



  
**Palm Bay**  
120 Malabar Road SE  
Palm Bay, FL 32907  
(321) 952-3400  
[www.palmbayflorida.org](http://www.palmbayflorida.org)

**Mayor**  
WILLIAM CAPOTE  
**Deputy Mayor**  
KENNY JOHNSON  
**Councilmembers**  
HARRY SANTIAGO, JR.  
JEFF BAILEY  
BRIAN ANDERSON

## **AGENDA**

### **Regular Council Meeting 2020-25 Thursday**

**August 6, 2020 - 7:00 PM**  
**Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907**

#### **CALL TO ORDER:**

#### **INVOCATION:**

#### **PLEDGE OF ALLEGIANCE:**

#### **ROLL CALL:**

#### **ANNOUNCEMENT(S):**

1. One (1) vacancy on the Youth Advisory Board (represents 'adult member, 30 years and older' position).++
2. One (1) vacancy on the Community Development Advisory Board (represents one of the following: 'for-profit provider', 'actively engaged in home building', 'employer within the City', or 'advocate for low-income persons').++
3. Four (4) vacancies on the Disaster Relief Committee.++
4. One (1) vacancy on the Citizens' Budget Advisory Board (represents 'at-large' position).++

#### **AGENDA REVISION(S):**

#### **CONSENT AGENDA:**

1. Adoption of Minutes: Regular Council Meeting 2020-23; July 2, 2020.
2. Adoption of Minutes: Regular Council Meeting 2020-24; July 16, 2020.
3. Contract: GIS software, Small Municipal and County Government Enterprise License Agreement, renewal – Utilities and Public Works Departments (Environmental Systems Research Institute, Inc. (ESRI) - \$294,311 (sole source)).
4. Miscellaneous Procurement: "Cooperative Purchase", replacement vehicles with lighting and interior modifications (Florida Sheriff's Association and

- Broward County Sheriff's Association contracts) – Police Department (Weston Nissan; Alan Jay Fleet Sales; Strobes-R-Us; O'Reilly Auto Parts; Space Cost Auto Supply; Arts Window Tinting - \$69,275).
5. Miscellaneous Procurement: "Cooperative Purchase", mowers and Sandpros (City of Mesa, Arizona, cooperative contract) – Parks and Recreation Department (Wesco Turf, Inc. - \$182,227); and "Cooperative Purchase", vehicle replacement (Florida Sheriff's Association contract) – Parks and Recreation Department (Duval Fleet, Inc. - \$59,585).
  6. Miscellaneous Procurement: "Cooperative Purchase", Disaster Recovery Solution (State of Florida ACS contract; Omnia Partners contract; NCPA (National Cooperative Purchasing Alliance)) – Information Technology Department (World Wide Technology; Software House International (SHI); Empire Computing and Consulting, Inc. - \$387,667).
  7. Resolution 2020-34, appointing members to the City of Palm Bay Business Improvement District.
  8. Consideration of solicitation of a commercial bank loan for the funding to expand and rehabilitate the South Regional Water Treatment Plant.
  9. Consideration of the Coronavirus Relief Fund Subrecipient Agreement with Florida Housing Finance Corporation for eligible activities related to COVID-19 (\$342,255).
  10. Consideration of appropriation from General Fund Balance (\$73,538) and from Fire Impact Fees Fund 190 Balance (\$120,763) to complete the construction of Fire Station 5.

#### **PUBLIC COMMENT(S)/RESPONSE(S):**

**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 HEARING(S):**

1. Ordinance 2020-44, amending the Code of Ordinances, Chapter 70, General Provisions, Subchapter 'General Provisions', by revising provisions related to parking of vehicles in residential areas (Case T-7-2020, City of Palm Bay), final reading.
2. Ordinance 2020-45, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsanitary and Unsanitary Conditions', by revising provisions related to parking of vehicles in residential areas (Case T-7-2020, City of Palm Bay), final reading.
3. Ordinance 2020-46, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'Supplementary District Regulations', by revising provisions related to parking of vehicles in residential areas (Case T-7-2020, City of Palm Bay), first reading.
4. Ordinance 2020-47, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the southeast corner of Babcock Street and Plantation Circle from Single Family Residential Use to Commercial Use (3.86 acres)(Case CP-4-2020, West Pointe Babcock, LLC), only one reading required.



5. Ordinance 2020-48, rezoning property located at the southeast corner of Babcock Street and Plantation Circle from RR (Rural Residential District) to CC (Community Commercial District) (3.86 acres) (Case CPZ-4-2020, West Pointe Babcock, LLC), first reading (Quasi-Judicial Proceeding).
6. Ordinance 2020-49, amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, Subchapter 'Walls and Fences', to eliminate the requirement of building permits for fences and to allow the Growth Management Director to exempt fences over four feet in height in front yards (Case T-15-2020, City of Palm Bay), first reading.
7. Ordinance 2020-50, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by increasing the maximum number of chickens permitted on single family lots; and including provisions for urban farm animals permitted on developed single family lots (Case T-16-2020, City of Palm Bay), first reading.

#### **UNFINISHED AND OLD BUSINESS:**

1. Appointment of one (1) student member to the Youth Advisory Board.

#### **COUNCIL REPORT(S):**

#### **NEW BUSINESS:**

1. Resolution 2020-35, providing for the computation and imposition of stormwater utility fees to fund the City's provision of stormwater management services within the stormwater management area.

#### **ADMINISTRATIVE AND LEGAL REPORT(S):**

**PUBLIC COMMENT(S)/RESPONSE(S): Speaker(s) limited to 3 minutes.**

#### **ADJOURNMENT:**

**Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, notice is hereby given that the City of Palm Bay shall hold the above public meeting on August 6, 2020, beginning at 7:00 PM. and lasting until the meeting is complete. The meeting will be conducted via communications media technology (teleconference/video conference).**

**Public comments may be submitted via email at [publiccomments@palmbayflorida.org](mailto:publiccomments@palmbayflorida.org). Members of the public may also call (321) 726-2740 to provide comments via a dedicated City of Palm Bay public comment voicemail. All comments submitted will be included as part of the public record for this virtual meeting and will be considered by the City Council prior to any action taken. Comments must be received at least twenty-four (24) hours prior to the meeting and shall have a time limit of three (3) minutes.**

**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.**

**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 (Section 286.0105, Florida Statutes). 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 contact the Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.**



## **LEGISLATIVE MEMORANDUM**

**DATE: 8/6/2020**

**RE: Adoption of Minutes: Regular Council Meeting 2020-23; July 2, 2020.**

**ATTACHMENTS:**

**Description**

**Minutes, RCM 2020-23**

## **CITY OF PALM BAY, FLORIDA**

### **REGULAR COUNCIL MEETING 2020-23**

Held on Thursday, the 2<sup>nd</sup> day of July 2020, 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.

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, this public meeting was conducted via communications media technology (teleconference/video conference).

The meeting was called to order at the hour of 7:04 P.M.

Councilman Santiago gave the invocation which was followed by the Pledge of Allegiance to the Flag.

#### **ROLL CALL:**

<b>MAYOR:</b>	William Capote	Present
<b>DEPUTY MAYOR:</b>	Kenny Johnson	Present
<b>COUNCILMEMBER:</b>	Harry Santiago, Jr.	Present
<b>COUNCILMEMBER:</b>	Jeff Bailey	Present
<b>COUNCILMEMBER:</b>	Brian Anderson	Present
<b>DEPUTY CITY MANAGER:</b>	Suzanne Sherman	Present
<b>CITY ATTORNEY:</b>	Patricia Smith	Present
<b>DEPUTY CITY CLERK:</b>	Terri Lefler	Present

**CITY STAFF:** Present was Chris Little, Utilities Director; Traci Hildreth, Business Operations Manager, Public Works Department.

#### **ANNOUNCEMENT(S):**

Deputy Mayor Johnson announced the following vacancies and solicited applications for same:

**1. Four (4) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building', 'employer within the City', and 'advocate for low-income persons').++**

This item, announced under Agenda Revisions, was withdrawn.

- 2. One (1) vacancy on the Community Development Advisory Board can represent one of the following: ('for-profit provider', 'actively engaged in home building', 'employer within the City', or 'advocate for low-income persons').++**
- 3. One (1) vacancy on the Youth Advisory Board (represents youth board member 'at-large' position).++**
- 4. Four (4) vacancies on the Disaster Relief Committee.++**
- 5. One (1) vacancy on the Citizens' Budget Advisory Committee (represents 'at-large' position).++**
- 6. One (1) vacancy on the Police and Firefighters Retirement Pension Plan, Board of Trustees.+**

#### **AGENDA REVISION(S):**

1. Ms. Smith advised that an amendment to the Employment Agreement for Lisa Morrell, City Manager, was added as Item 3, under New Business.
2. Mrs. Lefler announced that:
  - a.) Item 1, under Announcements, was withdrawn from the agenda.
  - b.) Item 4, under Consent Agenda, was inadvertently placed under the "Miscellaneous" category and should be reflected under "Award of Proposals". Additionally, the vendors under this item should reflect both Wade Trim and Infrastructure Solution Services.

#### **CONSENT AGENDA:**

All items of business marked with an asterisk were considered under Consent Agenda and enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, that the Consent Agenda be approved with the removal of Items 3, 4, 6, 10, 11 and 12, under Consent Agenda, from consent. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**1. Award of Bid: Liquid Sodium Hypochlorite, Purchase/Delivery - IFB 57-0-2020 - Utilities Department (Allied Universal Corporation - \$175,576 (estimated annual expenditure)).**

Staff Recommendation: Approve the award for liquid sodium hypochlorite, purchase/delivery, to Allied Universal Corporation (Miami), in the estimated annual amount of \$175,576, for a one-year term with the option to renew for an additional four (4) one-year terms, not to exceed five (5) consecutive years.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**2. Award of Bid: Culvert Pipe Replacement (Units 24 and 25) - IFB 60-0-2020 - Public Works Department (Timothy Rose Contracting, Inc. - \$273,270 (Unit 24); \$404,493 (Unit 25)).**

Staff Recommendation: Approve the award for culvert pipe replacement in Units 24 and 25 to Timothy Rose Contracting, Inc. (Vero Beach), in the amounts of \$273,270 (Unit 24) and \$404,493.50 (Unit 25).

The item, considered under Consent Agenda, was approved as recommended by City staff.

**3. Award of Bid: Mowing, City Parks - IFB 61-0-2020 - Parks and Recreation Department (Global Greenz, LLC - \$163,218).**

Staff Recommendation: Approve the award for mowing of city parks to Global Greenz, LLC (Palm Bay), in the amount of \$163,217.73, for a one-year period with the option to renew for two (2) additional one-year terms; and approve a budget transfer of \$23,082 from Undesignated Fund Balance to cover Year 1 annual contract cost.

Bill Battin, resident, asked why the City would hire an outside company if it just purchased new mowers. Ms. Sherman said the City handled numerous mowing projects in-house, but said it was more cost feasible to outsource for these projects.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the award for mowing of city parks to Global Greenz, LLC (Palm Bay), in the amount of \$163,217.73, for a one-year period with the option to renew for two (2) additional one-year terms; and approve a budget transfer of \$23,082 from Undesignated Fund Balance to cover Year 1

annual contract cost. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**4. Miscellaneous: Continuing Consultant Engineering Services - RFQ 36-0-2020 - Utilities Department (Wade Trim, Inc.).**

Note: The item, announced under Agenda Revisions, was corrected to reflect the following: the agenda heading should be under “Award of Proposals” and not “Miscellaneous”; and the awarded vendors should reflect both Wade Trim and Infrastructure Solution Services.

Staff Recommendation: Approve the award for continuing consultant engineering services to Wade Trim, Inc. (Palm Bay), and Infrastructure Solution Services, LLC (Melbourne), in the estimated annual amount of \$600,000; and authorize staff to negotiate Master Consultant Agreements and establish hourly rate schedules for each.

Robert Reiss, President of Reiss Engineering, submitted a virtual comment. He said that his firm was one of three firms that were short-listed for this contract. Mr. Reiss explained why his firm should be awarded a continuing contract and included on the rotation list.

Kelcia Mazana spoke on behalf of Reiss Engineering. She asked that Reiss Engineering be awarded a continuing contract and included on the rotation list.

Ms. Sherman advised that Florida Statutes did not require that three (3) firms be chosen, only that the City had to negotiate with three (3) firms.

Mr. Little advised that only one firm had been selected in the past and, based on the workload, he was comfortable with only having two (2) firms. He said there were currently only four (4) projects. Mr. Bailey asked how staff determined which firm received which project. Mr. Little said the projects would be rotated and staff could negotiate a project with only one firm at a time. The companies could not compete for the same project. Mr. Anderson asked if staff was comfortable with having just the two companies should any emergencies arise. Mr. Little answered that emergencies were currently handled with one firm and he was okay with this service being awarded to two (2) firms.

Motion by Mr. Santiago, seconded by Mr. Bailey, to approve the award for continuing consultant engineering services as recommended by staff. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**5. Miscellaneous: "Cooperative Purchase", Cisco Security Solution (Omnia Partners contract) - Information Technology Department (Software House International, Inc. - \$213,938).**

Staff Recommendation: Approve the cooperative purchase of the Cisco Security Solution, utilizing the Omnia Partners contract, from Software House International, Inc., in the amount of \$213,937.80; and approve the appropriation of funds on the next scheduled budget amendment in the amount of \$213,937.80.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**6. Resolution 2020-29, supporting the designation of a portion of State Road 514 (Malabar Road) for former Deputy Chief Lynne Nungesser.**

The City Attorney read the resolution in caption only.

Bill Battin, resident, suggested naming the east section of the St. John's Heritage Parkway as it had not been named yet. He thought an ordinance had been adopted that was against renaming roads.

Motion by Mr. Bailey, seconded by Mr. Santiago, to adopt Resolution 2020-29.

Mr. Bailey advised that this portion of Malabar Road was not owned by the City so the City's ordinance would not apply. He said it was showing City support to the State. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**7. Resolution 2020-30, establishing procedures by which public virtual meetings shall be held for City advisory boards pursuant to Executive Order 20-69.**

The City Attorney read the resolution in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**8. Ordinance 2020-40, amending the Code of Ordinances, Chapter 200, Utilities Code, by modifying abbreviations and definitions contained therein, first reading.**

The City Attorney read the ordinance in caption only.



The item, considered under Consent Agenda, was approved as recommended by City staff.

**9. Ordinance 2020-41, amending the Code of Ordinances, Chapter 201, Sewer Use, Subchapter 'Pretreatment of Wastewater', by including provisions related to the dental amalgam program, first reading.**

The City Attorney read the ordinance in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**10. Ordinance 2020-42, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (third budget amendment), first reading.**

The City Attorney read the ordinance in caption only.

Bill Battin, resident, said the City paid \$30,000 to purchase rights-of-way on Gaynor Drive which were not aligned as the City could not complete the closing on the sale of the land. He questioned preferential treatment between developers and residents with regard to sodding around Bayridge Subdivision. Ms. Sherman said there were issues with an owner regarding the right-of-way on Gaynor Drive, but staff was working on same. She would research the question related to sod.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve Ordinance 2020-42. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**11. Consideration of utilizing a Florida Department of Environmental Protection grant to conduct an environmental feasibility study for Turkey Creek (\$160,000).**

Staff Recommendation: Approve the utilization of Florida Department of Environmental Protection Grant LPA 0067 to provide a Pre-design Feasibility Study report for restoring Turkey Creek to pre-1950 ecological condition and navigability under Project 20PW02, Turkey Creek Restoration Feasibility Study Engineering and Environmental Assessment; and authorize funding to account number 301-7090-539-3108 in the amount of \$160,000 until the grant reimbursement is received.

Peter Filiberto, resident, mentioned the grant would cover this project and asked how it would work. He was concerned that if the grant was denied, then the City would be liable for the \$160,000. Ms. Sherman explained that the request was to appropriate the dollars to hire a firm to conduct the feasibility study.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve the request as recommended by staff. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**12. Consideration of releasing the reimbursable grant funding allocated by the Tourism Development Council to be utilized for other priorities.**

Staff Recommendation: Authorize the release of \$1.7 million reimbursable grant funding allocated by the Tourism Development Council to be utilized for other priorities.

Councilman Anderson requested the item be tabled as additional funding may be available from the Tourist Development Council.

Motion by Mr. Anderson, seconded by Mr. Santiago, to table the item to the August 6, 2020, regular Council meeting. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**13. Consideration of a Memorandum of Understanding with the School Board of Brevard County to assign school resource officers to school campuses within Palm Bay for the 2020/2021 and 2021/2022 school years.**

Staff Recommendation: Approve a Memorandum of Understanding with the School Board of Brevard County, executed by the City Manager, to assign school resource officers to school campuses within Palm Bay for the 2020/2021 and 2021/2022 school years.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**14. Consideration of a letter of support for the Brevard County Prisoner Transportation Program.**

Staff Recommendation: Approve a letter of support, executed by the Mayor, for the Brevard County Prisoner Transportation Program.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**15. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$3,500).**

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.

**16. 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.

**PRESENTATION(S):**

**1. Frank Watanabe, Public Works Director - Stormwater Fund and Fiscal Year 2021 Rate.** Ms. Hildreth provided an overview for Fiscal Years 2018-2020; budget discussions for Fiscal Year 2021, along with planned projects; future goals; and the rate recommended by staff. She advised that the rate for Fiscal Year 2020 was \$148.13, with a total budget of \$13,113,175. The proposed rate for Fiscal Year 2021 was \$131.00, with a total budget of \$11,511,832. The proposed rate would be presented to City Council for consideration on August 6, 2020.

**PUBLIC COMMENT(S)/RESPONSE(S): (Non-agenda Items Only)**

Numerous individuals expressed concern about the homeless situation in the City and the need for a service center. It was requested that Council and staff coordinate with Tom Rebman.

1. Tom Rebman encouraged Council to work with him on addressing the homeless population in Palm Bay and requested a workshop to reorganize the Task Force. He said the Police Chief was currently in charge of the Task Force, but it was not a law enforcement issue. There were also no Palm Bay stakeholders on the Task Force.

2. Randy Foster, resident, said that there should be no playing of politics. If there was an issue with the City Manager, he felt it was any councilmember's right to ask for the City Manager's resignation. He said that unless the individual was a sworn, elected official, they should not be requesting the resignation of a Charter Officer, as had allegedly been done in the past.

3. Butch Orend, resident, questioned why the City did not mandate the wearing of masks.

Ms. Sherman advised that staff enforced the mask policy with City employees, but it was not required for members of public. Mayor Capote asked if it would need to be mandated by the State or County prior to municipalities implementing a policy. Mrs. Smith said the City could adopt a policy without it being mandated at the State or Federal levels. She said it would be difficult to enforce and resources would have to be dedicated to same, but it was legally possible.

Mr. Anderson said he had been in contact with local leaders from businesses and faith-based organizations to address homelessness. A tentative roundtable was scheduled for mid-July to draft a plan for a service center and other issues, such as emergency funding. He said that Mr. Rebman had been involved as well. Deputy Mayor Johnson suggested including the Community Development Advisory Board and supported a workshop to further discuss homelessness. Mr. Anderson asked that the workshop be held off until he brought back information.

#### **PUBLIC HEARING(S):**

**1. Ordinance 2020-37, rezoning property located west of and adjacent to Goldcoast Road, in the vicinity north of Malabar Road, from RS-2 (Single-Family Residential District) to RC (Restricted Commercial District) (0.54 acres)(Case CPZ-6-2020, Masone Properties and Development), final reading (Quasi-Judicial Proceeding).**

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. Santiago, to adopt Ordinance 2020-37. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**2. Ordinance 2020-38, vacating a portion of the rear public utility and drainage easement located within Lot 30, Block 727, Port Malabar Unit 16 (Case VE-8-2020, Gary and Avril Gordon), final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-38. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**3. Ordinance 2020-39, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Community Development Advisory Board', by revising provisions contained therein, 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. Santiago, to adopt Ordinance 2020-39. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**4. Ordinance 2020-29, amending the Code of Ordinances, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Stormwater Management Utility', by revising provisions contained therein (Case T-14-2020, City of Palm Bay), final reading. (CONTINUED FROM RCM - 06/18/20)**

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. She advised that an amendment to the rate resolution would be presented to Council at the August 6, 2020, regular Council meeting.

Bill Battin, resident, did not want to see the past repeat itself with regard to handling a fund that was paid for by the residents. He also did not see a grievance procedure. He understood what this accomplished for the City, but he would rather pay a higher fee for a short period of time rather than a smaller fee for years and years.

Janice Crisp, resident, had concern with Council considering the item when public attendance was limited.

The public hearing was closed.

Motion by Mr. Anderson, seconded by Deputy Mayor Johnson, to adopt Ordinance 2020-29.

Mr. Anderson said that although this was needed, he was not happy with how it was done but felt staff had done a great job. The rate of \$131 was less than before so progress was being made in bringing down the costs to the residents, but he wanted to negotiate it lower.

Deputy Mayor Johnson agreed with Mr. Anderson and wanted to see the rate lowered as well.

Mr. Bailey asked the ERU rate for capital projects only, not for the operational maintenance. Ms. Hildreth said the rate of \$131 was for pipe projects, related staff to those projects, and capital projects that would be sent out through the Request for Proposal process. She said staff discussions included moving canal maintenance (\$500,000 annually) into the General Fund but as pipes were installed, canals had to be cleared. The \$500,000 would handle three (3) to five (5) canals. Mr. Bailey asked if Section 174.092(a)(1) of the ordinance could be amended to reflect that the stormwater utility fee would be used only for capital projects. Mrs. Smith said the amendment should not be to that section, but a provision should be included under Subsection 2 which explained the use of the stormwater utility fees. Mr. Anderson suggested putting the figure in the budget.

Mr. Santiago was okay with the ordinance as is and also agreed with moving some of the funds into the General Fund. He said that the Road Program would not be as successful without the stormwater program. He wanted future Councils to keep an eye on this and ensure that the stormwater maintenance portion continues to be funded.

Mayor Capote supported the ordinance as written as it would eventually get smaller and smaller as capital projects were completed.

Mr. Bailey clarified that resolutions as well as user fees could be changed in the future. He said it was not about moving stormwater revenues to General Fund but moving General Fund monies into the Stormwater Fund. The question was whether to use a fee exclusively to place in the fund or use general revenue and a fee. He was suggesting a fee for capital and General Fund revenues be put into the Stormwater Fund for maintenance.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

**5. Ordinance 2020-43, amending the Code of Ordinances, Chapter 184, Subdivisions, by removing the requirement for recordation of the subdivision plat prior to the issuance of building permits for model homes and developer owner/builder homes (Case T-13-2020, City of Palm Bay), first reading.**

The Planning and Zoning Board recommended that the request be approved, subject to the comments contained in the staff report.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council.

Bill Battin, resident, asked what would stop developers from calling every home a model home or a speculation home. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago to approve Ordinance 2020-43. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**UNFINISHED AND OLD BUSINESS:**

**1. Appointment of one (1) member to the Melbourne-Tillman Water Control District.**

The individuals were rated by the City Council due to the number of applications exceeding the number of vacant positions. No. 1 represented the first choice of each councilmember and so on. The individual(s) receiving the lowest number(s) to the position(s) were considered for appointment to the board.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to appoint Joseph Hale to the Melbourne-Tillman Water Control District. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**2. Appointment of one (1) member to the Citizens' Budget Advisory Board.**

The individuals were rated by the City Council due to the number of applications exceeding the number of vacant positions. No. 1 represented the first choice of each councilmember and so on. The individual(s) receiving the lowest number(s) to the position(s) were considered for appointment to the board.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to appoint Janae Beauchamp to the 'at-large' position on the Citizens' Budget Advisory Board.

Mr. Bailey asked that the votes from the rank sheet be announced. Mrs. Lefler announced same.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**COUNCIL REPORTS:**

Councilmembers addressed various subject matters.

1. Mr. Santiago asked that Council receive monthly reports on the collection rate once the stormwater fee was implemented. Council concurred.
2. Deputy Mayor Johnson advised he was working with United Way on an emergency response team to assist with installation of hurricane shutters.

**NEW BUSINESS:**

**1. Selection of a councilmember to serve on the Community Development Advisory Board.**

Motion by Mr. Anderson, seconded Mr. Santiago, to select Deputy Mayor Johnson to serve on the Community Development Advisory Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**2. Selection of a councilmember to serve on the evaluation committee for selection of State Lobbyist Services.**

Councilman Bailey and Deputy Mayor Johnson were selected to serve on the evaluation committee as the primary and alternate, respectively. Motion carried with members voting



as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

Note: There was no official motion and second on this item. Council concurred with the selection and then voted on the item.

**☛ 3. Consideration of amendment to Employment Contract with Lisa Morrell, City Manager (Councilman Anderson); appointment of Interim City Manager.**

Note: This item, announced under Agenda Revisions, was added to the agenda.

Councilman Anderson said that he had been approached by numerous individuals advising of issues they had with the City Manager. The individuals said they would be communicating with the other members of Council as well. He felt the issues had to be addressed and he met with Mrs. Morrell and the City Attorney. He had presented this agreement to Mrs. Morrell as he felt there were some issues that could not be overcome, and Mrs. Morrell executed the agreement. The agreement was being presented to Council for final approval.

Individuals spoke for and against this issue. Comments included that Mrs. Morrell was doing a good job and should not be let go; Ms. Sherman should be made Acting City Manager until the new Council was sworn in; and no decisions should be made until after the November election.

Motion by Mr. Anderson, seconded by Mr. Santiago, to approve the amendment to employment contract with Lisa Morrell, City Manager.

Mr. Anderson said he had approached Mrs. Morrell privately out of respect and did not think it was appropriate to present the issues at the dais. He did not intend on hiring a new City Manager at this point and felt that the new Council should do so after the election. As he had initially negotiated her contract, he felt he owed it to Mrs. Morrell to speak with her directly. He took no pleasure in presenting this item but had little choice.

Mr. Santiago felt that the deal was sealed once Mrs. Morrell signed the amended contract. He said that under the Council-Manager form of government, a City Manager's employment typically lasts between three and five years. If future Councils wanted individuals to last longer in that position, a strong Mayor form of government may be beneficial. He agreed with Mr. Anderson and felt that Mrs. Morrell would be leaving in good standing which had been done in the past. He also agreed that the new Council should select the City Manager, but current Council could start the process.

Deputy Mayor said he was caught off-guard by this item and wanted to hear the reasons but understood it was to keep Mrs. Morrell in good standing.

Mr. Bailey asked Councilman Anderson to explain the terms in the addendum and why he felt it was needed in addition to what was within the existing contract. Mr. Anderson said the terms were the same except the \$5,000 of Administrative Pay which was not within the current contract. He believed Mrs. Morrell did the best job she could in the situation she was given. Mrs. Smith confirmed that all payouts would be due to Mrs. Morrell pursuant to the contract or the Administrative Code, except for the Administrative Pay. Mr. Bailey asked why Councilman Anderson wanted Mrs. Morrell to resign. Mayor Capote said there should be a sense of professionalism and that Council should not attack Mrs. Morrell's character. Mr. Bailey said he asked the question of Councilman Anderson and the public had the right to know. Mr. Anderson said that Council had plenty of time to review the agreement and speak to Mrs. Morrell and he was not going to publicly besmudge her character. Mr. Bailey said he had spoken to Mrs. Morrell and her intent was to stay and did not willingly want to leave. She agreed with the contract should Council decide to go in that direction. He felt that councilmembers were letting themselves off the hook and relieving themselves of any responsibility of actually having their own reasons as to why Mrs. Morrell should be fired. Mr. Anderson said he went to Mrs. Morrell, voiced his concerns and said he did not want to present it at the dais as he did not feel that was fair to her. Mr. Bailey said it was not fair to have this pre-negotiated behind the scenes. He questioned how Councilman Anderson knew that Council wanted to remove Mrs. Morrell. He felt that inappropriate action was taken.

Mr. Santiago called for a Point of Order to call the question.

Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to call the question based on the Point of Order.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

The original motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to appoint Suzanne Sherman as Interim City Manager until the new Council was elected, and Deputy Mayor Johnson would negotiate Ms. Sherman's contract.

Deputy Mayor Johnson said that he preferred for the new Council to appoint a permanent City Manager as they would be working with that individual.

Mr. Santiago asked if an Interim Deputy City Manager would be selected by Ms. Sherman. Mayor Capote said that the Interim City Manager would select their own Interim Deputy City Manager. Council was not involved in that appointment.

Mr. Bailey recalled that the interim could only serve for six (6) months. He asked that before appointing an interim, for which a contract was not needed, Council should appoint Ms. Sherman as Acting City Manager until the next meeting. Mr. Santiago agreed and withdrew his second to the motion. Deputy Mayor Johnson withdrew his motion. Mr. Anderson asked if Ms. Sherman would still be able to appoint an Acting Deputy City Manager at this time. Mayor Capote confirmed same.

Mr. Anderson asked for comments from Ms. Sherman. Ms. Sherman said her only concern was that she would not have a contract and that if she hired a Deputy City Manager and she was not selected as the permanent City Manager, she would no longer have the position of Deputy City Manager to return to. She felt a contract would allow her the opportunity to retain the Deputy City Manager position if she was not selected as City Manager. Mr. Bailey stated that pursuant to the Administrative Code, Ms. Sherman could appoint someone to serve as Acting Deputy City Manager and that individual would revert back to their previous position.

Council concurred to have Deputy Mayor Johnson negotiate a contract with Ms. Sherman.

**ADMINISTRATIVE AND LEGAL REPORTS:**

1. Ms. Sherman requested a workshop to discuss the noise ordinance on Thursday, July 9, 2020, at 6:00 P.M. Council concurred.

**PUBLIC COMMENTS/RESPONSES:**

Individuals made general comments.

1. Bill Battin, resident, did not agree with a strong Mayor form of government. He preferred five (5) separate votes on issues.

2. Butch Orend, resident, expressed concern with Councilman Anderson speaking with a gentleman, changing his mind regarding Item 3, under New Business, but Councilman Anderson would not share the information with the public.

Mr. Bailey said that a comment was made that the item regarding Mrs. Morrell was handled professionally. He felt that the professional way to handle it would have been to bring forth a resolution of no confidence for Council's consideration.

Mr. Santiago clarified that with a strong Mayor form of government, there would still be five (5) councilmembers. The difference was the Mayor was voted in as the administrator for the City.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 10:06 p.m.

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William Capote, MAYOR

ATTEST:

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Terri J. Lefler, DEPUTY CITY CLERK

☞ Indicates item was considered out of sequence or added to the agenda.



## **LEGISLATIVE MEMORANDUM**

**DATE: 8/6/2020**

**RE: Adoption of Minutes: Regular Council Meeting 2020-24; July 16, 2020.**

**ATTACHMENTS:**

**Description**

**Minutes, RCM 2020-24**

## **CITY OF PALM BAY, FLORIDA**

### **REGULAR COUNCIL MEETING 2020-24**

Held on Thursday, the 16<sup>th</sup> day of July 2020, 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.

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, this public meeting was conducted via communications media technology (teleconference/video conference).

The meeting was called to order at the hour of 7:00 P.M.

Councilman Santiago gave the invocation which was followed by the Pledge of Allegiance to the Flag.

#### **ROLL CALL:**

<b>MAYOR:</b>	William Capote	Present
<b>DEPUTY MAYOR:</b>	Kenny Johnson	Present
<b>COUNCILMEMBER:</b>	Harry Santiago, Jr.	Present
<b>COUNCILMEMBER:</b>	Jeff Bailey	Present
<b>COUNCILMEMBER:</b>	Brian Anderson	Present
<b>ACTING CITY MANAGER:</b>	Suzanne Sherman	Present
<b>CITY ATTORNEY:</b>	Patricia Smith	Present
<b>CITY CLERK:</b>	Terese Jones	Present

**CITY STAFF:** Present was Joan Junkala-Brown, Director of Community and Economic Development; Laurence Bradley, Growth Management Director.

#### **ANNOUNCEMENT(S):**

Deputy Mayor Johnson announced the following vacancies and solicited applications for same:

- 1. One (1) vacancy on the Community Development Advisory Board (can represent one of the following: 'for-profit provider', 'actively engaged in home building', 'employer within the City', or 'advocate for low-income persons').++**
- 2. One (1) vacancy on the Youth Advisory Board (represents youth board member 'at-large' position).++**

- 3. Four (4) vacancies on the Disaster Relief Committee.++**
- 4. One (1) vacancy on the Citizens' Budget Advisory Committee (represents 'at-large' position).++**
- 5. One (1) vacancy on the Police and Firefighters Retirement Pension Plan, Board of Trustees**
- 6. One (1) vacancy on the Youth Advisory Board (represents 'adult member, 30 years and older' position).+**

**AGENDA REVISION(S):**

1. Ms. Sherman announced the following revisions:
  - a.) There was a scrivener's error on the agenda to Item 2, under Consent Agenda. The bid number for equipment rental should reflect IFB 45-0-2020, not IFB 14-0-2020; and
  - b.) Item 11, under Consent Agenda, had been withdrawn from the agenda.

**CONSENT AGENDA:**

All items listed under Consent Agenda were considered and enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, that the Consent Agenda be approved with the removal of Items 5, 6, 7, 8, 9 and 10, from consent. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**1. Adoption of Minutes: Regular Council Meeting 2020-22; June 18, 2020.**

The minutes, considered under Consent Agenda, were approved as presented.

**2. Award of Bid: 'Cooperative Purchase', Equipment rental - IFB 14-0-2020 - various departments (EP Rents, LLC; HERC Rentals Inc.; NESCO, LLC; Ring Power Corporation; Sunbelt Rentals, Inc.; Florida BC Holdings, LLC dba Synergy Rents; Trekker Tractor, LLC; and United Rentals (North America), Inc. - estimated annual amount of \$107,317).**

Staff Recommendation: Approve the 'Cooperative Purchase' award for equipment rental to EP Rents, LLC; HERC Rentals Inc.; NESCO, LLC; Ring Power Corporation; Sunbelt Rentals, Inc.; Florida BC Holdings, LLC dba Synergy Rents; Trekker Tractor, LLC; and United Rentals (North America), Inc., in the estimated annual amount of \$107,317.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**3. Award of Proposal: Automated Chest Compression (CPR) devices and accessories – RFP 53-0-2020 – Fire Department (Stryker Medical Sales - \$116,627).**

Staff Recommendation: Approve the award for Automated Chest Compression (CPR) devices and accessories to Stryker Medical Sales, in the amount of \$116,626.70.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**4. Resolution 2020-32, amending Resolution 2019-37, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (third amendment).**

The City Attorney read the ordinance in caption only. The resolution was approved under Consent Agenda.

**5. Resolution 2020-33, amending Resolution 2019-38, adopting the Five-Year Capital Improvements Program for Fiscal Years 2019-2020 through 2023-2024 (third amendment).**

The City Attorney read the ordinance in caption only.

Bill Battin, resident, said the residents had paid enough for the St. Johns Heritage Parkway and the eastern portion still had to be completed. He said it was not the responsibility of the residents to fund the developers.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Resolution 2020-33. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**6. Consideration of the proposed budget for the Bayfront Community Redevelopment Agency for Fiscal Year 2021.**



Staff Recommendation: Approve the proposed budget for the Bayfront Community Redevelopment Agency for Fiscal Year 2021.

Bill Battin, resident, wanted to ensure that the developers for projects such as Northshore did not receive tax breaks in the future, but residents were not receiving the same tax breaks.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the proposed budget for the Bayfront Community Redevelopment Agency for Fiscal Year 2021.

Mr. Bailey said he had the same concerns as Mr. Battin, but Council had made obligations and Brevard County supported same. He felt the budget had been completed based on the Interlocal Agreement with Brevard County.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**7. Consideration of Letter of Intent with Jimson Hospitality Group, LLC, for Pelican Harbor Marina parcels; and engage in discussions with the buyer to bring an offer back to Council for future consideration.**

Staff Recommendation: Authorize the Acting City Manager to execute the Letter of Intent from Jimson Hospitality Group, LLC; and to engage in further discussions with the buyer to bring back an offer to Council for future consideration.

Bill Battin, resident, said the property was appraised at \$2.4 million but the offer submitted was \$1.8 million.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve the Letter of Intent as requested.

Mr. Bailey asked staff to address the comment. Ms. Sherman said the main reason for the price reduction was to keep the public access to the waterfront at the time of sale and for perpetuity on the property. Mr. Bailey wanted to see if it could be negotiated for a better price but said it was a fair price than to sit unused. Mr. Santiago said the appraised value came in at its highest and best use, but it came in lower due to the conditions of the sale.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**8. Consideration of exceeding the \$50,000 maximum award for SHIP Owner-Occupied Rehabilitation by \$25,000 under the approved LHAP for 2980 Garden Terrace.**

Staff Recommendation: Authorize exceeding the \$50,000 maximum award for SHIP Owner-Occupied Rehabilitation by \$25,000 under the approved LHAP for 2980 Garden Terrace.

Bill Battin, resident, said that Council passed an ordinance that limited the amount of funds that could be invested in other people's homes to \$50,000. He did not want to see additional funding going towards one individual and said those monies could aid the homeless. He asked the repercussion should the owner sell the property. Mrs. Junkala-Brown advised that pursuant to the Local Housing Assistance Plan adopted by Council, the City Manager had the authority to exceed the maximum award. She said a clause was included in the mortgage note that the loan must be repaid should the owner sell, refinance or alter the loan. Mr. Bailey asked the length of the lien and if it went to the beneficiary should the owner pass away. Mrs. Junkala-Brown answered ten (10) years and confirmed that the lien would pass on to the beneficiary, but the beneficiary would have to qualify; otherwise, the loan would have to be repaid.

Motion by Mr. Bailey to deny the request. The motion died for lack of a second.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the request.

Councilmembers supported the request stating there was the opportunity to recoup the funds if the property was sold, refinanced, etc. Mr. Anderson said that this area was in the older part of Palm Bay and needed a lot of work to ensure the homes were inhabitable.

Mr. Bailey did not agree with Council or the City Manager deciding who received the extra funding. He suggested that if \$50,000 was not enough to meet the needs of the program as adopted, then the program needed to be revised. He could not support the request when it could mean that one or two other homeowners would not get approved at all. Mr. Santiago supported a revision to the plan, if needed. Mr. Bailey clarified that he had no problem with the process, but he had an issue with exceptions to the process. He said if staff wanted to change the guidelines and recommend a \$75,000 maximum, then that should be the maximum with no exceptions. Mr. Santiago said he wanted to ensure that Council always had the opportunity to review and consider these items.

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

**9. Consideration of exceeding the \$50,000 maximum award for SHIP Owner-Occupied Rehabilitation by \$50,000 under the approved LHAP for 2215 Williams Street.**

Staff Recommendation: Authorize exceeding the \$50,000 maximum award for SHIP Owner-Occupied Rehabilitation by \$50,000 under the approved LHAP for 2215 Williams Street.

Bill Battin asked how many people were not approved due to exceeding the \$50,000 maximum. Mrs. Junkala-Brown said there was a wait list and it was based on a first-come, first-serve basis. The wait list was currently closed as there were no funding allocations for Fiscal Year 2020-2021. If someone was not income eligible, staff would move on to the next applicant.

Mr. Bailey asked if any applications had been denied by staff that exceeded the \$50,000 maximum. Mrs. Junkala-Brown said she had not seen any since she began overseeing the program but believed that no one had been denied.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the request.

Mr. Bailey did not like the applications being considered on an individual basis but supported this request as the individual was very low income, the home was almost a reconstruction and she had been on the waiting list since 2018.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**10. Consideration of a grant agreement with the Office of Community Oriented Policing Services for the Fiscal Year 2020 Cops Hiring Program (CHP) grant award.**

Staff Recommendation: 1) Approve the grant agreement between the City of Palm Bay and the Office of Community Oriented Policing Services; 2) Authorize the Acting City Manager and Police Chief to execute the grant agreement; and 3) Authorize the Police

and Finance Departments to proceed with funding the local match starting with Fiscal Year 2021 budget preparation.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the request.

Mr. Santiago said he would support the request, but hoped that any police officers and necessary equipment would be budgeted in future years.

Mr. Bailey asked if the City was obligated to hire the six (6) officers or could Council decide on less. Ms. Sherman said the grant was for the full six (6) officers and a lesser number could not be chosen. Mr. Bailey said he would support the request, but hoped for a more flexible option during the budget process.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**11. Consideration of appropriation of Fire Impact Fees (\$78,410) and General Fund Undesignated Fund Balance (\$45,710) to complete the Construction of Fire Station 5.**

The item, announced under Agenda Revisions, was withdrawn from the agenda.

**12. 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.

**13. Consideration of travel and training for specified City employees (Utilities Department).**

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**14. Acknowledgement of the City's monthly financial report for May 2020.**

The item, considered under Consent Agenda, was acknowledged by the City Council.

**PRESENTATION(S):**

**1. Frank Watanabe, Public Works Director - Road Maintenance.** Mr. Watanabe provided an overview of the program, pavement management, rejuvenation, preservation and pavement matrix plan.

Mr. Bailey asked if it was possible to get all the roads completed within the \$150 million and, if so, by how much. Mr. Watanabe confirmed same and said it was dependent upon moving forward and reviewing the streets during the process to see if they needed less or more than what was originally evaluated.

Mr. Santiago asked that the presentation be shared with the Infrastructure Advisory and Oversight Board and the Citizens' Budget Advisory Board.

**PUBLIC COMMENTS/RESPONSES: (Non-agenda Items Only)**

There were no public comments.

**PUBLIC HEARING(S):**

**1. Ordinance 2020-40, amending the Code of Ordinances, Chapter 200, Utilities Code, by modifying abbreviations and definitions contained therein, final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-40. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**2. Ordinance 2020-41, amending the Code of Ordinances, Chapter 201, Sewer Use, Subchapter 'Pretreatment of Wastewater', by including provisions related to the dental amalgam program, final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-41. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**3. Ordinance 2020-42, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (third budget amendment), final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-42. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**4. Ordinance 2020-43, amending the Code of Ordinances, Chapter 184, Subdivisions, by removing the requirement for recordation of the subdivision plat prior to the issuance of building permits for model homes and developer owner/builder homes (Case T-13-2020, City of Palm Bay), final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council.

Bill Battin, resident, did not agree with a developer building up to twenty-five (25) homes prior to submitting any plans to the City.

Mr. Bradley explained that staff would receive the plat and approve it, but it would no longer be required to be recorded as it was only for the model homes, not for the entire development or subdivision.

Jake Wise, CEG Engineering, said that a few of his clients brought this item forward and explained the benefits of approving the request for both the City and the developers.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-43. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**5. Ordinance 2020-44, amending the Code of Ordinances, Chapter 70, General Provisions, Subchapter 'General Provisions', by revising provisions related to parking of vehicles in residential areas (Case T-7-2020, City of Palm Bay), first reading.**

The Planning and Zoning Board recommended that the request be approved.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Mr. Santiago, seconded by Mr. Anderson, to approve Ordinance 2020-44.

Mr. Santiago said his comments applied to Items 5, 6 and 7. He said it was important to improve the aesthetics of the neighborhood which improved the environment as well in residential areas.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**6. Ordinance 2020-45, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions', by revising provisions related to parking of vehicles in residential areas (Case T-7-2020, City of Palm Bay), first reading.**

The Planning and Zoning Board recommended that the request be approved.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Mr. Santiago, seconded by Mr. Bailey, to approve Ordinance 2020-45. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**7. Ordinance 2020-46, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'Supplementary District Regulations', by revising provisions related to parking of vehicles in residential areas (Case T-7-2020, City of Palm Bay), first reading.**

The Planning and Zoning Board recommended that the request be approved, subject to the condition that the restriction to park vehicles on improved surfaces in the side yards be eliminated.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. The public hearing was closed.

Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-46.

Mr. Bailey said that this ordinance was the meat of the actual changes being made regarding residential parking. He was unsure if the language under Section 185.123(B)(2) which stated that a maximum of two (2) vehicles were permitted to be parked on the sides of the residence was necessary. Mr. Bradley responded that the language was based on discussions with the City Manager and City Attorney where they wanted the clarification of the number of vehicles on the sides of the property. It could be two (2) on one side or one on each side. Mr. Bailey still did not feel it was necessary.

Mr. Bailey thought that the City was not going to include improved surfaces next to the driveway as addressed under Section 185.123(B)(1)(a). Mr. Bradley understood from the workshop that the language was to remain as is, but it was at Council's discretion to modify. Mr. Bailey said that if it was not required on the side of the house, it should not be required next to the driveway.

Mr. Bailey asked staff to clarify Section 185.123(D) which stated that no vehicle shall be parked or stored upon an unimproved parcel of land, etc. He said if he bought the lot next to him, he would consider that his side yard. Mr. Bradley said if the lots were married or if it was an oversized lot, it would be considered improved. If it was a separate lot as recognized by the Property Appraiser and had no structures on it, it would be considered an unimproved parcel. Mr. Bailey asked if a parcel that he owned across the street could be used. Mr. Bradley said you could not have a parcel that crossed a right-of-way.

Mr. Santiago said he would agree to remove Section 185.123(B)(1)(a) to make it consistent with the sides of the property.

Mr. Santiago withdrew his motion. Deputy Mayor Johnson withdrew his second to the motion.



Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-46 with removal of Section 185.123(B)(1)(a). Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**8. Request by the Rook at Palm Bay, LLC, for preliminary subdivision approval of a proposed development, consisting of four (4) commercial lots and one (1) multi-family residential lot, to be known as 'Crowne Square', which property is located south of and adjacent to Malabar Road, in the vicinity east of Cassia Avenue and West of Corporate Circle, in CC (Community Commercial District) and RM-20 (Multiple-Family Residential District) zonings (21.0 acres) (Case PS-2-2020) (Quasi-Judicial Proceeding).**

The Planning and Zoning Board recommended approval of the request, subject to Items A through E of the staff report being submitted with the Final Subdivision application as recommended by staff.

The public hearing was opened. Jake Wise, representative for the applicant, presented the request to Council.

Mayor Capote asked about the request made by the American Legion regarding a fence buffer. Mr. Wise said the applicant already planned on surrounding the perimeter with a six-foot high opaque fence. Mr. Bailey asked for clarification regarding the fence as the Planning and Zoning Board minutes reflected that the American Legion requested that the fence be replaced with a taller wall as a safety measure. Mr. Wise said that the Planning and Zoning Board approved the fence and he did meet with the American Legion representative afterwards and they supported the request.

Bill Battin, resident, commented on Items 8 and 9. He said the developer requested a variance so he could place more on the designated acreage. He suggested that the developer plan a new project to fit within the acreage.

Peter Filiberto, resident, asked if the parking would connect to the driveway next to Sonny's BBQ.

Mr. Wise said that Walmart, Sonny's and the carwash all connected to the same driveway. He said he attempted to work out an agreement with the property owner with no success, so the only access point was off the Malabar Road with the installation of a traffic signal. He added that a commitment was made to staff that no Certificate of Occupancy would be obtained until the traffic signal was open and in use.

Mr. Bailey asked if there was another way of not having an additional traffic light due to existing lights at Emerson Drive and Corporate Circle. Mr. Wise said it was a vigorous process to receive approval for a traffic light. Based on the number of anticipated trips in and out of the site, the number of turning movements, and as a safety protocol, a traffic light was necessary. The project would not be successful without the traffic signal and staff has supported same. Mr. Watanabe said the intersection met the signal warrant analysis and requires a traffic signal. He added that none of the traffic signals in the City were connected. This would be the first system to do so. There would be a master control that would operate all three (3) signals so if there was no demand at one of the traffic lights, it would give a green light.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the request.

Mr. Bailey encouraged the applicant to consider some type of buffering adjacent to the American Legion.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**9. Request by Rook at Palm Bay, LLC, for a variance to encroach the front parking setback of a proposed apartment building clubhouse; encroach the rear building setback of a proposed grocery store; and encroach the rear parking setback in two (2) separate commercial locations (21.0 acres) (V-12-2020) (Quasi-Judicial Proceeding).**

The Planning and Zoning Board recommended that the request be approved.

The public hearing was opened. Jake Wise, representative for the applicant, presented the request to Council.

Peter Filiberto, resident, said that being able to connect to the Walmart-Sonny's driveway would alleviate traffic from Malabar Road and eliminate the need for the traffic light. Mr. Wise said their request to connect to the roadway was denied by the property owner.

Mr. Bailey asked if connecting to the roadway could be a condition. Ms. Smith said that Council could not mandate that other properties allow this project to connect to their roadway.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the request. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**10. Request by Chaparral Subdivision Phase II for Final Development Plan approval of a proposed single-family residential Planned Unit Development (PUD) to be known as 'Chaparral Phase II' on property located south of Malabar Road and west of Brentwood Lakes Subdivision (82.14 acres) (Case FD-10-2020). (RESCHEDULED TO P&Z – 08/05/20)**

#### **COMMITTEE AND COUNCIL REPORT(S):**

Councilmembers provided updates on activities of various agencies and boards on which they served as members.

1. Mr. Anderson said a roundtable was recently held regarding the homeless. He advised that Beverly Squire-Wiggins agreed to host the meetings. Approximately twenty (20) individuals were in attendance. Mr. Anderson detailed the discussions of the meeting. A monthly report would be provided to Council. Another meeting would be held in two (2) weeks to further discuss a service center and resource guide.
2. Mr. Bailey said he would address decorum issues at a future meeting related to the discussion of the City Manager at the last meeting.

#### **NEW BUSINESS:**

##### **1. Consideration of implementing a Military Banner Program.**

Staff Recommendation: Approve the implementation of a Military Banner Program.

Joseph Stokes, member of the Youth Advisory Board, provided an overview of the program.

Mayor Capote asked if light poles were used for holiday displays. Ms. Suzanne said they were not currently use for same, but any decorations would be removed as needed. Mayor Capote said that someone may think that if this program was for one year and if they paid for the banner, it would mean the military banner would remain in place for the full 365 days. Ms. Sherman said that, if approved, staff would work out the details with other items that needed to be defined, such as locations.

Mr. Bailey asked what happened if the individual wanted to renew, if a new banner was issued and the old banner was given to the individual and where was the renewal money distributed. Mr. Stokes said monies would go to the company and it was undecided as to what would happen with the banners after the one year. Mr. Bailey said it was a great idea and suggested displaying on every other pole and along corridors. He asked if the City was required to go through the procurement process. Ms. Sherman said it did not require procurement, but protocols would need to be established for the purchasing of the banners, ensuring that City policies were followed, etc. Councilmembers supported the request. Mr. Bailey said this could be the City's program to fund the Veterans Day Parade.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the Military Banner Program. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**2. Consideration of Fiscal Years 2018 and 2019 reimbursements from Bayfront Community Redevelopment Agency to the City's General Fund (\$566,525) and Brevard County's General Fund (\$270,185).**

Staff Recommendation: Approve Fiscal Years 2018 and 2019 reimbursements from Bayfront Community Redevelopment Agency to the City's General Fund in the amount of \$566,525, and Brevard County's General Fund in the amount of \$270,185.

Motion by Mr. Bailey, seconded by Mr. Santiago, to approve the reimbursements to the specified funds as requested. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**3. Consideration of appropriation from General Fund Undesignated Fund Balance for a Disaster Recovery Solution (\$624,300).**

Staff Recommendation: Approve the appropriation from General Fund Undesignated Fund Balance for a Disaster Recovery Solution \$624,300.

Motion by Mr. Bailey, seconded by Mr. Anderson, to approve the appropriation of funds for a disaster recovery solution as requested. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**4. Consideration of 2020 Certification of Taxable Value; 2021 proposed Operating Millage Rate; 2021 proposed Debt Millage Rate; and scheduling dates for budget public hearings.**

Staff Recommendation: Authorize the Acting City Manager to advertise a Fiscal Year 2021 proposed operating millage of up to 8.1379; authorize the City Manager to advertise a Fiscal Year 2021 proposed voted debt millage of 0.7516; and to schedule the first public hearing date for Wednesday, September 9, 2020 at 6:00 p.m., and the second public hearing date for Wednesday, September 23, 2020 at 6:00 p.m.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the advertisement, proposed operating millage rate, proposed debt millage rate and budget public hearing dates as recommended by staff.

Mr. Santiago said it was prudent to keep the current millage rate and keep putting monies away for emergencies.

Mr. Bailey preferred the three percent (3%) rate of 7.8378, with a goal of trying to have a budget based on the rollback rate.

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

**5. Consideration of an Employment Contract for Suzanne Sherman, Acting City Manager.**

Deputy Mayor Johnson presented the item to Council. The requested salary was \$170,000, with a ten (10) week severance clause. He advised that Ms. Sherman would not be appointing an Acting Deputy City Manager at this time.

Peter Filiberto, resident, cited the definition of acting city manager per the City Charter. He said a contract went against the Charter. He also cited the revocation clause in the Charter. He felt it was a waste of taxpayer dollars.

Bill Battin, resident, questioned what would happen if Ms. Sherman was unable to perform her duties as acting manager with no acting deputy.

Santa Isabel Wright, resident, felt Mrs. Morrell did a phenomenal job and said that she should be asked to come back until the new Council was elected.

Ms. Smith advised that the Charter provision referred to a temporary absence or disability, not a vacancy. Mayor Capote said that if Ms. Sherman was unable to perform as City Manager, with no Deputy City Manager, then the same process would occur and Council would appoint an individual.

Mr. Bailey said that Deputy Mayor Johnson mentioned a six-month minimum of serving in this capacity. The Palm Bay Code of Ordinances (Code) and the City's Administrative Code both state that the vacancy should be filled within one hundred and eighty (180) days. He said the Code also stated that during the temporary absence or disability, the City Manager shall designate a fill-in, which would be the Deputy City Manager, Ms. Sherman. Council spoke of protections for Ms. Sherman which was not needed. If Council removed her from the acting position, she would automatically return to her position as Deputy City Manager. The proposed contract did not give more protection, just more money, which was already defined through the Administrative Code. If adhering to the Administrative Code, Ms. Sherman would receive a five percent (5%) increase above her current salary. Mr. Bailey felt that \$170,000 was a lot and it was slightly more than the salary of Mrs. Morrell. He also did not agree with providing ten (10) weeks of severance pay. He did not feel it was appropriate to have a contract when rules were already in place to address the positions of acting. He suggested withdrawing the contract and allowing Ms. Sherman to be the Acting City Manager for the next six (6) months.

Mayor Capote said that Council agreed that the next Council would perform the vetting for City Manager which may not be until March or April of 2021.

Mr. Bailey asked for clarification of the Code with regard to limitations of serving in the acting position. Ms. Smith said the Code states that the position should be filled within one hundred eighty (180) days. She opined that Council should do everything in its power to fill the position within that time.

Mr. Bailey said that if the salary being presented today was approved, then Council should just appoint Ms. Sherman as City Manager.

Mr. Santiago would not support the proposed salary. He preferred what was outlined in the Administrative Code to include an escalator severance clause. He suggested the contract mirror that of former Acting City Manager, Chad Shultz. Mayor Capote suggested that Deputy Mayor Johnson continue negotiations with Ms. Sherman.

Mr. Anderson said the City would save money by not having a Deputy City Manager. It

was a high stressed, demanding position and the average salary would be \$200,000 based on the City's size. He suggested starting the search process for City Manager so that new Council could narrow down the candidates and make its selection. He said Ms. Sherman came with experience and Mrs. Morrell was given \$165,000 with no experience.

Mr. Santiago said he was concerned about not having an Acting Deputy City Manager but felt the Administrative Code should be followed. He agreed with having a search process.

Mr. Bailey said a severance clause was not needed because Council could not fire Ms. Sherman. Council only had the authority to remove Ms. Sherman from the acting position.

Mayor Capote felt that a salary between \$160,000-\$165,000 should be a starting point. Mr. Anderson agreed with \$165,000.

Deputy Mayor Johnson asked about the severance clause and if it was needed. Ms. Smith said that if Ms. Sherman was removed from acting, then she would automatically return to the position of Deputy City Manager.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the Employment Contract for Suzanne Sherman, Acting City Manager, with the salary of \$165,000 and removal of the severance clause.

Mr. Anderson would support a five-week severance. Deputy Mayor Johnson agreed.

Motion Deputy Mayor Johnson, seconded by Mr. Anderson, to amend the motion to include five-week severance clause.

Mr. Santiago would not support the contract but fully supported Ms. Sherman. He just wanted to remain consistent. He said the Code needed to be revisited so that these discussions did not occur in the future and there were clear expectations.

Mr. Bailey felt it may be perceived that if Ms. Sherman could do the job with no Deputy, then why keep the Deputy position. Then the permanent City Manager should not need a Deputy and if one was hired, then both positions should make less money. He said that not having a Deputy also reduced the professional growth of lower level supervisors. If a director was appointed as Deputy, then that director would appoint someone to serve as the department's acting director and so on. Mr. Santiago hoped that Ms. Sherman would appoint one of the directors as the Acting Deputy City Manager but knew that it was her decision to make.

Mr. Anderson asked Ms. Sherman if she agreed with the proposed salary and severance. Ms. Sherman confirmed same.

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Nay
Councilman Bailey	Nay
Councilman Anderson	Yea

#### **ADMINISTRATIVE AND LEGAL REPORTS:**

1. Ms. Sherman asked Council about mask policies and whether to encourage or mandate same. The City currently encouraged the use of the masks. Mayor Capote said that any public access areas, such as City Hall or other City facilities, should require the public to wear masks. It would be very hard to enforce any other areas if the City did not receive support from other levels of government. Mr. Santiago was not comfortable with mandatory masks for the public, especially with the inability to enforce it but supported having employees wear masks. Mr. Anderson said the City should continue to encourage but not force it. Deputy Mayor Johnson and Mr. Bailey agreed.

#### **PUBLIC COMMENTS/RESPONSES:**

Residents made general comments.

#### **ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 11:02 p.m.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK





## **LEGISLATIVE MEMORANDUM**

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

**FROM:** Suzanne Sherman, Acting City Manager

**THRU:** Christopher A. Little, PE, Utilities; Frank Watanabe, PE, Public Works; Juliet Misconi, Procurement

**DATE:** 8/6/2020

**RE:** **Contract: GIS software, Small Municipal and County Government Enterprise License Agreement, renewal – Utilities and Public Works Departments (Environmental Systems Research Institute, Inc. (ESRI) - \$294,311 (sole source)).**

On October 2, 2008, City Council approved ESRI software as a sole source for the City's geographic information system (GIS) software under an Enterprise License Agreement (ELA). In addition to the GIS software, the ELA covers our core desktop applications of ArcGIS GeoEvent Server for spatial data management and interactive mapping applications. The ESRI software technology is the main software utilized by the GIS staff to provide city-wide GIS services. The ESRI software is also the core platform for CityWorks, the computerized maintenance management system (CMMS).

Since the initial ELA approval, Council has approved subsequent renewals of the ELA for three-year terms. The current ELA was approved by Council action on October 17, 2017 and will expire on October 15, 2020. ESRI has submitted a Small Municipal and County Government Enterprise Agreement (SGEA) for the new three-year term (plus three-months) to begin on October 16, 2020 and to end on January 15, 2024. The first term will be fifteen months and will shift future expiration dates to January.

The annual cost has been \$61,100.00; however, the annual cost will increase as the City has moved to the next population tier. The expenditures, excluding the cost for the ArcGIS GeoEvent Server, will be split between the Utilities Department and the Public Works Department.

The first year (fifteen-month term) will be \$113,310.96 and the remaining two years will be \$90,500.00 each. The full, three-year term of the SGEA will be \$294,310.96, with the Utilities Department's cost at \$160,163.70 and the Public Works Department's cost at \$134,147.26. A breakdown of annual expenditures, by Department, has been provided under "Fiscal Impact."

**REQUESTING DEPARTMENT:**

Utilities, Public Works, Procurement

**FISCAL IMPACT:**

The total cost for three years will be \$294,310.96. Pending approval of the FY21, FY22 and FY23 budgets, funds will be available in 421-8013-536-4604/Utilities and 001-7011-541-4604/Public Works.

<b>Department</b>	<b>Fund</b>	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>
Utilities	421-8013-536-4604	\$61,663.70	\$49,250.00	\$49,250.00
Public Works	001-7011-541-4604	\$51,647.26	\$41,250.00	\$41,250.00

**RECOMMENDATION:**

Motion to approve the ESRI Small Municipal and County Government Enterprise License Agreement for the three-year term with Environmental Systems Research Institute, Inc., (ESRI) located in Redlands, California.

**ATTACHMENTS:****Description**

**ESRI Quotation Q-418211 and Enterprise Agreement**

**ESRI Product Specific Terms of Use**



June 26, 2020

Mr. Adam Beard  
City of Palm Bay  
250 Osmosis Dr. SE  
Palm Bay, FL 32909-2356

Dear Adam,

The Esri Small Municipal and County Government Enterprise Agreement (SGEA) is a three-year agreement that will grant your organization access to Esri term license software. The EA will be effective on the date executed and will require a firm, three-year commitment.

Based on Esri's work with several organizations similar to yours, we know there is significant potential to apply Geographic Information System (GIS) technology in many operational and technical areas within your organization. For this reason, we believe that your organization will greatly benefit from an Enterprise Agreement (EA).

An EA will provide your organization with numerous benefits including:

- A lower cost per unit for licensed software
- Substantially reduced administrative and procurement expenses
- Complete flexibility to deploy software products when and where needed

The following business terms and conditions will apply:

- All current departments, employees, and in-house contractors of the organization will be eligible to use the software and services included in the EA.
- If your organization wishes to acquire and/or maintain any Esri software during the term of the agreement that is not included in the EA, it may do so separately at the Esri pricing that is generally available for your organization for software and maintenance.
- The organization will establish a single point of contact for orders and deliveries and will be responsible for redistribution to eligible users.
- The organization will establish a Tier 1 support center to field calls from internal users of Esri software. The organization may designate individuals as specified in the EA who may directly contact Esri for Tier 2 technical support.
- The organization will provide an annual report of installed Esri software to Esri.
- Esri software and updates that the organization is licensed to use will be automatically available for downloading.
- The fee and benefits offered in this EA proposal are contingent upon your acceptance of Esri's Small Municipal and County Government EA terms and conditions.

- Licenses are valid for the term of the EA.

This program offer is valid for 90 days. To complete the agreement within this time frame, please contact me within the next seven days to work through any questions or concerns you may have.

To expedite your acceptance of this EA offer:

1. Sign and return the EA contract with a Purchase Order or issue a Purchase Order that references this EA Quotation and includes the following statement on the face of the Purchase Order:

***"THIS PURCHASE ORDER IS GOVERNED BY THE TERMS AND CONDITIONS OF THE ESRI SMALL MUNICIPAL AND COUNTY GOVERNMENT EA, AND ADDITIONAL TERMS AND CONDITIONS IN THIS PURCHASE ORDER WILL NOT APPLY."***

Have it signed by an authorized representative of the organization.

2. On the first page of the EA, identify the central point of contact/agreement administrator. The agreement administrator is the party that will be the contact for management of the software, administration issues, and general operations. Information should include name, title (if applicable), address, phone number, and e-mail address.
3. In the purchase order, identify the "Ship to" and "Bill to" information for your organization.
4. Send the purchase order and agreement to the address, email or fax noted below:

Esri  
Attn: Customer Service SG-EA  
380 New York Street  
Redlands, CA 92373-8100

e-mail: [service@esri.com](mailto:service@esri.com)  
fax documents to: 909-307-3083

I appreciate the opportunity to present you with this proposal, and I believe it will bring great benefits to your organization.

Thank you very much for your consideration.

Best Regards,

Robyn Garrett  
Esri Account Executive  
[rgarrett@esri.com](mailto:rgarrett@esri.com)  
704-541-9810 \*8640



Environmental Systems Research Institute, Inc.  
380 New York St  
Redlands, CA 92373-8100  
Phone: (909) 793-2853 Fax: (909) 307-3049  
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

*To expedite your order, please attach a copy of  
this quotation to your purchase order.  
Quote is valid from: 6/26/2020 To: 10/31/2020*

## Quotation # Q-418211

Date: June 26, 2020

Customer # 132877 Contract #

City of Palm Bay  
Utilities  
250 Osmosis Dr. SE  
Palm Bay, FL 32909-2356

ATTENTION: Adam Beard  
PHONE: 321-952-3410  
EMAIL: adam.beard@palmbayflorida.org

Material	Qty	Term	Unit Price	Total
168180	1	Year 1	\$103,294.52	\$103,294.52
Populations of 100,001 to 125,000 Small Government Term Enterprise License Agreement Dates: Oct 16, 2020 - Jan 15, 2022				
168180	1	Year 2	\$82,500.00	\$82,500.00
Populations of 100,001 to 125,000 Small Government Term Enterprise License Agreement Dates: Jan 16, 2022 - Jan 15, 2023				
168180	1	Year 3	\$82,500.00	\$82,500.00
Populations of 100,001 to 125,000 Small Government Term Enterprise License Agreement Dates: Jan 16, 2023 - Jan 15, 2024				
168442	1	Year 1	\$10,016.44	\$10,016.44
ArcGIS GeoEvent Server Populations of 100,001 to 125,000 Small Government Term Enterprise Agreement Dates: Oct 16, 2020 - Jan 15, 2022				
168442	1	Year 2	\$8,000.00	\$8,000.00
ArcGIS GeoEvent Server Populations of 100,001 to 125,000 Small Government Term Enterprise Agreement Dates: Jan 16, 2022 - Jan 15, 2023				
168442	1	Year 3	\$8,000.00	\$8,000.00
ArcGIS GeoEvent Server Populations of 100,001 to 125,000 Small Government Term Enterprise Agreement				

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

<b>For questions contact:</b> Robyn Garrett	<b>Email:</b> rgarrett@esri.com	<b>Phone:</b> (704) 541-9810 x8640
The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at <a href="https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf">https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf</a> , and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at <a href="https://go.esri.com/MAPS">https://go.esri.com/MAPS</a> apply to your purchase of that item. Federal government entities and government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at <a href="https://www.esri.com/en-us/legal/terms/state-supplemental">https://www.esri.com/en-us/legal/terms/state-supplemental</a> apply to some state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin.		

GARRETTT

**This offer is limited to the terms and conditions incorporated and attached herein.**



Environmental Systems Research Institute, Inc.  
380 New York St  
Redlands, CA 92373-8100  
Phone: (909) 793-2853 Fax: (909) 307-3049  
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

*To expedite your order, please attach a copy of  
this quotation to your purchase order.  
Quote is valid from: 6/26/2020 To: 10/31/2020*

## Quotation # Q-418211

Date: June 26, 2020

Customer # 132877 Contract #

City of Palm Bay  
Utilities  
250 Osmosis Dr. SE  
Palm Bay, FL 32909-2356

ATTENTION: Adam Beard  
PHONE: 321-952-3410  
EMAIL: adam.beard@palmbayflorida.org

Material	Qty	Term	Unit Price	Total
Dates: Jan 16, 2023 - Jan 15, 2024				

Subtotal:	\$294,310.96
Sales Tax:	\$0.00
Estimated Shipping and Handling (2 Day Delivery):	\$0.00
Contract Price Adjust:	\$0.00
Total:	\$294,310.96

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

### For questions contact:

Robyn Garrett

### Email:

rgarrett@esri.com

### Phone:

(704) 541-9810 x8640

The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at <https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf>, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at <https://go.esri.com/MAPS> apply to your purchase of that item. Federal government entities and government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at <https://www.esri.com/en-us/legal/terms/state-supplemental> apply to some state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin.

GARRETTT

**This offer is limited to the terms and conditions incorporated and attached herein.**

**Esri Use Only:**

Cust. Name \_\_\_\_\_  
 Cust. # \_\_\_\_\_  
 PO # \_\_\_\_\_  
 Esri Agreement # \_\_\_\_\_



## SMALL ENTERPRISE AGREEMENT COUNTY AND MUNICIPALITY GOVERNMENT (E214-4)

This Agreement is by and between the organization identified in the Quotation ("**Customer**") and **Environmental Systems Research Institute, Inc. ("Esri")**.

This Agreement sets forth the terms for Customer's use of Products and incorporates by reference (i) the Quotation and (ii) the Master Agreement. Should there be any conflict between the terms and conditions of the documents that comprise this Agreement, the order of precedence for the documents shall be as follows: (i) the Quotation, (ii) this Agreement, and (iii) the Master Agreement. This Agreement shall be governed by and construed in accordance with the laws of the state in which Customer is located without reference to conflict of laws principles, and the United States of America federal law shall govern in matters of intellectual property. The modifications and additional rights granted in this Agreement apply only to the Products listed in Table A.

**Table A**  
**List of Products**

**Uncapped Quantities****Desktop Software and Extensions (Single Use)**

ArcGIS Desktop Advanced  
 ArcGIS Desktop Standard  
 ArcGIS Desktop Basic  
 ArcGIS Desktop Extensions: ArcGIS 3D Analyst,  
 ArcGIS Spatial Analyst, ArcGIS Geostatistical  
 Analyst, ArcGIS Publisher, ArcGIS Network  
 Analyst, ArcGIS Schematics, ArcGIS Workflow  
 Manager, ArcGIS Data Reviewer

**Enterprise Software and Extensions**

ArcGIS Enterprise and Workgroup  
 (Advanced and Standard)  
 ArcGIS Enterprise Extensions: ArcGIS 3D Analyst,  
 ArcGIS Spatial Analyst, ArcGIS Geostatistical  
 Analyst, ArcGIS Network Analyst, ArcGIS  
 Schematics, ArcGIS Workflow Manager

ArcGIS Monitor

**Enterprise Additional Capability Servers**

ArcGIS Image Server

**Developer Tools**

ArcGIS Engine  
 ArcGIS Engine Extensions: ArcGIS 3D Analyst,  
 ArcGIS Spatial Analyst, ArcGIS Engine Geodatabase  
 Update, ArcGIS Network Analyst, ArcGIS Schematics  
 ArcGIS Runtime (Standard)  
 ArcGIS Runtime Analysis Extension

**Limited Quantities**

One (1) Professional subscription to ArcGIS Developer  
 Two (2) Esri CityEngine Single Use Licenses  
 500 ArcGIS Online Viewers  
 500 ArcGIS Online Creators  
 62,500 ArcGIS Online Service Credits  
 500 ArcGIS Enterprise Creators  
 7 Insights in ArcGIS Enterprise  
 7 Insights in ArcGIS Online  
 100 Tracker for ArcGIS Enterprise  
 100 Tracker for ArcGIS Online  
 5 ArcGIS Parcel Fabric User Type Extensions (Enterprise)  
 5 ArcGIS Utility Network User Type Extensions (Enterprise)

**OTHER BENEFITS**

Number of Esri User Conference registrations provided annually	<b>4</b>
Number of Tier 1 Help Desk individuals authorized to call Esri	<b>4</b>
Maximum number of sets of backup media, if requested*	<b>2</b>
Self-Paced e-Learning	<b>Uncapped</b>
Five percent (5%) discount on all individual commercially available instructor-led training classes at Esri facilities purchased outside this Agreement	

\*Additional sets of backup media may be purchased for a fee

Customer may accept this Agreement by signing and returning the whole Agreement with (i) the Quotation attached, (ii) a purchase order, or (iii) another document that matches the Quotation and references this Agreement ("**Ordering Document**"). **ADDITIONAL OR CONFLICTING TERMS IN CUSTOMER'S PURCHASE ORDER OR OTHER DOCUMENT WILL NOT APPLY, AND THE TERMS OF THIS AGREEMENT WILL GOVERN.** This Agreement is effective as of the date of Esri's receipt of an Ordering Document, unless otherwise agreed to by the parties ("**Effective Date**").

**Term of Agreement:** Three (3) years

This Agreement supersedes any previous agreements, proposals, presentations, understandings, and arrangements between the parties relating to the licensing of the Products. Except as provided in Article 4—Product Updates, no modifications can be made to this Agreement.

Accepted and Agreed:

\_\_\_\_\_  
(Customer)

By: \_\_\_\_\_  
Authorized Signature

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

### CUSTOMER CONTACT INFORMATION

Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Fax: \_\_\_\_\_

City, State, Postal Code: \_\_\_\_\_

E-mail: \_\_\_\_\_

Country: \_\_\_\_\_

Quotation Number (if applicable): \_\_\_\_\_



## 1.0—ADDITIONAL DEFINITIONS

In addition to the definitions provided in the Master Agreement, the following definitions apply to this Agreement:

**"Case"** means a failure of the Software or Online Services to operate according to the Documentation where such failure substantially impacts operational or functional performance.

**"Deploy", "Deployed" and "Deployment"** mean to redistribute and install the Products and related Authorization Codes within Customer's organization(s).

**"Fee"** means the fee set forth in the Quotation.

**"Maintenance"** means Tier 2 Support, Product updates, and Product patches provided to Customer during the Term of Agreement.

**"Master Agreement"** means the applicable master agreement for Esri Products incorporated by this reference that is (i) found at <https://www.esri.com/en-us/legal/terms/full-master-agreement> and available in the installation process requiring acceptance by electronic acknowledgment or (ii) a signed Esri master agreement or license agreement that supersedes such electronically acknowledged master agreement.

**"Product(s)"** means the products identified in Table A—List of Products and any updates to the list Esri provides in writing.

**"Quotation"** means the offer letter and quotation provided separately to Customer.

**"Technical Support"** means the technical assistance for attempting resolution of a reported Case through error correction, patches, hot fixes, workarounds, replacement deliveries, or any other type of Product corrections or modifications.

**"Tier 1 Help Desk"** means Customer's point of contact(s) to provide all Tier 1 Support within Customer's organization(s).

**"Tier 1 Support"** means the Technical Support provided by the Tier 1 Help Desk.

**"Tier 2 Support"** means the Esri Technical Support provided to the Tier 1 Help Desk when a Case cannot be resolved through Tier 1 Support.

## 2.0—ADDITIONAL GRANT OF LICENSE

**2.1 Grant of License.** Subject to the terms and conditions of this Agreement, Esri grants to Customer a personal, nonexclusive, nontransferable license solely to use, copy, and Deploy quantities of the Products listed in Table A—List of Products for the Term of Agreement (i) for the applicable Fee and (ii) in accordance with the Master Agreement.

**2.2 Consultant Access.** Esri grants Customer the right to permit Customer's consultants or contractors to use the Products exclusively for Customer's benefit. Customer will be solely responsible for compliance by consultants and contractors with this Agreement and will ensure that the consultant or contractor discontinues use of Products upon completion of work for Customer. Access to or use of Products by consultants or contractors not exclusively for Customer's benefit is prohibited. Customer may not permit its consultants or contractors to install Software or Data on consultant, contractor, or third-party computers or remove Software or Data from Customer locations, except for the purpose of hosting the Software or Data on Contractor servers for the benefit of Customer.

## 3.0—TERM, TERMINATION, AND EXPIRATION

**3.1 Term.** This Agreement and all licenses hereunder will commence on the Effective Date and continue for the duration identified in the Term of Agreement, unless this Agreement is terminated earlier as provided herein. Customer is only authorized to use Products during the Term of Agreement. For an Agreement with a limited term, Esri does not grant Customer an indefinite or a perpetual license to Products.

**3.2 No Use upon Agreement Expiration or Termination.** All Product licenses, all Maintenance, and Esri User Conference registrations terminate upon expiration or termination of this Agreement.

**3.3 Termination for a Material Breach.** Either party may terminate this Agreement for a material breach by the other party. The breaching party will have thirty (30) days from the date of written notice to cure any material breach.

**3.4 Termination for Lack of Funds.** For an Agreement with government or government-owned entities, either party may terminate this Agreement before any subsequent year if

Customer is unable to secure funding through the legislative or governing body's approval process.

**3.5 Follow-on Term.** If the parties enter into another agreement substantially similar to this Agreement for an additional term, the effective date of the follow-on agreement will be the day after the expiration date of this Agreement.

## 4.0—PRODUCT UPDATES

**4.1 Future Updates.** Esri reserves the right to update the list of Products in Table A—List of Products by providing written notice to Customer. Customer may continue to use all Products that have been Deployed, but support and upgrades for deleted items may not be available. As new Products are incorporated into the standard program, they will be offered to Customer via written notice for incorporation into the Products schedule at no additional charge. Customer's use of new or updated Products requires Customer to adhere to applicable additional or revised terms and conditions in the Master Agreement.

**4.2 Product Life Cycle.** During the Term of Agreement, some Products may be retired or may no longer be available to Deploy in the identified quantities. Maintenance will be subject to the individual Product Life Cycle Support Status and Product Life Cycle Support Policy, which can be found at <https://support.esri.com/en/other-resources/product-life-cycle>. Updates for Products in the mature and retired phases may not be available. Customer may continue to use Products already Deployed, but Customer will not be able to Deploy retired Products.

## 5.0—MAINTENANCE

The Fee includes standard maintenance benefits during the Term of Agreement as specified in the most current applicable Esri Maintenance and Support Program document (found at <https://www.esri.com/en-us/legal/terms/maintenance>). At Esri's sole discretion, Esri may make patches, hot fixes, or updates available for download. No Software other than the defined Products will receive Maintenance. Customer may acquire maintenance for other Software outside this Agreement.

### a. Tier 1 Support

1. Customer will provide Tier 1 Support through the Tier 1 Help Desk to all Customer's authorized users.
2. The Tier 1 Help Desk will be fully trained in the Products.
3. At a minimum, Tier 1 Support will include those activities that assist the user in resolving how-to and operational questions as well as questions on installation and troubleshooting procedures.
4. The Tier 1 Help Desk will be the initial point of contact for all questions and reporting of a Case. The Tier 1 Help Desk will obtain a full description of each reported Case and the system configuration from the user. This may include obtaining any customizations, code samples, or data involved in the Case.
5. If the Tier 1 Help Desk cannot resolve the Case, an authorized Tier 1 Help Desk individual may contact Tier 2 Support. The Tier 1 Help Desk will provide support in such a way as to minimize repeat calls and make solutions to problems available to Customer's organization.
6. Tier 1 Help Desk individuals are the only individuals authorized to contact Tier 2 Support. Customer may change the Tier 1 Help Desk individuals by written notice to Esri.

### b. Tier 2 Support

1. Tier 2 Support will log the calls received from Tier 1 Help Desk.
2. Tier 2 Support will review all information collected by and received from the Tier 1 Help Desk including preliminary documented troubleshooting provided by the Tier 1 Help Desk when Tier 2 Support is required.
3. Tier 2 Support may request that Tier 1 Help Desk individuals provide verification of information, additional information, or answers to additional questions to supplement any preliminary information gathering or troubleshooting performed by Tier 1 Help Desk.
4. Tier 2 Support will attempt to resolve the Case submitted by Tier 1 Help Desk.

5. When the Case is resolved, Tier 2 Support will communicate the information to Tier 1 Help Desk, and Tier 1 Help Desk will disseminate the resolution to the user(s).

## 6.0—ENDORSEMENT AND PUBLICITY

This Agreement will not be construed or interpreted as an exclusive dealings agreement or Customer's endorsement of Products. Either party may publicize the existence of this Agreement.

## 7.0—ADMINISTRATIVE REQUIREMENTS

**7.1 OEM Licenses.** Under Esri's OEM or Solution OEM programs, OEM partners are authorized to embed or bundle portions of Esri products and services with their application or service. OEM partners' business model, licensing terms and conditions, and pricing are independent of this Agreement. Customer will not seek any discount from the OEM partner or Esri based on the availability of Products under this Agreement. Customer will not decouple Esri products or services from the OEM partners' application or service.

**7.2 Annual Report of Deployments.** At each anniversary date and ninety (90) calendar days prior to the expiration of this Agreement, Customer will provide Esri with a written report detailing all Deployments. Upon request, Customer will provide records sufficient to verify the accuracy of the annual report.

## 8.0—ORDERING, ADMINISTRATIVE PROCEDURES, DELIVERY, AND DEPLOYMENT

### 8.1 Orders, Delivery, and Deployment

- a. Upon the Effective Date, Esri will invoice Customer and provide Authorization Codes to activate the nondestructive copy protection program that enables Customer to download, operate, or allow access to the Products. If this is a multi-year Agreement, Esri may invoice the Fee up to thirty (30) calendar days before the annual anniversary date for each year.
- b. Undisputed invoices will be due and payable within thirty (30) calendar days from the date of invoice. Esri reserves the right to suspend Customer's access to and use of Products if

Customer fails to pay any undisputed amount owed on or before its due date. Esri may charge Customer interest at a monthly rate equal to the lesser of one percent (1.0%) per month or the maximum rate permitted by applicable law on any overdue fees plus all expenses of collection for any overdue balance that remains unpaid ten (10) days after Esri has notified Customer of the past-due balance.

- c. Esri's federal ID number is 95-2775-732.
- d. If requested, Esri will ship backup media to the ship-to address identified on the Ordering Document, FOB Destination, with shipping charges prepaid. Customer acknowledges that should sales or use taxes become due as a result of any shipments of tangible media, Esri has a right to invoice and Customer will pay any such sales or use tax associated with the receipt of tangible media.

**8.2 Order Requirements.** Esri does not require Customer to issue a purchase order. Customer may submit a purchase order in accordance with its own process requirements, provided that if Customer issues a purchase order, Customer will submit its initial purchase order on the Effective Date. If this is a multi-year Agreement, Customer will submit subsequent purchase orders to Esri at least thirty (30) calendar days before the annual anniversary date for each year.

- a. All orders pertaining to this Agreement will be processed through Customer's centralized point of contact.
- b. The following information will be included in each Ordering Document:
  - (1) Customer name; Esri customer number, if known; and bill-to and ship-to addresses
  - (2) Order number
  - (3) Applicable annual payment due

## 9.0—MERGERS, ACQUISITIONS, OR DIVESTITURES

If Customer is a commercial entity, Customer will notify Esri in writing in the event of (i) a consolidation, merger, or reorganization of Customer with or into another corporation or entity; (ii) Customer's acquisition of another entity; or (iii) a transfer or sale of all or part of Customer's organization (subsections i, ii, and iii, collectively referred to as "**Ownership Change**"). There will be

no decrease in Fee as a result of any Ownership Change.

- 9.1** If an Ownership Change increases the cumulative program count beyond the maximum level for this Agreement, Esri reserves the right to increase the Fee or terminate this Agreement and the parties will negotiate a new agreement.
- 9.2** If an Ownership Change results in transfer or sale of a portion of Customer's organization, that portion of Customer's organization will transfer the Products to Customer or uninstall, remove, and destroy all copies of the Products.
- 9.3** This Agreement may not be assigned to a successor entity as a result of an Ownership Change unless approved by Esri in writing in advance. If the assignment to the new entity is not approved, Customer will require any successor entity to uninstall, remove, and destroy the Products. This Agreement will terminate upon such Ownership Change.



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, Acting City Manager

**THRU:** Frank Watanabe, Public Works Director, City Engineer

**DATE:** 8/6/2020

**RE:** **Miscellaneous Procurement: "Cooperative Purchase", replacement vehicles with lighting and interior modifications (Florida Sheriff's Association and Broward County Sheriff's Association contracts) – Police Department (Weston Nissan; Alan Jay Fleet Sales; Strobes-R-Us; O'Reilly Auto Parts; Space Cost Auto Supply; Arts Window Tinting - \$69,275).**

On March 19, 2020, City Council approved the expenditure of \$69,275 for the acquisition of three (3) unmarked police vehicles as an addition to the City's Police Department fleet to be paid out of the Law Enforcement Trust Fund (LETf).

The Public Works Department/Fleet Services is seeking approval on behalf of the Police Department to purchase one (1) Nissan Altima sedan and two (2) Chevrolet Equinox SUVs. The vehicles will be assigned vehicles will be assigned to officers for unmarked daily police operations. Current assigned vehicles will be used as pool vehicles until life expectancy has been reached. The vehicles listed will be procured utilizing the Florida Sheriffs Association Bid #19-VEL27.0, Police Rated, Administrative, Utility Vehicles, Trucks and Vans, which expires 9/30/2020. Additionally, the lighting and interior modification packages are being purchased off the Broward County Sheriffs Association contract #18006-AG, Emergency Equipment for Vehicles, which expires 5/9/2021:

Qty	Make/Model	Unit Cost	Ext. Cost	FUND	Vendor
1	2020 Nissan Altima FWD S w/ Vehicle Options: 3 <sup>rd</sup> Key	\$18,421.00  \$ 350.00  <del>\$18,771.00</del>	\$18,421.00  \$ 350.00  <del>\$18,771.00</del>	101-5040- 521-6403 Light Vehicles	Weston Nissan
2	2020 Chevrolet Equinox AWD LS w/ Vehicle Options: Additional Key & Remote	\$21,991.90  \$ 330.00  <del>\$22,321.90</del>	\$43,983.80  \$ 660.00  <del>\$44,643.80</del>	101-5040- 521-6403 Light Vehicles	Alan Jay Fleet Sales
1	Lighting and Interior Modification Packages for Nissan Altima (City Installed)	\$ 1,361.60	\$ 1,361.60	101-5040- 521-6403 Light Vehicles	Strobes-R- Us
2	Lighting and Interior Modification Packages for Chevrolet Equinox SUV (City Installed)	\$ 1,409.05	\$ 2,818.10	101-5040- 521-6403 Light Vehicles	Strobes-R- Us
3	750W Inverter (City Installed)	\$ 99.99	\$ 299.97	101-5040- 521-6403 Light Vehicles	O'Reilly Auto Parts
3	Additional Power Outlets (City Installed)	\$ 24.14	\$ 72.42	101-5040- 521-6403 Light Vehicles	Space Coast Auto Supply
3	External Communications Radio Antennae (City Installed)	\$ 115.48	\$ 346.44	101-5040- 521-6403 Light Vehicles	Space Coast Auto Supply
3	Full Window Tint with Visor Strip	\$ 200.00	\$ 600.00	101-5040- 521-6403 Light Vehicles	Arts Window Tinting
18	Vehicle Title / Registration / Tags	\$ 120.49	\$ 361.47	101-5040- 521-4904 Tags/Title/ Permits	Brevard County Tax Collector
<b>Request Total:</b>			<b>\$69,274.80</b>		

In accordance with the City's Code of Ordinance, Section 38.12(F)(4) Cooperative Purchases: The City may purchase from any cooperative contract, including but not limited to: term contracts by the State of Florida, Federal General Services Administration, and other governmental cooperatives and entities within and outside the State of Florida provided that the cooperative contract is established in compliance with the procurement procedures and requirements of the issuing body, entity, authority, or cooperative. If such other governmental or cooperative contract is utilized, the public notice requirements and the need to utilize the methods of selection processes included in this Ordinance are obviated. The ability to utilize cooperative contracts shall not be restricted by nonparticipation in

are obligated. The ability to utilize cooperative contracts shall not be restricted by nonparticipation in the estimated quantities of the City's needs, nor inaccurate estimates of usage by the City prior to award of the cooperative contract. The City may utilize (piggyback) a contract entered into by another governmental or public entity and a provider of supplies or services required by the City, if the Chief Procurement Officer determines that it is practicable and advantageous for the City to employ this method of purchase, and such contracts specify that they are cooperative procurements at the time of solicitation. Any such contracts equal to or in excess of \$100,000 shall go to the City Council for approval.

**REQUESTING DEPARTMENT:**

Public Works, Procurement, Police Department

**FISCAL IMPACT:**

Appropriation of \$69,275 from the LETF Fund Balance GL account 101-0000-359-1002 and 101-0000-359-1004 approved on the Third Budget Amendment in FY 2020.

**RECOMMENDATION:**

Motion to authorize the purchase and outfit of one (1) Nissan Altima and two (2) Chevrolet Equinox vehicles utilizing the Florida Sheriffs Association Bid #19-VEL27.0, Police Rated, Administrative, Utility Vehicles, Trucks and Vans and the Broward County Sheriffs Association contract #18006-AG, Emergency Equipment for Vehicles.

**ATTACHMENTS:**

**Description**

**PD Vehicle Purchase Quotes**



**NISSAN****Simply the Best**

3650 Weston Road  
 Davie, Fl. 33331  
 Nissan (954) 888-6800  
[www.westonnissan.com](http://www.westonnissan.com)

2020 Nissan Altima FWD S (13110)		
FSA Bid NO.19-VEL 27.0 Spec. #10	2020 Nissan Altima FWD S (13110)	
Vendor	Weston Nissan	
"S"	Option #	Per Unit
Contract Base Vehicle Price	13110	\$18,421
3rd Key	3rd Key	\$350
Quote for:		
City of Palm Bay		
Subtotal		\$18,771
Quantities		1
Total Cost		\$ 18,771.00

Alex Castano  
 Weston Nissan  
 (O) 954-888-4275  
 (M) 305-301-1429  
[acastano@westonauto.com](mailto:acastano@westonauto.com)

*Our people make the difference!*





## STROBES-R-US

STROBES-R-US  
2681 HAMMONDVILLE RD  
POMPANO BEACH, FL 33069

## Official Estimate

Date	Estimate #
2/6/2020	19536

<b>Bill To:</b>
City of Palm Bay 1050 Malabar Road SW Palm Bay, FL 32907

<b>Ship To:</b>
City of Palm Bay ATTN: DAVE MOORE 1050 Malabar Road SW Palm Bay, FL 32907

Reference	2020 ALTIMA UNDERCOVER DET VEH			
Product	Description	Qty	Cust. Price	Total
	<b>**PRICES PER BSO CONTRACT # 18006AG, THIS QUOTE IS FOR ( 1 ) 2020 NISSAN ALTIMA UNMARKED DETECTIVE VEHICLE</b> <b>***THIS QUOTE IS FOR BASIC DETECTIVE SETUP ON 2020 ALTIMA**</b>			
HHS3200	WHELEN HAND-HELD SIREN SYSTEM. NEW CONFIGURATION REPLACES HHS2200. ( WHELEN LIST \$ 599.00 EACH )	1	329.45	329.45
SA315P	SA315P SPEAKER, BLACK PLASTIC ( WHELEN LIST \$ 265.00 EACH )	1	145.75	145.75
SAK1	SA-315 MOUNT KIT UNIVERSAL "L" BRACKET ( INCLUDED WITH SA 315P )	1	0.00	0.00
ULB9LDC-RBWW	STAR 9" MINI PHANTOM LED LIGHT (RED/BLU/WHT/WHT) ( SIGNAL VEHICLE LIST \$ 243.02 EACH )	4	131.45	525.80
TLIJ	2 MOUNT IN UPPER FRONT WINDSHIELD 2 MOUNT IN REAR DECK OR REAR WINDOW ION T-SERIES LINEAR SPLIT R/B ( WHELEN LIST \$ 135.00 EACH )	4	74.25	297.00
SRUS-4X-T	2 X MOUNT IN FRONT GRILL WITH T-BRACKET 2 X MOUNT ON LICENSE PLATE WITH LICENSE PLATE BRACKET "T" STYLE BRACKET FOR SINGLE 4X,6X,TIR3,TLION, & MS6 ( NON CONTRACT ITEM )	2	9.95	19.90
TIONBKT2	ION T-SERIES LICENSE PLATE BKT ( WHELEN LIST \$ 34.00 EACH )	1	18.70	18.70
Shipping	UPS SHIPPING	1	25.00	25.00
Please call in advance for an appointment		<b>Subtotal</b>		<b>\$1,361.60</b>
Approved By: _____		<b>Sales Tax (7.00%)</b>		<b>\$0.00</b>
PO #: _____		<b>Total</b>		<b>\$1,361.60</b>
<b>Phone #</b>	<b>Fax #</b>	<b>E-mail</b>	<b>Web Site</b>	
954-946-9955	954-946-9677	SALES@SRUS.COM	WWW.STROBES-R-US.COM	



Call Us first, for all of your Fleet Automotive, & Light Truck needs.

PHONE (800) ALANJAY (252-6529)		DIRECT 863-402-4234	WWW.ALANJAY.COM	Quote <b>24653-2</b>
Corporate Office	2003 U.S. 27 South Sebring, FL 33870	MOBILE 863-381-3411	Mailing Address P.O. BOX 9200 Sebring, FL 33871-9200	
		FAX 863-402-4221		

ORIGINAL QUOTE DATE  
2/11/2020

## QUICK QUOTE SHEET

REVISED QUOTE DATE  
2/11/2020

REQUESTING AGENCY	PALM BAY, CITY OF			
CONTACT PERSON	DAVE MOORE	EMAIL	DAVID.MOORE@PALMBAYFLORIDA.ORG	
PHONE	321-952-3425 Ext. 6325	MOBILE	321-536-8378	FAX

<b>FLORIDA SHERIFF'S ASSOCIATION BID #'s FSA19-VEL27.0</b>		<b>www.flsheriffs.org</b>	
<b>MODEL</b>	<b>1XX26</b>	<b>SPECIFICATION #</b>	<b>282</b>
<b>2020 CHEVY EQUINOX AWD LS</b>		<b>PAGE #</b>	<b>282</b>
<b>CUSTOMER ID</b>		<b>BASE DISTRICT PRICE</b>	<b>\$21,991.90</b>
<b>BED LENGTH</b>	<b>SUV</b>		
<i>** All vehicles will be ordered white w/ darkest interior unless clearly stated otherwise on purchase order.</i>			
<b>FACTORY OPTIONS</b>	<b>DESCRIPTION</b>		
RPO-FSA	All regular and factory production options to be offered at \$1 discount from MSRP in accordance with Terms and Conditions 2.13 OPTION PRICING. A copy of the window sticker and standard equipment list to illustrate MSRP option prices will be provided to customer with each contract conforming quote (SEE TERMS AND CONDITIONS).		\$0.00
GAN H72	Silver Ice Metallic (Available on all models including those with (WBL) Redline Edition.) with Medium Ash Gray, Premium Cloth seat trim		\$0.00
GLU H7W	Midnight Blue Metallic (Not available on L.) with Medium Ash Gray, Premium cloth seat trim		\$0.00
LYX MNH	ENGINE, 1.5L TURBO DOHC 4-CYLINDER, SIDI, VVT (170 hp [127.0 kW] @ 5600 rpm, 203 lb-ft of torque [275.0 N-m] @ 2000 - 4000 rpm) (STD) TRANSMISSION, 6-SPEED AUTOMATIC, ELECTRONICALLY CONTROLLED WITH OVERDRIVE includes Driver Shift Control (STD)		\$0.00
BUC	FACTORY BACK UP CAMERA(STD).		\$0.00
<b>CONTRACT OPTIONS</b>	<b>DESCRIPTION</b>	<b>FACTORY OPTIONS</b>	<b>\$0.00</b>
NO-TEMP	CUSTOMER WILL HANDLE THEIR OWN TAG WORK		\$0.00
3KR	Additional key and remote, cut and programmed.		\$330.00
		<b>CONTRACT OPTIONS</b>	<b>\$330.00</b>
<b>TRADE IN</b>		<b>TOTAL COST</b>	<b>\$22,321.90</b>
<b>YES WE TAKE TRADE INS ~~~ ASK ABOUT MUNICIPAL FINANCING ~~~</b>			\$0.00
<b>TOTAL COST LESS TRADE IN(S)</b>		<b>QTY</b>	<b>2</b>
			<b>\$44,643.80</b>
<b>Estimated Annual payments for 60 months paid in advance: \$4,999.19      Extended: \$9,998.37</b> <b>Municipal finance for any essential use vehicle, requires lender approval, WAC.</b>			
<b>Comments</b>			
<b>VEHICLE QUOTED BY</b>	<b>Chris Wilson</b>	<b>FLEET SALES MANAGER</b>	<b>chris.wilson@alanjay.com</b>
<p align="center"><i>"I Want to be Your Fleet Provider"</i></p> <p align="center"><i>I appreciate the opportunity to submit this quotation. Please review it carefully. If there are any errors or changes, please feel free to contact me at any time. I am always happy to be of assistance.</i></p>			



## Alan Jay Fleet Sales

Chris Wilson | (863)402-4234 | chris.wilson@alanjay.com

Vehicle: [Fleet] 2020 Chevrolet Equinox (1XP26) FWD 4dr LS w/1LS (✔ Complete)



Note: Photo may not represent exact vehicle or selected equipment.

## Window Sticker

### SUMMARY

[Fleet] 2020 Chevrolet Equinox (1XP26) FWD 4dr LS w/1LS

MSRP: \$26,300.00

Interior: Medium Ash Gray, Premium cloth seat trim

Exterior 1: Midnight Blue Metallic

Exterior 2: No color has been selected.

Engine, 1.5L Turbo DOHC 4-cylinder, SIDI, VVT

Transmission, 6-speed automatic, electronically-controlled with overdrive

### OPTIONS

CODE	MODEL	MSRP
1XP26	[Fleet] 2020 Chevrolet Equinox (1XP26) FWD 4dr LS w/1LS	\$26,300.00
<b>OPTIONS</b>		
1LS	LS Preferred Equipment Group	\$0.00
5CX	Tires, P225/65R17 all-season blackwall	\$0.00
AR9	Seats, front bucket	\$0.00
FE9	Emissions, Federal requirements	\$0.00
FJM	Axle, 3.50 final drive ratio	\$0.00




At the user's request, prices for this vehicle have been formulated on the basis of Initial Pricing for the vehicle, however GM cannot guarantee that Initial Pricing is available. This document contains information considered Confidential between GM and its Clients uniquely. The information provided is not intended for public disclosure. Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided.

Data Version: 10301. Data Updated: Feb 10, 2020 10:26:00 PM PST.



## Alan Jay Fleet Sales

Chris Wilson | (863)402-4234 | chris.wilson@alanjay.com

Vehicle: [Fleet] 2020 Chevrolet Equinox (1XP26) FWD 4dr LS w/1LS (  Complete )

GLU	Midnight Blue Metallic	\$0.00
H72	Medium Ash Gray, Premium cloth seat trim	\$0.00
IOR	Audio system, Chevrolet Infotainment 3 system, 7" diagonal color touchscreen, AM/FM stereo.	\$0.00
LYX	Engine, 1.5L Turbo DOHC 4-cylinder, SIDI, VVT	\$0.00
MNH	Transmission, 6-speed automatic, electronically-controlled with overdrive	\$0.00
R9Y	Fleet Free Maintenance Credit.	(\$33.75)
RSB	Wheels, 17" (43.2 cm) aluminum	\$0.00
VQ2	Fleet processing option	\$0.00

<b>SUBTOTAL</b>	<b>\$26,266.25</b>
Adjustments Total	\$0.00
Destination Charge	\$1,195.00
<b>TOTAL PRICE</b>	<b>\$27,461.25</b>

### FUEL ECONOMY

Est City:26 MPG

Est Highway:31 MPG

Est Highway Cruising Range:461.90 mi




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## Alan Jay Fleet Sales

Chris Wilson | (863)402-4234 | chris.wilson@alanjay.com

Vehicle: [Fleet] 2020 Chevrolet Equinox (1XP26) FWD 4dr LS w/1LS (  Complete )

### Standard Equipment

#### Package

Driver Confidence Package includes (UHY) Automatic Emergency Braking, (UEU) Forward Collision Alert, (UHX) Lane Keep Assist with Lane Departure Warning, (UE4) Following Distance Indicator, (UKJ) Front Pedestrian Braking and (TQ5) IntelliBeam headlamps

#### Mechanical

Engine, 1.5L Turbo DOHC 4-cylinder, SIDI, VVT (170 hp [127.0 kW] @ 5600 rpm, 203 lb-ft of torque [275.0 N-m] @ 2000 - 4000 rpm) (STD)

Transmission, 6-speed automatic, electronically-controlled with overdrive includes Driver Shift Control (STD)

GVWR, 4464 lbs. (2025 kg) (FWD only.)

Axle, 3.50 final drive ratio (FWD only.)

Fuel, gasoline, E15

Engine control, stop-start system

Driver Shift Controls

Front-wheel drive

Suspension, front MacPherson strut

Suspension, rear 4-link

Brakes, 4-wheel antilock, 4-wheel disc 16" front and rear

Brake, electronic parking

Brake lining, high-performance, noise and dust performance

Exhaust, single outlet

Mechanical jack with tools

#### Exterior

Wheels, 17" (43.2 cm) aluminum (STD)

Tires, P225/65R17 all-season blackwall (STD) (FWD only.)

Wheel, spare, 16" (40.6 cm) steel

Tire, compact spare, T135/70R16 blackwall

Trim, Black lower window

Active Aero Shutters

Headlamps, halogen composite

Headlamp control, automatic on and off with automatic delay



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# Alan Jay Fleet Sales

Chris Wilson | (863)402-4234 | [chris.wilson@alanjay.com](mailto:chris.wilson@alanjay.com)

Vehicle: [Fleet] 2020 Chevrolet Equinox (1XP26) FWD 4dr LS w/1LS ( Complete )

## Exterior

Headlamp control, IntelliBeam auto high beam

Glass, acoustic, laminated windshield

Glass, solar absorbing, light

Mirror caps, Black

Mirrors, outside heated power-adjustable, manual-folding

Liftgate, rear manual

Door handles, body-color

## Entertainment

Audio system, Chevrolet Infotainment 3 system, 7" diagonal color touchscreen, AM/FM stereo. Additional features for compatible phones include: Bluetooth audio streaming for 2 active devices, voice command pass-through to phone, Apple CarPlay and Android Auto capable. (STD)

Audio system feature, 6-speaker system

Noise control system, active noise cancellation

SiriusXM Radio delete

Antenna, roof-mounted (Black.)

Bluetooth for phone personal cell phone connectivity to vehicle audio system (Go to [my.chevrolet.com/learn](http://my.chevrolet.com/learn) to find out which phones are compatible with the vehicle.)

4G LTE Wi-Fi Hotspot capable (Terms and limitations apply. See [onstar.com](http://onstar.com) or dealer for details.)

## Interior

Seats, front bucket (STD)

Seat trim, Premium Cloth

Seat adjuster, driver 4-way manual, fore/aft, up/down

Seat adjuster, front passenger 4-way manual

Seat, rear split-folding with center armrest

Head restraints, 2-way adjustable (up/down), front

Floor mats, carpeted front

Floor mats, carpeted rear

Steering wheel, 3-spoke, deluxe

Steering column, tilt and telescoping

Steering wheel controls, audio, phone interface and driver information center controls




At the user's request, prices for this vehicle have been formulated on the basis of Initial Pricing for the vehicle, however GM cannot guarantee that Initial Pricing is available. This document contains information considered Confidential between GM and its Clients uniquely. The information provided is not intended for public disclosure. Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided.

Data Version: 10301. Data Updated: Feb 10, 2020 10:26:00 PM PST.



## Alan Jay Fleet Sales

Chris Wilson | (863)402-4234 | [chris.wilson@alanjay.com](mailto:chris.wilson@alanjay.com)

Vehicle: [Fleet] 2020 Chevrolet Equinox (1XP26) FWD 4dr LS w/1LS (  Complete )

### Interior

Speedometer, miles/kilometers

Display, driver instrument information enhanced, monochromatic

Window, power with driver Express-Up and Down

Window, power with front passenger Express-Down

Windows, power, rear with Express-Down

Door locks, power with lock-out protection

Keyless Open includes extended range Remote Keyless Entry with lock and unlock feature

Keyless Start, push-button

Cruise control, electronic with set and resume speed

Theft-deterrent system, unauthorized entry

Remote panic alarm

USB ports, 2, with auxiliary input jack, located in front center stack storage area

USB charging-only ports, 2, located in the rear of the floor console

Air conditioning, semi-automatic, single-zone

Defogger, rear-window electric

Power outlet, front auxiliary, 12-volt

Mirror, inside rearview manual day/night

Visors, driver and front passenger illuminated vanity mirrors, covered

Assist handle, driver

Assist handle, front passenger

Assist handles, rear outboard

Map pocket, driver seatback

Map pocket, front passenger seatback

Shift lever, chrome-trimmed

Power outlet, cargo area auxiliary, 12-volt

Chevrolet Connected Access capable (Subject to terms. See [onstar.com](http://onstar.com) or dealer for details.)

### Safety-Mechanical

Automatic Emergency Braking

StabiliTrak, stability control system with Traction Control



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## Alan Jay Fleet Sales

Chris Wilson | (863)402-4234 | [chris.wilson@alanjay.com](mailto:chris.wilson@alanjay.com)

Vehicle: [Fleet] 2020 Chevrolet Equinox (1XP26) FWD 4dr LS w/1LS ( Complete )

### Safety-Mechanical

Daytime Running Lamps, separate cavity, LED

### Safety-Interior

Airbags, dual-stage, frontal, driver and right front passenger with Passenger Sensing System, thorax side-impact, seat mounted, driver and right front passenger, roof-rail, side front and rear outboard seating positions (Always use seat belts and child restraints. Children are safer when properly secured in a rear seat in the appropriate child restraint. See the Owner's Manual for more information.)

OnStar and Chevrolet connected services capable (Terms and limitations apply. See [onstar.com](http://onstar.com) or dealer for details.)

Rear Vision Camera

Forward Collision Alert

Following Distance Indicator

Front Pedestrian Braking

Lane Keep Assist with Lane Departure Warning

Rear Seat Reminder

Door locks, rear child security, manual

Teen Driver a configurable feature that lets you activate customizable vehicle settings associated with a key fob, to help encourage safe driving behavior. It can limit certain available vehicle features, and it prevents certain safety systems from being turned off. An in-vehicle report card gives you information on driving habits and helps you to continue to coach your new driver

Tire Pressure Monitor, manual learn with Tire Fill Alert (Does not apply to spare tire.)

Horn, dual-note

### WARRANTY

Warranty Note: <<< Preliminary 2020 Warranty Note >>>

Basic Years: 3

Basic Miles/km: 36,000

Drivetrain Years: 5

Drivetrain Miles/km: 60,000

Drivetrain Note: Qualified Fleet Purchases: 5 Years/100,000 Miles

Corrosion Years (Rust-Through): 6

Corrosion Years: 3

Corrosion Miles/km (Rust-Through): 100,000

Corrosion Miles/km: 36,000

Roadside Assistance Years: 5

Roadside Assistance Miles/km: 60,000

Roadside Assistance Note: Qualified Fleet Purchases: 5 Years/100,000 Miles

Maintenance Note: 1 Year/1 Visit



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Data Version: 10301. Data Updated: Feb 10, 2020 10:26:00 PM PST.





## STROBES-R-US

STROBES-R-US  
2681 HAMMONDVILLE RD  
POMPAÑO BEACH, FL 33069

## Official Estimate

Date	Estimate #
2/6/2020	19534

<b>Bill To:</b>
City of Palm Bay 1050 Malabar Road SW Palm Bay, FL 32907

<b>Ship To:</b>
City of Palm Bay ATTN: DAVE MOORE 1050 Malabar Road SW Palm Bay, FL 32907

Reference	2020 CHEVY EQUINOX			
Product	Description	Qty	Cust. Price	Total
HHS3200	**PRICES PER BSO CONTRACT # 18006AG WHELEN HAND-HELD SIREN SYSTEM. NEW CONFIGURATION REPLACES HHS2200 ( WHELEN LIST \$ 599.00 EACH )	1	329.45	329.45
SA315P	SA315P SPEAKER, BLACK PLASTIC ( WHELEN LIST \$ 265.00 EACH )	1	145.75	145.75
SAK1	SA-315 MOUNT KIT UNIVERSAL "L" BRACKET ( INCLUDED WITH SA 315P )	1	0.00	0.00
TLIJ	ION T-SERIES LINEAR SPLIT R/B ( WHELEN LIST \$ 1325.00 EACH )	4	74.25	297.00
SRUS-4X-T	2 X MOUNT IN FRONT GRILL WITH T-BRACKET 2 X MOUNT ON LICENSE PLATE WITH BRACKET "T" STYLE BRACKET FOR SINGLE 4X,6X,TIR3,TLION, & MS6 ( NON CONTRACT ITEM )	2	8.95	17.90
TIONBKT2	FOR MOUNTING GRILL LIGHTS ION T-SERIES LICENSE PLATE BKT ( WHELEN LIST \$ 34.00 EACH )	1	18.70	18.70
ULB9LDC-RBWW	STAR 9" MINI PHANTOM LED LIGHT (RED/BLU/WHT/WHT) ( SIGNAL VEHICLE LIST \$ 243.02 EACH )	2	131.45	262.90
COMMANDERPLUS6-3R 3B	FOR UPPER FRONT WINDSHIELD ONE EACH SIDE OF REAR VIEW MIRROR 6 POD COMMANDER PLUS WARNING AND DIRECTIONAL STICK WITH 3 RED AND 3 BLUE PODS ( SIGNAL VEHICLE LIST \$ 539.00 EACH )	1	296.45	296.45
SRUS-L-4	"L" BRACKET FOR ARROW STICK 4" ( NON CONTRACT ITEM )	2	7.95	15.90
Shipping	UPS SHIPPING	1	25.00	25.00
Please call in advance for an appointment		<b>Subtotal</b>		<b>\$1,409.05</b>
Approved By: _____		<b>Sales Tax (7.00%)</b>		<b>\$0.00</b>
PO #: _____		<b>Total</b>		<b>\$1,409.05</b>
<b>Phone #</b>	<b>Fax #</b>	<b>E-mail</b>	<b>Web Site</b>	
954-946-9955	954-946-9677	SALES@SRUS.COM	WWW.STROBES-R-US.COM	



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, Acting City Manager

**THRU:** Fred Poppe, Parks and Recreation Director; Juliet Misconi, Chief Procurement Officer

**DATE:** 8/6/2020

**RE:** **Miscellaneous Procurement: "Cooperative Purchase", mowers and Sandpros (City of Mesa, Arizona, cooperative contract) – Parks and Recreation Department (Wesco Turf, Inc. - \$182,227); and "Cooperative Purchase", vehicle replacement (Florida Sheriff's Association contract) – Parks and Recreation Department (Duval Fleet, Inc. - \$59,585).**

The Parks and Recreation Department currently has four 4500 series mowers. One was removed from service due to the cost of repairs. The other three have over 3000 hours on them, are frequently breaking down and according to Toro, have reached their life expectancy. Details of the mowers are as follows:

Mower ID#230000196 (Age: 2003; approximately 3,500 hrs. in service) This mower became irreparable and was taken out of service due to requiring replacement of fundamental parts such as hydraulic systems, deck and engine replacement which drove costs much higher than what the mower was worth. The department has had to cannibalize this mower in hopes of saving repair funds keeping the remaining mowers operational.

Mower ID#25000704 (Age: 2005; approximately 3,200 hrs. in service) This mower is still operating but is on borrowed time as the engine and the hydraulic systems already have had multiple and frequent repairs. As expected, replacement of either of these systems would be well over what the mower is worth. It is expected to fail at any time.

Mower ID#25000522 (Age: 2005; approximately 3100 hrs in service) This mower is still in fair condition even though it has reached its life expectancy. The decks have been replaced but thus far only routine repairs to the hydraulic system hoses and engine repairs have not been overwhelming. It is expected to get another year or two of service out of this machine.

Mower ID#28000188 (Age: 2008; approximately 3,300 hrs. in service) This is our best mower that is used more than the others as it has not had any major issues other than maintenance of engine, blade replacement and replacement of a hydraulic hose periodically. This unit is expected

to last another few years unless it encounters systemic failures like the others.

The Parks Division mows 24 baseball fields, 15 soccer fields, 2 football fields and one cricket field. During spring, summer and fall the fields are required to be cut at least twice a week, with three cuts being ideal. When one of the three remaining mowers break down or must be taken out of service the field mowing falls behind to which 2 cuts per week is not accomplished shutting the fields down for play. Over the last couple of years, the repairs have been increasing and more frequent and costly. Staff is requesting authorization to purchase two new mowers to replace Mower ID#230000196 and Mower ID#25000704 to reduce cost of repairs for up to 8 years and ensure the fields are maintained efficiently. The cost of a single mower is \$67,613.98; the price for both is \$135,227.96

SANDPROS - currently the City has 6 Sandpros of which 4 are operational and two are used for parts as they are removed from service due to costs of repairs. Like the mowers, Sandpros life expectancy is 3,000 hours. Details of the Sandpros are as follows:

Sandpro ID#09-0572 (Age: 2002; approximately 4,078 hrs. in service) This Sandpro became irreparable and was taken out of service due to major failures of hydraulics and engine. Costs of repairs to date compared with costs of what would be required to fix this Sandpro is higher than the cost of a new one.

Sandpro ID#09-0523 (Age: 2007; approximately 2,742 hrs. in service) This Sandpro is out of service currently and will require a new engine.

Sandpro ID#09-0524 (Age: 2007; approximately 2,529 hrs in service) This Sandpro is operating with a rebuilt engine. Expectation is for it to last another two years.

Sandpro ID#09-0527 (Age: 2007; approximately 3,249 hrs in service) This Sandpro is operating, has had the engine and the drag replaced costing over \$18,000. Expectation is for it to last up to 5 more years.

Sandpro ID#09-0523 (Age: 2007; Approximately 2,881 hrs in service) This Sandpro is operating, has had the engine replaced and replacement of some hydraulics costing \$9,875. Expectation is for it to last up to 5 more years.

Sandpro ID#09-0809 (Age: 2013; Approximately 1,871 hrs of service) This Sandpro is operating and has not had any major repairs. It is expected to last up to 7 more years.

The Sandpros take care of the infield portion of 24 ballfields. Unlike mowing, Sandpros are used on a field after each day the field is used. A busy season of league play can keep all six Sandpros busy daily. Over the past few years repair costs have been more frequent and much more costly. Staff is requesting authorization to purchase two new Sandpros to replace Sandpro ID#09-0572 and Sandpro ID#09-0523 to reduce cost of repairs for up to 5 years and ensure the fields are maintained for play. The cost of a single Sandpro is \$23,499.64; the price for both is \$46,999.28.

The Parks and Recreation Department is seeking approval to utilize the Omnia Partners City of Mesa Cooperative Contract # 2017025 for the purchase of two Toro 4500D mowers and two Sandpros from Wesco Turf Inc. This contract is valid through March 31, 2022.

Parks and Recreation staff reviewed multiple contracts for the Mowers and determined that the City of Mesa contract best meets the scope of work needs for the City's needs in the pricing and deliveries of these specific mowers.

**TRUCK #4219 REPLACEMENT-** Currently truck #4219 is a 1999 Chevy 3500 truck with a dump bed. This is the only truck the department has with a dump bed that is used for hauling loads of mulch for playgrounds, tree clippings from parks and transports the mobile bleachers and City stage for special events. Recently this truck broke down and was towed to fleet and was deemed no longer repairable by Fleet. This truck has had over \$40,000 in repairs over the 21 years of its service and needs to be replaced. The Parks and Recreation Department is seeking to purchase a replacement from Duval Fleet, Inc., a new 2019 Ford F-550 6.7L Diesel with an 11 ft. 2 yd. dump bed, payload plus package upgrade and a heavy-duty towing package.

The Parks and Recreation Department is seeking approval to utilize the Florida Sheriff's Association Contract #FSA19-VEH17.0 to purchase this truck in the amount of \$59,585.00

In accordance with the City's Code of Ordinance, Section 38.12(F)(4) Cooperative Purchases: The City may purchase from any cooperative contract, including but not limited to: term contracts by the State of Florida, Federal General Services Administration, and other governmental cooperatives and entities within and outside the State of Florida provided that the cooperative contract is established in compliance with the procurement procedures and requirements of the issuing body, entity, authority, or cooperative. If such other governmental or cooperative contract is utilized, the public notice requirements and the need to utilize the methods of selection processes included in this Ordinance are obviated. The ability to utilize cooperative contracts shall not be restricted by nonparticipation in the estimated quantities of the City's needs, nor inaccurate estimates of usage by the City prior to award of the cooperative contract. The City may utilize (piggyback) a contract entered into by another governmental or public entity and a provider of supplies or services required by the City, if the Chief Procurement Officer determines that it is practicable and advantageous for the City to employ this method of purchase, and such contracts specify that they are cooperative procurements at the time of solicitation. Any such contracts equal to or in excess of \$100,000 shall go to the City Council for approval.

Staff is requesting approval to utilize the Omnia Partners City of Mesa, AZ Cooperative Contract # 2017025 for the purchase of two Toro 4500D mowers and two Sandpros from Wesco Turf Inc. located in Sarasota, Florida and approval to purchase Ford F-550 truck from Duval Fleet utilizing the Florida Sheriff's Association Contract #FSA19-VEH17.0.

**REQUESTING DEPARTMENT:**

Parks & Recreation, Procurement

**FISCAL IMPACT:**

The total equipment/vehicle purchase request is \$241,812.24. The Mowing Equipment purchase total is \$182,227.24. Funding is currently available in account 001-4026-572-6401 through a budget transfer from unused dollars in training and travel due to global pandemic, 001-4010-572-4001 (\$5,349), unused AUE funding due to pool closure 001-4032-572-3407 (\$85,765) and unused dollars in Recreation Programs due to global pandemic 001-4020-572-3723 (\$91,114). The purchase of the replacement truck total is \$59,585.00 is available from unused dollars budgeted for Aquatic Center maintenance 001-4032-572-4624 (\$19,500) and again, from

cancelled Recreation Programs 001-4020-572-3723 (\$40,085). The total funding for the truck would be from a transfer of the above accounts totaling \$59,585.00 from Parks and Recreation Dept. to Fleet Services Department via 4th Budget Amendment.

**RECOMMENDATION:**

Motion to approve the purchase of two Toro 4500D and two Sandpros from Wesco Turf Inc. located in Sarasota, Florida, utilizing the City of Mesa, AZ Cooperative Contract #2017025 and the purchase of a Ford F-550 truck with a dump bed from Duval Fleet Inc. located in Jacksonville, Florida, utilizing Florida Sheriff's Association Contract #FSA19-VEH17.0.

**ATTACHMENTS:**

**Description**

City of Mesa Contract

Truck Contract Specs

Duval Ford Quote

Mower Quotes



Public Sector

(866 )875-3299

Contact Us

MENU

REGISTER

**Toro**

**Grounds Maintenance Equipment, Parts,  
Accessories, Supplies, Related Services and  
Equipment; Grounds Keeping Products and  
Services**



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**OVERVIEW**

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**CONTRACT  
DOCUMENTATION**

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**CONTACTS**

---

**GROUNDS MAINTENANCE  
EQUIPMENT CONTRACT**

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**GROUNDS & GOLF**

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**SENTINEL IRRIGATION**

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**VENTRAC**

U.S. Communities and National IPA, both wholly-owned subsidiaries of OMNIA Partners, have come together as OMNIA Partners, Public Sector. All public sector participants already registered with National IPA or U.S. Communities continue to have access to all contracts, with certain exceptions, in the portfolio and do not need to re-register to use a legacy National IPA, legacy U.S. Communities, or new OMNIA Partners contract. U.S. Communities and National IPA remain separate legal entities and lead agency contracts completed under each brand are effective and available for use through the contract's approved term. In the event we believe re-registration is necessary for any reason, OMNIA Partners will let you know.

---

## **Grounds Maintenance Equipment, Parts, Accessories, Supplies, Related Services, and Equipment**

### **City of Mesa, AZ**

**Contract Number: 2017025**

April 1, 2017 to March 31, 2022

Option to renew for two (2) additional one-year periods through March 31, 2024

BOSS SNOW & ICE  
CONTROL

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### Executive Summary

- Executive Summary
- Pricing

UNDERGROUND &  
CONSTRUCTION  
EQUIPMENT

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### Master Agreement Documents

- Official Signed Contract
- New Jersey LFN Packet

PROFESSIONAL  
CONTRACTOR

### Response Evaluation

- Supplier Response to RFP
- Evaluation Documents

### Solicitation Process

- Original RFP Document
- RFP Amendment 1
- RFP Amendment 2
- Proof of Publication

### Previous Contract

- Previous Contract

REQUEST CONTRACT  
INFORMATION

### COVID-19 Resources





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800-803-8676

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## Contact Information

[www.toro.com](http://www.toro.com)

**Phone:** 1-800-803-8676

**Dealer Locator:** <http://commercial.toro.com/lookup>

**SUPPLIER WEBSITE**





Get in Touch

840 Crescent Centre Drive  
Suite 600  
Franklin, TN 37067

866-875-3299

info@omniapartners.com

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## **Toro Company Pricing**

The award provides discount off Toro's current year MSRP on the following Toro equipment:

- Commercial Sports Fields, Grounds and Golf Course Maintenance Equipment **21.8% off** current year MSRP
- Related Equipment Parts up to **50% off**
- Used Equipment dependent on age, hours and condition
- Golf Irrigation Wholegoods, Accessories and Attachments **40% off**
- Residential Commercial (ResCom) Irrigation Wholegoods, Attachments and Accessories **40% off**
- Irritrol Irrigation Wholegoods, Attachments and Accessories **40% off**
- Rainmaster Irrigation Wholegoods, Attachments and Accessories **17%-30% off**
- Sentinel Irrigation Wholegoods **30% off**
- Residential Landscape Contractor Equipment (LCE) Wholegoods, Attachments and Accessories **27% off**
- Residential Landscape Contractor SNOW Equipment (LCE SNOW) and Attachments **20% off**
- Site Works Systems (SWS) Equipment Wholegoods, Attachments and Accessories **17% off**
- Boss Equipment, Attachments and Accessories **25% off**
- Ventrac Wholegoods, Attachments and Accessories **12% off**
- Allied Products Provided by Third Party not to exceed list price

### **Smart Value Program:**

In addition to the discount off of Toro's Commercial list price, this agreement offers the Smart Value Program, a volume incentive program. This program provides the customer with a level of dollars available to be used to purchase additional whole goods, accessories, attachments, parts or extended warranty based on the volume of purchase.

For additional information, contact your local Toro Commercial distributor. To find your local distributor, [click here](#).

Term: October 1, 2019 - September 30, 2020

Contract: FSA19-VEH17.0 , Heavy Trucks and Equipment

Group: CAB AND CHASSIS TRUCKS: 17,500 LB GVWR Cab & Chassis (DRW) 4X4

Item: 38, Ford, F-550 Regular Cab, F5H

**Description:** Standard Manufacturer Equipment and Specifications, plus the following if not already included in manufacturer standard equipment and base specifications: Limited slip or locking differential, If available. ENGINE: Diesel engine, minimum 190 HP; Manufacturer’s heavy-duty engine cooling; Heavy duty alternator. TRANSMISSION/AXLES: Manufacturer’s standard automatic transmission. COMFORT ITEMS: Air conditioning; 2 – keys and/or fobs; Manufacturer’s standard AM/FM stereo; Heavy duty rubber floor; Vinyl seating. SAFETY ITEMS: Dual mount outside mirrors must provide a field of vision for vehicles to 96" width, and convex mirrors. BRAKES: 4-wheel ABS system; Front brakes disc type, rear brakes may be drum or disc. TIRES AND WHEELS: Manufacturer standard tires and wheels rated for 17,500 lb GVWR. CHASSIS, FRAME, CAB: Cab to center of rear axle - 60" approximately; Minimum 17,500 lbs. GVWR; Cab & chassis only; Manufacturer’s standard front bumper; Fuel tank capacity, 25 gallons minimum.

Zone	Rank	Vendor	Price
Western	Primary	Palmetto Ford Truck Sales, Inc.	\$37,715.00
	Alternate	Duval Ford LLC	\$38,836.00
Northern	Primary	Palmetto Ford Truck Sales, Inc.	\$37,715.00
	Alternate	Duval Ford LLC	\$38,558.00
Central	Primary	Palmetto Ford Truck Sales, Inc.	\$37,715.00
	Alternate	Duval Ford LLC	\$38,558.00
Southern	Primary	Palmetto Ford Truck Sales, Inc.	\$37,715.00
	Alternate	Duval Ford LLC	\$38,836.00

Options appear in alphabetical order by awarded vendor.

Options: Duval Ford LLC

Order Code	Description	Price
101	CREDIT: Pursuant to FSA BoilerPlate sections 2.12, 2.13 regarding factory free-flow options, this vehicle specification includes a line-item MSRP option-discount in the amount listed here for any OEM configurable option available for the corresponding base-vehicle awarded. Client may visit fordvehicles.com to configure desired vehicle and dealer will produce corresponding FSA contract quote displaying line item discounts, supported by OEM price tables. This discount will be reflected in the aggregate net total for each optional item requested. Manufacturer’s order-guide and price lists uploaded to the vendorlink bid site, published at fleet.ford.com , or available from Duval Ford.	\$1.00
99N	CREDIT: Engine: 7.3L 2V DEVCT NA PFI V8 Gas	\$5,000.00
99T	Engine: 6.7L 4V OHV Power Stroke V8 Turbo Diesel B20 -inc: Diesel Exhaust Fluid (DEF) tank, Intelligent Oil-Life Monitor, manual push-button engine-exhaust braking and split-shaft calibration compatibility, 4.10 Axle Ratio, 240 Amp Alternators	\$0.00
44G	Transmission: TorqShift 10-Speed Automatic -inc: selectable drive modes: normal, tow/haul, eco and deep sand/snow (STD)	\$0.00
SCB	MODEL UPGRADE TO SUPERCAB 60" CA (X3H, X3F)	\$4,000.00
CCB	MODEL UPGRADE TO CREW CAB 60" CA (W3H, W3F)	\$5,000.00
DX4N	CREDIT LTD Slip w/4.10 Axle Ratio	\$100.00
TGJ	Tires: 225/70Rx19.5G BSW A/P -inc: Optional spare is 225/70Rx19.5G BSW A/P (STD)	\$0.00
TGM	Tires: 225/70Rx19.5G BSW Traction -inc: 4 traction tires on the rear and 2 A/P tires on the front, Optional spare is 225/70Rx19.5G BSW A/P	\$189.00
AT	Yellow	\$659.00
BY	School Bus Yellow	\$659.00
D1	Stone Gray Metallic	\$0.00
E4	Vermillion Red	\$659.00
GR	Green	\$659.00
J7	Magnetic Metallic	\$0.00
JS	Iconic Silver Metallic	\$0.00
MB	Orange	\$659.00
N1	Blue Jeans Metallic	\$0.00
PQ	Race Red	\$0.00
UM	Agate Black Metallic	\$0.00
W6	Green Gem	\$659.00
Z1	Oxford White	\$0.00
1S	Medium Earth Gray, Cloth 40/20/40 Split Bench Seat -inc: center armrest, cupholder, storage and driver’s side manual lumbar	\$99.00
4S	Medium Earth Gray, Cloth 40/Mini-Console/40 Front Seat -inc: driver’s side manual lumbar	\$514.00

Order Code	Description	Price
AS	Medium Earth Gray, HD Vinyl 40/20/40 Split Bench Seat -inc: center armrest, cupholder, storage and driver's side manual lumbar	\$0.00
LS	Medium Earth Gray, Vinyl 40/Mini-Console/40 Front Seat -inc: driver's side manual lumbar	\$354.00
1S CCB	Medium Earth Gray, Cloth 40/20/40 Split Bench Seat -inc: center armrest, cupholder, storage and driver's side manual lumbar for crew cab (CCB) option	\$314.00
4S CCB	Medium Earth Gray, Cloth 40/Mini-Console/40 Front Seat -inc: driver's side manual lumbar for crew cab (CCB) option	\$614.00
AS CCB	Medium Earth Gray, HD Vinyl 40/20/40 Split Bench Seat -inc: center armrest, cupholder, storage and driver's side manual lumbar for crew cab (CCB) option	\$0.00
LS CCB	Medium Earth Gray, Vinyl 40/Mini-Console/40 Front Seat -inc: driver's side manual lumbar for crew cab (CCB) option	\$354.00
17F	XL Decor Group -inc: Chrome Front Bumper	\$219.00
47A	Ambulance Prep Package -inc: 7,000 lbs, max front springs/GAWR rating for configuration selected, Incomplete vehicle package - requires further manufacture and certification by a final stage manufacturer, Ford vehicles are suitable for producing ambulances only if equipped w/the Ford Ambulance Prep Package, In addition, Ford urges ambulance manufacturers to follow the recommendations of the Ford Incomplete Vehicle Manual and the Ford Truck Body Builders Layout Book (and pertinent supplements), Using a Ford vehicle without the Ford Ambulance Prep Package to produce an ambulance voids the Ford warranty, NOTE: Stationary Elevated Idle Control (SEIC) has been integrated into the engine control module, 397 Amp Alternators	\$1,204.00
47J	Fire/Rescue Prep Pkg w/EPA Special Emissions -inc: 7,000 lbs, max front springs/GAWR rating for configuration selected, Incomplete vehicle package - requires further manufacture and certification by a final stage manufacturer, Ford urges Fire/Rescue Vehicle manufacturers to follow the recommendations of the Ford Incomplete Vehicle Manual and the Ford Truck Body Builders Layout Book (and pertinent supplements), Note 1: Stationary Elevated Idle Control (SEIC) has been integrated into the engine control module, Note 2: Engine calibration significantly reduces the possibility of depower mode when in stationary PTO operation, Note 3: Operator commanded regen allowed down to 30% of DPF filter full, instead of 100%, Note 4: Must meet the definition of an Emergency Vehicle, an Ambulance or Fire Truck per 40 CFR 86.1803.01 in the Federal Register, Note 5: California Code of Regulations allows for the sale of Federally certified emergency vehicles in California, 397 Amp Alternators, Operator Commanded Regeneration (OCR)	\$1,204.00
47L	Ambulance Prep Pkg w/Special Emissions -inc: EPA Special Emergency Vehicle Emissions and 7000 lbs, max front springs/GAWR rating for configuration selected, Incomplete vehicle package - requires further manufacture and certification by a final stage manufacturer, Ford vehicles are suitable for producing ambulances w/special emissions only if equipped w/the Ford Ambulance Prep Package w/EPA Special Emergency Vehicle Emissions, In addition, Ford urges ambulance manufacturers to follow the recommendations of the Ford Incomplete Vehicle Manual and the Ford Truck Body Builders Layout Book (and pertinent supplements), Using a Ford vehicle without the Ford Ambulance Package w/EPA Special Emergency Vehicle Emissions to produce an ambulance w/special emissions voids the Ford warranty, Note 1: Stationary Elevated Idle Control (SEIC) has been integrated into the engine control module, Note 2: Engine calibration significantly reduces the possibility of depower mode when in stationary PTO operation, Note 3: Operator commanded regen allowed down to 30% of DPF filter full, instead of 100%, Note 4: Must meet the definition of an Emergency Vehicle, an Ambulance or Fire Truck per 40 CFR 86.1803.01 in the Federal Register, Note 5: California Code of Regulations allows for the sale of federally certified emergency vehicles in California, 397 Amp Alternators, Operator Commanded Regeneration (OCR)	\$1,204.00
90L	Power Equipment Group -inc: Deletes passenger side lock cylinder, upgraded door-trim panel, Accessory Delay, Advanced Security Pack, SecuriLock Passive Anti-Theft System (PATS) and inclination/intrusion sensors, MyKey, owner controls feature, Power Locks, Remote Keyless Entry, Trailer Tow Mirrors w/Power Heated Glass, manual telescoping, heated convex spotter mirror and integrated clearance lamps/turn signals, Power Front Side Windows, 1-touch up/down driver/passenger window	\$914.00
90L CCB	Power Equipment Group with CCB crew cab option -inc: Deletes passenger side lock cylinder, upgraded door-trim panel, Accessory Delay, Advanced Security Pack, SecuriLock Passive Anti-Theft System (PATS) and inclination/intrusion sensors, MyKey, owner controls feature, Power Locks, Remote Keyless Entry, Trailer Tow Mirrors w/Power Heated Glass, manual telescoping, heated convex spotter mirror and integrated clearance lamps/turn signals, Power Front Side Windows, 1-touch up/down driver/passenger window	\$1,124.00
96V	XL Value Package -inc: Steering Wheel-Mounted Cruise Control, Chrome Front Bumper	\$724.00
41P	Transfer Case Skid Plates	\$99.00
41H	Engine Block Heater	\$99.00
473	Snow Plow Prep Package -inc: pre-selected springs (see Order Guide Supplemental Reference for springs/FGAWR of specific vehicle configurations), Note 1: Restrictions apply; see Supplemental Reference or Body Builders Layout Book for details, Note 2: Also allows for the attachment of a winch	\$249.00
52B	Trailer Brake Controller -inc: smart trailer tow connector, Verified to be compatible w/electronic actuated drum brakes only	\$269.00
531	Trailer Tow Package -inc: aftermarket trailer brake wiring kit, Trailer brake controller not included, Note: Salespersons source book or Ford RV trailer towing guide should be consulted for specific trailer towing or camper limits and corresponding required equipment, axle ratios and model availability	\$44.00
534	Heavy Duty Trailer Tow Group: Includes Trailer Brake wiring, HD Class V Hitch, Solid Draw Bar, 2 5/16" Ball with pin and clip, reinforcements for ICC underide protection (complies with FMVSS) , bracket and half inch plate where necessary, welded. Recommend Trailer brake controller (not included), Increases GCW from 32,500 lbs, to 40,000 lbs with axle upgrade. GCWR not available at time of bid for gas engine.	\$1,645.00
535	High Capacity Trailer Tow Package -na with Gas: Trailer brake controller not included, Increases GCW from 32,500 lbs, to 40,000 lbs, Note: Salesperson's Portfolio or Trailer-Towing Guide should be consulted for specific trailer-towing or camper limits and corresponding required equipment, axle ratios and model availability, See Supplemental Reference for vehicle height consideration	\$579.00
62R	Transmission Power Take-Off Provision -inc: transmission mounted live drive and stationary mode PTO, (with 99n)	\$279.00
65C	Dual Diesel Fuel Tanks -inc: Combines 40 gallon aft-of-axle and 26.5 gallon mid ship tank	\$624.00
65M	26.5 Gallon Mid Ship Fuel Tank	\$124.00
67A	332 Amp Alternators	\$0.00
67B	397 Amp Alternators	\$114.00
67H	Heavy-Service Front Suspension Package -inc: pre-selected heavy-service front springs (see Order Guide Supplemental Reference for springs/FGAWR of specific vehicle configurations), Recommended only on vehicles which will permanently utilize aftermarket equipment such as heavy-duty winches, brush guards or other apparatus which loads the front axle to the specified Gross Axle Weight Rating (GAWR), Note 1: May result in a deterioration of ride quality, Note 2: Vehicle ride height will increase w/the addition of this package	\$124.00
67P	Extra Heavy-Duty Front End Suspension - 7,500 GAWR -inc: upgraded front axle and max 7,500 lbs, Front Springs/GAWR rating for configuration selected, Incomplete vehicle package - requires further manufacture and certification by a final stage manufacturer	\$284.00

Order Code	Description	Price
67X	Extra Heavy-Service Suspension Package -inc: pre-selected extra heavy-service front springs (see Order Guide Supplemental Reference for springs/FGAWR of specific vehicle configurations), Recommended only on vehicles which will permanently utilize aftermarket equipment such as heavy-duty winches, brush guards or other apparatus which loads the front axle to the specified Gross Axle Weight Rating (GAWR), Note 1: May result in a deterioration of ride quality, Note 2: Vehicle ride height will increase w/the addition of this package	\$124.00
68D	GVWR: 17,500 lb Payload Downgrade Package	\$0.00
68M	GVWR: 19,500 lb Payload Plus Upgrade Package -inc: upgraded frame, rear-axle and low deflection/high capacity springs, Increases max RGAWR to 14, 706, Note: See Order Guide Supplemental Reference for further details on GVWR	\$1,154.00
68U	GVWR: 19,000 lbs Payload Upgrade Package -inc: upgraded frame and upgraded rear-axle, Note: See Order Guide Supplemental Reference for further details on GVWR and payload ranges	\$814.00
CA1	(L404 84) Cab to Axle at 84", Increases wheelbase and lengthens frame for appropriate body installation	\$1,814.00
CA2	(L404 108) Cab to Axle at 108", Increases wheelbase and lengthens frame for appropriate body installation. Regular Cab Only.	\$1,825.00
CA3	(L404 120) Cab to Axle at 120", Increases wheelbase and lengthens frame for appropriate body installation. Regular Cab only	\$1,920.00
86A	Programmable Engine Idle Shutdown - 5 Minute -inc: After a predetermined period, the engine PCM automatically shuts down the engine and triggers the accessory module to shutdown power to the accessories to minimize battery drain	\$249.00
86B	Programmable Engine Idle Shutdown - 10 Minute -inc: After a predetermined period, the engine PCM automatically shuts down the engine and triggers the accessory module to shutdown power to the accessories to minimize battery drain	\$249.00
86C	Programmable Engine Idle Shutdown - 15 Minute -inc: After a predetermined period, the engine PCM automatically shuts down the engine and triggers the accessory module to shutdown power to the accessories to minimize battery drain	\$249.00
86D	Programmable Engine Idle Shutdown - 20 Minute -inc: After a predetermined period, the engine PCM automatically shuts down the engine and triggers the accessory module to shutdown power to the accessories to minimize battery drain	\$249.00
86M	Dual 78 AH Battery nc with 43c	\$209.00
86S	Low Deflection Package -inc: 2-inch spacer blocks, Recommended for rear-biased loading, such as wrecker/retriever applications	\$109.00
98G	CNG/Propane Gaseous Engine Prep Package -inc: hardened engine intake valves and valve seats, This package does not include CNG/Propane fuel tanks, lines, etc, Vehicle will be equipped w/the standard factory gasoline fuel system, Additional equipment combined w/certified calibration reflash is required, from an external upfitter, to convert the vehicle to a CNG/Propane fueled vehicle, See Alternative Fuel Buyers Guide: <a href="http://www.ford.com/altfuelbuyersguide">www.ford.com/altfuelbuyersguide</a> , Ford Motor Company does not provide an exhaust or evaporative emissions certificate w/this option when converted to use CNG or Propane fuel, Ford does not represent that a vehicle converted to use CNG or Propane will comply w/all applicable U.S. or Canadian safety standards, It is the responsibility of the final stage manufacturer (body-builder, installer, alterer or subsequent stage manufacturer) to determine that any vehicle converted to use CNG or Propane complies w/U.S. Federal, California or Canadian exhaust and evaporative emission requirements, Federal fuel economy standards, U.S. and Canadian safety standards, labeling and any other requirements	\$314.00
	40 gge Dedicated CNG conversion two tank enclosed iPack behind cab. Add correct wheelbase, req. 98g	\$30,933.00
98R	Operator Commanded Regeneration (OCR)	\$249.00
18B	Platform Running Boards	\$319.00
18B SCB	Platform Running Boards for supercab (SCB) option	\$444.00
18B CCB	Platform Running Boards for crew cab (CCB) option	\$444.00
435 SCB	Power-Sliding Rear-Window w/Defrost -inc: driver/passenger sun visors w/illuminated vanity covered mirrors with Supercab	\$404.00
435 CCB	Power-Sliding Rear-Window w/Defrost -inc: driver/passenger sun visors w/illuminated vanity covered mirrors with CrewCab	\$404.00
43B	Fixed Rear-Window w/Backglass Defrost	\$59.00
512	Spare Tire, Wheel & Jack -inc: Excludes carrier, 6-Ton Hydraulic Jack	\$349.00
595	Fog Lamps	\$129.00
59H	Center High-Mounted Stop Lamp (CHMSL)	\$0.00
61J	6-Ton Hydraulic Jack, incl with 51d	\$54.00
61L	Front Wheel Well Liners (Pre-Installed) -inc: Custom accessory	\$179.00
63A	Utility Lighting System -inc: LED side-mirror spotlights	\$159.00
63C	Aft-Axle Frame Extension Pack -inc: 42.4" aft-of-axle frame extension increases AF dimension to 89.4"	\$114.00
63G	Bright Grille	\$0.00
87H	Black Molded Hood Deflector (Pre-Installed) -inc: Custom accessory	\$129.00
91G	Amber-White LED Warning Strobes (Pre-Installed) -inc: Custom accessory, 4-corner strobe LT, center high-mounted stop light bar and 2 hood mounted lights	\$724.00
91S	Amber LED Warning Strobes (Pre-Installed) -inc: Custom accessory, center high-mounted stop light bar and 2 hood mounted lights	\$674.00
924	Privacy Glass	\$29.00
942	Daytime Running Lamps (DRL) -inc: The non-controllable 942 Daytime Running Lamps (DRL) replace the standard Daytime Running Lamps (DRL) on/off cluster controllable	\$44.00
945	Stainless Steel Wheel Covers (Pre-Installed) -inc: Custom accessory, Front and rear	\$409.00

Order Code	Description	Price
39S	SiriusXM Satellite Radio -inc: 1 I/P mounted center speaker and a 6-month prepaid subscription, Service is not available in Alaska and Hawaii, Subscriptions to all SiriusXM services are sold by SiriusXM after trial period, If you decide to continue service after your trial, the subscription plan you choose will automatically renew thereafter and you will be charged according to your chosen payment method at then-current rates, Fees and taxes apply, To cancel you must call SiriusXM at 1-866-635-2349, See SiriusXM customer agreement for complete terms at www.siriusxm.com, All fees and programming subject to change, Sirius, XM and all related marks and logos are trademarks of Sirius XM Radio Inc	\$184.00
18A	Upfitter Interface Module	\$294.00
41A	Rapid-Heat Supplemental Cab Heater -inc: 397 Amp Alternators	\$249.00
43C	110V/400W Outlet -inc: 1 in-dash mounted outlet	\$174.00
525	Steering Wheel-Mounted Cruise Control. incl with 96v	\$234.00
60C	Audible Lane Departure Warning	\$114.00
76C	Exterior Backup Alarm (Pre-Installed) -inc: Custom accessory	\$139.00
76S	Remote Start System	\$249.00
872	Rear View Camera & Prep Kit -inc: loose camera and wiring bundle	\$414.00
926	Speed Limitation - 65-MPH Governed Top Speed	\$79.00
927	Speed Limitation - 75-MPH Governed Top Speed	\$79.00
94P	Pre-Collision Assist w/Automatic Emergency Braking -inc: forward collision warning	\$114.00
9SB	SERVICE BODY: 9' Knapheide Service Body, Model 6108D54 DRW 60" CA. Requires Option 31*	\$9,200.00
9SB	SERVICE BODY: 9' Knapheide Service Body, Model 6108D54F DRW Flip Top 60" CA- 36" in Height. Requires Option 31*	\$9,800.00
9SB	SERVICE BODY: 9' Knapheide Service Body, Model 6108D54FJ40 DRW Flip Top 60" CA- 41" in Height. Requires Option 31*	\$10,100.00
9SB	SERVICE BODY: 9' Stahl Service Body, DRW. Requires Option 31*	\$9,574.00
9SB	SERVICE BODY: 9' CM Service body, DRW. Requires Option 31*	\$10,552.00
9SB	SERVICE BODY: 9' Reading Service Body, Classic 11 DRW. Requires Option 31*	\$9,485.00
9SB	SERVICE BODY: 9' Reading Service Body, Classic 11 with Flip Top Lids DRW. Requires Option 31*	\$10,610.00
11SB	SERVICE BODY: 11' Knapheide Service Body, Model 6132D54 DRW 84" CA. Requires Option 31*	\$10,425.00
11SB	SERVICE BODY: 11' Knapheide Service Body, Model 6132D54F DRW Flip Top 84" CA . Requires Option 31*	\$11,600.00
11SB	SERVICE BODY: 11' Stahl Service Body, DRW. Requires Option 31*	\$10,805.00
11SB	SERVICE BODY: 11' CM Service Body, DRW. Requires Option 31*	\$11,904.00
11SB	SERVICE BODY: 11' Reading Service Body, Classic 11 DRW. Requires Option 31*	\$10,895.00
11SB	SERVICE BODY: 11' Reading Service Body, Classic 11 with Flip Top Lids DRW. Requires Option 31*	\$13,025.00
9D	DUMP: 9' Rugby Eliminator LP 2-3 Yd. Dump with Manual Ground Control Tarp. Requires Option 31*	\$11,540.00
9D	DUMP: 9' Godwin 2-3 Yd. Dump with Manual Ground Control Tarp, Includes 13" Sides. For 18" sides Add \$210. Requires Option 31*	\$12,450.00
DUMP BODY OPTION	DUMP BODY OPTION: Aluminum Tunnel Body Box, Sits Between Cab and Dump for Additional Enclosed Storage * Requires a Longer CA	\$4,500.00
DUMP BODY OPTION	DUMP BODY OPTION: Steel Tunnel Body Box, Sits Between Cab and Dump for Additional Enclosed Storage * Requires a Longer CA	\$3,800.00
9D	DUMP: 9' Reading 2-4 Yd. Dump with Manual Ground Control Tarp. Requires Option 31*	\$11,310.00
11D	DUMP: 11' Rugby Eliminator LP 2-3 Yd. Dump with Manual Ground Control Tarp. Requires Option 31*	\$11,875.00
11D	DUMP: 11' Godwin 2-3 Yd. Dump with Manual Ground Control Tarp, Includes 13" Sides. For 18" sides Add \$210. Requires Option 31*	\$12,888.00
11D	DUMP: 11' Reading 3-4 Yd. Dump with Manual Ground Control Tarp. Requires Option 31*	\$11,770.00
DumpOpt	DUMP BODY OPTION: Fold Down Sides for Dump Body	\$1,250.00
FB Opt	FLAT BED OPTION: Upgrade to Electric Hoist on Stake Body or Flat Bed for 9'- 12' (615)	\$3,200.00
FB Opt	FLATBED OPTION: Upgrade to Electric Hoist on Stake Body or Flat Bed for 14'-16' (620)	\$3,700.00
FB Opt	FLATBED OPTION: Upgrade to Electric Hoist on Stake Body or Flat Bed For HD 16' Bodies (628)	\$4,200.00
DumpOpt	DUMP BODY OPTION: Electric Tarp	\$1,195.00
DumpOpt	DUMP BODY OPTION: Stirrup Step	\$265.00
9CD	CONTRACTOR'S BODY: 9' Knapheide Contractor Body with 14" Sides, Electric Hoist, Ground Control Manual Tarp with Arms ( Requires 60 CA) Requires Option 31*	\$12,033.00
12CD	CONTRACTOR'S BODY: 12' Knapheide Contractor Body with 14" Sides, Electric Hoist, Ground Control Manual Tarp with Arms ( Requires 84" CA) Requires Option 31*	\$12,320.00
14CD	CONTRACTOR'S BODY: 14' Knapheide Contractor Body with 14" Sides, Electric Hoist, Ground Control Manual Tarp with Arms ( Requires 108" CA) Requires Option 31*	\$14,641.00
16CD	CONTRACTOR'S BODY: 16' Knapheide Contractor Body with 14" Sides, Electric Hoist, Ground Control Manual Tarp with Arms ( Requires 120" CA) Requires Option 31*	\$14,735.00

Order Code	Description	Price
9CD	CONTRACTOR'S BODY: 9' Blueridge Contractor Body with 40" Sides, Electric Hoist, Ground Control Manual Tarp with Arms ( Requires 60 CA) Requires Option 31*	\$12,756.00
12CD	CONTRACTOR'S BODY: 12' Blueridge Contractor Body with 40" Sides, Electric Hoist, Ground Control Manual Tarp with Arms ( Requires 84" CA) Requires Option 31*	\$13,006.00
14CD	CONTRACTOR'S BODY: 14' Blueridge Contractor Body with 40" Sides, Electric Hoist, Ground Control Manual Tarp with Arms ( Requires 108" CA) Requires Option 31*	\$14,081.00
16CD	CONTRACTOR'S BODY: 16' Blueridge Contractor Body with 40" Sides, Electric Hoist, Ground Control Manual Tarp with Arms ( Requires 120" CA) Requires Option 31*	\$14,956.00
9FB	FLATBED: 9' Knapheide Flat Bed, Model PVMXS with Bulkhead. Requires 31* Add \$1844 for 40" Stake Sides	\$6,489.00
12FB	FLATBED: 12' Knapheide Flat Bed, Model PVMXS with Bulkhead. Requires 31* Add \$2048 for 40" Stake Sides	\$6,709.00
14FB	FLATBED: 14' Knapheide Flat Bed, Model PVMXS with Bulkhead. Requires 31* Add \$2163 for 40" Stake Sides	\$7,363.00
16FB	FLATBED: 16' Knapheide Flat Bed, Model PVMXS with Bulkhead. Requires 31* Add \$2278 for 40" Stake Sides	\$7,750.00
9FB	FLATBED: 9' Reading Flatbed with 40" Sides and Bulkhead. Requires 31*	\$8,010.00
10FB	FLATBED: 10' Reading Flatbed with 40" Sides and Bulkhead. Requires 31*	\$8,225.00
12FB	FLATBED: 12' Reading Flatbed with 40" Sides and Bulkhead. Requires 31*	\$8,510.00
14FB	FLATBED: 14' Reading Flatbed with 40" Sides and Bulkhead. Requires 31*	\$9,470.00
ESB9.00	ENCLOSED BODY: 9' Knapheide Enclosed Service Body, Model KC108M2094 With 61" Interior Height. Requires Option 31*	\$14,056.00
ESB9.00	ENCLOSED BODY: 9' Knapheide Enclosed Service Body, Model KC108H2094 With 73" Interior Height. Requires Option 31*	\$14,279.00
ESB11.00	ENCLOSED BODY: 11' Knapheide Enclosed Service Body, Model KC132L2094 With 51" Interior Height. Requires Option 31*	\$14,794.00
ESB11.00	ENCLOSED BODY: 11' Knapheide Enclosed Service Body, Model KC132M2094 With 61" Interior Height. Requires Option 31*	\$15,025.00
ESB11.00	ENCLOSED BODY: 11' Knapheide Enclosed Service Body, Model KC132H2094 With 73" Interior Height. Requires Option 31*	\$15,320.00
9FB HD	REINFORCED FLATBED HD: 9' Steel Flatbed with Manual Outriggers, Crane Reinforcements and Spring Build Up. Requires 31* (For 3-4K Crane Capacity)	\$11,200.00
12FB HD	REINFORCED FLATBED HD: 12' Steel Flatbed with Manual Outriggers, Crane Reinforcements and Spring Build Up. Requires 31* (For 3-4K Crane Capacity)	\$11,400.00
CB9	REINFORCED CRANE BODY: 9' Knapheide Crane Body, Model 6108D54R with Manual Outriggers, Crane Reinforcements and Spring Build Up. Requires 31* (For 3-4K Crane Capacity)	\$12,400.00
CB11	REINFORCED CRANE BODY: 11' Knapheide Crane Body, Model 6132D54R with Manual Outriggers, Crane Reinforcements and Spring Build Up. Requires 31* (For 3-4K Crane Capacity)	\$13,750.00
CB9	CRANE BODY: 9' Titan Crane Body with Manual Outriggers, Crane Reinforcements and Spring Build Up. Requires 31* (For 3-4K Crane Capacity)	\$17,900.00
CB11	CRANE BODY: 11' Titan Crane Body with Manual Outriggers, Crane Reinforcements and Spring Build Up. Requires 31* (For 3-4K Crane Capacity)	\$19,700.00
CB9	CRANE BODY: 9' Reading CM6 Crane Body, Model CM6-108. Requires 31*	\$17,720.00
CB11	CRANE BODY: 11' Reading CM6 Crane Body, Model CM6-132. Requires 31*	\$19,915.00
CB9	CRANE OPTION: 9' Crane Reinforment for Vendor Specific Utility Body Order (Cranes 3-4K, Add \$550 for 11')	\$2,730.00
RI11	CRANE OPTION: 11' Crane Reinforment for Vendor Specific Utility Body Order (Cranes 5-6K)	\$4,825.00
TB SIDE 48	HD ALUM SIDE MOUNTED TOOLBOX 48" LONG, PRICE PER SIDE	\$395.00
TB SIDE 72	HD ALUM SIDE MOUNTED TOOLBOX 72" LONG, PRICE PER SIDE	\$564.00
TB TFUEL	Tool and fuel: UTS TT101 100 Gal capacity with meter, electric pump and 30' hose . Diesel Fuel only.	\$2,480.00
SPRAY SB	SPRAY LINER FOR SERVICE BODY. INCLUDES INTERIOR, SIDE WALLS AND BOX TOPS. HD THICKNESS, INCLUDES TAILGATE.	\$935.00
SPRAY DD	SPARY LINE TWO SERVICE BODY DROP DOOR SURFACES	\$175.00
SPRAY BPR	SPRAY SERVICE BODY REAR BUMPER FOR UP TO 12" SHELF BUMPERS	\$165.00
SPRAY ESV	SPRAY LINER FOR ENCLOSED SERVICE BODY. INCLUDES FLOOR AND 16" UP SIDE WALLS.	\$1,525.00
ML 11	KNAPHEIDE MASTERLOCKS 11FT	\$765.00
CLITE	KNAPHEIDE COMPARTMENT LIGHTS	\$595.00
CLITE 11	KNAPHEIDE COMPARTMENT LIGHTS 11FT	\$680.00
LEDT	KNAPHEIDE LED TAILLIGHTS	\$510.00
EL	KNAPHEIDE ELECTRIC LOCKS	\$950.00
EL 11	KNAPHEIDE ELECTRIC LOCKS 11 FT BODIES	\$1,125.00
THDL	KNAPHEIDE SINGLE POINT T HANDLES	\$425.00
THDL 11	KNAPHEIDE SINGLE POINT T HANDLES 11 FT BODIES	\$600.00
3PT	KNAPHEIDE 3 POINT T HANDLES	\$600.00
3PT 11	KNAPHEIDE 3 POINT T HANDLES 11 FT BODIES	\$765.00
DRING	D RINGS IN CARGO AREA	\$449.00



Order Code	Description	Price
PAINT	PAINT COMPARTMENT INTERIOR	\$1,109.00
6D TBOX	6 DRAWER MECHANICS TOOLBOX	\$2,095.00
CHOLD	CONE HOLDER	\$196.00
HD CHOLD	HEAVY DUTY FOLD DOWN CONE HOLDER	\$382.00
TPLATE TOP	TREADPLATE OVERLAY COMPARTMENT TOPS	\$975.00
TPLATE C	TREADPLATE OVERLAY CARGO AREA	\$975.00
GRAB HNDL	GRABHANDLES (2)	\$226.00
STEP	CABLE STEP	\$349.00
COOLER MNT	IGLOO COOLER MOUNT	\$225.00
COOLER	IGLOO COOLER	\$110.00
WISE	6" WILTON VISE	\$425.00
VBKT	VISE BRACKET	\$199.00
GARD	MUD & STONE GUARD	\$225.00
ETRACK	E TRACK IN CARGO AREA	\$345.00
TOOL	3 TOOL SHOVEL RACK	\$325.00
BUMPER 16	KNAPHEIDE TAILSHELF BUMPER 16"	\$1,200.00
BUMPER 21	KNAPHEIDE 21" WORKBENCH STORAGE BUMPER	\$1,800.00
HICOMP	KNAPHEIDE RAISED BOTTLE GAS COMPARTMENT	\$1,496.00
SPO BASE	KNAPHEIDE BASE COAT/CLEAR COAT COLORS	\$1,530.00
SPO OEM	KNAPHEIDE FACTORY PAINT	\$1,105.00
SKID	LUBE SKID; 2 NEW OILS & 1 WASTE	\$12,996.00
VANAIR CG	VANAIR PRO COMPRESSOR/GENERATOR, 20 CFM, 5000 WATT	\$5,800.00
COMP 20	20 CFM GAS AIR COMPRESSOR AND REEL	\$4,650.00
VMAC G	VMAC VR70 GAS	\$11,500.00
VMAC D	VMAC VR70 DIESEL APPLICATION	\$14,900.00
WELDER	MILLER BOBCAT 250 WELDER	\$7,136.00
SAFET	Safety Kit Incl; First Aid Kit, Triangle Kit & Fire Extinguisher	\$276.00
RCAM	REARVIEW 5.6" DISPLAY CAMERA SYSTEM	\$695.00
STORAGE	TWO SLIDE OUT TRAYS IN REAR COMPARTMENT FOR STORAGE. REQ. DOGBOX	\$610.00
HSPOT	HALOGEN PILLAR MOUNTED SPOT LIGHT	\$595.00
LEDSPOT	LED SPOT LIGHT PILLAR MOUNTED	\$695.00
GOLITE	LED Permanent Mount Go-Light brand spot light	\$695.00
TH500	500 Watt Inverter	\$396.00
TH750	750 Watt Inverter	\$596.00
TH1000	1000 Watt Inverter	\$642.00
TH2000	2000 Watt Inverter	\$796.00
TH3000	3000 Watt Inverter	\$966.00
TH001	Remote Control for TH1000-TH3000	\$65.00
DSI-12/1200N	Dimensions 1200 watt Pure Sine Wave	\$1,495.00
DSI-12/1500N	Dimensions 1500 watt Pure Sine Wave	\$1,596.00
DSI-12/2400N	Dimensions 2400 watt Pure Sine Wave	\$2,246.00
DSI-12/3000N	Dimensions 3000 watt Pure Sine Wave	\$2,396.00
DSI-REMOTE	Remote control for Dimensions	\$145.00

Order Code	Description	Price
STLIGHT	Streamlight Rechargeable Stinger Flashlight	\$189.00
CAMLOC	RELOCATE CAMERA, INSTALL BRACKET WHERE INDICATED	\$255.00
BACKZONE	REVERSE PARKING AIDE SENSORS	\$445.00
TINT	DEEP WINDOW TINT FILM WITH FRONT WINDSHIELD STRIP.	\$265.00
TINT 4D	TINT ALL WINDOWS. FOR CREW OR SUPERCAB CONFIGURATIONS	\$385.00
NITRO	NITROGEN FILLED TIRES IN LIEU OF STD FACTORY FILL. FUEL ECONOMY SAVER DUE TO TIRE PRESSURE CONSISTENCY, ON GROUND	\$245.00
WT LC	WEATHER TECH MATS , LASER CUT	\$215.00
RMAT	HD RUBBER FLOOR MATS	\$195.00
STEPBARS	TUBULAR STEP BARS	\$395.00
VV	VENT SHADES, MUST SPECIFY STICK ON OR FLANGE TYPE IN CHANNEL	\$175.00
WGG BASE	WRAP AROUND GRILL GAURD. WESTIN HDX	\$1,095.00
WGG STERLING	Sterling Base heavy duty winch mount / grill guard. Upgrade to Standard model for \$125, to Deluxe model for \$235, or Gator model for \$340. Add \$125 for a heavy duty Warn winch	\$1,295.00
WGG WP	WESTIN WRAP AROUND GRILL GUARD WITH WINCH PLATE	\$1,395.00
WGG LC	LIGHT CHANNEL FOR GRILL GUARD, LIGHTS SOLD SEPERATELY	\$79.00
WINCH 8KW	8000# WARN WINCH WITH REMOTE, REQ WGG.WP TO INCLUDE WINCH PLATE	\$1,336.00
WINCH 10KW	10000# WARN WINCH WITH REMOTE, REQ. WGG.WP TO INCLUDE WINCH MOUNTING PLATE	\$1,556.00
WINCH 12KW	12000# WARN WINCH WITH REMOTE, REQ. WGG.WP TO INCLUDE WINCH MOUNTING PLATE	\$1,676.00
3K PATS	EXTRA PROGRAMMED KEY WITH PATS TECHNOLOGY, FLEET KEY	\$225.00
3K RKE	EXTRA PROGRAMMED INTEGRATED KEY TRANSMITTER FOB	\$350.00
PINTLE BC	PINTLE BALL COMBO 2 5/16" WITH ADJUSTABLE SHANK	\$315.00
PINTLE FX	PINTLE BALL COMMBO 2 5/16" FIXED SHANK	\$285.00
2 TONE	TWO TONE PAINT SCHEME, DOORS AND ROOF	\$1,896.00
CABSHIELD	STERLING CAB SHIELD, BLACK POWDER COATED STEEL CONSTRUCTION WITH MESH WINDOW.	\$699.00
CABSHIELD A	STERLING CAB SHIELD, BLACK POWDER COATED STEEL CONSTRUCTION WITH MESH WINDOW. INCLUDES SINGLE CENTER BEACON PLATE	\$730.00
CABSHIELD B	STERLING CAB SHIELD, BLACK POWDER COATED STEEL CONSTRUCTION WITH MESH WINDOW. INCLUDES DUAL MOUNTING FEET FOR LIGHTBAR MOUNTING.	\$730.00
BACKRACK	LIGHT DUTY LOUVERED HEADACHE RACK	\$476.00
SLR	SINGLE SIDE LADDER RACK FOR PICK UP VERSION	\$995.00
SLR SB	SINGLE SIDE LADDER RACK FOR SERVICE BODY APPLICATION	\$795.00
PIPE RACK	METAL UTILITY RACK WITH MESH BASKET OVER CAB	\$2,015.00
MATRACK	MATERIAL RACK OVER CAB. DOES NOT HAVE MESH BASKET	\$1,885.00
31A	SHIP THROUGH ALTEC 88LAP1	\$625.00
31P	SHIP THROUGH AUTOPORT	\$625.00
31B	SHIP THROUGH READING	\$625.00
31V	SHIP THROUGH KNAPHEIDE	\$625.00
31T	SHIP THROUGH TAMPA CRANE	\$625.00
31C	SHIP THROUGH CUSTOM FIBERGLASS 53Y600	\$625.00
31Q	SHIP THROUGH CUES	\$625.00
uCoat	Undercoating	\$650.00
CRANE 3K	CRANE: 3,000 LB. Auto Crane, Model EHC3 PRX with Hardwire Control. REQ Crane Body or Reinforced Body and Outriggers	\$14,600.00
CRANE 3K	CRANE: 3,000 LB. Liftmoore Crane, Model 3612REE with Hardwire Control. REQ Crane Body or Reinforced Body and Outriggers	\$15,300.00
CRANE 3K	CRANE: 3,000 LB. STELLAR Model EC3200- with FM Control. REQ Crane Body or Reinforced Body and Outriggers	\$14,500.00
CRANE 3K	CRANE: 3,000 LB. Venturo Crane, Model ET12KX with Hardwired Control. REQ Crane Body or Reinforced Body and Outriggers	\$15,250.00
CRANE 4K	CRANE: 4,000 LB Auto Crane Model EHC4, Includes 16' Reach with Hardwire Control. REQ Crane Body or Reinforced Body and Outriggers	\$19,900.00

Crane Code	Description	Price
CRANE 4K	CRANE: 4,000 LB Auto Crane Model EHC4, Includes 20' Reach with Hardwire Control. REQ Crane Body or Reinforced Body and Outriggers	\$20,100.00
CRANE 4K	CRANE: 4,000 LB. Stellar Crane, Model EC4000, Includes 16' Reach with FM Control. REQ Crane Body or Reinforced Body and Outriggers	\$17,600.00
CRANE 4K	CRANE: 4,000 LB. Stellar Crane, Model EC4000, Includes 20' Reach with FM Control. REQ Crane Body or Reinforced Body and Outriggers	\$19,850.00
CRANE 4K	CRANE: 4,000 LB. Liftmoore Crane Model 4000X, Includes 16' Reach with Hardwired Control. REQ Crane Body or Reinforced Body and Outriggers	\$18,500.00
CRANE 4K	CRANE: 4,000 LB. Reading/ Palifinger Electric Crane Model RSC4016, Includes 16' Reach and Wireless Remote. REQ Crane Body or Reinforced Body and Outriggers	\$22,830.00
CRANE 4K	CRANE: 4,000 LB. Liftmoore Crane Model 4000X, Includes 20' Reach with Hardwired Control. REQ Crane Body or Reinforced Body and Outriggers	\$19,800.00
CRANE 4K	CRANE: 4,000 LB. Venturo Model ET16KX with Hardwired Control. REQ Crane Body or Reinforced Body and Outriggers	\$17,800.00
CRANE 5K	CRANE: 5,000 LB. Auto Crane Electric Model EHC5 Includes 20' Power Reach and Hardwired Pendant. REQ Crane Body or Reinforced Body and Outriggers	\$24,750.00
CRANE 5K	CRANE: 5,000 LB. Auto Crane Hydraulic Model HC5 Includes 20' Power Reach, Wireless Control, Hydraulic Reservoir and Boom Rest. REQ Crane Body or Reinforced Body and Outriggers	\$27,900.00
CRANE 5K	CRANE: 5,000 LB. Reading/ Palifinger Electric Crane Model RSC5025, Includes 25' Reach Capability and Wireless Remote. REQ Crane Body or Reinforced Body and Outriggers	\$25,205.00
CRANE 5K	CRANE: 5,000 LB. Liftmoore Electric Crane Model 5000X 12 with 20' Power Reach. REQ Crane Body or Reinforced Body and Outriggers	\$22,350.00
CRANE 5K	CRANE: 5,000 LB. Liftmoore Model 2550XP Hydraulic Crane with Wireless Control, Hydraulic Reservoir and Boom Rest. REQ Crane Body or Reinforced Body and Outriggers	\$26,350.00
CRANE 5K	CRANE: 5,000 LB. Stellar Electric Crane Model EC5000, Includes 16' Power Reach and 4' Manual Reach. REQ Crane Body or Reinforced Body and Outriggers	\$20,750.00
CRANE 5K	CRANE: 5,000 LB. Stellar Hydraulic Crane Model 5521, Includes Wireless Pendant, Hydraulic Reservoir and Boom Rest. REQ Crane Body or Reinforced Body and Outriggers	\$27,900.00
CRANE 5K	CRANE: 5,000 LB. Venturo Hydraulic Crane, Model HT25KX-P with Wireless Pendant. REQ Crane Body or Reinforced Body and Outriggers	\$26,700.00
CRANE 6K	CRANE: 6,000 LB. EH Auto Crane Model EHC6. Includes Aux. Battery, Circuit Breaker and Crane Inspection. REQ Crane Body or Reinforced Body and Outriggers	\$26,800.00
CRANE 6K	CRANE: 6,000 LB. EH Liftmoore Model 6036x-20. Includes Aux. Battery, Circuit Breaker and Crane Inspection. REQ Crane Body or Reinforced Body and Outriggers	\$23,100.00
CRANE 6K	CRANE: 6,000 LB. EH Stellar Model EC6000. Includes Aux. Battery, Circuit Breaker and Crane Inspection. REQ Crane Body or Reinforced Body and Outriggers	\$21,900.00
CRANE 6K	CRANE: 6,000 LB. EH Venturo Model ET36KX. Includes Aux. Battery, Circuit Breaker and Crane Inspection. REQ Crane Body or Reinforced Body and Outriggers	\$23,500.00
CRANE 7K	CRANE: 7,000 LB. Auto Crane Hydraulic , Model HC7 with Wireless Pendant. Includes Aux. Battery, Circuit Breaker and Crane Inspection. REQ Crane Body and PTO	\$30,131.00
CRANE 7K	CRANE: 7,000 LB. Auto Crane Hydraulic , Model HC7X- 30' Reach with Wireless Pendant. Includes Aux. Battery, Circuit Breaker and Crane Inspection. REQ Crane Body and PTO	\$31,083.00
CRANE 7K	CRANE: 7,000 LB. Stellar Crane Hydraulic , Model 7621 with Wireless Pendant. Includes 21' Reach, Aux. Battery, Circuit Breaker and Crane Inspection. REQ Crane Body and PTO	\$29,417.00
CRANE 7K	CRANE: 7,000 LB. Stellar Crane Hydraulic , Model 7630 with Wireless Pendant. Includes 30' Reach, Aux. Battery, Circuit Breaker and Crane Inspection. REQ Crane Body and PTO	\$31,000.00
PTO	BODY OPTION: PTO POWER TAKE OFF (PTO) REQ. Provision. Required for All Hydraulic Cranes/and or hydraulic equipment	\$2,800.00
HOR	BODY OPTION: Hydraulic Outriggers	\$3,200.00
CRANE OPTION	Wireless Pendant	\$3,200.00
CRANE OPTION	Light on end of Boom	\$780.00
CRANE OPTION	FM Control Auto Crane, Nexstar, Liftmoore, Venturo	\$2,800.00
BODY OPTION	BODY OPTION: Raised Bottle Gas Compartments	\$1,995.00
9FB HD	FLATBED HD: 9' Steel Flatbed with Manual Outriggers, Crane Reinforcements and Spring Build Up. Requires 31* (For 5K Crane Capacity)	\$14,100.00
12FB HD	FLATBED HD: 12' Steel Flatbed with Manual Outriggers, Crane Reinforcements and Spring Build Up. Requires 31* (For 5K Crane Capacity)	\$14,700.00
9KCB HD	CRANE BODY: 9' Knapheide Crane Body, Model 6108D54R with Manual Outriggers, Crane Reinforcements and Spring Build Up. Requires 31* (For 5K Crane Capacity)	\$18,900.00
11KCB HD	CRANE BODY: 11' Knapheide Crane Body, Model 6132D54R with Manual Outriggers, Crane Reinforcements and Spring Build Up. Requires 31* (For 5K Crane Capacity)	\$19,900.00
9CB 38	CRANE BODY: 9' Titan 38 Crane Body with Manual Outriggers, Crane Reinforcements and Spring Build Up. Requires 31* (For 5-6K Crane Capacity)	\$25,200.00
11CB 38	CRANE BODY: 11' Titan 38 Crane Body with Manual Outriggers, Crane Reinforcements and Spring Build Up. Requires 31* (For 5-6K Crane Capacity)	\$25,700.00
9CB 44	CRANE BODY: 9' Knapheide Crane Body, Model 6108DL44 with Manual Outriggers, Crane Reinforcements,12" Bumper and Spring Build Up. Requires 31* (For 6K Crane Capacity)	\$23,600.00
11CB 44	CRANE BODY: 11' Knapheide Crane Body, Model 6132DL44 with Manual Outriggers, Crane Reinforcements,12" Bumper and Spring Build Up. Requires 31* (For 6K Crane Capacity)	\$24,500.00
AERIAL	AERIAL BUCKET: Axion Lift, Model UR3410 Includes 32-8' Working Height, Outriggers, Gas Pony Motor with Electric Start * May use In Pick Up or Service Body	\$31,375.00
AERIAL	AERIAL BUCKET: Axion Lift, Model BR43131 Includes Insulated 42' Working Height Articulating, Dual Outriggers, Hydraulic Tilt, PTO, Pump and Shelf Bumper *Requires Service Body	\$38,700.00

Order Code	Description	Price
ARIAL	AERIAL BUCKET: Axion, AT 4313 Insulated 44' Working Height, Telescopic Articulating Dual Outriggers, PTO, Pump and Shelf Bumper * Requires Service Body	\$46,000.00
HOOKLIFT	HOOKLIFT: Stellar Container Hooklift with 16,000 Capacity, Model Flex 36 (Add \$7600 for 36" Underbody box with US Tarp- 88" Gantry, No Arms)	\$31,600.00
ALTEC	ALTEC: 9' Altec Bucket Truck, Model AT235 (See Dealer for a List of Options Included)	\$74,092.00
ALTEC	ALTEC: 11' Altec Bucket Truck, Model AT235P (See Dealer for a List of Options Included)	\$77,987.00
REFUSE	REFUSE: Mamba, Model HB800 8 Yard Side Loader Refuse Body. Includes Hot shift Pto with Overspeed and Pump, Autolock Tailgate, Back up Alarm, Led Body Lights, Halogen Work Lights in Hopper, Manual Packing Controls, Sight Gauge on Oil Tank, Pressure Gauge, Safety Shutdown Curbside and Streetside, rear vision camera, Fire Extinguisher, Triangle Kit * This Option Requires 108" CA and 18,000 GVWR Minimum* Requires 31" Ship Through	\$50,231.00
REFUSE	REFUSE: New Way Diamondback 8RL Rear Loader Refuse Body, 8 Cubic Yard Body Capacity, Back up Alarm, Lightbar, ICC Lights and Reflectors, Autolock Tailgate, Oil Pressure Gauge, Rear Vision Camera, Driver Alert Buzzer, Tailgate Ajar Indicator, Riding Steps on Rear, Led Body Lights, Hot Shift PTO, Halogen Work Lights Inside Upper Tailgate, Shining in Hopper, Strobe Light, Safety Shutdown Curbside, Fire Extinguisher, Triangle Kit and Plastic Fenders. Requires 31" Ship Through * This Option Requires 108" CA and 17,000 GVWR Minimum*	\$46,811.00
WACHS	WACHS: Standard LX (Gas) – VMS (RH): Single turner valve maintenance skid; includes Wachs 750 Ft/lb (1020 Nm) Extended Reach Valve operator, telescoping valve key and Wachs ruggedized HC-100 with GPS controller/datalogger. A 27 HP (20 kW) gasoline powered Kohler overhead cam air cooled engine provides ample power for all contained functions, including an auxiliary HTMA Class II circuit; 10 gallon (38 L) reservoir, fan cooled heat exchanger, continuous duty rated for 8 GPM (30.3 LPM) @ 1,800 PSI (125 bar). A positive displacement blower provides 500 CFM (14.2 cmm)-11" (280mm) Hg vacuum, with spoils containment provided by a 250 (950 L) gallon tank with power hydraulic dump (rear discharge) and latching rear door. Also driven from the common power train is a 2.5 gpm (9.5 LPM) @ 3000 PSI (210 bar) pressure washer system with 3 gallon (11.4 L) anti-freeze tank and 95 gallon (360 L) water tank. Includes 2-1/2" (63.5mm), 1-1/4" (31.75mm) & 7/8" (22mm) suction wands and one each short and long wash-down guns. The LX package bundles the service light bar with arrow board, 45' (14 M) auxiliary hydraulic hose reel for operation of hydraulic power tools & Bluetooth tethering module (installed in ERV-750) for wireless communication between the exerciser and Controller/Data Logger. Model # 77-000-55 * Requires Service Body Or Flat Bed, Contact Dealer for Quote and Details. Requires 31" Ship Through	\$65,875.00
WACHS	WACHS: Standard LX (Diesel) – VMS (LH): Single turner valve maintenance skid; includes Wachs 750 Ft/lb (1020 Nm) Extended Reach Valve operator, telescoping valve key and Wachs ruggedized HC-100 with GPS controller/datalogger. A Tier 4F compliant, Kubota 1.1L, I-3 4-stroke, liquid cooled, IDI diesel engine provides ample power for all contained functions, including an auxiliary HTMA Class II circuit; 10 gallon (38 L) reservoir, fan cooled heat exchanger, continuous duty rated for 8 GPM (30.3 LPM) @ 1,800 PSI (125 bar). A positive displacement blower provides 500 CFM (14.2 cmm)-11" (280mm) Hg vacuum, with spoils containment provided by a 250 (950 L) gallon tank with power hydraulic dump (rear discharge) and latching rear door. Also driven from the common power train is a 2.5 gpm (9.5 LPM) @ 3000 PSI (210 bar) pressure washer system with 3 gallon (11.4 L) anti-freeze tank and 95 gallon (360 L) water tank. Includes 2-1/2" (63.5mm), 1-1/4" (31.75mm) & 7/8" (22mm) suction wands and one each short and long wash-down guns. The LX package bundles the service light bar with arrow board, 45' (14 M) auxiliary hydraulic hose reel for operation of hydraulic power tools & Bluetooth tethering module (installed in ERV-750) for wireless communication between the exerciser and Controller/Data Logger. Model # 77-000-56 *Requires Service Body or Flat Bed Option, Contact Dealer for Quote and Details. Requires 31" Ship Through.	\$76,875.00
12DF	DRY FREIGHT: 12' Dry Freight Wide Body with Plywood Liner, Hardwood Floor, Dome Lighting, Roll Up Rear Door, ICC Undeerride * Requires 84" CA and 31" Ship Through	\$12,225.00
14DF	DRY FREIGHT: 14' Dry Freight Wide Body with Plywood Liner, Hardwood Floor, Dome Lighting, Roll Up Rear Door, ICC Undeerride * Requires Proper Wheelbase Option and 31" Ship Through	\$11,940.00
16DF	DRY FREIGHT: 16' Dry Freight Wide Body with Plywood Liner, Hardwood Floor, Dome Lighting, Roll Up Rear Door, ICC Undeerride * Requires Proper Wheelbase Option and 31" Ship Through+B111	\$12,600.00
18DF	DRY FREIGHT: 18' Dry Freight Wide Body with Plywood Liner, Hardwood Floor, Dome Lighting, Roll Up Rear Door, ICC Undeerride * Requires Proper Wheelbase Option and 31" Ship Through	\$13,150.00
20DF	DRY FREIGHT: 20' Dry Freight Wide Body with Plywood Liner, Hardwood Floor, Dome Lighting, Roll Up Rear Door, ICC Undeerride * Requires Proper Wheelbase Option and 31" Ship Through	\$14,800.00
22DF	DRY FREIGHT: 22' Dry Freight Wide Body with Plywood Liner, Hardwood Floor, Dome Lighting, Roll Up Rear Door, ICC Undeerride * Requires Proper Wheelbase Option and 31" Ship Through	\$15,600.00
24DF	DRY FREIGHT: 24' Dry Freight Wide Body with Plywood Liner, Hardwood Floor, Dome Lighting, Roll Up Rear Door, ICC Undeerride * Requires Proper Wheelbase Option and 31" Ship Through	\$16,050.00
26DF	DRY FREIGHT: 26' Dry Freight Wide Body with Plywood Liner, Hardwood Floor, Dome Lighting, Roll Up Rear Door, ICC Undeerride * Requires Proper Wheelbase Option and 31" Ship Through	\$16,250.00
DRY FREIGHT OPTIONS	Dry Freight Optional Equipment: Step Bumper \$600, Pull Out Ramp \$2500, E- Track \$25 x Length of Body, Includes 1 Row each side, Forklift Reinforcement \$700, 12" Scuff Liner \$32 X Length of Body	\$2,500.00
CRANE BODY OPT	CRANE BODY OPTION: MASTERLOCKS FOR TITAN AUTO CRANE	\$1,200.00
12LSB	LANDSCAPE BODY: 12' Landscape body. Includes 36" Beavertail, Dual 5' Ramp, 14" Expanded Sides and Bulkhead Storage. Requires 84" CA. 31"	\$9,900.00
14LSB	LANDSCAPE BODY: 14' Landscape body. Includes 36" Beavertail, Dual 5' Ramp, 14" Expanded Sides and Bulkhead Storage. Requires 108" CA. 31"	\$10,650.00
16LSB	LANDSCAPE BODY: 16' Landscape body. Includes 36" Beavertail, Dual 5' Ramp, 14" Expanded Sides and Bulkhead Storage. Requires 120" CA. 31"	\$10,900.00
LANDSCAPE OPT.	DUAL WEEDEATER RACK	\$635.00
LANDSCAPE OPT.	WATER COOLER & RACK	\$475.00
LANDSCAPE OPT.	BLOWER RACK	\$600.00
BODY OPTION	30" UNDERBODY BOX	\$630.00
BODY OPTION	36" UNDERBODY BOX	\$650.00

Order Code	Description	Price
BODY OPTION	48" UNDERBODY BOX	\$675.00
BODY OPTION	60" UNDERBODY BOX	\$720.00
TGA	1300# TOMMY GATE G2 60 1342 TP27 STEEL PLATFORM	\$3,355.00
TGB	1300# TOMMY GATE G2 60 X 38 2 PIECE STEEL	\$3,480.00
TGC	1300# TOMMY GATE G2 60 X 27 ALUMINUM	\$4,030.00
TGD	1300# TOMMY GATE G2 60 X 38 ALUMINUM 2 PIECE	\$4,155.00
TGE	1300# TOMMY GATE G2 60 X 48 2 PIECE ALUMINUM	\$4,430.00
TGF	1500# TOMMY GATE G2 60 1642 TP27 STEEL PLATFORM	\$3,455.00
TGH	1500# TOMMY GATE G2 60 X 38 2 PIECE STEEL	\$4,155.00
THI	1500# TOMMY GATE G2 60 X 27 ALUMINUM	\$4,205.00
THJ	1500# TOMMY GATE G2 60 X 38 ALUMINUM 2 PIECE	\$4,405.00
TGK	1500# TOMMY GATE G2 60 X 48 ALUMINUM 2 PIECE	\$4,605.00
TH1	THIEMAN 1500# TT15ET 56 X 26 STEEL 1 PIECE	\$3,625.00
TH2	THIEMAN 1500# TT15ET 56 X 42 STEEL 2 PIECE	\$3,955.00
TH3	THIEMAN 1500# TT15ET 56 X 26 ALUMINUM 1 PIECE	\$3,855.00
TH4	THIEMAN 1500# TT15ET 56 X 32 ALUMINUM 2 PIECE	\$4,275.00
TH5	THIEMAN 1500# TT15ET 56 X 44 ALUMINUM 2 PIECE	\$4,555.00
RAIL GATE	1600# RAILGATE TOMMY GATE 89-16 TP37	\$4,800.00
RAIL GATE	2000# RAILGATE TOMMY GATE 89-20 TP42	\$5,200.00
RAIL GATE	2500# RAILGATE TOMMY GATE 89-25 TP42	\$6,600.00
RAIL GATE	2500# RAILGATE TOMMY GATE BIFOLD 89-25BF TP60	\$8,750.00
RAIL GATE	3000# RAILGATE TOMMY GATE BIFOLD 89-30BF TP60	\$9,000.00
RAIL GATE	4500# RAILGATE WALTCO WDC 60 X 80	\$15,300.00
TUCKAWAY	1500# TUCKAWAY MAXON T15	\$4,500.00
TUCKAWAY	2000# TUCKAWAY WALTCO C-20	\$4,575.00
TUCKAWAY	2500# TUCKAWAY WALTCO C-25	\$5,225.00
TUCKAWAY	2500# TUCKAWAY TOMMY GATE TKT8025	\$6,900.00
TUCKAWAY	3000# TUCKAWAY TOMMY GATE TKT8030	\$7,250.00
CUES-F550-TVONLY	CUES TV Only - Build-Out for Ford F-550 Diesel Chassis with 16FT Cargo Box with Walkthrough EVO3.0 Interior Group for Control & Equipment Rooms, Onan Diesel Generator System, Storage Package, CUES Exclusive Power Boom Crane, Mainline Pan/Tilt Camera, Rear View Camera & Transporter Package for 6" – 24" Pipe Sizes, 1,000FT Multi-Conductor Cable Package, Summit Power Control System Package, GraniteNet Premium Software Package with Rack Mount Computer System, Cable Protection Package, REDI-Kit Evaluation System, Six Days On-Site Training, Delivery. Full Equipment List Available Upon Request. Package Does Not Included Chassis.	\$212,800.00
CUES-F550-TVLAMP2	CUES TV/LAMP2 - Build-Out for Ford F-550 Diesel Chassis with 16FT Cargo Box with Walkthrough EVO3.0 Interior Group for Control & Equipment Rooms, Onan Diesel Generator System, Storage Package, CUES Exclusive Power Boom Crane, Mainline Pan/Tilt Camera, Rear View Camera & Transporter Package for 6" – 24" Pipe Sizes, 1,000FT Multi-Conductor Cable Package, Summit Power Control System Package, Full LAMP2 Lateral Launch System with Mini Pan/Tilt Camera, GraniteNet Premium Software Package with Rack Mount Computer System, Lateral Inspection Module for GraniteNet, Cable Protection Package, REDI-Kit Evaluation System, Six Days On-Site Training, Delivery. Full Equipment List Available Upon Request. Package Does Not Included Chassis.	\$314,497.00
CUES-F550-TVDUC	CUES TV/DUC - Build-Out for Ford F-550 Diesel Chassis with 16FT Cargo Box with Walkthrough EVO3.0 Interior Group for Control & Equipment Rooms, Onan Diesel Generator System, Storage Package, CUES Exclusive Power Boom Crane, Mainline Pan/Tilt Camera, Rear View Camera & Transporter Package for 6" – 24" Pipe Sizes, 1,000FT Multi-Conductor Cable Package, Summit Power Control System Package, Full DUC Digital Side-Scanning System with DUC Software Modules, GraniteNet Premium Software Package with Rack Mount Computer System, Cable Protection Package, REDI-Kit Evaluation System, Six Days On-Site Training, Delivery. Full Equipment List Available Upon Request. Package Does Not Included Chassis.	\$276,728.00
Gas Base 575	Base Care Ford Protect Extended service plan for Incomplete chassis. Five Year, 75000 Miles, 3000 Hour Zero deductible. Pricing per Ford Protect Florida Retail 8/2018	\$2,900.00
Gas Extra 575	ExtraCare Ford Protect Extended service plan for Incomplete chassis. Five Year, 75000 Miles, 3000 Hour Zero deductible. Pricing per Ford Protect Florida Retail 8/2019	\$3,145.00
Gas Premium 575	PremiumCare Ford Protect Extended service plan for Incomplete chassis. Five Year, 75000 Miles, 3000 Hour Zero deductible. Pricing per Ford Protect Florida Retail 8/2020	\$3,615.00
Gas Base 5.100	Base Care Ford Protect Extended service plan for Incomplete chassis. Five Year, 75000 Miles, 4000 Hour Zero deductible. Pricing per Ford Protect Florida Retail 8/2021	\$3,425.00
Gas Extra 5.100	ExtraCare Ford Protect Extended service plan for Incomplete chassis. Five Year, 75000 Miles, 4000 Hour Zero deductible. Pricing per Ford Protect Florida Retail 8/2022	\$2,855.00

Order Code	Description	Price
Gas Premium 5.100	PremiumCare Ford Protect Extended service plan for Incomplete chassis. Five Year, 75000 Miles, 4000 Hour Zero deductible. Pricing per Ford Protect Florida Retail 8/2023	\$4,435.00
DIESEL Base 575	Base Care Ford Protect Extended service plan for Incomplete chassis. Five Year, 75000 Miles, 3000 Hour Zero deductible. Pricing per Ford Protect Florida Retail 8/2018	\$3,125.00
DIESEL Extra 575	ExtraCare Ford Protect Extended service plan for Incomplete chassis. Five Year, 75000 Miles, 3000 Hour Zero deductible. Pricing per Ford Protect Florida Retail 8/2019	\$3,410.00
DIESEL Premium 575	PremiumCare Ford Protect Extended service plan for Incomplete chassis. Five Year, 75000 Miles, 3000 Hour Zero deductible. Pricing per Ford Protect Florida Retail 8/2020	\$3,940.00
DIESEL Base 5.100	Base Care Ford Protect Extended service plan for Incomplete chassis. Five Year, 75000 Miles, 4000 Hour Zero deductible. Pricing per Ford Protect Florida Retail 8/2021	\$4,150.00
DIESEL Extra 5.100	ExtraCare Ford Protect Extended service plan for Incomplete chassis. Five Year, 75000 Miles, 4000 Hour Zero deductible. Pricing per Ford Protect Florida Retail 8/2022	\$4,725.00
DIESEL Premium 5.100	PremiumCare Ford Protect Extended service plan for Incomplete chassis. Five Year, 75000 Miles, 4000 Hour Zero deductible. Pricing per Ford Protect Florida Retail 8/2023	\$5,520.00
OZN	Out of Zone purchase and Delivery. Does not include unique shipping circumstances when final product demands shipping outside the state of Florida. Note: Emmissions codes for specific region.	\$446.00
TTO	Tag and Title processing and handling fee. Tags are processed at the local tag office and physically picked up for client and affixed to vehicle prior to deliver. Cost includes electronic administrative fee, manual processing courier, and Fedex related expense.	\$48.00
TMP	30 Day Florida Temporary Tag. Requires (TTO) Tag/Title Option	\$7.00
TX	Transfer Tag Charge: (Florida only) Please send scan of agency registration with tag ID clearly indicated. Requires (TTO) Tag/Title Option, includes (TMP)	\$90.00
TAG	New Tag Charge (Florida only) Requires (TTO) Tag/Title option. Specify City, State, or Sheriffs Tag. Includes (TMP)	\$125.00

Options: Palmetto Ford Truck Sales, Inc.

Order Code	Description	Price
54 F	Mirrors, PowerScope® Power Glass T-Tow (w/XLT)	\$275.00
166	Carpet Delete (XLT) - Credit	\$10.00
435	Window, Power Sliding Rear	\$400.00
474	Wrecker Package (145"WB)	\$295.00
512	Spare Tire, Jack and Wheel	\$345.00
525	Cruise Control	\$230.00
531	Trailer Towing Package	\$43.00
535	High Capacity Trailer Tow	\$575.00
595	Halogen Fog Lamps	\$123.00
872	Rear View Camera & Prep Kit (Requires 872I)	\$410.00
926	Customizable Speed Limit (65 mph)	\$78.00
927	Customizable Speed Limit (75 mph)	\$78.00
942	Daytime Running Lamps (Fleet only)	\$43.00
1.5PSI	1,500 Watt Pure Sine Inverter with remote	\$2,389.00
108CA	108" Cab to Axle	\$341.00
10SB	Knapheide, Reading 10' Flatbed, Minimum 40" Removable Stake Sides, ICC Rear Bumper	\$11,776.00
11FT2YD	Knapheide, Rugby - Deduct \$1000. 11' 2/3YD Dump with 12" sides, ICC Rear Bumper, Manual Tarp and Electric Hoist. Req. 84CA	\$17,698.00
11FT3YD	Knapheide (16" Sides), Rugby - Deduct \$1,000 (17" Sides), Load Pro (14" Sides and 20" Two Way Gate). 11' 3/4YD Dump, ICC Rear Bumper, Manual Tarp and Electric Hoist. Add \$980 for Drop Down Sides. Req. 84CA	\$18,235.00
11UB	11' Utility Body - Knapheide, Reading or Stahl (Req. 84CA). Add \$1,100 for Flip Top, Add \$ 915 for Compartment Lighting, Add \$625 for Master Lock System, Add \$3,900 for Crane Reinforcement for 4,000lb Crane, Add \$ 4,500 for Enclosed Mid-Roof body	\$14,390.00
120CA	120" Cab to Axle	\$522.00
12CD	Knapheide 12' Contractors Dump, 14" Sides, Barn Doors ICC Rear Bumper and Manual Tarp. Add \$1,785 for Reading with 14" Drop Down Sides and 20" Two Way Gate. Req. 84CA	\$16,756.00
12KW	12,000 lb. Winch with Remote	\$3,290.00
12SB	Knapheide, Reading 12' Flatbed, Minimum 40" Removable Stake Sides, ICC Rear Bumper. Req. 84CA. Add \$2,994 for Electric Hoist	\$12,083.00

Order Code	Description	Price
12VB	Amercian Commercial 12'x96"x96" Aluminum Van Body, Dry Freight, Roll Up Rear Door, Dome Light, LED ICC Lights, ICC Rear Bumper, Composite Kick Plate, 24" Steel Threshold Plate. Add \$500 for FRP Body, Add \$445 for Full Width Step Bumper, Add \$232 for 1 Row of E-Track on 2 Walls, Add \$4,840 for 1,600LB Tommygate Railgate Liftgate, Add \$5,380 for 2,000LB Tommygate Railgate Liftgate	\$13,550.00
14CD	Knapheide 14' Contractors Dump, 14" Sides, Barn Doors ICC Rear Bumper and Manual Tarp. Add \$1,285 for Reading with 14" Drop Down Sides and 20" Two Way Gate Req. 108CA	\$17,966.00
14SB	Knapheide, Reading 14' Flatbed, Minimum 40" Removable Stake Sides, ICC Rear Bumper. Req. 108CA. Add \$3,190 for Electric Hoist	\$12,903.00
14VB	Amercian Commercial 14'x96"x96" Aluminum Van Body, Dry Freight, Roll Up Rear Door, Dome Light, LED ICC Lights, ICC Rear Bumper, Composite Kick Plate, 24" Steel Threshold Plate. Add \$575 for FRP Body, Add \$445 for Full Width Step Bumper, Add \$262 for 1 Row of E-Track on 2 Walls, Add \$4,840 for 1,600LB Tommygate Railgate Liftgate, Add \$5,380 for 2,000LB Tommygate Railgate Liftgate	\$13,855.00
16CD	Knapheide 16' Contractors Dump, 14" Sides, Barn Doors ICC Rear Bumper and Manual Tarp. Add \$1,450 for Reading with 14" Drop Down Sides, 20" Two Way Gate and Class F PTO Driven Hoist that Req. PTO and 62R Options. Req. 120CA	\$18,646.00
16S	All-Weather Floor Mats (SC/CC) (XLT)	\$133.00
16SB	Knapheide, Reading 16' Flatbed, Minimum 40" Removable Stake Sides, ICC Rear Bumper. Req. 120CA. Add \$3,680 for Electric Hoist	\$13,410.00
16VB	Amercian Commercial 16'x96"x96" Aluminum Van Body, Dry Freight, Roll Up Rear Door, Dome Light, LED ICC Lights, ICC Rear Bumper, Composite Kick Plate, 24" Steel Threshold Plate. Add \$595 for FRP Body, Add \$445 for Full Width Step Bumper, Add \$285 for 1 Row of E-Track on 2 Walls, Add \$4,840 for 1,600LB Tommygate Railgate Liftgate, Add \$5,380 for 2,000LB Tommygate Railgate Liftgate	\$14,209.00
17F	XL Décor Package (ordered w/o option 96V)	\$216.00
17V-RC	XLT Value Package (Regular Cab)	\$1,455.00
17V-SC/CC	XLT Value Package (Super & Crew Cabs)	\$1,596.00
18A	Upfitter Interface Module	\$290.00
18B-RC	Cab Steps (w/ Regular Chassis Cab)	\$315.00
18B-SC/CC	Cab Steps (w/ Super/Crew Chassis Cab)	\$440.00
1KI	1,000 Watt Inverter with remote	\$455.00
20XLP	JerrDan 20' 6-Ton XLP Low Profile Steel Carrier, Yellow Anti-Slip Paint on Approach Tip, 6" Removable Rails, Yellow Anti-Slip Paint on Rubrails, 8,000lb Winch with Dual Manual Free Spool Option, 3,500lb L-Arms, 60" Toolbox, 7-Way Electrical Conector, Standard Chains and Straps. Add \$276 for Chain Rack on Headboard, Add \$98 for Pair of Work Lights on Headboard, Add \$90 for Pair of Work Lights Abreast of Winch, Add \$450 for Stationary 2" Receiver, Add \$231 for Magnetic Tow Lighths, Add \$296 for Suction Mounted Tow Lights. Req 120CA Option	\$39,985.00
21N	Navigation System	\$565.00
21X	Vehicle Safe by Console Vault	\$327.00
23LB	23" Mini Light Bar	\$615.00
39S	SiriusXM® Satellite Radio	\$180.00
3K	Additional Key / Key Fob	\$155.00
3KI	3,000 Watt Inverter with remote	\$655.00
3KPSI	3,000 Watt Pure Sine Inverter with remote	\$2,899.00
41A	Rapid-Heat Supplemental Cab Heater	\$248.00
41H	Heater, Engine Block	\$96.00
43B	Defrost w/ Fixed & Privacy Glass	\$58.00
43B	Heated Backlight/Rear Window Defrost (Included w/435)	\$0.00
43C	110V/400W Outlet	\$170.00
4KEHC	Venturo 4,000lb Electric / Hydraulic Crane or Stellar Electric Crane, Add \$2,900 for Liftmoore Electric Crane, Add \$3,000 for Autocrane Electric / Hydraulic Crane, Manual Outriggers	\$17,598.00
52B	TowCommand Integrated Trailer Brake Controller	\$265.00
54K	Manual Telescoping Trailer Tow Mirrors (XL w/ 90L)	\$0.00
59H	Center High Mount Stop Lamp (CHMSL)	\$0.00
5KCB	Knapheide 9' Crane Body for 5,000lb Crane - Inc. Chassis Suspension Reinforcement, Standard Shelving and 12" Rear Bumper Add \$1,459 for 11' Crane Body. Requires Crane Selection	\$24,995.00
5KEHC	Venturo 5,000lb Electric / Hydraulic Crane, Deduct \$400 for Stellar Electric Crane, Add \$3,800 for Liftmoore Electric Crane, Add \$4,000 for Autocrane Electric / Hydraulic Crane, Manual Outriggers	\$20,775.00
60C	Audible Lane Departure Warning	\$110.00
60W	Heated Wiper Park -- Chassis	\$24.00
61J	Tire Jack	\$53.00
61L	Front Wheel Well Liners	\$173.00
62M	Adjustable Gas and Brake Pedals (Elect XLT)	\$115.00

Order Code	Description	Price
62R	Transmission Power Take-Off Provision (Inc. w/99T) Requires PTO option	\$275.00
63A	Utility Lighting System	\$156.00
63C	Aft-Axle Frame Extension (beyond wheel base)	\$110.00
63G	Bright Grille	\$0.00
64D	Aluminum Wheels (XLT)	\$1,090.00
65C	Fuel Tank, Dual Diesel (28.5 Gal.& 40 Gal.)	\$620.00
65M	Fuel Tank, 28.5 Gal. Midship	\$123.00
67B	Dual Extra Heavy-Duty Alternator	\$110.00
67H	Suspension Package, Heavy Service	\$122.00
67P	Extra HD Front End Suspension - GAWR 7,500 lbs.	\$280.00
67X	Suspension Package, Extra Heavy Service	\$122.00
68M	19.5K GVWR Package	\$0.00
6KCB	Reading 9' Crane Body for 6,000lb Crane Inc. Add \$2,840 for 11' Crane Body. Requires Crane Selection	\$19,656.00
6KEHC	Venturo 6,000lb Electric / Hydraulic Crane, Deduct \$1,000 for Stellar Electric Crane, Add \$3,800 for Liftmoore Electric Crane, Add \$4,000 for Autocrane Electric / Hydraulic Crane, Manual Outriggers	\$22,697.00
76C	Exterior Back-up Chime	\$138.00
76S	Remote Start System	\$248.00
84CA	84" Cab to Axle	\$168.00
86A	Engine Idle Shutdown - 5 Minutes	\$250.00
86B	Engine Idle Shutdown - 10 Minutes	\$250.00
86C	Engine Idle Shutdown - 15 Minutes	\$250.00
86D	Engine Idle Shutdown - 20 Minutes	\$250.00
86M	Dual Batteries (78 Amp.) req. 7.3L Gas	\$205.00
86S	Low Deflection Package	\$108.00
872I	Factory Back-Up Camera Kit and Installation	\$608.00
87H	Hood Deflector -- Black Molded	\$128.00
90A	Driver Heated Seat	\$110.00
90L-CC	Power Equip Group on XL Only (Crew Cabs)	\$1,120.00
90L-RC/SC	Power Equip Group on XL Only (Reg & Super Cabs)	\$910.00
91G	LED Warning Strokes - White	\$720.00
91S	LED Warning Strokes - Amber	\$670.00
94P	Pre-Collision Assist (AEB)	\$110.00
96V	XL Value Package	\$720.00
98G	CNG/LPG Fuel Capable Engine (w/ 7.3L only)	\$310.00
98R	Operator Commanded Regeneration (OCR)	\$245.00
99N	7.3L 2V DEVCT V8 Gasoline Engine - Credit	\$5,000.00
9FT2YD	Knapheide, Rugby - Deduct \$1,000. 9' 2/3YD Dump with 12" sides, ICC Rear Bumper, Manual Tarp and Electric Hoist	\$17,280.00
9FT3YD	Knapheide (16" Sides), Rugby - Deduct \$1,000 (17" Sides), Load Pro (14" Sides and 20" Two Way Gate). 9' 3/4YD Dump, ICC Rear Bumper, Manual Tarp and Electric Hoist. Add \$890 for Drop Down Sides	\$17,680.00
9SB	Knapheide, Reading 9' Flatbed, Minimum 40" Removable Stake Sides, ICC Rear Bumper	\$11,460.00
9UB	9' Utility Body - Knapheide, Reading or Stahl. Add \$1,100 for Flip Top, Add \$ 915 for Compartment Lighting, Add \$625 for Master Lock System, Add \$3,000 Crane Reinforcement for 4,000lb Crane , Add \$ 4,300 for Enclosed Mid-Roof body	\$12,990.00
A4CS	Four Corner Strokes - Amber LED	\$680.00
ATR-41-I	Signalier ATR-41 Articulated Telescopic Insulated 41' Working Height 36"x60" Aluminum Working Platform with Walk in Door, 9' Utility Body with Tailshelf. Deduct \$2,500 for Non Insulated Unit. Add \$11,950 for Manual Jib, Hydraulic Winch with up to 1,000lb Capacity and Rear H-Frame Outriggers, Add \$3,400 for ATR-45 45' Working Height Unit. Inc. PTO, Req. 62R and 68M 19,500 GVWR options	\$91,994.00
ATR-45-I	Signalier ATR-52 Articulated Telescopic Insulated 52' Working Height 36"x60" Aluminum Working Platform with Walk in Door, 11' Utility Body with Tailshelf. Add \$11,950 for Manual Jib, Hydraulic Winch with up to 1,000lb Capacity and Rear H-Frame Outriggers, Deduct \$3,500 for Non Insulated Unit. Inc. PTO, Req. 62R and 68M 19,500 GVWR options	\$96,855.00



Order Code	Description	Price
BUC	Aftermarket 7.5" Screen Back Up Camera System	\$772.00
CNG-D	Dedicated 40 Gas Gallon Equivilant System - Two Tank Enclosed iPack Behind Cab, Requires additional 24" Cab to Axle	\$29,000.00
CS	Cab Shield - Back of Cab with Mesh Window	\$699.00
D8RL	New Way Diamondback 8RL 8 CY Rear Loader Refuse Body, Semi-Automatic Cycling, Auto Lock Tailgate, Chrome Cylinders, Driver Alert Buzzer, LED Body Lights, Lightbar, Work Lights Inside Upper Tailgate Shining in Hopper, Side Access Door, Strobe Light, Quick Disconnect Pressure Port at Front Valve, Safety Shutdown, Tailgate Ajar Indicator, Riding Steps at Rear, Rear View Camera, Plastic Fenders. Req. 108CA Option. Recommend 19,500 GVWR Option	\$52,993.00
DLR	Ladder Rack - Double Fold Down	\$3,135.00
FECP	Ford Extended Coverage Plan - Contact Dealer with Requirements for Availability / Pricing	\$0.00
FMP	Ford Maintenance Plan - Contact Dealer with Requirements for Availability / Pricing	\$0.00
FSWSPKG1	51" Federal Signal Valor Amber Lightbar with Front and Rear Full Flood Feature, Six Button Controller, Federal Signal White LED Corner Storbes with 19 Patterns, 100AMP Circuit Breaker	\$4,593.00
FSWSPKG2	51" Federal Signal Valor Amber Lightbar with Front and Rear Full Flood Feature, Six Button Controller, Federal Signal White LED Corner Storbes with 19 Patterns, HID Stryker Wired Dash Remote, 100AMP Circuit Breaker	\$5,488.00
FSWSPKG3	51" Federal Signal Valor Amber Lightbar with Front and Rear Full Flood Feature, Six Button Controller, Federal Signal White LED Corner Storbes with 19 Patterns, HID Stryker Wired Dash Remote, 800 Watt Inverter, 100AMP Circuit Breaker	\$6,395.00
FWLB	51" Federal Signal Valor Amber Lightbar with Front and Rear Full Flood Feature	\$3,295.00
GG	Grille Guard	\$1,494.00
HOR	Hydraulic Outriggers - In-Out / Up-Down, Requires 62R and PTO Options	\$7,400.00
KMT1	Knapheide 6132DLR-44K 11' crane body with torq-isolator crane support system, (6) resessed cargo tie downs in floor - 6,000lb capacity, LED light package, 21" work surface rear bumper with thru compartment, vise plate, 2" receiver tube, hydraulic pump for crane, hydraulic reservoir guard, master locking system, cab protector, (4) work lights, hydraulic outriggers, 44" high side packs, 60" high right front vertical compartment with T-handles, seven drawer unit in first virticle compartment, gas bottle retainer, vented top and bottom. Req. 84CA, Crane Selection and 62R PTO Provision	\$40,950.00
KMT2	Knapheide 6132DLHH-60K 11' crane body with torq-isolator crane support system, (6) resessed cargo tie downs in floor - 6,000lb capacity, LED light package, 24" work surface rear bumper with thru compartment, vise plate, pintle mount plate and pintle, hydraulic pump for crane, hydraulic reservoir guard, master locking system, cab protector, (4) work lights, hydraulic outriggers, 60" high side packs with T-handles, seven drawer unit in first virticle compartment, gas bottle retainer, vented top and bottom. Req. 84CA, Crane Selection and 62R PTO Provision	\$43,540.00
LABOR	Hourly Labor Rate	\$105.00
LG13UB	Tommygate 1,300lb Liftgate, Add \$300 for 1,600lb Liftgate - For Utility Body	\$3,180.00
LG15UB	Thieman 1,500lb Liftgate, Add \$700 for Aluminum Platform - For Service Body	\$3,300.00
LG16FB	Thieman 1,600lb Liftgate for Flatbed Body	\$3,995.00
LG20FB	Tommygate 2,000lb Liftgate, Add \$500 for Theiman. For Flatbed Body	\$3,995.00
MHB800	New Way Mamba HB800 8 CY Side Loader Refuse Body with Lift, Auto Lock Tailgate, LED Body Lights, Work Light in Hopper, Chrome Cylinders, Strobe Light, Manual Packing Controls, Quick Connect Pressure Port at Front Valve, Safety Shutdown, Tailgate Ajar Indicator, Rear View Camera. Req. 108CA. Recommend 19,500 GVWR Option	\$56,832.00
MM112-VP	Reading Master Mechanic 9' Crane Body with Velocity Package, master lock system, 20" work bench storage bumper, 2" hitch, LED compartment lighting, five drawer unit in roadside compartment, bolt bin in horizontal roadside compartment and manual outriggers. Req. Crane Selection	\$23,755.00
MM225-VP	Reading Master Mechanic 11' Crane Body with Velocity Package, 60" high first two compartments on roadside, master lock system, 20" work bench storage bumper, 2" hitch, LED compartment lighting, five drawer unit in first and second roadside compartments, bolt bin in horizontal roadside compartment, welder storage, drawer in first curbside compartment and manual outriggers. Req. 84CA, Crane Selection and 62R PTO Provision	\$28,950.00
MPL40	JerrDan MPL-40 Twin Line Wrecker with Recovery Boom, Tow Sling, Aluminum Body, 4,000lb Wheel Lift, Wired Remote, Dual 8,000lb Winches, Aluminum Stone Guard Kit, 22 Head LED Lightbar. Add \$3,935 for 24" Aluminum Tunnel Toolbox with Stone Guard Kit and Reinforced for Arrowstick (Req. 84CA), Add \$712 for Motorcycle Towing Adapter, Add \$1,917 for Self Loading Aluminum Dolly with Storage Brackets, Add \$1,430 for 5th Wheel / Goose Neck Attachment Combo, Add \$119 for Fuel Can Holder, Add \$231 for Magnetic Tow Lighs, Add \$296 for Suction Mounted Tow Lights. Req. 19,500 GVWR Option	\$47,772.00
MPLNGS	JerrDan MPL-NGS Self Loader Wrecker, 4,000lb Wheel Lift, 8,000lb Winch, 22 Head LED Lightbar, Standard Chains and Straps. Add, \$3,980 for Aluminum Body in Lieu of Steel Body, Add \$500 for Low Angle Grid Recovery Sheave, Add \$712 for Motorcycle Towing Adapter, Add \$1,917 for Self Loading Aluminum Dolly with Storage Brackets, Add \$1,430 for 5th Wheel / Goose Neck Attachment Combo, Add \$119 for Fuel Can Holder, Add \$231 for Magnetic Tow Lighs, Add \$296 for Suction Mounted Tow Lights	\$34,802.00
NLBR	Non-Listed Body Request - Contact Dealer to Coordinate	\$0.00
NLER	Non-Listed Equipment Request - Contact Dealer to Coordinate	\$0.00
NTAG	New Yellow Tag - Includes Registration and Administrative Fees	\$225.00
PAT	Paint, Yellow (Fleet Only)	\$658.00
PBY	Paint, School Bus Yellow (Fleet Only)	\$658.00
PE4	Paint, Vermillion Red (Fleet Only)	\$658.00
PGR	Paint, Green (Fleet Only)	\$658.00
PMB	Paint, Orange (Fleet Only)	\$658.00
PRUB	Pipe Rack with Cab Protector for Utility Body	\$1,995.00
PTO	Power Take Off - Requires 62R PTO Provision	\$1,850.00

Order Code	Description	Price
PW6	Paint, Green Gem (Fleet Only)	\$658.00
SL-4321	Signalier 4321 Articulating 43' Working Height Single Man Aerial Bucket, 22' Horizontal Reach, 10' Lamp Body with Full Roll Up Rear and Side Doors, Shelving, Two Under Body Boxes on Each Side. Inc. PTO, Req. 62R	\$71,530.00
SLINER	Spray Liner for 9' Utility Body (Compartment Tops, Cargo Area and Top of Rear Bumper). Add \$135 for 11' Utility Body, Add \$195 for 9' Flatbed, Add \$225 for 11' Flatbed	\$1,435.00
SLR	Ladder Rack - Single Fold Down	\$1,998.00
SLT-29	Signalier SLT-29 29' Working Height Aerial Scissor Lift, 5'x8' Aluminum Platform with Aluminum Tubing and Door on side or rear (please specify), Traveses 5' Driver and Passenger Side, Mounted on 11' Utility Body, Hydraulic Outriggers (One on Each Side), Inc. PTO, Req. 84CA and 62R Options	\$83,860.00
SPOT	Remote Operated GoLight Spot Light	\$795.00
SST-37-ENH	Versalift SST-37-ENH 42' Working Height Non-Insulted Single Man Aerial Bucket, Torsion Bars, 12V DC Power Back-up, GFCI Outlet in Platform, 9' Utility Body with Tailshelf. Add \$600 for 11' Utility Body (Req. 84CA) , Add \$4,400 for Hydraulic Outriggers in Lieu of Torsion Bars, Add \$6,500 for SST-37-EIH Insulated Unit, Add \$8,000 for SST-40-ENH 45' Working Height Non-Insulated Unit, Add \$9,500 for SST-40-EIH Insulated Unit. Inc. PTO, Req. 62R Option.	\$66,535.00
TB	24"x18"x18 Steel Underbody Tool Box, Add \$100 for 36", Add \$200 for 48", Add \$200 for 36" Aluminum, Add \$300 for 48" Aluminum. Add \$175 for Frame Brackets for Dump Body Applications	\$410.00
TEL-29 EIH	Versalift TEL-29 EIH Telescopic 34' Working Height Insulated Aerial Bucket, Torsion Bars, 12V DC Power Back-up, GFCI Outlet in Platform, 9' Utility Body. Add \$600 for 11' Utility Body (Req. 84CA) , Add \$4,400 for Hydraulic Outriggers in Lieu of Torsion Bars, Deduct \$3,500 for Non-Insulated Unit. Inc. PTO, Req. 62R Option	\$60,986.00
TEMP	Temporary Tag - Includes Registration and Administrative Fees	\$55.00
TGK	LT225/70Rx19.5G BSW Traction Tires (6) (4x4)	\$210.00
TGM	LT225/70Rx19.5G BSW Traction Tires (4) A/P (2)	\$185.00
TINT	Tinted Glass - Aftermarket - Additional \$55 for Supercab, Additional \$100 for Crew Cab	\$145.00
TOWPKG	Towing Package Inc. Trailer Wiring Hitch, Removable Insert and 2" Ball (Requires 531 or 535 option). Add \$138 for Pintle / Ball Combo. 18K Receiver Hitch	\$915.00
TTRANS	Transfer Existing Tag - Includes Renewal and Administrative Fees	\$185.00
VST-36-I	Versalift VST-36-I Articulated Telescopic 41' Working Height Insulated Two Man Aerial Bucket, 9' Utility Body with Tailshelf. Deduct \$2,500 for Non-Insulated Unit, Add. \$3,400 for VST-40-I 45' Working Height Unit, Add \$11,950 for Manual Jib, Hydraulic Winch with up to 1,000lb Capacity and Rear H-Frame Outriggers. Inc. PTO, Req. 62R and 68M 19,500 GVWR options	\$85,818.00
VST-47-I	Versalift VST-47-I Articulated Telescopic 51' Working Height Insulated Two Man Aerial Bucket, 11' Utility Body with Tailshelf. Deduct \$3,500 for Non-Insulated Unit, Add \$11,950 for Manual Jib, Hydraulic Winch with up to 1,000lb Capacity and Rear H-Frame Outriggers. Inc. PTO, Req. 62R and 68M 19,500 GVWR options	\$90,846.00
W4CS	Four Corner Strokes - White LED	\$680.00
W5H	Crew Cab and Chassis	\$3,740.00
X4L	Axle, Limited Slip Ratio 4.30 (6.7L)	\$355.00
X4N	Axle, Limited Slip Ratio 4.10 (6.7L)	\$355.00
X5H	Super Cab and Chassis	\$2,880.00
X8L	Axle, Limited Slip Ratio 4.88 (7.3L)	\$355.00
XLT-CC	Crew Cab - Chrome 2-Bar Grille, Chrome Front Bumper, 4.2" LCD Productivity Screen, Aux Audio Input Jack, Power Equipment Group, Carpet Floor Covering, Floor Mats, Cloth Seats, Advanced Security Pack, MyKey, Remote Keyless Entry, Passive Anti-Theft System, Cruise Control, SYNC 3 with 8" LCD Touchscreen, AM/FM/MP3	\$4,505.00
XLT-RC	Regular Cab - Chrome 2-Bar Grille, Chrome Front Bumper, 4.2" LCD Productivity Screen, Aux Audio Input Jack, Power Equipment Group, Carpet Floor Covering, Floor Mats, Cloth Seats, Advanced Security Pack, MyKey, Remote Keyless Entry, Passive Anti-Theft System, Cruise Control, SYNC 3 with 8" LCD Touchscreen, AM/FM/MP3	\$3,460.00
XLT-SC	Super Cab - Chrome 2-Bar Grille, Chrome Front Bumper, 4.2" LCD Productivity Screen, Aux Audio Input Jack, Power Equipment Group, Carpet Floor Covering, Floor Mats, Cloth Seats, Advanced Security Pack, MyKey, Remote Keyless Entry, Passive Anti-Theft System, Cruise Control, SYNC 3 with 8" LCD Touchscreen, AM/FM/MP3	\$3,735.00

# CITY OF PALM BAY

<b>Prepared for:</b>		<b>Contract Holder</b>		<b>DATE:</b>	
CITY OF PALM BAY DAVE MOORE <a href="tel:321-409-6325">321-409-6325</a> <a href="mailto:David.Moore@palmabayflorida.org">David.Moore@palmabayflorida.org</a>		DUVAL FLEET Bambi Darr (Work) 904-381-6596 (Fax) 904-387-6816 <a href="mailto:Bambi.Darr@duvalfleet.com">Bambi.Darr@duvalfleet.com</a> 5203 Waterside Dr. Jax, FL 32210		7/28/20	
<b>PLEASE CONFIRM RECEIPT OF QUOTE VIA EMAIL</b>					
<p><i>I appreciate your interest and the opportunity to quote. Prices are published by the Florida Sheriff's Association/ Florida Association of Counties &amp; Florida Fire Chiefs' Association Automotive Contract #FSA19-VEL27.0 chassis / FSA19-VEH17.0. (www.flsheriffs.org) If you have any questions regarding this quote please call! Vehicle will be ordered white exterior unless specified on purchase order.</i></p>					
Labor	Code	Equipment	Price		
0	ITEM 38	2019 FORD F-550 REGULAR CAB & CHASSIS (DUAL REAR WHEEL) - 4X4 F5H	\$ 38,558.00		
0	660A	XL TRIM PACKAGE	NC		
0	99T	6.7L POWER STROKE DIESEL	NC		
0	CA1	UPGRADE TO 169" WHEELBASE 84" CA FOR 11FT DUMP BODY	\$ 1,814.00		
0	90L	POWER WINDOWS/ DOOR LOCKS	\$ 914.00		
	X8L	4.88 LIMITED SLIP	NC		
0	68M	PAYLOAD PLUS PACKAGE UPGRADE	\$ 1,154.00		
0	18B	PLATFORM RUNNING BOARDS	\$ 319.00		
	213	ELECTRONIC SHIFT ON THE FLY	\$ 184.00		
0	65M	MID-SHIP FUEL TANK	\$ 124.00		
0	67X	EXTRA HEAVY SERVICE SUSPENSION	\$ 124.00		
0	96V	XL VALUE PACKAGE- CRUISE CONTROL & SYNC	\$ 724.00		
0	62R	TRANSMISSION POWER TAKE OFF PROVISION	\$ 279.00		
0	872	BACKUP CAMERA & PREP KIT- SHIPS LOOSE WITH WIRING BUNDLE	\$ 414.00		
0	534	HEAVY DUTY TOWING- INCLUDES CLASS IV/V TRAILER HITCH, CLASS V BALL MOUNT, PIN CLIP AND 2 5/16" BALL. 7-WAY TRAILER PLUG INCLUDED (MAY SUBSTITUTE 6-WAY PLUG)	\$ 1,645.00		
0	CAMLOC	RELOCATE CAMERA ONCE DUMP BODY IS COMPLETE	\$ 255.00		
0	76C	BACKUP ALARM	\$ 139.00		
0	11D	11FT DUMP BODY WITH MANUAL GROUND CONTROL TARP	\$ 12,888.00		
0	31V	SHIP THROUGH TO INCLUDE WEIGHT SLIP, CERIFICATION, MSO & DEALER PDI	\$ 625.00		
0	3K RKE	ADDITIONAL KEY WITH REMOTE	\$ 350.00		
0	OOS	OUT OF STOCK UNIT: KDA26294 2019 F-550 (SUBJECT TO AVAILABILITY)	\$ (925.00)		
0					
0	Z1	EXTERIOR: OXFORD WHITE	NC		
0	AS	INTERIOR: GRAY VINYL 40/20/40	NC		
0		VINYL FLOOR	NC		
	VENDOR COMMENTS	PLEASE CLEARLY NOTATE ON YOUR PURCHASE ORDER WHERE DUVAL FORD IS TO SHIP YOUR VEHICLE, HOW THE VEHICLE IS TO BE TITLED, AND WHERE THE INVOICE IS TO BE MAILED.			
<b>UNIT COST</b>			<b>\$ 59,585.00</b>		
<b>TOTAL QUANTITY</b>		<b>1</b>	<b>TOTAL PURCHASE</b>	<b>\$ 59,585.00</b>	





2101 Cantu Court, Sarasota FL 34232

300 Technology Park, Lake Mary FL 32746

7037-37 Commonwealth Avenue, Jacksonville, FL 32220

June 10, 2020

Quote #: Q-00025037

Ron Bult, Small Engine Technician  
Palm Bay  
1050 Malabar Rd  
Palm Bay, FL 32907

**Bill To: 308934**  
PALM BAY, CITY OF  
120 MALABAR RD SE  
PALM BAY, FL 32907

**Ship To: 320560**  
CITY OF PALM BAY  
PUBLIC WORKS DEPARTMENT  
1050 MALABAR RD SW  
PALM BAY, FL 32907-6803

OMNIA Partners (IPA), City of Mesa Cooperative Contract Number: 2017025

All pricing is valid for thirty (30) days

Total Units	Qty	Model No	Description	Price Each	Net Price	Extended Price
1	1	30885	Toro Groundsmaster 4500-D	66,777.33	67,613.98	\$67,613.98
	1	CTFC-17	Cool Top 2X3 Fan & Canopy 17 Degree FRW	800.80		
	1	131-6691	Large Seat Cover **PP	35.85		
1	1	08705	Toro Sand Pro 5040	17,367.44	19,877.64	\$19,877.64
	1	08712	Front Lift Frame ASM	1,559.31		
	1	08713	Flex Blade	886.01		
	1	131-6690	Small Seat Cover **PP	34.00		
	1	115-2080	Infield Pro Hood Decal LH	15.44		
	1	115-2082	Infield Pro Hood Decal RH	15.44		

Terms:	Net 30 Days
Equipment Total	\$ 87,491.62
State Sales Tax (6.00% + 1.00% County Surtax)	\$ 0.00
<b>Total</b>	<b>\$ 87,491.62</b>

Please indicate your acceptance of this quote as an order by signing below and returning via e-signature or via fax to Wesco Turf at 941.487.6889. Please include your preference for height of cut and requested delivery dates where applicable.

☐ Check this box if you DO NOT want to receive a hard copy of the Parts Manual.

PDF version is also available online at <https://www.wescoturf.com/content/51-toro-manuals>

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

The above quote meets or exceeds ANSI Safety Specification. Toro Commercial Equipment carries a two-year or 1500 hour warranty.

The preceding pricing is good for 30 days, not including Sales Tax, after which time new pricing would have to be submitted. Time of delivery may vary; please check when placing order. All payments are subject to state and local taxes.

Thank you for considering Wesco Turf, Inc. for your equipment needs. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

**Bill Wallace**

Commercial Golf / Sports Fields & Grounds Territory Manager - Lake Mary  
(321) 403-1074, [bill.wallace@wescoturf.com](mailto:bill.wallace@wescoturf.com)



2101 Cantu Court, Sarasota FL 34232

300 Technology Park, Lake Mary FL 32746

7037-37 Commonwealth Avenue, Jacksonville, FL 32220

June 10, 2020

Quote #: Q-00025038

Ron Bult, Small Engine Technician  
Palm Bay  
1050 Malabar Rd  
Palm Bay, FL 32907

**Bill To: 308934**  
PALM BAY, CITY OF  
120 MALABAR RD SE  
PALM BAY, FL 32907

**Ship To: 320560**  
CITY OF PALM BAY  
PUBLIC WORKS DEPARTMENT  
1050 MALABAR RD SW  
PALM BAY, FL 32907-6803

OMNIA Partners (IPA), City of Mesa Cooperative Contract Number: 2017025

All pricing is valid until August 31, 2020

Total Units	Qty	Model No	Description	Price Each	Net Price	Extended Price
1	1	08705	Toro Sand Pro 5040	17,367.44	23,499.64	\$23,499.64
	1	08712	Front Lift Frame ASM	1,559.31		
	1	08713	Flex Blade	886.01		
	1	131-6690	Small Seat Cover **PP	34.00		
	1	115-2080	Infield Pro Hood Decal LH	15.44		
	1	115-2082	Infield Pro Hood Decal RH	15.44		
	1	TSGL650T7-C	Rahn QAS Groomer w/ HD & Spring Tine Scarifier SP3040/5040	3,622.00		

Terms:	Net 30 Days
Equipment Total	\$ 23,499.64
State Sales Tax (6.00% + 1.00% County Surtax)	\$ 0.00
<b>Total</b>	<b>\$ 23,499.64</b>

Please indicate your acceptance of this quote as an order by signing below and returning via e-signature or via fax to Wesco Turf at 941.487.6889. Please include your preference for height of cut and requested delivery dates where applicable.

☐ Check this box if you DO NOT want to receive a hard copy of the Parts Manual.

PDF version is also available online at <https://www.wescoturf.com/content/51-toro-manuals>

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

The above quote meets or exceeds ANSI Safety Specification. Toro Commercial Equipment carries a two-year or 1500 hour warranty.

The preceding pricing is good until August 31, 2020, not including Sales Tax, after which time new pricing would have to be submitted. Time of delivery may vary; please check when placing order. All payments are subject to state and local taxes.

Thank you for considering Wesco Turf, Inc. for your equipment needs. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

*Bill Wallace*

Commercial Golf / Sports Fields & Grounds Territory Manager - Lake Mary  
(321) 403-1074, [bill.wallace@wescoturf.com](mailto:bill.wallace@wescoturf.com)



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, Acting City Manager

**THRU:** Brian Robinson, Information Technology Director

**DATE:** 8/6/2020

**RE:** Miscellaneous Procurement: "Cooperative Purchase", Disaster Recovery Solution (State of Florida ACS contract; Omnia Partners contract; NCPA (National Cooperative Purchasing Alliance)) – Information Technology Department (World Wide Technology; Software House International (SHI); Empire Computing and Consulting, Inc. - \$387,667).

On July 16, 2020, Council approved the appropriation of funding from undesignated fund balance in the amount of \$624,300 to purchase a Disaster Recovery Solution. The City's goal is to establish an offsite replication infrastructure at South Regional Water Treatment Plant (SRWTP), a hardened facility, for the placement of additional network, storage, servers, and proper software licensing to extend critical applications and data served citywide during any natural or man-made disaster. Restoration equipment is needed to provide IT services during recovery.

Staff is requesting to utilize the State of Florida ACS Contract #4322000-WSCA-14-ACS Data Communications Products and Services, which expires 5/31/2021, for the storage portion of this solution sourced from World Wide Technology. This State of Florida alternative source contract was previously approved by Council on 10/3/2019 as part of a list of cooperative and other agency contracts the City utilizes for ongoing needs. This contract provides a discount off list price and a set contract price for participating agencies.

Staff is also requesting to utilize the Omnia Partners (formerly National IPA) Contract #2018011 Information Technology Solutions & Services, which expires February 28, 2023 for various categories of IT commodities and services sourced from Software House International (SHI). Like the State Contract, the Omnia Partners contract was previously approved by Council on 10/3/2019 as part of a list of cooperative and other agency contracts the City utilizes for ongoing needs. The contract permits the vendor to offer discounts above and beyond the contract discount, which SHI, Inc. is offering for this quote.

Staff is also requesting to utilize the NCPA (National Cooperative Purchasing Alliance) #01-97 Advanced Technology Solutions Aggregator contract, which expires 7/31/2022, sourced from Empire Computing and Consulting, Inc. to purchase the site replication software.

Although the Procurement Ordinance exempts Cooperative purchases from competition, the IT staff have reviewed multiple cooperative purchase contracts to determine the best State or other Cooperative contracts to use. Most Cooperative contracts have a discount off list. Part of the proposed purchase includes purchases from third party resellers under Cooperative contract to purchase Cisco products, a major manufacturer of computer components. Because Cisco's fiscal year ends July 25, 2020, the manufacturer is offering significant discounts off list to the resellers, who are then able to pass those savings on to the City.

In accordance with the City's Code of Ordinance, Section 38.12(F)(4) Cooperative Purchases: The City may purchase from any cooperative contract, including but not limited to: term contracts by the State of Florida, Federal General Services Administration, and other governmental cooperatives and entities within and outside the State of Florida provided that the cooperative contract is established in compliance with the procurement procedures and requirements of the issuing body, entity, authority, or cooperative. If such other governmental or cooperative contract is utilized, the public notice requirements and the need to utilize the methods of selection processes included in this Ordinance are obviated. The ability to utilize cooperative contracts shall not be restricted by non-participation in the estimated quantities of the City's needs, nor inaccurate estimates of usage by the City prior to award of the cooperative contract. The City may utilize (piggyback) a contract entered into by another governmental or public entity and a provider of supplies or services required by the City, if the Chief Procurement Officer determines that it is practicable and advantageous for the City to employ this method of purchase, and such contracts specify that they are cooperative procurement's at the time of solicitation. Any such contracts equal to or in excess of \$100,000 shall go to the City Council for approval.

Staff is requesting to utilize these contracts for the purchase of this portion of the Disaster Recovery Solution. These procurements includes the majority of the more significant components of the system, including storage servers, site replication software, network switches, and servers necessary to run City systems. Additional smaller components of the Disaster Recovery Solution will be procured in accordance with policies, however, all remaining components are expected to be well below the \$100,000 threshold.

#### **REQUESTING DEPARTMENT:**

Procurement, Information Technology

#### **FISCAL IMPACT:**

Total cost for this portion of the Disaster Recovery Solution is \$387,666.94. Funds were appropriated by Council on 7/16/2020. A budget amendment will be submitted to fund the G/L Accounts listed below on the next schedule budget amendment.

001-2310-519-6413 – \$ 270,535.84 Computer Hardware

001-2310-519-5403 – \$ 117,131.10 Licenses and Subscription

#### **RECOMMENDATION:**

Motion to approve the purchase of Disaster Recovery Solution products from World Wide Technology, Empire Computing and Consulting Inc., and SHI, Inc., off the Cooperative Contracts offering the largest discounts for the City.

**ATTACHMENTS:****Description**

1. State of Florida Contract Information – Contract Details, relevant price page, Participating Addendum Amendment 4, Participating Addendum
2. SHI Exec Summary and Contract Discount
3. Switching Network Switches WWT Quote 5345139\_2\_WSCA
4. Storage Servers WWT Quote 5345138\_2\_WSCA
5. Public Admin Servers SHI Quote-19168874 Omnia Partners
6. Public Safety Server SHI Quote-19163677 Omnia Partners
7. Site Replication Software Empire Quote 16992



[Skip to Main Content](#)



## Department of Management Services

[Florida Department of Management Services](#) > [Business Operations](#) > [State Purchasing](#) > [State Contracts and Agreements](#) > [Alternate Contract Source](#) > Data Communications Products and Services

<< [Return](#)

### Data Communications Products and Services43220000-WSCA-14-ACS

#### Contract Details

<b>Effective Period</b>	09/17/2014 through 05/31/2021
<b>Contract Type</b>	Alternate Contract Source
<b>Contract Information</b>	<ul style="list-style-type: none"><li>• <a href="#">Contractors</a></li><li>• <a href="#">Pricing</a></li><li>• <a href="#">How to Use This Contract</a> ( 232.25 KB)</li><li>• <a href="#">Contractors by Product Category</a> ( 117.56 KB)</li></ul>
<b>Contract Documents</b>	<a href="#">Participating Addenda</a> <a href="#">Master Agreements</a>
<b>Contract Administration</b>	<ul style="list-style-type: none"><li>• <a href="#">Joy Geller</a></li><li>• 850-410-0978</li><li>• <a href="mailto:joy.geller@dms.myflorida.com">joy.geller@dms.myflorida.com</a></li></ul>
<b>Commodity Codes</b>	Please refer to "How to Use This Contract" in the Contract Information section above.

#### Additional Information

State agencies and state universities requiring data communications products and services that are available through [SUNCOM](#) should contact the [Division of State Technology \(DST\)](#) for assistance.

#### Start and end dates vary by contractor:

- **Avaya, Inc.:** 07/13/2015 through 08/31/2020
- **Cisco Systems, Inc.:** 09/17/2014 through 05/31/2021

#### Description

This alternate contract source is for the purchase or lease (as permitted by state and local requirements) of data communications products and services; this contract is only available for products and services that are not available on state term contracts. Please refer to "Contractors by Product Category" in the Contract Information section above for a complete list of products and services that are available from this alternate contract source.

Document reader download link

-  [Adobe PDF Reader](#)





Information Technology Solutions & Services  
Executive Summary

**Lead Agency:** City of Mesa, AZ

**Solicitation:** # 2018011

**RFP Issued:** September 20, 2017

**Pre-Proposal Date:** October 3, 2017

**Response Due Date:** October 23, 2017

**Proposals Received:** 11



**Awarded to:**

The City of Mesa, AZ Department of Procurement issued RFP # 201811 on September 20, 2017, to establish a national cooperative contract for information technology solutions and services.

The solicitation included cooperative purchasing language in the SCOPE of WORK, # 2 “NATIONAL CONTRACT REQUIREMENTS:

**NATIONAL CONTRACT REQUIREMENTS.** The City, as the Principal Procurement Agency, as defined in Attachment D, has partnered with the National Intergovernmental Purchasing Alliance Company (“National IPA”) to make the resultant contract (also known as the “Master Agreement” in materials distributed by National IPA) from this solicitation available to other public agencies nationally, including state and local governmental entities, public and private primary, secondary and higher education entities, non-profit entities, and agencies for the public benefit (“Public Agencies”), through National IPA’s cooperative purchasing program. The City of Mesa is acting as the contracting agency for any other Public Agency that elects to utilize the resulting Master Agreement. Use of the Master Agreement by any Public Agency is preceded by their registration with National IPA as a Participating Public Agency in National IPA’s cooperative purchasing program. Attachment D contains additional information on National IPA and the cooperative purchasing agreement.

Notice of the solicitation was sent to potential offerors, as well as advertised in the following:

- City of Mesa website
- National IPA website
- USA Today, nationwide
- Arizona Business Gazette, AZ
- San Bernardino Sun, CA
- Honolulu Star-Advertiser, HI
- The Advocate – New Orleans, LA
- New Jersey Herald, NJ
- Las Vegas Journal Review, LV
- Times Union, NY
- Daily Journal of Commerce, OR
- The State, SC
- Deseret News, UT
- Richmond Times, VA
- Seattle Daily Journal of Commerce, WA
- Helena Independent Record, MT

On September 20, 2017 proposals were received from the following offerors:

- CDW-G
- Cloudvara
- Connection Public Sector Solutions
- Hye Tech Networks
- Hypertech Direct
- Office Depot
- PCMG
- POP, Inc.
- SHI International
- World Wide Technology, Inc.
- Zones

The proposals were evaluated by an evaluation committee. Using the evaluation criteria established in the RFP, the committee elected to enter into negotiations with SHI International and proceeding with contract award upon successful completion of negotiations.

The City of Mesa, AZ, National IPA and SHI International Corp. successfully negotiated a contract and the City of Mesa executed the agreement with a contract effective date of March 1, 2018.

Contract includes:

A wide variety of technology solutions broken down by category including but not limited to systems, input/output devices, memory, storage devices, network equipment, software, media supplies, collaboration & IP telephony, and other related products & services.

SHI is a 100% minority owned company and a Corporate Plus member of the National Minority Supplier Development Council (NMSDC). Certified by the New York & New Jersey Minority Supplier Development Council (NY/NJ MSDC) and recognized by the 22 other regional affiliates of the NMSDC.

Term:

Initial five- year agreement from March 1, 2018 through February 28, 2023 with the option to renew for two (2) additional one-year periods through February 28, 2025

Pricing/Discount:

SHI offers a discount percentage based on SHI Advertised Price list by category. Refer to pricing document for complete details. In many cases, SHI Advertised List Price already reflects a substantial discount off Manufacturer Published List prices. Given the breadth of manufacturers and products that SHI offers, there will be many opportunities for SHI to secure additional discounts for eligible contract users.

National IPA Web Landing Pages:

[www.nationalipa.org/Vendors/Pages/SHI.aspx](http://www.nationalipa.org/Vendors/Pages/SHI.aspx)

National Pricing Discount

RFP #2018011

For each item listed on the National Pricing Tab, Offerors are encouraged to provide a discount off of a verifiable price list by all manufacturers proposed. For example, Group 2, Item 5 is Keyboards. Offeror(s) may wish to propose more than one manufacturer of keyboards, such as Logitech, Fellow's, Belkin, Kensington, Tripplite, etc. Offeror(s) should provide a separate discount for each manufacturer being proposed. Offeror(s) should add additional columns to the pricing page(s) in order to accommodate additional manufacturers' discounts. In addition to indicating your proposed discounts, you must also apply those discounts to the sample items in the City of Mesa Market Basket tab (below).

- A. Propose a national discount off list price pricing structure. These are the minimum discounts Supplier will offer to Participating Agencies.
- B. Describe the catalog or index that discounts will be taken.
- C. Describe any special manufacturer pricing available to Participating Agencies.
- D. Describe any special large order or large customer pricing or additional discounts available to Participating Agencies.
- E. Describe any products offered by Supplier that are not captured in the pricing matrix below. Describe how Supplier proposes to price those items.

					If applicable, you may add additional manufacturers/discounts	
Item #	Product	Product / Group	Proposed Discount	Manufacturer Name	Proposed Discount	Manufacturer Name
1)	Group 1 - Systems	1) Desktops	4.5%	SHI's Full Catalog of Systems	%	
		2) Notebooks	4.5%	SHI's Full Catalog of Systems	%	
		3) Tablets	4.5%	SHI's Full Catalog of Systems	%	
		4) Servers (1 Processor, 2 Processor, 4+ Processor, Blade, Tower, Unix, Handhelds, etc)	4.5%	SHI's Full Catalog of Systems	%	
2)	Group 2 - Input Devices	5) Keyboards	5.0%	SHI's Full Catalog of Input Devices	%	
		6) Mice	5.0%	SHI's Full Catalog of Input Devices	%	
		7) Imaging Scanners	4.0%	SHI's Full Catalog of Input Devices	%	
		8) POS Scanners	4.0%	SHI's Full Catalog of Input Devices	%	
		9) Pointing Devices	4.0%	SHI's Full Catalog of Input Devices	%	
		10) Bar Code Readers	4.0%	SHI's Full Catalog of Input Devices	%	
		11) Audio Input	4.0%	SHI's Full Catalog of Input Devices	%	
		12) Input Adapters	4.0%	SHI's Full Catalog of Input Devices	%	
		13) PC and Network Cameras	4.0%	SHI's Full Catalog of Input Devices	%	
		14) Input Cables	4.0%	SHI's Full Catalog of Input Devices	%	
		15) Input Accessories	4.0%	SHI's Full Catalog of Input Devices	%	
3)	Group 3 - Output Devices	16) Displays	4.5%	SHI's Full Catalog of Output Devices	%	
		17) Printers	4.5%	SHI's Full Catalog of Output Devices	%	
		18) Inkjet Printres	4.5%	SHI's Full Catalog of Output Devices	%	
		19) Inkjet Photo Printers	4.5%	SHI's Full Catalog of Output Devices	%	
		20) Laser Printers	4.5%	SHI's Full Catalog of Output Devices	%	
		21) Label Printers	4.5%	SHI's Full Catalog of Output Devices	%	
		22) Dot Matrix Printers	4.5%	SHI's Full Catalog of Output Devices	%	
		23) Multi-Function Printers	4.5%	SHI's Full Catalog of Output Devices	%	
		24) Wide Format Printers	4.5%	SHI's Full Catalog of Output Devices	%	
		25) Multi-Function Inkjet Printers	4.5%	SHI's Full Catalog of Output Devices	%	
		26) Wide Format Printers	4.5%	SHI's Full Catalog of Output Devices	%	
		27) Fax Machine Printers	4.5%	SHI's Full Catalog of Output Devices	%	
		28) Printer Accessories	4.5%	SHI's Full Catalog of Output Devices	%	
		29) Projectors	4.5%	SHI's Full Catalog of Output Devices	%	
		30) Projector Accessories	4.5%	SHI's Full Catalog of Output Devices	%	
		31) Audio Input	4.5%	SHI's Full Catalog of Output Devices	%	
		32) Video Cards	4.5%	SHI's Full Catalog of Output Devices	%	
		33) Sound Cards	4.5%	SHI's Full Catalog of Output Devices	%	
		34) Output Accessories	4.5%	SHI's Full Catalog of Output Devices	%	
		35) Printer Consumables	4.5%	SHI's Full Catalog of Output Devices	%	
4)	Group 4 - Memory	36) Desktop	4.5%	SHI's Full Catalog of Memory	%	
		37) Flash	4.5%	SHI's Full Catalog of Memory	%	
		38) Networking	4.5%	SHI's Full Catalog of Memory	%	
		39) Notebook	4.5%	SHI's Full Catalog of Memory	%	
		40) Printer / Fax	4.5%	SHI's Full Catalog of Memory	%	
		41) Server	4.5%	SHI's Full Catalog of Memory	%	
		42) Adapters Fibre Channel	4.0%	SHI's Full Catalog of Storage Devices	%	
		43) Adapters FireWire / USB	4.0%	SHI's Full Catalog of Storage Devices	%	
		44) Adapters IDE/ATA/SATA	4.0%	SHI's Full Catalog of Storage Devices	%	
		45) Adapters RAID	4.0%	SHI's Full Catalog of Storage Devices	%	
		46) Adapters SCSI	4.0%	SHI's Full Catalog of Storage Devices	%	
		47) Bridges & Routers	4.0%	SHI's Full Catalog of Storage Devices	%	
		48) Disk Arrays	4.0%	SHI's Full Catalog of Storage Devices	%	
		49) Disk Arrays JBOD	4.0%	SHI's Full Catalog of Storage Devices	%	

				If applicable, you may add additional manufacturers/discounts		
Item #	Product	Product / Group	Proposed Discount	Manufacturer Name	Proposed Discount	Manufacturer Name
5)	Group 5 - Storage Devices	50) Drives Magneto-Optical	4.0%	SHI's Full Catalog of Storage Devices	%	
		51) Drives Removable Disks	4.0%	SHI's Full Catalog of Storage Devices	%	
		52) Fiber Channel Switches	4.0%	SHI's Full Catalog of Storage Devices	%	
		53) Hard Disks - External	4.0%	SHI's Full Catalog of Storage Devices	%	
		54) Hard Disks - Fibre Channel	4.0%	SHI's Full Catalog of Storage Devices	%	
		55) Hard Disks - IDE/ATA/S	4.0%	SHI's Full Catalog of Storage Devices	%	
		56) Hard Disks - Notebook	4.0%	SHI's Full Catalog of Storage Devices	%	
		57) Hard Disks - SCSI	4.0%	SHI's Full Catalog of Storage Devices	%	
		58) Networking Accessories	4.0%	SHI's Full Catalog of Storage Devices	%	
		59) Optical Drives - CD-ROM	4.0%	SHI's Full Catalog of Storage Devices	%	
		60) Optical Drives - CD-RW	4.0%	SHI's Full Catalog of Storage Devices	%	
		61) Optical Drives - DVD-CD	4.0%	SHI's Full Catalog of Storage Devices	%	
		62) Optical Drives - DVD-RW	4.0%	SHI's Full Catalog of Storage Devices	%	
		63) Storage Accessories	4.0%	SHI's Full Catalog of Storage Devices	%	
		64) Storage - NAS	4.0%	SHI's Full Catalog of Storage Devices	%	
		65) Storage - SAN	4.0%	SHI's Full Catalog of Storage Devices	%	
		66) Tape Autoloaders -AIT	4.0%	SHI's Full Catalog of Storage Devices	%	
		67) Tape Autoloaders - DAT	4.0%	SHI's Full Catalog of Storage Devices	%	
		68) Tape Autoloaders - DLT	4.0%	SHI's Full Catalog of Storage Devices	%	
		69) Tape Autoloaders - LTO	4.0%	SHI's Full Catalog of Storage Devices	%	
		70) Tape Drives - 4mm	4.0%	SHI's Full Catalog of Storage Devices	%	
		71) Tape Drives - 8mm/VXA	4.0%	SHI's Full Catalog of Storage Devices	%	
		72) Tape Drives - AIT	4.0%	SHI's Full Catalog of Storage Devices	%	
		73) Tape Drives - DAT	4.0%	SHI's Full Catalog of Storage Devices	%	
		74) Tape Drives - DLT	4.0%	SHI's Full Catalog of Storage Devices	%	
		75) Tape Drives - LTO/Ultrium	4.0%	SHI's Full Catalog of Storage Devices	%	
		76) Tape Drives SDLT	4.0%	SHI's Full Catalog of Storage Devices	%	
		77) Tape Drives - Travan	4.0%	SHI's Full Catalog of Storage Devices	%	
6)	Group 6 - Network Equipment	78) 10/100 Hubs & Switches	5.0%	SHI's Full Catalog of Network Equipment	%	
		79) Bridges & Routers	5.0%	SHI's Full Catalog of Network Equipment	%	
		80) Gigabit Hubs & Swtiches	5.0%	SHI's Full Catalog of Network Equipment	%	
		81) Concentrators & Multiplexers	5.0%	SHI's Full Catalog of Network Equipment	%	
		82) Hardware Firewalls	5.0%	SHI's Full Catalog of Network Equipment	%	
		83) Intrusion Detection	5.0%	SHI's Full Catalog of Network Equipment	%	
		84) KVM	5.0%	SHI's Full Catalog of Network Equipment	%	
		85) Modems	5.0%	SHI's Full Catalog of Network Equipment	%	
		86) Network Test Equipment	5.0%	SHI's Full Catalog of Network Equipment	%	
		87) Network Adapters	5.0%	SHI's Full Catalog of Network Equipment	%	
		88) Network Cables	5.0%	SHI's Full Catalog of Network Equipment	%	
		89) Network Accessories	5.0%	SHI's Full Catalog of Network Equipment	%	
		90) Repeaters & Transcievers	5.0%	SHI's Full Catalog of Network Equipment	%	
		91) Wireless LAN Accessories	5.0%	SHI's Full Catalog of Network Equipment	%	
		92) Token Authentication	5.0%	SHI's Full Catalog of Network Equipment	%	
		93) 10G Fiber Optic Transceivers	5.0%	SHI's Full Catalog of Network Equipment	%	
		94) 1G Fiber Optic Transceivers	5.0%	SHI's Full Catalog of Network Equipment	%	
		95) Licensing Packages (e.g. Microsoft)	4.5%	SHI's Full Catalog of Software	%	
		96) Licensing Backup	4.5%	SHI's Full Catalog of Software	%	
		97) Licensing Barcode/OC	4.5%	SHI's Full Catalog of Software	%	
		98) Licensing Business Application	4.5%	SHI's Full Catalog of Software	%	
		99) Licensing CAD/CAM	4.5%	SHI's Full Catalog of Software	%	
		100) Licensing - Cloning	4.5%	SHI's Full Catalog of Software	%	
		101) Licensing - Computer Services	4.5%	SHI's Full Catalog of Software	%	
		102) Licensince - Database	4.5%	SHI's Full Catalog of Software	%	
		103) Licensing - Development	4.5%	SHI's Full Catalog of Software	%	
		104) Licensing - Entertainment	4.5%	SHI's Full Catalog of Software	%	
		105) Licensing - Financial	4.5%	SHI's Full Catalog of Software	%	
		106) Licensing - Flow Chart	4.5%	SHI's Full Catalog of Software	%	
		107) Licensing - Graphic Design	4.5%	SHI's Full Catalog of Software	%	

				If applicable, you may add additional manufacturers/discounts		
Item #	Product	Product / Group	Proposed Discount	Manufacturer Name	Proposed Discount	Manufacturer Name
7)	Group 7 - Software	108) Licensing - Handheld	4.5%	SHI's Full Catalog of Software	%	
		109) Licensing - Network OS	4.5%	SHI's Full Catalog of Software	%	
		110) Licensing - OS	4.5%	SHI's Full Catalog of Software	%	
		111) Licensing - Personal Organization	4.5%	SHI's Full Catalog of Software	%	
		112) Licensing - Presentation	4.5%	SHI's Full Catalog of Software	%	
		113) Licensing - Reference	4.5%	SHI's Full Catalog of Software	%	
		114) Licensing - Report Analysis	4.5%	SHI's Full Catalog of Software	%	
		115) Licensing - Spreadhseet	4.5%	SHI's Full Catalog of Software	%	
		116) Licensing - Utilities	4.5%	SHI's Full Catalog of Software	%	
		117) Licensing - Warranties	4.5%	SHI's Full Catalog of Software	%	
		118) Licensing - Web Development	4.5%	SHI's Full Catalog of Software	%	
		119) Licensing - Word Processing	4.5%	SHI's Full Catalog of Software	%	
		120) Software - Backup	4.5%	SHI's Full Catalog of Software	%	
		121) Software - Barcode / OCR	4.5%	SHI's Full Catalog of Software	%	
		122) Software - Business Application	4.5%	SHI's Full Catalog of Software	%	
		123) Software - CAD/CAM	4.5%	SHI's Full Catalog of Software	%	
		124) Software - Cloning	4.5%	SHI's Full Catalog of Software	%	
		125) Software - Computer Services	4.5%	SHI's Full Catalog of Software	%	
		126) Software - Database	4.5%	SHI's Full Catalog of Software	%	
		127) Software - Development	4.5%	SHI's Full Catalog of Software	%	
		128) Software - Entertainment	4.5%	SHI's Full Catalog of Software	%	
		129) Software - Financial	4.5%	SHI's Full Catalog of Software	%	
		130) Software - Flow Chart	4.5%	SHI's Full Catalog of Software	%	
		131) Software - Graphic Design	4.5%	SHI's Full Catalog of Software	%	
		132) Software - Handheld	4.5%	SHI's Full Catalog of Software	%	
		133) Software - OS	4.5%	SHI's Full Catalog of Software	%	
		134) Software - Personal Organization	4.5%	SHI's Full Catalog of Software	%	
		135) Software - Presentation	4.5%	SHI's Full Catalog of Software	%	
		136) Software - Reference	4.5%	SHI's Full Catalog of Software	%	
		137) Software - Report Analysis	4.5%	SHI's Full Catalog of Software	%	
		138) Software - Spreadsheet	4.5%	SHI's Full Catalog of Software	%	
		139) Software - Utilities	4.5%	SHI's Full Catalog of Software	%	
		140) Software - Warranties	4.5%	SHI's Full Catalog of Software	%	
		141) Software - Web Development	4.5%	SHI's Full Catalog of Software	%	
		142) Software - Word Processing	4.5%	SHI's Full Catalog of Software	%	
8)	Group 8 - Media Supplies	143) Media - 4mm tape	4.0%	SHI's Full Catalog of Media Supplies	%	
		144) Media - AIT tape	4.0%	SHI's Full Catalog of Media Supplies	%	
		145) Media - DAT tape	4.0%	SHI's Full Catalog of Media Supplies	%	
		146) Media - DLT tape	4.0%	SHI's Full Catalog of Media Supplies	%	
		147) Media LTO / Ultrium tape drive	4.0%	SHI's Full Catalog of Media Supplies	%	
		148) Media - Magneto - Optical	4.0%	SHI's Full Catalog of Media Supplies	%	
		149) Media - Optical	4.0%	SHI's Full Catalog of Media Supplies	%	
		150) Media - SLR tape	4.0%	SHI's Full Catalog of Media Supplies	%	
		151) Media - Travan tape	4.0%	SHI's Full Catalog of Media Supplies	%	
		152) Media - VXA tape	4.0%	SHI's Full Catalog of Media Supplies	%	
		153) Media - zip	4.0%	SHI's Full Catalog of Media Supplies	%	
9)	Group 9 - Collaboration & IP Telephony	154) IP phones	4.0%	SHI's Full Catalog of Collobration and IP Telephony	%	
		155) Video conferencing products	4.0%	SHI's Full Catalog of Collobration and IP Telephony	%	
		156) Voice gateways / servers	4.0%	SHI's Full Catalog of Collobration and IP Telephony	%	
		157) Headsets	4.0%	SHI's Full Catalog of Collobration and IP Telephony	%	
		158) Audo conferencing products	4.0%	SHI's Full Catalog of Collobration and IP Telephony	%	
		159) Analog phones	4.0%	SHI's Full Catalog of Collobration and IP Telephony	%	
		160) Accessories	4.0%	SHI's Full Catalog of Collobration and IP Telephony	%	
		161) Advanced Integration	4.0%	SHI's Full Catalog of Other	%	
		162) Asset Disposal	4.0%	SHI's Full Catalog of Other	%	



						If applicable, you may add additional manufacturers/discounts	
Item #	Product	Product / Group	Proposed Discount	Manufacturer Name	Proposed Discount	Manufacturer Name	
10)	Group 10 - Other	163) Asset Management	4.0%	SHI's Full Catalog of Other	%		
		164) Cables	4.0%	SHI's Full Catalog of Other	%		
		165) Cables - custom	4.0%	SHI's Full Catalog of Other	%		
		166) Cables - printer	4.0%	SHI's Full Catalog of Other	%		
		167) Complex warranties	4.0%	SHI's Full Catalog of Other	%		
		168) Desktop Accessories	4.0%	SHI's Full Catalog of Other	%		
		169) Display Accessories	4.0%	SHI's Full Catalog of Other	%		
		170) Electronic Services	4.0%	SHI's Full Catalog of Other	%		
		171) Handheld Accessories	4.0%	SHI's Full Catalog of Other	%		
		172) Imaging Accessories	4.0%	SHI's Full Catalog of Other	%		
		173) Imaging - Camcorders	4.0%	SHI's Full Catalog of Other	%		
		174) Imaging - Digital Cameras	4.0%	SHI's Full Catalog of Other	%		
		175) Intrenal Lab Service	4.0%	SHI's Full Catalog of Other	%		
		176) Lab fees	4.0%	SHI's Full Catalog of Other	%		
		177) Managed Services	4.0%	SHI's Full Catalog of Other	%		
		178) Miscellaneous solutions	4.0%	SHI's Full Catalog of Other	%		
		179) Mounting hardware for vehicles	4.0%	SHI's Full Catalog of Other	%		
		180) Networking Warranties	4.0%	SHI's Full Catalog of Other	%		
		181) Notebook Accessories	4.0%	SHI's Full Catalog of Other	%		
		182) Notebook Batteries	4.0%	SHI's Full Catalog of Other	%		
		183) PC Lab order services	4.0%	SHI's Full Catalog of Other	%		
		184) POS Accessories	4.0%	SHI's Full Catalog of Other	%		
		185) POS Displays	4.0%	SHI's Full Catalog of Other	%		
		186) Power Accessories	4.0%	SHI's Full Catalog of Other	%		
		187) Power Surge Protection	4.0%	SHI's Full Catalog of Other	%		
		188) Power UPS	4.0%	SHI's Full Catalog of Other	%		
		189) Server Accessories	4.0%	SHI's Full Catalog of Other	%		
		190) Service Charge	4.0%	SHI's Full Catalog of Other	%		
		191) System Components	4.0%	SHI's Full Catalog of Other	%		
		192) Training Courses	4.0%	SHI's Full Catalog of Other	%		
		193) Training Reference Manuals	4.0%	SHI's Full Catalog of Other	%		
		194) Warranties - Electronic	4.0%	SHI's Full Catalog of Other	%		
		195) iPad / Tablet Stylus	4.0%	SHI's Full Catalog of Other	%		
		196) Mouse / Wrist Pads	4.0%	SHI's Full Catalog of Other	%		
		197) Security Locks and Hardware	4.0%	SHI's Full Catalog of Other	%		
		198) Tools	4.0%	SHI's Full Catalog of Other	%		
		199) Document Scanner Accessories	4.0%	SHI's Full Catalog of Other	%		
		200) Flatbed Scanners	4.0%	SHI's Full Catalog of Other	%		
		201) Mobile Scanners	4.0%	SHI's Full Catalog of Other	%		
		202) Network Scanners	4.0%	SHI's Full Catalog of Other	%		
		203) Sheetfed Scanners	4.0%	SHI's Full Catalog of Other	%		
		204) Wide Format Scanners	4.0%	SHI's Full Catalog of Other	%		
		205) Workgroup / Department Scanner	4.0%	SHI's Full Catalog of Other	%		
		206) Build to Order Desktops	4.0%	SHI's Full Catalog of Other	%		
		207) Nettop	4.0%	SHI's Full Catalog of Other	%		
		208) Point of Sale	4.0%	SHI's Full Catalog of Other	%		
		209) Ultra Small Form Factor	4.0%	SHI's Full Catalog of Other	%		
		210) Apple / Mac Memory Upgrades	4.0%	SHI's Full Catalog of Other	%		
		211) Chips / SIMMs/SIPPs / ROMs	4.0%	SHI's Full Catalog of Other	%		
		212) Computer Cases	4.0%	SHI's Full Catalog of Other	%		
		213) CPUs / Fans	4.0%	SHI's Full Catalog of Other	%		
		214) Membory Accessories	4.0%	SHI's Full Catalog of Other	%		
		215) Motherboards / Chassis	4.0%	SHI's Full Catalog of Other	%		
		216) 1 - 2 port Serial Boards	4.0%	SHI's Full Catalog of Other	%		
		217) 3+ port Serial Boards	4.0%	SHI's Full Catalog of Other	%		
		218) Console Server	4.0%	SHI's Full Catalog of Other	%		
		219) Device Server	4.0%	SHI's Full Catalog of Other	%		
		220) Terminal Server	4.0%	SHI's Full Catalog of Other	%		



[illegible]

					If applicable, you may add additional manufacturers/discounts	
Item #	Product	Product / Group	Proposed Discount	Manufacturer Name	Proposed Discount	Manufacturer Name

All discounts articulated here represent the minimum discounts off SHI Advertised List Price; actual discounts may be significantly higher.

The comprehensive SHI offering for National IPA consists of all hardware, software, and services available to our customers in the public sector marketplace. The discount structure offered to National IPA is based on our Advertised Price List which can be located on [www.shi.com](http://www.shi.com). In many cases, SHI Advertised List Price already reflects a substantial discount off of Manufacturer Published List prices. Given the breadth of manufacturers and products that SHI offers, there will be many opportunities for SHI to secure additional discounts for eligible contract users. We work to provide your contract users with the most advantageous pricing available, above and beyond the minimum discounts offered, whenever possible.

SHI prides ourselves on being honest and transparent with our customers especially when it comes to pricing. We base our discount structure on SHI Advertised Price as this is a verifiable source. We do not inflate this Advertised Price for RFPs in order to make our discounts appear larger. Other vendors may use MSRP or Publisher List price, which can be unreliable as a pricelist may not exist for every product, a pricelist can change from day to day, and a pricelist can be inconsistent depending on where you source the information from. When a vendor manipulates contract language in this manner or uses a loose definition of cost, it results in an increase in profit for them and higher prices for customers.

If awarded, SHI is willing to provide complete transparency over the life of the contract as it relates to our costs and what we charge National IPA customers.



## Sales Quotation

Quote #	5345139.2
Quote Date	JUL-21-2020
Expiration Date	AUG-20-2020
Quote Name	Switching for Catalyst & Nexus's
	Cisco AR233 / FL
Contract	43220000-WSCA-14-ACS
	Exp Date: 05/31/2021

## Submitted By

ISR	Thomas R. Barela (314) 656-1987 Thomas.Barela@wwt.com
AM	Wesley P (Wes) Chambers (813) 421-6089 Wes.Chambers@wwt.com

## Submitted To

City of Palm Bay  
Sean Harris  
(321) 952-3475  
sean.harris@palmbayflorida.org

**Issue PO To**

World Wide Technology, LLC.  
1 World Wide Way  
Saint Louis, MO 63146 US

LINE #	MANUFACTURER PART #	MANUFACTURER	QTY	LEAD TIME	LIST PRICE	CUST. PRICE	EXT. PRICE
Switching for Catalyst & Nexus's							
1	C9407R	CISCO SYSTEMS (CISCOPRO)	2	21	\$5,100.00	\$1,338.75	\$2,677.50
	Description: Cisco Catalyst 9400 Series 7 slot chassis						
2	CON-SNT-C9407R	CISCO SYSTEMS (CISCOPRO)	2	CALL	\$3,268.13	\$2,230.49	\$4,460.98
	Description: SNTC-8X5XNBD Cisco Catalyst 9400 Service Duration: 12 Months						
3	C9400-PWR-BLANK	CISCO SYSTEMS (CISCOPRO)	12	21	\$0.00	\$0.00	\$0.00
	Description: Cisco Catalyst 9400 Series Power Supply Blank Cover						
4	C9400-S-BLANK	CISCO SYSTEMS (CISCOPRO)	10	21	\$0.00	\$0.00	\$0.00
	Description: Cisco Catalyst 9400 Series Slot Blank Cover						
5	C9400-NW-A	CISCO SYSTEMS (CISCOPRO)	2	21	\$0.00	\$0.00	\$0.00
	Description: Cisco Catalyst 9400 Network Advantage License						
6	S9400UK9-1612	CISCO SYSTEMS (CISCOPRO)	2	21	\$0.00	\$0.00	\$0.00
	Description: Cisco Catalyst 9400 XE 16.12 UNIVERSAL						
7	C9400-PWR-3200AC	CISCO SYSTEMS (CISCOPRO)	4	21	\$2,040.00	\$535.50	\$2,142.00
	Description: Cisco Catalyst 9400 Series 3200W AC Power Supply						
8	CAB-US620P-C19-US	CISCO SYSTEMS (CISCOPRO)	4	10	\$0.00	\$0.00	\$0.00
	Description: NEMA 6-20 to IEC-C19 13ft US						

LINE #	MANUFACTURER PART #	MANUFACTURER	QTY	LEAD TIME	LIST PRICE	CUST. PRICE	EXT. PRICE
9	CAB-CON-C9K-RJ45	CISCO SYSTEMS (CISCOPRO)	2	21	\$0.00	\$0.00	\$0.00
	Description: Console Cable 6ft with RJ-45-to-RJ-45						
10	C9400-DNA-A	CISCO SYSTEMS (CISCOPRO)	2	21	\$0.00	\$0.00	\$0.00
	Description: Cisco Catalyst 9400 DNA Advantage Term License						
11	C9400-DNA-A-3Y	CISCO SYSTEMS (CISCOPRO)	2	30	\$12,850.00	\$3,373.13	\$6,746.26
	Description: Cisco Catalyst 9400 DNA Advantage 3 Year License Service Duration: 36 Months						
12	PI-LFAS-T	CISCO SYSTEMS (CISCOPRO)	4	28	\$0.00	\$0.00	\$0.00
	Description: Prime Infrastructure Lifecycle & Assurance Term - Smart Lic						
13	PI-LFAS-AP-T-3Y	CISCO SYSTEMS (CISCOPRO)	4	30	\$0.00	\$0.00	\$0.00
	Description: PI Dev Lic for Lifecycle & Assurance Term 3Y Service Duration: 36 Months						
14	C9400-SUP-1XL	CISCO SYSTEMS (CISCOPRO)	2	56	\$19,380.00	\$5,087.25	\$10,174.50
	Description: Cisco Catalyst 9400 Series Supervisor 1XL Module						
15	C9400-SSD-NONE	CISCO SYSTEMS (CISCOPRO)	2	21	\$0.00	\$0.00	\$0.00
	Description: No SSD Memory Selected						
16	C9400-LC-24XS	CISCO SYSTEMS (CISCOPRO)	2	21	\$24,480.00	\$6,426.00	\$12,852.00
	Description: Cisco Catalyst 9400 Series 24-Port 10 Gigabit Ethernet(SFP+)						
17	NETWORK-PNP-LIC	CISCO SYSTEMS (CISCOPRO)	2	6	\$0.00	\$0.00	\$0.00
	Description: Network Plug-n-Play Connect for zero-touch device deployment						
SUBTOTAL : \$39,053.24							
18	N9K-C93180YC-EX	CISCO SYSTEMS (CISCOPRO)	2	14	\$26,937.00	\$7,070.96	\$14,141.92
	Description: Nexus 9300 with 48p 10/25G SFP+ and 6p 100G QSFP28						
19	CON-SNT-93180YCX	CISCO SYSTEMS (CISCOPRO)	2	CALL	\$1,079.16	\$736.52	\$1,473.04
	Description: SNTC-8X5XNBD Nexus 9300 with 48p Service Duration: 12 Months						
20	NXOS-9.3.3	CISCO SYSTEMS (CISCOPRO)	2	14	\$0.00	\$0.00	\$0.00
	Description: Nexus 9500, 9300, 3000 Base NX-OS Software Rel 9.3.3						
21	NXK-ACC-KIT-1RU	CISCO SYSTEMS (CISCOPRO)	2	14	\$0.00	\$0.00	\$0.00
	Description: Nexus 3K/9K Fixed Accessory Kit, 1RU front and rear removal						
22	NXA-PAC-650W-PE	CISCO SYSTEMS (CISCOPRO)	4	14	\$0.00	\$0.00	\$0.00
	Description: Nexus NEBs AC 650W PSU - Port Side Exhaust						

LINE #	MANUFACTURER PART #	MANUFACTURER	QTY	LEAD TIME	LIST PRICE	CUST. PRICE	EXT. PRICE
23	CAB-9K12A-NA	CISCO SYSTEMS (CISCOPRO)	4	7	\$0.00	\$0.00	\$0.00
	Description: Power Cord, 125VAC 13A NEMA 5-15 Plug, North America						
24	NXA-FAN-30CFM-F	CISCO SYSTEMS (CISCOPRO)	8	7	\$0.00	\$0.00	\$0.00
	Description: Nexus Fan, 30CFM, port side exhaust airflow						
SUBTOTAL : \$15,614.96							

TOTALS	
Subtotal	\$54,668.20
Estimated Shipping	TBD
Estimated Tax	TBD
<b>Total Price</b>	<b>\$54,668.20</b>

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Seller provides all products and original manufacturer services to Buyer only in accordance with any applicable original manufacturer terms and conditions within the applicable end user license agreement, terms of service, or similar legal instrument.

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State Fees include Electronic Waste Fees specific to each state that fund recycling programs for Electronic Waste such as computers, monitors, televisions, audio equipment, printers, and other electronic devices as required by law. CA charges an Electronic Waste Fee for Monitor disposal.

As you may be aware, global supply chains across all industries are facing uncertain impacts from the Coronavirus. WWT is monitoring the situation closely and is in constant contact with our suppliers and partners so that quoted lead times are as accurate as possible. Due to the quickly evolving nature of this situation, please be advised that it is possible that quoted lead times and delivery dates may change with little or no notice. WWT will continue to work with customers and suppliers/partners to evaluate options to minimize any impact.

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# World Wide Technology

Quote #	5345138.2
Quote Date	JUL-21-2020
Expiration Date	AUG-20-2020
Quote Name	3260's
	Cisco AR233 / FL
Contract	43220000-WSCA-14-ACS
	Exp Date: 05/31/2021

## Submitted By

ISR	Thomas R. Barela (314) 656-1987 Thomas.Barela@wwt.com
AM	Wesley P (Wes) Chambers (813) 421-6089 Wes.Chambers@wwt.com

## Submitted To

City of Palm Bay  
Sean Harris  
(321) 952-3475  
sean.harris@palmbayflorida.org

## Issue PO To

World Wide Technology, LLC.  
1 World Wide Way  
Saint Louis, MO 63146 US

LINE #	MANUFACTURER PART #	MANUFACTURER	QTY	LEAD TIME	LIST PRICE	CUST. PRICE	EXT. PRICE
3260's							
1	UCSS-S3260	CISCO SYSTEMS (CISCOPRO)	2	35	\$22,801.01	\$9,337.01	\$18,674.02
	Description: Cisco UCS S3260 Storage Server Base Chassis						
2	CON-SNT-UCSS3260	CISCO SYSTEMS (CISCOPRO)	2	CALL	\$1,630.65	\$1,198.53	\$2,397.06
	Description: SNTC 8X5XNBD, Cisco UCS S3260 Storage Server Base Chassis Service Duration: 12 Months						
3	UCSC-PSU1-1050W	CISCO SYSTEMS (CISCOPRO)	8	14	\$729.00	\$298.53	\$2,388.24
	Description: Cisco UCS 1050W AC Power Supply for Rack Server						
4	CAB-C13-CBN	CISCO SYSTEMS (CISCOPRO)	8	7	\$0.00	\$0.00	\$0.00
	Description: Cabinet Jumper Power Cord, 250 VAC 10A, C14-C13 Connectors						
5	CIMC-LATEST	CISCO SYSTEMS (CISCOPRO)	2	14	\$0.00	\$0.00	\$0.00
	Description: IMC SW (Recommended) latest release for C-Series Servers.						
6	N20-BKVM	CISCO SYSTEMS (CISCOPRO)	2	14	\$0.00	\$0.00	\$0.00
	Description: KVM local IO cable for UCS servers console port						
7	UCSC-C3X60-BLKP	CISCO SYSTEMS (CISCOPRO)	2	14	\$0.00	\$0.00	\$0.00
	Description: Cisco UCS C3X60 Server Node blanking plate						
8	N20-BBLKD-7MM	CISCO SYSTEMS (CISCOPRO)	4	14	\$0.00	\$0.00	\$0.00
	Description: UCS 7MM SSD Blank Filler						

LINE #	MANUFACTURER PART #	MANUFACTURER	QTY	LEAD TIME	LIST PRICE	CUST. PRICE	EXT. PRICE
9	<b>UCSC-C3X60-RAIL</b> Description: UCS C3X60 Rack Rails Kit	CISCO SYSTEMS (CISCOPRO)	2	14	\$0.00	\$0.00	\$0.00
10	<b>UCSC-C3X60-SBLKP</b> Description: UCS C3x60 SIOC blanking plate	CISCO SYSTEMS (CISCOPRO)	2	14	\$0.00	\$0.00	\$0.00
11	<b>UCSS-S3260-BBEZEL</b> Description: Cisco UCS S3260 Bezel	CISCO SYSTEMS (CISCOPRO)	2	14	\$0.00	\$0.00	\$0.00
12	<b>UCS-S3260-M5SRB</b> Description: UCS S3260 M5 Server Node for Intel Scalable CPUs	CISCO SYSTEMS (CISCOPRO)	2	42	\$6,499.00	\$2,653.84	\$5,307.68
13	<b>UCS-CPU-6138</b> Description: 2.0 GHz 6138/125W 20C/27.50MB Cache/DDR4 2666MHz	CISCO SYSTEMS (CISCOPRO)	4	14	\$8,750.00	\$3,583.13	\$14,332.52
14	<b>UCS-MR-X16G1RS-H</b> Description: 16GB DDR4-2666-MHz RDIMM/PC4-21300/single rank/x4/1.2v	CISCO SYSTEMS (CISCOPRO)	16	14	\$1,009.00	\$307.24	\$4,915.84
15	<b>UCS-S3260-DRAID</b> Description: UCS S3260 Dual Raid based on LSI 3316	CISCO SYSTEMS (CISCOPRO)	2	14	\$6,499.00	\$2,653.84	\$5,307.68
16	<b>UCS-S3260-M5HS</b> Description: UCS S3260 M5 Server Node HeatSink	CISCO SYSTEMS (CISCOPRO)	4	14	\$0.00	\$0.00	\$0.00
17	<b>UCSC-C3260-SIOC</b> Description: Cisco UCS C3260 System IO Controller with VIC 1300 incl.	CISCO SYSTEMS (CISCOPRO)	2	14	\$7,999.00	\$3,275.59	\$6,551.18
18	<b>UCSC-C3X60-14HD6</b> Description: Cisco UCS C3X60 One row of drives containing 14 x 6TB (Total	CISCO SYSTEMS (CISCOPRO)	2	14	\$28,999.00	\$8,525.71	\$17,051.42
19	<b>UCSC-C3X60-HD6TB</b> Description: UCS C3X60 6TB 12Gbps NL-SAS 7200RPM HDD w carrier- Top-load	CISCO SYSTEMS (CISCOPRO)	28	14	\$0.00	\$0.00	\$0.00
20	<b>UCS-S3260-G3SD48</b> Description: UCS S3260 480G Boot SSD (Micron 6G SATA)	CISCO SYSTEMS (CISCOPRO)	4	14	\$1,301.00	\$450.80	\$1,803.20

TOTALS	
Subtotal	\$78,728.84
Estimated Shipping	TBD
Estimated Tax	TBD
<b>Total Price</b>	<b>\$78,728.84</b>

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State Fees include Electronic Waste Fees specific to each state that fund recycling programs for Electronic Waste such as computers, monitors, televisions, audio equipment, printers, and other electronic devices as required by law. CA charges an Electronic Waste Fee for Monitor disposal.

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Within the 30 day quote validity period WWT reserves the right to revise the quote due to exchange rate fluctuations.

Due to the uncertainty of the upcoming Brexit outcome, WWT reserves the right to revise the quote due to imposed tariffs, currency fluctuations, or export/import licensing fees





Pricing Proposal  
Quotation #: 19168874  
Created On: 7/21/2020  
Valid Until: 8/20/2020

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## City of Palm Bay

---

### Sean Harris

FL  
United States  
Phone:  
Fax:  
Email: Sean.Harris@palmbayflorida.org

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## Inside Account Manager

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### Bret Santucci

290 Davidson Avenue  
Somerset, NJ 08873  
Phone: 800-543-0432  
Fax: 732-868-6055  
Email: Bret\_Santucci@shi.com

All Prices are in US Dollar (USD)

	Product	Qty	Retail	Your Price	Total
1	Cisco HX2X0C M5 Hyperflex System Cisco Systems - Part#: HX-M5S-HXDP Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	1	\$0.00	\$0.00	\$0.00
2	Cisco HyperFlex HX240c M5 Node Cisco Systems - Part#: HX240C-M5SX Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$5,554.00	\$987.38	\$2,962.14
3	64GB DDR4-2666-MHz LRDIMM/PC4-21300/quad rank/x4/1.2v Cisco Systems - Part#: HX-ML-X64G4RS-H Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	36	\$4,484.00	\$797.16	\$28,697.76
4	Riser 1 incl 3 PCIe slots (x8, x16, x8) Cisco Systems - Part#: HX-PCI-1-C240M5 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$199.00	\$35.38	\$106.14
5	Riser 2B incl 3PCleslots(x8,x16,x8)+2NVMe(1cnctr)supportsGPU Cisco Systems - Part#: HX-PCI-2B-240M5 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$199.00	\$35.38	\$106.14
6	240GB SATA M.2 Cisco Systems - Part#: HX-M2-240GB Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$535.00	\$95.11	\$285.33
7	Cisco UCS VIC 1457 Quad Port 10/25G SFP28 CNA MLOM Cisco Systems - Part#: HX-MLOM-C25Q-04 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$2,248.00	\$399.64	\$1,198.92
8	32GB Micro SD Card for UCS M5 servers Cisco Systems - Part#: HX-MSD-32G Contract Name: Omnia Partners - IT Solutions	3	\$220.00	\$39.11	\$117.33

9	Cisco UCS 1050W AC Power Supply for Rack Server Cisco Systems - Part#: HX-PSU1-1050W Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	6	\$729.00	\$129.60	\$777.60
10	Power Cord Jumper, C13-C14 Connectors, 2 Meter Length Cisco Systems - Part#: CAB-C13-C14-2M Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	6	\$0.00	\$0.00	\$0.00
11	Ball Bearing Rail Kit for C220 M4 and C240 M4 rack servers Cisco Systems - Part#: HX-RAILB-M4 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$220.00	\$39.11	\$117.33
12	Heat sink for UCS C240 M5 rack servers 150W CPUs & below Cisco Systems - Part#: UCSC-HS-C240M5 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	6	\$0.00	\$0.00	\$0.00
13	UCS C-Series M5 SFF drive blanking panel Cisco Systems - Part#: UCSC-BBLKD-S2 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	27	\$0.00	\$0.00	\$0.00
14	Mini Storage carrier for M.2 SATA/NVME (holds up to 2) Cisco Systems - Part#: UCS-MSTOR-M2 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$0.00	\$0.00	\$0.00
15	HX240C M5 Security Bezel Cisco Systems - Part#: HX240C-BZL-M5S Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$0.00	\$0.00	\$0.00
16	C240 Rear UCS-RAID-M5HD SAS cbl(1)kitinclfan,bkpln Cisco Systems - Part#: UCSC-RSAS-240M5X Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$0.00	\$0.00	\$0.00
17	Factory Installed -vSphere SW 6.5 Enduser to provide License Cisco Systems - Part#: HX-VSP-6-5-FND-D Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$0.00	\$0.00	\$0.00
18	Factory Installed - VMware vSphere 6.5 SW Download Cisco Systems - Part#: HX-VSP-6-5-FND-DL Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$0.00	\$0.00	\$0.00
19	SNTC 8X5XNBD Cisco HyperFlex HX240c M5 Node Cisco Systems - Part#: CON-SNT-240CM5SX Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$1,484.05	\$1,154.27	\$3,462.81
20	Cisco 12G Modular SAS HBA for up to 26 drives Cisco Systems - Part#: HX-SAS-M5HD Contract Name: Omnia Partners - IT Solutions	3	\$1,693.00	\$300.98	\$902.94

Contract #: 2018011-02

21	1.8TB 12G SAS 10K RPM SFF HDD (4K) Cisco Systems - Part#: HX-HD18TB10K4KN Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	45	\$1,918.00	\$340.98	\$15,344.10
22	1.6TB 2.5in Enterprise Performance 12G SAS SSD(3X endurance) Cisco Systems - Part#: HX-SD16T123X-EP Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$8,386.00	\$1,490.84	\$4,472.52
23	240GB 2.5 inch Enterprise Value 6G SATA SSD Cisco Systems - Part#: HX-SD240GM1X-EV Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$734.00	\$130.49	\$391.47
24	2.3 GHz 6140/140W 18C/24.75MB Cache/DDR4 2666MHz Cisco Systems - Part#: HX-CPU-6140 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	6	\$8,000.00	\$1,422.22	\$8,533.32
25	Cisco HyperFlex Data Platform Standard Edition 1 Yr Subscrip Cisco Systems - Part#: HXDP-S001-1YR= Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$0.00	\$0.00	\$0.00
26	HyperFlex Data Platform Standard Edition 1 Yr Subscription Cisco Systems - Part#: HXDPS001-1YR Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$9,375.00	\$1,666.67	\$5,000.01
				Total	\$72,475.86

#### Additional Comments

Thank you for choosing SHI International Corp! The pricing offered on this quote proposal is valid through the expiration date listed above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order. For any additional information including Hardware, Software and Services Contracts, please contact an SHI Inside Sales Representative at (888) 744-4084. SHI International Corp. is 100% Minority Owned, Woman Owned Business. TAX ID# 22-3009648; DUNS# 61-1429481; CCR# 61-243957G; CAGE 1HTF0

Hardware items on this quote may be updated to reflect changes due to industry wide constraints and fluctuations.

*The products offered under this proposal are resold in accordance with the terms and conditions of the Contract referenced under that applicable line item.*



Pricing Proposal  
Quotation #: 19163677  
Created On: 7/20/2020  
Valid Until: 8/19/2020

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## City of Palm Bay

---

### Sean Harris

FL  
United States  
Phone:  
Fax:  
Email: Sean.Harris@palmbayflorida.org

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## Inside Account Manager

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### Bret Santucci

290 Davidson Avenue  
Somerset, NJ 08873  
Phone: 800-543-0432  
Fax: 732-868-6055  
Email: Bret\_Santucci@shi.com

All Prices are in US Dollar (USD)

	Product	Qty	Retail	Your Price	Total
1	UCS Fabric Interconnect 6454 Cisco Systems - Part#: HX-FI-6454 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	2	\$45,000.00	\$14,000.00	\$28,000.00
2	SNTC-8X5XNBD UCS Fabric Interconnect 6454 Cisco Systems - Part#: CON-SNT-HXFI6454 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	2	\$1,384.00	\$1,076.44	\$2,152.88
3	FI per port license to connect to B-Series, C-Series or FEX Cisco Systems - Part#: HX-L-6400-25G Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	2	\$2,774.00	\$863.02	\$1,726.04
4	UCS Manager v4.1 Cisco Systems - Part#: N10-MGT017 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	2	\$0.00	\$0.00	\$0.00
5	UCS 6332/ 6454 Power Supply/100-240VAC Cisco Systems - Part#: UCS-PSU-6332-AC Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	4	\$1,400.00	\$435.56	\$1,742.24
6	Power Cord, 125VAC 13A NEMA 5-15 Plug, North America Cisco Systems - Part#: CAB-9K12A-NA Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	2	\$0.00	\$0.00	\$0.00
7	UCS 6332/ 6454 Chassis Accessory Kit Cisco Systems - Part#: UCS-ACC-6332 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	2	\$0.00	\$0.00	\$0.00
8	UCS 6332/ 6454 Fan Module Cisco Systems - Part#: UCS-FAN-6332 Contract Name: Omnia Partners - IT Solutions	8	\$0.00	\$0.00	\$0.00

9	FI per port license to connect to B-Series, C-Series or FEX Cisco Systems - Part#: HX-L-6400-25G= Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	2	\$2,774.00	\$863.02	\$1,726.04
10	Cisco HX2X0C M5 Hyperflex System Cisco Systems - Part#: HX-M5S-HXDP Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	1	\$0.00	\$0.00	\$0.00
11	Cisco HyperFlex HX240c M5 Node Cisco Systems - Part#: HX240C-M5SX Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$5,554.00	\$987.38	\$2,962.14
12	Riser 1 incl 3 PCIe slots (x8, x16, x8) Cisco Systems - Part#: HX-PCI-1-C240M5 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$199.00	\$35.38	\$106.14
13	Riser 2B incl 3PCleslots(x8,x16,x8)+2NVMe(1cnctr)supportsGPU Cisco Systems - Part#: HX-PCI-2B-240M5 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$199.00	\$35.38	\$106.14
14	240GB SATA M.2 Cisco Systems - Part#: HX-M2-240GB Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$535.00	\$95.11	\$285.33
15	Cisco UCS VIC 1457 Quad Port 10/25G SFP28 CNA MLOM Cisco Systems - Part#: HX-MLOM-C25Q-04 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$2,248.00	\$399.64	\$1,198.92
16	32GB Micro SD Card for UCS M5 servers Cisco Systems - Part#: HX-MSD-32G Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$220.00	\$39.11	\$117.33
17	Cisco UCS 1050W AC Power Supply for Rack Server Cisco Systems - Part#: HX-PSU1-1050W Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	6	\$729.00	\$129.60	\$777.60
18	Power Cord Jumper, C13-C14 Connectors, 2 Meter Length Cisco Systems - Part#: CAB-C13-C14-2M Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	6	\$0.00	\$0.00	\$0.00
19	Ball Bearing Rail Kit for C220 M4 and C240 M4 rack servers Cisco Systems - Part#: HX-RAILB-M4 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$220.00	\$39.11	\$117.33
20	Heat sink for UCS C240 M5 rack servers 150W CPUs & below Cisco Systems - Part#: UCSC-HS-C240M5 Contract Name: Omnia Partners - IT Solutions	6	\$0.00	\$0.00	\$0.00

21	UCS C-Series M5 SFF drive blanking panel Cisco Systems - Part#: UCSC-BBLKD-S2 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	54	\$0.00	\$0.00	\$0.00
22	Mini Storage carrier for M.2 SATA/NVME (holds up to 2) Cisco Systems - Part#: UCS-MSTOR-M2 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$0.00	\$0.00	\$0.00
23	HX240C M5 Security Bezel Cisco Systems - Part#: HX240C-BZL-M5S Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$0.00	\$0.00	\$0.00
24	C240 Rear UCS-RAID-M5HD SAS cbl(1)kitinclfan,bkpln Cisco Systems - Part#: UCSC-RSAS-240M5X Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$0.00	\$0.00	\$0.00
25	Factory Installed -vSphere SW 6.5 Enduser to provide License Cisco Systems - Part#: HX-VSP-6-5-FND-D Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$0.00	\$0.00	\$0.00
26	Factory Installed - VMware vSphere 6.5 SW Download Cisco Systems - Part#: HX-VSP-6-5-FND-DL Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$0.00	\$0.00	\$0.00
27	SNTC 8X5XNBD Cisco HyperFlex HX240c M5 Node Cisco Systems - Part#: CON-SNT-240CM5SX Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$1,484.05	\$1,154.27	\$3,462.81
28	32GB DDR4-2666-MHz RDIMM/PC4-21300/dual rank/x4/1.2v Cisco Systems - Part#: HX-MR-X32G2RS-H Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	36	\$2,043.00	\$363.20	\$13,075.20
29	Cisco 12G Modular SAS HBA for up to 26 drives Cisco Systems - Part#: HX-SAS-M5HD Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$1,693.00	\$300.98	\$902.94
30	1.8TB 12G SAS 10K RPM SFF HDD (4K) Cisco Systems - Part#: HX-HD18TB10K4KN Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	18	\$1,918.00	\$340.98	\$6,137.64
31	1.6TB 2.5in Enterprise Performance 12G SAS SSD(3X endurance) Cisco Systems - Part#: HX-SD16T123X-EP Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$8,386.00	\$1,490.84	\$4,472.52
32	240GB 2.5 inch Enterprise Value 6G SATA SSD Cisco Systems - Part#: HX-SD240GM1X-EV	3	\$734.00	\$130.49	\$391.47

Contract Name: Omnia Partners - IT Solutions  
Contract #: 2018011-02

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33	2.3 GHz 6140/140W 18C/24.75MB Cache/DDR4 2666MHz Cisco Systems - Part#: HX-CPU-6140 Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	6	\$8,000.00	\$1,422.22	\$8,533.32
34	Cisco HyperFlex Data Platform Standard Edition 1 Yr Subscrip Cisco Systems - Part#: HXDP-S001-1YR= Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$0.00	\$0.00	\$0.00
35	HyperFlex Data Platform Standard Edition 1 Yr Subscription Cisco Systems - Part#: HXDPS001-1YR Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	3	\$9,375.00	\$1,666.67	\$5,000.01
				Total	\$82,994.04

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#### Additional Comments

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Thank you for choosing SHI International Corp! The pricing offered on this quote proposal is valid through the expiration date listed above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order. For any additional information including Hardware, Software and Services Contracts, please contact an SHI Inside Sales Representative at (888) 744-4084. SHI International Corp. is 100% Minority Owned, Woman Owned Business. TAX ID# 22-3009648; DUNS# 61-1429481; CCR# 61-243957G; CAGE 1HTF0

Hardware items on this quote may be updated to reflect changes due to industry wide constraints and fluctuations.

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*The products offered under this proposal are resold in accordance with the terms and conditions of the Contract referenced under that applicable line item.*



# Empire Computing and Consulting Inc

120 N Frederick Ave  
Daytona Beach, FL 32114  
386-253-6506 Fax: 386-253-6508

Quote #:	16992
Quote Date:	7/15/2020
Page:	1
Customer #:	20

## Quoted To:

City Of Palm Bay  
120 Malabar Rd. SE  
Attn: Accounts Payable  
Palm Bay, FL 32907  
USA

Valid Through: 7/31/2020

Phone: 321-733-3022		Cust PO:	Terms: Net 30	
Reference: CoPB Zerto		Ship Via: Ground	Salesperson: GLORIAB	
Stock Code	Description	Quantity	Price	Extended
ZVR-ECE-ZP-100	Zerto Virtual Replication Enterprise Cloud Edition - 100 VM Pack	1.00	63,040.00	63,040.00
ZVR-ECE-ZP-25-100	Zerto Virtual Replication Enterprise Cloud Edition - 25VM Pack	1.00	16,000.00	16,000.00
ZVR-ECE-MS-PRM-ZP1	Premium Maintenance/Support for Virtual Replication Enterprise Cloud Edition 100 VMP Pack 24x7 phone/email support and SW update	1.00	15,808.00	15,808.00
ZVR-ECE-MSPRMZP25	Premium Maintenance & Support for Zerto VRE Cloud Edition - 25 VM Pack. Includes 24x7 phone and email support SW updates.	1.00	3,952.00	3,952.00

ZVR-ECE-ZP-100 LIST PRICE \$98500.00

ZVR-ECE-ZP-25-100 LIST PRICE \$24625.00

ZVR-ECE-MS-PRM-ZP-100 LIST PRICE \$24700.00

ZVR-ECE-MS-PRM-25-100 LIST \$6175.00

Reference NCPA contract #(01-97)

SubTotal:	98,800.00
Tax:	0.00
Shipping:	0.00
Total:	98,800.00





## **LEGISLATIVE MEMORANDUM**

**DATE:** 8/6/2020

**RE:** Resolution 2020-34, appointing members to the City of Palm Bay Business Improvement District.

**ATTACHMENTS:**

**Description**

Resolution 2020-34

## **RESOLUTION 2020-34**

### **AN RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2019-17, APPOINTING MEMBERS TO THE CITY OF PALM BAY BUSINESS IMPROVEMENT DISTRICT; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on December 20, 2018, City Council approved the creation of the City of Palm Bay Business Improvement District (BID) through Ordinance 2018-66, and

**WHEREAS**, Ordinance 2018-66 provided for a governing body consisting of nine (9) voting members appointed by City Council, and

**WHEREAS**, on March 21, 2019, City Council approved Ordinance 2019-20, which modified the composition of the governing body by increasing the number of voting members from nine (9) to eleven (11), and

**WHEREAS**, on September 5, 2019, City Council approved Ordinance 2019-50, which modified the composition of the governing body by decreasing the number of voting members from eleven (11) to seven (7), and

**WHEREAS**, the ordinance specifies that the governing body of the BID be appointed by the City Council by resolution.

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

**SECTION 1.** The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this resolution.

**SECTION 2.** The City Council of the City of Palm Bay hereby appoints the following individuals as members to the City of Palm Bay Business Improvement District to serve as the governing body:

Institution of Higher Education (College or University) located within the District	Robert Salonen
Bank or Financial Institution located within the District	Brenda Marvin
Major Employer located within the District	Crysti Rife-Fafard
Business located within the District (less than fifty (50) employees)	Ira Murray
Business located within the District	Jessica Moore
At-Large Citizen (owns commercial property or operates a business within the District)	Jeanette Comerford
At-Large Citizen (owns commercial property or operates a business within the District)	Beverley Squire-Wiggins

**SECTION 3.** This Resolution shall take effect immediately upon the enactment date.

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

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK



## **LEGISLATIVE MEMORANDUM**

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

**FROM:** Suzanne Sherman, Acting City Manager

**THRU:** Christopher A. Little, PE; Yvonne McDonald

**DATE:** 8/6/2020

**RE:** Consideration of solicitation of a commercial bank loan for the funding to expand and rehabilitate the South Regional Water Treatment Plant.

The construction portion of the South Regional Water Treatment Plant (SRWTP) expansion from 4 MGD to 6 MGD is programmed in FY 21 of the FY 20-24 CIP. The design is 100% complete and has received permit approvals from the Florida Department of Environment Protection (FDEP) and St. Johns River Water Management District (SJRWMD). The source of funding currently identified in the CIP for the project is the Drinking Water State Revolving Fund (SRF).

Due to the current demand on the existing plant and projected demands from proposed development, staff would like to pursue construction of the expansion, as well as the rehabilitation of major plant components, immediately. Because of the length of time involved with the SRF application and loan process, staff would like to instead pursue a commercial bank loan for approximately \$15.2 million to cover the cost of the expansion project and any loan related fees.

The competitively solicited bank loan would be repaid from user rate and water impact fee revenues in the Utilities Operating and Water Impact Fee Funds over a period of 15 years.

Prior to solicitation of a commercial bank loan to expand and rehabilitate the SRWTP, this matter is being brought to City Council for discussion and approval to move forward with pursuing a commercial loan to fund the project.

**REQUESTING DEPARTMENT:**

Utilities, Finance

**FISCAL IMPACT:**

Starting in FY 21, approximately \$15.2 million increase in long term debt to the Utility Fund. Annual debt service payments will be payable over 15 years if a loan is executed.

**RECOMMENDATION:**

Motion to authorize staff to move forward with the solicitation of a commercial bank loan for the funding to expand and rehabilitate the SRWTP.

**ATTACHMENTS:**

**Description**

**Tetra Tech Task Order 01-2019-004, Construction Administration Services  
SRWTP Expansion and Rehabilitation - 100% Engineer's Opinion of Probable  
Construction Cost**



July 14, 2020

Mr. Christopher Little, P.E.  
City of Palm Bay  
250 Osmosis Dr. SE  
Palm Bay, FL 32909

**Subject: South Regional Water Treatment Plant Expansion  
Task Order 01-2019-004**

**Tt # 200-08507-BP**

Dear Mr. Little:

Please see attached our professional services proposal for the subject Task Order. This proposal includes construction administration and startup services for the proposed expansion of the South Regional WTP (SRWTP).

If you should have any questions, please do not hesitate to contact me at 407-839-3955.

Very truly yours,

**Tetra Tech**

A handwritten signature in blue ink, appearing to be 'JB' or 'Jon Bundy'.

Jon Bundy, P.E.  
Project Manager

**Attachments**

JCB/ab/SRWTP Expansion/Little\_071420.doc

C: Jon Fox, PE Tetra Tech

## **EXHIBIT I**

### **SCOPE OF SERVICES**

#### **CITY OF PALM BAY, FL**

#### **PROFESSIONAL SERVICES FOR THE SRWTP EXPANSION AND NRWTP REVERSE OSMOSIS REHABILITATION ENGINEERING**

**In Accordance with the City's Master Agreement #47-0-2018/JM  
January 9, 2019**

**TASK ORDER 01-2019-004**

### **I. PROJECT DESCRIPTION**

The City of Palm Bay owns and operates the South Regional Water Treatment Plant (SRWTP), which was constructed in 2006 and utilizes reverse osmosis (RO) treatment for treatment of groundwater from the Floridan Aquifer. The existing WTP has an existing rated capacity of 4.0 million gallons per day (MGD). In order to meet the City's continued growth demands, the City is interested in expanding the SRWTP from 4.0 MGD to 6.0 MGD. The City anticipates a second expansion to 10.0 MGD in the future to provide additional processing capacity necessary for meeting future demands.

On August 2, 2018, the City of Palm Bay authorized the Utilities Department to enter into negotiations with Tetra Tech, Inc. regarding RFQ No 47-0-2018 for professional architecture and engineering services related to the South Regional Water Treatment Plant (SRWTP) expansion and North Regional Water Treatment Plant (NRWTP) reverse osmosis rehabilitation design. The scope of services herein is associated with expansion of the treatment capacity of the SRWTP from 4.0 MGD to 6.0 MGD. Engineering services for this Task Order consist of construction administration and startup services. Preliminary design, final design, and permitting services were completed under Task order 01-2019-001 and bidding services were authorized under Task order 01-2019-003. Additionally, the NRWTP RO Rehabilitation project is being delivered under separate task orders and are therefore not included in the scope of services below.

### **II. SCOPE OF SERVICES**

#### **TASK 1: CONSTRUCTION AND STARTUP SERVICES**

##### **Construction Administration**

Upon award of the project, Tetra Tech will assist the CITY with construction administration and shall complete the following tasks based on estimated construction duration of 15 months and an estimated on-site construction period for inspection services of 52 weeks. If construction is extended beyond the projected 15-month period, additional construction management services will be required. During the construction phase, Tetra Tech will assist with the following:

1. Prepare for and attend one (1) pre-construction meeting. Tetra Tech will be responsible for preparing and distributing meeting summary.
2. Attend progress and specially scheduled meetings throughout progress of the project. Progress meetings will be held monthly, and additional meetings as needed to coordinate work in progress. It is anticipated that 18 meetings (1 progress meeting per month and up to 3 specialty meetings) followed by a site visit, will be needed based on anticipated construction duration of 15 months. Tetra Tech will be responsible for preparing and distributing meeting summary.
3. Make site visits to the construction site at intervals appropriate to the various stages of construction in order to observe the progress and quality of the Work. These will be scheduled during critical points during the construction of the project and will be determined based upon the Contractor's schedule. It is anticipated that six (6) site visits with an average duration of approximately 2 hours will be required. These site visits will be to observe the progress and quality of the construction and its general conformance to the Contract Documents. In addition, Tetra Tech will notify the CITY of observed work which does not conform to the Contract Documents and make recommendations for its correction.
4. Review shop drawings and other required submittals to determine conformance with the design concepts of the project and compliance with the requirements provided in the Contract Documents. Shop drawings will be reviewed up to two (2) times per submittal with additional review fees to be paid to Tetra Tech by the Contractor through the CITY. It is estimated that up to (70) submittals will be received.
5. Review requests for information (RFIs), provide interpretation of construction documents, and issue written clarifications or interpretations. It is estimated that up to (40) RFIs will be responded to.
6. Assist the CITY with development of and approval of Change Orders required due to unforeseen conditions.
7. Review the monthly applications for payment and the accompanying data and schedules, determine the amounts owed to the Contractor, and advise the CITY of the recommended payments to the Contractor.
8. After successful demonstration tests and upon written request by the Contractor, conduct a substantial completion inspection of the project with the CITY and distribute a punch list of observed deficiencies to be completed by the Contractor prior to the final completion date. The project will be certified substantially complete only if the work is sufficiently complete in accordance with the contract documents, so that the work can be utilized for the purposes for which it is intended. Upon written request by Contractor, conduct a re-inspection to confirm the substantial completion punch list items have been addressed and subsequently provide a substantial completion certificate to the CITY.
9. Following Substantial Completion and upon request of the CITY, Tetra Tech shall assist the CITY and the Contractor in the initial startup of the new membrane treatment units. This service shall not extend beyond 60 days from the date of substantial completion and shall



include review and comments on Contractor's startup plan and being on-site (two (2) days maximum) during the actual startup to assist the CITY in the initial startup and testing.

10. Upon written request by Contractor, conduct a final completion inspection of the Project with the CITY to determine if Work is finally complete or compile and distribute a punch list of items to be addressed. Upon written request by Contractor, conduct a re-inspection to confirm that final completion punch list items have been addressed and subsequently provide a final completion certification to the CITY and recommend that the CITY make final payment to the Contractor.
11. Review and approve operation and maintenance (O&M manuals) for mechanical and electrical equipment.
12. Review Contractor closeout documentation (to be submitted with Final Pay Request), to include but not be limited to warranties, release of liens and related documentation as required by the CITY.
13. Review the Contractor's as-built submittals monthly for adequacy and review listing of deviations from the construction permit and approved construction documents. Provide record drawings for the CITY's use from information provided by the Contractor delineating the dimensions, locating, and elevation of all facilities constructed. Provide the CITY with one (1) CD electronic file of record drawings in AutoCAD version 2019 and in PDF format and three (2) sets of prints of the record drawings.
14. Prepare and submit certifications and required supporting documentation to regulatory agencies having jurisdiction.

### **Construction Engineering Inspection**

Upon commencing the construction phase, CONSULTANT will provide construction engineering inspection (CEI) services to assist the CITY's full-time inspector. Our scope of services is based on utilizing one (1) Construction Inspector as needed during the construction activity for a total of 1,040 hours (two days per week for 65 weeks). During their time on-site, the Construction Inspector is to perform the following:

1. Assist the CITY in observing progress and quality of the Work.
2. Through such additional observations of Contractor's work in progress and field checks of materials and equipment by the Construction Inspector, CONSULTANT shall endeavor to provide further protection for the City against defects and deficiencies in the Work. However, CONSULTANT shall not, as a result of such observations of Contractor's work in progress, supervise, direct, or have control over the Contractor's Work nor shall CONSULTANT have authority over or responsibility for the means, methods, techniques, sequences, or procedures selected by Contractor, for safety precautions and programs incident to the Contractor's work in progress, for any failure of Contractor to comply with Laws and Regulations applicable to Contractor's performing and furnishing the Work, or responsibility of construction for Contractor's failure to furnish and perform the Work in accordance with the Contract Documents.

3. The duties and responsibilities of the Construction Inspector is limited to those specified within this scope of services and in the Contract Documents, and are further limited and described as follows:
  - a. General: Construction Inspector to act as the CITY's agent at the Site, will act as directed by and under the supervision of the CITY, and will confer with the CITY regarding Construction Inspector's actions. Construction Inspector's dealings in matters pertaining to the Contractor's work in progress shall in general be with the CITY. Construction Inspector's dealings with subcontractors shall only be through or with the full knowledge and approval of Contractor.
  - b. Liaison:
    - 1) Assist in serving as the CITY's liaison with Contractor when Contractor's operations affect the CITY's on-site operations.
  - c. Review of Work and Rejection of Defective Work:
    - 1) Report to CITY whenever Construction Inspector believes that any part of Contractor's work in progress will not produce a completed Project that conforms generally to the Contract Documents or will prejudice the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents, or has been damaged, or does not meet the requirements of any inspection, test or approval required to be made; and advise the CITY of that part of work in progress that Construction Inspector believes should be corrected or rejected or should be uncovered for observation, or requires special testing, inspection or approval.
  - d. Inspections, Tests, and System Startups:
    - 1) Assist the CITY in observing pressure tests, bacteriological tests, compaction tests, etc. while on-site.
  - e. Records:
    - 1) Take photos daily of the project site(s) and work progress and provide electronically to the CITY.
    - 2) Maintain records for use in preparing Project documentation.
    - 3) Upon completion of the Work, furnish original set of all CEI related project documentation to the CITY.
  - f. Payment Requests:
    - 1) Review draft Applications for Payment in the field with Contractor for the purpose of confirming quantities in advance of Contractor forwarding final application to the CITY.

g. Completion:

- 1) Before the CITY issues a Certificate of Substantial Completion, submit to Contractor a list of observed items requiring completion or correction.
- 2) Observe whether Contractor has arranged for inspections required by Laws and Regulations, including but not limited to those to be performed by public agencies having jurisdiction over the Work.

h. Construction Inspector shall not:

- 1) Authorize any deviation from the Contract Documents or substitution of materials or equipment (including "or-equal" items).
- 2) Undertake any of the responsibilities of Contractor, subcontractors, suppliers, or Contractor's superintendent.
- 3) Advise on, issue directions relative to or assume control over any aspect of the means, methods, techniques, sequences or procedures of Contractor's work unless such advice or directions are specifically required by the Contract Documents.
- 4) Advise on, issue directions regarding, or assume control over safety precautions and programs in connection with the activities or operations of the CITY or Contractor.
- 5) Participate in specialized field or laboratory tests or inspections conducted off-site by others except as specifically authorized by CITY.

**Startup Services**

1. Tetra Tech shall review the Contractor's startup plan for conformance with the requirements of the construction documents and provide review comments to be addressed by the Contractor prior to start-up and testing of the completed work.
2. Tetra Tech will review updates required to the Operations Manual, to assist the City with any modifications made to the SRWTP's existing operating procedures. The Operations Manual will not be an accumulation of manufacturers data but a supplement thereto and will include items such as: (a) operator control procedures, (b) emergency operations, (c) lab control procedures, (d) sub-system schematics, (e) instrumentation systems, (f) regulatory requirements, (g) records and reports, and (h) other information needed by the plant operator relative to daily operation needs of the system and its individual sub-systems and components.
3. Following the Contractor's completion of pre-requisite startup activities per the construction documents, Tetra Tech will be on-site for up to five (5) days to witness operational startup and testing, to include observation of functional testing of the integrator and manufacturer furnished control systems and including the witnessing of proper control system automation, fine tuning of control loops, and stability of controls at both sub-system

and overall system levels. Tetra Tech will provide field observations to the City and Contractor of substantial deficiencies in either controls or process equipment that are observed during the startup testing period and require correction prior to demonstration testing.

4. Following the Contractor's addressing of observed deficiencies from startup and testing, Tetra Tech will be onsite during the 2 days of the 5-day demonstration testing of entire system. Tetra Tech will check for conformance of the Contractor's testing and startup activities in accordance with the construction documents. An additional 3 days are proposed for trouble shooting and shakedown of the facility.
5. Upon successful completion of the start-up, demonstration and testing the owner will receive specified training for the installed equipment, provided by the manufacturer. Tetra Tech will be present during one (1) day of the overall treatment system training and provide a training session to consist of an overview of the treatment facilities and the design intent.

## **TASK 2: HYDROGEOLOGICAL SERVICES**

Tetra Tech will provide the following hydrogeologic services relative to SRWTP Additional Brackish Supply Well. (1) well construction administration and permitting; (2) well construction and testing observation; and (3) preparation of a well construction summary report. The well design was completed under Task order 01-2019-001 and the bidding and award services were included under Task order 01-2019-003. The following work effort is proposed to achieve the project objectives.

### **1. Well Construction Administration and Permitting**

Tetra Tech will attend the City's pre-construction meeting with the selected water well contractor prior to start of work to get the project underway. Tetra Tech will assist the selected contractor with the well construction permit application as needed. Tetra Tech will receive, review, and take appropriate action on, and return shop drawing submittals on all casings, centralizers, grout, drilling mud, field testing devices, and other well materials required for the project. During the well construction and testing of the new well, Tetra Tech will attend progress meetings as required for the successful completion of the project. Progress invoices submitted by the water well contractor will be reviewed by Tetra Tech to ensure invoiced items have been completed as specified and are ready for payment. If a letter modification is required by the St. Johns River Water Management District for the selected well location, Tetra Tech shall prepare that letter modification. However, if additional consumptive use permitting services are required such as new groundwater modeling to show no adverse impacts to moving the proposed well, additional compensation will need to be approved for these services.

### **2. Well Construction and Testing Observation**

#### *Construction*

Tetra Tech will provide up to 120 hours of quality control observations during the assumed 200-hour well construction period. We will provide a hydrogeologist or scientist to observe portions

of the following processes: pilot hole drilling, setting of centralizers, casing emplacements, grouting, welding of casings, and completion of the open borehole.

#### *Well Development*

Tetra Tech will provide up to 40 hours of development observation to measure sand content and turbidity through the development process. The well driller will be required to provide well development at the specified rates and development methods. If development is not proceeding as expected, alternate methods can be pursued prior to the allotted development time being expended. The new production well should produce water with turbidity less than 1 NTU and sand content less than 1 ppm before being placed into service.

#### *Step-Drawdown Testing*

Tetra Tech will be present for the step-drawdown testing to assist in the data collection and to ensure the flow rate is maintained as specified, and that the required water levels are collected. A total of 8 hours of setup and testing observation has been allotted for this task.

#### *Geophysical and Video Logging*

Tetra Tech will be on-site during the geophysical logging and the video logging of the well to note any problems or concerns with the borehole or the completed well. The final video log confirms the final well casing setting depth and the total well depth. A total of 8 hours of setup and logging observation has been allotted for this task.

#### *Water Quality Sampling*

Tetra Tech will collect water quality samples during the pilot hole construction to help define the changes in water quality with depth. Tetra Tech will collect the drinking water standards samples at the end of the step-drawdown testing; the water quality analyses will be included in the water well contractor's contract. A total of 24 hours of sample collection and field analyses has been allotted for this task.

### **3. Well Construction Summary Report**

Tetra Tech will prepare a well construction summary report to summarize the well construction process including drilling, casing installation, grouting, development, and testing. The results and analyses of each of the performed tests will be included. This summary report will be a vital resource to evaluate the well's performance over time.

### **III. PROJECT REPRESENTATIVES**

City of Palm Bay: Christopher Little, P.E.

Tetra Tech: Jarrett Kinslow, P.E. / Jon Bundy, P.E.

Subconsultants: Electrical, Instrumentation and Control Design – Wade Trim  
Hydrogeological and Geotechnical – Ardaman and Associates

#### IV. DELIVERABLES

- Conformed Construction Documents (PDF Format / 2 Sets of Hard Copies)
- Record Documents (PDF Format / 2 Sets of Hard Copies)

#### V. SCHEDULE

A general project schedule that addresses each activity is presented below, to commence following notice to proceed.

Task	Estimated Duration (Days)	Estimated Duration (months)	Cumulative Schedule (months)
Well SRO-4 Construction to Substantial Completion	120	4	4
Well SRO-4 Final Completion and Closeout	30	1	5
ROWTP Construction to Substantial Completion	390	13	16
ROWTP Final Completion and Closeout	60	2	18

#### VII. COMPENSATION

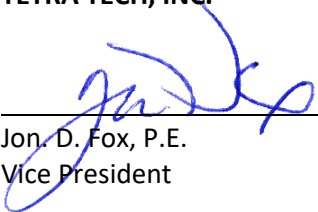
The total lump sum compensation for the Scope of Services described in Section II is \$543,351. A detailed breakdown of the estimated compensation for the Scope of Services is presented in Exhibit II. The project will be billed monthly as a lump sum based on the percentage complete. A task level breakdown of fees is provided below.

Task 1 – Construction Administration Services	\$492,683
Task 2 – Hydrogeological Scope of Services	\$50,668
<b>Total</b>	<b>\$543,351</b>

## VIII. ACCEPTANCE

If the above scope and fees meet your approval, please indicate by your signature in the space provided below and return one (1) signed copy which will constitute an Agreement and Notice to Proceed for the accomplishment of this work.

**TETRA TECH, INC.**

  
\_\_\_\_\_  
Jon. D. Fox, P.E.  
Vice President

July 14, 2020  
\_\_\_\_\_  
Date

**CITY OF PALM BAY**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date







Palm Bay SRWTP Expansion - 4 MGD to 6 MGD and Well SRO-4  
Engineer's Opinion of Probable Construction Cost  
Bid Set Submittal - June 2020

Area	Cost
<b>1.0 South Regional Water Treatment Plant Expansion Well SRO-4</b>	
Well Construction	\$329,000
Contingency (20%)	\$66,000
<b>South Regional Water Treatment Plant Expansion Well SRO-4 Total</b>	<b>\$395,000</b>
<b>2.0 South Regional Water Treatment Plant Expansion from 4 MGD to 6 MGD</b>	
<b><u>2A Plant Expansion Improvements</u></b>	
Civil Site Work	\$78,000
Yard Piping	\$588,000
Well Outfitting	\$222,000
Cartridge Filtration System	\$167,000
Reverse Osmosis High Pressure Pumps and Associated Appurtenances	\$371,000
Reverse Osmosis Skids and Associated Appurtenances	\$2,673,000
Degasification System - Blower Addition	\$81,000
Carbon Dioxide Storage and Feed System	\$633,000
Sodium Hydroxide Feed System Improvements (Feed Pumps)	\$108,000
Finished Water Transfer Pump and Associated Appurtenances	\$140,000
2.0 MG Finished Water Ground Storage Tank and Associated Appurtenances	\$1,437,000
High Service Pump and Associated Appurtenances	\$252,000
Structural Expansion Improvements	\$66,000
Electrical Expansion Improvements	\$473,000
Instrumentation and Programming Expansion Improvements	\$410,000
<b><u>Plant Expansion Improvements Subtotal</u></b>	<b><u>\$7,699,000</u></b>
<b><u>2B Plant Rehabilitation Improvements</u></b>	
Sulfuric Acid System Rehab Modifications	\$49,000
RO Membrane System (Total)	\$249,000
Degasification System Modifications	\$351,000
Sodium Hypochlorite System Rehab Modifications	\$44,000
Sodium Hydroxide System Rehab Modifications	\$90,000
Additional Rehabilitation Improvements	
RO Permeate SST Manifold Repair	\$46,000
RO Building FRP Grating and Support Beam	\$132,000
Chemical Feed Piping Replacement to Post Treatment	\$113,000
Chlorine Contact Chamber Valve Gear Box Replacement	\$180,000
Finished Water Transfer Pump Flush Line	\$17,000
40 KVA UPS Replacement	\$28,000
<b><u>Rehabilitation Improvements Subtotal</u></b>	<b><u>\$1,299,000</u></b>
<b><u>2C Bid Alternatives</u></b>	
RO Membrane Replacement of Existing Skids 1 and 2	\$392,000
Pre Degasification Carbon Dioxide Feed System	\$229,000
<b><u>South Regional Water Treatment Plant Expansion from 4 MGD to 6 MGD Subtotal</u></b>	<b><u>\$9,619,000</u></b>
Contractor Overhead & Profit (15%)	\$1,443,000
Mobilization/General Requirements/Bonding (8%)	\$770,000
Contingency (20%)	\$2,366,000
<b><u>South Regional Water Treatment Plant Expansion from 4 MGD to 6 MGD Total</u></b>	<b><u>\$14,198,000</u></b>
<b>OVERALL PROJECT TOTAL CONSTRUCTION COST</b>	<b>\$14,593,000</b>



## **LEGISLATIVE MEMORANDUM**

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

**FROM: Suzanne Sherman, Acting City Manager**

**THRU: Joan Junkala-Brown, Director**

**DATE: 8/6/2020**

**RE: Consideration of the Coronavirus Relief Fund Subrecipient Agreement with Florida Housing Finance Corporation for eligible activities related to COVID-19 (\$342,255).**

On July 17, 2020, the City was notified of an allocation of additional CARES Act funds under the Coronavirus Relief Fund (CRF) in the amount of \$342,255 to be disbursed following execution of the Subrecipient Agreement between the City and Florida Housing Finance Corporation (FHFC). The methodology for funding uses reemployment data at the county-level and then disbursed to municipalities based on population.

Funding assistance under CRF is available to eligible residents impacted by COVID-19 for uses such as rental, mortgage and utility payments and related counseling, housing reentry, emergency repairs and certain housing rehabilitation. All households assisted must be at or below 120% of the area median income (AMI) facing hardship, such as unemployment or under employment, due to COVID-19. Funds must be expended by December 30, 2020. A second allocation is expected to be disbursed no later than October 1, 2020. The amount of funding, if at all, will depend on the City's ability to expend the first allocation.

While the City has already identified unencumbered SHIP funds to provide rent and utility payment assistance related to COVID-19, staff expects to reallocate those funds back to the SHIP programs and utilize the CRF funds for eligible residents. Residents who have become delinquent on rent, mortgage or utilities can seek assistance dating back to March 1, 2020 and may be eligible to receive upfront payment assistance through December 2020, a period of ten months. It is anticipated that this first allocation could assist a minimum of 25 residents with the first allocation. Staff will utilize its existing Rent & Utility Payment Assistance application as well as forms prescribed, and processes recommended by the FHFC and Florida Housing Coalition.

Applications for CRF assistance will be made available from August 10 – 28, 2020 or until all funds are expended, whichever comes first. Please note that staff has already received applications from residents for rent and utility assistance under the SHIP program. All applicants will be served on a first-come/first-eligible, first-served basis.

**REQUESTING DEPARTMENT:**

Community & Economic Development

**FISCAL IMPACT:**

The allocation of CARES Act funds in the amount of \$342,255 in CRF funding will require that a separate fund be created for all CRF allocations. This will be added to the 4th Budget Amendment scheduled for September 3, 2020.

**RECOMMENDATION:**

Motion to authorize the Acting City Manager to execute the CRF Subrecipient Agreement with Florida Housing Finance Corporation for \$342,255 for eligible activities related to COVID-19 and authorize staff to expend such funds prior to the 4th Budget Amendment scheduled for the Regular Council Meeting on September 3, 2020.

**ATTACHMENTS:****Description**

Coronavirus Relief Fund (CRF) Subrecipient Agreement

Coronavirus Relief Fund (CRF) FAQ

CRF Technical Guidance 2020 July 28

Budget Amendment CRF Funds

Project Request 20CD11 (CRF)

**CORONAVIRUS RELIEF FUND (CRF)**  
**SUBRECIPIENT AGREEMENT**

**THIS FUNDING AGREEMENT** ("Agreement") is entered into by and among CITY OF PALM BAY ("Subrecipient"), a local government that meets the State Housing Initiatives Partnership ("SHIP") Program eligibility requirements, and FLORIDA HOUSING FINANCE CORPORATION ("Florida Housing"), a public body corporate and politic duly created and existing under the laws of the State of Florida. Upon execution by both parties, this Contract shall become effective as of the date the last party signs ("Effective Date").

**WITNESSETH:**

**WHEREAS**, the Coronavirus (COVID-19) emergency has caused disruption in Florida's economy leading to high rates of unemployment and business closures;

**WHEREAS**, Many Floridians are in need of assistance with rental payments, mortgage payments and home repairs;

**WHEREAS**, the State of Florida has been awarded funds pursuant to, section 601(d) of the Social Security Act, as amended by section 5001 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020);

**WHEREAS**, a portion of the CARES Act Funds (designated the "Coronavirus Relief Funds or CRF funds") will be distributed by Florida Housing to and administered by Eligible Local Governments (as defined herein) and expended only for purposes authorized by this Agreement;

**WHEREAS**, the Subrecipient and Florida Housing wish to enter into this Agreement which will govern the disbursement and expenditure of CRF funds;

**NOW, THEREFORE**, in consideration of the foregoing, the parties hereto agree as follows:

A. Recitals: The recitals stated above are true and correct, are incorporated herein, and form an integral part of this Agreement.

B. Definitions:

1. "Administrative Expenditures" means funds, not to exceed 10% of the allocation, expended by Subrecipient to carry out the activities of CRF. This expense may include salaries and benefits of staff, office supplies and equipment, required travel, advertising, recording costs.
2. "Annual income" means annual income as defined under the Section 8 housing assistance payments programs in 24 C.F.R. part 5; annual income as reported under the census long form for the recent available decennial census; or adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 for individual federal annual income tax purposes..
3. "Eligible Housing" means any real and personal property located within the county or eligible municipality which is designed and intended for the primary purpose of providing decent,

safe, and sanitary residential units that are designed to meet the standards of the Florida Building Code or previous building codes adopted under Chapter 553, Fla. Stat., or manufactured housing constructed after June 1994 and installed in accordance with the installation standards for mobile or manufactured homes contained in rules of the Department of Highway Safety and Motor Vehicles, for home ownership or rental for Eligible Persons as designated by Subrecipient.

4. "Eligible Local Government" means a local government in Florida that meets the SHIP Program eligibility requirements.
5. "Eligible Persons" or "Households" means one or more natural persons or a family determined by Subrecipient to be earning not more than 120% of the area median income according to the income limits adjusted to family size published annually by Florida Housing.
6. "Eligible Sponsor" means a person or a private or public for-profit or not-for-profit entity that applies for an award under CRF for the purpose of providing Eligible Housing for Eligible Persons.
7. "Expended" means the affordable housing activity is complete.
8. "Program Income" means proceeds derived from interest earned on or investment of the funds, proceeds from loan repayments, recycled funds, and all other income derived from use of CRF funds.
9. "Project Delivery Costs" means those costs related to the delivery of housing related services to an eligible applicant that are not included as part of Administrative Expenditures.
10. "Sub-Grantee" means a person or organization contracted by a Subrecipient that is compensated with CRF funds to provide administration of any portion of the CRF.

C. Allocation and Use of Funds:

1. Amount of Funds Available to Subrecipient: The total funds made available to Subrecipient under this Agreement is: \$342,255.
2. Disbursement of Funds to Eligible Subrecipients: The available funds will be disbursed to Subrecipient for activities described in Item C.4., below. Funds will be disbursed in up to two payments, the amount of each to be determined by Florida Housing. The first payment for the full amount in Item C.1. above will occur upon execution of this Agreement. Subject to the terms of this paragraph, a second payment may be disbursed no later than October 1, 2020. If Florida Housing determines that the Subrecipient has failed to make satisfactory progress in meeting the requirements of this Agreement or has otherwise failed to satisfactorily perform under the terms of this Agreement, the funds representing the second payment may be withheld by Florida Housing pending resolution of the issues giving rise to the lack of progress or failure to perform satisfactory to Florida Housing which may include a written plan to address the issues prepared by the Subrecipient and submitted to Florida Housing for approval.

3. Establishment of CRF Trust Fund: Subrecipient must establish and maintain a CRF trust fund or a pooled account where CRF funds are clearly designated.
4. Expenditure of Funds by Subrecipient: CRF funds shall be Expended by Subrecipient for the following:
  - a. Direct CRF Administrative Expenditures and Project Delivery Costs incurred on or after March 1, 2020 in an amount no more than a cumulative 10 percent of CRF funds incurred by Subrecipient, a consultant to Subrecipient, and/or a Sub-Grantee. CRF funds shall not be used to pay for Administrative Expenditures and Project Delivery Costs incurred prior to March 1, 2020.
  - b. Housing counseling services, direct rental assistance, relocation costs and awards to assist Eligible Housing for Eligible Persons or Households or Eligible Sponsors.
  - c. CRF funds may be used for the following pre-approved program purposes or activities:
    - i. Rental assistance payments (including back rent, deposits and utility payments);
    - ii. Mortgage payments and buydowns;
    - iii. Emergency repair of housing;
    - iv. Assistance to homeowners to pay insurance deductibles;
    - v. Housing re-entry assistance, such as security deposits, utility deposits, and temporary storage of household furnishings;
    - vi. Foreclosure or eviction prevention, including monthly rent and associated fees; and
    - vii. Homeownership counseling.

All other activities must be presented in writing to Florida Housing and approved in writing prior to implementation.
5. Term: The period of performance for this grant is March 1, 2020 – December 30, 2020. In executing this Agreement, Subrecipient is certifying that all CRF funds will be Expended by December 30, 2020. The term of this agreement will be from the Effective Date through March 31, 2021.
6. Advertisement of Availability of Funds: U CRF funding availability shall be advertised by Subrecipient in both a newspaper of general circulation and, where available, periodicals serving racially, ethnically and income diverse neighborhoods, at least 10 days before the beginning of the application period. This 10-day period does not prevent assistance to applicants that have already applied and been determined eligible prior to the application period. At a minimum, the advertisement shall contain:
  - a. The amount of funds projected to be received from the state for the fiscal year(s).
  - b. The beginning and ending date of the application period;
  - c. The name of the contact person and other pertinent information where applicants may apply for assistance (phone number, address, email, and hours of operation);
7. Repayments:
  - a. The Subrecipient shall only expend funding under this Agreement for allowable costs resulting from obligations incurred during the eligible period of performance. The Subrecipient shall ensure that its contractors, subcontractors, and consultants only

- expend funding under this Agreement for allowable costs resulting from obligations incurred during the period of performance.
- b. The Subrecipient shall refund to Florida Housing any unobligated funds which have been advanced or paid to the Subrecipient upon termination of this Agreement.
  - c. Any unexpended funds under this Agreement, including unexpended program income earned, must be returned to Florida Housing upon termination of this Agreement.
  - d. Upon termination of this Agreement, or upon any determination made indicating such, the Subrecipient shall refund to Florida Housing any funds paid in excess of the amount to which the Subrecipient or its contractors, subcontractors, or consultants are entitled under the terms and conditions of this Agreement.
  - e. The Subrecipient shall refund to Florida Housing any funds not spent in accordance with the conditions of this Agreement or applicable law. Such reimbursement shall be sent to Florida Housing within 30 calendar days from Subrecipient's receipt of notification of such non-compliance.
  - f. The Subrecipient's obligations under this section will survive the termination of the Agreement.
8. Performance under this Agreement is subject to 2 C.F.R Part 200, entitled "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards."
  9. Single Audit Act: Funds payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance. The Subrecipient shall conduct a single or program-specific audit in accordance with the provisions of 2 C.F.R. Part 200 and the related provisions of the Uniform Guidance, if it expends more than \$750,000 or more in Federal awards from all sources during its fiscal year. The Catalog of Federal Domestic Assistance (CFDA) number for these funds is 21.019.
- D. Application for CRF Eligible Person or Household Assistance: Subrecipient shall establish criteria for CRF assistance and develop an application for CRF eligibility.
- a. The application for assistance should contain all the necessary information to determine whether an applicant household is potentially eligible for CRF assistance. In accordance with the provisions of Sections 760.20-760.37, Fla. Stat., it is unlawful to discriminate on the basis of race, religion, color, sex, familial status, national origin, or handicap in the award application process for Eligible Housing.
  - b. At a minimum, an application for program assistance should contain the following items for each household members:
    - i. The number of people residing in the household including name, age, relationship to head of household, current address and home phone number;
    - ii. Name and address of employer(s), work phone number(s), position title and number of years on job with employer;
    - iii. Sources of annual income, including earned, unearned and asset income, and a statement signed by all of the adults who reside in the household consenting to the disclosure of information for the purpose of verifying income and assets for determining income eligibility for program assistance.
    - iv. A signed statement indicating that the applicant understands that all information provided is subject to Florida's public records laws.

- v. A statement that it is a first-degree misdemeanor to falsify information for the purpose of obtaining assistance.
- E. Allowable Rental Assistance (Subsidies): Assistance may be provided as direct rental assistance to Eligible Persons in any of the following manners:
  - 1. Security and utility deposit assistance to secure temporary or permanent rental housing; or
  - 2. Eviction prevention not to exceed 10 months' rent; or
  - 3. A rent subsidy program for income eligible households that are displaced from rental units that are uninhabitable; or
- F. Allowable Mortgage Payments: Mortgage payment assistance may be awarded to eligible applicants. This may include principle and interest, insurance, and homeowner association fees. Real Estate taxes paid to a government entity are not eligible.
- G. Income Categories: All households assisted must be at or below 120% of the area median income.
- H. CRF Eligible Person Award Terms: CRF funds awarded directly to Eligible Persons must be in the form of a grant, deferred loan or hard pay loan.
- I. Reporting Requirements: The Subrecipient must provide Florida Housing with monthly reports beginning on October 1, 2020 and a closeout report by February 15, 2021. These funds must include the current status and progress of the expenditure of funds under this Agreement, in addition to any other information requested by Florida Housing. All funds must be accounted for on the CRF Data Upload Form as provided by Florida Housing. Quarterly reports are due to Florida Housing no later than 15 days after the end of each quarter. The first quarterly report due pursuant to this agreement is due for the quarter ending September 30, 2020.
- J. Program Compliance
  - 1. File Management and Record Retention relating to CRF Eligible Persons or Sponsors: Subrecipient must maintain a separate file for every applicant, Eligible Person, Sub-Grantee or Sponsor, regardless of whether the request was approved or denied.
    - a. Contents of File: Each file must contain sufficient and legible documentation. Documents must be secured within the file and must be organized systematically.
    - b. Record and File Retention: Local governments are required to retain records and other relevant documentation for each applicant, Eligible Person, Sub-Grantee or Sponsor for five fiscal years after funds have been expended or five years after the expiration of a use restriction agreement. and accounted for and/or satisfaction of loans, whichever is later, provided applicable audits have been released.
      - i. The minimum requirements for documentation of award depend upon the type of assistance awarded and the funding sources. Every file should contain a section of notes and a file checklist, which tracks the efforts and progress of obtaining necessary documents. The checklist is a useful tool for all persons who must have access to the file. However, this checklist may be modified to accommodate a local government's need for additional documentation.



- ii. Eligible Sponsors(developers) who are awarded funds have the responsibility for maintaining clear and accurate files on project recipients and activities. Subrecipient must monitor the Eligible Sponsors files on a regular basis to ensure that all information is collected that will be needed for reporting. Subrecipient's housing administrator must also review the file documentation to ensure that assistance is awarded to Eligible Persons and that all project activities conform to program requirements.
    - iii. In cases where a Sub-Grantee is used to administer CRF, Subrecipient is ultimately responsible for program compliance.
    - iv. All other records that document the award or expenditure of CRF funds must be retained for five fiscal years after the funds have been expended or five years after the expiration of a use restriction agreement and accounted for and/or satisfaction of loans, whichever is later, provided applicable audits have been released. This means that for cases that were assisted Subrecipient must retain all records no less than five years after the loan has been satisfied, provided audits have been released, whichever is later. Housing records of this type include, but are not limited to:
      - 1) applications;
      - 2) program and set-aside records;
      - 3) housing agreements;
      - 4) income verifications and
      - 5) other records as required by Florida Housing or federal, state and local law or regulations.
    - v. Records must be retained in electronic form. The standards used must comply with the Florida Administrative Code. Local record retention requirements may be stricter than the State.
  - c. Access to Files: Florida Housing or any duly authorized representative shall be permitted to inspect any files relating to CRF Eligible Person or Sponsors including but not limited to advertisements, applications, income verifications and certifications, plan participation contracts, financial records, tracking system records, construction cost verification including receipts and contracts, rental development annual reviews, Eligible Sponsor reviews, Eligible Sponsor award lists, CRF fund recipient lists, and any other applicable documents at any reasonable time with or without notice. Such records shall be maintained within the participating county or eligible municipality at a place accessible to the Corporation staff or its designated monitoring agent.
2. Files Management and Record Retention relating to Subrecipient and Administration of this Agreement:
- a. The Subrecipient shall maintain books, records, and documents in accordance with generally accepted accounting procedures and practices which sufficiently and properly reflect all expenditures of funds provided by Florida Housing under this Agreement.
  - b. Contents of the Files: Subrecipient must maintain files containing documentation to verify all compensation to Subrecipient in connection with this Agreement, as well as reports, records, documents, papers, letters, computer files, or other material received, generated, maintained or filed by Subrecipient in connection with this Agreement. Subrecipient must also keep files, records, computer files, and reports that reflect any compensation it receives or will receive in connection with this Agreement.

- c. **Record and File Retention:** Subrecipient must maintain these files for five years after the end of the applicable fiscal year, except that, if any litigation, claim or audit is commenced with respect to the transactions documented by such files before the end of the aforementioned five-year period and extends beyond the expiration of the five-year period, these files must be retained until all litigation, claims, or audit findings involving the files have been resolved.
  - d. **Access to the Files:** As a condition of receiving state or federal financial assistance, and as required by sections 20.055(6) and 215.97(5), Fla. Stat., Florida Housing, the Chief Inspector General of the State of Florida, the Florida Auditor General, or any of their authorized representatives shall enjoy the right to access any documents, financial statements, papers, or other records of the Subrecipient that are pertinent to this Agreement, in order to make audits, examinations, excerpts, and transcripts. Upon reasonable notice, Subrecipient and its employees shall allow Florida Housing or its agent(s) access to its files and personnel for interview purposes during normal business hours, 9:00 a.m. to 5:00 p.m., Monday through Friday, provided such day is not a holiday.
  - e. **Return of the Files:** In the event this Agreement is terminated, all finished or unfinished documents, data, studies, computer files, correspondence, and other products prepared by or for Subrecipient under this Agreement must be submitted to Florida Housing within 15 days of such termination at the expense of Subrecipient.
3. **Compliance Monitoring:** Subrecipient must be subject to compliance monitoring during the period of performance in which funds are Expended and up to three years following the closeout of all funds. In order to assure that the program can be adequately monitored, the following is required of Subrecipient:
- a. Subrecipient must maintain a financial tracking system provided by Florida Housing that ensures that CRF funds are Expended in accordance with the set-aside requirements, deadlines, and other requirements in this agreement.
  - b. Subrecipient must maintain records on all awards to Eligible Persons or Sponsors. These records must include, but are not limited to:
    - i. Proof of income compliance;
    - ii. Proof of homeownership;
    - iii. Proof of use of FEMA proceeds;
    - iv. Documentation of all required inspections including mold remediation and wood destroying organisms;
    - v. Documentation of any required remediation;
    - vi. Certificate of Occupancy;
    - vii. Placed in Service documentation;
    - viii. Proof of contract or eligibility;
    - ix. Documentation of payments made on the award; and
    - x. Documentation of the value/sales price of the unit, as applicable.
4. **Cooperation with Inspector General:** Subrecipient understands its duty, pursuant to Section 20.055(5), Fla. Stat., to cooperate with Florida Housing's Inspector General in any investigation, audit, inspection, review, or hearing. Subrecipient will comply with this duty and ensure that any contracts issued under this Agreement impose this requirement, in writing, on its subcontractors.

5. Technical Assistance: Training and technical assistance is available to Subrecipient to assist in the development and implementation of the CRF. This technical assistance shall be provided by Florida Housing staff and Florida Housing's Catalyst contractor.
6. Program Income: Program Income realized by Subrecipient prior to the final closeout of CRF must be deposited and used for eligible CRF activities. After final closeout of CRF, funds realized as Program Income must be returned to Florida Housing.
7. Recaptured Funds: Recaptured Funds realized by Subrecipient prior to the final closeout of CRF must be deposited and used for eligible CRF activities. After final closeout of CRF, Recaptured Funds must be returned to Florida Housing.

K. Contacts

1. Florida Housing's contract administrator for this Agreement is:

Contract Administrator  
Florida Housing Finance Corporation  
227 North Bronough St., Suite 5000  
Tallahassee, Florida 32301-1329  
Phone: 850.488.4197  
E-mail: Contract.Admin@floridahousing.org

2. The Florida Housing program contact for this Contract is:

Robert Dearduff, Assistant Director of Special Programs  
Florida Housing Finance Corporation  
227 North Bronough St., Suite 5000  
Tallahassee, Florida 32301-1329  
Phone: 850.488.4197  
E-mail: Robert.Dearduff@floridahousing.org  
or the designated successor.

3. The Grantee's contract administrator for this Contract is:

Tina Johns, Housing Administrator  
120 Malabar Road SE  
Palm Bay, Florida 32907  
Phone: 321.952.3400  
E-mail: Tina.Johns@palmbayflorida.org  
or the designated successor.

- L. 2 CFR Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards - In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

**(A)** Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by [41 U.S.C. 1908](#), must address administrative, contractual, or legal remedies in instances where contractors violate or breach

contract terms, and provide for such sanctions and penalties as appropriate.

**(B)** All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

**(C)** Equal Employment Opportunity. Except as otherwise provided under [41 CFR Part 60](#), all contracts that meet the definition of “federally assisted construction contract” in [41 CFR Part 60-1.3](#) must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with [Executive Order 11246](#), “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by [Executive Order 11375](#), “Amending [Executive Order 11246](#) Relating to Equal Employment Opportunity,” and implementing regulations at [41 CFR part 60](#), “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

**(D)** [Davis-Bacon Act](#), as amended (40 U.S.C. [3141-3148](#)). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the [Davis-Bacon Act](#) (40 U.S.C. [3141-3144](#), and [3146-3148](#)) as supplemented by Department of Labor regulations ([29 CFR Part 5](#), “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act ([40 U.S.C. 3145](#)), as supplemented by Department of Labor regulations ([29 CFR Part 3](#), “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

**(E)** [Contract Work Hours and Safety Standards Act](#) (40 U.S.C. [3701-3708](#)). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with [40 U.S.C. 3702](#) and [3704](#), as supplemented by Department of Labor regulations ([29 CFR Part 5](#)). Under [40 U.S.C. 3702](#) of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of [40 U.S.C. 3704](#) are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

**(F)** Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under [37 CFR § 401.2](#) (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the

substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of [37 CFR Part 401](#), “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) [Clean Air Act](#) ([42 U.S.C. 7401-7671q](#).) and the [Federal Water Pollution Control Act](#) ([33 U.S.C. 1251-1387](#)), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the [Clean Air Act](#) ([42 U.S.C. 7401-7671q](#)) and the [Federal Water Pollution Control Act](#) as amended ([33 U.S.C. 1251-1387](#)). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see [2 CFR 180.220](#)) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 ([3 CFR part 1986](#) Comp., p. 189) and 12689 ([3 CFR part 1989](#) Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than [Executive Order 12549](#).

(I) Byrd Anti-Lobbying Amendment ([31 U.S.C. 1352](#)) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by [31 U.S.C. 1352](#). Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See [§ 200.322](#) Procurement of recovered materials.

[[78 FR 78608](#), Dec. 26, 2013, as amended at [79 FR 75888](#), Dec. 19, 2014]

#### M. Default and Remedies

1. If any of the events listed in subparagraph 2. of this section occur, all obligations on the part of Florida Housing to continue doing business with Subrecipient or assign any future transaction to Subrecipient shall, if Florida Housing so elects, terminate and Florida Housing may, at its option, exercise any of its remedies set forth herein, or as otherwise provided by law. However, Florida Housing may continue doing business with the Subrecipient as a participant after the happening of any event listed in subparagraph 2. of this section without waiving the right to exercise such remedies, without constituting a course of dealing, and without becoming liable to include the Subrecipient in the transaction or any future transaction.
2. The Events of Default shall include, but not be limited to, the following:
  - a. If any report, information or representation provided by Subrecipient in this Contract is inaccurate, false or misleading in any respect;

- b. If any warranty or representation made by Subrecipient in this Contract or any other outstanding agreement with Florida Housing is deemed by Florida Housing to be inaccurate, false or misleading in any respect;
- c. If Subrecipient fails to keep, observe, or perform any of the terms or covenants contained in this Contract, or is unable or unwilling to meet its obligations as defined in this Contract;
- d. If, in the sole discretion of Florida Housing, Subrecipient has failed to perform or complete any of the services identified in the attachments;
- e. If Subrecipient has not complied with all Florida laws, federal laws, Florida Housing rules or Florida Housing policies applicable to the work;
- f. If Subrecipient has discriminated on the grounds of race, color, religion, sex, national origin, or disability in performing any service identified in the attachments;
- g. If Subrecipient does not comply with the terms and conditions set forth in Section 420.512(5), Fla. Stat.;
- h. If Subrecipient commits fraud in the performance of its obligations under this Contract; or
- i. If Subrecipient refuses to permit public access to any document, paper, letter, computer files, or other material subject to disclosure under Florida's Public Records Law.

Upon the occurrence of any Event of Default listed in subparagraph 2. above, Florida Housing will provide written notice of the Default detailing the grounds that constitute the Event of Default.

- 3. Upon the occurrence of any Event of Default listed in subparagraph 2. above, Florida Housing may provide Subrecipient a reasonable period of time to cure the Event of Default (Cure Period). If Florida Housing provides a Cure Period, Florida Housing will notify the Subrecipient of the length of the Cure Period in the Notice of Default.
- 4. If Florida Housing provides a Cure Period and if the Subrecipient is unable or unwilling to cure the Event of Default within the Cure Period, Florida Housing may exercise any remedy permitted by law. The pursuit of any one of the following remedies shall not preclude Florida Housing from pursuing any other remedies contained herein or otherwise provided at law or in equity. The remedies include, but are not limited to the following:
  - a. Florida Housing may terminate the Contract on the 10<sup>th</sup> day after Subrecipient receives the Notice of Default or upon the conclusion of any applicable Cure Period, whichever is later;
  - b. Florida Housing may commence an appropriate legal or equitable action to enforce performance of the terms and conditions of this Contract;
  - c. Florida Housing may exercise any corrective or remedial actions including, but not limited to, requesting additional information from Subrecipient to determine the reasons for or

the extent of non-compliance or lack of performance, issuing a written warning to advise that more serious measures may be taken if the situation is not corrected, advising the Subrecipient to suspend, discontinue or refrain from incurring fees or costs for any activities in question or requiring the Subrecipient to reimburse Florida Housing for the amount of costs incurred; or

- d. Florida Housing may exercise any other rights or remedies that may be otherwise available under law.

#### N. Termination

1. Florida Housing may terminate the Agreement, without cause, at any time upon 24-hour written notice delivered by courier service or electronic mail to the Subrecipient, from the date sent from Florida Housing.
2. The Subrecipient may terminate this Agreement, without cause, at any time upon 10 days written notice delivered by courier service or electronic mail to Florida Housing at the physical or electronic address, as applicable, of Florida Housing's Contract Administrator, Contract.Admin@floridahousing.org. The Subrecipient shall be responsible for all costs arising from the resignation of the Subrecipient.
3. Upon expiration or termination of this Agreement, the Subrecipient shall transfer to Florida Housing any CRF funds on hand at the time of expiration or termination, and any accounts receivable attributable to the use of CRF funds.

#### O. General Provisions

1. Compliance with all Applicable Laws and Regulations: Subrecipient must comply with all applicable federal, state and local laws, rules, regulations, and ordinances in administering CRF under this Agreement. Subrecipient acknowledges that this requirement includes, but is not limited to, compliance with all applicable federal, state, and local health and safety rules and regulations. Subrecipient further agrees to include this provision in all contracts with Eligible Persons, Sub-Grantees, Sponsors or subcontracts issued as a result of this Agreement. Subrecipient's failure to comply with any part of this provision is material and must be grounds for termination of this Agreement for cause by Florida Housing.
2. Indemnification: Nothing contained in this Agreement shall be construed to be a waiver by either party of any protections under sovereign immunity, Section 768.28 Florida Statutes, or any other similar provision of law. Nothing contained herein must be construed to be a consent by either party to be sued by third parties in any matter arising out of this Agreement or any other contract.
3. Insurance: Subrecipient agrees to carry liability and other appropriate forms of insurance. Florida Housing shall have no liability except as specifically provided in this Agreement.
4. Severability: If a court deems any provision of this Agreement void or unenforceable, that provision shall be enforced only to the extent that it is not in violation of law or is not otherwise unenforceable and all other provisions shall remain in full force and effect.

5. Entire Agreement: This Agreement, and all exhibits annexed hereto which are incorporated herein by reference, collectively represent the entire agreement of the parties and the same supersedes any and all previous agreements of any kind. Any alterations, variations, changes, modifications, or waivers of provisions of this Agreement shall be valid only if reduced to writing, duly signed by all of the parties hereto, and attached to the original of this Agreement.
6. Lobbying: In accordance with Section 216.347, Fla. Stat., Subrecipient is hereby prohibited from using funds provided by this Agreement for the purpose of lobbying the Legislature, the judicial branch or a state agency. Further, in accordance with Section 11.062, Fla. Stat., no state funds, exclusive of salaries, travel expenses, and per diem, appropriated to, or otherwise available for use by, any executive, judicial, or quasi-judicial department shall be used by any state employee or other person for lobbying purposes.
7. Files Subject to Florida's Public Records Law: Any file, report, record, document, paper, letter, or other material received, generated, maintained or sent by Subrecipient in connection with this agreement is subject to the provisions of Section 119.01-.15, Fla. Stat., as may be amended from time to time (Florida's Public Records Law). Subrecipient represents and acknowledges that it has read and understands Florida's Public Records Law and agrees to comply with Florida's Public Records Law.

**If Subrecipient has questions regarding the application of Chapter 119, Florida Statutes, to Subrecipient's duty to provide public records relating to this contract, contact the Corporation Clerk at:**

**Corporation Clerk**

**227 N. Bronough Street, Suite 5000**

**Tallahassee, Florida 32301-1329**

**Phone: 850.488.4197**

**E-mail: [Corporation.Clerk@floridahousing.org](mailto:Corporation.Clerk@floridahousing.org)**

8. Personally Identifiable Information (PII); Security:
  - a. If Subrecipient or any of its subcontractors may or will create, receive, store or transmit PII under the terms of this Agreement, Subrecipient must provide for the security of such PII, in a form acceptable to Florida Housing, without limitation, non-disclosure, use of appropriate technology, security practices, computer access security, data access security, data storage encryption, data transmission encryption, security inspections and audits. Subrecipient shall take full responsibility for the security of all data in its possession or in the possession of its subcontractors and shall hold Florida Housing harmless for any damages or liabilities resulting from the unauthorized disclosure of loss thereof.
  - b. If Subrecipient or any of its subcontractors may or will create, receive, store or transmit PII under the terms of this Agreement, Subrecipient shall provide Florida Housing with insurance information for stand-alone cyber liability coverage, including the limits available and retention levels. If Subrecipient does not carry stand-alone cyber liability coverage, Subrecipient agrees to indemnify costs related to notification, legal fees,



judgments, settlements, forensic experts, public relations efforts, and loss of any business income related to this Agreement.

- c. Subrecipient agrees to maintain written policies and procedures for PII and/or data classification. This plan must include disciplinary processes for employees that violate these guidelines.
- d. Subrecipient agrees at all times to maintain reasonable network security that, at a minimum, includes a network firewall.
- e. Subrecipient agrees to protect and maintain the security of data with protection security measures that include maintaining secure environments that are patched and up to date with all appropriate security updates as designated by a relevant authority (e.g. Microsoft notifications, Common Vulnerabilities and Exposures (CVE) database, etc.) Subrecipient agrees that PII shall be appropriately destroyed based on the format stored upon the expiration of any applicable retention schedules.
- f. Subrecipient agrees that any and all transmission or exchange of system application data with Florida Housing and/or any other parties shall take place via secure Advanced Encryption Standards (AES), e.g. HTTPS, FTPS, SFTP or equivalent means. All data stored as a part of backup and recovery processes shall be encrypted, using AES.
- g. If Subrecipient reasonably suspects that a cybersecurity event or breach of security has occurred, they must notify Florida Housing's Contract Administrator within 48 hours.
- h. In the event of a breach of PII or other sensitive data, Subrecipient must abide by provisions set forth in Section 501.171, Fla. Stat. Additionally, Subrecipient must immediately notify Florida Housing in writing of the breach and any actions taken in response to such a breach. As the information becomes available the statement must include, at a minimum, the date(s) and number of records affected by unauthorized access, distribution, use, modification or disclosure of PII; Subrecipient's corrective action plan; and the timelines associated with the corrective action plan.

9. Other Provisions:

- a. This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall lie in Leon County.
- b. No waiver by Florida Housing of any right or remedy granted hereunder or failure to insist on strict performance by Subrecipient shall affect or extend or act as a waiver of any other right or remedy of Florida Housing hereunder or affect the subsequent exercise of the same right or remedy by Florida Housing for any further or subsequent default by Subrecipient. A waiver or release with reference to any one event shall not be construed as continuing or as constituting a course of dealing.
- c. Any power of approval or disapproval granted to Florida Housing under the terms of this Agreement shall survive the terms and life of this Agreement as a whole.
- d. The Agreement may be executed in any number of counterparts, any one of which may be taken as an original.

IN WITNESS WHEREOF, the parties have executed this Agreement Number 133-2020, each through a duly authorized representative, effective on the Effective Date.

CITY OF PALM BAY

By: \_\_\_\_\_

Name/Title: \_\_\_\_\_

Date: \_\_\_\_\_

FEIN: \_\_\_\_\_

FLORIDA HOUSING FINANCE CORPORATION

By: \_\_\_\_\_

Name/Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **Coronavirus Relief Fund (CRF) Strategy 2 (SHIP)**

### **FAQ for Local Governments**

#### **What is the Coronavirus Relief fund?**

The Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act, is a \$2 trillion economic stimulus bill passed by the 116th U.S. Congress and signed into law by President Donald Trump in March 2020 in response to the economic fallout of the COVID-19 pandemic in the United States.

#### **How much CRF funding is available through Florida Housing Finance Corporation?**

Through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), \$250 million from the Coronavirus Relief Fund (CRF) is available and will be allocated into the following areas:

- \$ 120 million to provide rental assistance for residents in Florida Housing funded developments;
- \$ 120 million to provide rent and mortgage assistance administered by the State Housing Initiatives Partnership (SHIP) jurisdictions; and
- \$ 2 million to provide operations support for special needs developments.

#### **How is the CRF funding related to the SHIP program?**

The State of Florida has allocated \$120 million to be administered through the SHIP infrastructure. This funding, while not specifically SHIP, will carry some of the process and restrictions of the program for ease of administration.

#### **What can the funds be used for?**

The overarching requirement of all funding is that it must be spent on activities necessary due to the COVID-19 emergency. So, activities such as rental and mortgage assistance (and related counseling) payments or emergency repairs for persons who have experienced a hardship that prevents them from making these payments are clearly eligible uses. Beyond that, activities such as new construction may be eligible but would have to be related specifically to a need caused by the COVID-19 emergency and would need to be proposed to and approved by FHFC prior to implementation.

#### **Can we use the funds to reimburse SHIP funds used to assist applicants affected by COVID-19?**

Yes, provided that the activity funded is eligible under the CRF and CARES Act guidelines and that it was used for an activity that had not been previously budgeted for those SHIP funds. So, for instance, if you originally budgeted funds for DPA and had to redirect them to assist with rental assistance due to COVID-19, reimbursement would be eligible. The activity in question would have to have occurred from March 1, 2020 forward.

#### **How much funding will each local government receive and when?**

In the first round of allocations, FHFC is disbursing \$75 million in funds. The allocations for this round of funding are between \$175,000 (county minimum) and \$7.5 million (county maximum). Allocations will be based at the county level on reemployment data and then disbursed to eligible cities based on population figures. The remaining \$45 million is anticipated to be disbursed no later than October 15,

2020 and will be based on updated reemployment figures as well as local government performance in spending the first allocation.

**What do local governments need to do to receive the funds?**

All local governments that are eligible for the SHIP program are eligible to receive CRF funds. Each local government will need to execute a subrecipient agreement with FHFC to receive the funds. This agreement will detail requirements of the funding as well as eligible activities. We expect that any city/county interlocal agreements will govern funds for those communities.

**How long do local governments have to spend the funds?**

All funds must be expended no later than December 30, 2020. Any eligible activities that occur between March 1, 2020 and December 30, 2020 are CRF eligible.

**What happens to funds that are not expended by the deadline?**

All funds that are not expended by December 30, 2020 will be returned to Florida Housing and in turn to the U.S. Treasury Department.

**Will local governments be required to follow the SHIP program requirements?**

Some program requirements such as the maximum income set-aside (120%) and restrictions will be in place. Others, such as homeownership and construction set-asides will not be. There will be no requirement to set-aside 30% of funds for very low or low income applicants, although we expect that in the current state of emergency you will be serving high percentages of these income levels.

**How will applicants be processed and income qualified?**

Each local government will follow their local application process, but under the emergency situation may use expedited methods of processing applications and reviewing and qualifying income.

**Are local governments allowed to use funds for administration of the program?**

Each local government may use up to 10% for administrative costs as well as a reasonable project delivery cost for services provided by third party individuals or organizations that perform a required task that local government staff cannot manage in the restricted timeframe without assistance. Keep in mind, that only 10% of the amount expended can be used for administration. So, for example, if you receive an allocation of \$1 million and only spend \$500,000 of it, your admin cap is \$50,000, not \$100,000.

**Will local governments be required to report on CRF expenditures?**

Yes, FHFC will set up a reporting mechanism similar to the SHIP annual reporting portal for final reports which will be due by February 15, 2021. In addition, each local government is required to submit a monthly report of activities beginning with October 1, 2020.

**Will there be training on how to use the CRF funding?**

Yes, FHFC will provide a series of webinars and direct technical assistance provided by the Florida Housing Coalition through the Catalyst program. The webinars will begin in July and will be helpful in understanding the requirements and best practices for spending the CRF funds.

**Will the CRF funds be subject to compliance monitoring?**

Yes, the funds will be subject to regular SHIP-like compliance monitoring as any fiscal year funding would be with the CRF funds falling within the 2020-2021 fiscal year.

**Can a county and city that currently operate under an existing interlocal agreement continue to work under the agreement to administer CRF funds?**

Yes, since the idea is to use the current SHIP infrastructure to maximize the ability to respond in a short time, interlocals may continue to operate as they currently do. Funds will be sent in the same manner as with SHIP.

## Memorandum

TO: Local Governments participating in Coronavirus Relief Funds (CRF-2)

FROM: Robert Dearduff, Assistant Director of Special Programs

SUBJECT: Technical Guidance on Coronavirus Relief Fund (CRF-2)

DATE: July 28, 2020

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### **Item #1:** Definition of Eligible Housing (Page 2, B. 3.) clarified:

“Eligible Housing” means any real and personal property located within the county or eligible municipality which is designed and intended for the primary purpose of providing decent, safe, and sanitary residential units that are designed to meet the standards of the Florida Building Code or previous building codes adopted under Chapter 553, Fla. Stat., or manufactured housing constructed after June 1994 and installed in accordance with the installation standards for mobile or manufactured homes contained in rules of the Department of Highway Safety and Motor Vehicles, for home ownership or rental for Eligible Persons as designated by Subrecipient.

**Item # 1 Guidance:** *The Eligible Housing definition reference to the June 1994 restriction on assisting manufactured housing is not meant to restrict a local government from providing rental assistance to a resident of a manufactured or mobile home that was constructed prior to June 1994 as long as no funds are being used to repair the unit. It is also advisable in these situations that the local government review and determine that the home in question is not substandard.*

### **Item #2:** Use of Project Delivery Costs (Page 3, C. 4.) clarified:

Expenditure of Funds by Subrecipient: CRF funds shall be Expended by Subrecipient for the following:

- a. Direct CRF Administrative Expenditures and Project Delivery Costs incurred on or after March 1, 2020 in an amount no more than a cumulative 10 percent of CRF funds incurred by Subrecipient, a consultant to Subrecipient, and/or a Sub-Grantee. CRF funds shall not be used to pay for Administrative Expenditures and Project Delivery Costs incurred prior to March 1, 2020.

**Item #2 Guidance:** *The use of Project Delivery Costs as defined in B. 9 of the CRF subrecipient agreement is separate and above the 10% cap on administrative fees. Project delivery costs can only be paid to individuals or entities that provide services directly related to assisting eligible CRF applicants that cannot or is not being performed by local government staff that whose salaries are derived from the administrative fees. The reasonable cost of project delivery costs is 5% or less. Keeping these costs as low as possible allows you to serve more applicants with program funds.*

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Ron DeSantis, Governor

Board of Directors: Ron Lieberman, Chairman • Ray Dubuque, Vice Chairman  
Ryan Benson • Sandra Einhorn • LaTasha Green-Cobb  
Bill Gulliford • Ken Lawson

Harold "Trey" Price, Executive Director

**Item #3:** Advertisement of funding availability (Page 3, C. 6.) clarified:

Advertisement of Availability of Funds: CRF funding availability shall be advertised by Subrecipient in both a newspaper of general circulation and, where available, periodicals serving racially, ethnically and income diverse neighborhoods, at least 10 days before the beginning of the application period. This 10-day period does not prevent assistance to applicants that have already applied and been determined eligible prior to the application period. At a minimum, the advertisement shall contain:

- a. The amount of funds projected to be received from the state for the fiscal year(s).
- b. The beginning and ending date of the application period;
- c. The name of the contact person and other pertinent information where applicants may apply for assistance (phone number, address, email, and hours of operation);

***Item # 3 Guidance:*** *With the need to make the CRF funds available as soon as possible, the advertising requirement may also be met through the use of the local government's website and social media accounts that are available to the public. Local governments that were already using SHIP funds for similar uses do not need to wait the 10-day period before taking applications.*

**Item #4:** Allowable property tax payments (Page 5, F.) clarified:

Allowable Mortgage Payments: Mortgage payment assistance may be awarded to eligible applicants. This may include principle and interest, insurance, and homeowner association fees. Real Estate taxes paid to a government entity are not eligible.

***Item # 4 Guidance:*** *According to US Treasury guidance regarding the payment of property taxes, exceptions may be made in the case of assistance designed to prevent foreclosures.*

**Requesting Department/Division**  
**City Council Approval Date**

Fund #/Name	Account #	Project #	Account Name	Revenue	Expense
			TOTAL		

### Justification for Budget Amendment Request

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## Supporting Documentation Attached

Yes

Yes	No	Justification, if "No" →

### Signature/Approval Requirements

Authorized Department Designee

Budget Office Representative

**Budget Office Use Only:**

Budget Amendment #  
Budget Amendment Date  
Prepared By

H.T.E. Entry Date  
Entered By  
Date Journalized



## PROJECT REQUEST FORM

Date: \_\_\_\_\_

Department/Division in Charge: \_\_\_\_\_

Project Description (brief): \_\_\_\_\_

Project Name: \_\_\_\_\_

Project # \_\_\_\_\_

HTE # \_\_\_\_\_

Project No.	Expenditure Account Number(s)	Revenue Account Number(s)	Funding Source(s)	Requested Budget Amount(s)

Project Start Date (mm/yy)	Estim. Date of Completion (mm/yy)	Project Type	Estim. Total Project Cost	Physical Location (address or City building name or City area/unit)

Code	Misc. Project Information/Transfers:

Project Manager Approval

Division Manager Approval

City Manager Approval

Attachments/Supporting Documents/Folder Location



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, Acting City Manager

**THRU:** Leslie Hoog, Fire Chief

**DATE:** 8/6/2020

**RE:** Consideration of appropriation from General Fund Balance (\$73,538) and from Fire Impact Fees Fund 190 Balance (\$120,763) to complete the construction of Fire Station 5.

Fire Rescue Department requests the additional funding requests to complete the construction of Fire Station 5, located at 1525 Foundation Park Boulevard:

**General Fund:** Due to several required unanticipated items that were not part of the original budget and/or recalculation of the expenditure of Fire Impact Fees, Fire Rescue is requesting the appropriation of \$73,538 from General Fund Balance as follows: \$9,550 towards an emergency window exit, \$22,789 towards the previously approved generator purchase, \$3,122 towards the purchase of a motor gate, \$19,455 towards the water line further described below, and \$18,622 in architect and engineering fees.

**Fire Impact Fees:** Additionally, the use of Fire Impact Fees for Fire Station 5 have been recalculated to be utilized to its fullest eligibility towards these expenses and as such, the difference is requested from General Fund Balance as stated above. Early on in the project, \$125,000 towards remodeling costs were approved by City Council; however, costs for remodeling are higher than previously estimated and an additional \$71,803 in fire impact fees is requested to complete the interior remodel for the project.

The use of Fire Impact Fees towards the installation of a utility water line to supply the required fire protection sprinkler system required by code is also being requested. The current building does have a water supply line in place; however, this utility line is necessary to provide the water flow and pressure required for the fire protection sprinkler system. The water line in place will not supply a fire protection sprinkler system. The total cost is \$68,415, \$48,960 of which is eligible and request from Fire Impact Fees and the \$19,455 remaining cost is requested from General Fund Balance as mentioned above. With the ongoing development in Fire Station 5's response area, including a new four-story apartment complex with accompanying additional residents and calls to the area, the anticipated expansion of residents in the area necessitate the need for ability to increase services to the area. This expanded fire station facility will assist with service due to the growth and expansion of the area and will enable fire crews to meet the health safety and welfare needs of the community and the citizenry of the City of Palm Bay.

The total funding request from General Fund Balance is \$73,538 and the total funding request from Fire Impact Fees is \$120,763. Based on current projections and Council direction on this item, staff anticipates the construction project will be completed in September 2020.

**REQUESTING DEPARTMENT:**

Facilities, Fire Department

**FISCAL IMPACT:**

1. Total project costs of \$73,538 to be appropriated to GL accounts 001-6012-522-6401/Machinery and Equipment of \$22,789, 001-6012-522-6323/Fencing of \$3,122, and 001-6+012-522-6201/Buildings of \$47,627 (project 18FD01) from General Fund Balance.
2. Total project costs of \$120,763 to be appropriated to GL account 190-6050-522-6201/Buildings (project 18FD01) from Fire Impact Fee Funds Fund Balance (Nexus 32909).

**RECOMMENDATION:**

Motion to approve appropriation of \$73,538 from General Fund Balance (\$9,550 towards the emergency window exit, \$22,789 towards the generator, \$3,122 towards the motor gate, \$19,455 towards the water line and \$18,622 for architect and engineering fees) and \$120,763 from Fire Impact Fees Fund 190 Balance (\$71,803 for remodeling and \$48,960 for the water line) for the construction costs of Fire Station 5.



## **LEGISLATIVE MEMORANDUM**

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

**FROM: Suzanne Sherman, Acting City Manager**

**THRU: Laurence Bradley, AICP, Growth Management Director**

**DATE: 8/6/2020**

**RE: Ordinance 2020-44, amending the Code of Ordinances, Chapter 70, General Provisions, Subchapter 'General Provisions', by revising provisions related to parking of vehicles in residential areas (Case T-7-2020, 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) has submitted for a textual amendment to the Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 70: General Provisions, Section 70.04; Title IX, General Regulations, Chapter 93: Real Property Nuisances, Section 93.044; Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 and Section 185.123. At the direction of City Council, this amendment was drafted to update provisions for the parking of vehicles in residential areas and to revise definitions within the applicable sections of the referenced codes.

Changes as originally proposed included: 1) relocating all of the parking requirements from Sec. 93.044 to Sec. 185.123, 2) redefining Commercial Vehicles to use the Federal Highway Administration vehicle classes, 3) redefining Recreational Vehicles to those registered as Recreational vehicles with the Dept. of Motor Vehicles, 4) defining what is considered an improved surface, 5) creating exemptions for Farm equipment in RR & GU zones, 6) changing the rule on parking of RVs to be behind the front face of the residence rather than the building setbacks, 7) now prohibiting parking of vehicles on unimproved land as parking must be an accessory use, 8) removing the City's 'right to enter' property to inspect violations.

On June 11, 2020, City Council held a workshop to discuss the amendment. The staff report has since been revised to incorporate the results of the workshop. Changes made as a result of the workshop include: allowing all vehicles, not just RVs, to park on the sides of residences without the requirement for an improved surface, exemptions for farm equipment can also be allowed if the owner signs a notarized affidavit that the equipment is for personal use, and the allowance for one unlicensed or inoperable vehicle was revised to no longer require that such vehicle be parked in the rear yard behind a six-foot opaque fence.

**REQUESTING DEPARTMENT:**

Growth Management

**RECOMMENDATION:**

Motion to approve Case T-7-2020.

**Planning and Zoning Board Recommendation:**

Unanimous approval of the request, subject to the condition that the restriction to park vehicles on improved surfaces in the side yards be eliminated.

**ATTACHMENTS:****Description**

Case T-7-2020

Board minutes

Ordinance 2020-44



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

### Prepared by

Patrick J. Murphy, Assistant Growth Management Director

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#### CASE NUMBER

T-7-2020

#### PLANNING & ZONING BOARD HEARING DATE

May 20, 2020

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#### PROPERTY OWNER & APPLICANT

City of Palm Bay; Growth Management  
Department

#### PROPERTY LOCATION/ADDRESS

Not Applicable

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#### SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 70: General Provisions, Section 70.04; Title IX, General Regulations, Chapter 93: Real Property Nuisances, Section 93.044; Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 and Section 185.123. The purpose of this amendment is to update provisions for the parking of vehicles in residential areas and to revise definitions within the applicable sections of the referenced codes.

#### Existing Zoning

Not Applicable

#### Existing Land Use

Not Applicable

#### Site Improvements

Not Applicable

#### Site Acreage

Not Applicable

#### APPLICABILITY

City-Wide

#### COMPREHENSIVE PLAN COMPATIBILITY

Not specifically addressed

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**BACKGROUND:**

A textual amendment to the Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 70: General Provisions, Section 70.04; Title IX, General Regulations, Chapter 93: Real Property Nuisances, Section 93.044; Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 and Section 185.123.

The purpose of this amendment is to update provisions for the parking of vehicles in residential areas and to revise definitions within the applicable sections of the referenced codes. The applicant for this amendment is the City of Palm Bay. Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~strikethrough~~ format.

**ANALYSIS:**

This amendment was drafted at the direction of the Palm Bay City Council. A public workshop on the content of this report will follow the Planning and Zoning Board.

The purpose of Chapter 70 is to incorporate certain provisions of the Florida Uniform Traffic Control Law, contained in Florida Statute Chapter 316. Within Chapter 70 is a definition for commercial vehicles that contains the basic elements from the statute. The definition was adopted in 1989 and later amended in 1992. Staff is proposing a further revision to this definition to provide clarity and consistency.

The purpose of Chapter 93 is to establish provisions for the use of Real Property within the City of Palm Bay and to include procedures for enforcement of the requirements of this subchapter that are necessary for abatement of nuisances that are dangerous to public health and safety. The amendment seeks to add restrictions to the parking of vehicles on unimproved real property (Section 93.04), and to remove the private property parking regulations currently found in Section 93.044.

To further clarify, the provisions of Section 93.044 are not being removed from the Code of Ordinances entirely, rather, they are being moved to Section 185.123, which staff believes is the proper location for such provisions. An additional restriction has been proposed within this subchapter that restricts the total number of vehicles that may be parked upon an improved property, to what staff believes is reasonable. The current regulations do not contain a maximum number of vehicles that may be kept.

The purpose of Chapter 185: Zoning Code, is to effectuate and implement the policies of the City's comprehensive plan in order to protect, preserve, and improve the public health, safety, and welfare of the inhabitants of the City. Specifically, Section 185.005 (F) seeks to preserve the character and stability of residential areas of the City. One such subsection that exists in this Chapter, to further this purpose, is Section 185.123, Regulation of Commercial and Recreational Vehicles in Residential Areas.

Section 185.123 was adopted in 1989 and has had six (6) amendments since. These amendments included such items as the definition of a commercial vehicle (and further revision of such), the allowance of temporary parking of commercial vehicles that were performing repairs or engaged in construction activities, and the allowance of Class “A” wreckers, meeting certain standards. Staff proposes to retitle this subsection, include the provisions from Section 93.044, and redefine commercial vehicles to a standard that is much for clear, concise, and consistent with parallel sections of Code.

Furthermore, the amendment identifies acceptable materials for improved parking surfaces, includes a definition for inoperable vehicle, and exempts farm equipment used in the operation of a bona fide agricultural activity.

**STAFF RECOMMENDATION:**

Case T-7-2020 is recommended for approval.



**§ 70.04 LARGE COMMERCIAL VEHICLES ON RESIDENTIAL STREETS;  
COMPREHENSIVE PLAN, TRANSPORTATION ELEMENT ADOPTED.**

*(B) Definitions.*

**COMMERCIAL VEHICLES.** Any truck, bus, trailer, portable equipment, machinery, or similar vehicle or combination thereof used or intended to be used for any commercial enterprise or business purpose, >>and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.<< ~~or which has over four (4) wheels, more than two (2) axles, a height greater than eight (8) feet or has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than six thousand (6,000) pounds net weight and pickup trucks with a standard pickup truck bed with a carrying capacity no greater than one and one-half (1.5) ton gross weight.~~

**~~§ 93.044 PRIVATE PROPERTY PARKING REGULATIONS.~~**

~~No inoperable motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.~~

~~(A) No vehicle shall be parked:~~

~~(1) In front of a residence, except within the paved driveway or adjacent to the driveway (on the side opposite the front door of the residence) upon an improved surface;~~

~~(2) In the rear yard of a residence, unless the rear yard is enclosed by a 6-foot tall opaque fence.~~

~~(B) A maximum of two (2) vehicles (per property) are permitted to be parked on the sides of a residence and shall be parked upon an improved surface.~~

~~(1) Vehicles parked on the side of a residence located on a corner lot must be screened from the street adjacent to the side of the residence by a 6-foot tall opaque fence.~~

~~(C) Exceptions:~~

~~(1) One (1) vehicle may be unlicensed and/or inoperable in the rear yard, provided the rear yard is enclosed by a 6-foot tall opaque fence.~~

~~(2) A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.~~

~~(3) Properly licensed and approved commercial activities being conducted on commercial property.~~

## § 185.006 DEFINITIONS.

**COMMERCIAL VEHICLE.** Any truck, bus, trailer, portable equipment, machinery, or similar vehicle or combination thereof used or intended to be used for any commercial enterprise or business purpose, >>and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.<< ~~or which has over four (4) wheels, more than two (2) axles, a height greater than eight (8) feet or has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than six thousand (6,000) pounds net weight and pickup trucks with a standard pickup truck bed with a carrying capacity no greater than one and one-half (1.5) ton gross weight.~~

## § 185.123 REGULATION OF ~~COMMERCIAL AND RECREATIONAL~~ VEHICLES IN RESIDENTIAL AREAS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CLASS A WRECKER.** For the removal of cars and light duty trucks and vehicles weighing 10,000 pounds gross vehicle weight or less.

**COMMERCIAL VEHICLE.** Any truck, bus, trailer, portable equipment, machinery or similar vehicle or combination thereof, used or intended to be used for any commercial enterprise or business purpose, >>and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.<< ~~or which has over four (4) wheels, more than two (2) axles, a height greater than eight (8) feet or has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than six thousand (6,000) pounds net weight and pickup trucks with a standard pickup truck bed with a carrying capacity no greater than one and one-half (1.5) ton gross weight.~~

**>>INOPERABLE VEHICLE.** A vehicle which cannot be driven upon the public or private streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.<<

**RECREATIONAL VEHICLE.** Any boat, boat trailer, cargo trailer, house trailer, motor home, camper, bus, or similar vehicle or equipment, including any vehicle or part of a vehicle or equipment designed for temporary living quarters for recreation, camping, or travel, >>or is licensed and registered as a recreational vehicle by the Department of Motor Vehicles<< ~~excluding self-propelled roadway vehicles less than twenty-two (22) feet in length.~~

**RESIDENTIAL AREA.** Any lot, right-of-way, or other land designated as residential in this chapter and in any other applicable ordinance of the city.

**NET WEIGHT.** ~~The actual weight of the vehicle, including any attachments or equipment which has been added, excluding any load.~~

(B) *Parking vehicles in residential areas.* It shall be unlawful for any person, either as agent, owner, occupant, lessee, tenant or otherwise, to park, store, stop, deposit or allow, cause or permit to be parked, stored, stopped, or deposited on any public or private property of the RR, RE, RS-1, RS-2, RS-3, SF-1, ~~SF-2~~, SRE, RM-10, RM-15, RM-20, >>BMUV<<, RMH or RVP zoning districts of the city, any commercial vehicle at any time.

>>(1) No vehicle shall be parked:<<

>>(a) In front of a residence, except within the paved driveway or adjacent to the driveway (on the side opposite the front door of the residence) upon an improved surface. Grass, dirt, and/or mulch are not considered improved surfaces. Examples of improved surfaces are concrete, pavers, brick, gravel, or other material as may be approved by the Growth Management Director, or his designee. Any loose material, such as gravel or stone, shall be contained by solid borders, such as landscape timbers, landscape edging, railroad ties, etc.;<<

>>(b) In the rear yard of a residence, unless the rear yard is enclosed by a 6-foot tall opaque fence.<<

>> (2) A maximum of two (2) vehicles (per property) are permitted to be parked on the sides of a residence and shall be parked upon an improved surface. The vehicles shall not exceed two on a single side or one on each side. This shall exclude the front and rear sides of property.<<

>>(a) Vehicles parked on the side of a residence located on a corner lot must be screened from the street adjacent to the side of the residence by a 6-foot tall opaque fence.<<

(4>>3<<) Exceptions. The provisions of this section shall not apply to:

(a) Private property in any residential district whereon construction is underway, for which a current and valid building permit has been issued by the city, as to those vehicles actively engaged in such construction, between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday;

(b) Those persons performing lawful and authorized work upon property in a residential district where the vehicle is parked or stopped;

(c) The emergency parking of a disabled vehicle in a residential district. However, any such vehicle shall be removed from the residential district within twenty-four (24) hours by wrecker towing or other available means regardless of the nature of the emergency;

(d) Those vehicles parked in a residential district for a period not to exceed eight (8) hours rendering business, commercial or medical services to property at the location where parked or stopped.

(e) Class A Wreckers which are less than thirty-six (36) feet in length are prohibited from parking in residential areas between the hours of 8:00 a.m. and 5:00 p.m., excluding

weekends and holidays. This provision does not prevail over deed restrictions or Homeowner Association restrictions in residential areas. Such wreckers shall be properly parked as per ordinance and state law, shall not obstruct sidewalks, drainage or flow of traffic, and shall not be actively towing a vehicle when parked at a residence. All parked wreckers shall maintain a minimum of ten (10) feet of clearance from the adjacent road surface.

>>(f) Farm equipment used in the operation of an agricultural activity shall be exempt from the provisions of this subchapter. The property for which this equipment is exempt shall have a current agricultural exemption from the Brevard County Tax Collector.<<

>>(g) One (1) vehicle may be unlicensed and/or inoperable in the rear yard, provided the rear yard is enclosed by a 6-foot tall opaque fence.<<

(2>>4<<) For the purpose of this section, the words park, store, stop, and deposit shall mean the cessation of movement of a vehicle.

(C) *Parking recreational vehicles in residential areas.* It shall be unlawful for any person to park or store a recreational vehicle in a residential area for longer than twenty-four (24) consecutive hours or forty-eight (48) hours in any one (1) month period, except on residential lots behind the front >>face of the residence<< and side corner building setback line. >>Recreational vehicles parked on the street side of a corner lot (opposite the side interior property line) must be screened by a 6' tall opaque fence.<< No vehicle shall be used for living, sleeping or housekeeping purposes in any location not approved for such use under the zoning requirements of this chapter. Any such vehicles shall have attached, at all times, a current vehicle registration license plate. >>Parking of recreational vehicles are exempt from having to be placed upon an improved surface.<<

>>(D) No vehicle shall be parked or stored upon an unimproved parcel of land. Parking of vehicles is considered an accessory use as there must be a principal use (such as a residence) for the parking of vehicles to be accessory to.<<



































>>(E) No inoperable motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, unless such work is being performed inside a garage or similarly enclosed area designed for such purposes. Painting of vehicles is prohibited unless conducted inside an approved spray booth.<<

~~(D) *Prima facie evidence.* It shall be prima facie evidence that a self-propelled commercial vehicle exceeds six thousand (6,000) pounds net weight if the vehicle exceeds the number of wheels, number of axles, height, or length limitations of division (A) above.~~

~~(E) *Authority of city to enter property.* The city shall, through its employees, be authorized to enter upon any property where a suspected violation of this section is observed, to conduct a reasonable inspection, and/or to determine the validity of the suspected violation.~~

\*The below Figure is for illustration purposes only; it will not be inserted into the Code.

FIGURE C-1 FHWA 13 VEHICLE CATEGORY CLASSIFICATION

<b>Class 1</b> Motorcycles		<b>Class 7</b> Four or more axle, single unit	
<b>Class 2</b> Passenger cars		<b>Class 8</b> Four or less axle, single trailer	
			
			
			
<b>Class 3</b> Four tire, single unit		<b>Class 9</b> 5-Axle tractor semitrailer	
			
			
<b>Class 4</b> Buses		<b>Class 10</b> Six or more axle, single trailer	
			
		<b>Class 11</b> Five or less axle, multi trailer	
<b>Class 5</b> Two axle, six tire, single unit		<b>Class 12</b> Six axle, multi-trailer	
			
		<b>Class 13</b> Seven or more axle, multi-trailer	
<b>Class 6</b> Three axle, single unit			
			
			



**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:**

Sections 70.04; 93.04 and 93.044; 185.006 and 185.123

**PROPOSED LANGUAGE (attach addendum if necessary):**

See attached.

**JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)**

The purpose of this amendment is to update provisions for the parking of vehicles in residential areas and to revise definitions within the applicable sections of the referenced codes.

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 Laurence Bradley Digitally signed by Laurence Bradley  
DN: dc=org, dc=palmbayflorida, ou=Community  
Planning & Economic Development, ou=Land  
Development, cn=Laurence Bradley  
Date: 2020.03.12 15:50:58 -04'00' Date 3/12/2020

Printed Name of Applicant Laurence Bradley, AICP, Director of Growth Management

Full Address 120 Malabar Road SE, Palm Bay, FL 32909

Telephone 321-733-3042 Email laurence.bradley@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 2020-06**

Held on Wednesday, May 20, 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.

Correction: Mr. Richard Hill led the Pledge of Allegiance to the Flag.

See

Regular  
Meeting

2020-07  
06-03-20

**ROLL CALL:**

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

**CITY STAFF:** Present were Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. James Stokes, Board Attorney.

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-03; March 4, 2020. Motion by Ms. Maragh, seconded by Mr. Hill to approve the minutes as presented. The motion carried with members voting unanimously.



Mr. Warner remarked that as a former board member of the Bayfront Community Redevelopment Agency, he commended the efforts for the proposed development and sign. He wanted to see a well-developed area.

Mr. Hill stated that he was in favor of the proposed sign and that denying the request would cause sign pollution.

Mr. Balter explained the historical significance for Palm Bay in having “Steamboat Landing” on the proposed sign. The waterfront parcel owned by the applicant (Phase III of the overall development) was the site of a former steamboat landing where people and goods were ferried between the mainland and barrier island before the causeways were built.

Mr. Weinberg indicated that he would support the request if there were no additional signs for the entire project permitted adjacent to Dixie Highway NE.

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. Warner to submit Case V-11-2020 to City Council for approval of a variance to allow relief from Section 185.053(F)(12) and Chapter 178 (Appendix A) of the Code of Ordinances, to permit a proposed sign to exceed the maximum allowable height by ten feet and maximum sign area by 35 square feet, with the condition that the development would not be permitted additional pole signs on Dixie Highway NE. The motion carried with members voting unanimously.

## 7. **T-7-2020** – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Murphy presented the staff report for Case T-7-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 70: General Provisions, Section 70.04; Title IX, General Regulations, Chapter 93: Real Property Nuisances, Section 93.044; Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 and Section 185.123. The purpose of this amendment was to update provisions for the parking of vehicles in residential areas and to revise definitions within the applicable sections of the referenced codes. Staff recommended Case T-7-2020 for approval.

Mr. Warner asked if the purpose of the proposed amendment was to address commercial vehicles. Mr. Murphy explained that the subject amendment removed commercial wording from sections of the code so that the amended language would now regulate all vehicles in residential areas. Two sections of the code were combined for better clarification.

Mr. Boerema commented that recreational vehicles were not part of the proposed amendments. Mr. Murphy stated that the definition of recreational vehicles had been revised.

Mr. Boerema stated that notice of the changes should be publicized to give others an opportunity to review the proposal. Requirements to screen vehicles parked in the side and rear yards with six-foot high fencing and in the side yards on improved surfaces would be costly to some residents. Mr. Warner added that it was a concern when recreational vehicles and properties with large amounts of vehicles became an eyesore, and that the public needed to be informed of the new requirements.

Mr. Weinberg stated that the improved surfaces restriction for parking vehicles in side yards should be eliminated since the same restriction was not applied to recreational vehicles that caused greater damage.

Ms. Maragh was supportive of the future City Council workshop for properly reviewing the proposed amendment. She said that the 24-hour limitation on parking recreational vehicles in front of a home should be extended since more than a day might be needed to load a recreational vehicle for travel.

Mr. Warner was in favor of combining the parking requirements into one section of the code. The amendment, however, should have come to the board after the Council workshop had occurred. Mr. Weinberg noted that City Council wanted input from the board prior to the workshop.

The floor was opened for public comments.

Mr. Brandon Stranz (owner of property in Palm Bay) commented on the subject request. He said that the City wanted recreational vehicles removed from residential yards, but the board had denied his variance request (Case V-9-2020) for a structure that would have housed his vehicles. He lived in Palm Bay because there were less restrictions.

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

Motion by Ms. Maragh, seconded by Mr. Boerema to submit Case T-7-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 70: General Provisions, Section 70.04; Title IX, General Regulations, Chapter 93: Real Property Nuisances, Section 93.044; Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 and Section 185.123, subject to the condition that the restriction to park vehicles on improved surfaces in side yards be eliminated. The motion carried with members voting as follows:

Correction:  
See  
Regular  
Meeting  
2020-07  
06-03-20

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Hill	Nay
Ms. Maragh	Aye
Mr. Warner	Aye

Case T-7-2020 will be heard by City Council on July 16, 2020. A date for the workshop was not announced.

**8. T-8-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)**

Mr. Murphy presented the staff report for Case T-8-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.136, 185.137, and 185.138. The purpose of the amendment was to exempt multi-family development of less than 5 units from the additional zoning provisions currently provided in the applicable districts. Staff recommended Case T-8-2020 for approval, based on the

## ORDINANCE 2020-44

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE VII, TRAFFIC AND VEHICLES, CHAPTER 70, GENERAL PROVISIONS, SUBCHAPTER 'GENERAL PROVISIONS', BY UPDATING PROVISIONS RELATED TO THE PARKING OF VEHICLES IN RESIDENTIAL AREAS; 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 VII, Traffic and Vehicles, Chapter 70, General Provisions, Subchapter 'General Provisions', Section 70.04, Large Commercial Vehicles on Residential Streets; Comprehensive Plan, Transportation Element Adopted, is hereby amended and shall henceforth read as follows:

"Section 70.04 LARGE COMMERCIAL VEHICLES ON RESIDENTIAL STREETS; COMPREHENSIVE PLAN, TRANSPORTATION ELEMENT ADOPTED.

(A) *Prohibition.* The traveling, passage, stopping, loading, unloading, or parking of commercial vehicles on or over local residential streets in the city is prohibited.

(B) *Definitions.* The following definitions shall apply to application and enforcement of this section:

**COMMERCIAL VEHICLES.** Any truck, bus, trailer, portable equipment, machinery, or similar vehicle or combination thereof used or intended to be used for any commercial enterprise or business purpose, >>and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class

1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.<< or which has over four (4) wheels, more than two (2) axles, a height greater than eight (8) feet or has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than five thousand (5,000) pounds net weight.

\* \* \*

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

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

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

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

Read in title only at Meeting 2020-24, held on July 16, 2020; and read in title only  
and duly enacted at Meeting 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: City of Palm Bay  
Case: T-7-2020

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



## **LEGISLATIVE MEMORANDUM**

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

**FROM:** Suzanne Sherman, Acting City Manager

**THRU:** Laurence Bradley, AICP, Growth Management Director

**DATE:** 8/6/2020

**RE:** Ordinance 2020-45, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions', by revising provisions related to parking of vehicles in residential areas (Case T-7-2020, 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) has submitted for a textual amendment to the Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 70: General Provisions, Section 70.04; Title IX, General Regulations, Chapter 93: Real Property Nuisances, Section 93.044; Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 and Section 185.123. At the direction of City Council, this amendment was drafted to update provisions for the parking of vehicles in residential areas and to revise definitions within the applicable sections of the referenced codes.

On June 11, 2020, City Council held a workshop to discuss the amendment. The staff report has since been revised to incorporate the results of the workshop.

### **REQUESTING DEPARTMENT:**

Growth Management

### **RECOMMENDATION:**

Motion to approve Case T-7-2020.

### **Planning and Zoning Board Recommendation:**

Unanimous approval of the request, subject to the condition that the restriction to park vehicles on improved surfaces in the side yards be eliminated.

**ATTACHMENTS:**

**Description**

Case T-7-2020

Board minutes

Ordinance 2020-45





# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

### Prepared by

Patrick J. Murphy, Assistant Growth Management Director

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#### CASE NUMBER

T-7-2020

#### PLANNING & ZONING BOARD HEARING DATE

May 20, 2020

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#### PROPERTY OWNER & APPLICANT

City of Palm Bay; Growth Management  
Department

#### PROPERTY LOCATION/ADDRESS

Not Applicable

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#### SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 70: General Provisions, Section 70.04; Title IX, General Regulations, Chapter 93: Real Property Nuisances, Section 93.044; Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 and Section 185.123. The purpose of this amendment is to update provisions for the parking of vehicles in residential areas and to revise definitions within the applicable sections of the referenced codes.

#### Existing Zoning

Not Applicable

#### Existing Land Use

Not Applicable

#### Site Improvements

Not Applicable

#### Site Acreage

Not Applicable

#### APPLICABILITY

City-Wide

#### COMPREHENSIVE PLAN COMPATIBILITY

Not specifically addressed

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**BACKGROUND:**

A textual amendment to the Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 70: General Provisions, Section 70.04; Title IX, General Regulations, Chapter 93: Real Property Nuisances, Section 93.044; Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 and Section 185.123.

The purpose of this amendment is to update provisions for the parking of vehicles in residential areas and to revise definitions within the applicable sections of the referenced codes. The applicant for this amendment is the City of Palm Bay. Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~strikethrough~~ format.

**ANALYSIS:**

This amendment was drafted at the direction of the Palm Bay City Council. A public workshop on the content of this report will follow the Planning and Zoning Board.

The purpose of Chapter 70 is to incorporate certain provisions of the Florida Uniform Traffic Control Law, contained in Florida Statute Chapter 316. Within Chapter 70 is a definition for commercial vehicles that contains the basic elements from the statute. The definition was adopted in 1989 and later amended in 1992. Staff is proposing a further revision to this definition to provide clarity and consistency.

The purpose of Chapter 93 is to establish provisions for the use of Real Property within the City of Palm Bay and to include procedures for enforcement of the requirements of this subchapter that are necessary for abatement of nuisances that are dangerous to public health and safety. The amendment seeks to add restrictions to the parking of vehicles on unimproved real property (Section 93.04), and to remove the private property parking regulations currently found in Section 93.044.

To further clarify, the provisions of Section 93.044 are not being removed from the Code of Ordinances entirely, rather, they are being moved to Section 185.123, which staff believes is the proper location for such provisions. An additional restriction has been proposed within this subchapter that restricts the total number of vehicles that may be parked upon an improved property, to what staff believes is reasonable. The current regulations do not contain a maximum number of vehicles that may be kept.

The purpose of Chapter 185: Zoning Code, is to effectuate and implement the policies of the City's comprehensive plan in order to protect, preserve, and improve the public health, safety, and welfare of the inhabitants of the City. Specifically, Section 185.005 (F) seeks to preserve the character and stability of residential areas of the City. One such subsection that exists in this Chapter, to further this purpose, is Section 185.123, Regulation of Commercial and Recreational Vehicles in Residential Areas.

Section 185.123 was adopted in 1989 and has had six (6) amendments since. These amendments included such items as the definition of a commercial vehicle (and further revision of such), the allowance of temporary parking of commercial vehicles that were performing repairs or engaged in construction activities, and the allowance of Class “A” wreckers, meeting certain standards. Staff proposes to retitle this subsection, include the provisions from Section 93.044, and redefine commercial vehicles to a standard that is much for clear, concise, and consistent with parallel sections of Code.

Furthermore, the amendment identifies acceptable materials for improved parking surfaces, includes a definition for inoperable vehicle, and exempts farm equipment used in the operation of a bona fide agricultural activity.

**STAFF RECOMMENDATION:**

Case T-7-2020 is recommended for approval.

**§ 70.04 LARGE COMMERCIAL VEHICLES ON RESIDENTIAL STREETS;  
COMPREHENSIVE PLAN, TRANSPORTATION ELEMENT ADOPTED.**

*(B) Definitions.*

**COMMERCIAL VEHICLES.** Any truck, bus, trailer, portable equipment, machinery, or similar vehicle or combination thereof used or intended to be used for any commercial enterprise or business purpose, >>and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.<< ~~or which has over four (4) wheels, more than two (2) axles, a height greater than eight (8) feet or has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than six thousand (6,000) pounds net weight and pickup trucks with a standard pickup truck bed with a carrying capacity no greater than one and one-half (1.5) ton gross weight.~~

**~~§ 93.044 PRIVATE PROPERTY PARKING REGULATIONS.~~**

~~No inoperable motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.~~

~~(A) No vehicle shall be parked:~~

~~(1) In front of a residence, except within the paved driveway or adjacent to the driveway (on the side opposite the front door of the residence) upon an improved surface;~~

~~(2) In the rear yard of a residence, unless the rear yard is enclosed by a 6-foot tall opaque fence.~~

~~(B) A maximum of two (2) vehicles (per property) are permitted to be parked on the sides of a residence and shall be parked upon an improved surface.~~

~~(1) Vehicles parked on the side of a residence located on a corner lot must be screened from the street adjacent to the side of the residence by a 6-foot tall opaque fence.~~

~~(C) Exceptions:~~

~~(1) One (1) vehicle may be unlicensed and/or inoperable in the rear yard, provided the rear yard is enclosed by a 6-foot tall opaque fence.~~

~~(2) A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.~~

~~(3) Properly licensed and approved commercial activities being conducted on commercial property.~~

## § 185.006 DEFINITIONS.

**COMMERCIAL VEHICLE.** Any truck, bus, trailer, portable equipment, machinery, or similar vehicle or combination thereof used or intended to be used for any commercial enterprise or business purpose, >>and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.<< ~~or which has over four (4) wheels, more than two (2) axles, a height greater than eight (8) feet or has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than six thousand (6,000) pounds net weight and pickup trucks with a standard pickup truck bed with a carrying capacity no greater than one and one-half (1.5) ton gross weight.~~

## § 185.123 REGULATION OF ~~COMMERCIAL AND RECREATIONAL~~ VEHICLES IN RESIDENTIAL AREAS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CLASS A WRECKER.** For the removal of cars and light duty trucks and vehicles weighing 10,000 pounds gross vehicle weight or less.

**COMMERCIAL VEHICLE.** Any truck, bus, trailer, portable equipment, machinery or similar vehicle or combination thereof, used or intended to be used for any commercial enterprise or business purpose, >>and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.<< ~~or which has over four (4) wheels, more than two (2) axles, a height greater than eight (8) feet or has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than six thousand (6,000) pounds net weight and pickup trucks with a standard pickup truck bed with a carrying capacity no greater than one and one-half (1.5) ton gross weight.~~

**>>INOPERABLE VEHICLE.** A vehicle which cannot be driven upon the public or private streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.<<

**RECREATIONAL VEHICLE.** Any boat, boat trailer, cargo trailer, house trailer, motor home, camper, bus, or similar vehicle or equipment, including any vehicle or part of a vehicle or equipment designed for temporary living quarters for recreation, camping, or travel, >>or is licensed and registered as a recreational vehicle by the Department of Motor Vehicles<< ~~excluding self-propelled roadway vehicles less than twenty-two (22) feet in length.~~

**RESIDENTIAL AREA.** Any lot, right-of-way, or other land designated as residential in this chapter and in any other applicable ordinance of the city.

**NET WEIGHT.** ~~The actual weight of the vehicle, including any attachments or equipment which has been added, excluding any load.~~

(B) *Parking vehicles in residential areas.* It shall be unlawful for any person, either as agent, owner, occupant, lessee, tenant or otherwise, to park, store, stop, deposit or allow, cause or permit to be parked, stored, stopped, or deposited on any public or private property of the RR, RE, RS-1, RS-2, RS-3, SF-1, ~~SF-2~~, SRE, RM-10, RM-15, RM-20, >>BMUV<<, RMH or RVP zoning districts of the city, any commercial vehicle at any time.

>>(1) No vehicle shall be parked:<<

>>(a) In front of a residence, except within the paved driveway or adjacent to the driveway (on the side opposite the front door of the residence) upon an improved surface. Grass, dirt, and/or mulch are not considered improved surfaces. Examples of improved surfaces are concrete, pavers, brick, gravel, or other material as may be approved by the Growth Management Director, or his designee. Any loose material, such as gravel or stone, shall be contained by solid borders, such as landscape timbers, landscape edging, railroad ties, etc.;<<

>>(b) In the rear yard of a residence, unless the rear yard is enclosed by a 6-foot tall opaque fence.<<

>> (2) A maximum of two (2) vehicles (per property) are permitted to be parked on the sides of a residence and shall be parked upon an improved surface. The vehicles shall not exceed two on a single side or one on each side. This shall exclude the front and rear sides of property.<<

>>(a) Vehicles parked on the side of a residence located on a corner lot must be screened from the street adjacent to the side of the residence by a 6-foot tall opaque fence.<<

(4>>3<<) Exceptions. The provisions of this section shall not apply to:

(a) Private property in any residential district whereon construction is underway, for which a current and valid building permit has been issued by the city, as to those vehicles actively engaged in such construction, between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday;

(b) Those persons performing lawful and authorized work upon property in a residential district where the vehicle is parked or stopped;

(c) The emergency parking of a disabled vehicle in a residential district. However, any such vehicle shall be removed from the residential district within twenty-four (24) hours by wrecker towing or other available means regardless of the nature of the emergency;

(d) Those vehicles parked in a residential district for a period not to exceed eight (8) hours rendering business, commercial or medical services to property at the location where parked or stopped.

(e) Class A Wreckers which are less than thirty-six (36) feet in length are prohibited from parking in residential areas between the hours of 8:00 a.m. and 5:00 p.m., excluding

weekends and holidays. This provision does not prevail over deed restrictions or Homeowner Association restrictions in residential areas. Such wreckers shall be properly parked as per ordinance and state law, shall not obstruct sidewalks, drainage or flow of traffic, and shall not be actively towing a vehicle when parked at a residence. All parked wreckers shall maintain a minimum of ten (10) feet of clearance from the adjacent road surface.

>>(f) Farm equipment used in the operation of an agricultural activity shall be exempt from the provisions of this subchapter. The property for which this equipment is exempt shall have a current agricultural exemption from the Brevard County Tax Collector.<<

>>(g) One (1) vehicle may be unlicensed and/or inoperable in the rear yard, provided the rear yard is enclosed by a 6-foot tall opaque fence.<<

(2>>4<<) For the purpose of this section, the words park, store, stop, and deposit shall mean the cessation of movement of a vehicle.

(C) *Parking recreational vehicles in residential areas.* It shall be unlawful for any person to park or store a recreational vehicle in a residential area for longer than twenty-four (24) consecutive hours or forty-eight (48) hours in any one (1) month period, except on residential lots behind the front >>face of the residence<< and ~~side corner building setback line.~~ >>Recreational vehicles parked on the street side of a corner lot (opposite the side interior property line) must be screened by a 6' tall opaque fence.<< No vehicle shall be used for living, sleeping or housekeeping purposes in any location not approved for such use under the zoning requirements of this chapter. Any such vehicles shall have attached, at all times, a current vehicle registration license plate. >>Parking of recreational vehicles are exempt from having to be placed upon an improved surface.<<

>>(D) No vehicle shall be parked or stored upon an unimproved parcel of land. Parking of vehicles is considered an accessory use as there must be a principal use (such as a residence) for the parking of vehicles to be accessory to.<<



































>>(E) No inoperable motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, unless such work is being performed inside a garage or similarly enclosed area designed for such purposes. Painting of vehicles is prohibited unless conducted inside an approved spray booth.<<

~~(D) *Prima facie evidence.* It shall be prima facie evidence that a self-propelled commercial vehicle exceeds six thousand (6,000) pounds net weight if the vehicle exceeds the number of wheels, number of axles, height, or length limitations of division (A) above.~~

~~(E) *Authority of city to enter property.* The city shall, through its employees, be authorized to enter upon any property where a suspected violation of this section is observed, to conduct a reasonable inspection, and/or to determine the validity of the suspected violation.~~

\*The below Figure is for illustration purposes only; it will not be inserted into the Code.

FIGURE C-1 FHWA 13 VEHICLE CATEGORY CLASSIFICATION

<b>Class 1</b> Motorcycles		<b>Class 7</b> Four or more axle, single unit	
<b>Class 2</b> Passenger cars		<b>Class 8</b> Four or less axle, single trailer	
			
			
			
<b>Class 3</b> Four tire, single unit		<b>Class 9</b> 5-Axle tractor semitrailer	
			
			
<b>Class 4</b> Buses		<b>Class 10</b> Six or more axle, single trailer	
		<b>Class 11</b> Five or less axle, multi trailer	
			
<b>Class 5</b> Two axle, six tire, single unit			
		<b>Class 12</b> Six axle, multi-trailer	
		<b>Class 13</b> Seven or more axle, multi-trailer	
<b>Class 6</b> Three axle, single unit			
			
			





**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:**

Sections 70.04; 93.04 and 93.044; 185.006 and 185.123

**PROPOSED LANGUAGE (attach addendum if necessary):**

See attached.

**JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)**

The purpose of this amendment is to update provisions for the parking of vehicles in residential areas and to revise definitions within the applicable sections of the referenced codes.

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 Laurence Bradley Digitally signed by Laurence Bradley  
DN: dc=org, dc=palmbayflorida, ou=Community  
Planning & Economic Development, ou=Land  
Development, cn=Laurence Bradley  
Date: 2020.03.12 15:50:58 -04'00' Date 3/12/2020

Printed Name of Applicant Laurence Bradley, AICP, Director of Growth Management

Full Address 120 Malabar Road SE, Palm Bay, FL 32909

Telephone 321-733-3042 Email laurence.bradley@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 2020-06**

Held on Wednesday, May 20, 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.

Correction: Mr. Richard Hill led the Pledge of Allegiance to the Flag.

See

Regular  
Meeting

2020-07  
06-03-20

**ROLL CALL:**

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

**CITY STAFF:** Present were Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. James Stokes, Board Attorney.

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-03; March 4, 2020. Motion by Ms. Maragh, seconded by Mr. Hill to approve the minutes as presented. The motion carried with members voting unanimously.

Mr. Warner remarked that as a former board member of the Bayfront Community Redevelopment Agency, he commended the efforts for the proposed development and sign. He wanted to see a well-developed area.

Mr. Hill stated that he was in favor of the proposed sign and that denying the request would cause sign pollution.

Mr. Balter explained the historical significance for Palm Bay in having “Steamboat Landing” on the proposed sign. The waterfront parcel owned by the applicant (Phase III of the overall development) was the site of a former steamboat landing where people and goods were ferried between the mainland and barrier island before the causeways were built.

Mr. Weinberg indicated that he would support the request if there were no additional signs for the entire project permitted adjacent to Dixie Highway NE.

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. Warner to submit Case V-11-2020 to City Council for approval of a variance to allow relief from Section 185.053(F)(12) and Chapter 178 (Appendix A) of the Code of Ordinances, to permit a proposed sign to exceed the maximum allowable height by ten feet and maximum sign area by 35 square feet, with the condition that the development would not be permitted additional pole signs on Dixie Highway NE. The motion carried with members voting unanimously.

## 7. **T-7-2020** – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Murphy presented the staff report for Case T-7-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 70: General Provisions, Section 70.04; Title IX, General Regulations, Chapter 93: Real Property Nuisances, Section 93.044; Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 and Section 185.123. The purpose of this amendment was to update provisions for the parking of vehicles in residential areas and to revise definitions within the applicable sections of the referenced codes. Staff recommended Case T-7-2020 for approval.

Mr. Warner asked if the purpose of the proposed amendment was to address commercial vehicles. Mr. Murphy explained that the subject amendment removed commercial wording from sections of the code so that the amended language would now regulate all vehicles in residential areas. Two sections of the code were combined for better clarification.

Mr. Boerema commented that recreational vehicles were not part of the proposed amendments. Mr. Murphy stated that the definition of recreational vehicles had been revised.

Mr. Boerema stated that notice of the changes should be publicized to give others an opportunity to review the proposal. Requirements to screen vehicles parked in the side and rear yards with six-foot high fencing and in the side yards on improved surfaces would be costly to some residents. Mr. Warner added that it was a concern when recreational vehicles and properties with large amounts of vehicles became an eyesore, and that the public needed to be informed of the new requirements.

Mr. Weinberg stated that the improved surfaces restriction for parking vehicles in side yards should be eliminated since the same restriction was not applied to recreational vehicles that caused greater damage.

Ms. Maragh was supportive of the future City Council workshop for properly reviewing the proposed amendment. She said that the 24-hour limitation on parking recreational vehicles in front of a home should be extended since more than a day might be needed to load a recreational vehicle for travel.

Mr. Warner was in favor of combining the parking requirements into one section of the code. The amendment, however, should have come to the board after the Council workshop had occurred. Mr. Weinberg noted that City Council wanted input from the board prior to the workshop.

The floor was opened for public comments.

Mr. Brandon Stranz (owner of property in Palm Bay) commented on the subject request. He said that the City wanted recreational vehicles removed from residential yards, but the board had denied his variance request (Case V-9-2020) for a structure that would have housed his vehicles. He lived in Palm Bay because there were less restrictions.

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

Motion by Ms. Maragh, seconded by Mr. Boerema to submit Case T-7-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 70: General Provisions, Section 70.04; Title IX, General Regulations, Chapter 93: Real Property Nuisances, Section 93.044; Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 and Section 185.123, subject to the condition that the restriction to park vehicles on improved surfaces in side yards be eliminated. The motion carried with members voting as follows:

Correction:  
See  
Regular  
Meeting  
2020-07  
06-03-20

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Hill	Nay
Ms. Maragh	Aye
Mr. Warner	Aye

Case T-7-2020 will be heard by City Council on July 16, 2020. A date for the workshop was not announced.

**8. T-8-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)**

Mr. Murphy presented the staff report for Case T-8-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.136, 185.137, and 185.138. The purpose of the amendment was to exempt multi-family development of less than 5 units from the additional zoning provisions currently provided in the applicable districts. Staff recommended Case T-8-2020 for approval, based on the

## ORDINANCE 2020-45

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE IX, GENERAL REGULATIONS, CHAPTER 93, REAL PROPERTY NUISANCES, SUBCHAPTER 'UNSIGHTLY AND UNSANITARY CONDITIONS', BY UPDATING PROVISIONS RELATED TO THE PARKING OF VEHICLES IN RESIDENTIAL AREAS; 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 IX, General Regulations, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions, Section 93.044, Private Property Parking Regulations, is hereby repealed in its entirety:

~~"Section 93.044 PRIVATE PROPERTY PARKING REGULATIONS:~~

~~No inoperable motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.~~

~~(A) No vehicle shall be parked:~~

~~(1) In front of a residence, except within the paved driveway or adjacent to the driveway (on the side opposite the front door of the residence) upon an improved surface;~~

~~(2) In the rear yard of a residence, unless the rear yard is enclosed by a 6-foot tall opaque fence.~~

~~(B) A maximum of two (2) vehicles (per property) are permitted to be parked on the sides of a residence and shall be parked upon an improved surface.~~

~~(1) Vehicles parked on the side of a residence located on a corner lot must be screened from the street adjacent to the side of the residence by a 6-foot tall opaque fence.~~

~~(C) Exceptions:~~

~~(1) One (1) vehicle may be unlicensed and/or inoperable in the rear yard, provided the rear yard is enclosed by a 6-foot tall opaque fence.~~

~~(2) A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.~~

~~(3) Properly licensed and approved commercial activities being conducted on commercial property."~~

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

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

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



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

Read in title only at Meeting 2020-24, held on July 16, 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: City of Palm Bay

Case: T-7-2020

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



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, Acting City Manager

**THRU:** Laurence Bradley, AICP, Growth Management Director

**DATE:** 8/6/2020

**RE:** Ordinance 2020-46, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'Supplementary District Regulations', by revising provisions related to parking of vehicles in residential areas (Case T-7-2020, City of Palm Bay), first reading.

The City of Palm Bay (Growth Management Department) has submitted for a textual amendment to the Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 70: General Provisions, Section 70.04; Title IX, General Regulations, Chapter 93: Real Property Nuisances, Section 93.044; Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 and Section 185.123. At the direction of City Council, this amendment was drafted to update provisions for the parking of vehicles in residential areas and to revise definitions within the applicable sections of the referenced codes.

On June 11, 2020, City Council held a workshop to discuss the amendment. The staff report has since been revised to incorporate the results of the workshop.

On July 16, 2020 the City Council held a public hearing for the above referenced ordinance. During the deliberations on this item it was suggested by one member of Council and accepted by the sponsoring member of this ordinance that paragraph §185.123 (1) (a) be deleted. §185.123 (1) (a) as currently proposed reads as follows:

- "(1) No vehicle shall be parked:*
- a. In front of a residence, except within the paved driveway or adjacent to the driveway (on the side opposite the front door of the residence) upon an improved surface. Grass, dirt, and/or mulch are not considered improved surfaces. Examples of improved surfaces are concrete, pavers, brick, gravel, or other material as may be approved by the Growth Management Director, or his designee. Any loose material, such as gravel or stone, shall be contained by solid borders, such as landscape timbers, landscape edging, railroad ties, etc.;"*

Based upon discussions with the Growth Management staff and the sponsoring Councilman, the elimination of this entire paragraph raises the following concerns:

1. There would be no limit to the number of vehicles that could be allowed in the front of a

residence.

2. The locational requirements that the vehicles be parked on the side of the driveway, opposite from the front door would be eliminated.
3. This would allow both operable and inoperable vehicles to be parked on the front lawn of a residence.
4. This change could create environmental issues as lawns would be allowed to turn to dirt and any pollutants from vehicles could discharge directly into the soil.

If it is the intent of the Council to make the requirements for vehicle parking in the front of a residence be similar to the side yard requirements, then the following substitute language for paragraph (a) should be adopted:

*“(1) No vehicle shall be parked:*

- a. *In front of a residence, except within the paved driveway or adjacent to the driveway ~~(on the side opposite the front door of the residence)~~. A maximum of two (2) operable vehicles (per property) are permitted to be parked on the side of the driveway opposite the front door of the residence. ~~upon an improved surface. Grass, dirt, and/or mulch are not considered improved surfaces. Examples of improved surfaces are concrete, pavers, brick, gravel, or other material as may be approved by the Growth Management Director, or his designee. Any loose material, such as gravel or stone, shall be contained by solid borders, such as landscape timbers, landscape edging, railroad ties, etc.;~~*

According to the City Attorney this change will trigger the need for another first reading.

**REQUESTING DEPARTMENT:**

Growth Management

**RECOMMENDATION:**

Motion to approve Case T-7-2020.

**Planning and Zoning Board Recommendation:**

Unanimous approval of the request, subject to the condition that the restriction to park vehicles on improved surfaces in the side yards be eliminated.

**ATTACHMENTS:**

**Description**

Case T-7-2020

Board minutes

Ordinance 2020-46



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

### Prepared by

Patrick J. Murphy, Assistant Growth Management Director

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#### CASE NUMBER

T-7-2020

#### PLANNING & ZONING BOARD HEARING DATE

May 20, 2020

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#### PROPERTY OWNER & APPLICANT

City of Palm Bay; Growth Management  
Department

#### PROPERTY LOCATION/ADDRESS

Not Applicable

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#### SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 70: General Provisions, Section 70.04; Title IX, General Regulations, Chapter 93: Real Property Nuisances, Section 93.044; Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 and Section 185.123. The purpose of this amendment is to update provisions for the parking of vehicles in residential areas and to revise definitions within the applicable sections of the referenced codes.

#### Existing Zoning

Not Applicable

#### Existing Land Use

Not Applicable

#### Site Improvements

Not Applicable

#### Site Acreage

Not Applicable

#### APPLICABILITY

City-Wide

#### COMPREHENSIVE PLAN COMPATIBILITY

Not specifically addressed

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**BACKGROUND:**

A textual amendment to the Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 70: General Provisions, Section 70.04; Title IX, General Regulations, Chapter 93: Real Property Nuisances, Section 93.044; Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 and Section 185.123.

The purpose of this amendment is to update provisions for the parking of vehicles in residential areas and to revise definitions within the applicable sections of the referenced codes. The applicant for this amendment is the City of Palm Bay. Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~strikethrough~~ format.

**ANALYSIS:**

This amendment was drafted at the direction of the Palm Bay City Council. A public workshop on the content of this report will follow the Planning and Zoning Board.

The purpose of Chapter 70 is to incorporate certain provisions of the Florida Uniform Traffic Control Law, contained in Florida Statute Chapter 316. Within Chapter 70 is a definition for commercial vehicles that contains the basic elements from the statute. The definition was adopted in 1989 and later amended in 1992. Staff is proposing a further revision to this definition to provide clarity and consistency.

The purpose of Chapter 93 is to establish provisions for the use of Real Property within the City of Palm Bay and to include procedures for enforcement of the requirements of this subchapter that are necessary for abatement of nuisances that are dangerous to public health and safety. The amendment seeks to add restrictions to the parking of vehicles on unimproved real property (Section 93.04), and to remove the private property parking regulations currently found in Section 93.044.

To further clarify, the provisions of Section 93.044 are not being removed from the Code of Ordinances entirely, rather, they are being moved to Section 185.123, which staff believes is the proper location for such provisions. An additional restriction has been proposed within this subchapter that restricts the total number of vehicles that may be parked upon an improved property, to what staff believes is reasonable. The current regulations do not contain a maximum number of vehicles that may be kept.

The purpose of Chapter 185: Zoning Code, is to effectuate and implement the policies of the City's comprehensive plan in order to protect, preserve, and improve the public health, safety, and welfare of the inhabitants of the City. Specifically, Section 185.005 (F) seeks to preserve the character and stability of residential areas of the City. One such subsection that exists in this Chapter, to further this purpose, is Section 185.123, Regulation of Commercial and Recreational Vehicles in Residential Areas.

Section 185.123 was adopted in 1989 and has had six (6) amendments since. These amendments included such items as the definition of a commercial vehicle (and further revision of such), the allowance of temporary parking of commercial vehicles that were performing repairs or engaged in construction activities, and the allowance of Class “A” wreckers, meeting certain standards. Staff proposes to retitle this subsection, include the provisions from Section 93.044, and redefine commercial vehicles to a standard that is much for clear, concise, and consistent with parallel sections of Code.

Furthermore, the amendment identifies acceptable materials for improved parking surfaces, includes a definition for inoperable vehicle, and exempts farm equipment used in the operation of a bona fide agricultural activity.

**STAFF RECOMMENDATION:**

Case T-7-2020 is recommended for approval.

**§ 70.04 LARGE COMMERCIAL VEHICLES ON RESIDENTIAL STREETS;  
COMPREHENSIVE PLAN, TRANSPORTATION ELEMENT ADOPTED.**

*(B) Definitions.*

**COMMERCIAL VEHICLES.** Any truck, bus, trailer, portable equipment, machinery, or similar vehicle or combination thereof used or intended to be used for any commercial enterprise or business purpose, >>and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.<< ~~or which has over four (4) wheels, more than two (2) axles, a height greater than eight (8) feet or has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than six thousand (6,000) pounds net weight and pickup trucks with a standard pickup truck bed with a carrying capacity no greater than one and one-half (1.5) ton gross weight.~~

**~~§ 93.044 PRIVATE PROPERTY PARKING REGULATIONS.~~**

~~No inoperable motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.~~

~~(A) No vehicle shall be parked:~~

~~(1) In front of a residence, except within the paved driveway or adjacent to the driveway (on the side opposite the front door of the residence) upon an improved surface;~~

~~(2) In the rear yard of a residence, unless the rear yard is enclosed by a 6-foot tall opaque fence.~~

~~(B) A maximum of two (2) vehicles (per property) are permitted to be parked on the sides of a residence and shall be parked upon an improved surface.~~

~~(1) Vehicles parked on the side of a residence located on a corner lot must be screened from the street adjacent to the side of the residence by a 6-foot tall opaque fence.~~

~~(C) Exceptions:~~

~~(1) One (1) vehicle may be unlicensed and/or inoperable in the rear yard, provided the rear yard is enclosed by a 6-foot tall opaque fence.~~

~~(2) A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.~~

~~(3) Properly licensed and approved commercial activities being conducted on commercial property.~~

## **§ 185.006 DEFINITIONS.**

**COMMERCIAL VEHICLE.** Any truck, bus, trailer, portable equipment, machinery, or similar vehicle or combination thereof used or intended to be used for any commercial enterprise or business purpose, >>and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.<< ~~or which has over four (4) wheels, more than two (2) axles, a height greater than eight (8) feet or has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than six thousand (6,000) pounds net weight and pickup trucks with a standard pickup truck bed with a carrying capacity no greater than one and one-half (1.5) ton gross weight.~~

## **§ 185.123 REGULATION OF ~~COMMERCIAL AND RECREATIONAL~~ VEHICLES IN RESIDENTIAL AREAS.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CLASS A WRECKER.** For the removal of cars and light duty trucks and vehicles weighing 10,000 pounds gross vehicle weight or less.

**COMMERCIAL VEHICLE.** Any truck, bus, trailer, portable equipment, machinery or similar vehicle or combination thereof, used or intended to be used for any commercial enterprise or business purpose, >>and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.<< ~~or which has over four (4) wheels, more than two (2) axles, a height greater than eight (8) feet or has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than six thousand (6,000) pounds net weight and pickup trucks with a standard pickup truck bed with a carrying capacity no greater than one and one-half (1.5) ton gross weight.~~

**>>INOPERABLE VEHICLE.** A vehicle which cannot be driven upon the public or private streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.<<

**RECREATIONAL VEHICLE.** Any boat, boat trailer, cargo trailer, house trailer, motor home, camper, bus, or similar vehicle or equipment, including any vehicle or part of a vehicle or equipment designed for temporary living quarters for recreation, camping, or travel, >>or is licensed and registered as a recreational vehicle by the Department of Motor Vehicles<< ~~excluding self-propelled roadway vehicles less than twenty-two (22) feet in length.~~

**RESIDENTIAL AREA.** Any lot, right-of-way, or other land designated as residential in this chapter and in any other applicable ordinance of the city.

**NET WEIGHT.** ~~The actual weight of the vehicle, including any attachments or equipment which has been added, excluding any load.~~



(B) *Parking vehicles in residential areas.* It shall be unlawful for any person, either as agent, owner, occupant, lessee, tenant or otherwise, to park, store, stop, deposit or allow, cause or permit to be parked, stored, stopped, or deposited on any public or private property of the RR, RE, RS-1, RS-2, RS-3, SF-1, ~~SF-2~~, SRE, RM-10, RM-15, RM-20, >>BMUV<<, RMH or RVP zoning districts of the city, any commercial vehicle at any time.

>>(1) No vehicle shall be parked:<<

>>(a) In front of a residence, except within the paved driveway or adjacent to the driveway (on the side opposite the front door of the residence) upon an improved surface. Grass, dirt, and/or mulch are not considered improved surfaces. Examples of improved surfaces are concrete, pavers, brick, gravel, or other material as may be approved by the Growth Management Director, or his designee. Any loose material, such as gravel or stone, shall be contained by solid borders, such as landscape timbers, landscape edging, railroad ties, etc.;<<

>>(b) In the rear yard of a residence, unless the rear yard is enclosed by a 6-foot tall opaque fence.<<

>> (2) A maximum of two (2) vehicles (per property) are permitted to be parked on the sides of a residence and shall be parked upon an improved surface. The vehicles shall not exceed two on a single side or one on each side. This shall exclude the front and rear sides of property.<<

>>(a) Vehicles parked on the side of a residence located on a corner lot must be screened from the street adjacent to the side of the residence by a 6-foot tall opaque fence.<<

(4>>3<<) Exceptions. The provisions of this section shall not apply to:

(a) Private property in any residential district whereon construction is underway, for which a current and valid building permit has been issued by the city, as to those vehicles actively engaged in such construction, between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday;

(b) Those persons performing lawful and authorized work upon property in a residential district where the vehicle is parked or stopped;

(c) The emergency parking of a disabled vehicle in a residential district. However, any such vehicle shall be removed from the residential district within twenty-four (24) hours by wrecker towing or other available means regardless of the nature of the emergency;

(d) Those vehicles parked in a residential district for a period not to exceed eight (8) hours rendering business, commercial or medical services to property at the location where parked or stopped.

(e) Class A Wreckers which are less than thirty-six (36) feet in length are prohibited from parking in residential areas between the hours of 8:00 a.m. and 5:00 p.m., excluding

weekends and holidays. This provision does not prevail over deed restrictions or Homeowner Association restrictions in residential areas. Such wreckers shall be properly parked as per ordinance and state law, shall not obstruct sidewalks, drainage or flow of traffic, and shall not be actively towing a vehicle when parked at a residence. All parked wreckers shall maintain a minimum of ten (10) feet of clearance from the adjacent road surface.

>>(f) Farm equipment used in the operation of an agricultural activity shall be exempt from the provisions of this subchapter. The property for which this equipment is exempt shall have a current agricultural exemption from the Brevard County Tax Collector.<<

>>(g) One (1) vehicle may be unlicensed and/or inoperable in the rear yard, provided the rear yard is enclosed by a 6-foot tall opaque fence.<<

(2>>4<<) For the purpose of this section, the words park, store, stop, and deposit shall mean the cessation of movement of a vehicle.

(C) *Parking recreational vehicles in residential areas.* It shall be unlawful for any person to park or store a recreational vehicle in a residential area for longer than twenty-four (24) consecutive hours or forty-eight (48) hours in any one (1) month period, except on residential lots behind the front >>face of the residence<< and ~~side corner building setback line.~~ >>Recreational vehicles parked on the street side of a corner lot (opposite the side interior property line) must be screened by a 6' tall opaque fence.<< No vehicle shall be used for living, sleeping or housekeeping purposes in any location not approved for such use under the zoning requirements of this chapter. Any such vehicles shall have attached, at all times, a current vehicle registration license plate. >>Parking of recreational vehicles are exempt from having to be placed upon an improved surface.<<

>>(D) No vehicle shall be parked or stored upon an unimproved parcel of land. Parking of vehicles is considered an accessory use as there must be a principal use (such as a residence) for the parking of vehicles to be accessory to.<<



































>>(E) No inoperable motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, unless such work is being performed inside a garage or similarly enclosed area designed for such purposes. Painting of vehicles is prohibited unless conducted inside an approved spray booth.<<

~~(D) *Prima facie evidence.* It shall be prima facie evidence that a self-propelled commercial vehicle exceeds six thousand (6,000) pounds net weight if the vehicle exceeds the number of wheels, number of axles, height, or length limitations of division (A) above.~~

~~(E) *Authority of city to enter property.* The city shall, through its employees, be authorized to enter upon any property where a suspected violation of this section is observed, to conduct a reasonable inspection, and/or to determine the validity of the suspected violation.~~

\*The below Figure is for illustration purposes only; it will not be inserted into the Code.

FIGURE C-1 FHWA 13 VEHICLE CATEGORY CLASSIFICATION

<b>Class 1</b> Motorcycles		<b>Class 7</b> Four or more axle, single unit	
<b>Class 2</b> Passenger cars		<b>Class 8</b> Four or less axle, single trailer	
			
			
			
<b>Class 3</b> Four tire, single unit		<b>Class 9</b> 5-Axle tractor semitrailer	
			
			
<b>Class 4</b> Buses		<b>Class 10</b> Six or more axle, single trailer	
		<b>Class 11</b> Five or less axle, multi trailer	
			
<b>Class 5</b> Two axle, six tire, single unit		<b>Class 12</b> Six axle, multi-trailer	
		<b>Class 13</b> Seven or more axle, multi-trailer	
			
<b>Class 6</b> Three axle, single unit			
			
			



**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:**

Sections 70.04; 93.04 and 93.044; 185.006 and 185.123

**PROPOSED LANGUAGE (attach addendum if necessary):**

See attached.

**JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)**

The purpose of this amendment is to update provisions for the parking of vehicles in residential areas and to revise definitions within the applicable sections of the referenced codes.

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 Laurence Bradley Digitally signed by Laurence Bradley  
DN: dc=org, dc=palmbayflorida, ou=Community  
Planning & Economic Development, ou=Land  
Development, cn=Laurence Bradley  
Date: 2020.03.12 15:50:58 -04'00' Date 3/12/2020

Printed Name of Applicant Laurence Bradley, AICP, Director of Growth Management

Full Address 120 Malabar Road SE, Palm Bay, FL 32909

Telephone 321-733-3042 Email laurence.bradley@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 2020-06**

Held on Wednesday, May 20, 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.

Correction: Mr. Richard Hill led the Pledge of Allegiance to the Flag.

See

Regular  
Meeting

2020-07  
06-03-20

**ROLL CALL:**

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

**CITY STAFF:** Present were Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Senior Planner; Ms. Chandra Powell, Recording Secretary; Mr. James Stokes, Board Attorney.

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-03; March 4, 2020. Motion by Ms. Maragh, seconded by Mr. Hill to approve the minutes as presented. The motion carried with members voting unanimously.

Mr. Warner remarked that as a former board member of the Bayfront Community Redevelopment Agency, he commended the efforts for the proposed development and sign. He wanted to see a well-developed area.

Mr. Hill stated that he was in favor of the proposed sign and that denying the request would cause sign pollution.

Mr. Balter explained the historical significance for Palm Bay in having “Steamboat Landing” on the proposed sign. The waterfront parcel owned by the applicant (Phase III of the overall development) was the site of a former steamboat landing where people and goods were ferried between the mainland and barrier island before the causeways were built.

Mr. Weinberg indicated that he would support the request if there were no additional signs for the entire project permitted adjacent to Dixie Highway NE.

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. Warner to submit Case V-11-2020 to City Council for approval of a variance to allow relief from Section 185.053(F)(12) and Chapter 178 (Appendix A) of the Code of Ordinances, to permit a proposed sign to exceed the maximum allowable height by ten feet and maximum sign area by 35 square feet, with the condition that the development would not be permitted additional pole signs on Dixie Highway NE. The motion carried with members voting unanimously.

## 7. **T-7-2020** – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Murphy presented the staff report for Case T-7-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 70: General Provisions, Section 70.04; Title IX, General Regulations, Chapter 93: Real Property Nuisances, Section 93.044; Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 and Section 185.123. The purpose of this amendment was to update provisions for the parking of vehicles in residential areas and to revise definitions within the applicable sections of the referenced codes. Staff recommended Case T-7-2020 for approval.

Mr. Warner asked if the purpose of the proposed amendment was to address commercial vehicles. Mr. Murphy explained that the subject amendment removed commercial wording from sections of the code so that the amended language would now regulate all vehicles in residential areas. Two sections of the code were combined for better clarification.

Mr. Boerema commented that recreational vehicles were not part of the proposed amendments. Mr. Murphy stated that the definition of recreational vehicles had been revised.

Mr. Boerema stated that notice of the changes should be publicized to give others an opportunity to review the proposal. Requirements to screen vehicles parked in the side and rear yards with six-foot high fencing and in the side yards on improved surfaces would be costly to some residents. Mr. Warner added that it was a concern when recreational vehicles and properties with large amounts of vehicles became an eyesore, and that the public needed to be informed of the new requirements.

Mr. Weinberg stated that the improved surfaces restriction for parking vehicles in side yards should be eliminated since the same restriction was not applied to recreational vehicles that caused greater damage.

Ms. Maragh was supportive of the future City Council workshop for properly reviewing the proposed amendment. She said that the 24-hour limitation on parking recreational vehicles in front of a home should be extended since more than a day might be needed to load a recreational vehicle for travel.

Mr. Warner was in favor of combining the parking requirements into one section of the code. The amendment, however, should have come to the board after the Council workshop had occurred. Mr. Weinberg noted that City Council wanted input from the board prior to the workshop.

The floor was opened for public comments.



Mr. Brandon Stranz (owner of property in Palm Bay) commented on the subject request. He said that the City wanted recreational vehicles removed from residential yards, but the board had denied his variance request (Case V-9-2020) for a structure that would have housed his vehicles. He lived in Palm Bay because there were less restrictions.

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

Motion by Ms. Maragh, seconded by Mr. Boerema to submit Case T-7-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title VII, Traffic and Vehicles, Chapter 70: General Provisions, Section 70.04; Title IX, General Regulations, Chapter 93: Real Property Nuisances, Section 93.044; Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006 and Section 185.123, subject to the condition that the restriction to park vehicles on improved surfaces in side yards be eliminated. The motion carried with members voting as follows:

Correction:  
See  
Regular  
Meeting  
2020-07  
06-03-20

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Hill	Nay
Ms. Maragh	Aye
Mr. Warner	Aye

Case T-7-2020 will be heard by City Council on July 16, 2020. A date for the workshop was not announced.

**8. T-8-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)**

Mr. Murphy presented the staff report for Case T-8-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.136, 185.137, and 185.138. The purpose of the amendment was to exempt multi-family development of less than 5 units from the additional zoning provisions currently provided in the applicable districts. Staff recommended Case T-8-2020 for approval, based on the

## ORDINANCE 2020-46

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, SUBCHAPTERS 'GENERAL PROVISIONS' AND 'SUPPLEMENTARY DISTRICT REGULATIONS', BY REVISING PROVISIONS RELATED TO THE PARKING OF VEHICLES IN RESIDENTIAL AREAS; 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 'General Provisions', Section 185.006, Definitions, is hereby amended and shall henceforth read as follows:

"Section 185.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

\* \* \*

**COMMERCIAL VEHICLES.** Any truck, bus, trailer, portable equipment, machinery, or similar vehicle or combination thereof used or intended to be used for any commercial enterprise or business purpose, >>and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.<< or which has over four (4) wheels, more than two (2) axles, a height greater than eight (8) feet or has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than six thousand (6,000) pounds net weight and pickup trucks with a standard pickup truck bed with a

~~carrying capacity no greater than one and one half (1.5) ton gross weight.~~

\* \* \*

**SECTION 2.** The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Supplementary General Regulations', Section 185.123, Regulation of Commercial and Recreational Vehicles in Residential Areas, is hereby amended and shall henceforth read as follows:

"Section 185.123 REGULATION OF ~~COMMERCIAL AND RECREATIONAL~~ VEHICLES IN RESIDENTIAL AREAS.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

\* \* \*

**COMMERCIAL VEHICLES.** Any truck, bus, trailer, portable equipment, machinery, or similar vehicle or combination thereof used or intended to be used for any commercial enterprise or business purpose, ~~>>~~and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.<< ~~or which has over four (4) wheels, more than two (2) axles, a height greater than eight (8) feet or has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than six thousand (6,000) pounds net weight and pickup trucks with a standard pickup truck bed with a carrying capacity no greater than one and one half (1.5) ton gross weight.~~

~~>>~~**INOPERABLE VEHICLE.** A vehicle which cannot be driven upon the public or private streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.<<

**RECREATIONAL VEHICLE.** Any boat, boat trailer, cargo trailer, house trailer, motor home, camper, bus, or similar vehicle or equipment, including any vehicle or part of a vehicle or equipment designed for temporary living quarters for recreation, camping, or travel, ~~>>~~or is licensed and registered as a recreational

vehicle by the Department of Motor Vehicles<< excluding self-propelled roadway vehicles less than twenty-two (22) feet in length.

**RESIDENTIAL AREA.** Any lot, right-of-way, or other land designated as residential in this chapter and in any other applicable ordinance of the city.

**NET WEIGHT.** The actual weight of the vehicle, including any attachments or equipment which has been added, excluding any load.

(B) *Parking vehicles in residential areas.* It shall be unlawful for any person, either as agent, owner, occupant, lessee, tenant or otherwise, to park, store, stop, deposit or allow, cause or permit to be parked, stored, stopped, or deposited on any public or private property of the RR, RE, RS-1, RS-2, RS-3, SF-1, ~~SF-2~~, SRE, RM-10, RM-15, RM-20, >>BMUV,<< RMH or RVP zoning districts of the city, any commercial vehicle at any time.

>>(1) No vehicle shall be parked:<<

>>(a) In front of a residence, except within the paved driveway or adjacent to the driveway ~~(on the side opposite the front door of the residence)~~. A maximum of two (2) operable vehicles (per property) are permitted to be parked on the side of the driveway opposite the front door of the residence upon an improved surface. Grass, dirt, and/or mulch are not considered improved surfaces. Examples of improved surfaces are concrete, pavers, brick, gravel, or other material as may be approved by the Growth Management Director, or his designee. Any loose material, such as gravel or stone, shall be contained by solid borders, such as landscape timbers, landscape edging, railroad ties, etc.;<<

>>(ab) In the rear yard of a residence, unless the rear yard is enclosed by a 6-foot tall opaque fence.<<

>>(2) A maximum of two (2) vehicles (per property) are permitted to be parked on the sides of a residence and shall be parked upon an improved surface. The vehicles shall not exceed two on a single side or one on each side. This shall exclude the front and rear sides of property.<<

>>(a) Vehicles parked on the side of a residence located on a corner lot must be screened from the street adjacent to the side of the residence by a 6-foot tall opaque fence.<<

(4>>3<<) Exceptions. The provisions of this section shall not apply to:

\* \* \*

>>(f) Farm equipment used in the operation of an agricultural activity shall be exempt from the provisions of this subchapter. The property for which this equipment is exempt shall have a current agricultural exemption from the Brevard County Tax Collector or provide a signed and notarized affidavit that said equipment is for the property owner's personal use. Farm equipment may only be parked/stored on lands that are zoned RR, Rural Residential District or GU, General Use Holding District.<<

>>(g) One (1) vehicle may be unlicensed and/or inoperable in the rear yard, provided the rear yard is enclosed by a 6-foot tall opaque fence.<<

(2>>4<<) For the purpose of this section, the words park, store, stop, and deposit shall mean the cessation of movement of a vehicle.

(C) *Parking recreational vehicles in residential areas.* It shall be unlawful for any person to park or store a recreational vehicle in a residential area for longer than twenty-four (24) consecutive hours or forty-eight (48) hours in any one (1) month period, except on residential lots behind the front >>face of the residence<< and side corner building setback line. >>Recreational vehicles parked on the street side of a corner lot (opposite the side interior property line) must be screened by a 6' tall opaque fence.<< No vehicle shall be used for living, sleeping or housekeeping purposes in any location not approved for such use under the zoning requirements of this chapter. Any such vehicles shall have attached, at all times, a current vehicle registration license plate. >>Parking of recreational vehicles are exempt from having to be placed upon an improved surface.<<

(D) *Prima facie evidence.* It shall be prima facie evidence that a self-propelled commercial vehicle exceeds six thousand (6,000) pounds net weight if the vehicle exceeds the number of wheels, number of axles, height, or length limitations of division (A) above. >>No vehicle shall be parked or stored upon an unimproved parcel of land. Parking of vehicles is considered an accessory use as there must be a principal use (such as a residence) for the parking of vehicles to be accessory to.<<

(E) ~~Authority of city to enter property.~~ The city shall, through its employees, be authorized to enter upon any property where a suspected violation of this section is observed, to conduct a reasonable inspection, and/or to determine the validity of the suspected violation. >>No inoperable motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, unless such work is being performed inside a garage or similarly enclosed area designed for such purposes. Painting of vehicles is prohibited unless conducted inside an approved spray booth.<<

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

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: City of Palm Bay  
Case: T-7-2020

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



## **LEGISLATIVE MEMORANDUM**

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

**FROM:** Suzanne Sherman, Acting City Manager

**THRU:** Laurence Bradley, AICP, Growth Management Director

**DATE:** 8/6/2020

**RE:** Ordinance 2020-47, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the southeast corner of Babcock Street and Plantation Circle from Single Family Residential Use to Commercial Use (3.86 acres)(Case CP-4-2020, West Pointe Babcock, LLC), only one reading required.

West Pointe Babcock, LLC (Carmine Ferraro and Robert Schwerer, Reps.) has asked for a small-scale Comprehensive Plan Future Land Use Map Amendment to change 3.86 acres of Single-Family Residential Use (SFR) to Commercial Use (COM). The property is located at the southeast corner of Babcock Street SE and Plantation Circle SE within a mostly rural setting that is surrounded by a mix of single-family homes on minimum one-acre sized lots and vacant parcels. The entire area has a Future Land Use designation of Single-Family Residential Use (SFR).

On May 24, 2018, an application for a commercial future land use change involving the property was denied by City Council, and five submittals since 2015 were withdrawn prior to any decision by City Council. On November 7, 2019, City Council approved Case PS-1-2019, a five-lot residential subdivision with a waiver from mandatory connection to public water and sewer. The water and sewer connections will be required by the applicant for commercial development. The final subdivision was handled administratively as a Minor Subdivision, which will require a drainage plan at the development phase and each future lot owner to obtain a drainage permit for offsite stormwater runoff.

The majority of the property's frontage is on a residential street, and introducing commercial land uses on property entirely surrounded by single-family residential land is inconsistent with the surrounding land uses and the Comprehensive Plan.

The City Engineer has calculated that while the proposed land use change will increase the Average Annual Daily Traffic (AADT) on this segment of Babcock Street, it will not generate an immediate need to widen the roadway. However, the AADT counts will need to be re-evaluated once St. Johns Heritage Parkway and the Interchange (Exit 166) are open.

**REQUESTING DEPARTMENT:**



## Growth Management

### **RECOMMENDATION:**

Motion to deny Case CP-4-2020 based on the proposed Future Land Use change being inconsistent with the City's Comprehensive Plan for the following reasons: 1) The proposed Future Land Use change will introduce Commercial Uses into a residential area. The introduction of these uses would be inconsistent with residential character of adjacent and nearby properties. 2) The additional Commercial Land Use is unnecessary as there is a significant amount of undeveloped land already designated Commercial. 3) The additional Commercial Floor Area could potentially trigger a reduction in the Level of Service on Babcock Street. 4) The future widening plans for Babcock Street have not been finalized and thus it is unknown at this time how that widening could affect this property.

### **Planning and Zoning Board Recommendation:**

Unanimous denial of the request based on the four points listed in the staff report.

### **ATTACHMENTS:**

#### **Description**

**Case CP-4-2020**

**Staff Report Addendum**

**Presentations and Correspondence**

**Board Minutes**

**Correspondence (Council)**

**Ordinance 2020-47**



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Laurence Bradley, AICP, Growth Management Director

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#### CASE NUMBER

CP-4-2020

#### PLANNING & ZONING BOARD HEARING DATE

July 1, 2020

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#### PROPERTY OWNER & APPLICANT

West Pointe Babcock, LLC

#### PROPERTY LOCATION/ADDRESS

Southeast corner of Babcock Street SE and Plantation Circle SE. A portion of Lots 9 & 10, Section 34, Township 29 South, Range 37 East, Brevard County, Florida

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#### SUMMARY OF REQUEST

The applicant is requesting a small-scale Comprehensive Plan Future Land Use Map Amendment to change 3.86 acres of Single-Family Residential Use (SFR) to Commercial (COM).

##### Existing Zoning

RR, Rural Residential

##### Existing Land Use

Single-Family Residential Use

##### Site Improvements

Vacant Land

##### Site Acreage

3.86 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

RR, Rural Residential; Single-Family Homes

##### East

RR, Rural Residential; Vacant Lots and Single-Family Homes

##### South

RR, Rural Residential; Single-Family Homes

##### West

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

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**BACKGROUND:**

Located at the southeast corner of Babcock Street SE and Plantation Circle SE. Specifically, the subject parcel is a portion of Lots 9 & 10, Section 34, Township 29 South, Range 37 East, Brevard County, Florida. The subject parcel is 3.86 acres.

The parcel is bounded by RR zoning to the north, east and south and RS-2 zoning across Babcock Street to the West. A mix of Single-Family Homes and vacant parcels are adjacent to the subject property. The entire area has a Future Land Use designation of Single-Family Residential Use (SFR).

The applicant is requesting a small-scale Comprehensive Plan Future Land Use Map Amendment to change 3.86 acres of Single-Family Residential Use (SFR) to Commercial Use (COM). There is a companion application requesting a rezoning from RR, Rural Residential to CC, Community Commercial for future, unspecified commercial uses.

Attached to this report is an application history which summarizes a series of different land use applications going back to December 2015.

On six previous occasions the property owner has requested to change the land use from SFR, Single-Family Residential to COM, Commercial. The Planning & Zoning Board recommended denial all six times. Five times the applicant withdrew the Future Land Use Application prior to a decision by the City Council. On May 24, 2018 the City Council voted, 4 to 1, to deny the land use change.

Also, on six previous occasions, the property owner has requested to change the zoning designation from RR, Rural Residential to CC, Community Commercial. Planning & Zoning also recommended denial all six times. Five times the applicant withdrew the Zone Change prior to a decision by the City Council. On May 24, 2018, the City Council took no action on the Zone Change application because the denial of the Future Land Use application rendered the Zone Change request moot.

A Preliminary 5-lot Residential Subdivision application PS-1-2019 was recommended for approval by Planning & Zoning on October 2, 2019 and approved by City Council on November 7, 2019.

One of the main components of the preliminary subdivision application was the granting of a waiver of a mandatory connection to public water and sewer requirements pursuant to Sections 184.32 and 184.34 (D) of the Land Development Code. It should be noted that in the comments from the Utilities Director for this current change of use, a connection to water and sewer for the commercial development will now be required. The Final Subdivision was handled administratively by staff as a Minor Subdivision. No improvements or drainage plan was required by the Public Works (PW) Department, however PW determined that a drainage

plan will be required at the development phase and a note was added to the Plat requiring the future owners of each lot to obtain a drainage permit for any offsite storm water runoff. The final subdivision plat was signed by the City of Palm Bay on June 16, 2020 to be subsequently recorded by the applicant.

## **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-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.

Objectives:

**FLU-2.3** Prevent incompatible land uses from locating in residential areas in order to promote neighborhood stability and prevent deterioration.

The introduction of commercial land uses on a property entirely surrounded by single-family residential uses is inconsistent with the surrounding land uses. The majority of the frontage of the proposed property to be changed to commercial use is on a residential street.

Policies:

**FLU-2.3A** The Land Development Regulations shall continue to contain provisions to ensure that land uses surrounded by and/or abutting residential areas are not in conflict with the scale, intensity, density and character of the residential area.

The scale and character of the residential neighborhood where this parcel is located consists of single-family uses in a mostly rural setting. Each of the lots on the north, east and south of the subject property are one acre minimum in size.

The Comprehensive Plan (Plan) FLU Element Goal FLU-3 Provide for economically viable commercial areas which promote a sound and diversified local economy and serve the retail and service needs of the City's residents.

Policies:

**FLU-3.1A** The acreage of commercial land permitted by the Future Land Use Map shall not exceed projected needs.

There are a number of undeveloped properties both north and south of the subject property on Babcock Street (approximately 200 + acres) which already have a COM land use designation. Additional commercial land is unnecessary at this time as there is sufficient commercial in close proximity to this property.

The subject property is bordered by single-family residential land uses on all sides. The intended use for the 3.86 acres of commercial land use is inconsistent with the Comprehensive Plan Elements listed above. Further FLU-3.1A states that commercial land uses shall not exceed projected needs. Given the amount of still undeveloped commercial land uses in the area, additional commercial land use is not needed at this time.

## 2. CAPITAL IMPROVEMENT ELEMENT

The Utilities Department (Utilities) has identified that there is a 16" water main and a 16" public sanitary sewer force main adjacent to subject property on Babcock Street. Further, Utilities has stated in their comments that capacity is readily available and that a change of use from residential to commercial use will trigger the need to extend water and sewer service to the commercial portion of this site at the applicant's expense

## 3. COASTAL MANAGEMENT ELEMENT

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

## 4. CONSERVATION ELEMENT

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

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 1 acre of wetlands are present on the subject property. Any proposed mitigation will require approval from all applicable State Agencies.

## 5. HOUSING ELEMENT

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

## 6. 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 available adjacent to the subject property. Utilities has indicated that commercial uses will require water and sewer connections.

**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.

## 7. RECREATION AND OPEN SPACE ELEMENT

The Recreation and Open Space Element addresses the current and future recreational needs of the City. Commercial Use does not have a demand upon the parks & recreational level of service (LOS) standards.

## 8. INTERGOVERNMENTAL COORDINATION ELEMENT

In April 2020, the City of Palm Bay and Brevard County entered into an Inter-Local Agreement. As part of that agreement a 'Future Project' is contemplated which will expand Babcock Street from what SCTPO considers a 2-lane rural collector road to a 4-lane collector road. The carrying capacity of the road will be doubled. However, until such time as that additional capacity is available and the Average Annual Daily Traffic (AADT) is analyzed this request may be premature. There is no timetable identified for the start of construction in this area and no funding source has been made available for these improvements.

## 9. TRANSPORTATION ELEMENT

As noted in Element #8 above the City of Palm Bay and Brevard County have agreed that a future widening of Babcock Street will occur in the future. The current Level of Service (LOS) of this segment of Babcock Street is LOS C. This Future Land Use change is proposing an additional 3.86 acres of Commercial Land Use. The Comprehensive Plan indicates that the maximum Floor Area Ratio (FAR) for COM Land Use is 2.5. Thus, based upon this FAR between 200,000 and 400,000 square feet of new commercial uses could potentially be added to this corridor. Growth Management has requested the City Engineer provide some analysis about how this additional commercial activity could potentially affect the LOS on Babcock Street. This information is expected prior to the hearing.

Further, access into this site needs to be fully examined and could be problematic. The majority of the frontage of this parcel is on a residential street. There are potential conflict points at the intersection of Plantation Circle SE North and Cogan Drive SE as they intersect Babcock Street. Additional turn lanes and possibly signalization will be needed, especially after Babcock Street is widened to 4-lanes.

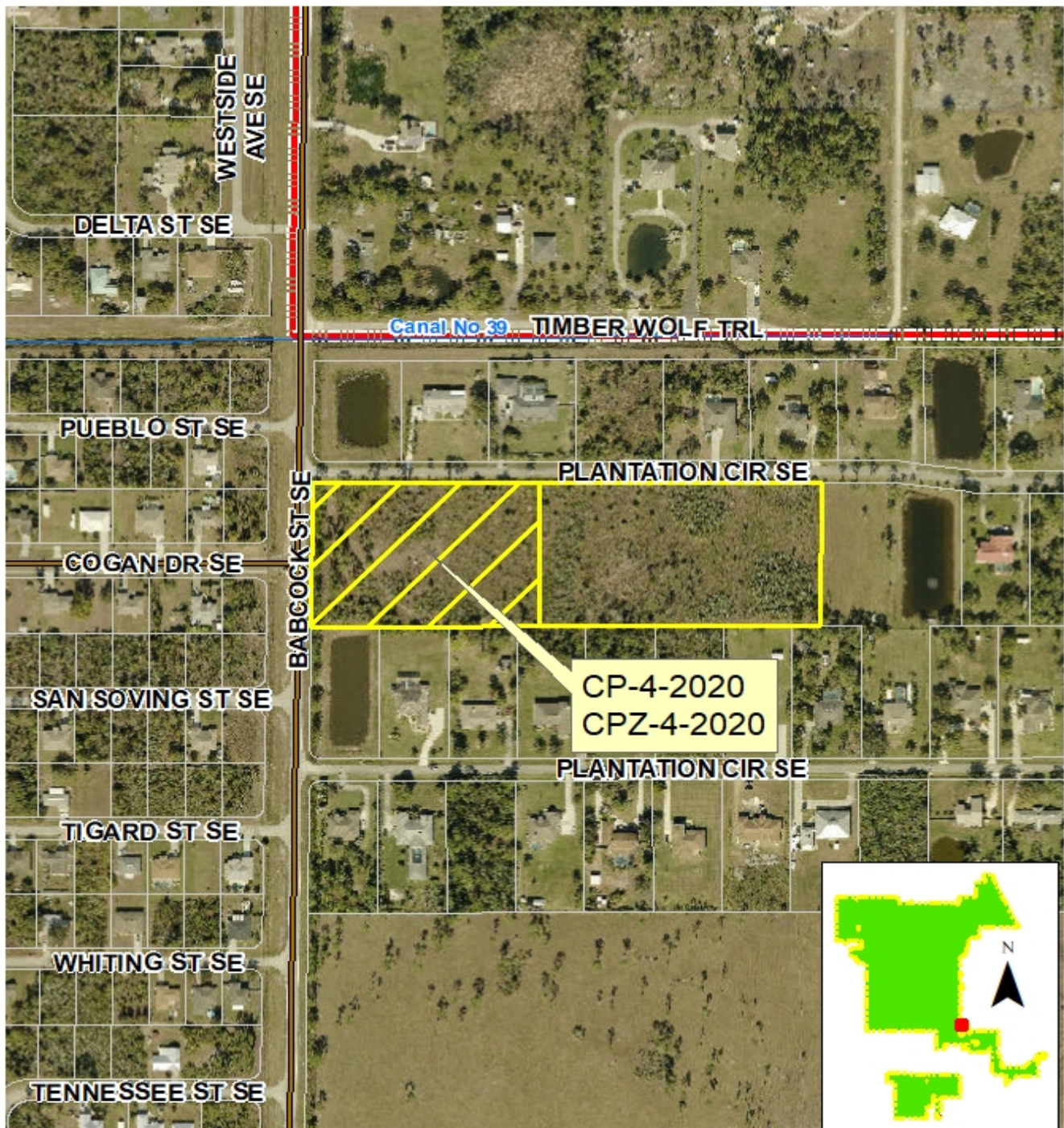
**STAFF RECOMMENDATION:**

Staff concludes that the proposed Future Land Use Change is inconsistent with the City's Comprehensive Plan and therefore recommends denial of this request, for the following reasons:

1. The proposed Future Land Use change will introduce Commercial Uses into a residential area. The introduction of these uses would be inconsistent with residential character of adjacent and nearby properties.
2. The additional Commercial Land Use is unnecessary as there is a significant amount of undeveloped land already designated Commercial.
3. The additional Commercial Floor Area could potentially trigger a reduction in the Level of Service on Babcock Street.
4. The future widening plans for Babcock Street have not been finalized and thus it is unknown at this time how that widening could affect this property.



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



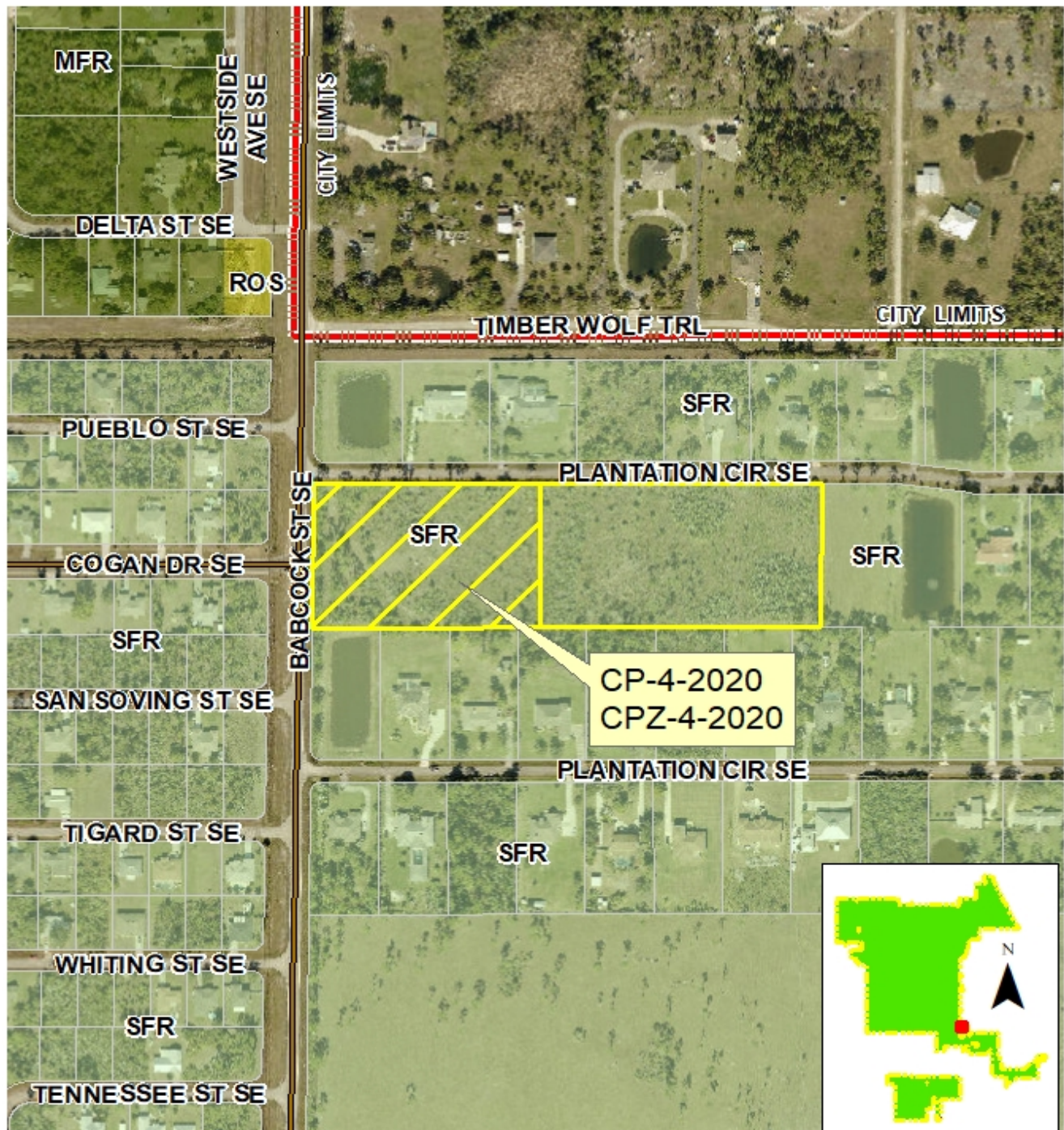
## **AERIAL LOCATION MAP CASE CP-4-2020 & CPZ-4-2020**

### **Subject Property**

Southeast corner of Babcock Street SE and Plantation Circle SE



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



## **FUTURE LAND USE MAP CASE CP-4-2020 & CPZ-4-2020**

### **Subject Property**

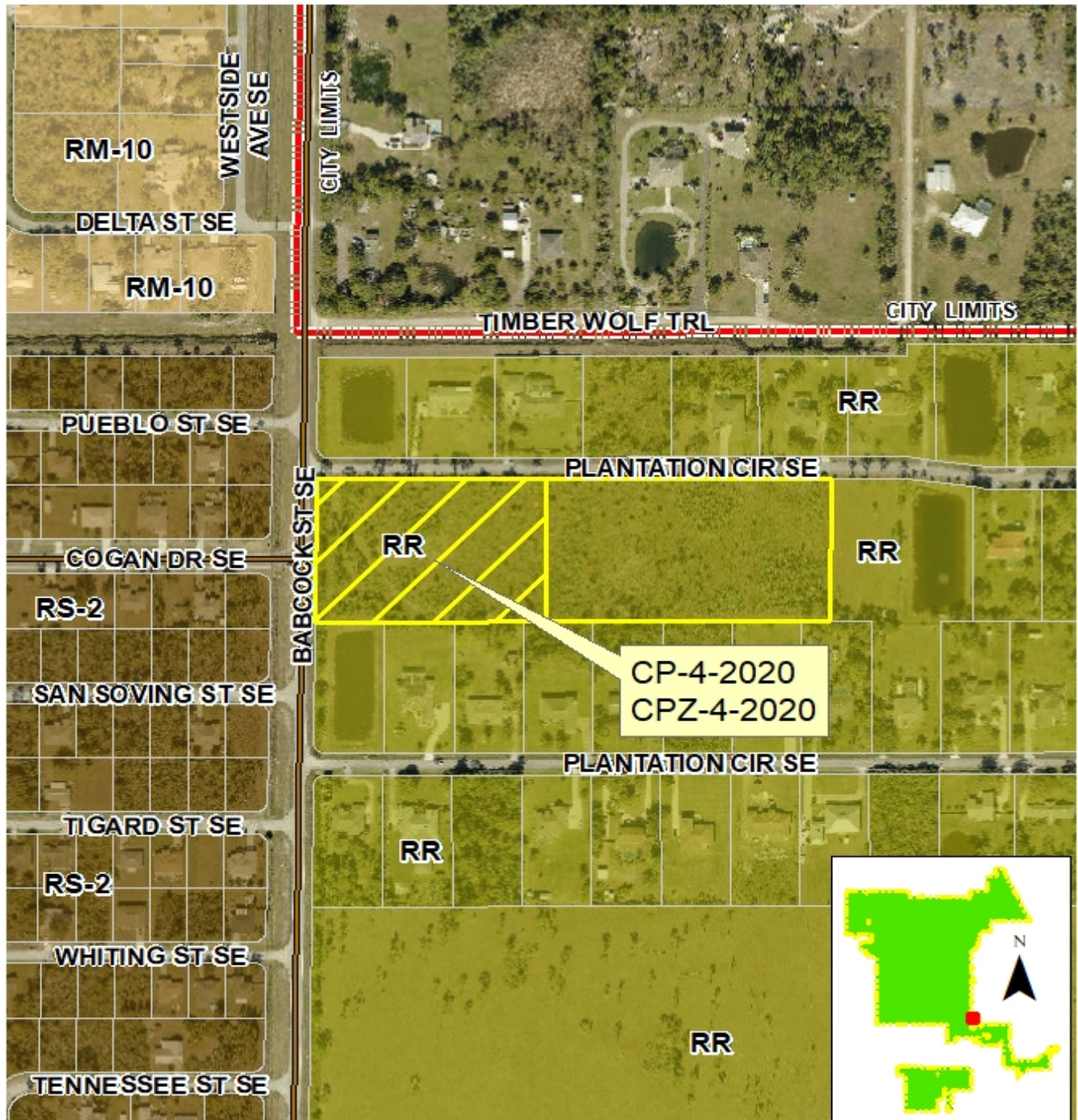
Southeast corner of Babcock Street SE and Plantation Circle SE

### **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 CP-4-2020 & CPZ-4-2020

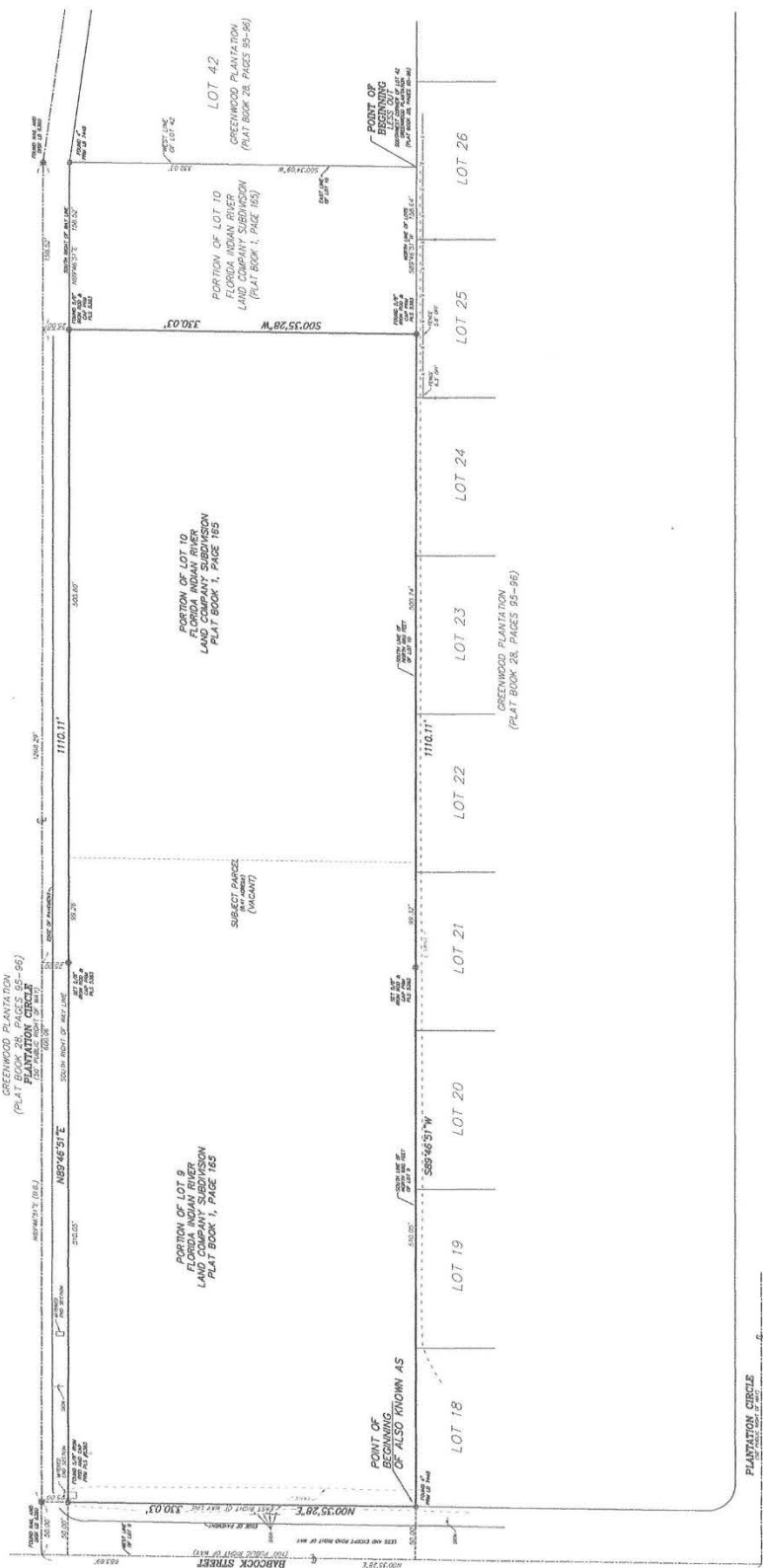
### Subject Property

Southeast corner of Babcock Street SE and Plantation Circle SE

### Current Zoning Classification

RR – Rural Residential District

AAAL LAND SURVEYING SERVICES, INC.



PREPARED FOR:  
WEST POINT BABCOCK, LLC

[illegible]

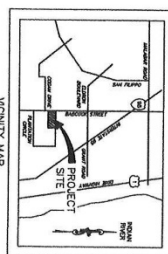
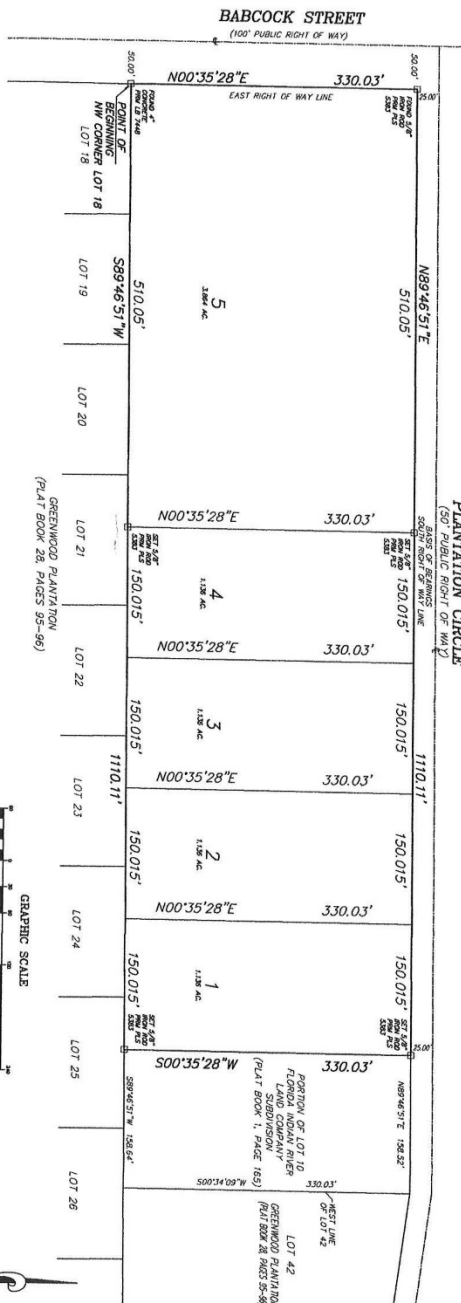
SEE CONSIST AND JOINDER RECORDED  
IN ORB \_\_\_\_\_, PAGE \_\_\_\_\_.

**PRELIMINARY PLANTATION CIRCLE**  
BEING A REPLAT OF A PORTION OF LOTS 8 AND 10

BEING A REPEAT OF A PORTION OF LOTS 9 AND 10,  
FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION, PLAT BOOK 1, PAGE 1655  
LYING IN SECTION 34, TOWNSHIP 29 SOUTH, RANGE 37 EAST,  
CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

[illegible]

GREENWOOD PLANTATION  
(PLAT BOOK 28, PAGES 95-96,  
PLANTATION CIRCLE  
(50' PUBLIC RIGHT OF WAY)

[illegible]

— PLAT PREPARED BY —  
AAL LAND SURVEYING SERVICES, INC.  
3970 MARION ROAD

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DETENTION 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.

PROJECT 33811  
DATED 9/09/19

PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

SECTION 34 TWP. 29 S., RANGE 37 E.

That Mutual First Bank, LLC, being the owners in fee simple of the lands described in

**PLANTATION CIRCLE**

herby dedicates the public utility easements as shown or in the not to the CITY OF PALM BAY,

IN WITNESS WHEREOF, the undersigned has caused these powers to be signed and attested to by the officer named below this day of \_\_\_\_\_

BY \_\_\_\_\_ West Point, Delaware, LLC  
Officer West 1151 SW 32nd Street  
Morgue Palm City, Florida 34980

Signed and attested in the presence of: \_\_\_\_\_

(Print name)

STATE OF FLORIDA COUNTY OF BREVARD  
 I, \_\_\_\_\_, the foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by \_\_\_\_\_

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

**CRITIQUE OF SURVEYOR**  
FROM ALL MEN BY THESE PRESENTS, that the undersigned, being a licensed professional surveyor and mapper, from hitherto certified that on October 16, 2016 he completed the survey of the lands shown in the foregoing plat; 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, and that said land is located in Broward County, Florida.

Andrew W. Powrlok  
ALL Land Sampling Services, Inc.  
3070 Lennox Road  
E. Melbourne, Florida 32904  
LB - 0006523  
Certificate of Authorization Number

FOR THE CITY OF PALM BAY

Joseph M. Hyde PSM No. 6356  
Reviewing Surveyor for the City of Palm Bay

THIS IS TO CERTIFY That on \_\_\_\_\_ the  
City Council of the City of Palm Bay, Florida

\_\_\_\_\_  
Mayer

**CERTIFICATE OF CLERK**  
HERSEY CERTIFY, That I have examined the foregoing plot and find that it complies in form with all the requirements of Chapter 177, Florida Statutes, and was filed for record on \_\_\_\_\_

Deputy Clerk of the Circuit Court  
and for Broward County, Fla.



**CP-4-2020 - WEST POINTE BABCOCK, LLC (CARMINE FERRARO AND ROBERT SCHWERER, REPS.)**

A small-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **3.86 acres**

**01/31/2020** – Entered application

**07/01-2020** – P&Z – SCHEDULED

**08/16/2020** – Council – SCHEDULED

**CPZ-4-2020 - WEST POINTE BABCOCK, LLC (CARMINE FERRARO AND ROBERT SCHWERER, REPS.)**

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District - **3.86 acres**

**01/31/2020** – Entered application

**07/01-2020** – P&Z – SCHEDULED

**08/16/2020** – Council – SCHEDULED

---

**PS-1-2019 - CARMEL DEVELOPMENT, LLC (CARMINE FERRARO)**

Preliminary Subdivision Plan approval of a proposed 5-lot single-family subdivision called Plantation Circle – **8.41 acres**

**06/07/2019** – Entered application

**10/02/2019** – P&Z – APPROVED WITH CONDITIONS

**11/07/2019** – Council – APPROVED WITH CONDITIONS

---

**CP-1-2018 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)**

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **2.89 acres.**

**01/12/2018** – Entered application

**03/07/2018** – P&Z – DENIED

**05/24/2018** – Council - O-13-2018 – DENIED

**CPZ-1-2018 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)**

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District. - **2.89 acres.**

**01/12/2018** – Entered application

**03/07/2018** – P&Z – DENIED

**05/24/2018** – Council - O-14-2018 – NO ACTION TAKEN

---

**CP-20-2017 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)**

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **2.89 acres.**

**10/01/2017** – Entered application

**11/01/2017** – P&Z – DENIED

**11/28/2017** – Council – RESCHEDULED

**WITHDRAWN prior to 02/06/2018 Special Council Hearing**

**CPZ-20-2017 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)**

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District. - **2.89 acres.**

**10/01/2017** – Entered application

11/01/2017 – P&Z – DENIED

11/28/2017 – Council – RESCHEDULED

**WITHDRAWN prior to 02/06/2018 Special Council Hearing**

---

**CP-18-2017 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)**

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **2.89 acres.**

06/30/2017 – Entered application

08/02/2017 – P&Z – DENIED

**WITHDRAWN per Code prior to 09/06/2017 Council Hearing**

---

**CPZ-18-2017 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)**

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District. - **2.89 acres.**

06/30/2017 – Entered application

08/02/2017 – P&Z – DENIED

**WITHDRAWN per Code prior to 09/06/2017 Council Hearing**

---

**CP-13-2017 - WEST POINTE BABCOCK, LLC (ALAN SAKOWITZ, REP.)**

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **8.41 acres.**

03/31/2017 – Entered application

05/03/2017 – P&Z – DENIED

06/01/2017 – Council - **WITHDRAWN by applicant O-42-2017**

---

**CPZ-13-2017 - WEST POINTE BABCOCK, LLC (ALAN SAKOWITZ, REP.)**

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District - **8.41 acres.**

03/31/2017 – Entered application

05/03/2017 – P&Z – DENIED

06/01/2017 – Council - **WITHDRAWN by applicant O-43-2017**

---

**CP-21-2016 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)**

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **4.41 acres.**

07/01/2016 – Entered application

08/03/2016 – P&Z – DENIED

**WITHDRAWN prior to 09/01/2016 Council Hearing**

---

**CPZ-21-2016 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)**

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District - **4.41 acres.**

07/01/2016 – Entered application

08/03/2016 – P&Z – DENIED

**WITHDRAWN prior to 09/01/2016 Council Hearing**

---

**CP-7-2015 - WEST POINTE BABCOCK, LLC (JACK SPIRA, REP.)**

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **4.41 acres.**

**07/31/2015** – Entered application

**09/02/2015** – P&Z – DENIED

**WITHDRAWN 12/17/2015**

**CPZ-7-2015 - WEST POINTE BABCOCK, LLC (JACK SPIRA, REP.)**

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **4.41 acres.**

**07/31/2015** – Entered application

**09/02/2015** – P&Z – DENIED

**WITHDRAWN 12/17/2015**



**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** 29-37-34-00-506-1

**TAX ACCOUNT NUMBER** 2952117

### **LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:**

FLA INDIAN RIVER LAND CO. SUBD PER PB 1 PG165A S 330FT OF NORTH 660FT OF LOT 9  
& 10 EXC ORB 6579 PAGE 1932 & HW R/W

**SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):** 3.86\*

\* the west approximate 3.86 acres of the 8.41 acre parcel shown in Exhibit "A" attached. (See additional note below)

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

Single Family Residential

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

Commercial

Addition Note: Otherwise described as Lot 5 of the Preliminary Plat of Plantation Circle shown in Exhibit "B" attached.

Revision A: 01/20



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

**PRESENT USE OF PROPERTY** VACANT LAND

**STRUCTURES LOCATED ON THE PROPERTY** NONE

**REZONING FILED IN CONJUNCTION WITH THIS APPLICATION**

YES, APPLICATION FOR RE-ZONING FROM RESIDENTIAL TO COMMUNITY COMMERCIAL

**JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary)**

FLU MAP NEEDS TO BE AMENDED TO CONFORM TO ZONING REQUEST FOR COMMUNITY COMMERCIAL

**SPECIFIC USE INTENDED FOR PROPERTY**

FUTURE COMMERCIAL DEVELOPMENT

**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)
- ☐ 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.

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



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 CARMINE FERRARO. MGMR CARMEL DEVELOPMENT 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.

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

Owner Signature  Date 01/29/2020

Printed Name CARMINE FERRARO

Full Address 3860 CURTIS BLVD #636, COCOA FL

Telephone 321-536-5200 Email carmel32927@gmail.com

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

CITY OF PALM BAY  
RECEIVED

JAN 31 2020

LAND DEVELOPMENT



January 2, 20 20

Re: Letter of Authorization

As the property owner of the site legally described as:

Tax ID# 295117 - Parcel # 29-37-34-00-506.01

I, Owner Name: West Pointe Babcock LLC

Address: 1132 Kane Concourse, Ste.200 Bay Harbor Islands, FL 33154

Telephone: (305) 655-1234

Email: asakowitz@pointecompanies.com

hereby authorize:

Rep. Name: Carmel Development LLC - Carmine Ferraro, MGMR

Address: 3860 Curtis Blvd, Suite 636, Cocoa FL 32927

Telephone: (321) 536-5200

Email: carmel32927@gmail.com

to represent the request(s) for:

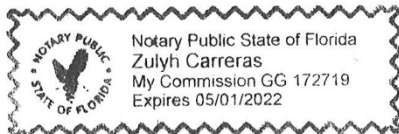
Rezoning of Lot 5 - Plantation Circle - Preliminary Plat

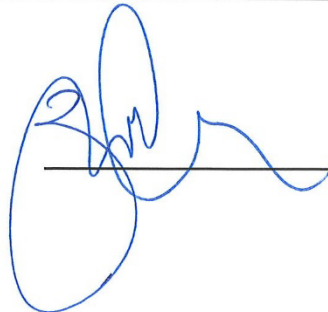
  
(Property Owner Signature)

STATE OF Florida  
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 6th day of Jan, 2020 by Alan Sakowitz,

(SEAL)



  
, Notary Public

☒ Personally Known or

☐ Produced Identification

Type of Identification Produced: \_\_\_\_\_

# West Pointe Babcock, LLC

January 13, 2020

To: City of Palm Bay  
RE: Letter of Authorization

As the property owner the site legally described as:  
TAX ID# 295117 – Parcel # 29-37-34-00-506.01

I, Owner Name: West Pointe Babcock, LLC  
Address: 1132 Kane Concourse, Ste 200, Bay Harbor Islands, FL 33154  
Telephone: 305-655-1234  
Email: [asakowitz@pointecompanies.com](mailto:asakowitz@pointecompanies.com)

hereby authorize:

Rep. Name: Robert V. Schwerer, Esq.  
Address: 130 South Indian River Dr, Suite 304, Ft Pierce, Florida 34950  
Telephone: 772-461-2310  
Email: schwererlaw@aol.com

To represent the request(s) for:

Rezoning of Lot 5 – Plantation Circle

Owner Signature

STATE OF Florida  
COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 14th day  
of January, 2020  
By Alan Sakowitz.

Hannah Handler Hostyk



Property

by means of ☒ physical presence or ☐ on-line notarization

Notary Public

☒ Personally Known or  
☐ Produced Identification  
Type of Identification  
Produced \_\_\_\_\_

# **CASE CP-4-2020**

# **STAFF REPORT ADDENDUM**

Submitted at July 1, 2020 Planning and Zoning Board Meeting

**ADDENDUM**  
to Case No. CP-4-2020

On Page 4 of original staff report for the above referenced case in Section 9 - Transportation it was noted that the City Engineer was requested to provide a traffic analysis. That information was received after the staff report was released and as such has generated the need for this addendum.

Based upon a proposed use with a 35% Building Coverage and the need for drainage and parking, typical developments with the City of Palm Bay are developed at approximately 20% Building Coverage. Thus, 20% building coverage on this 3.86-acre site would potentially yield approximately 33,600 SF of commercial floor area. Based upon this the City Engineer provided the following analysis:

<i>Per ITE Trip Generation – Land Use 820 (Shopping Center) with 33,600 SF will generate:</i>	<i>2,864 ADT</i>
<i>The TPO traffic counts per 2019 has segment from Micco to Grant with AADT of:</i>	<i>5,120 AADT</i>
<i>Cypress Bay Traffic Study the northbound from intersection of Parkway</i>	<i><u>2,984 AADT</u></i>
<b><i>Total traffic volume on Babcock 2020:</i></b>	<b><i>10,968AADT</i></b>
<b><i>The Maximum Acceptable Volume (MAV) for 2 lane segment is per TPO</i></b>	<b><i>14,200 AADT</i></b>
<b><i>Therefore 10,968 &lt; 14,200 so under capacity for MAV</i></b>	

The result of this analysis yields that while the proposed Future Land Use Change will increase the AADT (Average Annual Daily Traffic) on this segment of Babcock Street. It will not generate an immediate need to widen of the roadway in this area should this site be developed.

However, it should be noted that once St. John's Heritage Parkway and Exit 166 on I-95 are opened that these numbers will need to be reevaluated. Further analysis will also be needed once a Site Development plan is proposed for this parcel.

Attached is the email and back-up data provided by the City Engineer.



## Laurence Bradley

---

**From:** Frank Watanabe  
**Sent:** Tuesday, June 30, 2020 4:51 PM  
**To:** Laurence Bradley; Patrick Murphy  
**Subject:** RE: ILA w/Brevard County for SJHP/Babcock Intersection; and BEYOND

Larry,

I rechecked the ITE Trip Generation for 33,600 SF Shopping Center is 2,864 (Total weekday). I revised the numbers below

Frank Watanabe  
Public Works Director/City Engineer  
City of Palm Bay  
(321) 409-6341

**From:** Frank Watanabe  
**Sent:** Tuesday, June 30, 2020 3:25 PM  
**To:** Laurence Bradley <Laurence.Bradley@palmbayflorida.org>; Patrick Murphy <Patrick.Murphy@palmbayflorida.org>  
**Subject:** FW: ILA w/Brevard County for SJHP/Babcock Intersection; and BEYOND

Larry

Per our conversation, here is my traffic analysis for the proposed commercial site at Plantation Circle.

- Per ITE Trip Generation – Land Use 820 (Shopping Center) with 33,600 SF will generate: 2,864 ADT
- The TPO traffic counts per 2019 has segment from Micco to Grant with AADT of 5,120 AADT
- Cypress Bay Traffic Study the northbound from intersection of Parkway 2,984 AADT
- **Total traffic volume on Babcock 2020** **10,968**  
**AADT**
  
- The Maximum Acceptable Volume (MAV) for 2 lane segment is per TPO **14,200 AADT**
- Therefore 10,968 < 14,200 so under capacity

Hope this helps

Frank Watanabe  
Public Works Director/City Engineer  
City of Palm Bay  
(321) 409-6341

From: Frank Watanabe

Sent: Sunday, June 28, 2020 11:58 AM

To: Patrick Murphy <[Patrick.Murphy@palmbayflorida.org](mailto:Patrick.Murphy@palmbayflorida.org)>

Cc: Laurence Bradley <[Laurence.Bradley@palmbayflorida.org](mailto:Laurence.Bradley@palmbayflorida.org)>; Natalie Shaber <[Natalie.Shaber@palmbayflorida.org](mailto:Natalie.Shaber@palmbayflorida.org)>

Subject: RE: ILA w/Brevard County for SJHP/Babcock Intersection; and BEYOND

Patrick

Sorry for the long delay in getting back on the AADT for Babcock. Here is the latest 2019 traffic count from the TPO with AADT. This table provides the Maximum Acceptable Volume (MAV) per segment of Babcock.

SPACE COAST TRANSPORTATION PLANNING ORGANIZATION TRAFFIC COUNTS: 2010 - 2019

ID	ROAD	SEGMENT (Sections)	2010 AADT	2011 AADT	2012 AADT	2013 AADT	2014 AADT	2015 AADT	2016 AADT	2017 AADT	2018 AADT	2019 AADT	Current MAV
<b>AREA: CENTRAL</b>													
<b>US 1</b>													
34	US 1	EYSTER-ROSA JONES	UC	34,867	34,703	34,977	35,303	36,267	35,167	34,170	37,273	35,953	
33	US 1	Eyster-Barton	UC	32,330	32,860	33,220	32,820	34,440	33,650	32,520	31,160	34,410	62,900
88	US 1	Barton-Florida	UC	39,440	38,510	38,070	40,180	40,480	39,840	36,860	42,620	38,100	62,900
	US 1	Florida-Rosa Jones (Ponseff)	UC	32,830	32,740	33,640	32,910	33,880	32,010	33,130	38,040	35,350	62,900
<b>US 1</b>													
24	US 1	ROSA JONES-PEACHTREE	UC	26,940	26,360	26,795	25,375	33,480	30,220	26,885	28,525	29,360	
	US 1	Rosa Jones (Ponseff)-SR 520	UC	32,590	32,430	32,840	32,890	33,480	30,220	33,500	34,020	36,970	62,900
23	US 1	SR 520-Peachtree	UC	21,290	20,290	20,750	17,860	UC	UC	20,270	23,030	21,750	62,900
<b>US 1</b>													
	US 1	PEACHTREE-SR 528		27,443	28,365	27,363	27,025			26,600	28,873	28,425	
22	US 1	Peachtree-Forest		18,880	21,080	20,330	20,560	UC	UC	UC	21,290	24,850	22,720
21	US 1	Forest-Dixon		29,770	30,260	29,860	29,460	UC	UC	UC	28,620	30,090	30,890
20	US 1	Dixon-Michigan		28,860	31,080	28,020	28,510	UC	UC	UC	25,890	30,430	29,670
19	US 1	Michigan-SR 528		32,260	31,040	31,240	29,570	UC	UC	UC	30,600	30,120	62,900
572	VIERA BLVD	Tavistock-Stadium				7,070	7,160	NC	8,190	NC	8,310	NC	39,800
<b>VIERA BLVD</b>													
	VIERA BLVD	STADIUM-HOLIDAY SPRINGS		12,880	13,820	13,240	13,930	14,490	15,950	16,780	17,445	17,430	17,380
536	VIERA BLVD	STADIUM-MURRELL		12,010	12,790	12,650	13,760	14,600	15,980	17,450	18,130	17,810	NC
58	VIERA BLVD	Murrell-Holiday Springs		13,750	14,850	13,830	14,100	14,380	15,920	16,110	16,760	17,050	17,380
537	VIERA BLVD	Holiday Springs-US 1		11,980	12,830	11,850	12,130	12,190	13,280	13,930	14,860	14,900	14,900
<b>AREA: SOUTH</b>													
<b>AIRPORT</b>													
	AIRPORT	US 192-APOLLO		10,990	10,390	10,657	10,570	11,747	11,100	11,993	13,080	13,695	13,123
503	AIRPORT	US 192-HIBISCUS		9,620	9,590	10,080	9,760	11,200	9,720	10,060	15,100	10,990	11,440
502	AIRPORT	HIBISCUS-NASA		9,760	9,250	9,500	9,350	10,570	NC	10,900	11,280	NC	11,590
501	AIRPORT	NASA-APOLLO		13,590	12,330	12,390	12,600	13,470	12,480	15,020	15,560	16,400	16,340
<b>APOLLO</b>													
	APOLLO	AIRPORT-SARNO		20,370	19,120	19,020	19,350	19,020		22,120	23,430	21,310	24,660
510	APOLLO	Airport-St. Michaels		20,370	NC	19,020	NC	19,020	NC	21,980	NC	19,460	NC
538	APOLLO	St. Michaels - Sarno		NC	19,120	NC	19,350	NC	NC	22,260	23,430	23,160	24,660
571	APOLLO	Sarno - Eau Gallie Blvd				2,330	2,160	UC	UC	10,200	18,890	10,820	11,410
<b>AURORA</b>													
	AURORA	JOHN RODES-WICKHAM		8,265	7,670	7,670	7,765	6,865	6,845	6,540	7,460	7,475	7,100
507	AURORA	J. Rodas-Turtlemound		9,820	9,040	9,020	8,800	7,800	7,430	7,490	8,650	8,750	7,720
514	AURORA	Turtlemound-Wickham		6,710	6,300	6,320	6,730	5,930	6,260	5,590	6,270	6,200	6,480
<b>AURORA</b>													
	AURORA	WICKHAM-US 1		10,947	10,857	10,730	11,023	10,713	10,780	11,080	10,963	11,210	11,703
515	AURORA	WICKHAM-CROTON		11,380	11,370	11,320	11,600	10,840	11,600	11,160	11,360	11,240	12,880
306	AURORA	Croton-Stewart		11,080	11,010	10,800	11,150	11,140	10,910	11,750	12,490	12,370	12,470
376	AURORA	Stewart-US 1		10,380	10,190	10,070	10,320	10,160	9,830	10,330	9,040	10,020	9,760
<b>BABCOCK</b>													
	BABCOCK	IND RVR CO-GRANT		2,560	2,570	2,500	2,615	2,720	2,375	3,160	3,380	4,060	4,115
446	BABCOCK	Indian Rv Co-Micco		1,930	1,800	1,780	1,870	1,980	1,920	2,300	2,430	2,640	3,110
370	BABCOCK	Micco-Grant		3,190	3,340	3,220	3,360	3,460	2,830	4,020	4,290	5,480	5,120
<b>BABCOCK</b>													
	BABCOCK	GRANT-MALABAR		14,307	14,570	14,077	14,117	13,678	13,213	15,268	15,833	16,240	15,068
447	BABCOCK	Grant-Valkaria		6,950	7,250	7,010	7,060	7,140	7,200	7,820	8,410	9,080	6,020
597	BABCOCK	VALKARIA-WACO						11,720	11,580	13,630	13,290	13,510	13,590
448	BABCOCK	WACO-FOUNDATION PK		16,100	16,150	15,720	15,560	16,110	15,508	17,700	18,490	18,840	18,220
449	BABCOCK	FOUNDATION PK-MALABAR		19,870	20,310	19,500	19,730	19,740	18,578	21,920	23,140	23,530	22,440
<b>BABCOCK</b>													
	BABCOCK	MALABAR-PALM BAY RD		32,865	33,630	33,235	32,680	31,985	34,340	31,825	34,340	33,590	35,850
369	BABCOCK	Malabar-Charles		34,300	NC	34,850	NC	31,920	NC	29,850	NC	36,850	NC
368	BABCOCK	Charles-Pt Malabar		NC	35,500	NC	33,510	NC	36,180	NC	37,540	NC	37,810
443	BABCOCK	Pt Malabar-Palm Bay		31,430	31,740	31,620	32,260	32,050	32,500	33,800	33,710	30,330	33,890

In addition, below is the existing and future traffic study AADT from the Babcock PD&E. The AADT per segment of Babcock

FFI





**TABLE 1** Generalized **Annual Average Daily** Volumes for Florida's **Urbanized Areas**

12/18/12

INTERRUPTED FLOW FACILITIES						UNINTERRUPTED FLOW FACILITIES					
STATE SIGNALIZED ARTERIALS						FREEWAYS					
Class I (40 mph or higher posted speed limit)						Core Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
2	Undivided	*	16,800	17,700	**	4	47,400	64,000	77,900	84,600	
4	Divided	*	37,900	39,800	**	6	69,900	95,200	116,600	130,600	
6	Divided	*	58,400	59,900	**	8	92,500	126,400	154,300	176,600	
8	Divided	*	78,800	80,100	**	10	115,100	159,700	194,500	222,700	
						12	162,400	216,700	256,600	268,900	
Class II (35 mph or slower posted speed limit)						Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
2	Undivided	*	7,300	14,800	15,600	4	45,800	61,500	74,400	79,900	
4	Undivided	*	14,500	32,400	33,800	6	68,100	93,000	111,800	123,300	
6	Divided	*	23,300	50,000	50,900	8	91,500	123,500	148,700	166,800	
8	Divided	*	32,000	67,300	68,100	10	114,800	156,000	187,100	210,300	
Non-State Signalized Roadway Adjustments						Freeway Adjustments					
(After corresponding state volumes by the indicated percent)						Auxiliary Lanes Ramp					
Non-State Signalized Roadways - 10%						Present in Both Directions Metering					
						- 20,000 - 5%					
Median & Turn Lane Adjustments						UNINTERRUPTED FLOW HIGHWAYS					
Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors		Lanes	Median	B	C	D	E
2	Divided	Yes	No	-5%		2	Undivided	8,600	17,000	24,200	33,300
2	Undivided	No	No	-20%		4	Divided	36,700	51,800	65,600	72,600
Multi	Undivided	Yes	No	-5%		6	Divided	55,000	77,700	98,300	108,800
Multi	Undivided	No	No	-25%							
			Yes	-5%							
One-Way Facility Adjustment						Uninterrupted Flow Highway Adjustments					
Multiply the corresponding two-directional volumes in this table by 0.6						Lanes	Median	Exclusive left lanes	Adjustment factors		
						2	Divided	Yes	-5%		
						Multi	Undivided	Yes	-5%		
						Multi	Undivided	No	-25%		
BICYCLE MODE <sup>2</sup>						<sup>1</sup> Values shown are presented as two-way annual average daily volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the Highway Capacity Manual and the Transit Capacity and Quality of Service Manual.					
(Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes)						<sup>2</sup> Level of service for the bicycle and pedestrian modes in this table is based on number of motorized vehicles, not number of bicycles or pedestrians using the facility.					
Paved						<sup>3</sup> Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.					
Shoulder Bicycle						* Cannot be achieved using table input value defaults.					
Lane Coverage	B	C	D	E		** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.					
0-49%	*	2,900	7,600	19,700							
50-84%	2,100	6,700	19,700	>19,700							
85-100%	9,300	19,700	>19,700	**							
PEDESTRIAN MODE <sup>2</sup>											
(Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes)											
Sidewalk Coverage	B	C	D	E							
0-49%	*	*	2,800	9,500							
50-84%	*	1,600	8,700	15,800							
85-100%	3,800	10,700	17,400	>19,700							
BUS MODE (Scheduled Fixed Route) <sup>3</sup>											
(Buses in peak hour in peak direction)											
Sidewalk Coverage	B	C	D	E							
0-84%	> 5	> 4	> 3	> 2							
85-100%	> 4	> 3	> 2	> 1							

2012 FDOT QUALITY/LEVEL OF SERVICE HANDBOOK TABLES

On getting the cumulative from the Cypress Bay Traffic study will take some time, which I do not have since I am doing this on a Sunday.

**CASES CP-4-2020 & CPZ-4-2020**  
**PRESENTATIONS AND**  
**CORRESPONDENCE**

# **WEST POINTE BABCOCK, LLC PRESENTATION**

Presented at July 1, 2020 Planning and Zoning Board Meeting



The cover is a solid blue rectangle. In the top-left corner, there are several thin, white, parallel diagonal lines that extend towards the center of the page.

# WEST POINTE BABCOCK, LLC

Comprehensive Plan Amendment and Rezoning



# Introduction

- Approximately 3.86 acres at intersection of Babcock Street and Cogan Drive
- 1.75 miles north of new I-95 Interchange on Babcock
- Application for a Small Scale FLUM Amendment
  - From Single Family Residential to Commercial
- Application for a Rezoning
  - From Rural Residential to Community Commercial





# Planning Background

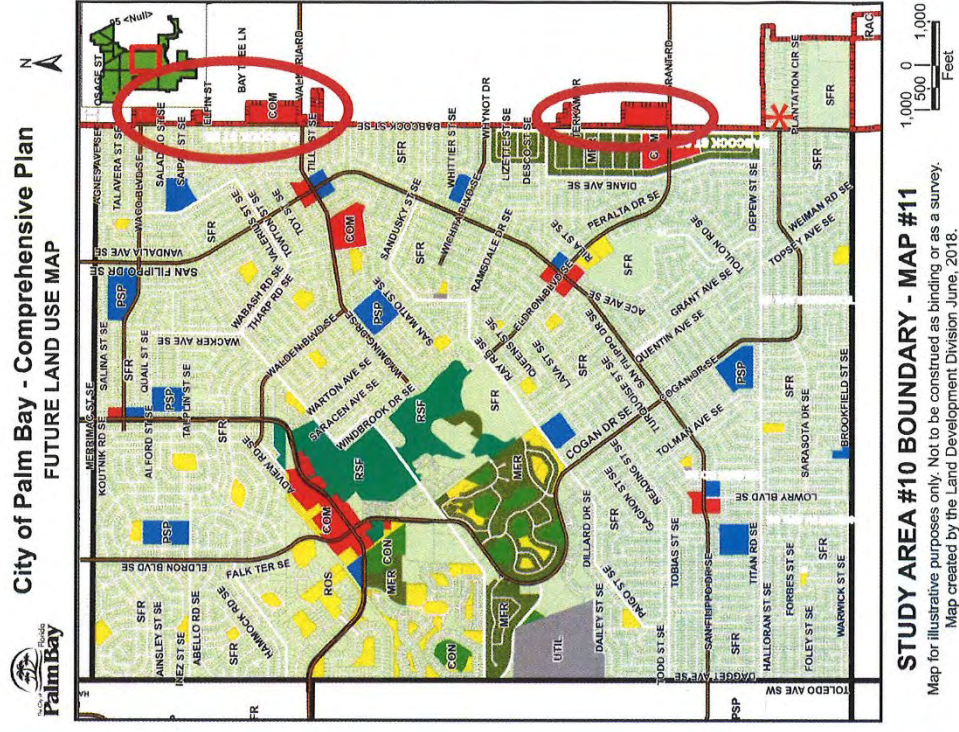
- Palm Bay not unlike many other areas in Florida
  - large platted areas developed by companies like GDC sell off individual lots to future homeowners
    - Port St. Lucie
    - Cape Coral
    - Lehigh Acres
    - Charlotte County
    - North Port
    - Etc.
- All have common problem of expansive areas of single use development
  - lack commercial area
- Causes longer trip lengths, more traffic, more roads
- Modern planning calls for integration of uses so that commercial, if done right, should be located close to residential to meet needs of residents





# Future Land Use Map

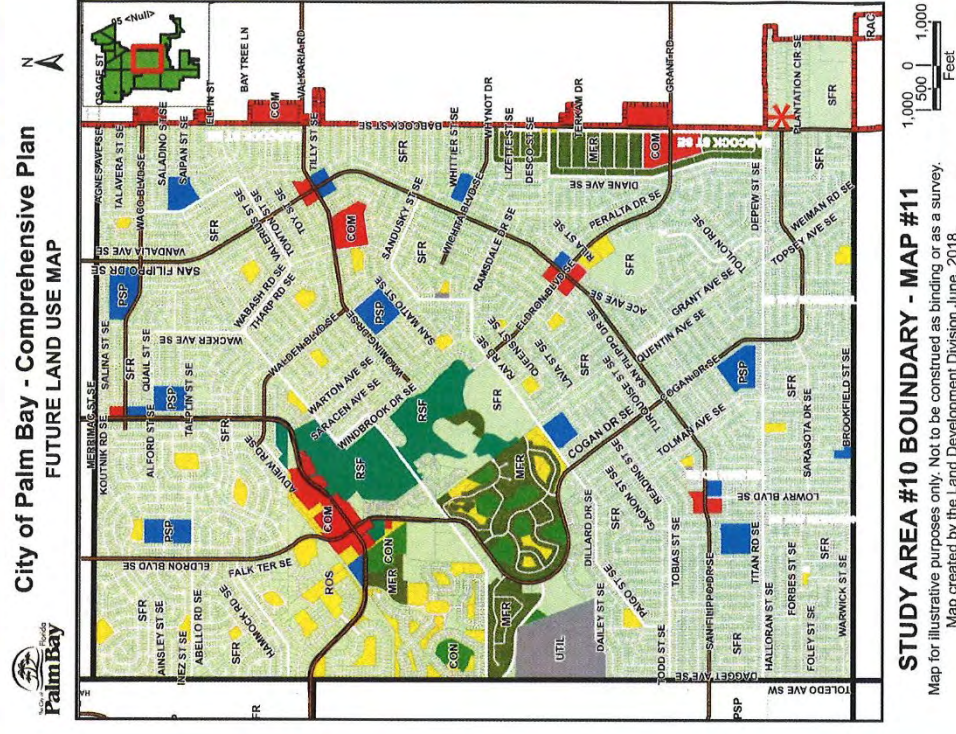
- Commercial designated in several specific locations on the east side of Babcock Street
- Request is consistent with how the FLUM anticipates commercial development along the corridor
- Property located at a future significant intersection with widening of Babcock and future I-95 interchange to the south





# Comprehensive Plan

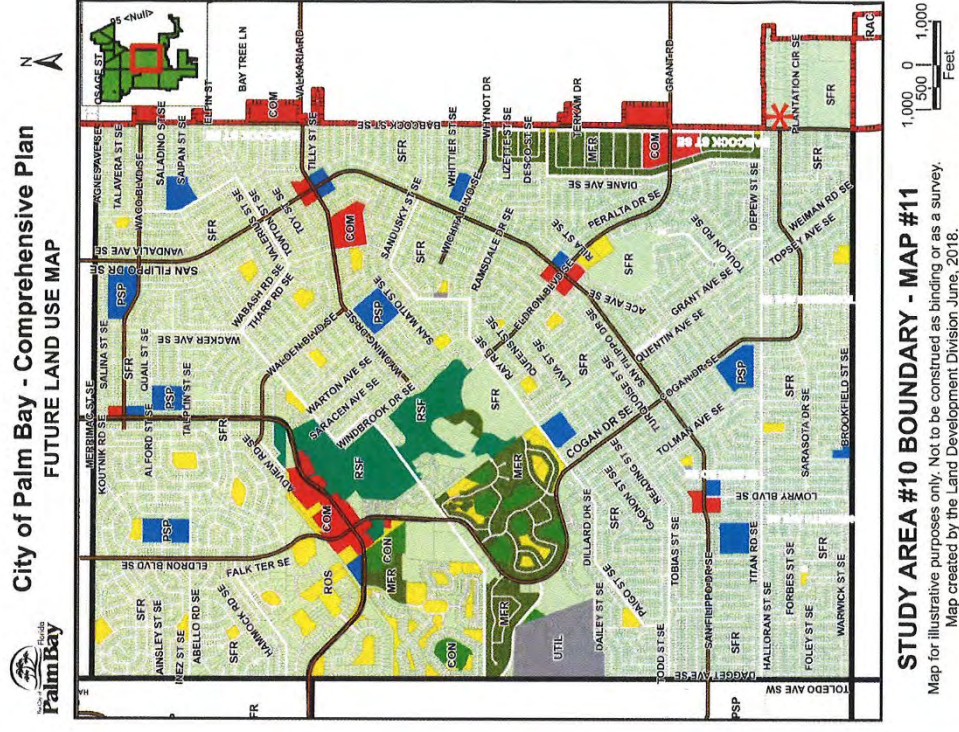
- Additional commercial needed in strategic locations
- Specific need for commercial along Babcock
  - Current travel requires to leave neighborhood for every retail need
  - Several designated commercial areas uses for places of worship or office further decreasing available land for retail uses
  - Other locations have potential environmental constraints or other factors preventing development





# Future Land Use Location

- FLU 2.3 – Prevent incompatible land uses from locating in residential areas
  - Commercial can be designed to be compatible with and integrate into residential areas
  - Compatibility is about design, buffering and limitations
- FLU 2.3E. – Property located at the intersection of an two collector roads
  - Meets the intent of the policy to be located where the commercial services are easily accessible
- FLU 3.1 Provide additional commercial areas by type, size and distribution, based upon area Need and the availability of supporting infrastructure
  - Available infrastructure and overall public benefit to minimize trip lengths
- FLU 3.1B. – need to locate commercial where there is adequate access and water and sewer service





# Surrounding Land Uses

- Suburban style estate home – large lots, not a rural environment
- Water management lakes adjacent on the north and south
- Typical platted  $\frac{1}{4}$  acres lots on west
- All nearby lots directly on Babcock are vacant
- With widening, residential not conducive to being located directly on Babcock
- Commercial can be a transition if done appropriately with adequate buffers





# Compatibility

- Compatibility definition:
  - “Able to exist without conflict”
  - Does not mean same
  - Different than “consistent”
- Typical concerns with Commercial compatibility:
  - Noise
  - Site
  - Traffic
- Compatibility can be addressed through adequate buffering
- Berm/wall combinations protect against noise
- Landscaping adds enhances visual aesthetics as well as dampens sound and obscures site
- FLU 3.2E. Requires adequate buffering to protect surrounding residential
- Applicant proposing additional buffering over and above code requirements





# Zoning Categories

- Neighborhood Commercial
- Community Commercial
- Planned Development Options



# Neighborhood Commercial

- Intended to meet the convenience needs of surrounding neighborhood
- Small scale commercial uses
- Cons:
  - Does not allow drive-thrus – a necessity in the Post-Covid environment
- Many other jurisdictions distinguish between neighborhood and community services through scale (sq. ft.)



Staff report image



# Community Commercial

- Intended to serve a larger area
- But has the mix of uses needing to implement a neighborhood scale development
- Uses and the market area served are limited by the size limit of the property
- Planned Development options are not available
  - PUD is for residential, with ancillary commercial
  - PCD is for 5 acres or greater and has other locational limitations

Layer List

## Layers

Parcels

Zoning

Future Land Use

Legend

## Zoning

Zoning

- AGR (COUNTY)
- AU (COUNTY)
- Bayfront Mixed Use
- Bayfront Mixed Use Village
- Community Commercial
- Unassigned County Zoning
- Floodway Conservation
- General Commercial
- General Use
- GU (COUNTY)
- Highway Commercial
- Heavy Industrial
- Institutional Use
- Light Industrial
- Neighborhood Commercial
- Professional Office
- Planned Community Redevelopment
- Planned Unit Development
- Regional Activity Center





# Transportation

- Rezoning of Property
- Examined Maximum reasonable intensity that the property can accommodate
- Babcock Street & Cogan Drive– Urban Major Collector
- Babcock Adopted LOS “E” (TCE-1.1B.4.c.)
- Cogan Drive Adopted LOS “C” (TCE-1.1B.5.)
- 2019 Traffic Counts
  - Babcock Street – LOS “C”
  - Cogan Drive – LOS “C”





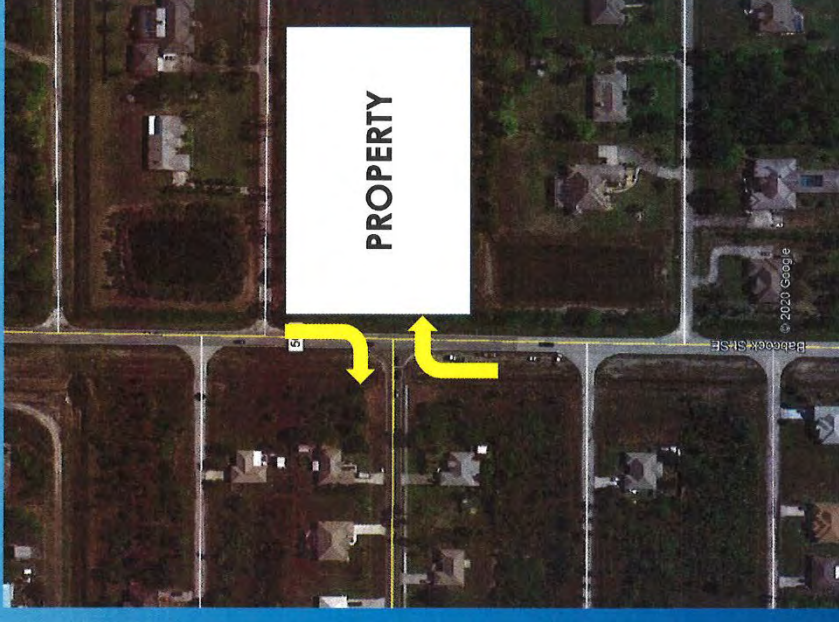
# Transportation

- Property Use – Conservative (i.e. - Maximum Reasonable)
  - 3,000 SF Drive-Through Bank
  - 2,000 SF Fast Food Restaurant
- Analyzed Trips Exceed 15,000 SF of retail use
- LOS with Maximum Reasonable Use of Property
  - Babcock Street – LOS “C” – Acceptable
  - Cogan Drive – LOS “C” – Acceptable



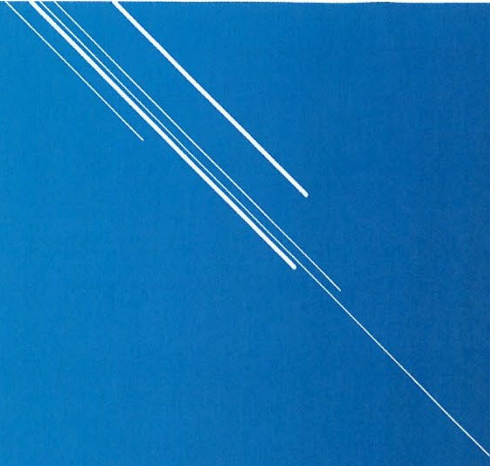
# Access

- Typically Analyzed at during a Site Plan Application
- Developed Conservative Analysis to Evaluate Access
  - Babcock Street Needs Improvements
    - Northbound Left-Turn Lane (onto Cogan Drive)
    - Southbound Left-Turn Lane (into Property)
- Driveway is projected to Operate Acceptably with Improvements
- Driveway will also Operate Acceptably with a Roundabout





Questions?



*REZONING TRAFFIC IMPACT ANALYSIS*

**West Pointe Babcock  
PALM BAY, FL**

*Prepared for:*  
West Pointe Babcock, LLC  
Palm Bay, Florida

*Prepared by:*

  
**Engineering & Planning, Inc.**  
1172 SW 30<sup>th</sup> Street  
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037003  
January 2020  
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CA 29013

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Shaun G. MacKenzie P.E.  
PE Number 61751



## ***EXECUTIVE SUMMARY***

MacKenzie Engineering and Planning, Inc. performed an analysis of the traffic impacts resulting from rezoning a property from rural residential to Community Commercial located at the southeast corner of Plantation Cir and Babcock St, Palm Bay, Florida (Parcel ID: 29-37-34-00-506.1). The property was evaluated for 2020 conditions.

The result of the analysis shows that the roadways are projected to operate acceptably with the additional traffic generated by rezoning the property.

It is anticipated that development on the property will require construction of northbound left-turn lane at Cogan Drive and southbound left-turn land into the property. A northbound right-turn lane into the property is not anticipated to be necessary but will be re-evaluated during the site plan process.



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## **LIST OF EXHIBITS**

Exhibit 1. Trip Generation

## **APPENDICES**

- A. Intersection Analysis
  - o Babcock Street & Cogan Drive
    - I. Volume Development Sheet
    - II. HCS 7 Results
- B. Institute of Traffic Engineers' (ITE) report, *Trip Generation (10<sup>th</sup> Edition)*
- C. Pass-by Rates, *Trip Generation Handbook (3<sup>rd</sup> Edition)*

## INTRODUCTION

MacKenzie Engineering & Planning, Inc. was retained to determine the transportation impacts resulting from rezoning a property from located at the southeast corner of Babcock Street and Plantation Circle Southeast from rural residential to Community Commercial (Parcel ID: 29-37-34-00-506.1). The uses on that will be developed on the property are not known at this time. In order to provide a conservative analysis, the transportation analysis included a 2,000 SF fast food restaurant with drive-through window and 3,000 SF bank. The analysis was performed for projected 2020 roadway conditions. Figure 1 shows the property location.

**Figure 1. Property Location Map**



## INVENTORY AND PLANNING DATA

Data was acquired relative to the most current information available from the following sources:

- FDOT's Q/LOS Manual
- *Trip Generation, 10<sup>th</sup> Edition*, an ITE Manual
- MacKenzie Engineering & Planning, Inc., Turning Movement Counts



## ***PROJECT TRAFFIC***

In order to provide a conservative analysis, the study included the most reasonably intense use that could fit on the parcel, a bank and fast-food restaurant.

### **Traffic Generation**

The study uses trip generation rates for Fast Food Restaurant with Drive-Through Window (ITE Land Use 934) and Drive-in Bank (ITE Land Use 912) published in the Institute of Traffic Engineers' (ITE) report, Trip Generation (10<sup>th</sup> Edition).

### **Rezoning Use**

- 2,000 SF Fast Food Restaurant with Drive-Through Window (ITE Land Use 934)
- 3,000 SF Bank with three drive through lanes (ITE Land Use 912)

The proposed property is expected to generate the following net external trips:

- 709 daily, 59 AM peak hour (31 in/28 out), and 72 PM peak hour (37 in/35 out)

The proposed property is expected to generate the following driveway trips:

- 1,308 daily, 109 AM peak hour (58 in/51 out), and 126 PM peak hour (65 in/61 out)

Exhibit 1 presents the proposed property's trip generation.

Table 1. Trip Generation

Land Use	Intensity		Daily	AM Peak Hour			PM Peak Hour		
			Trips	Total	In	Out	Total	In	Out
<b>Proposed Rezoning Traffic</b>									
Drive-In Bank	3.000	1000 SF	366	29	17	12	61	31	30
Fast Food Restaurant w/ DT	2.000	1000 SF	942	80	41	39	65	34	31
Subtotal			1,308	109	58	51	126	65	61
<b>Pass-By Traffic</b>									
Drive-In Bank	35%		128	10	6	4	21	11	10
Fast Food Restaurant w/ DT	50%		471	40	21	19	33	17	16
Subtotal			599	50	27	23	54	28	26
<b>NET PROPOSED TRIPS</b>			<b>709</b>	<b>59</b>	<b>31</b>	<b>28</b>	<b>72</b>	<b>37</b>	<b>35</b>
<b>Total Proposed Driveway Volumes</b>			<b>1,308</b>	<b>109</b>	<b>58</b>	<b>51</b>	<b>126</b>	<b>65</b>	<b>61</b>
<b>NET CHANGE IN TRIPS (FOR THE PURPOSES OF CONCURRENCY)</b>			<b>709</b>	<b>59</b>	<b>31</b>	<b>28</b>	<b>72</b>	<b>37</b>	<b>35</b>
<b>NET CHANGE IN DRIVEWAY VOLUMES</b>			<b>1,308</b>	<b>109</b>	<b>58</b>	<b>51</b>	<b>126</b>	<b>65</b>	<b>61</b>
Note: Trip generation was calculated using the following data:									
Land Use	ITE Code	Unit	Daily Rate	Pass-by Rate	AM Peak Hour		PM Peak Hour		
					in/out	Rate	in/out	Equation	
Drive-In Bank	912	1000 SF	T = 82.87 (X) + 117.1	35%	58/42	9.50	50/50	20.45	
Fast Food Restaurant w/ DT	934	1000 SF	470.95	50%	51/49	40.19	52/48	32.67	

s:\jobs - share drive\037 - west\003 - west pointe babcock llc\west pointe babcock trip generation.xlsx\lgen

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### Internal Capture

In order to provide a conservative analysis, internal capture is not utilized.

### Pass-by Trip Capture

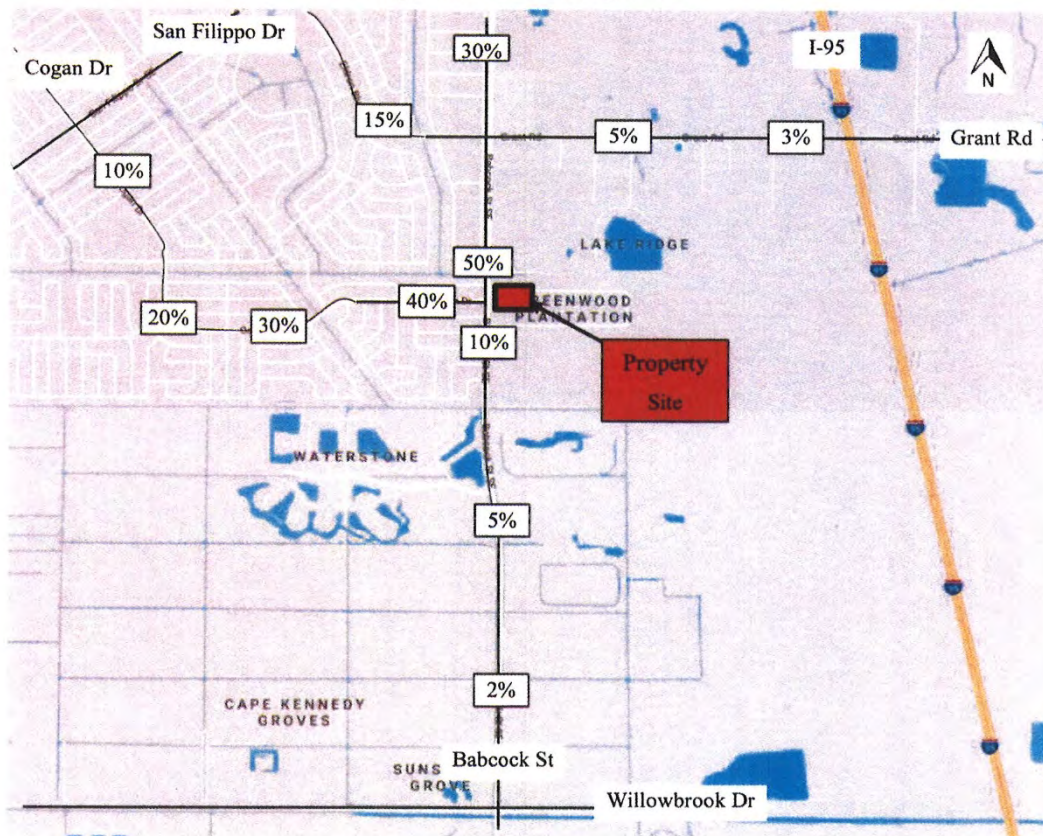
Pass-by rates are based on the ITE's report, Trip Generation Handbook (3<sup>rd</sup> Edition), as shown in Exhibit 2.

## **TRAFFIC DISTRIBUTION AND ASSIGNMENT**

The traffic assignment was developed based upon existing and proposed developments, generators, destinations, and knowledge of the local area. These factors were applied using traffic engineering rationale similar to the gravity model.

NORTH	-	50 percent
SOUTH	-	10 percent
EAST	-	0 percent
WEST	-	40 percent

**Figure 2. Traffic Assignment**





## **ASSURED AND PROGRAMMED CONSTRUCTION**

A review conducted of the 2040 Long Range Transportation Plan (LRTP), as well as those improvements committed by the developers of projects in the area include:

- South Babcock Street – Widen to 4 lanes (Design -2021)

The 4-lane design of south Babcock Street will occur in 2021. Funding for construction is not included in FDOT's 5-year plan.

## **BACKGROUND TRAFFIC**

Background traffic identifies how the study area's transportation system is forecast to operate in the buildout year. This includes traffic growth that is associated with the general (historic) growth in the area and the growth due to the development of unbuilt portions of approved major developments.

### *Historical Growth*

In order to provide an accurate traffic analysis, the growth rate at each intersection was determined by a volume weighted averaging of the growth on each leg of the intersection as shown in Table 2.

Table 2. Growth Rate Calculation at Babcock St & Cogan Dr

Road Name	From	To	2014	2015	2016	2017	Traffic Count Year	Annual Absolute Growth	Growth Rate
							2018		
Babcock St	Indian River CL	Grant Rd	1,900	2,000	2,200	2,200	2,200	80	3.6%
Cogan Dr	Babcock St	Jupiter Blvd	3,800	4,000	4,200	4,400	7,100	700	9.9%
Weighted Average									8.4%
<b>Growth Rate Used</b>									<b>8.4%</b>

### Roadway Analysis

Traffic volumes were obtained from MEP traffic counts. The 2019 peak hour traffic volumes were increased based on the annual compound growth rate to develop the projected year 2020 background growth traffic volumes. Background traffic volumes were developed by adding the existing traffic volumes, traffic growth trips. The post rezoning 2020 traffic volumes were developed by adding background traffic volume plus project traffic. The post development traffic volumes were compared to the service volumes for each respective roadway segment to determine if the road is projected to operate acceptably. Based on the analysis, all roadway segments are projected to operate acceptably in 2020 with the proposed rezoning as shown in Table 3a and Table 3b.

Table 3a. 2020 AM Peak Hour Total Traffic Roadway Analysis

Roadway	Direction	From	To	Lanes	Assign	Property Traffic	2019 Volume	Existing 2019 Peak Season Peak Hour Volume	2020 Backgr ound	2020 Total Traffic Volume	Roadway Capacity	Accept able?
Babcock Rd	North	Grant Rd	Plantation Cir	2	50%	14	121	137	142	156	880	YES
Babcock Rd	South	Grant Rd	Plantation Cir	2	50%	16	271	306	317	333	880	YES
Babcock Rd	North	Plantation Cir	Cogan Dr	2	50%	14	121	137	142	156	880	YES
Babcock Rd	South	Plantation Cir	Cogan Dr	2	50%	16	271	306	317	333	880	YES
Babcock Rd	North	Cogan Dr	Plantation Cir	2	10%	3	241	272	282	285	880	YES
Babcock Rd	South	Cogan Dr	Plantation Cir	2	10%	3	162	183	190	193	880	YES
Babcock Rd	North	Plantation Cir	Mara Loma Blvd	2	10%	3	241	272	282	285	880	YES
Babcock Rd	South	Plantation Cir	Mara Loma Blvd	2	10%	3	162	183	190	193	880	YES
Babcock Rd	North	Mara Loma Blvd	Willowbrook St	2	5%	2	241	272	282	284	880	YES
Babcock Rd	South	Mara Loma Blvd	Willowbrook St	2	5%	1	162	183	190	191	880	YES
Cogan Dr	West	Babcock Rd	Topsey Ave	2	40%	11	229	259	285	296	880	YES
Cogan Dr	East	Babcock Rd	Topsey Ave	2	40%	12	125	141	155	167	880	YES
Cogan Dr	West	Topsey Ave	San Filippo Dr	2	30%	8	229	259	285	293	880	YES
Cogan Dr	East	Topsey Ave	San Filippo Dr	2	30%	9	125	141	155	164	880	YES

Table 3b. 2020 PM Peak Hour Total Traffic Roadway Analysis

Roadway	Direction	From	To	Lanes	Assign	Property Traffic	2019 Volume	Existing 2019 Peak Season Peak Hour Volume	2020 Backgr ound	2020 Total Traffic Volume	Roadway Capacity	Accept able?
Babcock Rd	North	Grant Rd	Plantation Cir	2	50%	18	313	354	367	385	880	YES
Babcock Rd	South	Grant Rd	Plantation Cir	2	50%	19	265	299	310	329	880	YES
Babcock Rd	North	Plantation Cir	Cogan Dr	2	50%	18	313	354	367	385	880	YES
Babcock Rd	South	Plantation Cir	Cogan Dr	2	50%	19	265	299	310	329	880	YES
Babcock Rd	North	Cogan Dr	Plantation Cir	2	10%	4	458	518	537	541	880	YES
Babcock Rd	South	Cogan Dr	Plantation Cir	2	10%	4	241	272	282	286	880	YES
Babcock Rd	North	Plantation Cir	Mara Loma Blvd	2	10%	4	458	518	537	541	880	YES
Babcock Rd	South	Plantation Cir	Mara Loma Blvd	2	10%	4	241	272	282	286	880	YES
Babcock Rd	North	Mara Loma Blvd	Willowbrook St	2	5%	2	458	518	537	539	880	YES
Babcock Rd	South	Mara Loma Blvd	Willowbrook St	2	5%	2	241	272	282	284	880	YES
Cogan Dr	West	Babcock Rd	Topsey Ave	2	40%	14	169	191	210	224	880	YES
Cogan Dr	East	Babcock Rd	Topsey Ave	2	40%	15	266	301	331	346	880	YES
Cogan Dr	West	Topsey Ave	San Filippo Dr	2	30%	11	169	191	210	221	880	YES
Cogan Dr	East	Topsey Ave	San Filippo Dr	2	30%	11	266	301	331	342	880	YES

### Intersections

The intersections within the study area were evaluated in 2020 total (existing traffic plus background plus project) traffic conditions. This study analyzes the impacts to the following intersections for the AM and PM peak hours:

- Babcock Street & Cogan Drive

Data from the existing facilities within the study area were collected based on aerial photography and site observations. MacKenzie Engineering and Planning, Inc. collected AM and PM peak hour turning movement counts at Babcock Street & Cogan Drive on December 12, 2019. The counts were adjusted to peak season conditions using FDOT's peak season adjustment factors.

#### ***Babcock Street & Cogan Drive***

MEP evaluated the Babcock Street & Cogan Drive intersection. The following improvements achieve an acceptable v/c ratio and provide safe access for drivers on Babcock Street:

- Construct a northbound left-turn lane and southbound left-turn lanes on Babcock Street at Cogan Drive.

With property traffic, the intersection is projected to be under capacity with all movements operating under capacity (v/c ratio less than 1.0). MEP obtained the 95<sup>th</sup> percentile queue from HCS 7 for each turn-lane at the intersection.



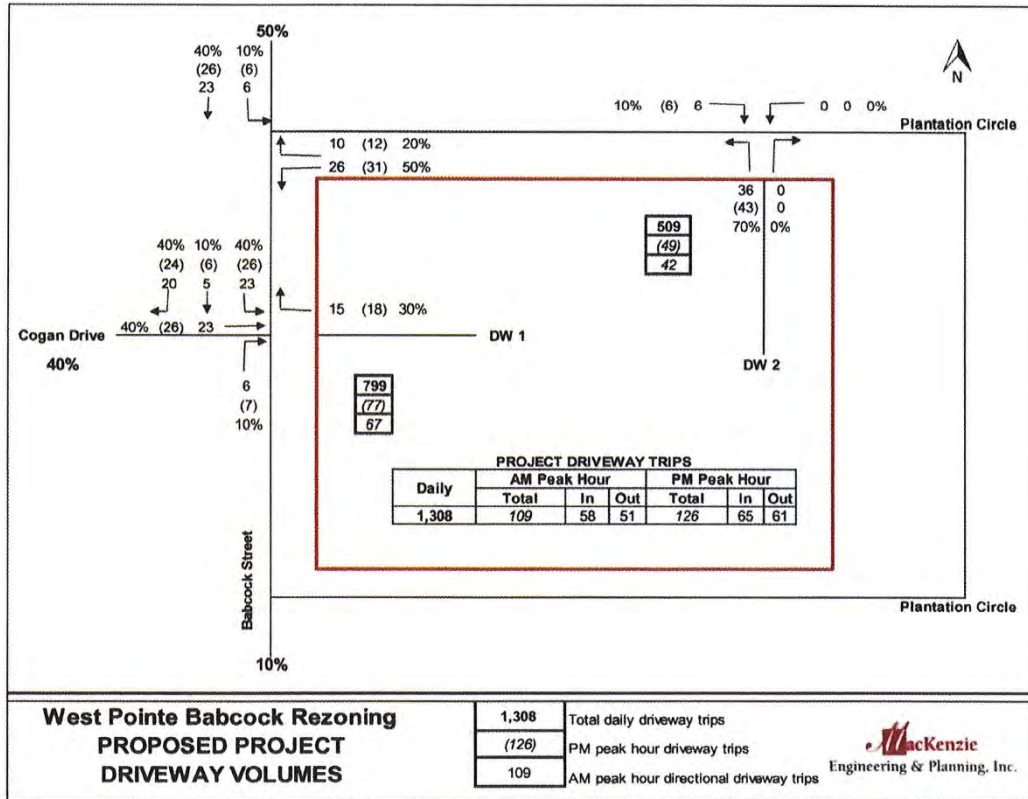
## DRIVEWAYS

Access to the property will be determined through the site planning process. In order to provide a conservative analysis, the left-turn and through egress was not permitted from the potential driveway on Babcock Street. The access is as follows:

- D/W #1 – Cogan Drive – right-in/right-out/left-in
- D/W #2 – Plantation Circle – full access

Figure 4 displays the driveway volumes.

**Figure 3. Projected Driveway Volumes**





### *D/W #1 Access*

A review of the project's access was performed to evaluate if the proposed project volumes meets the minimum Ingress Turn Lane Standards. The evaluation was based on the FDOT's Driveway Handbook 2008 Edition, Section 7.2. FDOT's Handbook recommends a right-turn lane when right-turn movements exceed 80-125 vehicles per hour during the peak hour for an unsignalized posted speed limit equal or less than 45 mph driveway.

The project's inbound AM and PM peak hour vehicles are 6 and 7, respectively. Using FDOT's most conservative threshold of 80 vehicles per hour, a right-turn lane is not recommended.

### *D/W #2 Access*

The project's inbound AM and PM peak hour vehicles are 6 and 6, respectively. Using FDOT's most conservative threshold of 80 vehicles per hour, a right-turn lane is not recommended.



## **CONCLUSION**

MacKenzie Engineering and Planning, Inc. performed an analysis of the traffic impacts resulting from rezoning a property from rural residential to Community Commercial located at the southeast corner of Plantation Cir and Babcock St, Palm Bay, Florida (Parcel ID: 29-37-34-00-506.1). The property was evaluated for 2020 conditions.

The result of the analysis shows that the roadways are projected to operate acceptably with the additional traffic generated by rezoning the property.

It is anticipated that development on the property will require construction of northbound left-turn lane at Cogan Drive and southbound left-turn land into the property. A northbound right-turn lane into the property is not anticipated to be necessary but will be re-evaluated during the site plan process.

## ***EXHIBITS***

Exhibit 1. Trip Generation

## **APPENDICES**

- D. Intersection Analysis
  - o Babcock Street & Cogan Drive
    - I. Volume Development Sheet
    - II. HCS 7 Results
- E. Institute of Traffic Engineers' (ITE) report, *Trip Generation (10<sup>th</sup> Edition)*
- F. Pass-by Rates, *Trip Generation Handbook (3<sup>rd</sup> Edition)*

EXHIBIT 1									
West Pointe Babcock Rezoning									
Trip Generation									
Land Use	Intensity		Daily	AM Peak Hour			PM Peak Hour		
			Trips	Total	In	Out	Total	In	Out
<b>Proposed Rezoning Traffic</b>									
Drive-In Bank	3.000	1000 SF	366	29	17	12	61	31	30
Fast Food Restaurant w/ DT	2.000	1000 SF	942	80	41	39	65	34	31
Subtotal			1,308	109	58	51	126	65	61
<b>Pass-By Traffic</b>									
Drive-In Bank	35%		128	10	6	4	21	11	10
Fast Food Restaurant w/ DT	50%		471	40	21	19	33	17	16
Subtotal			599	50	27	23	54	28	26
<b>NET PROPOSED TRIPS</b>			<b>709</b>	<b>59</b>	<b>31</b>	<b>28</b>	<b>72</b>	<b>37</b>	<b>35</b>
<b>Total Proposed Driveway Volumes</b>			<b>1,308</b>	<b>109</b>	<b>58</b>	<b>51</b>	<b>126</b>	<b>65</b>	<b>61</b>
<b>NET CHANGE IN TRIPS (FOR THE PURPOSES OF CONCURRENCY)</b>			<b>709</b>	<b>59</b>	<b>31</b>	<b>28</b>	<b>72</b>	<b>37</b>	<b>35</b>
<b>NET CHANGE IN DRIVEWAY VOLUMES</b>			<b>1,308</b>	<b>109</b>	<b>58</b>	<b>51</b>	<b>126</b>	<b>65</b>	<b>61</b>
Note: Trip generation was calculated using the following data:									
Land Use	ITE Code	Unit	Daily Rate	Pass-by Rate	AM Peak Hour		PM Peak Hour		
					in/out	Rate	in/out	Equation	
Drive-In Bank	912	1000 SF	T = 82.87 (X) + 117.1	35%	58/42	9.50	50/50	20.45	
Fast Food Restaurant w/ DT	934	1000 SF	470.95	50%	51/49	40.19	52/48	32.67	

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West Pointe Babcock - Rezone  
AM PEAK HOUR TURNING MOVEMENTS  
Babcock St & Cogan Dr

		ebu	ebf	ebt	ebw	wbu	wbf	wbt	wbr	nbu	nbf	nbt	nbr	abu	abf	abt	abr	totals
7:00 AM	7:15 AM	0	39	0	34	0	0	0	0	0	11	37	0	0	0	31	5	157
7:15 AM	7:30 AM	0	33	0	44	0	0	0	0	0	15	62	0	0	0	66	3	223
7:30 AM	7:45 AM	0	27	0	48	0	0	0	0	0	46	75	0	0	0	70	5	271
7:45 AM	8:00 AM	0	9	0	52	0	0	0	0	0	50	102	0	0	0	68	4	285
8:00 AM	8:15 AM	0	21	0	32	0	0	0	0	0	34	74	0	0	0	37	12	210
8:15 AM	8:30 AM	0	16	0	12	0	0	0	0	0	16	42	0	0	0	27	2	115
8:30 AM	8:45 AM	0	14	0	17	0	0	0	0	0	5	32	0	0	0	33	9	110
8:45 AM	9:00 AM	0	18	0	12	0	0	0	0	0	7	36	0	0	0	25	5	103
<b>Peak Hour Traffic Volume</b>		0	177	0	251	0	0	0	0	0	184	460	0	0	0	357	45	1474
7:15 AM	8:15 AM	0	90	0	176	0	0	0	0	0	145	313	0	0	0	241	24	989

Count Taken: 12/12/2019  
Buildout year: 2020  
Growth Rate: 8.4%  
Seasonal Factor: 1.13

	ebu	ebf	ebt	ebw	wbu	wbf	wbt	wbr	nbu	nbf	nbt	nbr	abu	abf	abt	abr
12/12/2019	0	90	0	176	0	0	0	0	0	145	313	0	0	0	241	24
PSCP	0	12	0	23	0	0	0	0	0	19	41	0	0	0	31	3
Adjusted Volumes		102	0	199		0	0	0		164	354	0		0	272	27
Growth Rate		8.4%	8.4%	8.4%		8.4%	8.4%	8.4%		8.4%	8.4%	8.4%		8.4%	8.4%	8.4%
2020 Volumes		9	0	17		0	0	0		14	30	0		0	23	2
Pre-Development		111	0	216		0	0	0		178	384	0		0	295	29
Project		111	0	216		0	0	0		178	384	0		0	295	29
Post	0	0	23	0	0	0	0	15	0	0	0	6	0	23	5	20
	0	111	23	216	0	0	0	15	0	178	384	6	0	23	300	49

Project Traffic Assignment	In							Out							In	In	Out	Out
	0%	0%	40%	0%	0%	0%	0%	30%	0%	0%	0%	0%	0%	0%	0%	40%	0%	40%

West Pointe Babcock - Rezone  
PM PEAK HOUR TURNING MOVEMENTS  
Babcock St & Cogari Dr

		ebu	ebj	ebt	ebr	wbu	wbl	wbt	wbr	nbu	nbl	nbt	nbr	sbu	sbl	sbt	sbr	totals
4:00 PM	4:15 PM	0	8	0	15	0	0	0	0	0	18	35	0	0	0	37	9	122
4:15 PM	4:30 PM	0	17	0	10	0	0	0	0	0	23	26	0	0	0	44	12	132
4:30 PM	4:45 PM	0	10	0	17	0	0	0	0	0	17	32	0	0	0	37	14	127
4:45 PM	5:00 PM	0	5	0	6	0	0	0	0	0	21	35	0	0	0	37	23	127
5:00 PM	5:15 PM	0	12	0	19	0	0	0	0	0	22	27	0	0	0	28	20	128
5:15 PM	5:30 PM	0	10	0	17	0	0	0	0	0	34	27	0	0	0	42	25	155
5:30 PM	5:45 PM	0	11	0	22	0	0	0	0	0	32	34	0	0	0	42	33	174
5:45 PM	6:00 PM	0	7	0	27	0	0	0	0	0	32	33	0	0	0	50	31	180
<b>Peak Hour Traffic Volume</b>		0	80	0	133	0	0	0	0	0	199	249	0	0	0	317	167	1145
5:00 PM	6:00 PM	0	40	0	85	0	0	0	0	0	120	121	0	0	0	162	109	637

Count Taken: 12/12/2019  
Buildout year: 2020  
Growth Rate: 8.4%  
Seasonal Factor: 1.13

	ebu	ebj	ebt	ebr	wbu	wbl	wbt	wbr	nbu	nbl	nbt	nbr	sbu	sbl	sbt	sbr
12/12/2019	0	40	0	85	0	0	0	0	0	120	121	0	0	0	162	109
PSCF	0	5	0	11	0	0	0	0	0	16	16	0	0	0	21	14
Adjusted Volumes	45	0	96	0	0	0	0	0	136	137	0	0	0	0	183	123
Growth Rate	8.4%	8.4%	8.4%	8.4%	8.4%	8.4%	8.4%	8.4%	8.4%	8.4%	8.4%	8.4%	8.4%	8.4%	8.4%	8.4%
Growth	4	0	8	0	0	0	0	0	11	12	0	0	0	0	15	10
2020 Volumes	49	0	104	0	0	0	0	0	147	149	0	0	0	0	198	133
Pre-Development	49	0	104	0	0	0	0	0	147	149	0	0	0	0	198	133
Project	0	0	26	0	0	0	18	0	0	0	7	0	26	6	24	24
Post	0	49	26	104	0	0	0	18	0	147	149	7	0	26	204	157

Project Traffic Assignment	In								Out							
	0%	0%	40%	0%	0%	0%	0%	30%	0%	0%	0%	10%	0%	40%	10%	40%



## HCS7 Two-Way Stop-Control Report

General Information		Site Information	
Analyst	MEP	Intersection	Babcock St & Cogan Dr
Agency/Co.	MEP	Jurisdiction	
Date Performed	12/17/2019	East/West Street	Cogan Dr
Analysis Year	2020	North/South Street	Babcock St
Time Analyzed		Peak Hour Factor	0.95
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	2020 Post-Development PM		

### Lanes



### Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	0	1	0	1	1	0	0	1	1	0
Configuration			LTR					R		L		TR		L		TR
Volume (veh/h)		49	26	104				18		147	149	7		26	204	157
Percent Heavy Vehicles (%)		2	2	2				2		2				2		
Proportion Time Blocked																
Percent Grade (%)	0				0											
Right Turn Channelized					No											
Median Type   Storage	Left + Thru								1							

### Critical and Follow-up Headways

Base Critical Headway (sec)		7.1	6.5	6.2				6.2		4.1				4.1		
Critical Headway (sec)		7.12	6.52	6.22				6.22		4.12				4.12		
Base Follow-Up Headway (sec)		3.5	4.0	3.3				3.3		2.2				2.2		
Follow-Up Headway (sec)		3.52	4.02	3.32				3.32		2.22				2.22		

### Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			188					19		155				27		
Capacity, c (veh/h)			508					885		1178				1414		
v/c Ratio			0.37					0.02		0.13				0.02		
95% Queue Length, Q <sub>95</sub> (veh)			1.7					0.1		0.5				0.1		
Control Delay (s/veh)			16.2					9.2		8.5				7.6		
Level of Service (LOS)			C					A		A				A		
Approach Delay (s/veh)	16.2				9.2				4.1				0.5			
Approach LOS	C				A											

## HCS7 Two-Way Stop-Control Report

General Information		Site Information	
Analyst	MEP	Intersection	Babcock St & Cogan Dr
Agency/Co.	MEP	Jurisdiction	
Date Performed	12/17/2019	East/West Street	Cogan Dr
Analysis Year	2020	North/South Street	Babcock St
Time Analyzed		Peak Hour Factor	0.95
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	2020 Post-Development AM		

### Lanes



### Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	0	1	0	1	1	0	0	1	1	0
Configuration			LTR					R		L		TR		L		TR
Volume (veh/h)		111	23	216				15		178	384	6		23	300	49
Percent Heavy Vehicles (%)		2	2	2				2		2				2		
Proportion Time Blocked																
Percent Grade (%)	0				0											
Right Turn Channelized					No											
Median Type   Storage	Left + Thru								1							

### Critical and Follow-up Headways

Base Critical Headway (sec)		7.1	6.5	6.2				6.2		4.1				4.1		
Critical Headway (sec)		7.12	6.52	6.22				6.22		4.12				4.12		
Base Follow-Up Headway (sec)		3.5	4.0	3.3				3.3		2.2				2.2		
Follow-Up Headway (sec)		3.52	4.02	3.32				3.32		2.22				2.22		

### Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			368					16		187				24		
Capacity, c (veh/h)			399					644		1191				1148		
v/c Ratio			0.92					0.02		0.16				0.02		
95% Queue Length, Q <sub>95</sub> (veh)			10.0					0.1		0.6				0.1		
Control Delay (s/veh)			60.2					10.7		8.6				8.2		
Level of Service (LOS)			F					B		A				A		
Approach Delay (s/veh)	60.2				10.7				2.7				0.5			
Approach LOS	F				B											

## **Land Use: 934**

### **Fast-Food Restaurant with Drive-Through Window**

#### **Description**

This category includes fast-food restaurants with drive-through windows. This type of restaurant is characterized by a large drive-through clientele, long hours of service (some are open for breakfast, all are open for lunch and dinner, some are open late at night or 24 hours a day) and high turnover rates for eat-in customers. These limited-service eating establishments do not provide table service. Non-drive-through patrons generally order at a cash register and pay before they eat. Fast casual restaurant (Land Use 930), high-turnover (sit-down) restaurant (Land Use 932), fast-food restaurant without drive-through window (Land Use 933), and fast-food restaurant with drive-through window and no indoor seating (Land Use 935) are related uses.

#### **Additional Data**

*Users should exercise caution when applying statistics during the AM peak periods, as the sites contained in the database for this land use may or may not be open for breakfast. In cases where it was confirmed that the sites were not open for breakfast, data for the AM peak hour of the adjacent street traffic were removed from the database.*

The outdoor seating area is not included in the overall gross floor area. Therefore, the number of seats may be a more reliable independent variable on which to establish trip generation rates for facilities having significant outdoor seating.

Time-of-day distribution data for this land use for a weekday, Saturday, and Sunday are presented in Appendix A. For the 46 general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:45 a.m. and 12:45 p.m. and 12:00 and 1:00 p.m., respectively. For the one dense multi-use urban site with data, the same AM and PM peak hours were observed.

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alaska, Alberta (CAN), California, Colorado, Florida, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Dakota, Texas, Vermont, Virginia, Washington, and Wisconsin.

#### **Source Numbers**

163, 164, 168, 180, 181, 241, 245, 278, 294, 300, 301, 319, 338, 340, 342, 358, 389, 438, 502, 552, 577, 583, 584, 617, 640, 641, 704, 715, 728, 810, 866, 867, 869, 885, 886, 927, 935, 962, 977

## Fast-Food Restaurant with Drive-Through Window (934)

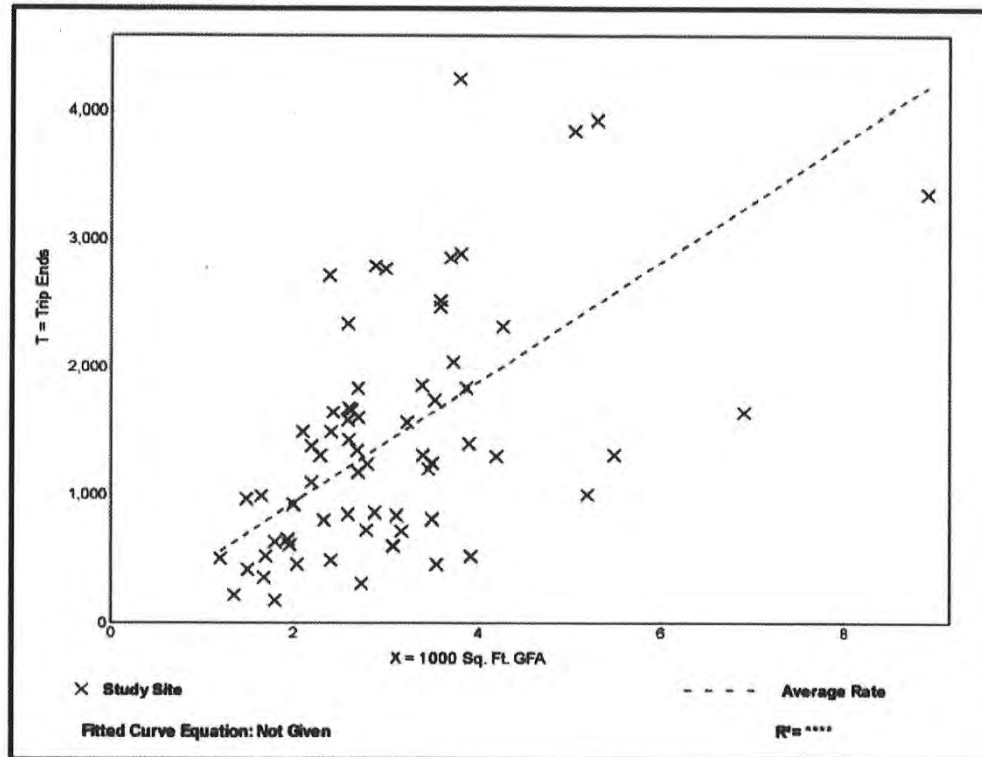
**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Weekday**

**Setting/Location: General Urban/Suburban**  
Number of Studies: 67  
1000 Sq. Ft. GFA: 3  
Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
470.95	98.89 - 1137.66	244.44

### Data Plot and Equation



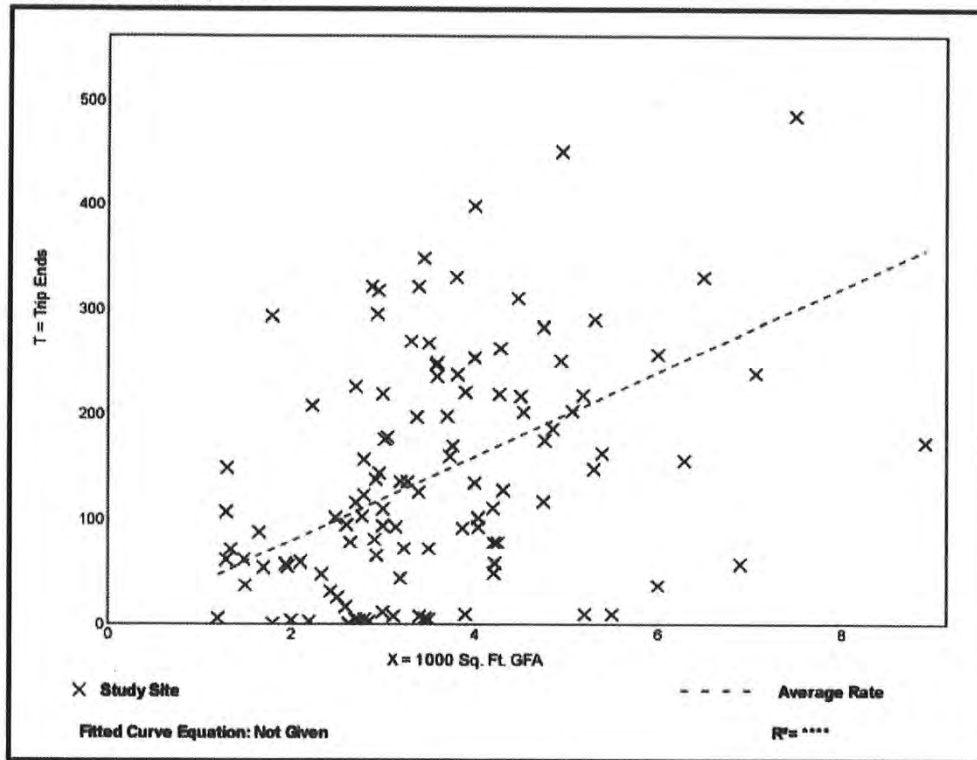
## Fast-Food Restaurant with Drive-Through Window (934)

**Vehicle Trip Ends vs:** 1000 Sq. Ft. GFA  
**On a:** Weekday,  
 Peak Hour of Adjacent Street Traffic,  
 One Hour Between 7 and 9 a.m.  
**Setting/Location:** General Urban/Suburban  
 Number of Studies: 111  
 1000 Sq. Ft. GFA: 4  
 Directional Distribution: 51% entering, 49% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
40.19	0.38 - 164.25	28.78

### Data Plot and Equation



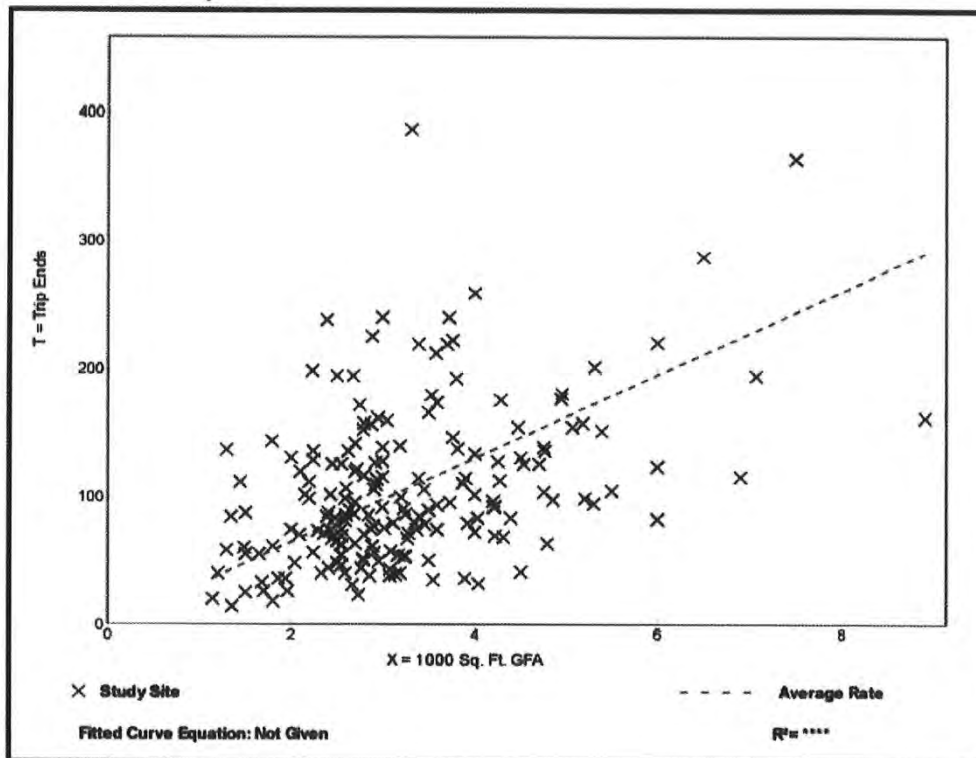
## Fast-Food Restaurant with Drive-Through Window (934)

**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 185  
 1000 Sq. Ft. GFA: 3  
 Directional Distribution: 52% entering, 48% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
32.67	8.17 - 117.22	17.87

### Data Plot and Equation



## Land Use: 912

### Drive-in Bank

#### Description

A drive-in bank provides banking facilities for motorists who conduct financial transactions from their vehicles; many also serve patrons who walk into the building. The drive-in lanes may or may not provide automatic teller machines (ATMs). Walk-in bank (Land Use 911) is a related use.

#### Additional Data

The independent variable, drive-in lanes, refers to all lanes at a banking facility used for financial transactions, including ATM-only lanes.

Time-of-day distribution data for this land use are presented in Appendix A. For the 18 general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:45 a.m. and 12:45 p.m. and 12:15 and 1:15 p.m., respectively. For the one center city core site with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:15 a.m. and 12:15 p.m. and 12:45 and 1:45 p.m., respectively.

The sites were surveyed in the 2000s and the 2010s in Colorado, Kentucky, Minnesota, Nebraska, New Jersey, New York, Oregon, Pennsylvania, Texas, Vermont, Virginia, Washington, and Wisconsin.

*To assist in the future analysis of this land use, it is important that Friday data be collected and reported separately from weekday data. It is also important to specify the date and month of the data collection period and the number of drive-through lanes that are open at the time of the study.*

#### Source Numbers

535, 539, 553, 555, 573, 577, 600, 624, 626, 629, 630, 637, 656, 657, 710, 724, 728, 866, 869, 883, 884, 927, 935, 961



## Drive-in Bank (912)

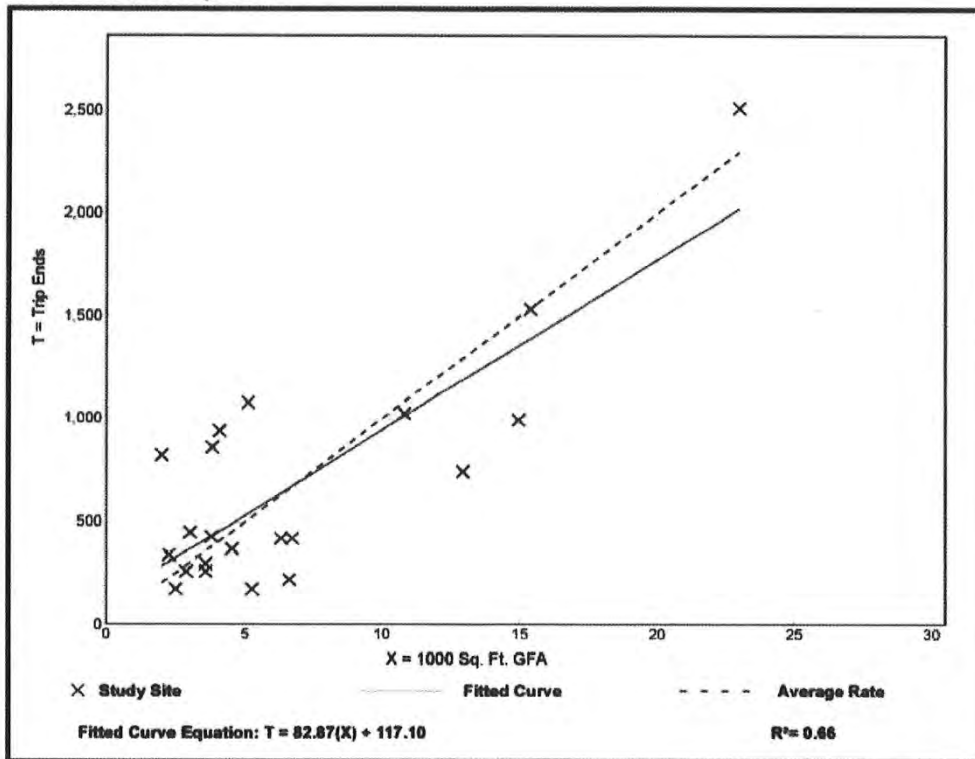
**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Weekday**

**Setting/Location:** General Urban/Suburban  
**Number of Studies:** 21  
**1000 Sq. Ft. GFA:** 7  
**Directional Distribution:** 50% entering, 50% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
100.03	32.67 - 408.42	61.61

### Data Plot and Equation



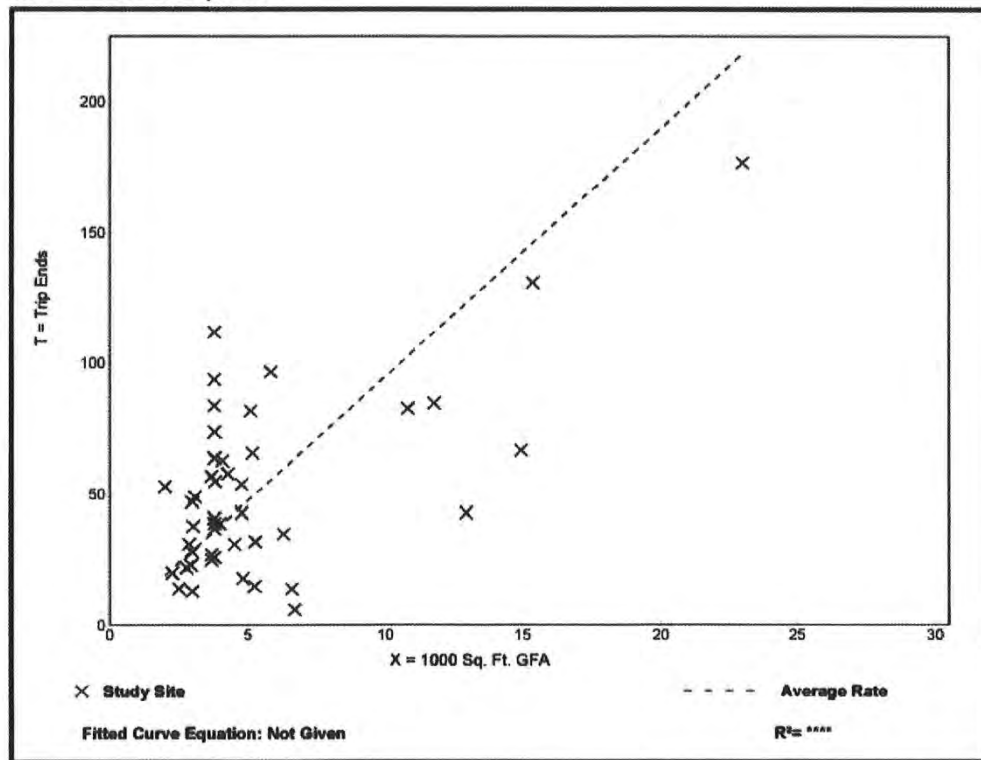
## Drive-in Bank (912)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
 On a: Weekday,  
 Peak Hour of Adjacent Street Traffic,  
 One Hour Between 7 and 9 a.m.  
 Setting/Location: General Urban/Suburban  
 Number of Studies: 46  
 1000 Sq. Ft. GFA: 5  
 Directional Distribution: 58% entering, 42% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
9.50	0.89 - 29.47	5.85

### Data Plot and Equation



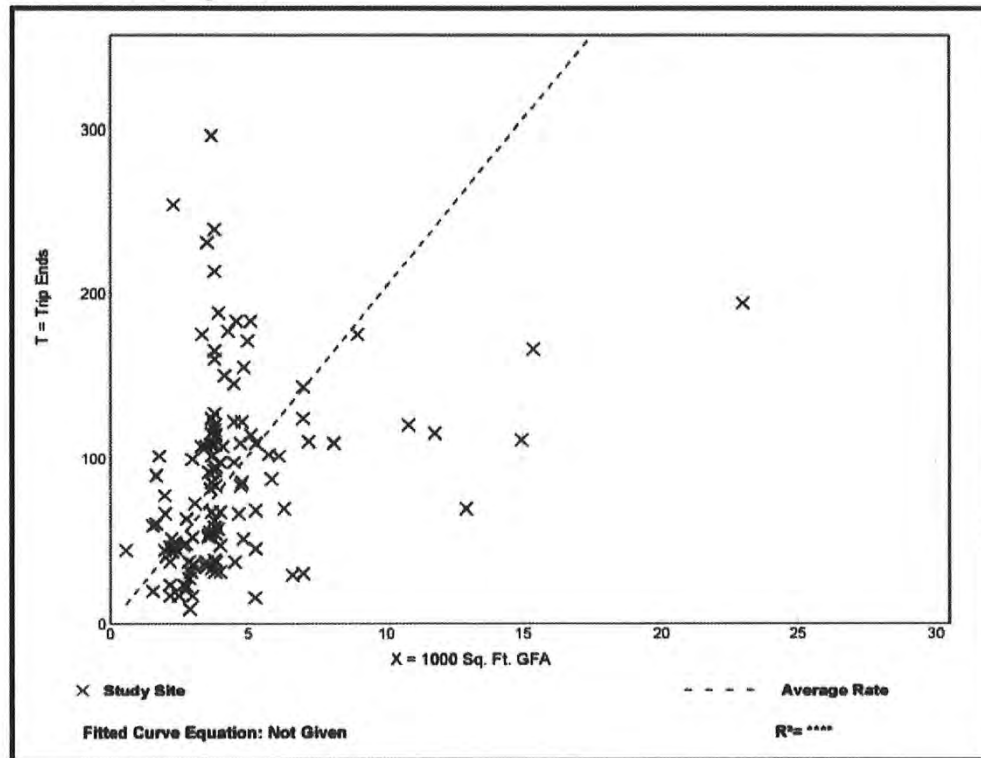
## Drive-in Bank (912)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
 On a: Weekday,  
 Peak Hour of Adjacent Street Traffic,  
 One Hour Between 4 and 6 p.m.  
 Setting/Location: General Urban/Suburban  
 Number of Studies: 115  
 1000 Sq. Ft. GFA: 4  
 Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
20.45	3.04 - 109.91	15.01

### Data Plot and Equation



**Table E.27 Pass-By and Non-Pass-By Trips Weekday, PM Peak Period  
Land Use Code 912—Drive-in Bank**

SIZE (1,000 SQ. FT. OR A)	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PASS-BY TRIP (%)	NON-PASS-BY TRIPS (%)			ADJ. STREET PEAK HOUR VOLUME	SOURCE
						PRIMARY	DIVERTED	TOTAL		
16.0	Overland Park, KS	Dec. 1988	20	4:30–5:30 p.m.	15	55	30	85	—	—
3.3	Louisville area, KY	July 1993	—	4:00–6:00 p.m.	48	22	36	52	2,570	Barton-Aschman Assoc.
3.4	Louisville area, KY	July 1993	—	4:00–6:00 p.m.	64	22	14	36	2,256	Barton-Aschman Assoc.
3.4	Louisville area, KY	July 1993	75	4:00–6:00 p.m.	57	11	32	43	1,955	Barton-Aschman Assoc.
3.5	Louisville area, KY	June 1993	53	4:00–6:00 p.m.	47	32	21	53	2,785	Barton-Aschman Assoc.
6.4	Louisville area, KY	June 1993	66	4:00–6:00 p.m.	53	20	27	47	2,610	Barton-Aschman Assoc.
3.8	Colonial Park, PA	March 2005	56	4:00–5:00 p.m.	43	—	—	57	—	McMahon Associates, Inc.
3.8	Camp Hill Mall, PA	March 2005	38	4:15–5:15 p.m.	41	—	—	59	—	McMahon Associates, Inc.
3.8	Exeter Twp, PA	March 2005	14	4:00–5:00 p.m.	24	—	—	76	—	McMahon Associates, Inc.
3.8	York, PA	March 2005	63	4:00–5:00 p.m.	29	—	—	71	—	McMahon Associates, Inc.
3.8	York, PA	March 2005	70	4:00–5:00 p.m.	28	—	—	71	—	McMahon Associates, Inc.
3.8	Palmira, PA	March 2005	29	4:15–5:15 p.m.	27	—	—	73	—	McMahon Associates, Inc.
3.8	Mountain Road, PA	March 2005	41	4:00–5:00 p.m.	25	—	—	75	—	McMahon Associates, Inc.
3.8	Hummelsdown, PA	March 2005	37	4:00–6:00 p.m.	31	—	—	69	—	McMahon Associates, Inc.
3.8	Muhlenberg, PA	March 2005	19	4:00–6:00 p.m.	29	—	—	71	—	McMahon Associates, Inc.
3.8	York, PA	March 2005	34	4:00–6:00 p.m.	21	—	—	79	—	McMahon Associates, Inc.
3.8	Derry Street, PA	March 2005	36	4:00–6:00 p.m.	29	—	—	71	—	McMahon Associates, Inc.
3.6	Arlington, WA	Sept. 2007	—	4:00–6:00 p.m.	42	50	8	58	—	657
2.7	Lynnwood, WA	Sept. 2007	—	4:00–6:00 p.m.	26	68	8	74	—	657
2.8	Redmond, WA	Sept. 2007	—	4:00–6:00 p.m.	21	55	24	79	—	657
3.6	Brookmish, WA	July 2007	—	4:00–6:00 p.m.	28	—	—	71	—	657

Average Pass-By Trip Percentage: 35

“—” means no data were provided



**Table E.32 Pass-By and Non-Pass-By Trips Weekday, PM Peak Period  
Land Use Code 934—Fast-Food Restaurant with Drive-Through Window**

SEATS	SIZE (1,000 SQ. FT. GFA)	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PASS- BY TRIP (%)	NON-PASS-BY TRIPS (%)			ADJ. STREET PEAK HOUR VOLUME	SOURCE
							PRIMARY	DIVERTED	TOTAL		
—	~2.8	Min-St. Paul, MN	1987	50	3:00-7:00 p.m.	25	27	48	75	—	—
—	<5.0	Chicago suburbs, IL	1987	80	3:00-8:00 p.m.	38	—	—	62	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	100	3:00-8:00 p.m.	55	—	—	45	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	159	3:00-8:00 p.m.	56	—	—	44	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	225	3:00-8:00 p.m.	48	—	—	52	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	86	3:00-8:00 p.m.	35	—	—	65	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	84	3:00-8:00 p.m.	44	—	—	56	—	Kerig, O'Hara, Humes, Flock
68	1.3	Louisville area, KY	1993	—	4:00-8:00 p.m.	88	22	10	32	2,065	Barton- Aschman Assoc.
120	1.9	Louisville area, KY	1993	33	4:00-8:00 p.m.	87	24	9	33	2,447	Barton- Aschman Assoc.
87	4.2	New Albany, IN	1993	—	4:00-8:00 p.m.	56	25	19	44	1,632	Barton- Aschman Assoc.
150	3.0	Louisville area, KY	1993	—	4:00-8:00 p.m.	31	31	38	69	4,250	Barton- Aschman Assoc.
—	3.1	Kissimmee, FL	1996	28	2:00-8:00 p.m.	71	—	—	29	—	TPD Inc.
—	3.1	Apopka, FL	1996	29	2:00-8:00 p.m.	38	—	—	62	—	TPD Inc.
—	2.8	Winter Springs, FL	1996	47	2:00-8:00 p.m.	66	—	—	34	—	TPD Inc.
—	4.3	Longwood, FL	1994	304	2:00-8:00 p.m.	62	—	—	38	—	TPD Inc.
—	3.2	Altamonte Springs, FL	1996	202	2:00-8:00 p.m.	40	39	21	60	—	TPD Inc.
—	2.9	Winter Park, FL	1996	271	2:00-8:00 p.m.	41	41	18	59	—	TPD Inc.
—	3.3*	several	1996	varies	4:00-8:00 p.m.	62	—	—	38	—	Oracle Engineering

\*Average of several combined studies.

Average Pass-By Trip Percentage: 50

—" means no data were provided

2018 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL  
 CATEGORY: 7000 BREVARD COUNTYWIDE

WEEK	DATES	SF	MOCF: 0.91 PSCF
1	01/01/2018 - 01/06/2018	1.03	1.13
2	01/07/2018 - 01/13/2018	1.02	1.12
3	01/14/2018 - 01/20/2018	1.01	1.11
4	01/21/2018 - 01/27/2018	0.98	1.08
* 5	01/28/2018 - 02/03/2018	0.95	1.04
* 6	02/04/2018 - 02/10/2018	0.93	1.02
* 7	02/11/2018 - 02/17/2018	0.90	0.99
* 8	02/18/2018 - 02/24/2018	0.89	0.98
* 9	02/25/2018 - 03/03/2018	0.89	0.98
*10	03/04/2018 - 03/10/2018	0.89	0.98
*11	03/11/2018 - 03/17/2018	0.88	0.97
*12	03/18/2018 - 03/24/2018	0.89	0.98
*13	03/25/2018 - 03/31/2018	0.91	1.00
*14	04/01/2018 - 04/07/2018	0.92	1.01
*15	04/08/2018 - 04/14/2018	0.93	1.02
*16	04/15/2018 - 04/21/2018	0.94	1.03
*17	04/22/2018 - 04/28/2018	0.97	1.07
18	04/29/2018 - 05/05/2018	1.00	1.10
19	05/06/2018 - 05/12/2018	1.03	1.13
20	05/13/2018 - 05/19/2018	1.06	1.16
21	05/20/2018 - 05/26/2018	1.05	1.15
22	05/27/2018 - 06/02/2018	1.05	1.15
23	06/03/2018 - 06/09/2018	1.04	1.14
24	06/10/2018 - 06/16/2018	1.04	1.14
25	06/17/2018 - 06/23/2018	1.04	1.14
26	06/24/2018 - 06/30/2018	1.04	1.14
27	07/01/2018 - 07/07/2018	1.04	1.14
28	07/08/2018 - 07/14/2018	1.04	1.14
29	07/15/2018 - 07/21/2018	1.04	1.14
30	07/22/2018 - 07/28/2018	1.04	1.14
31	07/29/2018 - 08/04/2018	1.04	1.14
32	08/05/2018 - 08/11/2018	1.05	1.15
33	08/12/2018 - 08/18/2018	1.05	1.15
34	08/19/2018 - 08/25/2018	1.05	1.15
35	08/26/2018 - 09/01/2018	1.05	1.15
36	09/02/2018 - 09/08/2018	1.05	1.15
37	09/09/2018 - 09/15/2018	1.05	1.15
38	09/16/2018 - 09/22/2018	1.05	1.15
39	09/23/2018 - 09/29/2018	1.05	1.15
40	09/30/2018 - 10/06/2018	1.06	1.16
41	10/07/2018 - 10/13/2018	1.06	1.16
42	10/14/2018 - 10/20/2018	1.07	1.18
43	10/21/2018 - 10/27/2018	1.06	1.16
44	10/28/2018 - 11/03/2018	1.05	1.15
45	11/04/2018 - 11/10/2018	1.04	1.14
46	11/11/2018 - 11/17/2018	1.04	1.14
47	11/18/2018 - 11/24/2018	1.03	1.13
48	11/25/2018 - 12/01/2018	1.03	1.13
49	12/02/2018 - 12/08/2018	1.03	1.13
50	12/09/2018 - 12/15/2018	1.03	1.13
51	12/16/2018 - 12/22/2018	1.02	1.12
52	12/23/2018 - 12/29/2018	1.01	1.11
53	12/30/2018 - 12/31/2018	1.01	1.11

\* PEAK SEASON

25-FEB-2019 16:26:27

830UPD

5\_7000\_PKSEASON.TXT

# **THOMAS GAUME PRESENTATION**

Presented at July 1, 2020 Planning and Zoning Board Meeting



## spot zoning

Dictionary of Business Terms for: spot zoning  
spot zoning

rezoning a **parcel** of land where all surrounding parcels are zoned for a different use, in particular where the rezoning creates a use that is incompatible with surrounding land uses. Spot zoning is generally disallowed in the courts.

Dictionary of Real Estate Terms for: spot zoning  
spot zoning

the act of rezoning a **parcel** of land where all surrounding parcels are zoned for a different use, in particular where the rezoning creates a use that is incompatible with surrounding land uses. Spot zoning is generally disallowed in the courts.

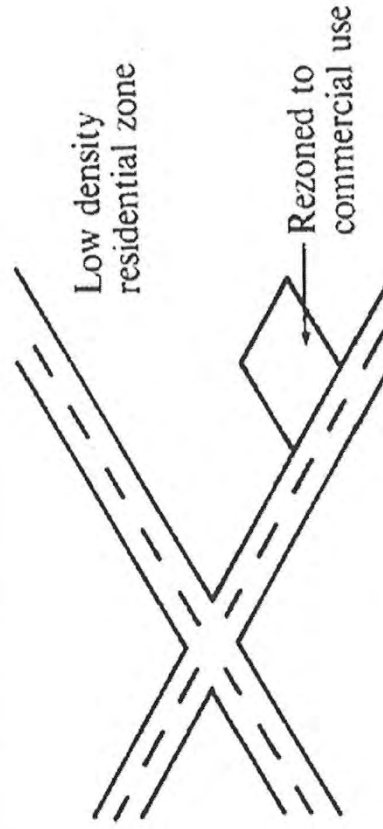


FIG. 181. SPOT ZONING

4. Request by West Pointe Babcock, LLC for preliminary subdivision approval for a proposed five-lot single-family subdivision to be known as 'Plantation Circle'

City of Palm Bay, Florida  
Regular Council Meeting 2019-27  
Minutes – November 7, 2019  
Page 7 of 13

in RR (Rural Residential District) zoning and a variance from connecting to the City's water and sewer system (8.41 acres)(Case PS-1-2019).

The Planning and Zoning Board recommended that the request be approved, subject to following conditions being addressed prior to City staff executing the Mylar:

- a. The boundary and title opinion shall be approved by the City Surveyor.
- b. A signed and sealed topographic survey is required for review and approval
- c. Prior to the issuance of any building permits, the Construction Plans must be granted administrative staff approval.

The public hearing was opened. Carmine Ferraro, representative for the applicant, presented the request to Council.

Residents spoke against the request stating that the developer should be required to connect to any available water and sewer lines as it was required by Brevard County and Florida Statutes, stormwater was going to become a major issue, and the City needed to cease the permitting of septic tanks as it affected the Indian River Lagoon.

Mr. Ferraro addressed the residents' concerns. He said that after numerous meetings, City staff advised that connecting to the system was not feasible due to the design.

Mr. Little said the variance request was mainly due to a conflict between the Land Development Code and Utilities Code. Based on the size of the development, it did not meet the threshold in which connection to the City's sewer system was required. The issue with connecting to water was that the lines would have to be extended across Babcock Street, approximately 1,200 feet, which would create a dead-end line. It would also create a maintenance issue for the Utilities Department. Mr. Little further detailed the reasons for staff's support of the variance. Staff answered questions posed by councilmembers.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Mr. Johnson, to approve the request, subject to the recommendations of the Planning and Zoning Board and staff comments contained in the Staff Report. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.

Brevard County Property Appraiser



2014000

Map is published with the understanding that the user assumes all responsibility for the accuracy of the information shown on this map.

Brevard County Property Appraiser



2044882

For data accuracy, use a survey. This system may not precisely align.

© 2014-2015

# **CORRESPONDENCE**

## Chandra Powell

---

**From:** Terese Jones  
**Sent:** Friday, June 19, 2020 1:24 PM  
**To:** Chandra Powell  
**Subject:** FW: Request for Aggrieved or affected person status  
**Attachments:** Letter to City of PB.doc

**From:** Ken Smith <wetemps@aol.com>  
**Sent:** Friday, June 19, 2020 11:54 AM  
**To:** Terese Jones <Terese.Jones@palmbayflorida.org>  
**Subject:** Request for Aggrieved or affected person status

**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.

June 19, 2020

Dear Ms Jones

Please accept this email as written 5 day notice.

I am hereby requesting aggrieved or affected person status with regards to cp-4-202 and cpz-4-2020

I own the property on both sides of the property being requested for rezoning. The rezoning of this property will cause a total change in our neighborhood and because it is adjacent to my property will certainly affect me and my Family's way of life. We do not think that this rezoning is in the best interest of the residents of Palm Bay or the Palm Bay community at large. I am also concerned about all of the other problems that will happen to me as an adjacent land owner.

Kenneth R. Smith  
1866 Plantation Circle se  
Palm Bay Florida 32909

[wetemps@aol.com](mailto:wetemps@aol.com)  
609-226-0120

If you have any questions about this request please feel free to contact me at any time either via email or Phone as identified above. Please acknowledge receipt of this email .

A signed letter is attached for your records

Sincerely

Kenneth Smith

June 19, 2020

Dear Ms Jones

Please accept this email as written 5 day notice. I am hereby requesting Aggrieved or affected person status with regards to cp-4-202 and cpz-4-2020

I own the property on both sides of the property being requested for rezoning. The rezoning of this property will cause a total change in our neighborhood and because it is adjacent to my property will certainly affect me and my Family's way of life. We do not think that this rezoning is in the best interest of the residents of Palm Bay or the Palm Bay community at large. I am also concerned about all of the other problems that will happen to me as an adjacent land owner.

Kenneth R. Smith  
1866 Plantation Circle se  
Palm Bay Florida 32909  
[wetemps@aol.com](mailto:wetemps@aol.com)  
609-226-0120

If you have any questions about this request please feel free to contact me at any time either via email or Phone as identified above

Sincerely

A handwritten signature in dark ink, appearing to read "Kenneth R. Smith", with a stylized, flowing script.

Kenneth Smith



In recent years, the City of Palm Bay has exercised some good planning with regards to residential and commercial area development. Basically developing these areas in modules that enhance each other. Bayside is a great example of how this is done right. The main Corridor of Palm Bay Road and the planned redevelopment on Route 1 also lend to this format. **We all want to see organized, well thought out commercial entities within our City.**

But, occasionally things go awry. Some outside speculator tries to pick up a cheap piece of property in an exclusively residential area and seeks to rezone it to commercial property, for the sole purpose of making a few quick bucks "flipping" it. These are not residents of Palm Bay, do not pay taxes in Palm Bay, and, most importantly, they don't vote in Palm Bay like my neighbors and me.

This is now the case at the southern end of Babcock Street, on Plantation Circle. This entire area is made up of residential single family houses. The houses in this area were built by people who invested their life's savings to build their homes here and start their families. The city master plan has for a long time classified this area as strictly residential. When I built my house here, I made sure that it was in a strictly residential area before investing in buying my property and building my home.

Now, an outside speculator group has AGAIN set its sites on the parcel of land at the front entrance to our subdivision. Time and again this speculator has tried to have this property rezoned to commercial use. This time he has moved forward and utilized the city's minor subdivision process to first subdivide the land into 5 Residential Lots. The lots are all **residential because that was a requirement** of doing the minor sub-division without going through City Council. The Applicant who came before you last year promised to use all of the lots for residential home development. Now in his new application for rezoning the same land, he has stated that " **the vacant parcel he created last week is no longer suitable for residential use.**" So basically the applicant misled the city in his application for subdivision.

**There should be an overwhelming, important reason to change property zoning in the middle of established Residential Neighborhoods. Financial gain for one individual over that of another is not such a justification.**

My neighbors and I object to this project. We urge the individuals on the Palm Bay Zoning board and the members of the town council to vote to reject this project. Its sole merit is to profit the speculators who seek to flip this property. Changes like this should be made prudently and with caution not to cause harm to our existing residents and their way of life. New and improved are not always words that indicate " for the good of the people." There are different kinds of growth. We want organized, well planned growth that enhances our lives, not the hap-hazard type of the past that does more harm than good and cheapens the image of our city

Attached I have outlined some of the reason I object to this project as well as other information and emails that may be important to this issue.

You may contact me at any time if you would like to discuss this matter further.

Respectfully

Kenneth R. Smith  
1866 Plantation Circle

**Case Numbers CPZ-4-2020Zoning)  
and  
CP-4-2020 (Land Use)**

**I object to the Rezoning and Reuse of  
the 3.86 Acres located on Plantation  
Circle from Residential to  
Commercial Use.**

**Enclosed please find a detailed  
explanation of the basis for my  
objection**

**Kenneth R. Smith  
1866 Plantation Circle  
Palm Bay, Florida 32909**

  
6/22/2020

# **Table of Content**

- A) Opening Statement**
- B) Map of Plantation Circle**
- C) Our Moto**
- D) Our Value, and our Statement**
- D) Reason 1 for Voting NO: Unsuitable for Commercial Use**
- E) Reason 2 for Voting NO: Inconsistent with FLU Plan**
- F) Reason 3 for Voting NO: Traffic Consierations**
- G) FDOT plans for the same exact Lot**
- H) Article published in Florida Today**
- (I) Fire**
- (J) Closing Statement**

Lot requested for Rezoning



Recently  
Restored  
Retention  
Pond

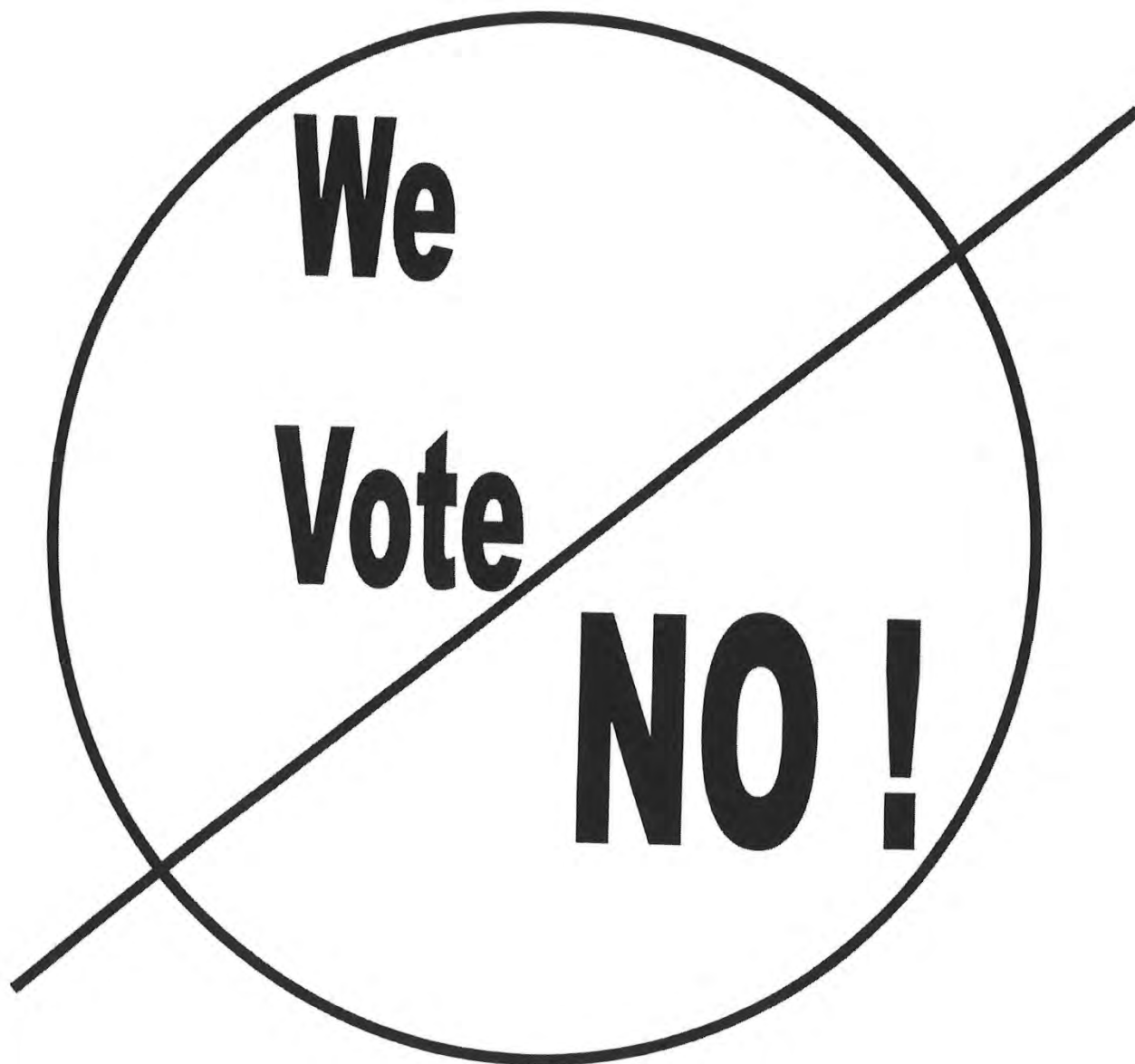
Known Wetlands

CERTIFIED WILDLIFE HABITATS

90 degree Turn

Houses

**Plantation Circle, Palm Bay Florida**  
**Currently 48 Homes**  
**Average Market Price approx \$400,000**



**The Residents of  
Plantation Circle  
Have  
More Than**

**\$11,480,515.00  
Invested  
In Their Properties**

**We pay over \$160,000.00 in property  
taxes per year**

**There should be an  
overwhelming, important  
reason to change property  
zoning in the heart of an  
established Residential  
Neighborhood!**

**Financial gain for one  
individual over that of  
another is not such a  
justification!**



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**Financial gain for one  
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another is not such a  
justification!**

Reason Number One..... for voting No ..Commercial use of this property will front it on the wrong Street, cause SPOT ZONING, and Contradicts the Palm Bay FLU Plan.

**This lot is particularly ill suited for direct access on to an undivided Babcock Street with no deceleration lane in either direction.** Historically the lots on Plantation Circle have always fronted on to the residential street just for this reason. Also, please see the attached proposed diagram by FDOT for a "Circle" at the intersection of Cogan and Babcock. The widening of Babcock will take the side 75 feet of the proposed lot for expansion. This would totally preclude using this property in any way to front on to Babcock Street. But, **if used as a residential lot facing on to Plantation Circle as it is now it presents no problem with traffic on either street..**

Physically

The frontage onto Babcock starts with a drainage right of way that is approximately 8 feet deep and 10 feet across. Water and sewer are required for this lot but is located on the opposite side of Babcock Street. This will require water and sewer to be brought across Babcock just for this lot. The lot is 3.89 acres and will require on site retention for storm water. Currently the applicant has not included any storm water right of ways in the subdivision that has just been approved ??

This lot would be totally isolated from all other commercial entities on Babcock Street. This is the true definition of "**Spot Zoning**" and is totally inconsistent with the Palm Bay Future land Use Plan.

**We hope that our Planning and Zoning committee wisely foresee what is coming and encourage another model similar to the one used to develop Bayside. (Keeping commercial and residential areas in close proximity but not integrated into each other. That is what makes an attractive and inviting community.**

**This is a beautiful Residential Neighborhood, One of the nicest in Palm Bay. Let's keep it that way. There is no legitimate justification for destroying the heart of Plantation Circle Community, especially while there are acres and acres of undeveloped community commercial land right around the corner.**

Property rights go both ways. People should have the right to do whatever they want with their property, but it should not interfere with the rights of other established land/home owners. Residents want Life, liberty and the pursuit of happiness Speculators and their cronies = Power, Money, and the profit you can make with it.

We hope that our Planning and Zoning board will protect the existing, hard working residents of this community by enforcing our future land use regulations. We need our elected officials to realize that they must **not approve this kind of application** for the "Overall good of the citizens of our City ". This is an often endorsed misconception. Ask any citizen of Palm Bay " Do you agree with the widespread integration of commercial entities into Palm Bay Neighborhoods. The answer will be a resounding "NO" People in Palm Bay want to enjoy their lives as they planned them when they moved here. They do not appreciate when you pull the rug out from under them and put a Dollar Store next to their house to help a developer score another flip of residential land. **Please do the right thing and deny this applicant.**

**Reason Number Two.....** Total Inconsistency with The Palm Bay Future Land Use Map.

In accordance with the Future Land Use Plan of Palm Bay, the applicant is required produced any competent substantial evidence that proves that this application will not damage the character and historical complexion of the Plantation Circle Community

In his application for **Justification for Change** of the Future Land Use Map he states

“FLU Map needs to be amended to conform to zoning request for community commercial”

In other words, his justification for changing the map is so that the map will match his requested rezoning.

However, , the map can not be changed for that purpose and in that manner. By Florida Statute and Palm Bay Ordinances, the map can only be changed if the applicant shows that his proposed change is consistent with the Palm Bay Future Land Use Plan.

The Applicant has made no such effort. Below are some of the specific requirements that are part of the Palm Bay Future Land Use Plan. This plan has not been changed since the application for this rezoning was denied last year because of these requirements.

#### **OBJECTIVE**

**FLU-2.3 Prevent incompatible land uses from locating in residential areas in order to promote neighborhood stability and prevent deterioration.**

#### **POLICIES**

**FLU-2.3A The Land Development Regulations shall continue to contain provisions to ensure that land uses surrounded by and/or abutting residential areas are not in conflict with the scale, intensity, density and character of the residential area.**

**FLU-2.3B The Land Development Regulations shall continue to contain provisions to ensure that access to future high-density development or non-residential uses shall not be through low density residential areas.**

**FLU-2.3C The Subdivision Ordinance shall continue to require designs which minimize access to arterial and collector roadways and provide buffering from such roads.**

**FLU-2.3D The Land Development Regulations shall continue to provide for a “Neighborhood Commercial” category which permits only those commercial uses within residential areas which provide for the retail and service needs of the surrounding neighborhood.**

**FLU-2.3E Future commercial uses within residential areas shall be located at designated collector nodes and designed with buffering to protect adjacent uses.**

The above parts of the Future Land Use Map show clearly that the proposed change is totally inconsistent with the requirements of the Plan.

**Reason Number Three..... for voting No Commercial Traffic in an enclosed Residential Area**

**First: Access to this commercial lot is restricted by ordinance:**

Originally, the city of Palm Bay ordinance 185.130 allowed for a commercial property to have access to a residential street if it was located on a corner of an arterial highway. This ordinance was adopted in 1989 when Palm Bay was in its infancy. Later, on February 15, 1996, ordinance 184.25 was adopted. This more current ordinance was adopted after Palm Bay was experiencing a dramatic increase in growth. The more recent ordinance specifically prohibits any commercial or industrial entity from having direct access to a residential Street. (See Attached)

The applicant has shown us several concept drawings of his possible plans, all having an illegal direct access onto Plantation Circle, a neighborhood residential street as defined by the Florida DOT manual on streets.

**Second: Large Trucks stuck on our street** Trucks arriving at the new commercial site making deliveries will on occasion inadvertently pull on to Plantation Circle Street by mistake instead of the main parking lot. They may also use Plantation Circle to pull into to wait to make a delivery. Once a tractor-trailer has turned onto Plantation Circle, it will have one of two choices. It can either back up on to Babcock Street, which would be suicidal, or they could proceed down Plantation Circle, not knowing that the end of our street has a two bends that cannot accommodate large trucks without driving on the lawns of several houses. This is a nightmare no matter how you look at it.

**Third: Secondary Increased traffic on our street because of exiting and entering the commercial property.** Every time someone misses the turn for the strip mall parking lot, they will turn on to our street and drive around to the other side our circle to get to the commercial property.

I say drive, but experience tells me that in a short time the city will have to put in speed bumps or other traffic slowing devices to slow down these shoppers who have missed their turnoff. **That is one reason that it is unwise to allow commercial entities in the middle of established neighborhoods.**

**In Conclusion:** This is a terrible, dangerous, and disruptive spot to create a commercial enterprise. It will result in direct problems with traffic on Babcock Street as well as secondary problems with congestion on Plantation Circle. All this and we still have no idea of what the applicant intends for the property if the re-zoning is granted. **At a minimum, this proposal should not be considered until Babcock Street is brought to 4 lanes and a traffic light is installed at Cogan and Babcock. Then, and only then, should the proposal be considered. By then, I would hope that the lots would be sold off as Residential.**

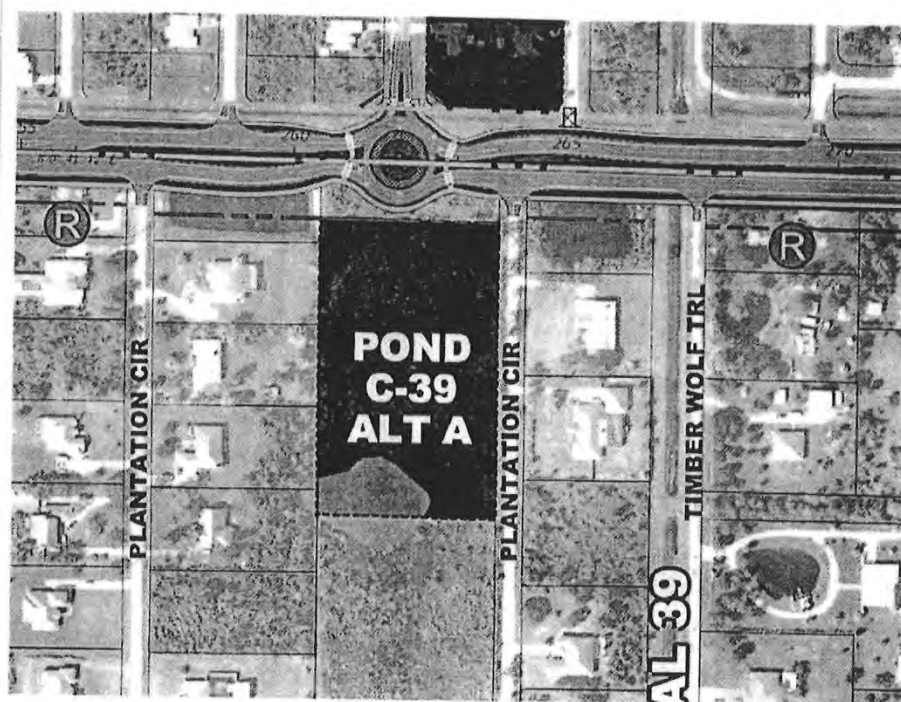
**Making this dangerous intersection more complicated is flirting with disaster. Can you imagine the thought of a School bus full of small children being hit by a large dump truck at the intersection of Babcock and Cogan because someone was pulling out of the new commercial driveway at the same intersection.**

**FDOT Plans for this exact same lot....Traffic Roundabout and Retention Pond**

**FDOT is planning to widen Babcock Street south of Malabar Road.**

**The below diagram is from the FDOT website . As you can see, there will be a Roundabout at the end of Cogan Street, and the lot currently under application for commercial will in fact be used as a retention Pond.**

**If you look at the diagram, you will see that a commercial entity at this location will be impossible. There can be no entity that enters Babcock Street at this location. This lot will have to front on Plantation Circle.**



**In addition, if the state is required to buy this lot in order to install a required retention pond, the value that the taxpayers will have to pay for the land will be 10 fold if it is converted from residential to commercial.**



## florida today

### NEWS

# Babcock Street widening may cost \$250 million, add 9 roundabouts south of Malabar Road

**Rick Neale** Florida Today

Published 5:40 p.m. ET Dec. 17, 2019

"Astronomical" estimated costs to widen Babcock Street between Malabar and Micco roads could reach a quarter billion dollars — and engineers hope to install nine roundabouts.

The Florida Department of Transportation is studying options to widen this 9-mile stretch of rural Babcock Street into a four-lane divided roadway, featuring sidewalks and bike paths.

"With the intersection options that are going to be implemented on this corridor — which are roundabouts, for the majority of the intersections — in the future, this is going to be more of what we refer to as a complete street," Jesse Blouin of Inwood Consulting Engineers told the Space Coast Transportation Planning Organization during a presentation last week.

"Slower speeds, more pedestrian features. Certainly safety, lighting," Blouin said.

The southern Babcock Street corridor passes through fast-growing Palm Bay and Malabar, Grant-Valkaria and unincorporated Brevard County. Traffic today is "certainly problematic" at the Malabar Road intersection, Blouin said.

Today's two-lane Babcock Street cannot accommodate FDOT's future projected traffic levels. The new Interstate 95 interchange at the future St. Johns Heritage Parkway will open development of Emerald Lakes, which is zoned for 3,760 homes and 2.82 million square feet of non-residential construction.

Moreover, the 9-mile stretch of roadway saw 555 crashes from 2013-17. Neither bike lanes, sidewalks or lighting exist today.

The Babcock Street plan calls for a series of nine roundabouts. Locations: Micco/Deer Run road, Capital Drive (future development), Mara Loma Boulevard (near Sunrise Elementary),

Cogan Drive, Eldron Boulevard, Valkaria Road-Wyoming Drive, Waco Boulevard, Foundation Park Boulevard and Community College Parkway.

**More:** Future north-south highway may link U.S. 192 with SR 50, spurring major development

**More:** Officials: Removing Beachline earthen causeways would improve Banana River water quality

"We analyzed both traffic signals and roundabouts at all the major intersections. And the county chose the roundabouts, because it does fit in with the future vision of slowing the speeds," Blouin told the Space Coast TPO.

"In my professional judgment, that was a very good decision for this corridor because it's really the only way that you can start to slow these speeds and reach these future objectives," Blouin said.

"They can certainly be challenging from a public outreach perspective, but we have tools and data that help us there as well," he said.

FDOT will likely schedule a public hearing on the project in spring or summer. The four-lane road would require new bridges over the Sottile Canal and I-95. Blouin said the I-95 span is 50 years old and has reached the end of its useful life.

All told, Blouin provided "a rough ballpark" project cost estimate of nearly \$250 million — including "astronomical" right-of-way acquisition costs topping \$100 million.

Widening Babcock Street would require construction of numerous large retention ponds, relocation of residential and commercial properties, and mitigation of scrub jay habitat.

However, Blouin said material costs are high in today's economy, and the study incorporates conservative fiscal calculations — "I'm very confident that that amount will drop as we move forward," he said.

Georganna Gillette, Space Cost TPO executive director, said Babcock Street widening design work should wrap up in the next couple years.

"But then once we get that done, it's going to sit on the shelf — because we have to figure out how we're going to fund this," Gillette said.

The Babcock Street widening project would extend southward 4/10 of a mile past Micco Road and the Deer Run subdivision entrance.



To the north, from Valkaria Road to Malabar Road, FDOT engineers would consider narrowing vehicle lanes from 12 feet to 11 feet wide. Why? Blouin said national studies show the narrower lanes tend to slow vehicle speeds and have a traffic-calming effect.

Titusville City Councilman Robert Jordan expressed skepticism.

"You're losing a foot — and you're saying I'm going to be calmer because I've got a smaller footprint for my big car?" Jordan asked.

"That always makes me calmer," Rockledge Deputy Mayor Frank Forester replied, drawing laughter.

"Just because something is allowed doesn't mean it's something we should do," Forester said.

"Cars scraping into each other as they go down the road will slow down the traffic. No question about that," he said.

*Neale is the South Brevard watchdog reporter at FLORIDA TODAY.*

*Contact Neale at 321-242-3638 or [rneale@floridatoday.com](mailto:rneale@floridatoday.com). Twitter: @RickNeale1*

# ott e rets

environment to it that has no angle? ... in the teeth of Floridians' Amendment 1, would use new venues for the protection of kids. Nobody's government — nor — would has own legal

that cost tax was the filing of Gerald Bailey's respected head department of rent. Bailey's cheatered by actively sup-

g lawyer that and several tions filed a g that Scott mers violated meeting law by alley without mon or vote.

Bailey went complaints that d his staff had erly influence nal investigation of other inclination. computer video on can't the polished with. His version astamble. on still and tex-y Bailey was error chose to vious Cabinet close on his

r lawsuit was for \$55,000, a fine cost to the point, more vate attorneys on behalf of dipet, racking about \$365,000.

## LETTERS AND FEEDBACK

### Zoning change not good for residents

In recent years, the city of Palm Bay has exercised some good planning with regards to residential and commercial area development, developing these areas in modules that enhance each other. Bayside is a great example of how this is done right.

Occasionally, things go awry. Some outside speculator picks up a cheap piece of property in an exclusively residential area and seeks to rezone it to commercial property, for the sole purpose of "flipping" it. These are not Palm Bay residents or taxpayers and most importantly, don't vote in Palm Bay like my neighbors and me.

This is now the case at the southern end of Babcock Street on Plantation Circle. The residential single-family houses were built by people who invested their life's savings to build homes here and start families. The city master plan has long classified this area as strictly residential. I made sure of that before buying my property and building my home.

Now, an outside speculator group has set its sights on an eight-lot residential piece at the subdivision entrance. They have somehow rapidly cut through the process of rezoning property, and in six weeks hope to have completed rezoning of this area from residential to commercial. This will destroy our neighborhood and quality of life, changing the heart of our neighborhood to a strip mall site.

There should be an overwhelming, important reason to change property zoning like this. Financial gain for one individual over that of another is not such a justification.

Kenneth Smith  
Palm Bay

### GOP should look at facts, stop lies

Regarding Mr. Kasch's letter to the editor of August 11, it could be refreshing for a change if Republicans embraced facts instead of making up lies.

Despite his hand-wringing



Debbie Ziegler holds a photo of her daughter, Brittany Maynard, the California woman with brain cancer who moved to Oregon to legally end her life last fall, during an Aug. 18 news conference to announce the reintroduction of right-to-die legislation in California.

about the conditions that led to the vote. Because of that, George W. Bush and members of his administration are liars. The hundreds of thousands who died in that failed escape make Bush and his handlers murderers and war criminals. Mr. Kasch must be fatally misinformed.

Dan Beschinkel  
Indianapolis

### Dropping atomic bombs saved lives

I feel compelled to reply to recent letters that commented on my Aug. 6 guest editorial on the atomic bombs.

I did emphasize Japan's fanaticism in two Jima and Okinawa as well as its preparations to defend against the invasion as rationale for Truman's decision. American officials interviewing Japanese civilians after the war were told that the government was prepared to place the sick, old and infirm as a screening force in front of its defending troops and that American troops would rape women and murder children. The immediate and long-term suffering wrought

Finally, Secretary of War Henry L. Stimson ensured that the historic and traditional Japanese capital of Kyoto was spared from any bombing, a fact that later was warmly welcomed by the Japanese people. Perhaps one should remember the words of Robert E. Lee after the Civil War: "It is good war is so terrible lest we grow fond of it."

Lee Wyatt  
Melbourne

### We should support death with dignity

Columnist Marshall Frank recently wrote about states giving people the right to die. I am definitely in favor of this movement. If a person is of sound mind and wishes to end it all, then the state and medical professional should stay out of it. A person should be able to ask a doctor for a painless means of exit.

I am in my late 80s, so I have had much experience in life and am able to decide for myself. I have worked all my life — never a big-paying job, but always forced myself to save and put a tidy sum away



### **And then there was the suspicious fire !!!!!**

The day before a meeting was scheduled by Mr. Sakowitz and Mr. West to meet with the Residents of Plantation Circle, someone lit the entire lot on fire, nearly burning out several adjoining residents.

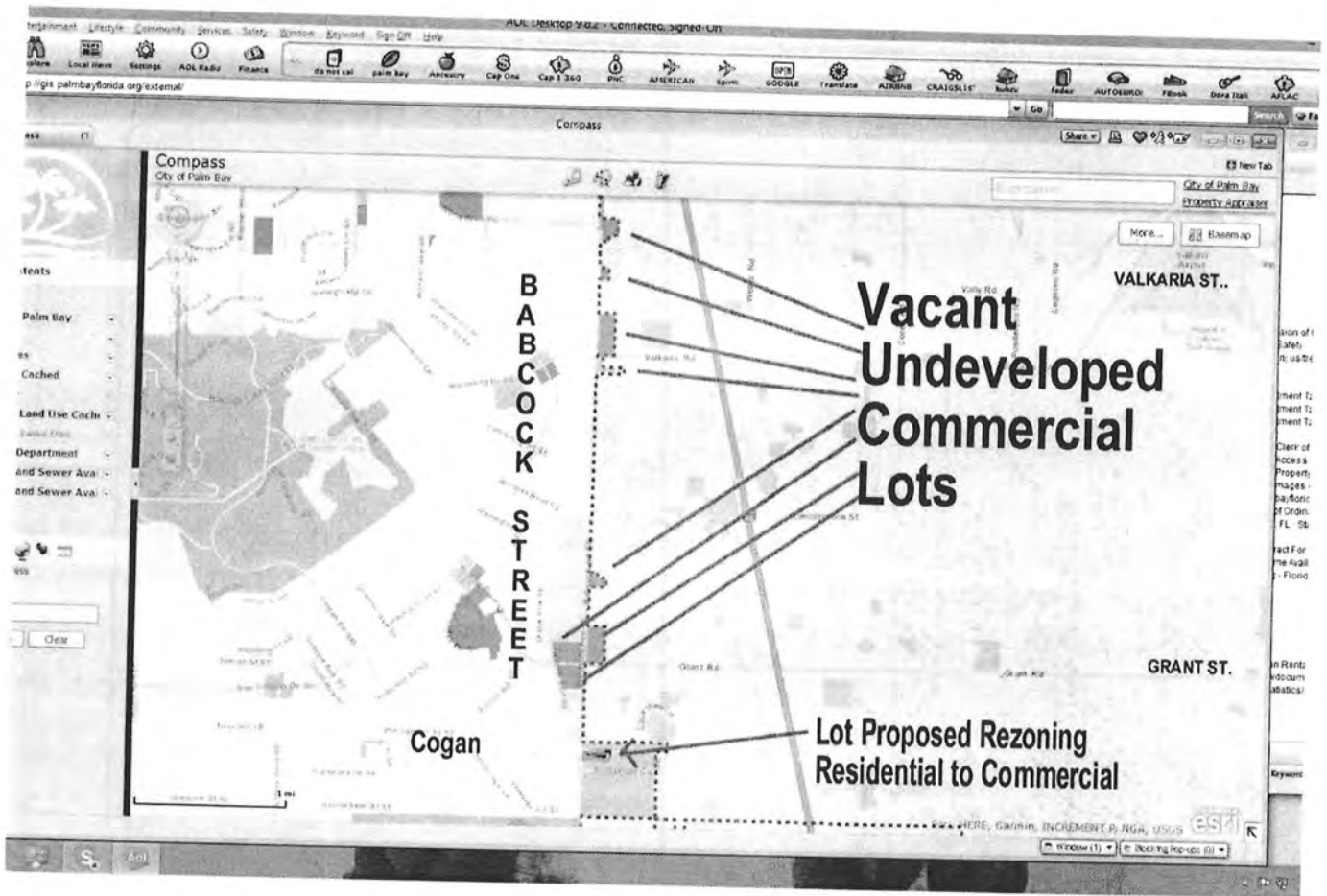
An investigation following the fire was inconclusive.

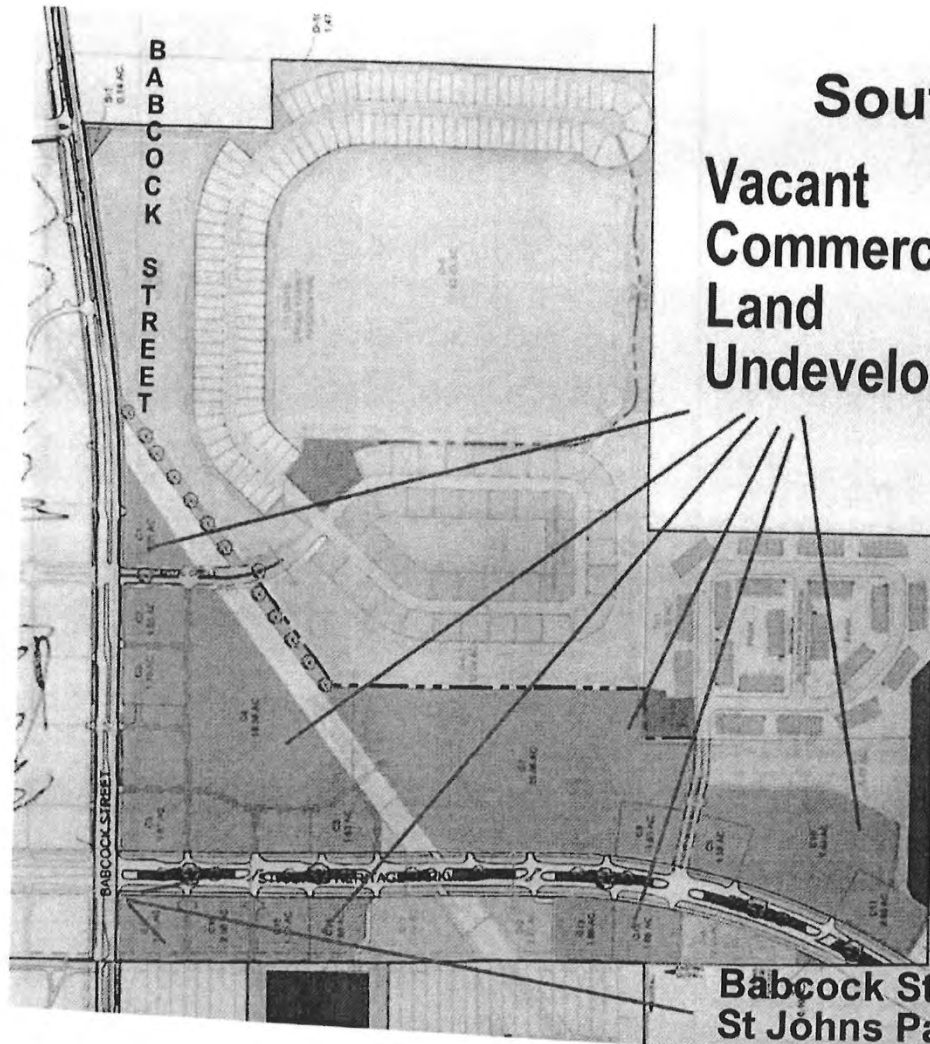
The entire lot plus several acres of adjoining property were burned to the ground

Fortunately, no one was injured.

Yes, many of us have our suspicions but no proof to who lit the fire.

You can be sure it put a scare in all of us.





# South Vacant Commercial Land Undeveloped

LOCATED ON THE CORNER OF BABCOCK STREET AND ST. JOHNS PARKWAY, THE PROJECT WILL EXTEND CITY OF PALM BAY AND CITY OF ST. JOHN'S REQUIREMENTS THROUGH A STORMWATER TREATMENT FACILITY, THE ULTIMATE TO THE SOUTHERLY CANAL AND WEST TO THE SOUTHERLY CANAL. OVERALL DENSITY IS LESS THAN 2.5 UNITS PER ACRE IN COMPLIANCE WITH EXISTING ZONING AND FUTURE LIGHTING, SOUND, AND IMPROVED LANDSCAPING. A MASTER PLANNED COMMUNITY THERE WILL BE A N ASSOCIATION THAT WILL MAINTAIN ALL COMMON AREAS OF THE PROJECT AND A HOMEOWNERS ASSOCIATION.

## CONTACT INFORMATION:

**DEVELOPER:**  
CYPRESS BAY FARMS LLC  
270 WEST DRIVE  
MELBOURNE, FL 32904  
TEL: (321) 254-8123

**SURVEYOR:**  
MICHAEL J. JENSEN  
390 PINEHURST DRIVE  
MELBOURNE, FL 32901  
TEL: (321) 254-8123

**ENGINEER:**  
JAMES E. BIRD  
201 EAST G  
MELBOURNE, FL 32901  
TEL: (321) 254-8123

**LOCATION:**  
TOWNSHIP 3  
RANGE 37  
SECTION 15  
TAX ACCOUNT

## CYPRESS BAY AT WATERSTONE

### CYPRESS BAY RESIDENTIAL SUBDIVISION

USE	ACRES	UNITS
RESIDENTIAL	10.5	10
OPEN SPACE/RECREATION/RETENTION	10.5	10
SIGN TRACT	0.1	10
TOTAL RESIDENTIAL TRACT	10.6	20

### CYPRESS BAY COMMERCIAL CENTER

USE	ACRES	UNITS
COMMERCIAL	10.5	10
MULTI-FAMILY	10.5	10
OPEN SPACE/RECREATION/RETENTION	10.5	10
SIGN TRACT	0.1	10
TOTAL COMMERCIAL TRACT	10.6	20

### CYPRESS BAY AT WATERSTONE PRELIMINARY PLAN

SUMMARY	ACRES	UNITS
GRAND TOTAL	21.2	40

NOTE: TRACTS WILL BE FURTHER DEFINED DURING PLATTING.

## LEGAL DESCRIPTION:

THE PROJECT IS LOCATED ON THE CORNER OF BABCOCK STREET AND ST. JOHNS PARKWAY, THE PROJECT WILL EXTEND CITY OF PALM BAY AND CITY OF ST. JOHN'S REQUIREMENTS THROUGH A STORMWATER TREATMENT FACILITY, THE ULTIMATE TO THE SOUTHERLY CANAL AND WEST TO THE SOUTHERLY CANAL. OVERALL DENSITY IS LESS THAN 2.5 UNITS PER ACRE IN COMPLIANCE WITH EXISTING ZONING AND FUTURE LIGHTING, SOUND, AND IMPROVED LANDSCAPING. A MASTER PLANNED COMMUNITY THERE WILL BE A N ASSOCIATION THAT WILL MAINTAIN ALL COMMON AREAS OF THE PROJECT AND A HOMEOWNERS ASSOCIATION.

Babcock Street and  
St Johns Parkway Intersection

## Conclusion

The Applicant has not demonstrate the he has met the requirements of the Future Land Use Plan with regards to Suitability and fit for this lot to be commercial

## Specifically

FLU 2.3

FLU 2.3A

FLU 2.3B

FLU 2.3C

FLU 2.3D

FLU 2.3 E

Flu 3.1a

FLU 3.2B

The applicants assertion that the “future commercialization and anticipated widening of Babcock Street will significantly produce negative effects that are inconsistent with residential development immediately adjacent to Babcock Street is Totally misleading. The lot in question will undoubtedly be faced toward Plantation Circle to avoid the FDOT proposed Roundabout

This lot is slated to become a retention pond



## Chandra Powell

---

**From:** Darlene Bennett <d.bennett64@yahoo.com>  
**Sent:** Sunday, June 21, 2020 12:44 PM  
**To:** Chandra Powell  
**Subject:** Fw: Greenwood Plantation Rezoning meeting July 1 2020

**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.

Sent from Yahoo Mail on Android

----- Forwarded Message -----

**From:** "Darlene Bennett" <d.bennett64@yahoo.com>  
**To:** "Laurence.bradley@pbfl.org" <Laurence.bradley@pbfl.org>  
**Sent:** Sun, Jun 21, 2020 at 12:40 PM  
**Subject:** Greenwood Plantation Rezoning meeting July 1 2020

Case #s

cp-4-2020 and cpz-4-2020

Mrs Powell,

I am writing to you in concern for the above case ie: Rezoning of a parcel of land @ Babcock St & Plantation Cir SE

1st I want to thank you for your hard work & dedication to our community. We moved to Palm Bay on June 25th of 2019 to retire from Va. We researched Palm Bay, we visited a couple times, my husband has a friend at Merit Island who suggested & urged we retire here. We are hard working tax paying, voter registered American born citizens who scraped & saved our money for this, the final chapter in life. We found a gem! 1 acre at 1785 Plantation Cir SE Palm Bay "Greenwood Plantation" and started our forever home build a place to feel safe, a horseshoe street your only there if you live here or took a wrong turn, 30 year old established homes most of the neighbors have lived here the entire time, they've raised there children up here. I grew up & lived my 56 years just 40 miles South of our nation's capital Washington DC

I have been & was well aware of the crimes in our community's however the 360 days we have lived here at 2622 Ramsdale Dr SE I have been personally witness to a purse snatching in the parking lot of staples, a fight in the parking lot of CVS, drug transactions in plain view & the numerous amount of homeless & camps & trash behind/beside every shopping center I've even befriended 2 of these said homeless Vets Johnny & Tommy both of which said they were not homeless just working, then driving down San Fillipo I thought I'd found a dead man on the side of the road, luckily he had just passed out from the heat & I was able to call for help all the while I'm the only 1 that stopped during rush hour. Naturally I've shared these concerns with my husband Im Scared did we invest everything into a city I dont feel safe in? I dont go out at night. I carry wasp spray with me everywhere, my children (4) & grandchildren (6) are worried about us I wont walk the dogs alone. I said OK your (my husband) right when we move over to Plantation Cir I will feel safer, its more established & private. We closed & received our keys to our new home on June 8th, this should be a happy time, only Its filled with distress & worry as we find out that our city just might allow a developer to rezone our private beautiful entrance into a parking lot, a parking lot for what, Crime! I am begging you to please consider the 40 to 50 homes filled with good citizens, good people of our community, to please not allow us/me to be unsafe turning onto our street wondering what may be of our homes when we arrive, no more evening walks/talks with neighbors Please do not allow us to be imprisoned behind our entrance! PLEASE

Help us to be safe in your beautiful city!

PLEASE



Darlene Bennett  
540 318 9423  
1785 Plantation Cir  
Palm Bay

I look forward to meeting you July 1st

Sent from Yahoo Mail on Android

CITY OF PALM BAY  
RECEIVED

JUN 22 2020

LAND DEVELOPMENT

6/23/2020

To: Laurence Bradley

From: Greg & Tonya LaVanture Resident at 1688 Pueblo St. SE Palm Bay, FL. 32909

Subject: Rezoning request Case # CP-4-20205 Zoning /CPZ 4-2020 Land Use (Plantation Circle)

We live across Babcock St at Cogan intersection just 1 block north. We just moved in April 2014 with the understanding that Babcock St would be widening at sometime in the future. We researched the property across the street finding it was zoned as residential. There is plenty of commercial property North, and South on Babcock. We felt comfortable buying our home with these factors. We saw signs showing Shopping Center coming at the Grant Rd, and Babcock St. There is only (1) 85' vacant lot from my home east to a drainage ditch then room for Babcock expansion. Being from the Traffic Construction business I understand traffic signals, overhead sign structures, and property needed for proper installation. I feel the intersection of Babcock & Cogan would be better for a traffic signal intersection only leaving the residential property left alone. Adding a business would be more traffic not needed for this intersection. Cogan dead ends at Babcock then with less than 100 yards you have the entrances to Plantation Circle north, and south of Cogan. When Babcock gets widen it would be dangerous for the Plantation residents to get on Babcock going north or south. It would be a traffic mess with the extra business traffic. Again there is plenty of property available for businesses for the buyer to develop. Good example just north on Babcock at Grant Rd there is plenty of land not near homes. We heard from the residents of Plantation Circle the City agreed when they bought then build the remaining property would not be zoned commercial. Now you have a previous commitment to stand by to these residents.

I have attached previous presentations ,FDOT plans for drainage pond for expansion of Babcock, and letters we have received from lawyers wanting to represent us for the Babcock expansion. I talked to Ms Lorena Cucek on 12-12 2019. She said they have to have 2 options, and Option A was the best for all concerned. Our property falls under Option B, and so does 16 other homeowners.

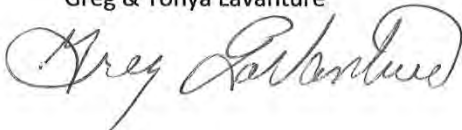
The property owner was told NO by City Council over years ago. We are so done with his games. The state is going to take his property, not ours. SAY NO TO HIS REQUESTS!!

THANKS FROM PROUD VIETNAM VETERAN,

Come by for a nice chat, and view of many issues for this request. Cell # 321-423-1787

Sincerely,

Greg & Tonya Lavanture



10/23/17

To: City of Palm Bay Staff

From: Greg & Tonya LaVanture 1688 Pueblo St. (Across from property)

Subject: Case # CP-20-2017 & CPZ-20-2017

Well after our last meeting with City Council showed us how the City helped the applicant change from (8) acres now to this (2.89). At almost midnight Council started to vote **NO** for the change, with a second.

Then a break was taken for the reporter to have a break. **We respect that!!** During that break the applicant approached some council members, at least one for sure. Well we resumed then that member retracted his second sending it back to vote over. Well this time the staff continued to help applicant revise his request to fewer acres. We were also told earlier that change is coming so we should accept this possible request before the vote. This whole series is on tape so we felt this needs to be considered. **PLEASE REVIEW THE MEETING VIDEO!**

Here we are as taxpayers sitting there watching the applicant get guided for another opportunity after almost two years of fighting this. If he had solid plans after almost 1.5 years for this property you would think he would he would share what type of business he plans. He has never told us or the Planning Staff, and City Council. Seems strange??? Our presentation gave many issues this change creates. The Council must of considered our input to put it to vote rejecting the applicant's request. Our data does not change with the request for fewer acres.

**Watch that on tape!**

Greg & Tonya LaVanture

To: City of Palm Bay Staff

From: Greg & Tonya LaVanture 1688 Pueblo St. (Across Babcock West)

Subject: Rezoning Request Case# CP-13-2018/CPZ-13-2018

We appreciate your time to listen to our concerns. We are 125' west of Babcock St. on Pueblo St. SE across from subject property. When you review the overhead view of property of discussion. There are (11) streets intersecting Babcock St. within .4 tenths mile of this property, they are as follows starting north of subject property Delta, Timberwolf, Pueblo, Plantation, Cogan, San Soving, Plantation, Tigard, Whiting, Tennessee, Weiman. Then the school property starts after Weiman Rd. from the south of the property again within the .4 tenths mile= 2,112'. There is no other cluster of streets north or south of the property being discussed. They are spread out more evenly with secondary roads parallel to Babcock. Be advised that starting at Timberwolf there is drainage canals on both sides of Babcock heading south. The canals are 15' on the east side, and 25' on the west side, with grass on both sides leaving any driver little or no stopping capacity. They would be in the ditches for sure. It is interesting to watch the traffic flow now, and the possibility of adding a business/ traffic light is not the answer. Getting the best cycle time for that traffic signal would be very hard to meet the traffic demand times. Then with a traffic signal we all know people run red lights, increased speed, etc. I have been in the Traffic Design/ Fabrication business for over (10) years working throughout the Southeast U.S. This is a nightmare from the design side, safety issues for sure.



We welcome all of you to my property to witness the traffic  
flow now. I cut the grass east of my home just park there next to  
Babcock to witness what we see everyday.

Be advised the speed limit on this section of Babcock is 45 mph.

VERY FEW TRAVELERS DO 45 MPH, COME AND SEE YOURSELVES!!

Reaction Distance + Braking Distance = Stopping Distance

It takes two football fields 720' for an 18 wheeler to stop at  
55 mph. I have seen them do that speed plus. Example the truck  
would start stopping at Delta not stopping at Cogan distance of  
approximate 700'. Car comparison at 40 mph the Vehicle Reaction  
Distance would be 88', Braking Distance is 80' totaling 168'. At 50  
mph VRD 110', VDF 125' then 60 mph RD 132', BD 180' totaling  
312'. You could pass 2-3 side streets stopping. Be advised that this  
section of Babcock has ripples due to excess wear. The stopping  
distance for any vehicle would increase at least 15% because the  
tires would start hopping not having complete contact with the  
road. On wet roads these distances are off the chart. There is also  
poor drainage on Babcock creating many pools of water. Then  
remember the drainage ditches on both sides, once they hit the  
grass those distances go off the chart.

PAGE 3

*In closing just imagine bright lights, noise, increased crime, reduced property values, destruction of hundreds of trees, natural surroundings, drainage issues, loss of any privacy, traffic nightmare, and increased accidents combined with more possible deaths of innocent people across from your home. So please accept our invitation to visit our property to really see the above topics of concern. We do not want this rezoning to happen along with all the residents of Plantation Circle!! Please force commercial improvements 3,000' to go north or south of this location as your planning department has planned for. They have done their research, and are on the right path for the future of the City of Palm Bay. This request falls under a **SPOT CHANGE** not fitting into the zoning plan in effect now. Being semi-retired we want to enjoy our life as we have since we moved in (4) years ago with our kids, and grandchildren. I have witnessed many speeding vehicles passing at the intersections of these streets. There should be **NO PASSING** at any of the above intersections. Then just imagine an 18 wheeler traveling on Babcock doing average of 45-55+mph as the new possible traffic light changes, a school bus full of kids, or any person with their family turning onto Babcock. There is no room for any kind of recovery for any vehicle. I would not want that on my mind that I let this change happen.*

**PLEASE VOTE NO FOR THIS REQUEST**



PAGE 4

ADDED NOTES DUE TO EXTENSIONS FOR FINAL DECISION

After our last Planning Board meeting the applicant would not tell the Board what he planned to develop on the proposed property. He has not told us or you nothing either. Now you tell me after 3 years you do not have any clients interested. His marketing skills are off, or **he is not telling us the truth**. He withdrew his application as he went out of town for the first City Council meeting, then he withdrew his application, the night of the second City Council meeting, **Oh just before elections**, now here we are again. What will happen this time, another misleading comment or action. He was asking for **4 acres, 8 acres, now 2.89**. **Do yourself a favor look at the last City Council meeting to see the interesting changes that happen after the voting started for (8) acres. Then the City helped him make changes leaving us citizens out to dry. WE ARE STILL PISSED!**

I HOPE YOU WOULD YOU ACCEPTED OUR INVITATION TO VISIT OUR PROPERTY & PLANTATION CIRCLE BEFORE THIS MEETING TO SEE FOR YOURSELVES!

**I feel with all the applicant's experience, he should have researched this purchase better. The property price doesn't seem to be a good deal now. Look after almost (3) years he could of build a business plaza north or south of proposed property, giving him a return on his investment, and tax dollars to the City.**

We live directly west across from the property, and we do not want a business going there, as there is plenty property already zoned commercial 3,000' north or south. We did know when we moved in our home Babcock was going to be upgraded for needed expansion to the City. We asked our agent about that proposed property, and it was residential. We felt comfortable to purchase this home, but adding businesses across from us is not good at all.

**"VOTE NO AGAIN"**



To: City of Palm Bay City Council

From: Greg & Tonya LaVanture 1688 Pueblo St. (Across Babcock West)

Subject: Rezoning Request Case# CP-13-2018/CPZ-13-2018

**Do us, and you a favor come to my home to view the property we are discussing before the meeting.**

There are **(11)** streets intersecting Babcock St. within **.4 tenths mile of this property**, they are as follows starting north of subject property **Delta, Timberwolf, Pueblo, Plantation, Cogan, San Soving, Plantation, Tigard, Whiting, Tennessee, Weiman**. Then the school property starts after Weiman Rd. from the south of the property again within the **.4 tenths mile= 2,112'**. There is no other cluster of streets north or south of the property being discussed. They are spread out more evenly with secondary roads parallel to Babcock. Babcock is 45 mph in this area, few obey it **COME SEE!**

After our last Planning Board, and City Council meetings the applicant would not tell the Board what he planned to develop on the proposed property. Even after the last Planning meeting May 2<sup>nd</sup> 2018 he was asked, and did not answer the question from the Board. He said it would be 2 years before he would develop this property. Does your application state what is proposed for the property **in detail**. All he said was Commercial, now you tell me after (3) years you do not have any clients interested.

**HELLO! SOMETHING IS WRONG HERE!!**

PAGE 2

He withdrew his application as he went out of town for the first City Council meeting, then he withdrew his application, the night of the second City Council meeting, **Oh just before elections**, now here we are again. What will happen this time? He was asking for **4** acres, **8** acres, now **2.89**. **Do yourself a favor look at the last City Council meeting last year to see the interesting changes that happen after the voting started for (8) acres? Then the City helped him make changes for fewer acres leaving us citizens out to dry. Here we are again going through more unknown facts.**

**I feel the applicant's is using a trump card that he discussed this property with previous City Council members prior to purchase of property. Well we do not know exactly what they said verses what we are dealing with now. Look after almost (3) years he could of build a business north or south on your future commercial property, giving him a return on his investment, and tax dollars to the City. HELLO (3) YEARS TAX RATE LOST!**

Here are **more facts** to consider coming from Space Coast Transportation Data Management System in Cocoa, Florida. This data shows how many vehicles travel Babcock from Micco Rd. from the south to Malabar Rd. north daily. The applicant stated at the Planning meeting 5-2-18 recently is was **2,000** vehicles daily. **WELL LOOK WHAT WE FOUND!**     **2013-3,360/// 2014-3,460**  
**2015-2,860 /// 2016-4,020/// 2017-4,290 /// 2018- TBD**  
**Has to be more seeing the new homes & truck activity going on.**



PAGE 3

I witnessed (34) dump trucks travel Babcock on 5-4-18 in 1 hour.  
This truck traffic is really tearing up Babcock! COME SEE!!

Also when they close I-95 Babcock is a Detour Route " COME SEE"

This shows all parties the area is growing even before your future land use plans are being used to full capacity example for I-95 Interchange addition, Parkway Extension, Emerald City. With all the designated Commercial property already set by the City we do not need any business on this property.

Data from a Certified State DOT Engineer was presented to City Council last year's meeting. He said this is not within DOT Traffic Design guidelines. When you review the number of streets we addressed to you intersecting Babcock they already addressed this area. They have the (4) lane expansion of Babcock designed, and approved. How can the Council argue with facts coming from the State DOT. It is the DOT's road, and Palm Bay can't add or change anything without their permission.

HELLO!! SO YOU SHOULD VOTE NO FOR THIS CHANGE!!



## PUBLIC MEETING ANNOUNCEMENT

Tuesday, July 30th, 2019

5:30 p.m. to 7:30 p.m.

Knights of Columbus

6725 Babcock Street SE, Malabar, Florida 32950

The FDOT invites you to the Alternatives Public Meeting for the Babcock Street/County Road 507 (C.R. 507) Project Development and Environment (PD&E) Study. The limits of this study are from south of Micco Road/Deer Run Road to Malabar Road/State Road 514. The meeting is being held to present the alternatives being evaluated and to obtain stakeholder input. Attendees will have an opportunity to view a continuous, looping presentation and project information will also be on display. Members of the project team will be available to discuss the project and answer questions.

The PD&E Study, a process that satisfies state and federal regulations, combines engineering evaluations, environmental analysis and public involvement. The purpose of this study is to evaluate options, known as alternatives, that address the long-term transportation needs of Babcock Street/C.R. 507. The alternatives being considered involve widening Babcock Street/C.R. 507 from two lanes to four lanes, the addition of bicycle and pedestrian features, and intersection and safety improvements. The No-Build or "do nothing" alternative is also being considered.

If you have questions or would like to have more information, please contact the FDOT Project Manager Lorena Cucek by email at [lorena.cucek@dot.state.fl.us](mailto:lorena.cucek@dot.state.fl.us) or by phone at 386-943-5392. Information about this project is also available online at [www.cflroads.com](http://www.cflroads.com). Simply type 437204-1 in the search box, click "go" and then select the project.

IMG\_3545.JPG

Download

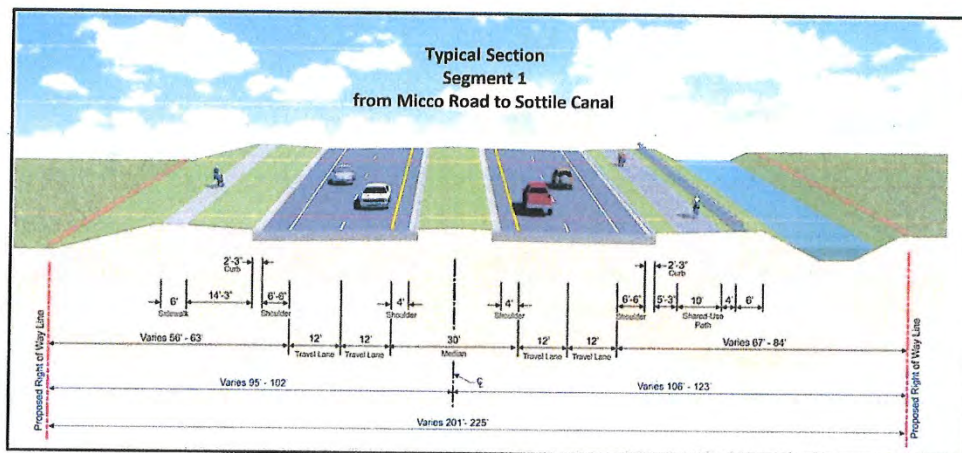


OUR  
HOMES  
SWAMP  
POND



## PROPOSED IMPROVEMENT ALTERNATIVES

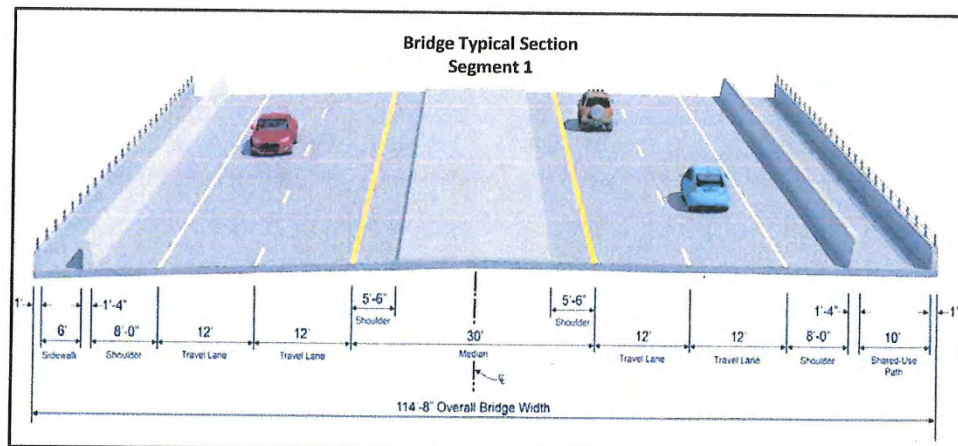
The graphics presented on these pages represent the roadway options, referred to as alternatives, being evaluated as part of the D&E Study. This includes three roadway typical sections. The first typical section extends from Micco Road to the Sottile Canal and includes a new bridge over the Sottile Canal. The second typical section extends from the Sottile Canal to Valkaria Road. The third typical section extends from Valkaria Road to Malabar Road and includes a new bridge over Interstate 95.



### TYPICAL SECTION – SEGMENT 1

Segment 1: Babcock Street from Micco Road to the Sottile Canal. This segment includes the following:

- Two 12' lanes in each direction
- 4' paved inside shoulders
- 6'-6" paved outside shoulder in each direction
- 26' grassed median
- 6' sidewalk on the west side of the road
- 10' shared-use path on the east side of the road



### BRIDGE TYPICAL SECTION OVER SOTTILE CANAL

The bridge over the Sottile Canal includes the following:

- Two 12' lanes in each direction
- 5'-6" paved inside shoulders
- 8' paved outside shoulders
- 19' raised concrete median
- 6' sidewalk on the west side of the road with a concrete barrier
- 10' shared-use path on the east side of the road with a concrete barrier



The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. §327 and a Memorandum of Understanding dated December 14, 2016, and executed by the Federal Highway Administration and FDOT.

## ALTERNATIVES BEING CONSIDERED

The alternatives being considered involve the following:

- Widening Babcock Street from two to four lanes
- Adding pedestrian features such as shoulders and sidewalks
- Adding bicycle lanes
- Improving intersections at cross streets and adding safety improvements such as pedestrian signals
- Implementing access management features: median openings, signals, etc.
- The No-Build or "do nothing" alternative is also being considered

## CONTACT INFORMATION

For more information about the project or to schedule a group meeting, please contact one of the following:

Ms. Lorena Cucek  
FDOT Project Manager  
Florida Department of Transportation District Five  
719 South Woodland Boulevard  
DeLand, Florida 32720  
Phone: (386) 943-5392  
Email: [lorena.cucek@dot.state.fl.us](mailto:lorena.cucek@dot.state.fl.us)

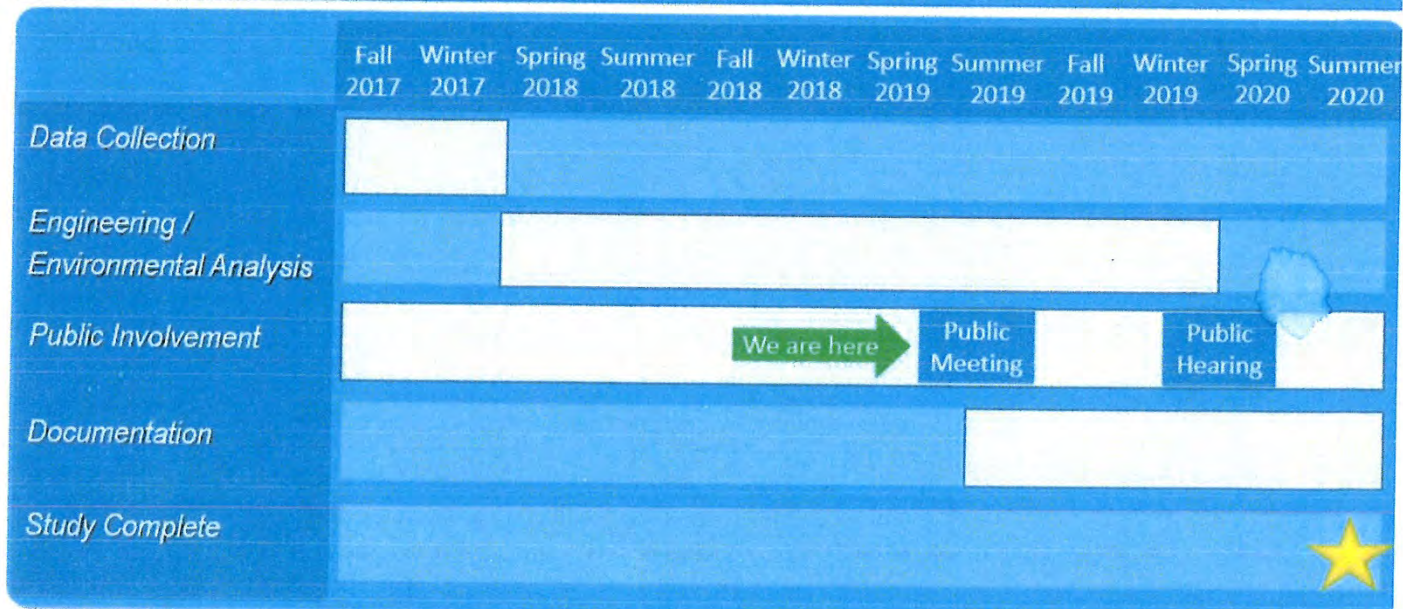
Mr. Jesse Blouin, AICP  
Consultant Project Manager  
3000 Dovera Drive, Suite 200  
Oviedo, Florida 32765  
Phone: (407) 971-8850  
Email: [jblouin@inwoodinc.com](mailto:jblouin@inwoodinc.com)

## TITLE VI INFORMATION

Persons with disabilities who require accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact the Project Consultant, Jesse Blouin, AICP, by phone at 407-971-8850 or by email at [jblouin@inwoodinc.com](mailto:jblouin@inwoodinc.com), at least seven (7) days prior to the meeting. If you are hearing or speech impaired, please contact us by using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice).

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns relative to FDOT compliance with Title VI may do so by contacting the FDOT District Five Title VI Coordinator, Jennifer Smith, at [jennifer.smith2@dot.state.fl.us](mailto:jennifer.smith2@dot.state.fl.us).

## PD&E Study Schedule



For more information, go to [www.CELRoads.com](http://www.CELRoads.com) and type 437204-1 in the search box





**GRAY | ROBINSON**  
ATTORNEYS AT LAW

SUITE 1400  
301 EAST PINE STREET (32801) BOCA RATON  
POST OFFICE BOX 3068 FORT LAUDERDALE  
ORLANDO, FL 32802-3068 FORT MYERS  
TEL 407-843-8880 GAINESVILLE  
FAX 407-244-5690 JACKSONVILLE  
gray-robinson.com KEY WEST  
LAKELAND  
MELBOURNE  
MIAMI  
NAPLES  
844-287-5833 ORLANDO  
TALLAHASSEE  
TAMPA

November 20, 2019

Gregory H. Lavanture  
1688 Pueblo St. SE  
Palm Bay, FL 32909

**RE: Florida Department of Transportation  
Babcock Street from South of Micco Road/Deer Run Road to Malabar Road  
Acquisition of Your Property  
Parcel No.: 29-37-33-GT-01153.0-0014.00**

Dear Gregory H. Lavanture:

If you have already retained an attorney for this matter, please disregard this letter. From our review of the most current tax maps and other public records for Brevard County, it appears that the Florida Department of Transportation (FDOT) may seek to acquire a portion of your property for the Babcock Street from South of Micco Road/Deer Run Road to Malabar Road project. This process is known as “condemnation” or “eminent domain.”

When the FDOT is ready to take your property, they will make you an offer. The FDOT is required by law to pay you the market value of the land taken, improvements taken and any damages to your remaining property. Damages include items that devalue your remaining property, such as a reduction in parking, changes in grade, or a decrease in setbacks, to name a few. They may also be required to pay you business damages under certain circumstances.

In Florida, you have the right to hire your own attorney and valuation experts (real estate appraisers, engineers, etc.) to perform an independent analysis of the FDOT’s taking and its effect on your property. Furthermore, the condemning authority is required by law to pay for the costs of such services, in addition to what they pay you for your property.

*Advertisement*



Crossover Commercial Group, Inc.  
Carmel Development, LLC.

Commercial Sales, Leasing, Development, & Asset Management

September 15, 2019

Dear Property Owner:

RE: Plantation Circle – Residential Sub-division Plan Revision  
Unplatted Lot to be divided into 5 residential lots

This letter is being sent to you regarding to the above referenced request and in compliance with the Palm Bay Code of Ordinances Section 169.005. The City of Palm Bay is requiring us to hold a second citizen's meeting due the amount of time that has transpired since our initial application was submitted. We now have new meeting dates with the City and are ready to proceed with the platting. We have attached the update preliminary plat now showing the breakdown of the five residential lots being proposed.

As you are aware from my previous mailing my company represents the proposed applicant of this public hearing process and has hired our firm's service to handle this matter on their behalf.

In accordance with the requirements, we are sending this letter to all adjoining property holders within 500 linear feet of the proposed property that should be receiving official notification from the City of Palm Bay, for the public hearings process.

We would like to invite you again to attend this informal open house in order that we may answer any questions or concerns you may have regarding the revisions and in advance of the new scheduled hearing dates.

The informational meeting will be held in your area at:

**Franklin T. DeGroodt Public Library**  
**6475 Minton Road SE, Palm Bay, FL 32908**  
**Tuesday, September 24, 2019, 6:30–7:30p.m. (Small Meeting Room)**

We hope you will be able to attend, however if you are not able please feel free to direct any questions or comments to my attention (email listed below) or call my office.

Sincerely,

Carmine Ferraro  
President/Managing Member  
Carmel Development, LLC

3860 Curtis Blvd #636, Port St. John, FL 32927  
Email: [carmel32927@gmail.com](mailto:carmel32927@gmail.com)  
Office/Mobile (321) 536-5200  
Website: [www.carmeldevelopmentllc.com](http://www.carmeldevelopmentllc.com)

Licensed Real Estate Broker

# Harris Harris Bauerle Ziegler Lopez

EMINENT DOMAIN LAWYERS

November 6, 2019

Gregory H. Lavanture  
1688 Pueblo St. SE  
Palm Bay, FL 32909

**Re: Babcock Street from South of Micco Road/Deer Run Road to Malabar Road  
Brevard County  
Parcel No. 29-37-33-GT-01153.0-0014.00  
Project # 4372041**

Dear Mr. Lavanture:

If you have already retained a lawyer for this matter, please disregard this letter. Our review of public records indicates that some or all of your property may be taken by the government for the referenced project. The lawyers of Harris Harris Bauerle Ziegler Lopez have represented thousands of property and business owners when the government has taken their property. *Don't wait. Call us today.*

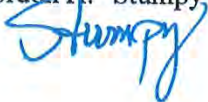
The right to own and enjoy private property is fundamental to our way of life. When the government takes private property through eminent domain it must follow strict guidelines. Eminent domain proceedings are often complicated and adversarial, and the government has lawyers working for it. Retain our firm to guide you through the entire eminent domain process. We will vigorously prosecute your right to full compensation for any taking while also making sure the government has the right to take your property in the first place.

We are experienced in this field and invite you to ask around about us. Our firm has been handling eminent domain matters across the state since its inception in 2003. The undersigned lawyers have a combined 115 years of eminent domain experience. To learn more please visit our website at [www.hhbzlflorida.com](http://www.hhbzlflorida.com) or call us at (407) 843-0404 or (800) 522-4171. We are happy to answer any questions or concerns you may have.

**There is no risk in hiring us. You will not pay us a fee or costs.** The government is legally required to pay your compensation, your legal fees and your expert fees (the appraisers and experts necessary to establish the value of your property). We will gladly meet with you to inspect your property and evaluate your case. Please call us today.

Cordially,

Gordon H. "Stumpy" Harris



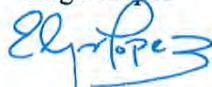
Bruce M. Harris



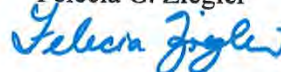
Kurt T. Bauerle



Edgar Lopez



Felecia G. Ziegler





# SPACE COAST TRANSPORTATION PLANNING ORGANIZATION TRAFFIC COUNTS: 2008 - 2017

ID	ROAD	SEGMENT (Sections)	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Current	Last Count	Functional Classification
AREA: CENTRAL			AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	MAV	Taken	
US 1															
34	US 1	EYSTER-ROSA JONES	37,540	36,867	UC	34,867	34,703	34,977	35,303	36,267	35,167	34,170	62,900	2/15/2017	Urban Principal Arterial-Other
33	US 1	Eyster-Barton	35,330	35,040	UC	32,330	32,860	33,220	32,820	34,440	33,650	32,520	62,900	2/22/2017	Urban Principal Arterial-Other
88	US 1	Barton-Florida	43,050	42,760	UC	39,440	38,510	38,070	40,180	40,480	39,840	38,860	62,900	2/27/2017	Urban Principal Arterial-Other
US 1															
24	US 1	Florida-Rosa Jones (Poinsett)	34,240	32,800	UC	32,630	32,740	33,640	32,910	33,880	32,010	33,130	62,900	2/27/2017	Urban Principal Arterial-Other
23	US 1	ROSA JONES-PEACHTREE	28,765	22,700	UC	26,940	26,360	26,795	25,375	33,480	30,220	26,885	62,900	2/27/2017	Urban Principal Arterial-Other
US 1															
22	US 1	Rosa Jones (Poinsett)-SR 520	34,010	UC	UC	32,590	32,430	32,840	32,890	33,480	30,220	33,500	62,900	2/27/2017	Urban Principal Arterial-Other
US 1															
21	US 1	SR 520-Peachtree	23,520	22,700	UC	21,290	20,290	20,750	17,860	UC	UC	20,270	62,900	2/22/2017	Urban Principal Arterial-Other
20	US 1	PEACHTREE-SR 528	29,778	30,400	27,443	28,365	27,363	27,025	UC	UC	26,600	41,790	41,790	2/8/2017	Urban Principal Arterial-Other
19	US 1	Peachtree-Forrest	23,590	22,470	18,880	21,080	20,330	20,560	UC	UC	21,290	41,790	41,790	2/27/2017	Urban Principal Arterial-Other
572	VIERA BLVD	Forrest-Dixon	33,250	32,260	29,770	30,260	29,860	29,460	UC	UC	28,620	41,790	41,790	2/22/2017	Urban Principal Arterial-Other
536	VIERA BLVD	Dixon-Michigan	29,730	31,070	28,860	31,080	28,020	28,510	UC	UC	25,890	41,790	41,790	2/22/2017	Urban Principal Arterial-Other
58	VIERA BLVD	Michigan-SR 528	32,540	35,800	32,260	31,040	31,240	29,570	UC	UC	30,600	41,790	41,790	2/8/2017	Urban Principal Arterial-Other
537	VIERA BLVD	Tavistock-Stadium	10,055	12,245	12,880	13,820	13,240	13,930	14,490	15,950	16,780	17,445	38,800	1/26/2016	Urban Local
AREA: SOUTH															
503	AIRPORT	STADIUM-HOLIDAY SPRINGS	8,030	10,740	12,010	12,790	12,650	13,760	14,600	15,980	17,450	18,130	38,800	2/1/2017	Urban Minor Arterial
502	AIRPORT	MURRELL-HOLIDAY SPRINGS	12,080	13,750	13,750	14,850	13,830	14,100	14,380	15,920	16,110	16,760	41,790	2/1/2017	Urban Minor Arterial
501	AIRPORT	Holiday Springs-US 1	10,550	11,420	11,960	12,830	11,850	12,130	12,190	13,280	13,930	14,800	41,790	2/1/2017	Urban Minor Arterial
US 192-APOLLO															
510	APOLLO	US 192-APOLLO	11,177	10,597	10,990	10,390	10,657	10,570	11,747	11,100	11,993	13,980	32,400	11/15/2017	Urban Minor Arterial
538	APOLLO	HIBISCUS-NASA	10,670	9,720	9,620	9,590	10,080	9,760	11,200	10,080	15,100	11,280	39,800	10/17/2017	Urban Minor Arterial
571	APOLLO	NASA-APOLLO	13,120	12,620	13,590	12,330	12,390	12,600	13,470	12,480	15,020	15,560	39,800	10/17/2017	Urban Minor Arterial
507	AURORA	AIRPORT-SARNO	20,040	20,480	20,370	19,120	19,020	19,350	19,020	NC	21,980	NC	41,790	11/28/2016	Urban Minor Arterial
514	AURORA	Airport-St. Michaels	NC	NC	NC	19,120	NC	19,350	NC	NC	22,260	23,430	41,790	10/18/2017	Urban Minor Arterial
515	AURORA	St. Michaels - Sarno	8,955	8,395	8,285	7,670	7,670	7,765	6,865	6,845	6,540	7,460	33,800	10/18/2017	Urban Minor Arterial
376	AURORA	Sarno - Eau Gallie Blvd	10,900	9,910	9,820	9,040	9,020	8,800	7,800	7,430	7,490	8,650	15,600	10/18/2017	Urban Major Collector
446	BABCOCK	JOHN RODES-WICKHAM	7,010	8,880	6,710	6,300	6,320	6,730	5,930	6,260	5,590	6,270	17,700	12/6/2017	Urban Major Collector
370	BABCOCK	Turtlemound-Wickham	11,297	11,353	10,947	10,857	10,730	11,023	10,713	10,760	11,060	10,963	39,800	10/24/2017	Urban Minor Arterial
447	BABCOCK	WICKHAM-CROTON	11,710	11,750	11,380	11,370	11,320	11,600	10,840	11,600	11,160	11,360	39,800	11/15/2017	Urban Minor Arterial
597	BABCOCK	Croton-Stewart	11,630	11,560	11,080	11,010	10,800	11,150	11,140	10,910	11,750	12,490	39,800	10/24/2017	Urban Minor Arterial
448	BABCOCK	Stewart-US 1	10,550	10,750	10,380	10,190	10,070	10,320	10,160	9,830	10,330	9,040	39,800	11/15/2017	Urban Minor Arterial
449	BABCOCK	IND RVR CO-GRANT	2,625	2,745	2,560	2,570	2,500	2,615	2,720	2,375	3,160	3,360	14,200	10/3/2017	Rural Major Collector
369	BABCOCK	Indian Rv Co-Mico	1,950	2,280	1,930	1,800	1,780	1,870	1,980	1,920	2,300	2,430	14,200	10/3/2017	Rural Major Collector
368	BABCOCK	Mico-Grant	3,300	3,210	3,190	3,340	3,220	3,360	3,460	2,830	4,020	4,290	14,200	10/3/2017	Rural Major Collector
443	BABCOCK	GRANT-MALABAR	18,480	14,807	14,307	14,570	14,077	14,117	13,678	13,213	15,266	15,953	17,700	10/3/2017	Urban Major Collector
447	BABCOCK	Grant-Valkaria	7,360	7,360	6,950	7,250	7,010	7,060	7,140	7,200	8,410	8,410	17,700	10/3/2017	Urban Minor Arterial
597	BABCOCK	VALKARIA-WACO	16,580	16,550	16,100	16,150	15,720	15,560	16,110	15,500	17,700	18,490	17,700	10/3/2017	Urban Minor Arterial
449	BABCOCK	WACO-FOUNDATION PK	20,410	20,510	19,970	20,310	19,500	19,730	19,740	18,570	21,920	23,140	17,700	10/3/2017	Urban Minor Arterial
369	BABCOCK	FOUNDATION PK-MALABAR	30,810	33,610	32,865	33,630	33,235	32,880	31,985	34,340	31,825	34,340	41,790	10/4/2016	Urban Principal Arterial-Other
368	BABCOCK	MALABAR-PALM BAY RD	33,600	NC	34,300	NC	34,850	NC	31,920	NC	29,850	NC	41,790	10/3/2017	Urban Principal Arterial-Other
443	BABCOCK	Malabar-Charles	NC	35,710	NC	35,500	NC	33,510	NC	36,180	NC	37,540	41,790	10/3/2017	Urban Principal Arterial-Other
443	BABCOCK	Charles-Pt Malabar	28,020	31,510	31,430	31,740	31,620	32,260	32,050	32,500	33,800	33,710	41,790	10/3/2017	Urban Principal Arterial-Other
443	BABCOCK	Pt Malabar-Palm Bay													

MAV = Maximum Acceptable Volume

Big Increase By Now!

\*Note: 2016 AADT's Beaches area were counted twice in 2016 and the AADT listed is the average of the two counts.  
NC=Not Counted; UC=Under Construction

5/10/2018

**Chandra Powell**

---

**From:** p.hensley755 <p.hensley755@gmail.com>  
**Sent:** Monday, June 22, 2020 1:15 PM  
**To:** Laurence Bradley; Chandra Powell  
**Cc:** Judy & Dave Thornberry  
**Subject:** Planning and Zoning

---

**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.

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Dear Palm Bay City Council Members, Planning and Zoning.

Regarding rezoning  
Case numbers CP-4-2020 and CPZ-4-2020.

We residents of Plantation Circle strongly object to rezoning of any residential to commercial property in our neighborhood.

We feel this proposed change is not in the best interest of our neighborhood, would be in conflict with the city plan for our area and would negatively affect our property values.

We strongly urge you to vote no on this proposal and preserve our peaceful quiet family neighborhood.

Sincerely,  
Paul & Mayra Hensley  
1858 Plantation Circle  
SE Palm Bay Florida  
June 22, 2020

Sent from my Sprint Samsung Galaxy Note8.

## Chandra Powell

---

**From:** Jane Clary <claryt@fit.edu>  
**Sent:** Monday, June 22, 2020 1:32 PM  
**To:** Laurence Bradley; Chandra Powell  
**Cc:** Jane Clary  
**Subject:** Objection to Plantation Circle Rezoning Case# CP-4-2020 and CPZ-4-2020  
**Attachments:** Brian West Letter to Residents 8-21-2015 (1).pdf; Apr24-2017 Fire Plantation Cir - West Point Babcock Property.png

---

**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.

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### **Re: Objection to Plantation Circle Rezoning Case# CP-4-2020 and CPZ-4-2020 Family Residential to Community Commercial**

I object to the change in the comprehensive plan and rezoning of 3.86 acres on Planation Circle to commercial.

It does not make any sense to place commercial development at the east end of Cogan at the corner of Babcock & the north Plantation Circle entrance. What could possibly justify changing the image of the middle of a residential neighborhood by placing a business there that does not match the surrounding land's existing use - all 1 acre home sites (and is not part of the Palm Bay Comprehensive Plan)? This land owner has no hardship - he purchased it in July of 2015, 8.14 acres for \$140,000 (quite the bargain, \$17,199/acre). This is Spot Zoning.

If a person were talking about commercial land just to the north or south of the neighborhood, that would be easier to imagine, but why right smack in the middle of a current neighborhood? Only for profit. To the south, there is endless land available for commercial development, with well thought out separated residential neighborhoods. There is land already zoned commercial at the corner of Babcock Street & Grant Road. And, just to the north of our area, both Westside Avenue and Senate Avenue would offer buffers to residential neighborhoods if property to the east of Babcock was developed commercially (see map below).

Not only does this type of buffer not exist around the land requested to be changed to commercial, there are **11 streets that intersect with Babcock in less than one half of a mile** (a quarter mile to the north and a quarter mile to the south). In addition Sunrise Elementary is less than a mile to the south. **This has to be one of the worst land choices to add commercial congestion to that one could imagine.**

Instead of making the Cogan/Babcock intersection one of the next most congested areas on Babcock Street, and a dreaded intersection, the land instead should be set aside as a future water retention area for when Babcock is widened – it is currently one of the choices in FDOT's plan – and the most logical choice. This would be consistent with the current use of the land, the lots both to the south and north of this land are currently retention ponds for Planation Circle drainage (currently owned by private individuals who voluntarily maintain them, at their own cost, for the neighborhood). The portion of this property that is bordered by Babcock should be set aside through "eminent domain" for a retention pond, so that road flooding will not be an issue once Babcock is widened. The back part of the property should only be developed as residential homes that match the existing neighborhood, or the entire property used for water retention.



Brian West, West Babcock LLC originally brought this zoning change request to the Planning & Zoning Board 5 years ago, right after purchasing it. The Zoning Board recommended that the City Council deny it, so when it came time for the City Council vote, he withdrew his request. Then a 2nd time he applied for the same request – nothing changed regarding this property (he though had new lawyer). Planning & Zoning again recommended that it be denied. This case was on the September 1<sup>st</sup> City Council Agenda, but Brian West choose to delay it yet again (until September 15<sup>th</sup>). We, as neighbors attended, to ensure that the City Council see that all of us tax paying voters are deeply concerned. In between these requests and the current request, there have been many additional meetings that we have had to be the watch dogs on, and hire a lawyer and land planner to help save the historic rural feel of our neighborhood. Now again this same change is being requested by the developer.

So, Plantation Circle and surrounding neighbors (usually more than 50 of us - in red shirts) must continue to go to these meetings, in order to protect the uniformity of our neighborhood, and attempt to ensure that a daily traffic nightmare at the entrance to our neighborhood is not in our future. An outside prospector/developer should not be able to continue to make the same request, in an attempt to wear down those who it affects. Brian West is hoping that as City Council Members change, he will be able to push/bully his agenda through. In August of 2015 he wrote an arrogant, threatening letter to all of us prior to any official meetings, that stated if we did not "get on board" he was basically guaranteed to win in the end, and develop the property however he wanted without concern for its Palm Bay neighbors (excerpt shown below, entire letter attached - which includes many false statements). I hope once again, the Planning & Zoning Board will recommend that the Palm Bay City Council rejects this Comprehensive Plan and Land Zoning change from residential property to commercial property, and protect the land interests of its Palm Bay citizens who will be left here to live with the traffic nightmares long after the outside real estate prospector/developer is long gone with his profits.

This zoning change would only be for the benefit of one company - West Pointe Babcock, LLC - No one in Palm Bay will be better off with this change.

**Some history on this case:** On Monday April 24th, 2017 the night before the meeting which was set up by the developer (at Comfort Suites) "to meet with the neighbors", we came home to a fire on this exact property, which was investigated by the fire marshal – no determination was found on how it got started – no lightning Fire fighters had to work all night and until noon the next day to protect our houses and lives. It was so windy, it could have easily caught one of our houses on fire. Pictures attached and shown below. Back then, that would have taken away any wildlife issues for the developer. Now though, wild life has once again taken refuge on this property. Please help protect your current Palm Bay citizens.

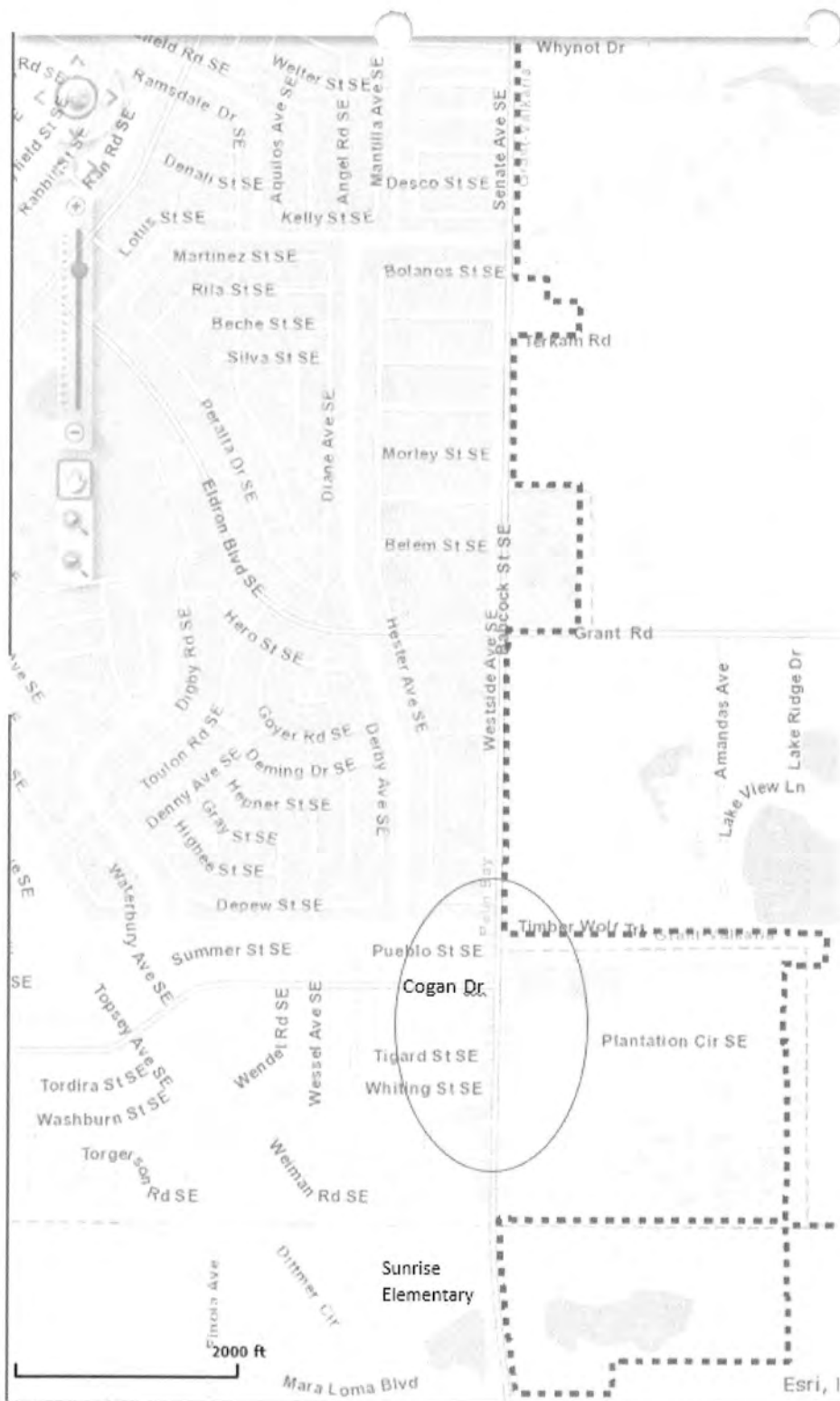
Thank you for your time and consideration, and please recommend that the Palm Bay City Council rejects this out of place commercial comprehensive plan and zoning request (as they had voted it down last year – there have been no changes in their request)!

Jane Clary

1835 Plantation Cir SE (for 23 years),

Palm Bay (for 55 years, 3rd generation Palm Bayer – My parents are Mary T. and Martin Bayer, Martin was actually on the council back in the 1950's)

321-537-4917



**From:** Westco Development [mailto:NetLease@westcodev.com]  
**Sent:** Friday, August 21, 2015 5:42 PM  
**To:** jroberts340@cfl.rr.com  
**Subject:** Plantation Circle  
Mr Roberts  
Please see attached  
Brian West  
Westco Development  
3125 SW Mapp Rd  
Palm City, FL 34990  
772-221-8500

Memo to Plantation Circle Homeowners

This is where we are at:

1. We purchased 8.5 acres (zoned residential) of vacant land located at the SEC of Babcock Street and Plantation Circle. We plan to develop half of it for commercial purposes.
2. The nearby residents want to see the corner developed as a single family residence. Sorry, that simply will not happen. Anybody that thinks that is what will happen, is just being foolish and not realistic.
3. The property was intentionally left out of the original plat that the rest of the property owners are part of. There are "no" deed restrictions against commercial development on the entire 8.5 acres we purchased.
4. This property has been offered for sale to residential developers for 20 years and did not sell to residential builders. This means the property's highest and best use is not residential, and most likely commercial. You simply don't want to locate single family residents on a main arterial thoroughfare. It should be prevented if possible, and that is the opportunity we give the City of Palm Bay. Legally, Florida Case Law is clear and says you zone property for its best use for the overall community, "not" just for a few surrounding residents.
5. Planners by statute are supposed to zone properties for its highest and best use. Note: the fastest growing City in the entire United States, Houston, Texas, for the last 20 years, has "no" zoning; yes, no zoning! It is total "Buyer Beware"! The City of Palm Bay clearly wants to be a fast growing City.
6. Babcock Street is considered to be a major "commercial" thoroughfare in Brevard County. Most of the property on the East side of Babcock Street from Malabar Rd South to the new I-95 Interchange over the next 10 years will be zoned to some form of commercial or institutional type zoning. That



is the reality of what is presently happening and what is going to happen whether you realize it or not.

7. The opening of the I-95 Interchange between Grant Rd and Micco Rd will significantly increase the traffic on Babcock Street which will create a higher demand for more commercial properties in the area, particularly on Babcock Street. More traffic equals more commercial needs. The City of Palm Bay has already shown their desire to increase the number of commercial zoned properties on the East side of Babcock Street. This trend will obviously continue to occur.

Some incorrect statements were made at the meeting the other night; the I-95 plans are done, the right of way has been acquired, the funding is in place, and construction will start in the next few months, with completion in 2017. "Major" changes are obviously coming to the area. The City of Palm Bay is presently contemplating relocating their government offices to this general area, where the new I-95 Interchange is going to be. Please realize, major changes are coming to the area where you live.

8. Commercial properties, by good planning, are located at main intersections. The intersection of Coogan & Babcock is a main intersection, and the busiest intersections on Babcock Street, South of Malabar Rd.
9. Ideally, the location of commercial properties and the services they offer are best located to where they are needed to best serve the public. People typically shop where that closest opportunity is, thus, "reducing" the total traffic in an area.
10. One of the City of Palm Bay's worst financial problems is the lack of a large commercial tax base. It has the lowest commercial tax base of any City its size in the State of Florida. Further, the City of Palm Bay is one of the most under retained cities in the State of Florida. It is a well-known fact, the City of Palm Bay wants to significantly increase its commercial tax base. Well, how do you think that happens?

Getting Support from the Plantation Circle Residents to develop the corner west half of the Property as Commercial

We are "only" willing to do the following if we get the local residents to support us; "if not", we will not agree to do the following:

THREAT

1. Develop "only" the West ½ of the 8.5 acres to commercial
2. Double the typical landscape buffer with substantially taller trees, twice on width "and" size currently required by the City of Palm Bay
3. Double the typical rear building setback requirement that is required by the City of Palm Bay
4. Give the City of Palm Bay architectural approval rights to insure something attractive is built on the property
5. Install attractive privacy gates on Plantation Circle. This should help increase property values for those living on Plantation Circle

FYI, I developed the Publix center (Driftwood Plaza) on South Melbourne Beach. The homeowner groups fought me, but I won, and property values increased by 30% in that area the next year. Driftwood Plaza is the most attractive building in the entire South Beach area. Everyone is very happy with Driftwood Plaza, particularly, the adjacent residents.

When I developed the Publix center (Shoppes of St Lucie West) in St Lucie West 25 years ago, again, residential property values increased by 30% the next year. That shopping center is still one of the most attractive buildings in all of St Lucie West. This shopping center was crucial and the most important factor in the growth of residential development in the first 5 years of St Lucie West.

I also developed a Walgreens/Office Building project at the SWC of Donald Ross Rd & Central Blvd in a residential area of Palm Beach Gardens. It is one of the most attractive retail/office building projects (see attached photos) in all of Northern Palm Beach County. This upper end development ("the Legends") is part of an upper end residential development, also called "the Legends". The local residents fought me and I won. After I built the project, the immediate residential property values increased by 30% the next year. The adjacent residents now love the commercial development I built.

I have successfully developed 7 million square feet of retail and office space in my 40 year career; those projects are still successful projects today. The Plantation Circle property owners are fortunate to have someone of my experience planning to develop this property. My successful track record speaks for itself.

To increase the residential property values in the area the residents should be pushing for 4 things to occur:

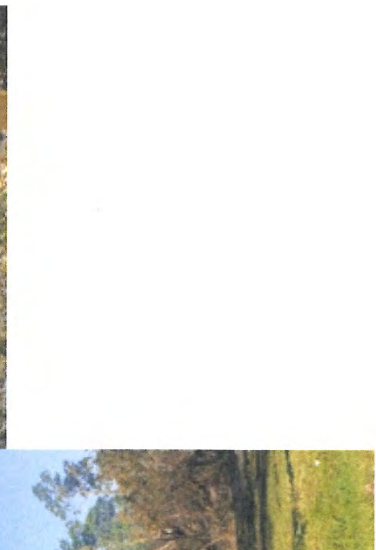
1. Push Brevard County, via the Palm Bay City Council, to 4 lane Babcock St; Babcock St looks terrible and is a sign a blighted area
2. Have architectural review requirements in place on "all" new building permits both on residential and commercial in the City of Palm Bay
3. Significantly increase the minimum landscape requirements in the City of Palm Bay, and have language in place that the property owner must replace dead landscaping within a certain time period or they will be subject to code violations and/or fines.
4. Lobby for better schools

My point is, if a project is tastefully done, it does not have a negative impact on property values, and there are certainly other factors that have a far greater significance on property values that I have referenced above.

I hope we can be good neighbors. Right now, I realize we have a lot of "NIMBY's" (not in my back yard). I would be happy to meet and discuss any issues you may have.

I look forward to hearing from you.





**Chandra Powell**

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**From:** Robert Heitsch <rtheitsch@gmail.com>  
**Sent:** Monday, June 22, 2020 2:27 PM  
**To:** Laurence Bradley; Chandra Powell  
**Subject:** Recommend against CP-4-2020 and CPZ-4-2020

**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.

To: Laurence Bradley and the Palm Bay City Planning and Zoning Board Members:

My name is Robert Heitsch. I reside at 1755 Plantation Circle SE, Palm Bay FL and have lived there for the past 30 years.

I strongly urge the P & Z board to deny requests CP-4-2020 and CPZ-4-2020. CPZ-4-2020 is incompatible with the Palm Bay Code of Ordinances, Section 183.01. Specifically, enforcement of Section 183.01 (B) requires the city to preserve the residential or historical character of neighborhoods and to protect private property rights.

The applicant has provided no indication of what type of commercial development would be located on the property. Many types of commercial property land uses, negatively impact the neighborhood in terms of safety, environmental pollution and unwanted additional commercial traffic on a quiet residential street. Since it is not known how the property would be commercially developed, the city has no assurance that the development would not infringe on the private property rights of the neighborhood residents.

The plantation circle neighborhood consists of 46 large homes on manicured one acre or larger lots in a low density setting. The application's property is surrounded by the neighborhood. The applications property is located between the two entrances into the neighborhood off Babcock. There are little if any commercial businesses that could be located on the applications property that would preserve the residential character of the plantation circle neighborhood.

This is the sixth time in less than 5 years that this rezoning request has been brought to the board. The P&Z board has voted against this rezoning in each of the five previous times it was presented to them. I have attended all of the prior city council and P&Z meetings associated with these requests and have yet to hear a compelling reason to consider approving the rezoning request.

Respectfully,  
Robert Heitsch  
1755 Plantation Circle SE

## Chandra Powell

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**From:** WILLIAM FAULKENBERRY <wfaulken@bellsouth.net>  
**Sent:** Monday, June 22, 2020 4:36 PM  
**To:** Laurence Bradley; Chandra Powell  
**Subject:** Case #'s CP-4-2020 and CPZ-4-2020

**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 respectively object to the rezoning of 3.86 acres on Plantation Circle and Babcock to commercial. We live in a very quiet and established neighborhood and believe having a commercial property at the opening of our street would be devastating to the integrity of our neighborhood. It would bring in extra traffic down our now quiet streets not to mention possible crime.

There is multiple already commercial established properties both to the south and north of us, so it doesn't make a lot of sense to come into a quiet, nice neighborhood with some kind of commercial business. Please take into consideration if they wanted to put a 7-11 or a bank at the opening of your neighborhood, how you would feel about that. We have young children and grandchildren that can now ride bikes or skate right in the middle of the road because the only traffic we have are the people that live here.

We request that you consider not letting the property be rezoned. We don't object to commercial growth in Palm Bay, just not in our neighborhood.

Thank you for your time,  
Bill and Lisa Faulkenberry  
1842 Plantation Cir. SE



REZONING OF PLANTATION CIRCLE.

Re: CP-4-2020 and CPZ-4-2020

Laurence.bradley@pbfl.org

Chandra.Powell@pbfl.org

My name is Kenneth L. Johnson, Sr. I have resided with my wife, Roberta, at 1894 Plantation Circle since 2003. I am writing you to express our opposition to the change in the comprehensive plan and rezoning CP-4-2020 and CPZ-4-2020 on the rezoning of 3.86 acres on Plantation Circle to commercial.

When we searched for a place to retire we decided on the Palm Bay area for its peaceful and serene location. After spending most of my 72 years in New York, Philadelphia and Washington, and having been exposed to some of the environmental issues that are characteristic in an urban setting, I searched for, and found, a residential area that would be devoid of the inherent noise, pollution, crime and traffic congestion of city life.

Although our research showed us potential commercial development areas to the north and south of our home, we felt comfortable that the development in Plantation Circle would provide a safe haven away from what we had been exposed to.

We also sought a place where we could establish a central gathering place for our extended family. We have five children, 13 grandchildren and 31 great-grandchildren, and our home provides a respite away from their urban environment. Here, they run in the grass and ride their bicycles without concern for traffic, and without a concern for their personal safety. This goes far in enhancing their quality of life and helps us to establish and maintain a legacy for them.

The proposed rezoning of Plantation Circle would be a detriment to everything we have worked for. Our one acre, the acre that God blessed us with, lies directly adjacent to the proposed rezoned area. We have had a buffer to the west of us, a retention pond, and the vacant land behind us, and this has shielded our family from some of the noise and pollution that already permeates through the area from Babcock Street, which is already viewed as a commercial thoroughfare in Brevard County.

Witness the condition of Babcock Street from Malabar Road, south to Micco road.

We have an ideal community on Plantation Circle. Our homeowners maintain the safety and security of our community through the watching out of not just their home, but their neighbor's home. Any commercial development in our circle would disrupt that sense of community and expose us to the dangers and the environmental issues that come with commercial development.

Therefore, it is for these reasons that we implore you to reject any commercialization of Plantation Circle. We believe any commercialization of Plantation Circle is detrimental to the peace and tranquility of the area, and is not in keeping with those things that are deemed good for the community.

## Chandra Powell

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**From:** B <kaletas@hotmail.com>  
**Sent:** Tuesday, June 23, 2020 9:12 AM  
**To:** Chandra Powell  
**Cc:** Laurence Bradley  
**Subject:** Rezoning of Plantation circle to commercial cp-4-2020 and cpz-4-2020

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I object to the applicants request for rezoning . Over the many years now that they have been trying to rezone this property .The city and planning and zoning has denied their request for good reason.

Plantation circle is made up of one-acre home sites . This property sits in front of plantation circle on Babcock St. and Cogan Ave also a very busy and dangerous intersection. We all know that Babcock St. will be widened and some of that frontage will be needed for road improvements and widening . Which means the city would have to buy back the property in question at the higher commercial rate as opposed to just residential . This costs all palm bay property owners to pay owners for the land needed for the widening of Babcock St. There is also a purposed traffic circle that would be located in that same area that would further complicate the traffic in that area . Plantation Circle also currently has two retention pounds fronting Babcock ST that a partial of those ponds would be needed for the widening of Babcock St according to the purposed drawing . I believe that the proposed property rezoning to commercial is not a god fit.

There are many commercial properties still available on Babcock St. that were part of the original city plan that makes sense where they are located . I think there are better properties that are more suited for commercial use .

The applicant also does not pay his property taxes on land owned in palm bay . If all property owners were like this the city would have no money.

Thank you for your time the people of Plantation Circle really do want what's best for Palm Bay Fl .

Tim Kaleta  
1862 Plantation Cir S.E. Palm Bay Fl 32909

**Chandra Powell**

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**From:** Linda Filis <lfilis@yahoo.com>  
**Sent:** Tuesday, June 23, 2020 12:55 PM  
**To:** Chandra Powell; Laurence Bradley  
**Subject:** Opposition Letter to Case No. CP-4-2020 and CPZ-4-2020  
**Attachments:** Council speech draft 05-17-2018 Updated 6-22-2020.pdf

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Dear Chandra Powell,

Please see attached Opposition Letter to Case No. CP-4-2020 and CPZ-4-2020.

This letter is to be sent to Laurence Bradley and the Planning and Zoning Board members. Please include this letter with the Staff Report package to be included into the Public Record.

Thank you very much,

Linda Filis  
lfilis@yahoo.com  
1779 Plantation Cir SE  
Palm Bay, FL 32909  
(321) 724-8081



**TO: Chandra Powell, Laurence Bradley, Zoning Board Members,**

**OPPOSITION TO: CP-4-2020 AND CPZ-4-2020**

**My name is Linda Filis. I reside at 1779 Plantation Cir SE Palm Bay, FL 32909**

I, Linda Filis, the first resident on Plantation Circle within the city limits of Palm Bay, along with my family and neighbors do strongly and whole heartedly

**OPPOSE:** Future land use change from single family residential to commercial (CP-4-2020)

**OPPOSE:** The rezoning of 3.86 acres from rural residential to community commercial at the south east corner of the north entrance to Plantation Circle on Babcock Street (CPZ-4-2020)

**BECAUSE:** The land in question, this particular **SPOT** is undeniably surrounded on all sides, north, south, east and west, by residential property. A change of this magnitude will **FUNDAMENTALLY** change the complexion of the neighborhood. Allowing this would be at odds with the City of Palm Bay's Comprehensive Plan and the classification concerning its use differs from all the property in the immediate area.

**I QUOTE** the city objective (Future Land Use: FLU-2.3) "Prevent incompatible land uses from locating in residential areas in order to promote neighborhood stability and prevent deterioration."

As one of the first families to break ground on Plantation Circle, 36 years ago in 1984, we have enjoyed seeing the neighborhood flourish. Each one of us has become part of a God loving, hardworking, family oriented, diversified and culturally enriched community. A fellowship of devoted and loyal **PALM BAY CITIZENS**. These are the attributes of a thriving, well-kept and quiet residential neighborhood. Many of us (never alone,

but with each other's help) have experienced joy and happiness, good health and sickness, prosperity and loss, hurricanes and forest fires, and even death. **Together** we have grown **strong** through life's journey.

In 1988 we joined together and stood strong for five years, with the help of an attorney, won a lawsuit, and fixed our drainage problem. The road was rebuilt and turned over to the City of Palm Bay in 1992. Four one acre lots were given up as drainage ponds. For many years the ponds had no upkeep or maintenance. Then two of our Plantation Circle residents bought the ponds back and restored them to a useable condition with continuing maintenance. **We** worked together as a community to solve our problems.

The land that is trying to be changed from rural residential to community commercial was not part of this development in 1984. It was zoned rural residential. It has been sold numerous times and remained zoned rural residential. **It should remain rural residential,**

**I QUOTE** out of the City of Palm Bay's comprehensive plan future land use policy (FLU-2.3A) "The Land Development Regulations shall continue to contain provisions to ensure that land uses surrounded by and/or abutting residential areas are not in conflict with the scale, intensity, density and **character** of the residential area."

Our community has helped foster beautiful individuals (our children) with strong foundations who add to the rich history of the city of Palm Bay.

Our children, the next generation (many reside in Palm Bay) support our city as:

Elementary School Teacher, Nurse Practitioner, Computer Engineer,  
Financial Advisors, Media Specialist, Chef, Industrial Engineer,

Doctor of Chemical Engineering, Cyber Security Analyst, Youth  
Counselor, Emergency Room Physician,

**Just to name a few.**

We know what is best for our families and neighbors. We must remain  
zoned a Rural Residential District at Babcock St. and Plantation Circle to  
keep the integrity of our community and its uniqueness intact. This is  
where the history of our families' hearts and souls exist.

**IN CONCLUSION:**

**I QUOTE** out of the City of Palm Bay's Land Development Division Staff  
Report: **"the proposed FLU amendment is inconsistent with multiple  
policies and objectives of the Plan. Sufficient commercial land use at  
identified nodes exists both north and south of the subject property  
and within a relatively short distance."**

**Please help us by voting NO to the land use and zoning changes  
proposed. Thank you.**

**Linda Filis**

[lfilis@yahoo.com](mailto:lfilis@yahoo.com)

**1779 Plantation Cir. SE**

**Palm Bay, FL 32909**

**(321) 724-8081**

**Chandra Powell**

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**From:** Trevor Filis <tgfilis@yahoo.com>  
**Sent:** Tuesday, June 23, 2020 1:45 PM  
**To:** Chandra Powell; Laurence Bradley  
**Subject:** Opposition to Rezoning Case No. CP-4-2020 and CPZ-4-2020

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Dear Chandra Powell and Laurence Bradley,

I am opposed to the proposed rezoning of the property at the corner of Babcock ST and Plantation Cir.

The proposed rezoning is senseless as it cannot handle a commercial presence. There are already large sections property that have been zoned for commercial north and south of this property that is better suited to businesses, if they want to build there. No business would want to put a storefront in the proposed rezoning as it is not viable to have a commercial entity there. It was stated that no one would want to build a house there and could not support a home. If that is the case, why would this property be able to handle, support, and be viable for any commercial entity. It makes no sense.

The property owner has threatened and bullied our neighborhood for opposing this rezoning in the past. I will not be shaken. I oppose this proposed rezoning.

Thank you for your time. Please see that this email is attached to the Staff Report package to be entered into the public record.

Sincerely,

**Trevor Filis**  
tgfilis@yahoo.com  
1779 Plantation Cir SE  
Palm Bay, FL 32909  
(321) 724-8081

## Chandra Powell

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**From:** Judy Thornberry <judythornberry@gmail.com>  
**Sent:** Tuesday, June 23, 2020 7:36 PM  
**To:** Laurence Bradley; Chandra Powell; Terese Jones  
**Subject:** CP-4-2020 CPZ-4-2020

**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.

Hi,

I object to the change in the comprehensive plan and rezoning CP-4-2020 and CPZ-4-2020 on the rezoning of 3.86 acres on Plantation Circle to community commercial. or any type of commercial. We are an established neighborhood. This would bring lower property values, more traffic on our road and crime into our neighborhood. The applicant has not told us what they plan to put in this spot. It would be like giving him a blank check. There are plenty of commercial properties to the north and to the south of this neighborhood. We are not against commercial property development . This is just the wrong place to rezone for this type of plan.

Due to the Corona 19 virus a lot of my neighbors are unable to attend this meeting on July 1st . . They have compromised immune systems . How many seats will there be available for this meeting?

Judy Thornberry  
[judythornberry@gmail.com](mailto:judythornberry@gmail.com)  
1859 Plantation Circle S.E.  
Palm Bay, FL

## Chandra Powell

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**From:** David Thornberry <davetberry@bellsouth.net>  
**Sent:** Tuesday, June 23, 2020 7:57 PM  
**To:** Laurence Bradley; Chandra Powell; Terese Jones  
**Cc:** Judy Thornberry  
**Subject:** CP-4-2020 CPZ-4-2020

**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.

Mr. Bardley, Ms. Powell and Ms. Jones.

I object to the change in the comprehensive plan and rezoning CP-4-2020 and CPZ-4-2020 on the rezoning of 3.86 acres on Plantation Circle to community commercial. or any type of commercial. We are an established neighborhood. This would bring lower property values, more traffic on our road and crime into our neighborhood. The applicant has not told us what they plan to put in this spot. It would be like giving him a blank check. There are plenty of commercial properties to the north and to the south of this neighborhood. We are not against commercial property development . This is just the wrong place to rezone for this type of spot zoning.

In 2018b both the Planning and Zoning Committee and 4 of the 5 council members voted against this attempt at degrading our neighborhood by people that don't even live in Brevard county, little alone Palm Bay.

Also in light of the county to put in a traffic circle between Cogan and Babcock street, this attempt for commercialization is just a way to increase the value of the land that will have to be purchased by Brevard county to put in the traffic circle. Basically this will cost our citizens quite a bit of additional tax money just to line the pockets of the unethical developers. Do NOT reward them.

Due to the Corona 19 virus a lot of my neighbors are unable to attend this meeting on July 1st . . They have compromised immune systems . How many seats will there be available for this meeting?

Sincerely,  
David Thornberry  
1859 Plantation Circle S.E.  
Palm Bay,Fl



## Chandra Powell

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**From:** Gordon Hampden <g.e.hampden@gmail.com>  
**Sent:** Tuesday, June 23, 2020 7:57 PM  
**To:** Laurence Bradley; Chandra Powell  
**Subject:** Opposition to Rezoning CP-4-2020 and CPZ-4-2020  
**Attachments:** image001.jpg

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Good evening Messrs. Powell and Bradley,

I strongly object to the change in the comprehensive plan and rezoning noted above on the rezoning of the 3.86 acres on Plantation Circle to commercial..

We have been having this dance for over four years now and our collective position has not changed. This is an established and refreshingly quiet neighborhood of mostly retired persons and several retired veterans.

There is commercial property on both sides of this parcel and do not see the need to inject a commercial property in the middle of an established residential neighborhood. That would be tantamount to someone seeking to rezone a piece of land from commercial to residential in the middle of an already established commercial zone. You would not allow that under any circumstance.

I hope that you will see this for what it really is. For over four years, we have had to deal with this person who does not live in this neighborhood, who has no interest in this neighborhood and is only interested in making a quick dollar.

I am not one who is opposed to growth or commercial development. I do however stand firmly when someone takes a position that will destroy the quality of life for long term residents in a very nice neighborhood and for what? Greed!

He did not succeed before and now he is attempting to change the rules that will allow him to exploit a group of senior citizens solely for his own personal gain.

I object and hope you will too.

May thanks and please stay safe.

**Dr. Gordon E. Hampden, MBA, FACHE**

Vice President, Caribbean Operations

**JIPA Network**

**"Your Connection to Affordable Global Health Care"**



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## Chandra Powell

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**From:** gfilis@cfl.rr.com  
**Sent:** Tuesday, June 23, 2020 9:21 PM  
**To:** Chandra Powell  
**Cc:** Laurence Bradley  
**Subject:** Opposition to CP-4-2020 and CPZ-4-2020  
**Attachments:** Greg's opposition letter.pdf

**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. Would you please attach this letter in pdf format to the package for presentation to the P & Z board meeting July 1, 2020 and if you can, send me a copy of the presentation package.**

**Thank you,**

**Greg Filis**

1779 Plantation Cir. SE

Palm Bay, Fl 32909

(321) 724-8081

[gfilis@cfl.rr.com](mailto:gfilis@cfl.rr.com)



Virus-free. [www.avast.com](http://www.avast.com)

**Honorable Mayor and City Council Members of Palm Bay,**

**My name is Greg Filis. I reside at 1779 Plantation Cir SE Palm Bay, FL 32909**

**I, OPPOSE:**

The future land use change from single family residential to any type of commercial (CP-4-2020)

**AND** the rezoning of any number of acres from rural residential to community commercial at the south east corner of the north entrance to Plantation Circle on Babcock Street (CPZ-4-2020)

**BECAUSE:** This entire area of land was meant to be residential property from the days it was Greenwood Plantation. A change of this magnitude will **FUNDAMENTALLY** change the complexion of the neighborhood. Allowing this would be at odds with the City of Palm Bay's Comprehensive Plan and the classification concerning its use differs from all the property in the immediate area.

**I QUOTE** the city objective (Future Land Use: FLU-2.3) "Prevent incompatible land uses from locating in residential areas in order to promote neighborhood stability and prevent deterioration."

In 1988 we sued the developer to fix our drainage problem and make this area into what he had advertised. The road was rebuilt and turned over to the City of Palm Bay in 1992. I

**QUOTE** out of the City of Palm Bay's comprehensive plan future land use policy (FLU-2.3A) "The Land Development Regulations

shall continue to contain provisions to ensure that land uses surrounded by and/or abutting residential areas are not in conflict with the scale, intensity, density and **character** of the residential area.”

The applicant for this change owns property both north and south of the property in question which is already zoned commercial and much better suited for the purpose (particularly on the northeast corner of Babcock St. and Grant Road). He is aware of the state’s plan to possibly put a pond in this area in connection with the plans to widen Babcock St. and in the application states “This vacant parcel is no longer suitable for residential use. It is located at a main intersection on Babcock St.” The same suitability applies the commercial property and the intersection spoken of is over 200 feet from Plantation Circle’s north entry to Cogan Drive.

#### **IN CONCLUSION:**

**I QUOTE** out of the City of Palm Bay’s Land Development Division Staff Report: **“the proposed FLU amendment is inconsistent with multiple policies and objectives of the Plan. Sufficient commercial land use at identified nodes exists both north and south of the subject property and within a relatively short distance.”**

**Please help us by voting NO to the land use and zoning changes proposed. Thank you.**

## Chandra Powell

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**From:** Stuart Filis <sfilis@cfl.rr.com>  
**Sent:** Tuesday, June 23, 2020 10:06 PM  
**To:** Chandra Powell; Laurence Bradley  
**Subject:** Opposition to Case No. CP-4-2020 and CPZ-4-2020

**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.

Dear Ms. Powell and Mr. Bradley,

I am opposed to the proposed rezoning of the property at the corner of Babcock St and Plantation Cir.

The proposed rezoning is senseless as it cannot handle a commercial presence. There are already large sections of property that have been zoned for commercial use to the north and south of this property that are far better suited to businesses, if they want to build there. No business would want to put a storefront on the property proposed for rezoning because it is not viable to have a commercial entity there. It was stated by the applicant that no one would want to build a house on the property and that it could not support a home. If that is the case, then why would this property be able to handle, support, and be viable for any commercial entity. It makes no sense.

The property owner has threatened and bullied our neighborhood for opposing this rezoning in the past. I will not be shaken. I oppose this proposed rezoning.

Thank you for your time. Please see that this email is attached to the Staff Report package to be entered into the public record.

Sincerely,

Stuart Filis  
sfilis@yahoo.com  
1779 Plantation Cir SE  
Palm Bay, FL 32909  
(321) 724-8081

## Chandra Powell

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**From:** Nitrovintage <trace@nitrovintage.com>  
**Sent:** Wednesday, June 24, 2020 9:11 AM  
**To:** Laurence Bradley; Chandra Powell  
**Subject:** Case numbers CP-4-2020 and CPZ-4-2020

**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.

Here we go again!

Below is the letter I sent last time and the time before that. Notice a pattern?

I am wondering how long must we endure this attack on our neighborhoods? This corner of Palm Bay will be the new entrance to our city from the interstate. Let us not look like the next line of cheap convenience stores and commercial boredom. The slate is clean now.

From : 27AUG2015 then 26APR2017 and now 24JUN2020.

I object to the proposed Rezoning of property in Plantation Circle,( Case Nos. were CPZ-7-2015, CP-7-2015 , then : CP-13-2017 and CPZ-13-201) and the current case numbers are CP-4-2020 and CPZ-4-2020 Approval of this application would result in irreparable harm to our neighborhood.

The proposed site is within the boundaries of an existing neighborhood of existing homes. The site backs up to residential yards and is directly across the street to others. People walk, jog, walk their pets, and children play in this neighborhood. Folks bought their houses here because is is a RESIDENTIAL NEIGHBORHOOD.

A business at this site will attract increased traffic, pollution, and potential crime as well as nighttime light pollution and visual disruption. Businesses are not typically pretty.

The view east from Cogan Street and the homes there will be of a commercial operation. ( I suspect a filling station, since the applicants are elusive about the actual nature. )

One acre home sites are rare in a neighborhood setting in Palm Bay. We should be preserving this place, not destroying it.

No Water, Sewer, or Drainage currently exist on the site. We have some drainage issues here already. There are currently open issues on drainage with the supposed retention pond at Babcock street. The rear ditches don't work at all.

Commercial Property currently exists just north of this site at Eldron and Babcock streets. It is already in the Use Plan and not utilized.

The current Land Use Plan for Palm Bay is dated 2011, less than 9 years old. let's stick with it a while. Palm Bay must act against these predatory land grabs in order to maintain the integrity of our neighborhoods. Carpetbaggers don't care about us.

Thank You,



Tracy P. Amadon  
1870 Plantation Circle, Palm Bay, Fl  
(321)727-0332

Sent from Earth

**Chandra Powell**

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**From:** Grandolly Edwards <grandolly322@gmail.com>  
**Sent:** Wednesday, June 24, 2020 6:37 PM  
**To:** lawrence.bradley@pbfl.org; Chandra Powell  
**Subject:** Rezoning Plantation Cr.

**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.

Please do not let a greedy developer rezone any of our low density, quiet neighborhood into an unknown commercial enterprise.

It would also be counterproductive for the city of Palm Bay. You already know you will be widening the road right where he wants to make his residential property become commercial. You will have to pay him alot more to buy it from him as commercial at that time.

Thanks for your consideration.

David Edward's  
Dolly Edward's  
Paul Edward's  
Toby Edward's  
1814 Plantation Cr.

# **CORRESPONDENCE**

Received after Planning and Zoning Board Packet was published

## Chandra Powell

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**From:** Renee Pariseau <musicdiva1630@yahoo.com>  
**Sent:** Friday, June 26, 2020 8:53 PM  
**To:** Chandra Powell  
**Subject:** CP-4-2020 and CPZ-4-2020

**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.

Dear Ms. Powell,

We object to the change in the comprehensive plan and rezoning CP-4-2020 and CPZ-4-2020 on the rezoning of 3.86 acres on Plantation Circle to commercial.

We bought our house on Plantation Circle last October because the area was quiet and well kept. All of us take pride in our property and keep our yards beautiful. This change would lower the property value of the houses, bring more traffic to our quiet neighborhood, and possibly invite crime into our area.

The applicant has not told us what they plan to put in this spot. There are plenty of commercial properties to the north and to the south of this neighborhood. We are not against commercial property development. This is just the wrong place to rezone for this type of plan.

Thank you for your attention to this matter.

Patricia and Kevin Tesmacher

Renee Pariseau

**Chandra Powell**

---

**From:** Larry McIntyre <mcintyreogp@gmail.com>  
**Sent:** Saturday, June 27, 2020 9:29 AM  
**To:** Chandra Powell  
**Subject:** case numbers cp-4-2020 and cpz-4-2020 .

**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.

I live in the Plantation Circle neighborhood and once again a landowner that fronts Babcock Street is trying to rezone his property to commercial. This has been denied many times. Please do not let them rezone this property. It does not meet any planning or zoning guidelines.

Larry McIntyre  
321-508-3009  
mcintyreogp@gmail.com

# **CORRESPONDENCE**

Received after July 1, 2020 Planning and Zoning Board Meeting



*Kenneth R. Smith*

*As Trustee of  
The Kenneth R. Smith Trust*  
1866 Plantation Circle  
Palm Bay, Florida 3290  
321-499-3166  
Cell-609-226-0120  
wetemps@aol.com

July 8, 2020

Mr. Lawrence Bradley  
Director  
Division of Land Management  
City of Palm Bay  
Palm Bay Florida

Re: Clarification of Ordinance 134.34 as applied to Cp 4-2020 and Cpz 4 2020

Dear Mr. Bradley

As you are aware, I am intimately involved in the movement to protect Plantation Circle from unnecessary commercial development.

The applicant in this case elected to use the Minor sub-division specifically designed for the creation of single family residential lots (184.34 ) to subdivide this property.

184.34 (1) requires **ONLY SINGLE FAMILY RESIDENTIAL LOTS** as condition for subdivision.  
184.34 (5) requires that **"The sub-division shall be all inclusive and shall not consist of more than one (1) phase of development"**

My research of several journals has found that, the purchase, subdivision, **rezoning**, change of use and construction are all phases of development

Therefore, according to the ordinance, as it is now written, once the subdivision was completed and recorded it can not altered by a new phase of development including change of use and rezoning. . This minor subdivision ordinance is specifically designed for the creation of single family residential lots. The applicant agreed to these terms when he completed his application for minor residential subdivision and must be held to them.

It appears to me that the applicant did not execute the minor subdivision in good faith and in fact misled the city in his commitment to keep the properties single family residential. He is now attempting to violate 184.34 by applying for another phase of development on one of the subdivided pieces of land, which is not allowed as the current ordinance reads.

After studying this ordinance and contacting two attorneys, I have come to the conclusion that if this matter is allowed to proceed, any unfavorable decision against our position will result in a reversal on appeal This ordinance 184.34 (1) and (5) is both **specific and clear**.

Unless someone can show me where additional development changes on any other previous minor subdivision has been allowed., the ordinance must stand on its merits. With that in mind, this matter is now moot and further different development to these subdivided lots is prohibited by current ordinance.

Lastly, I would like to comment on the waivers applied for and given to the applicant.

First was the variance not to hook up to city water and sewer to all sub-divided lots. The applicant applied for and obtained a variance from the City Council (Upon recommendation from the public works department). That eliminated the need for water and sewer hook up to all the lots in order to meet minor subdivision requirement. +The applicant has now applied for commercial re-zoning of the front lot of the subdivision. The waiver for water and sewer hook up should be voided if all of the lots are not residential. That will then void the minor subdivision in its current form and require a multi use application for subdivision that should have been done in the first place.

Second, a review of the Plat plan for the subdivision shows an incredible lack of foresight and planning with regards to storm water planning. The applicant was given a "pass" on the requirement for a storm water drainage system on this 8 acre 5 lot subdivision. I have not been able to find even one 5-lot subdivision in Palm Bay without the required storm water drainage plan. A review of the subdivision plat will show that there is no right of way for storm water drainage so that all lots can drain properly. This usually will require a retention pond because direct storm water flow out into the main canals is usually not permitted. None of this has been addressed, instead, a notation on the plat indicates that each new lot owner must come up with their own storm water plan prior to construction.

This looks bad to me. Its like someone in the public works department seems to be carrying the cross for this developer. They recommended a waiver for water and sewer hookup, all the while knowing that the hook up to these utilities are a priority of both the city and the county. They allowed the developer to save thousands of dollars of normally required improvements that will now be passed on to unsuspecting buyers of the lots. In Addition, allowing for no storm water drainage plan whatsoever on an 8 acre 5 lot subdivision in an area known to have drainage problems and containing wetlands makes no logical sense. I believe that these actions should be reviewed as to their appropriateness and validity. Were these decisions good for the residents and the city or were they good only for the developer?

In no case should pressure from the applicant be the reason for the decisions made. Protection of all of the residents of Palm Bay, including the new buyers of these lots should be the primary consideration. At this point, it appears that is not the case. Right now it's "Let the buyer beware".

#### Conclusion

I request that the applications cp 4 2020 and cpz 4 2020 be determined invalid in accordance with 184.34 (1) and (5). Both applications are in violation of the ordinance and should not permitted to move forward.

I request a review into the decisions and recommendations made by the public works department to facilitate this applicant 's application for waiver from water and sewer hook-up. What was the justification for not requiring a storm water drainage plan on the aforementioned subdivision. , How did it came to be that an 8 acre, 5 lot subdivision was exempted by the public works department from the usually required storm water drainage requirement. This appears to be unique to only this minor subdivision.

I would appreciate a formal reply indicating the City's official position and plan of action in this matter.

Sincerely and respectfully



Kenneth R. Smith  
1866 Plantation Circle  
Palm Bay Florida 32909

## Patrick Murphy

---

**From:** Ken Smith <wetemps@aol.com>  
**Sent:** Saturday, July 11, 2020 5:11 PM  
**To:** laurance.bradley@palmbayflorida.org; Patrick Murphy  
**Subject:** Wetland map of plantatin Circle lot with subdivision outlines.  
**Attachments:** wetlands2020.jpg

**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.

Mr. Bradley

Hope that you and your family are healthy and well during this epidemic

Attached is a picture from the National Wetlands Inventory website for the area of Plantation Circle.

I have roughly outlined the subdivided lots and also have measured the area of the known wetlands.

You can verify this information at the URL listed at the top of the picture.

I am sending this to you so that you can understand why I was so very upset when I found out that the public works department allowed this sensitive and low laying land to get a pass on a required subdivision storm water plan . This property contains significant known wetlands and should have been taken care of properly.. Con 1.2 D , along with 174.065, 174.066, 174.067, and 174.068 were completely ignored in this decision, which I don't think was legal

Also, in review, the same department recommended to city council to grant a waiver for the subdivision not to hook up to city water and sewer. Based on FLU-6.1 B (5), two of these subdivided lots have now been rendered non buildable and they now will still require city water and sewer because of the wetlands restrictions. This was never pointed out to the City Council by anyone, including the applicant, before they were granted a waiver..

Although it is now too late to correct these blunders, I have come to two unavoidable conclusions:

Either the people making these recommendations and decisions are inept, unfamiliar with the city FLU Plan, haven't read the City ordinances, and in general do not know what they are doing, or, pressure has been brought to bear by the applicant to interfere with the normal decision making process. In other words, someone sold out. Either way, something needs to be done to avoid this kind of mess in the future..

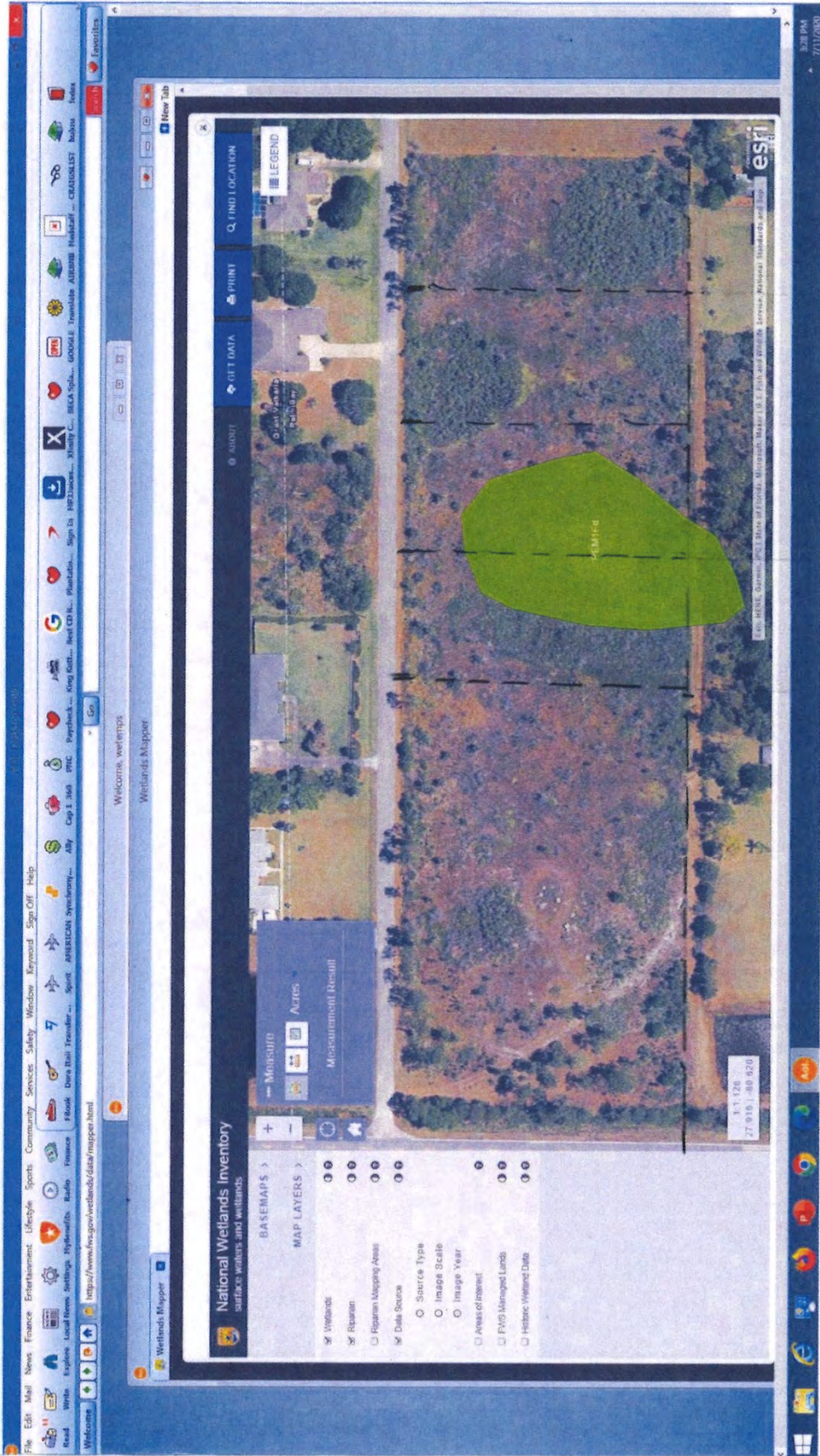
This is the kind of stuff that normal citizens shake their heads at and say "What can you expect, its the City" Its a disgrace.

Again I apologize for raising my voice in your office when I found out about this decision.

Respectfully

Ken Smith





WETLAND - PLANTATION CIRCLE LOT

197 ft wide

313 ft long

1.04 ACRES

**CITY OF PALM BAY, FLORIDA**  
**PLANNING AND ZONING BOARD/**  
**LOCAL PLANNING AGENCY**  
**REGULAR MEETING 2020-08**

Held on Wednesday, July 1, 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. Donny Felix led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

<b>CHAIRPERSON:</b>	Philip Weinberg	Present	
<b>VICE CHAIRPERSON:</b>	Leeta Jordan	Present	
<b>MEMBER:</b>	Donald Boerema	Present	
<b>MEMBER:</b>	Donny Felix	Present	
<b>MEMBER:</b>	Richard Hill	Present	
<b>MEMBER:</b>	Khalilah Maragh	Present	
<b>MEMBER:</b>	Rainer Warner	Present	
<b>NON-VOTING MEMBER:</b>	David Karaffa	Absent	(Excused)
	(School Board Appointee)		

**CITY STAFF:** Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. James Stokes, Board Attorney.

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-07; June 3, 2020. Motion by Ms. Maragh, seconded by Mr. Felix to approve the minutes as presented. The motion carried with members voting unanimously.

Motion by Ms. Jordan, seconded by Ms. Maragh to submit Case V-12-2020 to City Council for approval of a variance from Section 185.038(F)(7)(e) and 185.043(F)(7)(d) of the Palm Bay Code of Ordinances, to encroach the front parking setback of a proposed apartment building clubhouse; the rear building setback of a proposed grocery store; and the rear parking setback in two (2) separate commercial locations as noted in the staff report. The motion carried with members voting unanimously.

Case V-12-2020 will be heard by City Council on July 16, 2020.

#### **NEW BUSINESS:**

1. **CP-4-2020 – WEST POINTE BABCOCK, LLC (CARMINE FERRARO AND ROBERT SCHWERER, REPS.)**

Mr. Bradley presented the staff report for Case CP-4-2020. The applicant had requested a small-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use. Staff recommended Case CP-4-2020 for denial based on the four points listed in the staff report.

Mr. Robert Schwerer, Esq., land use attorney with the law firm of Hayskar, Walker, Schwerer, Dundas & McCain (representative for the applicant), informed the board of his credentials. He respectfully disagreed with the staff report and gave a PowerPoint overview on the validity of the subject site for commercial development. The proposed commercial land use and zoning designations would be consistent with the Babcock Street corridor south of Malabar Road. The residential character of the 3.86-acre site fronting Babcock Street had essentially been destroyed and would continue to be destroyed with the four-laning of Babcock Street. The property and the adjacent acreage had sat vacant for a decade with no interest shown for residential development. He asked that his comments and those by his four experts be included with Case CPZ-4-2020. He remarked on how the proposal had appeared before the board multiple times with different circumstances but had only gone before City Council once.



Mr. Daniel DeLisi, AICP, certified land use planner, informed the board of his credentials and spoke as an expert in support of the request by way of the PowerPoint presentation. He explained that given the expanse of residential land within the existing corridor, more commercial development was needed to support the residents. Commercial uses were not inherently incompatible with residential uses, and based on the current field of planning, integrating both uses could be done responsibly with design buffers and limitations on the types of uses. The subject site was located at two major intersections. He believed the one-acre rural lots in the surrounding area were suburban in nature and needed retail. The Community Commercial zoning district was being proposed for the site to allow for drive-throughs and a broader mix of uses.

Mr. Shaun MacKenzie, P.E., transportation engineer with MacKenzie Engineering & Planning, Inc., informed the board of his credentials and spoke as an expert in support of the request by way of the PowerPoint presentation. He stated that the submitted land use and zoning amendments met all applicable City standards. Cogan Drive SE and Babcock Street SE were major collectors operating satisfactorily at Levels of Service C, which would also be acceptable for a maximum of 15,000 square feet of retail. The driveway access to the site would require additional traffic improvements and could include a four-leg roundabout. His Rezoning Traffic Impact Analysis was submitted into the file.

Mr. George Botner, PLA, AICP, licensed landscape architect, informed the board of his credentials and spoke as an expert in support of the request. He stated how landscaping could be used to achieve compatibility between different types of abutting uses. He used illustration boards to depict how the landscaping proposed for the subject site would be well in excess of the City's code requirements by creating a buffer around three edges of the site with 14-foot high trees set 20-feet apart, a 6-foot high masonry wall, and shrubs reaching 6-feet in height. The property would be visually impenetrable from the outside. There would be no spillover of night-time illumination into the residential area. Florida native plants would be used, and a landscape buffer would be installed at the north side of the property for a resident. Mr. Schwerer added that double setbacks for the rear and side of the property would be included in a non-statutory developer's agreement.

Mr. Bruce Moia, president of MBV Engineering Corporation, spoke as an expert in support of the request. He stated how existing water and sewer systems had the capacity to serve the subject site. There was a 16-inch water distribution main on the east side of Babcock Street and a 16-inch sanitary sewer force main along the west side.

Mr. Schwerer reiterated his disagreement with staff findings by countering staff's four points of denial. The subject area had become more urban/suburban in nature and was now consistent with introducing commercial uses. The commercial development would be needed since the large acreage of commercial land a half mile to the south would unlikely warrant development for years. Commercial development of the subject property, as indicated by the expert traffic engineer, would not cause traffic issues. And lastly, the plan to widen Babcock Street was not relevant to the subject request and would be dealt with in the future as would all other businesses on the road.

Ms. Maragh inquired whether the type of commercial use planned for the site was known. Mr. Schwerer stated that a specific use or tenant had not been identified as the zoning had to be in place. He said that a drive-through was needed to attract viable businesses.

The floor was opened for public comments.

Mr. Thomas Gaume (resident at Lantana Court NW and candidate for Palm Bay City Council Seat 3) spoke against the request. He indicated in a PowerPoint presentation how the subject request met the definition of spot zoning. The applicant was also granted a subdivision variance from having to run water and sewer lines across Babcock Street for a preliminary residential subdivision. Now seven months later, the applicant planned on running the lines to the subject site in the subdivision if the property was changed to commercial. The Florida Department of Transportation plan for Babcock Street could include a retention pond on the property, which would cost the taxpayers more as a commercial site.

Mr. Kenneth Smith (resident at Plantation Circle SE) spoke against the request. He remarked that based on the Minor Subdivision Code, allowing the residential subdivision was a promise that the subject property would remain residential. Minor

subdivisions were all inclusive and could not consist of more than one phase of development. The subject request appeared to be in violation of that code. He refuted the expert testimonies by explaining how Bayside Lakes development, a large commercial node surrounded by a large residential area, was a good example of integrating commercial and residential properties. The subject site, however, was set within an existing residential area. He believed the intended use of the property should be disclosed so that an informed decision could be made about the site. Huge development was already occurring to the south on Babcock Street. He used a display to show the incompatibility of placing commercial uses within the residential neighborhood and noted that buffers would not eliminate noise. He stated that the City Council had previously denied the commercial proposal by concluding that the Future Land Use Plan did not support the request. The size of the request had increased since the denial from 2.89 acres to 3.86 acres.

Mr. David Thornberry (resident at Plantation Circle SE) spoke against the request. He commented that Mr. Schwerer was the third lawyer to represent the request and was not from Brevard County. He felt that the applicant and representatives had only a monetary interest in the property, and that plans for the site should be revealed. He commented that the landscaping proposal would take years to mature and that no one would continue to maintain the level of landscaping proposed. He indicated that a traffic circle was usually set away from a commercial site so that the eye was not distracted.

In response to comments from the audience, Mr. Schwerer remarked that condemning authorities appraised properties at their highest and best use. Mr. DeLisi commented that a commercial plat could not be approved within a residential zoning district since the zoning must be consistent with the Comprehensive Plan. Mr. Brian West of West Pointe Babcock, LLC (applicant) listed the projects he had developed throughout the County and in Palm Bay. Mr. Schwerer addressed spot zoning comments by noting the commercial properties within the Babcock Street corridor. He restated how zoning must be in place before potential users could be entertained and explained that the size of the subject property had been increased to accommodate the double setbacks and enhanced landscaping. He stated that the subject request must be judged on its own merits and not by any previous reviews, and as indicated by the expert traffic engineer, a roundabout was workable.

Mr. Schwerer informed the board that the applicant had authorized the non-statutory developer's agreement to include a restriction for buildings on the site to be no more than one-story high.

The floor was closed for public comments, and there was 20 correspondence in the file.

Mr. Weinberg commented on how referring to Plantation Circle as rural or suburban was semantics; one-acre parcels were permitted by the Zoning Code in Rural Residential districts. He stated that after considering the application on its owner merits, he was in agreement with the staff recommendation. Mr. Warner also concurred with the staff report.

Motion by Mr. Warner, seconded by Mr. Hill to submit Case CP-4-2020 to City Council for denial of a small-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use, based on the four points listed in the staff report.

Mr. Weinberg commended the applicant and experts on their presentations.

A vote was called on the motion by Mr. Warner, seconded by Mr. Hill to submit Case CP-4-2020 to City Council for denial of a small-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use, based on the four points listed in the staff report. The motion carried with the members voting as follows:

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Felix	Aye
Mr. Hill	Aye
Ms. Maragh	Aye
Mr. Warner	Aye

**From:** [Charles Clary](#)  
**To:** [Terese Jones](#)  
**Subject:** cp4-2020  
**Date:** Wednesday, July 29, 2020 4:38:47 PM

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**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.

Dear Ms. Jones

In front of the council is another application (cp4-2020) to change the future land use map at the corner of Plantation Circle and Babcock St. There has been some changes this time. The adjoining and neighborhood property owners still oppose it. I oppose it as I did before. But now this original parcel of land (8.41 acres) has been subdivided as a minor subdivision through Palm Bay Growth Management under City of Palm Bay Code of Ordinance #184.34 Minor Subdivision. This Replat of Plantation Circle has been approved by the City of Palm Bay and has been recorded on Plat Book 68 Page 42 at The Brevard County Property Appraiser. Under 184.34 Minor Subdivisions (A) - (1) All proposed lots are for detached single family residential Lots, and (A) - (5) The subdivision shall be all inclusive and shall not consist of more than one (1) phase of development.

Under 184.34, the completed minor subdivision is done and no further applications can be submitted period, it's a "one and done" scenario. I am saying it's councils responsibility to direct Growth Management not to accept any further applications for these five lots and council has to deny this application due to the fact this recorded Replat is complete.

Thank You

**Charles W Clary**

321-480-5430  
1835 Plantation Cir  
Palm Bay FL 32909

**From:** [Angela Burak](#)  
**To:** [Charles Clary](#)  
**Cc:** [City Manager](#); [Terese Jones](#); [Terri Lefler](#); [Rosemarie Saavedra](#); [Laurence Bradley](#); [Chandra Powell](#)  
**Subject:** RE: cp4-2020  
**Date:** Wednesday, July 29, 2020 4:56:30 PM

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Hello and thank you for sending us your thoughts and concerns.

I have also added our Legislative Department to the email trail to forward to our Council members.

Have a good night.



---

**From:** Charles Clary <cclary@claryfl.com>  
**Sent:** Wednesday, July 29, 2020 4:38 PM  
**To:** City Manager <citymanager@palmbayflorida.org>  
**Subject:** cp4-2020

**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.

Dear City Manager

In front of the council is another application (cp4-2020) to change the future land use map at the corner of Plantation Circle and Babcock St. There has been some changes this time. The adjoining and neighborhood property owners still oppose it. I oppose it as I did before. But now this original parcel of land (8.41 acres) has been subdivided as a minor subdivision through Palm Bay Growth Management under City of Palm Bay Code of Ordinance #184.34 Minor Subdivision. This Replat of Plantation Circle has been approved by the City of Palm Bay and has been recorded on Plat Book 68 Page 42 at The Brevard County Property Appraiser. Under 184.34 Minor Subdivisions (A) - (1) All proposed lots are for detached single family residential Lots, and (A) - (5) The subdivision shall be all inclusive and shall not consist of more than one (1) phase of development.

Under 184.34, the completed minor subdivision is done and no further applications can be submitted period, it's a "one and done" scenario. I am saying it's councils responsibility to direct



Growth Management not to accept any further applications for these five lots and council has to deny this application due to the fact this recorded Replat is complete. Any other outcome creates a problem for the city as they will not be abiding by their Code of Ordinance #184.34.

Thank You

**Charles W Clary**

321-480-5430

1835 Plantation Cir

Palm Bay FL 32909

**From:** [David T](#)  
**To:** [Terese Jones](#)  
**Subject:** Request for Aggrieved status for cp-4-2020 and cpz-4-2020  
**Date:** Wednesday, July 29, 2020 1:48:10 PM

---

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Ms Terese Jones  
City Clerk  
City of Palm Bay  
[Terese.Jones@pbfl.org](mailto:Terese.Jones@pbfl.org)

Re cp4-2020 and cpz4-2020

July 29, 2020

Dear Ms Jones

Please accept this email as a written 5-day notice. I am hereby requesting Aggrieved or affected person status with regards to cp-4-2020 and cpz-4-2020.

I have lived on Plantation Circle for many years. The rezoning of this property will cause a total negative change in our neighborhood. It does not fit the scale, intensity or Character of the neighborhood. It will certainly affect me and my family's way of life. We do not think that this rezoning is in the best interest of the residents of Plantation Circle or the Palm Bay community at large. I am also concerned about all of the other problems that will affect me and my family if a commercial entity starts operation in the middle of our neighborhood.

David Thornberry  
1859 Plantation Circle se  
Palm Bay Florida 32909  
321-956-6586  
[davetberry@bellsouth.net](mailto:davetberry@bellsouth.net) or [davemtberry@gmail.com](mailto:davemtberry@gmail.com)

If you have any questions about this request please feel free to contact me at any time either via email or Phone as identified above.

Sincerely

Dave Thornberry

Ms. Terese Jones  
City Clerk  
City of Palm Bay

Re cp4-2020 and cpz4-2020

July 29, 2020

Dear Ms. Jones,

Please accept this email as written five day notice. I am hereby requesting Aggrieved or Affected person status with regards to cp-4-2020 and cpz-4-2020.

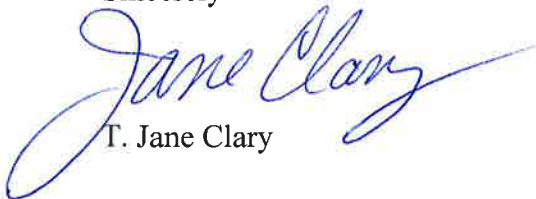
I have lived on Plantation Circle for 23 years, and in Palm Bay for 55 years. The rezoning of this property will cause a total change in our neighborhood, it does not fit the scale, intensity or "historical character" of the neighborhood. It will certainly affect me and my family's way of life (ability to walk all kinds of animals on our quiet road – dogs, donkeys, pigs, horses and ponies).

We do not think that this rezoning is in the best interest of the residents of Plantation Circle or the Palm Bay community at large. I am also concerned about all the additional problems that will affect my whole family, if a commercial entity starts operation in the middle of our neighborhood.

T. Jane Clary (Palm Bay Native – My Dad, also a Palm Bay Native, borne in 1924)  
1835 Plantation Circle, SE  
Palm Bay Florida 32909  
321-537-4917  
claryt@fit.edu

If you have any questions about this request, please feel free to contact me at any time by email or phone as shown above.

Sincerely



T. Jane Clary

**From:** [Judy Thornberry](#)  
**To:** [William Capote](#); [Harry Santiago Jr.](#); [Brian Anderson](#); [Kenny Johnson](#); [Jeff Bailey](#); [Terese Jones](#)  
**Subject:** Plantation Circle CP 4-2020 CPZ 4-2020  
**Date:** Wednesday, July 29, 2020 7:06:36 AM

---

**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.

Honorable Mayor and Council Members,

I object to the rezoning CP-4-2020 CPZ -4-2020 to our historic neighborhood..The rezoning would cause lower property values, more traffic on our road and crime into our neighborhood. There are plenty of commercial properties to the north and to the south of our neighborhood. I am not against commercial property development. This is the wrong place to rezone for this type of plan. I have attended most of the meetings from the Florida Department of Transportation (pertaining to south Babcock) and have seen the State's future plans for Babcock rd. The plans did include a retention pond on this property and a possible roundabout. Why should the taxpayers have to pay more money to a developer for this type of speculation and spot zoning? Please take in consideration to leave our historic neighborhood as a housing community. I am very proud of our neighborhood. We are like family to each other. Please consider property rights of the residents that live here. Due to the Corona 19 virus a lot of my neighbors are unable to attend this meeting. Please listen to our letters and voices against the rezoning of this property.

Judy Thornberry  
1859 Plantation Circle S.E.  
Palm Bay , Fl.

**From:** [Robert Heitsch](#)  
**To:** [Terese Jones](#)  
**Subject:** Fwd: Recommend against CP-4-2020 and CPZ-4-2020  
**Date:** Wednesday, July 29, 2020 2:10:15 PM

---

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----- Forwarded message -----

**From:** **Robert Heitsch** <[rtheitsch@gmail.com](mailto:rtheitsch@gmail.com)>  
**Date:** Wed, Jul 29, 2020 at 1:56 PM  
**Subject:** Recommend against CP-4-2020 and CPZ-4-2020  
**To:** <[mayor@pbfl.org](mailto:mayor@pbfl.org)>, <[seat2@pbfl.org](mailto:seat2@pbfl.org)>, <[seat3@pbfl.org](mailto:seat3@pbfl.org)>, <[seat4@pbfl.org](mailto:seat4@pbfl.org)>, <[seat5@pbfl.org](mailto:seat5@pbfl.org)>  
**Cc:** <[teresejones@pbfl.org](mailto:teresejones@pbfl.org)>

Our names are Robert and Kim Heitsch. We reside at 1755 Plantation Circle SE, Palm Bay Fl and have lived there for the past 30 years.

We strongly urge the city council to deny requests CP-4-2020 and CPZ-4-2020. CPZ-4-2020 is incompatible with the Palm Bay Code of Ordinances, Section 183.01. Specifically, enforcement of Section 183.01 (B) requires the city to preserve the residential or historical character of neighborhoods and to protect private property rights.

The applicant has provided no indication of what type of commercial development would be located on the property. Many types of commercial property land uses would negatively impact the neighborhood in terms of safety, environmental pollution and unwanted additional commercial traffic on a quiet residential street. Since it is not known how the property would be commercially developed, the city has no assurance that the development would not infringe on the private property rights of the neighborhood residents.

The Plantation circle neighborhood is comprised of 46 large homes on manicured one acre or larger lots in a low density setting. The applicant's property is surrounded by the neighborhood. The applicant's property is located between the two entrances into the neighborhood off Babcock. There are little if any commercial businesses that could be located on the applicant's property that would preserve the residential character of the plantation circle neighborhood.

This is the sixth time in less than 5 years that this rezoning request has been brought to the city. The Planning and Zoning board has voted against this rezoning request every time it was presented to them. In this most recent request, the city staff provided eight reasons in their analyst as to why the applicants request should be denied. We urge you to follow their recommendation in this matter.

Respectfully,  
Robert and Kim Heitsch  
1755 Plantation Circle SE



7/15/2020

City Clerk

As of this writing a review of all the events that happened with proposals that were made, my view of the situation has changed.

As of now I don't (nor does anyone else) know what project would be in order that would project light on my house behind shrubs and bushes.

To me it would mean activity after dark hustle & bustle, traffic and noise.

The proposal of landscape on my property would lead to interested parties as to what is behind these landscapes. It would also mean litter with beer cans, soda cans, and -- etc. etc.

A review of all the pro's & con's definitely makes the neighborhood a downgrade. There will never be peace and quiet that we are experiencing.

at present,  
 your proposals and interest will  
 destroy all that we longed for.  
 You are not looking out for us  
 individuals but solely for your  
 own interest. City Council should  
 take the matter seriously.

Respectfully

Theresa Kufpatrick  
 1713 Plantation Cir  
 Palm Bay FL 32909

P.S. It looks like what was mentioned  
 at the last meeting that you have  
 my approval. - Where do you find this?

Take a look at my last letter  
 which I filed. This letter was  
 evidently left out or discarded

**From:** [Terri Lefler](#)  
**To:** [\(Automated Tech Support-C&IT\)](#)  
**Cc:** [Terese Jones \(Terese.Jones@palmbayflorida.org\)](#)  
**Subject:** FW: Electronic Media For Next Council Meeting  
**Date:** Thursday, July 30, 2020 11:38:00 AM

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Please have the below video available for the August 6<sup>th</sup> Council meeting. This is for West Pointe Babcock, LLC (Plantation Circle) - two items under the "Public Hearings" heading. The numbers are not yet assigned as the agenda is not yet complete.

If you have any questions, please let me know.

Thanks!



---

**From:** Terese Jones <Terese.Jones@palmbayflorida.org>  
**Sent:** Thursday, July 30, 2020 10:06 AM  
**To:** Alan Sakowitz <asakowitz@pointecompanies.com>  
**Cc:** Terri Lefler <Terri.Lefler@palmbayflorida.org>  
**Subject:** RE: Electronic Media For Next Council Meeting

Good morning, Mr. Sakowitz.

We will have this available for the meeting. Thank you.



---

**From:** [webmaster@palmbayflorida.org](#) <[webmaster@palmbayflorida.org](#)>  
**Sent:** Wednesday, July 29, 2020 3:59 PM  
**To:** Terese Jones <[Terese.Jones@palmbayflorida.org](#)>  
**Subject:** Electronic Media For Next Council Meeting

**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.

Message submitted from the <City of Palm Bay, FL> website.

**Site Visitor Name:** Alan Sakowitz

**Site Visitor Email:** [asakowitz@pointecompanies.com](mailto:asakowitz@pointecompanies.com)

Ms Jones,

We are interested in using the following electronic document for the next council meeting for the items with West Pointe Babcock's Future land use requests and zoning request.

This is our youtube version:

<https://www.youtube.com/watch?v=VOuEnS3UdUc&feature=youtu.be>

We also have a link to a backup version:

<https://drive.google.com/drive/folders/1MLFukqRZ07o9f4sv1JgM7ATuzcP9GZQY>

Have I submitted them as required or should I be sending them elsewhere?

Regards,

Alan Sakowitz  
for West Pointe Babcock, LLC

## **ORDINANCE 2020-47**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (D), ADOPTION OF FUTURE LAND USE MAP, BY AMENDING THE FUTURE LAND USE MAP; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held an adoption hearing on an amendment to the Comprehensive Plan on July 1, 2020, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption hearing on an amendment to the Comprehensive Plan on August 6, 2020, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay desires to adopt said small scale amendment to the Comprehensive Plan of the City of Palm Bay.

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

**SECTION 1.** The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the change in land use of property from Single Family Residential Use to Commercial Use, which property is legally described as follows:

Lot 5, Plantation Circle, according to the plat thereof as recorded in Plat Book 68, Page 42, of the Public Records of Brevard County, Florida; Section 34, Township 29S, Range 37E; containing 3.86 acres, more or less.

**SECTION 2.** The Future Land Use Map is hereby changed to reflect this amendment.

**SECTION 3.** All staff report conditions and limitations shall be met and those conditions and limitations shall be made a part of the Comprehensive Plan.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 5.** The provisions within this ordinance shall take effect thirty-one (31) days from the enactment date.

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

---

William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

\*Only one reading required pursuant to Chapter 163, Florida Statutes.

Reviewed by CAO: \_\_\_\_\_

Applicant: West Pointe Babcock, LLC  
Case: CP-4-2020

cc: (date) Applicant  
Case File





## **LEGISLATIVE MEMORANDUM**

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

**FROM: Suzanne Sherman, Acting City Manager**

**THRU: Laurence Bradley, AICP, Growth Management Director**

**DATE: 8/6/2020**

**RE: Ordinance 2020-48, rezoning property located at the southeast corner of Babcock Street and Plantation Circle from RR (Rural Residential District) to CC (Community Commercial District) (3.86 acres) (Case CPZ-4-2020, West Pointe Babcock, LLC), first reading (Quasi-Judicial Proceeding).**

West Pointe Babcock, LLC (Carmine Ferraro and Robert Schwerer, Reps.) has asked for a rezoning from an RR, Rural Residential District to a CC, Community Commercial District on 3.86 acres. The property is located at the southeast corner of Babcock Street SE and Plantation Circle SE within a mostly rural setting that is surrounded by a mix of single-family homes on minimum one-acre sized lots and vacant parcels. The entire area has a Future Land Use designation of Single-Family Residential Use (SFR).

On May 24, 2018, an application for a commercial future land use change involving the property was denied by City Council, so no action was taken on the rezoning application that was rendered moot, and five submittals since 2015 were withdrawn prior to any decision by City Council. On November 7, 2019, City Council approved Case PS-1-2019, a five-lot residential subdivision with a waiver from mandatory connection to public water and sewer. The water and sewer connections will be required by the applicant for commercial development. The final subdivision was handled administratively as a Minor Subdivision, which will require a drainage plan at the development phase and each future lot owner to obtain a drainage permit for offsite stormwater runoff.

Given that the subject parcel is surrounded on all four sides by existing single-family homes, any zoning change to commercial use will have an impact on the surrounding residential uses. CC is one of the most intensive zoning categories within the Land Development Code and allows for a greater intensity of uses than many other categories. Locating CC adjacent to RR would be inconsistent with the rural intent of the RR district.

Due to the abundant availability of undeveloped commercial property along this section of Babcock Street, additional commercially zoned property is not necessary at this time.

**REQUESTING DEPARTMENT:**

Growth Management

**RECOMMENDATION:**

Motion to deny Case CPZ-4-2020 based on the comments contained in the staff report.

**Planning and Zoning Board Recommendation:**

Unanimous denial of the request based on the board's denial of Case CP-4-2020.

**ATTACHMENTS:****Description**

Case CPZ-4-2020

Presentations and Correspondence

Board Minutes

Correspondence (Council)

Ordinance 2020-48



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Laurence Bradley, AICP, Growth Management Director

---

#### CASE NUMBER

CPZ-4-2020

#### PLANNING & ZONING BOARD HEARING DATE

July 1, 2020

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#### PROPERTY OWNER & APPLICANT

West Pointe Babcock, LLC

#### PROPERTY LOCATION/ADDRESS

Southeast corner of Babcock Street SE and Plantation Circle SE. A portion of Lots 9 & 10, Section 34, Township 29 South, Range 37 East, Brevard County, Florida

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#### SUMMARY OF REQUEST

The applicant is requesting a rezoning of the subject parcel from RR, Rural Residential District to CC, Community Commercial District.

##### Existing Zoning

RR, Rural Residential

##### Existing Land Use

Single-Family Residential Use

##### Site Improvements

Vacant Land

##### Site Acreage

3.86 acres

---

#### SURROUNDING ZONING & USE OF LAND

##### North

RR, Rural Residential; Single-Family Homes

##### East

RR, Rural Residential; Vacant Lots and Single-Family Homes

##### South

RR, Rural Residential; Single-Family Homes

##### West

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

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#### COMPREHENSIVE PLAN COMPATIBILITY

The current nature of the future land use designation surrounding the subject parcel is Residential. A companion application proposing a land use amendment of this parcel from SFR, Single Family Residential to COM, Commercial was also submitted.

---

**BACKGROUND:**

Located at the southeast corner of Babcock Street SE and Plantation Circle SE. Specifically, the subject parcel is a portion of Lots 9 & 10, Section 34, Township 29 South, Range 37 East, Brevard County, Florida. The subject parcel is 3.86 acres.

The parcel is bounded by RR zoning to the north, east and south and RS-2 zoning across Babcock Street to the West. A mix of Single-Family Homes and vacant parcels are adjacent to the subject property.

The applicant is requesting a rezoning to CC, Community Commercial for future, unspecified commercial uses. There is a companion application for a proposed land use amendment that would change the land use of this parcel from SFR, Single Family Residential use to COM, Commercial use.

See the staff report for application CP-4-2020 for a more detailed history of the applications associated with this property.

**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 this change is “This vacant parcel is no longer suitable for residential use. It is located at a main intersection on Babcock Street. The new I-95 Interchange, future commercialization, and the anticipated widening of Babcock Street will significantly produce negative effects that are inconsistent with residential development immediately adjacent to Babcock Street. Increased growth of residential developments south of the parcel and their anticipated negative traffic impacts will further impact the parcel’s future uses. The requested Community Commercial Zoning is the most consistent classification for the subject parcel.”*

Babcock Street is already classified as an arterial roadway in the COPB Comprehensive Plan (Comp Plan). In April 2020, the City of Palm Bay and Brevard County entered into an Inter-Local Agreement. As part of that agreement a ‘Future Project’ is contemplated which will expand Babcock Street from what Space Coast Transportation Planning Organization (SCTPO) a 2-lane rural collector road to a 4-lane collector road. The carrying capacity of the road will be doubled. However, until such time as that additional capacity is available and the Average Annual Daily Traffic (AADT) is analyzed this request may be premature.

Further, the applicant's choice of Community Commercial (CC) versus another zoning district should be reviewed. CC is one of the most intensive zoning categories within the Land Development Code and it allows for a greater intensity of uses than many other categories. There are already other pockets of CC Zoning along Babcock Street, however none of these CC zones directly abut developed single-family areas as does the subject parcel. Based upon that, if a future rezoning were to occur on this property, a less intensive commercial zone such as Neighborhood Commercial (NC) would potentially be a more appropriate choice of commercial zoning.

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

Given that this parcel is surrounded on all four sides by existing single-family homes. Any zoning change to commercial use will have an impact on the surrounding residential uses. The intent of the surrounding RR Zoning on three sides of this parcel stated in Section 185.031(A) is:

*"Intent. The provisions of this district are intended to apply to areas uniquely suited for the development and maintenance of rural single-family residential living combined with limited agricultural activities. Large lot sizes are required to maintain the low-density rural character, prevent unsanitary conditions, and provide sufficient open space to ensure that the various principal uses are kept at a level of compatible land use intensity."*

The choice of CC zoning being located adjacent to RR zoning would be inconsistent with the intent of the RR Zone as stated above.

**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.*

Along Babcock Street between Malabar Road and St. Johns Heritage Parkway there are 6 clusters of CC Zoning, all located on the east side of the street. These areas zoned CC are all virtually undeveloped. Additionally, there are large clusters of commercially designated undeveloped property located near the 'soon-to-be' opened intersection of Babcock Street and St. Johns Heritage Parkway. Given the abundant availability of undeveloped commercial property along this section of Babcock Street, additional commercially zoned property is not necessary at this time.

**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).*

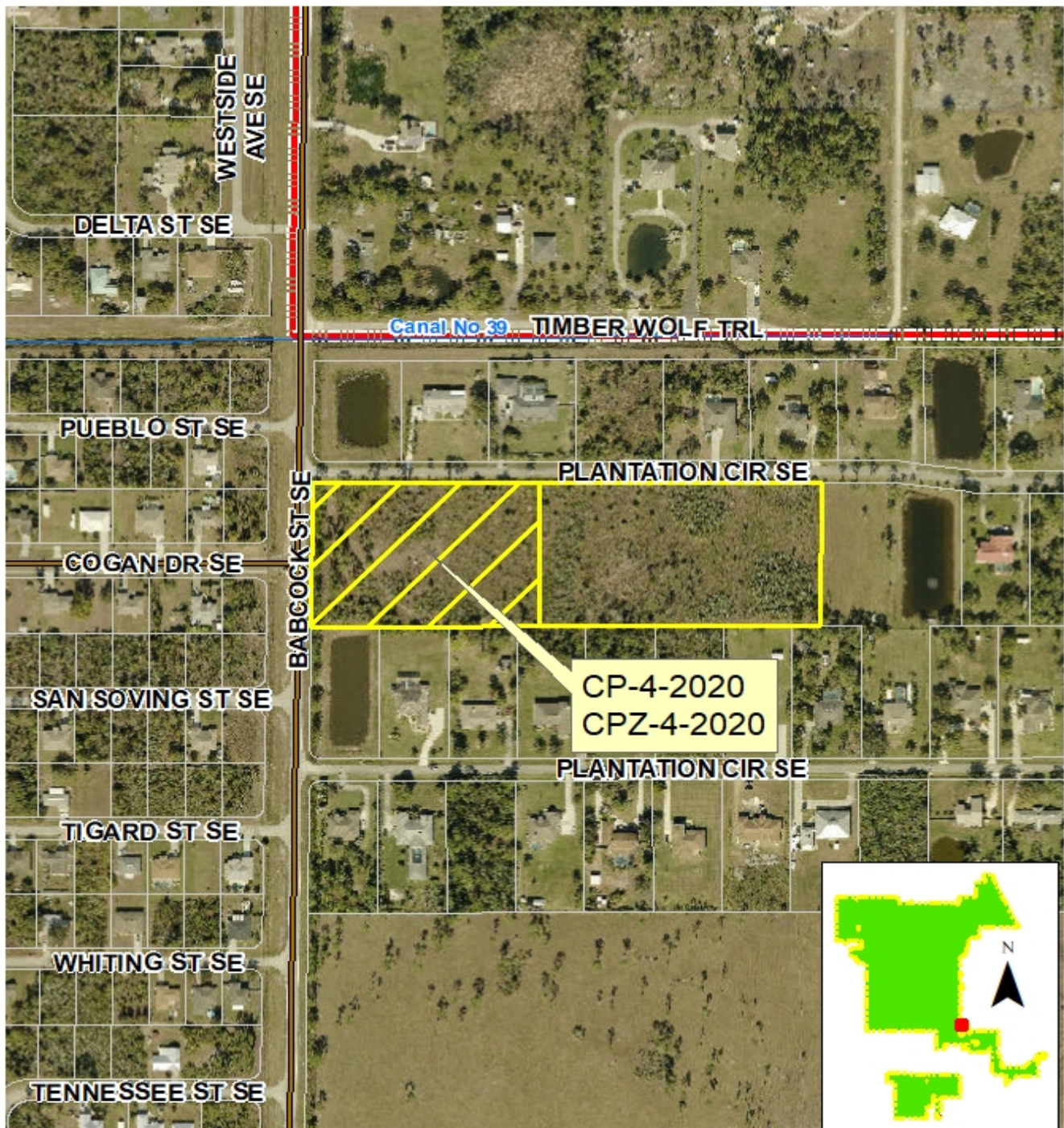
The Comprehensive Plan calls for a diversified mix of land uses while also preventing incompatible land uses from locating in residential areas. Further, categories such as 'Neighborhood Commercial' are deemed more suitable to be located within and adjacent to residential areas than the proposed Community Commercial zoning.

**STAFF RECOMMENDATION:**

Case CPZ-4-2020 is recommended for denial based upon comments contained in this report.



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



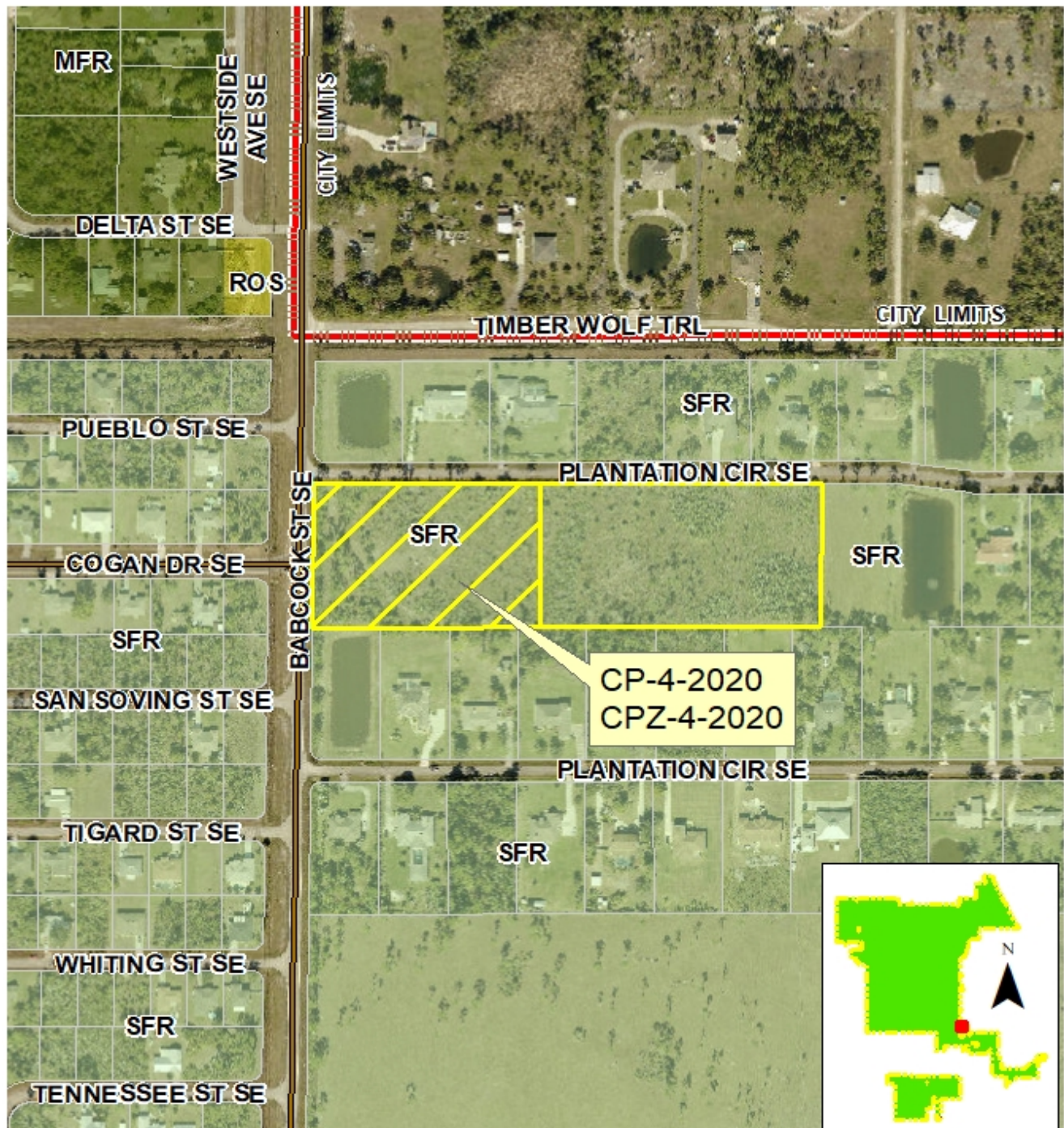
## **AERIAL LOCATION MAP CASE CP-4-2020 & CPZ-4-2020**

### **Subject Property**

Southeast corner of Babcock Street SE and Plantation Circle SE



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



## **FUTURE LAND USE MAP CASE CP-4-2020 & CPZ-4-2020**

### **Subject Property**

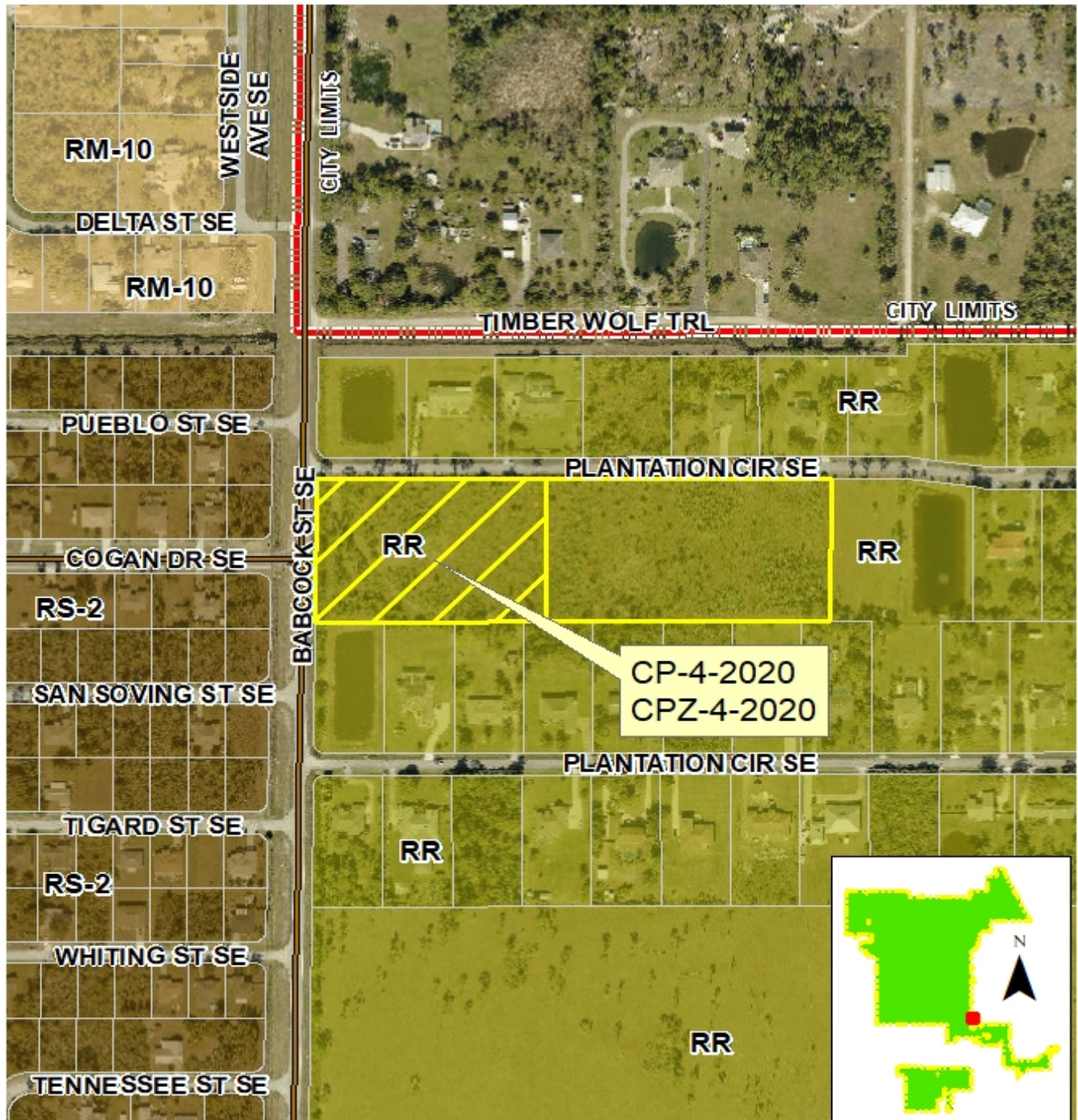
Southeast corner of Babcock Street SE and Plantation Circle SE

### **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 CP-4-2020 & CPZ-4-2020

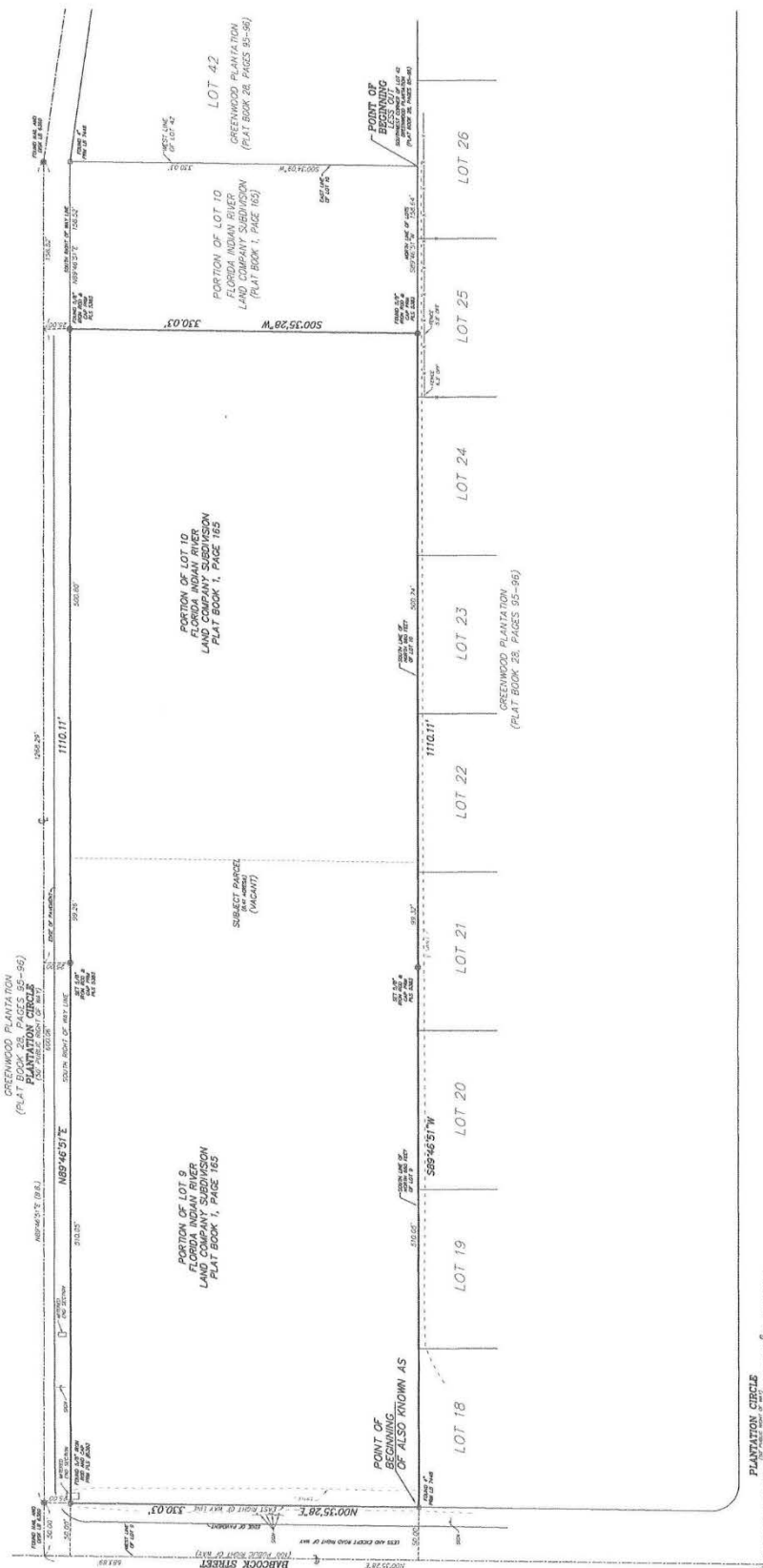
### Subject Property

Southeast corner of Babcock Street SE and Plantation Circle SE

### Current Zoning Classification

RR – Rural Residential District

AAL LAND SURVEYING SERVICES, INC.



PREPARED FOR:  
WEST POINT BABCOCK, LLC

[illegible]

DESCRIPTION: A PAVED, 40' WIDE, DRIVE WITHIN SECTION 34, TOWNSHIP 29 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEGINS AT THE INTERSECTION OF THE DRIVE WITH THE WEST LINE OF SECTION 34, TOWNSHIP 29 SOUTH, RANGE 37 EAST, AND PROCEEDS EAST ALONG THE WEST LINE OF SECTION 34, TOWNSHIP 29 SOUTH, RANGE 37 EAST, FOR 1.07 ACRES TO THE NORTHWEST CORNER OF LOT 18, THENCE N06°25'43"W, 120.00 FEET TO THE POINT OF BEGINNING. THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THENCE N06°25'43"W, ALONG THE EAST RIGHT OF WAY LINE OF BANCROFT DRIVE, 330.03 FEET, THENCE N06°25'43"W, ALONG THE SOUTH RIGHT OF WAY LINE OF PLANTATION CIRCLE, 110.11 FEET, THENCE S00°00'00"W, 330.03 FEET, THENCE S00°00'00"W, 330.03 FEET, ALONG SAID PLAT OF BREVARD PLANTATION, 110.11 FEET TO THE POINT OF BEGINNING.

CONTRACT NO. 244  
 PROJECT NO. 1000  
 DRAWING NO. 1000  
 SHEET NO. 1000

CONTRACTOR: AAL LAND SURVEYING SERVICES, INC.  
 PROJECT: [Blank]  
 LOCATION: [Blank]

DATE: [Blank]  
 SCALE: 1" = 50'  
 NORTH: [Blank]

JOB NO. 1000  
 JOB NAME: [Blank]

JOB ADDRESS: [Blank]  
 JOB CITY: [Blank]  
 JOB STATE: [Blank]  
 JOB ZIP: [Blank]

JOB PHONE: [Blank]  
 JOB FAX: [Blank]  
 JOB E-MAIL: [Blank]

JOB WEBSITE: [Blank]  
 JOB URL: [Blank]

JOB COMMENTS: [Blank]

JOB NO. 1000  
 JOB NAME: [Blank]  
 JOB ADDRESS: [Blank]  
 JOB CITY: [Blank]  
 JOB STATE: [Blank]  
 JOB ZIP: [Blank]

JOB PHONE: [Blank]  
 JOB FAX: [Blank]  
 JOB E-MAIL: [Blank]

JOB WEBSITE: [Blank]  
 JOB URL: [Blank]

JOB COMMENTS: [Blank]

CONTRACTOR: AAL LAND SURVEYING SERVICES, INC.  
 PROJECT: [Blank]  
 LOCATION: [Blank]

DATE: [Blank]  
 SCALE: 1" = 50'  
 NORTH: [Blank]

JOB NO. 1000  
 JOB NAME: [Blank]

JOB ADDRESS: [Blank]  
 JOB CITY: [Blank]  
 JOB STATE: [Blank]  
 JOB ZIP: [Blank]

JOB PHONE: [Blank]  
 JOB FAX: [Blank]  
 JOB E-MAIL: [Blank]

JOB WEBSITE: [Blank]  
 JOB URL: [Blank]

JOB COMMENTS: [Blank]

JOB NO. 1000  
 JOB NAME: [Blank]  
 JOB ADDRESS: [Blank]  
 JOB CITY: [Blank]  
 JOB STATE: [Blank]  
 JOB ZIP: [Blank]

JOB PHONE: [Blank]  
 JOB FAX: [Blank]  
 JOB E-MAIL: [Blank]

JOB WEBSITE: [Blank]  
 JOB URL: [Blank]

JOB COMMENTS: [Blank]

Exhibit "B"

SEE COMMENT AND JOURNAL RECORDED  
IN COMMENT PAGE 1

# PRELIMINARY PLANTATION CIRCLE

BEING A REPLAT OF A PORTION OF LOTS 9 AND 10,  
FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION, PLAT BOOK 1, PAGE 165  
LYING IN SECTION 34, TOWNSHIP 29 SOUTH, RANGE 37 EAST,  
CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

CONVEYANCE NOTICE  
1. THE PLANTATION CIRCLE IS BEING REPLATED AND LOTS 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 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1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 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2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208



**CP-4-2020 - WEST POINTE BABCOCK, LLC (CARMINE FERRARO AND ROBERT SCHWERER, REPS.)**

A small-scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **3.86 acres**

**01/31/2020** – Entered application

**07/01-2020** – P&Z – SCHEDULED

**08/16/2020** – Council – SCHEDULED

**CPZ-4-2020 - WEST POINTE BABCOCK, LLC (CARMINE FERRARO AND ROBERT SCHWERER, REPS.)**

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District - **3.86 acres**

**01/31/2020** – Entered application

**07/01-2020** – P&Z – SCHEDULED

**08/16/2020** – Council – SCHEDULED

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**PS-1-2019 - CARMEL DEVELOPMENT, LLC (CARMINE FERRARO)**

Preliminary Subdivision Plan approval of a proposed 5-lot single-family subdivision called Plantation Circle – **8.41 acres**

**06/07/2019** – Entered application

**10/02/2019** – P&Z – APPROVED WITH CONDITIONS

**11/07/2019** – Council – APPROVED WITH CONDITIONS

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**CP-1-2018 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)**

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **2.89 acres.**

**01/12/2018** – Entered application

**03/07/2018** – P&Z – DENIED

**05/24/2018** – Council - O-13-2018 – DENIED

**CPZ-1-2018 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)**

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District. - **2.89 acres.**

**01/12/2018** – Entered application

**03/07/2018** – P&Z – DENIED

**05/24/2018** – Council - O-14-2018 – NO ACTION TAKEN

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**CP-20-2017 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)**

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **2.89 acres.**

**10/01/2017** – Entered application

**11/01/2017** – P&Z – DENIED

**11/28/2017** – Council – RESCHEDULED

**WITHDRAWN prior to 02/06/2018 Special Council Hearing**

**CPZ-20-2017 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)**

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District. - **2.89 acres.**

**10/01/2017** – Entered application



11/01/2017 – P&Z – DENIED

11/28/2017 – Council – RESCHEDULED

**WITHDRAWN prior to 02/06/2018 Special Council Hearing**

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**CP-18-2017 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)**

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **2.89 acres.**

06/30/2017 – Entered application

08/02/2017 – P&Z – DENIED

**WITHDRAWN per Code prior to 09/06/2017 Council Hearing**

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**CPZ-18-2017 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)**

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District. - **2.89 acres.**

06/30/2017 – Entered application

08/02/2017 – P&Z – DENIED

**WITHDRAWN per Code prior to 09/06/2017 Council Hearing**

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**CP-13-2017 - WEST POINTE BABCOCK, LLC (ALAN SAKOWITZ, REP.)**

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **8.41 acres.**

03/31/2017 – Entered application

05/03/2017 – P&Z – DENIED

06/01/2017 – Council - **WITHDRAWN by applicant O-42-2017**

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**CPZ-13-2017 - WEST POINTE BABCOCK, LLC (ALAN SAKOWITZ, REP.)**

A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District - **8.41 acres.**

03/31/2017 – Entered application

05/03/2017 – P&Z – DENIED

06/01/2017 – Council - **WITHDRAWN by applicant O-43-2017**

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**CP-21-2016 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)**

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **4.41 acres.**

07/01/2016 – Entered application

08/03/2016 – P&Z – DENIED

**WITHDRAWN prior to 09/01/2016 Council Hearing**

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**CPZ-21-2016 - WEST POINTE BABCOCK, LLC (STEPHEN BURCH, REP.)**

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family A zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District - **4.41 acres.**

07/01/2016 – Entered application

08/03/2016 – P&Z – DENIED

**WITHDRAWN prior to 09/01/2016 Council Hearing**

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**CP-7-2015 - WEST POINTE BABCOCK, LLC (JACK SPIRA, REP.)**

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **4.41 acres.**

**07/31/2015** – Entered application

**09/02/2015** – P&Z – DENIED

**WITHDRAWN 12/17/2015**

**CPZ-7-2015 - WEST POINTE BABCOCK, LLC (JACK SPIRA, REP.)**

A small scale Comprehensive Plan Future Land Use Map amendment from Single Family Residential Use to Commercial Use - **4.41 acres.**

**07/31/2015** – Entered application

**09/02/2015** – P&Z – DENIED

**WITHDRAWN 12/17/2015**



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

## REZONING APPLICATION

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

PARCEL ID 29-3734-00-506.1

TAX ACCOUNT NO. 2952117

### LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

FLA INDIAN RIVER LAND CO., SUBD PER PB 1, PG 165A, S 330FT OF NORTH 660 FT OF LOT 9 & 10 EXC ORB 6579  
PAGE 1932 & HWY R/W

PROPERTY ADDRESS (If assigned): Not Assigned - Vacant Land

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): The west approximate 3.86 acres of the \*

ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.): Rural Residential

ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): Community Commercial

STRUCTURES NOW LOCATED ON THE PROPERTY: none

### PRESENT USE OF THE PROPERTY:

Vacant Land

### INTENDED USE OF THE PROPERTY AND JUSTIFICATION FOR THE CHANGE:

This vacant parcel is no longer suitable for residential use. It is located at a main intersection on Babcock Street. The new I-95 Interchange, future commercialization, and the anticipated widening of Babcock Street will significantly produce negative effects that are inconsistent with residential development immediately adjacent to Babcock Street. Increased growth of residential developments south of the parcel and their anticipated negative traffic impacts will further impact the parcel's future uses. The requested Community Commercial Zoning is the most consistent classification for the subject parcel.

\* 8.41 acre Parcel shown on Exhibit "A" attached, otherwise described as Lot 5 of the Preliminary Plat of Plantation Circle shown in Exhibit "B" attached.

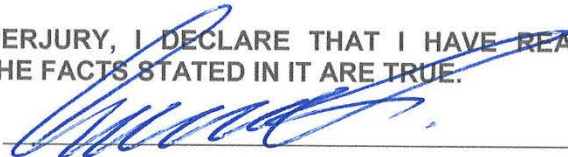
THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:

- \_\_\_\_\_ \*\$650.00 Application Fee. Make check payable to "City of Palm Bay."
- \_\_\_\_\_ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at 321-633-2060.)
- \_\_\_\_\_ School Board of Brevard County School Impact Analysis Application (if applicable).
- \_\_\_\_\_ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.
- \_\_\_\_\_ **Where property is not owned by the applicant**, a letter must be attached giving the notarized consent of the owner to the applicant to request the rezoning.

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

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

Signature of Applicant



Date

1/29/20

Printed Name of Applicant Carmine Ferraro, MGMR - Carmel Development LLC

Full Address 3860 Curtis Blvd, Suite 636, Cocoa, FL 32927

Telephone 321-536-5200

Email

carmel32927@gmail.com

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

CITY OF PALM BAY  
RECEIVED

JAN 31 2020

LAND DEVELOPMENT

January 2, 20 20

Re: Letter of Authorization

As the property owner of the site legally described as:  
Tax ID# 295117 - Parcel # 29-37-34-00-506.01

I, Owner Name: West Pointe Babcock LLC  
Address: 1132 Kane Concourse, Ste.200 Bay Harbor Islands, FL 33154  
Telephone: (305) 655-1234  
Email: asakowitz@pointecompanies.com

hereby authorize:

Rep. Name: Carmel Development LLC - Carmine Ferraro, MGMR  
Address: 3860 Curtis Blvd, Suite 636, Cocoa FL 32927  
Telephone: (321) 536-5200  
Email: carmel32927@gmail.com

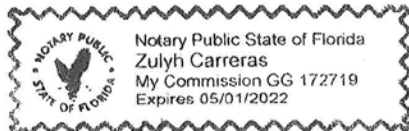
to represent the request(s) for:  
Rezoing of Lot 5 - Plantation Circle - Preliminary Plat


  
(Property Owner Signature)

STATE OF Florida  
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of  
Jan, 2020 by Alan Sakowitz

(SEAL)



  
, Notary Public

☒ Personally Known or  
☐ Produced Identification  
Type of Identification Produced: \_\_\_\_\_

# West Pointe Babcock, LLC

January 13, 2020

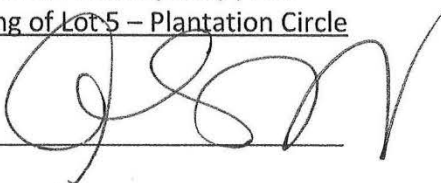
To: City of Palm Bay  
RE: Letter of Authorization

As the property owner the site legally described as:  
TAX ID# 295117 – Parcel # 29-37-34-00-506.01

I, Owner Name: West Pointe Babcock, LLC  
Address: 1132 Kane Concourse, Ste 200, Bay Harbor Islands, FL 33154  
Telephone: 305-655-1234  
Email: [asakowitz@pointecompanies.com](mailto:asakowitz@pointecompanies.com)

hereby authorize:  
Rep. Name: Robert V. Schwerer, Esq.  
Address: 130 South Indian River Dr, Suite 304, Ft Pierce, Florida 34950  
Telephone: 772-461-2310  
Email: [schwererlaw@aol.com](mailto:schwererlaw@aol.com)

To represent the request(s) for:  
Rezoning of Lot 5 – Plantation Circle



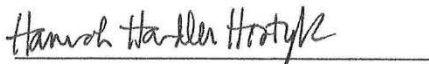
Owner Signature

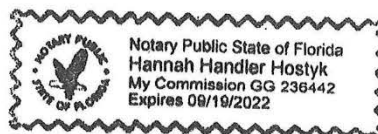
Property

STATE OF Florida  
COUNTY OF Miami-Dade

by means of ☒ physical presence or ☐ on-line notarization

The foregoing instrument was acknowledged before me this 14th day  
of January, 2020  
By Alan Sakowitz.





Notary Public

☒ Personally Known or  
☐ Produced Identification  
Type of Identification  
Produced \_\_\_\_\_

1132 Kane Concourse, Suite 200, Bay Harbor Islands, FL 33154 (TEL) 305-655-1234  
(EMAIL) [asakowitz@pointecompanies.com](mailto:asakowitz@pointecompanies.com)



**CASES CP-4-2020 & CPZ-4-2020**  
**PRESENTATIONS AND**  
**CORRESPONDENCE**

# **WEST POINTE BABCOCK, LLC PRESENTATION**

Presented at July 1, 2020 Planning and Zoning Board Meeting

The cover is a solid blue rectangle. In the top-left corner, there are several thin, white, parallel diagonal lines that extend towards the center of the page.

# WEST POINTE BABCOCK, LLC

Comprehensive Plan Amendment and Rezoning



# Introduction

- Approximately 3.86 acres at intersection of Babcock Street and Cogan Drive
- 1.75 miles north of new I-95 Interchange on Babcock
- Application for a Small Scale FLUM Amendment
  - From Single Family Residential to Commercial
- Application for a Rezoning
  - From Rural Residential to Community Commercial





# Planning Background

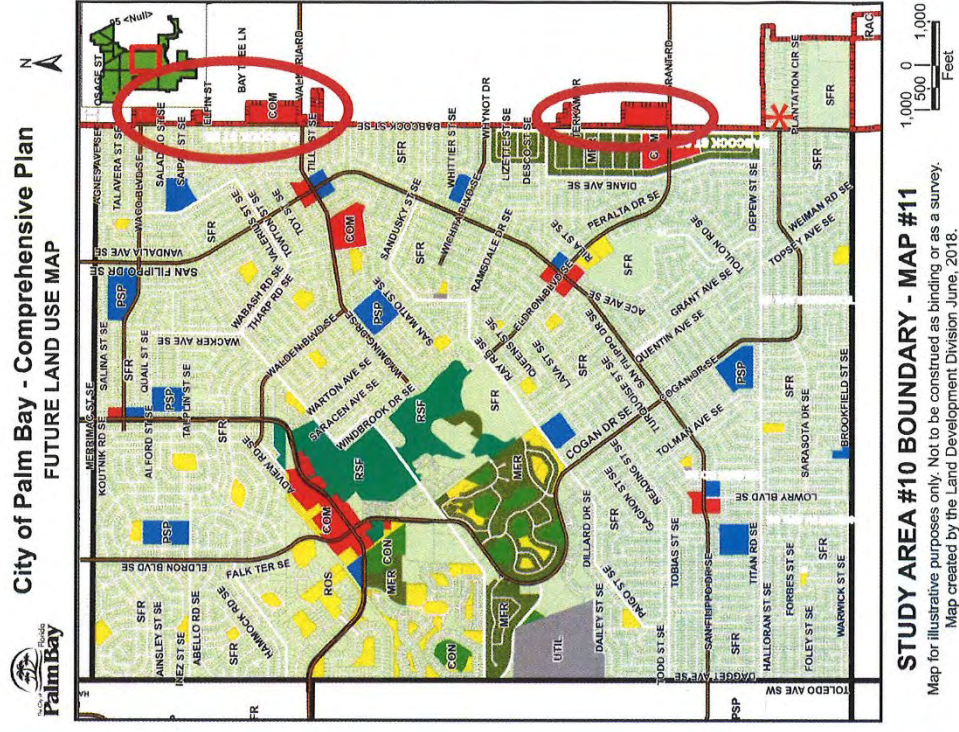
- Palm Bay not unlike many other areas in Florida
  - large platted areas developed by companies like GDC sell off individual lots to future homeowners
    - Port St. Lucie
    - Cape Coral
    - Lehigh Acres
    - Charlotte County
    - North Port
    - Etc.
- All have common problem of expansive areas of single use development
  - lack commercial area
- Causes longer trip lengths, more traffic, more roads
- Modern planning calls for integration of uses so that commercial, if done right, should be located close to residential to meet needs of residents





# Future Land Use Map

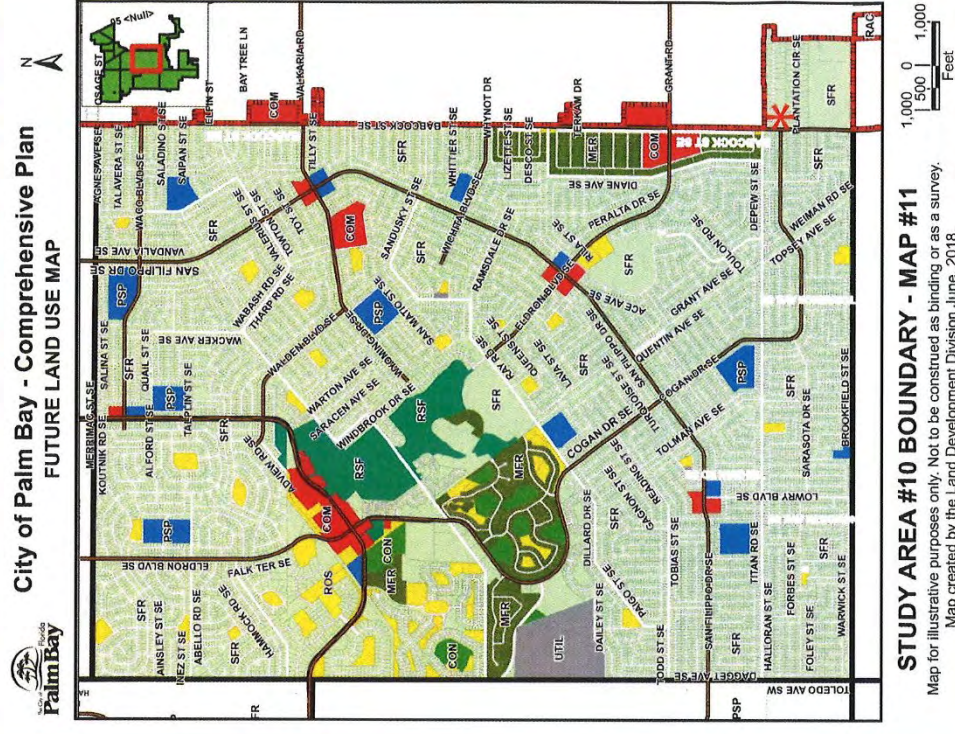
- Commercial designated in several specific locations on the east side of Babcock Street
- Request is consistent with how the FLUM anticipates commercial development along the corridor
- Property located at a future significant intersection with widening of Babcock and future I-95 interchange to the south





# Comprehensive Plan

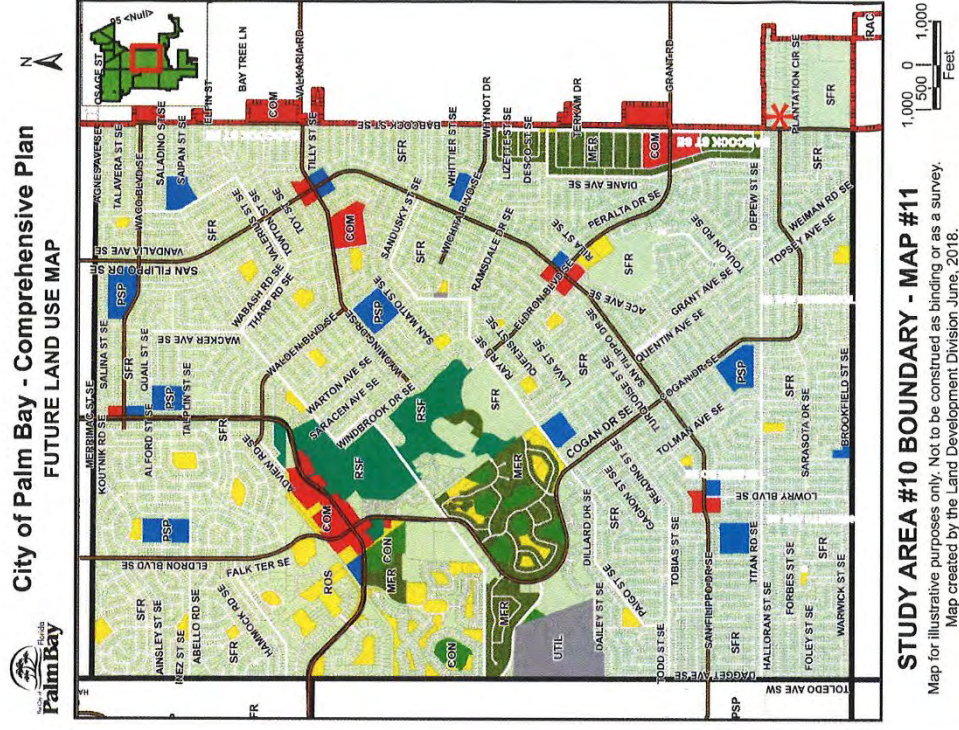
- Additional commercial needed in strategic locations
- Specific need for commercial along Babcock
  - Current travel requires to leave neighborhood for every retail need
  - Several designated commercial areas uses for places of worship or office further decreasing available land for retail uses
  - Other locations have potential environmental constraints or other factors preventing development





# Future Land Use Location

- FLU 2.3 – Prevent incompatible land uses from locating in residential areas
  - Commercial can be designed to be compatible with and integrate into residential areas
  - Compatibility is about design, buffering and limitations
- FLU 2.3E. – Property located at the intersection of an two collector roads
  - Meets the intent of the policy to be located where the commercial services are easily accessible
- FLU 3.1 Provide additional commercial areas by type, size and distribution, based upon area Need and the availability of supporting infrastructure
  - Available infrastructure and overall public benefit to minimize trip lengths
- FLU 3.1B. – need to locate commercial where there is adequate access and water and sewer service





# Surrounding Land Uses

- Suburban style estate home – large lots, not a rural environment
- Water management lakes adjacent on the north and south
- Typical platted  $\frac{1}{4}$  acres lots on west
- All nearby lots directly on Babcock are vacant
- With widening, residential not conducive to being located directly on Babcock
- Commercial can be a transition if done appropriately with adequate buffers





# Compatibility

- Compatibility definition:
  - “Able to exist without conflict”
  - Does not mean same
  - Different than “consistent”
- Typical concerns with Commercial compatibility:
  - Noise
  - Site
  - Traffic
- Compatibility can be addressed through adequate buffering
- Berm/wall combinations protect against noise
- Landscaping adds enhances visual aesthetics as well as dampens sound and obscures site
- FLU 3.2E. Requires adequate buffering to protect surrounding residential
- Applicant proposing additional buffering over and above code requirements





# Zoning Categories

- Neighborhood Commercial
- Community Commercial
- Planned Development Options



# Neighborhood Commercial

- Intended to meet the convenience needs of surrounding neighborhood
- Small scale commercial uses
- Cons:
  - Does not allow drive-thrus – a necessity in the Post-Covid environment
- Many other jurisdictions distinguish between neighborhood and community services through scale (sq. ft.)



Staff report image



# Community Commercial

- Intended to serve a larger area
- But has the mix of uses needing to implement a neighborhood scale development
- Uses and the market area served are limited by the size limit of the property
- Planned Development options are not available
  - PUD is for residential, with ancillary commercial
  - PCD is for 5 acres or greater and has other locational limitations

Layer List

## Layers

Parcels

Zoning

Future Land Use

Legend

## Zoning

Zoning

- AGR (COUNTY)
- AU (COUNTY)
- Bayfront Mixed Use
- Bayfront Mixed Use Village
- Community Commercial
- Unassigned County Zoning
- Floodway Conservation
- General Commercial
- General Use
- GU (COUNTY)
- Highway Commercial
- Heavy Industrial
- Institutional Use
- Light Industrial
- Neighborhood Commercial
- Professional Office
- Planned Community Redevelopment
- Planned Unit Development
- Regional Activity Center





# Transportation

- Rezoning of Property
- Examined Maximum reasonable intensity that the property can accommodate
- Babcock Street & Cogan Drive– Urban Major Collector
- Babcock Adopted LOS “E” (TCE-1.1B.4.c.)
- Cogan Drive Adopted LOS “C” (TCE-1.1B.5.)
- 2019 Traffic Counts
  - Babcock Street – LOS “C”
  - Cogan Drive – LOS “C”





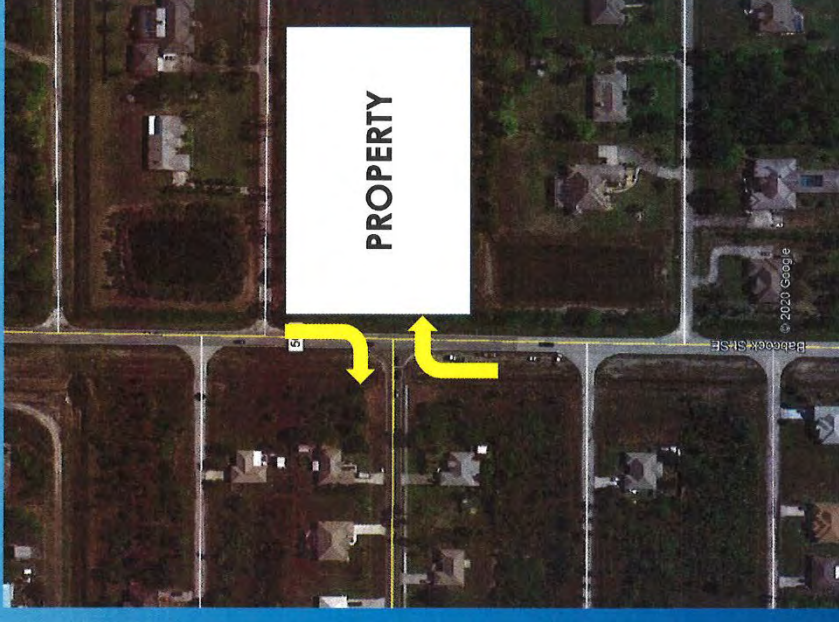
# Transportation

- Property Use – Conservative (i.e. - Maximum Reasonable)
  - 3,000 SF Drive-Through Bank
  - 2,000 SF Fast Food Restaurant
- Analyzed Trips Exceed 15,000 SF of retail use
- LOS with Maximum Reasonable Use of Property
  - Babcock Street – LOS “C” – Acceptable
  - Cogan Drive – LOS “C” – Acceptable



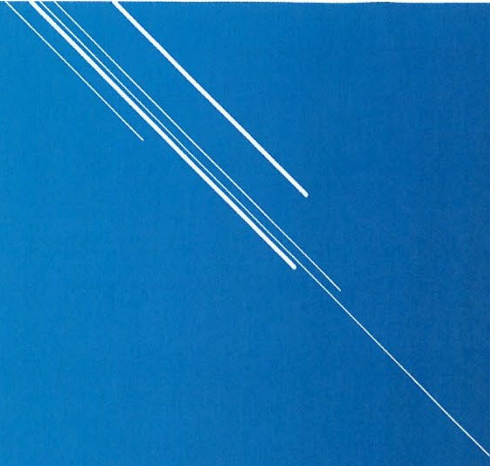
# Access

- Typically Analyzed at during a Site Plan Application
- Developed Conservative Analysis to Evaluate Access
  - Babcock Street Needs Improvements
    - Northbound Left-Turn Lane (onto Cogan Drive)
    - Southbound Left-Turn Lane (into Property)
- Driveway is projected to Operate Acceptably with Improvements
- Driveway will also Operate Acceptably with a Roundabout





Questions?



*REZONING TRAFFIC IMPACT ANALYSIS*

**West Pointe Babcock  
PALM BAY, FL**

*Prepared for:*  
West Pointe Babcock, LLC  
Palm Bay, Florida

*Prepared by:*

  
**Engineering & Planning, Inc.**  
1172 SW 30<sup>th</sup> Street  
Palm City, FL 34990  
(772) 286-8030

037003  
January 2020  
© MacKenzie Engineering and Planning, Inc.  
CA 29013

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Shaun G. MacKenzie P.E.  
PE Number 61751





## ***EXECUTIVE SUMMARY***

MacKenzie Engineering and Planning, Inc. performed an analysis of the traffic impacts resulting from rezoning a property from rural residential to Community Commercial located at the southeast corner of Plantation Cir and Babcock St, Palm Bay, Florida (Parcel ID: 29-37-34-00-506.1). The property was evaluated for 2020 conditions.

The result of the analysis shows that the roadways are projected to operate acceptably with the additional traffic generated by rezoning the property.

It is anticipated that development on the property will require construction of northbound left-turn lane at Cogan Drive and southbound left-turn land into the property. A northbound right-turn lane into the property is not anticipated to be necessary but will be re-evaluated during the site plan process.

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## **LIST OF EXHIBITS**

Exhibit 1. Trip Generation

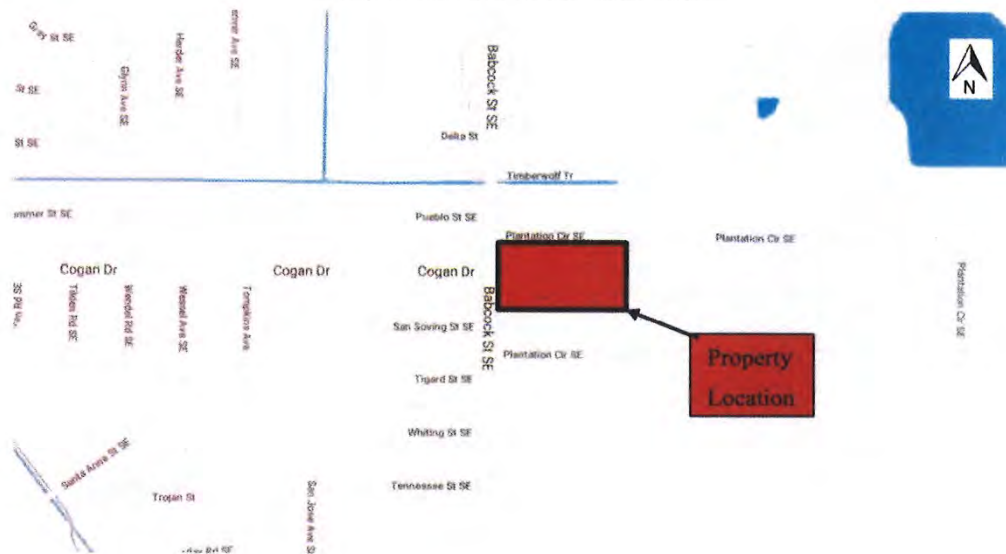
## **APPENDICES**

- A. Intersection Analysis
  - o Babcock Street & Cogan Drive
    - I. Volume Development Sheet
    - II. HCS 7 Results
- B. Institute of Traffic Engineers' (ITE) report, *Trip Generation (10<sup>th</sup> Edition)*
- C. Pass-by Rates, *Trip Generation Handbook (3<sup>rd</sup> Edition)*

## INTRODUCTION

MacKenzie Engineering & Planning, Inc. was retained to determine the transportation impacts resulting from rezoning a property from located at the southeast corner of Babcock Street and Plantation Circle Southeast from rural residential to Community Commercial (Parcel ID: 29-37-34-00-506.1). The uses on that will be developed on the property are not known at this time. In order to provide a conservative analysis, the transportation analysis included a 2,000 SF fast food restaurant with drive-through window and 3,000 SF bank. The analysis was performed for projected 2020 roadway conditions. Figure 1 shows the property location.

**Figure 1. Property Location Map**



## INVENTORY AND PLANNING DATA

Data was acquired relative to the most current information available from the following sources:

- FDOT's Q/LOS Manual
- *Trip Generation, 10<sup>th</sup> Edition*, an ITE Manual
- MacKenzie Engineering & Planning, Inc., Turning Movement Counts

## ***PROJECT TRAFFIC***

In order to provide a conservative analysis, the study included the most reasonably intense use that could fit on the parcel, a bank and fast-food restaurant.

### ***Traffic Generation***

The study uses trip generation rates for Fast Food Restaurant with Drive-Through Window (ITE Land Use 934) and Drive-in Bank (ITE Land Use 912) published in the Institute of Traffic Engineers' (ITE) report, Trip Generation (10<sup>th</sup> Edition).

### ***Rezoning Use***

- 2,000 SF Fast Food Restaurant with Drive-Through Window (ITE Land Use 934)
- 3,000 SF Bank with three drive through lanes (ITE Land Use 912)

The proposed property is expected to generate the following net external trips:

- 709 daily, 59 AM peak hour (31 in/28 out), and 72 PM peak hour (37 in/35 out)

The proposed property is expected to generate the following driveway trips:

- 1,308 daily, 109 AM peak hour (58 in/51 out), and 126 PM peak hour (65 in/61 out)

Exhibit 1 presents the proposed property's trip generation.



Table 1. Trip Generation

Land Use	Intensity		Daily	AM Peak Hour			PM Peak Hour		
			Trips	Total	In	Out	Total	In	Out
<b>Proposed Rezoning Traffic</b>									
Drive-In Bank	3.000	1000 SF	366	29	17	12	61	31	30
Fast Food Restaurant w/ DT	2.000	1000 SF	942	80	41	39	65	34	31
Subtotal			1,308	109	58	51	126	65	61
<b>Pass-By Traffic</b>									
Drive-In Bank	35%		128	10	6	4	21	11	10
Fast Food Restaurant w/ DT	50%		471	40	21	19	33	17	16
Subtotal			599	50	27	23	54	28	26
<b>NET PROPOSED TRIPS</b>			<b>709</b>	<b>59</b>	<b>31</b>	<b>28</b>	<b>72</b>	<b>37</b>	<b>35</b>
<b>Total Proposed Driveway Volumes</b>			<b>1,308</b>	<b>109</b>	<b>58</b>	<b>51</b>	<b>126</b>	<b>65</b>	<b>61</b>
<b>NET CHANGE IN TRIPS (FOR THE PURPOSES OF CONCURRENCY)</b>			<b>709</b>	<b>59</b>	<b>31</b>	<b>28</b>	<b>72</b>	<b>37</b>	<b>35</b>
<b>NET CHANGE IN DRIVEWAY VOLUMES</b>			<b>1,308</b>	<b>109</b>	<b>58</b>	<b>51</b>	<b>126</b>	<b>65</b>	<b>61</b>
Note: Trip generation was calculated using the following data:									
Land Use	ITE Code	Unit	Daily Rate	Pass-by Rate	AM Peak Hour		PM Peak Hour		
					in/out	Rate	in/out	Equation	
Drive-In Bank	912	1000 SF	T = 82.87 (X) + 117.1	35%	58/42	9.50	50/50	20.45	
Fast Food Restaurant w/ DT	934	1000 SF	470.95	50%	51/49	40.19	52/48	32.67	

s:\jobs - share drive\037 - west\003 - west pointe babcock llc\west pointe babcock trip generation.xlsx\lgen

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### Internal Capture

In order to provide a conservative analysis, internal capture is not utilized.

### Pass-by Trip Capture

Pass-by rates are based on the ITE's report, Trip Generation Handbook (3<sup>rd</sup> Edition), as shown in Exhibit 2.

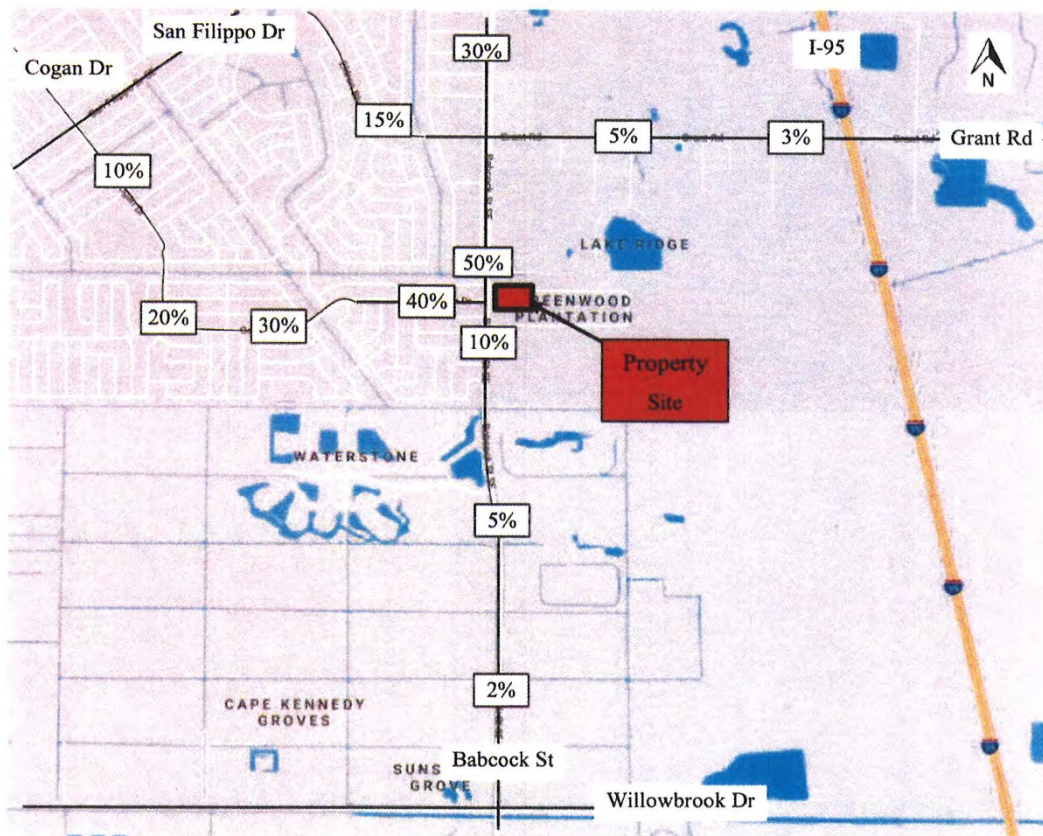


## **TRAFFIC DISTRIBUTION AND ASSIGNMENT**

The traffic assignment was developed based upon existing and proposed developments, generators, destinations, and knowledge of the local area. These factors were applied using traffic engineering rationale similar to the gravity model.

NORTH	-	50 percent
SOUTH	-	10 percent
EAST	-	0 percent
WEST	-	40 percent

**Figure 2. Traffic Assignment**



## **ASSURED AND PROGRAMMED CONSTRUCTION**

A review conducted of the 2040 Long Range Transportation Plan (LRTP), as well as those improvements committed by the developers of projects in the area include:

- South Babcock Street – Widen to 4 lanes (Design -2021)

The 4-lane design of south Babcock Street will occur in 2021. Funding for construction is not included in FDOT's 5-year plan.

## **BACKGROUND TRAFFIC**

Background traffic identifies how the study area's transportation system is forecast to operate in the buildout year. This includes traffic growth that is associated with the general (historic) growth in the area and the growth due to the development of unbuilt portions of approved major developments.

### **Historical Growth**

In order to provide an accurate traffic analysis, the growth rate at each intersection was determined by a volume weighted averaging of the growth on each leg of the intersection as shown in Table 2.

Table 2. Growth Rate Calculation at Babcock St & Cogan Dr

Road Name	From	To	2014	2015	2016	2017	Traffic Count Year	Annual Absolute Growth	Growth Rate
							2018		
Babcock St	Indian River CL	Grant Rd	1,900	2,000	2,200	2,200	2,200	80	3.6%
Cogan Dr	Babcock St	Jupiter Blvd	3,800	4,000	4,200	4,400	7,100	700	9.9%
Weighted Average									8.4%
<b>Growth Rate Used</b>									<b>8.4%</b>

### *Roadway Analysis*

Traffic volumes were obtained from MEP traffic counts. The 2019 peak hour traffic volumes were increased based on the annual compound growth rate to develop the projected year 2020 background growth traffic volumes. Background traffic volumes were developed by adding the existing traffic volumes, traffic growth trips. The post rezoning 2020 traffic volumes were developed by adding background traffic volume plus project traffic. The post development traffic volumes were compared to the service volumes for each respective roadway segment to determine if the road is projected to operate acceptably. Based on the analysis, all roadway segments are projected to operate acceptably in 2020 with the proposed rezoning as shown in Table 3a and Table 3b.



Table 3a. 2020 AM Peak Hour Total Traffic Roadway Analysis

Roadway	Direction	From	To	Lanes	Assign	Property Traffic	2019 Volume	Existing 2019 Peak Season Peak Hour Volume	2020 Backgr ound	2020 Total Traffic Volume	Roadway Capacity	Accept able?
Babcock Rd	North	Grant Rd	Plantation Cir	2	50%	14	121	137	142	156	880	YES
Babcock Rd	South	Grant Rd	Plantation Cir	2	50%	16	271	306	317	333	880	YES
Babcock Rd	North	Plantation Cir	Cogan Dr	2	50%	14	121	137	142	156	880	YES
Babcock Rd	South	Plantation Cir	Cogan Dr	2	50%	16	271	306	317	333	880	YES
Babcock Rd	North	Cogan Dr	Plantation Cir	2	10%	3	241	272	282	285	880	YES
Babcock Rd	South	Cogan Dr	Plantation Cir	2	10%	3	162	183	190	193	880	YES
Babcock Rd	North	Plantation Cir	Mara Loma Blvd	2	10%	3	241	272	282	285	880	YES
Babcock Rd	South	Plantation Cir	Mara Loma Blvd	2	10%	3	162	183	190	193	880	YES
Babcock Rd	North	Mara Loma Blvd	Willowbrook St	2	5%	2	241	272	282	284	880	YES
Babcock Rd	South	Mara Loma Blvd	Willowbrook St	2	5%	1	162	183	190	191	880	YES
Cogan Dr	West	Babcock Rd	Topsey Ave	2	40%	11	229	259	285	296	880	YES
Cogan Dr	East	Babcock Rd	Topsey Ave	2	40%	12	125	141	155	167	880	YES
Cogan Dr	West	Topsey Ave	San Filippo Dr	2	30%	8	229	259	285	293	880	YES
Cogan Dr	East	Topsey Ave	San Filippo Dr	2	30%	9	125	141	155	164	880	YES

Table 3b. 2020 PM Peak Hour Total Traffic Roadway Analysis

Roadway	Direction	From	To	Lanes	Assign	Property Traffic	2019 Volume	Existing 2019 Peak Season Peak Hour Volume	2020 Backgr ound	2020 Total Traffic Volume	Roadway Capacity	Accept able?
Babcock Rd	North	Grant Rd	Plantation Cir	2	50%	18	313	354	367	385	880	YES
Babcock Rd	South	Grant Rd	Plantation Cir	2	50%	19	265	299	310	329	880	YES
Babcock Rd	North	Plantation Cir	Cogan Dr	2	50%	18	313	354	367	385	880	YES
Babcock Rd	South	Plantation Cir	Cogan Dr	2	50%	19	265	299	310	329	880	YES
Babcock Rd	North	Cogan Dr	Plantation Cir	2	10%	4	458	518	537	541	880	YES
Babcock Rd	South	Cogan Dr	Plantation Cir	2	10%	4	241	272	282	286	880	YES
Babcock Rd	North	Plantation Cir	Mara Loma Blvd	2	10%	4	458	518	537	541	880	YES
Babcock Rd	South	Plantation Cir	Mara Loma Blvd	2	10%	4	241	272	282	286	880	YES
Babcock Rd	North	Mara Loma Blvd	Willowbrook St	2	5%	2	458	518	537	539	880	YES
Babcock Rd	South	Mara Loma Blvd	Willowbrook St	2	5%	2	241	272	282	284	880	YES
Cogan Dr	West	Babcock Rd	Topsey Ave	2	40%	14	169	191	210	224	880	YES
Cogan Dr	East	Babcock Rd	Topsey Ave	2	40%	15	266	301	331	346	880	YES
Cogan Dr	West	Topsey Ave	San Filippo Dr	2	30%	11	169	191	210	221	880	YES
Cogan Dr	East	Topsey Ave	San Filippo Dr	2	30%	11	266	301	331	342	880	YES

### Intersections

The intersections within the study area were evaluated in 2020 total (existing traffic plus background plus project) traffic conditions. This study analyzes the impacts to the following intersections for the AM and PM peak hours:

- Babcock Street & Cogan Drive

Data from the existing facilities within the study area were collected based on aerial photography and site observations. MacKenzie Engineering and Planning, Inc. collected AM and PM peak hour turning movement counts at Babcock Street & Cogan Drive on December 12, 2019. The counts were adjusted to peak season conditions using FDOT's peak season adjustment factors.

#### ***Babcock Street & Cogan Drive***

MEP evaluated the Babcock Street & Cogan Drive intersection. The following improvements achieve an acceptable v/c ratio and provide safe access for drivers on Babcock Street:

- Construct a northbound left-turn lane and southbound left-turn lanes on Babcock Street at Cogan Drive.

With property traffic, the intersection is projected to be under capacity with all movements operating under capacity (v/c ratio less than 1.0). MEP obtained the 95<sup>th</sup> percentile queue from HCS 7 for each turn-lane at the intersection.

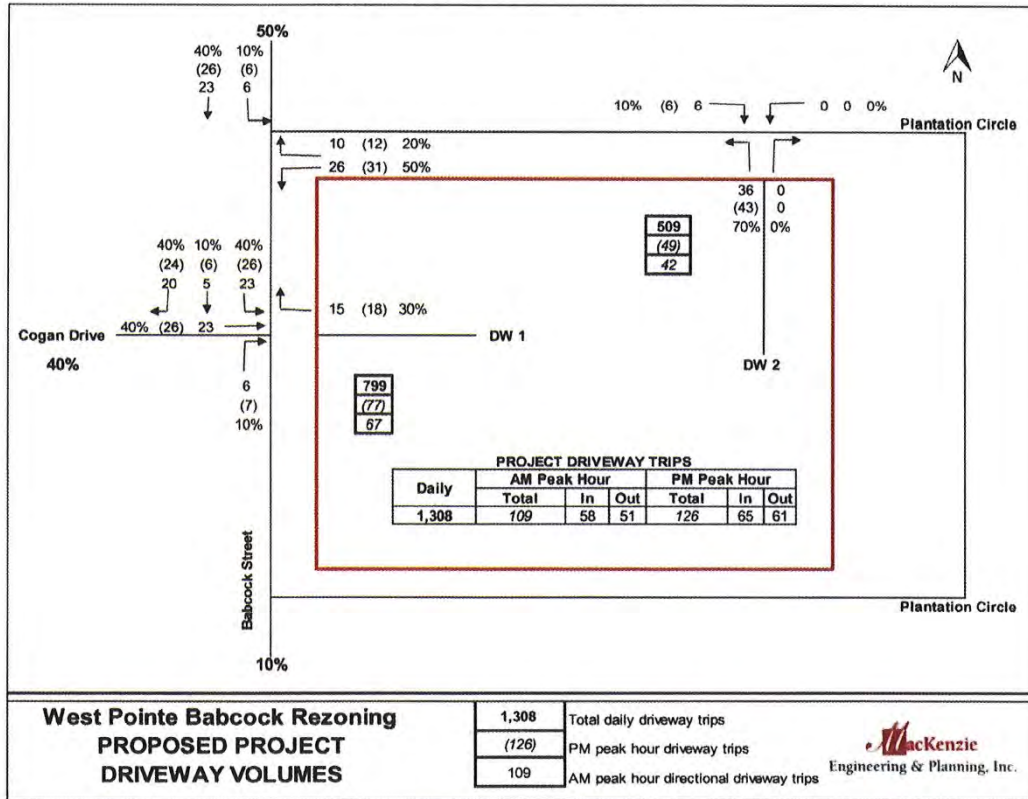
## DRIVEWAYS

Access to the property will be determined through the site planning process. In order to provide a conservative analysis, the left-turn and through egress was not permitted from the potential driveway on Babcock Street. The access is as follows:

- D/W #1 – Cogan Drive – right-in/right-out/left-in
- D/W #2 – Plantation Circle – full access

Figure 4 displays the driveway volumes.

**Figure 3. Projected Driveway Volumes**





### *D/W #1 Access*

A review of the project's access was performed to evaluate if the proposed project volumes meets the minimum Ingress Turn Lane Standards. The evaluation was based on the FDOT's Driveway Handbook 2008 Edition, Section 7.2. FDOT's Handbook recommends a right-turn lane when right-turn movements exceed 80-125 vehicles per hour during the peak hour for an unsignalized posted speed limit equal or less than 45 mph driveway.

The project's inbound AM and PM peak hour vehicles are 6 and 7, respectively. Using FDOT's most conservative threshold of 80 vehicles per hour, a right-turn lane is not recommended.

### *D/W #2 Access*

The project's inbound AM and PM peak hour vehicles are 6 and 6, respectively. Using FDOT's most conservative threshold of 80 vehicles per hour, a right-turn lane is not recommended.



## **CONCLUSION**

MacKenzie Engineering and Planning, Inc. performed an analysis of the traffic impacts resulting from rezoning a property from rural residential to Community Commercial located at the southeast corner of Plantation Cir and Babcock St, Palm Bay, Florida (Parcel ID: 29-37-34-00-506.1). The property was evaluated for 2020 conditions.

The result of the analysis shows that the roadways are projected to operate acceptably with the additional traffic generated by rezoning the property.

It is anticipated that development on the property will require construction of northbound left-turn lane at Cogan Drive and southbound left-turn land into the property. A northbound right-turn lane into the property is not anticipated to be necessary but will be re-evaluated during the site plan process.

## ***EXHIBITS***

Exhibit 1. Trip Generation

## **APPENDICES**

- D. Intersection Analysis
  - o Babcock Street & Cogan Drive
    - I. Volume Development Sheet
    - II. HCS 7 Results
- E. Institute of Traffic Engineers' (ITE) report, *Trip Generation (10<sup>th</sup> Edition)*
- F. Pass-by Rates, *Trip Generation Handbook (3<sup>rd</sup> Edition)*

EXHIBIT 1									
West Pointe Babcock Rezoning									
Trip Generation									
Land Use	Intensity		Daily	AM Peak Hour			PM Peak Hour		
			Trips	Total	In	Out	Total	In	Out
<b>Proposed Rezoning Traffic</b>									
Drive-In Bank	3.000	1000 SF	366	29	17	12	61	31	30
Fast Food Restaurant w/ DT	2.000	1000 SF	942	80	41	39	65	34	31
Subtotal			1,308	109	58	51	126	65	61
<b>Pass-By Traffic</b>									
Drive-In Bank	35%		128	10	6	4	21	11	10
Fast Food Restaurant w/ DT	50%		471	40	21	19	33	17	16
Subtotal			599	50	27	23	54	28	26
<b>NET PROPOSED TRIPS</b>			<b>709</b>	<b>59</b>	<b>31</b>	<b>28</b>	<b>72</b>	<b>37</b>	<b>35</b>
<b>Total Proposed Driveway Volumes</b>			<b>1,308</b>	<b>109</b>	<b>58</b>	<b>51</b>	<b>126</b>	<b>65</b>	<b>61</b>
<b>NET CHANGE IN TRIPS (FOR THE PURPOSES OF CONCURRENCY)</b>			<b>709</b>	<b>59</b>	<b>31</b>	<b>28</b>	<b>72</b>	<b>37</b>	<b>35</b>
<b>NET CHANGE IN DRIVEWAY VOLUMES</b>			<b>1,308</b>	<b>109</b>	<b>58</b>	<b>51</b>	<b>126</b>	<b>65</b>	<b>61</b>
Note: Trip generation was calculated using the following data:									
Land Use	ITE Code	Unit	Daily Rate	Pass-by Rate	AM Peak Hour		PM Peak Hour		
					in/out	Rate	in/out	Equation	
Drive-In Bank	912	1000 SF	T = 82.87 (X) + 117.1	35%	58/42	9.50	50/50	20.45	
Fast Food Restaurant w/ DT	934	1000 SF	470.95	50%	51/49	40.19	52/48	32.67	

s:\jobs - share drive\037 - west\003 - west pointe babcock llc\west pointe babcock trip generation.xlsx\ngen

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West Pointe Babcock - Rezone  
AM PEAK HOUR TURNING MOVEMENTS  
Babcock St & Cogan Dr

		ebu	ebl	ebt	ebr	wbu	wbl	wbt	wbr	nbu	nbl	nbt	nbr	abu	abl	abt	abr	totals
7:00 AM	7:15 AM	0	39	0	34	0	0	0	0	0	11	37	0	0	0	31	5	157
7:15 AM	7:30 AM	0	33	0	44	0	0	0	0	0	15	62	0	0	0	66	3	223
7:30 AM	7:45 AM	0	27	0	48	0	0	0	0	0	46	75	0	0	0	70	5	271
7:45 AM	8:00 AM	0	9	0	52	0	0	0	0	0	50	102	0	0	0	68	4	285
8:00 AM	8:15 AM	0	21	0	32	0	0	0	0	0	34	74	0	0	0	37	12	210
8:15 AM	8:30 AM	0	16	0	12	0	0	0	0	0	16	42	0	0	0	27	2	115
8:30 AM	8:45 AM	0	14	0	17	0	0	0	0	0	5	32	0	0	0	33	9	110
8:45 AM	9:00 AM	0	18	0	12	0	0	0	0	0	7	36	0	0	0	25	5	103
<b>Peak Hour Traffic Volume</b>		0	177	0	251	0	0	0	0	0	184	460	0	0	0	357	45	1474
7:15 AM	8:15 AM	0	90	0	176	0	0	0	0	0	145	313	0	0	0	241	24	989

Count Taken: 12/12/2019  
Buildout year: 2020  
Growth Rate: 8.4%  
Seasonal Factor: 1.13

	ebu	ebl	ebt	ebr	wbu	wbl	wbt	wbr	nbu	nbl	nbt	nbr	abu	abl	abt	abr
12/12/2019	0	90	0	176	0	0	0	0	0	145	313	0	0	0	241	24
PSCP	0	12	0	23	0	0	0	0	0	19	41	0	0	0	31	3
Adjusted Volumes		102	0	199		0	0	0		164	354	0		0	272	27
Growth Rate		8.4%	8.4%	8.4%		8.4%	8.4%	8.4%		8.4%	8.4%	8.4%		8.4%	8.4%	8.4%
2020 Volumes		9	0	17		0	0	0		14	30	0		0	23	2
Pre-Development		111	0	216		0	0	0		178	384	0		0	295	29
Project		111	0	216		0	0	0		178	384	0		0	295	29
Post	0	0	23	0	0	0	0	15	0	0	0	6	0	23	5	20
	0	111	23	216	0	0	0	15	0	178	384	6	0	23	300	49

Project Traffic Assignment	In								Out							
	0%	0%	40%	0%	0%	0%	0%	30%	0%	0%	0%	0%	0%	40%	0%	40%



West Pointe Babcock - Rezone  
PM PEAK HOUR TURNING MOVEMENTS  
Babcock St & Cogari Dr

		ebu	ebf	ebt	ebw	wbu	wbf	wbt	wbr	nbu	nbf	nbt	nbr	sbu	sbf	sbt	sbr	totals
4:00 PM	4:15 PM	0	8	0	15	0	0	0	0	0	18	35	0	0	0	37	9	122
4:15 PM	4:30 PM	0	17	0	10	0	0	0	0	0	23	26	0	0	0	44	12	132
4:30 PM	4:45 PM	0	10	0	17	0	0	0	0	0	17	32	0	0	0	37	14	127
4:45 PM	5:00 PM	0	5	0	6	0	0	0	0	0	21	35	0	0	0	37	23	127
5:00 PM	5:15 PM	0	12	0	19	0	0	0	0	0	22	27	0	0	0	28	20	128
5:15 PM	5:30 PM	0	10	0	17	0	0	0	0	0	34	27	0	0	0	42	25	155
5:30 PM	5:45 PM	0	11	0	22	0	0	0	0	0	32	34	0	0	0	42	33	174
5:45 PM	6:00 PM	0	7	0	27	0	0	0	0	0	32	33	0	0	0	50	31	180
<b>Peak Hour Traffic Volume</b>		0	80	0	133	0	0	0	0	0	199	249	0	0	0	317	167	1145
5:00 PM	6:00 PM	0	40	0	85	0	0	0	0	0	120	121	0	0	0	162	109	637

Count Taken: 12/12/2019  
Buildout year: 2020  
Growth Rate: 8.4%  
Seasonal Factor: 1.13

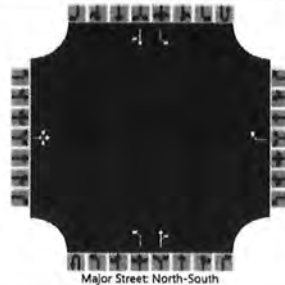
	ebu	ebi	esi	ebi	wbu	wbi	wbt	wbr	nbu	nbi	nbt	nbr	sbu	sbi	sbt	sbr
12/12/2019	0	40	0	85	0	0	0	0	0	120	121	0	0	0	162	109
PSCF	0	5	0	11	0	0	0	0	0	16	16	0	0	0	21	14
Adjusted Volumes	45	0	96			0	0	0		136	137	0		0	183	123
Growth Rate	8.4%		8.4%	8.4%		8.4%	8.4%	8.4%		8.4%	8.4%	8.4%		8.4%	8.4%	8.4%
Growth	4	0	8			0	0	0		11	12	0		0	15	10
2020 Volumes	49	0	104			0	0	0		147	149	0		0	198	133
Pre-Development	49	0	104			0	0	0		147	149	0		0	198	133
Project	0	0	26	0	0	0	0	18	0	0	0	7	0	26	6	24
Post	0	49	26	104	0	0	0	18	0	147	149	7	0	26	204	157

Project Traffic Assignment	In								Out							
	0%	0%	40%	0%	0%	0%	0%	30%	0%	0%	0%	10%	0%	40%	10%	40%

## HCS7 Two-Way Stop-Control Report

General Information		Site Information	
Analyst	MEP	Intersection	Babcock St & Cogan Dr
Agency/Co.	MEP	Jurisdiction	
Date Performed	12/17/2019	East/West Street	Cogan Dr
Analysis Year	2020	North/South Street	Babcock St
Time Analyzed		Peak Hour Factor	0.95
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	2020 Post-Development PM		

### Lanes



### Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	0	1	0	1	1	0	0	1	1	0
Configuration			LTR					R		L		TR		L		TR
Volume (veh/h)		49	26	104				18		147	149	7		26	204	157
Percent Heavy Vehicles (%)		2	2	2				2		2				2		
Proportion Time Blocked																
Percent Grade (%)	0				0											
Right Turn Channelized					No											
Median Type   Storage	Left + Thru								1							

### Critical and Follow-up Headways

Base Critical Headway (sec)		7.1	6.5	6.2				6.2		4.1				4.1		
Critical Headway (sec)		7.12	6.52	6.22				6.22		4.12				4.12		
Base Follow-Up Headway (sec)		3.5	4.0	3.3				3.3		2.2				2.2		
Follow-Up Headway (sec)		3.52	4.02	3.32				3.32		2.22				2.22		

### Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			188					19		155				27		
Capacity, c (veh/h)			508					885		1178				1414		
v/c Ratio			0.37					0.02		0.13				0.02		
95% Queue Length, Q <sub>95</sub> (veh)			1.7					0.1		0.5				0.1		
Control Delay (s/veh)			16.2					9.2		8.5				7.6		
Level of Service (LOS)			C					A		A				A		
Approach Delay (s/veh)	16.2				9.2				4.1				0.5			
Approach LOS	C				A											

## HCS7 Two-Way Stop-Control Report

General Information		Site Information	
Analyst	MEP	Intersection	Babcock St & Cogan Dr
Agency/Co.	MEP	Jurisdiction	
Date Performed	12/17/2019	East/West Street	Cogan Dr
Analysis Year	2020	North/South Street	Babcock St
Time Analyzed		Peak Hour Factor	0.95
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	2020 Post-Development AM		

### Lanes



### Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	0	1	0	1	1	0	0	1	1	0
Configuration			LTR					R		L		TR		L		TR
Volume (veh/h)		111	23	216				15		178	384	6		23	300	49
Percent Heavy Vehicles (%)		2	2	2				2		2				2		
Proportion Time Blocked																
Percent Grade (%)	0				0											
Right Turn Channelized					No											
Median Type   Storage					Left + Thru								1			

### Critical and Follow-up Headways

Base Critical Headway (sec)		7.1	6.5	6.2				6.2		4.1				4.1		
Critical Headway (sec)		7.12	6.52	6.22				6.22		4.12				4.12		
Base Follow-Up Headway (sec)		3.5	4.0	3.3				3.3		2.2				2.2		
Follow-Up Headway (sec)		3.52	4.02	3.32				3.32		2.22				2.22		

### Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			368					16		187				24		
Capacity, c (veh/h)			399					644		1191				1148		
v/c Ratio			0.92					0.02		0.16				0.02		
95% Queue Length, Q <sub>95</sub> (veh)			10.0					0.1		0.6				0.1		
Control Delay (s/veh)			60.2					10.7		8.6				8.2		
Level of Service (LOS)			F					B		A				A		
Approach Delay (s/veh)	60.2				10.7				2.7				0.5			
Approach LOS	F				B											

## **Land Use: 934**

### **Fast-Food Restaurant with Drive-Through Window**

#### **Description**

This category includes fast-food restaurants with drive-through windows. This type of restaurant is characterized by a large drive-through clientele, long hours of service (some are open for breakfast, all are open for lunch and dinner, some are open late at night or 24 hours a day) and high turnover rates for eat-in customers. These limited-service eating establishments do not provide table service. Non-drive-through patrons generally order at a cash register and pay before they eat. Fast casual restaurant (Land Use 930), high-turnover (sit-down) restaurant (Land Use 932), fast-food restaurant without drive-through window (Land Use 933), and fast-food restaurant with drive-through window and no indoor seating (Land Use 935) are related uses.

#### **Additional Data**

*Users should exercise caution when applying statistics during the AM peak periods, as the sites contained in the database for this land use may or may not be open for breakfast. In cases where it was confirmed that the sites were not open for breakfast, data for the AM peak hour of the adjacent street traffic were removed from the database.*

The outdoor seating area is not included in the overall gross floor area. Therefore, the number of seats may be a more reliable independent variable on which to establish trip generation rates for facilities having significant outdoor seating.

Time-of-day distribution data for this land use for a weekday, Saturday, and Sunday are presented in Appendix A. For the 46 general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:45 a.m. and 12:45 p.m. and 12:00 and 1:00 p.m., respectively. For the one dense multi-use urban site with data, the same AM and PM peak hours were observed.

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alaska, Alberta (CAN), California, Colorado, Florida, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Dakota, Texas, Vermont, Virginia, Washington, and Wisconsin.

#### **Source Numbers**

163, 164, 168, 180, 181, 241, 245, 278, 294, 300, 301, 319, 338, 340, 342, 358, 389, 438, 502, 552, 577, 583, 584, 617, 640, 641, 704, 715, 728, 810, 866, 867, 869, 885, 886, 927, 935, 962, 977

## Fast-Food Restaurant with Drive-Through Window (934)

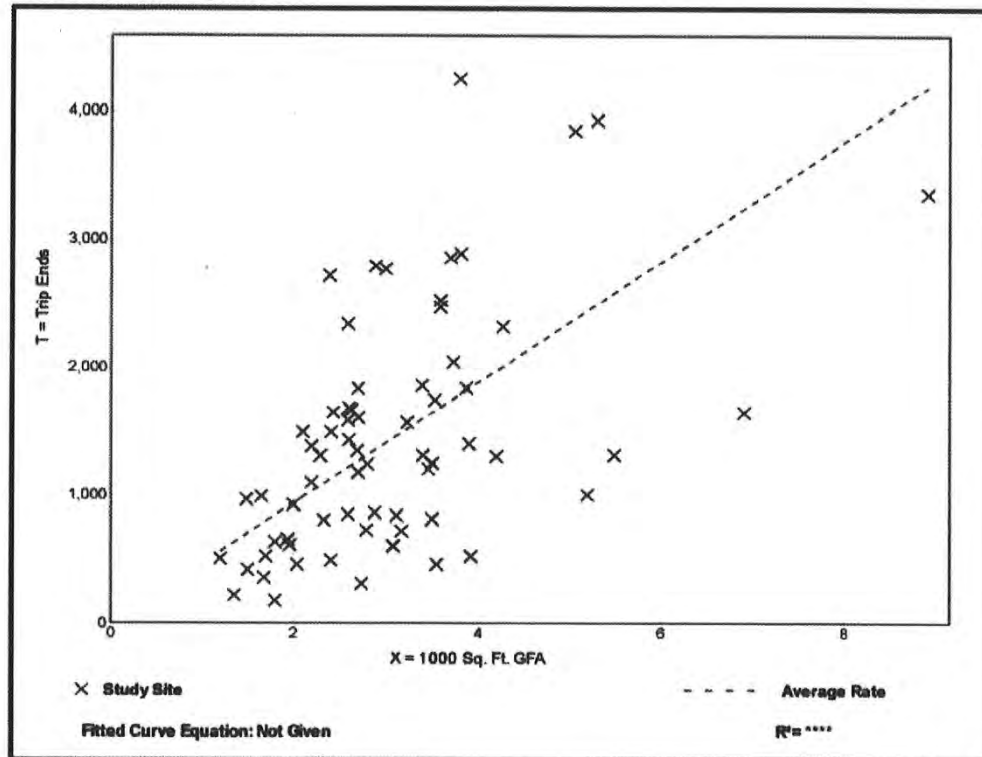
**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Weekday**

**Setting/Location: General Urban/Suburban**  
Number of Studies: 67  
1000 Sq. Ft. GFA: 3  
Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
470.95	98.89 - 1137.66	244.44

### Data Plot and Equation



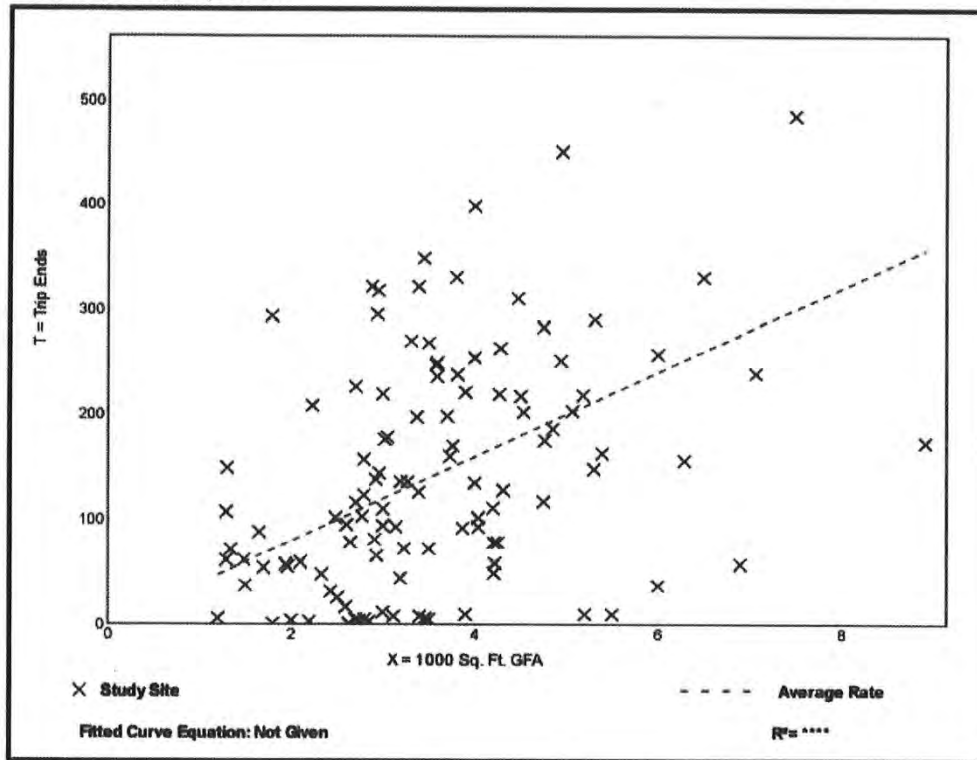
## Fast-Food Restaurant with Drive-Through Window (934)

**Vehicle Trip Ends vs:** 1000 Sq. Ft. GFA  
**On a:** Weekday,  
 Peak Hour of Adjacent Street Traffic,  
 One Hour Between 7 and 9 a.m.  
**Setting/Location:** General Urban/Suburban  
 Number of Studies: 111  
 1000 Sq. Ft. GFA: 4  
 Directional Distribution: 51% entering, 49% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
40.19	0.38 - 164.25	28.78

### Data Plot and Equation





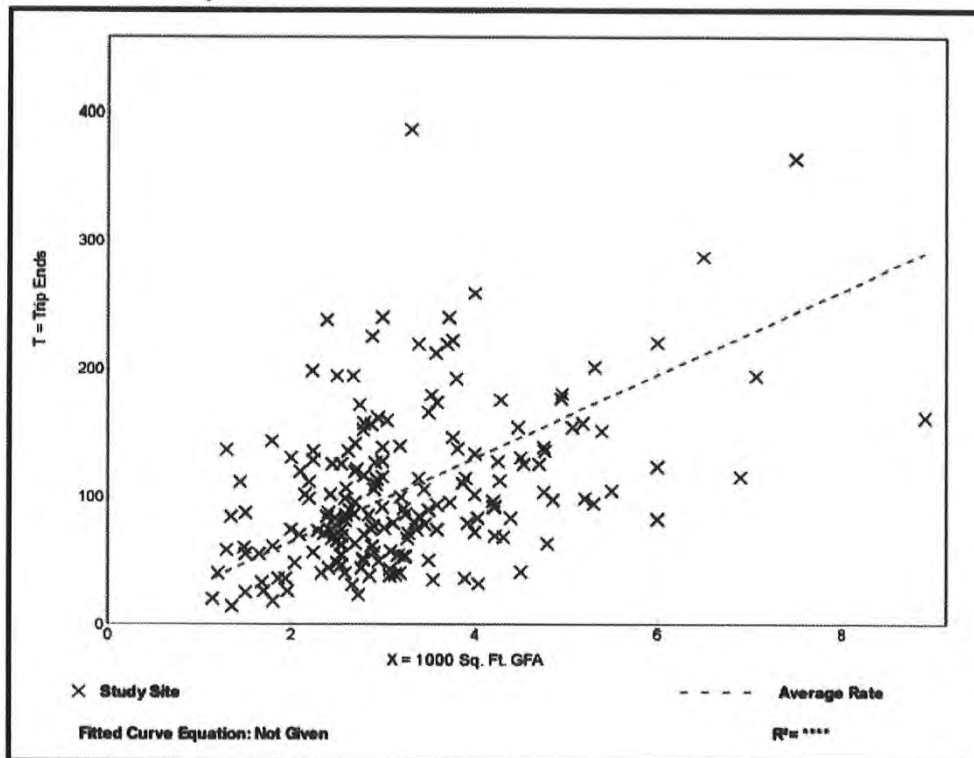
## Fast-Food Restaurant with Drive-Through Window (934)

**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 185  
 1000 Sq. Ft. GFA: 3  
 Directional Distribution: 52% entering, 48% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
32.67	8.17 - 117.22	17.87

### Data Plot and Equation



## Land Use: 912

### Drive-in Bank

#### Description

A drive-in bank provides banking facilities for motorists who conduct financial transactions from their vehicles; many also serve patrons who walk into the building. The drive-in lanes may or may not provide automatic teller machines (ATMs). Walk-in bank (Land Use 911) is a related use.

#### Additional Data

The independent variable, drive-in lanes, refers to all lanes at a banking facility used for financial transactions, including ATM-only lanes.

Time-of-day distribution data for this land use are presented in Appendix A. For the 18 general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:45 a.m. and 12:45 p.m. and 12:15 and 1:15 p.m., respectively. For the one center city core site with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:15 a.m. and 12:15 p.m. and 12:45 and 1:45 p.m., respectively.

The sites were surveyed in the 2000s and the 2010s in Colorado, Kentucky, Minnesota, Nebraska, New Jersey, New York, Oregon, Pennsylvania, Texas, Vermont, Virginia, Washington, and Wisconsin.

*To assist in the future analysis of this land use, it is important that Friday data be collected and reported separately from weekday data. It is also important to specify the date and month of the data collection period and the number of drive-through lanes that are open at the time of the study.*

#### Source Numbers

535, 539, 553, 555, 573, 577, 600, 624, 626, 629, 630, 637, 656, 657, 710, 724, 728, 866, 869, 883, 884, 927, 935, 961

## Drive-in Bank (912)

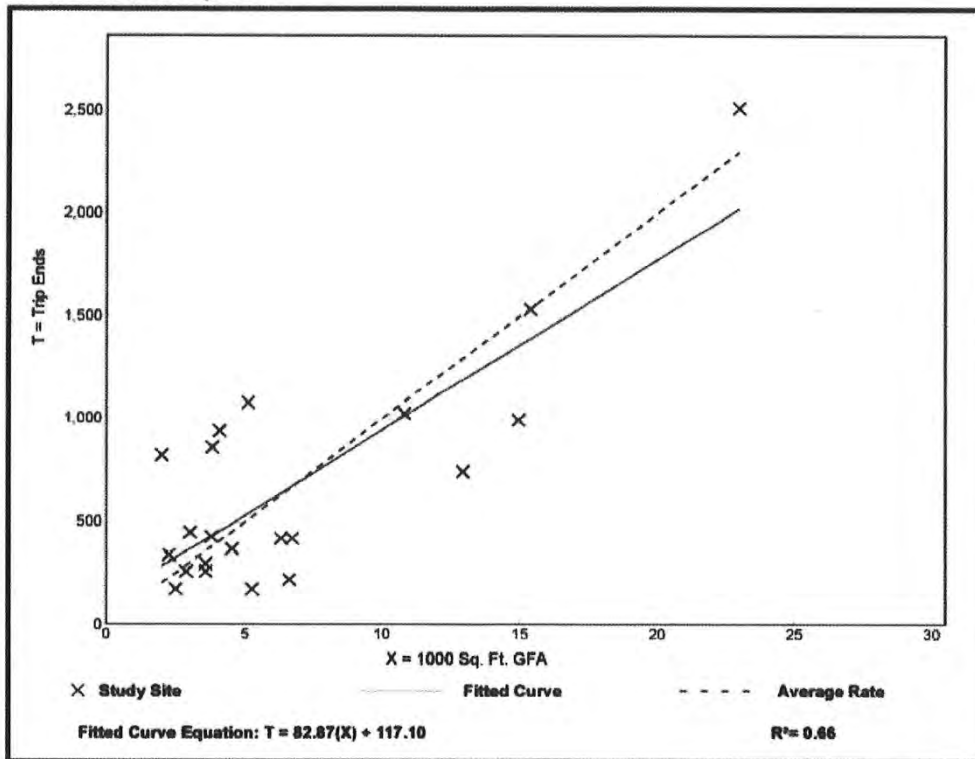
**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Weekday**

**Setting/Location:** General Urban/Suburban  
**Number of Studies:** 21  
**1000 Sq. Ft. GFA:** 7  
**Directional Distribution:** 50% entering, 50% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
100.03	32.67 - 408.42	61.61

### Data Plot and Equation



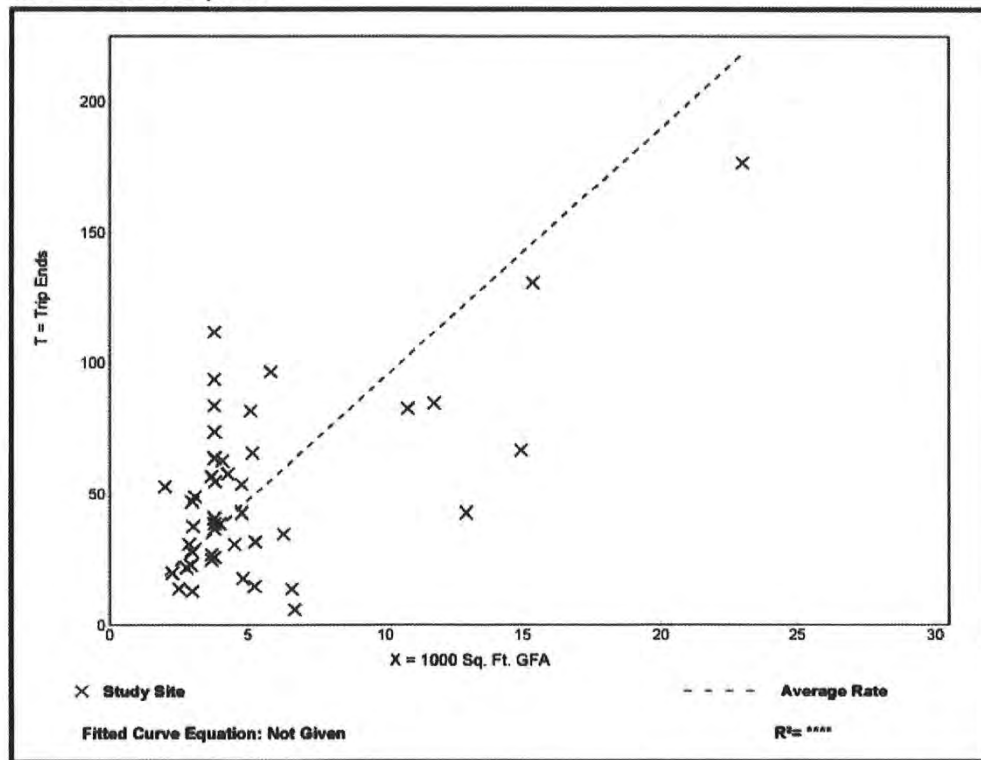
## Drive-in Bank (912)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
 On a: Weekday,  
 Peak Hour of Adjacent Street Traffic,  
 One Hour Between 7 and 9 a.m.  
 Setting/Location: General Urban/Suburban  
 Number of Studies: 46  
 1000 Sq. Ft. GFA: 5  
 Directional Distribution: 58% entering, 42% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
9.50	0.89 - 29.47	5.85

### Data Plot and Equation



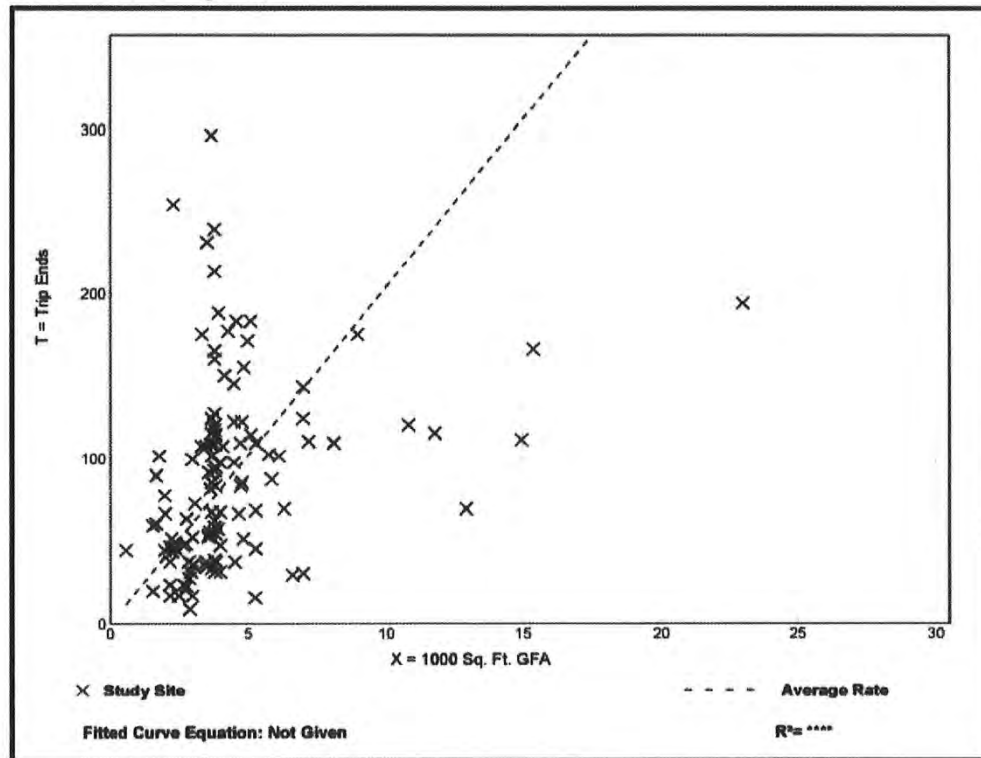
## Drive-in Bank (912)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
 On a: Weekday,  
 Peak Hour of Adjacent Street Traffic,  
 One Hour Between 4 and 6 p.m.  
 Setting/Location: General Urban/Suburban  
 Number of Studies: 115  
 1000 Sq. Ft. GFA: 4  
 Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
20.45	3.04 - 109.91	15.01

### Data Plot and Equation



**Table E.27 Pass-By and Non-Pass-By Trips Weekday, PM Peak Period  
Land Use Code 912—Drive-in Bank**

SIZE (1,000 SQ. FT. OR A)	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PASS-BY TRIP (%)	NON-PASS-BY TRIPS (%)			ADJ. STREET PEAK HOUR VOLUME	SOURCE
						PRIMARY	DIVERTED	TOTAL		
16.0	Overland Park, KS	Dec. 1988	20	4:30–5:30 p.m.	15	55	30	85	—	—
3.3	Louisville area, KY	July 1993	—	4:00–6:00 p.m.	48	22	36	52	2,570	Barton-Aschman Assoc.
3.4	Louisville area, KY	July 1993	—	4:00–6:00 p.m.	64	22	14	36	2,256	Barton-Aschman Assoc.
3.4	Louisville area, KY	July 1993	75	4:00–6:00 p.m.	57	11	32	43	1,955	Barton-Aschman Assoc.
3.5	Louisville area, KY	June 1993	53	4:00–6:00 p.m.	47	32	21	53	2,785	Barton-Aschman Assoc.
6.4	Louisville area, KY	June 1993	66	4:00–6:00 p.m.	53	20	27	47	2,610	Barton-Aschman Assoc.
3.8	Colonial Park, PA	March 2005	56	4:00–5:00 p.m.	43	—	—	57	—	McMahon Associates, Inc.
3.8	Camp Hill Mall, PA	March 2005	38	4:15–5:15 p.m.	41	—	—	59	—	McMahon Associates, Inc.
3.8	Exeter Twp, PA	March 2005	14	4:00–5:00 p.m.	24	—	—	76	—	McMahon Associates, Inc.
3.8	York, PA	March 2005	63	4:00–5:00 p.m.	29	—	—	71	—	McMahon Associates, Inc.
3.8	York, PA	March 2005	70	4:00–5:00 p.m.	28	—	—	71	—	McMahon Associates, Inc.
3.8	Palmira, PA	March 2005	29	4:15–5:15 p.m.	27	—	—	73	—	McMahon Associates, Inc.
3.8	Mountain Road, PA	March 2005	41	4:00–5:00 p.m.	25	—	—	75	—	McMahon Associates, Inc.
3.8	Hummelstown, PA	March 2005	37	4:00–6:00 p.m.	31	—	—	69	—	McMahon Associates, Inc.
3.8	Muhlenberg, PA	March 2005	19	4:00–6:00 p.m.	29	—	—	71	—	McMahon Associates, Inc.
3.8	York, PA	March 2005	34	4:00–6:00 p.m.	21	—	—	79	—	McMahon Associates, Inc.
3.8	Derry Street, PA	March 2005	36	4:00–6:00 p.m.	29	—	—	71	—	McMahon Associates, Inc.
3.6	Arlington, WA	Sept. 2007	—	4:00–6:00 p.m.	42	50	8	58	—	657
2.7	Lynnwood, WA	Sept. 2007	—	4:00–6:00 p.m.	26	68	8	74	—	657
2.8	Redmond, WA	Sept. 2007	—	4:00–6:00 p.m.	21	55	24	79	—	657
3.6	Brookmish, WA	July 2007	—	4:00–6:00 p.m.	28	—	—	71	—	657

Average Pass-By Trip Percentage: 35

“—” means no data were provided



**Table E.32 Pass-By and Non-Pass-By Trips Weekday, PM Peak Period  
Land Use Code 934—Fast-Food Restaurant with Drive-Through Window**

SEATS	SIZE (1,000 SQ. FT. OR)	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PASS- BY TRIP (%)	NON-PASS-BY TRIPS (%)			ADJ. STREET PEAK HOUR VOLUME	SOURCE
							PRIMARY	DIVERTED	TOTAL		
—	~2.8	Min-St. Paul, MN	1987	50	3:00-7:00 p.m.	25	27	48	75	—	—
—	<5.0	Chicago suburbs, IL	1987	80	3:00-8:00 p.m.	38	—	—	62	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	100	3:00-8:00 p.m.	55	—	—	45	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	159	3:00-8:00 p.m.	56	—	—	44	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	225	3:00-8:00 p.m.	48	—	—	52	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	86	3:00-8:00 p.m.	35	—	—	65	—	Kerig, O'Hara, Humes, Flock
—	<5.0	Chicago suburbs, IL	1987	84	3:00-8:00 p.m.	44	—	—	56	—	Kerig, O'Hara, Humes, Flock
68	1.3	Louisville area, KY	1993	—	4:00-8:00 p.m.	88	22	10	32	2,065	Barton- Aschman Assoc.
120	1.9	Louisville area, KY	1993	33	4:00-8:00 p.m.	87	24	9	33	2,447	Barton- Aschman Assoc.
87	4.2	New Albany, IN	1993	—	4:00-8:00 p.m.	56	25	19	44	1,632	Barton- Aschman Assoc.
150	3.0	Louisville area, KY	1993	—	4:00-8:00 p.m.	31	31	38	69	4,250	Barton- Aschman Assoc.
—	3.1	Kissimmee, FL	1996	28	2:00-8:00 p.m.	71	—	—	29	—	TPD Inc.
—	3.1	Apopka, FL	1996	29	2:00-8:00 p.m.	38	—	—	62	—	TPD Inc.
—	2.8	Winter Springs, FL	1996	47	2:00-8:00 p.m.	66	—	—	34	—	TPD Inc.
—	4.3	Longwood, FL	1994	304	2:00-8:00 p.m.	62	—	—	38	—	TPD Inc.
—	3.2	Altamonte Springs, FL	1996	202	2:00-8:00 p.m.	40	39	21	60	—	TPD Inc.
—	2.9	Winter Park, FL	1996	271	2:00-8:00 p.m.	41	41	18	59	—	TPD Inc.
—	3.3*	several	1996	varies	4:00-8:00 p.m.	62	—	—	38	—	Oracle Engineering

\*Average of several combined studies.

Average Pass-By Trip Percentage: 50

—" means no data were provided

2018 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL  
 CATEGORY: 7000 BREVARD COUNTYWIDE

WEEK	DATES	SF	MOCF: 0.91 PSCF
1	01/01/2018 - 01/06/2018	1.03	1.13
2	01/07/2018 - 01/13/2018	1.02	1.12
3	01/14/2018 - 01/20/2018	1.01	1.11
4	01/21/2018 - 01/27/2018	0.98	1.08
* 5	01/28/2018 - 02/03/2018	0.95	1.04
* 6	02/04/2018 - 02/10/2018	0.93	1.02
* 7	02/11/2018 - 02/17/2018	0.90	0.99
* 8	02/18/2018 - 02/24/2018	0.89	0.98
* 9	02/25/2018 - 03/03/2018	0.89	0.98
*10	03/04/2018 - 03/10/2018	0.89	0.98
*11	03/11/2018 - 03/17/2018	0.88	0.97
*12	03/18/2018 - 03/24/2018	0.89	0.98
*13	03/25/2018 - 03/31/2018	0.91	1.00
*14	04/01/2018 - 04/07/2018	0.92	1.01
*15	04/08/2018 - 04/14/2018	0.93	1.02
*16	04/15/2018 - 04/21/2018	0.94	1.03
*17	04/22/2018 - 04/28/2018	0.97	1.07
18	04/29/2018 - 05/05/2018	1.00	1.10
19	05/06/2018 - 05/12/2018	1.03	1.13
20	05/13/2018 - 05/19/2018	1.06	1.16
21	05/20/2018 - 05/26/2018	1.05	1.15
22	05/27/2018 - 06/02/2018	1.05	1.15
23	06/03/2018 - 06/09/2018	1.04	1.14
24	06/10/2018 - 06/16/2018	1.04	1.14
25	06/17/2018 - 06/23/2018	1.04	1.14
26	06/24/2018 - 06/30/2018	1.04	1.14
27	07/01/2018 - 07/07/2018	1.04	1.14
28	07/08/2018 - 07/14/2018	1.04	1.14
29	07/15/2018 - 07/21/2018	1.04	1.14
30	07/22/2018 - 07/28/2018	1.04	1.14
31	07/29/2018 - 08/04/2018	1.04	1.14
32	08/05/2018 - 08/11/2018	1.05	1.15
33	08/12/2018 - 08/18/2018	1.05	1.15
34	08/19/2018 - 08/25/2018	1.05	1.15
35	08/26/2018 - 09/01/2018	1.05	1.15
36	09/02/2018 - 09/08/2018	1.05	1.15
37	09/09/2018 - 09/15/2018	1.05	1.15
38	09/16/2018 - 09/22/2018	1.05	1.15
39	09/23/2018 - 09/29/2018	1.05	1.15
40	09/30/2018 - 10/06/2018	1.06	1.16
41	10/07/2018 - 10/13/2018	1.06	1.16
42	10/14/2018 - 10/20/2018	1.07	1.18
43	10/21/2018 - 10/27/2018	1.06	1.16
44	10/28/2018 - 11/03/2018	1.05	1.15
45	11/04/2018 - 11/10/2018	1.04	1.14
46	11/11/2018 - 11/17/2018	1.04	1.14
47	11/18/2018 - 11/24/2018	1.03	1.13
48	11/25/2018 - 12/01/2018	1.03	1.13
49	12/02/2018 - 12/08/2018	1.03	1.13
50	12/09/2018 - 12/15/2018	1.03	1.13
51	12/16/2018 - 12/22/2018	1.02	1.12
52	12/23/2018 - 12/29/2018	1.01	1.11
53	12/30/2018 - 12/31/2018	1.01	1.11

\* PEAK SEASON

25-FEB-2019 16:26:27

830UPD

5\_7000\_PKSEASON.TXT

# **THOMAS GAUME PRESENTATION**

Presented at July 1, 2020 Planning and Zoning Board Meeting

## spot zoning

Dictionary of Business Terms for: spot zoning  
spot zoning

rezoning a **parcel** of land where all surrounding parcels are zoned for a different use, in particular where the rezoning creates a use that is incompatible with surrounding land uses. Spot zoning is generally disallowed in the courts.

Dictionary of Real Estate Terms for: spot zoning  
spot zoning

the act of rezoning a **parcel** of land where all surrounding parcels are zoned for a different use, in particular where the rezoning creates a use that is incompatible with surrounding land uses. Spot zoning is generally disallowed in the courts.

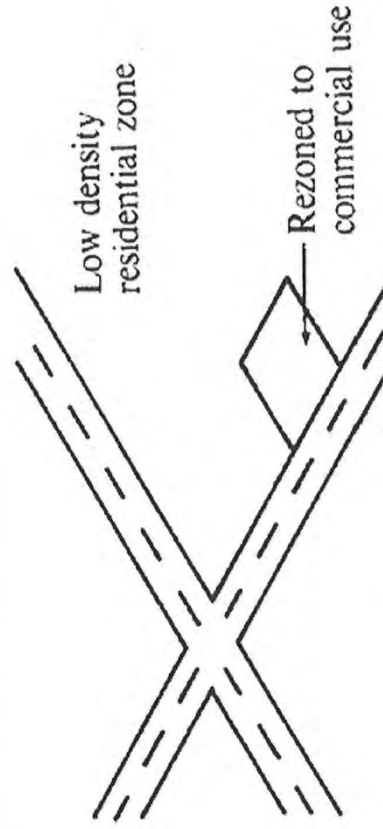


FIG. 181. SPOT ZONING

4. Request by West Pointe Babcock, LLC for preliminary subdivision approval for a proposed five-lot single-family subdivision to be known as 'Plantation Circle'

City of Palm Bay, Florida  
Regular Council Meeting 2019-27  
Minutes – November 7, 2019  
Page 7 of 13

in RR (Rural Residential District) zoning and a variance from connecting to the City's water and sewer system (8.41 acres)(Case PS-1-2019).

The Planning and Zoning Board recommended that the request be approved, subject to following conditions being addressed prior to City staff executing the Mylar:

- a. The boundary and title opinion shall be approved by the City Surveyor.
- b. A signed and sealed topographic survey is required for review and approval.
- c. Prior to the issuance of any building permits, the Construction Plans must be granted administrative staff approval.

The public hearing was opened. Carmine Ferraro, representative for the applicant, presented the request to Council.

Residents spoke against the request stating that the developer should be required to connect to any available water and sewer lines as it was required by Brevard County and Florida Statutes, stormwater was going to become a major issue, and the City needed to cease the permitting of septic tanks as it affected the Indian River Lagoon.

Mr. Ferraro addressed the residents' concerns. He said that after numerous meetings, City staff advised that connecting to the system was not feasible due to the design.

Mr. Little said the variance request was mainly due to a conflict between the Land Development Code and Utilities Code. Based on the size of the development, it did not meet the threshold in which connection to the City's sewer system was required. The issue with connecting to water was that the lines would have to be extended across Babcock Street, approximately 1,200 feet, which would create a dead-end line. It would also create a maintenance issue for the Utilities Department. Mr. Little further detailed the reasons for staff's support of the variance. Staff answered questions posed by councilmembers.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Mr. Johnson, to approve the request, subject to the recommendations of the Planning and Zoning Board and staff comments contained in the Staff Report. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Anderson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Johnson, Yea.







Brevard County Property Appraiser



2044882

For data accuracy, use a survey. This system may not precisely align.

# **CORRESPONDENCE**

## Chandra Powell

---

**From:** Terese Jones  
**Sent:** Friday, June 19, 2020 1:24 PM  
**To:** Chandra Powell  
**Subject:** FW: Request for Aggrieved or affected person status  
**Attachments:** Letter to City of PB.doc

**From:** Ken Smith <wetemps@aol.com>  
**Sent:** Friday, June 19, 2020 11:54 AM  
**To:** Terese Jones <Terese.Jones@palmbayflorida.org>  
**Subject:** Request for Aggrieved or affected person status

**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.

June 19, 2020

Dear Ms Jones

Please accept this email as written 5 day notice.

I am hereby requesting aggrieved or affected person status with regards to cp-4-202 and cpz-4-2020

I own the property on both sides of the property being requested for rezoning. The rezoning of this property will cause a total change in our neighborhood and because it is adjacent to my property will certainly affect me and my Family's way of life. We do not think that this rezoning is in the best interest of the residents of Palm Bay or the Palm Bay community at large. I am also concerned about all of the other problems that will happen to me as an adjacent land owner.

Kenneth R. Smith  
1866 Plantation Circle se  
Palm Bay Florida 32909

[wetemps@aol.com](mailto:wetemps@aol.com)  
609-226-0120

If you have any questions about this request please feel free to contact me at any time either via email or Phone as identified above. Please acknowledge receipt of this email .

A signed letter is attached for your records

Sincerely

Kenneth Smith

June 19, 2020

Dear Ms Jones

Please accept this email as written 5 day notice. I am hereby requesting Aggrieved or affected person status with regards to cp-4-202 and cpz-4-2020

I own the property on both sides of the property being requested for rezoning. The rezoning of this property will cause a total change in our neighborhood and because it is adjacent to my property will certainly affect me and my Family's way of life. We do not think that this rezoning is in the best interest of the residents of Palm Bay or the Palm Bay community at large. I am also concerned about all of the other problems that will happen to me as an adjacent land owner.

Kenneth R. Smith  
1866 Plantation Circle se  
Palm Bay Florida 32909  
[wetemps@aol.com](mailto:wetemps@aol.com)  
609-226-0120

If you have any questions about this request please feel free to contact me at any time either via email or Phone as identified above

Sincerely

A handwritten signature in dark ink, appearing to read "Kenneth R. Smith", with a stylized flourish at the end.

Kenneth Smith

In recent years, the City of Palm Bay has exercised some good planning with regards to residential and commercial area development. Basically developing these areas in modules that enhance each other. Bayside is a great example of how this is done right. The main Corridor of Palm Bay Road and the planned redevelopment on Route 1 also lend to this format. **We all want to see organized, well thought out commercial entities within our City.**

But, occasionally things go awry. Some outside speculator tries to pick up a cheap piece of property in an exclusively residential area and seeks to rezone it to commercial property, for the sole purpose of making a few quick bucks "flipping" it. These are not residents of Palm Bay, do not pay taxes in Palm Bay, and, most importantly, they don't vote in Palm Bay like my neighbors and me.

This is now the case at the southern end of Babcock Street, on Plantation Circle. This entire area is made up of residential single family houses. The houses in this area were built by people who invested their life's savings to build their homes here and start their families. The city master plan has for a long time classified this area as strictly residential. When I built my house here, I made sure that it was in a strictly residential area before investing in buying my property and building my home.

Now, an outside speculator group has AGAIN set its sites on the parcel of land at the front entrance to our subdivision. Time and again this speculator has tried to have this property rezoned to commercial use. This time he has moved forward and utilized the city's minor subdivision process to first subdivide the land into 5 Residential Lots. The lots are all **residential because that was a requirement** of doing the minor sub-division without going through City Council. The Applicant who came before you last year promised to use all of the lots for residential home development. Now in his new application for rezoning the same land, he has stated that " **the vacant parcel he created last week is no longer suitable for residential use.**" So basically the applicant misled the city in his application for subdivision.

**There should be an overwhelming, important reason to change property zoning in the middle of established Residential Neighborhoods. Financial gain for one individual over that of another is not such a justification.**

My neighbors and I object to this project. We urge the individuals on the Palm Bay Zoning board and the members of the town council to vote to reject this project. Its sole merit is to profit the speculators who seek to flip this property. Changes like this should be made prudently and with caution not to cause harm to our existing residents and their way of life. New and improved are not always words that indicate "for the good of the people." There are different kinds of growth. We want organized, well planned growth that enhances our lives, not the hap-hazard type of the past that does more harm than good and cheapens the image of our city.

Attached I have outlined some of the reason I object to this project as well as other information and emails that may be important to this issue.

You may contact me at any time if you would like to discuss this matter further.

Respectfully

Kenneth R. Smith  
1866 Plantation Circle

**Case Numbers CPZ-4-2020Zoning)  
and  
CP-4-2020 (Land Use)**

**I object to the Rezoning and Reuse of  
the 3.86 Acres located on Plantation  
Circle from Residential to  
Commercial Use.**

**Enclosed please find a detailed  
explanation of the basis for my  
objection**

**Kenneth R. Smith  
1866 Plantation Circle  
Palm Bay, Florida 32909**

  
6/22/2020



# **Table of Content**

- A) Opening Statement**
- B) Map of Plantation Circle**
- C) Our Moto**
- D) Our Value, and our Statement**
- D) Reason 1 for Voting NO: Unsuitable for Commercial Use**
- E) Reason 2 for Voting NO: Inconsistent with FLU Plan**
- F) Reason 3 for Voting NO: Traffic Consierations**
- G) FDOT plans for the same exact Lot**
- H) Article published in Florida Today**
- (I) Fire**
- (J) Closing Statement**

Lot requested for Rezoning



Recently Restored Retention Pond

Known Wetlands

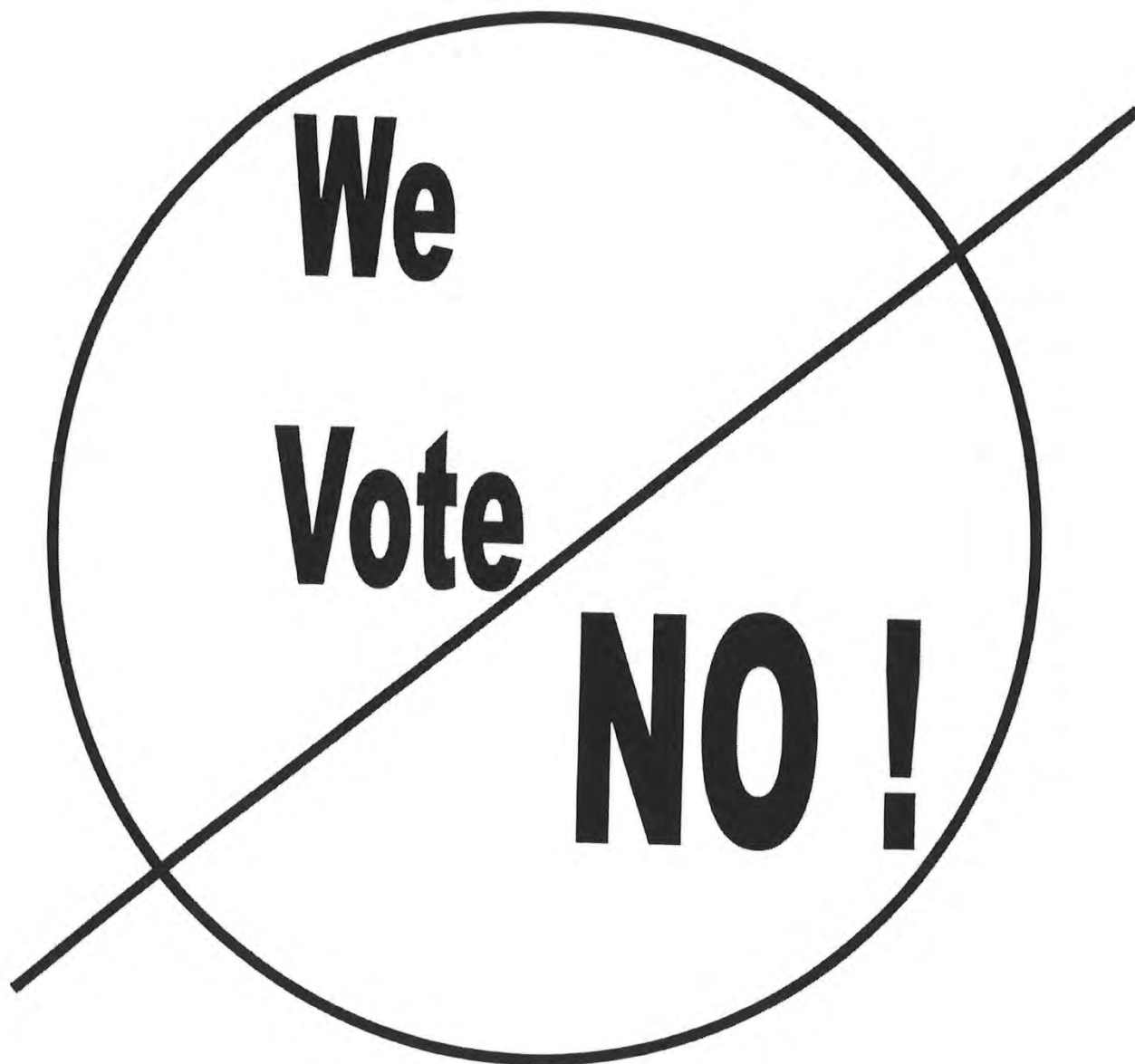
CERTIFIED WILDLIFE HABITATS

90 degree Turn

**BRIDGECREEK STREET**

Houses

**Plantation Circle, Palm Bay Florida**  
**Currently 48 Homes**  
**Average Market Price approx \$400,000**



**The Residents of  
Plantation Circle  
Have  
More Than**

**\$11,480,515.00  
Invested  
In Their Properties**

**We pay over \$160,000.00 in property  
taxes per year**

**There should be an  
overwhelming, important  
reason to change property  
zoning in the heart of an  
established Residential  
Neighborhood!**

**Financial gain for one  
individual over that of  
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**Financial gain for one  
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justification!**



Reason Number One..... for voting No ..Commercial use of this property will front it on the wrong Street, cause SPOT ZONING, and Contradicts the Palm Bay FLU Plan.

**This lot is particularly ill suited for direct access on to an undivided Babcock Street with no deceleration lane in either direction.** Historically the lots on Plantation Circle have always fronted on to the residential street just for this reason. Also, please see the attached proposed diagram by FDOT for a "Circle" at the intersection of Cogan and Babcock. The widening of Babcock will take the side 75 feet of the proposed lot for expansion. This would totally preclude using this property in any way to front on to Babcock Street. But, **if used as a residential lot facing on to Plantation Circle as it is now it presents no problem with traffic on either street..**

Physically

The frontage onto Babcock starts with a drainage right of way that is approximately 8 feet deep and 10 feet across. Water and sewer are required for this lot but is located on the opposite side of Babcock Street. This will require water and sewer to be brought across Babcock just for this lot. The lot is 3.89 acres and will require on site retention for storm water. Currently the applicant has not included any storm water right of ways in the subdivision that has just been approved ??

This lot would be totally isolated from all other commercial entities on Babcock Street. This is the true definition of "**Spot Zoning**" and is totally inconsistent with the Palm Bay Future land Use Plan.

**We hope that our Planning and Zoning committee wisely foresee what is coming and encourage another model similar to the one used to develop Bayside. (Keeping commercial and residential areas in close proximity but not integrated into each other. That is what makes an attractive and inviting community.**

**This is a beautiful Residential Neighborhood, One of the nicest in Palm Bay. Let's keep it that way. There is no legitimate justification for destroying the heart of Plantation Circle Community, especially while there are acres and acres of undeveloped community commercial land right around the corner.**

Property rights go both ways. People should have the right to do whatever they want with their property, but it should not interfere with the rights of other established land/home owners. Residents want Life, liberty and the pursuit of happiness Speculators and their cronies = Power, Money, and the profit you can make with it.

We hope that our Planning and Zoning board will protect the existing, hard working residents of this community by enforcing our future land use regulations. We need our elected officials to realize that they must **not approve this kind of application** for the "Overall good of the citizens of our City ". This is an often endorsed misconception. Ask any citizen of Palm Bay " Do you agree with the widespread integration of commercial entities into Palm Bay Neighborhoods. The answer will be a resounding "NO" People in Palm Bay want to enjoy their lives as they planned them when they moved here. They do not appreciate when you pull the rug out from under them and put a Dollar Store next to their house to help a developer score another flip of residential land. **Please do the right thing and deny this applicant.**

**Reason Number Two.....** Total Inconsistency with The Palm Bay Future Land Use Map.

In accordance with the Future Land Use Plan of Palm Bay, the applicant is required produced any competent substantial evidence that proves that this application will not damage the character and historical complexion of the Plantation Circle Community

In his application for **Justification for Change** of the Future Land Use Map he states

“FLU Map needs to be amended to conform to zoning request for community commercial”

In other words, his justification for changing the map is so that the map will match his requested rezoning.

However, , the map can not be changed for that purpose and in that manner. By Florida Statute and Palm Bay Ordinances, the map can only be changed if the applicant shows that his proposed change is consistent with the Palm Bay Future Land Use Plan.

The Applicant has made no such effort. Below are some of the specific requirements that are part of the Palm Bay Future Land Use Plan. This plan has not been changed since the application for this rezoning was denied last year because of these requirements.

#### **OBJECTIVE**

**FLU-2.3 Prevent incompatible land uses from locating in residential areas in order to promote neighborhood stability and prevent deterioration.**

#### **POLICIES**

**FLU-2.3A The Land Development Regulations shall continue to contain provisions to ensure that land uses surrounded by and/or abutting residential areas are not in conflict with the scale, intensity, density and character of the residential area.**

**FLU-2.3B The Land Development Regulations shall continue to contain provisions to ensure that access to future high-density development or non-residential uses shall not be through low density residential areas.**

**FLU-2.3C The Subdivision Ordinance shall continue to require designs which minimize access to arterial and collector roadways and provide buffering from such roads.**

**FLU-2.3D The Land Development Regulations shall continue to provide for a “Neighborhood Commercial” category which permits only those commercial uses within residential areas which provide for the retail and service needs of the surrounding neighborhood.**

**FLU-2.3E Future commercial uses within residential areas shall be located at designated collector nodes and designed with buffering to protect adjacent uses.**

The above parts of the Future Land Use Map show clearly that the proposed change is totally inconsistent with the requirements of the Plan.

**Reason Number Three..... for voting No Commercial Traffic in an enclosed Residential Area**

**First: Access to this commercial lot is restricted by ordinance:**

Originally, the city of Palm Bay ordinance 185.130 allowed for a commercial property to have access to a residential street if it was located on a corner of an arterial highway. This ordinance was adopted in 1989 when Palm Bay was in its infancy. Later, on February 15, 1996, ordinance 184.25 was adopted. This more current ordinance was adopted after Palm Bay was experiencing a dramatic increase in growth. The more recent ordinance specifically prohibits any commercial or industrial entity from having direct access to a residential Street. (See Attached)

The applicant has shown us several concept drawings of his possible plans, all having an illegal direct access onto Plantation Circle, a neighborhood residential street as defined by the Florida DOT manual on streets.

**Second: Large Trucks stuck on our street** Trucks arriving at the new commercial site making deliveries will on occasion inadvertently pull on to Plantation Circle Street by mistake instead of the main parking lot. They may also use Plantation Circle to pull into to wait to make a delivery. Once a tractor-trailer has turned onto Plantation Circle, it will have one of two choices. It can either back up on to Babcock Street, which would be suicidal, or they could proceed down Plantation Circle, not knowing that the end of our street has a two bends that cannot accommodate large trucks without driving on the lawns of several houses. This is a nightmare no matter how you look at it.

**Third: Secondary Increased traffic on our street because of exiting and entering the commercial property.** Every time someone misses the turn for the strip mall parking lot, they will turn on to our street and drive around to the other side our circle to get to the commercial property.

I say drive, but experience tells me that in a short time the city will have to put in speed bumps or other traffic slowing devices to slow down these shoppers who have missed their turnoff. **That is one reason that it is unwise to allow commercial entities in the middle of established neighborhoods.**

**In Conclusion:** This is a terrible, dangerous, and disruptive spot to create a commercial enterprise. It will result in direct problems with traffic on Babcock Street as well as secondary problems with congestion on Plantation Circle. All this and we still have no idea of what the applicant intends for the property if the re-zoning is granted. **At a minimum, this proposal should not be considered until Babcock Street is brought to 4 lanes and a traffic light is installed at Cogan and Babcock. Then, and only then, should the proposal be considered. By then, I would hope that the lots would be sold off as Residential.**

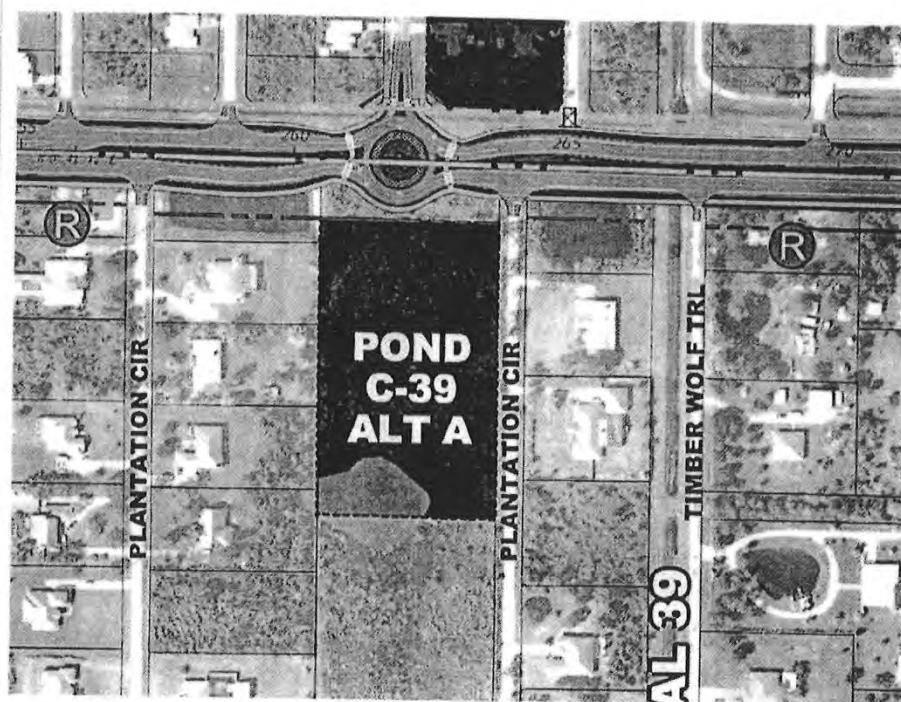
**Making this dangerous intersection more complicated is flirting with disaster. Can you imagine the thought of a School bus full of small children being hit by a large dump truck at the intersection of Babcock and Cogan because someone was pulling out of the new commercial driveway at the same intersection.**

**FDOT Plans for this exact same lot....Traffic Roundabout and Retention Pond**

**FDOT is planning to widen Babcock Street south of Malabar Road.**

**The below diagram is from the FDOT website . As you can see, there will be a Roundabout at the end of Cogan Street, and the lot currently under application for commercial will in fact be used as a retention Pond.**

**If you look at the diagram, you will see that a commercial entity at this location will be impossible. There can be no entity that enters Babcock Street at this location. This lot will have to front on Plantation Circle.**



**In addition, if the state is required to buy this lot in order to install a required retention pond, the value that the taxpayers will have to pay for the land will be 10 fold if it is converted from residential to commercial.**

## florida today

### NEWS

# Babcock Street widening may cost \$250 million, add 9 roundabouts south of Malabar Road

**Rick Neale** Florida Today

Published 5:40 p.m. ET Dec. 17, 2019

"Astronomical" estimated costs to widen Babcock Street between Malabar and Micco roads could reach a quarter billion dollars — and engineers hope to install nine roundabouts.

The Florida Department of Transportation is studying options to widen this 9-mile stretch of rural Babcock Street into a four-lane divided roadway, featuring sidewalks and bike paths.

"With the intersection options that are going to be implemented on this corridor — which are roundabouts, for the majority of the intersections — in the future, this is going to be more of what we refer to as a complete street," Jesse Blouin of Inwood Consulting Engineers told the Space Coast Transportation Planning Organization during a presentation last week.

"Slower speeds, more pedestrian features. Certainly safety, lighting," Blouin said.

The southern Babcock Street corridor passes through fast-growing Palm Bay and Malabar, Grant-Valkaria and unincorporated Brevard County. Traffic today is "certainly problematic" at the Malabar Road intersection, Blouin said.

Today's two-lane Babcock Street cannot accommodate FDOT's future projected traffic levels. The new Interstate 95 interchange at the future St. Johns Heritage Parkway will open development of Emerald Lakes, which is zoned for 3,760 homes and 2.82 million square feet of non-residential construction.

Moreover, the 9-mile stretch of roadway saw 555 crashes from 2013-17. Neither bike lanes, sidewalks or lighting exist today.

The Babcock Street plan calls for a series of nine roundabouts. Locations: Micco/Deer Run road, Capital Drive (future development), Mara Loma Boulevard (near Sunrise Elementary),



Cogan Drive, Eldron Boulevard, Valkaria Road-Wyoming Drive, Waco Boulevard, Foundation Park Boulevard and Community College Parkway.

**More:** Future north-south highway may link U.S. 192 with SR 50, spurring major development

**More:** Officials: Removing Beachline earthen causeways would improve Banana River water quality

"We analyzed both traffic signals and roundabouts at all the major intersections. And the county chose the roundabouts, because it does fit in with the future vision of slowing the speeds," Blouin told the Space Coast TPO.

"In my professional judgment, that was a very good decision for this corridor because it's really the only way that you can start to slow these speeds and reach these future objectives," Blouin said.

"They can certainly be challenging from a public outreach perspective, but we have tools and data that help us there as well," he said.

FDOT will likely schedule a public hearing on the project in spring or summer. The four-lane road would require new bridges over the Sottile Canal and I-95. Blouin said the I-95 span is 50 years old and has reached the end of its useful life.

All told, Blouin provided "a rough ballpark" project cost estimate of nearly \$250 million — including "astronomical" right-of-way acquisition costs topping \$100 million.

Widening Babcock Street would require construction of numerous large retention ponds, relocation of residential and commercial properties, and mitigation of scrub jay habitat.

However, Blouin said material costs are high in today's economy, and the study incorporates conservative fiscal calculations — "I'm very confident that that amount will drop as we move forward," he said.

Georganna Gillette, Space Cost TPO executive director, said Babcock Street widening design work should wrap up in the next couple years.

"But then once we get that done, it's going to sit on the shelf — because we have to figure out how we're going to fund this," Gillette said.

The Babcock Street widening project would extend southward 4/10 of a mile past Micco Road and the Deer Run subdivision entrance.



To the north, from Valkaria Road to Malabar Road, FDOT engineers would consider narrowing vehicle lanes from 12 feet to 11 feet wide. Why? Blouin said national studies show the narrower lanes tend to slow vehicle speeds and have a traffic-calming effect.

Titusville City Councilman Robert Jordan expressed skepticism.

"You're losing a foot — and you're saying I'm going to be calmer because I've got a smaller footprint for my big car?" Jordan asked.

"That always makes me calmer," Rockledge Deputy Mayor Frank Forester replied, drawing laughter.

"Just because something is allowed doesn't mean it's something we should do," Forester said.

"Cars scraping into each other as they go down the road will slow down the traffic. No question about that," he said.

*Neale is the South Brevard watchdog reporter at FLORIDA TODAY.*

*Contact Neale at 321-242-3638 or [rneale@floridatoday.com](mailto:rneale@floridatoday.com). Twitter: @RickNeale1*

# ott e rets

environment to it that has no angle? ... in the teeth of Floridians' Amendment 1, would use new venues for the protection of kids. Nobody's government — nor — would has own legal

that cost tax was the filing of Gerald Bailey's respected head department of rent. Bailey's cheatered by actively sup-

g lawyer that and several tions filed a g that Scott mers violated meeting law by alley without mon or vote.

Bailey went complaints that d his staff had erly influence nal investigation of other inclination. computer video on can't the polished with. His version astamble. on still and tex-y Bailey was error chose to vious Cabinet close on his

r lawsuit was for \$55,000, a fine cost to the point, more vate attorneys on behalf of dipet, racking about \$365,000.

## LETTERS AND FEEDBACK

### Zoning change not good for residents

In recent years, the city of Palm Bay has exercised some good planning with regards to residential and commercial area development, developing these areas in modules that enhance each other. Bayside is a great example of how this is done right.

Occasionally, things go awry. Some outside speculator picks up a cheap piece of property in an exclusively residential area and seeks to rezone it to commercial property, for the sole purpose of "flipping" it. These are not Palm Bay residents or taxpayers and most importantly, don't vote in Palm Bay like my neighbors and me.

This is now the case at the southern end of Babcock Street on Plantation Circle. The residential single-family houses were built by people who invested their life's savings to build homes here and start families. The city master plan has long classified this area as strictly residential. I made sure of that before buying my property and building my home.

Now, an outside speculator group has set its sights on an eight-lot residential piece at the subdivision entrance. They have somehow rapidly cut through the process of rezoning property, and in six weeks hope to have completed rezoning of this area from residential to commercial. This will destroy our neighborhood and quality of life, changing the heart of our neighborhood to a strip mall site.

There should be an overwhelming, important reason to change property zoning like this. Financial gain for one individual over that of another is not such a justification.

Kenneth Smith  
Palm Bay

### GOP should look at facts, stop lies

Regarding Mr. Kasch's letter to the editor of August 11, it could be refreshing for a change if Republicans embraced facts instead of making up lies.

Despite his hand-wringing



Debbie Ziegler holds a photo of her daughter, Brittany Maynard, the California woman with brain cancer who moved to Oregon to legally end her life last fall, during an Aug. 18 news conference to announce the reintroduction of right-to-die legislation in California.

about the conditions that led to the vote. Because of that, George W. Bush and members of his administration are liars. The hundreds of thousands who died in that failed escape make Bush and his handlers murderers and war criminals. Mr. Kasch must be fatally misinformed.

Dan Beschinkel  
Indianapolis

### Dropping atomic bombs saved lives

I feel compelled to reply to recent letters that commented on my Aug. 6 guest editorial on the atomic bombs.

I did emphasize Japan's fanaticism in two Jima and Okinawa as well as its preparations to defend against the invasion as rationale for Truman's decision. American officials interviewing Japanese civilians after the war were told that the government was prepared to place the sick, old and infirm as a screening force in front of its defending troops and that American troops would rape women and murder children. The immediate and long-term suffering wrought

Finally, Secretary of War Henry L. Stimson ensured that the historic and traditional Japanese capital of Kyoto was spared from any bombing, a fact that later was warmly welcomed by the Japanese people. Perhaps one should remember the words of Robert E. Lee after the Civil War: "It is good war is so terrible lest we grow fond of it."

Lee Wyatt  
Melbourne

### We should support death with dignity

Columnist Marshall Frank recently wrote about states giving people the right to die. I am definitely in favor of this movement. If a person is of sound mind and wishes to end it all, then the state and medical professional should stay out of it. A person should be able to ask a doctor for a painless means of exit.

I am in my late 80s, so I have had much experience in life and am able to decide for myself. I have worked all my life — never a big-paying job, but always forced myself to save and put a tidy sum away



### And then there was the suspicious fire !!!!!

The day before a meeting was scheduled by Mr. Sakowitz and Mr. West to meet with the Residents of Plantation Circle, someone lit the entire lot on fire, nearly burning out several adjoining residents.

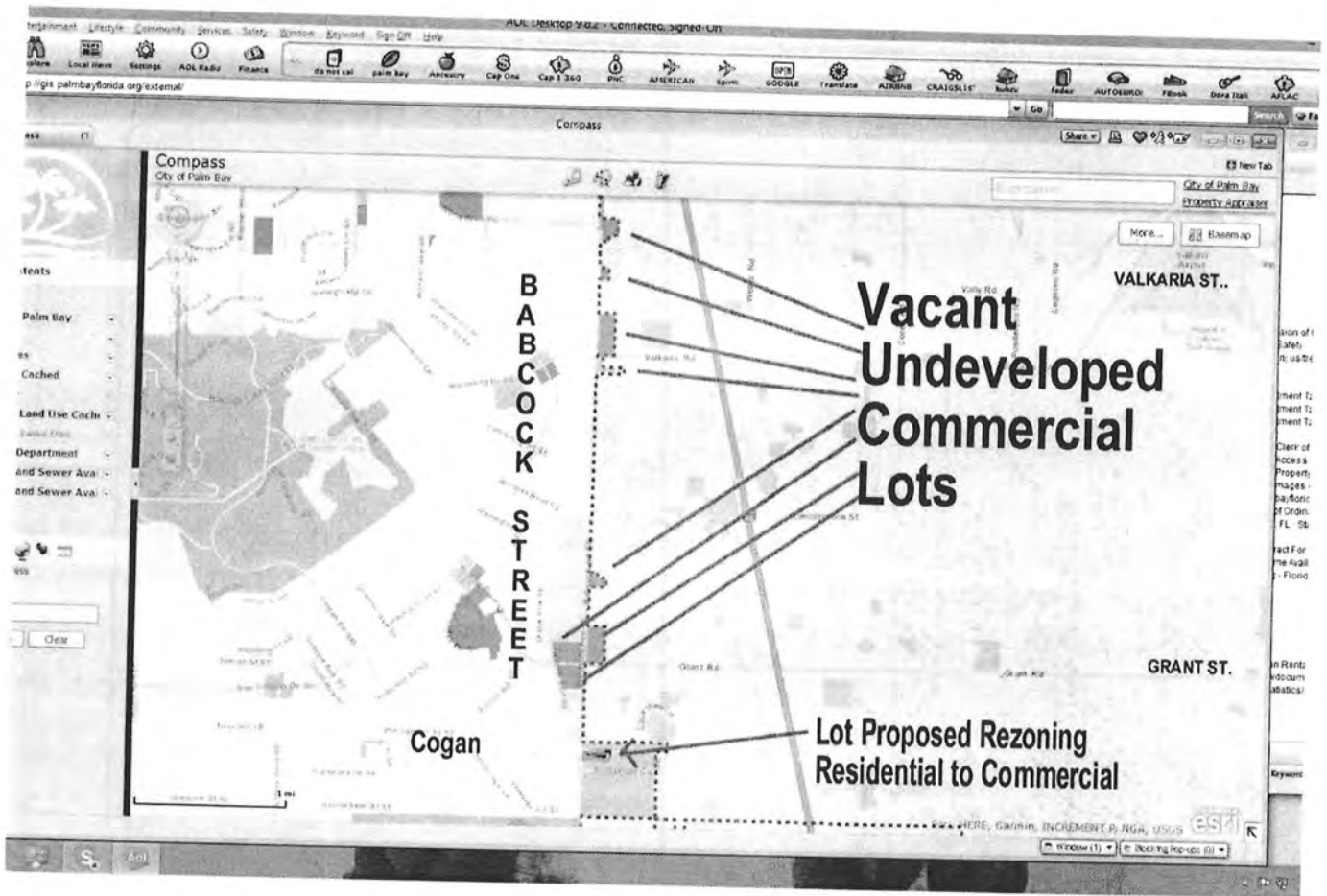
An investigation following the fire was inconclusive.

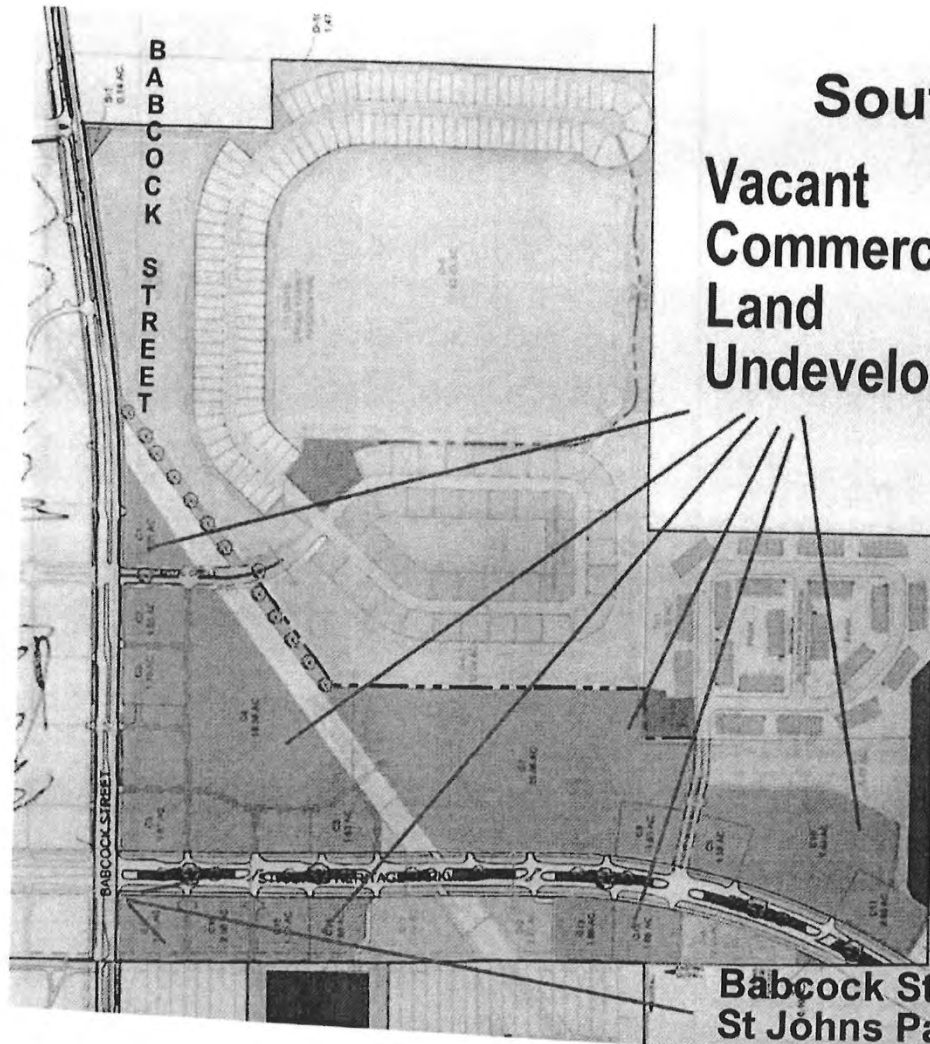
The entire lot plus several acres of adjoining property were burned to the ground

Fortunately, no one was injured.

Yes, many of us have our suspicions but no proof to who lit the fire.

You can be sure it put a scare in all of us.





# South Vacant Commercial Land Undeveloped

LOCATED ON THE CORNER OF BABCOCK STREET AND ST. JOHNS PARKWAY, THE PROJECT WILL EXTEND CITY OF PALM BAY AND CITY OF ST. JOHNS REQUIREMENTS THROUGH A STORMWATER TREATMENT FACILITY, THE ULTIMATE TO THE SOUTHERLY CANAL AND WEST TO THE SOUTHERLY CANAL. OVERALL DENSITY IS LESS THAN 2.5 UNITS PER ACRE IN COMPLIANCE WITH EXISTING ZONING AND FUTURE LIGHTING, SOUND, AND IMPROVED LANDSCAPING. MASTER PLANNED COMMUNITY THERE WILL BE A N ASSOCIATION THAT WILL MAINTAIN ALL COMMONS ARE PORTION OF THE PROJECT AND A HOMEOWNERS ASSOCIATION.

## CONTACT INFORMATION:

**DEVELOPER**  
CYPRESS BAY FARMS LLC  
270 WEST DRIVE  
MELBOURNE, FL 32904  
TEL: (321) 254-8123

**SURVEYOR**  
MORRIS SURVEYING  
804 JOHNSON  
390 PINEHURST DRIVE  
MELBOURNE, FL 32901  
TEL: (321) 254-8123

**OWNER**  
CYPRESS BAY FARMS LLC  
270 WEST DRIVE  
MELBOURNE, FL 32904  
TEL: (321) 254-8123

**LOCATION**  
TOWNSHIP 3  
RANGE 37  
SECTION 15  
TAX ACCOUNT

## CYPRESS BAY AT WATERSTONE

### CYPRESS BAY RESIDENTIAL SUBDIVISION

USE	ACRES	UNITS
RESIDENTIAL	10.5	110
OPEN SPACE	10.5	
RECREATION	10.5	
RETENTION	10.5	
SIGN TRACT	10.5	
TOTAL RESIDENTIAL TRACT	10.5	110

### CYPRESS BAY COMMERCIAL CENTER

USE	ACRES	UNITS
COMMERCIAL	10.5	110
MULTI-FAMILY	10.5	110
OPEN SPACE	10.5	
RECREATION	10.5	
RETENTION	10.5	
SIGN TRACT	10.5	
TOTAL COMMERCIAL TRACT	10.5	110

### CYPRESS BAY AT WATERSTONE PRELIMINARY PLAN

SUMMARY	ACRES	UNITS
GRAND TOTAL	21.0	220

NOTE: TRACTS WILL BE FURTHER DEFINED DURING PLATTING.

## LEGAL DESCRIPTION:

THE PROJECT IS LOCATED ON THE CORNER OF BABCOCK STREET AND ST. JOHNS PARKWAY, THE PROJECT WILL EXTEND CITY OF PALM BAY AND CITY OF ST. JOHNS REQUIREMENTS THROUGH A STORMWATER TREATMENT FACILITY, THE ULTIMATE TO THE SOUTHERLY CANAL AND WEST TO THE SOUTHERLY CANAL. OVERALL DENSITY IS LESS THAN 2.5 UNITS PER ACRE IN COMPLIANCE WITH EXISTING ZONING AND FUTURE LIGHTING, SOUND, AND IMPROVED LANDSCAPING. MASTER PLANNED COMMUNITY THERE WILL BE A N ASSOCIATION THAT WILL MAINTAIN ALL COMMONS ARE PORTION OF THE PROJECT AND A HOMEOWNERS ASSOCIATION.

## Conclusion

The Applicant has not demonstrate the he has met the requirements of the Future Land Use Plan with regards to Suitability and fit for this lot to be commercial

## Specifically

FLU 2.3

FLU 2.3A

FLU 2.3B

FLU 2.3C

FLU 2.3D

FLU 2.3 E

Flu 3.1a

FLU 3.2B

The applicants assertion that the “future commercialization and anticipated widening of Babcock Street will significantly produce negative effects that are inconsistent with residential development immediately adjacent to Babcock Street is Totally misleading. The lot in question will undoubtedly be faced toward Plantation Circle to avoid the FDOT proposed Roundabout

This lot is slated to become a retention pond



## Chandra Powell

---

**From:** Darlene Bennett <d.bennett64@yahoo.com>  
**Sent:** Sunday, June 21, 2020 12:44 PM  
**To:** Chandra Powell  
**Subject:** Fw: Greenwood Plantation Rezoning meeting July 1 2020

**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.

Sent from Yahoo Mail on Android

----- Forwarded Message -----

**From:** "Darlene Bennett" <d.bennett64@yahoo.com>  
**To:** "Laurence.bradley@pbfl.org" <Laurence.bradley@pbfl.org>  
**Sent:** Sun, Jun 21, 2020 at 12:40 PM  
**Subject:** Greenwood Plantation Rezoning meeting July 1 2020

Case #s

cp-4-2020 and cpz-4-2020

Mrs Powell,

I am writing to you in concern for the above case ie: Rezoning of a parcel of land @ Babcock St & Plantation Cir SE

1st I want to thank you for your hard work & dedication to our community. We moved to Palm Bay on June 25th of 2019 to retire from Va. We researched Palm Bay, we visited a couple times, my husband has a friend at Merit Island who suggested & urged we retire here. We are hard working tax paying, voter registered American born citizens who scraped & saved our money for this, the final chapter in life. We found a gem! 1 acre at 1785 Plantation Cir SE Palm Bay "Greenwood Plantation" and started our forever home build a place to feel safe, a horseshoe street your only there if you live here or took a wrong turn, 30 year old established homes most of the neighbors have lived here the entire time, they've raised there children up here. I grew up & lived my 56 years just 40 miles South of our nation's capital Washington DC

I have been & was well aware of the crimes in our community's however the 360 days we have lived here at 2622 Ramsdale Dr SE I have been personally witness to a purse snatching in the parking lot of staples, a fight in the parking lot of CVS, drug transactions in plain view & the numerous amount of homeless & camps & trash behind/beside every shopping center I've even befriended 2 of these said homeless Vets Johnny & Tommy both of which said they were not homeless just working, then driving down San Fillipo I thought I'd found a dead man on the side of the road, luckily he had just passed out from the heat & I was able to call for help all the while I'm the only 1 that stopped during rush hour. Naturally I've shared these concerns with my husband Im Scared did we invest everything into a city I dont feel safe in? I dont go out at night. I carry wasp spray with me everywhere, my children (4) & grandchildren (6) are worried about us I wont walk the dogs alone. I said OK your (my husband) right when we move over to Plantation Cir I will feel safer, its more established & private. We closed & received our keys to our new home on June 8th, this should be a happy time, only Its filled with distress & worry as we find out that our city just might allow a developer to rezone our private beautiful entrance into a parking lot, a parking lot for what, Crime! I am begging you to please consider the 40 to 50 homes filled with good citizens, good people of our community, to please not allow us/me to be unsafe turning onto our street wondering what may be of our homes when we arrive, no more evening walks/talks with neighbors Please do not allow us to be imprisoned behind our entrance! PLEASE

Help us to be safe in your beautiful city!

PLEASE

Darlene Bennett  
540 318 9423  
1785 Plantation Cir  
Palm Bay

I look forward to meeting you July 1st

Sent from Yahoo Mail on Android

CITY OF PALM BAY  
RECEIVED

JUN 22 2020

LAND DEVELOPMENT

6/23/2020

To: Laurence Bradley

From: Greg & Tonya LaVanture Resident at 1688 Pueblo St. SE Palm Bay, FL. 32909

Subject: Rezoning request Case # CP-4-20205 Zoning /CPZ 4-2020 Land Use (Plantation Circle)

We live across Babcock St at Cogan intersection just 1 block north. We just moved in April 2014 with the understanding that Babcock St would be widening at sometime in the future. We researched the property across the street finding it was zoned as residential. There is plenty of commercial property North, and South on Babcock. We felt comfortable buying our home with these factors. We saw signs showing Shopping Center coming at the Grant Rd, and Babcock St. There is only (1) 85' vacant lot from my home east to a drainage ditch then room for Babcock expansion. Being from the Traffic Construction business I understand traffic signals, overhead sign structures, and property needed for proper installation. I feel the intersection of Babcock & Cogan would be better for a traffic signal intersection only leaving the residential property left alone. Adding a business would be more traffic not needed for this intersection. Cogan dead ends at Babcock then with less than 100 yards you have the entrances to Plantation Circle north, and south of Cogan. When Babcock gets widen it would be dangerous for the Plantation residents to get on Babcock going north or south. It would be a traffic mess with the extra business traffic. Again there is plenty of property available for businesses for the buyer to develop. Good example just north on Babcock at Grant Rd there is plenty of land not near homes. We heard from the residents of Plantation Circle the City agreed when they bought then build the remaining property would not be zoned commercial. Now you have a previous commitment to stand by to these residents.

I have attached previous presentations ,FDOT plans for drainage pond for expansion of Babcock, and letters we have received from lawyers wanting to represent us for the Babcock expansion. I talked to Ms Lorena Cucek on 12-12 2019. She said they have to have 2 options, and Option A was the best for all concerned. Our property falls under Option B, and so does 16 other homeowners.

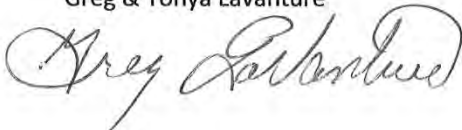
The property owner was told NO by City Council over years ago. We are so done with his games. The state is going to take his property, not ours. SAY NO TO HIS REQUESTS!!

THANKS FROM PROUD VIETNAM VETERAN,

Come by for a nice chat, and view of many issues for this request. Cell # 321-423-1787

Sincerely,

Greg & Tonya Lavanture



10/23/17

To: City of Palm Bay Staff

From: Greg & Tonya LaVanture 1688 Pueblo St. (Across from property)

Subject: Case # CP-20-2017 & CPZ-20-2017

Well after our last meeting with City Council showed us how the City helped the applicant change from (8) acres now to this (2.89). At almost midnight Council started to vote **NO** for the change, with a second.

Then a break was taken for the reporter to have a break. **We respect that!!** During that break the applicant approached some council members, at least one for sure. Well we resumed then that member retracted his second sending it back to vote over. Well this time the staff continued to help applicant revise his request to fewer acres. We were also told earlier that change is coming so we should accept this possible request before the vote. This whole series is on tape so we felt this needs to be considered. **PLEASE REVIEW THE MEETING VIDEO!**

Here we are as taxpayers sitting there watching the applicant get guided for another opportunity after almost two years of fighting this. If he had solid plans after almost 1.5 years for this property you would think he would he would share what type of business he plans. He has never told us or the Planning Staff, and City Council. Seems strange??? Our presentation gave many issues this change creates. The Council must of considered our input to put it to vote rejecting the applicant's request. Our data does not change with the request for fewer acres.

**Watch that on tape!**

Greg & Tonya LaVanture



To: City of Palm Bay Staff

From: Greg & Tonya LaVanture 1688 Pueblo St. (Across Babcock West)

Subject: Rezoning Request Case# CP-13-2018/CPZ-13-2018

We appreciate your time to listen to our concerns. We are 125' west of Babcock St. on Pueblo St. SE across from subject property. When you review the overhead view of property of discussion. There are (11) streets intersecting Babcock St. within .4 tenths mile of this property, they are as follows starting north of subject property Delta, Timberwolf, Pueblo, Plantation, Cogan, San Soving, Plantation, Tigard, Whiting, Tennessee, Weiman. Then the school property starts after Weiman Rd. from the south of the property again within the .4 tenths mile= 2,112'. There is no other cluster of streets north or south of the property being discussed. They are spread out more evenly with secondary roads parallel to Babcock. Be advised that starting at Timberwolf there is drainage canals on both sides of Babcock heading south. The canals are 15' on the east side, and 25' on the west side, with grass on both sides leaving any driver little or no stopping capacity. They would be in the ditches for sure. It is interesting to watch the traffic flow now, and the possibility of adding a business/ traffic light is not the answer. Getting the best cycle time for that traffic signal would be very hard to meet the traffic demand times. Then with a traffic signal we all know people run red lights, increased speed, etc. I have been in the Traffic Design/ Fabrication business for over (10) years working throughout the Southeast U.S. This is a nightmare from the design side, safety issues for sure.

We welcome all of you to my property to witness the traffic  
flow now. I cut the grass east of my home just park there next to  
Babcock to witness what we see everyday.

Be advised the speed limit on this section of Babcock is 45 mph.

VERY FEW TRAVELERS DO 45 MPH, COME AND SEE YOURSELVES!!

Reaction Distance + Braking Distance = Stopping Distance

It takes two football fields 720' for an 18 wheeler to stop at  
55 mph. I have seen them do that speed plus. Example the truck  
would start stopping at Delta not stopping at Cogan distance of  
approximate 700'. Car comparison at 40 mph the Vehicle Reaction  
Distance would be 88', Braking Distance is 80' totaling 168'. At 50  
mph VRD 110', VDF 125' then 60 mph RD 132', BD 180' totaling  
312'. You could pass 2-3 side streets stopping. Be advised that this  
section of Babcock has ripples due to excess wear. The stopping  
distance for any vehicle would increase at least 15% because the  
tires would start hopping not having complete contact with the  
road. On wet roads these distances are off the chart. There is also  
poor drainage on Babcock creating many pools of water. Then  
remember the drainage ditches on both sides, once they hit the  
grass those distances go off the chart.



PAGE 3

*In closing just imagine bright lights, noise, increased crime, reduced property values, destruction of hundreds of trees, natural surroundings, drainage issues, loss of any privacy, traffic nightmare, and increased accidents combined with more possible deaths of innocent people across from your home. So please accept our invitation to visit our property to really see the above topics of concern. We do not want this rezoning to happen along with all the residents of Plantation Circle!! Please force commercial improvements 3,000' to go north or south of this location as your planning department has planned for. They have done their research, and are on the right path for the future of the City of Palm Bay. This request falls under a **SPOT CHANGE** not fitting into the zoning plan in effect now. Being semi-retired we want to enjoy our life as we have since we moved in (4) years ago with our kids, and grandchildren. I have witnessed many speeding vehicles passing at the intersections of these streets. There should be **NO PASSING** at any of the above intersections. Then just imagine an 18 wheeler traveling on Babcock doing average of 45-55+mph as the new possible traffic light changes, a school bus full of kids, or any person with their family turning onto Babcock. There is no room for any kind of recovery for any vehicle. I would not want that on my mind that I let this change happen.*

**PLEASE VOTE NO FOR THIS REQUEST**

PAGE 4

ADDED NOTES DUE TO EXTENSIONS FOR FINAL DECISION

After our last Planning Board meeting the applicant would not tell the Board what he planned to develop on the proposed property. He has not told us or you nothing either. Now you tell me after 3 years you do not have any clients interested. His marketing skills are off, or **he is not telling us the truth**. He withdrew his application as he went out of town for the first City Council meeting, then he withdrew his application, the night of the second City Council meeting, **Oh just before elections**, now here we are again. What will happen this time, another misleading comment or action. He was asking for **4 acres, 8 acres, now 2.89**. **Do yourself a favor look at the last City Council meeting to see the interesting changes that happen after the voting started for (8) acres. Then the City helped him make changes leaving us citizens out to dry. WE ARE STILL PISSED!**

I HOPE YOU WOULD YOU ACCEPTED OUR INVITATION TO VISIT OUR PROPERTY & PLANTATION CIRCLE BEFORE THIS MEETING TO SEE FOR YOURSELVES!

**I feel with all the applicant's experience, he should have researched this purchase better. The property price doesn't seem to be a good deal now. Look after almost (3) years he could of build a business plaza north or south of proposed property, giving him a return on his investment, and tax dollars to the City.**

We live directly west across from the property, and we do not want a business going there, as there is plenty property already zoned commercial 3,000' north or south. We did know when we moved in our home Babcock was going to be upgraded for needed expansion to the City. We asked our agent about that proposed property, and it was residential. We felt comfortable to purchase this home, but adding businesses across from us is not good at all.

**"VOTE NO AGAIN"**



To: City of Palm Bay City Council

From: Greg & Tonya LaVanture 1688 Pueblo St. (Across Babcock West)

Subject: Rezoning Request Case# CP-13-2018/CPZ-13-2018

**Do us, and you a favor come to my home to view the property we are discussing before the meeting.**

There are **(11)** streets intersecting Babcock St. within **.4 tenths mile of this property**, they are as follows starting north of subject property **Delta, Timberwolf, Pueblo, Plantation, Cogan, San Soving, Plantation, Tigard, Whiting, Tennessee, Weiman**. Then the school property starts after Weiman Rd. from the south of the property again within the **.4 tenths mile= 2,112'**. There is no other cluster of streets north or south of the property being discussed. They are spread out more evenly with secondary roads parallel to Babcock. Babcock is 45 mph in this area, few obey it **COME SEE!**

After our last Planning Board, and City Council meetings the applicant would not tell the Board what he planned to develop on the proposed property. Even after the last Planning meeting May 2<sup>nd</sup> 2018 he was asked, and did not answer the question from the Board. He said it would be 2 years before he would develop this property. Does your application state what is proposed for the property **in detail**. All he said was Commercial, now you tell me after (3) years you do not have any clients interested.

**HELLO! SOMETHING IS WRONG HERE!!**

PAGE 2

He withdrew his application as he went out of town for the first City Council meeting, then he withdrew his application, the night of the second City Council meeting, **Oh just before elections**, now here we are again. What will happen this time? He was asking for **4** acres, **8** acres, now **2.89**. **Do yourself a favor look at the last City Council meeting last year to see the interesting changes that happen after the voting started for (8) acres? Then the City helped him make changes for fewer acres leaving us citizens out to dry. Here we are again going through more unknown facts.**

**I feel the applicant's is using a trump card that he discussed this property with previous City Council members prior to purchase of property. Well we do not know exactly what they said verses what we are dealing with now. Look after almost (3) years he could of build a business north or south on your future commercial property, giving him a return on his investment, and tax dollars to the City. HELLO (3) YEARS TAX RATE LOST!**

Here are **more facts** to consider coming from Space Coast Transportation Data Management System in Cocoa, Florida. This data shows how many vehicles travel Babcock from Micco Rd. from the south to Malabar Rd. north daily. The applicant stated at the Planning meeting 5-2-18 recently is was **2,000** vehicles daily. **WELL LOOK WHAT WE FOUND!**     **2013-3,360/// 2014-3,460**  
**2015-2,860 /// 2016-4,020/// 2017-4,290 /// 2018- TBD**  
**Has to be more seeing the new homes & truck activity going on.**



PAGE 3

I witnessed (34) dump trucks travel Babcock on 5-4-18 in 1 hour.  
This truck traffic is really tearing up Babcock! COME SEE!!

Also when they close I-95 Babcock is a Detour Route " COME SEE"

This shows all parties the area is growing even before your future land use plans are being used to full capacity example for I-95 Interchange addition, Parkway Extension, Emerald City. With all the designated Commercial property already set by the City we do not need any business on this property.

Data from a Certified State DOT Engineer was presented to City Council last year's meeting. He said this is not within DOT Traffic Design guidelines. When you review the number of streets we addressed to you intersecting Babcock they already addressed this area. They have the (4) lane expansion of Babcock designed, and approved. How can the Council argue with facts coming from the State DOT. It is the DOT's road, and Palm Bay can't add or change anything without their permission.

HELLO!! SO YOU SHOULD VOTE NO FOR THIS CHANGE!!



## PUBLIC MEETING ANNOUNCEMENT

Tuesday, July 30th, 2019

5:30 p.m. to 7:30 p.m.

Knights of Columbus

6725 Babcock Street SE, Malabar, Florida 32950

The FDOT invites you to the Alternatives Public Meeting for the Babcock Street/County Road 507 (C.R. 507) Project Development and Environment (PD&E) Study. The limits of this study are from south of Micco Road/Deer Run Road to Malabar Road/State Road 514. The meeting is being held to present the alternatives being evaluated and to obtain stakeholder input. Attendees will have an opportunity to view a continuous, looping presentation and project information will also be on display. Members of the project team will be available to discuss the project and answer questions.

The PD&E Study, a process that satisfies state and federal regulations, combines engineering evaluations, environmental analysis and public involvement. The purpose of this study is to evaluate options, known as alternatives, that address the long-term transportation needs of Babcock Street/C.R. 507. The alternatives being considered involve widening Babcock Street/C.R. 507 from two lanes to four lanes, the addition of bicycle and pedestrian features, and intersection and safety improvements. The No-Build or "do nothing" alternative is also being considered.

If you have questions or would like to have more information, please contact the FDOT Project Manager Lorena Cucek by email at [lorena.cucek@dot.state.fl.us](mailto:lorena.cucek@dot.state.fl.us) or by phone at 386-943-5392. Information about this project is also available online at [www.cflroads.com](http://www.cflroads.com). Simply type 437204-1 in the search box, click "go" and then select the project.



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Download

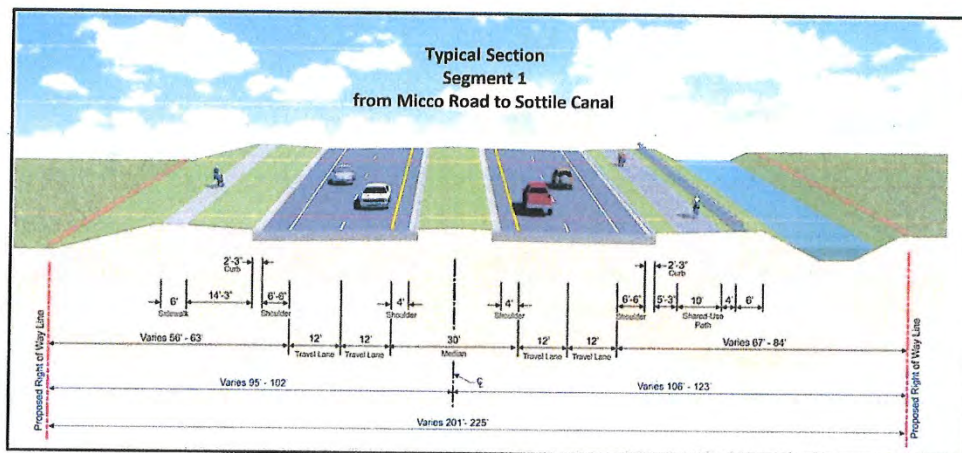


OUR  
HOMES  
STAY  
SAFE



## PROPOSED IMPROVEMENT ALTERNATIVES

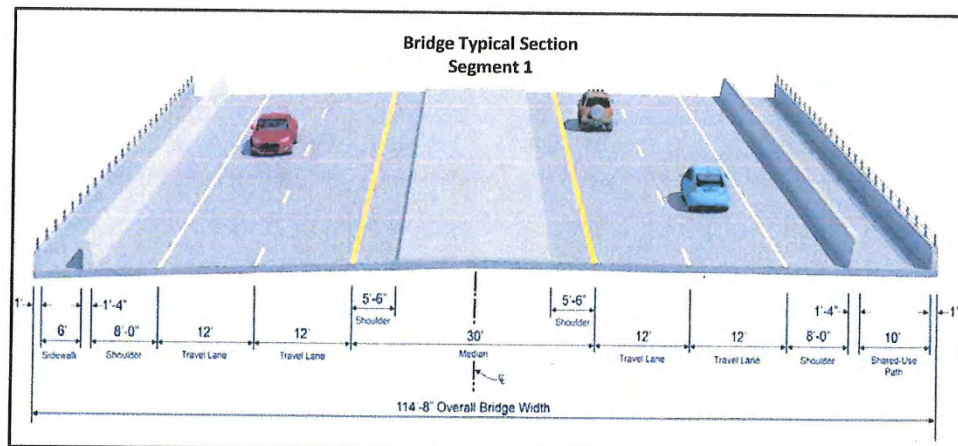
The graphics presented on these pages represent the roadway options, referred to as alternatives, being evaluated as part of the D&E Study. This includes three roadway typical sections. The first typical section extends from Micco Road to the Sottile Canal and includes a new bridge over the Sottile Canal. The second typical section extends from the Sottile Canal to Valkaria Road. The third typical section extends from Valkaria Road to Malabar Road and includes a new bridge over Interstate 95.



### TYPICAL SECTION – SEGMENT 1

Segment 1: Babcock Street from Micco Road to the Sottile Canal. This segment includes the following:

- Two 12' lanes in each direction
- 4' paved inside shoulders
- 6'-6" paved outside shoulder in each direction
- 26' grassed median
- 6' sidewalk on the west side of the road
- 10' shared-use path on the east side of the road



### BRIDGE TYPICAL SECTION OVER SOTTILE CANAL

The bridge over the Sottile Canal includes the following:

- Two 12' lanes in each direction
- 5'-6" paved inside shoulders
- 8' paved outside shoulders
- 19' raised concrete median
- 6' sidewalk on the west side of the road with a concrete barrier
- 10' shared-use path on the east side of the road with a concrete barrier



The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. §327 and a Memorandum of Understanding dated December 14, 2016, and executed by the Federal Highway Administration and FDOT.

## ALTERNATIVES BEING CONSIDERED

The alternatives being considered involve the following:

- Widening Babcock Street from two to four lanes
- Adding pedestrian features such as shoulders and sidewalks
- Adding bicycle lanes
- Improving intersections at cross streets and adding safety improvements such as pedestrian signals
- Implementing access management features: median openings, signals, etc.
- The No-Build or "do nothing" alternative is also being considered

## CONTACT INFORMATION

For more information about the project or to schedule a group meeting, please contact one of the following:

Ms. Lorena Cucek  
FDOT Project Manager  
Florida Department of Transportation District Five  
719 South Woodland Boulevard  
DeLand, Florida 32720  
Phone: (386) 943-5392  
Email: [lorena.cucek@dot.state.fl.us](mailto:lorena.cucek@dot.state.fl.us)

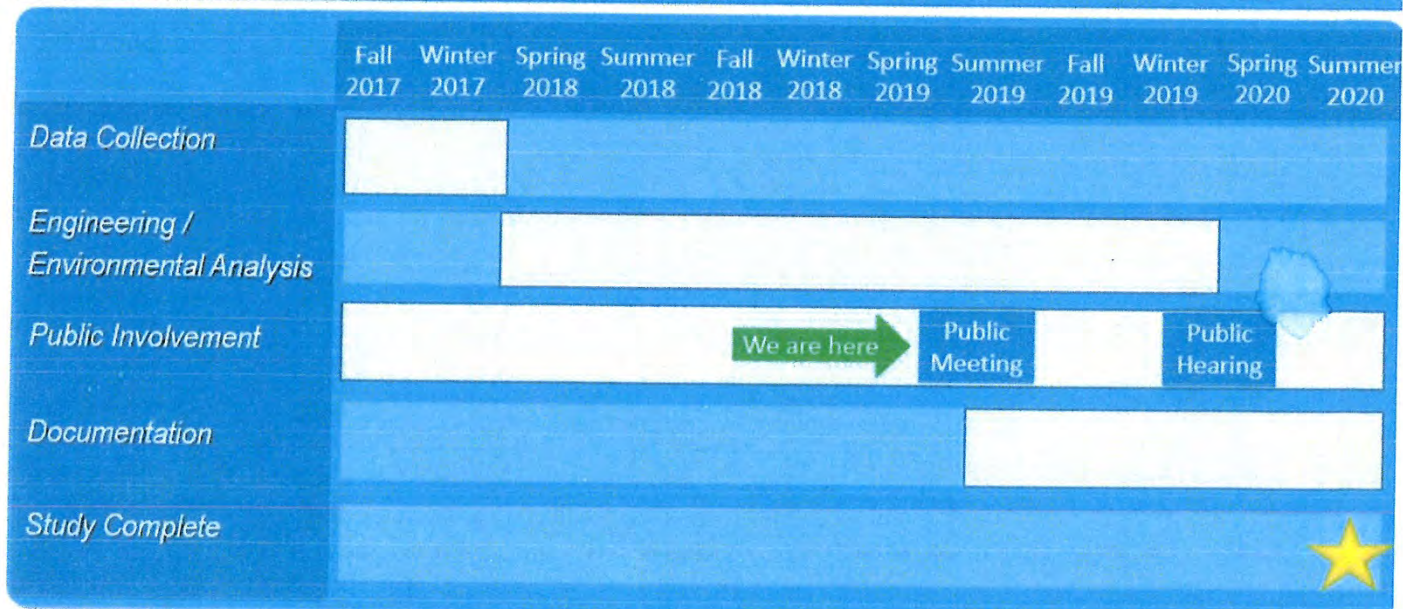
Mr. Jesse Blouin, AICP  
Consultant Project Manager  
3000 Dovera Drive, Suite 200  
Oviedo, Florida 32765  
Phone: (407) 971-8850  
Email: [jblouin@inwoodinc.com](mailto:jblouin@inwoodinc.com)

## TITLE VI INFORMATION

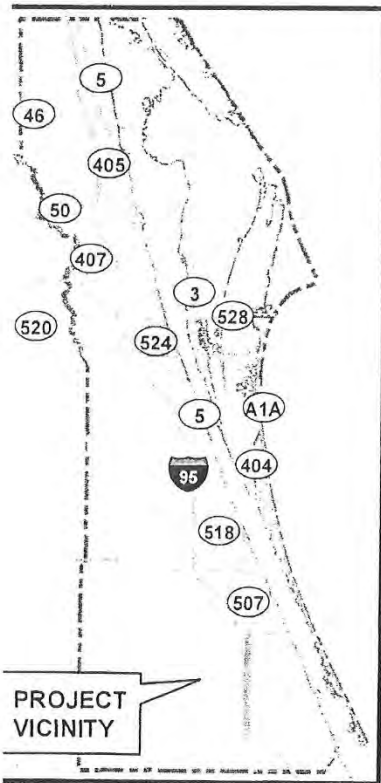
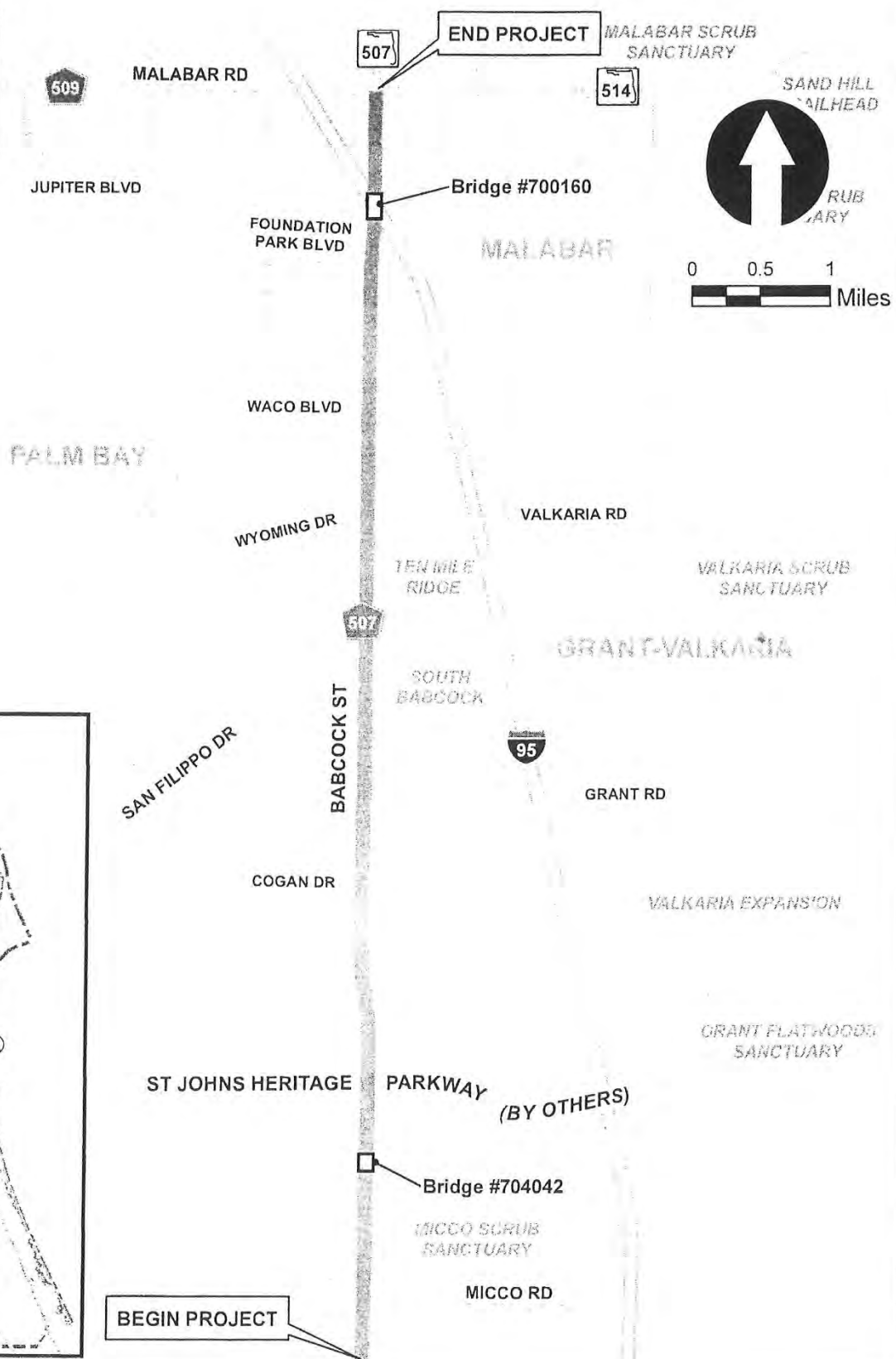
Persons with disabilities who require accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact the Project Consultant, Jesse Blouin, AICP, by phone at 407-971-8850 or by email at [jblouin@inwoodinc.com](mailto:jblouin@inwoodinc.com), at least seven (7) days prior to the meeting. If you are hearing or speech impaired, please contact us by using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice).

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns relative to FDOT compliance with Title VI may do so by contacting the FDOT District Five Title VI Coordinator, Jennifer Smith, at [jennifer.smith2@dot.state.fl.us](mailto:jennifer.smith2@dot.state.fl.us).

## PD&E Study Schedule



For more information, go to [www.CELRoads.com](http://www.CELRoads.com) and type 437204-1 in the search box



*Babcock Street (CR 507)*  
from South of Micco Road/Deer Run Road  
to Malabar Road/SR 514  
Brevard County, Florida  
Financial Project ID: 437204-1-22-01  
Federal Project No: D517-024-B

## PROJECT LOCATION MAP

Figure  
**1**



**GRAY | ROBINSON**  
ATTORNEYS AT LAW

SUITE 1400  
301 EAST PINE STREET (32801) BOCA RATON  
POST OFFICE BOX 3068 FORT LAUDERDALE  
ORLANDO, FL 32802-3068 FORT MYERS  
TEL 407-843-8880 GAINESVILLE  
FAX 407-244-5690 JACKSONVILLE  
gray-robinson.com KEY WEST  
LAKELAND  
MELBOURNE  
MIAMI  
NAPLES  
844-287-5833 ORLANDO  
TALLAHASSEE  
TAMPA

November 20, 2019

Gregory H. Lavanture  
1688 Pueblo St. SE  
Palm Bay, FL 32909

**RE: Florida Department of Transportation  
Babcock Street from South of Micco Road/Deer Run Road to Malabar Road  
Acquisition of Your Property  
Parcel No.: 29-37-33-GT-01153.0-0014.00**

Dear Gregory H. Lavanture:

If you have already retained an attorney for this matter, please disregard this letter. From our review of the most current tax maps and other public records for Brevard County, it appears that the Florida Department of Transportation (FDOT) may seek to acquire a portion of your property for the Babcock Street from South of Micco Road/Deer Run Road to Malabar Road project. This process is known as “condemnation” or “eminent domain.”

When the FDOT is ready to take your property, they will make you an offer. The FDOT is required by law to pay you the market value of the land taken, improvements taken and any damages to your remaining property. Damages include items that devalue your remaining property, such as a reduction in parking, changes in grade, or a decrease in setbacks, to name a few. They may also be required to pay you business damages under certain circumstances.

In Florida, you have the right to hire your own attorney and valuation experts (real estate appraisers, engineers, etc.) to perform an independent analysis of the FDOT’s taking and its effect on your property. Furthermore, the condemning authority is required by law to pay for the costs of such services, in addition to what they pay you for your property.

*Advertisement*



Crossover Commercial Group, Inc.  
Carmel Development, LLC.

Commercial Sales, Leasing, Development, & Asset Management

September 15, 2019

Dear Property Owner:

RE: Plantation Circle – Residential Sub-division Plan Revision  
Unplatted Lot to be divided into 5 residential lots

This letter is being sent to you regarding to the above referenced request and in compliance with the Palm Bay Code of Ordinances Section 169.005. The City of Palm Bay is requiring us to hold a second citizen's meeting due the amount of time that has transpired since our initial application was submitted. We now have new meeting dates with the City and are ready to proceed with the platting. We have attached the update preliminary plat now showing the breakdown of the five residential lots being proposed.

As you are aware from my previous mailing my company represents the proposed applicant of this public hearing process and has hired our firm's service to handle this matter on their behalf.

In accordance with the requirements, we are sending this letter to all adjoining property holders within 500 linear feet of the proposed property that should be receiving official notification from the City of Palm Bay, for the public hearings process.

We would like to invite you again to attend this informal open house in order that we may answer any questions or concerns you may have regarding the revisions and in advance of the new scheduled hearing dates.

The informational meeting will be held in your area at:

**Franklin T. DeGroodt Public Library**  
**6475 Minton Road SE, Palm Bay, FL 32908**  
**Tuesday, September 24, 2019, 6:30–7:30p.m. (Small Meeting Room)**

We hope you will be able to attend, however if you are not able please feel free to direct any questions or comments to my attention (email listed below) or call my office.

Sincerely,

Carmine Ferraro  
President/Managing Member  
Carmel Development, LLC

3860 Curtis Blvd #636, Port St. John, FL 32927  
Email: [carmel32927@gmail.com](mailto:carmel32927@gmail.com)  
Office/Mobile (321) 536-5200  
Website: [www.carmeldevelopmentllc.com](http://www.carmeldevelopmentllc.com)

Licensed Real Estate Broker



# Harris Harris Bauerle Ziegler Lopez

EMINENT DOMAIN LAWYERS

November 6, 2019

Gregory H. Lavanture  
1688 Pueblo St. SE  
Palm Bay, FL 32909

**Re: Babcock Street from South of Micco Road/Deer Run Road to Malabar Road  
Brevard County  
Parcel No. 29-37-33-GT-01153.0-0014.00  
Project # 4372041**

Dear Mr. Lavanture:

If you have already retained a lawyer for this matter, please disregard this letter. Our review of public records indicates that some or all of your property may be taken by the government for the referenced project. The lawyers of Harris Harris Bauerle Ziegler Lopez have represented thousands of property and business owners when the government has taken their property. *Don't wait. Call us today.*

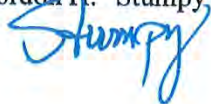
The right to own and enjoy private property is fundamental to our way of life. When the government takes private property through eminent domain it must follow strict guidelines. Eminent domain proceedings are often complicated and adversarial, and the government has lawyers working for it. Retain our firm to guide you through the entire eminent domain process. We will vigorously prosecute your right to full compensation for any taking while also making sure the government has the right to take your property in the first place.

We are experienced in this field and invite you to ask around about us. Our firm has been handling eminent domain matters across the state since its inception in 2003. The undersigned lawyers have a combined 115 years of eminent domain experience. To learn more please visit our website at [www.hhbzlflorida.com](http://www.hhbzlflorida.com) or call us at (407) 843-0404 or (800) 522-4171. We are happy to answer any questions or concerns you may have.

**There is no risk in hiring us. You will not pay us a fee or costs.** The government is legally required to pay your compensation, your legal fees and your expert fees (the appraisers and experts necessary to establish the value of your property). We will gladly meet with you to inspect your property and evaluate your case. Please call us today.

Cordially,

Gordon H. "Stumpy" Harris



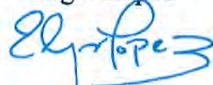
Bruce M. Harris



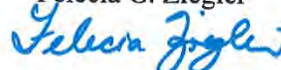
Kurt T. Bauerle



Edgar Lopez



Felecia G. Ziegler



SPACE COAST TRANSPORTATION PLANNING ORGANIZATION TRAFFIC COUNTS: 2008 - 2017

ID	ROAD	SEGMENT (Sections)	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Current	Last Count	Functional Classification
AREA: CENTRAL			AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	MAV	Taken	
US 1															
34	US 1	EYSTER-ROSA JONES	37,540	36,867	UC	34,867	34,703	34,977	35,303	36,267	35,167	34,170	62,900	2/15/2017	Urban Principal Arterial-Other
33	US 1	Eyster-Barton	35,330	35,040	UC	32,330	32,860	33,220	32,820	34,440	33,650	32,520	62,900	2/22/2017	Urban Principal Arterial-Other
88	US 1	Barton-Florida	43,050	42,760	UC	39,440	38,510	38,070	40,180	40,480	39,840	38,860	62,900	2/27/2017	Urban Principal Arterial-Other
US 1															
24	US 1	Florida-Rosa Jones (Poinsett)	34,240	32,800	UC	32,630	32,740	33,640	32,910	33,880	32,010	33,130	62,900	2/27/2017	Urban Principal Arterial-Other
23	US 1	ROSA JONES-PEACHTREE	28,765	22,700	UC	26,940	26,360	26,795	25,375	33,480	30,220	26,885	62,900	2/27/2017	Urban Principal Arterial-Other
US 1															
22	US 1	Rosa Jones (Poinsett)-SR 520	34,010	UC	UC	32,590	32,430	32,840	32,890	33,480	30,220	33,500	62,900	2/27/2017	Urban Principal Arterial-Other
21	US 1	SR 520-Peachtree	23,520	22,700	UC	21,290	20,290	20,750	17,860	UC	UC	20,270	62,900	2/22/2017	Urban Principal Arterial-Other
20	US 1	PEACHTREE-SR 528	29,778	30,400	27,443	28,365	27,363	27,025	UC	UC	26,600	41,790	41,790	2/8/2017	Urban Principal Arterial-Other
19	US 1	Peachtree-Forrest	23,590	22,470	18,880	21,080	20,330	20,560	UC	UC	21,290	41,790	41,790	2/27/2017	Urban Principal Arterial-Other
572	VIERA BLVD	Forrest-Dixon	33,250	32,260	29,770	30,260	29,860	29,460	UC	UC	28,620	41,790	41,790	2/22/2017	Urban Principal Arterial-Other
536	VIERA BLVD	Dixon-Michigan	29,730	31,070	28,860	31,080	28,020	28,510	UC	UC	25,890	41,790	41,790	2/22/2017	Urban Principal Arterial-Other
58	VIERA BLVD	Michigan-SR 528	32,540	35,800	32,260	31,040	31,240	29,570	UC	UC	30,600	41,790	41,790	2/8/2017	Urban Principal Arterial-Other
537	VIERA BLVD	Tavistock-Stadium	10,055	12,245	12,880	13,820	13,240	13,930	14,490	15,950	16,780	17,445	38,800	1/26/2016	Urban Local
AREA: SOUTH															
503	AIRPORT	STADIUM-HOLIDAY SPRINGS	8,030	10,740	12,010	12,790	12,650	13,760	14,600	15,980	17,450	18,130	41,790	2/1/2017	Urban Minor Arterial
502	AIRPORT	Murrell-Holiday Springs	12,080	13,750	13,750	14,850	13,830	14,100	14,380	15,920	16,110	16,760	41,790	2/1/2017	Urban Minor Arterial
501	AIRPORT	Holiday Springs-US 1	10,550	11,420	11,960	12,830	11,850	12,130	12,190	13,280	13,930	14,800	41,790	2/1/2017	Urban Minor Arterial
AREA: SOUTH															
510	APOLLO	US 192-APOLLO	11,177	10,597	10,990	10,390	10,657	10,570	11,747	11,100	11,993	13,980	32,400	11/15/2017	Urban Minor Arterial
538	APOLLO	US 192-HIBISCUS	10,670	9,720	9,620	9,590	10,080	9,760	11,200	10,080	15,100	11,280	39,800	10/17/2017	Urban Minor Arterial
571	APOLLO	HIBISCUS-NASA	9,740	9,450	9,760	9,250	9,500	9,350	10,570	NC	10,900	11,280	39,800	10/17/2017	Urban Minor Arterial
507	AURORA	NASA-APOLLO	13,120	12,620	13,590	12,330	12,390	12,600	13,470	12,480	15,020	15,560	39,800	10/17/2017	Urban Minor Arterial
514	AURORA	AIRPORT-SARNO	20,040	20,490	20,370	19,120	19,020	19,350	19,020	NC	22,120	23,430	41,790	11/28/2016	Urban Minor Arterial
515	AURORA	Airport-St. Michaels	20,040	NC	20,370	NC	19,020	NC	19,020	NC	21,980	NC	41,790	10/18/2017	Urban Minor Arterial
376	AURORA	St. Michaels - Sarno	NC	20,460	NC	19,120	NC	19,350	NC	NC	22,260	23,430	41,790	10/18/2017	Urban Minor Arterial
446	BABCOCK	Sarno - Eau Gallie Blvd	8,955	8,395	8,285	7,670	7,670	7,765	6,865	6,845	6,540	7,460	33,800	10/18/2017	Urban Minor Arterial
370	BABCOCK	JOHN RODES-WICKHAM	10,900	9,910	9,820	9,040	9,020	8,800	7,800	7,430	7,490	8,650	15,600	10/18/2017	Urban Major Collector
447	BABCOCK	J Rhodes-Turtlemound	7,010	6,880	6,710	6,300	6,320	6,730	5,930	6,260	5,590	6,270	17,700	12/6/2017	Urban Major Collector
597	BABCOCK	Turtlemound-Wickham	11,297	11,353	10,947	10,857	10,730	11,023	10,713	10,760	11,060	10,963	39,800	10/24/2017	Urban Minor Arterial
448	BABCOCK	WICKHAM-US 1	11,710	11,750	11,380	11,370	11,320	11,600	10,840	11,600	11,160	11,360	39,800	11/15/2017	Urban Minor Arterial
449	BABCOCK	WICKHAM-CROTON	11,630	11,560	11,080	11,010	10,800	11,150	11,140	10,910	11,750	12,450	39,800	10/24/2017	Urban Minor Arterial
366	BABCOCK	Croton-Stewart	10,550	10,750	10,380	10,190	10,070	10,320	10,160	9,830	10,330	9,040	39,800	11/15/2017	Urban Minor Arterial
446	BABCOCK	Stewart-US 1	2,625	2,745	2,560	2,570	2,500	2,615	2,720	2,375	3,160	3,360	14,200	10/3/2017	Rural Major Collector
370	BABCOCK	Indian Rv Co-Mico	1,950	2,280	1,930	1,800	1,780	1,870	1,980	1,920	2,300	2,430	14,200	10/3/2017	Rural Major Collector
447	BABCOCK	Mico-Grant	3,300	3,210	3,190	3,340	3,220	3,360	3,460	2,830	4,020	4,290	14,200	10/3/2017	Rural Major Collector
597	BABCOCK	GRANT-MALABAR	18,480	14,807	14,307	14,570	14,077	14,117	13,678	13,213	15,266	15,953	17,700	10/3/2017	Urban Major Collector
448	BABCOCK	Grant-Valkaria	7,360	7,360	6,950	7,250	7,010	7,060	7,140	7,200	8,410	8,410	17,700	10/3/2017	Urban Minor Arterial
449	BABCOCK	VALKARIA-WACO	16,580	16,550	16,100	16,150	15,720	15,560	16,110	15,500	17,700	18,490	17,700	10/3/2017	Urban Minor Arterial
369	BABCOCK	WACO-FOUNDATION PK	20,410	20,510	19,970	20,310	19,500	19,730	19,740	18,570	21,920	23,140	17,700	10/3/2017	Urban Minor Arterial
368	BABCOCK	FOUNDATION PK-MALABAR	30,810	33,610	32,865	33,630	33,235	32,880	31,985	34,340	31,825	34,340	41,790	10/4/2016	Urban Principal Arterial-Other
443	BABCOCK	MALABAR-PALM BAY RD	33,600	NC	34,300	NC	34,850	NC	31,920	NC	29,850	NC	41,790	10/3/2017	Urban Principal Arterial-Other
368	BABCOCK	Malabar-Charles	NC	35,710	NC	35,500	NC	33,510	NC	36,180	NC	37,540	41,790	10/3/2017	Urban Principal Arterial-Other
443	BABCOCK	Charles-Pt Malabar	26,020	31,510	31,430	31,740	31,620	32,260	32,050	32,500	33,800	33,710	41,790	10/3/2017	Urban Principal Arterial-Other
443	BABCOCK	Pt Malabar-Palm Bay													

MAV = Maximum Acceptable Volume

Big Increase By Now!

\*Note: 2016 AADT's Beaches area were counted twice in 2016 and the AADT listed is the average of the two counts.  
NC=Not Counted; UC=Under Construction

5/10/2018



**Chandra Powell**

---

**From:** p.hensley755 <p.hensley755@gmail.com>  
**Sent:** Monday, June 22, 2020 1:15 PM  
**To:** Laurence Bradley; Chandra Powell  
**Cc:** Judy & Dave Thornberry  
**Subject:** Planning and Zoning

---

**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.

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Dear Palm Bay City Council Members, Planning and Zoning.

Regarding rezoning  
Case numbers CP-4-2020 and CPZ-4-2020.

We residents of Plantation Circle strongly object to rezoning of any residential to commercial property in our neighborhood.

We feel this proposed change is not in the best interest of our neighborhood, would be in conflict with the city plan for our area and would negatively affect our property values.

We strongly urge you to vote no on this proposal and preserve our peaceful quiet family neighborhood.

Sincerely,  
Paul & Mayra Hensley  
1858 Plantation Circle  
SE Palm Bay Florida  
June 22, 2020

Sent from my Sprint Samsung Galaxy Note8.

## Chandra Powell

---

**From:** Jane Clary <claryt@fit.edu>  
**Sent:** Monday, June 22, 2020 1:32 PM  
**To:** Laurence Bradley; Chandra Powell  
**Cc:** Jane Clary  
**Subject:** Objection to Plantation Circle Rezoning Case# CP-4-2020 and CPZ-4-2020  
**Attachments:** Brian West Letter to Residents 8-21-2015 (1).pdf; Apr24-2017 Fire Plantation Cir - West Point Babcock Property.png

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**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.

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### **Re: Objection to Plantation Circle Rezoning Case# CP-4-2020 and CPZ-4-2020 Family Residential to Community Commercial**

I object to the change in the comprehensive plan and rezoning of 3.86 acres on Planation Circle to commercial.

It does not make any sense to place commercial development at the east end of Cogan at the corner of Babcock & the north Plantation Circle entrance. What could possibly justify changing the image of the middle of a residential neighborhood by placing a business there that does not match the surrounding land's existing use - all 1 acre home sites (and is not part of the Palm Bay Comprehensive Plan)? This land owner has no hardship - he purchased it in July of 2015, 8.14 acres for \$140,000 (quite the bargain, \$17,199/acre). This is Spot Zoning.

If a person were talking about commercial land just to the north or south of the neighborhood, that would be easier to imagine, but why right smack in the middle of a current neighborhood? Only for profit. To the south, there is endless land available for commercial development, with well thought out separated residential neighborhoods. There is land already zoned commercial at the corner of Babcock Street & Grant Road. And, just to the north of our area, both Westside Avenue and Senate Avenue would offer buffers to residential neighborhoods if property to the east of Babcock was developed commercially (see map below).

Not only does this type of buffer not exist around the land requested to be changed to commercial, there are **11 streets that intersect with Babcock in less than one half of a mile** (a quarter mile to the north and a quarter mile to the south). In addition Sunrise Elementary is less than a mile to the south. **This has to be one of the worst land choices to add commercial congestion to that one could imagine.**

Instead of making the Cogan/Babcock intersection one of the next most congested areas on Babcock Street, and a dreaded intersection, the land instead should be set aside as a future water retention area for when Babcock is widened – it is currently one of the choices in FDOT's plan – and the most logical choice. This would be consistent with the current use of the land, the lots both to the south and north of this land are currently retention ponds for Planation Circle drainage (currently owned by private individuals who voluntarily maintain them, at their own cost, for the neighborhood). The portion of this property that is bordered by Babcock should be set aside through "eminent domain" for a retention pond, so that road flooding will not be an issue once Babcock is widened. The back part of the property should only be developed as residential homes that match the existing neighborhood, or the entire property used for water retention.

Brian West, West Babcock LLC originally brought this zoning change request to the Planning & Zoning Board 5 years ago, right after purchasing it. The Zoning Board recommended that the City Council deny it, so when it came time for the City Council vote, he withdrew his request. Then a 2nd time he applied for the same request – nothing changed regarding this property (he though had new lawyer). Planning & Zoning again recommended that it be denied. This case was on the September 1<sup>st</sup> City Council Agenda, but Brian West choose to delay it yet again (until September 15<sup>th</sup>). We, as neighbors attended, to ensure that the City Council see that all of us tax paying voters are deeply concerned. In between these requests and the current request, there have been many additional meetings that we have had to be the watch dogs on, and hire a lawyer and land planner to help save the historic rural feel of our neighborhood. Now again this same change is being requested by the developer.

So, Plantation Circle and surrounding neighbors (usually more than 50 of us - in red shirts) must continue to go to these meetings, in order to protect the uniformity of our neighborhood, and attempt to ensure that a daily traffic nightmare at the entrance to our neighborhood is not in our future. An outside prospector/developer should not be able to continue to make the same request, in an attempt to wear down those who it affects. Brian West is hoping that as City Council Members change, he will be able to push/bully his agenda through. In August of 2015 he wrote an arrogant, threatening letter to all of us prior to any official meetings, that stated if we did not "get on board" he was basically guaranteed to win in the end, and develop the property however he wanted without concern for its Palm Bay neighbors (excerpt shown below, entire letter attached - which includes many false statements). I hope once again, the Planning & Zoning Board will recommend that the Palm Bay City Council rejects this Comprehensive Plan and Land Zoning change from residential property to commercial property, and protect the land interests of its Palm Bay citizens who will be left here to live with the traffic nightmares long after the outside real estate prospector/developer is long gone with his profits.

This zoning change would only be for the benefit of one company - West Pointe Babcock, LLC - No one in Palm Bay will be better off with this change.

**Some history on this case:** On Monday April 24th, 2017 the night before the meeting which was set up by the developer (at Comfort Suites) "to meet with the neighbors", we came home to a fire on this exact property, which was investigated by the fire marshal – no determination was found on how it got started – no lightning Fire fighters had to work all night and until noon the next day to protect our houses and lives. It was so windy, it could have easily caught one of our houses on fire. Pictures attached and shown below. Back then, that would have taken away any wildlife issues for the developer. Now though, wild life has once again taken refuge on this property. Please help protect your current Palm Bay citizens.

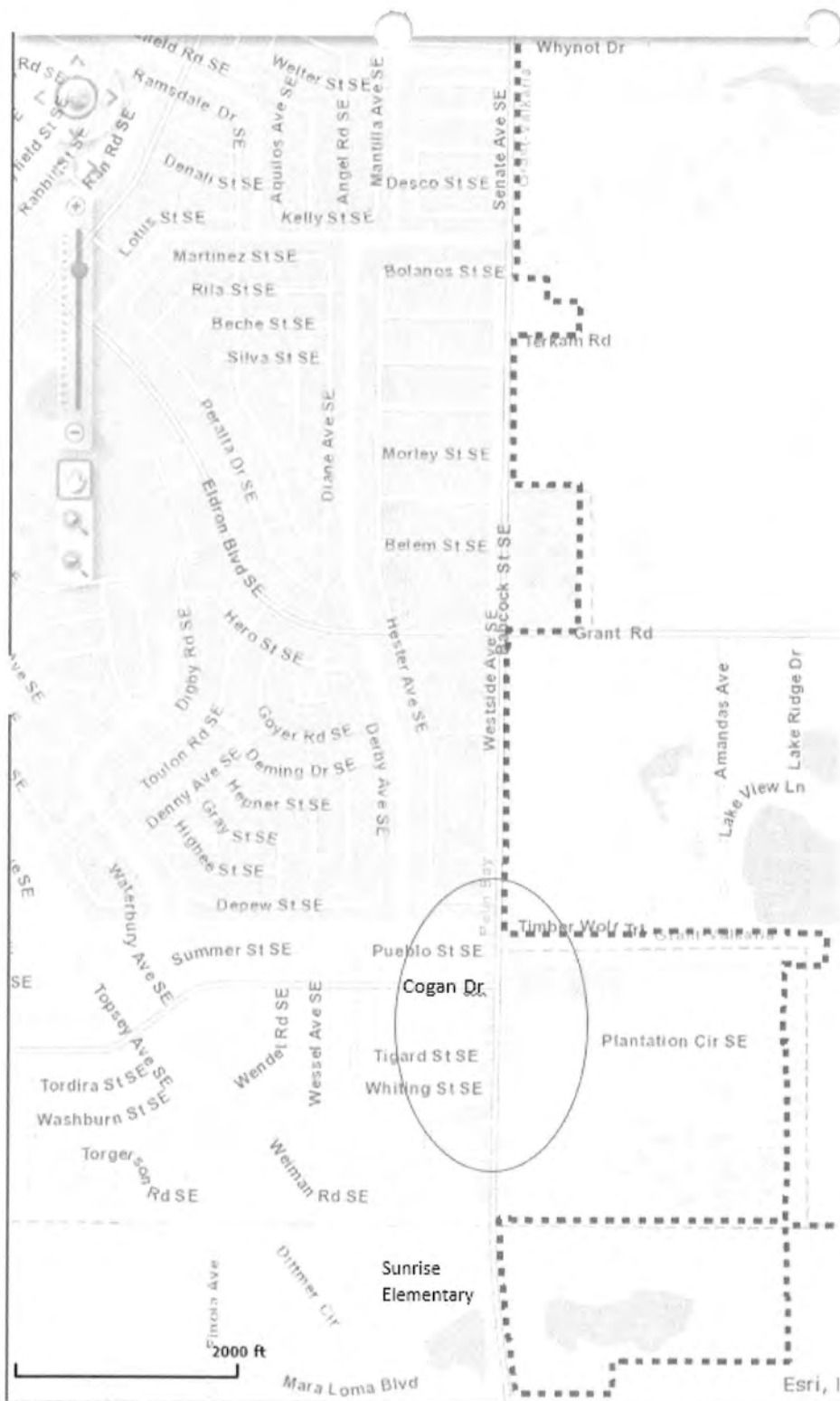
Thank you for your time and consideration, and please recommend that the Palm Bay City Council rejects this out of place commercial comprehensive plan and zoning request (as they had voted it down last year – there have been no changes in their request)!

Jane Clary

1835 Plantation Cir SE (for 23 years),

Palm Bay (for 55 years, 3rd generation Palm Bayer – My parents are Mary T. and Martin Bayer, Martin was actually on the council back in the 1950's)

321-537-4917





**From:** Westco Development [mailto:NetLease@westcodev.com]  
**Sent:** Friday, August 21, 2015 5:42 PM  
**To:** jroberts340@cfl.rr.com  
**Subject:** Plantation Circle  
Mr Roberts  
Please see attached  
Brian West  
Westco Development  
3125 SW Mapp Rd  
Palm City, FL 34990  
772-221-8500

Memo to Plantation Circle Homeowners

This is where we are at:

1. We purchased 8.5 acres (zoned residential) of vacant land located at the SEC of Babcock Street and Plantation Circle. We plan to develop half of it for commercial purposes.
2. The nearby residents want to see the corner developed as a single family residence. Sorry, that simply will not happen. Anybody that thinks that is what will happen, is just being foolish and not realistic.
3. The property was intentionally left out of the original plat that the rest of the property owners are part of. There are "no" deed restrictions against commercial development on the entire 8.5 acres we purchased.
4. This property has been offered for sale to residential developers for 20 years and did not sell to residential builders. This means the property's highest and best use is not residential, and most likely commercial. You simply don't want to locate single family residents on a main arterial thoroughfare. It should be prevented if possible, and that is the opportunity we give the City of Palm Bay. Legally, Florida Case Law is clear and says you zone property for its best use for the overall community, "not" just for a few surrounding residents.
5. Planners by statute are supposed to zone properties for its highest and best use. Note: the fastest growing City in the entire United States, Houston, Texas, for the last 20 years, has "no" zoning; yes, no zoning! It is total "Buyer Beware"! The City of Palm Bay clearly wants to be a fast growing City.
6. Babcock Street is considered to be a major "commercial" thoroughfare in Brevard County. Most of the property on the East side of Babcock Street from Malabar Rd South to the new I-95 Interchange over the next 10 years will be zoned to some form of commercial or institutional type zoning. That

is the reality of what is presently happening and what is going to happen whether you realize it or not.

7. The opening of the I-95 Interchange between Grant Rd and Micco Rd will significantly increase the traffic on Babcock Street which will create a higher demand for more commercial properties in the area, particularly on Babcock Street. More traffic equals more commercial needs. The City of Palm Bay has already shown their desire to increase the number of commercial zoned properties on the East side of Babcock Street. This trend will obviously continue to occur.

Some incorrect statements were made at the meeting the other night; the I-95 plans are done, the right of way has been acquired, the funding is in place, and construction will start in the next few months, with completion in 2017. "Major" changes are obviously coming to the area. The City of Palm Bay is presently contemplating relocating their government offices to this general area, where the new I-95 Interchange is going to be. Please realize, major changes are coming to the area where you live.

8. Commercial properties, by good planning, are located at main intersections. The intersection of Coogan & Babcock is a main intersection, and the busiest intersections on Babcock Street, South of Malabar Rd.
9. Ideally, the location of commercial properties and the services they offer are best located to where they are needed to best serve the public. People typically shop where that closest opportunity is, thus, "reducing" the total traffic in an area.
10. One of the City of Palm Bay's worst financial problems is the lack of a large commercial tax base. It has the lowest commercial tax base of any City its size in the State of Florida. Further, the City of Palm Bay is one of the most under retained cities in the State of Florida. It is a well-known fact, the City of Palm Bay wants to significantly increase its commercial tax base. Well, how do you think that happens?



Getting Support from the Plantation Circle Residents to develop the corner west half of the Property as Commercial

We are "only" willing to do the following if we get the local residents to support us; "if not", we will not agree to do the following:

THREAT

1. Develop "only" the West ½ of the 8.5 acres to commercial
2. Double the typical landscape buffer with substantially taller trees, twice on width "and" size currently required by the City of Palm Bay
3. Double the typical rear building setback requirement that is required by the City of Palm Bay
4. Give the City of Palm Bay architectural approval rights to insure something attractive is built on the property
5. Install attractive privacy gates on Plantation Circle. This should help increase property values for those living on Plantation Circle

FYI, I developed the Publix center (Driftwood Plaza) on South Melbourne Beach. The homeowner groups fought me, but I won, and property values increased by 30% in that area the next year. Driftwood Plaza is the most attractive building in the entire South Beach area. Everyone is very happy with Driftwood Plaza, particularly, the adjacent residents.

When I developed the Publix center (Shoppes of St Lucie West) in St Lucie West 25 years ago, again, residential property values increased by 30% the next year. That shopping center is still one of the most attractive buildings in all of St Lucie West. This shopping center was crucial and the most important factor in the growth of residential development in the first 5 years of St Lucie West.

I also developed a Walgreens/Office Building project at the SWC of Donald Ross Rd & Central Blvd in a residential area of Palm Beach Gardens. It is one of the most attractive retail/office building projects (see attached photos) in all of Northern Palm Beach County. This upper end development ("the Legends") is part of an upper end residential development, also called "the Legends". The local residents fought me and I won. After I built the project, the immediate residential property values increased by 30% the next year. The adjacent residents now love the commercial development I built.

I have successfully developed 7 million square feet of retail and office space in my 40 year career; those projects are still successful projects today. The Plantation Circle property owners are fortunate to have someone of my experience planning to develop this property. My successful track record speaks for itself.

To increase the residential property values in the area the residents should be pushing for 4 things to occur:

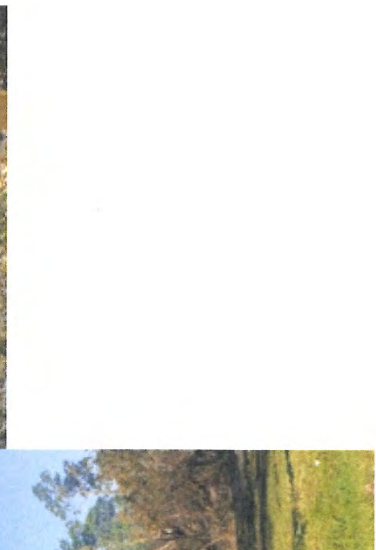
1. Push Brevard County, via the Palm Bay City Council, to 4 lane Babcock St; Babcock St looks terrible and is a sign a blighted area
2. Have architectural review requirements in place on "all" new building permits both on residential and commercial in the City of Palm Bay
3. Significantly increase the minimum landscape requirements in the City of Palm Bay, and have language in place that the property owner must replace dead landscaping within a certain time period or they will be subject to code violations and/or fines.
4. Lobby for better schools

My point is, if a project is tastefully done, it does not have a negative impact on property values, and there are certainly other factors that have a far greater significance on property values that I have referenced above.

I hope we can be good neighbors. Right now, I realize we have a lot of "NIMBY's" (not in my back yard). I would be happy to meet and discuss any issues you may have.

I look forward to hearing from you.





**Chandra Powell**

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**From:** Robert Heitsch <rtheitsch@gmail.com>  
**Sent:** Monday, June 22, 2020 2:27 PM  
**To:** Laurence Bradley; Chandra Powell  
**Subject:** Recommend against CP-4-2020 and CPZ-4-2020

**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.

To: Laurence Bradley and the Palm Bay City Planning and Zoning Board Members:

My name is Robert Heitsch. I reside at 1755 Plantation Circle SE, Palm Bay FL and have lived there for the past 30 years.

I strongly urge the P & Z board to deny requests CP-4-2020 and CPZ-4-2020. CPZ-4-2020 is incompatible with the Palm Bay Code of Ordinances, Section 183.01. Specifically, enforcement of Section 183.01 (B) requires the city to preserve the residential or historical character of neighborhoods and to protect private property rights.

The applicant has provided no indication of what type of commercial development would be located on the property. Many types of commercial property land uses, negatively impact the neighborhood in terms of safety, environmental pollution and unwanted additional commercial traffic on a quiet residential street. Since it is not known how the property would be commercially developed, the city has no assurance that the development would not infringe on the private property rights of the neighborhood residents.

The plantation circle neighborhood consists of 46 large homes on manicured one acre or larger lots in a low density setting. The application's property is surrounded by the neighborhood. The applications property is located between the two entrances into the neighborhood off Babcock. There are little if any commercial businesses that could be located on the applications property that would preserve the residential character of the plantation circle neighborhood.

This is the sixth time in less than 5 years that this rezoning request has been brought to the board. The P&Z board has voted against this rezoning in each of the five previous times it was presented to them. I have attended all of the prior city council and P&Z meetings associated with these requests and have yet to hear a compelling reason to consider approving the rezoning request.

Respectfully,  
Robert Heitsch  
1755 Plantation Circle SE



## Chandra Powell

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**From:** WILLIAM FAULKENBERRY <wfaulken@bellsouth.net>  
**Sent:** Monday, June 22, 2020 4:36 PM  
**To:** Laurence Bradley; Chandra Powell  
**Subject:** Case #'s CP-4-2020 and CPZ-4-2020

**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 respectively object to the rezoning of 3.86 acres on Plantation Circle and Babcock to commercial. We live in a very quiet and established neighborhood and believe having a commercial property at the opening of our street would be devastating to the integrity of our neighborhood. It would bring in extra traffic down our now quiet streets not to mention possible crime.

There is multiple already commercial established properties both to the south and north of us, so it doesn't make a lot of sense to come into a quiet, nice neighborhood with some kind of commercial business. Please take into consideration if they wanted to put a 7-11 or a bank at the opening of your neighborhood, how you would feel about that. We have young children and grandchildren that can now ride bikes or skate right in the middle of the road because the only traffic we have are the people that live here.

We request that you consider not letting the property be rezoned. We don't object to commercial growth in Palm Bay, just not in our neighborhood.

Thank you for your time,  
Bill and Lisa Faulkenberry  
1842 Plantation Cir. SE

REZONING OF PLANTATION CIRCLE.

Re: CP-4-2020 and CPZ-4-2020

Laurence.bradley@pbfl.org

Chandra.Powell@pbfl.org

My name is Kenneth L. Johnson, Sr. I have resided with my wife, Roberta, at 1894 Plantation Circle since 2003. I am writing you to express our opposition to the change in the comprehensive plan and rezoning CP-4-2020 and CPZ-4-2020 on the rezoning of 3.86 acres on Plantation Circle to commercial.

When we searched for a place to retire we decided on the Palm Bay area for its peaceful and serene location. After spending most of my 72 years in New York, Philadelphia and Washington, and having been exposed to some of the environmental issues that are characteristic in an urban setting, I searched for, and found, a residential area that would be devoid of the inherent noise, pollution, crime and traffic congestion of city life.

Although our research showed us potential commercial development areas to the north and south of our home, we felt comfortable that the development in Plantation Circle would provide a safe haven away from what we had been exposed to.

We also sought a place where we could establish a central gathering place for our extended family. We have five children, 13 grandchildren and 31 great-grandchildren, and our home provides a respite away from their urban environment. Here, they run in the grass and ride their bicycles without concern for traffic, and without a concern for their personal safety. This goes far in enhancing their quality of life and helps us to establish and maintain a legacy for them.

The proposed rezoning of Plantation Circle would be a detriment to everything we have worked for. Our one acre, the acre that God blessed us with, lies directly adjacent to the proposed rezoned area. We have had a buffer to the west of us, a retention pond, and the vacant land behind us, and this has shielded our family from some of the noise and pollution that already permeates through the area from Babcock Street, which is already viewed as a commercial thoroughfare in Brevard County.

Witness the condition of Babcock Street from Malabar Road, south to Micco road.

We have an ideal community on Plantation Circle. Our homeowners maintain the safety and security of our community through the watching out of not just their home, but their neighbor's home. Any commercial development in our circle would disrupt that sense of community and expose us to the dangers and the environmental issues that come with commercial development.

Therefore, it is for these reasons that we implore you to reject any commercialization of Plantation Circle. We believe any commercialization of Plantation Circle is detrimental to the peace and tranquility of the area, and is not in keeping with those things that are deemed good for the community.

## Chandra Powell

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**From:** B <kaletas@hotmail.com>  
**Sent:** Tuesday, June 23, 2020 9:12 AM  
**To:** Chandra Powell  
**Cc:** Laurence Bradley  
**Subject:** Rezoning of Plantation circle to commercial cp-4-2020 and cpz-4-2020

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I object to the applicants request for rezoning . Over the many years now that they have been trying to rezone this property .The city and planning and zoning has denied their request for good reason.

Plantation circle is made up of one-acre home sites . This property sits in front of plantation circle on Babcock St. and Cogan Ave also a very busy and dangerous intersection. We all know that Babcock St. will be widened and some of that frontage will be needed for road improvements and widening . Which means the city would have to buy back the property in question at the higher commercial rate as opposed to just residential . This costs all palm bay property owners to pay owners for the land needed for the widening of Babcock St. There is also a purposed traffic circle that would be located in that same area that would further complicate the traffic in that area . Plantation Circle also currently has two retention pounds fronting Babcock ST that a partial of those ponds would be needed for the widening of Babcock St according to the purposed drawing . I believe that the proposed property rezoning to commercial is not a god fit.

There are many commercial properties still available on Babcock St. that were part of the original city plan that makes sense where they are located . I think there are better properties that are more suited for commercial use .

The applicant also does not pay his property taxes on land owned in palm bay . If all property owners were like this the city would have no money.

Thank you for your time the people of Plantation Circle really do want what's best for Palm Bay Fl .

Tim Kaleta  
1862 Plantation Cir S.E. Palm Bay Fl 32909

**Chandra Powell**

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**From:** Linda Filis <lifilis@yahoo.com>  
**Sent:** Tuesday, June 23, 2020 12:55 PM  
**To:** Chandra Powell; Laurence Bradley  
**Subject:** Opposition Letter to Case No. CP-4-2020 and CPZ-4-2020  
**Attachments:** Council speech draft 05-17-2018 Updated 6-22-2020.pdf

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Dear Chandra Powell,

Please see attached Opposition Letter to Case No. CP-4-2020 and CPZ-4-2020.

This letter is to be sent to Laurence Bradley and the Planning and Zoning Board members. Please include this letter with the Staff Report package to be included into the Public Record.

Thank you very much,

Linda Filis  
lifilis@yahoo.com  
1779 Plantation Cir SE  
Palm Bay, FL 32909  
(321) 724-8081

**TO: Chandra Powell, Laurence Bradley, Zoning Board Members,**

**OPPOSITION TO: CP-4-2020 AND CPZ-4-2020**

**My name is Linda Filis. I reside at 1779 Plantation Cir SE Palm Bay, FL 32909**

I, Linda Filis, the first resident on Plantation Circle within the city limits of Palm Bay, along with my family and neighbors do strongly and whole heartedly

**OPPOSE:** Future land use change from single family residential to commercial (CP-4-2020)

**OPPOSE:** The rezoning of 3.86 acres from rural residential to community commercial at the south east corner of the north entrance to Plantation Circle on Babcock Street (CPZ-4-2020)

**BECAUSE:** The land in question, this particular **SPOT** is undeniably surrounded on all sides, north, south, east and west, by residential property. A change of this magnitude will **FUNDAMENTALLY** change the complexion of the neighborhood. Allowing this would be at odds with the City of Palm Bay's Comprehensive Plan and the classification concerning its use differs from all the property in the immediate area.

**I QUOTE** the city objective (Future Land Use: FLU-2.3) "Prevent incompatible land uses from locating in residential areas in order to promote neighborhood stability and prevent deterioration."

As one of the first families to break ground on Plantation Circle, 36 years ago in 1984, we have enjoyed seeing the neighborhood flourish. Each one of us has become part of a God loving, hardworking, family oriented, diversified and culturally enriched community. A fellowship of devoted and loyal **PALM BAY CITIZENS**. These are the attributes of a thriving, well-kept and quiet residential neighborhood. Many of us (never alone,

but with each other's help) have experienced joy and happiness, good health and sickness, prosperity and loss, hurricanes and forest fires, and even death. **Together** we have grown **strong** through life's journey.

In 1988 we joined together and stood strong for five years, with the help of an attorney, won a lawsuit, and fixed our drainage problem. The road was rebuilt and turned over to the City of Palm Bay in 1992. Four one acre lots were given up as drainage ponds. For many years the ponds had no upkeep or maintenance. Then two of our Plantation Circle residents bought the ponds back and restored them to a useable condition with continuing maintenance. **We** worked together as a community to solve our problems.

The land that is trying to be changed from rural residential to community commercial was not part of this development in 1984. It was zoned rural residential. It has been sold numerous times and remained zoned rural residential. **It should remain rural residential,**

**I QUOTE** out of the City of Palm Bay's comprehensive plan future land use policy (FLU-2.3A) "The Land Development Regulations shall continue to contain provisions to ensure that land uses surrounded by and/or abutting residential areas are not in conflict with the scale, intensity, density and **character** of the residential area."

Our community has helped foster beautiful individuals (our children) with strong foundations who add to the rich history of the city of Palm Bay.

Our children, the next generation (many reside in Palm Bay) support our city as:

Elementary School Teacher, Nurse Practitioner, Computer Engineer,  
Financial Advisors, Media Specialist, Chef, Industrial Engineer,



Doctor of Chemical Engineering, Cyber Security Analyst, Youth  
Counselor, Emergency Room Physician,

**Just to name a few.**

We know what is best for our families and neighbors. We must remain zoned a Rural Residential District at Babcock St. and Plantation Circle to keep the integrity of our community and its uniqueness intact. This is where the history of our families' hearts and souls exist.

**IN CONCLUSION:**

**I QUOTE** out of the City of Palm Bay's Land Development Division Staff Report: **"the proposed FLU amendment is inconsistent with multiple policies and objectives of the Plan. Sufficient commercial land use at identified nodes exists both north and south of the subject property and within a relatively short distance."**

**Please help us by voting NO to the land use and zoning changes proposed. Thank you.**

**Linda Filis**

[lfilis@yahoo.com](mailto:lfilis@yahoo.com)

**1779 Plantation Cir. SE**

**Palm Bay, FL 32909**

**(321) 724-8081**

**Chandra Powell**

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**From:** Trevor Filis <tgfilis@yahoo.com>  
**Sent:** Tuesday, June 23, 2020 1:45 PM  
**To:** Chandra Powell; Laurence Bradley  
**Subject:** Opposition to Rezoning Case No. CP-4-2020 and CPZ-4-2020

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Dear Chandra Powell and Laurence Bradley,

I am opposed to the proposed rezoning of the property at the corner of Babcock ST and Plantation Cir.

The proposed rezoning is senseless as it cannot handle a commercial presence. There are already large sections property that have been zoned for commercial north and south of this property that is better suited to businesses, if they want to build there. No business would want to put a storefront in the proposed rezoning as it is not viable to have a commercial entity there. It was stated that no one would want to build a house there and could not support a home. If that is the case, why would this property be able to handle, support, and be viable for any commercial entity. It makes no sense.

The property owner has threatened and bullied our neighborhood for opposing this rezoning in the past. I will not be shaken. I oppose this proposed rezoning.

Thank you for your time. Please see that this email is attached to the Staff Report package to be entered into the public record.

Sincerely,

**Trevor Filis**  
tgfilis@yahoo.com  
1779 Plantation Cir SE  
Palm Bay, FL 32909  
(321) 724-8081

## Chandra Powell

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**From:** Judy Thornberry <judythornberry@gmail.com>  
**Sent:** Tuesday, June 23, 2020 7:36 PM  
**To:** Laurence Bradley; Chandra Powell; Terese Jones  
**Subject:** CP-4-2020 CPZ-4-2020

**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.

Hi,

I object to the change in the comprehensive plan and rezoning CP-4-2020 and CPZ-4-2020 on the rezoning of 3.86 acres on Plantation Circle to community commercial. or any type of commercial. We are an established neighborhood. This would bring lower property values, more traffic on our road and crime into our neighborhood. The applicant has not told us what they plan to put in this spot. It would be like giving him a blank check. There are plenty of commercial properties to the north and to the south of this neighborhood. We are not against commercial property development. This is just the wrong place to rezone for this type of plan.

Due to the Corona 19 virus a lot of my neighbors are unable to attend this meeting on July 1st. . They have compromised immune systems. How many seats will there be available for this meeting?

Judy Thornberry  
[judythornberry@gmail.com](mailto:judythornberry@gmail.com)  
1859 Plantation Circle S.E.  
Palm Bay, FL

## Chandra Powell

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**From:** David Thornberry <davetberry@bellsouth.net>  
**Sent:** Tuesday, June 23, 2020 7:57 PM  
**To:** Laurence Bradley; Chandra Powell; Terese Jones  
**Cc:** Judy Thornberry  
**Subject:** CP-4-2020 CPZ-4-2020

**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.

Mr. Bardley, Ms. Powell and Ms. Jones.

I object to the change in the comprehensive plan and rezoning CP-4-2020 and CPZ-4-2020 on the rezoning of 3.86 acres on Plantation Circle to community commercial. or any type of commercial. We are an established neighborhood. This would bring lower property values, more traffic on our road and crime into our neighborhood. The applicant has not told us what they plan to put in this spot. It would be like giving him a blank check. There are plenty of commercial properties to the north and to the south of this neighborhood. We are not against commercial property development . This is just the wrong place to rezone for this type of spot zoning.

In 2018b both the Planning and Zoning Committee and 4 of the 5 council members voted against this attempt at degrading our neighborhood by people that don't even live in Brevard county, little alone Palm Bay.

Also in light of the county to put in a traffic circle between Cogan and Babcock street, this attempt for commercialization is just a way to increase the value of the land that will have to be purchased by Brevard county to put in the traffic circle. Basically this will cost our citizens quite a bit of additional tax money just to line the pockets of the unethical developers. Do NOT reward them.

Due to the Corona 19 virus a lot of my neighbors are unable to attend this meeting on July 1st . . They have compromised immune systems . How many seats will there be available for this meeting?

Sincerely,  
David Thornberry  
1859 Plantation Circle S.E.  
Palm Bay,Fl

## Chandra Powell

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**From:** Gordon Hampden <g.e.hampden@gmail.com>  
**Sent:** Tuesday, June 23, 2020 7:57 PM  
**To:** Laurence Bradley; Chandra Powell  
**Subject:** Opposition to Rezoning CP-4-2020 and CPZ-4-2020  
**Attachments:** image001.jpg

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Good evening Messrs. Powell and Bradley,

I strongly object to the change in the comprehensive plan and rezoning noted above on the rezoning of the 3.86 acres on Plantation Circle to commercial..

We have been having this dance for over four years now and our collective position has not changed. This is an established and refreshingly quiet neighborhood of mostly retired persons and several retired veterans.

There is commercial property on both sides of this parcel and do not see the need to inject a commercial property in the middle of an established residential neighborhood. That would be tantamount to someone seeking to rezone a piece of land from commercial to residential in the middle of an already established commercial zone. You would not allow that under any circumstance.

I hope that you will see this for what it really is. For over four years, we have had to deal with this person who does not live in this neighborhood, who has no interest in this neighborhood and is only interested in making a quick dollar.

I am not one who is opposed to growth or commercial development. I do however stand firmly when someone takes a position that will destroy the quality of life for long term residents in a very nice neighborhood and for what? Greed!

He did not succeed before and now he is attempting to change the rules that will allow him to exploit a group of senior citizens solely for his own personal gain.

I object and hope you will too.

May thanks and please stay safe.

**Dr. Gordon E. Hampden, MBA, FACHE**

Vice President, Caribbean Operations

**JIPA Network**

**"Your Connection to Affordable Global Health Care"**



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## Chandra Powell

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**From:** gfilis@cfl.rr.com  
**Sent:** Tuesday, June 23, 2020 9:21 PM  
**To:** Chandra Powell  
**Cc:** Laurence Bradley  
**Subject:** Opposition to CP-4-2020 and CPZ-4-2020  
**Attachments:** Greg's opposition letter.pdf

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**Hello Chandra. Would you please attach this letter in pdf format to the package for presentation to the P & Z board meeting July 1, 2020 and if you can, send me a copy of the presentation package.**

**Thank you,**

**Greg Filis**

1779 Plantation Cir. SE

Palm Bay, Fl 32909

(321) 724-8081

[gfilis@cfl.rr.com](mailto:gfilis@cfl.rr.com)



Virus-free. [www.avast.com](http://www.avast.com)

**Honorable Mayor and City Council Members of Palm Bay,**

**My name is Greg Filis. I reside at 1779 Plantation Cir SE Palm Bay, FL 32909**

**I, OPPOSE:**

The future land use change from single family residential to any type of commercial (CP-4-2020)

**AND** the rezoning of any number of acres from rural residential to community commercial at the south east corner of the north entrance to Plantation Circle on Babcock Street (CPZ-4-2020)

**BECAUSE:** This entire area of land was meant to be residential property from the days it was Greenwood Plantation. A change of this magnitude will **FUNDAMENTALLY** change the complexion of the neighborhood. Allowing this would be at odds with the City of Palm Bay's Comprehensive Plan and the classification concerning its use differs from all the property in the immediate area.

**I QUOTE** the city objective (Future Land Use: FLU-2.3) "Prevent incompatible land uses from locating in residential areas in order to promote neighborhood stability and prevent deterioration."

In 1988 we sued the developer to fix our drainage problem and make this area into what he had advertised. The road was rebuilt and turned over to the City of Palm Bay in 1992. I

**QUOTE** out of the City of Palm Bay's comprehensive plan future land use policy (FLU-2.3A) "The Land Development Regulations

shall continue to contain provisions to ensure that land uses surrounded by and/or abutting residential areas are not in conflict with the scale, intensity, density and **character** of the residential area.”

The applicant for this change owns property both north and south of the property in question which is already zoned commercial and much better suited for the purpose (particularly on the northeast corner of Babcock St. and Grant Road). He is aware of the state’s plan to possibly put a pond in this area in connection with the plans to widen Babcock St. and in the application states “This vacant parcel is no longer suitable for residential use. It is located at a main intersection on Babcock St.” The same suitability applies the commercial property and the intersection spoken of is over 200 feet from Plantation Circle’s north entry to Cogan Drive.

#### **IN CONCLUSION:**

**I QUOTE** out of the City of Palm Bay’s Land Development Division Staff Report: **“the proposed FLU amendment is inconsistent with multiple policies and objectives of the Plan. Sufficient commercial land use at identified nodes exists both north and south of the subject property and within a relatively short distance.”**

**Please help us by voting NO to the land use and zoning changes proposed. Thank you.**

## Chandra Powell

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**From:** Stuart Filis <sfilis@cfl.rr.com>  
**Sent:** Tuesday, June 23, 2020 10:06 PM  
**To:** Chandra Powell; Laurence Bradley  
**Subject:** Opposition to Case No. CP-4-2020 and CPZ-4-2020

**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.

Dear Ms. Powell and Mr. Bradley,

I am opposed to the proposed rezoning of the property at the corner of Babcock St and Plantation Cir.

The proposed rezoning is senseless as it cannot handle a commercial presence. There are already large sections of property that have been zoned for commercial use to the north and south of this property that are far better suited to businesses, if they want to build there. No business would want to put a storefront on the property proposed for rezoning because it is not viable to have a commercial entity there. It was stated by the applicant that no one would want to build a house on the property and that it could not support a home. If that is the case, then why would this property be able to handle, support, and be viable for any commercial entity. It makes no sense.

The property owner has threatened and bullied our neighborhood for opposing this rezoning in the past. I will not be shaken. I oppose this proposed rezoning.

Thank you for your time. Please see that this email is attached to the Staff Report package to be entered into the public record.

Sincerely,

Stuart Filis  
sfilis@yahoo.com  
1779 Plantation Cir SE  
Palm Bay, FL 32909  
(321) 724-8081

## Chandra Powell

---

**From:** Nitrovintage <trace@nitrovintage.com>  
**Sent:** Wednesday, June 24, 2020 9:11 AM  
**To:** Laurence Bradley; Chandra Powell  
**Subject:** Case numbers CP-4-2020 and CPZ-4-2020

**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.

Here we go again!

Below is the letter I sent last time and the time before that. Notice a pattern?

I am wondering how long must we endure this attack on our neighborhoods? This corner of Palm Bay will be the new entrance to our city from the interstate. Let us not look like the next line of cheap convenience stores and commercial boredom. The slate is clean now.

From : 27AUG2015 then 26APR2017 and now 24JUN2020.

I object to the proposed Rezoning of property in Plantation Circle,( Case Nos. were CPZ-7-2015, CP-7-2015 , then : CP-13-2017 and CPZ-13-201) and the current case numbers are CP-4-2020 and CPZ-4-2020 Approval of this application would result in irreparable harm to our neighborhood.

The proposed site is within the boundaries of an existing neighborhood of existing homes. The site backs up to residential yards and is directly across the street to others. People walk, jog, walk their pets, and children play in this neighborhood. Folks bought their houses here because is is a RESIDENTIAL NEIGHBORHOOD.

A business at this site will attract increased traffic, pollution, and potential crime as well as nighttime light pollution and visual disruption. Businesses are not typically pretty.

The view east from Cogan Street and the homes there will be of a commercial operation. ( I suspect a filling station, since the applicants are elusive about the actual nature. )

One acre home sites are rare in a neighborhood setting in Palm Bay. We should be preserving this place, not destroying it.

No Water, Sewer, or Drainage currently exist on the site. We have some drainage issues here already. There are currently open issues on drainage with the supposed retention pond at Babcock street. The rear ditches don't work at all.

Commercial Property currently exists just north of this site at Eldron and Babcock streets. It is already in the Use Plan and not utilized.

The current Land Use Plan for Palm Bay is dated 2011, less than 9 years old. let's stick with it a while. Palm Bay must act against these predatory land grabs in order to maintain the integrity of our neighborhoods. Carpetbaggers don't care about us.

Thank You,



Tracy P. Amadon  
1870 Plantation Circle, Palm Bay, Fl  
(321)727-0332

Sent from Earth

**Chandra Powell**

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**From:** Grandolly Edwards <grandolly322@gmail.com>  
**Sent:** Wednesday, June 24, 2020 6:37 PM  
**To:** lawrence.bradley@pbfl.org; Chandra Powell  
**Subject:** Rezoning Plantation Cr.

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Please do not let a greedy developer rezone any of our low density, quiet neighborhood into an unknown commercial enterprise.

It would also be counterproductive for the city of Palm Bay. You already know you will be widening the road right where he wants to make his residential property become commercial. You will have to pay him alot more to buy it from him as commercial at that time.

Thanks for your consideration.

David Edward's  
Dolly Edward's  
Paul Edward's  
Toby Edward's  
1814 Plantation Cr.

# **CORRESPONDENCE**

Received after Planning and Zoning Board Packet was published

## Chandra Powell

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**From:** Renee Pariseau <musicdiva1630@yahoo.com>  
**Sent:** Friday, June 26, 2020 8:53 PM  
**To:** Chandra Powell  
**Subject:** CP-4-2020 and CPZ-4-2020

**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.

Dear Ms. Powell,

We object to the change in the comprehensive plan and rezoning CP-4-2020 and CPZ-4-2020 on the rezoning of 3.86 acres on Plantation Circle to commercial.

We bought our house on Plantation Circle last October because the area was quiet and well kept. All of us take pride in our property and keep our yards beautiful. This change would lower the property value of the houses, bring more traffic to our quiet neighborhood, and possibly invite crime into our area.

The applicant has not told us what they plan to put in this spot. There are plenty of commercial properties to the north and to the south of this neighborhood. We are not against commercial property development. This is just the wrong place to rezone for this type of plan.

Thank you for your attention to this matter.

Patricia and Kevin Tesmacher

Renee Pariseau

**Chandra Powell**

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**From:** Larry McIntyre <mcintyreogp@gmail.com>  
**Sent:** Saturday, June 27, 2020 9:29 AM  
**To:** Chandra Powell  
**Subject:** case numbers cp-4-2020 and cpz-4-2020 .

**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.

I live in the Plantation Circle neighborhood and once again a landowner that fronts Babcock Street is trying to rezone his property to commercial. This has been denied many times. Please do not let them rezone this property. It does not meet any planning or zoning guidelines.

Larry McIntyre  
321-508-3009  
mcintyreogp@gmail.com



# **CORRESPONDENCE**

Received after July 1, 2020 Planning and Zoning Board Meeting

*Kenneth R. Smith*

*As Trustee of  
The Kenneth R. Smith Trust*  
1866 Plantation Circle  
Palm Bay, Florida 3290  
321-499-3166  
Cell-609-226-0120  
wetemps@aol.com

July 8, 2020

Mr. Lawrence Bradley  
Director  
Division of Land Management  
City of Palm Bay  
Palm Bay Florida

Re: Clarification of Ordinance 134.34 as applied to Cp 4-2020 and Cpz 4 2020

Dear Mr. Bradley

As you are aware, I am intimately involved in the movement to protect Plantation Circle from unnecessary commercial development.

The applicant in this case elected to use the Minor sub-division specifically designed for the creation of single family residential lots (184.34 ) to subdivide this property.

184.34 (1) requires **ONLY SINGLE FAMILY RESIDENTIAL LOTS** as condition for subdivision.  
184.34 (5) requires that **"The sub-division shall be all inclusive and shall not consist of more than one (1) phase of development"**

My research of several journals has found that, the purchase, subdivision, **rezoning**, change of use and construction are all phases of development

Therefore, according to the ordinance, as it is now written, once the subdivision was completed and recorded it can not altered by a new phase of development including change of use and rezoning. . This minor subdivision ordinance is specifically designed for the creation of single family residential lots. The applicant agreed to these terms when he completed his application for minor residential subdivision and must be held to them.

It appears to me that the applicant did not execute the minor subdivision in good faith and in fact misled the city in his commitment to keep the properties single family residential. He is now attempting to violate 184.34 by applying for another phase of development on one of the subdivided pieces of land, which is not allowed as the current ordinance reads.

After studying this ordinance and contacting two attorneys, I have come to the conclusion that if this matter is allowed to proceed, any unfavorable decision against our position will result in a reversal on appeal This ordinance 184.34 (1) and (5) is both **specific and clear**.

Unless someone can show me where additional development changes on any other previous minor subdivision has been allowed., the ordinance must stand on its merits. With that in mind, this matter is now moot and further different development to these subdivided lots is prohibited by current ordinance.

Lastly, I would like to comment on the waivers applied for and given to the applicant.

First was the variance not to hook up to city water and sewer to all sub-divided lots. The applicant applied for and obtained a variance from the City Council (Upon recommendation from the public works department). That eliminated the need for water and sewer hook up to all the lots in order to meet minor subdivision requirement. +The applicant has now applied for commercial re-zoning of the front lot of the subdivision. The waiver for water and sewer hook up should be voided if all of the lots are not residential. That will then void the minor subdivision in its current form and require a multi use application for subdivision that should have been done in the first place.

Second, a review of the Plat plan for the subdivision shows an incredible lack of foresight and planning with regards to storm water planning. The applicant was given a "pass" on the requirement for a storm water drainage system on this 8 acre 5 lot subdivision. I have not been able to find even one 5-lot subdivision in Palm Bay without the required storm water drainage plan. A review of the subdivision plat will show that there is no right of way for storm water drainage so that all lots can drain properly. This usually will require a retention pond because direct storm water flow out into the main canals is usually not permitted. None of this has been addressed, instead, a notation on the plat indicates that each new lot owner must come up with their own storm water plan prior to construction.

This looks bad to me. Its like someone in the public works department seems to be carrying the cross for this developer. They recommended a waiver for water and sewer hookup, all the while knowing that the hook up to these utilities are a priority of both the city and the county. They allowed the developer to save thousands of dollars of normally required improvements that will now be passed on to unsuspecting buyers of the lots. In Addition, allowing for no storm water drainage plan whatsoever on an 8 acre 5 lot subdivision in an area known to have drainage problems and containing wetlands makes no logical sense. I believe that these actions should be reviewed as to their appropriateness and validity. Were these decisions good for the residents and the city or were they good only for the developer?

In no case should pressure from the applicant be the reason for the decisions made. Protection of all of the residents of Palm Bay, including the new buyers of these lots should be the primary consideration. At this point, it appears that is not the case. Right now it's "Let the buyer beware".

#### Conclusion

I request that the applications cp 4 2020 and cpz 4 2020 be determined invalid in accordance with 184.34 (1) and (5). Both applications are in violation of the ordinance and should not permitted to move forward.

I request a review into the decisions and recommendations made by the public works department to facilitate this applicant 's application for waiver from water and sewer hook-up. What was the justification for not requiring a storm water drainage plan on the aforementioned subdivision. , How did it came to be that an 8 acre, 5 lot subdivision was exempted by the public works department from the usually required storm water drainage requirement. This appears to be unique to only this minor subdivision.

I would appreciate a formal reply indicating the City's official position and plan of action in this matter.

Sincerely and respectfully



Kenneth R. Smith  
1866 Plantation Circle  
Palm Bay Florida 32909

## Patrick Murphy

---

**From:** Ken Smith <wetemps@aol.com>  
**Sent:** Saturday, July 11, 2020 5:11 PM  
**To:** laurance.bradley@palmbayflorida.org; Patrick Murphy  
**Subject:** Wetland map of plantatin Circle lot with subdivision outlines.  
**Attachments:** wetlands2020.jpg

**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.

Mr. Bradley

Hope that you and your family are healthy and well during this epidemic

Attached is a picture from the National Wetlands Inventory website for the area of Plantation Circle.

I have roughly outlined the subdivided lots and also have measured the area of the known wetlands.

You can verify this information at the URL listed at the top of the picture.

I am sending this to you so that you can understand why I was so very upset when I found out that the public works department allowed this sensitive and low laying land to get a pass on a required subdivision storm water plan . This property contains significant known wetlands and should have been taken care of properly.. Con 1.2 D , along with 174.065, 174.066, 174.067, and 174.068 were completely ignored in this decision, which I don't think was legal

Also, in review, the same department recommended to city council to grant a waiver for the subdivision not to hook up to city water and sewer. Based on FLU-6.1 B (5), two of these subdivided lots have now been rendered non buildable and they now will still require city water and sewer because of the wetlands restrictions. This was never pointed out to the City Council by anyone, including the applicant, before they were granted a waiver..

Although it is now too late to correct these blunders, I have come to two unavoidable conclusions:

Either the people making these recommendations and decisions are inept, unfamiliar with the city FLU Plan, haven't read the City ordinances, and in general do not know what they are doing, or, pressure has been brought to bear by the applicant to interfere with the normal decision making process. In other words, someone sold out. Either way, something needs to be done to avoid this kind of mess in the future..

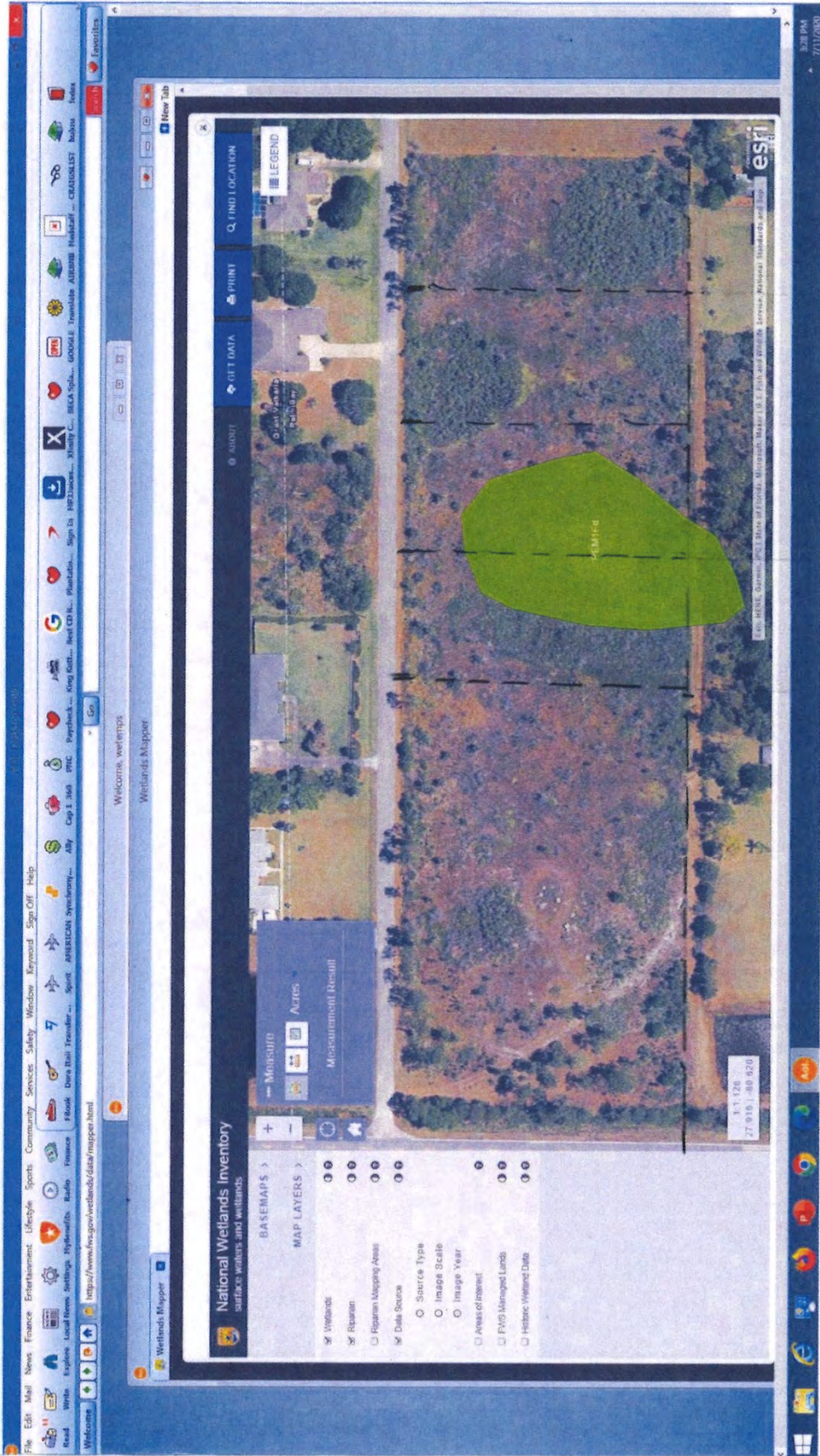
This is the kind of stuff that normal citizens shake their heads at and say "What can you expect, its the City" Its a disgrace.

Again I apologize for raising my voice in your office when I found out about this decision.

Respectfully

Ken Smith





WETLAND - PLANTATION CIRCLE LOT

197 ft wide  
313 ft long  
1.04 Acres



**CITY OF PALM BAY, FLORIDA**  
**PLANNING AND ZONING BOARD/**  
**LOCAL PLANNING AGENCY**  
**REGULAR MEETING 2020-08**

Held on Wednesday, July 1, 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. Donny Felix led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

<b>CHAIRPERSON:</b>	Philip Weinberg	Present	
<b>VICE CHAIRPERSON:</b>	Leeta Jordan	Present	
<b>MEMBER:</b>	Donald Boerema	Present	
<b>MEMBER:</b>	Donny Felix	Present	
<b>MEMBER:</b>	Richard Hill	Present	
<b>MEMBER:</b>	Khalilah Maragh	Present	
<b>MEMBER:</b>	Rainer Warner	Present	
<b>NON-VOTING MEMBER:</b>	David Karaffa	Absent	(Excused)
	(School Board Appointee)		

**CITY STAFF:** Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. James Stokes, Board Attorney.

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-07; June 3, 2020. Motion by Ms. Maragh, seconded by Mr. Felix to approve the minutes as presented. The motion carried with members voting unanimously.

2. **♣CPZ-4-2020 – WEST POINTE BABCOCK, LLC (CARMINE FERRARO AND ROBERT SCHWERER, REPS.)**

Mr. Stokes advised the board to submit a recommendation on the zoning amendment to accompany their denial of the land use request.

Motion by Ms. Maragh, seconded by Mr. Warner to submit Case CPZ-4-2020 for denial of a zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Felix	Aye
Mr. Hill	Aye
Ms. Maragh	Aye
Mr. Warner	Aye

The meeting resumed after a brief interval.

3. **T-15-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)**

Mr. Bradley presented the staff report for Case T-15-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, to eliminate the requirement of building permits for fences and to allow the Growth Management Director to exempt fences over four feet in height in front yards. Staff recommended that if Case T-15-2020 was approved, the document review as noted in the proposed text remain as a requirement, and that property owners be required to complete a Hold Harmless Agreement.

Ms. Jordan commented that high walls made people feel unsafe.

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

**From:** [Charles Clary](#)  
**To:** [Terese Jones](#)  
**Subject:** cp4-2020  
**Date:** Wednesday, July 29, 2020 4:38:47 PM

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**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.

Dear Ms. Jones

In front of the council is another application (cp4-2020) to change the future land use map at the corner of Plantation Circle and Babcock St. There has been some changes this time. The adjoining and neighborhood property owners still oppose it. I oppose it as I did before. But now this original parcel of land (8.41 acres) has been subdivided as a minor subdivision through Palm Bay Growth Management under City of Palm Bay Code of Ordinance #184.34 Minor Subdivision. This Replat of Plantation Circle has been approved by the City of Palm Bay and has been recorded on Plat Book 68 Page 42 at The Brevard County Property Appraiser. Under 184.34 Minor Subdivisions (A) - (1) All proposed lots are for detached single family residential Lots, and (A) - (5) The subdivision shall be all inclusive and shall not consist of more than one (1) phase of development.

Under 184.34, the completed minor subdivision is done and no further applications can be submitted period, it's a "one and done" scenario. I am saying it's councils responsibility to direct Growth Management not to accept any further applications for these five lots and council has to deny this application due to the fact this recorded Replat is complete.

Thank You

**Charles W Clary**

321-480-5430  
1835 Plantation Cir  
Palm Bay FL 32909

**From:** [Angela Burak](#)  
**To:** [Charles Clary](#)  
**Cc:** [City Manager](#); [Terese Jones](#); [Terri Lefler](#); [Rosemarie Saavedra](#); [Laurence Bradley](#); [Chandra Powell](#)  
**Subject:** RE: cp4-2020  
**Date:** Wednesday, July 29, 2020 4:56:30 PM

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Hello and thank you for sending us your thoughts and concerns.

I have also added our Legislative Department to the email trail to forward to our Council members.

Have a good night.



---

**From:** Charles Clary <cclary@claryfl.com>  
**Sent:** Wednesday, July 29, 2020 4:38 PM  
**To:** City Manager <citymanager@palmbayflorida.org>  
**Subject:** cp4-2020

**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.

Dear City Manager

In front of the council is another application (cp4-2020) to change the future land use map at the corner of Plantation Circle and Babcock St. There has been some changes this time. The adjoining and neighborhood property owners still oppose it. I oppose it as I did before. But now this original parcel of land (8.41 acres) has been subdivided as a minor subdivision through Palm Bay Growth Management under City of Palm Bay Code of Ordinance #184.34 Minor Subdivision. This Replat of Plantation Circle has been approved by the City of Palm Bay and has been recorded on Plat Book 68 Page 42 at The Brevard County Property Appraiser. Under 184.34 Minor Subdivisions (A) - (1) All proposed lots are for detached single family residential Lots, and (A) - (5) The subdivision shall be all inclusive and shall not consist of more than one (1) phase of development.

Under 184.34, the completed minor subdivision is done and no further applications can be submitted period, it's a "one and done" scenario. I am saying it's councils responsibility to direct

Growth Management not to accept any further applications for these five lots and council has to deny this application due to the fact this recorded Replat is complete. Any other outcome creates a problem for the city as they will not be abiding by their Code of Ordinance #184.34.

Thank You

**Charles W Clary**

321-480-5430

1835 Plantation Cir

Palm Bay FL 32909



**From:** [David T](#)  
**To:** [Terese Jones](#)  
**Subject:** Request for Aggrieved status for cp-4-2020 and cpz-4-2020  
**Date:** Wednesday, July 29, 2020 1:48:10 PM

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**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.

Ms Terese Jones  
City Clerk  
City of Palm Bay  
[Terese.Jones@pbfl.org](mailto:Terese.Jones@pbfl.org)

Re cp4-2020 and cpz4-2020

July 29, 2020

Dear Ms Jones

Please accept this email as a written 5-day notice. I am hereby requesting Aggrieved or affected person status with regards to cp-4-2020 and cpz-4-2020.

I have lived on Plantation Circle for many years. The rezoning of this property will cause a total negative change in our neighborhood. It does not fit the scale, intensity or Character of the neighborhood. It will certainly affect me and my family's way of life. We do not think that this rezoning is in the best interest of the residents of Plantation Circle or the Palm Bay community at large. I am also concerned about all of the other problems that will affect me and my family if a commercial entity starts operation in the middle of our neighborhood.

David Thornberry  
1859 Plantation Circle se  
Palm Bay Florida 32909  
321-956-6586  
[davetberry@bellsouth.net](mailto:davetberry@bellsouth.net) or [davemtberry@gmail.com](mailto:davemtberry@gmail.com)

If you have any questions about this request please feel free to contact me at any time either via email or Phone as identified above.

Sincerely

Dave Thornberry

Ms. Terese Jones  
City Clerk  
City of Palm Bay

Re cp4-2020 and cpz4-2020

July 29, 2020

Dear Ms. Jones,

Please accept this email as written five day notice. I am hereby requesting Aggrieved or Affected person status with regards to cp-4-2020 and cpz-4-2020.

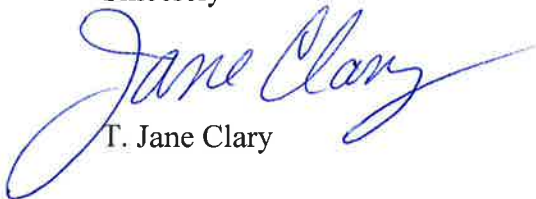
I have lived on Plantation Circle for 23 years, and in Palm Bay for 55 years. The rezoning of this property will cause a total change in our neighborhood, it does not fit the scale, intensity or "historical character" of the neighborhood. It will certainly affect me and my family's way of life (ability to walk all kinds of animals on our quiet road – dogs, donkeys, pigs, horses and ponies).

We do not think that this rezoning is in the best interest of the residents of Plantation Circle or the Palm Bay community at large. I am also concerned about all the additional problems that will affect my whole family, if a commercial entity starts operation in the middle of our neighborhood.

T. Jane Clary (Palm Bay Native – My Dad, also a Palm Bay Native, borne in 1924)  
1835 Plantation Circle, SE  
Palm Bay Florida 32909  
321-537-4917  
claryt@fit.edu

If you have any questions about this request, please feel free to contact me at any time by email or phone as shown above.

Sincerely



T. Jane Clary

**From:** [Judy Thornberry](#)  
**To:** [William Capote](#); [Harry Santiago Jr.](#); [Brian Anderson](#); [Kenny Johnson](#); [Jeff Bailey](#); [Terese Jones](#)  
**Subject:** Plantation Circle CP 4-2020 CPZ 4-2020  
**Date:** Wednesday, July 29, 2020 7:06:36 AM

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**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.

Honorable Mayor and Council Members,

I object to the rezoning CP-4-2020 CPZ -4-2020 to our historic neighborhood..The rezoning would cause lower property values, more traffic on our road and crime into our neighborhood. There are plenty of commercial properties to the north and to the south of our neighborhood. I am not against commercial property development. This is the wrong place to rezone for this type of plan. I have attended most of the meetings from the Florida Department of Transportation (pertaining to south Babcock) and have seen the State's future plans for Babcock rd. The plans did include a retention pond on this property and a possible roundabout. Why should the taxpayers have to pay more money to a developer for this type of speculation and spot zoning? Please take in consideration to leave our historic neighborhood as a housing community. I am very proud of our neighborhood. We are like family to each other. Please consider property rights of the residents that live here. Due to the Corona 19 virus a lot of my neighbors are unable to attend this meeting. Please listen to our letters and voices against the rezoning of this property.

Judy Thornberry  
1859 Plantation Circle S.E.  
Palm Bay , Fl.

**From:** [Robert Heitsch](#)  
**To:** [Terese Jones](#)  
**Subject:** Fwd: Recommend against CP-4-2020 and CPZ-4-2020  
**Date:** Wednesday, July 29, 2020 2:10:15 PM

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**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.

----- Forwarded message -----

**From:** **Robert Heitsch** <[rtheitsch@gmail.com](mailto:rtheitsch@gmail.com)>  
**Date:** Wed, Jul 29, 2020 at 1:56 PM  
**Subject:** Recommend against CP-4-2020 and CPZ-4-2020  
**To:** <[mayor@pbfl.org](mailto:mayor@pbfl.org)>, <[seat2@pbfl.org](mailto:seat2@pbfl.org)>, <[seat3@pbfl.org](mailto:seat3@pbfl.org)>, <[seat4@pbfl.org](mailto:seat4@pbfl.org)>, <[seat5@pbfl.org](mailto:seat5@pbfl.org)>  
**Cc:** <[teresejones@pbfl.org](mailto:teresejones@pbfl.org)>

Our names are Robert and Kim Heitsch. We reside at 1755 Plantation Circle SE, Palm Bay Fl and have lived there for the past 30 years.

We strongly urge the city council to deny requests CP-4-2020 and CPZ-4-2020. CPZ-4-2020 is incompatible with the Palm Bay Code of Ordinances, Section 183.01. Specifically, enforcement of Section 183.01 (B) requires the city to preserve the residential or historical character of neighborhoods and to protect private property rights.

The applicant has provided no indication of what type of commercial development would be located on the property. Many types of commercial property land uses would negatively impact the neighborhood in terms of safety, environmental pollution and unwanted additional commercial traffic on a quiet residential street. Since it is not known how the property would be commercially developed, the city has no assurance that the development would not infringe on the private property rights of the neighborhood residents.

The Plantation circle neighborhood is comprised of 46 large homes on manicured one acre or larger lots in a low density setting. The applicant's property is surrounded by the neighborhood. The applicant's property is located between the two entrances into the neighborhood off Babcock. There are little if any commercial businesses that could be located on the applicant's property that would preserve the residential character of the plantation circle neighborhood.

This is the sixth time in less than 5 years that this rezoning request has been brought to the city. The Planning and Zoning board has voted against this rezoning request every time it was presented to them. In this most recent request, the city staff provided eight reasons in their analyst as to why the applicants request should be denied. We urge you to follow their recommendation in this matter.

Respectfully,  
Robert and Kim Heitsch  
1755 Plantation Circle SE



City Clerk

As of this writing a review of all the events that happened with proposals that were made, my view of the situation has changed.

As of now I don't (nor does anyone else) know what project would be in order that would project light on my house behind shrubs and bushes.

To me it would mean activity after dark hustle & bustle, traffic and noise.

The proposal of landscape on my property would lead to interested parties as to what is behind these landscapes. It would also mean litter with beer cans, soda cans, and -- etc. etc.

A review of all the pro's & con's definitely makes the neighborhood a downgrade. There will never be peace and quiet that we are experiencing.

at present,  
 your proposals and interest will  
 destroy all that we longed for.  
 You are not looking out for us  
 individuals but solely for your  
 own interest. City Council should  
 take the matter seriously.

Respectfully

Theresa Kufpatrick  
 1713 Plantation Cir  
 Palm Bay FL 32909

P.S. It looks like what was mentioned  
 at the last meeting that you have  
 my approval. - Where do you find this?

Take a look at my last letter  
 which I filed. This letter was  
 evidently left out or discarded

**From:** [Terri Lefler](#)  
**To:** [\(Automated Tech Support-C&IT\)](#)  
**Cc:** [Terese Jones \(Terese.Jones@palmbayflorida.org\)](#)  
**Subject:** FW: Electronic Media For Next Council Meeting  
**Date:** Thursday, July 30, 2020 11:38:00 AM

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Please have the below video available for the August 6<sup>th</sup> Council meeting. This is for West Pointe Babcock, LLC (Plantation Circle) - two items under the "Public Hearings" heading. The numbers are not yet assigned as the agenda is not yet complete.

If you have any questions, please let me know.

Thanks!



---

**From:** Terese Jones <Terese.Jones@palmbayflorida.org>  
**Sent:** Thursday, July 30, 2020 10:06 AM  
**To:** Alan Sakowitz <asakowitz@pointecompanies.com>  
**Cc:** Terri Lefler <Terri.Lefler@palmbayflorida.org>  
**Subject:** RE: Electronic Media For Next Council Meeting

Good morning, Mr. Sakowitz.

We will have this available for the meeting. Thank you.



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**From:** [webmaster@palmbayflorida.org](#) <[webmaster@palmbayflorida.org](#)>  
**Sent:** Wednesday, July 29, 2020 3:59 PM  
**To:** Terese Jones <[Terese.Jones@palmbayflorida.org](#)>  
**Subject:** Electronic Media For Next Council Meeting

**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.

Message submitted from the <City of Palm Bay, FL> website.

**Site Visitor Name:** Alan Sakowitz

**Site Visitor Email:** [asakowitz@pointecompanies.com](mailto:asakowitz@pointecompanies.com)

Ms Jones,

We are interested in using the following electronic document for the next council meeting for the items with West Pointe Babcock's Future land use requests and zoning request.

This is our youtube version:

<https://www.youtube.com/watch?v=VOuEnS3UdUc&feature=youtu.be>

We also have a link to a backup version:

<https://drive.google.com/drive/folders/1MLFukqRZ07o9f4sv1JgM7ATuzcP9GZQY>

Have I submitted them as required or should I be sending them elsewhere?

Regards,

Alan Sakowitz  
for West Pointe Babcock, LLC

## ORDINANCE 2020-48

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 RR (RURAL RESIDENTIAL DISTRICT) TO CC (COMMUNITY COMMERCIAL DISTRICT); WHICH PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF BABCOCK STREET AND PLANTATION CIRCLE, 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 RR (Rural Residential District) to CC (Community Commercial District), being legally described as follows:

Lot 5, Plantation Circle, according to the plat thereof as recorded in Plat Book 68, Page 42, of the Public Records of Brevard County, Florida; Section 34, Township 29S, Range 37E; containing 3.86 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 2020-47.

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:

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Terese M. Jones, CITY CLERK



City of Palm Bay, Florida  
Ordinance 2020-48

Reviewed by CAO: \_\_\_\_\_

Applicant: West Pointe Babcock, LLC  
Case: CPZ-4-2020

cc: (date) Applicant  
Case File



## **LEGISLATIVE MEMORANDUM**

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

**FROM:** Suzanne Sherman, Acting City Manager

**THRU:** Laurence Bradley, AICP, Growth Management Director

**DATE:** 8/6/2020

**RE:** Ordinance 2020-49, amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, Subchapter 'Walls and Fences', to eliminate the requirement of building permits for fences and to allow the Growth Management Director to exempt fences over four feet in height in front yards (Case T-15-2020, City of Palm Bay), first reading.

The City of Palm Bay (Growth Management Department) has submitted a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, to eliminate the requirement of building permits for fences in residential districts accessory to single-family dwellings, and to authorize the Growth Management Director to grant an exemption to allow fences in front setbacks to be six-feet tall as long as there is no impact to pedestrian or vehicular safety. The amendment has been prepared at the direction of City Council.

Staff will continue to review plans or surveys for fences; however, the fact that a permit is not required makes enforcement of other requirements, such as licensed contractors and the integrity of structures, potentially more difficult. The amendment will eliminate the fee for the reviews by staff. The proposal to allow requests to permit fence heights in front setbacks to increase from four (4) feet to six (6) feet may cause visual impacts along residential streets. Taller fences will make it difficult for Code Compliance Officers and Police Officers to monitor residential areas.

### **REQUESTING DEPARTMENT:**

Growth Management

### **RECOMMENDATION:**

Request for consideration if Case T-15-2020 is approved, the document review as noted in the proposed text in the staff report should remain as a requirement, and property owners should be required to complete a Hold Harmless Agreement.

### **Planning and Zoning Board Recommendation:**

Unanimous denial of the request.

**ATTACHMENTS:**

**Description**

**Case T-15-2020**

**Board Minutes**

**Ordinance 2020-49**



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Laurence Bradley, AICP, Growth Management Director

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#### CASE NUMBER

T-15-2020

#### PLANNING & ZONING BOARD HEARING DATE

July 1, 2020

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#### PROPERTY OWNER & APPLICANT

City of Palm Bay, Growth Management  
Department

#### PROPERTY LOCATION/ADDRESS

Not Applicable

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#### SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, to eliminate the requirement of building permits for fences and to allow the Growth Management Director to exempt fences over four feet in height in front yards.

#### Existing Zoning

Not applicable

#### Existing Land Use

Not applicable

#### Site Improvements

Not applicable

#### Site Acreage

Not applicable

#### APPLICABILITY

Citywide

#### COMPREHENSIVE PLAN COMPATIBILITY

Not specifically addressed

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**BACKGROUND:**

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, to eliminate the requirement for a Building Permit for fences in residential districts accessory to single-family dwellings. Also, to authorize the Growth Management Director to grant an exemption to allow fences in front setbacks to be 6 feet tall as long as there is no impact to pedestrian or vehicular safety. The applicant for this amendment is the City of Palm Bay.

The Growth Management Department acting upon a request by a member of the City Council has submitted this proposed text amendment. The amendment would eliminate the requirement to obtain a building permit for fences in residential districts accessory to single-family dwellings. It should be noted that fences are considered accessory structures and thus are not permitted on vacant lots. However, the Growth Management staff would still review a to-scale plan or survey for the fence to insure that the fence is wholly located with the subject property and that such fence will not interfere with utilities, right of ways, public drainage and utility easements or septic systems and will not block sight lines for driveways or intersections. It should be noted that, except in high velocity zones (none exist in Palm Bay), fences are not regulated under the Florida Building Code. However, Building Permits are currently required by local ordinance.

The proposed amendment would still require a document review by staff, but it would be done at no charge and no building permit would be required. Fences accessory to single-family dwellings would still have to comply with all the other requirements within the Land Development Code. Also, fences located on properties with on-site wells and/or septic systems will require permits from Florida Department of Health. Staff has confirmed with FDOH that fences require a permit from the agency. Growth Management staff will request a copy of the FDOH permit as part its document review.

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

**ANALYSIS:**

Residential fences currently require a building permit. For interior lots, they are considered instant issue permit, which means that they are issued over the counter. On corner lots the staff reviews these for compliance with zoning requirements. All fences are issued a Certificate of Completion after they have been inspected by a Building Inspector, to ensure they are constructed and placed according to the approved Permit.

There are some benefits to having the Building Division continue to issue fence permits. These include:



- 1) Staff reviews the paperwork to make sure that the fence complies with all of the requirements of the Land Development Code and, if applicable, a FDOH permit has been issued. While a document review will still be required the fact that a permit is not required makes enforcement of other requirements potentially more difficult.
- 2) By issuing a Building Permit for fences they must be installed by a licensed contractor or an owner-builder who agrees to abide by the same requirements as a licensed contractor.
- 3) Each fence permit is accompanied by a 'Hold Harmless' acknowledgement which tells the owner that they are responsible for any damage to existing structures (such as a neighbor's fence) or any utilities that may be located in the Public Utility & Drainage Easement – where most fences are placed.
- 4) Building Inspectors can check the installation and structural integrity of the fence as part of their inspection. Also, inspectors can make sure of other things such as the "finished" side of the fence is facing out.
- 5) When a permit is issued the City has a record of when the fence was installed, which is especially useful when a fence is not being properly maintained and Code Compliance needs to get a dilapidated fence fixed.
- 6) On average, the Building Division issues approximately 1,000 fence permits per year. This includes all types, residential, commercial, etc. The average cost of a fence permit for a standard sized single-family lot is approximately between \$80 to \$100. Assuming, that at least two-thirds of the fence permits per year are for single family homes the fiscal impact of this text amendment would be approximately \$50,000 to \$65,000 per year.

The second part of this proposed amendment would grant the Growth Management Director the authority to allow fence height in front setbacks to be increased from four feet to six, if the property owner can demonstrate that the additional height will not block sight lines or otherwise effect vehicular or pedestrian safety. Some of the issues to consider with this part of the amendment include the following:

- 1) Allowing six-foot-high fences could create negative visual impacts along residential streets. The taller fences could be considered less appealing as they create a walled-in look along the street.
- 2) Six-foot fences make Code Compliance more difficult as Code Officers are not allowed to look over fences and are not allowed to use aerial photos as part of their enforcement. Also, from a public safety point of view, taller fences make it more difficult for Police to see what is happening on a property or in a house when they are out on patrol.
- 3) Taller fences potentially block light and airflow. Also, taller fences are more subject to damage due to high winds that blow unabated down the roadway.

**STAFF RECOMMENDATION:**

If this amendment is approved, staff recommends that the document review noted in the proposed text remain as a requirement. Further, the property owner should also be required to complete the Hold Harmless acknowledgement.

## TITLE XVII: LAND DEVELOPMENT CODE

### CHAPTER 170: CONSTRUCTION CODES AND REGULATIONS

#### WALLS AND FENCES

##### § 170.110 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**FENCE.** A barrier made of approved materials contained herein serving as an enclosure or boundary.

##### § 170.111 PLANS, PERMIT, FEE.

*Plans showing the location of any proposed fence or wall and the type of construction shall be submitted to the Building Official and a permit obtained therefor from the Building Official, upon payment of a fee as set forth in § 170.007. >>Fences in residential districts accessory to a single-family residence may be exempted from the requirements of obtaining a building permit provided that the property owner can show on a to scale plan that the fence is wholly located with the subject property and that such fence will not interfere with utilities, right of ways, public drainage and utility easements (except as provided for in §170.116) or septic systems and will not block sight lines for driveways or intersections. All other provisions of this section shall be applicable.<<*

\* \* \*

##### § 170.114 RESIDENTIAL AREA LIMITATIONS AND RESTRICTIONS ON HEIGHT.

(A) *All walls, fences, hedges, shrubs or dense planting of trees or other plant material hereafter located, erected, constructed, reconstructed or altered outside of the building lines of property situated in the city shall not be over four (4) feet in height when placed in the front setback, and not more than six (6) feet in height at any other location. For corner lots, a maximum fence height of six (6) feet may be permitted within the side corner yard area, provided it is no closer than fifteen (15) feet from the side corner property line. >>The Growth Management Director may allow an exception for fences in front setbacks to be 6 feet in height if the property owner can demonstrate that the additional height will not block sight lines or otherwise effect vehicular or pedestrian safety.<<*

(B) On a corner lot, no wall, fence or hedge shall be erected, placed or planted, or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the centerline grade of the abutting street within the triangular area formed by the street right-of-way lines (or in the case of an arc, extensions of the right-of-way lines) on a line connecting them at points twenty-five (25) feet from the intersection of the street right-of-way lines.



**BUILDING DIVISION**  
120 Malabar Road, S.E.,  
Palm Bay, FL 32907  
Phone: (321) 953-8924 • Fax: (321) 953-8925

## **DOCUMENTS REQUIRED FOR ACCESSORY STRUCTURES**

(Including Sheds and Fences)

### **Accessory Structure Requirements:**

- Completed building permit application.
- Owner/Builder affidavit, if applicable.
- Proof of ownership (copy of warranty deed or County tax bill).
- Two (2) copies of survey showing any easements, location of septic tank and drain field, location of electrical service power line to the house, location of the proposed shed and size, and setback requirements. The survey must further depict all existing structures. *Also, if the property has a septic tank, it is required to have approval from Environmental Health with indication on the survey. Contact (321) 633-2100 --- Located at 2725 Judge Fran Jamieson Way Viera, 32940.*
- Two (2) copies of manufacturer's plans and specifications for the proposed structure. Design loads, to include wind, shall be signed and sealed by a Florida registered architect or engineer.
- If built on site, two (2) copies of plans are required showing elevations, floor plan, wall sections, and type of materials to be used to complete the structure. Design loads, to include wind, shall be signed and sealed by a Florida registered architect or engineer.
- If a pre-manufactured structure, two (2) copies of the approved plans stamped by the Department of Community Affairs (DCA) is required.
- Provide two (2) copies of the tie down or anchoring methods for the proposed structure.
- Copy of the recorded Notice of Commencement or affidavit of filing for NOC (if value is greater than \$2,500).

**Fence Requirements:**

- Completed building permit application.
- Two (2) copies of survey (including structure) showing location of the proposed fence (clearly marked), height, and type of materials to be used to complete the installation.
- Completed and notarized Hold Harmless Agreement.
- If the property has a septic tank, it is required to have approval from Environmental Health with indication on the survey (321-633-2100) --- Located at 2725 Judge Fran Jamieson Way Viera, 32940.
- Copy of the recorded Notice of Commencement or affidavit of filing for NOC (if value is greater than \$2,500).

Note: Additional documents may be required upon request by the Building Official.



ACCEPTED BY:

DATE:



APPROVED BY:

DATE:

**BUILDING DIVISION**

120 Malabar Road, S.E., Palm Bay, FL 32907 • Phone: (321) 953-8924 • Fax: (321) 953-8925

**CONSTRUCTION PERMIT APPLICATION**

*"This application shall be completed in its entirety and shall not be altered in any way."*

Please visit our web site for forms at [www.palmbayflorida.org](http://www.palmbayflorida.org)

**6th EDITION OF THE 2017 FLORIDA BUILDING CODES AND  
THE 2014 EDITION OF THE NATIONAL ELECTRICAL CODE**

**APPLICATION INFORMATION**

Application Date:

Application Number:

Job Name:

Job Address:

City:  County:

LOT:  TWP:

BLK/PAR:  RNG:

SUB#:  SEC:

Description of Work:

VALUE: \$  ZONING:

CHECK ONE: ☐ RESIDENTIAL ☐ COMMERCIAL

CONSTRUCTION TYPE: ☐ CBS ☐ FRAME ☐ OTHER

COND. SQ. FT.:  FLD ZONE:

NON-COND. SQ. FT.:  ROOF PITCH:

TOTAL SQ. FT.:  # SQUARES:

## PROPERTY OWNER INFORMATION

NAME:

ADDRESS:

CITY:

STATE:  ZIP CODE:

PHONE:

FAX:

E-MAIL:

MORTGAGE LENDER'S NAME:

ADDRESS:

BONDING COMPANY:

ADDRESS:

CITY:  STATE:

FEE SIMPLE TITLE HOLDER'S NAME:

(IF OTHER THAN OWNER)

FEE SIMPLE TITLE HOLDER'S ADDRESS:

(IF OTHER THAN OWNER)

CITY:

STATE:  ZIP CODE:

## ARCHITECT / ENGINEER INFORMATION

ARCHITECT/ ENGINEER'S NAME:

ADDRESS:

CITY:

STATE:  ZIP CODE:

## CONTRACTOR INFORMATION

BUSINESS NAME:

ADDRESS:

CITY:

STATE:  ZIP CODE:

PHONE#:  CERT. #:

E-MAIL:

## QUALIFIER:

CONTRACTOR'S CERTIFICATION OF COMPETENCY NO.:

CONTRACTOR'S STATE CERTIFICATION OR REGISTRATION NO. :

## SUB CONTRACTOR INFORMATION

ELECTRICAL CONTRACTOR:

ADDRESS:

PHONE#:  CERT. #:

PLUMBING CONTRACTOR:

ADDRESS:

PHONE#:  CERT. #:

HVAC CONTRACTOR:

ADDRESS:

PHONE#:  CERT. #:

## APPLICANT'S AFFIDAVITS

Application is hereby made to obtain a permit to do the work and installations as indicated. I **certify that no work or installation has commenced prior to the issuance of a permit** and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I **understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FENCES, FURNACES, BOILERS, HEATERS, TANKS, AND AIR CONDITIONERS, etc.**

**"WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT."**

*OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.*

Signature of Owner or Agent (including Contractor)

Date

STATE OF FLORIDA COUNTY OF BREVARD

Sworn to (or affirmed) and subscribed before me this  day of

20 , by

Personally Known ☐ OR Produced Identification ☐

Type of Identification:

---

Signature of Notary Public, State of Florida

---

Print or Stamp Name

**BUILDING DIVISION**

**HOLD HARMLESS AGREEMENT/INDEMNIFICATION AGREEMENT**

The undersigned hereby executes in favor of the City of Palm Bay, Florida, its' officers, employees, agent and assigns, this Hold Harmless Agreement.

**WITNESSETH**

**WHEREAS**, the undersigned is seeking a building permit(s) for an improvement that is an encroachment of a public easement. The following may be permitted as an encroachment improvement: irrigation system, fence or an improvement specifically approved by Growth Management Department Director or designee.

**WHEREAS**, pursuant to Chapter 170 City of Palm Bay Code of Ordinances, Florida, the City may issue permit(s) within City limits.

**NOW, THEREFORE**, the undersigned agrees as follows:

I, (Print Name) \_\_\_\_\_, property owner of

(Print Address) \_\_\_\_\_

hereby agree that it shall indemnify, defend and hold harmless the City of Palm Bay, Florida, any licenses utility company or independent contractors, and any of their officers, employees and agents in both their official and individual capacity, from any and all liability, claims, damages, expenses including attorney's fees and litigation costs, resulting from or arising out of the removal or alteration of any existing permitted encroachment structure/improvement that exist in or around any public easement, deemed necessary by the City or licensed utility for the purpose of installing, removing, repairing or maintaining any improvements allowed within the public utility easement. The property owner also agrees to have a utility locate performed prior to any digging. The undersigned acknowledges that specific consideration has been given for this indemnity provision. ( \_\_\_\_\_ Initial)

I understand and agree that if the City or licensed utility or independent contractor removes, damages or alters the encroachment structure/improvement that I am fully responsible for repair and/or replacement of the encroachment improvement.

( \_\_\_\_\_ Initial)

I understand and agree that if I damage or cause damage to any existing structure, improvement and/or utility within the easement, I am fully responsible for repair and /or replacement of the existing improvement as deemed necessary by the City and/or appropriate licensed utility company within ninety days of receipt of written notice by The City and/or licensed utility company. ( \_\_\_\_\_ Initial)

\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Owner or Agent *(including Contractor)*

\_\_\_\_\_  
Date

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this (date) by (name of person acknowledging), who is personally known to me or who has produced (type of identification) as identification.

\_\_\_\_\_  
(Signature of person taking acknowledgment)

\_\_\_\_\_  
(Name typed, printed or stamped)

\_\_\_\_\_  
(Title or rank)

\_\_\_\_\_  
(Serial number, if any)

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me, **by means of** ☐ **physical presence** or ☐ **online notarization**, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(year), **by** \_\_\_\_\_

\_\_\_\_\_  
(Signature of person taking acknowledgment)

\_\_\_\_\_  
(Name typed, printed or stamped)

\_\_\_\_\_  
(Title or rank)

\_\_\_\_\_  
(Serial number, if any)





**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:**

Sections 170.111 and 170.114

**PROPOSED LANGUAGE (attach addendum if necessary):**

See attached

**JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)**

Per City Council direction the amendment would eliminate the requirement for Building Permits for fences and allow the Growth Management Director to exempt fences over 4 feet in front yards. This was proposed by a member of the City Council as a way to make it easier for City residents to install fences.

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 Laurence Bradley Digitally signed by Laurence Bradley  
DN: dc=org, dc=palmbayflorida, ou=Community  
Planning & Economic Development, ou=Land  
Development, cn=Laurence Bradley  
Date: 2020.06.12 16:22:45 -0400 Date 6/12/2020

Printed Name of Applicant Laurence Bradley, AICP, Growth Management Director

Full Address 120 Malabar Road SE, Palm Bay, FL 32907

Telephone (321) 733-3042 Email laurence.bradley@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**  
**REGULAR MEETING 2020-08**

Held on Wednesday, July 1, 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. Donny Felix led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

<b>CHAIRPERSON:</b>	Philip Weinberg	Present	
<b>VICE CHAIRPERSON:</b>	Leeta Jordan	Present	
<b>MEMBER:</b>	Donald Boerema	Present	
<b>MEMBER:</b>	Donny Felix	Present	
<b>MEMBER:</b>	Richard Hill	Present	
<b>MEMBER:</b>	Khalilah Maragh	Present	
<b>MEMBER:</b>	Rainer Warner	Present	
<b>NON-VOTING MEMBER:</b>	David Karaffa	Absent	(Excused)
	(School Board Appointee)		

**CITY STAFF:** Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. James Stokes, Board Attorney.

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-07; June 3, 2020. Motion by Ms. Maragh, seconded by Mr. Felix to approve the minutes as presented. The motion carried with members voting unanimously.

**2. ♣CPZ-4-2020 – WEST POINTE BABCOCK, LLC (CARMINE FERRARO AND ROBERT SCHWERER, REPS.)**

Mr. Stokes advised the board to submit a recommendation on the zoning amendment to accompany their denial of the land use request.

Motion by Ms. Maragh, seconded by Mr. Warner to submit Case CPZ-4-2020 for denial of a zoning amendment from an RR, Rural Residential District to a CC, Community Commercial District. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Felix	Aye
Mr. Hill	Aye
Ms. Maragh	Aye
Mr. Warner	Aye

The meeting resumed after a brief interval.

**3. T-15-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)**

Mr. Bradley presented the staff report for Case T-15-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, to eliminate the requirement of building permits for fences and to allow the Growth Management Director to exempt fences over four feet in height in front yards. Staff recommended that if Case T-15-2020 was approved, the document review as noted in the proposed text remain as a requirement, and that property owners be required to complete a Hold Harmless Agreement.

Ms. Jordan commented that high walls made people feel unsafe.

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 was not in favor of the amendment. He commented that the cost of a fence permit was nominal, but Council could consider reducing the fee. A permit; however, was necessary to ensure fences were built properly and according to code.

Motion by Ms. Jordan, seconded by Ms. Maragh to submit Case T-15-2020 to City Council for denial of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, to eliminate the requirement of building permits for fences and to allow the Growth Management Director to exempt fences over four feet in height in front yards. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Felix	Aye
Mr. Hill	Aye
Ms. Maragh	Aye
Mr. Warner	Aye

**4. T-16-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)**

Mr. Bradley presented the staff report for Case T-16-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.136 Backyard Chickens, to increase the maximum number of chickens allowed from 4 to 13; and to create Section 185.139 Urban Farm Animals, to allow a maximum of 2 sheep or 2 goats on residential properties. Staff recommended that allowing additional chickens or additional types of animals was a policy decision that the City Council would need to address carefully before any action was taken.

Ms. Maragh wanted to know how properties would be checked to ensure animal counts. Mr. Bradley explained that most of the enforcement would be complaint based through the Code Compliance Division. Ms. Maragh remarked that it was hard to imagine 13 chickens and two goats or sheep on quarter acre lots.

## ORDINANCE 2020-49

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 170, CONSTRUCTION CODES AND REGULATIONS, SUBCHAPTER 'WALLS AND FENCES', TO ELIMINATE THE REQUIREMENT OF BUILDING PERMITS FOR FENCES AND TO ALLOW THE GROWTH MANAGEMENT DIRECTOR TO EXEMPT FENCES OVER FOUR (4) FEET IN HEIGHT IN FRONT YARDS; 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 170, Land Development Code, Subchapter 'Walls and Fences', Section 170.111, Plans, Permit, Fee, is hereby amended and shall henceforth read as follows:

"Section 170.111 PLANS, PERMIT, FEE.

Plans showing the location of any proposed fence or wall and the type of construction shall be submitted to the Building Official and a permit obtained therefor from the Building Official, upon payment of a fee as set forth in § 170.007. >>Fences in residential districts accessory to a single-family residence may be exempted from the requirements of obtaining a building permit provided that the property owner can show on a to scale plan that the fence is wholly located with the subject property and that such fence will not interfere with utilities, right of ways, public drainage and utility easements (except as provided for in §170.116) or septic systems and will not block sight lines for driveways or intersections. All other provisions of this section shall be applicable.<<"

**SECTION 2.** The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 170, Land Development Code, Subchapter 'Walls and



Fences', Section 170.114, Residential Area Limitations and Restrictions on Height, is hereby amended and shall henceforth read as follows:

"Section 170.114 RESIDENTIAL AREA LIMITATIONS AND RESTRICTIONS ON HEIGHT.

(A) All walls, fences, hedges, shrubs or dense planting of trees or other plant material hereafter located, erected, constructed, reconstructed or altered outside of the building lines of property situated in the city shall not be over four (4) feet in height when placed in the front setback, and not more than six (6) feet in height at any other location. For corner lots, a maximum fence height of six (6) feet may be permitted within the side corner yard area, provided it is no closer than fifteen (15) feet from the side corner property line. >>The Growth Management Director may allow an exception for fences in front setbacks to be 6 feet in height if the property owner can demonstrate that the additional height will not block sight lines or otherwise effect vehicular or pedestrian safety.<<

\* \* \*

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

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: City of Palm Bay  
Case: T-15-2020

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



## **LEGISLATIVE MEMORANDUM**

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

**FROM:** Suzanne Sherman, Acting City Manager

**THRU:** Laurence Bradley, AICP, Growth Management Director

**DATE:** 8/6/2020

**RE:** Ordinance 2020-50, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by increasing the maximum number of chickens permitted on single family lots; and including provisions for urban farm animals permitted on developed single family lots (Case T-16-2020, City of Palm Bay), first reading.

The City of Palm Bay (Growth Management Department) has submitted a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.136 Backyard Chickens, to increase the maximum number of chickens allowed from four (4) to thirteen (13); and to create Section 185.139 Urban Farm Animals, to allow a maximum of two (2) sheep or two (2) goats on residential properties. The amendment has been prepared at the direction of City Council.

On February 21, 2013, the City Council approved Ordinance 2013-10 (Back Yard Chickens) to allow a maximum of four (4) chickens on residential lots. The proposed amendment increases the allowable number of chickens to thirteen (13). The amendment also establishes criteria for a new section (Urban Farm Animals) that will permit a maximum of two (2) sheep or two (2) goats on standard, developed single-family lots.

The purpose of the amendment is to provide residents with self-sustaining alternatives for obtaining protein. However, increasing the number of chickens and allowing other livestock in close residential proximity may cause nuisances with cleanliness, disease, odors, and noise. The uses are more appropriate in a rural setting on larger properties, however, this is a policy decision that is being presented for City Council consideration.

**REQUESTING DEPARTMENT:**  
Growth Management

**RECOMMENDATION:**  
Discussion for Council that allowing additional chickens or additional types of animals is a policy decision that the City Council will need to address carefully before any action is taken.

**Planning and Zoning Board Recommendation:**

Unanimous denial of the request.

**ATTACHMENTS:**

**Description**

Case T-16-2020

Board Minutes

Ordinance 2020-50



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Laurence Bradley, AICP, Growth Management Director

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#### CASE NUMBER

T-16-2020

#### PLANNING & ZONING BOARD HEARING DATE

July 1, 2020

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#### PROPERTY OWNER & APPLICANT

City of Palm Bay, Growth Management  
Department

#### PROPERTY LOCATION/ADDRESS

Not Applicable

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#### SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.136 Backyard Chickens, to increase the maximum number of chickens allowed from 4 to 13; and to create Section 185.139 Urban Farm Animals, to allow a maximum of 2 sheep or 2 goats on residential properties.

#### Existing Zoning

Not applicable

#### Existing Land Use

Not applicable

#### Site Improvements

Not applicable

#### Site Acreage

Not applicable

#### APPLICABILITY

Citywide

#### COMPREHENSIVE PLAN COMPATIBILITY

Not specifically addressed

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**BACKGROUND:**

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, to modify Section 185.136(B) to increase the allowable number of 'Backyard Chickens' from four (4) to thirteen (13). Also, to create a new section, Section 185.139 – Urban Farm Animals to permit a maximum of two (2) sheep or a maximum of two (2) goats on developed single-family lots in the RE, RS-1, RS-2, SF-1, SF-2 and SRE Zoning Districts subject to several criteria. The applicant for this amendment is the City of Palm Bay.

The Growth Management Department, acting upon a request by a member of the City Council, has submitted this proposed text amendment. The proposed amendment would modify Section 185.136(B) to increase the allowable number of 'Backyard Chickens' from four (4) to thirteen (13). On February 21, 2013, the City Council approved Ordinance #2013-10, which established Section 185.136 in the Zoning Code, allowing for 'Backyard Chickens.'

The second part of this proposed amendment will create Section 185.139 'Urban Farm Animals'. This section will permit a maximum two (2) sheep or a maximum of two (2) goats on developed single-family lots in the RE, RS-1, RS-2, SF-1, SF-2 and SRE Zoning Districts, subject to established criteria.

The rationale provided for this amendment is that residents should have alternative ways to obtain eggs, dairy, and protein that is more self-sustaining.

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

**ANALYSIS:**

The first part of this text amendment is an increase in the number of Backyard Chickens from 4 to 13. The following are some considerations with respect to increasing the number of Backyard Chickens:

- 1) The current regulation has standards and requirements to keep the chickens in an enclosure (coop) for safety and cleanliness. Increasing the number of chickens will potentially create a need for larger coops. Also, maintaining cleanliness and sanitary conditions will become more important as the number of animals are increased threefold, from 4 to 13.
- 2) Roosters are currently prohibited. As the flock of hens increases, there may be even greater pressure to begin to allow roosters.
- 3) Other types of poultry are also currently prohibited. The increase in chickens could open the discussion on other types of fowl.



- 4) It should be noted that the vast majority of single-family areas within the City of Palm Bay are governed by private deed-restrictions, which were created when they were originally subdivided during the GDC era. These restrictions cover almost the entire City, except for the oldest sections of Northeast Palm Bay. Other than dogs, cats, and birds virtually all other types of animals are prohibited.
- 5) Increasing the number of chickens could also lead to increases in nuisance complaints about noise and odors, as well as a potential increase in predator species such as racoons, foxes, etc.

The second part of this amendment would permit the keeping of up to a maximum of two goats or a maximum of two sheep on a majority of residentially zoned properties within the City of Palm Bay. Many of the same concerns about chickens noted above regarding property maintenance, existing deed restrictions, and potential nuisances can also be applied to this section. Further, the introduction of a limited amount of livestock into residential area has the potential to create a demand for other types of animals or an eventual increase in the number of animals permitted. Other issues such as diseases and the close proximity of residential properties with the City of Palm Bay should be considered. Palm Bay is a suburban community and these uses are more appropriate in a rural setting with larger properties.

**STAFF RECOMMENDATION:**

Allowing additional chickens or additional types of animals is a policy decision that the City Council will need to address. This decision should be carefully considered before any action is taken.

## **TITLE XVII: LAND DEVELOPMENT CODE**

### **§ 185.136 BACKYARD CHICKENS.**

(A) No person shall keep or maintain in, on or upon any lot, building, premises or property any farm animal in any zoning category outside of the RR and GU districts except as provided for in this section or § 185.137 >>and § 185.139.<<

(B) Up to ~~four (4)~~ >>thirteen (13)<< chickens may be kept on developed single family lots in the RE, RS-1, RS-2, RS-3, SF-1, SF-2 and SRE Zoning Districts subject to adherence to the following criteria:

- (1) Hens only may be kept. Roosters are prohibited.
- (2) Chickens must be caged at all times and cages/coops shall meet the criteria for animal cages and enclosures contained in § 185.118(F).
- (3) Breeding of chickens is prohibited.
- (4) Dead chickens shall be immediately removed from the premises and disposed of properly.
- (5) The cage/coop and surrounding areas shall be clean and properly maintained to avoid the attraction of vermin, insects or predators.
- (6) Developed lots shall mean a lot with a single-family residence. Except for the GU and RR zoning districts, the keeping of any farm animals is to be considered an accessory use. Any accessory use may not exist without having a principal use (single-family residence) on the property.

### **>>§ 185.139 URBAN FARM ANIMALS.**

(A) No person shall keep or maintain in, on or upon any lot, building, premises or property any farm animal in any zoning category outside of the RR and GU districts except as provided for in this section or § 185.136 and §185.137.

(B) Up to a maximum of two (2) sheep or a maximum of two (2) goats may be kept on developed single family lots in the RE, RS-1, RS-2, RS-3, SF-1, SF-2 and SRE Zoning Districts subject to adherence to the following criteria:

- (1) All animals allowed within this section shall be contained within a fenced area and shall not be permitted to wander off the subject property.
- (2) Newborn animals in addition to the maximum number of animals noted in (B) above may be kept for a maximum of up to eight (8) weeks after birth.
- (3) Commercial breeding of animals is prohibited.
- (4) Commercial sale of animals or animal products is prohibited.

(5) Dead animals shall be immediately removed from the premises and disposed of properly.

(6) Animal waste shall be properly disposed in a timely manner and shall not be stockpiled. Waste may be composted on site provided that it is properly stored and aerated. Compost may not be located in required setback areas.

(7) Enclosures or structures to house such animals and surrounding areas shall be clean and properly maintained to avoid the attraction of vermin, insects or predators. Such enclosures or structures must comply with §185.118(F) (Accessory Structures).

(8) Developed lots shall mean a lot with a single-family residence. Except for the GU and RR zoning districts, the keeping of any farm animals is to be considered an accessory use. Any accessory use may not exist without having a principal use (single-family residence) on the property.<<



**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 185.136 and the creation of Section 185.139

**PROPOSED LANGUAGE (attach addendum if necessary):**

See attached

**JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)**

Per City Council direction this amendment will modify Backyard Chickens (Sec. 185.136) to increase the number allowed from 4 to 13. It would also create a new section 185.139 which would allow a limited number of sheep or goats on residential properties. A member of the City Council requested this amendment as it was felt that there is a need to allow residents alternative ways to obtain eggs, dairy and protein which is more self-sustaining.

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 Laurence Bradley Digitally signed by Laurence Bradley  
DN: dc=org, dc=palmbayflorida, ou=Community  
Planning & Economic Development, ou=Land  
Development, cn=Laurence Bradley  
Date: 2020.06.12 16:26:24 -0400 Date 6/12/2020

Printed Name of Applicant Laurence Bradley, AICP, Growth Management Director

Full Address 120 Malabar Road SE, Palm Bay, FL 32907

Telephone (321) 733-3042 Email laurence.bradley@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**  
**REGULAR MEETING 2020-08**

Held on Wednesday, July 1, 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. Donny Felix led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

<b>CHAIRPERSON:</b>	Philip Weinberg	Present	
<b>VICE CHAIRPERSON:</b>	Leeta Jordan	Present	
<b>MEMBER:</b>	Donald Boerema	Present	
<b>MEMBER:</b>	Donny Felix	Present	
<b>MEMBER:</b>	Richard Hill	Present	
<b>MEMBER:</b>	Khalilah Maragh	Present	
<b>MEMBER:</b>	Rainer Warner	Present	
<b>NON-VOTING MEMBER:</b>	David Karaffa	Absent	(Excused)
	(School Board Appointee)		

**CITY STAFF:** Present were Mr. Laurence Bradley, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Mr. James Stokes, Board Attorney.

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-07; June 3, 2020. Motion by Ms. Maragh, seconded by Mr. Felix to approve the minutes as presented. The motion carried with members voting unanimously.



Mr. Weinberg was not in favor of the amendment. He commented that the cost of a fence permit was nominal, but Council could consider reducing the fee. A permit; however, was necessary to ensure fences were built properly and according to code.

Motion by Ms. Jordan, seconded by Ms. Maragh to submit Case T-15-2020 to City Council for denial of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, to eliminate the requirement of building permits for fences and to allow the Growth Management Director to exempt fences over four feet in height in front yards. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Felix	Aye
Mr. Hill	Aye
Ms. Maragh	Aye
Mr. Warner	Aye

4. **T-16-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)**

Mr. Bradley presented the staff report for Case T-16-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.136 Backyard Chickens, to increase the maximum number of chickens allowed from 4 to 13; and to create Section 185.139 Urban Farm Animals, to allow a maximum of 2 sheep or 2 goats on residential properties. Staff recommended that allowing additional chickens or additional types of animals was a policy decision that the City Council would need to address carefully before any action was taken.

Ms. Maragh wanted to know how properties would be checked to ensure animal counts. Mr. Bradley explained that most of the enforcement would be complaint based through the Code Compliance Division. Ms. Maragh remarked that it was hard to imagine 13 chickens and two goats or sheep on quarter acre lots.

Ms. Jordan inquired whether the proposal was for the Northeast areas of the City that were without deed restrictions. Mr. Bradley explained how the Port Malabar Units were deed restricted to prohibit virtually all but domestic animals. The Zoning Code had been amended in the past to allow for four chickens; however, a property owner could privately challenge the matter through the courts because of the deed restrictions.

Ms. Maragh asked about reducing the proposed number of chickens from 13. Mr. Bradley stated that according to the councilmember requesting the amendment, the proposed number was based on the productivity of chickens for a sustainable amount of eggs.

Mr. Felix wanted to know how the amendment had come about. Mr. Bradley explained that the requesting councilmember had found acquiring sustainable protein during the current pandemic to be difficult, and with City Council support, staff was directed to prepare an amendment. Mr. Felix remarked that the City seemed to be moving backward.

Mr. Warner asked for clarification that the amendment would be Citywide. Mr. Bradley confirmed that the proposal was to allow the urban farm animals Citywide on all single-family lots within the zoning districts listed in the staff report. Homeowner's Associations that prohibited the livestock would have to privately enforce their deed restrictions.

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 Palm Bay would be known as a rural farming community and would not attract commercial businesses to increase the tax base. Livestock belonged on rural properties of five acres or more and not on the quarter acre residential lots.

Motion by Ms. Maragh, seconded by Mr. Felix to submit Case T-16-2020 to City Council for denial of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.136 Backyard Chickens, to increase the maximum number of chickens allowed from 4 to 13; and to create Section 185.139 Urban Farm Animals, to allow a maximum of 2 sheep or 2 goats on residential properties.

Ms. Jordan commented that it was unreasonable to keep goats and sheep on quarter acre lots. Ms. Maragh concurred.

A vote was called on the motion Ms. Maragh, seconded by Mr. Felix to submit Case T-16-2020 to City Council for denial of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.136 Backyard Chickens, to increase the maximum number of chickens allowed from 4 to 13; and to create Section 185.139 Urban Farm Animals, to allow a maximum of 2 sheep or 2 goats on residential properties. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Felix	Aye
Mr. Hill	Aye
Ms. Maragh	Aye
Mr. Warner	Aye

**OTHER BUSINESS:**

There was no other business discussed.

**ADJOURNMENT:**

The meeting was adjourned at approximately 9:53 p.m.

## ORDINANCE 2020-50

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 INCREASING THE MAXIMUM NUMBER OF CHICKENS PERMITTED ON SINGLE FAMILY LOTS; AND INCLUDING PROVISIONS FOR URBAN FARM ANIMALS PERMITTED ON DEVELOPED SINGLE FAMILY LOTS; 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', Section 185.136, Backyard Chickens, is hereby amended and shall henceforth read as follows:

"Section 185.136 BACKYARD CHICKENS.

(A) No person shall keep or maintain in, on or upon any lot, building, premises or property any farm animal in any zoning category outside of the RR and GU districts except as provided for in this section or § 185.137 >>and § 185.139<<.

(B) Up to four (4) >>thirteen (13)<< chickens may be kept on single family lots in the RE, RS-1, RS-2, RS-3, SF-1, SF-2 and SRE Zoning Districts subject to adherence to the following criteria:

**SECTION 2.** The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', is hereby amended by including as Section 185.139 the following language:

**<>Section 185.139 URBAN FARM ANIMALS.**

(A) No person shall keep or maintain in, on or upon any lot, building, premises or property any farm animal in any zoning category outside of the RR and GU districts except as provided for in this section or § 185.136 and §185.137.

(B) Up to a maximum of two (2) sheep or a maximum of two (2) goats may be kept on developed single family lots in the RE, RS-1, RS-2, RS-3, SF-1, SF-2 and SRE Zoning Districts subject to adherence to the following criteria:

(1) All animals allowed within this section shall be contained within a fenced area and shall not be permitted to wander off the subject property.

(2) Newborn animals in addition to the maximum number of animals noted in (B) above may be kept for a maximum of up to eight (8) weeks after birth.

(3) Commercial breeding of animals is prohibited.

(4) Commercial sale of animals or animal products is prohibited.

(5) Dead animals shall be immediately removed from the premises and disposed of properly.

(6) Animal waste shall be properly disposed in a timely manner and shall not be stockpiled. Waste may be composted on site provided that it is properly stored and aerated. Compost may not be located in required setback areas.

(7) Enclosures or structures to house such animals and surrounding areas shall be clean and properly maintained to avoid the attraction of vermin, insects or predators. Such enclosures or structures must comply with §185.118(F) (Accessory Structures).

(8) Developed lots shall mean a lot with a single-family residence. Except for the GU and RR zoning districts, the keeping of any farm animals is to be considered an accessory use. Any accessory use may not exist without having a principal use (single-family residence) on the property.<<"

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

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_



City of Palm Bay, Florida  
Ordinance 2020-50  
Page 4 of 4

Applicant: City of Palm Bay  
Case: T-16-2020

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



## LEGISLATIVE MEMORANDUM

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

**FROM:** Terese Jones, City Clerk

**DATE:** 8/6/2020

**RE:** Appointment of one (1) student member to the Youth Advisory Board.

The position on the Youth Advisory Board has been announced at several regular Council Meetings and applications solicited for same. The aforementioned vacancy represents the 'at-large student member" position.

The following application has been received:

Emani Williams  
1631 Alpha Street, NE  
Palm Bay, FL 32907

**REQUESTING DEPARTMENT:**

Legislative

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Motion to approve the appointment of one (1) student member to serve on the Youth Advisory Board.

**ATTACHMENTS:**

**Description**

**Board Application**



Office of The

JUL 14 2020

City Clerk

## YOUTH ADVISORY BOARD APPLICATION

The vision for the City of Palm Bay's Youth Advisory Board is to empower caring youth dedicated to personal development and servant leadership. If you are interested in applying for membership to the Board, please complete the following application.

Applicants **MUST** be a City of Palm Bay resident for at least 1 year and be in grades **9-12**. Please type or print clearly in blue or black ink. Attach additional sheets as requested. ALL information must be completed in order to be considered for the Palm Bay Youth Advisory Board.

### STUDENT INFORMATION

Name:	Emani Williams	Age:	15
School:	Heritage High School	Grade:	10
Home Address:	1631 Alpha St. , NE		
City:	Palm Bay	State:	Florida
		Zip Code:	32907
Home Telephone:	321-684-9345	Cell Phone:	321-215-1902
Email:	emaniw917a@gmail.com	Date of Birth:	02/24/2005
Parent/Guardian:	Meriam Reyes - Mother		

Do you have transportation to get to Youth Advisory Board meeting/events? ☒ Yes ☐ No

Please attach your response to the following:

1. Why do you want to serve as a member of the Youth Advisory Board?

I would like to serve as a member because being involved in my community has always been something I've loved.

2. What personal skills and characteristics do you possess that would make you a good member?

Perseverance, leadership, maturity, integrity, dependable

3. If you could bring one thing to this city or change one thing, what would it be?

I would definitely make sure that people are able to see things from different perspectives and I would change how youth teens don't have many youth events/activities to be involved in.

Please provide two (2) adult references (non-relatives) with phone numbers. You must also attach letters of recommendation from these individuals. The letters of reference should be from a dean, principal, teacher, guidance counselor, pastor, coach, employer, neighbor, etc.

1. Name: Levi Lewis / Youth Pastor Contact #: 850-712-1447
2. Name: Michael Gladden / Teacher Contact #: 321-223-6566

I have read and understand the commitment required for the City of Palm Bay's Youth Advisory Board and realize the importance of teamwork and cooperation, and I am willing to make this commitment.

Student Signature:

Date: 7/6/2020

Emani Williams

### PARENT/LEGAL GUARDIAN PERMISSION

I hereby give my permission for Emani R. Williams to seek the position of board member on the City of Palm Bay's Youth Advisory Board.

Parent/Guardian Signature:

Date: 7/10/2020

Home Telephone:

321-684-9345

Cell Phone:

321-684-9345

### EMERGENCY CONTACT INFORMATION

Name: Meriam Reyes

Relationship: Mother

Contact #: 321-684-9345

Mail to or drop off the application at:

City of Palm Bay  
Office of the City Clerk  
120 Malabar Road SE  
Palm Bay, Florida 32907

Email complete packet to:

Judy.Denis@pbfl.org



# CENTER POINTE CHURCH

TO WHOM IT MAY CONCERN,

JULY 8, 2020

EMANI WILLIAMS HAS BEEN A PART OF MY YOUTH MINISTRY AT CENTERPOINTE CHURCH SINCE 2018. SHE IS HARDWORKING IN COMPLETING TASKS AND VERY DETAILED IN HER APPROACH AT WORK. EMANI HAS A FUN PERSONALITY & IS QUICK TO CONNECT WITH ANYONE IN CONVERSATION. SHE IS SOCIABLE AND HIGH-SPIRITED—MAKING EVERY ENCOUNTER, A POSITIVE ONE. SHE HAS SERVED IN OUR YOUTH LEADERSHIP TEAM AS OUR PARLIAMENTARIAN AND HAS BEEN SERVING FOR THE PAST TWO YEARS. SHE HAS ALSO BEEN INVOLVED IN OUR DRAMA MINISTRY FOR THREE YEARS—WHERE SHE HAS SERVED IN A LEADERSHIP CAPACITY FOR TWO YEARS. SHE IS PASSIONATE, DRIVEN, & RESILIENT. EMANI HAS A HEART FOR OTHERS & IS COMMITTED TO THE VISION SET BEFORE HER. SHE CARES ABOUT PEOPLE—IT SHOWS DIRECTLY IN HER INTERACTIONS WITH OTHERS & IT BLEEDS THROUGH IN HER LEADERSHIP. SHE KNOWS HOW TO SERVE WITH OTHERS AT THEIR LEVEL, WHILE ALSO LEADING BY EXAMPLE SO THAT THEY FOLLOW BY HER LEADERSHIP. EMANI IS NOT AFRAID TO STAND UP TO OTHERS & HAS

BEEN A STRONG VOICE FOR HER PEERS IN OUR MINISTRY. IT IS WITH MY  
HIGHEST REGARD THAT I RECOMMEND EMANI WILLIAMS FOR THE YOUTH  
ADVISORY BOARD FOR THE CITY OF PALM BAY.

BEST REGARDS,

A stylized, handwritten signature in black ink, appearing to read 'Levi Lewis'.

LEVI LEWIS  
YOUTH DIRECTOR  
LEVI@CPCHURCH.NET



July 6, 2020

Dear City of Palm Bay,

It is with great respect and admiration that I write this commendation on behalf of Emani Williams. Emani's sincere aspiration in becoming a member of the youth advisory leadership board is so much indicative of her astounding character. She is a leader amongst leaders, whether working with her church group or at school. I would describe her as, "an old soul", her wisdom, never-tiring determination, and refreshing intelligence affords her endless professional opportunities. In education, Emani has always been on the path of an up and coming trailblazer. She continually strives to learn and improve herself. As a former student, she goes above and beyond in managing her academic and personal life.

I am sure that her decision to become a member of this leadership board is a well-thought decision. Academically, morally, and spiritually, she is bringing a new strength to your board, one in which can only be built upon, nurtured, and enhanced. Emani Williams is a young woman of astute character, a true leader, with purpose and vision. A future cloaked in greatness, Emani Williams is on a definite road to becoming a world changer.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael Gladden Jr.", with a long horizontal flourish extending to the right.

Michael Gladden Jr.



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, Acting City Manager

**THRU:** Frank Watanabe, Public Works Director/City Engineer

**DATE:** 8/6/2020

**RE:** Resolution 2020-35, providing for the computation and imposition of stormwater utility fees to fund the City's provision of stormwater management services within the stormwater management area.

On Thursday July 2, 2020, Council adopted Ordinance No. 2020-29, amending Chapter 174 (Floodplain and Stormwater Management) of the Code of Ordinances; providing the foundation of the resolution brought forth today.

The Public Works Department is requesting the adoption of the Stormwater Utility Fee Rate Resolution which:

- establishes a Stormwater Management Area
- provides for the computation and imposition of Stormwater Utility Fees to fund the City's provision of Stormwater Management Services within the Stormwater Management Area
- establishes the annual Stormwater Utility Fee ERU rate of \$131.00
- establishes method of collection through the City's existing utility billing system
- establishes the methodology by which Stormwater Utility Fees will be calculated and applied to property within the Stormwater Management Area
- establishes a mitigation policy with a five (5) year renewal
- provides exemption of Stormwater Utility Fees for Institutional Properties.

Comparison of Stormwater Utility Rate Resolution Topics for years 2018 – 2021:

Topic	Reference	2018 – 2020	2021
Stormwater Management Area	Appendix A	Same	Same
Computation and Imposition	Resolution Section 2.02	Same	Same
Annual Rate	Resolution Section 2.02	≥ \$148.13	\$131.00
Method of Collection	Resolution Section 2.03	Assessment	Utility Fee
Methodology	Resolution Article 3	Same	Same
Mitigation Credit	Resolution Section	No Renewal	5-Year Renewal

	3.06		
Exemption	Resolution Section 3.07	Same	Same

If approved, the revenues collected will fund the administration, maintenance and construction of the City's stormwater system for the collection, storage, treatment and conveyance of stormwater and the City's NPDES permit.

**REQUESTING DEPARTMENT:**

City Manager's Office, Public Works, City Attorney's Office

**FISCAL IMPACT:**

Approval of the Stormwater Utility Rate Resolution at the \$131.00 ERU rate will result in an estimated \$8,973,884 in billed fees for the Stormwater Utility Fund from benefited properties and an estimated \$273,856 transfer from General Fund for institutional exemptions which is a total of \$9,247,740. To accomplish the rate reduction, an estimated \$1,000,000 will be absorbed by General Fund for Stormwater personnel, mowing and street sweeping activities.

**RECOMMENDATION:**

Motion to to approve the Stormwater Utility Fee Rate Resolution at the proposed rate of \$131.00 per ERU.

**ATTACHMENTS:**

**Description**

**Resolution 2020-35**

## RESOLUTION 2020-35

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SERVICES; PROVIDING LEGISLATIVE FINDINGS; ESTABLISHING A STORMWATER MANAGEMENT AREA; PROVIDING FOR THE COMPUTATION AND IMPOSITION OF STORMWATER UTILITY FEES TO FUND THE CITY'S PROVISION OF STORMWATER MANAGEMENT SERVICES WITHIN THE STORMWATER MANAGEMENT AREA; ESTABLISHING THE METHODOLOGY PURSUANT TO WHICH STORMWATER UTILITY FEES WILL BE IMPOSED AGAINST TAX PARCELS OF BENEFITED PROPERTY; ESTABLISHING A MITIGATION POLICY; PROVIDING FOR NO STORMWATER UTILITY FEES TO BE IMPOSED AGAINST INSTITUTIONAL PROPERTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

### ARTICLE I

#### DEFINITIONS AND CONSTRUCTION

**SECTION 1.01. DEFINITIONS.** As used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

**"Agricultural Property"** means a Tax Parcel containing a bona fide Farm Operation on land classified as agricultural pursuant to section 193.461, Florida Statutes.

**"Benefited Property"** means all parcels of real property that is located within the Stormwater Management Area that contains Impervious Area, Pervious Area (including vacant and undeveloped properties), or any combination thereof, and receives a benefit from the Stormwater Management Services.

**"Building"** means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel or property of any kind. This term shall include mobile homes or any vehicles serving in any way the function of a building.

**"Building Footprint"** means the actual square footage of a Building as reflected on the Tax Roll, divided by the number of levels or floors within the Building.

**"Comprehensive Plan"** means the most recent version of the comprehensive plan adopted by the Board pursuant to Chapter 163, Part II, Florida Statutes.

**"Condominium Complex"** means a condominium community created by a declaration of condominium pursuant to Chapter 718, Florida Statutes.

**"Condominium Common Area Parcel"** means a Tax Parcel of Benefited Property including one or more "common elements," as defined in section 718.103, Florida Statutes of a Condominium, the taxable value of which has been attributed to either Condominium Residential Unit Parcels or Condominium Non-Residential Unit Parcels by the Property Appraiser.

**"Condominium Residential Unit Parcel"** means a Tax Parcel of Benefited Property constituting a Condominium "unit," as defined in section 718.103, Florida Statutes, which contains a Dwelling Unit and is assigned a DOR Code 04 in the DOR Codes.

**"Condominium Non-Residential Unit Parcel"** means a Tax Parcel of Benefited Property constituting a Condominium "unit," as defined in section 718.103, Florida Statutes, which does not contain a Dwelling Unit and is assigned a DOR Code ending in 04 in the DOR Codes.

**"DOR Code"** means a property use code established in Rule 12D-8.008, Florida Administrative Code, as applied by the Property Appraiser.

**"Drainage Basin"** means a part of the earth's surface that contributes Stormwater runoff to a drainage system, which consists of diffuse surface waters, together with all natural or artificial tributary surface streams and/or bodies of impounded surface water.

**"Dwelling Unit"** means a Building, or a portion thereof, available to be used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only.

**"Effective Impervious Area"** means 100% of the Impervious Area attributable to a Benefited Property plus 15% of the Pervious Area attributable to such Benefited Property.

**"ERU"** means **"equivalent residential unit,"** the standard unit used to express the Stormwater burden expected to be generated by each parcel of property.

**"ERU Value"** means the Effective Impervious Area for a typical Single Family Parcel within the Stormwater Management Area, which the City has computed is equal to 4,693 square feet of Effective Impervious Area.

**"Farm Operation"** is as defined in section 163.3162(2), Florida Statutes.

**"Fiscal Year"** means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the Fiscal Year for the City.

**"General Parcel"** means a Tax Parcel of Benefited Property that is not a Single Family Parcel, a Condominium Common Area Parcel, a Condominium Residential Unit Parcel, or a Condominium Non-Residential Unit Parcel.



**"Impervious Area"** means hard surfaced areas which either prevent or severely restrict the entry of water into the soil mantle and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas and other surfaces which similarly affect the natural infiltration or runoff patterns which existed prior to development.

**"Institutional Property"** means a Tax Parcel assigned any of the following Property Use Codes: 1000 – Vacant Commercial Land; 2810 – Parking Lot - Patron; 4000 – Vacant Industrial Land; 7000 – Vacant Land - Institutional; 7100 – Church; 7200 – School Privately Owned; 7210 – School Private - Church Owned; 7211 – Church-owned Educational Building; 7220 – College Privately Owned; 7230 – Fraternity Or Sorority Home; 7300 – Hospital-general Privately Owned; 7310 – Clinic; 7400 – Home for the Aged; 7500 – Assisted-care Living Facility; 7510 – Children's Home; 7515 – Non-profit Or Charitable Services; 7600 – Mortuary; 7610 – Cemetery; 7620 – Crematorium; 7700 – Clubs, Lodges, and Union Halls; 7800 – Gymnasium; 7810 – Fire Station; 7820 – Library; 7841 – Convalescent Nursing Home; 8400 – College; 8500 – Hospital.

**"Large Single Family Parcel"** means a Single Family Parcel with a Building Footprint between 2,701 and 4,600 (inclusive) square feet.

**"Medium Single Family Parcel"** means a Single Family Parcel with a Building Footprint between 1,501 and 2,700 (inclusive) square feet.

**"Mitigation Credit"** means, for any Parcel of Benefited Property, a number between 0.0 and 1.00 representing a reduction in the Stormwater burden expected to be generated by such Parcel attributable to privately maintained Stormwater management facilities and other factors affecting the quantity or quality of Stormwater runoff.

**"Mitigation Credit Factor"** means the figure computed by subtracting the Mitigation Credit from 1.00.

**"Mitigation Credit Policy"** means the City of Palm Bay Stormwater Utility Mitigation Credit Policy attached hereto as Appendix B.

**"Mitigation Facility"** means a manmade facility or structure on the site of a Benefited Property which, by its design and function, retains or detains Stormwater on-site and thus generates less volume of Stormwater from the site or produces Stormwater runoff at a lower rate and/or with less pollutants than would be the case in the absence of such facilities or structure.

**"Net ERU"** means the standard unit used to express the Stormwater burden expected to be generated by each parcel of property, after taking into consideration any mitigation of the Stormwater burden that results from privately maintained Stormwater management facilities and other factors affecting the quantity, quality, or rate of Stormwater runoff.

**"Ordinance"** means the subchapter of chapter 174 of the City of Palm Bay Code of Ordinances entitled "Stormwater Management Utility."

**"Pervious Area"** means permeable areas which admit or more freely allow passage of water into the soil mantle. The Pervious Area of a Tax Parcel includes those areas which are not Impervious Area, Submerged Lands, and/or Wetlands.

**"Property Use Codes"** mean the property use codes assigned by the Brevard County Property Appraiser to properties within Brevard County.

**"Single Family Parcel"** means a Tax Parcel of Benefited Property assigned a DOR Code of 01, 02, or 0819 in the DOR Codes.

**"Small Single Family Parcel"** means a Single Family Parcel with a Building Footprint between 100 and 1,500 (inclusive) square feet.

**"Stormwater"** means any surface runoff and drainage of water from land surfaces, including both Impervious and Pervious Areas.

**"Stormwater Improvement"** means land, capital facilities and improvements acquired or provided to detain, retain, convey or treat Stormwater within the City.

**"Stormwater Management Facilities"** means the systems, facilities, lands, and water bodies utilized in collecting, conveying, storing, managing, and treating Stormwater generated within the Stormwater Management Area. The term includes but is not limited to inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components as well as natural waterways.

**"Stormwater Management Service"** means (A) management and administration of the City's Stormwater Management Utility, including administration, planning, and permitting requirements; (B) Stormwater program engineering; (C) Drainage Basin planning; (D) Stormwater Improvements to be acquired or constructed, including through

the issuance of debt or borrowing; (E) operating and maintaining the City's capital facilities for Stormwater management, including extraordinary maintenance; (F) billing and collection of Stormwater Utility Fees, including customer information and educational services and reserves for statutory discounts; and (G) legal, engineering and other consultant services.

**“Stormwater Management System” or “System”** means the network of facilities, both natural and man-made, utilized in collecting, conveying, storing, managing, and treating Stormwater, including but not limited to lakes, canals, rivers, streams, swales, culverts, pipes, wetlands, detention and retention basins, manholes, channels, drainage easements, and infiltration facilities which convey stormwater from the point of first impact with the surface of land to the receiving water.

**"Stormwater Management Utility"** means the entity established by the Ordinance to operate and administer the City's Stormwater Management System.

**"Stormwater Management Utility Director"** means the person designated by the City Public Works Department Director or City Manager to oversee and administer the City's Stormwater Management Utility.

**"Stormwater Management Area"** means the geographic area described in Appendix A attached hereto that encompasses all Tax Parcels within the City that specially benefit from the Stormwater Management Service.

**"Stormwater Utility Fee"** means a fee reasonably related to service provided by the City to fund all or any portion of the cost of providing Stormwater Management Services and/or Stormwater Management Facilities to Benefited Property, based upon such

property's Stormwater burden, the reasonable relationship to benefits received, and the reasonable cost of providing Stormwater Management Services to such property.

**"Submerged Lands"** means all lands permanently, or under ordinary circumstances nearly permanently, covered by water, including all waters on the surface of the Earth, contained in bounds created naturally or artificially, including bays, bayous, sounds, estuaries, lagoons, lakes, ponds, impoundments, rivers, streams, springs, creeks, branches, sloughs, tributaries, and other watercourses.

**"Tax Parcel"** means a parcel of property which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

**"Very Large Single Family Parcel"** means a Single Family Parcel with a Building Footprint greater than 4,600 square feet.

**"Wetlands"** means those areas as classified by the U.S. Fish and Wildlife Service that are inundated or saturated by Stormwater or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils.

**SECTION 1.02. INTERPRETATION.** Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this resolution. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

**SECTION 1.03. GENERAL FINDINGS.** It is hereby ascertained, determined and declared that:

(A) Pursuant to Article VIII, section 2(b), Florida Constitution, sections 166.021 and 166.041, Florida Statutes, and the Palm Bay Home Rule Charter, the City has all powers of local self-government to perform municipal functions and render municipal services except when prohibited by law.

(B) Section 403.0893, Florida Statutes, specifically authorizes and encourages the City to provide Stormwater Management Services and create Stormwater programs and adopt Stormwater charges sufficient to plan, construct, operate and maintain the Stormwater management systems.

(C) The City is responsible for the management and maintenance of the City's Stormwater Management System which has been developed for the purpose of collection, storage, treatment, and conveyance of Stormwater.

(D) The Stormwater Utility Fees authorized herein are consistent with the authority granted in section 403.0893, Florida Statutes. That statutory provision is additional and supplemental authority to the constitutional and statutory power of self-government granted to the City.

(E) The City maintains a system of Stormwater management facilities, including but not limited to inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components as well as natural waterways. Those elements of the Stormwater Management System that provide



for the collection, storage, treatment, and conveyance of Stormwater are of benefit and provide services to all Benefited Property within the Stormwater Management Area.

(F) As further described in the Ordinance, the public health, safety, and welfare are adversely affected by poor water quality and flooding resulting from inadequate Stormwater management practices.

(G) All Benefited Property either uses the Stormwater Management System or benefits from the provision and operation of the Stormwater Management Services provided by the City.

(H) The cost of operating and maintaining the Stormwater Management System and providing Stormwater Management Services in accordance with existing permits and the financing of existing and future repairs, replacements, improvements, and extensions thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed, services received, or burden caused therefrom.

(I) Property owners within the City are eligible for flood insurance through the National Flood Insurance Program (NFIP), which enables these property owners to acquire federally backed flood insurance protection. To ensure that this coverage is available, the City is required to meet the minimum FEMA requirements for participation in the NFIP and failure to meet these requirements could result in flood insurance being either unavailable or prohibitively expensive to property owners within the City.

(J) New and dedicated funding for the Stormwater management program of the City is needed to maintain compliance with state and federal requirements, for participation

in the NFIP, and the imposition of Stormwater Utility Fees is the most equitable method of providing this funding.

(K) Upon the adoption of this Stormwater Utility Fee Rate Resolution those certain reports entitled "City of Palm Bay, Florida, Stormwater Services Assessment Report," dated as of June, 2017 and prepared by Government Services Group, Inc., and "Revised Technical Memorandum dated August 10, 2017," prepared by AECOM (hereinafter collectively referred to as the "Stormwater Report"), are hereby adopted and incorporated herein by reference, including the assumptions, conclusions, and findings in such Stormwater Report as to the determination of the Stormwater Utility Fees and the costs of operating and maintaining the Stormwater Management System.

(L) The Stormwater Utility Fees authorized by this Stormwater Utility Fee Rate Resolution provide an equitable method of funding the Stormwater Management System by fairly and reasonably allocating the cost of providing Stormwater Management Services and Stormwater Management Facilities such to properties classified on the basis of the Stormwater burden expected to be generated by the physical characteristics and use of such property.

(M) The Stormwater Management Services provided by the City are necessitated by the existence of both Impervious Area and Pervious Area because both types of surfaces contribute Stormwater runoff to the City's Stormwater Management Facilities, which must be managed and treated by the City. Additionally, the City is required to undertake certain federally mandated permit activities for all properties within the Stormwater Management Area, including Pervious and Impervious Areas.

(N) The existence of both Impervious Area and Pervious Area contributes to the City's burden of managing Stormwater within the Stormwater Management Area. The Effective Impervious Area methodology utilized to calculate the Stormwater Utility Fees more accurately measures the expected Stormwater runoff from all Impervious Area and Pervious Area located on such properties and, as explained herein, provides an equitable method of calculating each property's proportionate share of the burden of providing Stormwater Management Services.

(O) If rainfall were applied at a constant rate to an Impervious Area, the Stormwater runoff from such Impervious Area would eventually reach a rate equal to the rate of the rainfall. As a result, absent specific Mitigation Facilities, 100% of the Stormwater from an Impervious Area would eventually reach the City's Stormwater Management Facilities. It is thus fair and reasonable to include 100% of the Impervious Area in determining such property's Stormwater contribution to the Stormwater Management Services.

(P) Pervious Areas also contribute to the amount of Stormwater runoff that is generated by property. However, the expected Stormwater generated by Pervious Area is less than that generated by Impervious Area due to the porous nature of Pervious Area and its ability to absorb some amount of water before it escapes the property. The absorbent potential of Pervious Areas is dictated by soil type as well as the slope of land, with sloped areas of a steeper grade generating more Stormwater runoff. Pursuant to the Stormwater Report, the Council finds that the City consists of mainly poorly drained soil types. Furthermore, the degree of slope found throughout the City varies. Thus, utilizing

engineering reference materials which categorize runoff by surface, slope, and soil type, as further described in the Stormwater Report, it is fair and reasonable to utilize a coefficient associated with poorly drained soil types with an intermediate level of slope to measure the expected Stormwater runoff generated by Pervious Area that will reach the City's Stormwater Management Facilities. Such coefficient is 15% and is a fair and reasonable factor to utilize in determining a property's Pervious Area's overall Stormwater contribution to the Stormwater Management Facilities.

(Q) Accordingly, it is fair and reasonable and consistent with the foregoing analysis to calculate the Effective Impervious Area of a Benefited Property as 100% of the Impervious Area plus 15% of the Pervious Area attributable to such property.

(R) Submerged Lands and Wetlands, which contain rather than contribute Stormwater, do not contribute to the burden of providing Stormwater Management Services and are not included in the calculation of the Effective Impervious Area attributable to a Benefited Property.

(S) Data representing the actual Effective Impervious Area of Single Family Parcels is not readily available or easily ascertainable. Furthermore, considering the comparatively large number of Single Family Parcels within the Stormwater Management Area, it would be administratively burdensome and costly to measure the Effective Impervious Area of all Single Family Parcels, and would not constitute an effective use of limited City resources.

(T) As further described in the Stormwater Report and in Article III hereof, utilizing a statistically valid sample of Single Family Parcels for which the Effective Impervious Area

was actually measured, the City determined that the Building Footprint of a Single Family Parcel correlates with the Effective Impervious Area of a Single Family Parcel and thus represents a reasonable method of estimating the Effective Impervious Area of a Single Family Parcel.

(U) Some Tax Parcels within the Stormwater Management Area may contain certain Mitigation Facilities, which are manmade facilities or structures on site that by their design and function retain and/or detain Stormwater on-site and thus generate less volume of Stormwater from the site or produces Stormwater runoff at a lower rate and/or with less pollutants than would be the case in the absence of such facilities or structure. It is fair and reasonable to reduce the Stormwater Utility Fees imposed upon such Tax Parcels by permitting them to apply for Mitigation Credits through the process described herein.

(V) In accordance with section 163.3162(3)(c), Florida Statutes, the City is prohibited from charging a Stormwater Utility Fee on certain Agricultural Property, if such Farm Operation has a National Pollution Discharge Elimination System Permit, an environmental resource permit, a works-of-the-district permit, or if it has implemented best management practices adopted as rules by the Florida Department of Environmental Protection, the Department of Agricultural and Consumer Services, or an appropriate water management district. Accordingly, any Owner of Agricultural Property demonstrating that they meet the outlined requirements shall be granted a Mitigation Credit from the Stormwater Utility Fee.

(W) Any shortfall in the expected proceeds from the Stormwater Utility Fee due to any reduction or exemption from payment thereof required by law or authorized by the

Council shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Stormwater Utility Fee. In the event a court of competent jurisdiction determines any exemption or reduction by the Council is improper or otherwise adversely affects the validity of the Stormwater Utility Fee, the sole and exclusive remedy shall be the imposition of a Stormwater Utility Fee, as applicable, upon each affected Tax Parcel in the amount that would have been otherwise imposed save for such reduction or exemption afforded to such Tax Parcel.

(X) Institutional Property whose use is exempt from ad valorem taxation under Florida law provides facilities and uses to the ownership, occupants, membership as well as the public in general that otherwise might be requested or required to be provided by the City and such uses thereof serve a public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Stormwater Utility Fees upon Tax Parcels of Institutional Property whose use is wholly exempt from ad valorem taxation under Florida law.

## **ARTICLE II**

### **STORMWATER UTILITY FEES**

#### **SECTION 2.01. STORMWATER MANAGEMENT AREA.**

(A) The Stormwater Management Area shall include the property shown in Appendix A attached hereto and incorporated by reference, which includes all areas of the City that are presently equipped with Stormwater Management Facilities and are provided Stormwater Management Services by the City.



(B) The Stormwater Management Utility shall provide Stormwater Management Services to all Benefited Property within the Stormwater Management Area. All or any portion of the cost of providing Stormwater Management Services and Stormwater Management Facilities may be funded from the proceeds of the Stormwater Utility Fees.

(C) The Stormwater Management Utility may also acquire and construct capital facilities to assist and facilitate the provision of Stormwater Management Services within the Stormwater Management Area.

**SECTION 2.02. IMPOSITION AND COMPUTATION.**

(A) Beginning on October 1, 2020 and continuing each Fiscal Year thereafter until discontinued by appropriate action of the City Council, a Stormwater Utility Fee shall be imposed against all Benefitted Property within the Stormwater Management Area. The Stormwater Utility Fees shall be based upon the properties' demands for service from the Stormwater Utility and the Stormwater burden created by such properties, measured by the number of Net ERUs attributable to each Parcel of Benefited Property.

(B) The annual Stormwater Utility Fee will be computed for each Tax Parcel of Benefited Property located within the Stormwater Management Area by multiplying the number of Net ERUs attributable thereto by the per Net ERU rate of \$153.13131.00.

(C) Beginning on October 1, 2021, and annually on October 1 of each year thereafter, the Stormwater Utility Fee shall be automatically adjusted by the percent change for the latest twelve-month period as of the previous May 1 of the Consumer Price Index for all Urban Consumers for the U.S. City Average for all Services as published monthly by the U.S. Department of Commerce, Bureau of Labor Statistics.

**SECTION 2.03. METHOD OF COLLECTION.**

The Stormwater Utility Fees shall be billed and collected in monthly installments through the City's existing utility billing system, by separate bill (in installments or in full), or by any other method authorized in the Ordinance. At the discretion of the City, the Stormwater Utility Fees associated with multiple Tax Parcels may be merged on to one or more utility bills in the event such utility bill or bills are in the name of the same person or entity.

**ARTICLE III**

**DETERMINATION OF NET ERUs**

**SECTION 3.01. CLASSIFICATION OF TAX PARCELS.** Each Tax Parcel located within the Stormwater Management Area shall be assigned to one of the following classifications: Small Single Family Parcels, Medium Single Family Parcels, Large Single Family Parcels, Very Large Single Family Parcels, Condominium Residential Unit Parcels, Condominium Non-Residential Unit Parcels, Condominium Common Area Parcels, or General Parcels.

**SECTION 3.02. SINGLE FAMILY PARCELS.**

(A) The Council hereby finds and determines as follows:

(1) Single Family Parcels constitute approximately 53% of the approximate 76,531 Benefited Properties located within the Stormwater Management Area.

(2) The Pervious Area and Building Footprint information on the Tax Roll is the most comprehensive and recent data available for Single Family Parcels within the Stormwater Management Area. The cost of measuring or verifying the Effective Impervious

Area for each individual Single Family Parcel greatly exceeds any benefit to be derived from individual measurement and verification.

(3) Through a statistically valid sampling procedure of all Single Family Parcels within the Stormwater Management Area, it has been determined that the typical Single Family Parcel within the Stormwater Management Area contains 4,693 square feet of Effective Impervious Area and that a Single Family Parcel with 4,693 square feet of Effective Impervious Area equates to an average Building Footprint of 2,076 square feet.

(4) The Building Footprint of each Single Family Parcel as reflected on the Tax Roll constitutes a reasonable proxy for Effective Impervious Area.

(B) The City has estimated 4,693 square feet of Effective Impervious Area for a typical Medium Single Family Parcel within the Stormwater Management Area. Accordingly, the number of Net ERUs attributable to each Medium Single Family Parcel shall be computed by multiplying one (1) ERU by the appropriate Mitigation Credit Factor.

(C) The City has estimated 3,285 square feet of Effective Impervious Area for a typical Small Single Family Parcel within the Stormwater Management Area. Accordingly, the number of Net ERUs attributable to each Small Single Family Parcel shall be computed by multiplying 0.7 ERUs by the appropriate Mitigation Credit Factor.

(D) The City has estimated 6,526 square feet of Effective Impervious Area for a typical Large Single Family Parcel within the Stormwater Management Area. Accordingly, the number of Net ERUs attributable to each Large Single Family Parcel shall be computed by multiplying 1.4 ERUs by the appropriate Mitigation Credit Factor.

(E) The City has estimated 13,113 square feet of Effective Impervious Area for a typical Very Large Single Family Parcel within the Stormwater Service Area. Accordingly, the number of Net ERUs attributable to each Very Large Single Family Parcel shall be computed by multiplying 2.79 ERUs by the appropriate Mitigation Credit Factor.

**SECTION 3.03. RESIDENTIAL CONDOMINIUM PARCELS.**

(A) The Council hereby finds and determines as follows:

(1) A residential condominium constitutes a unique form of real property ownership comprised of Condominium Residential Unit Parcels, to which there may be an appurtenant undivided share in Condominium Common Area Parcels.

(2) It is fair and reasonable and in accordance with section 718.120, Florida Statutes, to attribute the Impervious Area of Condominium Common Area Parcels to the Condominium Residential Unit Parcels to which such Condominium Common Area Parcels are appurtenant.

(B) The number of Net ERUs attributable to each Condominium Residential Unit Parcel in a Condominium Complex shall be the amount computed by multiplying (a) the amount calculated by (i) dividing the Effective Impervious Area of the Condominium Complex in which the Condominium Residential Unit Parcel is located, including any Condominium Common Area Parcels, by the ERU Value, and (ii) dividing the result by the total number of Condominium Residential Unit Parcels located within such Condominium Complex, by (b) the appropriate Mitigation Credit Factor.

**SECTION 3.04. NON-RESIDENTIAL CONDOMINIUM PARCELS.**

(A) The Council hereby finds and determines as follows:

(1) A non-residential condominium constitutes a unique form of real property ownership comprised of Condominium Non-Residential Unit Parcels, to which there may be an appurtenant undivided share in Condominium Common Area Parcels.

(2) It is fair and reasonable and in accordance with Section 718.120, Florida Statutes, to attribute the Effective Impervious Area of Condominium Common Area Parcels to the Condominium Non-Residential Unit Parcels to which such Condominium Common Area Parcels are appurtenant.

(B) The number of Net ERUs attributable to each Condominium Non-Residential Unit Parcel in a Condominium Complex shall be the amount calculated by (a) dividing the Effective Impervious Area of the Condominium Complex in which the Condominium Non-Residential Unit Parcel is located, including any Condominium Common Area Parcels, by the ERU Value, and then (b) multiplying the total number of ERUs assigned to the Condominium Complex by the percentage of Building square footage allocated to all Condominium Non-Residential Unit Parcels to arrive at the total ERUs for all Condominium Non-Residential Unit Parcels, and then (c) dividing the total ERUs for all Condominium Non-Residential Unit Parcels by the amount determined by (i) dividing the square footage of each Condominium Non-Residential Unit Parcel by (ii) the total non-residential square footage in the Condominium Complex, and then (c) multiplying that figure by the appropriate Mitigation Credit Factor.

**SECTION 3.05. GENERAL PARCELS.** The number of Net ERUs attributable to each General Parcel shall be determined by (1) dividing the Effective Impervious Area of

the General Parcel by the ERU Value, and (2) multiplying the result by the appropriate Mitigation Credit Factor.

**SECTION 3.06. APPROVAL OF MITIGATION POLICY.**

(A) The Council hereby finds that the Mitigation Credit Policy is fair and reasonable and, therefore, approves the Mitigation Credit Policy attached hereto as Appendix B.

(B) The Council recognizes the benefits provided by privately maintained Mitigation Facilities. Properties supporting private Stormwater management facilities should be credited for the public benefits they provide. Accordingly, the number of ERUs otherwise attributable to such property shall be adjusted by a Mitigation Credit determined in accordance with the Mitigation Credit Policy.

(C) In order to receive a Mitigation Credit for which property is eligible, prior to September 1, 2020, and, thereafter, prior to the June 1 preceding the Fiscal Year for which reapplication is required, the property owner shall file a Mitigation Credit application with the Stormwater Management Utility Director on a form approved by the Stormwater Management Utility Director. The property owner may be required to provide the Stormwater Management Utility Director with "as built" drawings of the Stormwater management facility sealed by a Florida registered professional engineer, a certification from a Florida registered professional engineer as to the standards of retention and detention achieved by the facility, evidence of compliance with any exemptions mandated under state law, or such other reasonable requirements as may be necessary to effectuate the purposes of this Section.



(D) The Stormwater Management Utility Director, with the assistance of other members of the administrative staff of the City, shall, within forty-five (45) days after the filing of such application, review the application and such other supporting data that may be filed therewith and make such further investigation as may be reasonably required in order to determine if the applicant is qualified for a Mitigation Credit pursuant to this Section.

(E) The Stormwater Management Utility Director shall furnish his or her written decision to such applicant by United States mail, postage prepaid, addressed to the applicant at the address stated on the application.

(F) No Mitigation Credit shall be applied for service provided to property by a Mitigation Facility constructed or maintained with City funds. However, a Mitigation Credit shall be applied for service provided to property by a regional Mitigation Facility if the developer of the property provided a capital contribution to the regional facility in lieu of constructing on-site facilities.

(G) Upon approval, Mitigation Credits shall be valid and applicable for five (5) Fiscal Years, commencing with the Fiscal Year beginning October 1 subsequent to the date upon which the Mitigation Credits are approved. Provided, approved Mitigation Credits shall automatically terminate in the event a change of use or more intensive use occurs on the property subject to the Mitigation Credits. Mitigation Credits previously granted to a property may also be revoked at any time by the City upon notice to the property owners. Upon expiration, revocation, or termination of the Mitigation Credits as provided herein, property owners must reapply in accordance with paragraph (C) of this Section.

(H) Any Mitigation Credits previously granted by the City that are in full force and effect as of the effective date of this Resolution shall remain valid and applicable to the

Stormwater Utility Fee for five Fiscal Years (5) years, commencing with Fiscal Year 2020-

21. All such previously approved Mitigation Credits shall otherwise be subject to the provisions of this Section 3.06 concerning expiration, revocation, and termination of Mitigation Credits.

**SECTION 3.07. INSTITUTIONAL PROPERTIES.**

No Stormwater Utility Fee shall be imposed upon a Tax Parcel of Institutional Property whose use is wholly exempt from ad valorem taxation under Florida law.

**ARTICLE IV**

**GENERAL PROVISIONS**

**SECTION 4.01. ADJUSTMENT OF NET ERUs.**

(A) Petitions for review of the number of Net ERUs attributed to any Tax Parcel shall be submitted to the Stormwater Management Utility Director, who shall have authority to correct any errors made in applying the provisions of Article III hereof to the Tax Parcel. The following procedures shall apply to all petitions.

(1) Each petition shall be made to the Stormwater Management Utility Director by the owner of the Tax Parcel or such owner's authorized agent.

(2) The petition shall be in writing and set forth, in detail, the grounds upon which adjustment is sought.

(3) The petition must be filed with the Stormwater Management Utility Director between October 1 and October 31 of the Fiscal Year for which adjustment is sought and shall be reviewed within 30 days of the filing date. Filing of a petition shall not extend the time for payment of any Stormwater Utility Fee. If the Stormwater Management Utility Director determines that the number of Net ERUs should be adjusted for any Tax

Parcel, the Stormwater Utility Fee for such Fiscal Year shall be corrected and the City shall refund the amount by which the Stormwater Utility Fee has been reduced or such amount shall be applied as a credit.

(4) The petitioner may be required, at petitioner's own cost, to provide supplemental information to the Stormwater Management Utility Director including, but not limited to, survey data approved by a professional land surveyor and/or engineering reports approved by a professional engineer. Failure to provide such information may result in the denial of the petition.

(5) The Stormwater Management Utility Director shall respond to each petition in writing.

(B) The Stormwater Management Utility Director may initiate adjustments to the number of Net ERUs attributed to any Tax Parcel. If the number of Net ERUs is reduced for any Tax Parcel, the Stormwater Utility Fee shall be corrected, and the City shall refund the amount by which the Stormwater Utility Fee has been reduced or such amount shall be applied as a credit.

**SECTION 4.02 SEVERABILITY.** If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**SECTION 4.03 LIBERAL CONSTRUCTION.** The terms and provisions of this Resolution shall be liberally construed to affect the purpose for which it is adopted.

**SECTION 4.04. EFFECTIVE DATE.** This resolution shall take effect immediately upon its adoption, provided the Stormwater Utility Fees shall become effective as provided in Article II hereof.

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

ATTEST:

\_\_\_\_\_  
William Capote, MAYOR

\_\_\_\_\_  
Terese M. Jones, CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Patricia D. Smith, CITY ATTORNEY

## **APPENDIX A**

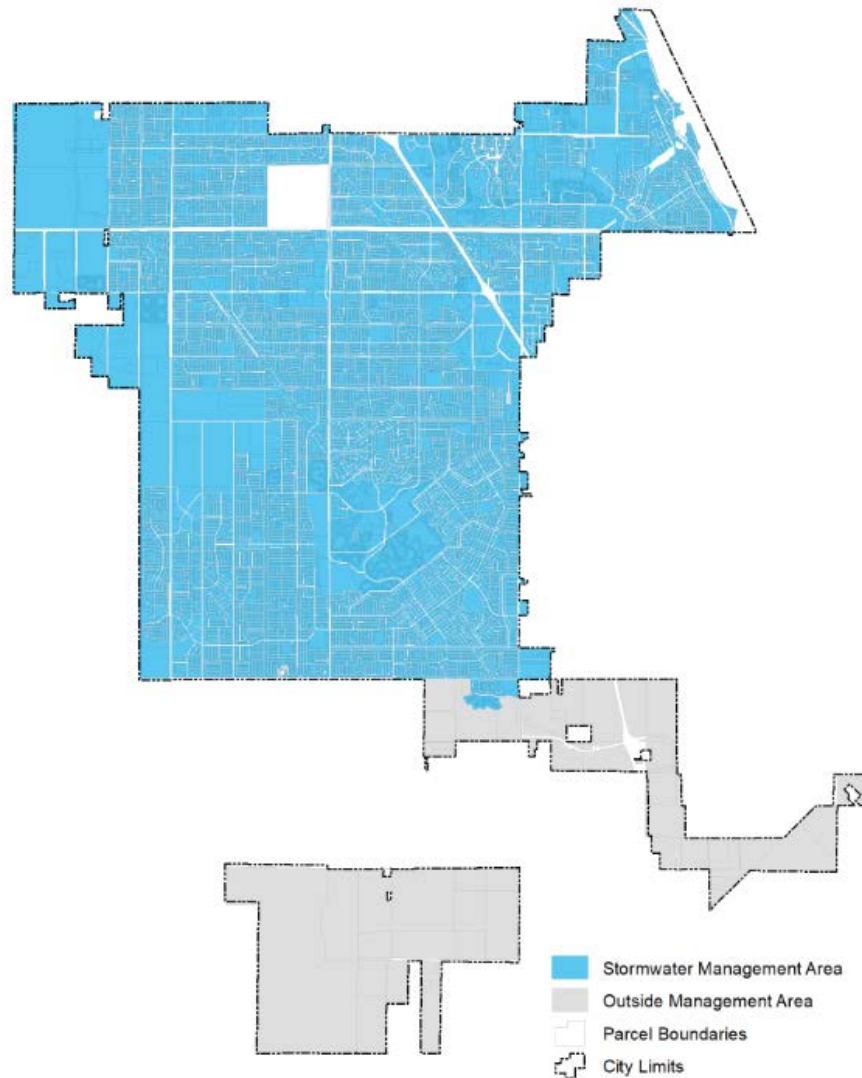
### **DESCRIPTION OF THE STORMWATER MANAGEMENT AREA**

## APPENDIX A

### DESCRIPTION OF THE STORMWATER MANAGEMENT AREA

The Stormwater Management Area includes the following area:

Property located north of the Melbourne Tillman Drainage Canal #38  
and the Waterstone Subdivision located southeast of Canal #38.





## **APPENDIX B**

### **CITY OF PALM BAY STORMWATER MANAGEMENT UTILITY MITIGATION CREDIT POLICY**

**APPENDIX B:**

**CITY OF PALM BAY**

**STORMWATER UTILITY MITIGATION CREDIT POLICY**

**CREDIT AND ADJUSTMENT POLICY**

Stormwater Mitigation Credit Policy

The City recognizes that some developed properties subject to the stormwater utility fees have constructed and currently operate and maintain stormwater facilities that can reduce stormwater runoff impacts from the subject property and thus reduce the burden on the City to maintain, operate and provide capital improvements to the stormwater management system. An important feature of the stormwater utility fee process is the determination of mitigation credits in these situations. The proposed policy addresses mitigation credits as they apply to parcels that have participated in the private development and maintenance of man-made stormwater facilities, thus reducing the amount of runoff to be collected, conveyed or treated by the City's stormwater management program.

Mitigation Credit Application

Parcels subject to a stormwater charge may be granted a mitigation credit based on one of the following factors:

1. No stormwater discharges from any portion of the parcel, or no drainage to road right-of-way or any part of a stormwater system over which the City has maintenance responsibility.
2. Owner of parcel contributes monetarily to a Community Development District, Civic Association (Homeowners Association or Property Owners Association), or Special District which provides maintenance to non-City owned stormwater management facilities which accept drainage from the parcel; or the parcel has a properly permitted, maintained and functional onsite stormwater management system which treats and/or attenuates stormwater prior to discharge to the road right-of-way or stormwater system over which the City has maintenance responsibility.

Facilities must be in compliance with a valid Water Management District permit. Proof of compliance with Water Management District permit requirements and certification of proper operation and maintenance of the facility will be required on a periodic basis.

Rationale

Mitigation credits may be granted to parcels whose offsite stormwater impacts on the City system are non-existent, are mitigated by a properly functioning and permitted stormwater system, or the parcel owner contributes to the maintenance of a private system which provides stormwater treatment and attenuation for runoff to public right-of-way. The basis for these credits is as follows:

1. Parcels which do not discharge stormwater impose no direct stormwater maintenance burdens on the City's system. This provides a savings to the City on the cost of maintaining the City owned and operated stormwater facilities.
2. Parcel owners which contribute to the maintenance of privately held stormwater management facilities that treat runoff to reduce the pollutant load to receiving waters reduce the financial burden on the operation and maintenance of the City's stormwater treatment facilities and are eligible for a partial mitigation credit.
3. The City and the receiving waters receive benefits from privately-owned and properly maintained stormwater management facilities.
4. It is in the City's interest to encourage the proper operation and maintenance and continued existence of onsite stormwater management facilities.

#### Mitigation Credits

A property with functioning on-site drainage facilities may receive a stormwater management system user fee credit upon the following conditions:

Condition	Credit
1. Detention Systems – A parcel is eligible for a thirty percent (30%) credit from the user fee confirmed by the Director when the owner demonstrates that stormwater discharge rate (flow) from a detention system after development is less than or equal to the before development rate (flow) of the parcel for a 25-year, 24-hours storm event as defined by the appropriate Water Management District. The property owner must provide certification by a Florida licensed professional engineer that these requirements are met.	30%
2. Extended Detention System – A parcel is eligible for an additional credit up to twenty percent (20%) when the owner demonstrates that stormwater discharge rate (flow) from a detention system after development is less than the before development rate (flow) of the parcel for a 25-year, 24-hours storm event as defined by the appropriate Water Management District. (Credit is proportional to the percentage of runoff rate reduction achieved with a minimum fifty percent (50%) reduction in runoff rate needed to achieve a ten percent (10%) credit.)	Up to 20%
3. Retention Systems – A parcel is eligible for a fifty percent (50%) credit from the user fee confirmed by the Director when the owner demonstrates that stormwater runoff is retained from a 25-year, 24-hour storm as defined by the appropriate Water Management District. The property owner must provide certification by a Florida licensed professional engineer that these requirements are met.	50%
4. Retention Systems – A parcel is eligible for a credit of up to one hundred percent (100%) of the amount of the user fee confirmed by the Director to be the percentage of stormwater runoff from a 100-year, 24-hour stormwater event which is retained on the property (credit is directly proportional to volume of runoff retained. Credit would be given after retention for the 25-year, 24-hour storm is achieved).	100%

5.	A property that does not contribute stormwater to the utility and is not otherwise benefited by the utility shall be allowed a credit of one hundred percent (100%).	100%
6.	Property which is designated and delineated as wetlands, wetlands under conservation easements, or designated conservation lands shall be allowed a credit of one hundred percent (100%) effective October 1, 2011. Credits that are granted shall only be retroactive to the effective date of October 1, 2011, but retroactive credit shall not exceed one (1) year. Submittal of wetlands delineation report is required to receive credit.	100%

The above mitigation credits are not cumulative. Requests for mitigation credits with supporting documentation must be submitted to the City of Palm Bay to obtain the credit.

#### Right of Entry

In order to be eligible for a Mitigation Credit, the owner of the parcel must agree to allow the City to inspect the stormwater drainage facilities to ensure that they are maintained and functioning properly.

#### Agricultural Property

Agricultural Property meeting the requirements of Section 193.461, Florida Statutes, shall be exempt from the stormwater utility fee if the property owner provides appropriate documentation to the City that it has an active National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit or implements best management practices adopted as rules under Chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program.