



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

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

### Prepared by

Lisa Frazier, Growth Management Director

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#### CASE NUMBER

PD23-00008

#### PLANNING & ZONING BOARD HEARING DATE

February 7, 2024

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#### PROPERTY OWNER & APPLICANT

Palm Bay Suites and Residences – James Garbasky, 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.

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#### SUMMARY OF REQUEST

A **Preliminary Development Plan** approval for a mixed-use subdivision to be called Palm Bay Suites and Residences.

##### Existing Zoning

HC, Highway Commercial

##### Existing Land Use

COM, Commercial

##### Site Improvements

Undeveloped land

##### Site Acreage

Approximately 26.5 acres

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#### SURROUNDING ZONING & 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

**COMPREHENSIVE PLAN COMPATIBILITY** The proposed project location currently has a Future Land Use designation of Commercial which is not compatible with the mixed-use residential preliminary development plan.

**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 applicant is now seeking Preliminary Development Plan (PDP) approval for a mixed-use subdivision to be called Palm Bay Suites and Residences.

**ANALYSIS:**

The planned unit development (PUD) is a concept which encourages variation in residential developments by allowing deviation in lot size, type of dwellings, density, lot coverage, setbacks, and open space, from those elements required in any singular zoning classification. The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types, as well as commercial uses designed to serve the inhabitants of the proposed community.

**185.201 (C)(2) Zoning Map Amendment Factors of Analysis****(a) The applicant's need and justification for the change and whether it aligns with the community's current or future needs;**

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*. 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. Therefore, this amendment will provide the ability of people to find adequate housing reasonably accessible to their places of employment.

**(b) The effect of the change, if any, on a particular property and surrounding properties;**

The zoning amendment may provide a more compatible use, less intense, to the adjacent existing residential properties. However, the proposed use does not provide accessible employment opportunities or services for the surrounding area along a designated business corridor.

**(c) The amount of existing undeveloped land in the general area of the city having the same classification as that requested;**

PUD zoning with a mixed-use development plan is common in the City and multi-family is common within the surrounding area. There may be a need for Hotel/Conference Center development in a mixed-use PUD in the general area.

**(d) Whether the proposed amendment furthers the purpose of the city's Comprehensive Plan, or other strategic plans applicable to the proposed development and the provisions in the Land Development Code;**

The proposed zoning amendment does not further the purpose of the City's Comprehensive Plan or Economic Development Strategic Plan.

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

Multi-family development is not substantially different from the surrounding areas. The Robert J. Conlon Blvd. corridor is identified as an employment centered, commercial corridor by the city.

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

The proposed PUD development plan provides similar development from existing residential

to the west. Adjacent surrounding development includes industrial and commercial. The proposed development may provide a transition between these areas of different character.

**CONDITIONS:**

The Development Review Committee (DRC) did not have objections to the proposed Preliminary Development plan and supplied the applicant with standard review comments applicable to each department. These standard comments have been acknowledged as part of the PD notes Sheet CP-5. Many of the comments will be addressed as part of the site plan development approval process. The following comments will need to be addressed prior to the Final Development Plan.

1. Parcel 1 is within A flood zone. LOMR will be required to remove site from SFHA.
2. Please follow LDC 174.005 for development in flood hazard area (Zone A) for Final Development Plan.
3. Please provide minimum size of units for the hotel.
4. Upon approval, a digitally signed & sealed Boundary, Topographical and Locations Survey will be required at next submittal.
5. Staff agreed to “waive” a portion of the wetland area from the “gross site acreage” calculation required to provide “open space” for the development. Preservation of the wetland (approximately 8 acres) would provide a portion of the 25% open space required for the PUD. Applicant shall provide a conservation easement or conservation tract as part of the wetland preservation permit through SJRWMD. The Open Space calculations provided on the development plan are lower than required and agreed upon. Open space for the project must, at minimum, meet the developable area multiplied by the 25% required open space. Revision to the open space calculations that meet this requirement must be part of the Final Development Plan.
6. Applicant requested a waiver for the proposed length of the hotel from maximum allowed 200 feet to 229 feet. Staff would consider this waiver on the condition that a conference center or local retail/restaurant establishment be included as part of the commercial component of the Final Development plan.
7. PW Traffic review of the TIS prepared by Bowman Consulting Group in November 2023 included additional comments provided on January 30, 2024, that need to be addressed prior to the FD. In accordance with the attached Executive Summary of the TIS prepared by Bowman Consulting Group in November 2023:

*The proposed development is expected to generate a total of 2,045 net new trips (1,022*

*entry and 1,023 exit) during an average weekday, 163 trips (52 entry and 111 exit) during the morning peak hour, and 163 trips (96 entry and 67 exit) during the evening peak hour. ‘*

*The following improvements are recommended to mitigate Background deficiencies:*

- Intersection of Palm Bay Rd & Lipscomb St/Clearmont St: Split optimization PM peak hour.*
- Intersection of Babcock St & Eber Blvd/Pirate Ln: Split optimization AM peak hour.*
- Intersection of Lipscomb St & Pirate Ln: Signalize intersection.*
- Intersection of Lipscomb St & Commerce Park Dr: Signalize intersection.*

**STAFF RECOMMENDATION:**

To receive Preliminary Planned Unit Development approval, the proposal must meet the requirements of Sections 185.060 - 185.066 of the City of Palm Bay's Code of Ordinances. Upon review, it appears the request is in conformance with the applicable requirements of this section upon approved change in Land Use.

Case PD23-00008 meets the minimum requirements of a Preliminary Development Plan amendment request and is recommended for approval with conditions.





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



## AERIAL LOCATION MAP CASE:PD23-00008 &CP23-00020

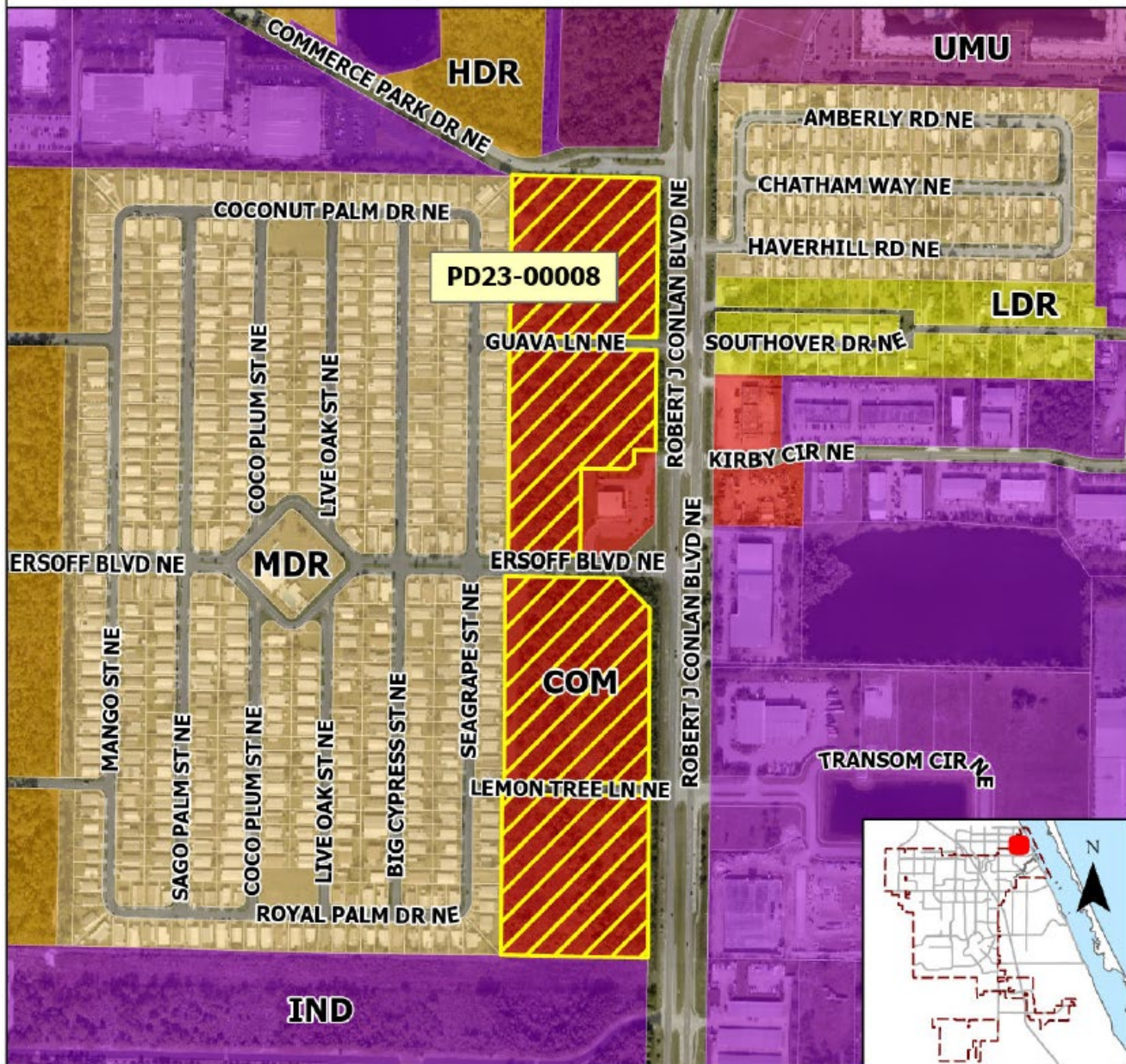
### Subject Property

West of and adjacent to Robert J. Conlan Boulevard NE





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## FUTURE LAND USE MAP CASE: PD23-00008

### Subject Property

West of and adjacent to Robert J. Conlan Boulevard NE

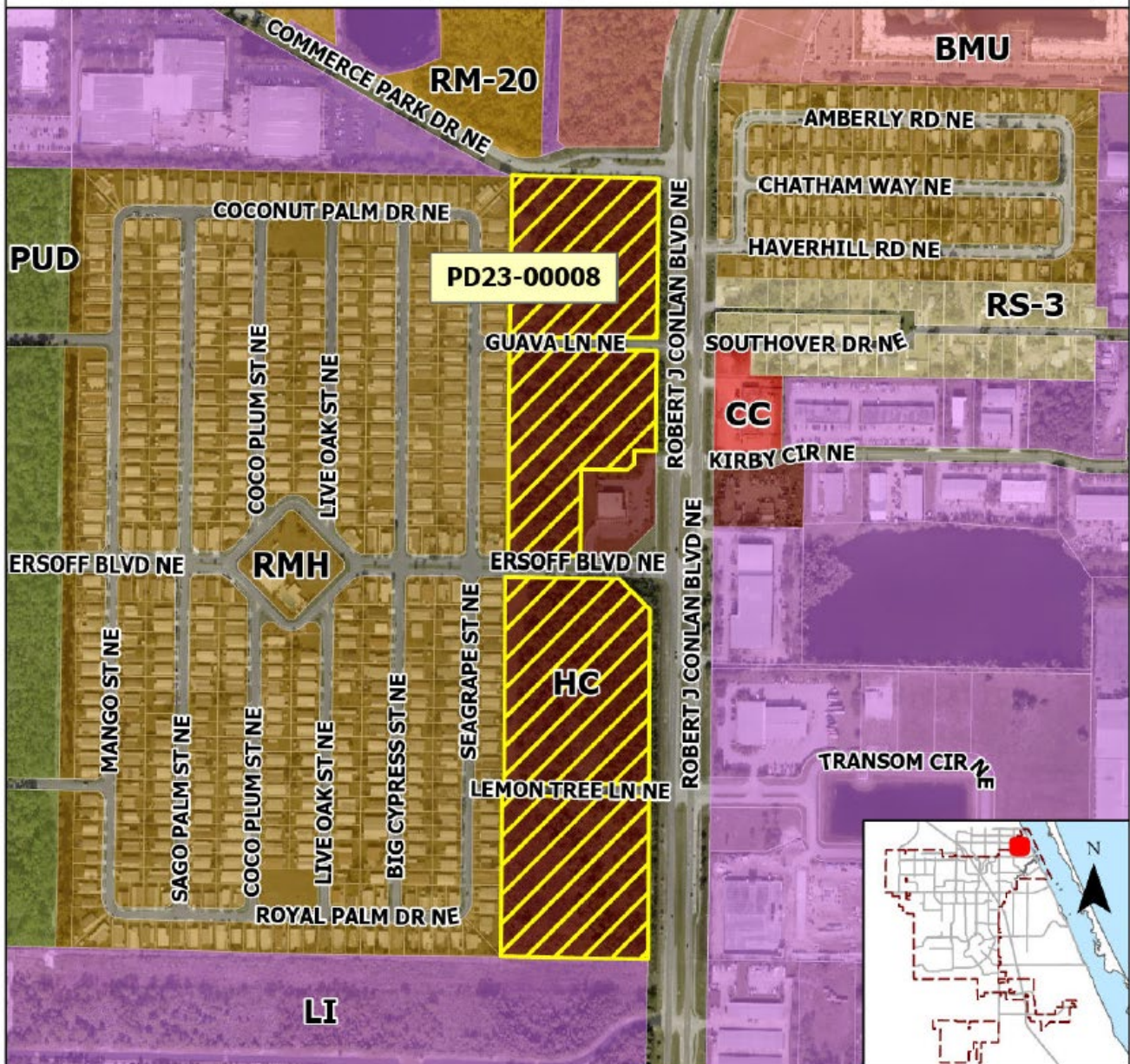
### Future Land Use Classification

COM - Commercial





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## ZONING MAP CASE: PD23-00008

### Subject Property

West of and adjacent to Robert J. Conlan Boulevard NE

### Current Zoning Classification

HC - Highway Commercial