



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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### Prepared by

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#### CASE

CU25-00002 – Brevard Nursing Academy

#### PLANNING & ZONING BOARD HEARING DATE

February 5, 2025

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#### PROPERTY OWNER & APPLICANT

Treeland Property Owner, LLC (Kelly Delmonico and John Euliano, Reps.)

#### PROPERTY LOCATION/ADDRESS

Lot 5, Block 3042, Port Malabar Unit 56, Section 09, Township 29, Range 37, Brevard County, Florida, containing approximately 3.7 acres. Located at 1470 Treeland Boulevard SE. Tax Account 2931090

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#### SUMMARY OF REQUEST

A **Conditional Use** to allow an educational institution in the LI, Light Industrial and Warehousing District, in accordance with Section 173.021 of the Palm Bay Code of Ordinances.

##### Current Zoning

LI, Light Industrial District

##### Current Land Use

IND, Industrial

##### Site Improvements

Existing Commercial Building

##### Site Acreage

Approximately 3.7 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

LI, Light Industrial District; Eastern Florida State College

##### East

LI, Light Industrial; Existing Commercial Building

##### South

RM-10, Single-, Two-, Multi-Family Residential; Drainage Tract

##### West

LI, Light Industrial; Existing Commercial Building

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#### COMPREHENSIVE PLAN

##### COMPATIBILITY

Yes, the Comprehensive Plan includes institutional activities as typical uses in the industrial future land use.

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**BACKGROUND:**

Brevard Nursing Academy has submitted a conditional use application to allow an educational institution to locate in vacant tenant space at 1470 Treeland Boulevard SE in a Light Industrial and Warehousing district. The subject property is a 3.7-acre site with a 35,793 square foot commercial building. The site was originally developed as the Florida Education and Research Foundation, Brevard Lab Site in 1994-95.

Brevard Nursing Academy has been operating at 1581 Robert J. Conlan Boulevard NE, in a Light Industrial and Warehousing district. Now under new management, the academy would like to relocate to allow room for expansion in hopes of including additional technical and trade school programs. They would like to stay within Palm Bay and have selected 1470 Treeland Boulevard SE.

**ANALYSIS:**

Prior to the code change in September 2024, vocational and trade schools were a permitted use in Light Industrial and Warehousing districts. If Brevard Nursing Academy was to remain at 1581 Robert J. Conlan Boulevard NE, the use would be allowed to continue in compliance with Section 173.103, Nonconforming Uses of Land, without a conditional use approval. Under the new Land Development Code, all educational facilities have been defined as “educational institutions” and classified as a conditional use in Light Industrial and Warehousing districts. The relocation to a new facility has now triggered the requirement for a conditional use review for Brevard Nursing Academy.

**CODE REQUIREMENTS:**

Table 173-3, Uses in Industrial and Other Districts, in the Code of Ordinances establishes educational institutions as a conditional use in the Light Industrial and Warehousing district. To be granted conditional use approval, requests are evaluated upon review criteria items (1) through (8) of Section 172.024(F) of the Code of Ordinances. A review of these items is as follows:

**Item (1):** Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergencies.

The site has an ingress and egress driveway on Treeland Boulevard SE. There is also a driveway in the rear which connects to the adjacent property at 1450 Treeland Boulevard SE, providing a horseshoe shape driveway around the two properties. This would allow two access points in the event of a fire or other emergency. Although there are no sidewalks on Treeland Boulevard SE, there is a one hundred (100) foot right-of-way which provides space for pedestrians to walk, and there is a Space Coast Area Transit bus stop located directly across

the street from the subject site.

**Item (2):** Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.

Currently, the site appears to have one hundred and five (105) parking spaces, with five (5) ADA accessible spaces. There is also a loading area at the rear of the building. The parking and loading areas meet all required setbacks and should not have any detrimental effects on adjoining properties.

**Item (3):** Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

The Utilities Department stated they have no objections to the proposed project. Any upgrades, if necessary, are required to be designed, permitted, installed, and inspected at the owner's expense.

**Item (4):** Adequate screening or buffering will be provided to protect and provide compatibility with adjoining properties.

The site has adequate screening and buffering provided by mature landscaping which appears well maintained. The subject property, along with the adjacent 1450 Treeland Boulevard SE, is fenced with a six (6) foot tall aluminum fence facing Treeland Boulevard and six (6) foot tall chain link along the side and to the rear. This is compatible with the adjoining properties.

**Item (5):** Signs, if any, and proposed exterior lighting will be so designed and arranged to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.

There is an existing monument sign at the front of the property which does not interfere with traffic safety. It shall be noted that City codes require any lighting to be shielded and/or directed downward to avoid creating a nuisance to adjacent properties.

**Item (6):** Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

The existing structures meet all setback requirements leaving room for the appropriate yards and open spaces.

**Item (7):** The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity. The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.

There appears to be adequate vehicular, public transportation and pedestrian access to the site. The surrounding area is light industrial development which includes similar commercial structures to the east and west, and the Eastern Florida State College Palm Bay Campus to the north. To the south is a drainage tract backing up to additional light industrial areas on Foundation Park Boulevard. The proposed use is compatible with the existing uses in the area.

**Item (8):** Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, a reasonable time limit within which the action for which special approval is requested shall begin or be completed, or both.

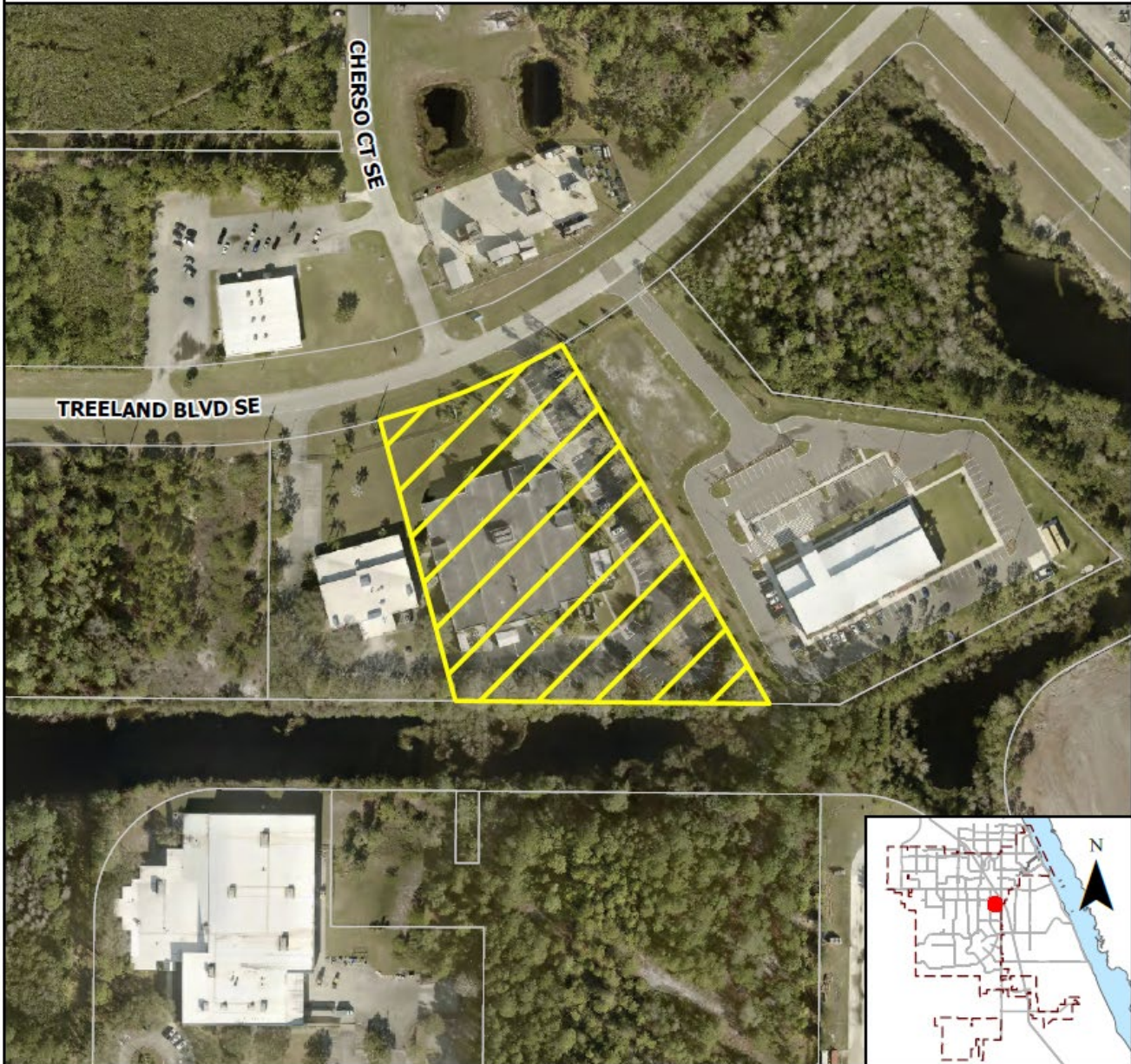
The Board and Council have the authority and right to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings.

**STAFF FINDINGS:**

Staff recommends Case CU25-00002 for approval.



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



## AERIAL LOCATION MAP

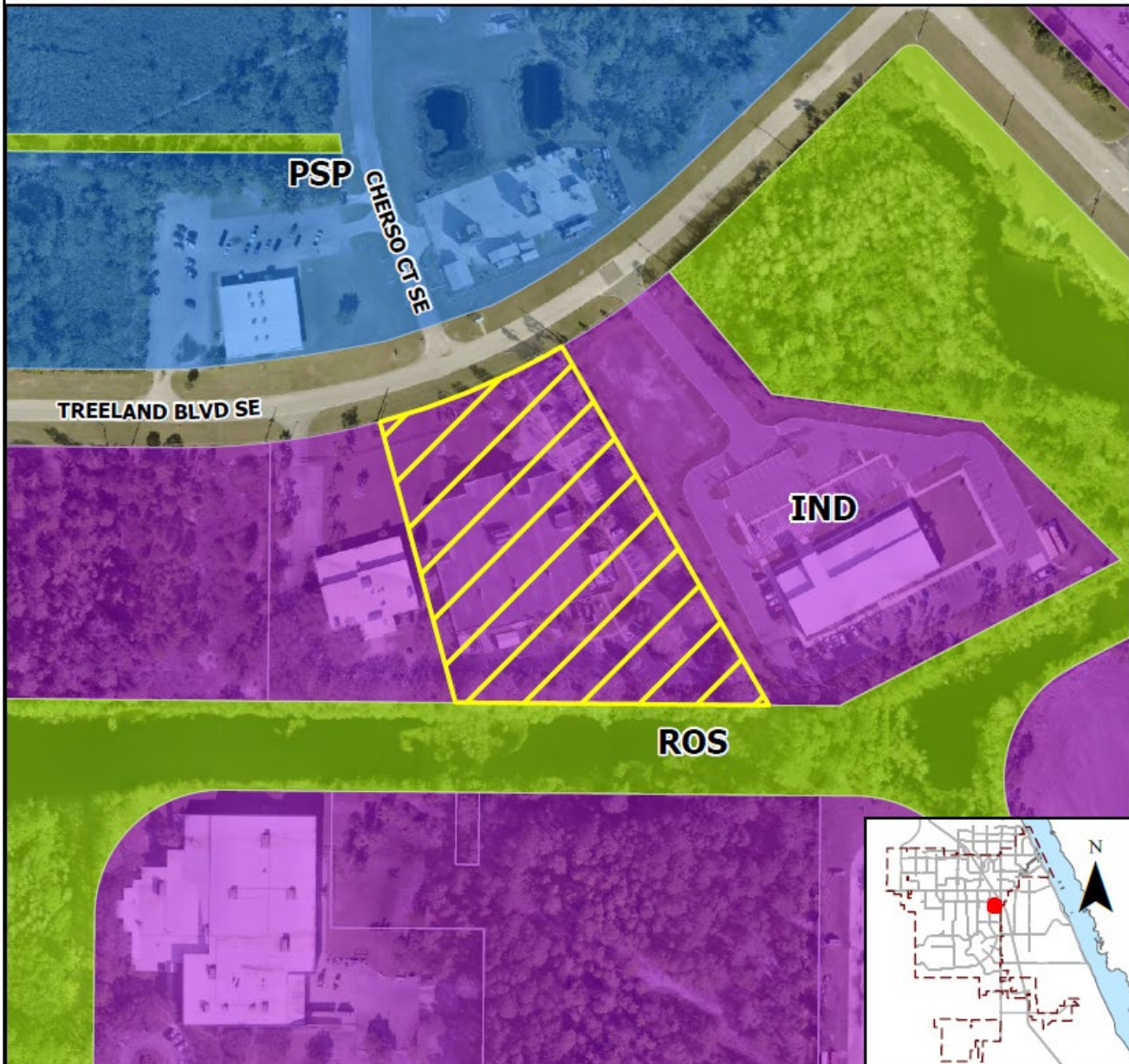
**CASE: CU25-00002**

### Subject Property

Located at 1470 Treeland Boulevard SE



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## FUTURE LAND USE MAP

**CASE: CU25-00002**

### **Subject Property**

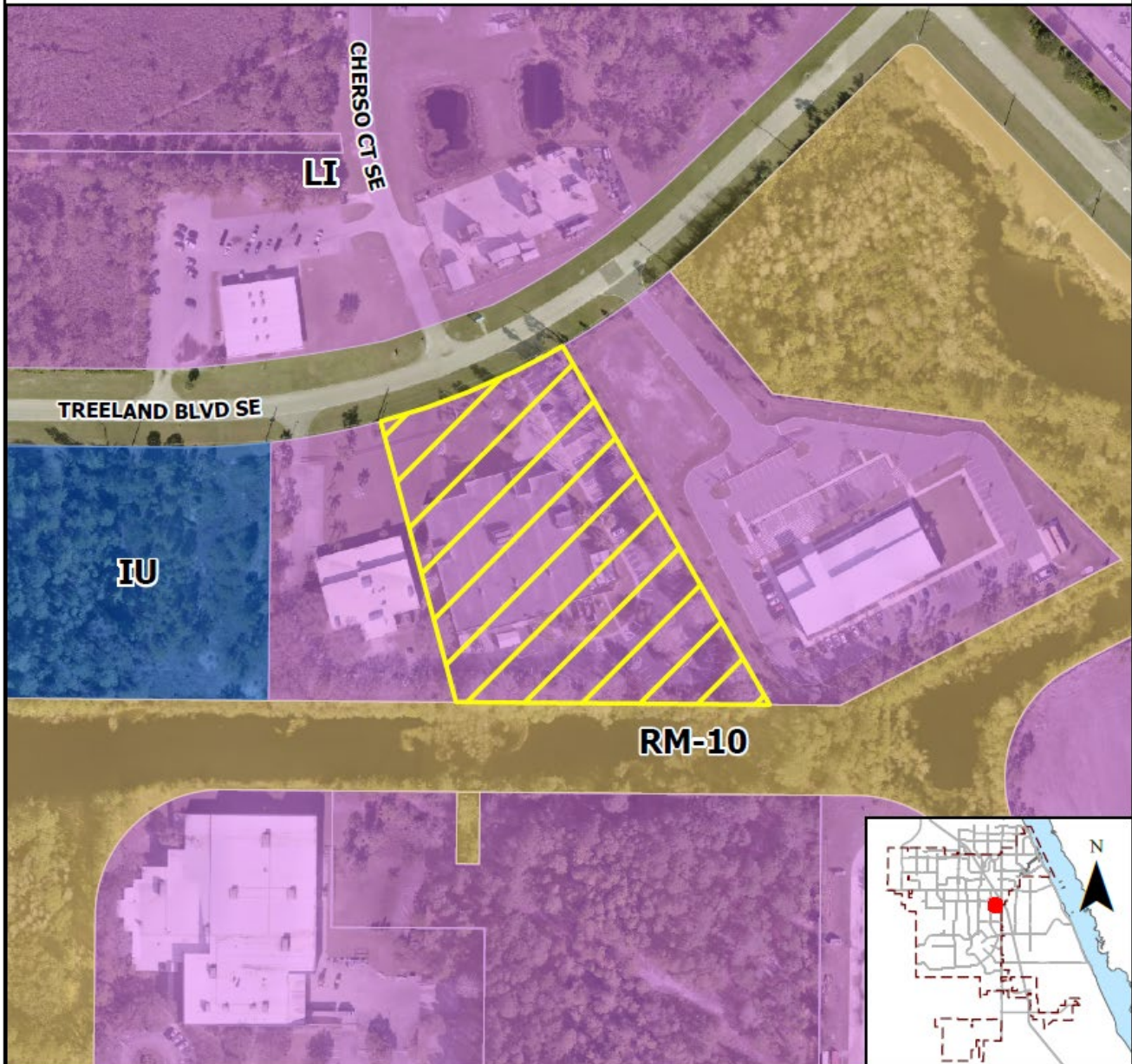
Located at 1470 Treeland Boulevard SE

### **Future Land Use Classification**

IND, Industrial



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## ZONING MAP

**CASE: CU25-00002**

### Subject Property

Located at 1470 Treeland Boulevard SE

### Zoning District

LI- Light Industrial