

RESOLUTION 2020-59

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING A CONDITIONAL USE TO ALLOW AN ASSISTED LIVING FACILITY TO BE KNOWN AS 'HAMPTON MANOR OF PALM BAY' IN IU (INSTITUTIONAL USE DISTRICT) ZONING; WHICH PROPERTY IS LOCATED IN THE VICINITY SOUTH OF KOUTNIK ROAD, BETWEEN RUFFIN AND BUFFING CIRCLES, AND LEGALLY DESCRIBED HEREIN; GRANTING THE USE AS A CONDITIONAL USE; PROVIDING FOR CONSTRUCTION TO BE IN COMPLIANCE WITH THE SITE PLAN; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, application for a conditional use in IU (Institutional Use District) zoning to allow an assisted living facility to be known as 'Hampton Manor of Palm Bay' on property legally described herein, has been made by DSG, LLC, and Gus & Son, LLC, and

WHEREAS, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on November 4, 2020, which voted to recommend to the City Council approval of the application, and

WHEREAS, all provisions applicable to the conditional use under Chapter 185, Zoning, Conditional Uses, Sections 185.085 and 185.086, and District Regulations, Section 185.047, of the Palm Bay Code of Ordinances, have been satisfied by the applicant, and

WHEREAS, the City Council of the City of Palm Bay has determined that such conditional use will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City Council of the City of Palm Bay hereby grants a conditional use to allow an assisted living facility to be known as 'Hampton Manor of Palm Bay' on property zoned IU (Institutional Use District), which property is legally described as follows:

The west half of the southeast quarter of the northeast quarter of Section 18, Township 29S, Range 37E, also known as Lot 15, Florida Indian River Land Company Subdivision, according to the plat thereof, recorded in Plat Book 1, Page 165, of the Public Records of Brevard County, Florida.

Less and except:

A portion of the west half of the southeast quarter of the northeast quarter of Section 18, Township 29S, Range 37E, also known as Lot 15, Florida Indian River Land Company Subdivision, according to the plat thereof, recorded in Plat Book 1, Page 165, of the Public Records of Brevard County, Florida, and being more particularly described as follows: Begin at the northwest corner of said Lot 15 and run S 89°30'06" E along the north line of said Lot 15 and along the south line of a 50' wide drainage right-of-way as shown on Port Malabar Unit 50, according to the plat thereof, as recorded in Plat Book 23, Pages 4-21 of said Public Records, a distance of 664.79 feet to the northeast corner of said Lot 15; thence S 00°22'38" W along the east line of said Lot 15 and along the west line of Blocks 2693 and 2694 of said Port Malabar Unit 50, a distance of 999.49 feet; thence west 376.98; thence N 00°09'46" E 231.12 feet to a Point of Curvature of a circular curve concave to the southwest, having a radius of 225.00 feet; thence run northwesterly along the arc of said curve, through a central angle of 90°00'00", an arc distance of 353.43 feet to a Point of Tangency; thence N 89°50'14" W to the intersection with the west line of said Lot 15; thence N 00°22'26" E along the west line of said Lot 15 and along the east line of Block 2687 of said Port Malabar Unit 50, a distance of 548.32 feet to the Point of Beginning; containing 12.54 acres, more or less.

SECTION 2. The conditional use is granted subject to the applicant complying with the following:

1. Constructing the assisted living facility in accordance with the site plan which is, by reference, incorporated herein as Exhibit 'A';
2. The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit "B".
3. Submittal of a traffic impact analysis;
4. The developer shall pay their Proportionate Fair Share of the cost of all necessary traffic improvements;
5. Construct a porte-cochere at the main entrance to the building;

6. The opaque perimeter fence shall be constructed of either wood or PVC, and extended on the west side of the property north to Pilgrim Lane;
7. The building height shall be restricted to a maximum of 25 feet and the developer shall work closely with city staff to save as many existing specimen trees as practical;
8. Allow for emergency access to Satz Street for future development;
9. All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

SECTION 3.

1. 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 such construction within one (1) year of issuance of the first permit shall void the conditional use.
2. Failure to make payment of the business tax within one (1) year shall void the conditional use.

SECTION 4. This resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2020-_____, of the City Council of the City of Palm Bay, Brevard County, Florida, held on _____, 2020.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Applicant: DSG, LLC, and Gus & Son, LLC
Case: CU-30-2020

cc: (date) Brevard County Recording
Applicant
Case File