



## STAFF REPORT

### LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

#### Prepared by

Tania Ramos, Principal Planner

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#### CASE NUMBER

CP24-00009

#### PLANNING & ZONING BOARD HEARING DATE

March 1, 2023

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#### PROPERTY OWNER & APPLICANT

Brian Lulfs, Managing Member of Peat Holdings, LLC (Jake Wise, P.E., Construction Engineering Group, LLC)

#### PROPERTY LOCATION/ADDRESS

Tax Parcels 500 and 751 of Section 12, Township 30, Range 37 along with Tax Parcel 2 of Section 13, Township 30, Range, 37, Brevard County, Florida, containing approximately 353.47 acres. Located north of and adjacent to Micco Road SE in the vicinity east of Interstate 95 Highway; Tax Accounts 3010667; 3000715; 3000718

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#### SUMMARY OF REQUEST

The applicant is requesting a **Large-Scale Comprehensive Plan Future Land Use Map Amendment** from MPV, Micco Park Village to PFU, Parkway Flex Use.

##### Existing Zoning

RR, Rural Residential

##### Existing Land Use

SPA: MPV, Micco Park Village

##### Site Improvements

Vacant land

##### Site Acreage

353.47 acres

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#### SURROUNDING FUTURE LAND USE & USE OF LAND

##### North

SPA: EL, Emerald Lakes ; Vacant Land

##### East

PUB-CONS, Public Conservation (County) - Vacant

##### South

UMU, Urban Mixed Use; R-1, Residential, Medium Density (County); - Vacant

##### West

PUB-CONS Public Conservation (County) - Vacant

**BACKGROUND:**

The subject properties are generally located north of and adjacent to Micco Road SE in the vicinity east of Interstate 95 and consist of approximately 353.47 acres. The project, Lotis Palm Bay, was previously known as Lulfs Parcel.

In 2010, Lulfs Parcel had a Brevard County future land use designation of Residential 1 and was annexed into the City with a Micco Park Village (MPV) future land use designation via Ordinance 2010-63. At the time, Micco Park Village consisted of several properties containing approximately 1489 acres. The district was planned to create walkable neighborhoods with a range of housing choices and a balanced mix of commercial, institutional, and industrial uses. Density was set at 4.0 dwelling units per acre; however, the property remained vacant.

In 2023, the MPV properties were separated into two ownerships and a future land use map amendment was made that changed several properties from MPV to Urban Mixed Use (UMU) for a project known as Ashton Park (Ordinance 2023-05). Urban Mixed Use provides for concentrations of very high intensity mixed-use development within a pedestrian friendly environment. The maximum density in UMU is up to 40 dwelling units per acre. Ashton Park is intended to provide diverse housing options and a “downtown” corridor. This change left Lulfs Parcel as the only remaining MPV land use in the area.

On March 1, 2023, the Planning & Zoning Board recommended approval for a large-scale comprehensive plan future land use map amendment for Lulfs Parcel from Micco Park Village to Parkway Flex Use (PFU) under Case CP-2-2023. The proposed amendment package was adopted by the Palm Bay City Council on July 20, 2023, with direction to transmit to the Department of Economic Opportunity (DEO). However, the package was not transmitted until August 22, 2023, twenty-three (23) working days after adoption, exceeding the ten (10) day requirement of F.S. Section 163.3184(3). As a result of the late transmittal, the adopted amendment was not processed by DEO, and instead was considered withdrawn. To correct this situation, the project must start the transmittal phase again. Since that time, the project was renamed to Lotis Palm Bay and updated as follows:

- Commercial or industrial areas are reduced from ±22.0 acres to ±15.1 acres.
- Single family residential areas changed from ±194.6 acres with 773 units to ±203.5 acres with 772 units.
- Multi-family residential areas increased from ±30.9 acres with 487 units to ±34.44

acres with 568 units.

- Density increased from 3.56 units/acre to 3.79 units/acre.
- Future public right-of-way is reduced from  $\pm 31.7$  acres to  $\pm 26.2$  acres

## **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. Factors of analysis applicable to the proposed amendment shall be reviewed prior to 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.

Parkway Flex Use provides for a range of commercial uses located along highly visible corridors within the City supported by moderate density residential development. The proposed amendment will have a favorable effect on the economy of the city by adding additional commercial land for development and being likely to increase employment. This will also have a favorable impact on the city's budget through increased fees and property taxes paid to the City once the land is developed.

(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 no objection to the proposed FLU amendment. If developed, the owner/developer will be responsible for extending service to the site in accordance with current City regulations.

**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. Any proposed stormwater management system will be reviewed and approved by the City during the site plan review process.

**Public Schools:** As of the February 23, 2023, School Impact Analysis Capacity Determination, considering the adjacent concurrency service areas, there is sufficient capacity at the middle and high school levels. A shortfall of capacity is anticipated within the adjacent concurrency areas for the elementary schools. The school district is closely monitoring rapid development in this area, and requires the applicant contact staff to discuss the mitigation process as defined in Section 13.5 of the ILA-2014 prior to submitting for a final concurrency determination.

**Recreation and Open Space:** The proposed FLU amendment will increase the demand for recreation services as compared to the existing public needs. However, the requested use will not exceed the existing parkland or recreational level of service standards for the planning area. The Lotis Palm Bay project is intended to be a walkable community with ±12.6 acres of landscape buffers and pedestrian connectivity.

**Transportation:** The Comprehensive Plan Transportation Element Goal TE-1 is to provide a safe, balanced, efficient and comprehensive transportation system that adequately serves the needs of all residents and visitors of Palm Bay.

If developed, a traffic impact analysis will be required to determine any negative impacts on the existing transportation system along with any suggested improvements, which will be taken under consideration during the Preliminary Development Plan review.

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

The Environmental Assessment Report provided notes that there are two large man-made lakes on the property that were part of a previously permitted mining operation with the St. John's River Water Management District. Furthermore, the site was operated as a citrus grove for several decades. The report concludes that virtually no native/natural habitat exists on the site today.

(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 Comprehensive Plan FLU Element Goal FLU-1 is to ensure a high-quality, diversified living environment through the efficient distribution of compatible land uses.

The Comprehensive Plan FLU Objective FLU-1.3 is to promote the development of sustainable neighborhoods that provide a diverse range of housing options, are supported by public facilities, and maintain access to commercial areas for goods, services, and employment.

The Comprehensive Plan Housing Element Goal HSG-1 is to cultivate a diverse, safe, and affordable housing stock which meets the needs of all current and future residents of Palm Bay.

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the city. The intended use for the 353.47-acre property is a Parkway Flex Use development. The proposed land use amendment would be considered favorable, as the diversity and mixture of residential and nonresidential uses provides for a more efficient distribution of land uses as required by the Comprehensive Plan. Moreover, it addresses the long-term growth of the city by providing residents with diverse housing options and associated commercial and industrial areas that support the community through services provided and employment opportunities.

The proposed conceptual plan depicts a mixture of single-family and multifamily uses with approximately 203.5 acres and 34.44 acres of land designated for each use respectively. Furthermore, 15.1 acres of commercial or industrial land will be included, and the intention is that there will be 12.6 acres of landscape buffers and pedestrian connectivity to establish a walkable community, providing convenient access to commercial activities.

(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 to Parkway Flex Use will promote the public health, safety, welfare and aesthetics of the region. Lotis Palm Bay project is intended to be a walkable community with 12.6 acres of landscape buffers and pedestrian connectivity promoting public health. In addition, commercial development within the mixed-use project will serve the residents, promoting safety and welfare by reducing trip length and vehicle miles

traveled.

- (F) Whether the requested amendment is consistent with all elements of the Comprehensive Plan and established Levels of Services.

The requested amendment is consistent with all elements of the Comprehensive Plan. An updated Levels of Service analysis will be completed with the Preliminary Development Plan review.

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

The request for Parkway Flex Use maximizes compatibility between uses in the relative proximity. To the north is the Emerald Lakes use, which includes the I-95 interchange. To the south, is the proposed Ashton Park project with Urban Mixed-Use designation that will allow greater intensity and density. To the east and west, the project is bordered by Brevard County EEL's preservation lands.

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

The request for Parkway Flex Use future land use provides a transition between two more intense land uses while providing for development that is also compatible with the preservation lands to the east and west.

- (I) Whether the request has potential for creating land use inequities per Policy FLU 1.12A of the Comprehensive Plan

The current request will not create land use inequities. The request for the Parkway Flex Use future land use will require a mixed-use community compatible with Policy FLU 1.12A. A variety of housing options and supporting commercial development are planned for Lotis Palm Bay. Furthermore, the intention is that there will be ±12.6 acres of landscape buffers and pedestrian connectivity to establish a walkable community, which will provide for convenient access to commercial activities.

#### **STAFF RECOMMENDATION:**

Case CP24-00009 meets the minimum requirements for a Large-Scale Comprehensive Plan Future Land Use Map Amendment request for transmittal to the Department of Economic Opportunity. Staff recommends approval of the proposed Large-Scale

Comprehensive Plan Future Land Use Map amendment.











