



REVISED

# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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### Prepared by

Kimberly Haigler, Senior Planner

#### CASE NUMBER

PD23-00005

#### PLANNING & ZONING BOARD HEARING DATE

February 7, 2024

#### PROPERTY OWNER & APPLICANT

Palm Bay Pointe West – Vishaal Gupta-Kimaya, LLC. (Jake Wise, P.E., Construction Engineering Group, LLC. Rep.)

#### PROPERTY LOCATION/ADDRESS

A parcel of land being a portion of Sections 3 and 4, Township 30, Range 37, Brevard County, Florida. Located west of and adjacent to Babcock Street SE, north and south of St. John's Heritage Parkway

#### SUMMARY OF REQUEST

A **Preliminary Development Plan** approval for a mixed-use development to be called Palm Bay Pointe West

##### Existing Zoning

PUD, Planned Unit Development

##### Existing Land Use

Commercial (COM), Low-Density Residential (LDR), High Density Residential (HDR)

##### Site Improvements

Undeveloped Land

##### Site Acreage

84.75 acres

#### SURROUNDING ZONING & USE OF LAND

##### North

PUD, Planned Unit Development - Vacant

##### East

PUD, Planned Unit Development - Vacant and Single Family Residential

##### South

AU, Agricultural Use (County)

##### West

PUD, Planned Unit Development - Single-Family Residential

#### COMPREHENSIVE PLAN COMPATIBILITY

Yes, subject to approval of Case CP23-00012

**BACKGROUND:**

The property is located west of and adjacent to Babcock Street SE, north and south of St. John's Heritage Parkway. Specifically, the subject property is a portion of Sections 3 and 4, Township 30, Range 37, Brevard County, Florida. The approximately 84.75-acre tract is proposed for a mixed-use development to be called Palm Bay Pointe West.

The applicant is currently seeking Preliminary Development Plan (PDP) approval. The purpose of this request is to allow for the development of a 668 unit multiple-family residential subdivision with 16 adjacent commercial parcels. Concurrently, an application has been submitted to change the Future Land Use of a 27.72-acre tract from Commercial to Neighborhood Center (CP23-00012). This change in land use will allow for the development of a multifamily residential complex with a proposed density of 24.1 units per acre.

Included in this preliminary development plan is a request to allow for a maximum building length of 305 feet. The PUD zoning sets a maximum building length of 200 feet. An approval of PD23-00005 will also be an approval for the proposed 105-foot increase in building length.

**ANALYSIS:**

Planned Unit Development (PUD) zoning is intended to encourage 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.

The purpose of a PDP is to establish development standards and delineate commercial lots for platting so end-users may begin submitting for site plan approval and building permits. The proposed multifamily preliminary development plan proposes 668 multi-family residential units. The PUD zoning district does not establish a minimum floor living area per unit for multi-family dwellings. However, the preliminary development plan indicates that the units will include up to three bedrooms with a minimum floor area of 500 square feet. Placement of these multi-family units abutting the commercial sites to the east on Babcock Street supports the creation of a walkable community. The location also provides a transitional buffer between the single-family residential under development to the west, and the commercial sites to the east.

Section 185.065(C) of the City's Code of Ordinances requires a PUD to permanently set aside and designate on the site plan recreational and/or open space for use by residents of the PUD, equaling 25 percent of the project site acreage. At 27.7 acres, the minimum set

aside for the proposed complex shall be 6.93 acres. This minimum shall be a requirement of site plan approval. When water areas are utilized as part of the open space requirement, they shall be permanent water bodies improved with docks or piers.

Section 185.065(H)(3) requires that within a PUD, 50 square-foot internal landscaped area be provided for every parking space provided. Also, 1176 parking spaces are proposed; therefore, 58,800 square feet of interior landscaped area must be provided as well. This area is in addition to the open space requirement. Additionally, Section 185.065(K) requires that planned unit developments shall be regulated by the adopted city landscape provisions of the Land Development Code.

A revised traffic study is required at site plan submittal. Internal roadways shall be provided with a sidewalk, on both sides of the road, with connections to off-site sidewalks.

The City's Utilities Department states that this area is currently at capacity for water and sewer service. However, they are coordinating with outside entities to complete infrastructure projects critical to servicing the southern portion of the City. Upon development of the site, the owner/developer at their expense, will be required to design, permit, install, inspect, and test water systems of adequate size to accommodate the development. A Utility Agreement shall be executed prior to construction plan approval.

#### **CONDITIONS:**

To receive Preliminary Planned Unit Development approval, the proposal must meet the requirements of Section 185.066 of the City of Palm Bay's Code of Ordinances. Upon review, it appears that the request is in conformance with the applicable requirements of this section, subject to the staff comments contained in this report.

#### **STAFF RECOMMENDATION:**

Case PD23-00005 is recommended for approval, ~~subject to the staff comments contained in this report.~~

**TECHNICAL COMMENTS****CASE PD23-00005 – PALM BAY POINTE WEST PUD****LAND DEVELOPMENT – Kimberly Haigler**

1. The maximum intensity (FAR, Floor to Area Ratio) permitted in Neighborhood Center is 0.5. The proposed intensity is 0.67. The proposed plan shall be revised to reduce the FAR to 0.5.
2. Density and intensity calculations of what is proposed versus what is required must be added to the plan.
3. Under open space calculation for commercial, remove reference to neighborhood center area and add note that each commercial parcel shall set aside 25% for open space. The combined area of the proposed commercial parcels is 41.1 acres, please amend the calculation.

**FIRE REVIEW – Timothy Robles**

Here are the codes used by the City of Palm Bay

Florida Fire Prevention Code (FFPC) 7th edition, Florida Administrative Code (FAC), Florida State Statute (FSS) and City of Palm Bay Ordinances Chapters 33 and 177.

The following are all the PBFR specific requirements that I am aware of.

Civil Plans comments were also made on the plans and highlighted.

The following are all the PBFR specific requirements that I am aware of.

**Fire Flow**

Fire Flow Test must be within the last year of (2023) per NFPA #13-2016 Ed.

If fire flow test is older than a year: please contact Peter Carr of the Utility Dept.

Fire flow test must take place first, fees and scheduling required.

Utility and Fire Dept. present, at the time of fire flow test after fees are paid in full.

(FFPC 1 Table 18.4.5.1.2)

The city does not use the ISO method.

Fire SPRINKLERS Required for these multifamily apartments.

– Check occupancy chapter requirements

– Check FFPC 1:13.2 requirements

– Fire flow—enough water per hydrant flow test report? Need reduction per FFPC 1:18.4.5? – Response: Noted. Fire flow test has been ordered and at time of design, will be utilized.

– FD access—check FFPC 1:18.2.3.2.2, FFPC 1:18.2.3.2.2.1.

• Fire Pump may be required.

• Contact Peter Carr @ Palm Bay Utilities to START the Fire Flow Test (Paperwork & Fees are part of this process.)

**PW TRAFFIC REVIEW – Frank Watanabe**

Approved with a condition to submit a revised traffic study to update the 2017 study.

**UTILITIES REVIEW – Daniel Cardona**

The Utilities Department has no objection to the proposed 600-unit multifamily residential parcel and commercial parcels PUD. Note, this region is currently at capacity for water and sewer service. The Utilities Department is coordinating with outside entities to complete infrastructure projects critical to servicing the southern portion of the City.

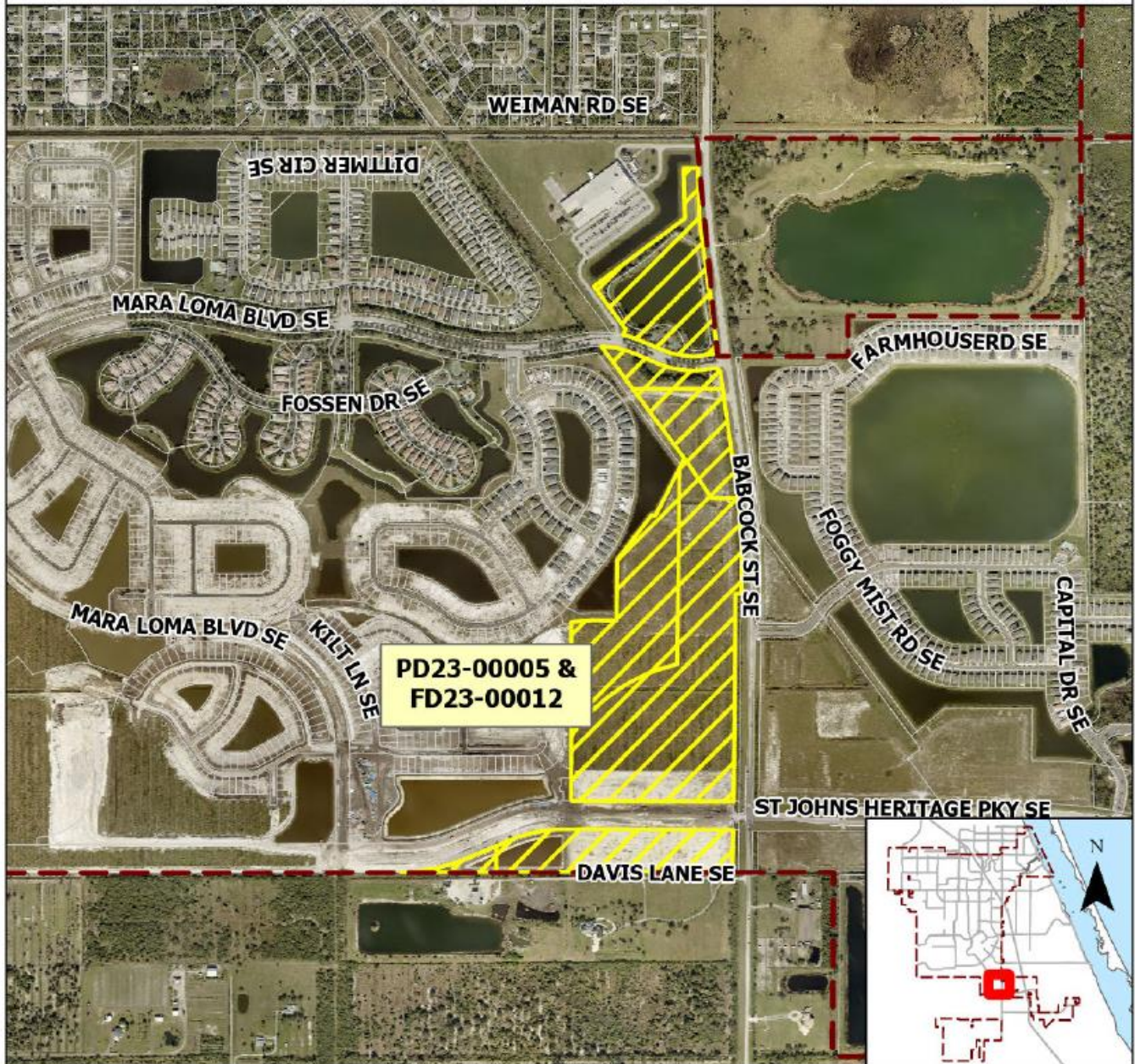
Upon development of the site, the following shall apply for connection to the City's water and sewer utilities system:

1. The applicant/owner, at their expense, will be required to design, permit, install, inspect and test water & sewer systems of adequate size to accommodate the development and to connect to the City's water & sewer system. [§ 200.11(D)(1) – On-Site Facilities].
2. The applicant/owner may be required to extend and/or loop service from the existing water and sewer connection points [§ 200.11(D)(2) – Off-Site Facilities].
3. The applicant/owner will be responsible for the property's hydraulic share for the utilities. Oversizing of utilities at the request of the Utilities Department will be subject to a refunding agreement or refundable advance [§ 200.1(D) & (E)]. The City of Palm Bay's 2017 Wastewater Master Plan & 2017 Water Master Plan, both of which are available upon request, identify proposed mainline extensions with the City's current pipe sizing requirements.
4. A City of Palm Bay "Utility Agreement" shall be executed between the Property Owner and the City. All Utility impact/connection charges noted in the "Utility Agreement" must be paid as outlined in the terms and conditions of the Utility Agreement. All fees are subject to change annually on October 1. The Property Owner shall submit a certified copy of the property deed as verification of ownership as part of the Utility Agreement.
5. All utility construction, materials, and testing shall be in accordance with the latest revision of the Palm Bay Utility Department Policies, Procedures and Standards Handbook and the Standard Detail Drawings. Prior to any construction, all required FDEP Permit applications for the Water and Sanitary Sewer Construction shall be processed through and copied of the Permits filled with the Utilities Department.





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



## AERIAL LOCATION MAP

CASE:PD23-00005 & FD23-00012

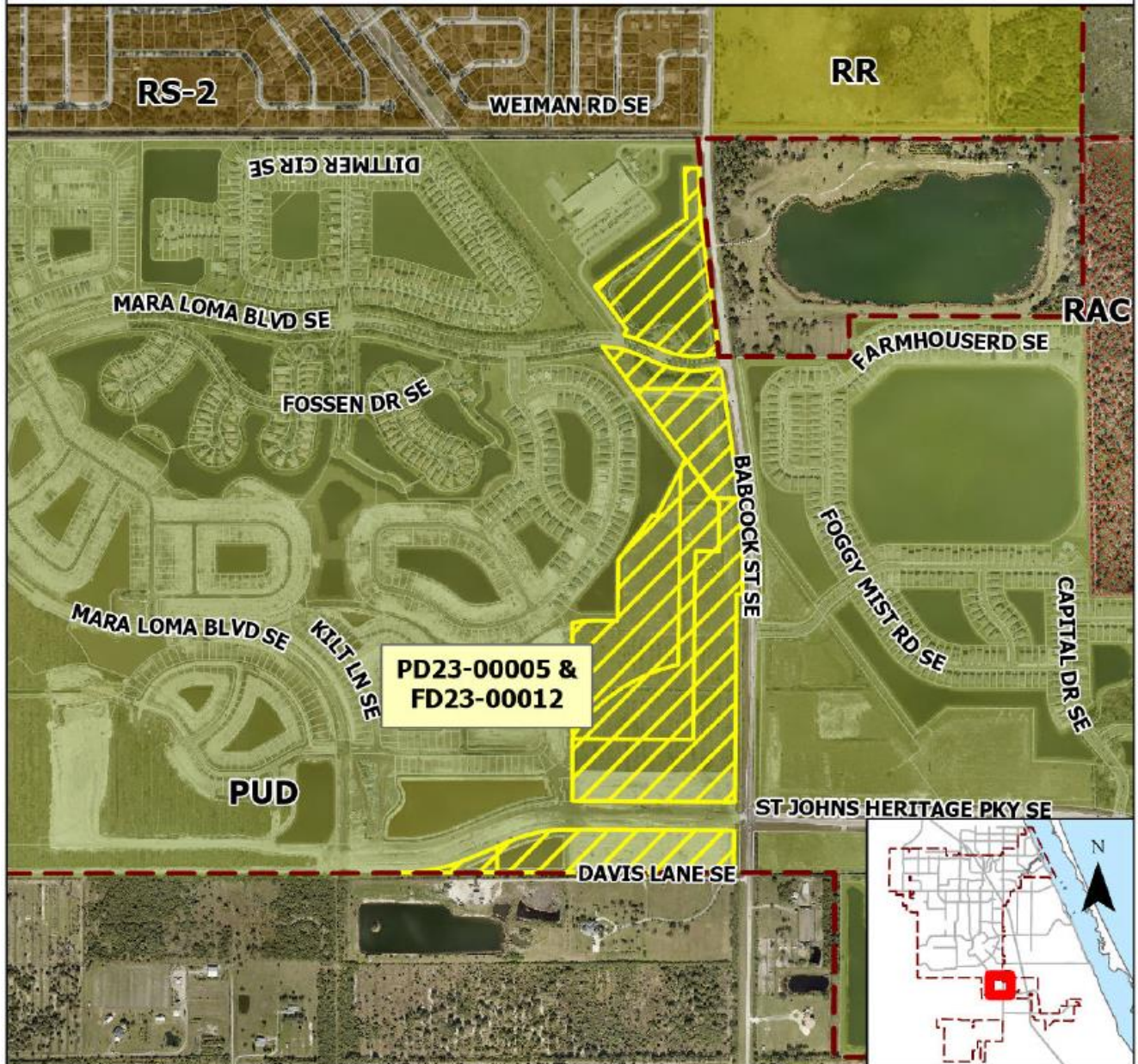
### Subject Property

Northwest corner of Babcock Street SE and Davis Lane SE, in the vicinity west of St. Johns Heritage Parkway SE





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## ZONING MAP

**CASE: PD23-00005 & FD23-00012**

### Subject Property

Northwest corner of Babcock Street SE and Davis Lane SE, in the vicinity west of St. Johns Heritage Parkway SE

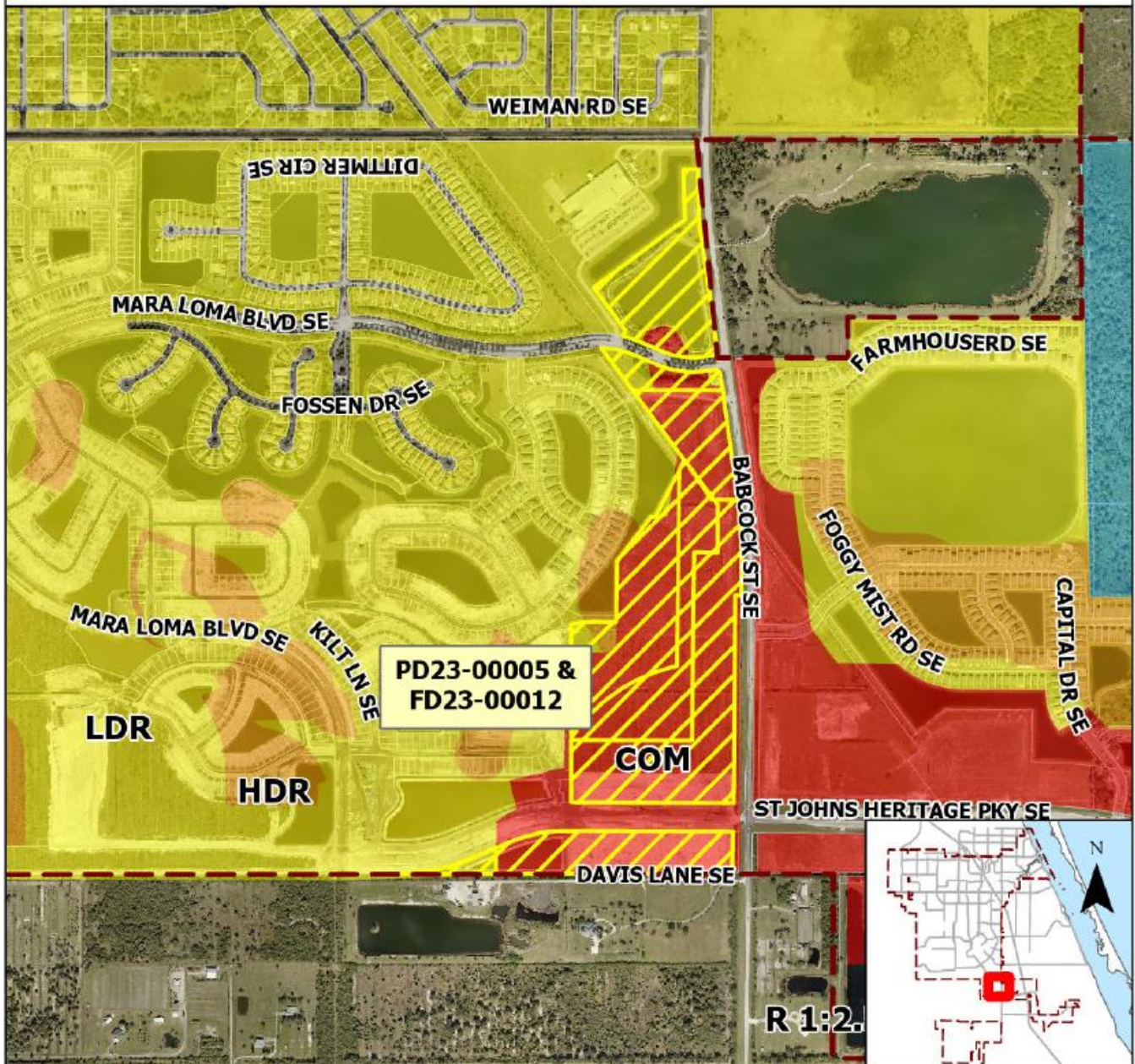
### Current Zoning Classification

PUD - Planned Unit Development





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## FUTURE LAND USE MAP

**CASE: PD23-00005 & FD23-00012**

### Subject Property

Northwest corner of Babcock Street SE and Davis Lane SE, in the vicinity west of St. Johns Heritage Parkway SE

### Future Land Use Classification

COM - Commercial, LDR - Low Density Residential, HDR - High Density Residential