



STAFF REPORT

LAND DEVELOPMENT DIVISION

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Prepared by

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CASE NUMBER

Z24-00002

PLANNING & ZONING BOARD HEARING DATE

October 2, 2024

PROPERTY OWNER & APPLICANT

Royal Wash PSL, LLC (Chelsea Anderson, Rep.)

PROPERTY LOCATION/ADDRESS

1300 Malabar Rd. SE, Located in Port Malabar Unit 38 Lots 1 Thru 6 Blk 2211, Excluding Hwy R/W; Tax Account 2922786

SUMMARY OF REQUEST

The applicant is requesting a rezoning from GC, General Commercial to CC, Community Commercial

Existing Zoning

GC, General Commercial

Existing Land Use

Commercial, Retail

Future Land Use

COM, Commercial

Site Improvements

1-story concrete block building consisting of multiple units

Site Acreage

Approximately 1.15 acres

SURROUNDING ZONING & USE OF LAND**North**

CC, Community Commercial; RaceTrac Store/Gas Station

East

GC, General Commercial; Commercial

South

GC, General Commercial; Commercial

West

CC, Community Commercial; Bank, Commercial Plaza

COMPREHENSIVE PLAN**COMPATIBILITY**

Yes, Commercial Use

BACKGROUND:

The subject site is located at the intersection of Babcock Street NE and Malabar Road NE on the southeast corner. The proposed rezoning is slightly larger than an acre (1.15) and was platted in 1966 as part of Port Malabar Unit Thirty-Eight Subdivision.

The applicant is seeking rezoning approval to change from General Commercial (GC) District to Community Commercial (CC) District.

ANALYSIS:

The following analysis is per Chapter 185: Zoning Code, Section 185.201(C), which states that all proposed amendments to the Land Development Code shall be submitted to the Planning and Zoning Board. The Planning and Zoning Board must analyze the rezoning request in accordance with the factors of analysis found in Section 185.201(C)(2) prior to making a recommendation to City Council. In accordance with these requirements, the applicant submitted responses as provided below:

Item (a) - *The need and justification for the change.*

The submitted Factors of Analysis states, "The applicant intends to develop the property with a retail automotive gas/fuel sales use and must rezone the property (as well as apply for a Conditional Use) to do so. The applicant determined that the market supports such a use at this location. The stated intent of the Community Commercial District is "to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of community commercial facilities, the areas to be primarily located in or near the intersection of arterial roadways ... "(See Sec. 185.043, Code of Ordinances). This property is located at the intersection of arterial roadways (Malabar Road and Babcock Road) and is an ideal location for the uses allowed in the Community Commercial District."

Item (b) - *When pertaining to the rezoning of land, the effect of the change, if any, on the particular property and on surrounding properties.*

The submitted Factors of Analysis states, "The designation of the Community Commercial zoning district for the subject property is compatible with the surrounding area and is consistent with the City's desire and plan for the expansion of commercial development."

Item (c) - *When pertaining to the rezoning of land, the amount of undeveloped land in the general area and in the city having the same classification as that requested.*

The submitted Factors of Analysis states, "The intent of the Community Commercial classification is intended for areas of the city which are uniquely suited for the development and maintenance of community commercial facilities, that are primarily located in or near the intersection of arterial roadways. The uses and development standards included in the district

are intended to for proper location and development standards and provisions that are appropriate to ensure proper development and functioning of uses within the district. The property is located at the southeastern quadrant of the intersection of Babcock Street and Malabar Road. The properties are the northeastern quadrant, northwestern quadrant, and southwestern quadrant of this intersection are all already zoned Community Commercial. There does not appear to be many undeveloped lots left in this general area having the Community Commercial zoning classification, and there are none at this interchange.”

Item (d) - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).*

The submitted Factors of Analysis states, “The proposed rezoning furthers the purpose of Table FLU-1 to support low to moderate intensity commercial development within the Commercial Future Land Use Category, and furthers Policy FLU-1 .4A to direct commercial activities to development at nodes. The proposed rezoning also furthers the purpose of LDC Sec. 185.043(A) to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of community commercial facilities, the areas to be primarily located in or near the intersection of arterial roadways; to designate those uses and services deemed appropriate and proper for location and development within the subject district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district.”

Item (e) – *Whether the requested district is substantially different from that of the surrounding area.*

The submitted Factors of Analysis states, “The requested zoning district is not substantially different from that of the surrounding area. The property is located at the southeastern quadrant of the intersection of Babcock Street and Malabar Road. The properties at the northeastern quadrant, northwestern quadrant, and southwestern quadrant of this intersection are all already zoned Community Commercial.”

Item (f) – *Whether the request provides for a transition between areas of different character, density or intensity.*

The submitted Factors of Analysis states, “The property is located at the southeastern quadrant of the intersection of Babcock Street and Malabar Road. The properties are the northeastern quadrant, northwestern quadrant, and southwestern quadrant of this intersection are all already zoned Community Commercial. The adjacent properties to the east and south of the subject property are all zoned General Commercial. Community Commercial provides a transition between the interchange of Babcock Street and Malabar Road and the heavier commercial uses in the General Commercial district as you move further east and south of said interchange.”

STAFF EVALUATION:

The applicant's request for approval to rezone the subject property to CC District is consistent with the City of Palm Bay 2045 Comprehensive Plan, including the principles in Policy FLU-1.8B.(a-d).

- Future Land Use Element
 - Future Land Use Map: The FLUM identifies areas that are supportive of commercial developments in the city, which includes the subject site. The CC District is consistent with the Commercial Land Use Category.
 - Policy FLU-1.2A.(b): Ensure compatibility between uses, consistent with the definition of compatibility found in Sec. 163.3164(9), Florida Statutes.
 - Objective FLU-1.4: Provide and maintain FLUCs and zoning districts that would accommodate a diverse range of nonresidential activities of varying types and sizes.
 - Policy FLU-1.4A.(c): [developments.. shall provide] Transitions in density, intensity, and uses between nearby or adjacent uses.
 - Objective FLU-1.8: Future development activity shall be compatible with established neighborhoods and strive to the enhance the character of the community.
 - Policy FLU-1.8B.(a-d): Establish locational criteria within the LDC for future rezonings to accommodate future population growth. The following principles shall be considered:
 - (a) Maximizing compatibility (consistent with the definition found in the Florida Statutes) between uses;
 - (b) Providing a transition between areas of different character, density or intensity;
 - (c) Locating higher density and intensity uses in areas which already feature adequate vehicular access and access to public facilities;
 - (d) Potential for creating land use inequities; and
 - (e) Avoiding 'spot zoning' by discouraging the rezoning of a property to a designation which is substantially different from that of the surrounding area.
- Private Property Rights Element
 - Policy PPR-1.B: The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinance.

The applicant's request for approval to rezone the subject property to CC District is also consistent with the Land Development Code.

- The applicant's responses to the Factors of Analysis strongly supports the request to rezone to CC District.
- The request is consistent with the Land Development Code's stated intent for the establishment of the GC and CC zoning districts.
 - The GC District is intended for large undeveloped or sparsely developed areas that can support single-family dwellings at very low densities without extensive infrastructure improvements. The GC district is used to place land in a holding pattern until a specific request is presented that is consistent with the future land use plan and provides infrastructure improvements necessary to support a more intensive land development classification. This clearly states the GC District designation on parcels in the city are intended to be rezoned.
 - The CC District is intended for more established areas within the city that are deemed to be uniquely suited for the development of community commercial uses and in areas primarily located in or near the intersection of arterial roadways. As such, the CC District is most compatible zoning for the subject site.

STAFF RECOMMENDATION:

Staff recommends approval. Case Z24-00002, a request for rezoning approval, is in conformance with the Palm Bay 2045 Comprehensive Plan and meets the criteria for a code amendment/rezoning, as provided 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: CU24-00006 & Z24-00002

Subject Property

Located at the southeast corner of Babcock Street SE and Malabar Road SE, specifically at 1300 Malabar Road SE



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



FUTURE LAND USE MAP

CASE: CU24-00006 & Z24-00002

Subject Property

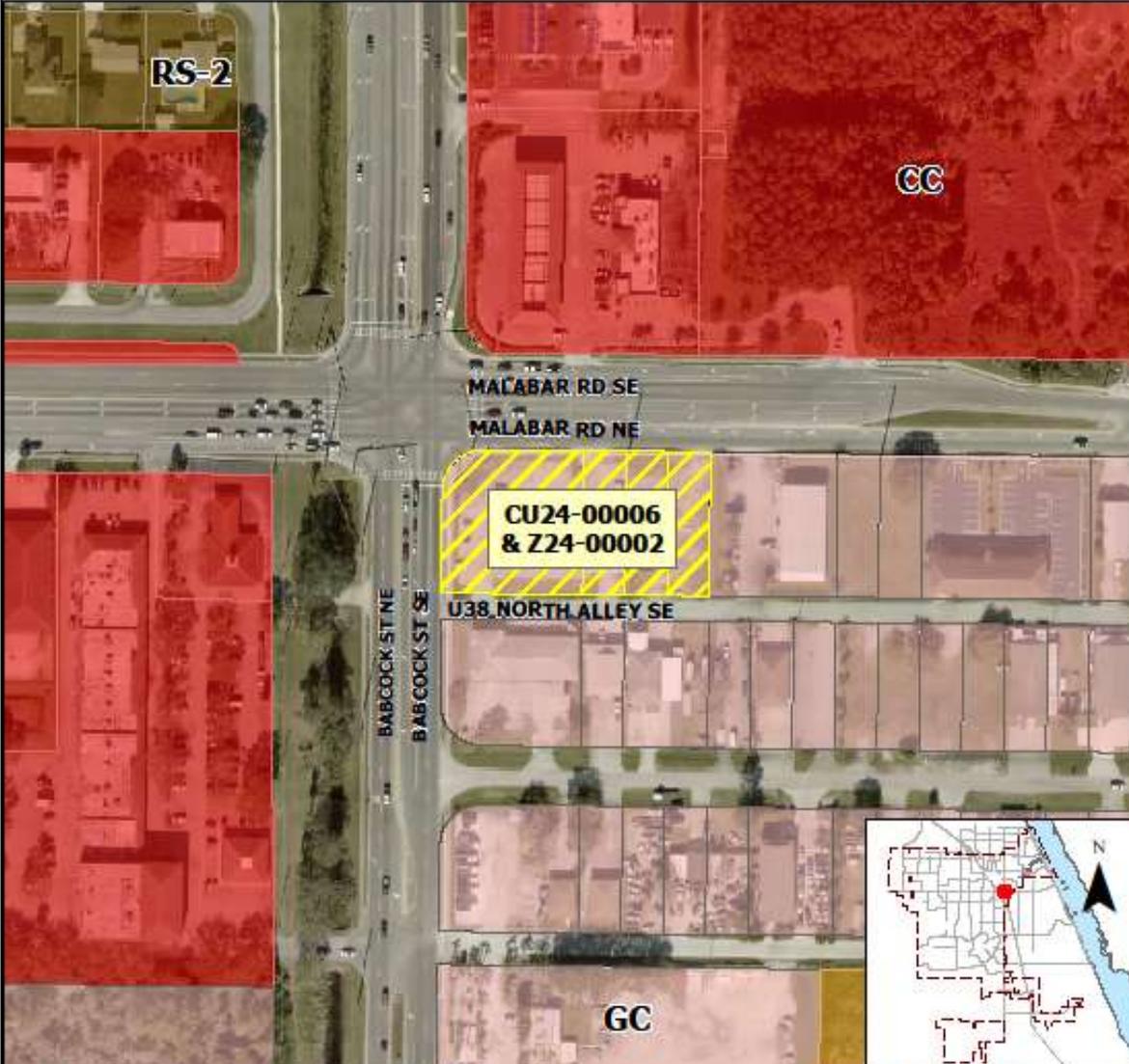
Located at the southeast corner of Babcock Street SE and Malabar Road SE, specifically at 1300 Malabar Road SE

Future Land Use Classification

COM - Commercial



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ZONING MAP **CASE: CU24-00006 & Z24-00002**

Subject Property
Located at the southeast corner of Babcock Street SE and Malabar Road SE,
specifically at 1300 Malabar Road SE

Zoning District
GC - General Commercial