feet into the 25-foot mean high water line setback from the Indian River and 1.5 feet into the 6-foot side accessory structure setback, and to allow an existing air conditioning unit to encroach 3 feet into the 25-foot mean high water line setback from the Indian River. The motion carried with members voting unanimously.

3. **♣FD-19-2020 – EMERALD LAKES WEST PHASE II – EMERALD INVESTMENT HOLDINGS, LLC (JAKE WISE, P.E., REP.)**

Mr. Murphy presented the staff report for Case FD-19-2020. The applicant had requested approval of a Final Development Plan for a RAC, Regional Activity Center to allow a proposed mixed-use development called Emerald Lakes West Phase II. Staff recommended Case FD-19-2020 for approval, subject to the items contained in the staff report.

Mr. Murphy noted that the traffic study that the applicant would provide would be tailored for access management. Staff would also work with the applicant to re-address maximum residential building heights.

Mr. Jake Wise, P.E. of Construction Engineering Group, Inc. (civil engineer for the project and representative for the applicant) stated that the project had begun 15 years ago, and that the subject proposal was for the western portion of the site. He stated that a 50-foot right-of-way buffer had been donated to Brevard County for maintenance along the Sotille Canal. The County had agreed to allow the buffer to be used as a wildlife corridor and passive recreation for residents. An exhibit of the right-of-way would be provided to staff prior to the City Council hearing.

Ms. Brenda Yates of Yates & Company, LLC (project manager) clarified that all streets and facilities within the development would be maintained by the development's Community Development District (CDD) and Homeowners Association (HOA). She said that additional information would be provided on the

proposed building heights. The intent was to compact the development for preservation utilizing building heights with the added benefit of residential scenic views of the lakes, wetlands, and wildlife corridors.

Mr. Warner complimented the development and asked if there were any hurricane or storm concerns regarding the third-floor overlooks. Ms. Yates indicated that there were no height concerns as the buildings would be designed to Florida building standards. The development offered the opportunity to enjoy nature and preservation areas.

Mr. Warner inquired whether the future phases of the development were projected to have private roads. Ms. Yates confirmed that all the roads would be private. She gave an overview of the project's layout that included a downtown village center with Crystal Lagoon in the entertainment district; residential neighborhoods; an education district from elementary through senior high school; and nature trails, wildlife corridors, and preserves. The project would be interconnected and maintained by the CDD.

Mr. Hill asked about the expected timeframe for development. Ms. Yates stated that development should commence by the end of the year. The focus was on the Crystal Lagoon which would become an entertainment draw for the entire County.

Mr. Karaffa inquired whether a certain number of residential units had to be sold or occupied before the proposed schools could be built. Ms. Yates stated that the schools would be private or charter schools and not Brevard County public schools.

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

Motion by Mr. Hill, seconded by Ms. Jordan to submit Case FD-19-2020 to City Council for approval of a Final Development Plan for a RAC, Regional Activity Center to allow a proposed mixed-use development called Emerald Lakes West Phase II, subject to the items contained in the staff report.

Mr. Weinberg stated that the project would be great for Palm Bay and remarked on how all the infrastructure would be built and maintained by the CDD and not the City.

A vote was called on the motion by Mr. Hill, seconded by Ms. Jordan to submit Case FD-19-2020 to City Council for approval of a Final Development Plan for a RAC, Regional Activity Center to allow a proposed mixed-use development called Emerald Lakes West Phase II, subject to the items contained in the staff report. The motion carried with members voting unanimously.

4. **T-20-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)**

Mr. Bradley presented the staff report for Case T-20-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.005 Adopted, to exempt accessory structures to a single-family residence that meet certain criteria from the requirement of obtaining a building permit. Staff recommended that if Case T-20-2020 was approved, a zoning review would remain part of the requirement.

Mr. Bradley noted that the final reading of the code amendment could not occur until after the Florida Building Commission had reviewed and approved the change as an Administrative Amendment to Chapter 1 of the Florida Building Code.

Ms. Jordan questioned whether other cities were eliminating similar building permits. Mr. Bradley stated that the City of Orlando and Walton County had been approved by the Florida Building Commission to eliminate permitting for certain structures with variations in sizes.

Mr. Warner asked if the amendment would address color schematics for the accessory units. Mr. Bradley stated that the amendment did not address aesthetics or design features.

Mr. Boerema commented that a 20-foot by 20-foot building was an excessively large structure that should at least require electricity. He suggested consideration of smaller sized structures. Mr. Bradley confirmed that there were municipalities that allowed structures at 120 square feet without permits. He stated that per the City Building Official, any electrical or plumbing would require a permit regardless of size.

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

Mr. Weinberg stated that it would be dangerous to allow accessory structures to be built without any quality controls for structures or installations, and it could pose a danger to neighboring properties during storms.

Motion by Mr. Hill, seconded by Mr. Boerema to submit Case T-20-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.005 Adopted, to exempt accessory structures to a single-family residence that meet certain criteria from the requirement of obtaining a building permit. The motion failed with members voting as follows:

Mr. Weinberg	Nay
Ms. Jordan	Nay
Mr. Boerema	Nay
Mr. Hill	Aye
Mr. Warner	Nay

OTHER BUSINESS:

1. **PETITION TO ESTABLISH A TEMPORARY MORATORIUM FOR CONDITIONAL USES PROPOSED WITHIN THE NC, NEIGHBORHOOD COMMERCIAL DISTRICT**

Mr. Bradley announced that staff was requesting a continuance for the temporary moratorium to permit further review. Board action was required to continue the request to the September 2, 2020 Planning and Zoning Board meeting.

Motion by Ms. Jordan, seconded by Mr. Warner to continue the Petition to Establish a Temporary Moratorium for Conditional Uses Proposed within the NC, Neighborhood Commercial District to the September 2, 2020 Planning and Zoning Board meeting at 7:00 p.m. The motion carried with members voting unanimously.

2. **AMENDMENT TO THE PLANNING AND ZONING BOARD BY-LAWS**

Mr. Bradley presented the proposed amendment to the Planning and Zoning Board By-Laws, Title VI Meetings, to establish guidelines for audiovisual presentations by the public. Staff had prepared the guidelines based on current City Council audiovisual procedures. Board action was required to adopt the amendment to the by-laws.

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

Motion by Mr. Warner, seconded by Ms. Jordan to submit a recommendation to City Council to adopt the proposed amendment to the Planning and Zoning Board By-Laws, Title VI Meetings. The motion carried with members voting unanimously.

The by-laws will be considered by City Council on August 20, 2020.

3. Mr. Murphy introduced Mr. Grayson Taylor to the board as the newest planner in the Land Development Division.

ADJOURNMENT:

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

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

♣Quasi-Judicial Proceeding.



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

FD-10-2020

PLANNING & ZONING BOARD HEARING DATE

September 2, 2020

PROPERTY OWNER & APPLICANT

Chaparral Properties, LLC.
Represented by Jake Wise, P.E. of CEG
Engineering Group, LLC.

PROPERTY LOCATION/ADDRESS

The project will be located south of and adjacent to
Malabar Road SW, and west of and adjacent to the
Brentwood Lakes PUD

SUMMARY OF REQUEST

Final Planned Unit Development approval for a 27-lot single-family residential subdivision to be known as Chaparral Phase 2.

Existing Zoning

PUD, Planned Unit Development

Existing Land Use

Undeveloped Land

Site Improvements

None; Cleared Land

Site Acreage

13.24 acres, more or less

SURROUNDING ZONING & USE OF LAND

North

PUD, Planned Unit Development (Chaparral Phase 1)

East

PUD, Planned Unit Development; Brentwood Lakes PUD

South

RR-1, Rural Residential (Brevard County); Undeveloped Land

West

PUD, Planned Unit Development (Chaparral Phase 1)

COMPREHENSIVE PLAN COMPATIBILITY

Yes: The Future Land Use designation of the subject property is Single-Family Residential Use (SFR). This request is for the development of single-family homes.

BACKGROUND:

The project will be located south of and adjacent to Malabar Road SE, and west of and adjacent to the Brentwood Lakes PUD. Specifically, the property is a portion of Tax Parcel 1, Section 4, Township 29, Range 36, Brevard County, Florida. This phase of development includes approximately 13.24 acres of land.

Back in 2005 the subject property was part of a larger project (250 acres) that was granted Preliminary PUD approval, with conditions, to consist of 730 residential units (PUD-13-2005). The applicant also requested an amendment of the Comprehensive Plan Future Land Use Map to assign the designation of Single-Family Residential Use. The land use request was approved via Ordinance No. 2006-93. The future land use approval has no expiration date.

The Chaparral project was then modified in 2007 to increase the overall residential count to 850 units (PUD-5-2007). The developer had one (1) year by which to receive Final PUD approval. A series of House Bill, Senate Bill, and City Council extensions were granted over the years, but ultimately, the Preliminary PUD status expired on June 5, 2017.

On October 3, 2017 City Council approved the Final PUD for Chaparral Phase One (Ordinance 2017-63) at RCM 2017-27. The approval applied PUD zoning to the north 28.75 acres of the overall property. In the SE portion of this phase of development was a future development tract (Tract A). The current request, Phase 2, is the development of that tract into 27 single-family home sites and a stormwater management tract.

Thus, the current zoning of the property is PUD, Planned Unit Development. The applicant for Final PUD for Chaparral Phase 2 is Chaparral Properties, LLC. They are represented by their Civil Engineer, Mr. Jake Wise P.E. of CEG Engineering Group, LLC.

ANALYSIS:

Chaparral PUD will eventually contain multiple "PODs" or phases of development, within an overall PUD. Vehicular access to the subdivision(s) will be from Malabar Road only, with the new entrance to align with Wisteria Avenue NW. Phase 1 has been designed to stand on its own and is currently under construction. Right-of-way dedication for the widening of Malabar Road was accounted for in the Phase 1 design.

Phase 2 will be an extension of phase one by continuing Diablo Circle SW and connecting it to Abilene Drive SW, which is the main road that will run north-south thru the overall project. The 27 lots will be constructed on either side of this southern extension of Diablo Circle SW. Sanitary sewer is gravity-fed to an existing lift station in Phase 1 (Tract LS-1), which was designed to provide service for the Phase 2 lots. Public water will be provided to each lot and looped back into the Phase 1 water lines within Abilene Drive SW.

Interconnected wet detention ponds will serve as stormwater treatment for both phase 1 and 2, with an overflow structure that discharges to Melbourne-Tillman Canal No. 9. The stormwater treatment system design for this phase is consistent with the previously permitted (by the City and St. Johns) and partially constructed master system for the overall project.

The internal road network will be designed to meet city standards but will be maintained by the Homeowner's Association (HOA). Construction drawings for this project are currently under administrative review. The Chaparral of Palm Bay Community Development District (CDD) was approved by City Council on February 7, 2019 (Ordinance 2019-08). 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.

CONDITIONS:

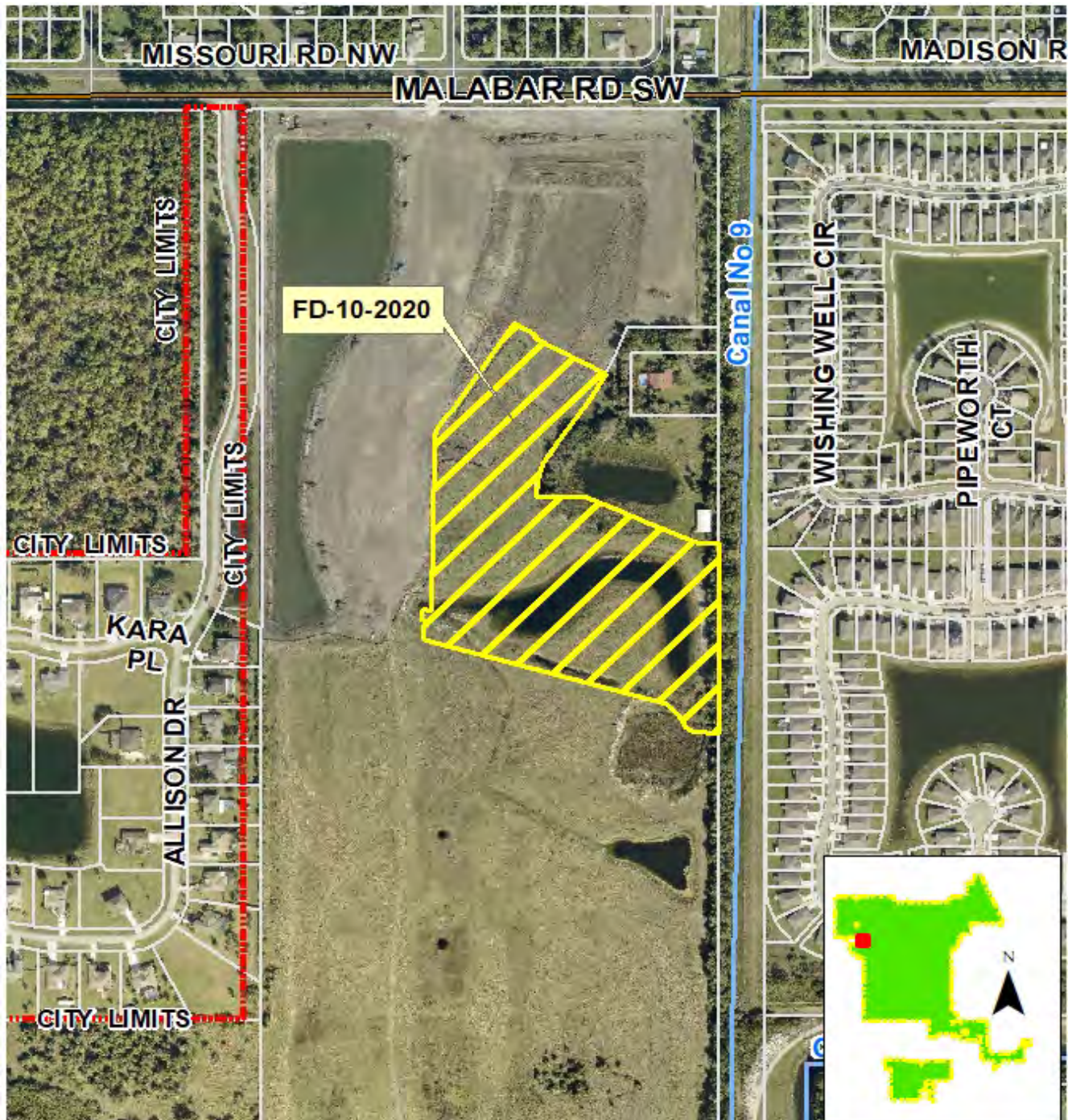
In order to receive Final Planned Unit Development approval, the proposal must meet the requirements of Section 185.067 of the City of Palm Bay's Code of Ordinances. Upon review, it appears that the request is in conformance with the applicable requirements of this section, subject to the following items being addressed prior to approval of the construction plans and recordation of the plat:

- A. The boundary and title opinion shall be approved by the City Surveyor.
- B. Deed restrictions governing development standards shall be submitted for city staff review.
- C. All applicable outside agency permits must be obtained (St. Johns, Melbourne-Tillman, Florida Department of Environmental Protection, Brevard County, etc.).
- D. A Concurrency Determination shall be obtained from the School Board of Brevard County.

STAFF RECOMMENDATION:

Case FD-10-2020 is recommended for approval, subject to the staff comments contained in this report.

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

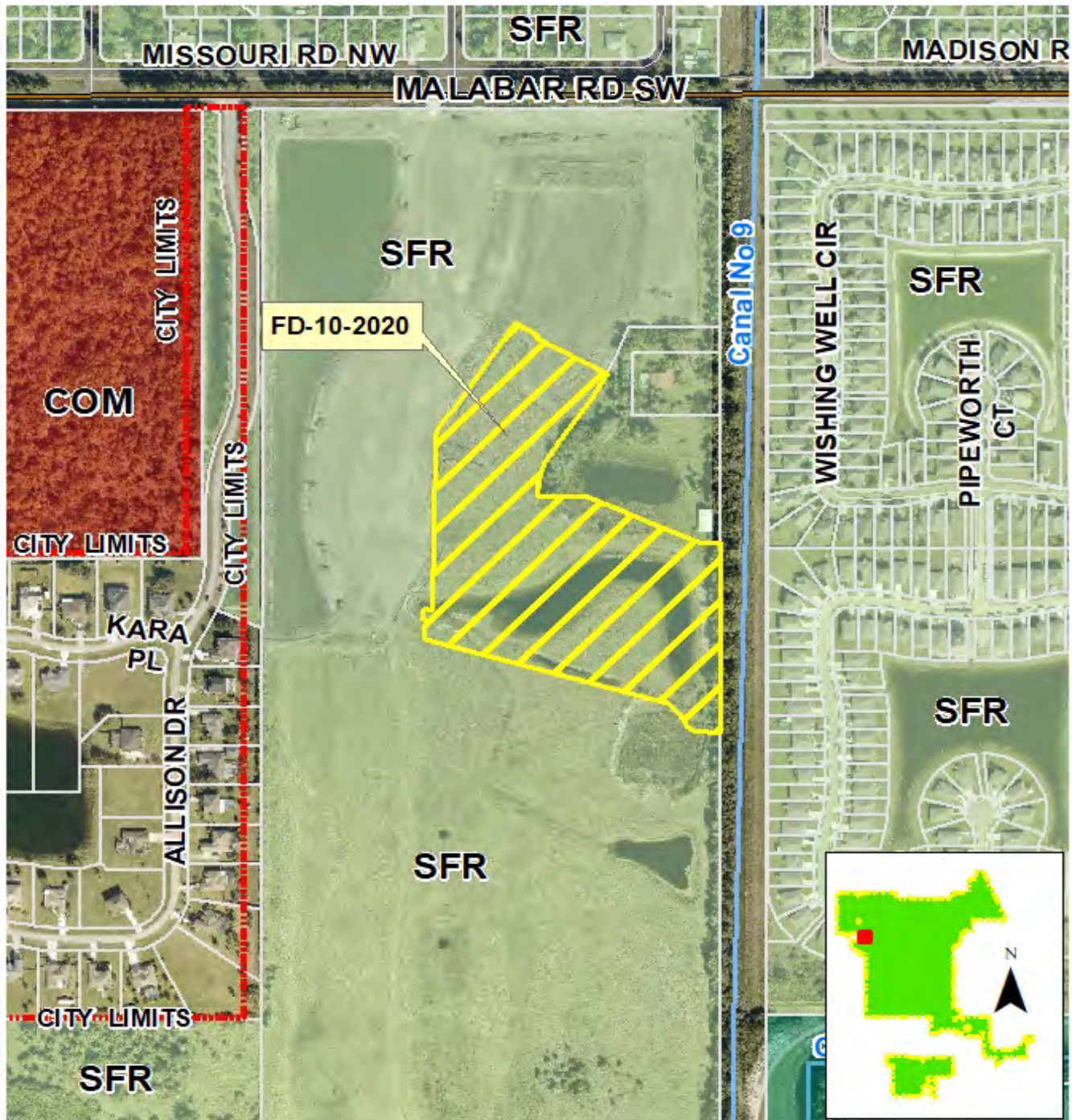


AERIAL LOCATION MAP CASE FD-10-2020

Subject Property

South of Malabar Road SW and west of Brentwood Lakes Subdivision

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



FUTURE LAND USE MAP CASE FD-10-2020

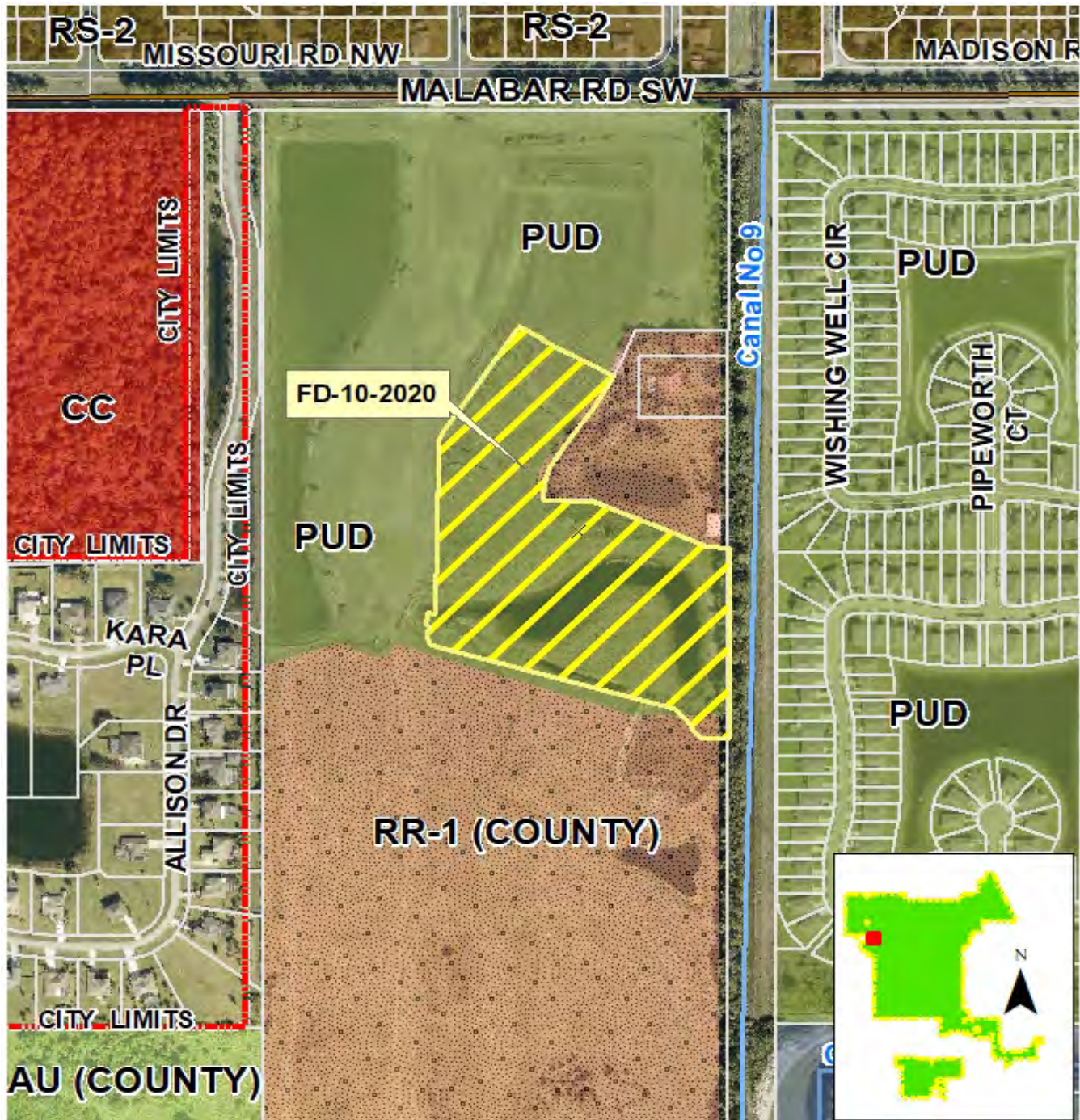
Subject Property

South of Malabar Road SW and west of Brentwood Lakes Subdivision

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 FD-10-2020

Subject Property

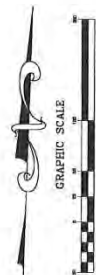
South of Malabar Road SW and west of Brentwood Lakes Subdivision

Current Zoning Classification

PUD – Planned Unit Development

CHAPARRAL P.U.D. PHASE TWO

A PORTION BEING A REPLAY OF CHAPARRAL F.O.D. PHASE ONE, PLAT BOOK _____, PAGE _____, LYSING IN SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA



LINE TABLE		
LINE	BEARING	LENGTH
1.1	S89°59'28"W	20.00'
1.2	S18°35'16"W	5.50'
1.3	S00°02'34"E	16.28'
1.4	N00°02'34"W	50.00'
1.5	N00°02'31"W	23.81'
1.6	N00°50'28"W	56.65'

LEGEND

MAJ	100	ALCOA, ALUM	PRM
(A)	100	NORTH ALCOA DUMP	
(A)	100	SEALING BASIN	
(A)	100	SEALING BASIN	
(A)	100	CURVE RADIUS	
(A)	100	CURVE LENGTH	
(A)	100	CURVE DISTANCE	
(A)	100	NON-RACIAL	
(A)	100	LICENSED BUSINESS	
(A)	100	4"X6" CONCRETE MONUMENT	PRM
(A)	100	5"X7" SIGN RAIL NOT SET	
(A)	100	STAMPED "POWDER" P.M. PLS 53837	
(A)	100	STAMPED "POWDER" P.M. PLS 53837	
(A)	100	STAMPED "POWDER" P.M. PLS 53837	
(A)	100	MAIL AND DSK P.M. SET	
(A)	100	MAIL AND DSK P.M. FOUND	
(A)	100	STAMPED "POWDER" P.M. PLS 53837	
(A)	100	STAMPED "POWDER" P.M. PLS 53837	
(A)	100	STAMPED "POWDER" P.M. PLS 53837	
(A)	100	MAIL AND DSK FOLDED STAMPED	
(A)	100	PROHIBIT REFILLING MONUMENT	
(A)	100	PERMANENT CONTROL POINT	
(A)	100	PROFESSIONAL SURVEYOR AND MAPPER	

CURVE	CURVE TABLE				CHORD BEARING
	RADIUS	LENGTH	DELTA	CHORD	
C1	105.00'	80.33'	43.56°	78.39'	307.91°46'
C2	210.00'	53.78'	14.90°21'	51.63'	323.35°30'
C3	260.00'	151.13'	33.76°14'	149.01'	316.36°17'
C4	25.00'	39.77'	90.00°00'	55.36'	344.53°26'
C5	25.00'	39.77'	90.00°00'	55.36'	345.02°56'
C6	458.00'	278.19'	33.54°43'	274.63'	317.79°43'
C7	458.00'	102.86'	71.61°	110.55'	340.95°33'
C8	860.50'	76.19'	19°45'	16.71'	362.71°46°32'
C9	120.00'	14.58'	72°53'	13.64°72'	341.71°45°32'
C10	120.00'	14.58'	72°53'	13.64°72'	341.71°45°32'

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

PROJECT #90478-2B
DATED 08-08-20
COMMENCEMENT



G-3

DATE: 7-04-20

SCALE: 1"=80'

PROJECT NO: 180257

DESIGNED BY: JLN

CHECKED BY: SMB

APPROVED BY: JTW

PROJECT NAME: CHAPARRAL SUBDIVISION - PHASE II

PROJECT LOCATION: MAPARRAL ROAD AND ASHLENE DRIVE, PALM BAY, FLORIDA

DRAWING TITLE: CHAPARRAL SUBDIVISION - PHASE II

OWNER: CHAPARRAL PROPERTIES, LLC

CONSULTING ENGINEER: CHAPARRAL PROPERTIES, LLC

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CONSULTING ENGINEER: CHAPARRAL PROPERTIES, LLC

OVERALL SUBDIVISION PLAN
1"=80'



C-2A



KEY MAP
N.T.S.

C-2A
C-2B

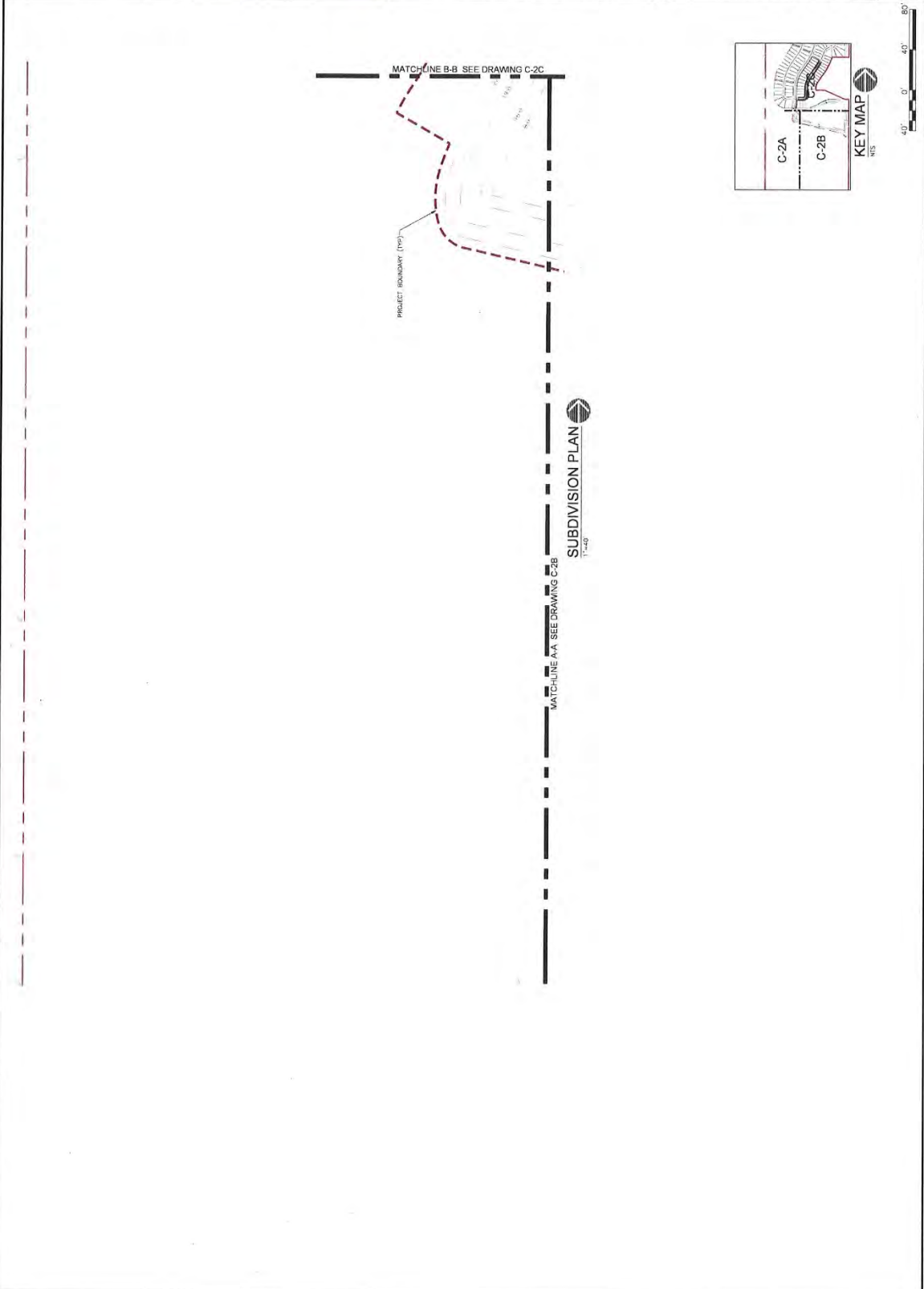
DATE	7-24-20
SCALE	1"=40'
PROJECT NO.	190287
SECTION	PLAN
DRAWN BY	DAB
CHECKED BY	JTN

CHAPARRAL SUBDIVISION - PHASE II
DRAWING TITLE
CHAPARRAL PROPERTIES, LLC
MALABAR ROAD AND ABILENE DRIVE, PALM BAY, FLORIDA

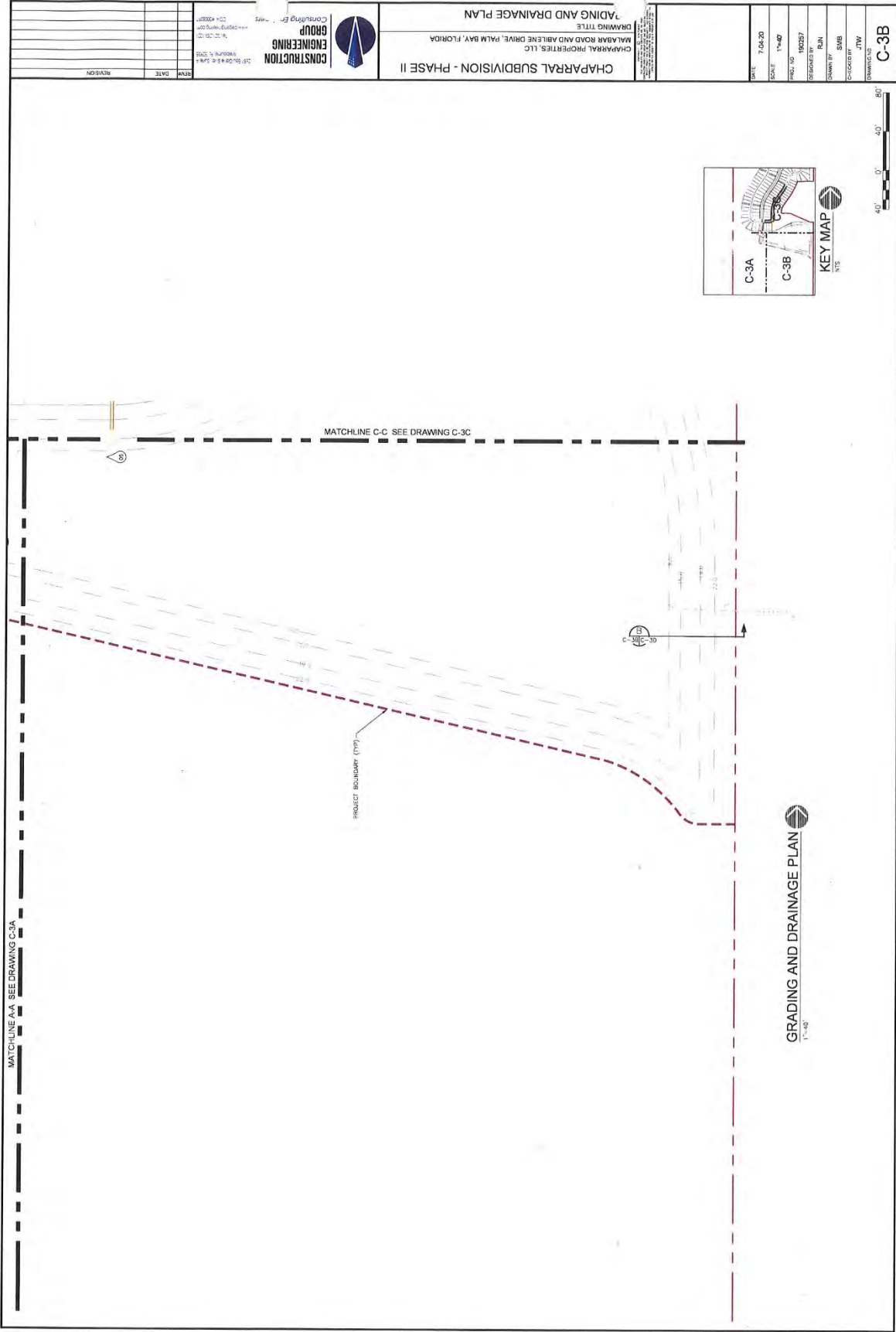


CONSTRUCTION GROUP ENGINEERING
Consulting Engineers
200 W. WINDY
P.O. BOX 20
PALM BAY, FL 32909

REVISION	DATE	BY



DATE	7-04-20
SCALE	1"=40'
PLOT NO	190257
DESIGNED BY	RLN
DRAWN BY	SMB
CHECKED BY	JTW
DRAWING NO	C-3A





SECTION

NTS

C = 3C | C = 3C

C




CHAPARRAL SUBDIVISION - PHASE II

CHAPARRAL PROPERTIES, LLC

ALABAMA ROAD AND ARLINE DRIVE, PALM BAY, FLORIDA

DRAWING TITLE

AN AND PROFILE STA: 75+00 THRU 82+08.23



CHAPARRAL PROPERTIES, LLC

ALABAMA ROAD AND ARLINE DRIVE, PALM BAY, FLORIDA

CONSTRUCTION ENGINEERING GROUP

Consulting Engineers

2010 S. 20th Ave., Suite 100

West Palm Beach, FL 33411

Phone: (561) 861-1111

Fax: (561) 861-1112

Website: www.cengroup.com

DATE: 7/24/20

SCALE: H: 1"=40' V: 1"=4'

PROJECT NO: 1900297

DESIGNED BY: RJN

CHECKED BY: BMB

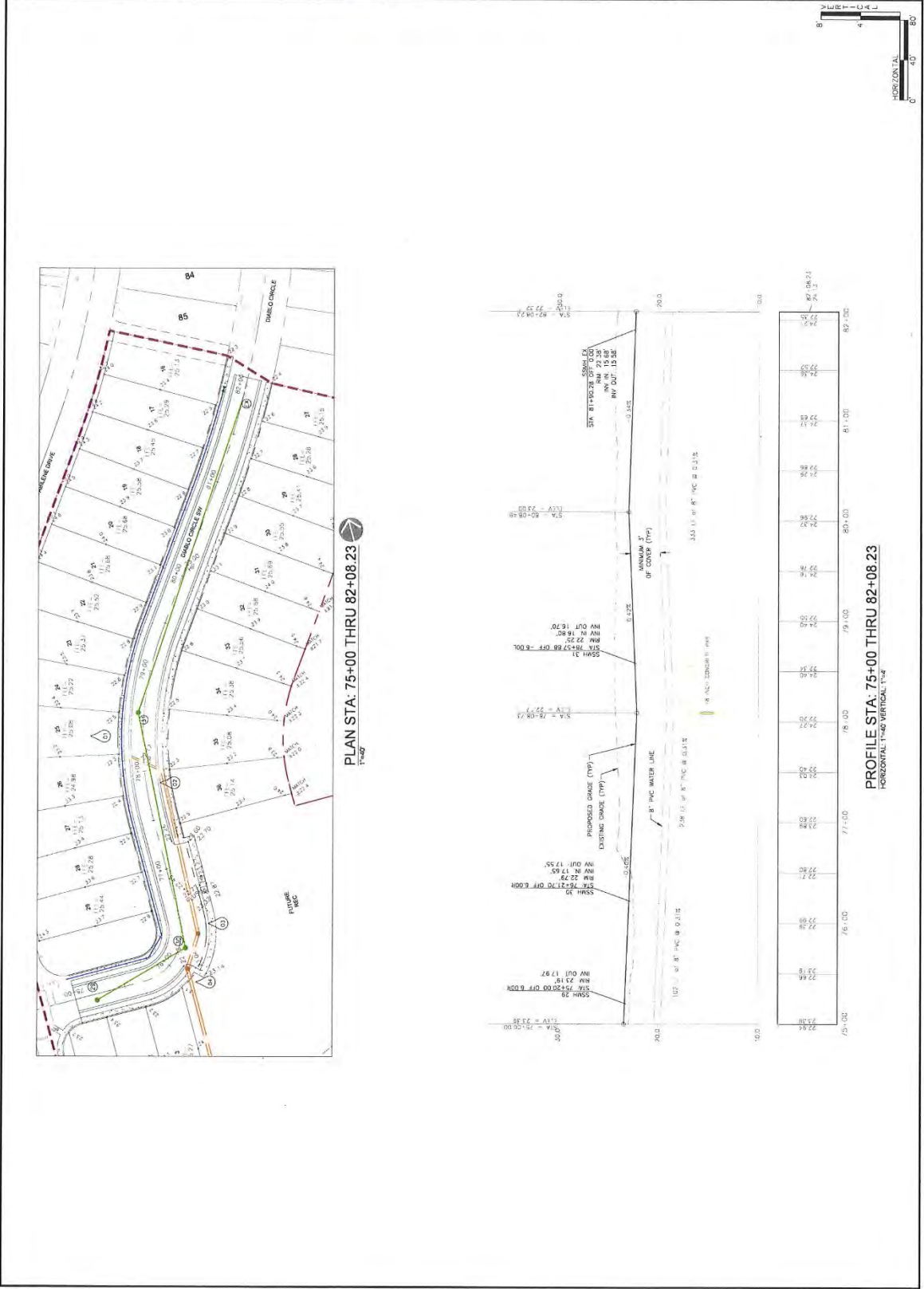
DATE: 7/24/20

C-5

CHAPARRAL SUBDIVISION - PHASE II

REVISION

NO.	DATE	REVISION
1		



CHAPARRAL SUBDIVISION - PHASE II

CHAPARRAL PROPERTIES, LLC

14000 ROAD AND ADELLE DRIVE, PALM BEACH, FLORIDA

GROUP ENGINEERING CONSULTING

3010 UNIVERSITY BLVD

WEST PALM BEACH, FL 33411

TEL: 561-833-0007

DRAWING TITLE

CHAPARRAL SUBDIVISION - PHASE II

DATE 7-04-20

SCALE NTS

PROJECT NO 192257

DESIGNED BY JRM

CHECKED BY JRM

DATE 7-04-20

REVISION

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		



Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopmentweb@palmabayflorida.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 Development
(Section 185.067)

☐ **PMU**

Parkway Mixed Use District
(Final Design Plan)
(Section 185.057(C))

☐ **PCRD**

Planned Community
Redevelopment District
(Section 185.055(L))

☐ **RAC**

Regional Activity Center District
(Section 185.056(C))

PROPOSED DEVELOPMENT NAME Chaparral Subdivision- Phase II

PARCEL ID 29-36-04-00-1

TAX ACCOUNT NO. 2903859

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

See attached

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): +/- 13.24

TOTAL LOTS PROPOSED (list by use): 27 Single Family Residential

DEVELOPER Chaparral Properties, LLC

Full Address 2502 N Rocky Point Drive; Suite 1050; Tampa, FL 33607

Telephone 813-288-8178 Email Marc@metrodevelopmentgroup.com

ENGINEER Jake Wise, PE- Construction Engineering Group, LLC

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

Telephone 321- 610-1760 Email jwise@cegengineering.com

SURVEYOR AAL Land Surveying Services, Inc

Full Address 3970 Minton Road; West Melbourne, FL 32904

Telephone 321- 768-8110 Email aal@aalsurvey.com

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

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.

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

- ☒ *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."
- ☒ Final Development Plan (see above Final Development Plan Criteria for Submittal).
- ☒ 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.)
- ☒ 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.
- ☒ 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 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 3.13.20

Printed Name of Applicant Jake Wise, PE- Construction Engineering Group, LLC

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

Telephone 321-610-1760 Email jwise@cegengineering.com

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

November 20th, 2019

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Parcel ID 29-36-04-00-1

I, John Ryan- Chaparral Properties, LLC, hereby authorize to represent my
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

[Signature]
(Property Owner Signature)

STATE OF FL
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 20th day of
November, 2019 by John Ryan,

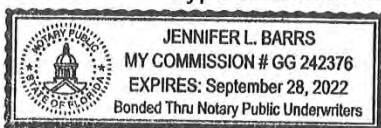
(SEAL)

[Signature], Notary Public

☒ Personally Known or

☐ Produced Identification

Type of Identification Produced: _____





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

FS-1-2020

PLANNING & ZONING BOARD HEARING DATE

September 2, 2020

PROPERTY OWNER & APPLICANT

Rook at Palm Bay, LLC (Jake Wise, Civil Engineer from CEG, Representing)

PROPERTY LOCATION/ADDRESS

Located south of and adjacent to Malabar Road; between Emerson Drive SE and the Palm Bay Wal-Mart

SUMMARY OF REQUEST

The applicant requests Final Subdivision approval for a proposed development consisting of four (4) commercial lots and one (1) multi-family residential lot.

Existing Zoning

CC, Community Commercial and RM-20, Multiple-Family Residential

Existing Land Use

Commercial Use and Multiple Family Residential Use

Site Improvements

Vacant, Undeveloped Land

Site Acreage

21 acres, more or less

DENSITY

20 UPA Allowed on the Residential Lot–16.88 UPA Proposed

COMPREHENSIVE PLAN

COMPATIBILITY

Yes

BACKGROUND:

The property is located south of and adjacent to Malabar Road; between Emerson Drive SE and the Palm Bay Wal-Mart. The site is vacant, undeveloped land. Specifically, the subject property is Tax Parcels 4-6 and Tax Parcel 9, all lying within Section 5, Township 29 south and Range 37 east. The north 6.08 acres of land is zoned CC, Community Commercial. The remaining 14.92 acres are zoned RM-20, Multiple Family Residential.

The CC-zoned portion of the project is bordered by Malabar Road to the north, CC and HC zoning to the east and west, and by the remainder of the project to the south. The RM-20 zoned property abuts CC zoned lands to the north; RR, Rural Residential zoned lands to the south and west, containing undeveloped land (south) and the American Legion Post 117 (west); and to the east lies the Wal-Mart and a drainage ditch.

The Applicant, Rook at Palm Bay, LLC, received Preliminary Subdivision approval from City Council, with specific design waivers, on July 16, 2020 (Case PS-2-2020) at RCM 2020-04. Also approved at RCM 2020-04 was a Variance request for building and parking setback encroachments (Case V-12-2020). The applicant is now requesting Final Subdivision approval to create a 5-lot subdivision on approximately 21 acres of land. Representing the applicant in this request is Jake Wise, Civil Engineer from Construction Engineering Group, LLC.

ANALYSIS:

In order to be granted Final Subdivision approval, the request must meet the basic design standards of Sections 184.16 through 184.25 of the Code of Ordinances. These design requirements are to be illustrated via construction plans and accompanied by a final subdivision plat. The above subsections include the design of Lots & Blocks; Roadway width, length, and arrangement; Stormwater Treatment; Potable Water and Sewerage Facilities; Sidewalks/Pedestrian Ways; Public Uses; Preservation of Natural or Historic Features; and the buffering of adjacent residentially zoned lands for Nonresidential Subdivisions.

Lots and Blocks: The minimum lot size required within the CC zoning district is 100' wide by 125' deep, and the minimum lot size for the RM-20 zoning district is 100' x 100'. All 4 of the commercial lots in this subdivision exceed the minimum requirements, and the lone residential lot (Lot 3) is approximately 256' wide by 423' deep. There are no blocks being proposed in this subdivision.

Road Design: The overall property, consisting of 21 acres, only has 400' of frontage on Malabar Road. In order to create the five (5) lots for conveyance, a new road must be established providing each lot with the minimum code-required frontage upon a legally created road right-of-way (ROW). The road itself must have a minimum 50' of ROW width, a maximum dead-end length of 1,000' and a minimum cul-de-sac ROW radius of 50'.

Valor Drive SE is proposed within the middle of the project's frontage on Malabar Road and will align with an existing median opening. Traffic signalization plans have recently been approved with signal mast arms and a painted crosswalk meeting ADA standards. Included in the design are dedicated WB left turn and EB right turn lanes. The newly created ROW (Valor Drive) extends approximately 720' from Malabar Road and terminates into a cul-de-sac for access to a future apartment complex. The road does not connect to any other roadways, existing or proposed. The minimum width of this new road ROW is only 32' and the cul-de-sac radius is only 40'. Thus, the applicant has provided a Summary Request for "Waivers" from these two (2) requirements, per Section 184.14.

This section allows the City Council to defer or waive, at the time of final approval, the provisions of any or all such design improvements, that in the Council's judgment are deemed not requisite in the interests of public health and safety, or inappropriate because of inadequacy or lack of connecting facilities (i.e. utilities). It should be noted that these specific "waivers" were included in the Preliminary Subdivision approval and are the same waivers as currently requested.

An engineered site plan (Site Plan #1370) is currently under administrative review. The plans propose development upon each of the five (5) lots. The reduced ROW width is the result of the overall width of the subject properties and the intended development of the commercial lots. A grocery store, retail establishment and two (2) restaurants are proposed. Siting of the buildings' required parking areas, drive aisles, and landscaping have necessitated the narrowing of the ROW width. Reduction of the cul-de-sac radius is to accommodate parking spaces for the clubhouse of the apartment complex that is located at the terminus of Valor Drive SE. It shall be noted that ample pavement has been designed to accommodate the maneuverability of delivery and service vehicles.

Stormwater Treatment: The project includes a master stormwater treatment system that is inter-connected with wet and dry treatment ponds. These ponds transfer stormwater runoff from the impervious development to a master wet pond located in the center of the apartment complex. This pond will be contained within a 2.91-acre easement dedicated for such use in Plat note #5. Deed restrictions submitted with the Final subdivision request identify the Crown Square Property Owner's Association Inc. for maintenance responsibility of the overall system.

Potable Water and Sewerage Facilities: The developer is required to extend service from the on-site facilities to the existing water and sewer connection points. Presently, the nearest connection point to the mainline water distribution system is a 16" water main on the north side of Malabar Road. The nearest connection point to the mainline wastewater collection system is a 16" forced sewer main, on the south side of Malabar Road. Sheet C-4A of the site plans currently under review propose a direct wet tap connection to the force main and connection to the water main via directional bore (under Malabar). Upon the subdivision plat is a sanitary sewer lift station easement (straddling lots 3 and 4).

Sidewalks/Pedestrian Ways: Handicap accessible sidewalks shall be provided throughout the development, providing access to all public buildings from their respective parking areas. A connection from the apartment complex shall be included to allow for pedestrian access to the commercial area. Additionally, the sidewalk system of this development must connect to the existing sidewalk running along the south side of Malabar Road.

Public Uses and Easements: This code sections provides the following; “Where deemed essential by the City Council upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments not anticipated in the Comprehensive Plan, the City Council may require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for parks and other public purposes”. This dedication of land is not applicable to this subdivision.

Preservation of Natural or Historic Features: Located in the far NW corner of Lot 3, which is the proposed multi-family residential lot, lies an existing wetland area of approximately 1.41 acres. This area is covered on the subdivision plat by a conservation easement that is to be dedicated to the St. Johns River Water Management District. Said dedication will follow the provisions of Florida Statute 705.06 (see Plat Note #4).

An environmental site assessment of the subject property was conducted by Atlantic Environmental of Florida, LLC. It was determined that the property contains gopher tortoises and St. Johns (SJRMD) jurisdictional wetlands. The current site plans have been designed to avoid and preserve the natural resource (wetlands). Additionally, Atlantic Environmental has obtained a Fish & Wildlife Commission gopher tortoise relocation permit.

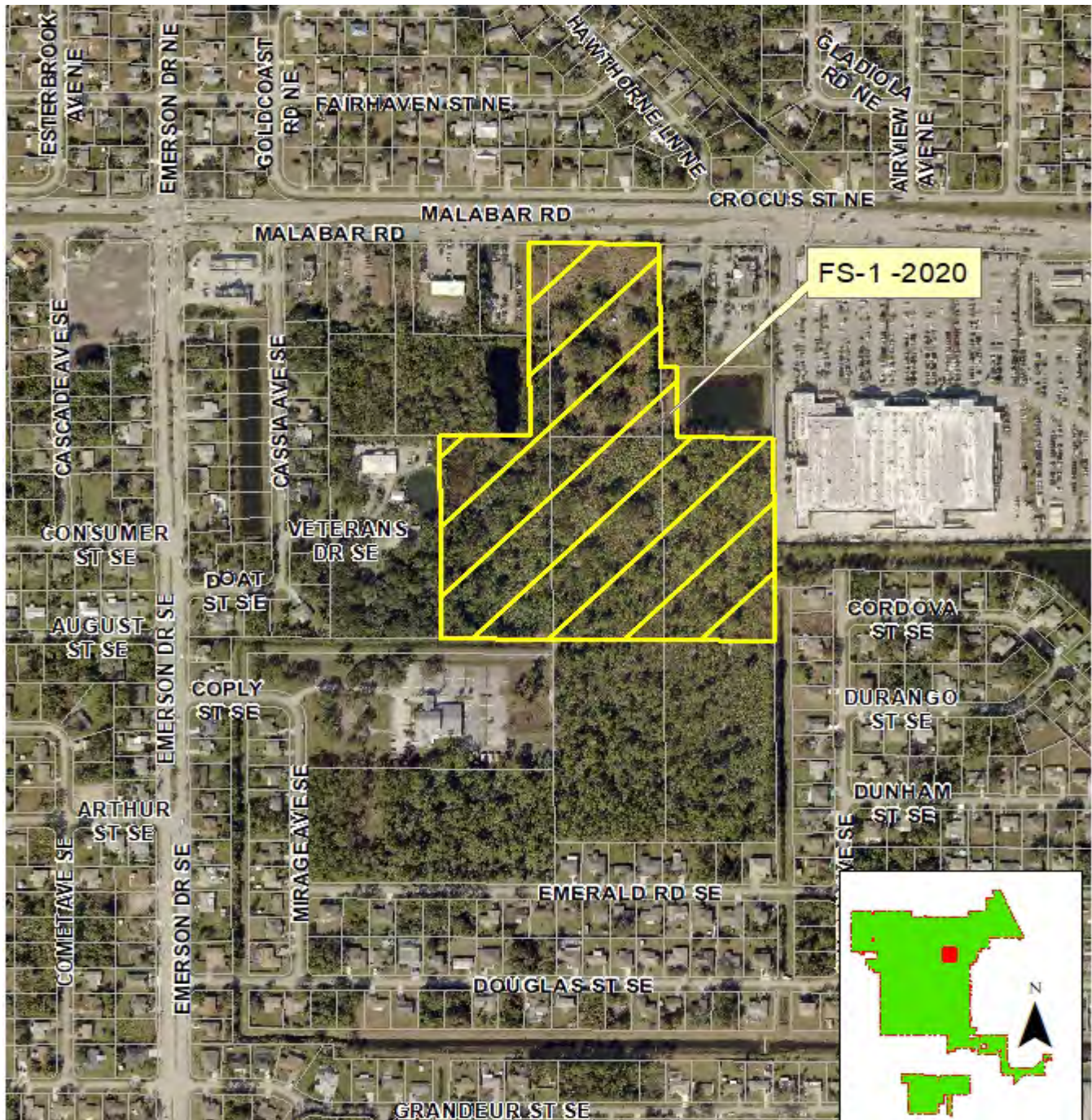
The Applicant submitted a School Facility Planning & Concurrency Application for this project to the School Board of Brevard County. A determination letter from the Facilities Services Department indicated that there is enough capacity (within Turner Elementary, Southwest Middle, and Palm Bay Magnet High Schools) for the total projected student membership to accommodate the multi-family residential development. 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.

STAFF RECOMMENDATION:

Upon review of the submitted materials, the Final Subdivision request is in substantial conformance with the Preliminary subdivision approval and with the applicable requirements of the Subdivision Code. Therefore, Staff recommends approval of Case FS-1-2020, subject to the following items being completed/approved during the administrative site plan review:

- A. Construction plan (site plans) shall meet all applicable codes;
- B. Full review of the Declaration of Covenants, Conditions, and Restrictions;
- C. Issuance of a School Concurrency Determination Letter; and
- D. The following Waivers:
 - 1. Reduction of the minimum ROW width from 50' to 32'
 - 2. Reduction of the minimum cul-de-sac radius from 50' to 40'

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



AERIAL LOCATION MAP

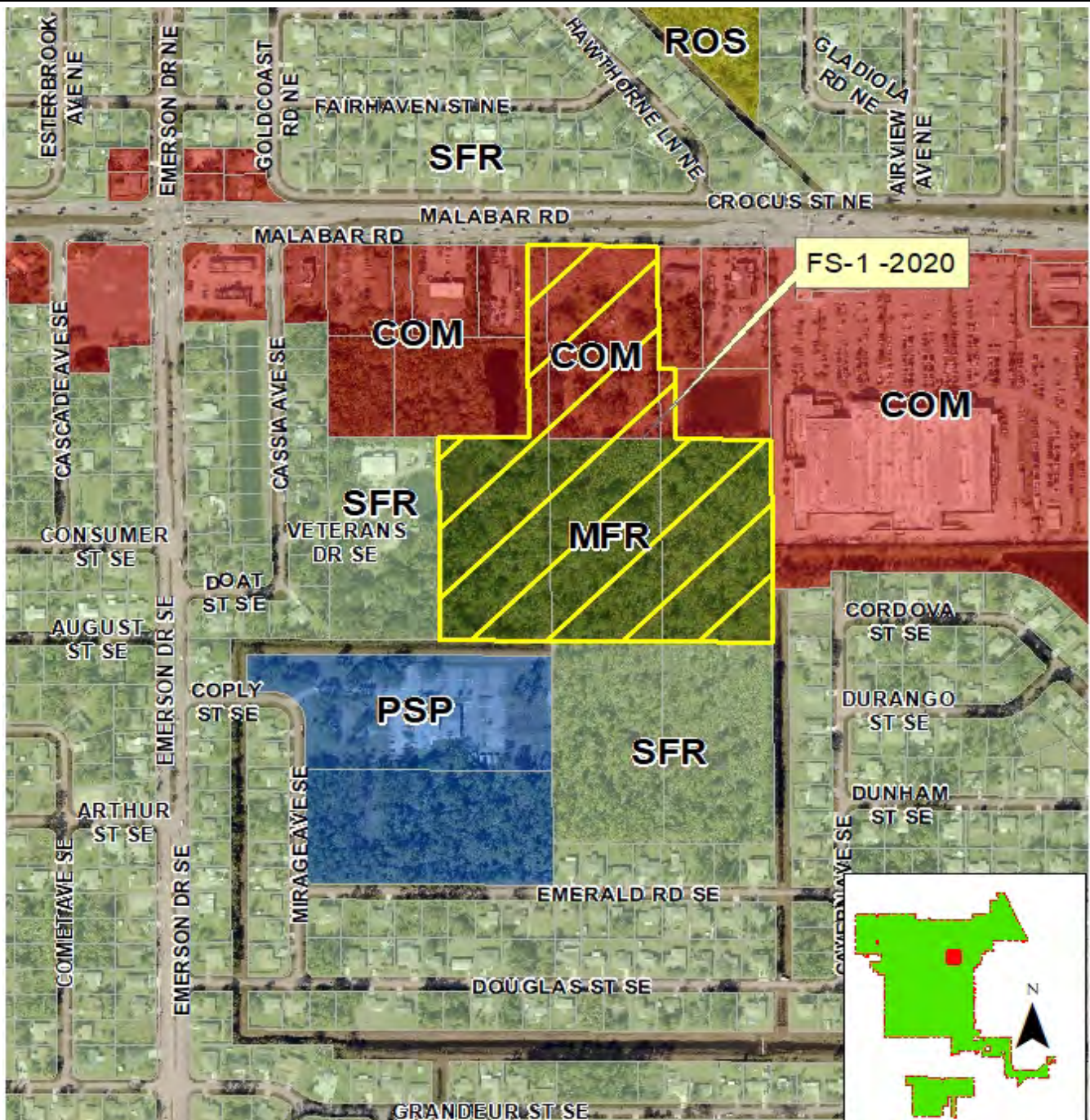
CASE FS-1-2020

Subject Property

South of and adjacent to Malabar Road SE, in the vicinity east of Cassia Avenue 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 FS-1-2020

Subject Property

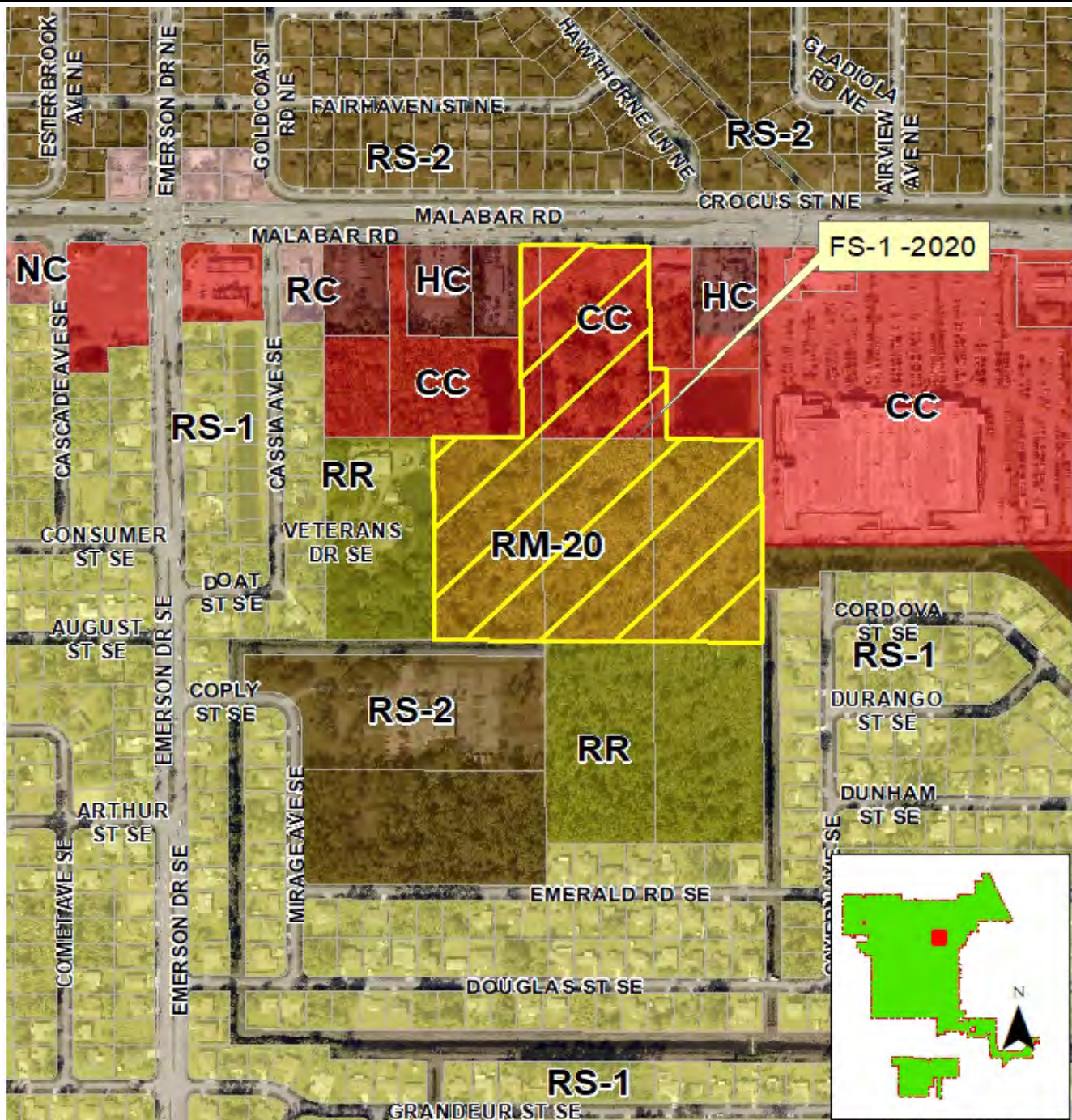
South of and adjacent to Malabar Road SE, in the vicinity east of Cassia Avenue SE

Future Land Use Classification

MFR – Multi Family Residential Use and COM – Commercial Use



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



ZONING MAP

CASE FS-1-2020

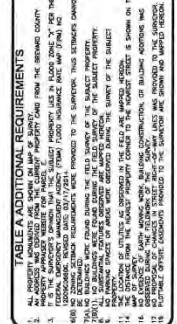
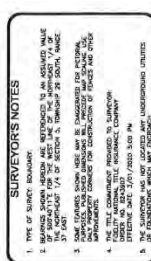
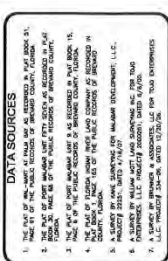
Subject Property

South of and adjacent to Malabar Road SE, in the vicinity east of Cassia Avenue SE

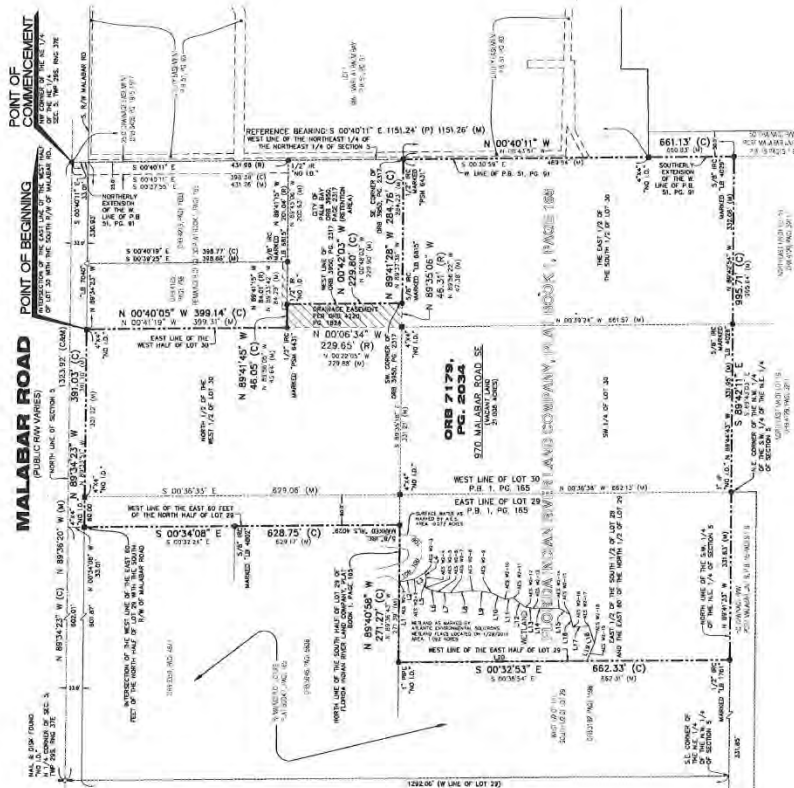
Current Zoning Classification

RM-20 – Multi-Family Residential District and CC – Community Commercial District

A PORTION OF LOTS 29 & 30, FLORIDA INDIAN RIVER LAND COMPANY, PLAT BOOK 1, PAGE 165
SECTION 5, TOWNSHIP 29 SOUTH, RANGE 37 EAST
CITY OF PALM BAY - BREVARD COUNTY, FLORIDA



WETLAND LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	S88°40'30"E	156.94'
L2	S11°01'32"E	30.66'
L3	S20°15'32"E	23.89'
L4	S71°56'15"W	8.22'
L5	N68°49'24"W	21.11'
L6	S17°08'32"W	25.69'
L7	S06°13'32"W	25.46'
L8	S07°14'45"E	44.47'
L9	S06°37'41"W	37.35'
L10	S24°59'28"W	30.01'
L11	S07°02'45"E	13.01'
L12	S24°27'36"W	30.72'
L13	S06°23'52"E	15.78'
L14	S00°29'16"E	51.18'
L15	S20°18'14"E	55.95'
L16	S75°46'52"E	25.11'
L17	S04°01'42"E	31.54'
L18	S72°15'00"E	36.23'
L19	N60°34'53"W	27.90'
L20	N60°30'43"W	37.64'



THIS SLANT IS FOR THE SELLER AND INCLUDES REPORT OF THE INVESTIGATOR, MARKET, FINANCIAL, AND OPERATIONAL DATA, AND A SUMMARY OF THE COMPANY'S FINANCIAL STATEMENTS. THE SLANT IS FOR THE BUYER'S USE ONLY. THE SLANT IS FOR THE BUYER'S USE ONLY. THE SLANT IS FOR THE BUYER'S USE ONLY.

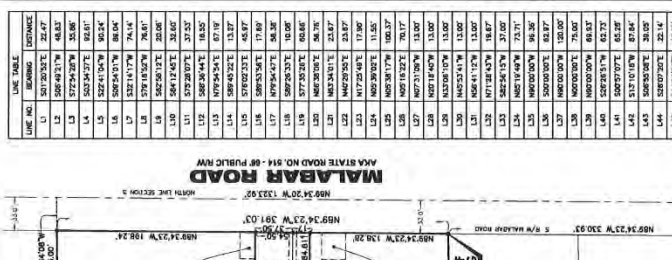
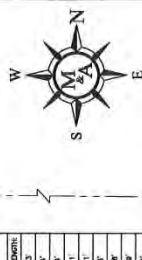
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Δ	REVISED TITLE COMMENT	3/17/2020
Δ	MSC COMMENTS	2/28/2020
Δ	LEGAL DESCRIPTION	2/28/2020
Δ	LEGAL DESCRIPTION	2/25/2020
Δ	WETLANDS ADDED PER AFS PLANNING	1/20/2019
Δ	Survey: NBN	1/20/2018
	Created: JBB	1/20/2018

MORGAN & Associates
Consulting Engineers, Inc.
One East Broadway, Suite 1000
New York, NY 10002
Phone (212) 751-6088 Fax (212) 751-6039

Christopher S. Bowers, Professional Land Surveyor & Mapper
and a Certified No. 50910

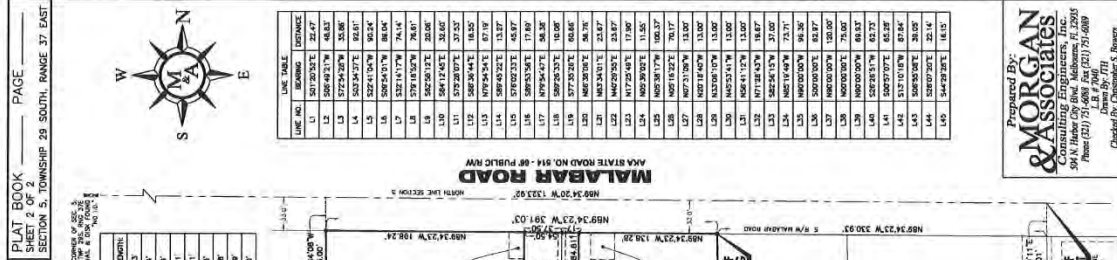
PLAT BOOK _____ PAGE _____
SHEET 2 OF 2

SECTION 5, TOWNSHIP 29 SOUTH, RANGE 37 EAST



Prepared By:
MORGAN & ASSOCIATES
Consulting Engineers, Inc.
594 N. Harbor City Blvd., Melbourne, FL 32915
Phone (321) 751-6088 Fax (321) 751-6089
L.B. # 7040

Drawn By: TTH
Checked By: Christopher S.



[illegible]

GENERAL STATEMENT

THIS PROJECT CONSISTS OF THE DEVELOPMENT OF MULTIPLE COMMERCIAL PROPERTIES IN THE METROPOLITAN AREA OF CHICAGO. THE DEVELOPMENT OF THE PROJECTS WILL BE MULTI-PHASE AND INCLUDE WITHIN EACH PHASE THE CONSTRUCTION OF A RETAIL CENTER, A FULL SERVICE RESTAURANT AND A FULL SERVICE HOTEL. THE PROJECTS WILL BE DEVELOPED IN PHASES AND THE DEVELOPMENT OF EACH PHASE WILL BE SUBJECT TO THE APPROVAL OF THE CITY OF CHICAGO. THE PROJECTS WILL BE DEVELOPED IN PHASES AND THE DEVELOPMENT OF EACH PHASE WILL BE SUBJECT TO THE APPROVAL OF THE CITY OF CHICAGO. THE PROJECTS WILL BE DEVELOPED IN PHASES AND THE DEVELOPMENT OF EACH PHASE WILL BE SUBJECT TO THE APPROVAL OF THE CITY OF CHICAGO.

CONTACT INFORMATION:

CHAMBERLAIN ENGINEERING GROUP, LLC
4000 AIRPORT DRIVE, SUITE 200
CHICAGO, ILLINOIS 60638
TEL: (312) 461-1700
FAX: (312) 461-1701
WWW.CHAMBERLAINENGINEERING.COM

2000 FT PALM BLVD 4829 SHOREWOOD RD. SUITE 400 DALLAS, TEXAS 75238 TEL (710) 891-1233 FAX 1-800-255-0000 E-MAIL LARSEN@COWIENGINEERING.COM	COWI ENGINEERING GROUP, LLC JAKE T. WISE, PE 1351 W. LAUREL BOULEVARD, SUITE A DALLAS, TEXAS 75203 TEL (214) 610-1760 E-MAIL JWISE@COWIENGINEERING.COM	BUNKER MORRIS & ASSOCIATES INC 504 N. HARBOR CITY BLVD MELBOURNE, FL 32935 TEL (321) 751-6525	CONSTRUCTION ENGINEERING GROUP, LLC JAKE T. WISE, PE 1351 W. LAUREL BOULEVARD, SUITE A DALLAS, TEXAS 75203 TEL (214) 610-1760 E-MAIL JWISE@COWIENGINEERING.COM	TOWNSHIPS 20 SECTION 5 PARCEL ID: 29-37-00-00-04, 05, 06 TAX MAP 2005 TAX ACCOUNT NUMBER: 292524, 292525, 292526
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TOTAL ACRES: 221.01
ZONING CLASSIFICATIONS: RM-20 AND CC
FUTURE LAND USE: MFR AND COM
FLOOD ZONE: X PER FEMA FLOOD MAP 12009C0860C DATED 3/17/2014
BUILDING HEIGHT: 70'
MAX. PERMITTED: 70'

[illegible]

SHOPPING CENTERS: FOR COMMERCIALLY ZONED DEVELOPMENTS WITH TWENTY-FIVE THOUSAND (25,000) GROSS SQUARE FEET OR GREATER, OFF-STREET PARKING SHALL BE PROVIDED ACCORDING TO THE FOLLOWING SCHEDULE: 75,000 TO 400,000 SQ. FT. = 4 SPACES PER 1,000 SQ. FT.

RETAIL AND MANUFACTURING PARKING SPACES = 134 PARKING SPACES PER 100,000 SQ. FT. X (4 SPACES/1000 SQ. FT.)

MULTI-FAMILY DWELLINGS: MINIMUM TWO (2) PARKING SPACES PER TWO (2) OR MORE BEDROOM DWELLING UNITS AND ONE AND ONE-HALF (1-1/2) PARKING SPACE PER ONE (1) BEDROOM DWELLING UNIT.

156 TWO AND THREE BEDROOM UNITS X 2 = 312 PARKING SPACES
84 ONE BEDROOM UNITS X 1 1/2 = 126 SPACES

MULTI-FAMILY TOTAL REQUIRED = 438 PARKING SPACES INCLUDING 9 HANDICAP SPACES

COMMERCIAL TOTAL PROVIDED: 191 PARKING SPACES INCLUDING 9 HANDICAP SPACES

MULTI-FAMILY TOTAL PROVIDED: 438 PARKING SPACES INCLUDING 14 HANDICAP SPACES

BASE MINIMUM FIRE FLOW (TABLE 18.4.3, 2):	1,500 GPM
TOTAL EXPOSURE INCREASE (BASE GPM X PERCENT INCREASE):	225 GPM
INITIAL FIRE FLOW (BASE GPM + EXPOSURE INCREASE):	1,725 GPM
TOTAL MINIMUM FIRE FLOW:	1,725 GPM
DURATION REQUIREMENTS:	2 HOURS (FROM TABLE)
NUMBER OF HYDANTS REQUIRED:	2
NUMBER OF EXISTING HYDANTS:	2
NUMBER OF NEW HYDANTS:	0

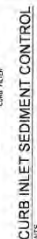
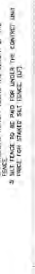
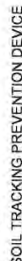
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DESCRIPTION	BUILDING OR STRUCTURE	CONCRETE SIDEWALK OR DRIVEWAY	ON-SITE ASPHALTIC PAVEMENT	MALABAR ROAD ASPHALTIC PAVEMENT	HEAVY DUTY ASPHALTIC PAVEMENT
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SPLIT RAIL FENCE WITH CONSERVATION SIGNS
 FENCE POST OWNER WITH LOCKABLE PEGSTAKE GATE
 RUST FENCE OR TURBIDITY BARRIER
 SANITARY SEWER LINE WITH MANHOLE
 FIRE WATER MAIN WITH VALVE
 WATERLINE WITH VALVE
 STORM DRAIN WITH INLET
 SPOT ELEVATION
 SWALE OR FLOW DIRECTION
 PROPOSED TEST

CROWN S
CROWN HOLDINGS
MALABAR ROAD PALM BAY, FLORIDA
DRAWING TITLE
CIVIL COVER SHEET

DATE	3-25-20
SALE	NTS
Q.D. NO.	130296
ISSUED BY	CCM
SALES BY	SMB
CHECKED BY	JTW
TRAINING NO.	G-1

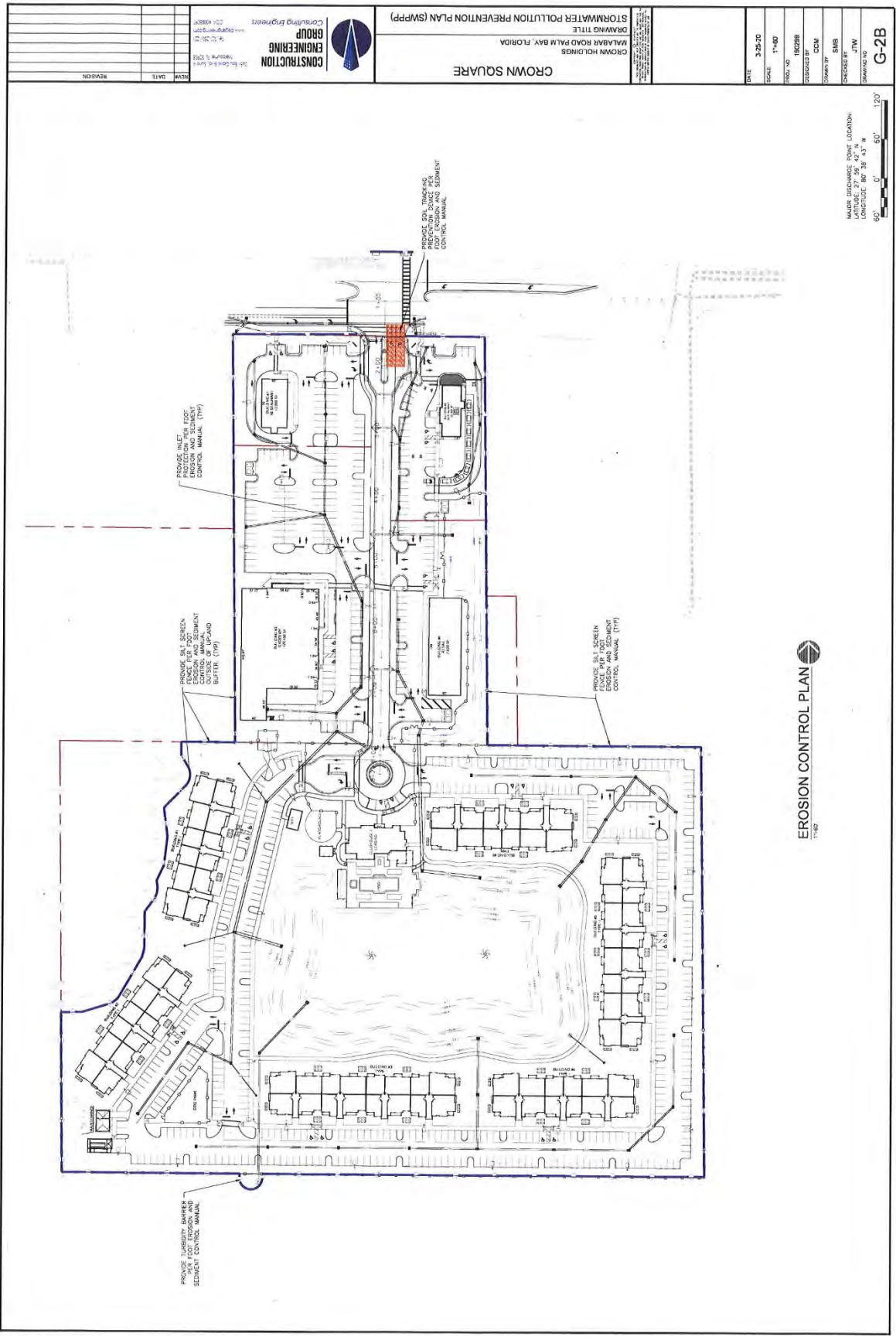
[illegible][illegible][illegible][illegible]

- 1) **THE QUALITY OF THE PRODUCT**—The quality of the product is the most important factor in determining the success of a new product. The quality of the product is determined by the quality of the materials used, the quality of the manufacturing process, and the quality of the finished product. The quality of the product is determined by the quality of the materials used, the quality of the manufacturing process, and the quality of the finished product.
- 2) **THE PRICE OF THE PRODUCT**—The price of the product is the second most important factor in determining the success of a new product. The price of the product is determined by the cost of the materials used, the cost of the manufacturing process, and the cost of the finished product. The price of the product is determined by the cost of the materials used, the cost of the manufacturing process, and the cost of the finished product.

TO THE BEST OF MY KNOWLEDGE, I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION AND IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PREPARED THE INFORMATION. I AM AWARE THAT ANY PERSON WHO KNOWS OR HAS REASON TO BELIEVE THAT ANY PERSON OR PERSONS MANAGE THE SYSTEM OR WHOSE PERSONS ARE DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING

[illegible]

NOTE: CONTRACTOR SHALL PROVIDE ESTIMATED START DATE, COMPLETION DATE AND STABILIZATION SCHEDULE PRIOR TO EXECUTION OF STORMWATER POLLUTION PREVENTION PLAN AND SITE WORK COMMENCEMENT.



MAJOR DISCHARGE POINT LOCATION:
EAST COAST OF FLORIDA
LONGITUDE: 80° 38' 4.1" W
LATITUDE: 27° 50' 0.0" N
60' 0' 120'

EROSION CONTROL PLAN

CROWN SQUARE
MALABAR ROAD PALM BEACH, FLORIDA
STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

GROUP
ENGINEERING
CONSULTING ENGINEERS

DATE: 3/25/20
SCALE: 1"=60'

DATE	3/25/20
SCALE	1"=60'
PROJECT NO.	190298
DESIGNED BY	CDM
CHECKED BY	SWB
APPROVED BY	SWB
DATE	3/25/20

SETBACKS			RECOVERIES		
RECOVERIES OF 10+ YEARS OF SETBACK			RECOVERIES OF 10+ YEARS OF SETBACK		
FROM CONSUMER	30	36.61	FROM CONSUMER	30	36.61
SETBACK INTERIOR	10	30.32	SETBACK INTERIOR	10	30.32
MEAN	25	85.5	MEAN	25	85.5
RECOVERIES OF 5-9 YEARS OF SETBACK			RECOVERIES OF 5-9 YEARS OF SETBACK		
FROM CONSUMER	30	74.81	FROM CONSUMER	30	74.81
SETBACK INTERIOR	10	32.17	SETBACK INTERIOR	10	32.17
MEAN	25	129.57	MEAN	25	129.57
RECOVERIES OF 1-4 YEARS OF SETBACK			RECOVERIES OF 1-4 YEARS OF SETBACK		
FROM CONSUMER	30	60.50	FROM CONSUMER	30	60.50
SETBACK INTERIOR	10	17.88	SETBACK INTERIOR	10	17.88
MEAN	25	84.66	MEAN	25	84.66
RECOVERIES OF 1-4 YEARS OF SETBACK			RECOVERIES OF 1-4 YEARS OF SETBACK		
FROM CONSUMER	30	78.50	FROM CONSUMER	30	78.50
SETBACK INTERIOR	10	34.25	SETBACK INTERIOR	10	34.25
MEAN	25	8.14	MEAN	25	8.14
RECOVERIES OF 1-4 YEARS OF SETBACK			RECOVERIES OF 1-4 YEARS OF SETBACK		
FROM CONSUMER	30	68.41	FROM CONSUMER	30	68.41
SETBACK INTERIOR	10	42.80	SETBACK INTERIOR	10	42.80
MEAN	25	19.35	MEAN	25	19.35

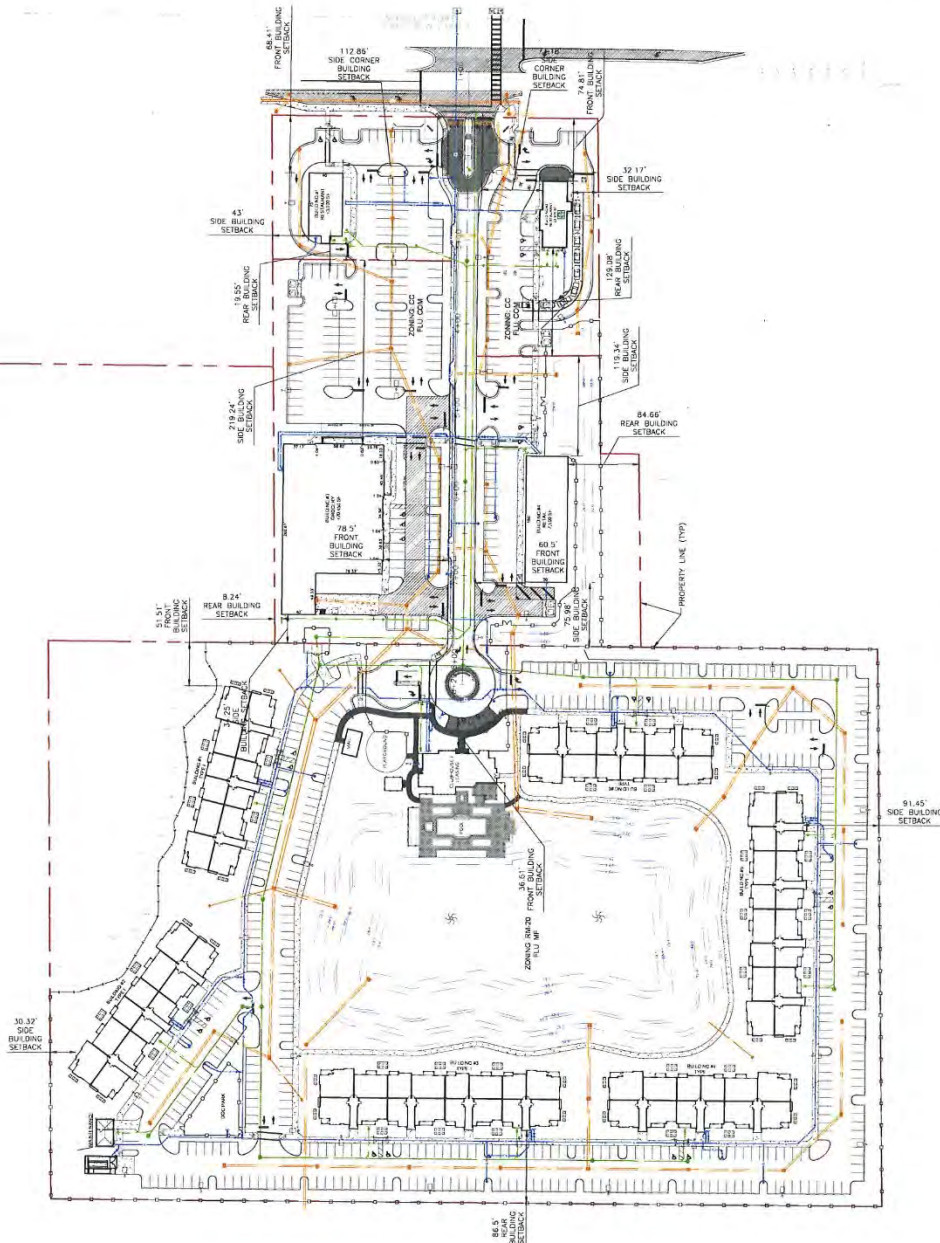
CROWN SQUARE
CROWN HOLDINGS
MALABAR ROAD PALM BAY, FLORIDA
DRAWING TITLE
OVERALL SITE PLAN

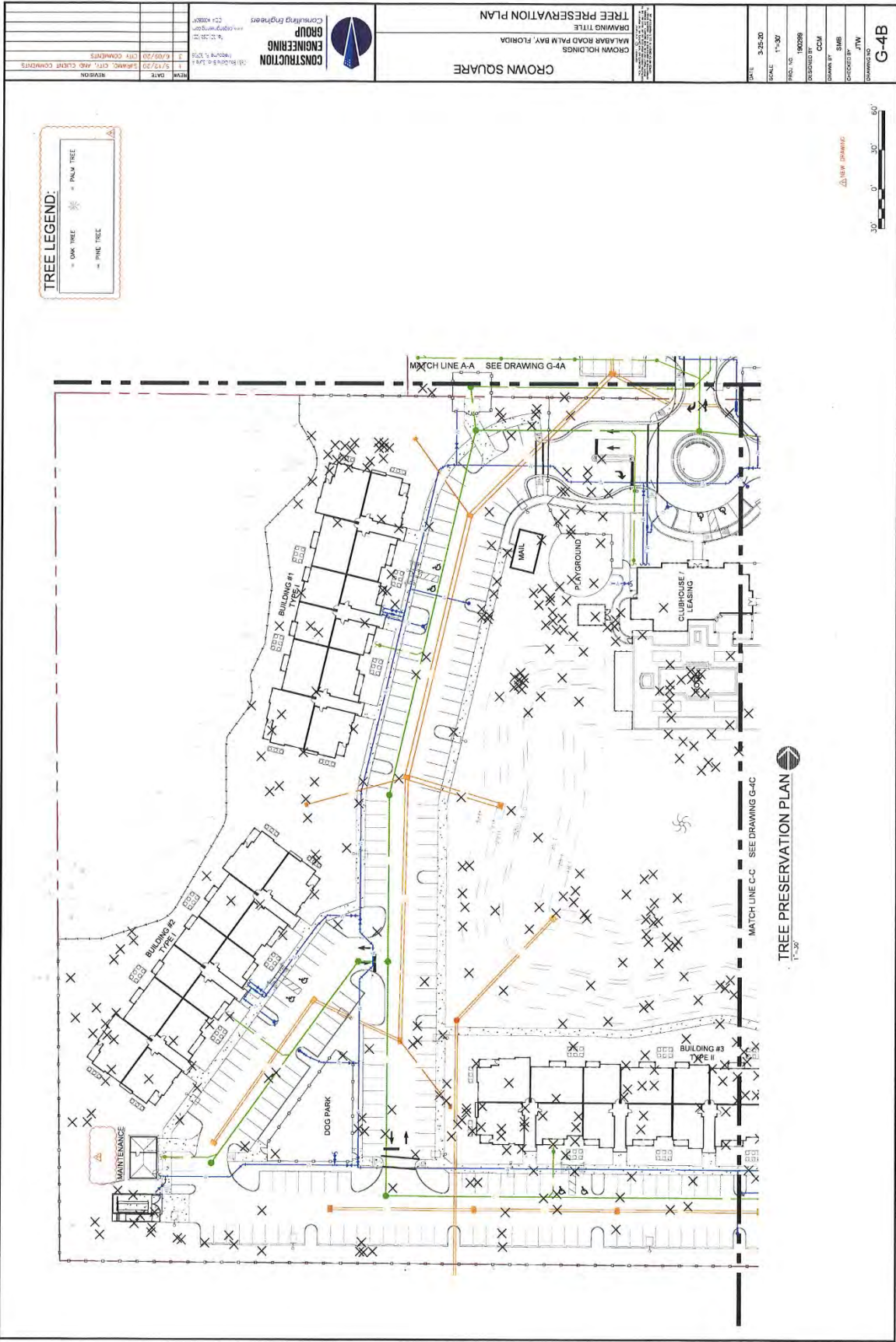


**CONSTRUCTION
ENGINEERING
GROUP**
Consulting Engineers

REV#	DATE	REVISION
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OVERALL SITE PLAN
1" = 60'

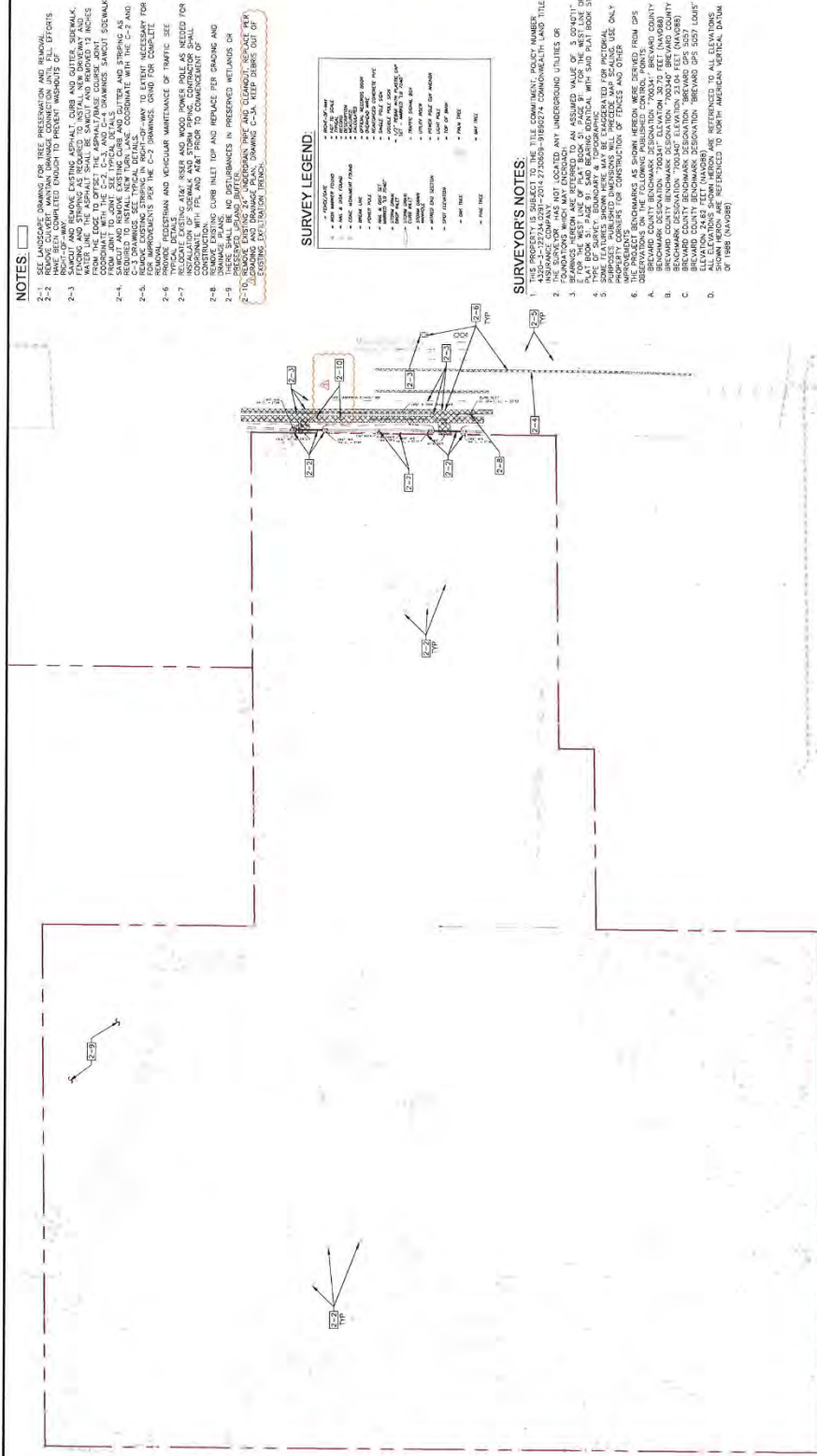




CONSTRUCTION ENGINEERING GROUP Consulting Engineers 10000 W. 11th Ave., Suite 100 Miami, FL 33157 Tel: 305.555.1234 Fax: 305.555.1235 www.constructioneng.com		GROUP ENGINEERING Consulting Engineers 10000 W. 11th Ave., Suite 100 Miami, FL 33157 Tel: 305.555.1234 Fax: 305.555.1235 www.constructioneng.com	
DATE	REVISION	DATE	REVISION
5/17/20	1	5/17/20	1
6/09/20	2	6/09/20	2
CITY COMMENTS		CITY COMMENTS	
SPECIAL COMMENTS		SPECIAL COMMENTS	
AND CLIENT COMMENTS		AND CLIENT COMMENTS	

CROWN SQUARE
MALABAR ROAD PALM BEACH, FLORIDA
DRAWING TITLE
TREE PRESERVATION PLAN

G-4B
DATE: 5-25-20
SCALE: 1"=30'
PROJECT: 180208
DESIGNED BY: CCM
CHECKED BY: JFW
DRAWING NO.



NOTES: []

- | | |
|------|---|
| 2-1 | USE LEADERS' DRAWING SKILLS FOR TREE, PRELIMINARY AND FINAL |
| 2-2 | RENDERING CLOTHES, DRAWING SHIRTS, COATS, JACKETS, TROUSERS, AND |
| 2-3 | SHOES. DRAWING SHIRTS, COATS, JACKETS, TROUSERS, AND SHOES. DRAWING |
| 2-4 | SHOES. DRAWING SHIRTS, COATS, JACKETS, TROUSERS, AND SHOES. DRAWING |
| 2-5 | SHOES. DRAWING SHIRTS, COATS, JACKETS, TROUSERS, AND SHOES. DRAWING |
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| 2-9 | SHOES. DRAWING SHIRTS, COATS, JACKETS, TROUSERS, AND SHOES. DRAWING |
| 2-10 | SHOES. DRAWING SHIRTS, COATS, JACKETS, TROUSERS, AND SHOES. DRAWING |

SURVEY LEGEND:

- [illegible]

SURVEYOR'S NOTES:

- [illegible]

CROWN SQUARE	CROWN HOLDINGS PALABAR ROAD PALM BAY, FLORIDA	DRAWING TITLE
EXISTING CONDITIONS AND DEMOLITION PLAN		

CROWN SQUARE

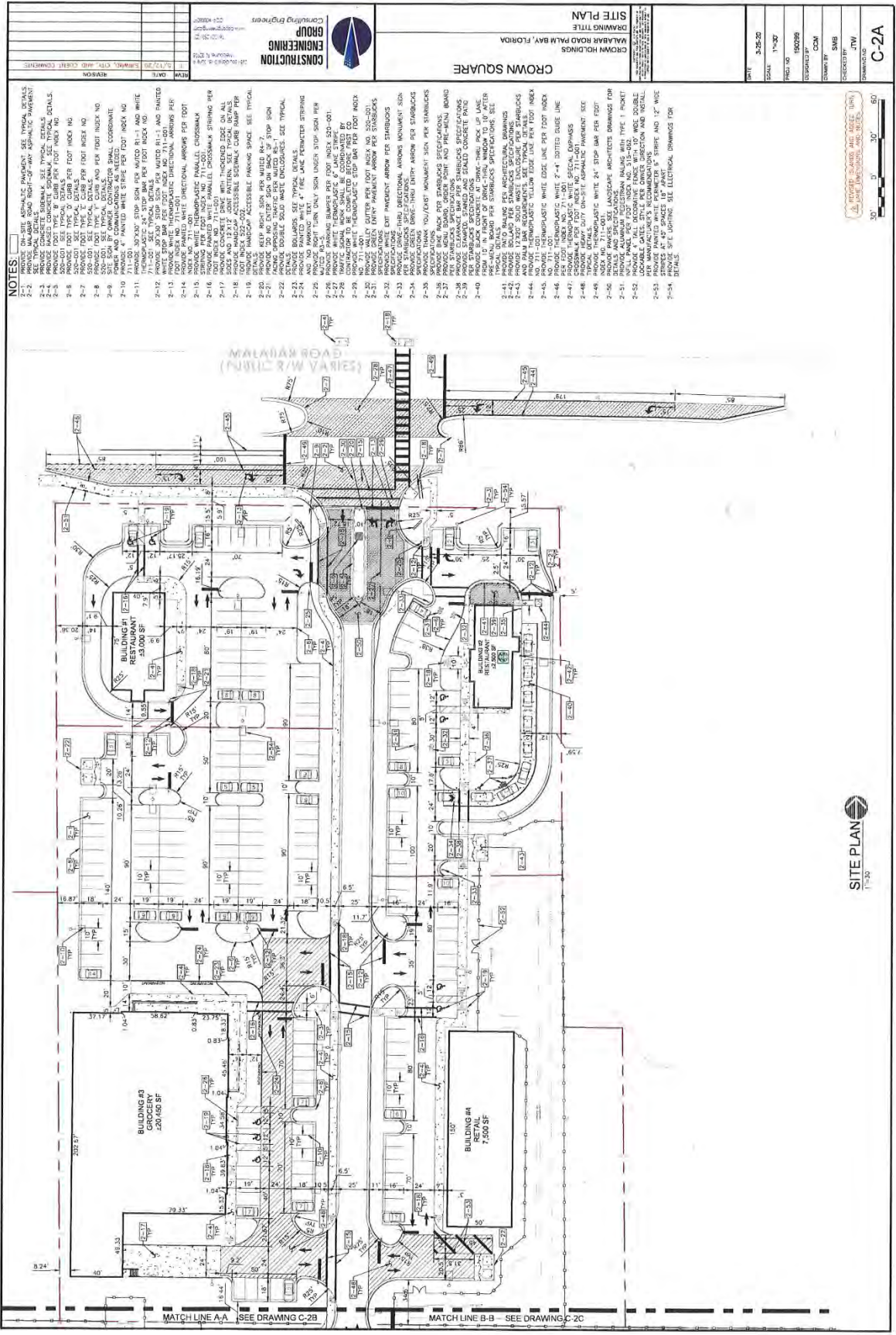
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O PALM BAY, FLORIDA



**CONSTRUCTION
ENGINEERING
GROUP**
Consulting Engineers

1. 2000年10月
 2. 2000年10月
 3. 2000年10月

REVISION	DATE	REASON
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- NOTES**
- 2-1 PROVIDE ON-SITE ASPHALTIC PAVEMENT. SEE TYPICAL DETAILS.
 - 2-2 PROVIDE ON-SITE ASPHALTIC PAVEMENT. SEE TYPICAL DETAILS.
 - 2-3 PROVIDE ON-SITE ASPHALTIC PAVEMENT. SEE TYPICAL DETAILS.
 - 2-4 PROVIDE ON-SITE ASPHALTIC PAVEMENT. SEE TYPICAL DETAILS.
 - 2-5 PROVIDE ON-SITE ASPHALTIC PAVEMENT. SEE TYPICAL DETAILS.
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 - 2-53 PROVIDE ON-SITE ASPHALTIC PAVEMENT. SEE TYPICAL DETAILS.
 - 2-54 PROVIDE ON-SITE ASPHALTIC PAVEMENT. SEE TYPICAL DETAILS.

CONSTRUCTION GROUP
CONSULTING ENGINEERS
7-20-2017
CROWN SQUARE
MALABAR ROAD PALM BEACH, FLORIDA

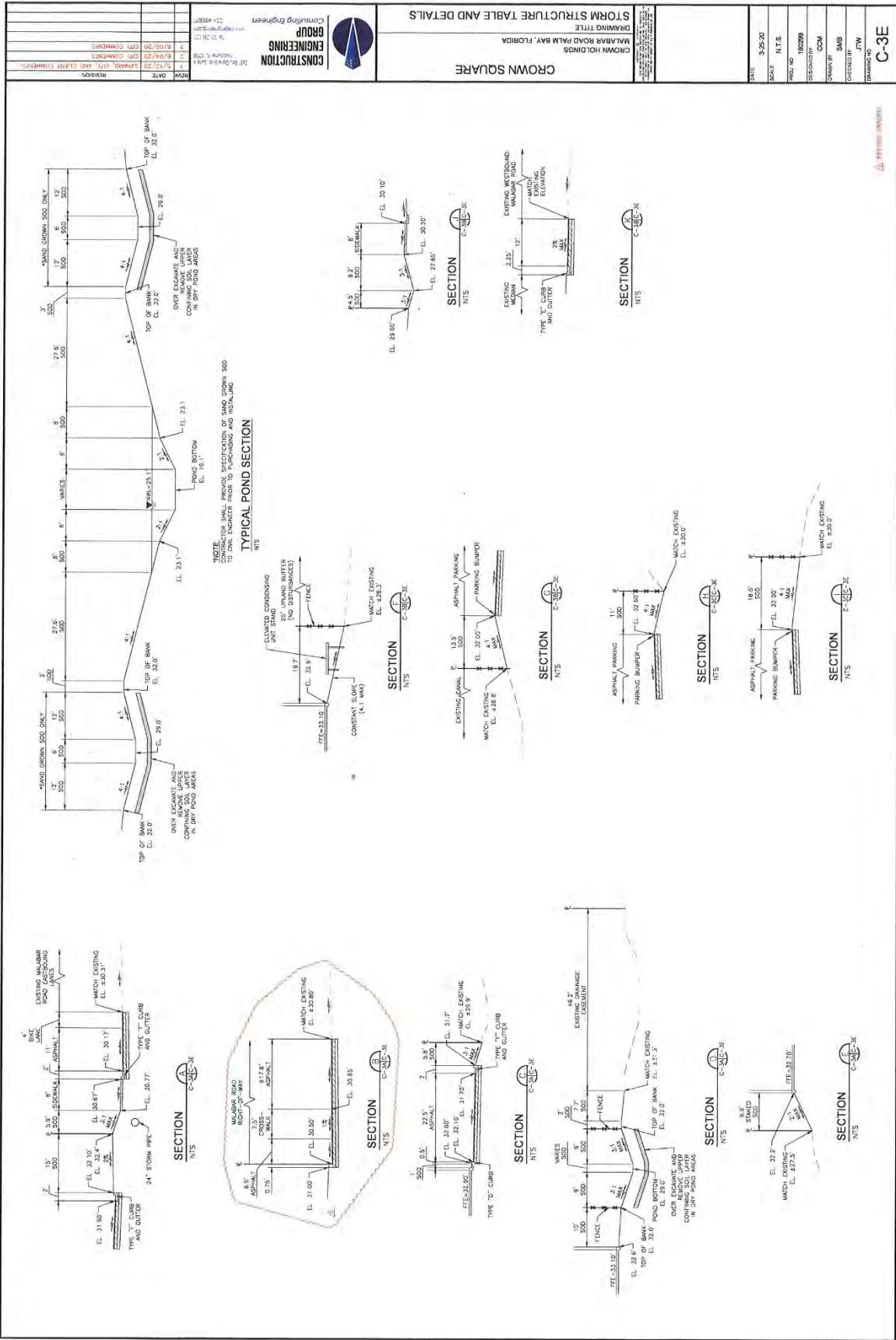
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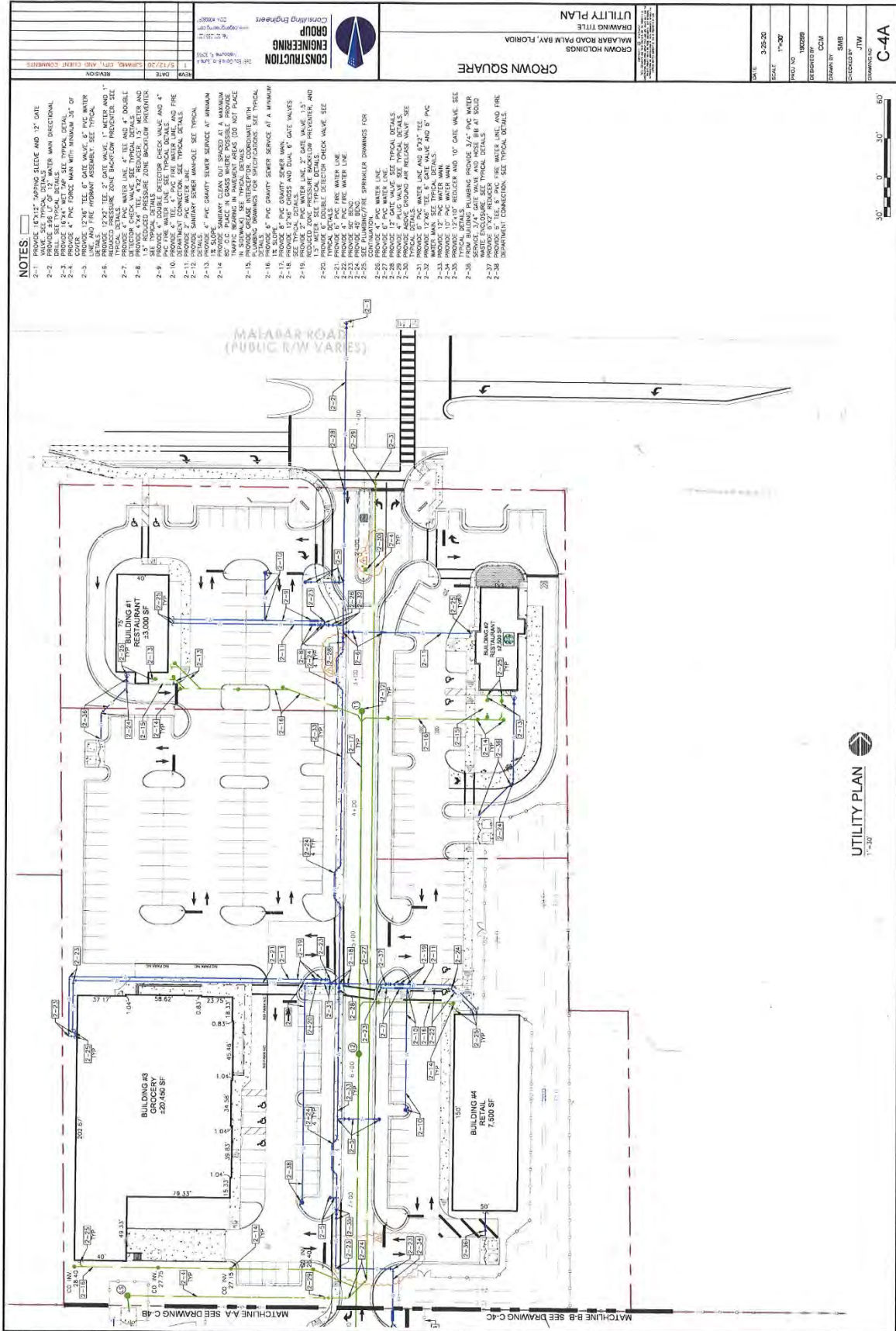
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1/24/20

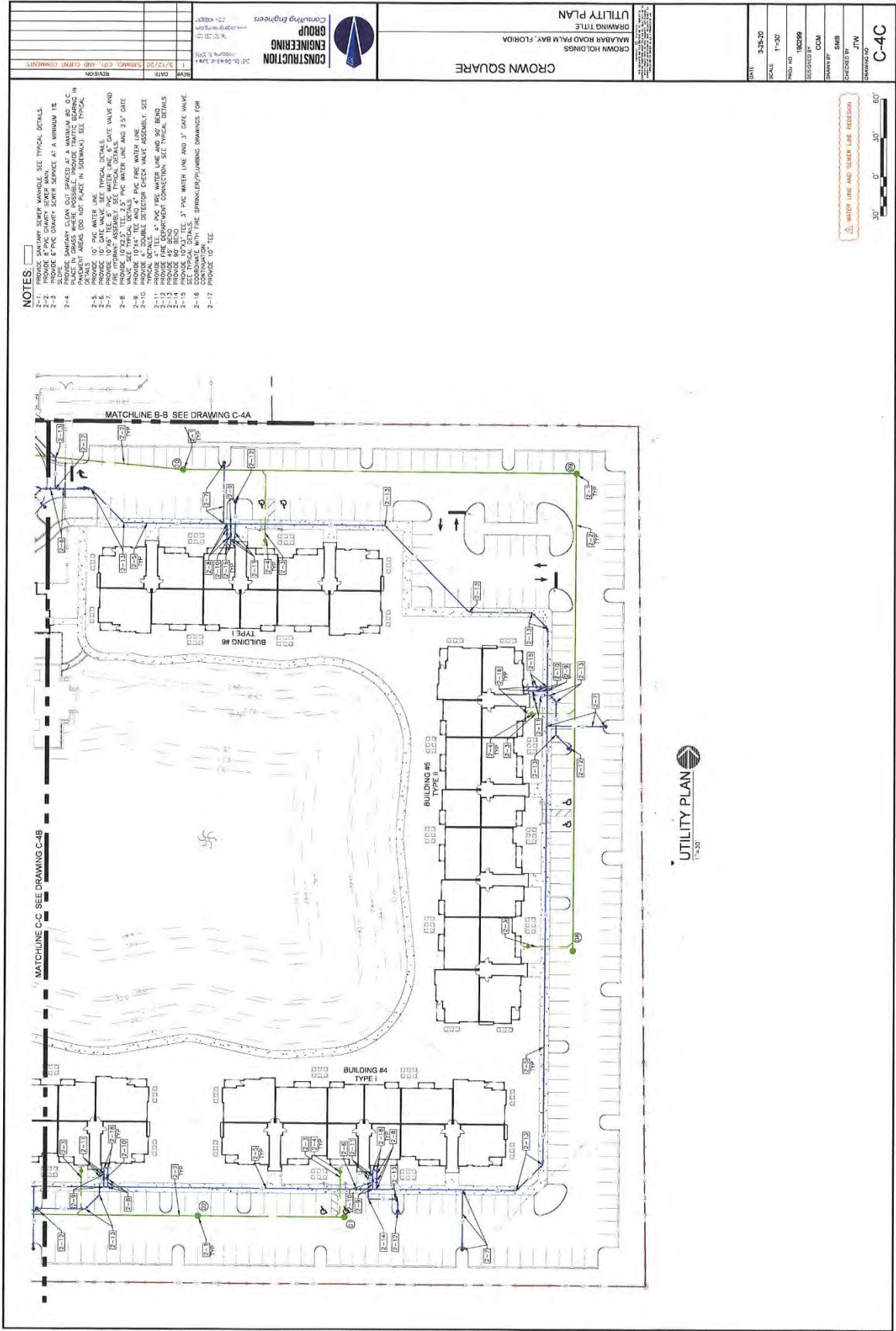


C-2A

DATE	3-25-20
SCALE	1"=30'
PROJECT NO.	1902088
DESIGNED BY	CCM
CHECKED BY	JTW
APPROVED BY	
CONTRACT NO.	
PROJECT NAME	CROWN SQUARE









C-5

DATE: 3-25-20

SCALE: 1"=40'

PROJECT NO: 1902096

DESIGNED BY: J. L. COLE

DRAWN BY: J. L. COLE

CHECKED BY: J. L. COLE

IN CHARGE: J. L. COLE

PROJECT: MALABAR ROAD PALM BAY, FLORIDA

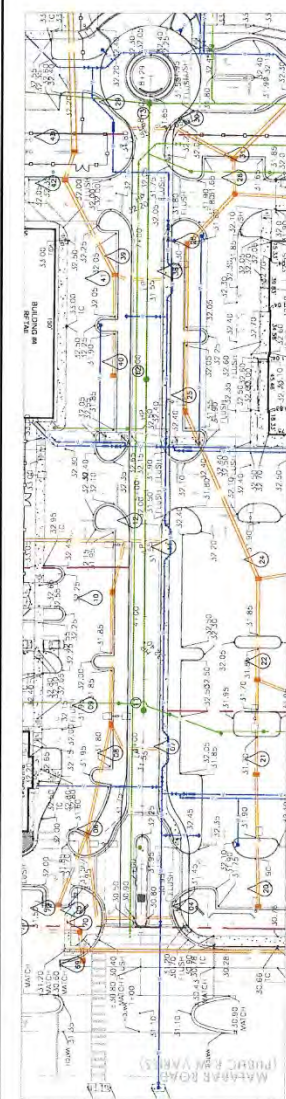
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PLAN AND PROFILE STA. 1+00 THRU 8+26

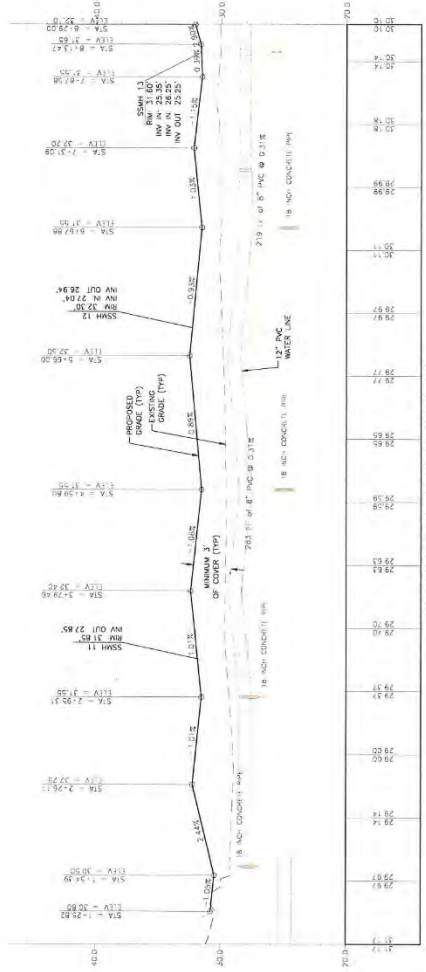


CONSTRUCTION ENGINEERING CONSULTING ENGINEERS GROUP
301 E. BAYVIEW BLVD., SUITE 200
PALM BEACH, FLORIDA 33480
TEL: 561-855-1234
FAX: 561-855-1235
WWW.CECGROUP.COM

DATE	BY	REVISION
3-25-20	J. L. COLE	1.00



PLAN STA. 1+00 THRU 8+29
1"=40'



PROFILE STA. 1+00 THRU 8+29
1"=40'

DATE	3-25-20
SCALE	1"=40'
PROJ. NO.	190299
DESIGNED BY	CCM
DRAWN BY	SMB
CHECKED BY	JTW

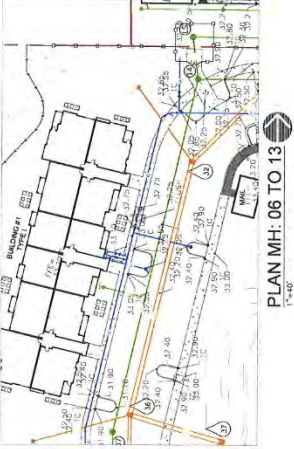
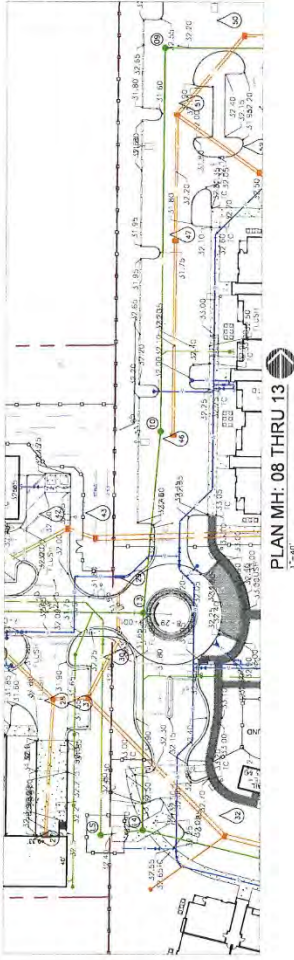
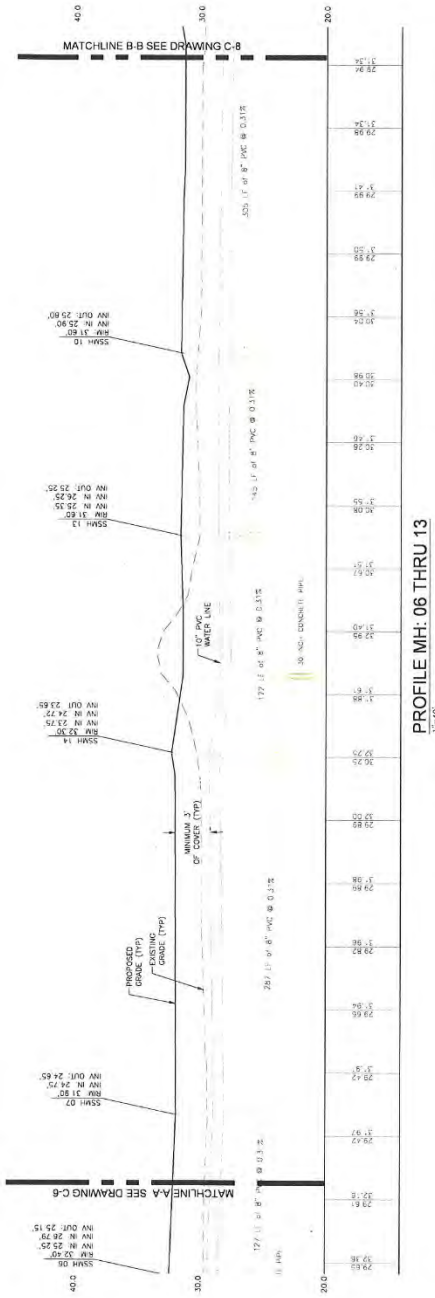
CROWN SQUARE
CROWN HOLDINGS
MLABAR ROAD PALM BAY, FLORIDA
DRAWING TITLE
PLAN AND PROFILE MH: 06 THRU 13

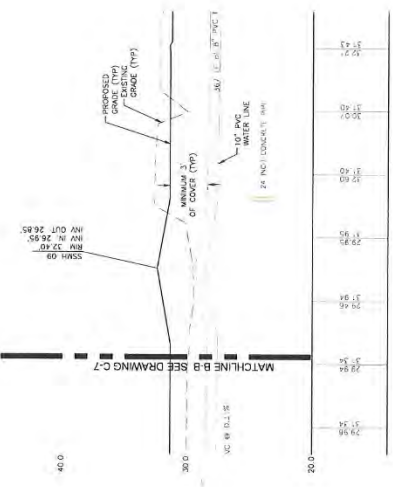
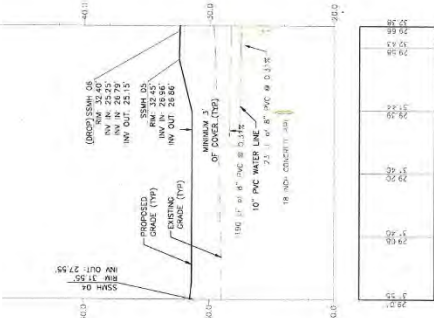
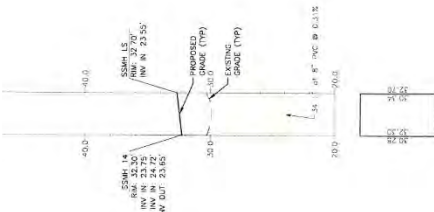
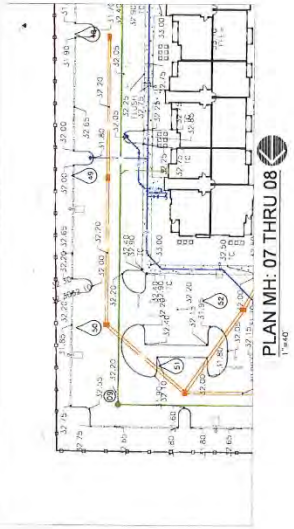


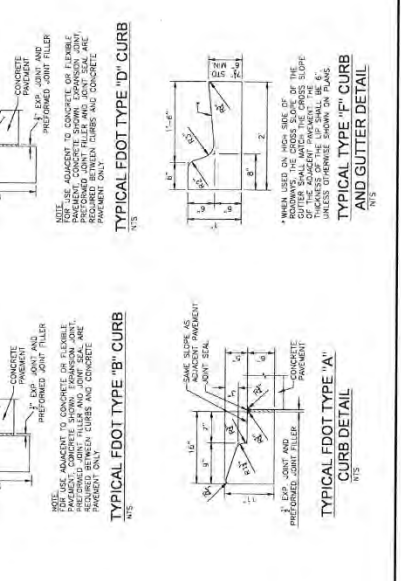
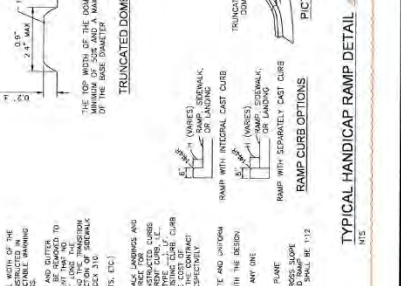
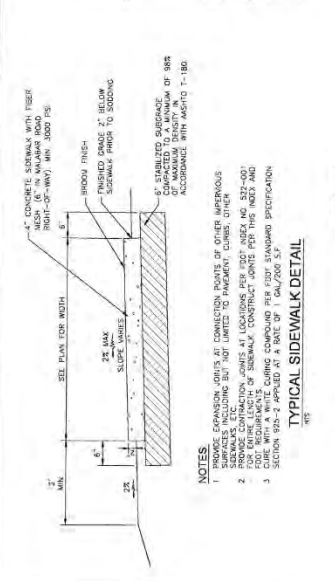
**CONSTRUCTION
ENGINEERING
GROUP**
Consulting Engineers

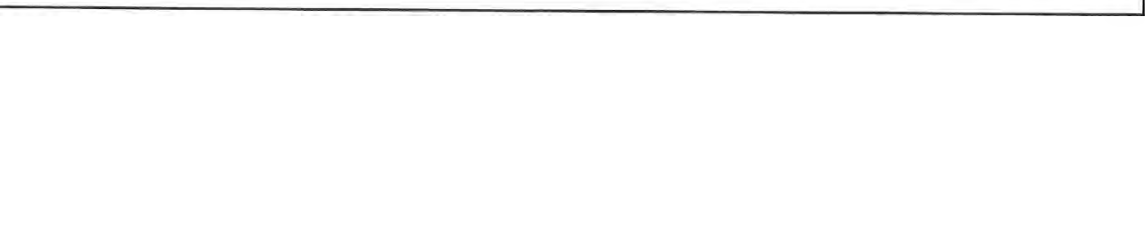
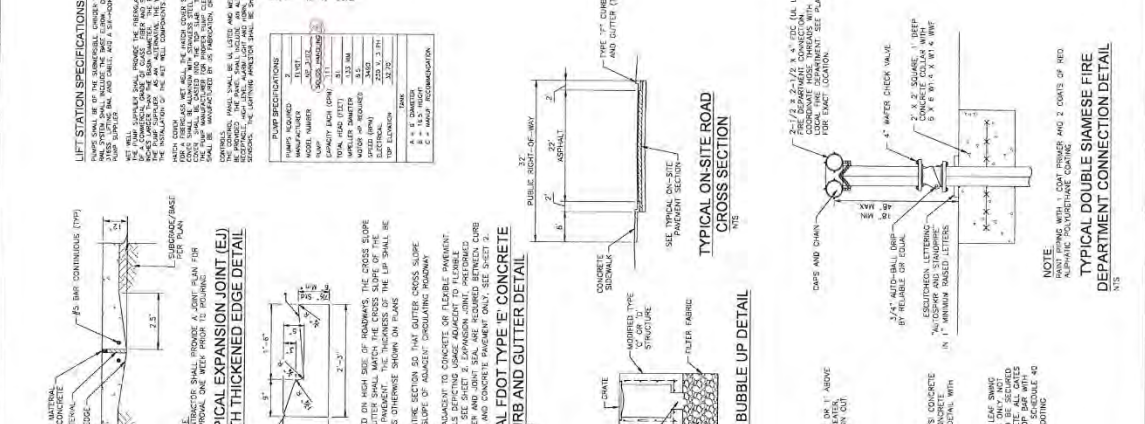
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REVISION	DATE	BY
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CROWN SQUARE

DRAWING TITLE
MALABAR ROAD PALM BEACH, FLORIDA

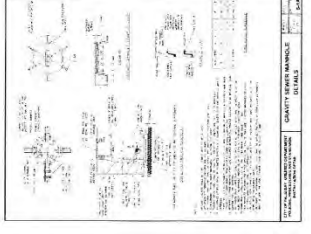
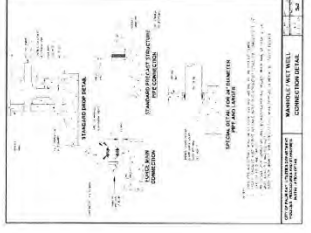
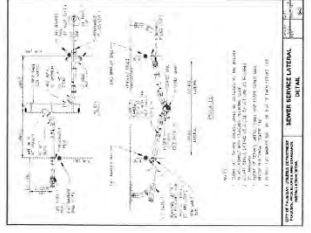
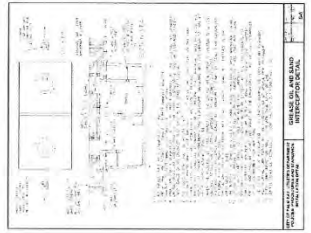
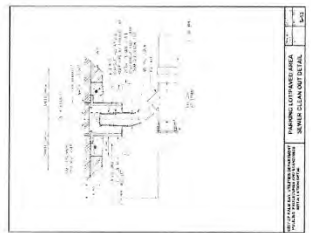
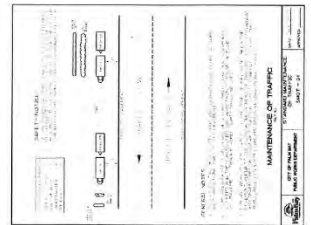
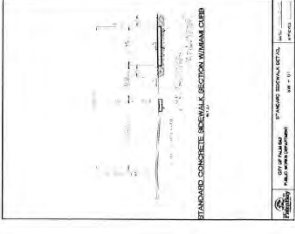
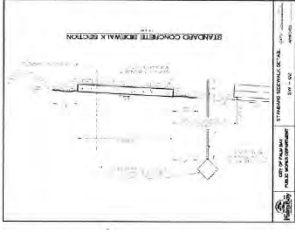
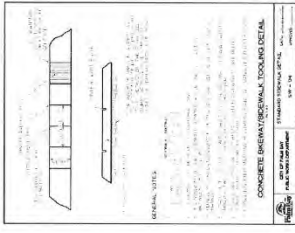
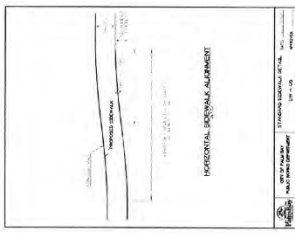
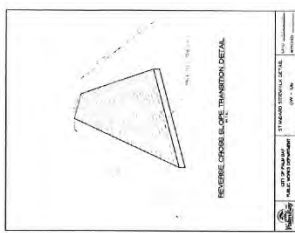
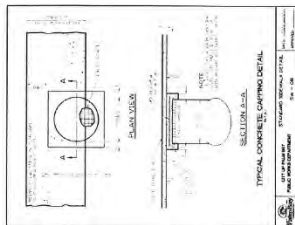
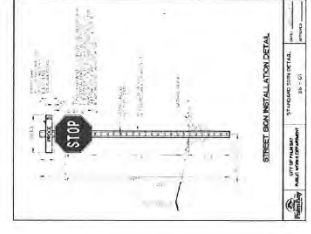
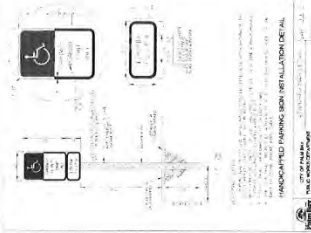
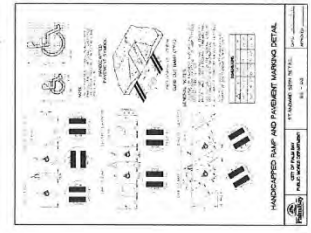
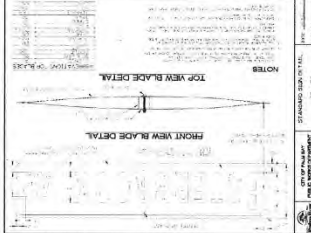
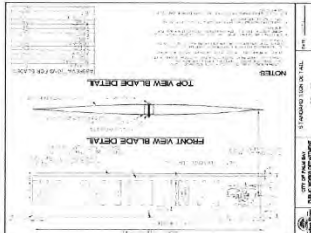
DETAIL SHEET



CONSTRUCTION
ENGINEERING
GROUP
CONSULTING ENGINEERS

2000 BAYVIEW BLVD
SUITE 200
PALM BEACH, FL 33480
TEL: 561-850-1234
FAX: 561-850-1235
WWW.CEGROUP.COM

DATE: _____
BY: _____
CHKD BY: _____
DATE: _____



MAIL

BMS

DRAWN BY

667061

CIN

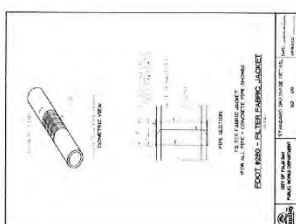
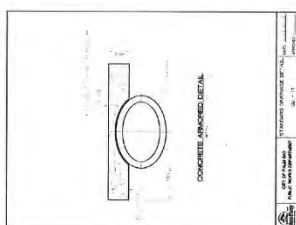
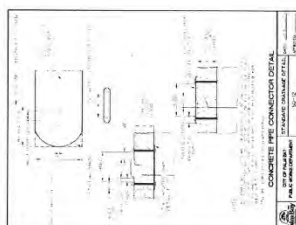
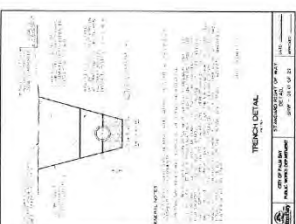
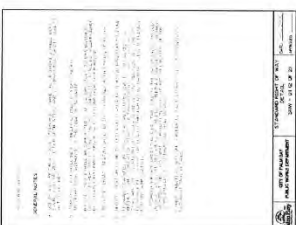
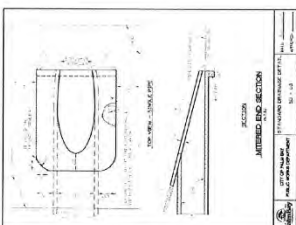
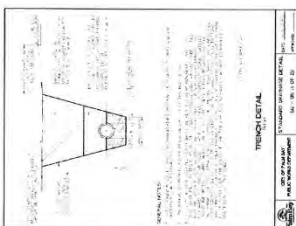
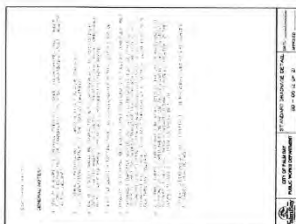
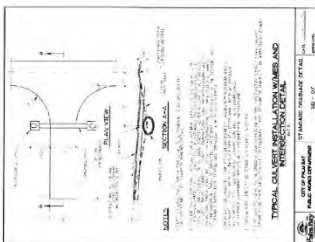
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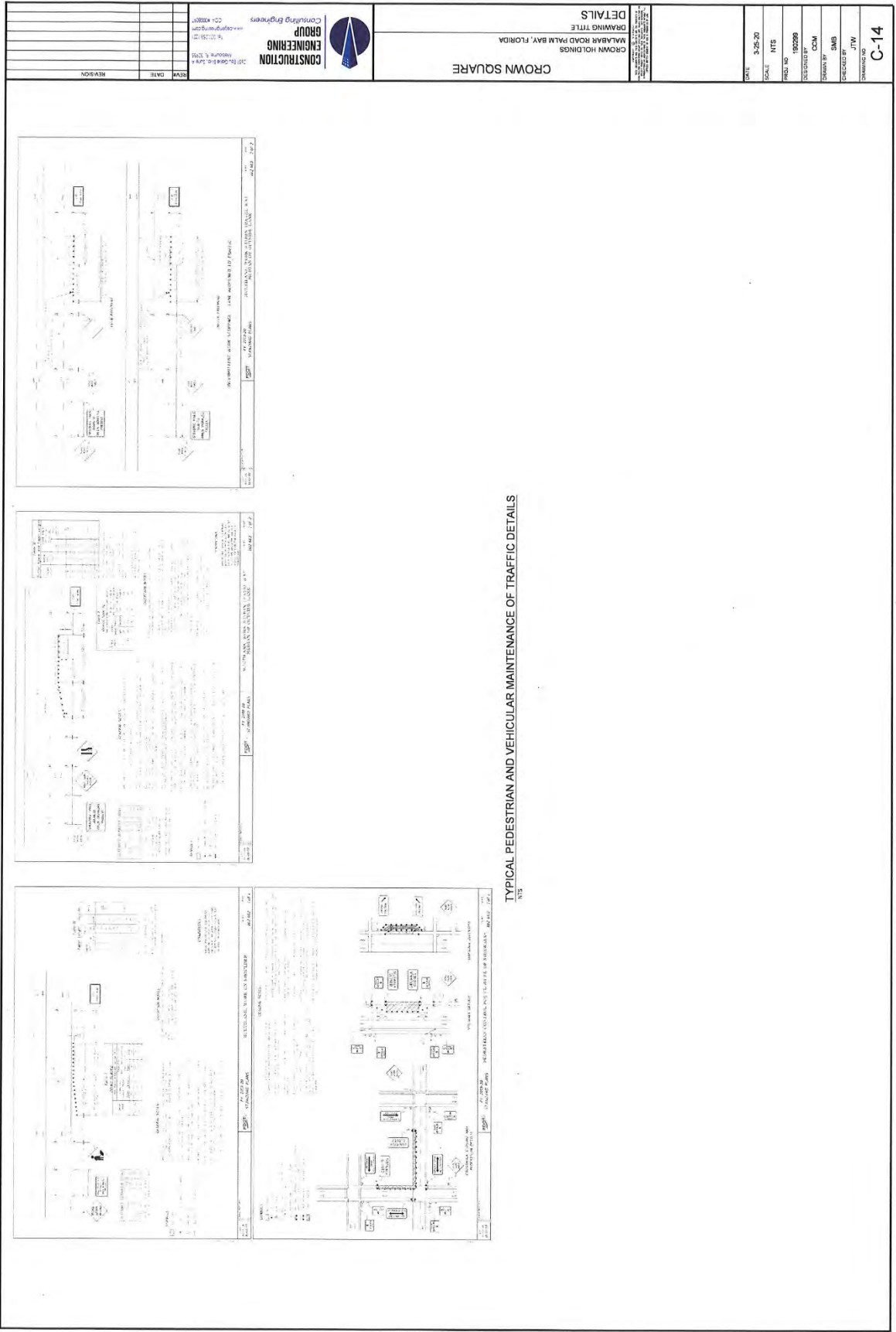
DATE _____

CROWN SQUARE
CROWN HOLDINGS
MALABAR ROAD PALM BAY, FLORIDA
DRAWING TITLE
DETAIL SHEET



CONSULTING ENGINEERS GROUP	2017-2018	2019-2020	2021-2022	2023-2024	2025-2026	2027-2028	2029-2030	2031-2032	2033-2034	2035-2036	2037-2038	2039-2040	2041-2042	2043-2044	2045-2046	2047-2048	2049-2050	2051-2052	2053-2054	2055-2056	2057-2058	2059-2060	2061-2062	2063-2064	2065-2066	2067-2068	2069-2070	2071-2072	2073-2074	2075-2076	2077-2078	2079-2080	2081-2082	2083-2084	2085-2086	2087-2088	2089-2090	2091-2092	2093-2094	2095-2096	2097-2098	2099-2100
CONSULTING ENGINEERS GROUP	2017-2018	2019-2020	2021-2022	2023-2024	2025-2026	2027-2028	2029-2030	2031-2032	2033-2034	2035-2036	2037-2038	2039-2040	2041-2042	2043-2044	2045-2046	2047-2048	2049-2050	2051-2052	2053-2054	2055-2056	2057-2058	2059-2060	2061-2062	2063-2064	2065-2066	2067-2068	2069-2070	2071-2072	2073-2074	2075-2076	2077-2078	2079-2080	2081-2082	2083-2084	2085-2086	2087-2088	2089-2090	2091-2092	2093-2094	2095-2096	2097-2098	2099-2100





TYPICAL PEDESTRIAN AND VEHICULAR MAINTENANCE OF TRAFFIC DETAILS

CROWN SQUARE

CROWN HOLDINGS
PALM BEACH, FLORIDA



CONSTRUCTION
ENGINEERING
CONSULTING ENGINEERS

2010 KENNEDY BLVD
SUITE 100
PALM BEACH, FL 33480
TEL: 561-833-1100
WWW.CROWNENGINEERING.COM

REV	DATE	REVISION

C-14

DATE	3-25-20
SCALE	1"=20'
INTS	
PROJ NO	100000
DESIGNED BY	CCM
DRAWN BY	DMB
CHECKED BY	JTW
DATE	

DETAILS



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

V-22-2020

PLANNING & ZONING BOARD HEARING DATE

September 2, 2020

PROPERTY OWNER & APPLICANT

Luis and Tammy Sanchez

PROPERTY LOCATION/ADDRESS

Lots 38 and 39, Port Malabar Unit 12, Section 07,
Township 29, Range 37, Brevard County, Florida.

SUMMARY OF REQUEST

A variance is requesting a variance to allow an existing screen room enclosure to encroach 4.17 feet into the 25-foot rear building setback as established by Section 185.034(F)(7)(d) of the Palm Bay Code of Ordinances.

Existing Zoning

RS-2, Single-Family Residential District

Existing Land Use

Single-Family Residential Use

Site Improvements

Single-Family Home

Site Acreage

0.46 acres, more or less

SURROUNDING ZONING & USE OF LAND

North

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

East

RS-2, Single-Family Residential; Barbados Ave SE

South

RS-2, Single-Family Residential; Undeveloped Land

West

RS-2, Single-Family Residential; Melbourne-Tillman Canal No. 37

ANALYSIS:

Variances from the terms of the Land Development Code may be granted when special conditions exist that would result in unnecessary hardship if the provisions of the Land Development Code were enforced. However, a variance may not be granted when the public health and safety would be compromised as a result of the variance. An application must demonstrate that items 1 through 7 of Section 169.009 of the Code of Ordinances have been met. A review of these items is as follows.

Item 1 - *"Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings or structures in the same land use category, zoning district or situation."*

The applicant states that, "the space provided by the original plans did not provide enough space for a family of five and pets." The applicant illegally constructed the screen room enclosure after receiving a zoning deficiency letter for the Building Division stating the enclosure did not meet the setbacks. Upon receiving the letter, the applicant then requested that their Building Permit be voided, which it was.

Item 2 - *"The special conditions and circumstances identified in Item 1 above are not the result of the actions of the applicant."*

There does not appear to be any special circumstances.

Item 3 - *"Literal interpretation and enforcement of the Land Development Code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same land use category, zoning district or situation under the terms of the Land Development Code, and would work unnecessary and undue hardship on the applicant."*

Literal interpretation and enforcement of the Land Development Code would require the applicant to remove the portions of the screen room enclosure that does not meet the zoning setbacks.

Item 4 - *"The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building, or structure."*

A maximum of 4.17 feet into the 25-foot rear building setback would be needed to meet the applicant's request.

Item 5 - *"Granting of the variance request will not confer on the applicant any special privilege that is denied by the development code to other lands, buildings or structures in the same land use category, zoning district or situation."*

Granting of the variance would confer upon the applicant a special privilege for the setback relief, as the same development standards apply to other properties in this community.

Item 6 - *"The granting of the variance will be in harmony with the general intent and purpose of this code and will not be injurious to the surrounding properties or detrimental to the public welfare."*

Staff has not identified any detrimental effect to public welfare.

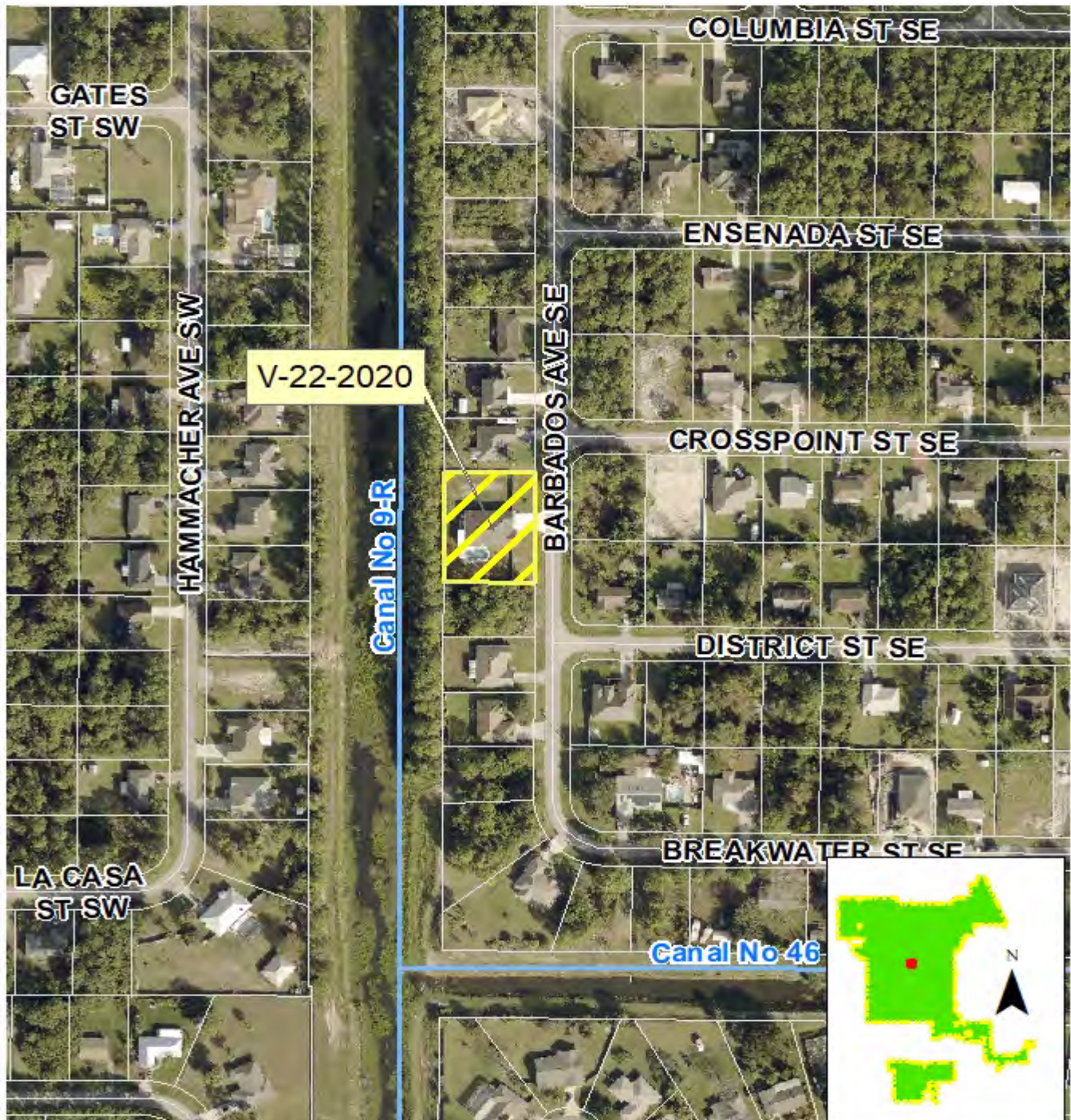
Item 7 - *"The variance represents a reasonable disposition of a claim brought under the Bert J. Harris Private Property Rights Protection Act, chapter 95-181, Laws of Florida, that a development order of the city has reasonably burdened the applicant's property, based on the recommendations of the special master appointed in accordance with the act, or the order of a court as described in the act."*

Staff has not received a claim made upon this property, with respect to the "Bert J. Harris Act," or any development order, as indicated above. Therefore, Item 7 is not applicable to the variance request.

STAFF RECOMMENDATION:

The Planning and Zoning Board must determine, based on the facts presented, to what degree, if any, of minimal relief, is required to meet the needs of the variance being requested, as required under Section 169.009 of the City of Palm Bay Code of Ordinances and make recommendations to City Council for a final review. Under 59.05(A)(14) City of Palm Bay Code of Ordinances, "The quasi-judicial body shall direct the clerk or [city] attorney acting as the body's legal counsel to prepare the necessary and appropriate written order in accordance with the purpose of the hearing and findings of the quasi-judicial body. Pursuant to Florida Statutes, in the event relief is denied to the applicant, the specific provision of statute or code that was deficient shall be stated for record."

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



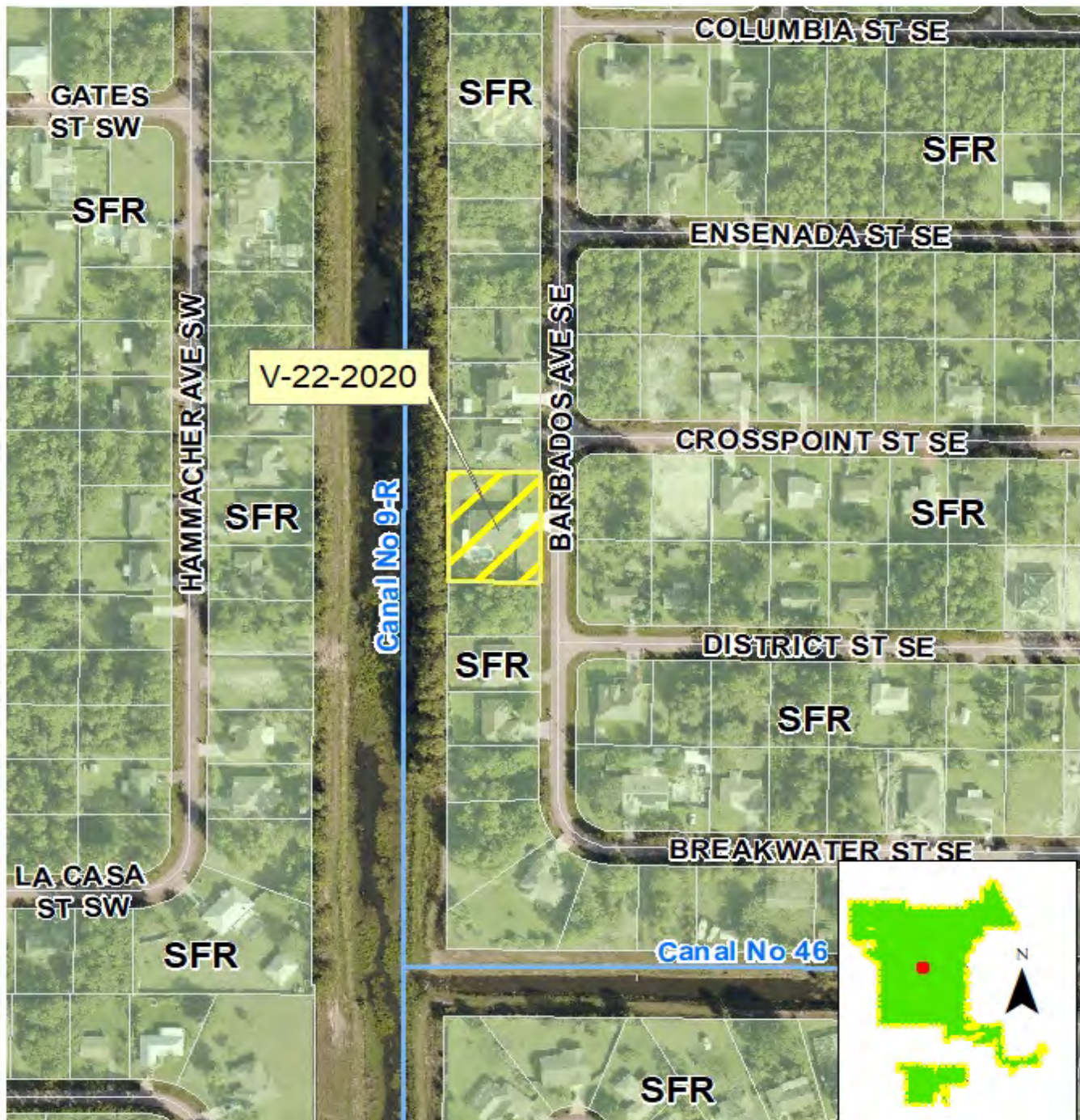
AERIAL LOCATION MAP CASE V-22-2020

Subject Property

West of and adjacent to Barbados Avenue SE, in the vicinity south of Crosspoint Street SE and north of District Street SE, Specifically at 1094 Barbados Street 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 V-22-2020

Subject Property

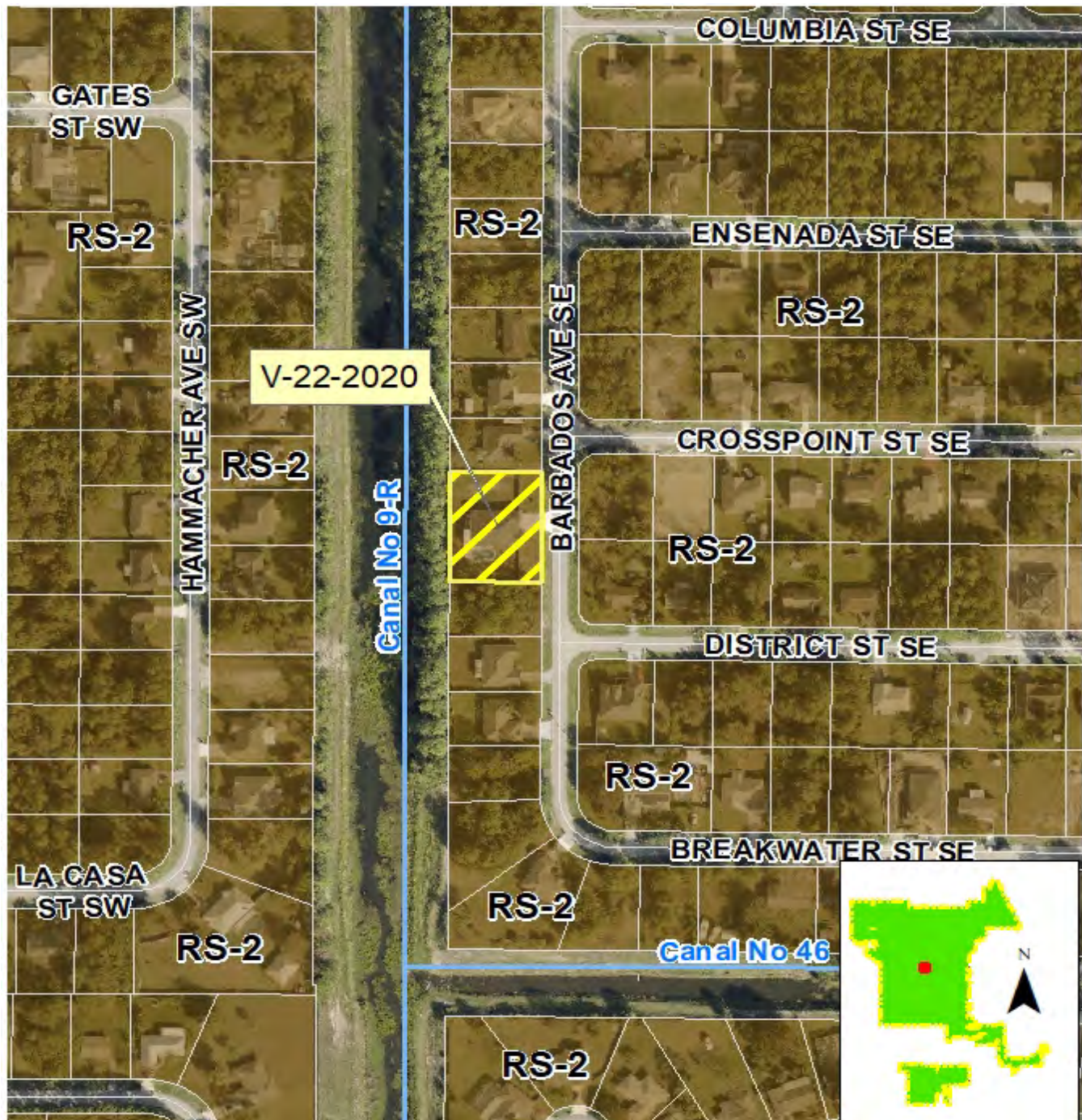
West of and adjacent to Barbados Avenue SE, in the vicinity south of Crosspoint Street SE and north of District Street SE, Specifically at 1094 Barbados Street SE

Future Land Use Classification

SFR – Single Family Residential Use



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



ZONING MAP

CASE V-22-2020

Subject Property

West of and adjacent to Barbados Avenue SE, in the vicinity south of Crosspoint Street SE and north of District Street SE, Specifically at 1094 Barbados Street SE

Current Zoning Classification

RS-2 – Single Family Residential District



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

VARIANCE APPLICATION

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

PARCEL ID 293 707 GN 509 38

TAX ACCOUNT NUMBER 2927192

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

Single Family Residence

STREET ADDRESS OF PROPERTY COVERED BY APPLICATION:

1094 Barbados ave SE. Palm Bay Fl 32909

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): .46

EXISTING ZONING CLASSIFICATION OF PROPERTY (ex.: RS-2, CC, etc.) RS-2

ARE THERE ANY STRUCTURES ON THE PROPERTY NOW? ☒ YES ☐ NO

HAS A VARIANCE APPLICATION PREVIOUSLY BEEN FILED FOR THIS PROPERTY?

☐ YES ☒ NO

IF SO, STATE THE NATURE OF THE PREVIOUS APPLICATION, WHETHER THE REQUEST WAS APPROVED OR DENIED, AND DATE OF ACTION:

DESCRIBE THE EXTENT OF THE VARIANCE REQUESTED AND THE INTENDED USE OF THE PROPERTY IF THE VARIANCE IS GRANTED (SPECIFY NUMBER OF INCHES/FEET ENCROACHING INTO SPECIFIC REQUIRED YARD SETBACK OR HEIGHT RESTRICTIONS):

4.17' into the
25' Build setback

CITE THE APPLICABLE SECTION(S) OF THE ZONING ORDINANCE AND ITS REQUIREMENT FROM WHICH VARIANCE IS REQUESTED (ex.: 185.034(f)(7)):

Section 185.181(A)
185.034 (F) (a) (d)

GIVE WRITTEN EXPLANATION(S) DEMONSTRATING HOW THE VARIANCE MEETS THE FOLLOWING CONDITIONS PER :

- (a) That special conditions and circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same land use category, zoning district, or situation.
- (b) That special conditions and circumstances referred to above do not result from the actions of the applicant.
- (c) That literal interpretation and enforcement of the development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same land use category, zoning district, or situation under the terms of the development code, and would work unnecessary and undue hardship on the applicant.
- (d) That if granted, the variance is the minimum variance necessary to make possible the reasonable use of the land, building or structure.
- (e) That granting the variance requested will not confer on the applicant any special privilege that is denied by the development code to other lands, buildings, or structures in the same land use category, zoning district, or situation.
- (f) That granting the requested variance will be in harmony with the general intent and purpose of this code and will not be injurious to the surrounding properties or detrimental to the public welfare.

- We own approx 1/2 acre pike Canal behind us. So no one will be affected.
- The space provided by original plans does not provide enough space for a family of 5 + pets, let alone for any company. One adults suffer from chronic pain and the space is utilize to relaxation + meditation to cope with pain. The other adult uses space as relaxation and peace due to PTSD from 24 years of Active Service in the ARMY.
- IT Lines up with Pool deck that was submitted with pool permit
- Have no desire to add any further Roofed structures
- There is no one to the south and west of the property and the neighbors to the north are a good distance away due to the porch been located in the middle of the two lots.

CITY OF PALM BAY, FLORIDA
VARIANCE APPLICATION
PAGE 3 OF 4

EVIDENCE MUST BE PROVIDED TO CONSIDER VARIANCES BASED ON THE FOLLOWING CLAIMS:

- ☐ **BERT J. HARRIS PRIVATE PROPERTY RIGHTS PROTECTION ACT**, Chapter 95-181, Laws of Florida. Provide a copy of one of the following:
- ☐ Special master appointed in accordance with the act.
 - ☐ Court order as described in the act.
- ☐ **AMERICANS WITH DISABILITIES ACT**. Cite the section of the act from which the variance request will provide relief: _____

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

- ☒ ***\$350.00 Application Fee.** Make Check payable to "City of Palm Bay."
- ☐ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☐ A site plan drawn to scale which shows all property and yard dimensions, its structures (if any) and the variance desired, including abutting highway or road boundaries. The site plan shall also be provided on Memory Drive.
- ☐ Site plan data may be shown on a copy of the survey and must also be provided on Memory Drive.
- ☐ A survey prepared by a registered surveyor showing all property lines and structures. The survey shall also be provided on Memory Drive.
- ☐ Sign(s) posted on the subject property. Refer to _____ of the Legislative Code for guideline.
- ☐ Where the property owner is not the representative for the request, a _____ must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative

Luis E Sanchez

CITY OF PALM BAY, FLORIDA
VARIANCE APPLICATION
PAGE 4 OF 4

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 Variance application and that the facts stated in it are true.

Owner Signature

Date

7-7-2020

Printed Name

Luis E. Sanchez

Full Address

1094 Barbados ave se Palm Bay 32909

Telephone

(321)634-2054

Email

luis.sanchez1003@yahoo.com

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



CITY OF PALM BAY, FLORIDA
VARIANCE APPLICATION
PAGE 4 OF 4

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 Variance application and that the facts stated in it are true.

Owner Signature Tammy Sanchez Date 8/5/2020
Printed Name Tammy M. Sanchez
Full Address 1094 Barbados ave SE Palm Bay FL 32909
Telephone 321-266-4510 Email stjulp@yahoo.com

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



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

CP-7-2020

PLANNING & ZONING BOARD HEARING DATE

September 2, 2020

PROPERTY OWNER & APPLICANT

M. David Moallem
(Rep. Lehem Berrios)

PROPERTY LOCATION/ADDRESS

Tract C, Port Malabar Unit 14, Section 35, Township 28,
Range 36, Brevard County, Florida

SUMMARY OF REQUEST

The applicant is requesting a small-scale Comprehensive Plan Future Land Use Map Amendment to change 1.55 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

Undeveloped Land

Site Acreage

1.55 acres, more or less

SURROUNDING ZONING & USE OF LAND

North

RS-2, Single-Family Residential; Alegriano Road NW

East

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

South

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

West

RS-2, Single-Family Residential; Undeveloped Land

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 applicant intends to construct one (1) single-family home. It shall be noted that the parcel may only be split one time (to create two 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 not 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. If the property goes through the subdivision process Any proposed stormwater management system will be reviewed and approved by the City during the building permitting 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 requested is 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.

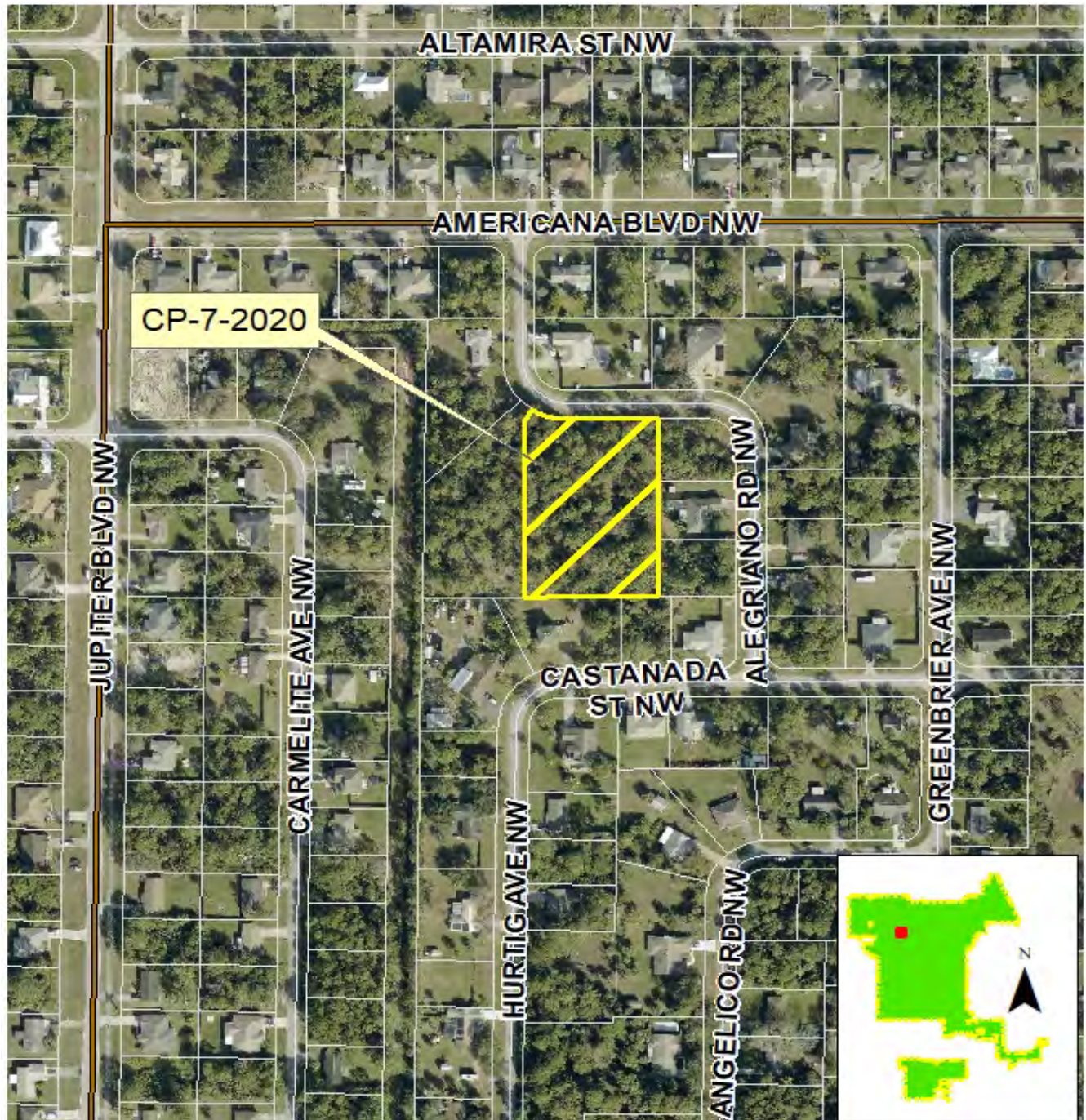
7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element is 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:

Case CP-7-2020 is recommended for approval subject to the staff comments.

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



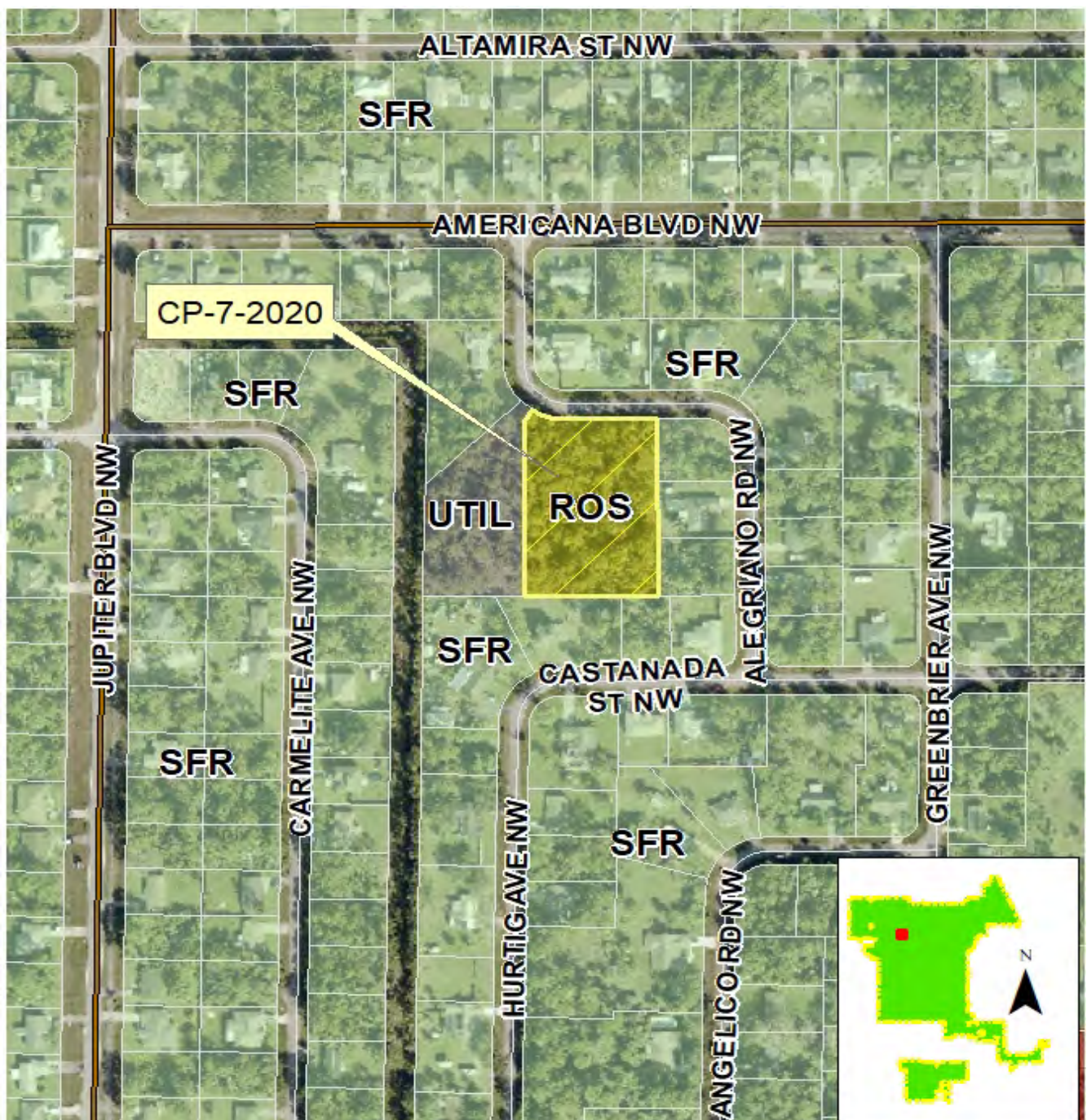
AERIAL LOCATION MAP CASE CP-7-2020

Subject Property

South of and adjacent to Alegriano Road NW, in the vicinity south of Americana Boulevard NW



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-7-2020

Subject Property

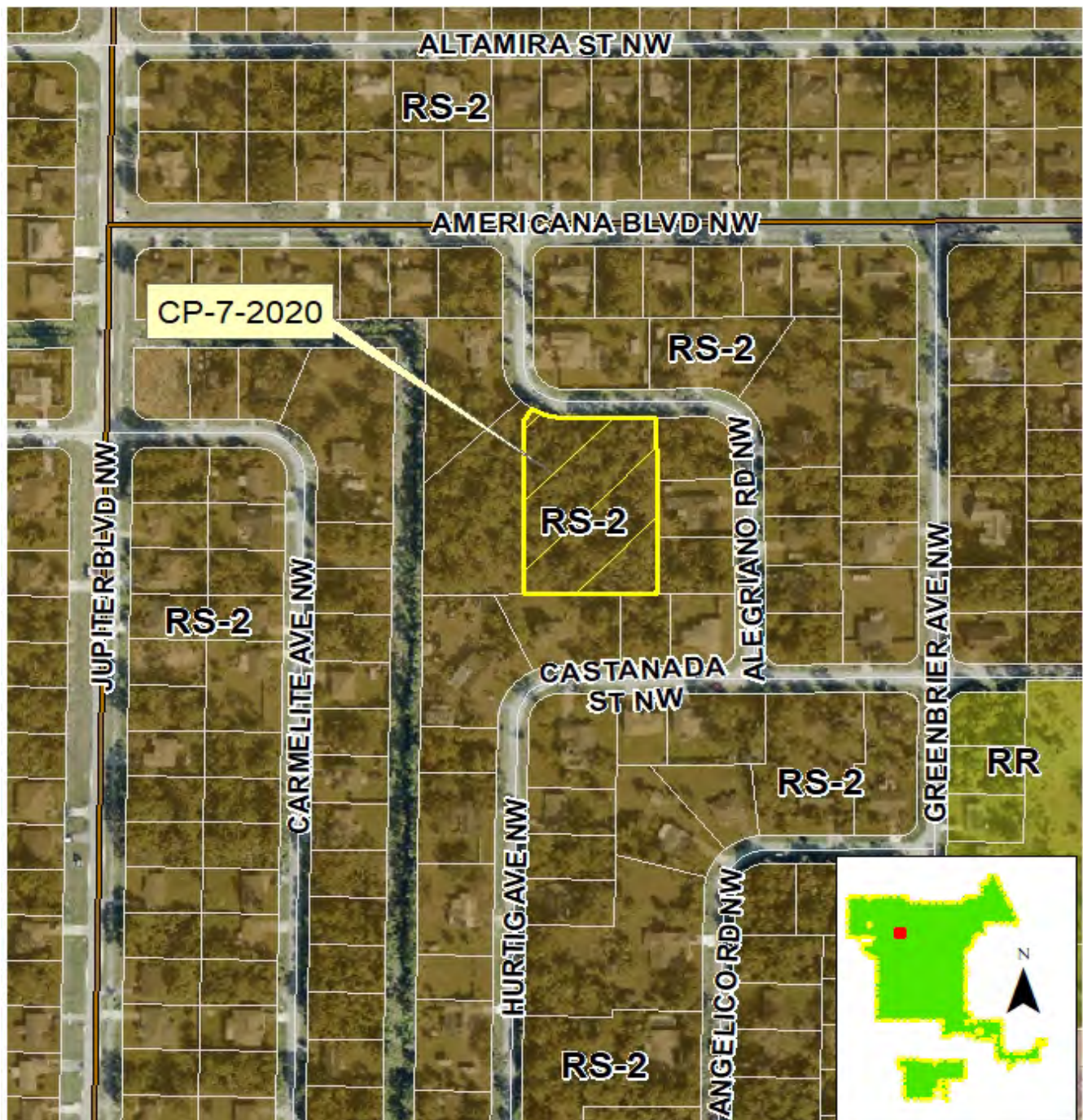
South of and adjacent to Alegriano Road NW, in the vicinity south of Americana Boulevard NW

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-7-2020

Subject Property

South of and adjacent to Alegriano Road NW, in the vicinity south of Americana Boulevard NW

Current Zoning Classification

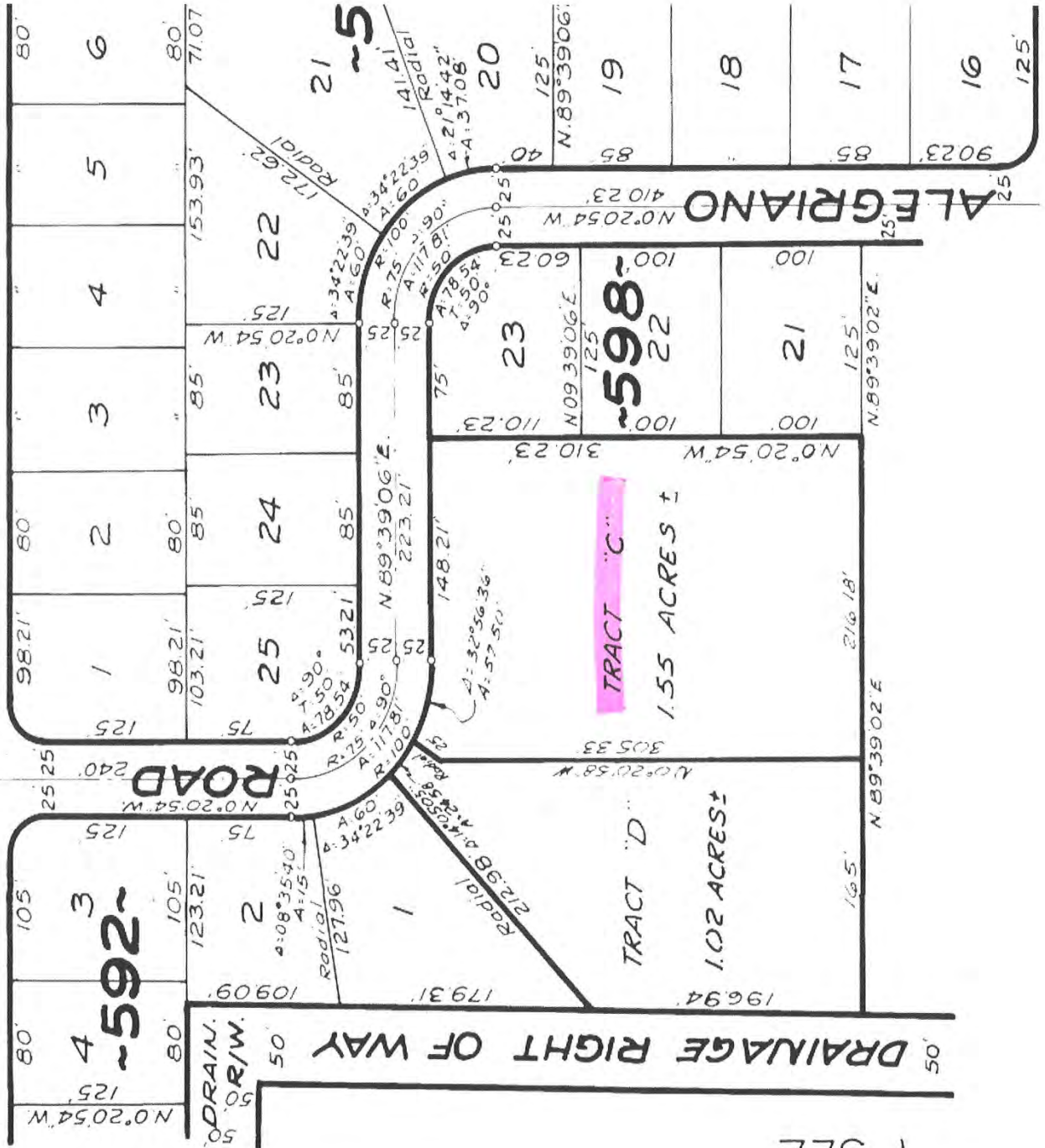
RS-2 – Single Family Residential District

AMERICANA

N. 89° 39' 06" E
673.21'

670'

(SEE





LAND DEVELOPMENT DIVISION

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

Landdevelopment@palmbayflorida.org

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

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

APPLICATION AMENDMENT TYPE:



Small Scale (Less than 10 acres)



Text Amendment (Comp. Plan)



Large Scale (10 acres or more)

PARCEL ID 28-36-35-EY-C

TAX ACCOUNT NUMBER 2814144

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

Port Malabar unit 14 ; tract C

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

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

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

PRESENT USE OF PROPERTY Vacant

STRUCTURES LOCATED ON THE PROPERTY none

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION

N/A

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

We would like to use the land for residential use. single family home.

SPECIFIC USE INTENDED FOR PROPERTY

We want to build a single family home on the property.

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



*Application Fee. Make Check payable to "City of Palm Bay."



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



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



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



Boundary Survey for land use amendments.



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



School Board of Brevard County [School Impact Analysis Application](#) (if applicable).



Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guideline.

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



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

Name of Representative Lehem Berrios

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 M. D. Moalle - [Signature] Date 7/9/2020

Printed Name M. DAVID MOALLEN

Full Address 1663 GEORGIA ST. NE PALM BAY, FL 32907

Telephone 321-724-2424 Email Palmbayland@gmail.com

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

CITY OF PALM BAY
RECEIVED

JUL 13 2020

LAND DEVELOPMENT

07/09, 20 20

Re: Letter of Authorization

As the property owner of the site legally described as:

PMU 14 TRACT C
272 ALEGRIANO RD NW PALM BAY, FL. 32907

I, Owner Name: M. DAVID MUALLEM

Address: 1643 GEORGIA ST. NE #200 PALM BAY, FL 32907

Telephone: 321-724-2424

Email: Palmbayland@gmail.com

hereby authorize:

Representative: LEHEM D BERRIOS OR BRANDI L BERRIOS

Address: 480 HIGGS AVE NW PALM BAY, FL 32907

Telephone: 321-614-5655

Email: LBERRIOS@yahoo.com

to represent the request(s) for:

APPLYING FOR CHANGE OF LAND USE FROM PARKSITE TO RESIDENTIAL

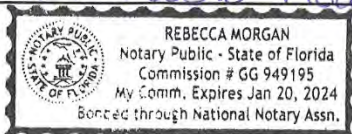
M. David Muallem - [Signature]
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 10 day of July, 20 20 by

M. David Muallem, property owner.



[Signature]
Rebecca Morgan, Notary Public

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



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Christopher Balter, Senior Planner

CASE NUMBER

CP-8-2020

PLANNING & ZONING BOARD HEARING DATE

September 2, 2020

PROPERTY OWNER & APPLICANT

Jared and Megan Cooper

PROPERTY LOCATION/ADDRESS

Tract D, Port Malabar Unit 8, Section 32, Township 28
Range 3, Brevard County, Florida

SUMMARY OF REQUEST

The applicant is requesting a small-scale Comprehensive Plan Future Land Use Map Amendment to change 1.59 acres of Recreation and Open Space (ROS) to Single-Family Residential Use (SFR).

Existing Zoning

RS-2, Single-Family Residential

Existing Land Use

Recreation and Open Space Use

Site Improvements

Undeveloped Land

Site Acreage

1.59 acres, more or less

SURROUNDING ZONING & USE OF LAND

North

RS-2, Single-Family Residential; Firestone Street NE

East

RS-2, Single-Family Residential; Undeveloped Land

South

RS-2, Single-Family Residential; Melbourne-Tillman Canal No 51

West

RS-2, Single-Family Residential; Undeveloped Land

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 applicant intends to construct one (1) single-family home. It shall be noted that the parcel may only be split one time (to create two 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 and sewer are available. 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. If the property goes through the subdivision process Any proposed stormwater management system will be reviewed and approved by the City during the building permitting 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 requested is 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

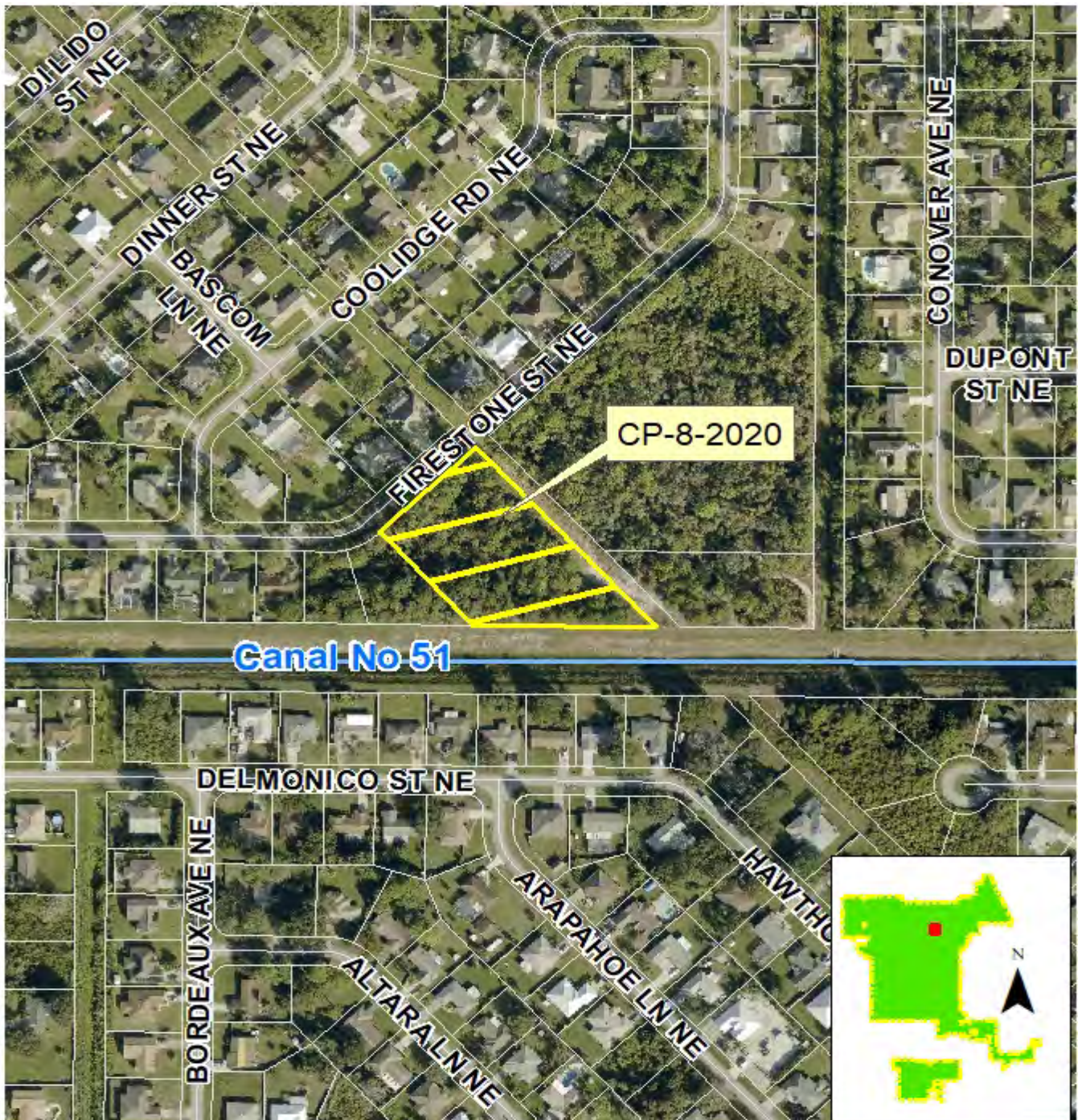
The objectives of the Comprehensive Plan's Transportation Element is to provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community.

STAFF RECOMMENDATION:

Case CP-8-2020 is recommended for approval subject to the staff comments.



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



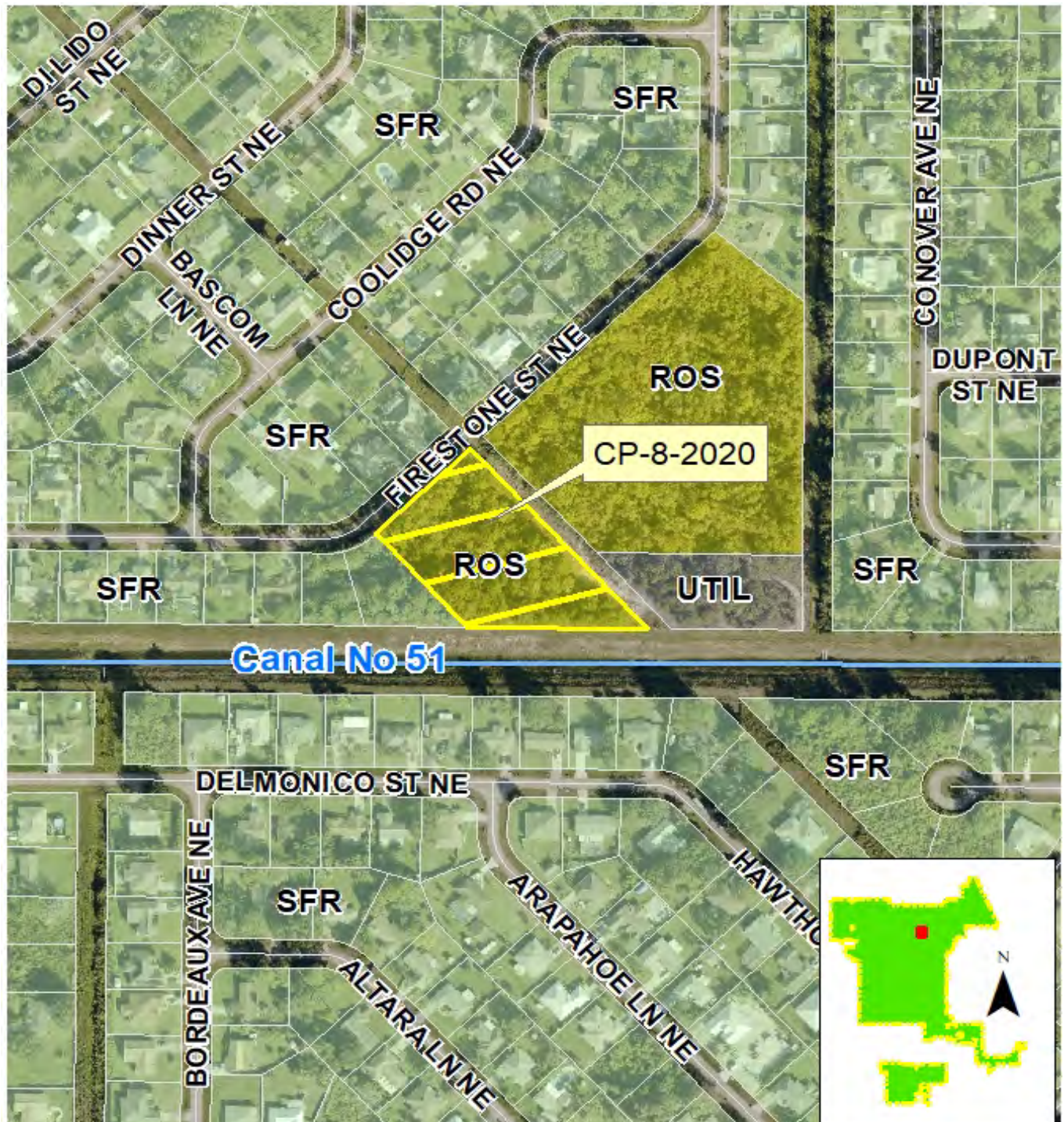
AERIAL LOCATION MAP CASE CP-8-2020

Subject Property

East of and south of Firestone Street NE, and west of the Houston Texas Gas and Oil Corporation Right-of-Way Easement



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-8-2020

Subject Property

East of and south of Firestone Street NE, and west of the Houston Texas Gas and Oil Corporation Right-of-Way Easement

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-8-2020

Subject Property

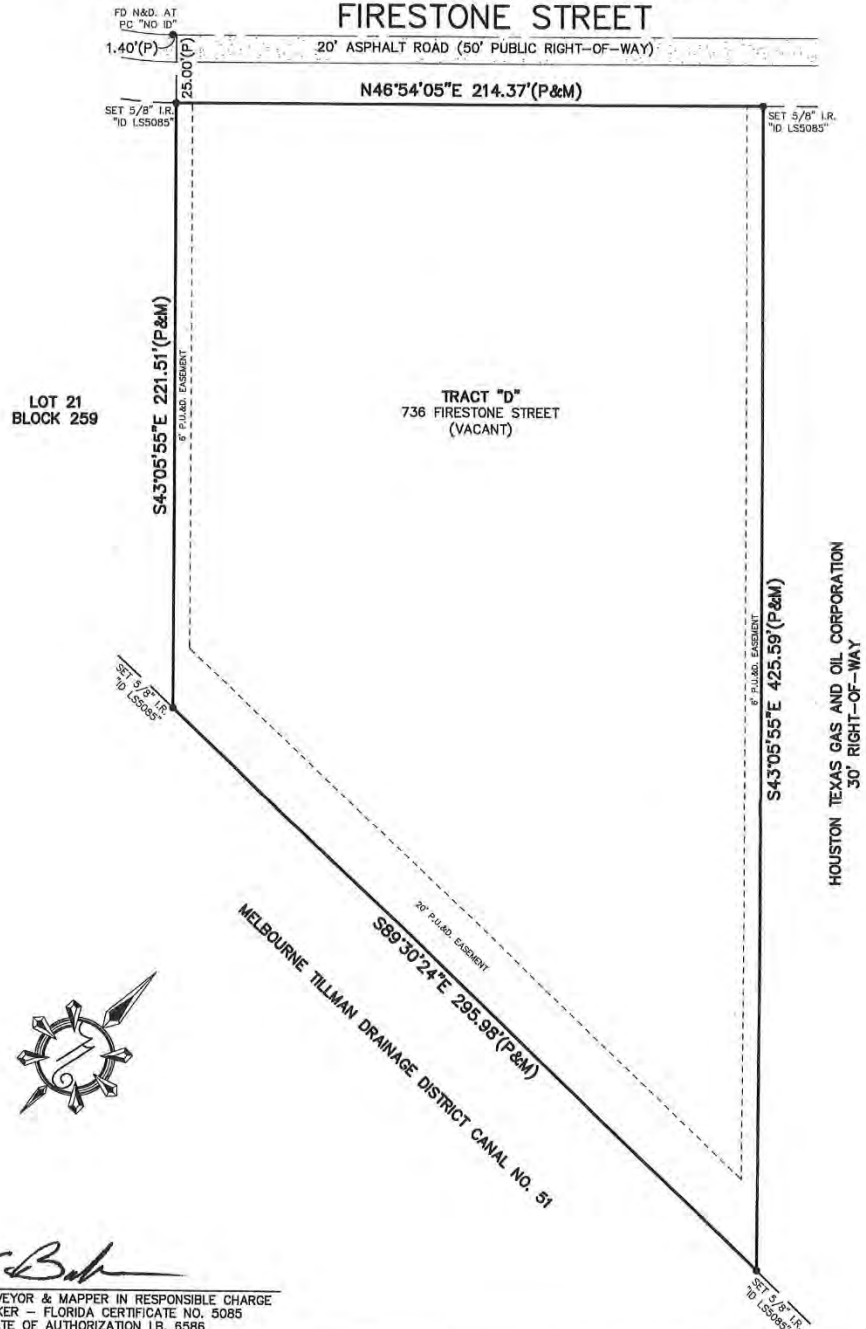
East of and south of Firestone Street NE, and west of the Houston Texas Gas and Oil Corporation Right-of-Way Easement

Current Zoning Classification

RS-2 – Single Family Residential District

BOUNDARY SURVEY OF:
TRACT D AS SHOWN ON THE PLAT OF PORT MALABAR UNIT EIGHT
AS RECORDED IN PLAT BOOK 14, PAGES 142-150 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

FIRESTONE STREET



Myron E. Barker
PROFESSIONAL SURVEYOR & MAPPER IN RESPONSIBLE CHARGE
MYRON E. BARKER — FLORIDA CERTIFICATE NO. 5085
CERTIFICATE OF AUTHORIZATION LB. 6586

LEGEND	
(AKA)	= ALSO KNOWN AS
C	= CENTERLINE
C.B.	= CONCRETE BLOCK
C.B.S.	= CONCRETE BLOCK STRUCTURE
C.L.F.	= CHAIN LINK FENCE
C.L.R.	= CLEAR
C.M.	= CONCRETE MONUMENT
CONC.	= CONCRETE
COR.	= CORNER
COVD	= COVERED
D	= DELTA
FD	= FOUND
ID	= IDENTIFICATION
I.P.	= IRON PIPE
I.R.	= IRON ROD
L	= LENGTH
LB	= LICENSE BUSINESS
LS	= LICENSE SURVEYOR
(M)	= MEASURED
N&D	= NAIL & DISK
(P)	= PLATTED
PC	= POINT OF CURVATURE
PT	= POINT OF TANGENCY
PL	= PROPERTY LINE
P.S.M.	= PROFESSIONAL SURVEYOR & MAPPER
PRC	= POINT OF REVERSE CURVE
P.U.A.D.	= PUBLIC UTILITY & DRAINAGE
R	= RADIUS
R/W	= RIGHT-OF-WAY
(TYP.)	= TYPICAL
W.F.	= WOOD FENCE

SURVEYOR'S NOTES:

- 1) THE BEARING SYSTEM SHOWN HEREON IS BASED ON A ASSUMED BEARING OF S.X'X'X"E., ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF FIRESTONE STREET.
- 2) AS PER FLOOD INSURANCE RATE MAP NO.12090C 0594 G, INDEX DATED 03-17-2014, THE ABOVE DESCRIBED PROPERTY LIES IN ZONE X.
- 3) THIS SURVEY WAS PREPARED FROM TITLE INFORMATION PROVIDED TO THE SURVEYOR. THERE MAY BE ADDITIONAL RESTRICTIONS OR EASEMENTS THAT AFFECT THE PROPERTY.
- 4) UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.
- 5) LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY, RESERVATION, AGREEMENT AND/OR EASEMENTS OF RECORD. SUCH INFORMATION IF DESIRED, SHOULD BE OBTAINED AND CONFIRMED BY OTHER THROUGH APPROPRIATE TITLE VERIFICATION.
- 6) NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PRECISION
LAND SURVEYING, INC.
2900 LAKE WASHINGTON ROAD, SUITE 1
MELBOURNE, FLORIDA 32935
PHONE: 321-259-4600
EMAIL: PRECISIONSURVEYING1993@GMAIL.COM

CERTIFIED TO:
MEGAN COOPER

TYPE OF SURVEY:
BOUNDARY SURVEY

PROJECT:
20-1349

SCALE: 1" = 40'
DATE: 03/30/2020
CAD FILE: 20-1349.DWG
F.B. NUMBER:
REVISION:



LAND DEVELOPMENT DIVISION

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

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

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

APPLICATION AMENDMENT TYPE:

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

PARCEL ID 28-37-32-FS-*D

TAX ACCOUNT NUMBER 2841236

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

Tax ID 2841236 Parcel ID 28-37-32-FS-*D
Owners Megan and Jared Cooper

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 1.59

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

Zoning: RS-2 - Single Family Residential
Future Land Use: ROS - Recreation Open Space

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

Zoning: RS-2 - Single Family Residential
Future Land Uses: SFR - Single Family Residential

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

PRESENT USE OF PROPERTY Vacant

STRUCTURES LOCATED ON THE PROPERTY None

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION

N/A

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

Build a house

SPECIFIC USE INTENDED FOR PROPERTY

Build a single family house

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

☒ *Application Fee. Make Check payable to "City of Palm Bay."

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

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

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

☒ Boundary Survey for land use amendments.

☒ 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.)

MA ☒ School Board of Brevard County School Impact Analysis Application (if applicable).

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

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

☐

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

Name of Representative _____

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 Jared K. Cooper Megan Cooper Date 7-24-2020
Printed Name Jared K. Cooper Megan Cooper
Full Address 886 Autumn St. SE Palm Bay, FL 32909
Telephone 321-831-7345 Email grovudczero@windspring.com

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

CITY OF PALM BAY
RECEIVED
JUL 24 2020
LAND DEVELOPMENT



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Laurence Bradley, AICP, Growth Management Director

CASE NUMBER

T-21-2020

PLANNING & ZONING BOARD HEARING DATE

September 2, 2020

PROPERTY OWNER & APPLICANT

City of Palm Bay, Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not applicable

SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to establish language that will permit tiny homes on wheels and modification to the small planned unit developments.

Existing Zoning

Not applicable

Existing Land Use

Not applicable

Site Improvements

Not applicable

Site Acreage

Not applicable

APPLICABILITY

Citywide

COMPREHENSIVE PLAN

COMPATIBILITY

Not specifically addressed

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 (Definitions), to modify the definition of Dwelling, Mobile Home; to modify the definition of Dwelling, Single-Family; and to create a new definition for a Tiny Home on Wheels (THOW). Also, the amendment seeks to modify Section 185.060 (Definitions) to modify the definition of Small Planned Unit Development (SPUD) to allow THOWs, and further to modify Section 185.062 to delete the words “prior to the effective date of this section.”

The Growth Management Department, acting upon a request by a member of the City Council, has submitted this proposed text amendment. This proposed text amendment will allow Tiny Homes on Wheels (THOWs) to be developed as part of Small Planned Unit Developments (SPUDs)

The rationale provided for this amendment is to create more housing choices and potentially make housing more affordable by allowing THOWs in the City of Palm Bay.

Proposed language is attached for this amendment in legislative style with additions between >>arrow<< symbols and deletions in ~~striketrough~~ format.

ANALYSIS:

The first change in this amendment is a modification to the definition of Dwelling, Mobile Home. This change is being made to recognize that the Department of Transportation does not license Mobile Homes. Rather than call out a specific department, which could change in the future, the proposed wording using “State of Florida” acknowledges that Mobile Homes are licensed by the state but not the Department of Transportation.

The second change is a modification to the definition Dwelling, Single-Family to allow Tiny Homes on Wheels (THOWs) which are anchored to the ground or placed on a foundation with skirting and connected to City of Palm Bay water and sewer. This type of home may be considered a Single-Family Dwelling. While this may seem contrary to certain definitions in Florida State Statutes, which consider this to be a Mobile Home, based upon discussions and documents reviewed by the City Attorney’s office, the City Council has the ability to define locally what is or is not a Single-Family Dwelling. It should be noted that for a THOW to be considered as a Single-Family Dwelling it must meet the definitional criteria. If a THOW was not anchored to the ground or placed on a foundation, and not skirted, it would be considered a Mobile Home. Plus, for a THOW to be considered as a Single-Family Dwelling it must be connected to City water and sewer.

The minimum living area is 120 square feet for a THOW. THOWs which are 400 square feet or less must be constructed to the American National Standards Institute (ANSI) Sec. A119.5. THOWs over 400 square feet must comply with the Code of Federal Regulations (CFR) – 24 CFR Part 3280 – Manufactured Home Construction and Safety

The first change in this amendment is a modification to the definition of Dwelling, Mobile Home. This change is being made to recognize that the Department of Transportation does not license Mobile Homes. Rather than call out a specific department, which could change in the future, the proposed wording using “State of Florida” acknowledges that Mobile Homes are licensed by the state but not the Department of Transportation.

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The minimum living area is 120 square feet for a THOW. THOWs which are 400 square feet or less must be constructed to the American National Standards Institute (ANSI) Sec. A119.5. THOWs over 400 square feet must comply with the Code of Federal Regulations (CFR) – 24 CFR Part 3280 – Manufactured Home Construction and Safety Standards. 24 CFR 2380 is administered by the Department of Housing and Urban Development (HUD). It should be further noted the proposed definition only allows THOWs to be located in Small Planned Unit Developments (SPUDs).

Small Planned Unit Developments (SPUDs) are a subset of Planned Unit Developments. A change in the definition of a SPUD will allow THOWs to be used with a SPUD. It should be noted that some of the requirements of a SPUD are different than a regular PUD. Some of the key differences are that SPUDs can be developed with just 1 acre of land, while PUDs require a minimum of 5 acres. Also, SPUDs have a maximum dwelling unit size of 800 square feet and PUDs have an 800 square foot minimum living area for single-family units. SPUDs have reduced parking and open space requirements, but they must be connected to City water and sewer. One final requirement is that a SPUD must have a designation on the Future Land Use (FLU) map of Multiple-Family Residential (MFR). MFR has a maximum density of 20 units per acre. Also, MFR allows for both Single-Family and Multi-Family dwellings.

The last text change in this application is a deletion of the words “prior to the effective date of this section.” This wording was originally added to the SPUD to identify that SPUDs could only be located on parcels with a pre-existing FLU of MFR. Since SPUDs were first adopted in January 2020, it has been determined that the City Council should have the ability to change the FLU designation to MFR, which would allow SPUDs in areas which currently are not designated as MFR.

The basic effect of this amendment is to allow THOWs in SPUDs. As written, THOWs would only be allowed in SPUDs which are created through same process as all Planned Unit Developments (PUDs).

Other than tie-downs, foundations and utility connections, THOWs will not be regulated by the Florida Building Code, but rather through ANSI and HUD standards. These units will still need to be registered as motor vehicles. As written their placement would be limited to SPUDs. Future expansion of THOWs beyond SPUDs is something that should be carefully considered should there be requests to allow these units in other areas. Allowing THOWs in the middle of single-family neighborhoods has the potential to create additional concerns for city residents about aesthetics and property values.

Given the potentially wide variety of THOWs that could be utilized. The Council may want to consider additional architectural standards for THOWs that would allow them to more resemble conventional built homes. Such standards could include: requirements for exterior finishes other than metal, such as wood siding or other materials; pitched roofs and porches could also be considered. THOW developments could also have additional open space or landscaping requirements to enhance community character. Shared parking areas could also be considered.

Locally, both Brevard County and the City of Rockledge have adopted regulations which allow for THOWs. However, based upon recent contacts with these agencies to date neither of them have seen any THOWs in their respective jurisdictions.

STAFF RECOMMENDATION:

THOWs in the City is a policy decision that the City Council will need to address. The Council should consider the definitional changes that are required to make this use permissible. Also, the Council could adopt additional requirements, if so desired, to enhance the appearance of these units and the communities where they will be located.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

GENERAL PROVISIONS

§ 185.006 DEFINITIONS.

DWELLING, MOBILE HOME. A detached residential dwelling unit over eight (8) feet in width, licensed by the >>State of Florida<< ~~Department of Transportation~~, designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A “travel trailer” is not to be considered as a mobile home.

DWELLING, SINGLE-FAMILY. A detached dwelling unit other than a mobile home, designed for and occupied by one (1) family only. >>A Tiny Home on Wheels (THOW) that is anchored to the ground or placed on a foundation with skirting and connected to the City of Palm Bay water and sewer distribution system may be considered as a Single-Family Dwelling.<<

MOBILE HOME. See dwelling, mobile home.

>>**TINY HOME ON WHEELS (THOW).** A dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation. A Tiny Home on Wheels (THOW) is considered a Single-Family residential structure when anchored to the ground or placed on a foundation with skirting and connected to the City of Palm Bay water and sewer distribution system. A THOW must have a minimum living area of one hundred and twenty (120) square feet. A THOW must be certified to meet ANSI A119.5 standards. A THOW exceeding 400 square feet shall meet the Federal Manufactured Home Construction and Safety Standards and shall have a United States Department of Housing and Urban Development label. A THOW shall only be permitted in a Small Planned Unit Development (SPUD).<<

TRAVEL TRAILER or MOBILE CAMPER. A self-powered or nonself-powered vehicle eight (8) feet or under in width and no more than thirty-five (35) feet in length capable of being towed by an ordinary vehicle upon which it is constructed, whose primary use is temporary lodging while traveling or camping and is not used for habitation except in designated areas while within the corporate limits of the city.

PLANNED UNIT DEVELOPMENT (PUD)

§ 185.060 DEFINITIONS.

SMALL PLANNED UNIT DEVELOPMENT (SPUD). An area of land developed as a single entity, or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly, which is master planned to provide for smaller sized (under 800 square feet) single or two-family structures and common open space. >>A SPUD may include Tiny Homes on Wheels (THOW), as defined in §185.006.<< Connection to public sanitary sewer and public water required.

§ 185.062 PERMITTED USES.

(D) *Small developments.* A SPUD consists of single-family or two-family structures in collective land ownership, such as a condominium or on individual-owned lots. Each dwelling unit shall not exceed 800 square feet of finished living area. SPUDs shall only be located in areas that have future land use designation of multiple family residential use ~~prior to the effective date of this section~~. SPUDs shall not be developed using Mobile Homes. SPUDs must be connected to the City of Palm Bay water and sewer distribution system.



LAND DEVELOPMENT DIVISION

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

CODE TEXTUAL AMENDMENT APPLICATION

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

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Sections 185.006, 185.060 and 185.062

PROPOSED LANGUAGE (attach addendum if necessary):

See attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

Per City Council direction, to establish language that will permit tiny homes on wheels and modification to the small planned unit developments.

CITY OF PALM BAY, FLORIDA
CODE TEXTUAL AMENDMENT APPLICATION
PAGE 2 OF 2

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

☐ *\$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."

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 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 code textual amendment application and that the facts stated in it are true.

Signature of Applicant Laurence Bradley Digitally signed by Laurence Bradley
DN: dc=org, dc=palmbayflorida, ou=Community
Planning & Economic Development, ou=Land
Development, cn=Laurence Bradley
Date: 2020.08.25 10:08:20 -0400 Date _____

Printed Name of Applicant Laurence Bradley, AICP, Growth Management Director

Full Address 120 Malabar Road SE, Palm Bay, FL 32907

Telephone (321) 733-3042 Email laurence.bradley@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ Email _____

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



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Laurence Bradley, AICP, Growth Management Director

DATE: September 2, 2020

SUBJECT: Petition to Establish A Moratorium for Conditional Uses within the Neighborhood Commercial (NC) District

This is a proposed request to establish a temporary moratorium within the Neighborhood Commercial (NC) zoning district on all Conditional Use applications, reference Section 185.042 (D). This temporary moratorium will place a suspension on the acceptance, processing, and consideration of all applications for Conditional Use applications for a period of six (6) months to review current list of uses and requirements within the district, and to allow time to consider new regulations which will enhance the intent of this district, as set forth below.

"The purpose of the neighborhood commercial district shall be to provide areas within Palm Bay which are deemed to be uniquely suited for the development and maintenance of limited commercial activities offering convenience goods and personal services to residents of the surrounding neighborhood area. Development standards and provisions are established to ensure the proper development and location of uses and services deemed appropriate within the district; to reduce conflicts with adjacent residential uses, and to minimize the interruption of traffic along adjacent thoroughfares."

City Council will hear the request on September 17, 2020. Board action is required regarding the request.

LB:cp

Attachment

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM OF ONE HUNDRED AND EIGHTY DAYS (180) PROHIBITING THE ACCEPTANCE, PROCESSING, AND CONSIDERATION OF APPLICATIONS FOR CONDITIONAL USES WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) DISTRICT IN ORDER TO REVIEW THE CURRENT LIST OF USES AND REQUIREMENTS WITHIN THE ZONE TO ALLOW TIME TO DEVELOP NEW REGULATIONS WHICH WILL ENHANCE THE INTENT OF THIS ZONE ; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the intent of the Neighborhood Commercial (NC) District is “The purpose of the neighborhood commercial district shall be to provide areas within Palm Bay which are deemed to be uniquely suited for the development and maintenance of limited commercial activities offering convenience goods and personal services to residents of the surrounding neighborhood area. Development standards and provisions are established to ensure the proper development and location of uses and services deemed appropriate within the district; to reduce conflicts with adjacent residential uses, and to minimize the interruption of traffic along adjacent thoroughfares.”, and

WHEREAS, the NC District allows for Conditional Uses pursuant to Section 185.42 (D) and pursuant to Section 185.085 Conditional Uses require additional review by the City Council because “Certain land uses, due to their unique functional characteristics and the potentiality for their incompatibility with adjoining land uses, require special consideration on an individual basis of their suitability for location and development within particular zoning districts. Such uses have been designated as conditional uses within appropriate zoning district classifications set forth in §§ [185.030](#) et seq. and §§ [185.060](#) et seq. It is the intent of this subchapter that such uses may be permitted in the zoning district classifications only after affirmative findings that they can be developed at particular

locations in a compatible manner.”, and

WHEREAS, the City of Palm Bay has seen an increase in Condition Use applications within the NC District and as such it is in the best interest of City’s residents who reside in close proximity to these areas to be afforded better protection from the development of these properties, and

WHEREAS, NC zoned properties are often located in the middle of residential areas and the NC zone properties as further depicted in the attached Figure 1, and

WHEREAS, the City of Palm Bay regulates the use of land through its Comprehensive Plan and its Land Development Code as authorized by Section 163.3164, Florida Statutes, and

WHEREAS, the City Council desires for its Staff to have sufficient time to review and make recommendations for the enactment of Zoning amendments, and to the NC District, and

WHEREAS, this moratorium will allow sufficient time for preparing and adopting new regulations for Conditional Uses within the NC District, and

WHEREAS, it is the intent of the City Council to place a temporary moratorium and/or suspension on the acceptance, processing, and consideration of all Conditional Use applications within the NC District for a period of six (6) months, and

WHEREAS, the City Council of the City of Palm Bay finds it is in the best interest of the citizens of the City to place a temporary moratorium within the NC District to preserve the quality of life and preserve property values so that new regulations regarding Conditional Uses can be implemented, and

WHEREAS, City Council of the City of Palm Bay has authority in accordance with the Florida Constitution, and Chapter 163 and 125 of the Florida Statutes, to enact regulations in the interest of the public health, safety and welfare of its citizens.

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

SECTION 1. The foregoing “Whereas” clauses are hereby ratified and affirmed as being true and correct and are incorporated herein by reference.

SECTION 2. The City of Palm Bay hereby prohibits the acceptance, processing and consideration of all Conditional Use applications within the NC District as shown in Figure 3, and a moratorium is hereby declared.

SECTION 3. The moratorium imposed by this Ordinance shall be effective for a period of six (6) months from enactment, unless rescinded sooner.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this Ordinance and shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative parts therein, and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed to be held valid as if this Ordinance had been adopted without such unconstitutional, invalid or inoperative part herein and if this Ordinance or any provision thereof, shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the application thereof to any other person, property or circumstances.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting No. 2020- , held on , 2020 and read in title only and duly enacted at Meeting No. 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO:



FIGURE 1 NEIGHBORHOOD COMMERCIAL ZONING MAP

