



MEMORANDUM

TO:	Honorable Mayor and Members of the City Council
FROM:	Suzanne Sherman, City Manager
THRU:	Lisa Frazier, AICP, Growth Management Director
DATE:	July 18, 2024
RE:	**V24-00003 - Odyssey Preparatory Academy – Grapefruit League Land Group LLC, Gerard O'Halloran (Jake Wise, P.E., Construction Engineering Group, Rep.) - A Variance to allow a proposed parking area to encroach 9.5 feet into the 25-foot rear parking setback, as established by Section 185.042(F)(7)(d) of the Palm Bay Code of Ordinances. Tract I, Port Malabar Unit 44, Section 22, Township 28, Range 36, Brevard County, Florida, containing approximately 9.18 acres. Located south of and adjacent to Emerson Drive NW, in the vicinity west of Glencove Avenue NW

SUMMARY:

The subject property is located at the southwest corner of Emerson Drive NW and Glencove Avenue NW and consists of approximately 9.18 acres in the NC, Neighborhood Commercial Zoning District.

The subject application is for a variance to the rear parking area setback requirement in Sec. 185.042(F)(7)(d) of the City of Palm Bay Code of Ordinances. The required rear parking area setback is twenty-five (25) feet, and the applicant is proposing 15.5 feet. The applicant's proposal is equivalent to a 9.5-foot reduction of the required minimum, or 38% relief from the required rear parking setback.

The applicant currently has an application for site plan approval under administrative review to develop a public charter school for students attending kindergarten through eighth grade (K-8). The proposed school features a two-story structure containing 65,310 square feet, a soccer field, basketball courts, two small playgrounds, parking areas with drive isles for student drop-off and pick-up.

>>This item was initially scheduled to be heard by the Planning and Zoning Board on June 5, 2024; however, the applicant requested a continuance to July 16, 2024. After receiving approval from the Board, the applicant submitted a revised variance response. The revisions provided more context for the applicant's hardship, especially concerning the proposed use (K-8 charter school) and need

for more stacking of vehicles during drop off and pick up. More specifically, staff determined that the applicant would not receive any special privileges afforded to (and enjoyed by) other lands, buildings or structures in the same situation, and provided a public benefit to the community while mitigating any impacts to surrounding property owners.<<

REQUESTING DEPARTMENTS:

Growth Management

STAFF RECOMMENDATION:

Staff recommends approval of V24-00003, based on the facts presented, as required under Section 169.009 of the City of Palm Bay Code of Ordinances >>, inclusive of Planning and Zoning Board stipulated conditions. As agreed to by the applicant, and to maximize the buffering for the adjacent single-family homes, installation of a 6-foot-tall fence and surplus landscaping with tree preservation will also be required along the entire south lot line.<<

Planning & Zoning Board Recommendation:

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Motion by Mr. Jaffe, **Seconded** by Mr. McLeod to submit Case V24-00003 to the City Council for approval with the following conditions: the applicant must apply, and receive approval, for the partial vacation of an existing 30-foot drainage and utility easement on the southeast property line; and, shall submit a photometric plan with the related site plan application showing minimal foot candles at the property line bordering the residential neighborhood to the south.

Result: Carried 6 to 1

Aye: Good, Boerema, Jaffe, Jordan, McLeod, Warner

Nay: Olszewski

Abstain: None

ATTACHMENTS:

1. V24-00003 Staff Report - Revised
2. V24-00003 Survey
3. V24-00003 Site Plan
4. V24-00003 Applicant Response
5. V24-00003 Application
6. V24-00003 Letter of Authorization
7. V24-00003 Legal Acknowledgement
8. V24-00003 Legal Ad
9. V24-00003 Applicant Handout