



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

landdevelopmentweb@palmabayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

CU-30-2020

PLANNING & ZONING BOARD HEARING DATE

November 4, 2020

PROPERTY OWNER & APPLICANT

DSG, LLC and Gus & Son, LLC
Being Represented by Jake Wise of
Construction Engineering Group, LLC

PROPERTY LOCATION/ADDRESS

Located in the vicinity SE of Eldron Boulevard and
Koutnik Road SE; between Ruffin and Buffing Circles.
Access to the property is from Pilgrim Lane SE

SUMMARY OF REQUEST

Conditional Use Approval for a for an Assisted Living Facility

Existing Zoning

IU, Institutional Use District

Existing Land Use

Public/Semi-public Use

Site Improvements

Vacant, Undeveloped Land

Site Acreage

20.19 acres, more or less

SURROUNDING ZONING & USE OF LAND

North

RS-2, Single-Family Residential District; City Drainage Ditch

East

RS-2, Single-Family Residential District; Single-Family Homes

South

RS-2, Single-Family Residential District; Single-Family Homes

West

RS-2, Single-Family Residential District; Melbourne-Tillman Water
Control District Canal No. 45

COMPREHENSIVE PLAN

COMPATIBILITY

Yes

BACKGROUND:

The subject property is in the vicinity SE of Eldron Boulevard and Koutnik Road SE; between Ruffin and Buffing Circles. Specifically, the property is Tax Parcel 2.0; located in Section 14, Township 29 south, Range 37 east, Brevard County, Florida. The size of the property is approximately 20.19 acres and it is presently vacant, undeveloped land.

On January 5, 2006 the Palm Bay City Council granted Final Subdivision approval for a 60-lot single-family residential subdivision called Las Palmas. Soon after the market and the economy took a downward turn and the project was abandoned.

On October 3, 2013 City Council (Council) approved a Future Land Use Map amendment changing the designation of the subject property from Single Family Residential Use to Public/Semi-public Use, with conditions (Ord 2013-17). On the same night, Council approved a rezoning of the property from RS-2, Single-Family Residential to IU, Institutional Use (Ord 2013-18). Also, on October 3, 2013, Council approved a Conditional Use (CU) request for an Assisted Living Facility, called Las Palmas, to be constructed upon the property with 256 beds (Resolution 2013-42). The one-year commencement period for constructing the ALF was extended via Resolution 2014-35. However, the CU approval expired on October 3, 2016.

The applicants, DSG, LLC. and Gus & Sons, LLC., are requesting conditional use approval for an Assisted Living Facility (ALF), as required by Section 185.047(D)(4) of the Palm Bay Code of Ordinances. The applicant is represented by their Civil Engineer, Jake Wise of CEG.

ANALYSIS:

Administrative site plans are currently under city staff review. The proposed project, Hampton Manor of Palm Bay, will only occupy the southern 7.65 acres of the 20.16-acre parcel. If the conditional use request were to be approved by Council, the property owners (or their successors and/or assigns) will require additional approvals to develop the remaining 12.51 acres. Hampton Manor proposes construction of one (1) 2 >>single<<-story building totaling 65,640 square feet, with interior courtyards and swimming pool. The footprint of the building covers roughly 26% of the development area. The buildings will contain a total of 94 residential units.

CODE REQUIREMENTS:

To be granted conditional use approval, requests are evaluated upon items (A) through (I) of the General Requirements and Conditions of Section 185.087 of the Code of Ordinances. A review of these items is as follows:

Item (A): Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and

control, and access in case of emergency.

Sole access to the site will be from a driveway that extends from the eastern terminus of Pilgrim Lane. There are no other driveways proposed or anticipated at this time. Staff recommends that a condition be placed upon the property to require an 'emergency access only' connection to Satz Street when the remainder of the parcel is submitted for review. Per Ordinance 2013-17, a traffic impact analysis is required at the time of the proposed development of the site. The developer shall pay their Proportionate Fair Share of the cost of all necessary traffic improvements for this, and any future, project. A sidewalk is proposed from the project, along Pilgrim Lane, with connection to Eldron Boulevard.

Item (B): Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.

Section 185.140(G)(8) requires a minimum of ½ parking spaces per dwelling unit, for elderly and handicapped housing. Therefore, a total of 47 spaces are required, of which at least two (2) spaces shall be handicap accessible. The site plan proposes 47 spaces; four (4) of which are handicap accessible. The site also includes a dedicated drop-off and pick-up loop in the front of the building. Staff believes this loop should be covered i.e. a *porte-cochere*. Lastly, the site shall require one (1) loading/unloading space meeting the provisions of Section 185.141.

Item (C): Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

The developer will be required to install water and sewer systems of adequate size to accommodate the development and to connect to the City's water & sewer system. The nearest connection point to sewer is a 12" force main on Emerson Drive. Extension of the force main from Emerson shall be along City road right-of-way's and not along the existing canal network. The nearest connection to potable water is a 12" distribution main on Eldron Boulevard. Additionally, "upsizing" of the existing 6" water main within Ruffin Circle may be required for the purpose of fire protection.

Item (D): Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.

An eight foot (8') high opaque fence is proposed along the south, east, and west property lines where the "development area" is located. The Planning and Zoning Board (Board) and City Council shall determine if this fence should be extended north, to the project entrance at Pilgrim Lane (along the back of Lots 6-10, Block 2690, PMU 50). Staff recommends this fence is constructed of either wood or PVC (not metal). The ALF building is located 74' from existing homes to the east (on Buffing Circle) and 77' from the homes to the west (on Ruffin Circle). This exceeds the minimum setback of 25' required in the IU zoning district. A 25' building

setback and a 90' wide canal (Melbourne-Tillman Canal No. 45) separates the project from the existing homes located further south, on Sauders Road, by a distance of 115'.

Item (E): Signs, if any, and proposed exterior lighting will be so designed and arranged to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.

Although no photometric plan or sign detail has been provided, it shall be noted that City codes require all lighting to be shielded and/or directed downward to avoid creating a nuisance to adjacent properties. Only one (1) detached sign would be allowed and it must meet all applicable location and dimension criteria.

Item (F): Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

The yards and open space requirements of the Zoning Code have been met.

Item (G): The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity.

According to the ITE Trip Generation Informational Report (10th Edition), Assisted Living Facilities are generally a low producer of overall traffic. Vehicle ownership levels are very low, and the facility's employees and services provided to the residents, generate most of the trips to the site. It is anticipated that Hampton Manor will generate less traffic than if the property were to be developed as a single-family residential subdivision.

Item (H): The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.

The parcel is bordered by a large drainage canal to the south with medium residential density to the east and west. Assisted living facilities, besides being overall low generators of traffic, are typically quiet uses and do not appear to have an immediate impact on adjacent lands. The building height is restricted to 25', per Ordinance 2013-17, which is the same maximum building height of the surrounding area (PMU 50). According to the engineered site plans a total of 56 existing specimen trees are to be removed to accommodate this development. Most of these are pine trees. However, there are a few large oak trees (24-36" DBH) that staff believes can be saved through a minor redesign of a few areas of the site.

Item (I): Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, a reasonable time limit within which the action for which special approval is requested shall be begun or completed, or both.

The Board and Council have the authority to impose any justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings.

STAFF CONCLUSION:

The Planning and Zoning Board and City Council must determine if the request meets the criteria of Section 185.087 of the Palm Bay Code of Ordinances. If the request should be approved, staff recommends the following conditions:

- Submit a traffic impact analysis;
 - The developer shall pay their Proportionate Fair Share of the cost of all necessary traffic improvements;
 - Construct a porte-cochere at the main entrance to the building;
 - The opaque perimeter fence shall be constructed of either wood or PVC;
 - 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.
- Emergency access to Satz Street SE for future development.