



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

AGENDA

REGULAR COUNCIL MEETING 2022-31 Thursday

**October 20, 2022 - 6:00 PM
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907**

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++
2. One (1) vacancy on the Community Development Advisory Board (represents one of the following positions: 'resident of the City'; 'actively engaged in home building'; 'residential home building'; or 'for-profit provider').++
3. Two (2) terms expiring on the Citizens' Budget Advisory Board (represents 'at-large' positions).+

AGENDA REVISIONS:

PROCLAMATION:

1. Hispanic Heritage Month - September 15-October 15, 2022; Puerto Rican Day - October 22, 2022.

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. Consideration of a Development Agreement with Grapefruit Scuba, LLC, pertaining to the development of a small hobby farm.

2. Ordinance 2022-101, granting approval of a Preliminary Development Plan for a proposed Regional Activity Center to be known as '3 Forks Mixed Use' in AU (Agricultural Residential) (Brevard County) and SR (Suburban Residential) (Brevard County) zoning, with a tentative zoning of RAC (Regional Activity Center District), which property is located south of and adjacent to Malabar Road, in the vicinity east of St. Johns Heritage Parkway and west of Melbourne-Tillman Water Control District Canal 8 (124.33 acres) (Case PD-26-2022, Parkside Commons Center, LLC, and West 80 Acres, LLC), final reading. (Quasi-Judicial Proceeding)
3. Ordinance 2022-102, granting approval of a Final Development Plan for a PUD (Planned Unit Development) zoning residential subdivision to be known as 'Chaparral Phases IV and V' on property located in the vicinity south of Malabar Road, west of Brentwood Lakes Subdivision and Melbourne-Tillman Water Control District Canal 9R (160.51 acres) (Case FD-16-2022, Chaparral Properties, LLC), final reading. (Quasi-Judicial Proceeding)
4. Ordinance 2022-103, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by modifying provisions related to mobile food vending (T-39-2022, City of Palm Bay), final reading.
5. Ordinance 2022-107, rezoning property located west of and adjacent to Dixie Highway, in the vicinity north of Malabar Road, from HC (Highway Commercial District) to BMU (Bayfront Mixed Use District) (6.92 acres) (Case CPZ-32-2022, Florida Institute of Technology, Inc.), final reading. (Quasi-Judicial Proceeding)
6. Ordinance 2022-109, rezoning property located east of and adjacent to Browning Avenue, in the vicinity north of Malabar Road, from RC (Restricted Commercial District) to RS-2 (Single-Family Residential District) (0.23 acres) (Case CPZ-33-2022, Henry Morin), final reading. (Quasi-Judicial Proceeding)
7. Ordinance 2022-111, rezoning property located between and adjacent to Deauville and Battersea Avenues, in the vicinity north of Malabar Road, from RC (Restricted Commercial District) to RS-2 (Single-Family Residential District) (0.46 acres) (Case CPZ-34-2022, John and Shirley Morin), final reading. (Quasi-Judicial Proceeding)
8. Ordinance 2022-113, granting approval of a Final Development Plan for a subdivision to be known as 'St. Johns Preserve - Tract A, Phase 1' on property located north of and adjacent to Malabar Road, west of and adjacent to St. Johns Heritage Parkway (19.12 acres) (Case FD-46-2022, St. Johns Preserve Investment Group, LLC), final reading. (Quasi-Judicial Proceeding)

CONSENT AGENDA:

There will be no separate discussion on those items listed under Consent Agenda. 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: Meeting 2022-24; September 1, 2022.
2. Adoption of Minutes: Meeting 2022-26; September 15, 2022.
3. Miscellaneous: Storage tank repair, North Regional Wastewater Treatment Plant (emergency procurement and fund appropriation) – Utilities Department (CROM, LLC - \$139,510).
4. Consideration of City Council Flag Program nominee, Tom Gaume. (Councilman Foster)
5. Consideration of a Facility Use Agreement with Space Coast Light Festival Inc., for the Space Coast Light Festival at Fred Poppe Regional Park from November 18, 2022, thru

January 1, 2023.

6. Consideration of utilizing Stormwater Utility Funds to open a project and provide a budget for the replacement of the failed culvert pipes under Bass Pro Drive (\$172,000).
7. Acknowledgement of the October 2022 GO Road Bond Paving report update.
8. Acknowledgement of the Semi-Annual Report of Formal Solicitations awarded by the Procurement Department from March 18, 2022, through October 6, 2022.
9. Acknowledgement of the City's monthly financial report for August 2022 (Unaudited).
10. Acknowledgement of the City's Co-Sponsorship Policy annual update.
11. Consideration of travel and training for specified City employees (City Attorney's Office).
12. Consideration of travel and training for specified City employees (Police Department).

COMMITTEE AND COUNCIL REPORTS:

1. Committee/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.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 10/20/2022

RE: Two (2) terms expiring on the Citizens' Budget Advisory Board (represents 'at-large' positions).+

The terms of Janae Beauchamp and Dawn Bittar on the above board will expire in November 2022. Ms. Beauchamp and Ms. Bittar represent the 'at-large' positions.

REQUESTING DEPARTMENT:

Legislative

FISCAL IMPACT:

None

RECOMMENDATION:

Request for expiring terms to be announced and applications solicited at tonight's meeting. Appointments will be made at the regular Council meeting to be held on November 17, 2022.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Alexandra Bernard, Growth Management Director

DATE: 10/20/2022

RE: Consideration of a Development Agreement with Grapefruit Scuba, LLC, pertaining to the development of a small hobby farm.

Mr. Paul Yates, Grapefruit Scuba, LLC and the City of Palm Bay is asking for consideration of a development agreement pertaining to a small hobby farm, generally located east of and adjacent to Dalhart Avenue SW, in the vicinity between Geary Street SW and Harper Boulevard SW, Brevard County, Florida.

The site consists of approximately 11.71 acres to be developed for rural single-family residential living combined with limited agricultural activities for the hobby farm. The Development Agreement outlines the restrictions pertaining to the use of the property as specified and adopted by Ordinances 2020-18 and 2020-19 (Cases CP-2-2020 and CPZ-2-2020).

Staff recently became aware that this development agreement, although signed in 2020, did not follow F.S. 163.3225 regarding notice and public hearing process; the purpose of this agenda item is to apply the full statutory process to this agreement.

REQUESTING DEPARTMENT:

Growth Management

FISCAL IMPACT:

There is no fiscal impact at this time.

RECOMMENDATION:

Motion to approve the Development Agreement between the City of Palm Bay and Grapefruit Scuba, LLC.

ATTACHMENTS:

Description

Grapefruit Scuba Development Agreement
Cases CP-2-2020 and CPZ-2-2020

HC→ GRAPEFRUIT SCUBA LLC
485 N HARBOR CITY BLVD
MELBOURNE, FL 32935

CFN 2020160858, OR BK 8807 PAGE 2833,
Recorded 07/28/2020 at 02:29 PM, Scott Ellis, Clerk of
Courts, Brevard County
Pgs:7

Prepared by and return to:
Jennifer D. Cockcroft, Esq.
City of Palm Bay
120 S. Malabar Rd SE
Palm Bay, FL 32907
Attn: City Clerk

DEVELOPMENT AGREEMENT BETWEEN CITY OF PALM BAY AND GRAPEFRUIT SCUBA, LLC

THIS AGREEMENT is made and entered into this 4th day of June, 2020, by and between the CITY OF PALM BAY, a municipal corporation of the State of Florida, whose address is 120 Malabar Road SE, Palm Bay, Florida 32907, ("City"), and Grapefruit Scuba, LLC, a Limited Liability Company of the State of Florida, whose address is 485 North Harbor City Boulevard, Melbourne, Florida 32935 ("Owner").

WITNESSETH:

WHEREAS, Owner owns certain real property in the City of Palm Bay, Brevard County, Florida, more particularly described in Exhibit A ("Subject Property"); and

WHEREAS, the Subject Property is currently zoned RS-2, Single Family Residential and assigned a current land use classification of PSP, Public Semi Public; and

WHEREAS, Owner has filed a Comprehensive Plan Amendment and Rezoning Application with the City of Palm Bay, Florida; and,

WHEREAS the Owner desires to amend the City of Palm Bay Comprehensive Plan in order to change the land use of the Subject Property to SFR, Single Family Residential and rezone the Subject Property to RR Rural Residential; and

WHEREAS, the Florida Local Government Development Agreement Act, Sections 163.3220 - 163.3243, Florida Statutes, authorize the City to enter into development agreements with developers of land within its municipal boundaries to encourage the efficient use of resources, to reduce the economic cost of development and to provide certainty to developers in the approval of development and assurances that they may proceed in accordance with existing laws and policies, subject to the conditions of such development agreements; and

WHEREAS, the City is authorized to enter into this Agreement pursuant to its home rule powers under Article VIII, Section 2, Florida Constitution of 1968 and Section 166.021, Florida Statutes; and

WHEREAS, the City and Owner agree to enter into this Agreement subject to the terms herein; and,

WHEREAS, it is hereby deemed to be in the interest of the public health, safety and welfare for the City to enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenant contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

SECTION 1. RECITALS. The above recitals are true and correct and are incorporated into this Agreement by this reference.

SECTION 2 DEVELOPMENT OF PROPERTY

It is expressly agreed that Owner is hereby authorized to develop the Subject Property subject to the following conditions.

1 Owner may use the property consistent with all permitted conditional and accessory uses in the RR Zoning District except the following

- a Public parks, playgrounds and other public recreational facilities
- b Public utility equipment and facilities on a site of one (1) acre or less or within a dedicated utility easement or right-of-way
- c Cemeteries
- d Churches
- e Antennas and transmitters
- f Public and private schools
- g Commercial dog kennels

2 Agricultural pursuits shall be allowed, except no hog farms shall be allowed. Provided however that the property owner may keep and maintain on the property no more than 2 pigs for personal use as pets

3 Owner may clear the land as necessary for Agricultural purposes

4 Should the Owner use the property for any agricultural purposes which results in the sale of such farm products raised on the property the Owner agrees to limit commercial delivery hours between 7:00 a.m. and 7:00 p.m.

5 A perimeter fence is permitted. There shall be maintained a 10-foot-wide cleared area on the inside of fence for maintenance purposes

6 Owner shall provide a 10-foot vegetative/natural state buffer on the inside of the 10 foot wide cleared area around the perimeter except for those areas where driveway shall be located

7 No commercial wholesale nursery activity shall be permitted

8 A future u-pick operation may be allowed as a conditional use under the RR zoning district.

9. Should the Subject Property be rezoned from RR-Rural Residential then this Agreement shall automatically expire

SECTION 3. PERMITS/APPROVALS The Owner shall at its expense obtain all necessary permits required by the City and any other federal, state, regional or other local governmental entity necessary to lawfully initiate any work on the Subject Property and shall obtain all necessary consents, approvals or agreements from any other third party on, over or under which such septic system may be located. This Development Agreement shall not and does not authorize any activity on, over or under any other third party's property without their consent

SECTION 4. DEFAULT Each of the parties hereto shall give the other party written notice of any default hereunder and shall allow the defaulting party thirty (30) days from the date of its receipt of such notice within which to cure any such defaults or to commence and thereafter diligently pursue to completion good faith efforts of effect such cure and to thereafter notify the other parties of the actual cure of any

City of Palm Bay Florida
Development Agreement
Grapefruit Scuba LLC

such defaults. This Agreement is enforceable at law or in equity by the non-defaulting party including but not limited to the right of specific performance of such obligations.

SECTION 5 BINDING AGREEMENT ON SUCCESSORS This Agreement shall be binding upon and shall inure to the benefit of Owner, the City, and their respective successors and assigns, and shall run with the land, for as long as enforceable by law, or by the limitation of this Agreement. Assignment of this Agreement or the conveyance of all or any portion of the Subject Property hereunder by Owner is expressly permitted, and upon such assignment or conveyance, the assignor/grantor shall be deemed released from all rights, obligations and liabilities hereunder, and the assignee/grantee shall be deemed to have assumed all rights, obligations and liabilities hereunder.

SECTION 6 RECORDATION This Agreement shall be recorded in the Public Records of Brevard County, Florida, at the expense of Owner.

SECTION 7 APPLICABLE LAW/JURY TRIAL WAIVER This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida. Venue for any litigation pertaining to the subject matter hereof shall be exclusively in Brevard County, Florida. If any provision of this Agreement, or the application thereof to any person or circumstances, shall to any extent be held invalid or unenforceable by a court of competent jurisdiction, then the remainder of this Agreement shall be valid and enforceable to the fullest extent permitted by law. The parties agree that in the event of litigation regarding this Agreement, any right to trial by jury is expressly waived.

SECTION 8. FURTHER DOCUMENTATION The parties agree that at any time following a request by the other party, each shall execute and deliver to the other party such further documents and instruments in form and substance reasonably necessary to confirm and/or effectuate the obligations of either party to this Agreement. Without in any manner limiting the specific rights and obligations set forth in this Agreement, the parties hereby declare their intention to cooperate with each other in effectuating the terms of this Agreement, and to coordinate the performance of their respective obligations under the terms of this Agreement.

SECTION 9 SEVERABILITY If any part of this Agreement is found invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the other parts of the Agreement if the rights and obligation of the parties contained herein are not materially prejudiced and if the intention of the parties can continue to be affected.

SECTION 10 LEGAL FEES AND EXPENSES In connection with any litigation between the City and the Owner, including appellate proceedings arising out of this Agreement or the violation of any law, rule, regulation, ordinance, resolution, or permit, each party shall bear its own legal fees and expenses incurred, whether incurred prior to, during, or subsequent to such court proceedings, on appeal, or during any bankruptcy proceedings.

SECTION 11 ENTIRE AGREEMENT This instrument and referenced Exhibits constitute the entire Agreement between Owner and the City and superseded all previous discussions, understandings, and other agreements between Owner and the City relating to the subject matter of this Agreement.

SECTION 12 AMENDMENTS TO AGREEMENT Amendments to and waiver of the provisions herein shall be made by Owner and City in writing by a formal amendment process which shall be recorded in the Public Records of Brevard County, Florida at Owner's expense.

SECTION 13 COUNTERPARTS This Agreement and any amendments hereto may be executed in any number of counterparts, each of which shall be deemed an original instrument, but all such counterparts together shall constitute one and the same instrument.

SECTION 14. STATUTORY DEVELOPMENT AGREEMENT REQUIREMENTS Pursuant to the requirements of the Florida Local Government Development Agreement Act, Sections 163.3220-163.3243, Florida Statutes, the following statements and representations are made. i) no reservation or

City of Palm Bay, Florida
Development Agreement
Grapefruit Scuba, LLC

dedication of land for public purposes is required or necessary by the City; ii) all local development permits required by City Code or other law(s) shall be obtained, regardless of whether this Agreement addresses the particular permit or requirement; and iii) all conditions, terms, restrictions, and other requirements determined to be necessary by the City for the public health, safety or welfare are provided for herein.

SECTION 15. NOTICES. Any notices or reports required by this Agreement shall be sent to the following or their successor in said designated position:

For the City:
City Manager
City of Palm Bay
120 Malabar Road SE
Palm Bay, FL 32907

For Owner:
Paul M Yates
955 Gandy RD
Palm Bay FL 32908

The addresses to which notices are to be sent may be changed from time to time by written notice delivered to the other parties and such notices shall be effective upon receipt. Until notice of change of address is received as to any particular party hereto, all other parties may rely upon the last address given.

SECTION 16. EXHIBITS. All exhibits attached hereto contain additional terms of this Agreement and are incorporated herein by reference.

SECTION 17. CAPTIONS OR PARAGRAPH HEADINGS. The captions and paragraph headings contained in this Agreement are for convenience and reference only, and in no way define, describe, extend or limit the scope of intent of this Agreement, nor the intent of any provision hereof.

SECTION 18. COUNTERPARTS. This Agreement may be executed in several counterparts, each constituting a duplicate original, but all such counterparts constituting one and same Agreement.

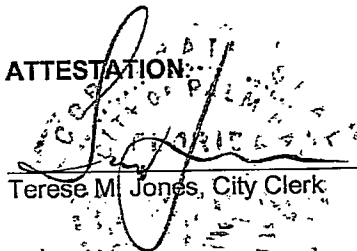
SECTION 19. EFFECT OF EXISTING AGREEMENTS. This Agreement supersedes any existing agreements entered into between Owner and the City.

SECTION 20. EFFECTIVE DATE. This Agreement shall first be executed by Owner and submitted to the City for approval by the Palm Bay City Council. Upon approval by the City Council, this Agreement shall be executed by the City. In accordance with Section 163.3239, Florida Statutes, this Agreement shall become effective when, unless otherwise provided by law, it has been recorded in the Public Records of Brevard County, Florida. Unless terminated earlier by either party as provided herein, this Agreement shall remain in effect for a period of thirty (30) years pursuant to Fla. Statute Section 163.3220, et. seq. Additionally, the duration of this Agreement may be extended as provided for in Fla. Statute Section 163.3220, et. seq.

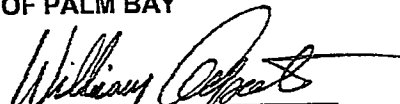
City of Palm Bay, Florida
Development Agreement
Grapefruit Scuba, LLC

IN WITNESS WHEREOF, this Agreement has been executed by the parties on the day and year first written above.

ATTESTATION:


Terese M. Jones, City Clerk

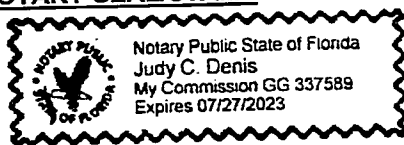
CITY OF PALM BAY

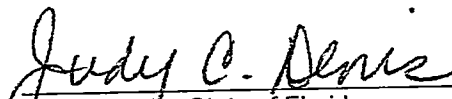
By: 
William Capote, Mayor

STATE OF FLORIDA
COUNTY OF BREVARD

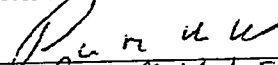
The foregoing was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 26 day of June, 2020 by William Capote, Mayor of the City of Palm Bay, Florida, who is personally known to me and did not take an oath.

NOTARY SEAL/STAMP:

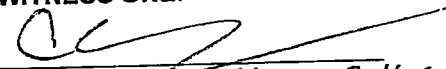



Notary Public, State of Florida
My Commission Expires: 7-27-2023

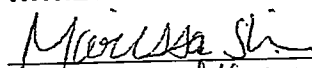
OWNER:

By: 
As: Owner

WITNESS ONE:


Printed Name: Christopher Barker

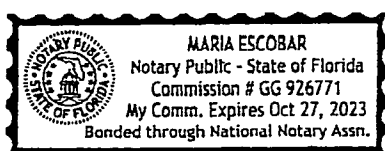
WITNESS TWO:


Printed Name: Marissa Shinn

STATE OF FLORIDA
COUNTY OF Brevard

The foregoing was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 7 day of July, 2020 by Paul Mitchell as the Owner of 954 Garvey Road, a Resident of the State of Florida, who is personally known to me or produced a passport as identification and did/ did not take an oath.

NOTARY SEAL/STAMP:



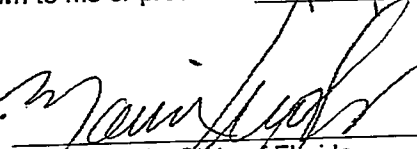

Notary Public, State of Florida
My Commission Expires: Oct. 27, 2023

EXHIBIT A

Tract "B", Port Malabar Unit 37, according to the plat there of as recorded in Plat Book 20, Page 6, of the Public Records of Brevard County, Florida, Section 11, Township 29S, Range 36E; containing 11.71 acres, more or less.

Judy Denis

From: Paul Yates <paulyatesinc@gmail.com>
Sent: Tuesday, August 4, 2020 10:45 AM
To: Judy Denis
Subject: Re: From the City of Palm Bay - Grapefruit Scuba, LLC
Attachments: image001.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

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.

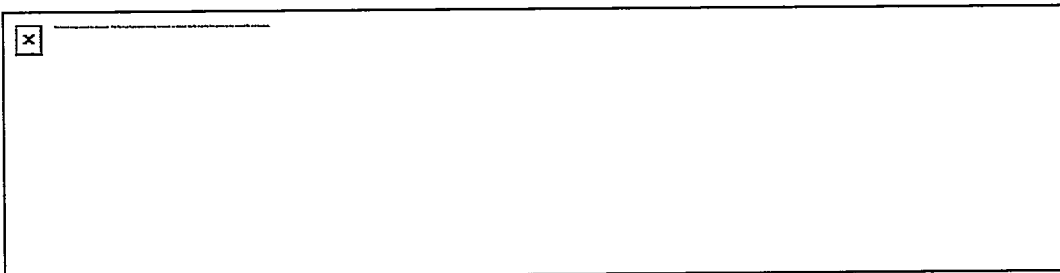
Ok sorry I forgot to it is recorded though I will do it soon I apologize again

On Tue, Aug 4, 2020, 8:36 AM Judy Denis <Judy.Denis@palmbayflorida.org> wrote:

Good Morning Mr. Yates –

I'm following up on the above agreement. It was picked up on July 13, 2020 by your mother, so that you could have it recorded. Please email me a copy of the recorded agreement.

Thanks,



CONFIDENTIALITY NOTICE:

The information contained in this e-mail is strictly confidential and prepared solely for the use of the intended recipient(s). The copyright of this communication belongs to the City of Palm Bay. If you are not the intended recipient, please do not read, use, disseminate, distribute or copy this message or attachments. If you have received this message

Judy Denis

From: Judy Denis
Sent: Tuesday, July 7, 2020 4:41 PM
To: paulyatesinc@gmail.com
Subject: Grapefruit Scuba, LLC

Good Afternoon Mr. Yates:

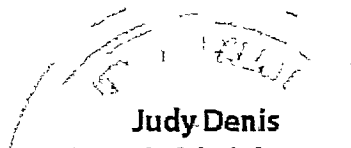
The City Clerks Office has the fully executed Development Agreement. Per Section 6, the Agreement shall be recorded in the Public Records of Brevard County, Florida at the expense of the Owner.

The original will be available to be picked up between the hours of 8:30 am to 5:00 pm/Monday to Friday in the Legislative Department/City Clerks Office at 120 Malabar Road, SE, 3rd floor. Original recorded document is required to be returned back to this office.

If you have any questions, please contact me at the number below.

Thanks,




Judy Denis
Records Administrator

Down to Earth And Up To Great Things™

 321.952.3414 or ext. 3251

(321) 693-3322

7/13/20 - spoke with Mr. Yates
Will have someone pick up agreement.

8/4/20 Sent email - RE: Recorded documents



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: March 5, 2020

RE: Comprehensive Plan Amendment Request – Paul Yates

Mr. Paul Yates has applied for a large-scale Comprehensive Plan Future Land Use Map Amendment to change 11.71 acres of Public/Semi-Public Use (PSP) to Single-Family Residential Use (SFR). The subject property is bordered by single-family residential land uses on three sides. The intended use for the parcels is a small hobby farm. The proposed land use amendment would be considered compatible with the surrounding land uses as it is the same classification.

The following is a condition for the request:

- Future development will be restricted to the submitted Development Agreement. Specifically:
 1. Owner may use the property consistent with all permitted, conditional and accessory uses in the RR zoning district **EXCEPT** the following:
 - a. Public parks, playgrounds and other public recreational facilities.
 - b. Public utility equipment and facilities on a site of one (1) acre or less or within a dedicated utility easement or right-of-way.
 - c. Cemeteries.
 - d. Churches.
 - e. Antennas and transmitters.
 - f. Public and private schools.
 - g. Commercial dog kennels
 2. Agricultural pursuits shall be allowed, except no hog farms shall be allowed. Provided, however, that the property owner may keep and maintain on the property no more than 2 pigs for personal use as pets.

March 5, 2020

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3. Owner may clear the land as necessary for Agricultural purposes.
4. Should the Owner use the property for any agricultural purposes which results in the sale of such farm products raised on the property, the Owner agrees to limit commercial delivery hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No commercial deliveries will be permitted on Sunday.
5. A perimeter fence is permitted. There shall be maintained a 10-foot wide cleared area on the interior of the fence for maintenance purposes.
6. Owner shall provide a 10-foot wide vegetative/natural state buffer on the inside of the 10-foot wide cleared area around the perimeter, except for those areas where driveway shall be located.
7. No commercial wholesale nursery activity shall be permitted.
8. A future u-pick operation may be allowed as a conditional use under the RR district.
9. Should the subject property be rezoned from RR, Rural Residential then this Agreement shall automatically expire.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case CP-2-2020 subject to the staff comments and conditions contained in the staff report.

Planning and Zoning Board Recommendation:

Unanimous approval of the request, subject to the staff comments and conditions contained in the staff report.

Attachments: (Available upon request)

- 1) Case CP-2-2020
- 2) Board minutes
- 3) Ordinance

PJM/cp/ab



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by

Christopher Balter, Planner II

CASE NUMBER

CP-2-2020

PLANNING & ZONING BOARD HEARING DATE

February 5, 2020

PROPERTY OWNER & APPLICANT

Paul Yates, Grapefruit Scuba, LLC

PROPERTY LOCATION/ADDRESS

Port Malabar Unit 37, Tract B, Section 11, Township 29,
Range 36, Brevard County, Florida

SUMMARY OF REQUEST

The applicant is requesting a large-scale Comprehensive Plan Future Land Use Map Amendment to change 11.71 acres of Public/Semi-Public Use (PSP) to Single-Family Residential Use (SFR).

Existing Zoning

RS-2, Single-Family Residential

Existing Land Use

Public/Semi-Public Use

Site Improvements

Vacant Land

Site Acreage

11.71, more or less

SURROUNDING ZONING & USE OF LAND USE

North

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

East

RS-2, Single-Family Residential; Two Single-Family Homes and Vacant Lots

South

RS-2, Single-Family Residential; Vacant Residential Lots

West

RS-2, Single-Family Residential; Dalhart Avenue SW

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 subject property is bordered by single-family residential land uses on three sides. The intended use for the 11.71-acre parcels is small hobby farm. The proposed land use amendment would be considered compatible with the surrounding land uses as it is the same classification.

2. COASTAL MANAGEMENT ELEMENT

The subject property is not located within the Coastal Management Area.

3. CONSERVATION ELEMENT

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

The subject 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. Any listed species identified on the subject parcel would need to be mitigated for as required by State and Federal regulations, and per Comprehensive Plan Policy CON-1.7B.

According to the National Wetlands Inventory approximately 2.44 acres of wetlands are present on the subject property. Any proposed mitigation will require approval from all applicable State Agencies.

4. HOUSING ELEMENT

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive and affordable housing within the City.

5. 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 change will not cause 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 not available at the site. If developed, the owner/developer will be responsible for extending services to the site in accordance with current City and State 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

Solid Waste: Solid waste collection is provided to the area by Waste Management Inc. Sufficient capacity exists within the Brevard County landfills to service the property.

6. RECREATION AND OPEN SPACE ELEMENT

The Recreation and Open Space Element addresses the current and future recreational needs of the City. Single-Family Residential Use does have a demand upon the parks & recreational level of service (LOS) standards; however, the intended use of the property will have no effect on the recreation LOS.

7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that maintains 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.

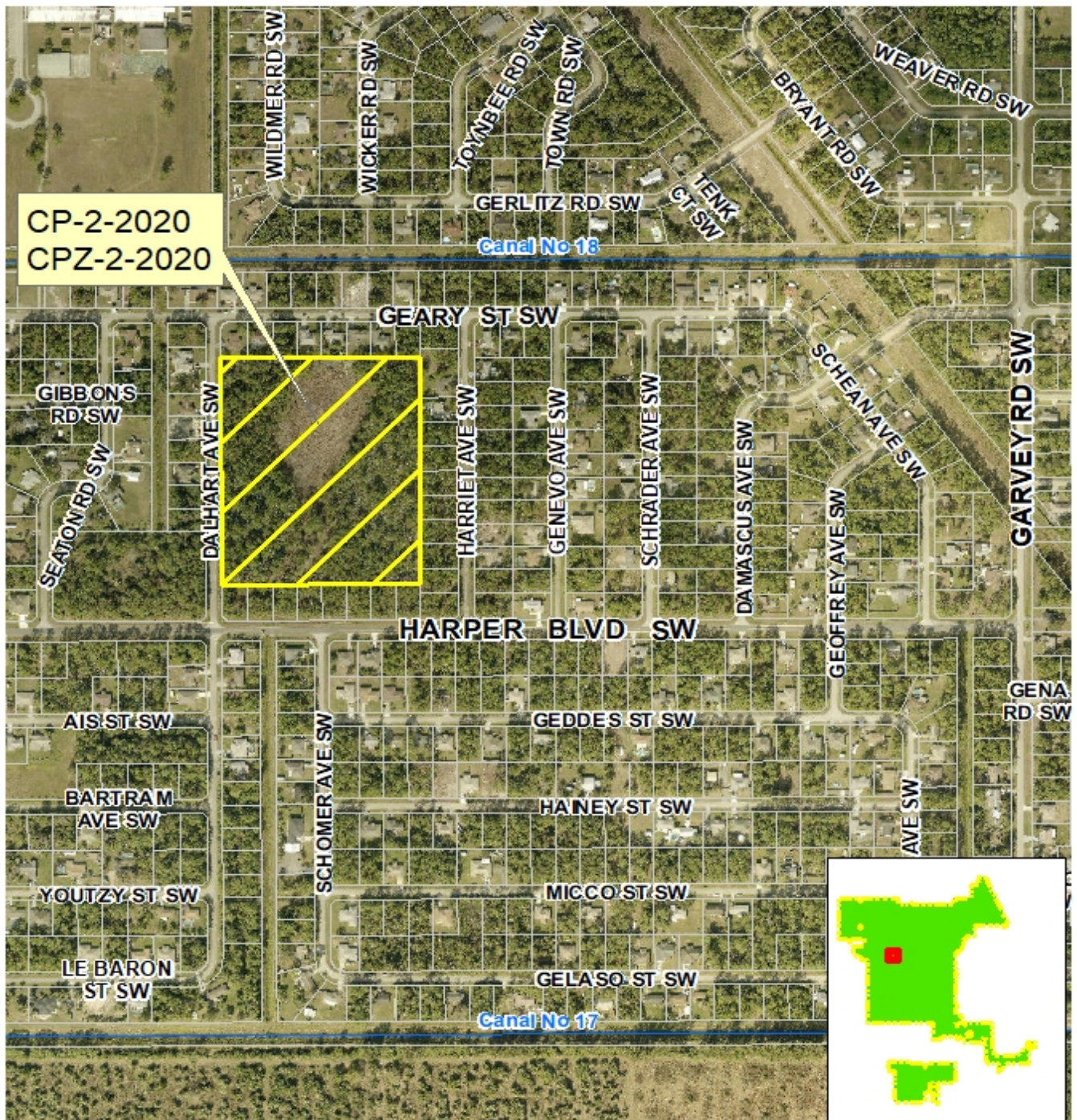
CONDITIONS:

1. Future development will be restricted to the attached Development Agreement.

STAFF RECOMMENDATION:

Case CP-2-2020 is recommended for approval subject to the staff comments and conditions contained in this report.

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



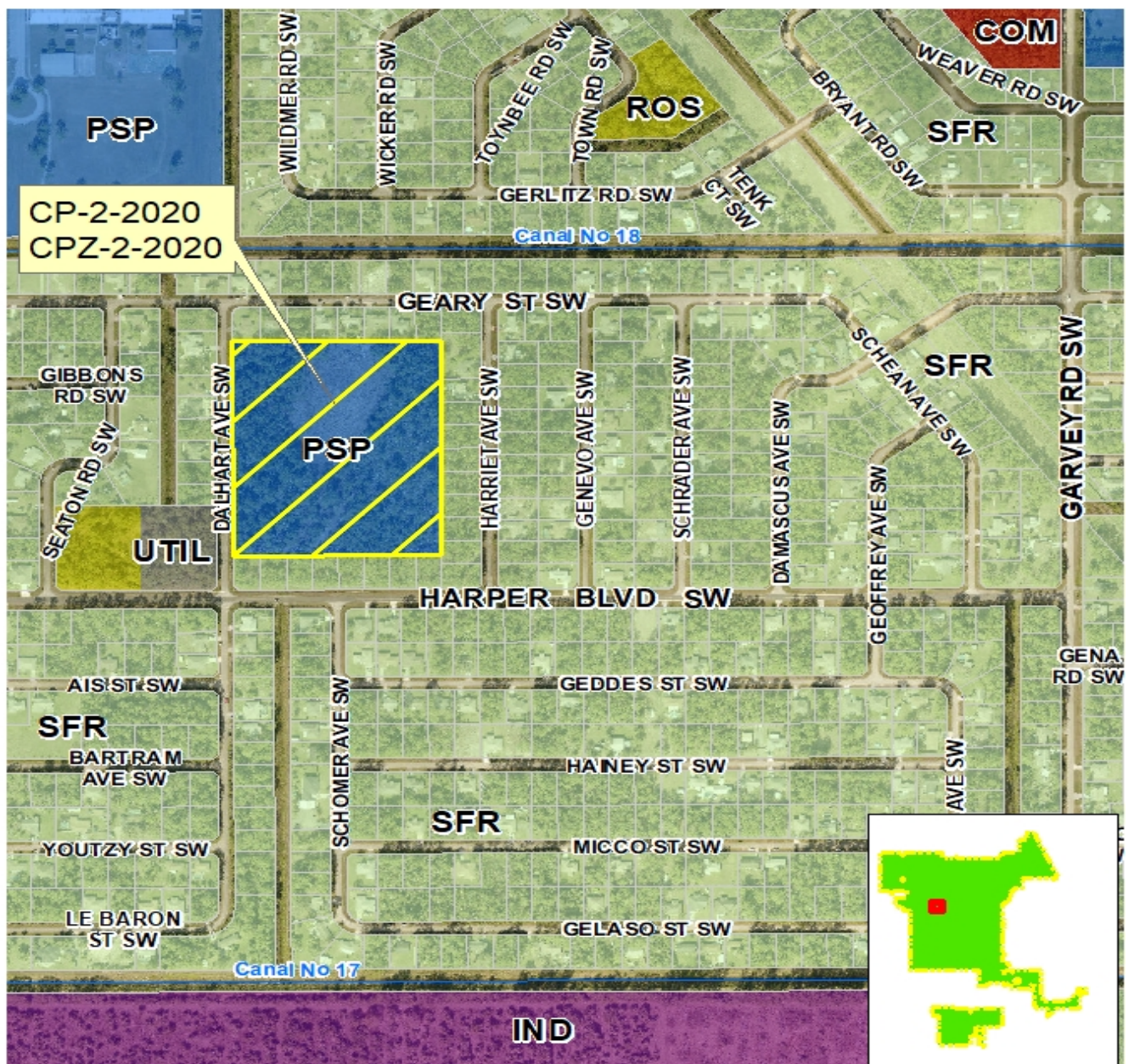
AERIAL LOCATION MAP CASE CP-2-2020 & CPZ-2-2020

Subject Property

East of and adjacent to Dalhart Avenue SW, in the vicinity between Geary Street SW and Harper Boulevard SW



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-2-2020 & CPZ-2-2020

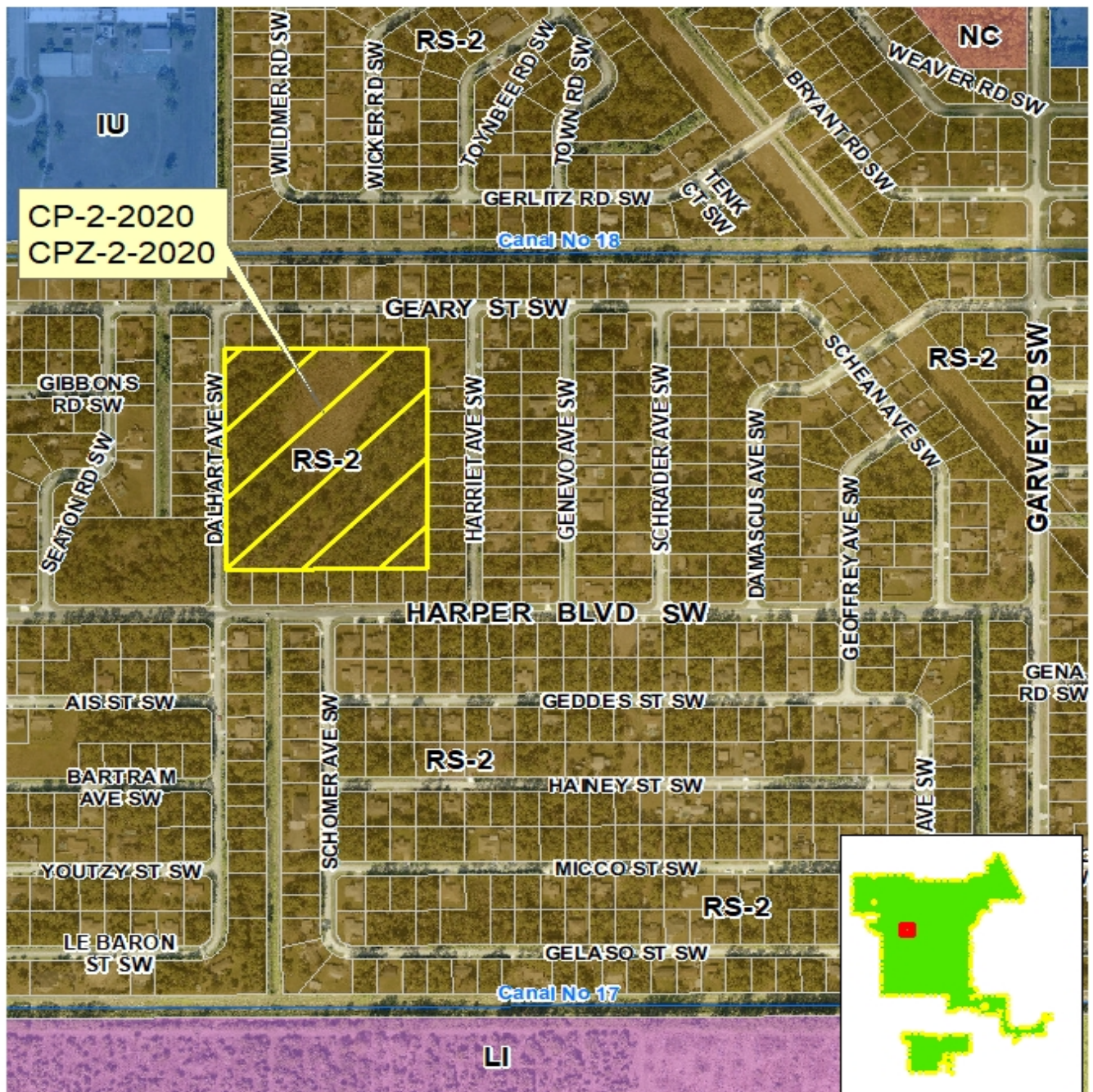
Subject Property

East of and adjacent to Dalhart Avenue SW, in the vicinity between Geary Street SW and Harper Boulevard SW

Future Land Use Classification

PSP – Public Semi-Public Use

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



ZONING MAP

CASE CP-2-2020 & CPZ-2-2020

Subject Property

East of and adjacent to Dalhart Avenue SW, in the vicinity between Geary Street SW and Harper Boulevard SW

Current Zoning Classification

RS-2 - Single Family Residential District

Prepared by and return to:
Jennifer D. Cockcroft, Esq.
City of Palm Bay
120 S. Malabar Rd SE
Palm Bay, FL 32907
Attn: City Clerk

DEVELOPMENT AGREEMENT BETWEEN CITY OF PALM BAY AND

Grapefruit Scuba, LLC

THIS AGREEMENT is made and entered into this _____ day of _____, 2020, by and between the **CITY OF PALM BAY**, a municipal corporation of the State of Florida, whose address is 120 Malabar Road SE, Palm Bay, FL 32907, ("City"), and Grapefruit Scuba, LLC., a Limited Liability Company of the State of Florida, whose address is 485 North Harbor City Boulevard Melbourne, Florida. ("Owner".)

WITNESSETH:

WHEREAS, Owner owns certain real property in the City of Palm Bay, Brevard County, Florida, more particularly described in Exhibit A ("Subject Property"); and

WHEREAS, the Subject Property is currently zoned RS-2, Single Family Residential and assigned a current land use classification of PSP, Public Semi Public; and

WHEREAS, Owner has filed a Comprehensive Plan Amendment and Rezoning Application with the City of Palm Bay, Florida; and,

WHEREAS the Owner desires to amend the City of Palm Bay Comprehensive Plan in order to change the land use of the Subject Property to SFR, Single Family Residential and rezone the Subject Property to RR Rural Residential; and

WHEREAS, the Florida Local Government Development Agreement Act, Sections 163.3220 - 163.3243, Florida Statutes, authorize the City to enter into development agreements with developers of land within its municipal boundaries to encourage the efficient use of resources, to reduce the economic cost of development and to provide certainty to developers in the approval of development and assurances that they may proceed in accordance with existing laws and policies, subject to the conditions of such development agreements; and

WHEREAS, the City is authorized to enter into this Agreement pursuant to its home rule powers under Article VIII, Section 2, Florida Constitution of 1968 and Section 166.021, Florida Statutes; and

WHEREAS, the City and Owner agree to enter into this Agreement subject to the terms herein; and,

WHEREAS, it is hereby deemed to be in the interest of the public health, safety and welfare for the City to enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenant contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

SECTION 1. RECITALS. The above recitals are true and correct and are incorporated into this Agreement by this reference.

SECTION 2. DEVELOPMENT OF PROPERTY.

It is expressly agreed that Owner is hereby authorized to develop the Subject Property, subject to the following conditions:

1. Owner may use the property consistent with all permitted, conditional and accessory uses in the RR Zoning District except the following:
 - a. Public parks, playgrounds and other public recreational facilities.
 - b. Public utility equipment and facilities on a site of one (1) acre or less or within a dedicated utility easement or right-of-way.
 - c. Cemeteries.
 - d. Churches.
 - e. Antennas and transmitters.
 - f. Public and private schools.
 - g. Commercial dog kennels.
2. Agricultural pursuits shall be allowed, except no hog farms shall be allowed. Provided, however, that the property owner may keep and maintain on the property no more than 2 pigs for personal use as pets.
3. Owner may clear the land as necessary for Agricultural purposes.
4. Should the Owner use the property for any agricultural purposes which results in the sale of such farm products raised on the property, the Owner agrees to limit commercial delivery hours between 7:00 a.m. and 7:00 p.m Monday through Saturday. No commercial deliveries will be permitted on Sunday.
5. A perimeter fence is permitted. There shall be maintained a 10-foot-wide cleared area on the inside of fence for maintenance purposes.
6. Owner shall provide a 10-foot wide vegetative/natural state buffer on the inside of the 10-foot-wide cleared area around the perimeter, except for those areas where driveway shall be located.
7. No commercial wholesale nursery activity shall be permitted.
8. A future u-pick operation may be allowed as a conditional use under the RR zoning district.
9. Should the Subject Property be rezoned from RR-Rural Residential then this Agreement shall automatically expire.

SECTION 3. PERMITS/APPROVALS. The Owner shall, at its expense, obtain all necessary permits required by the City and any other federal, state, regional, or other local governmental entity necessary to lawfully initiate any work on the Subject Property and shall obtain all necessary consents, approvals or agreements from any other third party on, over or under which such septic system may be located. This Development Agreement shall not and does not authorize any activity on, over or under any other third party's property without their consent.

SECTION 4. DEFAULT. Each of the parties hereto shall give the other party written notice of any default hereunder and shall allow the defaulting party thirty (30) days from the date of its receipt of such notice within which to cure any such defaults or to commence and thereafter diligently pursue to completion good faith efforts of effect such cure and to thereafter notify the other parties of the actual cure of any such defaults. This Agreement is enforceable at law or in equity by the non-defaulting party, including, but not limited to the right of specific performance of such obligations.

SECTION 5. BINDING AGREEMENT ON SUCCESSORS. This Agreement shall be binding upon and shall inure to the benefit of Owner, the City, and their respective successors and assigns; and shall run with the land, for as long as enforceable by law, or by the limitation of this Agreement. Assignment of this Agreement or the conveyance of all or any portion of the Subject Property hereunder by Owner is expressly permitted, and upon such assignment or conveyance, the assignor/grantor shall be deemed released from all rights, obligations and liabilities hereunder, and the assignee/grantee shall be deemed to have assumed all rights, obligations and liabilities hereunder.

SECTION 6. RECORDATION. This Agreement shall be recorded in the Public Records of Brevard County, Florida, at the expense of Owner.

SECTION 7. APPLICABLE LAW/JURY TRIAL WAIVER. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida. Venue for any litigation pertaining to the subject matter hereof shall be exclusively in Brevard County, Florida. If any provision of this Agreement, or the application thereof to any person or circumstances, shall to any extent be held invalid or unenforceable by a court of competent jurisdiction, then the remainder of this Agreement shall be valid and enforceable to the fullest extent permitted by law. The parties agree that in the event of litigation regarding this Agreement, any right to trial by jury is expressly waived.

SECTION 8. FURTHER DOCUMENTATION. The parties agree that at any time following a request by the other party, each shall execute and deliver to the other party such further documents and instruments, in form and substance reasonably necessary to confirm and/or effectuate the obligations of either party to this Agreement. Without in any manner limiting the specific rights and obligations set forth in this Agreement, the parties hereby declare their intention to cooperate with each other in effectuating the terms of this Agreement, and to coordinate the performance of their respective obligations under the terms of this Agreement.

SECTION 9. SEVERABILITY. If any part of this Agreement is found invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the other parts of the Agreement if the rights and obligation of the parties contained herein are not materially prejudiced and if the intention of the parties can continue to be affected.

SECTION 10. LEGAL FEES AND EXPENSES. In connection with any litigation between the City and the Owner, including appellate proceedings arising out of this Agreement or the violation of any law, rule, regulation, ordinance, resolution, or permit, each party shall bear its own legal fees and expenses incurred, whether incurred prior to, during or subsequent to such court proceedings, on appeal or during any bankruptcy proceedings.

SECTION 11. ENTIRE AGREEMENT. This instrument and referenced Exhibits constitute the entire Agreement between Owner and the City and superseded all previous discussions, understandings, and other agreements between Owner and the City relating to the subject matter of this Agreement.

SECTION 12. AMENDMENTS TO AGREEMENT. Amendments to and waiver of the provisions herein shall be made by Owner and City in writing by a formal amendment process which shall be recorded in the Public Records of Brevard County, Florida at Owner's expense.

SECTION 13. COUNTERPARTS. This Agreement and any amendments hereto may be executed in any number of counterparts, each of which shall be deemed an original instrument, but all such counterparts together shall constitute on and the same instrument.

SECTION 14. STATUTORY DEVELOPMENT AGREEMENT REQUIREMENTS. Pursuant to the requirements of the Florida Local Government Development Agreement Act, Sections 163.3220 - 163.3243, Florida Statutes, the following statements and representations are made: i) no reservation or dedication of land for public purposes is required or necessary by the City; ii) all local development permits required by City Code or other law(s) shall be obtained, regardless of whether this Agreement addresses the particular permit or requirement; and iii) all conditions, terms, restrictions, and other requirements determined to be necessary by the City for the public health, safety or welfare are provided for herein.

SECTION 15. NOTICES. Any notices or reports required by this Agreement shall be sent to the following or their successor in said designated position:

For the City:
City Manager
City of Palm Bay
120 Malabar Road SE
Palm Bay, FL 32907

For Owner:

The addresses to which notices are to be sent may be changed from time to time by written notice delivered to the other parties and such notices shall be effective upon receipt. Until notice of change of address is received as to any particular party hereto, all other parties may rely upon the last address given.

SECTION 16. EXHIBITS. All exhibits attached hereto contain additional terms of this Agreement and are incorporated herein by reference.

SECTION 17. CAPTIONS OR PARAGRAPH HEADINGS. The captions and paragraph headings contained in this Agreement are for convenience and reference only, and in no way define, describe, extend or limit the scope of intent of this Agreement, nor the intent of any provision hereof.

SECTION 18. COUNTERPARTS. This Agreement may be executed in several counterparts, each constituting a duplicate original, but all such counterparts constituting one and same Agreement.

SECTION 19. EFFECT OF EXISTING AGREEMENTS. This Agreement supersedes any existing agreements entered into between Owner and the City.

SECTION 20. EFFECTIVE DATE. This Agreement shall first be executed by Owner and submitted to the City for approval by the Palm Bay City Council. Upon approval by the City Council, this Agreement shall be executed by the City. In accordance with Section 163.3239, Florida Statutes, this Agreement shall become effective when, unless otherwise provided by law, it has been recorded in the Public Records of Brevard County, Florida. Unless terminated earlier by either party as provided herein, this Agreement shall remain in effect for a period of thirty (30) years pursuant to Fla. Statute Section 163.3220, et. seq. Additionally, the duration of this Agreement may be extended as provided for in Fla. Statute Section 163.3220, et. seq.

IN WITNESS WHEREOF, this Agreement has been executed by the parties on the day and year first written above.

ATTESTATION:

CITY OF PALM BAY

Terese Jones, City Clerk

By: _____
William Capote, Mayor

**STATE OF FLORIDA
COUNTY OF BREVARD**

The foregoing was acknowledged before me this ____ day of _____, 2020 by William Capote, Mayor of the City of Palm Bay. He is personally known to and did not take an oath.

NOTARY SEAL/STAMP:

Notary Public, State of Florida
My Commission Expires: _____

OWNER:

By: _____
As: _____

WITNESS ONE:

Printed Name: _____

WITNESS TWO:

Printed Name: _____

**STATE OF FLORIDA
COUNTY OF _____**

The foregoing was acknowledged before me this ____ day of _____, 2020 by _____ as the _____ of _____, a _____ of the State of _____. This person is personally known to me or produced _____ as identification and did/ did not take an oath.

NOTARY SEAL/STAMP:

Notary Public, State of Florida
My Commission Expires: _____



LAND DEVELOPMENT DIVISION

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

**COMPREHENSIVE PLAN OR FUTURE LAND USE MAP 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.

APPLICATION AMENDMENT TYPE:

☐

Small Scale (Less than 10 acres)

☐

Text Amendment (Comp. Plan)

☒

Large Scale (10 acres or more)

PARCEL ID

29-36-11-KH-B

TAX ACCOUNT NUMBER

2904389

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

TRACT B, PORT MALABAR UNIT THIRTY SEVEN ACCORDING TO THE PLAT THEREOF AS
RECORDED IN PLAT BOOK 20, PAGE 2 THRU 10 OF THE PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA

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

11.72

**LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial,
Single Family, Policy CIE-1.1B, etc.):**

PSP, Public Semi Public

**CITY OF PALM BAY, FLORIDA
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION
PAGE 2 OF 3**

LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE (attach additional sheets if necessary):

SFR, Single Family Residential

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)

Currently has a future land use designation of PSP, with a zoning of RS-2, Single Family Residential. Looking to amend the future land use to SFR, or equivalent as the current land use designation is not compatible with the current zoning, RS-2 nor would it allow the purposed zoning

SPECIFIC USE INTENDED FOR PROPERTY

We have worked with the USDA to obtain a conservation plan for a small hobby farm.

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 (Less than 10 acres)

☐

\$2,000.00 - Large Scale (10 acres or more)

☒

\$2,000.00 - Text Amendment (Comp. Plan)

CITY OF PALM BAY, FLORIDA
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION
PAGE 3 OF 3

- ☒ Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)).
- ☒ 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 guideline.
- ☐ 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

Paul Yates

Date

1/13/20

Printed Name

Paul Yates,

Full Address

4085 Avoca RD Melbourne FL 32934

Telephone

321-693-3322

Email

PaulYatesInc@gmail.com

*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 2020-02

Held on Wednesday, February 5, 2020, 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.

Mr. Rainer Warner led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present
VICE CHAIRPERSON:	Leeta Jordan	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Donny Felix	Present
MEMBER:	Richard Hill	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	Vacant (School Board Appointee)	

CITY STAFF: Present were Mr. Laurence Bradley, Growth Management Director; Mr. Christopher Balter, Planner II; Ms. Chandra Powell, Recording Secretary; Mr. James Stokes, Board Attorney.

ADOPTION OF MINUTES:

1. Special Planning and Zoning Board/Local Planning Agency Meeting 2020-01; January 8, 2020. Motion by Ms. Jordan, seconded by Ms. Maragh to approve the minutes as presented. The motion carried with members voting unanimously.

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.

NEW BUSINESS:

1. CP-2-2020 – PAUL YATES

Mr. Balter presented the staff report for Case CP-2-2020. The applicant had requested a large-scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Single Family Residential Use. Staff recommended Case CP-2-2020 for approval subject to the staff comments and conditions contained in the staff report.

Mr. Paul Yates (applicant) stated that he had no plans for the subject site at present, but he had an interest in building a home and keeping a horse on the property in the future.

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 by Ms. Maragh, seconded by Mr. Boerema to submit Case CP-2-2020 to City Council for approval of a large-scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Single Family Residential Use, subject to the staff comments and conditions contained in the staff report. The motion carried with members voting unanimously.

2. ♣CPZ-2-2020 – PAUL YATES

Mr. Balter presented the staff report for Case CPZ-2-2020. The applicant had requested a zoning amendment from an RS-2, Single Family Residential District to an RR, Rural Residential District. Staff recommended Case CPZ-2-2020 for approval subject to the staff comments contained in the staff report.

Mr. Boerema inquired whether there were existing large properties with farms in the area. Mr. Paul Yates (applicant) confirmed that this was correct.

Ms. Maragh asked for the definition of a hobby farm. Mr. Yates explained that the farm would not be the primary source of his income; however, a small amount of produce could possibly be sold.

ORDINANCE 2020-18

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 FUTURE LAND USE MAP SERIES NO. 2; 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 a public hearing on an amendment to the Comprehensive Plan on February 5, 2020, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held a public hearing on an amendment to the Comprehensive Plan on March 5, 2020, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, submitted the amendment to the Florida Department of Economic Opportunity for review and comment, and

WHEREAS, the Florida Department of Economic Opportunity submitted a Comment Report regarding this amendment, and

WHEREAS, the City Council of the City of Palm Bay has considered the Comments provided and has addressed all items, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption public hearing on the amendment to the Comprehensive Plan on **(DATE OF HEARING)**, after public notice, and

WHEREAS, the City Council of the City of Palm Bay desires to adopt said 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 Public/Semi-Public Use to Single-Family Residential Use, which property is legally described as follows:

Tract "B", Port Malabar Unit 37, according to the plat there of as recorded in Plat Book 20, Page 6, of the Public Records of Brevard County, Florida, Section 11, Township 29S, Range 36E; containing 11.71 acres, more or less.

SECTION 2. The Future Land Use Map Series Map No. 2 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. Future development will be restricted to the submitted Development Agreement. Specifically:

1) Owner may use the property consistent with all permitted, conditional and accessory uses in the RR (Rural Residential District) zoning EXCEPT the following:

- a) Public parks, playgrounds and other public recreational facilities;
- b) Public utility equipment and facilities on a site of one (1) acre or less or within a dedicated utility easement or right-of-way;
- c) Cemeteries;
- d) Churches;

- e) Antennas and transmitters;
 - f) Public and private schools; and
 - g) Commercial dog kennels.
- 2) Agricultural pursuits shall be allowed, except no hog farms shall be allowed. Provided, however, that the property owner may keep and maintain on the property no more than two (2) pigs for personal use as pets.
- 3) Owner may clear the land as necessary for agricultural purposes.
- 4) Should the owner use the property for any agricultural purposes which results in the sale of such farm products raised on the property, the owner agrees to limit commercial delivery hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No commercial deliveries will be permitted on Sunday.
- 5) A perimeter fence is permitted. There shall be maintained a 10-foot wide cleared area on the interior of the fence for maintenance purposes.
- 6) Owner shall provide a 10-foot wide vegetative/natural state buffer on the inside of the 10-foot wide cleared area around the perimeter, except for those areas where driveway shall be located.
- 7) No commercial wholesale nursery activity shall be permitted.
- 8) A future u-pick operation may be allowed as a conditional use under the RR (Rural Residential District) zoning.
- 9) Should the subject property be rezoned from RR (Rural Residential District) zoning, then the agreement shall automatically expire.

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. This ordinance shall become effective 31 days after the state land planning agency notifies the local government that the plan amendment package is

complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance pursuant to Section 163.3184(3)(c)4, Florida Statutes. The Department only issues a final order for Expedited State Review amendments if they are challenged by an affected party.

Read in title only at Meeting 2020- , held on , 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Paul Yates
Case: CP-2-2020

cc: (date) Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: March 5, 2020

RE: Comprehensive Plan Zoning Amendment Request – Paul Yates

Mr. Paul Yates has applied for a rezoning of the subject parcel from an RS-2, Single-Family Residential District to an RR, Rural Residential District. The applicant states the justification for the change is *“to change the zoning district to allow for a small hobby farm.”* The Rural Residential zoning district will allow for rural single-family residential living combined with limited agricultural activities. The RS-2 district does not permit agricultural activities.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case CPZ-2-2020, subject to the staff comments contained in the staff report.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

Attachments: (Available upon request)

- 1) Case CPZ-2-2020 (*all available upon request*)
- 2) Board minutes (*all available upon request*)
- 3) Ordinance

PJM/cp/ab



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by

Christopher Balter, Planner II

CASE NUMBER

CPZ-2-2020

PLANNING & ZONING BOARD HEARING DATE

February 5, 2020

PROPERTY OWNER & APPLICANT

Paul Yates, Grapefruit Scuba, LLC

PROPERTY LOCATION/ADDRESS

Port Malabar Unit 37, Tract B, Section 11, Township 29,
Range 36, Brevard County, Florida

SUMMARY OF REQUEST

The applicant is requesting a rezoning of the subject parcel from RS-2, Single-Family Residential District to RR, Rural Residential District.

Existing Zoning

RS-2, Single-Family Residential

Existing Land Use

Public/Semi-Public Use

Site Improvements

Vacant Land

Site Acreage

11.71, more or less

SURROUNDING ZONING & USE OF LAND USE

North

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

East

RS-2, Single-Family Residential; Two Single-Family Homes and Vacant Lots

South

RS-2, Single-Family Residential; Vacant Residential Lots

West

RS-2, Single-Family Residential; Dalhart Ave SW

COMPREHENSIVE PLAN COMPATIBILITY

The current nature of the future land use designation surrounding the subject parcel is Residential. The proposed land use amendment would be considered compatible with the surrounding land use.

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 change is “to change the zoning district to allow for a small hobby farm.” The Rural Residential zoning district will allow for rural single-family residential living combined with limited agricultural activities.

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

Designation of the RR zoning district for the subject property is compatible with the surrounding area and is consistent with the City’s plan.

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 39.72 acres of RR, Rural Residential zoned land is within 1,500 feet of the subject property.

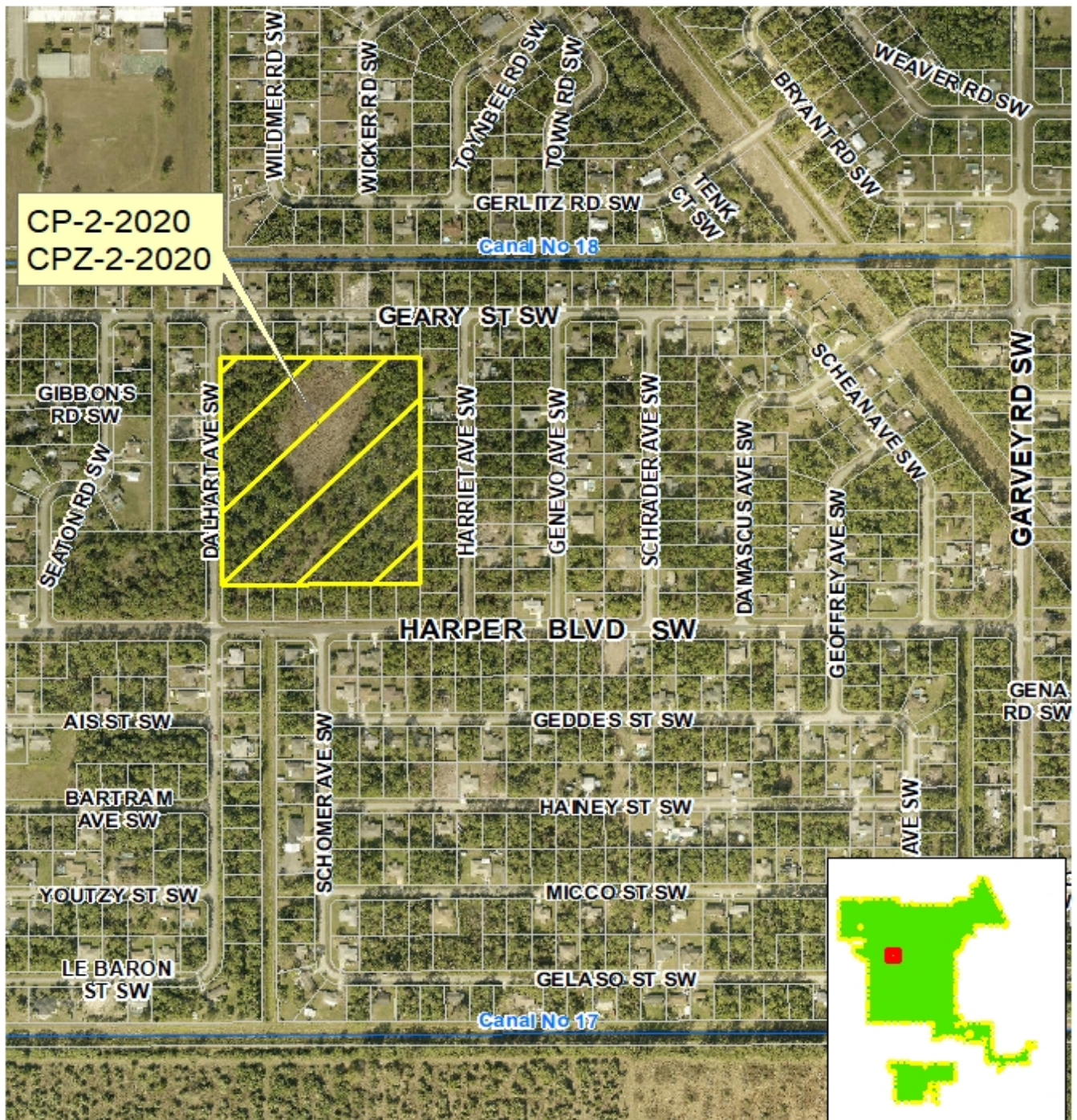
Item 4 - *The relationship of the proposed amendment to the purpose of the city plan for development, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the Comprehensive Plan (Plan).*

The proposed amendment will further the purposes of Chapter 185 and the Comprehensive Plan by accommodating agricultural uses within the City.

STAFF RECOMMENDATION:

Case CPZ-2-2020 is recommended for approval subject to the staff comments contained in this report.

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



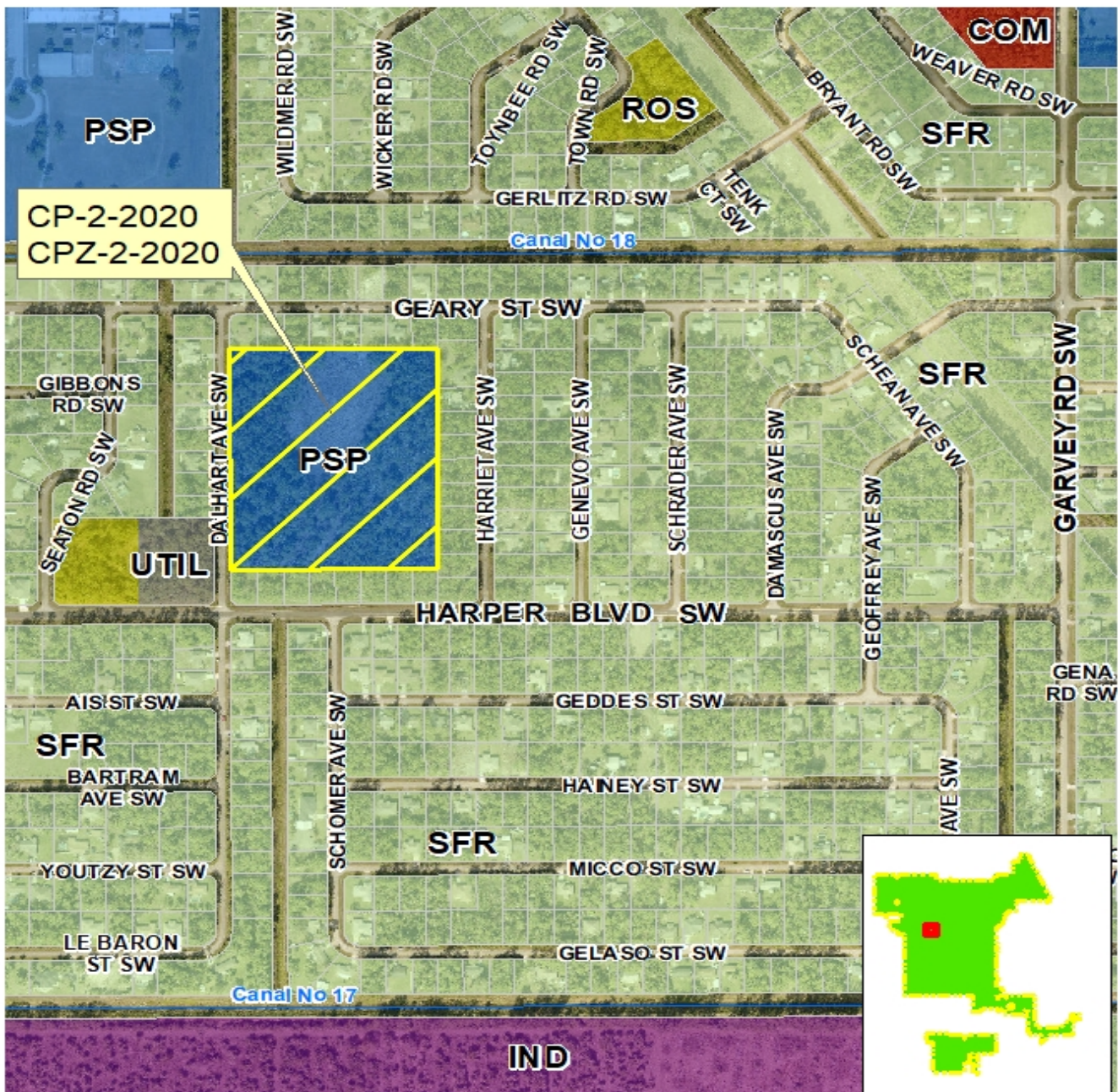
AERIAL LOCATION MAP CASE CP-2-2020 & CPZ-2-2020

Subject Property

East of and adjacent to Dalhart Avenue SW, in the vicinity between Geary Street SW and Harper Boulevard SW



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-2-2020 & CPZ-2-2020

Subject Property

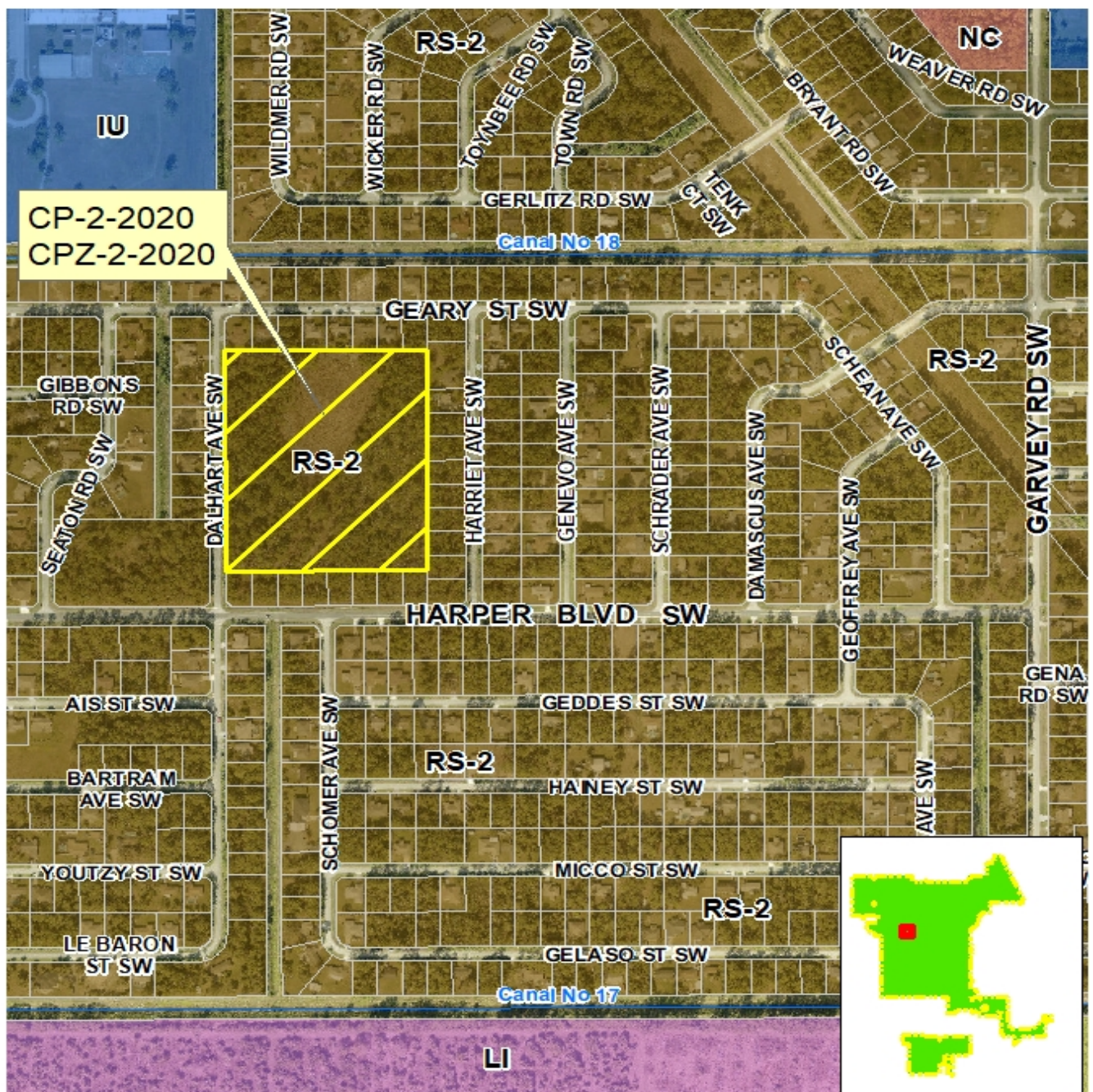
East of and adjacent to Dalhart Avenue SW, in the vicinity between Geary Street SW and Harper Boulevard SW

Future Land Use Classification

PSP – Public Semi-Public Use



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



ZONING MAP

CASE CP-2-2020 & CPZ-2-2020

Subject Property

East of and adjacent to Dalhart Avenue SW, in the vicinity between Geary Street SW and Harper Boulevard SW

Current Zoning Classification

RS-2 –Single Family Residential District



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

PARCEL ID 29-36-11-HB-B

TAX ACCOUNT NUMBER 2904389

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

TRACT B, PORT MALABAR UNIT THIRTY SEVEN ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 2 THRU 10 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

PROPERTY ADDRESS

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 11.72

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

ZONING CLASSIFICATION DESIRED (ex.: IU, LI, etc.) RR, Rural Residential

STRUCTURES LOCATED ON THE PROPERTY None

PRESENT USE OF THE PROPERTY:

Vacant

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

We have worked with the USDA to obtain a conservation plan for a small hobby farm. There are several properties in this area of this size with the requested zoning classification RR, Rural Residential

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 guideline.
- ☐ **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.

CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 3 OF 3

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 Paul Yates Date 1/13/20
Printed Name Paul Yates
Full Address 4085 Aurora RD ~~Mc~~ Melbourne FL 32934
Telephone 321-632-3322 Email PaulYatesInc@gmail.com

*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 2020-02

Held on Wednesday, February 5, 2020, 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.

Mr. Rainer Warner led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present
VICE CHAIRPERSON:	Leeta Jordan	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Donny Felix	Present
MEMBER:	Richard Hill	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	Vacant (School Board Appointee)	

CITY STAFF: Present were Mr. Laurence Bradley, Growth Management Director; Mr. Christopher Balter, Planner II; Ms. Chandra Powell, Recording Secretary; Mr. James Stokes, Board Attorney.

ADOPTION OF MINUTES:

1. Special Planning and Zoning Board/Local Planning Agency Meeting 2020-01; January 8, 2020. Motion by Ms. Jordan, seconded by Ms. Maragh to approve the minutes as presented. The motion carried with members voting unanimously.

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.

NEW BUSINESS:

1. CP-2-2020 – PAUL YATES

Mr. Balter presented the staff report for Case CP-2-2020. The applicant had requested a large-scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Single Family Residential Use. Staff recommended Case CP-2-2020 for approval subject to the staff comments and conditions contained in the staff report.

Mr. Paul Yates (applicant) stated that he had no plans for the subject site at present, but he had an interest in building a home and keeping a horse on the property in the future.

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 by Ms. Maragh, seconded by Mr. Boerema to submit Case CP-2-2020 to City Council for approval of a large-scale Comprehensive Plan Future Land Use Map amendment from Public/Semi-Public Use to Single Family Residential Use, subject to the staff comments and conditions contained in the staff report. The motion carried with members voting unanimously.

2. ♣CPZ-2-2020 – PAUL YATES

Mr. Balter presented the staff report for Case CPZ-2-2020. The applicant had requested a zoning amendment from an RS-2, Single Family Residential District to an RR, Rural Residential District. Staff recommended Case CPZ-2-2020 for approval subject to the staff comments contained in the staff report.

Mr. Boerema inquired whether there were existing large properties with farms in the area. Mr. Paul Yates (applicant) confirmed that this was correct.

Ms. Maragh asked for the definition of a hobby farm. Mr. Yates explained that the farm would not be the primary source of his income; however, a small amount of produce could possibly be sold.

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 by Ms. Maragh, seconded by Mr. Felix to submit Case CPZ-2-2020 to City Council for approval of a zoning amendment from an RS-2, Single Family Residential District to an RR, Rural Residential District, subject to the staff comments contained in the Staff Report. The motion carried with members voting unanimously.

3. ♣V-4-2020 – CHRISTINE STEVENS AND JUAN DELGADO

Mr. Balter presented the staff report for Case V-4-2020. The applicant had requested a variance to allow an existing accessory structure to encroach 4.5 feet into the 8.5-foot side-interior setback and an existing screened pool enclosure to encroach 3.5 feet into the 10-foot rear setback. The board had to determine, based on the facts presented, the degree of minimal relief, if any, to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Mr. Boerema inquired whether inspections had been done for the subject site prior to the applicants' purchase of the property. Mr. Balter explained how surveying equipment and practices had improved since the home construction in 1979, the installation of the pool in 1991, and the addition of the screen enclosure in 1995.

Ms. Christine Stevens and Mr. Juan Delgado (applicants) were present to answer questions.

Mr. Boerema asked how the errors in question were discovered. Ms. Stevens explained that the encroachments were caught by a recent survey of the site that was prepared for a potential buyer.

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 by Ms. Jordan, seconded by Ms. Maragh to submit Case V-4-2020 to City Council for approval of a variance to allow an existing accessory structure to encroach 4.5 feet into the 8.5-foot side-interior setback and an existing screened pool enclosure to encroach 3.5 feet into the 10-foot rear setback. The motion carried with members voting unanimously.

ORDINANCE 2020-19

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 RS-2 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO RR (RURAL RESIDENTIAL DISTRICT); WHICH PROPERTY IS LOCATED EAST OF AND ADJACENT TO DALHART AVENUE, IN THE VICINITY BETWEEN GEARY STREET AND HARPER BOULEVARD, 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 RS-2 (Single-Family Residential District) to RR (Rural Residential District), being legally described as follows:

Tract "B", Port Malabar Unit 37, according to the plat there of as recorded in Plat Book 20, Page 6, of the Public Records of Brevard County, Florida, Section 11, Township 29S, Range 36E; containing 11.71 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 adoption, pending the enactment of Ordinance 2020-18.

Read in title only at Meeting 2020- , held on , 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Alexandra Bernard, Growth Management Director

DATE: 10/20/2022

RE: Ordinance 2022-101, granting approval of a Preliminary Development Plan for a proposed Regional Activity Center to be known at '3 Forks Mixed Use' in AU (Agricultural Residential) (Brevard County) and SR (Suburban Residential) (Brevard County) zoning, with a tentative zoning of RAC (Regional Activity Center District), which property is located south of and adjacent to Malabar Road, in the vicinity east of St. Johns Heritage Parkway and west of Melbourne-Tillman Water Control District Canal 8 (124.33 acres) (Case PD-26-2022, Parkside Commons Center, LLC, and West 80 Acres, LLC), final reading. (Quasi-Judicial Proceeding)

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.

Mr. Anthony Masone, Manager, Parkside Commons Center, LLC / West 80 Acres, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) has submitted for Preliminary Development Plan (PDP) approval for a regional activity center called 3 forks mixed use, consisting of 376 single family homes, 288 multi-family units, a commercial RV park (150 spaces) and four (4) commercial parcels. The undeveloped land is located south of and adjacent to Malabar Road SW, and east of St. Johns Heritage Parkway NW.

The subject project has an overall density of 5.34 units per acre with four commercial parcels fronting Malabar Road and an RV park directly behind it. Single-family homes will be constructed on the southeastern portion of the site with multi-family on the western portion.

Internal road network, drainage, extended City water and sewer, recreational and open space areas, sidewalks on both sides of internal roadways, and external sidewalk connections shall be identified on the Final Development Plan. A utility agreement shall be executed prior to construction plan approval. Any potential development agreement or proportionate fair share agreement related to the extension of St. Johns Heritage Parkway south of Malabar Road and related stormwater shall be executed prior pre-site work permit.

Upon review, the proposed request appears to conform with the applicable requirements for Preliminary Development Plan approval subject to providing all items requested by staff.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case PD-26-2022, subject to the staff comments and the following items being submitted with a Final RAC application:

- A general plan for the use of all lands within the proposed RAC. Such plans shall indicate the general location of residential areas (including maximum density and unit types), open space, parks, passive or scenic areas, and nonresidential areas (including maximum building square footage or other intensity maximums).
- A plan of vehicular and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, the capacity of the system and major access points to the external and internal thoroughfare network.
- A summary of allowable development (a-e).
- Generalized regulations and development standards for the RAC district and each phase (a-e)
- Submission of an Endangered Species Assessment,
- Identification of lighting within the neighborhood, and
- Compliance with the conditions of CP-26-2022.

Planning and Zoning Board Recommendation:

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

Motion to submit Case PD-26-2022 to City Council for approval of a Preliminary Development Plan to allow for a proposed RAC, Regional Activity Center called 3 Forks, subject to the staff comments and conditions.

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

Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski, Warner.

ATTACHMENTS:**Description**

Case PD-26-2022 - Staff Report

Case PD-26-2022 - Preliminary Development Plan

Case PD-26-2022 - Survey - North Half - Parkside Commons Center

Case PD-26-2022 - Survey - South Half - West 80 Acres

Case PD-26-2022 - Narrative

Case PD-26-2022 - Application

Case PD-26-2022 - School Impact Analysis Letter

Case PD-26-2022 - Correspondence (to P&Z)

Case PD-26-2022 - Correspondence (to Council)

Case PD-26-2022 - Applicant Presentation

Case PD-26-2022 - Applicant Continuance Request (09/15/22 RCM)

Ordinance 2022-101



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Alexandra Bernard, Growth Management Director

CASE NUMBER

PD-26-2022

PLANNING & ZONING BOARD HEARING DATE

July 6, 2022

PROPERTY OWNER & APPLICANT

Parkside Commons Center LLC and West 80 Acres, LLC (Tony Masone, manager; Jake Wise P.E.; Kim Rezanka Esq., Reps.)

PROPERTY LOCATION/ADDRESS

Tax Parcel 250, Section 04, Township 29, Range 36, Subdivision 25. Cisna Park Lots 1 Thru 8 & 15; S 1/2 OF NW 1/4 & LOT 16 OF PB 8 PG 36 EXC CANAL R/W Specifically, off of Malabar Rd SW, East of St. Johns Heritage Pkwy NW, Brevard County, Florida

SUMMARY OF REQUEST

Preliminary Development Plan (PDP) for a regional activity center called 3 forks mixed use, consisting of 376 single family homes, 288 multi-family units, a commercial RV park (150 spaces) and 4 commercial parcels.

Existing Zoning

AU and SR (Brevard County)

Existing Land Use

AU and RES 1 (Brevard County)

Site Improvements

Undeveloped Land

Site Acreage

124.33 acres

SURROUNDING ZONING & USE OF LAND

North

PUD, Planned Unit Development, SFR, Single Family Residential, Single-Family Homes

East

CC, Community Commercial, COM, Commercial -- Vacant

South

RR-1 Rural Residential (County) SFR, Single-Family Residential -- Vacant

West

AU (County), COM Commercial -- Vacant

COMPREHENSIVE PLAN

COMPATIBILITY

Yes, subject to approval of Case CP-26-2022

BACKGROUND:

The property is located east of and adjacent to Malabar Rd SW, East of St. Johns Heritage Pkwy NW. The subject property is 124.33 acres of undeveloped land.

The applicant is currently seeking Preliminary Development Plan (PDP) approval for a regional activity center called 3 Forks mixed use, consisting of 376 single family homes, 288 multi-family units, a commercial RV park (150 spaces) and 4 commercial parcels. This is a density of 5.34 units per acre.

ANALYSIS:

The regional activity center (RAC) zoning district is a planned development intended to establish types of development and arrangements of land uses that are consistent with the comprehensive plan, but which are not otherwise provided for or allowed in the zoning districts set out in this chapter. The range of uses and development intensities allowed within a particular RAC district, along with any corresponding development and design standards are established by an associated RAC concept plan. Subsequent development within the RAC district is implemented by the approval of one or more site and development plans, known as RAC final development plans

Specifically, the development plan proposes consisting of 376 single family homes, 288 multi-family units (4-stories), a commercial RV park (150 spaces) and 4 commercial parcels. This is a density of 5.34 units per acre. According to the exhibit, the commercial parcels will front on Malabar Rd, with the RV park directly behind it and the single-family homes will be constructed along both the southeastern portion of the site with the proposed multi-family on the western portion of the site. The proposed single family lot sizes will offer a variety of 40' x 110'; 50' x 110' and 60' x 110'.

Interconnected dry retention and wet detention ponds will serve as the stormwater treatment system for this project. Engineered stormwater designs will be required for the Final Development Plan submittal and a legal positive outfall shall be established. Prior to commencement of construction, the design shall be approved by both the City's Public Works Department and the St. Johns River Water Management District.

The internal road network must be designed to meet city standards, which includes a minimum 50' wide right-of-way (ROW), with closed drainage, for all roadways. Unless formally requested for city acceptance, the roads shall be maintained privately. The developer shall provide an access management plan that examines the driveway configurations and identifies any necessary roadway improvements.

City water & sewer are located within the adjacent road rights-of-way and shall be extended to all residential units. Identification of the sewer mains and water distribution lines, and their

extensions into the project's internal roadway, shall be provided at the time of FDP submittal. A Utility Agreement shall be executed prior to construction plan approval.

The Preliminary Development Plan provides a breakdown stating that the minimum set aside has been met via recreation the tracts and the upland areas within the stormwater tracts. As part of the FDP submittal the specific use of any recreational area shall be identified. Additionally, all internal roadways shall be provided with a sidewalk, on both sides of the road, with connections to off-site sidewalks. Entrance lighting shall also be provided.

CONDITIONS:

To receive Preliminary Development approval, the proposal must meet the requirements of Section 185.056 of the City of Palm Bay's Code of Ordinances. Upon review, it appears that the request is in conformance with the applicable requirements of this section, subject to the following items being *submitted with* a Final PUD application:

- A general plan for the use of all lands within the proposed RAC. Such plans shall indicate the general location of residential areas (including maximum density and unit types), open space, parks, passive or scenic areas, and nonresidential areas (including maximum building square footage or other intensity maximums)
- A plan of vehicular and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, the capacity of the system and major access points to the external and internal thoroughfare network.
- A summary of allowable development (a-e)
- Generalized regulations and development standards for the RAC district and each phase (a-e)
- Submission of an Endangered Species Assessment,
- Identification of lighting within the neighborhood, and
- Compliance with the conditions of CP-26-2022.

Lastly, technical staff review comments are attached to this report and shall be incorporated.

STAFF RECOMMENDATION:

Case PD-26-2022 is recommended for approval, subject to the staff comments.

TECHNICAL COMMENTS

CASE PD-26-2022 – 3 FORKS RAC

PUBILC WORKS (Natalie Shaber, PE, Engineer II):

Traffic Engineering:

- Traffic Study required for the apartments which exceeds the 100 trips per peak period.
- In addition, the 376 SF will exceed 100 trips per peak for Malabar entrance, in addition to the RV and commercial, so required traffic study.
- Signal warrant analysis on the fourth leg of the intersection of Malabar SJHP.
- Left and right turn analysis for the main entrance from Malabar Rd.

Engineering- General:

1. R/W and Driveway permits fro Brevard County shall be required for all R/W improvements and provided prior to scheduling a pre-sitework meeting.
2. Provide clearance from the FDEP to utilize the site west of C-7 as the roadway site appears to be contaminated with arsenic and dewatering and stormwater management is restricted (see attached letter from the SJRWMD).
3. Stormwater Management shall meet the design and performance criteria per Chapter 62-330 F.A.C.
4. The western apartments appear to have one access point on property owned by the SJRWMD across a MTWCD canal.
5. SJRWM, and MTWC Districts' and FDEP approval shall be provided for this access and clearance for stormwater management and dewatering on the SJRWMD site
6. Staff recommends cross access with appropriate agreements through the Stellas Casitas site or access through this site.
7. If the SJHP ext. remains the only access to the multifamily, then a TIS will be provided for future extension of the Parkway and turn lanes or signal analyses provided based on the built out condition
8. 200 ft of R/W would need to be acquired on SJRWMD property.
9. All off-site flow in the existing condition will be retained and attenuated in the post-development condition.
10. Cross-sections shall be provided every 100 ft along all property lines.
11. An environmental report shall be provided and any recommended remediation, and/or permits obtained and provided to the City prior to scheduling the pre-sitework meeting.

12. The site must be operating in compliance with all external agency orders and permits prior to scheduling a pre-sitework meeting.
13. If constructed the 4th leg of the Malabar/ Parkway intersection will be designed and constructed per the City of Palm Bay's standards and testing provided every 200 ft at minimum prior to CC request.
14. It will remain private and not be dedicated to the City of Palm Bay unless the CH 182 process of the the City's Land Development code is complied.
15. Sidewalk will connect from on to off site along both streets and connect to the sidewalk on the north side on Malabar Rd. with a crosswalk in a location determined in the traffic study.
16. On Malabar Road the sidewalk would be located on the south side of the R/W donation.
18. A site specific stormwater pollution prevention/dewatering plan shall be provided for review prior to scheduling a pre-sitework meeting.

Survey:

1. Use of the existing 30 foot right of way for Utilities and Fire will need approval. The present right of way width is not standard.
2. Please show ties to Section Corners and State Plane coordinates for placement on BCPAO's GIS system.
3. Please provide information on ownership and access to planned apartments on the West side of plan.

UTILITIES (Christopher Little, PE, Utilities Director):

The Utilities Department is currently performing a Level of Service (LOS) for the proposed development. Results from the LOS will be conveyed in the companion Case No. CP-26-2022 (Comprehensive Plan Future Land Use Map amendment request) and could potentially reveal infrastructure deficiencies that may be required to be addressed by the developer prior to making connection to the system(s).

Upon development of the site, the following shall apply for connection to the City's water and sewer utilities system:

1. The applicant/owner, at their expense, will be required to upgrade existing infrastructure as conveyed in the Comprehensive Plan Future Land Use Map amendment.
2. The applicant/owner, at their expense, will be required to design, permit, install, inspect and test water & sewer systems of adequate size to accommodate the development and to connect to the City's water & sewer system. [§ 200.11(D)(1) - On-Site Facilities].

3. The applicant/owner may be required to extend and/or loop service from the existing water and sewer connection points [§ 200.11(D)(2) -Off-Site Facilities].
4. The applicant/owner will be responsible for the property's hydraulic share for the utilities. Oversizing of utilities at the request of the Utilities Department will be subject to a refunding agreement or refundable advance [§ 200.1(D) & (E)]. The City of Palm Bay's 2017 Wastewater Master Plan & 2017 Water Master Plan, both of which are available upon request, identify proposed mainline extensions with the City's current pipe sizing requirements.
5. A City of Palm Bay "Utility Agreement" shall be executed between the Property Owner and the City. All Utility impact/connection charges noted in the "Utility Agreement" must be paid as outlined in the terms and conditions of the Utility Agreement. All fees are subject to change annually on October 1. The Property Owner shall submit a certified copy of the property deed as verification of ownership as part of the Utility Agreement.
6. All utility construction, materials, and testing shall be in accordance with the latest revision of the Palm Bay Utility Department Policies, Procedures and Standards Handbook and the Standard Detail Drawings. Prior to any construction, all required FDEP Permit applications for the Water and Sanitary Sewer Construction shall be processed through and copied of the Permits filled with the Utilities Department.

BUILDING-FIRE (Michael Bloom, CFPS, Fire Plans Examiner):

1. Please complete plans complying with all applicable portions of Florida Fire Prevention Code (FFPC) 7th edition, Florida Administrative Code (FAC), Florida State Statute (FSS) and City of Palm Bay Ordinances (COPBO) with the first full land development plan.
2. The 4 story apartment shall be protected by a fire sprinkler system and automatic stand pipes supplied by a fire pump.
3. There do not appear to be any fire department access issues at this time based on the limited information provided. An auto turn exhibit may be required at a later date.

BUILDING-FLOODZONE (James Williams, CFM, Floodplain Coordinator):

The project is in FEMA Floodzone AE and will need an approved Conditional Letter of Map Amendment (CLOMA) before any buildings are constructed. For the final CO an approved Letter of Map Revision (LOMR) removing the entire project from the Special Flood Hazard Area is required.

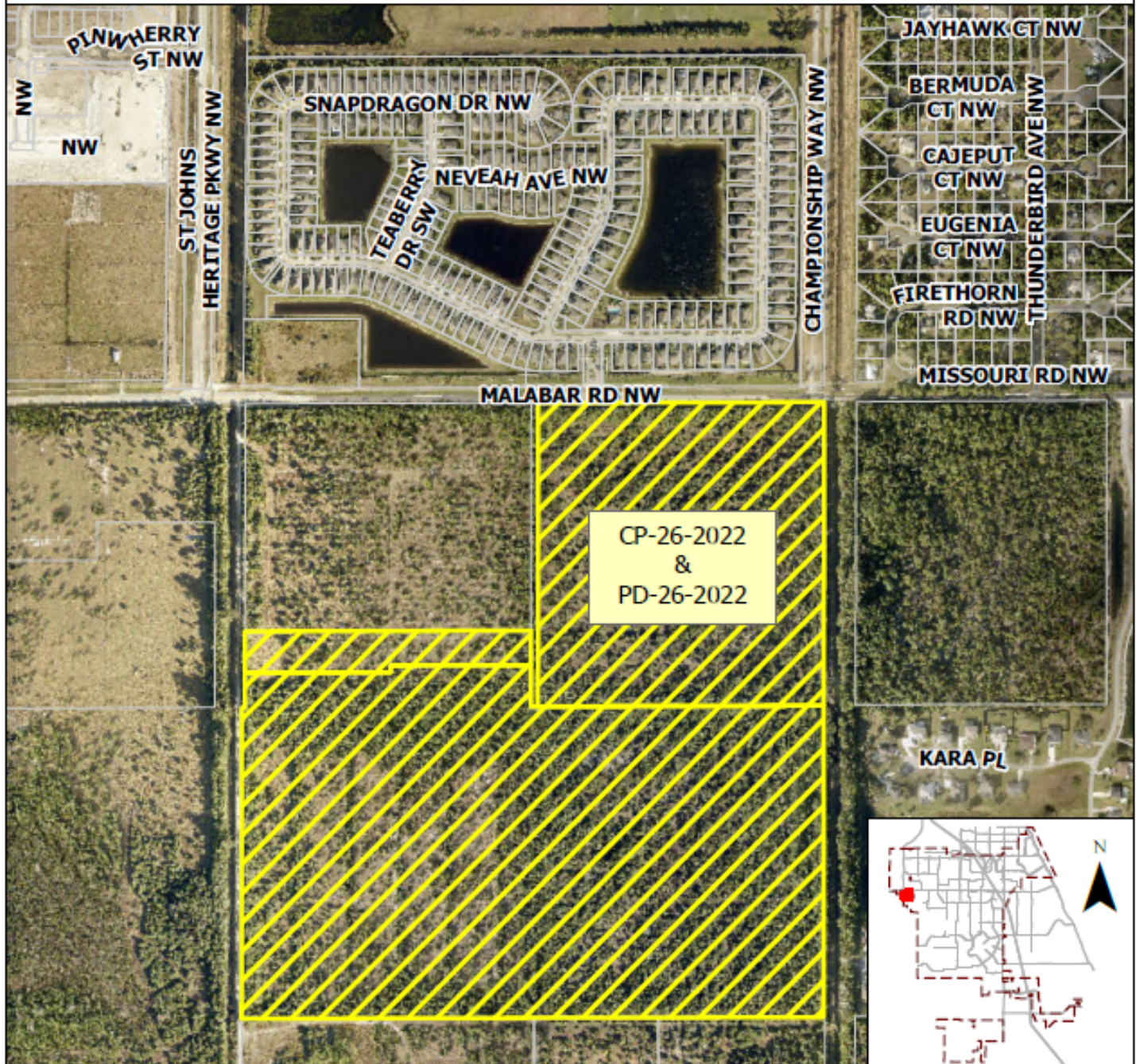
Per the City's Floodplain Ordinance, any structure built within a Special Flood Hazard Area (SFHA) will require a Floodplain Review at time of construction. An approved CLOMR does not exempt the requirement for a Floodplain Review in the SFHA. The Building Official will not issue any building permits without a Floodplain Review.

If you get the approved Subdivision LOMR before any building's permits are applied for, you don't need to apply for individual Floodplain reviews for each structure.

Currently this site is not in the GIS City Limits.



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



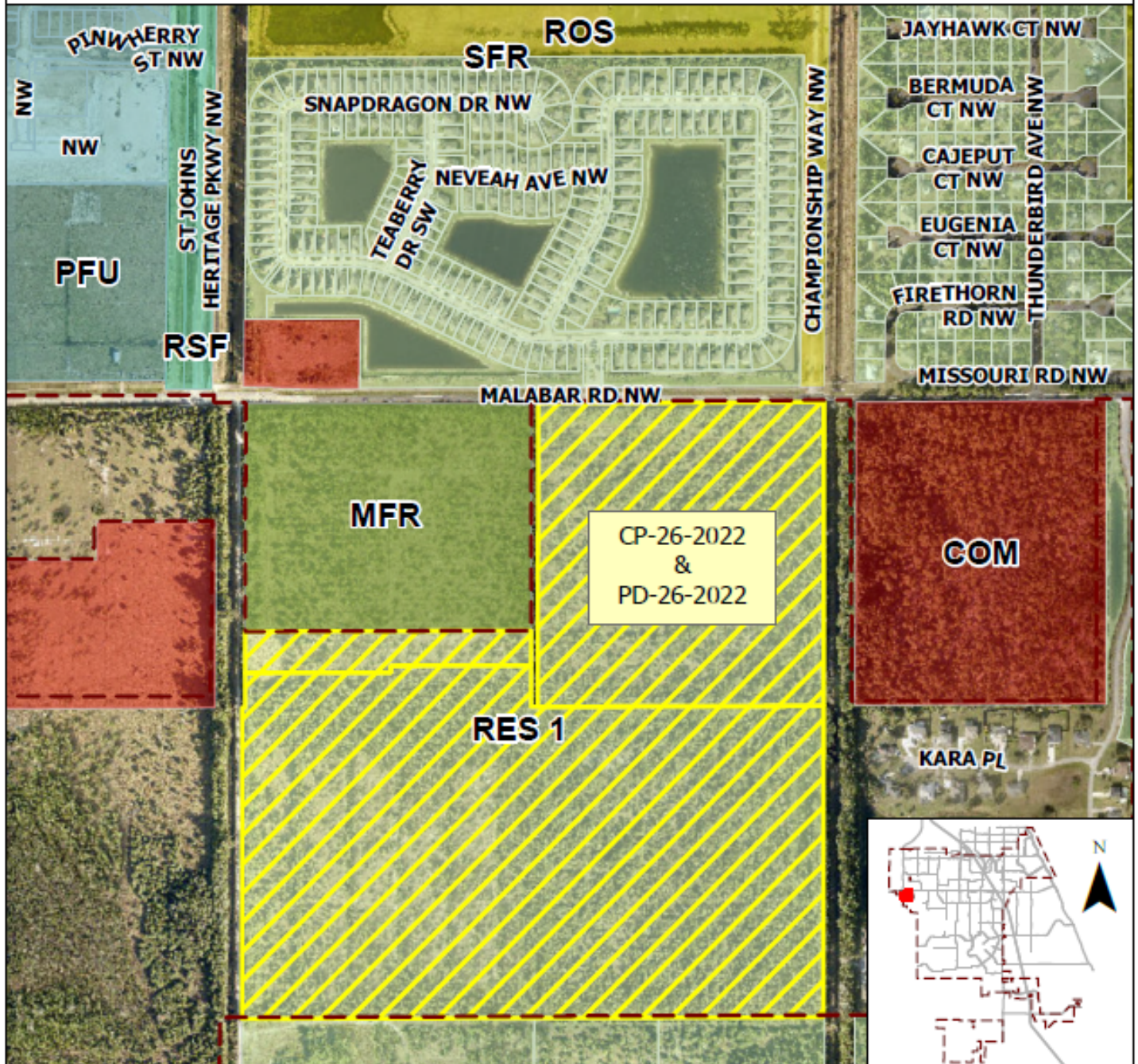
AERIAL LOCATION MAP CASE: CP-26-2022 & PD-26-2022

Subject Property

South of and adjacent to Malabar Road SW, in the vicinity east of St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8



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-26-2022 & PD-26-2022

Subject Property

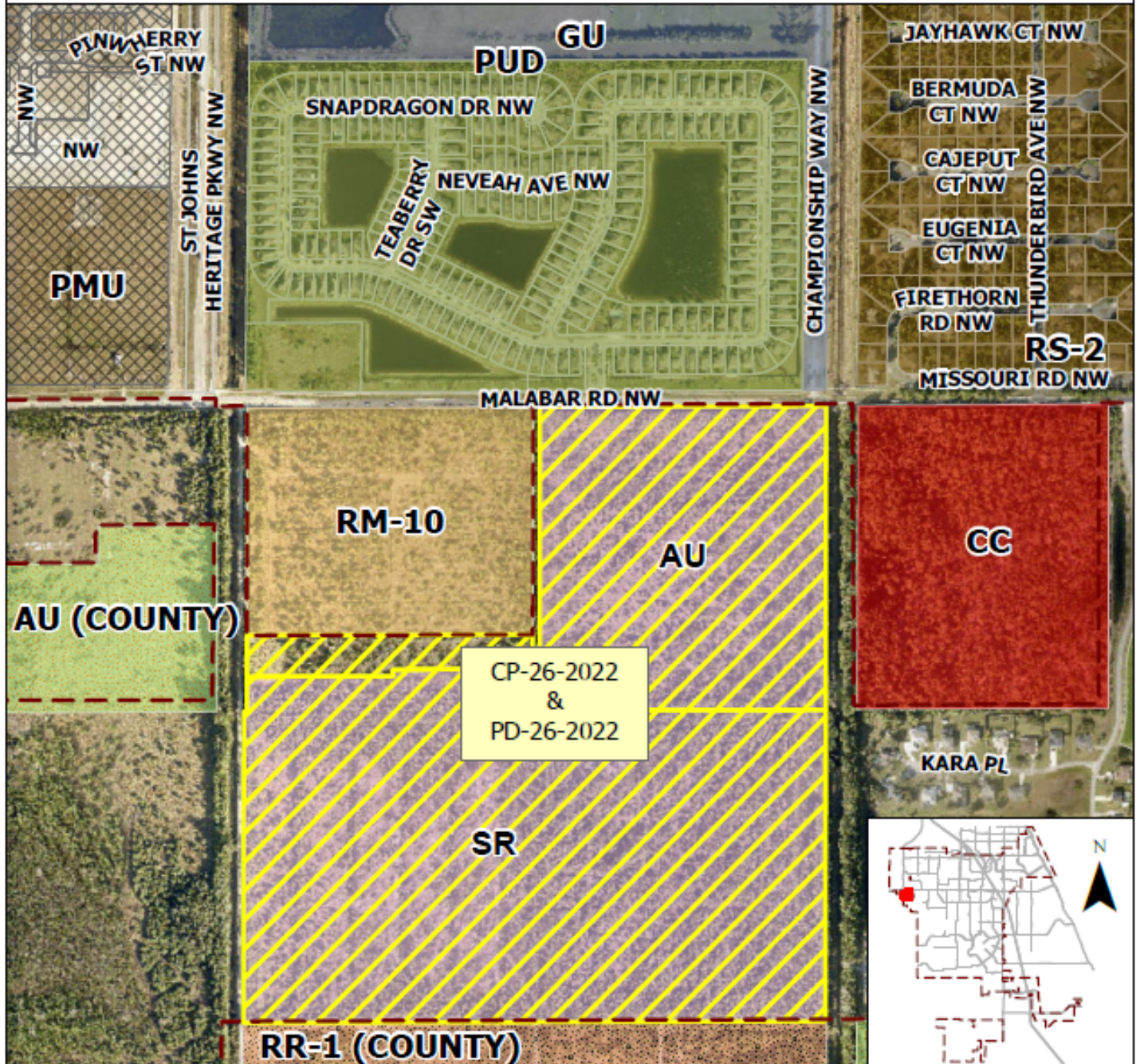
South of and adjacent to Malabar Road SW, in the vicinity east of St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8

Future Land Use Classification

RES 1 – Residential 1 Unit Per Acre



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



ZONING MAP CASE: CP-26-2022 & PD-26-2022

Subject Property

South of and adjacent to Malabar Road SW, in the vicinity east of St. Johns Heritage Parkway NW and west of Melbourne-Tillman Water Control District Canal 8

Current Zoning Classification

AU, SR – Agricultural Residential, Suburban Residential

3 FORKS MIXED USE
PRELIMINARY DEVELOPMENT PLAN

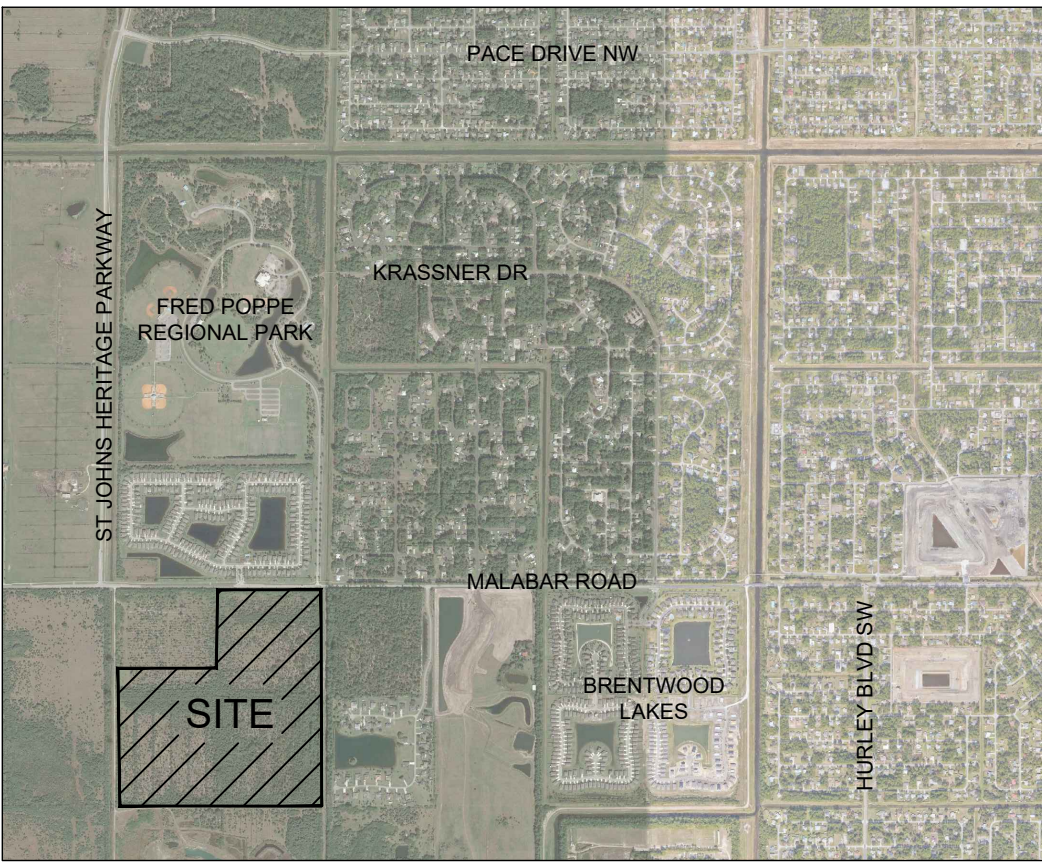
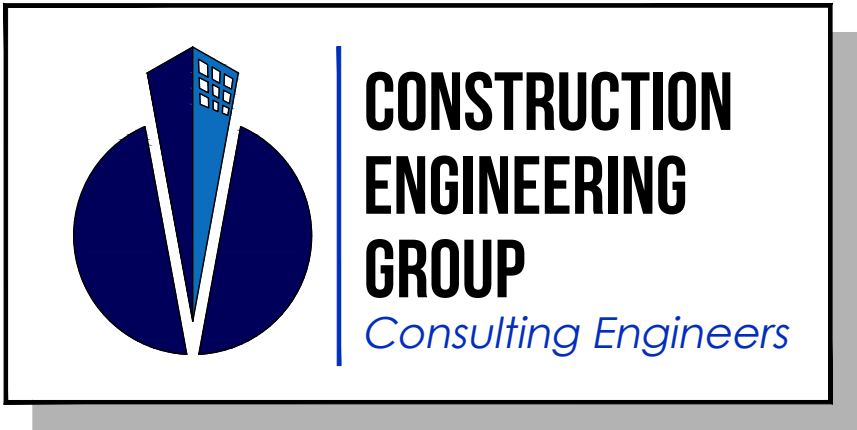
PALM BAY, FL

DATE:
APRIL 1, 2022

PREPARED FOR:
PARKSIDE COMMONS CENTER LLC &
WEST 80 ACRES LLC

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING WITHIN SECTION 4, TOWNSHIP 29S, RANGE 36 EAST AND BEING BOUNDED ON THE NORTH BY MALABAR ROAD; BOUNDED ON THE EAST BY MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NUMBER 8; BOUNDED ON THE SOUTH BY THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 29S, RANGE 36 EAST; BOUNDED ON THE WEST BY MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NUMBER 7; BOUNDED ON THE NORTH BY THE NORTH LINE OF LOT 15, CISNA PARK, AS RECORDED IN PLAT BOOK 8, PAGE 36 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; AND BOUNDED ON THE WEST BY THE EAST LINE OF LOTS 9-14, CISNA PARK, AS RECORDED IN PLAT BOOK 8, PAGE 36 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



LOCATION MAP
NTS

PROJECT DATA:

GENERAL STATEMENT: THIS PROJECT CONSISTS OF APPROXIMATELY 124 ACRES WITH FRONTAGE ALONG MALABAR ROAD TO THE NORTH AND THE FUTURE EXTENSION OF THE ST. JOHNS HERITAGE PARKWAY TO THE WEST. MTWCD CANALS ARE ALONG THE EAST AND WEST PROPERTY LINES AS WELL. WE PROPOSE ±24 ACRES OF COMMERCIAL DEVELOPMENT INCLUDING UP TO FOUR FUTURE COMMERCIAL LOTS AND A COMMERCIAL HIGH END RECREATIONAL VEHICLE (RV) PARK. THIS IS ADJACENT TO EXISTING COMMERCIAL ZONING EAST OF THE PROPERTY. WE PROPOSE SINGLE FAMILY RESIDENTIAL SOUTH OF THE COMMERCIAL PROPERTY ADJACENT TO EXISTING SINGLE FAMILY TO THE EAST IN BREVARD COUNTY. ALONG THE WESTERN FRONTAGE OF THE FUTURE ST. JOHNS HERITAGE PARKWAY UP TO 4-STORY APARTMENTS ARE PROPOSED AND DESIGNED TO YEAR ROUND HAVE SUNSET VIEWS TO THE WEST. ALL OF THE RESIDENTIAL AND RV PARKS HAVE AMENITIES PROPOSED. BOTH CITY WATER AND WASTEWATER ARE PROPOSED TO BE EXTENDED AND ALL ROADS SHALL BE BUILT TO CITY STANDARDS BUT PRIVATELY MAINTAINED SO IT IS NOT A FUTURE BURDEN TO THE CITY. WE ARE PROPOSING THE REGIONAL ACTIVITY CENTER (RAC) ZONING FOR FLEXIBILITY OF THE MIXED USE DEVELOPMENT. THE RESIDENTIAL AND COMMERCIAL RV PARK ARE INTENDED TO BE INTERCONNECTED WITH THE FUTURE COMMERCIAL LOTS IN ORDER TO MAXIMIZE INTERNAL TRIP CAPTURE.		
APPLICANT: JAKE T. WISE, P.E. 2651 EAU GALLIE BLVD, SUITE A MELBOURNE, FLORIDA 32935 TEL: (321) 610-1760 E-MAIL: JWISE@CEGENGINEERING.COM	CIVIL ENGINEER JAKE T. WISE, P.E. 2651 EAU GALLIE BLVD, SUITE A MELBOURNE, FLORIDA 32935 TEL: (321) 610-1760 E-MAIL: JWISE@CEGENGINEERING.COM	
SURVEYOR: AAL LAND SURVEYING SERVICES INC 3970 MINTON ROAD WEST MELBOURNE, FL 32904 TEL: (321) 768-8110 EMAIL: AALSURVEY@AALSURVEY.COM	LOCATION: SECTION: 04 TOWNSHIP: 29 RANGE: 36 PARCEL ID: 29-36-04-25-* -1 29-36-04-00-250 TAX ACCOUNT: 2903869, 2959615	
PROPOSED ZONING/FLU: REGIONAL ACTIVITY CENTER (RAC)	SINGLE FAMILY: ±84.5 ACRES - 376 LOTS	
SETBACKS FRONT: 25 FT SIDE: 5 FT REAR: 20 FT SIDE CORNER: 15 FT	APARTMENTS: ±15.5 ACRES - 288 UNITS COMMERCIAL RV PARK: ±17.6 ACRES - 150 SPACES COMMERCIAL ±6.4 ACRES - ±4 LOTS	
SINGLE FAMILY LOT COUNT: 40'x110' LOTS = 200 50'x110' LOTS = 156 60'x110' LOTS = 20	TOTAL RESIDENTIAL: ±100 AC	
MAXIMUM BUILDING HEIGHT: SINGLE FAMILY: 2 STORY - 25 FT APARTMENTS: 4 STORY - 50 FT	TOTAL COMMERCIAL ±24 AC	
MINIMUM WIDTHS: SIDEWALKS: 5 FT RIGHT-OF-WAY WIDTH: 50 FT EXISTING 30' TO REMAIN AS EMERGENCY ONLY		
CALCULATED STORMWATER BASIN COVERAGE:		
	SE	ACRE PERCENT
IMPERVIOUS:	2,582,776	59.29 48
PERVIOUS:	1,741,325	39.98 32
PONDS:	1,067,868	24.52 20
TOTAL:	5,391,969	123.79 100

2651 Eau Gallie Blvd, Suite A
Melbourne, FL 32935
Tel: 321.253.1221
www.ceengineering.com
COA #008697

CONSTRUCTION
ENGINEERING
GROUP
Consulting Engineers

3 FORKS MIXED USE
PARKSIDE COMMONS CENTER LLC & WEST 80 ACRES LLC
WEST MALABAR ROAD AND ST. JOHNS HERITAGE PARKWAY PALM BAY, FL
DRAWING TITLE
PRELIMINARY DEVELOPMENT PLAN

DATE
4/01/22

SCALE
NTS

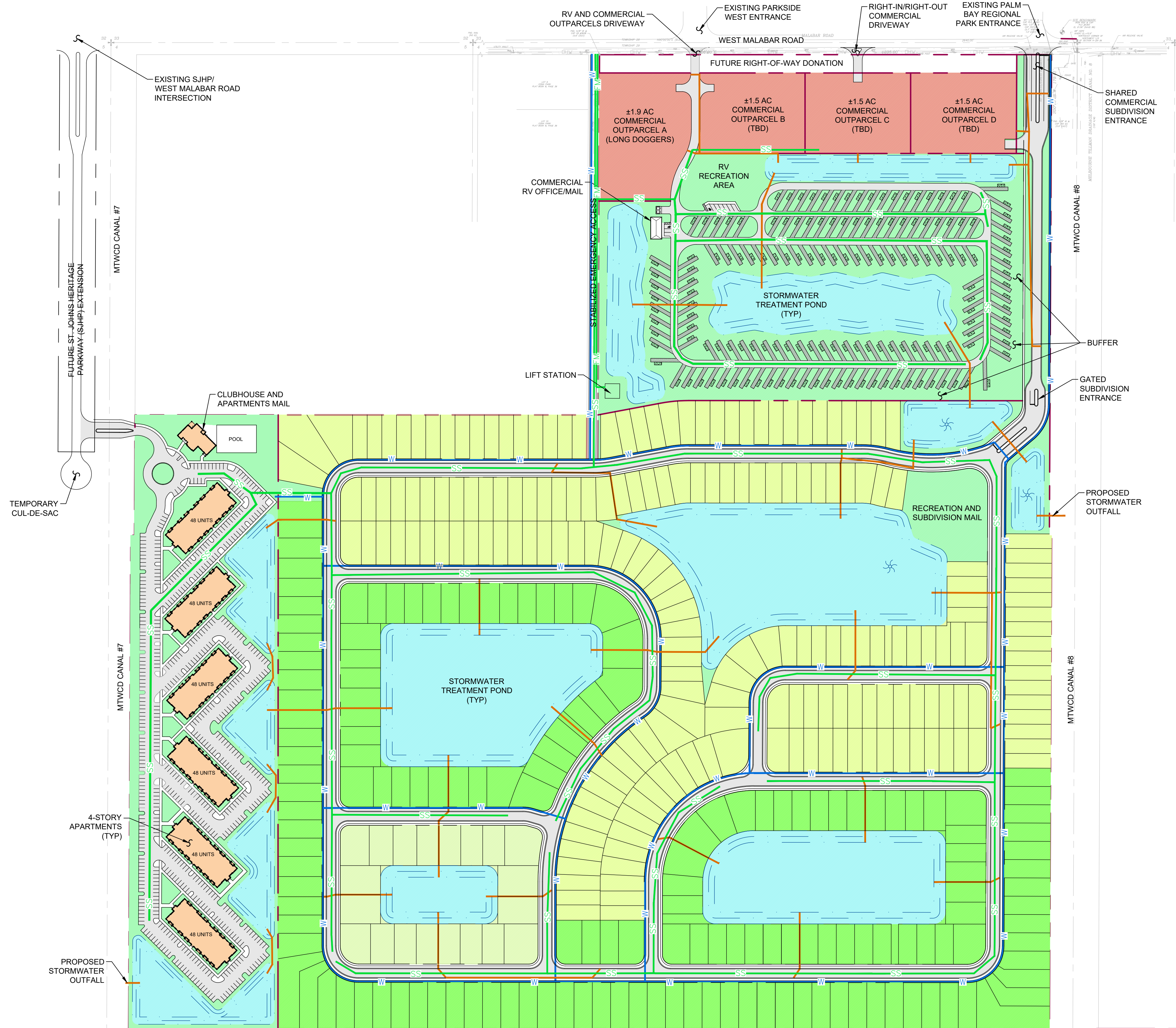
PROJ. NO. :
220021

DESIGNED BY:
CCM

DRAWN BY:
SMB

CHECKED BY:
JTW

DRAWING NO.
3F-1



PRELIMINARY DEVELOPMENT PLAN
1"=150'

LEGEND:

PROJECT BOUNDARY	---
STORMWATER TREATMENT POND CONTOURS	---
STORM PIPE	---
WATER MAIN	W
SANITARY SEWER LINE	SS
FORCE MAIN	FM
RECREATION, LANDSCAPING AND OPEN SPACE	
40' WIDE SINGLE FAMILY LOT	
50' WIDE SINGLE FAMILY LOT	
60' WIDE SINGLE FAMILY LOT	
COMMERCIAL RV PARK	
COMMERCIAL PARCEL	
STORMWATER TREATMENT POND	
APARTMENT BUILDING	
ROADWAY	

REV#	DATE	REVISION

2651 Eau Gallie Blvd., Suite A
Melbourne, FL 32935
Tel: 321.253.1221
www.cegerengineering.com
COA #008697

CONSTRUCTION ENGINEERING GROUP
Consulting Engineers

3 FORKS MIXED USE

PARKSIDE COMMONS CENTER LLC & WEST 80 ACRES LLC
WEST MALABAR ROAD AND ST. JOHNS HERITAGE PARKWAY PALM BAY, FL

DRAWING TITLE
PRELIMINARY DEVELOPMENT PLAN

THESE DOCUMENTS ARE THE PROPERTY OF CONSTRUCTION ENGINEERING GROUP (CEG) AND ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFIC TO WHICH THEY ARE ISSUED. NO PART OF THESE DOCUMENTS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN CONSENT OF CEG. IT IS HEREBY ADVISED THAT THE INFORMATION CONTAINED HEREIN IS PRELIMINARY AND SUBJECT TO CHANGE WITHOUT NOTICE.

DATE	4/01/22
SCALE	1"=150'
PROJ. NO. :	220021
DESIGNED BY:	CCM
DRAWN BY:	SMB
CHECKED BY:	JTW
DRAWING NO.	3F-2





DESCRIPTION:

LOTS 1 THROUGH 8 AND LOT 15, CISNA PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 36, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
CONTAINING 41.90 ACRES MORE OR LESS.

AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO F.I.R.M. #12009C 06SS G DATED MARCH 17, 2014 THIS PROPERTY IS LOCATED IN THE EAST 1/4 OF SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BASE L.S. #2007 (NAD 83)

BOUNDARY SURVEY

SCALE: 1" = 200'

NORTH

GENERAL NOTES:

- THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 50-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
- THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHALL NOT BE USED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
- THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE SEAL OF THE FLORIDA LICENSED SURVEYOR, AND PRODUCTION OF THIS DOCUMENT WITHOUT WRITTEN PERMISSION OF AAL LAND SURVEYING SERVICES, INC. IS STRICTLY PROHIBITED.
- NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
- THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT AND MAY BE SUBJECT TO CHANGES IF DISCREPANCIES EITHER RECORDED OR UNRECORDED.
- BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.
- NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
- ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.
- NO WELLS AND UNDESIRED DEPTHS ARE DEFINITIONS TO SHOW AN ATTEMPT BY THE SURVEYOR TO LOCATE POSSIBLE EXISTING WELLS AND DEPTHS. HOWEVER NONE WERE FOUND USING STANDARD SURVEY LOCATING EQUIPMENT.

REVISION: _____

REVISION: _____

REVISION: _____

REVISION: _____

REVISION: _____

FIELD DATE: 07-09-21

SECTION 4,
TOWNSHIP 29 SOUTH,
RANGE 36 EAST

PROJECT #J3703 1-A-15

3970 WINTON ROAD, WEST MELBOURNE, FL 32904 L.S.#6623
PHONE: (321)768-8110 FAX: (321)952-9771 E-MAIL: frontdesk@aalsurvey.com

NO. 5383
STATE OF

ANDREW H. POWERS
P.L.S. NO. 5383

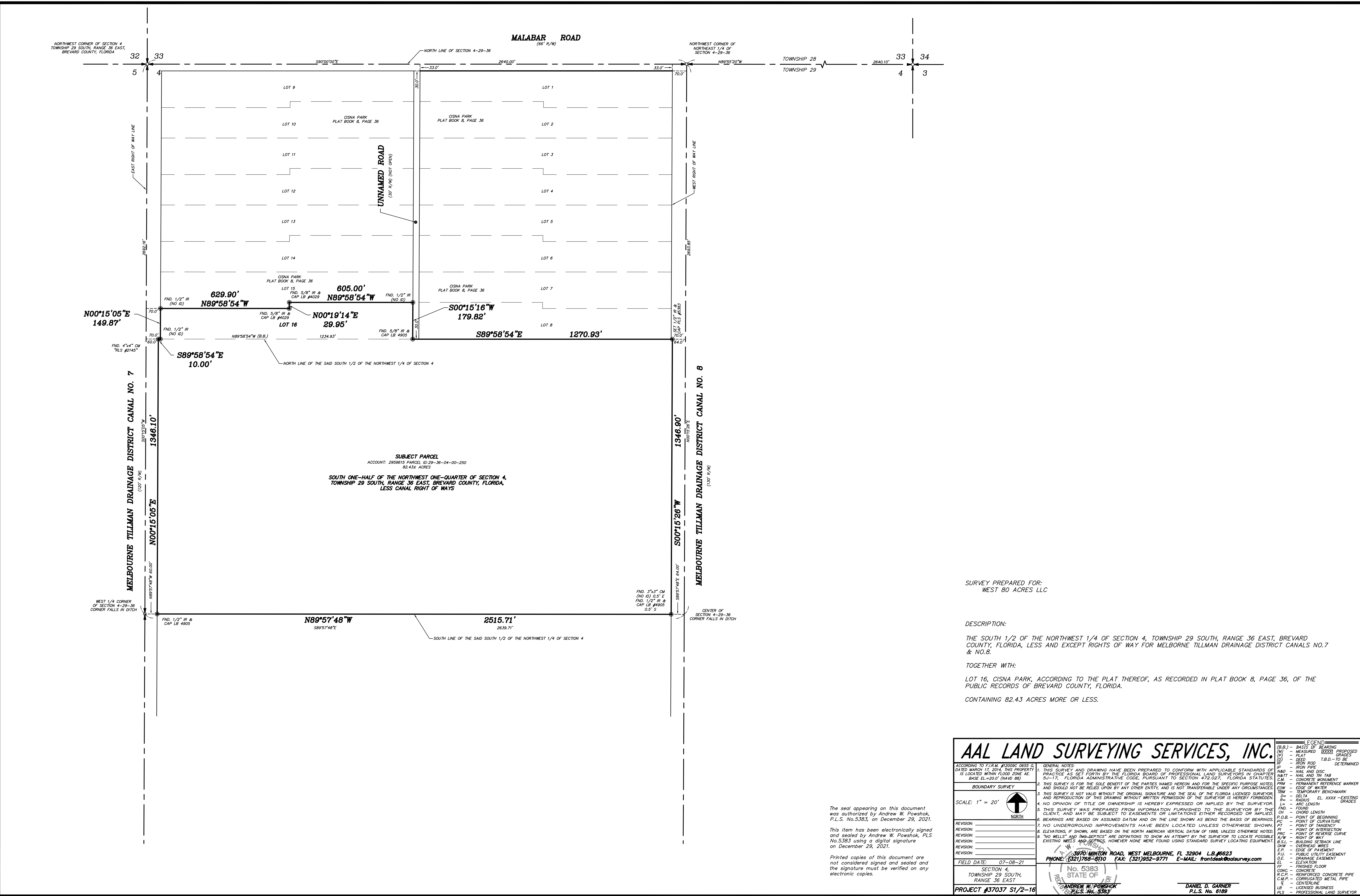
DANIEL D. GARNER
P.L.S. NO. 6189

LEGEND	
(B.B.)	-- BASIS OF BEARING
(M)	-- MEASURED
(G)	-- GRADES
(E)	-- ELEVATION
(L)	-- LENGTH
(A)	-- AREA
(R)	-- RADIUS
(C)	-- CURVE DATA
(N&D)	-- NAIL AND DISC
(N&T)	-- NAIL AND TIN TAB
(I)	-- IRON PIPE PERMANENT
(PM)	-- PERMANENT REFERENCE MARKER
(TB)	-- TRIP BENCHMARK
(TM)	-- TEMPORARY BENCHMARK
(X)	-- CROSSHAIR
(R)	-- RADIUS
(G)	-- GRADES
(P.D.)	-- POINT OF BEGINNING
(P.C.)	-- POINT OF CURVATURE
(P.O.B.)	-- POINT OF BEGINNING
(P.T.A.)	-- POINT OF TANGENCY
(P.E.)	-- POINT OF EXTENSION
(P.S.C.)	-- POINT OF SKEWED CURVE
(P.S.)	-- POINT OF SKEWED CURVE
(B.S.L.)	-- BUILDING SEWER LINE
(E.P.)	-- ELEVATION POINT
(C.P.)	-- CORNER OF PLAT
(E.P.)	-- ELEVATION POINT
(D.E.)	-- DRAINAGE EASEMENT
(F.F.)	-- FINISHED FLOOR
(R.C.P.)	-- REINFORCED CONCRETE PIPE
(M.P.)	-- METAL PIPE
(C.N.)	-- CENTERLINE
(L.S.)	-- LICENSED SURVEYOR
(P.S.)	-- PROFESSIONAL LAND SURVEYOR

*The seal appearing on this document
was authorized by Andrew W. Powshok,
P.L.S. No.5383, on December 29, 2021.*

*This item has been electronically signed
and sealed by Andrew W. Powshok, PLS
No.5383 using a digital signature
on December 29, 2021.*

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.



SURVEY PREPARED FOR:
WEST 80 ACRES LLC

DESCRIPTION:

THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, LESS AND EXCEPT RIGHTS OF WAY FOR MELBOURNE TILLMAN DRAINAGE DISTRICT CANALS NO. 7 & NO. 8.

TOGETHER WITH:

LOT 16, CISNA PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 36, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CONTAINING 82.43 ACRES MORE OR LESS.

AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO F.L.R.M. #12099C 0655 G. DATED MARCH 17, 2014, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE AE. BASE EL.=20.0' (NAVD 88)

REVISION: _____

REVISION: _____

REVISION: _____

REVISION: _____

REVISION: _____

FIELD DATE: 07-08-21

SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST

PROJECT #37037 S1/2-16

GENERAL NOTES:

- THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 9J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
- THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
- THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
- NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
- THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.
- BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.
- NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
- ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.
- NO WELLS AND "NO-SEPTICS" ARE DEFINITIONS TO SHOW AN ATTEMPT BY THE SURVEYOR TO LOCATE POSSIBLE EXISTING WELLS AND SEPTICS, HOWEVER NONE WERE FOUND USING STANDARD SURVEY LOCATING EQUIPMENT.

SCALE: 1" = 20'

NORTH

3970 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B.#6623
PHONE: (321)766-0110 FAX: (321)952-9771 E-MAIL: frontdesk@aalsurvey.com

ANDREW W. POWSHOK
P.L.S. No. 5383

DANIEL D. GARNER
P.L.S. No. 6189

LEGEND

(B.B.) - BASIS OF BEARING
(M) - MEASURED
(P) - PLAT
(D) - DED
(R) - IRON ROD
(I) - IRON PIPE
(N&D) - NAIL AND DISC
(N&T) - NAIL AND TIN TAB
(C.M.) - CONCRETE MONUMENT
(P.M.) - PERMANENT REFERENCE MARKER
(E.O.W.) - EDGE OF WATER
(T.B.M.) - TEMPORARY BENCHMARK
(D.B.L.) - DIST. EL. XXXX - EXISTING GRADES
(L) - ARC LENGTH
(FND) - FOUND
(CH) - CHORD LENGTH
(P.O.B.) - POINT OF BEGINNING
(P.C.) - POINT OF CURVATURE
(P.T.) - POINT OF TANGENCY
(P.I.) - POINT OF INTERSECTION
(P.R.C.) - POINT OF REVERSE CURVE
(R/W) - RIGHT OF WAY
(B.S.L.) - BUILDING SETBACK LINE
(O.W.) - OVERHEAD WIRES
(E.P.) - EDGE OF PAVEMENT
(P.U.E.) - PUBLIC UTILITY EASEMENT
(D.E.) - DRAINAGE EASEMENT
(EL) - ELEVATION
(FF) - FINISHED FLOOR
(CONC) - CONCRETE
(R.C.P.) - REINFORCED CONCRETE PIPE
(C.M.P.) - CORRUGATED METAL PIPE
(E) - CENTERLINE
(LB) - LICENSED BUSINESS
(P.L.S.) - PROFESSIONAL LAND SURVEYOR

Three Forks is a ±124 acres master planned future mixed use development consisting of the following anticipated uses:

- Up to four commercial lots along the northern frontage on West Malabar Road.
- Future right-of-way for the anticipated future widening of Malabar Road.
- High end recreation vehicle (RV) park intended for only later model RVs with amenities.
- Up to 4-story market rate apartments off of the future extension of the St. Johns Heritage Parkway (SJHP) to the west with amenities for its residents.
- Master planned single family subdivision with varying lot sizes and amenities.

The entire master planned development will have interconnected stormwater treatment ponds, extend both City water and wastewater for potable and fire protection needs, and master planned landscaping, irrigation, lighting and signage. All roadways will be constructed to city standards but be privately maintained so they are not a future maintenance burden to the City. The property is adjacent to anticipated future townhomes to the northwest Malabar Road and to the north, a large commercial parcel and some existing single family homes to the east (3 Forks only proposes single family residential adjacent to the existing single family to the east), an existing borrow pit to the south, and the future extension of the St. Johns Heritage Parkway to the west. There are also MTWCD canals buffering to the east and west. We believe that all proposed uses as part of this project would be compatible with current and anticipated future uses adjacent to the property.

We are requesting an annexation, comprehensive future land use amendment, and a preliminary development plan/ rezoning. The proposed future land use and zoning would be Regional Activity Center (RAC). This allows the flexibility of the large property to propose the varying uses and be flexible as market conditions evolve. The proposed uses are unique to this part of the City with respect to the high end RV Park and market rate apartments. There is a strong demand for both of these uses as well as more single family in the area. We anticipate the commercial will be successful as the area grows with this property and ongoing and future adjacent properties. The Malabar Road widening project is moving faster than anticipated as identified to the applicant by the City facilitating future traffic needs. The high end RV Park and other proposed residential uses will usher in more demand for nearby commercial services such as grocery stores, restaurants, retail, offices, and other uses helping the whole region of the City succeed.

The main access to the single family is anticipated to be aligned with the Palm Bay Regional Park entrance and could warrant a traffic signal in the future helping the travelling public. A proposed commercial driveway and RV Park entrance is proposed to line up with the existing entrance to the Parkside West subdivision north of 3 Forks. Access for the apartments and a second access point for the single family is planned directly onto the future extension of the SJHP to the west an emergency egress is provided for the single family development to Malabar Road.

Annexation, Future Land Use Change and Preliminary Development Plan/ Rezoning Summary for 3 Forks

The property is currently in the county and we have calculated preliminary potential revenue projections as follows for the City of Palm Bay if successfully annexed and developed as proposed:

Category	Projected revenue
Palm Bay Impact Fees (one time revenue source)	\$3,652,363.00
Water and Sewer Connection Fees (one time revenue source)	\$3,299,931.83
Palm Bay ad valorem revenue (ongoing, assuming 7.8378 mills)	\$775,812.61
Total	\$7,728,107.44

This does not include the one-time revenue payments to Brevard County for ad valorem and non-ad valorem taxes and impact fees, nor the franchise fees, service fees, utility taxes, license and permit fees, and other miscellaneous revenue that will be a continual revenue stream for the City. The City's 2021 budget letter states that since 2019, the City's real estate values have increased by over 10% each year, and we believe our development, to be called 3 Forks, will add to this increased value.



LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

PRELIMINARY DEVELOPMENT PLAN 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.

APPLICATION AMENDMENT TYPE:

- ☐ **PUD** - Planned Unit Development ([Section 185.066](#))
- ☐ **PMU** - Parkway Mixed Use District (Preliminary Design Plan) ([Section 185.057](#))
- ☐ **PCRD** - Planned Community Redevelopment District ([Section 185.055](#))
- ☒ **RAC** - Regional Activity Center District (Preliminary Concept Plan) ([Section 185.056](#))

PROPOSED DEVELOPMENT NAME:

29-36-04-25-* -1 & 29-36-04-00-250

PARCEL ID(S):

2903869 & 2959615

TAX ACCOUNT NUMBER(S):

See attached location map/ legal description

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):

See attached location map/ legal description

CITY OF PALM BAY, FLORIDA
PRELIMINARY DEVELOPMENT PLAN APPLICATION
PAGE 2 OF 5

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

+/- 124.33

TOTAL LOTS PROPOSED (list by use):

664 total residential (376 single family, 288 multifamily) & 4 commercial

DEVELOPER Anthony Masone- West 80 Acres, LLC

Full Address 3970 Minton Road; West Melbourne, FL 32904

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

ENGINEER Jake Wise, PE- Construction Engineering Group, LLC

Full Address 2651 W Eau Gallie Blvd; Suite A; Melbourne, FL 32935

Telephone 321-610-1760 **Email** jwise@cegengineering.com & tmasone@gmail.com

SURVEYOR AAL Land Surveying Services, Inc.

Full Address 3970 Minton Road; West Melbourne, FL 32904

Telephone 321-768-8110 **Email** aalsurvey@aalsurvey.com

PRELIMINARY DEVELOPMENT PLAN CRITERIA FOR SUBMITTAL:

Two (2) copies of the following exhibits shall be attached to the Preliminary Development Plan application. The preliminary plan and supporting documentation **must also be provided on memory drive.**

- A) Vicinity map clearly outlining subject property and showing the relationship between the site and its surrounding area including adjacent streets and thoroughfares.
- B) Preliminary Development Plan that shall contain maps, drawings and narrative, as appropriate, providing the following information:
 - 1) A general plan for the use of all lands within the proposed development. Such plans shall indicate the general location of residential areas (including maximum density and unit types), open space, parks, passive or scenic areas, and nonresidential areas (including maximum building square footage or other intensity maximums).

CITY OF PALM BAY, FLORIDA
PRELIMINARY DEVELOPMENT PLAN APPLICATION
PAGE 3 OF 5

- 2) Proposed name or title of project, the name of the engineer, architect, and developer.
 - 3) North arrow, scale (1 inch = 200 feet or larger), date and legal description of the proposed site.
 - 4) Boundaries of tract shown with bearings, distances, closures, and bulkhead liner. All existing easements, section lines, and all existing streets and physical features in and adjoining the project, and the existing zoning.
 - 5) Proposed parks, school sites, or other public or private open space.
 - 6) Off-street parking, loading areas, driveways and access points.
 - 7) Site data including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary residential and secondary non-residential uses, and the total number of dwelling units, the maximum height of all structures, the minimum setbacks of all structures (and parking areas) and the total area of pervious and impervious surfaces.
 - 8) Delineation of phased development, if applicable.
 - 9) Proposed means of drainage for the site.
- C) A plan of vehicular and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, the capacity of the system and major access points to the external and internal thoroughfare network.
- D) Schematic drawing of the elevation and architectural construction of the proposed primary and secondary nonresidential structures.
- E) A Traffic Study meeting generally accepted engineering practices examining the impact of the proposed development on the surrounding roadway network. (If applicable)
- F) Narrative describing in detail how the proposed Preliminary Development Plan meets the requirements of the Land Development Code and the Palm Bay Comprehensive Plan.

Additional conditions must be met and incorporated into the site plan for the specific type of development requested (PUD, PMU, PCRD, RAC). The additional criteria are listed in the Code of Ordinances and available from staff.

CITY OF PALM BAY, FLORIDA
PRELIMINARY DEVELOPMENT PLAN APPLICATION
PAGE 4 OF 5

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

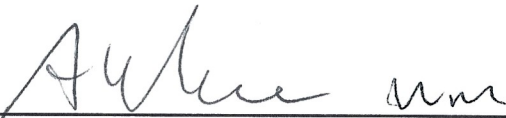
- ☐ *A \$1,000.00 application fee shall accompany the Preliminary Development Plan application for the purposes of administration. Make Check payable to "City of Palm Bay."
- ☐ Vicinity Map (see Item A).
- ☐ Preliminary Development Plan (see Item B).
- ☐ Vehicular and Pedestrian Circulation Plan (see Item C).
- ☐ Schematic Drawing (see Item D).
- ☐ Traffic Study (see Item E).
- ☐ Narrative (see Item F).
- ☐ 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.)
- ☐ Citizen Participation Plan. Required when a Preliminary Development Plan application was not submitted. Refer to Section 169.005 of the Land Development Code for guidelines.
- ☐ 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 guidelines. 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 Jake Wise, PE- Construction Engineering Group, LLC

CITY OF PALM BAY, FLORIDA
PRELIMINARY DEVELOPMENT PLAN APPLICATION
PAGE 5 OF 5

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 PRELIMINARY DEVELOPMENT PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

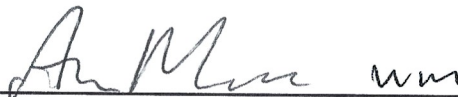
Owner Signature  **Date** 4-14-22
Printed Name Anthony Masone, Manager of Parkside Commons Center, LLC
Full Address 3970 Minton Road: West Melbourne, FL 32904
Telephone 321- 693-8669 **Email** tmasone@gmail.com

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

CITY OF PALM BAY, FLORIDA
PRELIMINARY DEVELOPMENT PLAN APPLICATION
PAGE 5 OF 5

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 PRELIMINARY DEVELOPMENT PLAN APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Owner Signature  **Date** 4-14-22
Printed Name Anthony Masone, Manager of West 80 Acres, LLC
Full Address 3970 Minton Road; West Melbourne, FL 32904
Telephone 321- 693-8669 **Email** tmasone@gmail.com

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

Ownership Listing

<u>Tax Account</u>	<u>Parcel ID</u>	<u>Owner Name</u>	<u>Address</u>	<u>Phone Number</u>	<u>Email</u>
2903869	29-36-04-25-*-1	Parkside Commons Center, LLC	3970 Minton Road; Melbourne, FL 32904	321-693-8669	tmasone@gmail.com
2959615	29-36-04-00-250	West 80 Acres, LLC			

4-14, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

BCPA Parcel ID 29-36-04-00-250

I, Owner Name: Anthony Masone, Manager of West 80 Acres, LLC

Address: 3970 Minton Road; West Melbourne, FL 32904

Telephone: 321- 693- 8669

Email: tmasone@gmail.com

hereby authorize:

Representative: Jake Wise, PE- Construction Engineering Group, LLC

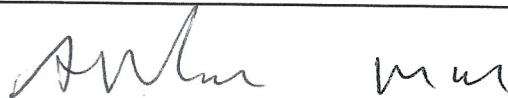
Address: 2651 W Eau Gallie Blvd, Suite A; Melbourne, FL 32935

Telephone: 321-610-1760

Email: jwise@cegengineering.com

to represent the request(s) for:

Annexation, CPA, PDP and any/all associated submittals

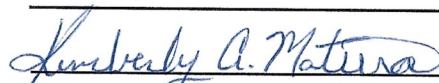


(Property Owner Signature)

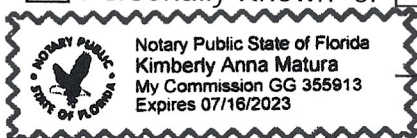
STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14th day of April, 20 22 by Anthony Masone, property owner.

 , Notary Public

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



4-14

, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

BCPA Parcel ID 29-36-04-25-*1

I, Owner Name: Anthony Masone, Manager of Parkside Commons Center, LLC

Address: 3970 Minton Road; West Melbourne, FL 32904

Telephone: 321- 693- 8669

Email: tmasone@gmail.com

hereby authorize:

Representative: Jake Wise, PE- Construction Engineering Group, LLC

Address: 2651 W Eau Gallie Blvd, Suite A; Melbourne, FL 32935

Telephone: 321-610-1760

Email: jwise@cegengineering.com

to represent the request(s) for:

Annexation, CPA, PD and any/all associated submittals

A Masone

(Property Owner Signature)

4-14-22

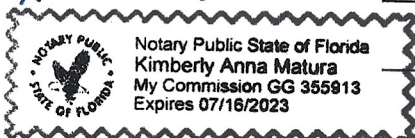
STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14th day of April, 20 22 by _____, property owner.

Kimberly A. Matura, Notary Public

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



School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699

Dr. Mark W. Mullins, Ed.D., Superintendent



June 22, 2022

Mr. Jesse Anderson
Assistant Director
City of Palm Bay
Growth Management Department
120 Malabar Road SE
Palm Bay, Florida 32907

**RE: Proposed 3 Forks Development
School Impact Analysis – Capacity Determination CD-2022-29**

Dear Mr. Jesse Anderson,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is Tax Account number 2903869 (Parcel ID number: 29-36-04-25-*1) and Tax Account number 2959615 (Parcel ID number: 29-36-04-00-250) containing a total of approximately 124.33 acres in the City of Palm Bay, Florida. The proposed development includes 376 single-family homes and 288 multi-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2022-23 to 2026-27 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2021-22 to 2026-27* which is attached for reference.

	Multi Family		Single Family		Total Units
	288		376		
Students Generated	Student Generation Rates	Calculated Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.11	31.68	0.24	90.24	122
Middle	0.02	5.76	0.07	26.32	32
High	0.05	14.4	0.12	45.12	60
Total	0.18	51.84	0.43	161.68	214

Planning & Project Management
Facilities Services

Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646



An Equal Opportunity Employer

**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2022-23 to
2026-27**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter		930	930	930	930	952
Central		1,514	1,514	1,514	1,514	1,514
Heritage		2,314	2,314	2,314	2,314	2,314

Projected Student Membership

School		2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter		721	817	857	854	920
Central		1,171	1,217	1,238	1,319	1,360
Heritage		2,038	2,149	2,193	2,179	2,248

Students Generated by Newly Issued SCADL Reservations Since FFP

School		2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter		28	46	46	46	46
Central		-	12	24	36	42
Heritage		-	24	48	72	84

**Cumulative Students Generated by
Proposed Development**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter		-	24	88	122	122
Central		-	7	24	32	32
Heritage		-	12	43	60	60

**Total Projected Student Membership (includes
Cumulative Impact of Proposed Development)**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter		749	887	991	1,022	1,088
Central		1,171	1,236	1,286	1,387	1,434
Heritage		2,038	2,185	2,284	2,311	2,392

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter		181	43	(61)	(92)	(136)
Central		343	278	228	127	80
Heritage		276	129	30	3	(78)

At this time, Jupiter Elementary School and Heritage High School are not projected to have enough capacity for the total of projected and potential students from the 3 Forks development. Because there is a shortfall of available capacity in the concurrency service area of the 3 Forks development, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school service areas are Westside Elementary School, Turner Elementary School, McAuliffe Elementary School and Discovery Elementary School. The adjacent high school service areas are Bayside High School, Palm Bay Magnet High School, Melbourne High School and Eau Gallie High School. A table of capacities of the *Adjacent Schools Concurrency Service Areas* that could accommodate the impacts of the 3 Forks development is shown:

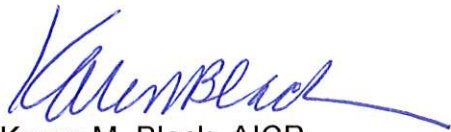
FISH Capacity (including relocatable classrooms) from the Financially Feasible Plan (FFP) Data and Analysis for School Years 2022-23 to 2026-27						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Discovery		980	980	980	980	980
Bayside		2,263	2,263	2,263	2,263	2,263
Projected Student Membership						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Discovery		644	639	633	608	611
Bayside		1,728	1,850	1,942	2,002	2,069
Students Generated by Newly Issued SCADL Reservations Since FFP						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Discovery		-	-	-	-	-
Bayside		29	29	29	29	29
Cumulative Students Generated by Proposed Development						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Discovery		-	24	88	122	122
Bayside		-	12	43	60	60
Total Projected Student Membership (includes Cumulative Impact of Proposed Development)						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Discovery		644	663	721	730	733
Bayside		1,757	1,891	2,014	2,091	2,158
Projected Available Capacity = FISH Capacity - Total Projected Student Membership						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Discovery		336	317	259	250	247
Bayside		506	372	249	172	105

Considering the adjacent elementary school and high school service areas, there is sufficient capacity for the total projected student membership to accommodate the 3 Forks development.

This is a **non-binding** review; a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,



Karen M. Black, AICP
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

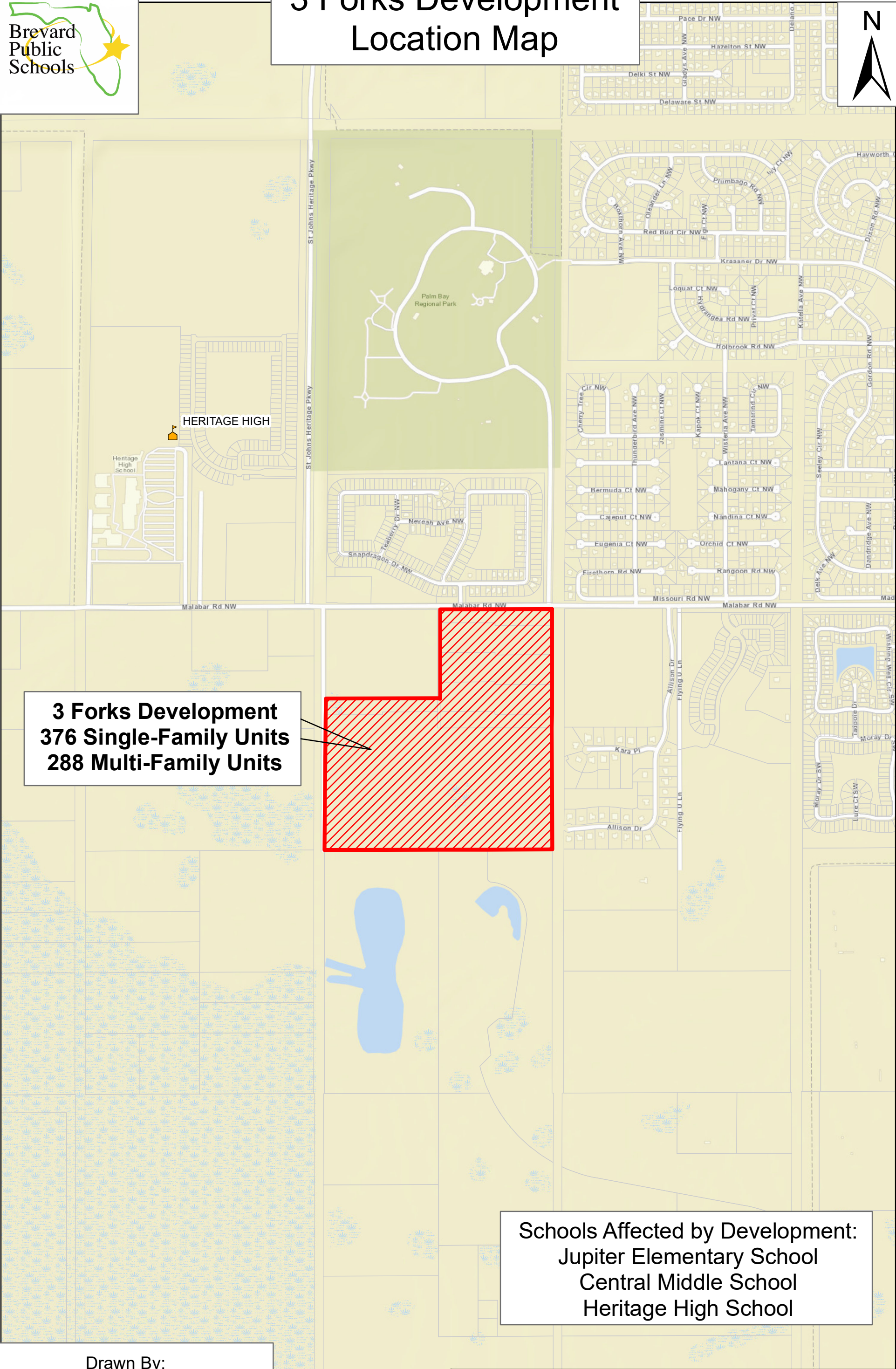
Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2021-22 to 2026-27*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services
File CD-2022-29

David G. Lindemann, AICP, Director of Planning & Project
Management, Facilities Services
File CD-2022-29



3 Forks Development Location Map



3 Forks Development
376 Single-Family Units
288 Multi-Family Units

Schools Affected by Development:
Jupiter Elementary School
Central Middle School
Heritage High School

Drawn By:
Planning & Project Management
Blake Stinson
06/22/2022



Brevard County Public Schools

Financially Feasible Plan To Maintain Utilization Rates Lower than the **100%** Level of Service

Data and Analysis for School Years 2021-22 to 2026-27



Summary	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
Highest Utilization Elementary Schools:	88%	89%	95%	98%	97%	99%
Highest Utilization Middle Schools:	88%	89%	90%	89%	92%	96%
Highest Utilization Jr / Sr High Schools:	84%	84%	82%	82%	79%	78%
Highest Utilization High Schools:	101%	100%	99%	95%	94%	97%

				School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27		
School	Type	Grades	Utilization Factor	FISH Capacity	10/15/21 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	630	84%	751	632	84%	751	694	92%	751	739	98%	773	752	97%	773	738	95%
Andersen	Elementary	K-6	100%	884	592	67%	884	591	67%	884	597	68%	884	589	67%	884	565	64%	884	554	63%
Apollo	Elementary	K-6	100%	902	782	87%	902	783	87%	902	755	84%	902	761	84%	902	739	82%	902	729	81%
Atlantis	Elementary	PK-6	100%	739	629	85%	739	630	85%	739	616	83%	739	600	81%	739	592	80%	739	576	78%
Audubon	Elementary	PK-6	100%	761	464	61%	761	464	61%	761	458	60%	761	438	58%	761	427	56%	761	440	58%
Cambridge	Elementary	PK-6	100%	765	506	66%	765	506	66%	765	513	67%	765	510	67%	765	485	63%	765	480	63%
Cape View	Elementary	PK-6	100%	570	278	49%	570	285	50%	570	287	50%	570	281	49%	570	286	50%	570	284	50%
Carroll	Elementary	K-6	100%	751	614	82%	751	619	82%	751	605	81%	751	613	82%	751	600	80%	751	593	79%
Challenger 7	Elementary	PK-6	100%	573	506	88%	573	508	89%	573	476	83%	573	449	78%	573	437	76%	573	414	72%
Columbia	Elementary	PK-6	100%	751	462	62%	751	484	64%	751	546	73%	751	568	76%	751	569	76%	751	572	76%
Coquina	Elementary	K-6	100%	711	534	75%	711	531	75%	711	557	78%	711	572	80%	711	596	84%	711	602	85%
Creel	Elementary	PK-6	100%	1,114	717	64%	1,114	762	68%	1,114	812	73%	1,114	847	76%	1,114	877	79%	1,114	922	83%
Croton	Elementary	PK-6	100%	795	487	61%	795	488	61%	795	530	67%	795	559	70%	795	586	74%	795	604	76%
Discovery	Elementary	PK-6	100%	980	615	63%	980	644	66%	980	639	65%	980	633	65%	980	608	62%	980	611	62%
Endeavour	Elementary	PK-6	100%	968	657	68%	968	670	69%	968	668	69%	968	641	66%	968	627	65%	968	640	66%
Enterprise	Elementary	K-6	100%	729	605	83%	729	608	83%	729	587	81%	729	561	77%	729	529	73%	729	513	70%
Fairglen	Elementary	PK-6	100%	789	581	74%	789	580	74%	789	597	76%	789	620	79%	789	626	79%	789	639	81%
Gemini	Elementary	K-6	100%	711	427	60%	711	442	62%	711	440	62%	711	424	60%	711	420	59%	711	409	58%
Golfview	Elementary	PK-6	100%	777	454	58%	777	454	58%	777	467	60%	777	503	65%	777	513	66%	777	521	67%
Harbor City	Elementary	PK-6	100%	629	359	57%	629	357	57%	629	386	61%	629	399	63%	629	400	64%	629	411	65%
Holland	Elementary	PK-6	100%	605	444	73%	605	465	77%	605	471	78%	605	473	78%	605	472	78%	605	477	79%
Imperial Estates	Elementary	K-6	100%	729	624	86%	729	622	85%	729	626	86%	729	619	85%	729	620	85%	729	645	88%
Indialantic	Elementary	K-6	100%	798	671	84%	798	672	84%	798	658	82%	798	646	81%	798	620	78%	798	622	78%
Jupiter	Elementary	PK-6	100%	930	724	78%	930	721	78%	930	817	88%	930	857	92%	930	854	92%	930	920	97%
Lockmar	Elementary	PK-6	100%	892	632	71%	892	631	71%	892	594	67%	892	578	65%	892	559	63%	892	553	62%
Longleaf	Elementary	PK-6	100%	790	594	75%	790	594	75%	790	587	74%	790	583	74%	790	565	72%	790	551	70%
Manatee	Elementary	K-6	100%	998	843	84%	998	855	86%	998	815	82%	998	793	79%	998	765	77%	998	750	75%
McAuliffe	Elementary	PK-6	100%	918	634	69%	918	633	69%	918	624	68%	918	583	64%	918	576	63%	918	565	62%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	832	75%	1,114	832	75%	1,114	902	81%	1,114	920	83%	1,114	950	85%	1,114	950	85%
Meadowlane Primary	Elementary	K-6	100%	824	678	82%	824	678	82%	824	731	89%	824	725	88%	824	734	89%	824	731	89%
Mila	Elementary	PK-6	100%	707	438	62%	707	432	61%	707	430	61%	707	444	63%	707	417	59%	707	416	59%
Mims	Elementary	PK-6	100%	725	431	59%	725	442	61%	725	433	60%	725	441	61%	725	452	62%	725	446	62%
Oak Park	Elementary	PK-6	100%	968	561	58%	968	563	58%	968	554	57%	968	510	53%	968	508	52%	968	523	54%
Ocean Breeze	Elementary	PK-6	100%	654	538	82%	654	543	83%	654	524	80%	654	506	77%	654	484	74%	654	472	72%
Palm Bay Elem	Elementary	PK-6	100%	983	547	56%	983	567	58%	983	571	58%	983	570	58%	983	602	61%	983	622	63%
Pinewood	Elementary	PK-6	100%	569	496	87%	569	500	88%	569	517	91%	569	524	92%	569	526	92%	569	532	93%
Port Malabar	Elementary	PK-6	100%	852	636	75%	852	636	75%	852	630	74%	852	636	75%	852	645	76%	852	632	74%
Quest	Elementary	PK-6	100%	1,152	673	58%	1,152	673	58%	1,152	694	60%	1,152	722	63%	1,152	734	64%	1,152	728	63%
Riviera	Elementary	PK-6	100%	777	624	80%	777	631	81%	777	681	88%	777	709	91%	777	722	93%	777	750	97%
Roosevelt	Elementary	K-6	100%	599	263	44%	599	261	44%	599	241	40%	599	221	37%	599	202	34%	599	190	32%
Sabal	Elementary	PK-6	100%	785	516	66%	785	507	65%	785	516	66%	785	523	67%	785	516	66%	785	530	68%
Saturn	Elementary	PK-6	100%	976	678	69%	976	679	70%	976	731	75%	976	772	79%	976	822	84%	976	810	83%
Sea Park	Elementary	PK-6	100%	461	299	65%	461	317	69%	461	324	70%	461	324	70%	461	330	72%	461	331	72%
Sherwood	Elementary	PK-6	100%	609	428	70%	609	429	70%	609	429	70%	609	434	71%	609	442	73%	609	441	72%
Sunrise	Elementary	PK-6	100%	913	691	76%	913	690	76%	913	738	81%	935	824	88%	1,001	929	93%	1,067	1,061	99%
Suntree	Elementary	K-6	100%	755	595	79%	755	595	79%	755	584	77%	755	555	74%	755	546	72%	755	523	69%
Surfside	Elementary	K-6	100%	541	408	75%	541	407	75%	541	372	69%	541	345	64%	541	336	62%	541	329	61%
Tropical	Elementary	K-6	100%	910	641	70%	910	642	71%	910	635	70%	910	614	67%	910	597	66%	910	609	67%
Turner	Elementary	PK-6	100%	874	579	66%	874	576	66%	874	621	71%	874	642	73%	874	659	75%	874	694	79%
University Park	Elementary	PK-6	100%	811	466	57%	811	464	57%	811	496	61%	811	554	68%	811	622	77%	811	657	81%
Viera Elem	Elementary	K-6	100%	1,030	585	57%	1,030	635	62%	1,030	671	65%	1,030	742	72%	1,030	826	80%	1,030	902	88%
Westside	Elementary	K-6	100%	857	728	85%	857	761	89%	857	815	95%	879	855	97%	901	872	97%	923	895	97%
Williams	Elementary	PK-6	100%	715	494	69%	715	493	69%	715	483	68%	715	473	66%	715	452	63%	715	438	61%
Elementary Totals				42,471	29,890		42,471	30,184		42,471	30,745		42,515	31,024		42,625	31,190		42,735	31,547	

Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,514	1,171	77%	1,514	1,171	77%	1,514	1,217	80%	1,514	1,238	82%	1,514	1,319	87%	1,514	1,360	90%
DeLaura	Middle	7-8	90%	960	843	88%	960	851	89%	960	829	86%	960	854	89%	960	816	85%	960	787	82%
Hoover	Middle	7-8	90%	680	510	75%	680	510	75%	680	485	71%	680	506	74%	680	550	81%	680	539	79%
Jackson	Middle	7-8	90%	660	574	87%	660	574	87%	660	594	90%	660	556	84%	660	540	82%	660	531	80%
Jefferson	Middle	7-8	90%	873	622	71%	873	622	71%	873	583	67%	873	580	66%	873	583	67%	873	535	61%
Johnson	Middle	7-8	90%	1,064	690	65%	1,064	690	65%	1,064	707	66%	1,064	752	71%	1,064	795	75%	1,064	813	76%
Kennedy	Middle	7-8	90%	869	682	78%	869	682	78%	869	641	74%	869	617	71%	869	628	72%	869	656	75%
Madison	Middle	7-8	90%	781	480	61%	781	480	61%	781	471	60%	781	480	61%	781	457	59%	781	446	57%
McNair	Middle	7-8	90%	611	336	55%	611	350	57%	611	359	59%	611	353	58%	611	362	59%	611	349	57%
Southwest	Middle	7-8	90%	1,211	940	78%	1,211	940	78%	1,211	922	76%	1,211	1,000	83%	1,211	1,119	92%	1,211	1,157	96%
Stone	Middle	7-8	90%	1,024	747	73%	1,024	747	73%	1,024	706	69%	1,024	745	73%	1,024	772	75%	1,024	846	83%
Middle Totals				10,247	7,595		10,247	7,617		10,247	7,514		10,247	7,681		10,247	7,941		10,247	8,019	
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	PK, 7-12	90%	2,084	1,516	73%	2,084	1,517	73%	2,084	1,578	76%	2,084	1,627	78%	2,084	1,637	79%	2,084	1,626	78%
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	943	65%	1,445	955	66%	1,445	917	63%	1,445	890	62%	1,445	821	57%	1,445	782	54%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,556	84%	1,852	1,557	84%	1,852	1,526	82%	1,852	1,511	82%	1,852	1,465	79%	1,852	1,448	78%
Jr / Sr High Totals				5,381	4,015		5,381	4,029		5,381	4,021		5,381	4,028		5,381	3,923		5,381	3,856	
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,451	1,077	74%	1,451	1,076	74%	1,451	1,094	75%	1,451	1,086	75%	1,451	1,078	74%	1,451	1,086	75%
Bayside	High	9-12	95%	2,263	1,653	73%	2,263	1,728	76%	2,263	1,850	82%	2,263	1,942	86%	2,263	2,002	88%	2,263	2,069	91%
Eau Gallie	High	PK, 9-12	95%	2,221	1,610	72%	2,221	1,605	72%	2,221	1,634	74%	2,221	1,655	75%	2,221	1,680	76%	2,221	1,700	77%
Heritage	High	9-12	95%	2,314	1,991	86%	2,314	2,038	88%	2,314	2,149	93%	2,314	2,193	95%	2,314	2,179	94%	2,314	2,248	97%
Melbourne	High	9-12	95%	2,370	2,210	93%	2,370	2,208	93%	2,370	2,201	93%	2,370	2,200	93%	2,370	2,151	91%	2,370	2,185	92%
Merritt Island	High	PK, 9-12	95%	1,962	1,523	78%	1,962	1,523	78%	1,962	1,494	76%	1,962	1,454	74%	1,962	1,401	71%	1,962	1,389	71%
Palm Bay	High	PK, 9-12	95%	2,631	1,286	49%	2,631	1,325	50%	2,631	1,467	56%	2,631	1,573	60%	2,631	1,645	63%	2,631	1,643	62%
Rockledge	High	9-12	95%	1,836	1,568	85%	1,836	1,568	85%	1,836	1,641	89%	1,836	1,658	90%	1,836	1,638	89%	1,836	1,620	88%
Satellite	High	PK, 9-12	95%	1,527	1,513	99%	1,551	1,550	100%	1,551	1,533	99%	1,551	1,470	95%	1,551	1,438	93%	1,551	1,387	89%
Titusville	High	9-12	95%	1,849	1,231	67%	1,849	1,272	69%	1,849	1,295	70%	1,849	1,313	71%	1,849	1,330	72%	1,849	1,270	69%
Viera	High	PK, 9-12	95%	2,203	2,216	101%	2,251	2,233	99%	2,583	2,272	88%	2,583	2,386	92%	2,583	2,411	93%	2,583	2,469	96%
High Totals				22,627	17,878		22,699	18,126		23,031	18,630		23,031	18,930		23,031	18,953		23,031	19,066	
Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	406	85%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
South Lake	Elementary	K-6	100%	481	396	82%	481	417	87%	481	417	87%	481	417	87%	481	417	87%	481	417	87%
Stevenson	Elementary	K-6	100%	569	498	88%	569	508	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%
West Melbourne	Elementary	K-6	100%	618	544	88%	618	552	89%	618	552	89%	618	552	89%	618	552	89%	618	552	89%
Edgewood	Jr / Sr High	7-12	90%	1,077	921	86%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%
West Shore	Jr / Sr High	7-12	90%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%
Schools of Choice				4,484	3,711		4,484	3,787		4,484	3,787		4,484	3,787		4,484	3,787		4,484	3,787	
Brevard Totals				85,210	63,089		85,282	63,743		85,614	64,697		85,658	65,450		85,768	65,794		85,878	66,275	

Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2021-22 are reported from the FISH database as of October 12, 2021.
- Student Membership is reported from the Fall Final Membership Count (10/15/2021).
- Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
- Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nongeocoded student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
- In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
- A total of 15 Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms are proposed to be added at Roy Allen Elementary, Jupiter Elementary, Sunrise Elementary, and Westside Elementary Schools (Total 12 Classrooms)
 - High school relocatable classrooms are proposed to be added at Satellite High and Viera High (Total of 3 Classrooms)
- A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.

Chandra Powell

From: Alexandra Bernard
Sent: Tuesday, June 28, 2022 4:15 PM
To: Jesse Anderson; Chandra Powell
Subject: FW: Access to Platt Land (PKG & Cheri Platt Trustee)
Attachments: 11654_200_001-001.pdf

FYI... this needs to be included in the 3 forks file

From: Scott Glaubitz <SGlaubitz@bseconsult.com>
Sent: Tuesday, June 28, 2022 3:43 PM
To: Jake Wise (jwise@cegengineering.com) <jwise@cegengineering.com>; Drew Powshok (aalsurvey@aalsurvey.com) <aalsurvey@aalsurvey.com>
Cc: Rebecca Cone <rcone@bseconsult.com>; Troy Platt (deeprootsmeat@yahoo.com) <deeprootsmeat@yahoo.com>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>
Subject: Access to Platt Land (PKG & Cheri Platt Trustee)

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Jake/Drew;

We put together the attached drawing that may be used to show that the 3-Forks Mixed Use Plan interferes with current access to Platt lands. There are numerous components to consider;

- 1) The parkway ACE plans, that to my knowledge, are not yet finalized. One of the ACE Corridors is routed through 3-Forks.
- 2) Temporary 24' wide access easement through Chaparral Property that has not been recognized by Chaparral's 1ST recorded plat. Therefore the viability of that temporary easement is questionable.
- 3) A second 20' wide temporary easement that does not extend to Platt property south of 3-Forks.
- 4) A third temporary easement that terminate near the 3-Forks SE corner that does not extend to Platt property.
- 5) A portion of the Parkway proposed by 3-Forks with access across the canal that interferes with current "Rancher" access. This current Rancher access includes a +/- 20 road on a canal bank that does not meet current city code in its existing condition.

We request that you consider a City legal width R/W extending south to Platt lands to avoid creating a land locked situation.

Scott Glaubitz PE; PLS
BSE Consultants, Inc.
312 So. Harbor City Blvd.
Melbourne, Fl. 32901
Cell 321-403-1436
Office 321-725-3674
sglaubitz@bseconsult.com

From: [Kenny Johnson](#)
To: [Suzanne Sherman](#); [Joan Junkala](#); [Terri Lefler](#); [Terese Jones](#)
Subject: Fwd: Comments on Resolution 2022-40
Date: Tuesday, August 16, 2022 7:28:28 PM

Sincerely,
Kenny Johnson
Palm Bay City Councilman Seat 4
321-474-0183

From: Frank Colombo <frank.colombo@gmail.com>
Sent: Tuesday, August 16, 2022 5:41:52 PM
To: City Council <CityCouncil@palmbayflorida.org>
Subject: Comments on Resolution 2022-40

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Mayor and City Council Members:

I am writing to you in regards to the above resolution. As a resident of Parkside West, which is directly across the street from the proposed development, I ask that you look at the following:

1. Entrance for the RV park. Currently, the entrance to the RV park will share an entrance with the commercial lots directly across the intersection from Parkside West. I have a great concern with the amount of traffic that this intersection will see. Given that traffic is already a problem in the early morning and early evening drive times, adding traffic for restaurants AND RV's will greatly impact traffic in a negative way. I would like you to examine any other locations for the RV park entrance such as off of the Heritage Parkway extension that is planned or to move it to the entrance in front of Fred Poppe Park. As that will be the entrance for the single family homes and the gate for those homes is well off of Malabar Rd, the RV's could be turned off to the right prior to the gates and enter/exit the RV park from there.

2. With the addition of The Casita's planned development between this development and the Heritage Parkway, you are going to have 6 entrances and exits in less than 1 half mile:

1. Fred Poppe Park
2. 3 Forks Single family
3. Parkside West
4. 3 Forks Restaurants/RV
- 5 & 6. Casitas right in/right out

The current plan calls for 2 lights - one at Heritage Parkway/Malabar and one at Fred Poppe Park. What is the plan for Parkside West and the 3 Forks Restaurant/RV entrance? Just imagine its 5:30 on a Friday and we have restaurant patrons, RV's pulling in for the weekend, Parkside West folks coming home, and Casita residents coming home. It's going to be a nightmare. I know Councilman Foster lives in this area and takes the parkway home so he can attest to the traffic problems. I also see traffic issues coming when Palm Bay opens its RV park in Fred Poppe Park.

3. The entrance to Parkside West is not a traditional entrance. It is a very wide entrance with a large area in the middle for our call box and it is essentially two lanes on either side of the call box. Is this entrance going to be renovated so that everything lines up? Who pays for that renovation? Surely not the residents of Parkside West. Has the developer had a conversation with the HOA Board of Parkside West or the Omega Properties, our Property Manager? I do not believe so.

4. Is this the right time to build this, or should it wait for the 4 lane widening of Malabar to take place? If it can't wait, why not stipulate that the developer MUST widen Malabar from before Fred Popper Park all the way to Heritage Parkway. Otherwise I fear that once this development is done, we will have to go through another construction zone when the state/county/city finally approves the plan for widening Malabar Road and finds the money to pay for it.

As I stated in an earlier letter to you, we hold all of the cards when it comes to developers. Real estate building is at an all time high and builders want to build here in Palm Bay. We should be telling them what it will take to get these projects approved, not letting them dictate to us what they will do.

Thank you for your attention to this matter.

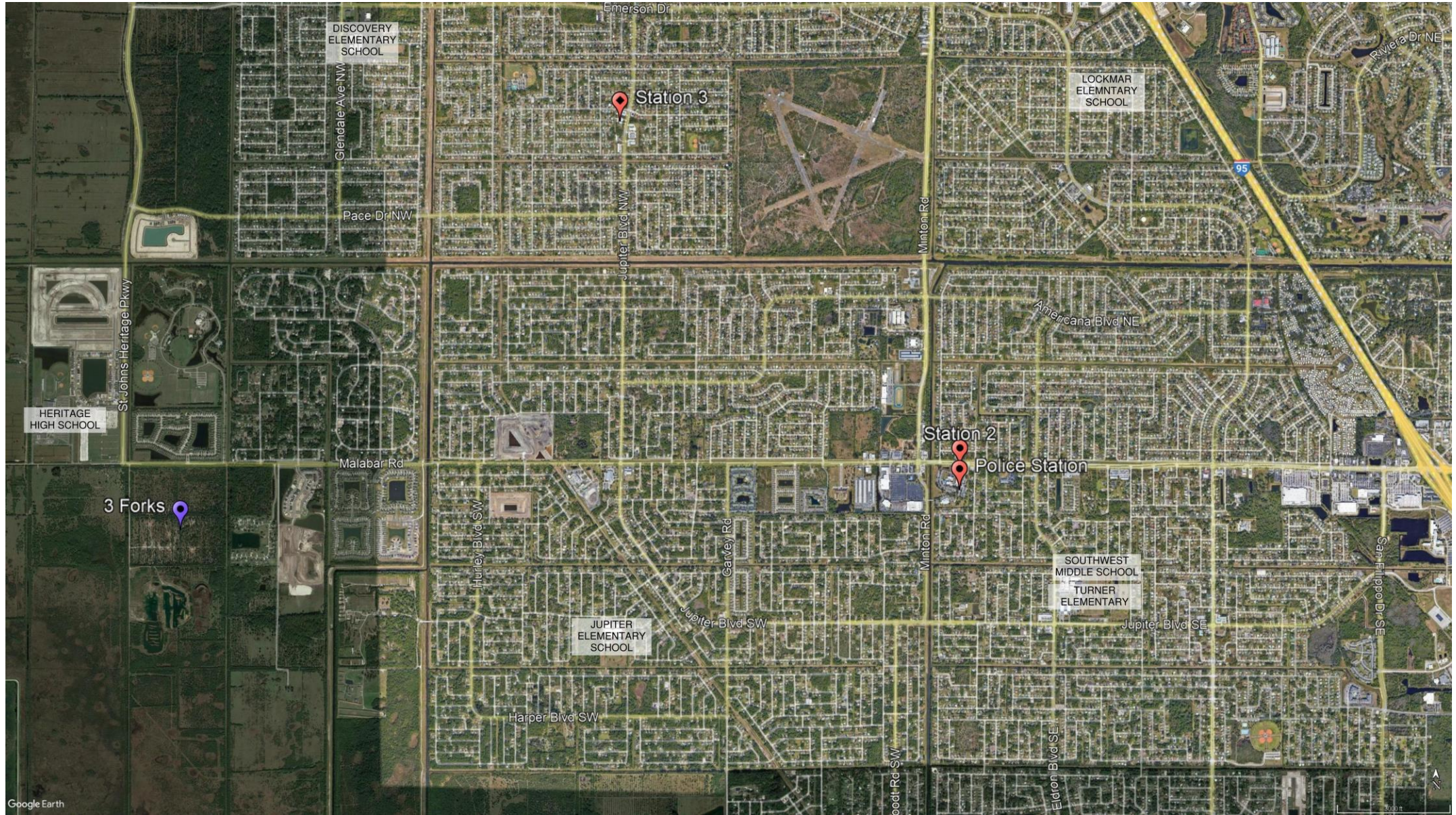
Best regards,

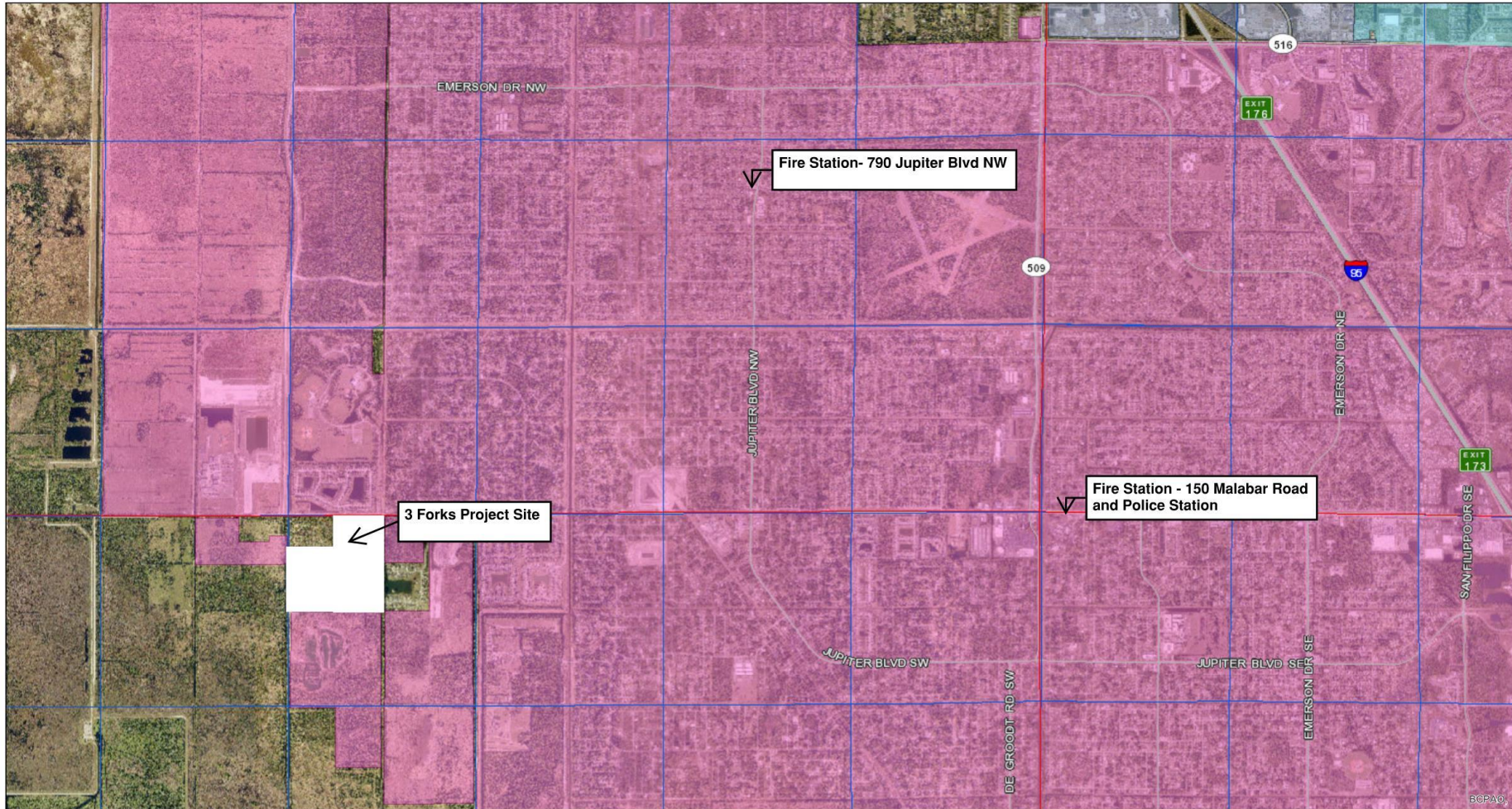
Frank Colombo
2052 Snapdragon Dr NW
Palm Bay, FL 32907

3 Forks Mixed Use Development

Presented by








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Map created May 25, 2022 (map data dates may vary)



CATEGORY	PROJECTED REVENUE
Palm Bay Impact Fees (one time revenue source)	\$3,652,363.00
Water and Sewer Connection Fees (one time revenue source)	\$3,299,931.83
Palm Bay ad valorem revenue (ongoing, assuming 7.8378 mills)	\$775,812.61
Total	\$7,728,107.44

Terri Lefler

Subject: PD-26-2022

From: Jake Wise <jwise@cegengineering.com>

Sent: Tuesday, August 16, 2022 11:14 AM

To: Jesse Anderson <Jesse.Anderson@palmbayflorida.org>

Cc: Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Andrew W. Powshok <drew@aalsurvey.com>; Tony Masone <tmasone@gmail.com>

Subject: Re: PD-26-2022

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Please accept this email as our request for the continuance stated below. Thank you.

Jake T. Wise, P.E.
Principal Civil Engineer
Construction Engineering Group, LLC
2651 W. Eau Gallie Blvd., Suite A
Melbourne, FL 32935
Cell: (321) 427-7455
Office: (321) 610-1760

On Aug 16, 2022, at 5:10 AM, Jesse Anderson <Jesse.Anderson@palmbayflorida.org> wrote:

Good morning Jake,

Since PD-26-2022 accompanies CP-26-2022, and CP-26-2022 is going to be advertised for final reading on 09/15/22 - would you mind sending a revised continuance request - asking that PD-26-2022 be continued to the 09/15/22 RCM (that way, you will not have to submit another continuance request at the next Council meeting)?

Thanks.

Best,



[Participate in the Palm Bay Comprehensive Plan Update Here!](#)

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Promoting a Green Palm Bay - Please consider the environment before printing this e-mail!

From: [Alexandra Bernard](#)
To: [Terese Jones](#); [Terri Lefler](#)
Cc: [Angela Burak](#)
Subject: FW: 3 Forks (PD-26-2022)
Date: Thursday, August 4, 2022 1:37:26 PM
Attachments: [image002.png](#)

See the email below, they are formally requesting a continuance to the September 1 RCM.

Thanks,



From: Jake Wise <jwise@cegengineering.com>
Sent: Thursday, August 4, 2022 1:34 PM
To: Chandra Powell <Chandra.Powell@palmbayflorida.org>; Alexandra Bernard <Alexandra.Bernard@palmbayflorida.org>; Jesse Anderson <Jesse.Anderson@palmbayflorida.org>; Joan Junkala <Joan.Junkala@palmbayflorida.org>
Cc: Tony Masone <tmasone@gmail.com>; Andrew W. Powshok <drew@aalsurvey.com>; Jamie Mannon <jmannon@cegengineering.com>
Subject: 3 Forks (PD-26-2022)

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.

We would like to request a continuance of PD-26-2022 to the September 1 Council meeting. Please confirm this email is acceptable for this request. Thanks.

Jake T. Wise, P.E.
Principal Civil Engineer



Construction Engineering Group, LLC

2651 W. Eau Gallie Blvd, Suite A
Melbourne, Florida 32935
Direct: 321.610.1760
Cell: 321.427.7455
www.ceengineering.com

ORDINANCE 2022-101

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR A PROPOSED REGIONAL ACTIVITY CENTER TO BE KNOWN AS '3 FORKS MIXED USE' IN AU (AGRICULTURAL RESIDENTIAL)(BREVARD COUNTY) AND SR (SUBURBAN RESIDENTIAL)(BREVARD COUNTY) ZONING, WITH A TENTATIVE ZONING OF RAC (REGIONAL ACTIVITY CENTER DISTRICT); WHICH PROPERTY IS LOCATED SOUTH OF AND ADJACENT TO MALABAR ROAD, IN THE VICINITY EAST OF ST. JOHNS HERITAGE PARKWAY AND WEST OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL 8, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR FILING OF THE FINAL DEVELOPMENT PLAN APPLICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, application for a Preliminary Development Plan in AU (Agricultural Residential) (Brevard County) and SR (Suburban Residential) (Brevard County) zoning, with a tentative zoning of RAC (Regional Activity Center District), to permit a proposed Regional Activity Center to be known as '3 Forks Mixed Use', consisting of 376 single-family homes, 288 multiple-family units, a commercial 150-space recreational vehicle (RV) park, and four (4) commercial parcels, has been made by Parkside Commons Center, LLC, and West 80 acres, LLC, and

WHEREAS, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on July 6, 2022, which voted to recommend to the City Council approval of the application, and

WHEREAS, all provisions applicable to the Preliminary RAC under Chapter 185, Zoning, 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 Preliminary RAC will neither be injurious to adjacent lands 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 Preliminary Development Plan approval for a proposed Regional Activity Center to be known as '3 Forks Mixed Use' on property zoned AU (Agricultural Residential) (Brevard County) and SR (Suburban Residential) (Brevard County), with a tentative zoning of RAC (Regional Activity Center District), which property is legally described as follows:

Lots 1 through 8 and Lot 15, Cisna Park, according to the plat thereof, as recorded in Plat Book 8, Page 36, of the Public Records of Brevard County, Florida; containing 41.90 acres, more or less.

--AND--

The south $\frac{1}{2}$ of the northwest $\frac{1}{4}$ of Section 4, Township 29S, Range 36E, Brevard County, Florida, less and except rights of way for Melbourne Tillman Drainage District Canals 7 and 8;

--TOGETHER WITH--

Lot 16, Cisna Park, according to the plat thereof, as recorded in Plat Book 8, Page 36, of the Public Records of Brevard County, Florida; containing 82.43 acres, more or less.

Containing a combined total of 124.33 acres, more or less.

SECTION 2. The Preliminary Development Plan, incorporated herein as Exhibit 'A', is granted subject to the staff comments contained in the Staff Report, complying with and submitting the following items with a Final RAC application:

- A. The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit 'B';

- B. A general plan for the use of all lands within the proposed RAC. Such plans shall indicate the general location of residential areas (including maximum density and unit types), open space, parks, passive or scenic areas, and nonresidential areas (including maximum building square footage or other intensity maximums);
- C. A plan of vehicular and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, the capacity of the system and major access points to the external and internal thoroughfare network;
- D. A summary of allowable development (a-e);
- E. Generalized regulations and development standards for the RAC district and each phase (a-e);
- F. Submission of an Endangered Species Assessment;
- G. Identification of lighting within the neighborhood;
- H. Compliance with the conditions of CP-26-2022;
- I. The technical comments generated by the Development Review Staff, incorporated herein as Exhibit 'C', shall be observed and incorporated into the FDP and construction drawings; and
- J. 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. 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 2022-101

Reviewed by CAO: _____

Applicant: Parkside Commons Center, LLC, and West 80 Acres, LLC
Case: PD-26-2022

cc: (date) Brevard County Recording
Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Alexandra Bernard, Growth Management Director

DATE: 10/20/2022

RE: Ordinance 2022-102, granting approval of a Final Development Plan for a PUD (Planned Unit Development) zoning residential subdivision to be known as 'Chaparral Phases IV and V' on property located in the vicinity south of Malabar Road, west of Brentwood Lakes Subdivision and Melbourne-Tillman Water Control District Canal 9R (160.51 acres) (Case FD-16-2022, Chaparral Properties, LLC), final reading. (Quasi-Judicial Proceeding)

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.

Mr. John Ryan, Chaparral Properties, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) has submitted for Final Planned Unit Development approval for a 522-lot residential subdivision to be known as Chaparral Phase IV and V. The subject property is located in the vicinity south of Malabar Road SW, west of Brentwood Lakes Subdivision and Melbourne-Tillman Water Control District Canal 9R.

Phases IV and V of the Chaparral PUD consists of 522 single-family lots and an amenity center. The recreation and amenity area is approximately 6.67 acres and includes an amenity center/cabana building, tot lot, recreation field, and dog park.

The City received an updated traffic impact study by LTG, Inc. on September 29, 2022. Staff will require 30-days to review the study for any required improvements related to this development project. Preliminary traffic comments have been provided in the attached staff report under technical comments. If approved, Council's motion shall include that the approval is conditioned upon the City's acceptance of the Traffic Impact Study and any subsequent development agreements or proportionate fair share agreements that may be required as a result.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Request for

City Council review. Case FD-16-2022 meets the minimum requirements for a Final Development Plan application, subject to

the staff comments contained in the staff report and the following items being submitted with construction plans:

- A preliminary subdivision plat and a boundary & title opinion.
- Deed restrictions establishing development standards.
- The technical comments generated by the Development Review Staff (attached) shall be observed and incorporated into the construction drawings.
- Approval of Final Development Plan by City Council is conditioned upon the City's acceptance of the Traffic Impact Study and any subsequent development agreements or proportionate fair share agreements that may be required as a result.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

ATTACHMENTS:

Description

Case FD-16-2022 - Staff Report Revised

Case FD-16-2022 - Final Development Plan

Case FD-16-2022 - Plat

Case FD-16-2022 - Boundary Survey

Case FD-16-2022 - Amenities Renderings

Case FD-16-2022 - School Concurrency Letter

Case FD-16-2022 - Narrative - Revised

Case FD-16-2022 - Development Schedule

Case FD-16-2022 - Application - Revised

P&Z minute excerpt

Ordinance 2022-102

**REVISED**

STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Jesse D. Anderson, Assistant Growth Management Director

CASE NUMBER

FD-16-2022

PLANNING & ZONING BOARD HEARING DATE

September 6, 2022

PROPERTY OWNER & APPLICANT

John Ryan, Chaparral Properties, LLC
(Jake Wise, P.E., Construction
Engineering Group, LLC, Rep.)

PROPERTY LOCATION/ADDRESS

Tract ST-2 and Tax Parcels 1, 751, 752, and 753 of
Section 4, Township 29, Range 36 along with Tax
Parcels 3 and 4 of Section 9, Township 29, Range 36,
Brevard County, Florida.

Located in the vicinity south of Malabar Road SW, west
of Brentwood Lakes Subdivision and Melbourne-
Tillman Water Control District Canal 9R

SUMMARY OF REQUEST

Final Planned Unit Development approval for a 522-lot residential
subdivision to be known as Chaparral Phase IV and V.

Existing Zoning

GU, General Use Holding

Existing Land Use

Single-Family Residential Use

Site Improvements

Vacant Unimproved Land

Site Acreage

160.51 acres

SURROUNDING ZONING & USE OF LAND**North**

PUD, Planned Unit Development- Single-Family Homes

East

GU, General Use Brevard County - Vacant

South

GU, General Use Brevard County - Vacant

West

RR-1 (County), Rural Residential- Single-Family Homes

**COMPREHENSIVE PLAN
COMPATIBILITY**

Yes, the future land use designation of the subject property is
Single-Family Residential Use. The development of a single-family
planned unit development is compliant. The proposed density is
1.87 units per acre, which is below the maximum density defined in
the City's Comprehensive Plan for Single-Family Residential Use
(up to 5 units per acre).

BACKGROUND:

The subject property is located in the vicinity south of Malabar Road SW, west of Brentwood Lakes Subdivision and Melbourne-Tillman Water Control District Canal 9R. This Final PUD request includes approximately 160.51 acres of land.

ANALYSIS:

The applicant is requesting Final Development Plan (FDP) approval for a Planned Unit Development (PUD) to construct the remaining lots of the Chaparral Subdivision. The planned unit development is a concept that encourages and permits variation in residential developments by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage, setbacks, and open space, from those elements required in any singular zoning classification found in the City's Zoning Code.

Specifically, the FDP proposes a 522-unit subdivision, which consists of the remaining lots from the 677-unit Chaparral PUD. 165 units were already approved in Chaparral Phase 3. The remaining 512 >> 522 << lots (437 single family homes and 75 townhome units) and an amenity center will be constructed through phases 4 & 5. The recreation and amenity area is approximately 6.67 acres and includes, but is not limited to, an amenity center/cabana building, tot lot, recreation field, and dog park.

CONDITIONS:

In order to receive Final Planned Unit Development approval, the proposal must meet the requirements of Section 185.067 of the City of Palm Bay's Code of Ordinances. Upon review, it appears that the request is in conformance with the applicable requirements of this section, subject to the following items being submitted with construction plans:

- A preliminary subdivision plat and a boundary & title opinion.
- Deed restrictions establishing development standards.
- The technical comments generated by the Development Review Staff (attached) shall be observed and incorporated into the construction drawings.

STAFF RECOMMENDATION:

Case FD-16-2022 meets the minimum requirements for a Final Development Plan application.

TECHNICAL COMMENTS

CASE FD-16-2022 – CHAPARRAL PHASE IV AND V PUD

GROWTH MANAGEMENT (Jesse D. Anderson, Ph.D., Assistant Growth Management Director):

- FLU and Zoning are not listed in the site data table.
- There needs to be consistency in the acreage for the development. The Calculated Stormwater Basin Coverage acreage is listed at 136.6, whereas in the open space calculations, the total is listed at 136.7.
- Open space is listed at 1.16 acres in the open space requirements. However, there is 9.11 acres of pervious open space listed in the Calculated Stormwater Basin Coverage. Please explain this discrepancy.
 - Open space calculations need to be broken down by tract for calculation purposes.
- Amenity Center will require a site plan.
- There are no standards of development for the amenity center.
- The impervious area for recreation is listed at 5.6 acres. However, aside from the amenity center (which does not have specific development standards, including size of area), there does not appear to be any recreation provided in impervious areas. Please explain.
- 40 ft and 50 ft lots are not differentiated from each other on the site plan sheet.
- Do these have the same setbacks?
- Required parking does not appear to be listed
- Please provide a development schedule. The development schedule shall contain the following information:
 - (a) The order of construction of the proposed stages delineated in the development plan.
 - (b) The proposed date for the beginning of construction of such stages.
 - (c) The proposed date for the completion of construction on such stages.
 - (d) The proposed schedule for the construction and improvement of common open space within such stages, including any complementary buildings.
- Please provide Deed restrictions. Deed restriction proposals to preserve the character of the common open space as set forth in § 185.064. The deed restrictions shall include a prohibition against partition by any residential property owner.
- Please provide the Instruments dedicating all rights-of-way, easements and other public lands shown on the final development plan from all persons having any interest in the land.
- Please provide the Title opinion. A title opinion from an attorney showing the status of the title to the site encompassed by the final development plan and all liens, encumbrances and defects, if any.
- A boundary and topographic map shall be submitted and shall include the location, size and type of all trees (per the standards identified in Chapter 180).

PUBILC WORKS (Natalie Shaber, PE, Engineer II/Frank Watanabe, PE, City Engineer):

Survey: No comments:

- County concurrency for entrance.

Engineering:

- All stormwater management criteria per Ch 62-330 F.A.C. shall be met.
- Sufficient off-site topographic survey shall be provided at the boundary of the Malabar Lakes West subdivision to ensure the off-site flow is not blocked.
- All external agency permits shall be provided prior to scheduling a pre-sitework meeting.
- As with all previous phases, all roads shall be private.
- All roads shall meet of Palm Bay roadway standards for local roads.
- No traffic mitigation is required It appears that this phase will have wetland and surface water impacts please obtain an SJRWMD permit prior to scheduling a pre-sitework meeting.

Traffic:

- The City received an updated traffic impact study by LTG, Inc. on September 29, 2022. Staff will require 30-days to review the study for any required improvements related to this development project. Preliminary traffic comments have been provided in the attached staff report under technical comments. If approved, Council's motion shall include that the approval is conditioned upon the City's acceptance of the Traffic Impact Study and any subsequent development agreements or proportionate fair share agreements that may be required as a result.
- Approval of Final Development Plan by City Council is conditioned upon the City's acceptance of the Traffic Impact Study and any subsequent development agreements or proportionate fair share agreements that may be required as a result.
- The following are preliminary comments:
 - Page 11 Table 5 has no PM peak LOS for SJHP at Emerson Drive
 - Page 19 Table 11 for 2026 AM & PM Unsignalized to include a note the LOS includes the background improvements
 - Project will install a new traffic signal for Wisteria at Malabar Road
 - Project to obtain Brevard County RW permit for road widening and traffic signal
 - Project will install WB left turn lane and EB right turn lane on Malabar Road as defined in the study for turn lane length
 - Project will re-analyze SJHP at Pace Drive for installation of a traffic signal to reduce side street delay
 - Project will install a new Traffic Signal Centrac System for Malabar at Jupiter for optimizing the timing

UTILITIES (Christopher Little, PE, Utilities Director):

1. The applicant/owner, at their expense, will be required to design, permit, install, inspect and test water & sewer systems of adequate size to accommodate the development and to connect to the City's water and sewer system [§ 200.11(d)(1) - On-site Facilities]. At this time the nearest point of connection to the mainline water distribution system is a 12" PVC pipe approximately 1,500 feet south of the intersection of Malabar Road and Abilene Dr. The nearest point of connection to the mainline wastewater collection system gravity sewer is a

8" PVC pipe approximately 1,500 feet south of the intersection of Malabar Road and Abilene Dr.

2. The applicant/owner will be responsible for the property's hydraulic share for the new utilities. Oversizing of utilities at the request of the Utilities Department will be subject to a refunding agreement or refundable advance [§ 200.11(D) &(E)]. The City of Palm Bay's 2017 Wastewater Master Plan & 2017 Water Master Plan, both of which are available upon request, identify proposed mainline extensions with the current piping size requirements.

3. A City of Palm Bay "Utility Agreement" shall be executed between the Property Owner and the City. All Utility impact/connection charges noted in the "Utility Agreement" must be paid as outlined in the terms and conditions of the Utility Agreement. All fees are subject to change annually on October 1. The Property Owner shall submit a certified copy of the property deed as verification of ownership as part of the Utility Agreement.

4. All Utility construction, materials, and testing shall be in accordance with the latest revision of the Palm Bay Utilities Department Policies, Procedures, and Standards Handbook and the Standard Detail Drawings.

5. Prior to any construction, all required FDEP Permit applications for the Water and Sanitary Sewer Construction shall be processed through and copies of the Permits filed with the Utilities Department.

BUILDING-FIRE (Michael Bloom, CFPS, Fire Plans Examiner):

Please provide plans complying with Florida Fire Prevention Code (FFPC) 7th edition, Florida Administrative Code (FAC), Florida State Statute (FSS) and City of Palm Bay Ordinances Chapters 33 and 177

BUILDING-FLOODZONE (James Williams, CFM, Floodplain Coordinator):

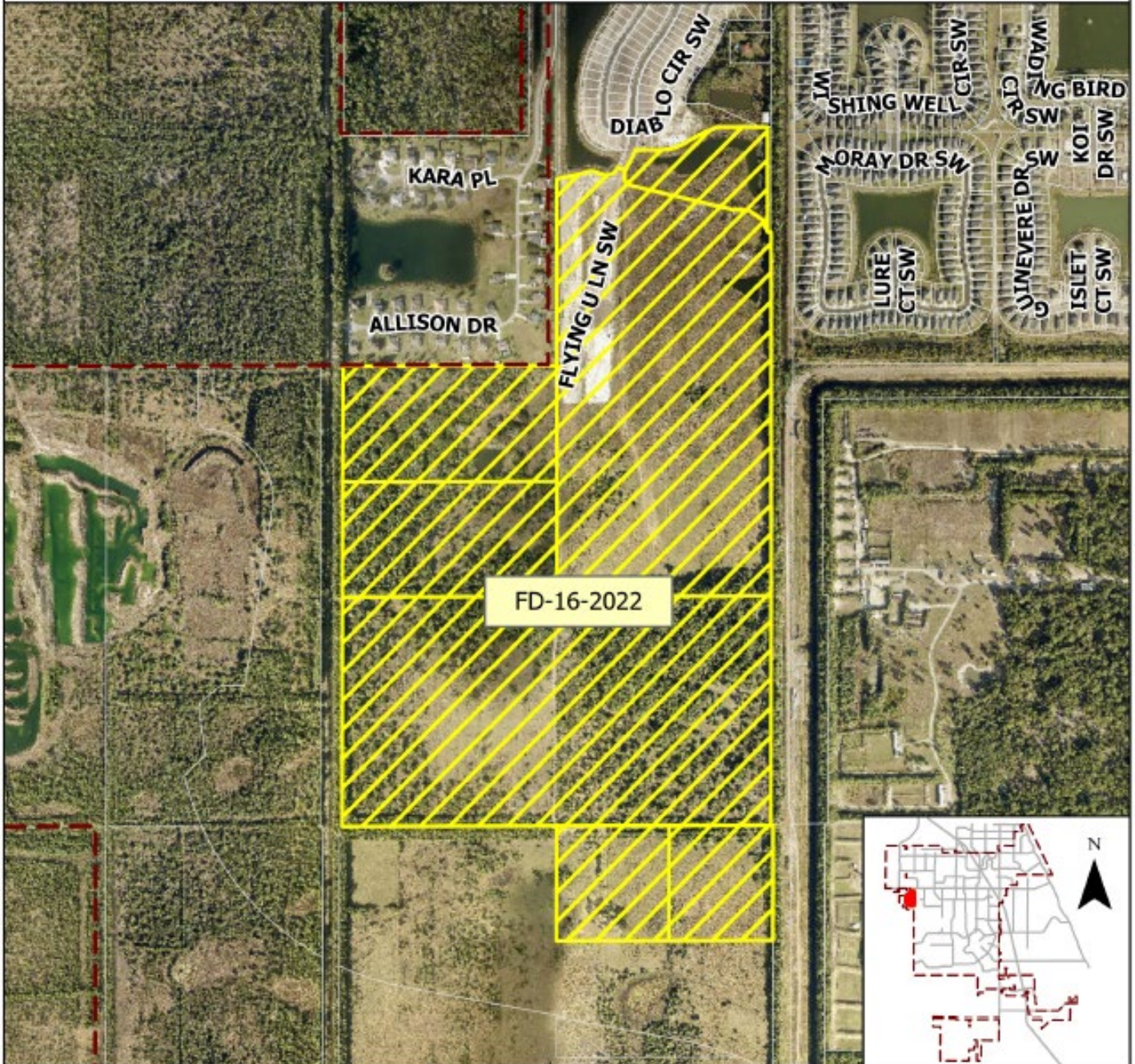
The project is in FEMA Floodzone AE and will need an approved Conditional Letter of Map Amendment (CLOMA) before any buildings are constructed. For the final CO an approved Letter of Map Revision (LOMR) removing the entire project from the Special Flood Hazard Area is required.

Per the City's Floodplain Ordinance, any structure built within a Special Flood Hazard Area (SFHA) will require a Floodplain Permit at time of construction. An approved CLOMR does not exempt the requirement for a Floodplain Permit in the SFHA. The Building Official will not issue any building permits without a Floodplain Permit.

If you get the approved Subdivision LOMR before any building's permits are applied for, you don't need to apply for individual Floodplain permits for each structure.



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



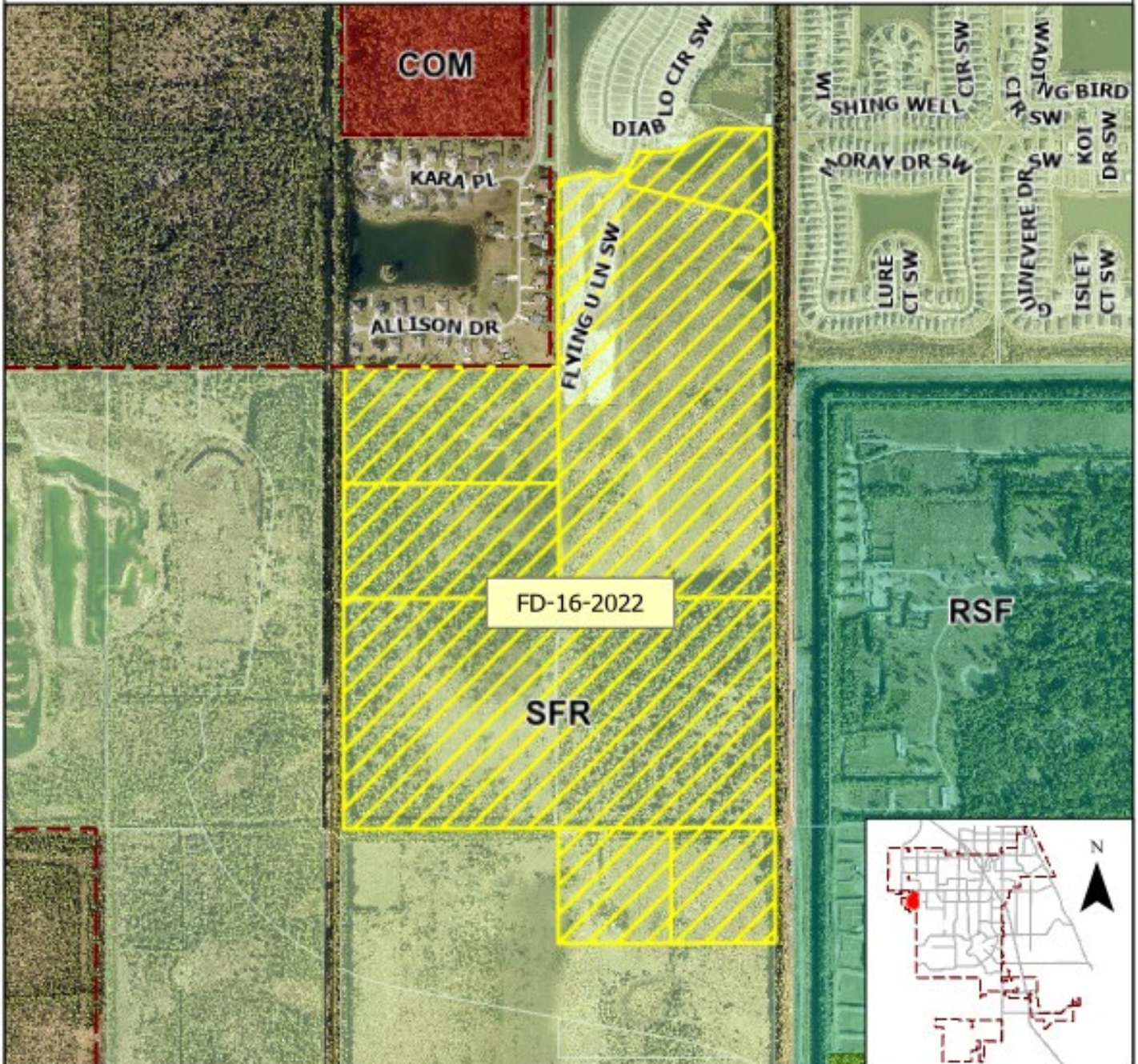
AERIAL LOCATION MAP CASE: FD-16-2022

Subject Property

In the vicinity south of Malabar Road SW, west of Brentwood Lakes Subdivision and Melbourne-Tillman Water Control District Canal 9R



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



FUTURE LAND USE MAP CASE: FD-16-2022

Subject Property

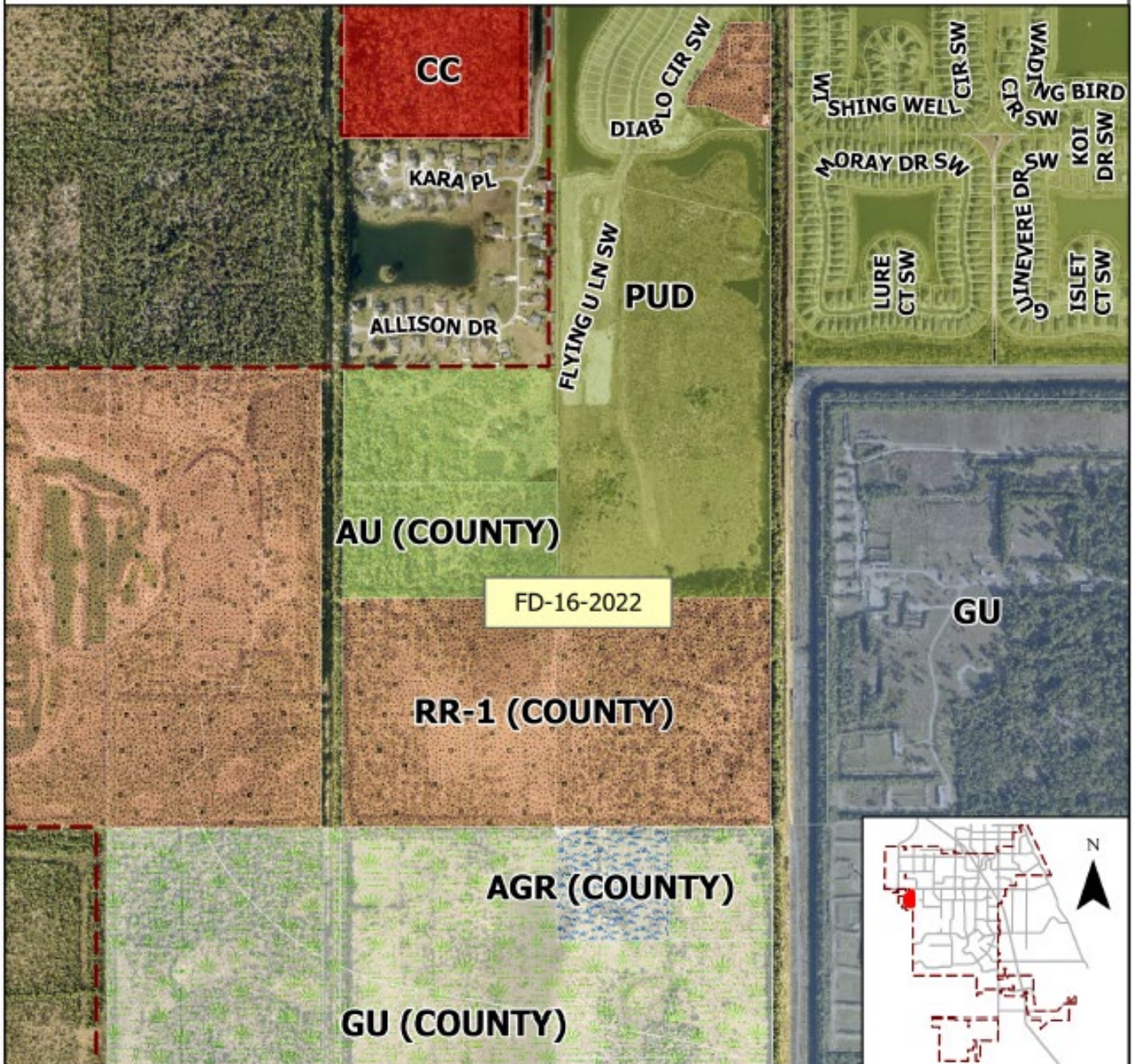
In the vicinity south of Malabar Road SW, west of Brentwood Lakes Subdivision and Melbourne-Tillman Water Control District Canal 9R

Future Land Use Classification

SFR – Single Family Residential Use



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



ZONING MAP CASE: FD-16-2022

Subject Property

In the vicinity south of Malabar Road SW, west of Brentwood Lakes Subdivision and Melbourne-Tillman Water Control District Canal 9R

Current Zoning Classification

AU (COUNTY), PUD, RR-1 (COUNTY), AGR (COUNTY) – Agriculture Residential, Planned Unit Development, Rural Residential, Agriculture

CHAPARRAL PHASE IV & V

FINAL DEVELOPMENT PLAN

PALM BAY, FL

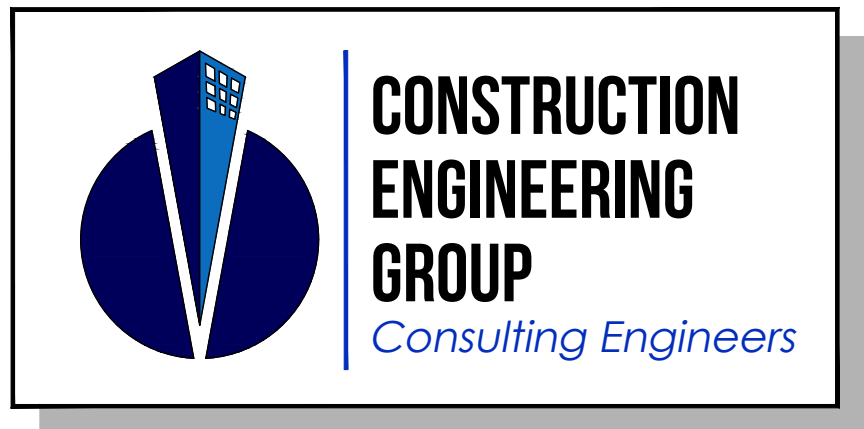
DATE:
FEBRUARY 28, 2022
PREPARED FOR:
CHAPARRAL PROPERTIES, LLC

LEGAL DESCRIPTION:

LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5827, PAGE 3621, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID LANDS LYING IN SECTIONS 4 AND 9, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 4, AND RUN NORTH 89°49'35" WEST ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 65.00 FEET; THENCE SOUTH 00°00'32" EAST, A DISTANCE OF 2691.99 FEET; THENCE SOUTH 00°01'17" WEST, A DISTANCE OF 496.29 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°01'17" WEST, ALONG THE WEST RIGHT OF WAY LINE OF THE MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO. 9, A DISTANCE OF 2197.11 FEET; THENCE NORTH 89°48'27" EAST, A DISTANCE OF 13.00 FEET; THENCE SOUTH 00°00'22" WEST, A DISTANCE OF 672.92 FEET; THENCE SOUTH 89°48'07" WEST, A DISTANCE OF 1268.02 FEET; THENCE NORTH 00°00'20" EAST, A DISTANCE OF 673.04 FEET TO THE SOUTH LINE OF SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST; THENCE SOUTH 89°48'27" WEST, A DISTANCE OF 1255.03 FEET; THENCE NORTH 00°00'21" EAST ALONG THE EAST RIGHT OF WAY LINE OF MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO. 8, A DISTANCE OF 2692.41 FEET; THENCE NORTH 89°47'06" EAST ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 4, A DISTANCE OF 5.81 FEET; THENCE SOUTH 00°01'55" EAST ALONG THE WEST LINE OF MALABAR LAKES WEST SUBDIVISION PHASE TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 57, PAGE 37, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, A DISTANCE 0.65 FEET; THENCE NORTH 89°45'53" EAST, ALONG THE SOUTH LINE OF SAID MALABAR LAKES WEST PHASE TWO, A DISTANCE OF 1249.59 FEET; THENCE SOUTH 00°00'49" WEST, A DISTANCE OF 494.43 FEET; THENCE NORTH 89°47'06" EAST, A DISTANCE OF 855.63 FEET; THENCE SOUTH 89°58'43" EAST, A DISTANCE OF 399.69 FEET TO THE POINT OF BEGINNING.

CONTAINING 160.51 ACRES MORE OR LESS.



LOCATION MAP
NTS

PROJECT DATA:

GENERAL STATEMENT:
THE PROPOSED COMMUNITY IS PHASE IV AND V OF CHAPARRAL SUBDIVISION, A SINGLE-FAMILY RESIDENTIAL SUBDIVISION IN PALM BAY, FLORIDA. THIS PROJECT INCLUDES THE CONSTRUCTION OF 522 SINGLE-FAMILY UNIT, SUPPORTING INFRASTRUCTURE AND SITE IMPROVEMENTS INCLUDING VEHICULAR ACCESS, SIDEWALKS, RECREATION TRACTS, A FUTURE AMENITY CENTER, LANDSCAPING, UTILITIES AND STORMWATER. INTERCONNECTED WET DETENTION PONDS WILL SERVE AS STORMWATER TREATMENT, WITH THE CONSTRUCTION OF AN OVERFLOW STRUCTURE THAT DISCHARGES TO MELBOURNE TILLMAN CANAL NO. 8. THE STORMWATER TREATMENT DESIGN FOR PHASES IV AND V IS CONSISTENT WITH PREVIOUSLY PERMITTED MASTER SYSTEM FOR THE OVERALL PROPERTY. THE PROPOSED PUBLIC SEWER SYSTEM IS GRAVITY FED TO A LIFT STATION THAT PUMPS VIA A FORCE MAIN AND CONNECTS TO THE EXISTING FORCE MAIN IN MALABAR ROAD. THE PUBLIC WATER MAIN SHALL BE LOOPED WITHIN PHASE IV AND V, AND CONNECT TO THE EXISTING WATER MAIN STUB TO BE CONSTRUCTED WITH PHASE III OF THIS DEVELOPMENT.

OWNER:
CHAPARRAL PROPERTIES, LLC
2502 N. ROCKY POINT DR, SUITE 1050
TAMPA, FL 33607
TEL: (813) 288-8078
E-MAIL: MLAWSON@MDGFLORIDA.COM

CIVIL ENGINEER:
CONSTRUCTION ENGINEERING GROUP, LLC
JAKE T. WISE, P.E.
2651 EAU GALLIE BLVD, SUITE A
MELBOURNE, FL 32935
TEL: (321) 610-1760
E-MAIL: JWISE@CEGENGINEERING.COM

SURVEYOR:
AAL LAND SURVEYING SERVICES, INC.
3970 MINTON ROAD
WEST MELBOURNE, FL 32904
TEL: (321) 768-8110

ADDRESS:
TOWNSHIP: 29
RANGE: 36
SECTION: 04, 09
TAX ACCOUNT NUMBER:
2903859, 2903866, 2903867, 2903868,
290819, 2963407, 3025008
TAX ID:
29-26-09-00-3, 29-36-09-00-4,
2936-04-00-751, 29-36-04-00-753,
29-36-04-00-752,
29-36-04-04-*--ST.2, 29-36-04-00-1

SETBACKS
FRONT: 25 FT
SIDE: 5 FT
REAR: 20 FT
SIDE CORNER: 15 FT

PROPOSED:
25 FT
5 FT
20 FT
15 FT

LOT COUNT:
MINIMUM 40'x115' LOTS = 166
MINIMUM 50'x115' LOTS = 356

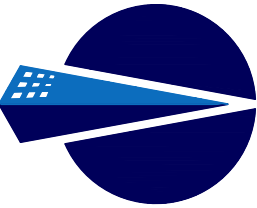
MAXIMUM BUILDING HEIGHT:
2 STORY: 25 FT
AMENITY CENTER: TBD

CALCULATED STORMWATER BASIN COVERAGE:			
	SF	ACRE	PERCENT
IMPERVIOUS (60% LOTS)	1,926,161	44.22	32
IMPERVIOUS (ASPHALT/CONCRETE):	640,767	14.71	11
IMPERVIOUS (RECREATION AREA)	232,488	5.33	4
TOTAL IMPERVIOUS:	2,799,416	64.26	47
PERVIOUS (40% LOTS)	1,284,107	29.48	22
PERVIOUS (RECREATION AREA)	102,219	2.34	1
PERVIOUS (OPEN SPACE)	396,707	9.11	7
PERVIOUS:	1,783,033	40.93	30
PONDS AT NWL:	1,374,049	31.54	23
TOTAL GROSS AREA:	5,956,497	136.70	100

OPEN SPACE REQUIREMENTS:
OVERALL AREA (136.6 ACRES):
COMBINED ON-SITE PONDS: 25.6 AC (75%)
RECREATION AREA: 7.68 AC (22%)
OPEN SPACE: 1.16 AC (3%)
PROVIDED: 34.44 AC (100%)
REQUIRED (25% OF PROJECT AREA): 34.15 AC

2651 Eau Gallie Blvd, Suite A
Melbourne, FL 32935
Tel: 321.253.1221
www.cegenengineering.com
COA #008697

CONSTRUCTION
ENGINEERING
GROUP
Consulting Engineers



CHAPARRAL SUBDIVISION - PHASE IV & V

CHAPARRAL PROPERTIES, LLC
MALABAR ROAD AND ABILENE DRIVE, PALM BAY, FLORIDA

DRAWING TITLE

FINAL DEVELOPMENT PLAN

THESE DOCUMENTS AND ANY INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF CONSTRUCTION ENGINEERING GROUP, LLC AND ARE LOANED TO YOU FOR YOUR PROJECT ONLY. NO REPRODUCTION OR MODIFICATION OF THESE DOCUMENTS WITHOUT THE WRITTEN CONSENT OF CEG IS PERMITTED BY LAW.

DATE: 2/28/22
SCALE: NTS
PROJ. NO.: 210191
DESIGNED BY: AJC
DRAWN BY: SMB
CHECKED BY: JTW
DRAWING NO.:

CHP4-1

PROJECT BOUNDARY

POND CONTOURS

STORM PIPE

WATER MAIN

SANITARY SEWER LINE

FORCE MAIN

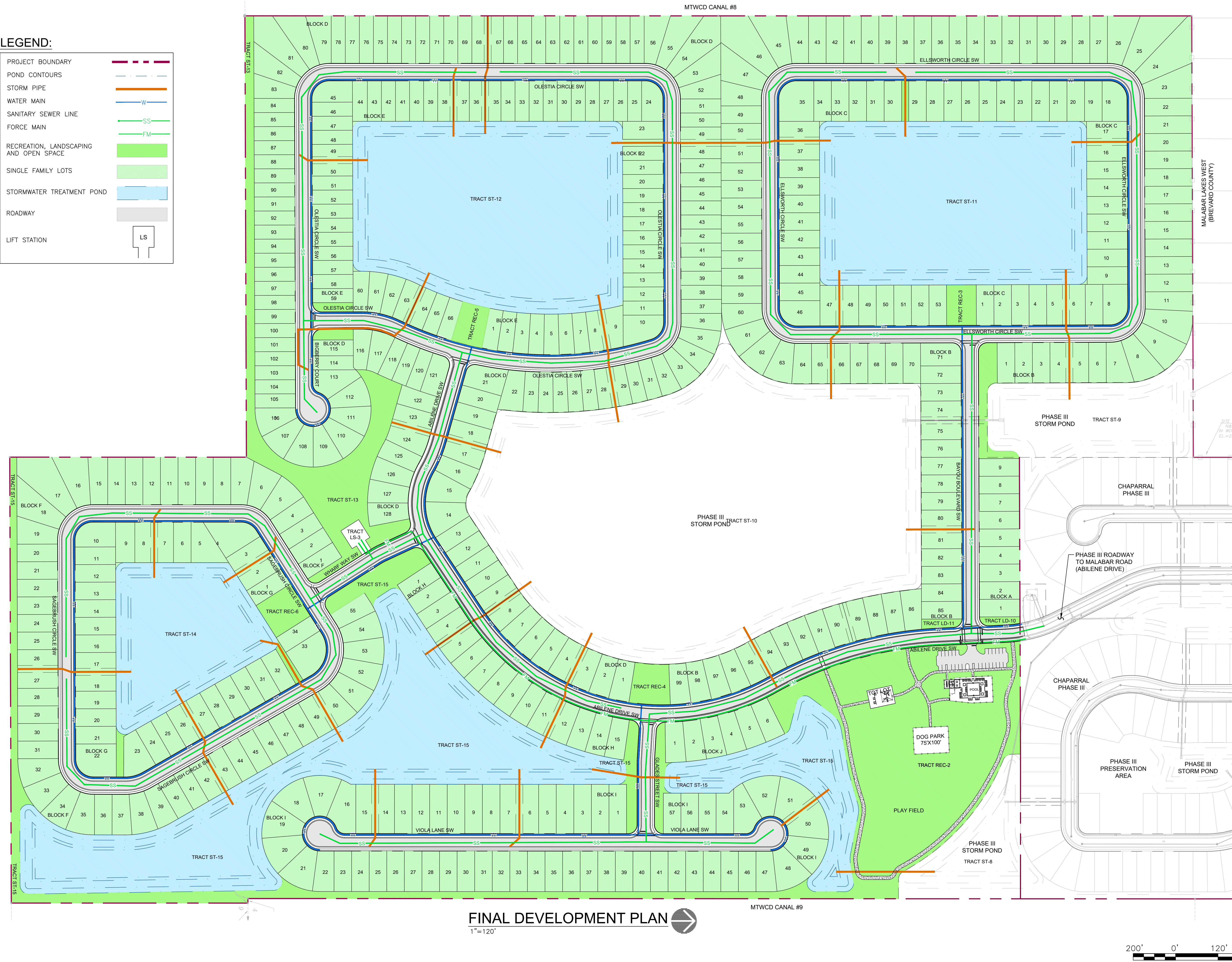
RECREATION, LANDSCAPING
AND OPEN SPACE

SINGLE FAMILY LOTS

STORMWATER TREATMENT POND


ROADWAY

LIFT STATION



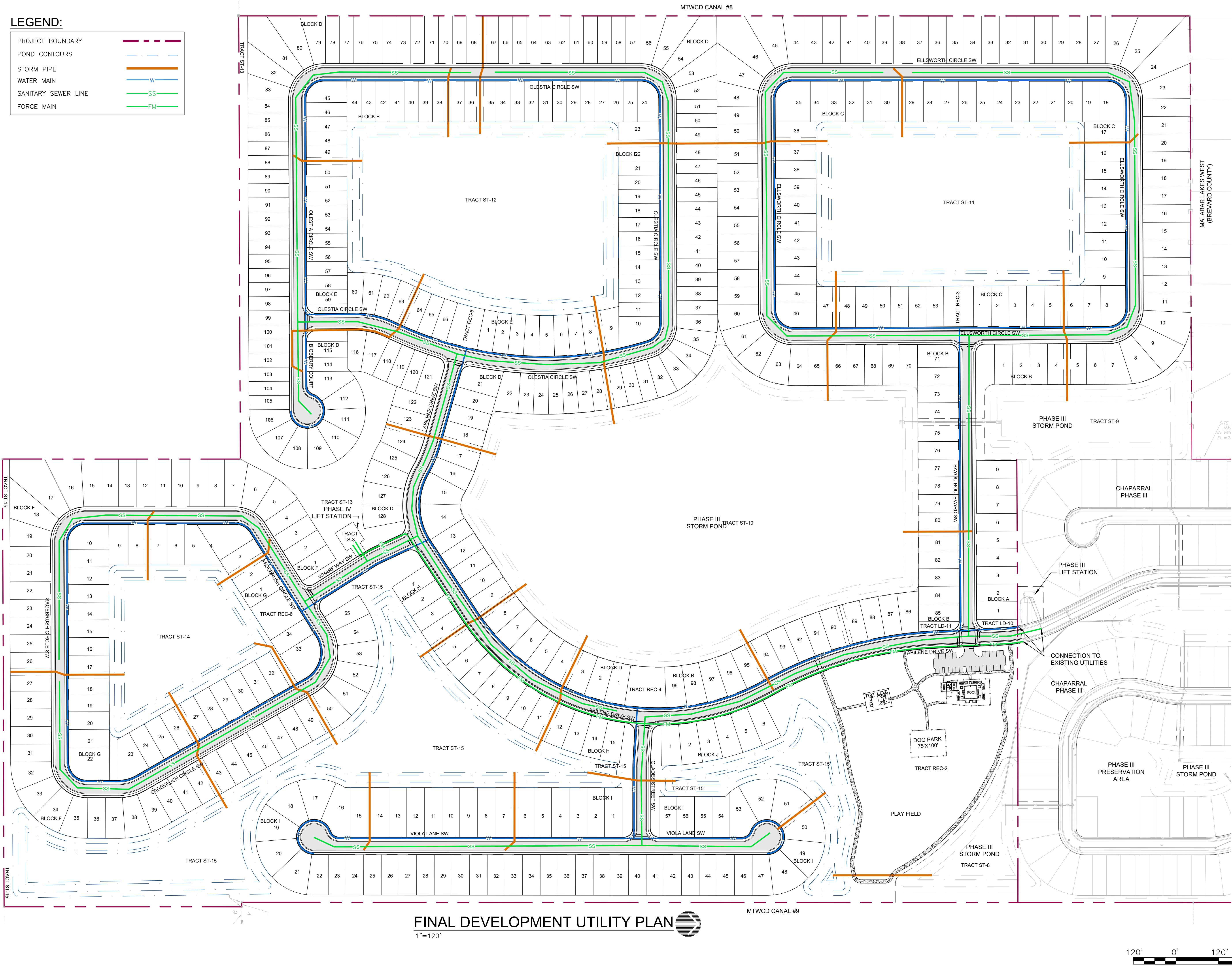
FINAL DEVELOPMENT PLAN 
1"=120'

200' 0' 120' 240'

<div><div><div>CONSTRUCTION ENGINEERING GROUP</div><div>Consulting Engineers</div></div><div></div></div> <div>2651 East Gellie Blvd., Suite A Melbourne, FL 32935 Tel. 321.253.1221 www.ceengineering.com COA #008697</div>		REV#	DATE	REVISION
<div>CHAPARRAL SUBDIVISION - PHASE IV & V</div> <div>CHAPARRAL PROPERTIES, LLC</div> <div>MALABAR ROAD AND ABILENE DRIVE, PALM BAY, FLORIDA</div> <div>DRAWING TITLE</div> <div>FINAL DEVELOPMENT PLAN</div>				
<div><div>DATE:</div><div>2/28/22</div></div> <div><div>SCALE:</div><div>1"=120'</div></div> <div><div>PROJ. NO.:</div><div>210191</div></div> <div><div>DESIGNED BY:</div><div>AJC</div></div> <div><div>DRAWN BY:</div><div>SMB</div></div> <div><div>CHECKED BY:</div><div>JTW</div></div> <div><div>DRAWING NO.:</div><div>CHP4-2</div></div>				

LEGEND:

PROJECT BOUNDARY	---
POND CONTOURS	- - - -
STORM PIPE	---
WATER MAIN	---
SANITARY SEWER LINE	---
FORCE MAIN	---



FINAL DEVELOPMENT UTILITY PLAN
1"=120'

REVISION	
REV#	DATE
261 Egu Calle Blvd, Suite A Mabroune, FL 32935 Tel: 321.231.1221 www.cegeengineering.com COA #000897	
CONSTRUCTION ENGINEERING GROUP Consulting Engineers	
CHAPARRAL SUBDIVISION - PHASE IV & V CHAPARRAL PROPERTIES, LLC MALABAR ROAD AND ABILENE DRIVE, PALM BAY, FLORIDA DRAWING TITLE FINAL DEVELOPMENT UTILITY PLAN	
DATE: 2/28/22	
SCALE: 1"=120'	
PROJ. NO.: 210191	
DESIGNED BY: AJC	
DRAWN BY: SMB	
CHECKED BY: JTJW	
DRAWING NO.: CHP4-3	

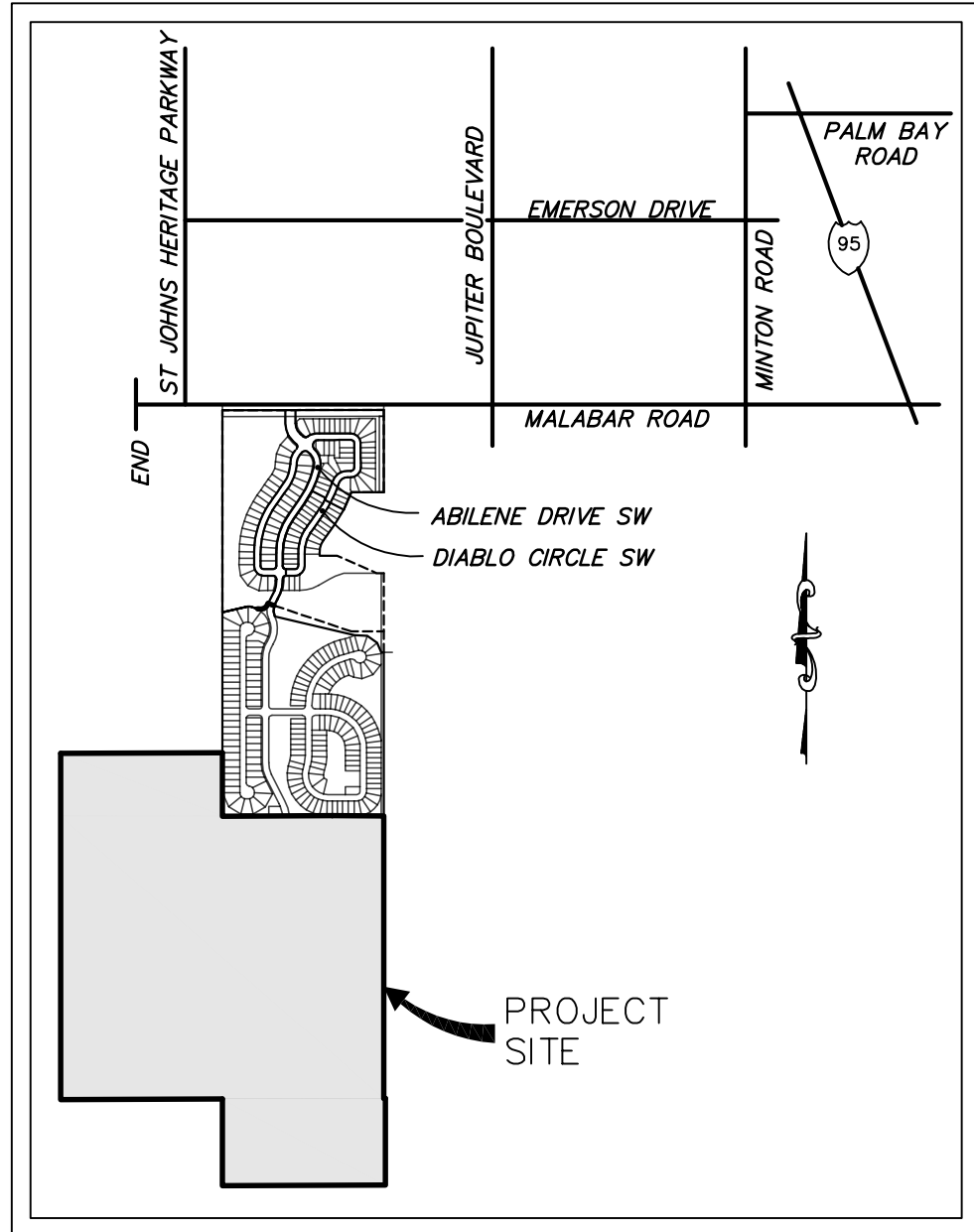
PRELIMINARY PLAT FOR CHAPARRAL P.U.D. PHASE FOUR A-B AND FIVE A-B

LYING IN SECTIONS 4&9, TOWNSHIP 29 SOUTH, RANGE 36 EAST,
CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

— PLAT PREPARED BY —
AAL LAND SURVEYING SERVICES, INC.

PROJECT #30476-4
DATE: 02-25-22
3970 MINTON ROAD
WEST MELBOURNE, FLORIDA 32904
(321) 768-8110

VICINITY MAP



DESCRIPTION:

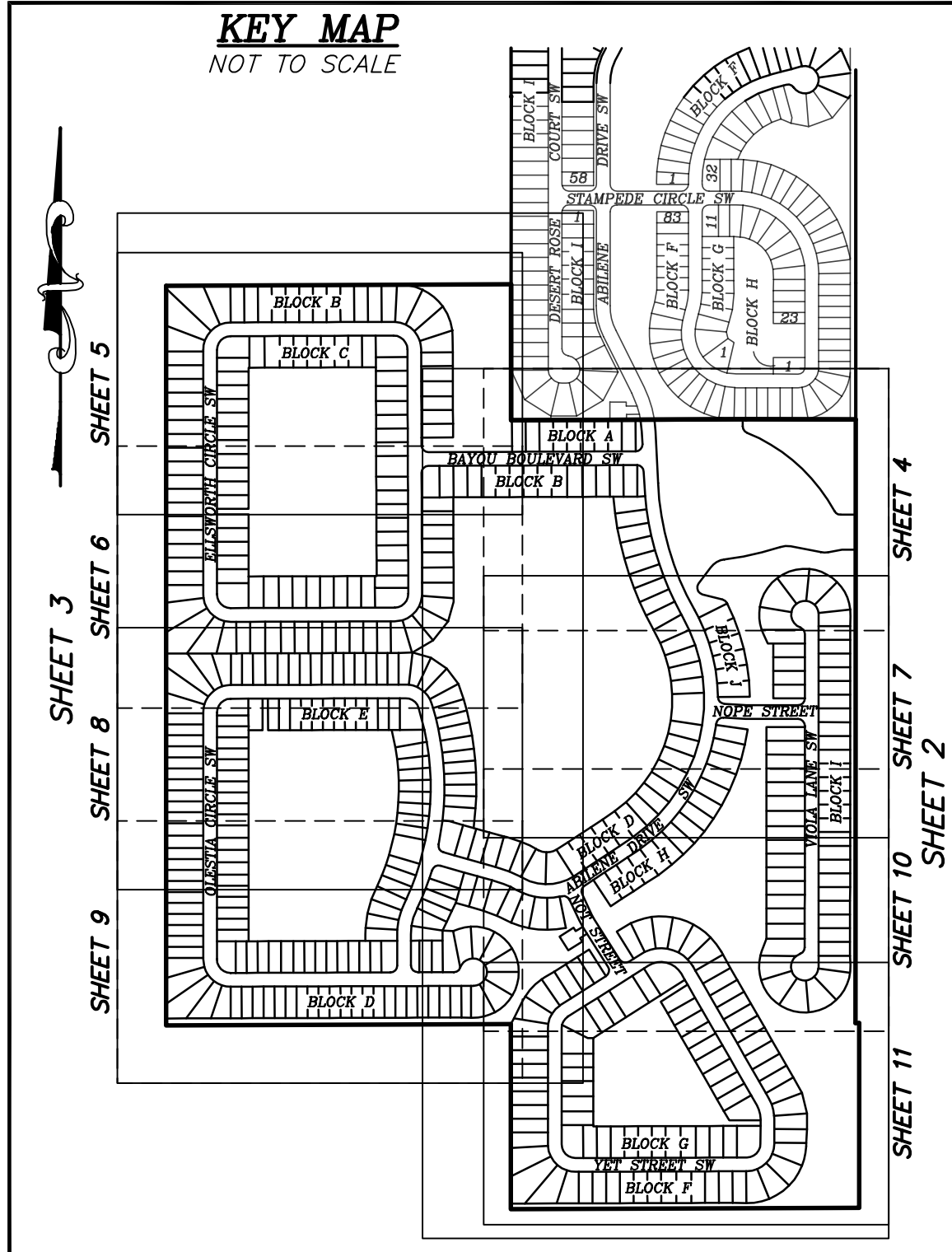
LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5827, PAGE 3621, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID LANDS LYING IN SECTIONS 4 AND 9, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 4, AND RUN NORTH 89°49'35" WEST ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 65.00 FEET; THENCE SOUTH 00°00'32" EAST, A DISTANCE OF 2691.99 FEET; THENCE SOUTH 00°01'17" WEST, A DISTANCE OF 496.29 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°01'17" WEST, ALONG THE WEST RIGHT OF WAY LINE OF THE MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO. 9, A DISTANCE OF 2197.11 FEET; THENCE NORTH 89°48'27" EAST, A DISTANCE OF 13.00 FEET; THENCE SOUTH 00°00'22" WEST, A DISTANCE OF 672.92 FEET; THENCE SOUTH 89°48'07" WEST, A DISTANCE OF 1268.02 FEET; THENCE NORTH 00°00'20" EAST, A DISTANCE OF 673.04 FEET TO THE SOUTH LINE OF SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST; THENCE SOUTH 89°48'27" WEST, A DISTANCE OF 1255.03 FEET; THENCE NORTH 00°00'21" EAST ALONG THE EAST RIGHT OF WAY LINE OF MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO. 8, A DISTANCE OF 2692.41 FEET; THENCE NORTH 89°47'06" EAST ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 4, A DISTANCE OF 5.81 FEET; THENCE SOUTH 00°01'55" EAST ALONG THE WEST LINE OF MALABAR LAKES WEST SUBDIVISION PHASE TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 57, PAGE 37, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, A DISTANCE 0.65 FEET; THENCE NORTH 89°45'53" EAST, ALONG THE SOUTH LINE OF SAID MALABAR LAKES WEST PHASE TWO, A DISTANCE OF 1249.59 FEET; THENCE SOUTH 00°00'49" WEST, A DISTANCE OF 494.43 FEET; THENCE NORTH 89°47'06" EAST, A DISTANCE OF 855.63 FEET; THENCE SOUTH 89°58'43" EAST, A DISTANCE OF 399.69 FEET TO THE POINT OF BEGINNING.

CONTAINING 160.51 ACRES MORE OR LESS.

GENERAL NOTES:

- THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF SOUTH 00°00'32" EAST FOR THE WEST RIGHT OF WAY LINE OF MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO.9, LYING IN THE NORTH HALF OF SECTION 4, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, A MONUMENTED AND WELL ESTABLISHED LINE.
- ALL PRIVATE UTILITY EASEMENTS AND PRIVATE DRAINAGE EASEMENTS CREATED BY THIS PLAT ARE FOR THE USE AND BENEFIT OF AND BY CHAPARRAL HOMEOWNERS ASSOCIATION, INC..
- AN EASEMENT 5 FEET IN WIDTH IS DEDICATED ADJACENT TO AND CONTIGUOUS WITH ALL SIDE LOT LINES FOR THE PURPOSE OF PROVIDING FOR INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND PRIVATE DRAINAGE, UNLESS OTHERWISE SHOWN.
- AN EASEMENT 12 FEET IN WIDTH IS DEDICATED ALONG ALL LOT AND TRACTS CREATED BY THIS PLAT ADJACENT TO ROAD TRACT RD-1 FOR THE PURPOSE OF PROVIDING PRIVATE DRAINAGE, INSTALLATION AND MAINTENANCE OF PRIVATE AND PUBLIC UTILITIES.
- SURVEY MONUMENTS WITHIN THE SUBDIVISION SHALL BE SET IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 177.091 (7-9). ALL LOT CORNERS WILL BE SET WITH A 1/2" IRON ROD AND CAP OR NAIL AND DISK STAMPED "POWSHOK PLS 5383" WHERE POSSIBLE BEFORE THE TRANSFER OF ANY LOTS.
- TRACTS RD-1, SHALL BE FOR THE PURPOSE OF PRIVATE ROAD RIGHT-OF-WAY WITH AN EASEMENT FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF PRIVATE DRAINAGE, PUBLIC AND PRIVATE UTILITIES AND SHALL BE MAINTAINED BY CHAPARRAL HOMEOWNERS ASSOCIATION, INC.. A PERPETUAL NON-EXCLUSIVE PUBLIC INGRESS AND EGRESS EASEMENT IS HEREBY RESERVED OVER AND UPON TRACT RD-1, SHOWN HEREON FOR THE CITY OF PALM BAY, ALL GOVERNMENT AGENCIES, ALL PUBLIC AND PRIVATE UTILITY COMPANIES, AND EMERGENCY VEHICLES. THE CITY OF PALM BAY SHALL NOT BE RESPONSIBLE FOR ANY MAINTENANCE.
- TRACTS ST-8, ST-9, ST-10, ST-11, ST-12, ST-13, ST-14 AND ST-5 SHALL BE FOR THE PURPOSE OF PRIVATE UTILITIES, PRIVATE DRAINAGE FACILITIES, LANDSCAPING, PEDESTRIAN WALKWAY AND OPEN SPACE AND SHALL BE MAINTAINED BY CHAPARRAL HOMEOWNERS ASSOCIATION, INC..
- TRACT LS-3 SHALL BE FOR THE PURPOSE OF A SANITARY SEWER LIFT STATION SITE AND SHALL BE DEDICATED TO AND MAINTAINED BY THE CITY OF PALM BAY.
- TRACTS LD-10, LD-11 AND LD-12 SHALL BE FOR THE PURPOSE OF COMMON AREA, PUBLIC AND PRIVATE UTILITIES, SIGNAGE, LANDSCAPING, PEDESTRIAN WALKWAY AND OPEN SPACE AND SHALL BE MAINTAINED BY CHAPARRAL HOMEOWNERS ASSOCIATION, INC..
- TRACTS REC-2, REC-3, REC-4 AND REC-5 SHALL BE FOR THE PURPOSE OF PRIVATE RECREATION, PUBLIC AND PRIVATE UTILITIES AND PRIVATE DRAINAGE FACILITIES AND SHALL BE OWNED BY THE CHAPARRAL HOMEOWNERS ASSOCIATION, INC., AND MAINTAINED BY THE USER OF THE EASEMENT.
- WHERE MORE THAN ONE LOT OR PARTS OF LOTS ARE INTENDED TO BE USED AS A SINGLE BUILDING SITE, THE OUTSIDE BOUNDARIES OF THAT BUILDING SITE SHALL CARRY THE SIDE LOT EASEMENTS, PROVIDED THAT NO UTILITIES EXISTS WITHIN SAID EASEMENT AND PROPER VERIFICATION HAS BEEN MADE.
- THE OWNER (CHAPARRAL PROPERTIES LLC) HAS THE RIGHT TO ASSIGN IT'S RIGHTS AND RESPONSIBILITIES THEREUNDER TO A HOMEOWNERS AND/OR OTHER PROPERTY OWNERS ASSOCIATION OR ASSOCIATIONS, AND/OR TO CONVEY ANY OR ALL OF THE TRACTS SET FORTH ON THE PLAT, AND IN SUCH EVENT, PREVIOUS OWNER SHALL BE RELEASED FROM SUCH ASSIGNED OBLIGATIONS.
- TOTAL NUMBER OF LOTS = 522
LOTS 22-121, BLOCK D, LOTS 1-99, BLOCK D, AVERAGE LOT SIZE = 40' X 115' = 167 LOTS
LOTS 1-9, BLOCK A, LOTS 1-99, BLOCK B, LOTS 1-53, BLOCK C, LOTS 1-21, BLOCK D, LOTS 122-128, BLOCK D, LOTS 1-55, BLOCK F, LOTS 1-34, BLOCK G, LOTS 1-15, BLOCK H, LOTS 1-57, BLOCK I AND LOTS 1-6, BLOCK J AVERAGE LOT SIZE = 50' X 115' = 356 LOTS
- EXISTING ZONING: PUD - PLANNED UNIT DEVELOPMENT.
- LAND USE DESIGNATION: SINGLE FAMILY RESIDENTIAL.
- BUILDING SETBACKS: FRONT-25', REAR-20', SIDE-5.0', SIDE CORNER-20'. BUILDING SETBACKS MUST BE VERIFIED WITH THE CITY OF PALM BAY BUILDING DEPARTMENT PRIOR TO CONSTRUCTION OF HOMES.
- ALL LANDS WITHIN THIS PLAT ARE SUBJECT TO TERMS AND CONDITIONS OF THE TEMPORARY CONSTRUCTION EASEMENT AGREEMENT BETWEEN CHAPARRAL COMMUNITY DISTRICT AND LENNAR HOMES, LLC, A FLORIDA LIMITED LIABILITY COMPANY RECORDED IN OFFICIAL RECORDS BOOK 5794, PAGE 2764, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- AN EASEMENT 5 FEET IN WIDTH IS DEDICATED ALONG THE REAR OF LOTS 23-43, BLOCK I, ADJACENT TO MALABAR LAKES SUBDIVISION FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF BUFFER FENCE/WALL.
- UNLESS OTHERWISE SHOWN ALL LINES ARE RADIAL.



LEGEND

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LB LICENSED BUSINESS
■ 4"x4" CONCRETE MONUMENT PRM
□ FOUND STAMPING AS NOTED
□ 5/8" IRON ROD PRM SET
■ STAMPED "POWSHOK PRM PLS 5383"
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PRM PERMANENT REFERENCE MONUMENT
PCP PERMANENT CONTROL POINT
PLS PROFESSIONAL LAND SURVEYOR
PSM PROFESSIONAL SURVEYOR AND MAPPER
LB LICENSED BUSINESS
TWP. TOWNSHIP
R/W RIGHT OF WAY
PC PAGE
POL POINT ON LINE

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TRACT AREA
TRACT RD-1= 17.63 ACRES
TRACT ST-8= 1.79 ACRES
TRACT ST-9= 3029 ACRES
TRACT ST-10= 19.10 ACRES
TRACT ST-11= 8.16 ACRES
TRACT ST-12= 8.95 ACRES
TRACT ST-13= 2.34 ACRES
TRACT ST-14= 3.71 ACRES
TRACT ST-15= 13.69 ACRES
TRACT LD-10=0.08 ACRES
TRACT LD-11= 0.06 ACRES
TRACT LD-12= 0.08 ACRES
TRACT LS-3= 0.10 ACRES
TRACT REC-2= 6.66 ACRES
TRACT REC-3= 0.20 ACRES
TRACT REC-4= 0.29 ACRES
TRACT REC-5= 0.22 ACRES
TRACT REC-6= 0.26 ACRES

SEE CONSENT AND JOINDER RECORDED
IN ORB _____, PAGE _____.

SEE CHAPARRAL HOME
OWNERS ASSOCIATION RECORDED
IN ORB _____, PAGE _____.

SEE CHAPARRAL HOME OWNERS
ASSOCIATION COVENANTS AND
RESTRICTIONS RECORDED IN
IN ORB _____, PAGE _____.

PLAT BOOK _____ PAGE _____

SHEET 1 OF 11
SECTIONS 4 & 9 TWP. 25 S., RANGE 36 E.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That the Company named below, being the owner in fee simple of the lands described in **CHAPARRAL P.U.D. PHASE FOUR A-B AND FIVE A-B** Hereby dedicates said lands and plot for the uses and purposes therein expressed and dedicates all public drainage easements, public utility easements, and other public rights-of-way shown hereon to the perpetual use of the public, and tract RD-1 is dedicated to be a private road right of way tract owned and maintanded by Chaparral Homeowners Association, Inc..

IN WITNESS WHEREOF, the undersigned has caused these presents to be signed and attested to by the officer named below.

BY _____
John M. Ryan
Manager
Chaparral Properties LLC, a Florida
Limited Liability Company
2502 north Rocky Point Drive,
Suite 1050,
Tampa, Florida 33607

Signed and sealed in the presence of: _____

(Print name)

(Print name)

STATE OF FLORIDA, COUNTY OF HILLSBOROUGH

THIS IS TO CERTIFY, that on _____, 2022 before me, by means of ☒ physical presence or ☐ on-line notarization, an officer duly authorized to take acknowledgments in the State and County aforesaid, personally appeared John M. Ryan as Manager of the above named company

Incorporated under the laws of the State of Florida, to me known to be the individual and officer described in and who executed the foregoing Dedication and severally acknowledged the execution thereof to be their free act and deed as such officers thereunto duly authorized; and that the said Dedication is the act and deed of said company

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.

(Print name)

NOTARY PUBLIC
County and State aforesaid

My Commission Number _____
My Commission Expires _____

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed professional surveyor and mapper, does hereby certify that on January 28, 2022 he completed the survey of the lands shown in the foregoing plat; and that this plat was prepared under my direction and supervision. This said plat complies with all of the survey requirements of Chapter 177, part 1, Florida Statutes, and that said land is located in Brevard County, Florida.

Registration No. 5383

Andrew W. Powshok
AAL Land Surveying Services, Inc.
3970 Minton Road
W. Melbourne, Florida 32904
LB - 0006623
Certificate of Authorization Number

CERTIFICATE OF REVIEWING SURVEYOR

FOR THE CITY OF PALM BAY

I HEREBY CERTIFY, That I have examined the foregoing plat and find that it is in conformity with Chapter 177, part 1, Florida Statutes.

Joseph N. Hale PSM No.6366
Reviewing Surveyor for the City of Palm Bay

CERTIFICATE OF APPROVAL

BY MUNICIPALITY

THIS IS TO CERTIFY That on _____ the
CITY COUNCIL OF THE CITY OF PALM BAY approved the foregoing plat

J. Robert Medina, Mayor

ATTEST: _____

Terese M. Jones, City Clerk

CERTIFICATE OF CLERK

I HEREBY CERTIFY, That I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, Florida Statutes, and was filed for record on _____ at _____ File No. _____

Clerk of the Circuit Court
in and for Brevard County, Fla.

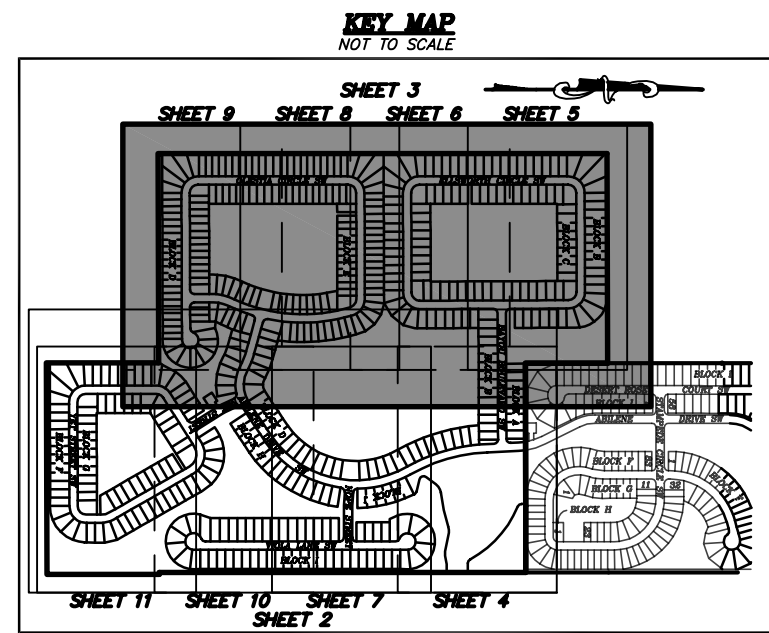
SHEET 2 OF 11
SECTIONS 4 & 9 TWP. 25 S., RANGE 36 E.

20' TEMPORARY ACCESS
EASEMENT PARCEL —
PER O.R.B. 5563, PG. 2293

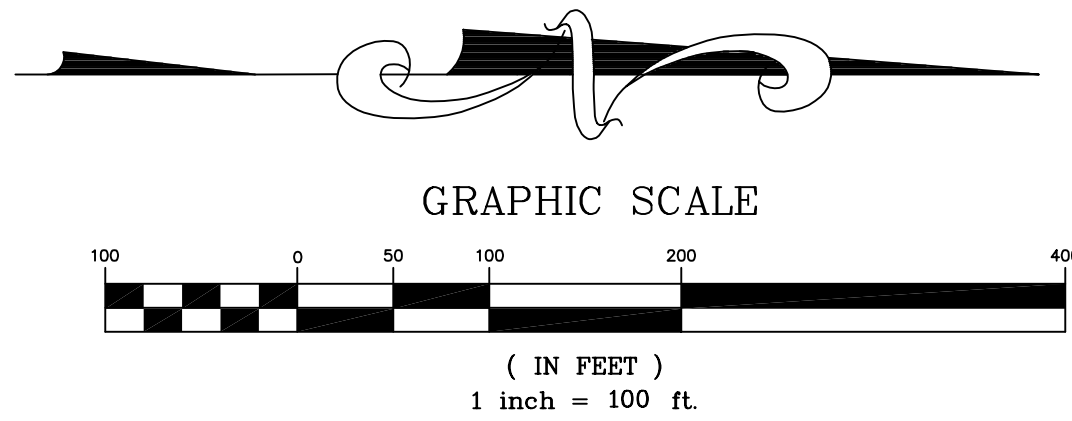
CHAPARRAL P.U.D. PHASE FOUR A-B AND FIVEA-B

LYING IN SECTIONS 4&9, TOWNSHIP 29 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

PLAT BOOK _____ PAGE _____
SHEET 3 OF 11
SECTIONS 4 & 9 TWP 25 S., RANGE 36 E.

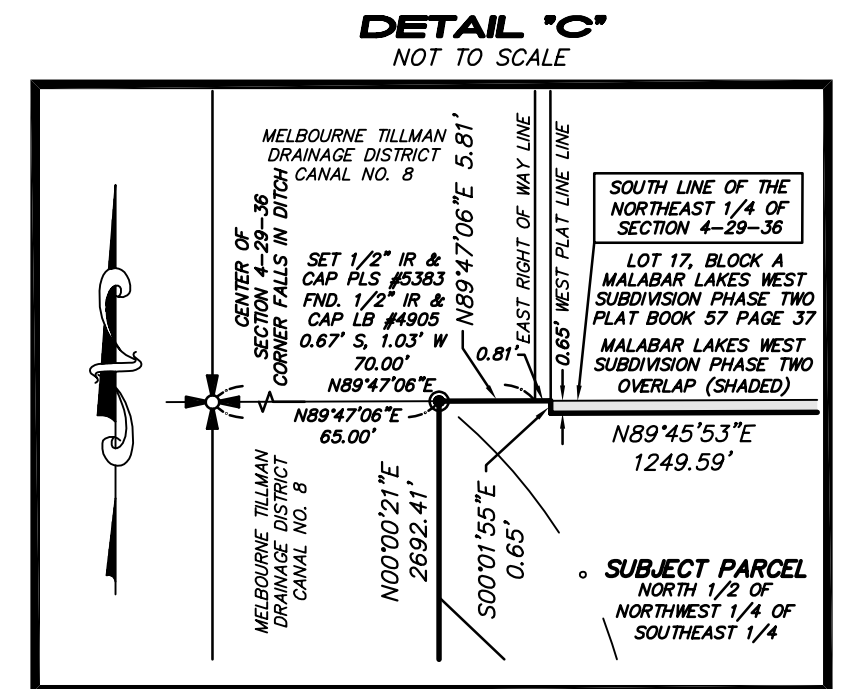


- PLAT PREPARED BY -
AAL LAND SURVEYING SERVICES, INC.
PROJECT #30476-4
DATE: 02-25-22
3970 MINTON ROAD
WEST MELBOURNE, FLORIDA 32904
(321) 768-8110

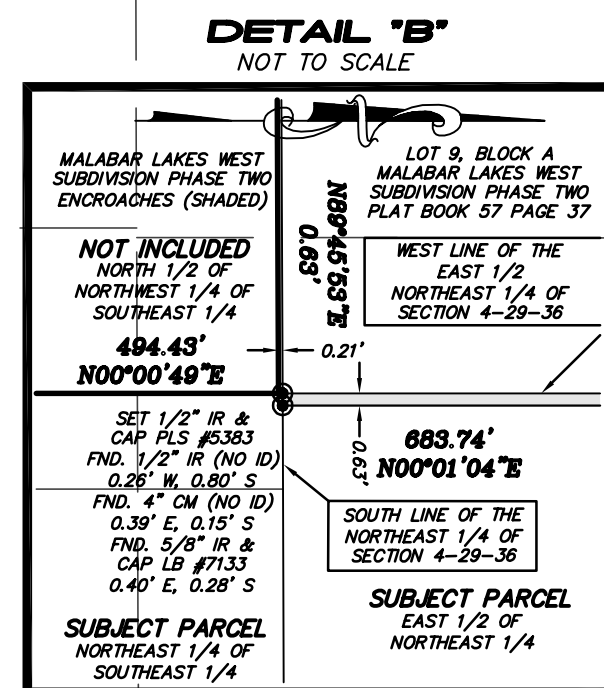
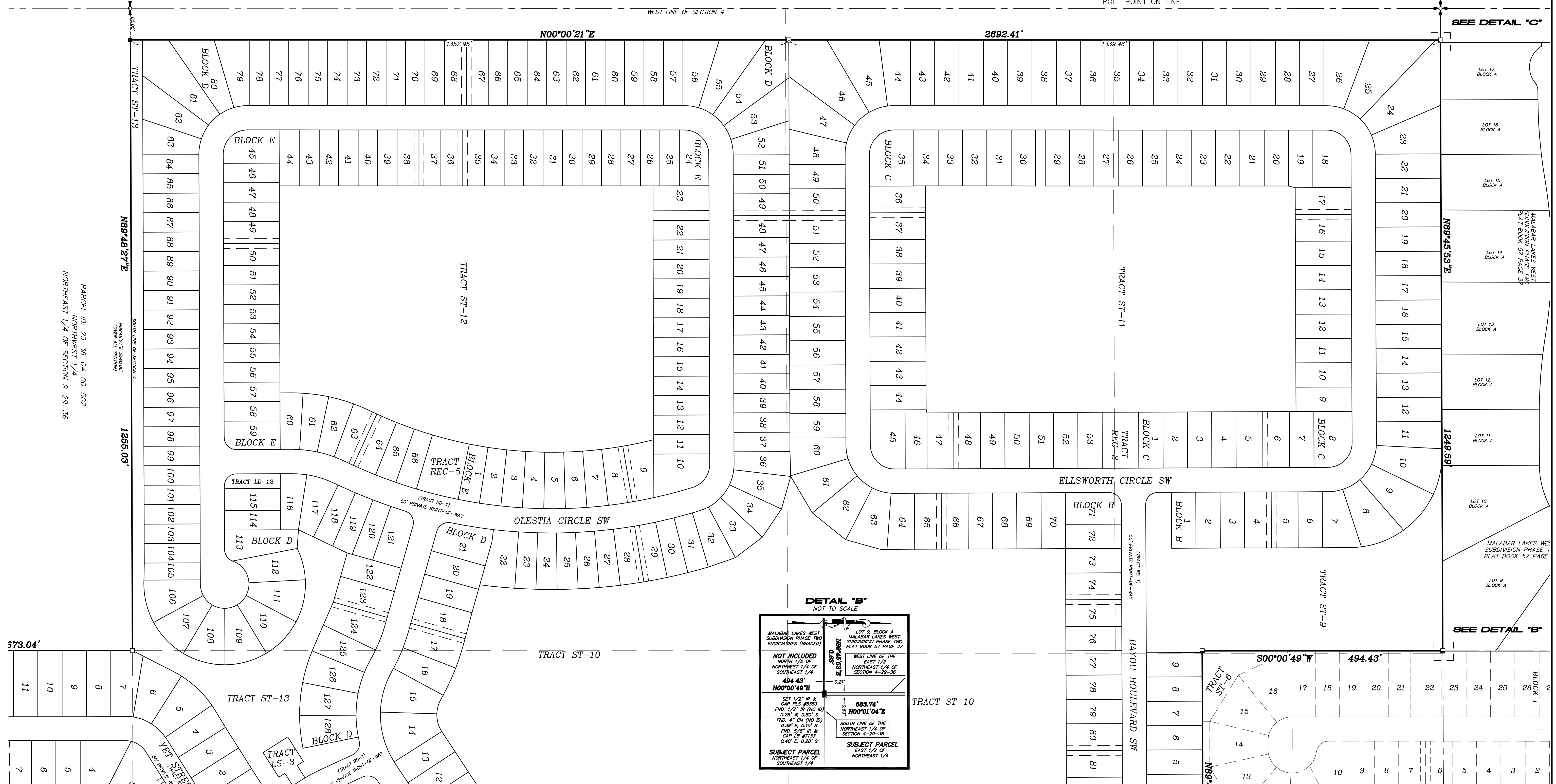


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- LEGEND**
- NAD NORTH AMERICAN DATUM
 - O.R.B. OFFICIAL RECORDS BOOK
 - (B.B.) BEARING BASIS
 - Δ CURVE DELTA
 - Δ CURVE RADIUS
 - Δ CURVE LENGTH
 - Δ CHORD BEARING
 - Δ CHORD DISTANCE
 - Δ NON-RADIAL
 - Δ RADIAL
 - Δ LICENSED BUSINESS
 - Δ 4"x4" CONCRETE MONUMENT PRM
 - Δ FOUND STAMPING AS NOTED
 - Δ 5/8" IRON ROD PRM SET
 - Δ STAMPED "POWSHOK PRM PLS 5383"
 - Δ 5/8" IRON ROD PRM FOUND
 - Δ STAMPED "POWSHOK PRM PLS 5383"
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 - PSM PROFESSIONAL SURVEYOR AND MAPPER
 - LB LICENSED BUSINESS
 - TWP. TOWNSHIP
 - R/W RIGHT OF WAY
 - PG PAGE
 - POL POINT ON LINE



MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO. 8
(130' R/W)



CHAPARRAL P.U.D. PHASE FOUR A-B AND FIVE A-B

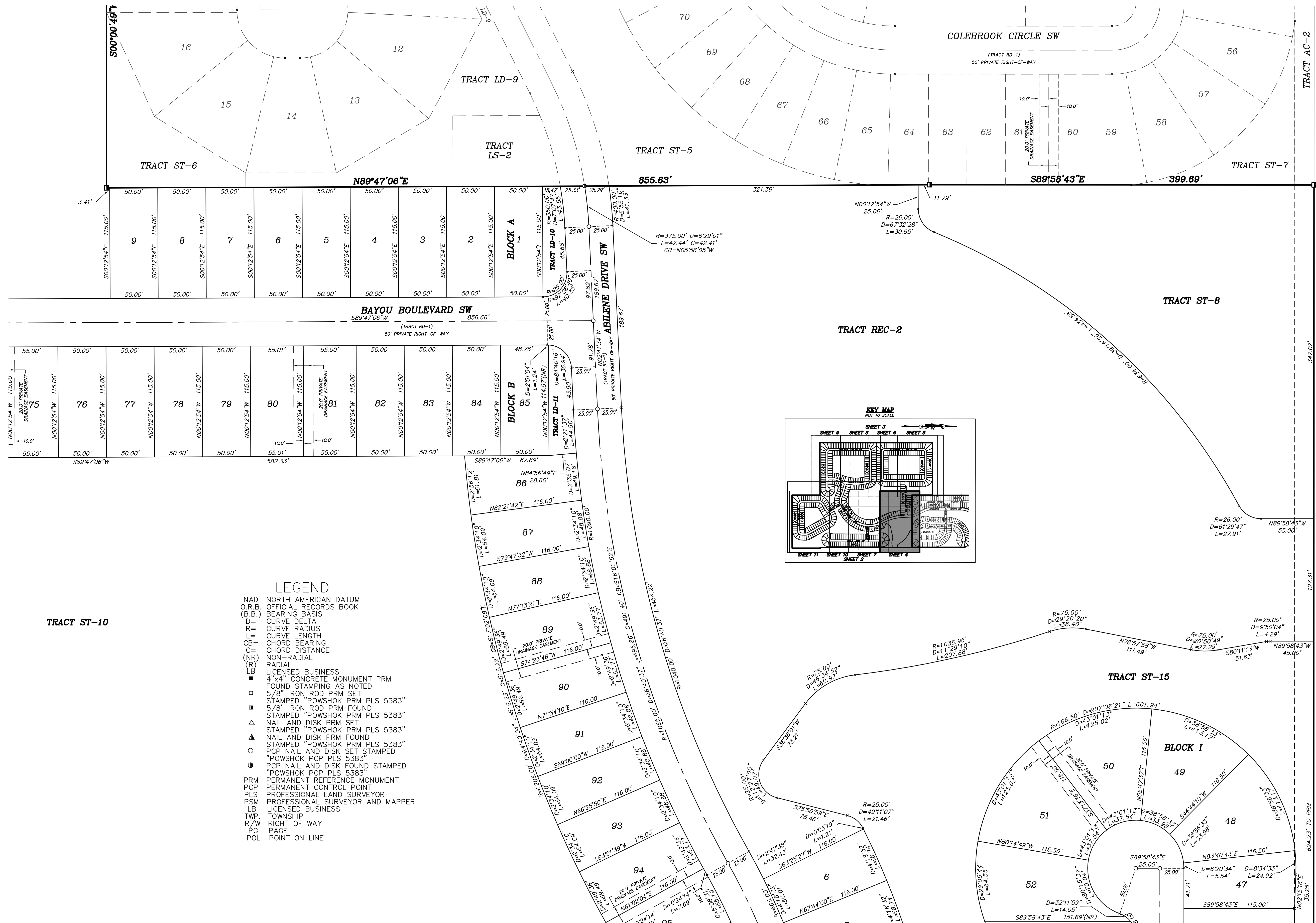
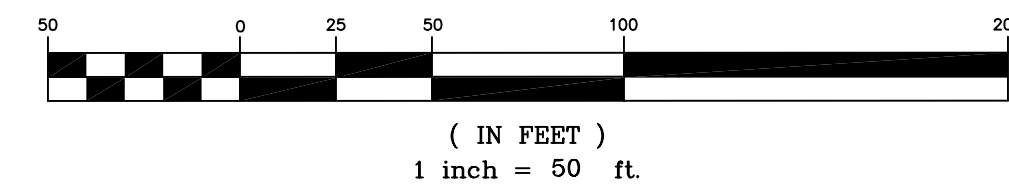
LYING IN SECTIONS 4&9, TOWNSHIP 29 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

PLAT BOOK _____ PAGE _____
SHEET 4 OF 11
SECTIONS 4 & 9 TWP 25 S., RANGE 36 E.

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PROJECT #30476-4
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3970 MINTON ROAD
WEST MELBOURNE, FLORIDA 32904
(321) 768-8110

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GRAPHIC SCALE



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L.B. LICENSED BUSINESS
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R/W RIGHT OF WAY
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POL POINT ON LINE

CHAPARRAL P.U.D. PHASE FOUR A-B AND FIVE A-B

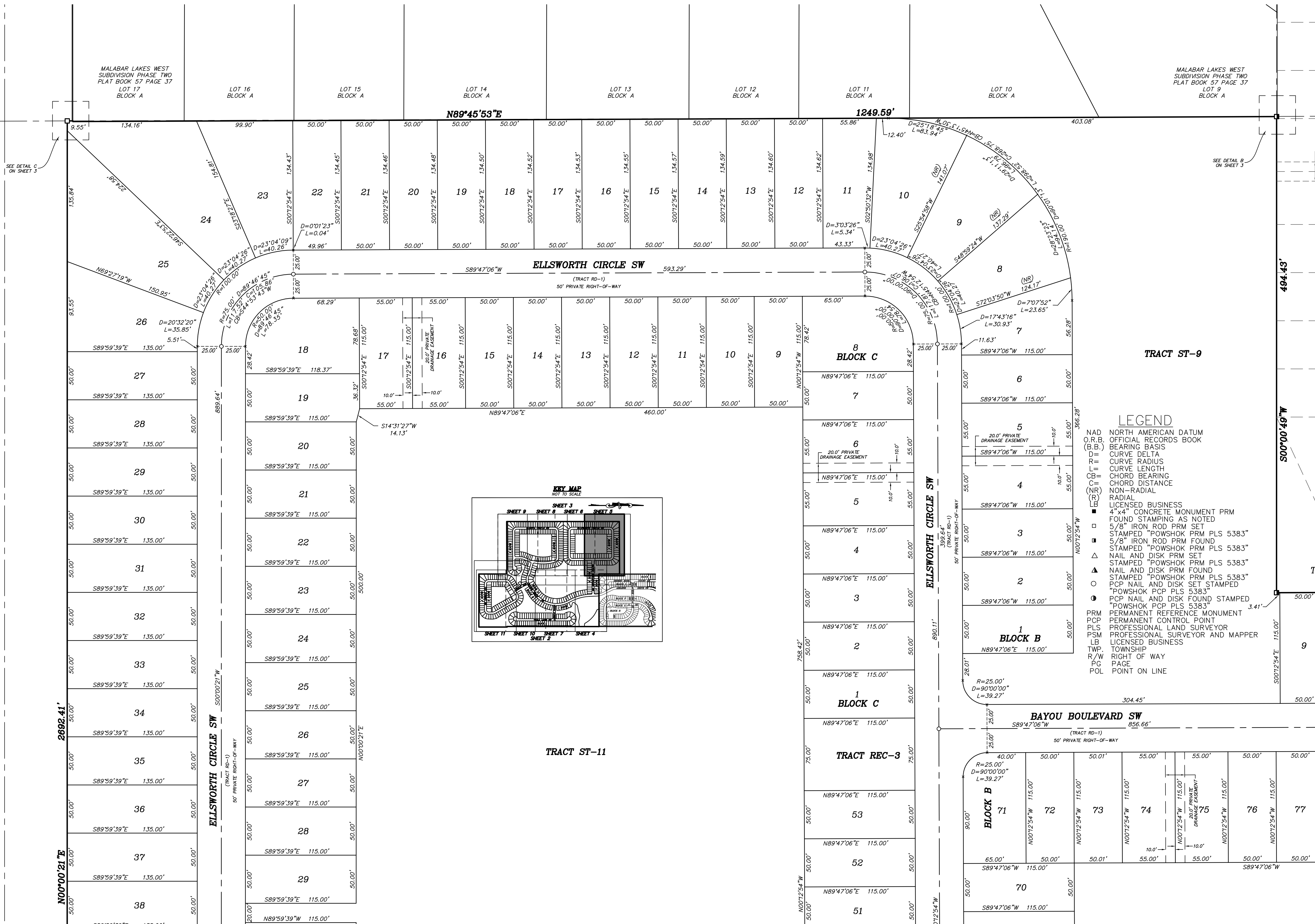
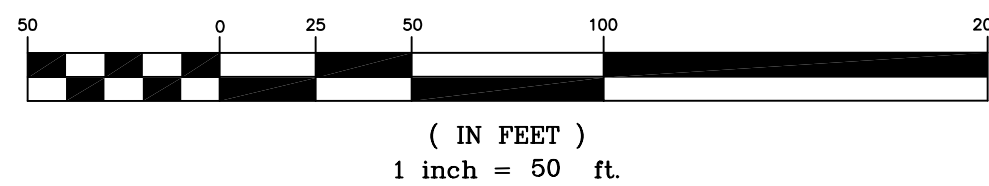
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PLAT BOOK _____ PAGE _____
SHEET 5 OF 11
SECTIONS 4 & 9 TWP 25 S., RANGE 36 E.

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CHAPARRAL P.U.D. PHASE FOUR A-B AND FIVE A-B

LYING IN SECTIONS 4&9, TOWNSHIP 29 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

PLAT BOOK _____ PAGE _____

SHEET 6 OF 11
SECTIONS 4 & 9 TWP 25 S., RANGE 36 E.

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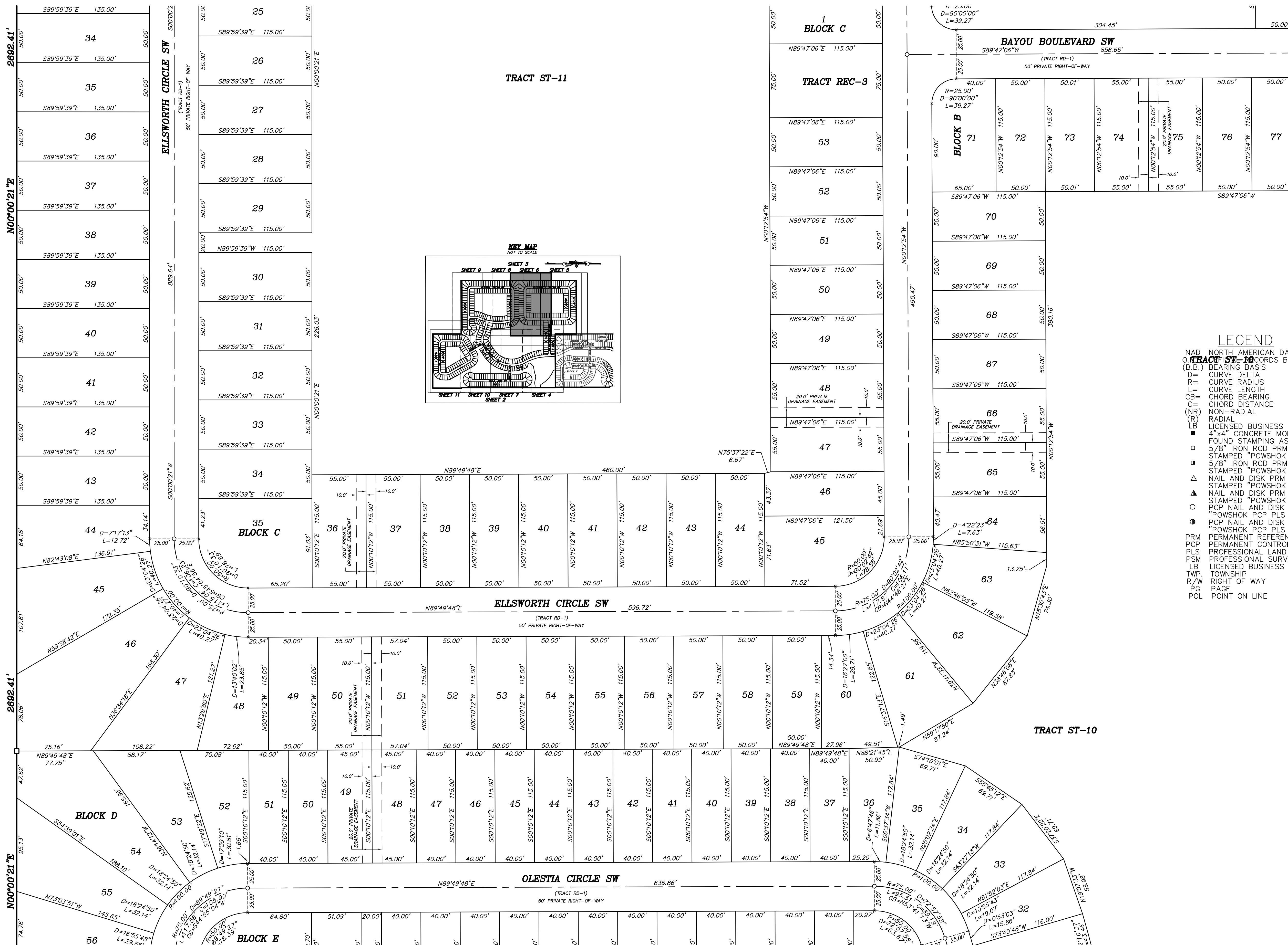
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GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.



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PLAT BOOK _____ PAGE _____
SHEET 7 OF 11
SECTIONS 4 & 9 TWP 25 S., RANGE 36 E.

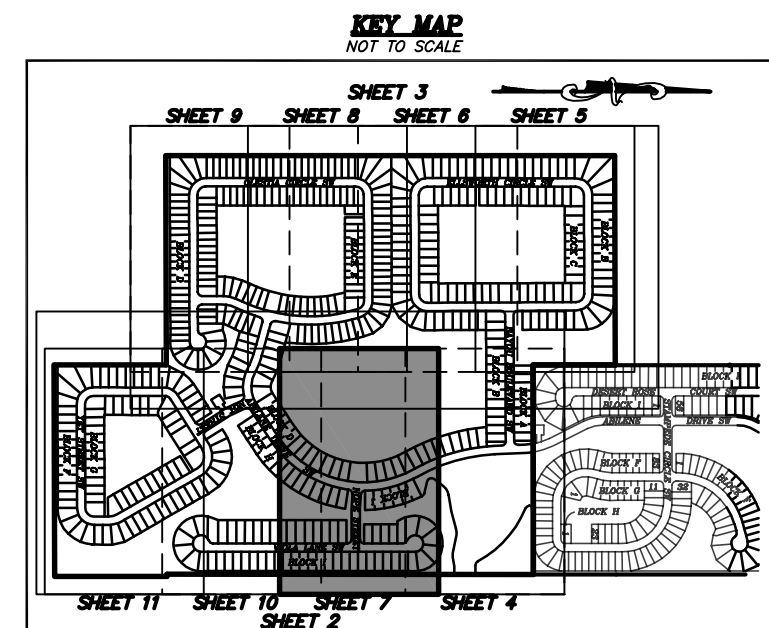
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WEST MELBOURNE, FLORIDA 32904
(321) 768-8110

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LEGEND

NAD NORTH AMERICAN DATUM
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(R) RADIAL
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■ 4"x4" CONCRETE MONUMENT PRM
□ FOUND STAMPING AS NOTED
5/8" IRON ROD PRM SET
■ STAMPED "POWSHOK PRM PLS 5383"
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TWP. TOWNSHIP
R/W RIGHT OF WAY
PG PAGE
POL POINT ON LINE

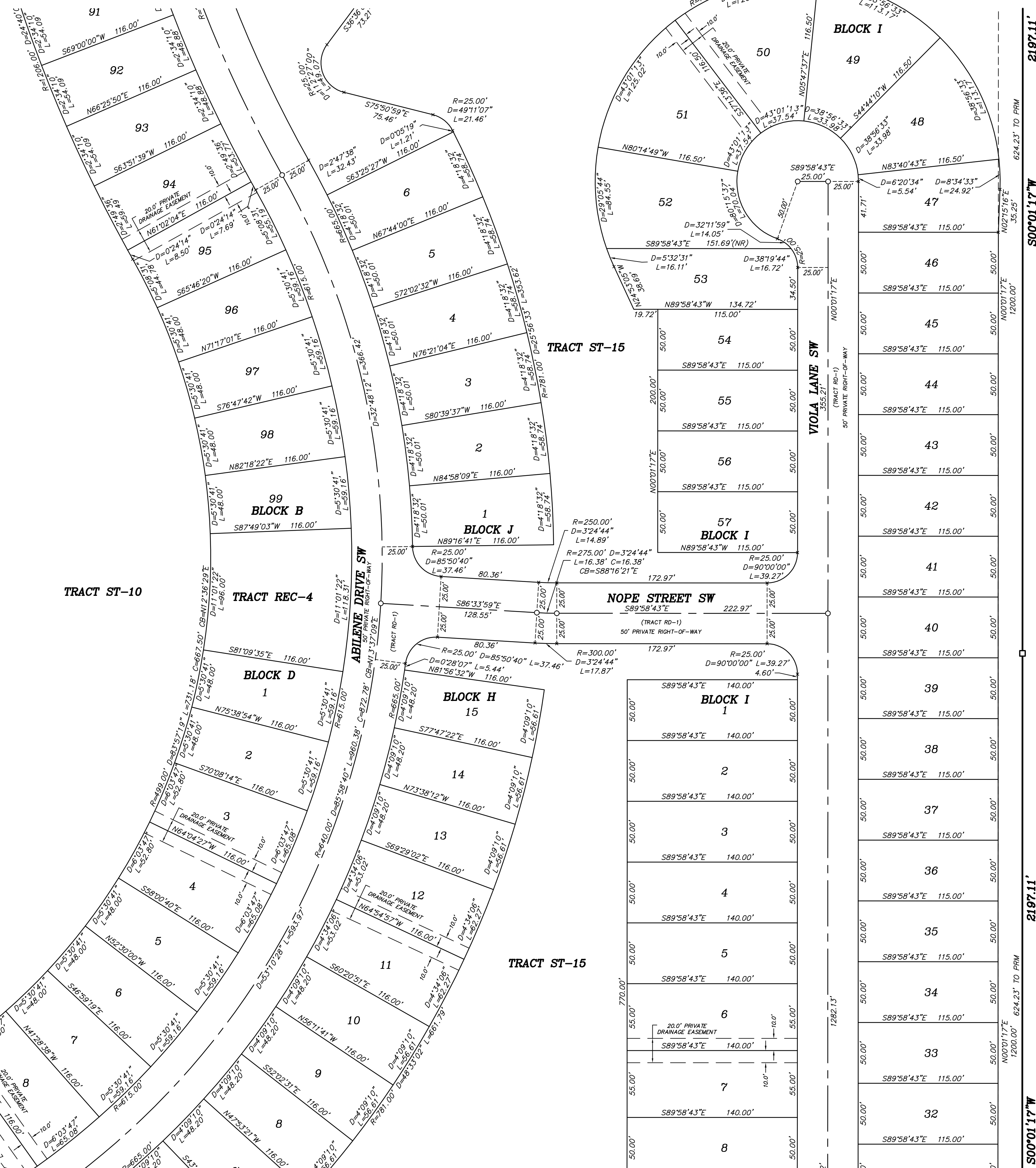


51.6.3

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.



TRACT ST-10

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624.23' TO PRM
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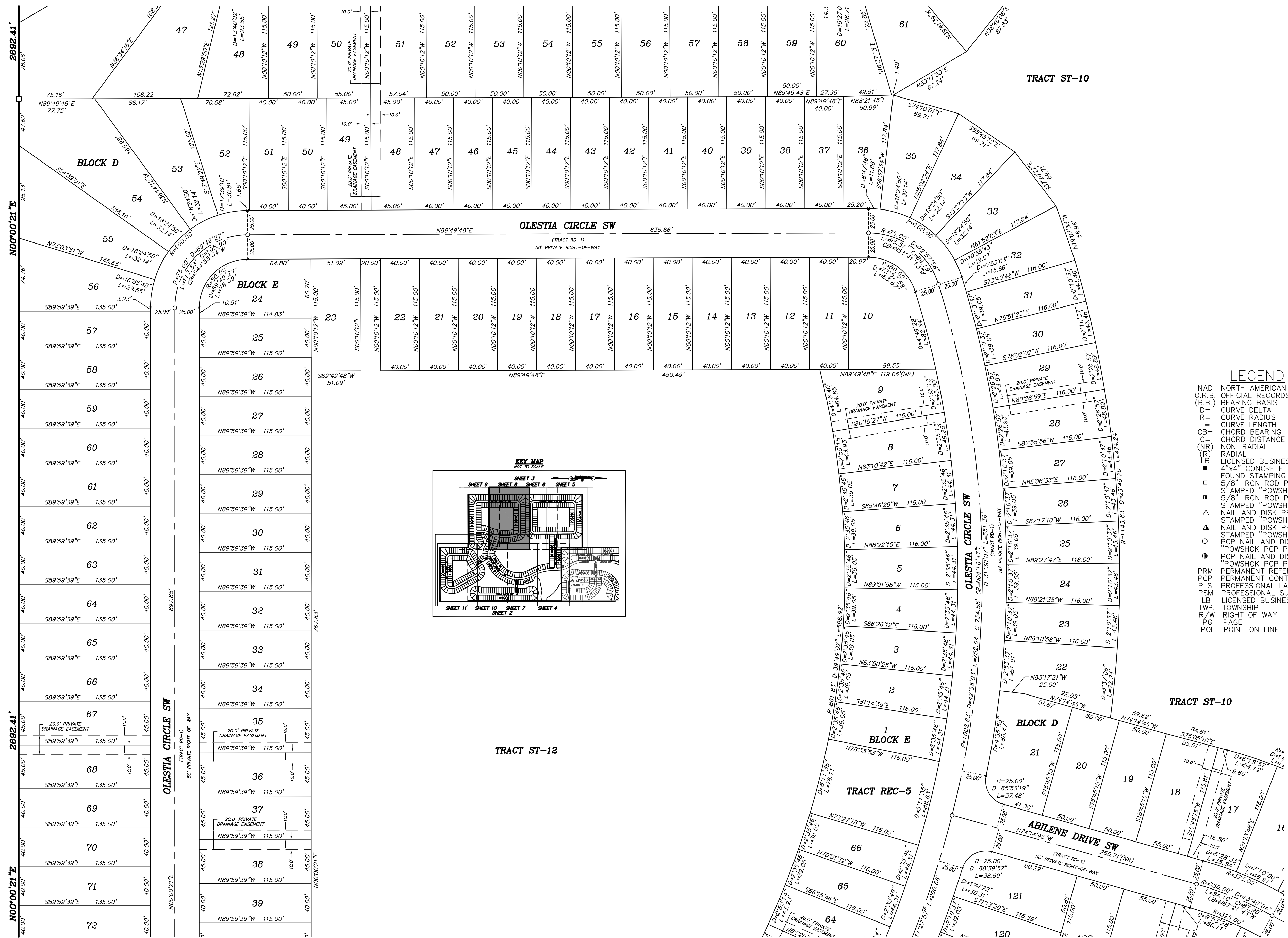
LYING IN SECTIONS 4&9, TOWNSHIP 29 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

PROJECT #30476-4
DATE: 02-25-22
3970 MINTON ROAD
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(321) 768-8110

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(IN FEET)
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PLAT BOOK _____ PAGE _____
SHEET 8 OF 11
SECTIONS 4 & 9 TWP. 25 S., RANGE 36 E.



CHAPARRAL P.U.D. PHASE FOUR A-B AND FIVE A-B

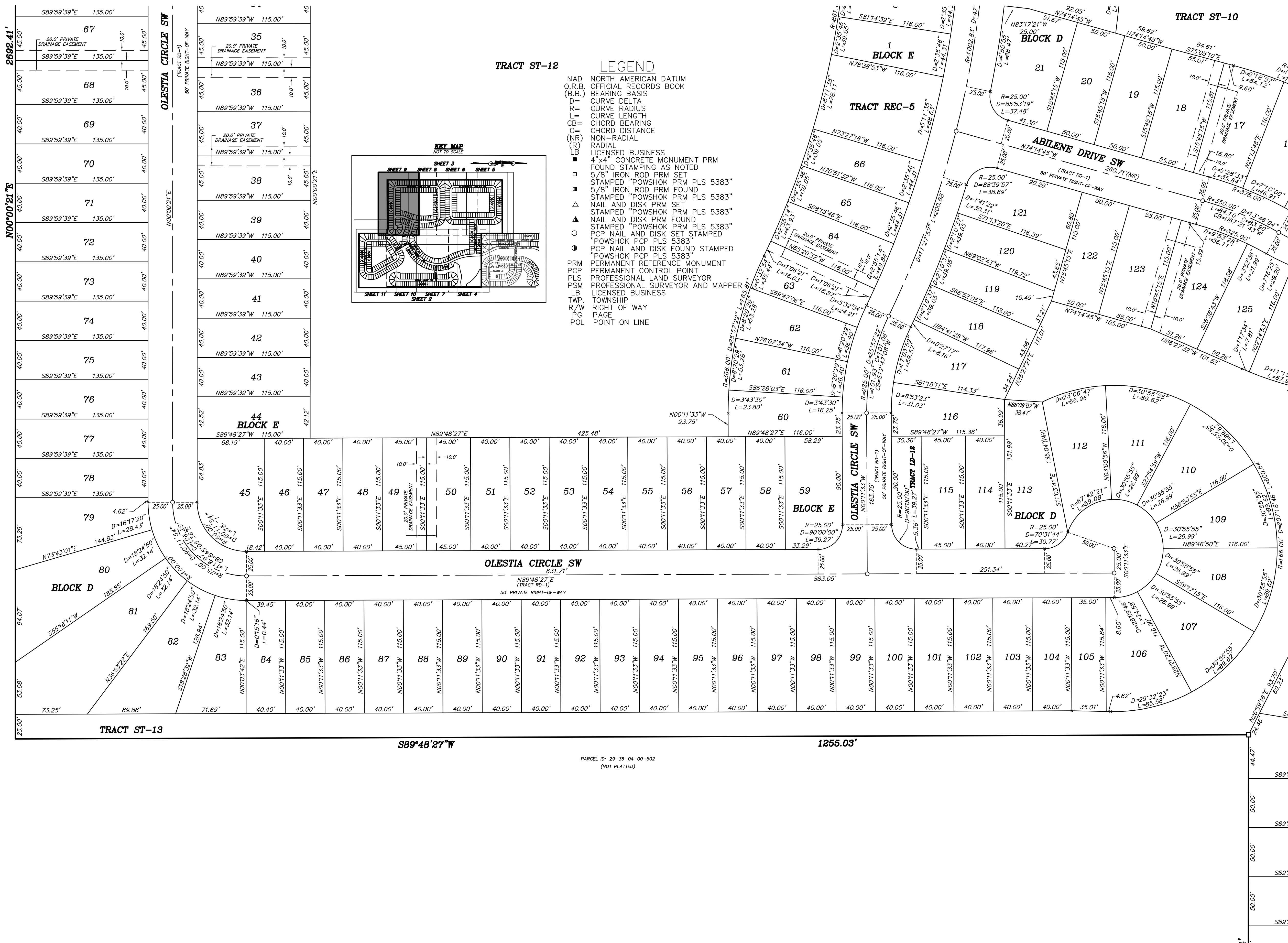
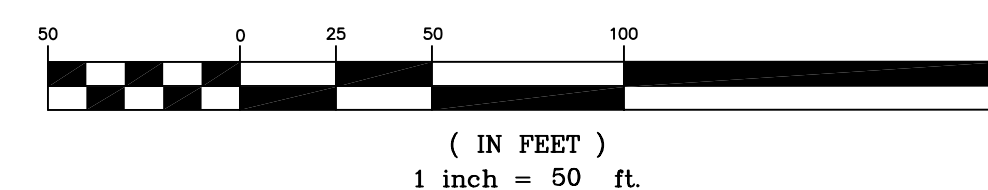
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PLAT BOOK _____ PAGE _____
SHEET 9 OF 11
SECTIONS 4 & 9 TWP 25 S., RANGE 36 E.

- PLAT PREPARED BY -
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LYING IN SECTIONS 4&9, TOWNSHIP 29 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

PLAT BOOK _____ PAGE _____
SHEET 10 OF 11
SECTIONS 4 & 9 TWP 25 S., RANGE 36 E.

LEGEND

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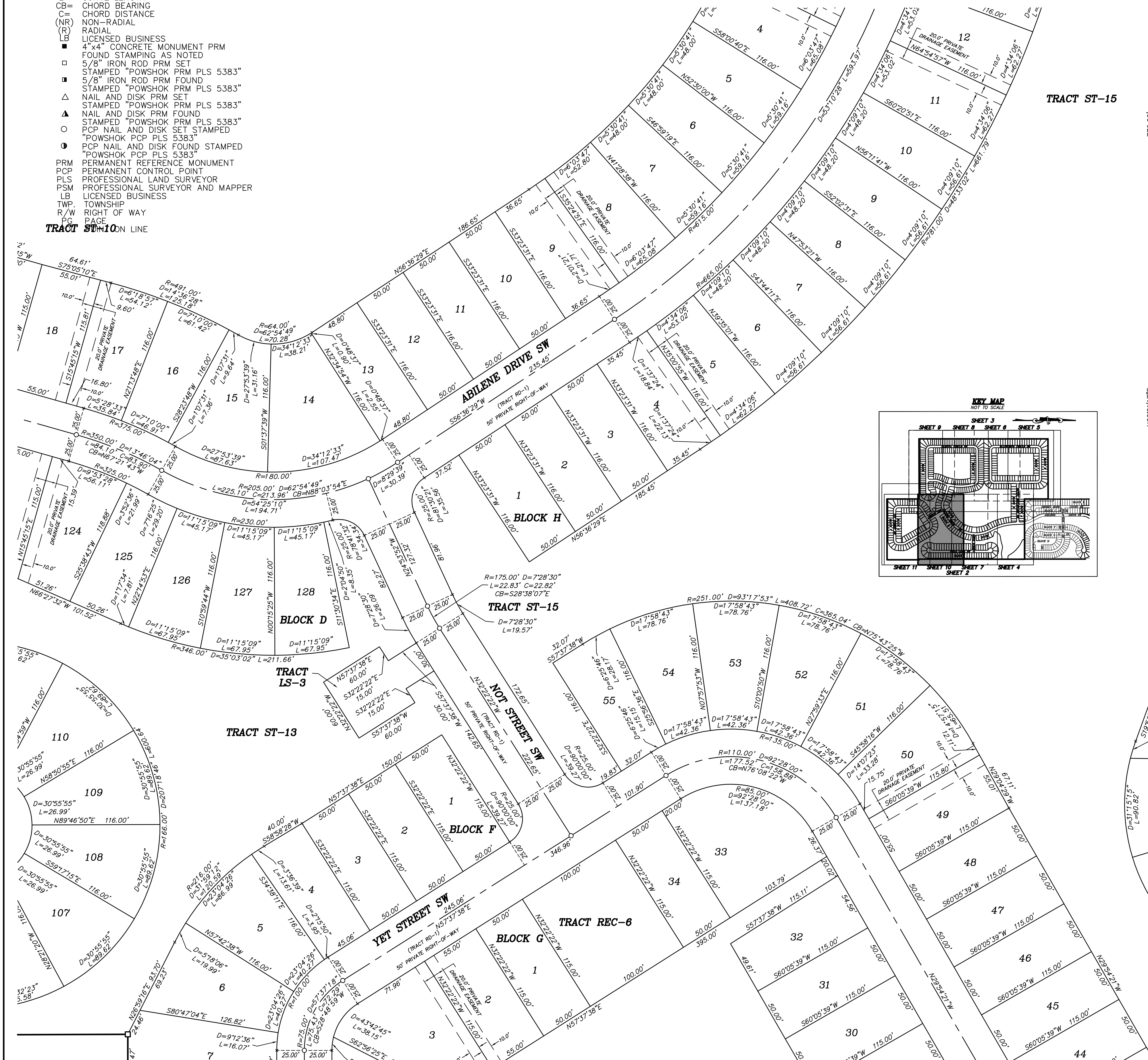
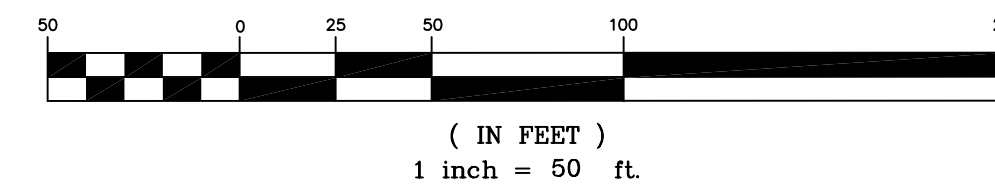
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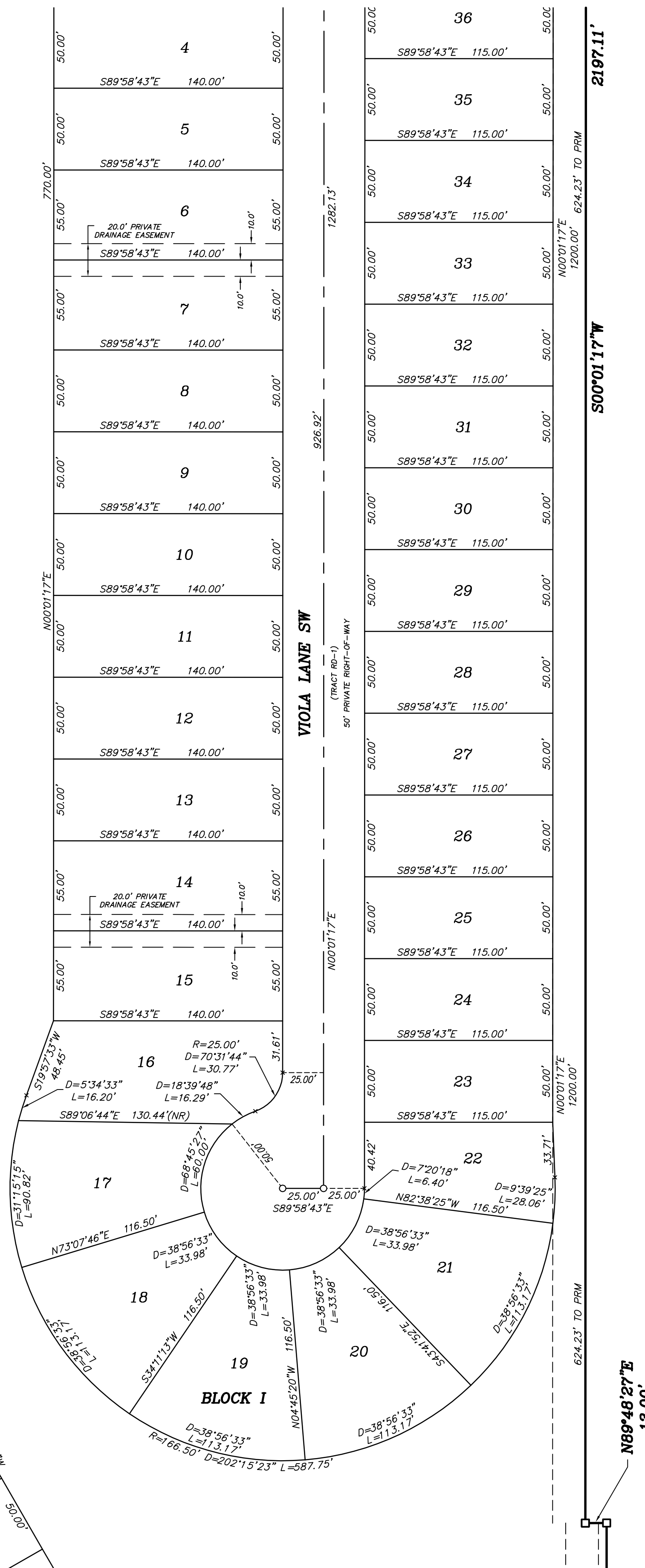
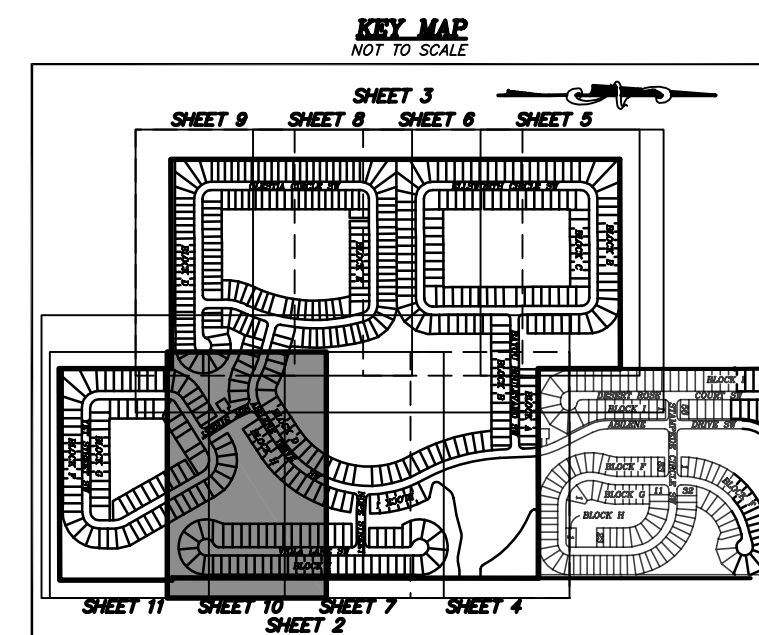
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GRAPHIC SCALE



TRACT ST-15



CHAPARRAL P.U.D. PHASE FOUR A-B AND FIVE A-B

LYING IN SECTIONS 4&9, TOWNSHIP 29 SOUTH, RANGE 36 EAST, CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

PLAT BOOK _____ PAGE _____
SHEET 11 OF 11
SECTIONS 4 & 9 TWP 25 S., RANGE 36 E.

- PLAT PREPARED BY -
AAL LAND SURVEYING SERVICES, INC.

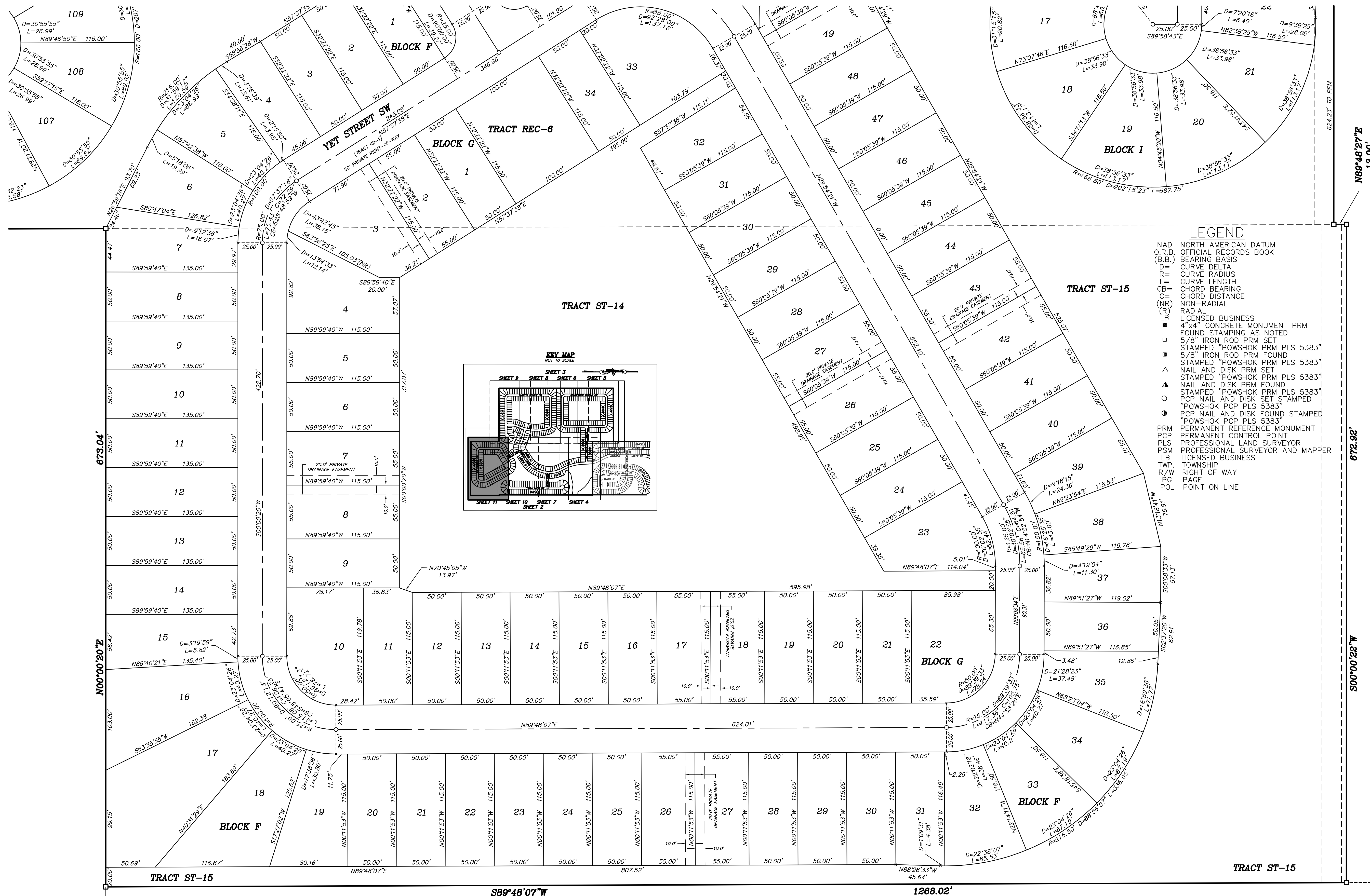
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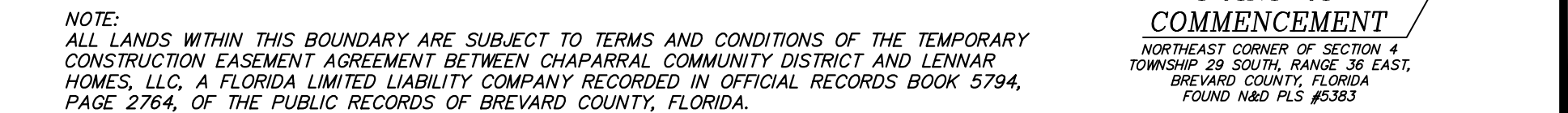


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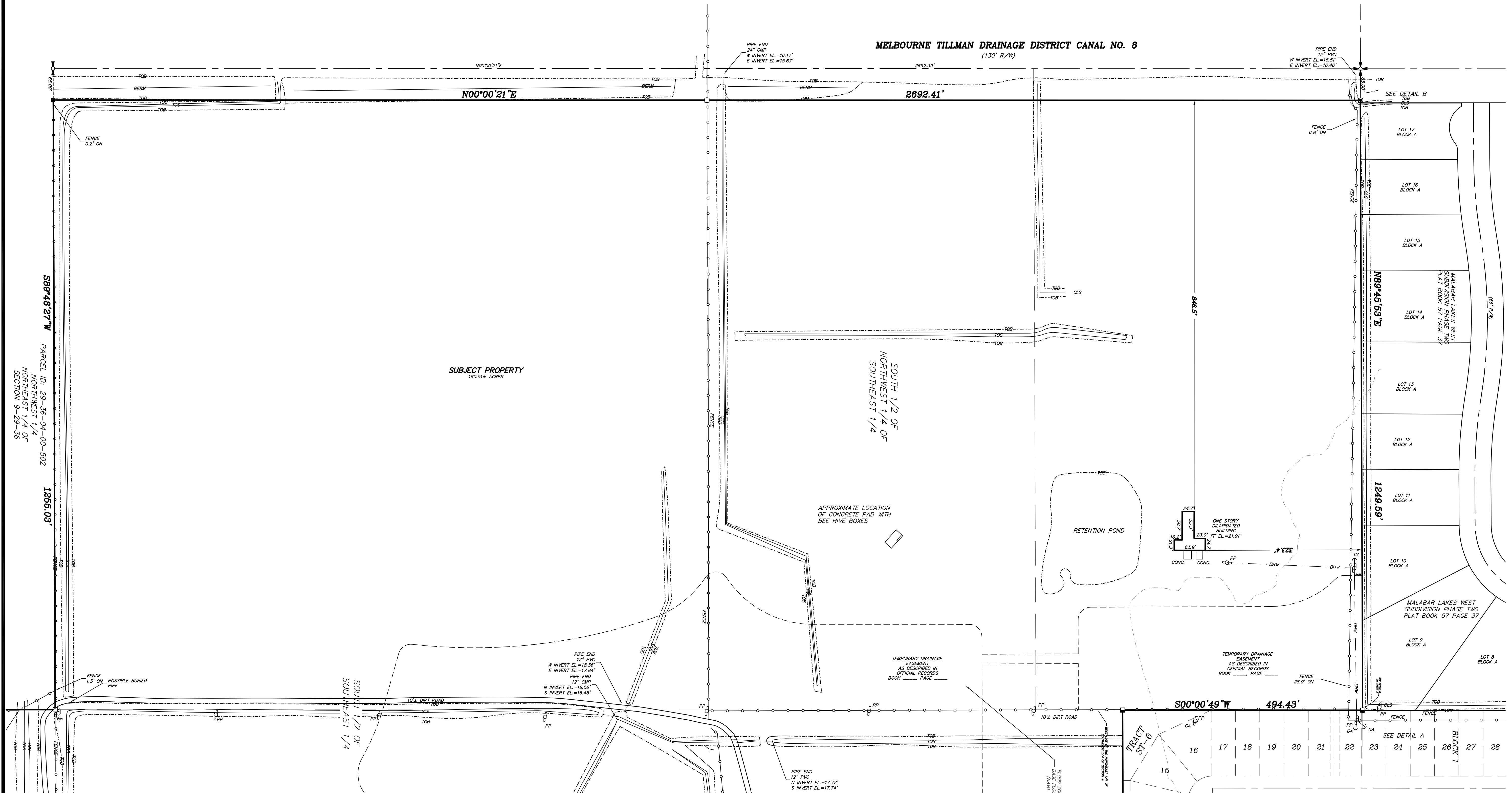
LEGEND

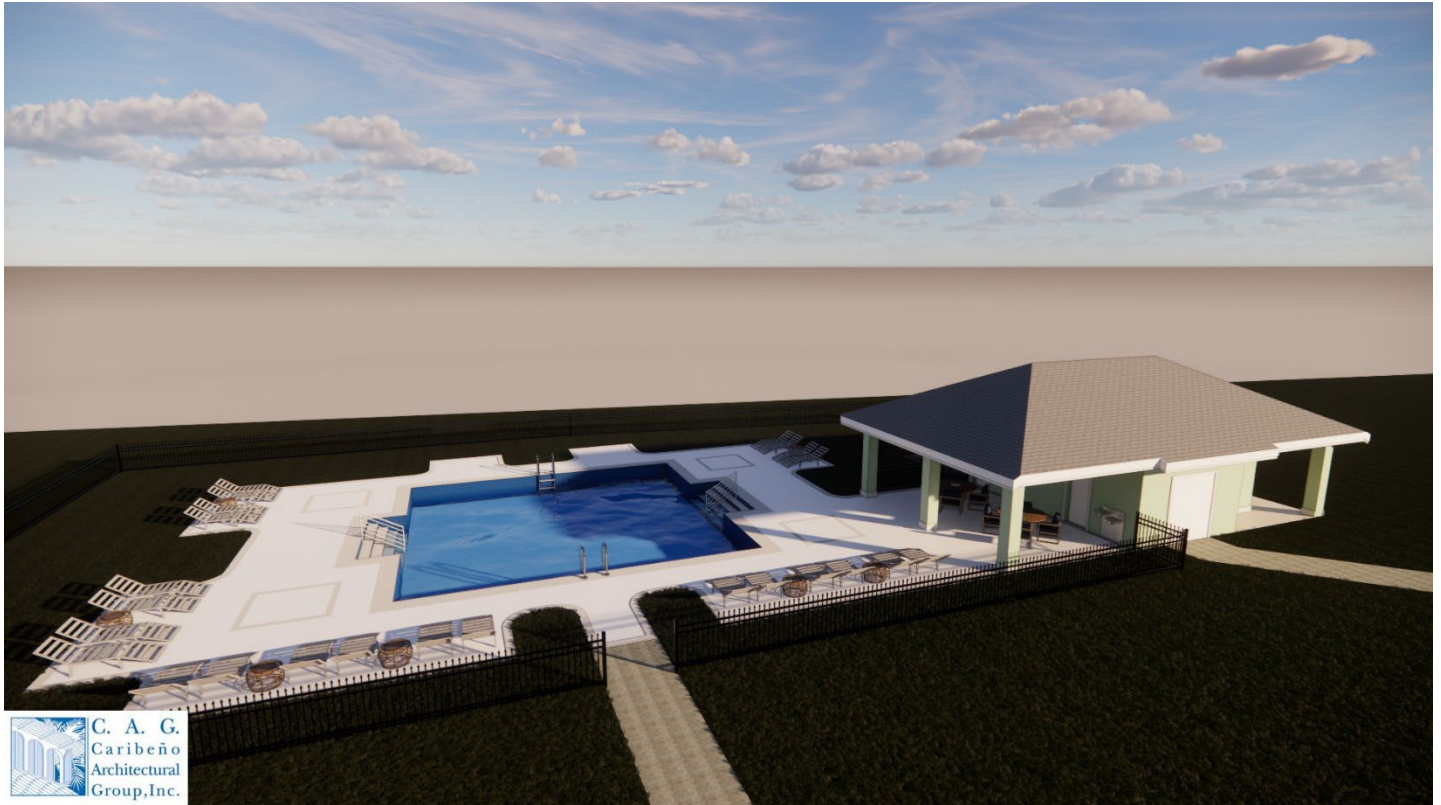
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PG PAGE
POL POINT ON LINE



AAL LAND SURVEYING SERVICES, INC. LEGEND
(B.B.) - BASIS OF BEARING
(M) - MEASURED ☒ PROPOSED
(P) - PLAT ☐ GRADES
(T) - T.B.D. ☐ REE

ACCORDING TO F.L.M. #12009C-0655 D DATED 03/17/2014, THIS PROPERTY IS LOCATED IN ZONE NAME (NAVD 88)		GENERAL NOTES: 1. THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5-1-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. 2. THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREIN AND FOR THE SPECIFIC PURPOSE NOTED AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES. 3. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS SURVEY WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS PROHIBITED. 4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR. 5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED. 6. BEARING, DISTANCE AND ASSUMED DATA ON THE LINE SHOWN AS BEING THE BASIS OF BEING 7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN. 8. ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED. 9. "NO WELLS" AND "NO SEPTICS" ARE DEFINITIONS TO SHOW AN ATTEMPT BY THE SURVEYOR TO LOCATE POSSIBLE EXISTING WELLS AND SEPTICS, HOWEVER NONE WERE FOUND USING STANDARD SURVEY LOCATING EQUIPMENT.	
BOUNDARY SURVEY SCALE: 1" = 100' 		IR = IRON ROD T = TIE NAD = NAIL AND DISC T&C = TIE AND CONCRETE C.M. = CONCRETE MONUMENT P.C. = PERMANENT REFERENCE MARKER T.B.M. = TEMPORARY BENCHMARK B.M. = BENCHMARK R = RADIOS L = LENGTH F.N.D. = FENCE F.N.D. = FENCE F.N.D. = FENCE P.O.B. = POINT OF BEGINNING P.C. = POINT OF CURVATURE P.I. = POINT OF INTERSECTION P.R.C. = POINT OF REVERSE CURVATURE R.O.W. = RIGHT OF WAY N.E.L.S. = NAIL END LINE G.W. = OVERHEAD WIRE P.E. = PUBLIC UTILITY EASEMENT D.E. = DRAINAGE EASEMENT E.L.B. = ELEVATION P. = FINISHED FLOOR C.C.P. = CONCRETE R.C.P. = REINFORCED CONCRETE PIPE C.L.P. = CAST IN PLACE C. = CENTERLINE L.B. = LICENSED LAND SURVEYOR	
REVISION: REVISION: REVISION: REVISION: REVISION: REVISION:		3970 MINTON ROAD, WEST MELBOURNE FL 32904 L.B.#6623 PHONE: (321)768-8110 FAX: (321)952-9771 E-MAIL: frontdesk@aalsurvey.com	
FIELD DATE: 01-28-2022 SECTION 04, TOWNSHIP 29 SOUTH, RANGE 36 EAST		ANDREW W. POWISHOR P.L.S. No. 53933 DANIEL D. GARNER P.L.S. No. 6189	
PROJECT #30476 PH4-5 PLAT BND			





School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699

Mark W. Mullins, Ed.D., Superintendent



March 17, 2022

Ms. Alix Bernard
Growth Management Director
City of Palm Bay
Growth Management Department
120 Malabar Road SE
Palm Bay, Florida 32907

**RE: Proposed Chaparral Subdivision Phases 4 and 5 Development
School Capacity Availability Determination Letter SCADL-2022-05**

Dear Ms. Alix Bernard,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property consists of Tax Account 2960819 (Parcel ID: 29-36-09-00-3), Tax Account 2963407 (Parcel ID: 29-36-09-00-4), Tax Account 2903867 (Parcel ID: 29-36-04-00-752), Tax Account 2903868 (Parcel ID: 29-36-04-00-753) and a portion Tax Account 2903866 (Parcel ID: 29-36-04-00-751) containing approximately 136.70 acres in The City of Palm Bay, Brevard County, Florida. Five Hundred Twenty-Two (522) single family dwelling units are planned for completion. The School Concurrency Determination of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in the *Brevard County Public Schools Financially Feasible Plan for 2020-21 to 2025-26* which is attached for reference.

Single Family Homes	522		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.28	146.16	146
Middle	0.08	41.76	42
High	0.16	83.52	84
Total	0.52		272

Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646



An Equal Opportunity Employer

**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2022-23 to
2026-27**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter		930	930	930	930	952
Central		1,514	1,514	1,514	1,514	1,514
Heritage		2,314	2,314	2,314	2,314	2,314

Projected Student Membership

School		2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter		721	817	857	854	920
Central		1,171	1,217	1,238	1,319	1,360
Heritage		2,038	2,149	2,193	2,179	2,248

Students Generated by Newly Issued SCADL Reservations Since FFP

School		2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter		-	-	-	-	-
Central		-	-	-	-	-
Heritage		-	-	-	-	-

**Cumulative Students Generated by
Proposed Development**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter		-	42	84	126	146
Central		-	12	24	36	42
Heritage		-	24	48	72	84

**Total Projected Student Membership (includes
Cumulative Impact of Proposed Development)**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter		721	859	941	980	1,066
Central		1,171	1,229	1,262	1,355	1,402
Heritage		2,038	2,173	2,241	2,251	2,332

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School		2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter		209	71	(11)	(50)	(114)
Central		343	285	252	159	112
Heritage		276	141	73	63	(18)

At this time Jupiter Elementary School and Heritage High School are not projected to have enough capacity for the total of projected and potential students from the Chaparral Subdivision Phases 4 and 5 development. Because there is a shortfall of available capacity in the concurrency service areas of the Chaparral Subdivision Phases 4 and 5 development, the capacity of adjacent concurrency service areas must be considered. The adjacent elementary school concurrency service areas are Westside Elementary School, Turner Elementary School, McAuliffe Elementary School, and Discovery Elementary School. The adjacent high school concurrency service areas are Bayside High School, Melbourne High School, Eau Gallie High School, and Palm Bay Magnet High School. A table of capacities of the *Adjacent Schools Concurrency Service Areas* that could accommodate the impacts of the Chaparral Subdivision Phases 4 and 5 development is shown:

FISH Capacity (including relocatable classrooms) from the Financially Feasible Plan (FFP) Data and Analysis for School Years 2022-23 to 2026-27						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Discovery		980	980	980	980	980
Bayside		2,263	2,263	2,263	2,263	2,263
Projected Student Membership						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Discovery		644	639	633	608	611
Bayside		1,728	1,850	1,942	2,002	2,069
Students Generated by Newly Issued SCADL Reservations Since FFP						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Discovery		-	-	-	-	-
Bayside		14	14	14	14	14
Cumulative Students Generated by Proposed Development						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Discovery		-	42	84	126	146
Bayside		-	24	48	72	84
Total Projected Student Membership (includes Cumulative Impact of Proposed Development)						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Discovery		644	681	717	734	757
Bayside		1,742	1,888	2,004	2,088	2,167
Projected Available Capacity = FISH Capacity - Total Projected Student Membership						
School		2022-23	2023-24	2024-25	2025-26	2026-27
Discovery		336	299	263	246	223
Bayside		521	375	259	175	96

Considering the adjacent elementary school and high school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the Chaparral Subdivision Phases 4 and 5 development.

This letter is the official **School Concurrency Availability Determination Letter (SCADL)** for the Chaparral Subdivision Phases 4 and 5 development in accordance with Section 13.2(e) of the *Interlocal Agreement for Public School Facility Planning and School Concurrency (ILA)*. This letter will become binding, and capacity will be reserved in Brevard Public Schools for the projected student membership impact of this development as of the date of this letter.

The School Capacity Reservation at the above schools is valid for 24 months from the date of this letter. At that time, if the project has not received the Certificate of Completion approval from The City of Palm Bay, a Time Extension application can be submitted to the School Board through The City of Palm Bay. A maximum of 2 additional years can be requested. If the final planning approval has not been completed after the 2-year Time Extension is granted, a new application for School Concurrency must be submitted.

Also, in accordance with Section 13.2(f) of the ILA, so that the school district can track capacity reservations, please provide notification:

1. When this residential development has received a Concurrency Evaluation Finding of Nondeficiency or functional equivalent.
2. The date the development order expires, is extended, or is revoked.
3. When the concurrency reservations become vested.
4. When the school impact fees have been paid.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,

A handwritten signature in blue ink that reads "Karen M. Black". The signature is fluid and cursive, with a long horizontal line extending to the right.

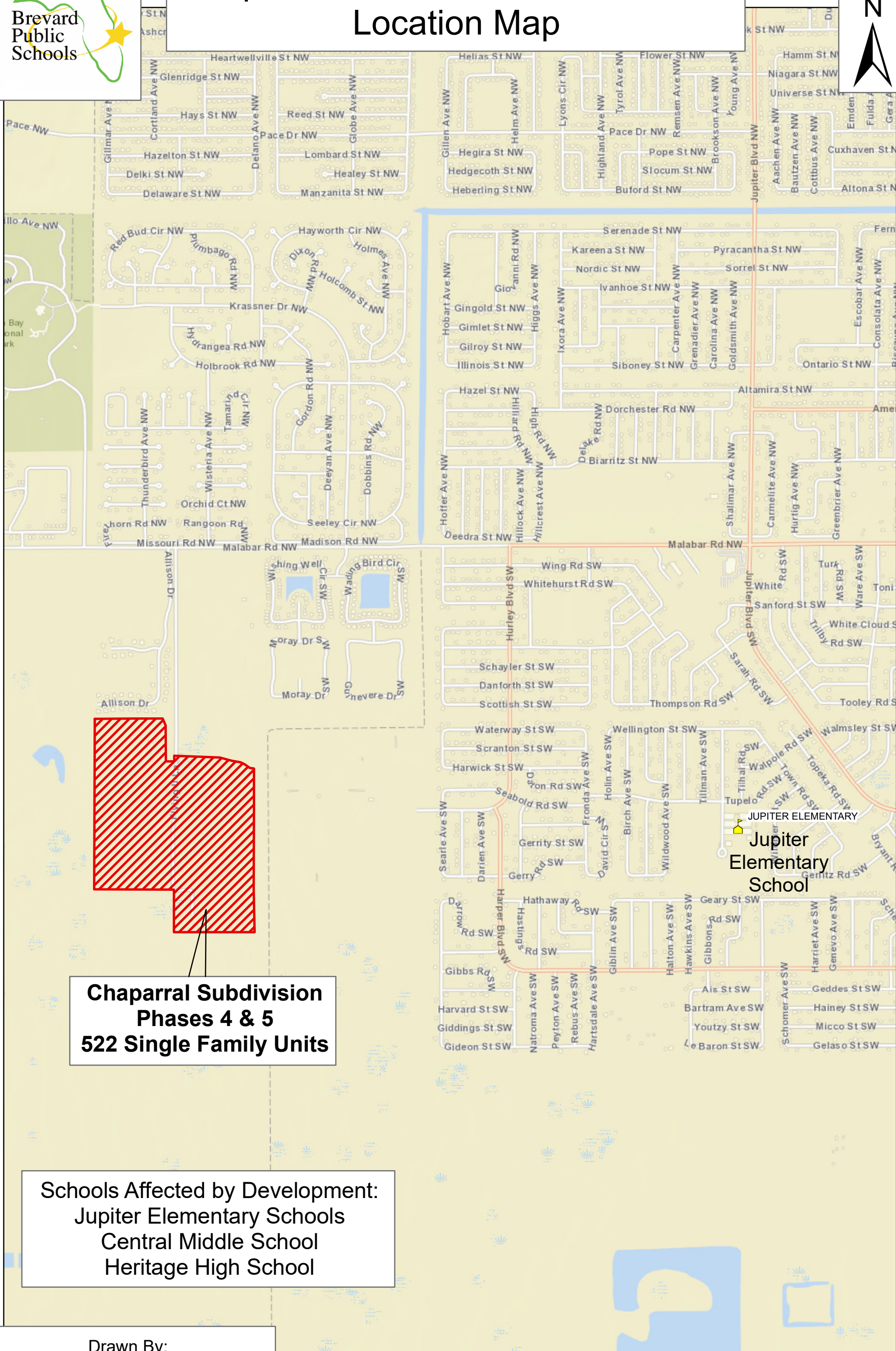
Karen M. Black, AICP
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for 2020-21 to 2025-26*

Copy: Susan Hann, AICP, Assistant Superintendent of Facilities Services
File SCADL-2022-05

David G. Lindemann, AICP, Director of Planning & Project Management, Facilities Services
File SCADL-2022-05

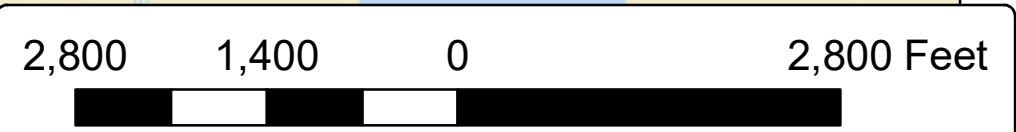
Chaparral Subdivision Phases 4 & 5 Location Map



**Chaparral Subdivision
Phases 4 & 5
522 Single Family Units**

Schools Affected by Development:
Jupiter Elementary Schools
Central Middle School
Heritage High School

Drawn By:
Planning & Project Management
Blake Stinson
3/16/2022



Brevard County Public Schools

Financially Feasible Plan To Maintain Utilization Rates Lower than the **100%** Level of Service

Data and Analysis for School Years 2021-22 to 2026-27



Summary	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
Highest Utilization Elementary Schools:	88%	89%	95%	98%	97%	99%
Highest Utilization Middle Schools:	88%	89%	90%	89%	92%	96%
Highest Utilization Jr / Sr High Schools:	84%	84%	82%	82%	79%	78%
Highest Utilization High Schools:	101%	100%	99%	95%	94%	97%

				School Year 2021-22			School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27		
School	Type	Grades	Utilization Factor	FISH Capacity	10/15/21 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	630	84%	751	632	84%	751	694	92%	751	739	98%	773	752	97%	773	738	95%
Andersen	Elementary	K-6	100%	884	592	67%	884	591	67%	884	597	68%	884	589	67%	884	565	64%	884	554	63%
Apollo	Elementary	K-6	100%	902	782	87%	902	783	87%	902	755	84%	902	761	84%	902	739	82%	902	729	81%
Atlantis	Elementary	PK-6	100%	739	629	85%	739	630	85%	739	616	83%	739	600	81%	739	592	80%	739	576	78%
Audubon	Elementary	PK-6	100%	761	464	61%	761	464	61%	761	458	60%	761	438	58%	761	427	56%	761	440	58%
Cambridge	Elementary	PK-6	100%	765	506	66%	765	506	66%	765	513	67%	765	510	67%	765	485	63%	765	480	63%
Cape View	Elementary	PK-6	100%	570	278	49%	570	285	50%	570	287	50%	570	281	49%	570	286	50%	570	284	50%
Carroll	Elementary	K-6	100%	751	614	82%	751	619	82%	751	605	81%	751	613	82%	751	600	80%	751	593	79%
Challenger 7	Elementary	PK-6	100%	573	506	88%	573	508	89%	573	476	83%	573	449	78%	573	437	76%	573	414	72%
Columbia	Elementary	PK-6	100%	751	462	62%	751	484	64%	751	546	73%	751	568	76%	751	569	76%	751	572	76%
Coquina	Elementary	K-6	100%	711	534	75%	711	531	75%	711	557	78%	711	572	80%	711	596	84%	711	602	85%
Creel	Elementary	PK-6	100%	1,114	717	64%	1,114	762	68%	1,114	812	73%	1,114	847	76%	1,114	877	79%	1,114	922	83%
Croton	Elementary	PK-6	100%	795	487	61%	795	488	61%	795	530	67%	795	559	70%	795	586	74%	795	604	76%
Discovery	Elementary	PK-6	100%	980	615	63%	980	644	66%	980	639	65%	980	633	65%	980	608	62%	980	611	62%
Endeavour	Elementary	PK-6	100%	968	657	68%	968	670	69%	968	668	69%	968	641	66%	968	627	65%	968	640	66%
Enterprise	Elementary	K-6	100%	729	605	83%	729	608	83%	729	587	81%	729	561	77%	729	529	73%	729	513	70%
Fairglen	Elementary	PK-6	100%	789	581	74%	789	580	74%	789	597	76%	789	620	79%	789	626	79%	789	639	81%
Gemini	Elementary	K-6	100%	711	427	60%	711	442	62%	711	440	62%	711	424	60%	711	420	59%	711	409	58%
Golfview	Elementary	PK-6	100%	777	454	58%	777	454	58%	777	467	60%	777	503	65%	777	513	66%	777	521	67%
Harbor City	Elementary	PK-6	100%	629	359	57%	629	357	57%	629	386	61%	629	399	63%	629	400	64%	629	411	65%
Holland	Elementary	PK-6	100%	605	444	73%	605	465	77%	605	471	78%	605	473	78%	605	472	78%	605	477	79%
Imperial Estates	Elementary	K-6	100%	729	624	86%	729	622	85%	729	626	86%	729	619	85%	729	620	85%	729	645	88%
Indialantic	Elementary	K-6	100%	798	671	84%	798	672	84%	798	658	82%	798	646	81%	798	620	78%	798	622	78%
Jupiter	Elementary	PK-6	100%	930	724	78%	930	721	78%	930	817	88%	930	857	92%	930	854	92%	930	920	97%
Lockmar	Elementary	PK-6	100%	892	632	71%	892	631	71%	892	594	67%	892	578	65%	892	559	63%	892	553	62%
Longleaf	Elementary	PK-6	100%	790	594	75%	790	594	75%	790	587	74%	790	583	74%	790	565	72%	790	551	70%
Manatee	Elementary	K-6	100%	998	843	84%	998	855	86%	998	815	82%	998	793	79%	998	765	77%	998	750	75%
McAuliffe	Elementary	PK-6	100%	918	634	69%	918	633	69%	918	624	68%	918	583	64%	918	576	63%	918	565	62%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	832	75%	1,114	832	75%	1,114	902	81%	1,114	920	83%	1,114	950	85%	1,114	950	85%
Meadowlane Primary	Elementary	K-6	100%	824	678	82%	824	678	82%	824	731	89%	824	725	88%	824	734	89%	824	731	89%
Mila	Elementary	PK-6	100%	707	438	62%	707	432	61%	707	430	61%	707	444	63%	707	417	59%	707	416	59%
Mims	Elementary	PK-6	100%	725	431	59%	725	442	61%	725	433	60%	725	441	61%	725	452	62%	725	446	62%
Oak Park	Elementary	PK-6	100%	968	561	58%	968	563	58%	968	554	57%	968	510	53%	968	508	52%	968	523	54%
Ocean Breeze	Elementary	PK-6	100%	654	538	82%	654	543	83%	654	524	80%	654	506	77%	654	484	74%	654	472	72%
Palm Bay Elem	Elementary	PK-6	100%	983	547	56%	983	567	58%	983	571	58%	983	570	58%	983	602	61%	983	622	63%
Pinewood	Elementary	PK-6	100%	569	496	87%	569	500	88%	569	517	91%	569	524	92%	569	526	92%	569	532	93%
Port Malabar	Elementary	PK-6	100%	852	636	75%	852	636	75%	852	630	74%	852	636	75%	852	645	76%	852	632	74%
Quest	Elementary	PK-6	100%	1,152	673	58%	1,152	673	58%	1,152	694	60%	1,152	722	63%	1,152	734	64%	1,152	728	63%
Riviera	Elementary	PK-6	100%	777	624	80%	777	631	81%	777	681	88%	777	709	91%	777	722	93%	777	750	97%
Roosevelt	Elementary	K-6	100%	599	263	44%	599	261	44%	599	241	40%	599	221	37%	599	202	34%	599	190	32%
Sabal	Elementary	PK-6	100%	785	516	66%	785	507	65%	785	516	66%	785	523	67%	785	516	66%	785	530	68%
Saturn	Elementary	PK-6	100%	976	678	69%	976	679	70%	976	731	75%	976	772	79%	976	822	84%	976	810	83%
Sea Park	Elementary	PK-6	100%	461	299	65%	461	317	69%	461	324	70%	461	324	70%	461	330	72%	461	331	72%
Sherwood	Elementary	PK-6	100%	609	428	70%	609	429	70%	609	429	70%	609	434	71%	609	442	73%	609	441	72%
Sunrise	Elementary	PK-6	100%	913	691	76%	913	690	76%	913	738	81%	935	824	88%	1,001	929	93%	1,067	1,061	99%
Suntree	Elementary	K-6	100%	755	595	79%	755	595	79%	755	584	77%	755	555	74%	755	546	72%	755	523	69%
Surfside	Elementary	K-6	100%	541	408	75%	541	407	75%	541	372	69%	541	345	64%	541	336	62%	541	329	61%
Tropical	Elementary	K-6	100%	910	641	70%	910	642	71%	910	635	70%	910	614	67%	910	597	66%	910	609	67%
Turner	Elementary	PK-6	100%	874	579	66%	874	576	66%	874	621	71%	874	642	73%	874	659	75%	874	694	79%
University Park	Elementary	PK-6	100%	811	466	57%	811	464	57%	811	496	61%	811	554	68%	811	622	77%	811	657	81%
Viera Elem	Elementary	K-6	100%	1,030	585	57%	1,030	635	62%	1,030	671	65%	1,030	742	72%	1,030	826	80%	1,030	902	88%
Westside	Elementary	K-6	100%	857	728	85%	857	761	89%	857	815	95%	879	855	97%	901	872	97%	923	895	97%
Williams	Elementary	PK-6	100%	715	494	69%	715	493	69%	715	483	68%	715	473	66%	715	452	63%	715	438	61%
Elementary Totals				42,471	29,890		42,471	30,184		42,471	30,745		42,515	31,024		42,625	31,190		42,735	31,547	

Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,514	1,171	77%	1,514	1,171	77%	1,514	1,217	80%	1,514	1,238	82%	1,514	1,319	87%	1,514	1,360	90%
DeLaura	Middle	7-8	90%	960	843	88%	960	851	89%	960	829	86%	960	854	89%	960	816	85%	960	787	82%
Hoover	Middle	7-8	90%	680	510	75%	680	510	75%	680	485	71%	680	506	74%	680	550	81%	680	539	79%
Jackson	Middle	7-8	90%	660	574	87%	660	574	87%	660	594	90%	660	556	84%	660	540	82%	660	531	80%
Jefferson	Middle	7-8	90%	873	622	71%	873	622	71%	873	583	67%	873	580	66%	873	583	67%	873	535	61%
Johnson	Middle	7-8	90%	1,064	690	65%	1,064	690	65%	1,064	707	66%	1,064	752	71%	1,064	795	75%	1,064	813	76%
Kennedy	Middle	7-8	90%	869	682	78%	869	682	78%	869	641	74%	869	617	71%	869	628	72%	869	656	75%
Madison	Middle	7-8	90%	781	480	61%	781	480	61%	781	471	60%	781	480	61%	781	457	59%	781	446	57%
McNair	Middle	7-8	90%	611	336	55%	611	350	57%	611	359	59%	611	353	58%	611	362	59%	611	349	57%
Southwest	Middle	7-8	90%	1,211	940	78%	1,211	940	78%	1,211	922	76%	1,211	1,000	83%	1,211	1,119	92%	1,211	1,157	96%
Stone	Middle	7-8	90%	1,024	747	73%	1,024	747	73%	1,024	706	69%	1,024	745	73%	1,024	772	75%	1,024	846	83%
Middle Totals				10,247	7,595		10,247	7,617		10,247	7,514		10,247	7,681		10,247	7,941		10,247	8,019	
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	PK, 7-12	90%	2,084	1,516	73%	2,084	1,517	73%	2,084	1,578	76%	2,084	1,627	78%	2,084	1,637	79%	2,084	1,626	78%
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	943	65%	1,445	955	66%	1,445	917	63%	1,445	890	62%	1,445	821	57%	1,445	782	54%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,556	84%	1,852	1,557	84%	1,852	1,526	82%	1,852	1,511	82%	1,852	1,465	79%	1,852	1,448	78%
Jr / Sr High Totals				5,381	4,015		5,381	4,029		5,381	4,021		5,381	4,028		5,381	3,923		5,381	3,856	
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,451	1,077	74%	1,451	1,076	74%	1,451	1,094	75%	1,451	1,086	75%	1,451	1,078	74%	1,451	1,086	75%
Bayside	High	9-12	95%	2,263	1,653	73%	2,263	1,728	76%	2,263	1,850	82%	2,263	1,942	86%	2,263	2,002	88%	2,263	2,069	91%
Eau Gallie	High	PK, 9-12	95%	2,221	1,610	72%	2,221	1,605	72%	2,221	1,634	74%	2,221	1,655	75%	2,221	1,680	76%	2,221	1,700	77%
Heritage	High	9-12	95%	2,314	1,991	86%	2,314	2,038	88%	2,314	2,149	93%	2,314	2,193	95%	2,314	2,179	94%	2,314	2,248	97%
Melbourne	High	9-12	95%	2,370	2,210	93%	2,370	2,208	93%	2,370	2,201	93%	2,370	2,200	93%	2,370	2,151	91%	2,370	2,185	92%
Merritt Island	High	PK, 9-12	95%	1,962	1,523	78%	1,962	1,523	78%	1,962	1,494	76%	1,962	1,454	74%	1,962	1,401	71%	1,962	1,389	71%
Palm Bay	High	PK, 9-12	95%	2,631	1,286	49%	2,631	1,325	50%	2,631	1,467	56%	2,631	1,573	60%	2,631	1,645	63%	2,631	1,643	62%
Rockledge	High	9-12	95%	1,836	1,568	85%	1,836	1,568	85%	1,836	1,641	89%	1,836	1,658	90%	1,836	1,638	89%	1,836	1,620	88%
Satellite	High	PK, 9-12	95%	1,527	1,513	99%	1,551	1,550	100%	1,551	1,533	99%	1,551	1,470	95%	1,551	1,438	93%	1,551	1,387	89%
Titusville	High	9-12	95%	1,849	1,231	67%	1,849	1,272	69%	1,849	1,295	70%	1,849	1,313	71%	1,849	1,330	72%	1,849	1,270	69%
Viera	High	PK, 9-12	95%	2,203	2,216	101%	2,251	2,233	99%	2,583	2,272	88%	2,583	2,386	92%	2,583	2,411	93%	2,583	2,469	96%
High Totals				22,627	17,878		22,699	18,126		23,031	18,630		23,031	18,930		23,031	18,953		23,031	19,066	
Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	406	85%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
South Lake	Elementary	K-6	100%	481	396	82%	481	417	87%	481	417	87%	481	417	87%	481	417	87%	481	417	87%
Stevenson	Elementary	K-6	100%	569	498	88%	569	508	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%
West Melbourne	Elementary	K-6	100%	618	544	88%	618	552	89%	618	552	89%	618	552	89%	618	552	89%	618	552	89%
Edgewood	Jr / Sr High	7-12	90%	1,077	921	86%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%
West Shore	Jr / Sr High	7-12	90%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%	1,264	946	75%
Schools of Choice				4,484	3,711		4,484	3,787		4,484	3,787		4,484	3,787		4,484	3,787		4,484	3,787	
Brevard Totals				85,210	63,089		85,282	63,743		85,614	64,697		85,658	65,450		85,768	65,794		85,878	66,275	

Notes

- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2021-22 are reported from the FISH database as of October 12, 2021.
- Student Membership is reported from the Fall Final Membership Count (10/15/2021).
- Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall Membership student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival Rates
 - Brevard County Birth rates by zip code
- Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current From/To attendance patterns are assumed to remain constant.
 - Nongeocoded student addresses are assumed to continue in their attendance schools.
 - Charter School Growth.
- In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
- A total of 15 Relocatable Classrooms are assumed to add future student stations as listed below:
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms are proposed to be added at Roy Allen Elementary, Jupiter Elementary, Sunrise Elementary, and Westside Elementary Schools (Total 12 Classrooms)
 - High school relocatable classrooms are proposed to be added at Satellite High and Viera High (Total of 3 Classrooms)
- A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.

CHAPARRAL SUBDIVISION PHASE 4 & 5

FINAL DEVELOPMENT PLAN APPLICATION NARRATIVE

PREPARED FOR:

CHAPARRAL PROPERTIES, LLC.

PREPARED BY:



**CONSTRUCTION
ENGINEERING
GROUP**

Consulting Engineers

**2651 W. Eau Gallie Blvd.
Melbourne, FL 32935**

Board of Professional Engineering License No. 0008097



I. **EXECUTIVE SUMMARY**

On behalf of Chaparral Properties, LLC. we are pleased to submit the Chaparral Subdivision – Phase 4 & 5 Final Development Plan (FDP) application package. The applicant seeks approval for a FDP for the below noted parcels included in the residential subdivision known as Chaparral PUD. This project received a preliminary development plan approval in October 2020, and individual final development plan approvals for each phase of development designed to date. This includes Chaparral Subdivision Phase 3 (165 units), whose final development plan was approved by City Council in May 2021. The approved preliminary development plan requested approval for a 677-unit subdivision over 204.43 acres, consisting of 602 proposed single-family lots and 75 townhome units. Since the PDP's approval in October 2020, the developer has since revised their plans for Phases 4&5 for the townhome units and redesigned that area to propose single-family units instead. The single-family units were always historically allowed per the future land use designation and existing Ordinances, but it was understood that a future land use change would be required to develop townhome units. This change does not require a future land use amendment, but does propose more units than originally approved with the Preliminary Development Plan (512 remaining units to be developed) for a total of 522 single-family units. As this change removes the need for a future land use amendment, is consistent with the surrounding properties, and the unit increase is small the applicant requests this change be handled by staff review and approval. This final development plan proposes 522 single-family units (which includes the 512 units previously approved with the preliminary development plan), along with the master amenity (proposed on the large recreation tract) as shown on the corresponding FDP exhibit. Additional information regarding the project history and current approvals is detailed within this narrative.

II. **APPLICANT**

Chaparral Properties, LLC.
2502 N. Rocky Point Dr., Ste 1050
Tampa, FL 33607

III. **PROJECT BACKGROUND AND HISTORY**

A. **Property Owner(s)**

Chaparral Properties, LLC.
2502 N. Rocky Point Dr., Ste 1050
Tampa, FL 33607

B. **Project Identification**

- i. Parcel ID:
 - a. 29-26-09-00-3



- b. 29-36-09-00-4
- c. 29-36-04-00-751
- d. 29-36-04-00-753
- e. 29-36-04-00-752
- f. 29-36-04-04-* -ST.2
- g. 29-36-04-00-1

ii. Tax Account:

- a. 2960819
- b. 2963407
- c. 2903866
- d. 2903868
- e. 2903867
- f. 3025008
- g. 2903859

C. Project History

This project originally received a preliminary development plan approval in June 2014, and a series of extensions were offered. Since then, a final development plan was approved in October 2017, for phase 1 of the subdivision (82 units), as well as for Phase 2 (27 units), approved in October 2020. A revised preliminary development plan for the remainder of the subdivision was approved in October 2020, and individual final development plans for each phase of development afterwards approved as well. This includes Chaparral Subdivision Phase 3 (165 units), which was approved by City Council in May 2021. The current preliminary development plan requested approval for a 677-unit subdivision over 204.43 acres, consisting of 602 proposed single-family lots and 75 townhome units. These numbers include the 165 units from Phase 3, so 512 units remain approved under the current preliminary development plan. Since the PDP's approval in October 2020, the developer has since revised their plans for including townhome units and redesigned that area to propose single-family units instead. The single-family units were always historically allowed per the future land use designation and existing Ordinances, but it was understood that a future land use change would be required to develop townhome units. This change does not require a future land use amendment, but does propose more units than originally approved with the Preliminary Development Plan (512 remaining units to be developed) for a total of 522 single-family units. As this change removes the need for a future land use amendment, is consistent with the surrounding properties, and the unit increase is only small, the applicant requests this change be handled by staff review and approval.



IV. CURRENT APPROVALS AND CONDITIONS

A. Current Approvals

A Preliminary Development Plan for the subject project was approved in October 2020 under City of Palm Bay Resolution 2020-53, granting the approval of a Planned Unit Development (PUD) Preliminary Development Plan for a residential subdivision to be known as Chaparral PUD. This preliminary development plan included 677 units, 602 single-family units and 75 townhome units. Since its approval, a final development plan was approved through City Council Ordinance 2021-28 for Phase 3 of development, which included 165 single-family units. The remainder of the units originally approved with the overall Preliminary Development Plan (512 units), under City of Palm Bay Resolution 2020-53, are reflected in this application for final development plan approval, along with the minor update to lot count and lot mix as addressed in the Project History section of this narrative.

B. Current Zoning

The parcels within the limits of the proposed final development plan have a variety of underlying zoning districts, although all are included in the approved preliminary development plan for Chaparral PUD, through City of Palm Bay Resolution 2020-53. The proposed zoning district by way of this final development plan is a Planned Unit Development, PUD. The current underlying zonings are a mix of Planned Unit Development (PUD), Agricultural Residential (AU, Brevard County), Rural Residential (RR-1, Brevard County), General Use (GU, Brevard County), and Agricultural (AGR, Brevard County).

C. Current Future Land Use

While the parcels within the limits of the proposed final development plan have varying zoning districts, they have a consistent Single-Family Residential (SFR) future land use. The proposed development is consistent with the City of Palm Bay's Comprehensive Plan, and no future land use change is required for approval.

D. Surrounding Property Conditions, Land Use and Zoning

i. North

- a. Zoning: PUD, Planned Unit Development (Chaparral Phase 1 and 2)
- b. Future Land Use: SFR, Single-Family Residential

ii. South

- a. Zoning: GU, General Use (Brevard County)
- b. Future Land Use: SFR, Single-Family Residential

iii. East

- a. Zoning: GU, General Use
- b. Future Land Use: SFR, Single-Family Residential



- iv. West
 - a. Zoning: RR-1, Rural Residential (Brevard County)
 - b. Future Land Use: SFR, Single-Family Residential

V. FINAL DEVELOPMENT PLAN

A. Development Phasing

The proposed final development plan notes the remaining phases within the previously approved Chaparral Subdivision Planned Unit Development (PUD), what this application is noting as Chaparral Phase 4 and 5. This plan proposes 522 single-family units and a master amenity. Once approval of this final development plan is granted, construction plans for Phases 4 and 5 will be submitted. While the remaining phases of development will be permitted through the City of Palm Bay and other governing jurisdictions under one final development plan and on master set of construction plans, they will be designed to be final platted, constructed and certified in phases. Phasing has been delineated on the corresponding Final Development Plan and will be reflected on the construction plans as well at their time of submission. The master amenity center and recreation area plans will be permitted separately from the residential subdivision, but they will run concurrently through jurisdictional reviews.

The anticipated start date for construction of the first phase of development (Phase 4A) upon receipt of construction plan approval, is July 2022, beginning with site work and utility and stormwater infrastructure for the residential and recreational areas. This will be followed by vertical construction, including homes and recreational buildings, after the site work receives a final certification through all appropriate agencies.

B. Development Schedule

The anticipated start date for construction of the first phase of development (Phase 4A) upon receipt of construction plan approval, is July 2022. It will take an estimated 4 years to build out all units proposed under this final development plan with an anticipated take down of 150 units per year. A detailed development schedule has been included below as **Figure 1**, and is included within the overall application package.

Development Schedule:

Phase 4A: Start Construction July 2022
Amenity Center: Start Construction July 2022
Phase 4B: Start Construction December 2022
Phase 5A: Start Construction April 2023
Phase 5B: Start Construction October 2023



Buildout Per Year:

2023: 150 Units

2024: 150 Units

2025: 150 Units

2026: 72 Units

C. Concurrency

i. Transportation Concurrency/Traffic Analysis

A traffic analysis for the Chaparral subdivision first began in 2017. The Traffic Signal Warrant analysis found a traffic signal was warranted at the project driveway (Malabar Road and Wisteria Avenue intersection) with construction of Phase 3 (at that time it was considered Phase 2). A traffic impact analysis and proportionate fair share analysis has been submitted with construction plans of Phase 1 and Phase 3 of development, and will be submitted at the time of permitting the future phases as well.

ii. School Concurrency

School Board Concurrency applications have been completed by the applicant and submitted as part of this final development plan, noting the proposed 522 units within the limits of this application and estimated development schedule of the residential lots.

D. Planned Unit Development (PUD) Standards

The proposed project has been designed to meet all requirement Planned Unit Development (PUD) standards per City of Palm Bay code, including, but not limited to, common open space, minimum distances between buildings, setback from public right-of-ways, minimum floor living area, proposed underground utilities, etc. A final development plan exhibit, along with a corresponding preliminary plat, have been submitted within this application package, and demonstrates substantial conformance with the requirements of a PUD.

E. Utilities

Water and wastewater service to the subject property will be provided through the City of Melbourne. The potable water system will be looped throughout the subdivision and connect to the existing water main stub constructed with Phase 3, with an ultimate connection to the existing water main within Malabar Road. The sanitary sewer system will be a gravity fed system throughout the development that flows to a public lift station that will then pump via a force main. The force main constructed with Phases 4 and 5 will connect to the existing stub from Phase 3, and an ultimate connection to the existing force main within Malabar Road.



F. Stormwater

The project will be designed to meet all applicable local, state and federal regulations regarding stormwater treatment design and erosion control. The project will be required to receive an Environmental Resource Permit through St. Johns River Water Management District (SJRWMD). Stormwater ponds will be interconnected through a series of storm pipes with an ultimate outfall locations of Melbourne Tillman Water Control District (MTWCD) Canal No. 8 and Canal No. 9. The master stormwater system was designed and initially permitted through SJRWMD IN 2018, and each subsequent phase of development modifies and updates the prior issued permit and master stormwater model as it is added to the system. The control structure to MTWCD Canal No. 9 was permitted and installed with construction of Phase 1 with the anticipation of other phases of development following. Improvements within and around MTWCD Canal No. 8 will be proposed with the design and construction of Chaparral Phases 4 and 5. All retention areas shall be owned and maintained by either the residential homeowners association or Community Development District, as dedicated on each respective recorded final plat.

G. FEMA Floodplain Analysis

The Federal Emergency Management Agency (FEMA) separates geographic areas into different flood plain designations or flood zones dependent on their varying levels of flood risk. The flood zones are depicted on a geographic areas' Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map, where it defines the flood zone of the specific property in question.

According to FIRMette map panel 12009C0655G, effective 3/17/2014, the subject property falls within Flood Zone X, which FEMA designates as an Area of Minimal Flood Hazard, usually depicted on the FIRMs as the 0.2% annual chance floodplain (500-year flood level), and Flood Zone AE, which FEMA designates as a Special Flood Zone Area, depicted on the FIRMs as the 1% annual chance floodplain or base flood elevation (100-year flood level, BFE).

With construction of each phase of development, . The Conditional Letter of Map Revision process is in progress for Chaparral Phase 3, whose construction plans are currently in permitting.

The FEMA FIRMette maps and associated flood zone designations mentioned above can be found in **Figure 2** below, and included within the application package.



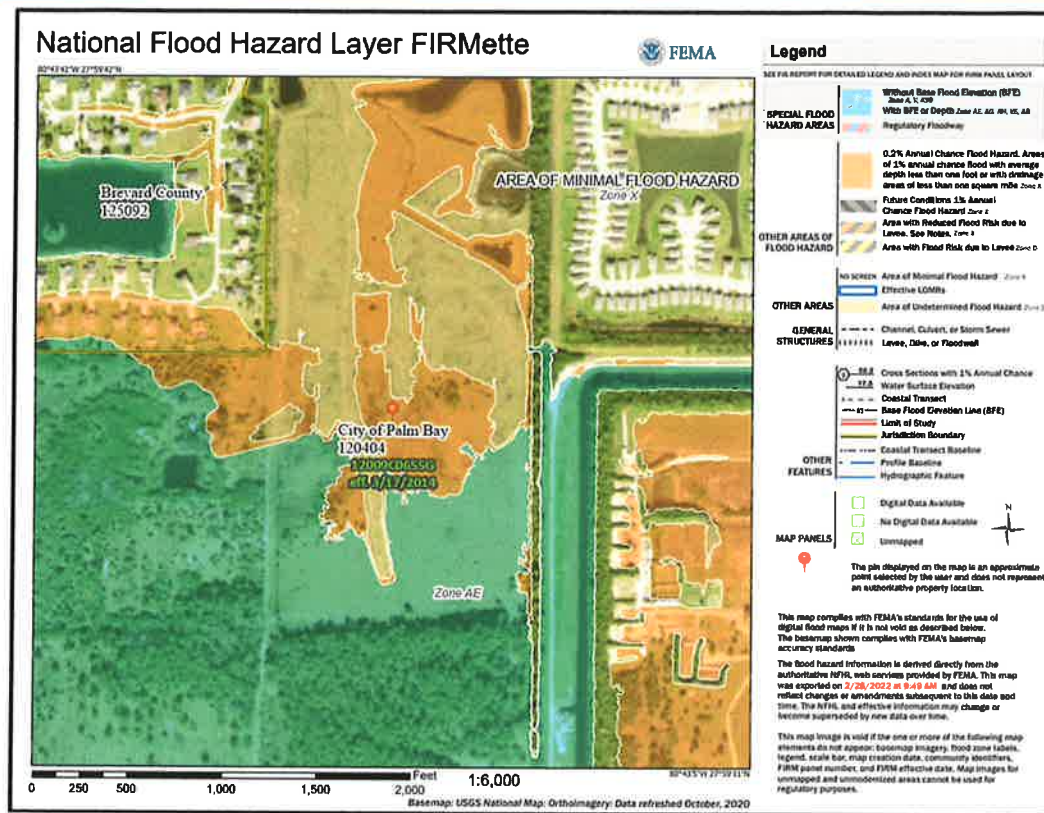


Figure 2: FEMA FIRMette Map

H. Environmental Conditions

Environmental conditions are evaluated with each phase of development. Chaparral Properties, LLC. will work with an environmental consultant on the required environmental assessment and any additional surveys, permits, or coordination with governing jurisdictions needed as a result of that assessment.

I. Recreation and Amenities

Chaparral Subdivision Phases 4&5 will have a master amenity center, located on an approximately 6.67 AC recreation tract, as shown on the final development plan. The proposed amenities include, but are not limited to, an amenity center/cabana building, tot lot, recreation field, and dog park. As part of the PUD Zoning requirements, pocket parks with open green space, benches and landscaping are also proposed throughout the subdivision for resident use. The recreation areas will be used by residents in both the proposed (Phases 4 and 5) and previously approved phases of Chaparral (Phases 1, 2 and 3). The master recreation area was part of the overall subdivision Preliminary Development Plan approved in October 2020. Following a final development plan approval, construction plans for the master recreation will be submitted to the city for review and approval. Construction plans for the master recreation tract will be separate from the overall subdivision construction plans.

Schematic designs included within this resubmittal provide examples of what the developer is planning for the master amenity features. Construction plans specific to the amenity center will be submitted to the city for staff review and approval after approval of the Final Development Plan.

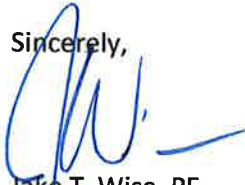
J. Citizen Participation Plan

A citizen's participation plan for holding a community meeting for this project is submitted within the final development plan application package. A Radius Package for notifying everyone within 500' of the project has also been submitted within this package.

VI. **CONCLUSION**

In conclusion, Chaparral Subdivision Phases 4 and 5 Final Development Plan is in substantial conformance with City of Palm Bay code, compatible with the surrounding properties, and consistent with the project's previously approved Preliminary Development Plan under City of Palm Bay Resolution 2020-53. This application narrative, the proposed Final Development Plan, and associated documents submitted as part of this application further demonstrate this.

Sincerely,



Jake T. Wise, PE
Principal Civil Engineer
Construction Engineering Group, LLC



CHAPARRAL SUBDIVISION – PHASES 4 & 5 DEVELOPMENT SCHEDULE

Development Schedule:

- Phase 4A: Start Construction July 2022
- Amenity Center: Start Construction July 2022
- Phase 4B: Start Construction December 2022
- Phase 5A: Start Construction April 2023
- Phase 5B: Start Construction October 2023

Anticipated Unit Buildout Per Year:

- 2023: 150 Units
- 2024: 150 Units
- 2025: 150 Units
- 2026: 72 Units



LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

FINAL DEVELOPMENT PLAN 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.

APPLICATION AMENDMENT TYPE:

- ☒ **PUD** - Planned Unit Development ([Section 185.067](#))
- ☐ **PMU** - Parkway Mixed Use District (Final Design Plan) ([Section 185.057\(C\)](#))
- ☐ **PCRD** - Planned Community Redevelopment District ([Section 185.055\(L\)](#))
- ☐ **RAC** - Regional Activity Center District ([Section 185.056\(C\)](#))

PROPOSED DEVELOPMENT NAME:

Chaparral Subdivision- Phases 4 & 5

PARCEL ID(S):

29-36-04-04-*--ST.2; 29-36-04-00-1; 29-36-09-00-4; 29-36-09-00-3; 29-36-04-00-752; 29-36-04-00-751;
29-36-04-00-753

TAX ACCOUNT NUMBER(S):

3025008; 2903859; 2963407; 2960819; 2903867; 2903866; 2903868

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):

See attached

CITY OF PALM BAY, FLORIDA
FINAL DEVELOPMENT PLAN APPLICATION
PAGE 2 OF 4

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

+/- 136.70

TOTAL LOTS PROPOSED (list by use):

522 single family homes

DEVELOPER John Ryan- Chaparral Properties, LLC

Full Address 2502 N Rocky Point Drive, Suite 1050; Tampa, FL

Telephone 813-288-8078 Email marc@metrodg.com

ENGINEER Jake Wise, PE- Construction Engineering Group, LLC

Full Address 2651 W Eau Gallie Blvd; Suite A; Melbourne, FL 32935

Telephone 321-610-1760 Email jwise@cegengineering.com

SURVEYOR AAL Land Surveying Services, Inc

Full Address 3970 Minton Road; West Melbourne, FL 32904

Telephone 321- 768-8110 Email aal@aalsurvey.com

FINAL DEVELOPMENT PLAN CRITERIA FOR SUBMITTAL:

- 1) Two (2) copies of the Final Development Plan and supporting documentation shall be attached to the application. The final plan and supporting documentation **must also be provided on memory drive.**
- 2) Layout of the development plan shall be in plat form that meets the requirements of Florida Statute Chapter 177.
- 3) The Final Development Plan shall contain the information required per the City of Palm Bay Land Development Code section for a PUD, PMU, PCRD, or RAC. **Additional conditions must be met and incorporated into the site plan for the specific type of development requested (PUD, PMU, PCRD, RAC).** The additional criteria is listed in the Code of Ordinances and available from staff.

CITY OF PALM BAY, FLORIDA
FINAL DEVELOPMENT PLAN APPLICATION
PAGE 3 OF 4

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

- ☐ *A \$1,500.00 application fee shall accompany the Final Development Plan application for the purposes of administration. Make Check payable to "City of Palm Bay."
- ☐ Final Development Plan (see aforementioned Final Development Plan Criteria for Submittal).
- ☐ Boundary Survey.
- ☐ Site Sketch to scale with legal descriptions of properties covered by this application.
- ☐ 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.)
- ☐ Citizen Participation Plan. Required when a Preliminary Development Plan application was not submitted. Refer to Section 169.005 of the Land Development Code for guidelines.
- ☐ 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 guidelines. 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.**

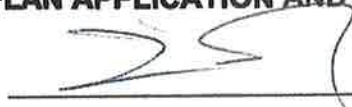
Name of Representative Jake Wise, PE- Construction Engineering Group, LLC

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.

**CITY OF PALM BAY, FLORIDA
FINAL DEVELOPMENT PLAN APPLICATION
PAGE 4 OF 4**

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

Owner Signature



Date

1/5/22

Printed Name

John Ryan- Chaparral Properties, LLC

Full Address

2502 N Rocky Point Drive, Suite 1050: Tampa, FL 33607

Telephone

813-288-8078

Email

marc@metrodg.com

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

_____, 20____

Re: Letter of Authorization

As the property owner of the site legally described as:

29-36-04-04-*ST.2; 29-36-04-00-1; 29-36-09-00-4; 29-36-09-00-3; 29-36-04-00-752
29-36-04-00-751; 29-36-04-00-753

I, Owner Name: John Ryan- Chaparral Properties, LLC

Address: 2502 N Rocky Point Drive, Suite 1050: Tampa, FL 33607

Telephone: 813-288-8078

Email: marc@metrodg.com

hereby authorize:

Representative: Jake Wise, PE- Construction Engineering Group, LLC

Address: 2651 W Eau Gallie Blvd; Suite A; Melbourne, FL 32935

Telephone: 321-610-1760

Email: jwise@cegengineering.com

to represent the request(s) for:

Final Development Plan and any/all associated submittals

(Property Owner Signature)

STATE OF FL

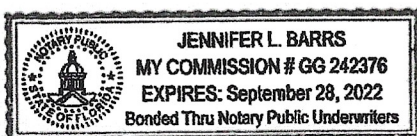
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 5 day of January, 2022 by

John Ryan, Authorized Person, property owner.

(Notary Public)

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



CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
SPECIAL MEETING 2022-10

Held on Tuesday, September 6, 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.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

Mr. Philip Weinberg led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Leeta Jordan	Present
VICE CHAIRPERSON:	Philip Weinberg	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Robert Good	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Randall Olszewski	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	David Karaffa	Absent
	(School Board Appointee)	

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Tania Ramos, Senior Planner; Ms. Uma Sarmistha, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ANNOUNCEMENTS:

1. Ms. Jordan informed the board that the Special Planning and Zoning Board meeting tentatively scheduled for September 29, 2022, had been canceled. The temporary moratorium item was placed on the present agenda.

2. Ms. Jordan 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 the City Council.

OLD/UNFINISHED BUSINESS:

1. ****FD-16-2022 - Chaparral Phase IV and V - John Ryan, Chaparral Properties, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A Final Development Plan to allow a proposed PUD for a 522-lot residential development called Chaparral Phase IV and V. Tract ST-2 and Tax Parcels 1, 751, 752, and 753 of Section 4, Township 29, Range 36 along with Tax Parcels 3 and 4 of Section 9, Township 29, Range 36, Brevard County, Florida, containing approximately 160.51 acres. Located in the vicinity south of Malabar Road SW, west of Brentwood Lakes Subdivision and Melbourne-Tillman Water Control District Canal 9R**

Mr. Anderson presented the staff report for Case FD-16-2022. Case FD-16-2022 met the minimum requirements for a Final Development Plan application.

Ms. Maragh asked if the technical comments had been reviewed with the developer. Mr. Anderson indicated that the applicant was aware of the new and previous technical comments.

Mr. Olszewski inquired whether the subject submittal was the final phase of the project.

Mr. Jake Wise, P.E., Construction Engineering Group, LLC (representative for the applicant) explained how the Chaparral development had been decades in the making, and that Phases IV and V were the last phases of the overall master project. The density in the subject phases had been reduced by changing townhomes to single-family homes. Several traffic and development improvements had occurred during earlier phases with neighborhood input. All staff comments would be addressed on final construction plans.

Ms. Maragh asked about the townhomes to be eliminated. Mr. Wise confirmed that the townhomes planned for the southern portion of the site would now be single-family homes.

Mr. Olszewski wanted to know the total unit count of Phases I through III. Mr. Wise noted that there were 155 units in Phases I through III and 522 units in Phases IV and V for a total of 677 single-family residential units for the entire development.

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 FD-16-2022 to City Council for approval of a Final Development Plan to allow a proposed PUD for a 522-lot residential development called Chaparral Phase IV and V.

Motion by Mr. Weinberg, seconded by Ms. Maragh. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski, Warner.

2. ****PD-32-2022 - Lipscomb Street PUD - Paul Daly and Don Ballew (Chris Ossa. P.E. and Kinan Husainy, P.E., Kimley-Horn & Associates / Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law, Reps.) - A Preliminary Development Plan to allow a proposed PUD for a 228-unit residential townhome development called Lipscomb Street PUD. Tracts 6 and 5 of Palm Bay Colony Section 3 and Tracts 4 and 3 of Palm Bay Colony Section 2, all in Section 14, Township 28, Range 37, Brevard County, Florida, containing approximately 24.56 acres. Located east of and adjacent to Lipscomb Street NE, in the vicinity west of Mango Street NE**

Mr. Anderson presented the staff report for Case PD-32-2022. Case PD-32-2022 met the minimum requirements of a Planned Unit Development rezoning amendment request, subject to the staff comments.

Ms. Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law (representative for the request), was present on behalf of Pulte Group. She provided the board with a

ORDINANCE 2022-102

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, APPROVING A FINAL DEVELOPMENT PLAN TO BE KNOWN AS ‘CHAPARRAL PHASES IV AND V’ IN PUD (PLANNED UNIT DEVELOPMENT) ZONING; WHICH PROPERTY IS LOCATED IN THE VICINITY SOUTH OF MALABAR ROAD, WEST OF BRENTWOOD LAKES SUBDIVISION AND MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL 9R, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, application for Final Development Plan approval in PUD (Planned Unit Development) zoning to allow a 522-unit residential subdivision and amenity center to be known as ‘Chaparral Phases IV and V’ on property legally described herein, has been made by Chaparral Properties, LLC, and

WHEREAS, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on September 6, 2022, which voted to recommend to the City Council approval of the application, and

WHEREAS, all provisions applicable to the Planned Unit Development (PUD) under Chapter 185, Zoning, of the Palm Bay Code of Ordinances, have been satisfied by the applicant, and

WHEREAS, the City Council of the City of Palm Bay, after due deliberation and consideration, reviewed and considered the reports, documents, testimony, and other materials presented, and has determined that such development plan will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.

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 grants Final Development Plan approval for 'Chaparral Phases IV and V' on property zoned PUD (Planned Unit Development), which property is legally described herein as follows:

Tract "ST-2", Chaparral PUD Phase Two, according to the plat thereof as recorded in Plat Book 69, Page 80, of the Public Records of Brevard County, Florida; Section 4, Township 29S, Range 36E;

--AND--

Tax Parcels 1, 751, 752, and 753, of the Public Records of Brevard County, Florida; Section 4, Township 29S, Range 36E;

--AND--

Tax Parcels 3 and 4, of the Public Records of Brevard County, Florida, Section 9, Township 29S, Range 36E;

Containing 160.51 acres, more or less.

SECTION 2. The Final Development Plan is granted subject to the staff comments contained in the Staff Report, incorporated herein as Exhibit 'A', and the following items being submitted with construction plans as follows:

- A. A preliminary subdivision plat and a boundary and title opinion;
- B. Deed restrictions establishing development standards;
- C. The technical comments generated by the Development Review Staff, incorporated herein as Exhibit 'B', shall be observed and incorporated into the construction drawings; and
- D. Approval of the Final Development Plan by City Council is conditioned upon the City's acceptance of the Traffic Impact Study and any subsequent development agreements or proportionate fair share agreements that may be required as a result.

SECTION 3. The property shall be developed in substantial conformance with the Final Development Plan, which is, by reference, incorporated herein as Exhibit 'C', except as may be modified by the conditions of approval. The applicant shall comply with all provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

SECTION 4. 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: Chaparral Properties, LLC
Case: FD-16-2022

cc: (date) Brevard County Recording
Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Alexandra Bernard, Growth Management Director

DATE: 10/20/2022

RE: Ordinance 2022-103, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by modifying provisions related to mobile food vending (T-39-2022, City of Palm Bay), 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.

The City of Palm Bay (Growth Management Department - Requested by City Council) has submitted for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.138, Mobile Food Vending, to ensure compliance with current Florida Statute 509.102.

The subject amendment seeks to align language in the Land Development Code with current Florida Statutes relating to mobile food dispensing vehicles. It further defines and differentiates between mobile food dispensing vehicles and mobile vending units. This section will establish land use and zoning regulations for real property upon which a mobile vendor is authorized to operate within the limits of the City. This section does not prohibit mobile food dispensing vehicles from operating within the entirety of the city, nor regulates the licensing, registration, permitting, and fees of mobile food dispensing vehicles preempted by Florida Statute.

The proposed amendment will enable more diverse types of mobile vending units to operate within the City. It will also provide city residents with more diversity and expanded service options for alternative business models to compete in a consistently changing economy.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Request for City Council review. Case T-39-2022 meets the minimum requirements for a textual amendment aligning with current Florida Statute.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

ATTACHMENTS:**Description**

Case T-39-2022 - Staff Report

Case T-39-2022 - Application

P&Z minute excerpt

Ordinance 2022-103



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Uma Sarmistha, Senior Planner

CASE NUMBER

T-39-2022

PLANNING & ZONING BOARD HEARING DATE

September 6, 2022

PROPERTY OWNER & APPLICANT

City of Palm Bay (Growth Management Department)

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.138, Mobile Food Vending, to ensure compliance with current Florida Statute [\(509.102\)](#).

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 185.138, Mobile Food Vending to ensure compliance with the current Florida Statute. See proposed changes below:

The applicant for this amendment is the City of Palm Bay, Florida. The application seeks to align language in the Land Development Code with current state statutes regarding Mobile Food Dispensing vehicles. It further defines and differentiates between Mobile Food Dispensing Vehicle and Mobile Vending Units.

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

PURPOSE:

The purpose and intent of this section are to establish land use and zoning regulations for real property upon which a mobile vendor is authorized to operate within the jurisdictional limits of the City. This section is neither intended to prohibit mobile food dispensing vehicles from operating within the entirety of the city nor regulate the licensing, registration, permitting, and fees of mobile food dispensing vehicles preempted by the state under [Section 509.102](#), Florida Statutes.

ANALYSIS:

The staff has drafted this amendment to allow for the change in verbiage as described above and textually written below to ensure compliance with the current Florida Statute. It further defines and differentiates between Mobile Food Dispensing Vehicle and other types of Mobile Vending Units. By establishing this distinction, more diverse types of Mobile Vending Units will be enabled to operate within the City in accordance with the parameters outlined in the updated language for the land development code. Such diversity and expansion will provide the city residents with more service options and allow for alternative business models to compete in a consistently changing economy.

STAFF FINDINGS:

Case T-39-2022 meets the minimum requirements for a textual amendment aligning with current State Statute.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

§ 185.138 ~~MOBILE FOOD VENDING~~ >>MOBILE VENDING UNITS<<.

~~(A) Mobile food vending as defined in § 185.006 shall be allowed within the CC, HC, BMU, and LI Zoning Districts as provided for in this section.~~

>>

(A) *Purpose and intent.*

The purpose and intent of this section are to establish land use and zoning regulations for real property upon which a mobile vendor is authorized to operate within the jurisdictional limits of the City. This section is neither intended to prohibit mobile food dispensing vehicles from operating within the entirety of the city nor regulate the licensing, registration, permitting, and fees of mobile food dispensing vehicles preempted by the state under [Section 509.102](#), Florida Statutes.

(B) *Definitions.* As used in this section, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

ACCESSORY shall mean clearly incidental or subordinate to and customary in connection with the principal building or use on a developed site and which is located on the same lot or parcel with such principal building or use.

FOOD shall mean all substances commonly used for human consumption as food, beverage, confectionery, or condiments, whether simple, mixed, or compound, and all substances or ingredients used in preparation thereof.

MOBILE FOOD DISPENSING VEHICLE is a Mobile Vending Unit defined by [Section 509.102\(1\)](#), Florida Statutes, and upon the effective date of this Section means any vehicle that is a public food service establishment and that is self-propelled or otherwise moveable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

MOBILE VENDOR shall mean any person that sells or offers for sale services or goods from a Mobile Vending Unit within the City. References in this section to mobile vendors shall include operators of Mobile Food Dispensing Vehicles unless expressly stated otherwise.

MOBILE VENDING UNIT includes:

- (1) A motorized vehicle from which a mobile vendor offers for sale or sells goods or

services to the public, such as a “Food Truck defined in § [185.006](#)”

(2) A Mobile Food Dispensing vehicle as defined per Florida Statute [Section 509.102](#)

(3) A "vending cart" is defined as a pushcart-type vehicle propelled by human power which has been specifically designed or used for purposes of offering for sale or selling goods or services to the public, but not including, by way of example, racks, wheelbarrows, dollies, grocery carts, baby carriages, tables., chairs, benches, cabinets, or other furniture and boxes, buckets, tubs, or other containers or devices which normally rest on the ground, whether or not wheels have been attached such as “hot dog cart”; or

(4) A trailer that is pulled by a motorized vehicle and has no power to move on its own from which a mobile vendor offers for sale or sells goods or services to the public such as a “Mobile catering kitchen” or a “food truck”.

SPECIAL EVENT. As defined in Chapter 119, Palm Bay Code of Ordinances. <<

~~—(B) *Specific requirements.*~~

~~——— (1) The mobile food vendor as defined in § 185.006 shall have the consent of the property owner(s) prior to applying for the location for a mobile food vendor permit.~~

~~——— (2) Any person engaged in selling, preparing, or dispensing food from a mobile food truck as defined in § 185.006 shall obtain a mobile food vending permit from the Growth Management Department in accordance with the Mobile Vending Guidebook.~~

~~——— (3) A City of Palm Bay Business Tax Receipt is required to operate as a mobile food vendor.~~

~~——— (4) The mobile food vendor shall provide copies of all applicable approvals and licenses from the State of Florida Department of Business and Professional Regulations (DBPR), Florida Department of Health, and Florida Department of Agriculture and Consumer Services.~~

~~——— (5) The mobile food vendor shall make the mobile food truck available for inspection by the City of Palm Bay Fire Department at a location determined by the Fire Department. The Fire Department shall ensure compliance with all applicable federal, state, and local fire safety statutes, regulations, ordinances, and codes. Subsequently, every mobile food truck shall undergo bi-annual inspection by the City of Palm Bay Fire Department.~~

~~——— (6) All mobile food vendors shall display the mobile food truck permit issued by the city in a prominent and visible location.~~

~~——— (7) Training prior to performing mobile or temporary cooking operations, workers shall be trained in emergency response procedures.~~

~~——— (8) Initial and refresher training shall be documented and made available to the~~

inspector upon request.

~~———— (9) Mobile food vendors shall comply with all requirements of National Fire Protection Association most current adopted edition by the Florida Administrative Code 69A (NFPA) 1 Chapter 50 Mobile and Temporary Cooking Operations.~~

>>

(C) *Specific Requirements.*

Mobile Vendors not in compliance with the requirements of this section are prohibited and unlawful in the city.

Mobile Vendors shall be permitted under the following conditions:

(1) The Mobile Vendor, especially Mobile Food Vendors, such as food trucks, shall provide copies of all applicable approvals and licenses and mobile food establishment permit for their mobile food dispensing vehicle from the State of Florida Department of Business and Professional Regulations (DBPR), Florida Department of Health, and Florida Department of Agriculture and Consumer Services.

(a) Food permits aren't necessary for other mobile vending, not regulated by DBPR, such as pet grooming, and selling vegetables and fruits.

(2) All Mobile Vendors shall obtain a City of Palm Bay Business Tax Receipt for operating within the city limits.

(a) State-licensed Mobile Food Dispensing vehicles are exempted from the local Business Tax Receipt ([Florida Statue 509.102](#))

(3) Mobile Vendors providing services via a Mobile Vending Unit by appointment at a customer's place of business or residence shall be permitted in the City, which shall include:

(a) Mobile pet grooming, car detailing, and similar services; and

(b) Mobile caterers who are hired for private catering purposes to serve guests of a catered event, so long as:

i. The mobile caterer is parked entirely on private property.

ii. Service is limited to the guests of the catered event only; and

iii. No payment transaction shall occur for individual orders taken by the mobile caterer.

(4) Mobile vendors providing services or selling goods via a mobile vending unit during a special event shall be authorized in accordance with Chapter 119, Special events.

(5) Mobile vendors providing services or selling goods via a mobile vending unit on

private property shall not be permitted unless the property owner obtains a site plan authorizing accessory mobile vending sales on the property. In no case shall a mobile vendor be permitted to operate on the same parcel of real property for more than sixty (60) total consecutive or nonconsecutive days per calendar year.

(6) The Mobile Vendor (i.e., food trucks and food vending vehicles) shall contact your local fire safety authority to ensure your establishment meets the fire safety requirements as prescribed by the National Fire Prevention Association Standards (NFPA). The Local Fire Department shall ensure compliance with all applicable federal, state, and local fire safety statutes, regulations, ordinances, and codes.

Mobile Vendors shall make their vehicles available for inspection by the City of Palm Bay Fire Department at a location determined by the Fire Department. <<

~~—(C) Mobile food vendors operating a mobile food truck are prohibited from the following:~~

- ~~(1) Selling or distributing alcoholic beverages.~~
- ~~——(2) Serving food from a free-standing barbecue grill.~~
- ~~——(3) Operating on a public right-of-way, driveway, driveway aisle, loading zone, or no parking zone.~~
- ~~——(4) Operating in a fire lane or blocking fire hydrants or any other fire protection devices and equipment, or Americans with Disabilities Act (ADA) accessible parking spaces and/or accessible ramps.~~
- ~~——(5) A mobile food vendor may not place a mobile food truck in a location that will impede on-site circulation of motor vehicles.~~
- ~~——(6) Operating in a city park or on city property, except as permitted by a city sanctioned event or activity.~~
- ~~——(7) Operating in a residentially zoned and/or residential portion of a mixed-use zoning district, except as permitted by a city sanctioned event or activity.~~
- ~~——(8) Operating on unimproved surfaces and abandoned or vacant business locations.~~
- ~~——(9) Use of sound amplification regardless of intended purpose.~~
- ~~——(10) Using balloons, banners, streamers, large flashing lights, or other similar devices to attract customers.~~
- ~~——(11) Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive-up sales.~~

>>

(D) Mobile Vendors operating a mobile Vending Unit including food trucks are prohibited under the following conditions:

(1) Municipally owned property, sidewalks, rights-of-way, easements, and in alleys, loading zone, or no parking zone. Except during city-organized events or as authorized by a public special event permit.

(2) Operating in a fire lane or blocking fire hydrants or any other fire protection devices and equipment, or Americans with Disabilities Act (ADA) accessible parking spaces and/or accessible ramps.

(3) To remove the wheels of a mobile vending unit.

(4) To Operate on unimproved surfaces and abandoned business locations.

(5) No more than one (1) mobile vending unit shall be parked or in operation on a single property at any given time, except during public or private special events and city-organized events, or on approved site plans.

(6) To locate within 50 feet of any flammable combustible liquid or gas storage and dispensing structure.

(7) To be located within 50 feet of a single-family, multifamily residential lot unless in compliance with (C)(3)(a) and (b).

(8) To be located within 10 feet of any building, or structure unless as authorized in accordance with Chapter 119, Special Events.

(9) The operation of a mobile vending unit must not obstruct or interfere with vehicular or pedestrian traffic, building access, fire lanes, crosswalks, driveways, fire hydrants, loading areas, stormwater drainage systems, or landscape buffers associated with the principal use. Specifically, mobile vending units must not enter or park upon any "no parking" area, loading zone, driveway, handicapped parking space, or designated public safety lane (e. g., fire lanes) or within twenty (20) feet of a crosswalk or within fifteen (15) feet of a fire hydrant or storm drainage structure.

(10) In addition to the location of the mobile vendor (especially for Food trucks),

(a) Mobile vendors are prohibited from serving food from a free-standing barbeque grill or fryer.

(b) Selling or distributing alcoholic beverages.

(c) *Size.* No food truck shall exceed a length of 18.5 feet or a width of ten feet, and shall not occupy required parking but can be used in excess parking areas of a business.

(d) For outdoor dining, vendors shall be limited to no larger than one (1) ten (10) foot by ten (10) foot area, covered or uncovered, to accommodate seating and tables per mobile food truck.

i. Outdoor dining areas including, but not limited to, tables, chairs, booths, bar stools, benches, and standup counters shall only be permitted if expressly authorized in a site plan or a special event permit

ii. No tables, chairs or other furniture or equipment intended to provide accommodations for the patrons of mobile food vendors may be placed in the public right of way.

iii. Any canopies, awnings, or any other attachments must be supported entirely by the mobile vending unit and may not touch the ground. <<

~~—(D) General requirements.~~

~~——(1) Mobile food vendors shall remove all waste and trash prior to vacating their location.~~

~~——(2) Under no circumstances shall grease or any waste materials be released into the stormwater system, tree pits, sidewalks, streets, parking lots, or private/public property. Mobile food vendors shall be responsible to properly discard any waste material in accordance with federal, state, county, municipal, or any laws, rules, regulations, orders, or permits.~~

~~——(3) In accordance with the Florida Department of Business and Professional Regulation guidelines, all necessary control measures shall be used to effectively minimize, or eliminate when possible, the presence of rodents, roaches, and other vermin and insects on the premises of all mobile food trucks. Each mobile food vendor shall maintain a log containing a written record of the control measures performed by exterminators or other pest control businesses on the mobile food truck. This log shall be open to inspection by the city.~~

~~——(4) Mobile food vendors shall not engage in food preparation if the vehicle does not provide water and waste systems as required by the Florida Department of Business and Professional regulation or otherwise fails to meet sanitation and safety requirements.~~

~~——(5) All food service equipment utilized by the mobile food vendor shall be maintained in good repair and a clean condition.~~

~~——(6) Routine inspections may be conducted by code enforcement inspectors, building code inspectors, fire inspectors, or police officers on each mobile food truck at any time and at any frequency deemed appropriate by the city.~~

~~—(E) Operating requirements.~~

~~(1) Mobile food vendors may not operate in a stationary manner for more than twelve (12) consecutive hours.~~

~~———— (2) Mobile food vendors shall be permitted to operate between the hours of 6:00 a.m. and 2:00 a.m., except as permitted by a city-sanctioned event or activity.~~

~~———— (3) Mobile food trucks shall be self-contained when operating, except for the required trash and/or recycling receptacles that shall be attached to the mobile food truck and shall not impede the free movement of automobiles or pedestrians.~~

~~———— (4) No more than two mobile food trucks shall operate on any property at any one time, except as may be permitted by a special event permit issued by the city.~~

~~———— (5) In addition to the location of the mobile food truck, one (1) ten (10) foot by ten (10) foot area, covered or uncovered, may be permitted to accommodate seating and tables.~~

~~———— (6) One (1) ten (10) foot by ten (10) foot tent may be utilized to cover the seating area in (E)(5).~~

~~———— (7) Mobile food trucks shall be operated only by the mobile food vendor or by an authorized employee of the vendor.~~

~~———— (8) If at any time the Florida Department of Business and Professional Regulation revokes or suspends the mobile food vendor's license, the city's mobile food truck permit shall be deemed to have been simultaneously revoked or suspended.~~

>>

(E) *General Requirements.*

(1) The mobile vending unit must be self-contained and may not connect to city water or power during operation while located on public right-of-way.

(2) Mobile vendors may not operate in a stationary manner for more than twelve (12) consecutive hours.

(3) Mobile vendors shall be permitted to operate between the hours of 6:00 a.m. and 2:00 a.m., except as permitted by a city-sanctioned event or activity.

(4) All mobile vendors must ensure that individuals with disabilities have comparable access to mobile vending units. If existing designs cannot be modified to be accessible to people with disabilities, the method of providing service must be modified to become accessible. No object shall block any pedestrian pathway or ADA access.

(5) Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive-up sales is prohibited from a mobile food dispensing vehicle

(6) Mobile food vendors shall remove all waste and trash prior to vacating their

location. Under no circumstances mobile food dispensing vehicles must not discharge waste, fat, oil, grease, or other similar substances from the vehicle. All such substances related to or generated from the vehicle shall be taken with the vehicle when the vehicle leaves the subject property.

(7) The grounds around the mobile vending unit and within the vending space shall be kept free of litter, trash, paper, and waste at all time. Waste containers shall be provided, and all trash shall be taken with the vehicle when the vendor leaves or, with the permission of the property owner, placed inside a commercial dumpster in use and located on the site. Waste containers shall be weighted or otherwise secured in an upright position. The mobile vendor is responsible for containing and properly disposing of all solid waste and wastewater pursuant to local and state rules, regulations, and laws.

(8) No signs or signage, other than that which can be contained on the mobile vending unit and one sandwich board sign, of no more than 12 square feet in area, shall be permitted, which may not be placed in such a manner as to interfere with pedestrian facilities or the right-of-way. Signs may not extend above the mobile vending unit

(9) Amplified music or other sounds from any mobile vending unit or from audio equipment installed on the developed site by the property owner or person in charge of the mobile vending unit for purposes of vending, attracting, or encouraging the congregation of customers shall be prohibited.

(10) The mobile vendor must comply with the noise provision of the City Code. Portable generators must be securely affixed to the unit during operation. Idling of a mobile vending unit is prohibited while preparing or serving food. Exhaust from a generator and all mobile vending operations, including food preparation, must be directed away from the service window and adjacent sidewalk.

(11) The mobile vendor may not use any flashing or blinking lights or strobe lights. The mobile vendor may provide localized lighting on or in the mobile vending unit for the purpose of illuminating the customer ordering area to ensure customer safety, for the purpose of food preparation, and for the purpose of menu illumination.

(F) Penalties

(1) Owners and operators of mobile vending units, and property owners on which such units operate, shall be joint and severally liable for any violations.

(2) If at any time the Florida Department of Business and Professional Regulation or Florida Department of Health revokes or suspends the mobile vendor's license, the city's mobile food truck permit shall be deemed to have been simultaneously revoked or suspended.

(3) In addition to the penalties authorized by subsections (1) and (2), the City may also suspend or revoke the property owner's site plan approval for accessory mobile vending

use and/or special event permit, as may be applicable, upon a finding that a mobile vending unit was operating on the subject property in violation of this section. <<



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:

Section 185.138

PROPOSED LANGUAGE (attach addendum if necessary):

See Attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

To ensure compliance with current Florida Statute (Food Trucks)

CITY OF PALM BAY, FLORIDA
CODE TEXTUAL AMENDMENT APPLICATION
PAGE 2 OF 2

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 7/7/22

Printed Name of Applicant Alexandra Bernard

Full Address 120 Malabar Road SE, Palm Bay, FL 32907

Telephone (321) 733-3042 Email alexandra.bernard@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

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
SPECIAL MEETING 2022-10

Held on Tuesday, September 6, 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.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

Mr. Philip Weinberg led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Leeta Jordan	Present
VICE CHAIRPERSON:	Philip Weinberg	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Robert Good	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Randall Olszewski	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	David Karaffa	Absent
	(School Board Appointee)	

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Tania Ramos, Senior Planner; Ms. Uma Sarmistha, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ANNOUNCEMENTS:

1. Ms. Jordan informed the board that the Special Planning and Zoning Board meeting tentatively scheduled for September 29, 2022, had been canceled. The temporary moratorium item was placed on the present agenda.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke in favor of the request. He was pleased to see residential land converted to commercial land. However, he was concerned with any relocation of the retention pond since the pond was set up as part of the St. Johns Heritage Parkway infrastructure.

Mr. Chris Garrod (resident at Foggy Mist Road SE) spoke in favor of the request. He was glad about the Publix and other small businesses coming into the area, but the widening of Babcock Street was needed for the additional traffic.

In response to the comments from the audience, Mr. Wise indicated how the possible relocation of the small retention pond would not be an issue because of the huge lakes and interconnected stormwater ponds in place, which were also designed to accommodate the eventual six-laning of the St. Johns Heritage Parkway and additional right-of-way for Babcock Street. He noted the other road and traffic projects that would improve the Parkway and Babcock Street intersection and connections. Mr. Anderson added that the widening of Babcock Street was projected for completion in 2023.

The floor was closed for public comments.

Motion to submit Case CP-29-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski, Warner.

4. **T-39-2022 - Mobile Food Vending - City of Palm Bay (Growth Management Department - Requested by City Council) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.138, to ensure compliance with current Florida statutes for mobile food vending**

Mr. Anderson presented the staff report for Case T-39-2022. Case T-39-2022 met the minimum requirements for a textual amendment aligning with current State Statute.

Mr. Olszewski asked if the proposed amendment would allow food truck owners to park their trucks in their residential driveways. Recreational boats were allowed to park in residential driveways temporarily, so a mobile vending entrepreneur should be allowed to do so as their vehicles would be away for the most part. Mr. Anderson stated that a mobile vendor vehicle could park at a residence within a gated side yard or the rear portion of the yard that was not visible. He explained that recreational vehicles must also adhere to the side and rear yard parking requirements for residences to avoid creating neighborhood eyesores or nuisances. Ms. Bernard added that revisions to the parking code were being considered to clarify where vehicles may park.

Ms. Maragh wanted to know if the sale of fruit and other items would now be allowed. Mr. Anderson explained that mobile vendors could be licensed and regulated locally, whereas mobile food dispensing vendors were State licensed with local input on where they could operate in a municipality. The mobile vending language would now permit offsite services like mobile car detailing and dog grooming.

Mr. Warner remarked on staff's comment that the amendment would allow for alternative business models to compete in a consistently changing economy. Mr. Anderson stated that many of the vendors would now qualify for the City to enact a local business tax, and the City would be gaining a more diversified economy. Mr. Warner noted that certain businesses could now be regulated and held accountable.

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-39-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski, Warner.

ORDINANCE 2022-103

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 'SUPPLEMENTARY DISTRICT REGULATIONS', BY MODIFYING PROVISIONS RELATED TO MOBILE FOOD VENDING; 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.

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 'Supplementary District Regulations', by repealing and recreating Section 185.138, Mobile Food Vending, which shall henceforth read as follows:

~~"Section 185.138 MOBILE FOOD VENDING.~~

~~(A) Mobile food vending as defined in § [185.006](#) shall be allowed within the CC, HC, BMU and LI Zoning Districts as provided for in this section.~~

~~(B) *Specific requirements.*~~

~~(1) The mobile food vendor as defined in § [185.006](#) shall have the consent of the property owner(s) prior to applying for the location for a mobile food vendor permit.~~

~~(2) Any person engaged in selling, preparing, or dispensing food from a mobile food truck as defined in § [185.006](#) shall obtain a mobile food vending permit from the Growth Management Department in accordance with the Mobile Vending Guidebook.~~

~~(3) A City of Palm Bay Business Tax Receipt is required to operate as a mobile food vendor.~~

~~(4) The mobile food vendor shall provide copies of all applicable approvals and licenses from the State of Florida Department of Business and~~

~~Professional Regulations (DBPR), Florida Department of Health, and Florida Department of Agriculture and Consumer Services.~~

~~(5) — The mobile food vendor shall make the mobile food truck available for inspection by the City of Palm Bay Fire Department at a location determined by the Fire Department. The Fire Department shall ensure compliance with all applicable federal, state, and local fire safety statutes, regulations, ordinances, and codes. Subsequently, every mobile food truck shall undergo bi-annual inspection by the City of Palm Bay Fire Department.~~

~~(6) — All mobile food vendors shall display the mobile food truck permit issued by the city in a prominent and visible location.~~

~~(7) — Training prior to performing mobile or temporary cooking operations, workers shall be trained in emergency response procedures.~~

~~(8) — Initial and refresher training shall be documented and made available to the inspector upon request.~~

~~(9) — Mobile food vendors shall comply with all requirements of National Fire Protection Association most current adopted edition by the Florida Administrative Code 69A (NFPA) 1 Chapter 50 Mobile and Temporary Cooking Operations.~~

~~(C) — Mobile food vendors operating a mobile food truck are prohibited from the following:~~

~~(1) — Selling or distributing alcoholic beverages.~~

~~(2) — Serving food from a free-standing barbecue grill.~~

~~(3) — Operating on a public right-of-way, driveway, driveway aisle, loading zone, or no parking zone.~~

~~(4) — Operating in a fire lane or blocking fire hydrants or any other fire protection devices and equipment, or Americans with Disabilities Act (ADA) accessible parking spaces and/or accessible ramps.~~

~~(5) — A mobile food vendor may not place a mobile food truck in a location that will impede on-site circulation of motor vehicles.~~

~~(6) — Operating in a city park or on city property, except as permitted by a city sanctioned event or activity.~~

~~(7) — Operating in a residentially zoned and/or residential portion of a mixed-use zoning district, except as permitted by a city sanctioned event or activity.~~

~~(8) — Operating on unimproved surfaces and abandoned or vacant business locations.~~

~~(9) — Use of sound amplification regardless of intended purpose.~~

~~(10) — Using balloons, banners, streamers, large flashing lights, or other similar devices to attract customers.~~

~~(11) — Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive-up sales.~~

~~(D) — *General requirements.*~~

~~(1) — Mobile food vendors shall remove all waste and trash prior to vacating their location.~~

~~(2) — Under no circumstances shall grease or any waste materials be released into the stormwater system, tree pits, sidewalks, streets, parking lots, or private/public property. Mobile food vendors shall be responsible to properly discard any waste material in accordance with federal, state, county, municipal, or any laws, rules, regulations, orders, or permits.~~

~~(3) — In accordance with the Florida Department of Business and Professional Regulation guidelines, all necessary control measures shall be used to effectively minimize, or eliminate when possible, the presence of rodents, roaches, and other vermin and insects on the premises of all mobile food trucks. Each mobile food vendor shall maintain a log containing a written record of the control measures performed by exterminators or other pest control businesses on the mobile food truck. This log shall be open to inspection by the city.~~

~~(4) — Mobile food vendors shall not engage in food preparation if the vehicle does not provide water and waste systems as required by the Florida Department of Business and Professional regulation or otherwise fails to meet sanitation and safety requirements.~~

~~(5) — All food service equipment utilized by the mobile food vendor shall be maintained in good repair and a clean condition.~~

~~(6) — Routine inspections may be conducted by code enforcement inspectors, building code inspectors, fire inspectors, or police officers on each mobile food truck at any time and at any frequency deemed appropriate by the city.~~

~~(E) — *Operating requirements.*~~

~~(1) — Mobile food vendors may not operate in a stationary manner for more than twelve (12) consecutive hours.~~

~~(2) Mobile food vendors shall be permitted to operate between the hours of 6:00 a.m. and 2:00 a.m., except as permitted by a city-sanctioned event or activity.~~

~~(3) Mobile food trucks shall be self-contained when operating, except for the required trash and/or recycling receptacles that shall be attached to the mobile food truck and shall not impede free movement of automobiles or pedestrians.~~

~~(4) No more than two mobile food trucks shall operate on any property at any one time, except as may be permitted by a special event permit issued by the city.~~

~~(5) In addition to the location of the mobile food truck, one (1) ten (10) foot by ten (10) foot area, covered or uncovered, may be permitted to accommodate seating and tables.~~

~~(6) One (1) ten (10) foot by ten (10) foot tent may be utilized to cover the seating area in (E)(5).~~

~~(7) Mobile food trucks shall be operated only by the mobile food vendor or by an authorized employee of the vendor.~~

~~(8) If at any time the Florida Department of Business and Professional Regulation revokes or suspends the mobile food vendor's license, the city's mobile food truck permit shall be deemed to have been simultaneously revoked or suspended.~~

>>Section 185.138 MOBILE VENDING UNITS.

(A) Purpose and intent.

The purpose and intent of this section are to establish land use and zoning regulations for real property upon which a mobile vendor is authorized to operate within the jurisdictional limits of the City. This section is neither intended to prohibit mobile food dispensing vehicles from operating within the entirety of the city nor regulate the licensing, registration, permitting, and fees of mobile food dispensing vehicles preempted by the state under Section 509.102, Florida Statutes.

(B) Definitions. As used in this section, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

ACCESSORY shall mean clearly incidental or subordinate to and customary in connection with the principal building or use on a developed site and which is located on the same lot or parcel with such principal building or use.

FOOD shall mean all substances commonly used for human consumption as food, beverage, confectionery, or condiments, whether simple, mixed, or compound, and all substances or ingredients used in preparation thereof.

MOBILE FOOD DISPENSING VEHICLE is a Mobile Vending Unit defined by Section 509. 102(1), Florida Statutes, and upon the effective date of this Section means any vehicle that is a public food service establishment and that is self-propelled or otherwise moveable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

MOBILE VENDOR (i.e., Mobile Food Vendors defined in § 185.006) shall mean any person that sells or offers for sale services or goods from a Mobile Vending Unit (not limited to Mobile Food Dispensing Vehicle as defined per Florida Statute Section 509.102) within the City. References in this section to mobile vendors shall include operators of Mobile Food Dispensing Vehicles unless expressly stated otherwise.

MOBILE VENDING UNIT includes:

(1) A motorized vehicle from which a mobile vendor offers for sale or sells goods or services to the public, such as a “Food Truck defined in § 185.006”;

(2) A Mobile Food Dispensing vehicle;

(3) A "vending cart" is defined as a pushcart-type vehicle propelled by human power which has been specifically designed or used for purposes of offering for sale or selling goods or services to the public, but not including, by way of example, racks, wheelbarrows, dollies, grocery carts, baby carriages, tables., chairs, benches, cabinets, or other furniture and boxes, buckets, tubs, or other containers or devices which normally rest on the ground, whether or not wheels have been attached such as “hot dog cart”;

(4) A trailer that is pulled by a motorized vehicle and has no power to move on its own from which a mobile vendor offers for sale or sells goods or services to the public such as a “Mobile catering kitchen” or a “food truck”; or

(5) Any other mobile device approved by the City Manager from which a mobile vendor offers for sale or sells goods or services to the public.

SPECIAL EVENT. Any sale, grand opening, photo shoot, party, holiday celebration, bazaar, concert or other performance, fair, carnival, tent revival, fundraising event, art festival, race, tour, rally, parade, bicycle run, demonstration, contest, exhibition, block party, outdoor display or similar event or occurrence, including the use of tents, or other devices or structures to conduct, advertise or

promote any such event occurring on the city or non-city-owned lands or in a public right-of-way such as a public or non-public street, shared-use path, or other public place or building, parking lot, vacant lot, where the event would substantially inhibit the usual flow of pedestrian or vehicular travel or which occupies any public area or building so as to preempt use of the said area by the general public for its intended use or which deviates from the established use of said area or building, but such term does not include the following:

(1) An event or function held within or on the grounds of a private residence or on the common areas of multifamily residential development, and which event or function is of private and nonprofit nature; or

(2) Any use or activity specifically approved by a development permit issued by the city or specifically permitted by the Land Development Code.

(C) *Specific Requirements.*

Mobile Vendors not in compliance with the requirements of this section are prohibited and unlawful in the city.

Mobile Vendors shall be permitted under the following conditions:

(1) The Mobile Vendor, especially Mobile Food Vendors, such as food trucks, shall provide copies of all applicable approvals and licenses and mobile food establishment permit for their mobile food dispensing vehicle from the State of Florida Department of Business and Professional Regulations (DBPR), Florida Department of Health, and Florida Department of Agriculture and Consumer Services.

(a) Food permits aren't necessary for other mobile vending, not regulated by DBPR, such as pet grooming, and selling vegetables and fruits.

(2) All Mobile Vendors shall obtain a City of Palm Bay Business Tax Receipt for operating within the city limits.

(a) State-licensed Mobile Food Dispensing vehicles are exempted from the local Business Tax Receipt (Florida Statute 509.102).

(3) Mobile Vendors providing services via a Mobile Vending Unit by appointment at a customer's place of business or residence shall be permitted in the City, which shall include:

(a) Mobile pet grooming, car detailing, and similar services; and

(b) Mobile caterers who are hired for private catering purposes to serve guests of a catered event, so long as:

i. The mobile caterer is parked entirely on private property;

ii. Service is limited to the guests of the catered event only; and

iii. No payment transaction shall occur for individual orders taken by the mobile caterer.

(4) Mobile vendors providing services or selling goods via a mobile vending unit at a public special event shall be authorized to operate in the City pursuant to the issued special event permit.

(5) Mobile vendors providing services or selling goods via a mobile vending unit on private property shall not be permitted unless the property owner obtains a site plan authorizing accessory mobile vending sales on the property. In no case shall a mobile vendor be permitted to operate on the same parcel of real property for more than sixty (60) total consecutive or nonconsecutive days per calendar year.

(6) The Mobile Vendor (i.e., food trucks and food vending vehicles) shall contact your local fire safety authority to ensure your establishment meets the fire safety requirements as prescribed by the National Fire Prevention Association Standards (NFPA). The Local Fire Department shall ensure compliance with all applicable federal, state, and local fire safety statutes, regulations, ordinances, and codes.

Mobile Vendors shall make their vehicles available for inspection by the City of Palm Bay Fire Department at a location determined by the Fire Department.

(D) Mobile Vendors operating a mobile Vending Unit including food trucks are prohibited under the following conditions:

(1) Municipally owned property, sidewalks, rights-of-way, easements, and in alleys, loading zone, or no parking zone. Except during city-organized events or as authorized by a public special event permit.

(2) Operating in a fire lane or blocking fire hydrants or any other fire protection devices and equipment, or Americans with Disabilities Act (ADA) accessible parking spaces and/or accessible ramps.

(3) To remove the wheels of a mobile vending unit.

(4) To Operate on unimproved surfaces and abandoned or vacant business locations.

(5) No more than one (1) mobile vending unit shall be parked or in operation on a single property at any given time, except during public or private special events and city-organized events, or on approved site plans.

(6) To locate within 50 feet of any flammable combustible liquid or gas storage and dispensing structure.

(7) To be located within 50 feet of a single-family, multifamily residential lot unless separated and screened by a minimum six (6) foot high opaque wall.

(8) To be located within 10 feet of any building, or structure.

(9) The operation of a mobile vending unit must not obstruct or interfere with vehicular or pedestrian traffic, building access, fire lanes, crosswalks, driveways, fire hydrants, loading areas, stormwater drainage systems, or landscape buffers associated with the principal use. Specifically, mobile vending units must not enter or park upon any "no parking" area, loading zone, driveway, handicapped parking space, or designated public safety lane (e. g., fire lanes) or within twenty (20) feet of a crosswalk or within fifteen (15) feet of a fire hydrant or storm drainage structure.

(10) In addition to the location of the mobile vendor (especially for Food trucks):

(a) Mobile vendors are prohibited from serving food from a free-standing barbeque grill or fryer.

(b) Selling or distributing alcoholic beverages.

(c) Size. No food truck shall exceed a length of 18.5 feet or a width of ten feet, and shall not occupy required parking but can be used in excess parking areas of a business.

(d) For outdoor dining, one (1) ten (10) foot by ten (10) foot area, covered or uncovered, may be permitted to accommodate seating and tables per mobile food truck.

i. Outdoor dining areas including, but not limited to, tables, chairs, booths, bar stools, benches, and standup counters shall only be permitted if expressly authorized in a site plan or a special event permit.

ii. No tables, chairs or other furniture or equipment intended to provide accommodations for the patrons of mobile food vendors may be placed in the public right of way.

iii. Any canopies, awnings, or any other attachments must be supported entirely by the mobile vending unit and may not touch the ground.

(E) General Requirements.

(1) The mobile vending unit must be self-contained and may not connect to city water or power during operation while located on public right-of-way.

(2) Mobile vendors may not operate in a stationary manner for more than twelve (12) consecutive hours.

(3) Mobile vendors shall be permitted to operate between the hours of 6:00 a.m. and 2:00 a.m., except as permitted by a city-sanctioned event or activity.

(4) All mobile vendors must ensure that individuals with disabilities have comparable access to mobile vending units. If existing designs cannot be modified to be accessible to people with disabilities, the method of providing service must be modified to become accessible. No object shall block any pedestrian pathway or ADA access.

(5) Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive-up sales is prohibited from a mobile food dispensing vehicle.

(6) Mobile food vendors shall remove all waste and trash prior to vacating their location. Under no circumstances mobile food dispensing vehicles must not discharge waste, fat, oil, grease, or other similar substances from the vehicle. All such substances related to or generated from the vehicle shall be taken with the vehicle when the vehicle leaves the subject property.

(7) The grounds around the mobile vending unit and within the vending space shall be kept free of litter, trash, paper, and waste at all time. Waste containers shall be provided, and all trash shall be taken with the vehicle when the vendor leaves or, with the permission of the property owner, placed inside a commercial dumpster in use and located on the site. Waste containers shall be weighted or otherwise secured in an upright position. The mobile vendor is responsible for containing and properly disposing of all solid waste and wastewater pursuant to local and state rules, regulations, and laws.

(8) No signs or signage, other than that which can be contained on the mobile vending unit and one sandwich board sign, of no more than 12 square feet in area, shall be permitted, which may not be placed in such a manner as to interfere with pedestrian facilities or the right-of-way. Signs may not extend above the mobile vending unit.

(9) Amplified music or other sounds from any mobile vending unit or from audio equipment installed on the developed site by the property owner or person in charge of the mobile vending unit for purposes of vending, attracting, or encouraging the congregation of customers shall be prohibited.

(10) The mobile vendor must comply with the noise provision of the City Code. Portable generators must be securely affixed to the unit during operation. Generators may not exceed a rating of 60 dBA pursuant to industry standard measurements. Idling of a mobile vending unit is prohibited while preparing or serving food. Exhaust from a generator and all mobile vending operations, including food preparation, must be directed away from the service window and adjacent sidewalk.

(11) The mobile vendor may not use any flashing or blinking lights or strobe lights. The mobile vendor may provide localized lighting on or in the mobile vending unit for the purpose of illuminating the customer ordering area to ensure customer safety, for the purpose of food preparation, and for the purpose of menu illumination.

(F) Penalties

(1) Owners and operators of mobile vending units, and property owners on which such units operate, shall be joint and severally liable for any violations.

(2) If at any time the Florida Department of Business and Professional Regulation or Florida Department of Health revokes or suspends the mobile vendor's license, the city's mobile food truck permit shall be deemed to have been simultaneously revoked or suspended.

(3) In addition to the penalties authorized by subsections (1) and (2), the City Manager may also suspend or revoke the property owner's site plan approval for accessory mobile vending use and/or special event permit, as may be applicable, upon a finding that a mobile vending unit was operating on the subject property in violation of this section.

If revoked, the property owner shall be prohibited from seeking subsequent site plan approval for accessory outdoor sales or a special event

permit for the subject property for a period of one (1) year from the date of the revocation.<<"

SECTION 3. 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 4. 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 5. 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 6. 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: City of Palm Bay

Case: T-39-2022

cc: (date) Case File

Strikethrough words shall be deleted; highlighted words that will 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: 10/20/2022

RE: Ordinance 2022-107, rezoning property located west of and adjacent to Dixie Highway, in the vicinity north of Malabar Road, from HC (Highway Commercial District) to BMU (Bayfront Mixed Use District) (6.92 acres) (Case CPZ-32-2022, Florida Institute of Technology, Inc.), final reading. (Quasi-Judicial Proceeding)

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.

Mr. Michael Jones, Florida Institute of Technology, Inc. (represented by Ross Abramson, Woodfield Acquisitions, LLC / Bruce Moia, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorney at Law) has submitted for a rezoning from an HC, Highway Commercial District to a BMU, Bayfront Mixed Use District. The property is located west of and adjacent to Dixie Highway NE, in the vicinity north of Malabar Road NE, specifically at 4400 Dixie Highway NE.

The applicant states the justification for the zoning change to BMU, Bayfront Mixed Use, is to construct a mix of residential and commercial development. The proposed change aligns with the intent of the Bayfront Redevelopment District and will increase density in an area providing a mixture of uses that promote more walkability and reduce urban sprawl. The applicant proposes approximately 180 multi-family residential units and approximately 20 percent commercial.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Request for City Council review. Case CPZ-32-2022 meets the minimum requirements of a Zoning amendment request.

Planning and Zoning Board Recommendation:

Approval of the request by a vote of 5 to 2.

ATTACHMENTS:**Description**

Case CPZ-32-2022 - Staff Report

Case CPZ-32-2022 - Title Survey

Case CPZ-32-2022 - Narrative

Case CPZ-32-2022 - Application

Case CPZ-32-2022 - Applicant Handout

Case CPZ-32-2022 - Grimes Handout

Case CPZ-32-2022 - Lee Handout

P&Z minute excerpt

Applicant Presentation

Ordinance 2022-107



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmbayflorida.org

Prepared by

Stephen White, Principal Planner

CASE NUMBER

CPZ-32-2022

PLANNING & ZONING BOARD HEARING DATE

September 6, 2022

PROPERTY OWNER & APPLICANT

Florida Institute of Technology, Inc (Bruce Moia, MBV Engineering, Inc, Reps.)

PROPERTY LOCATION/ADDRESS

Section 24, Township 38, Range 37, Brevard County, Florida, containing approximately 6.92 acres. Property is specifically located at 4400 Dixie Hwy NE, Palm Bay, Florida

SUMMARY OF REQUEST

The applicant is requesting a rezoning from HC, Highway Commercial to BMU, Bayfront Mixed Use.

Existing Zoning

HC, Highway Commercial

Existing Land Use

COM, Commercial

Site Improvements

Developed Property

Site Acreage

6.92 acres

SURROUNDING ZONING & USE OF LAND

North

HC, Highway Commercial; Commercial building

East

HC, Highway Commercial; Commercial building

South

HC, Highway Commercial; Commercial building

West

RMH, Residential Mobile Homes; Single-Family Residences

BACKGROUND:

The subject property is located at 4400 Dixie Hwy NE, Palm Bay, Florida. The parcel is approximately 6.92 acres in size.

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 zoning change to BMU, Bayfront Mixed Use; to construct a mix of Residential and Commercial development.

If approved, the proposed change will increase density in an area with a mixture of uses that will promote more walkability and reduce urban sprawl.

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 districts for the subject property is compatible with the surrounding area, Bayfront Mixed Use CRA and is consistent with the City's desire and plan for development, due to the increasing diversity of housing options and surrounding mix of uses.

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.*

This proposed development located within city limits and advances the Comprehensive Plan elements to ensure a mixture of housing types, as well as accessible, walkable, and other commercial activities within a general proximity to residents.

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 by promoting a more balanced mixture of uses in the general area.

STAFF FINDINGS:

Case CPZ-32-2022 meets the minimum requirements of a Zoning amendment request.



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



AERIAL LOCATION MAP CASE: CP-32-2022 & CPZ-32-2022

Subject Property

West of and adjacent to Dixie Highway NE, in the vicinity north of Deer Run Drive NE



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-32-2022 & CPZ-32-2022

Subject Property

West of and adjacent to Dixie Highway NE, in the vicinity north of Deer Run Drive NE

Future Land Use Classification

COM – Commercial



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



ZONING MAP CASE: CP-32-2022 & CPZ-32-2022

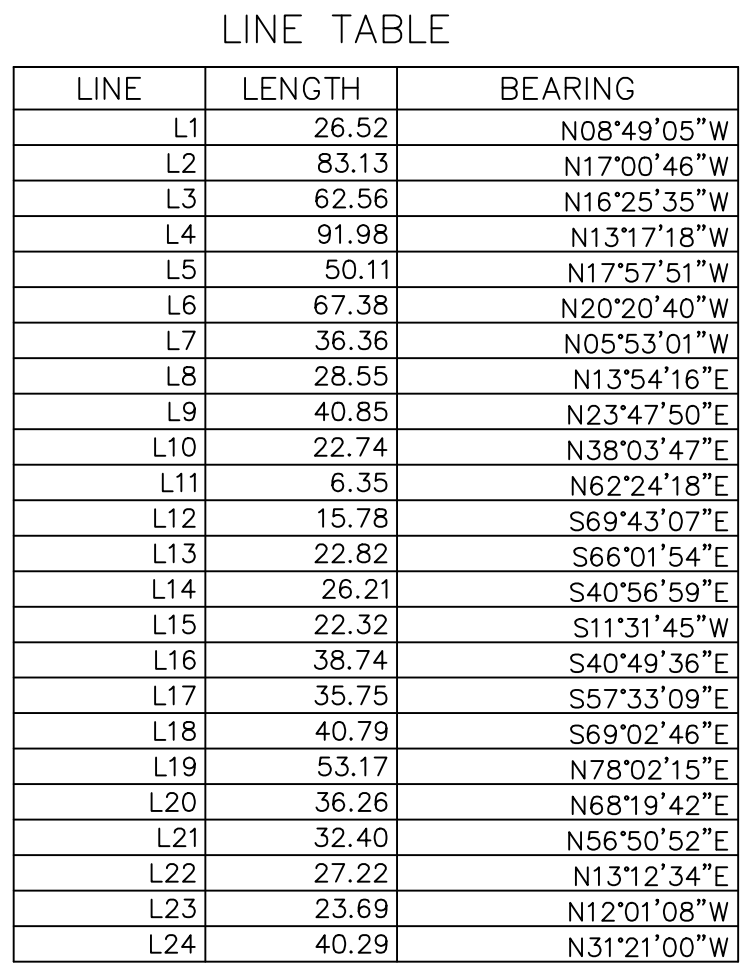
Subject Property

West of and adjacent to Dixie Highway NE, in the vicinity north of Deer Run Drive NE

Current Zoning Classification

HC – Highway Commercial

1. THE BEARING BASIS FOR THIS SURVEY THE SOUTH LINE OF LOT 10, HOPSON'S SUBDIVISION WHICH BEARS S89°02'54"W, PER DESCRIPTION PROVIDED, AND AS SHOWN HEREON.
2. THE BUILDINGS ON THE PARCEL DESCRIBED HEREIN ARE IN FLOOD ZONE "X" AS PER THE NATIONAL FLOOD INSURANCE PROGRAM. FLOOD INSURANCE RATE MAP #12009C 0540 E DATED 4-3-89.
3. THE SURVEY OF THE PARCEL AND EASEMENTS SHOWN HEREON ARE AS FURNISHED BY CHICAGO TITLE INSURANCE COMPANY DATED 6-20-2022 AT 5:00PM, ORDER NUMBER: 10590965, AND HAVE NOT BEEN ABSTRACTED BY THE UNDERSIGNED FOR EASEMENTS, RIGHTS OF WAY OR RESERVATIONS OF RECORD.
4. BELOW GROUND IMPROVEMENTS MAY NOT BE DEPICED ON THIS MAP OF SURVEY.
5. THE SAFE UPLAND LINE HAS BEEN SUGGESTED BY THE DEPARTMENT OF NATURAL RESOURCES AS BEING AT OR ABOVE THE MEAN/ORDINARY HIGH WATER LINE. THIS LINE IS NOT A BOUNDARY, AS THE TRUE MEAN/ORDINARY HIGH WATER LINE HAS NOT BEEN DETERMINED, PER THIS SURVEY.
6. ACREAGE SHOWN IS COMPUTED TO THE EXISTING SAFE UPLAND LINE OF 1.1' NGVD 1929, AS LOCATED ON 10-27-10.
7. THE FLORIDA DEPARTMENT OF NATURAL RESOURCES IS WAITING FOR THE NATIONAL OCEAN SURVEY (NOS) TO COMPLETE THEIR ANALYSIS OF DATA CONCERNING THE INDIAN AND BANANA RIVERS, AND WILL NOT AT THIS TIME RECOMMEND AN APPROVED METHOD OF DETERMINING THE BOUNDARY LINE ALONG THE INDIAN RIVER. (MEMO FROM THE FDEP DATED 5-3-05, IS ON FILE IN OUR OFFICE).
8. BUILDING OVERHANGS ARE NOT NECESSARILY SHOWN.
9. THE DESCRIPTION PROVIDED AND SHOWN HEREON CALLS "ALONG THE SOUTH LINE OF SAID LOT 6", WHICH IS INCORRECT, IT SHOULD READ "ALONG THE NORTH LINE OF SAID TROPICAL TRAILOR TOWN".



BEING THAT PART OF LOT 6 OF HOPSON'S SUBDIVISION OF THAT PORTION OF SECTION 24, TOWNSHIP 28 SOUTH, RANGE 37 EAST, LYING SOUTH AND WEST OF LOT 10 OF THE SAME SUBDIVISION AND EXTENDING WESTWARD TO TURKEY CREEK AND DEER RUN, AS PER PLAT RECORDED IN PLAT BOOK 1, PAGE 62, AND DEED RECORDED IN DEED BOOK V, PAGE 697, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA,

LESS AND EXCEPT TROPICAL TRAILER TOWN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 83, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

ALSO, ALL OF THAT PART OF LOT 10, OF HOPSON'S SUBDIVISION OF THAT PART OF SECTION 24 TOWNSHIP 28 SOUTH, RANGE 37 EAST, LYING SOUTH AND EAST OF TURKEY CREEK, ACCORDING TO PLAT RECORDED IN PLAT BOOK 1, PAGE 62, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING WEST OF U.S. HIGHWAY NO. 1.

PART OF LOTS 6 AND 10 OF HOPSON'S SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 62, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING WEST OF U.S. HIGHWAY NO. 1, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS,

PAGE 83, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THENCE S89°02'54"W, ALONG THE NORTH LINE OF SAID PLAT OF TROPICAL TRAILER TOWN AND THE SOUTH LINE OF SAID LOT 10 OF HOPSON'S SUBDIVISION, A DISTANCE OF 439.35 FEET; THENCE S89°27'54"W, ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 113 FEET MORE OR LESS TO THE EASTERLY ORDINARY HIGH WATER LINE OF DEER RUN CANAL, THENCE NORTHERLY ALONG SAID EASTERLY ORDINARY HIGH WATER LINE OF DEER RUN CANAL, A DISTANCE OF 505 FEET, MORE OR LESS, THENCE N19°01'50"E, A DISTANCE OF 4 FEET, MORE OR LESS, TO THE NORTH LINE OF AFORESAID LOT 6; THENCE N88°52'29"E ALONG THE NORTH LINE OF SAID LOTS 6 AND 10 A DISTANCE OF 438 FEET, MORE OR LESS TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 (S.R. NO. 5); THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE AND ALONG A CURVE BEING CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 5206.92 FEET, A CENTRAL ANGLE OF 5°50'29" AND A CHORD BEARING OF S35°59'24"E, AN ARC DISTANCE OF 530.85 FEET, THENCE S56°55'51"W A DISTANCE OF 10.00 FEET TO A POINT ON A CURVE BEING CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 5196.92 FEET, A CENTRAL ANGLE OF 0°42'39" AND A CHORD BEARING OF S32°42'50"E; THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 64.48 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 10; THENCE S89°02'54"W, A DISTANCE OF 151.20 FEET TO THE POINT OF BEGINNING.

A.K.A.	=	ALSO KNOWN AS	O.H.W.	=	OVERHEAD WIRE
C.B.S.	=	CONCRETE BLOCK STRUCTURE	O.R.B.	=	OFFICIAL RECORDS BOOK
C.C.C.L.	=	COASTAL CONSTRUCTION CONTROL LINE	P.	=	PLAT
C.M.	=	CONCRETE MONUMENT	P.C.	=	POINT OF CURVATURE
C.M.P.	=	CORRUGATED METAL PIPE	P.C.P.	=	PERMANENT CONTROL POINT
CALC.	=	CALCULATED	P.I.	=	POINT OF INTERSECTION
CONC.	=	CONCRETE	P.O.B.	=	POINT OF BEGINNING
D.	=	DEED	P.O.C.	=	POINT OF COMMENCEMENT
D.V.	=	DOUBLE DETECTOR VALVE	P.P.	=	POWER POLE
E.O.A.	=	EDGE OF ASPHALT	P.R.M.	=	PERMANENT REFERENCE MONUMENT
ELEV.	=	ELEVATION	PROP.	=	PROPOSED
ENCL.	=	ENCLOSED	P.U. & D.E.	=	PUBLIC UTILITY & DRAINAGE EASEMENT
F.H.	=	FIRE HYDRANT	P.U.E.	=	PUBLIC UTILITY EASEMENT
F.L.	=	FLOW LINE	R.	=	RADIUS OF CURVE
FD.	=	FLOW LINE	R.C.P.	=	REINFORCED CONCRETE PIPE
I.P.	=	IRON PIPE	R/W	=	RIGHT OF WAY
I.R.	=	IRON ROD	S.S.M.H.	=	SANITARY SEWER MANHOLE
INV.	=	INVERT	T.O.B.	=	TOP OF BANK
L.	=	ARC LENGTH OF CURVE	T.O.S.	=	TOE OF SLOPE
M.	=	MEASURED	TYP.	=	TYPICAL
M.H.W.L.	=	MEAN HIGH WATER LINE	W.M.	=	WATER METER
M.W.L.	=	MEAN WATER LINE	Δ	=	CENTRAL ANGLE OF CURVE
N.G.V.D.	=	NATIONAL GEODETIC VERTICAL DATUM	ϕ	=	CENTRLINE
N/D	=	NAIL WITH DISK			

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this form. NOT A SURVEY MATTER

2. Taxes and assessments for the year 2022 and subsequent years, which are not yet due and payable.
NOTE: 2021 Real Property Taxes in the gross amount of \$919.61 are Paid, under Tax I.D. No. 28-3724-29-6 and Tax Account No. 2832833. NOT A SURVEY MATTER

3. Standard Exceptions:

A. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. **NONE KNOWN TO SURVEYOR**

B. Rights or claims of parties in possession not shown by the public records. **NOT A SURVEY MATTER**

C. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records. **NOT A SURVEY MATTER**

D. Taxes or assessments which are not shown as existing liens in the public records. **NOT A SURVEY MATTER**

4. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land. NOT A SURVEY MATTER

5. Rights of tenants occupying all or part of the insured land under unrecorded leases or rental agreements. NOT A SURVEY MATTER

6.The nature, extent or existence of riparian rights or littoral rights is not insured. NOT A SURVEY MATTER

7. Notwithstanding the legal description in Schedule A, this Policy does not insure title to any lands lying below the mean or ordinary high water line of any navigable or tidally influenced waters. NOT A SURVEY MATTER

8. The inalienable rights of the public to use the navigable waters covering the lands described on Schedule A. NOT A SURVEY MATTER

9. Matters as contained on the Plat of Hopson's Subdivision, recorded in Plat Book 1, Page 62, of the Public Records of Brevard County, Florida. AFFECTS PLOTTED

10.Easement granted to Florida Power & Light Company recorded April 3, 1968 in Official Records Book 2685, Page 2410. AFFECTS
PI OTTFD

11. Easement granted to Florida Power & Light Company recorded June 24, 1986 in Official Records Book 2707, Page 2676. AFFECTS PLOTTED

12. Underground Easement granted to Florida Power & Light Company recorded February 13, 2014 in Official Records Book 7066, Page 762. AFFECTS PLOTTED

I, Robert R. Doerr, Jr., a registered land surveyor, License No. 3982, in and for the State of Florida and legally doing business in Brevard County, does hereby certify to CHICAGO TITLE INSURANCE COMPANY, WOODFIELD ACQUISITIONS, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY, AND FLORIDA INSTITUTE OF TECHNOLOGY, INC., A FLORIDA NOT FOR PROFIT CORPORATION.

This is to certify that this map or plat on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, Table A not provided. The field work was completed on July 7, 2022..

Date: July 19, 2022

HORIZON SURVEYORS OF CENTRAL FLORIDA, INC. LB 6360 390 POINCIANA DR., MELBOURNE, FL 32935 E-MAIL: INFO@HORIZONSURVEYORS.COM PHONE : (321) 254-8133	SCALE 1" = 40'	REVISION TABLE				PREPARED FOR THE EXCLUSIVE USE OF: CHICAGO TITLE INSURANCE COMPANY WOODFIELD ACQUISITIONS, LLC FLORIDA INSTITUTE OF TECHNOLOGY, INC.	I HEREBY CERTIFY THAT THE PROPERTY HEREON WAS SURVEYED UNDER MY DIRECT SUPERVISION AND THAT THIS MAP OF SURVEY IS ACCURATE AND CORRECT. I FURTHER CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. <hr/> ROBERT R. DOERRER, JR. PROFESSIONAL LAND SURVEYOR #3982		SURVEY FOR:
	DATE 7-19-22	DATE	DESCRIPTION	BY	APVD				WOODFIELD
	FIELD BOOK 255								DRAWING NUMBER:
	& PAGE 44								6619
	FIELD DATE 7-7-22								

July 26, 2022

Ms. Chandra Powell,
City of Palm Bay, Land Development Division
120 Malabar Road, S.E.
Palm Bay FL, 32909

Via Hand Delivery

RE: Rivers Edge Mixed Use
Parcel ID: 28-37-24-29-*-6 / 2832833
MBV Project #: 22-1040

Dear Ms. Powell:

Please allow this letter to serve as a narrative for the Rezoning and FLU Application that MBV Engineering is initiating currently.

The development is approximately 6.92 acres per survey and will consist of a mixed use of MFR and Commercial Development.

At present we are requesting rezoning from HC to BMU and a Land Use Change from COM to BMU also.

These applications for change will make the proposed development comply with the permitted use requirements for BMU. In addition the proposed development will meet the LDR and Comprehensive Plan requirements.

Applications brought forward to the City of Palm at this time consist of:

- Rezoning
- Future Land Use
- Brevard County School Board Concurrency Application

MBV will initiate the Citizen's Participation Plan / Report for review when the meeting location and date have been established.



Ms. Chandra Powell
Port Malabar Apartments
MBV # 21-1123

Contacts for the project are as follows:

Developer Woodfield Development LLC - Todd Jacobus
7474 Creedmoor Road, Box 366
Raleigh, NC 27613
202-297-1098 tjacobus@wfinvest.net

OWNER: Florida Institute of Tehcnology – Michael Jones
150 West university Blvd.
Melbourne, FL 32901
562-522-9992 mjones@fit.edu

EOR: MBV Engineering Inc. – Bruce A. Moia, P.E., President
1250 W Eau Gallie Blvd, Ste H,
Melbourne, FL 32935
321-253-1510 brucem@mbveng.com

Surveyor: Horizon Survey -Robert Doerrer
390 Poinciana Drive
Melbourne, FL 32935
321-254-8133 info@horizonsurveyors.com

Sincerely,

Wanda Walker, Permitting Coordinator



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):

28-37-24-29-*-6

TAX ACCOUNT NUMBER(S):

2832833

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):

Hopsons Subd Part of Lots 6 & 10, As in DB 396, Pg 576, Ex Pb 12 Pg 83, Hwy RW
Plat Book 0001, Page 0062

PROPERTY ADDRESS:

4400 Dixie Highway NE, Palm Bay, FL 32905

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

6.92 acres more or less

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

HC

ZONING CLASSIFICATION DESIRED (ex.: IU, LI, etc.):

BMU

CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 2 OF 3

STRUCTURES LOCATED ON THE PROPERTY:

2

PRESENT USE OF THE PROPERTY:

Financial offices of Florida Institute of Technology

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

Approximately 180 MFR units, with 20% commercial.

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

- ☒ *A \$650.00 application fee. Make Check payable to "City of Palm Bay."
- ☒ A Boundary Survey or Sketch with legal descriptions of properties covered by this application.
- ☒ 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). 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.**

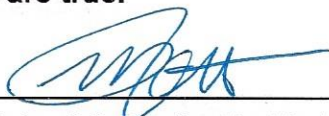
Name of Representative Bruce Moia, P.E., Kim Rezanka, Ross Abramson

**CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 3 OF 3**

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



Date

7/20/22

Printed Name

Michael Jones for Florida Institute of Technology

Full Address

150 W. University Boulevard, Melbourne, FL 32901

Telephone

321-674-8000

Email

jonesm@fit.edu

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

7/20, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Tax ID 28-37-24-29-*6, Hopsons Subdivision Part of Lots 6 & 10, As in DB 396, Pg 576. Ex Pb 12, Pg 83, Highway RW. Pb 0001, Pg 0062.

I, Owner Name: Michael Jones for Florida Institute of Technology

Address: 150 W. University Blvd., Melbourne, FL 32901

Telephone: 321-674-8000

Email: jonesm@fit.edu

hereby authorize:

Representative: Ross Abramson of Woodfield Acquisitions LLC

Address: 7474 Creedmoor Road, Box 306, Raleigh NC 27613

Telephone: 305-906-0264

Email: rabramson@woodfielddevelopment.net

to represent the request(s) for:

Rezoning and Future Land Use Amendment of entire site.

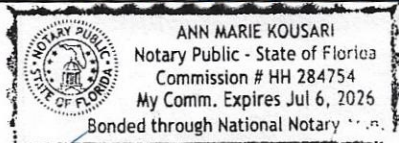


(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 20 day of July, 20 22 by Mr. Michael Jones, property owner.



Ann Marie Kousari

Ann Marie Kousari, Notary Public

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

7/20, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Tax ID 28-37-24-29-*6, Hopsons Subdivision Part of Lots 6 & 10, As in DB 396, Pg 576. Ex Pb 12, Pg 83, Highway RW. Pb 0001, Pg 0062.

I, Owner Name: Michael Jones for Florida Institute of Technology

Address: 150 W. University Blvd., Melbourne, FL 32901

Telephone: 321-674-8000

Email: jonesm@fit.edu

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:

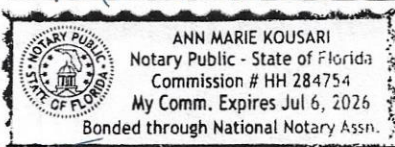
Rezoning and Future Land Use Amendment of entire site.

(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 20 day of July, 20 22 by Mr. Michael King, property owner.



Ann Marie Kousari
Notary Public

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

7/20

, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

Brevard County Tax ID 28-37-24-29-*6, Hopsons Subdivision Part of Lots 6 & 10, As in DB 396, Pg 576. Ex Pb 12, Pg 83, Highway RW. Pb 0001, Pg 0062.

I, Owner Name: Michael Jones for Florida Institute of Technology

Address: 150 W. University Blvd., Melbourne, FL 32901

Telephone: 321-674-8000

Email: jonesm@fit.edu

hereby authorize:

Representative: Kim Rezanka, lacey Lyons and Rezanka

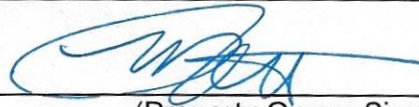
Address: 6023 Farcenda Place, Suite 102, Melbourne, FL 329240

Telephone: 321-608-0890

Email: krezanka@llr.law

to represent the request(s) for:

Rezoning and Future Land Use Amendment of entire site.



(Property Owner Signature)

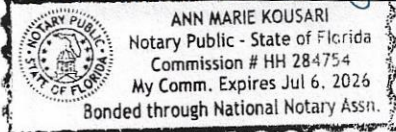
STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 20 day of July, 20 22 by

Mr. Michael Jones

, property owner.



Ann Marie Kousari

, Notary Public

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

River's Edge: CP-32-2002 & CPZ-32-2002







RODOLFO & LYNN CRIMES

321 223 8016

CP. 32 - 2022

CPZ 32-2022



#2





#3





#4

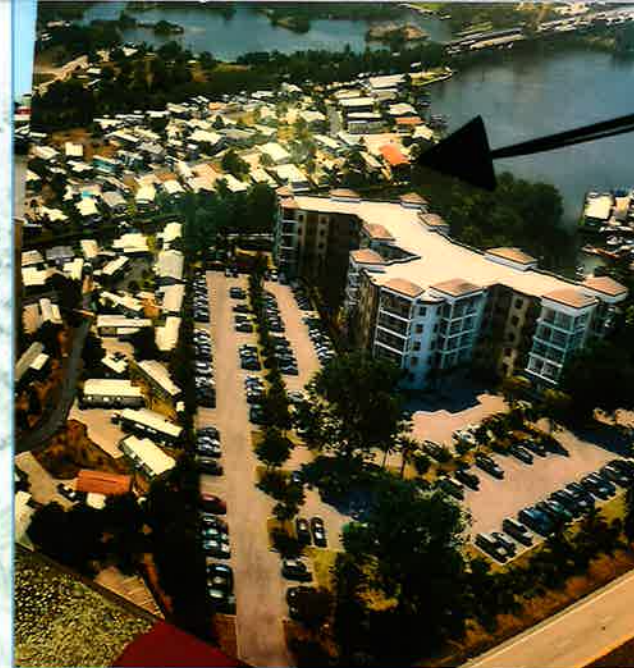
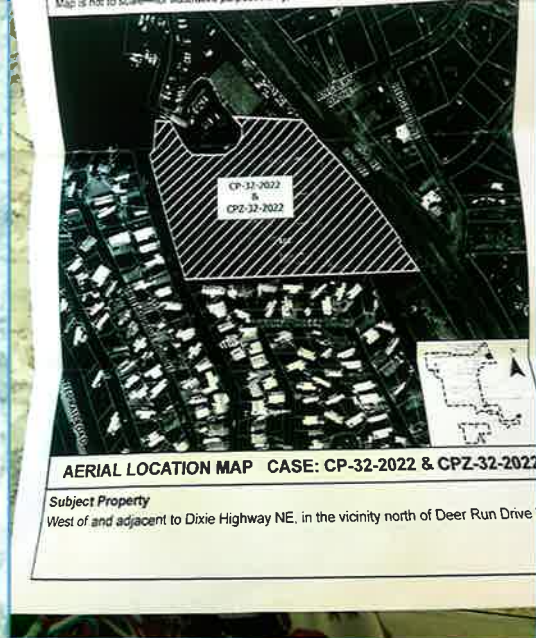




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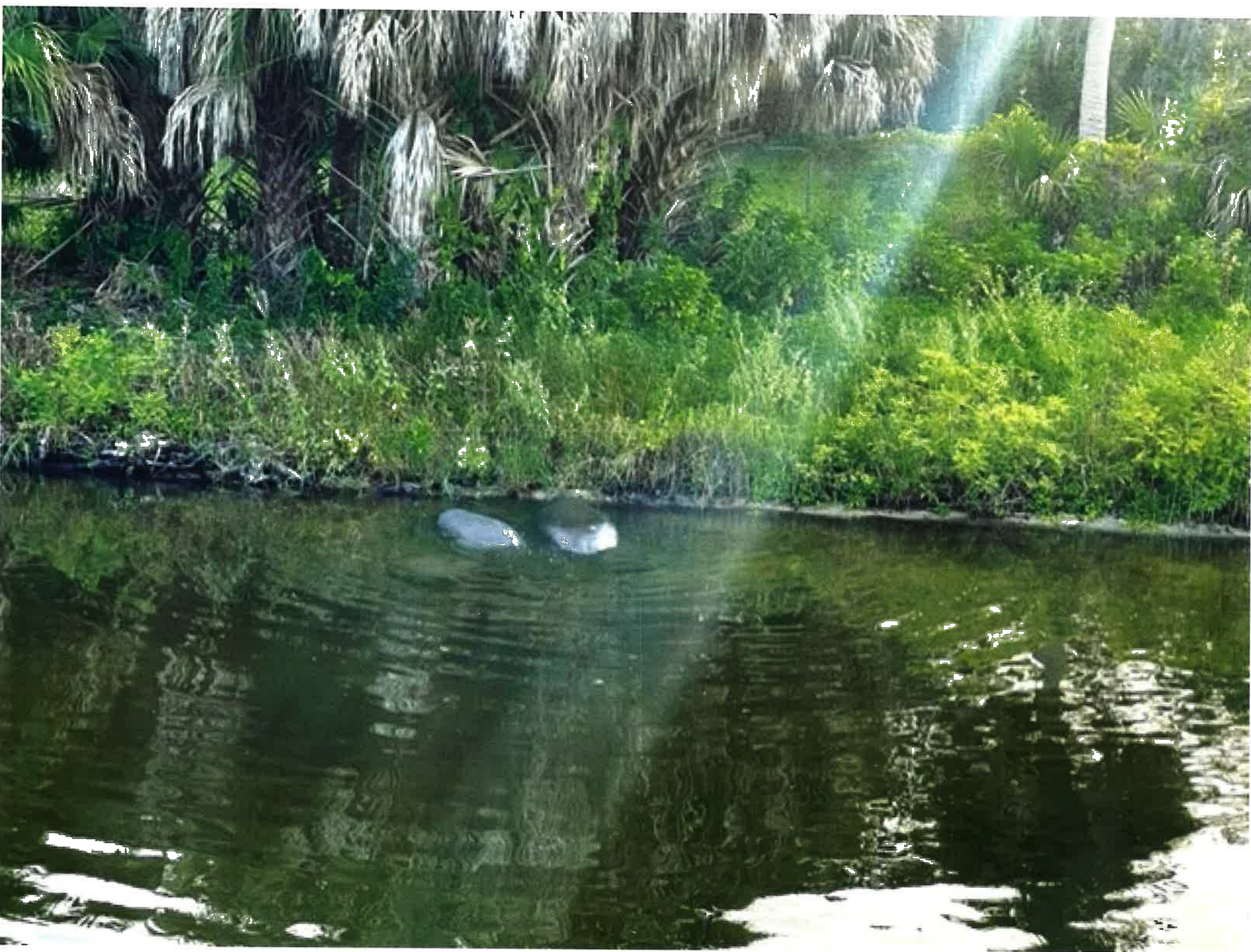
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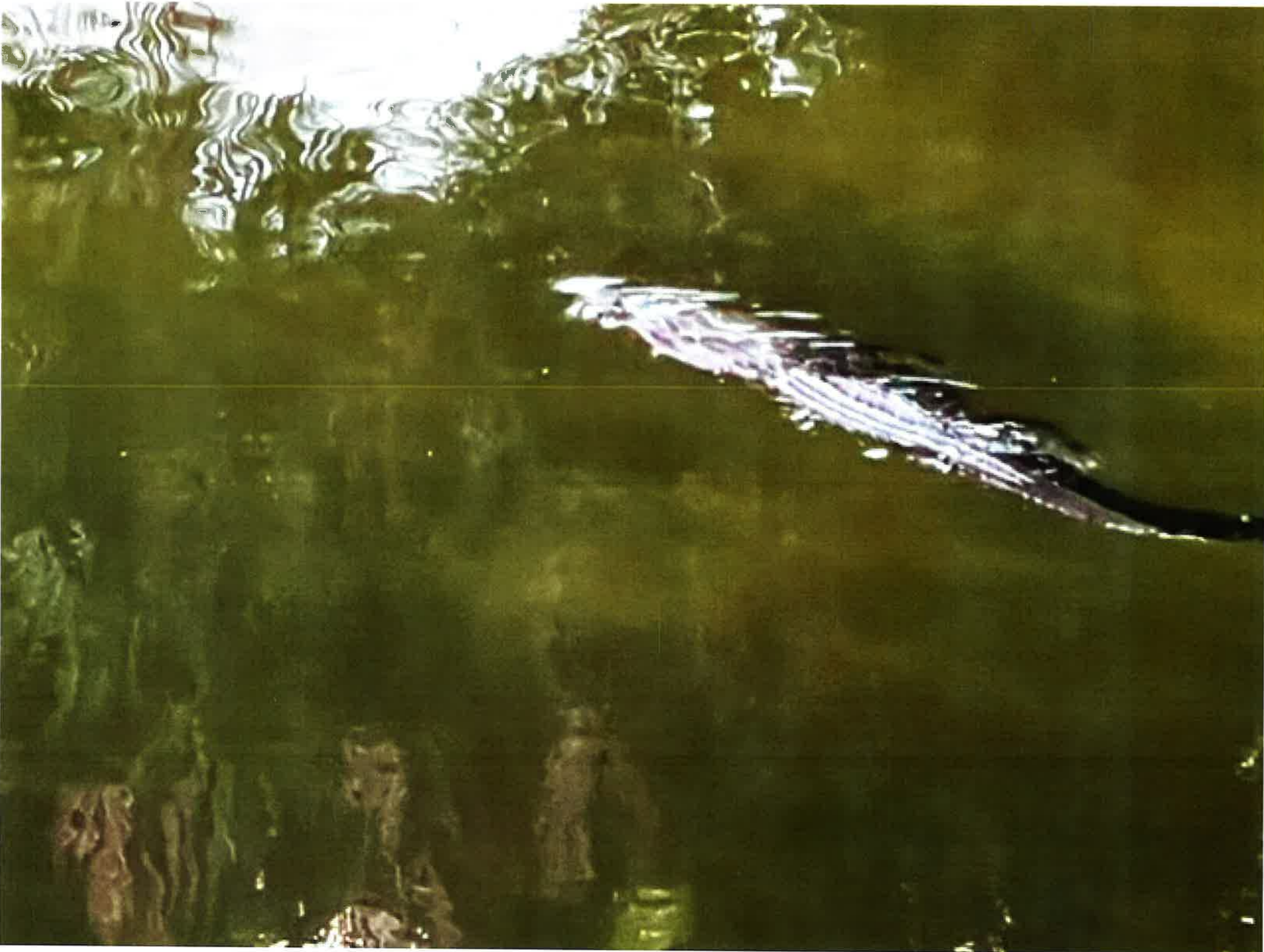
CP-32-2022/CP-32-2022 ✓

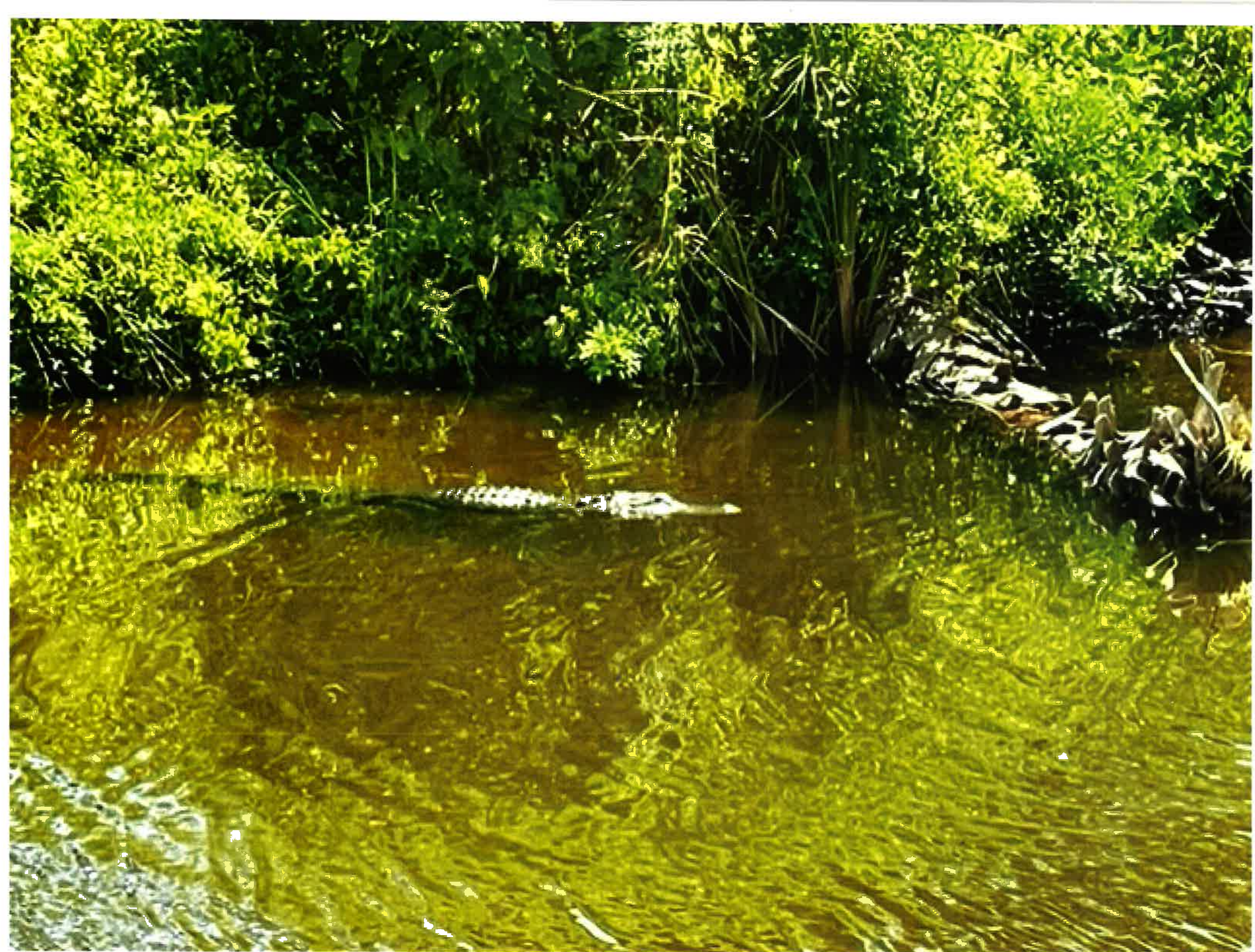
SUBMITTED BY ELIZABETH LEE AT 9/16/2022 PZ (7 PAGES)

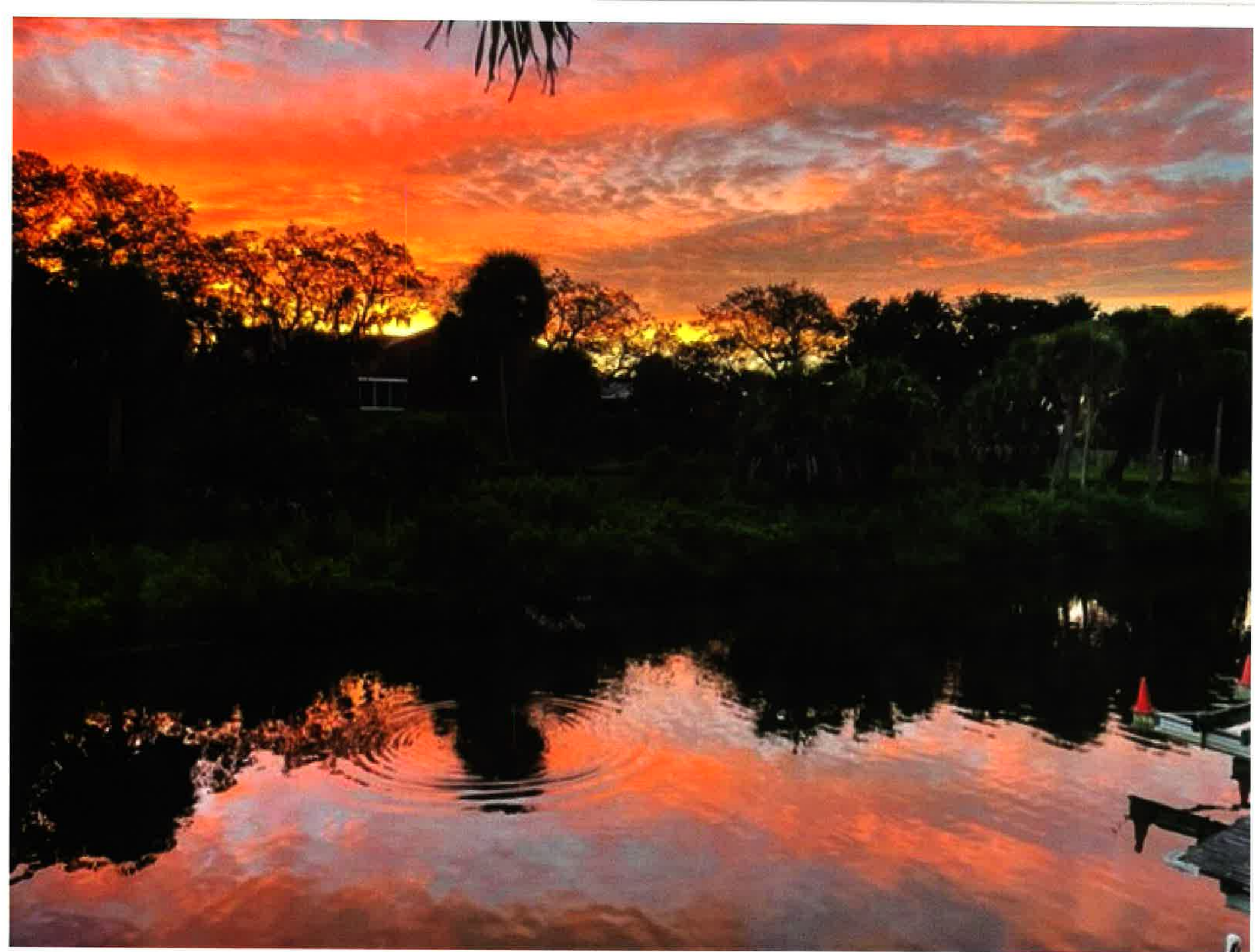


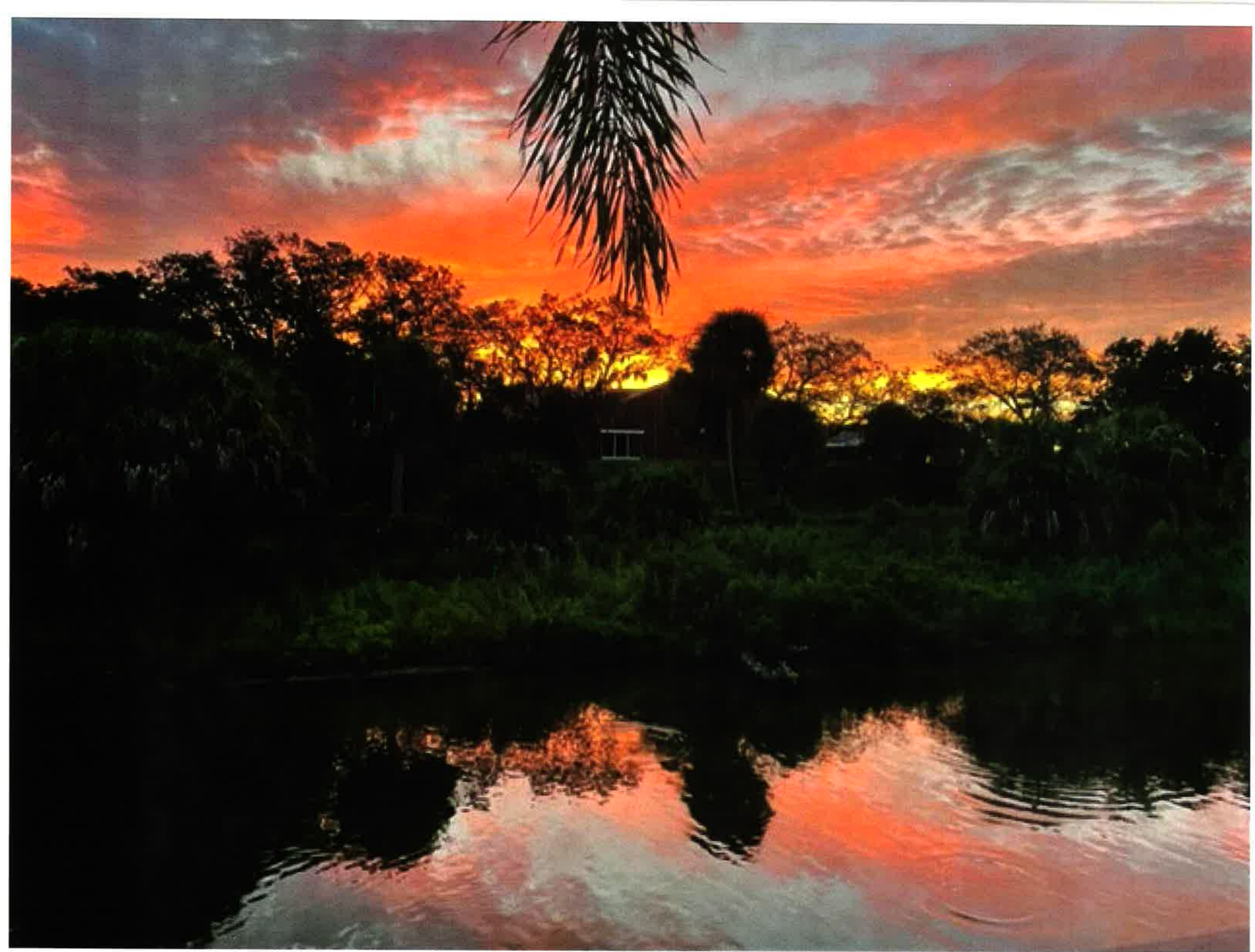












CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
SPECIAL MEETING 2022-10

Held on Tuesday, September 6, 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.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

Mr. Philip Weinberg led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Leeta Jordan	Present
VICE CHAIRPERSON:	Philip Weinberg	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Robert Good	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Randall Olszewski	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	David Karaffa	Absent
	(School Board Appointee)	

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Tania Ramos, Senior Planner; Ms. Uma Sarmistha, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ANNOUNCEMENTS:

1. Ms. Jordan informed the board that the Special Planning and Zoning Board meeting tentatively scheduled for September 29, 2022, had been canceled. The temporary moratorium item was placed on the present agenda.

Mr. Weinberg stated that he understood the concerns of the neighboring mobile home park, but the subject site was part of the Bayfront Redevelopment area and in need of redevelopment. A large commercial project with less setbacks could currently be built on the site. The BMU apartment proposal, however, would be the highest and best use of valuable waterfront property.

Motion to submit Case CP-32-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, Olszewski.

Nay: Maragh, Warner.

5. ****CPZ-32-2022 - River's Edge - Michael Jones, Florida Institute of Technology, Inc. (Represented by Ross Abramson, Woodfield Acquisitions, LLC / Bruce Moia, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorney at Law) - A Zoning amendment from an HC, Highway Commercial District to a BMU, Bayfront Mixed Use District. Part of Lots 6 and 10, Hopsons Subdivision, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 6.92 acres. Located west of and adjacent to Dixie Highway NE, in the vicinity north of Malabar Road NE, specifically at 4400 Dixie Highway NE**

Mr. White presented the staff report for Case CPZ-32-2022. Case CPZ-32-2022 met the minimum requirements of a Zoning amendment request.

Ms. Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law (representative for the request), was present on behalf of the developer, Woodfield Acquisitions, LLC. She stated that she had nothing further to add than what was discussed during the land use request. The mixed-use proposal would be a good use of the site allowing for 31 apartment units with 20-percent commercial use.

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

Mr. Olszewski stated that he viewed the redevelopment of the subject site as a benefit to the area since the property's development could bring awareness and advocacy to area wildlife and to the conditions of the Indian River Lagoon and Turkey Creek as a course to correction. Ms. Maragh recognized the sentiment; however, she stated that a balance was needed, and developers should be making a better effort of presenting more details regarding how their projects would ensure area preservation. Developers should be challenged to build in Palm Bay with the environment in mind. Mr. Warner concurred and added that the subject proposal appeared to be a beautiful development, but his concern was that there was no traffic study and the project's impact. A delay would have been preferred to allow the concerns from the neighborhood residents to be worked out.

Motion to submit Case CPZ-32-2022 to City Council for approval.

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

Aye: Jordan, Weinberg, Boerema, Good, Olszewski.

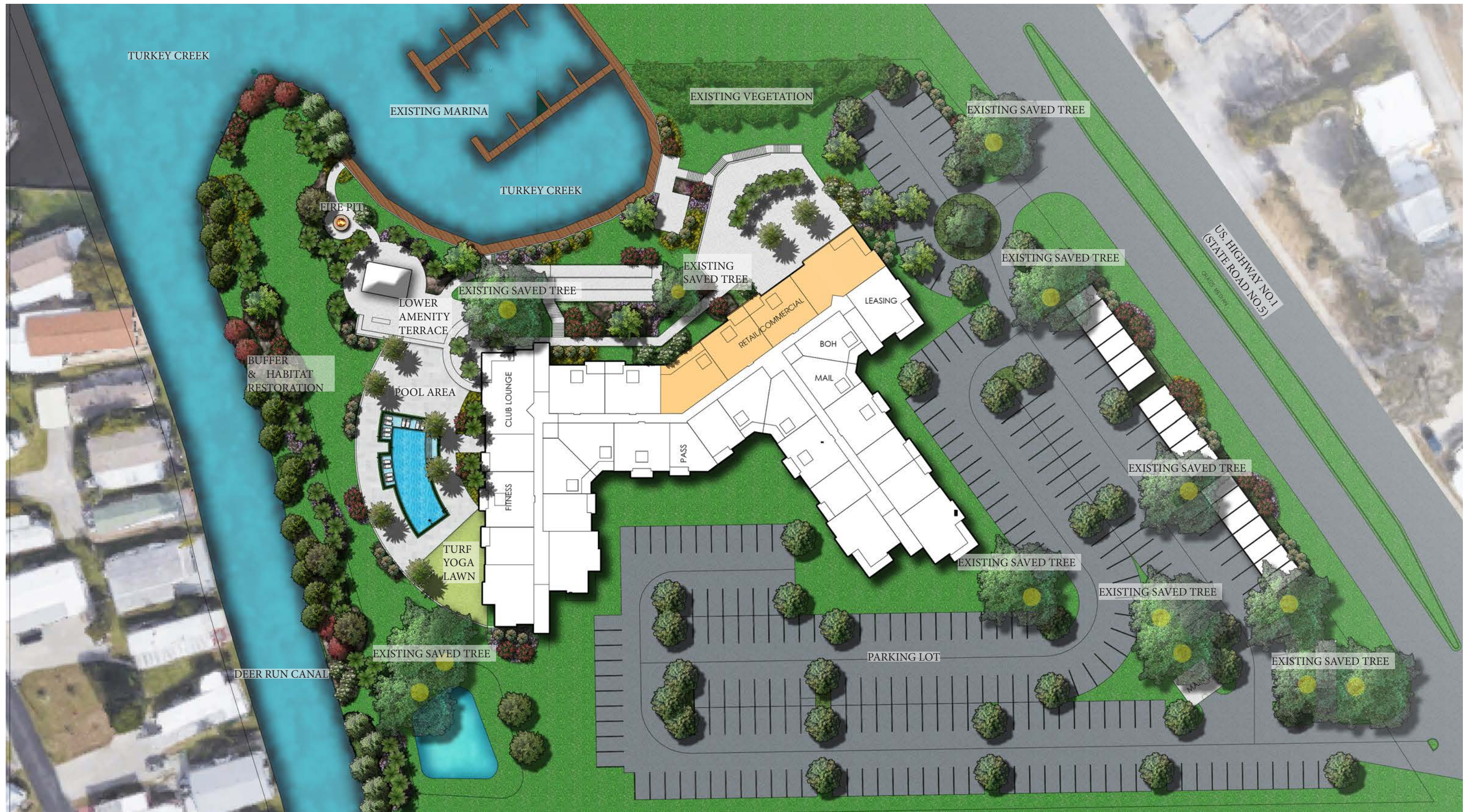
Nay: Maragh, Warner.

6. **CP-33-2022 - Henry Morin - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Residential Use. Lot 17, Block 207, Port Malabar Unit 7, Section 31, Township 28, Range 37, Brevard County, Florida, containing approximately .23 acres. Located east of and adjacent to Browning Avenue NE, in the Page 2 of 4 Special Meeting 2022-10 vicinity north of Malabar Road NE**

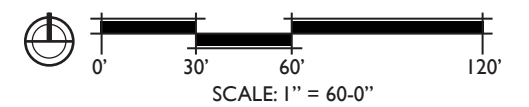
Ms. Ramos presented the staff report for Case CP-33-2022. Case CP-33-2022 met the minimum requirements of a Comprehensive Plan Future Land Use Map amendment request.

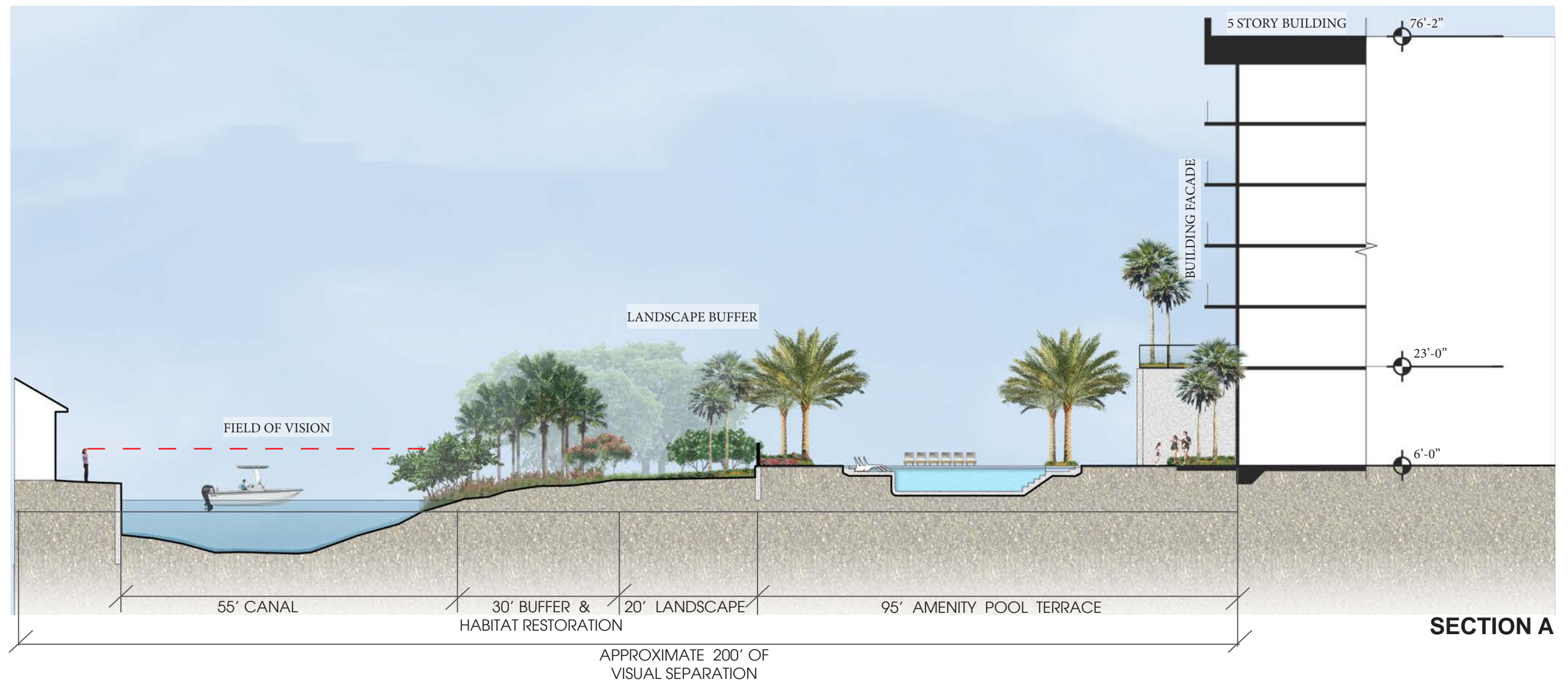
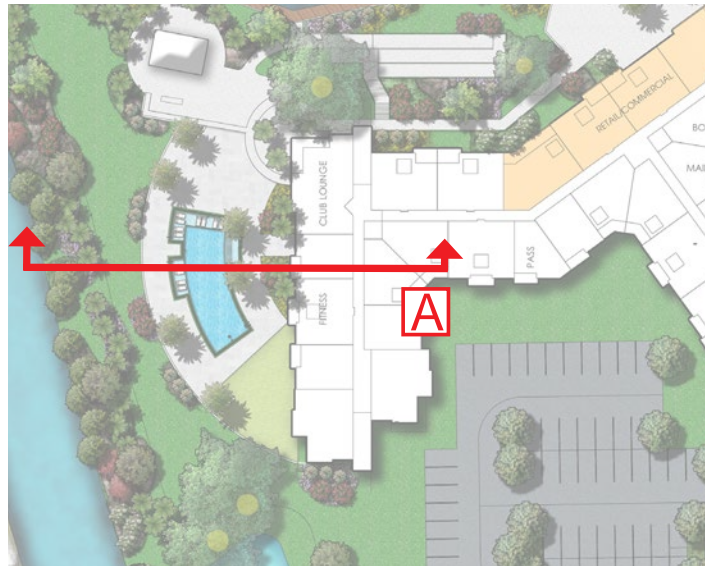
Mr. Henry Morin (applicant) explained that the RC district was created in 2002 when Malabar Road was four laned. The RC district was administratively applied to allow restricted commercial uses on a stretch of the road. He indicated how he was able to sell and intended to sell the RC properties he owned to bring commercial





Rivers Edge Apartments
SITE PLAN
Date: 10.06.2022





Rivers Edge Apartments
 SITE SECTION
 Date: 10.06.2022



SABAL PALM



MANGROVE



MANGROVE



MANATEES



SHRIMP



COMMON SNOOK



SEA GRAPE



SAND CORDGRASS



LIVE OAK



CRAB



WOOD STORK



BLUE HERON



WAX MYRTLE



SAW PALMETTO



DOLPHIN



BROWN PELICAN

THE PROPOSED LANDSCAPE BUFFER AND WATERWAY HABITAT RESTORATION NOT ONLY PROVIDES A VISUAL SCREEN FOR THE ADJACENT CANAL FRONT HOMES, BUT ALSO PROVIDES A VALUABLE HABITAT TO NATIVE ANIMAL SPECIES THAT LIVE WITHIN THE TURKEY CREEK ECOSYSTEM. REMOVING THE HARMFUL EXOTIC INVASIVE PLANT SPECIES AND REPLACING THEM WITH NATIVE HABITAT-FRIENDLY SPECIES SUCH AS MANGROVES, SEA GRAPE AND SAW PALMETTO, ENHANCES THE NESTING AREAS FOR COASTAL BIRDS AS WELL AS PROVIDING PROTECTED NURSERY AREAS FOR FISH AND CRUSTACEANS, ESTABLISHING A VALUABLE FOOD SOURCE FOR A VARIETY OF LARGER MARINE ANIMALS.

IN ADDITION, THE RESTORED HABITAT IMPROVES THE WATER QUALITY BY REMOVING FERTILIZERS AND HELPING TO CONTROL ALGAE BLOOMS THAT CAN CAUSE FISH KILLS. THE NATIVE HABITAT PLANT SPECIES ALSO HELP TO STABILIZE THE SHORELINE AND PREVENT EROSION.

Rivers Edge Apartments
HABITAT RESTORATION PLANTS & SUPPORTING WILDLIFE
Date: 10.06.2022

ORDINANCE 2022-107

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 BMU (BAYFRONT MIXED USE DISTRICT); WHICH PROPERTY IS LOCATED WEST OF AND ADJACENT TO DIXIE HIGHWAY, IN THE VICINITY NORTH OF MALABAR 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 BMU (Bayfront Mixed Use District), being 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 2022-106.

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 2022-107

Reviewed by CAO: _____

Applicant: Florida Institute of Technology, Inc.
Case: CPZ-32-2022

cc: (date) Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Alexandra Bernard, Growth Management Director

DATE: 10/20/2022

RE: Ordinance 2022-109, rezoning property located east of and adjacent to Browning Avenue, in the vicinity north of Malabar Road, from RC (Restricted Commercial District) to RS-2 (Single-Family Residential District) (0.23 acres) (Case CPZ-33-2022, Henry Morin), final reading. (Quasi-Judicial Proceeding)

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.

Mr. Henry Morin has submitted for a rezoning from an RC, Restricted Commercial District to an RS-2, Single-Family Residential District. The property is located east of and adjacent to Browning Avenue NE, in the vicinity north of Malabar Road NE.

The subject parcel is located on the north side of Malabar Road among several lots that were administratively rezoned to Restricted Commercial through Ordinance 2002-41 to encourage commercial development through the combination of lots along the Malabar Road corridor. The subject lot is an interior lot surrounded by single-family homes. It does not abut a major transportation corridor as intended for parcels zoned Restricted Commercial per the Land Development Code. The intended use for the 0.23-acre property is Single-Family Residential development. Approximately 24 RC, Restricted Commercial District zoned lots remain on the north side of Malabar Road NE.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Request for City Council review. Case CPZ-33-2022 meets the minimum requirements of a Zoning amendment request.

Planning and Zoning Board Recommendation:

Approval of the request by a vote of 6 to 1.

ATTACHMENTS:**Description**

Case CPZ-33-2022 - Staff Report

Case CPZ-33-2022 - Plat

Case CPZ-33-2022 - RC Zoning Boundary on North side Malabar Road - Aerial Map

Case CPZ-33-2022 - RC Zoning Boundary on North side Malabar Road - Tax Map

Case CPZ-33-2022 - School Concurrency Exemption

Case CPZ-33-2022 - Justification

Case CPZ-33-2022 - Application

P&Z minute excerpt

Ordinance 2022-109



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Tania Ramos, Senior Planner

CASE NUMBER

CPZ-33-2022

PLANNING & ZONING BOARD HEARING DATE

September 6, 2022

PROPERTY OWNER & APPLICANT

Henry Morin

PROPERTY LOCATION/ADDRESS

Lot 17, Block 207, Port Malabar Unit 7, Section 31,
Township 28, Range 37, Brevard County, Florida

SUMMARY OF REQUEST

The applicant is requesting a rezoning from RC, Restricted Commercial to the RS-2, Single-Family Residential.

Existing Zoning

Restricted Commercial (RC)

Existing Land Use

Commercial Use (COM)

Site Improvements

Undeveloped Land

Site Acreage

.23 acres

SURROUNDING ZONING & USE OF LAND

North

RS-2, Single-Family Residential; Single-Family Home

East

RC, Restricted Commercial; Single-Family Home

South

RC, Restricted Commercial; Single-Family Home

West

RC, Restricted Commercial; Undeveloped Land

BACKGROUND:

The subject property is located east of and adjacent to Browning Avenue NE, in the vicinity north of Malabar Road NE. There is one (1) undeveloped lot included in 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 subject parcel is located on the north side of Malabar Road among several lots that were administratively rezoned to Restricted Commercial through Ordinance 2002-41. The rezoning was intended to encourage commercial development through the combination of lots along the Malabar Road corridor. The subject lot is an interior lot surrounded by single family homes. It does not abut a major transportation corridor as intended for parcels zoned Restricted Commercial per the Land Development Code. The intended use for the 0.23-acre property is Single-Family Residential development.

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 RS-2 zoning district for the subject property is compatible with the surrounding area. The intent of the restricted commercial district is to locate along major transportation corridors connecting other community commercial clusters. However, the subject property is an interior lot located along a local road with single-family residences on either side.

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.*

The subject parcel is located on the north side of Malabar Road among several lots that were administratively rezoned to Restricted Commercial. The rezoning was intended to encourage commercial development through the combination of lots along the Malabar Road corridor. Approximately 24 lots of RC, Restricted Commercial zoned land remain on the north side of Malabar Road NE.

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 FINDINGS:

Case CPZ-33-2022 meets the minimum requirements of a Zoning amendment request.



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



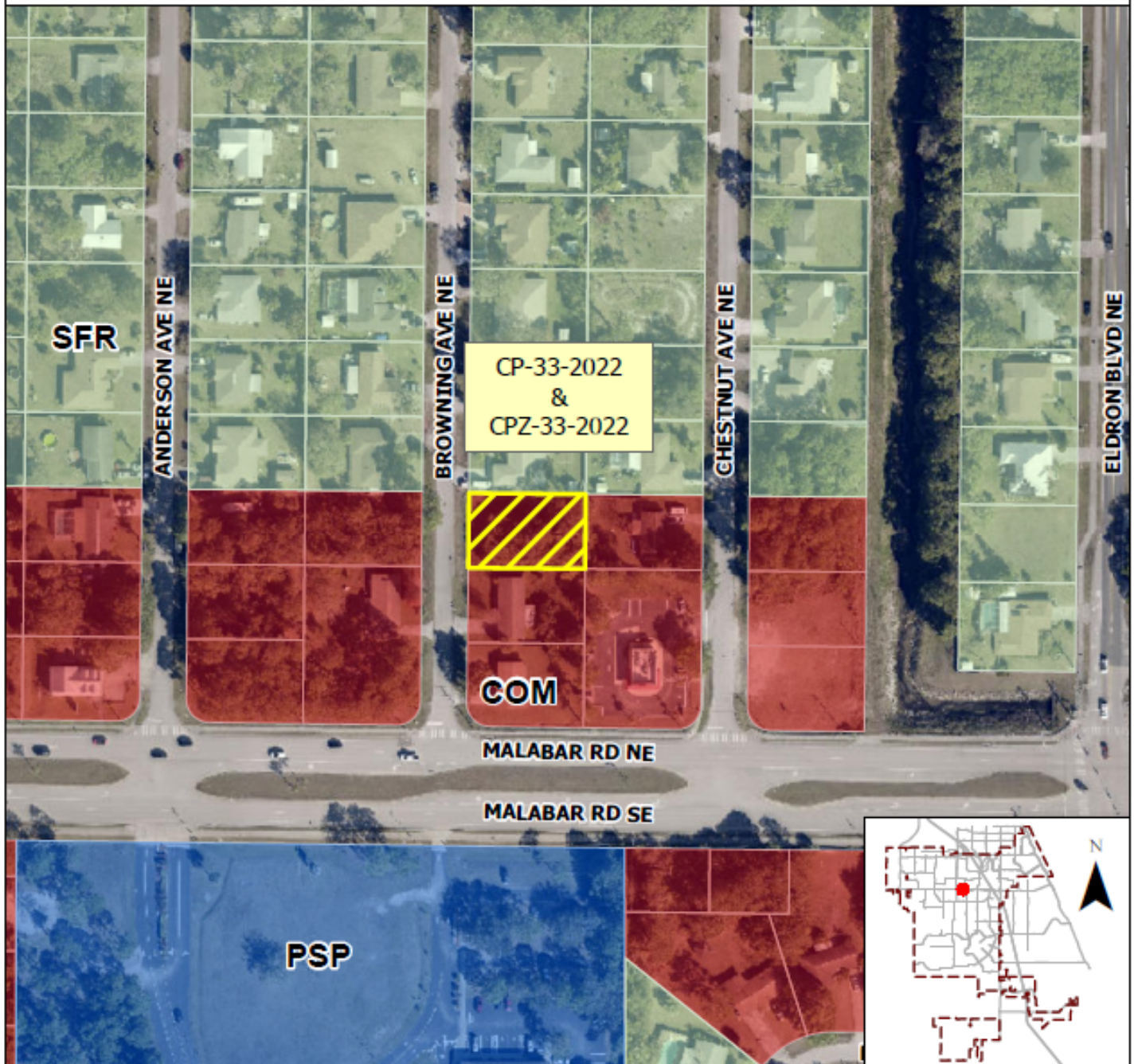
AERIAL LOCATION MAP CASE: CP-33-2022 & CPZ-33-2022

Subject Property

East of and adjacent to Browning Avenue NE, in the vicinity north of Malabar Road NE



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-33-2022 & CPZ-33-2022

Subject Property

East of and adjacent to Browning Avenue NE, in the vicinity north of Malabar Road NE

Future Land Use Classification

COM – Commercial



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



ZONING MAP CASE: CP-33-2022 & CPZ-33-2022

Subject Property

East of and adjacent to Browning Avenue NE, in the vicinity north of Malabar Road NE

Current Zoning Classification

RC – Restricted Commercial

PORT MALABAR

UNIT SEVEN

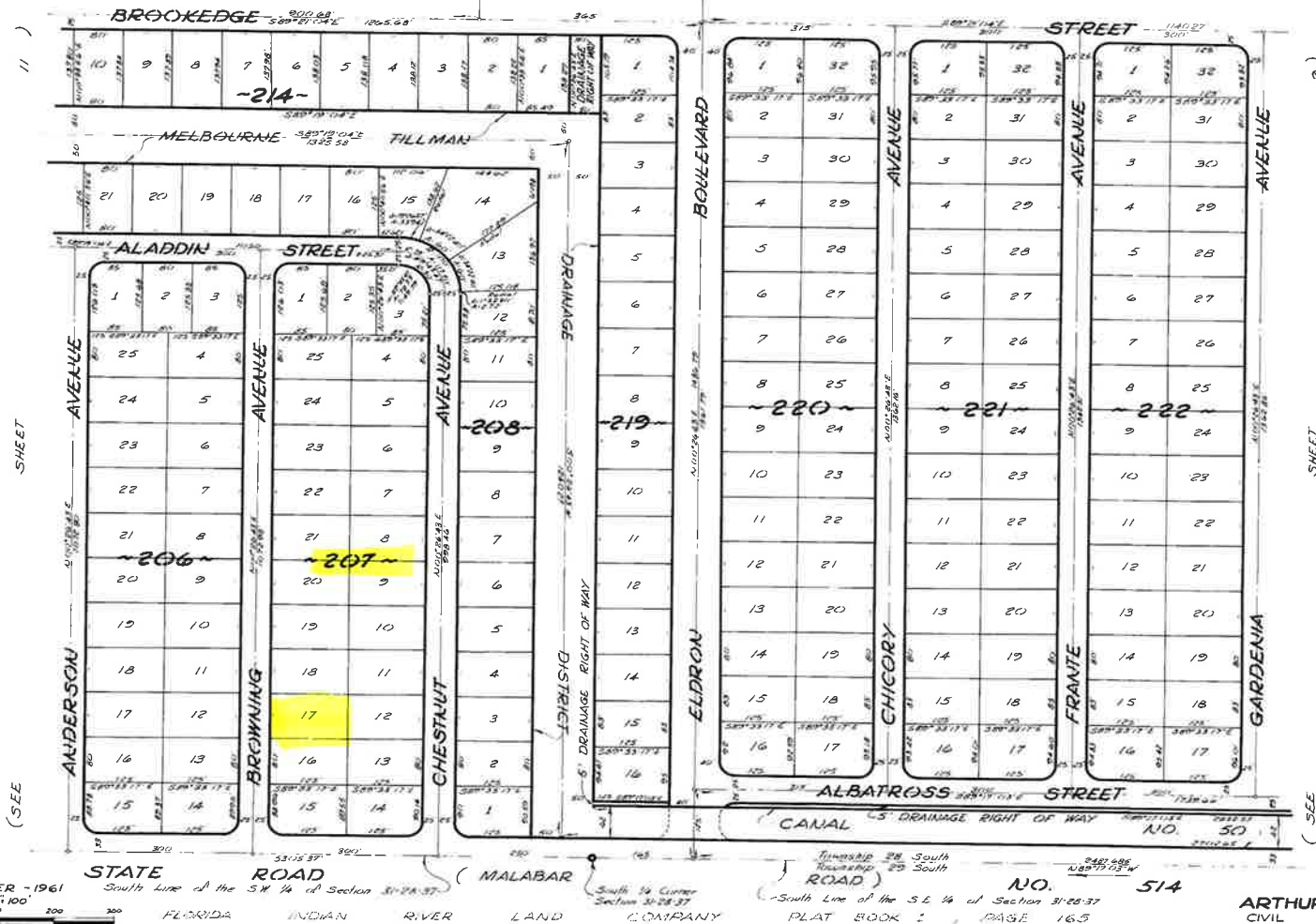
PLAT BOOK 135
PAGE 135

A SUBDIVISION OF A PORTION OF N 1/2 OF SW 1/4 OF SECTION 32,
A RESUBDIVISION OF PORTIONS OF THE FLORIDA INDIAN RIVER
LAND COMPANY, PLAT BOOK 1, PAGE 164, IN SECTIONS 31 AND 32,
TOWNSHIP 28 SOUTH, RANGE 37 EAST
CITY OF PALM BAY
BREVARD COUNTY, FLORIDA

(SEE

SHEET

6)



SEPTEMBER - 1961
Scale: 1"=100'

100 50 0 100 200 300

FLORIDA INDIAN RIVER LAND

COMPANY

TOWNSHIP 28 South
RANGE 37 East
SECTION 32-37
SOUTH LINE OF THE SE 1/4 OF SECTION 31-28-37
PLAT BOOK 2 PAGE 163

NO. 514

ARTHUR L. DAY
CIVIL ENGINEER
MIAMI - FLORIDA

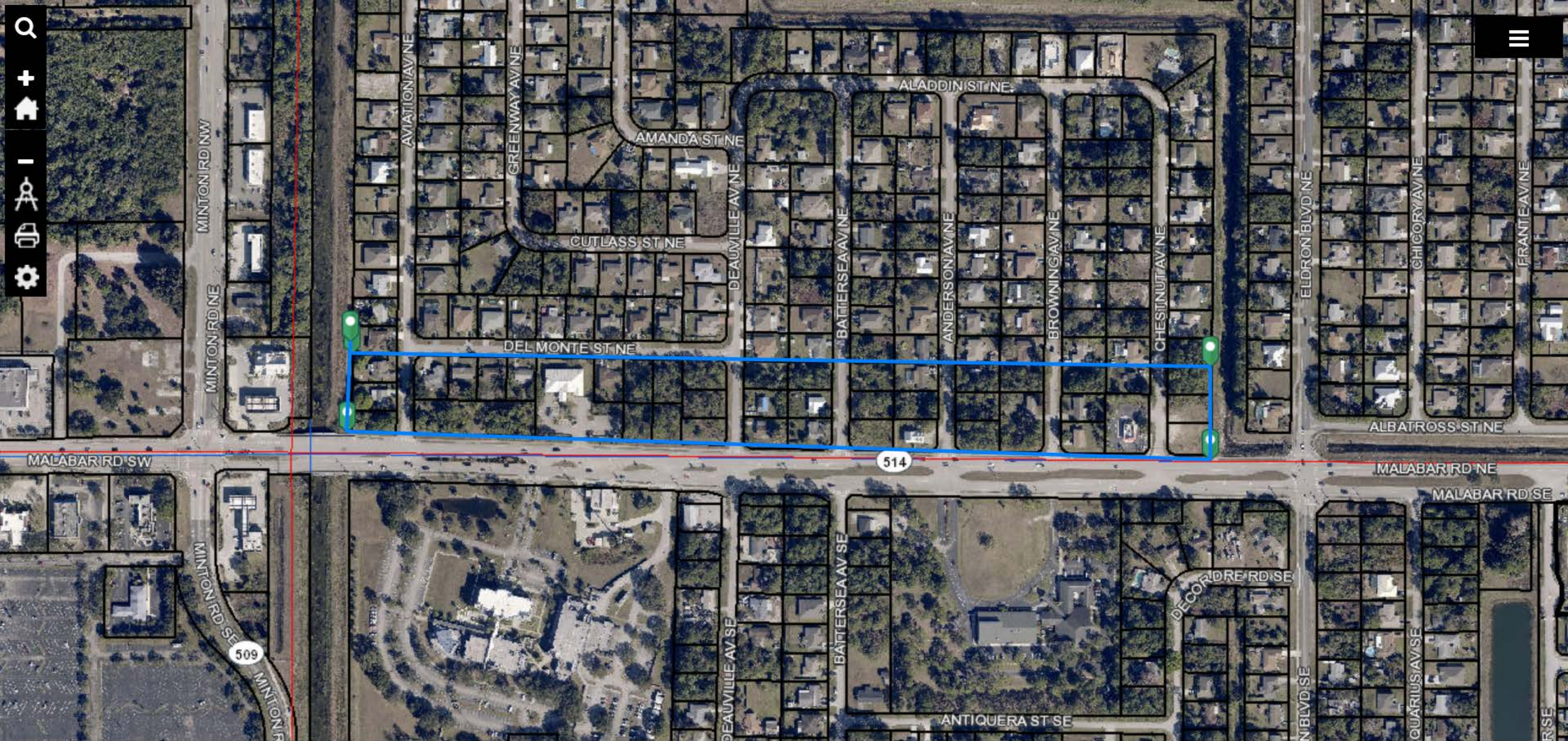
SHEET 10 OF 11 SHEETS
193 LOTS THIS SHEET
SEE SHEET 41 PAGE 125

CALCULATED BY:
DRAWN BY: J.R.M.
CHECKED BY: J.D.
APPROVED BY: G.B.K.



- 15 - 361 - 44 - 7

Close



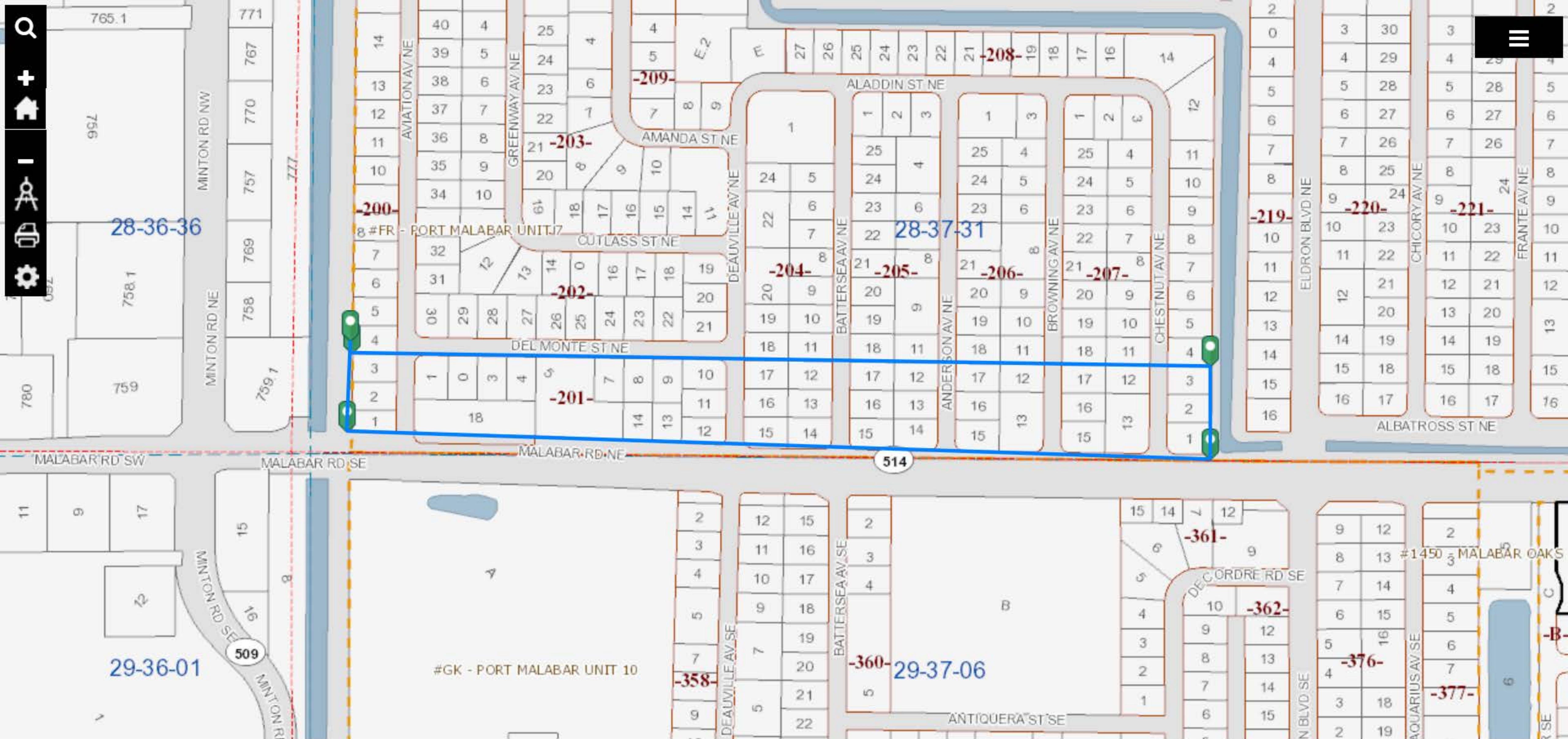
Measure Distance

Close

 Feet ▼

5,404.9 Feet

Click two or more points on map to draw a line. Double-click last point to end line.



Close



Feet ▼

Click two or more points on map to draw a line. Double-click last point to end line.

From: [Henry Morin](#)
To: [Chandra Powell](#); [John Morin](#); [\(HOAs\) Turkey Creek](#)
Subject: To Chandra Fw: School Concurrency for Rezoning 3 Separate Parcels
Date: Friday, July 29, 2022 3:12:48 PM

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.

Hello Chandra,
Attached are school board letters.
Thank you,

Henry Morin, Broker
Atlantic Properties
321 725 9234
Established 1980

----- Forwarded Message -----

From: Black.Karen@PIng, Design and Constr <black.karen@brevardschools.org>
To: Henryyoga@yahoo.com <Henryyoga@yahoo.com>
Sent: Monday, June 20, 2022 at 01:53:53 PM EDT
Subject: School Concurrency for Rezoning 3 Separate Parcels

Good Afternoon,

I was contacted by Mr. Henry Morin pertaining to an application for rezoning three individual parcels, tax account numbers: 2840235, 2840230, and 2840309, located in the City of Palm Bay.

Tax Account parcel 2840235 is located at 123 Deauville Ave NE Palm Bay, FL 32907, containing 0.23 acres is intended to be rezoned to residential to build one dwelling unit.

Tax Account parcel 2840230 is located at 122 Battersea Ave NE Palm Bay, FL 32907, containing 0.23 acres is intended to be rezoned to residential to build one dwelling unit.

Tax Account parcel 2840309 is located at 123 Browning Ave NE Palm Bay, FL 32907, containing 0.23 acres is intended to be rezoned to residential to build one dwelling unit.

Based on the above information, the school district will consider this request exempt from school concurrency based on de minimis impact, per the Interlocal Agreement, Uniform School Concurrency Process, each of these individual parcels is exempt from the requirements of school concurrency per 13.7 for De minimis impact since based on the student generation multiplier rate, each parcel will not exceed one student for any type of school.

We will require a school concurrency (SCADL) review when the site plan/final plat is submitted for approval if the submitted plan is submitted proposing more residential units, if the number of units proposed would

generate at least one student or more based on the student generation multipliers, listed in Appendix A of the Interlocal Agreement, for any school type.

For your convenience, a copy of the Interlocal agreement can be found here : [Interlocal Agreement for Public School Facility Planning and School Concurrency](#)

I appreciate the opportunity to review this project.

Let me know if you need any additional information from me.

Sincerely,

Karen M. Black, AICP

Manager-Facilities Planning & Intergovernmental Coordination

School Board of Brevard County

Facilities Services, Planning & Project Management

2700 Judge Fran Jamieson Way

Viera, FL 32940

Office Phone: 321-633-1000, Ext. 11418

E-mail Black.Karen@BrevardSchools.org

Due to Florida's broad public records law, most written communications to or from government employees regarding public education are public records. Therefore, this e-mail communication may be subject to public disclosure.

Tania Ramos

From: Henry Morin <henryoga@yahoo.com>
Sent: Thursday, August 4, 2022 8:15 PM
To: Tania Ramos
Subject: Fw: To Tania Ramos RE Lot 17, Block 207, PMU 7
Attachments: RC zoning boundary on north side Malabar Rd- aerial.png; RC zoning boundary on north side Malabar Rd tax map.png; Block 207 back lot.png

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Hello Tania,

JUSTIFICATION: This lot is among 51 lots formerly zoned residential located along the north side of Malabar Rd between Minton Rd and Eldron Blvd that were administratively rezoned to the RC zoning classification via Ordinance 2002-41. At that time there were 16 houses scattered among seven "groupings" ie Blocks 200, 201, 204, 205, 206, 207 and 208. See attachments 1 & 2.

Over the years this experiment succeeded in creating commercial development and development potential along this stretch of Malabar Rd. On the north side it has yielded Florida Eye Associates on five lots, the Insurance Office on one lot deep, and the Brusters Ice Cream Shop on two lots deep. Currently there are four sites that have development potential because they are not "overloaded" with houses and because they are controlled/owned by the applicant: These sites consist of seven lots in Blocks 201, three lots in Block 205, six lots in Block 206, and three lots in block 208. All have been available for development for over 15 years.

However, the subject lot is "stuck" in the very back of the west side of Block 207 which is fully developed with two houses to the south and a house behind it and the Brusters Ice Cream shop on the other two lots.. See 3rd attachment. And the house adjacent to the south was totally renovated in June 2022 by the owner for rental purposes. The two houses to the south are worth twice what the land would be worth to a commercial developer so future commercial development of the west side is not economically feasible as long as humans want housing.. Thus a hardship for the applicant has been created and the solution is to return the applicant's lot back to its former residential zoning. This action will not create a hardship on any of the other owners of property in Block 207..

INTENDED USE: Single family residential house.

Henry Morin, Broker
Atlantic Properties
321 725 9234
Established 1980



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):

28-37-31-FR-207-17

TAX ACCOUNT NUMBER(S):

2840309

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):

Lot 17, Block 207, Port Malabar Unit 7

PROPERTY ADDRESS:

123 Browning Ave NE

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

approx • 24 acre

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

RC

ZONING CLASSIFICATION DESIRED (ex.: IU, LI, etc.):

RS 2

CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 2 OF 3

STRUCTURES LOCATED ON THE PROPERTY:

None

PRESENT USE OF THE PROPERTY:

Vacant land

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

See attached

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



*A \$650.00 application fee. Make Check payable to "City of Palm Bay."



A Boundary Survey or Sketch with legal descriptions of properties covered by this application.



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.)

To be emailed to Chandra



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.

To be emailed to Chandra



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

Henry Marin

**CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 3 OF 3**

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 Henry Morin Date 7-29-22
Printed Name Henry Morin
Full Address 1090 Mandarin Dr NE, Palm Bay
Telephone 321-725-9234 Email henry at yahoo.com

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

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
SPECIAL MEETING 2022-10

Held on Tuesday, September 6, 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.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

Mr. Philip Weinberg led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Leeta Jordan	Present
VICE CHAIRPERSON:	Philip Weinberg	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Robert Good	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Randall Olszewski	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	David Karaffa	Absent
	(School Board Appointee)	

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Tania Ramos, Senior Planner; Ms. Uma Sarmistha, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ANNOUNCEMENTS:

1. Ms. Jordan informed the board that the Special Planning and Zoning Board meeting tentatively scheduled for September 29, 2022, had been canceled. The temporary moratorium item was placed on the present agenda.

businesses into the area. He explained that the subject request was needed because of the two homes in front of the subject lot, which also separated the property from Malabar Road. Returning the lot to its original residential designation would not have any negative impact to the City or neighbors.

Mr. Olszewski inquired about the two lots the applicant owned east of Bruster's Ice Cream shop that was being use for their parking overflow. He asked if the ice cream shop could purchase the subject lot to relieve their traffic problem. Mr. Morin stated that the ice cream shop had declined to purchase the subject lot.

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

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke against the request. He stated that since the decision was made to make the area commercial, the subject lot should remain commercial. There were already residents in the area deeply impacted by the commercial use, so another residential lot should not be created next to commercial property.

In response to the comments from the audience, Mr. Morin stated that several workshops were held with the property owners in the area when the RC district was created. The homeowner adjacent to the ice cream shop had purchased their home after the ice cream shop was built.

The floor was closed for public comments.

Motion to submit Case CP-33-2022 to City Council for approval.

Motion by Mr. Weinberg, seconded by Ms. Maragh. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Maragh, Olszewski, Warner.

Nay: Good.

7. ****CPZ-33-2022 - Henry Morin - A Zoning amendment from an RC, Restricted Commercial District to an RS-2, Single-Family Residential District. Lot 17,**

Block 207, Port Malabar Unit 7, Section 31, Township 28, Range 37, Brevard County, Florida, containing approximately .23 acres. Located east of and adjacent to Browning Avenue NE, in the vicinity north of Malabar Road NE

Ms. Ramos presented the staff report for Case CPZ-33-2022. Case CPZ-32-2022 met the minimum requirements of a Zoning amendment request.

Mr. Henry Morin (applicant) was present.

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

Mr. Weinberg stated that Bruster's Ice Cream shop had the opportunity to purchase the lot but had not.

Motion to submit Case CPZ-33-2022 to City Council for approval.

Motion by Mr. Weinberg, seconded by Ms. Maragh. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Maragh, Olszewski, Warner.

Nay: Good.

Ms. Bernard took the opportunity to introduce Ms. Uma Sarmistha, the newest planner on staff.

8. **CP-34-2022 - John Morin and Shirley T. Morin (Henry Morin, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Single-Family Residential Use. Lots 12 and 17, Block 204, Port Malabar Unit 7, Section 31, Township 28, Range 37, Brevard County, Florida, containing approximately .46 acres. Located between and adjacent to Deauville Avenue NE and Battersea Avenue NE, in the vicinity north of Malabar Road NE**

ORDINANCE 2022-109

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 RC (RESTRICTED COMMERCIAL DISTRICT) TO RS-2 (SINGLE-FAMILY RESIDENTIAL DISTRICT); WHICH PROPERTY IS LOCATED EAST OF AND ADJACENT TO BROWNING AVENUE, IN THE VICINITY NORTH OF MALABAR 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 RC (Restricted Commercial District) to RS-2 (Single-Family Residential District), being legally described as follows:

Lot 17, Block 207, Port Malabar Unit 7, according to the plat thereof as recorded in Plat Book 14, Page 135, of the Public Records of Brevard County, Florida; Section 31, Township 28S, Range 37E; containing 0.23 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 2022-108.

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 2022-109

Reviewed by CAO: _____

Applicant: Henry Morin
Case: CPZ-33-2022

cc: (date) Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Alexandra Bernard, Growth Management Director

DATE: 10/20/2022

RE: Ordinance 2022-111, rezoning property located between and adjacent to Deauville and Battersea Avenues, in the vicinity north of Malabar Road, from RC (Restricted Commercial District) to RS-2 (Single-Family Residential District) (0.46 acres) (Case CPZ-34-2022, John and Shirley Morin), final reading. (Quasi-Judicial Proceeding)

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.

Mr. John Morin and Ms. Shirley T. Morin (Henry Morin, Rep.) have submitted for a rezoning from an RC, Restricted Commercial District to an RS-2, Single-Family Residential District. The property is located between and adjacent to Deauville Avenue NE and Battersea Avenue NE, in the vicinity north of Malabar Road NE. There are two parcels totaling 0.46 acres included in this request.

The applicant states that the two subject lots are among 51 lots formerly zoned residential along the north side of Malabar Road that were administratively rezoned to the RC, Restricted Commercial zoning classification via Ordinance 2002-41. There are 16 homes scattered among seven groupings in proximity; however, the two subject lots are in the very back of a block of four homes along local roads that do not abut either a collector or arterial road.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Request for City Council review. Case CPZ-34-2022 meets the minimum requirements of a Zoning amendment request.

Planning and Zoning Board Recommendation:

Approval of the request by a vote of 6 to 1.

ATTACHMENTS:**Description**

Case CPZ-34-2022 - Staff Report

Case CPZ-34-2022 - Plat

Case CPZ-34-2022 - RC Zoning Boundary on North side Malabar Road - Aerial Map

Case CPZ-34-2022 - RC Zoning Boundary on North side Malabar Road - Tax Map

Case CPZ-34-2022 - School Concurrency Exemption

Case CPZ-34-2022 - Justification

Case CPZ-34-2022 - Application

P&Z minute excerpt

Ordinance 2022-111



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Uma Sarmistha, Senior Planner

CASE NUMBER

CPZ-34-2022

PLANNING & ZONING BOARD HEARING DATE

September 6, 2022

PROPERTY OWNER & APPLICANT

John and Shirley T. Morin (Henry Morin, Rep.)

PROPERTY LOCATION/ADDRESS

Lot 12 and Lot 17 Block 204, Port Malabar Unit 7, Section 31, Township 28, Range 37, Brevard County, Florida

SUMMARY OF REQUEST

The applicant is requesting a rezoning from RC, Restricted Commercial to RS-2, Single Family Residential.

Existing Zoning

Restricted Commercial

Existing Land Use

Restricted Commercial

Site Improvements

Undeveloped Land, vacant

Site Acreage

0.46 acres

SURROUNDING ZONING & USE OF LAND

North

RS-2, Single Family Residence

East

Restricted commercial, Vacant

South

Restricted commercial, Single Family Residence

West

Restricted commercial, Vacant

BACKGROUND:

The subject properties are located along the north side of Malabar Road between Minton Road and Eldron Boulevard. There are 2 parcels that are included in this request for single-family residential Future Land Use.

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 that "These two lots were among 51 lots formerly zoned residential located along the north side of Malabar Rd between Minton Rd and Eldron Blvd that were administratively rezoned to the RC zoning classification via Ordinance 2002-41. At that time there were 16 houses scattered among seven "groupings" ie Blocks 200, 201, 204, 205, 206, 207 and 208. See attachments 1 & 2.

Over the years this experiment succeeded in creating commercial development and development potential along this stretch of Malabar Rd. On the north side it has yielded Florida Eye Associates on five lots, the Insurance Office on one lot deep, and the Brusters Ice Cream Shop on two lots deep. Currently, there are four sites that have development potential because they are not "overloaded" with houses and because they are controlled/owned by the applicant: These sites consist of seven lots in Blocks 201, three lots in Block 205, six lots in Block 206, and three lots in block 208. All have been available for development for over 15 years.

However, the subject two lots are "stuck" in the very back of a block having four houses. See 3rd attachment. And the two houses fronting on Malabar Rd were totally renovated by flippers and sold, making the economics of developing this site just not feasible. The houses are worth twice what the land would be worth to a commercial developer. Thus a hardship for the applicant has been created and the solution is to return the applicant's two lots to their former residential zoning. This action will not create a hardship on the owners of the houses. These properties have been productive for the last 20 years and will continue to be productive as long as humans want housing."

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 RS-2 zoning district for the subject properties is compatible with the surrounding area and is consistent with the City's desire. The intent of the restricted

commercial district is to locate along major transportation corridors connecting other community commercial clusters. However, the subject properties are located along local roads and do not abut either collector or arterial roads.

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

Approximately 0.5 acres. Small scale (50 acres or less) 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).*

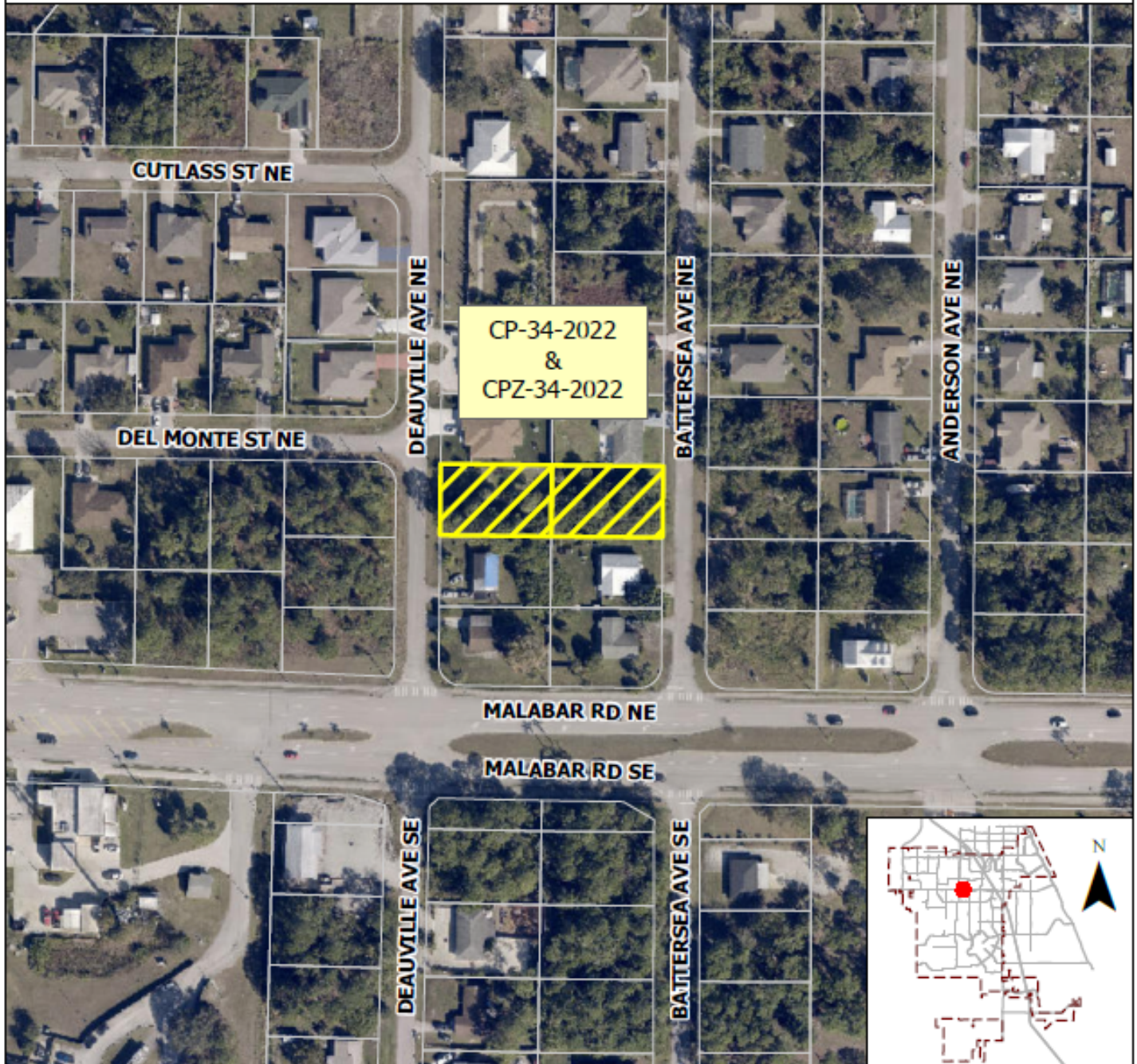
The proposed amendment will further the purposes of Chapter 185, the Comprehensive Plan.

STAFF FINDINGS:

Case CPZ-34-2022 meets the minimum requirements of a Zoning amendment request.



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



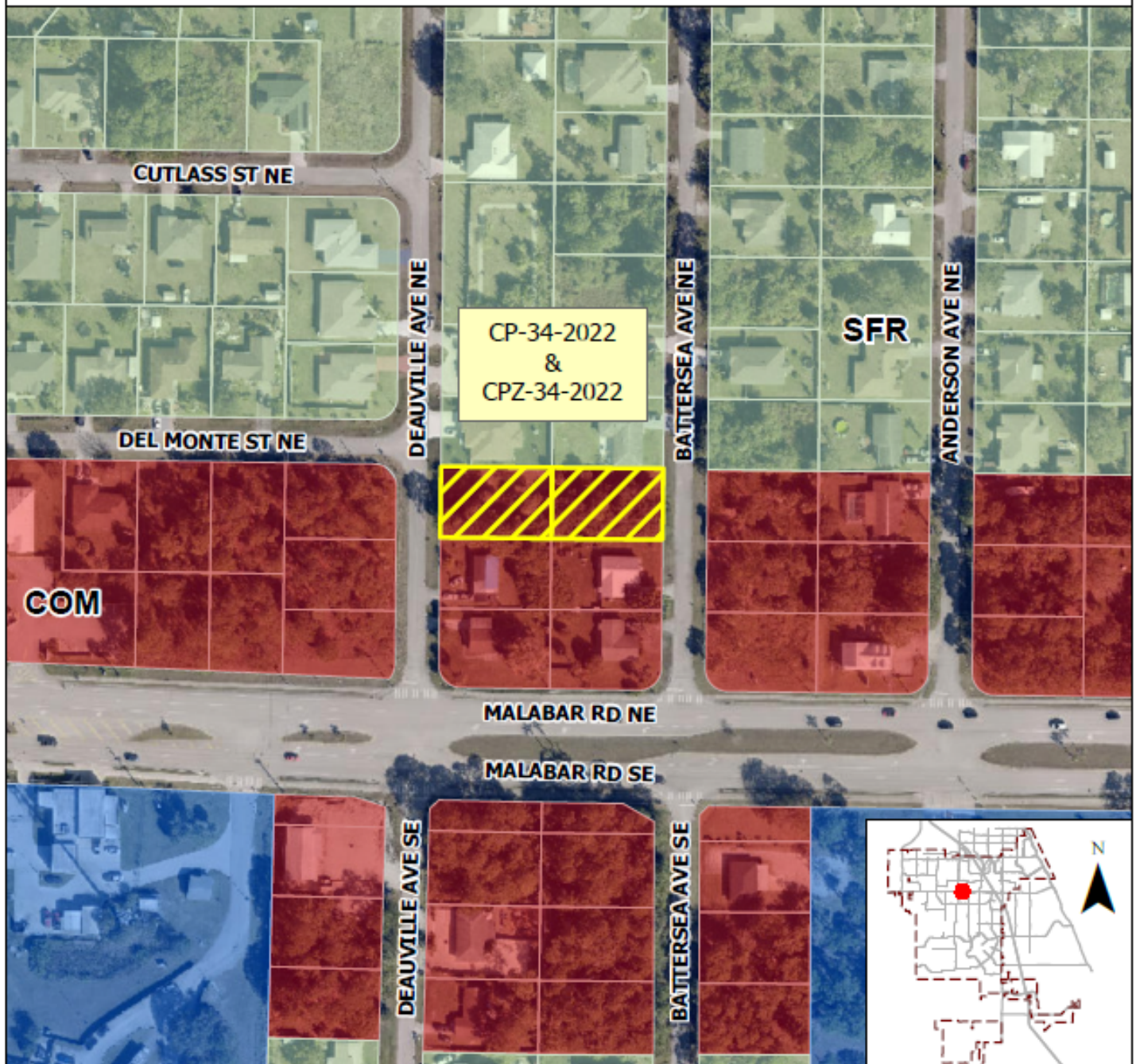
AERIAL LOCATION MAP CASE: CP-34-2022 & CPZ-34-2022

Subject Property

Between and adjacent to Deauville Avenue NE and Battersea Avenue NE, in the vicinity north of Malabar Road NE



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-34-2022 & CPZ-34-2022

Subject Property

Between and adjacent to Deauville Avenue NE and Battersea Avenue NE, in the vicinity north of Malabar Road NE

Future Land Use Classification

COM – Commercial



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



ZONING MAP CASE: CP-34-2022 & CPZ-34-2022

Subject Property

Between and adjacent to Deauville Avenue NE and Battersea Avenue NE, in the vicinity north of Malabar Road NE

Current Zoning Classification

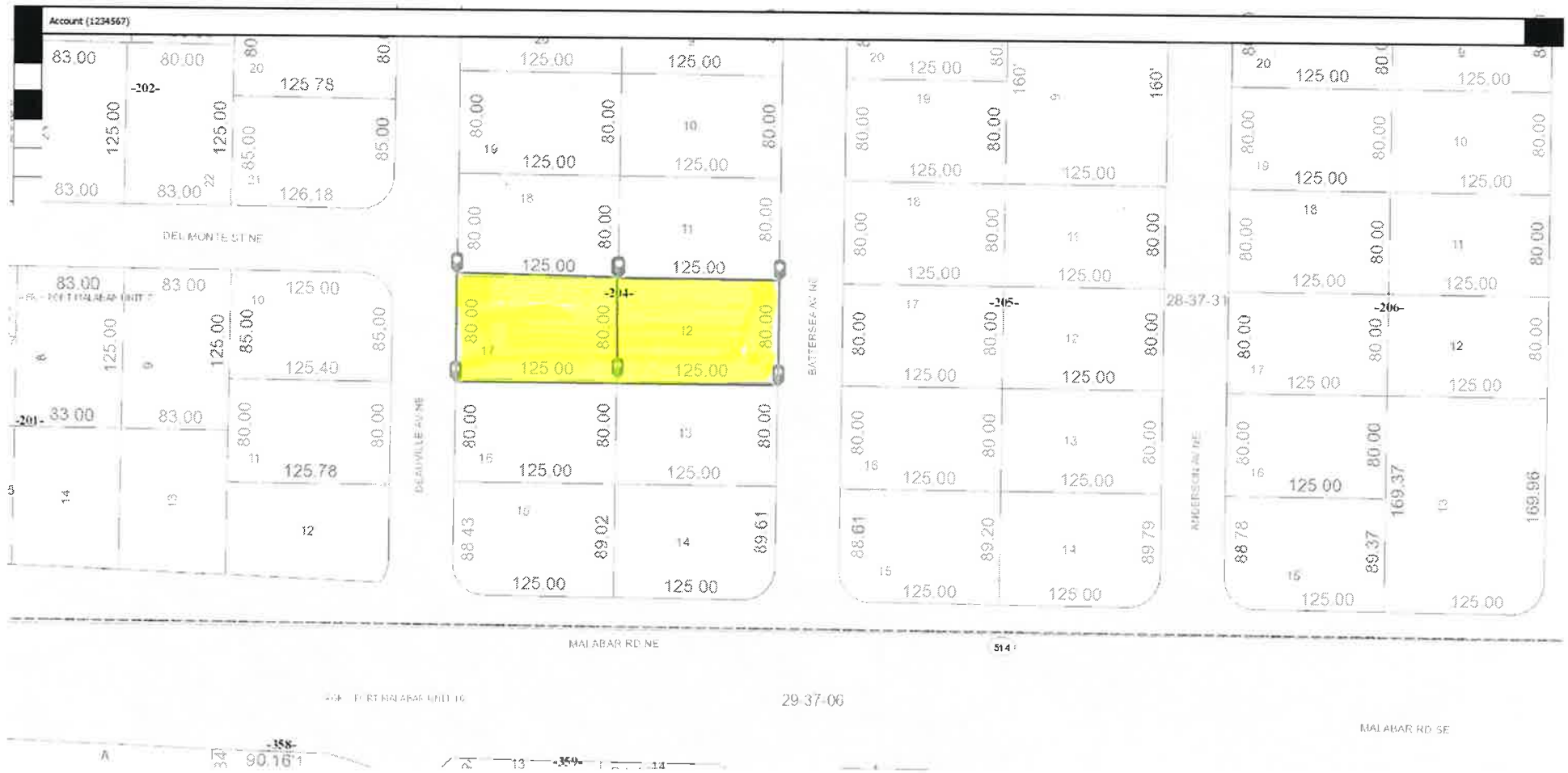
RC – Restricted Commercial

A SUBDIVISION OF A PORTION OF N.1/2 OF SW.1/4 OF SECTION 32,
A RESUBDIVISION OF PORTIONS OF THE FLORIDA INDIAN RIVER
LAND COMPANY, PLAT BOOK 1, PAGE 164,
IN SECTIONS 31 AND 32, TOWNSHIP 28 SOUTH, RANGE 37 EAST
CITY OF PALM BAY
BREVARD COUNTY, FLORIDA

PLAT BOOK 14 PAGE
126 IS LEAD SHEET



SHEET 11 OF 11 SHEETS
102 LOTS THIS SHEET



PORT MALABAR UNIT 7 LOT 17 BLOCK 204
PORT MALABAR UNIT 7 LOT 12 BLOCK 204

Measure Distance

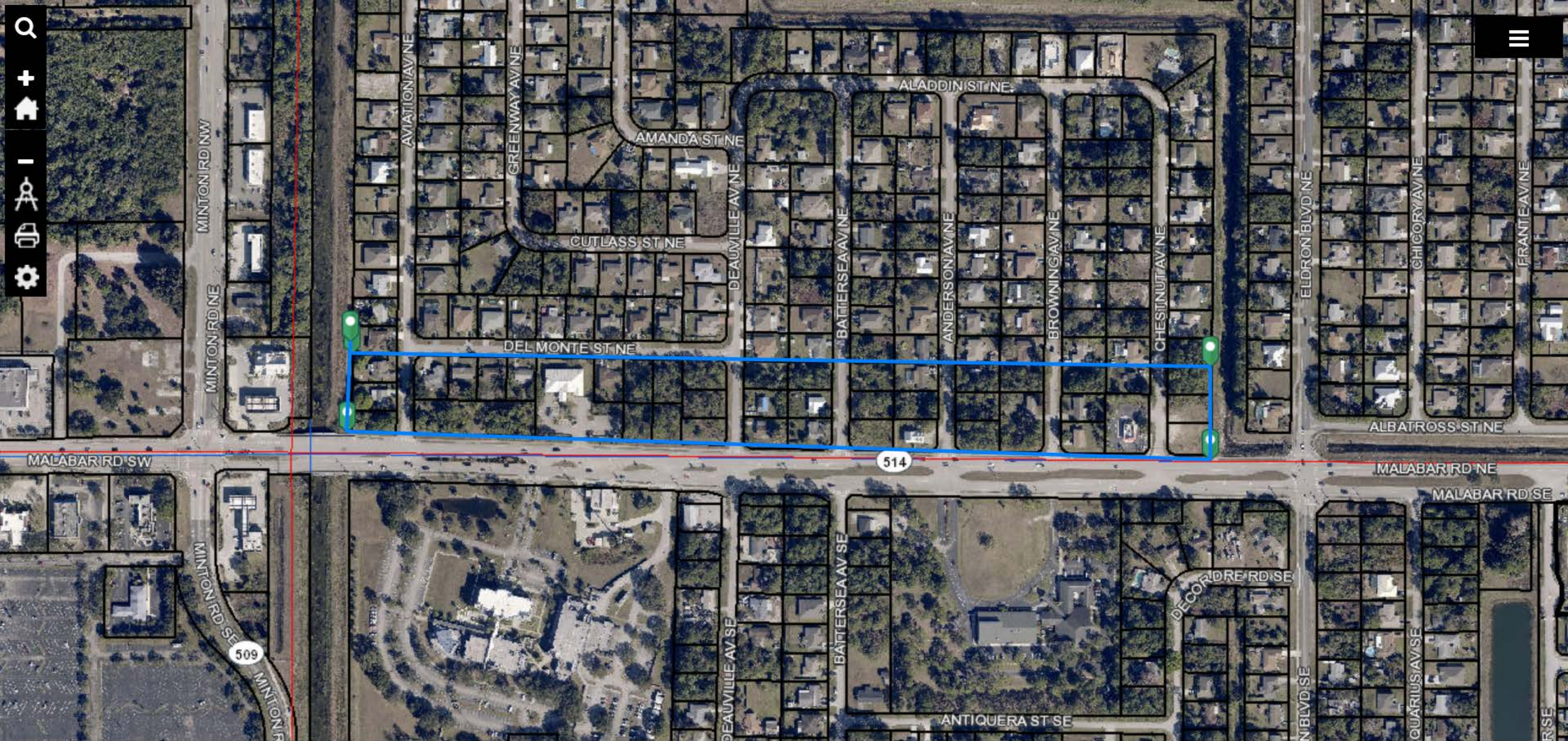


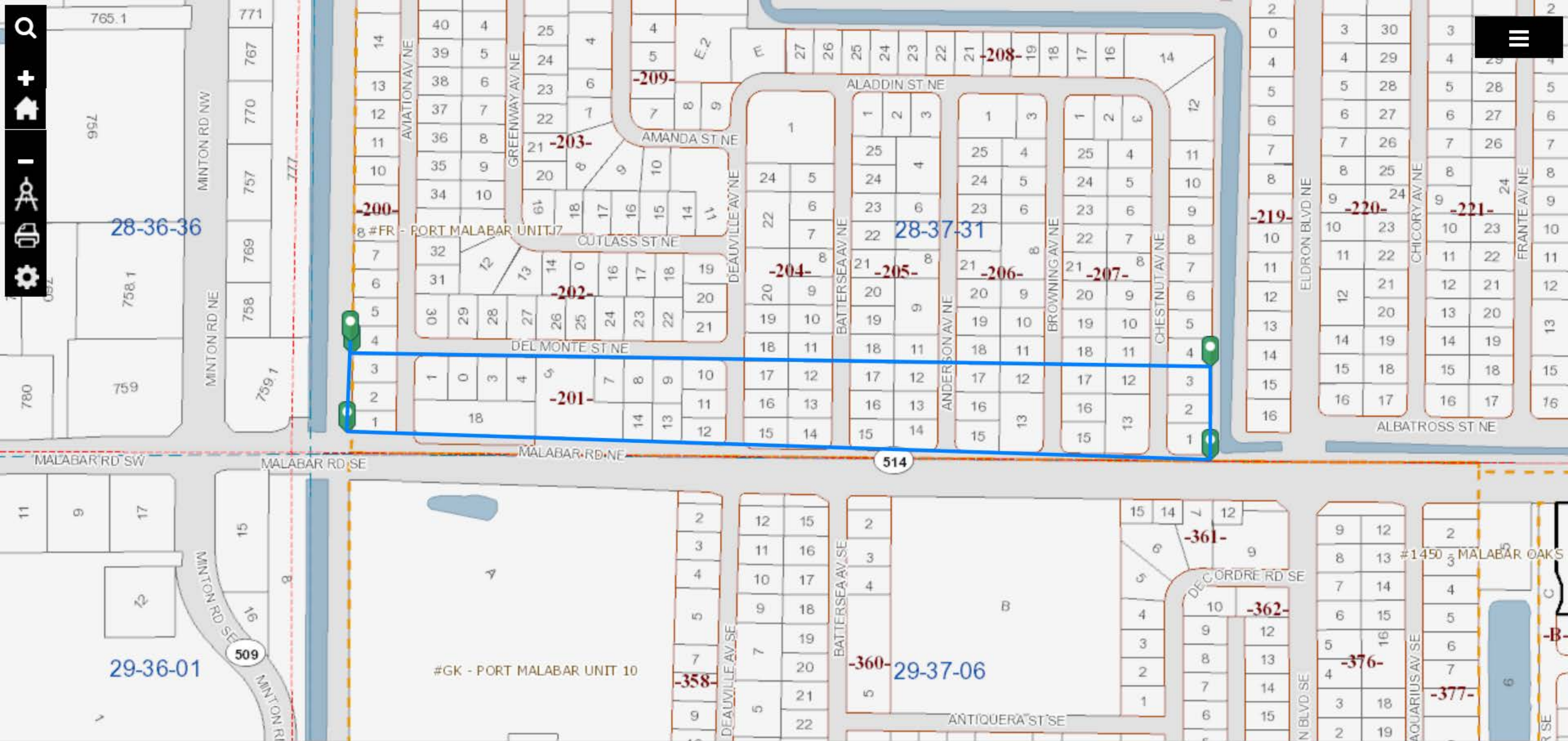
Feet

748.8 Feet

Click two or more points on map to draw a line. Double-click last point to end line.



Close





Measure Distance

Close

 Feet

5,404.9 Feet

Click two or more points on map to draw a line. Double-click last point to end line.

From: [Henry Morin](#)
To: [Chandra Powell](#); [John Morin](#); [\(HOAs\) Turkey Creek](#)
Subject: To Chandra Fw: School Concurrency for Rezoning 3 Separate Parcels
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To: Henryyoga@yahoo.com <Henryyoga@yahoo.com>
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I appreciate the opportunity to review this project.

Let me know if you need any additional information from me.

Sincerely,

Karen M. Black, AICP

Manager-Facilities Planning & Intergovernmental Coordination

School Board of Brevard County

Facilities Services, Planning & Project Management

2700 Judge Fran Jamieson Way

Viera, FL 32940

Office Phone: 321-633-1000, Ext. 11418

E-mail Black.Karen@BrevardSchools.org

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Tania Ramos

From: Henry Morin <henryoga@yahoo.com>
Sent: Thursday, August 4, 2022 7:38 PM
To: Tania Ramos
Cc: John Morin
Subject: To Tania Ramos RE Lots 12 & 17, Block 204, PMU 7
Attachments: RC zoning boundary on north side Malabar Rd- aerial.png; RC zoning boundary on north side Malabar Rd tax map.png; Block 204 back lots.png

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INTENDED USE: Single family residential house.

Henry Morin, Broker
Atlantic Properties
321 725 9234
Established 1980



LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

REZONING APPLICATION

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PARCEL ID(S):

28-37-31-FR-00204.0-0012.00
28-37-31-FR-00204.0-0017.00

TAX ACCOUNT NUMBER(S):

2840230
2840235

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):

Plat Book/PAGE 0014/0126 PORT MALABAR UNIT 7 Lot 17 BIK 204
" " " " Lot 12 BIK 204

PROPERTY ADDRESS:

122^{NE} BATTERSEA AV $\frac{1}{4}$ 123 NE DEAVILLE AV PALM BAY FL 32907

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

$\approx 1/2$ ACRE

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

COMMERCIAL (RC)

ZONING CLASSIFICATION DESIRED (ex.: IU, LI, etc.):

RESIDENTIAL (RS 2)

CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 2 OF 3

STRUCTURES LOCATED ON THE PROPERTY:

NONE

PRESENT USE OF THE PROPERTY:

VACANT

INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

SINGLE FAMILY RESIDENCE (RS2)

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



*A \$650.00 application fee. Make Check payable to "City of Palm Bay."



A Boundary Survey or Sketch with legal descriptions of properties covered by this application.



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.)

TO BE EMAILED TO CHANDRA



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.

TO BE EMAILED TO CHANDRA



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.


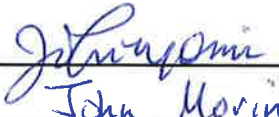
Name of Representative

Henry Morin

CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 3 OF 3

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			Date	<u>7/27/2022</u>
Printed Name	<u>Shirley T. Morin</u>	<u>John Morin</u>		
Full Address	<u>205 Stewart Dr. Merritt Island, FL 32952</u>			
Telephone	<u>(321) 301-4486</u> 4486	Email	<u>JOMOABC@yahoo.com</u>	

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

Letter of Consent

27 July 2022

We, John & Shirley T. Morin do hereby
authorize MR. Henry Morin and/or
N/A to represent us before the
City of Palm Bay Planning and zoning
board and the Palm Bay City council in regards
to property we own at 122 Battersea Ave and
123 Deauville Ave in the city of Palm Bay,
Brevard County, Florida.

John Morin
John MORIN

Date 7/27/2022

ID - personally known

Shirley T. Morin
SHIRLEY T. MORIN

Date 7/27/22

ID - personally known

STATE OF FLORIDA COUNTY OF BREVARD
THE FOREGOING DOCUMENT WAS ACKNOWLEDGED
BEFORE ME, John Morin, Shirley Morin
THIS 27 DAY July, 2022
SIGNED Sharon Burton



Sharon Burton
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG237651
Expires 9/19/2022

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
SPECIAL MEETING 2022-10

Held on Tuesday, September 6, 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.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

Mr. Philip Weinberg led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Leeta Jordan	Present
VICE CHAIRPERSON:	Philip Weinberg	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Robert Good	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Randall Olszewski	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	David Karaffa	Absent
	(School Board Appointee)	

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Tania Ramos, Senior Planner; Ms. Uma Sarmistha, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ANNOUNCEMENTS:

1. Ms. Jordan informed the board that the Special Planning and Zoning Board meeting tentatively scheduled for September 29, 2022, had been canceled. The temporary moratorium item was placed on the present agenda.

Aye: Jordan, Weinberg, Boerema, Maragh, Olszewski, Warner.

Nay: Good.

9. ****CPZ-34-2022 - John Morin and Shirley T. Morin - A Zoning amendment from an RC, Restricted Commercial District to an RS-2, Single-Family Residential District. Lots 12 and 17, Block 204, Port Malabar Unit 7, Section 31, Township 28, Range 37, Brevard County, Florida, containing approximately .46 acres. Located between and adjacent to Deauville Avenue NE and Battersea Avenue NE, in the vicinity north of Malabar Road NE**

Ms. Sarmistha presented the staff report for Case CPZ-34-2022. Case CPZ-34-2022 met the minimum requirements of a Zoning amendment request.

Mr. Henry Morin (representative for the applicant) was present to answer any questions.

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

Motion to submit Case CPZ-34-2022 to City Council for approval.

Motion by Mr. Weinberg, seconded by Ms. Maragh. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Maragh, Olszewski, Warner.

Nay: Good.

Mr. Good stated that the constant rezoning of a property takes away from the congruity of the neighborhood.

10. **CP-31-2022 - The Grove at Palm Bay - Benjamin Jefferies, Waterstone Holdings, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.) - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Multiple-Family Residential Use. A Portion of Tax Parcels 1, 4, and 5, Section 4, Township 30, Range 37, Brevard County, Florida,**

ORDINANCE 2022-111

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 RC (RESTRICTED COMMERCIAL DISTRICT) TO RS-2 (SINGLE-FAMILY RESIDENTIAL DISTRICT); WHICH PROPERTY IS LOCATED BETWEEN AND ADJACENT TO DEAUVILLE AND BATTERSEA AVENUES, IN THE VICINITY NORTH OF MALABAR 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 RC (Restricted Commercial District) to RS-2 (Single-Family Residential District), being legally described as follows:

Lots 12 and 17, Block 204, Port Malabar Unit 7, according to the plat thereof as recorded in Plat Book 14, Page 125, of the Public Records of Brevard County, Florida; Section 31, Township 28S, Range 37E; containing 0.46 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 2022-110.

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 2022-111

Reviewed by CAO: _____

Applicant: John and Shirley Morin
Case: CPZ-34-2022

cc: (date) Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Alexandra Bernard, Growth Management Director

DATE: 10/20/2022

RE: Ordinance 2022-113, granting approval of a Final Development Plan for a subdivision to be known as 'St. Johns Preserve - Tract A, Phase 1' on property located north of and adjacent to Malabar Road, west of and adjacent to St. Johns Heritage Parkway (19.12 acres) (Case FD-46-2022, St. Johns Preserve Investment Group, LLC), final reading. (Quasi-Judicial Proceeding)

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.

Mr. Mike Evans, St. Johns Preserve Investment Group, LLC (BSE Consultants, Inc., Rep.) has submitted for Final Development Plan approval for a 176-unit townhouse subdivision to be known as St. Johns Preserve – Tract A (Phase I), part of the Parkway Mixed Use district. The subject property is generally located north of and adjacent to Malabar Road SW and west of St. Johns Heritage Parkway.

Phase 1 of the development project originally received Council approval in 2019 for 304 units. The developer submitted a revised Final Development Plan for Phase 1 reducing the number of units to 120, which was approved by Council in November 2021. This FDP application increases the number of units for Phase 1 to 176 units.

It is important to note that a traffic impact study (TIS) was conducted in 2019. Staff comments provided that the driveway have an exclusive eastbound left-turn lane and right-turn lane. An exclusive northbound left-turn lane and southbound right-turn lane are not warranted for Phase 1. However, this should be further evaluated for future phases. Staff comments further include that both driveways are anticipated to operate within the adopted level of service (LOS) provided the developer maintain the same build-out conditions originally submitted and evaluated under the 2019 TIS. Additionally, a 340-foot (290' deceleration plus 50' queue) northbound left-turn lane is warranted at both driveways. A 290-foot southbound right-turn lane is warranted at both driveways. Further, it is recommended that the warranting turn lanes listed above be constructed at Driveway 2 for Phase 1. Please note that any increases to the build-out may necessitate a revised TIS and shall be reevaluated by the City.

Finally, as the City completes its TIS for the northwest quadrant of the City, a development agreement or proportionate fair share agreement with the developer may be warranted.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Request for

City Council review. Case FD-46-2022 is in alignment with the Comprehensive Plan, Parkway Mixed Use, and this project meets the minimum criteria of a Parkway Mixed Use Rezoning request, subject to the staff comments contained in the staff report and the following items being submitted with construction plans:

- A preliminary subdivision plat and a boundary & title opinion.
- Deed restrictions establishing development standards.
- The technical comments generated by the Development Review Staff (attached) shall be observed and incorporated into the construction drawings.
- Any development agreement or proportionate fair share agreements which may be necessitated at any time.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

ATTACHMENTS:**Description**

Case FD-46-2022 - Staff Report Revised

Case FD-46-2022 - Final Development Plan

Case FD-46-2022 - Boundary Survey

Case FD-46-2022 - Plat

Case FD-46-2022 - Traffic Trip Reduction Statement

Case FD-46-2022 - Stormwater Management System Summary

Case FD-46-2022 - School Capacity Determination Letter

Case FD-46-2022 - Application

P&Z minute excerpt

Ordinance 2022-113



REVISED

STAFF REPORT

LAND DEVELOPMENT DIVISION

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

Prepared by

Stephen White, Principal Planner

CASE NUMBER

FD-46-2022

PLANNING & ZONING BOARD HEARING DATE

September 6, 2022

PROPERTY OWNER & APPLICANT

St. Johns Preserve Investment Group,
LLC (Ana Saunders, P.E., BSE
Consultants, Inc., Rep.)

PROPERTY LOCATION/ADDRESS

>>Tax Parcel 1,<< Section 32, Township 28, Range 36,
containing approximately 19.12 acres. Generally
located north of Malabar Road SW and west of St.
Johns Heritage Parkway

SUMMARY OF REQUEST

Final Development Plan approval for a 176-Townhouse subdivision
to be known as **St. Johns Preserve>>-Tract A<< Phase I**, part of
the Parkway Mixed Use district.

Existing Zoning

PMU, Parkway Mixed Use

Existing Land Use

PFU, Parkway Flex Use

Site Improvements

Vacant, Unimproved Land

Site Acreage

19.12 acres

SURROUNDING ZONING & USE OF LAND

North

AU, Agricultural (Brevard County)

East

GU, General Use Holding

South

AU, Agricultural (Brevard County)

West

AU, Agricultural (Brevard County)

COMPREHENSIVE PLAN COMPATIBILITY

The future land use designations of the subject property is Parkway
Flex Use. The development of a Townhouse development is
compliant and in alignment with the Comprehensive Plan. The
proposed density is 9.16 units per acre, which is below the
maximum density defined in the City's Comprehensive Plan for
Parkway Flex Use (up to 10 units per acre)

BACKGROUND:

The subject property is generally located north of and adjacent to Malabar Road SW and west of St. Johns Heritage Parkway. This Final Development is requesting final approval to construct 176-townhouse development includes approximately 19.12 acres of land.

ANALYSIS:

The applicant is requesting Final Development Plan (FDP) approval within the Parkway Mixed Use district to construct St. Johns Preserve >>-Tract A<< Phase 1. The Parkway Mixed Use is a concept developed to encourage diverse mixture of Residential and Commercial Use. A wide range in lot size, bulk or type of dwellings, density, lot coverage, setbacks, and open space, from those elements required in any singular zoning classification found in the City's Zoning Code.

The 176-lot Townhome development will provide a wide range of lot dimensions and Open Space/Recreation area for residents to enjoy.

CONDITIONS:

In order to receive Final Development approval, the proposal must meet the requirements of Section 185.067 of the City of Palm Bay's Code of Ordinances. Upon review, it appears that the request is in conformance with the applicable requirements of this section, subject to the following items being submitted with construction plans:

- A preliminary subdivision plat and a boundary & title opinion.
- Deed restrictions establishing development standards.
- The technical comments generated by the Development Review Staff (attached) shall be observed and incorporated into the construction drawings.

STAFF FINDINGS:

Case FD-46-2022 is in alignment with the Comprehensive Plan, Parkway Mixed Use, and this project meets the minimum criteria of a Parkway Mixed Use Rezoning request, subject to the staff comments contained in this report.

TECHNICAL COMMENTS

CASE FD-46-2022 – ST. JOHNS PRESERVE >>-TRACT A<< PHASE I

GROWTH MANAGEMENT (Stephen White, Principal Planner)

1. Please add required parking and location of any on-street parking. Additionally, please add minimum required and spaces provided to the Site Data Table
2. Please add a detailed breakdown of the Open Space/Recreation area provided. Please also include the stormwater pond breakdown.
3. Please show inner connectivity of sidewalks to the Right-of-Way and adjacent properties.

PUBILC WORKS (Natalie Shaber, PE, Engineer II):

Survey:

Standard comments will be addressed after approval and submittal of Final Plat.

D/W & Drainage:

Sidewalk on site with off-site continuations and connection including along the Parkway frontage.

- Road right of way shall be private and meet City Right of way standards
- cross access, utility and drainage agreement if under different ownership.
- Adequate turn around for emergency services at the end of roadways.
- Provide utility corridors / easements for development infrastructures.

Traffic:

Phase 1 of the development project originally received Council approval in 2019 for 304 units. The developer submitted a revised Final Development Plan for Phase 1 reducing the number of units to 120, which was approved by Council in November 2021. This FDP application increases the number of units for Phase 1 to 176 units.

It is important to note that a traffic impact study (TIS) was conducted in 2019. Staff comments provided that the driveway have an exclusive eastbound left-turn lane and right-turn lane. An exclusive northbound left-turn lane and southbound right-turn lane are not warranted for Phase 1. However, this should be further evaluated for future phases. Staff comments further include that both driveways are anticipated to operate within the adopted level of service (LOS) provided the developer maintain the same build-out conditions originally submitted and evaluated under the 2019 TIS. Additionally, a 340-foot (290' deceleration plus 50' queue) northbound left-turn lane is warranted at both driveways. A 290-foot southbound right-turn lane is warranted at both driveways. Further, it is recommended that the warranting turn lanes listed above be constructed at Driveway 2 for Phase 1. Please note that any increases to the build-out may necessitate a revised TIS and shall be reevaluated by the City.

Finally, as the City completes its TIS for the northwest quadrant of the City, a development agreement or proportionate fair share agreement with the developer may be warranted.

Engineering:

Although the stormwater management system is permitted, staff recommends implementing certain green stormwater infrastructure /practices, such as disconnected downspouts to landscaped bioretention areas, pervious pavers, native landscaping/ xeriscaping in garden areas, stormwater harvesting for irrigation etc. to meet water quality criteria, improve potable water conservation, and overall enhance marketability. If interested in this approach, please schedule a pre-application meeting to discuss application of integrated management practices, and incentives, including prioritized site plan review.

Please provide the SJRWMD ERP minor modification and other external agency permits prior to scheduling a pre-sitework meeting

UTILITIES (Christopher Little, PE, Utilities Director):

1. The applicant/owner, at their expense, will be required to design, permit, install, inspect and test water & sewer systems of adequate size to accommodate the development and to connect to the City's water and sewer system [§ 200.11(d)(1) - On-site Facilities]. At this time the nearest point of connection to the mainline water distribution system is a 20" PVC pipe along the northern side of Malabar Road in front of the subject property. The nearest point of connection to the sanitary sewer system is a 16" PVC force main along the southern side of Malabar Road in front of Heritage High School.
2. The applicant/owner will be responsible for the property's hydraulic share for the new utilities. Oversizing of utilities at the request of the Utilities Department will be subject to a refunding agreement or refundable advance [§ 200.11(D) &(E)]. The City of Palm Bay's 2017 Wastewater Master Plan & 2017 Water Master Plan, both of which are available upon request, identify proposed mainline extensions with the current piping size requirements.
3. A City of Palm Bay "Utility Agreement" shall be executed between the Property Owner and the City. All Utility impact/connection charges noted in the "Utility Agreement" must be paid as outlined in the terms and conditions of the Utility Agreement. All fees are subject to change annually on October 1. The Property Owner shall submit a certified copy of the property deed as verification of ownership as part of the Utility Agreement.
4. All Utility construction, materials, and testing shall be in accordance with the latest revision of the Palm Bay Utilities Department Policies, Procedures, and Standards Handbook and the Standard Detail Drawings.
5. Prior to any construction, all required FDEP Permit applications for the Water and Sanitary Sewer Construction shall be processed through and copies of the Permits filed with the Utilities Department.

BUILDING-FIRE (Michael Bloom, CFPS, Fire Plans Examiner):

All site plans shall comply with applicable portions of Florida State Statutes, Florida Administrative Code, Florida Fire Prevention Code, and City of Palm Bay Ordinances.

1. (FSS 481.203) All townhomes shall meet the definition of per FSS 481.203 or they shall be classified as apartment per FFPC.

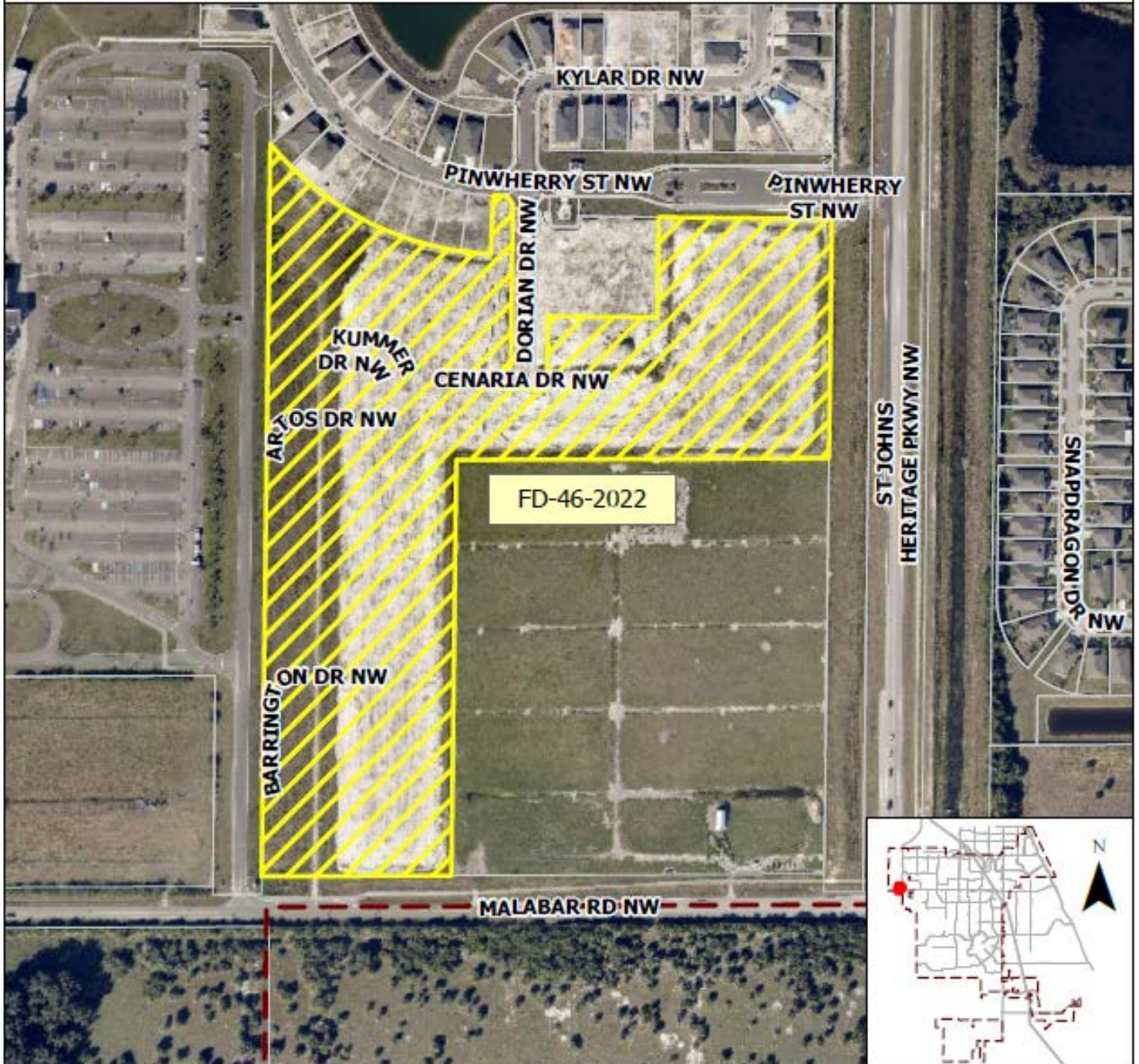
BUILDING-FLOODZONE (James Williams, CFM, Floodplain Coordinator):

The project in an AE floodzone will require an approved FEMA "Conditional Letter of Map Revision" (CLOMR) to establish a Base Flood Elevation for the building permits floodplain review. Then an approved "Letter of Map Revision" (LOMR) for this phase of the project is required when completed.

1. Per the City's Floodplain Ordinance, any structure built within a Special Flood Hazard Area (SFHA) will require a Floodplain Review at time of construction. An approved FEMA CLOMR does not exempt the requirement for a Floodplain Review in the SFHA. The Building Official will not issue any building permits without a Floodplain Review unless an approved LOMR for this project is submitted before building permits are applied for.
2. If a FEMA LOMR is NOT approved before building permits are applied for, the following will apply:
3. Each structure in floodzone A will need a Survey done to NAVD88 elevations showing the crown of road elevations, lot elevations and Floodzone boundary lines if any, to accompany the Floodplain Review.
4. Each structure will need to submit an Elevation Certificate "Under Construction" after the slab is poured and before any vertical construction - Fl. Building Code A]110.3 Required inspections.
5. A "Finished Construction" Elevation Certificate will be required when the structure is completed.
6. If a LOMR has not been applied for when a CO is applied for, a Temporary CO will be issued. A LOMR Case number will be required to get a final CO.
7. All new roads in flood hazard areas shall have all traffic lanes elevated to or above the base flood elevation.



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



AERIAL LOCATION MAP CASE: FD-46-2022

Subject Property

North of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW



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



FUTURE LAND USE MAP CASE: FD-46-2022

Subject Property

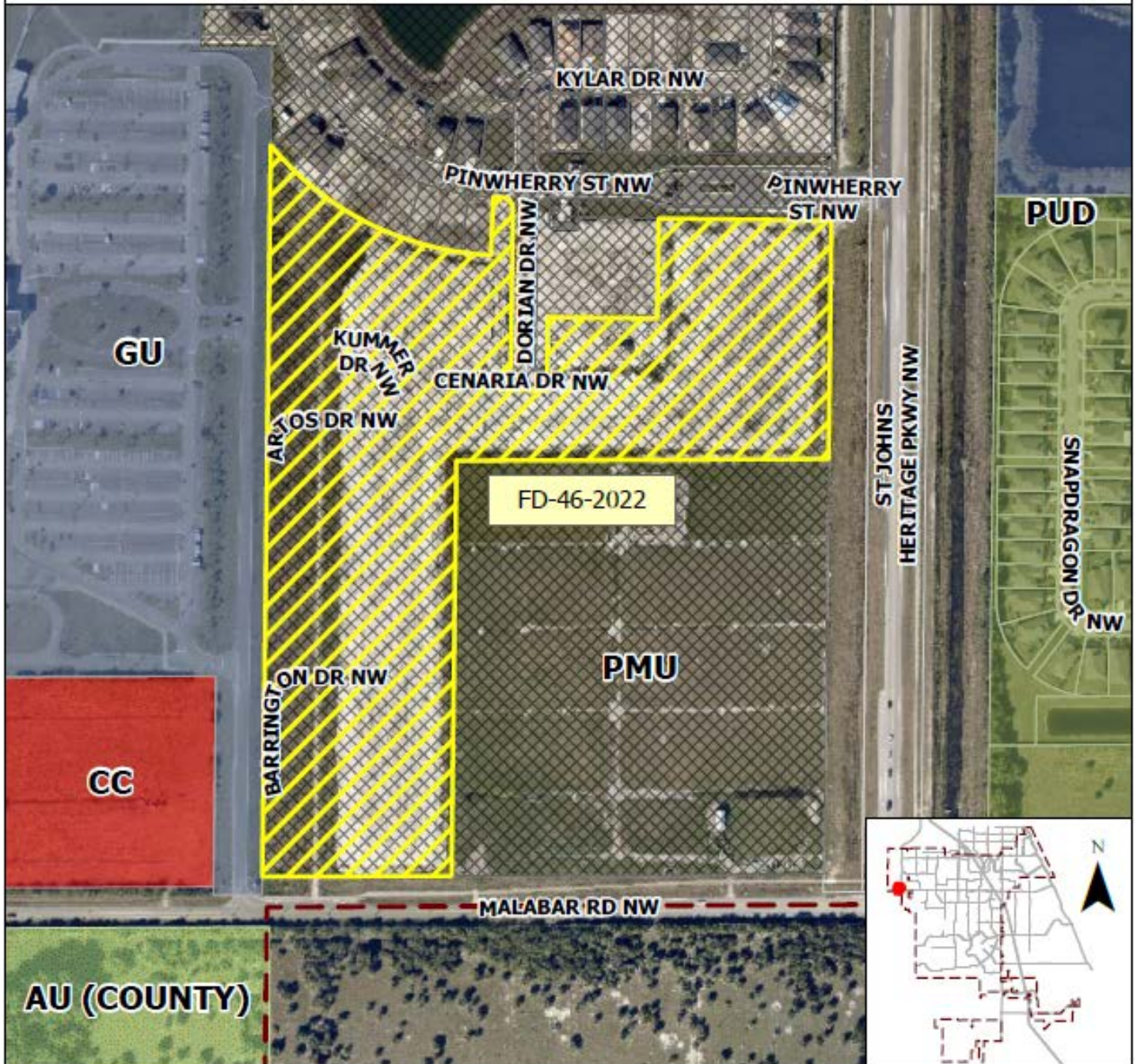
North of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW

Future Land Use Classification

PFU – Parkway Flex Use



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



ZONING MAP CASE: FD-46-2022

Subject Property

North of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW

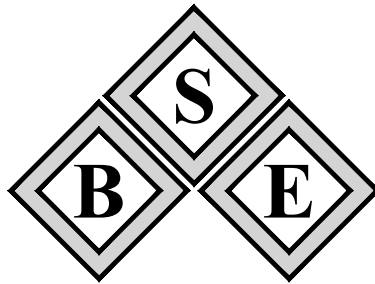
Future Land Use Classification

PMU – Parkway Mixed Use

H:\Projects\1141601_202_023.dwg July 22, 2022 8:53:32 AM AH

DESIGN/DRAWN: ALS/AH

DATE: 07/21/22



B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING -
LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3074 FAX: (321) 723-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4925
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004905

ST JOHNS PRESERVE - TRACT A

FINAL DEVELOPMENT PLAN (FDP)

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 41951

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951

PROJECT NO.

11416.01

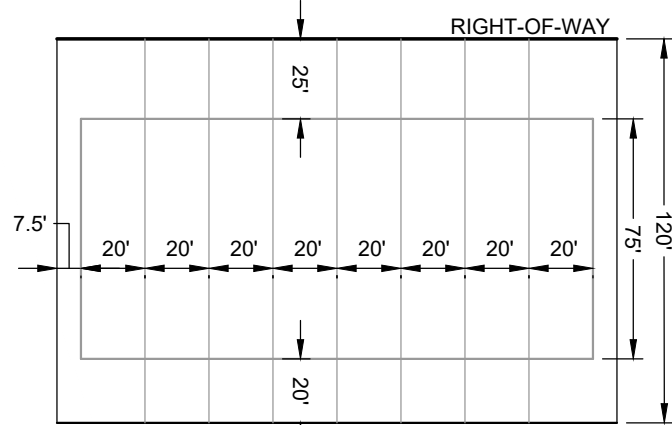
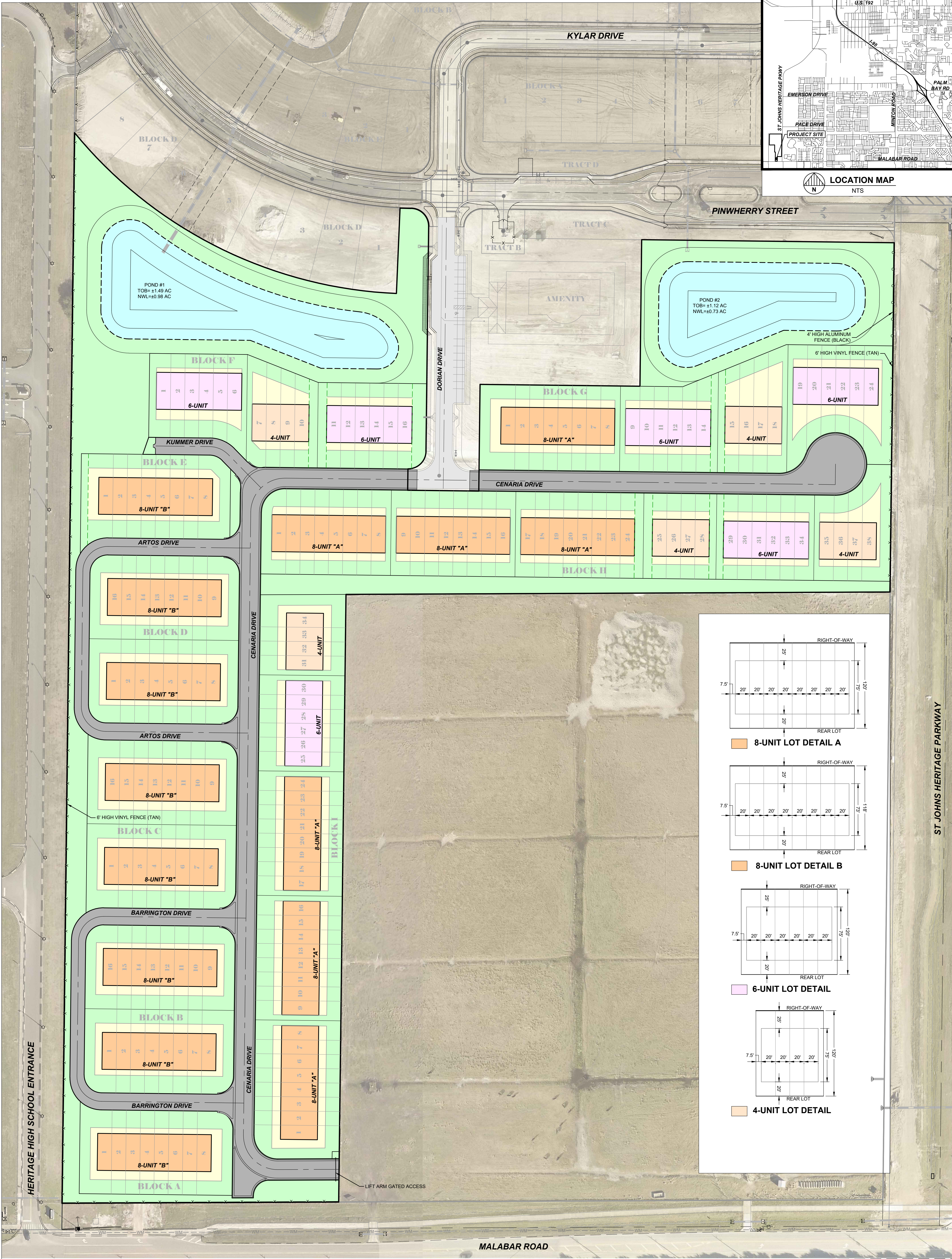
DRAWING NO.

1141601_202_023

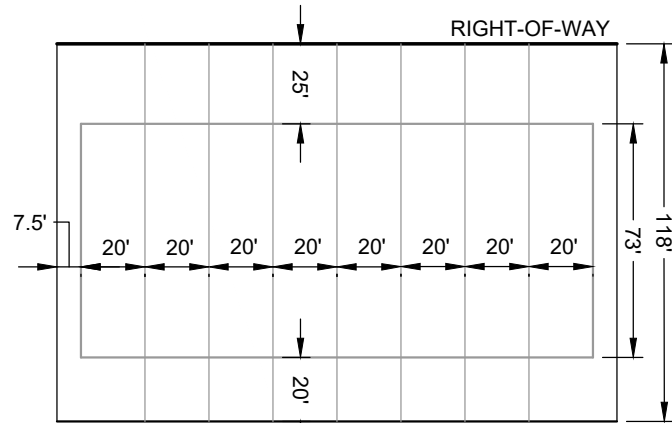
SHEET

1 of 1

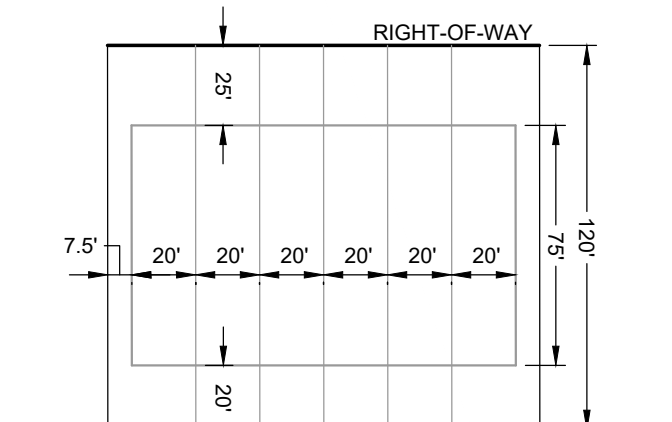
SYMBOLS SHOWN ARE GRAPHIC IN NATURE; DUE TO SCALE, ALL DESIGN ELEMENTS ARE NOT NECESSARILY SHOWN ON PLAN VIEWS. THE CONTRACTOR SHALL ALSO REFER TO SPECIFICATION AND DETAIL SHEETS AS WELL AS THE COMPLETE PLAN SET.



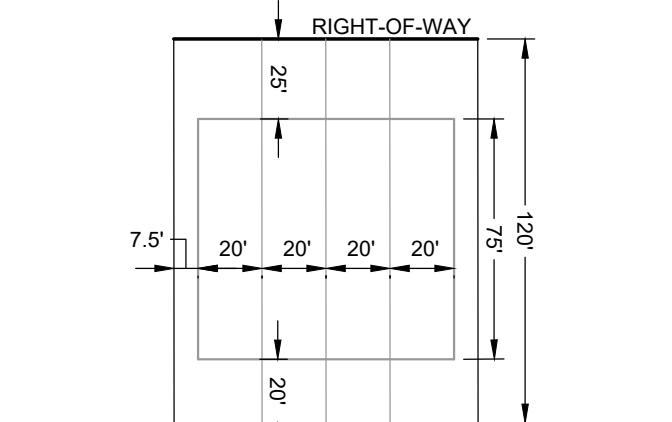
8-UNIT LOT DETAIL A



8-UNIT LOT DETAIL B



6-UNIT LOT DETAIL



4-UNIT LOT DETAIL

OPEN SPACE CALCULATION:

TOTAL SITE AREA = 19.12 ACRES
LESS THE FOLLOWING:

- LOT/BLOCK (WITHOUT BUILDING SETBACK) = 5.57 ACRES
- BUILDING SETBACK AREA = 6.53 ACRES
- ROAD RIGHT-OF-WAY = 2.22 ACRES
- LAKE AREA AT NWL = 1.71 ACRES
(SEE BELOW, TOTAL LAKE AREA REMOVED, ADD BACK 75% ALLOWABLE)

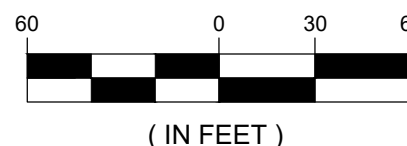
SUB TOTAL = 16.03 ACRES

LAKE AREA= 1.71 ACRES x75% = 1.28 ACRES ALLOWABLE TOWARDS OPEN SPACE

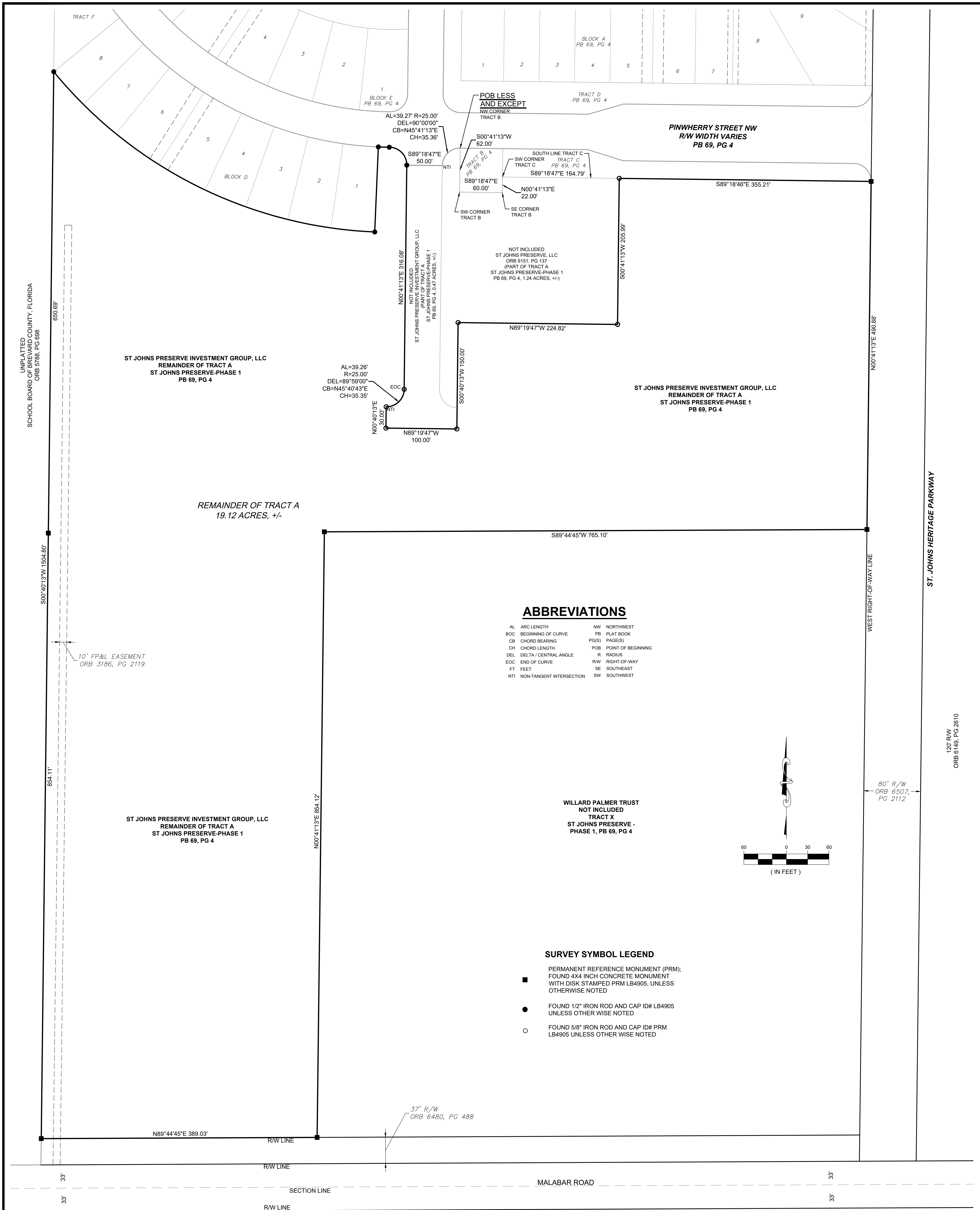
19.12 ACRES - 16.03 ACRES = 3.09 ACRES + 1.28 ACRES= 4.37 ACRES (22%) OPEN SPACE

20 (11.4%) 4-UNIT TOWNHOMES (52' x 80') = 5 BUILDINGS
36 (20.4%) 6-UNIT TOWNHOMES (52' x 120') = 6 BUILDINGS
120(68.2%) 8-UNIT TOWNHOMES (52' x 160') = 15 BUILDINGS
176 (100%) = TOTAL UNITS

AERIAL PHOTO PROVIDED BY BREVARD COUNTY PROPERTY APPRAISER 2021



(IN FEET)



ST JOHNS PRESERVE - TRACT A TOWNHOMES
BEING A REPLAT OF A PORTION OF TRACT A, ST JOHNS PRESERVE-PHASE 1,
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGE 4,
PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING AND BEING IN
SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST
CITY OF PALM BAY, BREVARD COUNTY, FLORIDA
-PRELIMINARY PLAT-

PLAT NOTES

- BEARINGS SHOWN HEREON ARE BASED ON THE WEST RIGHT-OF-WAY LINE OF ST. JOHNS HERITAGE PARKWAY BEING ASSUMED AS N00°41'13"E.
- SURVEY MONUMENTATION WITHIN THE SUBDIVISION SHALL BE SET IN ACCORDANCE WITH FLORIDA STATUTES CHAPTERS 177.091(8) & 177.091(9).
- UNLESS OTHERWISE NOTED, ALL LINES ARE RADIAL.
- ALL LOT DRAINAGE IS PRIVATE AND IS TO BE MAINTAINED BY THE INDIVIDUAL LOT OWNER OR THE DECLARED MAINTENANCE ENTITY (I.E. HOMEOWNER ASSOCIATION).
- ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
- THERE IS HEREBY DEDICATED OVER AND ACROSS THE FRONT OF ALL LOTS AND TRACTS ABUTTING AND COINCIDENT WITH TRACT "Z1" AND "Z2" A 10.00 (TEN) FOOT WIDE PERPETUAL PUBLIC UTILITY EASEMENT (UNLESS OTHERWISE NOTED). A 5.00 (FIVE) FOOT WIDE PERPETUAL PUBLIC UTILITY AND PRIVATE DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG ALL SIDE LOT LINES (UNLESS OTHERWISE NOTED). WHERE MORE THAN ONE LOT OR PARTS OF LOTS ARE USED AS A BUILDING SITE, ONLY THE OUTER BOUNDARIES SHALL CARRY THE EASEMENTS.
- DRAINAGE AND UTILITY EASEMENTS SHOWN ARE CENTERED ALONG LOT LINES UNLESS SPECIFICALLY DIMENSIONED OTHERWISE.
- LOTS AND TRACTS ABUTTING ANY EXISTING STORM WATER LAKE AND TRACT, OR FLOW WAYS, WETLANDS AND ANY OTHER STORM WATER MANAGEMENT FACILITIES CONSTRUCTED SUBSEQUENT TO THIS PLAT, SHALL NOT HAVE RIPARIAN RIGHTS WITH RESPECT TO ANY SUCH TRACTS AND DRAINAGE FACILITIES, INCLUDING WITHOUT LIMITATION, ANY DRAINAGE PONDS OR LAKES, DRAINAGE STRUCTURES OR AQUATIC LANDSCAPE FEATURES WHICH MAY BE CONSTRUCTED WITHIN SAID FACILITIES.
- A PERPETUAL NON-EXCLUSIVE EASEMENT IS HEREBY GRANTED TO THE CITY OF PALM BAY, AND PRIVATE AND PUBLIC UTILITY COMPANIES, OVER, UNDER, AND ACROSS TRACT "Z1" & TRACT "Z2" FOR THE INSTALLATION, MAINTENANCE, REPAIR, AND IMPROVEMENT OF UTILITIES AND RELATED IMPROVEMENTS, TOGETHER WITH THE RIGHT OF VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS IN CONNECTION THEREWITH.
- ALL DRAINAGE TRACTS AND THOSE DRAINAGE EASEMENTS DESCRIBED HEREON (OTHER THAN ANY DRAINAGE EASEMENT SHOWN GRAPHICALLY OR OTHERWISE DESCRIBED HEREON AS A PUBLIC DRAINAGE EASEMENT), SHALL BE PRIVATE EXCEPT AS OTHERWISE EXPRESSLY PROVIDED HEREON. THE CITY OF PALM BAY SHALL NOT HAVE ANY RESPONSIBILITY REGARDING THE MAINTENANCE, REPAIR AND/OR RESTORATION OF ANY STORM PIPES, STORM STRUCTURES OR ASSOCIATED STORM WATER MANAGEMENT FACILITIES LOCATED WITHIN THE LIMITS OF ANY SUCH PRIVATE DRAINAGE EASEMENT.
- THE LANDS SUBDIVIDED HEREON ARE SUBJECT TO THE TERMS AND CONDITIONS OF THOSE CERTAIN COVENANTS, CONDITIONS AND RESTRICTIONS ST JOHNS PRESERVE - TRACT A TOWNHOMES AS RECORDED IN OFFICIAL RECORDS BOOK _____, PAGE _____, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- THE LANDS SUBDIVIDED HEREON ARE SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN ACCESS EASEMENT AGREEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 8488, PAGE 2440, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- THE LANDS SUBDIVIDED HEREON ARE SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN CITY OF PALM BAY ORDINANCE, ORDINANCE NO. 2019-45, AS RECORDED IN OFFICIAL RECORDS BOOK 8538, PAGE 2476, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- THE LANDS SUBDIVIDED HEREON ARE SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN CITY OF PALM BAY WATER AND WASTEWATER SYSTEM AGREEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 8821, PAGE 1150, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
- TRACTS Z1 AND Z2 AND THE PRIVATE ROAD IMPROVEMENTS LOCATED THEREON SHALL BE PRIVATELY OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION, ITS SUCCESSORS AND/OR ASSIGNS.

DESCRIPTION OF REMAINDER OF TRACT A

TRACT A, ST JOHNS PRESERVE-PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND:

PART OF TRACT A, ST JOHNS PRESERVE-PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF TRACT B, OF SAID ST JOHNS PRESERVE-PHASE 1 AND RUN ALONG THE BOUNDARY OF SAID TRACT B THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) THENCE S00°41'13"W, A DISTANCE OF 62.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT B; 2) THENCE S89°18'47"E, A DISTANCE OF 60.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT B; 3) THENCE N00°41'13"E, A DISTANCE OF 22.00 FEET TO THE SOUTHWEST CORNER OF TRACT C OF SAID ST JOHNS PRESERVE-PHASE 1; THENCE S89°18'47"E ALONG THE SOUTH LINE OF SAID TRACT C, A DISTANCE OF 164.78 FEET; THENCE S00°41'13"W, A DISTANCE OF 205.99 FEET; THENCE N89°19'47"W, A DISTANCE OF 224.82 FEET; THENCE S00°41'13"W, A DISTANCE OF 150.00 FEET; THENCE N89°19'47"W, A DISTANCE OF 100.00 FEET; THENCE N00°40'13"E, A DISTANCE OF 30.00 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°59'00", A CHORD BEARING OF N45°40'43"E AND A CHORD LENGTH OF 35.35 FEET), A DISTANCE OF 39.26 FEET TO THE END OF SAID CURVE; THENCE N00°41'13"E, A DISTANCE OF 316.08 FEET; THENCE S89°18'47"E, A DISTANCE OF 50.00 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF N45°41'13"E, AND A CHORD LENGTH OF 35.36 FEET); A DISTANCE OF 39.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 19.12 NET ACRES, MORE OR LESS.

PARCEL TABLE			
TRACT ID	AREA (ACRES)	TRACT USE	OWNERSHIP AND MAINTENANCE ENTITY
TRACT A	2.95	STORM WATER, HARDSCAPE, LANDSCAPE, UTILITIES, DRAINAGE AND MAIL KIOSK	HOMEOWNER ASSOCIATION, ITS SUCCESSORS AND/OR ASSIGNS
TRACT B	0.45	DRAINAGE AND UTILITIES	HOMEOWNER ASSOCIATION, ITS SUCCESSORS AND/OR ASSIGNS
TRACT C	1.37	STORM WATER	HOMEOWNER ASSOCIATION, ITS SUCCESSORS AND/OR ASSIGNS
TRACT D	0.03	LANDSCAPING AND UTILITIES	HOMEOWNER ASSOCIATION, ITS SUCCESSORS AND/OR ASSIGNS
TRACT E	0.00	HARDSCAPE, LANDSCAPE, AND DRAINAGE	HOMEOWNER ASSOCIATION, ITS SUCCESSORS AND/OR ASSIGNS
TRACT Z1	1.75	VEHICULAR ACCESS, UTILITIES, AND DRAINAGE	HOMEOWNER ASSOCIATION, ITS SUCCESSORS AND/OR ASSIGNS
TRACT Z2	0.47	VEHICULAR ACCESS, UTILITIES, AND DRAINAGE	HOMEOWNER ASSOCIATION, ITS SUCCESSORS AND/OR ASSIGNS

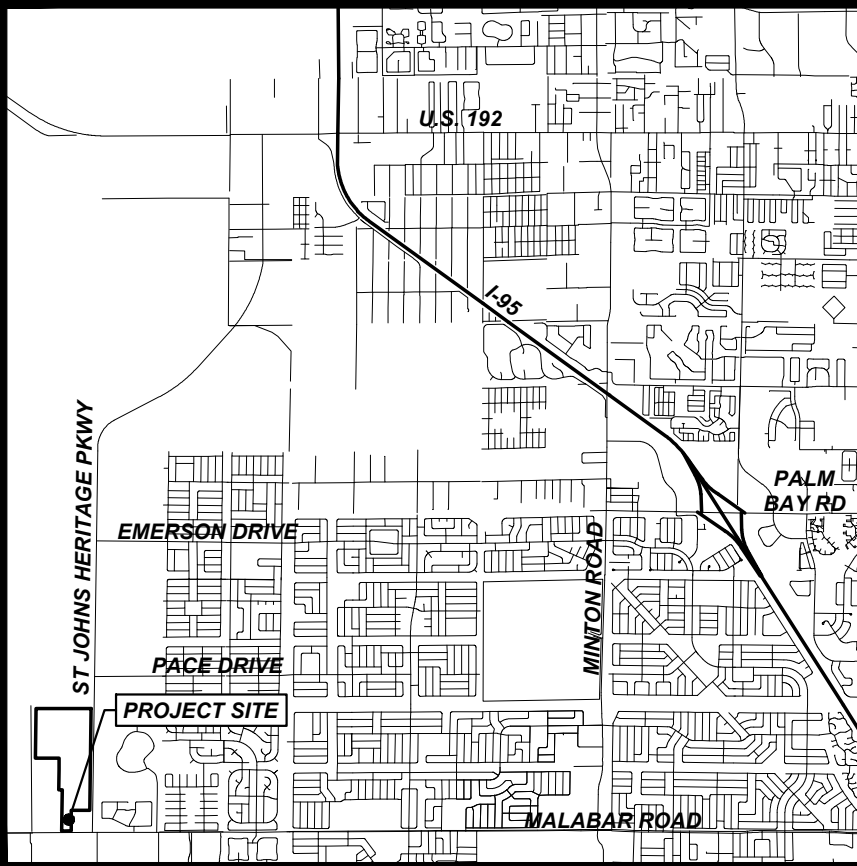
NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

- THIS PLAT PREPARED BY -



B.S.E. CONSULTANTS, INC.
CONSULTING • ENGINEERING • LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 400, MELBOURNE, FL 32901
PHONE: (321) 725-8674 FAX: (321) 725-1159
CERTIFICATE OF BUSINESS AUTHORIZATION #695

DATE: 07/25/22
DESIGN/DRAWN: LEH/AH
DRAWING# 1141601_306_001
PROJECT# 11416.01



PLAT BOOK _____, PAGE _____

SHEET 1 OF 4

SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that St Johns Preserve Investment Group, LLC., being the owner in fee simple of

ST. JOHNS PRESERVE - TRACT A TOWNHOMES

Hereby dedicates to The City of Palm Bay, Florida, an ingress and egress easement over and across TRACT "Z1" and TRACT "Z2" for law enforcement, emergency access and emergency maintenance and hereby further dedicates to the City of Palm Bay, Florida an easement for the installation and maintenance of public utilities within said TRACT "Z1" and TRACT "Z2". No other easements are dedicated or granted to the public, it being the intention of the undersigned that the private roadway shown hereon shall be owned and maintained privately by the HOA as described hereon and that the City of Palm Bay and the public have no right or interest therein.

By: _____
P. Michael Evans, Manager

SEAL

Attest: _____
Printed Name:

Attest: _____
Printed Name:

ST. JOHNS PRESERVE INVESTMENT GROUP, LLC.
1698 W. HIBISCUS BLVD. SUITE A
MELBOURNE, FL 32901

STATE OF FLORIDA COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of _____ physical presence or _____ online notarization, this _____, by P. Michael Evans, Manager of the above named limited liability company, on behalf of the above named limited liability company, who is _____ personally known to me or _____ has produced _____ as identification.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.

NOTARY PUBLIC

Notary Public, State of Florida
My Comm. Expires:
Comm. No.:

SEAL

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed professional surveyor and mapper, does hereby certify that on 07/28/2021 he completed the boundary survey of the lands shown on the foregoing plat; and that said plat was prepared under his direction and supervision and that said plat complies with all of the survey requirements of Chapter 177, part 1, Florida Statutes, The City of Palm Bay, and that said lands are located in Brevard County, Florida.

Registration Number 5611

LESLIE E. HOWARD
B.S.E. Consultants, Inc.
312 South Harbor City Boulevard, Suite #4
Melbourne, Fla. 32901
Certificate of Authorization Number: LB-0004905

CERTIFICATE OF REVIEWING SURVEYOR
FOR THE CITY OF PALM BAY

I HEREBY CERTIFY, That I have reviewed the foregoing plat and find that it is in conformity with Chapter 177, part 1, Florida Statutes and County Ordinance 62-2841(c)(d) as amended.

Joseph N. Hale, Professional Surveyor & Mapper No. 6366

CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, That on: _____ the City Council of the City of Palm Bay, Florida approved the foregoing plat.

J. Robert Medina

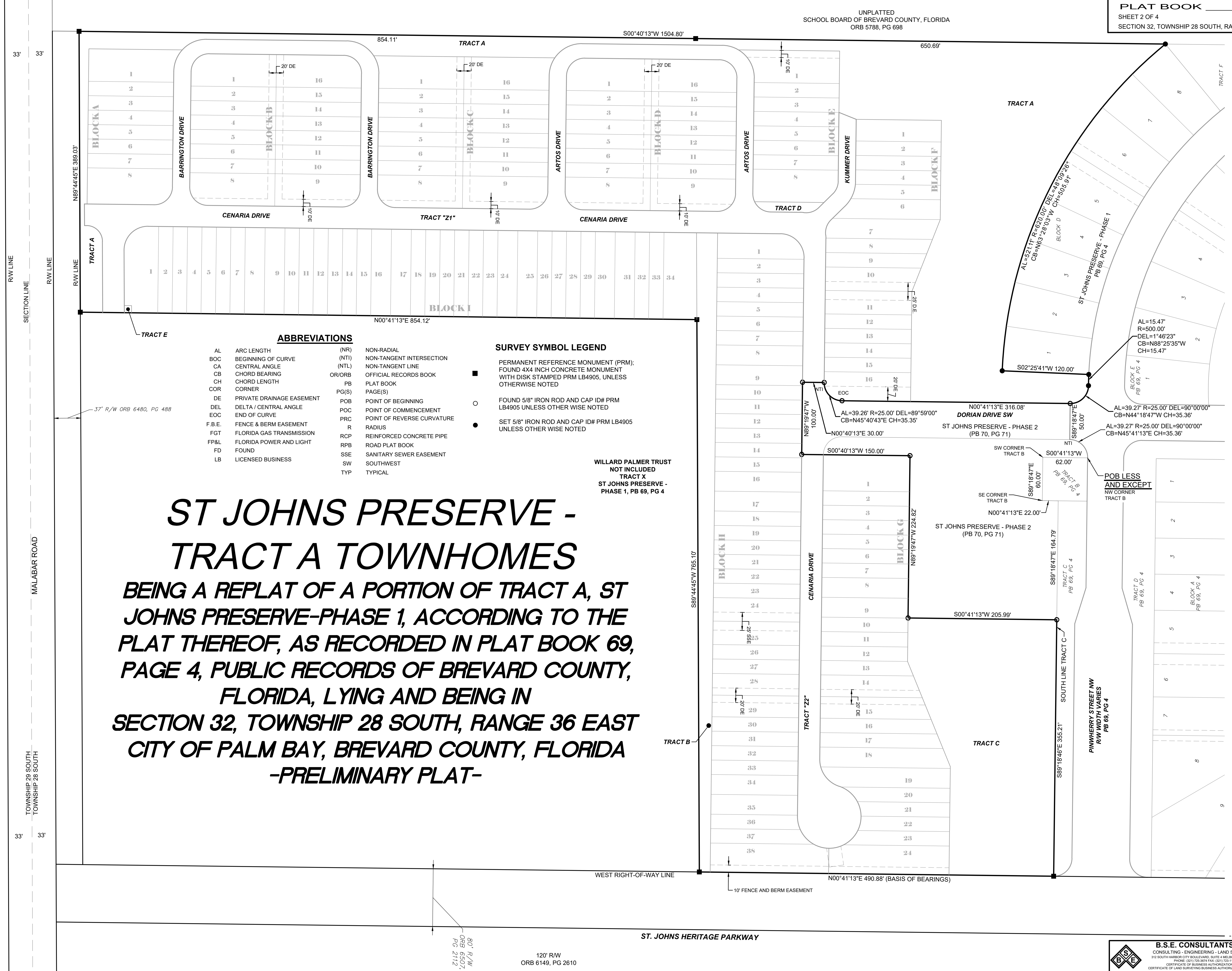
ATTEST

City Clerk - Terese M. Jones

CERTIFICATE OF CLERK

I HEREBY CERTIFY, That I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, part 1 Florida Statutes, and was filed for record on _____ at _____, File No. _____

ATTEST: _____
Clerk of the Circuit Court in and for Brevard County, Fla.

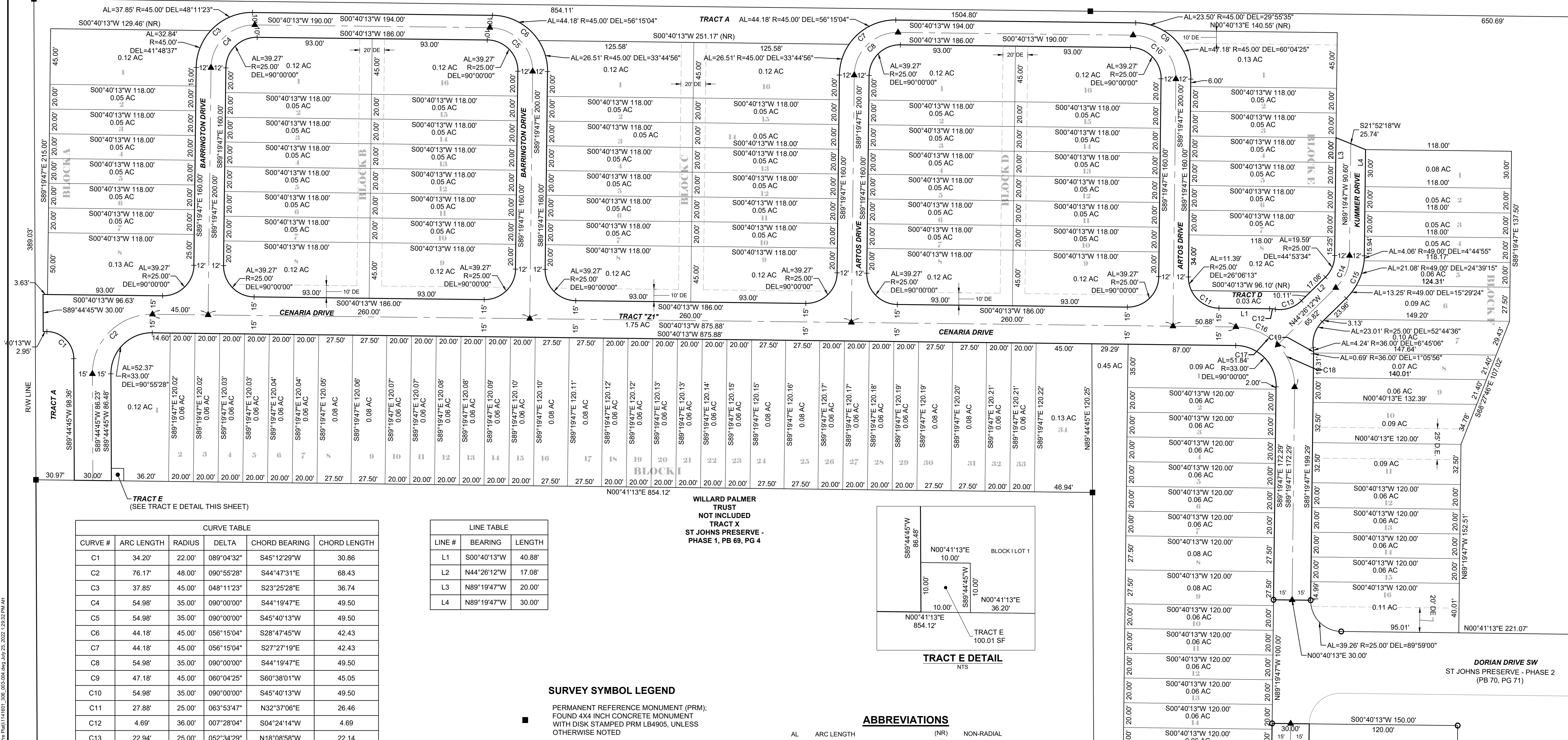


H:\Projects\Folder1141601\Drawings\1141601_306 (Tract A FDP Pre Plat)\1141601_306_001-002.dwg July 25, 2022 12:51 PM AH

ST JOHNS PRESERVE - TRACT A TOWNHOMES

BEING A REPLAT OF A PORTION OF TRACT A, ST JOHNS PRESERVE-PHASE 1, ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 69, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING AND BEING IN
SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST
CITY OF PALM BAY, BREVARD COUNTY, FLORIDA
-PRELIMINARY PLAT-

UNPLATTED
SCHOOL BOARD OF
BREVARD COUNTY,
FLORIDA
ORB 5788, PG 698



CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	34.20'	22.00'	089°04'32"	S45°12'29"W	30.86
C2	76.17'	48.00'	090°55'28"	S44°47'31"E	68.43
C3	37.85'	45.00'	048°11'23"	S23°25'28"E	36.74
C4	54.98'	35.00'	090°00'00"	S44°19'47"E	49.50
C5	54.98'	35.00'	090°00'00"	S45°40'13"W	49.50
C6	44.18'	45.00'	056°15'04"	S28°47'45"W	42.43
C7	44.18'	45.00'	056°15'04"	S27°27'19"E	42.43
C8	54.98'	35.00'	090°00'00"	S44°19'47"E	49.50
C9	47.18'	45.00'	060°04'25"	S60°38'01"W	45.05
C10	54.98'	35.00'	090°00'00"	S45°40'13"W	49.50
C11	27.88'	25.00'	063°53'47"	N32°37'06"E	26.46
C12	4.69'	36.00'	007°28'04"	S04°24'14"W	4.69
C13	22.94'	25.00'	052°34'29"	N18°08'58"W	22.14
C14	28.99'	37.00'	044°53'34"	N66°53'00"W	28.25
C15	21.08'	49.00'	024°39'15"	N72°15'14"W	20.92
C16	37.61'	48.00'	044°53'34"	S23°07'00"W	36.65
C17	75.40'	48.00'	090°00'00"	S45°40'13"W	67.88
C18	37.79'	48.00'	045°06'26"	S68°07'00"W	36.82
C19	4.24'	36.00'	006°45'06"	S86°11'45"W	4.24

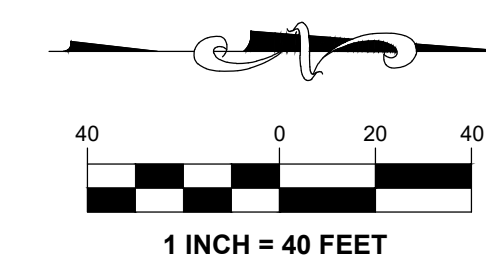
LINE TABLE		
LINE #	BEARING	LENGTH
L1	S00°40'13"W	40.88'
L2	N44°26'12"W	17.08'
L3	N89°19'47"W	20.00'
L4	N89°19'47"W	30.00'

SURVEY SYMBOL LEGEND

- PERMANENT REFERENCE MONUMENT (PRM);
FOUND 4X4 INCH CONCRETE MONUMENT
WITH DISK STAMPED PRM LB4905, UNLESS
OTHERWISE NOTED
- FOUND 5/8" IRON ROD AND CAP ID# PRM
LB4905 UNLESS OTHERWISE NOTED
- SET 5/8" IRON ROD AND CAP ID# PRM LB4905
UNLESS OTHERWISE NOTED

ABBREVIATIONS

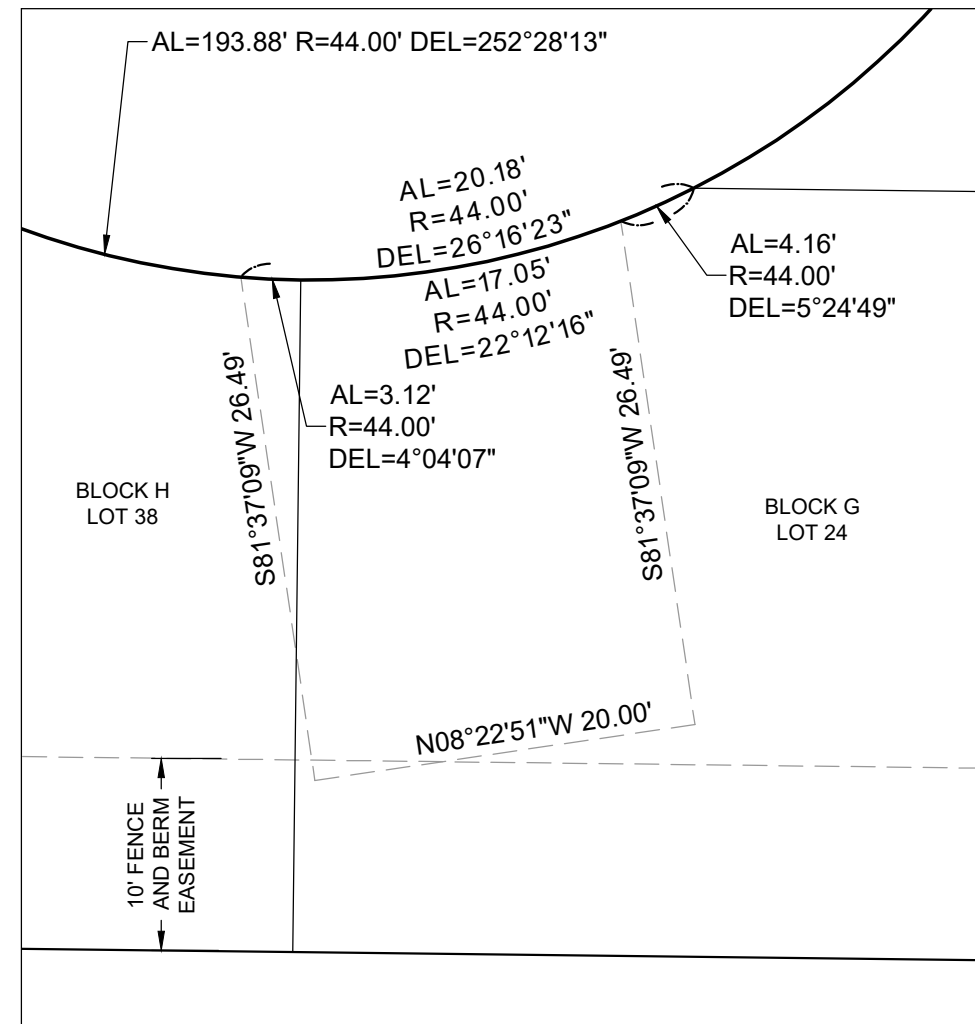
AL	ARC LENGTH	(NR)	NON-RADIAL
B	BEGINNING OF CURVE	(NTI)	NON-TANGENT INTERSECTION
CA	CENTRAL ANGLE	(NTL)	NON-TANGENT LINE
CB	CHORD BEARING	OR/ORB	OFFICIAL RECORDS BOOK
CH	CHORD LENGTH	PB	PLAT BOOK
COR	CORNER	PG(S)	PAGE(S)
DE	PRIVATE DRAINAGE EASEMENT	POB	POINT OF BEGINNING
DEL	DELTA / CENTRAL ANGLE	POC	POINT OF COMMENCEMENT
E	END OF CURVE	PRC	POINT OF REVERSE CURVATURE
F.B.E.	FENCE & BERM EASEMENT	R	RADIUS
FGT	FLORIDA GAS TRANSMISSION	RCP	REINFORCED CONCRETE PIPE
FP&L	FLORIDA POWER AND LIGHT	RPB	ROAD PLAT BOOK
FD	FOUND	SSE	SANITARY SEWER EASEMENT
LB	LICENSED BUSINESS	SW	SOUTHWEST
		TYP	TYPICAL



- THIS PLAT PREPARED BY -

ST JOHNS PRESERVE - TRACT A TOWNHOMES

BEING A REPLAT OF A PORTION OF TRACT A, ST JOHNS PRESERVE-PHASE 1, ACCORDING TO THE PLAT THEREOF, AS
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CITY OF PALM BAY, BREVARD COUNTY, FLORIDA
-PRELIMINARY PLAT-



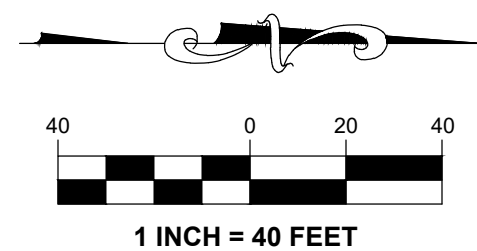
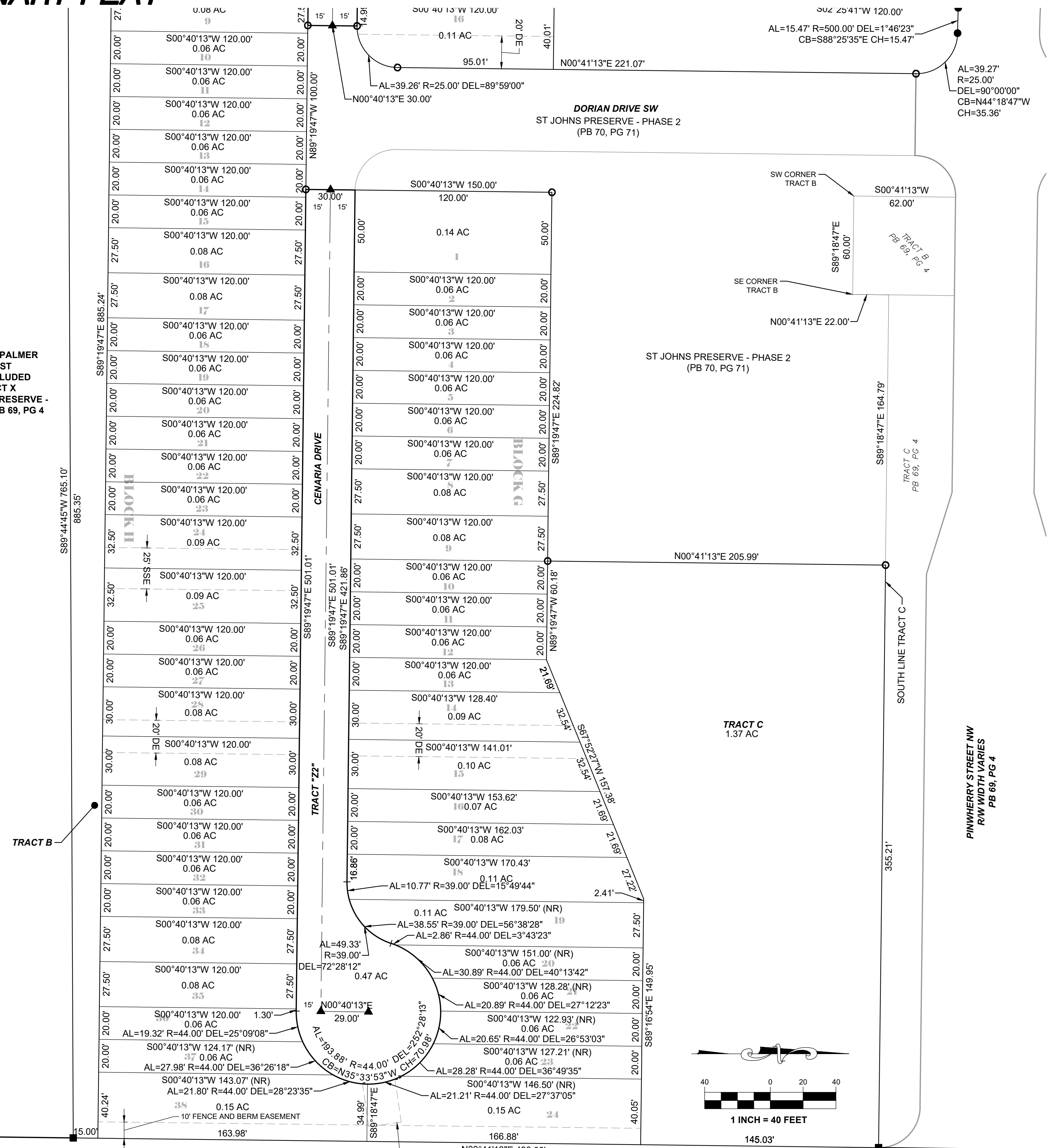
WATER MAIN EASEMENT DETAIL
NTS

ABBREVIATIONS			
AL	ARC LENGTH	(NR)	NON-RADIAL
BOC	BEGINNING OF CURVE	(NTI)	NON-TANGENT INTERSECTION
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OTHERWISE NOTED
- FOUND 5/8" IRON ROD AND CAP ID# PRM
LB4905 UNLESS OTHER WISE NOTED
- SET 5/8" IRON ROD AND CAP ID# PRM LB4905
UNLESS OTHER WISE NOTED

WILLARD PALMER
TRUST
NOT INCLUDED
TRACT X
ST JOHNS PRESERVE -
PHASE 1, PB 69, PG 4

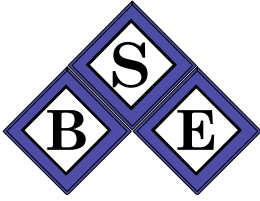


- THIS PLAT PREPARED BY -



B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 400, PALM BAY, FL 32909
PHONE: (321) 725-3074 FAX: (321) 725-1109
CERTIFICATE OF BUSINESS AUTHORIZATION #955
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION: LB0004905

DATE: 07/25/22
DESIGN/DRAWN: LEH/AH
DRAWING# 1141601_306_004
PROJECT# 11416.01



B.S.E. CONSULTANTS, INC.
Consulting ~ Engineering ~ Land Surveying

Scott M. Glaubitz, P.E., P.L.S.
President

Hassan Kamal, P.E.
Vice President

Memorandum:

DATE: Update July 27, 2022 (originally issued August 24, 2021)

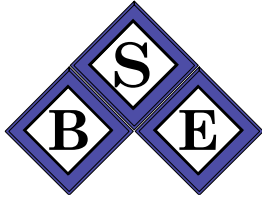
TO: Frank Watanabe, PE – City of Palm Bay

FROM: Ana Saunders, P.E.

Re: St. Johns Preserve, Tract A – Traffic Trip Reduction Statement Memo

Tract A is part of the larger St. Johns Preserve project that was most recently approved by the City in 2019; note that this approval also contained a full traffic study. At that time, and within that approval and traffic study, Tract A was contemplated to contain 304 multi-family units. The FDP approved specific to Tract A (November 2021, Ordinance 2021-68) and construction plans proposed 120 units (a reduction of 184 units from the original 304 units).

The most recent Tract A final development plan application submitted in July 2022 proposes a total of 176 multi-family townhome units (an increase of 56 units from the November 2021 approved FDP but an overall reduction of 124 total units from the originally approved 304 units). The trip generation rate for the current plan of 176 units will be significantly less than the 304 units previously conceived and approved.



B.S.E. CONSULTANTS, INC.
Consulting ~ Engineering ~ Land Surveying

Scott M. Glaubitz, P.E., P.L.S.
President

Hassan Kamal, P.E.
Vice President

Memorandum:

DATE: Update July 27, 2022 (originally issued July 27, 2021)

TO: Agency Reviewer

FROM: Ana Saunders, P.E.

Re: St. Johns Preserve, Tract A – Stormwater Management System Summary

The current July 2022 Final Development Plan submittal revisions are within the allowable 85% impervious area permitted with SJRWMD resulting in de minimis changes to the stormwater management system.

- Surface water impacts and potential wood stork foraging habitat for the entire project site were accounted for in the original permit (foraging habitat was mitigated for) ERP #120600-3.
- Tract A, also referred to as the multi-family tract, along with the commercial tract were included in the master stormwater calculations and identified/discussed throughout. Note that this area is currently approved with drainage connections to the master stormwater system via DS-111A and DS-123; these connections are maintained with the development of Tract A.

School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699

Mark W. Mullins, Ed.D., Superintendent



August 19, 2022

Mr. Stephen White
Principal Planner
City of Palm Bay
Growth Management Department
120 Malabar Road SE
Palm Bay, Florida 32907

**RE: Proposed St. Johns Preserve Development- Tract A
School Capacity Availability Determination Letter SCADL-2022-15**

Dear Mr. Stephen White,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property consists of Tax Account 3023625 (Parcel ID: 28-36-32-01-*
A) containing approximately 19.12 acres in The City of Palm Bay, Brevard County, Florida. One Hundred Seventy-Six (176) single family dwelling units are planned for completion. The School Concurrency Determination of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in the *Brevard County Public Schools Financially Feasible Plan for 2020-21 to 2025-26* which is attached for reference.

Single Family Homes	176		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.24	42.24	42
Middle	0.07	12.32	12
High	0.12	21.12	21
Total	0.43		75

Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646



An Equal Opportunity Employer

**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2022-23 to
2026-27**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter	930	930	930	930	952
Central	1,514	1,514	1,514	1,514	1,514
Heritage	2,314	2,314	2,314	2,314	2,314

Projected Student Membership

School	2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter	721	817	857	854	920
Central	1,171	1,217	1,238	1,319	1,360
Heritage	2,038	2,149	2,193	2,179	2,248

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter	-	80	160	202	222
Central	-	25	50	62	68
Heritage	-	49	97	121	133

**Cumulative Students Generated by
Proposed Development**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter	-	42	42	42	42
Central	-	12	12	12	12
Heritage	-	21	21	21	21

**Total Projected Student Membership (includes
Cumulative Impact of Proposed Development)**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter	721	939	1,059	1,098	1,184
Central	1,171	1,254	1,300	1,393	1,440
Heritage	2,038	2,219	2,311	2,321	2,402

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Jupiter	209	(9)	(129)	(168)	(232)
Central	343	260	214	121	74
Heritage	276	95	3	(7)	(88)

At this time Jupiter Elementary School and Heritage High School are not projected to have enough capacity for the total of projected and potential students from the St. Johns Preserve Tract A development. Because there is a shortfall of available capacity in the concurrency service areas of the St. Johns Preserve Tract A development, the capacity of adjacent concurrency service areas must be considered. The adjacent elementary school concurrency service areas are Westside Elementary School, Turner Elementary School, McAuliffe Elementary School and Discovery Elementary School. The adjacent high school concurrency service areas are Bayside High School, Palm Bay Magnet High School, Melbourne High School and Eau Gallie High School. A table of capacities of the *Adjacent Schools Concurrency Service Areas* that could accommodate the impacts of the St. Johns Preserve Tract A development is shown:

**FISH Capacity (including relocatable classrooms) from the
Financially Feasible Plan (FFP) Data and Analysis for School Years 2022-23 to
2026-27**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Discovery	980	980	980	980	980
Bayside	2,263	2,263	2,263	2,263	2,263

Projected Student Membership

School	2022-23	2023-24	2024-25	2025-26	2026-27
Discovery	644	639	633	608	611
Bayside	1,728	1,850	1,942	2,002	2,069

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2022-23	2023-24	2024-25	2025-26	2026-27
Discovery	-	12	24	24	24
Bayside	29	29	29	29	29

**Cumulative Students Generated by
Proposed Development**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Discovery	-	42	42	42	42
Bayside	-	21	21	21	21

**Total Projected Student Membership (includes
Cumulative Impact of Proposed Development)**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Discovery	644	693	699	674	677
Bayside	1,757	1,900	1,992	2,052	2,119

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School	2022-23	2023-24	2024-25	2025-26	2026-27
Discovery	336	287	281	306	303
Bayside	506	363	271	211	144

Considering the adjacent elementary school and high school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the St. Johns Preserve Tract A development.

This letter is the official **School Concurrency Availability Determination Letter (SCADL)** for the St. Johns Preserve Tract A development in accordance with Section 13.2(e) of the *Interlocal Agreement for Public School Facility Planning and School Concurrency (ILA)*. This letter will become binding, and capacity will be reserved in Brevard Public Schools for the projected student membership impact of this development as of the date of this letter.

The School Capacity Reservation at the above schools is valid for 24 months from the date of this letter. At that time, if the project has not received the Certificate of Completion approval from The City of Palm Bay, a Time Extension application can be submitted to the School Board through The City of Palm Bay. A maximum of 2 additional years can be requested. If the final planning approval has not been completed after the 2-year Time Extension is granted, a new application for School Concurrency must be submitted.

Also, in accordance with Section 13.2(f) of the ILA, so that the school district can track capacity reservations, please provide notification:

1. When this residential development has received a Concurrency Evaluation Finding of Nondeficiency or functional equivalent.
2. The date the development order expires, is extended, or is revoked.
3. When the concurrency reservations become vested.
4. When the school impact fees have been paid.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,



Karen M. Black, AICP
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for 2020-21 to 2025-26*

Copy: Susan Hann, AICP, Assistant Superintendent of Facilities Services
File SCADL-2022-15

David G. Lindemann, AICP, Director of Planning & Project Management, Facilities Services
File SCADL-2022-15



St. Johns Preserve Phase 1 Location Map



St. Johns Preserve Phase 1
SCADL-2022-15
176 Single-Family Units

Schools Affected by Development:
Jupiter Elementary School
Central Middle School
Heritage High School

Drawn By:
Planning & Project Management
Blake Stinson
08/18/2022



Brevard County Public Schools



Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service Data and Analysis for School Years 2021-22 to 2026-27

Summary		2021-22		2022-23		2023-24		2024-25		2025-26		2026-27			
Highest Utilization Elementary Schools:		88%		89%		95%		98%		97%		99%			
Highest Utilization Middle Schools:		88%		88%		90%		89%		92%		98%			
Highest Utilization Jr / Sr High Schools:		84%		100%		99%		82%		79%		78%			
Highest Utilization High Schools:		101%						95%		94%		97%			
School	Type	Grades	Utilization Factor	School Year 2021-22		School Year 2022-23		School Year 2023-24		School Year 2024-25		School Year 2025-26		School Year 2026-27	
				FISH Capacity	10/15/21 Membership	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity
Elementary School Concurrency Service Areas															
Allen	Elementary	PK-6	100%	751	630	751	632	84%	751	694	92%	751	739	98%	773
Andersen	Elementary	K-6	100%	884	592	884	597	67%	884	589	67%	884	589	67%	738
Apollo	Elementary	K-6	100%	902	782	902	783	87%	902	755	84%	902	761	84%	884
Atlantis	Elementary	PK-6	100%	739	629	739	630	85%	739	616	83%	739	600	81%	902
Audubon	Elementary	PK-6	100%	761	464	761	464	61%	761	458	60%	739	582	80%	739
Cambridge	Elementary	PK-6	100%	765	506	765	506	68%	765	513	67%	765	438	58%	739
Cape View	Elementary	PK-6	100%	570	278	570	285	49%	570	287	50%	765	485	63%	761
Carroll	Elementary	K-6	100%	751	614	751	619	82%	751	605	81%	765	485	63%	765
Challenger 7	Elementary	PK-6	100%	573	506	573	508	89%	573	476	83%	570	286	50%	570
Columbia	Elementary	PK-6	100%	751	462	751	464	62%	751	546	73%	751	600	80%	284
Coquina	Elementary	K-6	100%	711	534	711	531	75%	711	557	78%	751	600	80%	751
Croft	Elementary	PK-6	100%	1,114	717	1,114	762	68%	1,114	812	73%	573	437	76%	751
Croton	Elementary	PK-6	100%	795	487	795	488	61%	795	530	67%	751	569	76%	751
Discovery	Elementary	PK-6	100%	980	615	980	644	66%	795	559	70%	711	596	84%	751
Endeavour	Elementary	PK-6	100%	968	657	968	670	69%	980	633	65%	1,114	877	79%	711
Enterprise	Elementary	K-6	100%	968	657	968	670	69%	980	633	65%	1,114	877	79%	711
Farglen	Elementary	PK-6	100%	729	605	729	608	83%	980	633	65%	795	586	74%	795
Garnett	Elementary	PK-6	100%	789	581	789	580	74%	980	633	65%	980	608	62%	980
Gerami	Elementary	K-6	100%	711	427	711	442	62%	968	641	66%	968	627	65%	980
Golkovay	Elementary	PK-6	100%	777	454	777	454	58%	729	587	81%	968	627	65%	968
Harbor City	Elementary	PK-6	100%	629	359	629	357	57%	729	587	81%	729	529	73%	729
Holland	Elementary	PK-6	100%	605	444	605	465	77%	789	620	79%	789	626	79%	789
Imperial Estates	Elementary	K-6	100%	729	624	729	622	85%	711	440	62%	711	420	59%	711
Indianapolis	Elementary	K-6	100%	798	671	798	672	84%	777	503	65%	777	513	68%	777
Jupiter	Elementary	PK-6	100%	930	724	798	721	78%	629	386	61%	629	400	64%	629
Lockmar	Elementary	PK-6	100%	892	632	729	619	85%	605	473	78%	605	472	85%	605
Longleaf	Elementary	PK-6	100%	790	594	790	584	75%	729	619	85%	729	620	78%	729
Manatee	Elementary	K-6	100%	998	843	898	855	86%	930	857	92%	930	854	92%	930
McAuliffe	Elementary	PK-6	100%	918	634	898	633	69%	892	578	67%	892	559	63%	892
Meadowlane Intermediate	Elementary	3-6	100%	1,114	832	751	790	75%	790	583	74%	980	565	72%	892
Meadowlane Primary	Elementary	K-6	100%	824	678	998	824	82%	998	793	83%	988	765	77%	998
Mia	Elementary	PK-6	100%	707	438	918	707	432	918	624	68%	988	765	77%	998
Mims	Elementary	PK-6	100%	725	431	1,114	725	442	918	624	68%	918	578	63%	918
Oak Park	Elementary	PK-6	100%	968	561	824	930	85%	1,114	920	83%	1,114	950	85%	1,114
Ocean Breeze	Elementary	PK-6	100%	654	538	824	654	524	824	725	88%	824	731	89%	824
Palm Bay Elem	Elementary	PK-6	100%	983	547	707	983	567	707	444	63%	707	417	59%	707
Pinewood	Elementary	PK-6	100%	569	496	725	569	517	725	441	61%	725	452	62%	725
Port Malabar	Elementary	PK-6	100%	852	636	654	852	630	968	510	53%	968	508	52%	968
Quest	Elementary	PK-6	100%	1,152	673	654	1,152	694	983	570	58%	983	602	61%	983
Rivera	Elementary	PK-6	100%	777	624	852	777	631	569	524	92%	569	526	92%	983
Roosevelt	Elementary	K-6	100%	599	263	852	599	241	852	630	74%	852	645	76%	852
Sabal	Elementary	PK-6	100%	785	516	1,152	785	516	1,152	722	63%	1,152	734	64%	1,152
Salum	Elementary	PK-6	100%	976	678	777	976	705	777	709	91%	777	722	93%	777
Sea Park	Elementary	PK-6	100%	461	299	599	461	324	599	221	37%	599	202	34%	599
Sherwood	Elementary	PK-6	100%	609	428	785	609	429	785	523	67%	599	546	72%	599
Sunrise	Elementary	PK-6	100%	913	691	785	913	690	785	523	67%	785	516	66%	785
Sunrise	Elementary	PK-6	100%	755	595	976	755	584	976	824	88%	976	822	84%	976
Surfside	Elementary	K-6	100%	541	408	461	541	372	461	324	70%	461	330	72%	461
Tropical	Elementary	K-6	100%	910	642	785	910	642	785	523	67%	976	822	84%	976
Turner	Elementary	PK-6	100%	874	579	755	874	576	755	584	77%	755	546	72%	755
University Park	Elementary	PK-6	100%	811	466	541	811	464	541	345	64%	755	546	72%	755
Viana Elem	Elementary	K-6	100%	1,030	585	910	1,030	585	910	597	65%	755	546	72%	755
Westside	Elementary	PK-6	100%	857	728	874	857	728	874	621	71%	910	597	65%	910
Williams	Elementary	PK-6	100%	715	494	811	715	493	811	622	77%	874	659	75%	874
Elementary Totals				42,471	29,890	42,471	30,184		42,515	31,024		42,625	31,190		42,735
															31,547



LAND DEVELOPMENT DIVISION

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

Landdevelopmentweb@palmbayflorida.org

FINAL DEVELOPMENT PLAN 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.

APPLICATION AMENDMENT TYPE:

- ☐ **PUD** - Planned Unit Development ([Section 185.067](#))
- ☒ **PMU** - Parkway Mixed Use District (Final Design Plan) ([Section 185.057\(C\)](#))
- ☐ **PCRD** - Planned Community Redevelopment District ([Section 185.055\(L\)](#))
- ☐ **RAC** - Regional Activity Center District ([Section 185.056\(C\)](#))

PROPOSED DEVELOPMENT NAME:

St. Johns Preserve - Tract A

PARCEL ID(S):

28-36-32-01-*A

TAX ACCOUNT NUMBER(S):

3023625

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):

St. Johns Preserve - Phase 1 Tract A; ORB 9151 PG 137 and PB 70 PG 71

CITY OF PALM BAY, FLORIDA
FINAL DEVELOPMENT PLAN APPLICATION
PAGE 2 OF 4

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

+/- 19.12 AC

TOTAL LOTS PROPOSED (list by use):

176 Townhomes

DEVELOPER St. Johns Preserve Investment Group, LLC

Full Address 1698 W. Hibiscus Blvd., Suite A, Melbourne, FL, 32901

Telephone (321) 953-3300 **Email** mike.fmdc@gmail.com

ENGINEER B.S.E. Consultants, Inc.

Full Address 312 South Harbor City Blvd., Suite #4 Melbourne, FL 32901

Telephone 321-725-3674 **Email** info@bseconsult.com

SURVEYOR B.S.E. Consultants, Inc.

Full Address 312 South Harbor City Blvd., Suite #4 Melbourne, FL 32901

Telephone 321-725-3674 **Email** info@bseconsult.com

FINAL DEVELOPMENT PLAN CRITERIA FOR SUBMITTAL:

- 1) Two (2) copies of the Final Development Plan and supporting documentation shall be attached to the application. The final plan and supporting documentation **must also be provided on memory drive.**
- 2) Layout of the development plan shall be in plat form that meets the requirements of Florida Statute Chapter 177.
- 3) The Final Development Plan shall contain the information required per the City of Palm Bay Land Development Code section for a PUD, PMU, PCRD, or RAC. **Additional conditions must be met and incorporated into the site plan for the specific type of development requested (PUD, PMU, PCRD, RAC).** The additional criteria is listed in the Code of Ordinances and available from staff.

**CITY OF PALM BAY, FLORIDA
FINAL DEVELOPMENT PLAN APPLICATION
PAGE 3 OF 4**

**THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS
FINAL DEVELOPMENT PLAN APPLICATION:**

- ☐ *A \$1,500.00 application fee shall accompany the Final Development Plan application for the purposes of administration. Make Check payable to "City of Palm Bay."
- ☐ Final Development Plan (see aforementioned Final Development Plan Criteria for Submittal).
- ☐ Boundary Survey.
- ☐ Site Sketch to scale with legal descriptions of properties covered by this application.
- ☐ 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.)
- ☐ Citizen Participation Plan. Required when a Preliminary Development Plan application was not submitted. Refer to Section 169.005 of the Land Development Code for guidelines.
- ☐ 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 guidelines. 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 Ana Saunders, P.E.

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.

CITY OF PALM BAY, FLORIDA
FINAL DEVELOPMENT PLAN APPLICATION
PAGE 4 OF 4

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

Owner Signature



Date

7/18/22

Printed Name

Mike Evans

Full Address

St. Johns Preserve Investment Group, LLC 1698 W. Hibiscus Blvd., Suite A, Melbourne, FL, 32901

Telephone

(321) 953-3300

Email

mike.fmdc@gmail.com

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

7/18

, 20 22

Re: Letter of Authorization

As the property owner of the site legally described as:

St. Johns Preserve - Tract A
28-36-32-01-* -A

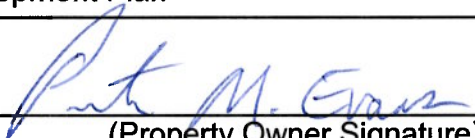
I, Owner Name: Peter M. Evans, St. Johns Preserve Investment Group, LLC
Address: 1698 W. Hibiscus Blvd., Suite A, Melbourne, FL, 32901
Telephone: (321) 953-3300
Email: mike.fmdc@gmail.com

hereby authorize:

Representative: B.S.E. Consultants, Inc.
Address: 312 South Harbor City Blvd., Suite 4 Melbourne, FL 32901
Telephone: 321-725-3674
Email: info@bseconsult.com

to represent the request(s) for:

St. Johns Preserve - Tract A - Final Development Plan



(Property Owner Signature)

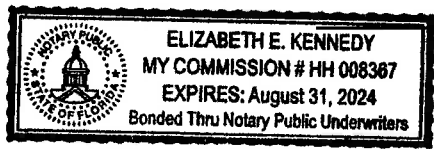
STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 18th day of July, 20 22 by Peter M Evans, property owner.

, Notary Public

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



DESCRIPTION OF REMAINDER OF TRACT A

TRACT A, ST JOHNS PRESERVE-PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND:

PART OF TRACT A, ST JOHNS PRESERVE-PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF TRACT B, OF SAID ST JOHNS PRESERVE-PHASE 1 AND RUN ALONG THE BOUNDARY OF SAID TRACT B THE FOLLOWING THREE (3) COURSES AND DISTANCES; 1) THENCE S00°41'13"W, A DISTANCE OF 62.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT B; 2) THENCE S89°18'47"E, A DISTANCE OF 60.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT B; 3) THENCE N00°41'13"E, A DISTANCE OF 22.00 FEET TO THE SOUTHWEST CORNER OF TRACT C OF SAID ST JOHNS PRESERVE-PHASE 1; THENCE S89°18'47"E ALONG THE SOUTH LINE OF SAID TRACT C, A DISTANCE OF 164.79 FEET; THENCE S00°41'13"W, A DISTANCE OF 205.99 FEET; THENCE N89°19'47"W, A DISTANCE OF 224.82 FEET; THENCE S00°40'13"W, A DISTANCE OF 150.00 FEET; THENCE N89°19'47"W, A DISTANCE OF 100.00 FEET; THENCE N00°40'13"E, A DISTANCE OF 30.00 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°59'00", A CHORD BEARING OF N45°40'43"E AND A CHORD LENGTH OF 35.35 FEET), A DISTANCE OF 39.26 FEET TO THE END OF SAID CURVE; THENCE N00°41'13"E, A DISTANCE OF 316.08 FEET; THENCE S89°18'47"E, A DISTANCE OF 50.00 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF N45°41'13"E, AND A CHORD LENGTH OF 35.36 FEET); A DISTANCE OF 39.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 19.12 NET ACRES, MORE OR LESS.

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
SPECIAL MEETING 2022-10

Held on Tuesday, September 6, 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.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

Mr. Philip Weinberg led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Leeta Jordan	Present
VICE CHAIRPERSON:	Philip Weinberg	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Robert Good	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Randall Olszewski	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	David Karaffa	Absent
	(School Board Appointee)	

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Tania Ramos, Senior Planner; Ms. Uma Sarmistha, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. Rodney Edwards, Assistant City Attorney.

ANNOUNCEMENTS:

1. Ms. Jordan informed the board that the Special Planning and Zoning Board meeting tentatively scheduled for September 29, 2022, had been canceled. The temporary moratorium item was placed on the present agenda.

Ms. Maragh applauded the developer for working with the community, but she could not support the incompatibility of the subject request.

A vote was called on the motion to submit Case Z-44-2022 to City Council for denial.

Motion by Mr. Weinberg, seconded by Ms. Maragh. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski, Warner.

2. ****CU-47-2022 - Allegra of Palm Bay - Mimis Mitropoulos, ACIS Investment Group, LLC (Represented by Bruce Moia, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorney at Law / Jeremy Mears, Brownstone Group) - A Conditional Use to grant relief to the 25-foot maximum building height requirement in a proposed RM-15, Single-,Two-, Multiple-Family Residential District by allowing buildings to be constructed 39 feet in height, in accordance with Section 185.037(D)(4) of the Palm Bay Code of Ordinances. Tax Parcel 502, Section 34, Township 28, Range 37, Brevard County, Florida, containing approximately 17.44 acres. Located between and adjacent to Malabar Road NE and Biddle Street NE**

Based on the board's denial of Case Z-44-2022, Case CU-47-2022 was considered moot.

Motion to submit Case CU-47-2022 to City Council for denial.

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

Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski, Warner.

3. ****FD-46-2022 - St. Johns Preserve-Tract A - Mike Evans, St. Johns Preserve Investment Group, LLC (BSE Consultants, Inc., Rep.) - A Final Development Plan to allow a proposed PMU for a 176-unit residential townhome development called St. Johns Preserve-Tract A. Tract A, St. Johns Preserve Phase I, Section 32, Township 28, Range 36, Brevard County, Florida,**

containing approximately 19.12 acres. Located north of and adjacent to Malabar Road NW, in the vicinity west of St. Johns Heritage Parkway NW

Mr. White presented the staff report for Case FD-46-2022. Case FD-46-2022 was in alignment with the Comprehensive Plan, Parkway Mixed Use, and the project met the minimum criteria of a Parkway Mixed Use Rezoning request, subject to the staff comments contained in the staff report.

Ms. Ana Saunders, P.E., BSE Consultants, Inc. (representative for the applicant) explained that Tract A was the multiple-family component of the St. Johns Preserve Development. The traffic study, turn lane, and off-site improvements that were approved for the project in 2019 included the 304 units originally slated for the subject tract. The duplex proposal approved for the site in 2021 had not gained any interest, so the current proposal was for townhomes with a mixture of four, six, and eight-plex units for 176 units. The road layout was identical with no access to the St. Johns Heritage Parkway or Malabar Road, and the stormwater and sanitary sewer components were also the same.

Mr. Olszewski wanted to know the number of single-family homes within Phases I through IV, and he asked if the project had any access to Heritage High School. Ms. Saunders indicated that Phases I through IV was comprised of approximately 600 units. All vehicular traffic would go through St. Johns Preserve, but Phase I did have an internal pedestrian access to the high school, and there was also an emergency bus access for the high school.

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

Mr. Weinberg commented that the development was a good project and the density was reasonable.

Motion to submit Case FD-46-2022 to City Council for approval.

Motion by Mr. Weinberg, seconded by Ms. Maragh. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, Maragh, Olszewski, Warner.

4. **CP-32-2022 - River's Edge - Michael Jones, Florida Institute of Technology, Inc. (Represented by Ross Abramson, Woodfield Acquisitions, LLC / Bruce Moia, P.E., MBV Engineering, Inc. / Kim Rezanka, Lacey Lyon Rezanka Attorney at Law) - A small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Bayfront Mixed Use. Part of Lots 6 and 10, Hopsons Subdivision, Section 24, Township 28, Range 37, Brevard County, Florida, containing approximately 6.92 acres. Located west of and adjacent to Dixie Highway NE, in the vicinity north of Malabar Road NE, specifically at 4400 Dixie Highway NE**

Mr. White presented the staff report for Case CP-32-2022. Case CP-32-2022 met the minimum requirements of a Comprehensive Plan Future Land Use Map amendment request.

Ms. Kimberly Rezanka, Lacey Lyon Rezanka Attorneys At Law (representative for the request), was present on behalf of the developer, Woodfield Acquisitions, LLC. She provided the board with a rendering of the River's Edge proposal. She described how there would be 5,000 square feet of commercial use on the northeast side of the property, and 131 high-end concrete-block apartments with five and six levels, and swimming pool and patio amenities. There was not a full site plan at this time, but there would be setbacks 60 feet west and 100 feet south to buffer the Palm Bay Estates Mobile Home Park Cooperative. She stated that a Citizen Participation Plan (CPP) meeting was held, and the concerns from the residents regarding buffering, landscape, and fencing would be addressed by the developer as much as possible.

Ms. Maragh asked if the buffering was discussed during the CPP meeting. Mr. Ross Abramson, Woodfield Acquisitions, LLC (representative for the request) stated that the plan was discussed at the CPP meeting, and he would work with the neighbors regarding their concerns with the south buffer.

Mr. Warner asked for further details about the project, and if the building on the property would be removed. Mr. Abramson stated that the proposal was for a luxury apartment building with a coastal modern design. Retail use would overlook the marina area as an attractive amenity to the community. The project was a second

ORDINANCE 2022-113

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, APPROVING A FINAL DEVELOPMENT PLAN TO BE KNOWN AS ‘ST. JOHNS PRESERVE – TRACT A, PHASE 1’ IN PMU (PARKWAY MIXED USE DISTRICT) ZONING; WHICH PROPERTY IS LOCATED NORTH OF AND ADJACENT TO MALABAR ROAD, WEST OF AND ADJACENT TO ST. JOHNS HERITAGE PARKWAY, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, application for Final Development Plan approval in PMU (Parkway Mixed Use District) zoning to allow a 176-townhouse subdivision to be known as ‘St. Johns Preserve – Tract A, Phase 1’ on property legally described herein, has been made by St. Johns Preserve Investment Group, LLC, and

WHEREAS, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on September 6, 2022, which voted to recommend to the City Council approval of the application, and

WHEREAS, all provisions applicable to the Parkway Mixed Use District under Chapter 185, Zoning, of the Palm Bay Code of Ordinances, have been satisfied by the applicant, and

WHEREAS, the City Council of the City of Palm Bay, after due deliberation and consideration, reviewed and considered the reports, documents, testimony, and other materials presented, and has determined that such development plan will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.

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 grants Final Development Plan approval for ‘St. Johns Preserve – Tract A, Phase 1’ on property zoned PMU (Parkway Mixed Use District), which property is legally described herein as follows:

TRACT A, ST JOHNS PRESERVE-PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND: PART OF TRACT A, ST JOHNS PRESERVE-PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGE 4, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF TRACT B, OF SAID ST JOHNS PRESERVE-PHASE 1 AND RUN ALONG THE BOUNDARY OF SAID TRACT B THE FOLLOWING THREE (3) COURSES AND DISTANCES; 1) THENCE S00°41'13"W, A DISTANCE OF 62.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT B; 2) THENCE S89°18'47"E, A DISTANCE OF 60.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT B; 3) THENCE N00°41'13"E, A DISTANCE OF 22.00 FEET TO THE SOUTHWEST CORNER OF TRACT C OF SAID ST JOHNS PRESERVE-PHASE 1; THENCE S89°18'47"E ALONG THE SOUTH LINE OF SAID TRACT C, A DISTANCE OF 164.79 FEET; THENCE S00°41'13"W, A DISTANCE OF 205.99 FEET; THENCE N89°19'47"W, A DISTANCE OF 224.82 FEET; THENCE S00°40'13"W, A DISTANCE OF 150.00 FEET; THENCE N89°19'47"W, A DISTANCE OF 100.00 FEET; THENCE N00°40'13"E, A DISTANCE OF 30.00 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°59'00", A CHORD BEARING OF N45°40'43"E AND A CHORD LENGTH OF 35.35 FEET), A DISTANCE OF 39.26 FEET TO THE END OF SAID CURVE; THENCE N00°41'13"E, A DISTANCE OF 316.08 FEET; THENCE S89°18'47"E, A DISTANCE OF 50.00 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF N45°41'13"E, AND A CHORD LENGTH OF 35.36 FEET); A DISTANCE OF 39.27 FEET TO THE POINT OF BEGINNING. CONTAINING 19.12 NET ACRES, MORE OR LESS.

SECTION 2. The Final Development Plan is granted subject to the staff comments contained in the Staff Report, incorporated herein as Exhibit 'A', and the following items being submitted with construction plans as follows:

- A. A preliminary subdivision plat and a boundary and title opinion;
- B. Deed restrictions establishing development standards;
- C. The technical comments generated by the Development Review Staff, incorporated herein as Exhibit 'B', shall be observed and incorporated into the construction drawings; and
- D. Any development agreement or proportionate fair share agreements which may be necessitated at any time.

SECTION 3. The property shall be developed in substantial conformance with the Final Development Plan, which is, by reference, incorporated herein as Exhibit 'C', except as may be modified by the conditions of approval. The applicant shall comply with all provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

SECTION 4. 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: St. Johns Preserve Investment Group, LLC
Case: FD-46-2022

cc: (date) Brevard County Recording
Applicant
Case File



LEGISLATIVE MEMORANDUM

DATE: 10/20/2022

RE: Adoption of Minutes: Meeting 2022-24; September 1, 2022.

ATTACHMENTS:

Description

Minutes - Meeting 2022-24

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2022-24

Held on Thursday, the 1st day of September 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 6:00 P.M.

Bishop Merton Clark, Truth Revealed Ministries, 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
COUNCILMEMBER:	Peter Filiberto	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; Frank Watanabe, City Engineer; Alexandra Bernard, Growth Management Director.

ANNOUNCEMENTS:

Deputy Mayor Johnson announced the following vacancies and solicited applications for same:

1. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++

2. One (1) term expiring on the Melbourne-Tillman Water Control District Board.++

AGENDA REVISION(S):

Ms. Sherman advised that consideration of a co-sponsorship with Representative Randy Fine and Farm Share for free food distribution events was added as Item 2, under New Business.

PROCLAMATIONS AND RECOGNITIONS:

The proclamation was read.

- 1. Proclamation: Chiari Malformation Awareness Month - September 2022. (Mayor Medina)**

PUBLIC COMMENT(S)/RESPONSE(S): (Non-agenda Items Only)

Individuals made general comments.

1. Peter Flores, resident, commented on the backup of traffic in the Lockmar area due to Pineapple Cove.

Mr. Watanabe advised that traffic issues had lessened but he was in communication with the school and said they wanted to be involved in resolving the issues. He responded to questions posed by councilmembers.

PUBLIC HEARING(S):

- 1. Ordinance 2022-88, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Utilities Advisory Board', by repealing the subchapter in its entirety, thereby dissolving the Palm Bay Utilities Advisory Board, 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 2022-88. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

- 2. Ordinance 2022-89, amending the Code of Ordinances, Chapter 36, Recreation Department, by including provisions prohibiting smoking and vaping within municipal parks, final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council.

A resident spoke against the request and questioned the smoking areas. Other residents supported the ordinance and said that cigars should also be banned.

Mayor Medina clarified that there were designated areas for smoking. Ms. Smith said that the State would not allow local governments to regulate unfiltered cigars. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-89. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

3. Ordinance 2022-87, vacating a portion of the road right-of-way known as Maplewood Street, lying southeasterly of the southerly right-of-way of Pospisil Avenue and adjoining the easterly right-of-way of the Florida East Coast Railway, as recorded in Plat Book 2, Page 3, of the Public Records of Brevard County, Florida (0.30 acres, more or less) (Case VRW-3-2022, Space Coast Marinas LLC), first reading. (CONTINUED FROM 08/18/22 RCM)

Staff approved the request with the following conditions:

- Pre post conditions; historical drainage to this right-of-way shall not be blocked.
- Vacating of Street/Right-of-Way contingent upon proof of ownership of Parcel ID: 28-37-24-27-2-8.
- The applicant shall provide adequate conveyance, and maintenance of the drainage area to maintain roadway and adjacent property drainage conveyance substantially in conformance with the existing historical drainage plan. Compliance with this requirement shall require the applicant design a revised drainage system of the parcels, receive approval of that design from the City, and the St. Johns River Water Management District (if required), and construct the improvements.
- The applicant shall provide all required improvements, dedication of utility, and drainage easements as required by the Palm Bay Utilities Department and Public Works Department. All easements, plans, and agreements shall be completed within one year of the date of approval of this request.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant was not present. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve Ordinance 2022-87, to include staff's conditions. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

4. Ordinance 2022-90, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Doreatha Fields Avenue, in the vicinity west of Northview Street, from Light Industrial Use to Multiple-Family Residential Use (3.00 acres) (Case CP-17-2022, Dudley E. Garner and Sue E. Garner Revocable Trust), only one reading required.

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Miguel Reynaldos, representative for the applicant, presented the request to Council.

Residents spoke against the request, stating there were so few industrial sites left in the city, there were stormwater issues in the area and the Northshore development was already too much for the area to handle.

Mr. Reynaldos responded that the applicant would be working with staff through the site investigation process and that stormwater was mandatory. He said many of the comments would be addressed during the site plan process.

Ms. Sherman said that as part of the Comprehensive Plan review process, staff was looking at areas that there were not yet developed for the potential to expand and add more commercial/light industrial zoning districts as those types were needed in the city.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-90.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Foster	Yea
Councilman Felix	Yea
Councilman Filiberto	Nay

5. Ordinance 2022-91, rezoning property located south of and adjacent to Doreatha Fields Avenue, in the vicinity west of Northview Street, from LI (Light Industrial and Warehousing District) to RM-15 (Single-, Two-, and Multiple-Family Residential District) (3.00 acres) (Case CPZ-17-2022, Dudley E. Garner and Sue E. Garner Revocable Trust), first reading. (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request, subject to substantial conformance to the submitted concept plan.

The City Attorney read the ordinance in caption only. The public hearing was opened. Miguel Reynaldos, representative for the applicant, presented the request to Council.

Connie McCleary, resident, asked if the units would be rented to anyone. She expressed concern about flooding. Mr. Reynaldos said there would be a property manager that would oversee the site pursuant to Federal rules and regulations. Credit checks would be performed but he was unsure about background checks.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve Ordinance 2022-91, subject to substantial conformance to the submitted concept plan.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Foster	Yea
Councilman Felix	Yea
Councilman Filiberto	Nay

6. Resolution 2022-41, granting a conditional use to allow for a car wash at a proposed automobile service establishment in CC (Community Commercial District) zoning, on property located at the northwest corner of Minton and Malabar Roads (2.06 acres) (Case CU-34-2022, Cole Oliver, West Malabar Properties, LLC). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the resolution in caption only. The public hearing was opened. Casey Walker, CSC Properties, LLC and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2022-41. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

7. Resolution 2022-42, granting a conditional use to allow for storage of liquefied petroleum products, chemicals and similar products in HI (Heavy Industrial District), on property located south of and adjacent to Rowena Drive, in the vicinity north of Robert J. Conlan Boulevard and east of the Florida East Coast Railway (0.46 acres) (Case CU-35-2022, Joseph Beatty, FAR Research, Inc.). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended denial of the request.

The City Attorney read the resolution in caption only. The public hearing was opened. Representatives for the applicant from the AVID Group and Akerman, LLC presented the request to Council. Mr. Filiberto asked if there were any open violations or incidences in the past two months. The response was in the negative. The representatives answered questions posed by councilmembers.

Attorney Richard Dewitt, representative for the aggrieved party, MLEF, presented his case. He said MLEF was opposing the request due to the proposed storage of liquefied petroleum products and of chemicals and similar products. Mr. Dewitt said the applicant did not meet the review criteria for Comprehensive Plan compatibility; specifically, Section 185.087(D) and (G). He provided a history of violations, incident reports, warning letters from the Florida Department of Environmental Protection, and fire inspection reports from the City. He responded to questions posed by councilmembers.

Residents located adjacent to the site spoke against the request.

Due to a medical emergency, a brief recess was taken after which time the meeting resumed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to continue Resolution 2022-42 to the September 15, 2022, regular Council meeting. At that time, the public hearing would continue at the cross examinations/rebuttals and presentations would not be reheard. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

8. Ordinance 2022-92, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by removing certain provisions related to arcade amusement centers within CC (Community Commercial District) and HC (Highway Commercial District) zonings (Case T-40-2022, 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. Bernard presented the request to Council.

Individuals made general comments. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2022-92.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Foster	Yea
Councilman Felix	Yea
Councilman Filiberto	Nay

9. Ordinance 2022-93, amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, Subchapter 'Walls and Fences', by modifying provisions for fences on corner lots (Case T-41-2022, 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. Bernard presented the request to Council. A resident asked that Council consider handling fence requests on a case-by-case basis. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve Ordinance 2022-93. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

10. Ordinance 2022-94, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Planned Unit Development (PUD)', by modifying standards contained therein (Case T-42-2022, 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. Bernard presented the request to Council. The public hearing was closed.

Motion by Mr. Felix, seconded by Deputy Mayor Johnson, to approve Ordinance 2022-94. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

11. Request by Chaparral Properties, LLC, for a Final Development Plan to allow a proposed Planned Unit Development (PUD) for a residential development to be known as ‘Chaparral Phase IV and V’, which property is located in the vicinity south of Malabar Road, west of Brentwood Lakes Subdivision and Melbourne-Tillman Water Control District Canal 9R (136.70 acres) (Case FD-16-2022). (CONTINUED TO 09/06/22 P&Z AND 10/06/22 RCM)

12. Request by Paul Daly and Don Ballew for a Preliminary Development Plan to allow a proposed Planned Unit Development (PUD) for a residential townhome development to be known as ‘Lipscomb Street PUD’, which property is located east of and adjacent to Lipscomb Street, in the vicinity west of Mango Street (24.56 acres) (Case PD-32-2022). (CONTINUED TO 09/06/22 P&Z AND 10/06/22 RCM)

13. Request by the City of Palm Bay to amend the Code of Ordinances, Chapter 185, Zoning Code, Subchapter ‘Supplementary District Regulations’, to ensure compliance with current Florida statutes for mobile food vending (Case T-39-2022). (CONTINUED TO 09/06/22 P&Z AND 10/06/22 RCM)

14. Request by Malabar Holdings Group, LLC, for a Final Development Plan to allow a proposed Planned Unit Development (PUD) for a residential development to be known as ‘Malabar Springs Phase 1’, which property is located north of and adjacent to Malabar Road, in the vicinity west of St. Johns Heritage Parkway (259.17 acres) (Case FD-31-2022). (WITHDRAWN)

15. Request by Donald and Leeta Jordan to amend the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located at the northeast corner of Madden Avenue and Sidney Street, from Single-Family Residential Use to Multiple-Family Residential Use (11.64 acres) (Case CP-28-2022). (WITHDRAWN)

16. Request by Donald and Leeta Jordan to rezone property located at the northeast corner of Madden Avenue and Sidney Street, from RS-2 (Single-Family

**Residential District) to RM-20 (Multiple-Family Residential District) (11.64 acres)
(Case CPZ-28-2022). (WITHDRAWN)**

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 6 and 13, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

1. Adoption of Minutes: Meeting 2022-22; August 18, 2022.

The minutes, considered under Consent Agenda, were approved as presented.

2. Award of Bid: Culvert pipe replacement, Units 37 and 57 - IFB 57-0-2022 - Public Works Department (Timothy Rose Contracting, Inc. - \$385,860); budget increase (\$82,000).

Staff Recommendation: Approve the award for culvert pipe replacement, Units 37 and 57, with Timothy Rose Contracting, Inc. (Vero Beach), in the amount of \$385,859.75; and authorize an increase of \$82,000 for Project 22SU08, Unit 37 Pipe Replacement.

The item, considered under Consent Agenda, was approved as recommended by City staff.

3. Contract: Road Bond paving, Kirby Industrial Park and Palm Bay Colony - IFB 64-0-2021, Change Order 5 - Public Works Department (Ranger Construction Industries - \$26,216).

Staff Recommendation: Approve Change Order 5 for the Kirby Industrial Park and Palm Bay Colony Road Bond paving with Ranger Construction Industries, in the amount of \$26,215.91.

The item, considered under Consent Agenda, was approved as recommended by City staff.

4. Contract: South Regional Water Reclamation Facility construction - IFB 39-0-2020, Change Order 6 - Utilities Department (RJ Sullivan Corporation - \$1,049,999).

Staff Recommendation: Approve Change Order 6 for the South Regional Water Reclamation Facility construction project with RJ Sullivan Corporation, in the amount of \$1,049,998.75.

The item, considered under Consent Agenda, was approved as recommended by City staff.

5. Contract: Relocation and force main design and permitting services, Lift Station 5 - TO 22-02-IS - Utilities Department (Infrastructure Solution Services - \$172,090).

Staff Recommendation: Approve Task Order 22-02-IS for Lift Station 5 relocation and force main design and permitting services with Infrastructure Solution Services, in the amount of \$172,090, against Master Agreement 36-0-2020.

The item, considered under Consent Agenda, was approved as recommended by City staff.

6. Resolution 2022-43, providing for the acceptance of real property conveyed to the City by Palm Bay Greens, LLC, located at the intersection of Babcock Street and Port Malabar Boulevard.

The City Attorney read the resolution in caption only.

Bill Battin, resident, asked the purpose of the digital marquee. He said it could be a potential distraction for traffic. Ms. Sherman said it would increase communication with the community.

Motion by Deputy Mayor Johnson, seconded by Mr. Filiberto, to adopt Resolution 2022-43. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

7. Ordinance 2022-95, amending the Fiscal Year 2021-2022 budget by appropriating and allocating certain monies (fourth 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.

8. Consideration of a budget amendment related to replacement of sewer main and appurtenances (Indian River Villas, Phase 1)(Utilities Department - \$66,090).

Staff Recommendation: Authorize a budget amendment allocating \$66,090 from Utilities Undesignated Fund Balance related to replacement of sewer main and appurtenances.

The item, considered under Consent Agenda, was approved as recommended by City staff.

9. Consideration of a budget amendment related to oversizing of a water main (Sanibel Cove)(Utilities Department - \$53,321).

Staff Recommendation: Authorize a budget amendment allocating \$53,321 from Utilities Undesignated Fund Balance for the oversizing of a water main from 8-inch to 12-inch (Sanibel Cove).

The item, considered under Consent Agenda, was approved as recommended by City staff.

10. Consideration of a budget amendment related to off-site water and wastewater improvements (Palm Vista Everlands)(Utilities Department - \$750,678).

Staff Recommendation: Authorize a budget amendment allocating \$750,678 from Utilities Undesignated Fund Balance for off-site water and wastewater improvements (Palm Vista Everlands).

The item, considered under Consent Agenda, was approved as recommended by City staff.

11. Consideration of a budget amendment related to off-site water and wastewater improvements (St. Johns Preserve, Phase 1)(Utilities Department - \$126,828).

Staff Recommendation: Authorize a budget amendment allocating \$126,828 from Utilities Undesignated Fund Balance for off-site water and wastewater improvements (St. Johns Preserve, Phase 1).

The item, considered under Consent Agenda, was approved as recommended by City staff.

12. Consideration of an Easement Agreement with Florida Power & Light for placement of electric utility facilities at 454 Cellini Avenue NE.

Staff Recommendation: Approve a non-exclusive easement agreement with Florida Power & Light for the placement of aboveground and underground electric utility facilities.

The item, considered under Consent Agenda, was approved as recommended by City staff.

13. Consideration of a grant agreement with the Florida Department of Environmental Protection's Coastal Partnership Initiative for improvements to Castaway Point Park.

Staff Recommendation: Authorize the City Manager to execute the grant agreement with the Florida Department of Environmental Protection related to the Coastal Partnership Initiatives grant program for improvements to Castaway Point Park.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the grant agreement. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

14. Consideration of an agreement with the Institute of Police Technology and Management for the Pedestrian and Bicycle Safety High Visibility Enforcement and Support Program.

Staff Recommendation: Authorize the City Manager to execute a subgrant agreement and contract with the University of North Florida's Institute of Police Technology and Management for the Pedestrian and Bicycle Safety High Visibility Enforcement and Support Program, to include any and all future amendments.

The item, considered under Consent Agenda, was approved as recommended by City staff.

15. 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.

UNFINISHED AND OLD BUSINESS:

1. Appointment of one (1) member to the Community Development Advisory Board.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to appoint Dawn Bittar to the 'Banking Industry' position on the Community Development Advisory Board. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

NEW BUSINESS:

1. Consideration of scheduling a special meeting for September 2022.

Council concurred to schedule a special Council meeting for Thursday, September 22, 2022, at 6:00 p.m., to review applications received to address homelessness, affordable housing, and related public services.

2. Consideration of City's co-sponsorship with Representative Randy Fine and Farm Share for free food distribution events. (AGENDA REVISION)

Staff Recommendation: Approve the City's co-sponsorship with Representative Fine and Farm Share to host the series of Free Food Distribution events; approve \$1,360 of in-kind wages and fee waivers.

Deputy Mayor asked that future requests be submitted in a timely fashion, especially due to comments from the audit. Mayor Medina felt elected officials should be given leniency on the policies and asked that the policy be reviewed. Mr. Felix agreed with Mayor Medina but said that Council had voted on a policy and it should be followed. Mr. Foster said the policy should be followed, regardless of the request being from another government agency. Deputy Mayor Johnson said the City should partner with Farm Share in the future, not just during election time.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the co-sponsorship with Representative Randy Fine and Farm Share for free food distribution events and looking into partnering with Farm Share in the future. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

COUNCIL REPORTS:

Councilmembers addressed various subjects.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman made the following reports:

a. Received a request from Dr. Juan Avendano, Director of the Center for Advanced Manufacturing and Innovating Design at Florida Institute of Technology, for a letter of support for his U.S. residency. Council concurred but Deputy Mayor Johnson and Mr. Filiberto said they wanted to meet Dr. Avendano first.

b. Provided an update on inquiries received about Daily Bread relocating to Malabar Road. Ms. Sherman advised that no approvals had been granted by the City for a project related to Daily Bread. Requests for Proposals regarding the ARPA funding had been received by fourteen (14) agencies which would be considered at the special Council meeting to be held on September 22nd.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 10:18 P.M.

Rob Medina, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK



LEGISLATIVE MEMORANDUM

DATE: 10/20/2022

RE: Adoption of Minutes: Meeting 2022-26; September 15, 2022.

ATTACHMENTS:

Description

Minutes - Meeting 2022-26

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2022-26

Held on Thursday, the 15th day of September 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 6:00 P.M.

Reverend Debra Cox, First Presbyterian 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
COUNCILMEMBER:	Peter Filiberto	Present
CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	Terese Jones	Absent

CITY STAFF: Joan Junkala-Brown, Deputy City Manager; Christopher Little, Utilities Director; Dr. Jesse Anderson, Assistant Growth Management Director; Leslie Hoog, Fire Chief; Frank Watanabe, City Engineer.

ANNOUNCEMENTS:

Deputy Mayor Johnson announced the following vacancy and solicited applications for same:

- 1. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++**

AGENDA REVISION(S):

1. Mayor Medina asked that Item 1, under New Business (United Third Bridge co-sponsorship request), be considered after the first Public Comments section.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to move Item 1, under New Business, after the first Public Comments section on the agenda. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

2. Mr. Filiberto requested that Item 10, under Public Hearings (moratorium ordinance), be considered prior to Item 1, under Public Hearings.

Motion by Mr. Filiberto, seconded by Mr. Foster, to move Item 10, under Public Hearings, prior to Item 1, under Public Hearings. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

PROCLAMATIONS AND RECOGNITIONS:

The proclamation was read.

1. Proclamation: Mayor's Business Spotlight Recipient - Twisty Cone Ice Cream.

PRESENTATIONS:

1. Departmental Update: Utilities Department.

Mr. Little provided an overview of the department's staff and responsibilities, system infrastructure, budget revenues and expenditures, current expansion projects, five-year priorities, and availability of water and sewer services. He answered questions posed by councilmembers.

PUBLIC COMMENT(S)/RESPONSE(S): (Non-agenda Items Only)

Individuals made general comments.

Council concurred to consider Item 1, under New Business, at this time.

1. Consideration of City's co-sponsorship of United Third Bridge's 25th Annual Puerto Rican Day Parade and Multi-Cultural Festival.

Staff Recommendation: Approve the City's co-sponsorship with United Third Bridge Inc.'s (UTB) 25th Annual Puerto Rican Day Parade and Multi-Cultural Festival; approve \$980 of in-kind wages (labor) and authorize \$1,055 in fee waivers.

Samantha Nazario, Director of Entertaining for UTB, presented the request to Council. Deputy Mayor Johnson asked if the co-sponsorship was necessary as there was a Settlement Agreement in place.

Bill Battin, resident, said that if the court-ordered Settlement Agreement outlined what was to be provided by the City, anything over and above that agreement should be paid by the organization.

Ms. Sherman advised that none of items requested under the co-sponsorship were part of the Settlement Agreement. Deputy Mayor Johnson felt it would save dollars if volunteers could be used instead of maintenance staff. Council supported the request as is.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the co-sponsorship with United Third Bridge as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

PUBLIC HEARING(S):

Council concurred to consider Item 10, under Public Hearings, at this time.

10. Ordinance 2022-100, providing for a temporary moratorium to prohibit the filing, acceptance or processing of any applications to amend the Future Land Use Map or rezone property from Single Family Residential or Multiple Family Residential within the city, first reading. (Deputy Mayor Johnson)

The Planning and Zoning Board recommended approval of the request, effective September 1, 2022, through February 28, 2023.

The City Attorney read the ordinance in caption only. The public hearing was opened. Dr. Anderson presented the request to Council. He asked that the following ordinance revisions be considered:

- Modify the effective date to reflect September 6th; and
- Extend the same timeline to pre-application meetings in which staff had explicitly conveyed to applicants that they had to go through an entitlement process that resulted in a residential family use, either land use or zoning.

Dr. Anderson responded to questions posed by councilmembers. Mr. Foster asked if an extension would be considered. Deputy Mayor Johnson said he would not support extending the moratorium, but a provision was included in the ordinance that any proposal

to extend the duration would require supermajority vote of Council. Mr. Foster said he did not want the moratorium to expire if the Comprehensive Plan had not been updated prior to same or if there were unforeseen delays.

Residents commented on the need for the moratorium as the city could not handle the current rate of growth. Public safety response times were already heavily affected and there was a need to expand the utility infrastructure.

Bruce Moia, representing the Home Builders and Contractors of the Space Coast, spoke against the request. The Board of the Home Builders unanimously agreed that a moratorium was not needed. It was felt that it would change the attitude of many developers that want to bring quality projects to the city and hoped that any applicants already in process would be exempt from the moratorium.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve Ordinance 2022-100, with the amendments to modify the effect to September 6, 2022, and to exclude projects that had completed a pre-application meeting on or before September 6, 2022.

Deputy Mayor Johnson confirmed with the City Manager that moratorium extension would not be needed. He said this was not shutting down development, only pausing it. Mr. Foster supported the request.

Mr. Filiberto said there were a lot of blue-collar workers in the city and he did not support putting people out of a job. He said the urban sprawl was Council's fault, not the developers, and the developers should not be punished.

Mr. Felix felt this was a smart decision. The Planning and Zoning Board recommended approval and the residents supported it was well.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Foster	Yea
Councilman Felix	Yea
Councilman Filiberto	Nay

A brief recess was taken after which time the meeting continued. Council resumed with the order of the agenda.

1. Ordinance 2022-69, 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, in the vicinity east of St. Johns Heritage Parkway and west of Melbourne-Tillman Water Control District Canal 8, from Residential 1 Unit Per Acre (RES 1) (Brevard County) to Regional Activity Center Use (RAC) (124.33 acres) (Case CP-26-2022, Parkside Commons Center, LLC and West 80 Acres, LLC), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, CEG Engineering, presented the request to Council.

Nathan White, resident, said this project included a recreational vehicle (RV) park which would be located across the street from the City's proposed RV park and campground. He asked if Council would consider foregoing the City's campground and reallocating those funds towards a fire station in the southwest sector.

Ms. Sherman stated that a portion of the funding for the City's campground project came from the Tourist Development Council and was dedicated to that particular project. Other funding came from Parks Impact Fees which also had to be used for that project purpose. Ms. Sherman provided further information on the alignment of the St. Johns Heritage Parkway (Parkway) in that area.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2022-69. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

2. Resolution 2022-40, granting approval of a Preliminary Development Plan for a proposed Regional Activity Center to be known at '3 Forks Mixed Use' in AU (Agricultural Residential) (Brevard County) and SR (Suburban Residential) (Brevard County) zoning, with a tentative zoning of RAC (Regional Activity Center District), which property is located south of and adjacent to Malabar Road, in the vicinity east of St. Johns Heritage Parkway and west of Melbourne-Tillman Water Control District Canal 8 (124.33 acres) (Case PD-26-2022, Parkside Commons Center, LLC, and West 80 Acres, LLC). (Quasi-Judicial Proceeding) (CONTINUED FROM 08/18/22 RCM)

The Planning and Zoning Board recommended approval of the request, subject to staff comments and conditions. Staff recommended approval of the request, subject to staff comments and the following items being submitted with the Final RAC application:

- A general plan for the use of all lands within the proposed RAC. Such plans shall indicate the general location of residential areas (including maximum density and unit types), open space, parks, passive or scenic areas, and nonresidential areas (including maximum building square footage or other intensity maximums).
- A plan of vehicular and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, the capacity of the system and major access points to the external and internal thoroughfare network.
- A summary of allowable development (a-e).
- Generalized regulations and development standards for the RAC district and each phase (a-e)
- Submission of an Endangered Species Assessment,
- Identification of lighting within the neighborhood, and
- Compliance with the conditions of CP-26-2022.

The City Attorney read the resolution in caption only. The public hearing was opened. Jake Wise, CEG Engineering, presented the request to Council.

Frank Columbo, resident of Parkside West Subdivision, did not agree with having a shared entrance with the RV park and said there were already heaving traffic issues along Malabar Road due to the high school, the park and the Parkway. He said a traffic light was needed in the area.

Ms. Sherman advised that the City had recently submitted an application to Brevard County for a new traffic signal at Malabar Road and the Parkway. Mr. Wise added that a if the preliminary plan was approved, traffic studies would be performed, but traffic signals could not be constructed without it being warranted and there was a process for same. He expected that a traffic signal would be warranted at the entrances to the proposed RV park and Fred Poppe Regional Park.

The public hearing was closed.

Ms. Smith advised that this request should be an ordinance pursuant to the Code of Ordinances. The final development plan would be approved by resolution, but the preliminary would be done via ordinance, which would include the rezoning component.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to continue the request to the October 6, 2022, regular Council Meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

3. Ordinance 2022-87, vacating a portion of the road right-of-way known as Maplewood Street, lying southeasterly of the southerly right-of-way of Pospisil Avenue and adjoining the easterly right-of-way of the Florida East Coast Railway, as recorded in Plat Book 2, Page 3, of the Public Records of Brevard County, Florida (0.30 acres, more or less) (Case VRW-3-2022, Space Coast Marinas LLC), final reading.

Staff approved the request with the following conditions:

- Pre post conditions; historical drainage to this right-of-way shall not be blocked.
- Vacating of Street/Right-of-Way contingent upon proof of ownership of Parcel ID: 28-37-24-27-2-8.
- The applicant shall provide adequate conveyance, and maintenance of the drainage area to maintain roadway and adjacent property drainage conveyance substantially in conformance with the existing historical drainage plan. Compliance with this requirement shall require the applicant design a revised drainage system of the parcels, receive approval of that design from the City, and the St. Johns River Water Management District (if required), and construct the improvements.
- The applicant shall provide all required improvements, dedication of utility, and drainage easements as required by the Palm Bay Utilities Department and Public Works Department. All easements, plans, and agreements shall be completed within one year of the date of approval of this request.

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 approve Ordinance 2022-87, to include staff's conditions. Motion carried with members voting as follows:

Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

4. Ordinance 2022-91, rezoning property located south of and adjacent to Doreatha Fields Avenue, in the vicinity west of Northview Street, from LI (Light Industrial and Warehousing District) to RM-15 (Single-, Two-, and Multiple-Family Residential District) (3.00 acres) (Case CPZ-17-2022, Dudley E. Garner and Sue E. Garner Revocable Trust), final reading. (Quasi-Judicial Proceeding)

The City Attorney read the ordinance in caption only. The public hearing was opened. Miguel Reynaldos, representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2022-91.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Foster	Yea
Councilman Felix	Yea
Councilman Filiberto	Nay

5. Resolution 2022-42, granting a conditional use to allow for storage of liquefied petroleum products, chemicals and similar products in HI (Heavy Industrial District), on property located south of and adjacent to Rowena Drive, in the vicinity north of Robert J. Conlan Boulevard and east of the Florida East Coast Railway (0.46 acres) (Case CU-35-2022, Joseph Beatty, FAR Research, Inc.). (Quasi-Judicial Proceeding) (CONTINUED FROM 09/01/22 RCM)

The Planning and Zoning Board recommended denial of the request.

The City Attorney read the resolution in caption only. The public hearing was opened. Mayor Medina reminded Council that due to a medical emergency at the last meeting, this request was continued and all information from the previous meeting was part of the record for tonight's meeting. The hearing would continue where it had left off at the previous meeting with rebuttals.

Attorney Sam Miller, Ackerman Law Firm and representative for the applicant, addressed concerns from the previous meeting. He said that FAR Research (FAR) was not increasing its chemical storage but wanted to move currently stored chemicals into an inside building and further away from the proposed future development located adjacent to the property. Mr. Miller said there were a few incidents that occurred at the site, but it was over ten (10) years ago. With regard to the most recent incident in 2020, a statement was made that there was hazardous waste in the soil which was deemed incurred by the Florida Department of Environmental Protection (FDEP). He said that FAR was committed to safety. Mr. Miller answered questions posed by councilmembers regarding the 2020 incident.

Mr. Filiberto asked if the Fire Department had a close working relationship with FAR and if staff received regular tours of the site. Chief Hoog confirmed same and said that FAR had been very responsive to recommendations made by staff.

The public hearing was closed.

Mayor Medina said that previous Councils had authorized developments near this site and he did not agree with those choices, but this Council had the opportunity to say no. He said that accidents happen, and he would not support the request if there was the possibility of losing even one life or having one injury.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Resolution 2022-42. Deputy Mayor Johnson said he was going to vote against the request until he heard comments from the Fire Chief and that FAR was being proactive. Mr. Felix felt the company had acknowledged what had occurred in the past and wanted to fix it for the future. Mr. Filiberto agreed that accidents do happen, but that would include every facility everywhere. He said that FAR was trying to be a good neighbor and he supported the request.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Foster	Yea
Councilman Felix	Yea
Councilman Filiberto	Yea

6. Ordinance 2022-92, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by removing certain provisions related to arcade amusement centers within CC (Community Commercial District) and HC (Highway Commercial District) zonings (Case T-40-2022, City of Palm Bay), 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. Felix, to adopt Ordinance 2022-92.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Foster	Yea
Councilman Felix	Yea
Councilman Filiberto	Yea

7. Ordinance 2022-93, amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, Subchapter 'Walls and Fences', by modifying provisions for fences on corner lots (Case T-41-2022, City of Palm Bay), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. A resident spoke in favor of the request. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-93. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

8. Ordinance 2022-94, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Planned Unit Development (PUD)', by modifying standards contained therein (Case T-42-2022, City of Palm Bay), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened.

Bill Battin, resident, commented that sidewalks were required in PUDs, but the homes were built so close together that if there were numerous vehicles at the house, they would

have to park on the street or block the sidewalk and force residents to walk in the street. He added that wells were installed for irrigation in PUDs but it also pulled from the properties that only had well water to support their house. He felt that PUDs would be an opportunity to promote Low Impact Developments (LID). The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2022-94. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

9. Ordinance 2022-95, amending the Fiscal Year 2021-2022 budget by appropriating and allocating certain monies (fourth budget amendment), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve Ordinance 2022-95. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

10. Ordinance 2022-100, providing for a temporary moratorium to prohibit the filing, acceptance or processing of any applications to amend the Future Land Use Map or rezone property from Single Family Residential or Multiple Family Residential within the city, first reading. (Deputy Mayor Johnson)

The item was considered earlier in the meeting prior to Item 1, under Public Hearings.

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 3, 7, 8, and 14, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

1. Adoption of Minutes: Meeting 2022-23; September 1, 2022.

The minutes, considered under Consent Agenda, were approved as presented.

2. Consideration of City Council Flag Program nominee, Justin Burdette. (Mayor Medina)

Staff Recommendation: Approve the Justine Burdette as a nominee for the City Council Flag Program.

The item, considered under Consent Agenda, was approved as recommended by City staff.

3. Award of Bid: Meter installation services - IFB 60-0-2022 - Utilities Department (National Metering Services, Inc. - \$196,150).

Staff Recommendation: Approve the award for Meter Installation Services to National Metering Services, Inc. (Kearny, New Jersey), in the amount of \$196,150.

Bill Battin, resident, questioned the correlation between Items 3 and 10, under Consent Agenda. Ms. Sherman said that this item was an award for the service and Item 10 was a budget transaction to increase the expenditure line item for meter installations around the city.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the award as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

4. Miscellaneous: Sewer, wetwell and manhole rehabilitation services (Clay County Utility Authority contract) – Utilities Department (Insituform - \$500,000 annually).

Staff Recommendation: Approve the piggyback of Clay County Utility Authority contract for the Wetwell and Manhole Rehabilitation Services Continuing Contract with Insituform Technologies, LLC (Chesterfield, Missouri). The estimated annual expenditures would be \$500,000.

The item, considered under Consent Agenda, was approved as recommended by City staff.

5. Resolution 2022-44, amending Resolution 2021-52, as amended, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (fourth 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 2022-45, amending Resolution 2021-53, as amended, adopting the Five-Year Capital Improvements Program for Fiscal Years 2021-2022 through 2025-2026 (fourth amendment).

The City Attorney read the resolution in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

7. Consideration of a grant agreement with Florida Department of Environmental Protection (FDEP) for funding of the construction of five (5) nutrient-separating baffle boxes (\$1,200,000); and consideration of utilizing Stormwater Utility Funds for the City's match (\$300,000).

Staff Recommendation: Authorize the City Manager to execute the FDEP grant agreement for funding in the amount of \$1,200,000 for the construction of the five (5) nutrient-separating baffle boxes and authorize the use of Stormwater Utility Funds in the amount of \$300,000 to serve as the City's required match.

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, authorizing the City Manager to execute the grant agreement and use Stormwater Utility Funds as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

8. Consideration of a budget amendment related to the upgrade of Lift Station 61 (Nathi Apartments) (\$73,689).

Staff Recommendation: Approve a budget amendment allocating \$73,389 from Undesignated Fund Balance to upgrade Lift Station 61.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the budget amendment as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

9. Consideration of a budget amendment related to oversizing of sewer force main (Gardenia Fountains Apartments) (\$10,570).

Staff Recommendation: Approve a budget amendment allocating \$10,570 from Undesignated Fund Balance related to oversizing of sewer force main.

The item, considered under Consent Agenda, was approved as recommended by City staff.

10. Consideration of allocating funds for meter services (\$160,000).

Staff Recommendation: Approve the appropriation of funds on the next scheduled budget amendment in the amount of \$160,000 for meter services.

The item, considered under Consent Agenda, was approved as recommended by City staff.

11. Consideration of allocating funds for Utilities credit card processing fees (\$100,000).

Staff Recommendation: Approve the appropriation of funds on the next scheduled budget amendment in the amount of \$100,000 for Utilities credit card processing fees.

The item, considered under Consent Agenda, was approved as recommended by City staff.

12. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$1,000).

Staff Recommendation: Approve the expenditure of funds as specified in the City Manager's memorandum.

The item, considered under Consent Agenda, was approved as recommended by City staff.

13. Acknowledgement of the City's monthly financial report for July 2022 (Unaudited).

The item, considered under Consent Agenda, was acknowledged by City Council.

14. Acknowledgement of the September 2022 GO Road Bond Paving report update.

Mr. Watanabe presented the report to Council.

Motion by Mr. Filiberto, seconded by Mr. Felix, to acknowledge the GO Road Bond paving report update. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

15. Consideration of travel and training for specified City employees (Office of the City Clerk).

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

UNFINISHED AND OLD BUSINESS:

1. Appointment of one (1) member to the Melbourne-Tillman Water Control District

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to reappoint Joseph Hale to the Melbourne-Tillman Water Control District. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

NEW BUSINESS:

1. Consideration of City's co-sponsorship of United Third Bridge's 25th Annual Puerto Rican Day Parade and Multi-Cultural Festival.

The item was considered earlier in the meeting after Public Comments.

COUNCIL REPORTS:

Councilmembers addressed various subjects.

ADMINISTRATIVE AND LEGAL REPORTS:

There were no reports.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 10:56 P.M.

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: Christopher A. Little, P.E.; Juliet Misconi, Chief Procurement Officer, Larry Wojciechowski, Finance

DATE: 10/20/2022

RE: Miscellaneous: Storage tank repair, North Regional Wastewater Treatment Plant (emergency procurement and fund appropriation) – Utilities Department (CROM, LLC - \$139,510).

The North Regional Water Treatment Plant (NRWTP) is currently undergoing rehabilitation. During the construction, issues were noted at the 0.5-million-gallon (MG) storage tank and piping. Specifically, a large void was discovered beneath the storage tank. An inspection of the tank was requested. The inspection, completed by CROM LLC, dba CROM Coatings and Restorations, found that the tank foundation and interior piping are in “poor” condition and require immediate repairs and replacement. The repairs will include the filling of voids under the tank and the replacement of the corroded 12” discharge piping. These repairs must be completed before the project construction can resume. This storage tank is critical to the operation of the NRWTP, and failure of this tank would severely impact the ability to store and provide potable water to the distribution system.

In accordance with Section Z of the Procurement Manual, Emergency Purchases, the declaration of an emergency is made in writing by the department affected. Utilities Staff advised the City Manager (CM) and the Chief Procurement Officer (CPO) of the emergency on October 7, 2022.

The Department’s Engineer of Record for this project, Wade Trim, has reviewed and concurs with the quote for the emergency repair. Staff concurs and requests approval of the emergency procurement from CROM LLC, dba CROM Coatings and Restorations, amount \$139,510.

In addition, the Department is requesting fund appropriation from Fund Balance for the emergency procurement in the amount of \$139,510.

Per City Code of Ordinance 38.12 EMERGENCY PURCHASES: The Chief Procurement Officer may make or authorize emergency purchases as defined herein. In the event of an emergency, such as a declaration of emergency pursuant to Fla. Stat. 252.38, by the Governor, or Fla. Stat. 252.38, by the County or City, an equipment failure, catastrophic damage to City property, or other similar unexpected event, all formal competitive bidding procedures are waived, and normal procurement procedures and requirements directly related to such emergency shall be suspended; and with the approval of the City Manager or the Chief Procurement Offices, the head of any department may purchase any required emergency supplies, materials, equipment or services. The

head of such department shall send to the Chief Procurement Officer a requisition and copy of the delivery record together with a full justification and circumstances of the emergency. Records of emergency purchases shall be maintained by the Chief Procurement Officer. A record listing of all emergency purchases exceeding the mandatory City Council approval amount shall be submitted to the city Council within ninety (90) days of said purchase.

REQUESTING DEPARTMENT:

Utilities, Finance, Procurement

FISCAL IMPACT:

Pending approval of the budget amendment, amount \$139,510 from Utilities Renewal & Replacement Undesignated Fund Balance (424-0000-392-3006); funds will be available in the Utilities Department's Renewal and Replacement Fund 424-8022-533-6221, project 23WS15.

RECOMMENDATION:

Motion to 1) approve appropriation of funds on the next scheduled budget amendment, amount \$139,510 and 2) approve the emergency procurement for the repairs to the NRWTP 0.5 MG storage tank to be completed by CROM LLC, dba CROM Coatings and Restorations.

ATTACHMENTS:

Description

Quote

Inspection Report

Engineer's Recommendation

Emergency Purchase Data Sheet

October 5, 2022

Revised October 6, 2022

REVISED PROPOSAL 20220412

REPAIRS BASED on INSPECTION REPORT 500,000 GALLON GROUND STORAGE TANK PALM BAY, FLORIDA

CROM Coatings and Restorations, a Division of CROM, LLC ("CCR") proposes to provide labor and material for the repairs of the prestressed concrete tank for **The City of Palm Bay, 120 Malabar Road SE, Palm Bay, Florida 32907** ("Client"). All work will be completed in accordance with all applicable codes and standards including OSHA, AWWA, ACI and standard prestressed concrete tank design.

1. DRAWINGS, SPECIFICATIONS, AND OTHER REQUIRED DATA

The Client or a duly authorized representative, is responsible for providing CCR with a clear understanding of the project nature and scope as is reasonably known to the Client. The Client shall supply CCR with sufficient and adequate information, including, but not limited to, maps, site plans, reports, surveys, and designs, to allow CCR to properly complete the specified services. The Client shall also communicate changes in the nature and scope of the project as soon as possible during performance of the work so that the changes can be incorporated into the work product.

Prior to starting work, CCR will request from Client data reasonably required for submittal purposes for the repair of the aforementioned storage tank including any available computations, detailed drawings, and specifications. If, in the opinion of CCR, adequate data is not available or is incomplete, Client will be informed and arrangements made for creation of needed data. CCR will not perform engineering studies or perform work requiring professional engineering duties but will assist Client in obtaining such services.

2. INSURANCE

CCR represents and warrants that it and its agents, staff and Consultants employed by it is and are protected by worker's compensation insurance and that CCR has such coverage under public liability and property damage insured policies which CCR deems to be adequate. Certificates for all such policies of insurance shall be provided to Client upon request in writing. Within the limits and conditions of such insurance CCR agrees to indemnify and save Client harmless from and against loss, damage, or liability arising from negligent acts by CCR, its agents, staff and consultants employed by it. CCR shall not be responsible for any loss, damage or liability beyond the amounts, limits, and conditions of such insurance or the limits described in Section 7, whichever is less. The Client agrees to defend, indemnify, and save CCR harmless for loss, damage or liability arising from acts by Client, Client's agent, staff, and other consultants employed by Client. Any bond requirement(s) by Client will carry an additional cost unless the parties agree otherwise.

3. SERVICES TO BE FURNISHED BY CCR

CCR proposes to furnish all supervision, labor, material, and equipment required to complete the work, except as noted in Paragraph 4. The services to be furnished by CCR are specifically:

This scope of work is to be performed on the following tank:

- 500,000 Gallon Ground Storage Tank
70'0" ID x 17'5" SWD
(CROM Job No. 1962M016)
 - a. Mobilization of crew, materials and equipment.
 - b. Tank Floor Investigation.
 - (a) Sound tank floor in areas around floor piping, mark areas which sound hollow.
 - (b) Core holes at marked areas and prepare for fill.
 - (c) Cast holes with a plasticizer enhanced mix that will allow for a higher slump without strength reduction. Monitor holes to insure that all voids are filled.
 - c. 12" Discharge Pipes, Removal and Replacement.
 - (a) Sawcut, chip and remove tank floor concrete above existing piping.
 - (b) Remove existing, 12" cast iron piping of discharge line.
 - (c) Replace with 12" SS piping.
 - (d) Form reinforced pad at each pipe. 6' x 6' x 4" thick with pipe in center.
 - (e) Encase piping and cast reinforced pads, provide broom finish.
 - d. 12" Fiberglass Vortex Breakers
 - (a) Fabricate and install fiberglass vortex breakers at each of the aforementioned 12" discharge lines.

*Note: CROM has assumed that below grade connections are 150# flanged connections.

4. MATERIALS AND SERVICES FURNISHED BY CLIENT OR OTHERS

It is understood that the following services shall be provided by others without expense to CCR:

- a. Client will grant or obtain free access to the site for all equipment and personnel necessary for CCR to perform the work set forth in this Proposal. The Client will notify any and all processors of the project site that Client has granted CCR free access to the site. CCR will take reasonable precautions to minimize damage to the site, but it is understood by Client that, in the normal course of work, some damage may occur, and the correction of such damage is not part of this Agreement unless so specified in the Proposal.
- b. The Client is responsible for the accuracy of locations for all subterranean structures and utilities. CCR will take responsible precautions to avoid known subterranean structures, and the Client waives any claim against CCR, and agrees to defend, indemnify, and hold CCR harmless from any claim or liability for injury or loss, including costs to defend, arising from damage done to subterranean structures and utilities not identified or accurately located. In addition, Client agrees to compensate CCR for any time spent or expenses incurred by CCR in defense of any such claim with compensation to be based upon CCR's prevailing fee schedule and expense reimbursement policy.
- c. A continuous supply of potable water under minimum pressure for the use of the CCR crew within 100 feet of the tank site.
- d. A continuous supply of electricity during the period of work: one 100-AMP, 110/220-volt service for the operation of our power tools and accessories, located not more than 100 feet from the tank. Please be sure that all circuit breakers are ground-fault protected. If it is necessary for CCR to supply its own electric

power, add \$500.00 per week to the contract amount.

- e. Any permit or other fees from any AHJ as may be required for the work including but not limited to all connect/disconnect, impact and building/construction fees.
- f. A suitable container conveniently located on site for the use of the CCR crew to dispose of construction debris generated during the repairs.
- g. Sanitary facilities for the CCR crew for the duration of the project.
- h. Drainage and disposal of the tank's contents.
- i. Disinfection and refilling of the tank's contents.
- j. Cleaning the interior and exterior of the tank and accessories.
- k. Complete lock-out and tag-out of the subject tank prior to personnel entering the tank. The Client will be required to provide all materials for this process. The Client will be responsible for demonstrating to CCR that the lock-out procedure is complete, and the tank is rendered "safe" before CCR will perform air quality testing to enter the tank.
- l. All professional engineering design services.
- m. Method A "X-Cut Tape Test", per ASTM D3359, shall be completed by a qualified coatings inspector or coatings manufacturer representative prior to application of new coating system. Results of this test must be 4A or greater. If the results of this test are less than a 4A, CCR and the Client will have to re-evaluate the proposed scope of work and pricing.

5. BACK CHARGES AND CLAIMS FOR EXTRAS

No claim for extra services rendered or materials furnished will be valid by either party unless written notice thereof is given during the first ten days of the calendar month following that in which the claim originated. CCR's claims for extras shall carry 30% for overhead and 10% for profit. Any mutually agreed upon deductive change order will provide only a credit for 10% profit but will not provide a credit for 30% overhead.

6. LIMIT ON INDIVIDUAL LIABILITY OF DESIGN PROFESSIONAL

LIMITATION ON INDIVIDUAL LIABILITY OF DESIGN PROFESSIONAL - TO THE EXTENT PERMITTED BY LAW, AN EMPLOYEE, AGENT, DESIGN PROFESSIONALS, OR ENGINEERS EMPLOYED BY CCR SHALL NOT BE INDIVIDUALLY LIABLE FOR NEGLIGENCE OCCURRING WITHIN THE COURSE AND SCOPE OF EMPLOYMENT WITH CCR UNDER THIS PROPOSAL TO AN OWNER, CONTRACTOR, SUBCONTRACTOR, OR TO ANY THIRD PARTY CLAIMING BY AND THROUGH THESE PARTIES.

7. RISK ALLOCATION

Client agrees that CCR's liability for any damage on account of any error, omission or other professional negligence will be limited to a sum not to exceed \$50,000 or CCR's fee, whichever is greater. Client agrees that the foregoing limits of liability extend to all of CCR's employees and professionals who perform any

services for Client. If Client prefers to have higher limits on general or professional liability, CCR agrees to increase the limits up to a maximum of \$1,000,000.00 upon Clients' written request at the time of accepting our proposal provided that Client agrees to pay an additional consideration of four percent of the total fee, or \$400.00, whichever is greater. The additional charge for the higher liability limits is because of the greater risk assumed and is not strictly a charge for additional professional liability insurance.

8. ASSIGNMENT AND THIRD PARTIES

Neither the Client nor CCR may delegate, assign, sublet or transfer their duties or any interest in this Proposal without the written consent of the other party. Both parties agree there are no intended third-party beneficiaries to this Proposal including other contractors or parties working on the project, or, if necessary, a surety of CCR.

9. LABOR

This proposal is predicated on open-shop labor conditions, using our own personnel. If we are required to employ persons of an affiliation desirable to the Client or other contractor employed by him or the general contractor thereby resulting in increased costs to us, the contract price shall be adjusted accordingly. Such requirement shall not provide that CCR sign a contract with any labor organization. In the event of a labor stoppage, we shall not be in default or be deemed responsible for delay of the progress of this contract or damage to the Client or the contractor so long as CCR has sufficient qualified employees available to perform the work.

Our proposal is based on our crew performing our Scope of Work in accordance with our standard safety program. If any additional safety requirements are placed on us (not required by OSHA) such as: site training, additional safety equipment or permit required confined space, the cost for such additional requirements plus 30% for overhead shall be reimbursed to us.

10. SCHEDULE, COMMENCEMENT, AND DELAYS

The quotation below is valid through **December 31, 2022**. The project conditions must be readied for our forces to begin the scope of work outlined herein on or before this date, or the contract price will be renegotiated to reflect any increased costs. Furthermore, a mutually agreeable Commencement Date preceding the date above, will be incorporated into this Proposal (or other agreement between us). If the readiness of the project site or conditions do not allow efficient execution of our work on or before the Commencement Date, our contract price will increase \$55.00 per man hour of crew delay until other productive work can be scheduled for the assigned crew.

An agreement must be executed between us to allow sufficient time for preparation of our design drawings and other submittals. We will be prepared to begin work **30 days** after approval of the primary submittals and will undertake to furnish sufficient labor, materials, and equipment to complete construction of our scope of work within approximately **5 weeks** working time thereafter. Confirm that these milestones and durations are considered when selecting the Commencement Date above.

It is agreed that we shall be permitted to execute our work without interruption. If delayed at any time for a period of 24 hours or more by an act or neglect of the owner, his representative, or other contractor employed by him, or by the general contractor, or by reason of any changes ordered in the work, we shall be reimbursed for our actual additional expense caused by such delay, including loss of use of our equipment, plus 30% for overhead.

In the event an agreement apart from this proposal is preferred, such agreement shall include this Proposal

and all the conditions herein unless both parties agree in writing to specifically omit any condition.

11. QUOTATION

We are prepared to carry out this work in accordance with the foregoing for the lump sum price of:

Mobilization	\$ 4,600.00
Tank Floor Investigation and Fill	\$ 22,330.00
Remove Existing 12" CI Discharge Piping	\$ 37,360.00
Install and Encase 12" SS Discharge Line Piping	\$ 70,720.00
Fiberglass Vortex Breakers	\$ 4,500.00
Total	\$139,510.00

Periodic and final payment, including any retention, shall be made within **7 days** from the date our work is completed, or the billing is received, or in accordance with applicable state Prompt Payment law, whichever is earlier, and is to be received by us in our accounting office at 250 SW 36th Terrace, Gainesville, Florida 32607. All costs for third party contracts and billing management services, or use of any software, as may be required by the Customer or Owner, will be added to the Contract Price, by change order. Final payment shall not be held due to delays in testing. Payment not received by that date will be considered past due and will be subject to a late payment charge of 1½% per calendar month, or any fraction thereof until received in our office.

If CCR does not receive payment within 7 days after such payment is due, as defined herein, CCR may give notice, without prejudice to and in addition to any other legal remedies and may stop work until payment of the full amount owing has been received. The Proposal Amount and Time shall be adjusted by the amount of CCR's reasonable and verified cost of shutdown, delay, and startup, which shall be effected by an appropriate change order.

Any reasonable legal or other expense necessary for the enforcement of this Proposal or for the collection of monies due shall be borne by the party at fault. If sales tax is excluded from our price, or on materials contained in our price, in accordance with project specifications, such exclusion is subject to receipt of adequate tax exemption documents from you or the project owner prior to commencement of Work to allow for our application of same. If proper tax exemption documentation is not received or is not adequate to provide exemption, we reserve the right to receive reimbursement of all sales tax CCR is obligated to pay due to the tardiness, lack of, or inadequate exemption documentation on behalf of you or the owner.

12. ARBITRATION/DISPUTE RESOLUTION AND VENUE

Any controversy or claim relating to the contract between us shall be settled by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association, and judgment by the arbitrator(s) may be entered in any court having jurisdiction. The claim will be brought and tried in judicial jurisdiction of the court of the state and county where CCR's principal place of business is located and Client waives the right to remove the action to any other county or judicial jurisdiction, and the prevailing party will be entitled to recovery of all reasonable costs incurred, including staff time, court costs, attorneys' fees and other claim related expenses the venue for any litigation under this Agreement shall be in Alachua County, Florida. If CCR engages an attorney for the collection of the amounts due from the Client, the Client shall pay CCR its reasonable attorney's fees and costs through any appeal. The laws of the State of Florida will govern the validity of these terms, their interpretation and performance. If any of the provisions contained in this Agreement are held illegal, invalid, or unenforceable, the enforceability of the remaining provisions will not be impaired. Limitations of liability and indemnities will survive termination of this Agreement for any cause.

13. CHANGES IN SCOPE AND LIMITATIONS

If the Client wishes to have CCR perform any additional repairs or remediation of the tank or accessories, it shall authorize such work in writing and pay CCR its standard rates for such work.

It is agreed that CCR shall not be responsible for any consequential, special or delay damages or any force majeure events, including but not limited to acts of God and pandemic. CCR does not assume responsibility for differing, latent or concealed conditions, which differ materially from those indicated in the Subcontract/Contract documents or from those ordinarily found to exist and not inherent in the Work, including but not limited to weather or subsurface conditions, and not caused by CCR's fault or negligence.

14. TERMINATION

This agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof. Such termination shall be effective if that substantial failure has been redeemed before expiration of the period specified in the written notice. In the event of termination, CCR shall be paid for services performed to the termination notice date plus reasonable termination expenses.

In the event of termination, or suspension for more than three (3) months prior to completion of all work contemplated by the proposal, CCR may complete such analyses and records as necessary to complete their files and may also complete a report on the services performed to the date of notice of termination or suspension. The expense of termination or suspension shall include all direct costs of CCR in completing such analyses, records and reports if necessary.

15. GUARANTEE

CCR will guarantee its workmanship and materials on its work covered in this Proposal for a period of one-year after completion of its work. Prior to leaving the location, CCR personnel will perform a walk through with the responsible party overseeing our work for the Client. In case any defects in CCR's workmanship or materials appear within the one-year period after completion and acceptance of CCR's work, CCR shall promptly make repairs at its own expense upon written notice by the Client that such defects have been found. CCR's guarantee is limited to defects in CCR's workmanship and materials, excluding inspections, cleaning, and disinfection services ("Services"). CCR shall endeavor to perform these Services with that degree of care and skill ordinarily exercised under similar circumstances by contractors practicing in the same discipline at the same time and location. CCR shall not be responsible for, nor liable for, delamination of previous coatings application, any ordinary wear and tear or for damage caused from negligent or inappropriate use or by any other entity beyond our control, including but not limited to modifications, work, or repairs by others.

If a bond is required for the Scope of Work included in this contract, CCR will furnish a one-year Performance and Payment Bond. The cost of this bond is **not included** in our price. Please add \$9.00 per \$1,000 of contract value.

16. ACCEPTANCE

This proposal is offered for your acceptance within **20 days** from the proposal date. We reserve the right after that period to amend our bid to reflect our changing construction schedules and materials and labor rate changes. The return to this company of a copy of this proposal with your acceptance endorsed thereon within the time aforesaid will constitute a contract between us. This proposal shall be made a part of any subcontract agreement or purchase order.

Sincerely,

CROM Coatings and Restorations, a Division of CROM, LLC



Cliff Dykes
Business Development Manager



Robert G. Oyenarte, PE
President

/rgo.jm

ACCEPTED BY CLIENT

PRINT: _____

TITLE: _____

DATE: _____

LEVEL 2 TANK INSPECTION REPORT

PALM BAY NORTH REGIONAL WTP
500,000 GALLON RESERVOIR
PORT MALABAR, FLORIDA

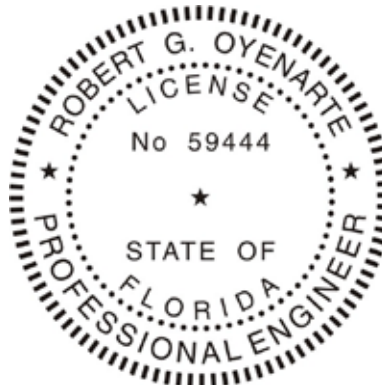
CCR JOB NO. 2022R066
CROM JOB NO. 1962M016

Inspection Performed on August 30, 2022

1. Level 2 Inspection Report
2. Inspection Report Pictures
3. Field Notes

Sheets 1 – 4
Sheets 5 – 12
Sheets 13 – 14

[This item has been electronically signed and sealed by Robert G. Oyenarte, PE on 09/28/22 using a Digital Signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.]



Robert G. Oyenarte, P.E.
Florida License No.: 59444
CROM, LLC
250 SW 36th Terrace
Gainesville, Florida 32607

TANK INSPECTION REPORT

1.0 Introduction

CROM, LLC ("CROM"), conducted an inspection of the **0.5 million gallon (MG) reservoir in Port Malabar, Florida** on **August 30, 2022**. The purpose of the inspection was to evaluate the condition of the tank and its structural integrity. The goal was to determine what measures, if any, would be necessary to extend the useful life of the tank and modernize the safety appurtenances. This report fulfills the inspection requirement in accordance with the Florida Administrative Code Chapter 62-555.350.

Yonathan Gomez Diaz, Project Manager, performed the inspection and prepared this report under the review of **Robert G. Oyenarte**, PE.

The Level Two inspection performed by CROM consisted of a comprehensive visual inspection of the tank interior and exterior, including accessories, to evaluate their structural integrity in accordance with all applicable codes and standards and to meet the requirements of Florida Administrative Code Chapter 62-555.350.

2.0 Scope of Work

The investigation included the interior and exterior walls of the tank, the dome, floor, and tank accessories. The inspection was a visual survey of the structure with no invasive procedures employed.

The tank was inspected in accordance with AWWA D110 and ACI 350 to evaluate the present condition of the tank structure.

The inspection was performed on the following tank:

0.5 MG Reservoir
70'-0" ID x 17'-6" SWD
(CROM Job. No. 1962M016)

The tank was drained and cleaned prior to the interior inspection or CROM personnel entering the tank. CROM used an ambient air monitor to test the quality of air within the tank prior to entry.

The exterior wall was observed for any deterioration, cracking, efflorescence, spalled concrete, signs of corrosion, or other indicators of existing problems. The walls were "sound tested" to determine if hollow spots (e.g., delamination, covercoat separation) have occurred beneath the surface. Any location of this was noted as part of the field notes of the inspector.

The inspector was provided access to the dome roof. The concrete dome was inspected for any deterioration, cracking, efflorescence, spalled concrete, signs of corrosion, or other indicators of existing problems. Tank accessories were examined to determine the extent of the weathering of the material and the condition of the bolts, fasteners and the screens. All penetrations were checked for signs of leakage into the tank. All areas of concern were noted in the inspector's field notes.

The interior wall was observed for any deterioration, cracking, efflorescence, spalled concrete, signs of corrosion or other indicators of existing problems. Piping and internal accessories were checked for corrosion along with the condition of their supports, bolts, and anchors.

The entire tank structure was visually evaluated, and a record was made of all observations. Photographs were taken as an additional record of the inspection.

3.0 Conclusions and Recommendations

The inspection of the prestressed composite tank revealed problems that cause concern for the structural integrity of the tank itself. However, there are items that should be addressed in order to minimize the potential of future problems. Please refer to those items categorized as "Fair" or "Poor" below.

The report utilizes subjective terminology to rate the condition of various elements of the structure:

- **Excellent** - indicates like new condition, no remedial action required.
- **Good** - indicates minor defects, still operable.
- **Fair** - indicates an element or accessory requiring remedial action before the next scheduled 5-year inspection.
- **Poor** - indicates immediate action required.

(1) Tank Foundation

Condition Rating: Poor

Assessment: No visible defects noted at the foundation on the Southwest side of tank (Figure 2). Structural repairs for deteriorated piping and undermining at the foundation noted at the northeast side of tank (Figures 3 & 4). Cracks were noted on the openings for the discharge lines which may be causing the undermining and erosion at the foundation (Figure 31).

Recommendation:

- Build a form at the footer where voids are present (Section 13 contains recommendations for filling the void).

(2) Exterior Tank Wall

Condition Rating: Fair

Assessment: Delaminated coating system noted on concave transition wall connecting the exterior tank wall to the adjoining CMU structure. Separation noted at wall interface (Figure 5). Previously repaired cracks noted on exterior wall, efflorescence noted at circumferential seam in dome band (Figure 6).

Recommendation:

- Prepare the surface of dome band and apply a mastic waterborne acrylate (154) to the circumferential seam around the dome band.
- Recoat dome band with a water-based acrylic coating (1026).
- Prepare the surface of the concave wall and coat delaminated areas with a mastic waterborne acrylate coating (154). Fill areas of wall separation with an elastomeric joint sealant/adhesive.
- Recoat the entire concave wall with two coats of a water-based acrylic coating.

(3) Exterior Piping

Condition Rating: Fair

Assessment: Pipe modifications are in progress in the northeast quadrant (Figure 3). Corrosion noted on exterior DIP line (Figure 7). No visible defect noted on exterior 12" DIP line (Figure 25).

Recommendation:

- Sandblast and recoat the DIP line with a Polyamidoamine Epoxy.

(4) Liquid Level Indicator (LLI)

Condition Rating: Good

Assessment: No visible defects noted on the LLI board and target (Figure 8). No visible defects noted on the LLI upper mechanisms (Figure 9). No visible defects noted on float or guide cables (Figure 10).

Recommendation:

- No remedial action is required at this time.

(5) Exterior Ladder

Condition Rating: Good

Assessment: No visible defects noted on exterior ladder (Figure 11).

Recommendation:

- No remedial action is required at this time.

(6) Dome Access Hatch

Condition Rating: Good

Assessment: No visible defects noted on dome access hatch and curb (Figure 12).

Recommendation:

- No remedial action is required at this time.

(7) Dome Safety Handrail

Condition Rating: Good

Assessment: No visible defects noted on dome safety handrail (Figure 12).

Recommendation:

- No remedial action is required at this time.

(8) Dome Probes

Condition Rating: Good

Assessment: No visible defects noted on dome probes for 6" electrode support and blind flange for future use (Figure 13). No visible defects noted on dome penetrations for 6" electrode support and blind flange for future use (Figure 14).

Recommendation:

- No remedial action is required at this time.

(9) Dome Ventilator

Condition Rating: Good

Assessment: No visible defects noted on 25" dome vent cover or screened panels on base (Figure 15).

Recommendation:

- No remedial action is required at this time.

(10) Exterior Tank Dome

Condition Rating: Good

Assessment: No visible defects noted on exterior dome surface (Figure 16).

Recommendation:

- No remedial action is required at this time.

(11) Emergency Overflow Openings

Condition Rating: Good

Assessment: No visible defects noted on precast emergency overflow openings, screens, and fasteners (Figures 17). No visible defects noted at the emergency overflow curb (Figure 18).

Recommendation:

- No remedial action is required at this time.

(12) Interior Ladder

Condition Rating: Good

Assessment: No visible defects noted on the interior ladder and ladder safety system (Figure 19). No visible defects noted on interior ladder standoffs (Figure 20).

Recommendation:

- No remedial action is required at this time.

(13) Tank Floor

Condition Rating: Fair

Assessment: No visible defects were noted on the tank floor (Figure 21). No visible defects noted on pipe supports or pedestal (Figure 27).

Recommendation:

- Build a form at the footer where voids are present.
- Prepare surface of tank floor.
- Sound the tank floor.
- Map the voids beneath tank floor by coring holes in the floor.
- Pour appropriate concrete through the holes to fill the voids beneath tank floor.
- Fill core holes.

(14) Floor-Wall Connection

Condition Rating: Good

Assessment: No visible defects noted at the monolithic floor wall connection (Figure 22).

Recommendation:

- No remedial action is required at this time.

(15) Interior Tank Walls

Condition Rating: Fair

Assessment: Delaminated coating system on interior wall (Figure 20), horizontal cracks with efflorescence and vertical cracks noted on interior wall (Figure 23). Staining noted on upper interior wall (Figure 24). The staining is residual and poses no apparent concern to the structural integrity of the wall.

Recommendation:

- Perform spot repairs for the areas with delaminated coating by mechanically removing loose coatings and patching back with flexible, waterproofing, and protective slurry mortar.
- Coat spot repaired locations with a low viscosity, high strength adhesive.

(16) Interior Piping

Condition Rating: Poor

Assessment: Corrosion stains noted on DIP inlet line (Figures 26). No visible defects noted on 4" DIP drain (Figure 28). No visible defects noted on inlet for 12" east discharge line (Figure 29). Separation noted beneath flanged coatings on the west 12" discharge line (Figure 30). Cracks noted in inlet curb for west 12" discharge line (Figure 31). Corrosion and pitting noted on cast iron 90-degree elbows for the discharge outlets (Figure 31).

Recommendation:

- Remove and replace existing encased 12" discharge lines.
- Improve the discharge flow by adding circular sump and vortex plate to the 12" DIP line.

(17) Interior Tank Dome

Condition Rating: Good

Assessment: Previously made repairs for concrete section loss and exposed reinforcement steel noted on interior dome (Figure 32). The previously made repairs appear sound.

Recommendation:

- No remedial action is required at this time.

Next Inspection: CROM recommends a Level 2 Inspection by **August 30, 2027**, in accordance with AWWA, ACI 350 and to fulfill the requirements of FAC 62-555.350.

Since the inspection performed by CROM was a visual survey of the structure, without any invasive or destructive procedures or tests, CROM cannot offer an opinion on the condition or performance of the covered or hidden elements of the structure not visible from the surface.

The preceding report is submitted for your review and discussion. We would be pleased to discuss the results with you. If you have any questions or concerns, please do not hesitate to contact us.



Yonathan Gomez Diaz
Project Manager



Figure 1: CROM tank completed in 1962



Figure 2: No visible defects noted at foundation on Southwest side of tank



Figure 3: Pipe repairs and modifications in progress on northeast side of tank



Figure 4: Undermining noted at the foundation on northeast side of tank



Figure 5: Delaminated coating system noted on concave partition for adjoining CMU structure. Separation noted at wall interface.



Figure 6: Cracks with efflorescence noted in dome band



Figure 7: Corrosion noted on exterior DIP line



Figure 8: No visible defects noted on liquid level indicator (LLI) board and target



Figure 9: No visible defects noted on LLI upper mechanisms



Figure 10: No visible defects noted on float or guide cables



Figure 11: No visible defects noted on exterior ladder



Figure 12: No visible defects noted on dome access hatch and curb. No visible defects noted on safety handrail



Figure 13: No visible defects noted on the dome probes for 6" electrode support and blind flange for future use



Figure 14: No visible defects noted on the dome penetrations for 6" electrode support and blind flange for future use



Figure 15: No visible defects noted on the 25" dome vent cover or screened panels on base



Figure 16: No visible defects noted on exterior dome surface



Figure 17: No visible defects noted on the precast emergency overflow openings, screens, and fasteners



Figure 18: No visible defects noted at emergency overflow curb



Figure 19: No visible defects noted on the interior ladder and ladder safety system



Figure 20: No visible defects noted on the interior ladder standoffs. Delaminated coating system noted on interior wall



Figure 21: No visible defects noted on tank floor



Figure 22: No visible defects noted at the monolithic floor wall connection



Figure 23: Horizontal cracks with efflorescence and vertical cracks noted on interior wall



Figure 24: Hard water staining on interior wall



Figure 25: No visible defects noted on exterior 12" DIP lines



Figure 26: Corrosion stains noted on 12" DIP inlet line



Figure 27: No visible defects noted on pipe supports or pedestal



Figure 28: No visible defects noted on 4" DIP drain



Figure 29: No visible defects noted on inlet for 12" east discharge line



Figure 30: Separation noted beneath flanged coatings on the west 12" discharge line



Figure 31: Cracks noted in inlet curb for west 12" discharge line. Note: the 90-degree cast iron elbow for the discharge line is corroded and pitted



Figure 32: No visible defects noted on the previously repaired interior dome

FIELD NOTES

TANK DETAILS

Location	Palm Bay North WTP		
Owner	City of Palm Bay		
Engineer	Finney and Schmidt		
Diameter (ft)	70'	Side Wall Depth	17'.6"
Volume (gal)	0.5	Dome/Open Top	Dome
Inspector(s)	Yonathan Gomez	Material of Const.	concrete
Inspection Date	Tuesday, August 30, 2022	CROM Job No.	1962-M-016

FOUNDATION	YES	NO	COMMENTS
1 Is the tank backfilled?	<input type="checkbox"/>	<input type="checkbox"/>	
2 Differential backfill?	<input type="checkbox"/>	<input type="checkbox"/>	
3 Does the footer appear to be level?	<input type="checkbox"/>	<input type="checkbox"/>	
4 Are there any gaps between the wall and the footer?	<input type="checkbox"/>	<input type="checkbox"/>	
5 Is the footer undermined anywhere?	<input type="checkbox"/>	<input type="checkbox"/>	N Side by discharge pipes
6 Is there a berm or sidewalk, splash pads?	<input type="checkbox"/>	<input type="checkbox"/>	
PIPING	YES	NO	COMMENTS
1 Is there a separate inlet and outlet pipe?	<input type="checkbox"/>	<input type="checkbox"/>	
2 Are the inlet & outlet pipes located to ensure circulation?	<input type="checkbox"/>	<input type="checkbox"/>	
3 Does the tank have a drain line?	<input type="checkbox"/>	<input type="checkbox"/>	
4 Does the tank have an overflow line?	<input type="checkbox"/>	<input type="checkbox"/>	
5 Does the overflow discharge above ground to an open basin or pad terminating with a flap valve or screen?	<input type="checkbox"/>	<input type="checkbox"/>	
6 Can the tank be isolated from the system and drained?	<input type="checkbox"/>	<input type="checkbox"/>	
7 Can the tank be by-passed for maintenance?	<input type="checkbox"/>	<input type="checkbox"/>	
FLOOR	YES	NO	COMMENTS
1 Has the tank floor been cleaned?	<input type="checkbox"/>	<input type="checkbox"/>	
2 Waterstop type	<input type="checkbox"/>	<input type="checkbox"/>	Monolithic
3 Floor/wall connection visible?	<input type="checkbox"/>	<input type="checkbox"/>	
4 Are there any visible cracks on the floor?	<input type="checkbox"/>	<input type="checkbox"/>	
5 Are there any rough spots or spalls on the floor?	<input type="checkbox"/>	<input type="checkbox"/>	From construction, not event related
6 Any accessories or equipment mounted on the floor?	<input type="checkbox"/>	<input type="checkbox"/>	Pipe stand
7 Is the floor coated? Type of paint? (Condition)	<input type="checkbox"/>	<input type="checkbox"/>	
8 Are there any sumps? (size and depth)	<input type="checkbox"/>	<input type="checkbox"/>	
EXTERIOR WALL	YES	NO	COMMENTS
1 Are there any cracks?	<input type="checkbox"/>	<input type="checkbox"/>	Previously repaired
2 Are there spalled areas?	<input type="checkbox"/>	<input type="checkbox"/>	
3 Are there any exposed prestressing wires?	<input type="checkbox"/>	<input type="checkbox"/>	
4 Is the wall painted? Type of paint? (Condition)	<input type="checkbox"/>	<input type="checkbox"/>	Fair, unknown
5 Are there any hollows?	<input type="checkbox"/>	<input type="checkbox"/>	
6 Are there any stains on the wall?	<input type="checkbox"/>	<input type="checkbox"/>	Efflorescence
INTERIOR WALL	YES	NO	COMMENTS
1 Are there any hollows?	<input type="checkbox"/>	<input type="checkbox"/>	
2 Are there any cracks?	<input type="checkbox"/>	<input type="checkbox"/>	
3 Are there stains on the wall?	<input type="checkbox"/>	<input type="checkbox"/>	Efflo
4 Was the wall coated? Type of paint? (Condition)	<input type="checkbox"/>	<input type="checkbox"/>	Fair, minor delamination/peeling of previous coatings
5 Is there a baffle wall? Type of material? (Condition)	<input type="checkbox"/>	<input type="checkbox"/>	
INTERIOR DOME	YES	NO	COMMENTS
1 Can you see dome reinforcing?	<input type="checkbox"/>	<input type="checkbox"/>	
2 Is there any exposed mesh?	<input type="checkbox"/>	<input type="checkbox"/>	
3 Are there exposed reinforcement support bolsters?	<input type="checkbox"/>	<input type="checkbox"/>	
4 Are there any spalled areas?	<input type="checkbox"/>	<input type="checkbox"/>	
5 Was the dome coated? Type of paint? (Condition)	<input type="checkbox"/>	<input type="checkbox"/>	
6 Are there stains on the dome?	<input type="checkbox"/>	<input type="checkbox"/>	Good

EXTERIOR DOME		YES	NO	COMMENTS
1	Are there any chips and spalls?	<u> ü </u>	<u> ü </u>	
2	Are there any cracks?	<u> ü </u>	<u> ü </u>	Minor,
3	Are there any flat spots or humps?	<u> ü </u>	<u> ü </u>	
4	Positive slope to allow water to drain off dome/roof?	<u> ü </u>	<u> ü </u>	
5	Are there any attachments to the tank, i.e. antennae, etc?	<u> ü </u>	<u> ü </u>	
6	Is the dome painted? Type of paint? (Condition)	<u> ü </u>	<u> ü </u>	Fair
ACCESSORIES		YES	NO	COMMENTS
1	Exterior Ladder	<u> ü </u>	<u> ü </u>	Less than 24
	Safety climb device?	<u> ü </u>	<u> ü </u>	Not centered
2	Dome Handrail	<u> ü </u>	<u> ü </u>	Has self closing gate
3	Interior ladder	<u> ü </u>	<u> ü </u>	Fiberglass
	Safety climb device?	<u> ü </u>	<u> ü </u>	
4	Manhole	<u> ü </u>	<u> ü </u>	
5	Liquid level indicator	<u> ü </u>	<u> ü </u>	Functioning
6	Hatch cover	<u> ü </u>	<u> ü </u>	Good
	Raised curb and cover with overhang?	<u> ü </u>	<u> ü </u>	Good
7	Overflows	<u> ü </u>	<u> ü </u>	Good
	Screened, protected from rain?	<u> ü </u>	<u> ü </u>	Good
8	Center vent / ventilators	<u> ü </u>	<u> ü </u>	Good
	Screened, protected from rain?	<u> ü </u>	<u> ü </u>	Good
9	Dome probes with curbs?	<u> ü </u>	<u> ü </u>	
10	Aerator (size)	<u> ü </u>	<u> ü </u>	
11	Specials	<u> ü </u>	<u> ü </u>	
SITE SECURITY		YES	NO	COMMENTS
1	Is there a fence around the facility with lockable gate?	<u> ü </u>	<u> ü </u>	
2	Are access hatches locked?	<u> ü </u>	<u> ü </u>	
3	Are exterior ladders made inaccessible to intruders	<u> ü </u>	<u> ü </u>	
4	Is the site remote (no on-site office)?	<u> ü </u>	<u> ü </u>	
5	Is the site well maintained?	<u> ü </u>	<u> ü </u>	
6	Are there physical features that could damage the tank?	<u> ü </u>	<u> ü </u>	
7	Potential sanitary hazards? Proximity? (i.e. bird droppings, sewers, standing water, animal activity)	<u> ü </u>	<u> ü </u>	



Wade Trim, Inc.

3790 Dixie Highway NE, Suite D • Palm Bay, FL 32905
321.728.3389 • www.wadetrim.com

October 5, 2022

City of Palm Bay
250 Osmosis Drive SE
Palm Bay, FL 32909

Attention: Christopher A. Little, P.E.
Utilities Director

Re: North Regional Water Treatment Plant 0.5 MG Storage Tank Emergency Repair

Dear Chris:

Wade Trim has reviewed Crom, LLC's Level 2 Tank Inspection Report dated September 9, 2022 and Crom's subsequent cost proposal dated October 5, 2022. Based on our review, Wade Trim recommends addressing the items rated as "poor." These items are the tank foundation and interior piping. Repair of the other items noted as fair should be planned as part of your regular maintenance program.

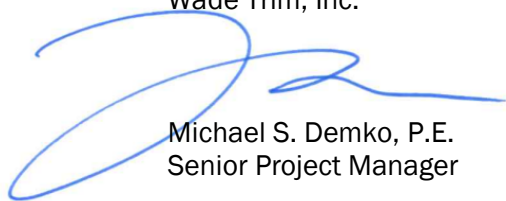
This repair should be considered an emergency because half of the storage and distribution pumping capacity of the plant will be out of service until the repair is completed.

Crom, LLC's cost estimate for the recommended work is as follows:

\$ 4,600.00	Mobilization
\$ 22,330.00	Tank Floor Investigation and Fill
\$ 37,360.00	Remove Existing 12" CI Discharge Piping
\$ 70,720.00	Install and Encase 12" SS Discharge Line Piping
\$ 4,500.00	Fiberglass Vortex Breakers
Total	\$139,510.00

Very truly yours,

Wade Trim, Inc.



Michael S. Demko, P.E.
Senior Project Manager

MSD
PBU214701L

cc: Tim Roberts



PROCUREMENT DEPARTMENT
EMERGENCY PURCHASE DATA SHEET

Date Requested: 10/06/2022 Requesting Department/Division: Utilities

Requisition #: 75470 Contact Person/Phone: Christopher A. Little, PE

Amount of Purchase: \$139,510 Recommended Vendor/Contractor: Crom LLC

1. Equipment/Facility requiring emergency action: (Attach additional pages if necessary).

North Regional Water Treatment Plant (NRWTP) – 0.5 MG storage tank

2. Consequences, if not handled as an emergency: (Attach Additional pages if necessary).

The construction will not be able to continue; would not be able to produce potable water at the NRWTP

3. Name of other Vendors/Contractors contacted and their quotes: (Attach copies):

Vendor/Contractor	Person Contacted	Amount
<u>Crom LLC</u>	<u>Cliff Dykes</u>	\$ <u>139,510</u>

4. Reason(s) for not obtaining competitive quotes:

OEM - Vendor installed the tank

Requesting Manager's/Director's Approval: _____ Date: _____

Chief Procurement Officer Approval: _____ Date: _____

City Manager Approval (if applicable): _____ Date: _____

PROC-EP-001



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

DATE: 10/20/2022

RE: Consideration of City Council Flag Program nominee, Tom Gaume. (Councilman Foster)

The approval criteria for the City Council Flag Program was established at the July 7, 2022 Regular Council Meeting. The program allows for each member of Council to nominate up to three (3) individuals from the stated categories of first responders, military personnel, veterans, and those that have served and lived in the community. The nomination could be active, retired, or deceased individuals. The flag will be raised at City Hall and flown for one day or less. At the end of the time, the flag will be lowered, folded, and be given to the individual or family members along with a certificate with the dates that the flag was raised. This Program will run once a year and will be reviewed and considered annually. All flags purchased must be made in America.

All nominees will be submitted for consideration to the City Council for a vote at a Regular Council meeting.

Councilman Randy Foster has nominated Mr. Thomas Gaume to be a recipient of the Flag Program. Mr. Gaume is submitted under the category of Veteran, which is further defined as: nominee shall be a veteran as defined under Title 38 U.S.C 101 (2), an individual who served in the active military, naval, air, or space service, and who was discharged or released therefrom under conditions other than dishonorable. DD Form 214 shall be provided for proof of veteran status.

Staff has received and reviewed the DD Form 214 and confirmed veteran status and honorable discharge. Mr. Gaume served in the U.S. Navy for 12 1/2 years, in the areas of advanced electronics and weapons guidance, along with serving on the USS McCandless. During his service he received the Sea Service Deployment Ribbon, Navy Expeditionary Medal, Navy 'E' Ribbon Meritorious Unit Commendation, Navy Good Conduct Medal (3 awards), National Defense Service Medal, Navy Unit Commendation, and Joint Meritorious Unit Award.

For these reasons, Mr. Gaume is recommended for approval as a City of Palm Bay Flag Program recipient.

REQUESTING DEPARTMENT:

RECOMMENDATION:

Motion to approve Tom Gaume as a nominee for the City Council Flag Program.

ATTACHMENTS:

Description

DD-214 Form- Tom Gaume

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

1. NAME (Last, First, Middle) GAUME THOMAS LEE JR		2. DEPARTMENT, COMPONENT AND BRANCH NAVY USN		3. SOCIAL SECURITY NO. [REDACTED]	
4.a. GRADE, RATE OR RANK FC1(SW)		4.b. PAY GRADE E6		5. DATE OF BIRTH (YYMMDD) 630313	
				6. RESERVE OBLIG. TERM. DATE Year 97 Month 04 Day 30	
7.a. PLACE OF ENTRY INTO ACTIVE DUTY GLENVIEW, IL		7.b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) GOSHEN, IL			
8.a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND USS MCCANDLESS (FFT-1084)		8.b. STATION WHERE SEPARATED USS MCCANDLESS (FFT-1084)			
9. COMMAND TO WHICH TRANSFERRED NAVAL RESERVE PERSONNEL CENTER, NEW ORLEANS, LA 70146-5000				10. SGLI COVERAGE None Amount: \$ 200,000	
11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.) FC1 - 05YRS 10MOS 16DAYS 1132 - GFCS MK-68 (SPG-53F) RADAR TECHNICIAN 11YRS 03MOS 11DAYS X X X X X X		12. RECORD OF SERVICE		Year(s)	Month(s)
		a. Date Entered AD This Period		1990	APR
		b. Separation Date This Period		1994	MAY
		c. Net Active Service This Period		04	00
		d. Total Prior Active Service		07	08
		e. Total Prior Inactive Service		00	05
		f. Foreign Service		00	00
		g. Sea Service		03	02
h. Effective Date of Pay Grade		1988	JUN		
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) SEA SERVICE DEPLOYMENT RIBBON NAVY EXPEDITIONARY MEDAL NAVY 'E' RIBBON MERITORIOUS UNIT COMMENDATION NAVY GOOD CONDUCT MEDAL (3AWARDS) NATIONAL DEFENSE SERVICE MEDAL NAVY UNIT COMMENDATION JOINT MERITORIOUS UNIT AWARD AND NO OTHERS X X					
14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed) FIRE CONTROL TECHNICIAN CLASS A PHASE I 11WKS APR82 FIRE CONTROL TECHNICIAN CLASS 'A' SCHOOL (PHASE II) 12WKS SEP82 FIRE CONTROL TECHNICIAN CLASS 'C' SCHOOL AN/SPG 53-5 RADAR 15WKS JAN83 MK68 & PWR DRMAINT (J-113-0109) 1WK JUL83 AN/SPG 53F RADAR MAINTENANCE 4WKS					
15.a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM		Yes	No	15.b. HIGH SCHOOL GRADUATE OR EQUIVALENT	
			X	Yes No X	
16. DAYS ACCRUED LEAVE PAID					
17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION X Yes No					
18. REMARKS BLOCK 14 CONTINUED...JUL83 MK47 COMPUTER OPERATION & MAINTENANCE 2WKS MAY83 LEADERSHIP MANAGEMENT COURSE 2WKS JUL87 FC 'C' SCHOOL 15WKS DEC90 FINANCIAL COUNSELOR 1WK NOV92 AND NO OTHERS MEMBER DISCHARGED THIS DATE AND IMMEDIATELY REENLISTED IN THE READY RESERVE. DISCHARGED UNDER SPECIAL SEPARATION BENEFIT PROGRAM AND ENTITLED TO TRANSITION BENEFITS OF MC (CHAMPUS) AND MTF UNTIL 94AUG28. ENTITLED TO UNLIMITED COMMISSARY AND EXCHANGE PRIVILEGES UNTIL 96APR31. MEMBER PAID \$ [REDACTED] FOR SPECIAL SEPARATION PROGRAM. DISBURSING OFFICE SYMBOL 65140. X X X X X X X X					
19.a. MAILING ADDRESS AFTER SEPARATION (Include Zip Code) 1700 NANDINA COURT PALM BAY, FL 32907			19.b. NEAREST RELATIVE (Name and address - include Zip Code) PATRICIA GAUME (MOTHER) 1700 NANDINA CT, PALM BAY, FL 32907		
20. MEMBER REQUESTS COPY 6 BE SENT TO EL DIR. OF VET AFFAIRS X Yes No			22. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title and signature) B. T. MCCANN, LCDR, EXECUTIVE OFFICER		
21. SIGNATURE OF MEMBER BEING SEPARATED [Signature]					



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Fred Poppe, Recreation Director

DATE: 10/20/2022

RE: Consideration of a Facility Use Agreement with Space Coast Light Festival Inc., for the Space Coast Light Festival at Fred Poppe Regional Park from November 18, 2022, thru January 1, 2023.

Space Coast Light Festival Inc. contacted the city to inquire about using Fred Poppe Regional Park as their home for the Space Coast Light Festival. The event will be seven days a week from November 18, 2022, thru January 1, 2023, from dusk until 10 pm. The agreement would be valid until February 1, 2023.

Space Coast Light Festival Inc. has agreed to supply all electrical generators at no cost to the city, to pay the cost for traffic control, to work with the city to have activities in conjunction with the light festival, and to meet with city staff throughout the event dates to ensure any items of concern are addressed immediately. Organizer will be using volunteers from various organizations and making donations to those organizations. Ticket prices will be \$5 per person on stroll nights, and \$20 per car on weekdays and \$30 per car on weekends. Larger vehicles will vary in price based on size. Discount coupons will be advertised by the organizer.

The city ran its own light festival the previous 2 years at no cost to the public. The city has about 15-20 light displays. In comparison, the Space Coast Light Festival will have around 300 light displays. The city ran event was for 2 weekends and averaged 191 cars per night. The Space Coast Light Festival with their history and marketing efforts is estimating around almost 1000 vehicles per night on the weekends. The cost for the displays that the city purchased was \$19,588.00. The cost to the city over the last 2 fiscal years for labor was \$27,797.00. There is also a balance of \$81,765.00 for a project to add permanent electrical infrastructure to the park for a light festival and other potential future events.

Space Coast Light Festival Inc. has a management team that is experienced at running and marketing large scale events, the Space Coast Light Festival has history in the county for over 20 years, they have a marketing budget to reach outside of the county to bring in non-residents to Palm Bay and they have a large volunteer and employee base to run a large scale operation that would not affect staffing from the city.

REQUESTING DEPARTMENT:
Recreation

FISCAL IMPACT:

The Organization agrees to pay the City 15% of the net revenue generated from the Space Coast Light Festival. Net revenue is the gross profit minus operating costs.

RECOMMENDATION:

Motion to authorize the Facility Use Agreement with Space Coast Light Festival Inc.

ATTACHMENTS:

- Description**
- Use Agreement Draft**
- Light Show Ticket Prices**

**City of Palm Bay Recreation Department
Space Coast Light Festival
Facility Use Agreement
For Negotiated Rental Fees**

This Agreement for the Facility Use Permit for Negotiated Rental Fees contains additional requirements for the Facility Use Permit obtained by the **Space Coast Light Festival Inc.** (hereinafter “**Organization**”) in regard to the Organization’s Space Coast Light Festival (hereinafter “**Program**”) to be held at Fred Poppe Regional Park from November 18, 2022, through January 1, 2023, dusk to 10:00 pm.

- A.** As part of the Facility Use Permit, the **City** shall provide **Organization** use of certain structures, facilities, and grounds located at as determined in the sole discretion of the **City** and the **City** shall monitor the park through normal routine security measures.
- B.** As part of the Facility Use Agreement, the **Organization** shall provide:
1. The Special Event Permit and this Agreement covers the period from October 10, 2022, until February 1, 2023. **Organization** shall provide a written schedule of usage to the Recreation Department prior to the start of the Program. In scheduling use of the facilities, the Recreation Department shall have first priority, Space Coast Light Festival Inc., shall have second priority, and all others shall have third priority. Each party agrees that it shall provide the other party with information concerning any schedule changes for the use of the facilities as far in advance as possible. **Organization** agrees that the **Organization’s** use of Fred Poppe Regional Park or any amenities hereunder shall in no way interfere with the Community Center Programs held at the Ted Whitlock Community Center. In addition, **City** agrees to provide the **Organization** rosters of the scheduled programs and **City** will provide a pass to their program participants to enter at no-cost only for their scheduled program.
 2. The **Organization** shall notify the **City** immediately of any changes from the written schedule provided above at (321)726-2760 (office), (321)626-2912(cell) or to daniel.waite@pbfl.org.
 3. The **Organization** agrees to provide **City** with a listing of all current officers of the **Organization**.
 4. The **Organization** shall furnish Josh Hudak, Park Manager, or his designee, an inventory of all personal property or equipment belonging to the **Organization** which is brought into Fred Poppe Regional Park for the Program. All personal property and equipment related to the Program and its operation by the Organization shall be removed from Fred Poppe Regional Park at the end of the term on February 1, 2022. Any personal property or equipment not removed at the end of term shall be disposed of by the City and any associated expense shall be billed to the **Organization**.
 5. The **Organization** shall comply with all local municipal requirements prior to the start of the Program including all requirements for traffic and safety operation, special activity permits and event operations.
 6. The **Organization** agrees to pay for all expenses that are incurred from the Program.

7. The **Organization** agrees to pay to the **City** 15% of the net revenue generated from the Space Coast Light Festival. Net revenue is the gross profit minus operating costs.
8. The **Organization** agrees to supply all electrical generators at no cost to the **City**.

C. Additional Requirements:

1. The **Organization** shall provide a report of attendance and volunteer hours. The report is due two (2) weeks following the end of the Program.
2. The **Organization** shall provide and administer adequate personnel to supervise all activities and equipment sponsored or sanctioned by the **Organization**, which takes place at Fred Poppe Regional Park.
3. The **Organization** shall be responsible for the safety, supervision, proper training and equipping of all participants in the **Organization** and shall be responsible for the training and screening of all participants to ensure they are properly trained and equipped. **Organization** shall be solely responsible for the review and approval of all of **Organization's** participants. **Organization** shall indemnify and hold harmless **City** from any and all liability, claims, damages, expenses (including attorney's fees and costs), proceedings and causes of action of every kind and nature arising out of connected with **Organization's** participant's use, occupation, management or control of any amenities under the Facility Use Agreement. **Organization** agrees that it will, at its own expense, defend any and all actions, suit or proceedings which may be brought against the **City** in connection with the **Organization** and **Organization's** participant's use of the amenities and activities and that it will satisfy, pay and discharge any and all judgments that may be entered against the **City** in any such action or proceeding. The **Organization** understands that the **City** shall not be undertaking any of the responsibilities as outlined under this paragraph and that the **Organization** prefers to take responsibility for these duties.
4. The **Organization** agrees to coordinate with the **City** to have special events and activities held by the **City** in conjunction with the Program.
5. In the event of any legal action to enforce the terms of the Facility Use Agreement, each party shall bear its own attorney's fees and costs.
6. Any dispute arising hereunder, shall be governed, interpreted and construed according to the laws of the State of Florida and the venue shall be Brevard County, Florida, or the Middle District of Florida, as applicable.
7. No modification of the Facility Use Agreement shall be binding on the **City** or the **Organization** unless reduced to writing and signed by a duly authorized representative of the **City** and the **Organization**.
8. In the case of a declared state of emergency in Brevard County by the Board of County Commissioners, the **City** retains the right to immediately resume occupation, management, and maintenance of the facility to use the facility to meet any emergency needs of the citizens of Brevard County for the period of that emergency and a reasonable period of time thereafter as deemed necessary by the **City**.

9. The **Organization** shall maintain complete and accurate financial and performance records in accordance with good and accepted accounting procedures, which records shall be available for inspection upon request by the **City** or any duly authorized representative thereof. The **Organization** hereby agrees to maintain financial records and to adopt accounting procedures requested by the **City**. The **Organization** shall cooperate with and provide the **City** or its duly authorized representative with any additional information or reports concerning its activities, income, revenues, expenses, and disbursements when so requested. The **Organization** shall furnish to the **City**, at its own expense, a final statement for each program described herein in a form approved by the **City** within five (5) working days of the date of completion of said program.
10. In the performance of the Facility Use Agreement, the **Organization** shall keep books, records, and accounts of all activities related to the Facility Use Agreement in compliance with generally accepted accounting procedures. All documents, papers, books, records and accounts made or received by the **Organization** in conjunction with the Facility Use Agreement and the performance shall be open to inspection during regular business hours by an authorized representative of the **City** and shall be retained by the **Organization** for a period of three (3) years after termination of the Facility Use Agreement, unless such records are exempt from Section 24(a) of Article I of the State Constitution and Section 119.01, Florida Statutes.
11. All records or documents created by the **Organization** or provided to the **Organization** by the **City** in connection with the activities or services provided by the **Organization** under the terms of the Facility Use Permit Agreement are public records and the **Organization** agrees to comply with any request for such public records or documents made in accordance with Chapter 119, Florida Statutes.
12. Violations of any requirements of the Facility Use Agreement by **Organization** shall result in the termination of the Facility Use Agreement. Notwithstanding the above, the Facility Use Agreement may be terminated by either party upon thirty (30) days written notice to the other party. When it is determined to be in the best interest of the **City**, the Recreation Department Director or designee on behalf of the **City** may terminate the Facility Use Permit Agreement upon written notice thereof being delivered by the Recreation Department Director or designee to the **Organization**. Upon termination of the Facility Use Agreement, the **Organization** shall have fifteen (15) days within which to remove its personal property from Fred Poppe Regional Park. Any personal property not removed within said fifteen (15) day period shall become property of the **City**.

Each individual signing below represents and warrants that he/she has been given and has received and accepted authority to sign and execute this Agreement and agrees to be bound by all of the terms, provisions and agreements set forth herein, with respect to all matters contemplated in the Facility Use Agreement.

By: Director
Space Coast Light Festival Inc.,

Date

By: Suzanne Sherman
City Manager

Date

	Space Coast Light Festival				
	Ticket Prices				
				2022	
		2020	2021	Mon - Thur	Fri/Sat/Sun
	Stroll	\$5	\$5		\$5
	Motorcycles		\$5	\$5	\$10
	Golf Cart		\$20	\$20	\$30
	Cars	\$15	\$20	\$20	\$30
	15 Passanger Vans		\$25	\$40	\$50
	RV's		\$25	\$30	\$40
	Hayride	\$80	\$80	\$90	\$100
	Holiday party	\$250	\$250	\$250	\$300
	* We will have \$5 discount cards available all over and online.				
	* Hayride is up to 20 people				
	* Cash and online sales ONLY				
	* Early Birds will be lined up in the soccer field parking lot.				
	* Food Vendors available every night.				
	* Santa Claus is available every night.				



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

DATE: 10/20/2022

RE: Consideration of utilizing Stormwater Utility Funds to open a project and provide a budget for the replacement of the failed culvert pipes under Bass Pro Drive (\$172,000).

The stormwater pipes under Bass Pro Drive from Riviera Boulevard to south of Sportsman Lane had been planned for replacement due to the age and condition of the pipes. In advance of Hurricane Ian, staff blocked off this segment of the road in an abundance of caution due to concern over the potential impact of the storm. Unfortunately, excessive rain from Hurricane Ian caused the pipes under Bass Pro Drive to collapse and the road has been temporarily closed to traffic as an emergency condition per City Code 179.019(B).

The design for the replacement of the culvert pipes at the failed location in Unit 60, Bass Pro Drive, has been finalized and the Engineer's Estimate for this project is \$172k. Public Works would like to open a project and provide a budget for this repair. Because the road is closed to the public, creating traffic and public safety response issues, to expedite the construction process, the City Manager has declared this closure an emergency situation. Per the Procurement Manual, Section X, this failure was unexpected and is necessary to restore vital services. The formal bid process will be waived, and expedited quotes are in the process of being requested by Public Works. This process is expected to take four months including securing quotes and construction. Procurement will bring a memorandum forth after quotes are received advising Council of the outcome. Alternatively, for a formal bid approach, it is anticipated that the project will be complete in six to seven months, including the time required to prepare the bid document, advertise, award, and construct.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

Funding is available in Stormwater Utility Funds Undesignated Funds. Upon Council approval, funds in the amount of \$172,000 will be transferred from Stormwater Utility Undesignated Fund Balance 461-0000-392-3006 to Capital Project number 461-7084-541-6309/23SU12. This will provide a budget to include construction costs and other incidentals necessary to complete the project.

RECOMMENDATION:

Motion to provide a budget for Project 23SU12 Unit 60 Pipe Replacement.

ATTACHMENTS:

Description

Bass Pro Pipe Cost

Schedule of Prices for: Bass Pro PIPE REPLACEMENTS
DATE:10/11/2022
Project No. 22-29

SUMMARY OF PAY ITEMS		Engineering Estimate			
Item	Description	Estimated Quantity	Unit	Unit Price	Amount
101-1	MOBILIZATION	1	LS	10%	\$ 16,116.22
102-1	MAINTENANCE OF TRAFFIC	1	LS	10%	\$ 16,116.22
104-1	EROSION CONTROL	1	LS	1%	\$ 1,611.62
120-3	LATERAL DITCH EXCAVATION	100	LF	\$ 14.00	\$ 1,400.00
120-6	EMBANKMENT	10	CY	\$ 24.14	\$ 241.40
285-709	OPTIONAL BASE, BASE GROUP 09	95	SY	\$ 44.33	\$ 4,211.35
334-1-53	2" SUPERPAVE ASPHALTIC CONCRETE, TRAFFIC C, PG76-22	16	TONS	\$ 330.00	\$ 5,280.00
RCP PIPES (REINFORCED CONCRETE PIPE)					
430-175-218	PIPE CULVERT, CAP, OTHER-ELIP/ARCH, 13" x 22" S/CD	48	LF	\$ 185.00	\$ 8,880.00
430-175-224	PIPE CULVERT, CAP, OTHER-ELIP/ARCH, 20" x 28" S/CD	25	LF	\$ 187.04	\$ 4,676.00
430-175-236	PIPE CULVERT, CAP, OTHER-ELIP/ARCH, 29" x 42" S/CD	400	LF	\$ 258.00	\$ 103,200.00
520-1-11	CONCRETE CURB & GUTTER, TYPE F/DROP	100	LF	\$ 52.50	\$ 5,250.00
522-1	CEMENT CONCRETE SIDEWALK, 4"	20	SY	\$ 63.77	\$ 1,275.40
570-1-2	PERFORMANCE TURF, SOD	516	SY	\$ 7.00	\$ 3,612.00
711-12-101	THERMOPLASTIC, REFURBISHMENT, WHITE, SOLID, 6"	120	LF	\$ 15.15	\$ 1,818.00
711-12-201	THERMOPLASTIC, REFURBISHMENT, YELLOW, SOLID, 6"	120	LF	\$ 15.15	\$ 1,818.00
1050-15000	UTILITY PIPE, ADJUST/MODIFY, 5.9"-12.9"	3		\$ 6,500.00	\$ 19,500.00

TOTAL \$ 171,870.20

\$ 161,162.15

18"

24"

36"



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

DATE: 10/20/2022

RE: Acknowledgement of the October 2022 GO Road Bond Paving report update.

The GO Roads Paving program funded \$150 million in general obligation bond approved by the voters in November 2018. Public Works Engineering and inspection staff is tasked with managing the design and construction for the Year 8 paving construction program. The program requires staff to prepare an annual paving program to be reviewed by the Infrastructure Advisory Oversight Board (IAOB) and then approved by City Council at the beginning of the year.

As requested by City Council, attached is the monthly paving program update report. Changes since last month's report include:

- Unit 30 is progressing from edge grading to milling work
- Correction to description on Emerson project - instead of SJHP to Minton, the description of what was awarded is from Amador Ave to Jupiter Blvd
- Knecht Road and Port Malabar from Babcock Street to US-1 was awarded by Council on 10/6; a significant increase from the engineer's estimate of \$2,629,516.70 to the award price of \$3,772,778.45 (increase of \$1,143,261.75)

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

The financial spreadsheet of the current budget for each road project is attached.

RECOMMENDATION:

Motion to acknowledge the October 2022 GO Road Bond Paving update.

ATTACHMENTS:

Description

October 2022 Road Bond Paving Update

Road Bond Paving Update – October 7, 2022

The City has already taken two draws of \$50 million for a total of \$100 million to cover the paving contracts. The following is an update on the paving program:

- Table below provides a summary of completed (Blue), in construction (Orange) and advertised (Red) for Road Paving Phases 1 thru 3.
- Total miles completed to date is 293.24 miles or 37.1% of the 791 miles of Road Paving Program
- Currently milling & paving in Unit 48 with approximately 20% completed as of October 7, 2022

Units	Phase	Miles	Costs	Status
Unit 41 and Eldron	1	11.73	\$3,074,558.88	Completed
Unit 31 and 32	1	41.47	\$10,269,206.00	Completed
Unit 42 and Garvey	1	33.51	\$7,727,462.09	Completed
Units 11, 15, 18, 23 and 56	1	56.63	\$10,020,961.74	Completed
Pt Malabar Rd from Palm Bay to Babcock St	2	1.66	\$996,581.93	Completed
Emerson Dr from Minton Rd to C-1	2	2.55	\$1,118,119.41	Completed
Unit 17	2	13.16	\$1,464,994.56	Completed
Unit 46	2	23.96	\$2,062,215.61	Completed
Unit 5	2	6.49	\$921,774.75	Completed
Unit 1,2,3,4,27,35,43 & 47	2	24.13	\$3,617,733.39	Completed
Unit 24 & 25	2	45.13	\$7,861,368.60	Completed
Palm Bay Colony & Kirby Industrial	2	6.09	\$1,024,250.95	Completed
Driskell Heights/Florida/Farview	2	4.75	\$1,135,511.80	Close-out
Unit 20	2	16.57	\$2,535,330.39	Final Punch
Unit 48 & Emerson from C-1 to Fairhaven	3	22.97	\$5,752,978.47	Milling & Paving
Unit 30	3	30 .10	\$11,625,262.15	Edging & Millings
Emerson from Amador Ave to Jupiter Blvd	2	1.96	\$1,450,948.90	Awarded 7/21
Knecht RD & Pt Malabar from Babcock to US 1	2	9.45	Est \$3,772,778.45	Awarded 10/6
Northeast Area Misc.	2	17.63	Est \$5,238,372.63	In procurement
Country Club 1-10	2	20.9	Est \$5,173,020.75	Waiting on pipes
Units 13, 14 and Madden and Osmosis	3	33.13	Est \$8,255,848.18	Procurement Fall
Units 22 & 37	3	25.58	Est \$5,300,108.29	Waiting on pipes
Unit 57	3	2.58	Est \$2,055,484.95	Procurement Fall
Units 26, 38, 39 & 40	5	19.39	Est \$2,010,076.81	Redo design plans for construction
Phase 4 Projects: Unit 6, 44, 45, 50, and 55	4	96.7	Est \$13,838,501.03	Phase 4 estimates
Phase 5 Projects: Melbourne Poultry Colony, Unit 21, 07, 08, 29, 28, 19, 10, 09, 36, 12, 16	5	223.71	Est \$37,673,563	Phase 5 estimates
Phase 5 Unit 49	5	28.4	Est \$16,153,442	Phase 5 estimates

Projects complete or under contract	\$71,208,311
Estimated future projects	\$100,922,175
Total expected expenditures	\$172,130,486
Difference	-\$22,130,486



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Juliet Misconi, Chief Procurement Officer

DATE: 10/20/2022

RE: Acknowledgement of the Semi-Annual Report of Formal Solicitations awarded by the Procurement Department from March 18, 2022, through October 6, 2022.

The City Code of Ordinances § 38.08 Mandatory City Council Approval Requirements, paragraph (E) states: The Chief Procurement Officer will prepare a report for Council acknowledgement of competitive solicitations issued by the Procurement Department and awarded in accordance with the Procurement Administrative Codes which are under the mandatory City Council approval amount. In the Procurement Manual, Section G, paragraph 3(e), the period for reporting will be as needed, but no less than bi-annually, and brought forth as a Legislative Memo for City Council acknowledgement.

A report of competitive formal quotes, invitation for bids, and requests for proposals issued by the Procurement Department and awarded for less than \$100,000 for Fiscal Year 2022 since the last report dated March 18, 2022, through October 6, 2022, is attached for Council's acknowledgment.

REQUESTING DEPARTMENT:

Procurement

FISCAL IMPACT:

There is no fiscal impact for this action. The solicitations were awarded based on confirmation from the End User Department and the Finance Department that the funds were appropriately budgeted through the Purchase Requisition approval process, in advance of Award and Purchase Order issuance.

RECOMMENDATION:

Motion to acknowledge receipt of the Semi-Annual Report of Formal Solicitations Issued & Awarded by Procurement from March 18, 2022 through October 6, 2022.

ATTACHMENTS:

Description

Semi-Annual Report

Formal Solicitations Awarded by Procurement

FY 2022: 3/18/2022 through 10/6/2022

Dept.	IFB RFP QUO	#	DESCRIPTION OF SOLICITATION	PROPOSED AWARDED	BUDGET/EST. AMOUNT	ESTIMATED OR ACTUAL AMOUNT OF AWARD
PARKS & FAC	IFB	26	EMERGENCY GENERATORS - PM & REPAIRS	LJ POWER INC	\$54,395.00	\$53,226.50
PUBLIC WORKS	QUO	31	AQUATIC WEED CONTROL	ROCKHOPPER SERVICES INC	\$30,000.00	\$30,000.00
POLICE	QUO	32	POLICE UNIFORMS	READ'S UNIFORMS	\$31,000.00	\$65,745.00
UTL	QUO	34	SULFURIC ACID	SATCO	\$75,000.00	\$84,723.75
FLEET/FIRE	QUO	36	FMTV 5-TON TRUCK	MEMPHIS EQUIPMENT CO	\$28,500.00	\$33,000.00
PARKS & FAC	QUO	42	OVERHEAD DOOR PREVENTATIVE MAINTENANCE & REPAIR	C&D INDUSTRIAL MAINTENANCE LLC	\$15,700.00	\$20,000.00
CMO	RFP	43	STRATEGIC PLAN CONSULTANT SERVICES	MANAGEMENT PARTNERS	\$40,000.00	\$40,000.00
CITY	QUO	47	CONCRETE/FLOWABLE FILL	ADVANCED CONCRETE OF FLORIDA INC	\$25,000.00	\$25,000.00
PARKS & FAC	IFB	52	HVAC MAINTENANCE	THERMAL CONCEPTS LLC	\$90,000.00	\$62,476.00
UTL	RFP	54	SANITARY SEWER FLOW MONITORING EQUIPMENT	HADRONEX INC	\$49,250.00	\$49,912.00
CITY	QUO	58	CONCRETE/FLOWABLE FILL	ADVANCED CONCRETE OF FLORIDA INC	\$25,000.00	\$25,000.00
FLEET	QUO	66	LUBE OIL	RELADYNE FLA, LLC	\$60,000.00	\$40,648.00



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Larry Wojciechowski, Finance Director

DATE: 10/20/2022

RE: Acknowledgement of the City's monthly financial report for August 2022 (Unaudited).

Attached for your information is the monthly financial report which provides an overview of the City's financial activities for August 2022. August is the eleventh month of the fiscal year and represents 92% of the annual budget year.

Citywide cash and investments increased by \$43.5 million or 16.3% in comparison to the prior year. This is primarily due to increased balances in Impact Fee Funds, Utility Funds, ARPA Funds and General Fund.

The General Fund is the City's primary operating fund. General Fund revenues received through August were \$78.6 million and are 84.9% of the annual budget. General Fund expenditures through the end of August were \$74 million and are 79.9% of the annual budget. General Fund total cash & investments on August 31, 2022, was \$34.4 million, which is \$5.4 million or 18.5% higher than one year ago.

General Fund revenues collected through August 31, 2022, overall were 8.2% higher than the revenues collected during the same period last year. The overall increase was mainly attributable to an increase in revenue collections from Ad Valorem Taxes and State shared revenues compared to the same period last year.

General Fund expenditures through August 31, 2022 overall were 9% higher than expenditures incurred during the same period last year. Pages 14 through 16 provide a summary of all funds' budget, revenues and expenditures posted for August 31, 2022.

REQUESTING DEPARTMENT:
Finance

FISCAL IMPACT:
None

RECOMMENDATION:
Motion to Motion to acknowledge receipt of the August 2022 Financial Report.

ATTACHMENTS:**Description**

Monthly Finance Report- August 2022



MONTHLY FINANCIAL REPORT (UNAUDITED)

AUGUST 2022

City of Palm Bay, Florida

Report Summary



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MONTHLY FINANCIAL REPORT (UNAUDITED)

AUGUST 2022

CITY OF PALM BAY, FLORIDA



The City of Palm Bay, Florida's (the "City") monthly financial report presents an overview and analysis of the City's financial activities during the month of August 2022. August is the eleventh month of the fiscal year and represents 92% of the annual budget.

Financial Report Summary

- Citywide revenues^{1*} of 232.5 million are at 58.5% of the annual budget. Citywide expenditures^{1*} of \$181.9 million are at 45.7% of the annual budget. Traditionally revenue collections are two months in arrears. For this reason, certain revenues for grants and other governmental resources are accrued at year end to reflect the period in which it represents.
- Citywide cash and investments increased by \$43.5 million, or 16.3%, in comparison to the prior year. This was primarily due to increased balances in Impact Fee funds (\$14.8m), Utilities funds (\$11.7m), ARPA Fund (\$8.6m), and the General Fund (\$5.4m).
- Citywide revenues decreased by \$42.3 million, or 15.4% in comparison to the prior year. Most of the decreased citywide revenues were a result of \$56 million in bond proceeds received in February 2021 from the General Obligation Bonds, Series 2021.

Citywide - Cash & Investments ¹		Citywide - Revenues ^{1*}		Citywide - Expenditures ^{1*}	
8/31/2022	\$ 309,878,260.03	8/31/2022	\$ 232,522,724.97	8/31/2022	\$ 181,920,789.98
8/31/2022	266,378,721.04	8/31/2022	274,781,319.10	8/31/2022	182,603,381.20
Increase	16.3% \$ 43,499,538.99	Decrease	-15.4% \$ (42,258,594.13)	Decrease	-0.4% \$ (682,591.22)

¹ Not including Cash, Revenues, or Expenditures from PB Municipal Foundation.

* Not including interfund transfers

- General Fund revenues of \$78.6 million are at 84.9% of the annual budget. This is an increase of \$5.9 million, or 8.2%, in comparison to the prior year.
- General Fund expenditures of \$74.0 million are at 79.9% of the annual budget. This is an increase of \$6.1 million, or 9.0%, in comparison to the prior year.
- General Fund cash and investments increased by \$5.4 million, or 18.5%, in comparison to the prior year. Of this increased General Fund cash, \$800,000 is reserved.

General Fund - Cash & Investments		General Fund - Revenues		General Fund - Expenditures	
8/31/2022	\$ 34,435,021.35	8/31/2022	\$ 78,612,804.64	8/31/2022	\$ 74,045,403.33
8/31/2022	29,060,948.67	8/31/2022	72,679,514.74	8/31/2022	67,909,790.39
Increase	18.5% \$ 5,374,072.68	Increase	8.2% \$ 5,933,289.90	Increase	9.0% \$ 6,135,612.94

The General Fund is the City's primary operating fund and is used to account for all resources except those that are required to be accounted for in another fund.

This report contains unaudited information. If you have any questions or comments on the financial reports, please contact Larry Wojciechowski, Finance Director, or Ruth Chapman, Assistant Finance Director.

City Website: <http://www.palmbayflorida.org/>
Finance Website: www.palmbayflorida.org/finance

MONTHLY FINANCIAL REPORT (UNAUDITED)**AUGUST 2022**

CITY OF PALM BAY, FLORIDA

**General Fund (GF) Revenues - Summary**➤ **FY 2022 YTD Revenue Variance**

As Compared to Prior Year

	Prior YTD	Current YTD	% Variance	Annual Budget
Ad Valorem Taxes	\$ 35,662,351	\$ 38,318,363	7.4%	\$ 38,013,418
Local Option Fuel Tax	3,154,898	3,245,769	2.9%	3,796,230
Utility Service Taxes	7,341,842	7,677,452	4.6%	9,385,000
Communication Service Tax	1,917,954	1,996,107	4.1%	2,633,283
Franchise Fees	4,300,532	4,316,126	0.4%	5,944,250
State Shared Revenues (1)	4,207,640	5,472,665	30.1%	5,567,523
Half Cent Sales Tax (2)	5,644,099	6,454,348	14.4%	7,491,179
Licenses and Permits (3)	670,726	989,535	47.5%	714,080
Grants and Other Entitlements (4)	926,623	317,407	-65.7%	768,237
Charges for Services (5)	5,285,822	6,111,239	15.6%	5,372,580
Fines and Forfeitures (6)	452,236	534,447	18.2%	491,400
Interest, Rents & Other Revenues (7)	735,893	562,932	-23.5%	954,050
Interfund Transfers & Other Sources (8)	2,378,897	2,616,415	10.0%	2,781,600
Fund Balance	-	-	0.0%	8,727,210
	\$ 72,679,515	\$ 78,612,805	8.2%	\$ 92,640,040

(1) Increase primarily due to higher year-to-date collections of State Shared Revenues in FY22.

(2) Increase primarily due to higher year-to-date collections of Half Cent Sales Tax in FY22.

(3) Increase primarily due to higher year-to-date collections from driveway permits in FY22.

(4) Decrease primarily due to lower year-to-date collections from grants (CARES Act, DOJ, FEMA) in FY22.

(5) Increase primarily due to higher year-to-date collections of general government, public safety, and recreation service charges in FY22.

(6) Increase primarily due to higher year-to-date collections of Code Compliance fines in FY22.

(7) Decrease primarily due to lower year-to-date collections of Forfeitures in FY22.

(8) Increase primarily due to higher budgeted transfers from Employee Benefits Fund in FY22.

MONTHLY FINANCIAL REPORT (UNAUDITED)

AUGUST 2022

CITY OF PALM BAY, FLORIDA



General Fund (GF) Expenditures - Summary

➤ FY 2022 YTD Expenditure Variance

As Compared to Prior Year

	Prior YTD	Current YTD	% Variance	Annual Budget
Legislative (1)	\$ 730,674	\$ 869,172	19.0%	\$ 1,029,342
City Manager (2)	437,033	945,870	116.4%	1,392,361
City Attorney (3)	280,323	331,191	18.1%	539,748
Procurement	547,502	573,243	4.7%	686,945
Finance (4)	1,438,921	1,202,768	-16.4%	1,497,834
Information Technology	2,666,461	2,857,114	7.2%	4,151,090
Human Resources	512,006	477,216	-6.8%	777,272
Growth Management	1,433,718	1,460,131	1.8%	2,323,993
Comm & Economic Dev. (5)	861,951	667,428	-22.6%	1,232,753
Recreation (6)	4,150,223	1,479,548	-64.4%	2,195,924
Parks and Facilities (7)	2,311,652	5,776,511	149.9%	8,156,060
Police	19,036,185	20,870,440	9.6%	25,577,331
Fire	14,722,894	15,197,756	3.2%	17,488,377
Public Works	5,172,464	5,416,383	4.7%	8,546,223
Non-Departmental	4,780,227	5,251,651	9.9%	5,730,947
Transfers (8)	8,827,555	10,668,982	20.9%	11,313,840
	\$ 67,909,790	\$ 74,045,403	9.0%	\$ 92,640,040

(1) Increase primarily due to higher year-to-date election costs as a result of the Special Election in FY22.

(2) Increase primarily due to higher year-to-date costs for Public Information division and for lobbyist/consultant services in FY22.

(3) Increase primarily due to higher year-to-date expenditures for Other Attorneys Costs/Other Professional Services in FY22.

(4) Decrease primarily due to lower year-to-date personnel costs from temporary vacancies and transition of Revenue Division from Finance to C&ED in FY22.

(5) Decrease primarily due to lower year-to-date costs since transferred Public Information back to CMO.

(6) Decrease primarily due to moving Parks from Recreation to Facilities in FY22.

(7) Increase primarily due to moving Parks from Recreation to Facilities in FY22.

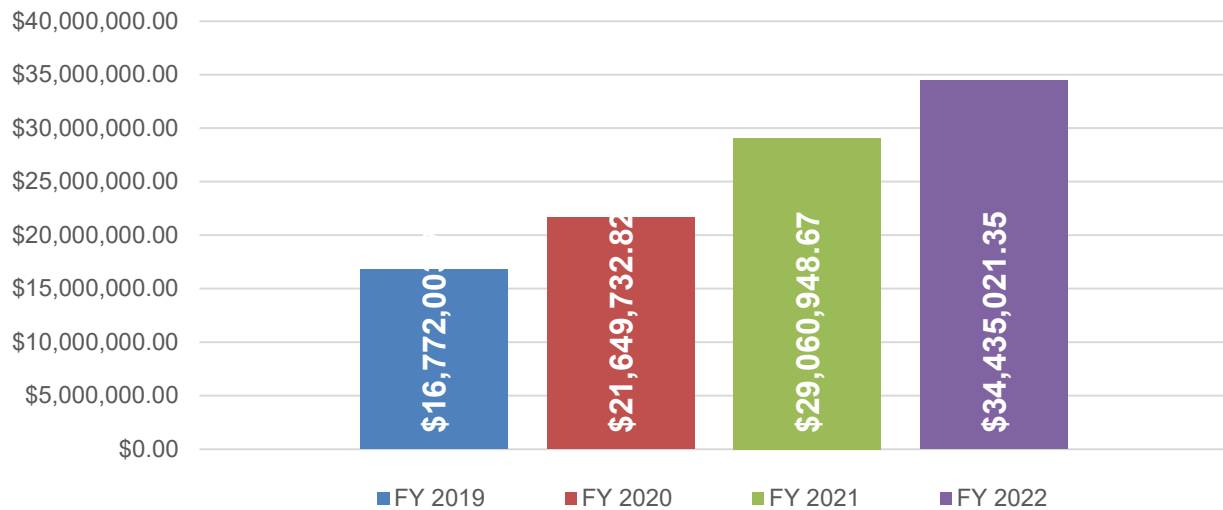
(8) Increase primarily due to higher year-to-date budgeted transfer to Fleet Services in FY22.

	YTD Actual	YTD Budget	Annual Budget	% Spent
Debt Service	\$ 5,913,565.58	\$ 5,878,716	\$ 6,413,145	92.2%
Personnel	49,078,363.95	54,417,137	59,364,149	82.7%
Operating	13,170,145.67	17,539,350	19,133,836	68.8%
Capital	1,127,912.00	2,578,780	2,813,215	40.1%
Contributions	-	13,750	15,000	0.0%
Transfers	4,755,416.13	4,492,304	4,900,695	97.0%
Reserves	-	-	-	0.0%
	\$ 74,045,403.33	\$ 84,920,037	\$ 92,640,040	79.9%

The total budgeted expenditures for FY22 are \$92,640,040 (including encumbrances from prior year and budget amendments). Of this amount, \$59,364,149, or 64.1%, is related to personnel costs.

General Fund (GF) Cash & Investments - Summary

➤ Year-to-Date (YTD) Cash & Investments Comparisons



General Fund Cash & Investments		General Fund Cash & Investments	
Prior Month Ending Balance	\$ 35,582,325.98	August 2022 Ending Balance	\$ 34,435,021.35
Cash Increase (Decrease)	(1,147,304.63)	Cash Advanced to Other Funds:	
		CDBG Fund #126	(379,391.67)
Ending Balance 8/31/2022	\$ 34,435,021.35	Total Available Cash & Investments	\$ 34,055,629.68

MONTHLY FINANCIAL REPORT (UNAUDITED)**AUGUST 2022**

CITY OF PALM BAY, FLORIDA

**General Fund (GF) Balance - Summary****CITY OF PALM BAY, FLORIDA****OPERATING STATEMENT AND CHANGES IN FUND BALANCES****GENERAL FUND**

For the Month Ended August 31, 2022

	Prior YTD	Current YTD
<u>REVENUES</u>		
Ad Valorem Taxes	\$ 35,662,351	\$ 38,318,363
Local Option Fuel Tax	3,154,898	3,245,769
Utility Service Taxes	7,341,842	7,677,452
Communication Service Tax	1,917,954	1,996,107
Franchise Fees	4,300,532	4,316,126
State Shared Revenues	4,207,640	5,472,665
Half Cent Sales Tax	5,644,099	6,454,348
Licenses and Permits	670,726	989,535
Grants and Other Entitlements	926,623	317,407
Charges for Services	5,285,822	6,111,239
Fines and Forfeitures	452,236	534,447
Interest, Rents and Other Revenues	735,893	562,932
Interfund Transfers and Other Sources	2,378,897	2,616,415
Total Revenues	72,679,515	78,612,805
<u>EXPENDITURES</u>		
Legislative	730,674	869,172
City Manager	437,033	945,870
City Attorney	280,323	331,191
Procurement	547,502	573,243
Finance	1,438,921	1,202,768
Information Technology	2,666,461	2,857,114
Human Resources	512,006	477,216
Growth Management	1,433,718	1,460,131
Economic Development	861,951	667,428
Parks and Recreation	4,150,223	1,479,548
Facilities	2,311,652	5,776,511
Police	19,036,185	20,870,440
Fire	14,722,894	15,197,756
Public Works	5,172,464	5,416,383
Non-Departmental	4,780,227	5,251,651
Transfers	8,827,555	10,668,982
Total Expenditures	67,909,790	74,045,403
Excess (Deficiency) of Revenues Over Expenditures	4,769,724	4,567,401
Fund Balance - Beginning	24,540,027	30,613,782
Fund Balance - Ending	\$ 29,309,752	35,181,183

General Fund (GF) Balance - Summary

The minimum General Fund unrestricted fund balance, as established by Resolution 2021-03 (effective with the preparation of the City's September 30, 2022, Annual Comprehensive Financial Report and adoption of the City's Fiscal Year 2022 Budget), is two months of regular budgetary General Fund operating expenditures. The following is a history of the City's General Fund unrestricted fund balance.

General Fund Balance - History			
	Minimum Required	Unrestricted Fund Balance	Unrestricted Fund Balance %
FY 2021	\$ 7,553,655	\$ 29,713,480	39.3%
FY 2020	6,758,163	23,658,524	35.0%
FY 2019	6,784,007	18,205,817	26.8%
FY 2018	6,478,266	14,940,492	23.1%
FY 2017	6,107,113	8,610,875	14.1%

MONTHLY FINANCIAL REPORT (UNAUDITED)

AUGUST 2022

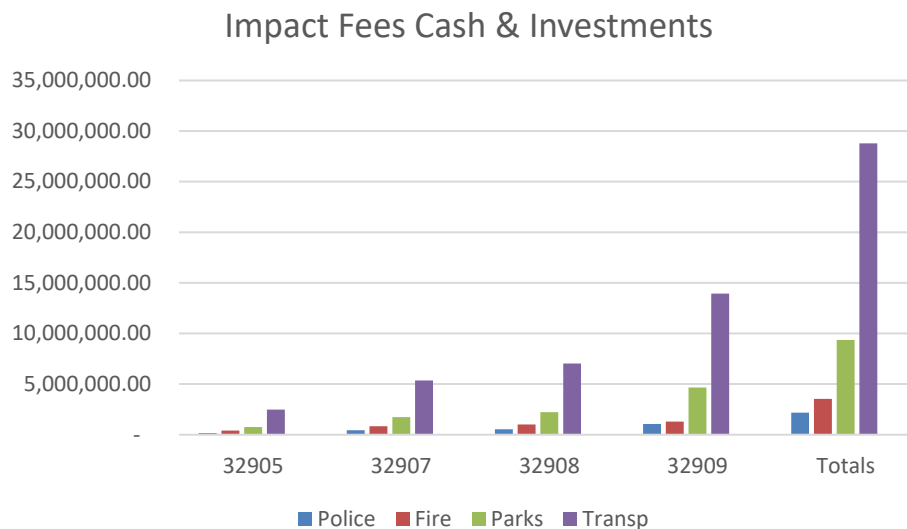
CITY OF PALM BAY, FLORIDA



Impact Fees by Nexus Zone - Cash & Investments – Summary*

8/31/2022	Zone 1	Zone 2	Zone 3	Zone 4	
	32905	32907	32908	32909	Totals
Police	155,451.41	441,056.63	528,844.52	1,055,528.02	2,180,880.58
Fire	399,952.45	829,472.31	1,006,717.49	1,292,844.13	3,528,986.38
Parks	750,110.94	1,734,718.63	2,219,604.51	4,652,216.16	9,356,650.24
Transp	2,470,462.24	5,349,379.09	7,022,186.52	13,933,031.56	28,775,059.41
Totals	3,775,977.04	8,354,626.66	10,777,353.04	20,933,619.87	43,841,576.61

*Not including Transportation Impact Fees Zone 32909 segregated amount of \$71,824.50 per I.L.A. with Brevard County.



MONTHLY FINANCIAL REPORT (UNAUDITED)

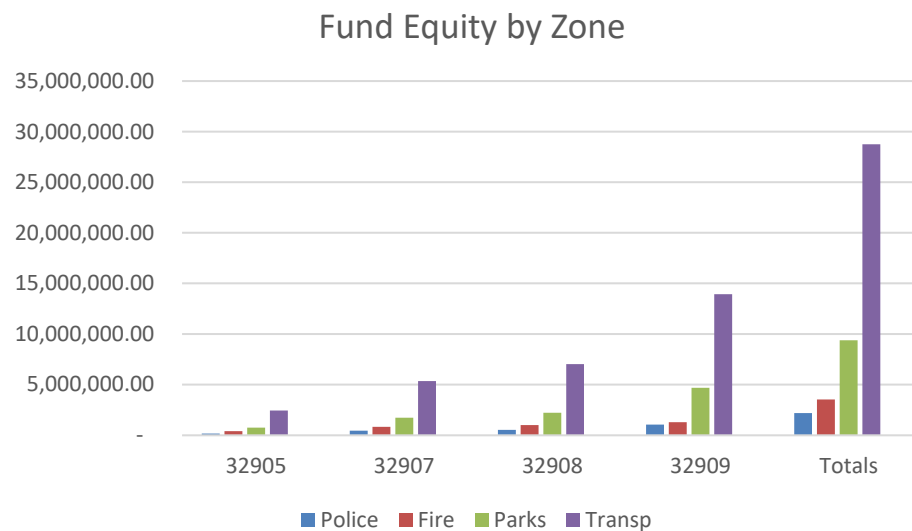
AUGUST 2022

CITY OF PALM BAY, FLORIDA



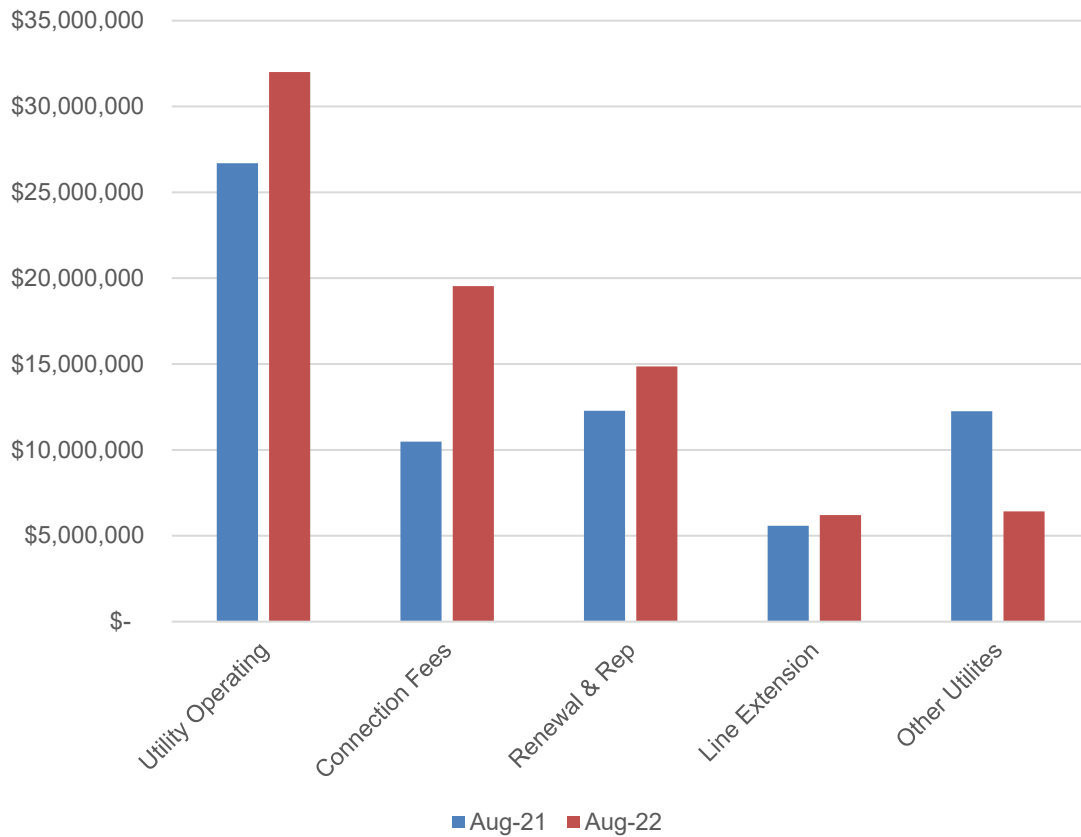
Impact Fees by Nexus Zone – Fund Balance - Summary

8/31/2022	32905	32907	32908	32909	Totals
Police	155,451.41	441,056.63	528,844.52	1,055,528.02	2,180,880.58
Fire	399,952.45	829,472.31	1,006,717.49	1,287,418.98	3,523,561.23
Parks	750,110.94	1,734,718.63	2,219,604.51	4,682,491.23	9,386,925.31
Transp	2,440,187.17	5,349,379.09	7,022,186.52	13,933,031.56	28,744,784.34
Totals	3,745,701.97	8,354,626.66	10,777,353.04	20,958,469.79	43,836,151.46



Utilities Fund Cash & Investments - Summary

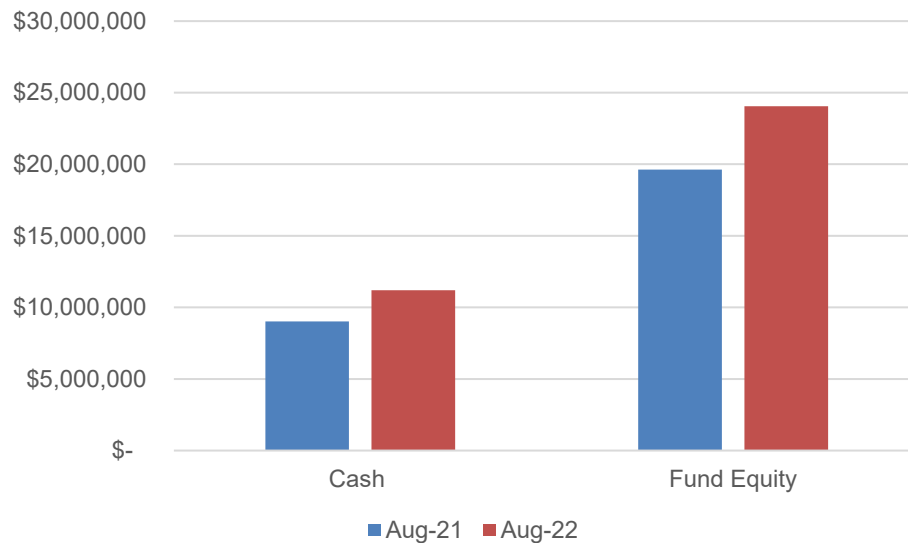
Year-to-Date (YTD) Comparison: Water & Sewer



Overall, the Water & Sewer Funds cash and investments increased by \$11.75 million, or 17.5%, year over year.

Stormwater Fund Cash & Equity - Summary

➤ Year-to-Date (YTD) Cash & Fund Equity

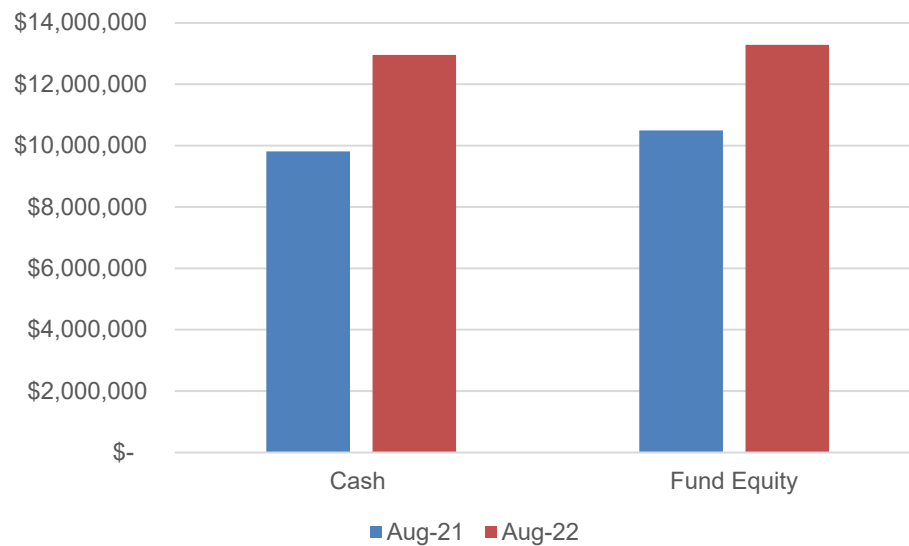


Overall, the Stormwater cash and investment balance increased by \$2,183,340, or 24.2%, year over year.

Overall, the Stormwater fund equity increased by \$4,422,587, or 22.5%, year over year.

Building Fund Cash & Equity - Summary

➤ Year-to-Date (YTD) Cash & Fund Equity

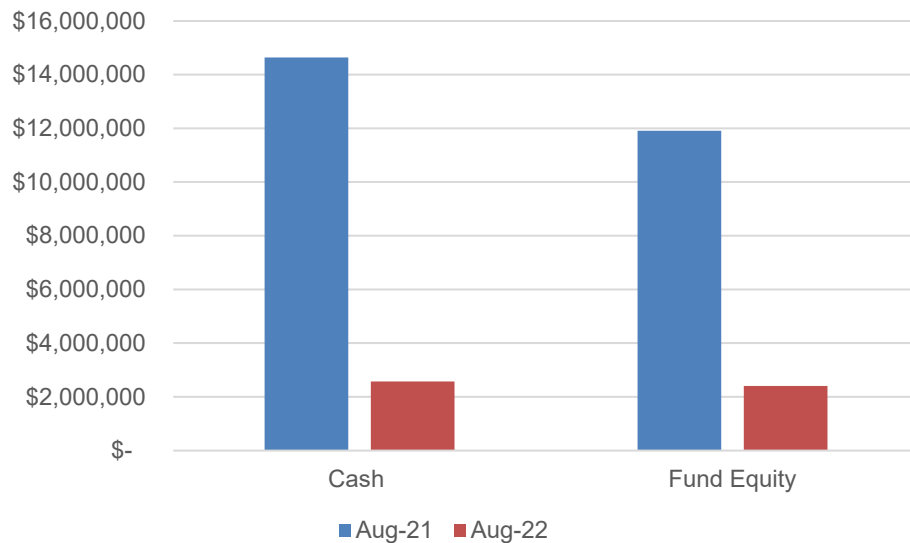


Overall, the Building cash and investment balance increased by \$3,147,218, or 32.1%, year over year.

Overall, the Building fund equity increased by \$2,793,367, or 26.6%, year over year.

General Obligation Road Program Fund Cash & Equity - Summary

➤ Year-to-Date (YTD) Cash & Fund Equity

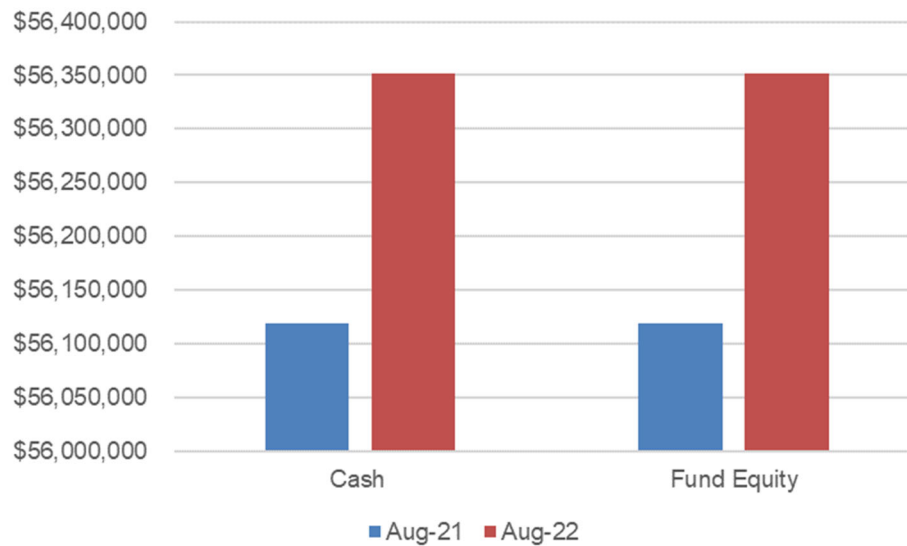


The 2019 General Obligation Road Program cash and investment balance decreased by \$12,065,413, or 82.4%, year over year.

The 2019 G.O. Road Program Fund equity decreased by \$9,504,192, or 79.8%, year over year.

General Obligation Road Program Fund Cash & Equity - Summary

➤ Year-to-Date (YTD) Cash & Fund Equity



The 2021 General Obligation Road Program cash and investment balance increased by \$232,067, or 0.4%, year over year.

The 2021 G.O. Road Program Fund equity increased by \$232,067, or 0.4%, year over year.

MONTHLY FINANCIAL REPORT (UNAUDITED)**AUGUST 2022**

CITY OF PALM BAY, FLORIDA

**Unaudited Financial Activity - All Funds**

City of Palm Bay, Florida

As of August 31, 2022

92% of fiscal year completed

		Budget		Revenues		Expenditures	
Fund #	Description	Original Budget	Revised Budget	Current Year to Date	Percent of Revised	Current Year to Date	Percent of Revised
General Fund							
001	General Fund	\$83,236,049	\$92,640,040	\$78,612,805	84.9%	\$74,045,403	79.9%
Special Revenue Funds							
101	Law Enforcement Trust Fund	9,500	132,320	240,651	181.9%	111,134	84.0%
103	Palm Bay Municipal Foundation	30,000	30,000	72,195	240.6%	40,429	134.8%
105	Code Nuisance Fund	328,500	328,500	192,234	58.5%	126,857	38.6%
111	State Housing Grant Fund	4,500	1,502,020	1,264,099	84.2%	260,732	17.4%
112	Comm Devel Block Grant Fund	0	2,388,381	444,770	18.6%	281,750	11.8%
114	Home Invest Grant Fund	0	1,021,749	97,915	9.6%	74,665	7.3%
123	NSP Program Fund	0	4,323	162,390	3756.4%	1,533	35.5%
124	Coronavirus Relief Tr. Fund	0	4,277	0	0.0%	4,277	100.0%
126	CDBG Coronavirus Fund	0	1,136,835	0	0.0%	379,392	33.4%
128	ARPA Fund	4,000,000	20,331,409	9,014,142	44.3%	385,839	1.9%
131	Donations Fund	0	16,827	29,154	173.3%	25,350	150.7%
161	Environmental Fee Fund	100,000	100,000	139,800	139.8%	0	0.0%
181	Bayfront Comm Redev Fund	2,562,370	2,834,273	1,826,701	64.5%	2,327,681	82.1%
Impact Fee Funds							
180	Police Impact Fees - 32905	30,050	187,053	43,424	23.2%	56,984	30.5%
183	Police Impact Fees - 32907	75,100	206,200	220,665	107.0%	26,518	12.9%
184	Police Impact Fees - 32908	90,150	127,911	231,641	181.1%	44,358	34.7%
186	Police Impact Fees - 32909	200,300	238,086	445,515	187.1%	66,659	28.0%
187	Fire Impact Fees - 32905	60,400	60,400	67,943	112.5%	18,004	29.8%
188	Fire Impact Fees - 32907	150,700	150,700	344,411	228.5%	18,103	12.0%
189	Fire Impact Fees - 32908	200,800	200,800	362,088	180.3%	18,419	9.2%
190	Fire Impact Fees - 32909	401,500	1,039,117	690,571	66.5%	512,305	49.3%
191	Parks Impact Fees - 32905	70,400	235,090	120,652	51.3%	238	0.1%
192	Parks Impact Fees - 32907	301,000	1,053,056	678,621	64.4%	15,897	1.5%
193	Parks Impact Fees - 32908	401,500	864,137	763,669	88.4%	433	0.1%
194	Parks Impact Fees - 32909	803,000	803,000	1,356,540	168.9%	363	0.0%
196	Trans Impact Fees - 32905	253,700	253,700	475,635	187.5%	455	0.2%
197	Trans Impact Fees - 32907	1,003,700	4,243,946	2,254,530	53.1%	32,647	0.8%
198	Trans Impact Fees - 32908	1,303,500	5,857,312	2,690,837	45.9%	770	0.0%
199	Trans Impact Fees - 32909	2,720,600	9,219,346	5,105,181	55.4%	1,610,578	17.5%

MONTHLY FINANCIAL REPORT (UNAUDITED)**AUGUST 2022**

CITY OF PALM BAY, FLORIDA

**Unaudited Financial Activity - All Funds****City of Palm Bay, Florida****As of August 31, 2022****92% of fiscal year completed**

		Budget		Revenues		Expenditures	
Fund #	Description	Original Budget	Revised Budget	Current Year to Date	Percent of Revised	Current Year to Date	Percent of Revised
Debt Service Funds							
201	Debt Service Fund	528,207	528,207	519,887	98.4%	519,887	98.4%
214	2004 Pension Bond Debt Svc Fd	190,100	190,100	175,010	92.1%	175,000	92.1%
221	2013 Pension Bonds DS Fund	1,467,947	1,467,947	1,350,598	92.0%	1,458,354	99.3%
223	2015 Franchise Fee Note DS Fd	531,607	531,607	489,326	92.0%	525,376	98.8%
224	2015 Sales Tax Bonds DS Fd	824,350	824,350	757,764	91.9%	817,648	99.2%
225	2015 Sales Tax Bonds DS Fd - TIF	227,231	227,231	228,011	100.3%	225,181	99.1%
226	2016 Franchise Fee Note DS Fd	337,191	337,191	309,954	91.9%	327,819	97.2%
227	2018 LOGT Note DS Fd	768,589	768,589	771,681	100.4%	760,236	98.9%
228	2019 GO Bonds DS Fd	3,529,100	7,006,069	7,048,862	100.6%	7,003,624	100.0%
229	2019 Pension Bonds DS Fund	2,208,155	2,208,155	2,028,489	91.9%	2,203,570	99.8%
230	2020 Special Oblig Ref Note	328,538	328,538	302,277	92.0%	325,719	99.1%
231	2021 Pension Bonds DS Fund	3,449,976	3,490,625	3,494,106	100.1%	3,447,926	98.8%
Capital Projects Funds							
301	Community Investment Fund	1,000	4,314,021	519,527	12.0%	95,378	2.2%
306	2015 FF Nt Procds I-95 Intchg Fd	100	180,745	0	0.0%	0	0.0%
307	Road Maintenance CIP Fd	755,000	2,418,870	2,301,773	95.2%	1,009,790	41.7%
308	'18 LOGT Nt Procds-Rd I-95 Fd	500	310,108	1,003	0.3%	0	0.0%
309	'19 GO Bond Proceeds-Road Fd	100,000	56,611,006	75,151	0.1%	4,084,084	7.2%
310	'21 GO Bond Proceeds-Road Fd	0	20,105	240,499	1196.2%	11,306	56.2%

MONTHLY FINANCIAL REPORT (UNAUDITED)**AUGUST 2022**

CITY OF PALM BAY, FLORIDA

**Unaudited Financial Activity - All Funds**

City of Palm Bay, Florida

As of August 31, 2022

92% of fiscal year completed

		Budget		Revenues		Expenditures	
Fund #	Description	Original Budget	Revised Budget	Current Year to Date	Percent of Revised	Current Year to Date	Percent of Revised
Proprietary Funds							
Utility Funds							
421	Utilities Operating Fund	36,364,755	39,867,111	33,727,823	84.6%	24,468,012	61.4%
423	Utility Connection Fee Fund	5,142,459	5,358,019	12,236,538	228.4%	3,406,746	63.6%
424	Utility Renewal / Replace Fd	7,290,511	17,180,323	5,862,746	34.1%	2,892,893	16.8%
425	Main Line Extension Fee Fund	1,803,549	2,472,181	1,901,418	76.9%	1,415,969	57.3%
426	2016 Utility Bond Fund	1,533,420	1,533,420	1,410,210	92.0%	78,210	5.1%
427	2001 Bond Fund	1,951,231	1,951,231	1,763,473	90.4%	0	0.0%
431	USA1 Assessment Fund	0	0	383	0.0%	0	0.0%
432	Unit 31 Assessment Fund	361,202	361,202	335,133	92.8%	289,690	80.2%
433	Utility SRF Loan Fund	3,196	28,573,353	0	0.0%	6,886,365	24.1%
434	2020 Utility Note Fund	769,468	6,179,350	723,872	11.7%	3,948,723	63.9%
Other Enterprise Funds							
451	Building Fund	10,630,867	11,925,081	7,179,824	60.2%	4,072,365	34.1%
461	Stormwater Fund	9,444,554	15,722,630	8,780,724	55.8%	6,033,599	38.4%
471	Solid Waste Fund	13,194,432	13,194,426	10,675,143	80.9%	10,836,965	82.1%
Internal Service Funds							
511	Employee Health Insurance Fd	16,038,918	16,316,472	14,518,080	89.0%	11,663,606	71.5%
512	Risk Management Fund	4,923,374	4,923,463	4,647,398	94.4%	3,119,877	63.4%
513	Other Employee Benefits Fd	5,145,880	5,144,949	3,775,556	73.4%	3,755,203	73.0%
521	Fleet Services Fund	4,527,849	9,397,885	7,182,886	76.4%	6,303,308	67.1%



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

DATE: 10/20/2022

RE: Acknowledgement of the City's Co-Sponsorship Policy annual update.

At the Regular Council Meeting on June 3, 2021, City Council approved the City's Co-Sponsorship Policy, and on December 7, 2021, Council approved a revision to the Co-Sponsorship Policy. At Council's request, staff will provide an annual update to review the City's in-kind contributions to-date.

REQUESTING DEPARTMENT:

City Manager's Office, Recreation

RECOMMENDATION:

Motion to acknowledge the Co-Sponsorship Policy annual update as noted.

ATTACHMENTS:

Description

FY 22 Co-Sponsorship Totals

FY-2022 Co-Sponsorship Request

<u>Event</u>	<u>Date</u>	<u>Approved</u>	<u>Estimated Amount</u>	<u>Actual Amount</u>
Family Christmas Extravaganza	12/18/2021	11/4/22021	\$ 9,661.47	\$ 11,888.97
Covid Testing/Vaccine Pop Up Clinic	Jan-22	2/3/2022	\$ 5,000.00	
Court Kingz	06/10/2022 - 07/15/2022	5/19/2022	\$ 5,555.60	\$ 3,571.39
BCASCA Carribean Heritage Month	06/11/2022; 06/25/2022	5/19/2022	\$ 6,716.25	\$ 5,793.29
Farm Share Food Distribtuion	9/12/2022	9/8/2022	\$ 895.00	\$ 575.00
<u>Total</u>			\$ 27,828.32	\$ 21,828.65

<u>Breakdown Totals (Combined)</u>				
		<u>Approved</u>	<u>Estimated Amount</u>	<u>Actual Amount</u>
Equipment Rental Fees			\$ 4,433.00	\$ 4,433.00
Facility Rental/Special Event Fees			\$ 5,304.35	\$ 5,304.35
PD Staffing			\$ 8,189.40	\$ 3,073.89
Fire Staffing			\$ 961.07	\$ 235.07
Parks and Facilities Staffing			\$ 3,232.25	\$ 8,137.34
Recreation Staffing			\$ 645.00	\$ 645.00
Use of City Hall/Council Chambers			\$ 5,000.00	
<u>Total</u>			\$ 27,765.07	\$ 21,828.65

Due to increase event activity, increase of request for FY 2023 expected



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Patricia Smith, City Attorney

DATE: 10/20/2022

RE: Consideration of travel and training for specified City employees (City Attorney's Office).

I request authorization for the following travel: City Attorney Patricia Smith to attend the Florida Eminent Domain Conference being held October 24-25, 2022 in Tampa. Costs for Patricia Smith: hotel \$474.42, registration \$895, mileage \$170, per diem \$106 and self parking \$35 with an approximate total of \$ 1,680.42.

City Attorney Patricia Smith and Deputy City Attorney Rodney Edwards to attend the Land Use Law conference in Tampa November 7-8, 2022. Registration \$795; hotel \$406.33, per diem \$82, mileage \$176.25 and parking \$60. The approximate total per attorney is \$ 1,519.58.

REQUESTING DEPARTMENT:

City Attorney's Office

FISCAL IMPACT:

Travel has been budgeted in 001-1410-514-4001 and 512-1425-519-4001.

RECOMMENDATION:

Motion to approve travel as requested by City Attorney's Office.

ATTACHMENTS:

Description

Eminent Domain Brochure

Land Use Law Brochure

FLORIDA EMINENT DOMAIN

Condemnation, Takings & Real Estate Valuation Litigation



October 24-25, 2022 • Embassy Suites Downtown • Tampa

Monday, October 24

- 8:15 Registration and Continental Breakfast
- 8:45 **Introduction and Welcome**
Overview of Day One
- Andrew Prince Brigham, Esq., Program Co-Chair**
Brigham Property Rights Law Firm, Jacksonville
- Jake Cremer, Esq., Program Co-Chair**
Stearns Weaver Miller Weissler Alhadeff & Sitterson,
Tampa
- 9:00 **Proposed Changes to Florida Rules of Civil Procedure**
Case Management for Eminent Domain
- Dean DiRose, Esq., Senior Asst. County Attorney**
Hillsborough County Attorney's Office, Tampa
- John Little III, Esq.**
Gunster, West Palm Beach
- Hon. Anne-Leigh Gaylord Moe, Judge**
Florida 13th Judicial Circuit Court, Tampa
- Moderator: Blake Gaylord, Esq.**
Gaylord, Merlin, Ludovici & Diaz, Tampa
- 10:00 Networking Break
- 10:15 **Getting Past "No" w/ Local Governments**
Extraordinary Writs, Injunctions, Inverse, and Florida Statutes Chapter 70
- Rachael Crews, Esq.**
GrayRobinson, Orlando
- Nick Dancaescu, Esq.**
GrayRobinson, Orlando
- Billy Dove, Esq.**
GrayRobinson, Orlando
- 11:00 **Don't You Forget About Me**
What Happens When the Condemnor Moves on Without You?
- Brett Tensfeldt, Esq.**
Brigham Property Rights Law Firm, Jacksonville

- 11:45 Lunch Break (on your own)
- 1:00 **Predictability in Permitting**
Reasonable Likelihood in the Context of Eminent Domain
- Sidney Bigham, Esq.**
Berger Singerman, Tallahassee
- Charles Stratton, Esq.**
Berger Singerman, Tallahassee
- Josh Stratton, Esq.**
Berger Singerman, Tallahassee
- 1:45 **Preparing a Business Damage Claim in Eminent Domain**
Key Considerations
- Rebecca Gavidia Lyles, CVA**
H2 Advisors, Ocala
- 2:30 Networking Break
- 2:45 **Appraisal Issues that Shape the Case**
What You Need to Know
- Andrew Prince Brigham, Esq., Program Co-Chair**
Brigham Property Rights Law Firm, Jacksonville
- 3:45 **Daubert and Summary Motions**
In Eminent Domain Practice
- John Little III, Esq.**
Gunster, West Palm Beach
- Juan Muniz, Esq.**
Gunster, Miami
- 4:30 **A New Take?**
Looking in on the Robert's Court's Jurisprudence on Takings
- Brian Smith, Esq.**
Lowndes, Drosdick, Doster, Kantor & Reed, Orlando
- 5:15 Adjourn

FLORIDA EMINENT DOMAIN

Condemnation, Takings & Real Estate Valuation Litigation



October 24-25, 2022 • Embassy Suites Downtown • Tampa

Tuesday, October 25

8:00 Continental Breakfast

8:30 **Welcome Back**

Overview of Day Two

Andrew Prince Brigham, Esq., Program Co-Chair
Brigham Property Rights Law Firm, Jacksonville

Jake Cremer, Esq., Program Co-Chair
Stearns Weaver Miller Weissler Alhadeff & Sitterson,
Tampa

8:45 **Ethics in Modern Practice**

A Panel Presentation

Jake Cremer, Esq., Program Co-Chair
Stearns Weaver Miller Weissler Alhadeff & Sitterson,
Tampa

Dean DiRose, Esq., Senior Asst. County Attorney
Hillsborough County Attorney's Office, Tampa

Blake Gaylord, Esq.
Gaylord, Merlin, Ludovici & Diaz, Tampa

Ron Weaver, Esq.
Stearns Weaver Miller Weissler Alhadeff & Sitterson,
Tampa

9:45 **Cross Examination**

The Crucible of Truth

Tobyn DeYoung, Esq.
Helinger DeYoung, St. Petersburg

Jim Helinger Jr., Esq.
Helinger DeYoung, St. Petersburg

10:30 Networking Break

10:45 **Untangling the Web of Special Benefits, Project Influence, and the Florida Constitution**

Admissibility of Damage or Scope of the Project

Blake Gaylord, Esq.
Gaylord, Merlin, Ludovici & Diaz, Tampa

11:30 **Florida Land Use and Environmental Law Update**

2021-2022

Marco Paredes, Esq.
Stearns Weaver Miller Weissler Alhadeff & Sitterson,
Tampa

Darrin Quam, Esq.
Stearns Weaver Miller Weissler Alhadeff & Sitterson,
Tampa

12:30 Lunch Break (on your own)

1:45 **Update on the Law of Exactions**

And the Bert J. Harris Jr. Private Property Rights Protection Act

Amy Brigham Boulris, Esq.
Gunster, Miami

2:30 Networking Break

2:45 **Eminent Domain Wildcards**

From Sunny Isles to Statute of Limitations

Lauren Howell, Esq.
Birchfield & Humphrey, Ponte Vedra

Bruce Humphrey, Esq.
Birchfield & Humphrey, Ponte Vedra

3:30 **How Does the Real Market Compare to the Real Estate Market?**

Another Look at Highest and Best Use

Owen Beitsch, PhD, FAICP, CRE, Senior Director, Economic and Real Estate Advisory Services, Community Solutions Group
GAI Consultants, Orlando

4:15 **Questions and Answers – Open Forum**
Members of the Faculty

4:30 Evaluations and Adjourn

23rd Annual Conference *Live!*

LAND USE LAW

Challenges in a Rapidly Changing Environment



November 7-8, 2022 • Hotel Alba • Tampa

Monday, November 7

- 8:00 Registration and Continental Breakfast
- 8:30 **Welcome and Introduction**
Overview of Day One
Robert K. Lincoln, Esq., Program Co-Chair
Law Office of Robert K. Lincoln, Sarasota
- 8:45 **Case Law Update**
What's New in 2022
Robert K. Lincoln, Esq., Program Co-Chair
Law Office of Robert K. Lincoln, Sarasota
- 9:30 **Development Order Application and Action**
Process, Substance, and Impact on Quasi-Judicial Decisions
Christopher Donovan, Esq.
Roetzel & Andress, Naples
Sarah Spector, Esq.
Roetzel & Andress, Fort Myers
- 10:45 Networking Break
- 11:00 **Development Orders**
First and Second Tier Certiorari Review
Ceci Berman, Esq.
Bannock, Humphries & Berman, Tampa
- 11:45 **The 2022 Legislative Session**
What Passed, What Didn't, and What to Expect Next Year
Rebecca O'Hara, Esq., Deputy General Counsel
Florida League of Cities, Tallahassee
- 12:30 Lunch Break (on your own)

- 1:45 **Featured Panel Part I: Charlie Siemon – Land Use Law Over A Lifetime**
The Zoning Game, the Zoning Game Revisited, and the Zoning Game in Florida Today
William Merrill III, Esq.
Icard Merrill, Sarasota
- 2:45 Networking Break
- 3:00 **Featured Panel Part II: Charlie Siemon – Land Use Law Over A Lifetime**
The Long Game: Changes in the Land Use Regulatory Framework
Robert K. Lincoln, Esq., Program Co-Chair
Law Office of Robert K. Lincoln, Sarasota
Today's Issues Through Yesterday's Lens
J. Michael Marshall, Esq.
Nelson Mullins Riley & Scarborough, Tampa
- 4:30 **Adjourn**

LAND USE LAW

Challenges in a Rapidly Changing Environment



November 7-8, 2022 • Hotel Alba • Tampa

Tuesday, November 8

8:00 Continental Breakfast

8:30 **Welcome Back**

Overview of Day Two

Robert K. Lincoln, Esq.

Law Office of Robert K. Lincoln, Sarasota

8:45 **Florida Land Use and Environmental
Dispute Resolution Act**

Settling Local Land Use Disputes

Jacob Cremer, Esq.

Stearns Weaver Miller Weissler Alhadeff & Sitterson
Tampa

Scott Steady, Esq.

Burr & Forman, Tampa

10:00 Networking Break

10:15 **Settlement Agreements**

Defensible Drafting That Resolves Disputes

John Shubin, Esq.

Shubin & Bass, Miami

11:00 **Consistency Challenges Under Chapter
163.3215**

The Landscape After Heine, Imhof, and the 2019
Amendments

Terrell Arline, Esq.

Arline Law, Tallahassee

11:45 Lunch Break (on your own)

1:00 **Floodplain Regulation**

Regulating Construction Under the Florida Building
Code

Jerry Murphy, JD, AICP, CFM, Faculty Consultant

Institute of Food & Agriculture Sciences for
Resource Efficient Communities
University of Florida, Gainesville

1:45 **Takings and Exactions**

The State of Private Property Rights in Florida

Gary Oldehoff, Esq.

Gary K. Oldehoff Law, Stuart

2:30 Networking Break

2:45 **Impact Fees**

New Limits and Changes

Robert Volpe, Esq.

Holtzman Vogel, Tallahassee

3:30 **Ethics**

Representing Private and Public Clients in Land Use
Disputes

Kenneth Tinkler, Esq.

Carlton Fields, Tampa

4:30 **Evaluations and Adjourn**



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Mariano Augello, Chief of Police

DATE: 10/20/2022

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:

Agent Thomas Baker, Lieutenant Cliff Graves, Sergeant Joseph Hamilton, Officer Matthew Harris, Sergeant Shane Mertens, Officer Brett Naymik, Agent Jorge Negron, Officer Tyler Riesen, and Sergeant Joshua Taylor who are members of the Palm Bay Police Department SWAT team will be traveling to Orlando, FL November 6-11, 2022 to attend the 2022 SWAT Round-up Training and Competition. The SWAT Round-UP is an international training and competition for SWAT Teams around the world. The PBPD SWAT members will be attending training on 4 of the 5 days that they will be in attendance. The Registration Cost is estimated at \$1,100.00, the Lodging Cost is estimated at \$4,575.00 and the per diem is estimated at \$2,583.00. This competition/training will be held approximately 67 miles away. The approximate cost is estimated at \$8,258.00. These costs will be reimbursed/paid from the Police/SWAT Donations Account (funds raised by the SWAT Team - Acct 5070).

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 to the City Manager and was approved in writing on October 11, 2022 and is now requesting acknowledgement and approval by Council for the following employees for travel:

School Crossing Guard Supervisor Curtis Burr will be traveling to Largo, FL October 16, 2022 – October 17, 2022, to attend the School Crossing Guard Train-the-Trainer Course. This training focuses specifically on any updates and new training that is required to certify and recertify Florida School Crossing Guards per the FDOT standards/requirements. This training will be held approximately 169 miles away. The Registration Cost is estimated at \$0.00, the Lodging Cost is estimated at \$124.00, and the Per Diem is estimated at \$84.00 with an approximate total of \$208.00. This will be paid out of the Support Services Division Account (5011).

REQUESTING DEPARTMENT:

Police Department

FISCAL IMPACT:

The total cost of travel is estimated at \$8,466 and is available in 001-5011-521-4001 (\$208); 131-5070-521-4001 (\$7,158); and 131-5070-521-5501 (\$1,100).

RECOMMENDATION:

Motion to acknowledge and approve travel as mentioned above.

ATTACHMENTS:

Description



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 10/20/2022

RE: Committee/Council Reports

Committee Reports:

- Space Coast Transportation Planning Organization
- Space Coast League of Cities
- Tourist Development Council

Council Reports

REQUESTING DEPARTMENT:

Legislative