



STAFF REPORT
LAND DEVELOPMENT DIVISION

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Prepared by

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CASE NUMBER
CP23-00020

PLANNING & ZONING BOARD HEARING DATE
February 7, 2024

PROPERTY OWNER & APPLICANT

Palm Bay Suites and Residences – James Garbarsky, Palm Bay Development Group, LLC (Kimberly Rezanka, Rep.)

PROPERTY LOCATION/ADDRESS

Tract 1 and Tract 2, Palm Bay Colony Section One; and Tract 7 and Tract 8, Less that portion of Tract 8 as described in Official Records Book 7775-page 2062, Palm Bay Colony Section Four; all in Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 26.5 acres. Located west of and adjacent to Robert J. Conlan Boulevard NE.

SUMMARY OF REQUEST

Existing Zoning
Existing Land Use
Site Improvements
Site Acreage

The applicant is requesting a small-scale **Future Land Use map amendment** from COM, Commercial to NC, Neighborhood Center.
HC, Highway Commercial
COM, Commercial
Undeveloped Land
26.5 Acres

SURROUNDING FUTURE LAND USE & USE OF LAND

North	IND, Industrial; vacant
East	IND, Industrial, existing industrial development; limited SFR (Single Family Residential) and MHR (Mobile Home Residential) development
South	IND, Industrial; vacant and industrial development
West	MHR, Mobile Home Residential; existing mobile home park

BACKGROUND:

The subject parcel consists of four parcels separated by public roads located on the west side of Robert J. Conlan Blvd. NE. The parcels consist of vacant land approximately 26.5 acres in size. Currently this property has a future land use consisting of COM, Commercial, which allows for “*Areas supportive of low-to -moderate intensity commercial developments*” including offices, retail businesses, personal service businesses, day care centers, restaurants, financial institutions, hotels and motels, and other similar uses. The four parcels contain approximately 8 acres total of wetlands, and the site is currently vacant except for one outparcel on Parcel 3

containing a Dollar General store. An established mobile home residential park, Palm Bay Colony, lies adjacent to the west and is accessed by the three public roads bisecting this site, Guava Lane, Ersoff Blvd NE., and Lemon Tree St. North of the property lies vacant and developed Industrial land, east contains a mix of mainly industrial and commercial development with limited single family and mobile home residential lands. South of the property lies industrial and commercial development. Robert J. Conlan Blvd NE has been developed as a high intensity "employment" corridor.

The applicant is requesting to change the future land use of their property to NC, Neighborhood Center, "*Areas accommodating high residential densities complemented by neighborhood-scale commercial and office uses*" allowing for a range of housing types, commercial, office, recreation, and institutional uses. This change in future land use would allow the property owner to build a multi-family apartment complex. According to the applicant, the current future land use of Commercial does not allow for residential uses and is too intense to be adjacent to Palm Bay Colony Mobile Home Park. The Neighborhood Center future land use allows this project to develop with a commercial hotel and with residential apartments and is, according to the applicant, more compatible with the residential use of Palm Bay Colony. The applicant also contends that the proposed mixed-use development is better for the protection of the wetlands. The proposed mixed use project will consist of shared amenities for the residential component of the project. The four parcels will include a 100-room hotel with amenities on the most southern parcel and 294 apartments with shared amenities on the other three parcels.

ANALYSIS:

All proposed amendments shall be submitted to the Planning and Zoning Board which shall consider the factors of analysis applicable to the proposed amendment prior to making a recommendation to City Council.

(A) Whether the proposed amendment will have a favorable or unfavorable effect on the city's budget, or the economy of the city.

The applicant has proposed that the amendment will have a favorable effect on the local economy through adding additional multi-family for development, thus expanding the potential for more diversified housing opportunities in this area of the city. A valuation of tax revenue for the mix of uses (multi-family/hotel) is presented as being consistent with commercial valuation numbers.

(B) Whether the proposed amendment will adversely affect the level of service of public facilities.

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

Utilities: The Utilities Department has determined there will be no level of service reduction should this property connect to the City's water and sewer services and has no objection to the proposed FLU amendment. Upon development of the site, the owner/developer at their expense, will be required to design, permit, install, inspect, and test water systems of adequate size to accommodate the development.

Drainage: The Public Works Department has no objection to the proposed FLU amendment. If developed, a drainage plan must be prepared in accordance with current regulations and approved by the City, along with appropriate outside agencies, including the St. Johns River Water Management District. Any proposed stormwater management system will be reviewed and approved by the City during the site plan review process.

Public Schools: The proposed FLU amendment to multi-family residential will add additional housing units. Minimal impacts to the public school system are anticipated. At this time, Palm Bay Elementary School, Stone

Magnet Middle School, and Palm Bay Magnet Senior High School are projected to have enough capacity for the total of projected and potential students from the Palm Bay Suites & Residences development.

Recreation and Open Space: The proposed FLU amendment to NC may provide an increase to the demand for recreation services due to the increase in residents to the area.

Transportation: The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community. Improved pedestrian and multi-modal access may be considered during site development. The change in land use will affect the number of trips along the corridor from commercial use to residential use. Though trip counts may be similar, direction and timing of trips may be affected along the corridor. A trip analysis has been provided.

(C) Whether the proposed amendment will adversely affect the environment or the natural or historical resources of the city or the region as a result of the proposed amendment.

The environmental character of the city is maintained through conservation, appropriate use, and protection of natural resources. Any protected species that would be found on the subject property would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.6.

The proposed project contains approximately 8 acres of jurisdictional wetlands. The applicant proposes to protect most of the existing wetlands and provide appropriate buffers between the wetland and built environment. There are no known historical resources on the subject property that would be impacted because of this amendment. A natural resource assessment will be required as part of the development review and will be required prior to any construction along with a jurisdictional determination and mitigation plan from SJRWMD.

(D) Whether the proposed amendment will have a favorable or adverse effect on the ability of people to find adequate housing reasonably accessible to their places of employment.

The applicant makes a compelling argument that these properties are located near light industrial and commercial in the area which provides a base of job opportunities "that includes companies such as L3 Harris, multiple Air Conditioning/Heating Service Companies, a Truck parts/service facility, and numerous commercial outlets including two supermarkets on Palm Bay Road." Therefore, this amendment will provide the ability of people to find adequate housing reasonably accessible to their places of employment.

However, according to the City's Comprehensive Plan 2045 Carrying Capacity Analysis, the "*City currently has the holding capacity needed to accommodate Palm Bay's projected population growth within the 2045 planning horizon.*" What this analysis states is the current FLU designations support future residential growth predictions and will accommodate the projected increase in population. Current FLU designations provide limited commercial area in the City but adequate residential designations.

(E) Whether the proposed amendment will promote or adversely impact the public health, safety, welfare, or aesthetics of the region or the city.

The proposed amendment proposes to promote the public health, safety, welfare and aesthetics of the region by providing similar density developments adjacent to each other, multi-family and mobile home park. The proposed development may provide an increase to the aesthetics and safety of the region by promoting open space and multi-modal transportation options. This goal may also be accomplished by providing standard neighborhood commercial uses that will directly serve the community.

(F) Whether the requested amendment is consistent with all elements of the Comprehensive Plan and

established Levels of Services

Neighborhood Center (NC) is a new FLU designation created to provide the potential for a lower level of service than the existing commercial designation, and which includes the multi-family option. Neighborhood Center future land use designation provides for a mix of uses, and in this case, it is intended to provide hotel rooms and apartments. However, the intent of NC as stated in the Comprehensive Plan 2045, is to *“accommodate a low-impact commercial area which serves the needs of the immediate residential area”*. NC allows for a mixing of uses, which may be an appropriate change of use for this project, however, the applicant has appeared to have removed the “neighborhood” commercial component of the intent by adding more high density residential and providing a commercial source that does not serve the adjacent neighborhood, but a more regional market.

According to the Comprehensive Plan 2045 and Economic Development Strategic Plan (2/2/23), just over 18% of the City’s vacant land is comprised of commercial, office and industrial. City officials have made it a priority to preserve these properties and future employment centers from future land use conversions while attracting new residents. As stated, the comprehensive plan analysis states that current FLU designations of residential will accommodate that projected increase in population.

L3Harris is identified as one of the largest employers in the city and is located on Robert J. Conlan Blvd NE, south of Palm Bay Road. Similar industries and suppliers tend to agglomerate near each other to achieve economies of scale and gain a competitive advantage. These *industry clusters* have been identified in the Economic Development Strategic Plan within “corridors” including the Renesas Business Corridor, which is centered on Renesas Electronics America, a large business on Robert J. Conlan Blvd NE and located immediately south, and adjacent to, the proposed project. Preservation of commercial land uses within these economic corridors is listed as a priority within the Economic Development Strategic Plan and Comprehensive Plan 2045.

(G) Whether the request maximizes compatibility (consistent with the definition found in Florida Statutes 163.31649) between uses

According to the applicant and the Citizens Participation Plan, the Neighborhood Center option provides better compatibility by introducing the residential component to provide a transitional buffer for the property to the west (mobile home community). The feedback from that neighborhood reflected their desire for commercial not to abut their property, protection of wetlands, and appropriate buffering which will be provided through development of the site. Florida Statute 163.31649 states “the condition which land uses can coexist in relative proximity to each other”.

Generally, a mobile home park is ranked at the same density as a multi-family residential development. However, the surrounding area contains high intensity land use along a commercial corridor. It is proposed that this development will provide a “buffer” for the existing residential area, but it does not adequately provide a transitional buffer from the high intensity surrounding land use along this corridor to the residential use, existing or proposed.

(H) Whether the request provides for a transition between areas of different character, density, or intensity.

The designation of Neighborhood Center, as a transitory buffer and consistent with Florida Statute 163.31649, may be a good land use designation to provide the appropriate transition from multifamily mobile homes and commercial/industrial uses. However, the exclusion of “neighborhood” commercial uses from the proposed development does not adequately provide a transitional buffer from the high intensity surrounding land use along this corridor.

(I) Whether the request relocates higher density and intensity uses in areas which already feature adequate vehicular access and access to public facilities

The proposed change in land use does not relocate higher density or intensity uses to this corridor. The area features adequate vehicular access and access to public facilities. Trip generation may be similar based on proposed use and current FLU designation; however timing and distribution of traffic may be affected along this corridor.

(J) Whether the request has potential for creating land use inequities per Policy FLU 1.2A of the Comprehensive Plan

This request does not appear to create land use inequities except for the loss of vacant commercial property that may provide employment and services within the City.

Preservation of wetlands will add to the overall aesthetics and conservation for the area. The request for the addition of residential as part of the future land use is compatible with a major collector road that will support a more transit and pedestrian friendly environment. Affordable housing is a significant need in Palm Bay and new housing options (particularly multi-family) offer opportunities to the populations currently underserved. It is not known if this housing will be at market rate. This project will provide internal and external pedestrian paths and will be integrated into the city network. Transit options are available through SCAT that have routes in this area of Palm Bay.

STAFF FINDINGS:

Case CP23-00020 is not recommended for approval based on the analysis provided.

