



# 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

CU24-00002

#### PLANNING & ZONING BOARD HEARING DATE

May 1, 2024

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#### PROPERTY OWNER & APPLICANT

Life Changer's Outreach Regiment, Inc.,  
Sherilyn Fletcher, President (Reps. K-J  
Lewis and Michael Dujovne, Esq.)

#### PROPERTY LOCATION/ADDRESS

Tract E, Port Malabar Unit 4, Section 25, Township 28,  
Range 37, Brevard County, Florida. Specifically, 2100  
Port Malabar Boulevard NE; Tax Account 2833018.

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#### SUMMARY OF REQUEST

A Conditional Use to allow a private school in the RS-2, Single-Family Residential District in accordance with Section 185.034(D)(1) of the Palm Bay Code of Ordinances.

##### Current Zoning

RS-2, Single-Family Residential District

##### Current Land Use

PSP, Public Semi-Public

##### Site Improvements

Church and accessory structures

##### Site Acreage

Approximately 3 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

RS-2, Single-Family Residential District; Single-Family Residences

##### East

NC, Neighborhood Commercial District; Convenience Store and Gas Station

##### South

RS-2, Single-Family Residential District; Single-Family Residences

##### West

RS-2, Single-Family Residential District; Single-Family Residences

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#### COMPREHENSIVE PLAN

##### COMPATIBILITY

Yes, Public Semi-Public Use

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**BACKGROUND:**

The subject property is a 3-acre parcel located at the intersection of Port Malabar Boulevard NE and Bianca Drive NE. Specifically, the property is 2100 Port Malabar Boulevard NE; Tax Account 2833018. According to the Property Appraiser's website the property was developed as a church in 1966. The current conditional use request is to allow a K-12 private school to be established in the RS-2 Single-Family Residential District.

The applicant has provided a site sketch illustrating the existing layout of the site. They do not propose to make any changes except those required for operation of a private school at this time. The applicant previously had a conditional use approval under Resolution 2022-63 enacted at the December 6, 2022, City Council meeting. The resolution states, "The conditional use must be commenced within one (1) year from the effective date of this resolution. Commencement shall mean the issuance of the appropriate permit(s), which must remain active. Failure to commence within one (1) year of issuance of the first permit shall void the conditional use." The applicant is working through the site plan review process, but an approval was not issued within one (1) year of the resolution effective date. The current conditional use request is necessary to provide the applicant with additional time to gain site plan approval.

**ANALYSIS:**

Section 185.034(D) of the Code of Ordinances allows public and private schools in the RS-2, Single-Family Residential District as a conditional use, and Section 185.088(E) provides special requirements and conditions for establishment of public and private schools as a conditional use. The requirements state the proposed site must be located on a collector or arterial roadway. The minimum setbacks shall be twenty (20) feet from all property lines, or the minimum setbacks of the district, whichever is greater, and the site must be a minimum of one (1) acre.

The site meets the special requirements and conditions for approval of a public or private school as a conditional use. The site is three (3) acres in size. The section of Port Malabar Road NE where the property is located is classified as a minor arterial urban roadway in the Transportation Element of City of Palm Bay 2045 Comprehensive Plan. In the RS-2 district the required front setback is twenty-five (25) feet; the side interior setback is eight (8) feet; the side corner setback is twenty-five (25) feet; and the rear setback is twenty-five (25) feet. The applicant has provided a site sketch showing that all existing buildings meet the setback requirements for the RS-2 district and the twenty (20) foot minimum from all property lines for approval of a public or private school.

**CODE REQUIREMENTS:**

To be granted conditional use approval, requests are evaluated upon items (A) through (H) of the General Requirements and Conditions of Section 185.087 of the Code of Ordinances. A review of these items is as follows:

**Item (A):** 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.

According to the site plan in review, vehicular traffic will enter the site through one of two existing driveways on Bianca Drive NE and move around the site and eventually exit onto Port Malabar Boulevard NE. Sidewalks are located along both Port Malabar Boulevard NE and Bianca Drive NE, and there are existing sidewalk connections on the site.

Staff has noted that crosswalks and updated signage will be necessary on both Bianca Drive and Port Malabar Boulevard. The applicant is continuing to work through the site plan review process to meet these requirements.

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

Section 185.140(G)(24) of the Code of Ordinances establishes parking requirements for K-12 educational facilities at four (4) spaces for each classroom or office room, plus one (1) space for each one hundred and fifty (150) square feet of seating area, including aisles, in any auditorium or gymnasium or cafeteria intended to be used as an auditorium. The applicant has provided parking calculations on the site plan in review indicating a requirement of 52 parking spaces. The Growth Management Department has approved a parking reduction request to allow the existing grass parking as long as the required number of spaces are marked with wheel stops and the three (3) paved handicap parking spaces are updated and restriped.

**Item (C):** 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. The site has been developed since 1966 and is serviced by Florida Power and Light. Any additional upgrades will be required to be designed, permitted, installed, and inspected at the developer's cost.

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

The site is currently developed and meets all required setbacks. There is a 50' drainage right-

of-way which provides additional buffering between this property and the closest single-family homes. No additional buffering is proposed at this time.

**Item (E):** 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.

Any changes to signage and lighting will require, signage, lighting, and photometric plans as part of the administrative site plan review. 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 (F):** Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

The applicant has provided a site sketch showing that all existing buildings meet the setback requirements for the RS-2 district and the twenty (20) foot minimum from all property lines for approval of a public or private school. The applicant states that no alterations to the site are proposed except those required for operation of a private school.

**Item (G):** 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.

The site plan submitted for review shows a parent loop length of 752 feet which has capacity of thirty-seven (37) vehicles to be stacked or queued. The school student capacity is fifty (50) students. Therefore, the proposed stacking is deficient in handling the school capacity of  $50 > 37$ . The applicant is working with staff to ensure that traffic concerns are addressed through the site plan review.

The property is located at the end of a block with road right-of-way on two sides, and a fifty (50) foot drainage right-of-way between this property and the closest single-family homes. There is a convenience store on the abutting NC, Neighborhood Commercial property to the east.

**Item (H):** 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, reasonable time limit within which the action for which special approval is requested shall be 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:**

Case CU24-00002 meets the minimum requirements for approval of a conditional use, subject to the staff comments contained 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: CU24-00002

### Subject Property

Located at 2100 Port Malabar Boulevard NE





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## FUTURE LAND USE MAP

CASE:CU24-00002

### Subject Property

Located at 2100 Port Malabar Boulevard NE

### Future Land Use Classification

PSP- Public/ Semi-Public Use





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## ZONING MAP

CASE: CU24-00002

### Subject Property

Located at 2100 Port Malabar Boulevard NE

### Zoning District

RS-2 Single-Family Residential