Effective April 7, 2022, Regular Council Meetings will begin at 6:00 P.M.

120 Malabar Road SE
Palm Bay, FL 32907
(321) 952-3400
www.palmbayflorida.org

Mayor
ROB MEDINA
Deputy Mayor
KENNY JOHNSON
Councilmembers
RANDY FOSTER
DONNY FELIX

AGENDA

Regular Council Meeting 2022-03
Thursday

February 3, 2022 - 7:00 PM
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907

CALL TO ORDER:

INVOCATION:

1. Pastor David Trexler - Peace Lutheran Church, Palm Bay.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Two (2) vacancies on the Community Development Advisory Board (represents 'low-income and essential services personnel' positions).+
2. One (1) vacancy on the Bayfront Community Redevelopment Agency (represents 'at-large' position).+
3. Two (2) terms expiring on the Youth Advisory Board (represents 'at-large student member' positions).++
4. Three (3) terms expiring on the Youth Advisory Board (represents 'adult member, 30 years and older' positions).++
5. Two (2) terms expiring on the Planning and Zoning Board (represents 'at-large' postions).++
6. Two (2) terms expiring on the Sustainability Advisory Board (represents 'at-large' positions).++
7. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++
8. One (1) vacancy on the Disaster Relief Committee.++

AGENDA REVISIONS:

1. A co-sponsorship request from United Coalition Council, Inc. has been added as Item 3,

under New Business.

2. Item 4, under Consent Agenda, has been withdrawn by Deputy Mayor Johnson.

PROCLAMATIONS AND RECOGNITIONS:

1. Proclamation: Black History Month - February 2022; honoring Elizabeth Johnson, Author. (Deputy Mayor Johnson)

PUBLIC COMMENTS/RESPONSES:

Public comments will be heard by the City Council on non-agenda issues. Speakers must complete 'Public Comment Cards' (orange) and are limited to three (3) minutes each.

PUBLIC HEARINGS:

1. Ordinance 2022-15, vacating a portion of the side public utility and drainage easement located within Lots 27 and 28, Block 9, Port Malabar Holiday Park Unit 1 (Case VE-1-2022, Teresa Linton), final reading.
2. Ordinance 2022-16, amending the Code of Ordinances, Chapter 55, Police and Firefighters Retirement Pension Plan, by modifying definitions to include firefighter longevity pay earned on or after October 1, 2021, final reading.
3. Resolution 2022-08, granting a conditional use to allow a car wash in CC (Community Commercial District) zoning on property located west of and adjacent to Minton Road, in the vicinity south of Palm Bay Road (1.04 acres) (Case CU-1-2022, Summit Shah, M & R United Inc.). (Quasi-Judicial Proceeding)
4. Ordinance 2022-17, rezoning property located east of and adjacent to Dixie Highway, and west of and adjacent to Ridge Road, from HC (Highway Commercial District) to BMUV (Bayfront Mixed Use Village District) (0.34 acres) (Case Z-54-2021, Alfred and Murine Agarie), first reading. (Quasi-Judicial Proceeding)
5. Ordinance 2022-18, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by including Contractors' Offices as a permitted use in HC (Highway Commercial District) zoning (Case T-2-2022, Cody Lafferty), first reading.
6. Ordinance 2022-19, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by including canine training and similar uses as a permitted use in NC (Neighborhood Commercial District) zoning (Case T-3-2022, Kimberly Mayes), first reading.
7. Ordinance 2022-01, providing for the annexation of certain real property located south of and adjacent to Malabar Road, and east of and adjacent to Melbourne-Tillman Water Control District Canal 7, into the City (27.91 acres) (Case A-2-2022, The William F Slentz Trust / Bart and Amy Ferguson), first reading.
8. Ordinance 2022-20, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Malabar Road, and east of and adjacent to Melbourne-Tillman Water Control District Canal 7, from RES-1, Residential 2 Unit Per Acre (Brevard County) to Multiple-Family Residential Use (27.91 acres) (Case CP-2-2022, The William F Slentz Trust / Bart and Amy Ferguson), only one reading required.
9. Ordinance 2022-21, rezoning property located south of and adjacent to Malabar Road, and east of and adjacent to Melbourne-Tillman Water Control District Canal 7, from AU, Agricultural Residential (Brevard County) to RM-10 (Single-, Two-, Multiple-Family District)

(27.91 acres) (Case CPZ-2-2022, The William F Slentz Trust / Bart and Amy Ferguson), first reading. (Quasi-Judicial Proceeding)

10. Ordinance 2022-22, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the southwest corner of Pospisil Avenue and Dixie Highway, from Bayfront Mixed Use Village to Bayfront Mixed Use (7.56 acres) (Case CP-4-2022, Space Coast Marina LLC), only one reading required.
11. Ordinance 2022-23, rezoning property located at the southwest corner of Pospisil Avenue and Dixie Highway, from BMUV (Bayfront Mixed Use Village District) to BMU (Bayfront Mixed Use District) (7.56 acres) (Case CPZ-4-2022, Space Coast Marina LLC), first reading. (Quasi-Judicial Proceeding)
12. Ordinance 2022-24, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Orange Blossom Trail, in the vicinity west of Dixie Highway, from Bayfront Mixed Use Village to Bayfront Mixed Use (5.05 acres) (Case CP-5-2022, Marvin and Donita Miller / Steve and Marisela Berman), only one reading required.
13. Ordinance 2022-25, rezoning property located south of and adjacent to Orange Blossom Trail, in the vicinity west of Dixie Highway, from BMUV (Bayfront Mixed Use Village District) to BMU (Bayfront Mixed Use District) (5.05 acres) (Case CPZ-5-2022, Marvin and Donatina Miller / Steve and Marisela Berman), first reading. (Quasi-Judicial Proceeding)

CONSENT AGENDA:

There will be no separate discussion on those items listed under Consent Agenda (indicated with asterisks(*)). They will be enacted by the City Council on one motion. If discussion is desired by the City Council, that item will be removed from the Consent Agenda by Council and will be considered in the order that it appears on the agenda.

1. Adoption of Minutes: Regular Council Meeting 2022-01; January 6, 2022.
2. Adoption of Minutes: Regular Council Meeting 2022-02; January 20, 2022.
3. Award Bid: Culvert pipe replacement, Knecht Road and Northeast Area - IFB 12-0-2022 - Public Works Department (Timothy Rose Contracting, Inc. - $398,123).
4. Resolution 2022-09, urging the Florida Legislature to oppose House Bill 531, proposed legislation that would require the Brevard County Supervisor of Elections to print on the ballot the party designation for all candidates for municipal elections. (Deputy Mayor Johnson) (WITHDRAWN) (AGENDA REVISION)
5. Resolution 2022-10, directing the City Manager to create or revise administrative policies that govern ride-along programs and prohibit the granting of exemptions from application and liability requirements. (Councilman Foster)
6. Consideration of transferring funds from the Tree Mitigation account to the Recreation Other Services account for the purchase of tree to be used for the annual Holiday Tree Lighting ceremony ($4,250).
7. Consideration of reallocating capital funding to the lease vehicle program and increase spending authority against the Master Lease Agreement for the Police Department ($65,000).
8. Consideration of submitting an application for Victims of Crime Act grant funds.
9. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund ($5,100).
10. Consideration of travel and training for specified City employees (Police Department)

11. Consideration of travel and training for specified City Employees (Fire Department)

NEW BUSINESS:

1. Consideration of the GO Road Bond Paving Program, Phase 4. (CONTINUED FROM 01/20/22 RCM)
2. Consideration of authorizing a Request for Information (RFI) for the use of American Rescue Plan Act (ARPA) funds to address homelessness and affordable housing.
3. Consideration of a co-sponsorship request from United Coalition Council, Inc. for a Covid Testing and Vaccine Pop-Up Clinic. (AGENDA REVISION)

COUNCIL REPORTS:

ADMINISTRATIVE AND LEGAL REPORTS:

PUBLIC COMMENTS/RESPONSES: Speakers are limited to 3 minutes.

ADJOURNMENT:

Councilmembers who are members of the Space Coast Transportation Planning Organization (TPO) may discuss TPO issues which may subsequently be addressed by the TPO.

If an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required, and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Any aggrieved or adversely affected person desiring to become a party in the quasi-judicial proceeding shall provide written notice to the City Clerk which notice shall, at a minimum, set forth the aggrieved or affected person's name, address, and telephone number, indicate how the aggrieved or affected person qualifies as an aggrieved or affected person and indicate whether the aggrieved or affected person is in favor of or opposed to the requested quasi-judicial action. The required notice must be received by the Clerk no later than five (5) business days at the close of business, which is 5 p.m., before the hearing. (Section 59.03, Palm Bay Code of Ordinances).

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.

If you use assistive technology (such as a Braille reader, a screen reader, or TTY) and the format of any material on this website or documents contained therein interferes with your ability to access information, please contact us. To enable us to respond in a manner most helpful to you, please indicate the nature of your accessibility problem, the preferred format in which to receive the material, the web address of the requested material, and your contact information. Users who need accessibility assistance can also contact us by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.

Pursuant to Council Policies and Procedures, members of the public wishing to use electronic media when addressing City Council must provide the electronic file to staff for screening no later than 2:00 P.M. on the day of the meeting; audio presentations must be submitted to the City Clerk at least twenty-four (24) hours prior to the meeting.

THIS MEETING IS BROADCAST LIVE ON THE CITY'S WEBSITE AND TELEVISED ON THE SPACE COAST GOVERNMENT TV CHANNEL.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Terese Jones, City Clerk**

DATE: **2/3/2022**

RE: **Two (2) vacancies on the Community Development Advisory Board (represents 'low-income and essential services personnel' positions).+**

The City Clerk's Office has been notified of two (2) vacancies on the Community Development Advisory Board as Alvin Payne and Vince Pryce have been removed from the board due to excessive absences.

The Community Development Advisory Board is comprised of members in various fields related to affordable housing. The individuals above represented the following positions:

- Member who represents essential services personnel (includes, but not limited to persons employed by an educational, governmental or healthcare institution or any building trade personnel as well as financial and hospitality personnel; and
- Member who is actively engaged as an advocate for low-income persons in connection with affordable housing.

REQUESTING DEPARTMENT:
Legislative

FISCAL IMPACT:
None

RECOMMENDATION:
Request for vacancies to be announced and applications solicited at tonight's meeting. Appointments will be made at the regular Council meeting to be held on March 3, 2022.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Terese Jones, City Clerk**

DATE: **2/3/2022**

RE: **One (1) vacancy on the Bayfront Community Redevelopment Agency (represents 'at-large' position).+**

The City Clerk's Office has been notified of one (1) vacancy on the Bayfront Community Redevelopment Agency as Stephen Hayes has resigned from the board. Mr. Hayes represented the at-large position.

REQUESTING DEPARTMENT:
Legislative

FISCAL IMPACT:
None

RECOMMENDATION:
Request for vacancy to be announced and applications solicited at tonight's meeting. An appointment will be made at the regular Council meeting to be held on March 3, 2022.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Mehul Parekh, Public Works Director**

DATE: **2/3/2022**

RE: **Ordinance 2022-15, vacating a portion of the side public utility and drainage easement located within Lots 27 and 28, Block 9, Port Malabar Holiday Park Unit 1 (Case VE-1-2022, Teresa Linton), final reading.**

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

Teresa Linton has submitted an application to vacate the South 4-foot wide Public Utility Easement of Lot 27, and the North 4-foot wide Public Utility Easement of Lot 28, thereof containing 668 square feet, more or less, of a portion of Lot 27 and the 12.86 feet of Lot 28, Block 9, Holiday Park, according to the Plat thereof, as Recorded in Plat Book 22, Pages 125-137, of the Public Records of Brevard County, Florida, for a mobile home with carport/driveway.

REQUESTING DEPARTMENT:
Public Works

FISCAL IMPACT:
None.

RECOMMENDATION:
Request for consideration and approval per the recommendation section on the attached Staff Report.

ATTACHMENTS:

Description

LEGISLATIVE MEMORANDUM - VE-1-2022
Ordinance 2022-15

The City of Palm Bay Florida
A Perfect Place to Grow

DATE: January 5, 2022
CASE #: VE-1-2022

PUBLIC WORKS DEPARTMENT STAFF REPORT

REQUEST TO VACATE EASEMENT

PROPOSAL: Request to vacate the South 4-foot wide Public Utility Easement of Lot 27, and the North 4-foot wide Public Utility Easement of Lot 28, thereof containing 668 square feet, more or less, of a portion of Lot 27 and the 12.86 feet of Lot 28, Block 9, Holiday Park, according to the Plat thereof, as Recorded in Plat Book 22, Pages 125-137, of the Public Records of Brevard County, Florida, for a mobile home with carport/driveway.

LOCATION: 1042 Moonlight Ct. NE
(Lot 27 & NW'ly 12.86 feet of Lot 28, Block 9, Holiday Park)

APPLICANT: Teresa Linton

SITE DATA

PRESENT ZONING: RMH – Residential Mobile Home

AREA OF VACATING: **668 square feet, more or less, of a portion of Lot 27 and the 12.86 feet of Lot 28**

ADJACENT ZONING & LAND USE:

N RMH – Residential Mobile Home
E RMH – Residential Mobile Home
S RMH – Residential Mobile Home
W RMH – Residential Mobile Home

STAFF ANALYSIS:

Vacation of Easement is requested to vacate the South 4-foot wide Public Utility Easement of Lot 27, and the North 4-foot wide Public Utility Easement of Lot 28, thereof containing 668 square feet, more or less, of a portion of Lot 27 and the 12.86 feet of Lot 28, Block 9, Holiday Park, according to the Plat thereof, as Recorded in Plat Book 22, Pages 125-137, of the Public Records of Brevard County, Florida, for a mobile home with carport/driveway.

AT&T, Florida Power and Light, Spectrum, and Holiday Park have no objections to the vacating request.

Public Works Department will not object to this request upon the following conditions:

1. A 4-foot wide Public Utility Easement be dedicated to the City of Palm Bay along the Southeasterly line of the 12.86 feet of Lot 28, less and except the Southwesterly and Northeasterly 6-foot wide Public Utility Easements.

Upon conditions the staff has no adverse comments regarding removal of the South 4-foot wide Public Utility Easement of Lot 27, and the North 4-foot wide Public Utility Easement of Lot 28, thereof containing 668 square feet, more or less, of a portion of Lot 27 and the 12.86 feet of Lot 28, Block 9, Holiday Park, according to the Plat thereof, as Recorded in Plat Book 22, Pages 125-137, of the Public Records of Brevard County, Florida, for such an endeavor.

STAFF RECOMMENDATION:

Staff recommends approval of the vacating of easement with conditions per the analysis section of this staff report.

LOCATION MAP

Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on January 6, 2021

VE-1-2022

0 12.5 25 50 Feet

1 inch = 50 feet

N
W E
S

Map is for illustrative purposes only!
Not to be construed as binding or a survey.
Map created by the City of Palm Bay
Public Works Department (RSD), on January 6, 2021.

LOCATION MAP
VE-1-2022

0 25 50 100 Feet

1 inch = 100 feet

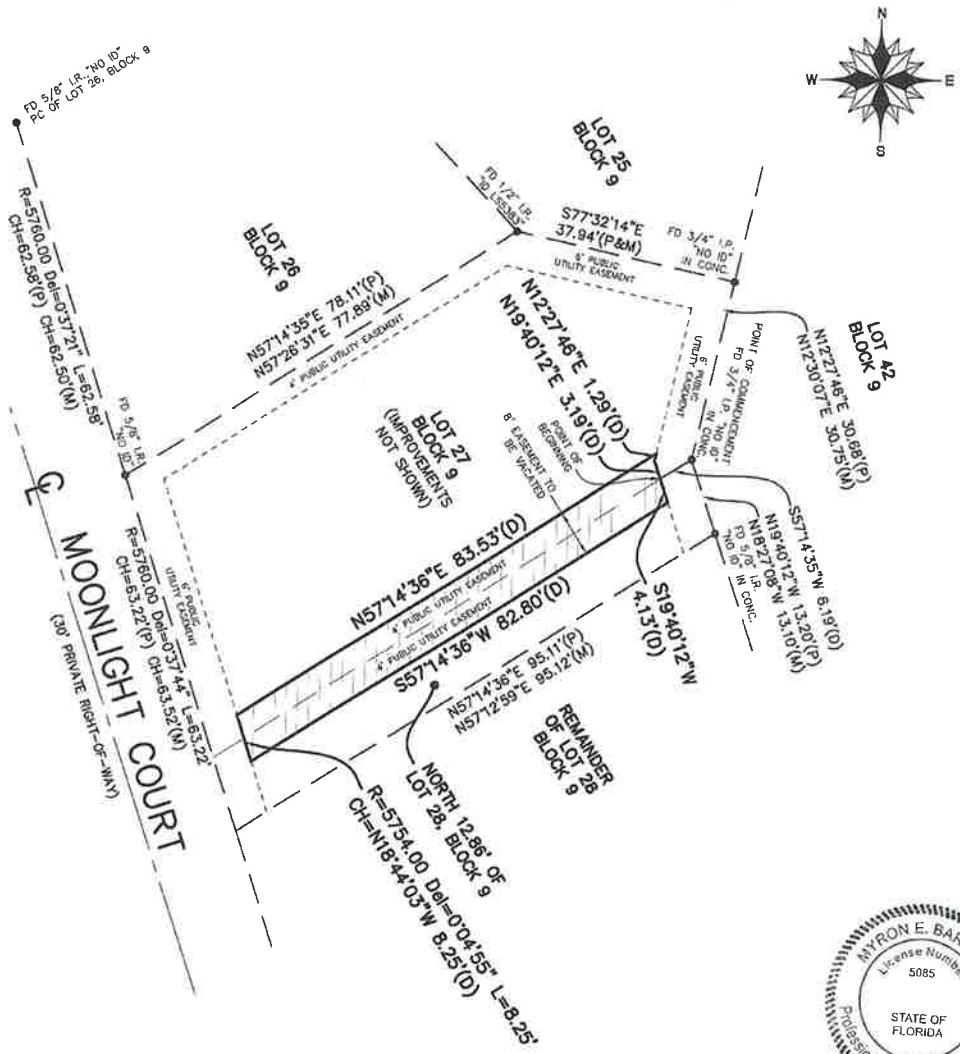
DocuSign Envelope ID: AAD883BB-DB89-40F4-958F-D4[illegible]CAB3B5

SKETCH AND DESCRIPTION
NOT A BOUNDARY SURVERY

LEGAL:

AN 8 FOOT PUBLIC UTILITY EASEMENT TO BE VACATED, BEING A PORTION OF LOTS 27 AND 28 BLOCK 9, AS SHOWN ON THE PLAT OF PORT MALABAR HOLIDAY PARK UNIT ONE, AS RECORDED IN PLAT BOOK 22, PAGES 125–137 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 28 BLOCK 9 OF SAID PORT MALABAR HOLIDAY PARK UNIT ONE; THENCE S 57°14'36"W ALONG SAID NORTHERLY LINE OF LOT 28 A DISTANCE OF 6.19 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE RUN S 19°40'12"E A DISTANCE OF 4.13 FEET; THENCE RUN S 57°14'36"W A DISTANCE OF 82.80 FEET TO A POINT ON A CURVE CONCAVE TO THE RIGHT; THENCE ALONG A CURVE THROUGH A CENTRAL ANGLE OF 00°04'56"A RADIUS OF 5754.00 AND AN ARC DISTANCE OF 8.25 FEET, AND A CHORD BEARING OF N 18°44'03" W AND A CHORD DISTANCE OF 8.25'; THENCE N 57°14'35"E A DISTANCE OF 83.53 FEET; THENCE S 12°27'46"E A DISTANCE OF 1.29 FEET; THENCE S 19°40'12"E A DISTANCE OF 3.19 FEET TO THE POINT OF BEGINNING. CONTAINING 662.89 SQUARE FEET.



MYRON E. BARKER
License Number 5085
STATE OF FLORIDA
Professional Surveyor and Mapper

DocuSigned by:
Myron Barker, PLS 5085
F3A396E3C3764FF...

Myron E. Barker

PROFESSIONAL SURVEYOR & MAPPER IN RESPONSIBLE CHARGE
MYRON E. BARKER – FLORIDA CERTIFICATE NO. 5085
CERTIFICATE OF AUTHORIZATION LB. 6586

LEGEND

(AKA)	= ALSO KNOWN AS
℄	= CENTERLINE
CBS	= CONCRETE BLOCK STRUCTURE
CLF	= CHAIN LINK FENCE
CLR	= CLEAR
CH	= CHORD
CV	= CONCRETE MONUMENT
CONC	= CONCRETE
COR.	= CORNER
(D)	= DEEDED
DEL	= DELTA
FD	= FOUND
ID	= IDENTIFICATION
I.P.	= IRON PIPE
I.R.	= IRON ROD
L	= LENGTH
LB	= LICENSE BUSINESS
LS	= LICENSE SURVEYOR
(M)	= MEASURED
N&D	= NAIL & DISK
(P)	= PLATTED
PC	= POINT OF CURVATURE
PT	= POINT OF TANGENCY
PL	= PROPERTY LINE
P.S.M.	= PROFESSIONAL SURVEYOR & MAPPER
PRC	= POINT OF REVERSE CURVE
P.U.&D.	= PUBLIC UTILITY & DRAINAGE
R	= RADIUS
R/W	= RIGHT-OF-WAY
(TYP.)	= TYPICAL
WF	= WOOD FENCE

SURVEYOR'S NOTES:

1) THE BEARING SYSTEM SHOWN HEREON IS BASED ON A ASSUMED BEARING OF N.57°14'35"E., ALONG THE SOUTHERLY LINE OF 26, BLOCK 9.

2) AS PER FLOOD INSURANCE RATE MAP NO.12009C 0494 G, INDEX DATED 03-17-2014, THE ABOVE DESCRIBED PROPERTY LIES IN ZONE X.

3) THIS SURVEY WAS PREPARED FROM TITLE INFORMATION PROVIDED TO THE SURVEYOR. THERE MAY BE ADDITIONAL RESTRICTIONS OR EASEMENTS THAT AFFECT THE PROPERTY.

4) UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.

5) LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY, RESERVATION, AGREEMENT AND/OR EASEMENTS OF RECORD, SUCH INFORMATION IF DESIRED, SHOULD BE OBTAINED AND CONFIRMED BY OTHER THROUGH APPROPRIATE TITLE VERIFICATION.

6) NOT VALID WITHOUT A SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PRECISION
LAND SURVEYING, INC.
2900 LAKE WASHINGTON ROAD, SUITE 1
MELBOURNE, FLORIDA 32935
PHONE: 321-259-4600
EMAIL: PRECISIONSURVEYING1993@GMAIL.COM

TYPE OF SURVEY: SKETCH
PROJECT: 21-2879
SCALE: 1" = 20'
DATE: 11/04/2021
CAD FILE: 21-2879.DWG
F.B. NUMBER:
REVISION:

CERTIFIED TO:
TERESA LINTON

The City of Palm Bay Florida

PUBLIC WORKS DEPARTMENT
1050 MALABAR ROAD SW PALM BAY, FLORIDA 32907
PHONE: (321) 952-3403
EMAIL: pwpermitting@palmbayflorida.org

REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY

This application must be completed, legible, and returned, with all attachments referred to herein, to the Public Works Department, Palm Bay, Florida. The request will then be reviewed by City staff and scheduled before the City Council. A minimum of eight (8) weeks is required to process the application. You or your representative are required to attend the hearing and will be notified by mail of the date and time of the meeting. The meeting will be held at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

Name of Applicant (Please print): Teresa Linton

Address: 4214 Kaileen Cir NE

City: Palm Bay FL Zip Code: 32905

Phone Number: 321 543 2106 Business Phone Number:

Fax Number: Email: tlinton01@yahoo.com

LEGAL DESCRIPTION, PREPARED BY A CERTIFIED SURVEYOR, OF THAT PORTION OF THE EASEMENT REQUESTING TO BE VACATED UPON WHICH THE ENCROACHMENT IS PROPOSED OR CURRENTLY EXISTS:

1042 Moonlight Ct. NE
Lot 27 & NW'ly 12.86 feet of Lot 28, Block 9
Holiday Park.

Section: 32 Township: 28 Range: 37

Size of area covered by this application (calculate acreage): .14

Zoning classification at present:

Which action applying for (easement, drainage): easement

Reason for requesting vacation and intended use: easement is such that it is where the carport/driveway will be

If the encroachment currently exists, provide the date that a permit was issued by the Building Division.

The following enclosures are needed to complete this application:

- [x] $182.00 Application Fee. Make check payable to "City of Palm Bay".
- [x] List of names and addresses of property owners abutting the lot or parcel within which the easement or drainage right-of-way is located;
- [x] Copy of plat, map, etc. depicting area location of easement or drainage right-of-way to be vacated.
- [x] Original notarized letters from the utility and service companies are required stating whether or not they object to or if there is no interest in the vacating of the easement or drainage right-of-way. If equipment lies within the easement or drainage right-of-way requested for vacation, the applicant shall be responsible for any expenses incurred for relocating same, unless other arrangements have been made with the company.

  - ✓ a) Florida Power & Light Company;
  - ✓ b) AT&T Telecommunications;
  - ✓ c) Spectrum Cable;
  - ~~d) Melbourne-Tillman~~ Water Control District (if applicable);
  - ~~e) Florida~~ City Gas (if applicable);
  - ✓ f) Holiday Park, Board of Directors (if applicable).

Are you the property owner of record? ⊘ Yes ○ No
If no, a notarized letter from the property owner must be attached giving consent to the applicant to request the vacating.

Contact the Land Development Division (321-733-3042) as to whether a variance is required. If Required, YOU MUST OBTAIN APPROVAL FOR THE VARIANCE PRIOR TO PROCEEDING WITH THE VACATING REQUEST.

○ Required ⊘ Not Required

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION AND ALL DATA ATTACHED MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE CITY COUNCIL.

UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant Teresa Linton **Date** 12/29/21

Printed Name of Applicant Teresa Linton

FOR OFFICE USE ONLY

Land Development Division _____ Date _____

ORDINANCE 2022-15

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE SIDE FOUR (4) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENTS, LOCATED WITHIN LOTS 27 AND 28, BLOCK 9, PORT MALABAR HOLIDAY PARK UNIT 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGE 130, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Teresa Linton has requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

WHEREAS, the vacation and abandonment of said portion of the public utility and drainage easement will neither adversely affect nor benefit the public.

NOW, THEREFORE, BE IT ENACTED 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 vacates and abandons a portion of the side public utility and drainage easement located within Lots 27 and 28, Block 9, Port Malabar Holiday Park Unit 1, according to the plat thereof as recorded in Plat Book 22, Page 130, of the Public Records of Brevard County, Florida, Section 32, Township 28S, Range 37E, being more particularly described as follows:

> Commence at the northeast corner of Lot 28, Block 9, of said Port Malabar Holiday Park Unit 1; thence S 57°14’36” W along said northerly line of Lot 28 a distance of 6.19 feet to the Point of Beginning of the herein described easement; thence run S 19°40’12” E a distance of 4.13 feet; thence run S 57°14’36” W a distance of 82.80 feet to a point on a curve concave to the right; thence along a curve through a central angle of 00°04’56” a radius of 5754.00 and an arc distance of 8.25 feet, and a chord bearing of N 18°44’03” W and a chord distance of 8.25’; thence N 57°14’35” E a distance of 83.53 feet; thence S 12°27”46’ E a distance of 1.29 feet; thence S 19°40’12” E a distance of 3.19 feet to the Point of Beginning; containing 662.89 square feet, more or less.

SECTION 2. The vacating of the public utility and drainage easements is subject to compliance with the following condition:

A. A four-foot (4') wide public utility easement be dedicated to the City of Palm Bay along the southeasterly line of the 12.86 feet of Lot 28, less and except the southwesterly and northeasterly six-foot (6') wide public utility easements.

SECTION 3. The provisions within this ordinance shall take effect upon the fulfillment of the condition in Section 2. All conditions have been satisfied as of _____, 2022, and the vacating of the easements effective as of this date.

Read in title only at Meeting 2022- , held on , 2022; and read in title only and duly enacted at Meeting 2022- , held on , 2022.

_____
Rob Medina, MAYOR

ATTEST:

_____
Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Teresa Linton
Case: VE-1-2022

cc: (date) Applicant
Case File
Brevard County Recording

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

DATE: **2/3/2022**

RE: **Ordinance 2022-16, amending the Code of Ordinances, Chapter 55, Police and Firefighters Retirement Pension Plan, by modifying definitions to include firefighter longevity pay earned on or after October 1, 2021, final reading.**

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

At the November 18, 2021 Regular Council Meeting, City Council approved a new Collective Bargaining Agreement with the Palm Bay Professional Firefighters, IAFF Local 2446. Included in the negotiated agreement was a longevity benefit for employees as of October 1, 2021. The proposed ordinance updates the definition section of Palm Bay Code of Ordinances Section 55.02 to reflect this change and include longevity in the definition of compensation or salary.

REQUESTING DEPARTMENT:
City Manager's Office

FISCAL IMPACT:
No additional fiscal impact is requested, beyond what was previously presented at the November 18, 2021 Regular Council meeting.

RECOMMENDATION:
Motion to approve amendment to Chapter 55, Code of Ordinances, Police and Firefighter Retirement Pension Plan, to reflect negotiated changes to the longevity benefit.

ATTACHMENTS:

Description

Impact Statement letter with backup

Ordinance 2022-16

January 11, 2022

Board of Trustees
City of Palm Bay Police & Fire Pension Fund
Conlan Professional Center
1501 Robert J. Conlan Blvd. NE Suite 260
Palm Bay, FL 32905-3567

Re: City of Palm Bay Police and Firefighters' Pension Fund (Firefighters)

Dear Board:

Enclosed is the following material, which has been prepared in support of the proposed changes to the Fund:

1. Three (3) copies of the required Actuarial Impact Statement, which outlines the costs associated with implementing the changes.

2. Draft of transmittal letters to the Bureau of Local Retirement Systems and the Bureau of Police Officers' and Firefighters' Retirement Trust Funds.

It will be necessary for the Chairman to sign each copy of the Actuarial Impact Statement as the Plan Administrator and forward the Impact Statement, along with a copy of the proposed Ordinance, to the two Bureaus prior to final reading.

If you have any questions concerning the enclosed material, please let us know.

Sincerely,

Patrick T. Donlan, ASA, EA, MAAA
PTD/lke

Enclosures

Mr. Steve Bardin
Police Officers' and Firefighters' Retirement Trust Funds
Department of Management Services, Division of Retirement
3189 S. Blair Stone Rd.
Tallahassee, FL 32301

Re: Actuarial Impact Statement

Dear Mr. Bardin:

The City of Palm Bay is considering the implementation of amended retirement benefits for its Firefighters. The changes are described in the enclosed material.

Pursuant to the provisions of Chapter 175, we are enclosing the required Actuarial Impact Statement along with a copy of the proposed Ordinance for your review.

If you have any questions or if additional information is needed, please contact us.

Sincerely,

Mr. Keith Brinkman
Bureau of Local Retirement Systems
Division of Retirement
3189 S. Blair Stone Rd.
Tallahassee, FL 32301

Re: Actuarial Impact Statement

Dear Mr. Brinkman:

The City of Palm Bay is considering the implementation of amended retirement benefits for its Firefighters. The changes are described in the enclosed material.

Pursuant to Section 22d-1.04 of the Agency Rules, we are enclosing the required Actuarial Impact Statement (AIS) and a copy of the proposed Ordinance for your review.

If you have any questions or if additional information is needed, please contact us.

Sincerely,

CITY OF PALM BAY
POLICE AND FIREFIGHTERS' PENSION FUND (FIREFIGHTERS)

ACTUARIAL IMPACT STATEMENT

January 11, 2022
(Page 1)

Attached hereto is a comparison of the impact on the Minimum Required Contribution (per Chapter 112, Florida Statutes) and the Required City Contribution, resulting from the implementation of the following changes:

> Effective October 1, 2021, the longevity pay will be included in the pensionable compensation to determine the pension benefits.

The cost impact, determined as of October 1, 2020, applicable to the fiscal year ending September 30, 2022, is as follows:

	Proposed	Current
Minimum Required Contribution	$4,425,258	$4,346,740
Member Contributions (Est.)	625,209	617,471
City And State Required Contribution	3,800,049	3,729,269
State Contribution (Est.) [1]	549,529	549,529
City Required Contribution	$3,250,520	$3,179,740

[1] Represents the amount received in calendar 2021. As per a Mutual Consent Agreement between the Membership and the City, State Monies received each year up to $825,324 will be available to offset the City's required contribution.

Unless otherwise noted, all data, assumptions, methods and plan provisions are the same as in the October 1, 2020 actuarial valuation report. It should be noted that changes to retirement benefits could potentially affect participants' retirement or termination behavior. We will monitor and advise of any recommended changes with future experience studies.

Future actuarial measurements may differ significantly from the current measurements presented in this report for a variety of reasons including: changes in applicable laws, changes in plan provisions, changes in assumptions, or plan experience differing from expectations. Due to the limited scope of the analysis, we did not perform an analysis of the potential range of such future measurements.

Please note that contents of this analysis and the October 1, 2020 actuarial valuation report are considered an integral part of the actuarial opinions. In reviewing the results presented in this study, it should be noted that there are risks that may not be inherently apparent to the reader that should be carefully considered. For key risks, please see the Discussion of Risk section of the October 1, 2020 actuarial valuation report.

In performing the analysis, we used third-party software to model (calculate) the underlying liabilities and costs. These results are reviewed in the aggregate and for individual sample lives. The output from the software is either used directly or input into internally developed models to generate the costs. All internally developed models are reviewed as part of the process. As a result of this review, we believe that the models have produced reasonable results. We do not believe there are any material inconsistencies among assumptions or unreasonable output produced due to the aggregation of assumptions.

The changes presented herein are in compliance with Part VII, Chapter 112, Florida Statutes and Section 14, Article X of the State Constitution. The undersigned is familiar with the immediate and long-term aspects of pension valuations and meets the Qualification Standards of the American Academy of Actuaries necessary to render the opinions contained herein.

Patrick T. Donlan, ASA, EA, MAAA
Enrolled Actuary #20-6595

STATEMENT OF PLAN ADMINISTRATOR

The prepared information presented herein reflects the estimated impact of the proposed amendment.

Chairman, Board of Trustees

COMPARATIVE SUMMARY OF PRINCIPAL VALUATION RESULTS

	New Benefits 10/1/2020	Old Benefits 10/1/2020
A. Participant Data		
Actives	105	105
Service Retirees	68	68
DROP Retirees	10	10
Beneficiaries	3	3
Disability Retirees	9	9
Terminated Vested	7	7
Total	202	202
Total Annual Payroll	$6,556,805	$6,475,039
Payroll Under Assumed Ret. Age	6,556,805	6,475,039
Annual Rate of Payments to:		
Service Retirees	4,368,154	4,368,154
DROP Retirees	755,057	755,057
Beneficiaries	129,936	129,936
Disability Retirees	347,798	347,798
Terminated Vested	108,537	108,537
B. Assets		
Actuarial Value (AVA) [1]	93,560,253	93,560,253
Market Value (MVA) [1]	94,443,946	94,443,946
C. Liabilities		
Present Value of Benefits		
Actives		
Retirement Benefits	41,596,636	41,001,667
Disability Benefits	2,576,079	2,553,938
Death Benefits	692,524	687,038
Vested Benefits	1,239,082	1,229,686
Refund of Contributions	166,462	166,457
Service Retirees	60,904,300	60,904,300
DROP Retirees [1]	15,338,560	15,338,560
Beneficiaries	1,780,989	1,780,989
Disability Retirees	4,290,169	4,290,169
Terminated Vested	1,493,074	1,493,074
Share Plan Balances [1]	6,395	6,395
Total	130,084,270	129,452,273

C. Liabilities - (Continued)	New Benefits 10/1/2020	Old Benefits 10/1/2020
Present Value of Future Salaries	56,923,956	56,466,907
Present Value of Future Member Contributions	4,986,539	4,946,501
Normal Cost (Retirement)	1,393,360	1,378,704
Normal Cost (Disability)	205,836	205,160
Normal Cost (Death)	62,412	62,240
Normal Cost (Vesting)	72,412	72,059
Normal Cost (Refunds)	26,967	26,968
Total Normal Cost	1,760,987	1,745,131
Present Value of Future Normal Costs	14,786,405	14,687,824
Accrued Liability (Retirement)	29,698,670	29,193,545
Accrued Liability (Disability)	899,431	882,515
Accrued Liability (Death)	167,837	163,724
Accrued Liability (Vesting)	691,016	683,760
Accrued Liability (Refunds)	27,424	27,418
Accrued Liability (Inactives) [1]	83,807,092	83,807,092
Share Plan Balances [1]	6,395	6,395
Total Actuarial Accrued Liability (EAN AL)	115,297,865	114,764,449
Unfunded Actuarial Accrued Liability (UAAL)	21,737,612	21,204,196
Funded Ratio (AVA / EAN AL)	81.1%	81.5%

D. Actuarial Present Value of Accrued Benefits	New Benefits 10/1/2020	Old Benefits 10/1/2020
Vested Accrued Benefits		
Inactives + Share Plan Balances [1]	83,813,487	83,813,487
Actives	13,143,996	12,981,813
Member Contributions	4,425,750	4,425,750
Total	101,383,233	101,221,050
Non-vested Accrued Benefits	5,295,285	5,258,604
Total Present Value Accrued Benefits (PVAB)	106,678,518	106,479,654
Funded Ratio (MVA / PVAB)	88.5%	88.7%
Increase (Decrease) in Present Value of Accrued Benefits Attributable to:		
Plan Amendments	198,864	
Assumption Changes	0	
Plan Experience	0	
Benefits Paid	0	
Interest	0	
Other	0	
Total	198,864	

	New Benefits	Old Benefits
Valuation Date	10/1/2020	10/1/2020
Applicable to Fiscal Year Ending	9/30/2022	9/30/2022
E. Pension Cost		
Normal Cost [2]	$1,916,837	$1,899,759
Administrative Expenses [2]	260,117	260,142
Payment Required to Amortize Unfunded Actuarial Accrued Liability over 29 years (as of 10/1/2020) [2]	2,248,304	2,186,839
Minimum Required Contribution	4,425,258	4,346,740
Expected Member Contributions [2]	625,209	617,471
Expected City and State Contribution	3,800,049	3,729,269

[1] The asset values and liabilities include accumulated DROP and Share Plan Balances as of 9/30/2020.

[2] Contributions developed as of 10/1/2020 displayed above have been adjusted to account for assumed salary increase and interest components.

ACTUARIAL ASSUMPTIONS AND METHODS

Mortality Rate	*Healthy Active Lives:* **Female:** PubS.H-2010 (Below Median) for Employees, set forward one year. **Male:** PubS.H-2010 (Below Median) for Employees, set forward one year. *Healthy Retiree Lives:* **Female:** PubS.H-2010 (Above Median) for Healthy Retirees, set forward one year. **Male:** PubS.H-2010 (Above Median) for Healthy Retirees, set forward one year. *Beneficiary Lives:* **Female:** PubG.H-2010 (Above Median) for Healthy Retirees. **Male:** PubG.H-2010 (Above Median) for Healthy Retirees, set back one year. *Disabled Lives:* 80% PubG.H-2010 for Disabled Retirees / 20% PubS.H-2010 for Disabled Retirees. All rates are projected generationally with Mortality Improvement Scale MP-2018. We feel this assumption sufficiently accommodates future mortality improvements. The previously described mortality assumption rates were mandated by Chapter 2015-157, Laws of Florida. This law mandates the use of the assumptions used in either of the two most recent valuations of the Florida Retirement System (FRS). The above rates are those outlined in Milliman's July 1, 2019 FRS valuation report for special risk employees, with appropriate adjustments made based on plan demographics. 90% of active deaths are assumed to be service-incurred.
Interest Rate	7.65% per year compounded annually, net of investment related expenses. This is supported by the target asset allocation of the trust and the expected long-term return by asset class.

Salary Increase – Individual	See table later in this section. This assumption was adopted based on the July 7, 2020 experience study.
Payroll Growth	0.00% for purposes of amortizing the Unfunded Actuarial Accrued Liability. This assumption cannot exceed the ten-year average payroll growth, in compliance with Part VII of Chapter 112, Florida Statutes.
Termination	See table later in this section. This assumption was adopted based on the July 7, 2020 experience study.
Disability:	See sample rates in the table later in this section. This assumption was adopted based on the July 7, 2020 experience study. 90% of Disabilities are assumed to be service connected.
Service Retirement	See table later in this section. This assumption was adopted based on the July 7,2020 experience study.
Form of Payment:	10-Year Certain and Continuous annuity.
Percentage Married At Retirement	100% of active members are assumed married at retirement.
Spouse Ages:	For active members reaching retirement, wives are assumed to be three years younger than husbands. Where spousal information was included for retirees, that information was used. If the age of the spouse was not provided, we have assumed that all spouses are still alive, and that female spouses are three years younger than their husbands.
Administrative Expenses	$238,968 annually, based on the average of actual expenses incurred in the prior two fiscal years.
Amortization Method	New UAAL amortization amounts are amortized over 15 years.
Funding Method:	Entry Age Normal Cost Method
Actuarial Value of Assets:	The market value of assets is adjusted to recognize, over a four-year period, investment earnings greater than (or less than) the assumed investment return. The Actuarial Value of Assets shall not be more than 120% nor less than 80% of the market value of assets. Details are shown in the Asset Information Section of the report.
Funding Load:	A load equal to half a year's interest and a full year of salary scale at 6.17% is applied.

Assumption Tables

% Terminating During the Year	
Service	Rate
<5	6.00%
5-9	2.50%
10+	2.00%

% Becoming Disabled During the Year	
Age	Rate
20	0.14%
25	0.15%
30	0.18%
35	0.23%
40	0.30%
45	0.51%
50	1.00%
55	1.55%
60	2.09%

Salary Scale	
Age	Rate
<25	7.25%
25 -29	6.25%
30 - 34	5.25%
35 - 39	4.75%
40 - 44	4.25%
45+	4.00%

% Retiring During the Year		
Service	Age	Rate
<10	55-59	20.00%
	60+	100.00%
10-19	50-54	5.00%
	55	75.00%
	56-57	50.00%
	58+	100.00%
20-24	45-54	5.00%
	55	75.00%
	56-57	50.00%
	58+	100.00%
25	45-55	75.00%
	56-57	50.00%
	58+	100.00%
26-27	45-57	50.00%
	58+	100.00%
28+	Any	100.00%

SUMMARY OF CURRENT PLAN

The following summary is intended to state the plan of benefits valued in this report. It is not intended as a restatement or summary of benefits for any other purposes.

Membership: Effective May 2, 1974, any full-time firefighter or police officer having permanent status becomes a Plan Member immediately upon hire.

Collective Bargaining Agreements: Certain employees covered by the Plan are members of the Palm Bay Professional Firefighters (PBPF), IAFF, Local 2446.

Average Final Compensation (AFC): 1/12 of the average annual compensation of the best five years of the last ten years of credited service prior to retirement, DROP, termination or death.

Compensation: Base pay, excluding overtime, bonuses, and any other non-regular compensation received by a Member.

For firefighter Members, Compensation also includes holiday pay.

Credited Service: Years and complete months of uninterrupted service. Service is not considered to be interrupted by authorized leave of absence, vacation, or service (voluntary or involuntary) in the Armed Forces of the United States, with certain stipulations.

Service is not considered to be interrupted for purposes of vesting or eligibility where leave is granted pursuant to the Family and Medical Leave Act. The Member may receive Credited Service for purposes of benefit accrual if the Member contributes the employee contributions (with interest) that would have been contributed during the period of absence within 90 days after the member's return from leave.

Members may voluntarily leave accumulated contributions in the fund for a period of five years after leaving the employ of the police or fire department pending the possibility of being re-employed without losing credit for that time.

Re-employed Members do not receive credit for time where accumulated contributions were withdrawn.

Members may purchase up to 4 years of service for prior military or sworn firefighter service/law enforcement experience (for which no benefit is payable). Firefighters must pay the full actuarial cost at the time of purchase.

NORMAL RETIREMENT

Fire Eligibility: (Normal Retirement Date)

The earlier of (1) age 55 (with 10 years of service if hired on or after March 15, 2012) or (2) upon completion of 25 years of Credited Service, regardless of age.

Members are 100% vested upon Normal Retirement Benefit eligibility.

Firefighter Benefit:

For firefighters with less than 20 years service:
2.00% x Credited Service prior to October 1, 1991, plus 2.50% x AFC x Credited Service on and after October 1, 1991.

For firefighters with 20 or more years of service:
3.00% x AFC x Credited Service for the first 20 years of Credited Service (3.20% if hired on or after March 15, 2012), plus 5.00% x AFC x Credited Service over 20 years (3.20% if hired on or after March 15, 2012).

In addition, Firefighters receive a Supplemental Benefit of $189 per month payable over the life of the retiree only. Firefighters who retire on or after October 1, 2006, receive $458 per month, instead of $189.

In addition, Firefighters who terminate after October 1, 2008, receive a Supplemental Benefit equal to $25 per month times years of Credited Service accrued prior to March 15, 2012, plus $12 per month times years of Credited Service earned after March 15, 2012. The benefit is $25 per month for all years of Credited Service for those firefighters eligible for Normal Retirement on March 15, 2012. This benefit will be payable for the life of the retiree, but shall cease when the member attains the age of Medicare eligibility.

Maximum Benefit:

100% of Average Final Compensation for firefighters hired before March 15, 2012 and 90% of Average Final Compensation for firefighters hired after that date, exclusive of the Supplemental Benefits.

Normal Form of Benefit:

10-year Certain and Continuous annuity.

COLA:

Firefighters that retire on or after September 30, 2001 are eligible to receive a 3.00% (2.00% if hired on or after March 15, 2012) annual increase each September 30th after having been retired for six years (the supplemental benefits are not increased).

EARLY RETIREMENT

Eligibility:

Members may retire and receive the Early Retirement Benefit on the first day of any month prior to their Normal Retirement Date after attaining the earlier of (1) age 45 and completion of 20 years of Credited Service, or (2) age 50 and completion of 10 years of Credited Service.

Benefit: The monthly Early Retirement Benefit payable is reduced by 3.00% each year the Early Retirement Benefit commences prior to the Normal Retirement Date.

The Supplemental Benefits payable to firefighters are not reduced for early commencement.

Normal Form of Benefit: 10-year Certain and Continuous annuity.

COLA: Firefighters that retire on or after September 30, 2001 are eligible to receive a 3.00% (2.00% if hired on or after March 15, 2012) annual increase each September 30th after having been retired for six years (the supplemental benefits are not increased).

DEFERRED RETIREMENT OPTION PLAN (DROP)

Eligibility - Fire: The earlier of the completion of 25 years of Credited Service, regardless of age, or age 55 and the completion of 10 years of Credited Service.

Benefit: Once the DROP is entered into, monthly benefits are frozen and no further Participant Contributions are made. The benefit payable under the DROP is calculated as described upon the Normal Retirement Benefit. Upon DROP participation, monthly benefits that would have been payable had the Member terminated employment and elected to receive monthly pension payments are paid into the DROP account.

Maximum DROP Period: Members are limited to 60 months of DROP participation.

Interest Rate Credited To DROP Account: DROP account interest crediting is posted quarterly based on the actual pension fund returns, net of money manager fees and other expenses.

Normal Form of DROP Account: At the end of a Member's participation in the DROP, the distribution of the accumulated DROP account is payable in the following forms of distribution: (1) Annual installments payable each December (no less than 10% or $10,000, whichever is greater), (2) Rollover to another qualified retirement plan, or (3) Lump sum balance paid directly to the Member.

Normal Form of Monthly Benefit: 10-year Certain and Continuous annuity.
Cost of Living Adjustments, if any, are applicable to the benefit of the Member while in the DROP.

COLA: Firefighters that retire on or after September 30, 2001 are eligible to receive a 3.00% (2.00% if hired on or after March 15, 2012) annual increase each September 30th after having been retired for six years (the supplemental benefits are not increased).

DISABILITY RETIREMENT

Eligibility:

In Line of Duty: Immediate.
Not In Line of Duty: 10 years.
DROP participants are not eligible for this benefit.

Disabled Definition:

Unable, by reason of medically determinable physical or mental impairment, to render useful and efficient service as a police officer or firefighter.

Benefit:

In Line of Duty Disability: 75% of Average Final Compensation, but not less than the accrued Normal Retirement Benefit. For firefighters hired after March 15, 2012 the minimum Line of Duty Disability benefit will be 66% of Average Final Compensation.

Not In Line of Duty Disability: 25% of Average Final Compensation, but not less than the accrued Normal Retirement Benefit.

Normal Form of Benefit:

10-year Certain and Continuous annuity, ceasing upon recovery prior to Normal Retirement Eligibility.

In addition, Firefighters who become Disabled after October 1, 2008, receive a Supplemental Benefit equal to $25 per month times years of Credited Service accrued prior to March 15, 2012, plus $12 per month times years of Credited Service earned after March 15, 2012. The benefit is $25 per month for all years of Credited Service for those firefighters eligible for Normal Retirement on March 15, 2012. This benefit will be payable for the life of the retiree, but shall cease when the member attains the age of Medicare eligibility.

COLA:

Firefighters that retire on or after September 30, 2001 are eligible to receive a 3.00% annual increase each September 30th after having been retired for six years. Firefighters that are hired after March 15, 2012 will receive a 2.00% annual increase each September 30th after six years of retirement.

DEATH WHILE IN SERVICE (FIREFIGHTER)

Benefit:

Effective October 1, 2006, the beneficiary of any member whose death was directly caused by performance of the member's duty as a firefighter (as approved by the Board) shall be entitled to a monthly pension equal to the greater of the member's accrued benefit or 75% of the member's average final compensation.

Normal Form of Benefit:

Life annuity to the designated beneficiary.

COLA: Beneficiaries of Firefighters that die on or after September 30, 2001 are eligible to receive a 3.00% annual increase each September 30th after having been retired for six years. Beneficiaries of Firefighters that are hired after March 15, 2012 will receive a 2.00% annual increase each September 30th after six years of retirement.

DEATH WHILE NOT IN SERVICE WITH MORE THAN 10 YEARS OF SERVICE(FIREFIGHTER)

Benefit: Effective October 1, 2006, the beneficiary of any member who had at least 10 years of Credited Service, whose death was not directly caused by performance of the member's duty as a firefighter, shall be entitled to a monthly pension equal to the greater of the member's accrued benefit or 25% of the member's average final compensation.

COLA: Beneficiaries of Firefighters that die on or after September 30, 2001 are eligible to receive a 3.00% annual increase each September 30th after having been retired for six years. Beneficiaries of Firefighters that are hired after March 15, 2012 will receive a 2.00% annual increase each September 30th after six years of retirement.

WITHDRAWAL – LESS THAN 5 YEARS OF CREDITED SERVICE (10 YEARS IF HIRED ON OR AFTER MARCH 15, 2012)

Eligibility : First day of work, up to 5 years (10 years if hired on or after March 15, 2012) of Credited Service.

Benefit: Accumulated contributions with 0.00% interest.

Form of Benefit: Lump Sum.

WITHDRAWAL – AFTER EARNING AT LEAST 5 YEARS OF CREDITED SERVICE (10 YEARS IF HIRED ON OR AFTER MARCH 15, 2012)

Eligibility: At least 5 years (10 years if hired on or after March 15, 2012) of Credited Service.

Benefit: Participants who terminate employment prior to their Normal Retirement Date are entitled to their Normal Retirement Benefit calculated based on Credited Service and Average Final Compensation at their date of termination, multiplied by the Vesting Percentage, with deferred commencement at their Normal Retirement Date. This benefit is payable on a reduced basis as described under Early Retirement.

In addition, Firefighters who terminate after October 1, 2008, receive a Supplemental Benefit equal to $25 per month times years of Credited Service accrued prior to March 15, 2012, plus $12 per month times years of Credited Service earned after March 15, 2012. The benefit is $25 per month for all years of Credited Service for those firefighters eligible for Normal Retirement on March 15, 2012. This benefit will be payable for the life of the retiree, but shall cease when the member attains the age of Medicare eligibility.

Vesting Percentage:

Completed Years of Credited Service	Vesting Percentage
<5	0%
5	50%
6	60%
7	70%
8	80%
9	90%
10 +	100%

Form of Benefit: 10-year Certain and Continuous annuity.

COLA: Firefighters that terminate on or after September 30, 2001 are eligible to receive a 3.00% annual increase each September 30th after having been retired for six years. Firefighters that are hired after March 15, 2012 will receive a 2.00% annual increase each September 30th after six years of retirement.

MEMBER CONTRIBUTIONS

Contributions: Firefighters are required to contribute 8.76% of compensation effective October 1, 2008.

Interest Crediting Rate: 3.0% per year.

DATA SOURCES

Asset Data: The asset information is taken from audited statements furnished by the Retirement Office.

Member Data: The member data is supplied by the Retirement Office. It is reviewed for reasonableness and consistency, but no audit was performed. Foster & Foster, Inc. is not aware of any errors or omissions in the data that would have a significant effect on the results of our calculations.

Furlough Impact: For the 2012 actuarial valuation report, individual Salaries were adjusted up by a ratio of the total number of normal work days in a year divided by the number of days actually worked after taking mandatory furloughs.

SHARE PLAN

Initial Allocation as of October 1, 2015	$7,840.02
Future Allocations	½ of Annual State Monies received above $825,324
Earnings	Annually equal to the net of fees return for the overall Trust Fund.
Expenses	Members share in actual expenses specific to the Share Plan administration.

ORDINANCE 2022-16

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 55, POLICE AND FIREFIGHTERS RETIREMENT PENSION PLAN, BY MODIFYING DEFINITIONS TO INCLUDE FIREFIGHTER LONGEVITY PAY EARNED ON OR AFTER OCTOBER 1, 2021; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay Police Officers' and Firefighters' Retirement System ("Pension Plan") is governed by Chapters 175 and 185, Florida Statutes, and

WHEREAS, the City of Palm Bay has a Police Officers' and Firefighters' Retirement System for the benefit of City police officers and firefighters, and

WHEREAS, the City and the Palm Bay Professional Firefighters, IAFF Local 2446 have negotiated inclusion of longevity pay in pensionable compensation effective October 1, 2021, and

WHEREAS, the Palm Bay City Council has determined that the passage of this ordinance is in the best interest of the citizens of the City of Palm Bay.

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 55, Police and Firefighters Retirement Pension Plan, Section 55.02, Definitions, is hereby amended and shall henceforth read as follows:

"**Section 55.02 DEFINITIONS.**

* * *

COMPENSATION or ***SALARY.***

(1) For firefighter members, ***COMPENSATION*** or ***SALARY*** means the member's monthly remuneration including base pay, acting pay, field training pay, holiday pay, academic incentive pay, certification pay, EMT pay, paramedic pay, ~~and~~ special operation team pay **>>**and longevity pay earned on or after October 1, 2021**<<**; but excluding overtime, call back pay, terminal leave payouts, standby pay, vacation payouts, bonus/merit lump sum payments, ~~longevity pay,~~ and any other payment received by a member.

* * *"

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2022-XX, held on , 2022; and read in title only and duly enacted at Meeting 2022-XX, held on , 2022.

_____
Rob Medina, MAYOR

ATTEST:

_____
Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

~~Strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Alexandra Bernard, Growth Management Director**

DATE: **2/3/2022**

RE: **Resolution 2022-08, granting a conditional use to allow a car wash in CC (Community Commercial District) zoning on property located west of and adjacent to Minton Road, in the vicinity south of Palm Bay Road (1.04 acres) (Case CU-1-2022, Summit Shah, M & R United Inc.). (Quasi-Judicial Proceeding)**

Mr. Summit Shah, President, M & R United, Inc. (Kristhian Morales, Bowman Consulting, Rep.), has submitted for a Conditional Use to allow a proposed carwash facility in a CC, Community Commercial District. The subject properties are located west of and adjacent to Minton Road NW and contains a former Shell gas station.

In 1996, the City Council granted the subject property conditional use approval (Resolution 1996-06) with a binding site plan for retail automotive gas/fuel sales. The subject request will allow the applicant to demolish the existing gas station, retail store, and associated parking areas to construct a 3,763 square-foot single-story automatic tunnel carwash with 20 self-operated cleaning areas (vacuum and drying stations). The existing southern driveway off Minton Road NW will be the sole access and will be restricted to a right-in right-out only access. Looped stacking of vehicles on the property and internal driveway connections will provide for safe off-street movement of vehicles.

The existing septic system on the site will need to be abandoned, and the proposed carwash will need to hook up to the City's sewer system. Staff recommends an 8-foot opaque wall or fence be placed along the west property line to adequately screen and buffer the existing residential homes. City Council has the authority to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:
Motion to approve Case CU-1-2022, subject to the staff comments contained in the staff report.

Planning and Zoning Board Recommendation:
Unanimous approval of the request, subject to the staff comments contained in the staff report.

ATTACHMENTS:

Description

Case CU-1-2022 - Staff Report
Case CU-1-2022 - Plat
Case CU-1-2022 - Site Plan
Case CU-1-2022 - Application
Case CU-1-2022 - Board Minutes
Resolution 2022-08
Resolution 2022-08, Exhibit A
Resolution 2022-08, Exhibit B

STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
landdevelopmentweb@palmbayflorida.org

Prepared by
Christopher Balter, Senior Planner

CASE NUMBER	**PLANNING & ZONING BOARD HEARING DATE**
CU-1-2022	January 5, 2022

PROPERTY OWNER & APPLICANT	**PROPERTY LOCATION/ADDRESS**
Summit Shah, President, M & R United, Inc. (Kristhian Morales, Bowman Consulting, Rep.)	Lots 23, and 24, Section 24, Block 2471 of Port Malabar Unit 48, Township 28, Range 36, Brevard County, Florida. Specifically, 5050 Minton Road NW

SUMMARY OF REQUEST	A Conditional Use to allow a proposed car wash facility in a CC, Community Commercial District.
Existing Zoning	CC, Community Commercial District
Existing Land Use	Commercial Use
Site Improvements	Existing Gas Station
Site Acreage	1.04 acres

SURROUNDING ZONING & USE OF LAND

North	CC, Community Commercial District, Office Building
East	Minton Road NW
South	CC, Community Commercial District, Strip Center
West	City of Palm Bay Canal Number 66

COMPREHENSIVE PLAN COMPATIBILITY	Yes

BACKGROUND:

The subject properties are located west of and adjacent to Minton Road NW. Specifically Lots 23, and 24, Section 24, Block 2471 of Port Malabar Unit 48, Township 28, Range 36, Brevard County, Florida, 5050 Minton Road NW. The subject property received conditional use approval via case CU-06-1996 (Resolution 1996-06). The request from 1996 was approved with a binding site plan for retail automotive gas/fuel sales. This request includes approximately 1.04 acres of land.

ANALYSIS:

The proposed request is to demolish the existing gas station, retail store, and associated parking areas and construct a 3,763 square foot single-story automatic tunnel carwash with 20 self-operated cleaning areas (vacuum and drying stations.)

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 fire or other emergencies.

According to the conceptual site plan, the site will be accessed from the existing southern driveway located along the Minton Road NW and the existing northern driveway will be closed. The existing driveway will be restricted to a right-in right-out only access.

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.

The City's Land Development Code does not contain a minimum parking standards for a car wash facility. The concern with such a facility is the stacking area provided for vehicles waiting to enter the car wash facility. For this particular operation, vehicles move through the washing facility on a computer-controlled track that brings the vehicle thorough the wash and automatic blowers. Patrons have the option of leaving the site or pulling into a self-serve space to vacuum the inside of the vehicle and/or dry off any excess water. The plan proposes 20 such spaces as well as an additional 6 standard parking spaces (no facilities).

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

The existing gas station is currently serviced by a 2-inch water main that connects to the existing 8-inch water main located along Minton Road, and the existing septic system will need to be abandoned and the proposed carwash will need to hook up to the City's sewer system. The property is currently serviced by Florida Power and Light. Any additional upgrades will be required to be designed, permitted, installed, and inspected at the developer's cost.

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

The parcel of land for which this development is proposed is currently an existing gas station. The site abuts Minton Road to the east, a strip center to the south, an office building to the north, and City canal number 66 to the west. The building is approximately 150 feet from existing residential homes located west of the proposed carwash. Staff recommends an 8-foot opaque wall or fence be placed along the west property line to adequately screen and buffer the existing residential homes.

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.

A detached sign is shown on the drawing and meets the minimum setback requirements. A lighting plan was not provided. It shall be noted that City codes require any lighting to be shielded and/or directed downward to avoid creating a nuisance to adjacent properties. During the administrative site plan review a lighting and photometric plan will be required.

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.

The project has been designed with sufficient drive aisles and ample on-site maneuverability. Moreover, the looped stacking on the site and internal driveway connections will provide for the safe off-street movement of vehicles.

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

The proposed use is permitted (via conditional use), and the site was previously a gas station. The site is bordered by commercial land to the north, south, and by Minton Road to the east.

Item (l): 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.

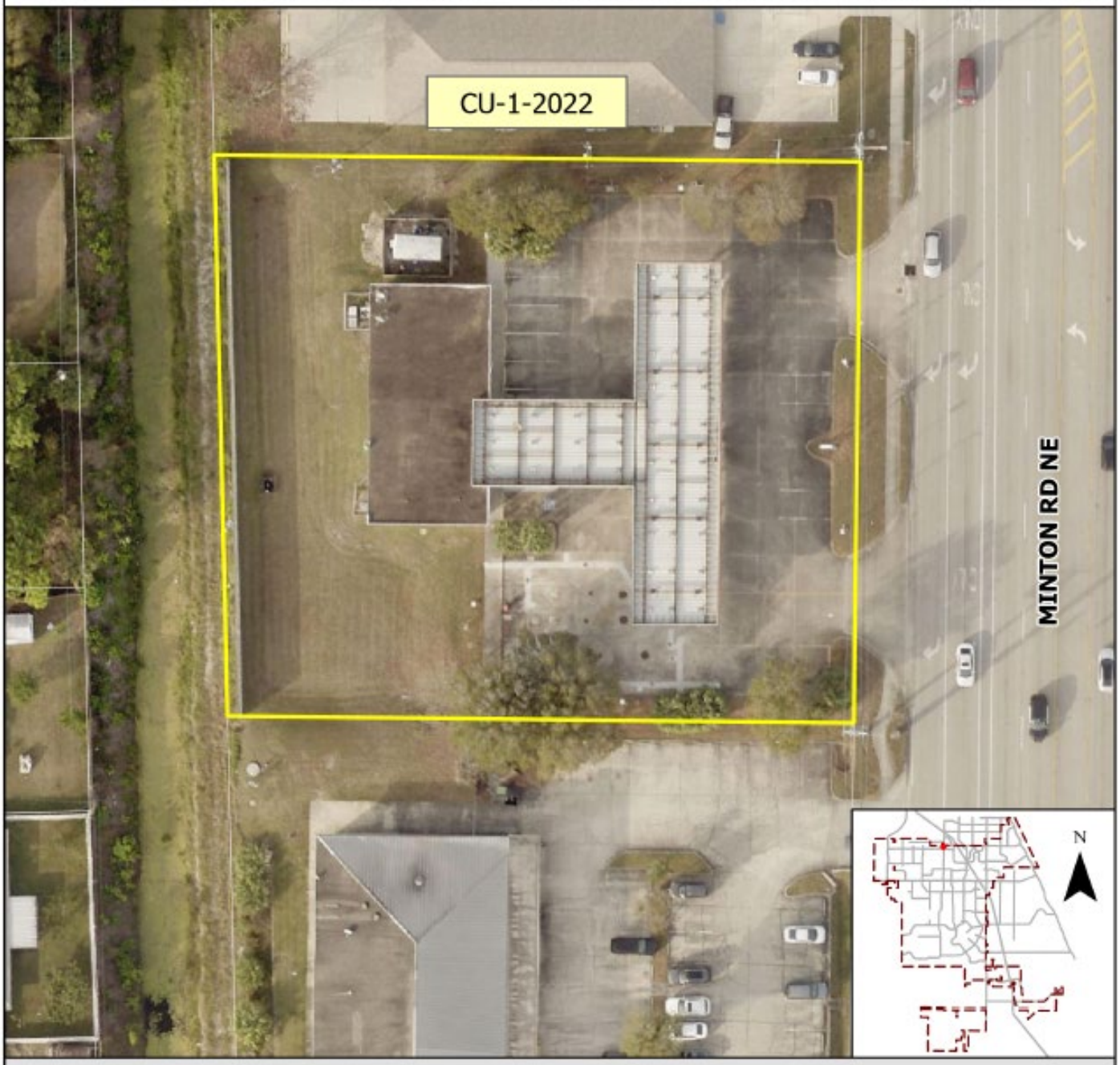
The Board and Council have the authority and right to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings.

STAFF RECOMMENDATION:

Case CU-1-2022 is recommended for approval, subject to the staff comments contained in this report.

The City of Palm Bay Florida

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



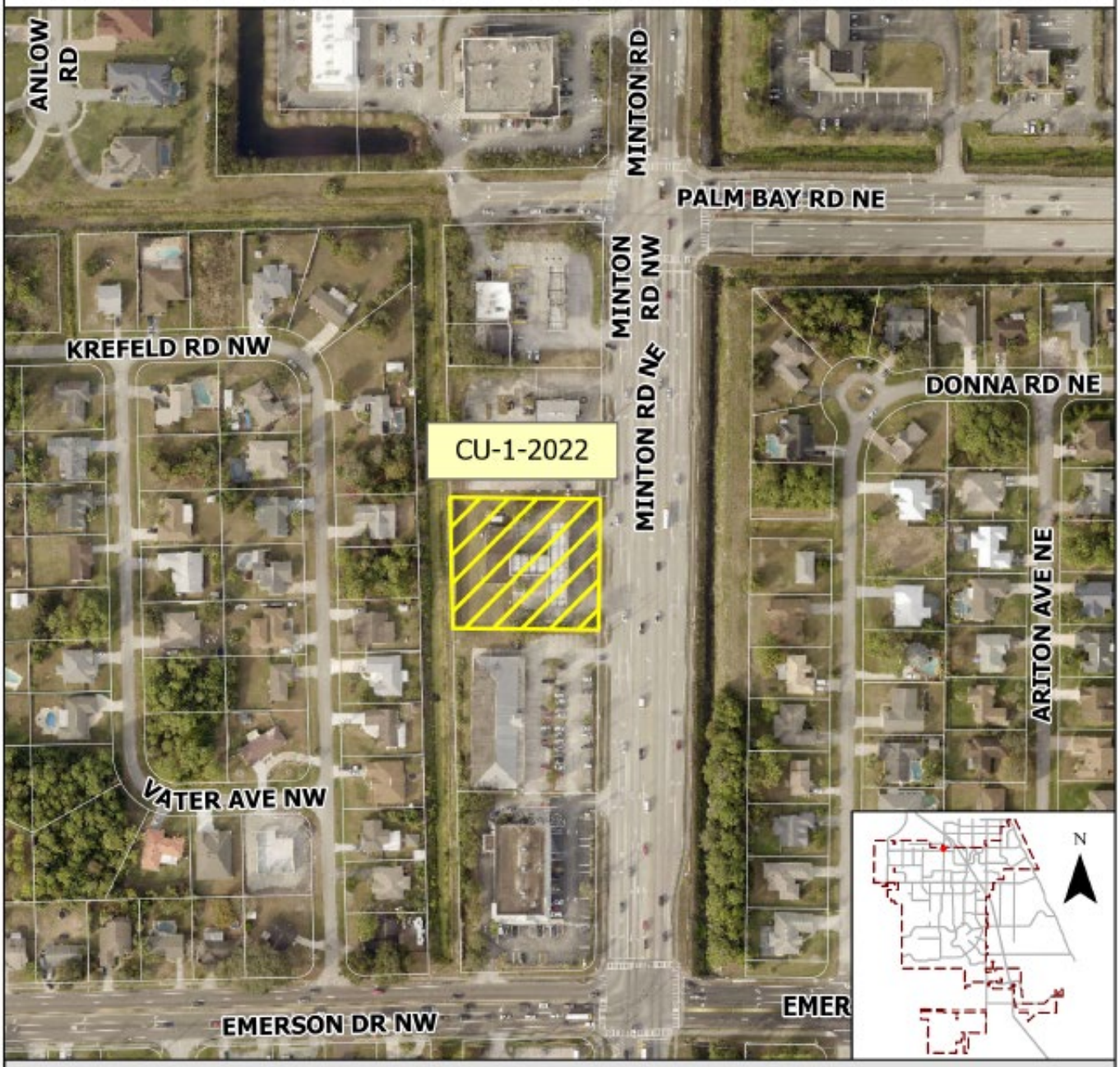
SITE LOCATION MAP CASE: CU-1-2022

Subject Property

West of and adjacent to Minton Road NW, in the vicinity south of Palm Bay Road NE

The City of Palm Bay Florida

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



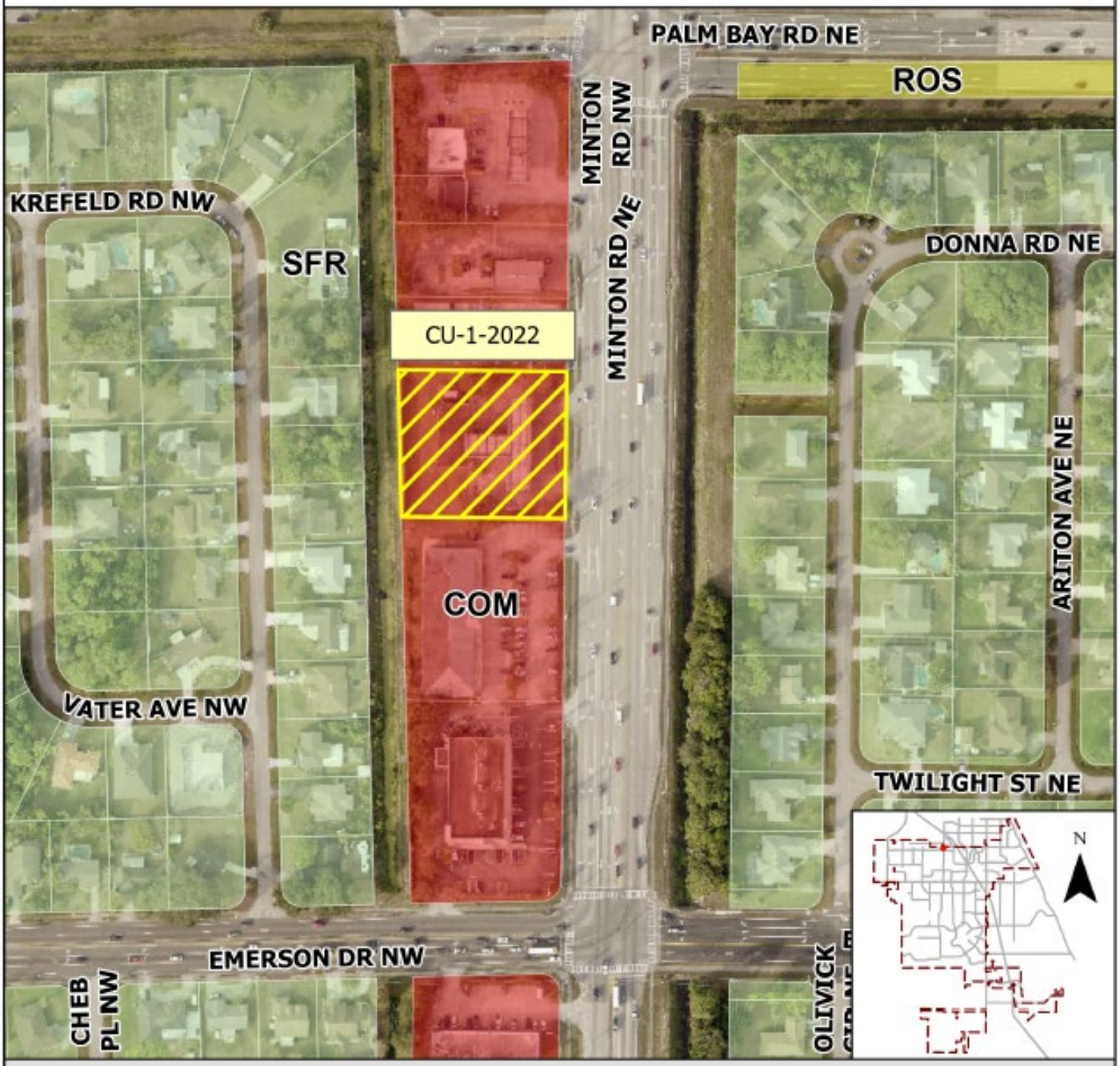
AERIAL LOCATION MAP CASE: CU-1-2022

Subject Property

West of and adjacent to Minton Road NW, in the vicinity south of Palm Bay Road NE

The City of Palm Bay Florida

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



FUTURE LAND USE MAP CASE: CU-1-2022

Subject Property

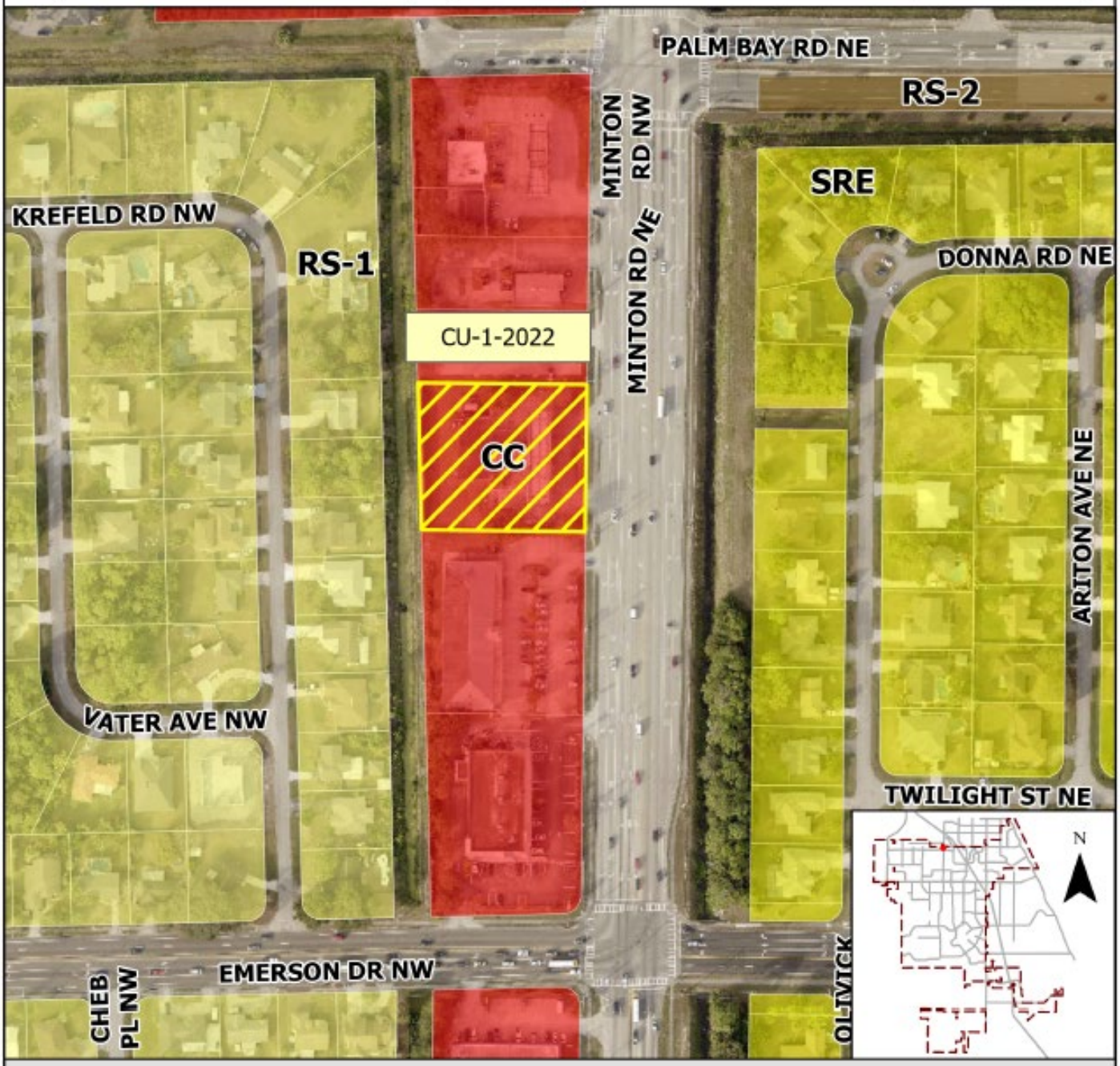
West of and adjacent to Minton Road NW, in the vicinity south of Palm Bay Road NE

Future Land Use Classification

COM – Commercial Use

The City of Palm Bay Florida

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



ZONING MAP CASE: CU-1-2022

Subject Property

West of and adjacent to Minton Road NW, in the vicinity south of Palm Bay Road NE

Current Zoning Classification

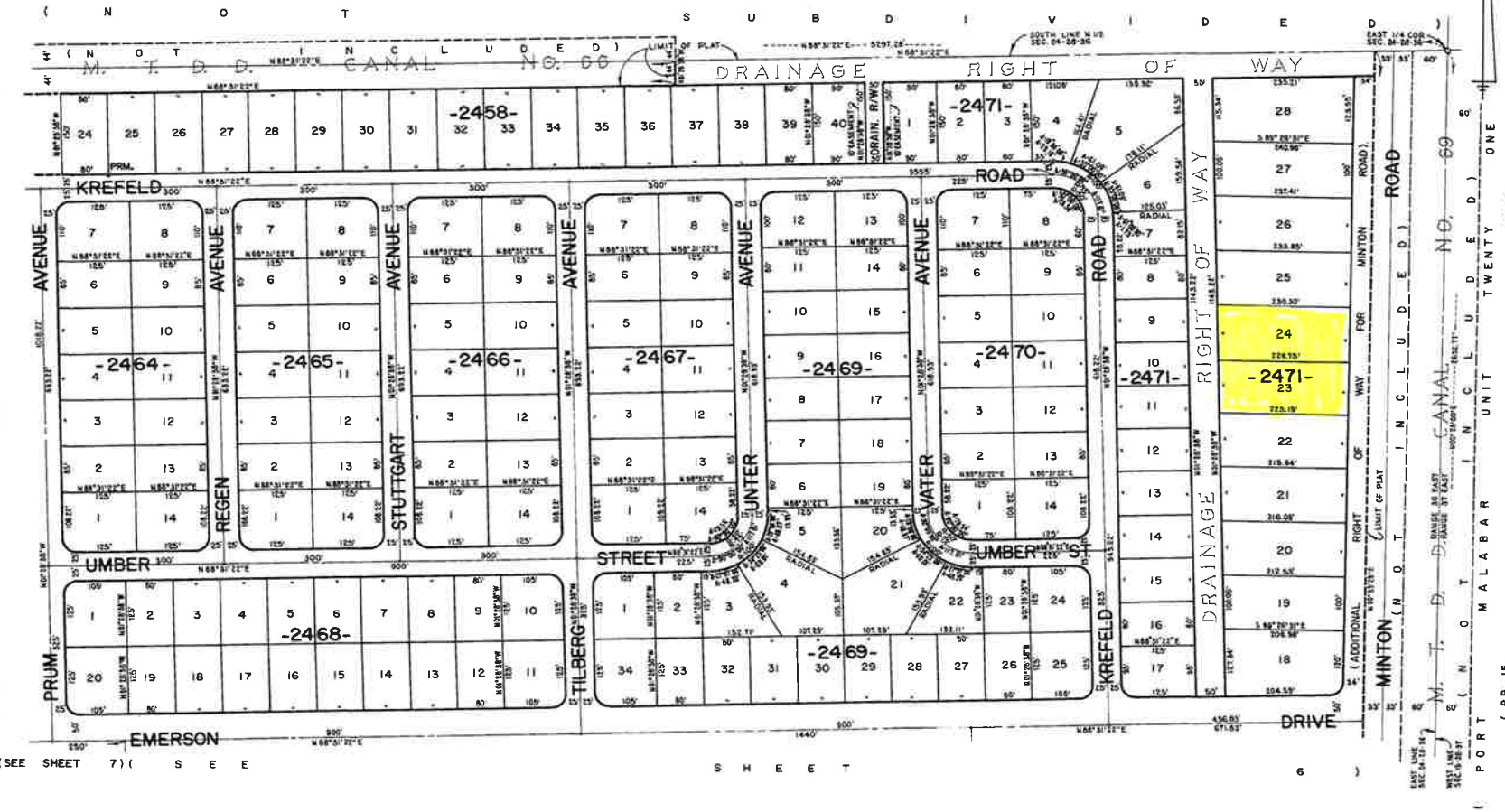
CC – Community Commercial

PLAT BOOK 22
AND PAGE 85

PORT MALABAR
UNIT FORTY EIGHT

A SUBDIVISION OF A PORTION OF
SECTIONS 23, 24, AND 26, TOWNSHIP 28 SOUTH, RANGE 36 EAST
CITY OF PALM BAY
BREVARD COUNTY, FLORIDA

SHEET 5 OF 17 SHEETS

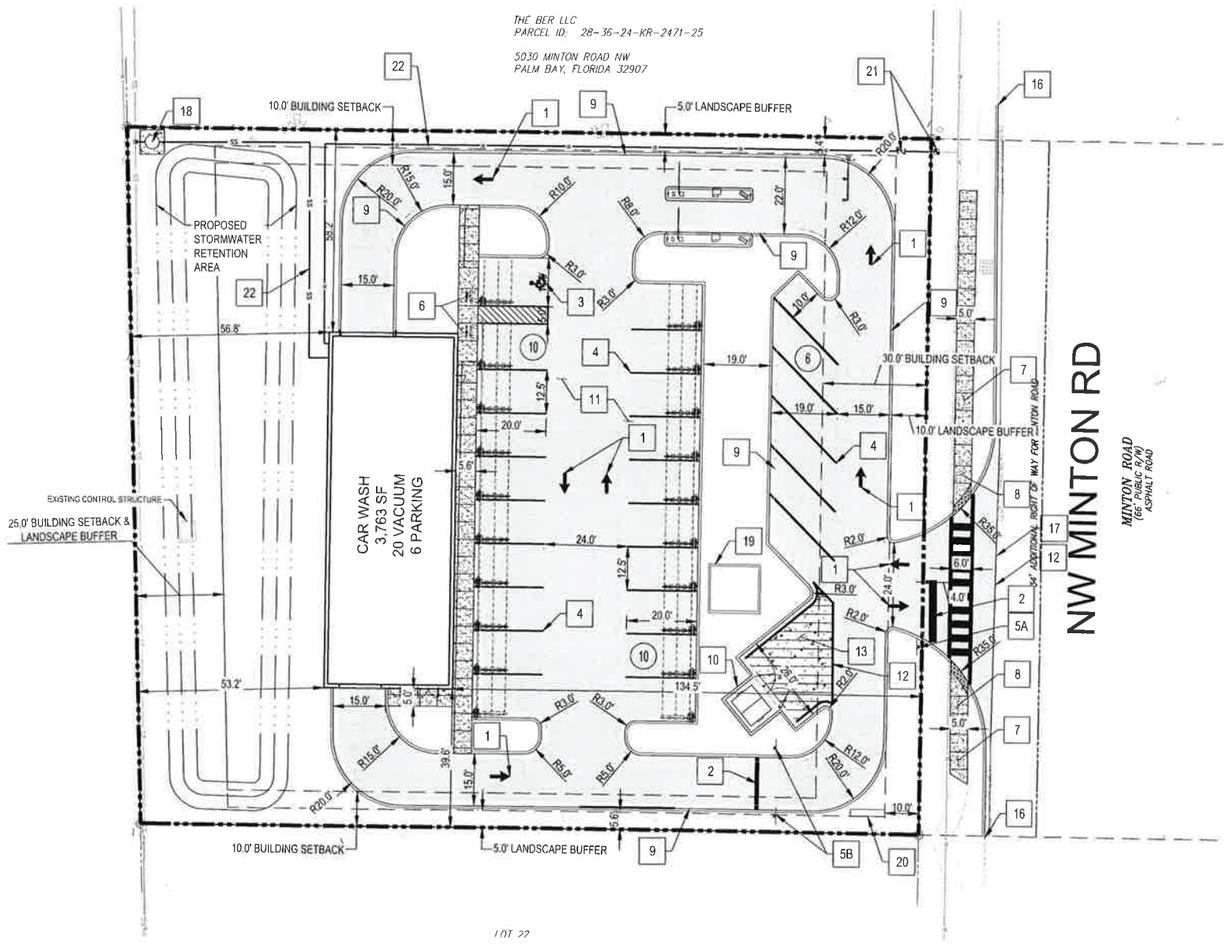


JAMES EDWARD CLARK
CIVIL ENGINEER
MIAMI - FLORIDA

SHEET 5 OF 17 SHEETS
169 LOTS THIS SHEET

CALCULATED BY
DRAWN BY
CHECKED BY
APPROVED BY

PM-48



LEGEND

PROP. ASPHALT DRIVE	PROPERTY LINE
PROP. CONC. SIDEWALK	EX. CONCRETE SIDEWALK
PROP. CONC. PAVEMENT	EX. CONCRETE D CURB
PROP. TYPE "F" CURB	EX. CONCRETE F CURB
PROP. PARKING STRIPE	EX. EDGE OF PAVEMENT
PROP. HANDICAP MARKING	EX. EDGE OF SIDEWALK
PROP. SITE SIGNAGE	EX. OVERHEAD ELECTRIC
	EX. FENCE
	EX. POWER POLE
	EX. LIGHT POLE
	EX. GUY WIRE
	EX. POWER POLE
	EX. STORM MANHOLE
	EX. STORM CATCH BASIN
	EX. CABLE PEDESTAL

GRAPHIC SCALE

20 0 10 20 40

(IN FEET)
1 inch = 20 ft.

FLOOD ZONE NOTE

1. THE LANDS SHOWN BY THIS SURVEY ARE LOCATED WITHIN AN AREA HAVING A FLOOD ZONE DESIGNATION "X" (AREA OF MINIMAL FLOOD HAZARD) BY THE FEDERAL MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP NUMBER 12009C0395 D MAP REVISED MARCH 17, 2014

SITE SUMMARY

ZONING	COMMUNITY COMMERCIAL
FLU	COMMERCIAL
USE	CAR WASH W. DRIVE THRU
TYPE OF CONSTRUCTION	COMMERCIAL
PARCEL ID	28-36-24-KR-2471-23
LOT	
SIZE	200' X 230'
BUILDING	
SIZE	3,763 SF
HEIGHT	**
CONSTRUCTION TYPE	**
PARKING	
VAC STALL SIZE	12.5' X 20'
STALL SIZE	10' X 19

BUILDING SETBACKS

SETBACKS	REQUIRED	PROVIDED
FRONT (EAST)	30'	134.5'
REAR (WEST)	25	53.2'
SIDE (NORTH)	10'	39.6'
SIDE (SOUTH)	10'	58.2'

PARKING CALCULATIONS

USE	SF	RATIO	REQUIRED SPACES
GROSS FLOOR AREA (SF)	4,763 SF	1 SPACE PER 280 SF	19 SPACES
STANDARD PARKING PROVIDED			6
HANDICAP PARKING REQUIRED			1
HANDICAP PARKING PROVIDED			1
VACUUM PARKING PROVIDED			20
TOTAL PARKING PROVIDED			26

EXISTING SITE CALCULATIONS

AREA	SF	ACRES	%
TOTAL SITE AREA	45,349	1.04	100
TOTAL PERVIOUS AREA	18,846	0.43	41.6
BUILDING AREA	3,200	0.07	7.05
PAVEMENT AREA	23,303	0.53	51.4
TOTAL IMPERVIOUS AREA	26,503	0.61	58.4

LANDSCAPE BUFFERS

SETBACKS	REQUIRED	PROVIDED
FRONT (EAST)	10'	10'
REAR (WEST)	25'	53.2'
SIDE (NORTH)	5'	5.6'
SIDE (SOUTH)	5'	5.4

CALIBER SITE CALCULATIONS

AREA	SF	ACRES	%
TOTAL SITE AREA	45,349	1.04	100
TOTAL PERVIOUS AREA	19,722	0.45	43.5
BUILDING AREA	3,763	0.09	8.29
PAVEMENT AREA	21,862	0.50	48.2
TOTAL IMPERVIOUS AREA	25,625	0.59	56.5

SITE NOTES

1. CONST. DIRECTIONAL ARROW (TYP.)
2. CONST. STOP LINE GRAPHIC
3. CONST. HANDICAP STALL WITH PAINTED ACCESSIBILITY SYMBOL
4. CONST. STANDARD PARKING STALL
5. DIRECTIONAL SIGNAGE (REFER TO SIGN PACKAGE FOR MORE DETAILS)
   - 5A STOP SIGN (R1-1)
   - 5B DO NOT ENTER SIGN (R5-1)
6. CONST. SIDEWALK ACCESSIBLE RAMP (CR-C FDOT INDEX 522-002)
7. CONST. TYPICAL CONCRETE SIDEWALK
8. CONST. 8' SIDEWALK RAMP @ 1:12 MAXIMUM SLOPE
9. CONST. CURB AND GUTTER TYPE F
10. CONST. REFUSE ENCLOSURE
11. CONST. ASPHALT PAVEMENT
12. CONST. PAVEMENT EDGE
13. CONST. CONCRETE APRON AT REFUSE ENCLOSURE
14. CONST. TYPE C INLET
15. CONST. TYPE 9 CURB INLET
16. CONNECT TO EXISTING CURB
17. CONNECT TO EXISTING EDGE OF PAVEMENT
18. PROPOSED PRIVATE LIFT STATION
19. PROPOSED VACUUM EQUIPMENT
20. PROPOSED MONUMENT SIGN
21. PROPOSED WATER METER & BACKFLOW PREVENTER
22. PROPOSED WATER SERVICE TO BUILDING
23. PROPOSED SEWER LATERAL

Bowman

Bowman Consulting Group, Ltd.
910 SE 17TH STREET
Suite 300
Ft. Lauderdale, FL 33316
Phone: (954) 696-1560
www.bowmanconsulting.com
© Bowman Consulting Group, Ltd.

CALIBER CAR WASH
5050 MINTON ROAD NW
PALM BAY, FL 32907

BREVARD COUNTY

PALM BAY

PROJECT NO
COUNTY PROJECT NUMBER

PLAN STATUS	
XX/XX/XX	XXXXX

DATE	DESCRIPTION	
JL DESIGN	JL DRAWN	KM CHKD

SCALE H: V:

JOB No. 010929-01-001

DATE 10/28/2021

FILE No. SITE PLAN

SHEET C-2.0

Cad file name: V:\010929 - Caliber Car Wash\010929-01-001 (ENG) - 5050 Minton Rd Palm Bay, FL\Engineering\Engineering Plans\CAD\SHEETS\010929-01-001-SIT.dwg 11/2/2021

The City of Palm Bay Florida

LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

CONDITIONAL USE APPLICATION

This application must be deemed complete and legible, and the original application with original signature(s) must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by 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 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.

PARCEL ID(S):

28-36-24-KR-2471-23

TAX ACCOUNT NUMBER(S):

2806476

PROPERTY ADDRESS:

5050 MINTON ROAD, PALM BAY, FL, 32907

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):

1.04 ACRES

ZONING CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.):

CC (COMMUNITY COMMERCIAL)

CONDITIONAL USE SOUGHT:

CAR WASH

BE ADVISED: All Conditional Use applications/projects are evaluated based on the following items located in Section 185.087 of the Code of Ordinances:

1. Proposed building and structures.
2. Proposed parking areas, vehicular and pedestrian circulation;
3. Proposed driveways and roadways near the site;
4. Conceptual stormwater management system; and
5. The provisions for potable water, sewer, and fire protection.

A SITE SKETCH TO SCALE MUST BE PROVIDED OF THE FOLLOWING:

(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 fire or other emergency.

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

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

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

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

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

(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.

(H) 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, reasonable time limit within which the action for which special approval is requested shall be begun or completed, or both.

ADDITIONAL CONDITIONS MUST BE MET AND INCORPORATED INTO THE SITE SKETCH FOR THE SPECIFIC CONDITIONAL USE. Additional criteria is listed in Section 185.088 and available from staff (check all that apply):

- ☐ **Church** [Sec. 185.088(A)]
- ☐ **Club or Lodge** [Sec. 185.088(B)]
- ☐ **Commercial Dog Kennel** [Sec. 185.088(C)]
- ☐ **Planned Industrial Development** (industrially zoned site over 5 acres) [Sec. 185.088(D)]
- ☐ **Public or Private School** [Sec. 185.088(E)]
- ☐ **Self-Storage Facility** [Sec. 185.088(F)]
- ☐ **Communication Tower and Facilities** [Sec. 185.088(G)]
- ☐ **Dance Club** [Sec. 185.088(H)]
- ☐ **Security Dwelling Unit** [Sec. 185.088(I)]
- ☐ **Wedding Venue** [Sec. 185.088(J)]
- ☐ **Event Hall** [Sec. 185.088(K)]

THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:

- [x] *$650.00 Application Fee. Make Check payable to "City of Palm Bay."
- [x] List of legal descriptions 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 should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- [x] Site Sketch (See page 2 for requirements). **Also provide the site sketch on Memory Drive**.
- [x] Citizen Participation Plan. Refer to Section 169.005 of the Land Development Code for guidelines.
- [x] Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines. Staff will provide a sign template.
- [x] **Where the property owner is not the representative for the request**, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative Bowman Consulting, Kristhian T. Morales

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 conditional use application and that the facts stated in it are true.

Owner Signature _____ **Date** 10/27/2021

Printed Name Summit Shah

Full Address 402 High Point Dr, Cocoa FL 32926

Telephone 321 631 0245 **Email** summit@southeastpetro.com

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

172

October 13, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

5050 MINTON RD NW PALM BAY FL 32907
PORT MALABAR UNIT 48 LOTS 23 & 24 BLK 2471
Parcel ID: 28-36-24-KR-2471-23

I, Owner Name: M & R United Inc.

Address: 402 High Point Dr. Suite A Cocoa, FL 32926

Telephone: 321-508-4140

Email: summit@southeastpetro.com

hereby authorize:

Representative: Bowman Consulting, Kristhian T. Morales

Address: 910 SE 17th St, Fort Lauderdale, FL 33316

Telephone: 954-686-1562

Email: kmorales@bowman.com

to represent the request(s) for:

Conditional Use Application

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14th day of October, 20 21 by Summit Shah, as President of M & R United, Inc a Florida corporation, property owner.

Lauren Smedley
Commission # HH 137637
Commission Expires 08-02-2025
Bonded Through - Cynanotary
Florida - Notary Public

Lauren Smedley, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

Personally Known

ORIGINAL

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-01

Held on Wednesday, January 5, 2022, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Ms. Leeta Jordan led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present	
VICE CHAIRPERSON:	Leeta Jordan	Present	
MEMBER:	Donald Boerema	Present	
MEMBER:	James Boothroyd	Present	
MEMBER:	Richard Hill	Present	
MEMBER:	Khalilah Maragh	Absent	(Excused)
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa (School Board Appointee)	Absent	(Excused)

Ms. Maragh's absence was excused.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ADOPTION OF MINUTES:

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-14 December 1, 2021.**

   Motion to approve the minutes as presented.

The floor was closed for public comments, and there was no correspondence in the file.

Mr. Murphy noted that Mr. Dowell's comments were for a different case on the agenda.

Motion to submit Case Z-54-2021 to City Council for approval.

Motion by Mr. Boothroyd, seconded by Mr. Hill. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

NEW BUSINESS:

1. ****CU-1-2022 - Caliber Carwash - Summit Shah, President, M & R United, Inc. (Kristhian Morales, Bowman Consulting, Rep.) - A Conditional Use to allow a proposed carwash in a CC, Community Commercial District. Lots 23 and 24, Block 2471, Port Malabar Unit 48, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 1.04 acres. Located west of and adjacent to Minton Road NW, in the vicinity south of Palm Bay Road NE**

   Mr. Murphy presented the staff report for Case CU-1-2022. Staff recommended Case CU-1-2022 for approval, subject to the staff comments contained in the staff report.

   Mr. Boerema wanted a guarantee that vehicles at the proposed carwash would not back up onto Minton Road NW. Mr. Murphy stated that a traffic access management plan would be required during the administrative site plan review process to show how the site would accommodate vehicle stacking and if other access improvements were needed.

   Mr. Kristhian Morales with Bowman Consulting (civil engineer and representative for the applicant) stated that the existing eight-foot-high wall on the property would remain in place to buffer the west residential lots. He assured the board that a stacking analysis plan would be provided during the site plan review process. The proposed carwash was a less intensive use than the former gas station on the

property and would generate less traffic. One of the existing access points would also be eliminated; no more than eight vehicles would be stacked during operations; and the site had the capacity to accommodate 15 vehicles.

Mr. Boerema was concerned about the possibility of there being more than eight vehicles stacked at a given time. Mr. Morales reiterated how vehicle queuing would be addressed during site plan review.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Motion to submit Case CU-1-2022 to City Council for approval, subject to the staff comments contained in the staff report.

Motion by Mr. Hill, seconded by Ms. Jordan. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

2. **T-2-2022 - Contractor's Offices in HC - Cody Lafferty (Tony Masone, Rep.) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044(B), to allow Contractor's Offices as a permitted use within the HC, Highway Commercial District**

Mr. Murphy presented the staff report for Case T-2-2022. Staff recommended Case T-2-2022 for approval.

Mr. Tony Masone (representative for the applicant) was present to answer questions.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Motion to submit Case T-2-2022 to City Council for approval.

Motion by Mr. Boerema, seconded by Mr. Hill. Motion carried with members voting as follows:

RESOLUTION 2022-08

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING A CONDITIONAL USE FOR A CAR WASH IN CC (COMMUNITY COMMERCIAL DISTRICT) ZONING; WHICH PROPERTY IS LOCATED WEST OF AND ADJACENT TO MINTON ROAD, IN THE VICINITY SOUTH OF PALM BAY ROAD, 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 under CC (Community Commercial District) zoning, to permit a car wash on property legally described herein, has been made by Summit Shah, M & R United Inc., and

WHEREAS, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on January 5, 2022, 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 185.043, 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 for a car wash on property zoned CC (Community Commercial District), which property is legally described as follows:

Lots 23 and 24, Block 2471, Port Malabar Unit 48, according to the plat thereof as recorded in Plat Book 22, Page 85, of the Public Records of Brevard County, Florida; Section 24, Township 28S, Range 36E; containing 1.04 acres, more or less.

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

1) Constructing the car wash 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'; and
3) 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. 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 shall void the conditional use.

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

This resolution was duly enacted at Meeting 2022- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2022.

_____

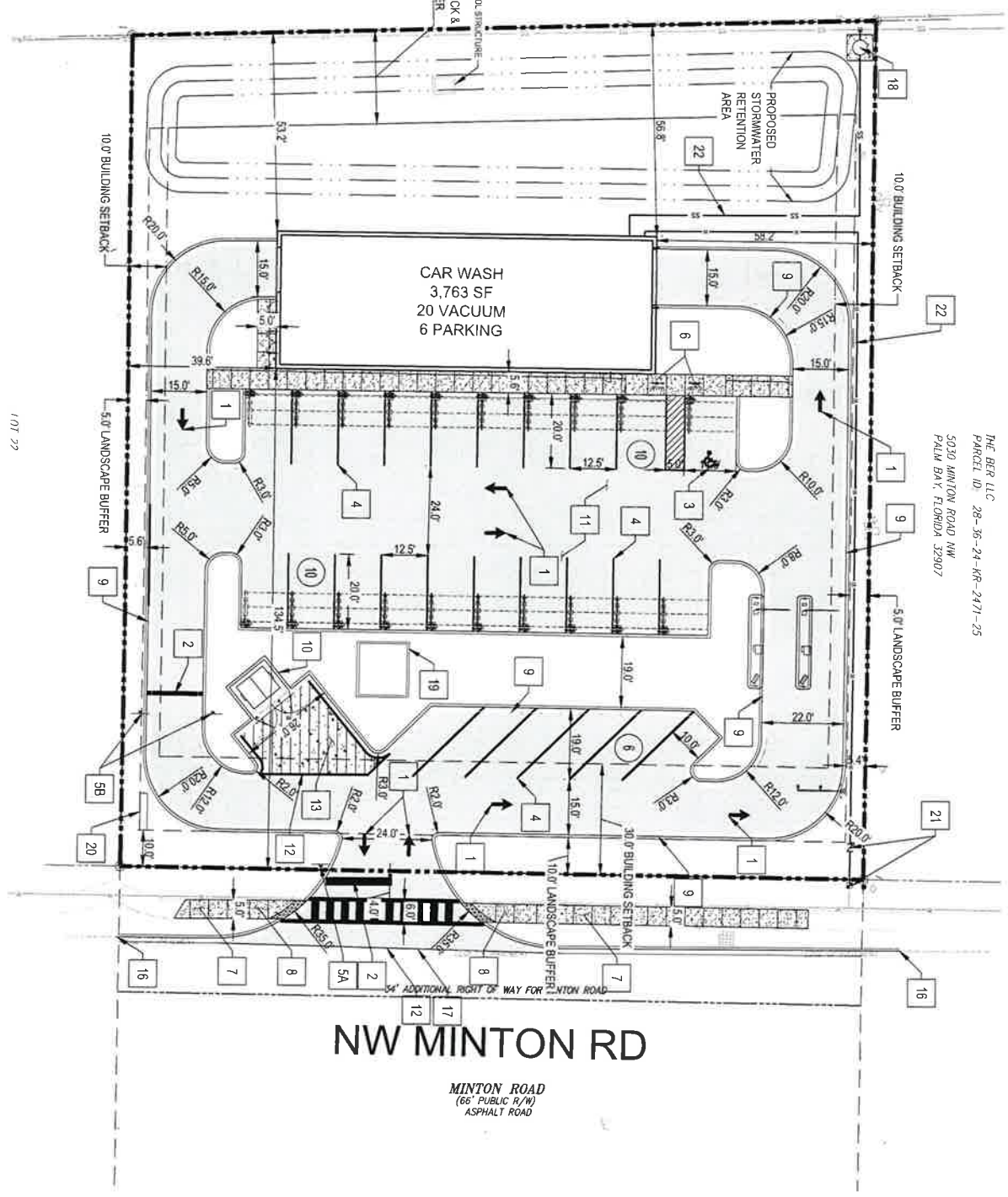
ATTEST: Rob Medina, MAYOR

_____

Terese M. Jones, CITY CLERK

Applicant: Summit Shah, M & R United Inc.
Case: CU-1-2022

cc: (date) Brevard County Recording
Applicant
Case File



LEGEND

- PROP. ASPHALT DRIVE
- PROP. CONC. SIDEWALK
- PROP. CONC. PAVEMENT
- PROP. TYPE 'F' CURB
- PROP. PARKING STRIPE
- PROP. HANDICAP MARKING
- PROP. SITE SIGNAGE
- PROPERTY LINE
- EX. CONCRETE SIDEWALK
- EX. CONCRETE D CURB
- EX. CONCRETE F CURB
- EX. EDGE OF PAVEMENT
- EX. EDGE OF SIDEWALK
- EX. OVERHEAD ELECTRIC
- EX. FENCE
- EX. POWER POLE
- EX. LIGHT POLE
- EX. GUY WIRE
- EX. POWER POLE
- EX. STORM MANHOLE
- EX. STORM CATCH BASIN
- EX. CABLE PEDESTAL

SITE SUMMARY

ZONING	COMMUNITY COMMERCIAL
FLU	COMMERCIAL
USE	CAR WASH W. DRIVE THRU
TYPE OF CONSTRUCTION	COMMERCIAL
PARCEL ID	28-36-24-KR-2471-23
SIZE	LOT
	200' X 230'
SIZE	BUILDING
	3,763 SF
HEIGHT	1"
CONSTRUCTION TYPE	"
	PARKING
VAC STALL SIZE	12.5' X 20'
STALL SIZE	10' X 19'

BUILDING SETBACKS

SETBACKS	REQUIRED	PROVIDED
FRONT (EAST)	30'	134.5'
REAR (WEST)	25'	53.2'
SIDE (NORTH)	10'	39.6'
SIDE (SOUTH)	10'	56.2'

PARKING CALCULATIONS

USE	SF	RATIO	REQUIRED SPACES
GROSS FLOOR AREA (SF)	4,763 SF	1 SPACE PER 250 SF	19 SPACES
STANDARD PARKING PROVIDED			6
HANDICAP PARKING REQUIRED			1
HANDICAP PARKING PROVIDED			1
VACUUM PARKING PROVIDED			20
TOTAL PARKING PROVIDED			26

LANDSCAPE BUFFERS

SETBACKS	REQUIRED	PROVIDED
FRONT (EAST)	10'	10'
REAR (WEST)	25'	53.2'
SIDE (NORTH)	5'	5.6'
SIDE (SOUTH)	5'	5.4'

EXISTING SITE CALCULATIONS

AREA	SF	ACRES	%
TOTAL SITE AREA	45,319	1.04	100
TOTAL PERVIOUS AREA	18,846	0.43	41.6
BUILDING AREA	3,200	0.07	7.06
PAVEMENT AREA	23,303	0.53	51.4
TOTAL IMPERVIOUS AREA	26,503	0.61	58.4

CALIBER SITE CALCULATIONS

AREA	SF	ACRES	%
TOTAL SITE AREA	45,319	1.04	100
TOTAL PERVIOUS AREA	19,722	0.45	43.5
BUILDING AREA	3,763	0.09	8.29
PAVEMENT AREA	21,842	0.50	48.2
TOTAL IMPERVIOUS AREA	25,605	0.59	56.5

FLOOD ZONE NOTE

1 THE LANDS BOUND BY THIS SURVEY ARE LOCATED WITHIN AN AREA HAVING A FLOOD ZONE DESIGNATION "X" (AREA OF MINIMAL FLOOD HAZARD) BY THE FEDERAL MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP NUMBER 12009C0359 "X" MAP REVISED MARCH 17, 2014

SITE NOTES

1. CONST. DIRECTIONAL ARROW (TYP.)
2. CONST. STOP LINE GRAPHIC
3. CONST. HANDICAP STALL WITH PAINTED ACCESSIBILITY SYMBOL
4. CONST. STANDARD PARKING STALL
5. DIRECTIONAL SIGNAGE (REFER TO SIGN PACKAGE FOR MORE DETAILS)
   - 5A. STOP SIGN (R1-1)
   - 5B. DO NOT ENTER SIGN (R5-1)
6. CONST. SIDEWALK ACCESSIBLE RAMP (CR-C FDOT INDEX 522-002)
7. CONST. TYPICAL CONCRETE SIDEWALK
8. CONST. 8' SIDEWALK RAMP @ 1:12 MAXIMUM SLOPE
9. CONST. CURB AND GUTTER TYPE F
10. CONST. REFUSE ENCLOSURE
11. CONST. ASPHALT PAVEMENT
12. CONST. PAVEMENT EDGE
13. CONST. CONCRETE APRON AT REFUSE ENCLOSURE
14. CONST. TYPE C INLET
15. CONST. TYPE 9 CURB INLET
16. CONNECT TO EXISTING CURB
17. CONNECT TO EXISTING EDGE OF PAVEMENT
18. PROPOSED PRIVATE LIFT STATION
19. PROPOSED VACUUM EQUIPMENT
20. PROPOSED MONUMENT SIGN
21. PROPOSED WATER METER & BACKFLOW PREVENTER
22. PROPOSED WATER SERVICE TO BUILDING
23. PROPOSED SEWER LATERAL

811 SAVE TIME & BLOW ALWAYS CALL 811 BEFORE YOU DIG

GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft

Bowman

Bowman Consulting Group, Ltd.
910 SE 17TH STREET
Suite 300
Ft. Lauderdale, FL 33316
Phone: (954) 686-1560
www.bowmanconsulting.com
© Bowman Consulting Group, Ltd.

CALIBER CAR WASH
5050 MINTON ROAD NW
PALM BAY, FL 32907

PALM BAY — BREVARD COUNTY

PROJECT NO
COUNTY PROJECT NUMBER

PLAN STATUS
XX/XX/XX XXXXX

DATE	DESCRIPTION

DESIGN JL DRAWN JL CHKD KM
SCALE H: V:
JOB No. 010929-01-001
DATE 10/28/2021
FILE No. SITE PLAN
SHEET C-2.0

Cad file name: V:\010929 - Caliber Car Wash\010929-01-001 (ENG) - 5030 Minton Rd Palm Bay, FL\Engineering\Engineering Plans\CAD\SHEETS\010929-01-001-SIT.dwg 11/12/2021

STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
landdevelopmentweb@palmbayflorida.org

Prepared by
Christopher Balter, Senior Planner

CASE NUMBER
CU-1-2022

PLANNING & ZONING BOARD HEARING DATE
January 5, 2022

PROPERTY OWNER & APPLICANT
Summit Shah, President, M & R United, Inc. (Kristhian Morales, Bowman Consulting, Rep.)

PROPERTY LOCATION/ADDRESS
Lots 23, and 24, Section 24, Block 2471 of Port Malabar Unit 48, Township 28, Range 36, Brevard County, Florida. Specifically, 5050 Minton Road NW

SUMMARY OF REQUEST A Conditional Use to allow a proposed car wash facility in a CC, Community Commercial District.

Existing Zoning	CC, Community Commercial District
Existing Land Use	Commercial Use
Site Improvements	Existing Gas Station
Site Acreage	1.04 acres

SURROUNDING ZONING & USE OF LAND

North	CC, Community Commercial District, Office Building
East	Minton Road NW
South	CC, Community Commercial District, Strip Center
West	City of Palm Bay Canal Number 66

COMPREHENSIVE PLAN COMPATIBILITY Yes

BACKGROUND:

The subject properties are located west of and adjacent to Minton Road NW. Specifically Lots 23, and 24, Section 24, Block 2471 of Port Malabar Unit 48, Township 28, Range 36, Brevard County, Florida, 5050 Minton Road NW. The subject property received conditional use approval via case CU-06-1996 (Resolution 1996-06). The request from 1996 was approved with a binding site plan for retail automotive gas/fuel sales. This request includes approximately 1.04 acres of land.

ANALYSIS:

The proposed request is to demolish the existing gas station, retail store, and associated parking areas and construct a 3,763 square foot single-story automatic tunnel carwash with 20 self-operated cleaning areas (vacuum and drying stations.)

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 fire or other emergencies.

According to the conceptual site plan, the site will be accessed from the existing southern driveway located along the Minton Road NW and the existing northern driveway will be closed. The existing driveway will be restricted to a right-in right-out only access.

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.

The City's Land Development Code does not contain a minimum parking standards for a car wash facility. The concern with such a facility is the stacking area provided for vehicles waiting to enter the car wash facility. For this particular operation, vehicles move through the washing facility on a computer-controlled track that brings the vehicle thorough the wash and automatic blowers. Patrons have the option of leaving the site or pulling into a self-serve space to vacuum the inside of the vehicle and/or dry off any excess water. The plan proposes 20 such spaces as well as an additional 6 standard parking spaces (no facilities).

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

The existing gas station is currently serviced by a 2-inch water main that connects to the existing 8-inch water main located along Minton Road, and the existing septic system will need to be abandoned and the proposed carwash will need to hook up to the City's sewer system. The property is currently serviced by Florida Power and Light. Any additional upgrades will be required to be designed, permitted, installed, and inspected at the developer's cost.

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

The parcel of land for which this development is proposed is currently an existing gas station. The site abuts Minton Road to the east, a strip center to the south, an office building to the north, and City canal number 66 to the west. The building is approximately 150 feet from existing residential homes located west of the proposed carwash. Staff recommends an 8-foot opaque wall or fence be placed along the west property line to adequately screen and buffer the existing residential homes.

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.

A detached sign is shown on the drawing and meets the minimum setback requirements. A lighting plan was not provided. It shall be noted that City codes require any lighting to be shielded and/or directed downward to avoid creating a nuisance to adjacent properties. During the administrative site plan review a lighting and photometric plan will be required.

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.

The project has been designed with sufficient drive aisles and ample on-site maneuverability. Moreover, the looped stacking on the site and internal driveway connections will provide for the safe off-street movement of vehicles.

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

The proposed use is permitted (via conditional use), and the site was previously a gas station. The site is bordered by commercial land to the north, south, and by Minton Road to the east.

Item (l): 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 and right to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings.

STAFF RECOMMENDATION:

Case CU-1-2022 is recommended for approval, subject to the staff comments contained in this report.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Alexandra Bernard, Growth Management Director**

DATE: **2/3/2022**

RE: **Ordinance 2022-17, rezoning property located east of and adjacent to Dixie Highway, and west of and adjacent to Ridge Road, from HC (Highway Commercial District) to BMUV (Bayfront Mixed Use Village District) (0.34 acres) (Case Z-54-2021, Alfred and Murine Agarie), first reading. (Quasi-Judicial Proceeding)**

Mr. Alfred R. Agarie and Ms. Murine N. Agarie have submitted a rezoning of the subject parcel from an HC, Highway Commercial District to a BMUV, Bayfront Mixed Use Village zoning district. The property is located at the southeast corner of Dixie Highway NE and Anglers Drive NE, approximately 700 feet south of the Turkey Creek, and consists of a former gas station.

In 2015, City Council approved the subject site (Ordinance 2015-50) for a future land use amendment from Commercial Use to Bayfront Mixed Use Village. However, the companion rezoning application was withdrawn. The applicant is requesting the proposed change to allow for possible residential use of the property. Any future development of the site must receive administrative site plan approval to ensure that the Palm Bay Code of Ordinances and all other applicable regulations are adhered to.

The rezoning of this parcel to BMUV is consistent with the existing land use and furthers the compatibility goals of the Comprehensive Plan.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:
Motion to approve Case Z-54-2021.

Planning and Zoning Board Recommendation:
Unanimous approval of the request.

ATTACHMENTS:

Description

Case Z-54-2021 - Staff Report
Case Z-54-2021 - Survey

Case Z-54-2021 - Application
Case Z-54-2021 - Board Minutes
Ordinance 2022-17

STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
landdevelopmentweb@palmbayflorida.org

Prepared by
Patrick J. Murphy, Acting Growth Management Director

CASE NUMBER	**PLANNING & ZONING BOARD HEARING DATE**
Z-54-2021	December 1, 2021

PROPERTY OWNER & APPLICANT	**PROPERTY LOCATION/ADDRESS**
Alfred R. Agarie and Murine N. Agarie	4371 Dixie Highway NE 32905

SUMMARY OF REQUEST	The applicant is requesting a rezoning of the subject parcel from HC, Highway Commercial to the BMUV, Bayfront Mixed Use Village zoning district
Existing Zoning	HC, Highway Commercial
Existing Land Use	Bayfront Mixed Use Village
Site Improvements	Former Gas Station
Site Acreage	0.34 acres

SURROUNDING ZONING & USE OF LAND

North	HC, Highway Commercial; Angles Drive NE
East	HC, Highway Commercial; Ridge Road NE
South	BMUV, Bayfront Mixed Use Village; Ozzie's Crab House
West	HC, Highway Commercial; U.S. Highway No. 1

COMPREHENSIVE PLAN COMPATIBILITY	Yes

BACKGROUND:

The subject property is located at the SE corner of Dixie Highway and Anglers Drive, approximately 700' south of the Turkey Creek. Specifically, the property is Lots 10 &11 of the Hopson's Subdivision, located in Section 24, Township 28 south, Range 37 east, of Brevard County, Florida. The subject parcel is approximately 0.34 acres.

The property owner received approval from City Council to amend the future land use designation from Commercial Use to Bayfront Mixed Use Village, via Ordinance 2015-50. However, the companion rezoning application was withdrawn. The applicants, Alfred and Murine Agarie, are now seeking to rezone the property from HC, Highway Commercial to the Bayfront Mixed Use Village (BMUV) zoning district.

ANALYSIS:

The following analysis is per Chapter 185: Zoning Code, Section 185.201(C), which states that all proposed amendments shall be submitted to the Planning and Zoning Board, which shall study such proposals in accordance with items 1 through 4 of Section 185.201(C).

Item 1 - *The need and justification for the change.*

The applicant states that the justification for change is "to allow for the possible, future use of residential on the property."

The BMUV zoning district permits a range of lower intensity commercial uses, as well as single- and multi-family development with a maximum density of 10 units per acre. This district also allows for reduced setbacks which provide for more flexibility in developing a small parcel.

Item 2 - *When pertaining to the rezoning of land, the effect of the change, if any, on the particular property and on surrounding properties*.

The rezoning of this parcel to BMUV would have minimal effect to the surrounding area as the subject property is bordered by roads on three sides, and the property abutting to the south is currently zoned BMUV. Any development to occur onsite must be approved via administrative site plan review to ensure that development adheres to the Palm Bay Code of Ordinances and all other applicable regulations.

Item 3 - *When pertaining to the rezoning of land, the amount of undeveloped land in the general area and in the city having the same classification as that requested.*

BMUV zoning exists from the north side of Turkey Creek to Kirkland Road NE, mostly between the F.E.C.R.R. and U.S. Highway 1. A handful of BMUV-zoned parcels exist east of U.S. 1, adjacent to Kirkland. Roughly 75% of the land zoned BMUV is developed.

Item 4 - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).*

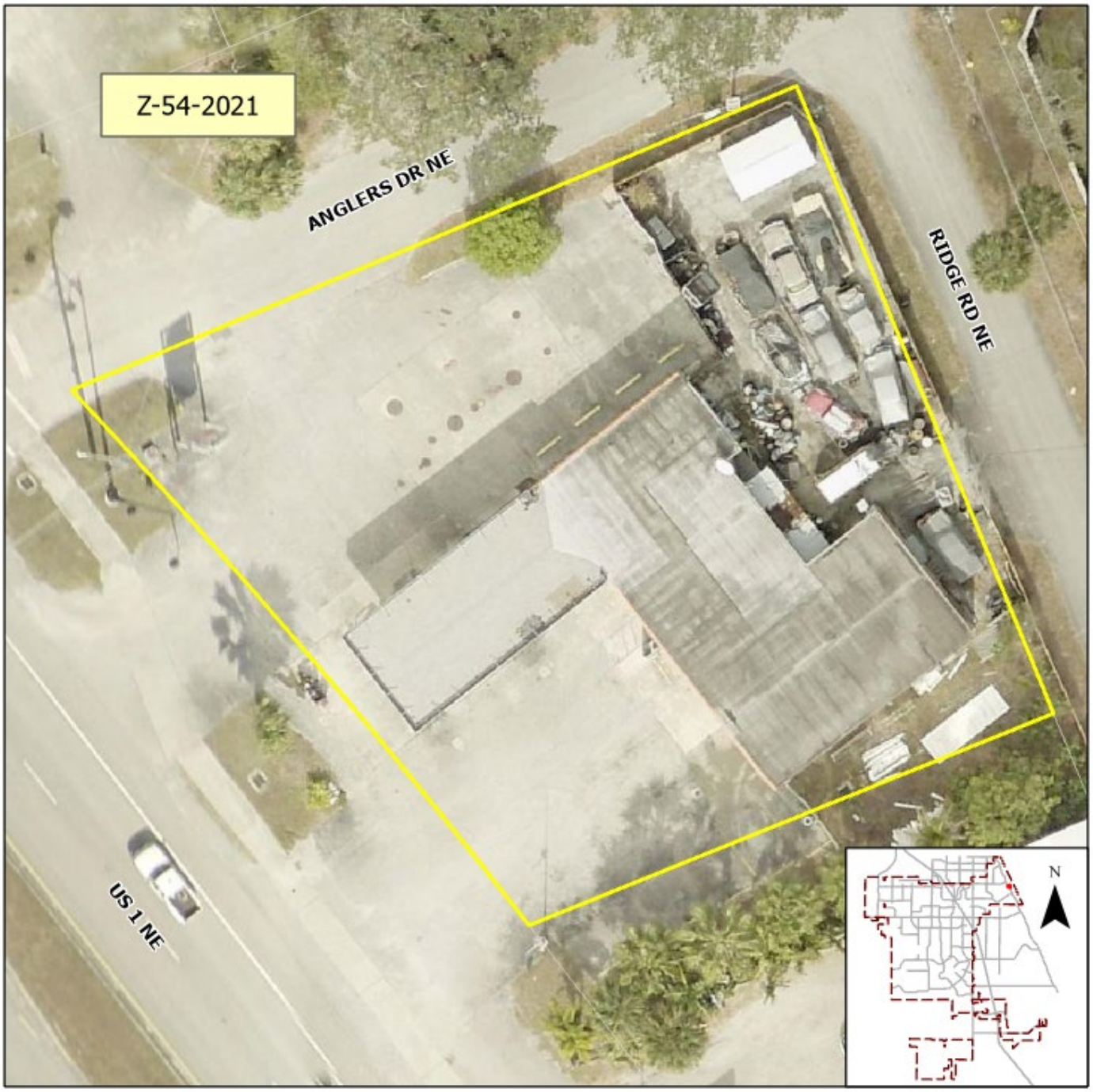
The property already has a future land use designation of Bayfront Mixed Use Village. Thus, the rezoning of this parcel is not only consistent with the existing land use but furthers the compatibility goals the Comprehensive Plan.

STAFF RECOMMENDATION:

Case Z-54-2021 is recommended for approval.

The City of Palm Bay Florida

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



SITE LOCATION MAP CASE: Z-54-2021

Subject Property

East of and adjacent to Dixie Highway NE, and west of and adjacent to Ridge Road NE, specifically at 4371 Dixie Highway NE

The City of Palm Bay Florida

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

AERIAL LOCATION MAP CASE: Z-54-2021

Subject Property

East of and adjacent to Dixie Highway NE, and west of and adjacent to Ridge Road NE, specifically at 4371 Dixie Highway NE

The City of Palm Bay Florida

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

FUTURE LAND USE MAP CASE: Z-54-2021

Subject Property

East of and adjacent to Dixie Highway NE, and west of and adjacent to Ridge Road NE, specifically at 4371 Dixie Highway NE

Future Land Use Classification

BMUV – Bayfront Mixed Use Village Use

The City of Palm Bay Florida

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

ZONING MAP CASE: Z-54-2021

Subject Property

East of and adjacent to Dixie Highway NE, and west of and adjacent to Ridge Road NE, specifically at 4371 Dixie Highway NE

Current Zoning Classification

HC – Highway Commercial District

SURVEY NOTES:

1. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THE SURVEYOR FOR RIGHTS-OF-WAY AND/OR EASEMENTS OF RECORD OR OWNERSHIP.
2. THE LAND DESCRIPTION AND EASEMENTS SHOWN HEREON ARE IN ACCORD WITH THE DESCRIPTION PROVIDED BY THE CLIENT.
3. BEARINGS REFER TO THE PLAT UNLESS OTHERWISE NOTED.
4. ALL DISTANCES/ANGLES ARE PER PLAT UNLESS OTHERWISE SHOWN.
5. FLOOD ZONE:

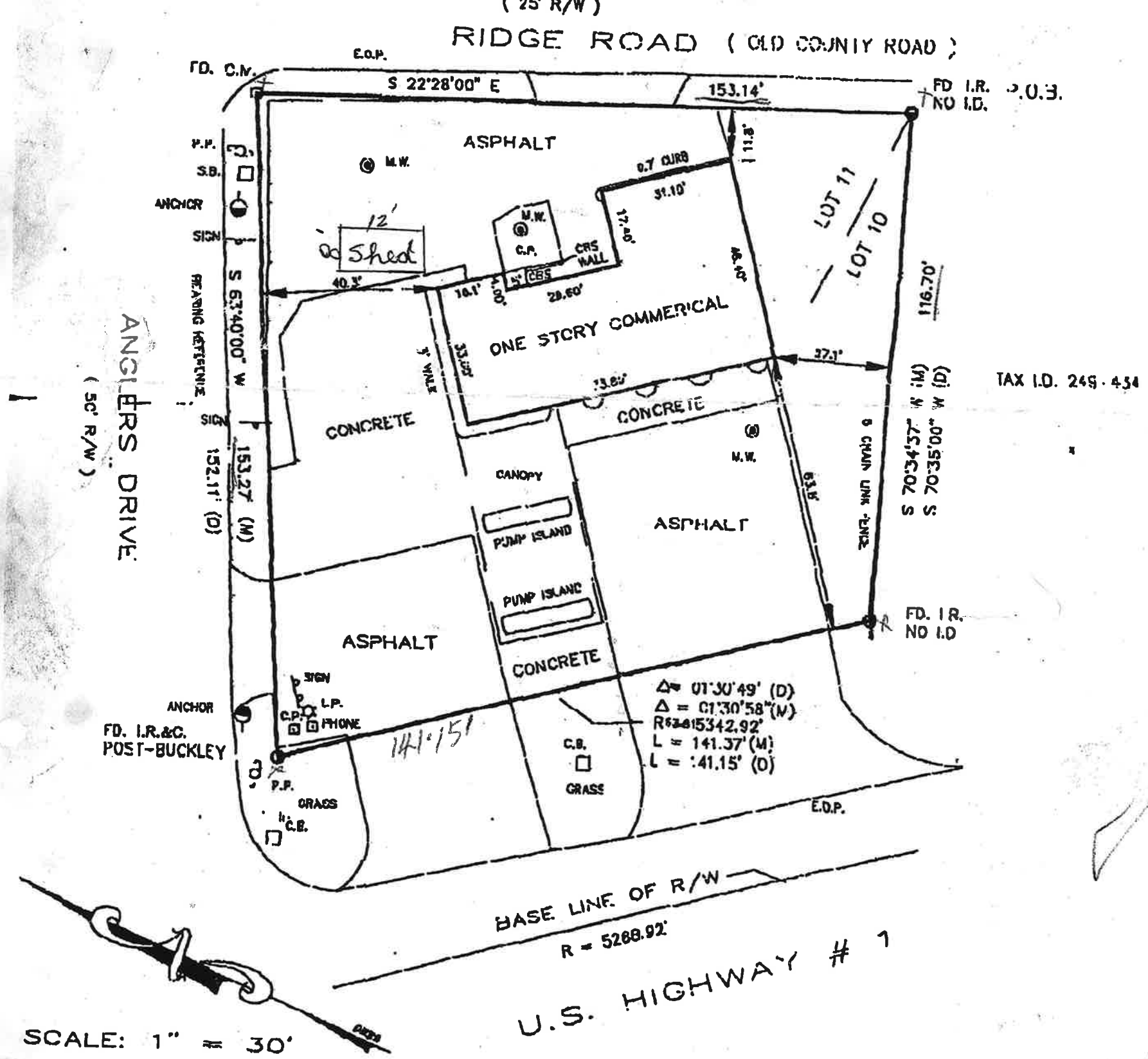
CERTIFIED TO: RELIANCE PETROLEUM

LEGAL DESCRIPTION:

BEGIN AT A POINT WHERE THE LINE DIVIDING LOTS 10 AND 11, THOMPSON'S SUBDIVISION, IN SECTION 24, TOWNSHIP 28 SOUTH, RANGE 37 EAST, INTERSECTS THE WEST LINE OF OLD COUNTY ROAD (OR MONTREAL TO MIAMI HIGHWAY) RUN NORTH 22°28' WEST, ALONG THE WEST LINE OF OLD COUNTY ROAD, A DISTANCE OF 153.14' TO THE NORTH LINE OF PROPERTY DESCRIBED IN DEED BOOK 296, PAGE 472; THENCE SOUTH 63°40' WEST, ALONG SAID NORTH LINE, A DISTANCE OF 152.11', TO THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1, BEING A POINT ON A CURVE CONCAVE TO THE RIGHT AND HAVING A RADIUS OF 5342.92'; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, AN ARC DISTANCE OF 141.15' TO THE SOUTH LINE OF PROPERTY DESCRIBED IN DEED BOOK 250' PAGE 101; THENCE NORTH 70°35' EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 116.70' TO THE POINT OF BEGINNING.

BREVARD COUNTY, FLORIDA.

LEGEND:
FD-FOUND
IR-IRON ROD
IP-IRON PIPE
R&C-ROD & CAP
P&C-PIPE & CAP
N&D-NAIL AND DISC
Δ-DELTA
R-RADIUS
L-ARC LENGTH
B.R.-BEARING REFERENCE
U.E.-UTILITY EASEMENT
D.E.-DRAINAGE EASEMENT
PB-PLAT BOOK
CP-CONCRETE PAD
CM-CONCRETE MONUMENT
PCP-PERMANENT CONTROL POINT
PC-POINT OF CURVATURE
R/W-RIGHT OF WAY
PG-PAGE
(P)-FOR PLAT
(M)-AS MEASURED
(C)-AS CALCULATED
(D)-PER DEED
PP-POWER POLE
ORB-OFFICIAL RECORDS BOOK
PRC-POINT OF REVERSE CURVATURE
PCC-POINT OF COMPOUND CURVATURE
RP-RADIUS POINT
OHW-OVER HEAD WIRES
F/P-EDGE OF PAVEMENT
F.F.-FINISH FLOOR ELEVATION
PRM-PERMANENT REFERENCE MONUMENT
P.O.B.-POINT OF BEGINNING
℄-CENTER LINE OF ROAD
#-NUMBER
M.W. = MONITORING WELL



CERTIFICATE:

I HEREBY CERTIFY THAT THE SKETCH OF SURVEY HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER MY DIRECTION. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN RULE 61G17-6 ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO FLORIDA STATUTE 472.027. THERE ARE NO ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON. SUBJECT TO THE QUALIFICATIONS HEREON. NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL.

BY: _____ DATE: 5-24-95

RICHARD D. ADAMS JR.
FLORIDA REGISTRATION NO. 3366

ATLANTIC LAND DESIGN, INC.
PROFESSIONAL LAND SURVEYING
Lucien Way, Suite 402
Orlando, FL 32751
(407) 898-7788
201 S.W. Port St. Lucie Blvd., Suite 104
Port St. Lucie, FL 34984
Tel. (407) 871-1163

BOUNDARY SURVEY 5-24-95
TIE-IN SURVEY
AS-BUILT SURVEY

JOB NUMBER
95-86

Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopmentweb@palmbayflorida.org

REZONING APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, Monday through Friday, during division office hours, to be processed for consideration by the Planning and Zoning Board. The application will then be referred by 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 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.

PARCEL ID

TAX ACCOUNT NO. 2832843

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

PROPERTY ADDRESS (If assigned): 4371 Dixie Hwy NE Palm Bay FL 32905

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):

ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.): H.W.C.

ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): Mix use

STRUCTURES NOW LOCATED ON THE PROPERTY: yes

PRESENT USE OF THE PROPERTY:

Service Station and gas Sale. C-Store

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

Same with office spaces.

THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:

_____*$650.00 Application Fee. Make check payable to "City of Palm Bay."

_____List of legal descriptions 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 should be obtained for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)

_____School Board of Brevard County School Impact Analysis Application (if applicable).

_____Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.

_____**Where property is not owned by the applicant**, a letter must be attached giving the notarized consent of the owner to the applicant to request the rezoning.

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 REZONING APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant A. Agorie M. Agorie **Date** 10-4-2021

Printed Name of Applicant ALFRED R. AGARIE. Murine N Agorie

Full Address 4371 Dixie Hwy NE Palm Bay FL 32905

Telephone 321-508-9624 **Email** ALFYAGARIE@gmail.com

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

CITY OF PALM BAY
RECEIVED
OCT 23 2021
PLANNING & DEVELOPMENT

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-01

Held on Wednesday, January 5, 2022, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Ms. Leeta Jordan led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present	
VICE CHAIRPERSON:	Leeta Jordan	Present	
MEMBER:	Donald Boerema	Present	
MEMBER:	James Boothroyd	Present	
MEMBER:	Richard Hill	Present	
MEMBER:	Khalilah Maragh	Absent	(Excused)
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa (School Board Appointee)	Absent	(Excused)

Ms. Maragh's absence was excused.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ADOPTION OF MINUTES:

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-14 December 1, 2021.**

   Motion to approve the minutes as presented.

Motion by Mr. Boerema, seconded by Mr. Hill. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

ANNOUNCEMENTS:

1. Mr. Weinberg addressed the audience on the meeting procedures and explained that the Planning and Zoning Board/Local Planning Agency consists of volunteers who act as an advisory board to City Council.

2. Mr. Weinberg announced that Case FD-4-2022, Item 8 under New Business, would be heard by City Council on February 17, 2022. All other cases on the agenda would be heard by City Council on February 3, 2022.

3. Ms. Alexandra Bernard, new Growth Management Director, introduced herself to the board.

OLD/UNFINISHED BUSINESS:

1. ****Z-54-2021 - Alfred and M. Agarie - A Zoning change from an HC, Highway Commercial District to a BMUV, Bayfront Mixed Use Village District. Tract 11, Hopsons Subdivision, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately .34 acres. Located east of and adjacent to Dixie Highway NE, and west of and adjacent to Ridge Road NE, specifically at 4371 Dixie Highway NE**

   Mr. Murphy presented the staff report for Case Z-54-2021. Staff recommended Case Z-54-2021 for approval.

   Mr. Alfred Agarie (applicant) stated how most of the commercial properties within proximity of his site was already zoned BMUV, and the proposed change to his property would contribute to the Bayfront area.

   The floor was opened for public comments.

   Mr. Steve Dowell (resident at Main Street NE) spoke against the request.

The floor was closed for public comments, and there was no correspondence in the file.

Mr. Murphy noted that Mr. Dowell's comments were for a different case on the agenda.

Motion to submit Case Z-54-2021 to City Council for approval.

Motion by Mr. Boothroyd, seconded by Mr. Hill. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

NEW BUSINESS:

1. ****CU-1-2022 - Caliber Carwash - Summit Shah, President, M & R United, Inc. (Kristhian Morales, Bowman Consulting, Rep.) - A Conditional Use to allow a proposed carwash in a CC, Community Commercial District. Lots 23 and 24, Block 2471, Port Malabar Unit 48, Section 24, Township 28, Range 36, Brevard County, Florida, containing approximately 1.04 acres. Located west of and adjacent to Minton Road NW, in the vicinity south of Palm Bay Road NE**

Mr. Murphy presented the staff report for Case CU-1-2022. Staff recommended Case CU-1-2022 for approval, subject to the staff comments contained in the staff report.

Mr. Boerema wanted a guarantee that vehicles at the proposed carwash would not back up onto Minton Road NW. Mr. Murphy stated that a traffic access management plan would be required during the administrative site plan review process to show how the site would accommodate vehicle stacking and if other access improvements were needed.

Mr. Kristhian Morales with Bowman Consulting (civil engineer and representative for the applicant) stated that the existing eight-foot-high wall on the property would remain in place to buffer the west residential lots. He assured the board that a stacking analysis plan would be provided during the site plan review process. The proposed carwash was a less intensive use than the former gas station on the

ORDINANCE 2022-17

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM HC (HIGHWAY COMMERCIAL DISTRICT) TO BMUV (BAYFRONT MIXED USE VILLAGE DISTRICT); WHICH PROPERTY IS LOCATED EAST OF AND ADJACENT TO DIXIE HIGHWAY, AND WEST OF AND ADJACENT TO RIDGE ROAD, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of property from HC (Highway Commercial District) to BMUV (Bayfront Mixed Use Village District), being legally described as follows:

> Tract “11”, Hopsons Subdivision, according to the plat thereof as recorded in Plat Book 1, Page 62, of the Public Records of Brevard County, Florida; Section 24, Township 28S, Range 37E; containing 0.34 acres, more or less.

SECTION 2. The Zoning Map of the City of Palm Bay is hereby revised to reflect this amendment.

SECTION 3. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2022- , held on , 2022; and read in title only and duly enacted at Meeting 2022- , held on , 2022.

_____

Rob Medina, MAYOR

ATTEST:

_____

Terese M. Jones, CITY CLERK

City of Palm Bay, Florida
Ordinance 2022-17

Reviewed by CAO: _____

Applicant: Alfred and Murine Agarie
Case: Z-54-2021

cc: (date) Applicant
Case File

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Alexandra Bernard, Growth Management Director**

DATE: **2/3/2022**

RE: **Ordinance 2022-18, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by including Contractors' Offices as a permitted use in HC (Highway Commercial District) zoning (Case T-2-2022, Cody Lafferty), first reading.**

Mr. Cody Lafferty, Lafferty Aluminum & Screening (Tony Masone, Rep.), has submitted for a textual to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to allow Contractors' Offices as a Permitted Use in the HC, Highway Commercial zoning district.

The proposed amendment will allow the applicant to move their existing business to an HC location at the east end of Palm Bay Road NE. Staff has drafted the amendment to best suit the applicant with consideration for other similar businesses for the HC district. The amendment creates the ability to locate contractors' offices on property with HC zoning, subject to all work being conducted within an enclosed structure, and any outside storage of vehicles and/or materials used or needed for the business to be stored on an improved surface and screened on all sides with a minimum 6-foot-tall opaque material approved by the Land Development Division.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:
Motion to approve Case T-2-2022.

Planning and Zoning Board Recommendation:
Unanimous approval of the request.

ATTACHMENTS:

Description

Case T-2-2022 - Staff Report
Case T-2-2022 - Application
Case T-2-2022 - Board Minutes
Ordinance 2022-18

STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER	**PLANNING & ZONING BOARD HEARING DATE**
T-2-2022	January 5, 2022

APPLICANT	**PROPERTY LOCATION/ADDRESS**
Cody Lafferty	Not Applicable

SUMMARY OF REQUEST A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to allow Contactor's Offices, as a Permitted Use in the HC – Highway Commercial Zoning District.

Existing Zoning	Not Applicable
Existing Land Use	Not Applicable
Site Improvements	Not Applicable
Site Acreage	Not Applicable

SURROUNDING ZONING & USE OF LAND

North	Not Applicable
East	Not Applicable
South	Not Applicable
West	Not Applicable

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044 HC – Highway Commercial zoning district, creating 185.044(B)(23).

The applicant for this amendment is Cody Lafferty of Lafferty Aluminum & Screening. The applicant is looking to move their existing business to a location at the east end of Palm Bay Road NE, which is zoned HC. This zoning district does not currently allow the proposed use.

Proposed language for this amendment is attached in legislative style with additions between **>>**arrow**<<** symbols and deletions in ~~strikethrough~~ format.

ANALYSIS:

The zoning code is based on and has been adopted to effectuate and implement the policies of the city's comprehensive plan to protect, preserve and improve the public health, safety, and welfare of the inhabitants of the city.

The provisions of the Highway Commercial district are intended to apply to an area which are deemed to be uniquely suited for the development and maintenance of highway-oriented businesses and regional scale facilities. The areas are to be primarily located along or near the intersection of major arterials and major transportation nodes.

While the applicant has proposed the text amendment to allow for an Aluminum Screening company, as a Permitted Use in the HC District, staff has drafted this amendment to be best suited for this proposed use, with consideration for other similar businesses.

The amendment would create the ability to locate a Contractor's Office on a property with HC zoning, subject to the following: (1) All work shall be conducted within an enclosed structure; and (2) Any outside storage of vehicles and/or materials used or needed in conjunction with the business shall be stored upon an improved surface, and shall be screened on all sides with a minimum 6-foot tall opaque material, as approved by the Land Development Division.

These provisions are included for the health, safety, and welfare of adjacent properties. It should be noted that any permitted use on a property zoned HC that includes ten (10) or more acres, would require conditional use approval.

STAFF RECOMMENDATION:

Case T-2-2022 is recommended for approval.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

§ 185.044 HC — HIGHWAY COMMERCIAL DISTRICT.

(A) *Intent.* The purpose of the highway commercial district shall be to provide areas within Palm Bay which are deemed to be uniquely suited for the development and maintenance of highway oriented businesses and regional scale facilities, the areas to be primarily located along or near the intersection of major arterials and major transportation nodes; to designate those uses and services deemed appropriate and proper for location and development within the subject district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district.

(B) *Principal uses and structures.* The following uses and structures are permitted:

(1) Retail stores, sales and display rooms, including places in which goods are produced and sold at retail on premises.

(2) Personal services establishments such as barber and beauty shops, fitness salons, laundry and dry cleaning establishments using noninflammable solvents as determined by the Fire Chief, tailor shops and similar uses.

(3) Professional offices, studios, clinics, general offices, business schools and similar uses, including veterinarian clinics provided all activities are within the principal structure and there is no boarding of animals.

(4) Hotels, motels, tourist courts.

(a) The minimum living area per hotel/motel efficiency unit shall be two hundred and eighty (280) square feet.

(b) There shall be no more than fifty (50) rental units per acre.

(5) Eating and drinking establishments including drive-through facilities.

(6) Indoor commercial recreation such as theaters, driving ranges, bowling alleys and similar uses, excluding dance clubs.

(7) Banks and financial institutions with drive-through facilities.

(8) Retail stores using outside display areas including plant nurseries, and building supplies providing the following provisions are met:

(a) The outside display area may be open along the front of the lot but shall be effectively screened with a six (6) foot opaque wall or fence rendering the sides and rear opaque in order to avoid any deleterious effect on adjacent properties.

(b) The outside display area shall be considered the same as the floor area for the purpose of calculating off-street parking requirements, yard and lot coverage regulations.

(c) All outside display items with the exception of new and/or used vehicles for sale shall meet a twenty (20) foot front and side setback and a thirty (30) foot rear setback. New and used vehicles for sale or rent shall meet the parking setback requirements established in division (E)(7) below.

(d) The sale of sheds or other accessory buildings is prohibited within the Bayfront Community Redevelopment District east of the Florida East Coast Railroad.

(9) Public and private clubs and lodges including golf courses and similar activities.

(10) New and used motor vehicles, major recreational equipment and mobile home sales and rentals with accessory uses; subject to the following restrictions:

(a) All outside areas where merchandise is displayed shall be paved.

(b) All servicing and repair facilities, except for gasoline pumps, shall be located in an enclosed structure.

(c) There shall be no storage of junked or wrecked automobiles other than temporary storage for those awaiting repair. Such temporary storage shall be in an enclosed area and the vehicles shall not be visible from outside the property. All vehicles shall have attached at all times a current vehicle registration license plate.

(d) Used motor vehicles may only be sold on the same site as a new motor vehicle dealership within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad.

(e) Major recreational equipment and mobile home sales and rentals with accessory uses are not permitted within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad.

(11) Auto repair, paint, upholstering and body shops subject to provisions (10)(a) through (c) above except within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad.

(12) Public utility equipment and facilities not located within a public utility easement.

(13) Hospitals and nursing homes.

(14) Schools, churches, and libraries.

(15) Day care centers.

(16) Business service establishments.

(17) Dry cleaning.

(18) Funeral homes.

(19) Xerographic and off-set printing.

(20) Public and private parking lots and garages.

(21) Public uses.

(22) Arcade amusements centers; subject to the following regulations:

(a) The facility shall be located no less than one hundred (100) feet, measured from the outer wall of the facility to the closest property line, of any residentially zoned land, as well as any land designated as recreation and open space use by the Palm Bay Comprehensive Plan Future Land Use Map.

(b) The facility shall be located no less than one thousand (1,000) feet, measured from the outer wall of the facility to the closest property line, of any school.

(c) No two facilities, operating pursuant to this subdivision, shall be located closer than five hundred (500) feet from one another, measured from the closest outer wall of each facility.

(d) The number of devices within the facility shall be governed by the Land Development Code of the City of Palm Bay, as well as applicable Florida Statutes and laws.

>>(23) Contractors' offices (plumbers, electricians, carpenters, masons, roofers, builders, cabinet makers, fence installers, gutter and siding installers, flooring and tile installers, drywall installers, painters, heating and air conditioning installers, glass repair and replacement and similar uses).

(a) All work shall be conducted within an enclosed structure.

(b) Any outside storage of vehicles and/or materials used or needed in conjunction with the business shall be stored upon an improved surface and shall be screened on all sides with a minimum 6-foot-tall opaque material, as approved by the Land Development Division.**<<**

(C) Accessory uses and structures. Customary accessory uses of one (1) or more of the principal uses clearly subordinate to the principal use, in keeping with the intense commercial character of the district.

The City of Palm Bay Florida

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopment@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by 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 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.

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Highway commercial zoning

PROPOSED LANGUAGE (attach addendum if necessary):

See attached addendum

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

To allow for aluminum and screening company use in HC zoning that includes sales of Pavers Fencesupplies, trash containers as neede for the day to day opertaion of Lafferty screening in aluminum

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

☑ ***$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."**

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 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 code textual amendment application and that the facts stated in it are true.

Signature of Applicant Cody Lafferty **Date** 11/18/21

Printed Name of Applicant Cody Lafferty

Full Address 2510 Kirby Cir NE Unit 105, Palm Bay, FL 32905

Telephone (321) 652-1078 **Email** Lafferty493@gmail.com

PERSON TO BE NOTIFIED (If different from above):

Printed Name Tony Masone

Full Address 4275 Alyssa Lane W Melbourne Fl 32904

Telephone 321-693-8669 **Email** tmasone@gmail.com

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

RECEIVED
NOV 0 2 2021
City of Palm Bay
LAND DEVELOPMENT

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-01

Held on Wednesday, January 5, 2022, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Ms. Leeta Jordan led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present	
VICE CHAIRPERSON:	Leeta Jordan	Present	
MEMBER:	Donald Boerema	Present	
MEMBER:	James Boothroyd	Present	
MEMBER:	Richard Hill	Present	
MEMBER:	Khalilah Maragh	Absent	(Excused)
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa (School Board Appointee)	Absent	(Excused)

Ms. Maragh's absence was excused.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ADOPTION OF MINUTES:

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-14 December 1, 2021.**

   Motion to approve the minutes as presented.

property and would generate less traffic. One of the existing access points would also be eliminated; no more than eight vehicles would be stacked during operations; and the site had the capacity to accommodate 15 vehicles.

Mr. Boerema was concerned about the possibility of there being more than eight vehicles stacked at a given time. Mr. Morales reiterated how vehicle queuing would be addressed during site plan review.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Motion to submit Case CU-1-2022 to City Council for approval, subject to the staff comments contained in the staff report.

Motion by Mr. Hill, seconded by Ms. Jordan. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

2. **T-2-2022 - Contractor's Offices in HC - Cody Lafferty (Tony Masone, Rep.) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044(B), to allow Contractor's Offices as a permitted use within the HC, Highway Commercial District**

Mr. Murphy presented the staff report for Case T-2-2022. Staff recommended Case T-2-2022 for approval.

Mr. Tony Masone (representative for the applicant) was present to answer questions.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Motion to submit Case T-2-2022 to City Council for approval.

Motion by Mr. Boerema, seconded by Mr. Hill. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

3. **T-3-2022 - Dog Training and Similar Uses in NC - Kimberly Mayes, Rockin' Dawgs - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.042(B), to create provisions within the NC, Neighborhood Commercial District to allow for dog training and similar uses**

Mr. Murphy presented the staff report for Case T-3-2022. Staff recommended Case T-3-2022 for approval.

Ms. Kimberly Mayes with Rockin' Dawgs (applicant) stated that she trained dog owners to train their own pets in obedience and basic behavioral manners. She also worked with veterinarians.

Mr. Warner wanted to know how long the applicant had been in business. Ms. Mayes stated that she had provided training services in Brevard County for over 25 years. She established Rockin' Dawgs in Rockledge seven years ago and had recently moved the business to Palm Bay.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Motion to submit Case T-3-2022 to City Council for approval.

Motion by Ms. Jordan, seconded by Mr. Warner. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

4. **CP-2-2022 - Stellar Casitas-Malabar - William F. and Dolores J. Slentz / Bart F. and Amy S. Ferguson (Hassan Kamal, P.E., BSE Consultant, Inc., Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from RES-1, Residential 1 Unit Per Acre (Brevard County) to Multiple-Family Residential Use. Lots 9 through 14, Cisna Park, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 27.91 acres. Located south of and**

ORDINANCE 2022-18

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTER 'DISTRICT REGULATIONS', BY INCLUDING CONTRACTORS' OFFICES AS A PERMITTED USE IN HC (HIGHWAY COMMERCIAL DISTRICT) ZONING; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'District Regulations', Section 185.044, HC – Highway Commercial District, is hereby amended and shall henceforth read as follows:

"**Section 185.044 HC – HIGHWAY COMMERCIAL DISTRICT.**

* * *

(B) Principal uses and structures. The following uses and structures are permitted:

* * *

>>(23) Contractors' offices (plumbers, electricians, carpenters, masons, roofers, builders, cabinet makers, fence installers, gutter and siding installers, flooring and tile installers, drywall installers, painters, heating and air conditioning installers, glass repair and replacement and similar uses).

(a) All work shall be conducted within an enclosed structure.

(b) Any outside storage of vehicles and/or materials used or needed in conjunction with the business shall be stored upon an improved surface and shall be screened on all sides with a minimum 6-foot-tall opaque material, as approved by the Land Development Division.**<<**

* * *"

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2022-XX, held on , 2022; and read in title only and duly enacted at Meeting 2022-XX, held on , 2022.

_____
Rob Medina, MAYOR

ATTEST:

_____
Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Cody Lafferty
Case: T-2-2022

~~Strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Alexandra Bernard, Growth Management Director**

DATE: **2/3/2022**

RE: **Ordinance 2022-19, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by including canine training and similar uses as a permitted use in NC (Neighborhood Commercial District) zoning (Case T-3-2022, Kimberly Mayes), first reading.**

Ms. Kimberly Mayes, Rockin' Dawgs, has submitted for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to allow dog training and similar uses as a permitted use in the NC, Neighborhood Commercial zoning district.

The proposed amendment will allow the applicant to open a business that provides dog training and pet photography at 3490 Jupiter Boulevard SE, an NC zoned location. The applicant's dog training classes will include virtual, private, group options, and consults with pet parents on a wide variety of dog skills. There will be no boarding of dogs. The applicant's business will also include a studio for digital photography with all lab work (photo printing) completed off-site. Staff has drafted the proposed amendment to allow for the applicant's business, and other similar uses, to operate as a permitted use within the NC District.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:
Motion to approve Case T-3-2022.

Planning and Zoning Board Recommendation:
Unanimous approval of the request.

ATTACHMENTS:

Description

Case T-3-2022 - Staff Report - Revised
Case T-3-2022 - Application
Case T-3-2022 - Board Minutes
Ordinance 2022-19

REVISED

STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
landdevelopmentweb@palmbayflorida.org

Prepared by
Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER	**PLANNING & ZONING BOARD HEARING DATE**
T-3-2022	January 5, 2022

APPLICANT	**PROPERTY LOCATION/ADDRESS**
Kimberley Mayes	Not Applicable

SUMMARY OF REQUEST A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to allow Dog Training and Similar Uses, as a Permitted Use in the NC – Neighborhood Commercial Zoning District.

Existing Zoning	Not Applicable
Existing Land Use	Not Applicable
Site Improvements	Not Applicable
Site Acreage	Not Applicable

SURROUNDING ZONING & USE OF LAND

North	Not Applicable
East	Not Applicable
South	Not Applicable
West	Not Applicable

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.042 ~~HC~~ **>>**NC**<<** – Neighborhood Commercial zoning district, creating 185.042(B)(11).

The applicant for this amendment is Kimberley Mayes. The applicant is looking to open a business that provides dog training and pet photography at 3490 Jupiter Boulevard SE, which is zoned NC. This zoning district does not currently allow the proposed use.

Proposed language for this amendment is attached in legislative style with additions between **>>**arrow**<<** symbols and deletions in ~~strikethrough~~ format.

ANALYSIS:

The zoning code is based on and has been adopted to effectuate and implement the policies of the city's comprehensive plan to protect, preserve and improve the public health, safety, and welfare of the inhabitants of the city.

The provisions of the Neighborhood Commercial district are intended to apply to areas which are deemed to be uniquely suited for the development and maintenance of limited commercial activities offering convenience goods and personal services to residents of the surrounding neighborhood area. NC districts are to be primarily located along or near the intersection of major and minor collector roadways and are typically located within residential areas.

The applicant has stated that they teach dog training classes including virtual, private, and group options and consult with pet parents on a wide variety of dog skills. They do not board dogs. The business will also contain a studio for digital photography with all lab work (photo printing) completed off-site. Staff has drafted this amendment to allow for this business, and other similar uses, to operate as a permitted use in the NC District.

STAFF RECOMMENDATION:

Case T-3-2022 is recommended for approval.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

§ 185.042 NC — NEIGHBORHOOD COMMERCIAL DISTRICT.

(A) Intent. The purpose of the neighborhood commercial district shall be to provide areas within Palm Bay which are deemed to be uniquely suited for the development and maintenance of limited commercial activities offering convenience goods and personal services to residents of the surrounding neighborhood area. Development standards and provisions are established to ensure the proper development and location of uses and services deemed appropriate within the district; to reduce conflicts with adjacent residential uses, and to minimize the interruption of traffic along adjacent thoroughfares.

(B) Principal uses and structures. The following uses and structures are permitted.

(1) Retail stores, sales, and display rooms (not including automotive, lumber and building supply, and similar uses) containing less than five thousand (5,000) square feet of floor area.

(2) Personal service establishments such as beauty and barber, laundry and dry-cleaning pick-up stations, and the like.

(3) Professional offices, studios, clinics, general offices, government office, business schools and similar uses containing less than five thousand (5,000) square feet of floor area.

(4) Schools, libraries, and churches.

(5) Day care centers containing less than five thousand (5,000) square feet of floor area.

(6) Restaurant, not including drive-through facilities and containing less than five thousand (5,000) square feet of floor area.

(7) Public utility equipment, facilities and uses located on one-half (½) acre or less of contiguous land.

(8) Banks and financial institutions without drive-through facilities.

(9) Public uses.

(10) Veterinarian clinics provided all activities are within the principal structure and there is no boarding of animals.

>>(11) Dog training, and similar uses, provided all activities are within the principal structure and there is no boarding of animals.**<<**

LAND DEVELOPMENT DIVISION
120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopment@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by 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 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.

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

185.042(B)(11)

PROPOSED LANGUAGE (attach addendum if necessary):

Dog Training and similar uses, no boarding on premises

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

Currently this zone allows grooming and veterinary services. The dog training option allows us to help the needs of our neighborhood pets through behavioral consultations, which is considered an extension of veterinary help, as well as offer a variety of canine enrichment and obedience opportunities. Owners bring their pets in, we provide our training and/or consultation services to them and they leave. We do not provide any boarding services, pet sitting services or anything where animals are left at the premises.

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

☒ ***$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."**

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 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 code textual amendment application and that the facts stated in it are true.

Signature of Applicant _____ **Date** 11-4-2021

Printed Name of Applicant Kimberley Mayes

Full Address 3540 Jupiter Blvd SE, Suite 4, Palm Bay, FL 32909

Telephone 321-848-7886 **Email** TrickDogTrainer@gmail.com

PERSON TO BE NOTIFIED (If different from above):

Printed Name same as above

Full Address _____

Telephone _____ **Email** _____

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

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-01

Held on Wednesday, January 5, 2022, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Ms. Leeta Jordan led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present	
VICE CHAIRPERSON:	Leeta Jordan	Present	
MEMBER:	Donald Boerema	Present	
MEMBER:	James Boothroyd	Present	
MEMBER:	Richard Hill	Present	
MEMBER:	Khalilah Maragh	Absent	(Excused)
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa (School Board Appointee)	Absent	(Excused)

Ms. Maragh's absence was excused.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ADOPTION OF MINUTES:

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-14 December 1, 2021.**

   Motion to approve the minutes as presented.

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

3. **T-3-2022 - Dog Training and Similar Uses in NC - Kimberly Mayes, Rockin' Dawgs - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.042(B), to create provisions within the NC, Neighborhood Commercial District to allow for dog training and similar uses**

Mr. Murphy presented the staff report for Case T-3-2022. Staff recommended Case T-3-2022 for approval.

Ms. Kimberly Mayes with Rockin' Dawgs (applicant) stated that she trained dog owners to train their own pets in obedience and basic behavioral manners. She also worked with veterinarians.

Mr. Warner wanted to know how long the applicant had been in business. Ms. Mayes stated that she had provided training services in Brevard County for over 25 years. She established Rockin' Dawgs in Rockledge seven years ago and had recently moved the business to Palm Bay.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Motion to submit Case T-3-2022 to City Council for approval.

Motion by Ms. Jordan, seconded by Mr. Warner. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

4. **CP-2-2022 - Stellar Casitas-Malabar - William F. and Dolores J. Slentz / Bart F. and Amy S. Ferguson (Hassan Kamal, P.E., BSE Consultant, Inc., Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from RES-1, Residential 1 Unit Per Acre (Brevard County) to Multiple-Family Residential Use. Lots 9 through 14, Cisna Park, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 27.91 acres. Located south of and**

ORDINANCE 2022-19

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTER 'DISTRICT REGULATIONS', BY INCLUDING CANINE TRAINING AND SIMILAR USES AS A PERMITTED USE IN NC (NEIGHBORHOOD COMMERCIAL DISTRICT) ZONING; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'District Regulations', Section 185.042, Neighborhood Commercial District, is hereby amended and shall henceforth read as follows:

"**Section 185.045 NC – NEIGHBORHOOD COMMERCIAL DISTRICT.**

* * *

(B) *Principal uses and structures:*

* * *

>>(11) Canine training and similar uses, provided all activities are within the principal structure and there is no boarding of animals.**<<**

* * *"

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2022-XX, held on , 2022; and read in title only and duly enacted at Meeting 2022-XX, held on , 2022.

_____
Rob Medina, MAYOR

ATTEST:

_____
Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Kimberley Mayes
Case: T-3-2022

~~Strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Alexandra Bernard, Growth Management Director**

DATE: **2/3/2022**

RE: **Ordinance 2022-01, providing for the annexation of certain real property located south of and adjacent to Malabar Road, and east of and adjacent to Melbourne-Tillman Water Control District Canal 7, into the City (27.91 acres) (Case A-2-2022, The William F Slentz Trust / Bart and Amy Ferguson), first reading.**

The applicant is requesting City Council's acceptance of a Petition for Voluntary Annexation, to be followed separately by public hearings for Future Land Use and Zoning as previously heard by the Planning & Zoning Board at the regular meeting held on January 5, 2022. The applicant is request to annex parcel ID 29-36-04-25-*-9 / tax account 2903874, totaling approximately 27.91 acres of vacant unimproved 'AU-Agricultural Residential' zoned property currently in unincorporated Brevard County.

The subject properties are located south of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7. There is one parcel included in this request.

The Petition for annexation was filed by William F. and Dolores J. Slentz / Bart F. and Amy S. Ferguson (Represented by Hassan Kamal, BSE Consultant Inc.; Alexandre de Chabert, Stellar Communities; and Jack Kirshenbaum, Gray Robinson PA)

Section 171.044, Florida Statutes, permits the owners of property to petition the City for annexation provided the property is contiguous to the City, is reasonably compact, and no enclaves are created.

Staff research indicates that proper owner authorization has been provided for the annexation.

The proposed annexation parcel is located adjacent to the City and is contiguous to the City limits under the definitions in the Florida Statutes. The subject property abuts the City limits along its north and portions of west boundaries. All property proposed for annexation is in a single area and reasonably compact as required by the Chapter 171, Florida Statutes. The annexation does not create any enclaves as confirmed by the City Attorney's Office. In addition, the annexation does not create finger or serpentine patterns as prohibited by the Florida Statutes. The property to be annexed meets all criteria established by Chapter 171.044, Florida Statutes, for voluntary annexation. Annexation requests are not reviewed by the Planning & Zoning Board.

The Notice of Annexation was published in the Florida Today newspaper on January 20, 2022 and will be

republished in the newspaper on February 3 and 10, 2022. Notice was also provided by Federal Express (returned) and Certified U.S. Mail to the Brevard County Board of County Commissioners prior to publishing. Therefore, all notice requirements of Chapter 171, Florida Statutes have been met.

The attached Ordinance has been prepared for Council consideration.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:
Motion to accept/approve Case A-2-2022, a Petition for Voluntary Annexation from applicants, William F. and Dolores J. Slentz / Bart F. and Amy S. Ferguson.

ATTACHMENTS:

Description

Case A-2-2022 - Staff Report
Case A-2-2022 - Legal-Sketch
Case A-2-2022 - Petition
Case A-2-2022 - Metes and Bounds Description
Case A-2-2022 - Deed - Slentz and Ferguson
Case A-2-2022 - Deed - Slentz
Ordinance 2022-01
Ordinance 2022-01, Exhibit A
Presentation

STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
landdevelopmentweb@palmbayflorida.org

Prepared by
Alexandra Bernard, Growth Management Director

CASE NUMBER
A-2-2022

CITY COUNCIL HEARING DATE
February 3, 2022

PROPERTY OWNER & APPLICANT
William F. and Dolores J. Slentz / Bart F. and Amy S. Ferguson (represented by Hassan Kamal, BSE Consultant Inc.; Alexandre de Chabert, Stellar Communities; and Jack Kirshenbaum, Gray Robinson PA)

PROPERTY LOCATION/ADDRESS
Lots 9 through 14, Cisna Park, Section 4, Township 29, Range 36, Brevard County, Florida. Located south of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7

SUMMARY OF REQUEST	Voluntary Annexation
Existing Zoning	AU, Agricultural Residential (Brevard County)
Existing Land Use	RES-1, Residential 1 Unit Per Acre (Brevard County)
Site Improvements	Undeveloped Land
Site Acreage	27.91 acres

SURROUNDING ZONING & USE OF LAND

North	Malabar Road NW
East	AU, Agricultural Residential; Vacant Land
South	AU, Agricultural Residential; Vacant Land
West	AU, Agricultural Residential; Vacant Land

COMPREHENSIVE PLAN COMPATIBILITY

A Comprehensive Plan Future Land Use Map Amendment, Case CP-2-2022, has been submitted in conjunction with this request.

BACKGROUND:

The subject properties are located south of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7. Specifically, Lots 9 through 14, Cisna Park, Section 4, Township 29, Range 36, Brevard County, Florida. The six lots total approximately 27.91 acres of undeveloped land.

The owners of the property have requested a voluntary annexation into the City of Palm Bay from unincorporated Brevard County. The petition states the purpose of the proposed annexation is for future multi-family development.

ANALYSIS:

A petition for voluntary annexation into the City of Palm Bay must meet all criteria established by Chapter 171.044, Florida Statutes:

1. The Petition for annexation was filed by Mr. William F. Slentz and Ms. Dolores J. Slentz / Mr. Bart F. Ferguson and Ms. Amy S. Ferguson (represented by Hassan Kamal, BSE Consultant Inc.; Alexandre de Chabert, Stellar Communities; and Jack Kirshenbaum, Gray Robinson PA). Staff research indicates that proper owner authorization has been provided for the annexation.

2. Section 171.044, Florida Statutes, permits the owners of property to petition the City for annexation provided the property is contiguous to the City, is reasonably compact, and no enclaves are created. The proposed annexation parcel is located adjacent to the City and is contiguous to the City limits under the definitions in the Florida Statutes. The subject property abuts the City Limits along its north boundary.

3. All properties proposed for annexation is in a single area and reasonably compact as required by the Florida Statutes. The annexation does not create any enclaves. In addition, the annexation does not create finger or serpentine patterns as prohibited by the Florida Statutes.

4. Chapter 171 does not permit an annexation that would result in the creation of an enclave. An enclave is a developed area of unincorporated county property surrounded by the City. The proposed annexation would not create any enclaves.

5. The property to be annexed meets all criteria established by Chapter 171.044, Florida Statutes, for voluntary annexation.

6. The Notice of Annexation was published in the Florida Today newspaper on January 20, 2022, and will be republished in the newspaper on February 3, 2022 and February 10, 2022. Notice was also provided to the Brevard County Board of County Commissioners by Federal

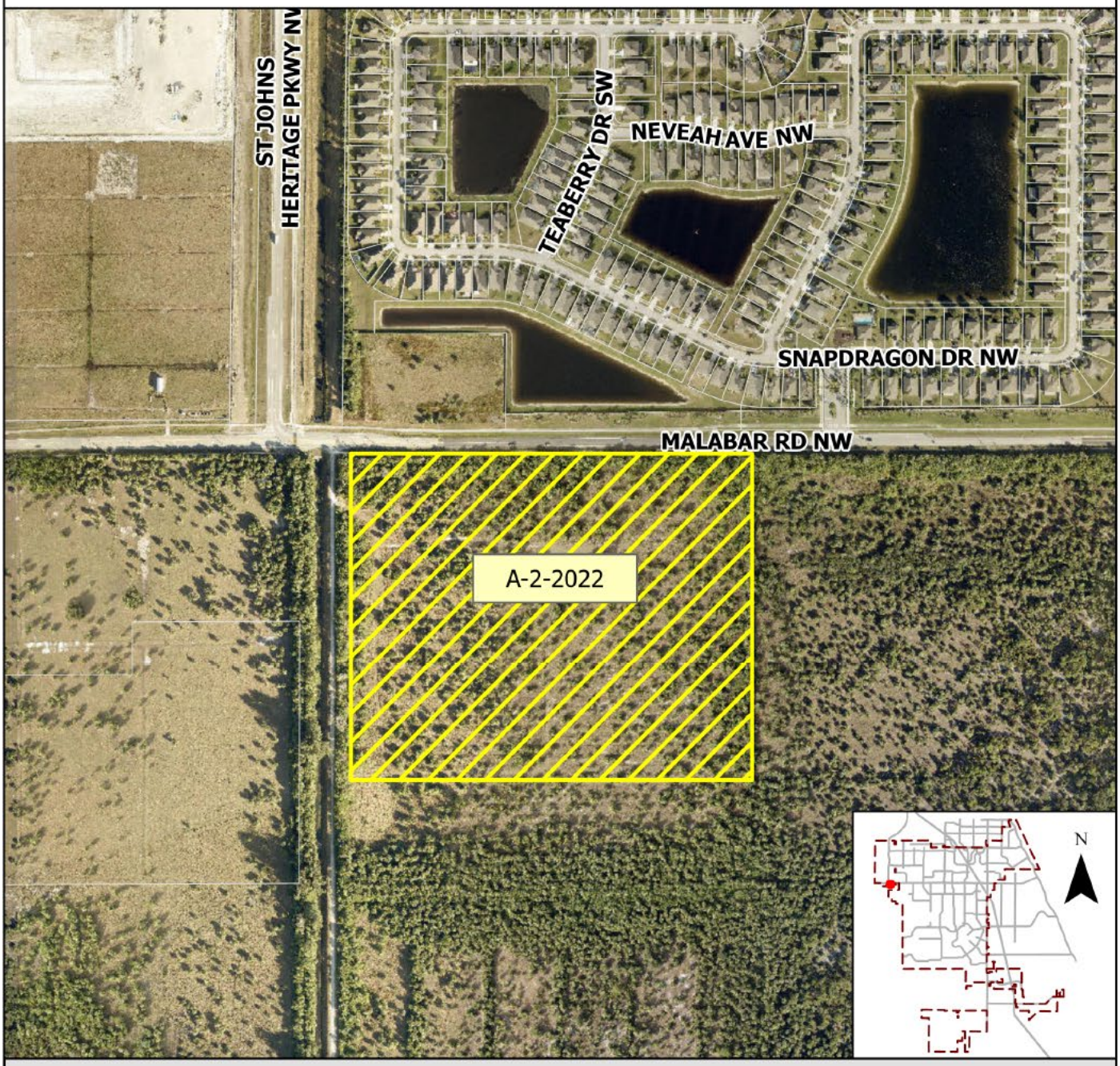
Express on December 16, 2021 (returned), and by certified mail on January 11, 2022. Therefore, all notice requirements of Chapter 171, Florida Statutes have been met.

STAFF RECOMMENDATION:

Motion to approve Case A-2-2022.

The City of Palm Bay Florida

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

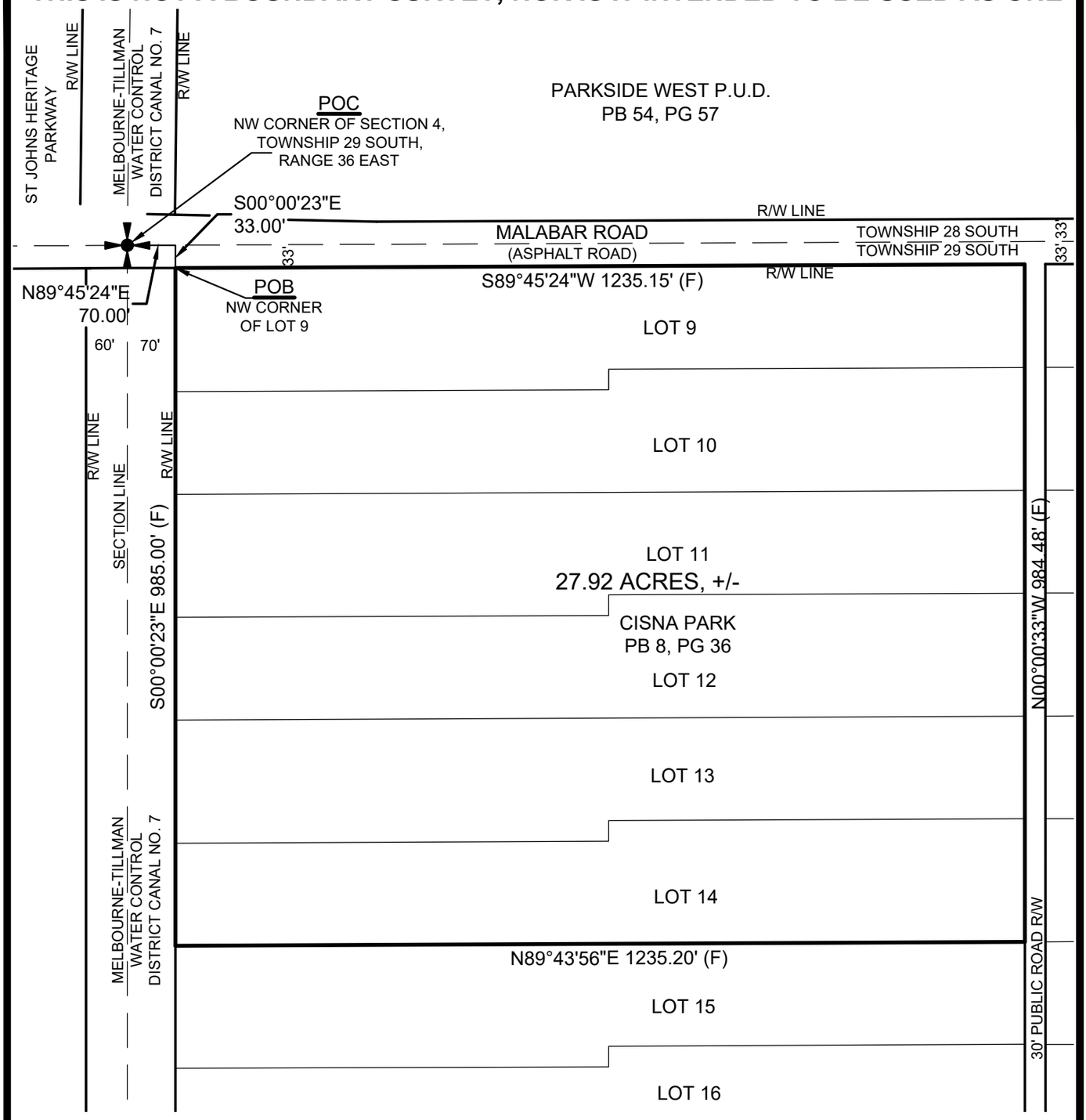


AERIAL LOCATION MAP CASE: A-2-2022

Subject Property

South of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7

THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE



DESCRIPTION

LOTS 9, 10, 11, 12, 13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 4 AND RUN N89°45'24"E, ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 70.00 FEET; THENCE S00°00'23"E A DISTANCE OF 33.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 9 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, (SAID POINT ALSO BEING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF MALABAR ROAD WITH THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER 7); THENCE CONTINUE S00°00'23"E, ALONG SAID EASE RIGHT-OF-WAY LINE, A DISTANCE OF 985.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 14; THENCE N89°43'56"E A DISTANCE OF 1235.20 FEET TO THE SOUTHEAST CORNER OF SAID LOT 14, (SAID POINT ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF AN UN-NAMED 30.00 FOOT WIDE PUBLIC ROAD RIGHT-OF-WAY AS SHOWN ON THE PLAT OF SAID CISNA PARK); THENCE N00°00'33"W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 984.48 FEET TO THE NORTHEAST CORNER OF SAID LOT 9 AND THE SOUTH RIGHT-OF-WAY LINE OF MALABAR ROAD; THENCE S89°45'24"W ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1235.15 FEET TO THE POINT OF BEGINNING. CONTAINING 27.92 ACRES, MORE OR LESS.

0 200

(IN FEET)

STELLAR SITE
CISNA PARK ON MALABAR ROAD

B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4 MELBOURNE, FL 32901
PHONE: (321) 725-3674 FAX: (321) 723-1159
CERTIFICATE OF BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 12/10/2021
DESIGN/DRAWN: LEH
DRAWING# 11610_100_003
PROJECT# 11610
SHEET 1 OF 1

H:\Projects Folder\11610\Drawings\11610_100\11610_100_003.dwg December 10, 2021 8:16:08 AM LH

The City of Palm Bay Florida

PETITION FOR VOLUNTARY ANNEXATION

THE HONORABLE MAYOR
MEMBERS OF THE CITY COUNCIL
CITY OF PALM BAY, FLORIDA

DATE: 12/9/21

I (We) do hereby irrevocably petition for the annexation of the property described herein to be within the corporate city limits of Palm Bay, Brevard County, Florida.

1. Name of Petitioner(s):

   William F. Slentz, Dolores J. Slentz, Bart F. Ferguson, + Amy S. Ferguson

2. Legal Entity / Owner(s) of Record:

   The William F. Slentz Trust dated July 14, 1993 + Bart F Ferguson + Amy S. Fergu

3. Address of Petitioner(s):

   8583 Sylvan drive Melbourne FL 32904 / 5716 Ponderosa St W. Melbourne FL 32904

4. Brevard County Parcel Identification Number:

   29-36-04-25-*-9

5. Purpose for seeking Petition:

   Future rezoning and multi-family development

*** NOTE: Petitioner(s) must submit one form for each parcel of land seeking annexation.*

The petitioner(s) hereby acknowledges and agrees that the City of Palm Bay is hereby authorized to annex, at its lawful discretion, the property(ies) in accordance with Section 171.044, Florida Statutes. Upon annexation, the property will be given a City of Palm Bay future land use designation and zoning classification in accordance with state and local laws and the property(ies) shall be subject to the laws and regulations of the City of Palm Bay, Florida.

The petitioner(s) hereby acknowledges and agrees that the request for voluntary annexation, if accepted by the City Council of the City of Palm Bay, shall be binding upon the petitioner and their successors, assigns and legal representatives and shall be binding upon and run with the land.

The petitioner(s) hereby acknowledges and agrees to promptly record the petition and City Ordinance with the Brevard County Clerk of Courts if petition is accepted by the City Council of the City of Palm Bay.

I (we) request consideration for acceptance of a voluntary annexation of the above-mentioned parcel and acknowledge and agree to the requirements set forth by this request.

Bart F. Ferguson
Print Name of Petitioner #1

12/9/21
Date

Signature of Petitioner #1

Amy S. Ferguson
Print Name of Petitioner #2

12/9/21
Date

Signature of Petitioner #2

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 9th of Dec. 2021 (date) by Bart + Amy Ferguson (representative's name), who is personally known to me or who has produced _____ (type of identification) as identification.

Signature of Notary

Tiffany Ann Jackson
Print Name of Notary

[SEAL]

TIFFANY ANN JACKSON
MY COMMISSION # HH 084724
EXPIRES: May 12, 2025
Bonded Thru Notary Public Underwriters

My Commission expires on: 5/12/2025

Cc: City Manager
Growth Management Director

I (we) request consideration for acceptance of a voluntary annexation of the above-mentioned parcel and acknowledge and agree to the requirements set forth by this request.

William F. Slentz
Print Name of Petitioner #1

12/9/21
Date

Signature of Petitioner #1

Dolores J. Slentz
Print Name of Petitioner #2

12/9/21
Date

Dolores J. Slentz
Signature of Petitioner #2

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 9th of Dec. 2021 (date) by William + Dolores Slentz (representative's name), who is personally known to me or who has produced _____ (type of identification) as identification.

Signature of Notary

Tiffany Ann Jackson
Print Name of Notary

[SEAL]

TIFFANY ANN JACKSON
MY COMMISSION # HH 084724
EXPIRES: May 12, 2025
Bonded Thru Notary Public Underwriters

My Commission expires on: 5/12/2025

Cc: City Manager
Growth Management Director

December 17, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

LOTS 9,10,11,12,13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY,FL

I, Owner Name: William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson

Address: 8583 Sylvan Dr & 576 Ponderosa St W Melbourne FL 32904

Telephone: 321-408-0411

Email: amyslentz@gmail.com

hereby authorize:

Representative: Alexandre de Chabert / Contract Purchaser / Stellar Communites

Address: 175 Sea Dunes Drive Melbourne Beach FL 32951

Telephone: 3218069467 3218069467

Email: adechabert@livestellar.com

to represent the request(s) for:

Application for Rezoning, Comprehensive Plan or Future Land Use Map Amendment, or Petition for Voluntary Annexation with the City of Palm Bay

Dolores J Slentz

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this _____ day of December, 20 21 by

William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson, property owner.

_____, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

_____

LEROY L. HENNESSEY, JR.
MY COMMISSION # HH 185943
EXPIRES: December 9, 2025
Bonded Thru Notary Public Underwriters

December 17, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

LOTS 9,10,11,12,13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY,FL

I, Owner Name: William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson

Address: 8583 Sylvan Dr & 576 Ponderosa St W Melbourne FL 32904

Telephone: 321-408-0411

Email: amyslentz@gmail.com

hereby authorize:

Representative: Jack Kirschenbaum / Attorney / Gray Robinson PA

Address: 1795 West Nasa Blvd Melbourne FL 32901

Telephone: 321-727-8100

Email: Jack.Kirschenbaum@gray-robinson.com

to represent the request(s) for:

Application for Rezoning, Comprehensive Plan or Future Land Use Map Amendment, or Petition for Voluntary Annexation with the City of Palm Bay

Dolores J. Slentz

(Property Owner Signature)

Bart F Ferguson

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this _____ day of December, 20 21 by William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson, property owner.

_____, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

_____

LEROY L. HENNESSEY, JR.
MY COMMISSION # HH 185943
EXPIRES: December 9, 2025
Bonded Thru Notary Public Underwriters

December 17, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

LOTS 9,10,11,12,13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY,FL

I, Owner Name: William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson

Address: 8583 Sylvan Dr & 576 Ponderosa St W Melbourne FL 32904

Telephone: 321-408-0411

Email: amyslentz@gmail.com

hereby authorize:

Representative: Hassan Kamal / Engineer / BSE Consultant Inc

Address: 312 S. Harbor City Blvd Suite 4 Melbourne FL 32901

Telephone: 321 725 3674 3214031437

Email: hkamal@breconsult.com

to represent the request(s) for:

Application for Rezoning, Comprehensive Plan or Future Land Use Map Amendment, or Petition for Voluntary Annexation with the City of Palm Bay

Dolores J. Slentz

(Property Owner Signature)

Bart F. Ferguson Amy S Ferguson

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this _____ day of December, 20 21 by

William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson, property owner.

_____, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

_____

LEROY L. HENNESSEY, JR.
MY COMMISSION # HH 185943
EXPIRES: December 9, 2025
Bonded Thru Notary Public Underwriters

LOTS 9, 10, 11, 12, 13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 4 AND RUN N89°45’24”E, ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 70.00 FEET; THENCE S00°00’23”E A DISTANCE OF 33.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 9 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, (SAID POINT ALSO BEING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF MALABAR ROAD WITH THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER 7); THENCE CONTINUE S00°00’23”E, ALONG SAID EASE RIGHT-OF-WAY LINE, A DISTANCE OF 985.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 14; THENCE N89°43’56”E A DISTANCE OF 1235.20 FEET TO THE SOUTHEAST CORNER OF SAID LOT 14, (SAID POINT ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF AN UN-NAMED 30.00 FOOT WIDE PUBLIC ROAD RIGHT-OF-WAY AS SHOWN ON THE PLAT OF SAID CISNA PARK); THENCE N00°00’33”W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 984.48 FEET TO THE NORTHEAST CORNER OF SAID LOT 9 AND THE SOUTH RIGHT-OF-WAY LINE OF MALABAR ROAD; THENCE S89°45’24”W ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1235.15 FEET TO THE POINT OF BEGINNING. CONTAINING 27.92 ACRES, MORE OR LESS.

2-860434

WARRANTY DEED
(FROM CORPORATION)

RAMCO FORM 33

This Warranty Deed *Made and executed the* 28th *day of* April *A. D.* 1986 *by*
WALDEN DEVELOPMENT, INC.

a corporation existing under the laws of the State of Florida *, and having its principal place of business at* 780 Apollo Blvd., Suite 7, Melbourne, Florida 32901
hereinafter called the grantor, to
WILLIAM F. SLENTZ and DOLORES J. SLENTZ, husband and wife and
BART F. FERGUSON and AMY S. FERGUSON, husband and wife
whose postoffice address is 8583 Sylvan Drive, Melbourne, FL 32904

hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth: *That the grantor, for and in consideration of the sum of* $ 10.00 *and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situate in* Brevard *County, Florida, viz:*

Lots 9, 10, 11, 12, 13 and 14, CISNA PARK, according to the plat thereof as recorded in Plat Book 8, Page 36, Public Records of Brevard County, Florida.

6.00
976.50

Together *with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.*

To Have and to Hold, *the same in fee simple forever.*

And *the grantor hereby covenants with said grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances* except taxes accruing subsequent to December 31, 1985. This conveyance is subject to restrictions, reservations, limitations and easements of record, if any. However, this reference thereto shall not operate to reimpose any of the same.

(CORPORATE SEAL)

In Witness Whereof *the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.*

ATTEST: ..... Secretary

WALDEN DEVELOPMENT, INC., a Florida corporation

Signed, sealed and delivered in the presence of:

Dione C. Kitt

Elaine C. Pierce

By: JOHN WALDEN President

STATE OF FLORIDA
COUNTY OF BREVARD

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared JOHN WALDEN

well known to me to be the President and ~~XX~~ ~~XXXXXXX~~ respectively of the corporation named as grantor in the foregoing deed, and that ~~XXXXXXX~~ he acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in ~~them~~ him by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 28th day of April, A. D. 19 86

Elaine C. Pierce

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. APR. 3, 1989
BONDED THRU GENERAL INS. UND.

This Instrument prepared by:

Address

OFF. 2692 PAGE 2119

THIS INSTRUMENT WAS PREPARED BY
KATHLEEN A. ZAPP NEIR
LAWYERS TITLE INSURANCE CORPORATION
P. O. BOX 399 MELBOURNE, FLORIDA 32901
INCIDENT TO THE ISSUANCE OF A TITLE INSURANCE CONTRACT

Lawyers Title Insurance
P. O. Box 399
Melbourne, FL 32901

176081

1986 APR 30 PM 3:42

PREPARED BY & RETURN TO:
Erik P. Shuman, Esquire
GrayRobinson, P.A.
1800 W. Hibiscus Blvd., Suite 138
Melbourne, Florida 32902-1870

CFN 2006148458 05-17-2006 09:12 am
OR Book/Page: 5646 / 6700

Scott Ellis
Clerk Of Courts, Brevard County
#Pgs: 2 #Names: 5 Serv: 0.00
Trust: 1.50 Rec: 18.00 Excise: 0.00
Deed: 0.70 Int Tax: 0.00
Mtg: 0.00

Parcel ID Number 29-36-04-25-00000.0-0009.00

WARRANTY DEED

THIS INDENTURE, made this 11 day of May, 2006, between **WILLIAM F. SLENTZ** and **DOLORES J. SLENTZ,** husband and wife, of the County of Brevard, State of Florida, Grantor, and **WILLIAM F. SLENTZ** and **DOLORES J. SLENTZ,** as Co-Trustees of **The William F. Slentz Trust dated July 14, 1993**, as amended and restated, or their successors in trust, with full power and authority to protect and conserve, to sell, lease, encumber or otherwise dispose of the real property herein conveyed, whose address is 8583 Sylvan Drive, Melbourne, FL 32904, of the County of **Brevard**, State of Florida, Grantee.

WITNESSETH that the Grantor, for and in consideration of the sum of **TEN AND NO/100THS DOLLARS ($10.00)**, and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of **Brevard**, State of Florida, to wit:

Lots 9, 10, 11, 12, 13 and 14, CISNA PARK, according to the plat thereof as recorded in Plat book 8, Page 36, Public Records of Brevard County, Florida.

The Grantor herein warrants and represents that neither Grantor nor any member of Grantor's family resides upon said property and that said property is not homestead property as defined under Florida Constitution 1968, Article X, Section 4.

This deed has been prepared at the Grantor's request without benefit of a title search and no representations as to same are made by GrayRobinson, P.A.

and that the Grantor hereby fully warrants the title to the property and will defend the same against the lawful claims of all persons whomsoever to the extent that such claims are covered by the title insurance policy previously issued to Grantor.

IN WITNESS WHEREOF, the Grantor has hereunto set their hand and seal the

day and year first above written.

Signed, sealed and delivered in presence of:

Erik P. Shuman, Esquire

WILLIAM F. SLENTZ

Lynn Klingler

Erik P. Shuman, Esquire

DOLORES J. SLENTZ

Lynn Klingler

CFN 2006148458
OR Book/Page: 5646 / 6701

STATE OF FLORIDA
COUNTY OF BREVARD

THE FOREGOING INSTRUMENT was acknowledged before me this 11 day of May, 2006, by **WILLIAM F. SLENTZ,** who personally appeared before me [✓], is personally known to me [✓, or has produced _____ as identification, and who did take an oath.

Notary Public
Name: _____
My Commission Expires:

LYNN KLINGLER
MY COMMISSION # DD 533471
EXPIRES: July 26, 2010
Bonded Thru Notary Public Underwriters

THE FOREGOING INSTRUMENT was acknowledged before me this 11 day of May, 2006, by **DOLORES J. SLENTZ,** who personally appeared before me [✓], is personally known to me [✓, or has produced _____ as identification, and who did take an oath.

Notary Public
Name: _____
My Commission Expires:

LYNN KLINGLER
MY COMMISSION # DD 533471
EXPIRES: July 26, 2010
Bonded Thru Notary Public Underwriters

\511694\1 - # 133997 v1
4/19/06

ORDINANCE 2022-01

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN REAL PROPERTY LOCATED SOUTH OF AND ADJACENT TO MALABAR ROAD, AND EAST OF AND ADJACENT TO MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL 7, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR FILING A COPY OF THE ORDINANCE WITH THE BREVARD COUNTY CLERK OF THE CIRCUIT COURT, THE CHIEF ADMINISTRATIVE OFFICER OF BREVARD COUNTY, AND THE STATE OF FLORIDA DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The William F Slentz Trust / Bart and May Ferguson have petitioned the City Council of the City of Palm Bay to voluntarily annex the herein described property, and

WHEREAS, said property is situated in an unincorporated area of Brevard County and is contiguous to the present boundary of the City of Palm Bay, and

WHEREAS, said property is reasonably compact and annexation of it would not result in the creation of an enclave, and

WHEREAS, the City Council of the City of Palm Bay desires to annex said property into the City of Palm Bay.

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

SECTION 1. In accordance with the provisions of Section 171.044, Florida Statutes, the following described parcel of real property being situated in the County of Brevard, State of Florida, and being contiguous to the existing corporate limits and boundaries of the City of Palm Bay, and being reasonably compact, and creating no enclaves is hereby annexed, established, organized into and made a part of the City of Palm Bay:

Lots 9, 10, 11, 12, 13 and 14, Cisna Park, according to the plat thereof as recorded in Plat Book 8, Page 36, Public Records of Brevard County, Florida, lying in Section 4, Township 29S, Range 36E, Brevard County, Florida, being more particularly described as follows:

Commence at the northwest corner of said Section 4 and run N 89°45'24" E, along the north line of said Section 4, a distance of 70.00 feet; thence S 00°00'23" E a distance of 33.00 feet to the northwest corner of said Lot 9 and the Point of Beginning of the parcel of land herein described, (said point also being the intersection of the south right-of-way line of Malabar Road with the east right-of-way line of Melbourne-Tillman Water Control District Canal Number 7); thence continue S 00°00'23" E, along said ease right-of-way line, a distance of 985.00 feet to the southwest corner of said Lot 14; thence N 89°43'56" E a distance of 1235.20 feet to the southeast corner of said Lot 14, (said point also being a point on the west right-of-way line of an un-named 30.00 foot wide public road right-of-way as shown on the plat of said Cisna Park); thence N 00°00'33" W, along said west right-of-way line, a distance of 984.48 feet to the northeast corner of said Lot 9 and the south right-of-way line of Malabar Road; thence S 89°45'24" W along said south right-of-way line, a distance of 1235.1 feet to the Point of Beginning; containing 27.92 acres, more or less.

SECTION 2. The corporate limits and boundary lines of the City of Palm Bay, Brevard County, Florida, shall be redefined so as to include therein the above-described parcel hereby annexed.

SECTION 3. The parcel of property to be annexed is hereby depicted on the attached map which, by reference, is incorporated herein as Exhibit 'A'.

SECTION 4. This ordinance of annexation has been noticed, by reference, once a week for two consecutive weeks in a newspaper of general circulation in the County of Brevard, Florida, prior to its adoption.

SECTION 5. The City Clerk shall file a copy of this ordinance with the Brevard County Clerk of the Circuit Court, the Chief Administrator of Brevard County, and the State of Florida Department of State.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 7. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 8. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2022- , held on , 2022; and read in title only and duly enacted at Meeting 2022- , held on , 2022.

_____
Rob Medina, MAYOR

ATTEST:

_____
Terese M. Jones, CITY CLERK

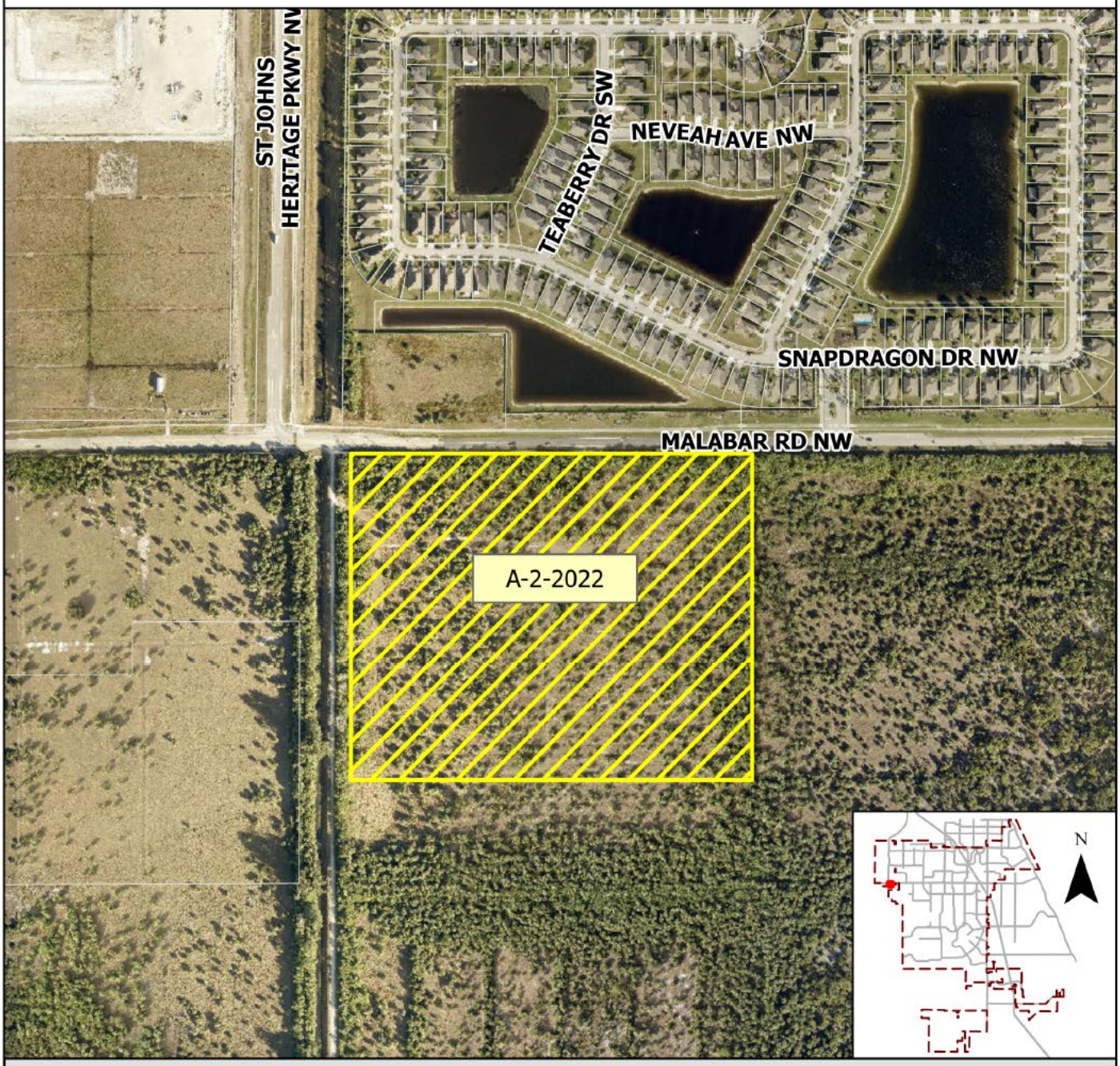
Reviewed by CAO: _____

Applicant: The William F Slentz Trust / Bart and Amy Ferguson
Case: A-2-2022

cc: (date) Brevard County Recording
Applicant
Case File

The City of Palm Bay Florida

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



AERIAL LOCATION MAP CASE: A-2-2022

Subject Property

South of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7

STELLAR
COMMUNITIES

The Future of Build to rent is Here!

Renters By Choice

February 1, 2022

The information included in this package has been prepared on behalf of Stellar Communities and is derived from sources believed to be, but are not warranted. All information included in this package is considered to be highly confidential and may not be disclosed to any person without prior consent. This presentation and information contained herein is proprietary and confidential and are intended exclusively for the use of the person to whom it has been delivered and may not be reproduced or redistributed to any other person without the prior written consent.

ABOUT STELLAR COMMUNITIES

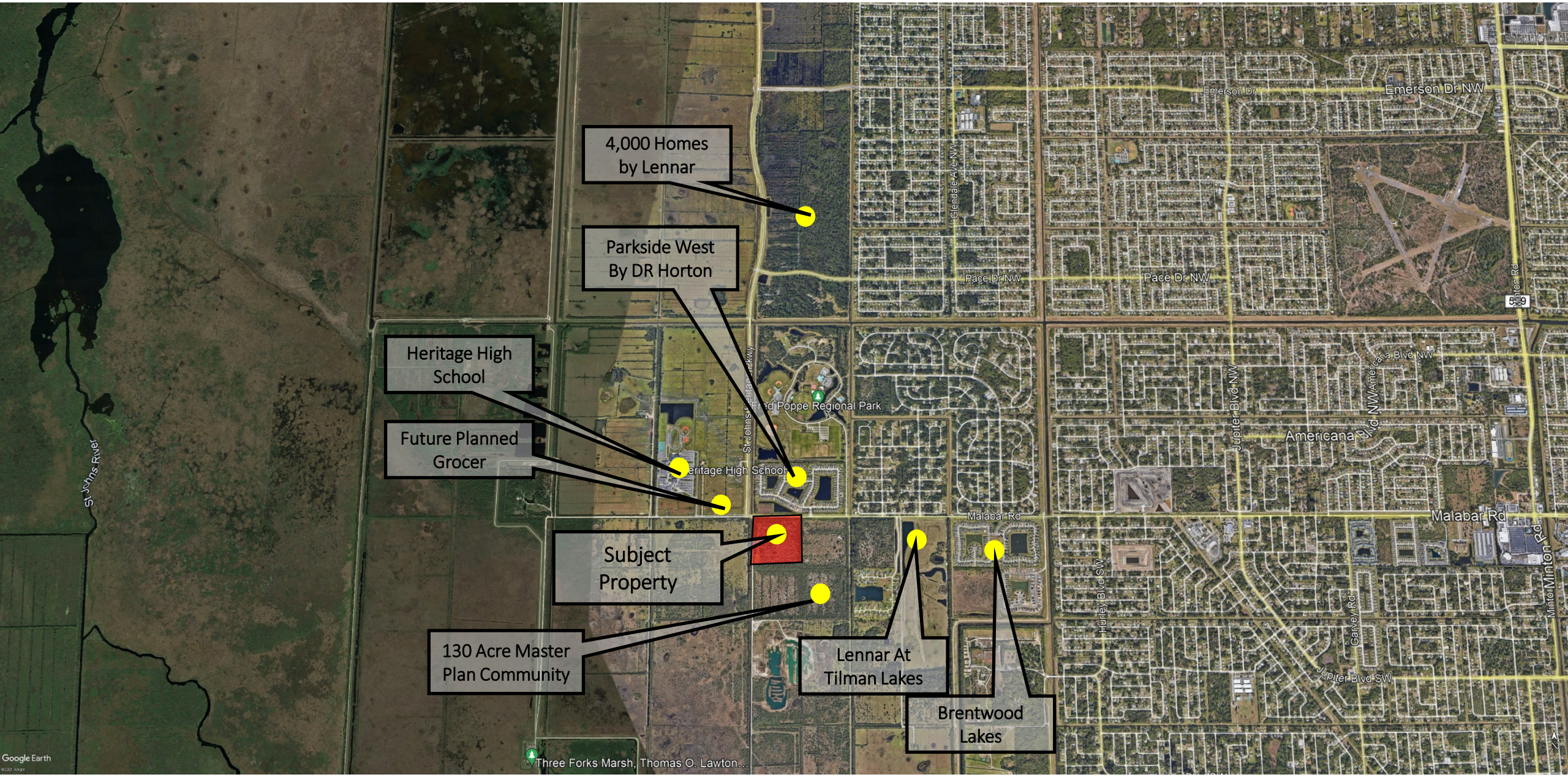
Established in 2009, Stellar Homes Group LLC is a leading real estate development company in South Florida. Since our inception, we have had the privilege of helping over 2,300 families move into the next stage of their lives with a new home. Today, we have grown into a full service land entitlement and real estate development company with a progressive focus on eco-luxury initiatives for residential sale and rental communities.

With a deep-rooted commitment to quality and value, Stellar Homes Group builds inspiring homes and communities with unmatched efficiencies in some of the most highly sought-after coastal, urban and suburban locations across South Florida. We not only envision and design our homes to exceptionally cater to those dwelling within, but we also create a foundation for beautiful, healthy living to be enjoyed by friends, family and community.

As the first developer in South Florida history to include solar panels as a standard feature on homes, this progressive initiative—meshed with our innovative, high-end green home features—allows us to place as an industry leader.

Powered by innovative thinking, Stellar has charted a course of success in acquisitions, development, sales and marketing.

Project Location

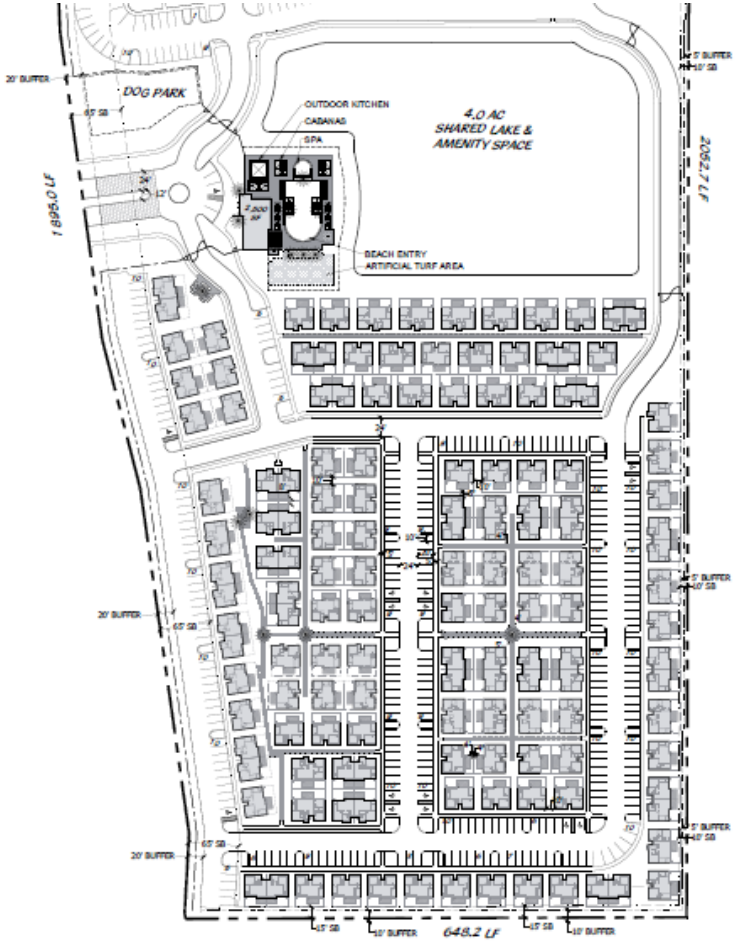


Property Details		
Property Name		The Stellar at Malabar RD
Type of Deal		Build To Rent
Address		St Johns Pkwy & Malabar Road
City		Palm Bay
County		Brevard County
State		Florida
Acres (Net)		26.6
Total Units		266
UNITS	MIX	SQ FOOTAGE (Net)
1 Bed/1 Bath	118	950
2 Bed/2 Bath	100	950
3 Bed/2 Bath	48	1,100

Similar Product in Central Florida

-Stellar at Verano
-City: Port St Lucie

-Stellar at Davenport
-City: Davenport



Stellar Communities hybrid housing is for today and tomorrow's renter that takes the best of single family and apartment living and combines it into one home. Our horizontal living community is a pet-friendly community that features a luxurious, resort-style swimming pool, state of the art fitness facility, event lawns and small parks for private events and community planned social functions.

Typical Community Amenities

- Community swimming pool
- Heated spa, barbecue
- Picnic areas and green space areas
- Fitness center / clubhouse building
- Garages for rent
- Gated entry

Typical Unit Features

- Single Story detached homes
- Each unit has a private yard
- Pet friendly living with doggie door and open spaces
- Feels like home, not an apartment
- More privacy and less noise
- 10-12 foot ceilings

Typical Unit Features

- Single Story detached homes
- Each unit has a private yard
- Pet friendly living
- Feels like home, not an apartment
- More privacy and less noise
- 10-12 foot ceilings
- Plenty of Green Space
- Highly secure gated community

UNIT A
FRONT COLOR ELEVATION
COLOR SCHEME 1

UNIT B
FRONT COLOR ELEVATION
COLOR SCHEME 2

UNIT C
FRONT COLOR ELEVATION
COLOR SCHEME 1

1 Bedroom 1 bathroom Unit

2 Bed 2 bathroom Unit

3 Bedroom 2 bathroom Unit

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Alexandra Bernard, Growth Management Director**

DATE: **2/3/2022**

RE: **Ordinance 2022-20, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Malabar Road, and east of and adjacent to Melbourne-Tillman Water Control District Canal 7, from RES-1, Residential 2 Unit Per Acre (Brevard County) to Multiple-Family Residential Use (27.91 acres) (Case CP-2-2022, The William F Slentz Trust / Bart and Amy Ferguson), only one reading required.**

Mr. William F. Slentz and Ms. Dolores J. Slentz / Mr. Bart F. Fergusson and Ms. Amy S. Ferguson (represented by Hassan Kamal, P.E., BSE Consultant, Inc.; Alexandre de Chabert, Stellar Communities; and Jack Kirshenbaum, Esq., Gray Robinson PA) have submitted for a small-scale Comprehensive Plan Future Land Use Map amendment from RES-1, Residential 1 Unit Per Acre (Brevard County) to MFR, Multiple-Family Residential Use. The undeveloped land is located south of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7. There are six lots included in this request.

The requested Multiple-Family Residential Use designation will be assigned to property that is voluntarily being annexed into the City of Palm Bay (Case A-2-2022). There are over 2,000 single-family units approved and/or under construction within the west end of Malabar Road. The requested land use change will allow for a more diverse housing opportunity in the City. The property is not within any of the Florida scrub-jay polygons identified in the City's Habitat Conservation Plan (HCP), and no other protected species are known to inhabit the site. If developed, the owner/developer will be responsible for extending water and sewer service to the property; for preparing a drainage plan in accordance with current regulations approved by the City, and providing any needed traffic improvements that is determined by their traffic impact analysis. Any development is also required to pay its Proportionate Fair Share costs to offset the impacts of the development on the surrounding road network.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:
Request for City Council to determine if Case CP-2-2022, based upon the submitted material and presentation made by the applicant, meets the general requirements of the Code of Ordinances, as identified in the staff report.

Planning and Zoning Board Recommendation:
Approval of the request by a vote of 5 to 1.

ATTACHMENTS:

Description

Case CP-2-2022 - Staff Report - Revised
Case CP-2-2022 - County Zoning & Future Land Use
Case CP-2-2022 - Plat
Case CP-2-2022 - Boundary Survey
Case CP-2-2022 - Application
Case CP-2-2022 - Board Minutes
Ordinance 2022-20
Presentation

REVISED

STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
landdevelopmentweb@palmbayflorida.org

Prepared by
Christopher Balter, Senior Planner

CASE NUMBER
CP-2-2022

PLANNING & ZONING BOARD HEARING DATE
January 5, 2022

PROPERTY OWNER & APPLICANT
William F. and Dolores J. Slentz / Bart F. and Amy S. Ferguson (Presented by Hassan Kamal, BSE Consultant Inc.; Alexandre de Chabert, Stellar Communities; and Jack Kirshenbaum, Gray Robinson PA)

PROPERTY LOCATION/ADDRESS
Lots 9 through 14, Cisna Park, Section 4, Township 29, Range 36, Brevard County, Florida

SUMMARY OF REQUEST
The applicant is requesting a future land use map amendment from RES-1, Residential 1 Unit Per Acre (Brevard County) to the MFR, Multiple-Family Residential Use

Existing Zoning	AU, Agricultural Residential (Brevard County)
Existing Land Use	RES-1, Residential 1 Unit Per Acre (Brevard County)
Site Improvements	Undeveloped Land
Site Acreage	27.91 acres

SURROUNDING ZONING & USE OF LAND

North	Malabar Road NW
East	AU, Agricultural Residential; Vacant Land
South	AU, Agricultural Residential; Vacant Land
West	AU, Agricultural Residential; Vacant Land

BACKGROUND:

The subject properties are located south of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7. There are 6 ~~parcels~~ **>>**lots**<<** are included in this request.

The owner of the property has requested a voluntary annexation into the City of Palm Bay from unincorporated Brevard County. When land is annexed into the City, it is prudent that said land is assigned a future land use category and zoning designation that is most appropriate. That is the purpose of this request.

ANALYSIS:

Per Chapter 183: Comprehensive Plan Regulations, Section 183.01(B), the purpose and intent of the Comprehensive Plan is to encourage the most appropriate use of land and resources to promote the health, safety, and welfare of the community.

1. FUTURE LAND USE ELEMENT

The Comprehensive Plan (Plan) FLU Element Goal FLU-1 is to ensure a high-quality, diversified living environment through the efficient distribution of compatible land uses.

The Comprehensive Plan (Plan) FLU Element Goal FLU-2 is to provide for and maintain viable neighborhoods and residential development to meet the existing and future needs of the residents of Palm Bay.

The Comprehensive Plan (Plan) FLU Element Goal FLU-8 is to provide for a diverse and self-sustaining pattern of land uses that support the present and future population of the City of Palm Bay.

The applicant is requesting a Future Land Use classification of multiple-family residential use. Within the west end of Malabar Road, there are over 2,000 single-family units approved and/or under construction. The requested category will allow for a more diverse housing opportunity.

2. CONSERVATION ELEMENT

The environmental character of the City is maintained through conservation, appropriate use, and protection of natural resources.

The subject property is not located within any of the Florida scrub-jay polygons identified in the City's Habitat Conservation Plan (HCP). No other protected species are known to inhabit the subject property. Any protected species that would be found on the subject property

would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.7B.

Coastal Management: The property is not located within the Coastal High Hazard Area.

3. HOUSING ELEMENT

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the City. Instead, it will serve to create additional multi-family housing opportunities needed in Palm Bay.

4. INFRASTRUCTURE ELEMENT

The City evaluates present and future water, sewer, drainage, and solid waste and assesses the ability of infrastructure to support development.

Utilities: The FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. Public water and sewerage facilities are available along Malabar Road.

Portable Water: If developed, the owner/developer will be responsible for extending service to the site in accordance with current City regulations.

Sanitary Sewer: If developed, the owner/developer will be responsible for extending service to the site in accordance with current City regulations.

Solid Waste: Provided by Republic Services

Drainage: If developed, a drainage plan must be prepared in accordance with current regulations and approved by the City, along with appropriate outside agencies, including the St. Johns River Water Management District. Any proposed stormwater management system will be reviewed and approved by the City during the site plan review process

5. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: The proposed FLU amendment to Multiple Family Residential will add housing units. Some impacts to the public-school system area are anticipated; however, considering the adjacent concurrency service areas, there is sufficient capacity.

Historic Resources: There is no Florida Master Site File for any historic resources on the property.

6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment would increase the demand for recreation services as compared to the existing RES-1 land use.

The request would not exceed the existing parkland or recreation level of service standards.

7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community. If developed, a traffic impact analysis will be required to determine any negative impacts on the existing transportation system along with any suggested improvements, which will be taken under consideration during the Site Plan review/approval process. When a project is developed it will be required to pay its Proportionate Fair Share costs to offset the impacts of the development on the surrounding road network.

8. PROPERTY RIGHTS ELEMENT

The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights.

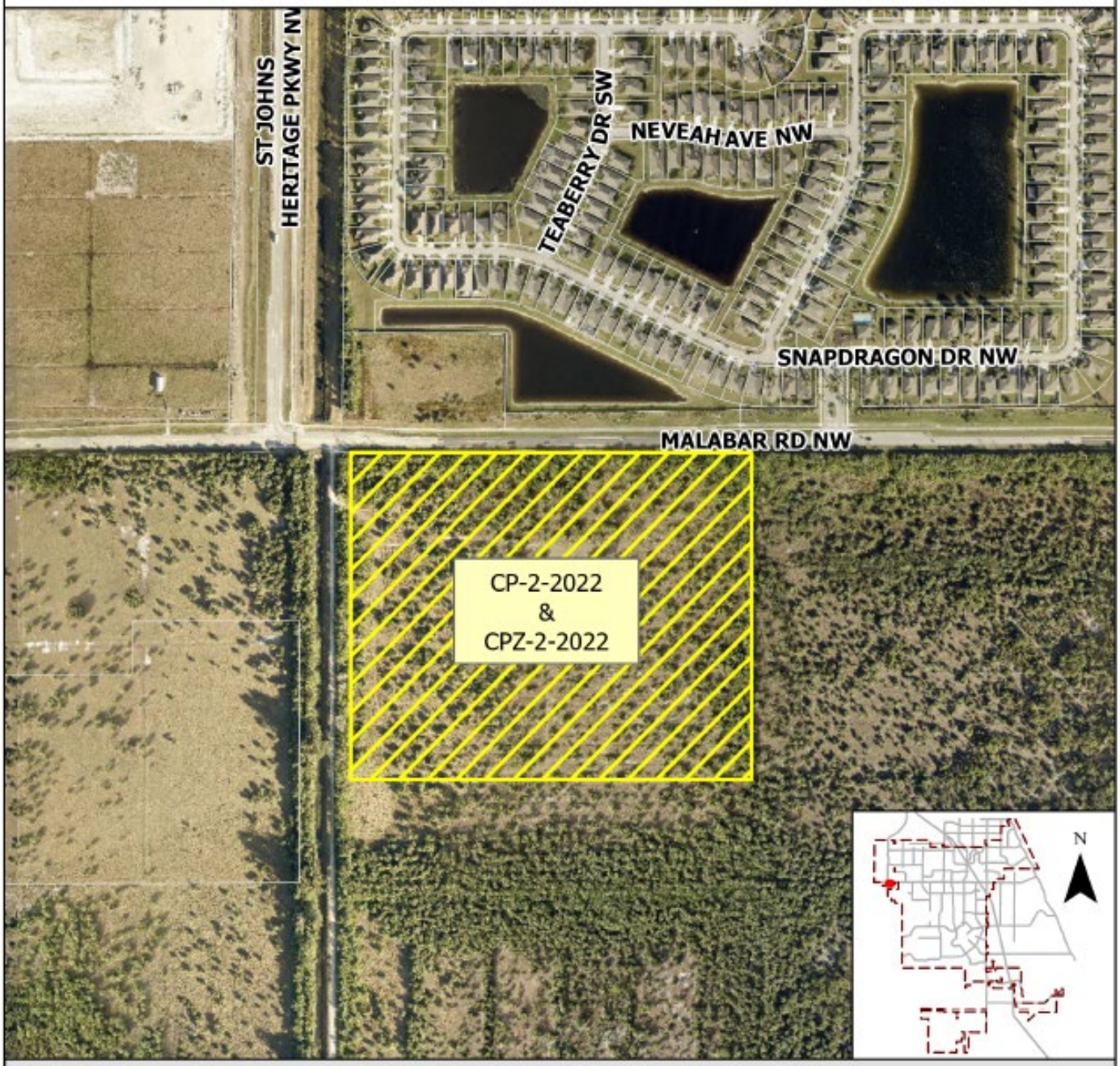
This proposed land-use change does not appear to infringe upon the property rights of the applicant.

STAFF CONCLUSION:

The Planning and Zoning Board and City Council must determine if the request, based upon the submitted material and presentation made by the applicant, meets the general requirements of the Code of Ordinances, as identified in this report.

The City of Palm Bay Florida

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



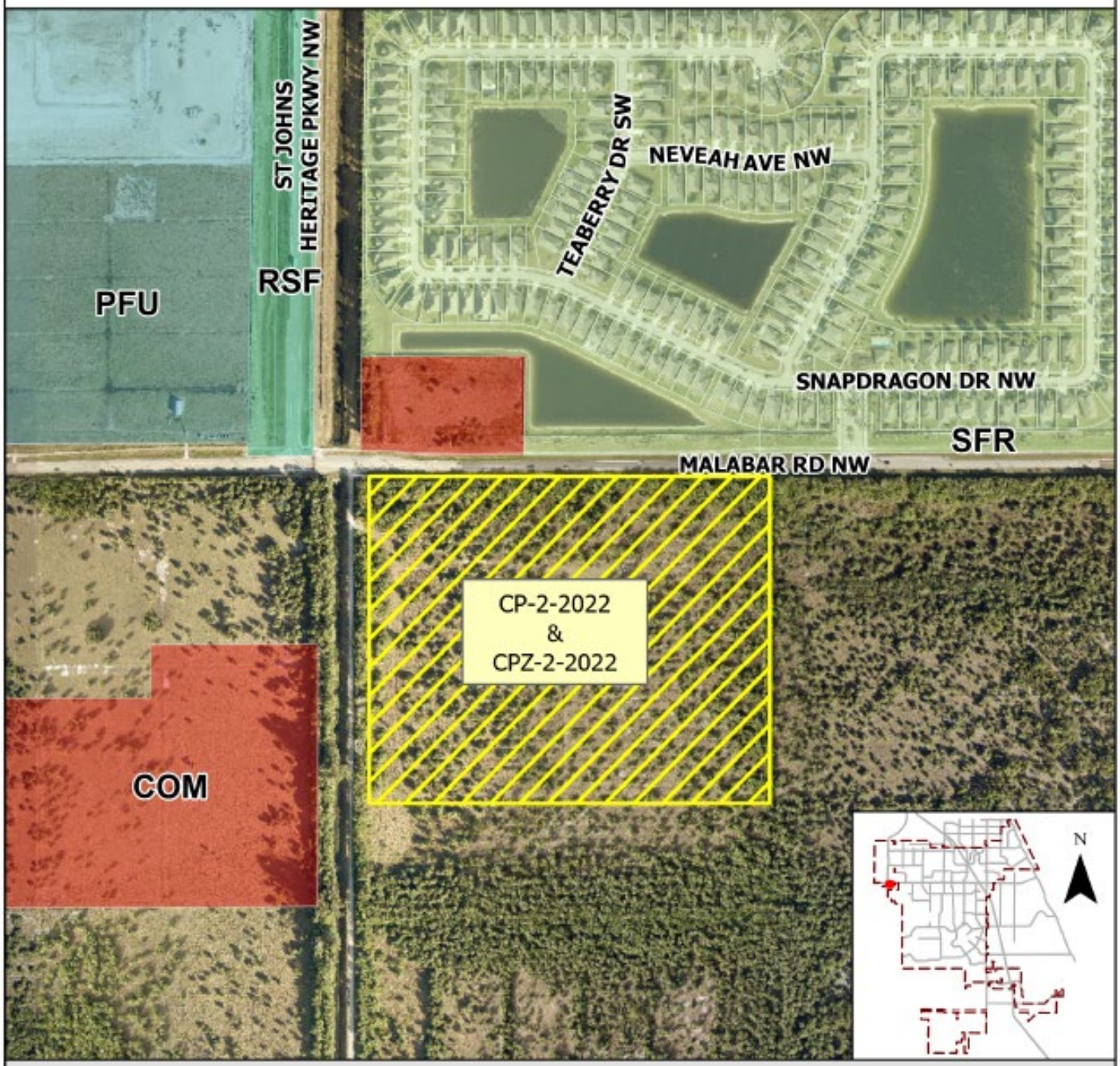
AERIAL LOCATION MAP CASE: CP-2-2022 & CPZ-2-2022

Subject Property

South of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7

The City of Palm Bay Florida

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



FUTURE LAND USE MAP CASE: CP-2-2022 & CPZ-2-2022

Subject Property

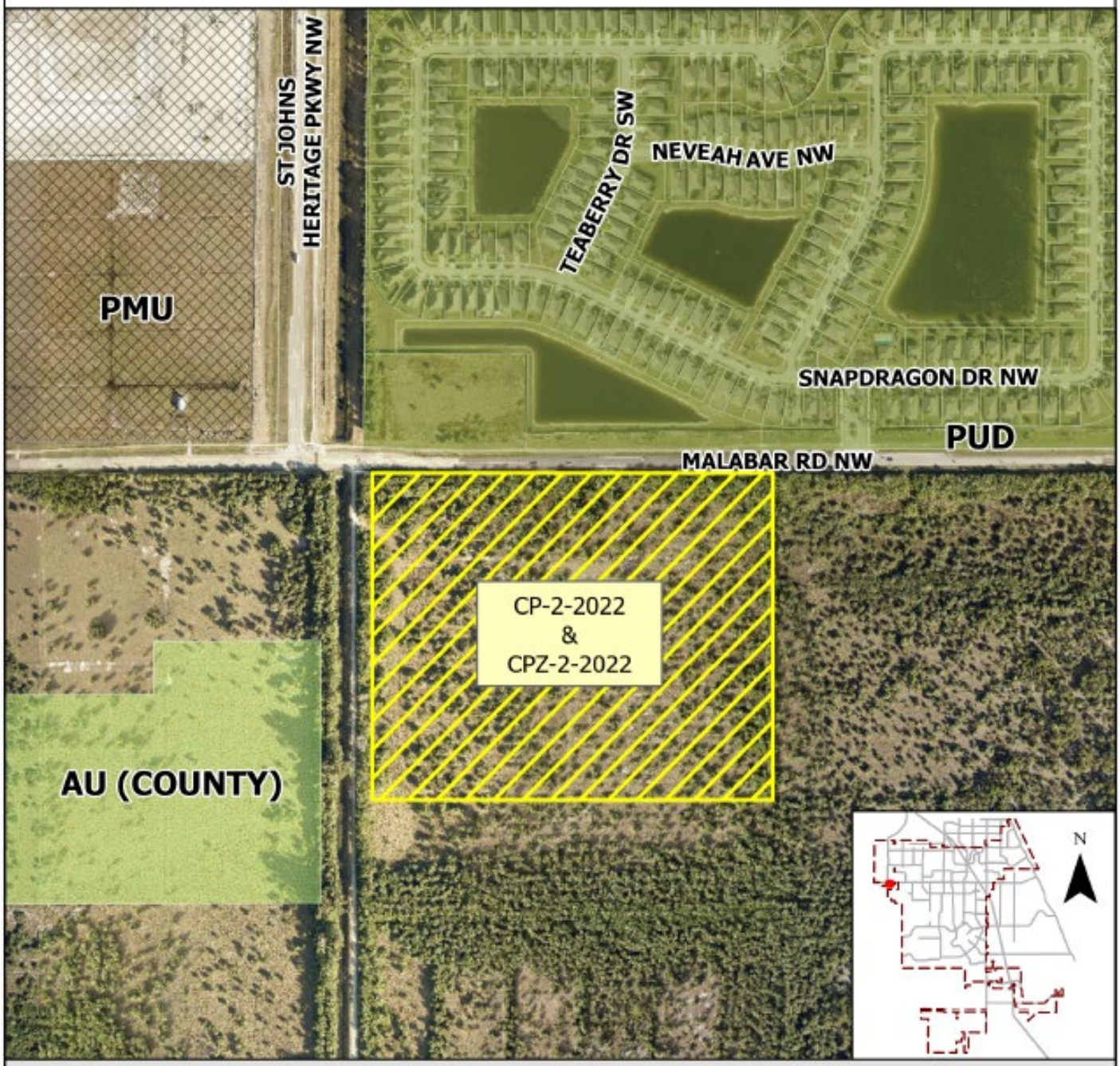
South of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7

Future Land Use Classification

RES 1 – Residential 1

The City of Palm Bay Florida

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



ZONING MAP CASE: CP-2-2022 & CPZ-2-2022

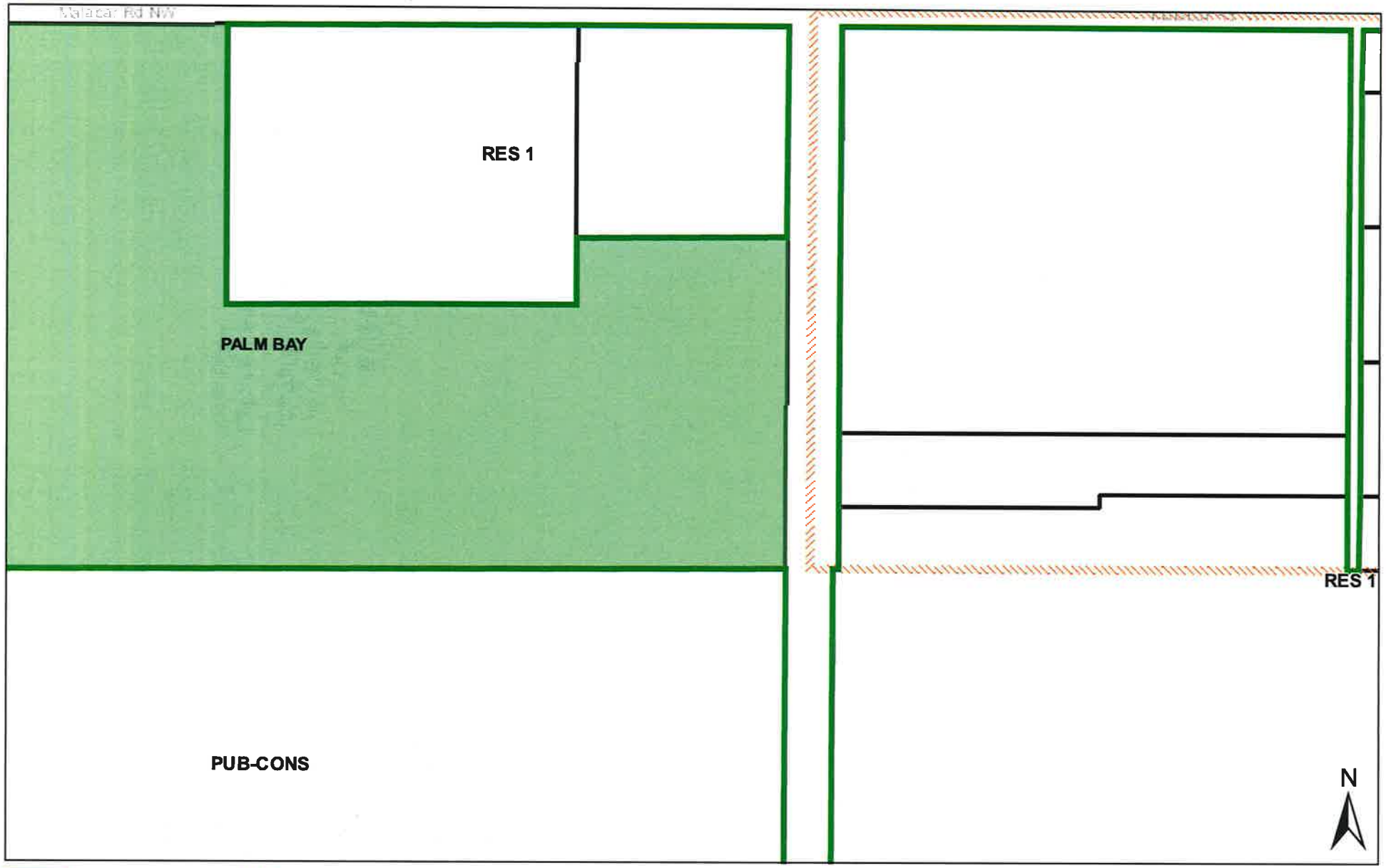
Subject Property

South of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7

Current Zoning Classification

AU – Agricultural Residential

Zoning & Future Land Use Map



Future Land Use

City

PALM BAY

Subdivisions

Parcels

Parcel Property

1:4,514

0 0.0375 0.075 0.15 mi

0 0.05 0.1 0.2 km

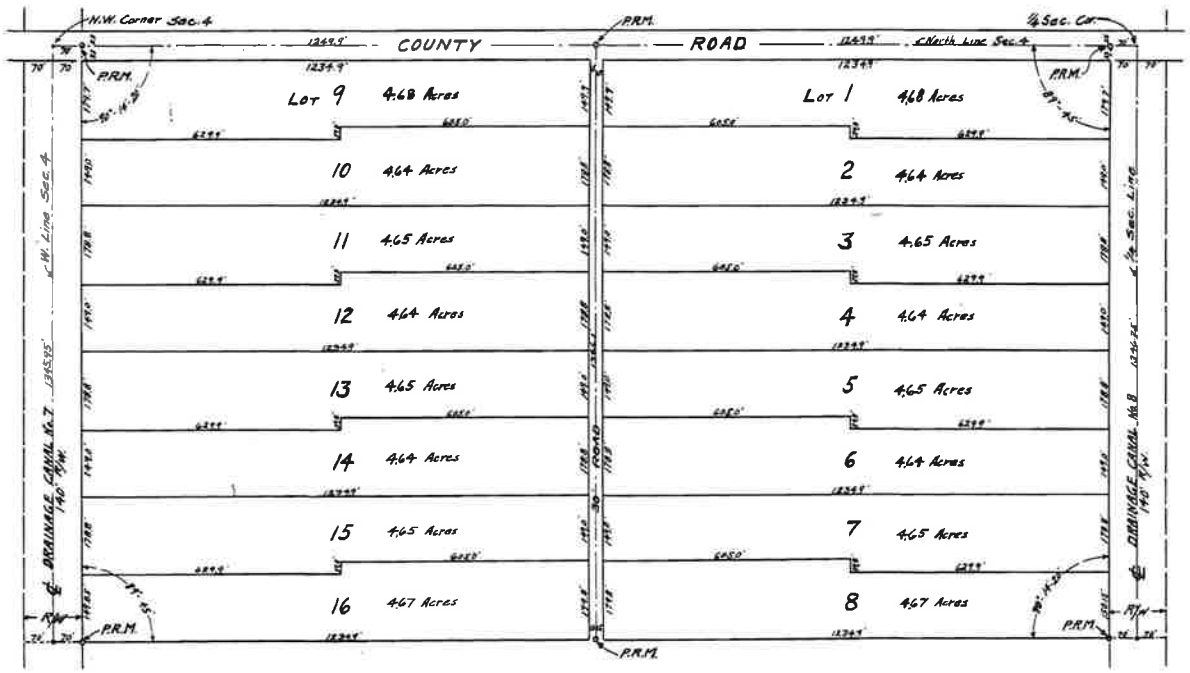
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

12/29/2021, 10:09:22 AM

ArcGIS Web AppBuilder

Brevard County, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

36



I hereby certify that the accompanying described lands were surveyed and Platted by me, and that this PLAT is a true and correct representation of said lands and that Permanent Reference Monuments (marked PRM) have been set as indicated here on.

J. P. Hewitt
Reg. Engineer No. 1358.

Approved for the Board of County Commissioners of Brevard County Fla. this 8th day of May A.D. 1933.

By M. Lemmon
Clerk Board of County Commissioners.
By Paul Conway D.C.

—DEDICATION—

Know all men by these Presents:
That we David Peel and Florence Peel his wife, lawful owners of all of the certain parcels or tracts of Land to wit:

The Northeast quarter of the Northwest quarter and the Northwest quarter of the Northwest quarter of Section 4, Township 29 South Range 36 East, Brevard County, Florida, containing 40 acres more or less,

have caused said lands to be surveyed and subdivided and platted into lots as shown here on, and do hereby adopt and dedicate this plat of said lands to be known as CISNA PARK SUBDIVISION, and do hereby dedicate the streets and Roadways as shown hereon to the perpetual use of the Public.

In witness where of we have here unto set our hands and seals this 3rd day of May 1933.

J. P. Hewitt
J. Q. Hoffman
David Peel (SEAL)
Florence Peel (SEAL)

CISNA PARK

A SUBDIVISION OF

The Northeast one quarter of the Northwest one quarter (NE¼ of NW¼) and the Northwest one quarter of the Northwest one quarter (NW¼ of NW¼) of Section 4, Twp. 29 South, Range 36 East.

BREVARD COUNTY, FLORIDA.

SCALE 1" = 150' MAY 1933.

74:4

STATE OF FLORIDA
COUNTY OF BREVARD,
FILED FOR RECORD IN OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR BREVARD COUNTY, FLORIDA, IN PLAT BOOK 8 PAGE 36.
I HEREBY CERTIFY THAT I HAVE EXAMINED THE WITHIN PLAT AND FIND THAT SAME COMPLIES WITH THE REQUIREMENTS CONTAINED IN CHAPTER 24275 (No 253) ACT 1925.

May 8 1933 2:00 P.M.

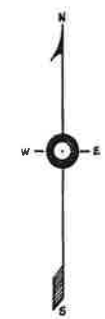
M. Lemmon Clk.
By Paul Conway D.C.

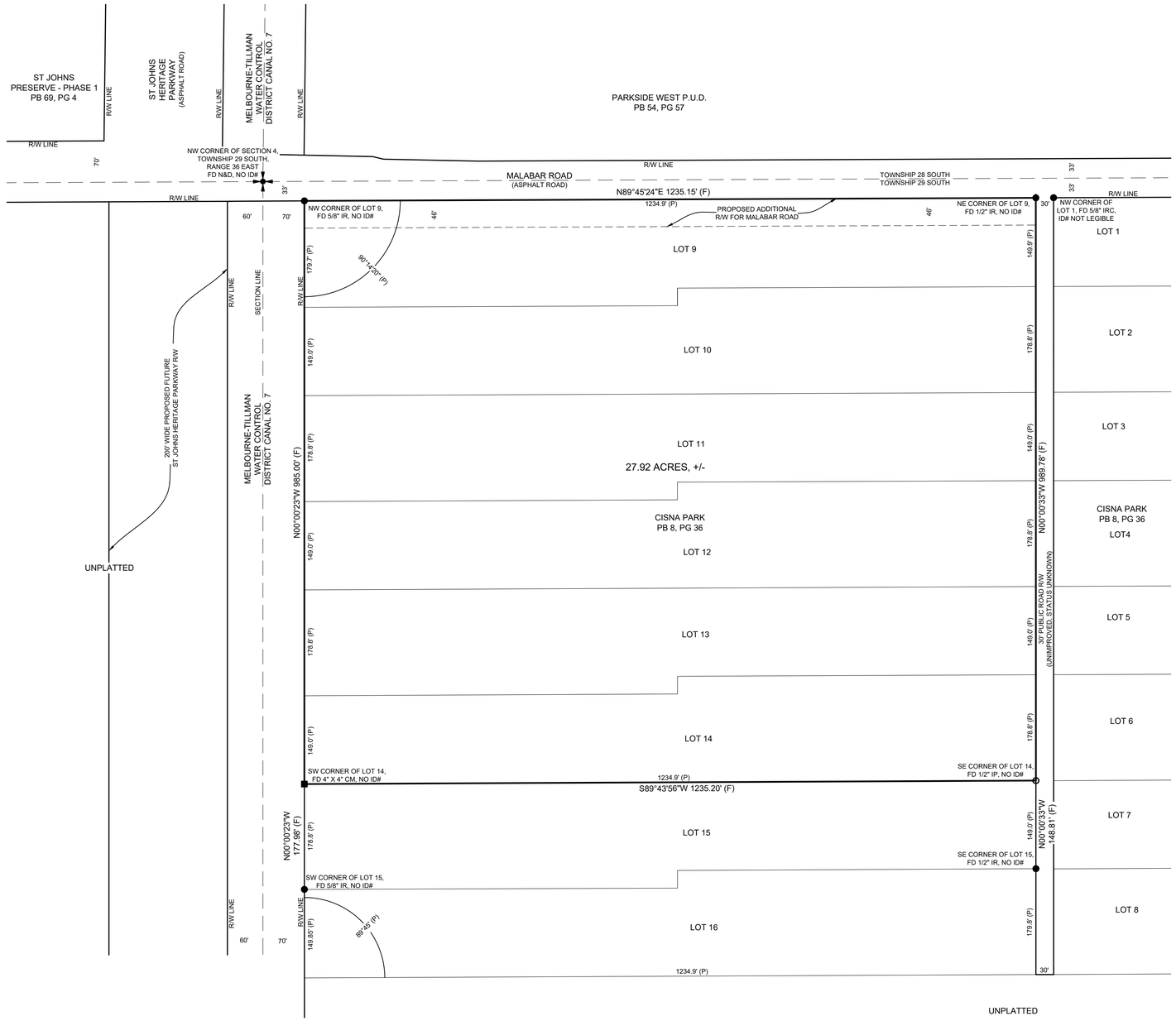
STATE OF FLORIDA.
COUNTY OF BREVARD,

I hereby certify that on this day personally appeared before me, a Notary Public in and for the State and County aforesaid, David Peel and Florence Peel, his wife, to me well known, and known to be the persons described in, and who executed the accompanying DEDICATION of CISNA PARK SUBDIVISION and jointly acknowledged the execution of said dedication to be their free act and deed, and the said Florence Peel on an examination made by me, seperate and apart from her said husband, acknowledged that she executed said dedication for the purposes therein set forth, freely and voluntarily and without any constraint, compulsion, apprehension or fear of, or from her said husband.

In testimony whereof witness my hand and Official Seal this 3rd day of May 1933.

S. E. Eberson
Notary Public State of Florida at Large
My Commission Expires





SURVEY NOTES:

SURVEY OF LOTS 9 THROUGH 14, CISNA PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING IN SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

SURVEY FOR BOUNDARY ONLY.

IMPROVEMENTS AND/OR UTILITIES, WHETHER ABOVEGROUND OR UNDERGROUND, ARE NOT LOCATED OR SHOWN ON THIS SURVEY.

BEARING REFERENCE: ASSUMED BEARING OF N89°45'24"E ON THE SOUTH RIGHT-OF-WAY LINE OF MALABAR ROAD.

THIS SURVEY IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025.

THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

DATE OF LAST FIELD WORK: 06/16/2021

100 0 50 100
(IN FEET)

B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3674 FAX: (321) 723-1159

CERTIFICATE OF PROFESSIONAL ENGINEERS BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

SCOTT M. GLAUBITZ
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NUMBER 4151

LESLIE E. HOWARD
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NUMBER 5611

ABBREVIATIONS

A/C	AIR CONDITIONER
AL	ARC LENGTH
AVE	AVENUE
BLVD	BOULEVARD
BM	BENCH MARK
BOC	BEGINNING OF CURVE
CL	CENTERLINE
CA	CENTRAL ANGLE
CB	CHORD BEARING
CBS	CONCRETE BLOCK STRUCTURE
CH	CHORD LENGTH
CM	CONCRETE MONUMENT
CMP	CORRUGATED METAL PIPE
CONC	CONCRETE
COR	CORNER
DEL	DELTA / CENTRAL ANGLE
DRI	DEVELOPMENT OF REGIONAL IMPACT
ELEC	ELECTRIC
EL/ELEV	ELEVATION
EOC	END OF CURVE
EOP	EDGE OF PAVEMENT
EOW	EDGE OF WATER
ERCP	ELLIPTICAL REINFORCED CONCRETE PIPE
ESMT	EASEMENT
FD	FOUND
FFE	FINISHED FLOOR ELEVATION
FH	FIRE HYDRANT
FP&L	FLORIDA POWER AND LIGHT
FT	FEET
HWY	HIGHWAY
ID#	IDENTIFICATION NUMBER
IP	IRON PIPE
IR	IRON ROD
IRC	IRON ROD AND CAP
LB	LICENSED BUSINESS
LWP	LIGHTER WOOD POST
N#	NEIGHBORHOOD IDENTIFICATION
N&D	NAIL AND DISK
NAVD88	NORTH AMERICAN VERTICAL DATUM 1988
NGVD29	NATIONAL GEODETIC VERTICAL DATUM 1929
NT|	NON-TANGENT INTERSECTION
NTL	NON-TANGENT LINE
NTS	NOT TO SCALE
OHE	OVERHEAD ELECTRIC/ UTILITY
OR/ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PCC	POINT OF COMPOUND CURVATURE
PCP	PERMANENT CONTROL POINT
PG(S)	PAGE(S)
PK	PARKER-KALEN
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PP	POWER/UTILITY POLE
PRC	POINT OF REVERSE CURVATURE
PUD	PLANNED UNIT DEVELOPMENT
PVC	POLYVINYL CHLORIDE PIPE
R	RADIUS
R/W	RIGHT-OF-WAY
RCP	REINFORCED CONCRETE PIPE
RR	RAILROAD
ST	STREET
TYP	TYPICAL

FIELD BOOK: ---
PAGE(S): ---

9	
8	
7	
6	
5	
4	
3	
2	
1	
DATE:	06/25/2021
DESIGN/DRAWN:	LEH

PROJECT TITLE

CISNA PARK LOTS 9-14

SHEET TITLE

BOUNDARY SURVEY

PROJECT NO. 11610

DRAWING NO. 11610_100_001

SHEET 1 of 1

H:\Projects Folder\11610\Drawings\11610_100\11610_100_001.dwg June 25, 2021 5:40:56 AM LH

LAND DEVELOPMENT DIVISION
120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopmentweb@palmbayflorida.org

COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

This application must be deemed complete and legible, and the original application with original signature(s) must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. **Large Scale Amendments will require 60 days of review prior to a scheduled Planning and Zoning Board meeting**. The application will then be referred by 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 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.

APPLICATION AMENDMENT TYPE:

- [x] **Small Scale** (50 acres or Less)
- [ ] **Text Amendment** (Comp. Plan)
- [ ] **Large Scale** (More than 50 acres)

PARCEL ID(S):

29-36-04-25-*-9

TAX ACCOUNT NUMBER(S):

2903874

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):

LOTS 9, 10, 11, 12, 13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):

27.91

LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.):

RES-1 (Brevard County)

LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE (attach additional sheets if necessary):

MULTIPLE FAMILY RESIDENTIAL USE

PRESENT USE OF PROPERTY:

Vacant

STRUCTURES LOCATED ON THE PROPERTY: None

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: Yes

JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary):

Annexation inot the City of Palm Bay, establsih FLU Designation and apprporiate zoning Classigication for intended land use

SPECIFIC USE INTENDED FOR PROPERTY:

Residential Development detached rental single detaches,duplex, triplex wioth up to 266 units, amenities and supporting infrastructure

THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:

☐ *Application Fee. Make Check payable to "City of Palm Bay."

- ☒ **$1,200.00 - Small Scale** (50 acres or Less)
- ☐ **$2,000.00 - Large Scale** (More than 50 acres)
- ☐ **$2,000.00 - Text Amendment** (Comp. Plan)

CITY OF PALM BAY, FLORIDA
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

- [x] Legal description of the subject property with a sketch of the legal. **Also provide the site sketch on Memory Drive.**

- [x] List of legal descriptions 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 should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)

- [x] School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.

- [ ] Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guideline. Staff will provide a sign template.

- [ ] **Where the property owner is not the representative for the request**, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative _____

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 OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Owner Signature Dolores J. Stentz Amy Ferguson **Date** 12/9/21

Printed Name The William F Stentz Trust dated July 14 1993 + Bart F. Ferguson + Amy S Ferguson

Full Address 8583 Sylvan drive Melbourne FL 32904 / 5716 Ponderosa St W Melbourne FL 32904

Telephone 321-408-0411 **Email** amystentz@gmail.com

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

December 17, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

LOTS 9,10,11,12,13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY,FL

I, Owner Name: William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson

Address: 8583 Sylvan Dr & 576 Ponderosa St W Melbourne FL 32904

Telephone: 321-408-0411

Email: amyslentz@gmail.com

hereby authorize:

Representative: Alexandre de Chabert / Contract Purchaser / Stellar Communites

Address: 175 Sea Dunes Drive Melbourne Beach FL 32951

Telephone: 3218069467 3218069467

Email: adechabert@livestellar.com

to represent the request(s) for:

Application for Rezoning, Comprehensive Plan or Future Land Use Map Amendment, or Petition for Voluntary Annexation with the City of Palm Bay

Dolores J Slentz

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this _____ day of December, 20 21 by

William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson, property owner.

_____, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

_____

LEROY L. HENNESSEY, JR.
MY COMMISSION # HH 185943
EXPIRES: December 9, 2025
Bonded Thru Notary Public Underwriters

December 17, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

LOTS 9,10,11,12,13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY,FL

I, Owner Name: William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson

Address: 8583 Sylvan Dr & 576 Ponderosa St W Melbourne FL 32904

Telephone: 321-408-0411

Email: amyslentz@gmail.com

hereby authorize:

Representative: Jack Kirschenbaum / Attorney / Gray Robinson PA

Address: 1795 West Nasa Blvd Melbourne FL 32901

Telephone: 321-727-8100

Email: Jack.Kirschenbaum@gray-robinson.com

to represent the request(s) for:

Application for Rezoning, Comprehensive Plan or Future Land Use Map Amendment, or Petition for Voluntary Annexation with the City of Palm Bay

Dolores J. Slentz

(Property Owner Signature)

Bart F Ferguson

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this _____ day of December, 20 21 by William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson, property owner.

_____, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

_____

LEROY L. HENNESSEY, JR.
MY COMMISSION # HH 185943
EXPIRES: December 9, 2025
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LOTS 9,10,11,12,13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY,FL

I, Owner Name: William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson

Address: 8583 Sylvan Dr & 576 Ponderosa St W Melbourne FL 32904

Telephone: 321-408-0411

Email: amyslentz@gmail.com

hereby authorize:

Representative: Hassan Kamal / Engineer / BSE Consultant Inc

Address: 312 S. Harbor City Blvd Suite 4 Melbourne FL 32901

Telephone: 321 725 3674 3214031437

Email: hkamal@breconsult.com

to represent the request(s) for:

Application for Rezoning, Comprehensive Plan or Future Land Use Map Amendment, or Petition for Voluntary Annexation with the City of Palm Bay

Dolores J. Slentz

(Property Owner Signature)

Bart F. Ferguson Amy S Ferguson

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this _____ day of December, 20 21 by

William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson, property owner.

_____, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

_____

LEROY L. HENNESSEY, JR.
MY COMMISSION # HH 185943
EXPIRES: December 9, 2025
Bonded Thru Notary Public Underwriters

LEGAL DESCRIPTION:

LOTS 9, 10, 11, 12, 13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-01

Held on Wednesday, January 5, 2022, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Ms. Leeta Jordan led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present	
VICE CHAIRPERSON:	Leeta Jordan	Present	
MEMBER:	Donald Boerema	Present	
MEMBER:	James Boothroyd	Present	
MEMBER:	Richard Hill	Present	
MEMBER:	Khalilah Maragh	Absent	(Excused)
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa (School Board Appointee)	Absent	(Excused)

Ms. Maragh's absence was excused.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ADOPTION OF MINUTES:

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-14 December 1, 2021.**

   Motion to approve the minutes as presented.

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

3. **T-3-2022 - Dog Training and Similar Uses in NC - Kimberly Mayes, Rockin' Dawgs - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.042(B), to create provisions within the NC, Neighborhood Commercial District to allow for dog training and similar uses**

Mr. Murphy presented the staff report for Case T-3-2022. Staff recommended Case T-3-2022 for approval.

Ms. Kimberly Mayes with Rockin' Dawgs (applicant) stated that she trained dog owners to train their own pets in obedience and basic behavioral manners. She also worked with veterinarians.

Mr. Warner wanted to know how long the applicant had been in business. Ms. Mayes stated that she had provided training services in Brevard County for over 25 years. She established Rockin' Dawgs in Rockledge seven years ago and had recently moved the business to Palm Bay.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Motion to submit Case T-3-2022 to City Council for approval.

Motion by Ms. Jordan, seconded by Mr. Warner. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

4. **CP-2-2022 - Stellar Casitas-Malabar - William F. and Dolores J. Slentz / Bart F. and Amy S. Ferguson (Hassan Kamal, P.E., BSE Consultant, Inc., Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from RES-1, Residential 1 Unit Per Acre (Brevard County) to Multiple-Family Residential Use. Lots 9 through 14, Cisna Park, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 27.91 acres. Located south of and**

adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7

Mr. Murphy presented the staff report for Case CP-2-2022. Staff concluded that the Planning and Zoning Board must determine if the request, based upon the submitted material and presentation made by the applicant, met the general requirements of the Code of Ordinances, as identified in the staff report.

Mr. Warner asked about other land use options for the site. Mr. Murphy stated that the requested BMUV land use category was appropriate for the multiple-family project the applicant was planning for the site.

Mr. Jack Kirschenbaum, attorney with GrayRobinson, P.A., noted that Mr. Hassan Kamal, P.E., BSE Consultant, Inc. (representative for the applicants) and Mr. Alexandre de Chabert with Stellar Communities (developer for the site) were both in attendance. The subject site was being annexed into the City to allow for a unique, green, upscale and gated single-family residential development. A proposed single-family rental community would be built and managed by Stellar Communities and would offer a unique opportunity to residents who could not, or chose not, to purchase a home.

Mr. Boerema inquired about the multiple-family aspect of the proposed development. Mr. Kirschenbaum explained that the actual buildings on the site would be single-family, but the future project would be considered a multiple-family development based on City code. Mr. Murphy added that the land and structures would not be subdivided or sold individually, and multiple families would reside on the property.

Mr. Boothroyd remarked on how the project appeared to be a good product, but he wanted to know if the homes would be priced on the low end. Mr. de Chabert stated that an initial market analysis had projected a charge of approximately $1.90 to $2.00 a square foot. The dwellings would live like single-family homes with backyards. The two and three-bedroom structures would sit separated on the site, and the single-bedroom units would share walls like a duplex. He stressed that the project was not an affordable housing type community, and that the development would cater to

upscale renters such as snowbirds, retirees, and young families who were not ready to purchase a home.

Mr. Hill asked if the development would be constructed in a single phase. Mr. de Chabert confirmed that this was correct.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. The rental development proposed for the subject location addressed a need within the City.

The floor was closed for public comments, and there was no correspondence in the file.

Motion to submit Case CP-2-2022 to City Council for approval.

Motion by Ms. Jordan, seconded Mr. Boothroyd. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill.

Nay: Warner.

5. ****CPZ-2-2022 - Stellar Casitas-Malabar - William F. and Dolores J. Slentz / Bart F. and Amy S. Ferguson (Hassan Kamal, P.E., BSE Consultant, Inc., Rep.) - A Zoning amendment from AU (Brevard County) to an RM-10, Single-, Two-, Multiple-Family Residential District. Lots 9 through 14, Cisna Park, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 27.91 acres. Located south of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7**

Mr. Murphy presented the staff report for Case CPZ-2-2022. Staff concluded that the Planning and Zoning Board must determine if the request, based upon the submitted material and presentation made by the applicant, met the general requirements of the Code of Ordinances, as identified in the staff report.

ORDINANCE 2022-20

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (D), ADOPTION OF FUTURE LAND USE MAP, BY AMENDING THE FUTURE LAND USE MAP; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held an adoption hearing on an amendment to the Comprehensive Plan on January 5, 2022, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption hearing on an amendment to the Comprehensive Plan on February 3, 2022, after public notice, and

WHEREAS, the City Council of the City of Palm Bay desires to adopt said small scale amendment to the Comprehensive Plan of the City of Palm Bay.

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

SECTION 1. The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the change in land use of property from RES-1, Residential 2 Unit Per Acre (Brevard County) to Multiple-Family Residential Use, which property is legally described as follows:

> Lots 9 through 14, Cisna Park, according to the plat thereof as recorded in Plat Book 8, Page 36, of the Public Records of Brevard County, Florida; Section 4, Township 29S, Range 36E; containing 27.91 acres, more or less.

SECTION 2. The Future Land Use Map is hereby changed to reflect this amendment.

SECTION 3. All staff report conditions and limitations shall be met and those conditions and limitations shall be made a part of the Comprehensive Plan.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 5. The provisions within this ordinance shall take effect thirty-one (31) days from the enactment date.

Read in title only and duly enacted at Meeting 2022- , held on , 2022.

_____
Rob Medina, MAYOR

ATTEST:

_____
Terese M. Jones, CITY CLERK

*Only one reading required pursuant to Chapter 163, Florida Statutes.

Reviewed by CAO: _____

Applicant: The William F Slentz Trust / Bart and Amy Ferguson
Case: CP-2-2022

cc: (date) Brevard County Property Appraiser
Applicant
Case File

STELLAR
COMMUNITIES

The Future of Build to rent is Here!

Renters By Choice

February 1, 2022

The information included in this package has been prepared on behalf of Stellar Communities and is derived from sources believed to be, but are not warranted. All information included in this package is considered to be highly confidential and may not be disclosed to any person without prior consent. This presentation and information contained herein is proprietary and confidential and are intended exclusively for the use of the person to whom it has been delivered and may not be reproduced or redistributed to any other person without the prior written consent.

ABOUT STELLAR COMMUNITIES

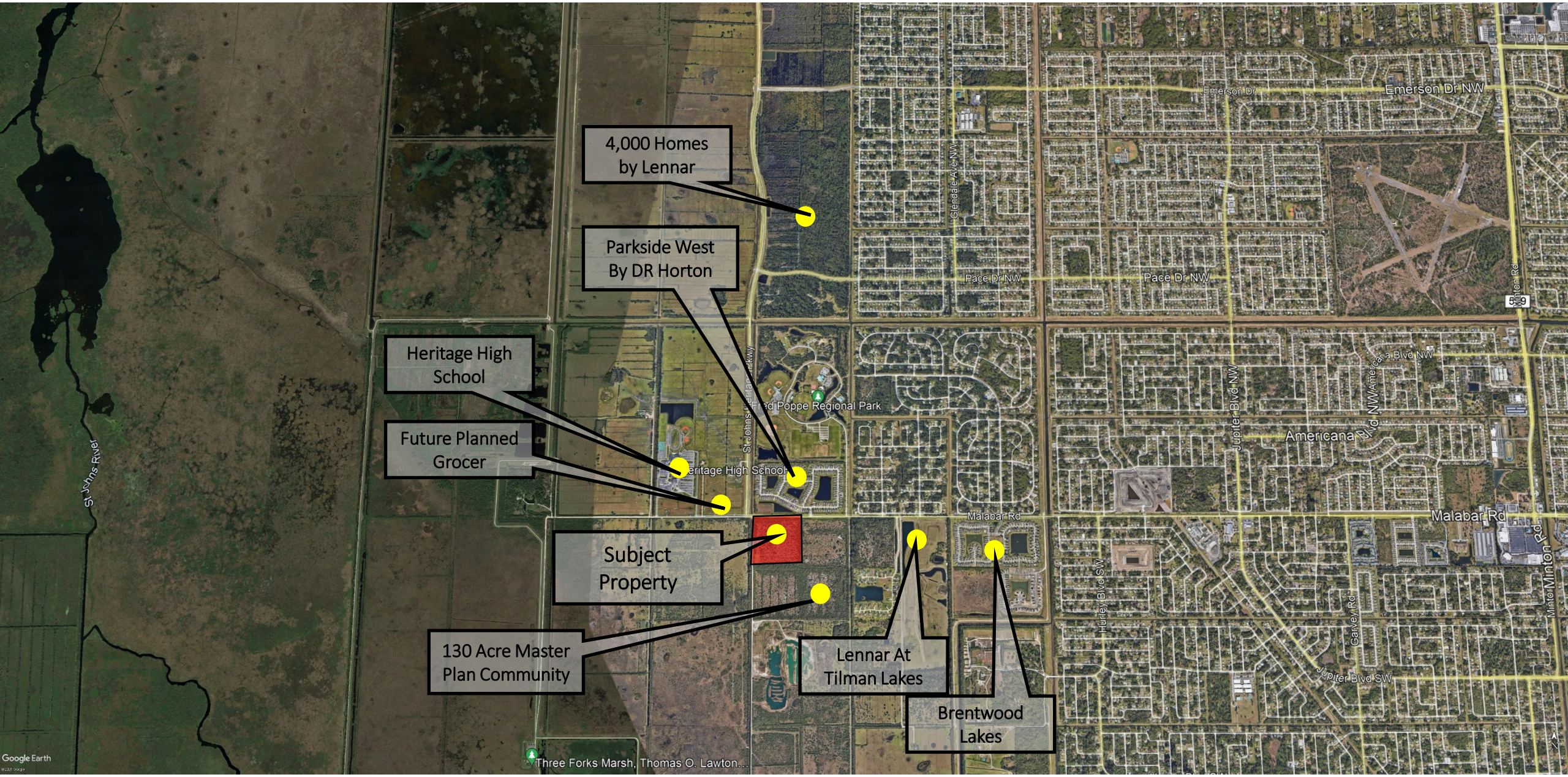
Established in 2009, Stellar Homes Group LLC is a leading real estate development company in South Florida. Since our inception, we have had the privilege of helping over 2,300 families move into the next stage of their lives with a new home. Today, we have grown into a full service land entitlement and real estate development company with a progressive focus on eco-luxury initiatives for residential sale and rental communities.

With a deep-rooted commitment to quality and value, Stellar Homes Group builds inspiring homes and communities with unmatched efficiencies in some of the most highly sought-after coastal, urban and suburban locations across South Florida. We not only envision and design our homes to exceptionally cater to those dwelling within, but we also create a foundation for beautiful, healthy living to be enjoyed by friends, family and community.

As the first developer in South Florida history to include solar panels as a standard feature on homes, this progressive initiative—meshed with our innovative, high-end green home features—allows us to place as an industry leader.

Powered by innovative thinking, Stellar has charted a course of success in acquisitions, development, sales and marketing.

Project Location

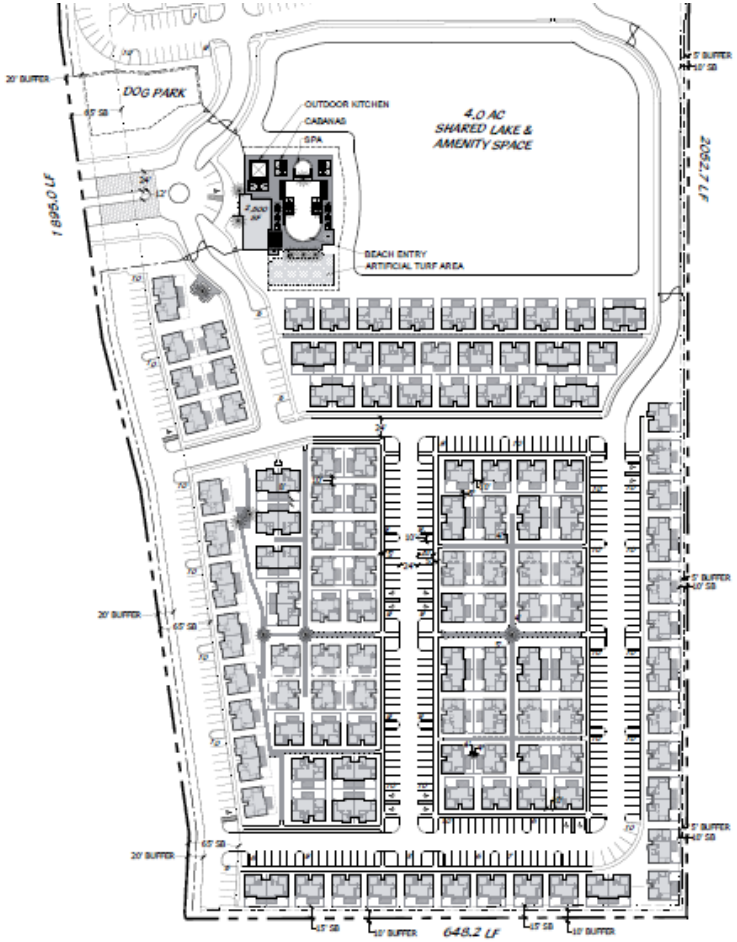


Property Details		
Property Name		The Stellar at Malabar RD
Type of Deal		Build To Rent
Address		St Johns Pkwy & Malabar Road
City		Palm Bay
County		Brevard County
State		Florida
Acres (Net)		26.6
Total Units		266
UNITS	MIX	SQ FOOTAGE (Net)
1 Bed/1 Bath	118	950
2 Bed/2 Bath	100	950
3 Bed/2 Bath	48	1,100

Similar Product in Central Florida

-Stellar at Verano
-City: Port St Lucie

-Stellar at Davenport
-City: Davenport



Stellar Communities hybrid housing is for today and tomorrow's renter that takes the best of single family and apartment living and combines it into one home. Our horizontal living community is a pet-friendly community that features a luxurious, resort-style swimming pool, state of the art fitness facility, event lawns and small parks for private events and community planned social functions.

Typical Community Amenities

- Community swimming pool
- Heated spa, barbecue
- Picnic areas and green space areas
- Fitness center / clubhouse building
- Garages for rent
- Gated entry

Typical Unit Features

- Single Story detached homes
- Each unit has a private yard
- Pet friendly living with doggie door and open spaces
- Feels like home, not an apartment
- More privacy and less noise
- 10-12 foot ceilings

Typical Unit Features

- Single Story detached homes
- Each unit has a private yard
- Pet friendly living
- Feels like home, not an apartment
- More privacy and less noise
- 10-12 foot ceilings
- Plenty of Green Space
- Highly secure gated community

UNIT A
FRONT COLOR ELEVATION
COLOR SCHEME 1

UNIT B
FRONT COLOR ELEVATION
COLOR SCHEME 2

UNIT C
FRONT COLOR ELEVATION
COLOR SCHEME 1

1 Bedroom 1 bathroom Unit

2 Bed 2 bathroom Unit

3 Bedroom 2 bathroom Unit

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Alexandra Bernard, Growth Management Director**

DATE: **2/3/2022**

RE: **Ordinance 2022-21, rezoning property located south of and adjacent to Malabar Road, and east of and adjacent to Melbourne-Tillman Water Control District Canal 7, from AU, Agricultural Residential (Brevard County) to RM-10 (Single-, Two-, Multiple-Family District) (27.91 acres) (Case CPZ-2-2022, The William F Slentz Trust / Bart and Amy Ferguson), first reading. (Quasi-Judicial Proceeding)**

Mr. William F. Slentz and Ms. Dolores J. Slentz / Mr. Bart F. Fergusson and Ms. Amy S. Ferguson (represented by Hassan Kamal, P.E., BSE Consultant, Inc.; Alexandre de Chabert, Stellar Communities; and Jack Kirshenbaum, Esq., Gray Robinson PA) have submitted for a rezoning from AU, Agricultural Residential (Brevard County) to an RM-10, Single-, Two-, Multiple-Family Residential District. The undeveloped land is located south of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7. There are six lots included in this request.

The RM-10 zoning district will be assigned to property that is voluntarily being annexed into the City of Palm Bay (Case A-2-2022). The developer plans to construct a multi-family community with up to 266 units and amenities. The rezoning is compatible with the surrounding area and will allow for a mix of much needed multiple-family residential options within the City. The change is also consistent with the City's desire and plan for diversified housing.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:
Request for City Council to determine if Case CPZ-2-2022, based upon the submitted material and presentation made by the applicant, meets the general requirements of the Code of Ordinances, as identified in the staff report.

Planning and Zoning Board Recommendation:
Approval of the request by a vote of 5 to 1.

ATTACHMENTS:

Description

Case CPZ-2-2022 - Staff Report - Revised
Case CPZ-2-2022 - County Zoning & Future Land Use
Case CPZ-2-2022 - Plat
Case CPZ-2-2022 - Boundary Survey
Case CPZ-2-2022 - Application
Case CPZ-2-2022 - Board Minutes
Ordinance 2022-21
Presentation

REVISED

STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
landdevelopmentweb@palmbayflorida.org

Prepared by
Christopher Balter, Senior Planner

CASE NUMBER
CPZ-2-2022

PLANNING & ZONING BOARD HEARING DATE
January 5, 2022

PROPERTY OWNER & APPLICANT
William F. and Dolores J. Slentz / Bart F. and Amy S. Ferguson (Presented by (Hassan Kamal, BSE Consultant Inc.; Alexandre de Chabert, Stellar Communities; and Jack Kirshenbaum, Gray Robinson PA)

PROPERTY LOCATION/ADDRESS
Lots 9 through 14, Cisna Park, Section 4, Township 29, Range 36, Brevard County, Florida

SUMMARY OF REQUEST
The applicant is requesting a rezoning from AU, Agricultural Residential (Brevard County) to the RM-10, Single-, Two-, Multiple-Family District.

Existing Zoning	AU, Agricultural Residential (Brevard County)
Existing Land Use	RES-1, Residential 1 Unit Per Acre (Brevard County)
Site Improvements	Undeveloped Land
Site Acreage	27.91 acres

SURROUNDING ZONING & USE OF LAND

North	Malabar Road NW
East	AU, Agricultural Residential; Vacant Land
South	AU, Agricultural Residential; Vacant Land
West	AU, Agricultural Residential; Vacant Land

BACKGROUND:

The subject properties are located south of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7. There are 6 ~~parcels~~ **>>**lots**<<** included in this request.

The owner of the property has requested a voluntary annexation into the City of Palm Bay from unincorporated Brevard County. When land is annexed into the City, it is prudent that said land is assigned a future land use category and zoning designation that is most appropriate. That is the purpose of this request.

ANALYSIS:

The following analysis is per Chapter 185: Zoning Code, Section 185.201(C) which states that all proposed amendments shall be submitted to the Planning and Zoning Board, which shall study such proposals in accordance with items 1 through 4 of Section 185.201(C).

Item 1 - *The need and justification for the change.*

The applicant states the justification for the change is “to change the zoning district to enable the developer to construct a proposed multi-family community with up to 266 units and amenities.” The RM-10, Single-, Two-, Multiple-Family Zoning District will allow for a mix of single detached rentals, duplexes, and triplexes. The change in zoning will allow for a mix of much needed multiple-family residential options within the City.

Item 2 - *When pertaining to the rezoning of land, the effect of the change, if any, on the particular property and on surrounding properties*.

The designation of the RM-10 Zoning District for the subject properties is compatible with the surrounding area and is consistent with the City’s desire and plan for diversified housing options.

Item 3 - *When pertaining to the rezoning of land, the amount of undeveloped land in the general area and in the City having the same classification as that requested.*

Approximately 0 acres of undeveloped RM-10 zoned land is within 5 miles of the subject parcels.

Item 4 - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).*

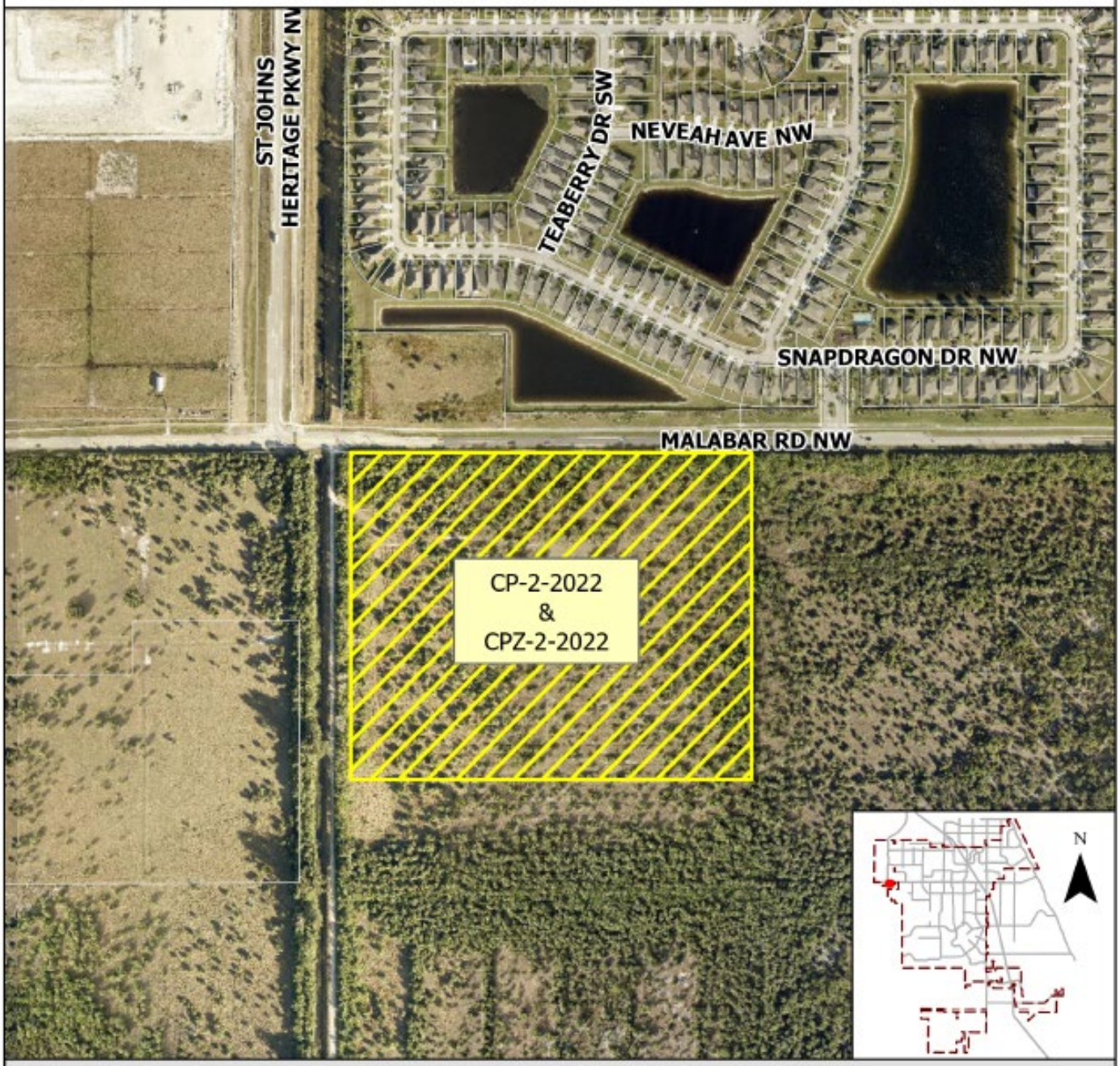
The proposed amendment will further the purposes of Chapter 185 and the Comprehensive Plan.

STAFF CONCLUSION:

The Planning and Zoning Board and City Council must determine if the request, based upon the submitted material and presentation made by the applicant, meets the general requirements of the Code of Ordinances, as identified in this report

The City of Palm Bay Florida

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



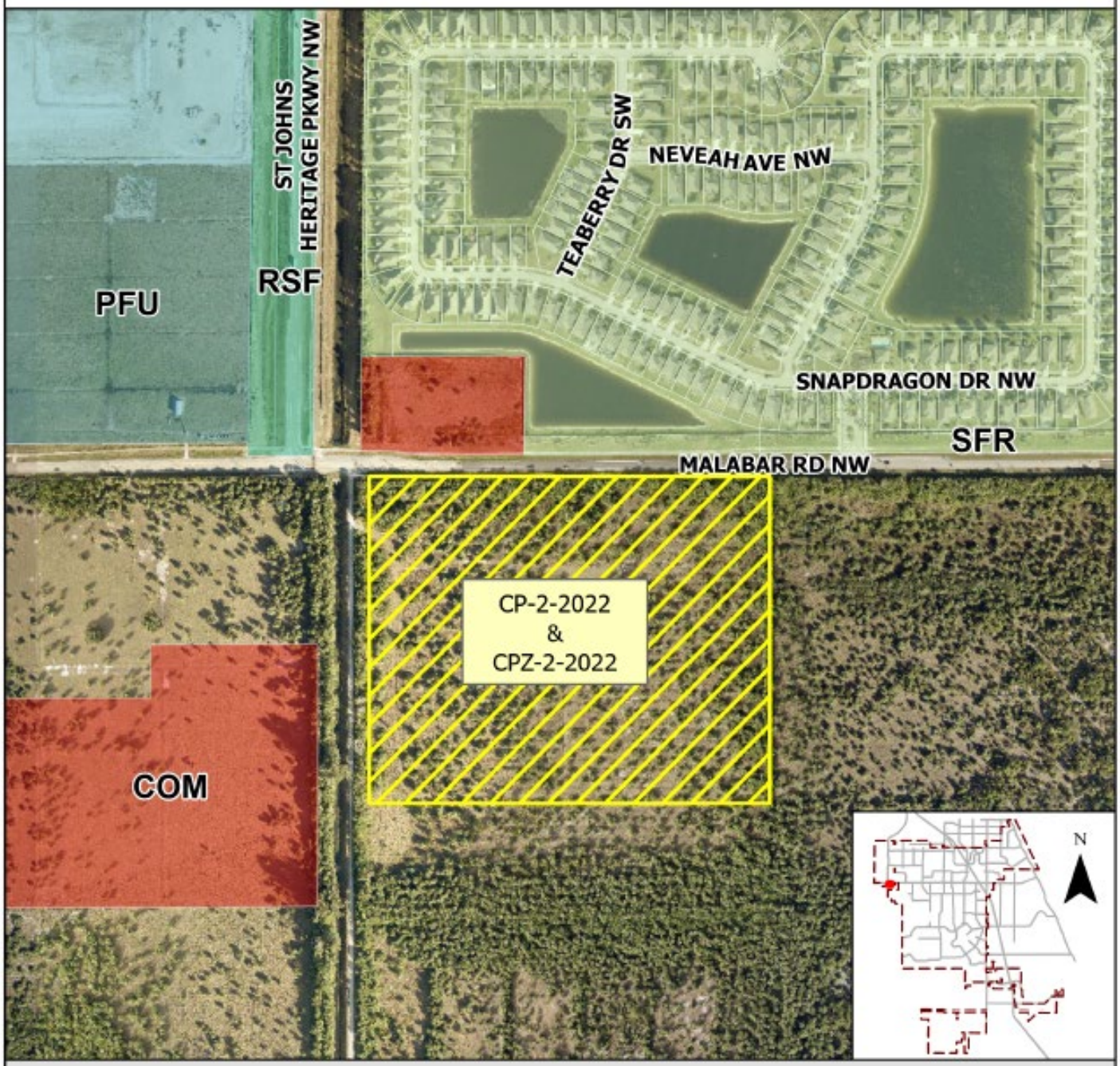
AERIAL LOCATION MAP CASE: CP-2-2022 & CPZ-2-2022

Subject Property

South of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7

The City of Palm Bay Florida

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



FUTURE LAND USE MAP CASE: CP-2-2022 & CPZ-2-2022

Subject Property

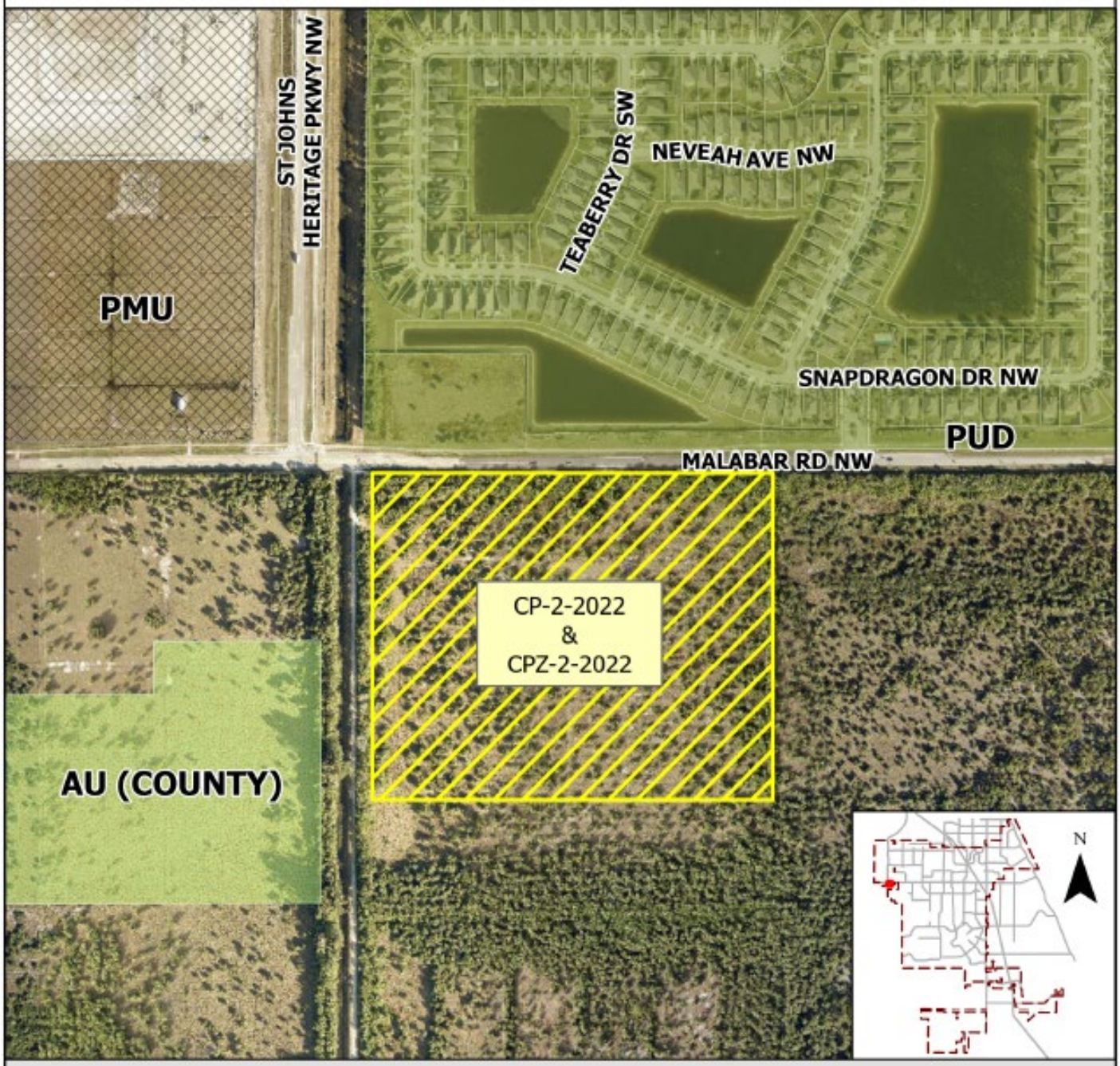
South of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7

Future Land Use Classification

RES 1 – Residential 1

The City of Palm Bay Florida

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



ZONING MAP CASE: CP-2-2022 & CPZ-2-2022

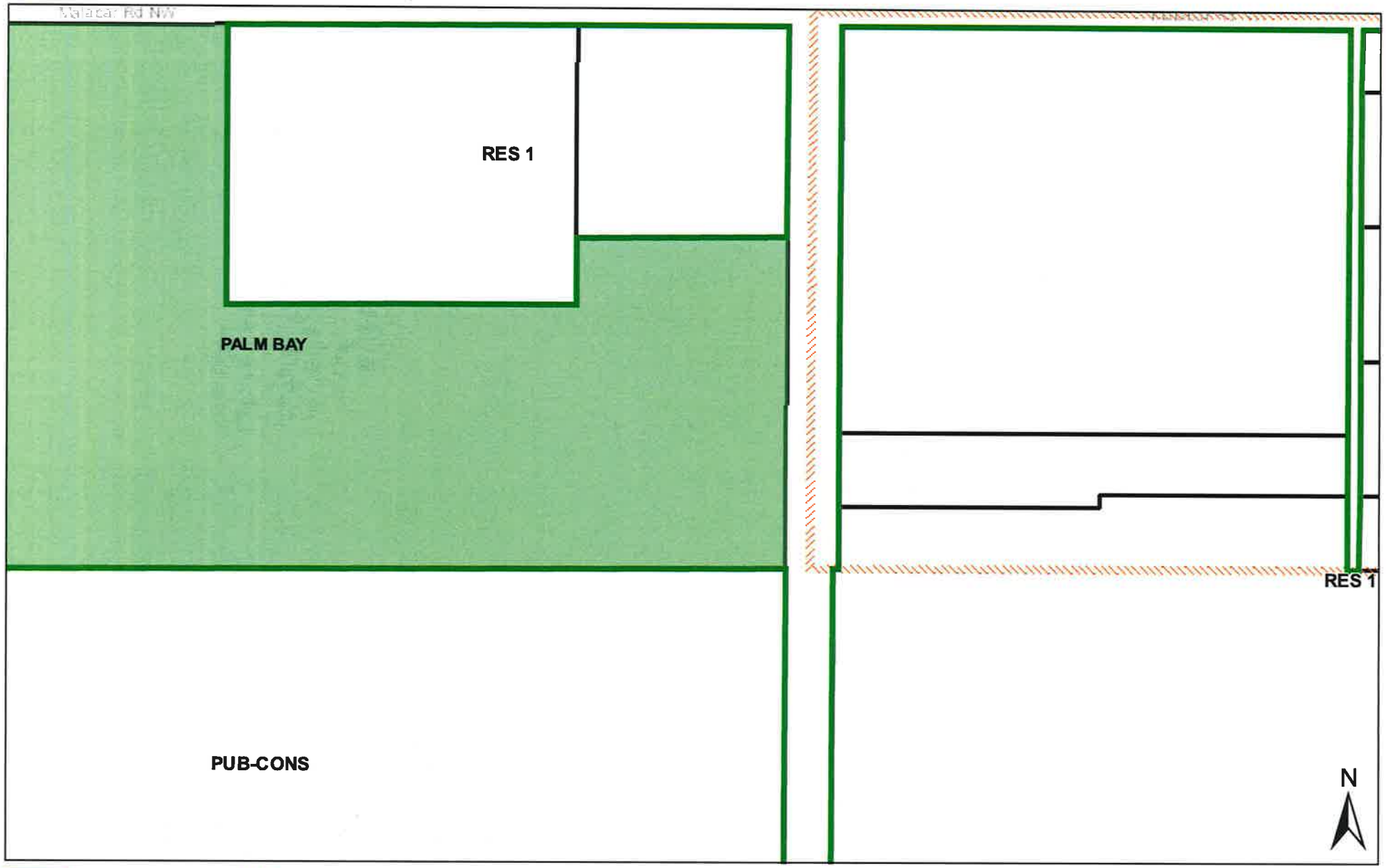
Subject Property

South of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7

Current Zoning Classification

AU – Agricultural Residential

Zoning & Future Land Use Map



Future Land Use

City

PALM BAY

Subdivisions

Parcels

Parcel Property

1:4,514

0 0.0375 0.075 0.15 mi

0 0.05 0.1 0.2 km

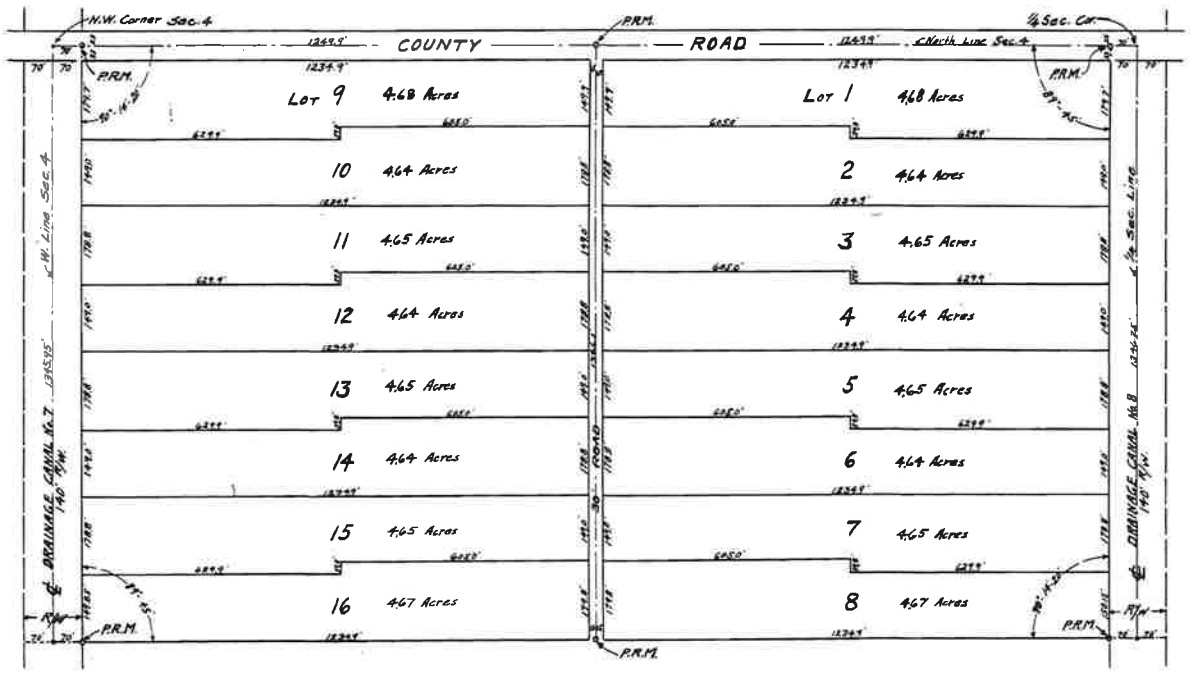
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

12/29/2021, 10:09:22 AM

ArcGIS Web AppBuilder

Brevard County, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

36



I hereby certify that the accompanying described lands were surveyed and Platted by me, and that this PLAT is a true and correct representation of said lands and that Permanent Reference Monuments (marked PRM) have been set as indicated here on.

J. P. Hewitt
Reg. Engineer No. 1358.

Approved for the Board of County Commissioners of Brevard County Fla. this 8th day of May A.D. 1933.

By M. Lemmon
Clerk Board of County Commissioners.
By Paul Conway D.C.

—DEDICATION—

Know all men by these Presents:
That we David Peel and Florence Peel his wife, lawful owners of all of the certain parcels or tracts of Land to wit:

The Northeast quarter of the Northwest quarter and the Northwest quarter of the Northwest quarter of Section 4, Township 29 South Range 36 East, Brevard County, Florida, containing 40 acres more or less,

have caused said lands to be surveyed and subdivided and platted into lots as shown here on, and do hereby adopt and dedicate this plat of said lands to be known as CISNA PARK SUBDIVISION, and do hereby dedicate the streets and Roadways as shown hereon to the perpetual use of the Public.

In witness where of we have here unto set our hands and seals this 3rd day of May 1933.

J. P. Hewitt
J. Q. Hoffman
David Peel (SEAL)
Florence Peel (SEAL)

CISNA PARK

A SUBDIVISION OF

The Northeast one quarter of the Northwest one quarter (NE¼ of NW¼) and the Northwest one quarter of the Northwest one quarter (NW¼ of NW¼) of Section 4, Twp. 29 South, Range 36 East.

BREVARD COUNTY, FLORIDA.

SCALE 1" = 150' MAY 1933.

74:4

STATE OF FLORIDA
COUNTY OF BREVARD,
FILED FOR RECORD IN OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR BREVARD COUNTY, FLORIDA, IN PLAT BOOK 8 PAGE 36.
I HEREBY CERTIFY THAT I HAVE EXAMINED THE WITHIN PLAT AND FIND THAT SAME COMPLIES WITH THE REQUIREMENTS CONTAINED IN CHAPTER 24275 (No 253) ACT 1925.

May 8 1933 2:00 P.M.

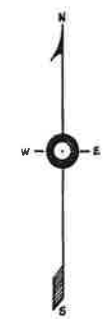
M. Lemmon Clk.
By Paul Conway D.C.

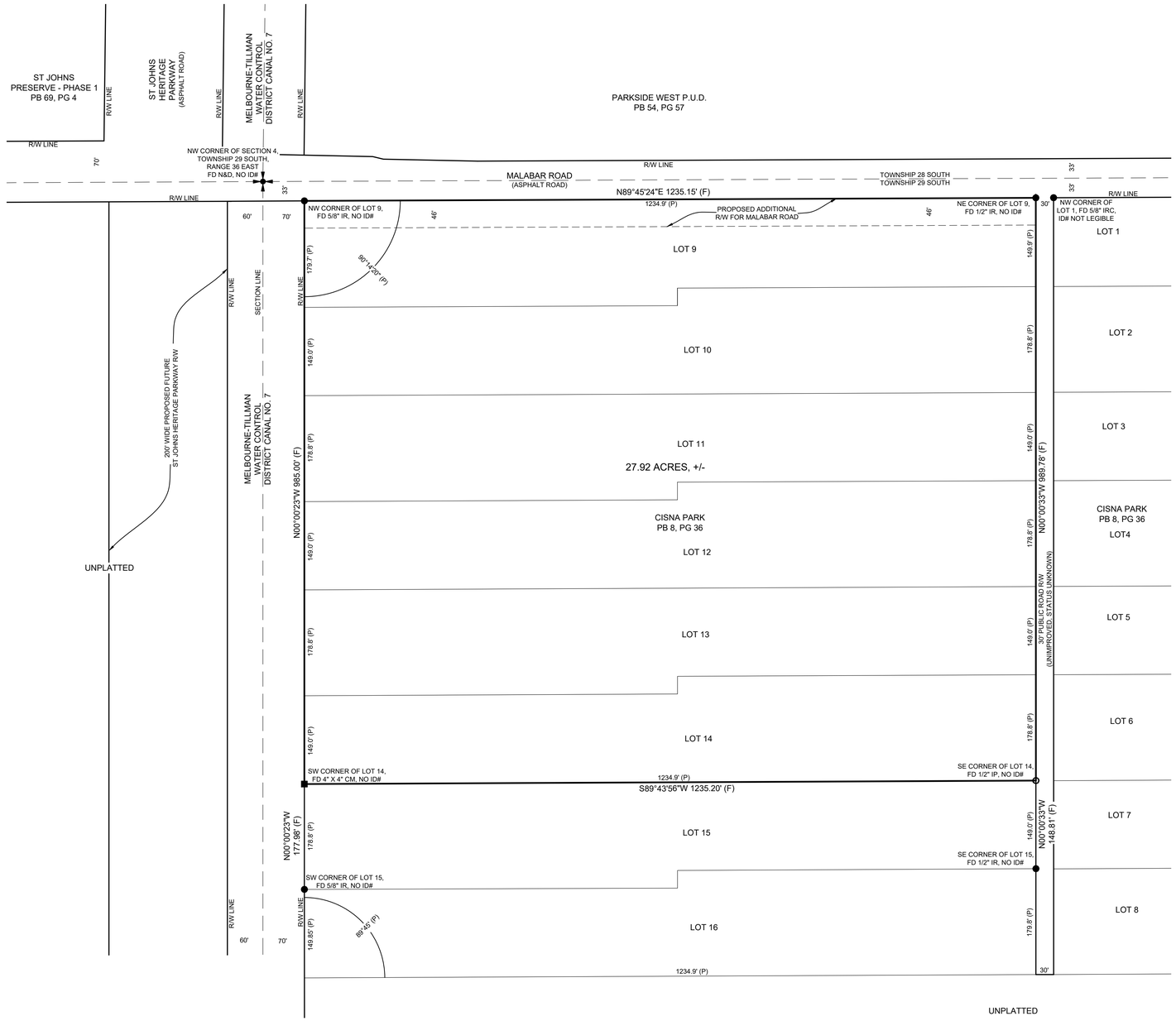
STATE OF FLORIDA.
COUNTY OF BREVARD,

I hereby certify that on this day personally appeared before me, a Notary Public in and for the State and County aforesaid, David Peel and Florence Peel, his wife, to me well known, and known to be the persons described in, and who executed the accompanying DEDICATION of CISNA PARK SUBDIVISION and jointly acknowledged the execution of said dedication to be their free act and deed, and the said Florence Peel on an examination made by me, seperate and apart from her said husband, acknowledged that she executed said dedication for the purposes therein set forth, freely and voluntarily and without any constraint, compulsion, apprehension or fear of, or from her said husband.

In testimony whereof witness my hand and Official Seal this 3rd day of May 1933.

S. E. Eberson
Notary Public State of Florida at Large
My Commission Expires





SURVEY NOTES:

SURVEY OF LOTS 9 THROUGH 14, CISNA PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING IN SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

SURVEY FOR BOUNDARY ONLY.

IMPROVEMENTS AND/OR UTILITIES, WHETHER ABOVEGROUND OR UNDERGROUND, ARE NOT LOCATED OR SHOWN ON THIS SURVEY.

BEARING REFERENCE: ASSUMED BEARING OF N89°45'24"E ON THE SOUTH RIGHT-OF-WAY LINE OF MALABAR ROAD.

THIS SURVEY IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025.

THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

DATE OF LAST FIELD WORK: 06/16/2021

100 0 50 100
(IN FEET)

B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3674 FAX: (321) 723-1159

CERTIFICATE OF PROFESSIONAL ENGINEERS BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

SCOTT M. GLAUBITZ
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NUMBER 4151

LESLIE E. HOWARD
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NUMBER 5611

ABBREVIATIONS

A/C	AIR CONDITIONER
AL	ARC LENGTH
AVE	AVENUE
BLVD	BOULEVARD
BM	BENCH MARK
BOC	BEGINNING OF CURVE
CL	CENTERLINE
CA	CENTRAL ANGLE
CB	CHORD BEARING
CBS	CONCRETE BLOCK STRUCTURE
CH	CHORD LENGTH
CM	CONCRETE MONUMENT
CMP	CORRUGATED METAL PIPE
CONC	CONCRETE
COR	CORNER
DEL	DELTA / CENTRAL ANGLE
DRI	DEVELOPMENT OF REGIONAL IMPACT
ELEC	ELECTRIC
EL/ELEV	ELEVATION
EOC	END OF CURVE
EOP	EDGE OF PAVEMENT
EOW	EDGE OF WATER
ERCP	ELLIPTICAL REINFORCED CONCRETE PIPE
ESMT	EASEMENT
FD	FOUND
FFE	FINISHED FLOOR ELEVATION
FH	FIRE HYDRANT
FP&L	FLORIDA POWER AND LIGHT
FT	FEET
HWY	HIGHWAY
ID#	IDENTIFICATION NUMBER
IP	IRON PIPE
IR	IRON ROD
IRC	IRON ROD AND CAP
LB	LICENSED BUSINESS
LWP	LIGHTER WOOD POST
N#	NEIGHBORHOOD IDENTIFICATION
N&D	NAIL AND DISK
NAVD88	NORTH AMERICAN VERTICAL DATUM 1988
NGVD29	NATIONAL GEODETIC VERTICAL DATUM 1929
NT|	NON-TANGENT INTERSECTION
NTL	NON-TANGENT LINE
NTS	NOT TO SCALE
OHE	OVERHEAD ELECTRIC/ UTILITY
OR/ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PCC	POINT OF COMPOUND CURVATURE
PCP	PERMANENT CONTROL POINT
PG(S)	PAGE(S)
PK	PARKER-KALEN
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PP	POWER/UTILITY POLE
PRC	POINT OF REVERSE CURVATURE
PUD	PLANNED UNIT DEVELOPMENT
PVC	POLYVINYL CHLORIDE PIPE
R	RADIUS
R/W	RIGHT-OF-WAY
RCP	REINFORCED CONCRETE PIPE
RR	RAILROAD
ST	STREET
TYP	TYPICAL

FIELD BOOK: ---
PAGE(S): ---

9	
8	
7	
6	
5	
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3	
2	
1	
DATE:	06/25/2021
DESIGN/DRAWN:	LEH

PROJECT TITLE

CISNA PARK LOTS 9-14

SHEET TITLE

BOUNDARY SURVEY

PROJECT NO. 11610

DRAWING NO. 11610_100_001

SHEET 1 of 1

H:\Projects Folder\11610\Drawings\11610_100\11610_100_001.dwg June 25, 2021 5:40:56 AM LH

LAND DEVELOPMENT DIVISION
120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopmentweb@palmbayflorida.org

REZONING APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by 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 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.

PARCEL ID(S):

29-36-04-25-*-9

TAX ACCOUNT NUMBER(S):

2903874

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):

LOTS 9, 10, 11, 12, 13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PROPERTY ADDRESS:

South side of Malabar Road, east of the intersecion of the Malabar/St. Johns Heritage Parkway

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):

27.91 acres

ZONING CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.):

AU (County Zoning Designation)

ZONING CLASSIFICATION DESIRED (ex.: IU, LI, etc.):

RM-10

STRUCTURES LOCATED ON THE PROPERTY:

None

PRESENT USE OF THE PROPERTY:

Vacant

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

Residential Development detached rental single detaches,duplex, triplex wioth up to 266 units, amenities and supporting infrastructure

THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:

- [x] *A $650.00 application fee. Make Check payable to "City of Palm Bay."
- [x] A Boundary Survey or Sketch with legal descriptions of properties covered by this application.
- [x] List of legal descriptions 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 should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- [x] School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.
- [ ] Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guideline. Staff will provide a sign template.
- [ ] **Where the property owner is not the representative for the request**, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative _____

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 rezoning application and that the facts stated in it are true.

Owner Signature Dolores J. Slentz / Amy S Ferguson **Date** 12/9/21

Printed Name The William F Slentz Trust dated July 14 1993 + Bart F. Ferguson + Amy S Ferguson

Full Address 8583 Sylvan drive W Melbourne FL 32904 / 576 Ponderosa St W. Melbourne FL 32904

Telephone 321-408-0411 **Email** amyslentz@gmail.com

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

December 17, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

LOTS 9,10,11,12,13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY,FL

I, Owner Name: William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson

Address: 8583 Sylvan Dr & 576 Ponderosa St W Melbourne FL 32904

Telephone: 321-408-0411

Email: amyslentz@gmail.com

hereby authorize:

Representative: Alexandre de Chabert / Contract Purchaser / Stellar Communites

Address: 175 Sea Dunes Drive Melbourne Beach FL 32951

Telephone: 3218069467 3218069467

Email: adechabert@livestellar.com

to represent the request(s) for:

Application for Rezoning, Comprehensive Plan or Future Land Use Map Amendment, or Petition for Voluntary Annexation with the City of Palm Bay

Dolores J Slentz

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this _____ day of December, 20 21 by

William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson, property owner.

_____, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

_____

LEROY L. HENNESSEY, JR.
MY COMMISSION # HH 185943
EXPIRES: December 9, 2025
Bonded Thru Notary Public Underwriters

December 17, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

LOTS 9,10,11,12,13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY,FL

I, Owner Name: William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson

Address: 8583 Sylvan Dr & 576 Ponderosa St W Melbourne FL 32904

Telephone: 321-408-0411

Email: amyslentz@gmail.com

hereby authorize:

Representative: Jack Kirschenbaum / Attorney / Gray Robinson PA

Address: 1795 West Nasa Blvd Melbourne FL 32901

Telephone: 321-727-8100

Email: Jack.Kirschenbaum@gray-robinson.com

to represent the request(s) for:

Application for Rezoning, Comprehensive Plan or Future Land Use Map Amendment, or Petition for Voluntary Annexation with the City of Palm Bay

Dolores J. Slentz

(Property Owner Signature)

Bart F Ferguson

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this _____ day of December, 20 21 by William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson, property owner.

_____, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

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LEROY L. HENNESSEY, JR.
MY COMMISSION # HH 185943
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LOTS 9,10,11,12,13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY,FL

I, Owner Name: William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson

Address: 8583 Sylvan Dr & 576 Ponderosa St W Melbourne FL 32904

Telephone: 321-408-0411

Email: amyslentz@gmail.com

hereby authorize:

Representative: Hassan Kamal / Engineer / BSE Consultant Inc

Address: 312 S. Harbor City Blvd Suite 4 Melbourne FL 32901

Telephone: 321 725 3674 3214031437

Email: hkamal@breconsult.com

to represent the request(s) for:

Application for Rezoning, Comprehensive Plan or Future Land Use Map Amendment, or Petition for Voluntary Annexation with the City of Palm Bay

Dolores J. Slentz

(Property Owner Signature)

Bart F. Ferguson Amy S Ferguson

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this _____ day of December, 20 21 by

William F Slentz, Dolores J Slentz, Bart F Ferguson, & Amy S Ferguson, property owner.

_____, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:

_____

LEROY L. HENNESSEY, JR.
MY COMMISSION # HH 185943
EXPIRES: December 9, 2025
Bonded Thru Notary Public Underwriters

LEGAL DESCRIPTION:

LOTS 9, 10, 11, 12, 13 AND 14, CISNA PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 36, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-01

Held on Wednesday, January 5, 2022, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Ms. Leeta Jordan led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present	
VICE CHAIRPERSON:	Leeta Jordan	Present	
MEMBER:	Donald Boerema	Present	
MEMBER:	James Boothroyd	Present	
MEMBER:	Richard Hill	Present	
MEMBER:	Khalilah Maragh	Absent	(Excused)
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa (School Board Appointee)	Absent	(Excused)

Ms. Maragh's absence was excused.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ADOPTION OF MINUTES:

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-14 December 1, 2021.**

   Motion to approve the minutes as presented.

upscale renters such as snowbirds, retirees, and young families who were not ready to purchase a home.

Mr. Hill asked if the development would be constructed in a single phase. Mr. de Chabert confirmed that this was correct.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. The rental development proposed for the subject location addressed a need within the City.

The floor was closed for public comments, and there was no correspondence in the file.

Motion to submit Case CP-2-2022 to City Council for approval.

Motion by Ms. Jordan, seconded Mr. Boothroyd. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill.

Nay: Warner.

5. ****CPZ-2-2022 - Stellar Casitas-Malabar - William F. and Dolores J. Slentz / Bart F. and Amy S. Ferguson (Hassan Kamal, P.E., BSE Consultant, Inc., Rep.) - A Zoning amendment from AU (Brevard County) to an RM-10, Single-, Two-, Multiple-Family Residential District. Lots 9 through 14, Cisna Park, Section 4, Township 29, Range 36, Brevard County, Florida, containing approximately 27.91 acres. Located south of and adjacent to Malabar Road NW, east of and adjacent to Melbourne-Tillman Water Control District Canal 7**

Mr. Murphy presented the staff report for Case CPZ-2-2022. Staff concluded that the Planning and Zoning Board must determine if the request, based upon the submitted material and presentation made by the applicant, met the general requirements of the Code of Ordinances, as identified in the staff report.

Mr. Jack Kirschenbaum, attorney with GrayRobinson, P.A., stated that his comments for Case CP-2-2022 also applied to the subject request, and that the proposed zoning change would be compatible and consistent with the subject area. A traffic study would be provided during the administrative site plan review.

Mr. Hassan Kamal, P.E., BSE Consultant, Inc. (representative for the applicants) and Mr. Alexandre de Chabert with Stellar Communities (developer for the site) were also present.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Motion to submit Case CPZ-2-2022 to City Council for approval.

Motion by Ms. Jordan, seconded by Mr. Hill.

Mr. Weinberg stated that a traffic study would be done to address traffic concerns with Malabar Road. He was pleased with the unique housing proposal, which seemed to resemble detached townhomes.

A vote was called on the Motion to submit Case CPZ-2-2022 to City Council for approval.

Motion by Ms. Jordan, seconded by Mr. Hill. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill.

Nay: Warner.

6. **CP-3-2022 - M. David Moallem, Emiland Corporation - A small-scale Comprehensive Plan Future Land Use Map amendment from Multiple-Family Residential Use to Commercial Use. Lots 8 and 9, Block 1991, Section 3, Township 29, Range 37, Brevard County, Florida, containing approximately 1.02 acres. Located east of and adjacent to Martin Road SE, west of and adjacent to Thor Avenue NE**

ORDINANCE 2022-21

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM AU, AGRICULTURAL RESIDENTIAL (BREVARD COUNTY) TO RM-10 (SINGLE-, TWO-, MULTIPLE-FAMILY DISTRICT); WHICH PROPERTY IS LOCATED SOUTH OF AND ADJACENT TO MALABAR ROAD, AND EAST OF AND ADJACENT TO MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL 7, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of property from AU, Agricultural Residential (Brevard County) to RM-10 (Single-, Two-, Multiple-Family District), being legally described as follows:

> Lots 9 through 14, Cisna Park, according to the plat thereof as recorded in Plat Book 8, Page 36, of the Public Records of Brevard County, Florida; Section 4, Township 29S, Range 36E; containing 27.91 acres, more or less.

SECTION 2. The Zoning Map of the City of Palm Bay is hereby revised to reflect this amendment.

SECTION 3. The provisions within this ordinance shall take effect immediately upon the enactment of Ordinance 2022-20.

Read in title only at Meeting 2022- , held on , 2022; and read in title only and duly enacted at Meeting 2022- , held on , 2022.

_____

ATTEST: Rob Medina, MAYOR

_____

Terese M. Jones, CITY CLERK

City of Palm Bay, Florida
Ordinance 2022-21

Reviewed by CAO: _____

Applicant: The William F Slentz Trust / Bart and Amy Ferguson
Case: CPZ-2-2022

cc: (date) Applicant
Case File

STELLAR
COMMUNITIES

The Future of Build to rent is Here!

Renters By Choice

February 1, 2022

The information included in this package has been prepared on behalf of Stellar Communities and is derived from sources believed to be, but are not warranted. All information included in this package is considered to be highly confidential and may not be disclosed to any person without prior consent. This presentation and information contained herein is proprietary and confidential and are intended exclusively for the use of the person to whom it has been delivered and may not be reproduced or redistributed to any other person without the prior written consent.

ABOUT STELLAR COMMUNITIES

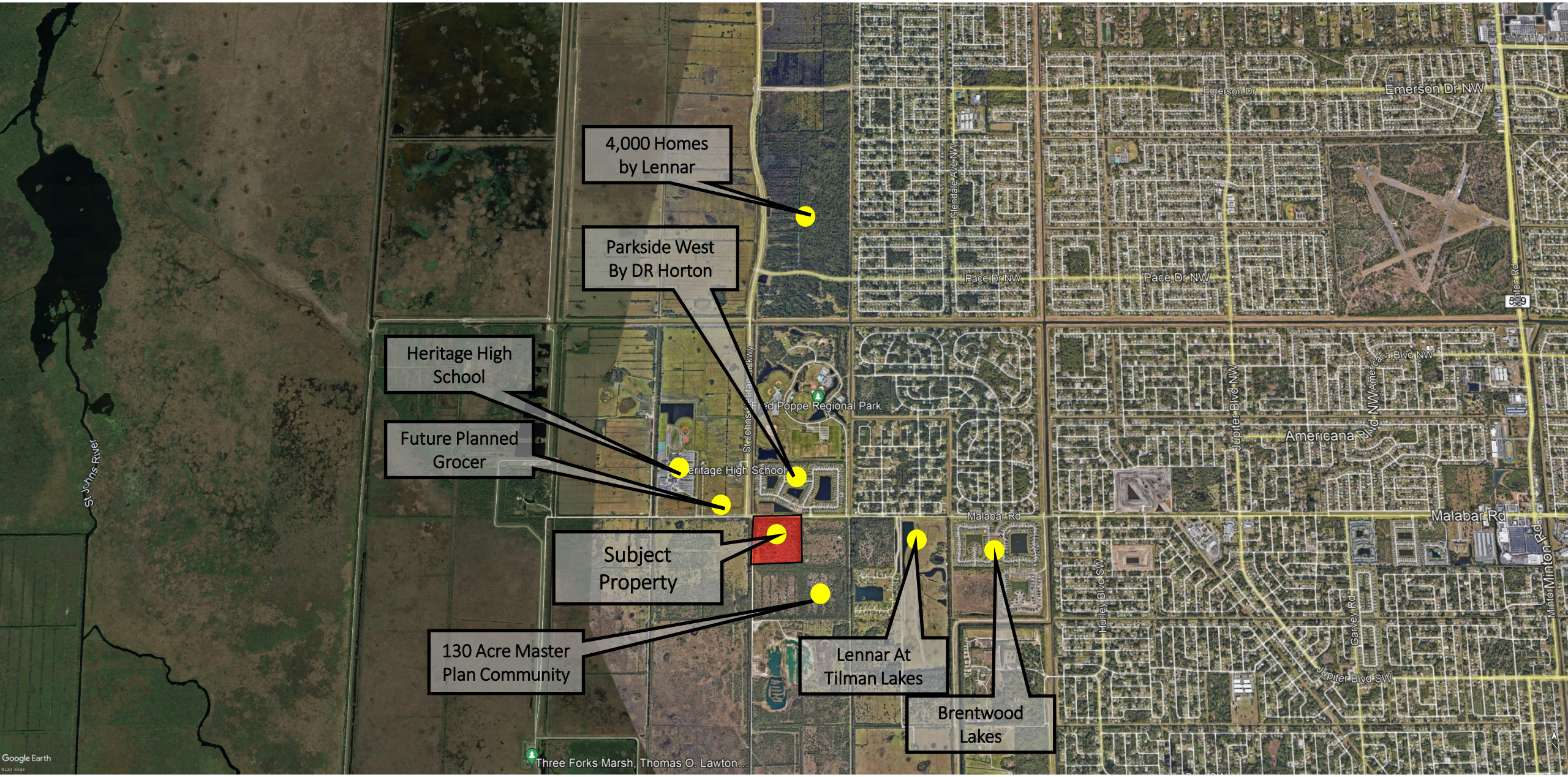
Established in 2009, Stellar Homes Group LLC is a leading real estate development company in South Florida. Since our inception, we have had the privilege of helping over 2,300 families move into the next stage of their lives with a new home. Today, we have grown into a full service land entitlement and real estate development company with a progressive focus on eco-luxury initiatives for residential sale and rental communities.

With a deep-rooted commitment to quality and value, Stellar Homes Group builds inspiring homes and communities with unmatched efficiencies in some of the most highly sought-after coastal, urban and suburban locations across South Florida. We not only envision and design our homes to exceptionally cater to those dwelling within, but we also create a foundation for beautiful, healthy living to be enjoyed by friends, family and community.

As the first developer in South Florida history to include solar panels as a standard feature on homes, this progressive initiative—meshed with our innovative, high-end green home features—allows us to place as an industry leader.

Powered by innovative thinking, Stellar has charted a course of success in acquisitions, development, sales and marketing.

Project Location

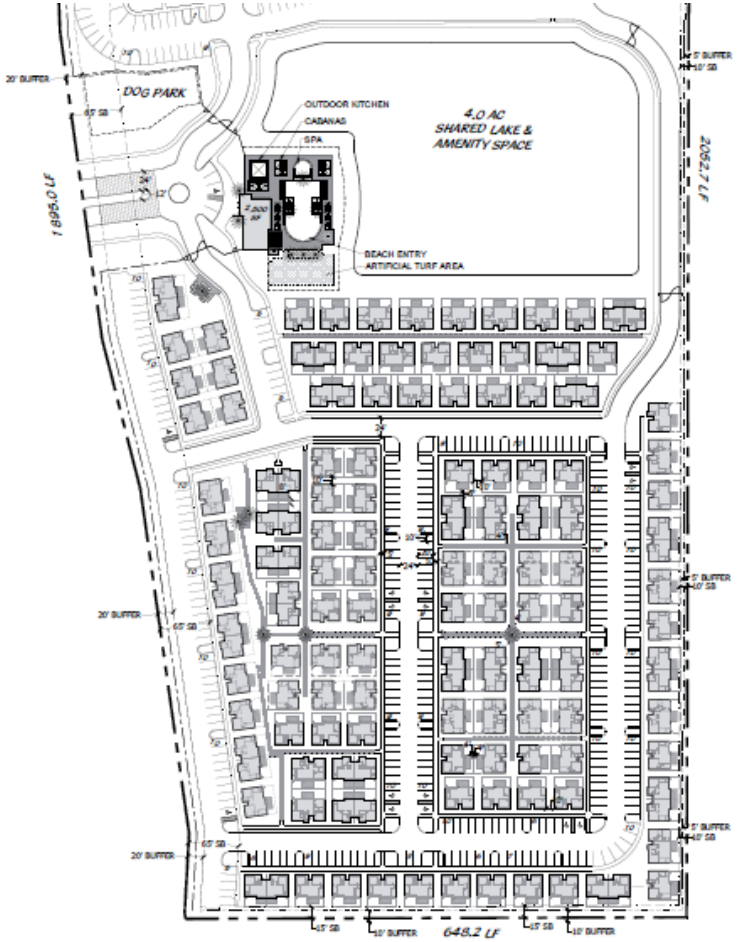


Property Details		
Property Name		The Stellar at Malabar RD
Type of Deal		Build To Rent
Address		St Johns Pkwy & Malabar Road
City		Palm Bay
County		Brevard County
State		Florida
Acres (Net)		26.6
Total Units		266
UNITS	MIX	SQ FOOTAGE (Net)
1 Bed/1 Bath	118	950
2 Bed/2 Bath	100	950
3 Bed/2 Bath	48	1,100

Similar Product in Central Florida

-Stellar at Verano
-City: Port St Lucie

-Stellar at Davenport
-City: Davenport



Stellar Communities hybrid housing is for today and tomorrow's renter that takes the best of single family and apartment living and combines it into one home. Our horizontal living community is a pet-friendly community that features a luxurious, resort-style swimming pool, state of the art fitness facility, event lawns and small parks for private events and community planned social functions.

Typical Community Amenities

- Community swimming pool
- Heated spa, barbecue
- Picnic areas and green space areas
- Fitness center / clubhouse building
- Garages for rent
- Gated entry

Typical Unit Features

- Single Story detached homes
- Each unit has a private yard
- Pet friendly living with doggie door and open spaces
- Feels like home, not an apartment
- More privacy and less noise
- 10-12 foot ceilings

Typical Unit Features

- Single Story detached homes
- Each unit has a private yard
- Pet friendly living
- Feels like home, not an apartment
- More privacy and less noise
- 10-12 foot ceilings
- Plenty of Green Space
- Highly secure gated community

UNIT A
FRONT COLOR ELEVATION
COLOR SCHEME 1

UNIT B
FRONT COLOR ELEVATION
COLOR SCHEME 2

UNIT C
FRONT COLOR ELEVATION
COLOR SCHEME 1

1 Bedroom 1 bathroom Unit

2 Bed 2 bathroom Unit

3 Bedroom 2 bathroom Unit

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Alexandra Bernard, Growth Management Director**

DATE: **2/3/2022**

RE: **Ordinance 2022-22, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the southwest corner of Pospisil Avenue and Dixie Highway, from Bayfront Mixed Use Village to Bayfront Mixed Use (7.56 acres) (Case CP-4-2022, Space Coast Marina LLC), only one reading required.**

Ms. Melissa Timmons, Manager, Space Coast Marina, LLC (Bruce Moia, P.E., MBV Engineering, Inc., Rep.) has submitted for a small-scale Comprehensive Plan Future Land Use (FLU) Map amendment to change 7.56 acres of land from Bayfront Mixed Use Village to Bayfront Mixed Use. The property is located at the southwest corner of U.S. Highway 1 and Pospisil Avenue NE. Paddling Paradise is located on the property (the former Pelican Harbor Marina).

The Bayfront Mixed Use designation allows for a greater intensity in residential development and will require a 20 percent minimum of a future development to consist of commercial uses. Provisions of the commercial development will also provide future residents direct access to employment opportunities. The redevelopment of the properties will ignite a re-birth of commercial activity and a vibrancy needed along the U.S. 1 corridor and the Bayfront District.

The property is not within any of the Florida scrub-jay polygons identified in the City's Habitat Conservation Plan (HCP), and no other protected species are known to inhabit the site. Connections to existing water and sewer lines will be evaluated during the administrative site plan review process, and any site development shall comply with the City's Stormwater Management Ordinance (Chapter 174) and the Florida Administrative Code (Rule 62-330). A new baffle box will be needed prior to any stormwater discharge into the Turkey Creek, and a traffic study is required upon submittal of a development plan.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:
Motion to approve Case CP-4-2022, subject to the staff comments.

Planning and Zoning Board Recommendation:
Unanimous approval of the request.

ATTACHMENTS:

Description

Case CP-4-2022 - Staff Report
Case CP-4-2022 - Plat
Case CP-4-2022 - Boundary Sketch
Case CP-4-2022 - Application
Case CP-4-2022 - Board Minutes
Ordinance 2022-22
Ordinance 2022-22, Exhibit A

STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
landdevelopmentweb@palmbayflorida.org

Prepared by
Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER	**PLANNING & ZONING BOARD HEARING DATE**
CP-4-2022	January 5, 2022

PROPERTY OWNER & APPLICANT	**PROPERTY LOCATION/ADDRESS**
Space Coast Marina, LLC (Melissa Timmons, Manager)	The property is located at the southwest corner of U.S. Highway 1 and Pospisil Avenue NE

SUMMARY OF REQUEST The applicant is requesting a small-scale Comprehensive Plan Future Land Use (FLU) Map amendment to change 7.56 acres of land from Bayfront Mixed Use Village to Bayfront Mixed Use

Existing Zoning	BMUV, Bayfront Mixed Use Village District
Existing Land Use	Bayfront Mixed Use Village
Site Improvements	Paradise Paddling (formerly Pelican Harbor Marina)
Site Acreage	7.56 acres

SURROUNDING ZONING & USE OF LAND

North	BMUV, Bayfront Mixed Use Village District; Pospisil Avenue NE
East	BMUV, Bayfront Mixed Use Village District; U.S. Highway No. 1
South	BMUV, Bayfront Mixed Use Village District; Turkey Creek
West	BMUV, Bayfront Mixed Use Village District; F.E.C.R.R.

BACKGROUND:

The property is located at the southwest corner of U.S. Highway No. 1 and Pospisil Avenue NE. Specifically, the subject property is Lots 1-11, Block 2, of the Town of Palm Bay subdivision, located in Section 24, Township 28 south, Range 37 east, Brevard County, Florida. The lots total approximately 7.56 acres of property.

The applicant is requesting a small-scale Comprehensive Plan Future Land Use (FLU) Map amendment to change the above-described property from Bayfront Mixed Use Village to Bayfront Mixed Use. The applicant is Melissa Timmons, Manager, Space Coast Marina, LLC.

ANALYSIS:

Per Chapter 183: Comprehensive Plan Regulations; Section 183.01(B), the purpose and intent of the Comprehensive Plan is to encourage the most appropriate use of land and resources to promote the health, safety, and welfare of the community.

1. FUTURE LAND USE ELEMENT

The Comprehensive Plan Future Land Use (FLU) Element Policy FLU-2.2B states" High density residential development shall be located with direct access to arterial and collector roadways, and with access to employment centers, recreation, and commercial facilities and shall be served by centralized water and sewer facilities."

Policy FLU-3 is to provide for economically viable commercial areas which promote a sound and diversified local economy and serve the retail and service needs of the City's residents.

FLU-3.1 is to provide additional commercial areas by type, size, and distribution, based upon area need and the availability of supporting infrastructure.

The proposed amendment appears to be consistent with the above policies by applying a future land use category that promotes these initiatives. The Bayfront Mixed Use (BMU) category allow for a greater intensity in residential development (from a maximum of 10 UPA to 40 UPA), but also requires a minimum 20 percent of the future development shall consist of commercial uses. The current designation of BMUV does not require a commercial use.

City water and sewer are available to the property and the land abuts a major arterial roadway (U.S. Highway No.1). The provision of commercial development within the future use of the property will allow for direct access of future residents to employment opportunities.

It is staff's belief that redevelopment of the subject properties will ignite a re-birth of commercial activity and vibrancy that is needed along the U.S. 1 corridor and the Bayfront District.

2. CONSERVATION ELEMENT

The environmental character of the city is maintained through conservation, appropriate use, and protection of natural resources. The parcel is not located within any of the Florida scrub jay polygons identified on the City's Habitat Conservation Plan (HCP). No additional listed species are known to inhabit the subject property. If any listed species were to be identified on the subject parcel they would need to be mitigated for, as required by State and Federal regulations, and per Comprehensive Plan Policy CON-1.7B.

Coastal Management: The property is not located within the Coastal High Hazard Area.

3. HOUSING ELEMENT

The proposed Bayfront Mixed Use FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the city. In fact, the BMU category would allow for a wide variety of housing types that further Comp Plan Goal HSG-1.

4. INFRASTRUCTURE ELEMENT

The city evaluates present and future water, sewer, drainage, and solid waste, and assesses the ability of infrastructure needed to support development.

Utilities: The FLU amendment will not cause level of service (LOS) to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. The property currently has city water and city sewer available to it. There is an 8" water main on the south side of Pospisil Avenue and the west side of U.S. 1, both of which are thus adjacent to the property. There is an 8" gravity sewer main running under Pospisil. Connections to these lines will be evaluated during the administrative site plan review process.

Drainage: Any development of the site shall meet all criteria of the City's Stormwater Management Ordinance (Chapter 174) and all criteria of Rule 62-330 of the Florida Administrative Code. Compliance with these provisions must be shown with engineered site plans. In specific, a new baffle box will be needed, regardless of development intensity, prior to any stormwater discharge into Turkey Creek.

Solid Waste: Solid waste collection is provided to the area by Republic Services, Inc. Sufficient capacity exists within the Brevard County landfills to service the property.

5. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: The proposed FLU amendment to Bayfront Mixed Use will potentially not add more housing units than the existing BMUV category, as the requested category allows for more residential density. A school concurrency determination letter from the School Board is required prior to approval of any residential development.

6. RECREATION AND OPEN SPACE ELEMENT

The Recreation and Open Space Element addresses the current and future recreational needs of the city. The proposed FLU category may have more of an impact on the parks & recreation level of service standards, due to the potential increase in residential density. However, the city maintains public ownership of park-designated lands that far exceed the minimum threshold adopted in the Comprehensive Plan of 2 acres per 1,000 residents.

7. TRANSPORTATION ELEMENT

The objectives of the Transportation Element are to provide a safe, balanced, and efficient transportation system that maintains roadway LOS and adequately serves the needs of the community. The adjacent roadway segments must meet a LOS C, per the City's adopted Comprehensive Plan. The latest FDOT 2020 Quality and Level of Service Handbook, with the Generalized Annual Average Daily volume for urbanized areas, will be used for the analysis when site plans are submitted. Pospisil Avenue is classified as a Local Street on the City's Comprehensive Plan, and U.S. 1 is classified as Major Arterial Roadway. Upon submittal of a development plan, a traffic study may be required.

8. PROPERTY RIGHTS ELEMENT

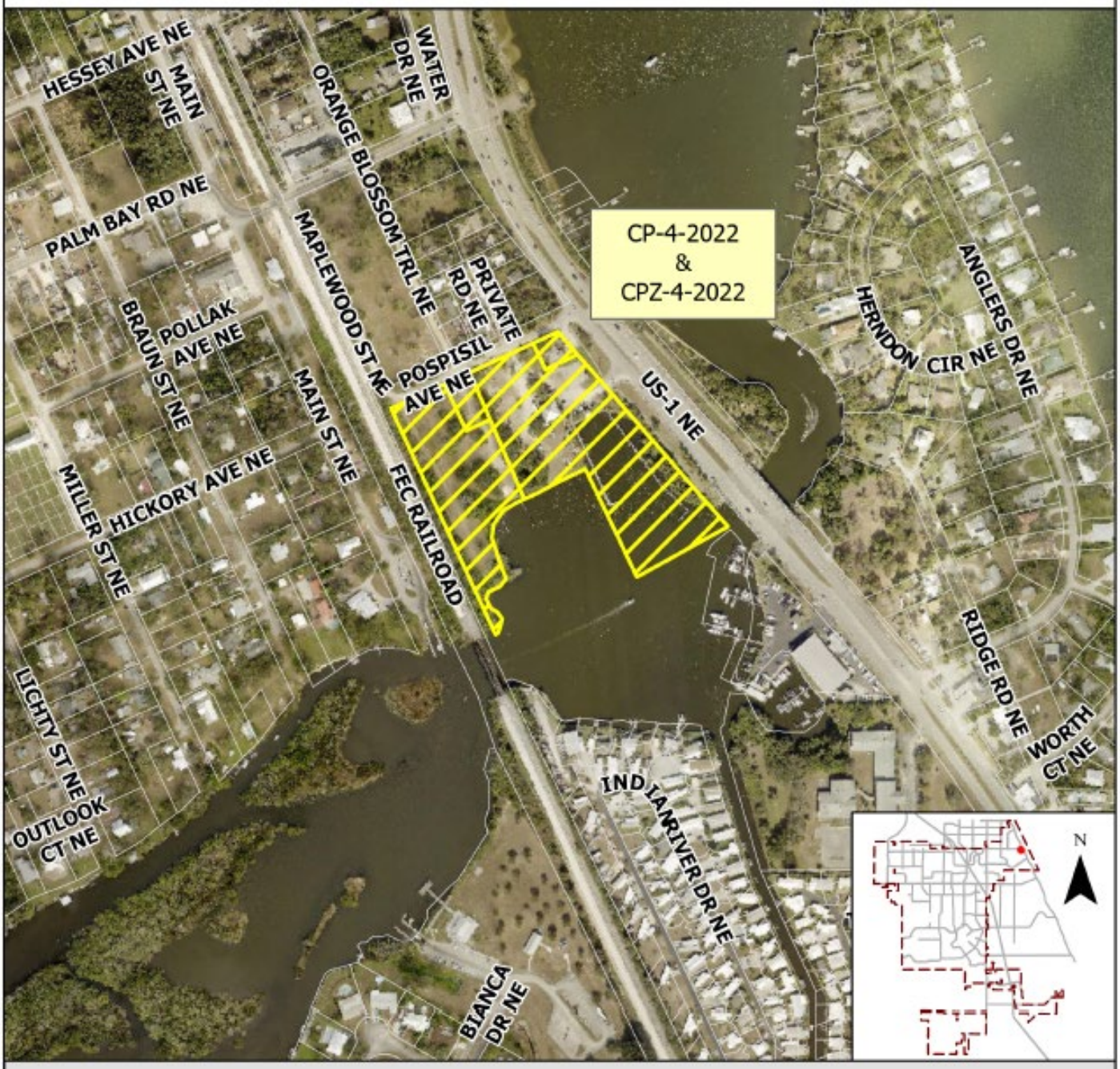
The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights. This proposed land use change does not appear to infringe upon the property rights of the applicant.

STAFF RECOMMENDATION:

Case CP-4-2022 is recommended for approval subject to the staff comments.

The City of Palm Bay Florida

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



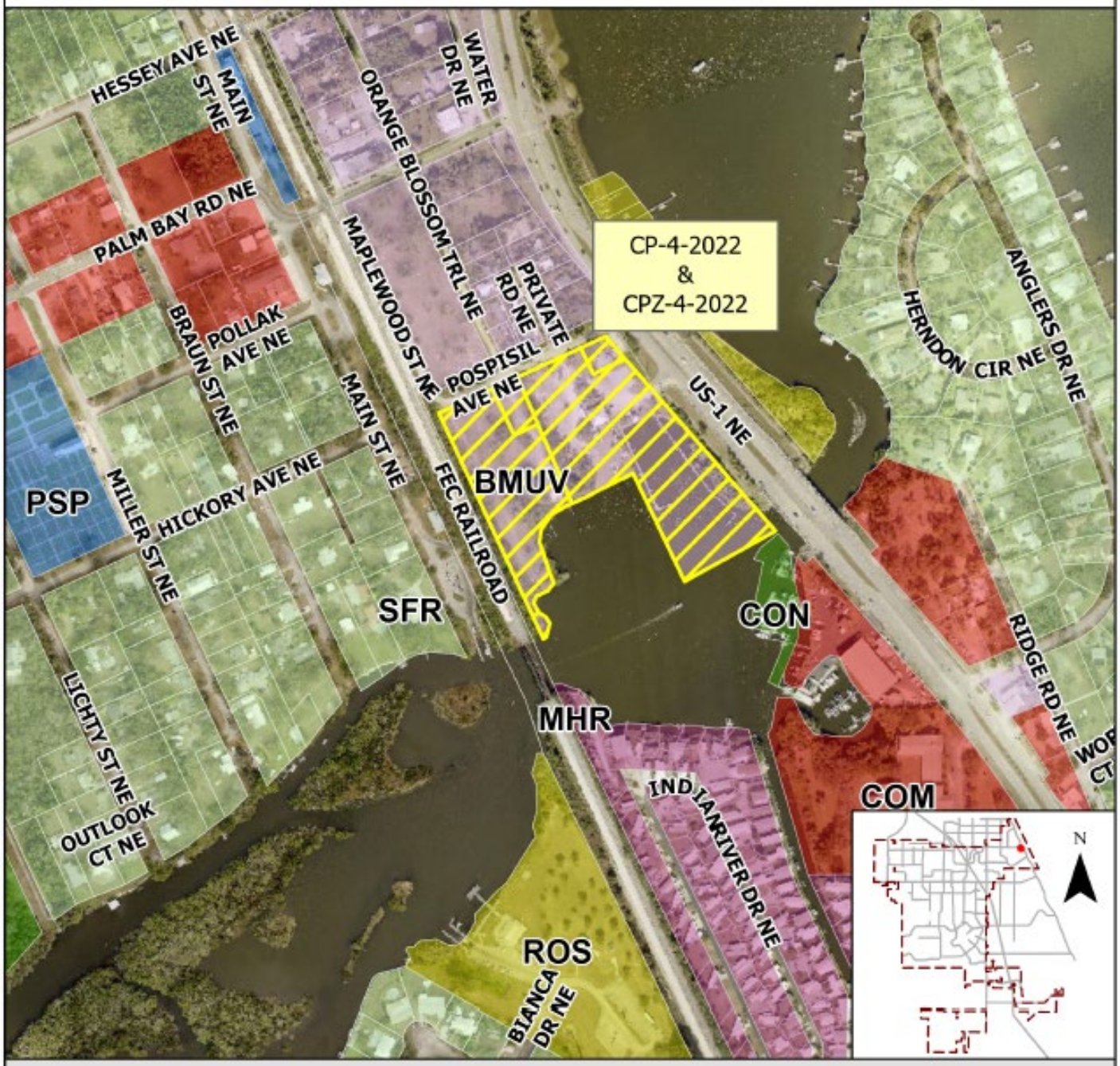
AERIAL LOCATION MAP CASE: CP-4-2022 & CPZ-4-2022

Subject Property

Southwest corner of Dixie Highway NE and Pospisil Avenue NE

The City of Palm Bay Florida

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



FUTURE LAND USE MAP CASE: CP-4-2022 & CPZ-4-2022

Subject Property

Southwest corner of Dixie Highway NE and Pospisil Avenue NE

Future Land Use Classification

BMUV – Bayfront Mixed Use Village

The City of Palm Bay Florida

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

ZONING MAP CASE: CP-4-2022 & CPZ-4-2022

Subject Property

Southwest corner of Dixie Highway NE and Pospisil Avenue NE

Current Zoning Classification

BMUV – Bayfront Mixed Use Village

State of Florida,
County of Nassau,

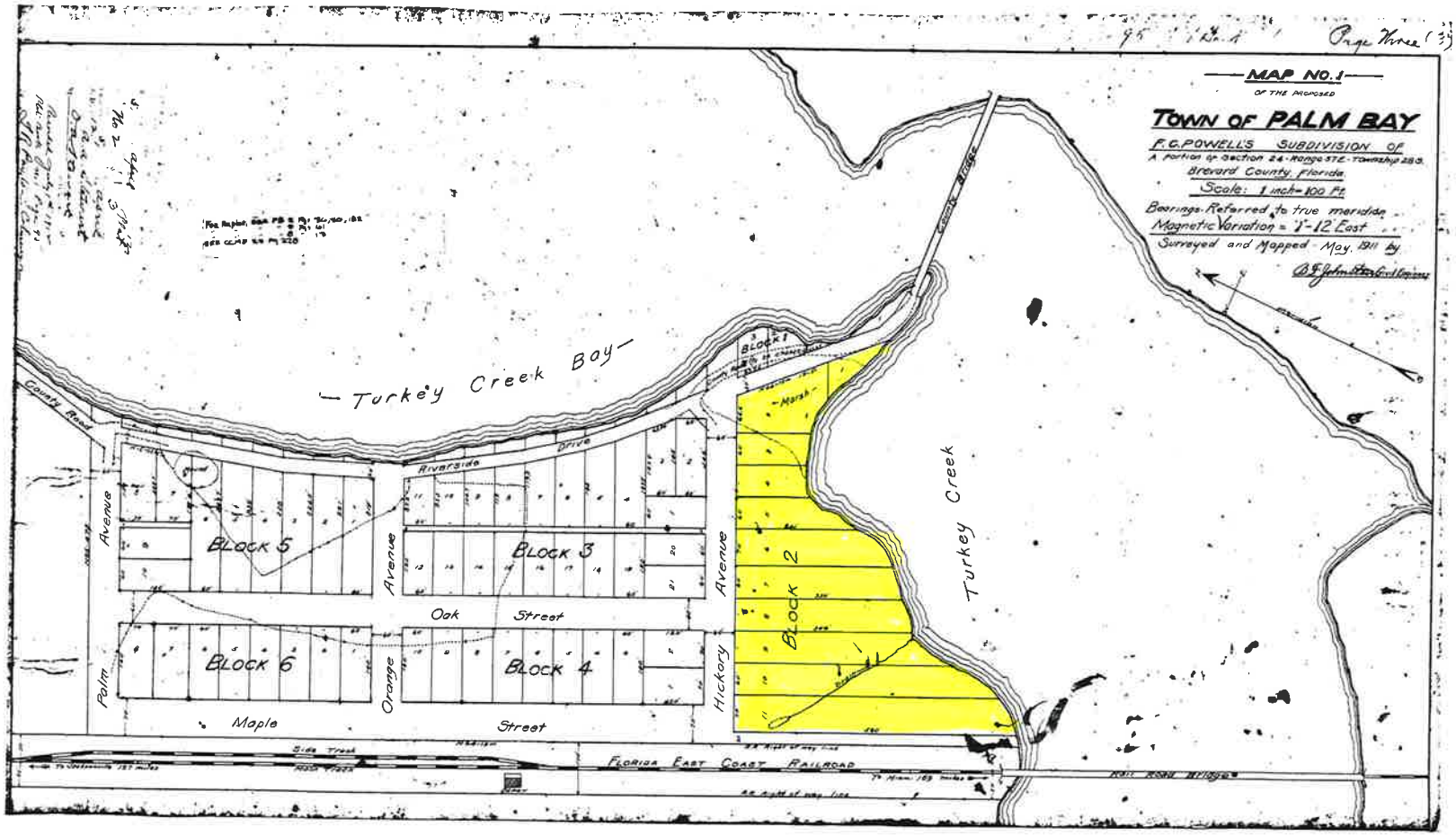
On this day personally came Harry A. Powell who acknowledged that he signe the foregoing deed of dedication for the purposes therein expressed.

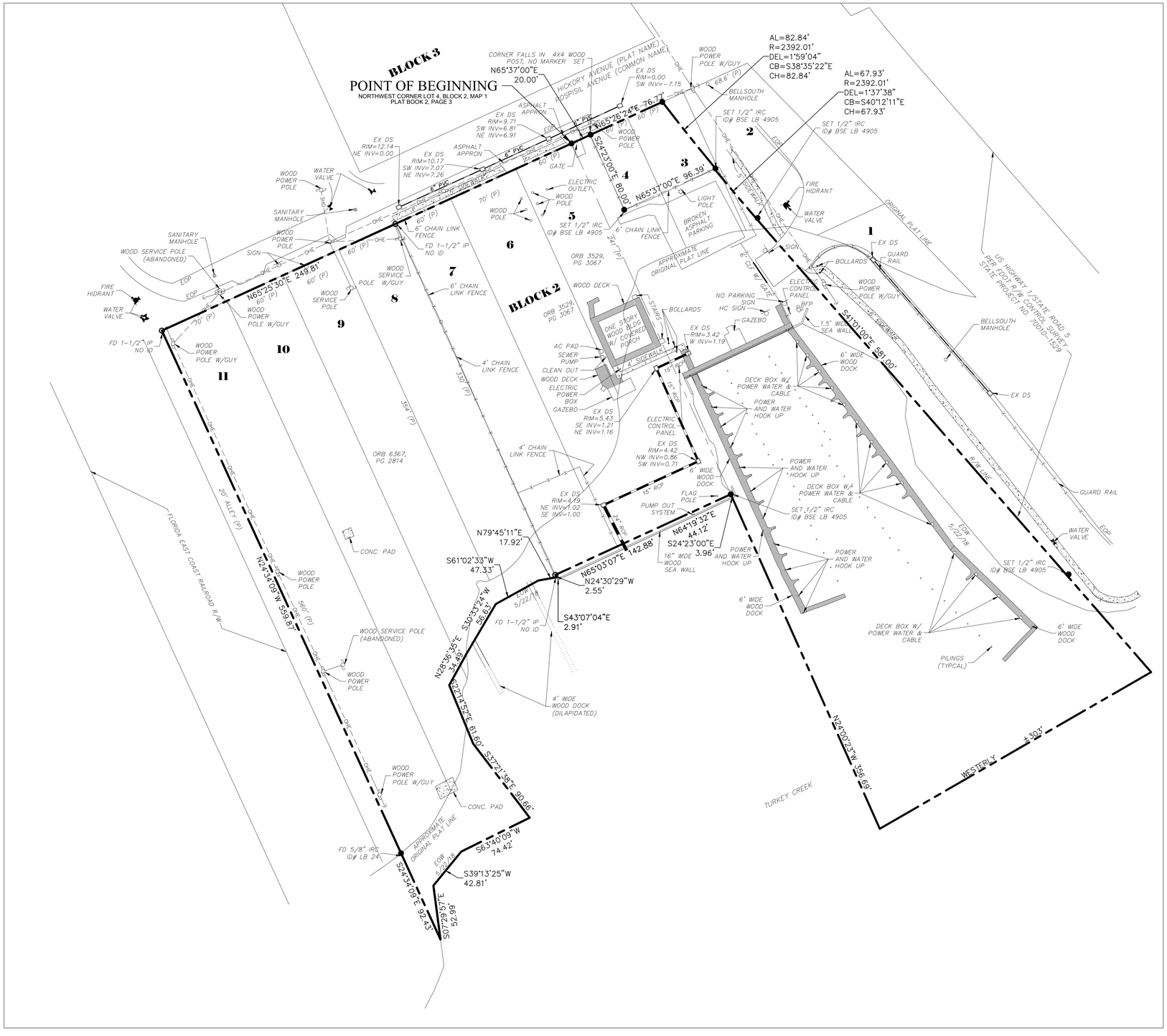
Witness my hand and official s[illegible]dina, Florida, this 23d day of March A. D. 1912

State of
County of

State of Florida,
County of Brevard.

[illegible] presents that we Frank C. Powell and Florence E. [illegible]ell and D. F. Powell, her husband, [illegible]ten of all the [illegible], to which these presents are [illegible]ll's subdivision of Section [illegible], Range Thirty seven (37) [illegible] filed and recorded. [illegible]. D. 1912.





LEGAL DESCRIPTION

ALL OF THAT PART OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, AND 11 BLOCK 2 MAP 1, TOWN OF PALM BAY AS DESCRIBED IN PLAT BOOK 2, PAGE 3, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING WEST OF THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1, TOGETHER WITH THAT PART OF THE SUBMERGED BOTTOM OF TURKEY CREEK LYING ADJACENT THERETO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 4, BLOCK 2, MAP No. 1,TOWN OF PALM BAY, AS RECORDED IN PLAT BOOK 2, PAGE 3,PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, RUN NORTH 65 DEGREES 37 MINUTES EAST ALONG THE NORTH LINE OF SAID LOT 4, 20.00 FEET TO THE WEST LINE OF PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1172, PAGE 765, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA THENCE SOUTH, 24 DEGREES 23 MINUTES EAST ALONG SAID WEST LINE 80.00 FEET TO THE SOUTH LINE OF SAID PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK1172, PAGE 765; THENCE NORTH 65 DEGREES 37 MINUTES EAST ALONG SAID SOUTH LINE 96.39 FEET TO THE WEST RIGHT OF WAY LINE U.S. HIGHWAY No. 1(STATE ROAD No. 5); THENCE SOUTHEASTERLY ALONG RIGHT OF WAY LINE AND ALONG A CURVE CONCAVE TO THE EAST , SAID CURVE HAVING A RADIUS OF 2392.01 FEET, A CENTRAL ANGLE OF 0NE DEGREE, 37 MINUTES, 38 SECONDS AND A CHORD BEARING OF SOUTH 40 DEGREES 12 MINUTES, 11 SECONDS EAST, AND ARC DISTANCE OF 67.93 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE SOUTH 41 DEGREES, 01 MINUTES, EAST ALONG SAID WEST RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1; 581 FEET MORE OR LESS, TO THE THREAD OF TURKEY CREEK; THENCE SOUTHWESTERLY ALONG SAID THREAD OF TURKEY CREEK 303 FEET, MORE OR LESS, TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE AFOREMENTIONED LOT 4, BLOCK 2; THENCE NORTH 24 DEGREES, 23 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 4 AND THE SOUTHERLY EXTENSION THEREOF, 732 FEET MORE OR LESS TO THE POINT OF BEGINNING, LESS AND EXCEPT ANY PORTION OF THE ABOVE DESCRIBED LAND WHICH MAY LIE WITHIN THE BOUNDARIES OF THE SOVEREIGNTY SUBMERGED LANDS LEASE RECORDED IN OFFICIAL RECORDS BOOK 5909, PAGE 5217, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA.

SYMBOL LEGEND

▲	NAIL AND DISK, ID# BSE LB4905, UNLESS OTHERWISE NOTED
●	FD 5/8" IRON ROD; NO ID, UNLESS OTHERWISE NOTED
○	FD 2" IRON PIPE; NO ID, UNLESS OTHERWISE NOTED
◆	BENCHMARK

8		
7		
6		
5		
4		
3		
2		
1	COMMENTS	
△	**REVISIONS**	**DATE**

JOB NO.	21-1092
DESIGNED	RMS
DRAWN	RMS
DATE	11/30/2021
CHECKED	TC /BAM
DATE ISSUED	11/30/2021

MBV ENGINEERING, INC.
MOIA BOWLES VILLANIZAR & ASSOCIATES
CIVIL • STRUCTURAL • SURVEYING • ENVIRONMENTAL
1250 W. EAU GALLIE BLVD, SUITE E1 CA#0728
MELBOURNE, FLORIDA 32935
P: 321-253-1510 F: 321-253-0911
WWW.MBVENGINEERING.COM
VERO: 772-569-0035 FT PIERCE: 772-466-9055 PALM CITY: 772-426-9999

PROPERTY BOUNDARY SKETCH

PALM BAY LANDING MARINA

COCOA FLORIDA

BRUCE A. MOIA
LICENSE
No. 47529
STATE OF
FLORIDA
PROFESSIONAL ENGINEER

BRUCE A. MOIA
FL. P.E. #47529

DATE
11/30/2021

C-1

SHEET

21-1064

PERMITTING SET

H:\21-1064 PALM BAY LANDING MARINA\CAD\Bmoia\1-1064 BOUNDARY (CORRECTED).dwg 11/30/2021 10:17 AM MITCH SPRVRY

The City of Palm Bay Florida

LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

This application must be deemed complete and legible, and the original application with original signature(s) must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. **Large Scale Amendments will require 60 days of review prior to a scheduled Planning and Zoning Board meeting**. The application will then be referred by 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 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.

APPLICATION AMENDMENT TYPE:

- [x] **Small Scale** (50 acres or Less)
- [ ] **Text Amendment** (Comp. Plan)
- [ ] **Large Scale** (More than 50 acres)

PARCEL ID(S):

28-37-24-27-2-8 with 28-37-24-27-2-8.01with 28-37-24-27-2-1 and 28-37-24-27-2-4

TAX ACCOUNT NUMBER(S):

2832800, 2832801, 2832794, 2932797

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):

Palm Bay Map #1 lots 1 thru 11

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):

7.56

LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.):

BMUV

LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE (attach additional sheets if necessary):

BMU

PRESENT USE OF PROPERTY:

Vacant

STRUCTURES LOCATED ON THE PROPERTY: 0

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: Yes from BMUV to BMU

JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary):

Current zoning and land use does not meet developer's criteria.

SPECIFIC USE INTENDED FOR PROPERTY:

Commercial

THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:

- [x] *Application Fee. Make Check payable to "City of Palm Bay."
  - [x] **$1,200.00 - Small Scale** (50 acres or Less)
  - [ ] **$2,000.00 - Large Scale** (More than 50 acres)
  - [ ] **$2,000.00 - Text Amendment** (Comp. Plan)

- [x] Legal description of the subject property with a sketch of the legal. **Also provide the site sketch on Memory Drive.**

- [x] List of legal descriptions 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 should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)

- [x] School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.

- [x] Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guideline. Staff will provide a sign template.

- [ ] **Where the property owner is not the representative for the request**, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative Bruce Moia, P.E., MBV Engineering, Inc.

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 OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Owner Signature Melissa Timmons **Date** 11-30-21

Printed Name Melissa Timmons, Manager, Space Coast Marina LLC

Full Address 587 Young Street, Melbourne, FL 32935

Telephone _____ **Email** mptimmons@yahoo.com

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

November 29, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-24-27-2-8 with 28-37-24-27-2-8.01 with 28-37-24-27-2-1 and 28-37-24-27-2-4

I, Owner Name: Space Coast Marina's LLC - Melissa Timmons MGR

Address: 587 Young Street, Melbourne, FL32935

Telephone: 714-306-7233

Email: mptimmons@yahoo.com

hereby authorize:

Representative: Bruce Moia, P.E. - MBV Engineering, Inc.

Address: 1250 W. Eau Gallie Blvd, Suite H, Melbourne, FL 32935

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

WANDA WALKER
Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

Melissa Timmons
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 30th day of November, 20 21 by Melissa Timmons, property owner.

Wanda Walker
Wanda Walker, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification:
Florida Drivers License

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-01

Held on Wednesday, January 5, 2022, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Ms. Leeta Jordan led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present	
VICE CHAIRPERSON:	Leeta Jordan	Present	
MEMBER:	Donald Boerema	Present	
MEMBER:	James Boothroyd	Present	
MEMBER:	Richard Hill	Present	
MEMBER:	Khalilah Maragh	Absent	(Excused)
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa (School Board Appointee)	Absent	(Excused)

Ms. Maragh's absence was excused.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ADOPTION OF MINUTES:

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-14 December 1, 2021.**

   Motion to approve the minutes as presented.

The floor was closed for public comments, and there was no correspondence in the file.

Motion to submit Case FD-4-2022 to City Council for approval, subject to the staff comments contained in the staff report.

Motion by Mr. Hill, seconded by Mr. Boothroyd.

Mr. Weinberg stated that he was pleased with the lower density of the project, and Gaynor Drive SW was a local collector road that could handle the level of service.

A vote was called on the motion by Mr. Hill, seconded by Mr. Boothroyd. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

Case FD-4-2022 would be heard by City Council on February 17, 2022.

9. **CP-4-2022 - Space Coast Marina - Melissa Timmons, Manager, Space Coast Marina, LLC (Bruce Moia, P.E., MBV Engineering, Inc.) - A small-scale Comprehensive Plan Future Land Use Map amendment from BMUV, Bayfront Mixed Use Village Use to BMU, Bayfront Mixed Use. Part of Lots 3 and 4, Palm Bay Map Number 1, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 7.56 acres. Located at the southwest corner of Dixie Highway NE and Pospisil Avenue NE**

Mr. Murphy presented the staff report for Case CP-4-2022. Staff recommended Case CP-4-2022 for approval, subject to the staff comments.

Mr. Bruce Moia, P.E., president of MBV Engineering, Inc. (representative for the applicant) stated that approving the subject site for the requested land use and a zoning amendment would allow the applicant to come back before the board for conditional use approval with an actual plan. The applicant had purchased the property from the City and intended to construct a marina with a restaurant, retail, and possible residential. He stated that the BMU designation offered incentives for development to bring viable projects to the area.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He asked about the installation of the costly baffle box that was being required for the site. Mr. Murphy stated that the apparatus would be installed by the developer and at their expense.

Mr. Steve Dowell (resident at Main Street NE) spoke against the request. He stated that he was only in favor of residential development occurring at the subject site, and he was opposed to a 60-foot-high building. His suggestion was for the current BMU zoning to remain in place and for a variance request to be submitted for BMU uses. Before allowing the density to increase, a concept plan was necessary to understand what was planned for the property. He wanted the maximum residential density applied to the site.

In response to the comments from the audience, Mr. Moia stated that more details would be discussed during the zoning amendment request. A Citizen Participation Plan (CPP) meeting was held and most of the residents were in favor of the project.

The floor was closed for public comments, and there was no correspondence in the file.

Mr. Warner asked if the BMU request allowed for the public use of the subject site. Mr. Murphy stated that both the BMUV and BMU zoning categories allowed for private residential developments with public access to the commercial uses. The major difference between the two categories was the intensity. The BMU allowed more residential density and the potential for taller buildings. Mr. Weinberg added that the BMU required a 20-percent minimum of commercial uses. Mr. Murphy stated that this was correct.

Mr. Warner remarked on the desire to provide user-friendly commercial development in the Bayfront district.

Motion to submit Case CP-4-2022 to City Council for approval, subject to the staff comments.

Motion by Mr. Warner, seconded by Mr. Hill. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

10. ****CPZ-4-2022 - Space Coast Marina - Melissa Timmons, Manager, Space Coast Marina, LLC (Bruce Moia, P.E., MBV Engineering, Inc.) - A Zoning amendment from a BMUV, Bayfront Mixed Use Village District to a BMU, Bayfront Mixed Use District. Part of Lots 3 and 4, Palm Bay Map Number 1, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 7.56 acres. Located at the southwest corner of Dixie Highway NE and Pospisil Avenue NE**

Mr. Murphy presented the staff report for Case CPZ-4-2022. Staff recommended Case CPZ-4-2022 for approval.

Mr. Bruce Moia, P.E., president of MBV Engineering, Inc. (representative for the applicant) stated that the 7.56-acre property included docks and the river. A marina was planned for the site, which required a future conditional use submittal for the board to review. The BMU designation would allow a taller boat storage facility and flexibility in the types of commercial uses. The applicant would prefer to eliminate the residential requirement but was willing to work with staff on the mix of uses. The storage building would likely be located near the railroad tracks to lessen visibility issues with the height of the building. A workable marina with a restaurant and retail would be a benefit to the area.

Mr. Boerema asked about the 60-foot building height that concerned the area residents. Mr. Moia confirmed that the building would be approximately 60-feet high.

The floor was opened for public comments.

Mr. Steve Dowell (resident at Main Street NE) spoke against the request. He stated that without plans to view, the subject project was not right for the area. Placing the boat storage building near the railroad tracks would be too close to his home. He commented that the rezoning would increase intensity in a residential area. More

ORDINANCE 2022-22

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (D), ADOPTION OF FUTURE LAND USE MAP, BY AMENDING THE FUTURE LAND USE MAP; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held an adoption hearing on an amendment to the Comprehensive Plan on January 5, 2022, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption hearing on an amendment to the Comprehensive Plan on February 3, 2022, after public notice, and

WHEREAS, the City Council of the City of Palm Bay desires to adopt said small scale amendment to the Comprehensive Plan of the City of Palm Bay.

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

SECTION 1. The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the change in land use of property from Bayfront Mixed Use Village to Bayfront Mixed Use, which property is legally described herein as Exhibit ‘A’.

SECTION 2. The Future Land Use Map is hereby changed to reflect this amendment.

SECTION 3. All staff report conditions and limitations shall be met and those conditions and limitations shall be made a part of the Comprehensive Plan.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 5. The provisions within this ordinance shall take effect thirty-one (31) days from the enactment date.

Read in title only and duly enacted at Meeting 2022- , held on , 2022.

_____
Rob Medina, MAYOR

ATTEST:

_____
Terese M. Jones, CITY CLERK

*Only one reading required pursuant to Chapter 163, Florida Statutes.

Reviewed by CAO: _____

Applicant: Space Coast Marina LLC
Case: CP-4-2022

cc: (date) Brevard County Property Appraiser
Applicant
Case File

Exhibit 'A'

LEGAL DESCRIPTION

ALL OF THAT PART OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, AND 11 BLOCK 2 MAP 1, TOWN OF PALM BAY AS DESCRIBED IN PLAT BOOK 2, PAGE 3, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING WEST OF THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1, TOGETHER WITH THAT PART OF THE SUBMERGED BOTTOM OF TURKEY CREEK LYING ADJACENT THERETO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 4, BLOCK 2, MAP No. 1,TOWN OF PALM BAY, AS RECORDED IN PLAT BOOK 2, PAGE 3,PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, RUN NORTH 65 DEGREES 37 MINUTES EAST ALONG THE NORTH LINE OF SAID LOT 4, 20.00 FEET TO THE WEST LINE OF PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1172, PAGE 765, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA THENCE SOUTH, 24 DEGREES 23 MINUTES EAST ALONG SAID WEST LINE 80.00 FEET TO THE SOUTH LINE OF SAID PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK1172, PAGE 765; THENCE NORTH 65 DEGREES 37 MINUTES EAST ALONG SAID SOUTH LINE 96.39 FEET TO THE WEST RIGHT OF WAY LINE U.S. HIGHWAY No. 1(STATE ROAD No. 5); THENCE SOUTHEASTERLY ALONG RIGHT OF WAY LINE AND ALONG A CURVE CONCAVE TO THE EAST , SAID CURVE HAVING A RADIUS OF 2392.01 FEET, A CENTRAL ANGLE OF 0NE DEGREE, 37 MINUTES, 38 SECONDS AND A CHORD BEARING OF SOUTH 40 DEGREES 12 MINUTES, 11 SECONDS EAST, AND ARC DISTANCE OF 67.93 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE SOUTH 41 DEGREES, 01 MINUTES, EAST ALONG SAID WEST RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1; 581 FEET MORE OR LESS, TO THE THREAD OF TURKEY CREEK; THENCE SOUTHWESTERLY ALONG SAID THREAD OF TURKEY CREEK 303 FEET, MORE OR LESS, TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE AFOREMENTIONED LOT 4, BLOCK 2; THENCE NORTH 24 DEGREES, 23 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 4 AND THE SOUTHERLY EXTENSION THEREOF, 732 FEET MORE OR LESS TO THE POINT OF BEGINNING, LESS AND EXCEPT ANY PORTION OF THE ABOVE DESCRIBED LAND WHICH MAY LIE WITHIN THE BOUNDARIES OF THE SOVEREIGNTY SUBMERGED LANDS LEASE RECORDED IN OFFICIAL RECORDS BOOK 5909, PAGE 5217, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Alexandra Bernard, Growth Management Director**

DATE: **2/3/2022**

RE: **Ordinance 2022-23, rezoning property located at the southwest corner of Pospisil Avenue and Dixie Highway, from BMUV (Bayfront Mixed Use Village District) to BMU (Bayfront Mixed Use District) (7.56 acres) (Case CPZ-4-2022, Space Coast Marina LLC), first reading. (Quasi-Judicial Proceeding)**

Ms. Melissa Timmons, Manager, Space Coast Marina, LLC (Bruce Moia, P.E., MBV Engineering, Inc., Rep.) has submitted for a rezoning of the subject property from a BMUV, Bayfront Mixed Use Village District to a BMU, Bayfront Mixed Use zoning district. The property is located at the southwest corner of U.S. Highway 1 and Pospisil Avenue NE. Paddling Paradise is located on the property (the former Pelican Harbor Marina).

Staff anticipates that the land within the area will transition to a more mixed use and higher intensity over time. The BMU request does not appear to have a negative effect on surrounding properties, and any development to occur must receive administrative site plan approval to ensure that development adheres to the BMU district.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:
Motion to approve Case CPZ-4-2022.

Planning and Zoning Board Recommendation:
Unanimous approval of the request.

ATTACHMENTS:

Description

Case CPZ-4-2022 - Staff Report
Case CPZ-4-2022 - Plat
Case CPZ-4-2022 - Boundary Survey
Case CPZ-4-2022 - Application
Case CPZ-4-2022 - Board Minutes
Ordinance 2022-23
Ordinance 2022-23, Exhibit A

STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
landdevelopmentweb@palmbayflorida.org

Prepared by
Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER	**PLANNING & ZONING BOARD HEARING DATE**
CPZ-4-2022	January 5, 2022

PROPERTY OWNER & APPLICANT	**PROPERTY LOCATION/ADDRESS**
Space Coast Marina, LLC (Melissa Timmons, Manager)	The property is located at the southwest corner of U.S. Highway 1 and Pospisil Avenue NE

SUMMARY OF REQUEST	The applicant is requesting a rezoning of the subject property from BMUV, Bayfront Mixed Use Village District to the Bayfront Mixed Use Zoning District
Existing Zoning	BMUV, Bayfront Mixed Use Village District
Existing Land Use	Bayfront Mixed Use Village
Site Improvements	Paradise Paddling (formerly Pelican Harbor Marina)
Site Acreage	7.56 acres

SURROUNDING ZONING & USE OF LAND

North	BMUV, Bayfront Mixed Use Village District; Pospisil Avenue NE
East	BMUV, Bayfront Mixed Use Village District; U.S. Highway No. 1
South	BMUV, Bayfront Mixed Use Village District; Turkey Creek
West	BMUV, Bayfront Mixed Use Village District; F.E.C.R.R.

COMPREHENSIVE PLAN COMPATIBILITY	Yes, pending approval of Case CP-4-2022

BACKGROUND:

The property is located at the southwest corner of U.S. Highway No. 1 and Pospisil Avenue NE. Specifically, the subject property is Lots 1-11, Block 2, of the Town of Palm Bay subdivision, located in Section 24, Township 28 south, Range 37 east, Brevard County, Florida. The lots total approximately 7.56 acres of property.

Melissa Timmons, Manager of Space Coast Marina, is requesting a rezoning of the described property from BMUV, Bayfront Mixed Use Village District to the Bayfront Mixed Use District.

ANALYSIS:

The following analysis is per Chapter 185: Zoning Code, Section 185.201(C), which states that all proposed amendments shall be submitted to the Planning and Zoning Board, which shall study such proposals in accordance with items 1 through 4 of Section 185.201(C).

Item 1 - *The need and justification for the change.*

The Bayfront Community Redevelopment District (BCRD) is a 4-mile section of U.S. Highway 1 bounded by the City of Melbourne city limits to the north and to the Town of Malabar on the south. The Indian River Lagoon makes up the eastern boundary. The western limit is generally the Florida East Coast Railroad (F.E.C.R.R.), with some areas pushing further west. The area west of the F.E.C.R.R. is shown on the BCRD District Map the Kirby Industrial Area and the Powell's Subdivision. The goal of the Bayfront Redevelopment Plan is to have the district be developed as an attractive, inviting, and economically successful mixed-use environment that promotes a positive image and identity for the community.

Item 2 - *When pertaining to the rezoning of land, the effect of the change, if any, on the particular property and on surrounding properties*.

The rezoning of these parcels does not appear to have a negative effect on the surrounding properties. The land is bordered by existing roadways to the north and east, the railroad to the west, and the Turkey Creek to the south. Further north (opposite Pospisil Avenue) are lands zoned BMUV. Staff anticipates that these lands will transition to a more mixed use and higher intensity development, over time. Any development to occur must be approved via administrative site plan review to ensure that development adheres to the BMU district.

Item 3 - *When pertaining to the rezoning of land, the amount of undeveloped land in the general area and in the city having the same classification as that requested.*

There is approximately 66 acres of land zoned BMUV, Bayfront Mixed Use Village District in the City and there is approximately 50 acres of land zoned BMU, Bayfront Mixed Use.

Item 4 - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).*

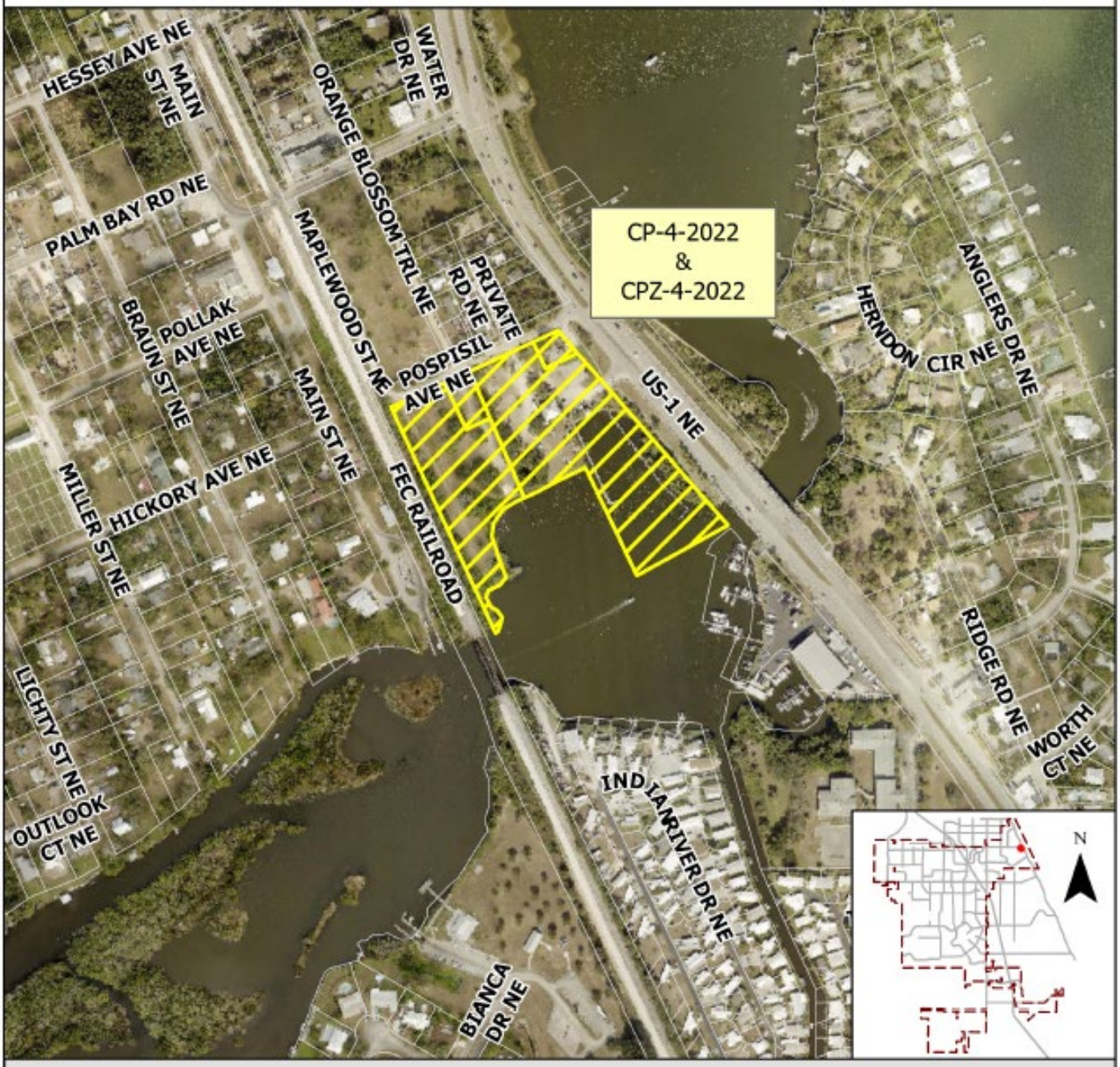
The proposed amendment does not impede the purposes of Chapter 185 or the Comprehensive Plan. The proposed zoning district is consistent with the property's future land use designation of Bayfront Mixed Use and with the development pattern of the Bayfront Redevelopment District.

STAFF RECOMMENDATION:

Case CPZ-4-2022 is recommended for approval.

The City of Palm Bay Florida

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



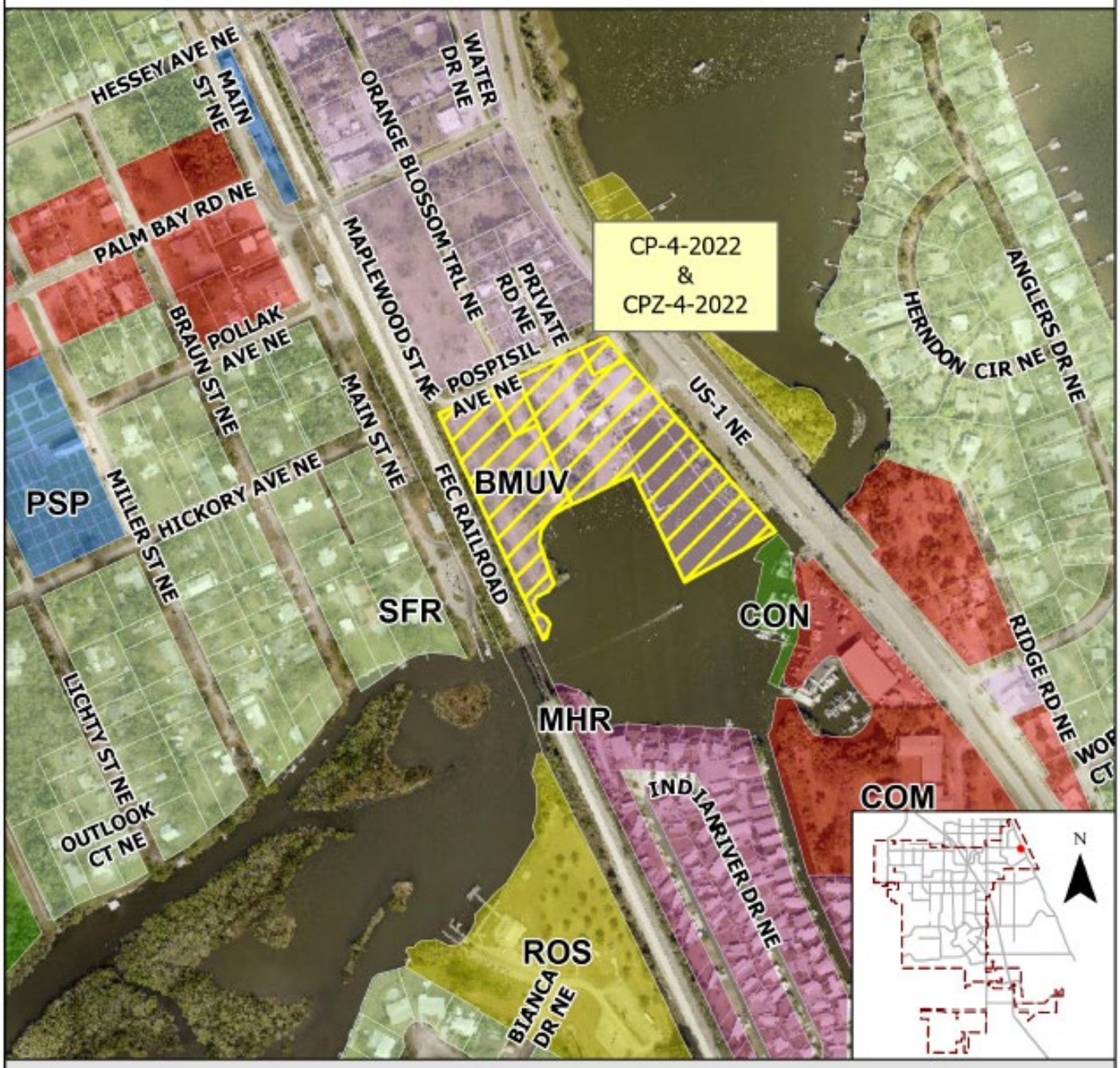
AERIAL LOCATION MAP CASE: CP-4-2022 & CPZ-4-2022

Subject Property

Southwest corner of Dixie Highway NE and Pospisil Avenue NE

The City of Palm Bay Florida

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



FUTURE LAND USE MAP CASE: CP-4-2022 & CPZ-4-2022

Subject Property

Southwest corner of Dixie Highway NE and Pospisil Avenue NE

Future Land Use Classification

BMUV – Bayfront Mixed Use Village

The City of Palm Bay Florida

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

ZONING MAP CASE: CP-4-2022 & CPZ-4-2022

Subject Property

Southwest corner of Dixie Highway NE and Pospisil Avenue NE

Current Zoning Classification

BMUV – Bayfront Mixed Use Village

State of Florida,
County of Nassau,

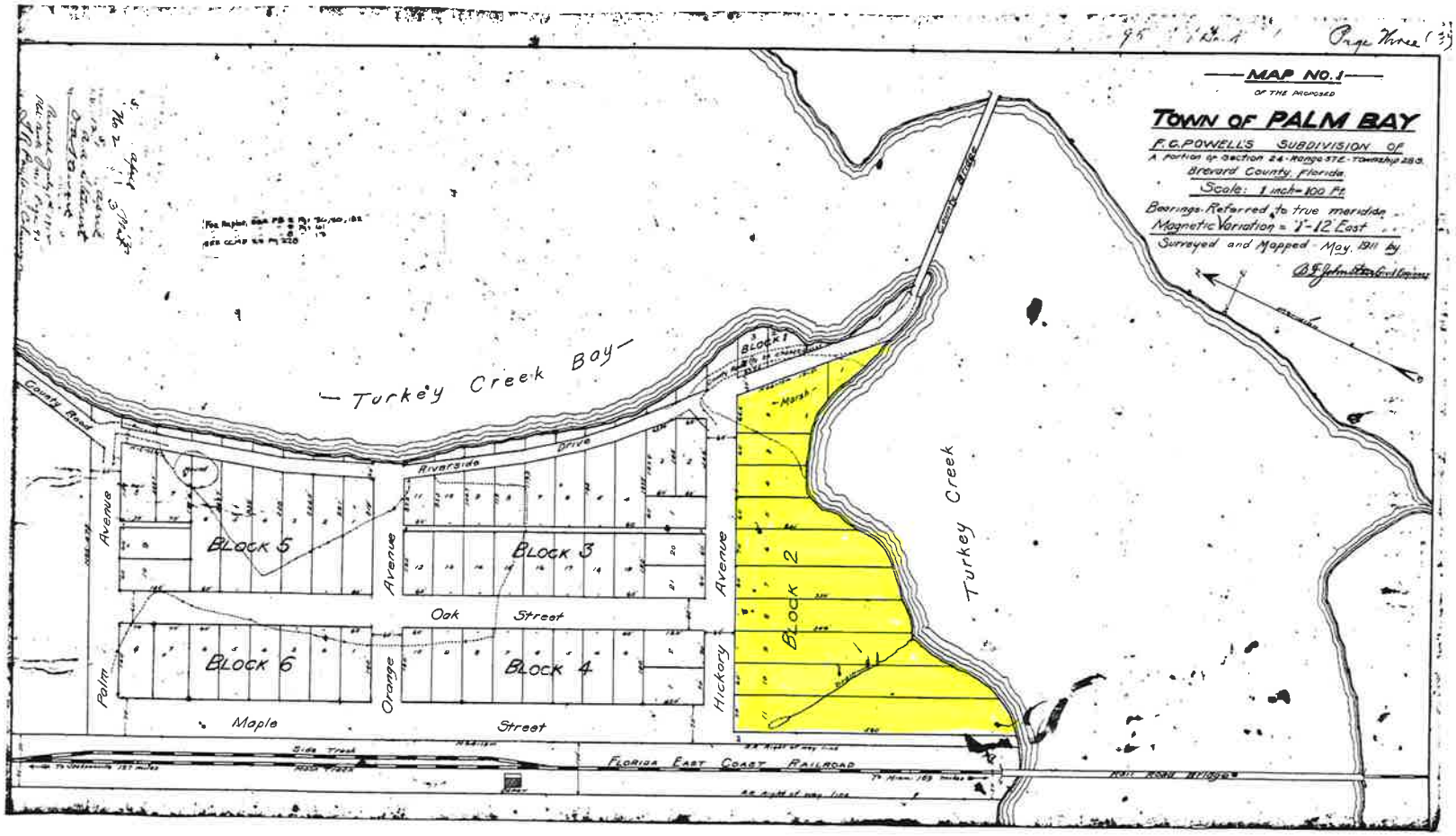
On this day personally came Harry A. Powell who acknowledged that he signe the foregoing deed of dedication for the purposes therein expressed.

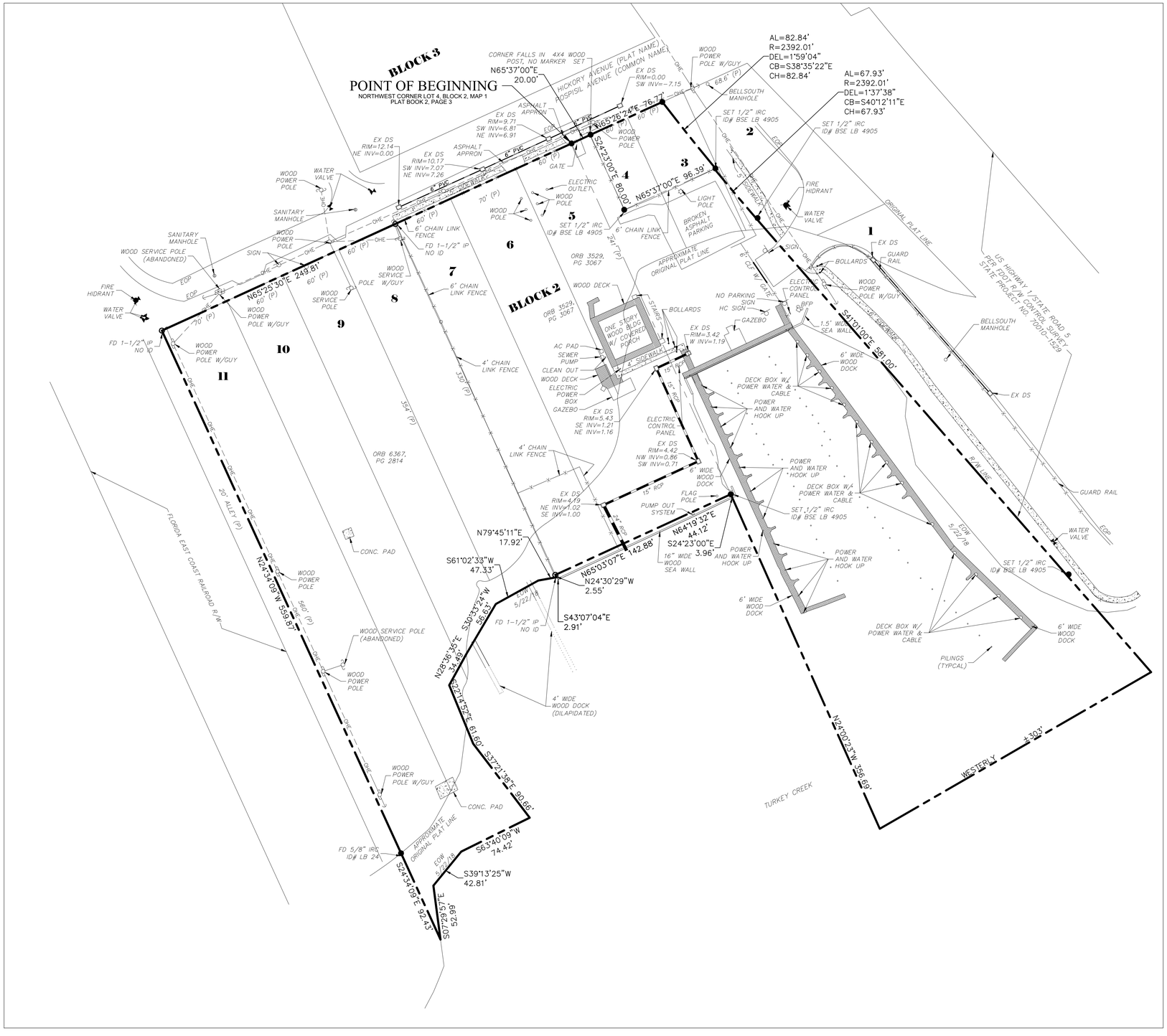
Witness my hand and official s[illegible]dina, Florida, this 23d day of March A. D. 1912

State of
County of

State of Florida,
County of Brevard.

[illegible] presents that we Frank C. Powell and Florence E. [illegible]ell and D. F. Powell, her husband, [illegible]ten of all the [illegible], to which these presents are [illegible]ll's subdivision of Section [illegible], Range Thirty seven (37) [illegible] filed and recorded. [illegible]. D. 1912.





LEGAL DESCRIPTION

ALL OF THAT PART OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, AND 11 BLOCK 2 MAP 1, TOWN OF PALM BAY AS DESCRIBED IN PLAT BOOK 2, PAGE 3, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING WEST OF THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1, TOGETHER WITH THAT PART OF THE SUBMERGED BOTTOM OF TURKEY CREEK LYING ADJACENT THERETO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 4, BLOCK 2, MAP No. 1,TOWN OF PALM BAY, AS RECORDED IN PLAT BOOK 2, PAGE 3,PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, RUN NORTH 65 DEGREES 37 MINUTES EAST ALONG THE NORTH LINE OF SAID LOT 4, 20.00 FEET TO THE WEST LINE OF PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1172, PAGE 765, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA THENCE SOUTH, 24 DEGREES 23 MINUTES EAST ALONG SAID WEST LINE 80.00 FEET TO THE SOUTH LINE OF SAID PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK1172, PAGE 765; THENCE NORTH 65 DEGREES 37 MINUTES EAST ALONG SAID SOUTH LINE 96.39 FEET TO THE WEST RIGHT OF WAY LINE U.S. HIGHWAY No. 1(STATE ROAD No. 5); THENCE SOUTHEASTERLY ALONG RIGHT OF WAY LINE AND ALONG A CURVE CONCAVE TO THE EAST , SAID CURVE HAVING A RADIUS OF 2392.01 FEET, A CENTRAL ANGLE OF 0NE DEGREE, 37 MINUTES, 38 SECONDS AND A CHORD BEARING OF SOUTH 40 DEGREES 12 MINUTES, 11 SECONDS EAST, AND ARC DISTANCE OF 67.93 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE SOUTH 41 DEGREES, 01 MINUTES, EAST ALONG SAID WEST RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1; 581 FEET MORE OR LESS, TO THE THREAD OF TURKEY CREEK; THENCE SOUTHWESTERLY ALONG SAID THREAD OF TURKEY CREEK 303 FEET, MORE OR LESS, TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE AFOREMENTIONED LOT 4, BLOCK 2; THENCE NORTH 24 DEGREES, 23 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 4 AND THE SOUTHERLY EXTENSION THEREOF, 732 FEET MORE OR LESS TO THE POINT OF BEGINNING, LESS AND EXCEPT ANY PORTION OF THE ABOVE DESCRIBED LAND WHICH MAY LIE WITHIN THE BOUNDARIES OF THE SOVEREIGNTY SUBMERGED LANDS LEASE RECORDED IN OFFICIAL RECORDS BOOK 5909, PAGE 5217, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA.

SYMBOL LEGEND

▲	NAIL AND DISK, ID# BSE LB4905, UNLESS OTHERWISE NOTED
●	FD 5/8" IRON ROD; NO ID, UNLESS OTHERWISE NOTED
○	FD 2" IRON PIPE; NO ID, UNLESS OTHERWISE NOTED
◆	BENCHMARK

8		
7		
6		
5		
4		
3		
2		
1	COMMENTS	
△	**REVISIONS**	**DATE**

JOB NO.	21-1092
DESIGNED	RMS
DRAWN	RMS
DATE	11/30/2021
CHECKED	TC /BAM
DATE ISSUED	11/30/2021

MBV ENGINEERING, INC.
MOIA BOWLES VILLANIZAR & ASSOCIATES
CIVIL • STRUCTURAL • SURVEYING • ENVIRONMENTAL
1250 W. EAU GALLIE BLVD, SUITE E1 CA#0728
MELBOURNE, FLORIDA 32935
P: 321-253-1510 F: 321-253-0911
WWW.MBVENGINEERING.COM
VERO: 772-569-0035 FT PIERCE: 772-466-9055 PALM CITY: 772-426-9999

PROPERTY BOUNDARY SKETCH

PALM BAY LANDING MARINA

COCOA FLORIDA

BRUCE A. MOIA
LICENSE
No. 47529
STATE OF
FLORIDA
PROFESSIONAL ENGINEER

BRUCE A. MOIA
FL. P.E. #47529

DATE
11/30/2021

C-1

SHEET

21-1064

PERMITTING SET

H:\21-1064 PALM BAY LANDING MARINA\CAD\Bmoia\1-1064 BOUNDARY (CORRECTED).dwg 11/30/2021 10:17 AM MITCH SPRVRY

The City of Palm Bay Florida

LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

REZONING APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by 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 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.

PARCEL ID(S):

28-37-24-27-2-8 with 28-37-24-27-2-8.01with 28-37-24-27-2-1 and 28-37-24-27-2-4

TAX ACCOUNT NUMBER(S):

2832800, 2832801, 2832794, 2932797

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):

Palm Bay Map #1 lots 1 thru 11

PROPERTY ADDRESS:

None

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):

7.56 acres

ZONING CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.):

BMUV

ZONING CLASSIFICATION DESIRED (ex.: IU, LI, etc.):

BMU

STRUCTURES LOCATED ON THE PROPERTY:

0

PRESENT USE OF THE PROPERTY:

Vacant

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

Commercial

THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:

- [x] *A $650.00 application fee. Make Check payable to "City of Palm Bay."
- [x] A Boundary Survey or Sketch with legal descriptions of properties covered by this application.
- [x] List of legal descriptions 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 should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- [x] School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.
- [ ] Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guideline. Staff will provide a sign template.
- [ ] **Where the property owner is not the representative for the request**, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative Bruce Moia P.E., - MBV Engineering Inc.

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 rezoning application and that the facts stated in it are true.

Owner Signature Melissa Timmons **Date** 11-30-21

Printed Name Melissa Timmons, Manager, - Space Coast Marina LLC

Full Address 587 Young Street, Melbourne, FL 32935

Telephone _____ **Email** mptimmons@yahoo.com

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

November 29, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-24-27-2-8 with 28-37-24-27-2-8.01 with 28-37-24-27-2-1 and 28-37-24-27-2-4

I, Owner Name: Space Coast Marina's LLC - Melissa Timmons MGR

Address: 587 Young Street, Melbourne, FL32935

Telephone: 714-306-7233

Email: mptimmons@yahoo.com

hereby authorize:

Representative: Bruce Moia, P.E. - MBV Engineering, Inc.

Address: 1250 W. Eau Gallie Blvd, Suite H, Melbourne, FL 32935

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

WANDA WALKER
Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

Melissa Timmons
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 30th day of November, 20 21 by Melissa Timmons, property owner.

Wanda Walker
Wanda Walker, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification:
Florida Drivers License

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-01

Held on Wednesday, January 5, 2022, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Ms. Leeta Jordan led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present	
VICE CHAIRPERSON:	Leeta Jordan	Present	
MEMBER:	Donald Boerema	Present	
MEMBER:	James Boothroyd	Present	
MEMBER:	Richard Hill	Present	
MEMBER:	Khalilah Maragh	Absent	(Excused)
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa (School Board Appointee)	Absent	(Excused)

Ms. Maragh's absence was excused.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ADOPTION OF MINUTES:

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-14 December 1, 2021.**

   Motion to approve the minutes as presented.

Motion by Mr. Warner, seconded by Mr. Hill. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

10. ****CPZ-4-2022 - Space Coast Marina - Melissa Timmons, Manager, Space Coast Marina, LLC (Bruce Moia, P.E., MBV Engineering, Inc.) - A Zoning amendment from a BMUV, Bayfront Mixed Use Village District to a BMU, Bayfront Mixed Use District. Part of Lots 3 and 4, Palm Bay Map Number 1, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 7.56 acres. Located at the southwest corner of Dixie Highway NE and Pospisil Avenue NE**

Mr. Murphy presented the staff report for Case CPZ-4-2022. Staff recommended Case CPZ-4-2022 for approval.

Mr. Bruce Moia, P.E., president of MBV Engineering, Inc. (representative for the applicant) stated that the 7.56-acre property included docks and the river. A marina was planned for the site, which required a future conditional use submittal for the board to review. The BMU designation would allow a taller boat storage facility and flexibility in the types of commercial uses. The applicant would prefer to eliminate the residential requirement but was willing to work with staff on the mix of uses. The storage building would likely be located near the railroad tracks to lessen visibility issues with the height of the building. A workable marina with a restaurant and retail would be a benefit to the area.

Mr. Boerema asked about the 60-foot building height that concerned the area residents. Mr. Moia confirmed that the building would be approximately 60-feet high.

The floor was opened for public comments.

Mr. Steve Dowell (resident at Main Street NE) spoke against the request. He stated that without plans to view, the subject project was not right for the area. Placing the boat storage building near the railroad tracks would be too close to his home. He commented that the rezoning would increase intensity in a residential area. More

traffic, overnighters, and debris were issues that would require police attention on a regular basis. Similar problems had already occurred in the area.

Mr. Boerema asked if there was a park near Mr. Dowell's property. Mr. Dowell indicated that this was correct.

In response to the comments from the audience, Mr. Moia explained that the marina and commercial uses planned for the property could be done under the existing BMUV zoning category by conditional use. However, the requested BMU designation would allow more flexibility and a taller building for boat storage. Mr. Dowell's concerns would be considered when preparing the proposed layout of the development for conditional use submittal.

Mr. Weinberg noted that while previously in the City's ownership, the blighted property had been for sale for several years. The proposed development would be a good step in revitalizing the area.

The floor was closed for public comments, and there was no correspondence in the file.

Motion to submit Case CPZ-4-2022 to City Council for approval.

Motion by Mr. Hill, seconded by Mr. Boothroyd. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

11. **CP-5-2022 - Parasol Bayfront - Marvin and Donatina Miller / Steve and Marisela Berman (Elias Cherem, Adelon Capital; Kim Rezanka, Lacy Lyons and Rezanka Attorneys at Law; and Bruce Moia, P.E., MBV Engineering, Inc., Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from BMUV, Bayfront Mixed Use Village Use to BMU, Bayfront Mixed Use. Lot T, Lots 1, 2, and 12 through 17 of Block 1, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 5.05 acres. Located south of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE**

ORDINANCE 2022-23

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM BMUV (BAYFRONT MIXED USE VILLAGE DISTRICT) TO BMU (BAYFRONT MIXED USE DISTRICT); WHICH PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF POSPISIL AVENUE AND DIXIE HIGHWAY, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of property from BMUV (Bayfront Mixed Use Village District) to BMU (Bayfront Mixed Use District), which property is legally described herein as Exhibit 'A'.

SECTION 2. The Zoning Map of the City of Palm Bay is hereby revised to reflect this amendment.

SECTION 3. The provisions within this ordinance shall take effect immediately upon the enactment of Ordinance 2022-22.

Read in title only at Meeting 2022- , held on , 2022; and read in title only and duly enacted at Meeting 2022- , held on , 2022.

_____

ATTEST: Rob Medina, MAYOR

_____

Terese M. Jones, CITY CLERK

City of Palm Bay, Florida
Ordinance 2022-23

Reviewed by CAO: _____

Applicant: Space Coast Marina LLC
Case: CPZ-4-2022

cc: (date) Applicant
Case File

Exhibit 'A'

LEGAL DESCRIPTION

ALL OF THAT PART OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, AND 11 BLOCK 2 MAP 1, TOWN OF PALM BAY AS DESCRIBED IN PLAT BOOK 2, PAGE 3, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING WEST OF THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1, TOGETHER WITH THAT PART OF THE SUBMERGED BOTTOM OF TURKEY CREEK LYING ADJACENT THERETO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 4, BLOCK 2, MAP No. 1,TOWN OF PALM BAY, AS RECORDED IN PLAT BOOK 2, PAGE 3,PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, RUN NORTH 65 DEGREES 37 MINUTES EAST ALONG THE NORTH LINE OF SAID LOT 4, 20.00 FEET TO THE WEST LINE OF PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1172, PAGE 765, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA THENCE SOUTH, 24 DEGREES 23 MINUTES EAST ALONG SAID WEST LINE 80.00 FEET TO THE SOUTH LINE OF SAID PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK1172, PAGE 765; THENCE NORTH 65 DEGREES 37 MINUTES EAST ALONG SAID SOUTH LINE 96.39 FEET TO THE WEST RIGHT OF WAY LINE U.S. HIGHWAY No. 1(STATE ROAD No. 5); THENCE SOUTHEASTERLY ALONG RIGHT OF WAY LINE AND ALONG A CURVE CONCAVE TO THE EAST , SAID CURVE HAVING A RADIUS OF 2392.01 FEET, A CENTRAL ANGLE OF 0NE DEGREE, 37 MINUTES, 38 SECONDS AND A CHORD BEARING OF SOUTH 40 DEGREES 12 MINUTES, 11 SECONDS EAST, AND ARC DISTANCE OF 67.93 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE SOUTH 41 DEGREES, 01 MINUTES, EAST ALONG SAID WEST RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1; 581 FEET MORE OR LESS, TO THE THREAD OF TURKEY CREEK; THENCE SOUTHWESTERLY ALONG SAID THREAD OF TURKEY CREEK 303 FEET, MORE OR LESS, TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE AFOREMENTIONED LOT 4, BLOCK 2; THENCE NORTH 24 DEGREES, 23 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 4 AND THE SOUTHERLY EXTENSION THEREOF, 732 FEET MORE OR LESS TO THE POINT OF BEGINNING, LESS AND EXCEPT ANY PORTION OF THE ABOVE DESCRIBED LAND WHICH MAY LIE WITHIN THE BOUNDARIES OF THE SOVEREIGNTY SUBMERGED LANDS LEASE RECORDED IN OFFICIAL RECORDS BOOK 5909, PAGE 5217, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Alexandra Bernard, Growth Management Director**

DATE: **2/3/2022**

RE: **Ordinance 2022-24, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Orange Blossom Trail, in the vicinity west of Dixie Highway, from Bayfront Mixed Use Village to Bayfront Mixed Use (5.05 acres) (Case CP-5-2022, Marvin and Donita Miller / Steve and Marisela Berman), only one reading required.**

Mr. Marvin Miller and Ms. Donatina Miller / Mr. Steve Berman and Ms. Marisela Berman (represented by Elias Cherem, Adelon Capital; Kim Rezanka, Lacy Lyons and Rezanka Attorneys at Law; and Bruce Moia, P.E., MBV Engineering, Inc.) have submitted for a small-scale Comprehensive Plan Future Land Use map amendment from BMUV, Bayfront Mixed-Use Village to BMU, Bayfront Mixed Use. The land is located south of and adjacent to Orange Blossom Trail NE, in the vicinity west of U.S. Highway 1, and consists of single-family homes.

The intended use of the subject properties is for a mix of multi-family residential development and commercial uses. The BMU land use amendment will allow for a high-quality, diversified living environment on a property that has been underdeveloped for many years. The property is not within any of the Florida scrub-jay polygons identified in the City's Habitat Conservation Plan (HCP), and no other protected species are known to inhabit the site. If developed, the owner/developer will be responsible for extending water and sewer service to the property; for preparing a drainage plan in accordance with current regulations approved by the City; and for providing any needed traffic improvements that is determined by their traffic impact analysis.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:
Motion to approve Case CP-5-2022.

Planning and Zoning Board Recommendation:
Unanimous approval of the request.

ATTACHMENTS:

Description

Case CP-5-2022 - Staff Report
Case CP-5-2022 - Boundary Sketch
Case CP-5-2022 - Application
Case CP-5-2022 - Board Minutes
Case CP-5-2022 - Correspondence (P&Z)
Ordinance 2022-24
Ordinance 2022-24, Exhibit A

STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
landdevelopmentweb@palmbayflorida.org

Prepared by
Christopher Balter, Senior Planner

CASE NUMBER
CP-5-2022

PLANNING & ZONING BOARD HEARING DATE
January 5, 2022

PROPERTY OWNER & APPLICANT
Marvin and Donatina Miller / Steve and Marisela Berman (Elias Cherem, Adelon Capital; Kim Rezanka Esq.; and Bruce Moia, P.E., Reps.)

PROPERTY LOCATION/ADDRESS
Lot T, T.01, 1, 2 and 12 through 17 of Block 1, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida

SUMMARY OF REQUEST
The applicant is requesting a future land use map amendment from BMUV, Bayfront Mixed-Use Village to the BMU, Bayfront Mixed-Use.

Existing Zoning	BMUV, Bayfront Mixed-Use Village District
Existing Land Use	Bayfront Mixed-Use Village
Site Improvements	Undeveloped Land, and Single-Family Homes
Site Acreage	5.05 acres

SURROUNDING ZONING & USE OF LAND

North	BMUV, Bayfront Mixed-Use Village District; Single-Family Homes
East	U.S. Highway 1
South	BMUV, Bayfront Mixed-Use Village District; Single-Family Homes
West	Orange Blossom Trail NE

BACKGROUND:

The subject properties are located south of and adjacent to Orange Blossom Trail NE, in the vicinity west of U.S. Highway 1. There are 4 parcels that are included in this request, two of which have single-family homes on them.

ANALYSIS:

Per Chapter 183: Comprehensive Plan Regulations, Section 183.01(B), the purpose and intent of the Comprehensive Plan is to encourage the most appropriate use of land and resources to promote the health, safety, and welfare of the community.

1. FUTURE LAND USE ELEMENT

The Comprehensive Plan (Plan) FLU Element Goal FLU-1 is to ensure a high-quality, diversified living environment through the efficient distribution of compatible land uses.

The Comprehensive Plan (Plan) FLU Element Goal FLU-2 is to provide for and maintain viable neighborhoods and residential development to meet the existing and future needs of the residents of Palm Bay.

The Comprehensive Plan (Plan) FLU Element Goal FLU-3 is to provide for economically viable commercial areas which promote a sound and diversified local economy and serve the retail and service needs of the City's residents

The Comprehensive Plan (Plan) FLU Element Goal FLU-8 is to provide for a diverse and self-sustaining pattern of land uses that support the present and future population of the City of Palm Bay.

The subject parcels are located within the Bayfront Village Special Character District, which is within the Bayfront Redevelopment District. The goal of the Bayfront Village District is to create a pedestrian-friendly waterfront community with improved narrow streets, pathways leading to public spaces, attractive views, and a waterfront theme. The goal of the Bayfront Redevelopment Plan is to have the district be developed as an attractive, inviting, and economically successful mixed-use environment that promotes a positive image and identity for the community. The intended use for the 5.05-acre properties is a mix of Multi-Family Residential development and commercial uses. The proposed land use amendment would be considered compatible. The change will allow for a high-quality, diversified living environment. The development will further these goals by providing a mix of allowable uses on a property that has been underdeveloped for many years.

2. CONSERVATION ELEMENT

The environmental character of the City is maintained through conservation, appropriate use, and protection of natural resources.

The subject property is not located within any of the Florida scrub-jay polygons identified in the City's Habitat Conservation Plan (HCP). No other protected species are known to inhabit the subject property. Any protected species that would be found on the subject property would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.7B.

Coastal Management: The subject property is not located within the Coastal Management Area.

3. HOUSING ELEMENT

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the City. Instead, it will serve to create additional multi-family housing opportunities needed in Palm Bay.

4. INFRASTRUCTURE ELEMENTS

The City evaluates present and future water, sewer, drainage, and solid waste and assesses the ability of infrastructure to support development.

Utilities: The FLU change will not cause the level of service to fall below the standards adopted in the Comprehensive Plan for these services for the current planning period. Public water and sewerage facilities are available at the site. If developed, the owner/developer will be responsible for extending service to the site in accordance with current City regulations.

Drainage: If developed, a drainage plan must be prepared in accordance with current regulations and approved by the City, along with appropriate outside agencies, including the St. Johns River Water Management District. Any proposed stormwater management system will be reviewed and approved by the City during the site plan review process

5. INTERGOVERNMENTAL COORDINATION ELEMENT

Public Schools: The proposed FLU amendment to Bayfront Mixed-Use will add housing units. Some impacts to the public-school system area are anticipated; however, considering the adjacent concurrency service areas, there is sufficient capacity.

6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment would increase the demand for recreation services as compared to the existing Bayfront Mixed Use Village due to potential increase in density.

However, the requested use would not exceed the existing parkland or recreational level of service standards for the planning area.

7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community. If developed, a traffic impact analysis will be required to determine any negative impacts on the existing transportation system along with any suggested improvements, which will be taken under consideration during the Site Plan review/approval process.

8. PROPERTY RIGHTS ELEMENT

The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights.

This proposed land-use change does not appear to infringe upon the property rights of the applicant.

STAFF RECOMMENDATION:

Case CP-5-2022 is recommended for approval.

The City of Palm Bay Florida

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

AERIAL LOCATION MAP CASE: CP-5-2022 & CPZ-5-2022

Subject Property

South of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

The City of Palm Bay Florida

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

FUTURE LAND USE MAP CASE: CP-5-2022 & CPZ-5-2022

Subject Property

South of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

Future Land Use Classification

BMUV – Bayfront Mixed Use Village

The City of Palm Bay Florida

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

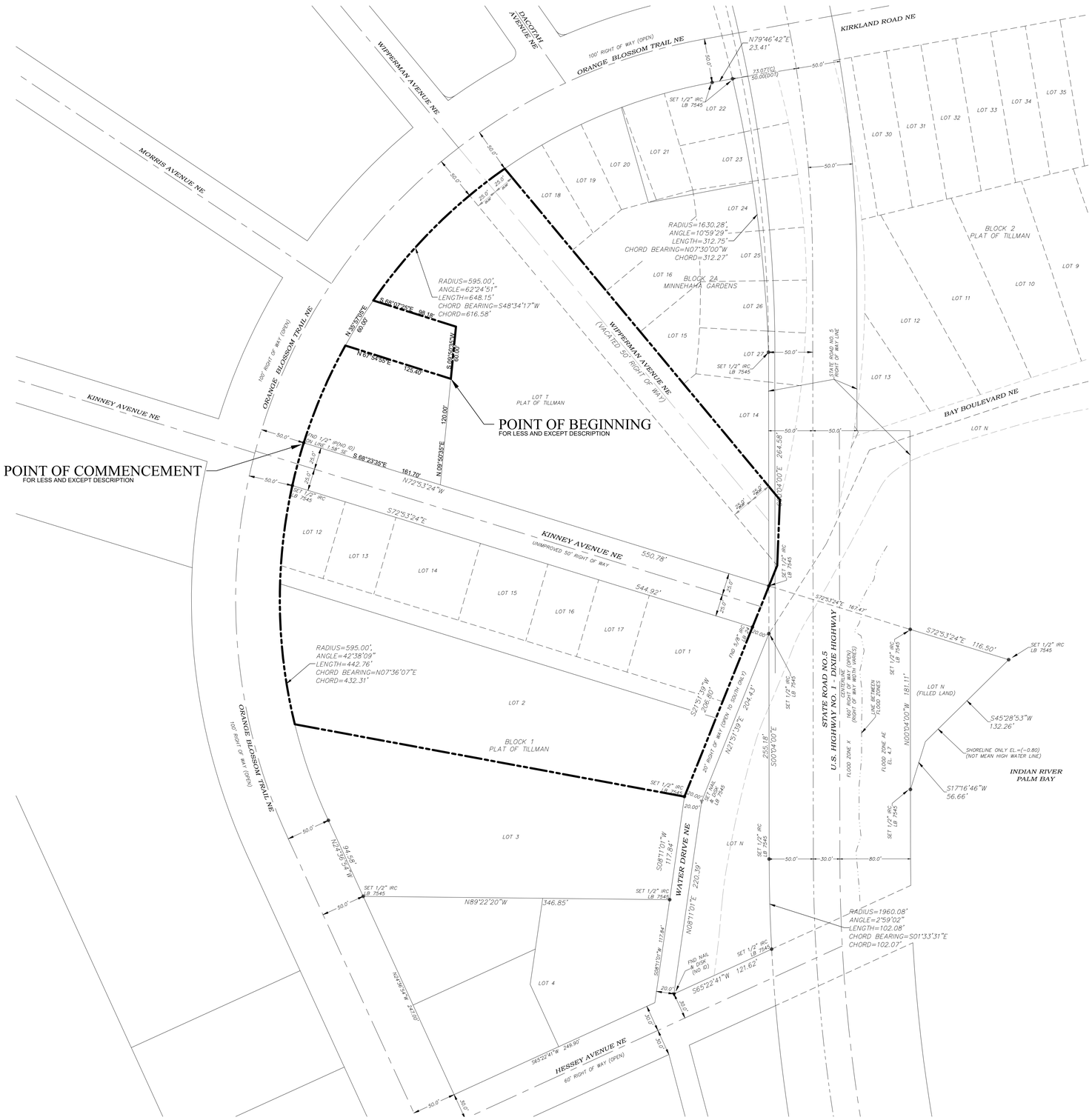
ZONING MAP CASE: CP-5-2022 & CPZ-5-2022

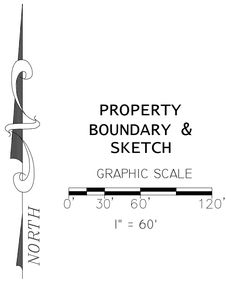
Subject Property

South of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

Current Zoning Classification

BMUV – Bayfront Mixed Use Village





LEGEND

BFP = BACKFLOW PREVENTER	OHW = OVERHEAD WIRES
BOC = BACK OF CURB	O.R.B. = OFFICIAL RECORD BOOK
BWF = BARBED WIRE FENCE	(P) = PLAT
CLF = CHAIN LINK FENCE	P.B. = PLAT BOOK
CM = CONCRETE MONUMENT	PG. = PAGE
CMP = CORRUGATED METAL PIPE	PVC = POLY VINYL CHLORIDE
CONC. = CONCRETE	RCP = REINFORCED CONCRETE PIPE
COVD. =COVERED	(S) = SURVEYED
(D) = DESCRIPTION	TOB = TOP OF BANK
ECMP = ELLIPTICAL CORRUGATED METAL PIPE	TOS = TOE OF SLOPE
EDR = EDGE OF DIRT DRIVE	TRANS = TRANSFORMER
EL. = ELEVATION	UG = UNDERGROUND
EM=ELECTRIC METER	WDF = WOODEN FENCE
EOW = EDGE OF WATER	WL = WATER LINE
FFE = FINISHED FLOOR ELEVATION	(W) = WATER METER
FM = FORCE MAIN	= FIRE HYDRANT
FND. = FOUND	= GUY ANCHOR
GV = GATE VALVE	= UTILITY POLE
HW = HEADWALL	= WATER GATE VALVE
ID = IDENTIFICATION	(W) = WELL
IP = IRON PIPE	
IR = IRON ROD	
IRC = IRON ROD WITH CAP	
= LIGHT POLE	
= SIGNAL POLE	

DESCRIPTION:

LOT "T" AND THE VACATED ADJOINING 50 FOOT RIGHT OF WAY FOR WIPPERMAN AVENUE, MINNEHAHA GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 50, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT RIGHT OF WAY FOR U.S. HIGHWAY NO. 1.

LOTS 1, 2, 12, 13, 14, 15, 16, AND 17 BLOCK 1, PLAT OF TILLMAN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING:

COMMENCE AT THE SOUTHWEST CORNER OF LOT T OF PLAT OF TILLMAN, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECOREDS OF BREVARD COUNTY, FLORIDA: RUN S 68 DEGREES 23 MINUTES 35 SECONDS EAST ALONG SOUTHERLY LINE OF SAID LOT T 161.70 FEET; THENCE NORTH 09 DEGREES 50 MINUTES 35 SECONDS EAST 120.00 FEET FOR A POINT OF BEGINNING; RUN THENCE NORTH 67 DEGREES 54 MINUTES 55 SECONDS WEST 125.40 FEET TO THE WESTERLY LINE OF LOT T; THENCE NORTH 35 DEGREES 57 MINUTES 05 SECONDS EAST A CHORD DISTANCE OF 60 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT T; THENCE SOUTH 68 DEGREES 07 MINUTES 25 SECONDS EAST 98.18 FEET; THENCE SOUTH 09 DEGREES 50 MINUTES 35 SECONDS WEST 60.00 FEET TO THE POINT OF BEGINNNING

JOB NO.	21-1092	8	
DESIGNED	RMS	7	
DRAWN	RMS	6	
DATE	11/30/2021	5	
CHECKED	TC /BAM	4	
DATE ISSUED	11/30/2021	3	
		2	
		1	COMMENTS
		△	**REVISIONS** DATE

MBV ENGINEERING, INC.
MOIA BOWLES VILLANZAR & ASSOCIATES
CIVIL • STRUCTURAL • SURVEYING • ENVIRONMENTAL
1250 W. EAU GALLIE BLVD. SUITE E1 CA#0728
MELBOURNE, FLORIDA 32935
P: 321-253-1510 F: 321-253-0911
MELBOURNE: FL#2000 PALM BAY: FL#2001
VERO: 772-569-0035 FT PIERCE: 772-466-9005 PALM CITY: 772-426-9999

PROPERTY BOUNDARY SKETCH

ADELON BAYFRONT PROPERTY

COCOA FLORIDA

BRUCE A. MOIA
LICENSE
No. 47529
STATE OF
FLORIDA
PROFESSIONAL ENGINEER

BRUCE A. MOIA
FL P.E. #47529

DATE: 11/30/2021

C-1

SHEET

21-1068

PERMITTING SET

W:\2021-1068 PARADISO, BAYFRONTVIS CARDINAL GURTY\21-1068\dwg 11/30/2021 10:20 AM MTOLSON\C-1

The City of Palm Bay Florida

LAND DEVELOPMENT DIVISION
120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopmentweb@palmbayflorida.org

REZONING APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by 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 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.

PARCEL ID(S):

28-37-24-25-*-T, 28-37-24-25-1-1, 28-37-24-25-1-2, 28-37-24-25-*-T.01

TAX ACCOUNT NUMBER(S):

2832544, 2832548, 2832549, 2832545

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):

Tillman, Plat of Lot T Ex DB 40 Pg 283, Tillman, Plat of Lots 1, 12 to 17 & 20 ft along N of Lot 2, Blk 1 Tillman, Plat of Lot 2, Ex N 20 Ft Blk 1 , Tillman plat of part of out lot T.

PROPERTY ADDRESS:

1636 and 1640 Waters Drive

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):

5.05

ZONING CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.):

BMUV

ZONING CLASSIFICATION DESIRED (ex.: IU, LI, etc.):

MBU

LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.):

BMUV

LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE (attach additional sheets if necessary):

BMU

PRESENT USE OF PROPERTY:

3 Residential Units and vacant land

STRUCTURES LOCATED ON THE PROPERTY: 3

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION: Yes from BMUV to BMU

JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary):

Current land use does not enable developer to construct the proposed multi-family and commercial develpment.

SPECIFIC USE INTENDED FOR PROPERTY:

Multi Family Residential and Commercial

THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:

☐ *Application Fee. Make Check payable to "City of Palm Bay."

- ☒ **$1,200.00 - Small Scale** (50 acres or Less)
- ☐ **$2,000.00 - Large Scale** (More than 50 acres)
- ☐ **$2,000.00 - Text Amendment** (Comp. Plan)

- [x] Legal description of the subject property with a sketch of the legal. **Also provide the site sketch on Memory Drive.**

- [x] List of legal descriptions 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 should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)

- [x] School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.

- [ ] Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guideline. Staff will provide a sign template.

- [ ] **Where the property owner is not the representative for the request**, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative Elias Cherem-Adelon Capital, Kim Rezenka-Lacy Lyons and Rezenka, Bruce Moia, P.E., - MBV Engineering, Inc.

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 OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Owner Signature Marvin E. Miller **Date** 11-29-2021

Printed Name Marvin Miller

Full Address 3765 Crita Jean Avenue, Grant Valkaria, 32909

Telephone 321-729-6952 **Email** millersplumbingso@gmail.com

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

- [x] Legal description of the subject property with a sketch of the legal. **Also provide the site sketch on Memory Drive.**

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

Owner Signature Donatina M. Miller **Date**

Printed Name ~~Donita~~ Donatina M. Miller

Full Address 3765 Crita Jean Avenue, Grant Valkaria, 32909

Telephone 321-729-6952 **Email** millerplumbingso@gmail.com

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

Owner Signature _____ **Date** Nov. 29, 2021

Printed Name Steven A Berman

Full Address 202 Terry Street, Indian Harbour Beach FL 32937

Telephone 321-777-2398 **Email** smmzberman@hotmail.com

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

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

Owner Signature _____ **Date** 12/10/21

Printed Name Marisela Berman

Full Address 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone 321-729-6952 **Email** millersplumbingso@gmail.com

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

November 24, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-24-25-*-T.01, Tillman Plat of part of out Lot T As desc in Orb 183, Pg 653Pb 0002 Pg 0004

I, Owner Name: Marvin Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

Representative: Bruce Moia, P.E., MBV Engineering, Inc.

Address: 1250 W. Eau Gallie Blvd, Suite H Melbourne, FL 32935

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Marvin E Miller
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 29th day of November, 20 21 by Marvin E. Miller, property owner.

Wanda Walker, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification: Florida Drivers License

WANDA WALKER
Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

November 24, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-24-25-*-T.01, Tillman Plat of part of out Lot T As desc in Orb 183, Pg 653Pb 0002 Pg 0004

I, Owner Name: Marvin Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

Representative: Kim Rezenka of Lacey Lyon and Rezenka

Address: 6023 Farcenda Pl, Suite 102, Melbourne, FL 32940

Telephone: 321-608-0890

Email: krezenka@llr.law

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Marvin E Miller
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

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Wanda Walker
Wanda Walker, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification: Florida Drivers License

WANDA WALKER
Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

November 24, 20 21

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28-37-24-25-*-T.01, Tillman Plat of part of out Lot T As desc in Orb 183, Pg 653Pb 0002 Pg 0004

I, Owner Name: Marvin Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

Representative: Elias Cherem of Adelon Capital Inc.

Address: 1955 Harrison Street, Suite 200, Hollywood FL 33020

Telephone:

Email: echerem@adeloncapital.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Marvin E Miller
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 29th day of November, 20 21 by Marvin E Miller, property owner.

Wanda Walker
Wanda Walker, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification: Florida Drivers License

WANDA WALKER
Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

December 13, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-24-25-*-T.01, Tillman Plat of part of out Lot T As desc in Orb 183, Pg 653Pb 0002 Pg 0004

I, Owner Name: Donatina Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

Representative: Bruce Moia, P.E., MBV Engineering, Inc.

Address: 1250 W. Eau Gallie Blvd, Suite H Melbourne, FL 32935

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Donatina M. Miller
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 13th day of December, 2021 by Donatina Miller, property owner.

WANDA WALKER
Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

Wanda Walker
Wanda Walker, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification:
Drivers License

December 13, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-24-25-*-T.01, Tillman Plat of part of out Lot T As desc in Orb 183, Pg 653Pb 0002 Pg 0004

I, Owner Name: Donatina Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

Representative: Kim Rezenka of Lacey Lyon and Rezenka

Address: 6023 Farcenda Pl, Suite 102, Melbourne, FL 32940

Telephone: 321-608-0890

Email: krezenka@llr.law

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Donatina M. Miller
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

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WANDA WALKER
Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

Wanda Walker
Wanda Walker, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification:
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December 13, 20 21

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I, Owner Name: Donatina Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

Representative: Elias Cherem of Adelon Capital Inc.

Address: 1955 Harrison Street, Suite 200, Hollywood FL 33020

Telephone:

Email: echerem@adeloncapital.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Donatina M. Miller

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 13th day of Dec, 20 21 by Donatina Miller, property owner.

WANDA WALKER
Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

Wanda Walker

Wanda Walker, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification:

Drivers license

November 23, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID's 28-37-24-25-*-T and 28-37-24-25-1-1 together with 28-37-24-25-1-2. Per Plat Book 0002 Page 0004

I, Owner Name: Steve A. Berman

Address: 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone: 321-777-2398

Email: smmzberman@hotmail.com

hereby authorize:

Representative: Bruce A. Moia, P.E., MBV Engineering, Inc.

Address: 1250 W. Eau Gallie Blvd, Suite H, Melbourne, FL 32935

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 24th day of November, 20 21 by Steven Berman, property owner.

Wanda Walker, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification: Florida Drivers License

WANDA WALKER
Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

November 23, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID's 28-37-24-25-*-T and 28-37-24-25-1-1 together with 28-37-24-25-1-2. Per Plat Book 0002 Page 0004

I, Owner Name: Steve A. Berman

Address: 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone: 321-777-2398

Email: smmzberman@hotmail.com

hereby authorize:

Representative: Kim Rezenka of Lacey Lyon and Rezenka

Address: 6023 Farcenda Pl, Suite 102, Melbourne, FL 32940

Telephone: 321-608-0890

Email: krezenka@llr.law

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

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Wanda Walker, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification: Florida Drivers License

WANDA WALKER
Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

November 23, 20 21

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hereby authorize:

Representative: Elias Cherem of Adelon Capital Inc.

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Rezoning and Comprehensive Plan Amendment

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

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Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

December 13, 2021, 20

Re: Letter of Authorization

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Parcel ID's 28-37-24-25-*-T and 28-37-24-25-1-1 together with 28-37-24-25-1-2. Per Plat Book 0002 Page 0004

I, Owner Name: Marisela Berman

Address: 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone: 321-777-2398

Email: smmzberman@hotmail.com

hereby authorize:

Representative: Bruce A. Moia, P.E., MBV Engineering, Inc.

Address: 1250 W. Eau Gallie Blvd, Suite H, Melbourne, FL 32935

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

WANDA WALKER
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Commission # GG 346055
My Commission Expires
October 17, 2023

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 13th day of December, 20 21 by Marisela Berman, property owner.

Wanda Walker, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification: Drivers License

December 13, 2021, 20

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID's 28-37-24-25-*-T and 28-37-24-25-1-1 together with 28-37-24-25-1-2. Per Plat Book 0002 Page 0004

I, Owner Name: Marisela Berman

Address: 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone: 321-777-2398

Email: smmzberman@hotmail.com

hereby authorize:

Representative: Kim Rezenka of Lacey Lyon and Rezenka

Address: 6023 Farcenda Pl, Suite 102, Melbourne, FL 32940

Telephone: 321-608-0890

Email: krezenka@llr.law

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

WANDA WALKER
Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

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Wanda Walker
Wanda Walker, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification:

Drivers License

December 13, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID's 28-37-24-25-*-T and 28-37-24-25-1-1 together with 28-37-24-25-1-2. Per Plat Book 0002 Page 0004

I, Owner Name: Marisela Berman

Address: 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone: 321-777-2398

Email: smmzberman@hotmail.com

hereby authorize:

Representative: Elias Cherem of Adelon Capital Inc.

Address: 1955 Harrison Street, Suite 200 Hollywood Florida 33020

Telephone:

Email: echerem@adeloncapital.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 13th day of December, 20 21 by Marisela Berman, property owner.

WANDA WALKER
Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

Wanda Walker, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification: drivers license

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-01

Held on Wednesday, January 5, 2022, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Ms. Leeta Jordan led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present	
VICE CHAIRPERSON:	Leeta Jordan	Present	
MEMBER:	Donald Boerema	Present	
MEMBER:	James Boothroyd	Present	
MEMBER:	Richard Hill	Present	
MEMBER:	Khalilah Maragh	Absent	(Excused)
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa (School Board Appointee)	Absent	(Excused)

Ms. Maragh's absence was excused.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ADOPTION OF MINUTES:

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-14 December 1, 2021.**

   Motion to approve the minutes as presented.

traffic, overnighters, and debris were issues that would require police attention on a regular basis. Similar problems had already occurred in the area.

Mr. Boerema asked if there was a park near Mr. Dowell's property. Mr. Dowell indicated that this was correct.

In response to the comments from the audience, Mr. Moia explained that the marina and commercial uses planned for the property could be done under the existing BMUV zoning category by conditional use. However, the requested BMU designation would allow more flexibility and a taller building for boat storage. Mr. Dowell's concerns would be considered when preparing the proposed layout of the development for conditional use submittal.

Mr. Weinberg noted that while previously in the City's ownership, the blighted property had been for sale for several years. The proposed development would be a good step in revitalizing the area.

The floor was closed for public comments, and there was no correspondence in the file.

Motion to submit Case CPZ-4-2022 to City Council for approval.

Motion by Mr. Hill, seconded by Mr. Boothroyd. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

11. **CP-5-2022 - Parasol Bayfront - Marvin and Donatina Miller / Steve and Marisela Berman (Elias Cherem, Adelon Capital; Kim Rezanka, Lacy Lyons and Rezanka Attorneys at Law; and Bruce Moia, P.E., MBV Engineering, Inc., Reps.) - A small-scale Comprehensive Plan Future Land Use Map amendment from BMUV, Bayfront Mixed Use Village Use to BMU, Bayfront Mixed Use. Lot T, Lots 1, 2, and 12 through 17 of Block 1, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 5.05 acres. Located south of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE**

Mr. Murphy presented the staff report for Case CP-5-2022. Staff recommended Case CP-5-2022 for approval.

Mr. Bruce Moia, P.E., president of MBV Engineering, Inc. (representative for the applicant) explained that a proposed land use amendment and zoning change were being requested for the subject site. A conditional use submittal, which would include an actual plan, would be the next step in the process. He explained how a prior treatment mitigation with the pond to the west of the site had afforded incentives for the subject property. Based on the Palm Bay Vision 2040 Plan, the proposed mixed-use development could be a catalyst for the area.

The floor was opened for public comments.

Mr. Alfred Agarie (resident at Main Street NE) spoke in favor of the request. He was pleased to see good development occurring in the area.

Mr. Dale Steele (resident at Water Drive NE) spoke against the request. He owned property adjacent to the subject site and was concerned about the shared driveway access, his current rights to the artesian well, and the development's effect on his taxes. He questioned the recent change in the area from a village concept.

In response to comments from the audience, Mr. Moia explained that the right-of-way east of the subject site on Water Drive NE was City owned and not part of the proposed development. As required by the St. Johns River Water Management District, the free-flowing well on the property would be abandoned and capped to protect the river. He believed that the long-term goal in the area had changed from a village concept in order to draw more development into the area.

Mr. Murphy confirmed that the retention pond between Orange Blossom Trail NE and the railroad tracks was built oversized so that development to the east would not require onsite ponds. He remarked that the vision for the area 20 years ago had changed because of new development patterns. The new vision would create more vibrancy and redevelopment of the U.S. Highway 1 corridor, a predominantly blighted and underutilized area.

The floor was closed for public comments, and one item of correspondence against the request was in the file.

Motion to submit Case CP-5-2022 to City Council for approval.

Motion by Ms. Jordan, seconded by Mr. Hill. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

12. ****CPZ-5-2022 - Parasol Bayfront - Marvin and Donatina Miller / Steve and Marisela Berman (Elias Cherem, Adelon Capital; Kim Rezanka, Lacy Lyons and Rezanka Attorneys at Law; and Bruce Moia, P.E., MBV Engineering, Inc., Reps.) - A Zoning amendment from BMUV, Bayfront Mixed Use Village Use to BMU, Bayfront Mixed Use. Lot T, Lots 1, 2, and 12 through 17 of Block 1, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 5.05 acres. Located south of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE**

Mr. Murphy presented the staff report for Case CPZ-5-2022. Staff recommended Case CPZ-5-2022 for approval.

Mr. Bruce Moia, P.E., president of MBV Engineering, Inc. (representative for the applicant) stated his excitement that the City's vision to revise the BMU zoning category had made the zoning designation attractive for viable projects to become a reality. The zoning amendment would allow the flexibility to develop a good project.

The floor was opened and closed for public comments; there were no comments from the audience, and there was one item of correspondence against the request in the file.

Motion to submit Case CPZ-5-2022 to City Council for approval.

Motion by Ms. Jordan, seconded by Mr. Hill. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

CASES

CP-5-2022 & CPZ-5-2022

CORRESPONDENCE

January 3, 2022

To: City of Palm Bay Planning and Zoning Board, City of Palm Bay Bayfront Community Redevelopment Agency Commissioners, Mr. Patrick Murphy, Growth Development
From: Citizens residing in the BCRA Village District
Re: Zoning Change proposed in Cases CP-5-2022 and CPZ-5-2022

Gentlemen:

An "informational meeting" for interested citizens was held regarding this 9-acre rezoning request 9 days before Christmas - in an "inside" restaurant venue during a resurgent pandemic event. There were no handouts, site plans or concept drawings available for review. Platitudes about the need to rezone the properties were the only items on the menu.

It may be a common occurrence for a developer to approach a group of property owners and offer to purchase their properties, with the caveat that it will be "if and only if" these properties can be rezoned to accommodate the developer. That is, protect from any real investment in the vision of the multitude of citizens who will then have to live with the developer's final plan.

However, when the rezoning proposal does not contain any concept or potential site plans or indeed any data at all, how are surrounding (or any) citizens supposed to offer an opinion or express any concerns, or even make any judgment?

Palm Bay will only get one opportunity to realize the vision it's citizens have spent nearly 30 years developing and refining. Shouldn't any major modification to that vision be data driven and at least have some visual concept for citizens to view? Some idea of the scale and layout or even the purpose for rezoning these parcels (other than profit)?

We are not saying that the parcels in question should not be rezoned. What we are saying is that after 30 years of input and guidance from citizens, the BCRA, City Council, multiple taxpayer paid consultants, urban planners and experts, do we not deserve to know what the developer actually plans to do with these potential rezoned parcels?

Shouldn't this 9- acre decision on the only bayfront the City will ever have be data driven? Has the developer considered anything other than how much profit can be made from this rezoning? How does anyone know?

The individuals that own these parcels knew what the BMUV zoning was when they purchased the parcels. Both the BMUV and BMU categories have been recently re-legislated to accommodate developers. The developer behind these two requests owe the citizens of Palm Bay, at the very least, something fleshed out enough to express an opinion.

What is the "ask" here? Why rezone these parcels? Is it increased density, increased building height, increased lot coverage, all of the above?. Please show us a drawing - where would the

retention go - any shops or restaurants? Is this to be a condominium, apartments, a hotel, or perhaps all the above?

If the city decides to rezone these parcels without so much as a visible outline of a plan, why do we have a Planning and Zoning Board? Why not rename it the "Suggested Zoning Board"? If no data is required for rezoning, why don't we just adopt the Texas plan and get rid of zoning legislation altogether? We understand that the developer will have to abide by the "new" zoning legislation if the parcels are rezoned to BMU. We also know that these zoning categories themselves have already been changed by legislative action. What is to prevent a developer from rezoning these parcels and then applying for variances to further magnify their profit? The only real thing we know about this rezoning request is that the developer is here to make money.

Let us have a look at a plan and some data, so the Planning part of the Planning and Zoning Board can base a zoning decision upon some plans. This is not a NO to potential rezoning. It is a simple ask, similar to asking for rezoning with no reason. Perhaps changes to keep the parcels closest to US1 as BMUV and rezone the other parcels to BMU, which could maintain the village atmosphere of the citizen's redevelopment plan as a vision of an amphitheater effect, with shorter buildings closest to the water, taller buildings behind. Show us a plan at least.

Remember, this is a forever decision that will impact Palm Bay's only waterfront for the foreseeable future. At least, let's make a decision with some idea of what is envisioned.

The stated Intent of the Zoning descriptions for BMUV and BMU (Palm Bay City Code 185.053(A) and 185.058(A) respectively) mandates that both categories are for ***low intensity*** land uses that are linked by a network of walkways, in order to create a village center as recommended in the Bayfront Redevelopment Plan. The clear distinction is in the term "intensity".

Changing the current parcels in this assemblage's zoning from BMUV to BMU would allow a building of up to 120 feet. When was the last time you were in a "village" with 12 story buildings? Let us stay with smart development that is aligned with actual citizen input. We all want proven, creative, visionary developers who understand the whole concept of our redevelopment effort and can accommodate the citizens and make a profit.

With all the above facts in mind, plans do sometimes need to be modified. Perhaps the best course of action in this case is to attempt to find a compromise.

Sincerely,

Ray and Carol Walton
2902 Bay Blvd. NE
Palm Bay, FL 32905
321-725-9607 rwalton@cfl.rr.com

ORDINANCE 2022-24

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (D), ADOPTION OF FUTURE LAND USE MAP, BY AMENDING THE FUTURE LAND USE MAP; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held an adoption hearing on an amendment to the Comprehensive Plan on January 5, 2022, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption hearing on an amendment to the Comprehensive Plan on February 3, 2022, after public notice, and

WHEREAS, the City Council of the City of Palm Bay desires to adopt said small scale amendment to the Comprehensive Plan of the City of Palm Bay.

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

SECTION 1. The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the change in land use of property from Bayfront Mixed Use Village to Bayfront Mixed Use, which property is legally described herein as Exhibit ‘A’.

SECTION 2. The Future Land Use Map is hereby changed to reflect this amendment.

SECTION 3. All staff report conditions and limitations shall be met and those conditions and limitations shall be made a part of the Comprehensive Plan.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 5. The provisions within this ordinance shall take effect thirty-one (31) days from the enactment date.

Read in title only and duly enacted at Meeting 2022- , held on , 2022.

_____
Rob Medina, MAYOR

ATTEST:

_____
Terese M. Jones, CITY CLERK

*Only one reading required pursuant to Chapter 163, Florida Statutes.

Reviewed by CAO: _____

Applicant: Marvin and Donatina Miller / Steve and Marisela Berman
Case: CP-5-2022

cc: (date) Brevard County Property Appraiser
Applicant
Case File

Exhibit 'A'

DESCRIPTION:

LOT "T" AND THE VACATED ADJOINING 50 FOOT RIGHT OF WAY FOR WIPPERMAN AVENUE, MINNEHAHA GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 50, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT RIGHT OF WAY FOR U.S. HIGHWAY NO. 1.

LOTS 1, 2, 12, 13, 14, 15, 16, AND 17 BLOCK 1, PLAT OF TILLMAN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING:

COMMENCE AT THE SOUTHWEST CORNER OF LOT T OF PLAT OF TILLMAN, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECOREDS OF BREVARD COUNTY, FLORIDA: RUN S 68 DEGREES 23 MINUTES 35 SECONDS EAST ALONG SOUTHERLY LINE OF SAID LOT T 161.70 FEET; THENCE NORTH 09 DEGREES 50 MINUTES 35 SECONDS EAST 120.00 FEET FOR A POINT OF BEGINNING; RUN THENCE NORTH 67 DEGREES 54 MINUTES 55 SECONDS WEST 125.40 FEET TO THE WESTERLY LINE OF LOT T; THENCE NORTH 35 DEGREES 57 MINUTES 05 SECONDS EAST A CHORD DISTANCE OF 60 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT T; THENCE SOUTH 68 DEGREES 07 MINUTES 25 SECONDS EAST 98.18 FEET; THENCE SOUTH 09 DEGREES 50 MINUTES 35 SECONDS WEST 60.00 FEET TO THE POINT OF BEGINNNING

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Alexandra Bernard, Growth Management Director**

DATE: **2/3/2022**

RE: **Ordinance 2022-25, rezoning property located south of and adjacent to Orange Blossom Trail, in the vicinity west of Dixie Highway, from BMUV (Bayfront Mixed Use Village District) to BMU (Bayfront Mixed Use District) (5.05 acres) (Case CPZ-5-2022, Marvin and Donatina Miller / Steve and Marisela Berman), first reading. (Quasi-Judicial Proceeding)**

Mr. Marvin Miller and Ms. Donatina Miller / Mr. Steve Berman and Ms. Marisela Berman (represented by Elias Cherem, Adelon Capital; Kim Rezanka, Lacy Lyons and Rezanka Attorneys at Law; and Bruce Moia, P.E., MBV Engineering, Inc.) have submitted for a rezoning from a BMUV, Bayfront Mixed Use Village District to a BMU, Bayfront Mixed Use District. The land is located south of and adjacent to Orange Blossom Trail NE, in the vicinity west of U.S. Highway 1. There are four parcels included in this request, two of which consists of single-family homes.

The applicant intends to construct a multi-family and commercial development, which will help revitalize the area and allow for a transition between the existing single-family homes. The BMU zoning district is compatible with the surrounding area and consistent with the City's plan for the Bayfront District.

REQUESTING DEPARTMENT:
Growth Management

RECOMMENDATION:
Motion to approve Case CPZ-5-2022.

Planning and Zoning Board Recommendation:
Unanimous approval of the request.

ATTACHMENTS:

Description

Case CPZ-5-2022 - Staff Report
Case CPZ-5-2022 - Boundary Sketch
Case CPZ-5-2022 - Application
Case CPZ-5-2022 - Board Minutes
Case CPZ-5-2022 - Correspondence (P&Z)

Ordinance 2022-25
Ordinance 2022-25, Exhibit A

STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
landdevelopmentweb@palmbayflorida.org

Prepared by
Christopher Balter, Senior Planner

CASE NUMBER
CPZ-5-2022

PLANNING & ZONING BOARD HEARING DATE
January 5, 2022

PROPERTY OWNER & APPLICANT
Marvin and Donatina Miller / Steve and Marisela Berman (Elias Cherem, Adelon Capital; Kim Rezanka, Esq.; and Bruce Moia, P.E., Reps.)

PROPERTY LOCATION/ADDRESS
Lot T, T.01, 1, 2 and 12 through 17 of Block 1, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida

SUMMARY OF REQUEST
The applicant is requesting a rezoning from BMUV, Bayfront Mixed-Use Village District to the BMU, Bayfront Mixed-Use District.

Existing Zoning	BMUV, Bayfront Mixed-Use Village District
Existing Land Use	Bayfront Mixed-Use Village
Site Improvements	Undeveloped Land, and Single-Family Homes
Site Acreage	5.05 acres

SURROUNDING ZONING & USE OF LAND

North	BMUV, Bayfront Mixed-Use Village District; Single-Family Homes
East	U.S. Highway 1
South	BMUV, Bayfront Mixed-Use Village District; Single-Family Homes
West	Orange Blossom Trail NE

BACKGROUND:

The subject properties are located south of and adjacent to Orange Blossom Trail NE, in the vicinity west of U.S. Highway 1. There are 4 parcels that are included in this request, two of which have single-family homes on them.

ANALYSIS:

The following analysis is per Chapter 185: Zoning Code, Section 185.201(C) which states that all proposed amendments shall be submitted to the Planning and Zoning Board, which shall study such proposals in accordance with items 1 through 4 of Section 185.201(C).

Item 1 - *The need and justification for the change.*

The applicant states the justification for the change is “to change the zoning district to enable the developer to construct a proposed multi-family and commercial development.” The Bayfront Mixed Zoning District will allow for a mix of commercial and multifamily uses. The change in zoning will allow for a transition between the existing single-family homes in the area and help to revitalize the area.

Item 2 - *When pertaining to the rezoning of land, the effect of the change, if any, on the particular property and on surrounding properties*.

The designation of the BMU zoning district for the subject properties is compatible with the surrounding area and is consistent with the City’s desire and plan for redevelopment in the Bayfront District.

Item 3 - *When pertaining to the rezoning of land, the amount of undeveloped land in the general area and in the City having the same classification as that requested.*

Approximately 50 acres of BMU, Bayfront Mixed Use zoned land is within the City limits.

Item 4 - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).*

The proposed amendment will further the purposes of Chapter 185, the Comprehensive Plan.

STAFF RECOMMENDATION:

Case CPZ-5-2022 is recommended for approval.

The City of Palm Bay Florida

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

AERIAL LOCATION MAP CASE: CP-5-2022 & CPZ-5-2022

Subject Property

South of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

The City of Palm Bay Florida

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

FUTURE LAND USE MAP CASE: CP-5-2022 & CPZ-5-2022

Subject Property

South of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

Future Land Use Classification

BMUV – Bayfront Mixed Use Village

The City of Palm Bay Florida

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

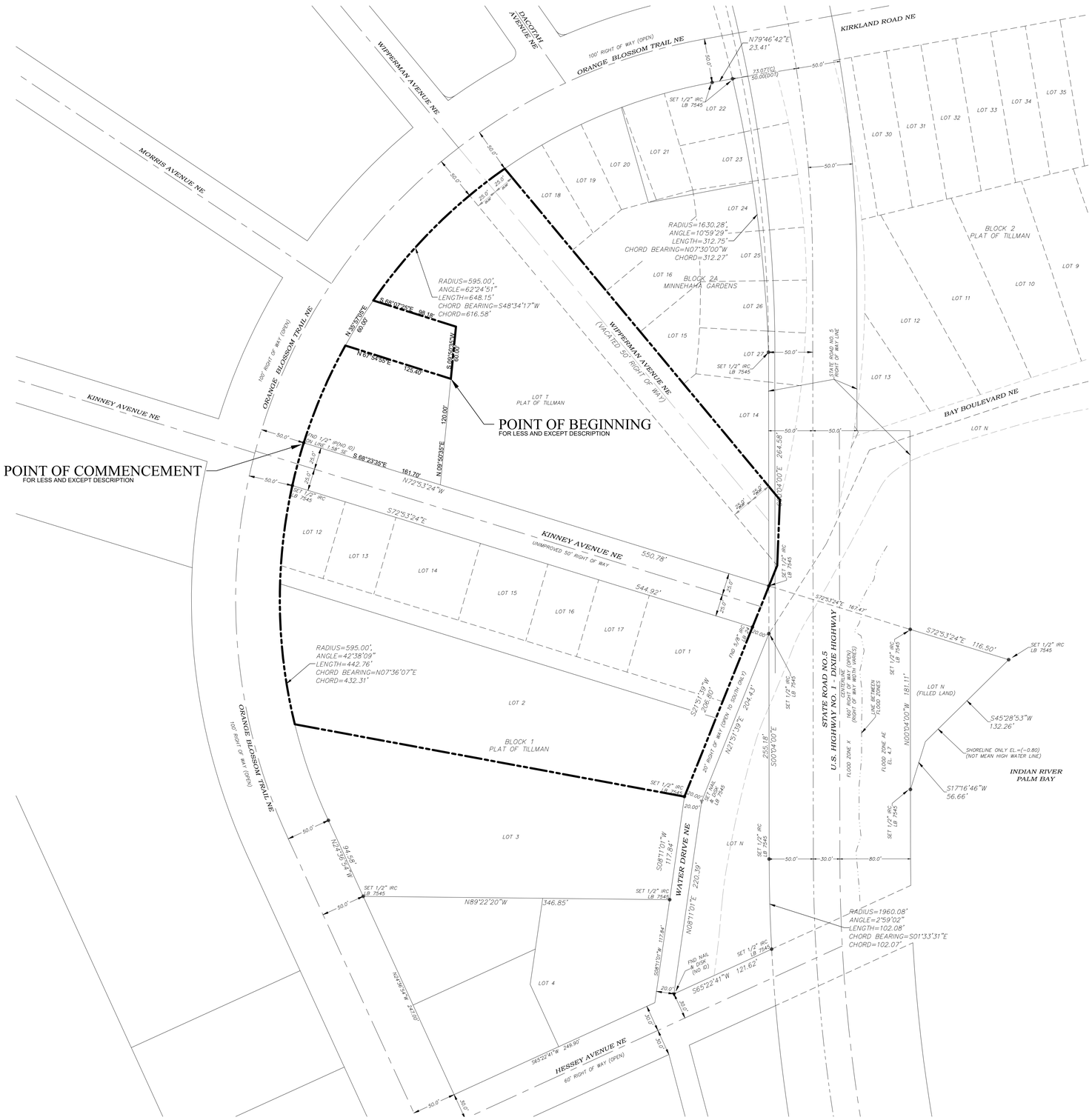
ZONING MAP CASE: CP-5-2022 & CPZ-5-2022

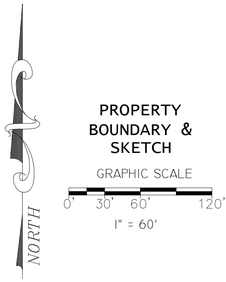
Subject Property

South of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE

Current Zoning Classification

BMUV – Bayfront Mixed Use Village





LEGEND

BFP = BACKFLOW PREVENTER	OHW = OVERHEAD WIRES
BOC = BACK OF CURB	O.R.B. = OFFICIAL RECORD BOOK
BWF = BARBED WIRE FENCE	(P) = PLAT
CLF = CHAIN LINK FENCE	P.B. = PLAT BOOK
CM = CONCRETE MONUMENT	PG. = PAGE
CMP = CORRUGATED METAL PIPE	PVC = POLY VINYL CHLORIDE
CONC. = CONCRETE	RCP = REINFORCED CONCRETE PIPE
COVD. =COVERED	(S) = SURVEYED
(D) = DESCRIPTION	TOB = TOP OF BANK
ECMP = ELLIPTICAL CORRUGATED METAL PIPE	TOS = TOE OF SLOPE
EDR = EDGE OF DIRT DRIVE	TRANS = TRANSFORMER
EL. = ELEVATION	UG = UNDERGROUND
EM=ELECTRIC METER	WDF = WOODEN FENCE
EOW = EDGE OF WATER	WL = WATER LINE
FFE = FINISHED FLOOR ELEVATION	(W) = WATER METER
FM = FORCE MAIN	= FIRE HYDRANT
FND. = FOUND	= GUY ANCHOR
GV = GATE VALVE	= UTILITY POLE
HW = HEADWALL	= WATER GATE VALVE
ID = IDENTIFICATION	(W) = WELL
IP = IRON PIPE	
IR = IRON ROD	
IRC = IRON ROD WITH CAP	
= LIGHT POLE	
= SIGNAL POLE	

DESCRIPTION:

LOT "T" AND THE VACATED ADJOINING 50 FOOT RIGHT OF WAY FOR WIPPERMAN AVENUE, MINNEHAHA GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 50, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT RIGHT OF WAY FOR U.S. HIGHWAY NO. 1.

LOTS 1, 2, 12, 13, 14, 15, 16, AND 17 BLOCK 1, PLAT OF TILLMAN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING:

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JOB NO.	21-1092	8	
DESIGNED	RMS	7	
DRAWN	RMS	6	
DATE	11/30/2021	5	
CHECKED	TC /BAM	4	
DATE ISSUED	11/30/2021	3	
		2	
		1	COMMENTS
		△	**REVISIONS** DATE

MBV ENGINEERING, INC.
MOIA BOWLES VILLANZAR & ASSOCIATES
CIVIL • STRUCTURAL • SURVEYING • ENVIRONMENTAL
1250 W. EAU GALLIE BLVD. SUITE E1 CA#0728
MELBOURNE, FLORIDA 32935
P: 321-253-1510 F: 321-253-0911
MELBOURNE: FL#2000 PALM BAY: FL#2001
VERO: 772-569-0035 FT PIERCE: 772-466-9005 PALM CITY: 772-426-9999

PROPERTY BOUNDARY SKETCH

ADELON BAYFRONT PROPERTY

COCOA FLORIDA

BRUCE A. MOIA
LICENSE
No. 47529
STATE OF
FLORIDA
PROFESSIONAL ENGINEER

BRUCE A. MOIA
FL P.E. #47529

DATE: 11/30/2021

C-1

SHEET

21-1068

PERMITTING SET

W:\2021-1068 PARADISO, BAYFRONTVIS CARDINAL GURTY\21-1068\dwg 11/30/2021 10:20 AM MTOLSON\C-1

The City of Palm Bay Florida

LAND DEVELOPMENT DIVISION
120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopmentweb@palmbayflorida.org

REZONING APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by 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 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.

PARCEL ID(S):

28-37-24-25-*-T, 28-37-24-25-1-1, 28-37-24-25-1-2, 28-37-24-25-*-T.01

TAX ACCOUNT NUMBER(S):

2832544, 2832548, 2832549, 2832545

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):

Tillman, Plat of Lot T Ex DB 40 Pg 283, Tillman, Plat of Lots 1, 12 to 17 & 20 ft along N of Lot 2, Blk 1 Tillman, Plat of Lot 2, Ex N 20 Ft Blk 1 , Tillman plat of part of out lot T.

PROPERTY ADDRESS:

1636 and 1640 Waters Drive

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):

5.05

ZONING CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.):

BMUV

ZONING CLASSIFICATION DESIRED (ex.: IU, LI, etc.):

MBU

STRUCTURES LOCATED ON THE PROPERTY:

3

PRESENT USE OF THE PROPERTY:

Residential and vacant

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

Multi Family Residential and Commercial
Current zoning does not enable developer to construct the proposed multi-family and commercial develpment.

THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:

- [x] *A $650.00 application fee. Make Check payable to "City of Palm Bay."
- [x] A Boundary Survey or Sketch with legal descriptions of properties covered by this application.
- [x] List of legal descriptions 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 should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- [x] School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.
- [ ] Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guideline. Staff will provide a sign template.
- [ ] **Where the property owner is not the representative for the request**, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.

Name of Representative Elias Cherem-Adelon Capital, Kim Rezenka-Lacy Lyons and Rezenka, Bruce Moia, P.E., - MBV Engineering,Inc.

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 rezoning application and that the facts stated in it are true.

Owner Signature Marvin E. Miller **Date** 11-29-2021

Printed Name Marvin Miller

Full Address 3765 Crita Jean Avenue, Grant FL 32909

Telephone 321-729-6952 **Email** millerplumbingso@gmail.com

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

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 rezoning application and that the facts stated in it are true.

Owner Signature Donatina M. Miller **Date** _____

Printed Name ~~Donita~~ Donatina M. Miller

Full Address 3765 Crita Jean Avenue, Grant FL 32909

Telephone 321-729-6952 **Email** millersplumbingso@gmail.com

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Under penalties of perjury, i declare that i have read the foregoing rezoning application and that the facts stated in it are true.

Owner Signature _____ **Date** NOV 29 2021

Printed Name Steven A Berman

Full Address 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone 321-777-2398 **Email** smmzberman@hotmail.com

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Under penalties of perjury, i declare that i have read the foregoing rezoning application and that the facts stated in it are true.

Owner Signature _____ **Date** 12/10/21

Printed Name Marisela Berman

Full Address 202 Terry Street, Indian Harbour beach FL 32937

Telephone 321-777-2398 **Email** smmzberman@hotmail.com

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Under penalties of perjury, i declare that i have read the foregoing rezoning application and that the facts stated in it are true.

Owner Signature _____ **Date** 12 1 21

Printed Name Carlos Rajlin - Bayfront Blossom LLC

Full Address 1541 Brickell Ave, #608, Miami, FL 33129

Telephone _____ **Email** echerem@adeloncapital.com

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

November 24, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-24-25-*-T.01, Tillman Plat of part of out Lot T As desc in Orb 183, Pg 653Pb 0002 Pg 0004

I, Owner Name: Marvin Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

Telephone: 321-729-6952

Email: millersplumbingso@gmail.com

hereby authorize:

Representative: Bruce Moia, P.E., MBV Engineering, Inc.

Address: 1250 W. Eau Gallie Blvd, Suite H Melbourne, FL 32935

Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Marvin E Miller
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 29th day of November, 20 21 by Marvin E. Miller property owner.

Wanda Walker
Wanda Walker, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification: Florida Drivers License

WANDA WALKER
Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

November 24, 20 21

Re: Letter of Authorization

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I, Owner Name: Marvin Miller

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hereby authorize:

Representative: Kim Rezenka of Lacey Lyon and Rezenka

Address: 6023 Farcenda Pl, Suite 102, Melbourne, FL 32940

Telephone: 321-608-0890

Email: krezenka@llr.law

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Marvin E Miller
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

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Wanda Walker
Wanda Walker, Notary Public

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Representative: Elias Cherem of Adelon Capital Inc.

Address: 1955 Harrison Street, Suite 200, Hollywood FL 33020

Telephone:

Email: echerem@adeloncapital.com

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October 17, 2023

December 13, 20 21

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I, Owner Name: Donatina Miller

Address: 3765 Crista Jean Avenue, Grant-Valaria, FL 32909

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Email: millersplumbingso@gmail.com

hereby authorize:

Representative: Bruce Moia, P.E., MBV Engineering, Inc.

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Telephone: 321-253-1510

Email: brucem@mbveng.com

to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

Donatina M. Miller
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 13th day of December, 2021 by Donatina Miller, property owner.

WANDA WALKER
Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

Wanda Walker
Wanda Walker, Notary Public

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Donatina M. Miller
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

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WANDA WALKER
Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

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Representative: Elias Cherem of Adelon Capital Inc.

Address: 1955 Harrison Street, Suite 200, Hollywood FL 33020

Telephone:

Email: echerem@adeloncapital.com

to represent the request(s) for:

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Donatina M. Miller
(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

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WANDA WALKER
Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

Wanda Walker
Wanda Walker, Notary Public

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Drivers license

November 23, 20 21

Re: Letter of Authorization

As the property owner of the site legally described as:

Parcel ID's 28-37-24-25-*-T and 28-37-24-25-1-1 together with 28-37-24-25-1-2. Per Plat Book 0002 Page 0004

I, Owner Name: Steve A. Berman

Address: 202 Terry Street, Indian Harbour Beach, FL 32937

Telephone: 321-777-2398

Email: smmzberman@hotmail.com

hereby authorize:

Representative: Bruce A. Moia, P.E., MBV Engineering, Inc.

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to represent the request(s) for:

Rezoning and Comprehensive Plan Amendment

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 24th day of November, 20 21 by Steven Berman, property owner.

Wanda Walker, Notary Public

☐ Personally Known or ☑ Produced the Following Type of Identification: Florida Drivers License

WANDA WALKER
Notary Public-State of Florida
Commission # GG 346055
My Commission Expires
October 17, 2023

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December 13, 2021, 20

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My Commission Expires
October 17, 2023

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STATE OF Florida

COUNTY OF Brevard

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December 13, 2021, 20

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CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2022-01

Held on Wednesday, January 5, 2022, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Ms. Leeta Jordan led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present	
VICE CHAIRPERSON:	Leeta Jordan	Present	
MEMBER:	Donald Boerema	Present	
MEMBER:	James Boothroyd	Present	
MEMBER:	Richard Hill	Present	
MEMBER:	Khalilah Maragh	Absent	(Excused)
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa (School Board Appointee)	Absent	(Excused)

Ms. Maragh's absence was excused.

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ADOPTION OF MINUTES:

1. **Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-14 December 1, 2021.**

   Motion to approve the minutes as presented.

The floor was closed for public comments, and one item of correspondence against the request was in the file.

Motion to submit Case CP-5-2022 to City Council for approval.

Motion by Ms. Jordan, seconded by Mr. Hill. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

12. ****CPZ-5-2022 - Parasol Bayfront - Marvin and Donatina Miller / Steve and Marisela Berman (Elias Cherem, Adelon Capital; Kim Rezanka, Lacy Lyons and Rezanka Attorneys at Law; and Bruce Moia, P.E., MBV Engineering, Inc., Reps.) - A Zoning amendment from BMUV, Bayfront Mixed Use Village Use to BMU, Bayfront Mixed Use. Lot T, Lots 1, 2, and 12 through 17 of Block 1, Plat of Tillman, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 5.05 acres. Located south of and adjacent to Orange Blossom Trail NE, in the vicinity west of Dixie Highway NE**

Mr. Murphy presented the staff report for Case CPZ-5-2022. Staff recommended Case CPZ-5-2022 for approval.

Mr. Bruce Moia, P.E., president of MBV Engineering, Inc. (representative for the applicant) stated his excitement that the City's vision to revise the BMU zoning category had made the zoning designation attractive for viable projects to become a reality. The zoning amendment would allow the flexibility to develop a good project.

The floor was opened and closed for public comments; there were no comments from the audience, and there was one item of correspondence against the request in the file.

Motion to submit Case CPZ-5-2022 to City Council for approval.

Motion by Ms. Jordan, seconded by Mr. Hill. Motion carried with members voting as follows:

Aye: Weinberg, Jordan, Boerema, Boothroyd, Hill, Warner.

CASES

CP-5-2022 & CPZ-5-2022

CORRESPONDENCE

January 3, 2022

To: City of Palm Bay Planning and Zoning Board, City of Palm Bay Bayfront Community Redevelopment Agency Commissioners, Mr. Patrick Murphy, Growth Development
From: Citizens residing in the BCRA Village District
Re: Zoning Change proposed in Cases CP-5-2022 and CPZ-5-2022

Gentlemen:

An "informational meeting" for interested citizens was held regarding this 9-acre rezoning request 9 days before Christmas - in an "inside" restaurant venue during a resurgent pandemic event. There were no handouts, site plans or concept drawings available for review. Platitudes about the need to rezone the properties were the only items on the menu.

It may be a common occurrence for a developer to approach a group of property owners and offer to purchase their properties, with the caveat that it will be "if and only if" these properties can be rezoned to accommodate the developer. That is, protect from any real investment in the vision of the multitude of citizens who will then have to live with the developer's final plan.

However, when the rezoning proposal does not contain any concept or potential site plans or indeed any data at all, how are surrounding (or any) citizens supposed to offer an opinion or express any concerns, or even make any judgment?

Palm Bay will only get one opportunity to realize the vision it's citizens have spent nearly 30 years developing and refining. Shouldn't any major modification to that vision be data driven and at least have some visual concept for citizens to view? Some idea of the scale and layout or even the purpose for rezoning these parcels (other than profit)?

We are not saying that the parcels in question should not be rezoned. What we are saying is that after 30 years of input and guidance from citizens, the BCRA, City Council, multiple taxpayer paid consultants, urban planners and experts, do we not deserve to know what the developer actually plans to do with these potential rezoned parcels?

Shouldn't this 9- acre decision on the only bayfront the City will ever have be data driven? Has the developer considered anything other than how much profit can be made from this rezoning? How does anyone know?

The individuals that own these parcels knew what the BMUV zoning was when they purchased the parcels. Both the BMUV and BMU categories have been recently re-legislated to accommodate developers. The developer behind these two requests owe the citizens of Palm Bay, at the very least, something fleshed out enough to express an opinion.

What is the "ask" here? Why rezone these parcels? Is it increased density, increased building height, increased lot coverage, all of the above?. Please show us a drawing - where would the

retention go - any shops or restaurants? Is this to be a condominium, apartments, a hotel, or perhaps all the above?

If the city decides to rezone these parcels without so much as a visible outline of a plan, why do we have a Planning and Zoning Board? Why not rename it the "Suggested Zoning Board"? If no data is required for rezoning, why don't we just adopt the Texas plan and get rid of zoning legislation altogether? We understand that the developer will have to abide by the "new" zoning legislation if the parcels are rezoned to BMU. We also know that these zoning categories themselves have already been changed by legislative action. What is to prevent a developer from rezoning these parcels and then applying for variances to further magnify their profit? The only real thing we know about this rezoning request is that the developer is here to make money.

Let us have a look at a plan and some data, so the Planning part of the Planning and Zoning Board can base a zoning decision upon some plans. This is not a NO to potential rezoning. It is a simple ask, similar to asking for rezoning with no reason. Perhaps changes to keep the parcels closest to US1 as BMUV and rezone the other parcels to BMU, which could maintain the village atmosphere of the citizen's redevelopment plan as a vision of an amphitheater effect, with shorter buildings closest to the water, taller buildings behind. Show us a plan at least.

Remember, this is a forever decision that will impact Palm Bay's only waterfront for the foreseeable future. At least, let's make a decision with some idea of what is envisioned.

The stated Intent of the Zoning descriptions for BMUV and BMU (Palm Bay City Code 185.053(A) and 185.058(A) respectively) mandates that both categories are for ***low intensity*** land uses that are linked by a network of walkways, in order to create a village center as recommended in the Bayfront Redevelopment Plan. The clear distinction is in the term "intensity".

Changing the current parcels in this assemblage's zoning from BMUV to BMU would allow a building of up to 120 feet. When was the last time you were in a "village" with 12 story buildings? Let us stay with smart development that is aligned with actual citizen input. We all want proven, creative, visionary developers who understand the whole concept of our redevelopment effort and can accommodate the citizens and make a profit.

With all the above facts in mind, plans do sometimes need to be modified. Perhaps the best course of action in this case is to attempt to find a compromise.

Sincerely,

Ray and Carol Walton
2902 Bay Blvd. NE
Palm Bay, FL 32905
321-725-9607 rwalton@cfl.rr.com

ORDINANCE 2022-25

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM BMUV (BAYFRONT MIXED USE VILLAGE DISTRICT) TO BMU (BAYFRONT MIXED USE DISTRICT); WHICH PROPERTY IS LOCATED SOUTH OF AND ADJACENT TO ORANGE BLOSSOM TRAIL, IN THE VICINITY WEST OF DIXIE HIGHWAY, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of property from BMUV (Bayfront Mixed Use Village District) to BMU (Bayfront Mixed Use District), which property is legally described herein as Exhibit 'A'.

SECTION 2. The Zoning Map of the City of Palm Bay is hereby revised to reflect this amendment.

SECTION 3. The provisions within this ordinance shall take effect immediately upon the enactment of Ordinance 2022-24.

Read in title only at Meeting 2022- , held on , 2022; and read in title only and duly enacted at Meeting 2022- , held on , 2022.

_____

ATTEST: Rob Medina, MAYOR

_____

Terese M. Jones, CITY CLERK

City of Palm Bay, Florida
Ordinance 2022-25

Reviewed by CAO: _____

Applicant: Marvin and Donatina Miller / Steve and Marisela Berman
Case: CPZ-5-2022

cc: (date) Applicant
Case File

Exhibit 'A'

DESCRIPTION:

LOT "T" AND THE VACATED ADJOINING 50 FOOT RIGHT OF WAY FOR WIPPERMAN AVENUE, MINNEHAHA GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 50, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT RIGHT OF WAY FOR U.S. HIGHWAY NO. 1.

LOTS 1, 2, 12, 13, 14, 15, 16, AND 17 BLOCK 1, PLAT OF TILLMAN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING:

COMMENCE AT THE SOUTHWEST CORNER OF LOT T OF PLAT OF TILLMAN, AS RECORDED IN PLAT BOOK 2, PAGE 4, OF THE PUBLIC RECOREDS OF BREVARD COUNTY, FLORIDA: RUN S 68 DEGREES 23 MINUTES 35 SECONDS EAST ALONG SOUTHERLY LINE OF SAID LOT T 161.70 FEET; THENCE NORTH 09 DEGREES 50 MINUTES 35 SECONDS EAST 120.00 FEET FOR A POINT OF BEGINNING; RUN THENCE NORTH 67 DEGREES 54 MINUTES 55 SECONDS WEST 125.40 FEET TO THE WESTERLY LINE OF LOT T; THENCE NORTH 35 DEGREES 57 MINUTES 05 SECONDS EAST A CHORD DISTANCE OF 60 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT T; THENCE SOUTH 68 DEGREES 07 MINUTES 25 SECONDS EAST 98.18 FEET; THENCE SOUTH 09 DEGREES 50 MINUTES 35 SECONDS WEST 60.00 FEET TO THE POINT OF BEGINNNING

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

DATE: 2/3/2022

RE: Adoption of Minutes: Regular Council Meeting 2022-01; January 6, 2022.

ATTACHMENTS:

Description

Minutes - RCM 2022-01

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2022-01

Held on Thursday, the 6th day of January 2022, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

The meeting was called to order at the hour of 7:00 P.M.

Pastor Ken Delgado, The House Church, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	Rob Medina	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Randy Foster	Present
COUNCILMEMBER:	Donny Felix	Present
CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
DEPUTY CITY CLERK:	Terri Lefler	Present

CITY STAFF: Joan Junkala-Brown, Deputy City Manager; Charleena Cox, Human Resources Director; Britta Kellner, Special Projects Manager.

ANNOUNCEMENT(S):

Deputy Mayor Johnson announced the following vacancies and terms expiring, and solicited applications for same:

1. One (1) vacancy on the Youth Advisory Board (represents 'at-large student' member position).++

2. One (1) vacancy on the Disaster Relief Committee.++

AGENDA REVISION(S):

1. Ms. Sherman advised of the following revisions:

a. An updated presentation had been included for Item 1, under Presentations, and the presenter listed on the agenda had changed from Sue Williams to Jacob Benator.

b. The applicant for Items 13 and 14, under Public Hearings, had requested that the cases be continued to the February 17, 2022, regular Council meeting.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to continue Items 13 and 14, under Public Hearings to the February 17, 2022, regular Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

c. Item 16, under Consent Agenda, relating to Phase 4 of the GO Road Bond Paving Program, had been rescheduled to the January 20, 2022, regular Council meeting.

PROCLAMATIONS AND RECOGNITIONS:

The proclamation was read.

1. Proclamation: Human Trafficking Awareness Month - January 2022.

PRESENTATIONS:

1. Jacob Benator, Florida Power and Light - Storm Secure Underground Program. (AGENDA REVISION)

Bart Gaetjens, External Affairs Manager, explained that the program would involve removing hard to access lines in residents' backyards and converting them to underground service in front of the properties. Mr. Benator provided an understanding of power lines and explained hardening, storm secure underground program value, Palm Bay improvements and plan, the design and outreach process, and an overview on construction. He answered questions posed by councilmembers.

PUBLIC COMMENT(S)/RESPONSE(S): (Non-agenda Items Only)

Individuals made general comments.

1. Randall Olszewski, resident, said that the Citizens' Budget Advisory Board (CBAB) had not met since July and therefore did not have the opportunity to make recommendations to Council during the budget process. He asked that Council encourage its appointees to attend those meetings. He also requested an update on Emerson Drive project and the estimated completion date.

Mayor Medina said there was a core group of individuals that served on the advisory boards on a continual basis, but Council's policy limited them to two (2) boards. Councilmembers Felix and Foster agreed with increasing the number of boards. Deputy

Mayor Johnson said the CBAB meetings would be cancelled prior to actually having the meeting as staff knew there would be no quorum beforehand, but then the board members would not be penalized for the absence unless the meeting had been held. He felt it was important to schedule the meetings accordingly and then board members' absences would be counted against them. Once a member reached the limit of absences, they would be removed from the board and replaced.

Council concurred to modify the policy to increase the number of boards on which a resident could serve from two (2) to three (3) boards and have the item on the next regular meeting.

Ms. Sherman advised the Emerson Drive closure was a stormwater project, which was the C-51 culvert, and that the roadway was scheduled to reopen on January 21st, contractor substantial completion was scheduled for February 21st, and the final completion date was March 1st.

PUBLIC HEARING(S):

1. Ordinance 2021-83, vacating a portion of the road right-of-way known as Mercury Avenue SE located within Port Malabar Unit 40 (0.722 acres) (Case VRW-3-2021, Mercury Avenue LLC and Mercury Avenue Too LLC), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Bruce Moia, MBV Engineering and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-83, subject to the conditions contained in the Staff Report. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Ordinance 2021-85, rezoning property located at the northwest corner of Robert J. Conlan Boulevard and Commerce Park Drive, from LI (Light Industrial and Warehousing District) to BMU (Bayfront Mixed Use District) (7.11 acres) (Case CPZ-11-2021, NSD Palm Bay IV, LLC), final reading. (Quasi-Judicial Proceeding)

The City Attorney read the ordinance in caption only. The public hearing was opened. Andrew Steele, Northshore Development and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-85. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

3. Ordinance 2021-88, rezoning property located north of and adjacent to Malabar Road, in the vicinity west of St. Johns Heritage Parkway, from PMU (Parkway Mixed Use District) to CC (Community Commercial District) (9.75 acres) (Case CPZ-18-2021, Willard Palmer), final reading. (Quasi-Judicial Proceeding)

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman advised that Ana Saunders, BSE Consultants and representative for the applicant, was unable to attend the meeting but requested Council approval for final reading of the ordinance. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-88. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

4. Ordinance 2021-91, amending the Code of Ordinances, Chapter 55, Police and Firefighters Retirement Pension Plan, by increasing the supplemental benefit amount for police officers separating with vested service or retiring on or after October 1, 2021, final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-91. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

5. Ordinance 2021-92, amending the Code of Ordinances, Chapter 117, Alarm Systems, by repealing provisions which provide for civil penalties for false alarms, final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-92. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

6. Request by Michael and Jeanne Cullen for a variance to allow a proposed swimming pool and deck to encroach seven (7) feet into the 10-foot rear accessory structure setback in PUD (Planned Unit Development) zoning, as established by Section 185.118(A)(4), Palm Bay Code of Ordinances (0.17 acres) (V-51-2021). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request. The public hearing was opened. The applicant presented the request to Council.

Bill Battin, resident, said this was an example of why the city should keep as many of the larger lots and rural residential designations for people that do not want to be packed into a small lot.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the request. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

7. Resolution 2022-01, granting a conditional use to allow a proposed security dwelling unit in GC (General Commercial District) zoning on property located east of and adjacent to Thor Avenue, in the vicinity south of Agora Circle (0.56 acres) (Case CU-53-2021, Scott Macfarlane). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request, subject to the special requirements and conditions listed in the Staff Report as follows:

- The unit will only be permitted in conjunction with a site that has wholesale trade, warehousing, storage, contractor offices with storage, assembly, machine shops, commercial flex-space and/or similar uses.
- No one under the age of eighteen (18) may reside within the unit, and at no time may the unit be occupied by more than two (2) persons.
- The unit resident must be the owner of the property or an employee of the property owner. If the resident is not the owner, a signed and notarized contract between the property owner and the employee shall be provided to staff that addresses provisions for security.
- The unit may contain no more than one thousand (1,000) square feet of gross floor area and may not be located in a free-standing structure.

- There may be only one (1) security dwelling unit per property.
- There shall be at least one (1) parking space designated on-site for the resident of the unit.
- Applicants must demonstrate that approval of an onsite security dwelling minimizes the need for other security measures including but not limited to chain link fencing, strands of barbed wire atop fencing or walls and excessive security lighting thereby promoting a more aesthetically acceptable site development pattern.

The City Attorney read the resolution in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Resolution 2022-01, subject to the special requirements and conditions listed in the Staff Report. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

8. Ordinance 2022-02, vacating a portion of the rear public utility and drainage easement located within Lots 6 and 7, Block 2602, Port Malabar Unit 49 (Case VE-11-2021, Cynthia and Alfred Bernhofer), first reading.

Staff recommended approval of the request with conditions per the Analysis Section of the Staff Report.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2022-02. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

9. Ordinance 2022-03, vacating a portion of the side public utility and drainage easement located within Lot 21, Block 1998, Port Malabar Unit 42 (Case VE-12-2021, Gary Goodnight), first reading.

Staff recommended approval of the request with conditions per the Analysis Section of the Staff Report.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2022-03. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

10. Ordinance 2022-04, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by including canine training and similar uses as a permitted use in LI (Light Industrial and Warehousing District) zoning (Case T-52-2021, Michael Piazzola), first reading.

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2022-04. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

11. Ordinance 2022-05, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by modifying provisions related to the architectural appeal process (Case T-55-2021, City of Palm Bay), first reading.

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2022-05. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

12. Ordinance 2022-06, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Arabia Road, in the vicinity west of Cleaves Street, from Recreation and Open Space Use to Single Family Residential Use (1.46 acres) (Case CP-19-2021, Steffany and Victor Lopez), only one reading required.

The Planning and Zoning Board recommended approval of the request, subject to staff comments.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council.

Sharon Lopez, resident located across from the property, was advised that the property was already designated Single Family and said the narrow roadway would create a problem for ingress and egress from both sides of the street. Ms. Sherman responded that the reason for this request was that the current zoning for this parcel was RS-2 (Single Family Residential District), and the current land use did not match the zoning district.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-06. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

13. Ordinance 2022-07, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located east of and adjacent to Krassner Drive, in the vicinity north of Hayworth Circle, from Commercial Use to Multiple Family Residential Use (6.52 acres) (Case CP-20-2021, Bibi and Gurudeo Chand), only one reading required.

This item, addressed under Agenda Revisions, was continued to the February 17, 2022, regular Council meeting.

14. Ordinance 2022-08, rezoning property located east of and adjacent to Krassner Drive, in the vicinity north of Hayworth Circle, from NC (Neighborhood Commercial District) to RM-15 (Single-, Two-, and Multiple-Family Residential District) (6.52 acres) (Case CPZ-20-2021, Bibi and Gurudeo Chand), first reading. (Quasi-Judicial Proceeding)

This item, addressed under Agenda Revisions, was continued to the February 17, 2022, regular Council meeting.

15. Ordinance 2022-09, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the northwest corner of Jupiter Boulevard and Brevard Avenue, from Single Family Residential Use to Mixed Use (23.86 acres) (Case CP-13-2021, Sachs Capital Group, LP and Identical Investments, LLC), only one reading required.

The Planning and Zoning Board recommended approval of the request, subject to the following conditions:

- At the time of development plan submittal, the property owner shall submit a traffic impact analysis and Phase One Environmental Study;
- The maximum density shall be 176 residential units;
- The maximum commercial development shall be 30,000 gross square feet;
- At the time of development plan submittal, the property owner shall submit a Declaration of Covenants, Conditions, and Restrictions that identifies the development standards;
- An additional vegetative buffer on the north and east property lines; and
- An 8-foot fence on the east property line.

The City Attorney read the ordinance in caption only. Mayor Medina asked for clarification whether this request was substantially different from a previous request denied by City Council. Ms. Smith said Council could decide to take testimony now as a procedural matter to determine whether it was a substantial change or during the regular public hearing. Council concurred to hold the public hearing.

The public hearing was opened. Attorney Kim Rezanka, representative for the applicant, presented the request to Council. She advised that the request as presented in April 2021 was to change the land use to Commercial and Multi-Family Residential. This request was to change to a Mixed Use along with a Planned Unit Development (PUD). Ms. Rezanka provided further details of the project and site plan.

Mayor Medina said there was one entrance/exit and asked if another exit was being considered. Ms. Rezanka responded that their traffic engineer said it was not safe to have an exit onto Brevard Avenue. Mayor Medina asked about an exit onto Grandeur Street and said his concern was giving first responders an opportunity to navigate through the community. He did not feel there was a substantial change from the previous request.

Deputy Mayor Johnson said that Ms. Rezanka answered many of his questions and he felt this request was a substantial change as there were so many items that Council did not know from April 2021. He was pleased that the applicant was working with the School Board to alleviate school traffic, and he wanted to explore another entrance/exit point from Grandeur Street. He asked if there was any feedback from the public. Ms. Rezanka said residents wanted an eight-foot (8') fence and larger buffers to the north and east,

which had been provided to the best ability possible. She advised that other areas of concern were a traffic study and extension of the turn lane, but Council had the option to include conditions, if desired.

Mr. Felix said the presentation was very clear and agreed that there were substantial changes. He expressed concern with so many single-family homes being constructed at a cost of $300,000 and up, but this project was bringing a viable solution for what was needed in the city. He supported the request and hoped the applicant would consider, at the very least, an emergency exit from the site.

Bruce Moia, MBV Engineering and representative for the applicant, said the residents did not want the site to access Brevard Avenue. He said it was rare that a Council or Commission would ask the applicant to connect to a local road when there was access to a collector road as neighborhoods do not like more traffic on their streets. A second access was not required unless there was over two hundred (200) units, but an emergency exit only onto Grandeur Street may be an option as the residents would not get traffic on a daily basis. Mr. Moia answered questions posed by councilmembers.

Mr. Foster felt the emergency exit should be included. Deputy Mayor Johnson agreed, especially since the residents along Grandeur Street were not notified and did not have the opportunity to comment before Council. Ms. Smith advised that any conditions should be placed on the subsequent rezoning request and not the land use request.

David “Monty” Montgomery, resident, asked that Council deny the request. He said the area was already congested by two (2) schools, there were stormwater issues, and increased density. He felt it was the same request as presented previously, with additional detail being added.

Scott Wall-DeSouza, resident, supported the request and said affordable homes were going to be the best for that area.

Bill Battin, resident, said this was another example of changing a site to a higher density and decreasing the number of larger lots that could be placed throughout the city. He said traffic currently backed up for three (3) blocks in that area and questioned where the Rural Residential properties were located in the city.

Butch Orend, resident, agreed with Mr. Battin’s comments. He said parents parked along the area in front of the golf course and questioned where parents would park to pick up their kids. He also asked where a one-acre lot could be purchased in the city that was not within a subdivision.

Nathan White, resident, asked for clarification on the number of units per acre as half of the acreage was proposed for “other various uses”. He felt it was inappropriate to have the land use change and the PUD considered at the same meeting and said it severely limited public input.

Phil Moore, resident, felt traffic safety, green spaces, and density would need to be addressed. He said that townhomes were a current need in Palm Bay and supported affordable housing in the city.

Randall Olszewski, resident, did not believe this request differed from the previous request presented in April 2021. He said it was the same request, just with additional information. He said the project was too big of a scale for its geographical location.

Ms. Rezanka addressed the public comments. She said this was not the location for million-dollar homes as it was not compatible due to the schools, collector road, etc. No one wanted to keep the site as a golf course as it had not been used as such for a long time. The PUD required a twenty-five percent (25%) open space, and this project would have over thirty-seven percent (37%). Ms. Rezanka added that traffic engineers would be physically standing out during school hours to watch traffic flow.

Mayor Medina asked if the number of units could be reduced. Gregory Sachs, applicant, said it would not be a good return on capital and would not benefit the buyers as the price per unit would be significantly higher. Mr. Foster asked if the applicant would be receptive to the emergency exit and Mr. Sachs confirmed same and said it could start out as an emergency exit with the possibility of changing to an everyday exit. Mr. Sachs answered questions posed by councilmembers.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-09.

Mayor Medina felt it was too much for that corridor, especially being only two lanes. He also wanted one-acre lots instead of the high-density units.

Deputy Mayor Johnson felt a lot of information was presented at this hearing than back in April. He appreciated that the applicant was working with the Brevard County School Board and supported the request.

Mr. Foster said it was a blighted area with homeless people on the site. He said this project would clean up the area, bring diversity and much needed affordable housing. He

agreed that there needed to be larger lots in the city, but not at this location. He supported the request.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Foster	Yea
Councilman Felix	Yea

16. Resolution 2022-02, granting approval of a Preliminary Development Plan for a proposed mixed-use development to be known as 'Jupiter Bay PUD' in RR (Rural Residential District) zoning, which property is located at the northwest corner of Jupiter Boulevard and Brevard Avenue (23.86 acres) (Case PD-48-2021, Sachs Capital Group, LP and Identical Investments, LLC). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request, subject comments listed below, with the elimination of the condition to provide access to Parcel 752.

- A preliminary subdivision plat and Opinion of Title;
- Declaration of Covenants and Restrictions establishing development standard;
- Construction drawings;
- A Concurrency Determination letter from the School Board of Brevard County;
- Submission of an Endangered Species Assessment;
- Identification of lighting within the neighborhood;
- Explore options for providing access for Parcel 752; and
- Compliance with the conditions of CP-13-2021.

The City Attorney read the ordinance in caption only. The public hearing was opened. Attorney Kimberly Rezanka, representative for the applicant, presented the request to Council.

Ms. Sherman said there was a comment from the Public Works Department stating that any landlocked properties would be provided access to the development. There was a parcel located near the project site that was owned by a third party and did not have

access to the development. It was not included in the motion from the Planning and Zoning Board, but Ms. Sherman asked that Council consider same. Ms. Rezanka said they would work with the owners but could not guarantee access as there may be a legal remedy that would require the owner to pay for access. Ms. Smith agreed and said that staff could make the suggestion, but it could not be mandated.

Individuals made general comments.

Bill Battin, resident, said if a roadway was designated as an emergency exit, it did not mean that drivers would not be aware of it and use it as a cut-through at some point in the future.

Ms. Rezanka advised that the applicant would agree to install a gate at the emergency exit.

Ms. Smith responded to a previous comment as to why the land use and rezoning were considered at the same meeting. She said if the land use was amended, the zoning had to match the land use category and coincide with state law.

Scott Wall-DeSousa, resident and realtor, addressed comments regarding real estate prices for single family homes, one-acre lots, etc. in the area.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2022-02, with all conditions listed above, with the amendment that the applicant coordinate access for Parcel 752, and the additional condition to include an emergency exit with the intent of pursuing full access, if needed.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Foster	Yea
Councilman Felix	Yea

17. Request by Alfred and M. Agarie to rezone property located east of and adjacent to Dixie Highway, and west of and adjacent to Ridge Road, from HC (Highway Commercial District) to BMUV (Bayfront Mixed Use Village District) (0.34 acres) (Case Z-54-2021). (CONTINUED TO 01/05/22 P&Z and 02/03/22 RCM)

18. Ordinance 2021-89, amending the Code of Ordinances, Chapter 37, Growth Management Department, by removing the Code Compliance Division from the department's composition, final reading. (WITHDRAWN)

19. Ordinance 2021-90, amending the Code of Ordinances, Chapter 40, Building Department, by including the Code Compliance Division under the department's duties and responsibilities, final reading. (WITHDRAWN)

A brief recess was taken after which time the meeting resumed.

CONSENT AGENDA:

All items of business under the 'Consent Agenda' heading were enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, that the Consent Agenda be approved as presented with the removal of Items 9, 14, 15, and 17 from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

1. Adoption of Minutes: Regular Council Meeting 2021-31; December 2, 2021.

The minutes, considered under Consent Agenda, were approved as presented.

2. Adoption of Minutes: Special Council Meeting 2021-32; December 9, 2021.

The minutes, considered under Consent Agenda, were approved as presented.

3. Award of Bid: Auction services – IFB 05-0-2022 – Procurement Department (George Gideon Auctioneers, Inc.).

Staff Recommendation: Approve the award of Auction Services to George Gideon Auctioneers, Inc. (Zellwood) for a three (3) year term contract, renewable by the Procurement Department for two (2) additional one (1) year terms.

The item, considered under Consent Agenda, was approved as recommended by City staff.

4. Miscellaneous: 'Other Agency' contract, sodium hypochlorite system upgrade, North Regional Water Treatment Plant (Town of Davie contract) – Utilities Department (Odyssey Manufacturing – $168,055).

Staff Recommendation: Approve the 'Other Agency' contract with Odyssey Manufacturing, utilizing the Town of Davie contract, for the North Regional Water Treatment Plant sodium hypochlorite system upgrade, in the amount of $168,055.

The item, considered under Consent Agenda, was approved as recommended by City staff.

5. Miscellaneous: 'Cooperative Purchase', miscellaneous products and services, online marketplace (Omnia Partners contract) – various City Department (Amazon Business – 'as needed' purchases); approval of Amazon Business Prime Medium subscription ($1,299).

Staff Recommendation: Approve the purchase of the products and supplies for citywide departments from Amazon Business (Seattle, Washington), utilizing cooperative Omnia Contract R-TC-17006 through the expiration including any renewal options and approve the Amazon Business Prime Medium subscription.

The item, considered under Consent Agenda, was approved as recommended by City staff.

6. Resolution 2022-03, conveying City-owned surplus real estate located at 171 Holiday Park Boulevard NE to buyer Tommy E. Ratcliffe ($20,990).

The City Attorney read the resolution in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

7. Resolution 2022-04, conveying City-owned surplus real estate located at 340 Holiday Park Boulevard NE to buyer Stephen Gower ($20,875).

The City Attorney read the resolution in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

8. Ordinance 2022-10, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Code Enforcement Board', by repealing the subchapter in its entirety, first reading.

The City Attorney read the ordinance in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

9. Ordinance 2022-11, amending the Code of Ordinances, Chapter 52, Boards, by creating a new subchapter to be titled 'Code Enforcement Special Magistrate', first reading.

The City Attorney read the ordinance in caption only.

Bill Battin, resident, questioned the cost of a magistrate versus continuing with the Code Enforcement Board; how to challenge a violation before being faced with a fine; and why this change was needed and the benefit of same.

Ms. Smith said this request was at the direction of Council. She said that any cost would be an increase as the members of Code Enforcement Board did not receive any payment. The salary for the magistrate had not been determined as it was going through the procurement process.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2022-11. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

10. Ordinance 2022-12, amending the Code of Ordinances, Chapter 55, Police and Firefighters Retirement Pension Plan, by modifying the minimum distribution of benefits and miscellaneous provisions, first reading.

The City Attorney read the ordinance in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

11. Ordinance 2022-13, amending the Fiscal Year 2021-2022 budget by appropriating and allocating certain monies (first budget amendment), first reading.

The City Attorney read the ordinance in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

12. Consideration of an interlocal agreement with Brevard County for regional opioid settlement funds.

Staff Recommendation: Authorize the Mayor to execute the interlocal agreement.

The item, considered under Consent Agenda, was approved as recommended by City staff.

13. Consideration of the Odyssey Charter School Junior/Senior High School Resource Officer Agreement for the 2021/2022 school year.

Staff Recommendation: Authorize the City Manager to execute the Odyssey Charter School Jr/Sr High School Resource Officer Agreement for the 2021/2022 school year.

The item, considered under Consent Agenda, was approved as recommended by City staff.

14. Consideration of an Addendum Counteroffer to the purchase offer for City-owned surplus real estate, generally located at 1230 Jacob Street SE, from buyer Fred DeNicci Construction ($70,000).

Staff Recommendation: Authorize the City Manager to execute the addendum or provide a counteroffer for City-owned surplus real estate generally located at 1230 Jacob Street SE (Tax ID: 2930053) from buyer Fred DeNicci Construction.

Ms. Sherman said that in October 2021, the buyer submitted an offer of $135,505, which Council had accepted, and the buyer began his due diligence. Subsequently, the buyer counteroffered with $70,000, which was mostly related to the cost of water and sewer. The City's broker provided a recent Comparative Market Analysis which reflected a value closer to $101,194.50. She was seeking direction from Council to either counteroffer with $101,194.50 or put the property back on the market.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve a counteroffer of $101,194.50. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

15. Consideration of accepting the Community Development Block Grant - Mitigation Critical Facility Hardening Program grant awards for the Police Main Station (Matching HMGP Funding/Replacement Generator) and the Police Substation (Replacement Generator/Hurricane Shutters).

Staff Recommendation: Approve DEO Agreement I0147 – City of Palm Bay MIT Agreement – Main Station (Malabar); and DEO Agreement I1048 – City of Palm Bay MIT Agreement – Substation award agreements; and authorize the City Manager to execute the initial agreement and any future grant modifications under these awards.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve DEO Agreement I0147 – City of Palm Bay MIT Agreement – Main Station (Malabar); and DEO Agreement I1048 – City of Palm Bay MIT Agreement – Substation award agreements; and authorize the City Manager to execute the initial agreement and any future grant modifications under these awards. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

16. Consideration of the GO Road Bond Paving Program, Phase 4. (AGENDA REVISION)

This item, addressed under Agenda Revisions, was continued to the January 20, 2022, regular Council meeting.

17. Consideration of extending temporary benefits to City personnel for relief related to COVID-19 exposure.

Staff Recommendation: Authorize an extension to the temporary benefits to City personnel related to COVID-19 leave bank to be funded by the City's allocation under the American Rescue Plan Act (ARPA).

Ms. Sherman presented the request to Council. She asked that the forty (40) hour leave bank be changed to eighty (80) hours for all employees.

Mr. Foster asked how many public safety personnel had tested positive for COVID-19. Ms. Cox responded that as of July 1, 2021, it was a total of thirty-eight (38) for the Police Department, twenty-two (22) for the Fire Department, and seventy-six (76) out of the remaining employees.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the eighty (80) hour leave bank for city personnel as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

Note: The item was reconsidered after Item 1, under New Business.

18. Consideration of modifying the funding source for the salary increase (11%) for the Chief Building Official.

Staff Recommendation: Approve funding the eleven percent (11%) salary increase for the Chief Building Official out of the Building Fund.

The item, considered under Consent Agenda, was approved as recommended by City staff.

19. Consideration of travel and training for specified City employees (Office of the City Manager).

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

20. Consideration of travel and training for specified City employees (Police Department).

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

NEW BUSINESS:

1. Consideration of the City's 2022 federal legislative priorities.

Staff Recommendation: Approve the 2022 Federal Legislative Priorities.

Ms. Kellner provided an overview of and requested Council's support for three (3) major funding needs which were critical to the City's transportation and environmental concerns:

- Malabar Road Widening - $2.5 million;
- Septic to Sewer Program - $3 million; and
- Indian River Lagoon Protection - $1.5 million.

Ms. Kellner advised that staff was also seeking support for the following programs/policies:

- Support for Department of Justice (DOJ), and Department of Homeland Security (DHS) funding programs that provide assistance to State and local governments to enhance public safety, and improve emergency response through support for personnel, equipment, training, technology, and pre-disaster mitigation and disaster recovery;
- Environmental Protection Agency (EPA) Regulations Imposing Water Quality Standards in Florida;
- Continuance of full funding for Department of Housing and Urban Development (HUD) - Community Development Block Grant Program (CDBG) for maintaining its full funding that enables the city to serve its low and moderate-income residents; and
- Support in advancing the proposed Florida National Guard Readiness Center Project, specifically related to the Malabar Space Force Annex on Minton Road in Palm Bay.

Mr. Foster asked if the lobbyists could seek grants in which the funding would come directly to Palm Bay. Ms. Kellner responded that the majority of funding would be filtered through the state and state agencies and very little allocation came directly from the federal government to local jurisdictions. She answered questions posed by councilmembers.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the 2022 federal legislative priorities. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

Item 17, under Consent Agenda, was reconsidered at this time.

17. Consideration of extending temporary benefits to City personnel for relief related to COVID-19 exposure.

Ms. Sherman advised that the previous motion was for eighty (80) hours but did not include the additional forty (40) hours for public safety personnel.

Mr. Foster withdrew his second to the previous motion.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the eighty (80) hour leave bank for city personnel and an additional forty (40) hours for public safety personnel as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Discussion of use of additional General Fund Undesignated Fund Balance for Fiscal Year 2021-2022.

Staff Recommendation: Approve the use of Undesignated Fund Balance as reflected in Legislative Memorandum.

Ms. Sherman presented the request to Council. Deputy Mayor Johnson asked about the Asset Manager position. Ms. Sherman said it would be a new position under the Finance Department and would serve as an auditor to ensure that departmental assets were properly managed. Deputy Mayor Johnson felt the Asset Manager was needed more than an additional Community Information Coordinator (CIC). Mayor Medina still wanted to include the CIC position as he knew that they needed additional assistance.

Nathan White, resident, asked if any of the money could be used for road maintenance or road work.

Ms. Sherman said that staff did not specifically look at funding road maintenance because the primary focus was to resolve some of the outstanding capital needs, such as equipment and vehicles. She said that over the past few years, funding had been set aside for road maintenance through a recurring line item in addition to the property sale dollars that were placed in that fund.

Mr. Felix supported staff's recommendation and the list as presented, but agreed with the Mayor that a CIC was needed. Ms. Sherman clarified that the Asset Manager position would be eliminated for now in order to fund the CIC position, but she preferred to keep the Asset Manager.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the use of Undesignated Fund Balance with the amendment of including the Asset Manager position and eliminating the Community Information Officer position. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

COUNCIL REPORTS:

Councilmembers addressed various subjects.

1. Deputy Mayor Johnson said he had requested late last year that Council consider changing the start time of the regular meetings to 6:00 P.M. Council suggested bringing the issue back at the beginning of the new year and he hoped that Council would reconsider at this time. Councilmembers Felix and Foster concurred for staff to present

the item at the next regular meeting to allow the public the opportunity to speak on the issue. Mayor Medina did not support the request and felt the residents should be given enough time to attend the meeting.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman commented on various topics.

PUBLIC COMMENTS/RESPONSES:

Residents made general comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:33 P.M.

_____
Rob Medina, MAYOR

ATTEST:

_____
Terri J. Lefler, DEPUTY CITY CLERK

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

DATE: 2/3/2022

RE: Adoption of Minutes: Regular Council Meeting 2022-02; January 20, 2022.

ATTACHMENTS:

Description

Minutes - RCM 2022-02

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2022-02

Held on Thursday, the 20th day of January 2022, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

The meeting was called to order at the hour of 7:00 P.M.

Pastor Ken Delgado, The House Church, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	Rob Medina	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Randy Foster	Present
COUNCILMEMBER:	Donny Felix	Present
CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	Terese Jones	Present

CITY STAFF: Joan Junkala-Brown, Deputy City Manager; Nancy Bunt, Community and Economic Development Director; Alexandra Bernard, Growth Management Director.

ANNOUNCEMENTS:

Deputy Mayor Johnson announced the following vacancy and terms expiring, and solicited applications for same:

1. Two (2) terms expiring on the Youth Advisory Board (represents 'at-large student' member positions).+

2. Three (3) terms expiring on the Youth Advisory Board (represents ‘adult member, 30 years and older' positions).+

3. Two (2) terms expiring on the Planning and Zoning Board (represents 'at-large' positions).+

4. Two (2) terms expiring on the Sustainability Advisory Board (represents 'at-large' positions)+. (AGENDA REVISION)

5. One (1) vacancy on the Youth Advisory Board (represents 'at-large student' member position).++

6. One (1) vacancy on the Disaster Relief Committee.++

AGENDA REVISION(S):

There were no agenda revisions.

PRESENTATIONS:

1. Pastor Ken Delgado, The House Church, honoring the City of Palm Bay for its partnership with the 2021 Family Christmas Extravaganza Event.

Pastor Delgado presented the Police, Fire, and Recreation Departments with checks in the amount of $1,000 each for their assistance with the event.

PUBLIC COMMENT(S)/RESPONSE(S): (Non-agenda Items Only)

Individuals made general comments.

1. Bill Battin, resident, questioned the locations of rural residential district zoning in the city and asked if staff was leaning towards the federal government's plan of a $5 billion grant program for exclusionary zoning and infrastructure to reduce lot sizes and allow apartments in small residential zoning. He said the city would either have to qualify to get the grant funding and adhere to those rules or receive no monies at all.

2. Alfred Agarie, resident, said a presentation was made by Florida Power and Light (FPL) at the last meeting. He asked if the residents would incur any expenses for the upgrade.

Ms. Sherman said it was her understanding that there would be no direct cost to the residential properties for the lines being placed in front of their properties. She responded to Mr. Battin's comment and said that it was an item under review as part of the Comprehensive Plan process.

Mr. Felix asked that staff follow-up with FPL to confirm if residents would be responsible for any costs. He said a clear answer was not given at the last meeting.

3. Peter Filiberto, resident, was made aware of a rental property that had incurred a lien due to the fault of the renter, not the property owner. He said that as rentals were on the rise, he felt that notifying the proper owner may become problematic. He asked if

residential and commercial owners had the option to notify the city if they had a rental property so that citations could be forwarded to the proper person.

Ms. Sherman said that staff gathers information from the Property Appraiser. In this instance, the site address and mailing address were the same and when the owner chose to rent the property, they did not change the mailing address and notices were mailed to the renters. She said the owner had been scheduled for Special Magistrate, but the city's only source of accurate data was from the Property Appraiser. She encouraged owners to update their mailing addresses if they had rental properties.

4. Nathan White, resident, asked about recent news story regarding Port St. Lucie and fraud charges against contractor, Brian Morrell, and his company, Securepoint. He was aware that the company had done work for Palm Bay and asked if there was a plan to review invoices to ensure that the city did not suffer any defrauding.

Ms. Sherman said the City was notified of the issue a while back and staff did its own investigation and found that everything was in order. Deputy Mayor Johnson said that Palm Bay was the arresting agency for the warrant issued by Port St. Lucie.

PUBLIC HEARING(S):

1. Ordinance 2021-75, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the northeast corner of Pace Drive and St. Johns Heritage Parkway, from Recreation and Open Space Use and Single-Family Residential Use to Multiple-Family Residential Use (96.66 acres) (Case CP-9-2021, Heritage Parkway East Holdings, LLC aka Lennar Homes, LLC), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ana Saunders, BSE Consultants and representative for the applicant, presented the request to Council.

Bill Battin, resident, said the information in the agenda packet showed that the level of service on Pace Drive would be exceeded. He said this was another instance in which there was a plan for massive growth without the proper infrastructure, but the documentation stated that the road would be expanded at some point. He questioned when that expansion would occur.

Nathan White, resident, said the total number of 840 units was misleading because it reflected each of the 234 townhomes as one unit, but they were actually 4-6 units per

townhome, for a total number of approximately 1,300 to 1,500 instead of 840. He said the increased number would greatly affect the trips that were used in the traffic study.

Ms. Saunders responded that the traffic report detailed by the Public Works Department contained typographical errors which she had addressed in prior hearings. Staff had reflected 2,905 units, but there were only 840 units proposed in this portion of the development. She said when the math was revised and corrected, it did not exceed the trip threshold.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-75. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Ordinance 2022-02, vacating a portion of the rear public utility and drainage easement located within Lots 6 and 7, Block 2602, Port Malabar Unit 49 (Case VE-11-2021, Cynthia and Alfred Bernhofer), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-02. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

3. Ordinance 2022-03, vacating a portion of the side public utility and drainage easement located within Lot 21, Block 1998, Port Malabar Unit 42 (Case VE-12-2021, Gary Goodnight), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-03. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

4. Ordinance 2022-04, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by including canine training and similar uses as a permitted use in LI (Light Industrial and Warehousing District) zoning (Case T-52-2021, Michael Piazzola), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Stephanie Lynch, Indian River Dog Club and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-04. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

5. Ordinance 2022-05, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by modifying provisions related to the architectural appeal process (Case T-55-2021, City of Palm Bay), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-05. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

6. Ordinance 2022-10, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Code Enforcement Board', by repealing the subchapter in its entirety, final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Smith advised that the effective date was modified to reflect April 1, 2022. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2022-10. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to extend the terms of the members of the Code Enforcement Board to March 31, 2022. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

7. Ordinance 2022-11, amending the Code of Ordinances, Chapter 52, Boards, by creating a new subchapter to be titled 'Code Enforcement Special Magistrate', final reading.

The City Attorney read the ordinance in caption only.

Bill Battin, resident, asked if individuals would be able to contact the special magistrate with questions prior to appearing at the hearing. Ms. Smith said residents could contact staff, but the special magistrate, no different than a judge, would not be able to have ex parte communications with residents prior to the actual hearing.

Alfred Agarie, resident, questioned why the process was transferring to a special magistrate instead of continuing to utilize the Code Enforcement Board. Ms. Smith said the process would not be any different except it would be one person, an attorney, making the final decision.

Peter Filiberto, resident, asked if there was an additional option to go before a judge, the same as the handling of traffic citations. Ms. Smith answered in the negative. She said any appeal would be presented in court, but the actual case hearing of Code issues would be with the special magistrate.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-11. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

8. Ordinance 2022-12, amending the Code of Ordinances, Chapter 55, Police and Firefighters Retirement Pension Plan, by modifying the minimum distribution of benefits and miscellaneous provisions, final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2022-12. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

9. Ordinance 2022-13, amending the Fiscal Year 2021-2022 budget by appropriating and allocating certain monies (first budget amendment), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2022-13. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

10. Ordinance 2022-15, vacating a portion of the side public utility and drainage easement located within Lots 27 and 28, Block 9, Port Malabar Holiday Park Unit 1 (Case VE-1-2022, Teresa Linton), first reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve Ordinance 2022-15. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

11. Consideration of a Substantial Amendment to the Program Year 2020-2021 Annual Action Plan, only one hearing required.

Staff Recommendation: Approve a Substantial Amendment to the Program Year 2020-2021 CDBG Annual Action Plan to reallocate $256,740 from demolition of old Fire Station 1 for the acquisition of fire apparatus for future Fire Station 7 and to reallocate $3,000 for new benches at Liberia Park.

The public hearing was opened. Ms. Sherman presented the request to Council.

Bill Battin, resident, asked how the estimate was off by $250,000, if the new fire station would be constructed at the current site, the number of the new fire station, and if this funding could be allocated towards Fire Station 6 for hardening since it was currently a trailer. He added that the fire station locations were not shown on the website.

Ms. Sherman said that Fire Station 6 was owned by Brevard County, but staff was working on funding for a permanent structure further south on DeGroodt Road. She said the new Fire Station 7 would be constructed at the old site on Palm Bay Road and the higher estimates were due to unknown remediation costs and concerns regarding soil contamination and removal of the old building debris. Fortunately, the costs came in lower than expected.

Ken Delgado, resident, asked if there was an option of placing an intersection at that location due to excessive traffic from Thrifty Produce and the nearby church. Ms. Sherman advised that staff was discussing same.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the request. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

CONSENT AGENDA:

All items of business under the 'Consent Agenda' heading were enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, that the Consent Agenda be approved as presented with the removal of Items 10, 11 and 12, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

1. Adoption of Minutes: Regular Council Meeting 2021-33; December 16, 2021.

The minutes, considered under Consent Agenda, were approved as presented.

2. Award of Bid: Road bond paving, Driskell Heights, Florida Avenue, and Farview Subdivision – IFB 06-0-2022 (Ranger Construction Industries - $1,249,062).

Staff Recommendation: Approve the award for road bond paving (Driskell Heights, Florida Avenue and Farview Subdivision) with Ranger Construction Industries (Fort Pierce), in the amount of $1,135,511.80 plus $240,916 for contingency change orders; and, approve an increase to the budget for 22GO01 Driskell Heights Road Paving in the amount of $138,766 and the budget for 22GO03 Farview Subdivision Road Paving in the amount of $102,150.

The item, considered under Consent Agenda, was approved as recommended by City staff.

3. Award of Proposal: Investment advisory services – RFP 66-0-2021 – Finance Department (PFM Asset Management - $39,000 (estimated annually)).

Staff Recommendation: Approve the award for investment advisory services with PFM Asset Management (Orlando) for the estimated annual amount of $39,000.

The item, considered under Consent Agenda, was approved as recommended by City staff.

4. Resolution 2022-05, amending Resolution 2021-52, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (first amendment).

The City Attorney read the resolution in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

5. Resolution 2022-06, amending Resolution 2021-53, adopting the Five-Year Capital Improvements Program for Fiscal Years 2021-2022 through 2025-2026 (first amendment).

The City Attorney read the resolution in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

6. Resolution 2022-07, naming the basketball courts located at Liberty Park as 'Michael-Gene Foundation Basketball Courts'.

The City Attorney read the resolution in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

7. Ordinance 2022-16, amending the Code of Ordinances, Chapter 55, Police and Firefighters Retirement Pension Plan, by modifying definitions to include firefighter longevity pay earned on or after October 1, 2021, first reading.

The City Attorney read the ordinance in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

8. Consideration of the GO Road Bond Paving Program, Phase 4. (CONTINUED FROM 01/06/22 RCM)

This item, addressed under Agenda Revisions, was continued to the February 3, 2022, regular Council meeting.

9. Request by Pace Drive Holdings, LLC for waiver of certain fees and requirements pursuant to the Code of Ordinances, Chapter 169, Land Development Code, related to the 'Palm Vista Everlands' development.

Staff Recommendation: Authorize a waiver of certain fees related to Future Land Use Amendments and Zoning; and authorize a waiver to the Citizen Participation Plan requirement.

The item, considered under Consent Agenda, was approved as recommended by City staff.

10. Consideration of designating certain City-owned real estate generally located at 1201 Sunswept Road NE as surplus and listing for sale to the public.

Staff Recommendation: Approve City-owned real estate, generally located 1201 Sunswept Road NE (Tax Account: 2834976), to be designated as surplus and listed with the City's real estate broker.

Bill Battin, resident, questioned why the city purchased this property and why it was unbuildable. He felt a shed, swimming pool, etc. could be placed on the lot.

Mrs. Bunt responded that adjoining property owners were interested in the lot. They said there was a lot of traffic that went through the property to fish, and they wanted to fence it in, and it would be available solely to the two adjacent properties. She said it could be buildable with the necessary variances.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to designate 1201 Sunswept Road NE as surplus and list for sale to the public. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

11. Consideration of a SHIP Program funding request for Volunteers of America's Space Coast Commons Apartments special needs low-income housing development ($100,000).

Staff Recommendation: Approve the funding request from Volunteers of America for monetary support from the City of Palm Bay in the amount of $100,000 from SHIP Program funds (in the form of a grant) for its affordable housing project for the Space Coast Commons Apartments special needs low-income housing development.

Bill Battin, resident, questioned the requirements to reside in an affordable housing development and the cost of the rent.

Mrs. Bunt explained that Volunteers of America would be going through the Florida Housing Finance Corporation sale funds which had specific requirements, one being that no more than thirty percent (30%) of their income could go towards the rent. There were also income restrictions.

Kera Beard, Volunteers of America (VoA), said that VoA has partnered with the Housing Authority of Brevard which had committed to project-based voucher every unit in the complex, which meant that VoA would be able to serve people with zero income. Ms. Beard answered questions posed by councilmembers about the other services offered to those residents. Mr. Felix hoped that other partnerships would be created with VoA and bring more of these developments to the city.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the funding request from Volunteers of America as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

12. Consideration of utilizing Undesignated Storm Water Fund Balance for funding of commercial site plan engineering review on-call services.

Staff Recommendation: Approve the transfer of funds from Undesignated Storm Water Fund Balance for the commercial site plan engineering review on-call services.

Bill Battin, resident, thought the Storm Water Fund was under a special assessment and could only be spent for related projects. Ms. Sherman said the Storm Water Fund was no longer an assessment and was funded through a fee that was included on the utility bill.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve utilizing Undesigned Storm Water Fund Balance as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

NEW BUSINESS:

1. Consideration of a purchase offer for City-owned surplus real estate generally located at 1400 Sportsman Lane NE with buyer Wudson Fenelon ($450,000).

Staff Recommendation: Authorize the City Manager to provide a counteroffer or to execute the purchase contract for City-owned surplus real estate, generally located at 1400 Sportsman Lane NE (Tax ID: 2829540), with buyer Wudson Fenelon and bring forth a resolution at a future Council meeting.

Mr. Felix asked how many offers had been received and when the property was listed. Ms. Sherman said one offer had been received and it listed November 16, 2021.

Mayor Medina expressed the following concerns: the offer was substantially lower than the list price; the buyer was proposing to build a wedding venue and he was unsure of the square footage, and if Council agreed to the $450,000, the applicant could turn around and sell the property for $595,000. He was unsure if the city could entertain a public-private partnership and then the city would have a venue within its limits. Ms. Smith said she had not communicated with the buyer as to their plans for the property, but that option could be explored, if desired by Council.

Mrs. Bunt said she had spoken to the buyer, and he was looking at a smaller venue as the site was only one acre. It also depended on stormwater, wetlands on the property, parking requirements, etc.

Mr. Felix said the site was very small for what the buyer wanted to do, and he did not feel it was a bad offer. He asked if an appraisal had been done. Ms. Sherman said appraisals were only done on properties greater than five (5) acres.

Mr. Foster said that no one else was making offers on the property and he felt the offer should be accepted.

Nathan White, resident, cited information from the broker's general summary. He said that comparable properties further from this site were selling for more than this parcel and Council was willing to accept an offer that was twenty-five percent (25%) lower, and it had only been on the market for two (2) months. He agreed with the broker and said the property should be sold for $595,000.

Deputy Mayor Johnson was not in favor of the offer. He felt the property should be listed for a longer period. He said that Council had rejected offers with a much smaller price difference.

Bill Battin, resident, said the city was short-changing itself by $145,000 and those extra dollars would be placed into the Road Maintenance Fund. He did not want to see a buyer

flip the property and make a big profit because Council accepted such a low offer. He asked if there was a guarantee that the buyer was going the build on the property.

Mr. Felix did not think the city would receive an amount near the listing price but would support the counteroffer as desired by Council.

Mr. Foster said this was an opportunity to get commercial on the city's tax rolls. He wanted to accept as is and not present a counteroffer.

Ms. Sherman advised of the permitted uses in CC (Community Commercial District), such as retail stores, beauty and barber shops, dry cleaning, clinics, libraries, churches, daycare centers, restaurants, banks, etc. She said the property would have to be rezoned in order to have a wedding venue.

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to authorize the City Manager to negotiate and provide a counteroffer.

Ms. Sherman advised that conditional uses for wedding venues was only for five (5) acre parcels or larger and only within RR (Rural Residential District) zoning. Ms. Smith said it may be a matter of what the ultimate plan was for the site, which may be something like a community center where they could have weddings and gatherings, but the Code reflected wedding venues on a larger scale.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Johnson	Yea
Councilman Foster	Nay
Councilman Felix	Yea

2. Consideration of amending City Council Policies and Procedures by modifying the start time for regular meetings and increasing the number of boards on which individuals may serve.

Staff Recommendation: Approve the revisions to City Council Policies and Procedures.

Mrs. Jones presented the request to Council.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the revision to City Council Policies and Procedures by including the start time for regular Council meetings at 6:00 P.M.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Foster	Yea
Councilman Felix	Yea

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the revision to City Council Policies and Procedures by increasing the number of boards on which individuals may serve from two boards to three boards. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

A brief recess was taken after which time the meeting resumed.

COMMITTEE AND COUNCIL REPORTS:

Councilmembers addressed various subject matters and provided updates on activities of agencies and boards on which they served as members.

1. Mr. Felix and Mr. Foster encouraged residents to volunteer and consider serving on advisory boards. Council and staff would appreciate the input, thoughts, and ideas.

2. Mr. Foster advised that he would be preparing a resolution for the next meeting regarding the Ride Along Program. He said there have been some issues related to signing of waivers. The resolution would address every department and every employee and elected official, and no one would be exempt from signing the waiver. Ms. Sherman added that staff would also be creating an Administrative Code internally.

3. Deputy Mayor Johnson said he had contacted the Career and Technical Education Program for Brevard Public Schools and they had numerous programs, and several covered some of the job openings in the city. He wanted to create an internship program in which students could intern with the city and hopefully gain employment as well. Deputy Mayor Johnson said he would also reach out to Eastern Florida State College, Career Source and Florida Institute of Technology.

3. Mayor Medina announced the upcoming Mayor's Ball to be held on Saturday, March 26th, with proceeds going towards the remodeling of Sacrifice Park adjacent to the City Hall Complex.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman commented on various topics. She asked for consensus from Council on whether to hold the 4th of July event on Monday, July 4th or Saturday, July 2nd. Council concurred to hold the event on July 2nd.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

1. Bill Battin, resident, said that the VoA had invested $6 million to a project that would bring affordable housing to the city. He felt that some portion of the $3 million Cares Act funding should be given to assist them. He suggested that since the Council meetings had been changed to 6:00 P.M., the advisory boards should do the same.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 9:34 P.M.

_____
Rob Medina, MAYOR

ATTEST:

_____
Terese M. Jones, CITY CLERK

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Juliet Misconi, Chief Procurement Officer**

DATE: **2/3/2022**

RE: **Award Bid: Culvert pipe replacement, Knecht Road and Northeast Area - IFB 12-0-2022 - Public Works Department (Timothy Rose Contracting, Inc. - $398,123).**

This project is comprised of the removal, disposal, replacement, and restorations of culvert crossings in the NE Area of Palm Bay and Knecht Road. Construction of this project is turn-key and will include all aspects of work.

Procurement issued a bid on behalf of the Public Works Department. Two (2) bids were received. The Procurement Department staff reviewed the bids for responsiveness. Public Works Department evaluated the bids for responsibility and ability to perform the scope of services. The Department found the lowest responsive bid to be acceptable.

The City's Engineering estimate for this project was $451,699.35. The lowest bid cost is $398,122.84. Public Works staff has reviewed the low bidder's Summary of Pay Items, proposed Subcontractors, Equipment List and References and is satisfied with the evidence provided by the contractor. Staff recommends Timothy Rose Contracting, Inc. of Vero Beach, Florida for award of Bid #12-0-2022/SZ – NE Area and Knecht Pipe Replacement.

REQUESTING DEPARTMENT:
Public Works, Procurement

FISCAL IMPACT:
The original budget for this project was $451,699.35. The project award will be $398,122.84. Funding is available in 461-7084-541-6309/20SU27 and 461-7084-541-6309/22SU07.

RECOMMENDATION:
Motion to approve award of IFB Bid #12-0-2022/SZ– Culvert Pipe Replacement – Knecht Road and Northeast Area to Timothy Rose Contracting, Inc. of Vero Beach, Florida.

ATTACHMENTS:

Description

Tabulation Sheet

		IFB #12-0-2022/SZ Culvert Pipe Replacement - Knecht Road and Northeast Area			Timothy Rose Contracting, Inc. 825 8th Street Vero Beach, FL 32962 772-564-7800 accounting@timothyrosecontracting.com		Jobear Contracting, Inc. 1950 Danr Dr. NE Palm Bay, FL 32905 321-723-3571 trey@jobearinc.com	
ITEM	FDOT pay item	ITEM DESCRIPTION	Qty	UOM	Unit Price	Total Price	Unit Price	Total Price
1	101-1	Mobilization	1	LS	$21,496.84	$21,496.84	$30,140.00	$30,140.00
2	102-1	Maintenance of Traffic	1	LS	$6,300.00	$6,300.00	$9,315.00	$9,315.00
3	104-1	Erosion Control	1	LS	$625.00	$625.00	$1,750.00	$1,750.00
4	120-3	Lateral Ditech Excavation	10	LF	$15.00	$150.00	$50.00	$500.00
5	285-706	Optional Base, Group 06	150	SY	$24.50	$3,675.00	$79.90	$11,985.00
6	334-1-53	1.5” SP 9.5 Asphalt Concrete Traffic C, PG-76-22	16	TN	$350.00	$5,600.00	$565.00	$9,040.00
7	425-1-351	Inlets, Top Replace, Curb Inlet (Type 5)	1	EA	$4,560.00	$4,560.00	$5,997.15	$5,997.15
8	430-175-115	15” (PPP)	131	LF	$105.00	$13,755.00	$96.37	$12,624.47
9	430-175-136	36” (PPP)	46	LF	$242.00	$11,132.00	$225.26	$10,361.96
10	430-175-148	48” (PPP)	45	LF	$333.00	$14,985.00	$265.94	$11,967.30
11		Elliptical, 24”x18” (CAP)	30	LF	$154.00	$4,620.00	$128.35	$3,850.50
12	430-175-230	Elliptical, (35” x 24”) (CAP)	45	LF	$208.00	$9,360.00	$160.13	$7,205.85
13	430-175-236	Elliptical (42” x 29”) (CAP)	48	EA	$262.50	$12,600.00	$214.82	$10,311.36
14	520-1-10	24” Wide Concrete Curb & Gutter	40	LF	$53.00	$2,120.00	$45.00	$1,800.00
15	522-1	Concrete Sidewalk, 4” Thick	6	SY	$86.00	$516.00	$55.00	$330.00
16	570-1-2	Performance Turf, Sod	280	SY	$5.50	$1,540.00	$10.00	$2,800.00
17	1050-15000	Utility Pipe Adjust/Modify, 5.9’ -12.9”	4	EA	$6,500.00	$26,000.00	$7,055.30	$28,221.20
SUB-TOTAL AMOUNT - KNECHT ROAD					**$139,034.84**		**$158,199.79**	
ITEM	FDOT pay item	ITEM DESCRIPTION	Qty	UOM	Unit Price	Total Price	Unit Price	Total Price
1	101-1	Mobilization	1	LS	$29,775.00	$29,775.00	$63,125.00	$63,125.00
2	102-1	Maintenance of Traffic	1	LS	$12,390.00	$12,390.00	$30,185.00	$30,185.00
3	104-1	Erosion Control	1	LS	$1,850.00	$1,850.00	$5,250.00	$5,250.00
4	110-4-10	Removal of Existing Concrete	78	SY	$20.00	$1,560.00	$20.00	$1,560.00
5	120-3	Lateral Ditech Excavation	320	LF	$11.00	$3,520.00	$10.00	$3,200.00
6	285-706	Optional Base, Group 06	365	SY	$25.50	$9,307.50	$79.83	$29,137.95
7	285-709	Optional Base, Group 09	57	SY	$34.00	$1,938.00	$152.14	$8,671.98

		IFB #12-0-2022/SZ Culvert Pipe Replacement - Knecht Road and Northeast Area			Timothy Rose Contracting, Inc. 825 8th Street Vero Beach, FL 32962 772-564-7800 accounting@timothyrosecontracting.com		Jobear Contracting, Inc. 1950 Danr Dr. NE Palm Bay, FL 32905 321-723-3571 trey@jobearinc.com	
ITEM	FDOT pay item	ITEM DESCRIPTION	Qty	UOM	Unit Price	Total Price	Unit Price	Total Price
8	334-1-13	1.5" SP 9.5 Asphalt Concrete Traffic C, PG-76-22	28	TN	$350.00	$9,800.00	$563.12	$15,767.36
9	334-1-13	2" SP 9.5 Asphalt Concrete Traffic C, PG-76-22	6.5	TN	$350.00	$2,275.00	$592.31	$3,850.02
10	400-1-2	Concrete Class I, Endwalls	5	CY	$2,435.00	$12,175.00	$1,884.31	$9,421.55
11	425-1-521	Inlets, Ditch Bottom Type C <10'	9	EA	$2,705.00	$24,345.00	$4,981.84	$44,836.56
12	425-1-541	Inlets, Ditch Bottom, Type D, <10'	2	EA	$4,155.00	$8,310.00	$5,924.40	$11,848.80
13	430-175-115	Pipe Culvert Optional Material Round 15" (RCP)	328	LF	$82.50	$27,060.00	$90.32	$29,624.96
14	430-175-118	Pipe Culvert Optional Material Round 18" (RCP)	204	LF	$98.50	$20,094.00	$105.11	$21,442.44
15	430-175-215	Pipe Culvert Optional Material Elliptical, 15" (RCP)	317	LF	$101.50	$32,175.50	$111.18	$35,244.06
16	430-175-218	Pipe Culvert Optional Material Elliptical, 18" (RCP)	287	LF	$112.50	$32,287.50	$124.81	$35,820.47
17	430-984-123	Mitered End Section Material Round 15" (RCP)	1	EA	$1,415.00	$1,415.00	$1,699.57	$1,699.57
18	430-984-625	Mitered End Section Material Elliptical 18" (RCP)	2	EA	$1,260.00	$2,520.00	$1,997.87	$3,995.74
19	520-1	24" Wide Concrete Curb (Miami Curb)	108	LF	$38.00	$4,104.00	$39.00	$4,212.00
20	520-1-7	Concrete Curb & Gutter, Type E	20	LF	$53.00	$1,060.00	$41.00	$820.00
21	520-1-10	Concrete Curb & Gutter, Type F	60	LF	$45.00	$2,700.00	$41.00	$2,460.00
22	522-1	Concrete Sidewalk, 4" Thick	60	SY	$74.75	$4,485.00	$55.00	$3,300.00
23	570-1-2	Performance Turf, Sod	1,353	SY	$5.50	$7,441.50	$10.00	$13,530.00
24	1050-15000	Utility Pipe Adjust/Modify, 5.9' -12.9"	1	EA	$6,500.00	$6,500.00	$7,000.00	$7,000.00
SUB-TOTAL AMOUNT - NORTHEAST AREA					$259,088.00		$386,003.46	
TOTAL BID FOR KNECHT ROAD AND NORTHEAST AREA					**$398,122.84**		**$544,203.25**	

Vendor Timothy Rose calculated extended amount based on unit price of $112.00, not $112.50 as per bid documents. Unit price prevails @ $112.50.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

DATE: 2/3/2022

RE: Resolution 2022-09, urging the Florida Legislature to oppose House Bill 531, proposed legislation that would require the Brevard County Supervisor of Elections to print on the ballot the party designation for all candidates for municipal elections. (Deputy Mayor Johnson) (WITHDRAWN) (AGENDA REVISION)

ATTACHMENTS:

Description

Resolution 2022-09

RESOLUTION 2022-09

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, URGING THE FLORIDA LEGISLATURE TO OPPOSE HOUSE BILL 531, PROPOSED LEGISLATION THAT WOULD REQUIRE THE BREVARD COUNTY SUPERVISOR OF ELECTIONS TO PRINT ON THE BALLOT THE PARTY DESIGNATION FOR ALL CANDIDATES FOR MUNICIPAL ELECTIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida has a rich history of non-partisan elections for the municipal governments within the state, and this level of government is a voluntary one established upon the desires of citizens and residents, and

WHEREAS, municipal governments are service-delivery entities whose policies and programs are driven by the needs and wishes of the citizens who created them, and as such have not historically witnessed partisan politics within those services and programs, and

WHEREAS, this tradition has not included any state laws related to partisan elections, but instead has relied upon the charters of each city, town and village along with the cooperation of each supervisor of elections, and this process works well statewide, and

WHEREAS, since each municipality adopts its own charter and establishes its own legislative body upon the wishes and needs of its collective citizenry, the tradition of non-partisan elections should continue to be a decision solely of each municipality.

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

SECTION 1. The above recitals are true and correct and by this reference are hereby incorporated into and made an integral part of this resolution.

SECTION 2. The City Council hereby urges the Florida Legislature to oppose House Bill 531.

SECTION 3. A copy of this resolution shall be sent to the Senate President and Speaker of the House of the State of Florida, and to each member of the Brevard County Legislative Delegation.

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

This resolution was duly enacted at Meeting 2022- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2022.

_____
Rob Medina, MAYOR

ATTEST:

_____
Terese M. Jones, CITY CLERK

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

DATE: **2/3/2022**

RE: **Resolution 2022-10, directing the City Manager to create or revise administrative policies that govern ride-along programs and prohibit the granting of exemptions from application and liability requirements. (Councilman Foster)**

ATTACHMENTS:

Description

Resolution 2022-10

RESOLUTION 2022-10

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, DIRECTING THE CITY MANAGER TO CREATE OR REVISE ADMINISTRATIVE POLICIES THAT GOVERN RIDE-ALONG PROGRAMS AND PROHIBIT THE GRANTING OF EXEMPTIONS FROM APPLICATION AND LIABILITY REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, ride-along programs provide a unique opportunity for members of the community to observe city employees performing their duties and gain insight into the operations of the department, and

WHEREAS, the police ride-along program provides an educational experience to participants and fosters a better understanding of the challenges, hazards and rewards of the police officer's role in the community, and

WHEREAS, the City Council desires to provide ride-along opportunities to the community and ensure that there are rules that provide for the safety of employees and the ride-along participants and the continuity of operations, and

WHEREAS, the City Manager is responsible for supervising the departments and maintaining an administrative code.

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

SECTION 1. The above recitals are hereby incorporated herein and made a part of this resolution.

SECTION 2. The City Council finds ride-along programs allow residents to have a greater understanding of the jobs city employees do and the complexity of the services they provide. Moreover, ride along programs improve community relations, citizen awareness and can serve as a valuable recruitment tool.

SECTION 3. The City Council directs the City Manager, or the City Manager's delegate, to create or revise administrative policies to govern ride-along programs for any department providing this service. The administrative policies should at a minimum address the participants' age, frequency of ride-alongs, dress, safety measures and require all participants to complete an application and liability waiver. City Council directs that the rules should not grant any participant an exemption from the requirement to complete an application and liability waiver.

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

This resolution was duly enacted at Meeting 2022- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2022.

_____
Rob Medina, MAYOR

ATTEST:

_____
Terese M. Jones, CITY CLERK

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Fred Poppe, Recreation Director**

DATE: **2/3/2022**

RE: **Consideration of transferring funds from the Tree Mitigation account to the Recreation Other Services account for the purchase of tree to be used for the annual Holiday Tree Lighting ceremony ($4,250).**

The Recreation Department was approached by City Council and the City Manager, requesting that a tree be planted at City Hall, to be used for the Holiday Tree Lighting each year. A 20' red cedar was chosen as the tree.

The Tree Planters, LLC was chosen to provide the tree and the planting services. The cost of the tree and installation is $4,250.00. We are requesting to use "Tree Mitigation Funds", transferred to the Recreation Other Services. The funds are available in the Tree Mitigation account.

REQUESTING DEPARTMENT:
Recreation

FISCAL IMPACT:
Transfer of funds from 001-0000-220-1032, "Tree Mitigation" account to 001-4120-572-3401, "Recreation Other Contractual Services". There is $402,686 available in the Tree Mitigation Fund.

RECOMMENDATION:
Motion to approve the transfer of funds from the" Tree Mitigation" account to the "Recreation Other Services account".

ATTACHMENTS:

Description

Small Project Agreement

Purchase Request

CITY OF PALM BAY, FLORIDA
SMALL PROJECT SERVICES AGREEMENT

This Agreement is made this date Dec. 16, 2021, between the City of Palm Bay, FL, 120 Malabar Road, SE, Palm Bay, FL 32907 (the "City") and _____ (the "Contractor").

1. **AGREEMENTS BY THE CONTRACTOR**

A. The Contractor will furnish all labor, equipment and materials necessary to: Deliver and plant at City Hall a 20ft. red Cedar tree.
as described in the City's Request for Quote - Attachment "A", and the Quote submitted by the Contractor - Attachment "B".

B. The contractor will perform all work in a good and workmanlike manner. It is understood and agreed that the Contractor is an independent contractor, and not an agent or coventurer with the City regarding the work. The Contractor is solely responsible for, and the City will not control, the means, methods and sequences of construction used by the Contractor in performing the work. The contractor is responsible for producing a final product that is fully functional and fit for its intended purposes and meets all requirements of the quote. The City will be the sole judge of the acceptability of all work performed under this Agreement. Any changes to the work that change the Agreement price, or the Agreement time must be authorized by the City in a written change order.

C. The Contractor will promptly provide the City, prior to execution of this Agreement, a certificate of insurance evidencing at least the levels of insurance coverage in accordance with the requirements in Attachment "C".

D. Indemnification: For other and additional good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Contractor, including but not limited to the Contractor's officers, officials, employees, representatives, agents, Contractors officers, etc., subcontractors and their officers etc. (hereinafter Contractor) hereby agrees to indemnify, hold harmless and defend the City of Palm Bay, including but not limited to its officers, agents, subcontractors, officers, officials, representatives, volunteers, employees and all those others acting on the city's behalf (hereinafter City) against any and all liability, loss, cost, damages, expenses, claims or actions of whatever type of nature, including but not limited to attorney and expert fees and suit cost, for trials and appeals, that the City may pay sustain, or incur arising wholly or in part due to any negligent or deliberate act, error or omission of Contractor in the execution, performance or non-performance or failure to adequately perform Contractor's obligation pursuant to this Agreement.

Nothing contained in this Agreement is in any manner intended either to be a waiver of the limitation placed upon the City's liability as set forth in Section 768.28 Florida Statutes, or to extend the City's liability beyond the limits established in said Section 768.28. No claim or award against the City shall include attorney's fees, investigative costs, extended damages, expert fees, suit costs or pre-judgment interest.

In addition, contractor shall indemnify, defend and hold harmless City against all liability, costs, expense, expert witnesses' fees, attorney's fees, claims, losses or damages that the City may incur arising from the following:

1) A violation by Contractor of any applicable federal, state or local law, rule or regulation including, without limitation performance conditions in this Agreement;
2) Any penalty or fine incurred by or assessed against City to the extent caused by any act of the Contractor;
3) Any injury, illness, disease, death or other harms suffered or incurred by any employee of Contractor, resulting from the failure of Contractor to comply with applicable health and safety procedures, regardless of whether or not the entity involved has adopted OSHA or EPA safety and health protocols and procedures;
4) Any patent or copyright infringement by Contractor;
5) Any lien or other claim by Contractor inconsistent with this Agreement;
6) Any obligation of City resulting from Contractor's errors, omissions or breach of obligation.

E. The Contractor will not discriminate against any person on the basis of race, color, religion, sex, national origin, age or disability.

F. The Contractor will comply with all local, state and federal laws in performing the services under this Agreement.

G. Limitation of Liability. Contractor acknowledges and accepts the terms and conditions of the following Limited Liability Statement:

The City desires to enter into this Agreement only if in so doing the City can place a limit on the City's liability for any cause of action arising out of the Agreement. For other and additional good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Contractor expresses its willingness to enter into this Agreement with the knowledge that the Contractor's recovery from the City to any action or claim arising from the Agreement is limited to a maximum amount of the contract value less the amount of all funds actually paid by the City to Contractor pursuant to this Agreement. Nothing contained in this paragraph or elsewhere in this Agreement is in any manner intended either to be a waiver of the limitation placed upon the City's liability as set forth in Section 768.28, Florida Statutes, or to extend the City's liability beyond the limits established in said Section; and no claim or award against the City shall include attorney fees, investigative costs, expert fees, suit costs or pre-judgment interest. This section shall not prevent the City from taking corrective action against the Contractor.

2. **AGREEMENTS BY THE CITY**

A. City agrees to pay the Contractor $ $4250.00 for satisfactorily performed work in accordance with the attached quote.

B. Upon acceptance of work by using department of the City, employees and others the City shall make payment to the Contractor in accordance with the Local Government Prompt Payment Act, Section 218.70, Florida Statutes. The City reserves the right, with justification, to partially pay any invoice submitted by the Contractor when requested to do so by the using City department. All invoices shall be directed to the Accounts Payable Section, City of Palm Bay, 120 Malabar Road, SE palm Bay, FL 32907.

3. **MISCELLANEOUS AGREEMENTS**

A. The Contractor's employees are required to obtain, at no charge, from the City's Human Resources Department, a security identification badge prior to performance of its awarded contract. This law is established by the City Council through the City Ordinance Number 2007-48, Public Protection Act, as amended by City Ordinance Number 207-96, with an effective date of November 15, 2007.

B. No waiver, alterations, consent or modification of any of the provisions of this Agreement shall be binding unless written and signed by the City Manager.

C. The Contractor shall procure all permits, licenses, and certificates for the proper execution and completion of the Work under this Agreement, including any approvals of plans or specifications as may be required by federal, state and local laws, ordinances, rules, and regulations.

D. This Agreement is considered a non-exclusive Agreement between the parties.

E. This Agreement shall be governed by and construed according to the laws of the State of Florida, and the rights of the parties hereto shall be construed and be subject to the laws of the State of Florida. The parties hereby waive the right to trial by jury in any action, proceeding or counter claim brought or filed by either of them against the other. Venue for any court action arising out of this agreement shall be in Brevard County, Florida.

F. The undersigned hereby certify that this Agreement is made without prior understanding, agreement or connection with any corporation, firm or person who submitted quote for the work covered by this Agreement and is in all respect fair and without collusion or fraud. As to Contractor, the undersigned hereby warrants and certifies that he/she is authorized to enter into this Agreement and to execute it on behalf of the Contractor as the act of the said Contractor.

G. If any provision of this Agreement is held to be invalid by a court of competent jurisdiction, this Agreement shall be construed as not containing the provision and all other provisions which are otherwise lawful shall remain in full force and effect, and to this end the provisions of this Agreement are declared to be severable.

H. All services provided pursuant to this Agreement are for the exclusive use and benefit of the City. The City is exempt from sales and use taxes under State law.

I. Neither the city nor Contractor shall assign, sublet or transfer any interest in this Agreement without the written consent of the other.

J. The city is a public agency subject to chapter 119, Florida Statutes. The Contractor shall comply with Florida's Public Records law (chapter 119.071 FL Statute).

K. This Agreement represents the entire and integrated Agreement between the City and the Contractor and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both City and Contractor.

L. The City reserves the right to terminate this Agreement upon breach of its terms by the Contractor.

M. This Agreement may be terminated at will by the City upon at least 5 days prior written notice to the Contractor.

N. The term of this Agreement begins on the date established in the first paragraph of this Agreement and ends upon acceptance by the City of the completed services required under this Agreement.

O. The waiver or deferral by the City to enforce any provision of this Agreement on one or more occasions will not be deemed as a waiver of the right thereafter to strictly enforce this Agreement.

CONTRACTOR NAME The Tree Planters LLC

X SIGN HERE IN BLUE INK — Date 12-16-21

Printed Name & Title Joel Mizell - Owner

Address 5505 Yales Rd. **City/State/Zip** Lakeland FL 33811

Phone / Email 863-640-2301 dial102446@aol.com

CITY OF PALM BAY

(Signature) Authorized Agent **Date**

This agreement is not valid until signed by both parties and issuance of an authorized City of Palm Bay Purchase Order.

ATTACHMENT "C"
CITY OF PALM BAY'S INSURANCE REQUIREMENTS

PROJECT NAME: _____

A. General

Before starting and until acceptance of the work by the City, the contractor shall, as a minimum mandatory condition precedent to this work, procure and maintain insurance of the types and to the limits specified below.

The contractor shall require each of his subcontractors to procure and maintain, until completion of that subcontractor's work, insurance of types and to the limits specified below. It shall be the responsibility of the contractor to ensure that all his subcontractors comply with all of the insurance requirements contained herein relating to such subcontractors. The City reserves the right to request proof of subcontractor's insurance from the contractor.

B. Coverage

Except as otherwise stated, the amounts and types of insurance shall conform to the following minimum requirements:

1. **Workers' Compensation:** The Successful Proposer shall provide and maintain workers' compensation insurance for all employees in the full amount required by statute and full compliance with the applicable laws of the State of Florida. Exemption certificates to this requirement are not acceptable. **Should the Named Vendor utilize a Professional Employer Organization, said Vendor acknowledges and agrees that all employees sent to the City of Palm Bay MUST be included on that PEO roster.** Said policy must include Employers' Liability insurance with limits of no less than:

Each Accident	$ 100,000.00
Disease – Policy Limit	$ 500,000.00
Disease – Each Employee	$ 100,000.00

If any operations are to be undertaken on or about navigable waters of the United States of America, coverage must be included for the Federal Longshore and Harbor Workers Compensation Act, Jones Act and under any type of admiralty claim, unseaworthiness claim and/or any claim in admiralty.

2. **Commercial General Liability** – Coverage must be on an Occurrence basis and afforded on a form no more restrictive than the latest edition of the Commercial General Liability Policy filed by the Insurance Services Office and must include:
   a) Minimum combined single limits of $1,000,000.00 per occurrence / $2,000,000 general aggregate for Bodily Injury Liability and Property Damage Liability.
   b) Premises and Operations.
   c) Personal & Advertising Injury
   d) Products and Completed Operations.

3. **Business Auto Policy** - Coverage must be afforded on a form no more restrictive than the latest edition of the Business Auto Policy filed by the Insurance Services Office and must include:
   a) Minimum Limits $1,000,000.00 per occurrence combined single limit for bodily Injury Liability and Property Damage Liability.
   b) Owned Vehicles.
   c) Hired and Non-Owned Vehicles.

4. **Certificate of Insurance** – Certificate of all insurance required from the Contractor shall be filed with the City and shall be subject to its approval for adequacy and protection. Certificates from the insurance carrier, stating the types of coverage provided, limits of liability and expiration dates, shall be filed with the City before operations are commenced. The City of Palm Bay shall be identified as a named additional insured for general and automobile liability coverages required above. **Certificate of Insurance shall indicate "Waiver of Subrogation" applies to General Liability and Automobile Liability.** The required certificates of insurance shall not only name the types of policies provided but shall also refer specifically to this contract and section and the above paragraphs in accordance with which such insurance is being furnished, and shall state that such insurance is as required as a condition precedent by such paragraphs of this contract. If the initial insurance expires prior to the completion of the work, renewal certificates shall be furnished thirty (30) days prior to the date of expiration.

5.

X SIGN HERE IN BLUE INK [signature]	5505 Yales Rd.
Authorized Signature	Address
Joel Mizell - Owner	Lakeland FL 33811
Printed Name & Title	City, State, Zip Code
The Tree Planters LLC	863-640-2301
Company	Telephone Number
Dec. 16, 2021	digl102446@aol.com
Date	Email

PURCHASE REQUISITION NBR: 0000073649

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: BG/FRED POPPE

REASON: PURCHASE OF A CEDAR TREE TO BE INSTALLED AT CH

DATE: 1/14/22

SHIP TO LOCATION: PARKS & RECREATION

SUGGESTED VENDOR: 15552 THE TREE PLANTERS LLC

DELIVER BY DATE: 1/31/22

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	20 FT RED CEDAR TREE TO BE PLANTED AT CITY HALL PER FRED POPPE DIRECTION. COMMODITY: GROUNDS & PARK SERVICES SUBCOMMOD: LANDSCAPING SERVICES	1.00	JOB	4250.0000	4250.00	

REQUISITION TOTAL: 4250.00

REQUISITION QUOTES

	VENDOR NAME
4250.0000	THE TREE PLANTERS

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	00141205723401	OTHER CONTRACTUAL SERVICE TREE TRIMMING		100.00	4250.00
					4250.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SPA AND QUOTE ARE ALREADY IN PROCUREMENT PER FRED POPPE. NICK C. AND SHELSEA M. ARE WATCHING FOR TH IS.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Nelson Moya, Chief of Police; Juliet Misconi, Chief Procurement Officer**

DATE: **2/3/2022**

RE: **Consideration of reallocating capital funding to the lease vehicle program and increase spending authority against the Master Lease Agreement for the Police Department ($65,000).**

During the December 16, 2021, and January 6, 2022, meetings, City Council approved funding for the capital purchase of 13 marked patrol vehicles for the Police Department at an estimated cost of $53,000 per vehicle, $689,000 total. This pricing included a markup on last known vehicle estimate due to the release of 2022 pricing being delayed by manufacturing company. At this time the 2022 pricing is available and the projected cost for a marked patrol vehicle is estimated to be $48,000 per vehicle, for an adjusted total of $624,000.

The Police Department is requesting to use the remaining approved funding ($65,000) for two purposes: 1) to fund the additional money needed for the four approved marked patrols vehicles in the FY22 budget which were only allocated in the amount of $40,146 per vehicle ($31,416); and 2) for a lease vehicle program for the Command Staff consisting of five vehicles over a two-year contract ($33,584).

The original four marked patrol vehicles approved in the FY22 budget were included with the new sworn FTE positions awarded by Council. These vehicle estimates did not provide a buffer for base vehicle price which has since increased over 10%. Utilizing the projected savings from the additional vehicles approved by Council, will avoid making another request from the Undesignated Fund Balance to complete the outfitting of the vehicles.

The request to utilize a lease program for Command Staff vehicles is a cost savings measure. The lease program is estimated to be around $30,000 per year, which will be added into the Police Department's base budget as a contractual obligation beginning in FY23. This is in lieu of the cost for vehicle replacements for the positions which was estimated at approximately $180,000 based upon 2022 pricing. The five vehicle leases are in accordance with the City's Master Walkaway Lease Agreement with Enterprise Fleet Management. This contract is the result of a competitive Request for Quote done by the Procurement Department on behalf of the Police Department to lease unmarked units of varying vehicles classes. As the estimated annual contract value

was less than $100,000, the Chief Procurement Officer awarded this contract on May 10, 2019, and Procurement has exercised two renewal options at the Police Department's request. Annually, depending on the lease term and types of vehicles available, lease expenditures range from $40,000 to $50,000. Currently, there are eight vehicles under lease. The additional cost of the 24-month lease for the five command staff vehicles will add $67,168 ($33,584 per year) to the lease value of the contract. As such, the spend authority against Master Walkaway Lease from solicitation 39-0-2019 will be over $100,000 and requires Council approval.

REQUESTING DEPARTMENT:
Procurement, Police Department

FISCAL IMPACT:
Council approved $689,000 from Undesignated Fund Balance G/L Account # 001-0000-392-1001, for police vehicles. A total of $653,726 will be transferred to the Fleet Account # 521-5070-519-6403 to fully fund all 17 approved marked patrol vehicles and $1,690 will be transferred to Fleet Account # 521-5070-519-4904 for the tag/registrations for the vehicles. The remaining $33,584 will be allocated to G/L Account# 001-5011-521-4409 for the Command Staff lease vehicle program.

RECOMMENDATION:
Motion to 1) approve re-allocating the projected savings of $65,000 to the additional funding needed to outfit the original FY22 marked patrol vehicles ($31,416) and to the lease vehicles for Command Staff ($33,584) and 2) authorize the increase to the spend authority against Master Walkaway Lease from competitive solicitation #39-0-2019.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Nelson Moya, Chief of Police**

DATE: **2/3/2022**

RE: **Consideration of submitting an application for Victims of Crime Act grant funds.**

On December 17, 2021, the Office of the Attorney General for the State of Florida announced the notice of availability for the Victims of Crime Act (VOCA) funding from the U.S. Department of Justice. The purpose of the VOCA grant is to support the availability of services to victims of crimes through a reimbursement program. Services are defined as those efforts that respond to the emotional and physical needs of crime victims, assist victims of crime to stabilize their lives after victimization, assist victims to understand and participate in the criminal justice system, and provide victims of crime with a measure of safety and security. Eligibility to apply for VOCA funds is limited to victim assistance programs administered by state or local government agencies or not-for-profit corporations registered in Florida. For over 20 years, the Palm Bay Police Department has been a recipient of VOCA funding for the Victim Service Unit.

For the 2022-2023 grant application, which opens January 3, 2022 and closes on February 11, 2022, the Police Department will be seeking to request up to $71,355 to cover salary, taxes, and retirement costs for two Victim Advocates (one position covered at 75% VOCA funding and one position covered at 50% VOCA funding). This request also includes $2,000 in training expenses for continuing education credits towards maintaining Victim Services Practitioner certifications for both advocates.

The funding cycle for this VOCA grant funding is October 1, 2022, through September 30, 2023.

REQUESTING DEPARTMENT:
Police Department

FISCAL IMPACT:
The fiscal impact is a potential revenue of up to $71,355 in General Fund Account #001-0000-331-2005 for partial reimbursement of annually budgeted salaries (001-5025-521-1210), taxes (001-5025-521-2110), retirement (010-5025-521-2210), and training/travel (001-5025-521-5501 and 001-5025-521-4001). This impact will not occur until Fiscal Year 2023.

RECOMMENDATION:

Motion to approve the submission of an application for the Victims of Crime Act grant for 2022-2023.

ATTACHMENTS:

Description

VOCA 22-23 Notice of Availability

ASHLEY MOODY
ATTORNEY GENERAL
STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL
Division of Victim Services and Criminal Justice Programs

PL-01 The Capitol
Tallahassee, FL 32399-1050
Phone (850) 414-3300 Fax (850) 487-3013
http://www.myfloridalegal.com

December 2021

NOTICE OF AVAILABILITY
VOCA Grant Funds

Announcement: The Office of the Attorney General (OAG) is pleased to announce the availability of Victims of Crime Act (VOCA) grant funds from the U.S. Department of Justice. The purpose of the VOCA grant reimbursement program is to support the provision of services to victims of crime. Services are defined as those efforts that respond to the emotional and physical needs of crime victims, assist victims of crime to stabilize their lives after victimization, assist victims to understand and participate in the criminal justice system, and provide victims of crime with a measure of safety and security. Eligibility to apply for VOCA funds is limited to victim assistance programs administered by state or local government agencies or not-for-profit corporations registered in Florida, or a combination thereof, that can demonstrate the following:

1) proof that the Internal Revenue Service recognizes the organization as being tax exempt under 501(c)(3) of the Internal Revenue Code;
2) a statement from a state taxing body or state secretary of state certifying that the organization is a nonprofit organization and that no part of the organization's net earnings may benefit any private shareholder or individual;
3) a certified copy of a certificate of incorporation or similar document establishing nonprofit status; or
4) any of the above, if it applies to a state or national parent organization, with a statement by the state or national parent organization that the applicant is a local nonprofit affiliate.

The funding cycle for the VOCA grant funds under this notice is October 1, 2022, through September 30, 2023.

Application and Deadline: Organizations may participate in the annual competitive grant process which involves submission of an application followed by an application review.

The VOCA application may be accessed using the Office of the Attorney General's online system EGrants, which can be accessed through https://egrantsigx.myfloridalegal.com/ on January 3, 2022. If you need assistance you may contact (850) 414-3380 or email contact.voca@myfloridalegal.com.

Technical assistance webinar trainings on VOCA application completion are scheduled. It is strongly encouraged that agency staff who will be completing the grant application in the EGrants system register for and participate in one of the training sessions, provided on the following dates. All three training sessions will provide the same information on application completion. To participate in a training session, you must use the link included with the selected date.

January 6, 2022 10:00 am to 12:00 pm EST
Registration link: https://attendee.gotowebinar.com/register/6892459482592906766

January 12, 2022 1:00 pm to 3:00 pm EST
Registration link: https://attendee.gotowebinar.com/register/8549833623488643595

January 21, 2022 10:00 am to 12:00 pm EST
Registration link: https://attendee.gotowebinar.com/register/7509330585752147728

The deadline for applying for a VOCA grant under this notice is **no later than 5:00 p.m**. Eastern Standard Time on **Friday, February 11, 2022.** Applicant agencies are encouraged to submit the completed application as soon as possible prior to the deadline. **Mailed, faxed, or hand delivered applications or required documentation will not be accepted.**

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Nelson Moya, Chief of Police**

DATE: **2/3/2022**

RE: **Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund ($5,100).**

In accordance with Florida law, funding in the amount of $5,100 is being requested from the Law Enforcement Trust Fund (LETF) designated fund balance for fiscal year 2021/2022.

The Police Department seeks to enhance department operations through continued and advanced training opportunities. One area of focus is the ability to develop internal instructors for a variety of law enforcement-related topics. From February 22 – 24, 2022, the Police Department is requesting to send six sworn personnel to a 3-day Instructor Level (Train The Trainer) Night Vision Goggle (NVG) course. The training will cover law enforcement's tactical use of NVG technology encompassing classroom discussions, practical exercises, live-fire range drills, and scenario-based exercises using marking rounds. Personnel who complete this training will be able to provide internal training and guidance to additional personnel during department training sessions. The course is to be hosted by the Police Department at its Range location therefore the only cost for this request is $850 registration fee per officer.

The total LETF request for this event is $5,100.

REQUESTING DEPARTMENT:
Police Department

FISCAL IMPACT:
There is a designated fund balance of $54,991.67 as of January 25, 2022, from account #101-0000-359-1002 and 101-0000-359-1004. The requested $5,100 will be allocated on the next Budget Amendment to the following accounts: #101-5040-521-5501 ($5,100).

RECOMMENDATION:
Motion to approve expenditures of LETF as described herein up to $5,100.

ATTACHMENTS:

Description

LETF Certification Statement 22-04

CERTIFICATION STATEMENT

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

FROM: **Nelson Moya, Police Chief**

DATE: **January 25, 2022**

SUBJECT: **Law Enforcement Trust Fund (LEFT) Forfeiture Expenditures**

I certify that the request for the use of the Law Enforcement Trust funds will be used for an authorized purpose pursuant to the provisions of Section 932.7055 of the Florida Statutes.

The following details the usage of the requested expenditures:

VENDOR/ORGANIZATION	ITEM DESCRIPTION	COST
1 Minute Out	$850 Registration Fee for 6 Personnel	$5,100
TOTAL		**$5,100**

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Nelson Moya, Chief of Police**

DATE: **2/3/2022**

RE: **Consideration of travel and training for specified City employees (Police Department)**

The Police Department would like for Council to acknowledge and approve travel as noted below:

Per Admin Code AC 1-33 “Travel for City Business Restriction”, if travel arises unexpectedly and is required by the circumstances to be completed prior to the next regular meeting of the City Council, the travel shall be approved by the City Manager and then placed on the next regular City Council Meeting. Therefore, the Police Department sent the information to the City Manager on January 24, 2022 and we are now requesting acknowledgement and approval by Council for the following employee for travel:

Officer Christopher Hurtado will be traveling to Perry, FL February 2-4, 2022 to transport a patrol car to American Aluminum to have the K9 cage and electronics installed in it. The police department was notified on January 19 that the vendor wants the patrol car to be there on February 3rd for installation. Due to the vendor’s schedule, if we are not able to keep this appointment, it is unsure when another appointment could be scheduled. The officer will remain there overnight while the cage is installed and drive back with the completed patrol car the next day. The Lodging Cost is estimated at $216.58, per diem is estimated at $92.00 each with an approximated total of $308.58. This will be paid out of the Uniform Services Division Account (5012).

REQUESTING DEPARTMENT:
Police Department

FISCAL IMPACT:
The total cost of travel is estimated at $308.58 and is available in 001-5012-521-4001 ($308.58).

RECOMMENDATION:
Motion to acknowledge and approve travel as mentioned above.

ATTACHMENTS:

Description

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Leslie Hoog, Fire Chief**

DATE: **2/3/2022**

RE: **Consideration of travel and training for specified City Employees (Fire Department)**

Palm Bay Fire Rescue Department requests authorization to send Michael Curphey to attend a 10-day training course titled Advanced Life Support Response to Hazardous Materials Incidents at the National Fire Academy in Emmitsburg, MD from February 13th thru February 25th, 2022.

This 10-day course is designed for paramedic personnel who have an advanced life support (ALS) emergency medical responsibility at hazardous materials incidents. The primary focuses of this course are: In-depth chemistry as it relates to hazardous materials; The medical management of victims; The development and management of the hazardous materials components of the medical support system. Toxicology and decontamination procedures are covered from an advanced EMS viewpoint. Strategies for safe emergency medical interaction with contaminated victims are discussed in detail.

FEMA reimburses all costs associated with transportation and lodging and the Department pays the cost of the meals. The City will receive a refund of all funds advanced for air travel. The total cost advanced is $1,029.24.

REQUESTING DEPARTMENT:
Fire Department

FISCAL IMPACT:
The total amount advanced $1029.24 and is available in 001-6012-522-4001.

RECOMMENDATION:
Motion to approve requested travel as noted above.

ATTACHMENTS:

Description

Travel Request

The City of Palm Bay Florida

CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Control # _____

Request Date: 1/21/2022

Contact/Ext Marvena Eck 4676

Name: William Curphey		**Destination:** Emmitsburg, MD		
Department/Division: Fire Rescue		**Date of:**	**Departure** 2/13/2022	**Return** 2/25/2022
Account To Be Charged: 001-6012-552-4001 $1029.24		**Time of:**	9:30 AM	7:30 PM
Account To Be Charged:		**Estimated Cost:** before mileage reimbursement		**$1,029.24**

Purpose of Travel (Specify Conference, School or Other Reason) - **ATTACH ITINERARY**

To attend the Advanced Life Support Reposnse to Hazardos Materials Incidents course

Date Approved By Council: _____

Transportation: boldface or circle choice(s) POV - Estimated Mileage _____ City Vehicle

Common Carrier (complete below)

PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration Due Date _____ Hand Carry Y N			$0.00	Vendor #	Check # Date
Lodging Due Date _____ Hand Carry Y N	Included	Rate _____ # Nights _____	$0.00	Vendor #	Check # Date
Common Carrier (if applicable) Due Date _____ Hand Carry Y N	Delta Airlines Pay with P-card	Airfare	$455.95	Vendor #	Check # Date
Other Expenses Due Date P-card Hand Carry Y N	Meal Ticket (required for NFA Pay with P-card		$573.29	Vendor #	Check # Date
Other Expenses Due Date _____ Hand Carry Y N				Vendor #	Check # Date

PER DIEM ADVANCE: Advanced or Upon Return (circle one)

Refer to www.gsa.gov for rates - attach proof of rate

(Lodging prepaid - receipt required)

Breakfast	_____	@	$13.00	=	$0.00
Lunch	_____	@	$15.00	=	$0.00
Dinner	_____	@	$23.00	=	$0.00
Incidentals	_____	@	$5.00	=	$0.00

$0.00 | Vendor # | Check # | Date

TRAVEL APPROVALS

Department Head _____ Date 1-25-22

Finance _____ Date

(if applicable)

City Manager _____ Date

(ATTACH TO EXPENSE REPORT UPON RETURN)

National Emergency Training Center
16825 S. Seton Avenue
Emmitsburg, MD 21727-8998

FEMA

R0247

Dear National Fire Academy Student:

By now you should have received an email notification from the National Emergency Training Center (NETC) Admissions Office. This notification indicates your acceptance into the U.S. Fire Administration (USFA), National Fire Academy (NFA) "Advanced Life Support Response to Hazardous Materials Incidents" (ALSRHMI) course.

Congratulations on your acceptance into the U.S. Fire USFA's/NFA's ALSRHMI course. This fast-paced, highly technical program poses a serious challenge to the student. You are asked to arrive prepared to engage in the course with maximum commitment. There will be many opportunities to explore new relationships with chemistry and toxicology and how they relate to response to hazardous materials incidents.

This course represents a state-of-the-art approach to training, which utilizes computer-based reference materials, scenario-type exercises, and multiple opportunities for the student to apply the information. This type of approach to learning is performance based and designed to equip you with tools and experience to make "risk-based" decisions in your local setting.

Feel free to bring any written materials, i.e., procedures, protocols, to share with other students. We ask that these items be in an electronic format and in Microsoft Office format.

Prior to your arrival, you should complete the "Foundational Concepts of Chemistry" (Q0228) self-study course. This course is available through NFA Online at https://www.usfa.fema.gov/training/nfa/courses/online.html.

The NFA classroom environment is computer based. Increased numbers of students and instructors are bringing laptop computers or other electronic devices to campus; you are responsible for the security and maintenance of your equipment. The NFA cannot provide computer software, hardware (which includes disks, printers, scanners, monitors, etc.), or technical support for your device. For your convenience, we do provide surge protector power strips at each classroom table.

Should you need to access the Student Computer Lab, it is located in Building D and is available for all students to use. The lab is open daily with a technician available Monday through Thursday from 1700 to 2100 (5 p.m. to 9 p.m.) and on Saturdays from 0800 to 1200 (8 a.m. to noon). The lab uses Windows 7 and Office 2013 as the software standard.

If you need additional information related to your course's content or requirements, please contact Mr. Wayne Yoder, Hazardous Materials Curriculum Training Specialist, at (301) 447-1090, or by email at wayne.yoder@fema.dhs.gov. Good luck, and I hope to see you on campus.

Sincerely,

Eriks J. Gabliks, Superintendent
National Fire Academy
U.S. Fire Administration

Marvena Eck

From: Michael Curphey
Sent: Monday, January 10, 2022 10:44 AM
To: Marvena Eck
Subject: Fwd: NFA Course Acceptance: R0247

Acceptance letter below

Get Outlook for Android

From: netc-admissnotifications@fema.dhs.gov <netc-admissnotifications@fema.dhs.gov>
Sent: Friday, January 7, 2022, 10:10
To: Michael Curphey
Subject: NFA Course Acceptance: R0247

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

DO NOT REPLY TO THIS EMAIL AS THIS ACCOUNT IS NOT MONITORED

William Curphey
200 Pelican Drive
Satellite Beach, FL 32937

Dear Student,

Congratulations on your acceptance into the National Fire Academy Course:

Advanced Life Support Response to Hazardous Materials Incidents (R0247)

Course dates: February 14-25, 2022
Travel dates: February 13 and February 25

We're looking forward to training with you!

Read the Welcome Package Linked Below then **Watch this Student Orientation Linked Below**

https://www.usfa.fema.gov/downloads/pdf/NETC_Welcome_Package.pdf https://www.youtube.com/watch?v=d60WJBmbyus

PDF ~1 MB

For specific information about travel arrangements, transportation, lodging, food service, on-campus services and reimbursement.

For basic information about attending an on-campus course at the National Emergency Training Center.

The NETC Welcome Package has been updated with many changes to include COVID-related procedures. Please be sure to read through this important information prior to traveling to campus.

Notice about the coronavirus (COVID-19)

The health and safety of students is a top priority for the National Emergency Training Center (NETC). The NETC wants to be proactive in sharing information and mitigating effects of any communicable disease, including the Coronavirus (COVID-19). To ensure accurate information is shared with our students, stakeholders and campus users, the following information is an important read.

All persons on the NETC campus are required to wear a mask inside buildings.

All NETC students accepted into class are directed to discontinue their class attendance if they are experiencing flu-like symptoms including fever, sneezing, coughing, congestion, or muscle aches that are not caused by another, preexisting condition. If you have these symptoms, please notify NETC Admissions and do not attend the training. Bottom line: do not travel to NETC if you are sick!

In addition, while attending training at NETC you should practice good hygiene, washing hands (minimum of 20 seconds) or using hand sanitizer after using the restroom. Cough and sneeze etiquette (coughing or sneezing into your elbow) is always the correct thing to do and helps prevent the spread of germs through the air or contaminated hands.

Effective November 27, 2021 all students participating in resident training at the National Emergency Training Center (NETC) for the National Fire Academy (NFA) or Emergency Management Institute (EMI) must be fully vaccinated*. This additional mitigation measure is to provide a safe learning and working environment for all students, instructors, and staff on the NETC campus.

Upon arrival on the NETC campus, students must provide visual proof of their vaccination status to authorized NETC personnel (NETC Housing Desk, Building C-West).

Acceptable documentation includes a physical or electronic copy of:

- The record of immunization from a health care provider or pharmacy.
- A COVID-19 Vaccination Record Card (CDC Form MLS-319813_r, published on 9/3/2020).
- Medical records documenting the vaccination.
- Immunization records from a public health of state immunization system.
- Any other official documentation containing:
    - Type of vaccine administered
    - Numbers of doses received
    - Date(s) of administration, and
    - Name of the health care professional(s) or clinic site(s) administering the vaccine(s)

***Definition of Fully Vaccinated:**
A person is considered fully vaccinated two weeks after they receive the requisite number of doses of an approved COVID-19 vaccine including those authorized for emergency use by the U.S. Food and Drug Administration or that has been listed for emergency use by the World Health Organization.

- Pfizer-BioNTech, Moderna or AstraZeneca/Oxford: require a two-dose series.
- Johnson and Johnson (J&J)/Janssen: requires a single dose.
- Clinical trial participants from a U.S. site who are documented to have received the full series of an "active" (not placebo) COVID-19 vaccine candidate, for which vaccine efficacy has been independently confirmed, are considered fully vaccinated two weeks after they complete the vaccine series. Currently the Novavax COVID-19 vaccine meets these criteria.

Getting to and from campus

Free airport shuttle service to/from the National Emergency Training Center (NETC) is available from the airport(s) listed below. If you plan to use the bus transportation/shuttle from the airport to NETC and then back to the airport after class, please use the link (if link does not work, copy and paste into browser) below to reserve your shuttle seat. **You must reserve a seat at least 7 days before your course start date.**

Airport pickup times (all times Eastern)

Please arrive at the airport one hour before the times below.

- Baltimore/Washington International (BWI) pickup times: 03:00 PM and 07:00 PM (EST)
- Ronald Reagan National Airport (DCA) pickup times: 06:00 PM (EST)

Campus departure times

Make your flight reservation for home at least four hours from the time(s) below. It will take two hours to get to the airport.

- Departing for Baltimore/Washington International (BWI): 08:00 AM (EST)
- Departing for Ronald Reagan National Airport (DCA): 08:00 AM (EST)

Reserve your shuttle to the NETC Transportation Office with your arrival and departure flight information online at https://training.fema.gov/netctransportationreservation/Default.aspx?ReservationId=c2c5df0e-f4f1-4d32-9118-008016eca205&Purpose=R0247

Lodging

A room is reserved for you from February 13-25. Check-in time is any time after 2 p.m. on your travel day. If you don't need lodging on the NETC campus, please email the Housing Office at fema-netc-housing@fema.dhs.gov immediately.

Meal tickets

Visit www.netcmealtickets.com to order your meal ticket no earlier than 14 days before the course start date. Base your selection on the length of the course, using the travel dates listed above.

Pre-course materials

You may need to complete a course assignment before you arrive on campus so it's important that you read your pre-course materials to find out. To download your pre-course materials from the NFA Website:

1. Visit: http://apps.usfa.fema.gov/nfacourses/
2. Enter your course code in the search box.
3. Select your course from the search results.
4. Select the link under the heading "Student pre-course materials and course syllabus" (if available).

If you can't attend this course

Please email the NETC Admissions Office at netcadmissions@fema.dhs.gov prior to the course start date.

Have a question?

Please check the Welcome Package first as most questions are answered there. If you have any questions or require additional information, please contact Cindy Wilhelm at cynthia.wilhelm@fema.dhs.gov or (301) 447-1290.

Sincerely,

Jo Ann Boyd
Admissions Specialist
Management Operations and Support Services

Thank You!

Your Meal Ticket(s) order has been submitted.

Your Order Number is **#86428**.

Thank you for your order from the National Emergency Training Center - Guest Services, Inc. An email has been sent to you for proof of purchase. Please provide proof of purchase either by printing receipt or showing receipt email via mobile phone.
Meal tickets can be picked up at dining hall at first meal.
If you have a food allergy, please contact FEMA-netccafeteria@fema.dhs.gov

Start a New Order

Restaurant Location

16825 S SETON AVE
EMMITSBURG, MD 21727

View on Map Get Directions

MICHAEL CURPHEY
MEAL TICKET
HAZMAT RESPONSE
CLASS AT THE NFA

Order Details

Ordering From:	**Guest Services**
Placed By:	**William Curphey**
Submitted:	**01/20/2022 11:20 AM**
Expected Due:	**01/20/2022 11:20 AM**
Order ID:	**86428**

Course Code::
R0247

Date of course (xx/xx/xx)::
02/13/22

NAME of PERSON RESPONSIBLE FOR PAYING (below):
Marvena Eck

Item	Qty	Price
TEN Day Course - $573.29 - Normal	1	573.29
Subtotal		573.29
Tax		-
Total		**573.29**

Marvena Eck

From: Michael Curphey <mcurphey@hotmail.com>
Sent: Monday, January 24, 2022 3:21 PM
To: Marvena Eck
Subject: Fw: Your Flight Receipt - WILLIAM MICHAEL CURPHEY 13FEB22

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: Delta Air Lines <DeltaAirLines@t.delta.com>
Sent: Thursday, January 20, 2022 11:47 AM
To: mcurphey@hotmail.com <mcurphey@hotmail.com>
Subject: Your Flight Receipt - WILLIAM MICHAEL CURPHEY 13FEB22

Hello, William Michael Curphey

#9255983943 | SkyMiles Member

Confirmation #: H6OYDB

You're all set. If your plans change, be sure to make changes or cancel via MyTrips on delta.com before your flight departs.

YOUR PRE-TRIP CHECKLIST FOR EASIER TRAVEL:

DOWNLOAD THE FLY DELTA APP – With real-time push notifications sent to your mobile device, you'll never miss an update. With the Fly Delta app, you can easily track your checked bags, check your flight status under the "My Trips" tab, access your digital boarding pass, message Delta and more. Download Now ›

VISIT OUR HELP CENTER PAGE – get all your travel questions

answered with information on self-service tools, baggage, SkyMiles, and more. Find Help ›

Have a great trip, and thank you for choosing Delta.

Sun, 13FEB	DEPART	ARRIVE
DELTA 2591 Main Cabin (K)	MELBOURNE, FL 11:26am	ATLANTA 1:02pm
DELTA 522 Main Cabin (K)	ATLANTA 3:15pm	BALTIMORE, MD 5:00pm

Fri, 25FEB	DEPART	ARRIVE
DELTA 1578 Main Cabin (U)	BALTIMORE, MD 1:29pm	ATLANTA 3:30pm
DELTA 1559 Main Cabin (U)	ATLANTA 4:59pm	MELBOURNE, FL 6:25pm

MANAGE MY TRIP>

CHECK DELTA DISCOVER MAP FOR YOUR DESTINATION'S ENTRY REQUIREMENTS

Many destinations have issued travel requirements that may affect your trip. We strongly encourage you to review the Delta Discover Map for the latest on your destination's test, vaccine and quarantine requirements. You may check your eligibility to change or cancel your flight here.

MASKS REQUIRED IN THE AIRPORT & ON BOARD

It's Delta's policy and federal law that all employees and customers wear masks during boarding and deplaning, while in the airport and during public transit. Customers requiring exemptions for not wearing face masks due to a disability

should be prepared to complete a clearance to fly process prior to departure at the airport. Thank you for your compliance. Learn More ›

VISA REQUIREMENTS FOR AUSTRALIA

Anyone traveling to Australia as a visitor is required to obtain a visa. Learn more.

Passenger Info

Name: WILLIAM MICHAEL CURPHEY
SkyMiles #9255983943

FLIGHT	SEAT
DELTA 2591	24A
DELTA 522	20C
DELTA 1578	20D
DELTA 1559	14A

Visit delta.com or use the Fly Delta app to view, select or change your seat. If you purchased a Delta Comfort+™ seat or a Trip Extra, please visit My Trips to access a receipt of your purchase.

Flight Receipt

Ticket #: 0062494399637
Place of Issue:
Issue Date: 20JAN22
Expiration Date: 31DEC23

METHOD OF PAYMENT	
VI**********5544	**$455.95 USD**

CHARGES

Air Transportation Charges	
Base Fare	$380.23 USD
Taxes, Fees and Charges	
United States - September 11th Security Fee(Passenger Civil Aviation Security Service Fee) (AY)	$11.20 USD
United States - Transportation Tax (US)	$28.52 USD
United States - Passenger Facility Charge (XF)	$18.00 USD
United States - Flight Segment Tax (ZP)	$18.00 USD
TICKET AMOUNT	**$455.95 USD**

NONREF/CHANGES PERMITTED

This ticket is non-refundable unless the original ticket was issued at a fully refundable fare. Some fares may not allow changes. If allowed, any change to your itinerary may require payment of a change fee and increased fare, and cancellation of your itinerary may require payment of a cancellation charge. Failure to appear for any flight without notice to Delta will result in cancellation of your remaining reservation.

Note: When using certain vouchers to purchase tickets, remaining credits may not be refunded. Additional charges and/or credits may apply.

Fare Details: MLB DL X/ATL DL BWI226.51KA7OA0MQ/WP1U DL X/ATL DL MLB153.72UFVQA0MQ/WP1U USD380.23END ZP MLBATLBWIATL XF MLB4.5ATL4.5BWI4.5ATL4.5

Checked Bag Allowance

The fees below are based on your original ticket purchase. **If you qualify for free or discounted checked baggage**, this will be taken into account when you check in.

Sun 13 Feb 2022 MLB-BWI

CARRY ON	FIRST	SECOND

Food service

- The NETC food services contractor is Guest Services and may be contacted by phone at 301-447-1551 or email at FEMA-netccafeteria@fema.dhs.gov. If needed, Guest Services' federal tax ID number is 53-0164700.

- If you stay on campus for more than one night, you must purchase a meal ticket. **If you do not purchase a meal ticket, you will be asked to vacate your room on campus. You will then be responsible for your off-campus lodging costs, and your request for stipend reimbursement will be denied.**

  The requirement for purchasing a meal ticket is tied to the student stipend program (see page 20). The NFA and EMI stipend reimbursement programs are cost-sharing programs. The student's or sponsoring organization's share of the program is the cost of meals/participation in the NETC meal program, the cost of ground transportation from the point of departure to the local airports, parking and tolls. The government's share of the stipend program includes reimbursement for common-carrier transportation or POV, ground transportation between NETC and airports in the Baltimore-Washington metropolitan area, and lodging on the campus. While not all students attending EMI or NFA classes are eligible for a stipend reimbursement, all students, except non-U.S. citizens, are provided campus lodging and are eligible to use the campus ground transportation, both at no cost.

- If you do **NOT** stay in a dorm room on the NETC campus, you must purchase the daily break ticket.

- **MEAL TICKET PROCEDURES:** Guest Services has a website where NETC students must purchase their meal ticket prior to arriving to campus. Go to www.netcmealtickets.com, no more than two weeks prior to the course start date and no later than two days prior to your arrival date, to purchase the meal ticket which will cover your evening meal on the arrival date through breakfast on your departure date based on your acceptance email. With this new procedure, **YOU WILL NO LONGER BE ABLE TO PURCHASE MEAL TICKETS AT REGISTRATION** upon arrival to the NETC.

- Please go to the website (www.netcmealtickets.com) for meal ticket prices for your upcoming course.

- Meal ticket prices are subject to change and will be updated in this package as the changes are provided.
- Meal amounts for focus groups, conferences or any activity other than a resident course are not provided in this package. Please contact the food service provider directly for meal ticket amounts.
- Meal ticket costs are the student's financial responsibility. The meal ticket is not a reimbursable expense.
- If you will not be on campus for the first or last meals identified as part of your meal ticket, you must notify the food service contractor at least one week prior to your arrival to NETC. If you do not, you will be obligated to pay the full amount.
- If you are on a special diet for medical reasons, please email the food service contractor at least two weeks prior to your arrival at NETC. The food service contractor will make arrangements to meet your dietary needs. If you don't make arrangements prior to your arrival, you will be responsible for purchasing the normal meal ticket.
- If the buses arrive at NETC after the dining hall has closed, the food service contractor will provide you with a boxed dinner. Snack food is also available at the Command Post Pub.

Dining hall hours of operation

	Breakfast	Lunch	Dinner
Light blue	6:00	11:00	5:00
Yellow	6:30	11:30	5:30
Tan	7:00	12:00	6:00
Light green	7:30	12:30	6:30

Stipend reimbursement program

The NFA and EMI stipend reimbursement programs are cost-sharing programs. The student's or sponsoring organization's share of the program is the cost of meals/ participation in the NETC meal program, the cost of ground transportation from the point of departure to the local airports and back, parking, tolls, and the salary and benefit costs to the sponsoring organization of the student or any replacement personnel necessitated by the student's absence from duty during the term of participation in a course. The government's share includes reimbursement for common-carrier transportation or POV as outlined below; ground transportation between NETC and the designated airports using the campus shuttle service; and lodging on campus.

Below is information about reimbursement procedures for NFA and EMI courses under the student stipend reimbursement programs. Please read the information carefully. If you have any questions about your eligibility to receive a stipend, please contact Admissions either by email at netcadmissions@fema.dhs.gov or by phone at 301-447-1035.

Any exceptions to travel must be requested in writing and faxed along with documentation to 301-447-1441 for NFA and 301-447-1658 for EMI. All exceptions must be approved prior to making your travel arrangements. Otherwise, your stipend may be denied or limited to the state ceiling amount. Exceptions to travel include side trips or traveling days other than those listed in your acceptance notification.

Individuals eligible for reimbursement

- State, local or tribal government representatives.
- Recognized volunteer organization representatives.
- Active emergency management organization representatives.
- Representatives from state or local fire organizations.

You must provide complete documentation (i.e., social security number, banking information, and airline ticket or odometer reading) at the time of your course registration OR no later than 30 days from the course end date. Please make sure that your airline ticket clearly states the date of purchase, and that it is a non-refundable, economy/coach-class ticket. If the ticket does not clearly state the aforementioned requirements, your stipend reimbursement may be limited to the state ceiling amount. It is your responsibility, as the student, to assure all documents are submitted within the 30-day timeframe. Failure to provide all the required documentation within 30 days may result in your stipend being denied.

NFA students are limited to one reimbursable trip per fiscal year (Oct. 1-Sept. 30). If you wish to attend a second NFA class (at your own expense), a letter to that effect must accompany the second application stating that you are waiving your stipend reimbursement.

Individuals not eligible for stipend reimbursement

- Federal government employees.
- Private industry employees.
- Employees who are contracted to federal, state or local government entities (such as rural-metro departments).

- NFA State Weekend Program attendees (to include the National Training Weekend).
- Representatives of a foreign organization.
- **For EMI only:** students eligible for federally funded grants.
- Students enrolled in the E0705 course offered at EMI. There is no stipend reimbursement for the "Fundamentals of Grants Management." Students enrolled in this course should contact the grant program analyst/manager to identify travel funding for this training as part of the grant management and administration cost.

Reimbursement for:

Airfare

- You will be reimbursed the cost of a direct (no side trips or extended stay), **nonrefundable,** round trip ticket for transportation by common carrier (economy/coach class) which is for each course or back-to-back courses that you attend. Proof of nonrefundable fare is required!
- **If you take side trips or travel outside of the defined travel days,** your reimbursement shall be limited to no more than the state ceiling amount as noted on the Reimbursement State Ceiling Chart.
- **To eliminate the perception of misuse of government funds, FIRST CLASS, BUSINESS CLASS, and REFUNDABLE AIRLINE TICKETS WILL NOT BE REIMBURSED AT FULL FARE,** unless you request, in writing, an exception prior to making your travel arrangements and have received written approval from the NETC Admissions Office. Otherwise, your reimbursement will be limited up to the state ceiling amount.
- **It is your responsibility to find the cheapest ticket available.** Failure to do so may result in your reimbursement being limited to the state ceiling amount. **Your stipend will be limited to the state ceiling amount if:**
  - **Your airline ticket is not nonrefundable.**
  - **Your airline ticket is not economy/coach class.**
  - **You do not travel on the authorized dates as stated in your acceptance letter (unless approved by NETC Admissions prior to ticket purchase).**
- **Use of frequent flier miles** toward the purchase of a ticket is NOT reimbursable.
- **Fees associated with seat upgrades or early bird check-ins are not reimbursable.**
- **Flight or ticket insurance is not reimbursable.**
- If any portion of your airfare is subsidized by another source, that portion is NOT reimbursable under the stipend program.

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

DATE: **2/3/2022**

RE: **Consideration of the GO Road Bond Paving Program, Phase 4. (CONTINUED FROM 01/20/22 RCM)**

At the November 22, 2021, Infrastructure Advisory and Oversight Board (IAOB) meeting, the Board approved to endorse the attached map showing the units for Phase 4 (Year 4) Road Paving Program. The endorsement includes the following units: 6, 44, 45, 50 and 55 for thin lift overlay, milling and paving and Full Depth Reclamation (FDR). The total miles for the five units in the endorsed Phase 4 are estimated at 96.7 miles with an estimated engineer's cost of construction of $13,838,501.03. The table below provides the cost for each unit.

Phase 4 Units	Average PCI	Mile	Repair	Cost
6	74.9	14.1	Mill & Pave	$1,530,134.75
44	69.8	30.0	Thin Lift/Mill & Pave/FDR	$5,074,980.52
45	68.4	23.6	Mill & Pave / FDR	$4,086,299.48
50	72.2	25.6	Mill & Pave	$2,778,117.80
55	67.8	3.4	Mill & Pave	$368,968.48
Total		96.7		**$13,838,501.03**

At this time, sufficient funds are remaining from the initial two draws of $100 million to cover the $13.8 million for Phase 4.

Additionally, included with this request is a presentation to provide an update on the overall status of the Road Bond Program.

REQUESTING DEPARTMENT:
Public Works, Finance

FISCAL IMPACT:

The fiscal impact for Phase 4 of the Road Bond Program is estimated at a total cost of $13,838,501.03 plus any added contingency with each unit contract. Funds are available in the GO Road Bond Program Fund and will be appropriated to G/L 309-7090-541-6303, various projects numbers as required.

RECOMMENDATION:
Motion to approve the GO Road Bond Paving Program Phase 4 as endorsed by the IAOB.

ATTACHMENTS:

Description

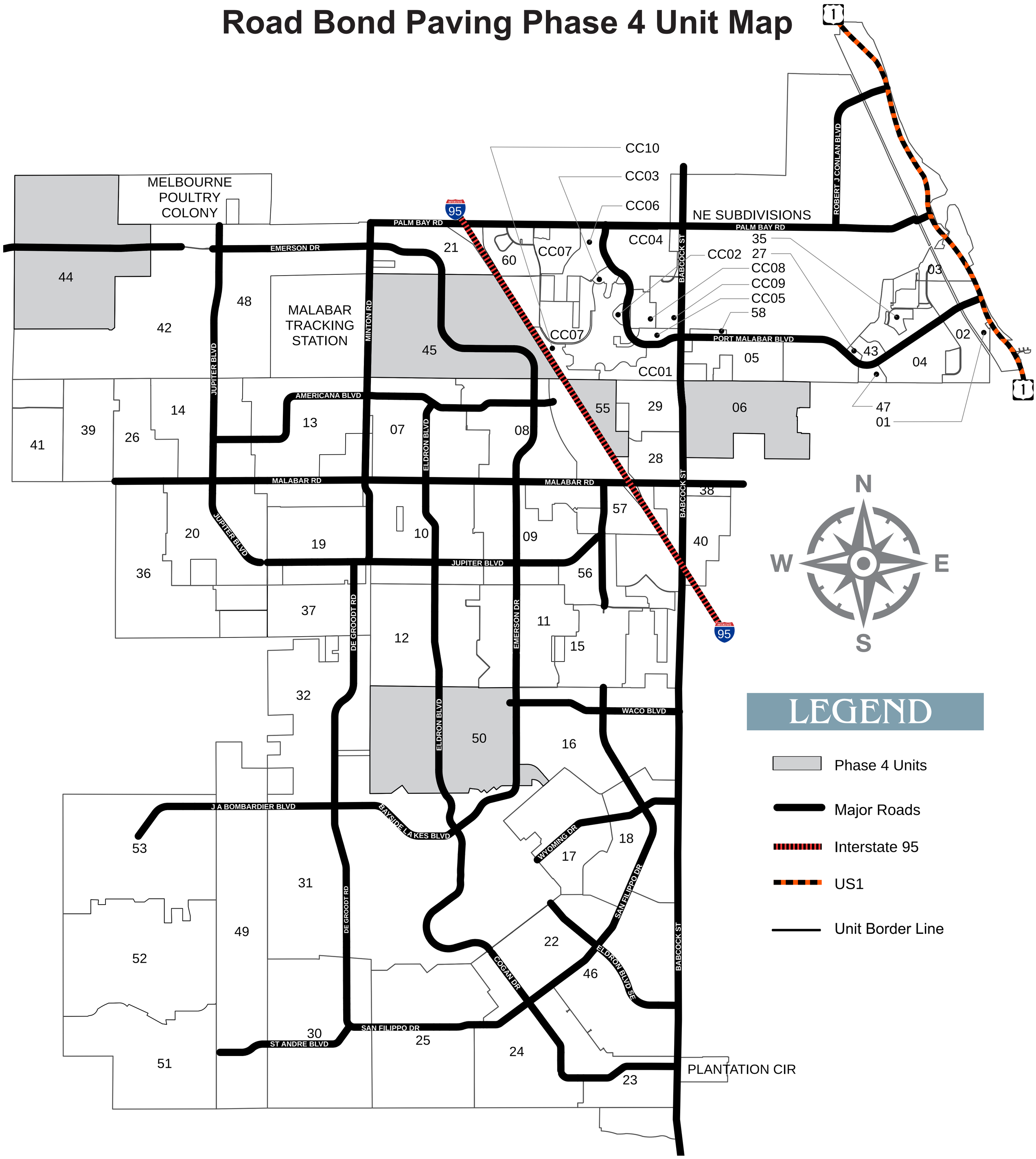
Phase 4 Map

Road Paving Program Phase 4 Presentation

The City of Palm Bay Florida

Public Works Department

Road Bond Paving Phase 4 Unit Map



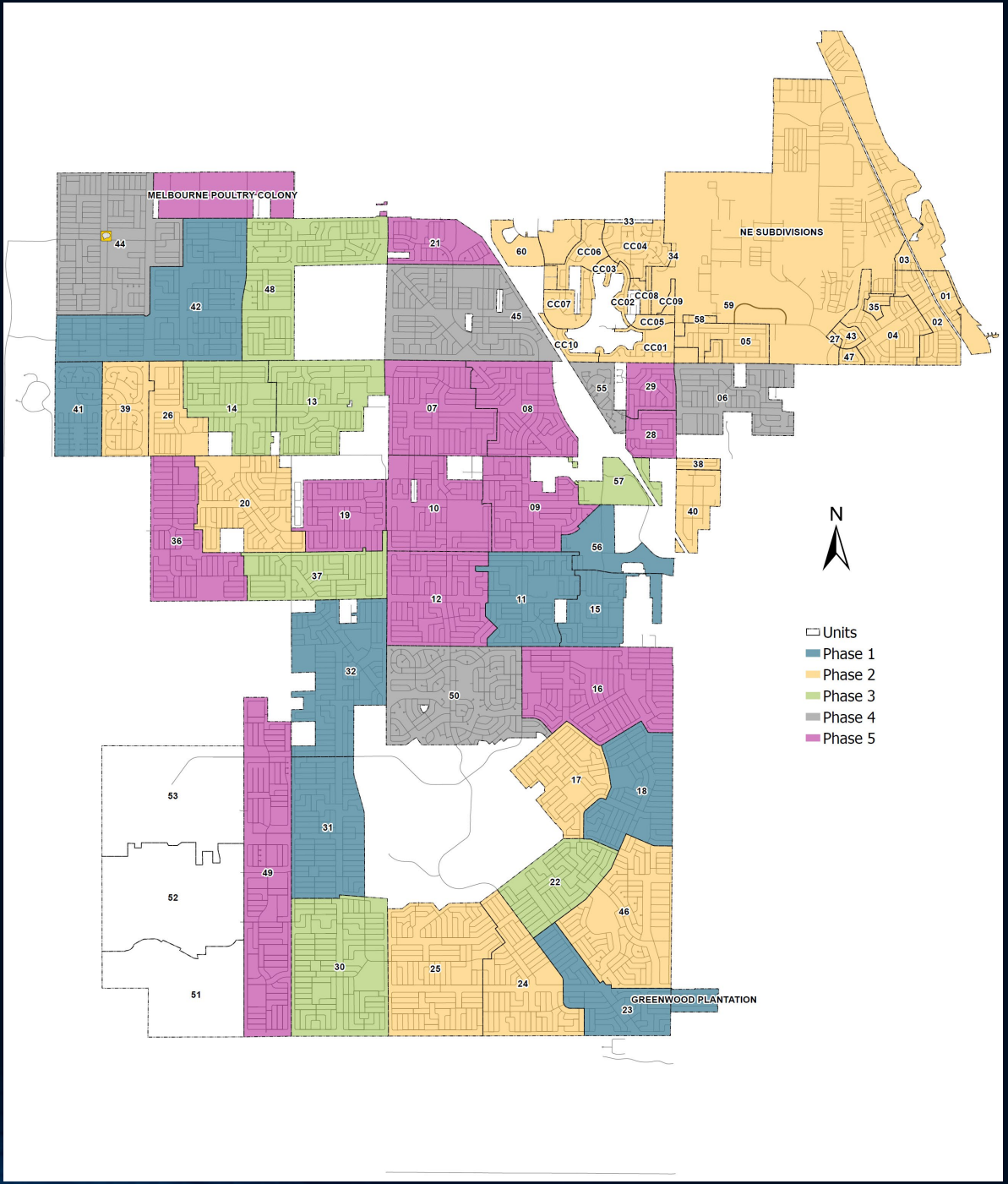
City Council Meeting
Road Paving Program – Phase 4

FEBRUARY 3, 2022

The City of Palm Bay Florida

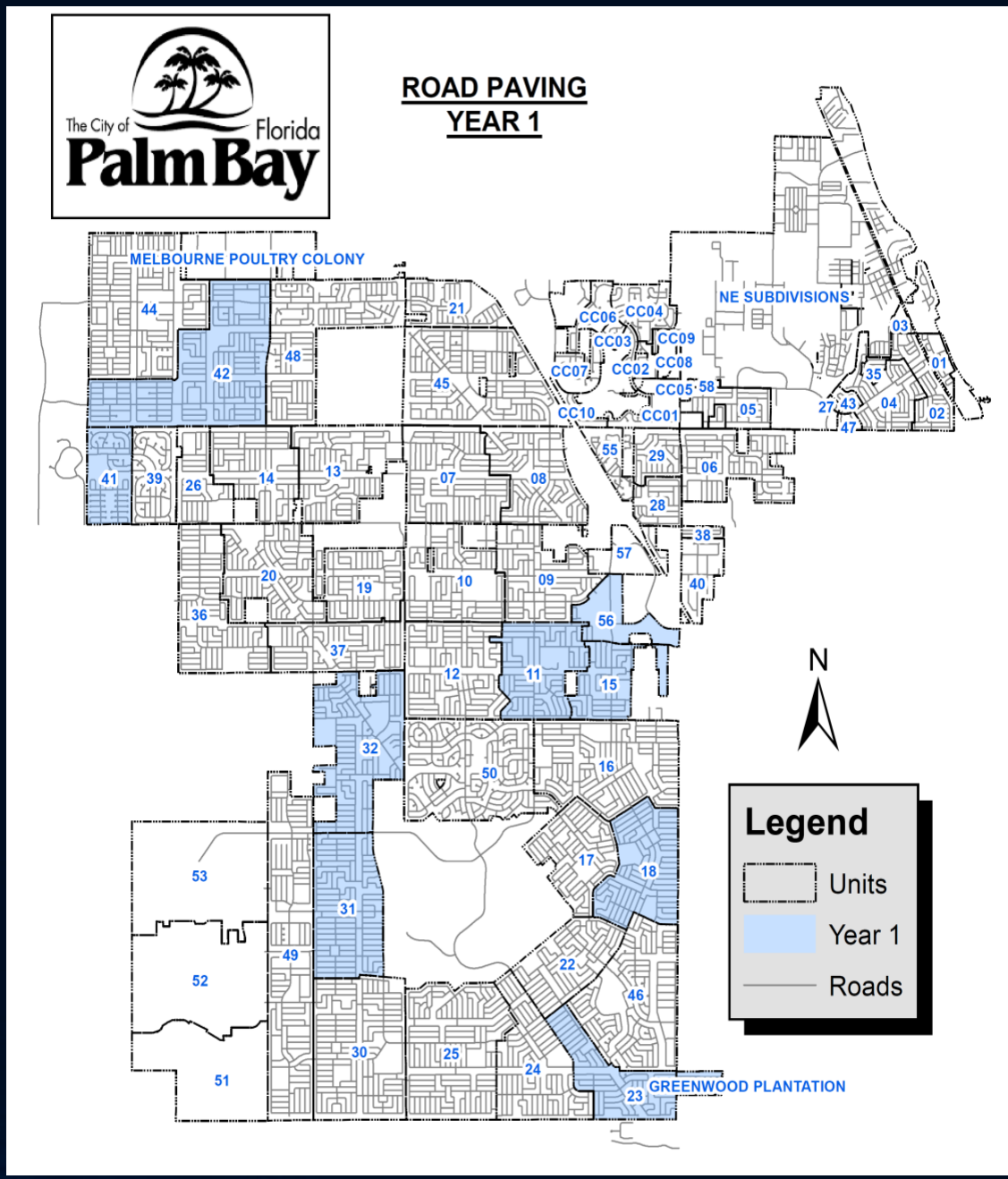
Five Phase – 8 Years Road Bond Paving

	Road Miles
Phase 1	143
Phase 2	190
Phase 3	140
Phase 4	138
Phase 5	180
Total Miles	**791**



Phase 1 Road Paving 100% Completed

	Road Bond Paving (Phase 1)	Mile	Const Cost /Eng. Est.
1	Unit 41 and Eldron	11.63	$3,074,558.88
2	Unit 31 and 32	41.47	$10,269,206.00
3	Unit 42 and Garvey	33.51	$7,727,462.09
4	Unit 11, 15, 18, 23 & 56	56.63	$10,020,961.74
		143.24	$31,092,188.71

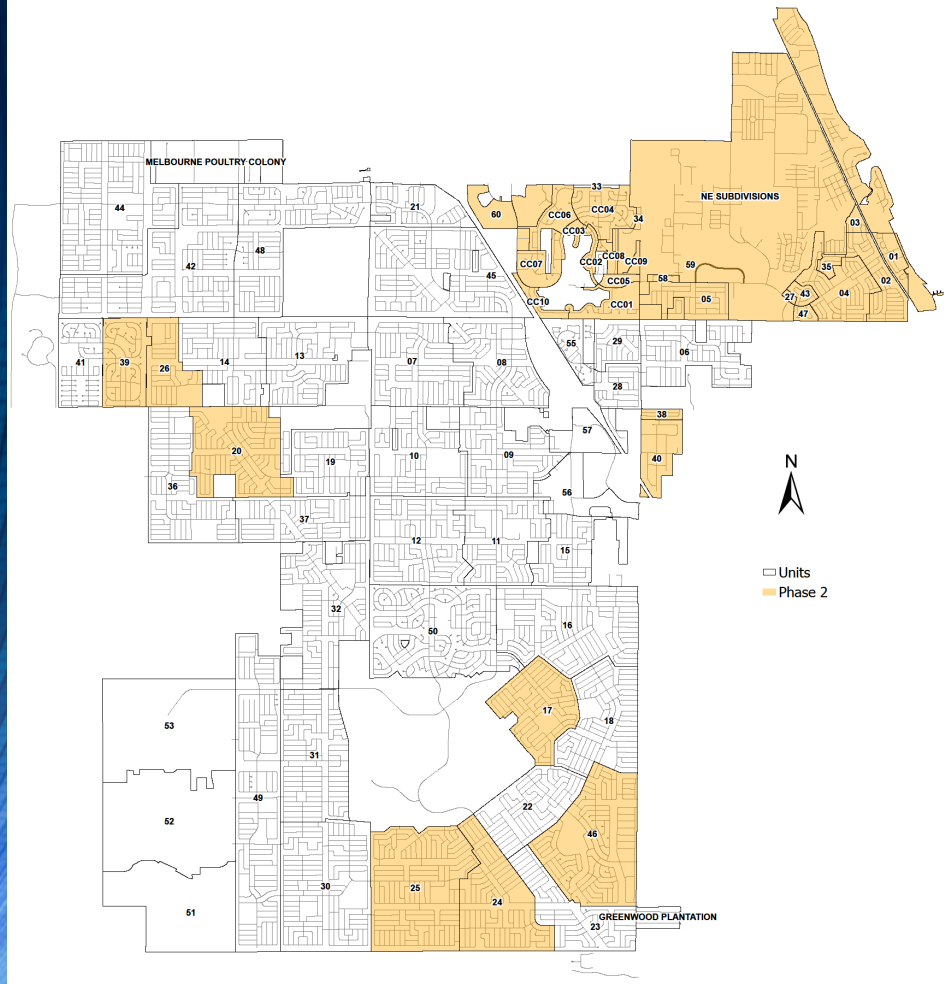


FY 2021 Rejuvenation – Road Maintenance

The City of Palm Bay Florida

Public Works Department

Road Bond Proposed Paving Phase 2 Unit Map



Phase 2 Road Paving 55% Completed

	Road Bond Paving (Phase 2)	Mile	Const Cost /Eng. Est.
1	Port Malabar from Palm Bay to Babcock	1.66	996,581.93
2	Northern Emerson from Minton to C1	2.55	1,118,119.41
3	Unit 17 Paving	13.16	1,464,994.56
4	Unit 46 Paving	23.96	2,062,215.61
5	Unit 5 Paving	6.49	921,774.75
6	Unit 1, 2, 3, 4, 27, 35, 43 & 47	24.13	3,617,733.39
7	Unit 24 & 25	45.37	7,861,368.60
8	Palm Bay Colony & Kirby Industrial	6.09	1,024,250.95
9	Driskell Heights/Florida/Farview	4.75	1,135,511.80
10	Unit 20	16.57	2,535,330.39
11	Knecht Road Area	7.98	1,602,686.40
12	Unit 26, 38, 39 and 40 Thin Lift	19.39	2,010,076.81
13	Northeast Area	17.63	4,584,461.26
14	Country Club Area Paving	20.90	5,173,020.75
15	Port Malabar Rd – Clearmont to RR	1.32	1,578,301.87
		211.96	$37,686,428.48

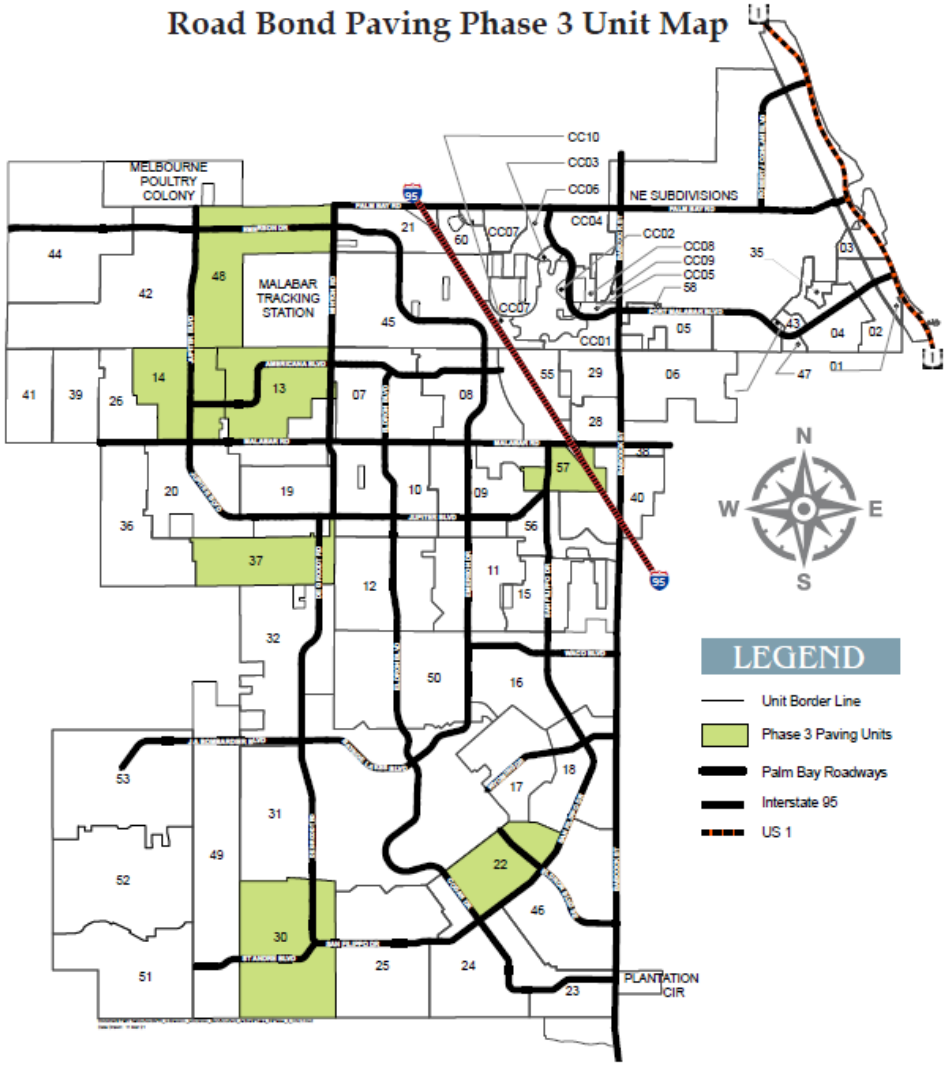
Phase 3 Road Paving
100% Design Completed

	Road Bond Paving (Phase 3)	Mile	Const Cost /Eng. Est.
1	Unit 48 and Emerson Drive	22.97	5,752,978.47
2	Unit 13 and 14	30.33	5,846,876.10
3	Unit 30 and Madden	33.93	12,875,535.56
4	Unit 22 ad 37	25.58	5,300,108.29
5	Unit 57	2.58	2,055,484.95
		115.39	$31,830,983.37

The City of Palm Bay Florida

Public Works Department

Road Bond Paving Phase 3 Unit Map



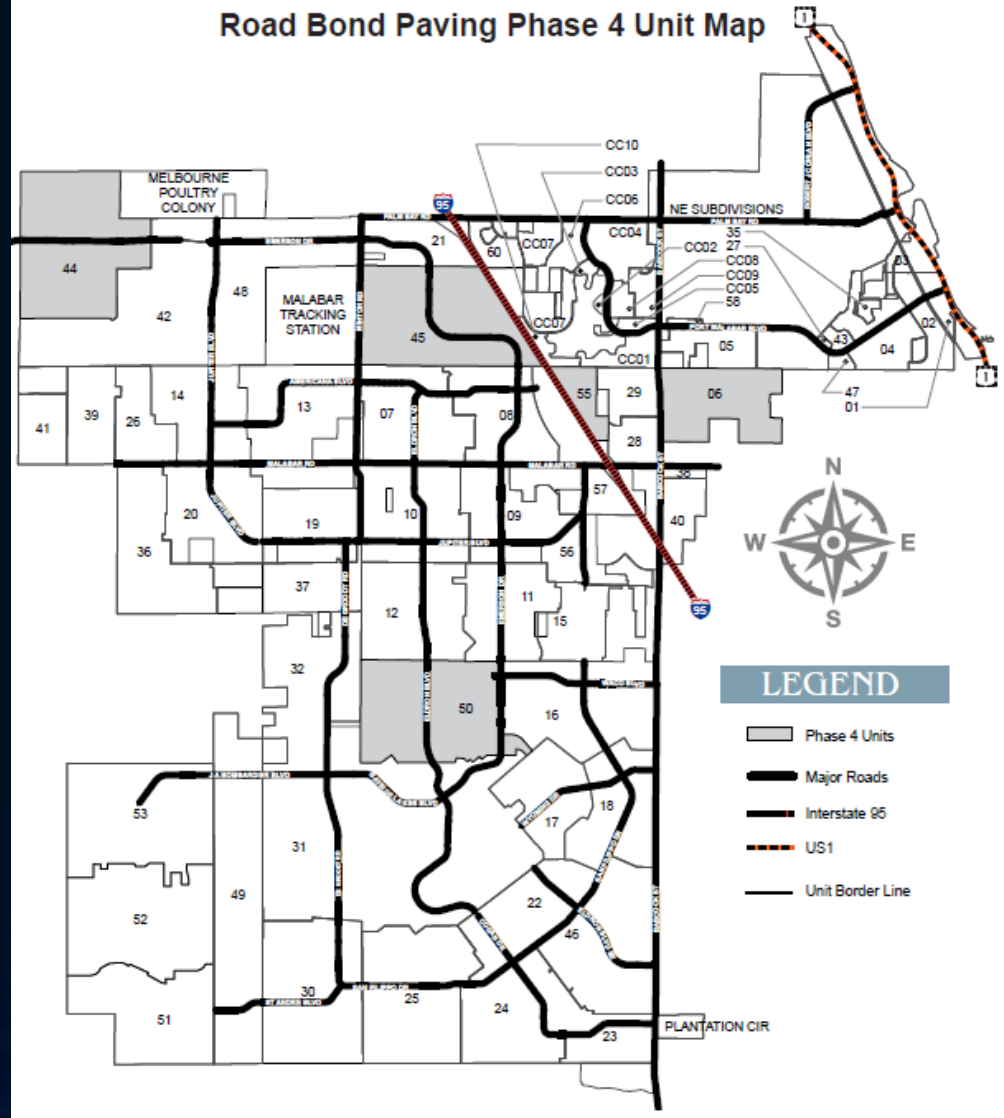
Year 4 Road Paving Preliminary Cost Estimates

Phase 4 Units	Average PCI	Mile	Repair	Cost
6	74.9	14.1	Mill & Pave	$1,530,134.75
44	69.8	30.0	Thin Lift/Mill & Pave/FDR	$5,074,980.52
45	68.4	23.6	Mill & Pave / FDR	$4,086,299.48
50	72.2	25.6	Mill & Pave	$2,778,117.80
55	67.8	3.4	Mill & Pave	$368,968.48
Total		96.7		**$13,838,501.03**

The City of Palm Bay Florida

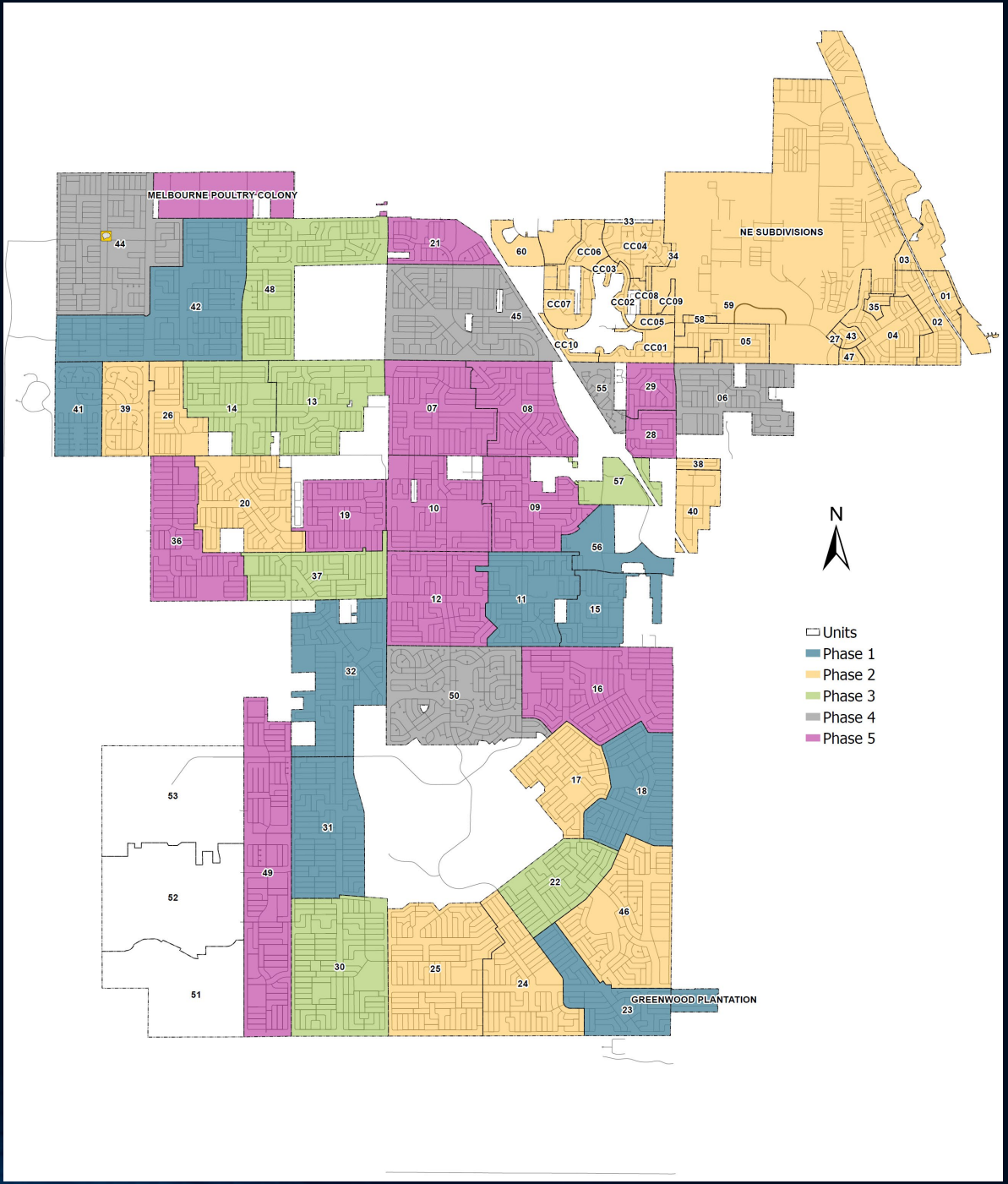
Public Works Department

Road Bond Paving Phase 4 Unit Map



Phase 5 Road Paving
$35,551,898.41

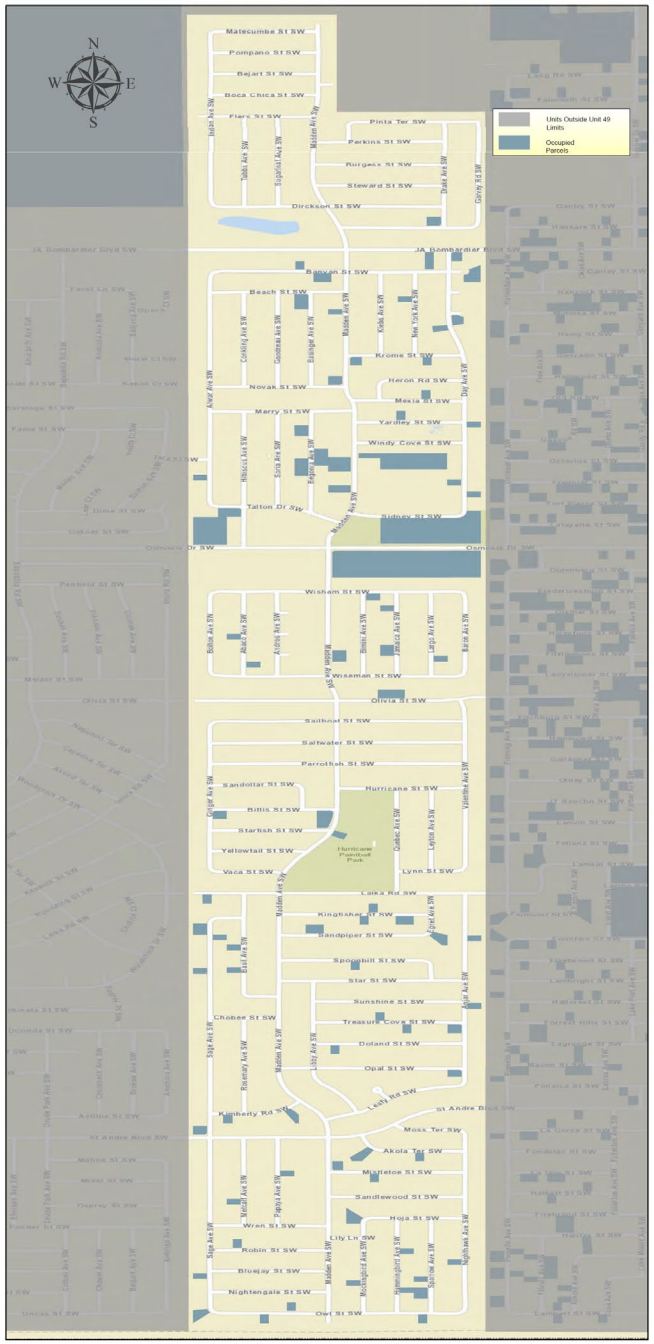
- $35,551,898.41 balance
- 13 units
- Average PCI 78.5 or Fair
- 223.71 miles
- AC is $135.14/ton
- All 1” AC = $37,673,563
- Shortfall $2,121,665
- Unit 49 requires FDR
- Options:
  - ¾” Thin lift overlay
  - Micro surfacing
  - Not all Unit 49 FDR



Phase 5
Unit 49 Road Paving

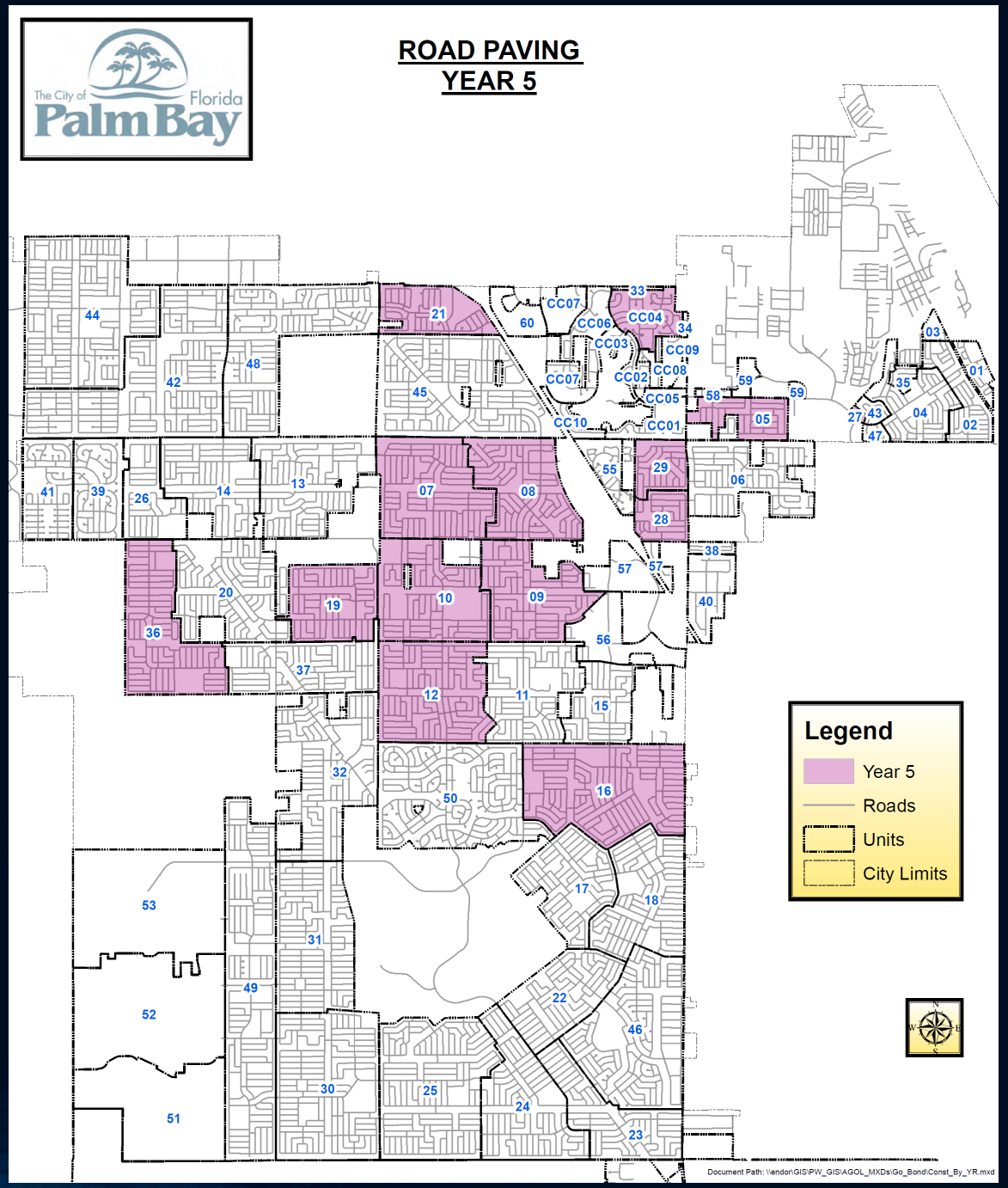
- Madden and Osmosis as part of Phase 3
- PCI – Ave 11-22 per FY 2017 – Bad condition
- Total street miles of 32.2 miles
- Preliminary estimate of repair is FDR
- Cost FDR is $12,622,650
- Other cost: trash, fill, vegetation

Unit 49
Streets and Occupied Parcels Map



Phase 5 Road Paving
Where do we go from here?

- Complete Pavement Assessment
- Identify the types of repairs per Unit
- Re-evaluate options:
  - Micro surface
  - ¾” Thin lift overlay
  - Reduce FDR streets in Unit 49
- Return to Council with options



Questions?

THANK YOU FOR YOUR TIME.

The City of Palm Bay Florida

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Joan Junkala-Brown, Deputy City Manager**

DATE: **2/3/2022**

RE: **Consideration of authorizing a Request for Information (RFI) for the use of American Rescue Plan Act (ARPA) funds to address homelessness and affordable housing.**

Per City Council's request at the Council Workshop held on December 6, 2021, staff has prepared a draft Request for Information (RFI) to solicit input from the public on use and amount of American Rescue Plan Act (ARPA) funding for the purpose of addressing homelessness and affordable housing. This is a request for information only. There will be no award of funds based on responses to this RFI. However, if the City does issue a Request for Applications (RFA) or Request for Proposals (RFP), all entities that submitted a response to the RFI will be notified and invited to submit.

REQUESTING DEPARTMENT:
City Manager's Office

FISCAL IMPACT:
There is no fiscal impact at this time.

RECOMMENDATION:
Motion to authorize the City to issue a Request for Information (RFI) related to use of American Rescue Plan Act funds related to addressing homelessness and affordable housing.

ATTACHMENTS:

Description

Draft RFI - ARPA

Request for Information (RFI)

Addressing Homelessness and Affordable Housing

During the Special Council Meeting held on December 9, 2021, City Council discussed the use of $18,009,865 Coronavirus State and Local Fiscal Recovery Funds allocated to the City of Palm Bay (City) under the American Rescue Plan Act. The City received its first disbursement of $9,004,932.50 in June 2021. Of this first disbursement, Council is seeking information from eligible non-profit and for-profit entities concerning the use of funds to address homelessness and affordable housing.

This is a Request for Information (RFI) only and does not constitute a commitment, implied or otherwise, that the City will take procurement action in this matter. The City will not be responsible for any costs incurred in furnishing this information. This RFI is issued for research and planning purposes to guide the allocation of funding for potential project ideas related to homelessness and affordable housing. This is strictly a Request for Information and does not commit the City contract for any service There will be no award of funds based on responses to this RFI. However, if they City does issue a Request for Applications (RFA) or Request for Proposals (RFP), all entities that submitted a response to this RFI will be notified and invited to submit. Note that information submitted to the City of may or may not be used to develop a RFA or RFP; therefore, submissions to this RFI should not be of proprietary or confidential nature. The City may contact submitting entities to discuss responses to this RFI.

The deadline to for this submission is 5 PM on March 1, 2022. Submissions should be sent to [placeholder for website, email, and point-of-contact following Council approval]. Incomplete submissions will not be considered.

BASIC INFORMATION

Organization/Entity Name:

Is this organization a for-profit or non-profit? (Select one.)

Representative Name:

Representative Title:

Telephone:

Email:

PROJECT OVERVIEW

How much (in dollars) is the organization seeking? (open ended answer)

How will the funding be used to address homelessness and/or affordable housing? (open ended answer)

Please provide an overview of the scope and how much funding will be applied to design and engineering, construction, public services or other. (select all that apply)

- Design & Engineering (open ended answer)
- Construction (open ended answer)
- Public Services (i.e. case management, food, etc.) (open ended answer)

DRAFT

- Other, please provide detail and funding amount: (open ended answer)

How will you demonstrate that funds were used for eligible purposes? (open ended answer)

What is the timeframe for which this funding will be expended? (open ended answer)

How many individuals/clients are anticipated to be served by this funding? (open ended answer)

What other funding sources and how much (in dollars) will be applied to this project? (open ended answer)

Please list partnerships with other organizations and their role in the use of funds. (open ended answer)

DRAFT

The City of Palm Bay Florida

LEGISLATIVE MEMORANDUM

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

FROM: **Suzanne Sherman, City Manager**

THRU: **Fred Poppe, Recreation Director**

DATE: **2/3/2022**

RE: **Consideration of a co-sponsorship request from United Coalition Council, Inc. for a Covid Testing and Vaccine Pop-Up Clinic. (AGENDA REVISION)**

In January 2022, the City was approached by the non-profit United Coalition Council, Inc. to Co-Sponsor a Covid Testing and Vaccine Pop-Up Clinic to be held on City property. They are in partnership with Malabar Discount Pharmacy. This will be a free event and open to the public, and the goal is to provide access to both testing and vaccinations.

In accordance with the City Co-Sponsorship Policy, staff has confirmed that the event provides a public purpose and meets the co-sponsorship goal of enhancing the quality of life and well-being of some or all residents of the community. It is also free and open to the public and is being planned and by a non-profit organization working with a local pharmacy.

The event will include pharmacists, staff, volunteers and administrative personnel, and will include approximately 1,000 rapid tests, 1,000 PCR tests, and 1,000 vaccines and boosters on site. The estimated co-sponsorship value on the part of the requestor is over $5,000.

Because this event is proposed to be held on a week day, during work hours, no additional staff hours or overtime costs will be incurred by the City. If approved, staff will work with the requestor to select a date or dates for possible use of Council Chambers, based on availability.

REQUESTING DEPARTMENT:
Recreation

FISCAL IMPACT:
If approved, no additional City costs are anticipated, as the event will be held on a weekday during normal work hours.

RECOMMENDATION:
Motion to approve the Co-Sponsorship request from the United Coalition Council, Inc., for a testing and vaccination pop-up clinic.

ATTACHMENTS:

Description

United Coalition Council Pop-up Clinic Co-Sponsorship Request

UNITED COALITION COUNCIL, INC.
P.O. Box 100154
Palm Bay, FL 32910
321-482-7006

MALABAR DISCOUNT PHARMACY
CARING BEYOND PRESCRIPTIONS

COVID-19 TESTING
FREE SAFE EASY

February 2, 2022

City of Palm Bay
190 Malabar Road
Palm Bay, FL 32907

Dear Mayor Medina, Deputy Mayor Johnson, Councilman Felix, Councilman Foster and City Manager Sherman

United Coalition Council, Inc. in partnership with Malabar Discount Pharmacy, Inc. is requesting a Co-Sponsorship with the City of Palm Bay In accordance with Palm Bay City Co-Sponsorship Policy rev. 10/07/2021.

UCC is once again proud to partner with the City of Palm Bay on a Covid Testing and Vaccine Pop Up Clinic.

Patients do not need a doctor's prescription or insurance to get tested, however, you must present identification. There will be no questions about immigration status at any of our testing sites. If you have health insurance, you must present your insurance card. Testing is provided free of charge (no out-of-pocket cost or co-payment regardless of insurance).

We are anticipating a large turn out as we are promoting Bring a Friend to test and vaccinate.

We will have Pharmacists, Staff, Volunteers and Administrative Personnel during the event. With an estimate expense of $5,000.

We will have approximately the following on site:

1k Rapid Test @$55.00

1k PCR Test @$55.00

1k Vaccines and Boosters

It is a privilege to serve the City of Palm Bay, a diverse community in providing Covid Pop Up Clinics.

Regards,

Isabel Wright
United Coalition Council, Inc.
President