

ADJOURNMENT:



AGENDA

**BAYFRONT REDEVELOPMENT AGENCY
Regular Meeting No. 2005-01**

January 11, 2005 - 7:00 P.M.

City Hall Council Chambers - 120 Malabar Road, SE

CALL TO ORDER:

ROLL CALL:

ADOPTION OF MINUTES:

1. Regular meeting No. 2004-14, December 14, 2004

PUBLIC COMMENTS:

COMMISSIONER REPORTS:

OLD BUSINESS:

NEW BUSINESS:

1. Review and recommendation on two (2) submitted applications by Castaway Development Ventures, L.L.C.
 - a) A request to amend the Comprehensive Plan Bayfront Mixed Use District Category.
 - b) A textual amendment request to the RM-20, Multiple Family Residential and the BMU, Bayfront Mixed Use Zoning District.

AGENCY UPDATE (STAFF):

1. District Update.

MEMORANDUM

To: Bayfront Redevelopment Commissioners

From: Tim Ford, Staff Liaison

Date: January 4, 2005

Subject: Comprehensive Plan/Zoning Code Textual Amendment Applications
Affecting the Redevelopment District

Attached for your review and recommendation to the Planning and Zoning Board and to the City Council are two (2) applications requesting textual amendments to the Comprehensive Plan and Zoning Code that will have an affect on the Bayfront Redevelopment District. The requests involve the RM-20, Multiple Family and BMU, Bayfront Mixed Use zoning districts. A synopsis of the requests is attached for your information.

Action Needed: Recommendations for both applications to either approve, approve with changes, or to deny the textual amendment requests.

TDF/tf

cc: Christopher Norton, Director of Community Planning & Economic Development

RICHARD E. TORPY & ASSOCIATES

RICHARD E. TORPY, ESQ.
G. PHILIP J. ZIES, ESQ.
SCOTT D. WIDERMAN, ESQ.
CHRISTINA B. SUTCH, ESQ.

December 1, 2004

VIA HAND DELIVERY

MR DAVID WATKINS, DIRECTOR
GROWTH MANAGEMENT DIVISION
CITY OF PALM BAY
5240 BABCOCK STREET
SUITE 300
PALM BAY FL

Re: Castaway Development Ventures, LLC
Our File No. 14.2238

Dear Dave:

Attached is the two (2) applications we discussed earlier today. The first application requests a Textual Amendment to the Palm Bay Land Development Code relating to the Multi-Family Residential District and the Bayfront Mixed Used Village District. The second application is for a Comprehensive Plan Amendment Application to allow for an increased density in the Bayfront Mixed Use Village District to a maximum density of twenty (20) units per acre.

It is my understanding that these applications will be placed in front of the Planning and Zoning Board, in ordinance form, in January of 2005 as well as the Palm Bay City Council in January of 2005.

It is also my understanding that upon approval by the City Council, the Comprehensive Plan Amendment portion of this request will be forwarded to the Department of Community Affairs sometime in the month of February.

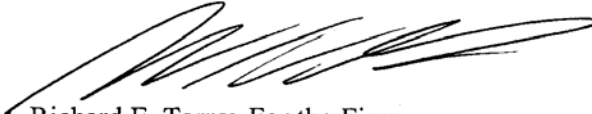
I look forward to communicating with you and your staff during the month of December to further clarify the proposed Textual Amendment changes so as to bring about the necessary amendments that would allow the development of our proposed project if the Palm Bay City Council deems it an appropriate use.

MR DAVID WATKINS
DECEMBER 1, 2004
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Finally, the application fee in the amount of \$2,000.00 will be forwarded to you on December 2, 2004, pursuant to our agreement. Unfortunately, my client is in Orlando and I am unable to get a check today for the application fee.

Sincerely,

RICHARD E. TORPY & ASSOCIATES

A handwritten signature in black ink, appearing to read "Richard E. Torpy", written in a cursive style.

Richard E. Torpy, For the Firm

RET/tm

Enclosures As Stated

cc: Mr. Tony Masone
Mr. Kohn Bennett

TEXTUAL AMENDMENT APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Planning Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by certified mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

1) NAME OF APPLICANT (Type or print) Castaway Development Ventures, LLC

ADDRESS 202 N. Harbor City Blvd., Suite 200

CITY Melbourne STATE Florida ZIP 32935

PHONE # (321) 255-2332 FAX # (321) 255-2351

PERSON(S) TO BE NOTIFIED (if different from above) Richard E. Torpy

ADDRESS Same as above

CITY _____ STATE _____ ZIP _____

PHONE # _____ FAX # _____

2) ORDINANCE SECTION PROPOSED TO BE CHANGED: Bayfront Mixed Use and

Multi-Family Residential Use (RM-20)

3) PROPOSED LANGUAGE (attach addendum if necessary): See Attached

4) JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary):

See Attached

TEXTUAL AMENDMENT APPLICATION
PAGE 2

5) *APPLICATION FEE. MAKE CHECK PAYABLE TO "CITY OF PALM BAY":

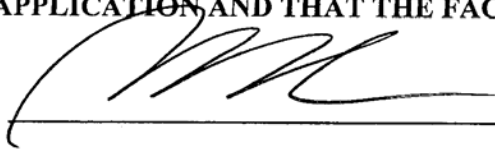
 X \$1,000.00 for amendment to the Zoning Ordinance listing of permitted, conditional, and/or prohibited uses; or

 \$325.00 for changes other than as noted above.

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY, AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING TEXTUAL AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date 12-01-04

Printed Name of Applicant

Richard E. Torpy

*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY

TEXTUAL AMENDMENT APPLICATION ATTACHMENT

1. The following is the request for a textual amendment to Section 185.038 RM-20–Multiple-Family Residential District.

Section 185.038 (D)(10) Bayfront Multi-Family Developments - The Palm Bay City Council may approve site plans for multi-family developments which deviate from the requirements of this District with regard to their proposed height, density, setbacks, parking, or other issues relative to site plans to the extent that the Council determines that such deviation will promote proposals otherwise consistent with the intentions of the District.

2. The following is the request for a textual amendment to Section 185.053 BMU - Bayfront Mixed Use Village District.

(D)(8)

Section 185.053 BMU - Bayfront Mixed Use Village District - The Palm Bay City Council may approve site plans for multi-family developments which deviate from the requirements of this District with regard to their proposed height, density, setbacks, parking, or other issues relative to site plans to the extent that the Council determines that such deviation will promote proposals otherwise consistent with the intentions of the District.

COMPREHENSIVE PLAN AMENDMENT APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Planning Division, Palm Bay, Florida, no later than April 1st by 5:00 p.m. for spring amendments or October 1st by 5:00 p.m. for fall amendments. Contact the Planning Division at (321) 952-3426 to determine the schedule for public hearings. This application will be referred to the Local Planning Agency for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by certified mail of the date and time of the meeting(s). Meetings will be held beginning at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

1) NAME OF APPLICANT (type or print) Castaway Development Ventures, LLC

ADDRESS 202 N. Harbor City Blvd., Suite 200

CITY Melbourne STATE Florida ZIP 32935

PHONE# (321) 255-2332 FAX# (321) 255-2351

E-MAIL ADDRESS RICHARDETORPYPA@earthlink.net

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION: _____

SECTION N/A TOWNSHIP NONE RANGE N/A

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): N/A

4) LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.): Bayfront Mixed Use and Multi-Family Residential

5) LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE): _____

See Attached

6) PRESENT USE OF THE PROPERTY: N/A

7) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY: N/A

8) HAS A REZONING APPLICATION BEEN FILED IN CONJUNCTION WITH THIS APPLICATION: N/A

(If no rezoning application is filed, the City must assume the maximum impact permissible by the land use classification desired. Impacts to transportation facilities, water and sewer facilities, drainage, recreation facilities, and solid waste must be examined and justified before acceptance by the Florida Department of Community Affairs and the City of Palm Bay.)

- 9) JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence of necessary):

See Attached

- 10) SPECIFIC USE INTENDED FOR PROPERTY: See Attached
-

- 11) THE FOLLOWING ENCLOSURES ARE NEEDED TO COMPLETE THIS APPLICATION:

X *\$1000.00 Application Fee. Make check payable to "City of Palm Bay."

N/A Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)).

N/A A listing of legal descriptions (for land use amendments) of all properties within a 500 foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This can be obtained from the Property Appraiser's Office/GIS Department at 264-6707, ext. 41217, or on the Internet at www.brevardpropertyappraiser.com) List shall be legible and the source of that information stated here: _____

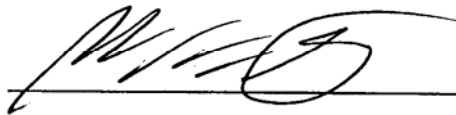
- 12) WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE COMPREHENSIVE PLAN AMENDMENT.

• COMPREHENSIVE PLAN AMENDMENT APPLICATION
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I, THE UNDERSIGNED, UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY, AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING COMPREHENSIVE PLAN AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date 12-01-04

Printed Name of Applicant

Richard E. Torpy

*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY

COMPREHENSIVE PLAN AMENDMENT APPLICATION ATTACHMENT

We are requesting a text change to policy FLU-1.1I, specifically permitting the Bayfront Mixed Use Village District density to a maximum of twenty units per acre.

SUMMARY OF CODE OF ORDINANCES
TEXT CHANGE PROPOSAL

Applicant: Castaway Development Ventures, LLC (Richard E. Torpy, Representative)

Request: To amend the BMU, Bayfront Mixed Use Village District by creating a new conditional use category that would permit City Council to approve multiple family developments which deviate from the normal regulations within Bayfront. This amendment would permit City Council to approve height, density, setbacks and similar criteria different from the normal regulations within the BMU. The proposed change also provides for a similar amendment to the RM-20, Multiple Family Residential District.

Planning and Zoning Board: Public Hearing scheduled for February 2, 2005, 7:00 P.M.

City Council: Public Hearing scheduled for February 17th, 2005, 7:00 P.M.

Procedure: If ultimately approved by City Council, the amendments could be adopted by March 17th. However, the density changes above 20 units per acre in the BMU could not be acted on by an applicant or Council until the Future Land Use Element amendment is adopted.

Discussion: The Bayfront Mixed Use Village District only applies to the Bayfront Village area of the Redevelopment District at present. Currently, the Bayfront Mixed Use category provides for a maximum of 10 units per acre, establishes a height limit of 35 feet, establishes setbacks and other criteria. The change to the Code of Ordinances would permit construction of multiple family complexes of more than 10 units per acre, of greater height than 35', and with setbacks different than those established for the remainder of the District. The deviations from the normal criteria would have to occur at public hearings by City Council under the conditional use process. However, there would be no limit to height and there could theoretically be no setbacks required. The associated Future Land Use Element amendment would limit any deviation of density to a maximum of 20 units per acre.

The change proposed for the RM-20, Multiple Family Residential District has similar language and would have similar implications.

SUMMARY OF COMPREHENSIVE PLAN AMENDMENT PROPOSAL

Applicant: Castaway Development Ventures, LLC (Richard E. Torpy, Representative)

Request: To amend Policy FLU-1.11 of the Future Land Use Element to permit a maximum density of 20 units per acre under the Bayfront Mixed Use future land use category.

Planning and Zoning Board: Public Hearing scheduled for February 2, 2005, 7:00 P.M.

City Council: Public Hearing scheduled for February 17th, 2005, 7:00 P.M.

Procedure: Since this is a change to the text of the adopted Comprehensive Plan, it is considered to be a major amendment and must adhere to the twice per year limitation on amendments. Amendments under this category are batched and submitted to the Florida Department of Community Affairs twice per year. The current group (including this amendment if approved by City Council) will be submitted sometime in March most likely. It could be later if not all amendments have had public hearings by that time. These amendments must have public hearings at the Planning and Zoning Board and City Council, be submitted to the Florida Department of Community Affairs for review and comment, the City must address any comments and hold additional adoption public hearings at City Council. The amendments are then resubmitted to the Department of Community Affairs for a compliance determination. This process takes around 120 to 150 days, minimum.

Discussion: The Bayfront Mixed Use category only applies to the Bayfront Village area of the Redevelopment District at present. Currently, the Bayfront Mixed Use category provides for a maximum of 10 units per acre. The change to the comprehensive plan is necessary before a zoning change could occur to implement 20 units per acre. If the comprehensive plan is not changed, only 10 units per acre would be allowed even if the zoning is changed. Attached is a copy of Policy FLU-1.11.

Policy FLU-1.11

Intensity standards permitted by the Land Development Regulations shall not exceed the maximum intensity established for each Future Land Use Map category by this policy. Intensity standards include ranges since other factors may determine maximum intensity permitted on individual parcels such as level of service standards, zoning setbacks and lot sizes, presence of wetlands or water bodies, and similar factors. Individual future land use map amendments may establish stricter intensity standards as conditions of approval and shall be noted with the letter "R" on the Future Land Use Maps.

RURAL SINGLE FAMILY USE – Maximum residential density of 1 unit per 5 acres with a range of 0 to .2 units per acre. Typical uses permitted include single family homes, rural or agricultural uses, recreational uses, and institutional uses such as schools, churches and utilities.

SINGLE FAMILY RESIDENTIAL USE – Maximum residential density of 6.5 units per acre with a range of 0 to 6.5 units per acre. Typical uses permitted include single family homes, recreational uses, and institutional uses such as schools, churches and utilities.

MOBILE HOME RESIDENTIAL USE – Maximum residential density of 10 units per acre with a range of 0 to 10 units per acre. Typical uses permitted include mobile homes, recreational uses, and institutional uses such as schools, churches and utilities.

MULTIPLE FAMILY RESIDENTIAL USE – Maximum residential density of 20 units per acre with a range of 0 to 20 units per acre. Typical uses permitted include single family homes, duplexes, multiple family units, congregate living units, recreational uses, and institutional uses such as schools, churches and utilities.

PROFESSIONAL OFFICE USE – Maximum floor area ratio of .5 with a range of 0 to .5. Typical uses permitted include professional offices and services, financial institutions, recreational uses, and institutional uses such as schools, churches and utilities.

COMMERCIAL USE – Maximum floor area ratio of 2.5 with a range of 0 to 2.5. Typical uses permitted include offices, retail businesses, personal service businesses, day care centers, restaurants, financial institutions, hotels and motels, institutional uses, and similar uses.

INDUSTRIAL USE – Maximum floor area ratio of 5 with a range of 0 to 5. Typical uses permitted include manufacturing, warehousing, research and development, institutional uses, and similar uses.

PUBLIC/SEMIPUBLIC USE – Maximum floor area ratio of 2 with a range of 0 to 2. Typical uses include government owned facilities, churches, utilities, clubs and lodges,

educational facilities, recreation facilities, hospitals, congregate living facilities, and similar uses.

UTILITIES USE – Maximum floor area ratio of 1.5 with a range of 0 to 1.5. Typical uses include public and private utilities.

RECREATION AND OPEN SPACE USE – Maximum floor area ratio of .25 with a range of 0 to .25. Typical uses include parks and open space.

CONSERVATION USE – Maximum floor area ratio of .05 with a range of 0 to .05. Typical uses include nature sanctuaries and other conservation areas and floodways.

BAYFRONT MIXED USE - Permits a mix of Commercial and Residential Uses. Commercial Uses shall not exceed 50% and Residential Uses shall not exceed 50% within the overall area. Commercial Uses shall have a maximum floor area ratio of 1.8 with a range of 0 to 1.8. Typical commercial uses permitted include offices, retail businesses, personal service establishments, day care centers, restaurants, financial institutions, hotels and motels, institutional uses and similar uses. Residential Uses shall have a maximum density of 10 units per acre with a range of 0 to 10 units per acre. Typical uses include single family homes, duplexes, multiple family units, recreational uses and institutional uses. Development standards shall follow the applicable policies within the Comprehensive Plan and the standards within the BMU, Bayfront Mixed Use Village District zoning category. This category may only be applied to the Bayfront Redevelopment District. The mix of uses must be monitored by the City of Palm Bay to ensure that the maximum residential development of 50% of the area and the maximum commercial development of 50% of the area is maintained. Alteration of these criteria shall require amendment to this policy.

Present
Comprehensive Plan Future Land Use Policy 1.11
Verbiage

II. GOALS, OBJECTIVES AND POLICIES (cont.)**POLICIES (cont.):****FLU-1.11 (cont.)**

BAYFRONT MIXED USE – Permits a mix of Commercial and Residential Uses. Commercial Uses shall not exceed 50% and Residential Uses shall not exceed 50% within the overall area. Commercial Uses shall have a maximum floor area ratio of 1.8 with a range of 0 to 1.8. Typical commercial uses permitted include offices, retail businesses, personal service establishments, day care centers, restaurants, financial institutions, hotels and motels, institutional uses and similar uses. Residential Uses have a maximum density of 10 units per acre with a range of 0 to 10 units per acre. Typical uses include single family homes, duplexes, multiple family units, recreational uses and institutional uses. Development standards shall follow the applicable policies within the Comprehensive Plan and the standards within the BMU, Bayfront Mixed Use Village District zoning category. This category may only be applied to the Bayfront Redevelopment District. The mix of uses must be monitored by the City of Palm Bay to ensure that the maximum residential development of 50% of the area and the maximum commercial development of 50% of the area is maintained. Alteration of these criteria shall require amendment to this policy.