



## MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Lisa Frazier, AICP, Growth Management Director

**DATE:** October 17, 2024

**RE:** CU23-00015 – Pribell Dock - Richard Pribell and Joyce Lochan-Pribell (Stephen L. Conteaguero with Nason Yeager Gerson Harris & Fumero Law Firm, Rep.) - A Conditional Use to allow the construction of a dock within a C, Conservation District, in accordance with Section 173.021 [reference formerly known as Section 185.043(D)(3), Floodway Conservation District (FC)] of the Palm Bay Code of Ordinances – A portion of Tax Parcel 755, Section 26, Township 28, Range 37, Brevard County, Florida, containing approximately 10 acres. Located north of and adjacent to Port Malabar Boulevard NE, specifically at 1803 Port Malabar Boulevard NE

### SUMMARY:

The applicant requests a Conditional Use to allow the construction of a dock within the FC (Floodway Conservation District), in accordance with Section 185.048(D)(3) of the Palm Bay Code of Ordinances. An approximately quarter-acre area of the 10-acre property, in the southwest corner, is zoned for single-family residential and is developed with the applicant's primary residence. The conditional use request is specifically to allow for the installation of a dock within a portion of the parcel that is in the Floodway Conservation Zoning District. Upon receiving Conditional Use approval, the applicant will be required to apply for a dock permit with the City. Through the administrative permit review process, staff will ensure compliance with all applicable codes regarding dock design and setbacks. The applicant will also be required to submit a valid Army Corps of Engineers (ACOE) dock permit and a formal wetland delineation for the entire parcel.

### REQUESTING DEPARTMENTS:

Growth Management

### STAFF RECOMMENDATION:

Approval

**Planning & Zoning Board Recommendation:**

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

**Motion** by Ms. Jordan, **Seconded** by Mr. McLeod to submit Case CU23-00015 to the City Council for approval.

**Result:** Carried 4 to 1

**Aye:** Boerema, Jordan, McLeod, Warner

**Nay:** Olszewski

**Abstain:** None

**ATTACHMENTS:**

- 1 CU23-00015 Staff Report
- 2 CU23-00015 Site Sketch
- 3 CU23-00015 FDEP Violation – Case Closure Letter
- 4 CU23-00015 SJRWMD Exemption Letter
- 5 CU23-00015 USACE Dock Permit - Expired
6. CU23-00015 Citizen Participation Plan Report
- 7 CU23-00015 Application
- 8 CU23-00015 Letter of Authorization
- 9 CU23-00015 Legal Acknowledgement
- 10 CU23-00015 Legal Ad
- 11 CU23-00015 Applicant Handout
- 12 CU23-00015 Resolution